

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

BY _____

The property is located at 948-950 Lombard Street & 841 Chestnut Street

(Attach a Copy of Planning Commission's Decision)

Appeal Filing Date

_____ 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:

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

See attached

Person to Whom
Notices Shall Be Mailed

Kathleen Courtney
Chair, Housing & Zoning Committee
Russian Hill Community Association

Name

1158 Green Street San Francisco CA 94109

Address

510-928-8243

Telephone Number

Name and Address of Person Filing Appeal:

Kathleen Courtney
Chair, Housing & Zoning Committee
for Russian Hill Community Association

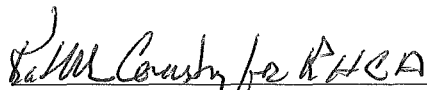
Name

1158 Green Street San Francisco CA 94109

Address

510-928-8243

Telephone Number



Signature of Appellant or
Authorized Agent

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. 2017-002430CUA, a conditional use authorization regarding (address) 948-950 Lombard Street & 841 Chestnut Street, District 2. The undersigned members respectfully request the Clerk of the Board to calendar this item at the soonest possible date.

SIGNATURE

DATE

Alan Chi
Sanam W. Fur
Kelly Rouen
Wm. Lee

10/2/17
10/2/17
10/2/17
10-2-17

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SAN FRANCISCO
2017 OCT -2 PM 3:46
BY RL

(Attach copy of Planning Commission's Decision)

Russian Hill Community Association
STATEMENT OF APPEAL

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2017 OCT -2 PM 3:47

Date: September 29, 2017

BY BA

To: Board President London Breed and
Members of the Board of Supervisors
c/o Ms. Angela Calvillo
Clerk of the Board of Supervisors
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

RE: Appeal of Conditional Use Authorization
841 Chestnut St. and 948-950 Lombard St.
Planning Commission Motion No. 19987 (Case No. 2017-002430CUA)

Pursuant to the provisions of Section 308.1 of the Planning Code, the Russian Hill Community Association (RHCA) ("Appellant") appeals the Conditional Use Authorization (CUA) approved by the Planning Commission at its meeting of August 31, 2017, for a lot merger for above project. RHCA is appealing the CUA because, by legalizing work done without a permit and, in particular, setting the price of the demolition of the Willis Polk home -- a significant San Francisco historic resource -- at \$400,000, the San Francisco Planning Department has set a dangerous and destructive precedent.

When approving the CUA, the Commission should have looked at the whole of the project, not just the lot merger. In this case the Commission failed to consider the permitting history of this project, which involved violations of the Planning and Building Codes and a massive failure of the planning process that resulted in the unpermitted demolition of the historic residence at 841 Chestnut St. (AKA 948 Lombard Street).

This shingle style structure was one of San Francisco's most historic residential structures and represented a rare example of the work of Willis Polk, an internationally renowned architect. As set forth in the Planning Department's Historical Report Response Memo dated June 19, 2017 on page 1 (**Attached**), the Department staff had determined that this building was "*historically significant under Criterion 3 (Architecture) as a notable work by a master architect, Willis Polk, while he served as head of the San Francisco office of D.H. Burnham & Co. The property was exemplary of the First Bay Tradition architectural style, and one of two known examples of Polk's 'rustic city house' designs in San Francisco, also demonstrated at 1013 Vallejo, where the architect resided in the late 19th century.*"

Then, based on the project sponsor's 2009 architectural plans, the Department determined that the project as proposed was exempt from environmental review finding that it would not cause a substantial adverse change in the significance of this historical resource and would not alter the original distinguishing qualities of the residence including its form, materials, fenestration and stylistic elements.

The Project History outlined in the Executive Summary dated August 14, 2017

[Attached] and summarized below, shows that without Planning Department review the Department of Building Inspection (DBI) approved numerous permits for demolition and removal of historic material. This lack of coordination between DBI and the Planning Department allowed a developer to flout the system for financial gain.

When it was clear that a complete demolition of the historic building had already occurred in violation of the approved plans and scope of work, the City Attorney, on behalf of the Planning Department, agreed to abate the project sponsor's violations for the unpermitted demolition of this historic resource pursuant to a Settlement Agreement dated June 7, 2017, by which the City settled for a civil penalty of \$400,000 with a stipulated injunction requiring that all further permits be reviewed by the Planning Department and that the project sponsor shall not exceed the scope of any approved permits.¹ And a day later, the Zoning Administrator issued an "Action Memo" legalizing the demolition of the historic building at 841 Chestnut Street finding that the property was demonstrably unaffordable per Section 317 of the Planning Code.

As stated in the attached June 19, 2017 Planning Department Memo on page 7: *"Had the Department been given the opportunity to adequately review the cumulative and substantial changes to the overall project scope, including alterations to the residence and excavation, prior to the commencement and near completion of the project, it is likely that a full Environmental Impact Report would have been required."*

This case sets a dangerous precedent that demolition of our City's historic resources is for sale and that violations of the Planning and Building Codes can be "legalized" by a developer in return for the payment of money.

Project History

The following sets forth a brief summary of the project's permitting history as outlined in the attached Planning Department Executive Summary that was submitted to the Planning Commission in connection with the subject Conditional Use. Although it identifies 12 separate applications/permits, more are listed on DBI's database. In addition to the litany of errors, omissions, oversights and lack of coordination between DBI and Planning illustrated by the project history, it is significant to note that plans were filed and approved by DBI without Planning Department review for demolition work that had already occurred.

- The original project was filed under Case No. 2002.0929E. Following Planning Department review and determination that the building was historic, the project was revised under Case No. 2009.0801 keeping the historic building in place and retaining its historic features. This scope was determined to be exempt from environmental review.

¹ This settlement raises several questions that should be addressed: Why don't all permits, especially those for historic resources, have to be reviewed by the Planning Department before they are issued? What is the \$400,000 civil penalty going to be used for?

- This work was permitted under Building Permit Application (BPA) 2002.05.23.7379, which was approved by the Planning Department on March 9, 2011, and issued by the Department of Building Inspection on October 11, 2011.
- On February 12, 2014, the project scope was revised under BPA 2014.02.05.7897 to “retain the north, east, and west facades;” complete an extensive interior renovation; relocate the below-grade garage and entrance; and expand the proposed basement. The structural permit issued by DBI for this proposal was inconsistent with the approved plans and the site permit, noting that all framing would be new.
- On May 15, 2015, the Planning Department approved the merger of the subject lots (Lots 10 and 17) in error based upon incomplete information in DBI’s Report of Residential Building Record (3-R Report).
- On April 22, 2015, DBI issued a Notice of Violation (NOV) citing that the extensive excavation would require a shoring permit. In response, a permit application was submitted to DBI to address the shoring plans and BPA 2015.07.23.2229 was issued without Planning Department review to show removal of all interior walls as “a clarification of extent of demolition” from the previously approved plans.
- Three additional complaints were filed with DBI in October 2015 regarding rockslides, compromised excavation work, life safety and trespassing.
- On April 21, 2016, an additional complaint was filed with DBI on the property regarding work beyond the scope of permit and on May 19, 2016, DBI issued a NOV in response to the concerns.
- On June 9, 2016, DBI released the NOV and issued BPA 2016.06.09.9584 with an engineer’s notice and no plans; the scope of work on the permit reads: “remove additional dryrotted (sic.) & compromised framing necessary to execute approved plans. No changes to approved design proposed.”
- On June 15, 2016, BPA 2016.06.15.9992 was submitted with one sheet of plans illustrating the full removal of all historic material. The plans were approved by DBI without Planning Department review or approval.
- At the time all plans were submitted to DBI, the property had been effectively demolished. All permits were filed to correct the record.
- On July 6, 2016, a complaint was filed with the Planning Department citing the possible demolition of a historic resource without Planning Department approval. The Planning Department conducted a site visit on November 8, 2016, four months after the complaint was filed, where it was determined that the building was composed of all new framing and sheathing.

- On December 30, 2016, a revised set of plans was provided via email to the Planning Department clarifying the completed scope of demolition that had already occurred. A building permit application for the demolition was filed with DBI on January 26, 2017. At that time it was determined that the project sponsor had exceeded the scope of work approved by Planning at the site, as well as the approved scope of work reviewed under the CEQA.

We respectfully ask the Board of Supervisors to review this case and disapprove the CUA approving the merger of the two lots. By legalizing work done without a permit and setting a price tag for the demolition of significant San Francisco historic resources, the Planning Department has set a dangerous and destructive precedent.



SAN FRANCISCO PLANNING DEPARTMENT

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2017 OCT -2 PM 3:47

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

BY

BA

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Planning Commission Motion No. 19987

HEARING DATE: AUGUST 31, 2017

Case No.: 2017-002430CUA
Project Addresses: 948-950 Lombard Street &
841 Chestnut Street
Zoning: RH-1 (Residential, House: One-Family) District
40-X Height and Bulk District
Block/Lot: 0067/010 and 017
Project Sponsor: Tuija Catalano
One Bush Street, Suite 600
Reuben, Junius & Rose, LLP
San Francisco, CA 94104
Staff Contact: Nicholas Foster – (415) 575-9167
nicholas.foster@sfgov.org

ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 207, 209.1, AND 303 OF THE PLANNING CODE TO ALLOW TWO DWELLING UNITS ON A SINGLE LOT WITHIN THE RH-1 (RESIDENTIAL, HOUSE ONE-FAMILY) ZONING DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On February 28, 2017, Tuija Catalano of Reuben, Junius & Rose, LLP, on behalf of Eight Forty One, LLC ("Project Sponsor"), submitted an application with the Planning Department (hereinafter "Department") for Conditional Use Authorization under Planning Code Sections 207, 209.1, and 303 to allow two Dwelling Units on a single lot within the RH-1 Zoning District and 40-X Height and Bulk District.

The Project is exempt from the California Environmental Quality Act ("CEQA") as a Class 5 categorical exemption (minor alterations in land use limitations (CEQA Guidelines, Section 15305)).

On August 31, 2017 the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2017-002430CUA.

The Commission voted (+2/-4) on a motion of intent to disapprove the Project; that motion failed.

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. 2017-002430CUA, 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 Site is comprised of two adjoining lots on the block bounded by Lombard Street to the South, Chestnut Street to the north, Jones Street to the east, and Leavenworth to the west. The Project Site is located within the RH-1 Zoning District and 40-X Height and Bulk District. 950 Lombard Street (Lot 10) is 9,480-sf lot containing a 1-story, 616-sf cottage with one Dwelling Unit. Lot 10 contains approximately 69 feet of frontage along Lombard Street. 841 Chestnut Street (Lot 17) is a 6,255-sf lot containing a 2-story, 3,430-sf single-family dwelling. Lot 17 contains approximately 46 feet of frontage along Chestnut Street. The two parcels were historically one lot. Both lots are developed on steeply topography, making ingress and egress to both lots challenging, especially for the 841 Chestnut Street (Lot 17) site.
3. **Surrounding Properties and Neighborhood.** The Project Site is located within the Russian Hill neighborhood, located one block east of the "crooked portion" of Lombard Street, a popular tourist destination. The neighborhood consists of primarily residential uses, ranging from one- to two-stories in height within the small patch of the RH-1 Zoning District, and three- to five-stories in height within the adjacent higher density zoning districts (e.g. RH-2, RH-3, and RM-2).
4. **Project Description.** The proposed Project would merge Lots 10 and 17 of Assessor's Block 0067 through a Lot Line Adjustment, creating a single, 15, 735 square foot lot. Lot 10 (948-950 Lombard Street) is developed with one small cottage, while Lot 17 (841 Chestnut Street) is developed with a 3-bedroom, single family home. Within the RH-1 Zoning District, up to one Dwelling Unit per 3,000 square feet of lot area is permitted with benefit of Conditional Use Authorization. Each of the existing lots contains one Dwelling Unit, and the Project would create a single parcel containing two Dwelling Units. All building permits for both interior and exterior improvements at both properties were previously approved to comply with Department of Building Inspection (DBI) Notice of Violations and Planning Department Enforcement Cases Nos. 2016-008722ENF (Lot 10) and 2016-014995ENF (Lot 17).
5. **Project History.** The original proposed project under Case No. 2002.0929E involved the relocation of the rear dwelling ("cottage") unit at 950 Lombard Street; excavation and construction of a new garage into the hillside on the Chestnut Street frontage; and removal of the

non-historic addition and minor alterations on the south elevation of the house. Under this permit the property was effectively treated as a single parcel.

The project at 841 Chestnut Street was later revised under Case No. 2009.0801, proposing to construct the same sub-grade garage and elevator shaft on the Chestnut Street frontage; replace the brick foundation; remove the existing non-historic addition to the south; and construct a new rear horizontal addition. Under this review, the historic cottage was proposed to remain in place. This work was permitted under Building Permit Application No. 2002.05.23.7379, which, was approved by the Planning Department on March 9, 2011, and issued by the Department of Building Inspection on October 11, 2011. Building Permit Application No. 2011.11.04.8277 was filed and approved on November 4, 2011, to correct the record and validate the approved permit at both legal properties.

Three building permits were filed between June 2013 and August 2015 to allow the excavation and construction of a driveway at the east side of 950 Lombard Street (Building Permit Application No. 2013.06.25.0415) with a three-car underground garage (Building Permit Application No. 2014.07.10.0957) and a below grade sports court (Building Permit Application No. 2015.08.14.4356) at 841 Chestnut Street.

On February 12, 2014, the project scope at 841 Chestnut Street was revised under Building Permit Application No. 2014.02.05.7897 to "retain the north, east, and west facades"; complete an extensive interior renovation; relocate the below-grade garage and entrance; and expand the proposed basement from 1,114 square feet to 3,495 square feet.

On March 25, 2015, the Project Sponsor filed for a Lot Line Adjustment of lots 10 and 17. Planning Department Staff approved the merger of the subject lots (Lots 10 and 17) on April 22, 2015 based upon incomplete information contained within the Department of Building Inspection (DBI) Report of Residential Building Record ("3-R Report"). A Conditional Use Authorization application for the merger was submitted on February 28, 2017.

On April 21, 2016, a complaint was filed on the property regarding work beyond scope of permit. On May 19, 2016, DBI issued a Notice of Violation in response to the concern regarding exceeding the permitted scope of demolition at the site. On June 9, 2016, Building Permit Application No. 2016.06.09.9584 was issued with an engineer's notice and no plans; the scope of work reads: "remove additional dryrotted (sic.) & compromised framing necessary to execute approved plans. No changes to approved design proposed." On June 15, 2016, Building Permit Application No. 2016.06.15.9992 was submitted with one sheet of plans illustrating the full removal of all historic material including floor plates and framing. The plans were approved by DBI without Planning Department review or approval. All plans stated, erroneously, "No changes to approved design." At the time all plans were submitted, the property had been effectively demolished; all permits were filed to correct the record.

On July 6, 2016, a complaint was filed with the Planning Department (Case No. 2016-008722ENF) citing the possible demolition of a historic resource without Planning Department approval. Planning Department Staff conducted a site visit on November 8, 2016, where it was determined that the building was composed of all new framing and sheathing. On December 30, 2016, a revised set of plans were provided via email to the Department clarifying the completed scope of

demolition. A formal set of the subject Building Permit Application (Building Permit Application No. 2017.01.26.8001) was filed on January 26, 2017.

On June 7, 2017, the Project Sponsor and the City Attorney's Office, on behalf of the Planning Department, filed a settlement agreement to abate the violation for the unpermitted demolition of the historic resource at 841 Chestnut Street. Per the filed documents, the City settled for a civil penalty of \$400,000 with a stipulated injunction requiring that all future permits be reviewed by the Planning Department and that the Project Sponsor shall not exceed the scope of any approved permit at either property. On June 8, 2017, the Zoning Administrator issued an Action Memo legalizing the demolition of the single family dwelling at 841 Chestnut Street, as the property was demonstrably unaffordable per Section 317(d)(3) of the Planning Code, and the associated permit (Building Permit Application No. 2017.01.26.8001) was approved by Planning Staff on June 8, 2017.

6. **Public Comment.** To date, the Department has received no public comment on the proposed Project.
7. **Planning Code Compliance.** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:

- A. **Use (Sections 102, 209.1).** The Project Site is located within the RH-1 (Residential, House: One-Family) Zoning District wherein Residential Use is a principally permitted use.

The Project involves a lot merger, which, would result in two, existing Dwelling Units on a single lot. Residential uses are principally permitted within the RH-1 Zoning District, and the Project would maintain residential density, scale, and character consistent with that of the neighborhood. Therefore, the Project is in compliance with Code Section 209.1

- B. **Residential Density (Sections 207, 209.1).** The Project Site is located within the North Beach Neighborhood Commercial (NCD) Zoning District wherein Medical Service Use is a principally permitted use.

Within the RH-1 Zoning District, residential density is limited to one Dwelling Unit per lot. With Conditional Use Authorization, residential density in the RH-1 Zoning District may be increased to one Dwelling Unit per 3,000 square feet of lot area, with no more than three units per lot. The Project involves a lot merger of Lots 10 and 17 within Accessor's Block 0067. The combined lot area of Lots 10 and 17 is 15,735 sf, which, would allow for up to three Dwelling Units with benefit of Conditional Use Authorization. With benefit of a lot merger (Lot Line Adjustment), the two, existing Dwelling Units would be contained on a single lot. Therefore, the Project is in compliance with Code Section 207 and 209.1.

- C. **Parking (Section 151, 151.1).** Planning Code does not require off-street parking for projects located within the North Beach Neighborhood Commercial (NCD) Zoning District.

The Project Site does not contain any existing off-street parking, due to the steep topographical conditions impacting the Property. The Project would add a Code-complaint curb cut along the

Lombard Street frontage, and three (3) off-street parking spaces would be created on the newly-created, single lot. Code Section 151 requires off-street parking at a ratio of 1 space per 1 Dwelling Unit. Pursuant to Code Section 151.1, 1 off-street accessory parking is permitted of for two Dwelling Units. The Project proposes three off-street parking spaces where three are permitted by Code. Therefore, the Project is in compliance with Code Sections 151 and 151.1.

8. **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 involves a lot merger of two lots, creating a single 15,375 sf lot containing two, existing Dwelling Units. The Project will allow the Property Owners to formalize property access for the two Dwelling Units. Due to the steep topographical conditions present at the Project Site, the 841 Chestnut Street property (Lot 17) has no direct pedestrian or vehicular access from its Chestnut Street frontage and has, instead, historically utilized a portion of the adjacent property (Lot 10) to provide ingress and egress from Lombard Street.

Providing two Dwelling Units on the single, merged lot is both necessary and desirable because it retains the two, existing residential structures, thereby maintaining residential density consistent with the historical use of the Properties and character of the neighborhood. Each of the lots (Lots 10 and 17) contain a single Dwelling Unit, and the rehabilitation of both structures would contribute to the City's housing stock. Other lots on the same block face range in size from 888 sf to 10,310 sf, with each lot typically containing a single Dwelling Unit. Permitting two Dwelling Units to remain on the larger, merged lot would be consistent with the existing density, development scale, and character of the neighborhood.

- 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 would merge two lots into a single lot and would restore residential uses at the Project Site in a manner consistent with the residential density, scale, and character of the neighborhood.

- 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 Project would merge two lots into a single lot with direct pedestrian and vehicular access from Lombard Street, eliminating the undesirable condition of Lot 17 (841 Chestnut Street) depending upon Lot 10 (948-950 Lombard Street) for primary ingress/egress. A single, shared driveway

would reduce the number of curbcuts to one where two would otherwise be permitted by Code. The reduction of curb cuts is a more pedestrian friendly alternative for those residing in the area.

The Project will provide off-street parking for the two Dwelling Units up to the amount allowed by Code. The Project restores residential uses at the Project Site in a manner that would not significantly alter accessibility and traffic patterns for persons and vehicles to the area.

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

The Project restores residential uses at the Project Site at the same scale as existing conditions and is therefore not anticipated to produce noxious or offensive emissions related to noise, glare, dust and odor.

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

The Project consists of the merger of the Properties into a single lot. The currently pending alteration of the existing buildings and the Project Site incorporates landscaping, screening, provision of open space, parking areas, and lighting as required by the Code and appropriate for the neighborhood.

- 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.

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

The proposed Project is consistent with the stated purpose of the RH-1 (Residential, House: Single-Family) Zoning District, which, allows for residential density up to 3 Dwelling Units per lot with benefit of Conditional Use Authorization.

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

HOUSING ELEMENT

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 would include the full rehabilitation of two, existing Dwelling Units located on separate lots. The Project would merge the lots into a single lot, with no impact on the existing Dwelling Units.

OBJECTIVE 2:

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

Policy 2.4:

Promote improvements and continued maintenance to existing units to ensure long term habitation and safety.

The Project proposes the merger of two adjacent lots, while maintaining the two, existing residential structures. The existing residential structures are consistent with the existing residential character and density of the Russian Hill neighborhood.

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.

The Project would include the full rehabilitation of two, existing Dwelling Units located on separate lots.

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.

The Project would include the full rehabilitation of two, existing Dwelling Units located on separate lots. The existing residential structures are consistent with the existing residential character and density of the Russian Hill neighborhood.

URBAN DESIGN ELEMENT

Objectives and Policies

OBJECTIVE 1:

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

Policy 1.1:

Recognize and protect major views in the city, with particular attention to those of open space and water.

Policy 1.2:

Recognize, protect and reinforce the existing street pattern, especially as it is related to topography.

The Project would include the full rehabilitation of two, existing Dwelling Units located on separate lots. The Project would preserve views and useable open space at the Project Site.

OBJECTIVE 4:

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

Policy 4.14:

Remove and obscure distracting and cluttering elements.

Policy 4.15:

Protect the livability and character of residential properties from the intrusion of incompatible new buildings.

The Project would include the full rehabilitation of two, existing Dwelling Units located on separate lots. The Project would add off-street parking that is screened and out of view from the public right-of-way, thereby eliminating distracting elements from the Project Site.

10. **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 Project would maintain two dwelling units on merged Properties which have traditionally contained a total of two Dwelling Units. This would retain existing housing and preserve the neighborhood's residential character.

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

The Project does not propose the elimination of any Dwelling Units. While previous building permit activity on the 841 Chestnut Street property (Lot 17) effectively demolished the existing residential structure, the Project proposes the full rehabilitation of both residential structures on Lots 10 and 17, with benefit of permit, thereby preserving and enhancing the two, existing Dwelling Units.

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

The proposed Project will include three off-street parking spaces, thereby helping to reduce demand for on-street parking by current and future residents. Therefore, the Project will not significantly increase the amount of automobile traffic, overburden neighborhood parking, or impede MUNI transit service.

- 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.

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

The proposed Project calls for interior and exterior tenant improvements with no change to the envelopes of the two, existing residential structures. This proposal will not impact the Property's ability to withstand an earthquake.

- G. That landmarks and historic buildings be preserved.

The existing residential structure located at 841 Chestnut Street (Lot 17) was deemed historically significant under Criterion 3 (Architecture). The effective demolition of a historically significant structure, and its subsequent reconstruction, was not submitted to the Planning Department for CEQA review per standard procedure. Due to the loss of the historic residence, it should be noted that the completed residence shall not be considered to be historically significant nor is it a successful interpretation of the demolished Willis Polk Residence (Lot 17). However, the cottage on the 948-950 Lombard Street property (Lot 10), which was constructed immediately after the 1906 earthquake, remains intact and appears to be eligible for listing as the remaining significant feature of the historic property. Therefore, upon complete of the Lot Line Adjustment, the single lot shall remain listed as historically significant for future Planning review.

- 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.

11. 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.
12. The Commission hereby finds that approval of the Conditional Use authorization would promote the health, safety and welfare of the City.

DECISION

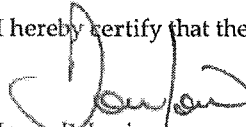
That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Application No. 2017-002430CUA** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated January 23, 2017, 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. 19987. 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 August 31, 2017.


Jonas P. Ionin
Commission Secretary

AYES: Fong, Hillis, Koppel, Melgar

NAYS: Moore, Richards

ABSENT: Johnson

ADOPTED: August 31, 2017

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to allow a second Dwelling Unit on a single lot within a RH-1 Zoning District located at 948-950 Lombard Street, Lot 010 in Assessor's Block 0067, pursuant to Planning Code Sections 207, 209.1, and 303, within the RH-1 Zoning District and a 40-X Height and Bulk District; in general conformance with plans, dated January 23, 2017, and stamped "EXHIBIT B" included in the docket for Case No. 2017-002430CUA and subject to conditions of approval reviewed and approved by the Commission on August 31, 2017 under Motion No. 19987. 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 August 31, 2017 under Motion No. 19987.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. 19987 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. **Garbage, composting and recycling storage.** Space for the collection and storage of garbage, composting, and recycling shall be provided within enclosed areas on the property and clearly labeled and illustrated on the building permit plans. Space for the collection and storage of recyclable and compostable materials that meets the size, location, accessibility and other standards specified by the San Francisco Recycling Program shall be provided at the ground level of the buildings.

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

8. **Rooftop Mechanical Equipment.** Pursuant to Planning Code 141, the Project Sponsor shall submit a roof plan to the Planning Department prior to Planning approval of the building permit application. Rooftop mechanical equipment, if any is proposed as part of the Project, is required to be screened so as not to be visible from any point at or below the roof level of the subject building.

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

9. **Noise.** Plans submitted with the building permit application for the approved project shall incorporate acoustical insulation and other sound proofing measures to control noise.

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

10. **Odor Control Unit.** In order to ensure any significant noxious or offensive odors are prevented from escaping the premises once the project is operational, the building permit application to implement the project shall include air cleaning or odor control equipment details and manufacturer specifications on the plans. Odor control ducting shall not be applied to the primary façade of the building.

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

PARKING AND TRAFFIC

11. **Bicycle Parking.** Pursuant to Planning Code Sections 155, 155.1, and 155.2, the Project shall provide no fewer than 2 bicycle parking spaces (2 Class 1 spaces for the residential portion of the Project).

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

12. **Parking Maximum.** Pursuant to Planning Code Section 151.1, the Project shall provide no more than **three (3)** off-street parking spaces.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
13. **Parking Requirement.** Pursuant to Planning Code Section 151, the Project shall provide at least **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
14. **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

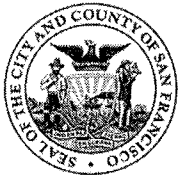
MONITORING - AFTER ENTITLEMENT

15. **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
16. **Revocation due to Violation of Conditions.** Should implementation of this Project result in complaints from interested property owners, residents, or commercial lessees which are not resolved by the Project Sponsor and found to be in violation of the Planning Code and/or the specific conditions of approval for the Project as set forth in Exhibit A of this Motion, the Zoning Administrator shall refer such complaints to the Commission, after which it may hold a public hearing on the matter to consider revocation of this authorization.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

OPERATION

17. **Garbage, Recycling, and Composting Receptacles.** Garbage, recycling, and compost containers shall be kept within the premises and hidden from public view, and placed outside only when being serviced by the disposal company. Trash shall be contained and disposed of pursuant to garbage and recycling receptacles guidelines set forth by the Department of Public Works.
For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works at 415-554-.5810, <http://sfdpw.org>

18. **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>
19. **Noise Control.** The premises shall be adequately soundproofed or insulated for noise and operated so that incidental noise shall not be audible beyond the premises or in other sections of the building and fixed-source equipment noise shall not exceed the decibel levels specified in the San Francisco Noise Control Ordinance.
*For information about compliance with the fixed mechanical objects such as rooftop air conditioning, restaurant ventilation systems, and motors and compressors with acceptable noise levels, contact the Environmental Health Section, Department of Public Health at (415) 252-3800, www.sfdph.org
For information about compliance with the construction noise, contact the Department of Building Inspection, 415-558-6570, www.sfdbi.org
For information about compliance with the amplified sound including music and television contact the Police Department at 415-553-0123, www.sf-police.org*
20. **Odor Control.** While it is inevitable that some low level of odor may be detectable to nearby residents and passersby, appropriate odor control equipment shall be installed in conformance with the approved plans and maintained to prevent any significant noxious or offensive odors from escaping the premises.
For information about compliance with odor or other chemical air pollutants standards, contact the Bay Area Air Quality Management District, (BAAQMD), 1-800-334-ODOR (6367), www.baaqmd.gov and Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
21. **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
22. **Lighting.** All Project lighting shall be directed onto the Project site and immediately surrounding sidewalk area only, and designed and managed so as not to be a nuisance to adjacent residents. Nighttime lighting shall be the minimum necessary to ensure safety, but shall in no case be directed so as to constitute a nuisance to any surrounding property.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org



SAN FRANCISCO PLANNING DEPARTMENT

MEMO

Historical Report Response Memo

Preservation Planner: Alexandra Kirby
(415) 575-9133
alexandra.kirby@sfgov.org
Project Address: 841 Chestnut Street (950 Lombard Street)
Block/Lot: 0067/010 (017)
Case No.: 2017-001787PRJ
Related Cases: 2009.0801E, 2002.0929E
Date of Review: June 19, 2017

PROJECT EVALUATION, POST DEMOLITION

Per Drawings Dated: May 22, 2017

Project Description:

The current proposal is to address all completed work that has proceeded without the benefit of Planning Department-approved plans or entitlements. The project shall address the demolition of a historically significant single-family dwelling designed by Willis Polk and constructed circa 1908, and its reconstruction, which was not submitted to the Planning Department for CEQA review per standard procedure. This report shall serve to memorialize the project history and the completed scope of work prior to the current Building Permit Application (2017.01.26.8001). This includes wholesale reconstruction of the historic structure within its original footprint in all new materials.

Project History:

The original proposed project under Case No. 2002.0929E involved the relocation of the rear dwelling ("cottage") unit at 950 Lombard Street; excavation and construction of a new garage into the hillside on the Chestnut Street frontage; removal of the non-original addition and minor alterations on the south elevation of the house; and other alterations such as window replacement and a new terrace and railings.

Under this review it was determined by Department staff that the subject building at 841 Chestnut was historically significant under Criterion 3 (Architecture) as a notable work by a master architect, Willis Polk, while he served as head of the San Francisco Office of D.H. Burnham & Co. The property was exemplary of the First Bay Tradition architectural style, and one of two known examples of Polk's "rustic city house" designs in San Francisco, also demonstrated at 1013 Vallejo, where the architect resided in the late 19th century.

The project at 841 Chestnut Street was later revised under Case No. 2009.0801E, proposing to construct the same sub-grade garage and elevator shaft on the Chestnut Street frontage; replace the brick foundation; remove the existing non-historic addition to the south; construct a new rear horizontal

addition; infill a non-historic exterior door and a non-historic window opening; and create a new exterior door opening on the east elevation. Under this review the historic cottage was proposed to remain in place. This work was permitted under Building Permit Application Number 2002.05.23.7379, which was approved by the Planning Department on March 9, 2011, and issued by the Department of Building Inspection on October 11, 2011.

On February 12, 2014, the project scope was revised under Building Permit Application ("BPA") Number 2014.02.05.7897 to "retain the north, east, and west facades"; complete an extensive interior renovation; relocate the below-grade garage and entrance; and expand the proposed basement from 1,114 square feet to 3,495 square feet. This project was determined to be exempt from further CEQA review as a revision to the prior evaluations. The structural permit for this proposal was inconsistent with the site permit, noting that all framing would be new.

On May 13, 2015, the Department of Building Inspection ("DBI") issued a Notice of Violation (201547651), citing that the extensive excavation would require a shoring permit, as noted in BPA 2014.02.05.7897. BPA 2015.05.26.7119 was submitted to address the shoring plans and BPA 2015.07.23.2229 was issued without Planning Department review to show removal of all interior walls as "a clarification of extent of demolition" from the previously approved plans. Three additional complaints were filed with DBI in October of 2015 regarding rockslides, compromised excavation work, life safety and trespassing.

On May 12, 2016, a new permit was filed to install new skylights in the historic roof under BPA 2016.05.05.6707. This scope was determined to be exempt from CEQA review.

On April 21, 2016, an additional complaint was filed on the property regarding work beyond scope of permit. On May 19, 2016, DBI issued a Notice of Violation in response to the concern regarding exceeding the permitted scope of demolition at the site. June 9, 2016, BPA 2016.06.09.9584 was issued with an engineer's notice and no plans; the scope of work reads: "remove additional dryrotted (sic.) & compromised framing necessary to execute approved plans. No changes to approved design proposed." On June 15, 2016, revision permit number 2016.06.15.9992 was submitted with one sheet of plans illustrating the full removal of all historic material including floor plates and framing. The plans were approved by DBI without Planning review or approval. All plans stated, erroneously, "No changes to approved design." At the time all plans were submitted, the property had been effectively demolished, all permits were filed to correct the record.

On July 6, 2016, a complaint was filed with the Planning Department (case no. 2016-008722ENF) citing the possible demolition of a historic resource without Planning Department approval. Staff conducted a site visit on November 8, 2016, where it was determined that the building was composed of all new framing and sheathing. On December 30, 2017, a revised set of plans were provided via email to the Department clarifying the completed scope of demolition. A formal set of the subject Building Permit Application (2017.01.26.8001) was filed on January 26, 2017. At this time it was determined that the sponsor had exceeded the scope of work approved by Planning at the site as well as the approved scope of work reviewed under CEQA. Further, two additional CEQA Categorical Exemptions were filed on the additional permits at the site. The potential cumulative impacts for the project have never been assessed.

BUILDING AND PROPERTY DESCRIPTION

The entire project site at 841 Chestnut Street and 950 Lombard (Assessor's Block 0067, Lots 010 and 017) is approximately 9,480 square feet and located about mid-block on the block bounded by Lombard, Jones, Chestnut, and Leavenworth Streets in the Russian Hill neighborhood. The two parcels were historically one lot under one ownership. The project site is zoned RH-1 (Residential, House, One-Family) and is within a 40-X height and bulk district. The project site contains two residences: (1) 950 Lombard Street - a small one-story cottage on Lot 10 of Assessor's Block 0067 facing Lombard Street, constructed in 1907 and (2) 841 Chestnut Street - a larger two-story, single-family dwelling on Lot 17 facing Chestnut Street.

PRE-EXISTING HISTORIC RATING / SURVEY

Constructed in 1908, the subject building at 841 Chestnut Street is within an RH-1 (Single-Family, Residential) Zoning District. The subject building is listed in *Here Today* (page 279), a cultural resource survey and subsequent book of historic resources in San Francisco. *Here Today* identified this building as "an interesting shingle residence" designed by Willis Polk in 1908, while he headed up the San Francisco office of D.H. Burnham & Co. The primary residence at 841 Chestnut Street was evaluated as individually eligible for listing on the California Register of Historic Places under Criterion 3 (Architecture) by Planning Department Preservation staff under Case no. 2002.0929E and 2009.0801E, with a Period of Significance of 1908. The subject building is defined by the Planning Department as a "Category A" building, a known historic resource, for the purposes of CEQA review.

The cottage at 950 Lombard has never been formally evaluated for significance, nor was the landscaped setting in which the properties were set. According to the Historical Report provided by Carey & Company on April 25, 2017, the cottage was constructed in 1907 for owner Joanna Wright, widow of Selden S. Wright, after the original residence at 841 Lombard Street burned down in the 1906 fire. No permit history exists, and therefore the architect is not known; however, the reconstruction of 841 Chestnut Street by Willis Polk presumes that he may have been responsible for the design, which related to the aesthetic of the residence. A river rock chimney was added circa 1926, and a rear sauna area was added circa 1978. The 1926 chimney appears to have gained significance in its own right as a character-defining feature of the property.

Integrity is the ability of a property to convey its significance. To be a resource for the purposes of CEQA, a property must not only be shown to be significant under the California Register criteria, but it also must have integrity. To retain historic integrity a property will always possess several, and usually most, of the aspects. The subject property has retained integrity from the period of significance noted above:

Location:	<input checked="" type="checkbox"/> Retains	<input type="checkbox"/> Lacks	Setting:	<input type="checkbox"/> Retains	<input checked="" type="checkbox"/> Lacks
Association:	<input type="checkbox"/> Retains	<input checked="" type="checkbox"/> Lacks	Feeling:	<input type="checkbox"/> Retains	<input checked="" type="checkbox"/> Lacks
Design:	<input type="checkbox"/> Retains	<input checked="" type="checkbox"/> Lacks	Materials:	<input type="checkbox"/> Retains	<input checked="" type="checkbox"/> Lacks
Workmanship:	<input type="checkbox"/> Retains	<input checked="" type="checkbox"/> Lacks			

The residence at 841 Chestnut Street no longer retains any integrity due to the demolition of the property. The property has lost the following aspects of integrity:

- **Design:** Design is the composition of elements that constitute the form, plan, space, structure, and style of a property. Although the final design of the reconstructed residence will strive to match the historic design of the property, the interiors will be entirely contemporary, the structure has radically changed due to the extensive excavation and modern code requirements for new construction and the style will read as a modern replica of the original Polk design.
- **Setting:** Setting is the physical environment of a historic property that illustrates the character of the place. Historically this property was set in a bucolic hillside that overlooked the San Francisco Bay with mature trees and an elevated garden area. In 1978 a pool was added in the middle of the lot, although it was later filled in, creating the terraced garden on the west half of the property. At the time of the most recent sale (2012), the mid-lot area was landscaped and features a greenhouse set to the west property line. All of the mid-lot area has been extensively excavated under the subject project, all mature trees and shrubs have been removed, and new non-native mature olive trees have been installed. Willis Polk designed residences in the "First Bay Tradition," characterized by their shingled exteriors and suburban settings. The new setting will clearly read as contemporary.
- **Materials:** Materials are the physical elements combined in a particular pattern or configuration to form the aid during a period in the past. All historic materials have been removed without adequate documentation or intent to retain. One notable loss is the removal of all of the original leaded windows.
- **Workmanship:** Workmanship is the physical evidence of the crafts of a particular culture or people during any given period of history. Willis Polk was known to be as much of an artist as an architect, and his buildings typically feature a high degree of workmanship by local craftsmen. This was demonstrated in the wood timber detailing such as the cornice and brackets on 841 Chestnut Street. It is unknown if the lost elements may have provided any evidence of the technologies and craft of the time of construction.
- **Feeling:** Feeling is the quality that a historic property has in evoking the aesthetic or historic sense of a past period of time. While the reconstructed residence will match the historic house in exterior design, all new materials and finishes will read as contemporary
- **Association:** the historic building was designed by Master architect Willis Polk and constructed in 1908. The proposed project would be a reconstruction of the residence effectively designed by Ken Lindsteadt Architects. No Historic American Building Survey (HABS) documentation was completed prior to the extensive excavation, below grade addition or demolition took place, so there is no high-quality record of the subject building other than early existing plans from the proposal, which do not appear to meet HABS standards. Due to the loss of all aspects noted above, this property no longer retains its integrity of association.

The property at 841 Chestnut Street does retain the integrity of location, as it is located at the same site. The cottage structure at 950 Lombard retains integrity of location, design and materials to some degree, feeling, and therefore association. The Period of Significance for the cottage (950 Lombard Street) is 1907 – 1926, its approximate date of construction to the completion of the chimney.

The character-defining features of 950 Lombard cottage include:

- One-story height;
- Rectangular massing;
- Shingle siding;
- Raised open porch;
- Hipped roof;
- Wood-framed double-hung and multi-lite windows;
- The chimney at the west façade was constructed circa 1926 and has gained significance in its own right as an age-eligible and character-defining feature.

The proposed project can no longer be evaluated for CEQA compliance, as the excavation and demolition of the historic resource have been completed. The below analysis reviews the partially completed project for compliance with the *Secretary of the Interior's Standards for Rehabilitation*, under which the project was previously reviewed in 2002 and 2009.

A report was submitted on March 23, 2017, by Carey & Company evaluating the property for compliance with the *Secretary of the Interior's Standards for Reconstruction*. The Department finds that this is not an appropriate application of the *Standards*, as the National Park Service states that Reconstruction may be considered as a treatment when "a contemporary depiction is required to understand and interpret a property's historic value; when no other property with the same associative value has survived; and when sufficient historical documentation exists to ensure an accurate reproduction." Reconstruction is predominantly applied as a standard for structures and properties that no longer exist at the commencement of a project, and should not be applied as a justification for the demolition of a resource unless clear evidence is provided to demonstrate that rehabilitation is not feasible. At that stage comprehensive documentation is typically required, including HABS photographs and scaled archival drawings as well as an in-depth preservation plan for any salvageable details and an interpretation plan to verify that the new structure is not misinterpreted as historic in the future. Applying the *Reconstruction Standards* negates the importance of the CEQA procedure and the *Standards*, which always prioritize preservation and restoration of original historic materials over reconstruction.

The Department finds that the project is not consistent with five of seven applicable aspects of the *Secretary of the Interior Standards for Rehabilitation (Standards)* and that it has caused a substantial adverse change in the resource such that the significance of the building would be materially impaired. The following is an analysis of the project per the applicable *Standards*. The Department's analysis was guided by a letter submitted by Carey & Company on March 23, 2017.

Standard 1.

A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.

While the historic residential use of the property is to be retained, the project significantly and adversely affected the significance of the property by removing and/or demolishing the distinctive materials and features such as siding, windows, brackets, and other finishes, as well as the spatial

relationships by completely altering the landscape in which the property was historically set due to extensive excavation, the addition of a below-grade carport and removal of the greenhouse. Therefore the project does not meet Standard 1.

Standard 2.

The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.

All distinctive materials and features have been removed and distinctive spatial relationships were significantly altered. The final structure will match the historic design in massing and finish, although all materials will be new. Therefore the project does not meet Standard 2.

Standard 3.

Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.

All exterior features are based on photographic documentation and/or retained historic features; therefore no conjectural elements are proposed.

Standard 5.

Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.

All distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property and features have been removed. Therefore the project does not meet Standard 5.

Standard 6

Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

No evidence of significant deterioration was ever provided by the project sponsor for review by the Planning Department. All proposed features will match the original historic features in design, texture and color to the greatest extent possible. Due to the complete removal of all historic materials, all replacement materials will be based on documentary and physical evidence. Therefore the project does not meet Standard 6.

Standard 9.

New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.

The completed project effectively destroyed all historic materials, features, and spatial relationships that characterized the property without standard Environmental Planning review. The newly constructed residence will clearly read as new construction in structural design and finishes, as the historic detailing is not possible to produce in modern materials. The proposed project will roughly match the historic residence in material, features, size, scale and proportion, and massing; however, all integrity was lost in the unpermitted demolition of the property. Therefore the project does not meet Standard 9.

Standard 10.

New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

Due to the wholesale demolition of the residence prior to review, the new construction significantly impaired the integrity of the property and its environment. Therefore the project does not meet Standard 10.

The Department is unable, per CEQA, to determine whether the proposal would cause an adverse effect on the subject property or adjacent historical properties. However, given that the completed project does not comply with a majority of the *Secretary of the Interior's Standards for Rehabilitation*, it is assumed that an adverse impact has occurred and the property no longer conveys its historic significance. Had the Department been given the opportunity to adequately review the cumulative and substantial changes to the overall project scope, including alterations to the residence and excavation, prior to the commencement and near completion of the project, it is likely that a full Environmental Impact Report would have been required.

Due to the loss of the historic residence, it should be noted that the completed residence shall not be considered to be historically significant nor is it a successful interpretation of the demolished Willis Polk Residence. However, the cottage on the property, which was constructed immediately after the 1906 earthquake, remains intact and appears to be eligible for listing as the remaining significant feature of the historic property. Therefore the property at 950 Lombard/841 Chestnut Street shall remain listed as historically significant for future Planning review.



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Conditional Use

HEARING DATE: AUGUST 31, 2017

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Date: August 14, 2017
Case No.: 2017-002430CUA
Project Addresses: 948-950 Lombard Street &
841 Chestnut Street
Zoning: RH-1 (Residential, House: One-Family) District
40-X Height and Bulk District
Block/Lot: 0116/010 and 017
Project Sponsor: Tuija Catalano
One Bush Street, Suite 600
Reuben, Junius & Rose, LLP
San Francisco, CA 94104
Staff Contact: Nicholas Foster – (415) 575-9167
nicholas.foster@sfgov.org
Recommendation: **Approval with Conditions**

PROJECT DESCRIPTION

The proposed Project would merge Lots 10 and 17 of Assessor's Block 0067 through a Lot Line Adjustment, creating a single, 15, 735 square foot lot. Lot 10 (948-950 Lombard Street) is developed with one small cottage, while Lot 17 (841 Chestnut Street) is developed with a 3-bedroom, single family home. Within the RH-1 Zoning District, up to one Dwelling Unit per 3,000 square feet of lot area is permitted with benefit of Conditional Use Authorization. Each of the existing lots contains one Dwelling Unit, and the Project would create a single parcel containing two Dwelling Units. All building permits for both interior and exterior improvements at both properties were previously approved to comply with Department of Building Inspection (DBI) Notice of Violations and Planning Department Enforcement Cases Nos. 2016-008722ENF (Lot 10) and 2016-014995ENF (Lot 17).

SITE DESCRIPTION AND PRESENT USE

The Project Site is comprised of two adjoining lots on the block bounded by Lombard Street to the South, Chestnut Street to the north, Jones Street to the east, and Leavenworth to the west. The Project Site is located within the RH-1 Zoning District and 40-X Height and Bulk District. 950 Lombard Street (Lot 10) is 9,480-sf lot containing a 1-story, 616-sf cottage with one Dwelling Unit. Lot 10 contains approximately 69 feet of frontage along Lombard Street. 841 Chestnut Street (Lot 17) is a 6,255-sf lot containing a 2-story, 3,430-sf single-family dwelling. Lot 17 contains approximately 46 feet of frontage along Chestnut Street. The two parcels were historically one lot. Both lots are developed on steeply topography, making ingress and egress to both lots challenging, especially for the 841 Chestnut Street (Lot 17) site.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The Project Site is located within the Russian Hill neighborhood, located one block east of the “crooked portion” of Lombard Street, a popular tourist destination. The neighborhood consists of primarily residential uses, ranging from one- to two-stories in height within the small patch of the RH-1 Zoning District, and three- to five-stories in height within the adjacent higher density zoning districts (e.g. RH-2, RH-3, and RM-2).

PROJECT HISTORY

The original proposed project under Case No. 2002.0929E involved the relocation of the rear dwelling (“cottage”) unit at 950 Lombard Street; excavation and construction of a new garage into the hillside on the Chestnut Street frontage; and removal of the non-historic addition and minor alterations on the south elevation of the house. Under this permit the property was effectively treated as a single parcel.

The project at 841 Chestnut Street was later revised under Case No. 2009.0801, proposing to construct the same sub-grade garage and elevator shaft on the Chestnut Street frontage; replace the brick foundation; remove the existing non-historic addition to the south; and construct a new rear horizontal addition. Under this review, the historic cottage was proposed to remain in place. This work was permitted under Building Permit Application No. 2002.05.23.7379, which, was approved by the Planning Department on March 9, 2011, and issued by the Department of Building Inspection on October 11, 2011. Building Permit Application No. 2011.11.04.8277 was filed and approved on November 4, 2011, to correct the record and validate the approved permit at both legal properties.

Three building permits were filed between June 2013 and August 2015 to allow the excavation and construction of a driveway at the east side of 950 Lombard Street (Building Permit Application No. 2013.06.25.0415) with a three-car underground garage (Building Permit Application No. 2014.07.10.0957) and a below grade sports court (Building Permit Application No. 2015.08.14.4356) at 841 Chestnut Street.

On February 12, 2014, the project scope at 841 Chestnut Street was revised under Building Permit Application No. 2014.02.05.7897 to “retain the north, east, and west facades”; complete an extensive interior renovation; relocate the below-grade garage and entrance; and expand the proposed basement from 1,114 square feet to 3,495 square feet.

On March 25, 2015, the Project Sponsor filed for a Lot Line Adjustment of lots 10 and 17. Planning Department Staff approved the merger of the subject lots (Lots 10 and 17) on April 22, 2015 based upon incomplete information contained within the Department of Building Inspection (DBI) Report of Residential Building Record (“3-R Report”). A Conditional Use Authorization application for the merger was submitted on February 28, 2017.

On April 21, 2016, a complaint was filed on the property regarding work beyond scope of permit. On May 19, 2016, DBI issued a Notice of Violation in response to the concern regarding exceeding the permitted scope of demolition at the site. On June 9, 2016, Building Permit Application No. 2016.06.09.9584 was issued with an engineer’s notice and no plans; the scope of work reads: “remove additional dryrotted (sic.) & compromised framing necessary to execute approved plans. No changes to approved design proposed.” On June 15, 2016, Building Permit Application No. 2016.06.15.9992 was submitted with one sheet of plans illustrating the full removal of all historic material including floor

plates and framing. The plans were approved by DBI without Planning Department review or approval. All plans stated, erroneously, "No changes to approved design." At the time all plans were submitted, the property had been effectively demolished; all permits were filed to correct the record.

On July 6, 2016, a complaint was filed with the Planning Department (Case No. 2016-008722ENF) citing the possible demolition of a historic resource without Planning Department approval. Planning Department Staff conducted a site visit on November 8, 2016, where it was determined that the building was composed of all new framing and sheathing. On December 30, 2016, a revised set of plans were provided via email to the Department clarifying the completed scope of demolition. A formal set of the subject Building Permit Application (Building Permit Application No. 2017.01.26.8001) was filed on January 26, 2017.

On June 7, 2017, the Project Sponsor and the City Attorney's Office, on behalf of the Planning Department, filed a settlement agreement to abate the violation for the unpermitted demolition of the historic resource at 841 Chestnut Street. Per the filed documents, the City settled for a civil penalty of \$400,000 with a stipulated injunction requiring that all future permits be reviewed by the Planning Department and that the Project Sponsor shall not exceed the scope of any approved permit at either property. On June 8, 2017, the Zoning Administrator issued an Action Memo legalizing the demolition of the single family dwelling at 841 Chestnut Street, as the property was demonstrably unaffordable per Section 317(d)(3) of the Planning Code, and the associated permit (Building Permit Application No. 2017.01.26.8001) was approved by Planning Staff on June 8, 2017.

ENVIRONMENTAL REVIEW

The Project is exempt from the California Environmental Quality Act ("CEQA") as a Class 5 categorical exemption (minor alterations in land use limitations (CEQA Guidelines, Section 15305)).

HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
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PUBLIC COMMENT

To date, the Department has received no public comment on the proposed Project.

REQUIRED COMMISSION ACTION

In order for the project to proceed, the Commission must grant Conditional Use Authorization to allow a Second Dwelling Unit on a single lot within the RH-1 Zoning District, pursuant to Planning Code Section 207, 209.1, and 303.

BASIS FOR RECOMMENDATION

- The Project would allow for the merger of the two adjacent lots into a single lot, returning the Project Site to its historic function (as a single lot with two residential structures).
- The Project would formalize access to both existing residential structures under a single lot, maintaining residential density, scale, and character consistent with that of the neighborhood.
- The Project would support the rehabilitation of the 841 Chestnut Street (Lot 17) property, thereby restoring one Dwelling Unit, which, has been vacant for nearly two decades.
- The Project has been found to be necessary and or desirable and compatible with the surrounding neighborhood.
- The Project meets all applicable requirements of the Planning Code.

RECOMMENDATION: Approval with Conditions

Attachments:



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Conditional Use

HEARING DATE: AUGUST 31, 2017

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

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RECOMMENDATION: Approval with Conditions

Attachments:

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2017 OCT -2 PM 3:48

BY BJ

KATHLEEN E COURTNEY
1158 GREEN ST
SAN FRANCISCO, CA 94109-2061

9916

11-4288/1210 4368

Sept 29, 2017
Date

Pay to the
Order of

San Francisco Planning Dept. \$ 597⁰⁰/₁₀₀
Five Hundred and Ninety seven & 00/100 dollars



Photo
Safe
Deposit
Details on back



Wells Fargo Bank, N.A.
California
wellsfargo.com

For

Apparel Fee - \$0.03
949-450-6000 / 841 chrt / Kathleen E Courtney
for RACA

NP

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

Application to Request a
Board of Supervisors Appeal Fee Waiver

CASE NUMBER:
For Staff Use only

APPLICATION FOR

2017 OCT -2 PM 3:48

Board of Supervisors Appeal Fee Waiver

1. Applicant and Project Information

APPLICANT NAME: Kathleen Courtney, Chair, Housing & Zoning Committee, for Russian Hill Community Association		
APPLICANT ADDRESS: 1158 Green Street San Francisco, CA 94109		TELEPHONE: (510) 928-8243
		EMAIL: kcourtney@rhcasf.com
NEIGHBORHOOD ORGANIZATION NAME: Russian Hill Community Association		
NEIGHBORHOOD ORGANIZATION ADDRESS: 1158 Green Street San Francisco, CA 94109		TELEPHONE: (510) 928-8243
		EMAIL: kcourtney@rhcasf.com
PROJECT ADDRESS: 948-950 Lombard/841 Chestnut		
PLANNING CASE NO.: 2017-002430CUA	BUILDING PERMIT APPLICATION NO.:	DATE OF DECISION (IF ANY): 8/31/17

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.*

Russian Hill Community Association

1166 Green St. San Francisco, CA 94109 510-928-8243 rhcasf.com

September 29, 2017

San Francisco Planning Department
1650 Mission Street Room 400
San Francisco, CA 94103-2479

Re: Board of Supervisors Appeal Fee Waiver
Case No. 2017-002430CUA 948-950 Lombard Street & 841 Chestnut Street

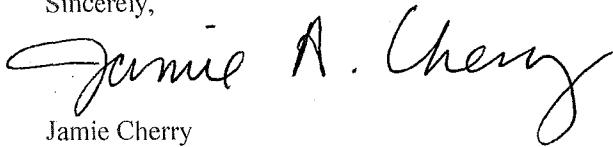
The Russian Hill Community Association respectfully requests that our application for a Board of Supervisors Appeal Fee Waiver be approved in connection with the appeal to the Board of the Conditional Use approved by the San Francisco Planning Commission on August 31, 2017 for the project at 948-950 Lombard Street/841 Chestnut Street.

In connection with this application, the Russian Hill Community Association stipulates as requested in the Fee Waiver application that:

- 1) Kathleen Courtney is the Chair of the RHCA's Housing & Zoning Committee and is authorized to file the appeal on behalf of the Russian Hill Community Association.
- 2) The Russian Hill Community Association is an organization registered with the Planning Department and appears on the Department's current list of neighborhood organizations.
- 3) The Russian Hill Community Association was founded in 1992. Officers and members of the Association have appeared before the Planning Commission, Board of Appeals, Board of Supervisors and numerous City Agencies over the last 25 years. Officers and members have worked with property owners and tenants in the community, forming Project Teams to address a range of issues affecting the quality of life of citizens including challenging planning and zoning violations, addressing security and safety issues, supporting tree planting projects sponsored by Friends of the Urban Forest and working with the San Francisco Urban Forester to re-populate trees on Hyde Street. The Association has worked with sister organizations including Russian Hill Neighbors, Russian Hill Improvement Association, Pacific Avenue Neighborhood Association, Middle Polk Neighborhood Association and Telegraph Hill Dwellers.
- 4) The Russian Hill Community Association is appealing the approved Conditional Use because, by legalizing work done without a permit and, in particular, setting the price of the demolition of the Willis-Polk home -- a significant San Francisco historic resource -- at \$400,000, the San Francisco Planning Department has set a dangerous and destructive precedent.

Please advise us if you require additional information.

Sincerely,



Jamie Cherry
Board Member
jcherry@rhcasf.com

Cc: Jeff Cheney, Kathleen Courtney, Joanne Allen RHCA; Bob Bluhm, RHN; District 2 Supervisor Mark Farrell;
District 3 Supervisor Aaron Peskin