

REUBEN, JUNIUS & ROSE, LLP

October 20, 2017

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

Re: 950 Lombard and 841 Chestnut Streets (0067/010 and 017)
Brief in Opposition to Appeal of Conditional Use Authorization Allowing Lot
Merger and Placement of Two (Existing) Units on One Lot
BOS File No. 171062
Planning Department Case No. 2017-002430CUA
Hearing Date: October 31, 2017
Our File No.: 5641.07

Dear President Breed and Supervisors,

Our office represents Eight Forty One, LLC (“**Owner**”) the owner of two adjacent lots at 950 Lombard and 841 Chestnut Streets (collectively as the “**Property**”). On August 31, 2017, a conditional use (“**CU**”) authorization was approved by the Planning Commission in order to allow the two existing dwelling units to be located on the RH-1 zoned Property after the proposed merger of the two lots (“**Project**”). The Project and the CU do not include or authorize any work or physical improvements. Thus the Project is merely to merge the existing two lots and to allow the existing two units to remain on the Property after the merger.

On behalf of the owner, we respectfully ask the Board to reject the appeal of the CU. The Appellant’s arguments and reasons for the filing of the Appeal are misplaced, and the Appellant has not provided any reasons or evidence on why or how the CU would have been erroneously granted. The approved lot merger is necessary because there are below-grade improvements that cross the common mid-block property boundary.¹ The lot merger satisfies the conditional use criteria and is appropriate because it:

- Supports the historical (and current) utilization of the Property - as a single site;
- Supports the historical (and current) ownership of the Property - by the same owner;
- Has no impact on residential density, number of dwelling units or any of the existing or approved improvements at the Property - the existing two units will remain as is, in their current locations; and
- Formalizes access to the 841 Chestnut parcel, which due to topographical reasons does not have direct vehicular access from Chestnut, and which has always been accessed from Lombard Street via the other (950 Lombard) parcel.

¹ The Planning Department previously approved the lot merger administratively in April 2015, and the below-grade improvements were constructed in reliance of that prior approval.

James A. Reuben | Andrew J. Junius | Kevin H. Rose | Daniel A. Frattin | John Kevlin
Tuija I. Catalano | Jay F. Drake | Matthew D. Visick | Lindsay M. Petrone | Sheryl Reuben¹
Thomas Tunny | David Silverman | Melinda A. Sarjapur | Mark H. Loper | Jody Knight
Chloe V. Angelis | Corie A. Edwards | Coryn E. Millslagle | Jared Eigerman^{2,3} | John McInerney III²

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

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A. BACKGROUND AND PROJECT DESCRIPTION

948-950 Lombard Street (Assessor's Block 0067, Lot 010) and 841 Chestnut Street (Assessor's Block 0067, Lot 017) are adjoining lots extending between Chestnut and Lombard Streets on the block bounded by Chestnut, Jones, Lombard and Leavenworth Streets in the Russian Hill neighborhood, as illustrated below:



950 Lombard Street is 9,480-sf lot containing a 1-story, 616-sf cottage with one dwelling unit. 841 Chestnut Street is a 6,255-sf lot containing a 2-story, 3,430-sf single-family dwelling. The existing buildings at the Property have been vacant since approx. 1992, and the Property is currently in the middle of construction, nearing completion, for extensive renovations, approved by the Planning Department and the Department of Building Inspection (“**DBI**”). The current Owner purchased the site in 2012 with the intent of renovating the buildings so that they could be returned back to residential occupancy, after almost two (2) decades of vacancy.

While the construction history is not subject to the Appeal and is not relevant to whether the CU should have been granted, the current owner did take extraordinary steps to preserve the historic structure at 841 Chestnut. The *de facto* demolition through reconstruction was not intentional, and it was conducted with full knowledge by and consultation with DBI.

During reconstruction, the 841 Chestnut building was held on cribbing for more than 12 months, at a significant expense and time delay to the Owner, in an effort to preserve the building. If the reconstruction was all along intended to result in a *de facto* demolition, no owner would have gone through the effort and expense that the Owner of the Property did to save the building.

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Further, the reconstruction is being completed consistent with Secretary of Interior's Standards for Reconstruction, with the exception of three windows², as was concluded by Carey & Co's report, dated March 23, 2017, attached hereto as **Exhibit B**. The final outcome results in the same footprint and envelope as the original. In cases where demolition occurs intentionally, the underlying reason often is the desire to build a different footprint or envelope, which is not the case here. The reality is that the 841 Chestnut building was lost as a resource long time before current Owner undertook its reconstruction, due to more than two (2) decades of abandonment and lack of maintenance, the consequences of which were discovered during construction, and as noted, discussed with DBI with respect to the reconstruction implementation.

The neighbors have lived next to the Property as a vacant site with increasingly deteriorating buildings for almost 25 years. The neighbors have expressed their desire to have the reconstruction be completed. Many letters of support have been submitted to City, including those attached hereto as **Exhibit A**.

B. PRIOR PERMIT HISTORY AND PENDING CONSTRUCTION ARE IRRELEVANT TO THE APPEAL

The site has a lengthy and complicated permit history, in part by prior owner, however, none of that is relevant to the CU decision on the lot merger. Neither the prior permitting history nor the pending renovations were before the Planning Commission on August 31, 2017, and those matters are also not before the BOS on this Appeal. In fact, it would be improper for the City, whether acting via the BOS or the Planning Commission, to reopen those permitting or construction matters that it has already agreed to settle in the Settlement Agreement³ by and between the City and the Owner. Reopening or reconsideration of such matters could be contrary to the City's obligations under the Settlement Agreement and could result in the City breaching its Settlement Agreement obligations.

The City (and Owner) agreed that both parties "shall be bound by, and liable for, the obligations arising out of [the] Agreement as detailed [therein],"⁴ and further that the City and the Owner could seek penalties and attorneys' fees for failure by either party to comply with any of the terms of the Agreement as well as any other penalty or relief prescribed by law.⁵

In the Settlement Agreement the parties fully settled any and all disputes without any admission, allocation or inference of fault, guilt or wrongdoing by either party. More

² The said three windows had been previously found to be consistent with the Secretary of Interior's Standards for Rehabilitation.

³ Settlement Agreement between the City and the Owner was executed on or about June 8, 2017.

⁴ Settlement Agreement, p. 3 [General Matters Regarding This Agreement].

⁵ Settlement Agreement, p. 7 [Mutual Releases].

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specifically:

- The City (and Owner) agreed that the “...Agreement shall be effective as full and final accord and satisfactory release of all claims between the Parties for the matters alleged in the Complaint in this Action and as to issues related to the renovation, permitting and/or entitlement of a properties located at 950 Lombard ... and 841 Chestnut Street ..., and those matters which could have been alleged by Defendant and those matters which could have been alleged by Plaintiffs based on the same factual allegations in the Complaint.”⁶ (Emphasis added.)
- The City (and Owner) agreed that “Neither the fact of, nor any statement or provision contained in, this Agreement, including the payments by Defendant, nor any action taken by any party under this Agreement, shall constitute, be construed as, or be admissible in evidence as, any admission or concession regarding any claim or allegation or any wrongdoing, fault, violation of law, or liability of any kind on the part of any of the Parties.”⁷ (Emphasis added.)
- The City (and owner) agreed that “...this Injunction does not allocate any liability or fault on either Party, and that the Parties’ execution of this Injunction constitutes merely a compromise to settle the differences between the Parties, not an admission of any fault, liability, or wrongdoing by either of the Parties.”⁸ (Emphasis added.)

All of the pending work is being completed pursuant to plans and permits that have already been approved by Planning Department and/or DBI, in part, pursuant to a Settlement Agreement. Thus, the CU and this Appeal have nothing to do with the pending work or the permitting history in general, and will not, and cannot, have any impact thereto.

C. CU APPEAL BY THE APPELLANT

The Appellant's CU Appeal is misplaced. The Appeal does not provide even a single reason as to why the CU criteria would not have been not satisfied, or how the Planning Commission made an error in granting the CU. The Appellant appears to have questions and opinions on the permitting history and how the Settlement Agreement was entered into, however, none of those justify or provide any reasoning for the BOS to grant the Appeal. The CU Appeal is about the merger of the two existing parcels at the Property allowing two existing units to remain on the merged lot, and it cannot be extended to anything else beyond that.

⁶ Settlement Agreement, p. 6 [Mutual Releases].

⁷ Settlement Agreement, p. 3 [General Matters Regarding This Agreement].

⁸ Stipulated Injunction between City and Owner, executed on or about June 8, 2017, p. 2 [Jurisdiction and Authority].

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

	Appellant's Argument	Project Sponsor's Response
1	Project is "legalizing work done without a permit."	Not true. Permits were obtained for all work performed. The CU does <u>not</u> approve or authorize <u>any</u> physical work, and does <u>not</u> legalize any building permits whatsoever. All building permits necessary for the reconstruction of the building at 841 Chestnut and the completion of the work have already been issued by the City, and any prior notices of violation have been abated by City. The CU does not have any impact on permits that have already been issued.
2	Project sets "a price tag for the demolition of significant San Francisco historic resources" and sets a "dangerous and destructive precedent."	Not true. The 841 Chestnut building is being built consistent with Secretary of Interior's Standards for Rehabilitation. The CU has nothing to do with the pending construction, including the related permitting and the settlement terms. Although the Settlement Agreement is not subject to the CU or the Appeal, it does not set any price tag or precedent. As agreed by the City in the Settlement Agreement, the "... <u>the payment of a monetary settlement does not indicate and should not be interpreted or construed as any admission or imposition of fault or wrongdoing by the [Owner].</u> " ⁹
3	Planning Commission "should have looked at the whole of the project, not just the lot merger," including the permitting history.	Not true. The subject matter for the CU was only about lot merger that was already previously approved by Planning (in April 2015). The Commission can only act on the matter that is before them. In this case, the Commission issued a CU to allow the two existing buildings to remain after the merger of the lots into a single lot, and its sole task was to determine whether the lot merger and the placement of two (existing) units on the merged lot satisfied the CU criteria under Pl. Code Section 303 and 209.1. Further, In light of the terms of the Settlement Agreement, and the City's obligations thereunder, it would have been entirely improper for the City to look at the "whole," which the Appellant means to reference the permit history and prior actions, because those circumstances had been fully settled months before the CU hearing.

⁹ Stipulated Injunction, p. 5 [Monetary Settlement Payment].

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The CU was granted in order to allow the placement of two (2) existing units at the merged Property, consistent with Section 209.1 of the Planning Code. RH-1 zoned parcels are allowed to have one (1) dwelling unit per lot, or up to one (1) unit per 3,000 sf of lot area with a conditional use authorization. The CU was triggered only because of the proposed merger resulted in a combined lot area of approx. 15,735 sf.

Pursuant to CU criteria under Section 303 of the Planning Code, the lot merger proposal must demonstrate “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.”

The CU will result in two (existing) dwelling units on a 15,375-sf lot. This is necessary and desirable because it will maintain two units on the Property while formalizing property access rights and eliminating the undesirable condition of having one legal lot dependent upon another for its sole access. Due to the steep, hilly topography of this area, the primary building at 841 Chestnut Street does not have direct vehicular access from its frontage on Chestnut Street, and instead has historically utilized a portion of the 950 Lombard Street property to provide ingress and egress from Lombard Street. The “primary” unit has always been the 841 Chestnut building, which has been reliant on access on the other lot containing a much smaller, “secondary” cottage unit. In the early 2000’s, the prior owner of the Properties had proposed construction of an extensive tunnel along the Chestnut Street façade that would have provided direct access to the 841 Chestnut property (from Chestnut Street), however, such extensive excavation was deemed to be neither desirable nor technically very feasible.

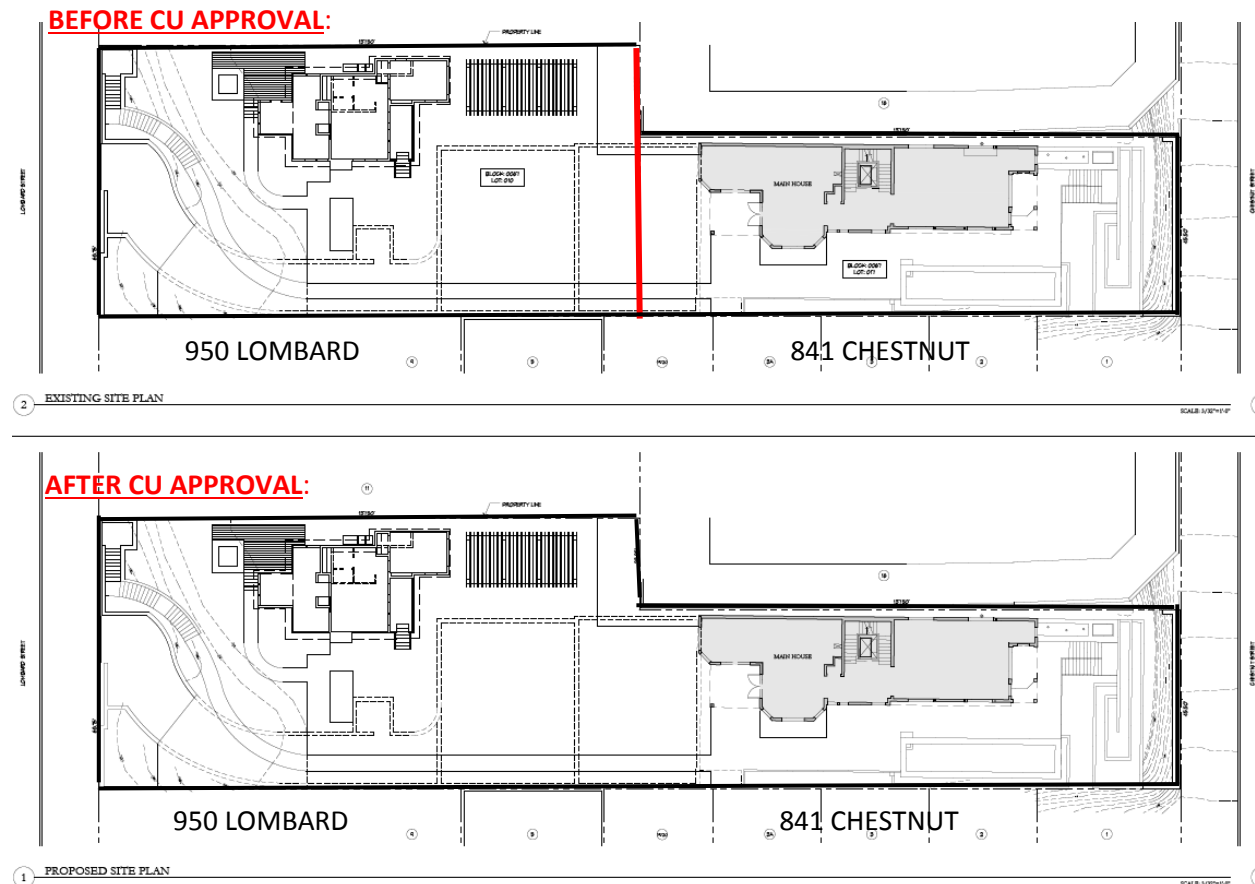
Providing two dwelling units on the single (merged) lot is both necessary and desirable because it will maintain the status quo and promote a residential density consistent with the historical use of the Properties and character of the neighborhood. Each of the parcels that make up the Property today contain a single dwelling unit, contributing to the City’s housing stock (albeit both have been vacant since 1992). It would be undesirable to lose one of these units (and thus available housing) as a result of the merger. Further, once merged, the Properties will create a single 15,735-sf lot. Other lots on the same block face range in size from 888 sf to 10,310 sf, with each typically containing a single dwelling unit. Allowing two units to remain on the larger merged lot would be consistent with the existing density, development scale, and character of the neighborhood, and well in compliance with the Section 209.1 controls allowing up to one unit per 3,000 sf of lot area (i.e. up to 5 units on the combined site).

As shown below in the before and after site plan for the Property, the CU does nothing more than remove a technically artificial property boundary (shown in red color below) between the two parcels that make up the Property. All of the existing improvements, including the two existing buildings, will remain as they were prior to the CU approval.

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D. CONCLUSION

The lot merger is essentially a technical amendment that will result in the parcel configuration to be more in line with actual physical conditions, which have consistently and historically consisted of two units on a site that has always been utilized as a single site under same ownership. For the reasons set forth herein, the CU Appeal should be denied. Thank you for your consideration.

Very truly yours,

REUBEN, JUNIUS & ROSE, LLP

Tuija I. Catalano

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President Breed and Supervisors

October 20, 2017

Page 8

cc: Supervisor Mark Farrell (D2, including Property)
Supervisor Sandra Lee Fewer (D1)
Supervisor Aaron Peskin (D3)
Supervisor Katy Tang (D4)
Supervisor Jane Kim (D6)
Supervisor Norman Yee (D7)
Supervisor Jeff Sheehy (D8)
Supervisor Hillary Ronen (D9)
Supervisor Malia Cohen (D10)
Supervisor Ahsha Safai (D11)
Angela Calvillo, Clerk of the Board
Scott Sanchez, Zoning Administrator
Ali Kirby, Planning Department Staff
Nicholas Foster, Planning Department Staff

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March 6,2017

Scott Sanchez

San Francisco Planning Department

1650 Mission Street Suite 400

San Francisco, CA 94103

Dear Mr. Scott Sanchez,

My name is Summer Tompkins Walker and I am the daughter of Douglas Tompkins and a former resident of 950 Lombard/841 Chestnut. I lived there for over 15 years from 1977-1992, before we sold the house in March 1993.

I am writing to express my extreme frustration and disappointment with the approach that you are pursuing in regards to the redevelopment of our former property. I cannot believe that the city would thwart and impede such a thoughtful reconstruction on my family's home, and where I grew up.

This house has not been occupied since we moved out in 1992, and its my strong assertion that it would have fallen down and disappeared forever if not for this developer taking it upon themselves to help reconstruct our family home. This property would have been lost entirely. If not for this developer the house could have continued to be an abandoned magnet for homeless squatters.

As a person with direct knowledge of this property I can attest to the very poor condition of the property when it was transferred to the current owner. The home had leaks, mold, and termite damage as a result of years of abandonment and the city somehow stops the reconstruction process and harasses a developer known by many for their integrity and care of our wonderful city.

The home was definitely already in the process of destruction due to its old age and its exposure to the elements.

I have a strong emotional connection to this house and many fond memories of my time there. Because of that connection I was so thrilled to hear that the current owner and developer, whom I do know and feel has the utmost integrity, was dedicated to the full historic re-construction of this property. The plans he was pursuing would restore the home to the Department of the Interior Reconstruction standards. It will be the same house, restored and updated, in exactly the same location. I strongly urge you to please immediately allow the developer to continue his work without delay. I think the city is thwarting all of the good work trying to be done so please allow them to proceed . This will only better our city and generate tax income. I simply cannot fathom why the City would choose to risk the possibility of leaving this home half finished. The developer has incurred great expense in restoring this home and I am scared that their resources will not stretch forever.

Please, as a former resident of this property, and local resident for generations, as well as a concerned historic preservation advocate – I implore you to stop being naysayers and PLEASE get this project moving again!

I am available to answer any questions you may have. Thank you for your careful and expedient consideration of this appeal.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Summer Tompkins Walker', with a stylized, looping flourish extending to the right.

Summer Tompkins Walker

summer@walkervalentine.com

15 Arguello Blvd

San Francisco, CA 94118

415-265-9030

LAW OFFICE OF
ELIZABETH A. TIPPIN

One Embarcadero Center, 5th Floor
San Francisco, California 94111
415.835.1332
etippinlaw@gmail.com

April 7, 2017

Planning Department and Building Department
City and County of San Francisco
1660 Mission Street, Suite 400
San Francisco, CA 94103

Attention: Scott Sanchez, Zoning Administrator

RE: 950 Lombard Street/841 Chestnut Street (Block 67 Lot 10 and 17) Project
Our Clients: Earl Diskin and Fran Collier

Dear Mr. Sanchez:

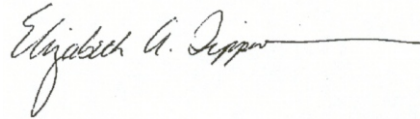
This law office represents Earl Diskin, owner of the property at 928-930 Lombard Street, and Fran Collier, who lives at 926 Lombard Street and who has power attorney for Mr. Diskin. Mr. Diskin's property is adjacent on the downhill side of the Project and is most affected by the construction of the Project. Ms. Collier lives in the building next to him.

We are all extremely concerned about the stoppage of construction at this Project. With the construction stopped, Mr. Diskin's backyard is exposed and is a security risk to him personally and to his property. We urge you to allow the construction to proceed and be completed as soon as possible. We understand that there are two building permits, one for the house and one for the garage and driveway. We also understand that the issue at hand relates only to the scope of construction of the house and that the driveway building permit is not being questioned. WE urge you to please allow the garage driveway to proceed immediately to protect Mr. Diskin's property.

The developer is half way completed with a Project that retains the nature of the historical Willis Polk house and develops the balance of the property to provide for a stable hillside construction. The well thought out construction scope and techniques, when completed, will greatly benefit the stability of this property, Mr. Diskin's property and even on the underground stability of this entire block. The developer should be commended for the thoughtful, complete and stable design and construction. We support this Project and believe that the Project when completed will benefit this San Francisco neighborhood.

Again, we urge you to continue to allow the construction on this project to continue. Thank you for your attention to this request. Please feel free to contact me should you need any additional information.

Very truly yours,

A handwritten signature in cursive script, reading "Elizabeth A. Tippin", followed by a horizontal line.

Elizabeth A. Tippin

ET/wp

Gregory Malin

From: Thomas Rohlen <trohlen@icloud.com>
Sent: Tuesday, January 10, 2017 9:11 PM
To: alexandra.kirby@sfgov.org
Cc: Rohlen Shelagh; Gregory Malin
Subject: construction next door

Dear Ms. Kirby,

I understand you have received complaints from an individual living on Lombard Street regarding work going on next door to us. We share an extensive property line with this project --one that extends from Lombard through to Chestnut. We are the most directly impacted of all neighbors. We are thus in a significant position to comment on the project and its management. We heard only tonight about a neighbor's complaints, and while we are not familiar with its details, as the primary neighbor, we want to voice our support for it's management and its successful conclusion. Given that we are significantly impacted by the scope and length of this work, you may wonder why we are in support. Here is why:

- 1) the project converts a unoccupied, decaying property (20 years abandoned) from a two lot eye- sore and neighborhood security problem into an historically accurate restoration and significant upgrade that will be occupied by a single family. All the immediate neighbors regard this a a very great improvement for our neighborhood.
- 2) The developer has worked with us cooperatively regarding noise, start times, views, dust, and many other matters of critical interest to us. The developer has always been ready to address such problems in a reasonable manner.
- 3) The project is of very high quality and aesthetic value to both the neighborhood and the city as a whole.
- 4) It is undoubtedly a major undertaking and, the sooner it is completed, the sooner the entire neighborhood will settle back into a quiet and peaceful state.

Finally, of course, as the most immediate neighbor, we readily acknowledge being affected by all the digging, the earth moving, the steel work, the dust, and so forth, but no one who has any experience of urban construction, can expect a project of this scope to involve little or no disruption or noise or inconvenience. It simply comes with the territory.

To conclude, the above reasons cause us to state clearly, and in no uncertain terms, that this work should go forward to completion as permitted and as we, the immediate neighbors, agreed to from the beginning.

Thank you,

Tom and Shelagh Rohlen
855 Chestnut Street (with a back lot on Lombard)
415-885-6743
trohlen@icloud.com

trohlen@icloud.com please note new email address

City Planning Department
1650 Mission St
Suite #400
San Francisco, CA 94103

February 24, 2017

Re: 950 Lombard Street/841 Chestnut Street

To Whom It May Concern:

Troon Pacific, Inc. is in process of bringing new life to the Willis Polk historic home, cottage and gardens at 950 Lombard by reconstructing the property that has been abandoned and unmaintained for over approximately twenty (20) years.

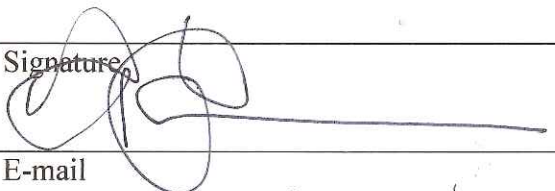
The general contractor is striving to complete this project by August 2017, minimizing the construction timeline to reduce overall disruption to the neighborhood. The project aims to honor the architectural history and the beautiful gardens and open space at the site, while achieving the highest degree of sustainability (pre-certified LEED Platinum). The work being completed is of the highest quality and designed to be consistent with Secretary of Interior Standards for Reconstruction of this historic resource.

Last July, the City Building Department issued a permit for demolition and reconstruction of the exterior walls of the dilapidated existing structure back to its original design. The work has been completed, but the Planning Department has raised an issue that they should have been included in this permitting process.

We understand that while the Building and Planning Departments are working together to resolve this issue, there is a threat to stop work for the entire project.

NEIGHBORS OF 950 LOMBARD/841 CHESTNUT:

As concerned neighbors, we DO NOT want work stopped. We hereby request the Planning Department to allow construction to continue without delay. As neighbors to this long-abandoned property, we look forward to finally having a high-quality completed home as a welcome addition to our neighborhood, as soon as possible.

Name Tina Conway	Signature 
Phone 415 254-1572	E-mail red356B@gmail.com
Address 815 Chestnut Street, S.F. 94133	

City Planning Department
1650 Mission St
Suite #400
San Francisco, CA 94103

February 24, 2017

Re: 950 Lombard Street/841 Chestnut Street

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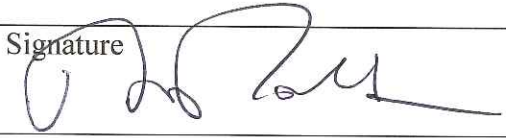
NEIGHBORS OF 950 LOMBARD/841 CHESTNUT:

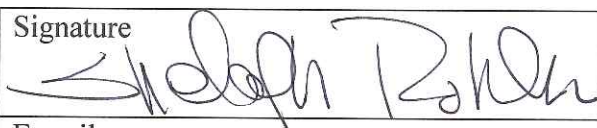
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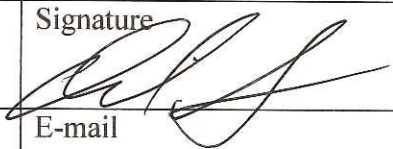
Name JOHN KRIKEN	Signature 
Phone 415-776-0668	E-mail
Address 2323 JONES (ADJACENT)	

NEIGHBORS OF 950 LOMBARD/841 CHESTNUT:

As concerned neighbors, we DO NOT want work stopped. We hereby request the Planning Department to allow construction to continue without delay. As neighbors to this long- abandoned property, we look forward to finally having a high-quality completed home as a welcome addition to our neighborhood, as soon as possible.

Name Thomas Rohlen	Signature 
Phone 415-440-5704	E-mail trohlen@icloud.com
Address 855 Chestnut (west adjacent property)	

Name Shelagh Rohlen	Signature 
Phone 957-2000000 415-885-6743	E-mail srohlen@icloud.com
Address 954 Lombard (west adjacent property)	

Name David Shapiro	Signature 
Phone 415-505-9009	E-mail DShapiro@JMPRM.com
Address 875 Chestnut St	

Name Debra Shapiro	Signature Debra Cook Shapiro
Phone 415 606-8977	E-mail Debcookshapiro@gmail.com
Address 875 Chestnut	



March 23, 2017

950 Lombard / 841 Chestnut Street
San Francisco, California

SECRETARY OF THE INTERIOR'S STANDARDS ANALYSIS

INTRODUCTION

This report evaluates the project for 950 Lombard / 841 Chestnut Street in the Russian Hill neighborhood. The subject lots are on the block bounded by Chestnut Street to the north, Jones Street to the east, Lombard Street to the south, Leavenworth Street to the west. The project site contains a main house, identified as a historic resource by the Planning Department, and a cottage within a large garden. The design for the main house will thus be reviewed for compliance with the *Secretary of the Interior's Standards for the Treatment of Historic Properties*, Reconstruction and Rehabilitation treatments. The documentation by Walker & Moody Architects (drawing set dated June 17, 2010) and the proposed design by Ken Linsteadt Architects (drawing set dated January 23, 2017) were reviewed. This report evaluates proposed work on the main house only.

Both addresses are used apparently interchangeably in the public record relating to this property.

SIGNIFICANCE SUMMARY

950 Lombard was identified in *Here Today* (page 279):

Willis Polk designed this interesting shingled residence to replace an earlier one (destroyed in 1906) built for Seldon [Selden] S. Wright, prominent San Francisco attorney and one-time supervisor.¹

The Planning Department has previously determined that 841 Chestnut Street [950 Lombard] is individually eligible under Criterion 3 (Architecture) with a period of significance defined as 1908.

The building is the work of Willis Polk while [serving] as head of the San Francisco office of D.H. Burnham & Co.; a credible firm whose oeuvre contains a number of handsome buildings identified as historic resources.

[...]

¹ Roger R. Olmsted, T. H. Watkins, and Morley Baer, *Here Today: San Francisco's Architectural Heritage* (San Francisco: Chronicle Books, 1975), 279.

...the subject building appears to retain a high level of historic integrity and has only experienced minor alterations over the course of its life, except for a rear addition that has removed historic fabric along the south elevation.

[...]

The character-defining features of the building include all exterior elevations, including rooflines, associated with the historic 1908 design.²

PROJECT DESCRIPTION

The project seeks to reconstruct the original 1908 portion of the main house, and rehabilitate the c. 1930 addition. The main house had been unoccupied since at least 1992, and because of abandonment and subsequent water leakage was in a state of extreme disrepair. The wooden structure (including windows, doors, trim, and structural framing) presented extensive dry rot, mold, and termite damage. These elements nearly disintegrated while attempting to remove, store, and re-install the architecturally significant and character-defining elements. The façades and character-defining features were thus documented photographically and by means of as-built drawings.³

SECRETARY OF THE INTERIOR'S STANDARDS ANALYSIS

Because of the poor condition of the main house, and the extensive repairs required to make it serviceable, the work on the original portions of the house will be evaluated under the Secretary of the Interior's Standards for Reconstruction. Work on the c. 1930 addition must comply with the Secretary of the Interior's Standards for Rehabilitation. That portion of the house is discussed later in the report.

Reconstruction is defined as the act or process of depicting, by means of new construction, the form, features, and detailing of a non-surviving site, landscape, building, structure, or object for the purpose of replicating its appearance at a specific period of time and in its historic location.⁴ The Reconstruction Standards provide, in relevant part(s):

***Standard 1:** Reconstruction will be used to depict vanished or non-surviving portions of a property when documentary and physical evidence is available to permit accurate reconstruction with minimal conjecture, and such reconstruction is essential to the public understanding of the property.*

The proposed project will reconstruct the main house based on documentary and physical evidence. The main house was documented by Walker & Moody Architects with a set of measured drawings, dated June 17, 2010, were produced. The details of the exterior architectural features were photographed. Detailed drawings for the proposed project were produced by Ken Linsteadt Architects (the most recent set dated January 23, 2017). The Linsteadt drawings included documented details not found in the Walker & Moody set. Most of the details were measured while the physical evidence was still available. In some cases, such as the built-in redwood gutters, pieces were severely deteriorated and accidentally discarded, so the

² San Francisco Planning Department, *Historic Resource Evaluation Response, 841 Chestnut Street, Case No. 2009.0801E*, October 20, 2009.

³ Email correspondence, Gregory Malin, March 8, 2017.

⁴ National Park Service, *The Secretary of the Interior's Standards for the Treatment of Historic Properties, Standards for Reconstruction*, <https://www.nps.gov/tps/standards/four-treatments/treatment-reconstruction.htm> (accessed March 3, 2017).

details could not be produced. In those cases, the details were proportioned from the available photographs and are the closest profiles available to the original pieces. It appears that sufficient evidence is available to permit accurate reconstruction with minimal conjecture. Therefore, the proposed project complies with Standard 1.

Standard 2: Reconstruction of a landscape, building, structure, or object in its historic location will be preceded by a thorough archeological investigation to identify and evaluate those features and artifacts which are essential to an accurate reconstruction. If such resources must be disturbed, mitigation measures will be undertaken.

Most of the existing framing was removed in 2016 because of severe deterioration and new framing was installed at the same location. There is no need for an archaeological investigation to identify any artifacts. The existing documentation and physical evidence would be sufficient for the proposed project. Therefore, the proposed project complies with Standard 2.

Standard 3: Reconstruction will include measures to preserve any remaining historic materials, features, and spatial relationships.

The majority of the exterior materials (brick foundation, slate shingle roof, wood shingle cladding) and architectural features (wood windows, doors, trims, trellis, planters, awning etc.) were removed in 2016 because of deterioration. The proposed project will thus not preserve any remaining historic materials or features; all will be reconstructed. The location of the main house and its relationship to the rest of the parcel as well as Chestnut Street will be preserved. Therefore, the proposed project partially complies with Standard 3.

Standard 4: Reconstruction will be based on the accurate duplication of historic features and elements substantiated by documentary or physical evidence rather than on conjectural designs or the availability of different features from other historic properties. A reconstructed property will re-create the appearance of the non-surviving historic property in materials, design, color, and texture.

Reconstruction of the main house will be based on the "Existing Condition" drawings prepared in 2010 by Walker & Moody Architects, the detail drawings by Ken Linsteadt Architects, and photographic evidence. The exterior details, including the eave, planter boxes, trellis, awning, window and door trims, were documented via measured drawings and photographs. See sheets A6.03 and A6.04. The documented exterior features such as the roof shape and coverings, windows, doors, vents, awnings and trellis, and decorative detailing will be reconstructed. The exterior appearance of the building, i.e. historic colors and finishes, will be recreated based on physical and photographic evidence.

First floor windows on the east elevation (#1031, 1032, 1033): These are not accurate duplications of the originals, since the proportions are different. Although these three windows do not comply with the *Reconstruction* standards, an earlier proposal with this modified window design was approved by the Planning Department as meeting the *Rehabilitation* standards.

As currently depicted, the project does not comply with Reconstruction Standard 4. If the windows are revised to reflect the originals, the project would comply with Standard 4.

Standard 5: A reconstruction will be clearly identified as a contemporary re-creation.

The new construction will be clearly identifiable as a contemporary recreation through explanatory signs to identify the building as a reconstruction. Carey & Co. also suggests including the original construction date, name of the architect, and the reconstruction date. If this is done, the proposed project will comply with Rehabilitation Standard 5.

Standard 6: Designs that were never executed historically will not be constructed.

No historically inaccurate designs are proposed for the 1908 portion of the house, if the window details are modified to reflect the original window proportions, as described above. Therefore, the work on the 1908 portion of the house complies with Standard 6.

As currently portrayed by drawings of Ken Linsteadt Architects, the project does not comply fully with the Reconstruction standards. If the windows discussed under Standard 4 are revised to reflect the originals, the project would comply with the Standards.

Rehabilitation Standards

The proposed project calls for revising the c. 1930 rear addition. The c. 1930 addition and porch enclosure were not part of the original 1908 design and do not contribute to the architectural significance. The addition is considered non-historic by the Planning Department.⁵

Since the Reconstruction Standards, discussed above, do not apply to work on the non-historic addition, proposed work here will be reviewed according to the Secretary of the Interior's Standards for Rehabilitation. The proposed work at the addition, as outlined within the architectural drawings dated January 23, 2017, meets the Secretary of the Interior's Standards for Rehabilitation and will not impact the building's ability to convey its significance.

The Standard most applicable to the work at the addition is Standard 9:

Standard 9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

The proposed work at the rear of the building will revise the massing, openings, porches, and roofline of the existing non-contributing addition. The new work will be detailed to be compatible with the reconstructed 1908 portion of the building in size, scale, proportion, massing, and materials. The enclosed porch will be integrated with the overall design and capped with a gable roof, the flat roof of the addition will be reconstructed as a gable roof, the windows and doors on this section will have different configurations than pre-demolition, and the deck will be extended towards the east. The proposed changes to the addition appear to be compatible with the 1908 reconstruction; they will not significantly alter the character-defining features of the main house including its form, materials, and stylistic elements.

⁵ San Francisco Planning Department, *Historic Resource Evaluation Response, 841 Chestnut Street, Case No. 2009.0801E*, October 20, 2009.

The proposed reflective pool on the east and landscaping on the Chestnut Street side were not part of the original landscape design. These features will be constructed as contemporary additions and will not interfere with the historic residence.

CONCLUSION

The reconstruction of the 1908 portion of the building as currently proposed does not meet the Secretary of the Interior's Standards for Reconstruction. If the windows are modified to match the original condition, the proposed work would meet the Reconstruction Standards.

The proposed rehabilitation of the c. 1930 addition appears to meet the Secretary of the Interior's Standards for Rehabilitation.