

File No. 091345

Committee Item No. _____

Board Item No. 35

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee _____

Date _____

Board of Supervisors Meeting

Date 12/8/09

Cmte Board

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| ☐ | ☐ | Motion |
| ☐ | ☐ | Resolution |
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| ☐ | ☐ | Legislative Digest |
| ☐ | ☐ | Budget Analyst Report |
| ☐ | ☐ | Legislative Analyst Report |
| ☐ | ☐ | Introduction Form (for hearings) |
| ☐ | ☒ | Department/Agency Cover Letter and/or Report |
| ☐ | ☐ | MOU |
| ☐ | ☐ | Grant Information Form |
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| ☐ | ☐ | Award Letter |
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OTHER

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| ☐ | ☐ | <u>Conditional Use Appeal for 1969 California Street</u> |
| ☐ | ☐ | (Other materials were distributed to each member of the Board upon receipt by the |
| ☐ | ☐ | Clerk's Office, and available in File No. 091345) |

Completed by: Joy Lamug

Date 12/3/09

Completed by: _____

Date _____

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File # 091345



**SAN FRANCISCO
PLANNING DEPARTMENT**

RECEIVED
BOARD OF SUPERVISORS
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2009 DEC 3 AM 11:41

MEMO

DIRECTOR'S REPORT

APPEAL OF PLANNING CASE NO. 2009.0639C

1969 California Street

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DATE: December 2, 2009

TO: President David Chiu, and Members of the Board of Supervisors

FROM: John Rahaim, Planning Director – Planning Department (415) 558-6411
Aaron D Starr, Case Planner – Planning Department (415) 558-6362

RE: File No. 090812, Planning Case No. 2009.0639C - Appeal of the approval of Conditional Use authorization for 1969 California Street,

HEARING DATE: December 10, 2009

ATTACHMENTS: A - Planning Commission Packet (including final motion)
B - Certificate of Exemption from Environmental Review (September 18, 2009)
C - Appeal Letter (April 8, 2008)

PROJECT SPONSOR: Anthony Meier Fine Art Gallery, Anthony and Celeste Meyer

APPELLANT: Pacific Heights Residents Association, Greg Scott, President

Appellant has obtained the signatures of 20% of the property owners within 300 feet of the subject property.

INTRODUCTION:

This memorandum and the attached documents are a response to the letter of appeal to the Board of Supervisors (the "Board") regarding the Planning Commission's approval of the application for Conditional Use authorization under Planning Code Sections 209.9(e) and 303 to allow an art gallery and associated offices (d.b.a. Anthony Meier Fine Art Gallery) within a designated City Landmark, Landmark #260, the Tobin House, in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.

Conditional Use authorization is required under Sections 209.9(e) and 303 and the Planning Code to establish a commercial use in a designated city landmark when the landmark is located within a residential district. This response addresses the appeal ("Appeal Letter") to the Board filed on November 9, 2009 by Greg Scott, President of the Pacific Heights Neighborhood Association. The Appeal Letter referenced the proposed project in Case No. 2009.0639C.

The decision before the Board is whether to uphold or overturn the Planning Commission's approval of Conditional Use authorization to allow an art gallery and associated offices within a designated City Landmark that is located within a residential district.

Memo

SITE DESCRIPTION & PRESENT USE:

The 6,531 square-foot project site is located on the south side of California Street between Octavia Street to the west and Gough Street to the east, in San Francisco's Pacific Heights neighborhood. The project site contains a 9,746 square-foot, three-story-over-basement, single-family house, built in 1915. The subject building was designed by Willis Polk in the Gothic Revival style, and is a designated City Landmark, listed on the Junior League's 1969 Here Today Survey and the City's 1976 Architectural Survey. The subject building covers approximately 75% of the lot. It should be noted that the gallery use was established in the house without the benefit of a permit in 2004.

PROJECT DESCRIPTION:

The property owners, Anthony and Celeste Meier, have been operating an art gallery (d.b.a. Anthony Meier Fine Art Gallery) at the subject location since 2004 without the benefit of a permit. In May of 2007, after receiving a complaint from an adjacent neighbor about the gallery, the Department issued a Notice of Violation for an illegal commercial use in a Residential District. Since that time, the Meiers have been attempting to legalize the gallery.

Section 209.9(e) of the Planning Code allows city landmarks to contain commercial uses when the underlying zoning is residential. This provision was added to the Code in 1988. In order for a property to use this provision, the subject property must be designated a city landmark pursuant to Article 10 of the Code. The Meiers submitted a designation application on January 8, 2008. The Board of Supervisors approved the designation on October 21, 2008 (BOS File No. 080720), and it became effective as Landmark # 260 on November 30, 2008.

Anthony Meier is an art dealer and the subject gallery currently functions as an exhibit space for contemporary artists that he represents. It is not a retail space and does not house his entire inventory of art. No cash or credit card sales are accepted on the site. Only a few paintings are kept on site; most of Mr. Meier's art inventory (90%) is stored around the country and world in warehouses. The gallery currently averages 5-10 visitors per month, excluding artists' receptions and charitable functions not associated with the gallery.

At the October 8, 2009 public hearing, the Planning Commission granted a conditional use pursuant to Section 209.9(e), authorizing the operation of a portion of the first floor as an art gallery and a portion of the basement floor as an office for the art gallery, a modern art research library, and storage for the gallery in the subject building. The approved hours of operation for the gallery are Tuesday through Friday from 11 a.m. to 5 p.m. during times when the gallery features an ongoing exhibit. At all other times of the year, the art gallery would be open by appointment only. The gallery is limited to five shows a year for a period of five weeks each. Each show is permitted one opening reception that is required to conclude by 8:00 PM.

APPELLANT ISSUES AND PLANNING DEPARTMENT RESPONSES:

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

ISSUE #1: The Appellant contends that the proposed change of use requires a full Environmental Impact Report (EIR) per the California Environmental Quality Act (CEQA).

RESPONSE #1: The California Environmental Quality Act (CEQA) Guidelines Section 15060 states that "An activity is NOT subject to CEQA if (emphasis added):

- 1) The activity does not involve the exercise of discretionary powers by a public agency;
- 2) The activity will not result in a direct or reasonably foreseeable indirect physical change in the environment; or
- 3) The activity is not a project as defined in Section 15378."

The proposed project at 1969 California Street does involve the exercise of discretionary power by the Planning Commission in granting a Conditional Use for the proposed gallery. Therefore, it is subject to CEQA. Once a lead agency has determined that an activity is a project subject to CEQA, a lead agency must determine whether the project is exempt from CEQA.

If the agency determines there is substantial evidence that any aspect of the project, either individually or cumulatively, may cause a significant effect on the environment, regardless of whether the overall effect is adverse or beneficial, the lead agency shall either: prepare an EIR or use a previously prepared EIR where it is determined that the project was adequately analyzed. The *Exemption from Environmental Review*, dated September 18, 2009, found that there was no evidence that the proposed project will have a significant effect on the environment, and thus is exempt from CEQA pursuant to Article 19, Section 15301 (See Attachment B).

The proposed project at 1969 California Street would legalize an existing art gallery use in a RH-2 zoning district. The art gallery occupies a portion of the basement and first floor and totals approximately 2,425 square-feet, or 25 percent of the total floor area (appx. 10,000 s/f) of the existing structure. The proposed project would not involve any interior or exterior alterations.

The California Environmental Quality Act (CEQA) Guidelines Section 15301 provides for the exemption from environmental review for operations of existing facilities involving negligible or no expansion of an existing use. The proposed project is the operation of an art gallery that would involve no physical expansion of the existing use. CEQA Guidelines Section 15300.2 states that a categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances. There are no unusual circumstances surrounding the current project that would suggest a reasonable possibility of a significant effect.

For the above reasons, the proposed project at 1969 California Street is appropriately exempt from CEQA and would not require an EIR.

ISSUE #2: The Appellant contends that the project does not meet the criteria set for in Planning Code Section 209.9(e), specifically the one which states that the proposed use is essential to the feasibility of retaining and preserving the landmark.

RESPONSE #2: Section 209.9 (e) establishes three criteria that a project must meet in order to seek a conditional use authorization to have a commercial use in an residentially zoned district:

1. The building has had to be a [city] landmark for at least 180 days before the application for conditional use authorization is applied for;

2. The proposed use must conform to Section 303 of the Planning Code (standard Conditional Use criteria); and
3. The proposed use is essential to the feasibility of retaining and preserving the landmark. The appellant contends that the proposed project does not meet the last criteria.

1969 California Street is a large single-family residence on a busy street and in a neighborhood that does not typically attract buyers who can afford such a large house. Typically these buyers are attracted to quieter neighborhoods with more privacy and less traffic such as St. Francis Woods, Forest Hill, Pacific Heights, Presidio Heights and Seacliff and to homes with on-site parking. At one time this neighborhood had several large mansions, include the de Young mansion which was right next door, but over time, those buildings have been replaced by smaller residences or converted to other uses. 1969 California Street is one of the few remaining large homes from that era still used as a single-family residence in this neighborhood. The Atherton House, which is across the street from the subject property and also a designated City Landmark, has been divided up into 10 apartment units. Other large mansions in the area that have uses other than residential include the Has Lilienthal House which is San Francisco Heritage's offices and 1818-1820 California which is used as a bed and breakfast.

The Planning Commission found that the house's large size and age make its continued operating costs and maintenance high and that using a portion of the building's floor area to help generate income would help preserve the house in good repair and maintain its original use as a single-family home. In addition, the art gallery will be open to the public providing a rare opportunity for the public to go inside a private residence done by one of San Francisco's most renowned architects, Willis Polk.

Beyond providing revenue to help maintain and operate the house, allowing an art gallery, which requires no changes to the interior of the building, will allow it to continue its historic use as a single-family home, retain the essential proportions of primary interior spaces and not damage, obscure, or destroy distinctive features and finishes inside the home. Previous owners had sought other uses for the subject property, including converting it into condos and a rooming house. While those uses would be consistent with the *Secretary of the Interior's Standards for Rehabilitation*, specifically Standard 1, the *Standards* place greater priority on preserving the original use and the integrity of the interior. Given that the majority of the house's floor area will be used as a single-family residence and that the gallery will seamlessly fit into that use, the Commission found that the proposed use is essential to the feasibility of retaining and preserving the landmark.

ISSUE #3: The Appellant contends that the use is not a neighborhood serving business.

RESPONSE #3: The Planning Code does not require that the proposed use be a neighborhood serving business. The Code states that any use listed as a principal or conditional use in an RC-1 District is permitted under this code section. An art gallery, which is listed under Section 209.9(i) as an "Arts Activity," is principally permitted in an RC-1 District. However, the gallery does provide cultural contributions to the City and neighborhood by allowing students from nearby schools to access its art library for educational purposes and by inviting neighbors of the gallery to opening receptions for its shows, exposing a wider range of people to the art and artists. Furthermore, the gallery's small-scale and the limited hours of operations are sensitive to the surrounding neighborhood's residential character. Taken together, the proposed use enhances the community, provides a use that is desirable and compatible with the neighborhood and community.

CONCLUSION:

For the reasons stated above, the Planning Department recommends that the Board uphold the Planning Commission's decision in approving the Conditional Use authorization for the Anthony Meier Fine Art Gallery and deny the Appellant's request for appeal.



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- ☐ Inclusionary Housing (Sec. 315)
- ☐ Jobs Housing Linkage Program (Sec. 313)
- ☐ Downtown Park Fee (Sec. 139)

- ☐ First Source Hiring (Admin. Code)
- ☐ Child Care Requirement (Sec. 314)
- ☐ Other

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Planning Commission Motion No. 17959

HEARING DATE: OCTOBER 8, 2009

Date: October 1, 2009
Case No.: 2009.0639C
Project Address: 1969 CALIFORNIA STREET
Zoning: RH-2 (Residential, House, Two-Family)
40-X Height and Bulk District
Block/Lot: 0649/016
Project Sponsor: Brett Gladstone
434 Post Street, Penthouse
San Francisco, CA 94108
Staff Contact: Aaron Starr – (415) 558-6362
aaron.starr@sfgov.org

ADOPTING FINDINGS RELATING TO CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 209.9 & 303 OF THE PLANNING CODE TO ALLOW THE ESTABLISHMENT OF AN ART GALLERY AND ASSOCIATED OFFICES (D.B.A. ANTHONY MEIER FINE ART GALLERY) WITHIN A DESIGNATED CITY LANDMARK, LANDMARK #260, THE TOBIN HOUSE, IN AN RH-2 (RESIDENTIAL, HOUSE, TWO-FAMILY) DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On July 14, 2009, Brett Gladstone (Project Sponsor) filed an application with the Department for Conditional Use Authorization under Planning Code Sections 209.9 and 303 to allow an art gallery and associated offices (d.b.a. Anthony Meier Fine Art Gallery) within a designated City Landmark, Landmark #260, the Tobin House, in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.

On October 8, 2009, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2009.0639C.

The Project was determined by the San Francisco Planning Department (hereinafter "Department") to be Categorically Exempt from the California Environmental Quality Act ("CEQA") as a Class 1 [State CEQA Guidelines Section 15301(a)] exemption under CEQA Guidelines as described in the determination

contained in the Planning Department files for this project. The Commission has reviewed and concurs with said determination.

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. 2009.0639C, 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 6,531 square-foot project site is located on the south side of California Street between Octavia Street to the west and Gough Street to the east, in San Francisco's Pacific Heights neighborhood. The project site contains a 9,746 square-foot, three-story over basement, single-family house, built in 1915. The subject building was designed by Willis Polk in the Gothic Revival style, and is a designated City Landmark, listed on the Junior League's 1969 Here Today Survey and the City's 1976 Architectural Survey. The subject building covers approximately 75% of the lot. The gallery use was established in the house without the benefit of a permit in 2004.
3. **Surrounding Properties and Neighborhood.** The project site is located on the south side of California Street, between Gough and Octavia Streets. Two blocks to the north is Lafayette Park. The immediate area is predominantly residential, although California Street is a wide and busy street. A row of four buildings directly to the east of the subject building are within the same RH-2 Zoning District as the subject building and are also in the Tudor Revival style inspired by the subject property, but from a different time period. The block is bookended by an RM-2 district on the west side and an RM-3 District on the east side. There are several larger apartment buildings within these zoning districts.
4. **Project Description.** The property owners, Anthony and Celeste Meier, have been operating an art gallery (d.b.a. Anthony Meier Fine Art Gallery) at the subject location since 2004 without the benefit of a permit. In May of 2007, the Department received a complaint from an adjacent neighbor about the gallery and the Department issues Notice of Violation for an illegal commercial use in a Residential District. Since that time, the Meiers have been attempting to legalize the gallery. As part of that legalization process, the building had to be designated as a City Landmark in order for a new commercial use to be established within a residential district (Planning Code Section 209.9(e)). The Meiers submitted an application for their building to be

designated as a City Landmark on January 8, 2008 and the designation was finalized on November 17, 2008.

Anthony Meier is an art dealer and the subject gallery currently functions as an exhibit space for contemporary artists that he represents. It is not a retail space and does not house his entire inventory of art. No cash or credit card sales are accepted on the site. The gallery is open by appointment only and appointments are only scheduled during regular business hours during the weekday. The gallery is not open to the general public and there is no signage on the building. Only a few paintings are kept on site; most of Mr. Meier's art inventory (90%) is stored around the country and world in warehouses. The gallery currently averages 5-10 visitors per month, excluding artists' receptions and charitable functions not associated with the gallery.

The proposed project would authorize the operation of a portion of the first floor as an art gallery and a portion of the basement as an office for the art gallery, a modern art research library, and storage for the gallery within an almost 10,000 sq. ft., single-family house located in a residential zoning district. The applicant's proposed hours of operation for the gallery would be Tuesday through Friday from 11 a.m. to 5 p.m. during times when the gallery features an exhibit. At all other times of the year, the art gallery would be open by appointment only. Additionally, the gallery would have evening events approximately four to five times per year. The Meyers, who will continue to reside in the building, would also host approximately 10 fundraising events per year not associated with the art gallery. The art gallery occupies a portion of the basement and first floor, and totals approximately 2,425 square-feet, or 25 percent of the total floor area of the existing structure. The proposed project would not involve any interior or exterior alterations.

5. **Public Comment.** The Department received several letters of support, a petition with approximately 65 signatures (all within the 300' notification radius) in support and 7 phone calls in support of the project. The Department also received a petition with approximately 118 signatures (20 within the 300' notification radius) in opposition and several letters in opposition to the project. The Opposition's concerns include increased traffic, impacts to parking, increased crime and the increase of commercial activity in a residential neighborhood.
6. **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.** Planning Code Section 209.9(e) states that any use listed as a principal or conditional use permitted in an RC-1 District, when located in a structure on a landmark site designated pursuant to Article 10 of this Code, is permitted in an RH-2 district if Conditional Use Authorization is granted by the Planning Commission pursuant to Section 303 of the Planning Code.

The project sponsor is seeking Conditional Use Authorization to legalize an art gallery established without a permit within a designated City Landmark, Landmark #260, in an RH-2 District. An art gallery is permitted in RC-1 Districts. See Section 10 of this motion for the specific criteria and findings required by this section of the Planning Code.

- B. **Hours of Operation.** The Planning Code does not identify specific hours of operations for uses granted under Section 209.9 of the Planning Code; however Section 186 of the Planning Code states that the hours Limited Conforming Uses (LCUs) can be open to the public are between 6:00 a.m. and 10:00 p.m. LCUs are nonconforming commercial uses located in residential districts. Therefore, the Commission has wide latitude on specifying the hours of operation for the proposed gallery.

The project sponsor is proposing that visiting the gallery for the purposes of viewing the art be by appointment, and during the five, five week periods when there are art shows, the project sponsor proposes that visiting the gallery be allowed without an appointment Tuesday through Friday inclusive, 11a.m. to 5 p.m.

- C. **Parking.** Planning Section 151 of the Planning Code requires one off-street parking space for each 2,000 square feet of occupied floor area, where the occupied floor area exceeds 7,500 square feet.

The proposed use contains approximately 2,450 sq. ft. and thus not required to provide off-street parking. However, the gallery does have leased parking spaces for its employees and provides valet service for all events.

- D. **Signage.** Planning Code Section 606(b) permits the following signs in R Districts for principally permitted uses or uses subject to conditional use authorization:

One non-illuminated or indirectly illuminated nameplate for each street frontage of the lot, not exceeding a height of 12 feet, and having an area not exceeding one square foot in RH Districts and one identifying sign for each street frontage of the lot, not exceeding a height of 12 feet, non-illuminated or indirectly illuminated only; and a maximum area 12 square feet.

The existing gallery does not currently have a sign and no sign is proposed under this application.

7. **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 proposed project would not require modification of the interior or exterior of the building or the property itself; and thus would not cause a physical change to the neighborhood that would be incompatible with the neighborhood's residential character. The use is desirable as it enhances the art community in San Francisco by showing four shows per year dedicated to emerging and mid-career artists, many of them local artists. The gallery also provides other cultural contributions by allowing students from nearby schools to access its art library for educational purposes and by inviting

neighbors of the gallery to opening receptions for its shows, exposing a wider range of people to the art and artists. Furthermore, the gallery's small-scale and the limited hours of operations are sensitive to the surrounding neighborhood's residential character. Taken together, the proposed use enhances the community, provides a use that is desirable and compatible with the neighborhood and community.

- 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 proposal does not include any physical change to the exterior of the existing residential building; it will not have a negative physical impact on the surrounding 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;

Most visitors to the gallery arrive by taxi; for those that do not take taxis there is sufficient off-site parking. When events are hosted at the gallery, valet services will be provided to deal with the increase parking demand and to ensure that the events do not negatively impact traffic flow.

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

The proposed use does not produce noxious or offensive emissions such as noise, glare, dust or odor.

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

The proposal will not alter the exterior of the building. No parking or loading is proposed or required and there is no signage proposed under the proposal.

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

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

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

Housing Element

OBJECTIVE 3

ENHANCE THE PHYSICAL CONDITION AND SAFETY OF HOUSING WITHOUT JEOPARDIZING USE OR AFFORDABILITY.

POLICY 3.6

Preserve landmark and historic residential buildings.

The proposed use will provide funding to help maintain a designated City Landmark and help allow it to continue its historic use as a single-family residence.

Arts Element

OBJECTIVE 1.1

RECOGNIZE THE ARTS AS NECESSARY TO THE QUALITY OF LIFE FOR ALL SEGMENTS OF SAN FRANCISCO.

POLICY I-1.4

Provide access to the creative process and cultural resources for all neighborhoods, cultural communities, and segments of the city and its populations.

The proposed use provides neighbors of the subject property the opportunity to take part in artist receptions, which increases San Francisco residents' access to the creative process and a nearby cultural resource.

OBJECTIVE I-2

INCREASE THE CONTRIBUTION OF THE ARTS TO THE ECONOMY OF SAN FRANCISCO.

POLICY I-2.1

Encourage and promote opportunities for the arts and artists to contribute to the economic development of San Francisco.

Allowing the proposed gallery to continue to operate will encourage and promote the arts and artists contribution to the economic development of San Francisco by providing a place to display and sell work by artists.

POLICY I-2.2

Continue to support and increase the promotion of the arts and arts activities throughout the City for the benefit of visitors, tourists, and residents.

The gallery attracts both City residents and visitors; the gallery will help support and promote the arts in San Francisco for the benefit of tourists and residents.

OBJECTIVE II-3

PROMOTE ARTS EDUCATION PROGRAMS THAT REFLECT THE CULTURAL DIVERSITY OF SAN FRANCISCO.

POLICY II-3.1

Encourage arts education offerings in the community and the schools to include art and artists from many cultures.

The Project will continue to offer students access to its extensive art book library, expanding arts education offerings in the immediate community.

OBJECTIVE VI-1

SUPPORT THE CONTINUED DEVELOPMENT AND PRESERVATION OF ARTISTS' AND ARTS ORGANIZATIONS' SPACES.

POLICY VI-1.9

Create opportunities for private developers to include arts spaces in private developments city-wide.

Granting conditional use authorization will allow a private home to include an arts space that will help promote arts in the City and help maintain a Designated City Landmark.

9. 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.

The Project includes a small art gallery. The building will continue to be used as a single-family dwelling. Neighborhood serving retail uses would not be negatively affected.

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

The existing conditions on the site would remain the same. The house will continue to be used as a single-family residence, and the proposed use is minor enough that it will have a negligible impact on the surrounding neighborhood character.

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

The proposal will have no impact on the City's supply of affordable housing.

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

The Project is a small gallery with an average of 5-10 visitors per month (excluding artists' receptions and charitable functions) and will have minimal impact on neighborhood traffic and parking. Most visitors to the gallery arrive by taxi; for those that do not take taxis, there is sufficient off-site parking. Visitors are also encouraged to take public transportation to the gallery and sponsored events. When events are hosted at the gallery, valet service is provided to deal with the increased parking demand and to ensure that the events do not negatively impact traffic flow or 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 impact industrial or service sector jobs. The property contains a single-family house located within an RH-2 zoning district.

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

The Project will comply with any building codes that are applicable to the project.

- G. That landmarks and historic buildings be preserved.

The subject building is a designated City Landmark. The proposal does not include any changes to the proposed interior or exterior of the building. The proposed use will help pay for maintenance of the building to keep it in good repair.

- 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.

10. Planning Code Section 209.9 establishes additional criteria that need to be met in order to grant conditional use authorization for a commercial use in a residential district that is located within a designated City Landmark. On balance, the project does comply with said policies in that:

- A. No application for a conditional use under this provision shall be accepted for filing until a period of 180 days shall have elapsed after the date of designation of the landmark.

The property was designated a City Landmark on November 17, 2008, and the application for conditional use authorization under Planning Code Section 209.9 was filed on July 14, 2009, more than 180 days after landmark designation.

- B. No conditional use shall be authorized under this provision unless such authorization conforms to the applicable provisions of Section 303 of this Code and, in addition, unless the

specific use so authorized is essential to the feasibility of retaining and preserving the landmark.

See Section 7 of this motion for Planning Code Section 303 compliance. The subject building is a large single-family residence in a neighborhood that does not typically attract buyers who can afford such a large house. Typically these buyers are attracted to quieter neighborhoods with more privacy and less traffic such as St. Francis Woods, Forest Hill, Pacific Heights, Presidio Heights and Seacliff and to homes with on-site parking. At one time this neighborhood had several large mansions, include the de Young mansion which was right next door, but over time, those buildings have been replaced by smaller residences or converted to other uses. 1969 California Street is one of the remaining large homes from that era still used as a single-family residence in this neighborhood. The Atherton House, which is across the street from the subject property and also a designated City Landmark, has been divided up into 10 apartment units. Other large mansions in the area that have uses other than residential include the Has Lilienthal House which is San Francisco Heritage's offices and 1818-1820 California which is used as a bed and breakfast.

According to the project sponsor, before the current owners purchased the property it was on the market for over a year. The house's large size and age make continued operating costs and maintenance high. Past owners have attempted to divide up the house as a rooming house or condos. The project applicant contends that the proposed use will allow the building to maintain its historic use as a single-family residence, while providing revenue that will help maintain the City Landmark in good repair for generations to come.

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. 2009.0639C** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans filed with the Application as received on July 14, 2009 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. 17959. 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.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on October 8, 2009.

Linda D. Avery
Commission Secretary

AYES: Commissioners: Ron Miguel, Christina Olague, Gwyneth Borden, William L. Lee, Kathrin Moore,
& Michael Antonini

NAYS: Hisashi Sugaya (Recused)

ABSENT: None

ADOPTED: October 8, 2009

Exhibit A

Conditions of Approval

1. This authorization is for a Conditional Use under Planning Code Sections 209.9 and 303 to allow an art gallery and associated offices (d.b.a. Anthony Meier Fine Art Gallery) within a designated City Landmark, Landmark #260, the Tobin House, in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District in general conformance with plans filed with the Application as received on July 14, 2009 and stamped "EXHIBIT B" included in the docket for Case No. 2009.0639C, reviewed and approved by the Commission on October 8, 2009.
2. Prior to the issuance of the Building Permit 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 premises (Assessor's 0649, Lot 016), which notice shall state that construction has been authorized by and is subject to the conditions of this Motion. From time to time after the recordation of such notice, at the request of the Project Sponsor, the Zoning Administrator shall affirm in writing the extent to which the conditions of this Motion have been satisfied.
3. Violation of the conditions contained in this Motion or of any other provisions of the Planning Code may be subject to abatement procedures and fines up to \$250 a day in accordance with Planning Code Section 176.
4. Should monitoring of the Conditions of Approval contained in Exhibit A of this Motion be required, the Project Sponsor or successors shall pay fees as established in Planning Code Section 351(e)(1).
5. Signs and exterior lighting for the business shall be reviewed and approved by the Planning Department before they are installed.
6. The Project shall appoint a Community Liaison Officer to address issues of concern to neighbors related to the operation of this Project. The Project Sponsor shall report the name and telephone number of this Officer to the Zoning Administrator and the neighborhood for reference. The Applicant will keep the above parties apprised should a different staff liaison be designated.
7. A designated garbage area shall be provided within the lot and shall exist behind the metal gate at the front property line at the side of the building. All garbage containers shall be kept within the lot until pick-up by the disposal company.
8. The gallery is limited to five art shows per year for a period of five weeks each. During these art shows, the gallery will be open from Tuesday through Friday, inclusive, between the hours of 10:00 a.m. and 5:00 p.m. All other times, the gallery will be open by appointment between the hours of 10:00 a.m. and 5:00 p.m.

9. Evening events associated with the gallery are limited to five times per year and must conclude by 8:00 p.m.
10. No mechanical equipment, including cranes, will be used to place art in the building.
11. Deliveries connected to the gallery that are under the control of the gallery will occur between the hours of 10 a.m. and 2 p.m. and will not require the use of a truck exceeding $\frac{3}{4}$ ton.
12. The art storage area will be limited to the area indicated on the plans received on July 14, 2009 and stamped "EXHIBIT B" included in the docket for Case No. 2009.0639C.
13. Invitations to gallery events will encourage attendees to take alternative forms of transportation to the gallery, including public transportation and taxis. In addition, invitations and the gallery's website will include which transit lines access the subject site (i.e. MUNI Bus lines 1 California, 2 Clement, 49 Van Ness, etc.).
14. Valet parking will be provided for all events associated with the gallery. This information will be included in the invitations and on the gallery's web site.
15. The entire gallery- including areas serving the gallery such as the office, storage area, and library- shall be limited to 2,426 sq. ft. (less than 25% of the existing total square footage of the building), and conform to the plans received on July 14, 2009 and stamped "EXHIBIT B" included in the docket for Case No. 2009.0639C.
16. Given that the art gallery use is already operating, this authorization shall be deemed operational once this motion becomes final.



SAN FRANCISCO PLANNING DEPARTMENT

Certificate of Determination EXEMPTION FROM ENVIRONMENTAL REVIEW

Case No.: 2009.0639E
Project Title: 1969 California Street
Zoning: RH-2 (Residential, House District, Two-Family)
40-X Height and Bulk District
Block/Lot: 0649/016
Lot Size: 6,531 square feet
Project Sponsor: M. Brett Gladstone, Authorized Agent for Anthony and Celeste Meier,
(415) 434-9500
Staff Contact: Chelsea Fordham – (415) 575-9071
Chelsea.Fordham@sfgov.org

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

PROJECT DESCRIPTION:

The 6,531 square-foot project site is located on the south side of California Street between Octavia Street to the west and Gough Street to the east, in San Francisco's Pacific Heights neighborhood. The project site contains a 9,746 square-foot, 51-foot, three-story over basement, residence/art gallery, built in 1915.

[Continued on next page.]

EXEMPT STATUS:

Categorical Exemption, Class 1 [State CEQA Guidelines Section 15301(a)]

REMARKS:

Please see next page.

DETERMINATION:

I do hereby certify that the above determination has been made pursuant to State and Local requirements.

Bill Wycko
Environmental Review Officer

Date

cc: M. Brett Gladstone, Project Sponsor
Aaron Starr, San Francisco Planning Department
Supervisor Mirkarimi, District 5

Historic Preservation Distribution List
Virna Byrd, M.D.F.

PROJECT DESCRIPTION (CONTINUED):

The existing art gallery on the project site has been operating illegally since 2006, and received a notice of alleged violation (NOV) in 2007 for operating a commercial use in a RH-2 zoning district. The proposed project would permit the operation of a portion of the first floor as an art gallery and a portion of the basement as an office associated with the operation of the art gallery, a modern art research library, and storage for the gallery. Additionally, the proposed project would permit the hours of operation for the gallery from Tuesday through Friday from 11 a.m. to 5 p.m. during times when the gallery features an exhibit. At all other times of the year, the art gallery would be open by appointment only. Currently the gallery is operating by appointment only during times when the gallery features an exhibit. Additionally, the gallery has evening events approximately fifteen times per year, which includes charitable fundraisers approximately 10 times per year, and art gallery openings approximately 4 to 5 times per year. The art gallery occupies a portion of the basement and first floor, and totals approximately 2,425 square-feet, or 25 percent of the total floor area of the existing structure. The proposed project would not involve any interior or exterior alterations.

The proposed project would require conditional use authorization for an arts activity within a RH-2 zoning district pursuant to Planning Code Section 209.9(e). Section 209.9(e) permits uses listed as a principal or conditional use permitted in an RC-1 District, when located in a structure on a landmark site designated pursuant to Article 10 of this Code. The project site is San Francisco City Landmark No. 260, the Tobin House.

REMARKS:**Traffic**

The proposed gallery would be open from Tuesday through Friday from 11 a.m. to 5 p.m. during times when the gallery features an exhibit, and would have approximately 15 evening events throughout the year. The gallery is currently open by appointment only during times when the when the gallery features an exhibit. Using the Planning Department's 2002 Transportation Impact Analysis Guidelines for Environmental Review (October 2002), the project would generate an estimated 44 average daily person-trips. Of these, about four daily person trips would be during the PM peak-hour. These daily trips would be distributed among several modes of transportation, including 24 vehicular person-trips, 12 transit trips, six walking person trips, and two by "other means."¹ Based on the mode split and average automobile occupancy of 1.65 persons per vehicle for the proposed area, there would be approximately 14 daily vehicular trips of which two would be during the PM peak-hour. This additional traffic would not be substantially relative to the existing capacity of the surrounding street system and would mostly be undetectable to residents and drivers in the area. Additionally, the art gallery has approximately 15 evening events per year, at which an estimated 30 to 40 people are in attendance. During these evening events, the project sponsor would provide valet parking. Therefore, the proposed project would not result in any significant adverse traffic impacts.

¹ San Francisco Planning Department. *2002 Transportation Impact Analysis Guidelines for Environmental Review*, October 2002. U.S. Census Bureau, Census 2000, Journey to Work Data Set, Summary File 3, Matrices P30, P31, P33, P34 for Census Tract 264.03.

Under Section 151 of the Planning Code, arts activities would be required to provide up to one off-street parking space for each 2,000 square feet of occupied floor area, where the occupied floor area exceeds 7,500 square feet. The art gallery has approximately 2,425 square-feet of occupied floor area for arts activities, and does not exceed 7,500 square feet, and therefore would not be required to provide any off-street parking. The gallery would not provide any off-street parking spaces. Based on the 2002 Transportation Impact Analysis Guidelines for Environmental Review, demand for parking would be five parking spaces. While the proposed off-street parking spaces would be less than the anticipated parking demand, the parking deficit is considered to be a less-than-significant impact, regardless of the availability of on-street parking under existing conditions.

San Francisco does not consider parking supply as part of the permanent physical environment. Parking conditions are not static, as parking supply and demand varies from day to day, from day to night, from month to month, etc. Hence, the availability of parking spaces (or lack thereof) is not a permanent physical condition, but changes over time as people change their modes and patterns of travel. Parking deficits are considered to be social effects, rather than impacts on the physical environment as defined by CEQA. Under CEQA, a project's social impacts need not be treated as significant impacts on the environment. Environmental documents should, however, address the secondary physical impacts that could be triggered by a social impact (CEQA Guidelines § 15131(a)). The social inconvenience of parking deficits, such as having to hunt for scarce parking spaces, is not an environmental impact, but there may be secondary physical environmental impacts, such as increased traffic congestion at intersections, air quality impacts, safety impacts, or noise impacts caused by congestion. In the experience of San Francisco transportation planners, however, the absence of a ready supply of parking spaces, combined with available alternatives to auto travel (e.g., transit service, taxis, bicycles or walking) and a relatively dense pattern of urban development, induces many drivers to seek and find alternative parking facilities, shift to other modes of travel, or change their overall travel habits. Any such resulting shifts to transit service in particular, would be in keeping with the City's "Transit First" policy. The City's Transit First Policy established in the City's Charter Section 16.102 provides that "parking policies for areas well served by public transit shall be designed to encourage travel by public transportation and alternative transportation." The project area is well served by public transit, which provides an alternative to auto travel. The increased parking demand resulting from the proposed project would not substantially alter the existing character of the area-wide parking situation. The proposed project would therefore, result in a less-than-significant environmental effect related to parking.

Loading

No off-street loading spaces would be provided for the proposed project, and none are required in the *Planning Code* for RH-2 districts. The gallery does not have an off-street loading space. Currently the gallery has delivery vehicles approximately two times per month, which use either designated on-street parking along California Street, or the private driveway of the residence. Loading activities would not pose a significant impact for pedestrian flow or transit, which is not routed on California Street in this location.

For the reasons given above, there would not be an expected significant environmental impact resulting from the project with respect to traffic, parking, or loading.

The California Environmental Quality Act (CEQA) Guidelines Section 15301, or Class 1, provides for the exemption from environmental review for operations of existing facilities involving negligible or no expansion of an existing use. The proposed project is the operation of an art gallery that would involve no physical expansion of the existing use. Therefore, the proposed project would be exempt from CEQA under Class 1.

CEQA Guidelines Section 15300.2 states that a categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances. There are no unusual circumstances surrounding the current project that would suggest a reasonable possibility of a significant effect. For the above reasons, the proposed project is appropriately exempt from environmental review.



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Conditional Use HEARING DATE: OCTOBER 9, 2009

Date: October 1, 2009
Case No.: 2009.0639C
Project Address: 1969 CALIFORNIA STREET
Zoning: RH-2 (Residential, House, Two-Family)
40-X Height and Bulk District
Block/Lot: 0649/016
Project Sponsor: Brett Gladstone
434 Post Street, Penthouse
San Francisco, CA 94108
Staff Contact: Aaron Starr – (415) 558-6362
aaron.starr@sfgov.org
Recommendation: Approval with Conditions

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

Reception:
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Fax:
415.558.6409

Planning
Information:
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PROJECT DESCRIPTION

The property owners, Anthony and Celeste Meier, have been operating an art gallery (d.b.a. Anthony Meier Fine Art Gallery) at the subject location since 2004 without the benefit of a permit. In May of 2007, the Department received a complaint from an adjacent neighbor about the gallery and the Department issues Notice of Violation for an illegal commercial use in a Residential District. Since that time, the Meiers have been attempting to legalize the gallery. As part of that legalization process, the building had to be designated as a City Landmark in order for a new commercial use to be established within a residential district (Planning Code Section 209.9(e)). The Meiers submitted an application for their building to be designated as a City Landmark on January 8, 2008 and the designation was finalized on November 17, 2008.

Anthony Meier is an art dealer and the subject gallery currently functions as an exhibit space for contemporary artists that he represents. It is not a retail space and does not house his entire inventory of art. No cash or credit card sales are accepted on the site. The gallery is open by appointment only and appointments are only scheduled during regular business hours during the weekday. The gallery is not open to the general public and there is no signage on the building. Only a few paintings are kept on site; most of Mr. Meier's art inventory (90%) is stored around the country and world in warehouses. The gallery currently averages 5-10 visitors per month, excluding artists' receptions and charitable functions not associated with the gallery.

The proposed project would authorize the operation of a portion of the first floor as an art gallery and a portion of the basement as an office for the art gallery, a modern art research library, and storage for the gallery within an almost 10,000 sq. ft., single-family house located in a residential zoning district. The

applicant's proposed hours of operation for the gallery would be Tuesday through Friday from 11 a.m. to 5 p.m. during times when the gallery features an exhibit. At all other times of the year, the art gallery would be open by appointment only. Additionally, the gallery would have evening events approximately four to five times per year. The Meyers, who will continue to reside in the building, would also host approximately 10 fundraising events per year not associated with the art gallery. The art gallery occupies a portion of the basement and first floor, and totals approximately 2,425 square-feet, or 25 percent of the total floor area of the existing structure. The proposed project would not involve any interior or exterior alterations.

SITE DESCRIPTION AND PRESENT USE

The 6,531 square-foot project site is located on the south side of California Street between Octavia Street to the west and Gough Street to the east, in San Francisco's Pacific Heights neighborhood. The project site contains a 9,746 square-foot, three-story over basement, single-family house, built in 1915. The subject building was designed by Willis Polk in the Gothic Revival style, and is a designated City Landmark, listed on the Junior League's 1969 Here Today Survey and the City's 1976 Architectural Survey. The subject building covers approximately 75% of the lot. The gallery use was established in the house without the benefit of a permit in 2004.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The project site is located on the south side of California Street, between Gough and Octavia Streets. Two blocks to the north is Lafayette Park. The immediate area is predominantly residential, although California Street is a wide and busy street. A row of four buildings directly to the east of the subject building are within the same RH-2 Zoning District as the subject building and are also in the Tudor Revival style inspired by the subject property, but from a different time period. The block is bookended by an RM-2 district on the west side and an RM-3 District on the east side. There are several larger apartment buildings within these zoning districts.

ENVIRONMENTAL REVIEW

The Project was determined by the San Francisco Planning Department (hereinafter "Department") to be Categorically Exempt from the California Environmental Quality Act ("CEQA") as a Class 1 [State CEQA Guidelines Section 15301(a)].

HEARING NOTIFICATION*

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Classified News Ad	20 days	September 11, 2009	September 11, 2009	20 days
Posted Notice	20 days	September 11, 2009	September 11, 2009	20 days
Mailed Notice	20 days	September 11, 2009	September 11, 2009	20 days

*Originally noticed for hearing on October 1, 2009

PUBLIC COMMENT

The Department received several letters of support, a petition with approximately 65 signatures (all within the 300' notification radius) in support and 7 phone calls in support of the project. The Department also received a petition with approximately 118 signatures (20 within the 300' notification radius) in opposition and several letters in opposition to the project. The Opposition's concerns include

increased traffic, impacts to parking, increased crime and the increase of commercial activity in a residential neighborhood.

ISSUES AND OTHER CONSIDERATIONS

- The project sponsor is requesting that the gallery be allowed to be open during regular set hours as well as by appointment (see Draft Motion under "Hours of Operation"). The Department recommends that gallery hours be limited to by appointment only to minimize the impact that the proposal could have on the surrounding residential neighborhood. The gallery currently operates by appointment only.
- Planning Code Section 209.9(e) allows any use listed as a principal or conditional use permitted in an RC-1 District, when located in a structure on a landmark site designated pursuant to Article 10 of this Code, within any RH, RM, or RTO Zoning Districts with Conditional Use approval. Art Galleries fall under the definition of "Arts Activities," Section 209.9(i), which are principally permitted in RC-1 Districts.
- The Conditional Use authorization will continue with the property and will not expire if the current owners sell the property.
- Only designated City Landmarks are eligible for this exception under the Planning Code. The Department does not believe that this will set a precedent for commercial activity in this neighborhood. Most Landmarks in the area have already been converted to other uses, while other buildings in the immediate area are not eligible for this exception in the Planning Code.
- According to the project sponsor, the gallery has been operating under the assumption that it qualified as an accessory use. Once the owner was notified that they were not in compliance, they began the process to legalize their operation.

REQUIRED COMMISSION ACTION

In order for the gallery to be legalized, the Commission must grant conditional use authorization to allow a commercial use in a residential district located within a designated City Landmark.

BASIS FOR RECOMMENDATION

The Department believes this project is necessary and/or desirable under Section 303 of the Planning Code for the following reasons:

- The project promotes small-business ownership.
- The project helps promote the arts in San Francisco.
- The project will help preserve the historic use as a single-family residence, which is a designated City Landmark.
- The project will help ensure that a designated City Landmark is maintained in good repair.
- Conditions are in place to minimize the impacts of the gallery use on the neighborhood.

- The proposed Project meets all applicable requirements of the Planning Code and applicable General Plan policies.

RECOMMENDATION:	Approval with Conditions
------------------------	---------------------------------

Attachments:

Block Book Map
Sanborn Map
Aerial Photographs
Environmental Determination
Application
Letters and Petition in Opposition
Letters and Petition in Support
Applicant's Submittal with Photographs and Reduced Plans

AS: G:\DOCUMENTS\Conditional Use\1969 California Street\1969 California St.Exec Sum.doc

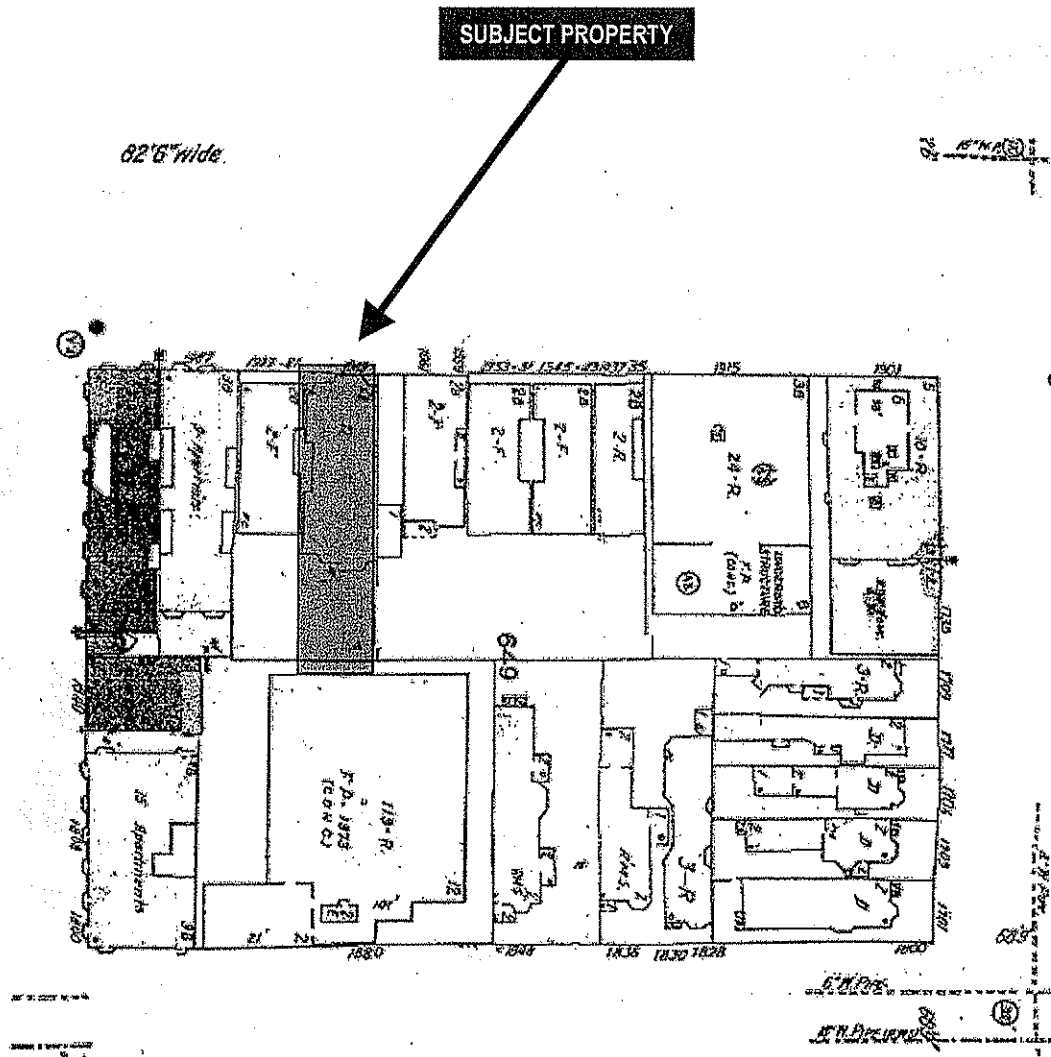
(

A diagram showing a downward-pointing arrow labeled 'C'.



(

Sanborn Map*



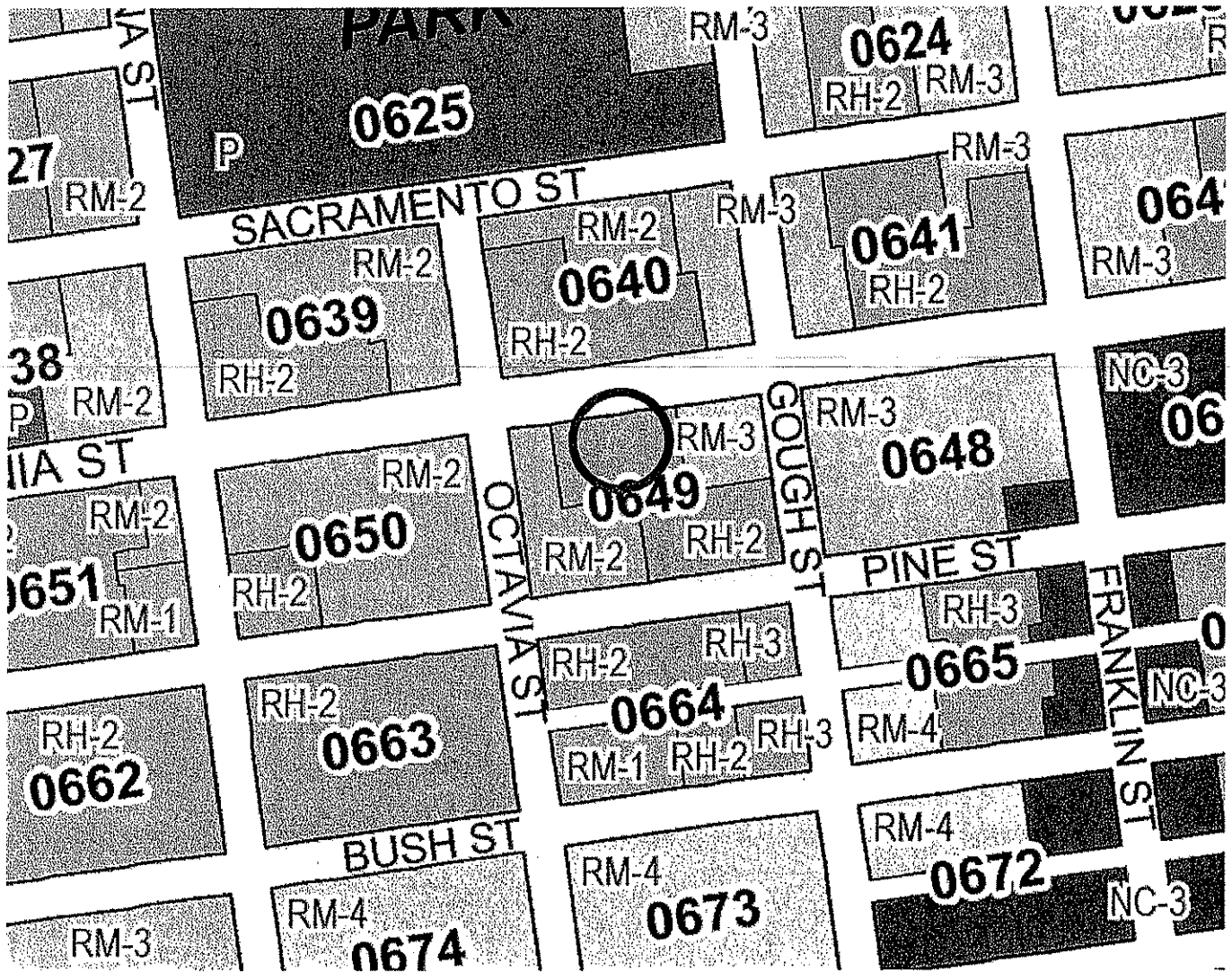
*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.

SAN FRANCISCO
PLANNING DEPARTMENT



Conditional Use Authorization
Case Number 2009.0639C
Anthony Meier Fine Art Gallery
1969 California Street

Zoning Map



Conditional Use Authorization
 Case Number 2009.0639C
 Anthony Meier Fine Art Gallery
 1969 California Street

Aerial Photo



SUBJECT PROPERTY



Aerial Photo

SUBJECT PROPERTY

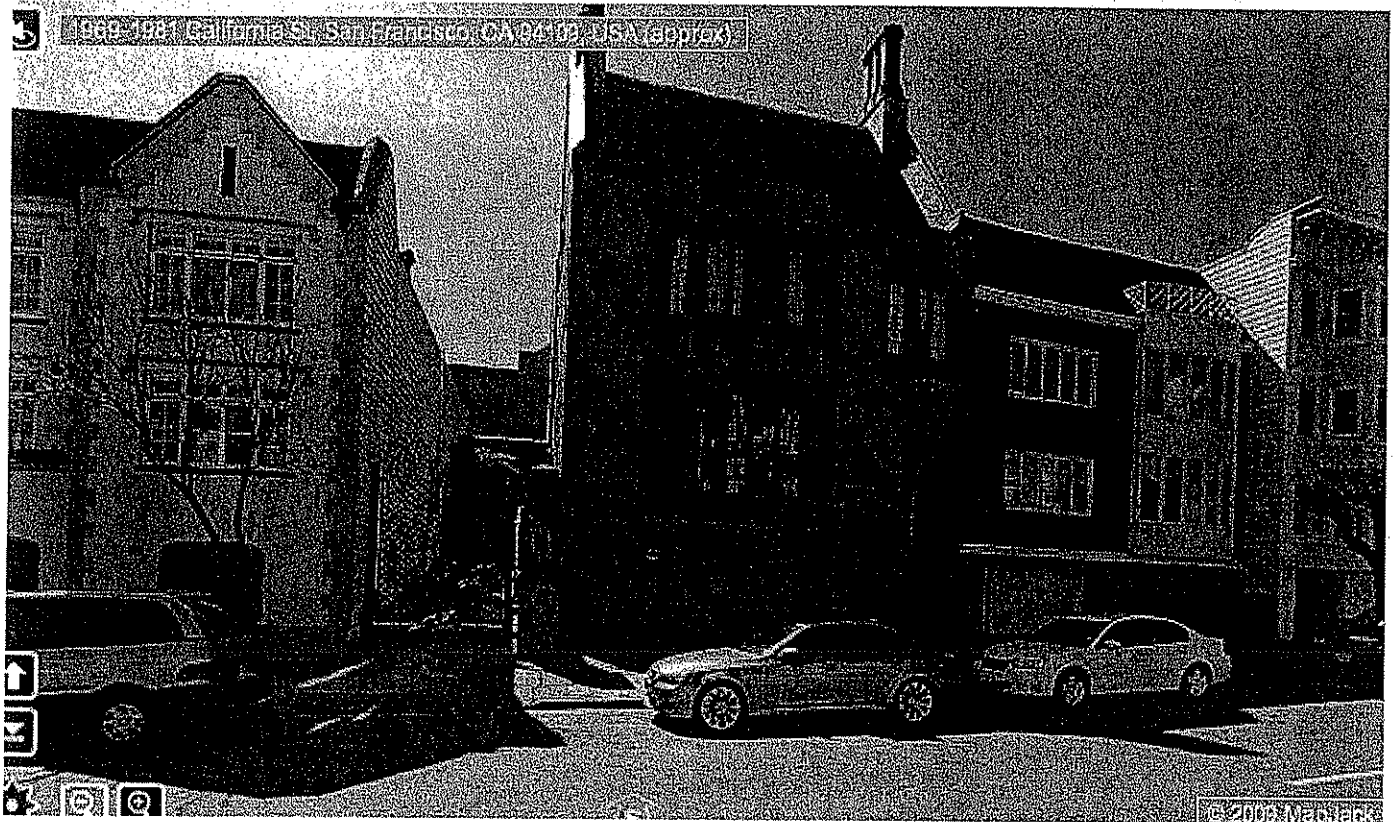


SAN FRANCISCO
PLANNING DEPARTMENT



Conditional Use Authorization
Case Number 2009.0639C
Anthony Meier Fine Art Gallery
1969 California Street

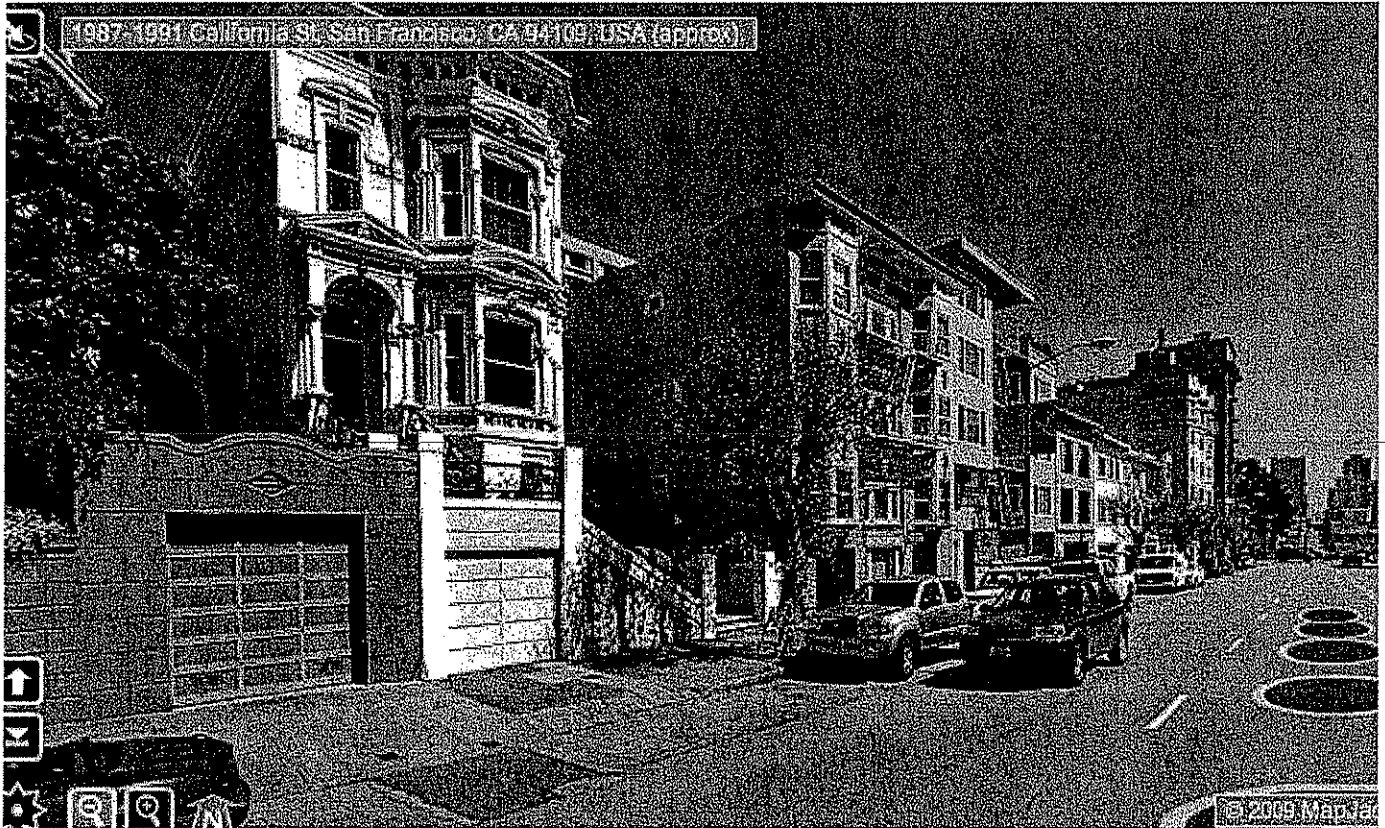
Site Photo



SAN FRANCISCO
PLANNING DEPARTMENT

Conditional Use Authorization
Case Number 2009.0639C
Anthony Meier Fine Art Gallery
1969 California Street

Site Photo



Opposite side of street

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2009 NOV -9 AM 11:19

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

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

The property is located at 1969 California St.

October 8, 2009
Date of City Planning Commission Action
(Attach a Copy of Planning Commission's Decision)

November 9, 2009
Appeal Filing Date

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

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

X The Planning Commission approved in whole or in part an application for conditional use authorization, Case No. 2009-0639 C.

_____ 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:

Appealing the planning comm.
decision authorizing I
conditional use
1969 California Street.

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

SHOULD HAVE Required EIR under
CEQA

Doesn't meet criteria of needed
to support Landmark & NOT
A neighborhood serving business

Person to Whom
Notices Shall Be Mailed

Name and Address of Person Filing Appeal:

Name

GREG Scott President of
Pacific Heights Residents ^{board}
Association

Name

Address

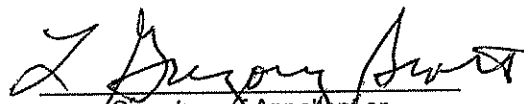
2585 Pacific Ave

Address 94115

Telephone Number

415 498 6270

Telephone Number



Signature of Appellant or
Authorized Agent



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- ☐ Inclusionary Housing (Sec. 315)
- ☐ Jobs Housing Linkage Program (Sec. 313)
- ☐ Downtown Park Fee (Sec. 139)

- ☐ First Source Hiring (Admin. Code)
- ☐ Child Care Requirement (Sec. 314)
- ☐ Other

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Planning Commission Motion No. 17959

HEARING DATE: OCTOBER 8, 2009

Date: October 1, 2009
Case No.: 2009.0639C
Project Address: 1969 CALIFORNIA STREET
Zoning: RH-2 (Residential, House, Two-Family)
40-X Height and Bulk District
Block/Lot: 0649/016
Project Sponsor: Brett Gladstone
434 Post Street, Penthouse
San Francisco, CA 94108
Staff Contact: Aaron Starr - (415) 558-6362
aaron.starr@sfgov.org

ADOPTING FINDINGS RELATING TO CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 209.9 & 303 OF THE PLANNING CODE TO ALLOW THE ESTABLISHMENT OF AN ART GALLERY AND ASSOCIATED OFFICES (D.B.A. ANTHONY MEIER FINE ART GALLERY) WITHIN A DESIGNATED CITY LANDMARK, LANDMARK #260, THE TOBIN HOUSE, IN AN RH-2 (RESIDENTIAL, HOUSE, TWO-FAMILY) DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On July 14, 2009, Brett Gladstone (Project Sponsor) filed an application with the Department for Conditional Use Authorization under Planning Code Sections 209.9 and 303 to allow an art gallery and associated offices (d.b.a. Anthony Meier Fine Art Gallery) within a designated City Landmark, Landmark #260, the Tobin House, in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.

On October 8, 2009, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2009.0639C.

The Project was determined by the San Francisco Planning Department (hereinafter "Department") to be Categorically Exempt from the California Environmental Quality Act ("CEQA") as a Class 1 [State CEQA Guidelines Section 15301(a)] exemption under CEQA Guidelines as described in the determination

contained in the Planning Department files for this project. The Commission has reviewed and concurs with said determination.

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. 2009.0639C, 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 6,531 square-foot project site is located on the south side of California Street between Octavia Street to the west and Gough Street to the east, in San Francisco's Pacific Heights neighborhood. The project site contains a 9,746 square-foot, three-story over basement, single-family house, built in 1915. The subject building was designed by Willis Polk in the Gothic Revival style, and is a designated City Landmark, listed on the Junior League's 1969 Here Today Survey and the City's 1976 Architectural Survey. The subject building covers approximately 75% of the lot. The gallery use was established in the house without the benefit of a permit in 2004.
3. **Surrounding Properties and Neighborhood.** The project site is located on the south side of California Street, between Gough and Octavia Streets. Two blocks to the north is Lafayette Park. The immediate area is predominantly residential, although California Street is a wide and busy street. A row of four buildings directly to the east of the subject building are within the same RH-2 Zoning District as the subject building and are also in the Tudor Revival style inspired by the subject property, but from a different time period. The block is bookended by an RM-2 district on the west side and an RM-3 District on the east side. There are several larger apartment buildings within these zoning districts.
4. **Project Description.** The property owners, Anthony and Celeste Meier, have been operating an art gallery (d.b.a. Anthony Meier Fine Art Gallery) at the subject location since 2004 without the benefit of a permit. In May of 2007, the Department received a complaint from an adjacent neighbor about the gallery and the Department issues Notice of Violation for an illegal commercial use in a Residential District. Since that time, the Meiers have been attempting to legalize the gallery. As part of that legalization process, the building had to be designated as a City Landmark in order for a new commercial use to be established within a residential district (Planning Code Section 209.9(e)). The Meiers submitted an application for their building to be

designated as a City Landmark on January 8, 2008 and the designation was finalized on November 17, 2008.

Anthony Meier is an art dealer and the subject gallery currently functions as an exhibit space for contemporary artists that he represents. It is not a retail space and does not house his entire inventory of art. No cash or credit card sales are accepted on the site. The gallery is open by appointment only and appointments are only scheduled during regular business hours during the weekday. The gallery is not open to the general public and there is no signage on the building. Only a few paintings are kept on site; most of Mr. Meier's art inventory (90%) is stored around the country and world in warehouses. The gallery currently averages 5-10 visitors per month, excluding artists' receptions and charitable functions not associated with the gallery.

The proposed project would authorize the operation of a portion of the first floor as an art gallery and a portion of the basement as an office for the art gallery, a modern art research library, and storage for the gallery within an almost 10,000 sq. ft., single-family house located in a residential zoning district. The applicant's proposed hours of operation for the gallery would be Tuesday through Friday from 11 a.m. to 5 p.m. during times when the gallery features an exhibit. At all other times of the year, the art gallery would be open by appointment only. Additionally, the gallery would have evening events approximately four to five times per year. The Meyers, who will continue to reside in the building, would also host approximately 10 fundraising events per year not associated with the art gallery. The art gallery occupies a portion of the basement and first floor, and totals approximately 2,425 square-feet, or 25 percent of the total floor area of the existing structure. The proposed project would not involve any interior or exterior alterations.

5. **Public Comment.** The Department received several letters of support, a petition with approximately 65 signatures (all within the 300' notification radius) in support and 7 phone calls in support of the project. The Department also received a petition with approximately 118 signatures (20 within the 300' notification radius) in opposition and several letters in opposition to the project. The Opposition's concerns include increased traffic, impacts to parking, increased crime and the increase of commercial activity in a residential neighborhood.
6. **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.** Planning Code Section 209.9(e) states that any use listed as a principal or conditional use permitted in an RC-1 District, when located in a structure on a landmark site designated pursuant to Article 10 of this Code, is permitted in an RH-2 district if Conditional Use Authorization is granted by the Planning Commission pursuant to Section 303 of the Planning Code.

The project sponsor is seeking Conditional Use Authorization to legalize an art gallery established without a permit within a designated City Landmark, Landmark #260, in an RH-2 District. An art gallery is permitted in RC-1 Districts. See Section 10 of this motion for the specific criteria and findings required by this section of the Planning Code.

- B. **Hours of Operation.** The Planning Code does not identify specific hours of operations for uses granted under Section 209.9 of the Planning Code; however Section 186 of the Planning Code states that the hours Limited Conforming Uses (LCUs) can be open to the public are between 6:00 a.m. and 10:00 p.m. LCUs are nonconforming commercial uses located in residential districts. Therefore, the Commission has wide latitude on specifying the hours of operation for the proposed gallery.

The project sponsor is proposing that visiting the gallery for the purposes of viewing the art be by appointment, and during the five, five week periods when there are art shows, the project sponsor proposes that visiting the gallery be allowed without an appointment Tuesday through Friday inclusive, 11a.m. to 5 p.m.

- C. **Parking.** Planning Section 151 of the Planning Code requires one off-street parking space for each 2,000 square feet of occupied floor area, where the occupied floor area exceeds 7,500 square feet.

The proposed use contains approximately 2,450 sq. ft. and thus not required to provide off-street parking. However, the gallery does have leased parking spaces for its employees and provides valet service for all events.

- D. **Signage.** Planning Code Section 606(b) permits the following signs in R Districts for principally permitted uses or uses subject to conditional use authorization:

One non-illuminated or indirectly illuminated nameplate for each street frontage of the lot, not exceeding a height of 12 feet, and having an area not exceeding one square foot in RH Districts and one identifying sign for each street frontage of the lot, not exceeding a height of 12 feet, non-illuminated or indirectly illuminated only; and a maximum area 12 square feet.

The existing gallery does not currently have a sign and no sign is proposed under this application.

7. **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 proposed project would not require modification of the interior or exterior of the building or the property itself; and thus would not cause a physical change to the neighborhood that would be incompatible with the neighborhood's residential character. The use is desirable as it enhances the art community in San Francisco by showing four shows per year dedicated to emerging and mid-career artists, many of them local artists. The gallery also provides other cultural contributions by allowing students from nearby schools to access its art library for educational purposes and by inviting

neighbors of the gallery to opening receptions for its shows, exposing a wider range of people to the art and artists. Furthermore, the gallery's small-scale and the limited hours of operations are sensitive to the surrounding neighborhood's residential character. Taken together, the proposed use enhances the community, provides a use that is desirable and compatible with the neighborhood and community.

- 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 proposal does not include any physical change to the exterior of the existing residential building; it will not have a negative physical impact on the surrounding 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;

Most visitors to the gallery arrive by taxi; for those that do not take taxis there is sufficient off-site parking. When events are hosted at the gallery, valet services will be provided to deal with the increase parking demand and to ensure that the events do not negatively impact traffic flow.

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

The proposed use does not produce noxious or offensive emissions such as noise, glare, dust or odor.

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

The proposal will not alter the exterior of the building. No parking or loading is proposed or required and there is no signage proposed under the proposal.

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

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

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

Housing Element

OBJECTIVE 3

ENHANCE THE PHYSICAL CONDITION AND SAFETY OF HOUSING WITHOUT JEOPARDIZING USE OR AFFORDABILITY.

POLICY 3.6

Preserve landmark and historic residential buildings.

The proposed use will provide funding to help maintain a designated City Landmark and help allow it to continue its historic use as a single-family residence.

Arts Element

OBJECTIVE 1.1

RECOGNIZE THE ARTS AS NECESSARY TO THE QUALITY OF LIFE FOR ALL SEGMENTS OF SAN FRANCISCO.

POLICY I-1.4

Provide access to the creative process and cultural resources for all neighborhoods, cultural communities, and segments of the city and its populations.

The proposed use provides neighbors of the subject property the opportunity to take part in artist receptions, which increases San Francisco residents' access to the creative process and a nearby cultural resource.

OBJECTIVE I-2

INCREASE THE CONTRIBUTION OF THE ARTS TO THE ECONOMY OF SAN FRANCISCO.

POLICY I-2.1

Encourage and promote opportunities for the arts and artists to contribute to the economic development of San Francisco.

Allowing the proposed gallery to continue to operate will encourage and promote the arts and artists contribution to the economic development of San Francisco by providing a place to display and sell work by artists.

POLICY I-2.2

Continue to support and increase the promotion of the arts and arts activities throughout the City for the benefit of visitors, tourists, and residents.

The gallery attracts both City residents and visitors; the gallery will help support and promote the arts in San Francisco for the benefit of tourists and residents.

OBJECTIVE II-3

PROMOTE ARTS EDUCATION PROGRAMS THAT REFLECT THE CULTURAL DIVERSITY OF SAN FRANCISCO.

POLICY II-3.1

Encourage arts education offerings in the community and the schools to include art and artists from many cultures.

The Project will continue to offer students access to its extensive art book library, expanding arts education offerings in the immediate community.

OBJECTIVE VI-1

SUPPORT THE CONTINUED DEVELOPMENT AND PRESERVATION OF ARTISTS' AND ARTS ORGANIZATIONS' SPACES.

POLICY VI-1.9

Create opportunities for private developers to include arts spaces in private developments city-wide.

Granting conditional use authorization will allow a private home to include an arts space that will help promote arts in the City and help maintain a Designated City Landmark.

9. **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.

The Project includes a small art gallery. The building will continue to be used as a single-family dwelling. Neighborhood serving retail uses would not be negatively affected.

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

The existing conditions on the site would remain the same. The house will continue to be used as a single-family residence, and the proposed use is minor enough that it will have a negligible impact on the surrounding neighborhood character.

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

The proposal will have no impact on the City's supply of affordable housing.

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

The Project is a small gallery with an average of 5-10 visitors per month (excluding artists' receptions and charitable functions) and will have minimal impact on neighborhood traffic and parking. Most visitors to the gallery arrive by taxi; for those that do not take taxis, there is sufficient off-site parking. Visitors are also encouraged to take public transportation to the gallery and sponsored events. When events are hosted at the gallery, valet service is provided to deal with the increased parking demand and to ensure that the events do not negatively impact traffic flow or 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 impact industrial or service sector jobs. The property contains a single-family house located within an RH-2 zoning district.

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

The Project will comply with any building codes that are applicable to the project.

- G. That landmarks and historic buildings be preserved.

The subject building is a designated City Landmark. The proposal does not include any changes to the proposed interior or exterior of the building. The proposed use will help pay for maintenance of the building to keep it in good repair.

- 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.

10. Planning Code Section 209.9 establishes additional criteria that need to be met in order to grant conditional use authorization for a commercial use in a residential district that is located within a designated City Landmark. On balance, the project does comply with said policies in that:

- A. No application for a conditional use under this provision shall be accepted for filing until a period of 180 days shall have elapsed after the date of designation of the landmark.

The property was designated a City Landmark on November 17, 2008, and the application for conditional use authorization under Planning Code Section 209.9 was filed on July 14, 2009, more than 180 days after landmark designation.

- B. No conditional use shall be authorized under this provision unless such authorization conforms to the applicable provisions of Section 303 of this Code and, in addition, unless the

specific use so authorized is essential to the feasibility of retaining and preserving the landmark.

See Section 7 of this motion for Planning Code Section 303 compliance. The subject building is a large single-family residence in a neighborhood that does not typically attract buyers who can afford such a large house. Typically these buyers are attracted to quieter neighborhoods with more privacy and less traffic such as St. Francis Woods, Forest Hill, Pacific Heights, Presidio Heights and Seacliff and to homes with on-site parking. At one time this neighborhood had several large mansions, include the de Young mansion which was right next door, but over time, those buildings have been replaced by smaller residences or converted to other uses. 1969 California Street is one of the remaining large homes from that era still used as a single-family residence in this neighborhood. The Atherton House, which is across the street from the subject property and also a designated City Landmark, has been divided up into 10 apartment units. Other large mansions in the area that have uses other than residential include the Has Lilienthal House which is San Francisco Heritage's offices and 1818-1820 California which is used as a bed and breakfast.

According to the project sponsor, before the current owners purchased the property it was on the market for over a year. The house's large size and age make continued operating costs and maintenance high. Past owners have attempted to divide up the house as a rooming house or condos. The project applicant contends that the proposed use will allow the building to maintain its historic use as a single-family residence, while providing revenue that will help maintain the City Landmark in good repair for generations to come.

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. 2009.0639C** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans filed with the Application as received on July 14, 2009 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. 17959. 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.

I hereby certify that the Planning Commission **ADOPTED** the foregoing Motion on October 8, 2009.

Linda D. Avery
Commission Secretary

AYES: Commissioners: Ron Miguel, Christina Olague, Gwyneth Borden, William L. Lee, Kathrin Moore, & Michael Antonini

NAYS: Hisashi Sugaya (Recused)

ABSENT: None

ADOPTED: October 8, 2009

Exhibit A

Conditions of Approval

1. This authorization is for a Conditional Use under Planning Code Sections 209.9 and 303 to allow an art gallery and associated offices (d.b.a. Anthony Meier Fine Art Gallery) within a designated City Landmark, Landmark #260, the Tobin House, in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District in general conformance with plans filed with the Application as received on July 14, 2009 and stamped "EXHIBIT B" included in the docket for Case No. 2009.0639C, reviewed and approved by the Commission on October 8, 2009.
2. Prior to the issuance of the Building Permit 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 premises (Assessor's 0649, Lot 016), which notice shall state that construction has been authorized by and is subject to the conditions of this Motion. From time to time after the recordation of such notice, at the request of the Project Sponsor, the Zoning Administrator shall affirm in writing the extent to which the conditions of this Motion have been satisfied.
3. Violation of the conditions contained in this Motion or of any other provisions of the Planning Code may be subject to abatement procedures and fines up to \$250 a day in accordance with Planning Code Section 176.
4. Should monitoring of the Conditions of Approval contained in Exhibit A of this Motion be required, the Project Sponsor or successors shall pay fees as established in Planning Code Section 351(e)(1).
5. Signs and exterior lighting for the business shall be reviewed and approved by the Planning Department before they are installed.
6. The Project shall appoint a Community Liaison Officer to address issues of concern to neighbors related to the operation of this Project. The Project Sponsor shall report the name and telephone number of this Officer to the Zoning Administrator and the neighborhood for reference. The Applicant will keep the above parties apprised should a different staff liaison be designated.
7. A designated garbage area shall be provided within the lot and shall exist behind the metal gate at the front property line at the side of the building. All garbage containers shall be kept within the lot until pick-up by the disposal company.
8. The gallery is limited to five art shows per year for a period of five weeks each. During these art shows, the gallery will be open from Tuesday through Friday, inclusive, between the hours of 10:00 a.m. and 5:00 p.m. All other times, the gallery will be open by appointment between the hours of 10:00 a.m. and 5:00 p.m.

9. Evening events associated with the gallery are limited to five times per year and must conclude by 8:00 p.m.
10. No mechanical equipment, including cranes, will be used to place art in the building.
11. Deliveries connected to the gallery that are under the control of the gallery will occur between the hours of 10 a.m. and 2 p.m. and will not require the use of a truck exceeding $\frac{3}{4}$ ton.
12. The art storage area will be limited to the area indicated on the plans received on July 14, 2009 and stamped "EXHIBIT B" included in the docket for Case No. 2009.0639C.
13. Invitations to gallery events will encourage attendees to take alternative forms of transportation to the gallery, including public transportation and taxis. In addition, invitations and the gallery's website will include which transit lines access the subject site (i.e. MUNI Bus lines 1 California, 2 Clement, 49 Van Ness, etc.).
14. Valet parking will be provided for all events associated with the gallery. This information will be included in the invitations and on the gallery's web site.
15. The entire gallery- including areas serving the gallery such as the office, storage area, and library- shall be limited to 2,426 sq. ft. (less than 25% of the existing total square footage of the building), and conform to the plans received on July 14, 2009 and stamped "EXHIBIT B" included in the docket for Case No. 2009.0639C.
16. Given that the art gallery use is already operating, this authorization shall be deemed operational once this motion becomes final.



SAN FRANCISCO PLANNING DEPARTMENT

SAN FRANCISCO PLANNING COMMISSION NOTICE OF HEARING

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Notice is hereby given to the general public that an application involving the property described below has been filed with the Planning Department for review as set forth in the Planning Code. The Planning Commission will hold a **PUBLIC HEARING** on this item and on other matters on **Thursday, October 1, 2009, beginning at 1:30 p.m. or later (please call 558-6422 on Monday, September 28, 2009 or thereafter for a recorded message giving a more precise hour that the hearing of this specific matter will begin), in City Hall, 1 Dr. Carlton B. Goodlett Place, Room 400.**

2009.0639C: 1969 California Street; south side between Octavia and Gough Streets, Lot 016, in Assessor's Block 0649 -- Request for Conditional Use Authorization under Planning Code Sections 209.9(e) and 303, to allow an art gallery and associated offices in a residential district that will be located within a designated City Landmark, Landmark # 260, the Tobin House, in an RH-2 (Residential, House, Two-Family) Zoning District and a 40-X Height and Bulk District.

The proposal includes establishing an art gallery and associated offices as an accessory use to a residential building. The application proposes that the gallery be open to the public and by appointment. At least 75% of the building's approximately 10,000 square feet will continue to be used as a residence.

For further information, please call Aaron Starr at (415) 558-6362 and ask about Case No. 2009.0639C.

You are receiving this notice because you own property within a 300-foot radius of the subject property.

Persons who are unable to attend the scheduled Planning Commission hearing may submit written comments regarding this case to **Aaron Starr** at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, CA 94103. Comments received by 12:00 p.m. (Noon) on the day of the hearing will be made a part of the official record and will be brought to the attention of the Planning Commission.

Comments which cannot be delivered to the Planning Commission by noon on the day of the hearing may be taken directly to the hearing at the location listed above. Comments received at 1650 Mission Street after the noon deadlines will be placed in the project file, but probably cannot be brought to the attention of the Planning Commission at the public hearing.

Pursuant to Government Code §65009, if you challenge, in court, the approval of a **conditional use**, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing.

Lawrence B. Badiner
Zoning Administrator



SAN FRANCISCO PLANNING DEPARTMENT

September 10, 2009

The attached notice is provided under the Planning Code. It concerns property located **1969 CALIFORNIA STREET, CASE NO. 2009.0639C**. A hearing may occur, a right to request review may expire or a development approval may become final unless appealed by **10/01/09**.

To obtain information about this notice in Spanish, please call (415) 558-5952, or in Chinese, please call (415) 558-5956. Please be advised that the Planning Department will require at least one business day to respond to any call.

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附上的是三藩市城市規劃局的通告。

此通告是與位於 1969 CALIFORNIA STREET, Case No. 2009.0639C.

的建築計劃有關。如果在 10/01/09.

之前沒有人申請聽證會來檢討這一個建築計劃,這計劃可會被核准。

如果你需要用華語獲得關於這通告的細節,請電415-558-5956.

規劃部門將需要至少一個工作天回應。華語資料提供只是城市規劃局的一項服務,此項服務不會提供額外的權利或延伸任何要求檢討的期限。

El documento adjunto es referente a la siguiente dirección: **1969 CALIFORNIA STREET, CASE NO. 2009.0639C**. Es un requisito del Código de Planeación (Planning Code). La posibilidad de una audiencia puede ocurrir. El derecho para revisar el archivo de este proyecto puede expirar o una decisión puede ser final si usted no presenta un documento de apelación antes de **10/01/09**.

Para obtener más información en Español acerca de este proyecto, llame al siguiente teléfono (415) 558-5952. Por favor tome en cuenta que le contestaremos su llamada en un periodo de 24 horas. El servicio en Español es proporcionado por el Departamento de Planeación (Planning Department) de la ciudad de San Francisco. Eso no garantiza ningún derecho adicional o extensión del tiempo requerido por la ley.



SAN FRANCISCO PLANNING DEPARTMENT

SAN FRANCISCO PLANNING COMMISSION NOTICE OF HEARING

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2009.0639C: 1969 California Street; south side between Octavia and Gough Streets, Lot 016, in Assessor's Block 0649 -- Request for Conditional Use Authorization under Planning Code Sections 209.9(e) and 303, to allow an art gallery and associated offices in a residential district that will be located within a designated City Landmark, Landmark # 260, the Tobin House, in an RH-2 (Residential, House, Two-Family) Zoning District and a 40-X Height and Bulk District.

The proposal includes establishing an art gallery and associated offices as an accessory use to a residential building. The application proposes that the gallery be open to the public and by appointment. At least 75% of the building's approximately 10,000 square feet will continue to be used as a residence.

For further information, please call Aaron Starr at (415) 558-6362 and ask about Case No. 2009.0639C.

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Pursuant to Government Code §65009, if you challenge, in court, the approval of a conditional use, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing.

Lawrence B. Badiner
Zoning Administrator



SAN FRANCISCO PLANNING DEPARTMENT

NEIGHBORHOOD ORGANIZATION FEE WAIVER REQUEST FORM

Appeals to the Board of Supervisors

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
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This form is to be used by neighborhood organizations to request a fee waiver for CEQA and conditional use appeals to the Board of Supervisors.

Should a fee waiver be sought, an appellant must present this form to the Clerk of the Board of Supervisors or to Planning Information Counter (PIC) at the ground level of 1660 Mission Street along with relevant supporting materials identified below. Planning staff will review the form and may sign it 'over-the-counter' or may accept the form for further review.

Should a fee waiver be granted, the Planning Department would not deposit the check, which was required to file the appeal with the Clerk of the Board of Supervisors. The Planning Department will return the check to the appellant.

TYPE OF APPEAL FOR WHICH FEE WAIVER IS SOUGHT

[Check only one and attach decision document to this form]

- ☒ Conditional Use Authorization Appeals to the Board of Supervisors
- ☐ Environmental Determination Appeals to the Board of Supervisors (including EIR's, NegDec's, and CatEx's, GREs)

REQUIRED CRITERIA FOR GRANTING OF WAIVER

[All criteria must be satisfied. Please check all that apply and attach supporting materials to this form]

- ☒ The appellant is a member of the stated neighborhood organization and is authorized to file the appeal on behalf of that organization. Authorization may take the form of a letter signed by the president or other officer of an organization.
- ☒ The appellant is appealing on behalf of a neighborhood organization which is registered with the Planning Department and which appears on the Department's current list of neighborhood organizations.
- ☒ The appellant is appealing on behalf of a neighborhood organization, which was 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, which is affected by the project, which is the subject of the appeal.

APPELLANT & PROJECT INFORMATION [to be completed by applicant]	
Name of Applicant: <u>GREG SCOTT</u>	Address of Project: <u>1969 California St</u>
Neighborhood Organization: <u>Pacific Heights Res. Assn</u>	Planning Case No:
Applicant's Address: <u>2585 PACIFIC AVE 94115</u>	Building Permit No:
Applicant's Daytime Phone No: <u>415 498 6270</u>	Date of Decision:
Applicant's Email Address: <u>greg.scott@us.proc.com</u>	

DCP STAFF USE ONLY	
☐ Appellant authorization	Planner's Name: _____
☐ Current organization registration	Date: _____
☐ Minimum organization age	Planner's Signature: _____
☐ Project impact on organization	
■ WAIVER APPROVED ■ WAIVER DENIED	

Owners who have signed appeal petition:

Case # 2009-0639C

Block	Lot	Owner	Address	City	State	Zip
0639	002	Dennis Shinbori TRS	706 Kansas Street	San Francisco	CA	94107
0640	004	Trophy Properties	2099 Market Street	San Francisco	CA	94114
0640	005	William Noland TRS	1910 California Street	San Francisco	CA	94109
0640	006A	Ladislav Prostedny TRS	1936-38 California St	San Francisco	CA	94109
0640	006B	Gerald Vandist TRS	1942-44 California St	San Francisco	CA	94109
0640	007	Gus Panos	1960 California Street	San Francisco	CA	94109
0640	009	Gary Weiss	1976 California Street	San Francisco	CA	94109
0640	016	ATC TRS(Allen Chase)	2015 Sacramento	San Francisco	CA	94109
0640	017	Trophy Properties	2099 Market Street	San Francisco	CA	94114
0640	028	Marilyn Buehler	1809 Gough St #101	San Francisco	CA	94109
0649C	001-	Jeannette M. Harris	1901 California St	San Francisco	CA	94109
	002	Rajneesh & Mary Vig				
	003	David Perry				
	004	J Bem & Billie Becker Bem				
	005	Michael Barcun & Ronald Schwarz				
	006	Margaret & Jerome Rosenthal				
	007	Elizabeth Rounds & Robert Bondies				
	008	Glaser Family TRS				
	009	William Bronson				
	010	Matthew & Michael Blum				
	011	Wm Bronson & Jeannette Harris				
0649	001A	Cafferkey TRS	1915 California St.	San Francisco	CA	94109
0649	002	Mirek & Alena Lucera	1709 Gough Street	San Francisco	CA	94109
0649	004	Daniel Bane	1705 Gough Street	San Francisco	CA	94109
0649	007	Todd Soller ETAL	1828 Pine Street	San Francisco	CA	94109
0649	007	Todd Fong	1830 Pine Street	San Francisco	CA	94109
0649	007A	Alison Massa	1836 Pine Street	San Francisco	CA	94109
0649	013	Scarabosio TRS	1808 Octavia Street	San Francisco	CA	94109
0649	025	McGuire TRS	1981 California Street	San Francisco	CA	94109
0649	026	Greg Rossmann	1983 California Street	San Francisco	CA	94109
0649	029	Clarence So	1945 California Street	San Francisco	CA	94109
0649	030	Gloria Corral	1943 California Street	San Francisco	CA	94109
0649	031	Jill C Sutton	1933 California Street	San Francisco	CA	94109
0650	004	Amann TRS	1807 Octavia Street	San Francisco	CA	94109
0650	023	2001 Partnership	PO Box 16311	San Francisco	CA	94116
0664	20C	Clyde Harris	1859 Pine Street	San Francisco	CA	94109
0664	021	Patterson TRS	285 Castenada Ave	San Francisco	CA	94116

(1955-1955A-1957 Pine)

0664	25	Donald Toy	1829 Pine Street	San Francisco	CA	94109
0664	59	Barnblatt TRS	1837 Pine Street	San Francisco	CA	94109
0664	62	M. Fillman	1843 Pine Street	San Francisco	CA	94109
		W. C. Wonderly-Co-owners				
0664	43	Cathy Aragon	1805 Pine Street#6	San Francisco	CA	94109
		Mendel Chernack-Co-owners				
0664	49	Fred Forster	1805 Pine Street#26	San Francisco	CA	94109
0664	37	Fred Forster	1805 Pine Street#37	San Francisco	CA	94109

City Planning Commission
Case No. 2009 - 0639C

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Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1. _____	_____	_____	_____
2. <u>1901 CALIFORNIA ST</u>	<u>649C-001</u>	<u>Jeannette M Harrio</u>	<u>J Harrio</u>
3. <u>1901 CALIFORNIA ST</u>	<u>649C-011</u>	<u>Jeannette M Harrio</u>	<u>J Harrio</u>
4. <u>1901 CALIFORNIA ST</u>	<u>649C-011</u>	<u>William H. Brownson</u>	<u>Will H. Brownson</u>
5. <u>1901 CALIFORNIA ST</u>	<u>649C-009</u>	<u>William H. Brownson</u>	<u>Will H. Brownson</u>
6. <u>1901 CALIFORNIA ST</u>	<u>649C-003</u>	<u>DAVID L PERRET</u>	<u>David L Perret</u>
7. <u>1901 CALIFORNIA</u>	<u>649C-004</u>	<u>J. BEM</u>	<u>J Bem</u>
8. <u>1901 CALIFORNIA</u>	<u>649C-005</u>	<u>MICHAEL BARCUN</u>	<u>M Barcun</u>
9. <u>1901 CALIFORNIA</u>	<u>649C-005</u>	<u>RONALD SCHWARZ</u>	<u>Ronald Schwarz</u>
10. <u>1901 California</u>	<u>649C-007</u>	<u>Elizabeth Rounds</u>	<u>Elizabeth Rounds</u>
11. <u>1901 California</u>	<u>649C-007</u>	<u>Robert Bonadies</u>	<u>Robert Bonadies</u>
12. <u>1901 CALIFORNIA</u>	<u>649C-004</u>	<u>BILLIE BECKER BEM</u>	<u>Billie Becker Bem</u>
13. <u>1901 CALIFORNIA</u>	<u>649C-006</u>	<u>MARGARET ROSENTHAL</u>	<u>Margaret Rosenthal</u>
14. <u>1901 California</u>	<u>649C-006</u>	<u>Jerome A Rosenthal</u>	<u>Jerome A Rosenthal</u>
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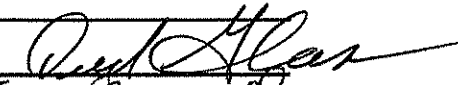
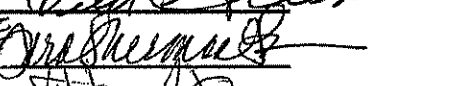
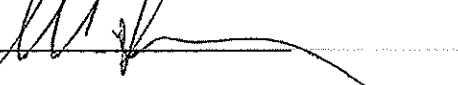
	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	<u>1901 California St. #10</u>	<u>649-C-010</u>	<u>Matthew S Blum</u>	
2.	<u>1901 California St. #10</u>	<u>649-C-010</u>	<u>Michael S. Blum</u>	
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City Planning Commission

Case No. 2009-0639C

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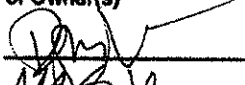
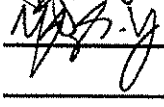
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Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1. <u>1901 CALIFORNIA ST</u>	<u>649-C-008</u>		
2. <u>Coop # 8</u>	<u># 8</u>	<u>GLASER FAMILY</u> ^{REVOCABLE} TRUST	
3. <u>1901 CALIFORNIA ST</u>	<u>649C-008</u>	<u>GLASER FAMILY</u> ^{REVOCABLE} TRUST	
4. <u>1709 GOUGH ST</u>	<u>649-02</u>	<u>ARMSTRONG</u>	
5. <u>1709 GOUGH ST</u>	<u>649-02</u>	<u>Mike Kucea</u>	
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City Planning Commission
Case No. 2009-0639C

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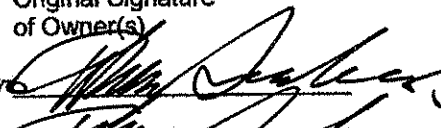
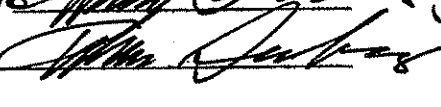
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	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	<u>1901 CALIFORNIA ST #2</u>	<u>649C-002</u>	<u>RAJNEESH VIG</u>	
2.	<u>1901 CALIFORNIA ST #2</u>	<u>649C-002</u>	<u>MARY E. VIG</u>	
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City Planning Commission
Case No. 2009-0639C

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	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	<u>1808 Octavia</u>	<u>649 13</u>	<u>WILLIAM SCARABOSIO</u>	
2.	<u>2015 LAGUNA</u>	<u>638 2</u>	<u>WILLIAM SCARABOSIO</u>	
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City Planning Commission
Case No. 2009-0639C

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	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	<u>1960 California St.</u>	<u>BLOCK 0640 LOT 007</u>	<u>GUS P. PANOS</u>	
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City Planning Commission
Case No. 2009-0639C

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	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	<u>1943 California St.</u>	<u>649 1030</u>	<u>Gloria Corral</u>	<u>[Signature]</u>
2.	<u>1933 California St.</u>	<u>649 1031</u>	<u>Jill Coyle</u>	<u>[Signature]</u>
3.	<u>1945 California St.</u>	<u>649 1029</u>	<u>Clarence So</u>	<u>[Signature]</u>
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Visit Us on our Website: www.fntic.com

Fidelity National Title Company

ISSUING OFFICE: 2150 John Glenn Drive, Suite #300 • Concord, CA 94520
925 288-8000 • FAX 925 521-9562

FOR SETTLEMENT INQUIRIES, CONTACT: Fidelity National Title Company - San Francisco Union Street
2001 Union Street, Suite 590 • San Francisco, CA 94123
415 346-2030 • FAX 415 346-0738

PRELIMINARY REPORT

Title Officer: Kevin Davis
Escrow Officer: Sylvia Wong
Escrow No.: 09-945878-SW

Amended

Title No.: 09-945878-F-KD
Locate No.: CAFNT0938-0938-0006-0000945878

TO: Pacific Union Real Estate Group
One Letterman Drive, Building C, Suite 300
San Francisco, CA 94129

ATTN: Eric Altree

SHORT TERM RATE: Yes

PROPERTY ADDRESS: 1933 California St, San Francisco, California

EFFECTIVE DATE: July 20, 2009, 07:30 A.M.

The form of policy or policies of title insurance contemplated by this report is:

1. THE ESTATE OR INTEREST IN THE LAND HEREINAFTER DESCRIBED OR REFERRED TO COVERED BY THIS REPORT IS:

A CONDOMINIUM, as defined in Sections 783 & 1351(f) of the California Civil Code, in fee
2. TITLE TO SAID ESTATE OR INTEREST AT THE DATE HEREOF IS VESTED IN:

Benjamin Wade Perkins and Susan Margaret Perkins, Trustees (and any successor trustee) u/d/t dated the 8th day of February, 2008 entitled the Benjamin Wade Perkins and Susan Margaret Perkins Revocable Trust, as amended from time to time
3. THE LAND REFERRED TO IN THIS REPORT IS DESCRIBED AS FOLLOWS:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

BT\BT 08/03/2009

RECEIVED, PAGE(S) 27
[Signature] 9/7/09
SIGNATURE **DATE**

SIGNATURE **DATE**

11-9-09

To Whom it may Concern:

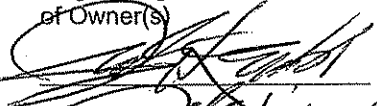
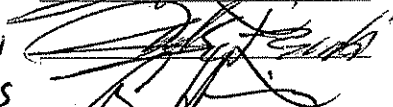
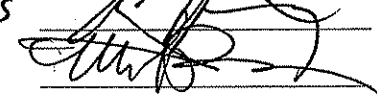
I recently purchased the property at 1933 California Street, which closed on September 11, 2009. I purchased it from Benjamin and Susan Perkins. We have not received the final documents from our realtor.

Jill C. Sutton
Jill C. Sutton

City Planning Commission
Case No. 2009.0639C

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1. <u>1801 GOUGH</u>	<u>640 4</u>	<u>FRANK E LEMBI</u>	
2. <u>2011 SACRAMENTO</u>	<u>640 17</u>	<u>FRANK E. LEMBI</u>	
3. <u>1976 CALIFORNIA ST.</u>	<u>640 9</u>	<u>GARY E. WEISS</u>	
4. <u>1976 California St.</u>	<u>640 9</u>	<u>Michiko Tamate</u>	
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City Planning Commission
Case No. 2009-0639C

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	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	<u>1829 Pine St</u>	<u>664-25</u>	<u>Donald Toy</u>	
2.	<u>1829 Pine St</u>	<u>664-25</u>	<u>Rita Liang</u>	
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City Planning Commission
Case No. 2009-0639C

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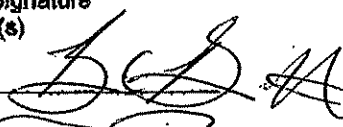
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Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1. <u>1855-ST PINE ST</u>	<u>664/21</u>	<u>JAY PATTERSON</u>	<u>Jay Patterson</u>
2. <u>1855 PINE</u>	<u>BLOCK 664</u> <u>LOT 21</u>	<u>Marliese Patterson</u>	<u>Marliese Patterson</u>
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City Planning Commission
Case No. 2009-0639-C

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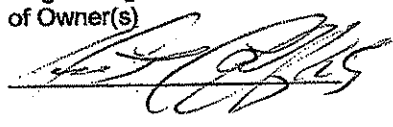
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	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	<u>1837 Pine St #200</u>	<u>N664-059</u>	<u>BRAD & PORTIA BARRBLATT</u>	
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City Planning Commission
Case No. 2009-0639C

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	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	1915 CALIF ST	0649001A	FRANK COFFERKEY	
2.	PO BOX 1631			
3.	BURLINGAME 94010			
4.	1915 CALIF ST	0649001A	MAUREE J. CAFFERKEY	
5.	PO BOX 1631			
6.	BURLINGAME, CA			
7.	94011			
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	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	2001 California	0650-023	Charles Glass	Charles Glass
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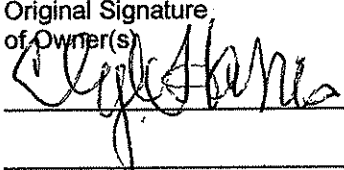
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	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	<u>1981 California</u>	<u>649-25</u>	<u>Aileen McGuire</u>	<u>Aileen M. McGuire</u>
2.	<u>1981 California</u>	<u>649-25</u>	<u>Terrance J. McGuire</u>	<u>Terrance J. McGuire</u>
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City Planning Commission
Case No. 2009.0639C

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

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	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	1859 PINE	664100C	CLYDE HARRA	
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City Planning Commission
Case No. 2009, 06 39C

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	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	<u>1843 Pine St</u>	<u>664162</u>	<u>M. Fillman</u>	<u>[Signature]</u>
2.	<u>"</u>	<u>664162</u>	<u>W.C. Wonderly</u>	<u>[Signature]</u>
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City Planning Commission
Case No. 2009-0639C

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Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1. <u>1805 Pine St #6</u>	<u>664/36⁴³58</u>	<u>Cathy Aragon</u>	<u>[Signature]</u>
2. <u>1805 Pine St #6</u>	<u>664/36⁴³58</u>	<u>Mendel Chernack</u>	<u>M. Chernack</u>
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5. _____	_____	_____	_____
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Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1. <u>1910 C911 St</u>	<u>640-5</u>	<u>WILLIAM B. ANDERSON</u> <u>2006 TRUST</u>	<u>William B. Anderson</u>
2. _____	_____	_____	_____
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City Planning Commission
Case No. 2009.0639C

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	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	<u>1809 Gough ST.</u>	<u>640 28</u>	<u>Marilyn L. Buchler</u>	<u>Marilyn L. Buchler</u>
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
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City Planning Commission
Case No. 2009.0639C

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	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	<u>1935-37 Octzua St</u>	<u>639 + 2</u>	<u>Dennis Shubori</u>	<u>Dennis Shubori</u>
2.	_____	_____	_____	_____
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City Planning Commission
Case No. 2009-0639C

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	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	<u>1935-37 Octavia</u>	<u>0639-002</u>	<u>Wendy Drefke Shinbori</u>	<u>Wendy M. Shinbori</u>
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	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	<u>1805 Pine #26</u>	<u>664 37 48</u>	<u>Fred Forster</u>	<u>F Forster</u>
2.	<u>1805 Pine #37</u>	<u>664 48 37</u>	<u>Fred Forster</u>	<u>F Forster</u>
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City Planning Commission
Case No. 2009.0639C

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	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	<u>2015 Sacramento</u>	<u>0640/016</u>	<u>ATC TRS</u> <u>Allen Chase</u>	<u>Allen P. Chase</u> <u>(415) 606-8353</u>
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City Planning Commission
Case No. 2009-0639C

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	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	<u>1938 Colif</u>	<u>0640/006A</u>	<u>LADIS PROSTREONY</u>	<u>Ladis Prostreony</u>
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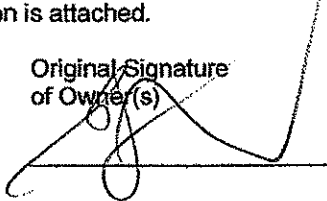
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Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1936/938 Palmdale	640/6A	LYDIA PROSTREDNY	
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City Planning Commission
Case No. 2009.0639C

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	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	<u>1983 CALIFORNIA</u>	<u>649/026</u>	<u>GABE ROSEN</u>	
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City Planning Commission
Case No. 2009.06.39C

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	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	<u>1944 California</u>	<u>0640/006B</u>	<u>VAN DIST</u>	<u>[Signature]</u>
2.	<u>1942 California</u>	<u>0640/006A</u>	<u>VAN DIST</u>	<u>[Signature]</u>
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1969 California St

City Planning Commission

Case No. 2009-0639 C

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	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	1945 California	649 029	Clarence So	Clarence So
2.	1705 Georgia	0649 004	Jan B...	Jan B...
3.	1828 Pine	0649 007	T.O. Kong	T.O. Kong
4.	1830 Pine	0649 007	Todd Salovee	Todd Salovee
5.	1826 Pine	0649 007A	Julian Massa	Julian Massa
6.	1807 Oakman	0690 004	Jeff Amann	Jeff Amann
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TROPHY PROPERTIES, LLC
2099 MARKET STREET
SAN FRANCISCO, CALIFORNIA 94114
415-861-1111

2009 NOV 10 PM 12:08

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

BY FL

November 9, 2009

To whom it may concern:

This letter is to serve as written verification that I, Frank E. Lembi, am a member of Trophy Properties, LLC and have signing authority to sign on behalf of the above entity.

Please feel free to contact me if you need anything further.

Sincerely
Trophy Properties, LLC


By: Frank E. Lembi

Concerning Condition Use, 1969 California Street
San Francisco, CA.