

File No. 171062

Committee Item No. \_\_\_\_\_

Board Item No. 17

## COMMITTEE/BOARD OF SUPERVISORS

### AGENDA PACKET CONTENTS LIST

Committee: \_\_\_\_\_

Date: \_\_\_\_\_

Board of Supervisors Meeting

Date: October 31, 2017

#### Cmte Board

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

#### OTHER

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>Appeal Letter - October 2, 2017</u>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>Project Sponsor Letter - October 20, 2017</u>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>Hearing Notice - October 20, 2017</u>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>Clerical Documents</u>
<input type="checkbox"/>	<input type="checkbox"/>	_____
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Prepared by: Lisa Lew

Date: October 26, 2017

Prepared by: \_\_\_\_\_

Date: \_\_\_\_\_

**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

August 29, 2017  
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

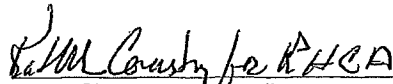
\_\_\_\_\_  
Name

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
<u>Alan Chi</u>	<u>10/2/17</u>
<u>Don J. Ng</u>	<u>10/2/17</u>
<u>Sandra Wu Fan</u>	<u>10/2/17</u>
<u>Kelly Rouen</u>	<u>10/2/17</u>
<u>Wm. Yee</u>	<u>10-2-17</u>

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BY BA

(Attach copy of Planning Commission's Decision)

Russian Hill Community Association

STATEMENT OF APPEAL

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2017 OCT -2 PM 3:47

Date: September 29, 2017

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 19<sup>th</sup> 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.<sup>1</sup> 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.

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<sup>1</sup> 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)

- |  |  |
|--|--|
| <input type="checkbox"/> Affordable Housing (Sec. 415)           | <input type="checkbox"/> First Source Hiring (Admin. Code) |
| <input type="checkbox"/> Jobs Housing Linkage Program (Sec. 413) | <input type="checkbox"/> Child Care Requirement (Sec. 414) |
| <input type="checkbox"/> Downtown Park Fee (Sec. 412)            | <input type="checkbox"/> Other                             |

BY BJ 1650 Mission St.,  
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San Francisco,  
CA 94103-2479

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Planning  
Information:  
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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](mailto: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.

[www.sfplanning.org](http://www.sfplanning.org)

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

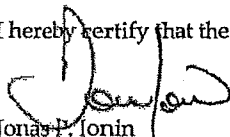
That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Application 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. Iorin  
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](http://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](http://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](http://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](http://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](http://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](http://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](http://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](http://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](http://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](http://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](http://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](http://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](http://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](http://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](http://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](http://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://sfidpw.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](http://www.sfdph.org)*

*For information about compliance with the construction noise, contact the Department of Building Inspection, 415-558-6570, [www.sfdbi.org](http://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](http://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](http://www.baaqmd.gov) and Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://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](http://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](http://www.sf-planning.org)*





# SAN FRANCISCO PLANNING DEPARTMENT

MEMO

## Historical Report Response Memo

*Preservation Planner:* Alexandra Kirby  
(415) 575-9133  
[alexandra.kirby@sfgov.org](mailto: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

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### 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 19<sup>th</sup> 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

[www.sfplanning.org](http://www.sfplanning.org)

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.

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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](mailto: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.

[www.sfplanning.org](http://www.sfplanning.org)



## 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
Classified News Ad	20 days	August 11, 2017	August 8, 2017	23 days
Posted Notice	20 days	August 11, 2017	August 11, 2017	20 days
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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.

<b>RECOMMENDATION: Approval with Conditions</b>
---

**Attachments:**



# 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

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Planning  
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*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](mailto:nicholas.foster@sfgov.org)  
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- 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.

<b>RECOMMENDATION: Approval with Conditions</b>
---

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. \$ 597.00  
Five Hundred and Ninety seven 00/100 Dollars

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

Photo Safe Deposit Boxes on back

For Apprentice Fees - \$803  
949-450-0000 / 941-1111 Kathleen E. Courtney  
for PSCA



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

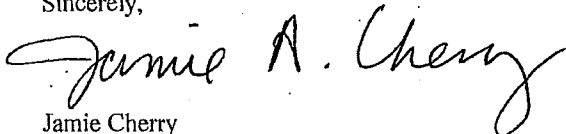
The Russian Hill Community Association respectfully requests that our application for a Board of Supervisors Appeal Fee Waiver be approved in connection with the appeal to the Board of the Conditional Use approved by the San Francisco Planning Commission on August 31, 2017 for the project at 948-950 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](mailto:jcherry@rhcasf.com)

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

# 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.<sup>1</sup> 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.

<sup>1</sup> 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 Reuben  
Thomas Tunny | David Silverman | Melinda A. Sarjapur | Mark H. Loper | Jody Knight  
Chloe V. Angelis | Corie A. Edwards | Coryn E. Millstagle | Jared Eigerman<sup>2,3</sup> | John McInerney III<sup>2</sup>

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827 Broadway, Suite 205, Oakland, CA 94607  
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www.reubenlaw.com

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

**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 windows<sup>2</sup>, 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 Agreement<sup>3</sup> 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],"<sup>4</sup> 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.<sup>5</sup>

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

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

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

<sup>4</sup> Settlement Agreement, p. 3 [General Matters Regarding This Agreement].

<sup>5</sup> Settlement Agreement, p. 7 [Mutual Releases].

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.”<sup>6</sup> (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.”<sup>7</sup> (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.”<sup>8</sup> (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.

<sup>6</sup> Settlement Agreement, p. 6 [Mutual Releases].

<sup>7</sup> Settlement Agreement, p. 3 [General Matters Regarding This Agreement].

<sup>8</sup> 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."	<b>Not true.</b> 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."	<b>Not true.</b> 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 "...the payment of a monetary settlement <u>does not indicate and should not be interpreted or construed as any admission or imposition of fault or wrongdoing by the [Owner].</u> " <sup>9</sup>
3	Planning Commission "should have looked at the whole of the project, not just the lot merger," including the permitting history.	<b>Not true.</b> 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.

<sup>9</sup> 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).

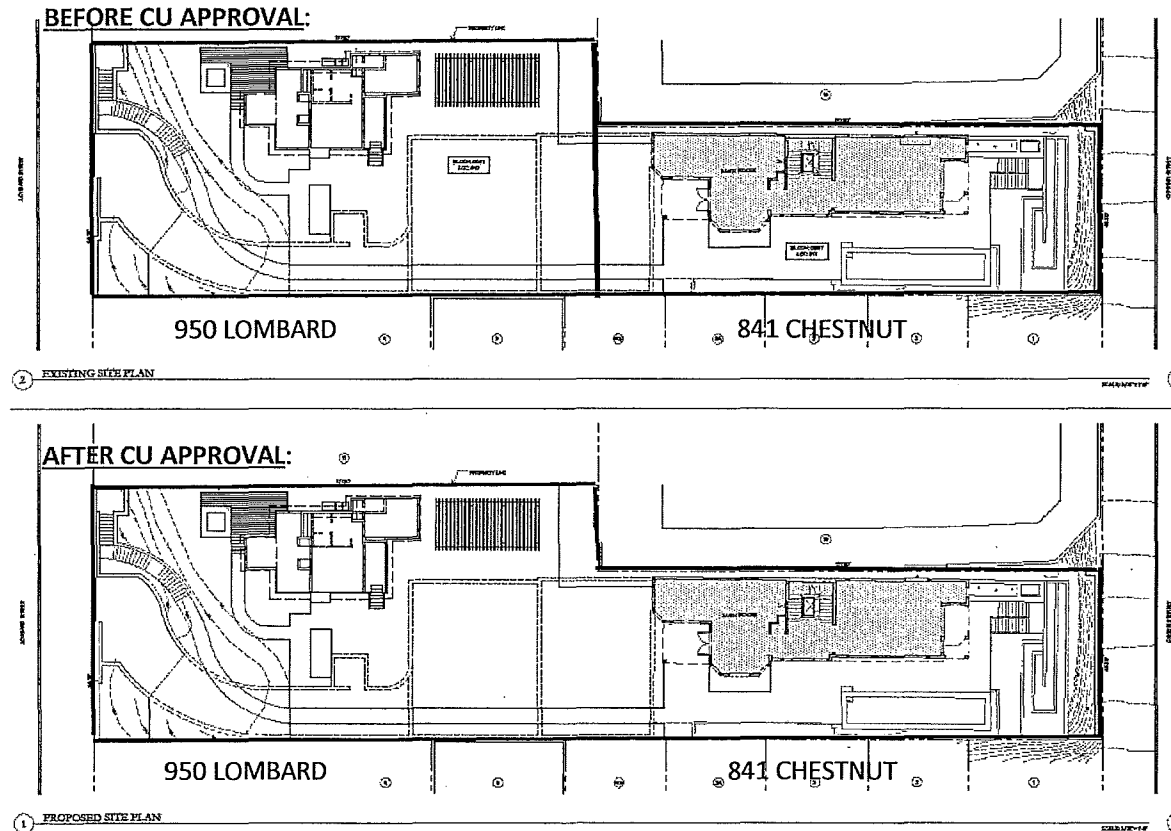
As shown below in the before and after site plan for the Property, the CU does nothing more than remove a technically artificial property boundary (shown in red color below) between the two parcels that make up the Property. All of the existing improvements, including the two existing buildings, will 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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**REUBEN, JUNIUS & ROSE, LLP**

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.

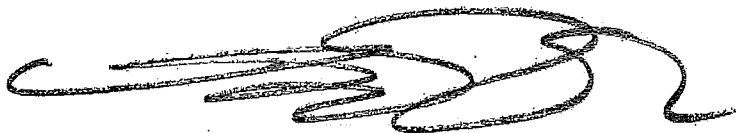
The home was definitely already in the process of destruction due to its old age and its exposure to the elements.

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 large, stylized flourish extending to the right.

Summer Tompkins Walker

[summer@walkervalentine.com](mailto:summer@walkervalentine.com)

15 Arguello Blvd

San Francisco, CA 94118

415-265-9030

LAW OFFICE OF  
**ELIZABETH A. TIPPIN**

One Embarcadero Center, 5<sup>th</sup> 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:

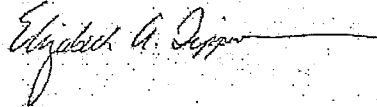
This law office represents Earl Diskin, owner of the property at 928-930 Lombard Street, and Fran Collier, who lives at 926 Lombard Street and who has power attorney for Mr. Diskin. Mr. Diskin's property is adjacent on the downhill side of the Project and is most affected by the construction of the Project.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

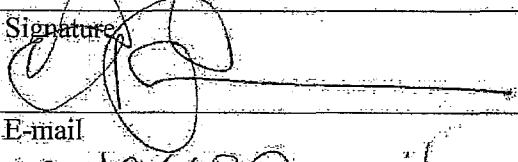
The general contractor is striving to complete this project by August 2017, minimizing the construction timeline to reduce overall disruption to the neighborhood. The project aims to honor the architectural history and the beautiful gardens and open space at the site, while achieving the highest degree 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 415 254-1672	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

To Whom It May Concern:

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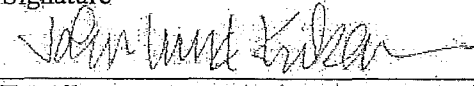
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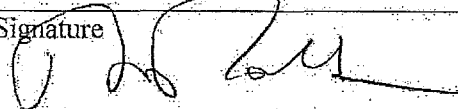
**NEIGHBORS OF 950 LOMBARD/841 CHESTNUT:**

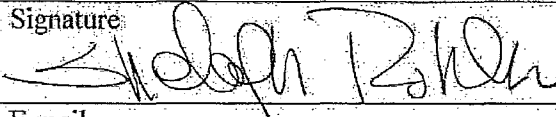
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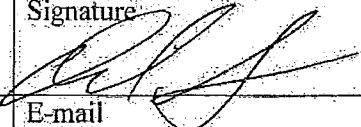
Name JOHN KRIVEN	Signature 
Phone 415-776-0668	E-mail
Address 2323 JONES (ADJACENT)	

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 Sheelah Rohlen	Signature 
Phone 415-885-6743 <del>954-885-6743</del>	E-mail srohlen@icloud.com
Address 954 Lombard (west adjacent property)	

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

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



CAREY & CO. | A TreanorHL Company

## EXHIBIT B

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.<sup>1</sup>

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.

[...]

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<sup>1</sup> 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.<sup>2</sup>

## 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.<sup>3</sup>

## 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.<sup>4</sup> 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

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

<sup>3</sup> Email correspondence, Gregory Malin, March 8, 2017.

<sup>4</sup> 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.<sup>5</sup>

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.

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<sup>5</sup> 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.

**Lew, Lisa (BOS)**

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**From:** BOS Legislation, (BOS)  
**Sent:** Friday, October 20, 2017 12:41 PM  
**To:** Kathleen Courtney; tcatalano@reubenlaw.com  
**Cc:** Givner, Jon (CAT); Stacy, Kate (CAT); Jensen, Kristen (CAT); Rahaim, John (CPC); Sanchez, Scott (CPC); Gibson, Lisa (CPC); Starr, Aaron (CPC); Rodgers, AnMarie (CPC); Foster, Nicholas (CPC); Ionin, Jonas (CPC); Luellen, Mark (CPC); BOS-Supervisors; BOS-Legislative Aides; Calvillo, Angela (BOS); Somera, Alisa (BOS); BOS Legislation, (BOS)  
**Subject:** HEARING NOTICE: Conditional Use Authorization Appeal - Proposed 948-950 Lombard Street and 841 Chestnut Street Project - Appeal Hearing on October 31, 2017  
**Categories:** 171062

Greetings,

The Office of the Clerk of the Board has scheduled an appeal hearing for Special Order before the Board of Supervisors on **October 31, 2017, at 3:00 p.m.**, to hear an appeal regarding the Conditional Use Authorization for the proposed project at 948-950 Lombard Street and 841 Chestnut Street.

Please find the following link to the hearing notice for the matter:

[Hearing Notice - October 20, 2017](#)

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

[Board of Supervisors File No. 171062](#)

NOTE: A motion may be entertained to continue this Hearing to the Board of Supervisors' meeting of December 5, 2017.

Regards,

**Lisa Lew**  
Board of Supervisors  
San Francisco City Hall, Room 244  
San Francisco, CA 94102  
P 415-554-7718 | F 415-554-5163  
[lisa.lew@sfgov.org](mailto:lisa.lew@sfgov.org) | [www.sfbos.org](http://www.sfbos.org)



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

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

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

BOARD of SUPERVISORS



City Hall  
Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 554-5227

## NOTICE OF PUBLIC HEARING

### BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF SAN FRANCISCO

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

**Date:** Tuesday, October 31, 2017

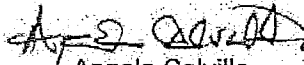
**Time:** 3:00 p.m.

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

**NOTE:** A motion may be entertained to continue this Hearing to the Board of Supervisors' meeting of December 5, 2017.

**Subject:** **File No. 171062.** Hearing of persons interested in or objecting to the certification of a Conditional Use Authorization pursuant to Planning Code, Sections 207, 209.1, and 303, for a proposed project located at 948-950 Lombard Street and 841 Chestnut Street, Assessor's Parcel Block No. 0067, Lot Nos. 010 and 017, identified in Case No. 2017-002430CUA, issued by the Planning Commission by Motion No. 19987 dated August 31, 2017, 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; and adopting findings under the California Environmental Quality Act. (District 2) (Appellant: Kathleen Courtney of Russian Hill Community Association) (Filed October 2, 2017)

In accordance with Administrative Code, Section 67.7-1, persons who are unable to attend the hearing on these matters may submit written comments prior to the time the hearing begins. These comments will be made as part of the official public record in these matters and shall be brought to the attention of the Board of Supervisors. Written comments should be addressed to Angela Calvillo, Clerk of the Board, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA, 94102. Information relating to this matter is available in the Office of the Clerk of the Board and agenda information relating to these matters will be available for public review on Friday, October 27, 2017.

  
Angela Calvillo  
Clerk of the Board

DATED/MAILED/POSTED: October 20, 2017

## Jalipa, Brent (BOS)

---

**From:** BOS Legislation, (BOS)  
**Sent:** Friday, October 13, 2017 1:25 PM  
**To:** kcourtney@rhcasf.com; tcatalano@reubenlaw.com  
**Cc:** Givner, Jon (CAT); Stacy, Kate (CAT); Jensen, Kristen (CAT); Rahaim, John (CPC); Sanchez, Scott (CPC); Gibson, Lisa (CPC); Starr, Aaron (CPC); Rodgers, AnMarie (CPC); Foster, Nicholas (CPC); Luellen, Mark (CPC); Ionin, Jonas (CPC); BOS-Supervisors; BOS-Legislative Aides; Calvillo, Angela (BOS); Somera, Alisa (BOS); BOS Legislation, (BOS)  
**Subject:** RE: Conditional Use Authorization Appeal - Proposed 948-950 Lombard Street and 841 Chestnut Street Project - Appeal Hearing on October 31, 2017  
**Categories:** 171062

Good afternoon,

On Wednesday, October 4, 2017, the Office of the Clerk of the Board distributed a hearing date notification for the appeal of the Conditional Use Authorization for the proposed project at 948-950 Lombard Street and 841 Chestnut Street. Pursuant to Planning Code, Section 308.1(c), the Office of the Clerk of the Board is required to schedule the initial hearing within 30 days of the date of filing; the regularly scheduled meeting of October 31, 2017, fulfills that obligation.

This email is being sent to notify you that on October 31, 2017, the Board is anticipated to entertain a motion to continue this appeal hearing to December 5, 2017. If a motion is made to continue this matter, on October 31, 2017, public comment will be taken on the continuance and the full discussion and public comment for the appeal will be considered at the December 5, 2017 meeting.

I invite you to review the entire matter on our Legislative Research Center by following the link below:

Board of Supervisors File No. 171062

Please do not hesitate to contact our office if there are any questions or concerns.

Regards,

**Brent Jalipa**

Legislative Clerk

Board of Supervisors - Clerk's Office

1 Dr. Carlton B. Goodlett Place, Room 244

San Francisco, CA 94102

(415) 554-7712 | Fax: (415) 554-5163

[brent.jalipa@sfgov.org](mailto:brent.jalipa@sfgov.org) | [www.sfbos.org](http://www.sfbos.org)



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

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**Lew, Lisa (BOS)**

---

**From:** BOS Legislation, (BOS)  
**Sent:** Wednesday, October 04, 2017 3:37 PM  
**To:** kcourtney@rhcasf.com; tcatalano@reubenlaw.com  
**Cc:** Givner, Jon (CAT); Stacy, Kate (CAT); Jensen, Kristen (CAT); Rahaim, John (CPC); Sanchez, Scott (CPC); Gibson, Lisa (CPC); Starr, Aaron (CPC); Rodgers, AnMarie (CPC); Foster, Nicholas (CPC); Luellen, Mark (CPC); Ionin, Jonas (CPC); BOS-Supervisors; BOS-Legislative Aides; Calvillo, Angela (BOS); Somera, Alisa (BOS); BOS Legislation, (BOS)  
**Subject:** Conditional Use Authorization Appeal - Proposed 948-950 Lombard Street and 841 Chestnut Street Project - Appeal Hearing on October 31, 2017  
**Categories:** 171062

Good afternoon,

The Office of the Clerk of the Board has scheduled a hearing for Special Order before the Board of Supervisors on **October 31, at 3:00 p.m.** Please find linked below letters of appeal filed against the proposed project at 948-950 Lombard Street and 841 Chestnut Street, and an informational letter from the Clerk of the Board.

[Conditional Use Authorization Appeal Letter - October 2, 2017](#)


[Clerk of the Board Letter - October 3, 2017](#)

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

[Board of Supervisors File No. 171062](#)

Regards,

**Lisa Lew**  
Board of Supervisors  
San Francisco City Hall, Room 244  
San Francisco, CA 94102  
P 415-554-7718 | F 415-554-5163  
[lisa.lew@sfgov.org](mailto:lisa.lew@sfgov.org) | [www.sfbos.org](http://www.sfbos.org)

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

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BOARD of SUPERVISORS



City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 544-5227

October 3, 2017

Kathleen Courtney  
Housing and Zoning Committee  
Russian Hill Community Association  
1158 Green Street  
San Francisco, CA 94109

**Subject: File No. 171062 - Appeal of Conditional Use Authorization - 948-950  
Lombard Street and 841 Chestnut Street**

Dear Ms. Courtney:

Thank you for your appeal filing regarding the proposed project at 948-950 Lombard Street and 841 Chestnut Street. The filing period to appeal the conditional use authorization closes on Monday, October 2, 2017. The conditional use appeal was filed with the subscription of five members of the Board of Supervisors, and therefore meets the filing requirements of Planning Code, Section 308.1.

Pursuant to Planning Code, Section 308.1, a hearing date has been scheduled for **Tuesday, October 31, 2017, at 3:00 p.m.**, at the Board of Supervisors meeting to be held in City Hall, 1 Dr. Carlton B. Goodlett Place, Legislative Chamber, Room 250, San Francisco, CA 94102.

Please provide to the Clerk's Office by noon:

- 20 days prior to the hearing:** names and addresses of interested parties to be notified of the hearing, in spreadsheet format; and
- 11 days prior to the hearing:** any documentation which you may want available to the Board members prior to the hearing.


For the above, the Clerk's office requests one electronic file (sent to [bos.legislation@sfgov.org](mailto:bos.legislation@sfgov.org)) and two copies of the documentation for distribution.

Continues on next page

NOTE: If electronic versions of the documentation are not available, please submit 18 hard copies of the materials to the Clerk's Office for distribution. If you are unable to make the deadlines prescribed above, it is your responsibility to ensure that all parties receive copies of the materials.

If you have any questions, please feel free to contact Legislative Clerks Brent Jalipa at (415) 554-7712, or Lisa Lew at (415) 554-7718.

Very truly yours,

  
Angela Calvillo  
Clerk of the Board

c: Tuija Catalano, Reuben, Junius & Rose, LLP, Project Sponsor  
Jon Givner, Deputy City Attorney  
Kate Stacy, Deputy City Attorney  
Kristen Jensen, Deputy City Attorney  
John Rahaim, Planning Director  
Scott Sanchez, Zoning Administrator, Planning Department  
Lisa Gibson, Environmental Review Officer, Planning Department  
Aaron Starr, Manager of Legislative Affairs, Planning Department  
AnMarie Rodgers, Senior Policy Advisor, Planning Department  
Nicholas Foster, Staff Contact, Planning Department  
Jonas Ionin, Planning Commission Secretary

BOARD of SUPERVISORS



City Hall  
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San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 544-5227

## PROOF OF MAILING

Legislative File No. 171062

Description of Items: Public Hearing Notices - Hearing - Appeal of Conditional Use Authorization - Proposed Project at 948-950 Lombard Street and 841 Chestnut Street - 168 Notices Mailed

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

Date: October 20, 2017

Time: 12:20 p.m.

USPS Location: Repro Pick-up Box in the Clerk of the Board's Office (Rm 244)

Mailbox/Mailslot Pick-Up Times (if applicable): N/A

Signature: 

Instructions: Upon completion, original must be filed in the above referenced file.



BOARD of SUPERVISORS



City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 554-5227

October 5, 2017

**File Nos. 171062-171065**

**Planning Case No. 2017-002430CUA**

Received from the Board of Supervisors Clerk's Office one check, in the amount of Five Hundred Ninety Seven Dollars (\$597) representing the filing fee paid by Kathleen Courtney of Russian Hill Community Association, for the appeal of a Conditional Use Authorization for the proposed project at 948-950 Lombard Street and 841 Chestnut Street.

**Planning Department**

**By:**

Tony  
Print Name

[Signature] 10/5/17  
Signature and Date

Print Form

## Introduction Form

By a Member of the Board of Supervisors or Mayor

Time stamp  
or meeting date

I hereby submit the following item for introduction (select only one):

- ☐ 1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
- ☐ 2. Request for next printed agenda Without Reference to Committee.
- ☒ 3. Request for hearing on a subject matter at Committee.
- ☐ 4. Request for letter beginning: "Supervisor [ ] inquiries"
- ☐ 5. City Attorney Request.
- ☐ 6. Call File No. [ ] from Committee.
- ☐ 7. Budget Analyst request (attached written motion).
- ☐ 8. Substitute Legislation File No. [ ]
- ☐ 9. Reactivate File No. [ ]
- ☐ 10. Question(s) submitted for Mayoral Appearance before the BOS on [ ]

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- ☐ Small Business Commission      ☐ Youth Commission      ☐ Ethics Commission
- ☐ Planning Commission      ☐ Building Inspection Commission

**Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative Form.**

Sponsor(s):

Clerk of the Board

Subject:

Hearing - Appeal of Conditional Use Authorization - Proposed Project at 948-950 Lombard Street and 841 Chestnut Street

The text is listed:

Hearing of persons interested in or objecting to the certification of a Conditional Use Authorization pursuant to Planning Code, Sections 207, 209.1, and 303, for a proposed project located at 948-950 Lombard Street and 841 Chestnut Street, Assessor's Parcel Block No. 0067, Lot Nos. 010 and 017, identified in Case No. 2017-002430CUA, issued by the Planning Commission by Motion No. 19987 dated August 31, 2017, 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; and adopting findings under the California Environmental Quality Act. (District 2) (Appellant: Kathleen Courtney of Russian Hill Community Association) (Filed October 2, 2017).

Signature of Sponsoring Supervisor:

*Alisa Gomez*

For Clerk's Use Only