

File No. 160527

Committee Item No. _____

Board Item No. 36

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: _____

Date: _____

Board of Supervisors Meeting

Date: June 14, 2016

Cmte Board

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

OTHER

- | | | |
|--------------------------|-------------------------------------|-----------------------------------------------|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Appeal Letter - May 2, 2016</u> |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Planning Response - June 6, 2016</u> |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Project Sponsor Letter - June 2, 2016</u> |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Appellant Letter - May 27, 2016</u> |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Hearing Notices and Clerical Documents</u> |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |

Prepared by: John Carroll

Date: June 10, 2016

Prepared by: _____

Date: _____

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

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

MAY -2 PM 1:24
BY [Signature]

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

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

March 31, 2016

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

May 2, 2016

Appeal Filing Date

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

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

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

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

Statement of Appeal:

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

see attached

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

see attached

Person to Whom
Notices Shall Be Mailed

Bruce Bowen
Name

Name and Address of Person Filing Appeal:

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

4016 20th St, SF CA 94114
Address

4016 20th St, SF CA 94114
Address

415 533 0586
Telephone Number

415 533 0586
Telephone Number

Bruce Bowen

Signature of Appellant or
Authorized Agent

Statement of Appeal:

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

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

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

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

30 APR 2016

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

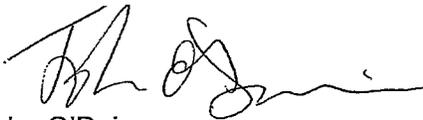
Re: Conditional Use Appeal: 313-323 Cumberland Street;

Board of Supervisors Appeal Fee Waiver

To Whom it May Concern,

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

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



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



SAN FRANCISCO PLANNING DEPARTMENT

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2015 MAY -2 PM 1:24

Subject to: (Select only if applicable)

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

1650 Mission St
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CA 94103-2479

Reception:
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Planning
Information:
415.558.6377

Planning Commission Motion No. 19604

HEARING DATE: MARCH 31, 2016

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

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

PREAMBLE

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

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

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

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

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

FINDINGS

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

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

5. **Project History.** The Proposed Project was initially filed with the Planning Department as the merger of lots 043 and 044 into one 5,700 square foot lot, the demolition of the existing single-family dwelling on lot 043, and construction of a new three-story over garage, single-family dwelling. The dwelling unit demolition was reviewed and approved administratively on February 3, 2015 because the structure has a value greater than 80% of the combined land and structure values of single-family homes in San Francisco. Neighborhood notification for the new construction pursuant to Planning Code Section 311 was mailed on May 7, 2015 and expired on June 8, 2015. The proposal has since been modified to propose the construction of a two-family structure to replace the existing dwelling unit with a comparable unit and preserve the predominant density in the neighborhood of one unit per 25 foot wide lot.

6. **Discretionary Review Applications.** Two neighbor initiated Discretionary Review Applications were filed on June 8, 2015. The concerns of the Discretionary Review Requestor are outlined in the Motion. The DR Applications are attached to this packet. The applications were subsequently superseded by this Conditional Use Application. The Discretionary Review Applications were withdrawn and the fees refunded to the applicants.

7. **Residential Design Team Review.** The RDT reviewed the DR requestor's concerns related to building scale and massing, neighborhood compatibility, rooflines, and front setback of the new structure. The RDT requested several revisions in order for the proposed new construction to be compatible with the Residential Design Guidelines. The Project Sponsor modified the project to comply with the following comments:
 - In order to improve upon the vertical proportions of the building, and reinforce a more neighborhood-compatible scale and proportion:
 - On first floor, remove the interior storage area located at the NW corner of the building. (RDG, pg. 28-29)
 - Remove the wall to the east of the front entry, or limit it to a minimum railing height. (RDG, pg. 12-13, 28-29)
 - Limit the amount of glazing on the front façade; RDT recommends eliminating the panels of glass along the west side of the façade at the first and second floors, replacing them with a solid material. This will help to reduce the apparent width of the façade, minimize the overall glazing, and improve the solid-to-void ratio to be consistent with the neighborhood pattern. (RDG, pg. 28-29, 43-45)
 - Please provide additional information about the specific material choices for the metal finishes and colors. (RDG, pg. 46-48)

8. **Public Comment.** The Department has received 15 letters of support of the project, including letters from property owners of all immediately adjacent lots on Cumberland Street and Sanchez Street. The Department has received 2 neighbor Discretionary Review Applications, and 20 letters in opposition to the proposed project, including a letter from the Dolores Heights Improvement Club. The Department has also received petitions both in support and in opposition of the proposed project.

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

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

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

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

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

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

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

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

Both dwelling units would face onto Cumberland Street.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Project meets criterion.

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

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

Project does not meet criterion.

The Project Sponsor has not submitted a soundness report.

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

Project meets criterion.

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

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

Project meets criterion.

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

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

Project meets criterion.

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

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

Project meets criterion.

Not applicable. The structures are not historical resources.

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

Project meets criterion.

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

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

Project meets criterion.

No rent controlled units will be removed.

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

Project meets criterion.

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

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

Project meets criterion.

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

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

Project does not meet criterion.

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

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

Project meets criterion.

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

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

Project meets criterion.

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

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

Project meets criterion.

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

- xv. Whether the Project creates new supportive housing;

Project does not meet criterion.

The Project does not create supportive housing.

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

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

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

Project meets criterion.

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

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

Project meets criterion.

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

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

HOUSING

Objectives and Policies

OBJECTIVE 1

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

Policy 1.1

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

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

OBJECTIVE 2

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

Policy 2.1

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

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

OBJECTIVE 4

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

Policy 4.1

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

OBJECTIVE 11

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

Policy 11.1

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

Policy 11.2

Ensure implementation of accepted design standards in project approvals.

Policy 11.3

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

Policy 11.4

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

Policy 11.5

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

Policy 11.6

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

Policy 11.8

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

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

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

RECREATION AND OPEN SPACE ELEMENT

Objectives and Policies

OBJECTIVE 4

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

Policy 4.5

Require private usable outdoor open space in new residential development.

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

TRANSPORTATION ELEMENT

Objectives and Policies

OBJECTIVE 24

IMPROVE THE AMBIENCE OF THE PEDESTRIAN ENVIRONMENT.

Policy 24.2

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

Policy 24.4

Preserve pedestrian-oriented building frontages.

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

OBJECTIVE 28

PROVIDE SECURE AND CONVENIENT PARKING FACILITIES FOR BICYCLES.

Policy 28.1

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

Policy 28.3

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

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

OBJECTIVE 34

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

Policy 34.1

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

Policy 34.3

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

Policy 34.5

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

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

URBAN DESIGN ELEMENT

Objectives and Policies

OBJECTIVE 1

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

Policy 1.7

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

OBJECTIVE 2

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

Policy 2.6

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

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

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

OBJECTIVE 4

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

Policy 4.5

Design walkways and parking facilities to minimize danger to pedestrians.

Policy 4.13

Improve pedestrian areas by providing human scale and interest.

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

13. **Planning Code Section 101.1(b)** establishes eight priority-planning policies and requires review of permits for consistency with said policies. On balance, the project does comply with said policies in that:

- A. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses be enhanced.

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

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

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

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

No affordable housing is removed for this Project.

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

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

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

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

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

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

- G. That landmarks and historic buildings be preserved.

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

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

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

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

DECISION

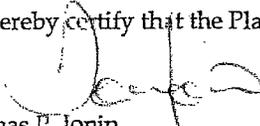
That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Application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

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

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

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

I hereby certify that the Planning Commission **ADOPTED** the foregoing Motion on March 31, 2016.


Jonas P. Iorin
Commission Secretary

AYES: Commissioners Fong, Antonini, Hillis, Johnson

NAYS: Commissioners Richards, Moore

ABSENT: Commissioner Wu

ADOPTED: March 31, 2016

EXHIBIT A

AUTHORIZATION

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

RECORDATION OF CONDITIONS OF APPROVAL

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

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

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

SEVERABILITY

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

CHANGES AND MODIFICATIONS

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

Conditions of Approval, Compliance, Monitoring, and Reporting

PERFORMANCE

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

DESIGN – COMPLIANCE AT PLAN STAGE

6. **Final Materials.** The Project Sponsor shall continue to work with Planning Department on the building design. Final materials, glazing, color, texture, landscaping, and detailing shall be subject to Department staff review and approval. The architectural addenda shall be reviewed and approved by the Planning Department prior to issuance.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

7. **Street Trees.** Pursuant to Planning Code Section 138.1 (formerly 143), the Project Sponsor shall submit a site plan to the Planning Department prior to Planning approval of the building permit application indicating that street trees, at a ratio of one street tree of an approved species for every 20 feet of street frontage along public or private streets bounding the Project, with any remaining fraction of 10 feet or more of frontage requiring an extra tree, shall be provided. The street trees shall be evenly spaced along the street frontage except where proposed driveways or other street obstructions do not permit. The exact location, size and species of tree shall be as approved by the Department of Public Works (DPW). In any case in which DPW cannot grant approval for installation of a tree in the public right-of-way, on the basis of inadequate sidewalk width, interference with utilities or other reasons regarding the public welfare, and where installation of such tree on the lot itself is also impractical, the requirements of this Section 428 may be modified or waived by the Zoning Administrator to the extent necessary.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

8. **Landscaping.** Pursuant to Planning Code Section 132, the Project Sponsor shall submit a site plan to the Planning Department prior to Planning approval of the building permit application indicating that 50% of the front setback areas shall be surfaced in permeable materials and further, that 20% of the front setback areas shall be landscaped with approved plant species. The size and specie of plant materials and the nature of the permeable surface shall be as approved by the Department of Public Works.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

9. **Landscaping, Screening of Parking and Vehicular Use Areas.** Pursuant to Planning Code Section 142, the Project Sponsor shall submit a site plan to the Planning Department prior to Planning approval of the building permit application indicating the screening of parking and vehicle use areas not within a building. The design and location of the screening and design of any fencing shall be as approved by the Planning Department. The size and species of plant materials shall be as approved by the Department of Public Works. Landscaping shall be maintained and replaced as necessary.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

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

PARKING AND TRAFFIC

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

MONITORING - AFTER ENTITLEMENT

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

OPERATION

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

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

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

Pursuant to Planning Code Section 308.1(b), the undersigned members of the Board of Supervisors believe that there is sufficient public interest and concern to warrant an appeal of the Planning Commission on Case No. 2013.1213CUA, a conditional use authorization regarding (address) 323-323 Cumberland St, District 8. The undersigned members respectfully request the Clerk of the Board to calendar this item at the soonest possible date.

SIGNATURE

DATE

[Handwritten Signature]

4-26-16

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2016 MAY -2 PM 1:25

(Attach copy of Planning Commission's Decision)

Pursuant to Planning Code Section 308.1(b), the undersigned members of the Board of Supervisors believe that there is sufficient public interest and concern to warrant an appeal of the Planning Commission on Case No. 2013.1213CUA, a conditional use authorization regarding (address) 313-323 Cumberland, District 8. The undersigned members respectfully request the Clerk of the Board to calendar this item at the soonest possible date.

SIGNATURE

DATE



4/28/16

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BOARD OF SUPERVISORS
SAN FRANCISCO
2016 MAY -2 PM 1:25

(Attach copy of Planning Commission's Decision)

Pursuant to Planning Code Section 308.1(b), the undersigned members of the Board of Supervisors believe that there is sufficient public interest and concern to warrant an appeal of the Planning Commission on Case No. 2013.1213CUA, a conditional use authorization regarding (address) 313-323 Cumberland St, District 8. The undersigned members respectfully request the Clerk of the Board to calendar this item at the soonest possible date.

SIGNATURE

DATE

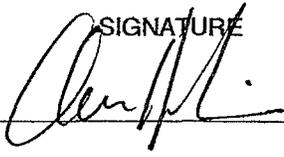
 ERIC MAR

4-26-16

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BOARD OF SUPERVISORS
SAN FRANCISCO
2016 MAY -2 PM 1:25
BY _____

(Attach copy of Planning Commission's Decision)

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

SIGNATURE


DATE
4-20-16

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BY _____

(Attach copy of Planning Commission's Decision)

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SAN FRANCISCO

City Planning Commission

Case No. 2013-1213-CMA

JUN 11 2013 2 PM 1:25

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

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

Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1. <u>3917-19th St.</u>	<u>3601/001</u>	<u>KARL W. LEICHUM</u>	<u>[Signature]</u>
2. <u>3917-19th St.</u>	<u>3601/001</u>	<u>LILLEMOR ELEICHUM</u>	<u>[Signature]</u>
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1/17

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

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

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

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

Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1. <u>3911 19th ST</u>	<u>3601/1B</u>	<u>SCOTT A. HERBST SCOTT LIVING TRUST / HERBST</u>	<u>Scott Herbst, Trustee</u>
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SAN FRANCISCO

City Planning Commission
Case No. 2013-124300A -2 PM 1:25

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

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

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

2016 MAY -2 PM 1:25

City Planning Commission
Case No. 2015.1213CUA

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

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Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1. <u>614-616</u> <u>SANCHEZ STREET</u>	<u>3601-084</u>	<u>ROBERT B. HIGGINBOTHAM</u>	<u>Robert B. Higginbotham</u>
2. <u>377 Cumberland</u>	<u>3601-032</u>	<u>Catherine Kellison</u>	<u>[Signature]</u>
3. <u>377 Cumberland</u>	<u>3601-032</u>	<u>LINDY JOFFE</u>	<u>[Signature]</u>
4. <u>361 CUMBERLAND</u>	<u>3601-100</u>	<u>M. THOMAS</u>	<u>[Signature]</u>
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City Planning Commission
 Case No. 2013.1213 CUA MAY -2 PM 1:25

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

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

Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1. <u>323 CUMBERLAND ST</u>	<u>3601/045</u>	<u>HENRIETTA S. CURTIS, Trustee</u>	<u>[Signature]</u> , as trustee
2. <u>348 Cumberland</u>	<u>3601/050</u>	<u>Elizabeth KANTON Tte.</u>	<u>[Signature]</u> , as trustee
3. <u>289 CUMBERLAND</u>	<u>3600/031</u>	<u>SIX ST N BRILLANT</u>	<u>[Signature]</u>
4. <u>279 Cumberland</u>	<u>3600/032</u>	<u>M M M</u>	<u>Mary D'Amico</u>
5. <u>600 SANCHEZ ST</u>	<u>3601/101</u>	<u>SUZANNE E. THURLEY, Trustee</u>	<u>[Signature]</u> , as trustee
6. _____	_____	_____	_____
7. <u>606 SANCHEZ ST</u>	<u>3601/100</u>	<u>MICHAEL THOMAS</u>	<u>[Signature]</u>
8. <u>606 Sanchez St.</u>	<u>3601/100</u>	<u>ARIC J. OLNES</u>	<u>[Signature]</u>
9. <u>360 CUMBERLAND ST</u>	<u>3601/</u>	<u>AVSHIM CHAUDHURI</u>	<u>[Signature]</u>
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5/17

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2010 MAY -2 PM 1:25

City Planning Commission
Case No. 2013-1213 CUA

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

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

	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	<u>300 CUMBERLAND</u>	<u>3601/103</u>	<u>DIANE MORAN AS Trustee</u>	<u>[Signature]</u>
2.	<u>322 CUMBERLAND</u>	<u>3601/102</u>	<u>DIANE MORAN as Trustee</u>	<u>[Signature]</u>
3.	_____	_____	_____	_____
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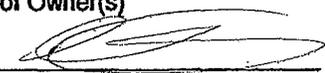
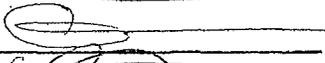
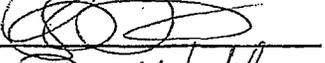
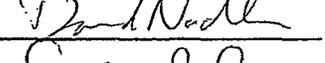
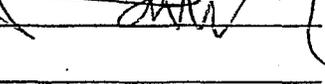
RECEIVED
 BOARD OF SUPERVISORS
 SAN FRANCISCO

2016 MAY -2 PM 1:25

City Planning Commission
 Case No. 2013-1213CUA

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

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

Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1. <u>378 Cumberland St</u>	<u>3601-054</u>	<u>Steven H. Deutsch</u>	
2. <u>378 Cumberland St.</u>	<u>3601-054</u>	<u>Andrew T. Seebaum</u>	
3. <u>332 Cumberland</u>	<u>3601-048</u>	<u>Laura B. Nadler</u>	
4. <u>332 Cumberland</u>	<u>3601-048</u>	<u>David Nadler</u>	
5. <u>650 SANDLER</u>	<u>3601/007A</u>	<u>Lillian Johnson</u>	
6. <u>380 CUMBERLAND</u>	<u>3601/055</u>	<u>DANIEL RIZOV</u>	
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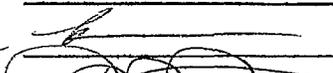
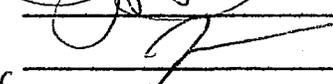
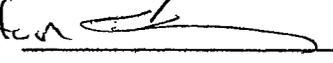
2016 MAY -2 PM 1:25

City Planning Commission

Case No. 2013-12130VA 

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

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

	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	<u>285 Cumberland</u>	<u>3600/052</u>	<u>Bruce Fritzen</u>	
2.	<u>285 Cumberland</u>		<u>Bruce Fritzen</u>	
3.	<u>286 Cumberland</u>	<u>3600/052</u>	<u>Meredith Osborne</u>	
4.	<u>989 CLIMBERLAND</u>	<u>3600/051</u>	<u>Debbie Holland</u>	
5.	<u>657 NOE ST</u>	<u>3601/027</u>	<u>Nicole Diller</u>	
6.	<u>657 Noe St</u>	<u>3601/027</u>	<u>James Telfer</u>	
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RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

City Planning Commission
Case No. 2013-12130A MAY -2 PM 1:25

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

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

	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	<u>328 CUMBERLAND ST</u>	<u>3601/047</u>	<u>Heather Thompson</u>	
2.	<u>328 CUMBERLAND ST</u>	<u>3601/047</u>	<u>Brent Horowitz</u>	
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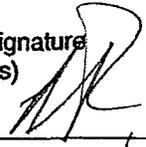
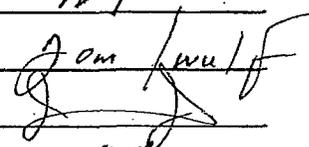
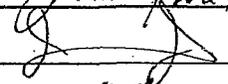
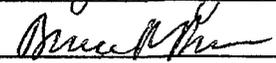
2016 MAY -2 PM 1:25

City Planning Commission

Case No. 2013.12.13.04A

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

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

	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	4020 20 th STREET	3601/015	PETER LARSEN	
2.	San Francisco, CA 94114	3601/015	JOAN WULF	
3.	4016-20 th ST.	3601/014	JUNONA JONAS	
4.	San Francisco CA 94114	3601/014	Bruce R. Bowen	
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RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2016 MAY -2 PM 1:25

City Planning Commission
Case No. 2013.123CUA

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

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	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	<u>4072 20th ST</u>	<u>3601/022</u>	<u>SUSAN ROMER - DWPT</u> <small>UNB. AR</small>	
2.	<u>4072 20th ST</u>	<u>3601/022</u>	<u>SUSAN ROMER</u>	
3.	_____	_____	_____	_____
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2016 MAY -2 PM 1:25

City Planning Commission
Case No. 2013-1213CUA

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

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	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	<u>462 Liberty St</u>	<u>3604/082</u>	<u>Judith J Payne</u>	<u>Judith J Payne</u>
2.	_____	_____	_____	_____
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12/17

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2016 MAY -2 PM 1:26

City Planning Commission
Case No. 2013.1213CWA

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

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

City Planning Commission
Case No. 2013.12018 MAY 12 PM 1:26

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

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	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	<u>4045 20th St</u>	<u>3604/084</u>	<u>Edward Ada</u>	<u>[Signature]</u>
2.	<u>4045 20th St</u>	<u>3604/084</u>	<u>Michael Griffin</u>	<u>MICHAEL GRIFFIN</u>
3.	_____	_____	_____	_____
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RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2016 MAY -2 PM 1:26

City Planning Commission
Case No. 2013-1213CUA *70*

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

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	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	<u>4067 20th St</u>	<u>3604/071</u>	<u>GEORGE HOMBEN</u>	<u><i>George Homben</i></u>
2.	<u>4071 20th St</u>	<u>3604/070</u>	<u>ANNA M. CARTER</u>	<u><i>Anna M. Carter</i></u>
3.	_____	_____	_____	_____
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RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

City Planning Commission
Case No. 2013-1213 CUA 2 PM 1:26

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

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Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1. <u>424 Liberty</u>	<u>3604/045</u>	<u>SUZANNE S LYON</u>	<u>Suzanne S Lyon</u>
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CERTIFICATE OF ACKNOWLEDGMENT OF NOTARY PUBLIC

STATE OF CALIFORNIA)
)
COUNTY OF SAN FRANCISCO)

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

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

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

WITNESS my hand and official seal.

Signature _____

[Handwritten Signature]
_____ GUNVANT PATEL

(Seal)



RECORDING REQUESTED BY:

Chicago Title Company
Escrow No.: 07-35405627-BJ
Locate No.: CACT17738-7738-2354-0035405627
Title No.: 07-35405627-RM

BUYER'S COPY

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

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

APN: Lot 001A, Block 3601

SPACE ABOVE THIS LINE FOR RECORDER'S USE

GRANT DEED

**The undersigned grantor(s) declare(s)
Documentary transfer tax is \$15,712.50**

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

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, Jac Michael Luna, a single man
hereby GRANT(S) to Karl W. Leichum and Lillemor E. Leichum, Trustees of the Karl W. and Lillemor E. Leichum
Revocable Trust Dated 05/03/1995,

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

DATED: November 27, 2007

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

Jac Michael Luna

Jac Michael Luna

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



Witness my hand and official seal.

Signature M. Jimenez (Seal)

MAIL TAX STATEMENTS AS DIRECTED ABOVE

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

EXHIBIT "A"

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

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

BEING A PORTION OF MISSION BLOCK NO. 107.

APN: Lot 001A, Block 3601

CERTIFICATE OF TRUST

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

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

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

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

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

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

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

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

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

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

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

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

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

Recitals:

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

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

Operative Provisions:

ARTICLE I

DECLARATIONS

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

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

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

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

ARTICLE 2

DISTRIBUTIONS DURING LIFETIME OF SETTLOR

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

THE HENRIETTA S. CURRIER TRUST

ARTICLE ONE

CREATION OF TRUST

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

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

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

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

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

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

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

ARTICLE TWO

TRUST ESTATE

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

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

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

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

ARTICLE NINE

SIGNATURE AND EXECUTION

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

Dated March 29, 2010.

TRUSTOR-TRUSTEE



HENRIETTA S. CURRIER

ACKNOWLEDGMENT

State of California)
County of *Colusa*) ss

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

WITNESS my hand and official seal.

Signature *David Bromley*



THE JACKSON-TURLEY FAMILY TRUST

ARTICLE ONE

CREATION OF TRUST

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

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

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

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

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

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

ARTICLE TWO

TRUST ESTATE

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

RECORDING REQUESTED)
BY)
)
)
)
)
AND WHEN RECORDED)
MAIL TO)
)
DAVID A. BROMLEY)
1855 Olympic Blvd. #200)
Walnut Creek, CA 94596)
)
)

**UNIFORM STATUTORY FORM POWER OF ATTORNEY
(California Probate Code Section 4401)**

Springing Durable Power of Attorney

NOTICE: THE POWERS GRANTED BY THIS DOCUMENT ARE BROAD AND SWEEPING. THEY ARE EXPLAINED IN THE UNIFORM STATUTORY FORM POWER OF ATTORNEY ACT (CALIFORNIA PROBATE CODE SECTIONS 4400-4465). IF YOU HAVE ANY QUESTIONS ABOUT THESE POWERS, OBTAIN COMPETENT LEGAL ADVICE. THIS DOCUMENT DOES NOT AUTHORIZE ANYONE TO MAKE MEDICAL AND OTHER HEALTH CARE DECISIONS FOR YOU. YOU MAY REVOKE THIS POWER OF ATTORNEY LATER IF YOU WISH TO DO SO.

I, WILLIAM R. JACKSON, the principal, appoint SUZANNE E. TURLEY as my agent (attorney-in-fact) to act for me in any lawful way with respect to the following initialed subjects:

If SUZANNE E. TURLEY is unable or unwilling to act, then I appoint the following in the order named as my agent:

FIRST ALTERNATE:	HENRIETTA S. CURRIER
SECOND ALTERNATE:	GLENN REID
THIRD ALTERNATE:	HARDY L. THOMAS

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

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

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

INITIAL

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

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

SPECIAL INSTRUCTIONS:

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

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

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

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

5. The Agent shall have the following powers:

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

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

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

11/11/11

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

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

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

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

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

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

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

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

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

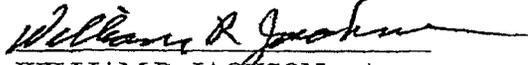
EXERCISE OF POWER OF ATTORNEY WHERE MORE THAN ONE AGENT DESIGNATED:

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

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

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

Signed this 2.17, 2006.

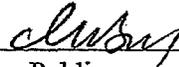

WILLIAM R. JACKSON

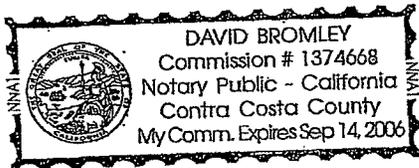
BY ACCEPTING OR ACTING UNDER THE APPOINTMENT, THE AGENT ASSUMES THE FIDUCIARY AND OTHER LEGAL RESPONSIBILITIES OF AN AGENT.

STATE OF CALIFORNIA)
COUNTY OF CONTRA COSTA)

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

WITNESS my hand and official seal.


Notary Public



DIANE S. MORAN REVOCABLE TRUST

ARTICLE ONE

CREATION OF TRUST

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

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

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

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

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

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

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

RECORDING REQUESTED BY
Heather Robertson

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

CONFORMED COPY of document recorded

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

APN: 3601-047

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

TRUST TRANSFER DEED

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

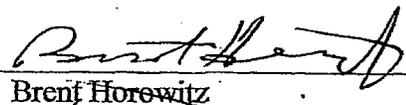
Documentary transfer tax is NONE. Not pursuant to a sale. No consideration. A transfer into a revocable trust. Rev. & Tax Code Section 11930.

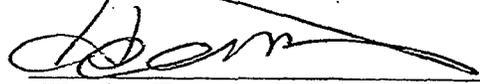
_____ Unincorporated area City of San Francisco

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

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

Dated: September 22, 2011


Brent Horowitz


Heather Thompson

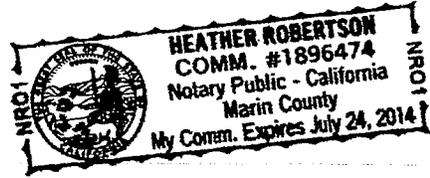
ACKNOWLEDGMENT

State of California)
)
County of San Francisco)

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

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

WITNESS my hand and official seal.



Heather Robertson
Heather Robertson (Seal)

My commission expires on: July 24, 2014

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

EXHIBIT "A"

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

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

Being part of Mission Block No. 107.

APN: Lot 047, Block 3601

THIRD AMENDED AND RESTATED TRUST AGREEMENT

OF

NANCY L. KOKOLJ TRUST

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

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

ARTICLE I

NAME OF TRUST AND TRUST ESTATE

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

ARTICLE II

FAMILY DECLARATION

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

ARTICLE III

DISTRIBUTION

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

3.1. During Settlor's Lifetime.

ABSTRACT OF TRUST

REVOCABLE TRUST AGREEMENT

THE ANNA M. CARTER AND DONALD RAY CARTER REVOCABLE TRUST

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

August 15, 1996

ABSTRACT OF TRUST

**FIRST AMENDMENT TO
REVOCABLE TRUST AGREEMENT**

THE ANNA M. CARTER AND DONALD RAY CARTER REVOCABLE TRUST

Anna M. Carter and Donald Ray Carter, Trustors

and

Anna M. Carter, Trustee

August 29, 2005

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

PART EIGHT

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

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

Anna M. Carter
Anna M. Carter, Trustor

Deceased

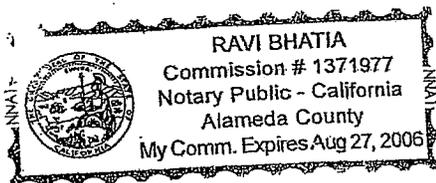
Donald Ray Carter by Anna M. Carter
Donald Ray Carter, Trustor
By Anna M. Carter, his attorney-in-fact

Anna M. Carter
Anna M. Carter, Trustee

STATE OF CALIFORNIA)
)
COUNTY OF Alameda)

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

WITNESS my hand and official seal.



Ravi Bhatia
Notary Public

My commission expires Aug 27, 2006

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

Dated December 19, 1995

TRUSTEES' CERTIFICATION OF TRUST

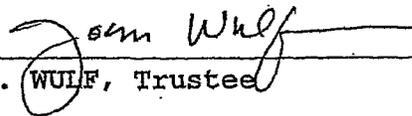
1. Identity of Trustors and Trustees; Date of Trust. We, PETER D. LARSEN and JOAN L. WULF, certify that we are the Trustors and original and presently serving Trustees of "THE PETER D. LARSEN AND JOAN L. WULF TRUST, Dated December 19, 1995," as restated on February 13, 2008
2. Existence of Trust; Trust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

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

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



PETER D. LARSEN, Trustee



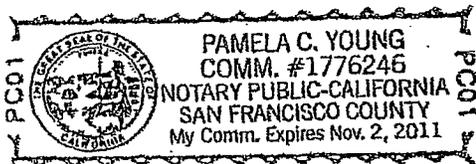
JOAN L. WULF, Trustee

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

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

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

Witness my hand and official seal.



Pamela C. Young
Notary Public

- 1 - 1000000

Declaration of Trust

The Lyon 1999 Revocable Trust

March 9, 2012

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

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

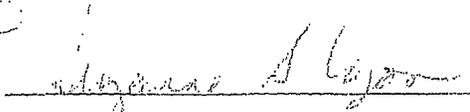
2. **LIFETIME USE:** The Settlers shall have the right to occupy, without paying rent, the house and real property owned by the trust and to use the furniture and furnishings located therein. Husband and wife have two children, now living, Adam W. Lyon and Chad H. Lyon, both adults and all

1

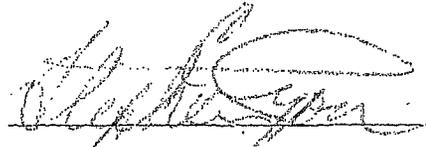
Initial Sec / 55L

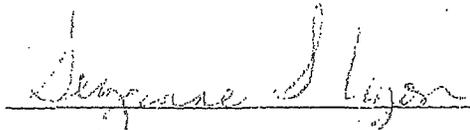
Settlers:


Stephen C. Lyon


Suzanne S. Lyon

Trustees:


Stephen C. Lyon


Suzanne S. Lyon

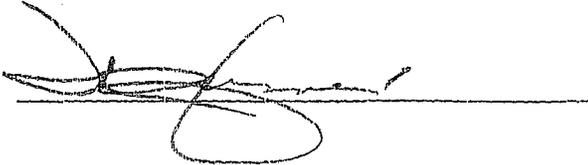
State of California
County of San Francisco

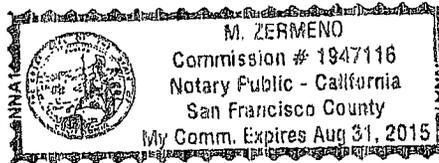
2050

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

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

WITNESS my hand and official seal.





SAN FRANCISCO

3052013187429

CERTIFICATE OF DEATH

3201338004393

STATE FILE NUMBER		USE BLACK INK ONLY / NO ERASURES, WHITE OUTS OR ALTERATIONS (S-1 (REV. 3/08))		LOCAL REGISTRATION NUMBER	
1. NAME OF DECEDENT - FIRST (Given) STEPHEN		2. MIDDLE CRAIG		3. LAST (Family) LYON	
4. DATE OF BIRTH mm/dd/yyyy 02/13/1942		5. AGE Yrs. 71		6. SEX M	
7. DATE OF DEATH mm/dd/yyyy 10/05/2013		8. HOUR (24 Hours) 2233		9. SEX M	
9. BIRTH STATE/FOREIGN COUNTRY CA		10. SOCIAL SECURITY NUMBER 571-52-9643		11. EVER IN U.S. ARMED FORCES? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNK	
12. MARITAL STATUS/SROP* (at Time of Death) MARRIED		13. EDUCATION - Highest Level/Degree (see work sheet on back) SOME COLLEGE <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		14. DECEDENT'S RACE - Up to 3 races may be listed (see work sheet on back) CAUCASIAN	
15. USUAL OCCUPATION - Type of work for most of life. DO NOT USE RETIRED SALES		16. KIND OF BUSINESS OR INDUSTRY (e.g., grocery store, road construction, employment agency, etc.) FLOOR COVERINGS		17. YEARS IN OCCUPATION 48	
18. DECEDENT'S RESIDENCE (street and number, or location) 424 LIBERTY STREET					
21. CITY SAN FRANCISCO		22. COUNTY/PREFecture SAN FRANCISCO		23. ZIP CODE 94114	
24. YEARS IN COUNTY 48		25. STATE/FOREIGN COUNTRY CA		26. DECEDENT'S MAILING ADDRESS (Street and number, or rural route number, city or town, state and zip) 424 LIBERTY STREET, SAN FRANCISCO, CA 94114	
27. INFORMANT'S NAME, RELATIONSHIP SUZANNE LYON, SPOUSE		28. INFORMANT'S MAILING ADDRESS (Street and number, or rural route number, city or town, state and zip) 424 LIBERTY STREET, SAN FRANCISCO, CA 94114			
29. NAME OF SURVIVING SPOUSE/SROP - FIRST SUZANNE		30. MIDDLE SMITH		31. LAST (BIRTH NAME) SMITH	
32. NAME OF FATHER/PARENT - FIRST JAMES		33. MIDDLE HUDSON		34. LAST (BIRTH NAME) LYON	
35. NAME OF MOTHER/PARENT - FIRST THELMA		36. MIDDLE ARLENE		37. LAST (BIRTH NAME) RUTT	
38. DISPOSITION DATE mm/dd/yyyy 10/09/2013		39. PLACE OF FINAL DISPOSITION RESIDENCE OF SUZANNE LYON 424 LIBERTY STREET, SAN FRANCISCO, CA 94114			
40. TYPE OF DISPOSITION(S) CR/RES		41. SIGNATURE OF EMBALMER NOT EMBALMED		42. LICENSE NUMBER	
43. NAME OF FUNERAL ESTABLISHMENT NEPTUNE SOCIETY OF NORTHERN CALIFORNIA		44. LICENSE NUMBER FD1306		45. SIGNATURE OF LOCAL REGISTRAR TOMAS ARAGON, MD, DR.P.H.	
46. DATE mm/dd/yyyy 10/09/2013		47. PLACE OF DEATH OWN RESIDENCE			
101. PLACE OF DEATH OWN RESIDENCE		102. IF HOSPITAL, SPECIFY ONE <input type="checkbox"/> IP <input type="checkbox"/> ER/OP <input type="checkbox"/> DOA <input type="checkbox"/> Hospice <input type="checkbox"/> Nursing Home/CLC <input checked="" type="checkbox"/> Decedent's Home <input type="checkbox"/> Other		103. IF OTHER THAN HOSPITAL, SPECIFY ONE <input type="checkbox"/> Hospice <input type="checkbox"/> Nursing Home/CLC <input checked="" type="checkbox"/> Decedent's Home <input type="checkbox"/> Other	
104. COUNTY SAN FRANCISCO		105. FACILITY ADDRESS OR LOCATION WHERE FOUND (Street and number, or location) 424 LIBERTY STREET		106. CITY SAN FRANCISCO	
107. CAUSE OF DEATH Enter the chain of events -- diseases, injuries, or complications -- that directly caused death. DO NOT enter terminal events such as cardiac arrest, respiratory arrest, or venous thromboembolism without showing the etiology. DO NOT ABBREVIATE. IMMEDIATE CAUSE (Final disease or condition resulting in death): (A) MELANOMA		108. DEATH REFERRED TO CORONER? (Time Interval Between Death and Death) 1YR		109. DEATH REFERRED TO CORONER? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	
110. AUTOPSY PERFORMED? NO <input type="checkbox"/> YES <input checked="" type="checkbox"/>		111. USED IN DETERMINING CAUSE? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>		112. OTHER SIGNIFICANT CONDITIONS CONTRIBUTING TO DEATH BUT NOT RESULTING IN THE UNDERLYING CAUSE GIVEN IN 107 NONE	
113. WAS OPERATION PERFORMED FOR ANY CONDITION IN ITEM 107 OR 112? (If yes, list type of operation and date) SHAVE SKIN BIOPSY 10/30/2012, WIDE EXCISION ON SKIN LESION ON CHEST 11/09/2012		114. IF FEMALE, PREGNANT IN LAST YEAR? <input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> UNK		115. SIGNATURE AND TITLE OF CERTIFIER JEFFREY ALAN BEANE M.D.	
116. LICENSE NUMBER G49203		117. DATE mm/dd/yyyy 10/08/2013		118. TYPE ATTENDING PHYSICIAN'S NAME, MAILING ADDRESS, ZIP CODE JEFFREY ALAN BEANE M.D. 4131 GEARY BLVD, SAN FRANCISCO, CA 94118	
119. I CERTIFY THAT IN MY OPINION DEATH OCCURRED AT THE HOUR, DATE AND PLACE STATED FROM THE CAUSES STATED. MANNER OF DEATH <input type="checkbox"/> Natural <input type="checkbox"/> Accident <input type="checkbox"/> Homicide <input type="checkbox"/> Suicide <input type="checkbox"/> Pending Investigation <input type="checkbox"/> Could not be determined		120. INJURED AT WORK? <input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> UNK		121. INJURY DATE mm/dd/yyyy	
122. HOUR (24 Hours)		123. PLACE OF INJURY (e.g., home, construction site, wooded area, etc.)			
124. DESCRIBE HOW INJURY OCCURRED (Events which resulted in injury)					
125. LOCATION OF INJURY (Street and number, or location; and city, and zip)					
126. SIGNATURE OF CORONER / DEPUTY CORONER		127. DATE mm/dd/yyyy		128. TYPE NAME, TITLE OF CORONER / DEPUTY CORONER	
STATE REGISTRAR		A		B	
C		D		E	
FAX AUTH.#		CENSUS TRACT		*010001002463692*	

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

DATE ISSUED: **OCT 11 2013**

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

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

ANY ALTERATION OR ERASURE VOIDS THIS CERTIFICATE

ASSIGNMENT AND DECLARATION OF INTENT

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

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

IN WITNESS WHEREOF, the undersigned has executed this instrument

this 19th day of October, 2005.

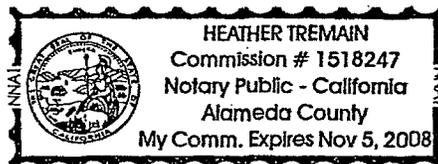
BY: George Homsey Trustee/Settlor
GEORGE HOMSEY

State of California }
County of Alameda }

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

WITNESS my hand and official seal.

Heather Tremain
Signature and Seal



APPLICATION FOR Board of Supervisors Appeal Fee Waiver

1. Applicant and Project Information

APPLICANT NAME:

Bruce Bowen

APPLICANT ADDRESS:

4016 20th St
 San Francisco CA 94114

TELEPHONE:

(415) 533 0586

EMAIL:

bruce.r.bowen@gmail.com

NEIGHBORHOOD ORGANIZATION NAME:

Dolores Heights Improvement Club

NEIGHBORHOOD ORGANIZATION ADDRESS:

PO Box 14426
 San Francisco CA 94114

TELEPHONE:

() n/a

EMAIL:

info@doloresheights.org

PROJECT ADDRESS:

313-323 Cumberland St

PLANNING CASE NO.:

2013.1213 CUA

BUILDING PERMIT APPLICATION NO.:

2014.0627.9813
 2014.0627.9820

DATE OF DECISION (IF ANY):

March 31, 2016

RECEIVED
 BOARD OF SUPERVISORS
 SAN FRANCISCO
 2016 MAY -2 PM 1:27

2. Required Criteria for Granting Waiver

(All must be satisfied; please attach supporting materials)

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

For Department Use Only

Application received by Planning Department:

By: _____

Date: _____

Submission Checklist:

- APPELLANT AUTHORIZATION
- CURRENT ORGANIZATION REGISTRATION
- MINIMUM ORGANIZATION AGE
- PROJECT IMPACT ON ORGANIZATION

- WAIVER APPROVED WAIVER DENIED



SAN FRANCISCO
PLANNING
DEPARTMENT

FOR MORE INFORMATION:

Call or visit the San Francisco Planning Department

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

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

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

TEL: 415.558.6377

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

Appeal Waiver Attachment

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

30 APRIL 2016

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

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

Board of Supervisors Appeal Fee Waiver

To Whom it May Concern,

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

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



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

Upper Market

P37

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

Bruce Murphy
President
Eureka Valley Trails/Art Network
170 Yukon Street
San Francisco, CA 94114-2306

Donald Bateman
0
Twin Peaks Eastside Neighborhood Alliance
(TPENA)
70 Crestline Drive, #11
San Francisco, CA 94131

Jason Henderson
Vice Chairman
Market/Octavia Community Advisory
Comm.
300 Buchanan Street, Apt. 503
San Francisco, CA 94102

Lucia Bogatay
Board Member
Mission Dolores Neighborhood Association
3676 20th Street
San Francisco, CA 94110

Peter Cohen
0
Noe Street Neighbors
33 Noe Street
San Francisco, CA 94114

Richard Magary
Administrator
Merchants of Upper Market & Castro
(MUMC)
584 Castro Street #333
San Francisco, CA 94114

Ted Olsson
Member
Market/Octavia Community Advisory
Comm.
30 Sharon Street
San Francisco, CA 94114-1709

Andrea Aiello
Administrator
Castro Upper Market Community Benefit
District
584 Castro Street #336
San Francisco, CA 94114

Carol Glanville
President
Mt. Olympus Neighbors Association
290 Upper Terrace
San Francisco, CA 94117

Edward Scruggs
0
Eureka/17th Street Neighbors
4134 17th Street
San Francisco, CA 94114

Jeff Parker
Steering Committee Member
Friends of Upper Douglass Dog Park
750 27th Street
San Francisco, CA 94131

Planning and Land Use Committee 0
0
Dolores Heights Improvement Club-DRC
P.O. Box 14426
San Francisco, CA 94114

Peter Heinecke
President
Liberty Hill Neighborhood Association
30 Hill Street
San Francisco, CA 94110

Scott Wiener
Supervisor, District 8
Board of Supervisors
1 Dr. Carlton B Goodlett Place, Room #244
San Francisco, CA 94102-4689

Bill Tannenbaum
0
Sharon Street Neighborhood Association
46 Sharon Street
San Francisco, CA 94114

David Villa-Lobos
Executive Director
Heart of the Triangle
P.O. Box 642201
San Francisco, CA 94164

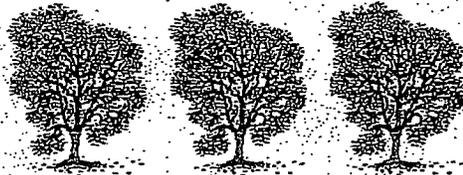
Gary Weiss
President
Corbett Heights Neighbors
78 Mars Street
San Francisco, CA 94114

Joe Curtin
President
Castro Area Planning + Action
584 Castro Street, Suite 169
San Francisco, CA 94114

David Troup
President
Duboce Triangle Neighborhood Association
2261 Market Street PMB #301
San Francisco, CA 94114

Priscilla Botsford
President
Eureka Heights Neighborhood Association
382 Eureka Street
San Francisco, CA 94114

Sean Quigley
President
Valencia Corridor Merchant Association
1038 Valencia Street
San Francisco, CA 94110



**DOLORES HEIGHTS
IMPROVEMENT CLUB**

Meeting Notice

September 25, 1990

Dear Dolores Heights Neighbor:

Dolores Heights Improvement Club will be holding our next meeting:

Time and Place

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

Agenda

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

Speaker

Captain Michael Hebel, San Francisco Police Mission Station

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

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

We hope to see you there!

Sincerely,

Bruce Muncil
Chairperson

About the DOLORES HEIGHTS IMPROVEMENT CLUB

History and Purpose

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

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

Membership

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

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

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

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

Board of Directors

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

files Pd 10-6-90

DOLORRES HEIGHTS
RESIDENTIAL DESIGN GUIDELINES

March 1998

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

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

DHIC
3732 21st Street, San Francisco, CA 94114
E-mail: doloresheights@hotmail.com
Telephone: 647-4228

Carroll, John (BOS)

From: Carroll, John (BOS)
Sent: Monday, June 06, 2016 1:36 PM
To: 'bruce.r.bowen@gmail.com'; 'info@doloresheights.org'; 'Tara N. Sullivan'; 'tcatalano@reubenlaw.com'; 'shaughey@reubenlaw.com'; 'James Reuben'; 'Gary Weiss'
Cc: Givner, Jon (CAT); Stacy, Kate (CAT); Byrne, Marlena (CAT); Rahaim, John (CPC); Sanchez, Scott (CPC); Jones, Sarah (CPC); Starr, Aaron (CPC); Rodgers, AnMarie (CPC); Ionin, Jonas (CPC); BOS-Supervisors; BOS-Legislative Aides; Calvillo, Angela (BOS); Somera, Alisa (BOS); BOS Legislation, (BOS); Carroll, John (BOS); Jackson, Erika; Lew, Lisa (BOS); Jalipa, Brent (BOS)
Subject: Appeal Response - Conditional Use Authorization Appeal - 313-323 Cumberland Street - Appeal Hearing on June 7, 2016
Categories: 160527

Good afternoon,

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

[Planning Response - June 6, 2016](#)

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

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

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

Thank you,

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

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

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

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



SAN FRANCISCO PLANNING DEPARTMENT

MEMO

APPEAL OF CONDITIONAL USE AUTHORIZATION

313-323 Cumberland Street

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

DATE: June 6, 2016
TO: Angela Calvillo, Clerk of the Board of Supervisors
FROM: John Rahaim, Planning Director – Planning Department (415) 558-6411
Erika Jackson, Case Planner – Planning Department (415) 558-6363
RE: File No. 160527, Planning Case No. 2013.1213CUA - Appeal of the approval of Conditional Use Authorization for 313-323 Cumberland Street
HEARING DATE: June 7, 2016
ATTACHMENTS:
A. Planning Commission Executive Summary, Exhibits, & Final Motion No. 19604
B. Project Sponsor Drawings – Revised May 27, 2016

PROJECT SPONSOR: Reuben, Junius & Rose, LLP, One Bush Street, Suite 600, San Francisco, CA 94104

APPELLANT: Bruce Bowen, 4016 20th Street, San Francisco, CA 94114

INTRODUCTION:

This memorandum and the attached documents are a response to the letter of appeal to the Board of Supervisors ("Board") regarding the Planning Commission's ("Commission") approval of the application for Conditional Use Authorization under Planning Code Sections 207 (Dwelling Unit Density Limits), 209.1 (Residential, House Districts), 303 (Conditional Use Authorization) and 317 (Loss of Dwelling Units through Demolition, Merger, and Conversion), to demolish a single-family structure and construct a new two-family structure on a 5,700 square foot lot in an RH-1 (Residential - House, One-Family) Zoning District, a 40-X Height and Bulk District, and the Dolores Heights Special Use District ("the Project").

This response addresses the appeal ("Appeal Letter") to the Board filed on May 2, 2016 by Bruce Bowen, representing neighbors in opposition to the project. The Appeal Letter referenced the Proposed Project in Case No. 2013.1213CUA.

The decision before the Board is whether to uphold or overturn the Planning Commission's approval of Conditional Use Authorization to demolish a single-family structure and construct a new two-family structure at 313-323 Cumberland Street.

SITE DESCRIPTION & PRESENT USE:

The project is located on the southern side of Cumberland Street, between Noe and Sanchez Streets, Block 3601, Lots 043-044. The property is located within a RH-1 (Residential – House, One-Family) Zoning District and a 40-X Height and Bulk District. The property consists of two lots measuring 25 feet by 114 feet. Lot 043 is developed with a two-story single-family residence and lot 044 is vacant.

SURROUNDING PROPERTIES AND NEIGHBORHOOD:

The Project site is located within an RH-1 (Single-Family Residential) District situated in the Castro/Upper Market Neighborhood. Land uses in the immediate vicinity of the site are typical of an RH-1 District with primarily residential uses. Most of the buildings in the vicinity range from one to three stories over garage. Ground level open space and landscaping at the front and rear are usually abundant. The Project site is located within a cluster of RH-1 (Residential – House, One-Family) zoned lots approximately 5 blocks long by 2 blocks wide surrounded by blocks zoned RH-2 (Residential House, Two-Family) Districts, RH-3, and RM-1. Lots in the area have widths ranging from 25 to 75 feet, although the majority are 25 feet wide. The lot immediately across the street and the lot immediately behind the subject property are 50 feet wide, however, the adjacent lot on Cumberland Street is 25 feet wide.

PROJECT DESCRIPTION:

The Proposed Project is to merge lots 043 and 044, demolish the existing dwelling on lot 043, and construct a new three-story over garage, two-family dwelling. Lot 044 is currently vacant. The proposal requires a Conditional Use Authorization for the construction dwelling units at a density of one unit per 3,000 square feet of lot area. The proposed combined lots result in an area of 5,700 square feet.

BACKGROUND:

2014 – Building Permit Application Filed

On March 31, 2014, the Project Sponsor conducted a mandatory Pre-Application Meeting with adjacent neighbors and neighborhood organizations to describe the project and receive initial feedback. The initial Proposed Project was to merge lots 043 and 044, demolish the existing dwelling on lot 043, and construct a new three-story over garage, single-family dwelling.

On June 27, 2014, the Project Sponsor filed Building Permit Applications with the Department of Building Inspection for the demolition of a single-family structure on Lot 043 and the new construction of a single-family structure on Lots 043 and 044.

On September 2, 2014, the Project Sponsor filed a Lot Line Adjustment Application with the Department of Public Works for the merger of Lots 043 and 044.

On September 24, 2014, the Environmental Planning division of the Planning Department (“Department”) found the project to be categorically exempt from environmental review per Classes 1 and 3 of the California Environmental Quality Act (“CEQA”).

2014/2015 – Planning Staff Design Review

On August 14, 2014, October 16, 2014, and February 25, 2015, the Residential Design Team reviewed the project and subsequent revisions for compliance with the Residential Design Guidelines.

2015– Demolition Permit Review, Neighborhood Notice and Discretionary Review Applications

On February 3, 2015, the dwelling unit demolition was reviewed and approved administratively because the structure has a value greater than 80% of the combined land and structure values of single-family homes in San Francisco¹.

On May 7, 2015, neighborhood notification for the new construction pursuant to Planning Code Section 311 was mailed. It expired on June 8, 2015. The Proposed Project was initially filed with the Planning Department as the merger of lots 043 and 044 into one 5,700 square foot lot, the demolition of the existing single-family dwelling on lot 043, and construction of a new three-story over garage, single-family dwelling.

On June 8, 2015, two neighbor initiated Discretionary Review Applications were filed. After the DR Applications were filed, the Project Sponsor modified the project to merge lots 043 and 044, demolish the existing dwelling on lot 043, and construct a new three-story over garage, two-family dwelling. The new proposal requires a Conditional Use Authorization for the construction dwelling units at a density of one unit per 3,000 square feet of lot area in an RH-1 Zoning District.

2015 – Planning Staff Design Review

On September 10, 2015, the Residential Design Team (RDT) reviewed the DR Applicant's concerns related to building scale and massing, neighborhood compatibility, rooflines, and front setback of the new structure. The RDT requested several revisions in order for the proposed new construction to be compatible with the Residential Design Guidelines, improve upon the vertical proportions of the building, and reinforce a more neighborhood-compatible scale and proportion.

On October 26, 2015, the Department held a Policy Coordination meeting and subsequently encouraged the Project Sponsor to revise the project to include a replacement structure that contained two dwelling units rather than one dwelling unit in order to 1) replace the existing dwelling unit with a comparable unit and 2) preserve the predominant density in the neighborhood of one unit per 25 foot wide lot.

2015 – Conditional Use Authorization Application Filed

On December 9, 2015, the Project Sponsor submitted a Conditional Use Authorization application to demolish a single-family structure and construct a new two-family structure on a 5,700 square foot lot. The DR applications were superseded by the Conditional Use Application. The Discretionary Review Applications were withdrawn and the fees refunded to the applicants.

¹ Planning Code Section 317(d)(3)(A) limits the application of the Conditional Use process within single-family zoning districts to only those units that have a level of affordability. Specifically, this section states: "The Planning Commission shall determine a level of affordability or financial accessibility, such that Single-Family Residential Buildings on sites in RH-1 and RH-1(D) 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 Conditional Use hearing."

On January 21, 2016, the Environmental Planning division of the Department found the project to be categorically exempt from environmental review per Classes 1 and 3 of the California Environmental Quality Act (Case No. 2013.1213E).

2016 – Conditional Use Authorization Hearing

At the March 31, 2016 Commission hearing, the Commission approved 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.

The Conditional Use Authorization was approved via Resolution Number 19604² (Attached) 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.

2016 – Planning Staff Design Review

Since the Planning Commission hearing, the architect has submitted revisions to address the improved exposure and parking ratio (plans dated May 27, 2016). The Department is still working with the architect to find a design that meets the intent of the Planning Commission's direction for improved exposure to the second unit.

CONDITIONAL USE AUTHORIZATION REQUIREMENTS:

Planning Code Section 303 establishes criteria for the Commission to consider when reviewing all applications for Conditional Use authorization. To approve the project, the Commission must find that these criteria have been met:

1. That 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; and
2. That such use or feature as proposed will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity, or injurious to property, improvements or potential development in the vicinity, with respect to aspects including but not limited to the following:
 - a. The nature of the proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;
 - b. The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed off-street parking and loading;
 - c. The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor;
 - d. Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs; and

² Resolution Number 19604 incorporated a number of Department recommended conditions plus the additional three conditions from the Commission as described above.

3. That such use or feature as proposed will comply with the applicable provisions of this Code and will not adversely affect the Master Plan.

In addition, Planning Code Section 317 establishes further criteria for the Commission to consider when reviewing applications to demolish or convert residential buildings. These criteria apply to all applications to demolish or convert residential buildings. Unlike the Section 303 findings above which must be met, the Section 317 criteria must only be considered by the Commission. While the Commission must consider all of the 317 criteria, it is within the Commission's discretion to decide how to prioritize these criteria in determining the overall public value of each project. The Section 317 criteria are as follows:

1. Whether the Project Sponsor has demonstrated that the residential structure is unsound, where soundness is an economic measure of the feasibility of upgrading a residence that is deficient with respect to habitability and Housing Code requirements, due to its original construction. The soundness factor for a structure shall be the ratio of a construction upgrade to the replacement cost, expressed as a percent. A building is unsound if its soundness factor exceeds 50-percent. A residential building that is unsound may be approved for demolition.
2. Whether the property is free of a history of serious, continuing Code violations;
3. Whether the housing has been maintained in a decent, safe, and sanitary condition;
4. Whether the property is an "historical resource" under CEQA;
5. Whether the removal of the resource will have a substantial adverse impact under CEQA;
6. Whether the project converts rental housing to other forms of tenure or occupancy;
7. Whether the project removes rental units subject to the Rent Stabilization and Arbitration Ordinance or affordable housing;
8. Whether the project conserves existing housing to preserve cultural and economic neighborhood diversity;
9. Whether the project conserves neighborhood character to preserve neighborhood cultural and economic diversity;
10. Whether the project protects the relative affordability of existing housing;
11. Whether the project increases the number of permanently affordable units as governed by Section 415;
12. Whether the project locates in-fill housing on appropriate sites in established neighborhoods;
13. Whether the project increases the number of family-sized units on-site;
14. Whether the project creates new supportive housing;
15. Whether the project is of superb architectural and urban design, meeting all relevant design guidelines, to enhance existing neighborhood character;
16. Whether the project increases the number of on-site dwelling units;
17. Whether the project increases the number of on-site bedrooms.

APPELLANT ISSUES AND PLANNING DEPARTMENT RESPONSES:

The concerns raised in the Appeal Letter are cited in a summary below and are followed by the Department's response:

ISSUE #1: The appellant claims that 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.

RESPONSE #1: The Project will result in two dwelling units on a 5,700 square foot (50 feet by 114 feet), which is compatible with the density in this neighborhood. Denial of the Conditional Use Authorization will not compel the construction of stand-alone single-family homes.

Although the subject block and immediate vicinity predominantly consists of 25 foot wide lots, there are several other lots that are similarly sized to the subject property, including one immediately across from the subject property on Cumberland (Block 3601, Lot 45), another immediately behind the subject property (fronting 20th Street) (Block 3601, Lot 15), one adjacent to (Block 3601, Lot 16), and another just few properties from the subject property on Cumberland (Block 3601, Lot 50). The project will be compatible with the surrounding neighborhood density by proposing two units on a double-wide lot.

By constructing two units on a double wide lot, the density remains the same as the immediate neighborhood. As the appellant notes, lot mergers are currently allowed in this district without the need for Conditional Use Authorization. The lot merger does not remove the potential for the construction of an additional dwelling unit. The Conditional Use Authorization process that this proposal underwent allows for increased density on a lot. Therefore, a larger lot size does not necessarily imply a lower density or unit count. The project proposes two residential units; the same number of units would be allowed on the lots if they remained unmerged. Additionally, when the Planning Commission approved the Conditional Use, they required that the Project Sponsor record a Notice of Special Restrictions against the property requiring that it remain a two unit building, thus protecting the density and removing the ability to convert the multi-family structure to a single-family unit in the future. Therefore, the lot merger would not result in the loss of density. The Planning Commission also directed Planning Staff to continue to work with the architect on improving the characteristics of the second unit, focusing on exposure, access to the garage, design of the main entrance. Both units have equal access to the rear yard and the garage. The lead agency on a lot merger is the Public Works. On September 2, 2014, the Project Sponsor filed a Lot Line Adjustment Application with Public Works for the merger of Lots 043 and 044. The Planning Department acts as a referral agency and reviews the application for compliance with the Planning Code and General Plan. The lot merger application is still pending and if approved, may be appealed at a later date.

ISSUE #2: The appellant claims that the proposed second unit will never be used by another family due to its subordinate status, its subterranean location adjacent to the garage door and laundry, and the lack of natural light.

RESPONSE #2: Although the City cannot compel occupancy of any residential unit, the Commission has taken steps to ensure that two separate units are added to the City's housing stock and will be maintained as two separate, family-sized dwelling units.

With the approval of the Conditional Use Authorization, the Planning Commission required that the Project Sponsor record a Notice of Special Restrictions against the property requiring that it remain a two unit building, thus protecting the density and removing the ability to convert the multi-family structure to a single-family unit in the future.

During the Commissioner's discussion at the Conditional Use hearing, the Commissioners discussed that the proposed lot merger may actually result in a building that is more consistent with the existing neighborhood character.

On the question of "affordable by design", the Commissioners stated that if the lots remained separate, it would be unlikely that two buildings would be constructed. Further, the Commissioners felt it would be likely that both new buildings could potentially be larger than the proposed building due to the significant setbacks that are required for the proposed building along the west side property line and the front property line. The proposed building does not fill the entire developable area of the lot, whereas two new buildings may be approved to fill the developable area of the lot. The Commissioners also discussed how if two buildings were constructed with one unit each, both houses would likely still be unaffordable. With the price/value of the lots, it would be difficult to find a developer that would be able to afford constructing a small cottage on the vacant lot. By building one family-sized unit and including a second smaller unit; the Commissioners felt this solution was as close to the concept of "affordable by design" as could be achieved given the current real estate market conditions.

The Commission directed the Project Sponsor to work with Planning staff to improve the exposure to the second unit in their Conditions of Approval. The Project Sponsor has submitted the revised drawings (dated May 27, 2016) with increased exposure to the living area of the second unit. Planning Staff has directed the Project Sponsor to provide exposure on at least a half of the rear wall of the living area of the second unit. If the Commission's Conditional Use authorization is upheld by the Board of Supervisors, staff will continue to pursue this Commission direction.

The existing building is both unaffordable and is vacant. Rebuilding a new building is warranted and consistent with the housing policies of the General Plan. Ensuring that the new building is complemented with an additional but subordinate unit furthers the goal of "affordable by design" for new housing. Further, constructing a new building with more bedrooms and two family-sized units to replace the existing one-bedroom house is consistent with the criteria in Planning Code Section 317.

Mayor's Executive Directive 13-01 prioritizes both the building of new housing as well as the retention of existing housing stock. The Planning Commissioners weighed the importance of retaining existing housing and the construction of new housing in their decision and decided that the project was necessary and desirable because it would add two larger units with more bedrooms in exchange for the demolition of the existing smaller one bedroom unit. With their direction to improve the quality of the characteristics of the lower unit, the City gains two new family-sized units.

ISSUE #3: The appellant believes that the Project failed to meet the Conditional Use requirements that the Proposed Project is necessary or desirable for, and compatible with, the neighborhood or the community.

RESPONSE #3: Contrary to the appellant's claims, the Commission did find the project to be both necessary and desirable for the neighborhood as well as compatible.

These findings were made in Motion No. 19604, via Finding 10, A-D. See attached motion for the Commission's complete findings. In summary, the Commission's findings weigh the essence of the project and whether two lots with one dwelling unit should be replaced by one lot with two dwelling units.

The Project Sponsor's original proposal to construct a single-family dwelling would have been Code complying and would not have required a Conditional Use authorization. However, given that the prevailing density of the neighborhood is to have at least one unit per 25' lot and given the City's dire need for additional housing; the Department encouraged the Project Sponsor to revise the project so as to provide two units when merging these two 25' wide lots in order to 1) replace the existing dwelling unit

with a comparable unit and 2) preserve the predominant density in the neighborhood of one unit per 25 foot wide lot.

As described, the existing project site consists of a vacant lot (313 Cumberland), which is proposed to be merged with the adjacent lot (323 Cumberland) that is currently contains an approximately 877 square foot one-story over basement building. By including two units in the Proposed Project, the project is desirable by avoiding a loss of potential dwelling units. The project will construct two new dwelling units, including two family-sized units, and replace a vacant one-bedroom single-family residence. The new residential units, and in particular the unit suitable for a family, is in dire need in San Francisco, which currently has an unmet need for housing and a decreasing number of families. This change requested by the Department preserves the predominant density in the neighborhood of one unit per 25' wide lot.

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

The Commission also found that the project is, on balance, consistent with the other required findings including Dwelling Unit Removal findings per Planning Code Section 317 (Finding 11, i-xviii), Objectives and Policies of the General Plan (Finding 12), and the Priority Planning policies per Planning Code Section 101.1 (Finding 13). Findings of consistency require a balancing of policies and a determination of overall consistency. In preparing proposed findings for the Commission's consideration, the Department identified those criteria, objectives, and policies that were most applicable to the Project, as is its practice, and the Commission, in approving the motion, agreed with the Department and embraced the findings as their own. See the attached motion for the specifics.

ISSUE #4: The appellant claims that the demolition of the existing small home removes relatively affordable housing, is contrary to Planning Code Section 317 criteria, General Plan policies, Conditional Use finding requirements, Proposition M and the intent of the Dolores Heights Special Use District.

RESPONSE #4: The existing building is not considered to be affordable or financially accessible housing because it is exceeding the Planning Code Section 317(d)(3)(A) definition for affordability in that it is above the 80% average price of single-family homes in San Francisco. The Commission also found that the project is, on balance, consistent with the other required findings including Dwelling Unit Removal findings per Planning Code Section 317 (Finding 11, i-xviii), Objectives and Policies of the General Plan (Finding 12), and the Priority Planning policies per Planning Code Section 101.1 (Finding 13).

An appraisal report, dated December 14, 2015, valued the home at \$1,680,000, which is above the 80% average price of single-family homes (currently set at \$1,630,000). Homes at this price range are determined to exceed San Francisco affordability levels per the Planning Code. The Project would demolish one dwelling unit (1 bedroom total) to be replaced with two dwelling units (5 bedrooms total), a net increase of one dwelling unit and 4 bedrooms.

Findings of consistency with the General Plan require a balancing of policies and a determination of overall consistency. In preparing proposed findings for the Commission's consideration, the Department identified those criteria, objectives, and policies that were most applicable to the Project, as is its practice,

and the Commission, in approving the motion, agreed with the Department and embraced the findings as their own.

Specifically, the Planning Commission found that “the Project would develop a partially empty site that is zoned for single-family residential development. The Project appropriately locates housing units at a site zoned for residential use and increases the supply of housing in conformity with the allowable density limits of the RH-1 zoning district. The Project provides housing that has a range of unit types for residents with different needs. The Project’s architectural design is compatible with the existing scale and character of the neighborhood given the unique characteristics and scale of the Project site. The proposed building massing is considerably smaller than the maximum allowable under the Planning Code with 40 foot height and 50 foot width limits. The proposed structure is setback from the front to the average of the two adjacent structures and provides several setbacks along the east side property line. The proposed structure height is stepped to provide a transition between the heights of the adjacent structures. The top floor of the proposed structure is setback to visually reduce the massing of the structure.” See the attached motion for more specific findings related to the Planning Code and the General Plan.

ISSUE #5: The appellant believes that the proposed new construction is inconsistent with the scale and character of the neighborhood, violates the intent of the Dolores Heights Special Use District (Section 241 of the Planning Code), is inconsistent with the City’s Housing Element, and does not comply with the City’s Residential Design Guidelines.

RESPONSE #5: The Proposed Project is thoroughly compatible with the neighborhood and multiple changes have been made during review to ensure that it is consistent with the City’s Residential Design Guidelines, the Dolores Heights Special Use District and the General Plan.

The Residential Design Guidelines.

The Proposed Project is consistent with the scale and character of the neighborhood and does comply with the Residential Design Guidelines. The initial project was reviewed by the Residential Design Team (RDT) three times and the Project Sponsor made corresponding revisions to the project before the Planning Code Section 311 neighborhood notice was mailed. The RDT gave the following comments:

August 14, 2014 Residential Design Team Comments

- Building massing and volumes that are closer to the street should better reflect 25-foot lot width/building massing found in the immediate context. (RDGs, p. 23-25, 28-29)
- Solid-to-void ratio fenestration pattern and window proportions should draw from the surrounding context. (RDGs, p. 44-46)
- Modern design and roofline is compatible with the mixed character of the neighborhood. (RDGs, p. 10, 30)

October 16, 2014 Residential Design Team Comments

- The RDT supports the revised project. The forward most mass has been reduced to 25’ in width to better respond to adjacent 25’ wide lots and structures. (RDGs pgs. 23-25 & 28-29)

February 25, 2015 Residential Design Team Comments

- The latest revision has reintroduced the building’s emphasis on horizontality with the feature that frames the ceiling and floor at the floor level above the garage, thus accentuating the building’s width. Please explore ways to reduce the emphasis on width so that it responds better to neighborhood which is characterized by buildings that are 25’ in width. (RDGs page 29)

September 10, 2015 Residential Design Team Comments

In addition, the RDT reviewed the Appellant's concerns (under the Discretionary Review Application) related to building scale and massing, neighborhood compatibility, rooflines, and front setback of the new structure. The RDT had the following comments:

In order to improve upon the vertical proportions of the building, and reinforce a more neighborhood-compatible scale and proportion, please make the following changes in order for the RDT to support the project:

- On first floor, remove the interior storage area located at the NW corner of the building. (RDG, pg. 28-29)
- Remove the wall to the east of the front entry, or limit it to a minimum railing height. (RDG, pg. 12-13, 28-29)
- Limit the amount of glazing on the front façade; RDT recommends eliminating the panels of glass along the west side of the façade at the first and second floors, replacing them with a solid material. This will help to reduce the apparent width of the façade, minimize the overall glazing, and improve the solid-to-void ratio to be consistent with the neighborhood pattern. (RDG, pg. 28-29, 43-45)
- Please provide additional information about the specific material choices for the metal finishes and colors. (RDG, pg. 46-48)
- Roofline DR Concerns: The neighborhood contains varied roof forms and widths; the proposed roof form and width, with the aforementioned changes, will be in-keeping with the mixed neighborhood character.
- Front Setback DR Concerns: The proposed front and side setbacks together respect the stepped setback pattern that follows the topography of the block, and is in-keeping with the mixed neighborhood pattern.

November 13, 2015 Project Sponsor Revised Project

- Project Sponsor submits revised project in response to Residential Design Team comments. The Project Sponsor complied with all RDT comments from September 10, 2015.

In advance of the hearing, The Department received 15 letters of support of the project, including letters from property owners of all immediately adjacent lots on Cumberland Street and Sanchez Street. The Department has received 2 neighbor Discretionary Review Applications, and 20 letters in opposition to the Proposed Project, including a letter from the Dolores Heights Improvement Club. The Department has also received petitions both in support and in opposition of the Proposed Project.

At the Conditional Use hearing, 21 people spoke in opposition to the project and 12 people spoke in favor of the project. During the Commissioner's discussion at the Conditional Use hearing, the Commissioners discussed how the opposition for the project is from the larger community and that the adjacent property owners are all in support of the project. The Commission acknowledged that it was difficult to suggest specific changes to design and scale of a building without an immediately adjacent neighbor concern to respond to.

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

The new building respects the topography and is compatible with other buildings on the street. The subject lots are near the crest of a hill on Cumberland Street. The proposed building responds to the downsloping topography along Cumberland Street by stepping down the façade of the new building. The subject lots are upsloping lots and the proposed structure is built into the hillside and is setback approximately 8 feet from the front property line, which is the average of the two adjacent building setbacks and serves as a transition between the two adjacent properties. The site design respects this upsloping nature of the subject lots. The subject lots are adjacent to lots that front on Sanchez Street along the eastern side property line. Along that side, the building has been designed with a series of setbacks to transition between the adjacent building on the west side at 327 Cumberland Street and the adjacent rear yards on the east side. This design also minimizes privacy and light impacts to the adjacent building to the east at 311 Cumberland Street. The overall scale of the proposed replacement structure is consistent with the block face and is complementary to the neighborhood character.

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

The location of the entrance is consistent with the predominant pattern of elevated entrances with a covered porch found on the south side of Cumberland Street. The length and type of windows along the primary façade is compatible with the mixed character found throughout the neighborhood. The garage door is limited to a width of 12 feet and the curb cut is limited to 10 feet. The placement and scale of the architectural details are compatible with the residential character of this neighborhood. The proposed windows are contemporary but residential in character, and are compatible with the window patterns found on neighboring buildings. The materials for the front façade are contemporary in style, with painted metal panels, aluminum windows and doors, clear wood siding, wooden screens, and stone cladding; however, they are compatible with the existing buildings in the neighborhood. The exterior materials articulate the building's structure and mass.

The Dolores Heights Special Use District.

The Proposed Project is consistent with the intent and the requirements of Dolores Heights Special Use District in Planning Code Section 241. The intent of the Section is to preserve and provide for an established area with a unique character and balance of built and natural environment, with public and private view corridors and panoramas, to conserve existing buildings, plant materials and planted spaces, to prevent unreasonable obstruction of view and light by buildings or plant materials, and to encourage development in context and scale with established character and landscape. The Proposed Project has

incorporated many setbacks and design elements to ensure that the public and private view corridors are protected to the adjacent properties.

The Proposed Project complies with the requirements of a rear yard of 45% of lot depth and a maximum height of 35 feet above grade. The Project Sponsor has worked with adjacent neighbors to ensure that private view corridors are protected and that there is not an unreasonable obstruction of view and light. The front setback, which is the average of the adjacent buildings, and the height of 35 feet will ensure that views from public corridors are protected. The Proposed Project creates a balance between the built and the natural environment by creating a landscaped 7'-10" front setback with terraced landscaping, planters, landscaped steps, and a permeable driveway. Currently, the vacant lot contains a large amount of vegetation and the developed lot has a 22 foot non-permeable driveway and staircase in the front. The Proposed Project will also provide 3 street trees along the street frontage.

The General Plan.

The General Plan policies both encourage the retention of existing housing as well as the production of new housing. It is a rare project that is consistent with the General Plan in its entirety. Therefore, the question remains is the project, on balance, consistent with the Plan. In this case, the answer is yes. While Finding 12 of Motion No. 19604 describes a number of policies that are weighed for this project from the Housing Element, the Recreation and Open Space Element, the Transportation Element, and the Urban Design Element, this response focuses on the following policies from the Housing Element:

- **OBJECTIVE 1: IDENTIFY AND MAKE AVAILABLE FOR DEVELOPMENT ADEQUATE SITES TO MEET THE CITY'S HOUSING NEEDS, ESPECIALLY PERMANENTLY AFFORDABLE HOUSING.**
 - **POLICY 1.1:** Plan for the full range of housing needs in the City and County of San Francisco, especially affordable housing.
- **OBJECTIVE 2: RETAIN EXISTING HOUSING UNITS, AND PROMOTE SAFETY AND MAINTENANCE STANDARDS, WITHOUT JEOPARDIZING AFFORDABILITY.**
 - **POLICY 2.1:** Discourage the demolition of sound existing housing, unless the demolition results in a net increase in affordable housing.
- **OBJECTIVE 4: FOSTER A HOUSING STOCK THAT MEETS THE NEEDS OF ALL RESIDENTS ACROSS LIFECYCLES.**
 - **POLICY 4.1:** Develop new housing, and encourage the remodeling of existing housing, for families with children.
- **OBJECTIVE 11: SUPPORT AND RESPECT THE DIVERSE AND DISTINCT CHARACTER OF SAN FRANCISCO'S NEIGHBORHOODS.**
 - **Policy 11.1:** Promote the construction and rehabilitation of well-designed housing that emphasizes beauty, flexibility, and innovative design, and respects existing neighborhood character.
 - **Policy 11.2:** Ensure implementation of accepted design standards in project approvals.

- **Policy 11.3:** Ensure growth is accommodated without substantially and adversely impacting existing residential neighborhood character.
- **Policy 11.4:** Continue to utilize zoning districts which conform to a generalized residential land use and density plan and the General Plan.
- **Policy 11.5:** Ensure densities in established residential areas promote compatibility with prevailing neighborhood character.
- **Policy 11.6:** Foster a sense of community through architectural design, using features that promote community interaction.
- **Policy 11.8:** Consider a neighborhood's character when integrating new uses, and minimize disruption caused by expansion of institutions into residential areas.

ISSUE #6: The appellant claims that the entitlement process for this project was flawed by political interference.

RESPONSE #6: Public hearings before the Planning Commission are scheduled to accommodate the Commission's calendar, City staff and project sponsor availability, and the availability of other interested parties; such scheduling considerations are not indicative of improper political interference.

The appellant claims the entitlement process for this project has been flawed and refers to the scheduling of the Planning Commission hearing and this appeal hearing before the Board of Supervisors, among other things. The Department can only respond to actions conducted by the Planning Commission and Department, specifically the scheduling of the project's hearing before the Planning Commission.

Public hearings before the Planning Commission are scheduled based on consideration of a number of considerations, including availability of Department and other City staff, the Commission's constraints of the Commission's calendar, the availability of the project sponsor's team, and the availability of other interested parties. Once scheduled, public hearings on projects are routinely continued for the same reasons. Here, the public hearing was calendared taking these considerations into account and was ultimately held on March 31, 2016, not February 4, as referenced by the appellant in his allegations.

ISSUE #7: The appellant claims that the neighborhood opposition to the project was not given sufficient weight in the decision-making process.

RESPONSE #7: The Planning Commission heard and considered all public comment, both in opposition to and in support of the Proposed Project in the decision-making process.

In advance of the hearing, the Department received 15 letters of support of the project, including letters from property owners of all immediately adjacent lots on Cumberland Street and Sanchez Street. The Department has received 2 neighbor Discretionary Review Applications, and 20 letters in opposition to the Proposed Project, including a letter from the Dolores Heights Improvement Club. The Department has also received petitions both in support and in opposition of the Proposed Project.

At the Conditional Use hearing, 21 people spoke in opposition to the project and 12 people spoke in favor of the project. During the Commissioner's discussion at the Conditional Use hearing, the Commissioners discussed how the opposition for the project is from the larger community and that the adjacent property owners are all in support of the project. The Commission acknowledged that it was difficult to suggest specific changes to design and scale of a building without an immediately adjacent neighbor concern to respond to.

CONCLUSION:

For the reasons stated above, the Department recommends that the Board uphold the Commission's decision in approving the Conditional Use authorization to demolish a single-family structure and construct a new two-family structure, and deny the Appellant's request for appeal.



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

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

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Planning Commission Motion No. 19604

HEARING DATE: MARCH 31, 2016

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

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

PREAMBLE

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

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

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

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

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

FINDINGS

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

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

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

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

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

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

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

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

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

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

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

Both dwelling units would face onto Cumberland Street.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Project meets criterion.

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

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

Project does not meet criterion.

The Project Sponsor has not submitted a soundness report.

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

Project meets criterion.

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

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

Project meets criterion.

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

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

Project meets criterion.

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

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

Project meets criterion.

Not applicable. The structures are not historical resources.

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

Project meets criterion.

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

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

Project meets criterion.

No rent controlled units will be removed.

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

Project meets criterion.

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

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

Project meets criterion.

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

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

Project does not meet criterion.

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

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

Project meets criterion.

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

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

Project meets criterion.

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

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

Project meets criterion.

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

- xv. Whether the Project creates new supportive housing;

Project does not meet criterion.

The Project does not create supportive housing.

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

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

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

Project meets criterion.

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

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

Project meets criterion.

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

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

HOUSING

Objectives and Policies

OBJECTIVE 1

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

Policy 1.1

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

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

OBJECTIVE 2

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

Policy 2.1

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

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

OBJECTIVE 4

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

Policy 4.1

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

OBJECTIVE 11

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

Policy 11.1

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

Policy 11.2

Ensure implementation of accepted design standards in project approvals.

Policy 11.3

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

Policy 11.4

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

Policy 11.5

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

Policy 11.6

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

Policy 11.8

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

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

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

RECREATION AND OPEN SPACE ELEMENT

Objectives and Policies

OBJECTIVE 4

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

Policy 4.5

Require private usable outdoor open space in new residential development.

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

TRANSPORTATION ELEMENT

Objectives and Policies

OBJECTIVE 24

IMPROVE THE AMBIENCE OF THE PEDESTRIAN ENVIRONMENT.

Policy 24.2

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

Policy 24.4

Preserve pedestrian-oriented building frontages.

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

OBJECTIVE 28

PROVIDE SECURE AND CONVENIENT PARKING FACILITIES FOR BICYCLES.

Policy 28.1

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

Policy 28.3

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

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

OBJECTIVE 34

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

Policy 34.1

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

Policy 34.3

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

Policy 34.5

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

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

URBAN DESIGN ELEMENT

Objectives and Policies

OBJECTIVE 1

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

Policy 1.7

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

OBJECTIVE 2

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

Policy 2.6

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

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

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

OBJECTIVE 4

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

Policy 4.5

Design walkways and parking facilities to minimize danger to pedestrians.

Policy 4.13

Improve pedestrian areas by providing human scale and interest.

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

13. **Planning Code Section 101.1(b)** establishes eight priority-planning policies and requires review of permits for consistency with said policies. On balance, the project does comply with said policies in that:

- A. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses be enhanced.

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

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

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

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

No affordable housing is removed for this Project.

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

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

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

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

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

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

- G. That landmarks and historic buildings be preserved.

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

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

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

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

DECISION

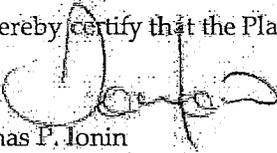
That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Application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

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

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

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

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on March 31, 2016.



Jonas P. Jonin
Commission Secretary

AYES: Commissioners Fong, Antonini, Hillis, Johnson

NAYS: Commissioners Richards, Moore

ABSENT: Commissioner Wu

ADOPTED: March 31, 2016

EXHIBIT A

AUTHORIZATION

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

RECORDATION OF CONDITIONS OF APPROVAL

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

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

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

SEVERABILITY

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

CHANGES AND MODIFICATIONS

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

Conditions of Approval, Compliance, Monitoring, and Reporting PERFORMANCE

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

DESIGN – COMPLIANCE AT PLAN STAGE

6. **Final Materials.** The Project Sponsor shall continue to work with Planning Department on the building design. Final materials, glazing, color, texture, landscaping, and detailing shall be subject to Department staff review and approval. The architectural addenda shall be reviewed and approved by the Planning Department prior to issuance.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

7. **Street Trees.** Pursuant to Planning Code Section 138.1 (formerly 143), the Project Sponsor shall submit a site plan to the Planning Department prior to Planning approval of the building permit application indicating that street trees, at a ratio of one street tree of an approved species for every 20 feet of street frontage along public or private streets bounding the Project, with any remaining fraction of 10 feet or more of frontage requiring an extra tree, shall be provided. The street trees shall be evenly spaced along the street frontage except where proposed driveways or other street obstructions do not permit. The exact location, size and species of tree shall be as approved by the Department of Public Works (DPW). In any case in which DPW cannot grant approval for installation of a tree in the public right-of-way, on the basis of inadequate sidewalk width, interference with utilities or other reasons regarding the public welfare, and where installation of such tree on the lot itself is also impractical, the requirements of this Section 428 may be modified or waived by the Zoning Administrator to the extent necessary.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

8. **Landscaping.** Pursuant to Planning Code Section 132, the Project Sponsor shall submit a site plan to the Planning Department prior to Planning approval of the building permit application indicating that 50% of the front setback areas shall be surfaced in permeable materials and further, that 20% of the front setback areas shall be landscaped with approved plant species. The size and specie of plant materials and the nature of the permeable surface shall be as approved by the Department of Public Works.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

9. **Landscaping, Screening of Parking and Vehicular Use Areas.** Pursuant to Planning Code Section 142, the Project Sponsor shall submit a site plan to the Planning Department prior to Planning approval of the building permit application indicating the screening of parking and vehicle use areas not within a building. The design and location of the screening and design of any fencing shall be as approved by the Planning Department. The size and species of plant materials shall be as approved by the Department of Public Works. Landscaping shall be maintained and replaced as necessary.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

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

PARKING AND TRAFFIC

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

MONITORING - AFTER ENTITLEMENT

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

OPERATION

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

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

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org



SAN FRANCISCO PLANNING DEPARTMENT

Memo to the Planning Commission

HEARING DATE: MARCH 31, 2016

Continued from the February 4, 2016 Hearing

Date: March 24, 2016
Case No.: 2013.1213CUA
Project Address: 313-323 Cumberland Street
Permit Application: 2014.0627.9813 and 2014.0627.9820
Zoning: RH-1 (Residential - House, One-Family)
40-X Height and Bulk District
Dolores Heights Special Use District
Block/Lot: 3601/043-044
Project Sponsor: Tuija Catalano
Reuben, Junius & Rose, LLP
One Bush Street, Suite 600
San Francisco, CA 94104
Staff Contact: Erika Jackson – (415) 558-6363
erika.jackson@sfgov.org
Recommendation: **Approval with Conditions**

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

BACKGROUND

The Proposed Project is to merge lots 043 and 044, demolish the existing dwelling on lot 043, and construct a new three-story over garage, two-family dwelling. Lot 044 is currently vacant. A small portion of the building would extend 12' towards the rear below grade level. The proposal requires a Conditional Use Authorization for the construction dwelling units at a density of one unit per 3,000 square feet of lot area. The proposed combined lots result in an area of 5,700 square feet.

The Proposed Project was initially filed with the Planning Department as the merger of lots 043 and 044 into one 5,700 square foot lot, the demolition of the existing single-family dwelling on lot 043, and construction of a new three-story over garage, single-family dwelling. The dwelling unit demolition was reviewed and approved administratively on February 3, 2015 because the structure has a value greater than 80% of the combined land and structure values of single-family homes in San Francisco. Neighborhood notification for the new construction pursuant to Planning Code Section 311 was mailed on May 7, 2015 and expired on June 8, 2015. Two neighbor initiated Discretionary Review Applications were filed on June 8, 2015. The concerns of the Discretionary Review Requestor are outlined in the Motion. The applications were subsequently superseded by the Conditional Use Application.

Prior to the February 4, 2016 Planning Commission hearing, the Planning Department encouraged the Project Sponsor to modify the proposal to construct a two-family structure instead of a single-family structure for two reasons. First, to replace the existing dwelling unit proposed for demolition with a unit comparable in size, and second, to preserve the predominant density in the neighborhood (one unit per 25 foot wide lot) on a 50 foot wide lot that can support the density of two units.

CURRENT PROPOSAL

The proposal submitted to the Planning Commission in the January 28, 2016 packets was for construction of a new two-family dwelling with one 6,107 square foot three-bedroom unit and one 680 square foot studio unit. The proposal has since been modified to create two more equally sized units. The current proposal is for construction of a new two-family dwelling with one 1,546 square foot two-bedroom unit and one 5,543 square foot three-bedroom unit. No changes to the exterior of the building are being proposed.

Planning Staff has received one additional letter of opposition since the January 28, 2016 Planning Commission packets were distributed.

REQUIRED COMMISSION ACTION

In order for the project to proceed, the Commission must grant Conditional Use Authorization under Planning Code Section(s) 207, 209.1, 303 and 317 to demolish a single-family structure and construct a new two-family structure on a 5,700 square foot lot in an RH-1 (Residential - House, One-Family) Zoning District and a 40-X Height and Bulk District.

BASIS FOR RECOMMENDATION

The Department recommends that the demolition of the existing single-family dwelling and construction of a new two-family dwelling be approved as proposed. The Project is consistent with the Objectives and Policies of the General Plan and complies with the Residential Design Guidelines and Planning Code. The Project meets the criteria set forth in Section 101.1 of the Planning Code in that:

- The Project will create a family-sized dwelling unit with three bedrooms plus an additional studio unit.
- No tenants will be displaced as a result of this Project. The building is currently vacant.
- Given the scale of the Project, there will be no significant impact on the existing capacity of the local street system or MUNI.
- With the addition of two units on a 50 foot wide lot, the Proposed Project maintains the existing density of the surrounding neighborhood. The Project is therefore an appropriate in-fill development.
- The existing building is not an historical resource or landmark.
- The Project will create a new a two-family dwelling to replace an existing single-family dwelling that is compatible with the surrounding development pattern and neighborhood character.
- The Residential Design Team supports the project as proposed with the suggested changes to the glazing, solid to void ratios, façade materials, and railing heights on the front façade.

RECOMMENDATION: Approve with Conditions

Memo to Planning Commission
Hearing Date: March 31, 2016

CASE NO. 2013.1213CUA
313-323 Cumberland Street

Attachments:

Updated Draft Motion

One additional letter of opposition dated 02/01/16

Revised Plans received 04/18/16

Updated Renderings received 04/18/16

Planning Commission Packet dated 01/28/16

From: [Darby Auerbach-Morris](#)
To: planning@rodnevfong.com; [Richards, Dennis \(CPC\)](#); wordweaver21@aol.com; [Johnson, Christine \(CPC\)](#); mooreurban@aol.com; cwu.planning@gmail.com
Cc: [Jackson, Erika](#)
Subject: Case#2013-1213CUA
Date: Monday, February 01, 2016 1:23:43 PM

To President Commission, Rodney Fong and the Commission Committee Case# 2013-1213CUA
February 1, 2016

I am in **opposition** of the proposed project on sites 313-323 Cumberland Street for its large scale size, and I appreciate the opportunity to voice my opposition. I bought my home ten years ago in this marvelous, peaceful neighborhood of Dolores Heights. Whereas I know building will occur, I value thoughtfulness in developing structures, looking at the character on the block and surrounding areas, and to its effect the structure would have to other residents.

A large scale project of this size will effect the community. I live on 20th Street, the main artery to this proposed work site. I am concerned with heavy trucks traveling up the hill with many small children on our block and animals. Other home projects a quarter of the size have taken over a year on my street. This proposed project of 8,300 square feet will undoubtedly take longer. Another example of a home out of scale to the character of the neighborhood is on the corner of Hill and 21st Streets. This project began years ago, and looks like it has a few more years of development.

I know my neighbors on Cumberland Street have concerns as to the large scale and its consequences to their quality of life and character of their block. I request listening to their opposition this Thursday, February 4, and make compromises to the size of the project.

I am in favor of people building in our neighborhood, just not so huge to overtake the neighborhood. I trust you will be thoughtful in the process of setting size limits to this intended project at 313-323 Cumberland.

Thank you for your time and consideration of my letter,

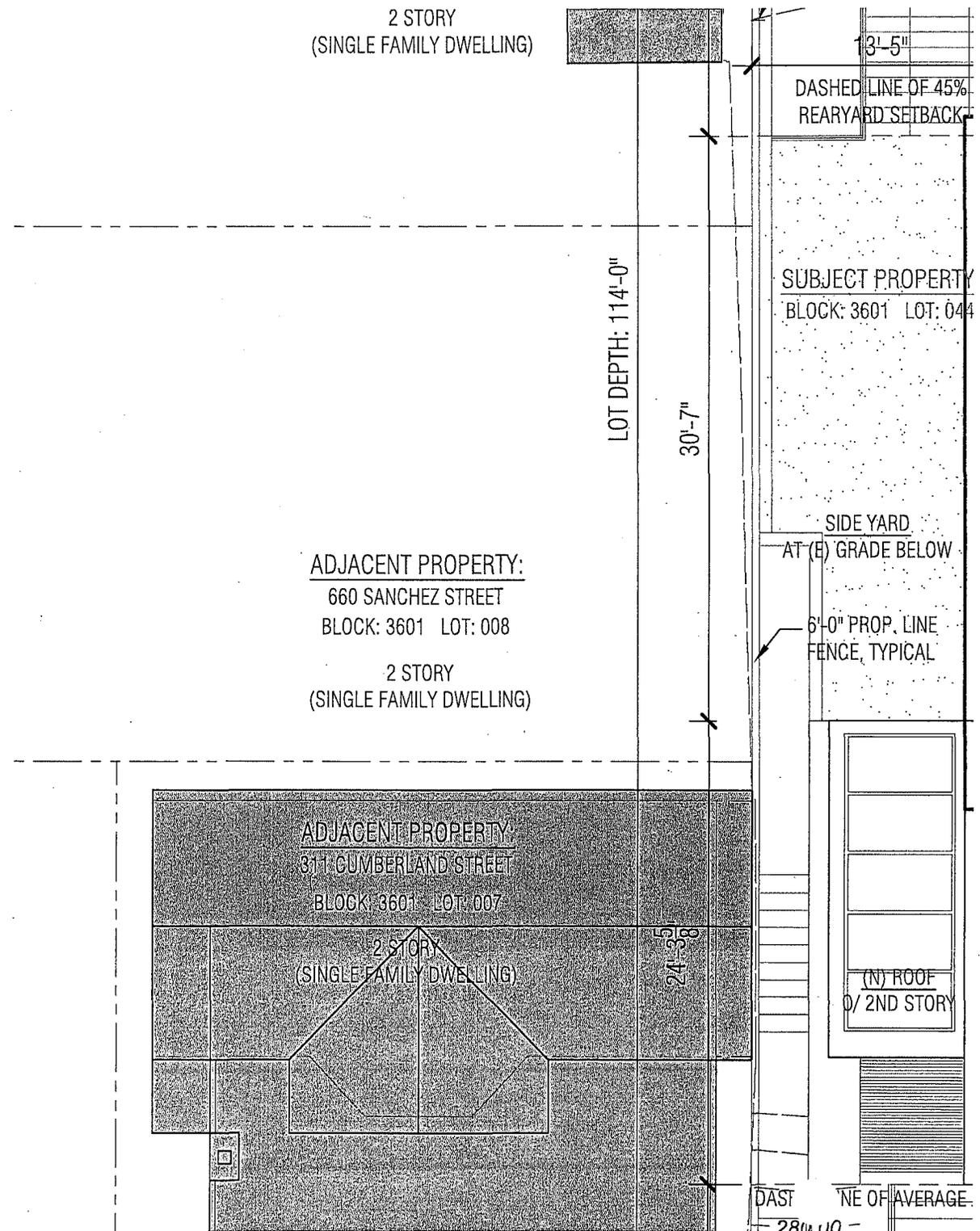
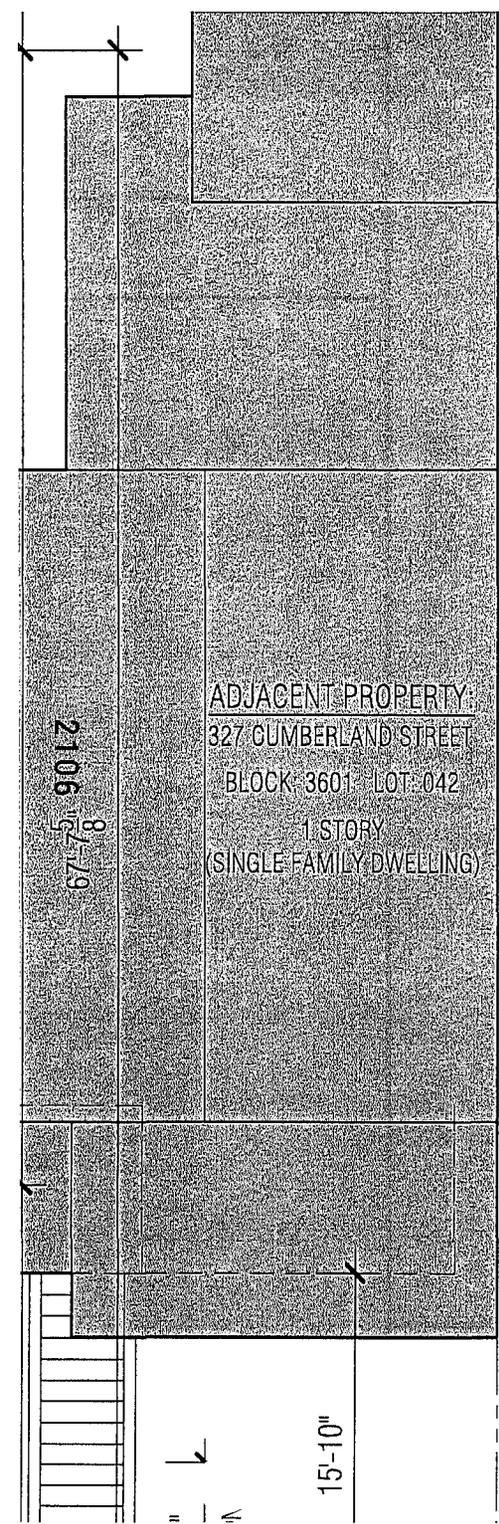
Sincerely,
Darby Auerbach-Morris, Educational Specialist

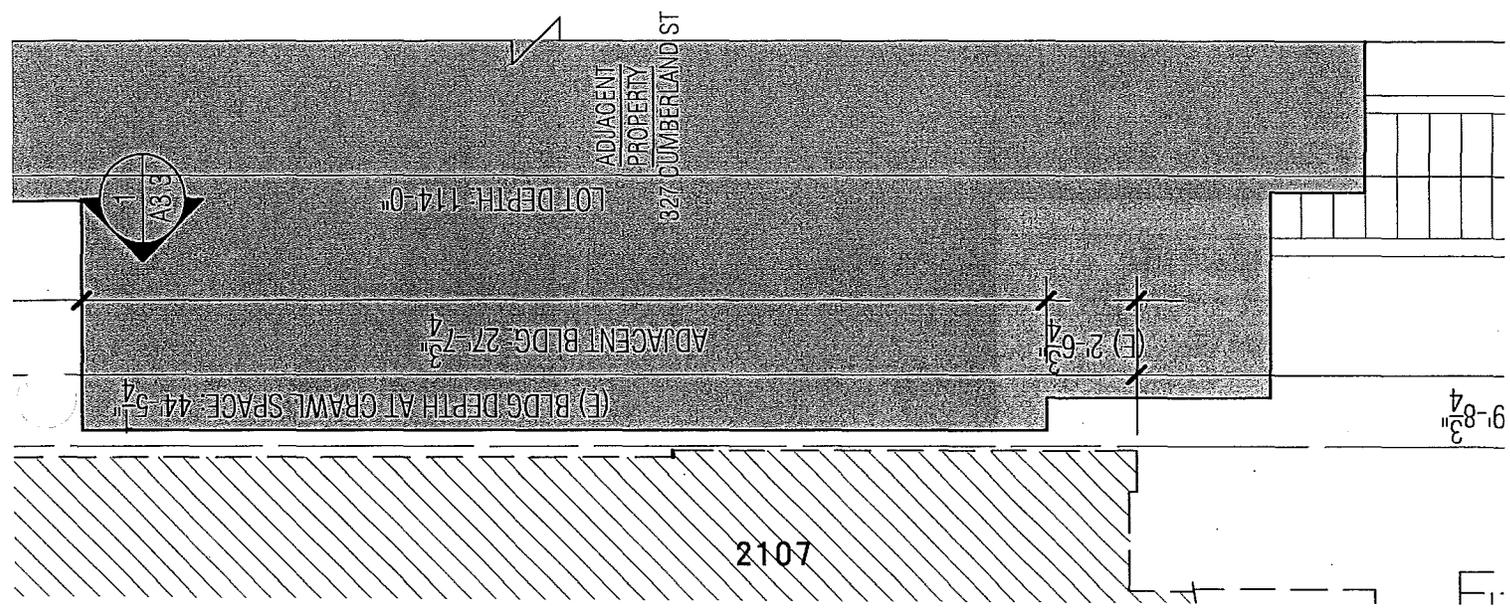
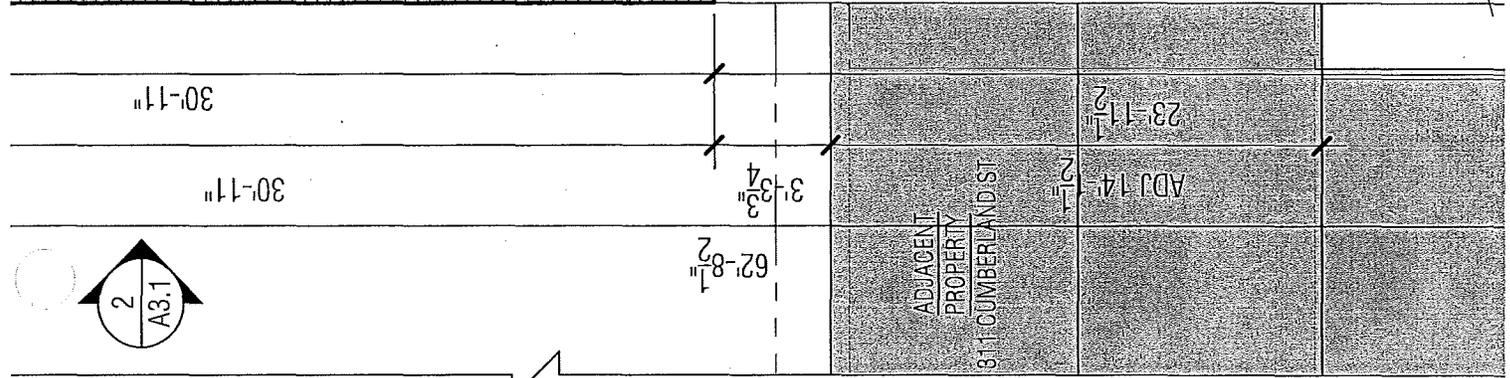
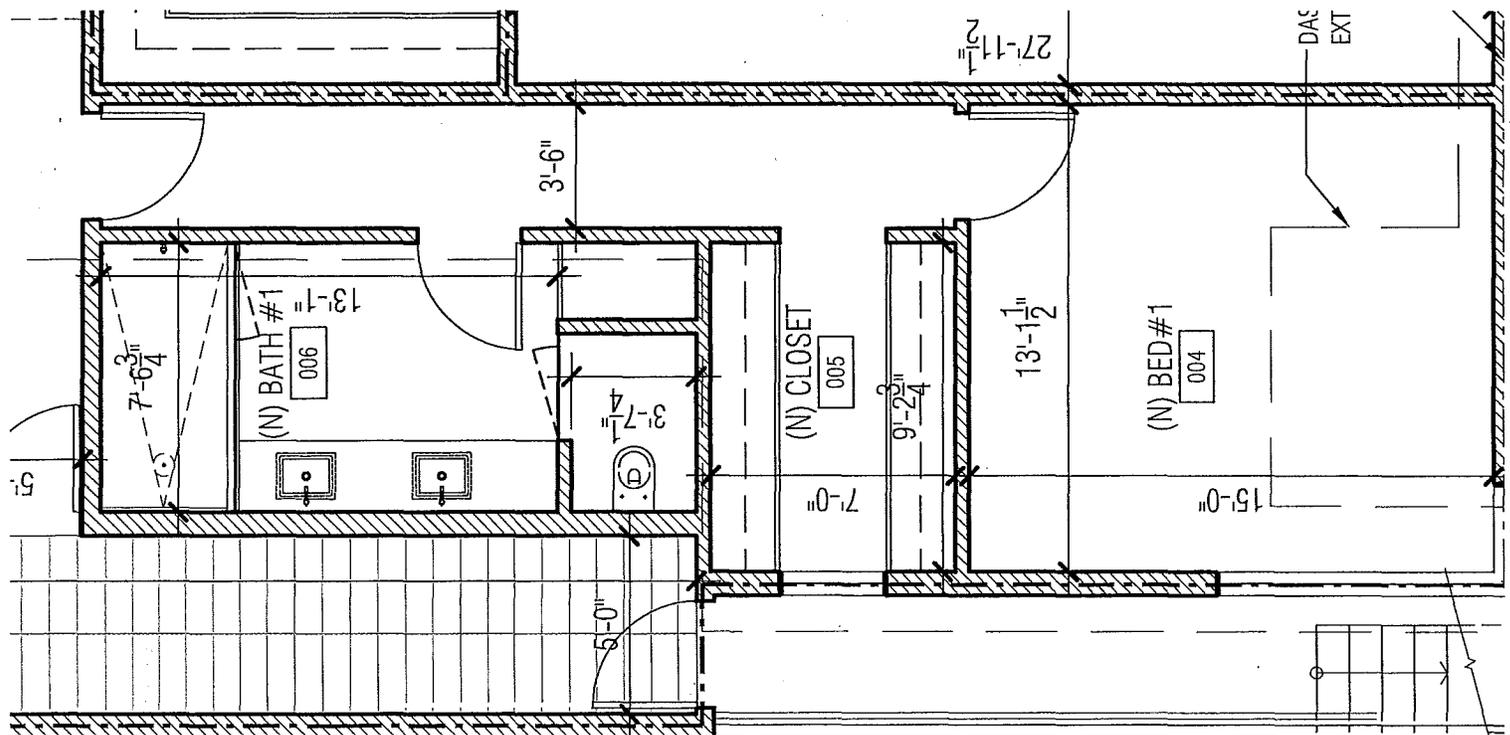
AERIAL PHOTOS



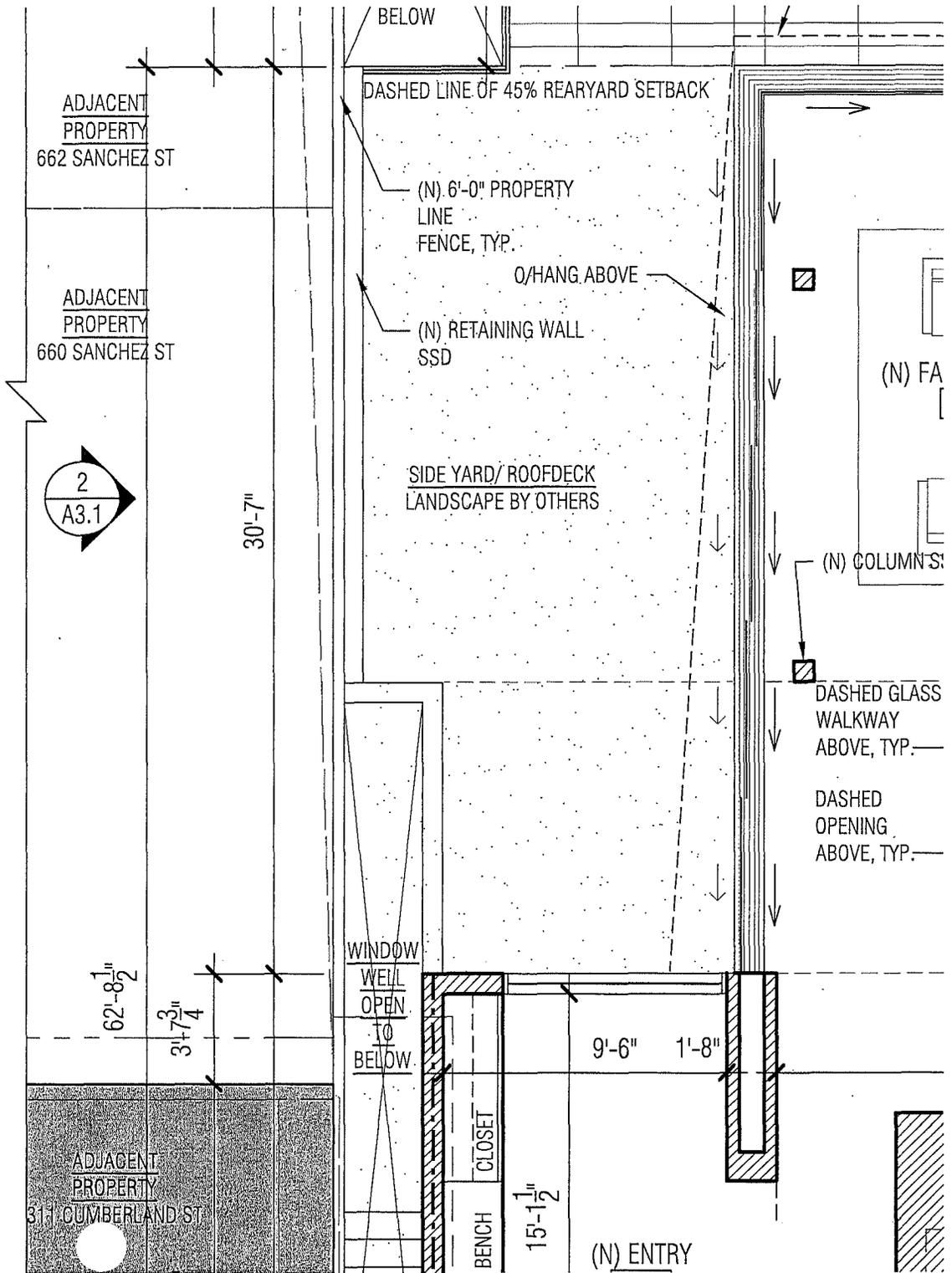
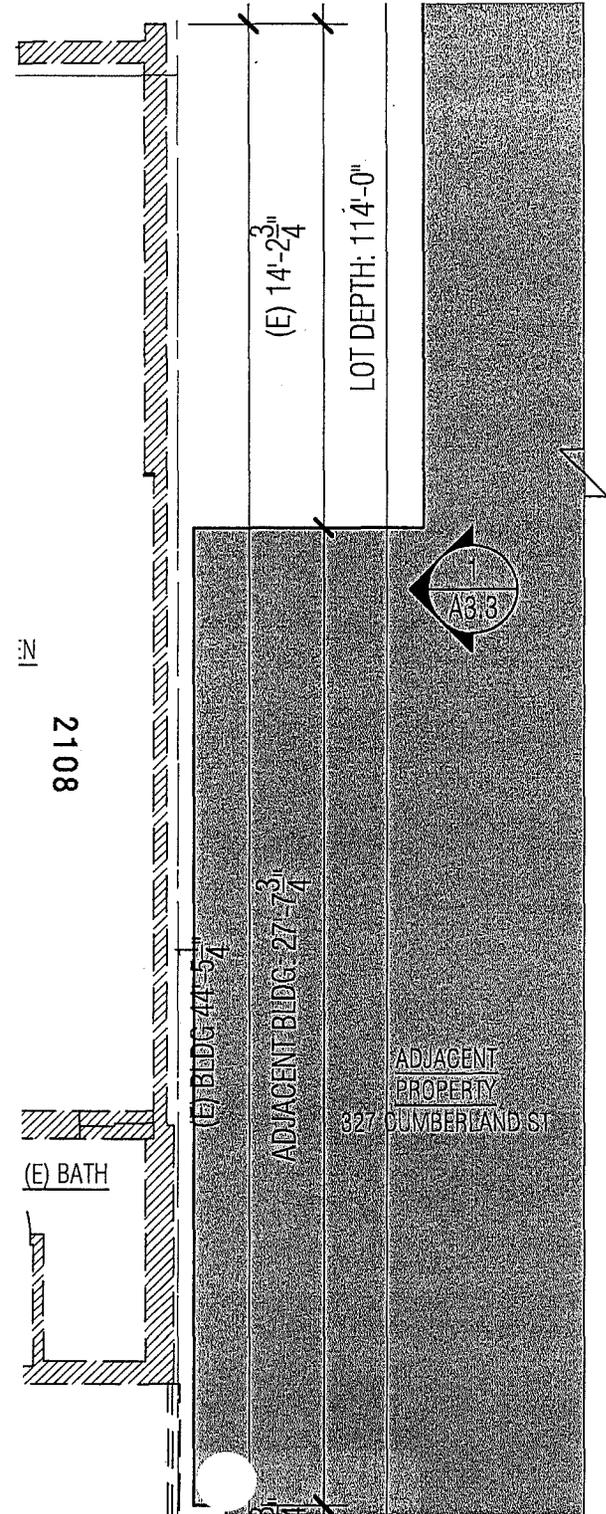
1. AERIAL PHOTO LOOKING SOUTH

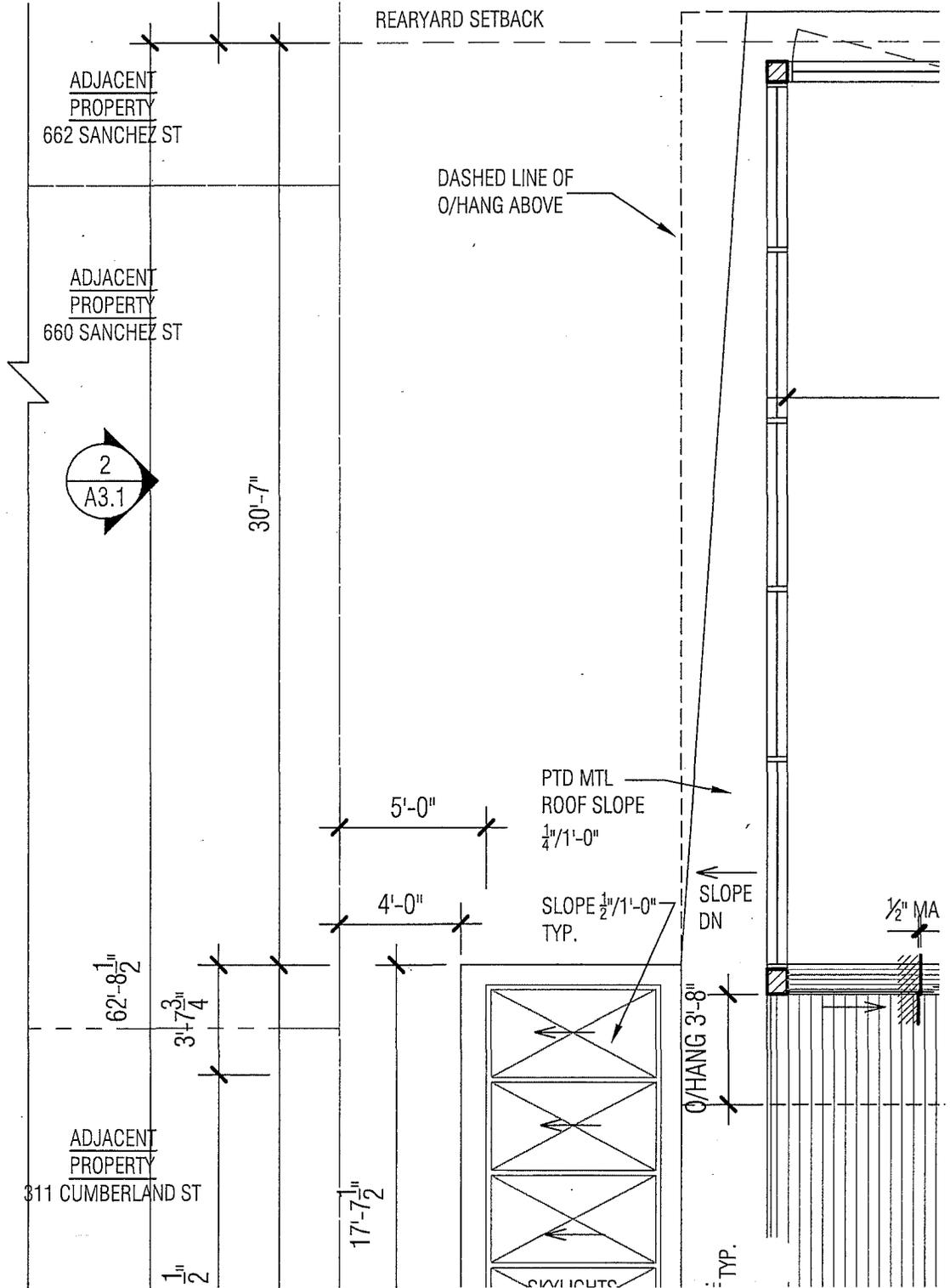
PROJECT LOCATION



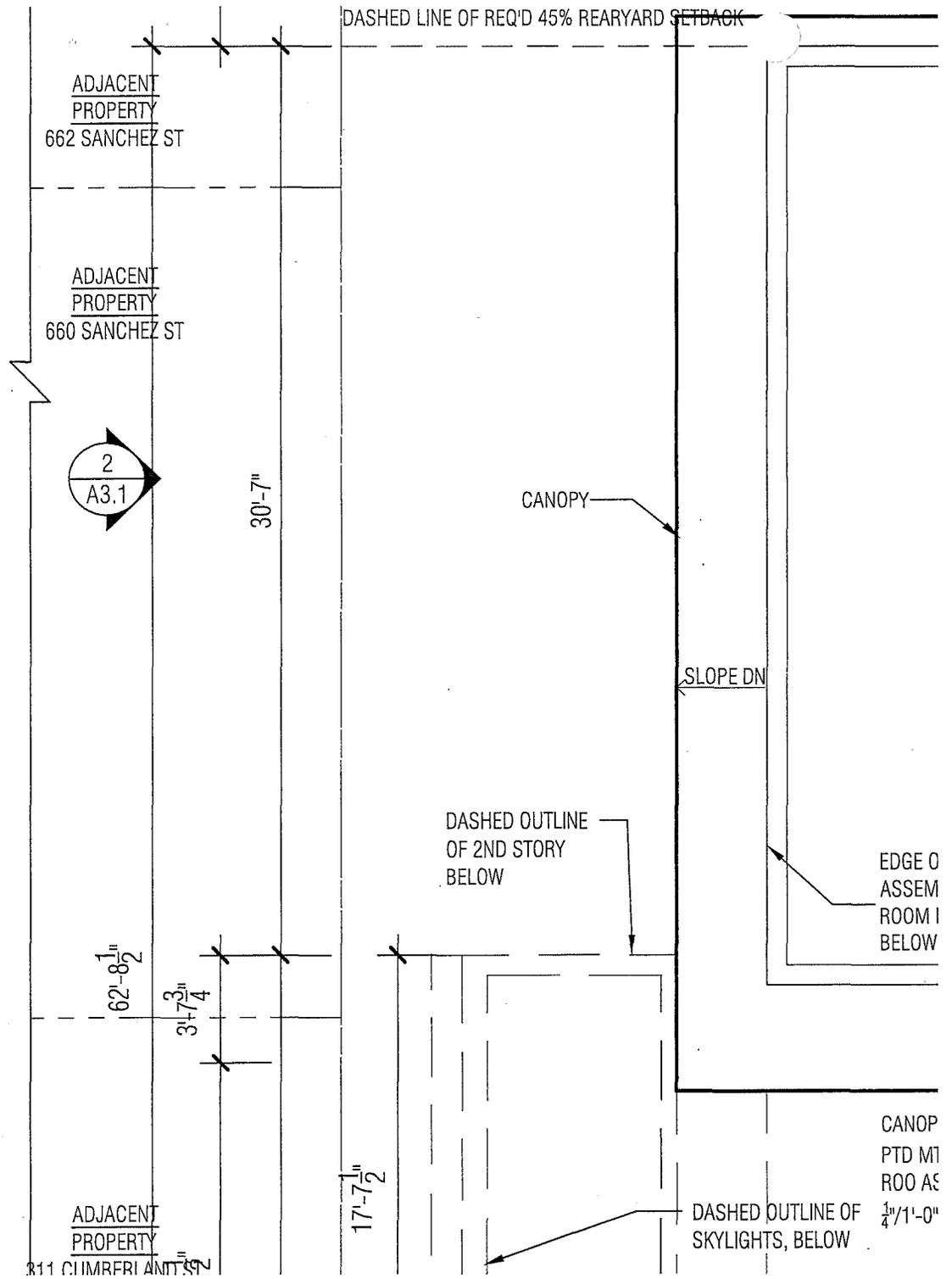


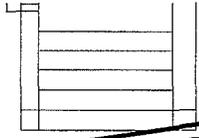
2107





2111





(E) CURB CUT TO BE REMOVED

323 CUMBERLAND

313 CUMBERLAND

ORTH (FRONT) ELEVATION

2112

PL

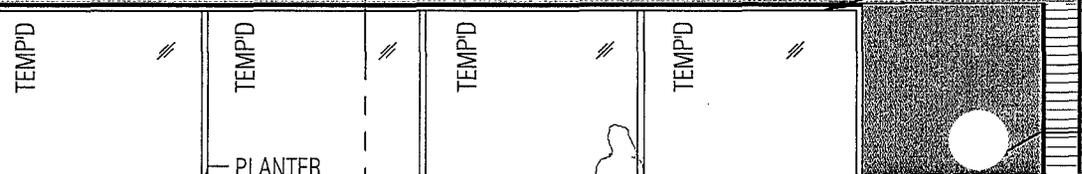
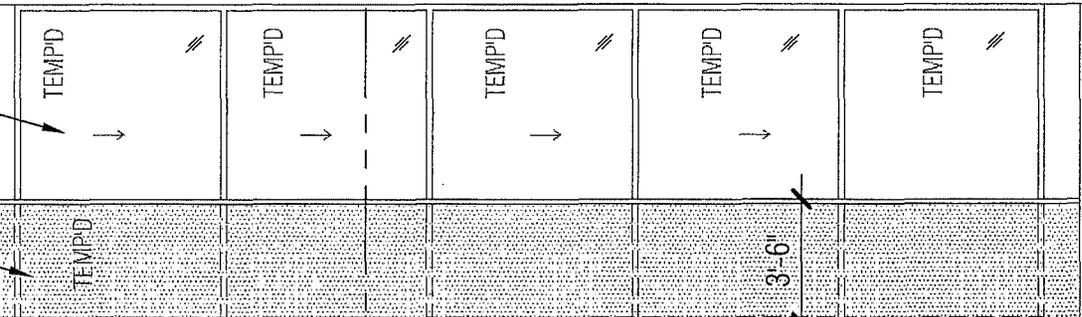
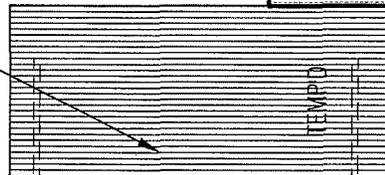
ROOF ASSEMBLY BEYOND
PTD MTL FASCIA BEYOND

INSUL. ALUM. SLIDING DOORS BEYOND

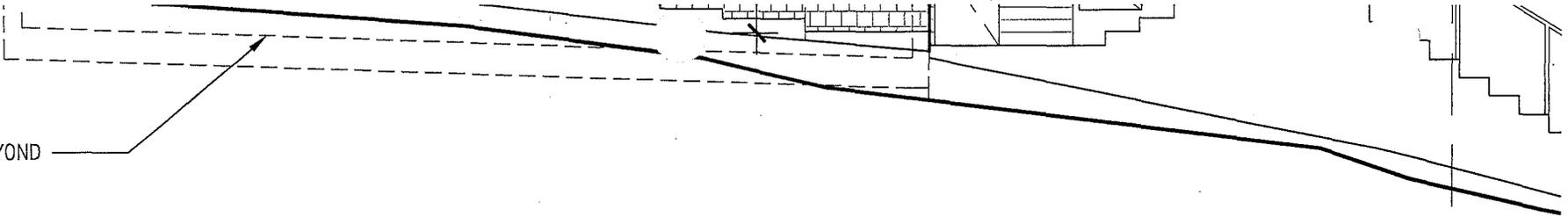
42"H. TEMP GLASS GUARD, PER CODE, TYP. BEYOND

CLEAR WD SIDING

WD SLAT SCREEN



DASHED (E)
GARAGE BEYOND



VG EAST ELEVATION

NOTE: REMOVAL OF (E) SINGLE FAMILY HOUSE
& REAR RET. WALLS UNDER SEPARATE PERMIT

2113

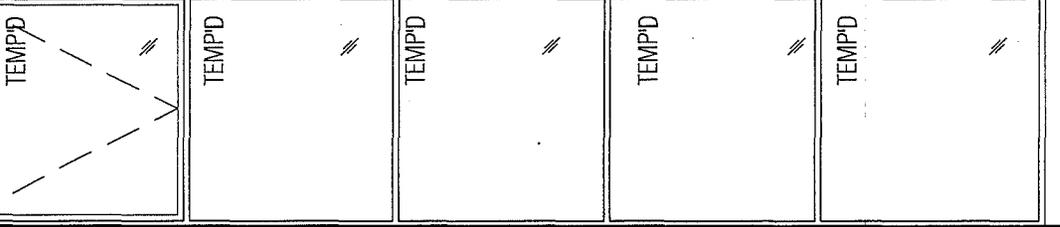
FRONT SETBACK

ROOF ASSEMBLY
BEYOND

O/HANG
3'-8"

DASHED LINE OF 35' HEIGHT LIMIT ABOVE (E) GRADE

10'-0"

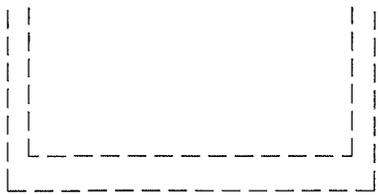


42" H. TE
GLASS G
PER COD

CLEAR W
SIDING,

3'-6"

INCHES



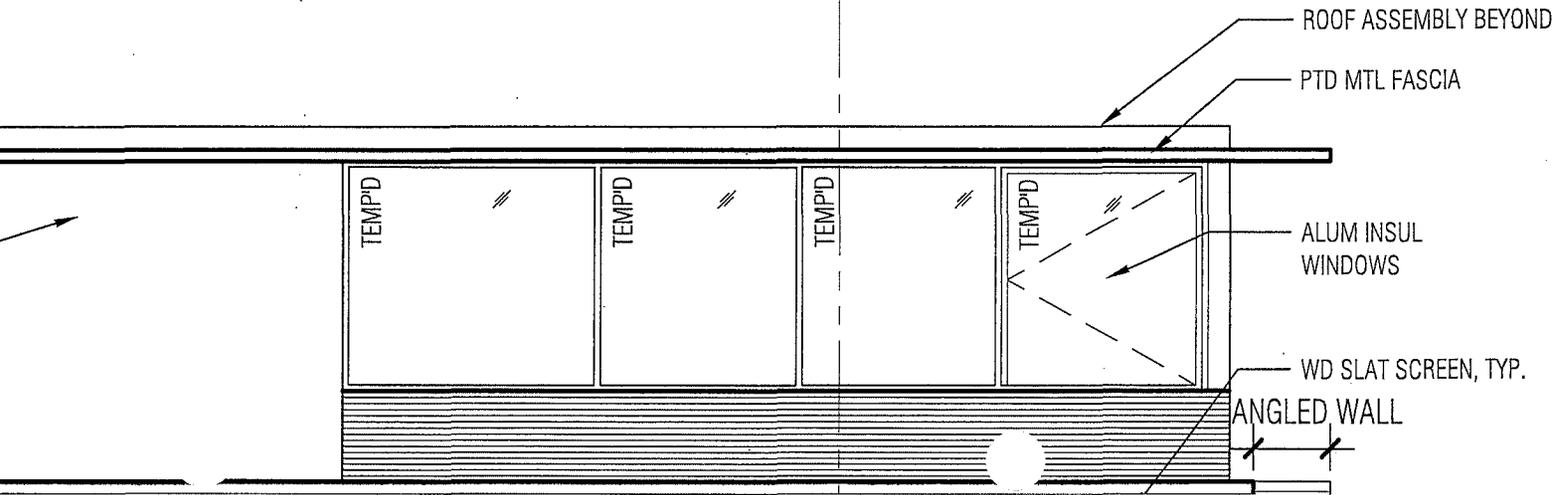
1 EXISTING SOUTH (REAR) ELEVATION

3/16" = 1'-0"

NOTE: REMOVAL & REAR RET. WAL

2114

PL



ROOF ASSEMBLY BEYOND

PTD MTL FASCIA

ALUM INSUL
WINDOWS

WD SLAT SCREEN, TYP.

ANGLED WALL

CLEAR WD SIDING
BEYOND, TYP.

1 EXISTING WES

3/16" = 1'-0"

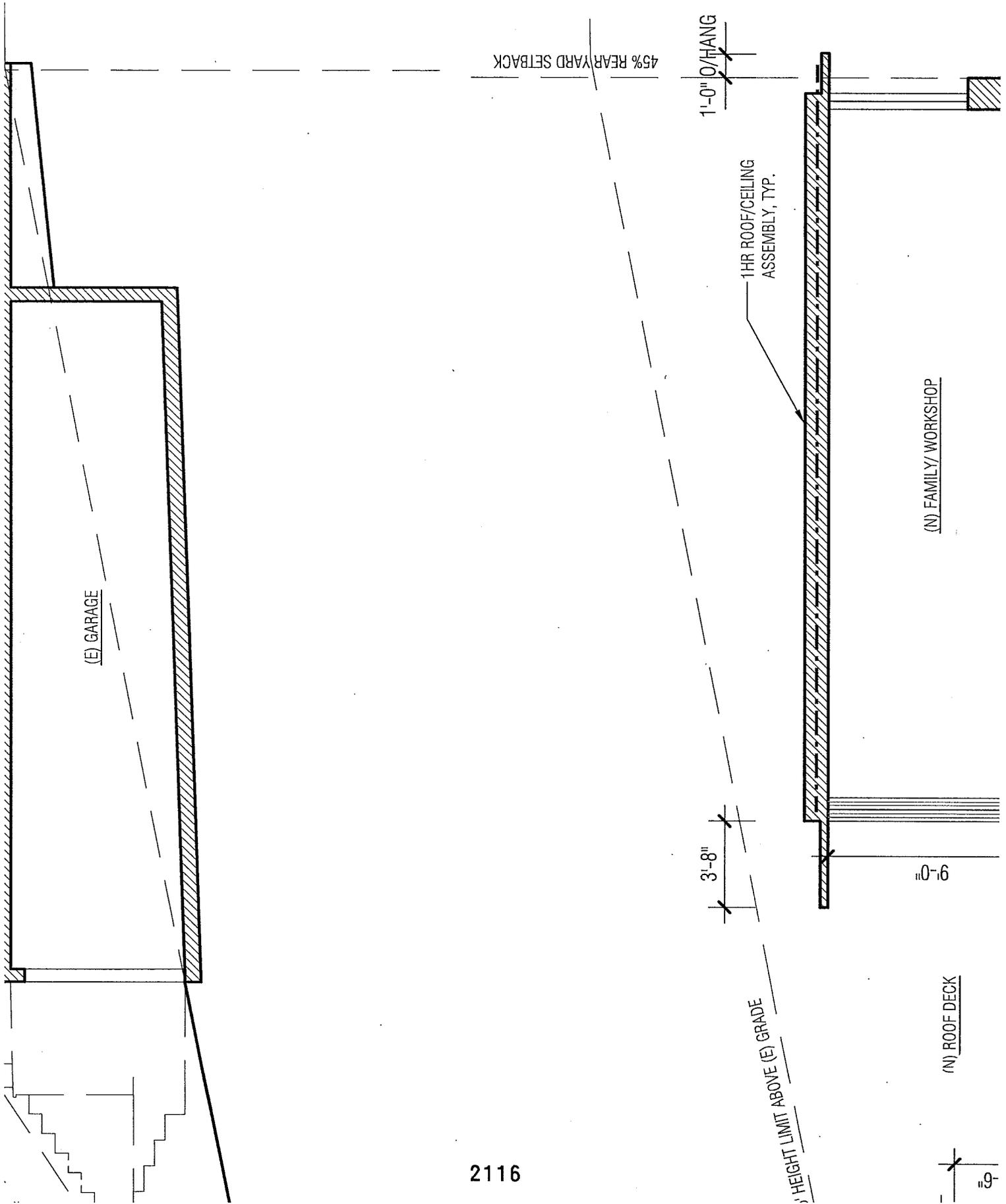
45% REAR YARD SETBACK

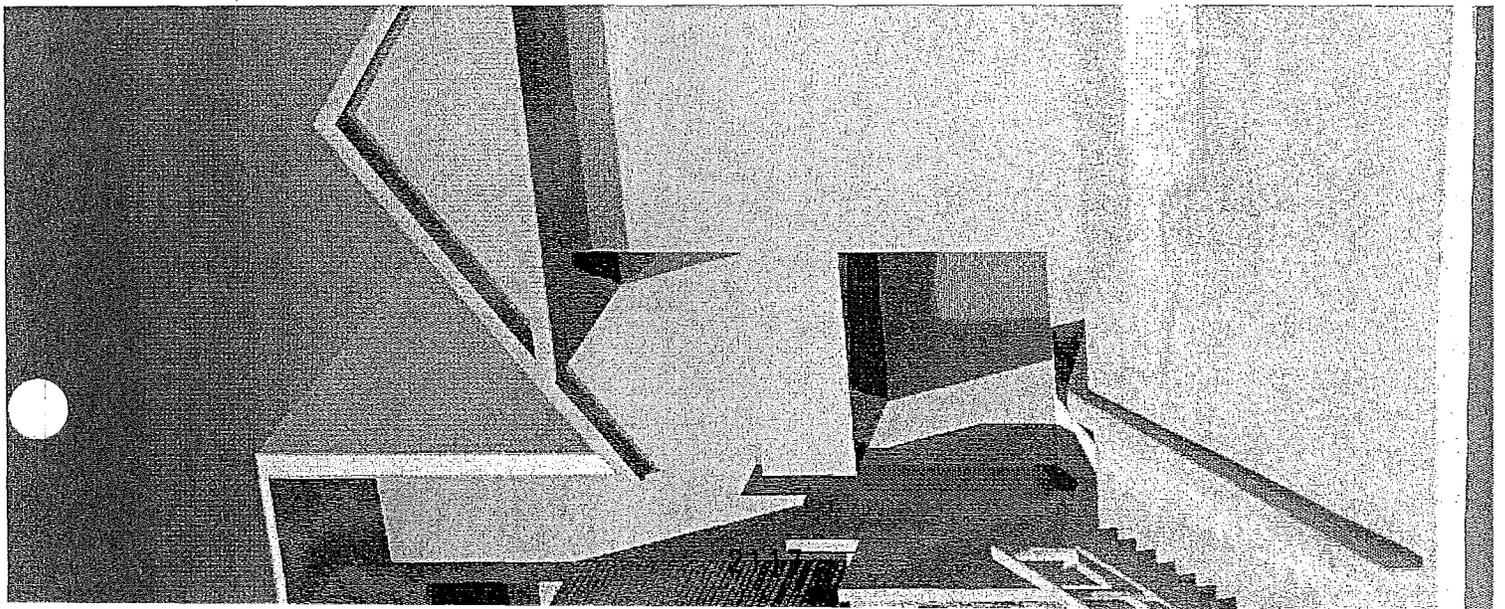
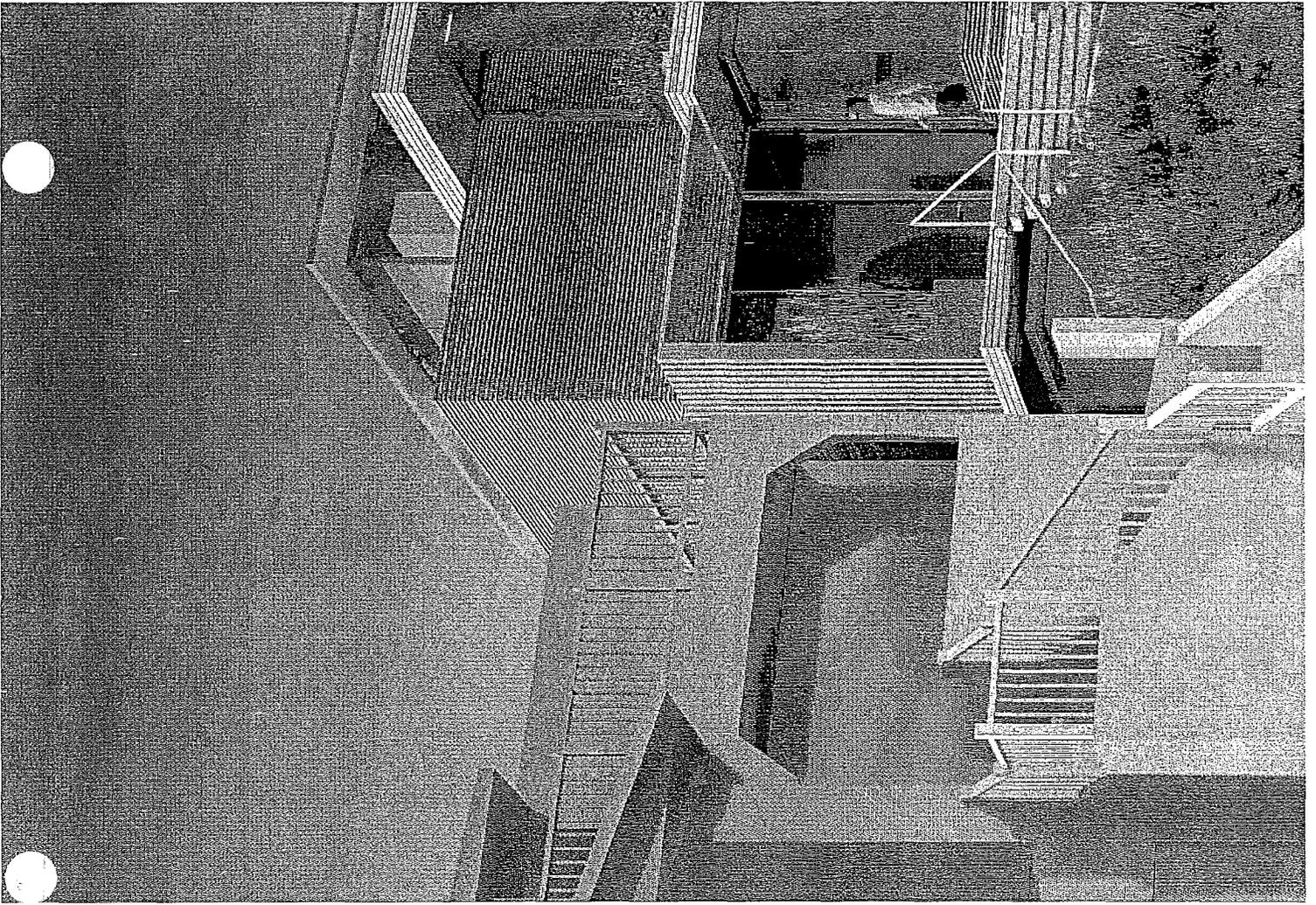
PTD MTL PANEL
BEYOND

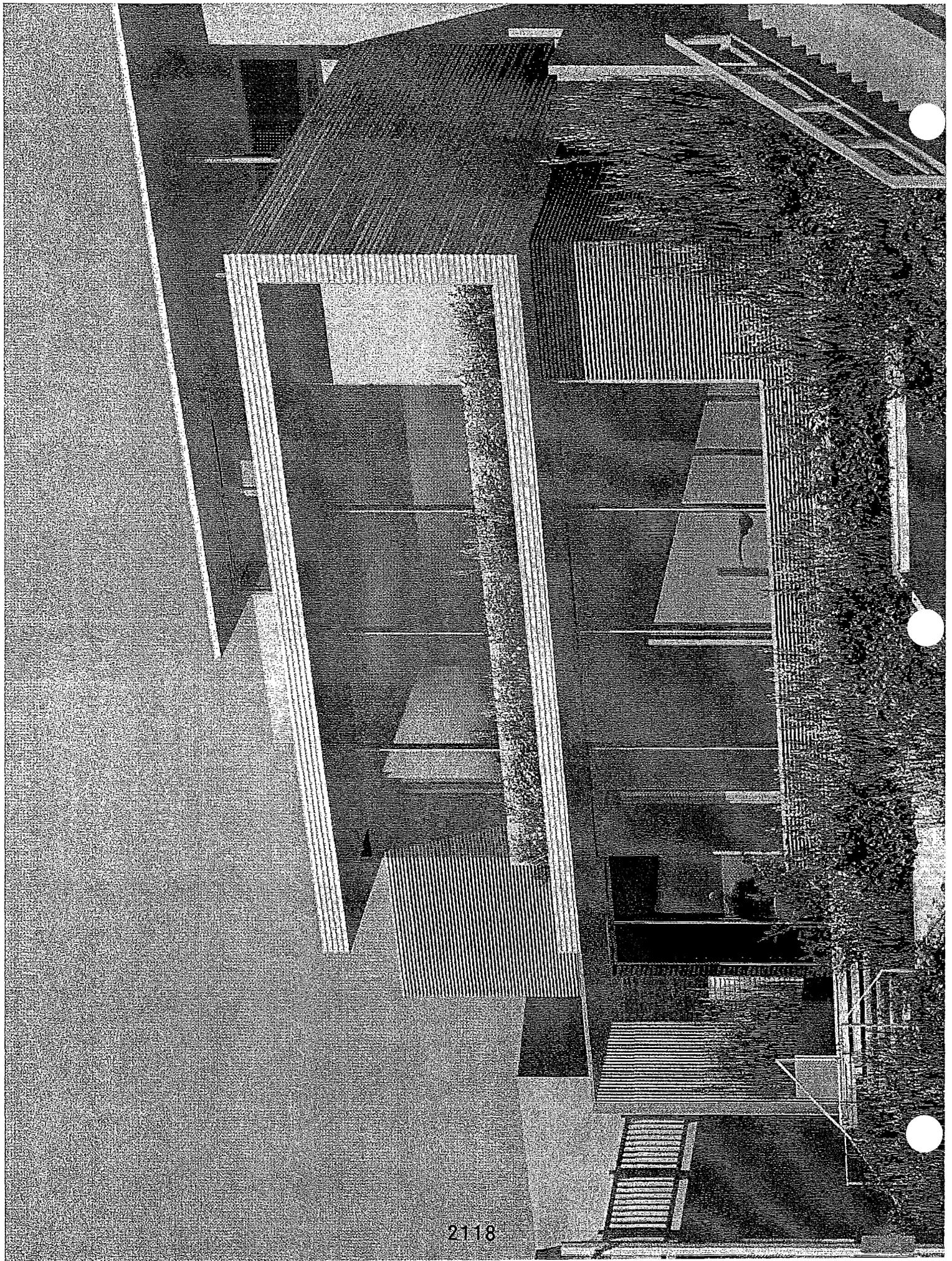
1'-8"
1'-10"

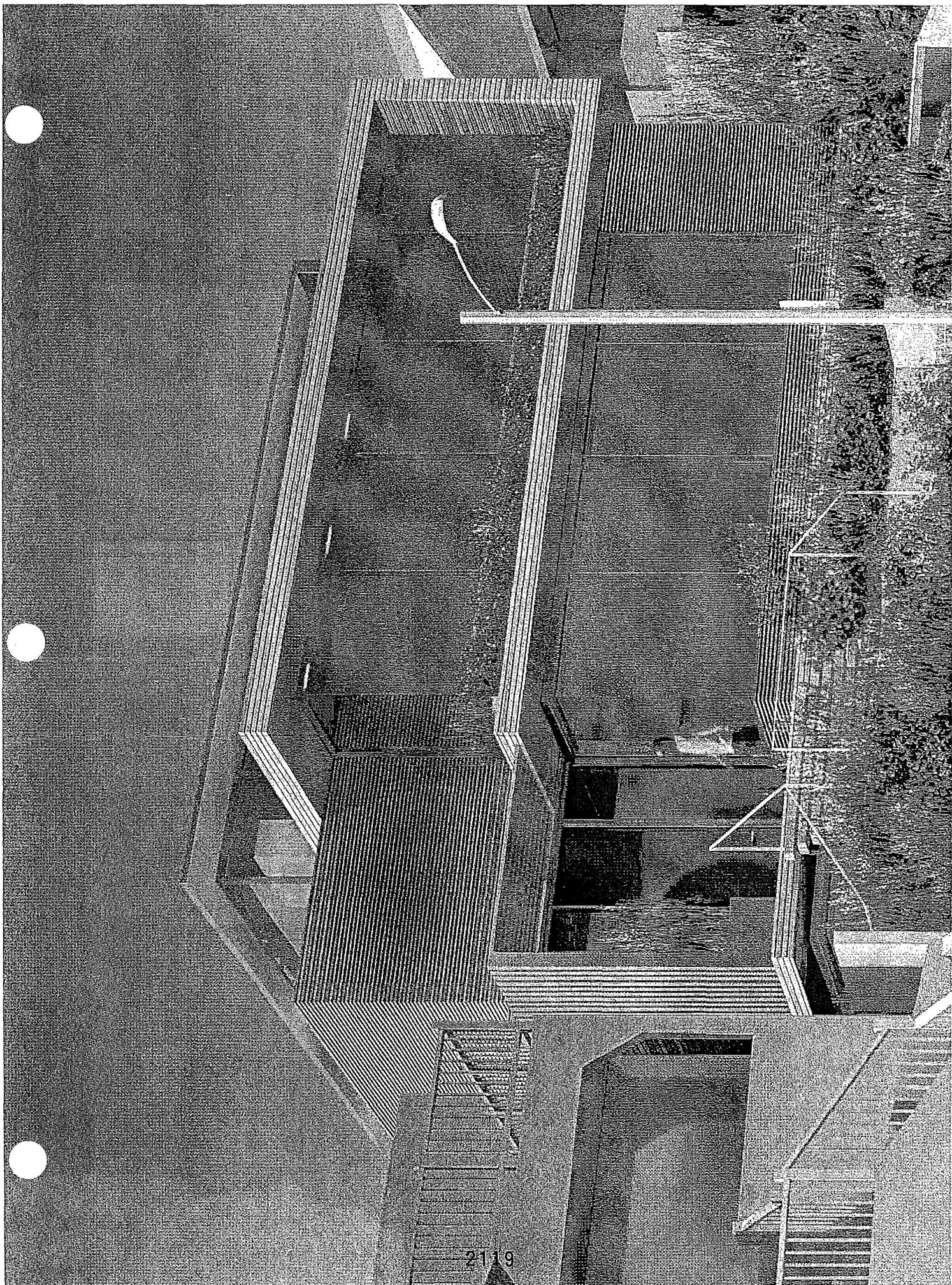
INTEGRAL COLOR STUCCO, TYP.

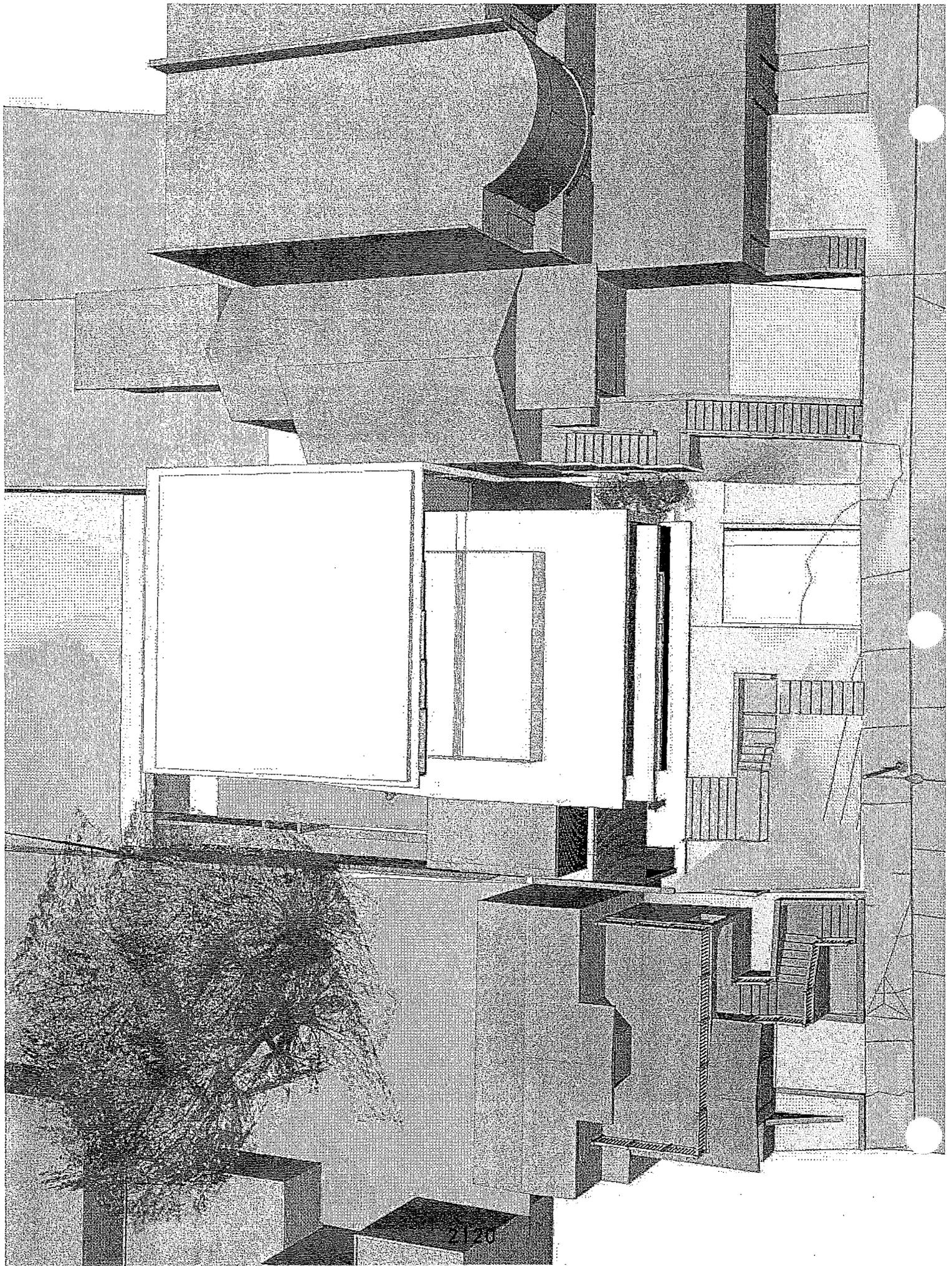
D
A
C

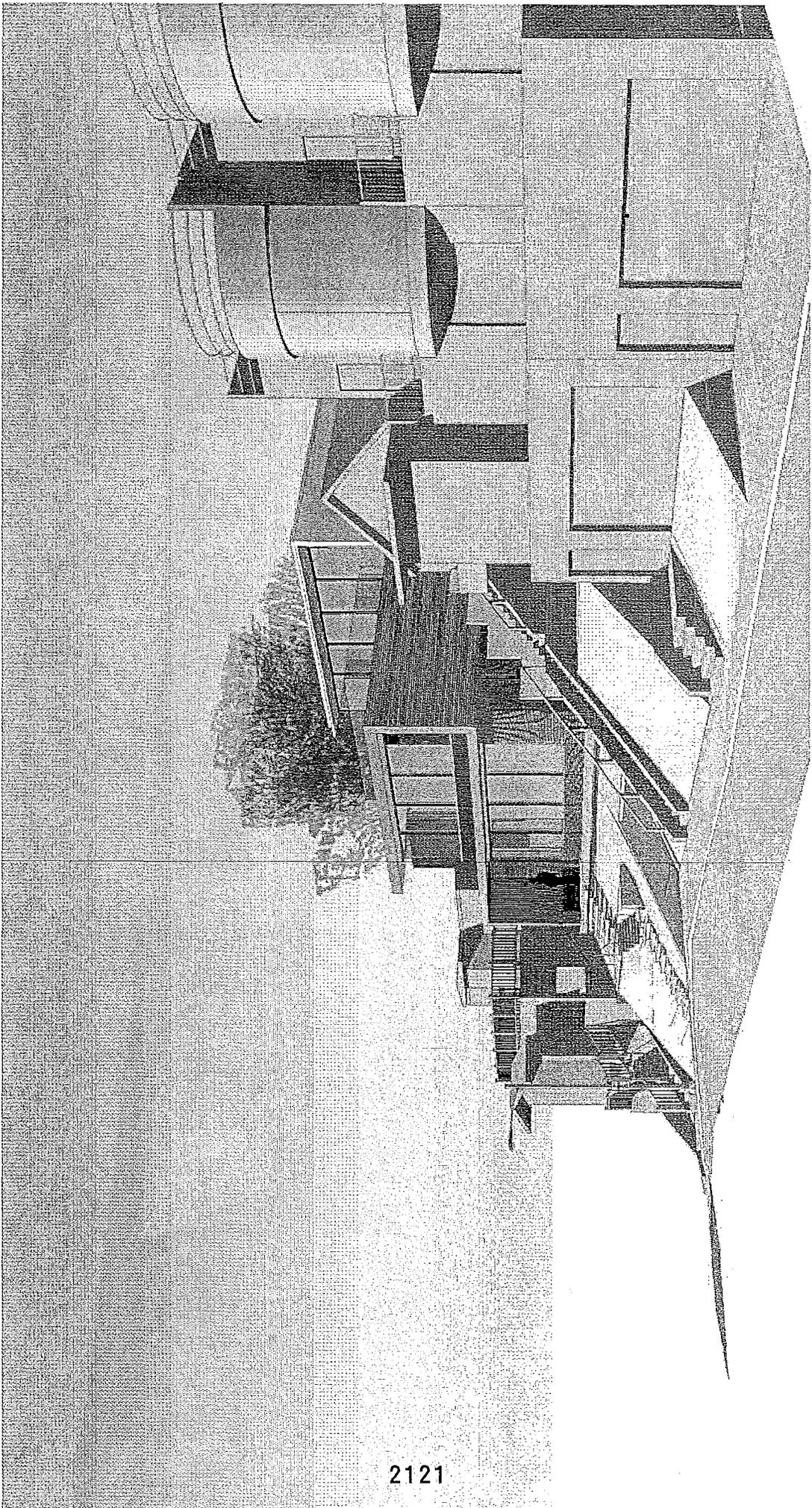


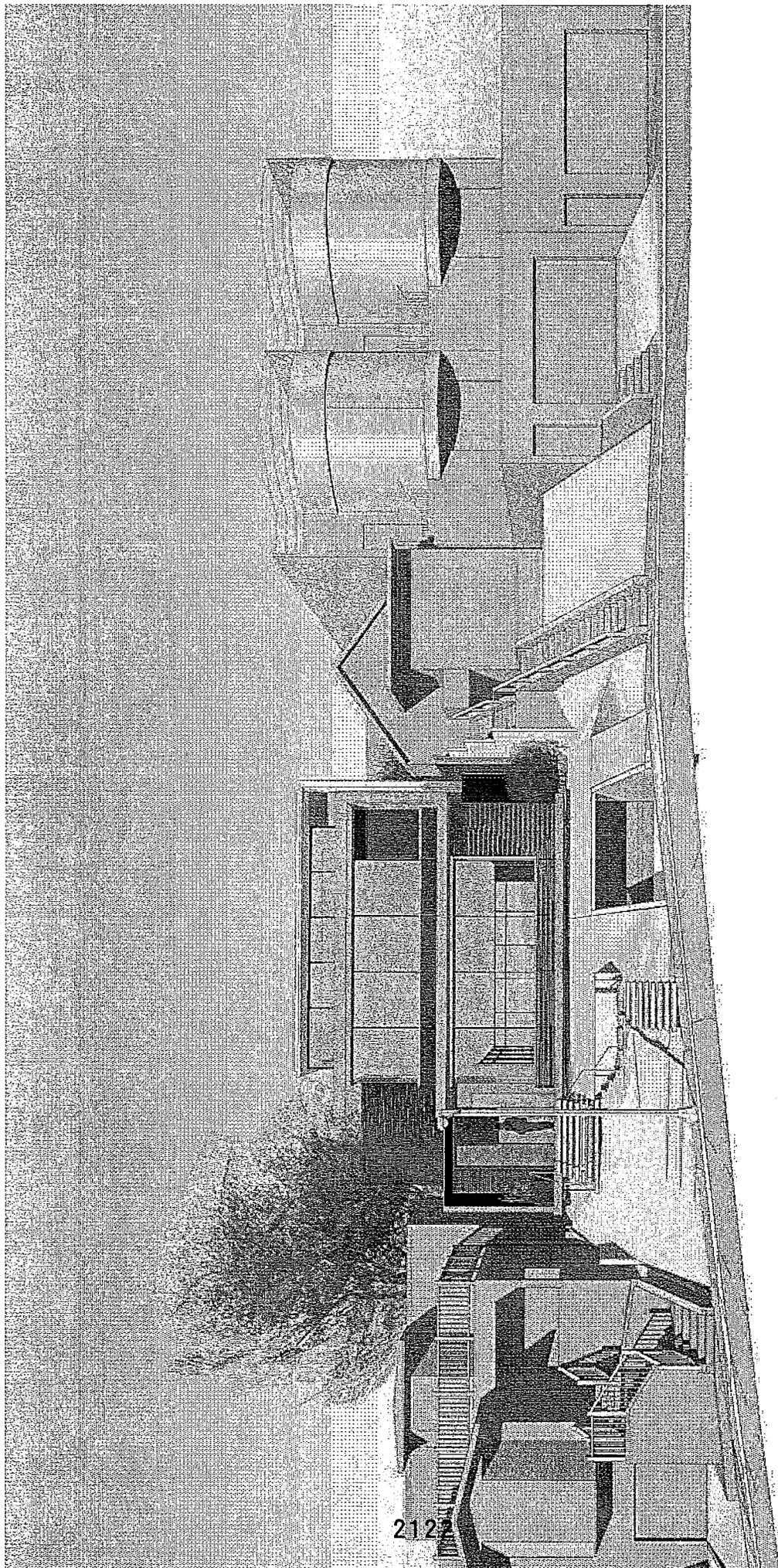


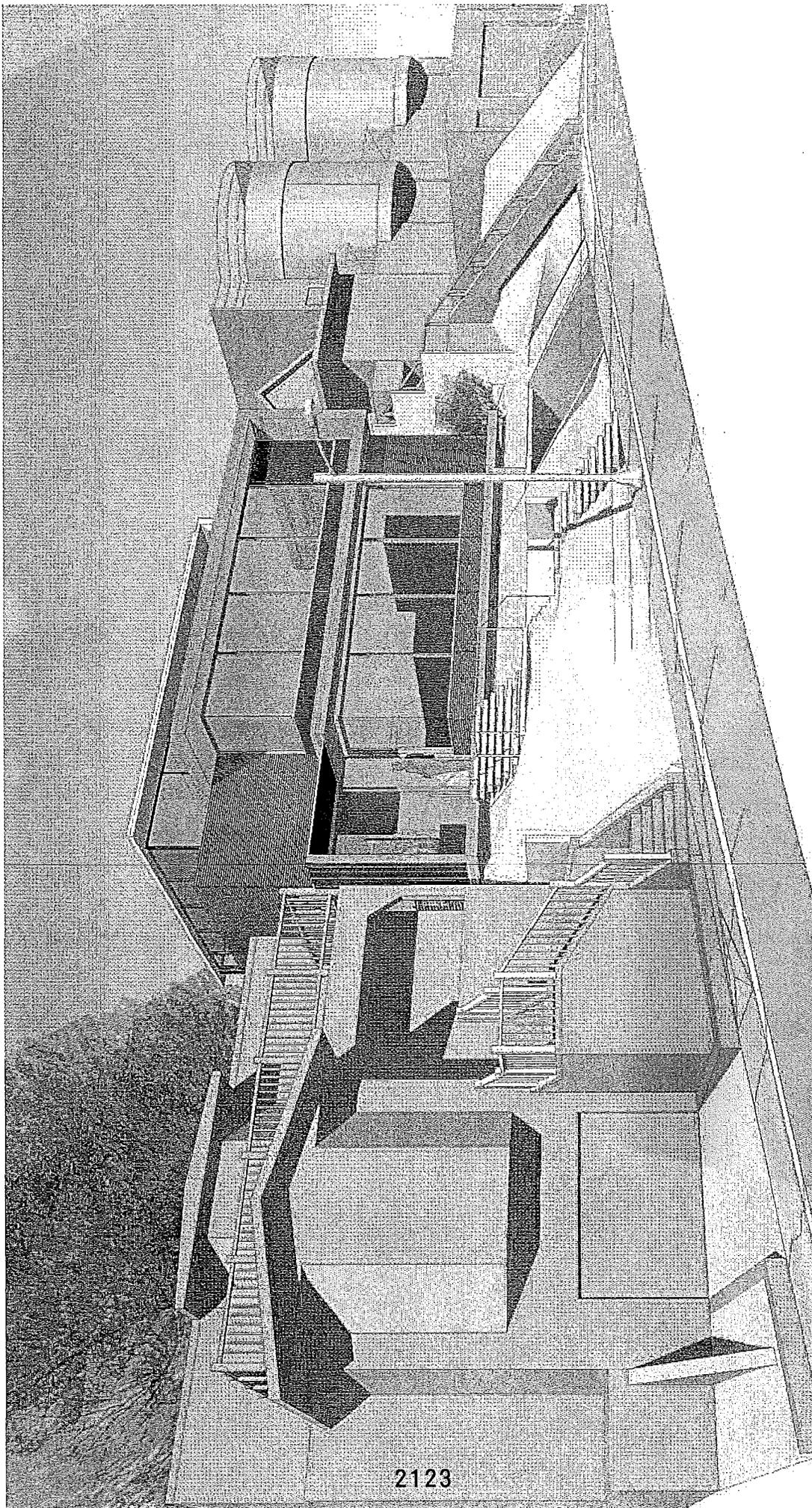


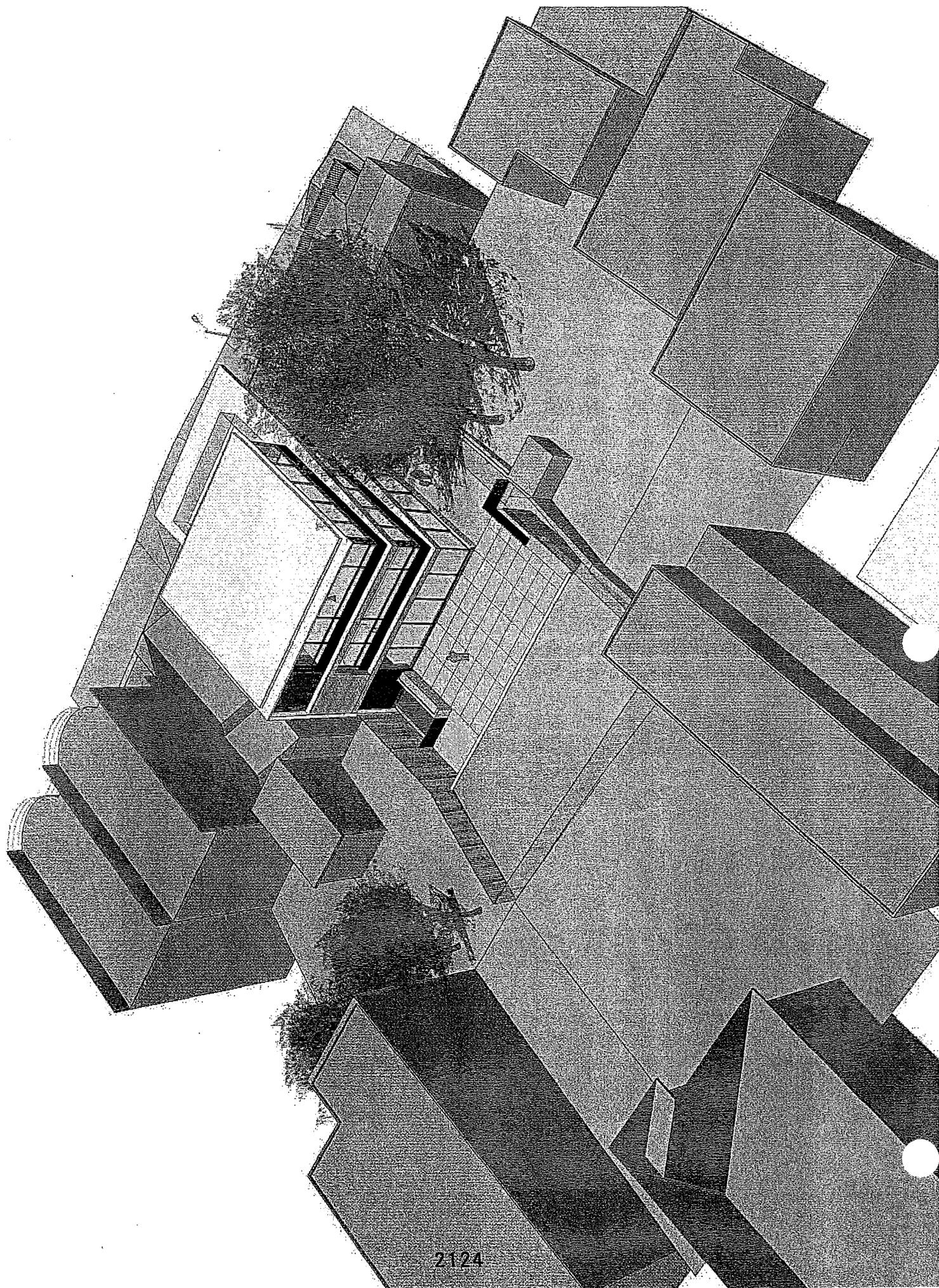














SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Conditional Use / Residential Demolition HEARING DATE: FEBRUARY 4, 2016

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Date: January 28, 2016
Case No.: 2013.1213CUA
Project Address: 313-323 Cumberland Street
Permit Application: 2014.0627.9813 and 2014.0627.9820
Zoning: RH-1 (Residential - House, One-Family)
 40-X Height and Bulk District
Block/Lot: 3601/043-044
Project Sponsor: Tuija Catalano
 Reuben, Junius & Rose, LLP
 One Bush Street, Suite 600
 San Francisco, CA 94104
Staff Contact: Erika Jackson – (415) 558-6363
erika.jackson@sfgov.org
Recommendation: **Approval with Conditions**

PROJECT DESCRIPTION

The Proposed Project is to merge lots 043 and 044, demolish the existing dwelling on lot 043, and construct a new three-story over garage, two-family dwelling. Lot 044 is currently vacant. A small portion of the building would extend 12' towards the rear below grade level. The proposal requires a Conditional Use Authorization for the construction dwelling units at a density of one unit per 3,000 square feet of lot area. The proposed combined lots result in an area of 5,700 square feet.

Pursuant to Planning Code 317 (c), "where an application for a permit that would result in the loss of one or more Residential Units is required to obtain Conditional Use Authorization by other sections of this Code, the application for a replacement building or alteration permit shall also be subject to Conditional Use requirements." This report includes finding for a Conditional Use Authorization in addition to Demolition Criteria established in Planning Code Section 317. The design of the new structure is analyzed in the Design Review Checklist.

DEMOLITION APPLICATION		NEW BUILDING APPLICATION	
Demolition Case Number	2013.1213DRM	New Building Case Number	2013.1213DRM
Recommendation	Do Not Take DR	Recommendation	Do Not Take DR
Demolition Application Number	2014.06.27.9820	New Building Application Number	2014.06.27.9813
Number Of Existing Units	1	Number Of New Units	2

Existing Parking	1	New Parking	2
Number Of Existing Bedrooms	1	Number Of New Bedrooms	3
Existing Building Area	±877 Sq. Ft.	New Building Area	±6787 Sq. Ft.
Public DR Also Filed?	No	Public DR Also Filed?	No
311 Expiration Date	8/27/08	Date Time & Materials Fees Paid	N/A

SITE DESCRIPTION AND PRESENT USE

The project is located on the southern side of Cumberland Street, between Noe and Sanchez Streets, Block 3601, Lots 043-044. The property is located within a RH-1 (Residential – House, One-Family) Zoning District and a 40-X Height and Bulk District. The property consists of two lots measuring 25 feet by 114 feet. Lot 043 is developed with a two-story single-family residence and lot 044 is vacant.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The Project site is located within an RH-1 (Single-Family Residential) District situated in the Castro/Upper Market Neighborhood. Land uses in the immediate vicinity of the site are typical of an RH-1 District with primarily residential uses. Most of the buildings in the vicinity range from one to three stories over garage. Ground level open space and landscaping at the front and rear are usually abundant. The Project site is located within a cluster of RH-1 (Residential – House, One-Family) zoned lots approximately 5 blocks long by 2 blocks wide surrounded by blocks zoned RH-2 (Residential House, Two-Family) Districts, RH-3, and RM-1. Lots in the area have widths ranging from 25 to 75 feet, although the majority are 25 feet wide. The lot immediately across the street and the lot immediately behind the subject property are 50 feet wide, however, the adjacent lot on Cumberland Street is 25 feet wide.

REPLACEMENT STRUCTURE

The replacement structure will provide two dwelling units with a two-car garage, and would rise to a height of approximately 32 feet 10 inches in the first 10 feet of the lot and 34 feet 9 inches at other points on the lot. The ground level would contain a studio dwelling unit, a two-car garage, a storage area, a laundry room, a bathroom, and a living room. The first floor will contain the entrance to the three-bedroom unit, a living room, a dining room, a kitchen, and a half bathroom. The second floor will contain three bedrooms and three bathrooms. The third floor will contain a family room, a storage area, a half bathroom, and a roof deck.

The Project proposes a rear yard of approximately 51 feet. The overall scale, design, and materials of the proposed replacement structure are compatible with the block-face and are complementary with the residential neighborhood character. The materials for the front façade are contemporary in style, with painted metal panels, aluminum windows and doors, clear wood siding, wooden screens, and stone cladding.

ENVIRONMENTAL REVIEW

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

HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Classified News Ad	20 days	January 15, 2016	January 15, 2016	20 days
Posted Notice	20 days	January 15, 2016	January 15, 2016	20 days
Mailed Notice	20 days	January 15, 2016	January 15, 2016	20 days

The proposal requires a Section 311-neighborhood notification, which was conducted in conjunction with the conditional use authorization process.

PUBLIC COMMENT/COMMUNITY OUTREACH

- To date, the Department has received 15 letters of support of the project, including letters from property owners of all immediately adjacent lots on Cumberland Street and Sanchez Street. The Department has received 2 neighbor Discretionary Review Applications, which were subsequently superseded by the Conditional Use Application. The Department also received 20 letters in opposition to the proposed project, including a letter from the Dolores Heights Improvement Club. Please note that one letter of opposition has subsequently been replaced by a letter of support from the same person. The Department has also received petitions both in support and in opposition of the proposed project.

	SUPPORT	OPPOSED	NO POSITION
Adjacent neighbor(s)	X	0	X
Other neighbors on the block or directly across the street	X	X	X
Neighborhood groups	0	X	X

ISSUES AND OTHER CONSIDERATIONS

- The Proposed Project was initially filed with the Planning Department as the merger of lots 043 and 044 into one 5,700 square foot lot, the demolition of the existing single-family dwelling on lot 043, and construction of a new three-story over garage, single-family dwelling. The dwelling unit demolition was reviewed and approved administratively on February 3, 2015 because the structure has a value greater than 80% of the combined land and structure values of single-family homes in San Francisco. Neighborhood notification for the new construction pursuant to Planning Code Section 311 was mailed on May 7, 2015 and expired on June 8, 2015. The proposal has since been modified to propose the construction of a two-family structure to replace the

existing dwelling unit with a comparable unit and preserve the predominant density in the neighborhood of one unit per 25 foot wide lot.

- Two neighbor initiated Discretionary Review Applications were filed on June 8, 2015. The concerns of the Discretionary Review Requestor are outlined in the Motion. The DR Applications are attached to this packet. The applications were subsequently superseded by this Conditional Use Application. The Discretionary Review Applications were withdrawn and the fees refunded to the applicants.

RESIDENTIAL DESIGN TEAM REVIEW

The request(s) for demolition and new construction was reviewed by the Department's Residential Design Team (RDT). The RDT also reviewed the DR requestor's concerns related to building scale and massing, neighborhood compatibility, rooflines, and front setback of the new structure. The RDT requested several revisions in order for the proposed new construction to be compatible with the Residential Design Guidelines:

- In order to improve upon the vertical proportions of the building, and reinforce a more neighborhood-compatible scale and proportion:
 - On first floor, remove the interior storage area located at the NW corner of the building. (RDG, pg. 28-29)
 - Remove the wall to the east of the front entry, or limit it to a minimum railing height. (RDG, pg. 12-13, 28-29)
 - Limit the amount of glazing on the front façade; RDT recommends eliminating the panels of glass along the west side of the façade at the first and second floors, replacing them with a solid material. This will help to reduce the apparent width of the façade, minimize the overall glazing, and improve the solid-to-void ratio to be consistent with the neighborhood pattern. (RDG, pg. 28-29, 43-45)
 - Please provide additional information about the specific material choices for the metal finishes and colors. (RDG, pg. 46-48)

The Project Sponsor made the above changes to the proposal per RDT comments. The RDT supports the project as proposed with the suggested changes to the glazing, solid to void ratios, façade materials, and railing heights on the front façade.

REQUIRED COMMISSION ACTION

In order for the project to proceed, the Commission must grant Conditional Use Authorization under Planning Code Section(s) 207, 209.1, 303 and 317 to demolish a single-family structure and construct a new two-family structure on a 5,700 square foot lot in an RH-1 (Residential - House, One-Family) Zoning District and a 40-X Height and Bulk District.

BASIS FOR RECOMMENDATION

The Department recommends that the demolition of the existing single-family dwelling and construction of a new two-family dwelling be approved as proposed. The Project is consistent with the Objectives and Policies of the General Plan and complies with the Residential Design Guidelines and Planning Code. The Project meets the criteria set forth in Section 101.1 of the Planning Code in that:

- The Project will create a family-sized dwelling unit with three bedrooms plus an additional studio unit.
- No tenants will be displaced as a result of this Project. The building is currently vacant.
- Given the scale of the Project, there will be no significant impact on the existing capacity of the local street system or MUNI.
- With the addition of two units on a 50 foot wide lot, the Proposed Project maintains the existing density of the surrounding neighborhood. The Project is therefore an appropriate in-fill development.
- The existing building is not an historical resource or landmark.
- The Project will create a new a single-family dwelling that is compatible with the surrounding development pattern and neighborhood character.

RECOMMENDATION: Approval with Conditions.

Attachment Checklist

- | | |
|----------------------------------------------------------------------------------|---------------------------------------------------------------|
| <input checked="" type="checkbox"/> Executive Summary | <input checked="" type="checkbox"/> Project sponsor submittal |
| <input checked="" type="checkbox"/> Draft Motion | Drawings: <u>Existing Conditions</u> |
| <input checked="" type="checkbox"/> Environmental Determination | <input checked="" type="checkbox"/> Check for legibility |
| <input checked="" type="checkbox"/> Zoning District Map | Drawings: <u>Proposed Project</u> |
| <input checked="" type="checkbox"/> Height & Bulk Map | <input checked="" type="checkbox"/> Check for legibility |
| <input checked="" type="checkbox"/> Parcel Map | 3-D Renderings (new construction or significant addition) |
| <input checked="" type="checkbox"/> Sanborn Map | <input checked="" type="checkbox"/> Check for legibility |
| <input checked="" type="checkbox"/> Aerial Photo | |
| <input checked="" type="checkbox"/> Site Photo | |
| <input checked="" type="checkbox"/> Context Photos | |
| <input checked="" type="checkbox"/> Section 311 Notice | |
| <input checked="" type="checkbox"/> DR Requestor Application Submittals | |
| <input checked="" type="checkbox"/> Neighbor Letters and Petitions in Opposition | |
| <input checked="" type="checkbox"/> Project Sponsor Brief | |
| <input checked="" type="checkbox"/> Neighbor Letters and Petitions in Support | |

Exhibits above marked with an "X" are included in this packet

Planner's Initials

ESJ: G:\DOCUMENTS\Projects\CU\Cumberland 313-323\Executive Summary- CU for Residential Demolition.doc

Design Review Checklist

NEIGHBORHOOD CHARACTER (PAGES 7-10)

QUESTION	
The visual character is: (check one)	
Defined	
Mixed	X

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

SITE DESIGN (PAGES 11 - 21)

QUESTION	YES	NO	N/A
Topography (page 11)			
Does the building respect the topography of the site and the surrounding area?	X		
Is the building placed on its site so it responds to its position on the block and to the placement of surrounding buildings?	X		
Front Setback (pages 12 - 15)			
Does the front setback provide a pedestrian scale and enhance the street?	X		
In areas with varied front setbacks, is the building designed to act as transition between adjacent buildings and to unify the overall streetscape?	X		
Does the building provide landscaping in the front setback?	X		
Side Spacing (page 15)			
Does the building respect the existing pattern of side spacing?			X
Rear Yard (pages 16 - 17)			
Is the building articulated to minimize impacts on light to adjacent properties?	X		
Is the building articulated to minimize impacts on privacy to adjacent properties?	X		
Views (page 18)			
Does the project protect major public views from public spaces?			X
Special Building Locations (pages 19 - 21)			
Is greater visual emphasis provided for corner buildings?			X
Is the building facade designed to enhance and complement adjacent public spaces?			X
Is the building articulated to minimize impacts on light to adjacent cottages?			X

Comments: The new building respects the topography and is compatible with other buildings on the street. The subject lots are near the crest of a hill on Cumberland Street. The proposed building responds

to the downsloping topography along Cumberland Street by stepping down the façade of the new building. The subject lots are upsloping lots and the proposed structure is built into the hillside and is setback approximately 8 feet from the front property line, which is the average of the two adjacent building setbacks and serves as a transition between the two adjacent properties. The site design respects this upsloping nature of the subject lots. The subject lots are adjacent to lots that front on Sanchez Street along the eastern side property line. Along that side, the building has been designed with a series of setbacks to transition between the adjacent building on the west side at 327 Cumberland Street and the adjacent rear yards on the east side. This design also minimizes privacy and light impacts to the adjacent building to the east at 311 Cumberland Street. The overall scale of the proposed replacement structure is consistent with the block face and is complementary to the neighborhood character.

BUILDING SCALE AND FORM (PAGES 23 - 30)

QUESTION	YES	NO	N/A
Building Scale (pages 23 - 27)			
Is the building's height and depth compatible with the existing building scale at the street?	X		
Is the building's height and depth compatible with the existing building scale at the mid-block open space?	X		
Building Form (pages 28 - 30)			
Is the building's form compatible with that of surrounding buildings?	X		
Is the building's facade width compatible with those found on surrounding buildings?	X		
Are the building's proportions compatible with those found on surrounding buildings?	X		
Is the building's roofline compatible with those found on surrounding buildings?	X		

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

ARCHITECTURAL FEATURES (PAGES 31 - 41)

QUESTION	YES	NO	N/A
Building Entrances (pages 31 - 33)			
Does the building entrance enhance the connection between the public realm of the street and sidewalk and the private realm of the building?	X		
Does the location of the building entrance respect the existing pattern of building entrances?	X		
Is the building's front porch compatible with existing porches of surrounding buildings?	X		
Are utility panels located so they are not visible on the front building wall or on the sidewalk?			X
Bay Windows (page 34)			
Are the length, height and type of bay windows compatible with those found on surrounding buildings?			X
Garages (pages 34 - 37)			
Is the garage structure detailed to create a visually interesting street frontage?	X		
Are the design and placement of the garage entrance and door compatible with the building and the surrounding area?	X		
Is the width of the garage entrance minimized?	X		
Is the placement of the curb cut coordinated to maximize on-street parking?	X		
Rooftop Architectural Features (pages 38 - 41)			
Is the stair penthouse designed to minimize its visibility from the street?			X
Are the parapets compatible with the overall building proportions and other building elements?			X
Are the dormers compatible with the architectural character of surrounding buildings?			X
Are the windscreens designed to minimize impacts on the building's design and on light to adjacent buildings?			X

Comments: The location of the entrance is consistent with the predominant pattern of elevated entrances with a covered porch found on the south side of Cumberland Street. The length and type of windows along the primary façade is compatible with the mixed character found throughout the neighborhood. The garage door is limited to a width of 12 feet and the curb cut is limited to 10 feet.

BUILDING DETAILS (PAGES 43 - 48)

QUESTION	YES	NO	N/A
Architectural Details (pages 43 - 44)			
Are the placement and scale of architectural details compatible with the building and the surrounding area?	X		
Windows (pages 44 - 46)			
Do the windows contribute to the architectural character of the building and the neighborhood?	X		

Are the proportion and size of the windows related to that of existing buildings in the neighborhood?	X		
Are the window features designed to be compatible with the building's architectural character, as well as other buildings in the neighborhood?	X		
Are the window materials compatible with those found on surrounding buildings, especially on facades visible from the street?	X		
Exterior Materials (pages 47 - 48)			
Are the type, finish and quality of the building's materials compatible with those used in the surrounding area?	X		
Are the building's exposed walls covered and finished with quality materials that are compatible with the front facade and adjacent buildings?	X		
Are the building's materials properly detailed and appropriately applied?	X		

Comments: The placement and scale of the architectural details are compatible with the residential character of this neighborhood. The proposed windows are contemporary but residential in character, and are compatible with the window patterns found on neighboring buildings. The materials for the front façade are contemporary in style, with painted metal panels, aluminum windows and doors, clear wood siding, wooden screens, and stone cladding; however, they are compatible with the existing buildings in the neighborhood. The exterior materials articulate the building's structure and mass.

SPECIAL GUIDELINES FOR ALTERATIONS TO BUILDINGS OF POTENTIAL HISTORIC OR ARCHITECTURAL MERIT (PAGES 49 – 54)

QUESTION	YES	NO	N/A
Is the building subject to these Special Guidelines for Alterations to Buildings of Potential Historic or Architectural Merit?			X
Are the character-defining features of the historic building maintained?			X
Are the character-defining building form and materials of the historic building maintained?			X
Are the character-defining building components of the historic building maintained?			X
Are the character-defining windows of the historic building maintained?			X
Are the character-defining garages of the historic building maintained?			X

Comments: The Project is not an alteration, and the dwelling that will be demolished has been determined not to be an historical resource for the purposes of CEQA.



SAN FRANCISCO PLANNING DEPARTMENT

CEQA Categorical Exemption Determination

PROPERTY INFORMATION/PROJECT DESCRIPTION

Project Address		Block/Lot(s)	
313-323 Cumberland St.		3601/043 and 3601/044	
Case No.	Permit No.	Plans Dated	
2013.1213E	201406279813 & 201406279820	12/22/15	
<input type="checkbox"/> Addition/ Alteration	<input checked="" type="checkbox"/> Demolition (requires HRER if over 45 years old)	<input checked="" type="checkbox"/> New Construction	<input type="checkbox"/> Project Modification (GO TO STEP 7)
Project description for Planning Department approval. Merge lots 043 and 044, demolish the existing dwelling on lot 043, and construct a new three-story-over-garage, two-family dwelling. Lot 044 is currently vacant. A small portion of the new building would extend 12 feet towards the rear below-grade level. The proposed lot merger would result in one 5,700-square-foot lot.			

STEP 1: EXEMPTION CLASS

TO BE COMPLETED BY PROJECT PLANNER

Note: If neither Class 1 or 3 applies, an <i>Environmental Evaluation Application</i> is required.	
<input checked="" type="checkbox"/>	Class 1 – Existing Facilities. Interior and exterior alterations; additions under 10,000 sq. ft.
<input checked="" type="checkbox"/>	Class 3 – New Construction/ Conversion of Small Structures. Up to three (3) new single-family residences or six (6) dwelling units in one building; commercial/office structures; utility extensions; change of use under 10,000 sq. ft. if principally permitted or with a CU.
<input type="checkbox"/>	Class __

STEP 2: CEQA IMPACTS

TO BE COMPLETED BY PROJECT PLANNER

If any box is checked below, an <i>Environmental Evaluation Application</i> is required.	
<input type="checkbox"/>	Air Quality: Would the project add new sensitive receptors (specifically, schools, day care facilities, hospitals, residential dwellings, and senior-care facilities) within an Air Pollution Exposure Zone? Does the project have the potential to emit substantial pollutant concentrations (e.g., backup diesel generators, heavy industry, diesel trucks)? <i>Exceptions: do not check box if the applicant presents documentation of enrollment in the San Francisco Department of Public Health (DPH) Article 38 program and the project would not have the potential to emit substantial pollutant concentrations. (refer to EP ArcMap > CEQA Catex Determination Layers > Air Pollutant Exposure Zone)</i>
<input type="checkbox"/>	Hazardous Materials: If the project site is located on the Maher map or is suspected of containing hazardous materials (based on a previous use such as gas station, auto repair, dry cleaners, or heavy manufacturing, or a site with underground storage tanks): Would the project involve 50 cubic yards or more of soil disturbance - or a change of use from industrial to residential? If yes, this box must be checked and the project applicant must submit an Environmental Application with a Phase I

	Environmental Site Assessment. <i>Exceptions: do not check box if the applicant presents documentation of enrollment in the San Francisco Department of Public Health (DPH) Maher program, a DPH waiver from the Maher program, or other documentation from Environmental Planning staff that hazardous material effects would be less than significant (refer to EP_ArcMap > Maher layer).</i>
<input type="checkbox"/>	Transportation: Does the project create six (6) or more net new parking spaces or residential units? Does the project have the potential to adversely affect transit, pedestrian and/or bicycle safety (hazards) or the adequacy of nearby transit, pedestrian and/or bicycle facilities?
<input checked="" type="checkbox"/>	Archeological Resources: Would the project result in soil disturbance/modification greater than two (2) feet below grade in an archeological sensitive area or eight (8) feet in a non-archeological sensitive area? (refer to EP_ArcMap > CEQA Catex Determination Layers > Archeological Sensitive Area)
<input type="checkbox"/>	Noise: Does the project include new noise-sensitive receptors (schools, day care facilities, hospitals, residential dwellings, and senior-care facilities) fronting roadways located in the noise mitigation area? (refer to EP_ArcMap > CEQA Catex Determination Layers > Noise Mitigation Area)
<input type="checkbox"/>	Subdivision/Lot Line Adjustment: Does the project site involve a subdivision or lot line adjustment on a lot with a slope average of 20% or more? (refer to EP_ArcMap > CEQA Catex Determination Layers > Topography)
<input checked="" type="checkbox"/>	Slope = or > 20%: Does the project involve excavation of 50 cubic yards of soil or more, new construction, or square footage expansion greater than 1,000 sq. ft. outside of the existing building footprint? (refer to EP_ArcMap > CEQA Catex Determination Layers > Topography) If box is checked, a geotechnical report is required.
<input type="checkbox"/>	Seismic: Landslide Zone: Does the project involve excavation of 50 cubic yards of soil or more, new construction, or square footage expansion greater than 1,000 sq. ft. outside of the existing building footprint? (refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones) If box is checked, a geotechnical report is required.
<input type="checkbox"/>	Seismic: Liquefaction Zone: Does the project involve excavation of 50 cubic yards of soil or more, new construction, or square footage expansion greater than 1,000 sq. ft. outside of the existing building footprint? (refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones) If box is checked, a geotechnical report will likely be required.
If no boxes are checked above, GO TO STEP 3. If one or more boxes are checked above, an <i>Environmental Evaluation Application</i> is required, unless reviewed by an Environmental Planner.	
<input checked="" type="checkbox"/>	Project can proceed with categorical exemption review. The project does not trigger any of the CEQA impacts listed above.
Comments and Planner Signature (optional): No archeological effects. The project will follow recommendations of Rollo & Ridley 10/7/15 geotechnical report. No historic resource present per the attached PTR form.	

**STEP 3: PROPERTY STATUS – HISTORIC RESOURCE
TO BE COMPLETED BY PROJECT PLANNER**

PROPERTY IS ONE OF THE FOLLOWING: (refer to Parcel Information Map)	
<input type="checkbox"/>	Category A: Known Historical Resource. GO TO STEP 5.
<input type="checkbox"/>	Category B: Potential Historical Resource (over 45 years of age). GO TO STEP 4.
<input checked="" type="checkbox"/>	Category C: Not a Historical Resource or Not Age Eligible (under 45 years of age). GO TO STEP 6.

STEP 4: PROPOSED WORK CHECKLIST
TO BE COMPLETED BY PROJECT PLANNER

Check all that apply to the project.	
<input type="checkbox"/>	1. Change of use and new construction. Tenant improvements not included.
<input type="checkbox"/>	2. Regular maintenance or repair to correct or repair deterioration, decay, or damage to building.
<input type="checkbox"/>	3. Window replacement that meets the Department's <i>Window Replacement Standards</i> . Does not include storefront window alterations.
<input type="checkbox"/>	4. Garage work. A new opening that meets the <i>Guidelines for Adding Garages and Curb Cuts</i> , and/or replacement of a garage door in an existing opening that meets the Residential Design Guidelines.
<input type="checkbox"/>	5. Deck, terrace construction, or fences not visible from any immediately adjacent public right-of-way.
<input type="checkbox"/>	6. Mechanical equipment installation that is not visible from any immediately adjacent public right-of-way.
<input type="checkbox"/>	7. Dormer installation that meets the requirements for exemption from public notification under <i>Zoning Administrator Bulletin No. 3: Dormer Windows</i> .
<input type="checkbox"/>	8. Addition(s) that are not visible from any immediately adjacent public right-of-way for 150 feet in each direction; does not extend vertically beyond the floor level of the top story of the structure or is only a single story in height; does not have a footprint that is more than 50% larger than that of the original building; and does not cause the removal of architectural significant roofing features.
Note: Project Planner must check box below before proceeding.	
<input type="checkbox"/>	Project is not listed. GO TO STEP 5.
<input type="checkbox"/>	Project does not conform to the scopes of work. GO TO STEP 5.
<input type="checkbox"/>	Project involves four or more work descriptions. GO TO STEP 5.
<input type="checkbox"/>	Project involves less than four work descriptions. GO TO STEP 6.

STEP 5: CEQA IMPACTS – ADVANCED HISTORICAL REVIEW
TO BE COMPLETED BY PRESERVATION PLANNER

Check all that apply to the project.	
<input type="checkbox"/>	1. Project involves a known historical resource (CEQA Category A) as determined by Step 3 and conforms entirely to proposed work checklist in Step 4.
<input type="checkbox"/>	2. Interior alterations to publicly accessible spaces.
<input type="checkbox"/>	3. Window replacement of original/historic windows that are not "in-kind" but are consistent with existing historic character.
<input type="checkbox"/>	4. Façade/storefront alterations that do not remove, alter, or obscure character-defining features.
<input type="checkbox"/>	5. Raising the building in a manner that does not remove, alter, or obscure character-defining features.
<input type="checkbox"/>	6. Restoration based upon documented evidence of a building's historic condition, such as historic photographs, plans, physical evidence, or similar buildings.
<input type="checkbox"/>	7. Addition(s) , including mechanical equipment that are minimally visible from a public right-of-way and meet the <i>Secretary of the Interior's Standards for Rehabilitation</i> .

<input type="checkbox"/>	8. Other work consistent with the Secretary of the Interior Standards for the Treatment of Historic Properties (specify or add comments):
<input type="checkbox"/>	9. Other work that would not materially impair a historic district (specify or add comments): (Requires approval by Senior Preservation Planner/Preservation Coordinator)
<input type="checkbox"/>	10. Reclassification of property status to Category C. (Requires approval by Senior Preservation Planner/Preservation Coordinator) a. Per HRER dated: _____ (attach HRER) b. Other (specify):
Note: If ANY box in STEP 5 above is checked, a Preservation Planner MUST check one box below.	
<input type="checkbox"/>	Further environmental review required. Based on the information provided, the project requires an Environmental Evaluation Application to be submitted. GO TO STEP 6.
<input type="checkbox"/>	Project can proceed with categorical exemption review. The project has been reviewed by the Preservation Planner and can proceed with categorical exemption review. GO TO STEP 6.
Comments (optional):	
Preservation Planner Signature:	

**STEP 6: CATEGORICAL EXEMPTION DETERMINATION
TO BE COMPLETED BY PROJECT PLANNER**

<input type="checkbox"/>	Further environmental review required. Proposed project does not meet scopes of work in either (check all that apply): <input type="checkbox"/> Step 2 – CEQA Impacts <input type="checkbox"/> Step 5 – Advanced Historical Review STOP! Must file an Environmental Evaluation Application.
<input checked="" type="checkbox"/>	No further environmental review is required. The project is categorically exempt under CEQA.
Planner Name:	Signature: Jean Poling <small>Digitally signed by Jean Poling DN: dc=org, dc=sfgov, dc=cityplanning, ou=CityPlanning, ou=Environmental Planning, cn=Jean Poling, email=jeanie.poling@sfgov.org Date: 2016.01.21 15:21:14 -0800</small>
Project Approval Action: Planning Commission Hearing If Discretionary Review before the Planning Commission is requested, the Discretionary Review hearing is the Approval Action for the project.	
Once signed or stamped and dated, this document constitutes a categorical exemption pursuant to CEQA Guidelines and Chapter 31 of the Administrative Code. In accordance with Chapter 31 of the San Francisco Administrative Code, an appeal of an exemption determination can only be filed within 30 days of the project receiving the first approval action.	



SAN FRANCISCO PLANNING DEPARTMENT

PRESERVATION TEAM REVIEW FORM

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Information:
415.558.6377

Preservation Team Meeting Date:	10/23/2013	Date of Form Completion	10/23/2013
---------------------------------	------------	-------------------------	------------

PROJECT INFORMATION:		
Planner:	Address:	
Allison Vanderslice	313-323 Cumberland	
Block/Lot:	Cross Streets:	
3601/043-044	Sanchez and Noe	
CEQA Category:	Art. 10/11:	BPA/Case No.:
B		2013.1213E

PURPOSE OF REVIEW:			PROJECT DESCRIPTION:	
<input checked="" type="radio"/> CEQA	<input type="radio"/> Article 10/11	<input type="radio"/> Preliminary/PIC	<input type="radio"/> Alteration	<input checked="" type="radio"/> Demo/New Construction

DATE OF PLANS UNDER REVIEW:	08/14/2013
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PROJECT ISSUES:	
<input checked="" type="checkbox"/>	Is the subject Property an eligible historic resource?
<input type="checkbox"/>	If so, are the proposed changes a significant impact?
Additional Notes:	

PRESERVATION TEAM REVIEW:				
Historic Resource Present		<input type="radio"/> Yes	<input checked="" type="radio"/> No *	<input type="radio"/> N/A
Individual		Historic District/Context		
Property is individually eligible for inclusion in a California Register under one or more of the following Criteria:		Property is in an eligible California Register Historic District/Context under one or more of the following Criteria:		
Criterion 1 - Event:	<input type="radio"/> Yes <input checked="" type="radio"/> No	Criterion 1 - Event:	<input type="radio"/> Yes <input checked="" type="radio"/> No	
Criterion 2 - Persons:	<input type="radio"/> Yes <input checked="" type="radio"/> No	Criterion 2 - Persons:	<input type="radio"/> Yes <input checked="" type="radio"/> No	
Criterion 3 - Architecture:	<input type="radio"/> Yes <input checked="" type="radio"/> No	Criterion 3 - Architecture:	<input type="radio"/> Yes <input checked="" type="radio"/> No	
Criterion 4 - Info. Potential:	<input type="radio"/> Yes <input checked="" type="radio"/> No	Criterion 4 - Info. Potential:	<input type="radio"/> Yes <input checked="" type="radio"/> No	
Period of Significance:	<input type="text"/>	Period of Significance:	<input type="text"/>	
		<input type="radio"/> Contributor <input type="radio"/> Non-Contributor		

Complies with the Secretary's Standards/Art 10/Art 11	<input type="radio"/> Yes	<input type="radio"/> No	<input checked="" type="radio"/> N/A
CEQA Material Impairment	<input type="radio"/> Yes	<input checked="" type="radio"/> No	
Needs More Information	<input type="radio"/> Yes	<input checked="" type="radio"/> No	
Requires Design Revisions	<input type="radio"/> Yes	<input checked="" type="radio"/> No	
Defer to Residential Design Team	<input checked="" type="radio"/> Yes	<input type="radio"/> No	

* If No is selected for Historic Resource per CEQA, a signature from Senior Preservation Planner or Preservation Coordinator is required.

PRESERVATION TEAM COMMENTS	
<p>Department staff agree with the findings of the Carey & Co. Historic Resource Evaluation (HRE) report dated May 20, 2013 for 313-323 Cumberland Street that the subject properties are not eligible for listing in the California Register of Historical Resources. 323 Cumberland Street is a single-family residence constructed in 1908 on the south side of Cumberland Street in the Eureka Valley area of the Caster/Upper Market neighborhood. This one-story-over-raised-basement, rectangular-plan building is topped with a shallow hipped roof and has seen substantial alterations. 313 Cumberland Street is a vacant lot adjacent to 323 Cumberland.</p> <p>The subject block faces along Cumberland Street consists of a range of residential building styles and types. Due to the lack of cohesion on the block, this block does not appear to be part of a potential historical district. No previously identified historical district was found in this area.</p> <p>Constructed in 1908, the subject building post-dates the initial development of the Eureka Valley neighborhood and is generally, but not significantly, associated with the post-earthquake reconstruction era. Therefore, the subject building at 323 Cumberland Street does not appear to be significant under Criterion 1. The subject building does not appear to be eligible under Criterion 2, as the building does not appear to be associated with any significant individuals, as outlined in the Carey & Co. HRE report. The subject property is not significant under Criterion 3. The building has seen multiple waves of additions and alterations and does not appear to be a significant example of a type or period. It is unlikely that the building was architect-designed and the original builder was not identified.</p> <p>The subject building at 323 Cumberland Street is not significant under Criterion 4, since this significance criteria typically applies to rare construction types when involving the built environment. The subject property is not an example of a rare construction type. This form does not address archeological resources and archaeological review of the subject properties was completed on 9/5/2013.</p>	

Signature of a Senior Preservation Planner / Preservation Coordinator	Date
<i>S. May</i>	10-25-2013

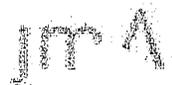
SUBJECT PROPERTY
313 CUMBERLAND ST

SUBJECT PROPERTY
323 CUMBERLAND ST

ADJACENT PROPERTY
327 CUMBERLAND ST



(A) FRONT FACADE

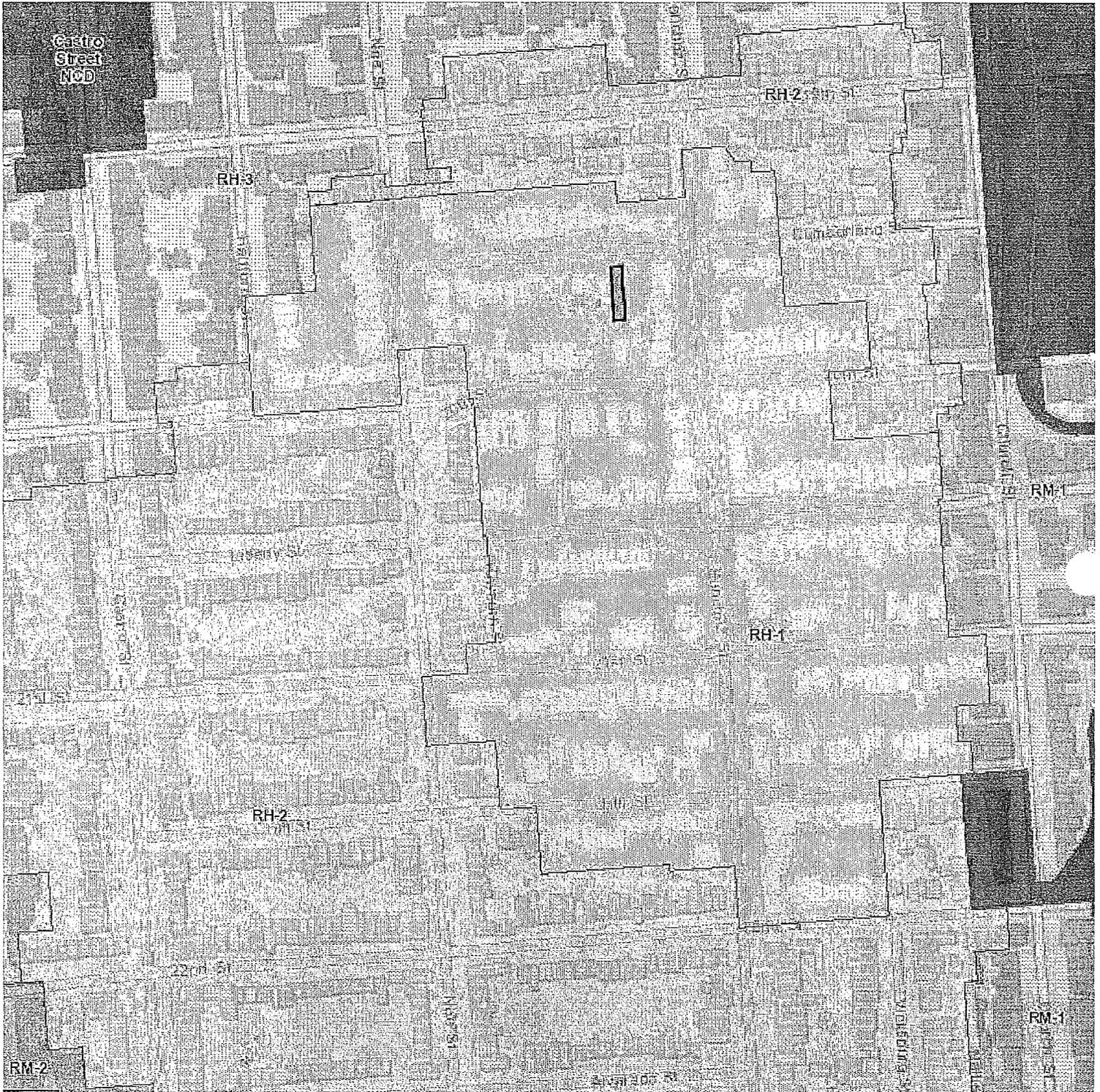


JOHN MANISCALCO ARCHITECTURE

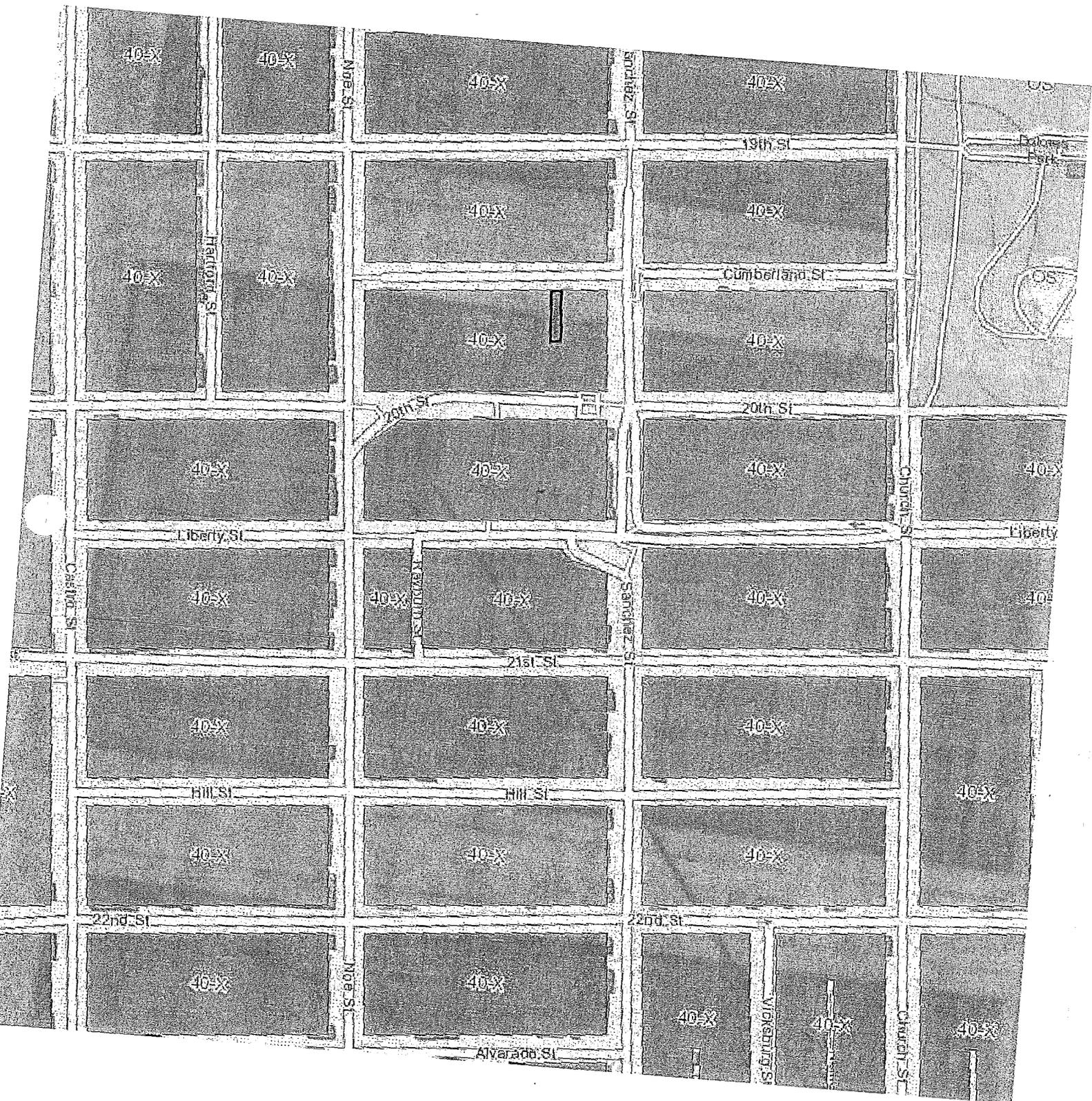
SITE PHOTOGRAPHY

313-323 CUMBERLAND STREET, S. SAN FRANCISCO, CA

Zoning Map

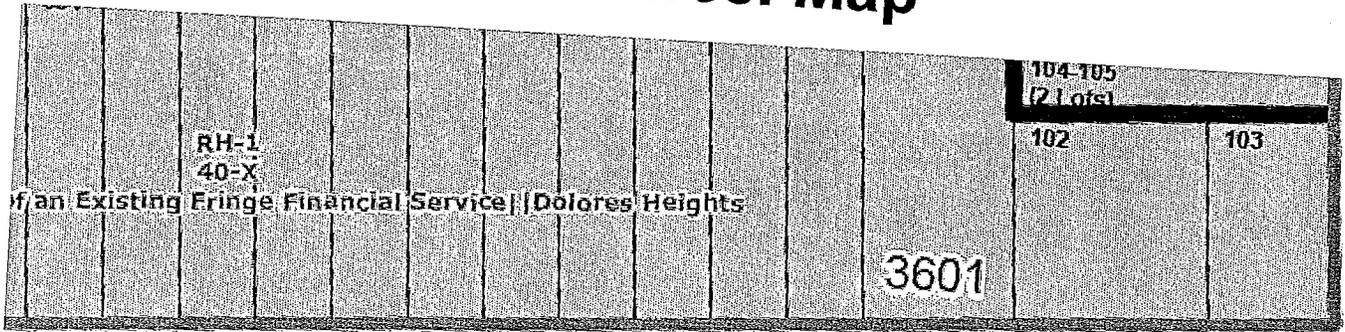


Height and Bulk Map

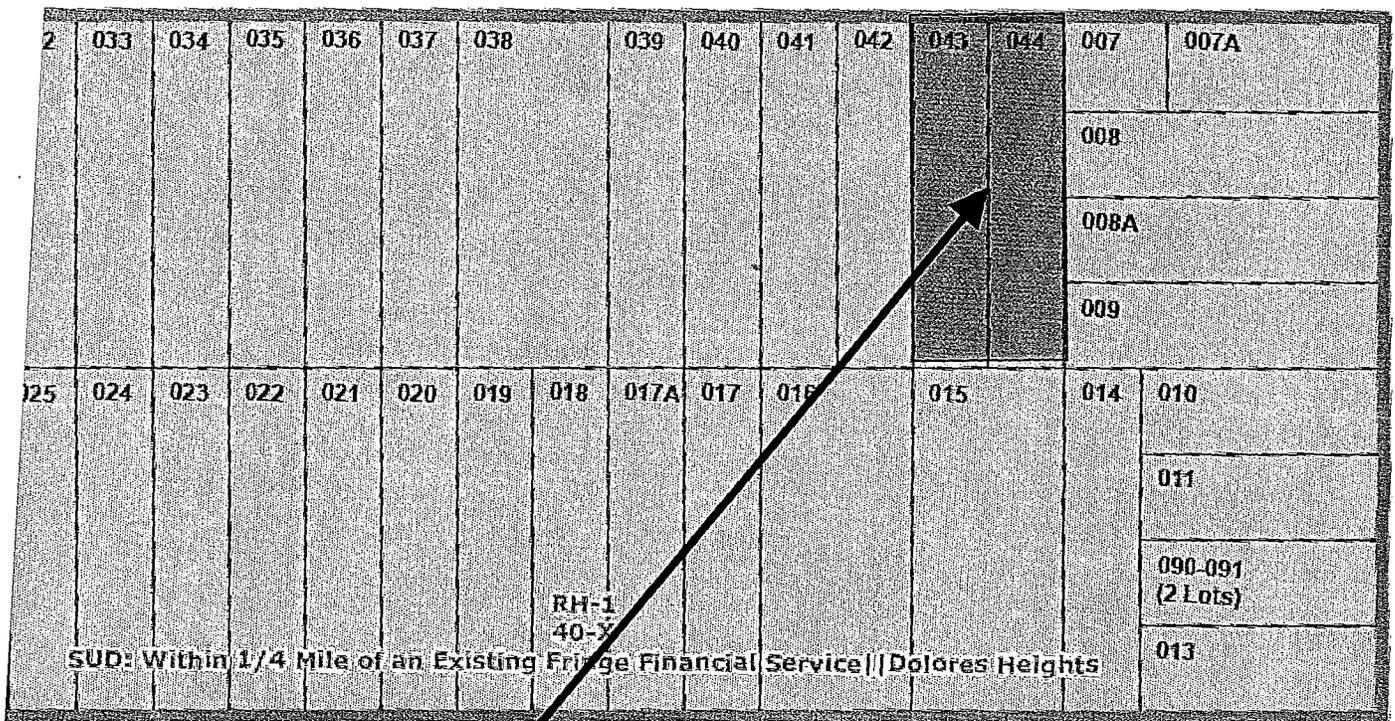


Conditional Use Hearing
Case Number 2013.1213CUA
313-323 Cumberland Street
February 4, 2016

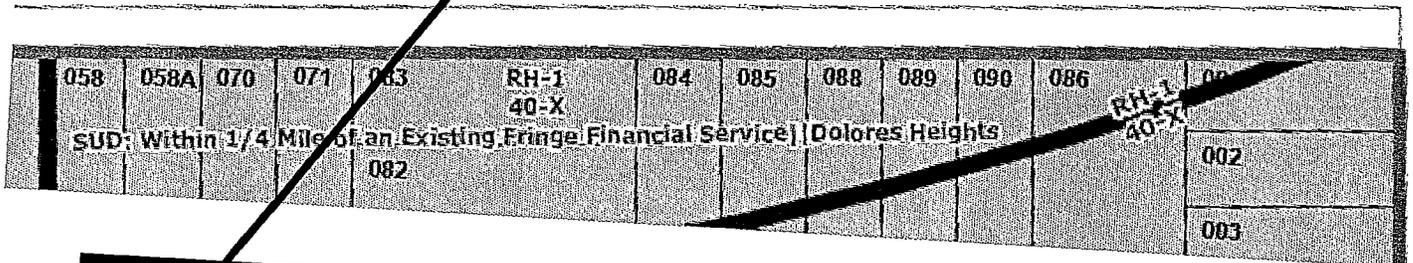
Parcel Map



Cumberland St



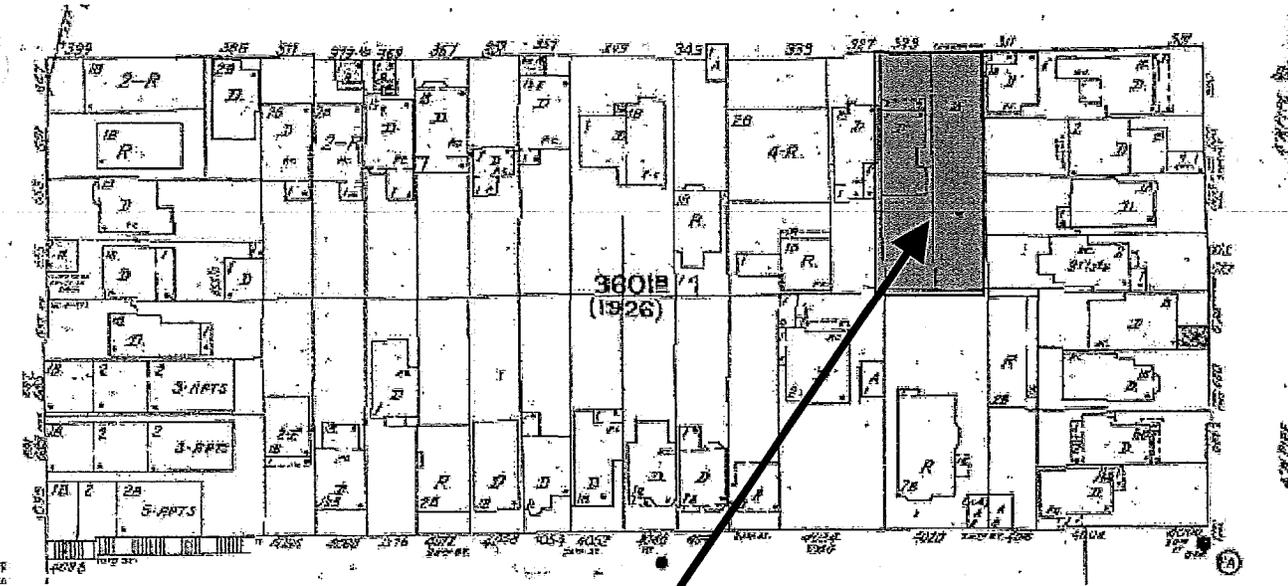
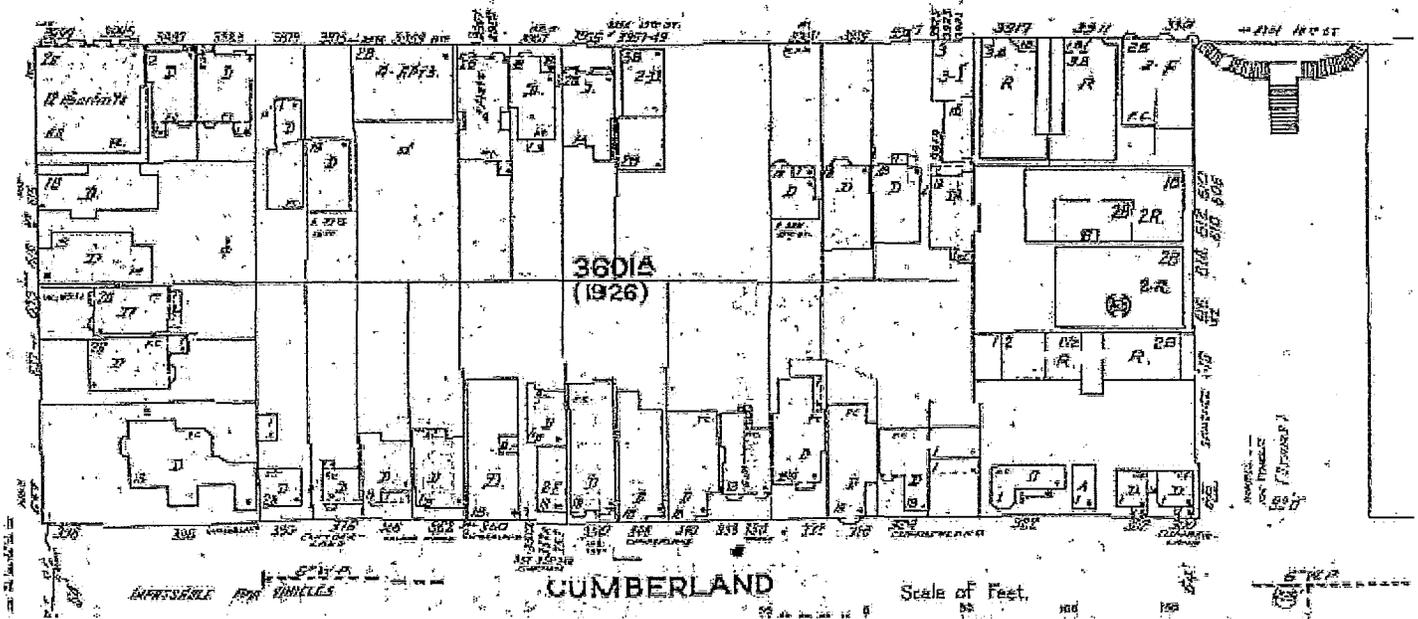
20th St



SUBJECT PROPERTY



Sanborn Map*



SUBJECT PROPERTY

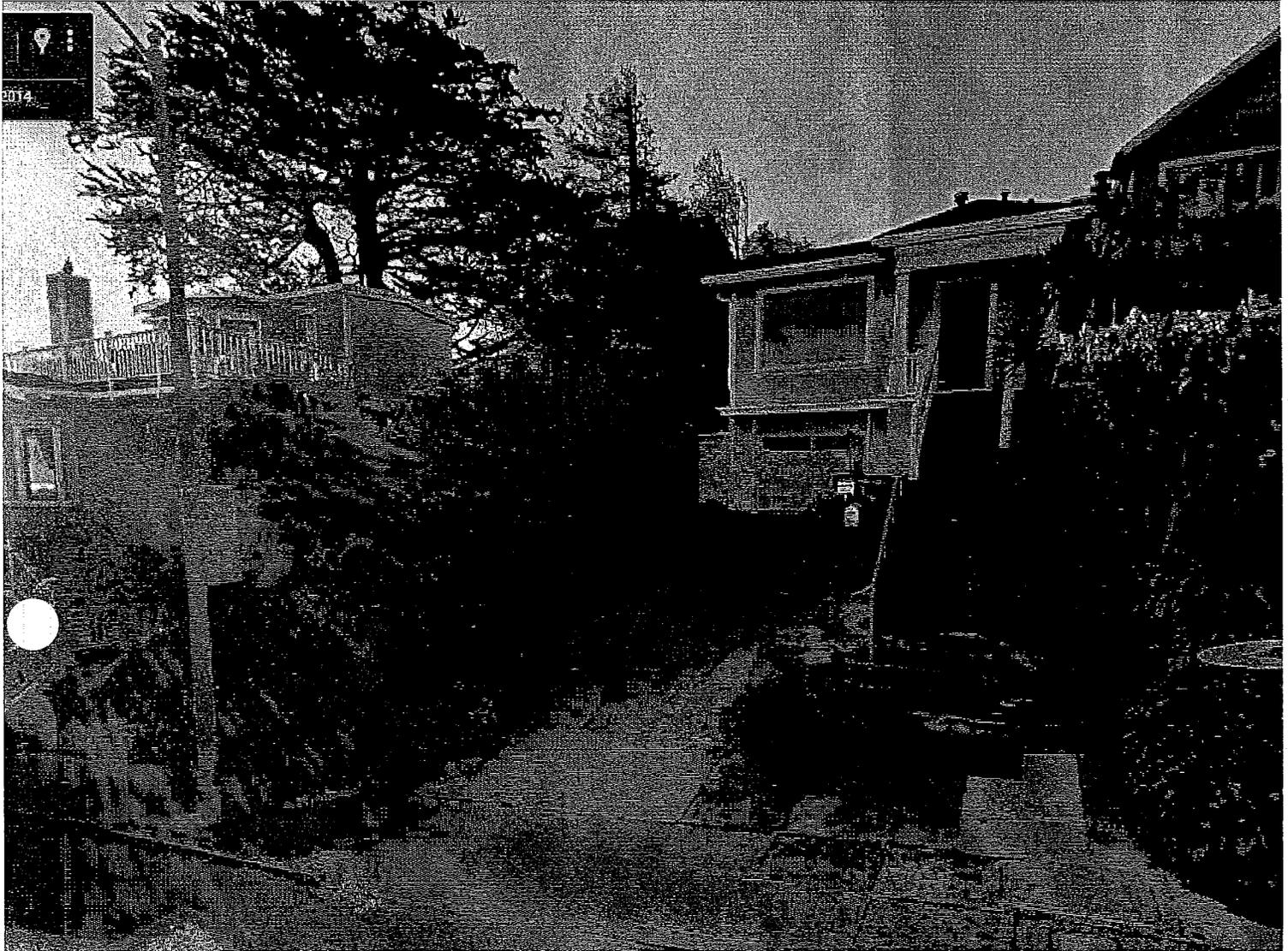
*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.



Aerial Photo

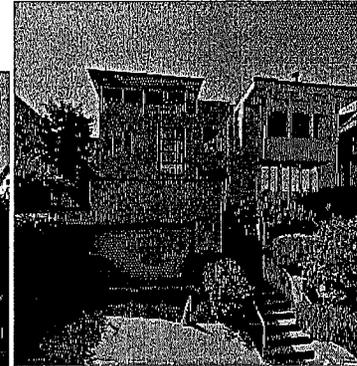
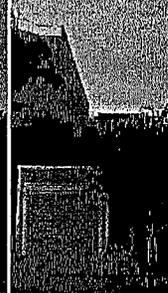


Site Photo



Conditional Use Hearing
Case Number 2013.1213CUA
313-323 Cumberland Street
February 4, 2016

SUBJECT PROPERTY



Cumberland

327

333 -339

343

349

357

359

367

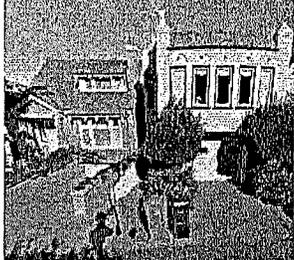
369

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2148



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336-338

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Source: Google Street \



SAN FRANCISCO PLANNING DEPARTMENT

1650 Mission Street Suite 400 San Francisco, CA 94103

NOTICE OF BUILDING PERMIT APPLICATION (SECTION 311/312)

On June 27, 2014, the Applicant named below filed Building Permit Application No. 2014.06.27.9813 (New Construction) and Demolition Permit Application No 2014.06.27.9820 with the City and County of San Francisco.

PROPERTY INFORMATION		APPLICANT INFORMATION	
Project Address:	323 Cumberland Street	Applicant:	John Maniscalco
Cross Street(s):	Noe and Sanchez Streets	Address:	442 Grove Street
Block/Lot No.:	3601/043 and 044	City, State:	San Francisco, CA 94102
Zoning District(s):	RH-1 / 40-X / Dolores Heights SUD	Telephone:	(415) 864.9900

You are receiving this notice as a property owner or resident within 150 feet of the proposed project. You are not required to take any action. For more information about the proposed project, or to express concerns about the project, please contact the Applicant listed above or the Planner named below as soon as possible. If you believe that there are exceptional or extraordinary circumstances associated with the project, you may request the Planning Commission to use its discretionary powers to review this application at a public hearing. Applications requesting a Discretionary Review hearing must be filed during the 30-day review period, prior to the close of business on the Expiration Date shown below, or the next business day if that date is on a week-end or a legal holiday. If no Requests for Discretionary Review are filed, this project will be approved by the Planning Department after the Expiration Date.

Members of the public are not required to provide personal identifying information when they communicate with the Commission or the Department. All written or oral communications, including submitted personal contact information, may be made available to the public for inspection and copying upon request and may appear on the Department's website or in other public documents.

PROJECT SCOPE		
<input checked="" type="checkbox"/> Demolition	<input checked="" type="checkbox"/> New Construction	<input type="checkbox"/> Alteration
<input type="checkbox"/> Change of Use	<input type="checkbox"/> Façade Alteration(s)	<input type="checkbox"/> Front Addition
<input type="checkbox"/> Rear Addition	<input type="checkbox"/> Side Addition	<input type="checkbox"/> Vertical Addition
PROJECT FEATURES	EXISTING	PROPOSED
Building Use	Residential	No Change
Front Setback	19 feet, 7 inches	7 feet, 10 inches
East Side Setbacks	2 feet, 4 inches	3 feet
Building Depth	48 feet	54 feet, 11 inches (portion above grade)
Rear Yard	46 feet, 4 inches	51 feet, 4 inches
Building Height (measured above curb)	29 feet, 10 inches	42 feet, 10 inches
Number of Stories	1	3 over garage
Number of Dwelling Units	1	No Change
Number of Parking Spaces	0	2

PROJECT DESCRIPTION

The proposal is to merge lots 043 and 044, demolish the existing dwelling on lot 043, and construct a new three-story over garage, single-family dwelling. Lot 044 is currently vacant. A small portion of the building would extend 12' towards the rear below grade level. Pursuant to Section 317 of the Code, the proposed demolition has been administratively approved pursuant to case No. 2013.1213D because it has a value greater than at least 80% of the combined land and structure values of single-family homes in San Francisco. Therefore, there will be no mandatory public hearing for the demolition. This does not preclude a member of the public from requesting discretionary review for any portion of the project. See attached plans.

The issuance of the building permit by the Department of Building Inspection or the Planning Commission project approval at a discretionary review hearing would constitute as the Approval Action for the project for the purposes of CEQA, pursuant to Section 31.04(h) of the San Francisco Administrative Code.

For more information, please contact Planning Department staff:

Planner: Michael Smith
 Telephone: (415) 558-6322
 E-mail: michael.e.smith@sfgov.org

Notice Date: 5/7/15
 Expiration Date: 6/6/15

中文詢問請電: (415) 575-9010

2149

Para información en Español llamar al: (415) 575-9010

GENERAL INFORMATION ABOUT PROCEDURES

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

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

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

If, after exhausting the procedures outlined above, you still believe that exceptional and extraordinary circumstances exist, you have the option to request that the Planning Commission exercise its discretionary powers to review the project. These powers are reserved for use in exceptional and extraordinary circumstances for projects which generally conflict with the City's General Plan and the Priority Policies of the Planning Code; therefore the Commission exercises its discretion with utmost restraint. This procedure is called Discretionary Review. If you believe the project warrants Discretionary Review by the Planning Commission, **you must file a Discretionary Review application prior to the Expiration Date shown on the front of this notice.** Discretionary Review applications are available at the Planning Information Center (PIC), 1660 Mission Street, 1st Floor, or online at www.sfplanning.org. You must submit the application in person at the Planning Information Center (PIC) between 8:00am - 5:00pm Monday-Friday, with all required materials and a check payable to the Planning Department. To determine the fee for a Discretionary Review, please refer to the Planning Department Fee Schedule available at www.sfplanning.org. If the project includes multiple building permits, i.e. demolition and new construction, a **separate request for Discretionary Review must be submitted, with all required materials and fee, for each permit that you feel will have an impact on you.**

Incomplete applications will not be accepted.

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

BOARD OF APPEALS

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

ENVIRONMENTAL REVIEW

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

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

Application for Discretionary Review

CASE NUMBER
For Staff Use Only

APPLICATION FOR Discretionary Review

1. Owner/Applicant Information

DR APPLICANT'S NAME: Bruce Bowen		
DR APPLICANT'S ADDRESS: 4016 20th Street, San Francisco CA	ZIP CODE: 94114	TELEPHONE: (415) 533-0586
PROPERTY OWNER WHO IS DOING THE PROJECT ON WHICH YOU ARE REQUESTING DISCRETIONARY REVIEW NAME: RSAA LLC		
ADDRESS: 394 Pacific Ave, 2nd Floor, San Francisco CA	ZIP CODE: 94111	TELEPHONE: (415) 967-7764
CONTACT FOR DR APPLICATION: Same as Above <input checked="" type="checkbox"/>		
ADDRESS:	ZIP CODE:	TELEPHONE: ()
E-MAIL ADDRESS: bruce.r.bowen@gmail.com		

2. Location and Classification

STREET ADDRESS OF PROJECT: 323 Cumberland Street		ZIP CODE: 94114
CROSS STREETS: Noe and Sanchez		
ASSESSORS BLOCK/LOT: 3601 /043	LOT DIMENSIONS: 25 x 114	LOT AREA (SQ FT): 2850
ZONING DISTRICT: RH-1		HEIGHT/BULK DISTRICT: 40-x

3. Project Description

Please check all that apply

Change of Use Change of Hours New Construction Alterations Demolition Other

Additions to Building: Rear Front Height Side Yard

Present or Previous Use: Single Family Residence

Proposed Use: Single Family Residence on merged lot after merger with 313 Cumberland St Block 3601 Lot 044

Building Permit Application No. 2014.06.27.9820

Date Filed: 06/27/2014

4. Actions Prior to a Discretionary Review Request

Prior Action	YES	NO
Have you discussed this project with the permit applicant?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Did you discuss the project with the Planning Department permit review planner?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Did you participate in outside mediation on this case?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

5. Changes Made to the Project as a Result of Mediation

If you have discussed the project with the applicant, planning staff or gone through mediation, please summarize the result, including any changes there were made to the proposed project.

None (no changes)

Discretionary Review Request

In the space below and on separate paper, if necessary, please present facts sufficient to answer each question.

1. What are the reasons for requesting Discretionary Review? The project meets the minimum standards of the Planning Code. What are the exceptional and extraordinary circumstances that justify Discretionary Review of the project? How does the project conflict with the City's General Plan or the Planning Code's Priority Policies or Residential Design Guidelines? Please be specific and cite specific sections of the Residential Design Guidelines.

See Attached.

2. The Residential Design Guidelines assume some impacts to be reasonable and expected as part of construction. Please explain how this project would cause unreasonable impacts. If you believe your property, the property of others or the neighborhood would be adversely affected, please state who would be affected, and how:

See Attached.

3. What alternatives or changes to the proposed project, beyond the changes (if any) already made would respond to the exceptional and extraordinary circumstances and reduce the adverse effects noted above in question #1?

See Attached.

Applicant's Affidavit

Under penalty of perjury the following declarations are made:

- a: The undersigned is the owner or authorized agent of the owner of this property.
- b: The information presented is true and correct to the best of my knowledge.
- c: The other information or applications may be required.

Signature: Bruce Bowen

Date: 6/6/2015

Print name, and indicate whether owner, or authorized agent:

Bruce Bowen/Owner
Owner / Authorized Agent (circle one)

Application for Discretionary Review

CASE NUMBER:
For Staff Use Only

Discretionary Review Application Submittal Checklist

Applications submitted to the Planning Department must be accompanied by this checklist and all required materials. The checklist is to be completed and signed by the applicant or authorized agent.

REQUIRED MATERIALS (please check correct column)	DR APPLICATION
Application, with all blanks completed	<input checked="" type="checkbox"/>
Address labels (original), if applicable	<input checked="" type="checkbox"/>
Address labels (copy of the above), if applicable	<input checked="" type="checkbox"/>
Photocopy of this completed application	<input checked="" type="checkbox"/>
Photographs that illustrate your concerns	<input type="checkbox"/>
Covenant or Deed Restrictions	<input type="checkbox"/>
Check payable to Planning Dept.	<input checked="" type="checkbox"/>
Letter of authorization for agent	<input type="checkbox"/>
Other: Section Plan, Detail drawings (i.e. windows, door entries, trim), Specifications (for cleaning, repair, etc.) and/or Product cut sheets for new elements (i.e. windows, doors)	<input type="checkbox"/>

NOTES:

Required Material.

Optional Material.

Two sets of original labels and one copy of addresses of adjacent property owners and owners of property across street.

For Department Use Only

Application received by Planning Department:

By: _____

Date: _____

DR on demolition permit 201406279820, 323 Cumberland Street.

Continuation – DEMOLITION DR on permit application: 201406279820, 323 Cumberland Street.

PLEASE NOTE: WE UNDERSTAND IT IS THE DEPARTMENT'S PRACTICE TO SEND DR APPLICATIONS TO THE RESIDENTIAL DESIGN TEAM TO RE-EXAMINE THE PROPOSED REPLACEMENT BUILDING. THIS DR APPLICATION FOCUSES ON GENERAL PLAN POLICIES HAVING TO DO WITH LOSS OF AFFORDABILITY AND THE LOSS OF AN IN-FILL HOUSING OPPORTUNITY SITE. WE ASK THAT IT BE REVIEWED BY THE PLANNERS WHO RECENTLY COMPLETED THE HOUSING ELEMENT UPDATE.

1. We are requesting Discretionary Review on the demolition permit because the proposed demolition is not consistent with General Plan Policies regarding (i) affordability and (ii) retention of existing housing.

General Plan Housing Element: Objective 2: Retain Existing Housing Units, and Promote Safety and Maintenance Standards, without Jeopardizing Affordability. Also General Plan Housing Element: Objective 3: Protect the Affordability of the Existing Housing Stock, Especially Rental Units.

The project proposes demolishing a sound existing home of approximately 950 sf at 323 Cumberland Street and then merging it with a vacant, buildable lot at 313 Cumberland, to build one new home on a double-wide lot that will have an interior area of over 8000 sf total space and over 5800 sf of habitable space (see Exhibit A, tax assessor's lots). Although the demolition was granted an administrative exemption from Mandatory Discretionary Review because it was shown with a value over the \$1.506 million threshold, there are a number of important issues to consider with respect to both affordability and housing potential.

First, the two properties (313 and 323 Cumberland) were listed together and separately but were purchased together. The listing noted the following, "*Also being offered separately 323 Cumberland Street-view cottage for \$1,275,000. 313 Cumberland Street-view lot offered at \$1,125,000*" (see http://www.zillow.com/homedetails/323-Cumberland-St-San-Francisco-CA-94114/15145121_zpid/). The listing price for 323 Cumberland alone, then, was \$1.275 million, well under the \$1.506 million threshold.

Second, the Tax Assessor took the total sales price, which Zillow listed as \$3.55 million (http://www.zillow.com/homedetails/323-Cumberland-St-San-Francisco-CA-94114/15145121_zpid/) and broke it down by property such that 323 Cumberland is valued at \$1.6 million, just over the threshold (see Exhibit B). Distinguishing meaning between the \$1.506 million threshold figure determined over a year ago and a current value of \$1.6 million is impossible. The difference is not only arbitrary but not meaningful given the fact that actual housing values are rising so rapidly and the \$1.506 million figure is by City and not by neighborhood and because the threshold figure is static between infrequent changes.

Third, regardless of the threshold figure, it is undeniable that the home proposed for demolition is vastly more affordable than the building proposed to replace it. The difference between today's value of the existing building and the \$1.506 million threshold is minimal; the difference between the value of the existing building and the proposed building will be immense.

Fourth, the combination of demolition and lot merger not only removes a relatively more affordable unit from the housing stock, it also removes a vacant lot that could accommodate a separate new unit. Effectively, this project will result in the net *loss* of one housing unit. The recently revised Housing Element took stock of all vacant parcels in the City and identified them as housing availability sites (see table I-57 in the Housing Element). Regarding this table and its sites, the Element states, "*Locating new housing development in these districts makes sense, as housing should go where other housing already exists.... The build-out assumptions for these districts takes into account typical housing types (single-family homes in RH-1, for example)*" (page I-72). Why would we as a City identify such vacant lots as housing sites and then remove them by merger so housing cannot be built? With regard to housing retention, the Housing Element notes that "*Planning shall require Discretionary Review (DR) for all dwelling unit merger applications*" (page C.6, Housing Element). Planning Code Section 317(e) incorporates this statement by strictly regulating housing mergers; its criteria ensure mergers will be the exception and not the rule and will not occur except in highly unusual circumstances. It is an oversight that Section 317 does not also include a subsection on lot mergers because merging two lots in a low density residential district has the *SAME EFFECT* as merging two residential units -- it results in the loss of housing. If the demolition application is disapproved, as it should be, the lots will not be merged and another housing unit will be built at 313 Cumberland, resulting in two housing units on the project site instead of one. See Exhibit C.

It is this fourth aspect of the project that is the **exceptional and extraordinary** circumstance required for a DR. Both the General Plan and Section 317 have a strong bias against *unit* mergers. That there is not a similar policy in place for *lot mergers* is an oversight because the result of both types of mergers has appreciably the same effect. A dwelling unit merger results in the net loss of one unit of housing. A lot merger results in a net loss of one potential unit of housing. Given the scarcity of buildable lots in the western neighborhoods it is obvious any given vacant lot will be developed. This is why vacant lots such as 313 Cumberland were identified as housing sites in the recent 2014 Housing Element inventory.

2. Our property and all of our neighbors' properties will be adversely affected by the demolition because it will result in the relative loss of affordability, the net loss of one unit of housing, and is the first step in a process that would leave the neighborhood with a 47-foot wide home on a block characterized by 25-foot wide homes.

3. We ask for a proposal that improves and adds thoughtfully to the existing building. General Plan policies promote the retention of the existing building and of the buildable lot —a prime housing opportunity site for an infill home.

EXHIBIT B

ASSESSOR'S REPORT: 

[Send Feedback to the Assessors Office](#)

Address: 313V CUMBERLAND ST

Parcel: 3601044

Assessed Values:

Land: \$1,958,853.00

Structure: -

Fixtures: -

Personal Property: -

Year Built: -

Building Area: -

Parcel Area: 2,848 sq ft

Units: -

Stories: -

Merger of vacant lot to create 5855 sf home represents the loss of a potential additional unit of housing.

ASSESSOR'S REPORT: 

[Send Feedback to the Assessors Office](#)

Address: 323 CUMBERLAND ST

Parcel: 3601043

Assessed Values:

Land: \$1,125,084.00

Structure: \$482,179.00

Fixtures: -

Personal Property: -

Year Built: 1908

Building Area: 950 sq ft

Parcel Area: 2,848 sq ft

Units: 1

Stories: 1

\$1.6 million total

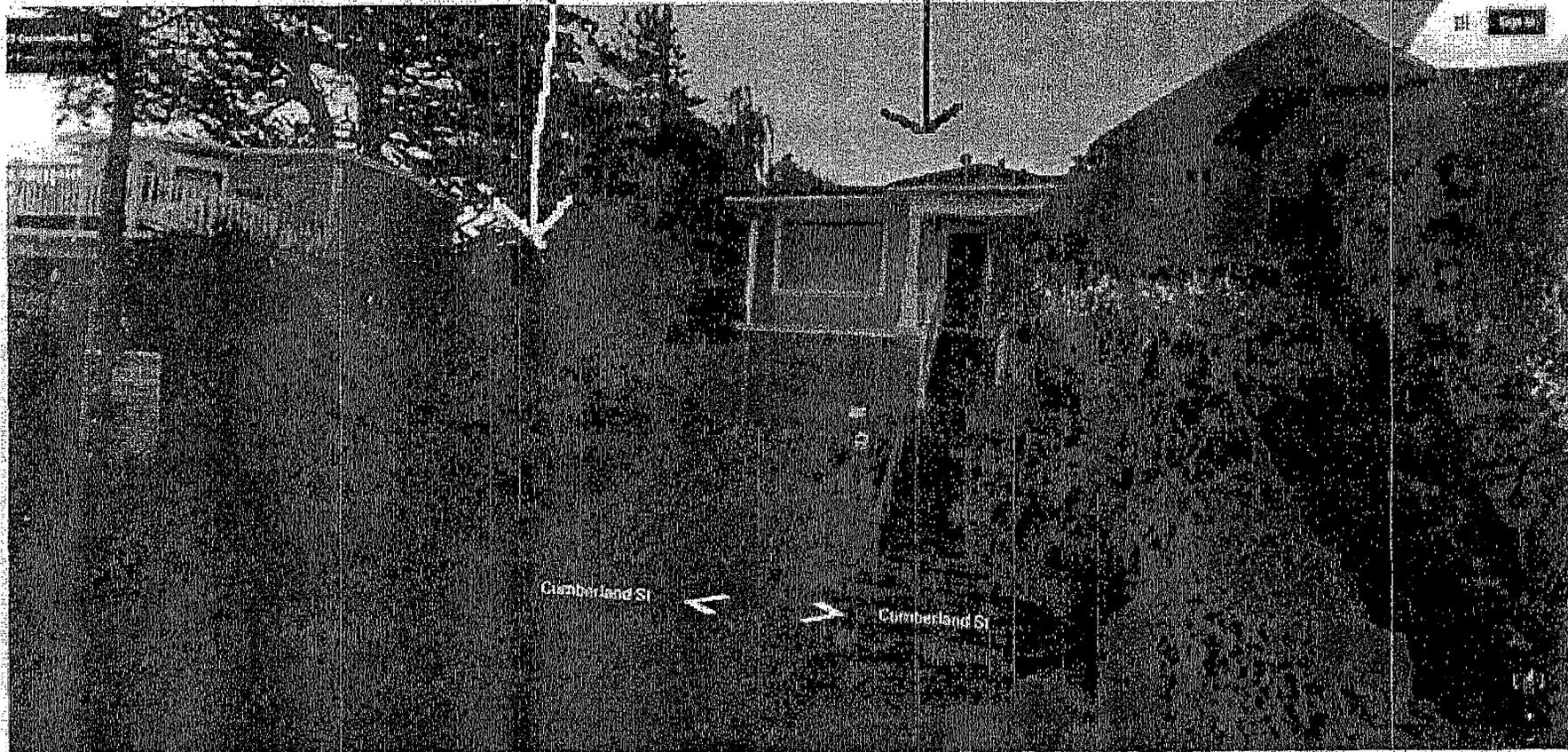
just over the \$1.506 mil. threshold. Replacement home likely to be over \$6 million.

Recorded Documents for this property:

SUBJECT PROPERTY

Vacant lot proposed for merger

Existing home proposed for demolition



2160

EXHIBIT C

The lot merger represents the effective loss of one unit of housing

+

The demolition represents the relative loss of affordability on the block.

=

Loss of 2 units (one affordable and one potential) to build a single unaffordable unit.

CASE NUMBER
For San Jose only

APPLICATION FOR Discretionary Review

1. Owner/Applicant Information

DR APPLICANT'S NAME: Henrietta S. Currier		
DR APPLICANT'S ADDRESS: 324 Cumberland Street, San Francisco, Ca.	ZIP CODE: 94114	TELEPHONE: (415) 699-4031
PROPERTY OWNER WHO IS DOING THE PROJECT ON WHICH YOU ARE REQUESTING DISCRETIONARY REVIEW NAME: RSAA, LLC (Ruchi Sangvi & Aditya Agarwal)		
ADDRESS: 394 Pacific Ave, 2nd Fl, SF CA. (1068 Sanchez St, SF CA 94114)	ZIP CODE: 94111	TELEPHONE: (415) 967-7764
CONTACT FOR DR APPLICATION: Same as Above <input checked="" type="checkbox"/>		
ADDRESS:	ZIP CODE:	TELEPHONE: ()
E-MAIL ADDRESS: rhettcurrier@yahoo.com		

2. Location and Classification

STREET ADDRESS OF PROJECT: 323 Cumberland Street, San Francisco, Ca.		ZIP CODE: 94114
CROSS STREETS: 19/20th Streets, Sanchez/Noe Streets		
ASSESSORS BLOCK/LOT: 3601	LOT DIMENSIONS: / 043, 044 25x114 each	LOT AREA (SQ FT): 5700 total
ZONING DISTRICT: RH-1, Dolores Heights SFB		HEIGHT/BULK RESTRICTIONS: 40-X

3. Project Description

Please check all that apply

Change of Use Change of Hours New Construction Alterations Demolition Other

Additions to Building: Rear Front Height Side Yard
vacant lot + 1 single family home

Present or Previous Use:

merger of 2 lots into a single lot with a 8090 sf Single family house

Proposed Use:

Building Permit Application No. 2014.06.27.9813

Date Filed: June 27, 2014

4. Actions Prior to a Discretionary Review Request

Prior Action	YES	NO
Have you discussed this project with the permit applicant?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Did you discuss the project with the Planning Department permit review planner?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Did you participate in outside mediation on this case?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

5. Changes Made to the Project as a Result of Mediation

If you have discussed the project with the applicant, planning staff or gone through mediation, please summarize the result, including any changes there were made to the proposed project.

No changes were made in response to any of my comments.

Discretionary Review Request

In the space below and on separate paper, if necessary, please present facts sufficient to answer each question.

1. What are the reasons for requesting Discretionary Review? The project meets the minimum standards of the Planning Code. What are the exceptional and extraordinary circumstances that justify Discretionary Review of the project? How does the project conflict with the City's General Plan or the Planning Code's Priority Policies or Residential Design Guidelines? Please be specific and cite specific sections of the Residential Design Guidelines.

See attached.

2. The Residential Design Guidelines assume some impacts to be reasonable and expected as part of construction. Please explain how this project would cause unreasonable impacts. If you believe your property, the property of others or the neighborhood would be adversely affected, please state who would be affected, and how:

See attached.

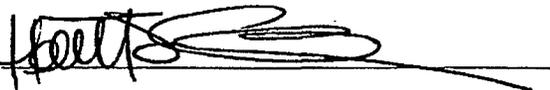
3. What alternatives or changes to the proposed project, beyond the changes (if any) already made would respond to the exceptional and extraordinary circumstances and reduce the adverse effects noted above in question #1?

See attached.

Applicant's Affidavit

Under penalty of perjury the following declarations are made:

- a: The undersigned is the owner or authorized agent of the owner of this property.
- b: The information presented is true and correct to the best of my knowledge.
- c: The other information or applications may be required.

Signature: 

Date: June 6, 2015

Print name, and indicate whether owner, or authorized agent:

Henrietta S. Currier, owner
Owner / Authorized Agent (circle one)

CASE NUMBER
For Staff Use only

Discretionary Review Application Submittal Checklist

Applications submitted to the Planning Department must be accompanied by this checklist and all required materials. The checklist is to be completed and signed by the applicant or authorized agent.

REQUIRED MATERIALS (please check correct column)	DR APPLICATION
Application, with all blanks completed	<input checked="" type="checkbox"/>
Address labels (original), if applicable	<input checked="" type="checkbox"/>
Address labels (copy of the above), if applicable	<input checked="" type="checkbox"/>
Photocopy of this completed application	<input checked="" type="checkbox"/>
Photographs that illustrate your concerns	<input type="checkbox"/>
Covenant or Deed Restrictions	<input type="checkbox"/>
Check payable to Planning Dept.	<input checked="" type="checkbox"/>
Letter of authorization for agent N/A	<input checked="" type="checkbox"/>
Other: Section Plan, Detail drawings (i.e. windows, door entries, trim), Specifications (for cleaning, repair, etc.) and/or Product cut sheets for new elements (i.e. windows, doors)	<input type="checkbox"/>

NOTES:

- Required Material.
- Optional Material.
- Two sets of original labels and one copy of addresses of adjacent property owners and owners of property across street.

For Department Use Only

Application received by Planning Department

By: _____

Date: _____



**SAN FRANCISCO
PLANNING
DEPARTMENT**

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

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

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

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

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

Continuation – DR on 323 Cumberland Street New Construction DR on permit no.: 201406279813

1. We are requesting Discretionary Review because the proposed building is too large for the neighborhood, violates the pattern of 25-foot wide lots and homes that are or appear to be no wider than 25 feet in width, is additionally out of character with the neighborhood in materials, glazing, style, horizontal emphasis, fenestration pattern and details and replaces an existing affordable starter home with a 5855 sf home unaffordable to even very wealthy families in the City.

The proposal violates the following Residential Design Guideline:

Design Principle: Design buildings to be responsive to the overall neighborhood context, in order to preserve the existing visual character (p. 7). The first of six underlying principles in the City's Residential Guidelines (RDGs), this statement, more than any other, is the reason the Guidelines were developed in the late 1980's. In terms of hierarchy, the design *principles* are the first order of direction in the RDGs, under which design *guidelines* are organized.

The zoning controls in the City's western neighborhoods are now almost 40 years old, having been all but ignored as the City has reconsidered and fine tuned controls in the Eastern Neighborhoods several times over during the past 20 years. It is this principle alone that stands between the preservation of the unique and charming character of the City's individual Western Neighborhoods and the demise of affordability, small-scale, historic architectural styles and details in favor of monolithic monster homes constructed for no other purpose than to make a profit at the highest end of the single-family home market.

The existing homes on this block of Cumberland are of a rich variety of architectural styles, a majority of which date from before 1940 and many of which date from between 1907 and 1910. These styles incorporate charming detail and modest scale in height, depth and width. (See Exhibit D.) Although interior square footage is not regulated in San Francisco, as it is in many other communities in California and across the nation (which is perhaps a function of zoning controls that are 40-years old), unless square footage is largely subterranean it is the single most telling leading indicator of scale and mass. According to Tax Assessor records, the average square footage of homes on this block of Cumberland is 1895 sf (Exhibit B). This figure excludes garage and other non-habitable space, which commonly adds up to no more than 1000 sf in older homes. The proposed home is 5855 sf plus an additional 2255 sf of garage and storage space. At 8090 total sf and a width of 47 feet at street front, the proposed home will detract from the existing character of the street in a major way (Exhibit C). Because it is so very massive and monolithic, this building will then become the block's unaffordable icon, paving the way to the obliteration of what's left of the block's smaller scale character.

The RDGs explicitly include block pattern and lot pattern in its explanation of neighborhood character (page 7). This block of Cumberland is composed of 26 interior lots (13 on each side of the street, excluding corner-area lots), all but two of which are 25-foot wide (Exhibit A). The only two lots that are 50-foot wide are developed with buildings that are broken up into two and three vertical components such that they appear to be two or three smaller buildings (bottom of Exhibit D and Exhibit E).

Design Principle: Place the building on its site so it responds to the topography of the site, its position on the block, and to the placement of surrounding buildings (p.11). This is the second underlying design principle of the RDGs. As noted above, all but two (non-corner area) lots on this block are 25 feet wide. The two lots that are 50-foot wide have been designed with two homes that are designed in discrete vertical elements that read as though they were two or three separate buildings each so as not to conflict with the 25-foot lot pattern (bottom of Exhibit D and Exhibit E). The subject property consists of two 25-foot-wide lots, one of which is occupied by a 950 sf home and one of which is vacant (Exhibit B). Given the character of the block, and especially the two immediately adjacent homes, the appropriate development would consist of retaining the existing home and building a new home with a 25-foot frontage facade and set back between 311 and 323 Cumberland. The demolition of the existing home, merging with a vacant lot and construction with a monolith consuming 47 of 50 feet of new lot frontage violates the immediately adjacent lot pattern and the pattern of building frontages along the entire block.

Front Setback. Guidelines: Treat the front setback so that it provides a pedestrian scale and enhances the street and In areas with varied front setbacks, design building setbacks to act as a transition between adjacent buildings and to unify the overall streetscape (p.12). The immediately adjacent home at 311 Cumberland is a 33-foot wide by 30-foot deep lot carved out of the corner of Cumberland and Sanchez Streets (Exhibit A -- lot 7 next to the project site). Its forward wall, which is at the property line, determined that site's front setback as zero feet. You can see, however (Exhibit C), that this home steps back from the street such that the facade is broken into smaller parts leading back into the vacant lot. The new building ignores the stepped pattern of 311 Cumberland and ignores the large setback at 327 Cumberland with a double-wide front facade on a single plane. A home that respected this guideline would be built in two discrete 25-foot-wide portions with the westernmost half set back much closer to the front wall of 327 Cumberland.

Facade Width. Guideline: Design the building's facade width to be compatible with those found on surrounding buildings (p.28). As noted above and seen in the plans, photos and montage (Exhibit C), the proposed facade will be 47 feet wide. Immediately adjacent to the west (327 Cumberland) the facade is 25 feet; immediately adjacent to the east (311 Cumberland) the facade is broken into vertical elements that read as no larger than 15 feet wide (and total across the lot 33 feet) (see Exhibit C).

Rooflines. Guideline: Design rooflines to be compatible with those found on surrounding buildings (p. 30). Rooflines on the block are varied (see Exhibit D). Nowhere on the block is a flat unbroken roofline 31- or 39-foot wide, which is how wide the 3rd and 4th floor rooflines will be respectively. Because of the horizontal emphasis of the building, the second floor roofline actually read as though it will be 47 feet long because of the overhead entry detail. There are no buildings on this block that present such a long horizontal pattern.

Design Principle: Design the building's architectural features to enhance the visual and architectural character of the neighborhood (p. 31). Modern buildings can be modern without flying in the face of established architectural character. In its immense horizontal

nature (found nowhere else on this block) and in its massing, this building is immensely out of character with the neighborhood. It additionally fails to incorporate *anything* about the block in materials, glazing, fenestration and detail (Exhibits C and D). It's as if this building was designed for another place entirely.

The exceptional and extraordinary circumstances which justify this DR are as follows:

1. The proposal requires a lot merger that will result in the loss of one one-unit housing opportunity infill site at a time when the City has policies in place to preserve existing housing and prevent the loss of housing, especially the **NET LOSS** of housing which results from a lot merger in which two homes could occupy the space proposed for only one unit. (See separate DR on the demolition permit application).
2. The proposal results in a lot width and building width out of character with the predominant pattern on the street. Only two existing lots (out of 26) are as wide as the one proposed and the buildings on both those lots have been designed in discrete narrow sections to appear as though they did occupy two separate lots. The proposed home will be the **ONLY** building on this block that will appear so wide -- at least twice as wide as every other building appears.
3. The scale of this building, as demonstrated by both its envelope and its proposed square footage, is not just out of character with the block; it is massively out of character.
4. By removing a 950-sf home and a separate buildable vacant lot and replacing these two entities with a single 5855 sf (plus 2255 sf of garage and storage space) building it will change the comparative affordability of the neighborhood and bolster the cause of speculators to demolish what this neighborhood has left of starter, comparatively affordable homes.

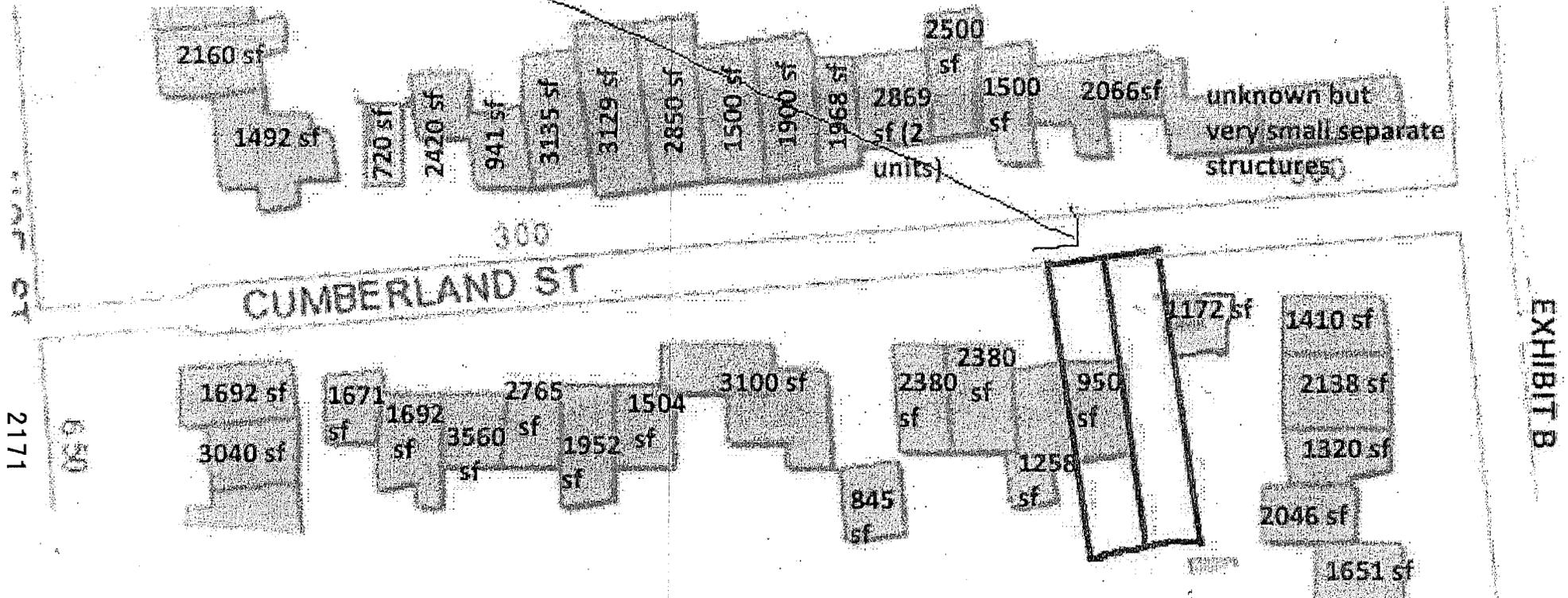
2. Unreasonable impacts and description of impacts.

The impacts described above negatively affect the entire neighborhood, as demonstrated by the petition and letters attached to this DR. A majority of neighborhood residents believe the precedent of allowing the merger of two RH-1 lots is fundamentally contrary to important City policies to promote housing while the single proposed home on a double-wide lot is massively out of scale and character with the neighborhood.

3. What alternatives and changes would respond to the exceptional and extraordinary circumstances?

Any project requiring both the demolition of sound housing and the merger of two buildable lots for the construction of only a single unit fly in the face of every City policy that serves to protect existing and potential housing sites. This is a project that requires an outright denial so that a young family can move into the existing sound starter home at 323 Cumberland and the sponsor can build a 25-foot wide home at 313 Cumberland.

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)



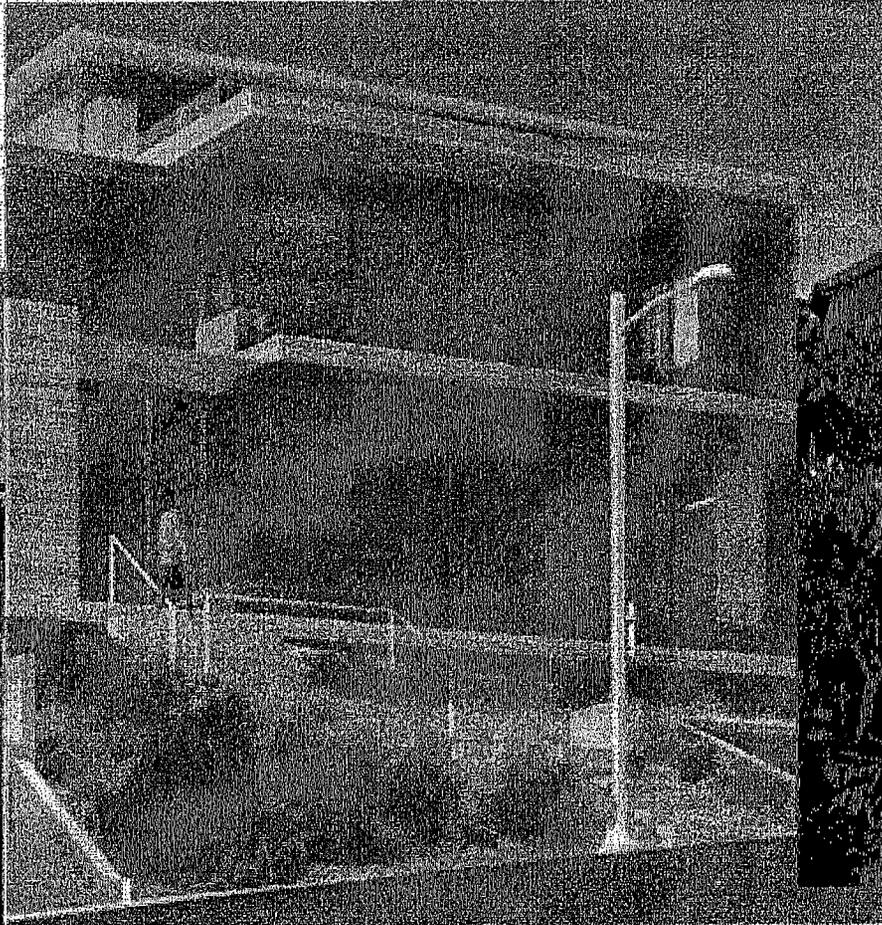
Numbers in blue are from tax assessment records, modified upwardly from MLS records. Proposed building would be approximately 5855 sf by tax assessor plus 2256 sf garage and storage. (Tax Assessor's records exclude garage and non-habitable space.)

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 REALTIVE MUCH MORE AFFORDABLE THAN ITS REPLACEMENT BUILDING BUT WILL ALSO REMOVE A BUILDABLE VACANT LOT, RESULTING IN THE EFFECTIVE LOSS OF 2 UNITS FOR THE REPLACEMENT WITH ONE.

Proposed home -- 5855 sf (8090 sf including garage and storage)

311 Cumberland



327 Cumberland



2172

EXHIBIT C

Lot is 33 feet wide by 30 feet deep. Facade is broken up and stepped in two pieces to reduce visual impact.

Proposed merged lot is 50 feet wide by 114 feet deep. Facade is barely articulated and fails to relate in any way (scale, materials, massing, details, or fenestration pattern) to immediately adjacent neighbors or most other buildings on the block.

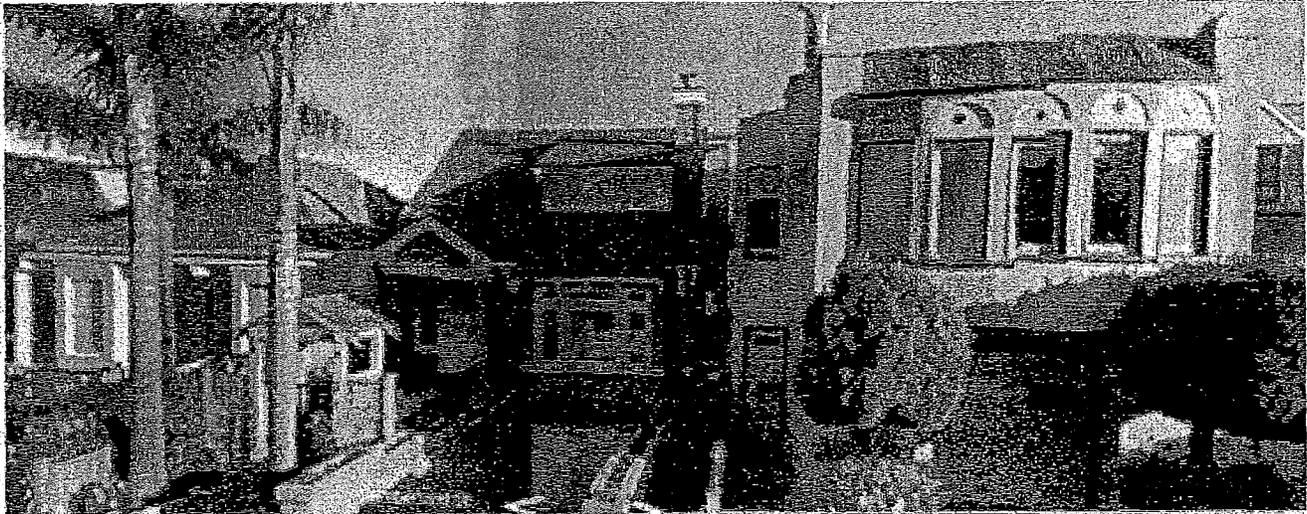
Lot is 25 feet wide by 114 feet deep. Facade is stepped.

EXHIBIT D

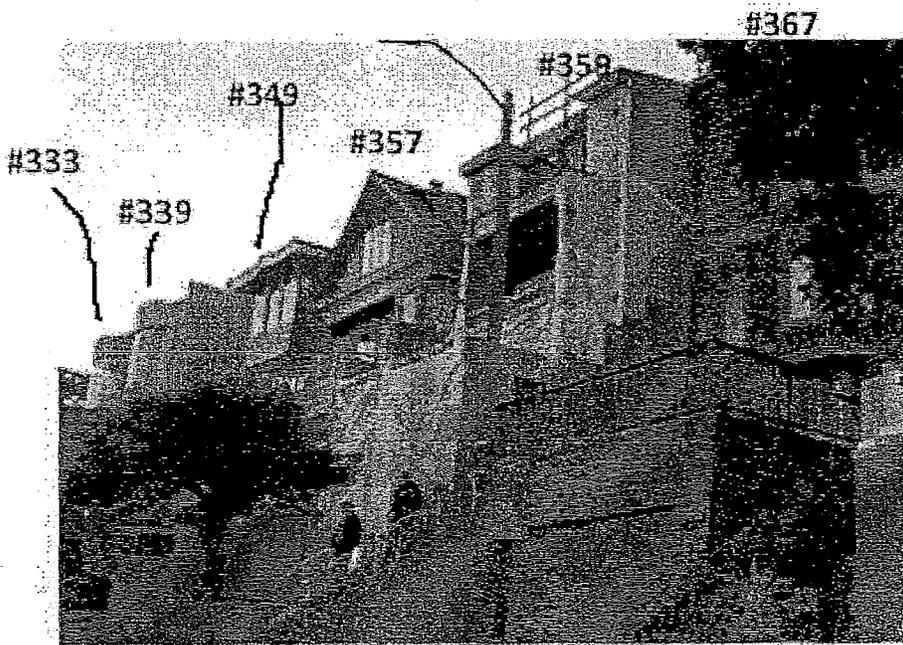
#336-38

#332

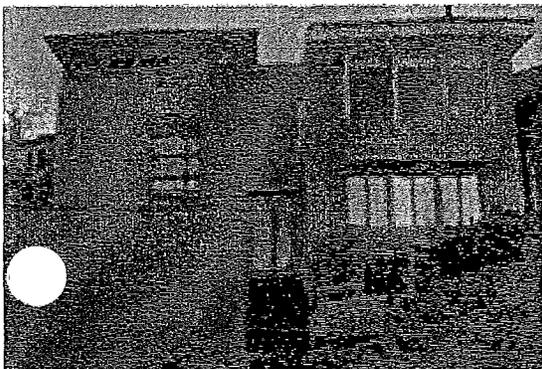
#328



Typical building scale across the street: 25-wide facades on 25-foot wide lots.

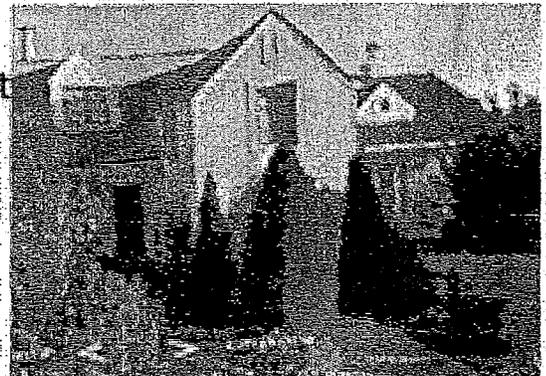


Taller on south side of the street but still either 25-foot wide lots and buildings or reading as 25-foot wide.



#349

Even the only two buildings on 50-foot wide lots are broken up to look like they two buildings of 25-foot width.



#324

Lot 45

300 block of Cumberland

323 Cumberland St

Lot 38

subject property

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

EXHIBIT E



Home on lot 45 -- also broken into parts



Lot 38 home broken into two parts

Greg Roberts
322 Cumberland Street
San Francisco, Ca. 94114

June 8, 2015

Michael Smith
City Planner, San Francisco Planning Dept.
1650 Mission Street, Suite 400
San Francisco, CA 94103
Email: michael.e.smith@sfgov.org

Re: 323 Cumberland Street, Building Permit Application No.
2014.06.27.9813 and Demolition Permit Application No.
2014.06.27.9820

Dear Mr. Smith,

I am writing to express my strong opposition to the project proposed for 323 Cumberland Street.

The project design is "out of scale and context" with the existing character of the Dolores Heights Special Use District. The project is tremendously excessive. It is especially offensive when placed between two modest cottages.

It should be against public policy to allow a lot merger to create an 8300+ square foot structure for a single family of two when we have a housing crisis in our City. I oppose the lot merger on both grounds.

The proposed builders did not respond to the neighborhood's issues with the design. They thwarted inquiry and misled on the intentions while adding even more square footage to what would be, by far, the largest single residence in our expanded neighborhood.

Please review and restrict the plan for this massive structure sprawled across two lots.

Sincerely,



Greg Roberts
322 Cumberland Street
San Francisco, Ca
94114

May 8, 2015

Michael Smith
City Planner, San Francisco Planning Dept.
1650 Mission Street, Suite 400
San Francisco, CA 94103
Email: michael.a.smith@sfgov.org

Re: 323 Cumberland Street -Permit No. 2014.06.27.9813 (new construction), and
Permit No. 2014.06.27.9820 (demolition)

Dear Mr. Smith,

We are writing as concerned neighbors. Ms. Moran's properties at 300 and 322 Cumberland Street and Ms. Currier's property at 324 Cumberland Street are across the street to the north from 323 Cumberland. Ms. Moran grew up in this neighborhood; Ms. de Cossio's mother was a childhood playmate of Ms. Moran, and Ms. Currier purchased her property in 1996 – our properties are one of the things that makes San Francisco cool and Dolores Heights quaint.

We are writing to express our opposition to the proposed project at 323 Cumberland Street.

The dimensions and character of the proposed project do not mesh with the character of the neighborhood. It has a negative impact on privacy, air and light of surrounding homes, and sets a very poor precedent that will only erode the integrity of the Dolores Heights Special Use District. It is completely out of scale and character for the neighborhood.

We are also concerned with the proposed lot merger, which adversely affects the City's housing stock by removing a vacant, buildable lot. In addition, by merging the lots at 313 and 323 Cumberland, the resulting building would be much wider than any home in the neighborhood. Two individual homes, built to scale for the neighborhood and with potential impact on neighbors kept in mind, would not have the impact of this excessively wide structure.

How would the owners feel if the north side of the street decided to build to the maximum height/building envelope or very close to it? How about a merger of several lots for an even longer facade? (We take it to the extreme to make our point.) Then perhaps the owners, Ruchi and Aditya, would be in our shoes.

This isn't personal, the owners seem like very nice people. We are open to discussion, but they have not engaged in any meaningful way. They have answered questions, but have not offered solutions to the issues we have raised.

Very Truly Yours,



Diane Moran
35 Lacosta Court
Novato Ca 94947



Henrietta S. Currier & Renee F. de Cossio
324 Cumberland Street
San Francisco Ca. 94114

Richard Lynch & Shelley Gardner
327 Cumberland Street
San Francisco, Ca. 94114

May 7, 2015

Michael Smith
City Planner, San Francisco Planning Dept.
1650 Mission Street, Suite 400
San Francisco, CA 94103

Re: 323 Cumberland Street, Building Permit Application No. 2014.06.27.9813
and Demolition Permit Application No. 2014.06.27.9820

Dear Mr. Smith,

I am writing to express our opposition to the above referenced project. I am specifically withdrawing a letter of support that I submitted in 2014. Earlier this year I signed a petition in opposition to this project, but I want to be clear. My wife and I want to express our opposition to certain aspects of the project. I don't mind that it is on two lots; we would prefer that, as it would mean more parking for the street.

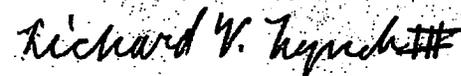
The project design, however, is *out of context and scale* with existing character of the Dolores Heights Special Use District. The project, as planned, is excessively large, especially placed between two cottages. It doesn't fit in with the neighborhood.

The owners had made an earlier concession to set back the back wall of the project by about six feet -- but this change only allowed them to apply for permits without a rear yard variance; so it was not much of an accommodation at all.

We would like the owners to make an accommodation to our adjacent property. The project's second above-grade story will extend well beyond the front of our home and will block the light and air to our modest front deck and entryway. My wife has been very ill, and the deck is the one place she can get to easily in order to enjoy the sunshine. Not only will the project block our light in the front, but also our air in the front and it will invade our privacy. I'm no expert, but it appears from the drawings that the project will have a deck that will look down onto our deck, front door and into our living room windows. We hope to be able to work something out with the owners.

I am personally fond of the owners, but I don't think they are looking at this project from the neighborhood's perspective.

Very Truly Yours,



Richard Lynch & Shelley Gardener

June 7, 2015

Michael Smith
City Planner, San Francisco Planning Dept.
1650 Mission Street, Suite 400
San Francisco, CA 94103
Email: michael.e.smith@sfgov.org

Re: 323 Cumberland Street
Permit No. 2014.06.27.9813 (new construction), and
Permit No. 2014.06.27.9820 (demolition)

Dear Mr. Smith,

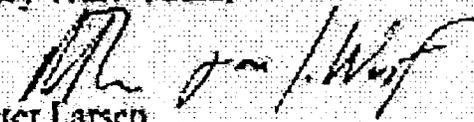
Our home at 4020 20th Street abuts 323 Cumberland directly to the South.

We are writing to express our opposition to the proposed project at 323 Cumberland Street.

The dimensions and character of the proposed house plans do not mesh with the rest of the neighborhood. The proposal does not fit in with the character of the neighborhood, has a negative impact on privacy, air and light of surrounding homes, and sets a very poor precedent that will only erode the integrity of the Dolores Heights Special Use District. It is completely out of scale and not responsive to the neighborhood context.

We are also concerned with the proposed lot merger, which adversely affects the City's housing stock by removing a vacant, buildable lot. In addition, by merging the lots at 313 and 323 Cumberland, the resulting building would be much wider than any home in the neighborhood, resulting in a wide expanse of 3 story south-facing glass which has the potential to cause significant glare for neighbors to the south. Two individual homes, built to scale for the neighborhood and with potential impact on neighbors kept in mind, would not have the impact of this excessively wide structure.

Very Truly Yours,


Peter Larsen
Joan Wulf

4020 20th Street, San Francisco, CA 94114



DOLORES HEIGHTS IMPROVEMENT CLUB
Post Office Box 14426, San Francisco, CA 94114

Hand-delivered to SF Planning Department

June 4, 2015

Mr. Michael Smith
City Planner
San Francisco City Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103

**RE: 323 Cumberland Street (Building Permit App No 2014.06.27.9813
and Demolition Permit App No 2014.06.27.9820)**

Dear Mr. Smith:

We are writing regarding the above-referenced proposed project on behalf of the board and members of the Dolores Heights Improvement Club (DHIC). Our organization seeks to be a positive influence on development in Dolores Heights. The San Francisco Planning Commission Resolution No. 8472 which created the Dolores Heights Special Use District (DH SUD) describes our neighborhood as an "outstanding and unique area, which contributes to San Francisco's visual form and character."

Our Planning and Land Use Committee (PLU) reviewed the proposed project relative to the DH SUD and the Dolores Heights Residential Design Guidelines (DH RDG). Dolores Heights neighbors and DHIC officers have attended meetings with the sponsors of the Project and have provided the sponsors with feedback relating to the Project. The final plans filed with the San Francisco Planning Department still represent a design that is not compatible with the DH SUD and the Dolores Heights Residential Design Guidelines (DH RDG) or with the San Francisco Planning Code and its Residential Design Guidelines. We ask you as the City Planner assigned to this Project, your colleagues at the San Francisco Planning Department, and the Planning Commission to request that the sponsors make design changes to address the following concerns and objections:

Building Bulk and Massing. The project is a massive structure. With total gross square footage of over 8,300 square feet, it is more than twice the size the buildings on the 300 block of Cumberland and on adjacent blocks. In the DH SUD, the average single residence is approximately 1,815 and largest single residence is 4,733 which was built in 1900 and predates the creation of the DH SUD. These numbers include houses on double-lots as if such houses were on



DOLORES HEIGHTS IMPROVEMENT CLUB

Post Office Box 14426, San Francisco, CA 94114

single lots. At over 8,300 sq.ft, this project is out of context for this neighborhood. In order to preserve neighborhood character, the SF Planning Department's Residential Guidelines provide that sponsors should "design the scale of the building to be compatible with the height and depth of surrounding buildings." At four floors (one below grade in whole or in part), 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, as provided in the DH RDG. The proposed building greatly exceeds the DH RDG. We recommend reducing both the height and the width of the building to be compatible with the neighboring homes.

Building Width and Front Façade. Care must be taken when developing a double-wide lot to ensure that the new building is compatible with the 25' width of surrounding buildings. The SF Planning Department's Residential Design Guidelines recommend that sponsors "articulate the facade to respect traditional facade widths. For example, a facade may be broken into separate forms that match the widths of surrounding buildings." The proposed building has a horizontally oriented façade, which is monolithic. It includes a wall on the west side that protrudes beyond the front of the neighboring home (327 Cumberland) – blocking their light and air from the east. We recommend that the project sponsor follow the SF Planning Department's Residential Design Guidelines, which recommend "design the building's proportions to be compatible with those found on surrounding buildings."

Building Height. To ensure that the new development complements the size and texture of the surrounding buildings the DH RDG recommends limiting the building height to 25 feet for the last 16 feet of building depth on up sloping lots. Where a lot slopes uphill away from the front property line, the Guidelines recommend that the building step up the hill in increments following the slope of the hill. We recommend these changes to the proposed project to be compatible with the Dolores Heights neighborhood.

Preservation of Light and Air. The DH RDG also recommend incorporating "good neighbor" gestures including partial setbacks to prevent blocking a neighbor's light and air. The second above-grade story of the proposed project blocks the view of the neighbor to the west (327 Cumberland Street - the Gardiner/Lynch home). Again, a tiered structure, where the second above-grade story does not extend beyond the Gardiner/Lynch home's deck would not block this neighbor's view, air and light. The sponsor has incorporated a partial setback since their initial proposal, while at the same time increasing overall square footage through subterranean excavation. We recommend that the



DOLORES HEIGHTS IMPROVEMENT CLUB

Post Office Box 14426, San Francisco, CA 94114

sponsor increase the setback at the second above-grade story level, so that the west wall does not block their neighbor's light and air.

Excavations. This project involves significant excavations across the entire lot. The owners of another adjacent lot at 660 Sanchez, who are friends of this project sponsor, plan similar excavations. Both of these excavations will be very near to each other and raise concerns relating to their impact on foundations of adjacent neighbors. Furthermore, we note for the record that Dolores Heights has an underground spring. We are aware of at least one project (on nearby 21st street) which did excavate, and caused adjacent neighbors to get redirected stream flooding into their basement, for which the neighbors had to install a sump pump, increasing their ongoing operating and insurance expenses. We understand that the Planning Department is not responsible for this part of the Project, but we recommend these issues be addressed by the Building Department before any excavation starts.

Summary

The proposed project will have an extraordinary impact on an "outstanding and unique area" with a steep topography that has created an irregular pattern of streets, seven public stairways, and buildings. Dolores Heights is filled with interesting houses and cottages set into the hillside's gardens and tree-filled open spaces. It provides San Franciscans and visitors with access to stunning public views of the City and the Bay at every corner.

The project sponsors have not cited any exceptional or extraordinary circumstances, practical difficulties or unnecessary hardship that justify a building of this mass, size and design. The DH SUD was created in order to:

"Preserve and provide for an established area with a unique character and balance of built and natural environment, with public and private view corridors and panoramas, to conserve existing buildings, plant materials and planted spaces, to prevent unreasonable obstruction of view and light by buildings or plant materials, and to encourage development in context and scale with established character and landscape."

The sponsors have told neighbors that they purchased the property because they love the Dolores Heights neighborhood for its quaint cottages and front yard gardens... Yet they propose a structure that is wholly incompatible with the neighborhood for the reasons cited above. A project of this size and scale will detract from the character of Dolores Heights neighborhood, and set a precedent for other developments that will rapidly transform Dolores Heights from a charming hillside into a monolithic neighborhood.



DOLORES HEIGHTS IMPROVEMENT CLUB
Post Office Box 14426, San Francisco, CA 94114

We urge you to require these changes in the project design.

Sincerely,

John O'Duinn
Chair, Dolores Heights Improvement Club
384 Liberty Street

Carolyn Kenady
Chair, Planning and Land Use Committee
Dolores Heights Improvement Club
3632 21st Street

From: **Brent Horowitz** brent_horowitz@yahoo.com
Subject: **Fwd: Letter Responding to Proposed Construction at 313-323 Cumberland St**
Date: **June 5, 2015 at 3:39 PM**
To: **Rhett Currier** rhettcurrier@gmail.com

Sent from a tiny keyboard

Begin forwarded message:

From: Brent Horowitz <brent_horowitz@yahoo.com>
Date: May 14, 2015 at 9:51:23 PM PDT
To: Ruchi Sanghvi <rsanghvi@gmail.com>, Aditya Agarwal <aditya@dropbox.com>
Cc: Michael Smith <michael.e.smith@sfgov.org>, John O'Duinn <john@oduinn.com>, Heather Thompson <heatherthompsonhorowitz@gmail.com>
Subject: Letter Responding to Proposed Construction at 313-323 Cumberland St
Reply-To: Brent Horowitz <brent_horowitz@yahoo.com>

Ruchi & Aditya,

Attached please find a letter outlining our thoughts & concerns on the currently proposed project.

Best regards,

Brent & Heather

Brent Horowitz
Heather Thompson Horowitz
328 Cumberland Street
San Francisco, CA 94114



Letter to Ruchi-Aditya
from Horow...hand.docx

Brent & Heather Horowitz
328 Cumberland Street
San Francisco, Ca. 94114

May 14, 2015

Dear Ruchi & Aditya,

Thank you for hosting a follow-up meeting on April 21st to present your revised plans for the double lot at 313-323 Cumberland Street. As Brent told the group and each of you after the meeting, we appreciate your engagement and willingness to hear feedback from your future neighbors – and longtime residents – here in Dolores Heights

As Brent also stated, we can tell that much thought was given by your architect, John Maniscalco, to incorporate feedback from the first design version that was presented to the neighborhood months ago. In particular, breaking up some of the façade with a bit of a step-back; adding design features to further break up the monolithic front; and lowering and/or pushing back the side walls (particularly on the East) have certainly improved a very imposing and shade-producing structure in an otherwise quaint neighborhood.

With all of that said, **we continue to have significant concerns** about several aspects of the project as outlined below. While we speak for ourselves, our concerns are without question shared by many, as you all heard at the well-attended April 21st meeting.

Size

First and foremost, the architectural design presented on April 21st is now for a house that is even *larger* than the original proposal. We recognize that some of this space is now underground as proposed, and that the above-ground structure has been reduced a bit to a (still-significant) ~5200 square feet. But Mr. Maniscalco seemed perturbed by the repeated feedback regarding the floor space from multiple attendees of the meeting saying, “you all seem a bit hung up on an abstract number.”

Numbers and words are by nature abstractions, yes. But numbers are also as objective as any description; the fact is that **at approximately 8300 square feet the home proposed will be more than twice the size of any other structure on the block**, and all but a few in the surrounding neighborhood. That includes BOTH of the other double lots on the 300 block of Cumberland, one of which is just over 3000 sq. feet and the other closer to 2000. In one of the original letters you sent to your future neighbors, you expressed wanting to live in this neighborhood given how “quaint and charming” it was. Imagine if in 10-15 years from now most of the homes on this block were of the size and scale of what you are proposing here. How “quaint” would this historic and unique street be then? We ask you to please re-consider whether you truly need this much space – keeping in mind we are a family of four living comfortably in a 1500 square foot home – and if so whether this is the right neighborhood for that kind of scale.

Light & Aesthetic Space

Square footage aside, the other main problem we have being directly across the street (on the downslope to the North) is what we see, and what light reaches our house especially in the Winter (when your property is in the path of the mid-day sun). Given the slope of the hill, anything you build up and out will loom over our daughter’s room in the front of our house.

Today, we read her stories before her nap and see greenery across the street. Under this design, we'll look out our original bay windows and see into a mass of modern wood, concrete and glass. **Our hope is that the plans can evolve further, with (at least) the second story set back further; more emphasis on breaking up the façade; and more greenery throughout.**

One of the under-appreciated and also brilliant aspects of the only two other double lots on the street (that of Rhett Currier at 324 Cumberland and Bernie Katzmann at 349 Cumberland) is that both homes are **purposely designed** (and remodeled in Bernie's case) **to look like two different structures**. Specifically, one side of each home is actually set a good deal further back than the other side. Also, both are significantly set back from the street overall to mitigate the effect of one joined home. Please consider the effect your current design will have on the feel of the street – for those that drive home every day with your structure towering over the apex of the hill, as well as those that live directly across and below from your home.

The good news is we feel that this aspect is relatively easy to address given the experience and talent of your design team, so we are hopeful that you and they will act on this feedback.

Excavation & Safety

In order to accommodate the amount of space you are looking for without having to ask for a variance, it seems like the order of the day is to dig. While we appreciate the added cost as well as the effort to rein in the above-ground scale, there are other considerations.

We are not sure you are aware, but directly North of and below our property and that of Ms. Currier and the Nadlers (@332 Cumberland) there is a long-standing proposal pending (@ 3927-3931 19th St) to dig 25 feet horizontally into the very steep hillside and create a 60-foot-high retaining wall for three new 4-story houses. They are asking to drill major supports underneath our property to do so. That conversation is ongoing.

But with the hillside potentially being excavated below our home, with a natural spring on your property being diverted directly above us per your plan, and living in a home that was constructed in 1928, one can appreciate that this is not an idle concern. Brent was knocked to the ground in Marin County as a teenager during the 1989 quake; we live on a hill (i.e. rock) for more reasons than the view. Whatever your digging plans, we ask that you give thorough consideration to any runoff and/or destabilized earth that might affect those directly next to your property. We would also like to meet with your geotechnical engineer to understand these aspects of your overall plans in detail.

Longevity & Character

Finally, based on the interactions with you and your design team, **we don't believe you truly appreciate the intangibles of this small and historic collection of blocks that comprise Liberty Hill and Dolores Heights.** As we believe you know, the address of your proposed house lies inside of the Dolores Heights Special Use District and therefore is subject to the guidelines unanimously adopted by the San Francisco City Planning Commissioners under the following preamble: *"Whereas, Dolores Heights is listed in the Urban Design Element of the Comprehensive Plan as one of the 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..."*

However much money or time or thought has been spent getting your proposal to this point, we do not see how it in any way seeks to “maintain the established character” of Dolores Heights overall let alone the 300 block of Cumberland. Further, it seems that there have been efforts made to move *away* from that heritage. The small existing home at 323 was owned by a lovely old man named Bob Jacks who used to bring us plums from the tree his once wife planted in his side yard. He lived there for over 40 years. After he passed away and the property became yours, we observed a team come over one afternoon and re-roof the house – which is interesting considering no-one lived in it and it was intended for demolition – and we noticed the original architectural feature above the door (the eyebrow dormer) was removed during the roofing and not replaced. We have no way to know whether this was intentional, nor can we find permits for the job, but it is fair to say that not much if any effort was made in the way of preservation.

In Summary...

While we have only owned 328 Cumberland Street for six years (we closed six days before our first child was born), we were also renters for five years before that. We bought the home we’d already lived in. We see tourists daily as they quietly explore our sunny dead-end street, stopping to look at Rhett’s garden and the small fishpond in front of the cottage across from Bernie’s house. They often pause at the apex – directly in front of your property – to turn around slowly, taking pictures of the fog being held up by Twin Peaks, spilling like a slow wave into a very unique city that is changing dramatically.

You now wield an important hand in shaping San Francisco’s architectural legacy. We welcome you to the neighborhood and sincerely hope that you realize none of this feedback has to do with you as individuals – as one of your friends mistakenly (and unfortunately) suggested at the meeting. Instead it is all about protecting this neighborhood’s heritage as well as the value and enjoyment of our home.

We hope that you will continue to engage with the community and find a compromise that on the one hand gives you your dream home while on the other does so with a lighter, more appropriate footprint on this very unique street in San Francisco.

Best regards,



Brent & Heather

cc: Michael Smith, City Planner
John O’Duinn, Board Chair, Dolores Heights Improvement Club

From: **David Nadler** dnadler@gmail.com
Subject: **Letter concerning the proposed project at 313-323 Cumberland**
Date: **June 1, 2015 at 9:47 AM**
To: **Ruchi Sanghvi** rsanghvi@gmail.com, **Aditya Agarwal** aditya@dropbox.com
Cc: **Michael Smith** michael.e.smith@sfgov.org, **Laura Nadler** lauranadler@gmail.com
Bcc: mattcourier@gmail.com

Dear Ruchi and Aditya,

Please find attached a brief letter with our thoughts about the currently proposed project. We look forward to your continued engagement with the community and appreciate your attention to its concerns.

Best regards,
David & Laura Nadler
332 Cumberland



Letter to Ruchi-Aditya
from Nadle...d copy.docx

David & Laura Nadler
332 Cumberland Street
San Francisco, Ca. 94114

June 1, 2015

Dear Ruchi & Aditya,

Thank you for your continued engagement with the community. Our neighborhood is a wonderful place to live, with caring thoughtful residents, and we look forward to sharing it with your family.

As nearby neighbors at 332 Cumberland, we have **strong concerns** about the current form of your plans at 323 Cumberland and the adjacent lot. But we do not see these worries or those of our neighbors as insurmountable. We welcome continued investment by families in the neighborhood and share an appreciation with you for its unique appeal. But we feel its wonderful character is not guaranteed to survive the coming years without careful stewardship.

Here is a brief summary of challenges we feel your project presents to the continued health of Cumberland St and more broadly Dolores Heights.

Size

Our street is not one of imposing structures. We fell in love with our house at 332 Cumberland in large part because while large at 2500sqft (and in fact one of the largest houses on Cumberland), its facade is that of a small cottage with one full floor at street level and only a dormer window above. Outside of a below grade garage entry, what the house presents to the street is not different from when it was built in 1916. The existing house at 323 Cumberland is similar in scale. Both are set back far from the street with welcoming walkways and surrounding plantings. The house next door to us to the west has a large front yard with a fish pond!

As currently proposed, your project presents a radical change with its monolithic facade, both in height and expanse. Unlike the other homes on double lots on Cumberland, the proposed design makes no effort to integrate this massing into the rhythm of the street. In one of the original letters you sent to your future neighbors, you expressed wanting to live in this neighborhood given how "quaint and charming" it is. This seems inconsistent with the current proposed design, and we worry about the precedent it will set.

Excavation

We understand that the current proposed design places more of the square footage underground. While this addresses some of the concerns with its presented massing, it raises significant new ones. First, the integrity of the hill itself, a valuable asset both for the large trees it supports and for its safety in an earthquake zone, is continuing to be compromised. There is a long-standing proposal pending (@ 3927-3931 19th St) to dig 25 feet horizontally into the very steep hillside and create a 60-foot-high retaining wall for three new 4-story houses. They are asking to drill major supports underneath our properties and our neighbors to do so. That conversation is ongoing and your project will set a further precedent for what developers will seek.

We also are strongly concerned about what such an excavation will mean for those of us who will live nearby to it. While there are other projects in the neighborhood, most are limited to the rehabilitation of older structures, and none is close to the scale you propose. Your excavation will no doubt require major machinery to work for long periods on our small dead end street. This is where our son and many other children (at least 5 who are 6 years old or younger live within 100 feet of your lots) play and explore without concerns about their safety. They ride bikes, play catch, draw chalk pictures, and garden in front yards. Your project promises a long and significant impact, which will turn their play area into a construction zone.

Preservation of streetscape

Cumberland St has a unique character. Blocks from Castro St, it is quiet and offers beautiful vistas which all can enjoy from the sidewalks and the street. Tourists come and stand in the middle of the street to take pictures of Sutra Tower. The street is surrounded by large trees and residents have supported plantings all along the sidewalks. Its houses are set back, often with front gardens, including some historic earthquake shacks hidden behind deep foliage. Rather than embrace this heritage, your proposed project seems to move in the other direction. **For a small amount of space, your project could have beautiful greenery in front and contribute to the heritage of Cumberland St rather than take it in a dramatically new direction.**

We hope that you will continue to engage with the community and realize your dream home with a lighter, more appropriate footprint on this unique street in San Francisco.

Best regards,

David & Laura

cc: Michael Smith, City Planner
John O'Duinn, Board Chair, Dolores Heights Improvement Club

From: elizabeth.kantor@gmail.com
Subject: 323 Cumberland plans
Date: May 5, 2015 at 5:33 PM
To: rsanghvi@gmail.com, aditya@dropbox.com
Cc: john@m-architecture.com, michael.e.smith@sfgov.org



Elizabeth Kantor
348 Cumberland Street
San Francisco, CA 94114

May 5, 2015

Ruchi Sanghvi and Aditya Agarwal
rsanghvi@gmail.com, aditya@dropbox.com
323 Cumberland Street
San Francisco, CA 94114

Dear Ms. Sanghvi and Mr. Agarwal:

I have lived on Cumberland Street for the past 15 years, and I have long admired and appreciated the lovely home at 323 Cumberland, and the open space around it. I have not attended most of the meetings to review and discuss the project for the new building on your two lots there, but I have seen your plans for the property as they have been developed and shared with the neighbors.

I moved here, thrilled to be on this unique block of friendly neighbors, and part of an iconic, traditional San Francisco neighborhood. The charm and warmth of the homes and gardens on our quiet dead end street are a treasure hiding within the larger lovely Dolores Heights area.

Your most recent plans for the new house, that will have 8,000 interior square feet after the demolition of the historic one of about one tenth of its floor space, are a drastic violation of the neighborhood you have chosen. The huge glass and cement structure does not acknowledge or conform to the scale, context, beauty or style of the area, and will encroach upon the light and privacy of its neighbors. Rather than delight and appeal, it offends and alienates with harsh institutional coldness. The bunker-style box appears to belong in a suburban office park. Is this what you intended?

Please change your plans and make a home that will respect the history, character and charm of our neighborhood, and add to it. I am sure that you have the creativity and capacity to design and build a residence that will satisfy all your needs and desires while pleasing and impressing your new community. I encourage you to develop a plan for a house that will fit in with the tradition and charm of this exceptional street and neighborhood, rather than stand as an antagonistic monument.

thank you
sincerely,

Elizabeth Kantor

cc: John Maniscalco, Architect john@m-architecture.com
Michael E. Smith, City Planner michael.e.smith@sfgov.org

From: **Rhett Currier** rhettcurrier@gmail.com
Subject: **313 - 323 Cumberland Street - Planning Application No. 2013:1213**
Date: **March 27, 2015 at 2:33 PM**
To: **Michael Smith** michael.e.smith@sfgov.org
Cc: **Rodney Fong** planning@rodnevfong.com, **Cindy Wu** cwu.planning@gmail.com, **Michael Antonini** wordweaver21@aol.com, **Rich Hills** richhillsf@yahoo.com, **Christine Johnson** christina.johnson@sfgov.org, **Kathrin Moore** mooraurban@aol.com, **Dennis Richards** dennis.richards@sfgov.org, **Scott Wiener** Scott.Wiener@sfgov.org, **Scott Sanchez** scott.sanchez@sfgov.org
Bcc: rhettcurrier@gmail.com



Mr. Smith,

I am submitting this petition against the 323 Cumberland Street project with over 60 signatures along with a letter of protest.

If the project sponsors would communicate with the neighborhood, I think that would go a very long way of solving issues without wasting City resources and to encouraging smart development.

I will be sending a hard copy in regular email.

Respectfully,

Henrietta S. Currier
324 Cumberland Street



Petition March 2014.pdf



ltr M Smith planning
03272015.pdf

**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 Hedgkoth	650 Sanchez St.	JUDITH HEDGKOTH
Karl Leichum	3917 19 th Street	Karl Leichum
Debi Harbitt	343 Cumberland St	Debi Harbitt
Chris Harbitt	343 Cumberland St	Chris Harbitt
LINDY JOFFE	377 CUMBERLAND ST	Lindy Joffe
Cate Kellison	317 Cumberland	Cate Kellison
San Tran	395 Cumberland	San Tran
Frank Nolan/ ⁷⁰¹ Berly	373 CUMBERLAND	Frank Nolan
Bruce Muncil	336 Cumberland	Bruce Muncil
Dan Watt	242 Cumberland	Dan Watt
Erik Abegglen	380 Cumberland	Erik Abegglen
Lorin Bender	366 Cumberland	Lorin Bender
Cherim Chaudhry	360 Cumberland St	Cherim Chaudhry
Cyril McWilliam	357 Cumberland	Cyril McWilliam
ANGEZIKA JOST	357 CUMBERLAND	Angerika Jost
SUZANNE TURLEY	678 SANCHEZ	Suzanne Turley
Michael LANZ	674 Sanchez	Michael Lanz
Frank Hertz	706 Sanchez	Frank Hertz
David Ligon	725 Sanchez	David Ligon
Cassey Nelson	725 Sanchez	Cassey Nelson
STEPHEN LONICKA	336 CUMBERLAND ST.	Stephen Lonicka
MARY LONICKA	338 CUMBERLAND ST	Mary Lonicka
HANS KOLBE	3722-21 st ST 94114	Hans Kolbe
ANDREA SEIBUM	378 CUMBERLAND ST	Andrea Seibum
STEVEN DEUTSCH	378 CUMBERLAND ST	Steven Deutsch
allen sinner chen	311 CUMBERLAND ST	Allen Sinner Chen
CECILY GALLUP	311 CUMBERLAND ST	Cecily Gallup
RICHARD V. LYNCH #	327 CUMBERLAND ST	Richard V Lynch

**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.

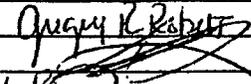
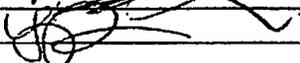
Any new project that, like the one at 323 Cumberland St., proposes replacing a house of 877 gross square feet with a house of 7,181 gross square feet (data according to the project sponsor's Application, dated October 1, 2014) is not in compliance with the principles and intent of either the Residential 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 Wiener, draft a bill similar to Board of Supervisors Resolution 150192 (applying controls to development in Corona Heights that alters the character of the neighborhood) and/or take whatever other measure that he deems appropriate to protect the Dolores Heights SUD and to avoid the destruction of an "outstanding and unique area which contributes to San Francisco's visual form and character" as provided in Resolution No. 8472.

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

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

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and surrounding neighborhoods

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Name	Address	Signature
BOB PETERKOFSTY	4245 25th St 94114	Bob Peterkofsky
OZZIE ROHM	471 Clippert 94114	Ozzie Rohm

**Henrietta S. Currier
324 Cumberland Street
San Francisco, Ca 94114**

Michael Smith
City Planner
San Francisco Planning Dept.
1650 Mission Street, Suite 400
San Francisco, CA 94103
P: 415.558.6322
michael.e.smith@sfgov.org

Via Email and Regular Mail

March 27, 2015

Re: 323 Cumberland Street - Planning Application No. 2013:1213

Mr. Smith,

I am writing to express my concerns about the above reference project.

At a meeting last summer (where many neighbors, did not get notice until afterwards, if they got it at all), Ruchi Sanghvi and Aditya Agarwal aka RSAA LLC (the "Sponsors") and their architect showed their plans and renderings for a 5,600 square foot home for 313-323 Cumberland Street. Multiple neighbors expressed concerns about the Project's scale (especially in light of the average size of homes being more like 2200 Sq feet), architecturally not fitting in with the neighborhood, negative impact on privacy and light, reduction in value of surrounding homes, and a very poor precedent that will only erode the integrity of the Dolores Heights Special Use District. Lastly, the Project completely ignores the Dolores Heights Residential Design Guidelines.

Since that time, the Sponsors have only met with the neighbors at 311 Cumberland and 327 Cumberland. I have requested information from the Sponsor at least three times since the summer meeting, and have been given no information. They have responded to other emails (covering topics from the hazardous waste discovered after I reported to the police that people were living in the house and using injecting drugs, and most recently the notice from the Water Department about a steady leak - a condition that has existed for over a year). I requested that you encourage the Sponsors to communicate with me and provide architectural renderings and elevations, and nothing was forthcoming.

I think communication with me and the rest of the neighborhood would go a long way to solving the issues. I am not anti- development; I am pro intelligent development. I don't think in a city where housing is in short supply that it makes sense to allow for lot mergers, however!

In reviewing the information on file at City Hall with other neighbors, the only number we could find about the size of the project was 7,181 in the Application for Dwelling Unit Removal. I realize that number has probably changed. Even at 5,600, it is still much larger than any other house in the Dolores Heights Special Use District.

We notice the trend for overdevelopment all over the neighborhood, not just with this project, however. So on behalf of the neighborhood I am submitting a petition with over 60 signatures gathered over just a few hours last weekend. Only a few of the signatures are outside of Dolores Heights, most on the 300 block of Cumberland, the 600 blocks of Sanchez, and the 4000 block of 20th Street.

Please note that the immediate neighbors of 323 Cumberland Street - at 327 Cumberland and at 311 Cumberland have also signed the petition. The Sponsors had characterized these neighbors as not being in opposition to the Project.

The Sponsors removed the unique eyebrow dormer over the porch after the purchase of the house when they had their roof redone. It may have been done with or without a permit, and it may or may not be historically significant. Such features as an eyebrow dormer are in keeping with the neighborhood; there are similar eyebrow dormers up on 20th street that I have noticed. The matter is not described correctly in the Historic Resource Evaluation Report prepared May 20, 2013 by Carey & Co. The historic significance of the eyebrow dormer feature needs to be properly reviewed.

I am also concerned that the Engineer's report does not properly address a very well known spring in the hillside. Their report describes free groundwater as surface water infiltration (at page 2) and then carves out from the scope of the report the presence of groundwater. The Sponsors project could cause damage to other neighbors' property, and it is my understanding that if the City issues a permit and damage is caused by the spring, the City that would have to pay to repair the damage to the affected properties. While my property is not at risk, my taxpayer dollars are. I think an Engineer's report needs to include consideration of the spring in our hillside.

Also, as can be seen in the most recent renderings of the Project on file as of March 16, 2015, the Project does not comply with San Francisco Planning's own Residential Guidelines with respect to building scale and form, per the following link, starting on page 23.

<http://www.sf-planning.org/Modules/ShowDocument.aspx?documentid=5356>

Note page 29, the Project looks like the top drawing (an example of what you should not do), where the "horizontal emphasis of the windows and lack of façade articulation

results in a building that disrupts the character of the street and is inconsistent with the proportions of surrounding buildings.”

Last, I would like to see some attempt by the Sponsors to review the Dolores Heights Residential Design Guidelines, and work to make the design fit in with the neighborhood. The Sponsors have indicated they love the feel and style of the neighborhood and all of its cottages and planting; so why does their Project not fit in with the majority of homes that they have indicated they love?

I would like the Planning Department to encourage the Sponsors to hold a proper pre-application meeting (unlike their defective pre-application meeting held last summer) and share their current plans with the whole neighborhood. I would like for the Sponsors to reach a consensus with the surrounding neighborhood. And I would like to see some intelligent development.

Very Truly Yours,



Henrietta S. Currier
324 Cumberland Street

cc. Scott Sanchez, Commissioners Rodney Fong, Cindy Wu, Michael J. Antonini, Rich Hillis, Christine D. Johnson, Katherin Moore, Dennis Richards and the Hon. Scott Wiener

Jackson, Erika

From: Bruce Bowen <bruce.r.bowen@gmail.com>
Sent: Friday, December 18, 2015 12:00 PM
To: Jackson, Erika
Cc: planning@rodneymong.com; cwu.planning@gmail.com; wordweaver21@aol.com; richhillissf@yahoo.com; Johnson, Christine (CPC); Mooreurban@aol.com; Richards, Dennis (CPC); Sanchez, Scott (CPC); Rhett Currier
Subject: 323 Cumberland New Conditional Use Authorization Questions

Erika:

On Wednesday, December 16, you informed us that the Project Sponsor for 323 Cumberland St. proposes to construct a two-family structure rather than a single family structure, and the Sponsor has now filed a CU Application, as required for a two-family structure on a lot in a RH-1 zone.

I ask that you postpone the hearing so that the many procedural and substantive questions brought about by this material change to the proposed project can be thoroughly reviewed.

I am one of the two neighbors who have filed applications for DR on this project. The project proposes demolition of the existing single family house, merger with the adjacent vacant lot, and construction of a single structure of more than 8,300 gross square feet. Until this week, the project proposed a single family residence for this structure. The Sponsor now proposes that the structure include a 680 square foot studio apartment, triggering the CU requirement.

A hearing on the DRs is scheduled for January 14, 2016.

We have a number of procedural, notice and scheduling questions that this change brings up.

As noted above, there are two separate DRs -- one for the demolition and one for the new construction. The purpose of the CU is for two units and has no bearing on the demolition. Therefore we believe the demolition DR should still be calendared if the case is heard January 14.

We understand that a CU application requires notification of neighbors within 300 feet, and the prior 311 notice was sent within only a 150 foot radius, so the legal requirement for neighborhood notification has not been met for this new application.

In addition, the neighborhood will not have enough time to review the new proposal or findings.

We are also wondering how, if the CU was just filed on 12/14/2015 and you have noted you and presumably others at the Department will be on vacation much of the intervening time between now and the current hearing date of 1/14/2016, you even have time to do a new environmental review and thoroughly review the Section 303 findings? Other CU applications take up to six months to be scheduled before the Commission. We are deeply concerned that there has been a behind-the-scenes review that has been purposefully hidden from the public.

Additionally, the proposed Ordinance on unit removal, reviewed and approved by the Commission earlier this month, is going to the Board in January and may be effective in February. This legislation will require a CU for the demolition whether or not the CU for the new construction was previously heard by the Commission. Why

would the Planning Department take a recently filed CU application out of order and rush it to a hearing in January knowing new legislation will require it to be reheard in February?

Please postpone the hearing until these and the many other procedural and substantive questions brought about by this material change to the proposed project can be thoroughly reviewed.

Thank you.

Bruce Bowen

cc: Planning Commissioners
Scott Sanchez, Zoning Administrator

Jackson, Erika

From: Sam Fleischmann <sam_fleischmann@yahoo.com>
Sent: Saturday, December 19, 2015 6:56 AM
To: Jackson, Erika
Subject: 323 Cumberland Street

Dear Ms. Jackson:

I am writing in reference to 323 Cumberland Street and the proposed 680 square foot in law unit within the proposed 8,300 square foot house.

The addition of a 680 square foot house does not compensate for the demolition of the single family home in the property.

San Francisco needs more housing, and the city should allow the demolition of existing homes --particularly where the demolition is to create a 8,300 square foot house for one family.

Thank you.

Sam Fleischmann
(415) 425-2852

Jackson, Erika

From: Lillian Johnson <kinshiplillianj@yahoo.com>
Sent: Saturday, December 19, 2015 11:24 AM
To: Jackson, Erika
Subject: 323 Cumberland 301

Dear Ms Jackson.

My name is Lillian Johnson and I live at 650 Sanchez St. My property is on the corner of Cumberland and Sanchez St. This is one parcel away from the 323 project. I am one of the many residents who strongly object to the building of this "Monster" home on 2 parcels where there should be 2 reasonably sized homes for families. Not only is this plan by the owner enormous in scope, the design is that of some office building that should be downtown. Totally not in keeping with even the biggest homes in this area. Obviously I cannot dictate taste, but this couple have made almost no effort to accommodate the neighborhood in design or size. Now, we have heard they are trying to RUSH through an additional 680 foot 2nd unit on the property in this RH-1 district.

There is a lot of press about housing in this city and for the planning commission to consider allowing the combining of 2 parcels for a 8200 sq, foot house for a couple with out children is outrageous.

Although this is not of interest or concern of the Planning Commission, I would like to add that during the period of ownership of this property which has been a few years, they have left the property to go to rot and ruin. The police have had to come to remove squatters on at least one occasion. They drugs, needles and candles for light (an enormous fire hazard to the neighboring houses. The grounds are overrun, water often leaks from the house and is major draw for the homeless who roam our quiet neighborhood. Despite their apparent affluence they have not seen fit to have a caregiver at least make the property less appealing to those who are looking for a place to sleep. It is hard to consider how they would handle the building process or be as neighbors. But again, that is not your concern.

I sincerely hope you will review this carefully and hopefully your recommendation would be to reduce the size and scope of this project,

I will be attending the January 14th meeting as will many of our neighbors.

Sincerely

Lillian Johnson

Jackson, Erika

From: Bernie Katzmann <katzmannsf@aol.com>
Sent: Saturday, December 19, 2015 5:37 PM
To: Jackson, Erika
Cc: rhettcurrier@gmail.com
Subject: 323 Cumberland Street, San Francisco

Dear Ms. Jackson,

I am writing with respect to the DR hearing and request for a Conditional Use Permit for the property at 323 Cumberland. While I agree with many of my neighbors that the property is outrageously large for our block, I was overall accepting of the design as viewed from the street.

I am sure that you have been inundated with references to the Dolores Heights Special Use District and the limitations therein. Not only does this project overwhelm the other properties on the block but to add an auxiliary unit in this RH-1 District and create a second unit is totally unacceptable. This is not legalizing a second unit but adding one and this second unit will not provide any additional needed housing but merely satisfy the wants of the project sponsors who apparently do not seem to care about the rules that have been established by the City and County of San Francisco or their neighbors. I am also very surprised that I was noticed on the Conditional Use Permit application for the additional unit.

I am writing this email somewhat reluctantly. I am supportive of reasonable development in San Francisco and until I found out about the Conditional Use Permit application today I was not planning to oppose the project as planned. After finding out about this today, I wish to notify you of my strong opposition to the entire project.

Bernard Katzmann
349 Cumberland Street
San Francisco, CA 94114

Elizabeth Kantor
348 Cumberland Street
San Francisco, CA 94114

December 19, 2015

Erika Jackson
SF Planning Department

Dear Ms. Jackson;

I am the owner and resident at 348 Cumberland Street, and have just been made aware of the new spin on the plans for the demolition and megastructure development at 323 Cumberland. Apparently the addition of a small 'in-law' unit to the plans may make the >8000 square foot building more acceptable to the City.

I am not an architect, or attorney, but I hope my response to the plans can be recognized despite it's absence of the professional semantics. Cumberland Street between Noe and Sanchez has been a quiet and picturesque haven of colorful cottages with front gardens and friendly neighbors. The planned structure is a huge, industrial sized, out-of-scale glass and steel box which will violently alter the character and charm of our community.

I am completely baffled as to why any one would purchase such a lovely piece of property in this neighborhood to so brutally reshape the environment for themselves, their neighbors, and the City.

With the help of the City, a creative and sensitive architect could design a home in keeping with the history, character and charm of our neighborhood that should be able to satisfy the evident desire of the owners to expand the footprint as much as possible.

Please support our community and our City by saving Cumberland Street from this permanent and offensive transformation; do not approve the plan as submitted.

Thank you,

Elizabeth Kantor

Jackson, Erika

From: Sam Fleischmann <sam_fleischmann@yahoo.com>
Sent: Sunday, December 20, 2015 10:01 AM
To: Jackson, Erika
Subject: Re: 323 Cumberland Street

Ms. Jackson:

I omitted the word "not" from my last sentence below. It should read:

"San Francisco needs more housing, and the city should not allow the demolition of existing homes --particularly where the demolition is to create a 8,300 square foot house for one family."

Thank you.

Sam Fleischmann

From: Sam Fleischmann <sam_fleischmann@yahoo.com>
To: erika.jackson@sfgov.org
Sent: Saturday, December 19, 2015 8:55 AM
Subject: 323 Cumberland Street

Dear Ms. Jackson:

I am writing in reference to 323 Cumberland Street and the proposed 680 square foot in law unit within the proposed 8,300 square foot house.

The addition of a 680 square foot house does not compensate for the demolition of the single family home in the property.

San Francisco needs more housing, and the city should allow the demolition of existing homes -- particularly where the demolition is to create a 8,300 square foot house for one family.

Thank you.

Sam Fleischmann
(415) 425-2852

Jackson, Erika

From: Pam Hemphill <pam.hemphill@gmail.com>
Sent: Monday, December 21, 2015 2:09 PM
To: Jackson, Erika
Subject: 323 Cumberland

Ms Jackson,

I have lived in the Dolores Heights Special Use District for almost 40 years. We are a neighborhood of single family homes and we would like to preserve that character. No extra unit should be added to the project at 323 Cumberland to counteract the loss of housing in the lot merger. That can't be taken seriously. This is a house that will again drive up the prices and be affordable to only a select few. The lot merger should not be allowed and then, at least, there could be two houses instead of one oversized one.

The scale of the project does not fit with the neighboring houses, or with the guidelines of the DHSUD. The architect, John Maniscalco, has designed another out of scale house on merged lots at 400 Hill Street. Everyone thinks it is an apartment building.

The design for 323 Cumberland is lacking in imagination, with the standard big glass windows and the same rainforest woods that do not seem to age well in our city, not to mention the environmental issues. These boxy similar houses have sprouted up all over the neighborhood. And, it is towering. This is all to maximize square footage. It should have more attention to detail and less to size.

In summary, I ask for your support for the following:

No second unit

No lot merger

Reduce the scale of this proposed house

Question the monotony of the design.

Thanks for your attention to this.

Pam Hemphill

Jackson, Erika

From: David Scott Pennebaker <davepsf@yahoo.com>
Sent: Monday, December 21, 2015 10:45 AM
To: Jackson, Erika
Subject: 323 Cumberland Street - Development

Hi Erika,

I truly believe that adding a small second unit to the plans to build a monster home at 323 Cumberland Street is a ridiculous attempt to derail the neighbors who oppose the sponsors plans. This will not compensate for the demolition of the single family home that is currently there.

I also do not understand how this change to their development plans can be heard before the Planning Commission so quickly without proper notice to the surrounding neighborhood.

Can you please confirm receipt of this email and make sure that my opposition is included in your case report?

Thank you,
David S. Pennebaker
3649 21st Street
SF, CA 94114

Jackson, Erika

From: Rhett Currier <rhettcurrier@yahoo.com>
Sent: Monday, December 21, 2015 5:22 AM
To: Jackson, Erika
Subject: 323 Cumberland street

Erika,

I am writing to note my continued opposition to the proposed project at 323 Cumberland st. The procedural shift of filing a CU is unsettling. Carving out part of the garage for a small unit not designed to be a single family home is such an obvious sham. The unit is more suited as an air bnb or housing for the sponsor's staff or a guest you don't want staying very long

My reasons for opposition remain the same: the city should not allow demolition of sound moderate-sized and moderate-priced existing housing; the project proposal creates an au pair unit that will never house a separate family, the proposal is completely out of scale for the neighborhood, the proposal is out of character with the neighborhood, the proposal will serve as a precedent for lot mergers citywide -- removing true family housing.

I would like my opposition recorded in your report for the CU. When is that report due? Tuesday, dec 22? Seems rather hasty - given I was only informed of this massive change a few days ago.

Also I note no case number on any of the correspondence- can you give this information to me please?

Thank you.

Best,

Typos by iPhone

REUBEN, JUNIUS & ROSE, LLP

January 19, 2016

President Rodney Fong
San Francisco Planning Commission
1650 Mission Street, Suite 400
San Francisco, CA 94103

**Re: 313-323 Cumberland Street (3601/043 and 044)
Brief in Support of the Project (and in Opposition of a DR Request)
Planning Department Case no. 2013.1213C(DRP)
Hearing Date: February 4, 2016
Our File No.: 8920.01**

Dear President Fong and Commissioners:

Our office represents RSAA, LLC, the owner of the properties at 313 and 323 Cumberland Street, Assessor's Block 3601, Lots 043 and 044 ("**Property**"). The Property consists of two 25' x 114' lots one of which is improved with a one-story over basement single-family residence (323 Cumberland) and the other being a vacant lot (313 Cumberland). The project will result in the demolition of the existing 877-sf structure, merger of the two lots, and new construction of a building that will contain one family-sized unit for the personal use of the owners of the Property and a second, smaller unit ("**Project**").

The opposition to the Project was submitted in the form of two (2) DR requests: by Ms. Henrietta Currier, who lives across the street from the Property at 324 Cumberland, and Bruce Bowen, who does not live on the subject street, but instead at street parallel to Cumberland (at 20th Street). The Property shares a common property boundary with six (6) other properties, although, neither of the two DR Requestors shares any common boundary with the Property. More importantly, five (5) of the six (6) neighbors who have some common property boundary with the Property have expressed their support for the Project as indicated in the letters attached to this brief; and to our understanding the sixth neighbor does not live at his property full time.

The Project should be approved, because:

- Project is Code compliant and consistent with the Residential Design Guidelines without requesting or needing any variances or other modifications;
- Project sponsors have conducted extensive neighborhood outreach and made many changes to the Project in response to neighbors' requests. As a result, the Project has significant support from immediate neighbors, who would be most impacted by the Project;
- No exceptional or extraordinary circumstances have been established that would be necessary in a DR case or to justify denial of the Project;
- Recent Project revisions and the inclusion of a second unit address all of the concerns raised by one of the DR requestors (Mr. Bowen) in his DR application; and
- Project is appropriate and desirable in use, massing and overall scope, and has been carefully designed in order to be compatible with the existing context.

James A. Reuben | Andrew J. Junius | Kevin H. Rose | Daniel A. Frattin | John Kevlin
Jay F. Drake | Lindsay M. Petrone | Sheryl Reuben¹ | Tuija I. Catalano | Thomas Tunny
David Silverman | Melinda A. Sarjapur | Mark H. Loper | Jody Knight | Stephanie L. Haughey
Chloe V. Angelis | Louis J. Sarmiento | Jared Eigerman^{2,3} | John McInerney III²

2210

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

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San Francisco, CA 94104

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A. Project Description

The existing Property consists of a vacant lot (at 313 Cumberland), which is proposed to be merged with the adjacent lot that is currently improved with an approx. 877-sf one-story over basement building (at 323 Cumberland) with one single-family residence. The merger of the existing lots will result in an approx. 5,700-sf, 50' x 114' lot. The project proposes to demolish the existing structure and construct a new building with 6,787 sf of residential uses, within an almost 33-ft tall three-story over basement building that will include two (2) units. The two (2) new units will include an approx. 6,107-sf family-sized unit for the project sponsor's own use, a second approx. 680-sf unit, and a garage with an additional 1,586 sf of area.

Inclusion of a second unit. The existing Property contains only one (1) unit, however, due to the proposed merger of the lot with the adjacent vacant lot the Project has, at the Department's request, been revised to include two (2) units thereby avoiding any potential loss or elimination of a dwelling unit that could potentially be constructed on the vacant portion of the Property. Mr. Bowen's DR focused on the "loss of affordability and the loss of an in-fill housing opportunity site."¹ With the Department requested revisions to the Project, i.e. the addition of the smaller second unit, the Project now addresses Mr. Bowen's concerns about the Project "remov[ing] a relatively more affordable unit ... [and] also remov[ing] a vacant lot that could accommodate a separate new unit."² The completion of the Project will effectively transform the existing 1-unit/2-lot configuration into a 2-unit/1-lot property.

Proposed 2-unit/1-building/1-lot Project vs. The construction of a single building on the merged Property is also preferred by several neighbors and will result in a smaller building that could, and very likely would, be constructed if the existing two (2) parcels were constructed with two (2) separate structures. The benefits of the Project as compared to constructing two (2) buildings on two (2) lots include the following:

- 2-unit/2-lot project would not require any side yard setbacks, as compared to the Project, which is required to provide a 3-ft side setback on one side due to the width of the merged property. Above and beyond the actual side yard setback requirements, the Project proposes significantly larger setbacks along with eastern property boundary starting with a 3-ft setback at the front and increasing to over 13 feet towards the back of the Property;
- By constructing a single building on two lots, the Project does not need to, and does not, utilize the maximum height or building envelope that is possible under the zoning. The proposed Project also provides for a larger front setback than is required by the Code, which was incorporated pursuant to the adjacent neighbor's request (Mr. Lynch at 327 Cumberland), and in order to minimize to the Project's overall size and massing and the appearance thereof. A 2-unit/2-building/2-lot project would quite likely result in Code compliant larger buildings than the single building proposed by the Project; and
- 2-unit/2-lot project would result in two (2) curb cuts along the 50-ft street frontage for the required vehicular access. In contrast, the Project proposed only one (1) ten-foot wide curb cut, thereby increasing the amount of available street parking for the neighborhood and decreasing conflicts between pedestrians and vehicles.

¹ See DR application by Bruce Bowen, p. 1 of the attachment, dated June 6, 2015.

² *Id.*, at p. 2 of the attachment.

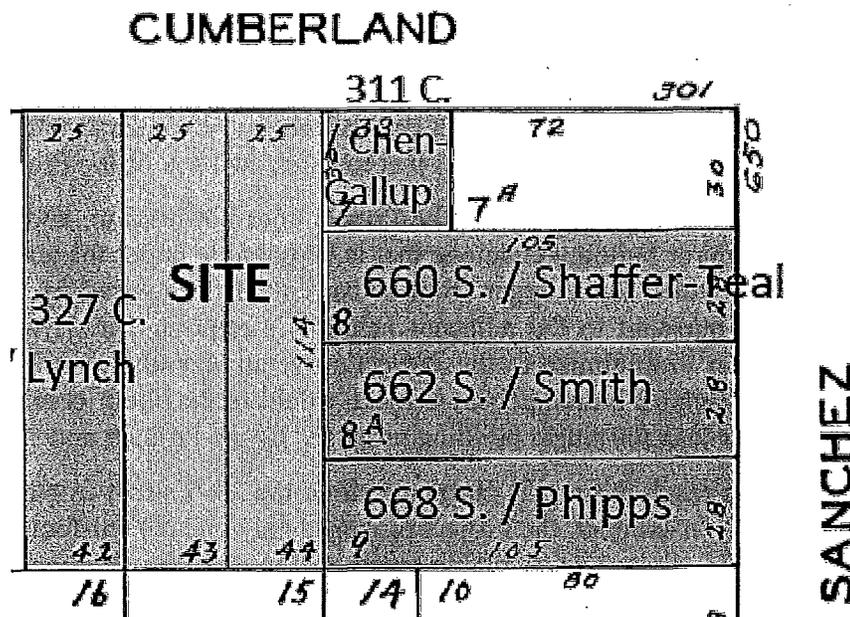
B. Extensive Neighborhood Support

The Project has been carefully designed to be compliant with all Planning Code requirements and, equally importantly, the Project's massing and design has been revised multiple times in order to ensure compatibility with the existing neighborhood and to address the requests by immediate neighbors.

The project sponsor has worked very closely with the neighbors holding three (3) separate neighborhood meetings and 12 individual meetings with different neighbors, as well as being available and responsive to many more emails and phone calls. A timeline with some of the key meetings and events is included in Exhibit A. After many revisions, the original Project was larger and overall quite different from the Project that is before the Planning Commission today. The revised and current Project is the product of collaboration with the neighbors and the project sponsor's willingness and interest in creating a project that the neighbors can and will support.

As of today, 12 different neighbors have written support letters, which have been attached in Exhibit B. In addition to the letters, Exhibit C includes a petition with a total of 64 signatures of which 55 are additional signatures in support of the Project.

The Project sponsor has worked particularly closely with the immediate neighbors, who share common property boundary with the Property. The support from the immediate neighbors is shown in green color in the block map below. It is quite common for the immediate neighbors to be the DR requestors or project opponents, and thus the extensive support from all five (5) side neighbors should be not down played since it is precisely these neighbors who would arguably be most impacted by the Project.



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REUBEN, JUNIUS & ROSE, LLP

C. CU to allow a second unit at the Property

The Project is requesting a conditional use authorization in order to allow two (2) units at the Property consistent with Section 209.1 of the Planning Code. Although the Property is currently improved with only one (1) unit, the Property consists of two (2) parcels that will be merged as part of the Project. The Project, as originally proposed, included only one (1) unit, however, the Project has been since revised in order to include two (2) units at the Department's request in order to account for the potential loss of a unit that could result if a second unit were constructed on the currently vacant portion of the Property in the absence of the proposed lot merger.

The Project will result in two (2) dwelling units on a 5,700-sf, 50' x 114' lot, which is compatible with the density in this neighborhood. Although the subject block and the immediate vicinity predominantly consists of 25-ft wide lots, there are several other lots that are similarly sized to the Property, including one immediately across the subject property on Cumberland (Block 3601, Lot 45, owned by one of the DR Requestors), another immediately behind the subject property (fronting 20th Street) (Block 3601, lot 15) and one adjacent thereto (Block 3601, lot 16) and another just few properties from the subject property on Cumberland (Block 3601, lot 50). The Project will be compatible with the surrounding neighborhood density by proposing two (2) units on a double-wide lot.

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

D. The Standard for Discretionary Review Was Not Met

We understand that the Department has concluded that the conditional use authorization request and process superseded the DR request process. Nevertheless, we would like to emphasize that the DR Requestors did not at any point establish any exceptional or extraordinary circumstances that would have been necessary in a DR case. Moreover, the opposition by Ms. Currier and Mr. Bowen, as noted in their DR applications, does not provide any reasons that would justify denial of the Project (and/or the prior request for the taking of DR), as more specifically outlined below:

DR Standard of Review. Discretionary review is a "special power of the Commission, outside of the normal building permit approval process. It is supposed to be used only when there are exceptional and extraordinary circumstances associated with the proposed project."³ The discretionary review authority is based on Sec. 26(a) of the Business & Tax Regulations Code, and moreover, pursuant to the City Attorney's advice, it is a "sensitive discretion ... which must be

³ Planning Department publication for the Application Packet for Discretionary Review; emphasis added.

exercised with the utmost restraint". Exceptional or extraordinary circumstances have been defined as complex topography, irregular lot configuration, unusual context, or other circumstances not addressed in the design standards.

No violation of existing lot pattern. One of the DR Requestors, Ms. Currier, asserted that the Project violates "...the pattern of 25-foot wide lots..."⁴ The neighborhood contains many other similar double-wide lots, including Ms. Currier's own property, located immediately across the Property, and several others, including the property adjacent to Ms. Currier's property (3601/103) at the intersection of Cumberland and Sanchez, the property at 349 Cumberland (3601/038) just four (4) lots from the Property, and the two properties at the rear of the Property and adjacent to Mr. Bowen's property (3601/015 and 016). The existing pattern provides for a mix of lot widths and sizes and the Project does not creation any inconsistencies. More importantly, the Project has been carefully designed to be compatible with the existing context (e.g. via use of setbacks and materials) and consistent with the pedestrian scale and residential character of the neighborhood.

No inconsistencies with the neighborhood character. The existing neighborhood lacks "defined visual character" that is recognized in the Residential Design Guidelines ("RDG") due to the mix of both modern and historic/older homes, including a varied mix of building materials, as is illustrated in the block photo montage below. For example, with respect to the roofline, there are a variety of different types of rooflines, including other horizontal rooflines as proposed by the Project.



Source: Google Streetview, not in scale

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

It is also important to note that the merger of the two (2) lots and the construction of one building is more compatible and sensitive than the construction of two (2) separate homes on two (2) separate lots. With a single lot, the Project is able to provide the significant sideyard setback

⁴ See DR application by Harriet Currier, p. 1 of the attachment, dated June 6, 2015.

noted above and eliminate one of the existing curb cuts, thereby increasing the availability of on-street parking in the neighborhood.

No loss of housing. Mr. Bowen argued that the Project should be disapproved due to an exceptional and extraordinary circumstance caused by the Project "...resulting in two housing units on the project site instead of one,"⁵ which was echoed by Ms. Currier in her DR application.⁶ With the recent revisions, the Project before the Commission includes two (2) units, and thus does not result in actual or potential loss of housing units.

No justification for taking DR. No exceptional or extraordinary circumstances relating to the Project were provided by the DR Requestors that would have justified Planning Commission's exercise of its DR power. The Project is exceptional only in a positive sense by being able to create a family-sized unit and a second, smaller unit in within a building envelope and design that is sensitive to the neighbors and compatible with the existing neighborhood without the need for any exceptions, variances or other modifications from Planning Code requirements.

E. Conclusion

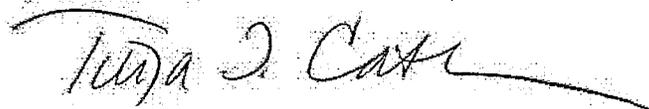
The conditional use authorization should be approved in order to allow the second unit to be constructed at the Property consistent with the Planning Department staff's request. The addition of the second unit will ensure that the Project does not result any loss of potential dwelling units due to the merger of the existing two (2) lots.

The Project is appropriate and compatible for the context, considerate to the neighbors, extensively supported by the neighbors (particularly the immediate neighbors adjacent to the Property) and by Planning Department staff, and as a Code compliant project should be approved pursuant to the conditional use authorization. The Project will result in the creation of a family-sized unit, and with the addition of a second unit, the Project does not result in the loss of any existing or potential units.

For all of the above reasons, we respectfully request the Planning Commission to approved the Project, including the conditional use authorization, and allow the Project to move forward. Thank you for your consideration.

Very truly yours,

REUBEN, JUNIUS & ROSE, LLP



Tuija I. Catalano

⁵ See DR application by Bruce Bowen, p. 3 of the attachment, dated June 6, 2015.

⁶ See DR application by Henrietta Currier, p. 3 of the attachment, dated June 6, 2015.

Enclosures:

Exhibit A – General timeline for project

Exhibit B – Support letters

Exh. B1 - Richard Lynch at 327 Cumberland (Block 3601, Lot 42)

Exh. B2 - Allen Chen-Cecily Gallup at 311 Cumberland (Block 3601, Lot 7)

Exh. B3 - Annabel Teal-Justin Shaffer at 660 Sanchez (Block 3601, Lot 8)

Exh. B4 - Ken Smith at 662 Sanchez (Block 3601, Lot 8A)

Exh. B5 - Bill Phipps at 668 Sanchez (Block 3601, Lot 9)

Exh. B6 - Michael Jahr-Wei Wang at 339 Cumberland (Block 3601, Lot 40)

Exh. B7 - Viskin Vadakan-Patrick Amihood at 352 Cumberland (Block 3601, Lot 51)

Exh. B8 - Sarah and Lee Clancy at 369 Cumberland (Block 3601, Lot 34)

Exh. B9 - Nina Khosla at 391-393 Cumbeland (Block 3601, Lots 30 and 31)

Exh. B10 - John Bokelman at 655 Sanchez (Block 3600, Lot 29)

Exh. B11 - Paul and Myle Saab at 677 Sanchez (Blok 3600, Lot 28)

Exh. B12 - Jessica Lessin at 41 Cumberland Block 3598, Lot 40)

Exhibit C – Petition in support of the Project

(Includes 55 unique signatures beyond those supporters who provided a letter)

cc: Vice President Cindy Wu
Commissioner Michael Antonini
Commissioner Rich Hillis
Commissioner Christine Johnson
Commissioner Kathrin Moore
Commissioner Dennis Richards
John Rahaim – Planning Director
Scott Sanchez – Zoning Administrator
Jonas Ionin – Commission Secretary
Erika Jackson – Project Planner
John Maniscalco – Project Architect
Jim Reuben, Esq.

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**313-323 CUMBERLAND STREET**

3/24/14 Preapplication Meeting 1

4/25/14 Met with adjacent neighbors (Alan and Cecily – 311 Cumberland, Richard – 327 Cumberland) - heard concerns

5/2/14 Met with adjacent neighbors (Alan and Cecily, Richard) - presented proposed revision

6/19/14 Submitted initial scheme to Planning Department (reflecting neighbor modifications)

8/27/14 Received Comments from Planning (Notice of Planning Department Requirements #1)

9/24/14 Categorical Exemption from CEQA signed and completed

10/16/14 Revised project is taken before the RDT and found to have addressed the Department's concerns

10/27/14 Met with Ken Smith (662 Sanchez) and discussed fencing and property line issues

11/7/14 Submitted revision 1 to Planning Department

12/1/14 R and A request that we revisit the design to find a more cohesive design solution

2/3/15 ZA issues approval of demo permit

2/4/15 Redesigned scheme informally presented to Planner for review

2/6/15 Met with adjacent neighbors (Alan and Cecily, Richard) - presented proposed revision

2/25/15 Redesigned scheme is taken before the RDT - slight modifications requested

3/9/15 Modified scheme is taken before the RDT and found to have addressed the Department's concerns

3/13/15 Submitted revision 2 to Planning Department

4/5/15 Letter sent to neighbors to present the revised proposal

4/21/15 Preapplication meeting 2

4/27/15 John/Ruchi met with Richard to discuss his concerns

5/25/15 Aditya/Ruchi met with Richard over dinner

5/28/15 Invite sent to neighbors to meet with Frank Rollo to answer their geo tech questions

6/8/15 DRs filed by Rhett Currier and Bruce Bowen

8/19/15 Met with Rhett, Junona, Bruce to see if we could reach a compromise
8/3/15 Jim/Aditya met with Rob Levy
9/10/15 Met with Rob Levy to show him plans and see if he could broker compromise
9/11/15 Additional comments received from Planning after another RDT review
10/1/15 Meeting with Planning regarding RDT comments and revisions
10/15 Request by Planning to include a second unit in the project
11/16/15 Submitted revisions to Planning Department addressing RDT comments
12/3/15 Original hearing date
12/14/15 CU application filed for the second unit with revised plans
1/14/16 Subsequent continued hearing date
2/4/16 Subsequent further continued hearing date

December 12th, 2015

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

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

Dear Ms. Erica Jackson,

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

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

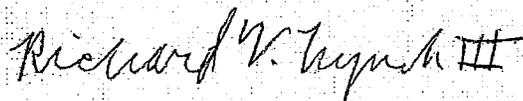
- Maintaining light and views from my deck
- Having a large front setback on their project
- The setback (on the West) between our properties

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

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

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

Very Truly Yours,



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

Date: 12/14, 2015

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

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

Dear Ms. Jackson,

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

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

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

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

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

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

Allen Chen

Address: 311 Cumberland St
SF, CA 94114

Cecily Gallup

12.4.15

Dear Members of the Planning Commission,

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

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

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

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

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

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

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

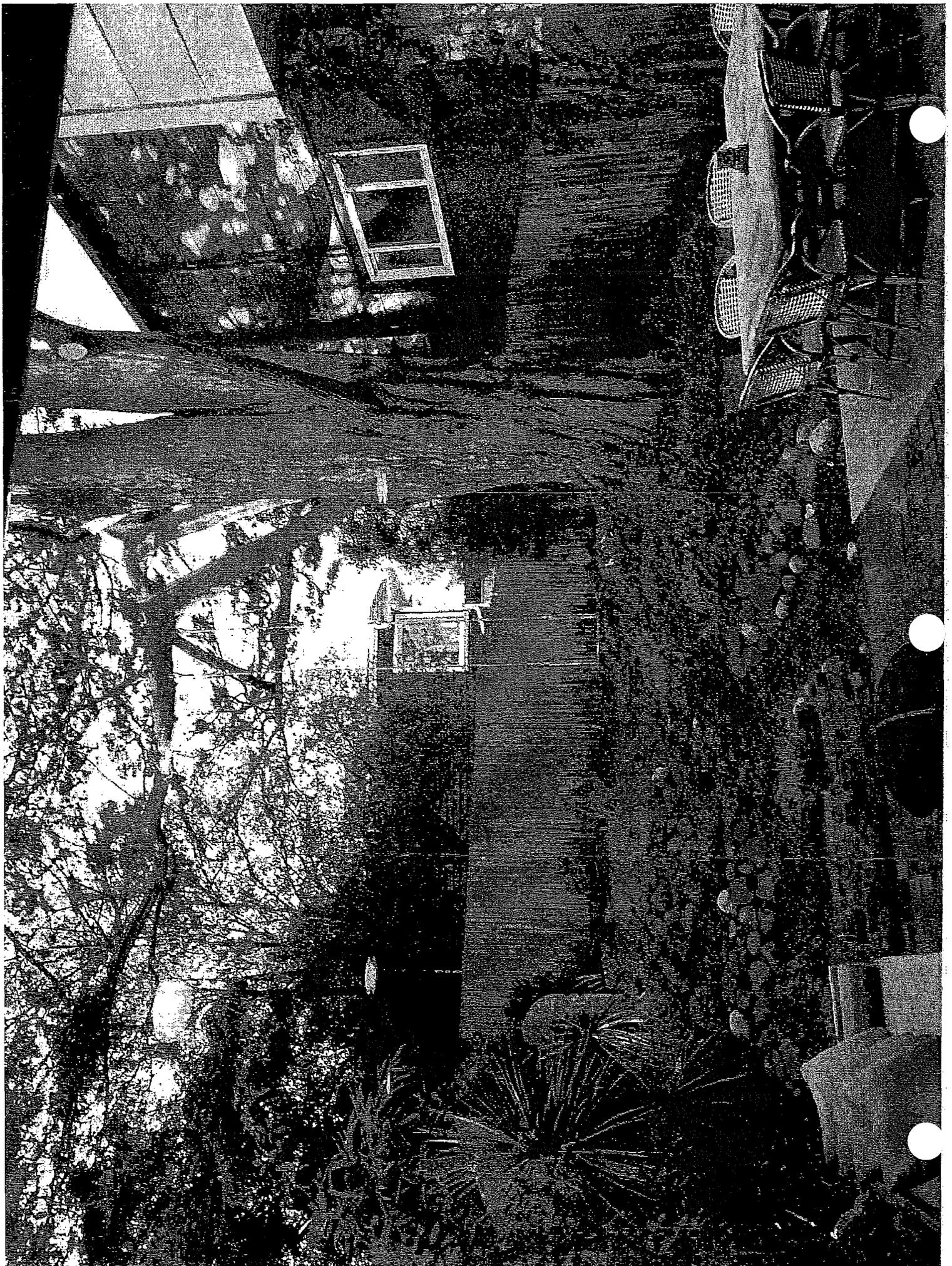
On a slightly separate note, we do completely appreciate that some of our

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

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

Sincerely,

Annabel Teal and
Justin Statter



Date: December 8, 2015

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

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

Dear Ms. Jackson:

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

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

Sincerely,



Ken Smith
662 Sanchez Street
San Francisco

December 14th, 2015

EXHIBIT B5

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

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

Dear Ms. Erica Jackson,

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

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

I would officially like to state that I support their project.

Very Truly Yours,

A handwritten signature in black ink, appearing to read "Bill Phipps", with a long, sweeping flourish extending to the right.

Name: Bill Phipps
Address: 668 Sanchez St, San Francisco, CA 94114

Michael Jahr
339 Cumberland St, SF, CA 94114

Date: December 3, 2015

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

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

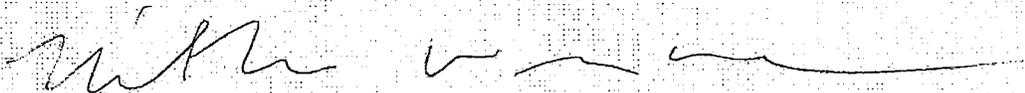
Dear Ms. Jackson,

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

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

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

Regards,



Michael Jahr and Wei Wang

Date: Dec 6, 2015

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

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

Dear Ms. Jackson:

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

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

Sincerely,



Visrin Vichit Vadakan



Patrick Amihood

Address: 352 Cumberland Street, San Francisco, CA 94114

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

Date: December 9th, 2015

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

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

To Whom It May Concern:

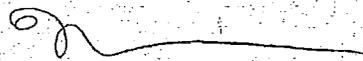
I'm writing to indicate my support for the proposed construction of a single family home at 313-323 Cumberland. I reside at 369 Cumberland Street, which is in close proximity to the proposed project. The project sponsors Ruchi, Aditya and their architect have been available to meet with the neighbors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

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

Regards,



Sarah Clancy



Lee Clancy

Date: December 9th, 2015

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

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

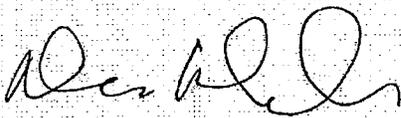
Dear Ms. Jackson,

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

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

I hope the Planning Commission approves their project as proposed.

Sincerely,



Name: Nina Khosla

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

December 15, 2015

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

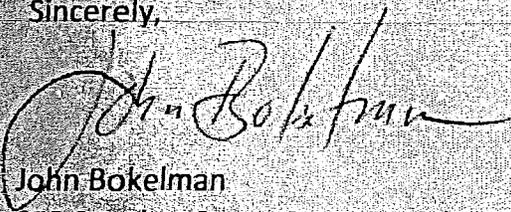
RE: Planning Department Case no. 2013.1213
Building permit no. 2014.06.27.9820
313-323 Cumberland Street

To Whom It May Concern:

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

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

Sincerely,



John Bokelman
655 Sanchez St
San Francisco, CA 94114

Dec 13th, 2015

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

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

Dear Ms. Jackson:

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

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

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

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

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

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

Paul Saab



Myle Saab



Address: 677 Sanchez, San Francisco, CA 94114

Date: ___December 14___, 2015

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

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

To Whom It May Concern:

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

I would like to express my support for the project and I urge the Planning Commission to approve the project as proposed by the project sponsor. I think the combining of two lots makes a lot of sense and will add more to the community than two separate houses going up on the individual lots.

Sincerely,



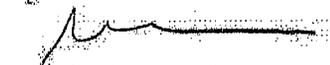
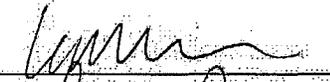
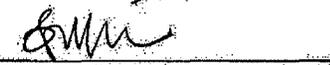
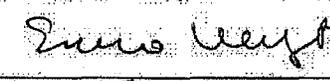
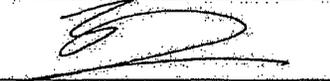
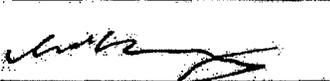
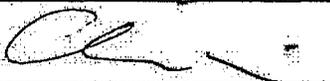
Name: _____ Jessica Lessin _____

Address: ___ 41 Cumberland St _____

_____ SF CA 94110 _____

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

Project description:	The approx. 5,700-sf project site contains a vacant lot at 313 Cumberland and an existing 1-story over basement building at 323 Cumberland. Ruchi Sanghvi and Aditya Agarwal are proposing to demolish the existing structure and to build a 3-story over basement single-family residence at the site.
Action petitioned for:	We, the undersigned, hereby express our support for the project at 313-323 Cumberland, and we urge the Planning Department and Planning Commission to not take Discretionary Review (DR) and to approve the project as proposed by the project sponsors.

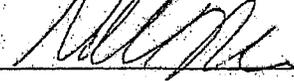
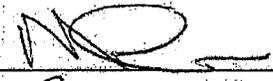
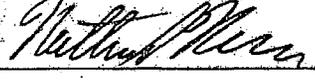
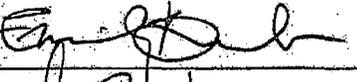
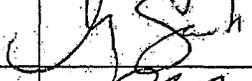
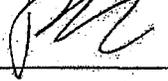
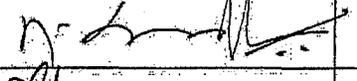
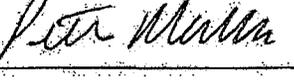
Printed Name	Signature	Address	Comment, if any	Date
AYA ANDREWS		4072 CESAR CARNER ST, CA 94131	Aditya + Ruchi are a wonderful, Neighbourly family	12/2/15
RYAN KUEFT		4072 CESAR CARNER ST, CA 94131		12/2/15
LEAH CIVER		380 20th St Apt 201 SF CA 94114		12/3/15
Simi Sohi		325 Fillmore St SF 94117	I trust that	12/3/15
Michelle Lee		43-B Vicksburg St. SF CA 94114	Aditya and Ruchi will be respectful neighbors.	12/3/15
EMMA KUEFT		4072 CESAR CARNER ST, CA 94131		12/3/15
Emma Dawson		4235 23rd St SF CA 94114		12/3/15
Terrance Bohne		4235 23rd St, SF CA 94114		12/3/15
Michael Petrov		179 Collingwood St, SF CA 94114	Ruchi and Aditya are kind people that will make any neighborhood better!	12/7/15
Alon Levi		275 Diamond St SF CA 94114		12/8/15

2234

EXHIBIT C

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

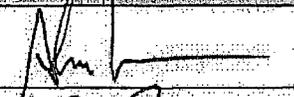
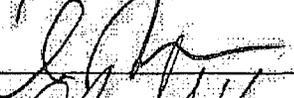
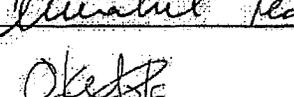
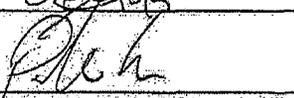
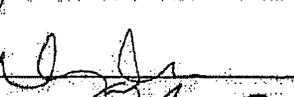
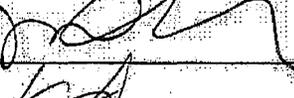
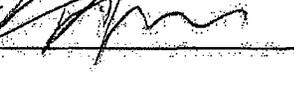
Project description	The approx. 5,700-sf project site contains a vacant lot at 313 Cumberland and an existing 1-story over basement building at 323 Cumberland. Ruchi Sanghvi and Aditya Agarwal are proposing to demolish the existing structure and to build a 3-story over basement single-family residence at the site.
Action petitioned for	We, the undersigned, hereby express our support for the project at 313-323 Cumberland, and we urge the Planning Department and Planning Commission to not take Discretionary Review (DR) and to approve the project as proposed by the project sponsors.

Printed Name	Signature	Address	Comment, if any	Date
Chiapei Huang		520 Alvarado Se. SF 94114	I've seen the plan, and all are within the code, so I'm supporting this project	12-13-15
Noelle Salimi		400 Hill St. SF 94114	We think this house will be a beautiful addition to the neighborhood	12-12-15
Mika Soh		400 Hill St SF 94114	This property deserves a beautiful house	12-12-15
Nathaniel Roman		174 Hartford St 94114	An improvement for the neighborhood	12/13/15
Emily Barlow		174 Hartford St 94114		12/13/15
Myle Saab		677 Sanchez St.		12/13/15
Paul Saab		677 Sanchez St		12/13/15
Srinivas Narayanan		3601 21 st St		12/13/15
Ari Doman		3601 21st Street.		12/13/15
Peter Martinuzzi		608 NOE ST		12/13/15

2235

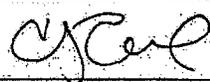
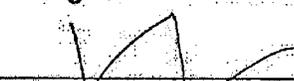
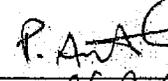
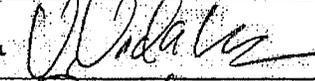
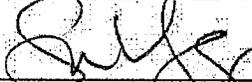
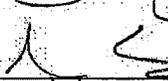
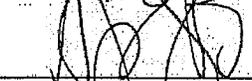
Petition in Support of the project at 313-323 Cumberland Street

Project description	The approx. 5,700-sf project site contains a vacant lot at 313 Cumberland and an existing 1-story over basement building at 323 Cumberland. Ruchi Sanghyi and Aditya Agarwal are proposing to demolish the existing structure and to build a 3-story over basement single-family residence at the site.
Action petitioned for	We, the undersigned, hereby express our support for the project at 313-323 Cumberland, and we urge the Planning Department and Planning Commission to not take Discretionary Review (DR) and to approve the project as proposed by the project sponsors.

Printed Name	Signature	Address	Comment, if any	Date
ADAM MASSERI		137 FAIR OAKS ST		
Monica Masseri		137 Fair Oaks St	we're incredibly supportive as they are a wonderful addition to community	
JUSTIN SHAFER		660 Sanchez Street	We know the project and respect Aditya well. We are immediate neighbors and are very supportive!	
Sage Blannen		1416 Euclid St	Best neighbors!	12/6/15
Annabel Teal		660 Sanchez Street	We live right next door and completely support this!	
Oladunwa Okelga		530 Sanchez Street	Aditya is a catch! very supportive!	12/8/15
Peter Russell-Curre		4001 20th St.	THIS BUILDING NEEDS TO BE BUILT BY THIS COUPLE	12/10/15
NINA KHOSLA		391-393 CUMBERLAND	REALLY BEAUTIFUL BUILDING PLAN I WOULD LOVE TO LIVE NEAR!	12/9/15
MICHAEL NUNATI		530 SANCHEZ ST #1		12/11/15
Steven Grimm		577 Alvarado St	This fits in with other modern designs in the neighborhood.	12/12/15

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

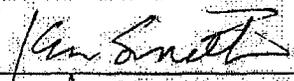
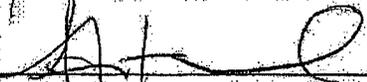
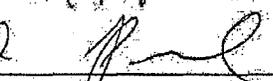
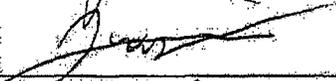
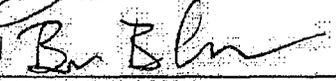
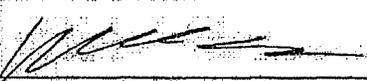
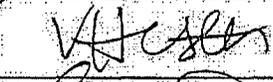
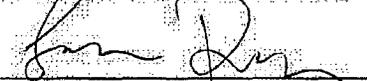
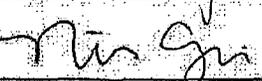
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Printed Name	Signature	Address	Comment, if any	Date
Charles Cox		4231 20th St.	Very supportive	12/6/15
JESS FOUNG		824 Douglas St.	supportive	12/6/15
Laurie Young		265 Darland St.	supportive	12/6/15
PATRICK AMIHOOD		352 CUMBERLAND ST	SUPPORTIVE	12/6/15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

2237

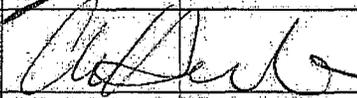
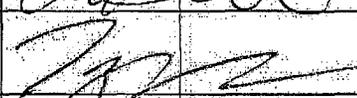
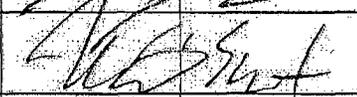
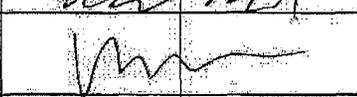
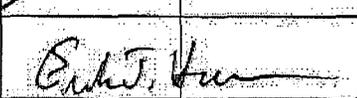
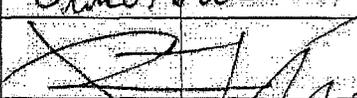
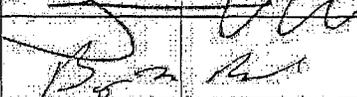
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Printed Name	Signature	Address	Comment, if any	Date
Ken Smith		662 Sanchez St., SF		12/8/15
Aditya Koolwal		70 Hancock St #1, SF	I support the plans	12/8/15
Priyanka Agarwal		70 Hancock St. #1 SF	the plans are great	12/8/15
Jared Margensten		3835 20th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

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

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Printed Name	Signature	Address	Comment, if any	Date
Jerry Brooner		4417 20th Street	Great neighbors, project improves neighborhood	12/3/15
Amber Hamilton		4417 20th Street		12/3/15
Todd Jackson		1039 Noe St.	Ruchi & Aditya are good people and good neighbors, positive for the community.	12/5/15
Nipam Keerapdi		524 Guerrero Street		12/5/15
Vikram Adukia		2319 - 15th St		12/9/2015
Neeraj Wahi		8128A 16th St		12/9/2015
Erik Hope		1402 Church St		12/14/15
JONATHAN YING		721 GUERRERO		12/14/15
BRYAN REED		127 27th St		12/15/15

2240

December 9, 2015

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

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

To Whom It May Concern:

We reside at 414 Liberty Street, in close proximity to the proposed project, and have seen the plans for the new construction 3-story over basement single-family residence at 313-323 Cumberland.

After speaking with Ruchi and Aditya, carefully reviewing the plans, and attending a neighborhood meeting they held to answer neighbors' questions, we are highly supportive of the project. We believe the project is well designed and fits wonderfully with the eclectic character of the neighborhood. We're eager for the site to be improved after being unoccupied for so long, and we're happy to see the lots merged, so that a larger home can be built that is more appropriate for family housing than the existing small cottage. We've been impressed by the extent to which Ruchi and Aditya have sought out neighbors' feedback and made adjustments to the project in response to their feedback.

We would like to express our support for the project and urge the Planning Commission to approve the project as proposed by the project sponsor.

Sincerely,

A handwritten signature in black ink, appearing to read 'Leeks' followed by a stylized flourish.

Name: Leeks, LLC, a California limited liability company

Address: 414 Liberty Street
San Francisco, CA 94

Mailing address:
P.O. Box 2548
San Francisco, CA 94126

Jackson, Erika

From: Visrin Vichit-Vadakan <visrinv@gmail.com>
Sent: Monday, December 21, 2015 6:47 PM
To: Jackson, Erika
Subject: Supportive of 323 Cumberland Street

Dear Ms. Jackson,

I'm writing to you with respect to 323 Cumberland Street. We live on the same block and we'd like to indicate our continued support for the project. We understand that in response to feedback, the project sponsors added an additional unit and applied for a conditional use permit. The project is able to take the vacant lot and build a more sensitive design for a home that is compatible with the neighborhood. The neighborhood has many different types of homes from Modern to Victorian and we feel their project fits in nicely with the varied character of the neighborhood.

We have been saddened by the number of hoops they've had to jump through to get their project approved. We would like to express our support for the project and urge the Planning Commission to approve the project without delay.

Thank you,
Visrin Vichit-Vadakan

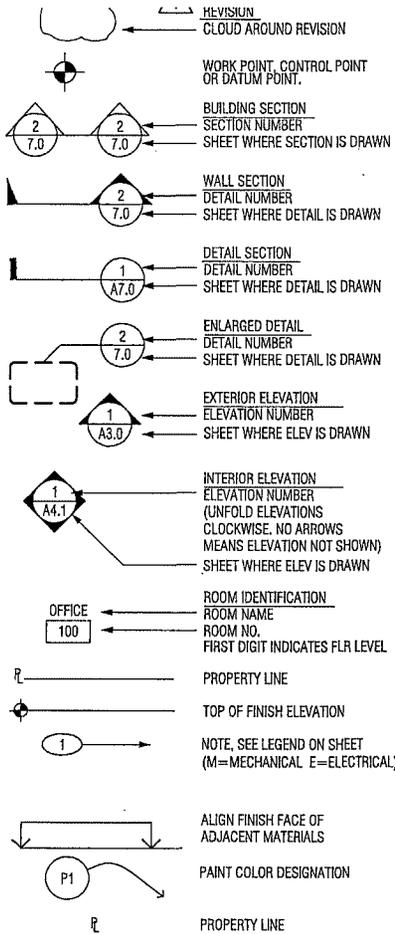
Jackson, Erika

From: ninakhosla@gmail.com on behalf of Ninakix <ninak@kissedbyrain.com>
Sent: Tuesday, December 22, 2015 11:50 AM
To: Jackson, Erika
Subject: Supportive of 323 Cumberland Street

Dear Ms. Jackson,

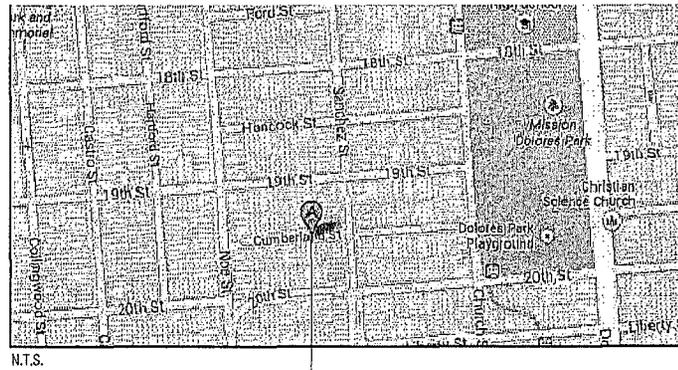
I'm writing to you with respect to 323 Cumberland Street, I live at 393 Cumberland. I live a few houses down and would like to indicate my support for the project. I understand that in response to feedback, the project sponsors added an additional unit and applied for a conditional use permit which doesn't really impact the facade. The house visible from the street is sensitive to the neighborhood in scale and design. They made tremendous efforts to accommodate all impacted neighbors. I hope planning approves their project without further delay.

Sincerely,
Nina Khosla



CODE NOTES

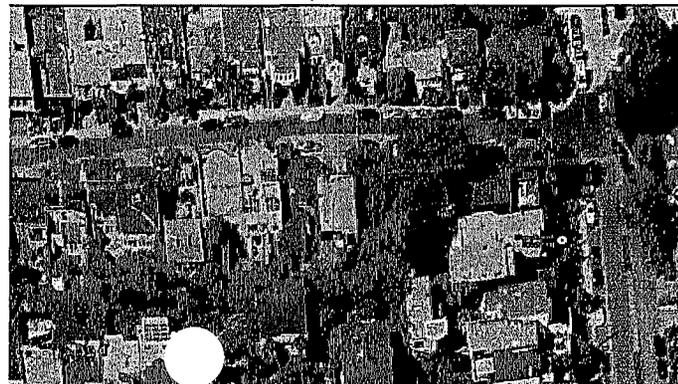
- PER SFBC 907.2.10.1.2, PROVIDE SMOKE DETECTORS ON EVERY FLOOR AND IN EVERY SLEEPING ROOM AND HALLWAY OUTSIDE OF SLEEPING ROOMS
- PER SFBC TABLE 602, PROVIDE ONE HOUR RATED STRUCTURE EVERYWHERE WITHIN 5 FEET OF AND PARALLEL TO THE PROPERTY LINE.
- PER SFBC 406.1.4, PROVIDE GWB ASSEMBLIES BETWEEN PRIVATE GARAGE AND HABITABLE ROOMS (MIN. 1/2" GWB BETWEEN THE DWELLING & ITS ATTIC AREA. GARAGES BENEATH HABITABLE ROOMS SHALL BE SEPERATED FROM ALL HABITABLE ROOMS ABOVE BY NOT LESS THAN A 5/8" TYPE 'X' GWB OR EQ).
- PROVIDE MIN. 1 EMERGENCY ESCAPE & RESCUE WINDOW PER SFBC 1026 AT ALL SLEEPING ROOMS.



AERIAL PHOTOS



1. AERIAL PHOTO LOOKING SOUTH PROJECT LOCATION



PROJECT DIRECTORY

OWNER: RSAA LLC ARCHITECT: JO
 244 JACKSON STREET #3 JO
 SAN FRANCISCO, CA 94111 44
 T.

PROJECT DATA

ADDRESS: 313 & 323 CUMBERLAND STREET BUILDING HEIGHT
 SAN FRANCISCO, CA, 94131 T.O. ROOF:
 BLOCK: 3601
 LOT: 043, 044 NO. OF STORIES
 ZONING: RH-1
 CONSTR. TYPE: TYPE V-B
 OCCUPANCY: R-3
 LOT SIZE: 5,700 SF (2,850 + 2,850)

BUILDING AREA:

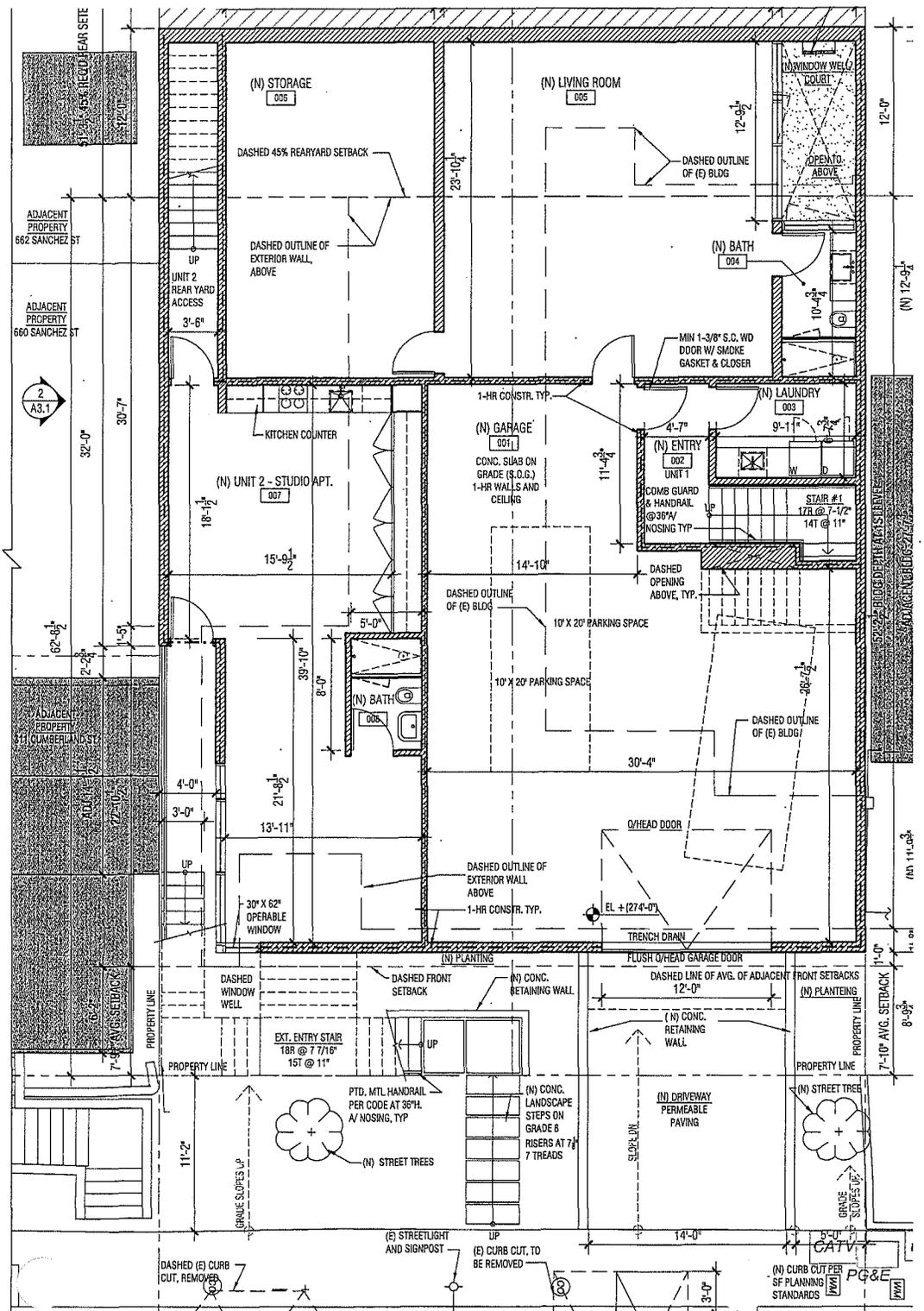
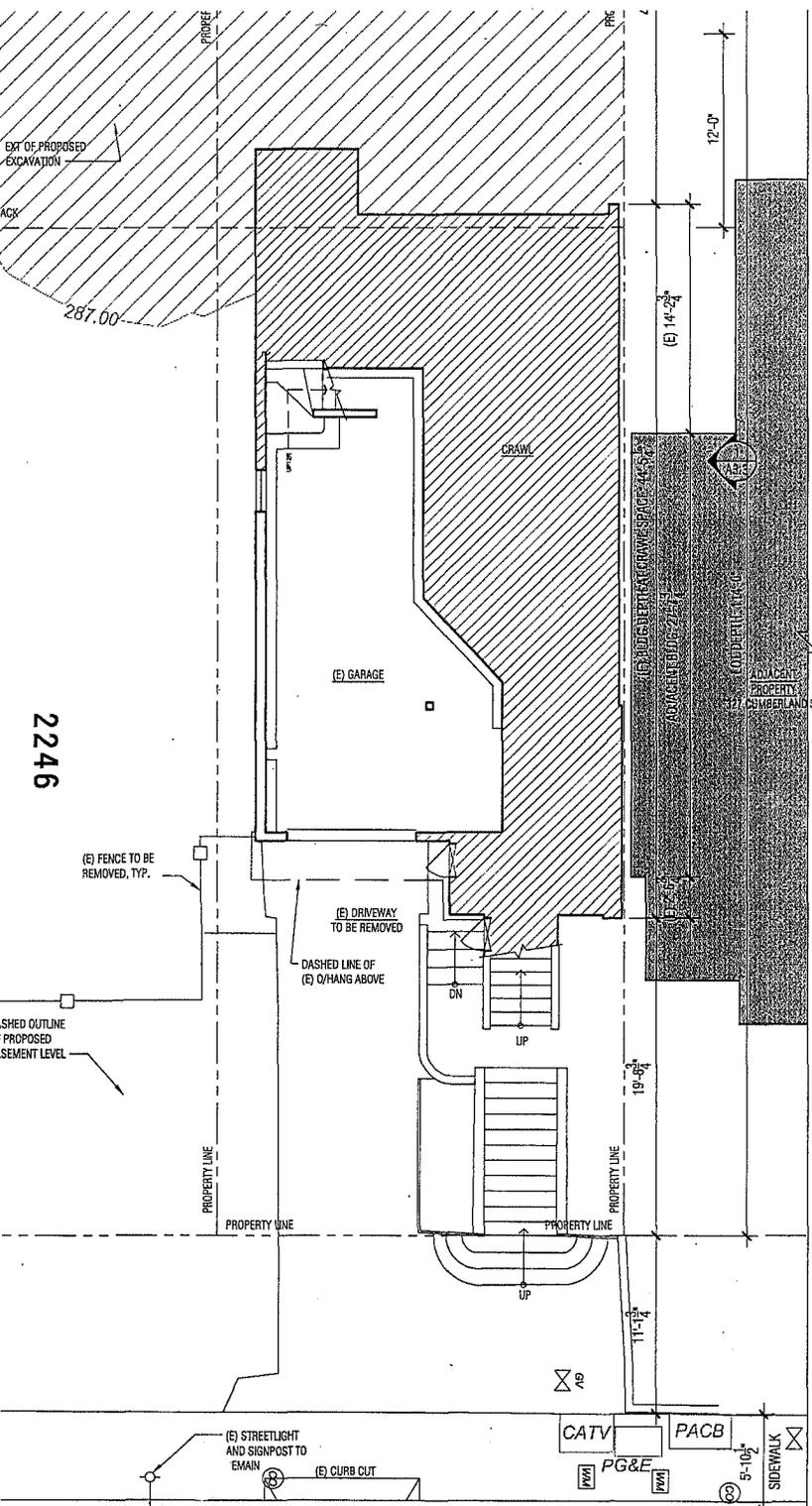
(E) BASEMENT LEVEL	0 SF	(+364 SF GARAGE)
		(+531 SF CRAWL)
(E) FIRST LEVEL	877 SF	
TOTAL (E) AREA:	877 SF	(+364 SF GARAGE)
		(+531 SF CRAWL)

	UNIT 1	UNIT 2	GARAGE
PROPOSED BASEMENT LEVEL	953 SF	680 SF	1,586 SF
PROPOSED FIRST LEVEL	2,096 SF		
PROPOSED SECOND LEVEL	1,944 SF		
PROPOSED THIRD LEVEL	1,114 SF		
UNIT TOTALS:	6,107 SF	680 SF	1,586 SF
CONDITIONED TOTAL:	6,759 SF		

INDEX OF DRAWINGS

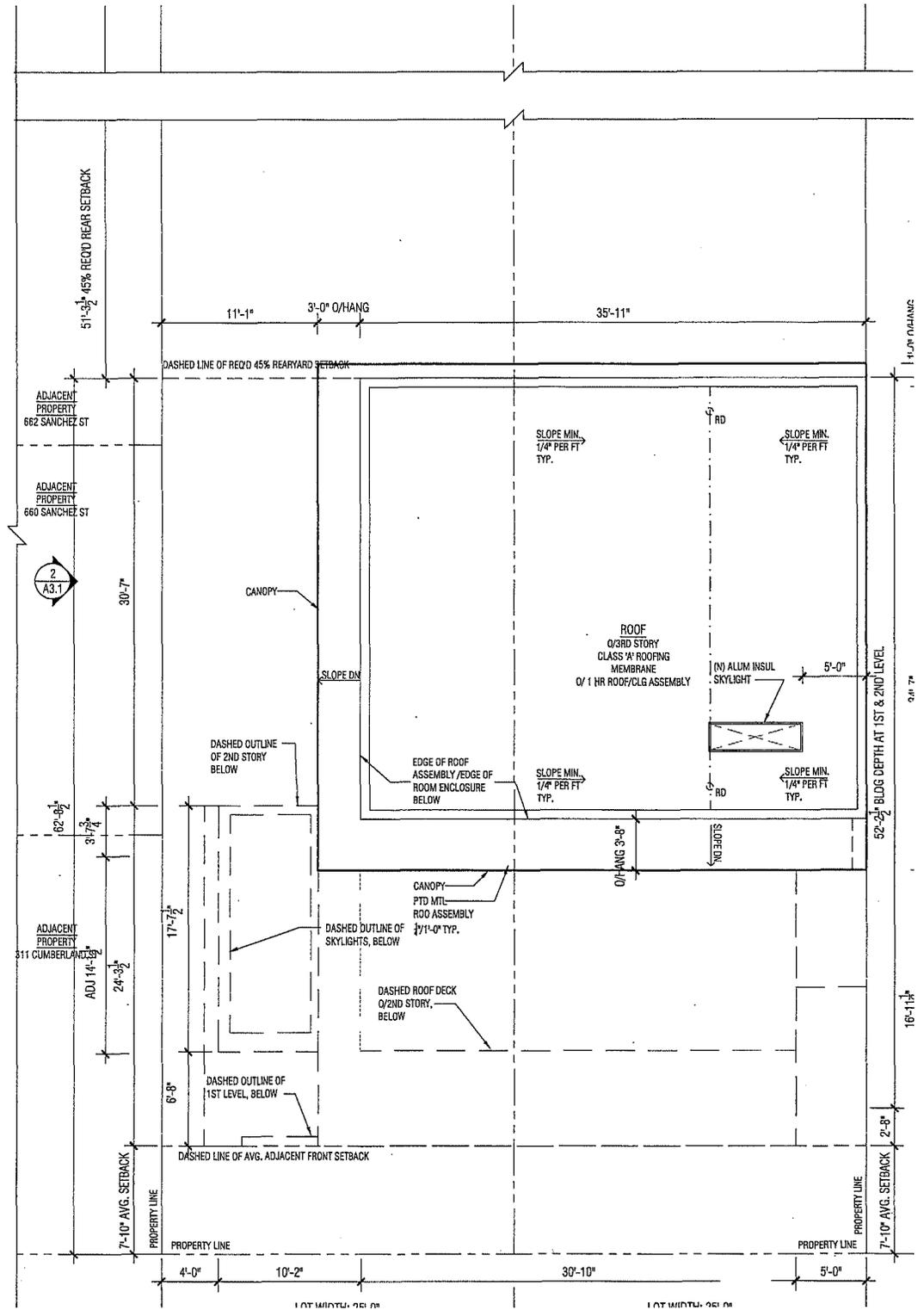
- A0.1 DRAWING INDEX, PROJECT DATA, VICINITY MAP, GENERAL NOTES, AERIAL PHOTOS
- A1.0 EXISTING & PROPOSED PLOT PLANS
- A2.0 EXISTING & PROPOSED BASEMENT LEVEL PLANS
- A2.1 EXISTING & PROPOSED FIRST LEVEL FLOOR PLANS
- A2.2 EXISTING ROOF & PROPOSED SECOND LEVEL FLOOR PLANS
- A2.3 PROPOSED THIRD LEVEL FLOOR PLAN
- A2.4 PROPOSED ROOF PLAN
- A3.0 EXISTING & PROPOSED NORTH (FRONT) ELEVATIONS
- A3.1 EXISTING & PROPOSED EAST ELEVATIONS
- A3.2 EXISTING & PROPOSED SOUTH (REAR) ELEVATIONS
- A3.3 EXISTING & PROPOSED WEST ELEVATIONS
- A3.4 EXISTING & PROPOSED SECTION
- A3.5 PROPOSED 3D MODEL VIEWS

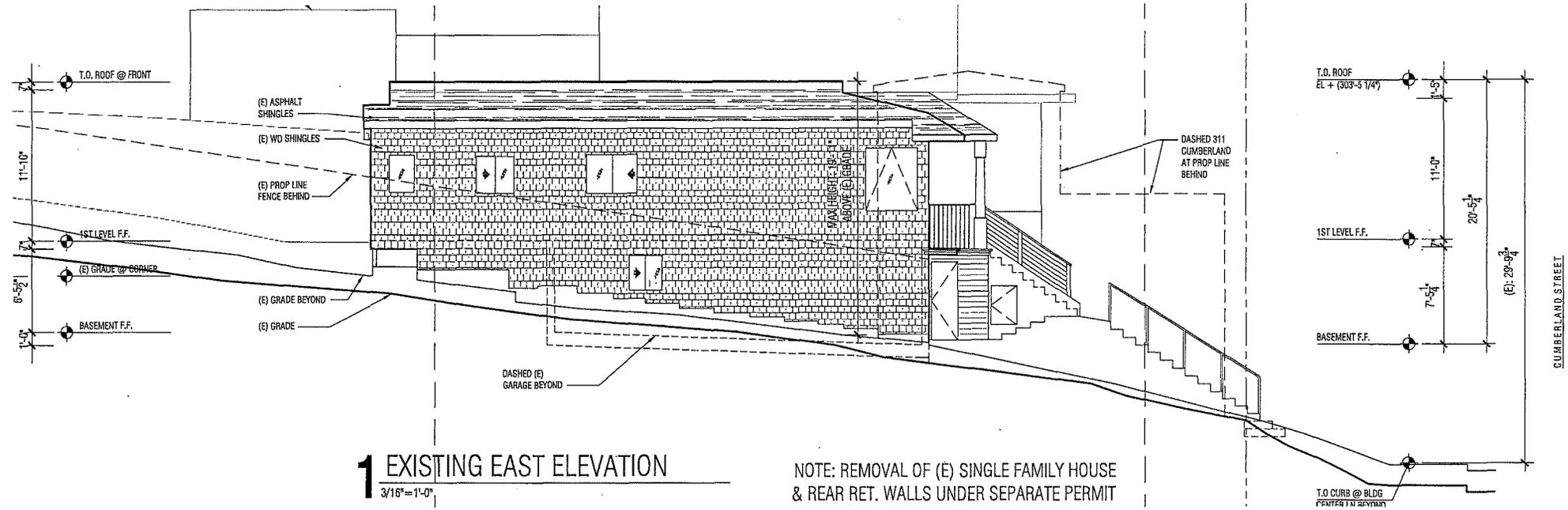
2246



(N) CURB CUT PER SF PLANNING STANDARDS
 PG&E
 MW

2250

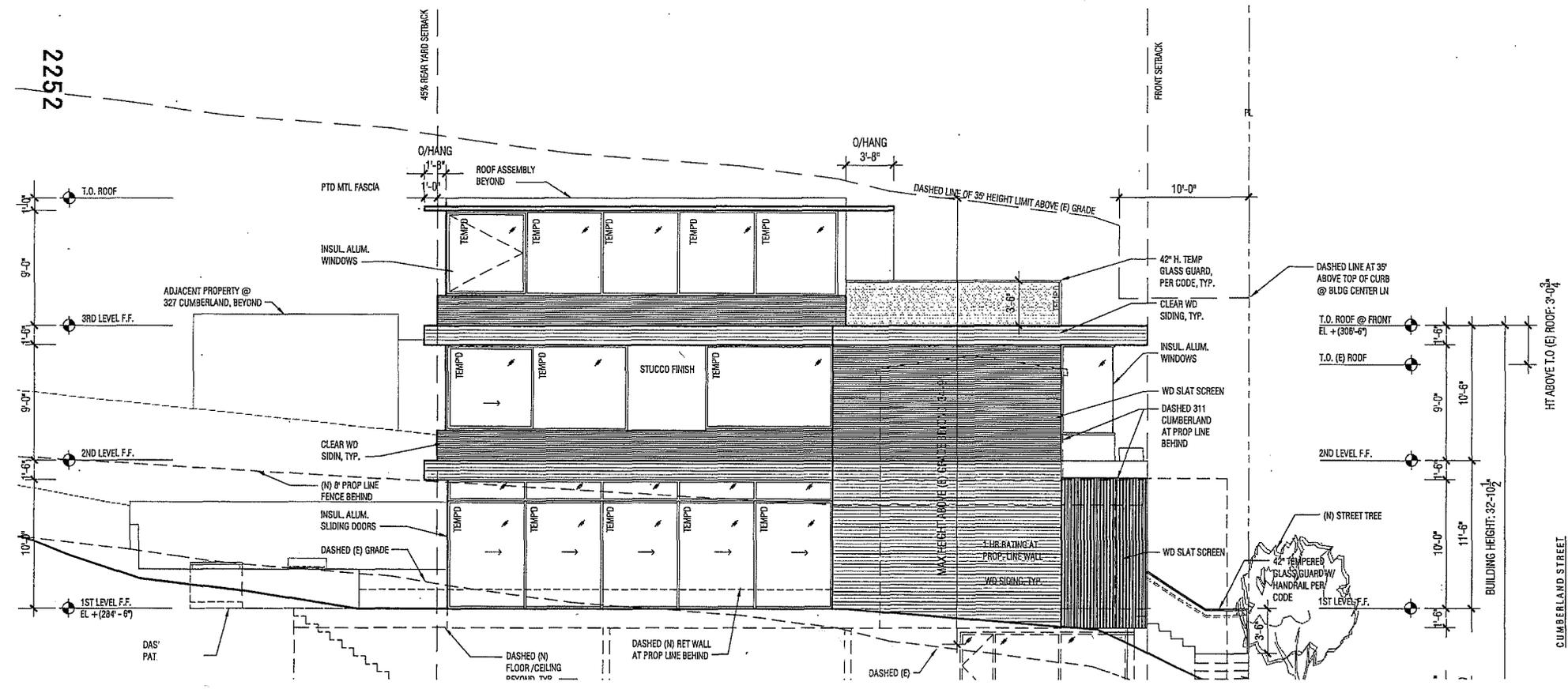


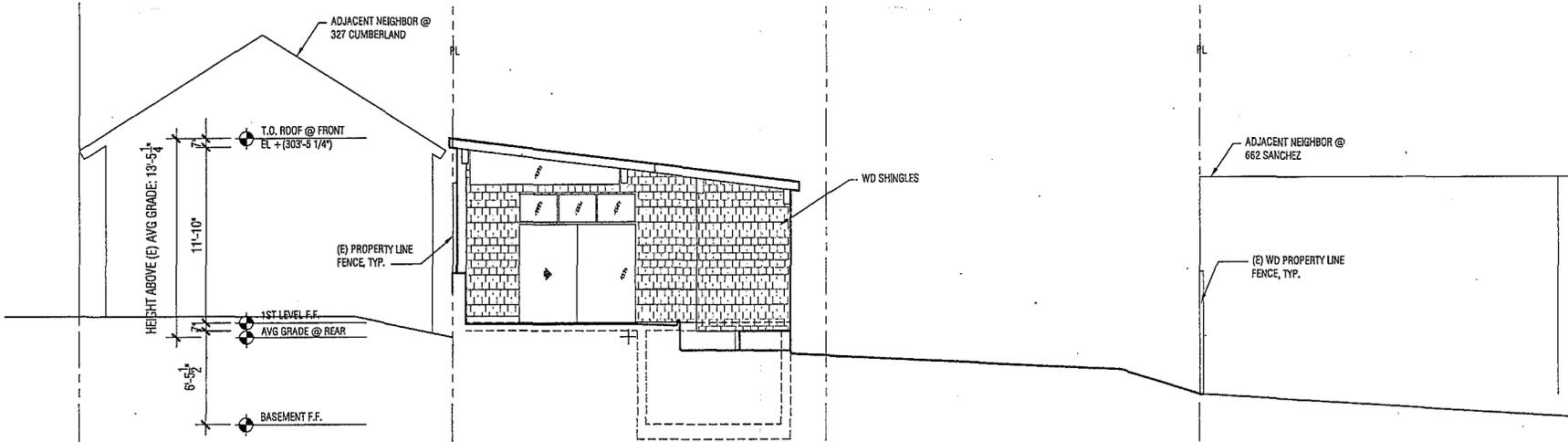


1 EXISTING EAST ELEVATION
3/16" = 1'-0"

NOTE: REMOVAL OF (E) SINGLE FAMILY HOUSE & REAR RET. WALLS UNDER SEPARATE PERMIT

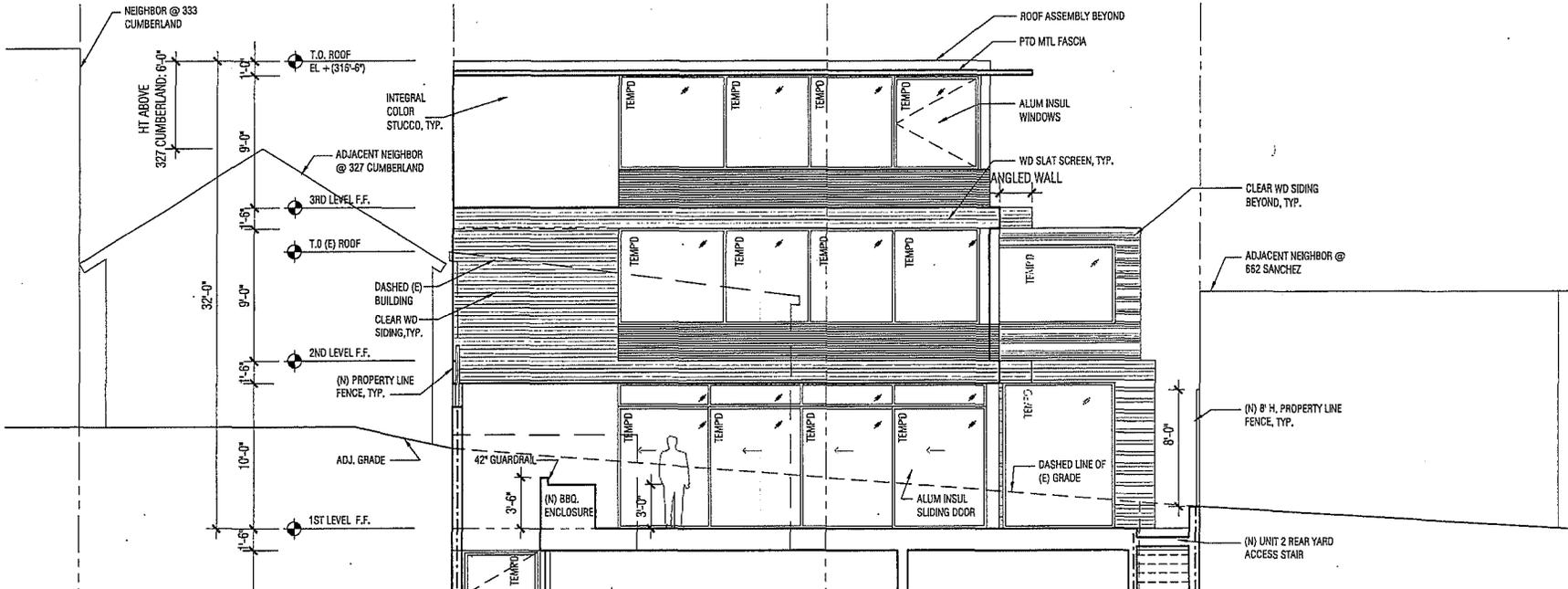
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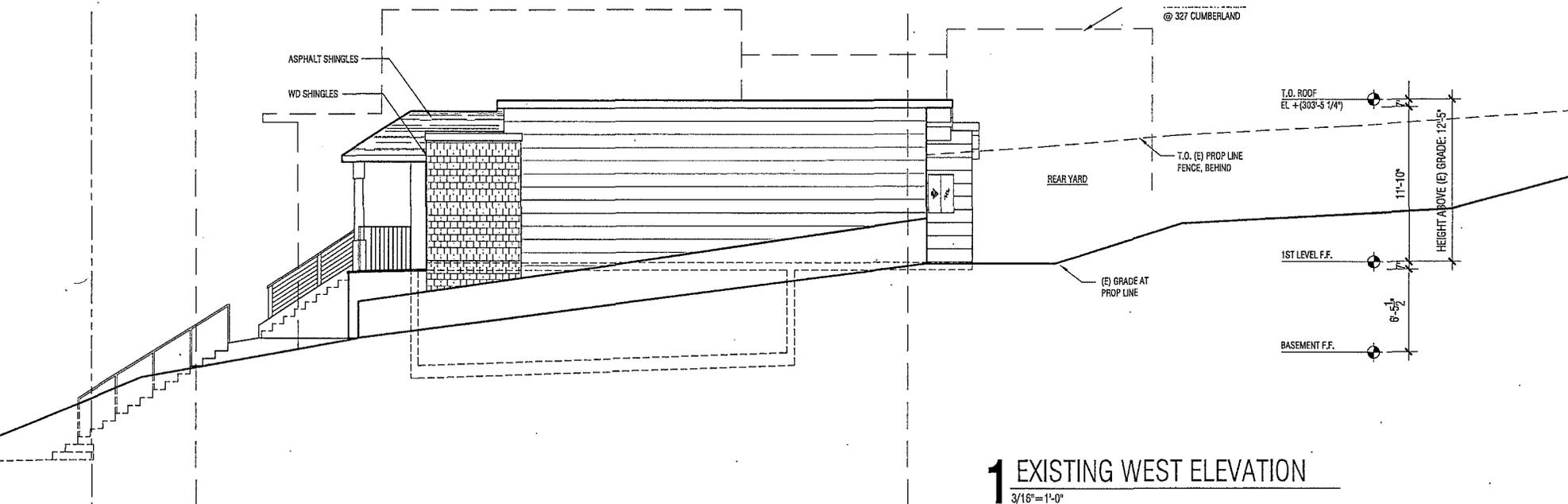




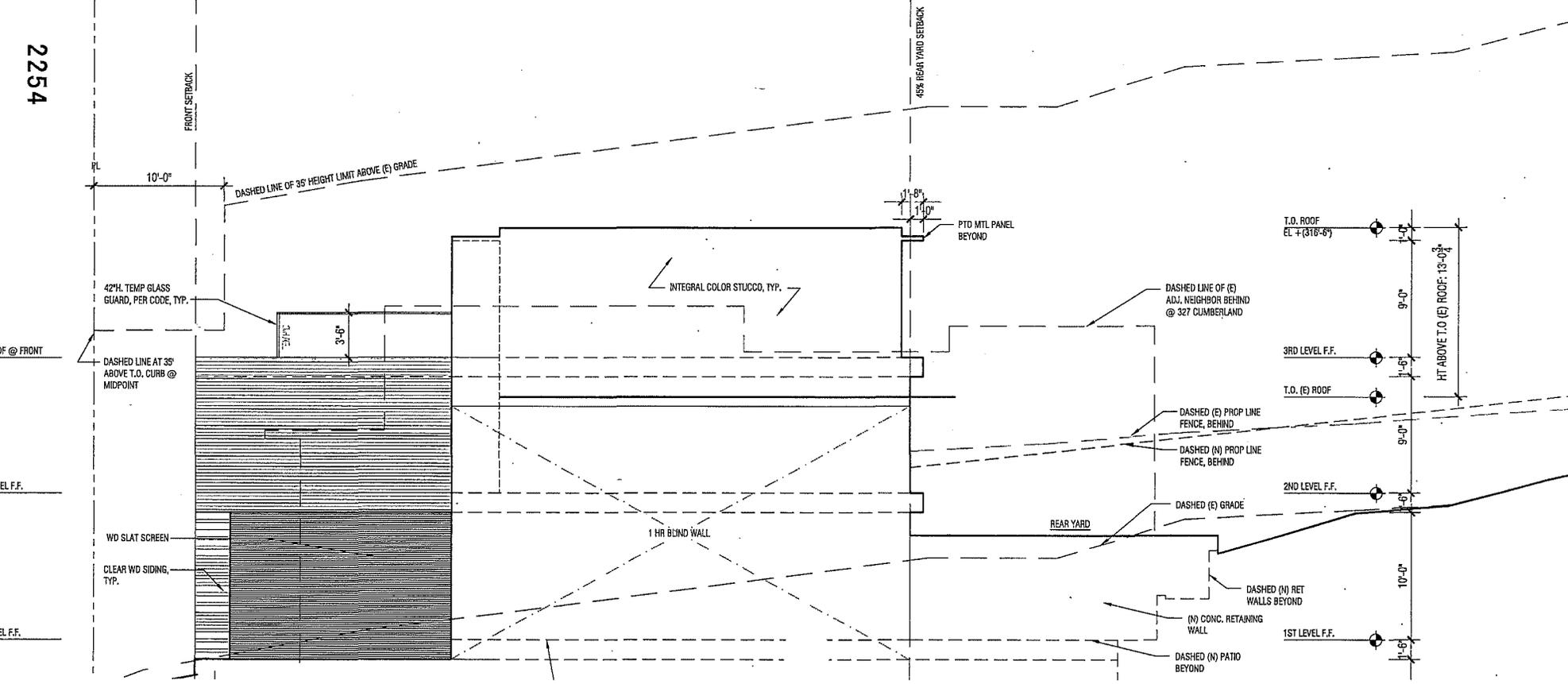
1 EXISTING SOUTH (REAR) ELEVATION
 3/16"=1'-0"

NOTE: REMOVAL OF (E) SINGLE FAMILY HOUSE & REAR RET. WALLS UNDER SEPARATE PERMIT





1 EXISTING WEST ELEVATION
 3/16"=1'-0"

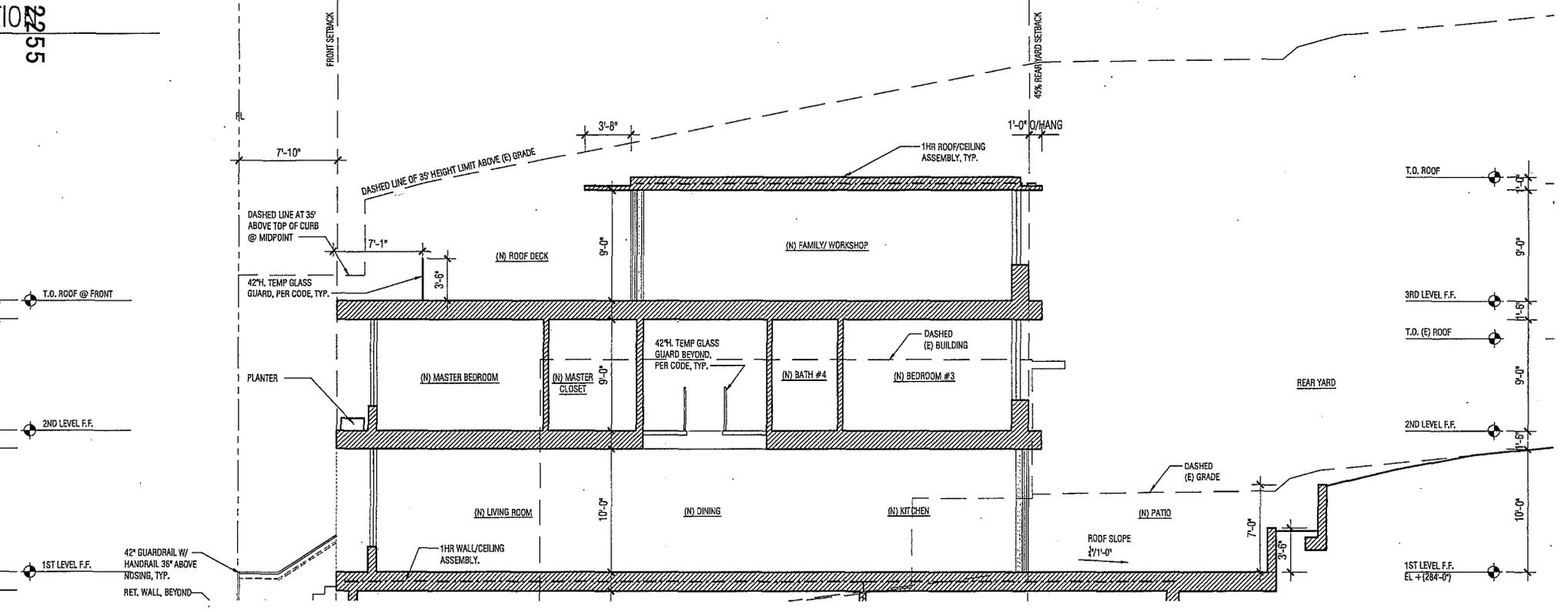
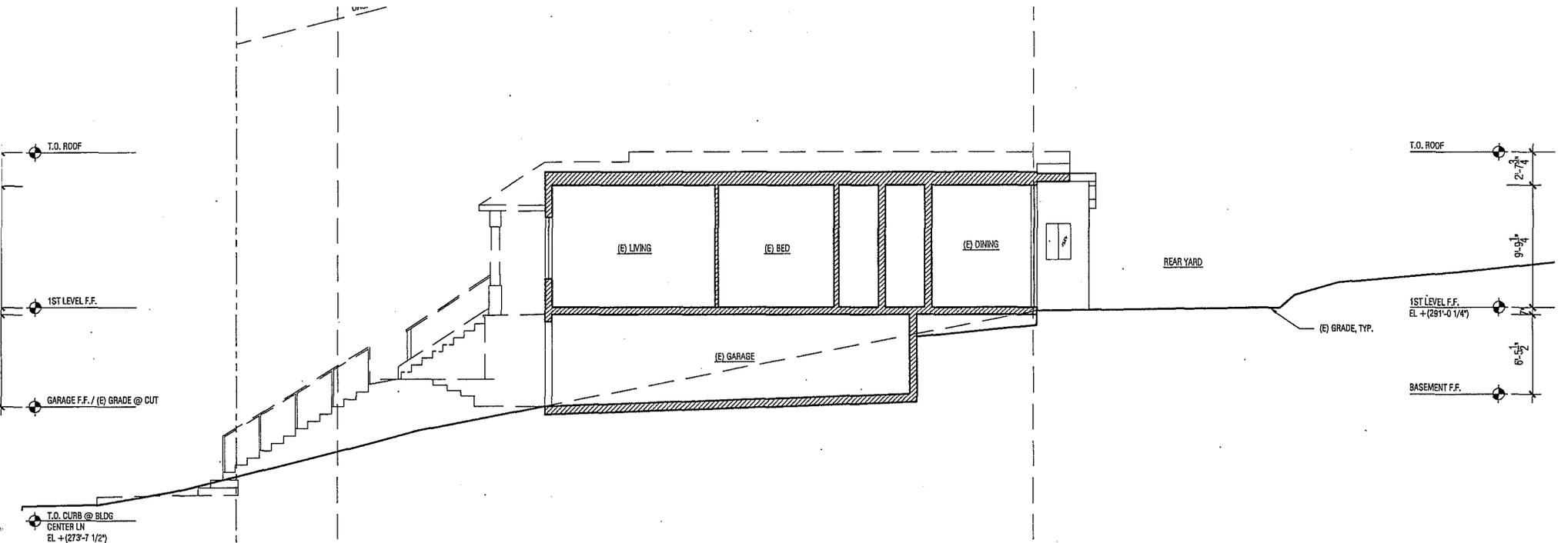


2254

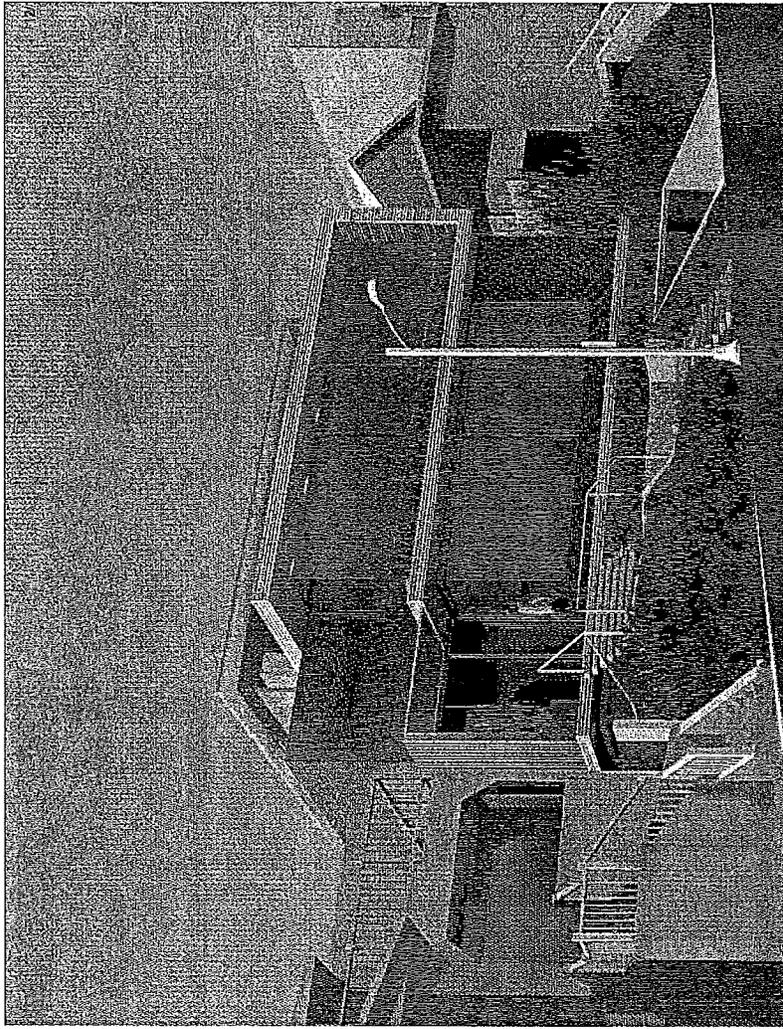
3' @ FRONT

EL F.F.

SL F.F.

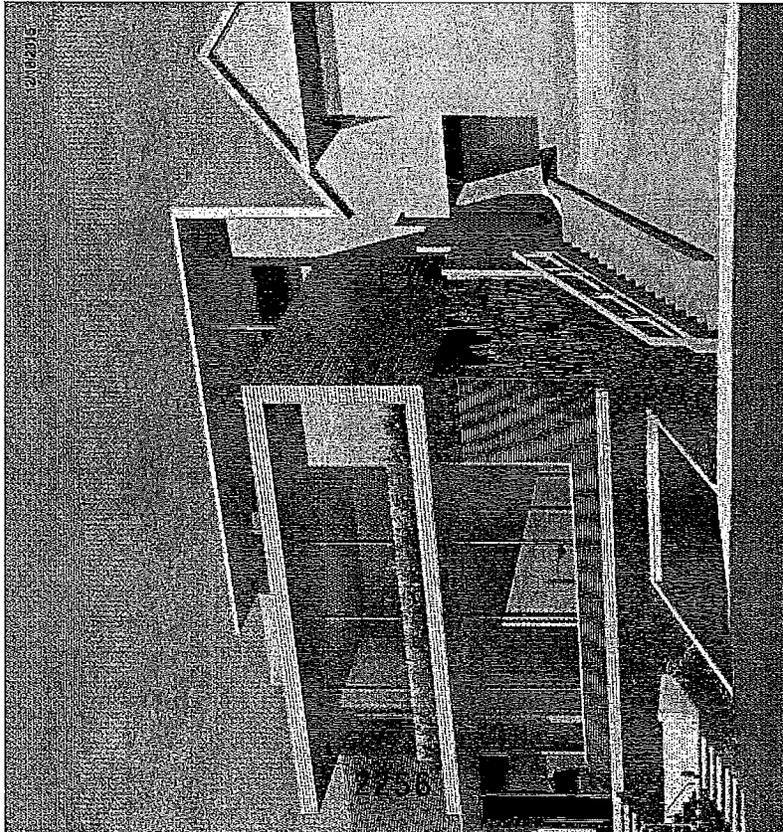


SUBJECT PROPERTY

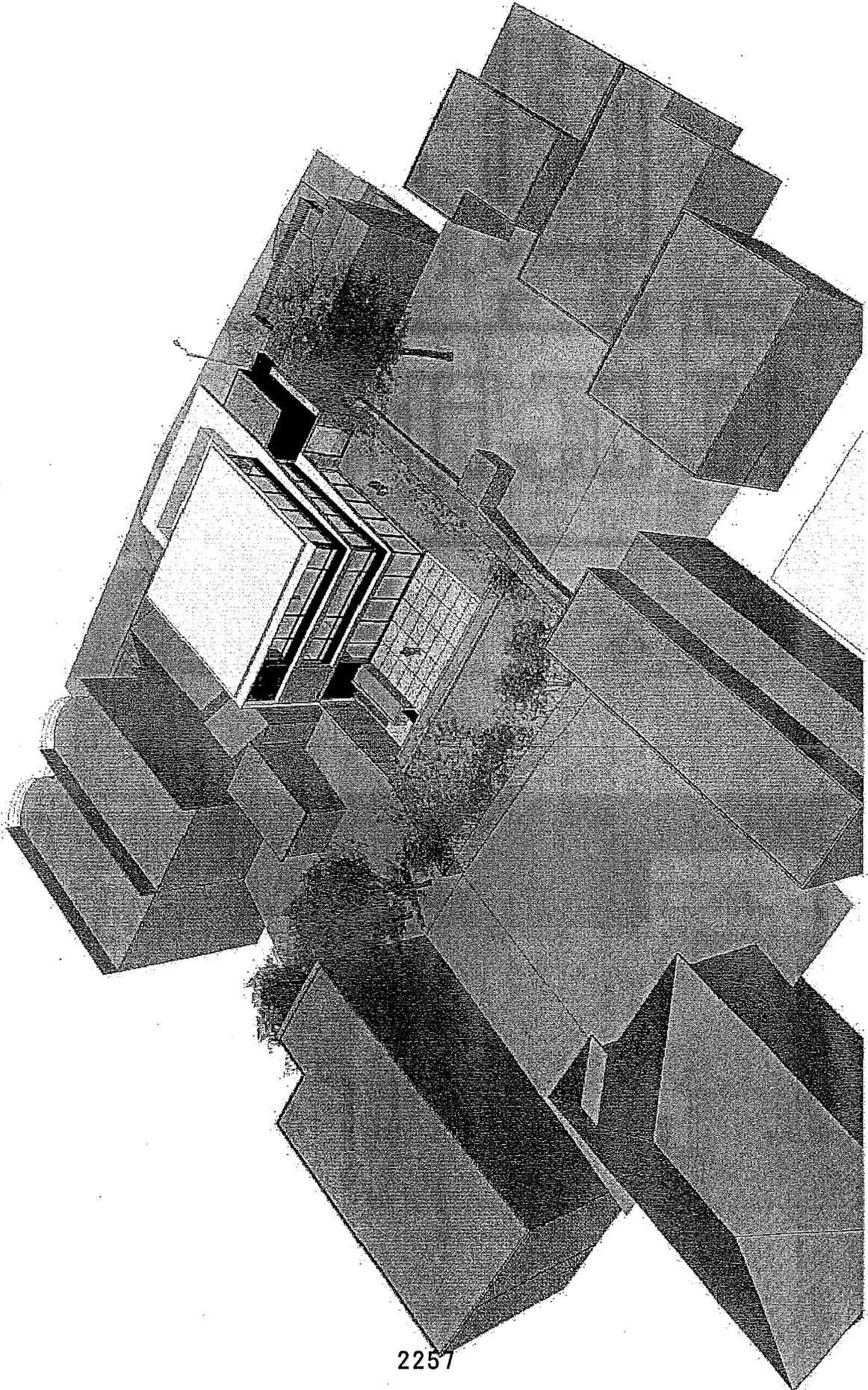


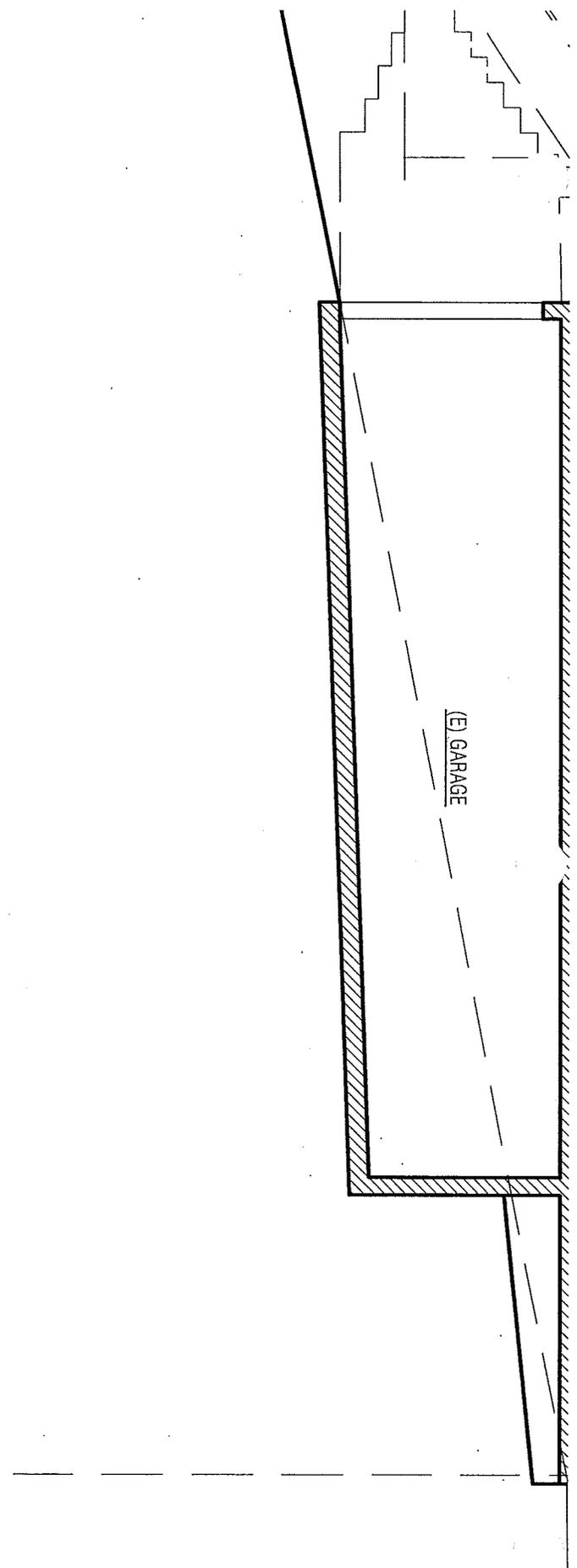
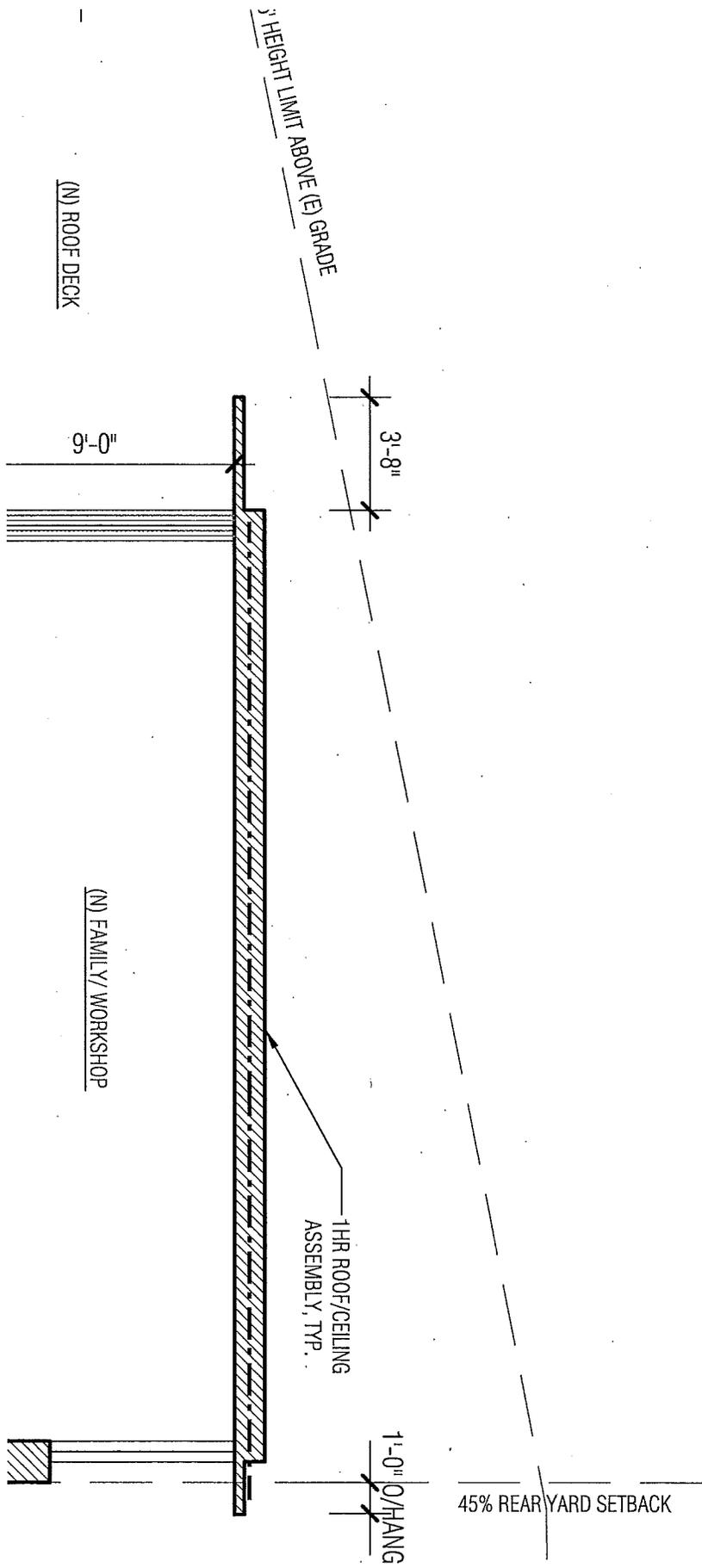
CUMBERLAND STREET LOOKING SOUTHWEST

SUBJECT PROPERTY



ODEL VIEWS





Carroll, John (BOS)

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

Good afternoon,

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

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

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

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

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

Thank you,

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

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

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

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

Carroll, John (BOS)

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

Categories: 160527

Mr. Carroll,

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

A copy can also be downloaded from the following link:

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

Please let me know if you have any questions.

Thank you,

REUBEN, JUNIUS & ROSE, LLP

Tuija Catalano, Partner
One Bush Street, Suite 600
San Francisco, CA 94104
T. (415) 567-9000
F. (415) 399-9480
C. (925) 404-4255
tcatalano@reubenlaw.com
www.reubenlaw.com



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REUBEN, JUNIUS & ROSE, LLP

June 2, 2016

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

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

Dear President Breed and Supervisors:

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

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

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

James A. Reuben | Andrew J. Junius | Kevin H. Rose | Daniel A. Frattin | John Kevlin
Tuija I. Catalano | Jay F. Drake | Lindsay M. Petrone | Sheryl Reuben¹ | Thomas Tunny
David Silverman | Melinda A. Sarjapur | Mark H. Loper | Jody Knight | Stephanie L. Haughey
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1. Also admitted in New York 2. Of Counsel 3. Also admitted in Massachusetts

A. Project Description

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

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

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

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

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B. CU Appeal by the Appellant

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

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

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

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

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

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

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

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

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

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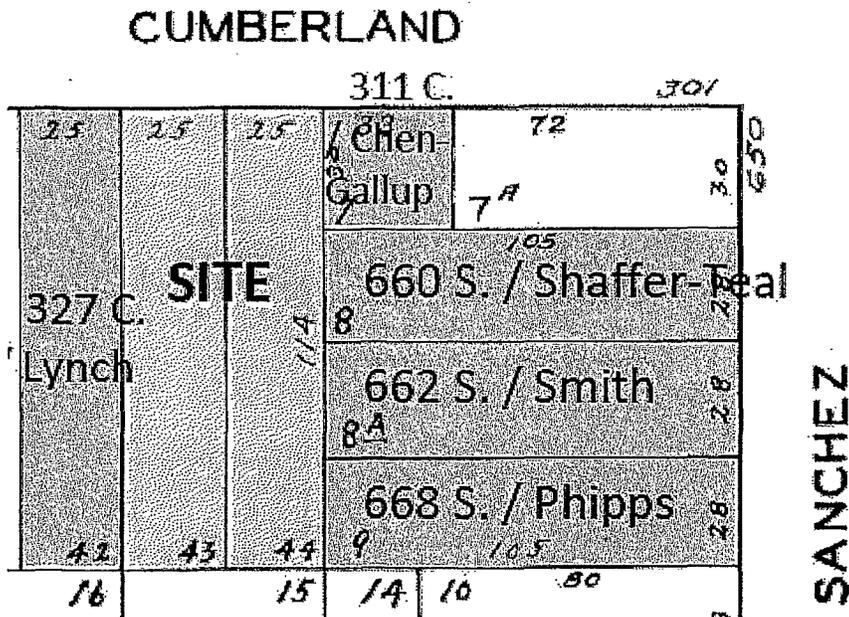
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C. The Project Has Extensive Neighborhood Support

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

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

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



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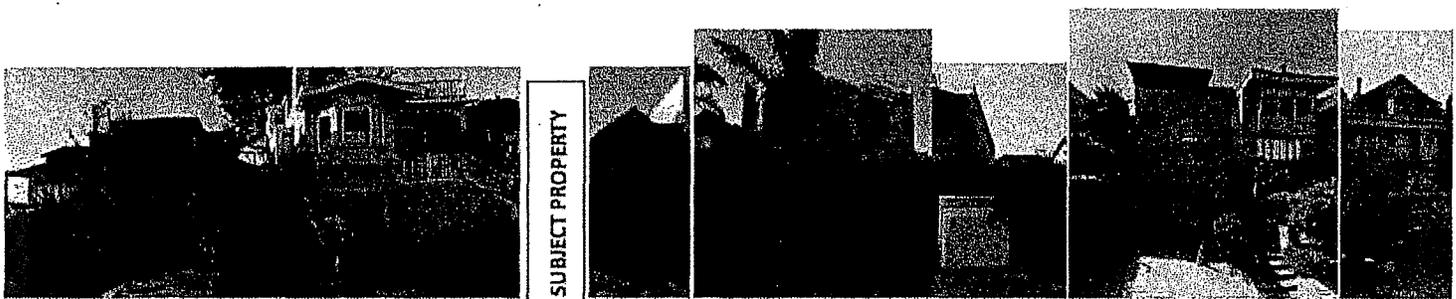
D. The CU, and Project as a Whole, Was Properly Granted

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

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

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

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



Source: Google Streetview, not in scale

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

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

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

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

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

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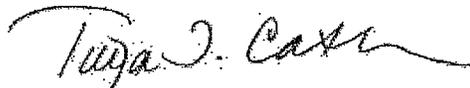
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F. Conclusion

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

Very truly yours,

REUBEN, JUNIUS & ROSE, LLP



Tuija I. Catalano

Enclosures:

Exhibit A – General Timeline for project

Exhibit B – Support letters and Petition

Exh. B1 - Richard Lynch at 327 Cumberland (Block 3601, Lot 42)

Exh. B2 - Allen Chen-Cecily Gallup at 311 Cumberland (Block 3601, Lot 7)

Exh. B3 - Annabel Teal-Justin Shaffer at 660 Sanchez (Block 3601, Lot 8)

Exh. B4 - Ken Smith at 662 Sanchez (Block 3601, Lot 8A)

Exh. B5 - Bill Phipps at 668 Sanchez (Block 3601, Lot 9)

Exh. B6 - Michael Jahr-Wei Wang at 339 Cumberland (Block 3601, Lot 40)

Exh. B7 - Viskin Vadakan-Patrick Amihood at 352 Cumberland (Block 3601, Lot 51)

Exh. B8 - Sarah and Lee Clancy at 369 Cumberland (Block 3601, Lot 34)

Exh. B9 - Nina Khosla at 391-393 Cumbeland (Block 3601, Lots 30 and 31)

Exh. B10 - John Bokelman at 655 Sanchez (Block 3600, Lot 29)

Exh. B11 - Paul and Myle Saab at 677 Sanchez (Blok 3600, Lot 28)

Exh. B12 - Jessica Lessin at 41 Cumberland (Block 3598, Lot 40)

Exh. B13 – Petition in support of the Project, with 55 unique signatures beyond those supporters who provided a letter

Exhibit C - Listing and map of nearby "larger" homes

Exhibit D – Map of nearby larger lots

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Supervisor Norman Yee
Supervisor Scott Weiner
Supervisor David Campos
Supervisor Malia Cohen
Supervisor John Avalos
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(HISTORICAL SUMMARY OF KEY NEIGHBORHOOD MEETINGS AND PROJECT REVISIONS)**313-323 CUMBERLAND STREET**

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

EXHIBIT A

(HISTORICAL SUMMARY OF KEY NEIGHBORHOOD MEETINGS AND PROJECT REVISIONS)

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

(HISTORICAL SUMMARY OF KEY NEIGHBORHOOD MEETINGS AND PROJECT REVISIONS)

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

December 12th, 2015

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

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

Dear Ms. Erica Jackson,

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

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

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

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

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

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

Very Truly Yours,



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

Date: 12/14, 2015

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

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

Dear Ms. Jackson,

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

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

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

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

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

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

Allen Chen

Address: 311 Cumberland St
SF, CA 94114

Cecily Gallup

12.4.15

Dear Members of the Planning Commission,

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

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

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

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

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

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

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

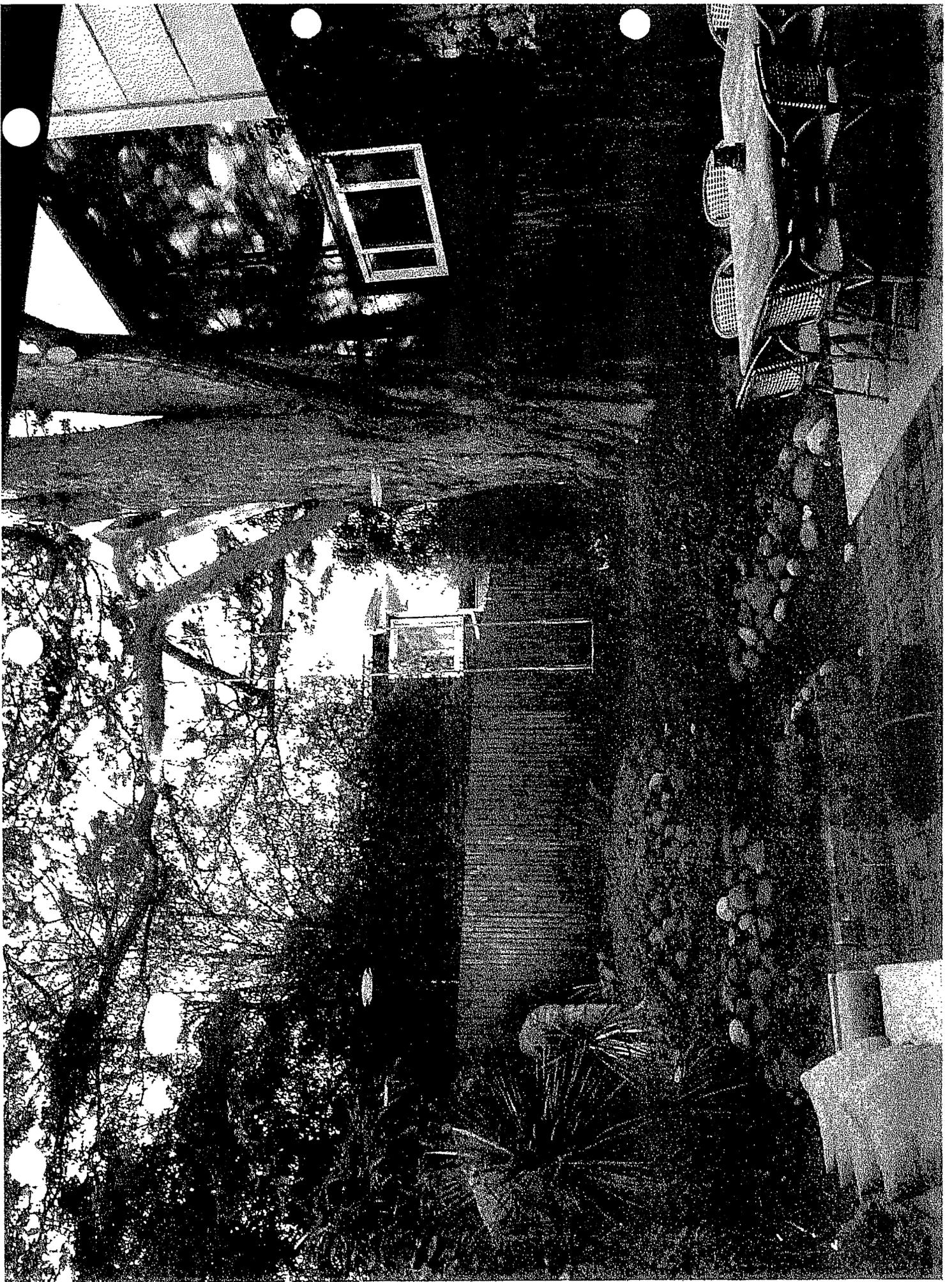
In a slightly separate note, we do completely appreciate that some of our

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

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

Sincerely,

Annabel Teal and
Justin Shaffer



Date: December 8, 2015

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

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

Dear Ms. Jackson:

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

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

Sincerely,



Ken Smith
662 Sanchez Street
San Francisco

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

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

Dear Ms. Erica Jackson,

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

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

I would officially like to state that I support their project.

Very Truly Yours,



Name: Bill Phipps

Address: 668 Sanchez St, San Francisco, CA 94114

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

Date: December 3, 2015

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

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

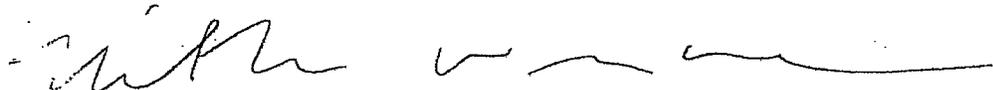
Dear Ms. Jackson,

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

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

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

Regards,



Michael Jahr and Wei Wang

Date: Dec 6, 2015

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

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

Dear Ms. Jackson:

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

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

Sincerely,



Visrin Vichit Vadakan



Patrick Amihood

Address: 352 Cumberland Street, San Francisco, CA 94114

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

Date: December 9th, 2015

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

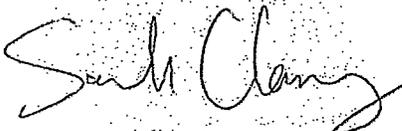
RE: Planning Department Case no. 2013.1213
Building permit no. 2014.06.27.9820
313-323 Cumberland Street

To Whom It May Concern:

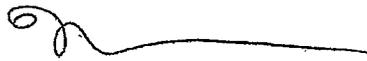
I'm writing to indicate my support for the proposed construction of a single family home at 313-323 Cumberland. I reside at 369 Cumberland Street, which is in close proximity to the proposed project. The project sponsors Ruchi, Aditya and their architect have been available to meet with the neighbors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

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

Regards,



Sarah Clancy



Lee Clancy

Date: December 9th, 2015

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

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

Dear Ms. Jackson,

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

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

I hope the Planning Commission approves their project as proposed.

Sincerely,



Name: Nina Khosla

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

December 15, 2015

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

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

To Whom It May Concern:

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

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

Sincerely,



John Bokelman
655 Sanchez St
San Francisco, CA 94114

Dec 13th, 2015

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

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

Dear Ms. Jackson:

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

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

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

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

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

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

Paul Saab



Myle Saab



Address: 677 Sanchez, San Francisco, CA 94114

Date: December 14 , 2015.

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

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

To Whom It May Concern:

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

I would like to express my support for the project and I urge the Planning Commission to approve the project as proposed by the project sponsor. I think the combining of two lots makes a lot of sense and will add more to the community than two separate houses going up on the individual lots.

Sincerely,



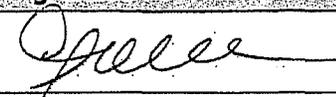
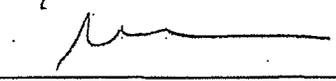
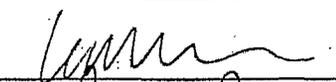
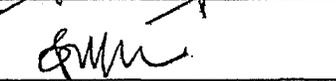
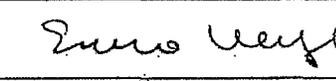
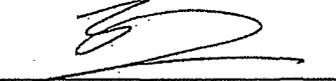
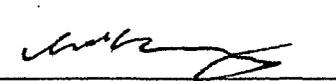
Name: Jessica Lessin

Address: 41 Cumberland St.

 SF CA 94110

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

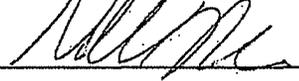
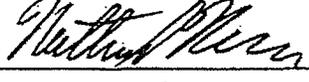
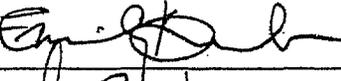
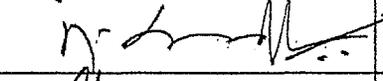
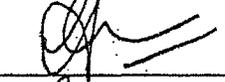
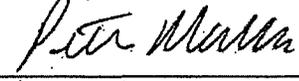
Project description	The approx. 5,700-sf project site contains a vacant lot at 313 Cumberland and an existing 1-story over basement building at 323 Cumberland. Ruchi Sanghvi and Aditya Agarwal are proposing to demolish the existing structure and to build a 3-story over basement single-family residence at the site.
Action petitioned for	We, the undersigned, hereby express our support for the project at 313-323 Cumberland, and we urge the Planning Department and Planning Commission to not take Discretionary Review (DR) and to approve the project as proposed by the project sponsors.

Printed Name	Signature	Address	Comment, if any	Date
AYA ANDERSON		4072 CESAR CANTON SF CA 94131	Aditya + Ruchi are a wonderful, Neighbourly family	12/2/15
RYAN KUFT		4072 CESAR CANTON SF CA 94131		12/2/15
LEAH CWEBER		380 20th St Apt 201 SF CA 94114		12/3/15
Simi Sohi		325 Fillmore St SF 94117	I trust that	12/3/15
Michelle Lee		43-B Vicksburg St. SF CA 94114	Aditya and Ruchi will be respectful neighbors.	12/3/15
EMMA KUFT		4072 CESAR CANTON SF CA 94131		12/3/15
Emma Dawson		4235 23rd St SF CA 94114		12/3/15
Michelle Kohn		4235 23rd St, SF CA 94114		12/3/15
Michael Petrov		179 Collingwood St, SF CA 94114	Ruchi and Aditya are kind people that will make any neighbourhood better!	12/7/15
Alon Levi		275 Diamond St SF CA 94114		12/8/15

2291

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

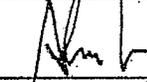
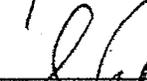
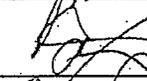
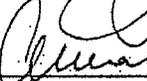
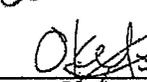
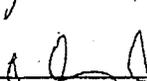
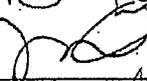
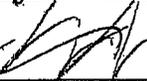
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Action petitioned for	We, the undersigned, hereby express our support for the project at 313-323 Cumberland, and we urge the Planning Department and Planning Commission to not take Discretionary Review (DR) and to approve the project as proposed by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

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

2292

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

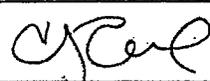
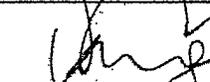
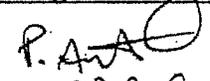
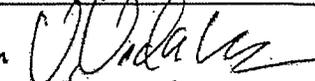
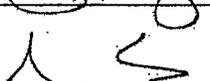
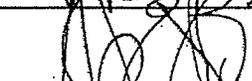
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Printed Name	Signature	Address	Comment, if any	Date
ADAM MOSSERI		137 Fair Oaks St		
Monica Mosseri		137 Fair Oaks St	we're incredibly supportive as they are a wonderful addition to community	
JUSTIN SHAFER		660 Sanchez Street	We know the project and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

2293

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

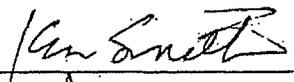
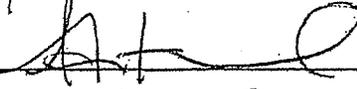
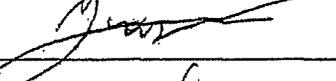
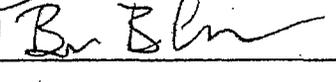
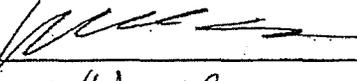
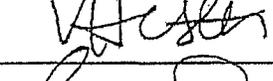
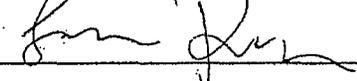
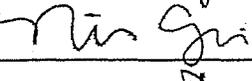
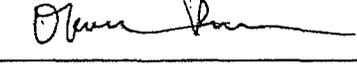
Project description	The approx. 5,700-sf project site contains a vacant lot at 313 Cumberland and an existing 1-story over basement building at 323 Cumberland. Ruchi Sanghvi and Aditya Agarwal are proposing to demolish the existing structure and to build a 3-story over basement single-family residence at the site.
Action petitioned for	We, the undersigned, hereby express our support for the project at 313-323 Cumberland, and we urge the Planning Department and Planning Commission to not take Discretionary Review (DR) and to approve the project as proposed by the project sponsors.

Printed Name	Signature	Address	Comment, if any	Date
Chris Cox		4231 20th St.	Very supportive	12/6/15
JESS FOUNG		824 Douglass St	SUPPORTIVE	12/6/15
Laurie Young		265 Darland St.	supportive	12/6/15
PATRICK AMIHOOD		352 CUMBERLAND ST	SUPPORTIVE	12/6/15
Visva Vicnit Vadakan		352 Cumberland St.	SUPPORTIVE	12/6/15
Sue Young		3620 19th St. #34	SUPPORTIVE	12/6/15
Aaron Schwartz		3620 19th St #34	Very Supportive! Great neighbors	12/6/15
Visva Vicnit Vadakan		3660 1st St.	Very supportive	12/6/15
Alejandra Fong		824 DOUGLASS ST.	YES!	12/6/15
Tyrone Anderson		265 Darland St.	Supportive!	12/6/15

2294

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

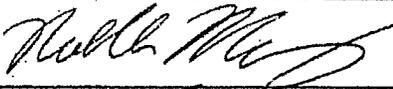
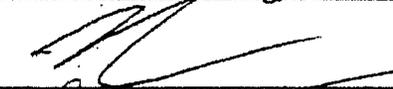
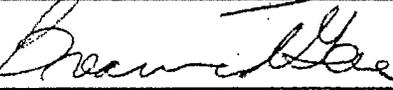
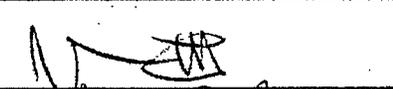
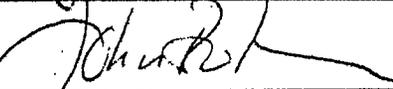
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Printed Name	Signature	Address	Comment, if any	Date
Ken Smith		662 Sandoz St., SF		12/8/15
Aditya Koolwal		70 Hancock St #1, SF	I support the plans	12/8/15
Priyanka Agarwal		70 Hancock St. #1 SF	the plans are great	12/8/15
Jared Morgenstern		3835 20th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

2295

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

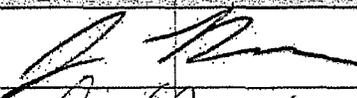
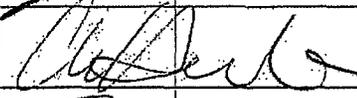
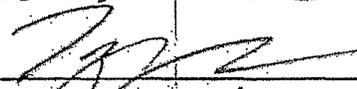
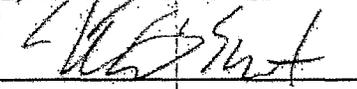
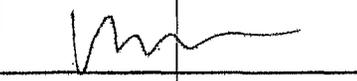
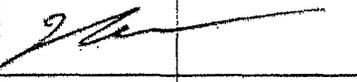
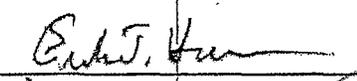
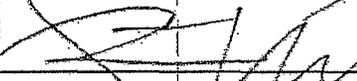
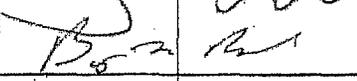
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Printed Name	Signature	Address	Comment, if any	Date
Noelle Moseley		Elizabeth Street resident 4104 24th St #511, SF, CA 94114	Full support of this project - considerate neighbors trying to do the right thing. And a critical opportunity for our gov. to protect our freedoms	12/13/15
Brian Singelmar		4104 24th St #511 SF	Provided support within the law, 100% support	12/13/15
Breanna deGere		418 Liberty St. SF, CA 94114	Project is to code. Should be approved	12/14/15
Wayne deGere		418 Liberty, SF CA 94114	Fully support this project	12/14/15
John Beckelman		655 Sanchez St SF CA 94114	Project within code Full Support	12/14/15

2296

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

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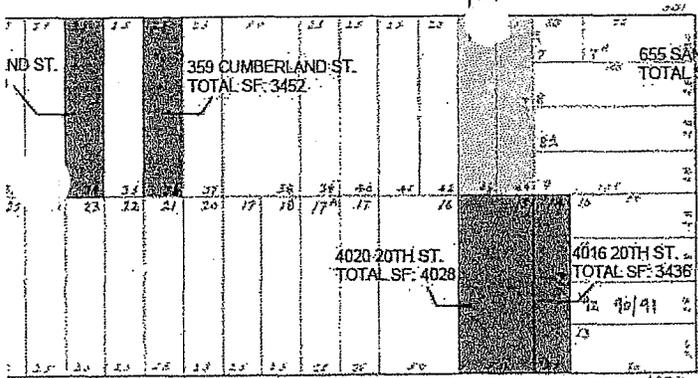
Printed Name	Signature	Address	Comment, if any	Date
Jerry Brooner		4417 20th Street	Great neighbors, project improves neighborhood	12/3/15
Amber Hamillan		4417 20th Street		12/3/15
Todd Jackson		1039 Nor. St.	Ruchi & Aditya are good people and good neighbors, positive for the community.	12/5/15
Nipam Keerapthi		524 Guerrero Street		12/5/15
Vikram Adukia		2319-15th St		12/9/2015
Neeraj Wahi		3428A 16th St		12/9/2015
Erik Hope		1402 Church St		12/14/15
JONATHAN YING		721 GUERRERO		12/14/15
BRYAN REED		127 27th St		12/15/15

2297

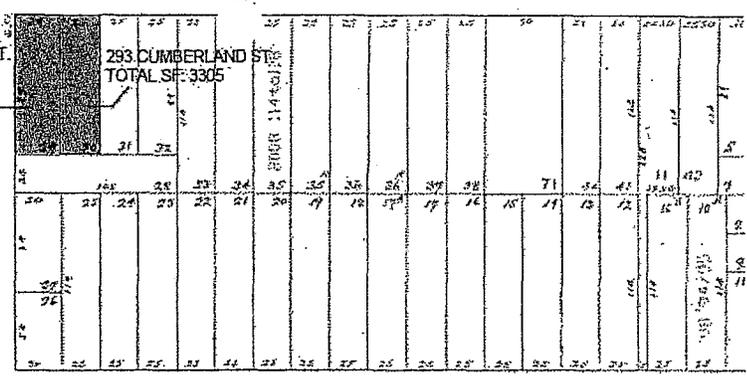
EXHIBIT C - LARGER HOMES IN DOLORES HEIGHTS

DOLORES HEIGHTS - AN INCOMPLETE SURVEY OF SOME NEARBY LARGER HOMES

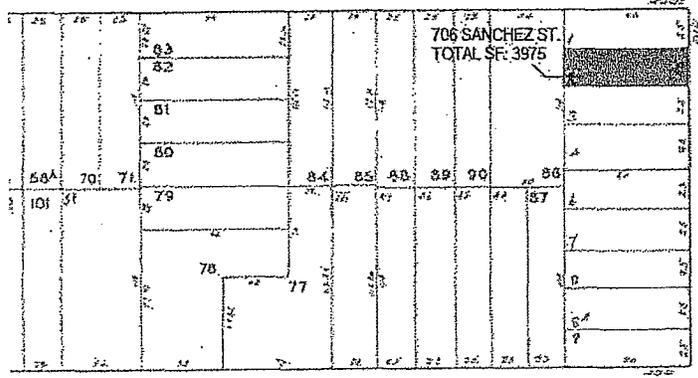
ADDRESS	Conditioned Space - SF	Garage - SF	Total SF
		(assumed when unknown)	
360 Cumberland Street	3129	670	3799
362 Cumberland Street	3135	503	3638
369 Cumberland Street	3560	579	4139
359 Cumberland Street- subject to verification	2952	500	3452
293 Cumberland Street	2430	875	3305
366 Liberty Street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



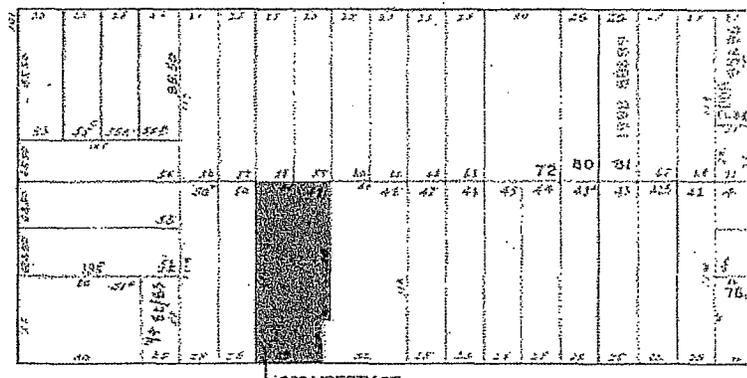
20 TH



20TH

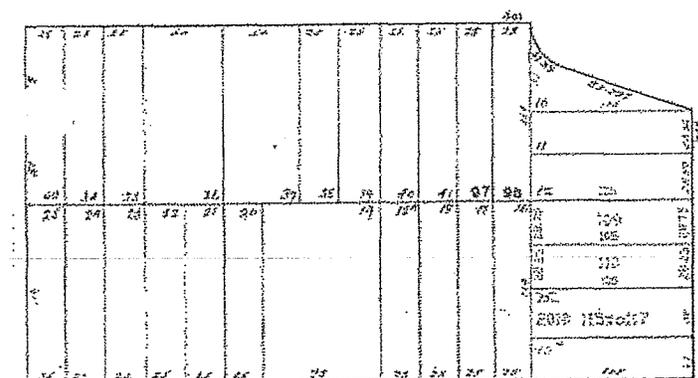


LIBERTY



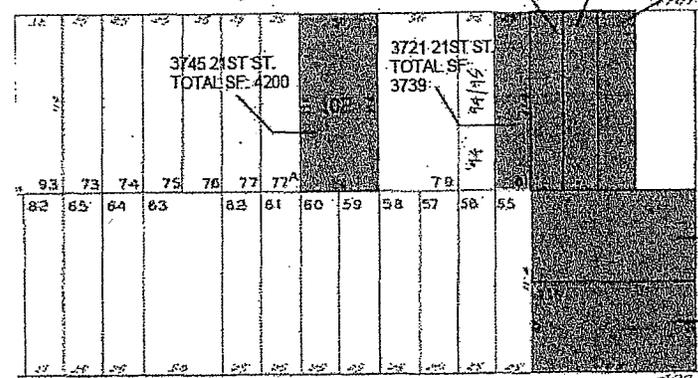
366 LIBERTY ST.
TOTAL SF: 3667

SANCHEZ

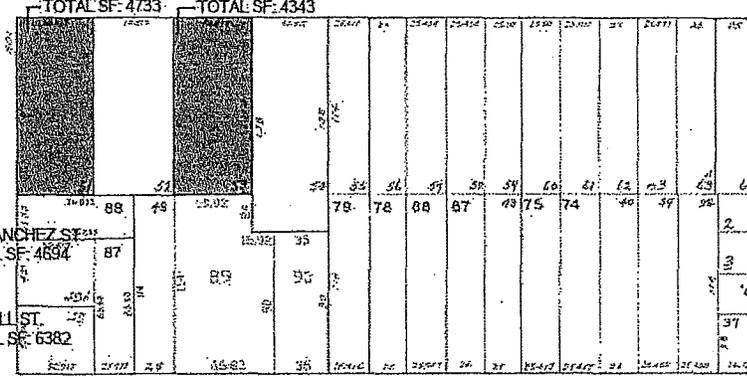


21 ST

21 ST

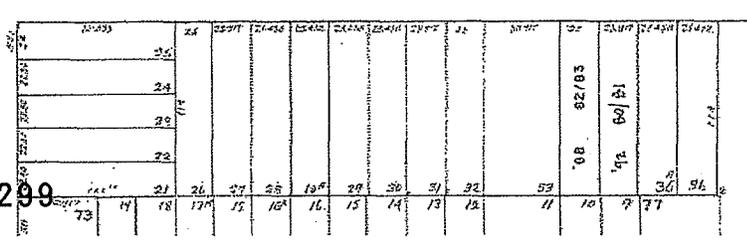
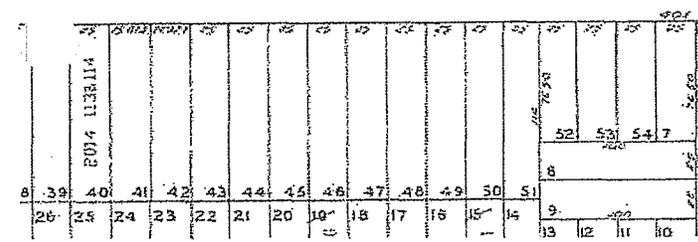


HILL

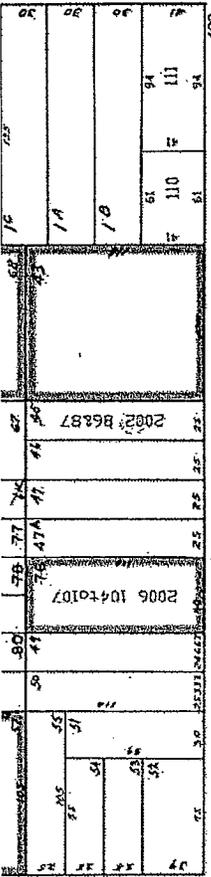


HILL

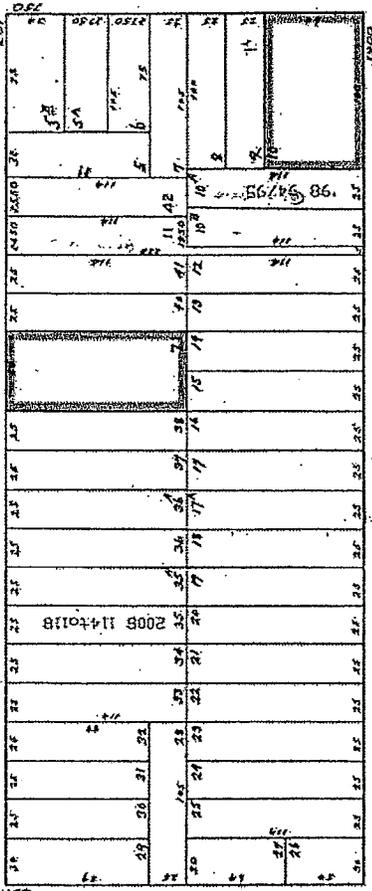
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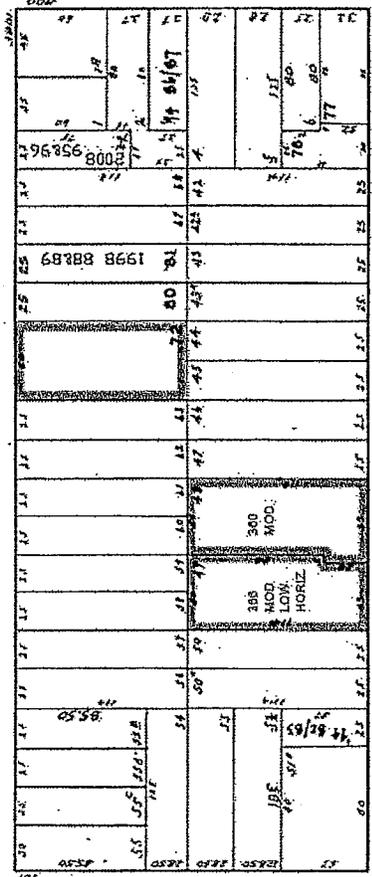
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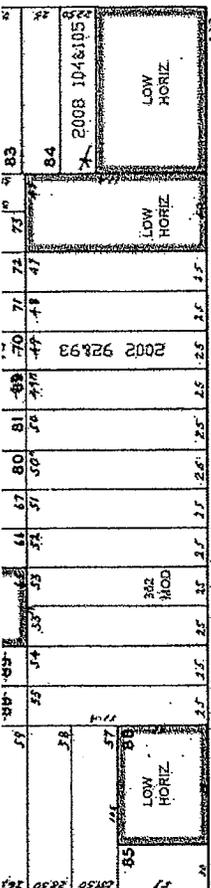
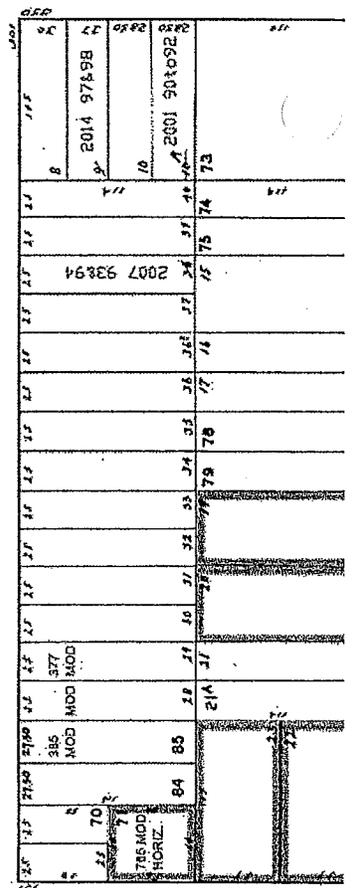
CUMBERLAND



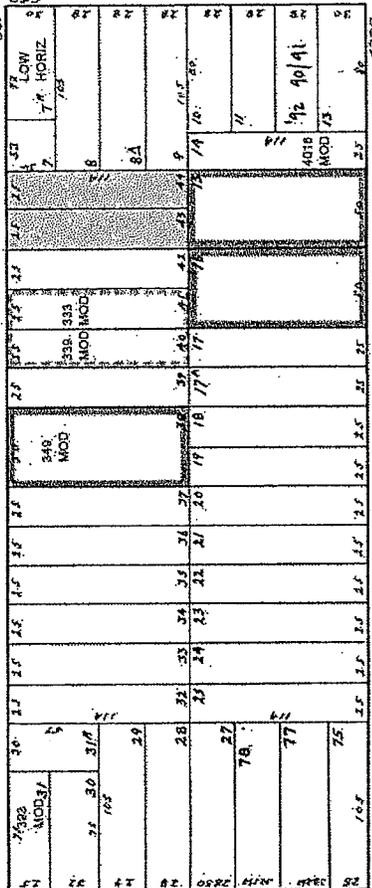
20TH



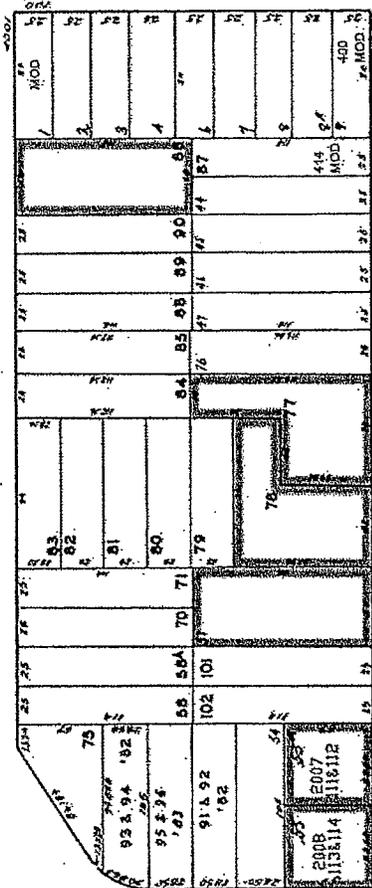
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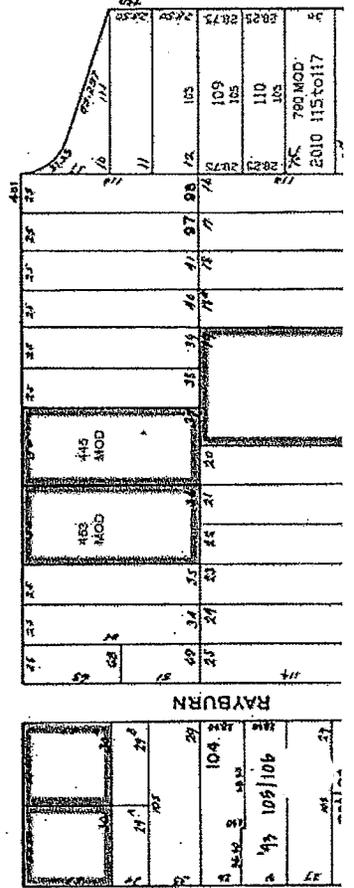
CUMBERLAND



20TH



LIBERTY



Carroll, John (BOS)

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

Good afternoon,

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

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

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

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

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

Thank you,

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

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

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

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

Carroll, John (BOS)

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

Categories: 160527

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

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

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

Thank you

Bruce Bowen

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

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2016 MAY 27 AM 10:16

BY _____

May 27, 2016

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

Dear President Breed and Members of the Board:

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

Project and Appeal Summary

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

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

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

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

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

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

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

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

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

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

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

(1) The Lot Merger: A Citywide Issue

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

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

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

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

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

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

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

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

At the Planning Commission hearing, we also demonstrated that no interior lot mergers such as the one proposed for this project have occurred in the City since at least 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.

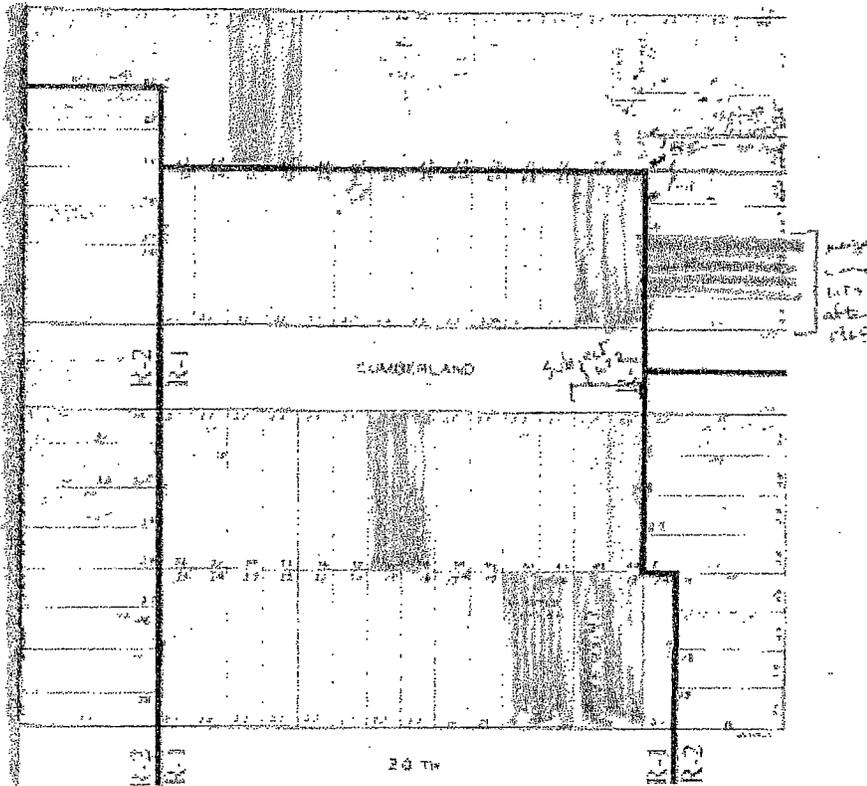
Sincerely,



Bruce R. Bowen

EXHIBIT A

EXHIBIT B



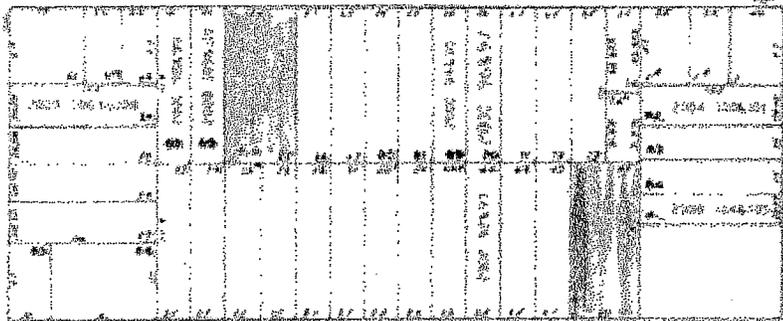
1965 LOT/BLOCK MAP:

SIX DOUBLE INTERIOR LOTS
OUT OF 79 INTERIOR LOTS

8% OF DOUBLE INTERIOR
LOTS

CURRENT TAX ASSESSOR
MAP

18 TH



CURRENT TAX ASSESSOR MAP:

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

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

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

EXHIBIT C

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

8. 2013.1213CUA

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

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

Preliminary Recommendation: Approve with Conditions

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

+ (M) Speaker – Support
+ Justin Schafer – Support
+ Annabel Teal – Support
+ Vicera Vitchekatan – 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.

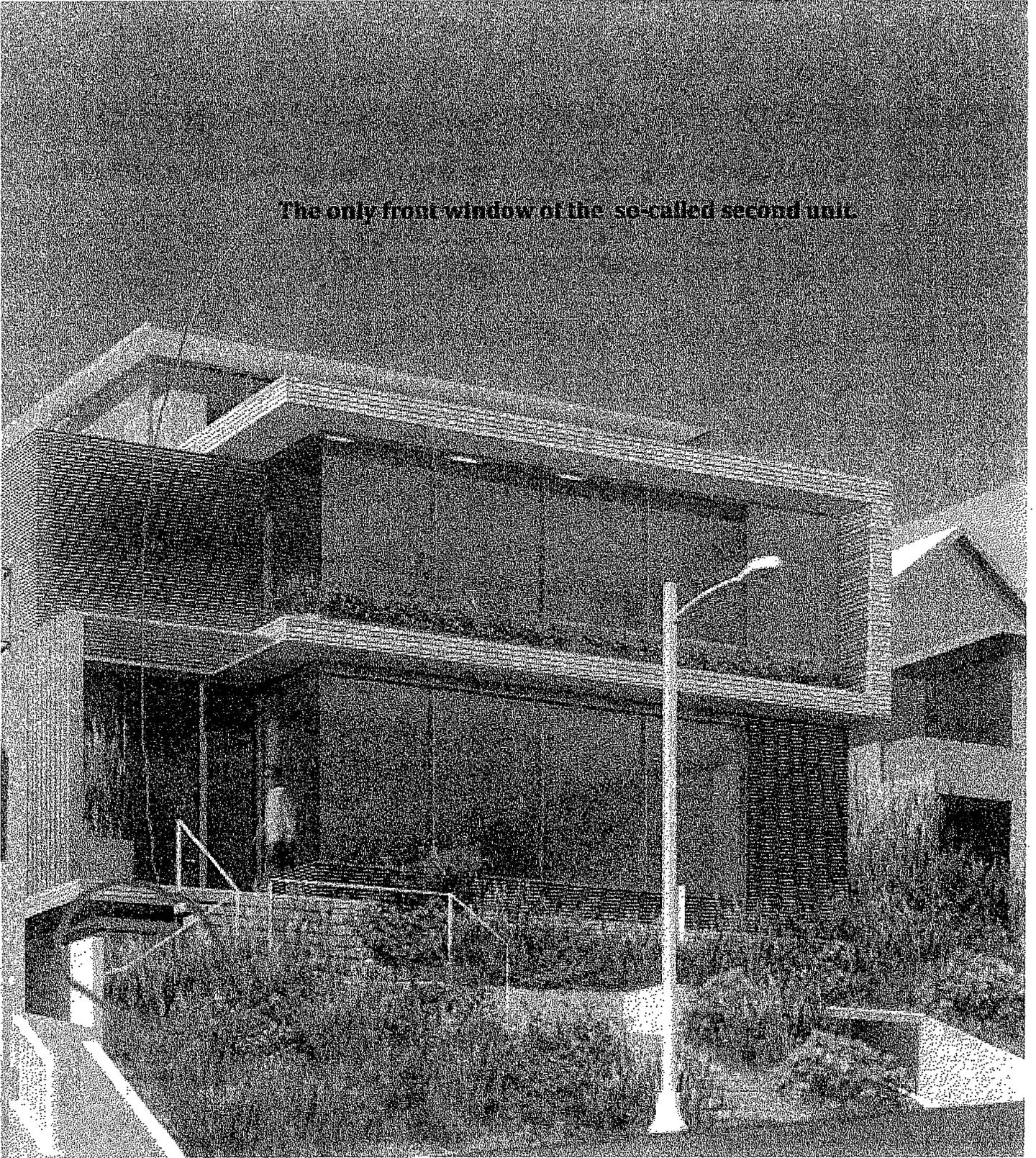
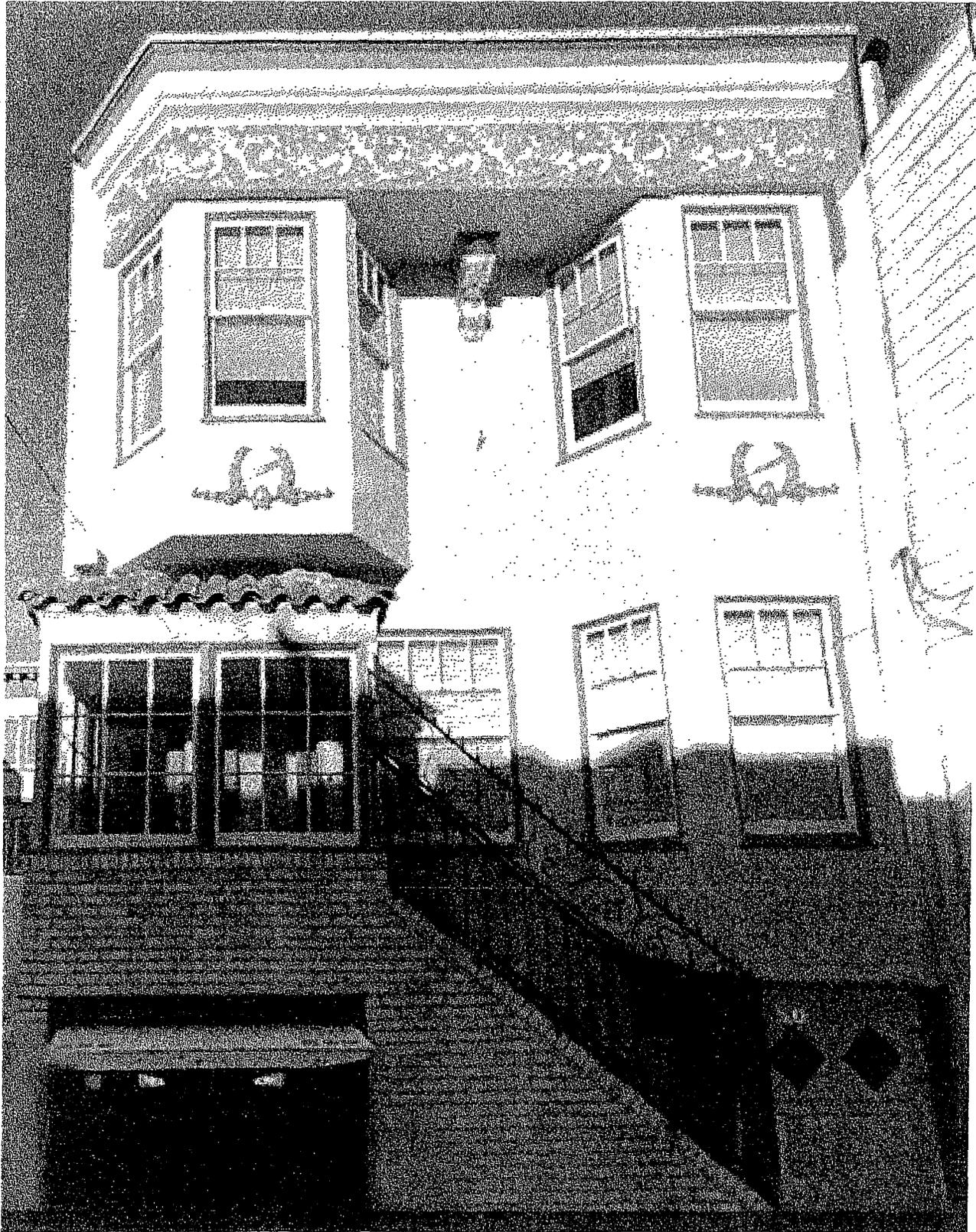
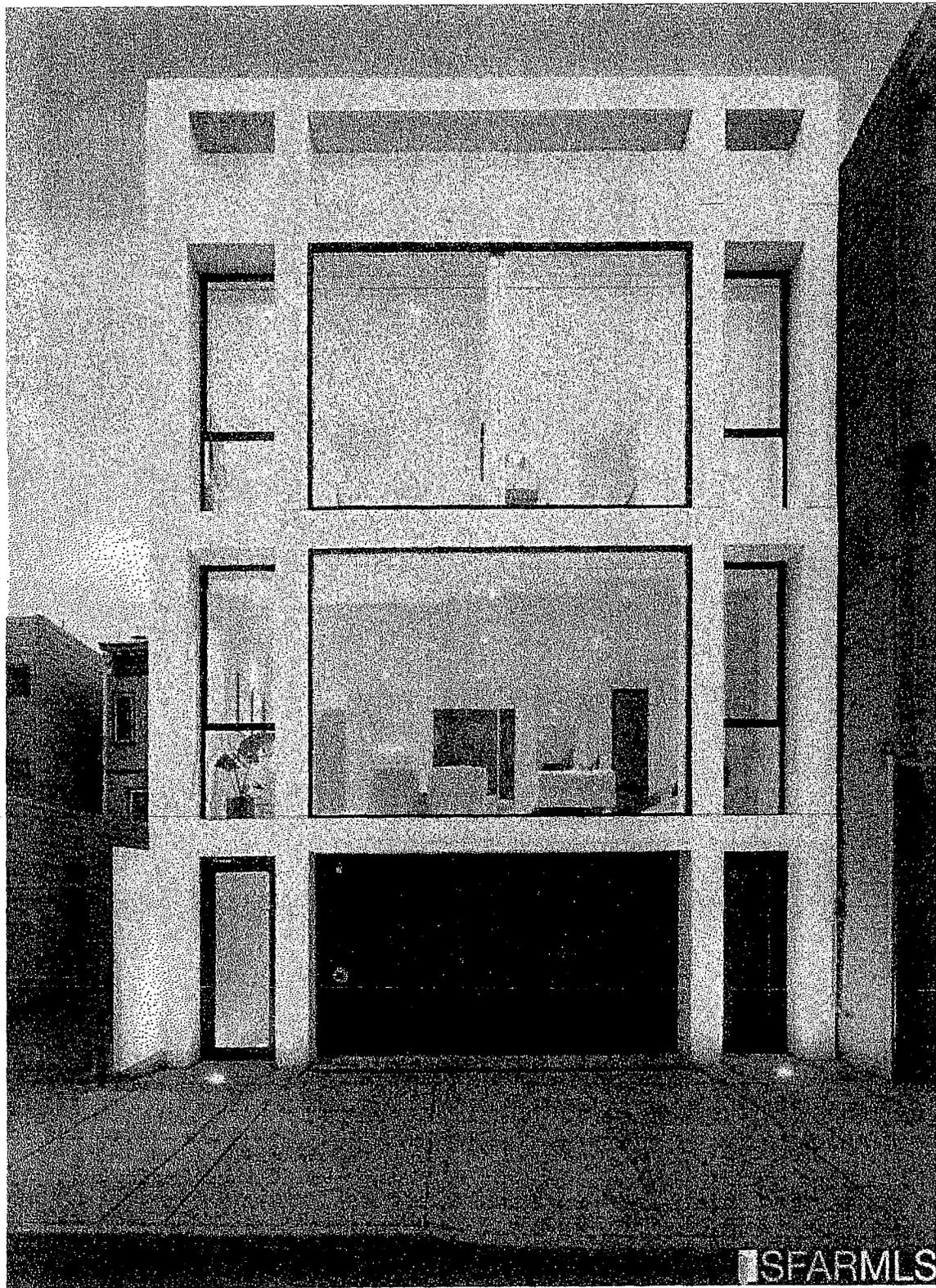


EXHIBIT E

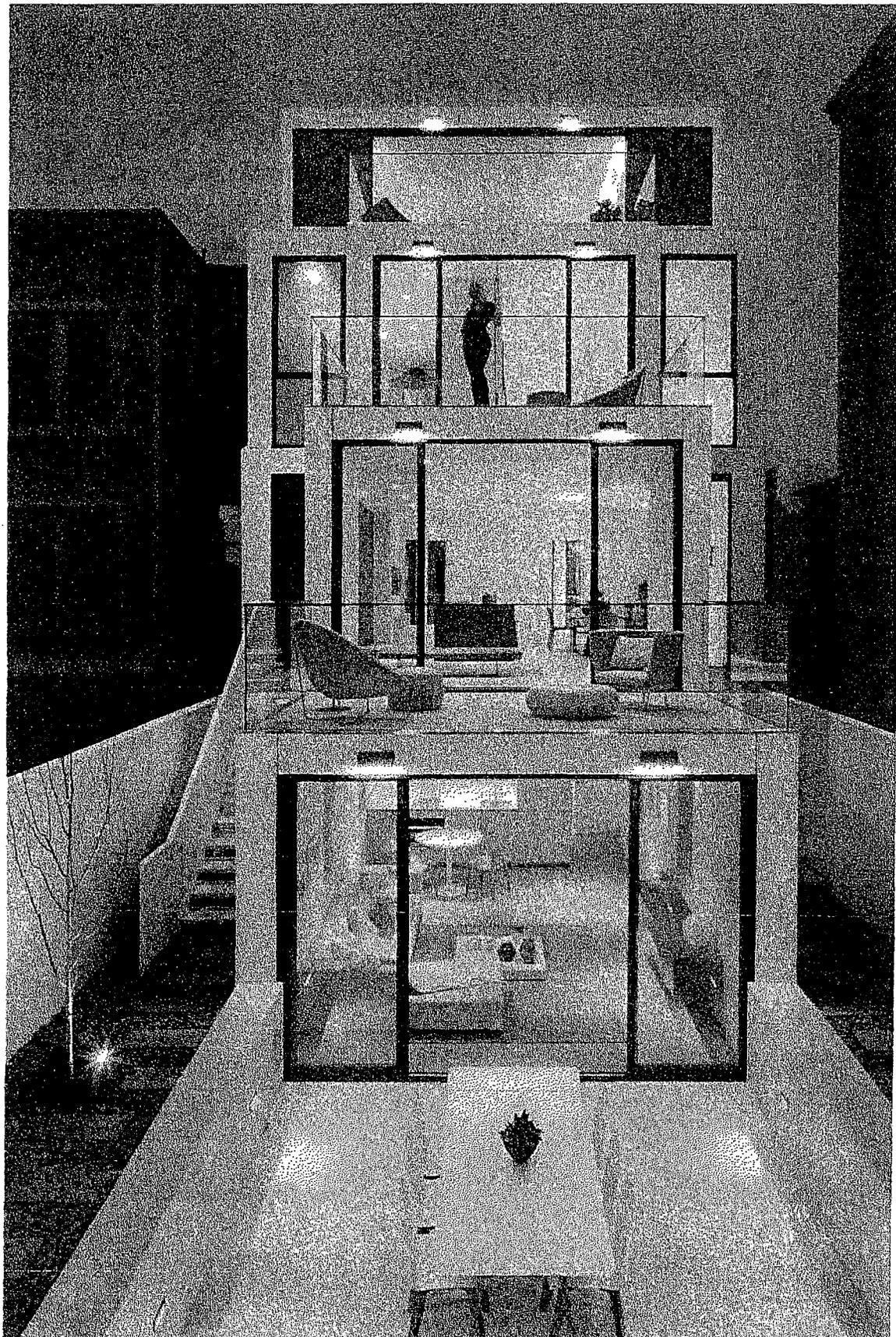


50-52 oakwood
Before



50 Oakwood
after
Marketed as SFR

2323



← The
"Au Pair"

50 984 Wood
after

2325

1000 1845 Laguna Sun 2-4



Renovated Victorian with
ng ceilings and a gourmet
more Street. WalkScore 98!
guna.com
Peter Fister 415.606.6621

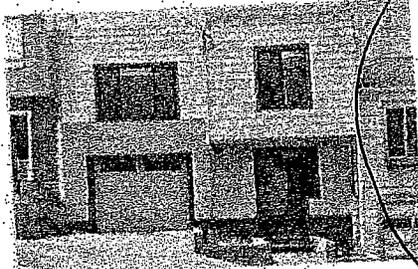
Ave Sat/Sun 2-4pm, 3bd/1ba
nus room, expansion potential.
c near shops, park, muni.
n 1 Rlty; P. Wardin 415-407-8019

avorite content

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Bedroom, 2 Bath home in sunny Portola district.
Agent Arthur Bedikian 415-902-7996

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

Potrero Hill. \$1,850,000. 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
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PACIFIC UNION, 415.939.0175

Potrero Hill. \$1,950,000 837 Wisconsin St, Sun 2-4:30
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home! 4+1/4. Jeffrey Neideman, Pacific Union 510-435-0325

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NOB HILL

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SFGATE San Francisco Chronicle

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



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amaz viewst MajesticViewsOnPotrero.com
Greg Fullford 415-321-7002 Vanguard

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

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

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

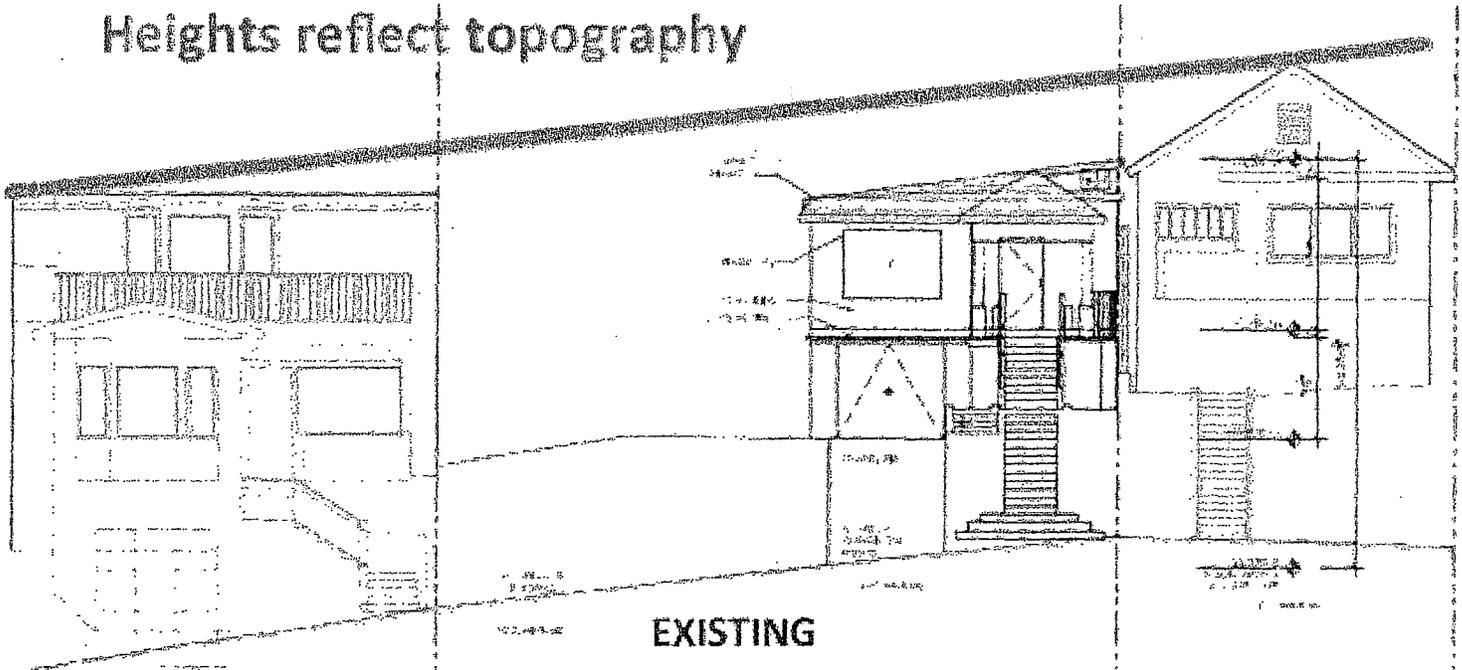
Upper Rockridge \$2,100,000 16 Emery Lane Sun 2-4:30

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

view
w/so
thru
Piedm
3BR

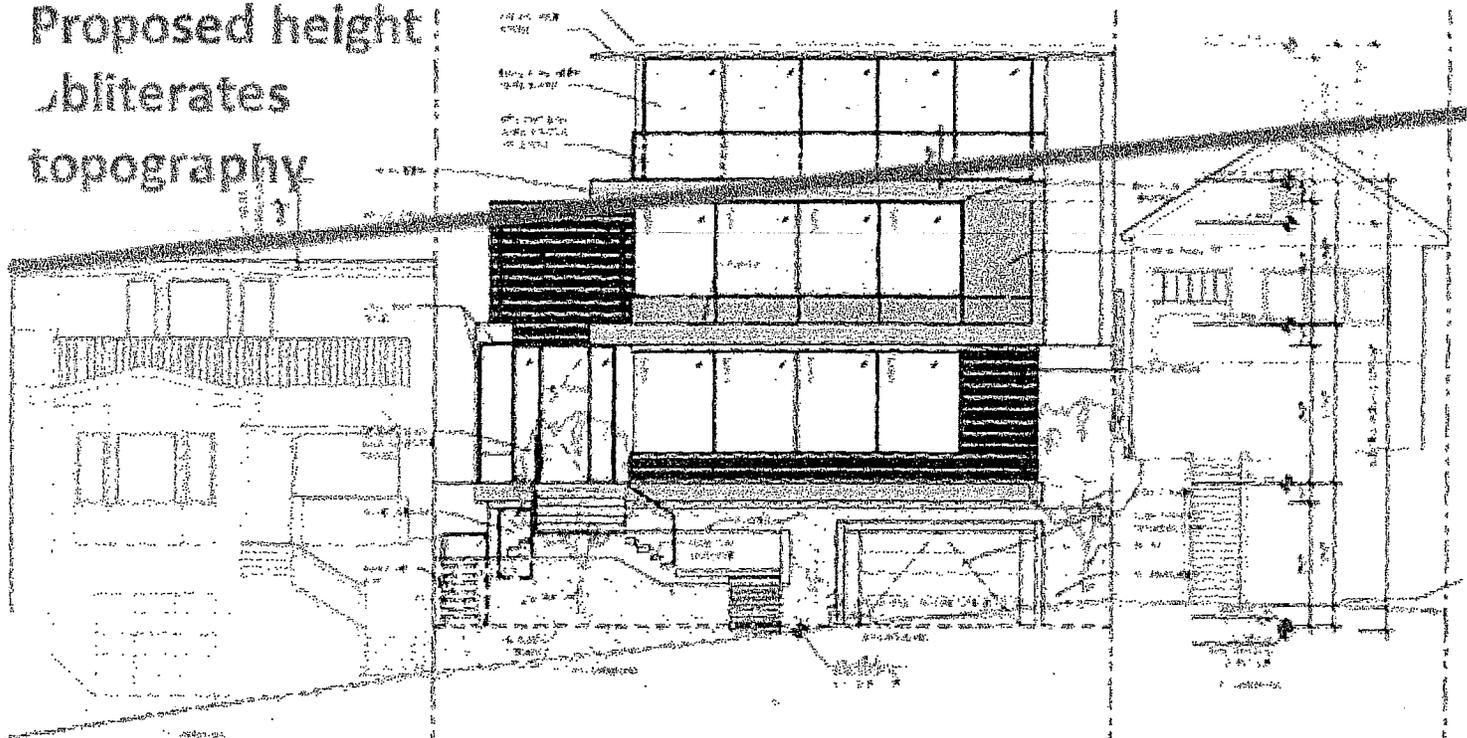
EXHIBIT F

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.

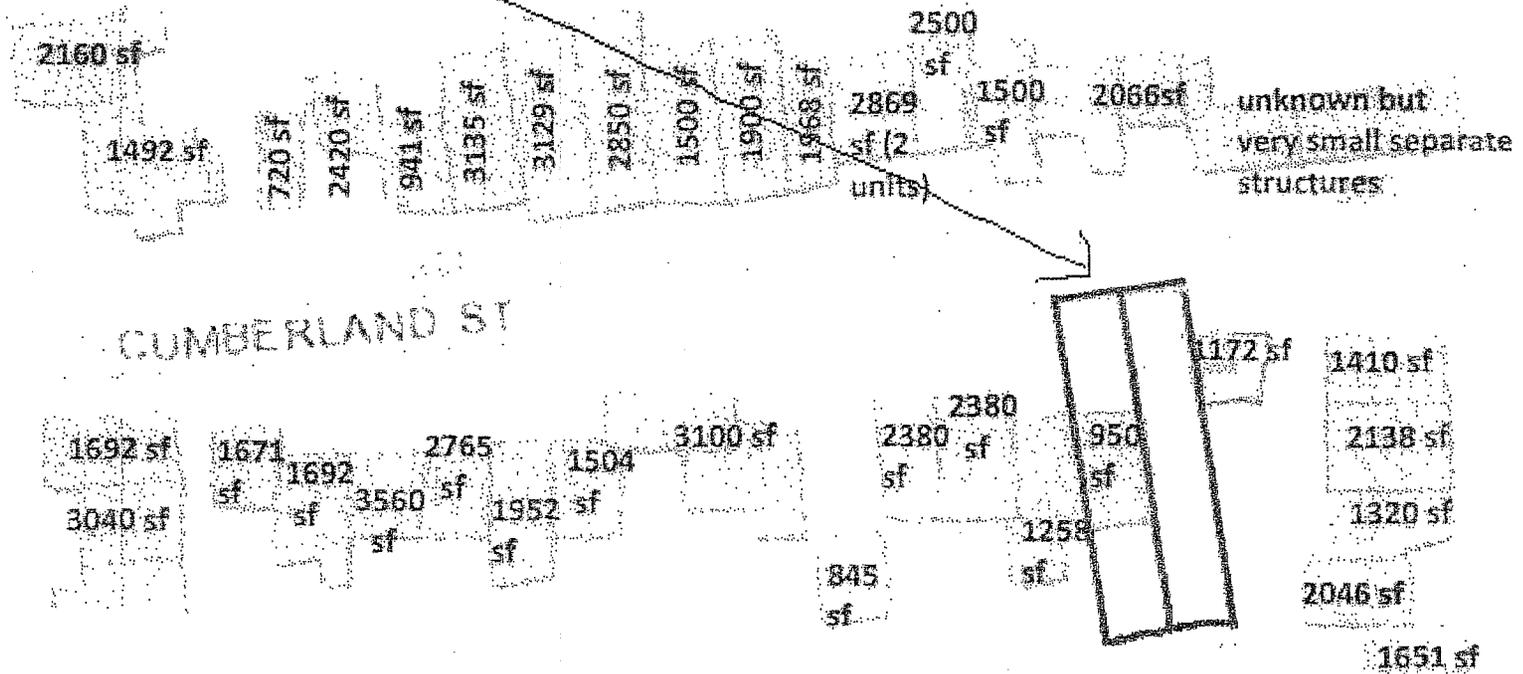
The subject building is a single-family house within a RH-1 District and is therefore eligible to be exempted from a Mandatory Discretionary Review hearing under this provision of the Planning Code. The project sponsor submitted a credible appraisal report dated 7/14/2014 that was prepared Blakely Appraisals 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)



2333

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.)

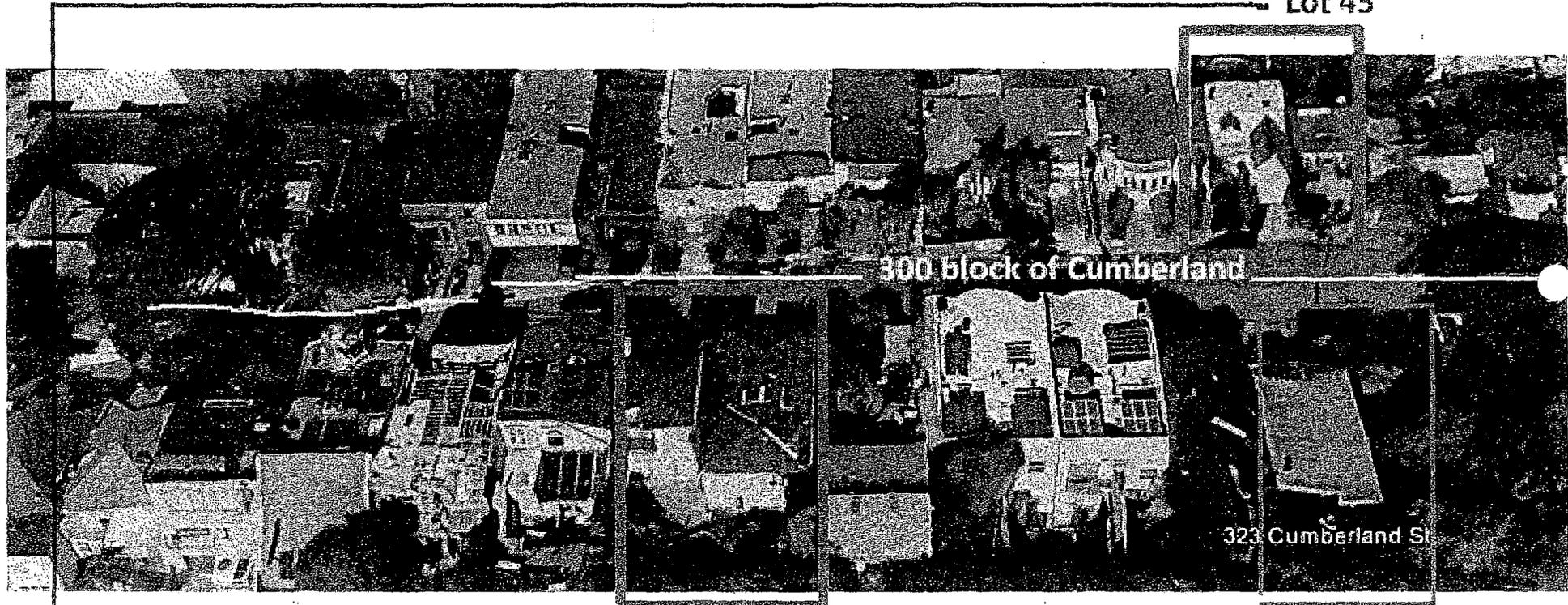
AVERAGE HOME SIZE ON THIS BLOCK IS 2027 SF. PROPOSED HOME IS ALMOST 300 PERCENT LARGER. SQUARE FOOTAGE, WHILE NOT REGULATED, IS A DIRECT REFLECTION OF MASSING AND ENVELOPE.

THE PROPOSED PROJECT WILL NOT ONLY DEMOLISH A HOME THAT IS RELATIVELY 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

2335

Lot 45



300 block of Cumberland

323 Cumberland St

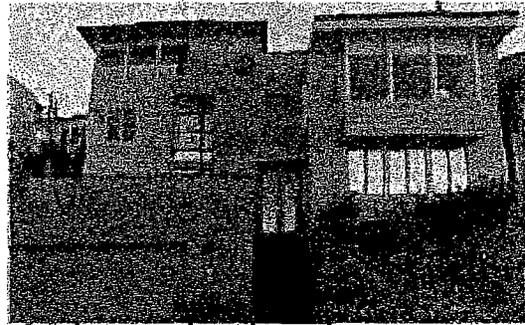
Lot 38

subject property

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



Home on lot 45 -- also broken into parts



Lot 38 home broken into two parts

EXHIBIT K

SAN FRANCISCO
CITY PLANNING COMMISSION

RESOLUTION NO. 8472

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

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

and

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

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

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

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

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

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

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

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

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

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

BE IT FURTHER RESOLVED, That the City Planning Commission finds that the public necessity, convenience and general welfare require that applications numbered ZM79.24 and ZM79.6 be APPROVED.

I hereby certify that the foregoing Resolution was ADOPTED by the City Planning Commission at its regular meeting of January 10, 1980.

Lee Woods, Jr.
Secretary

AYES: Commissioners Bierman, Dearman, Kelleher, Mignola, Nakashima, Rosenblatt, Starbuck.

NOES: None.

ABSENT: None.

PASSED: January 10, 1980.

EXHIBIT L

M Gmail

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 ~~Wagner~~, 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 JOSSE	377 CUMBERLAND ST.	Lindy Josse
Cate Kellison	377 Cumberland	Cate Kellison
San Tran	385 Cumberland	San Tran
Frank Nolan / ^{Tom} Barry	373 CUMBERLAND	Frank Nolan
Bruce Murchil	336 Cumberland	Bruce Murchil
DAN PATLEY	340 Cumberland	Dan Patley
Erik Ahlgren	380 Cumberland	Erik Ahlgren
Lorin Bender	366 Cumberland	Lorin Bender
Arbun Chaulhu	360 Cumberland St.	Arbun Chaulhu
Cyril Mawillon	357 Cumberland	Cyril Mawillon
ANGELIKA JOAST	357 CUMBERLAND	Angelika Joast
SUZANNE TURLEY	678 SANCHEZ	Suzanne Turley
Michael LANZ	674 Sanchez	Michael Lanz
Frank Hertz	706 Sanchez	Frank Hertz
David Ligon	725 Sanchez	David Ligon
Cosby Nelson	725 Sanchez	Cosby Nelson
STEPHEN LONICKA	336 CUMBERLAND ST.	Stephen Lonicka
HARRY LONICKA	338 CUMBERLAND ST.	Harry Lonicka
HANS KOLBE	3722-21 st ST 94114	Hans Kolbe
ANDREA SEBAUM	378 CUMBERLAND ST.	Andrea Sebaum
SEVEN DEUTSCH	378 CUMBERLAND ST.	Seven Deutsch
allen sanchit chen	311 CUMBERLAND ST.	Allen Sanchit Chen
cecily gallow	311 CUMBERLAND ST.	Cecily Gallow
RICHARD V. LYNCH III	727 CUMBERLAND ST.	Richard V. Lynch III

**Petition dated as of March 2015, regarding
Proposed new construction at 323 Cumberland Street and
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.

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.

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- 2) Our representative to the San Francisco Board of Supervisors, the Hon. Scott Wiener, draft a bill similar to Board of Supervisors Resolution 150192 (applying controls to development in Corona Heights that alters the character of the neighborhood) and/or take whatever other measure that he deems appropriate to protect the Dolores Heights SUD and to avoid the destruction of an "outstanding and unique area which contributes to San Francisco's visual form and character" as provided in Resolution No. 8472.

Name	Address	Signature
Gregory R. Robert	322 Cumberland St	Gregory R. Robert
GARY PATTERSON	322 CUMBERLAND ST.	
Laura Nadler	332 Cumberland St	

**Petition dated as of March 2015, regarding
Proposed new construction at 323 Cumberland Street and
Dolores Heights Improvement Club review of building permits and
variances, and new regulations for Monster Homes in Dolores Heights**

and surrounding neighborhoods

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."

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- 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
ROY PETROKOFKY	424 25th 94114	Roy Petrokofsky
Oliver Rohm	471 Clapper 94114	Oliver Rohm

Wrong Home in th Wrong Place



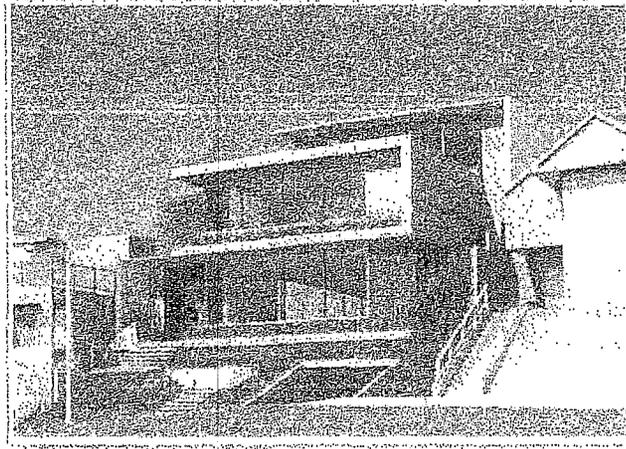
2349

<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>Sidney Hollar</i>	1619 Sanchez	3/23/16	
GEORGIA SCHULTZ	<i>Georgia Schultz</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 Vicksbury	3/23/2016	Too High
Debra Dale	Debra Dale	430 24th St.	3/23/2016	Not appropriate scale or character
Phil Carter	Phil Carter	430 24th St.	3/23/16	Breaks of the wind that is ^{is} space
Randy Gorman	Randy Gorman	4047 Cesar Chavez	3-23-16	OUT OF SCALE DESTROYS COMMUNITY
Alice West	Alice West	449 Clipper St	3-23-16	TOO BIG!!!
NANA TAYN	MURRAY	449 CLIPPER ST	3/25/14	MUCH TOO LARGE FOR STREET
STEVE BOEDDEKER	Steve Boeddeker	449 CLIPPER ST	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 SAUND	Nina Saund	4227 26th St	3/27/16	out of scale - too large
SIM MORREK	Sim Morrek	308 ELIZABETH	3/27/16	OUT OF CHARACTER & SCALE!
Carol Branderick	Carol Branderick	367 Jersey	3/28/16	Out of Character + Scale
Tom Branderick	Tom Branderick	367 Jersey St	3/28/16	Too LARGE FOR AREA
DAVID SANCHEZ	David Sanchez	4330 25th St	3/28/15	OUT OF SCALE
MARIA PAEDALS	Maria Paedals	4330 25th St	3/28/16	OUT OF SCALE + CHARACTER
MATTHEW T. MCCABE	Matthew T. McCabe	1101 DIAMOND ST	3/28/16	WASTING 3 CITY LANE ON A TROPHY HOUSE!
OZZIE ROHM	Ozzie Rohm	471 CLIPPER ST.	3/29/16	MASSIVE, OUT OF SCALE & WASTFUL OF PRECIOUS SPACE IN THE CITY



As members of our neighborhood community, we who have signed this petition, oppose the project at 313-323 Cumberland because it will:

• merge two lots into one, thereby eliminating a potential unit of family housing.

• demolish an affordable home.

• build one single new building almost **3x larger** than the average-sized home in our neighborhood.

We express our opposition to this project and urge our SF Planning Commission to reject the Conditional Use (CU) and instead:

• retain the existing home with appropriate updating and a reasonable addition so that the house fits within our neighborhood's character and scale

• retain the two normal-sized lots

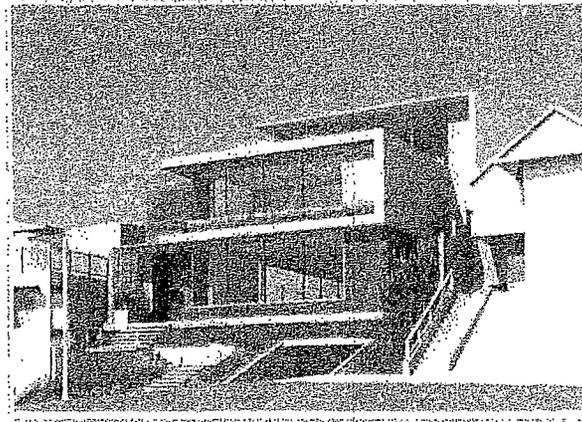
• construction of a new house on the vacant lot that fits in our neighborhood in character and size.

Printed name	Signature	Address	Date	Comments, optional
S Dion Smith	<i>S.D.S.</i>	347 Nue St	03/23/16	
Melissa Eaton	<i>M.E.</i>	563 Teresita Blvd	3/23/16	

Printed name	Signature	Address	Date	Comments, optional
Tim Thompson	<i>Tim Thompson</i>	785 Branman St	3/23/16	Good Luck!
Michael	<i>M. D. Duggan</i>	2190 15th St	3/23/16	
Desiree Thompson	<i>Desiree Thompson</i>	3950 18th St	3/23/16	
Michael Duggan	<i>Michael Duggan</i>	1920 HT St	3/23/16	
JOHN M FOXFORD	<i>[Signature]</i>	508 Macd + Hite	3/23/16	Keep it up
FRANK UESTER	<i>[Signature]</i>	439 Corbett Ave	3/23/16	
ROBERT CASTELLANO	<i>[Signature]</i>	1520 CHURCH ST	3/23	
Diana DelRosario	<i>[Signature]</i>	235 Collingwood	3/23	Good Luck!
David Lyndel	<i>[Signature]</i>			
2359 GARY SORACE	<i>[Signature]</i>	195 Stanford	3/23	
Josko Duffney	<i>[Signature]</i>	2306 Market	3/23	
James W Boyd	<i>[Signature]</i>	2710 Market #6	3/23	
Greg A	<i>[Signature]</i>	88 Vulcan St.	3/23	
DONNA EDWARDS	<i>[Signature]</i>	2470 5TH ST	3/23	GOOD Luck!
Kathryn Estren	<i>[Signature]</i>	1456 Grove St	3/23	
WENDEL ESTRENA	<i>[Signature]</i>	5 - - - - -	3/23/16	

Printed name	Signature	Address	e	Comments, optional
James McLean	James McLean	753 Webster St	3-27-16	
Scamba Gusse	Scamba Gusse	7786 93 Ave	3-27-16	
Sandra J. J. J.	Sandra J. J. J.	8475 3326 S	3-27-16	
Billie Dillon	Billie Dillon	516 Visitation	3-27-16	
Nina Maez	Nina Maez	516 Visitation	3-27-16	
Willa Crowell	Willa Crowell	2065 Valley	3-27-16	
Cody Hobbs	Cody Hobbs	1527 Grand Ave. #31	3-27-16	
Andy Mullen	Andy Mullen	1472 Film	3-27-16	
JAMES PATTE	James Patten	1165 Bascom H St	3-27-16	
BETTY K SIMON	Betty K Simon	891 Post #406	3-27-16	
ARTURO NORIEGA	Arturo Noriega	1190 Mission 49	3-27-16	
ANDREW LUI	Andrew Lui	42 ARKANSAS ST	3-27-16	
Larys Crisafulli	Larys Crisafulli	76 3/2 Kansas	3-27-16	
Marcia A. Kimmel	Marcia A. Kimmel	1695 18th St #313 SF	3/27/16	

wrong Home in the wrong Place



2354

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 KORB			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
Therese A. Nicolosi	<i>Therese A. Nicolosi</i>	5 Muffin St.	3/26/15	
Susan Bragagnolo	<i>Susan Bragagnolo</i>	3835 23rd St.	3/26/15	
Gary Barnett	<i>Gary Barnett</i>	45 Worth St.	3-26-16	
Stephen Ordway	<i>Stephen Ordway</i>	204 Hoffman	3-26-16	
Ryan Brand	<i>Ryan Brand</i>	605 G. View Ave	3/26/16	
Yvonne Schmalzer	<i>Yvonne Schmalzer</i>	4009 22nd St A	3/26/16	
Colleen Cortesi	<i>Colleen Cortesi</i>	3145 24th St.	3/26/16	
BETH TOWAND	<i>BETH TOWAND</i>	4007 22nd St	3/26/16	
Nancy Catena	<i>Nancy Catena</i>	3333 Congress St	"	
MARK ROLLER	<i>MARK ROLLER</i>	316 HIGHLAND AVE	"	
CATHERINE VOLWER	<i>CATHERINE VOLWER</i>	108 Grandview Ave A	"	
Peter Gehl	<i>Peter Gehl</i>	386 E. 1st St	"	
<i>AD</i>	<i>LAURA LECHNER</i>	940 Ellsworth St	3/26/16	
Bohica Quinn	<i>Bohica Quinn</i>	3729 26th St	3/26/16	
Sarah Rasmussen	<i>Sarah Rasmussen</i>	1179 Dolores St	3-26-16	
Richard Anderson	<i>Richard Anderson</i>	568 E. 26th St	3/26/16	

Printed name	Signature	Address	Date	Comments, optional
Irene Christophine Coburn Turner		1258 Noe Street 1255 Noe St	3/26/16 3/26/16	
Chris Coburn		263 Chenay St	3/26/16	
Richard Gross		267 Fair Oaks St	3/26/16	
Donna-Faye		4577 26th St.	3/26/16	
DOUGLAS HARRIS		33 CLIPPER ST #1	3/26/16	
DIANE MARIAM		300+322 CUMBERLAND	3/26/16	
Lillian Johnson		650 SACHET ST	3/31/16	
Gizelle Kanton		1348 Cumberland and 30th St SA #1	3/31/16 3/31/16	
FRANCESCA PRADA				
Grec Roberts		322 Cumberland St	3/31/16	
Andie M. Healy		650 SACHET ST	3/31/16	
STEPHEN HUDNER		396 CUMBERLAND	3/31/16	

EXHIBIT O



Duboce Triangle Neighborhood Association

PMB # 301, 2261 Market Street, San Francisco, CA 94114
(415) 295-1530 / www.dtna.org

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.

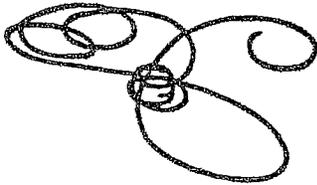
We believe the project's lot merger and sham second unit set dangerous precedents for neighborhood and City planning.

We join other District 8 Neighborhood Associations:

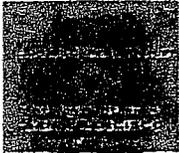
- The Dolores Heights Improvement Club;
- The Castro/Eureka Valley Neighborhood Association;
- The Liberty Hill Neighborhood Association and
- Protect Noe's Charm,

and ask that this project be denied its Conditional Use Authorization.

Sincerely,

A handwritten signature in black ink, appearing to be 'Gary Weiss', with several loops and a flourish.

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
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Castro Street

Scott Johnson
Secretary
19th Street

James Moore
Treasurer
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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>, wordweaver21@aol.com, richhillissf@yahoo.com, "christine.d.johnson@sfgov.org" <christine.d.johnson@sfgov.org>, mooreurban@aol.com, cwu.planning@gmail.com

Dear President Fong and Members of The Planning Commission:

The Liberty Hill Neighborhood Association strenuously opposes the Conditional Use Application for 323 Cumberland Street which is on your upcoming agenda this coming Thursday, March 31, 2016.

We firmly support the well-reasoned positions taken by the Dolores Heights Improvement Club (DHIC - e-mail from Caroline Kenady dated February 1, 2016), the Castro/Eureka Valley Neighborhood Association (EVNA) (letter to the Planning Commission dated March 17, 2016) and the most recent letter from Protect Noe's Charm (from Ozzie Rohm, dated March 22, 2016).

We find no need to repeat the many well-researched reasons put forward in the above statements. But we join with these neighborhoods in requesting that you deny the Conditional Use application for this project and lot merger.

Liberty Hill is both a neighborhood and an Historic Preservation District. We've experienced first-hand the unfortunate consequences when neighbors are ignored at multiple hearings and buildings are approved that are way too big and completely out of character with the rest of the neighborhood. Every inappropriate structure chips away at our communities by adding to the social and economic inequality we now experience. Similarly, every such approval destroys the wonderful aesthetic and attention to detail that has given so many San Francisco neighborhoods worldwide respect for their architectural interest and design.

Once again, we emphatically oppose this project and request that you deny the Conditional Use Authorization for the 323 Cumberland project.

Dr. Elizabeth Fromer
President
Liberty Hill Neighborhood Association (LHNA)
efromer3@gmail.com
(415) 826-5334

Carolyn Kenady <carolynkenady@gmail.com> Tue, Mar 29, 2016 at 8:20 PM

To: planning@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,

The Dolores Heights Improvement Club (DHIC) sent you the email below on the February 1 to state our opposition to the 8000+ sf proposal at 323 Cumberland Street. Because the proposal has been slightly modified, we are writing to clarify that we are still opposed to this project. The new expanded second unit is no more usable or authentic than the previous 600 sf studio. It is in the basement- up against the real unit's laundry room and appliances and the garage and garage door. Most of the unit is completely subterranean and will not get any direct sunlight (indirect light is limited via two trenches).

The building still contains over 8,000 sf, which is many times the size of not just the average size of homes in this neighborhood but of every building in this neighborhood. Even homes on the very few existing wide lots are in the 2000- to 3000- sf range.

Dolores Heights is one of five areas named as an "outstanding and unique area" in the San Francisco General Plan. Policy 2.2 recommends that the City "[r]ecognize and protect outstanding and unique areas that contribute in an extraordinary degree to San Francisco's visual form and character." It describes what makes Dolores Heights so unique: "a uniform scale of buildings, mixed with abundant landscaping in yards and steep street areas. Rows of houses built from nearly identical plans that form complete or partial block frontages, arranged on hillside streets as a stepped-down series of flat or gabled roofs. Building setbacks with gardens set before Victorian facades and interesting entryways." In 1980 the Board of Supervisors created a Special Use District (Section 241 of the City Planning Code) to protect the unique character and scale of Dolores Heights.

This is not a Discretionary Review case, in which the neighborhood has to prove extraordinary circumstances. It is a conditional use in which the sponsor must prove that the lot merger and 8000+sf building is necessary or desirable and compatible with the neighborhood. These standards cannot be met by any objective measure.

The existing two-lot configuration provides for two single-family, standalone homes, which is what the RH-1 zoning district is intended to promote.

DHIC joins with Castro/Eureka Valley Neighbors Association (letter also attached), Protect Noe Valley's Charm, Liberty Hill Neighborhood Association, and many families in the neighborhood, who were involved in the special designation of the Dolores Heights Special Use District, to oppose this project. We ask you to vote an intent to disapprove on Thursday and bring the disapproval motion back in two weeks so that the action is settled before the appeal period expires.

Sincerely,

Carolyn Kenady
Chair, Planning & Land Use Committee
Dolores Heights Improvement Club

3632 21st Street
San Francisco, CA 94114

carolynkenady@gmail.com

From: **Carolyn Kenady** <carolynkenady@gmail.com>
Date: Mon, Feb 1, 2016 at 6:39 PM
Subject: Dolores Heights Improvement Club (DHIC): opposition to Conditional Use application for 323 Cumberland Street
To: planning@rodneymong.com, Dennis Richards <dennis.richards@sfgov.org>, wordweaver21@aol.com, richhillissf@yahoo.com, christine.d.johnson@sfgov.org, mooreurban@aol.com, cwu.planning@gmail.com

Dear President Fong and Planning Commissioners:

I am writing on behalf of the Board of Directors of the Dolores Heights Improvement Club, which represents the residents of the Dolores Heights area from Church Street to Castro Streets and 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

Carroll, John (BOS)

From: SF Docs (LIB)
Sent: Tuesday, May 31, 2016 7:59 AM
To: Carroll, John (BOS)
Subject: RE: Please Post Hearing Notice

Categories: 160527

Hi John,

I have posted the hearing notices.

Thank you,

Michael

From: Carroll, John (BOS)
Sent: Friday, May 27, 2016 4:20 PM
To: SF Docs (LIB)
Cc: BOS Legislation, (BOS)
Subject: Please Post Hearing Notice

Good afternoon,

Please post the attached hearing notices for public review.

160527 - Hearing - Appeal of Conditional Use Authorization - 313-323 Cumberland Street

Thanks so much,

John Carroll
Legislative Clerk
Board of Supervisors
San Francisco City Hall, Room 244
San Francisco, CA 94102
(415)554-4445 - Direct | (415)554-5163 - Fax
john.carroll@sfgov.org | bos.legislation@sfgov.org

 Click [here](#) to complete a Board of Supervisors Customer Service Satisfaction form.

The [Legislative Research Center](#) provides 24-hour access to Board of Supervisors legislation and archived matters since August 1998.

Disclosures: Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors website or in other public documents that members of the public may inspect or copy.

Carroll, John (BOS)

From: BOS Legislation, (BOS)
Sent: Friday, May 27, 2016 4:42 PM
To: 'bruce.r.bowen@gmail.com'; 'info@doloresheights.org'; 'Tara N. Sullivan'; 'tcatalano@reubenlaw.com'; 'shaughey@reubenlaw.com'; 'James Reuben'; 'Gary Weiss'
Cc: Givner, Jon (CAT); Stacy, Kate (CAT); Byrne, Marlena (CAT); Rahaim, John (CPC); Sanchez, Scott (CPC); Jones, Sarah (CPC); Starr, Aaron (CPC); Rodgers, AnMarie (CPC); Ionin, Jonas (CPC); BOS-Supervisors; BOS-Legislative Aides; Calvillo, Angela (BOS); Somera, Alisa (BOS); BOS Legislation, (BOS); Carroll, John (BOS); Jackson, Erika; Lew, Lisa (BOS); Jalipa, Brent (BOS)
Subject: Hearing Notice - Conditional Use Appeal - 313-323 Cumberland Street - Appeal Hearing on June 7, 2016
Categories: 160527

Good afternoon,

The Office of the Clerk of the Board has scheduled an appeal hearing for Special Order on **June 7, 2016, at 3:00 p.m.**, to hear an appeal of the Certification of a Conditional Use Authorization for the proposed project at 313-323 Cumberland Street, filed by Bruce Bowen, on behalf of the Dolores Heights Improvement Club.

Please find the following link to the hearing notices for the matter:

[June 7, 2016 - Board of Supervisors - 313-323 Cumberland Street Appeal](#)

I invite you to review the entire matter on our [Legislative Research Center](#) by following the link below.

[Board of Supervisors File No. 160527](#)

Thank you,

John Carroll
Legislative Clerk
Board of Supervisors
San Francisco City Hall, Room 244
San Francisco, CA 94102
(415)554-4445 - Direct | (415)554-5163 - Fax
john.carroll@sfgov.org | bos.legislation@sfgov.org

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BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

NOTICE OF PUBLIC HEARING

BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF SAN FRANCISCO

NOTICE IS HEREBY GIVEN THAT the Board of Supervisors of the City and County of San Francisco will hold a public hearing to consider the following appeal and said public hearing will be held as follows, at which time all interested parties may attend and be heard:

Date: Tuesday, June 7, 2016

Time: 3:00 p.m.

Location: Legislative Chamber, City Hall, Room 250
1 Dr. Carlton B. Goodlett, Place, San Francisco, CA

Subject: File No. 160527. Hearing of persons interested in or objecting to the certification of a Conditional Use Authorization pursuant to Planning Code, Sections 207, 209.1, 303, and 317, for a proposed project at 313-323 Cumberland Street, Assessor's Parcel Block No. 3601, Lot Nos. 043 and 044, identified in Permit Application Nos. 2014.0627.9813 and 2014.0627.9820, issued by the Planning Commission by Motion No. 19604 dated March 31, 2016, to demolish a single-family structure and construct a new two-family structure on a 5,700 square-foot lot within an RH-1 (residential house, one-family) Zoning District, a 40-X Height and Bulk District, and the Dolores Heights Special Use District. (District 8) (Appellant: Bruce Bowen, on behalf of the Dolores Heights Improvement Club) (Filed May 2, 2016).

In accordance with Administrative Code, Section 67.7-1, persons who are unable to attend the hearing on this matter may submit written comments prior to the time the hearing begins. These comments will be made as part of the official public record in this matter and shall be brought to the attention of the Board of Supervisors. Written comments should be addressed to Angela Calvillo, Clerk of the Board, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA, 94102. Information relating to this matter is available in the Office of the Clerk of the Board and agenda information relating to this matter will be available for public review on Friday, June 3, 2016.

Angela Calvillo
for Angela Calvillo
Clerk of the Board

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

NOTIFICACIÓN DE AUDIENCIA PÚBLICA

JUNTA DE SUPERVISORES DE LA CIUDAD Y CONDADO DE SAN FRANCISCO

SE NOTIFICA POR LA PRESENTE que la Junta de Supervisores de la Ciudad y Condado de San Francisco celebrará una audiencia pública para considerar la siguiente apelación y dicha audiencia pública se celebrará de la siguiente manera, en tal momento que todos los interesados podrán asistir y ser escuchados:

Fecha: Martes, 7 de junio de 2016

Hora: 3:00 p. m.

Lugar: Cámara Legislativa, Sala 250 del Ayuntamiento
1 Dr. Carlton B. Goodlett Place, San Francisco, CA

Asunto: Expediente Núm. 160527. Audiencia para personas interesadas en o que se oponen a la certificación de una Autorización de Uso Condicional según las Secciones 207, 209.1, 303, y 317 del Código de Planificación, para un proyecto propuesto situado entre 313-323 de la Calle Cumberland, Parcela de Manzana Núm. 3601, Lote Núm. 043 y 044, identificado en la Solicitud de Permiso Núm. 2014.0627.9813 y 2014.0627.9820, emitido en la Moción Núm. 19604 de la Comisión de Planificación, fechado el 31 de marzo de 2016, para demoler una estructura unifamiliar y construir una nueva estructura familiar de dos unidades en un lote de 5,700 pies cuadrados dentro de un Distrito de Zonificación RH-1 (casa residencial, unifamiliar), un Distrito de Altura y Tamaño 40-X y el Distrito de Uso Especial Dolores Heights. (Distrito 8) (Apelante: Bruce Bowen, en nombre de Dolores Heights Improvement Club) (Presentado el 2 de mayo de 2016).

Reggy Nervis
for Angela Calvillo
Secretaria de la Junta

FECHADO/ENVIADO/PUBLICADO: 27 de mayo de 2016



公聽會通知

三藩市市及縣市參事委員會

- 日期: 2016年6月7日星期二
- 時間: 下午3時
- 地點: 市政廳, 立法會議廳 250 室, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102
- 議題: 檔案號碼 160527。聆訊感興趣或反對人士, 對依據規劃法規第 201、209.1、303及317條, 作出條件性使用授權 (Conditional Use Authorization) 核證這一議題的意見, 即對許可證申請編號 2014.0627.9813與2014.0627.9820上所標明的位於Cumberland街313-323號, 評估批地街區編號3601、地段編號043和044上的建議工程進行相關核證, 於2016年3月31日, 由規劃委員會通過動議No. 19604簽發該許可證, 擬在RH-1 (單戶型住宅) 劃分區及40-X高度與地積比率區及Dolores Height特別用途區內面積為5,700平方英尺的地段上拆卸一個單戶型構築物並建造一個新的雙戶型構築物。(第8選區)(上訴人: Bruce Bowen, 代表Dolores Heights改進群益會)(於2016年5月2日已提交)。

Leggy Nevins
for Angela Calvillo
市參事委員會書記

日期/郵寄/張貼: May 27, 2016

Carroll, John (BOS)

From: Carroll, John (BOS)
Sent: Wednesday, May 11, 2016 10:45 AM
To: bruce.r.bowen@gmail.com; info@doloresheights.org; Tara N. Sullivan; tcatalano@reubenlaw.com
Cc: Givner, Jon (CAT); Stacy, Kate (CAT); Byrne, Marlena (CAT); Rahaim, John (CPC); Sanchez, Scott (CPC); Jones, Sarah (CPC); Starr, Aaron (CPC); Rodgers, AnMarie (CPC); Ionin, Jonas (CPC); BOS-Supervisors; BOS-Legislative Aides; Calvillo, Angela (BOS); Somera, Alisa (BOS); BOS Legislation, (BOS); Carroll, John (BOS); Jackson, Erika; Lew, Lisa (BOS); Jalipa, Brent (BOS)
Subject: Conditional Use Appeal - 313-323 Cumberland Street - Appeal Hearing on June 7, 2016
Categories: 160527

Good morning,

The Office of the Clerk of the Board has scheduled a hearing for Special Order before the Board of Supervisors on **June 7, 2016, at 3:00 p.m.** Please find linked below a letter of appeal filed against the proposed project at 313-323 Cumberland Street, as well as direct links to the City Surveyor's determination of the sufficiency of the filing signatures for the appeal, and an informational letter from the Clerk of the Board.

[Clerk of the Board Letter - May 11, 2016](#)

[City Surveyor Memo - May 10, 2016](#)

[Conditional Use Appeal Letter - May 2, 2016](#)

I invite you to review the entirety the matter on our [Legislative Research Center](#) by following the link below:

[Board of Supervisors File No. 160527 - Conditional Use Appeal Hearing](#)

Thank you,

John Carroll
Legislative Clerk
Board of Supervisors
San Francisco City Hall, Room 244
San Francisco, CA 94102
(415)554-4445 - Direct | (415)554-5163 - Fax
john.carroll@sfgov.org | bos.legislation@sfgov.org

 Click [here](#) to complete a Board of Supervisors Customer Service Satisfaction form.

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BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 544-5227

May 11, 2016

Bruce Bowen
Dolores Heights Improvement Club
4016 20th Street
San Francisco, CA 94114

Subject: Appeal of Conditional Use Authorization - 313-323 Cumberland Street

Dear Mr. Bowen:

The appeal filing period for the Conditional Use approval for the proposed project at 313-323 Cumberland Street closed on Monday, May 2, 2016. As you know, the Conditional Use appeal was filed with the subscription of five members of the Board of Supervisors, and therefore meets the filing requirements of Planning Code, Section 308.1.

The City and County Surveyor has informed the Board of Supervisors in a letter received May 10, 2016, (copy attached), that the signatures represented with your appeal of May 2, 2016, have been checked pursuant to the Planning Code, and represent owners of more than 20% of the property involved and would be sufficient for an appeal.

Pursuant to Planning Code, Section 308.1, a hearing date has been scheduled for **Tuesday, June 7, 2016, at 3:00 p.m.**, at the Board of Supervisors meeting to be held in City Hall, 1 Dr. Carlton B. Goodlett Place, Legislative Chamber, Room 250, San Francisco, CA 94102.

Please provide to the Clerk's Office by noon:

- 20 days prior to the hearing:** names and addresses of interested parties to be notified of the hearing, in spreadsheet format; and
- 11 days prior to the hearing:** any documentation which you may want available to the Board members prior to the hearing.

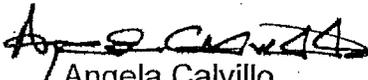
For the above, the Clerk's office requests one electronic file (sent to bos.legislation@sfgov.org) and two copies of the documentation for distribution.

Continues on next page

NOTE: If electronic versions of the documentation are not available, please submit 18 hard copies of the materials to the Clerk's Office for distribution. If you are unable to make the deadlines prescribed above, it is your responsibility to ensure that all parties receive copies of the materials.

If you have any questions, please feel free to contact John Carroll, Legislative Clerk, at (415) 554-4445.

Very truly yours,


Angela Calvillo
Clerk of the Board

- c: Tuija Catalano, Reuben, Junius & Rose, LLP, Project Sponsor
- Jon Givner, Deputy City Attorney
- Kate Stacy, Deputy City Attorney
- Marlena Byrne, Deputy City Attorney
- John Rahaim, Planning Director
- Scott Sanchez, Zoning Administrator, Planning Department
- Sarah Jones, Planning Department
- Aaron Starr, Planning Department
- AnMarie Rodgers, Planning Department
- Erika Jackson, Planning Department
- Jonas Ionin, Planning Commission Secretary



Edwin M. Lee
Mayor

Mohammed Nuru
Director

Fuad Sweiss
Deputy Director and City Engineer

Jerry Sanguinetti
Bureau of Street Use & Mapping
Manager

Bruce R. Storrs P.L.S.
City and County Surveyor

Bureau of Street Use & Mapping
1155 Market St., 3rd floor
San Francisco, CA 94103
tel: (415) 554-5827
subdivision_mapping@sfdpw.org

sfpublishworks.org
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May 09, 2016

Ms: Angela Calvillo
Clerk of the Board
1 Dr. Carlton B. Goodlet Place
City Hall – Room 244
San Francisco, CA 94102

RE: 313-323 Cumberland Street
Lots 043-044 of Assessor's Block 3601
Appealing Planning Commissions Approval of
Conditional Use Application No. 2013.1213CUA

Dear Ms. Calvillo:

This letter is in response to your May 6, 2016 request for our Department to check the sufficiency of the signatures with respect to the above referenced appeal.

Please be advised that per our calculations the appellants' signatures represent 27.77% of the area within the 300 foot radius of the property of interest; which is more than the minimum required 20% of the area involved and is therefore sufficient for appeal.

If you have any questions concerning this matter, please contact Mr. Javier Rivera of my staff at 554-5864.

Sincerely,

A handwritten signature in black ink, appearing to read "Bruce R. Storrs".

Bruce R. Storrs
City & County Surveyor

Carroll, John (BOS)

From: Mapping, Subdivision (DPW)
Sent: Tuesday, May 10, 2016 1:48 PM
To: Carroll, John (BOS)
Cc: Rivera, Javier (DPW); Somera, Alisa (BOS); Storrs, Bruce (DPW); Calvillo, Angela (BOS); Mapping, Subdivision (DPW)
Subject: RE: Conditional Use Appeal - 313-323 Cumberland Street - Verification of Signatures
Attachments: Response to Board.pdf

Categories: 160527

Hello John,

Please see the attached file regarding with the outcome of the above-mentioned subject matter. Thank you.

Sincerely,



Michael L. Abella, P.E.
Survey Assistant I

Bureau of Street Use and Mapping | San Francisco Public Works | City and County of San Francisco
1155 Market Street, 3rd Floor | San Francisco, CA 94103 | (415) 554-5794 | sfpublicworks.org · twitter.com/sfpublicworks

From: Carroll, John (BOS)
Sent: Friday, May 06, 2016 3:00 PM
To: Storrs, Bruce (DPW) <bruce.storrs@sfdpw.org>
Cc: Sanguinetti, Jerry (DPW) <jerry.sanguinetti@sfdpw.org>; Rivera, Javier (DPW) <javier.rivera@sfdpw.org>; Bergin, Steven (DPW) <steven.bergin@sfdpw.org>; Givner, Jon (CAT) <jon.givner@sfgov.org>; Stacy, Kate (CAT) <kate.stacy@sfgov.org>; Jones, Sarah (CPC) <sarah.b.jones@sfgov.org>; Sanchez, Scott (CPC) <scott.sanchez@sfgov.org>; Rodgers, AnMarie (CPC) <anmarie.rodgers@sfgov.org>; Starr, Aaron (CPC) <aaron.starr@sfgov.org>; Calvillo, Angela (BOS) <angela.calvillo@sfgov.org>; BOS Legislation, (BOS) <bos.legislation@sfgov.org>; Carroll, John (BOS) <john.carroll@sfgov.org>; Somera, Alisa (BOS) <alisa.somera@sfgov.org>; BOS-Supervisors <bos-supervisors@sfgov.org>; BOS-Legislative Aides <bos-legislative_aides@sfgov.org>; Byrne, Marlena (CAT) <marlena.byrne@sfgov.org>; Jackson, Erika <erika.jackson@sfgov.org>; Jalipa, Brent (BOS) <brent.jalipa@sfgov.org>; Lew, Lisa (BOS) <lisa.lew@sfgov.org>
Subject: Conditional Use Appeal - 313-323 Cumberland Street - Verification of Signatures

Good afternoon, Mr. Storrs,

The Office of the Clerk of the Board has tentatively scheduled an appeal hearing for a Special Order before the Board on June 7, 2016, at 3:00 p.m. The appeal was filed by Bruce Bowen on behalf of the Dolores Heights Improvement Club, concerning the Conditional Use Authorization for 313-323 Cumberland Street.

Attached please find the appeal filing packet, and a letter requesting verification of signatures submitted with the appeal filing.

Thank you,

John Carroll
Legislative Clerk

Board of Supervisors
San Francisco City Hall, Room 244
San Francisco, CA 94102
(415)554-4445 - Direct | (415)554-5163 - Fax
ann.carroll@sfgov.org | bos.legislation@sfgov.org

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Edwin M. Lee
Mayor

Mohammed Nuru
Director

Fuad Sweiss
Deputy Director and City Engineer

Jerry Sanguinetti
Bureau of Street Use & Mapping
Manager

Bruce R. Storrs P.L.S.
City and County Surveyor

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May 09, 2016

Ms. Angela Calvillo
Clerk of the Board
1 Dr. Carlton B. Goodlet Place
City Hall – Room 244
San Francisco, CA 94102

RE: 313-323 Cumberland Street
Lots 043-044 of Assessor's Block 3601
Appealing Planning Commissions Approval of
Conditional Use Application No. 2013.1213CUA

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Bruce R. Storrs
City & County Surveyor

Carroll, John (BOS)

From: Carroll, John (BOS)
Sent: Friday, May 06, 2016 3:00 PM
To: Storrs, Bruce (DPW)
Cc: Sanguinetti, Jerry (DPW); Rivera, Javier (DPW); Bergin, Steven (DPW); Givner, Jon (CAT); Stacy, Kate (CAT); Jones, Sarah (CPC); Sanchez, Scott (CPC); Rodgers, AnMarie (CPC); Starr, Aaron (CPC); Calvillo, Angela (BOS); BOS Legislation, (BOS); Carroll, John (BOS); Somera, Alisa (BOS); BOS-Supervisors; BOS-Legislative Aides; Byrne, Marlena (CAT); Jackson, Erika; Jalipa, Brent (BOS); Lew, Lisa (BOS)
Subject: Conditional Use Appeal - 313-323 Cumberland Street - Verification of Signatures
Attachments: Appeal Ltr 050216.pdf; COB Ltr 050616.pdf

Good afternoon, Mr. Storrs,

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Attached please find the appeal filing packet, and a letter requesting verification of signatures submitted with the appeal filing.

Thank you,

John Carroll
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San Francisco City Hall, Room 244
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john.carroll@sfgov.org | bos.legislation@sfgov.org

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BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 544-5227

May 6, 2016

Bruce R. Storrs
City and County Surveyor, Public Works
1155 Market Street, 3rd Floor
San Francisco, CA 94103

**Planning Case No. 2013.1213CUA
313-323 Cumberland Street - Conditional Use Authorization Appeal**

Dear Mr. Storrs:

The Office of the Clerk of the Board is in receipt of an appeal filed by Bruce Bowen, on behalf of the Dolores Heights Improvement Club, of the decision of the Planning Commission by its Motion No. 19604 dated March 31, 2016, relating to the approval of a Conditional Use Authorization (Case No. 2013.1213CUA) pursuant to Planning Code, Sections 207, 209.1, 303 and 317, for a proposed project located at:

313-323 Cumberland Street, Assessor's Block No. 3601, Lot Nos. 043-044

By copy of this letter, the City and County Surveyor is requested to determine the sufficiency of the signatures in regard to the percentage of the area represented by the appellant. Please submit a report not later than 5:00 p.m., on Monday, May 9, 2016, to give us time to prepare and mail out the hearing notices, as the Board of Supervisors has tentatively scheduled the appeal to be heard on June 7, 2016, at 3:00 p.m.

Sincerely,

A handwritten signature in black ink, appearing to read "Angela Calvillo".

Angela Calvillo
Clerk of the Board

c:
Jerry Sanguinetti, Public Works-Bureau of Street Use and Mapping
Javier Rivera, Public Works
Steve Bergin, Public Works
Jon Givner, Deputy City Attorney
Kate Stacy, Deputy City Attorney
Marlena Byrne, Deputy City Attorney
Sarah Jones, Planning Department
Scott Sanchez, Planning Department
AnMarie Rodgers, Planning Department
Aaron Starr, Planning Department
Erika Jackson, Planning Department

Introduction Form

By a Member of the Board of Supervisors or the Mayor

Time stamp
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion, or Charter Amendment)
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning "Supervisor [] inquires"
- 5. City Attorney request.
- 6. Call File No. [] from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No. []
- 9. Reactivate File No. []
- 10. Question(s) submitted for Mayoral Appearance before the BOS on []

se check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission Youth Commission Ethics Commission
- Planning Commission Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use a Imperative Form.

Sponsor(s):

Clerk of the Board

Subject:

Hearing - Appeal of Conditional Use Authorization - 313-323 Cumberland Street

The text is listed below or attached:

Hearing of persons interested in or objecting to the certification of a Conditional Use Authorization pursuant to Planning Code, Sections 207, 209.1, 303, and 317, for a proposed project at 313-323 Cumberland Street, Assessor's Parcel Block No. 3601, Lot Nos. 043 and 044, identified in Permit Application Nos. 2014.0627.9813 and 2014.0627.9820, issued by the Planning Commission by Motion No. 19604 dated March 31, 2016, to demolish a single-family structure and construct a new two-family structure on a 5,700 square-foot lot within an RH-1 (residential house, one-family) Zoning District, a 40-X Height and Bulk District, and the Dolores Heights Special Use District. (District 8) (Appellant: Bruce Bowen, on behalf of the Dolores Heights Improvement Club) (Filed May 16).

Signature of Sponsoring Supervisor: Ally Gomez

for

For Clerk's Use Only: