



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Conditional Use

HEARING DATE: AUGUST 31, 2017

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

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PROJECT DESCRIPTION

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

SITE DESCRIPTION AND PRESENT USE

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

SURROUNDING PROPERTIES AND NEIGHBORHOOD

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

PROJECT HISTORY

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

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

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

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

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

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

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

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

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

ENVIRONMENTAL REVIEW

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

HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Classified News Ad	20 days	August 11, 2017	August 8, 2017	23 days
Posted Notice	20 days	August 11, 2017	August 11, 2017	20 days
Mailed Notice	20 days	August 11, 2017	August 11, 2017	20 days

PUBLIC COMMENT

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

REQUIRED COMMISSION ACTION

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

BASIS FOR RECOMMENDATION

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

RECOMMENDATION: Approval with Conditions

Attachments:

Attachment Checklist

- | | |
|---|--|
| <input checked="" type="checkbox"/> Executive Summary | <input checked="" type="checkbox"/> Project sponsor submittal |
| <input checked="" type="checkbox"/> Draft Motion | Drawings: <u>Existing Conditions</u> |
| <input checked="" type="checkbox"/> Environmental Determination | <input checked="" type="checkbox"/> Check for legibility |
| <input checked="" type="checkbox"/> Zoning District Map | Drawings: <u>Proposed Project</u> |
| <input checked="" type="checkbox"/> Height & Bulk Map | <input checked="" type="checkbox"/> Check for legibility |
| <input checked="" type="checkbox"/> Parcel Map | 3-D Renderings (new construction or significant addition) |
| <input checked="" type="checkbox"/> Sanborn Map | <input type="checkbox"/> Check for legibility |
| <input checked="" type="checkbox"/> Aerial Photo | <input type="checkbox"/> Wireless Telecommunications Materials |
| <input checked="" type="checkbox"/> Context Photos | <input type="checkbox"/> Health Dept. review of RF levels |
| <input checked="" type="checkbox"/> Site Photos | <input type="checkbox"/> RF Report |
| | <input type="checkbox"/> Community Meeting Notice |
| | <input type="checkbox"/> Housing Documents |
| | <input type="checkbox"/> Inclusionary Affordable Housing Program: Affidavit for Compliance |

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

NF
Planner's Initials



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

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

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Planning Commission Draft Motion

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

PREAMBLE

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

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

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

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

MOVED, that the Commission hereby authorizes the Conditional Use requested in Application No. 2017-002430CUA, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

FINDINGS

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

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

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

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6. **Public Comment.** To date, the Department has received no public comment on the proposed Project.
7. **Planning Code Compliance.** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:
 - A. **Use (Sections 102, 209.1).** The Project Site is located within the RH-1 (Residential, House: One-Family) Zoning District wherein Residential Use is a principally permitted use.

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

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

Within the RH-1 Zoning District, residential density is limited to one Dwelling Unit per lot. With Conditional Use Authorization, residential density in the RH-1 Zoning District may be increased to one Dwelling Unit per 3,000 square feet of lot area, with no more than three units per lot. The Project involves a lot merger of Lots 10 and 17 within Accessor's Block 0116. The combined lot area of Lots 10 and 17 is 15,735 sf, which, would allow for up to three Dwelling Units with benefit of Conditional Use Authorization. With benefit of a lot merger (Lot Line Adjustment), the two, existing Dwelling Units would be contained on a single lot. Therefore, the Project is in compliance with Code Section 207 and 209.1.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

HOUSING ELEMENT

Objectives and Policies

OBJECTIVE 1:

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

Policy 1.1:

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

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

OBJECTIVE 2:

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

Policy 2.4:

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

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

OBJECTIVE 4:

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

Policy 4.1:

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

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

OBJECTIVE 11:

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

Policy 11.1:

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

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

URBAN DESIGN ELEMENT

Objectives and Policies

OBJECTIVE 1:

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

Policy 1.1:

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

Policy 1.2:

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

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

OBJECTIVE 4:

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

Policy 4.14:

Remove and obscure distracting and cluttering elements.

Policy 4.15:

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

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

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

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

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

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

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

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

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

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

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

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

The Project will not displace any service or industry establishment. The project will not affect industrial or service sector uses or related employment opportunities.

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

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

- G. That landmarks and historic buildings be preserved.

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

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

The project will have no negative impact on existing parks and open spaces.

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

DECISION

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

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

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

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

I hereby certify that the Planning Commission **ADOPTED** the foregoing Motion on August 31, 2017.

Jonas P. Ionin
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: August 31, 2017

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to allow a second Dwelling Unit on a single lot within a RH-1 Zoning District located at 948-950 Lombard Street, Lot 010 in Assessor's Block 0116, pursuant to Planning Code Sections 207, 209.1, and 303, within the RH-1 Zoning District and a 40-X Height and Bulk District; in general conformance with plans, dated January 23, 2017, and stamped "EXHIBIT B" included in the docket for Case No. 2017-002430CUA and subject to conditions of approval reviewed and approved by the Commission on August 31, 2017 under Motion No. XXXXXX. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

RECORDATION OF CONDITIONS OF APPROVAL

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on August 31, 2017 under Motion No. XXXXXX.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

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

SEVERABILITY

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

CHANGES AND MODIFICATIONS

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

Conditions of Approval, Compliance, Monitoring, and Reporting

PERFORMANCE

1. **Validity.** The authorization and right vested by virtue of this action is valid for three (3) years from the effective date of the Motion. The Department of Building Inspection shall have issued a Building Permit or Site Permit to construct the project and/or commence the approved use within this three-year period.

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

2. **Expiration and Renewal.** Should a Building or Site Permit be sought after the three (3) year period has lapsed, the project sponsor must seek a renewal of this Authorization by filing an application for an amendment to the original Authorization or a new application for Authorization. Should the project sponsor decline to so file, and decline to withdraw the permit application, the Commission shall conduct a public hearing in order to consider the revocation of the Authorization. Should the Commission not revoke the Authorization following the closure of the public hearing, the Commission shall determine the extension of time for the continued validity of the Authorization.

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

3. **Diligent pursuit.** Once a site or Building Permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. Failure to do so shall be grounds for the Commission to consider revoking the approval if more than three (3) years have passed since this Authorization was approved.

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

4. **Extension.** All time limits in the preceding three paragraphs may be extended at the discretion of the Zoning Administrator where implementation of the project is delayed by a public agency, an appeal or a legal challenge and only by the length of time for which such public agency, appeal or challenge has caused delay.

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

5. **Conformity with Current Law.** No application for Building Permit, Site Permit, or other entitlement shall be approved unless it complies with all applicable provisions of City Codes in effect at the time of such approval.

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

DESIGN – COMPLIANCE AT PLAN STAGE

6. **Final Materials.** The Project Sponsor shall continue to work with Planning Department on the building design. Final materials, glazing, color, texture, landscaping, and detailing shall be subject to Department staff review and approval. The architectural addenda shall be reviewed and approved by the Planning Department prior to issuance.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org
7. **Garbage, composting and recycling storage.** Space for the collection and storage of garbage, composting, and recycling shall be provided within enclosed areas on the property and clearly labeled and illustrated on the building permit plans. Space for the collection and storage of recyclable and compostable materials that meets the size, location, accessibility and other standards specified by the San Francisco Recycling Program shall be provided at the ground level of the buildings.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org
8. **Rooftop Mechanical Equipment.** Pursuant to Planning Code 141, the Project Sponsor shall submit a roof plan to the Planning Department prior to Planning approval of the building permit application. Rooftop mechanical equipment, if any is proposed as part of the Project, is required to be screened so as not to be visible from any point at or below the roof level of the subject building.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org
9. **Noise.** Plans submitted with the building permit application for the approved project shall incorporate acoustical insulation and other sound proofing measures to control noise.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org
10. **Odor Control Unit.** In order to ensure any significant noxious or offensive odors are prevented from escaping the premises once the project is operational, the building permit application to implement the project shall include air cleaning or odor control equipment details and manufacturer specifications on the plans. Odor control ducting shall not be applied to the primary façade of the building.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

PARKING AND TRAFFIC

11. **Bicycle Parking.** Pursuant to Planning Code Sections 155, 155.1, and 155.2, the Project shall provide no fewer than 2 bicycle parking spaces (2 Class 1 spaces for the residential portion of the Project).
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

12. **Parking Maximum.** Pursuant to Planning Code Section 151.1, the Project shall provide no more than **three (3)** off-street parking spaces.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
13. **Parking Requirement.** Pursuant to Planning Code Section 151, the Project shall provide at least **two (2)** independently accessible off-street parking spaces.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
14. **Managing Traffic During Construction.** The Project Sponsor and construction contractor(s) shall coordinate with the Traffic Engineering and Transit Divisions of the San Francisco Municipal Transportation Agency (SFMTA), the Police Department, the Fire Department, the Planning Department, and other construction contractor(s) for any concurrent nearby Projects to manage traffic congestion and pedestrian circulation effects during construction of the Project.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

MONITORING - AFTER ENTITLEMENT

15. **Enforcement.** Violation of any of the Planning Department conditions of approval contained in this Motion or of any other provisions of Planning Code applicable to this Project shall be subject to the enforcement procedures and administrative penalties set forth under Planning Code Section 176 or Section 176.1. The Planning Department may also refer the violation complaints to other city departments and agencies for appropriate enforcement action under their jurisdiction.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
16. **Revocation due to Violation of Conditions.** Should implementation of this Project result in complaints from interested property owners, residents, or commercial lessees which are not resolved by the Project Sponsor and found to be in violation of the Planning Code and/or the specific conditions of approval for the Project as set forth in Exhibit A of this Motion, the Zoning Administrator shall refer such complaints to the Commission, after which it may hold a public hearing on the matter to consider revocation of this authorization.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

OPERATION

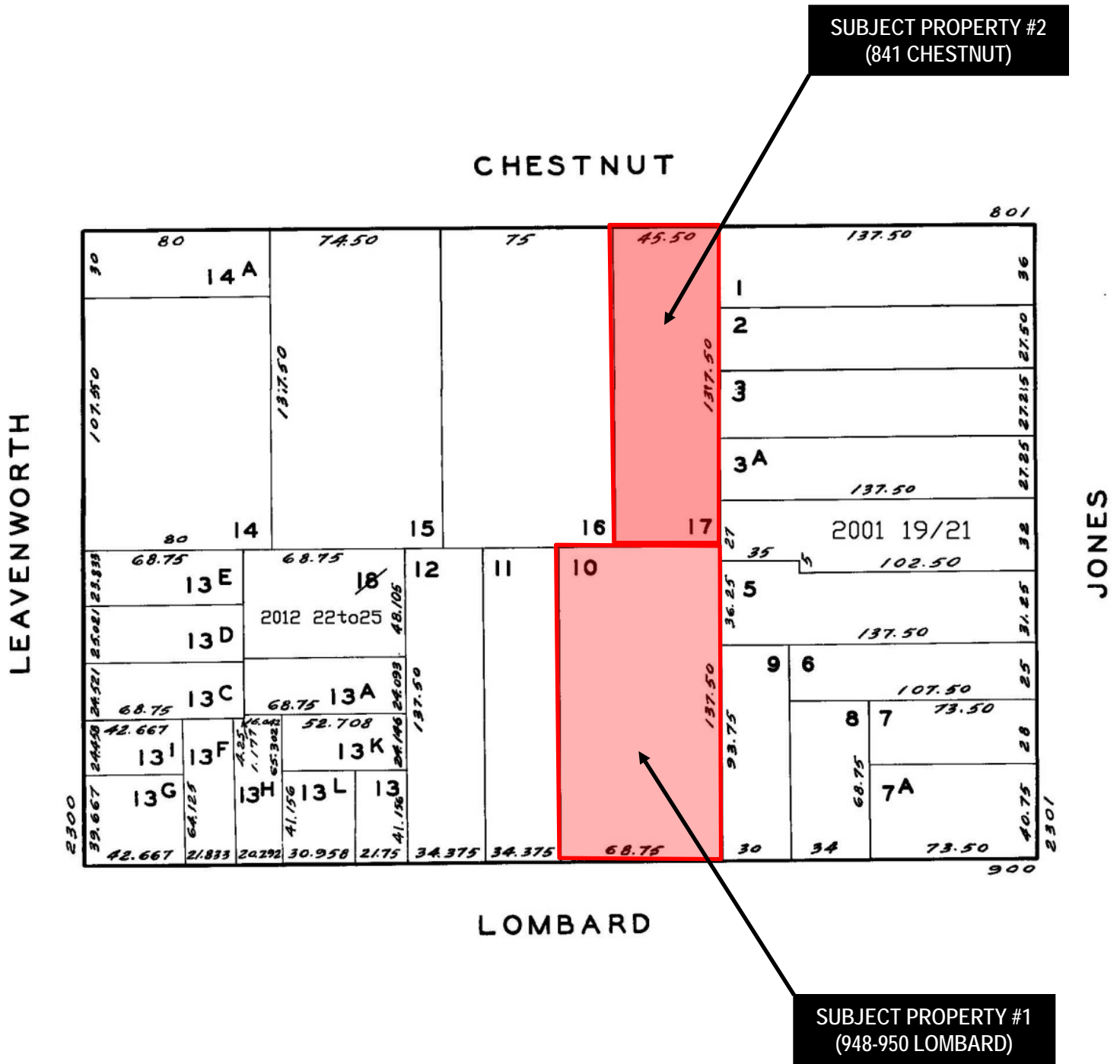
17. **Garbage, Recycling, and Composting Receptacles.** Garbage, recycling, and compost containers shall be kept within the premises and hidden from public view, and placed outside only when being serviced by the disposal company. Trash shall be contained and disposed of pursuant to garbage and recycling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

18. **Sidewalk Maintenance.** The Project Sponsor shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean and sanitary condition in compliance with the Department of Public Works Streets and Sidewalk Maintenance Standards.
For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works, 415-695-2017, <http://sfdpw.org>
19. **Noise Control.** The premises shall be adequately soundproofed or insulated for noise and operated so that incidental noise shall not be audible beyond the premises or in other sections of the building and fixed-source equipment noise shall not exceed the decibel levels specified in the San Francisco Noise Control Ordinance.
*For information about compliance with the fixed mechanical objects such as rooftop air conditioning, restaurant ventilation systems, and motors and compressors with acceptable noise levels, contact the Environmental Health Section, Department of Public Health at (415) 252-3800, www.sfdph.org
For information about compliance with the construction noise, contact the Department of Building Inspection, 415-558-6570, www.sfdbi.org
For information about compliance with the amplified sound including music and television contact the Police Department at 415-553-0123, www.sf-police.org*
20. **Odor Control.** While it is inevitable that some low level of odor may be detectable to nearby residents and passersby, appropriate odor control equipment shall be installed in conformance with the approved plans and maintained to prevent any significant noxious or offensive odors from escaping the premises.
For information about compliance with odor or other chemical air pollutants standards, contact the Bay Area Air Quality Management District, (BAAQMD), 1-800-334-ODOR (6367), www.baaqmd.gov and Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
21. **Community Liaison.** Prior to issuance of a building permit to construct the project and implement the approved use, the Project Sponsor shall appoint a community liaison officer to deal with the issues of concern to owners and occupants of nearby properties. The Project Sponsor shall provide the Zoning Administrator with written notice of the name, business address, and telephone number of the community liaison. Should the contact information change, the Zoning Administrator shall be made aware of such change. The community liaison shall report to the Zoning Administrator what issues, if any, are of concern to the community and what issues have not been resolved by the Project Sponsor.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
22. **Lighting.** All Project lighting shall be directed onto the Project site and immediately surrounding sidewalk area only, and designed and managed so as not to be a nuisance to adjacent residents. Nighttime lighting shall be the minimum necessary to ensure safety, but shall in no case be directed so as to constitute a nuisance to any surrounding property.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

Exhibits

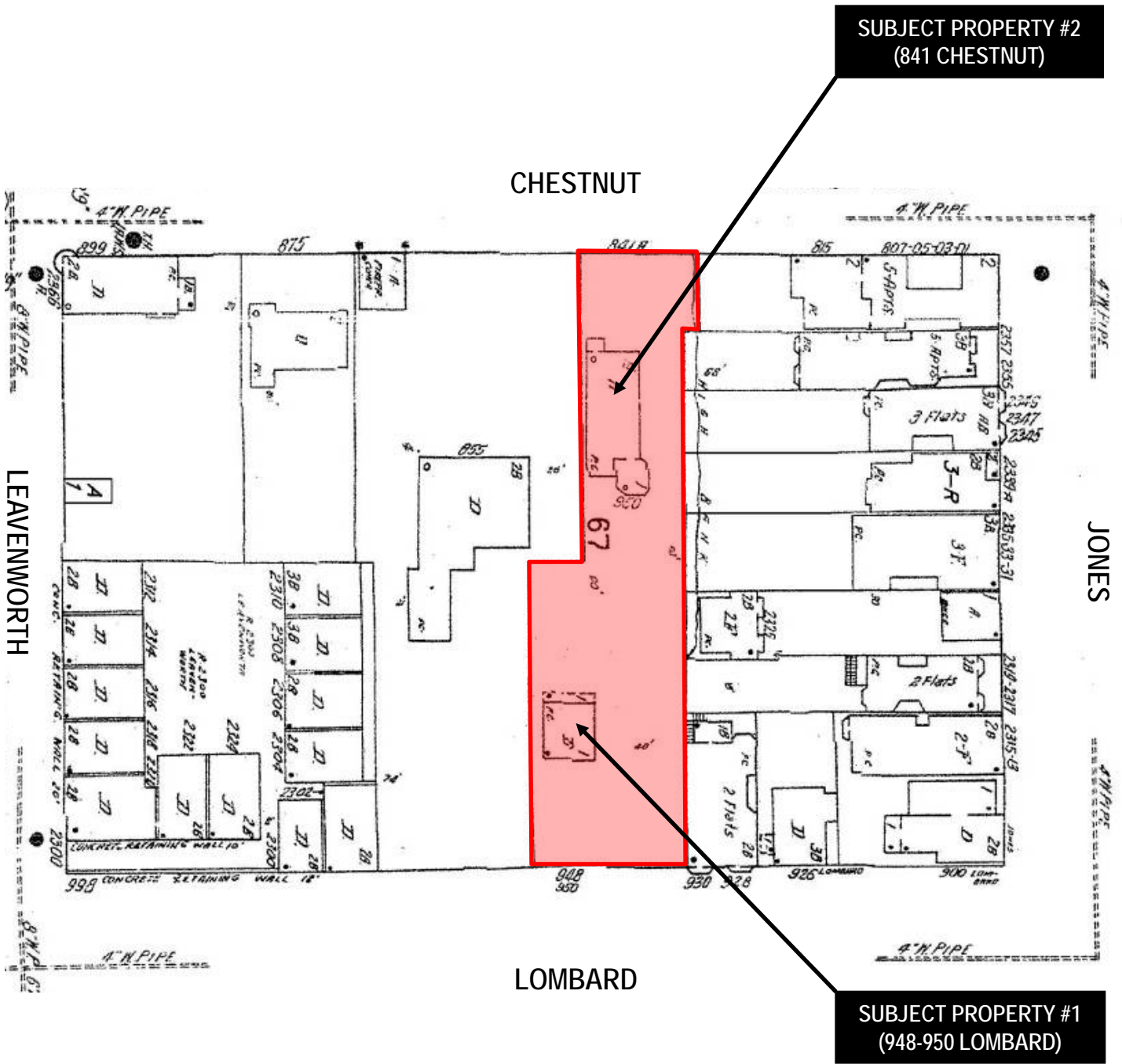
- **Block Book Map**
- **Sanborn Map**
- **Aerial Photograph**
- **Zoning Map**
- **Site Photos**

Parcel Map



Conditional Use Authorization
 Case Number 2017-002430CUA
 948-950 Lombard Street

Sanborn Map*



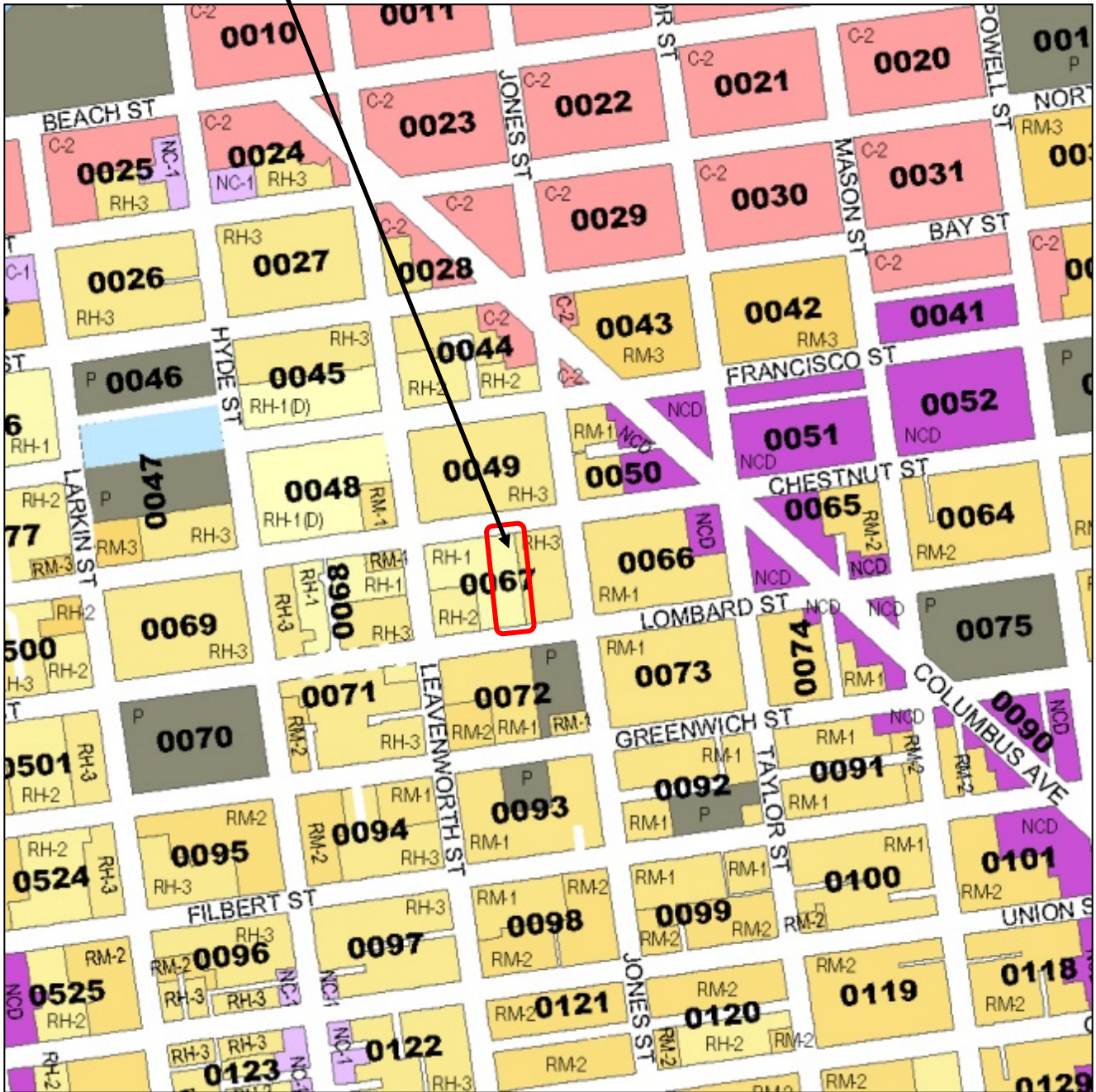
*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.



Conditional Use Authorization
Case Number 2017-002430CUA
948-950 Lombard Street

Zoning Map

SUBJECT PROPERTIES



Conditional Use Authorization
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Site Photo

**SUBJECT PROPERTY #1
(948-950 LOMBARD)**



**Street View of 948-950 Lombard Street
(from Lombard Street)**

**Conditional Use Authorization
Case Number 2017-002430CUA
948-950 Lombard Street**

Site Photo

SUBJECT PROPERTY #2
(841 CHESTNUT)



These stairs access the adjacent property (801-815 Chestnut Street) and not the subject property.

Street View of 841 Chestnut Street
(from Chestnut Street)

Conditional Use Authorization
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948-950 Lombard Street

Aerial Photo

948-950 LOMBARD STREET
(EXISTING RESIDENTIAL STRUCTURE)

841 CHESTNUT STREET
(EXISTING RESIDENTIAL STRUCTURE)



Aerial view of subject properties.

Conditional Use Authorization
Case Number 2017-002430CUA
948-950 Lombard Street

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SAN FRANCISCO PLANNING DEPARTMENT

CEQA Categorical Exemption Determination

PROPERTY INFORMATION/PROJECT DESCRIPTION

Project Address		Block/Lot(s)	
Case No.	Permit No.	Plans Dated	
<input type="checkbox"/> Addition/ Alteration	<input type="checkbox"/> Demolition (requires HRER if over 45 years old)	<input type="checkbox"/> New Construction	<input type="checkbox"/> Project Modification (GO TO STEP 7)
Project description for Planning Department approval.			

STEP 1: EXEMPTION CLASS TO BE COMPLETED BY PROJECT PLANNER

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

STEP 2: CEQA IMPACTS TO BE COMPLETED BY PROJECT PLANNER

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

	<i>Maher program, or other documentation from Environmental Planning staff that hazardous material effects would be less than significant (refer to EP_ArcMap > Maher layer).</i>
<input type="checkbox"/>	Transportation: Does the project create six (6) or more net new parking spaces or residential units? Does the project have the potential to adversely affect transit, pedestrian and/or bicycle safety (hazards) or the adequacy of nearby transit, pedestrian and/or bicycle facilities?
<input type="checkbox"/>	Archeological Resources: Would the project result in soil disturbance/modification greater than two (2) feet below grade in an archeological sensitive area or eight (8) feet in a non-archeological sensitive area? <i>(refer to EP_ArcMap > CEQA Catex Determination Layers > Archeological Sensitive Area)</i>
<input type="checkbox"/>	Subdivision/Lot Line Adjustment: Does the project site involve a subdivision or lot line adjustment on a lot with a slope average of 20% or more? <i>(refer to EP_ArcMap > CEQA Catex Determination Layers > Topography)</i>
<input type="checkbox"/>	Slope = or > 20%: Does the project involve any of the following: (1) square footage expansion greater than 1,000 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? <i>(refer to EP_ArcMap > CEQA Catex Determination Layers > Topography)</i> If box is checked, a geotechnical report is required.
<input type="checkbox"/>	Seismic: Landslide Zone: Does the project involve any of the following: (1) square footage expansion greater than 1,000 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? <i>(refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones)</i> If box is checked, a geotechnical report is required.
<input type="checkbox"/>	Seismic: Liquefaction Zone: Does the project involve any of the following: (1) square footage expansion greater than 1,000 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? <i>(refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones)</i> If box is checked, a geotechnical report will likely be required.
<u>If no boxes are checked above, GO TO STEP 3. If one or more boxes are checked above, an Environmental Evaluation Application is required, unless reviewed by an Environmental Planner.</u>	
<input type="checkbox"/>	Project can proceed with categorical exemption review. The project does not trigger any of the CEQA impacts listed above.
Comments and Planner Signature (optional):	

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

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

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

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

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

Check all that apply to the project.	
<input type="checkbox"/>	1. Project involves a known historical resource (CEQA Category A) as determined by Step 3 and conforms entirely to proposed work checklist in Step 4.
<input type="checkbox"/>	2. Interior alterations to publicly accessible spaces.
<input type="checkbox"/>	3. Window replacement of original/historic windows that are not “in-kind” but are consistent with existing historic character.
<input type="checkbox"/>	4. Façade/storefront alterations that do not remove, alter, or obscure character-defining features.
<input type="checkbox"/>	5. Raising the building in a manner that does not remove, alter, or obscure character-defining features.
<input type="checkbox"/>	6. Restoration based upon documented evidence of a building’s historic condition, such as historic photographs, plans, physical evidence, or similar buildings.
<input type="checkbox"/>	7. Addition(s) , including mechanical equipment that are minimally visible from a public right-of-way and meet the <i>Secretary of the Interior’s Standards for Rehabilitation</i> .
<input type="checkbox"/>	8. Other work consistent with the <i>Secretary of the Interior Standards for the Treatment of Historic Properties</i> (specify or add comments):

<input type="checkbox"/>	<p>9. Other work that would not materially impair a historic district (specify or add comments):</p> <p style="text-align: right;"><i>(Requires approval by Senior Preservation Planner/Preservation Coordinator)</i> _____</p>
<input type="checkbox"/>	<p>10. Reclassification of property status. <i>(Requires approval by Senior Preservation Planner/Preservation Coordinator)</i></p> <p style="padding-left: 40px;"> <input type="checkbox"/> Reclassify to Category A <input type="checkbox"/> Reclassify to Category C </p> <p>a. Per HRER dated: _____ <i>(attach HRER)</i></p> <p>b. Other <i>(specify)</i>:</p>
<p>Note: If ANY box in STEP 5 above is checked, a Preservation Planner MUST check one box below.</p>	
<input type="checkbox"/>	<p>Further environmental review required. Based on the information provided, the project requires an <i>Environmental Evaluation Application</i> to be submitted. GO TO STEP 6.</p>
<input type="checkbox"/>	<p>Project can proceed with categorical exemption review. The project has been reviewed by the Preservation Planner and can proceed with categorical exemption review. GO TO STEP 6.</p>
<p>Comments (optional):</p>	
<p>Preservation Planner Signature:</p>	

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

<input type="checkbox"/>	<p>Further environmental review required. Proposed project does not meet scopes of work in either <i>(check all that apply)</i>:</p> <p style="padding-left: 40px;"> <input type="checkbox"/> Step 2 – CEQA Impacts <input type="checkbox"/> Step 5 – Advanced Historical Review </p> <p>STOP! Must file an <i>Environmental Evaluation Application</i>.</p>	
<input type="checkbox"/>	<p>No further environmental review is required. The project is categorically exempt under CEQA.</p>	
	<p>Planner Name:</p>	<p>Signature:</p>
	<p>Project Approval Action:</p> <p>If Discretionary Review before the Planning Commission is requested, the Discretionary Review hearing is the Approval Action for the project.</p>	
<p>Once signed or stamped and dated, this document constitutes a categorical exemption pursuant to CEQA Guidelines and Chapter 31 of the Administrative Code.</p> <p>In accordance with Chapter 31 of the San Francisco Administrative Code, an appeal of an exemption determination can only be filed within 30 days of the project receiving the first approval action.</p>		

**STEP 7: MODIFICATION OF A CEQA EXEMPT PROJECT
TO BE COMPLETED BY PROJECT PLANNER**

In accordance with Chapter 31 of the San Francisco Administrative Code, when a California Environmental Quality Act (CEQA) exempt project changes after the Approval Action and requires a subsequent approval, the Environmental Review Officer (or his or her designee) must determine whether the proposed change constitutes a substantial modification of that project. This checklist shall be used to determine whether the proposed changes to the approved project would constitute a “substantial modification” and, therefore, be subject to additional environmental review pursuant to CEQA.

PROPERTY INFORMATION/PROJECT DESCRIPTION

Project Address (If different than front page)		Block/Lot(s) (If different than front page)
Case No.	Previous Building Permit No.	New Building Permit No.
Plans Dated	Previous Approval Action	New Approval Action
Modified Project Description:		

DETERMINATION IF PROJECT CONSTITUTES SUBSTANTIAL MODIFICATION

Compared to the approved project, would the modified project:	
<input type="checkbox"/>	Result in expansion of the building envelope, as defined in the Planning Code;
<input type="checkbox"/>	Result in the change of use that would require public notice under Planning Code Sections 311 or 312;
<input type="checkbox"/>	Result in demolition as defined under Planning Code Section 317 or 19005(f)?
<input type="checkbox"/>	Is any information being presented that was not known and could not have been known at the time of the original determination, that shows the originally approved project may no longer qualify for the exemption?
If at least one of the above boxes is checked, further environmental review is required.	

DETERMINATION OF NO SUBSTANTIAL MODIFICATION

<input type="checkbox"/>	The proposed modification would not result in any of the above changes.
If this box is checked, the proposed modifications are categorically exempt under CEQA, in accordance with prior project approval and no additional environmental review is required. This determination shall be posted on the Planning Department website and office and mailed to the applicant, City approving entities, and anyone requesting written notice.	
Planner Name:	Signature or Stamp:

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APPLICATION FOR Conditional Use Authorization

1. Owner/Applicant Information

PROPERTY OWNER'S NAME:	
Eight Forty One LLC	
PROPERTY OWNER'S ADDRESS:	TELEPHONE:
One Post Street, Suite 2210 San Francisco, CA 94104	(415) 504-8100
	EMAIL:

APPLICANT'S NAME:	
Same as Above <input checked="" type="checkbox"/>	
APPLICANT'S ADDRESS:	TELEPHONE:
	()
	EMAIL:

CONTACT FOR PROJECT INFORMATION:	
Tuija Catalano	
Same as Above <input type="checkbox"/>	
ADDRESS:	TELEPHONE:
Reuben, Junius & Rose, LLP One Bush Street, Suite 600 San Francisco, CA 94104	(415) 567-9000
	EMAIL:
	tatalano@reubenlaw.com

COMMUNITY LIAISON FOR PROJECT (PLEASE REPORT CHANGES TO THE ZONING ADMINISTRATOR):	
Same as Above <input checked="" type="checkbox"/>	
ADDRESS:	TELEPHONE:
	()
	EMAIL:

2. Location and Classification

STREET ADDRESS OF PROJECT:	ZIP CODE:
948 Lombard Street / 841 Chestnut Street	94133
CROSS STREETS:	
Jones & Leavenworth Streets	

ASSESSORS BLOCK/LOT:	LOT DIMENSIONS:	LOT AREA (SQ FT):	ZONING DISTRICT:	HEIGHT/BULK DISTRICT:
0067 / 10 & 17	17 - 45.5 X 137.5	17 - 6,255	RH-1	40-X
	10 - 68.75 X 137.5	10 - 9,480.64		

Note: The requested Lot Line Adjustment was previously approved by Planning Department on April 22, 2015. See prior Planning Department approval in the attached Exhibit B.

3. Project Description

(Please check all that apply) <input type="checkbox"/> Change of Use <input type="checkbox"/> Change of Hours <input type="checkbox"/> New Construction <input type="checkbox"/> Alterations <input type="checkbox"/> Demolition <input checked="" type="checkbox"/> Other Please clarify: Lot Line Adjustment	ADDITIONS TO BUILDING: <input type="checkbox"/> Rear <input type="checkbox"/> Front <input type="checkbox"/> Height <input type="checkbox"/> Side Yard	PRESENT OR PREVIOUS USE:	
		Residential - 2 separate lots containing a total of 2 dwelling units	
		PROPOSED USE:	
		Residential - 1 lot containing a total of 2 dwelling units	
		BUILDING APPLICATION PERMIT NO.:	DATE FILED:
		201701268001	1/26/2017

4. Project Summary Table

If you are not sure of the eventual size of the project, provide the maximum estimates.

	EXISTING USES:	EXISTING USES TO BE RETAINED:	NET NEW CONSTRUCTION AND/OR ADDITION:	PROJECT TOTALS:
PROJECT FEATURES				
Dwelling Units	2	2	0	2
Hotel Rooms	0	0	0	0
Parking Spaces	0	0	0	0
Loading Spaces	0	0	0	0
Number of Buildings	2	2	0	2
Height of Building(s)	N/A	N/A	N/A	N/A
Number of Stories	Lot 10: 1 Lot 17: 2			Lot 10: 1 Lot 17: 2
Bicycle Spaces	0	0	0	0
GROSS SQUARE FOOTAGE (GSF)				
Residential	Lot 10: 616 Lot 17: 3,430		N/A	N/A
Retail	0			0
Office	0			0
Industrial/PDR <i>Production, Distribution, & Repair</i>	0			0
Parking	0			0
Other (Specify Use)	0			0
TOTAL GSF	4,046			N/A

Please describe any additional project features that are not included in this table:
 (Attach a separate sheet if more space is needed)

The Project would merge Lots 10 and 17, each of which contain a single dwelling unit, into one parcel containing two dwelling units in the RH-1 District.

Please see Exhibit A, attached.

5. Action(s) Requested (Include Planning Code Section which authorizes action)

Conditional Use Authorization to allow two dwelling units on a single RH-1 zoned parcel pursuant to Planning Code Sections 209.1, 207, and 303.

Conditional Use Findings

Pursuant to Planning Code Section 303(c), before approving a conditional use authorization, the Planning Commission needs to find that the facts presented are such to establish the findings stated below. In the space below and on separate paper, if necessary, please present facts sufficient to establish each finding.

1. That the proposed use or feature, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable for, and compatible with, the neighborhood or the community; and
2. That such use or feature as proposed will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity, or injurious to property, improvements or potential development in the vicinity, with respect to aspects including but not limited to the following:
 - (a) The nature of the proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;
 - (b) The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed off-street parking and loading;
 - (c) The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor;
 - (d) Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs; and
3. That such use or feature as proposed will comply with the applicable provisions of this Code and will not adversely affect the Master Plan.

Please see Exhibit A, attached.

Priority General Plan Policies Findings

Proposition M was adopted by the voters on November 4, 1986. It requires that the City shall find that proposed projects and demolitions are consistent with eight priority policies set forth in Section 101.1 of the City Planning Code. These eight policies are listed below. Please state how the project is consistent or inconsistent with each policy. Each statement should refer to specific circumstances or conditions applicable to the property. Each policy must have a response. IF A GIVEN POLICY DOES NOT APPLY TO YOUR PROJECT, EXPLAIN WHY IT DOES NOT.

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

Please see Exhibit A, attached.

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

Please see Exhibit A, attached.

3. That the City's supply of affordable housing be preserved and enhanced;

Please see Exhibit A, attached.

4. That commuter traffic not impede Muni transit service or overburden our streets or neighborhood parking;

Please see Exhibit A, attached.

CASE NUMBER:
For Staff Use only

- 5. 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;

Please see Exhibit A, attached.

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

Please see Exhibit A, attached.

- 7. That landmarks and historic buildings be preserved; and

Please see Exhibit A, attached.

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

Please see Exhibit A, attached.

Estimated Construction Costs

TYPE OF APPLICATION: Conditional Use	
OCCUPANCY CLASSIFICATION: R-3	
BUILDING TYPE: 27 - 1 Family Dwelling	
TOTAL GROSS SQUARE FEET OF CONSTRUCTION: N/A	BY PROPOSED USES: Residential
ESTIMATED CONSTRUCTION COST: N/A	
ESTIMATE PREPARED BY: Reuben, Junius & Rose - Authorized Agents	
FEE ESTABLISHED: \$2,206	

Applicant's Affidavit

Under penalty of perjury the following declarations are made:

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

Signature: _____

Tulja J. Catalano

Date: _____

2-28-2017

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

Tulja J. Catalano/Reuben, Junius & Rose, LLP

Owner Authorized Agent (circle one)

Application Submittal Checklist

Applications listed below submitted to the Planning Department must be accompanied by this checklist and all required materials. The checklist is to be completed and **signed by the applicant or authorized agent and a department staff person.**

APPLICATION MATERIALS	CHECKLIST
Application, with all blanks completed	<input checked="" type="checkbox"/>
300-foot radius map, if applicable	<input type="checkbox"/>
Address labels (original), if applicable	<input type="checkbox"/>
Address labels (copy of the above), if applicable	<input type="checkbox"/>
Site Plan	<input checked="" type="checkbox"/>
Floor Plan	<input checked="" type="checkbox"/>
Elevations	<input checked="" type="checkbox"/>
Section 303 Requirements	<input checked="" type="checkbox"/>
Prop. M Findings	<input checked="" type="checkbox"/>
Historic photographs (if possible), and current photographs	<input checked="" type="checkbox"/>
Check payable to Planning Dept.	<input checked="" type="checkbox"/>
Original Application signed by owner or agent	<input checked="" type="checkbox"/>
Letter of authorization for agent	<input checked="" type="checkbox"/>
Other: Section Plan, Detail drawings (ie. windows, door entries, trim), Specifications (for cleaning, repair, etc.) and/or Product cut sheets for new elements (ie. windows, doors)	<input type="checkbox"/>

NOTES:

- Required Material. Write "N/A" if you believe the item is not applicable, (e.g. letter of authorization is not required if application is signed by property owner.)
- Typically would not apply. Nevertheless, in a specific case, staff may require the item.
- Two sets of original labels and one copy of addresses of adjacent property owners and owners of property across street.

After your case is assigned to a planner, you will be contacted and asked to provide an electronic version of this application including associated photos and drawings.

Some applications will require additional materials not listed above. The above checklist does not include material needed for Planning review of a building permit. The "Application Packet" for Building Permit Applications lists those materials.

No application will be accepted by the Department unless the appropriate column on this form is completed. Receipt of this checklist, the accompanying application, and required materials by the Department serves to open a Planning file for the proposed project. After the file is established it will be assigned to a planner. At that time, the planner assigned will review the application to determine whether it is complete or whether additional information is required in order for the Department to make a decision on the proposal.

For Department Use Only

Application received by Planning Department:

By: _____

Date: _____

ATTACHMENT A

CONDITIONAL USE APPLICATION

PROJECT DESCRIPTION AND CONDITIONAL USE FINDINGS

**948-950 Lombard / 841 Chestnut
Block 0067/Lots 010 and 017**

A. PROJECT DESCRIPTION:

948-950 Lombard Street (Assessor's Block 0067, Lot 010) and 841 Chestnut Street (Assessor's Block 0067, Lot 017) (collectively, the "**Properties**") are adjoining lots extending between Chestnut and Lombard Streets on the block bounded by Chestnut, Jones, Lombard and Leavenworth Streets in the Russian Hill neighborhood. The location of these Properties is illustrated below:



950 Lombard Street is 9,480-sf lot containing a 1-story, 616-sf cottage with one dwelling unit. 841 Chestnut Street is a 6,255-sf lot containing a 2-story, 3,430-sf single-family dwelling. The combined site has been vacant for more than two (2) decades, and is subject to pending, extensive renovations, approved by Planning, that will result in the return of the buildings into use and residential occupancy.

Due to the steep, hilly topography, 841 Chestnut Street has no direct vehicular or pedestrian access along its street frontage on Chestnut Street, and has historically utilized a portion of the 950 Lombard Street site for ingress and egress. Thus, for all practical purposes these Properties have traditionally functioned as a single parcel. The Properties are also improved with below-grade areas, approved by Planning, that cross current property boundaries. In fact, this lot line adjustment was also previously approved by Planning Department once (see Exhibit B, for Planning Department approval, dated April 22, 2015).

**CU APPLICATION
ATTACHMENT A**

The Properties are zoned RH-1 (Residential House – One Family), and within a 40-X height and bulk district. The RH-1 District allows development of up to one dwelling unit per lot, or up to one unit per 3,000 sf of lot area with Conditional Use Authorization.

The project proposes to merge the Properties into a single lot, resulting in two dwelling units located on a single 15,735-sf parcel (“**Project**”). The Project requires Conditional Use Authorization pursuant to Planning Code Sections 209.1, 207, and 303 to allow two dwelling units on a single lot in the RH-1 District.

B. CONDITIONAL USE FINDINGS:

Pursuant to Planning Code Section 303(c), before approving a conditional use authorization, the Planning Commission needs to find that the facts presented are such to establish the findings stated below. In the space below and on separate paper, if necessary, please present facts sufficient to establish each finding.

Under Planning Code Section 303(c), the City Planning Commission shall approve the application and authorize a conditional use if the facts presented are such to establish the following:

1. Desirability and Compatibility of Project

Planning Code section 303(c)(1) requires that facts be established which demonstrate the following:

That the proposed use or feature, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable for, and compatible with, the neighborhood or the community.

The Project will result in two dwelling units on a 15,375-sf lot. This is necessary and desirable because it will maintain two units on the site while formalizing property access rights. Due to the steep, hilly topography of this area, 841 Chestnut Street has no direct pedestrian or vehicular access from its frontage on Chestnut Street, and instead has historically utilized a portion of the 950 Lombard Street property to provide ingress and egress from Lombard Street. In the early 2000’s, the prior owner of the Properties had proposed construction of a tunnel along the Chestnut Street façade that would have provided direct access to the 841 Chestnut property, however, such extensive excavation was deemed to be neither desirable nor technically very feasible.

Providing two dwelling units on the single merged lot is both necessary and desirable because it will maintain the status quo and promote a residential density consistent with the historical use of the Properties and character of the neighborhood. The Properties each currently contain a single dwelling unit, contributing to the City’s housing stock. It would be undesirable to lose one of these units (and thus available housing) as a result of the merger. Further, once merged, the Properties will create a single 15,735-sf lot. Other lots on the same

**CU APPLICATION
ATTACHMENT A**

block face range in size from 888 sf to 10,310 sf, with each typically containing a single dwelling unit. Allowing two units to remain on the larger merged lot would be consistent with the existing density, development scale, and character of the neighborhood, and well in compliance with the Section 209.1 controls allowing up to one unit per 3,000 sf of lot area (i.e. up to 5 units on the combined site).

The two parcels are currently, and have historically been, owned by the same owner.

2. Effect of Project on Health, Safety, Convenience or General Welfare

Planning Code section 303(c)(2) requires that facts be established which demonstrate the following:

That such use or feature as proposed will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity, or injurious to property, improvements or potential development in the vicinity, with respect to aspects including but not limited to the following:

- (a) **The nature of the proposed site, including its size and shape, and the proposed size, shape and arrangement of the structure.**

Due to the steep, hilly topography of this area, 841 Chestnut Street has no direct pedestrian or vehicular access from Chestnut Street, and instead has historically utilized a portion of the 950 Lombard Street property to provide ingress and egress from Lombard Street. The Project will merge the two properties into a single lot with direct access from Lombard Street to both units eliminating the undesirable condition of having one legal lot dependent upon another for its sole access. In this case, the “primary” unit has always been the 841 Chestnut building, which has been reliant on access on the other lot containing a much smaller, “secondary” cottage unit. As the Project will maintain the status quo of property access for these parcels, it will not result in any detriment to the public health, safety, convenience, or welfare.

- (b) **The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed off-street parking and loading and of proposed alternatives to off-street parking, including provisions of car-share parking spaces, as defined in Section 166 of this Code.**

The Project will maintain off street parking for the existing dwelling units and does not propose to expand residential use in a manner that would significantly alter accessibility and traffic patterns for persons and vehicles to the area.

- (c) **The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor.**

**CU APPLICATION
ATTACHMENT A**

The Project consists of the merger of the Properties, each containing one dwelling unit, into a single lot containing two dwelling units in a neighborhood characterized by similar residential use. It is not expected to generate any noxious or offensive emissions, noise, glare, dust or odors.

- (d) Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs.**

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

3. Compliance with the General Plan.

Planning Code Section 303(c)(3) requires that facts be established that demonstrate that such use or feature as proposed will comply with the applicable provisions of this code and will not adversely affect the General Plan.

The Project will affirmatively promote, is consistent with, and will not adversely affect the General Plan, including specifically the Housing and Urban Design Elements of the General Plan:

Housing Element

Objective 1 **Identify and make available for development adequate sites to meet the City's Housing Needs, especially permanently affordable housing.**

Policy 1.1 **Plan for the full range of housing needs in the City and County of San Francisco, especially affordable housing.**

The Project will allow two existing dwelling units of varied size to remain on a single 15,735-sf lot. These units will contribute to the City's housing stock while maintaining a residential density which is appropriate for the neighborhood.

Objective 2 **Retain existing housing units, and promote safety and maintenance standards, without jeopardizing affordability.**

The Project would promote this policy by allowing retention of two existing dwelling units on the merged Properties.

Objective 4 **Foster a housing stock that meets the needs of all residents across lifecycles.**

The Project will promote this policy by maintaining two dwelling units of varied sizes on the merged parcel.

Urban Design Element

Objective 1 **Emphasis of the characteristic pattern which gives to the City and its neighborhoods and image, a sense of purpose, and a means of orientation.**

The Project proposes to allow for use of the merged Properties that is consistent with the existing residential character and density of the Russian Hill neighborhood, as well as the actual and historic use of the site as a single parcel despite the fact that the site is made of two parcels.

Objective 4 **Improvement of the neighborhood environment to increase personal safety, comfort, pride and opportunity.**

The Project will merge two lots, allowing for the continued sole access to both dwelling units from a single access point along Lombard Street. This will increase pedestrian safety and comfort by minimizing vehicular access along Chestnut Street in this steep, hilly area.

C. PLANNING CODE SECTION 101.1(b) FINDINGS

Planning Code Section 101.1 establishes the following eight priority planning policies and requires review of permits for consistency with said policies. On balance, the Project is consistent with each of these policies as follows:

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

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

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

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

- 3. That the City's supply of affordable housing be preserved and enhanced.**

No affordable housing exists or would be removed for this Project.

**CU APPLICATION
ATTACHMENT A**

- 4. That commuter traffic not impede Muni transit service or overburden our streets or neighborhood parking.**

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

- 5. 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 does not propose office use and will not displace any existing permanent industrial or service sector uses.

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

The Project will merge two existing lots into a single parcel. It will have no impact on earthquake preparedness.

- 7. That landmarks and historic buildings be preserved.**

The Project will merge two existing lots into a single parcel containing two dwelling units. The lot line adjustment will have no direct impact on existing historic buildings.

- 8. 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.

EXHIBIT B



City and County of San Francisco
San Francisco Public Works · Bureau of Street-Use and Mapping
1155 Market Street, 3rd Floor · San Francisco, CA 94103
sfpublicworks.org · tel 415-554-5810 · fax 415-554-6161



Date: February 23, 2015

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

XIB

Project ID: 8557			
Project Type: Lot Line Adjustment			
Address#	StreetName	Block	Lot
948 - 950	LOMBARD ST	0067	010
841	CHESTNUT ST	0067	017

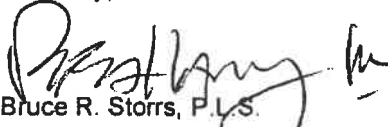
Attention: Scott F. Sanchez

Pursuant to Section 66412 (d) of the Subdivision Map Act (SMA), the enclosed application for Lot Line Adjustment has been submitted to the Director of Public Works (the Advisory Agency under the SMA and the San Francisco Subdivision Code) for review and approval.

Please review this application and the proposed lots for compliance with applicable Building Code issues, and reply to this office within 30 days from the date of receipt of this letter.

Thank you for your prompt attention to this matter

Sincerely,


Bruce R. Storrs, P.L.S.
City and County Surveyor

X

This Lot Line Adjustment has been reviewed and does comply with all applicable provisions of the Planning Code and General Plan and is therefore approved.

This Lot Line Adjustment has been reviewed and is approved subject to the following:

This Lot Line Adjustment has been reviewed and is not approved based on:

PLANNING DEPARTMENT

Date

4/22/15

Signed



NICHOLAS FOSTER FOR

Scott F Sanchez, Zoning Director

Encl.

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REUBEN, JUNIUS & ROSE, LLP

August 21, 2017

President Rich Hillis
San Francisco Planning Commission
1650 Mission Street, Suite 400
San Francisco, CA 94103

**Re: 950 Lombard and 841 Chestnut Streets (0067/010 and 017)
Lot Merger, and Placement of Two Units on One Lot
Planning Department Case No. 2017-002430CUA
Hearing Date: August 31, 2017
Our File No.: 5641.07**

Dear President Hillis and Commissioners,

Our office represents Eight Forty One, LLC, the owner of 950 Lombard and 841 Chestnut Streets. On behalf of the owner, we respectfully ask the Commission to approve the conditional use authorization that would allow the two existing lots to be merged.

A. Key Reasons and Justification for CU/Lot Merger

The proposed lot merger satisfies the conditional use criteria and is appropriate and desirable at this location for a number of reasons, including the following:

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

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

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

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Oakland Office
827 Broadway, Suite 205, Oakland, CA 94607
tel: 510-257-5589

www.reubenlaw.com

B. Background and Project Description

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



950 Lombard Street is 9,480-sf lot containing a 1-story, 616-sf cottage with one dwelling unit. 841 Chestnut Street is a 6,255-sf lot containing a 2-story, 3,430-sf single-family dwelling. The combined site has been vacant for more than two (2) decades, and is currently in the middle of construction for extensive renovations, approved by Planning, that will result in the buildings being returned into use and residential occupancy.

C. Compliance with Conditional Use Findings

Approval of the Project is consistent with Planning Code Sections 303(c) and 209.1. Section 209.1 allows RH-1 zoned parcels to have one (1) dwelling unit per lot, or up to one (1) unit per 3,000 sf of lot area with a conditional use authorization. The combined lot area will be approx. 15,735 sf so that the placement (i.e. continuing existence) of the two existing units on the merged lot is well in compliance with the applicable dwelling unit density. Moreover, the proposed lot merger satisfies Section 303 criteria by being necessary or desirable for, and compatible with the neighborhood, as follows:

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1. Desirability and Compatibility of Project. Pursuant to Planning Code section 303(c)(1) the lot merger proposal must demonstrate “*That the proposed use or feature, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable for, and compatible with, the neighborhood or the community.*”

The Project will result in two (existing) dwelling units on a 15,375-sf lot. This is necessary and desirable because it will maintain two units on the site while formalizing property access rights. Due to the steep, hilly topography of this area, the primary building at 841 Chestnut Street does not have direct vehicular access from its frontage on Chestnut Street, and instead has historically utilized a portion of the 950 Lombard Street property to provide ingress and egress from Lombard Street. In the early 2000’s, the prior owner of the Properties had proposed construction of an extensive tunnel along the Chestnut Street façade that would have provided direct access to the 841 Chestnut property (from Chestnut Street), however, such extensive excavation was deemed to be neither desirable nor technically very feasible.

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

2. Effect of Project on Health, Safety, Convenience or General Welfare. Under Section 303(c)(2) the proposal must also demonstrate “*That such use or feature as proposed will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity, or injurious to property, improvements or potential development in the vicinity, with respect to aspects including but not limited to the following:*”

- (a) *The nature of the proposed site, including its size and shape, and the proposed size, shape and arrangement of the structure.*

Due to the steep, hilly topography of this area, 841 Chestnut Street has no direct vehicular access from Chestnut Street, and instead has historically utilized a portion of the 950 Lombard Street property to provide ingress and egress from Lombard Street. The Project will

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merge the two properties into a single lot with direct access from Lombard Street to both units eliminating the undesirable condition of having one legal lot dependent upon another for its sole access. In this case, the “primary” unit has always been the 841 Chestnut building, which has been reliant on access on the other lot containing a much smaller, “secondary” cottage unit. As the Project will maintain the status quo of property access for these parcels, it will not result in any detriment to the public health, safety, convenience, or welfare.

- (b) *The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed off-street parking and loading and of proposed alternatives to off-street parking, including provisions of car-share parking spaces, as defined in Section 166 of this Code.*

The pending renovation of the site and buildings will maintain off street parking for the existing dwelling units and does not propose to expand residential use in a manner that would significantly alter accessibility and traffic patterns for persons and vehicles to the area.

- (c) *The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor.*

The Project consists of the merger of the Properties, each containing one dwelling unit, into a single lot containing two dwelling units in a neighborhood characterized by similar residential use. It is not expected to generate any noxious or offensive emissions, noise, glare, dust or odors.

- (d) *Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs.*

The Projects consists of the merger of the Properties into a single larger parcel. The currently pending alteration of the existing buildings and the site incorporates landscaping, screening, provision of open space, parking areas, and lighting as required by the Planning Code and appropriate for the neighborhood. The lot merger is consistent with approved site improvements, and a disapproval of the merger would result in an undesirable layout.

3. Compliance with the General Plan.

Planning Code Section 303(c)(3) requires that facts be established that demonstrate that such use or feature as proposed will comply with the applicable provisions of this code and will not adversely affect the General Plan.

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The Project will affirmatively promote, is consistent with, and will not adversely affect the General Plan, including specifically the Housing and Urban Design Elements of the General Plan:

Housing Element

Objective 1 Identify and make available for development adequate sites to meet the City's Housing Needs, especially permanently affordable housing.

Policy 1.1 Plan for the full range of housing needs in the City and County of San Francisco, especially affordable housing.

The Project will allow two existing dwelling units of varied size to remain on a single 15,735-sf lot. These units will (continue to) contribute to the City's housing stock while maintaining a residential density and existing improvements which are appropriate for the neighborhood.

Objective 2 Retain existing housing units, and promote safety and maintenance standards, without jeopardizing affordability.

The Project would promote this policy by allowing retention of two existing dwelling units on the merged Properties.

Objective 4 Foster a housing stock that meets the needs of all residents across lifecycles.

The Project will promote this policy by maintaining two dwelling units of varied sizes on the merged parcel.

Urban Design Element

Objective 1 Emphasis of the characteristic pattern which gives to the City and its neighborhoods and image, a sense of purpose, and a means of orientation.

The Project proposes to allow for use of the merged Properties that is consistent with the existing residential character and density of the Russian Hill neighborhood, as well as the actual and historic use of the site as a single parcel despite the fact that the site is made of two parcels.

Objective 4 Improvement of the neighborhood environment to increase personal safety, comfort, pride and opportunity.

San Francisco Office
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The Project will merge two lots, allowing for the existing access to both dwelling units from a single access point along Lombard Street. This will increase pedestrian safety and comfort by minimizing vehicular access along Chestnut Street in this steep, hilly area.

D. Prior History

The existing buildings at the site have been vacant since approx. 1992. The current owner purchased the site in 2012 with the intent of renovating the buildings so that they could be returned back to residential occupancy. The site has a lengthy and complicated permit history, in part by prior owner. Neither the prior permitting history nor the pending renovations are before the Planning Commission on August 31st. All of the pending work is being completed pursuant to plans and permits that have already been approved by Planning Department (and/or DBI), in part, pursuant to a Settlement Agreement between the City and the Owner, whereby the parties fully settled any and all disputes without any admission, allocation or inference of fault, guilt or wrongdoing by either party.

E. Conclusion

Overall, the proposed lot merger is more of a technical amendment that will result in the parcel configuration to be more in line with actual physical conditions, which have consistently and historically consisted of two units on a site that has always been utilized as a single site under same ownership. For the reasons set forth herein, we urge the Commission to approve the Conditional Use Authorization allowing the merger of the two existing lots.

Very truly yours,

REUBEN, JUNIUS & ROSE, LLP



Tuija I. Catalano

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President Hillis
Planning Commission
August 21, 2017
Page 7

cc: Vice President Dennis Richards
Commissioner Rodney Fong
Commissioner Christine Johnson
Commissioner Joel Koppel
Commissioner Myrna Melgar
Commissioner Katherin Moore
John Rahaim – Planning Director
Scott Sanchez – Zoning Administrator
Jonas Ionin – Commission Secretary
Nicholas Foster – Project Planner

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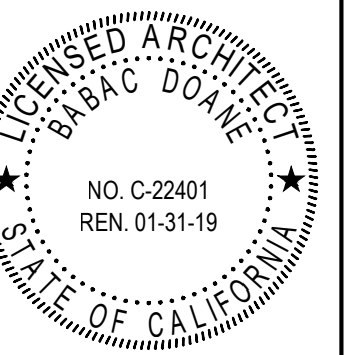
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ARCHITECTS**
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All drawings and copies thereof are instruments of service and as such remain the property of the Architect. They are to be used only with respect to this project. With the exception of one complete set for each party to the contract, all copies are to be returned or suitably accounted for to the Architect upon completion of the bidding and upon completion of the project.

841 CHESTNUT STREET
SAN FRANCISCO, CA 94133

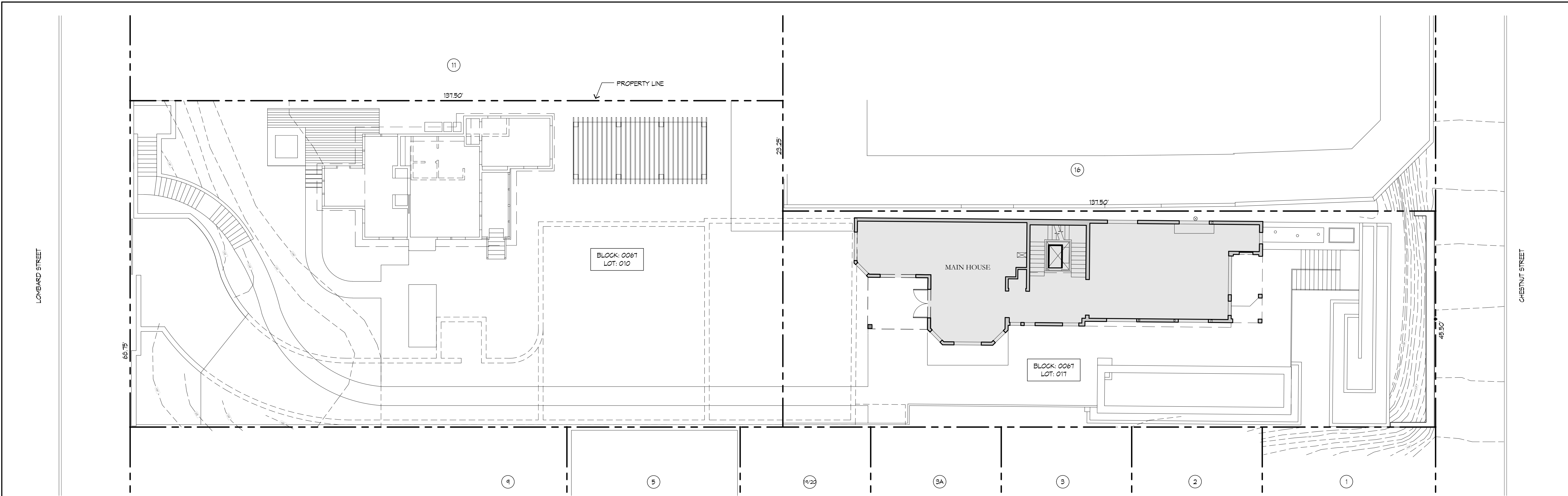
BLOCK-LOT: 0067-017

DRAWN BY: S.M.B.
DATE: 08.31.17 ISSUE: LOT MERGER

EXISTING AND PROPOSED SITE PLANS

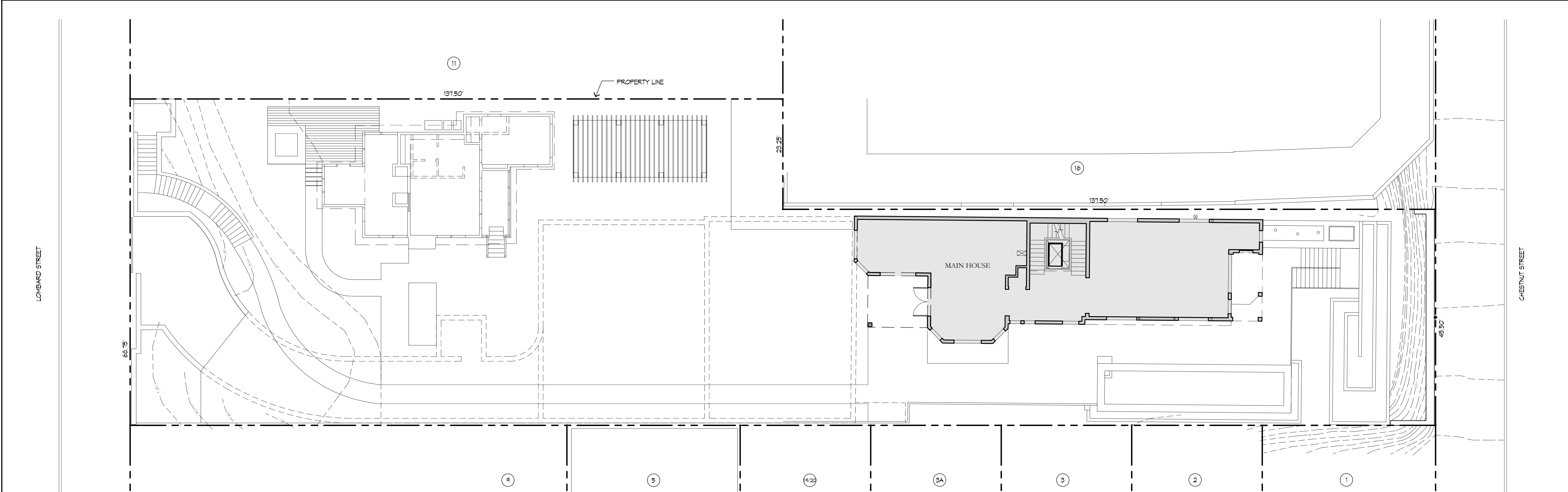
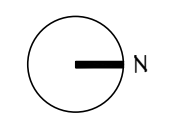
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2 EXISTING SITE PLAN

SCALE: 3/32"=1'-0"



1 PROPOSED SITE PLAN

SCALE: 3/32"=1'-0"

