

# SAN FRANCISCO PLANNING DEPARTMENT

# **Discretionary Review Analysis**

# **Dwelling Unit Merger**

**HEARING DATE APRIL 16, 2015** 

Date:	April 9, 2015
Case No.:	2014.1253DDRP
Project Address:	276 HARTFORD STREET
Permit Application:	2013.12.11.3907
Zoning:	RH-3 (Residential House, Three Family)
	40-X Height and Bulk District
Block/Lot:	3602/051
Project Sponsor:	Stephen M. Williams
	1934 Divisadero Street
	San Francisco, CA 94115
Staff Contact:	Eiliesh Tuffy – (415) 575-9191
	eiliesh.tuffy@sfgov.org
Recommendation:	Take Discretionary Review and Disapprove

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

Reception: 415.558.6378

Fax: 415.558.6409

Planning Information: **415.558.6377** 

# **PROJECT DESCRIPTION**

Request to legalize the current single family use of the subject property as part of a proposal to enlarge the building. The subject property was initially constructed as a two-family dwelling in 1891, and used for that purpose for many years. The current owners state that they purchased the building as a single family residence based on a Tax Detail Report and Report of Residential Building Record issued prior to their December 2015 purchase of the property. Those reports identify 276 Hartford Street as a 1-unit residence and One Family Dwelling respectively.

# SITE DESCRIPTION AND PRESENT USE

The subject lot is located on the west side of Hartford Street between 19<sup>th</sup> and 20<sup>th</sup> streets, measures 22'x125' and is down-sloping toward the rear property line. The subject property presents to Hartford Street as a 1-story structure with a steep driveway to a garage partially below curb level. The down-sloping lot results in a 2½-story building height at the rear elevation. City records indicate a building area of 2,124 square feet with a 930-square-foot basement.

Historic water tap records, maps, city directories and building permits state that the building was constructed in 1891 as a two family dwelling. The last known permit acknowledging the building as a "2 Family Dwelling" was filed in 1996, and Sanborn maps assign two addresses to the building (#276 & #278) through 1998. The current owners received a Report of Residential Building Record (3-R) on November 22, 2005 that stated the Authorized Use as a "One Family Dwelling" and subsequently purchased the property for that purpose.

The public DR filed in opposition to the proposed building expansion included a real estate listing from the time of the 2005 sale with photographs of two kitchens. The listing promoted a four-room, secondary rental unit and stated that "Both units will be delivered vacant at close of escrow."

Permit history for the property does not indicate that a permit was ever filed to legally remove a second unit. Over the course of the Planning Department's review of the current building permit application, the 3-R report, which is the basis for the department's determination of authorized use, has been updated to "Unknown", leaving the status inconclusive.

# SURROUNDING PROPERTIES AND NEIGHBORHOOD

The subject property is located at the convergence of several zoning districts, but falls within the RH-3 (Residential House, Three Family) zone. The RH-3 zoning extends west beyond Castro Street and north towards Market Street. The east side of Hartford Street is largely RH-3 and partially zoned RH-1 (Residential House, One Family). Blocks immediately south of the subject property are zoned RH-2 (Residential House, Two Family).

Hartford Street has 15 street-facing parcels on the west side of the 200-block, which are all zoned RH-3 (Residential House, Three Family). The seven buildings in the middle of the block-face are the largest, averaging 2-3 stories in height over a raised basement. The Reports of Residential Record (3-R) for those buildings show typical dwelling unit counts of 3-6 dwelling units. Flanking those larger buildings, on either end of the block, are smaller 1½ -2 story buildings each containing 1-3 dwelling units. The subject property is one in a row of five smaller buildings that were constructed in the 1890s and retain their original building height and form as viewed from Hartford Street.

The east side of the street is a mix of RH-1 and RH-3 zoning, with limited 3-R information to verify on accurate dwelling unit counts.

# HEARING NOTIFICATION

ТҮРЕ	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Posted Notice	10 days	April 6, 2015	April 6, 2015	10 days
Mailed Notice	10 days	April 6, 2015	April 6, 2015	10 days

# **PUBLIC COMMENT**

	SUPPORT	OPPOSED	NO POSITION
Adjacent neighbor(s)		1	
Other neighbors on the			
block or directly across			
the street			
Neighborhood groups			

A public-initiated request for Discretionary Review was filed February 19, 2015 on behalf of Leslie Andelin, the adjacent neighbor at 280 Hartford Street.

- The design concerns raised by the DR filer related to loss of light, air and access to mid-block open space were reviewed by the Residential Design Team, who found no exceptional or extraordinary circumstances.
- The General Plan concerns raised by the DR filer will be deliberated as part of the mandatory discretionary review of the dwelling unit merger application.

# **PROJECT ANALYSIS**

# DWELLING UNIT MERGER CRITERIA

Below are the five criteria to be considered by the Planning Commission in evaluating dwelling unit mergers, per Planning Code Section 317:

1. Removal of the unit(s) would only eliminate owner occupied housing.

# **Project Meets Criteria**

An inquiry with the Rent Board regarding past evictions determined that there were two units on the property as late as June, 2005. According to their notes, a Report of Alleged Wrongful Eviction was filed by the tenant of 278 Hartford Street on June 2, 2005 and there was no written eviction notice – only verbal notice to vacate. A real estate listing from the time of the last sale showed two kitchens and stated the fourroom rental unit was to be delivered vacant at the close of escrow. The present owners have occupied the building as a single family residence since they purchased the property in December, 2005. The application filed is to legalize the current use of the building, which is an owner-occupied single family residence.

2. Removal of the unit(s) and the merger with another is intended for owner occupancy.

# **Project Meets Criteria**

The building is intended solely for use as an owner-occupied single family residence.

3. Removal of the unit(s) will bring the building closer into conformance with the prevailing density in its immediate area and the same zoning.

# **Project Meets Criteria**

Based on current 3-R data, the 200-block of Hartford Street – which is partially zoned RH-1 – is comprised of 31% single family dwellings, 27.5% 3-6 dwelling unit buildings, 27.5% unknown occupancy, and 14% two-family dwellings.

4. Removal of the unit(s) will bring the building closer into conformance with prescribed zoning.

# Project Does Not Meet Criteria

The proposal would result in a 3,100-square-foot single family residence in an RH-3 (Residential House, Three Family) Zoning District.

5. Removal of the unit(s) is necessary to correct design or functional deficiencies that cannot be corrected through interior alterations.

# Project Does Not Meet Criteria

The secondary unit was located on the lower level of the existing house. A permit for foundation work was issued in 1996, and another to replace the historic brick foundation was issued in 2007 after the current owners purchased the property. The existing foundation is eight years old and presumably sound in the location of the former secondary unit.

# GENERAL PLAN COMPLIANCE:

The Department's Recommendation is 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 proposal calls to expand a building that was constructed and used historically as two dwelling units. Given the age of the building, rental units in the building would be subject to the provisions of the San Francisco Residential Rent Stabilization and Arbitration Ordinance. No known record exists of the legal removal of the second, rent-controlled dwelling unit.

**OBJECTIVE 3:** PROTECT THE AFFORDABILITY OF THE EXISTING HOUSING STOCK, ESPECIALLY RENTAL UNITS.

### Policy 3.1:

Preserve rental units, especially rent controlled units, to meet the City's affordable housing needs.

The proposal to legalize the existing single family use would officially remove one rent controlled unit from the City's housing stock.

### Policy 3.4:

Preserve "naturally affordable" housing types, such as smaller and older ownership units.

The existing building does not appear to contain design deficiencies and it provides sound housing. The project proposes to eliminate one "naturally affordable" dwelling unit (the former four-room rental unit) that is smaller and subject to rent control, to provide additional living space for the family who currently resides in the building. The elimination of one "naturally affordable" dwelling unit is contrary to the General Plan as well as the Department's and the City's priority to preserve existing sound housing and to protect naturally affordable dwelling units.

**OBJECTIVE 11:** SUPPORT AND RESPECT THE DIVERSE AND DISTINCT CHARACTER OF SAN FRANCISCO'S NEIGHBORHOODS.

# Policy 11.4:

Continue to utilize zoning districts which conform to a generalized residential land use and density plan and the General Plan.

The subject block is zoned RH-3 and the surrounding blocks are zoned RH-3, RH-1, and RH-2, representing a diversity of residential densities. The subject zoning is appropriately designed to encourage a mix of residential density and allows the subject lot to be developed with three dwellings, plus a possible In-Law unit per Board of Supervisors File No. 131063. The proposed dwelling unit merger is inconsistent with the prescribed zoning, General Plan and the City's policies to address the current housing crisis.

### SECTION 101.1 PRIORITY POLICIES

Planning Code Section 101.1 establishes eight priority policies and requires review of permits for consistency, on balance, with these policies. The Project complies with these policies as follows:

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

The proposal does not affect existing neighborhood-serving retail uses as the site is occupied by a residential use.

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

The proposal would legalize the elimination of a housing unit and therefore be contrary to this Priority Policy.

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

The proposed merger would result in the loss of one potentially affordable housing unit, as the unit appraises under \$1.506M, which is considered financially accessible housing in the current housing market. Legalization of the merger would result in the loss of one unit subject to the Rent Stabilization and Arbitration Ordinance.

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

The proposal will not impede MUNI transit service; overburden our streets or neighborhood parking.

5. 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 proposal will not affect industrial or service sectors.

6. The City achieves the greatest possible preparedness to protect against injury and loss of life in an earthquake.

*The proposal will comply with applicable code standards.* 

7. Landmarks and historic buildings be preserved.

The subject building is not a designated landmark. It was constructed in 1891 and no publicly visible exterior alterations are proposed.

8. Parks and open space and their access to sunlight and vistas be protected from development.

The proposal will not negatively affect parks or open spaces.

# ENVIRONMENTAL REVIEW

The project is exempt from the California Environmental Quality Act ("CEQA") as a Class 1 categorical exemption. A Planning Commission approval will constitute the Approval Action for the Project for the purposes of CEQA, pursuant to San Francisco's Administrative Code, Section 31.04(h).

# BASIS FOR RECOMMENDATION

- The Project will result in the loss of one dwelling unit.
- The Project will eliminate one smaller, four-room dwelling unit to create one larger, less affordable dwelling, which is inconsistent with the General Plan.
- The proposed merger would result in the loss of a dwelling unit in a building that is under the prescribed density as permitted by the Zoning District. The proposed merger would not bring the building closer to conformance with RH-3 zoning.
- The Project is contrary to the intent of Executive Directive 13-01 to retain legal housing units. The Mayor has directed the Department to adopt policy practices that encourage the preservation of existing housing stock. The proposed dwelling unit removal and replacement of a "naturally affordable" unit is contrary to the priority principal of housing unit retention.
- The current housing affordability crisis creates an "exceptional and extraordinary" circumstance such that the Commission should deny the Dwelling Unit Merger application.

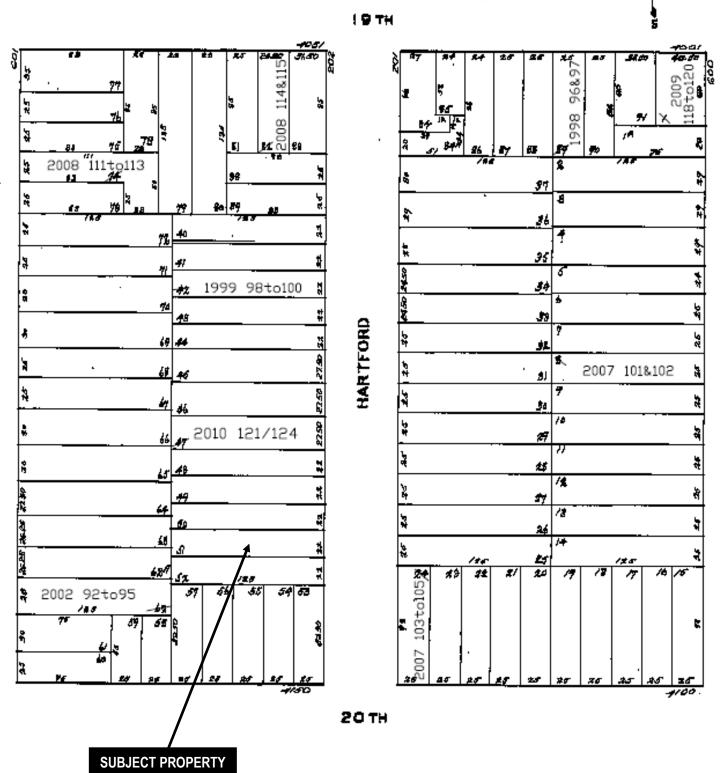
**RECOMMENDATION:** Take Discretionary Review and Disapprove

# Attachments:

Parcel Map Sanborn Map Zoning Map Aerial Photographs Streetscape Photographs Section 311 Notice Public DR Response to Public DR RDT Checklist RDT Review Application for DU Merger Reduced Plans

ET: G:\Documents\DRs\276 Hartford\276Hartford\_DR Analysis.doc

# 276 Hartford Street – Attachments Block Book Map



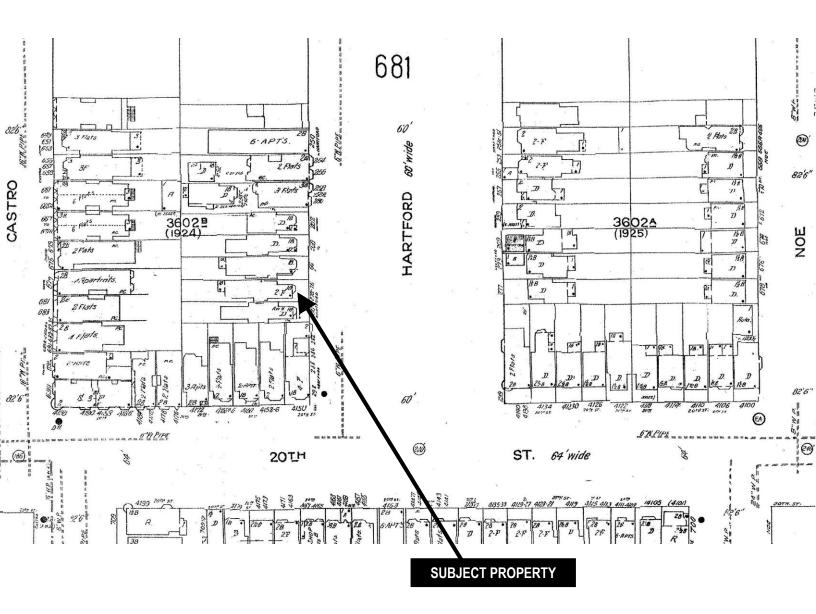
Mandatory Discretionary Review Hearing Case Number 2014.0627D 276 Hartford Street

SAN FRANCISCO PLANNING DEPARTMENT

CASTRO

NOE

# Sanborn Map, ca. mid-1990s (Subject Property is a 2-flat)





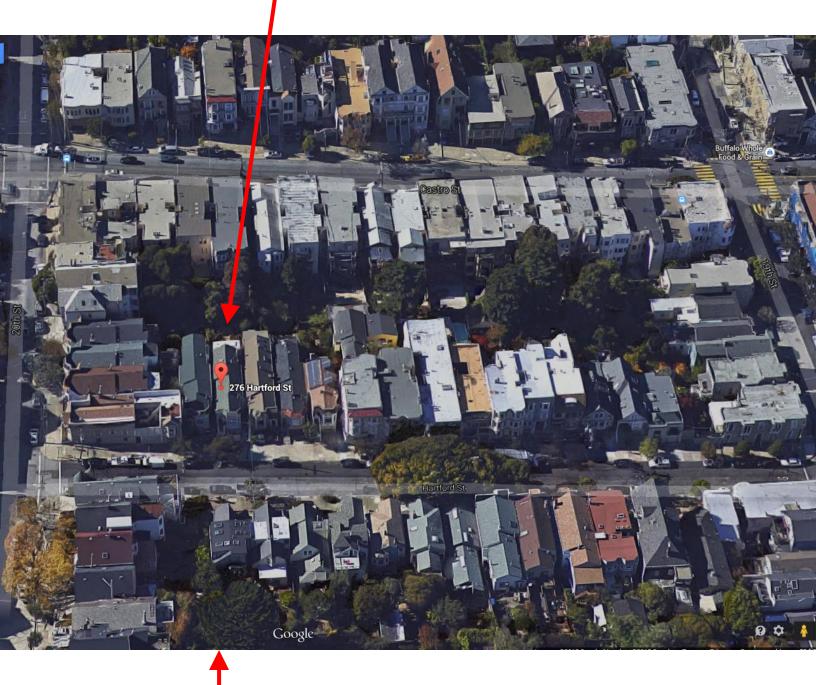
# Zoning Map (RH-3/40-X)





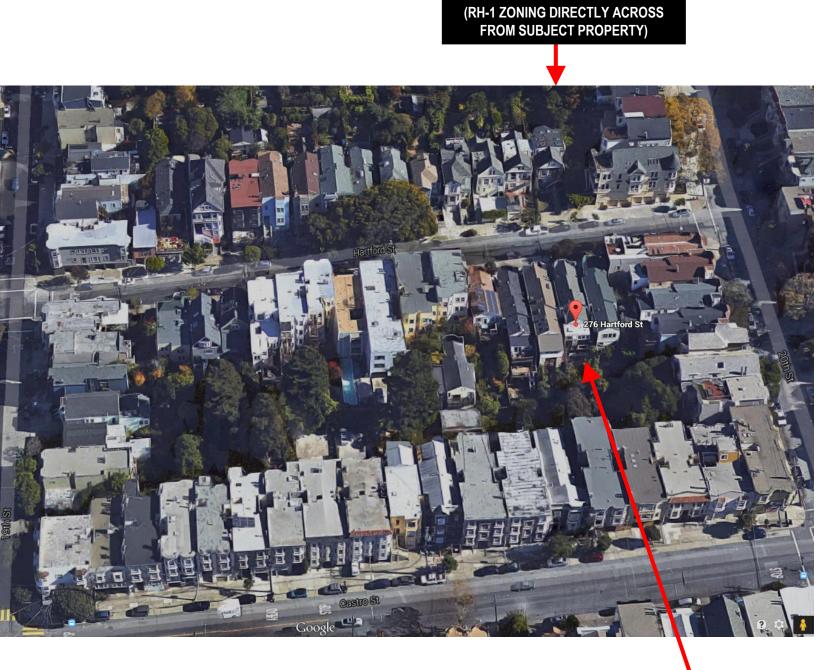
# Aerial Photo, looking West towards Castro St.

SUBJECT PROPERTY (RH-3 ZONING EXTENDS TO CASTRO STREET)



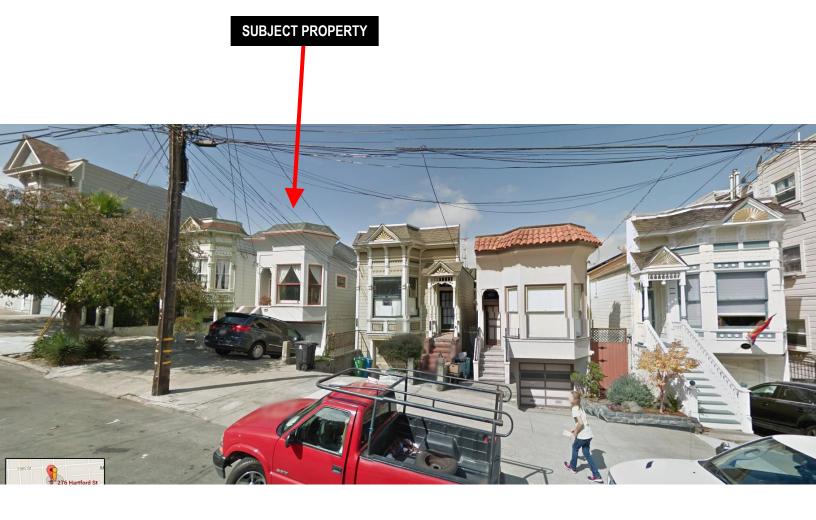
(RH-1 ZONING DIRECTLY ACROSS FROM SUBJECT PROPERTY)

# Aerial Photo, looking east towards Hartford St.



SUBJECT PROPERTY (RH-3 ZONING EXTENDS TO CASTRO STREET)

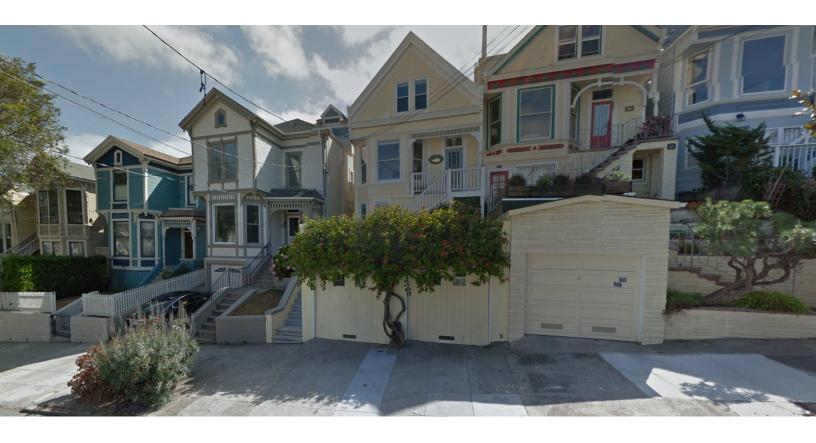
# West Side of Hartford Street (RH-3 Zoning)



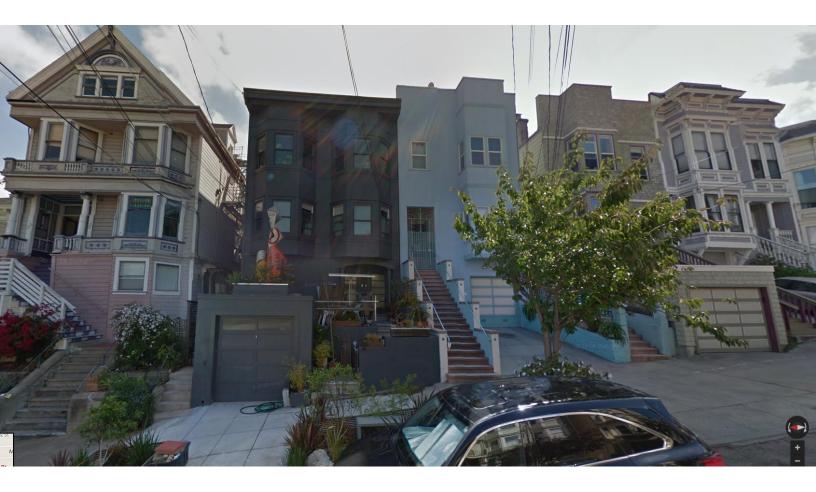
# West Side of Hartford Street (RH-3 Zoning)



# East Side of Hartford Street (RH-1 directly across from Subject Property)



# East Side of Hartford Street (RH-3 towards 19<sup>th</sup> St.)





# SAN FRANCISCO PLANNING DEPARTMENT

1650 Mission Street Suite 400 San Francisco. CA 94103

# NOTICE OF BUILDING PERMIT APPLICATION (SECTION 311/312)

On **December 11, 2013**, the Applicant named below filed Building Permit Application No. **2013.12.11.3907** with the City and County of San Francisco.

PROPERTY INFORMATION		APPL	ICANT INFORMATION
Project Address:	276 Hartford Street	Applicant:	Dennis Budd, Gast Architects
Cross Street(s):	20 <sup>th</sup> Street	Address:	355 11 <sup>th</sup> St., #300
Block/Lot No.:	3602/051	City, State:	San Francisco, CA 94103
Zoning District(s):	RH-3 / 40-X	Telephone:	(415) 885-2946

You are receiving this notice as a property owner or resident within 150 feet of the proposed project. You are not required to take any action. For more information about the proposed project, or to express concerns about the project, please contact the Applicant listed above or the Planner named below as soon as possible. If you believe that there are exceptional or extraordinary circumstances associated with the project, you may request the Planning Commission to use its discretionary powers to review this application at a public hearing. Applications requesting a Discretionary Review hearing must be filed during the 30-day review period, prior to the close of business on the Expiration Date shown below, or the next business day if that date is on a week-end or a legal holiday. If no Requests for Discretionary Review are filed, this project will be approved by the Planning Department after the Expiration Date.

Members of the public are not required to provide personal identifying information when they communicate with the Commission or the Department. All written or oral communications, including submitted personal contact information, may be made available to the public for inspection and copying upon request and may appear on the Department's website or in other public documents.

New Construction	
	☑ Alteration
Façade Alteration(s)	Front Addition
□ Side Addition	Vertical Addition
EXISTING	PROPOSED
Former Two-Family Dwelling	Legal Single Family Dwelling
10 feet 7 inches (to front of bay)	No Change
0' 2'9" (south); 3' 5'-3"(north)	2' (south); 0 – 3' (north)
73 feet 5 inches (from front of bay)	82 feet (to new rear building wall)
41 feet	32 feet 5 inches
20 feet (from curb to highest gable roof ridge)	21 feet (from curb to highest gable roof ridge)
17'-6" (from curb to ridge of rear gable roof)	18'-6" (from curb to ridge of rear gable roof)
2 + crawlspace	3
1	1
	<ul> <li>Side Addition</li> <li>EXISTING</li> <li>Former Two-Family Dwelling</li> <li>10 feet 7 inches (to front of bay)</li> <li>0' 2'9" (south); 3' 5'-3"(north)</li> <li>73 feet 5 inches (from front of bay)</li> <li>41 feet</li> <li>20 feet (from curb to highest gable roof ridge)</li> <li>17'-6" (from curb to ridge of rear gable roof)</li> </ul>

### **PROJECT DESCRIPTION**

The proposal is to convert the existing basement crawlspace into habitable space, rehabilitate the building interior, raise the existing front gable roof structure 1 foot in height, and increase the overall building depth through a 3-story rear horizontal addition. The project requires approval through a Mandatory Discretionary Review hearing before the Planning Commission – notice for which will be mailed to adjacent owners and occupants 10 days in advance of the hearing date -- to legalize the existing single family use.

The issuance of the building permit by the Department of Building Inspection or the Planning Commission project approval at a discretionary review hearing would constitute as the Approval Action for the project for the purposes of CEQA, pursuant to Section 31.04(h) of the San Francisco Administrative Code.

# For more information, please contact Planning Department staff:

Planner:Eiliesh TuffyTelephone:(415) 575-9191E-mail:eiliesh.tuffy@sfgov.org

中文詢問請電: (415) 575-9010

Notice Date:1/20/15Expiration Date:2/19/15

Para información en Español llamar al: (415) 575-9010

# **GENERAL INFORMATION ABOUT PROCEDURES**

Reduced copies of the proposed project plans have been included in this mailing for your information. If you have questions about the plans, please contact the project Applicant listed on the front of this notice. You may wish to discuss the plans with your neighbors or neighborhood association, as they may already be aware of the project. If you have general questions about the Planning Department's review process, please contact the Planning Information Center at 1660 Mission Street, 1st Floor (415/558-6377) between 8:00am - 5:00pm Monday-Friday. If you have specific questions about the proposed project, you should contact the planner listed on the front of this notice.

If you believe that the impact on you from the proposed project is significant and you wish to seek to change the project, there are several procedures you may use. We strongly urge that steps 1 and 2 be taken.

- 1. Request a meeting with the project Applicant to get more information and to explain the project's impact on you.
- 2. Contact the nonprofit organization Community Boards at (415) 920-3820, or online at <u>www.communityboards.org</u> for a facilitated discussion in a safe and collaborative environment. Community Boards acts as a neutral third party and has, on many occasions, helped reach mutually agreeable solutions.
- 3. Where you have attempted, through the use of the above steps or other means, to address potential problems without success, please contact the planner listed on the front of this notice to discuss your concerns.

If, after exhausting the procedures outlined above, you still believe that exceptional and extraordinary circumstances exist, you have the option to request that the Planning Commission exercise its discretionary powers to review the project. These powers are reserved for use in exceptional and extraordinary circumstances for projects which generally conflict with the City's General Plan and the Priority Policies of the Planning Code; therefore the Commission exercises its discretion with utmost restraint. This procedure is called Discretionary Review. If you believe the project warrants Discretionary Review by the Planning Commission, **you must file a Discretionary Review application prior to the Expiration Date shown on the front of this notice.** Discretionary Review applications are available at the Planning Information Center (PIC), 1660 Mission Street, 1st Floor, or online at <u>www.sfplanning.org</u>). You must submit the application in person at the Planning Information Center (PIC) between 8:00am - 5:00pm Monday-Friday, with all required materials and a check payable to the Planning Department. To determine the fee for a Discretionary Review, please refer to the Planning Department Fee Schedule available at <u>www.sfplanning.org</u>. If the project includes multiple building permits, i.e. demolition and new construction, a <u>separate request</u> for Discretionary Review must be submitted, with all required materials and fee, for <u>each</u> permit that you feel will have an impact on you. Incomplete applications will not be accepted.

If no Discretionary Review Applications have been filed within the Notification Period, the Planning Department will approve the application and forward it to the Department of Building Inspection for its review.

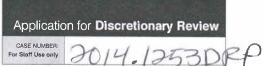
# **BOARD OF APPEALS**

An appeal of the Planning Commission's decision on a Discretionary Review case may be made to the **Board of Appeals within 15 calendar days after the building permit is issued** (or denied) by the Department of Building Inspection. Appeals must be submitted in person at the Board's office at 1650 Mission Street, 3rd Floor, Room 304. For further information about appeals to the Board of Appeals, including current fees, contact the Board of Appeals at (415) 575-6880.

# ENVIRONMENTAL REVIEW

This project has undergone preliminary review pursuant to California Environmental Quality Act (CEQA). If, as part of this process, the Department's Environmental Review Officer has deemed this project to be exempt from further environmental review, an exemption determination has been prepared and can be obtained through the Exemption Map, on-line, at <u>www.sfplanning.org</u>. An appeal of the decision **to exempt the proposed project from CEQA may be made to the Board of Supervisors within 30 calendar days** after the project approval action identified on the determination. The procedures for filing an appeal of an exemption determination are available from the Clerk of the Board at City Hall, Room 244, or by calling (415) 554-5184.

Under CEQA, in a later court challenge, a litigant may be limited to raising only those issues previously raised at a hearing on the project or in written correspondence delivered to the Board of Supervisors, Planning Commission, Planning Department or other City board, commission or department at, or prior to, such hearing, or as part of the appeal hearing process on the CEQA decision.



# APPLICATION FOR Discretionary Review

1. Owner/Applicant Information

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DR APPLICANT'S NAME:		
Leslie Andelin		
DR APPLICANT'S ADDRESS:	ZIP CODE:	TELEPHONE:
280 Hartford Street, San Francisco, CA	94114	(415)956-8100
PROPERTY OWNER WHO IS DOING THE PROJECT ON WHICH YOU ARE REQUESTING DIS	CRETIONARY REVIEW NAME:	
Samantha Campbell, Mark Christian Scheben		
ADDRESS:	ZIP CODE:	TELEPHONE;
276 - 278 Hartford Street, San Francisco, CA	94114 (415) 885-29	
CONTACT FOR DR APPLICATION:		
Same as Above 🔲 🛛 Ryan J. Patterson, Esq. / Zacks & Freedman, P	.C.	
ADDRESS:	ZIP CODE:	TELEPHONE.
235 Montgomery Street, Suite 400, San Francisco, CA	94104	(415 ) 956-8100
E-MAIL ADDRESS:		THE OT AND A CONTRACTOR OF A CONTRA
ryanp@zulpc.com		

### 2. Location and Classification

STREET ADDRESS OF PROJECT:				ZIP C	ODE:
276 - 278 Hartford Stree	t, San Francisco,	CA		941	14
CROSS STREETS: 19th & 20th Streets				La constante de	
	<u></u>				
ASSESSORS BLOCK/LOT:	LOT DIMENSIONS;	LOT AREA (SQ FT):	ZONING DISTRICT	HEIGHT/BULK DISTRI	CT:
	0.01 4.051	25' 2750 sq. ft. RH-3		40-X	
3602 /051	22' x 125'	2750 sq. ft.	KH-3	40-X	
3602 /051 3. Project Description		2750 sq. ft.	RH-3	40-X	

Additions to Building:	Rear 🛛	Front 🗌	Height 🛛	Side Yard 🗙

Present or Previous Use: Two-Family Dwelling

Proposed Use: Single-Family Dwelling

2013.12.11.3907 Building Permit Application No.

Date Filed: 12/11/2013

# RECEIVED

FEB 1 9 2015 CITY & COUNTY OF S.F. PLANNING DEPARTMENT PIC

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# 4. Actions Prior to a Discretionary Review Request

Prior Action	YES	NO
Have you discussed this project with the permit applicant?	X	
Did you discuss the project with the Planning Department permit review planner?	X	
Did you participate in outside mediation on this case?		X

# 5. Changes Made to the Project as a Result of Mediation

If you have discussed the project with the applicant, planning staff or gone through mediation, please summarize the result, including any changes there were made to the proposed project.

The DR Requestor asked the Project Sponsor if she would consider amending the project to reduce its impacts on the adjacent properties. The Project Sponsor replied "We could have made it worse." No changes have been made to mitigate the project's impacts:

# **Discretionary Review Request**

In the space below and on separate paper, if necessary, please present facts sufficient to answer each question.

1. What are the reasons for requesting Discretionary Review? The project meets the minimum standards of the Planning Code. What are the exceptional and extraordinary circumstances that justify Discretionary Review of the project? How does the project conflict with the City's General Plan or the Planning Code's Priority Policies or Residential Design Guidelines? Please be specific and site specific sections of the Residential Design Guidelines.

### See attached.

2. The Residential Design Guidelines assume some impacts to be reasonable and expected as part of construction. Please explain how this project would cause unreasonable impacts. If you believe your property, the property of others or the neighborhood would be adversely affected, please state who would be affected, and how:

# See attached.

3. What alternatives or changes to the proposed project, beyond the changes (if any) already made would respond to the exceptional and extraordinary circumstances and reduce the adverse effects noted above in question #1?

See attached.

### **DISCRETIONARY REVIEW APPLICATION**

1) What are the reasons for requesting Discretionary Review? The project meets the minimum standards of the Planning Code. What are the exceptional and extraordinary circumstances that justify Discretionary Review of the project? How does the project conflict with the City's General Plan or the Planning Code's Priority Policies or Residential Design Guidelines?

276-278 Hartford Street (the "subject property") was built as a two-unit building in 1893. It was maintained as a two-unit building with two kitchens until 2007, when the Project Sponsor illegally merged the two units without permits. The second unit's tenant – an immigrant – was bought out in conjunction with the Project Sponsor's purchase of the property circa 2005. The proposed project would remove two rent-controlled units from the City's housing stock, resulting in a large, *non*-rent-controlled single-family house. What was previously a naturally affordable housing unit will now be turned into a private library.

Although the Project Sponsor obtained an erroneous 3R for a single family home (which DBI later corrected), the Project Sponsor knew that the property contained two units with two kitchens. (See real estate listing for the property, Exhibit F: "bright single family home retains all of the charm and comfort of a single family home with the **added bonus of a four room income unit.... Both units will be delivered vacant at close of escrow**.")

The Project Sponsor also knew that building, plumbing, and electrical permits were required for the removal of a second unit, even if that unit was illegal – which it was not. However, **the unit removal and merger work was done without any permits**. As cover, the Project Sponsor obtained a building permit for foundation work at the same time: BPA No. 200709263798. The foundation permit was never finaled and was expired in 2010. Tellingly, in the 2007 foundation permit application box labeled "number of dwelling units," the number "2" is crossed out and a "1" is written in next to it.

Approval of this building permit would set a precedent rewarding the illegal removal of rental units by granting permission to enlarge those buildings in ways that harm surrounding (Policies 2, 3, and 7).

### A. Impact on Existing Rent-Controlled Housing and Neighborhood Character

Planning Priority Policy No. 2 requires that "existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods." (Planning Code sec. 101.1(b)(2).) The project violates this policy in two ways.

First, by physically connecting the upper and lower dwelling units with no permits, the Project Sponsor tried to eliminate two rent-controlled units. This unlawful merger and unpermitted removal of a kitchen, plumbing, and electrical should not be sanctioned. It destroys "existing housing" and threatens the "economic diversity of our neighborhoods" by replacing two rentcontrolled units with one large dwelling. If landlords believe that they can physically merge existing multi-family housing without benefit of building permits and then obtain after-the-fact permission, the Commission will likely see an increase in this illicit activity.

Second, the project violates the requirement that "existing . . . neighborhood character be conserved and protected." The subject property consists of a charming Victorian structure with a moderately sized upper unit and smaller sized lower unit. It is located in a row with four other structures of the same design and vintage. Allowing for the merger of two units into one large single-family dwelling, and at the same time allowing the substantial expansion of that merged building, would damage the existing neighborhood character:

- 1. The proposed rear expansion will wall off the mid-block open space, affecting the DR Requestor's property and the properties of surrounding neighbors.
- 2. The proposed side expansion will destroy the light court which was built for the common benefit of each of the five matching Victorians. Removal of the light court will reduce the breeze and light to the DR Requestor's home.

### B. Impact on Affordable Housing Supply

The project also violates Planning Priority Policy No. 3, which requires that "the City's supply of affordable housing be preserved and enhanced." (Planning Code § 101.1(b)(3).) As stated previously, the project would sanction the unlawful merger of two rent-controlled dwelling units into one large house. The lower unit's tenant was bought out by the prior owner in conjunction with the Project Sponsor's purchase to make the pair of flats more saleable. Property owners are most likely to follow this precedent in gentrifying neighborhoods that already have very little affordable housing left, such as the project's neighborhood. Planning Commission approval of the proposed project would signal to property owners that if they get caught illegally merging two units, they will be rewarded with an after-the-fact approval and permission to expand the building.

### C. Impact on Historic Buildings

Planning Priority Policy No. 7 requires that "landmarks and historic buildings be preserved." (Planning Code § 101.1(b)(7).) But the subject property consists of a potential historic resource (Class B). This structure is one of five matching Victorians built in a row by the same builder in the late 1800s. As one of a group of identical structures, the subject property's potential historic significance is even greater. The subject property's historic value should be assessed before the City considers approving a permit to substantially expand and redesign the structure, increase its height, and reduce and/or eliminate existing side-yard setbacks. All of these actions could affect the historic value of the subject property and its contribution to the collection of matching Victorian buildings. Any failure to conduct such a historic resource assessment would be at odds with the mandate of Priority Policy No. 7 that "historic buildings be preserved."

2) The Residential Design Guidelines assume some impacts to be reasonable and expected as part of construction. Please explain how this project would cause unreasonable impacts. If you believe your property, the property of others or the neighborhood would be adversely affected, please state who would be affected, and how:

The DR Requestor's property would suffer a number of unreasonable impacts from the proposed construction. First, the proposed structure would deviate from the existing, historic building's footprint by eliminating and/or reducing the side yard setback along the south property line. This minimal setback was a design feature incorporated by the builder into each one of the five Victorian homes, ensuring common access to light and air. Removing this design feature would deprive the DR Requestor's home of adequate access to light and air circulation. The rear expansion of the building would exacerbate both of these negative impacts.

Furthermore, the substantial expansion of the project site at the rear would wall off the valuable mid-block open space, lessening surrounding residents' enjoyment of that common open area.

3) What alternatives or changes to the proposed project, beyond the changes (if any) already made would respond to the exceptional and extraordinary circumstances and reduce the adverse effects noted above in question #1?

The Project Sponsor has made no changes to mitigate the negative impacts to the neighborhood. The subject property should be restored to its legal configuration as a two-unit rent-controlled building. The rear-yard setback should be maintained to ensure the continued enjoyment of the mid-block open space by neighboring properties. Lastly, the side-yard setback (including the light court) should be maintained to preserve the light and air reaching the DR Requestor's home, as was reciprocally built into each of these five matching Victorians.

# 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 on applications may be required.

Signature:

2/19/15 Date:

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

Ryan J. Patterson, Esq.

# Discretionary Review Application Submittal Checklist

Applications 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**.

REQUIRED MATERIALS (please check correct column)	DR APPLICATION
Application, with all blanks completed	
Address labels (original), if applicable	Ø
Address labels (copy of the above), if applicable	Ø
Photocopy of this completed application	
Photographs that illustrate your concerns	
Convenant or Deed Restrictions	
Check payable to Planning Dept.	e,
Letter of authorization for agent	2
Other: Section Plan, Detail drawings (i.e. windows, door entries, trim), Specifications (for cleaning, repair, etc.) and/or Product cut sheets for new elements (i.e. windows, doors)	

NOTES:

Required Material

Optional Material.

O Two sets of original labels and one copy of addresses of adjacent property owners and owners of property across street.

For Department Use Only Application received by Planning Department:

By:

Date:

12-33		
	1	RYAN J. PATTERSON (SBN 277971) MICHAEL E. PROFANT (SBN 299246) ZACKS & FREEDMAN, P.C.
	2	ZACKS & FREEDMAN, P.C. 235 Montgomery Street, Suite 400 San Francisco, CA 94104
	3	San Francisco, CA 94104 Tel: (415) 956-8100 Fax: (415) 288-9755
	4	
	5	Attorneys for Discretionary Review Requestor, Leslie Andelin
	6	
	7	
	8	SAN FRANCISCO PLANNING COMMISSION
	9	
	10 11	DECLARATION OF MICHAEL PROFANT
.С. тЕ 400 4104	12	Discretionary Review Application
ZACKS & FREEDMAN, P.C. 35 Montgomery Street, Suite 40 San Francisco, California 94104	13	Discretionary Review Application Project Address: 276-278 Hartford Street BPA No. 2013.12.11.3907
EDM	14	
FRE	15	I, Michael Profant, declare as follows:
CKS &	16	1. I am an associate attorney at Zacks & Freedman, P.C., the firm hired to
ZACKS & FREEDMAN, P.C. 235 MONTGOMERY STREET, SUITE 400 SAN FRANCISCO, CALIFORNIA 94104	17	represent Leslie Andelin ("Requestor") in this application for discretionary review. I am also a
	18	Certified Planner and member of AICP. I make this declaration based on facts personally
	19	known to me, except as to those facts stated on information and belief, which facts I believe to
	20	be true.
	21 22	2. I am informed and believe that Requestor owns the property located at 280
	23	Hartford Street in San Francisco, California. The Project Sponsor's property is located at 276-
	24	278 Hartford Street, a contiguous parcel to the north.
	25	
	26	3. Attached as Exhibit A is a true and correct copy of a water service connection
	27	record dated 1891 for the property at 276-278 Hartford Street, with the text "2 Families"
	28	
		-1- DECLARATION OF MICHAEL PROFANT
		54

written in the upper left corner and a notation of "up" and "down" to the right of the heading "General Rate."

3 Attached as Exhibit B is a true and correct copy of a 1946 building permit 4. 4 application for the property at 276-278 Hartford Street obtained from the San Francisco Department of Building Inspection. On the second page of this application, the present use of the property is listed as "flats" and the number of families is shown as "2."

8 5. Attached as Exhibit C is a true and correct copy of a 1996 building permit 9 application for the property at 276-278 Hartford Street obtained from the San Francisco 10 Department of Building Inspection. The number of dwelling units is listed as "2." Furthermore, 11 the description of work to be performed states: "Remodel existing kitchen and 12 bathroom...Work in lower unit only." 13

14 Attached as Exhibit D is a true and correct copy of a 2007 building permit 6. application for the property at 276-278 Hartford Street obtained from the San Francisco Department of Building Inspection. In the box labeled number of dwelling units, the number "2" is crossed out and a "1" is written adjacent to it.

Attached as Exhibit E is information about the property at 276-278 Hartford 7. 19 20 Street from the real estate website Trulia.com printed on or about January 7, 2015. The website 21 contains photos of the property that, on information and belief, were taken in or about 2005 to 22 market the property for sale. The photos show two complete kitchens. 23

Attached as Exhibit F is a true and correct print-out from the real estate website 8. 24 Redfin.com that, on information and belief, relates to the 2005 sale of the property. The written 25 26 description contained therein references a "four room income unit." It also states: "Both units 27 will be delivered vacant at close of escrow." 28

> -2-DECLARATION OF MICHAEL PROFANT

235 MONTGOMERY STREET, SUITE 400 SAN FRANCISCO, CALIFORNIA 94104 ZACKS & FREEDMAN, P.C.

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Attached as Exhibit G is a true and correct copy of the Project Sponsor's revised 9. building plans obtained from the San Francisco Planning Department on or about February 18, 2015.

4 10. Attached as Exhibit H is a true and correct copy of a historic preservation report 5 generated on February 19, 2015 from the San Francisco Property Information Map website at 6 http://ec2-50-17-237-182.compute-1.amazonaws.com/PIM/#searchbox. 7

Attached as Exhibit I is a true and correct copy of an aerial photo of the property 8 11. 9 at 276-280 Hartford Street taken from the Google Maps website on or about February 19, 2015, 10 with an important architectural feature-a light court-that provides light and air access to the 11 Requestor's property, circled in yellow. 12

12. I am informed and believe that on or about 2014, Requestor took a photo from 13 14 her back yard looking toward the rear façade of her property. On information and belief, 15 Project Sponsor's building, clad in brown shingles, is shown on the left side of the photo. A 16 true and correct copy of this photo is attached as Exhibit J. 17

13. I am informed and believe that on or about 2014, Requestor took a photo from 18 her upstairs bedroom window looking down on the side property line shared with Project 19 20 Sponsor. On information and belief, the light court depicted in this photo will be filled in on Project Sponsor's side of the property line. A true and correct copy of this photo is attached as 22 Exhibit K. 23

14. I am informed and believe that on or about 2014, Requestor took a photo from 24 her lower rear deck looking northwest. On information and belief, Project Sponsor's structure, 25 26 clad in brown shingle, is shown on the right side of the photo. A true and correct copy of this 27 photo is attached as Exhibit L. 28

> -3-DECLARATION OF MICHAEL PROFANT

235 MONTGOMERY STREET, SUITE 400 SAN FRANCISCO, CALIFORNIA 94104 ZACKS & FREEDMAN, P.C.

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I am informed and believe that an immigrant tenant occupied the lower flat at
 276-278 Hartford Street prior to the property's sale in 2005. I am informed and believe that the
 prior owner of the subject property entered into a buy-out agreement with this tenant to
 terminate his tenancy before the close of escrow.

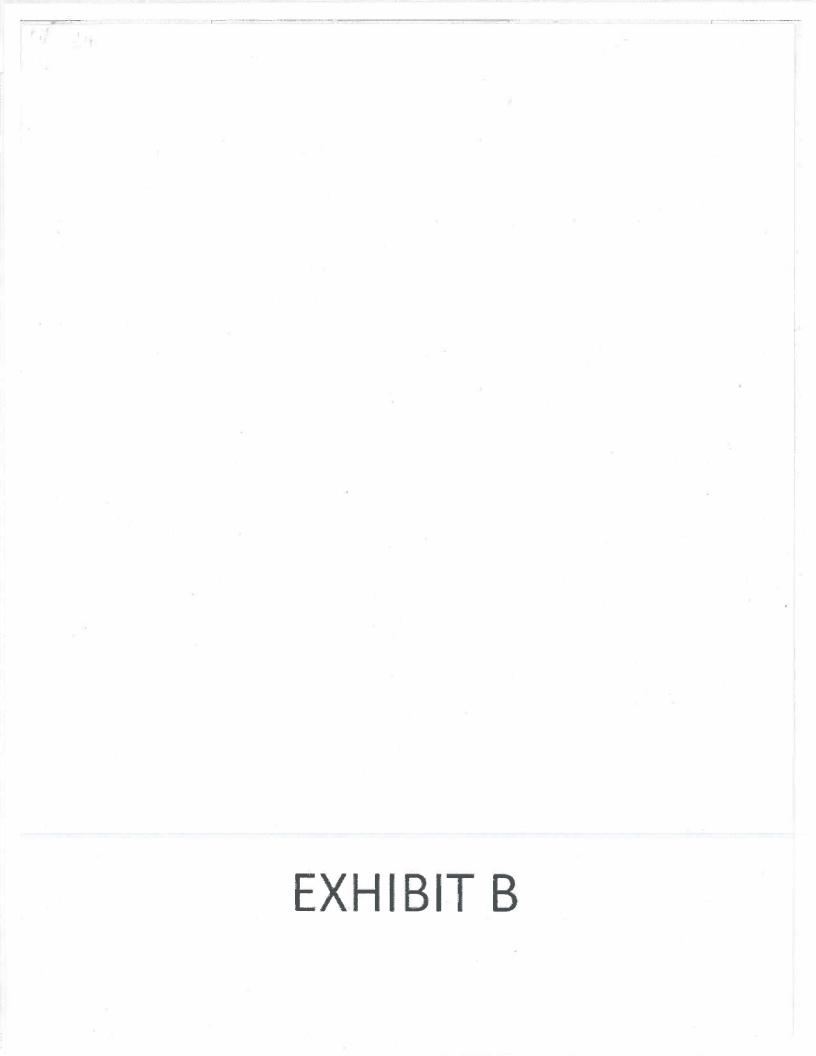
I declare under penalty of perjury that the foregoing is true and correct, and that this was executed on February 19, 2015, at San Francisco, California.

Michael Profant Michael Profant

ZACKS & FREEDMAN, P.C. 235 Montgomery Street, Suite 400 San Francisco, California 94104 -4-DECLARATION OF MICHAEL PROFANT

# EXHIBIT A

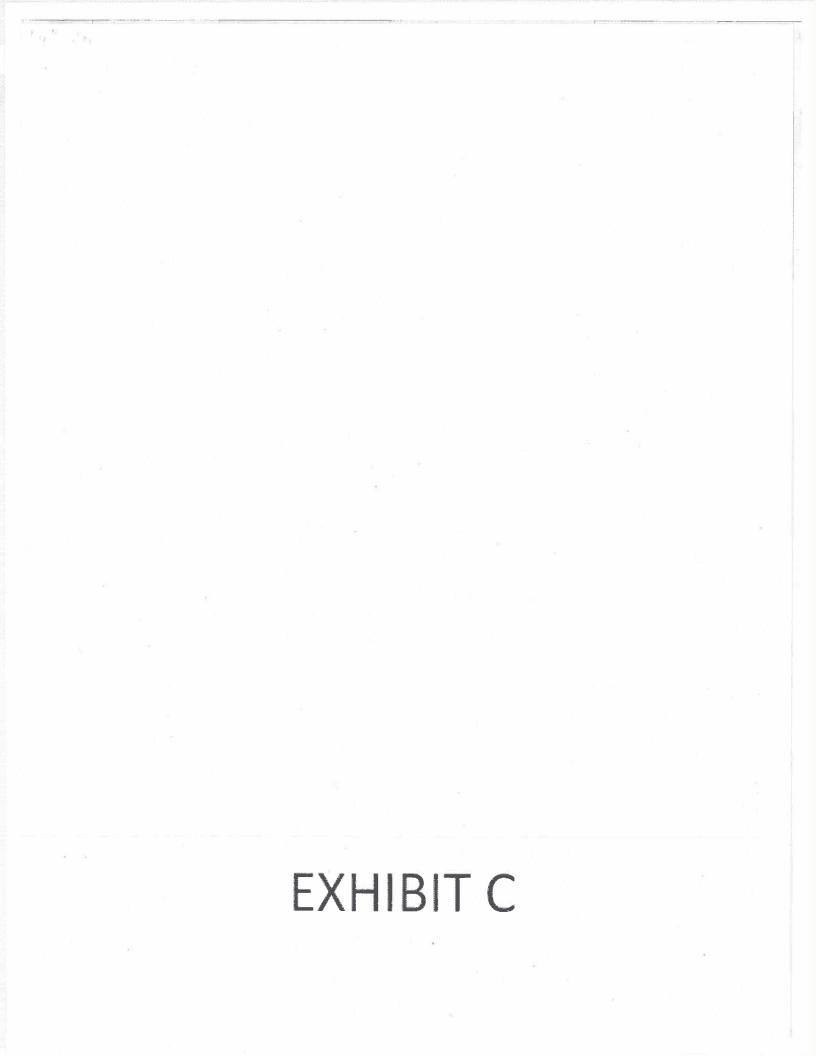
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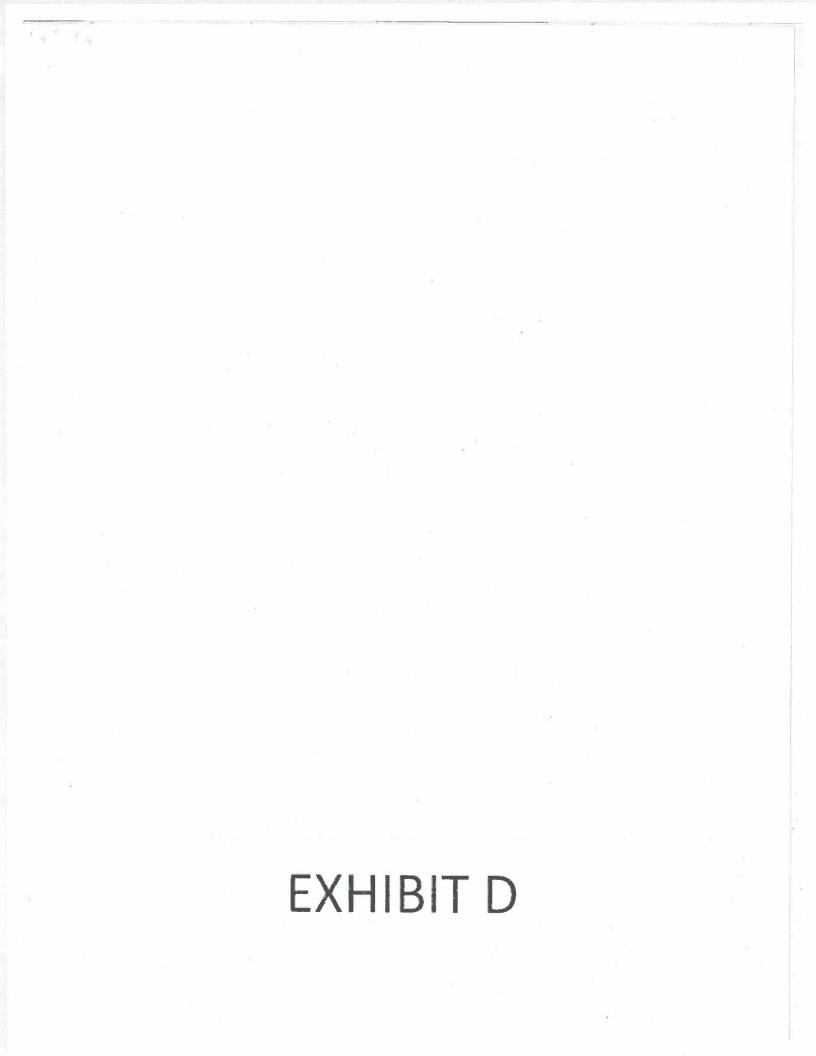
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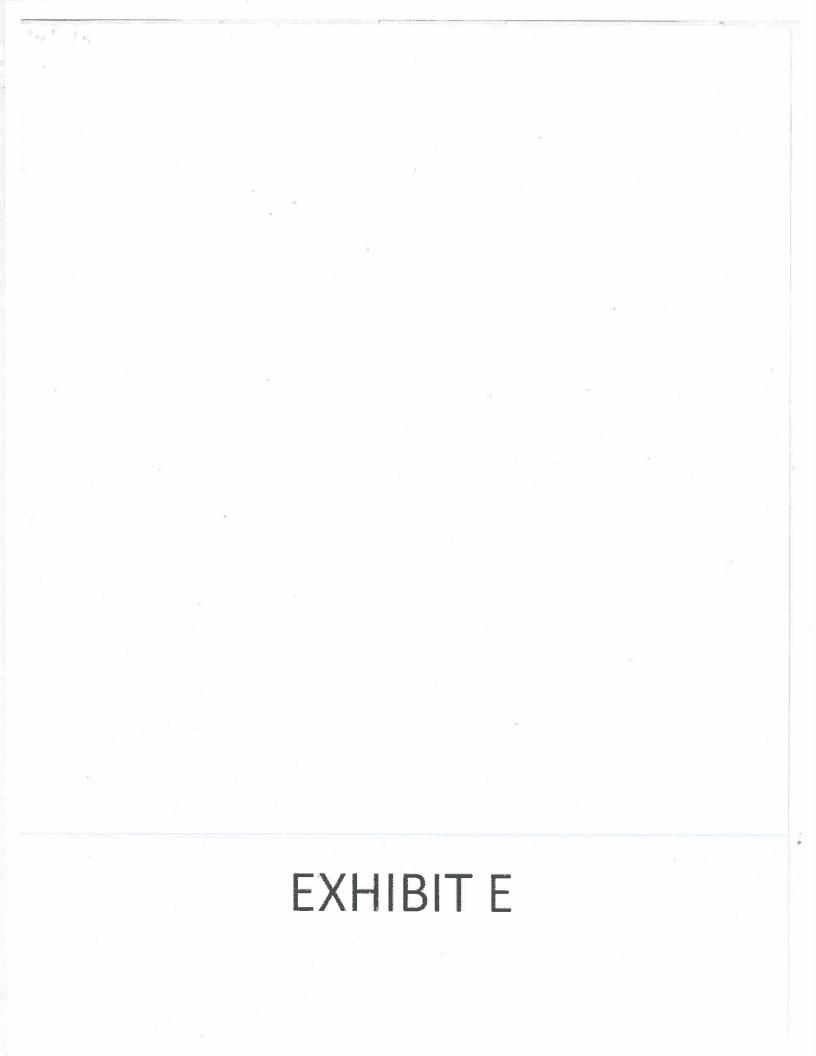
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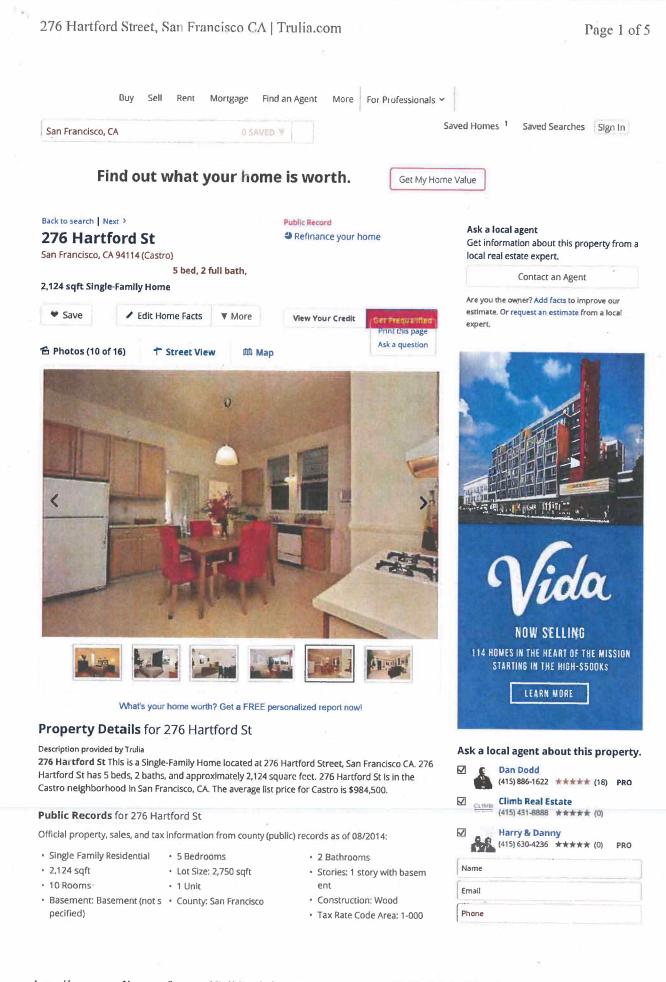


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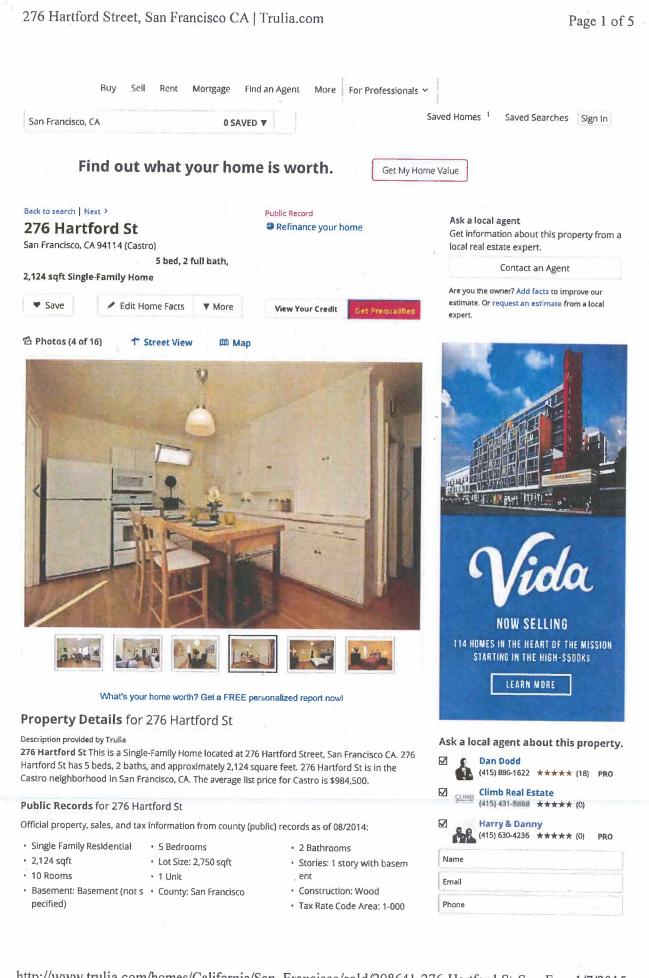


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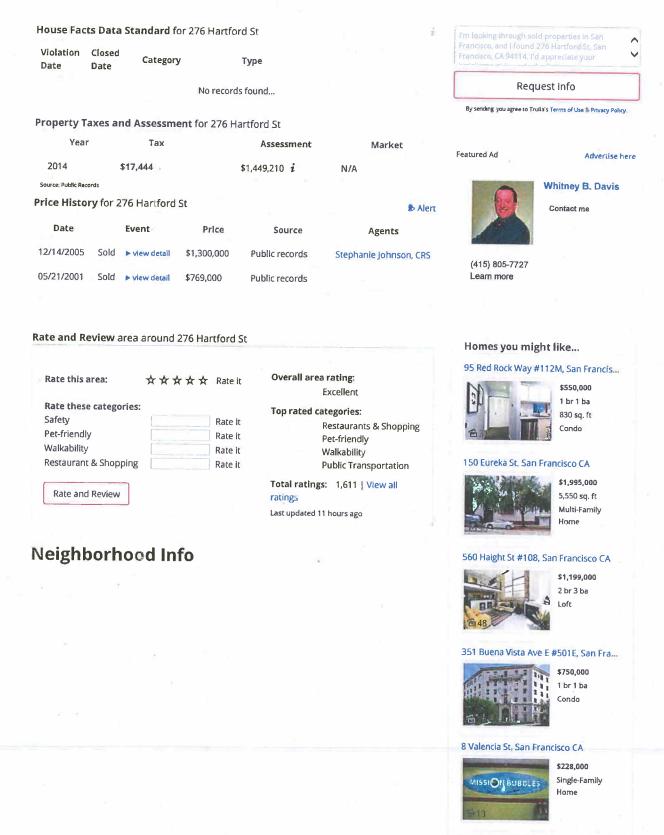
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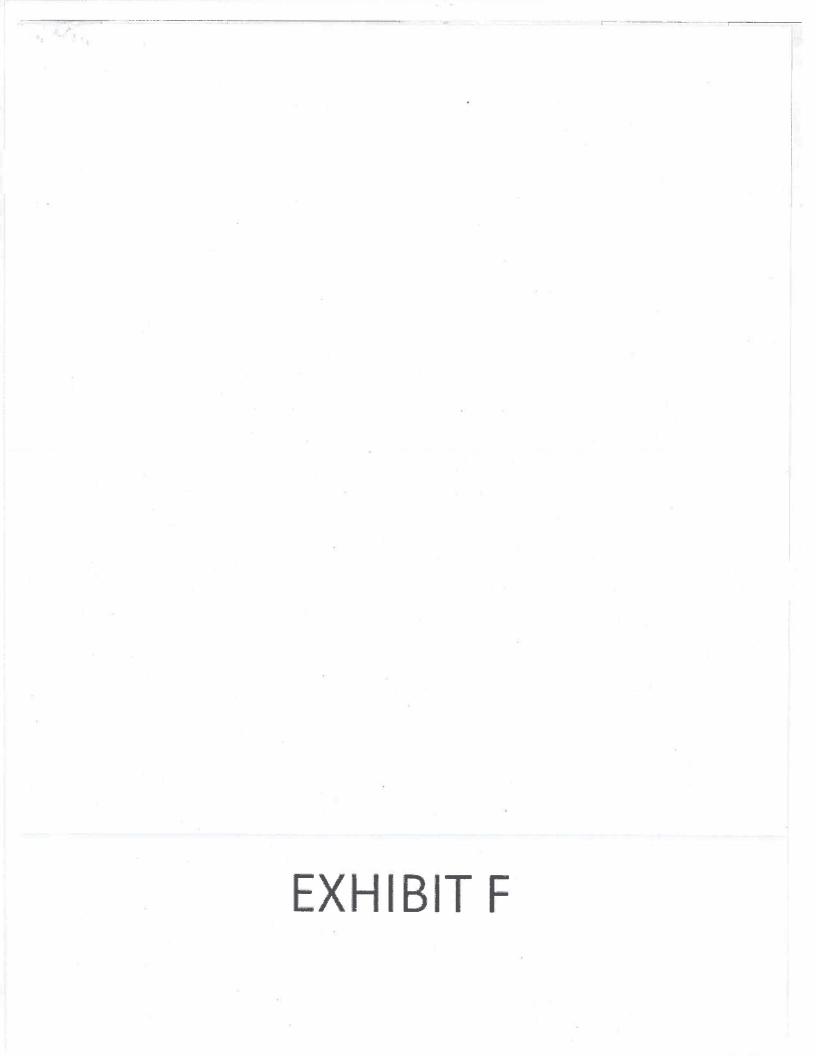
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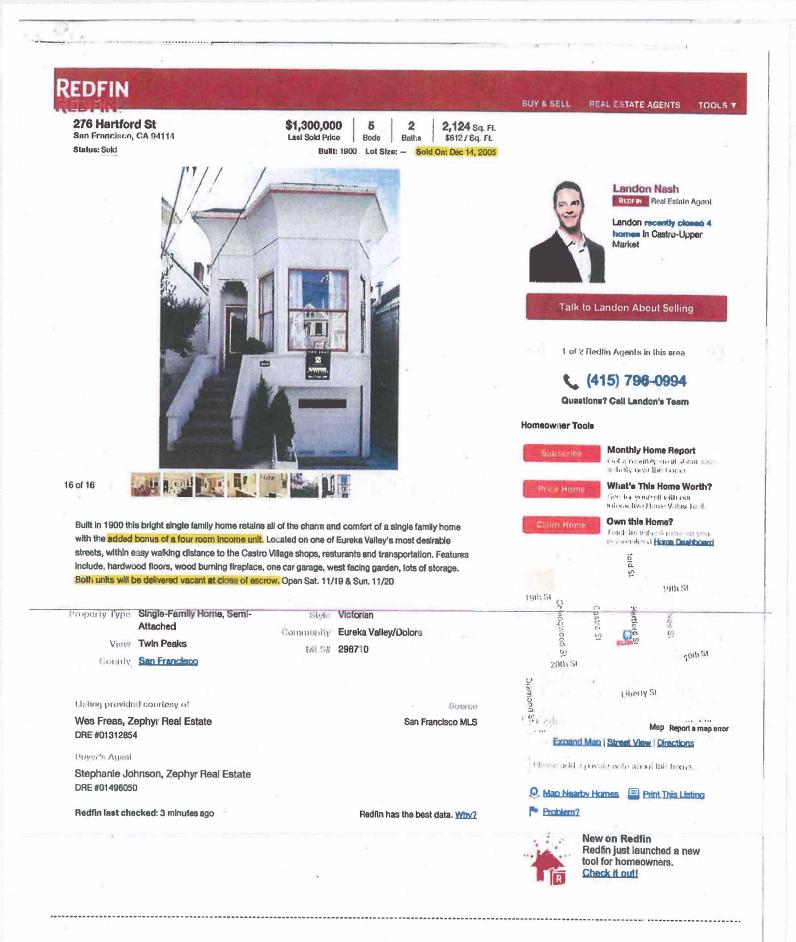
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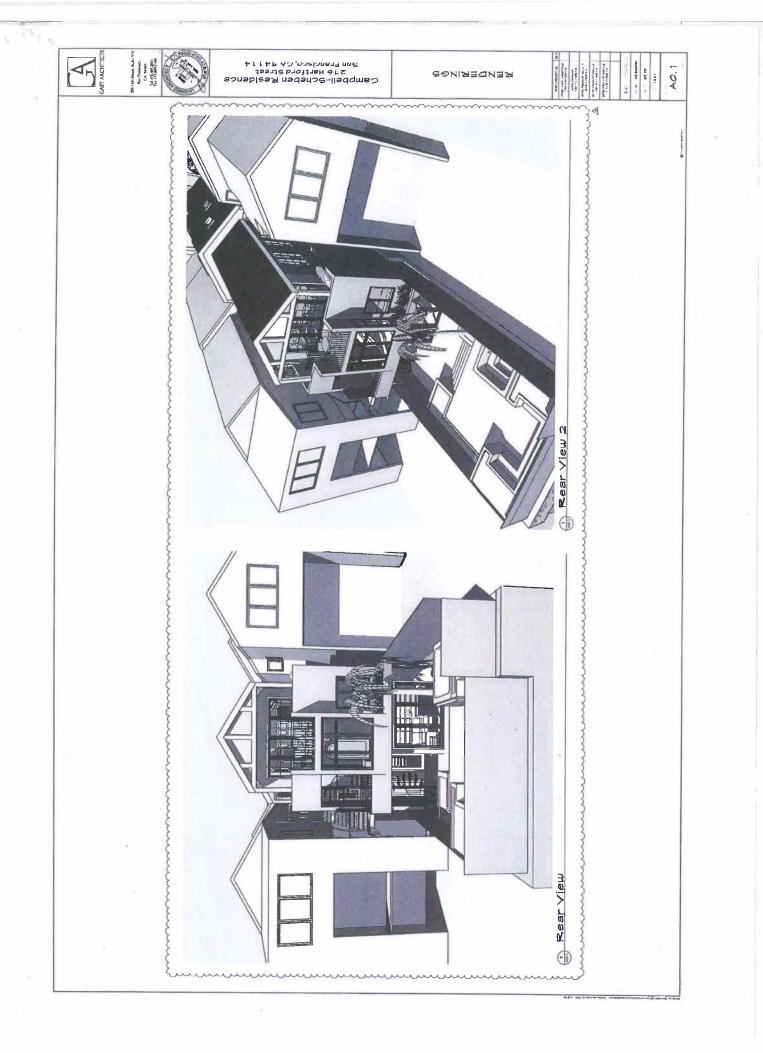
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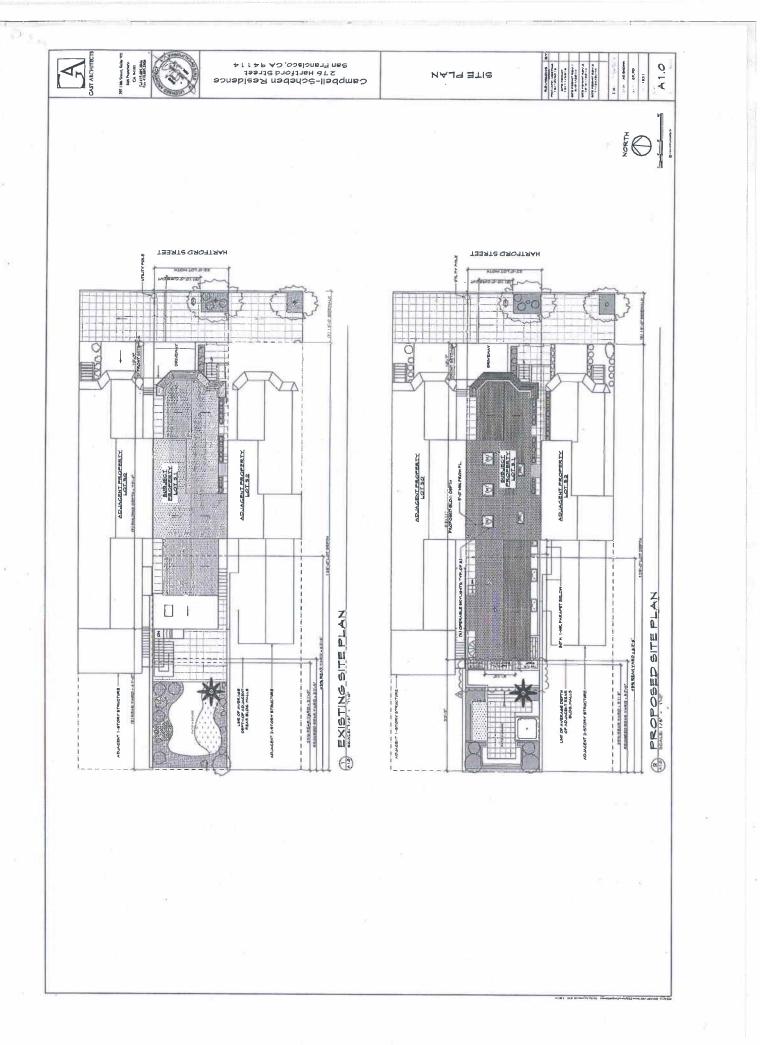


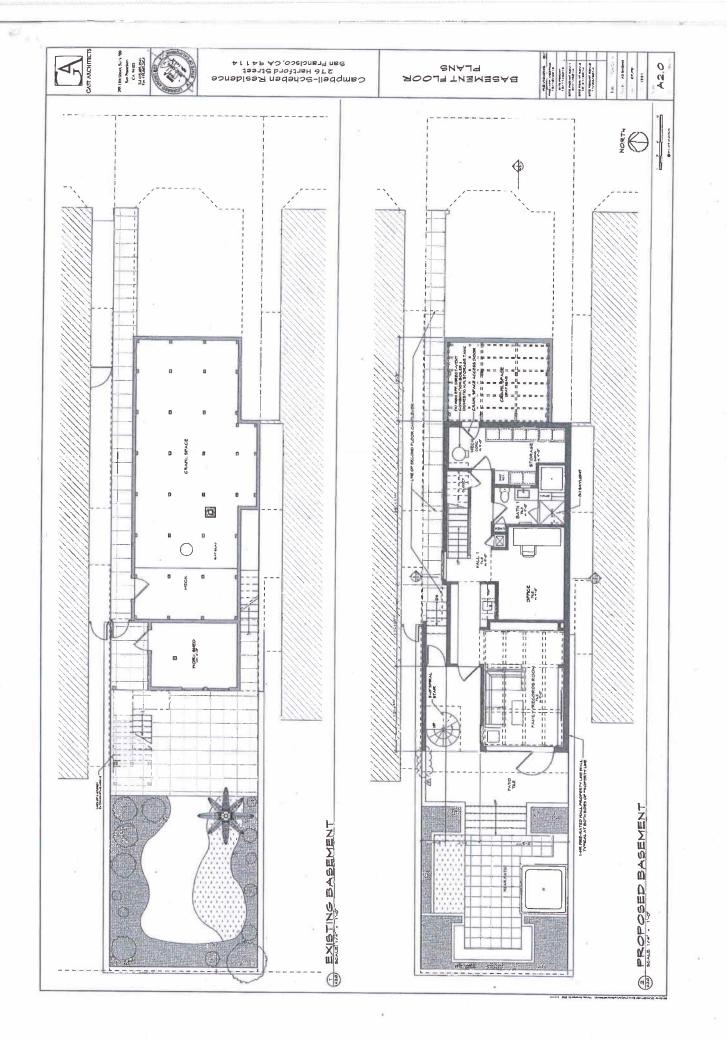


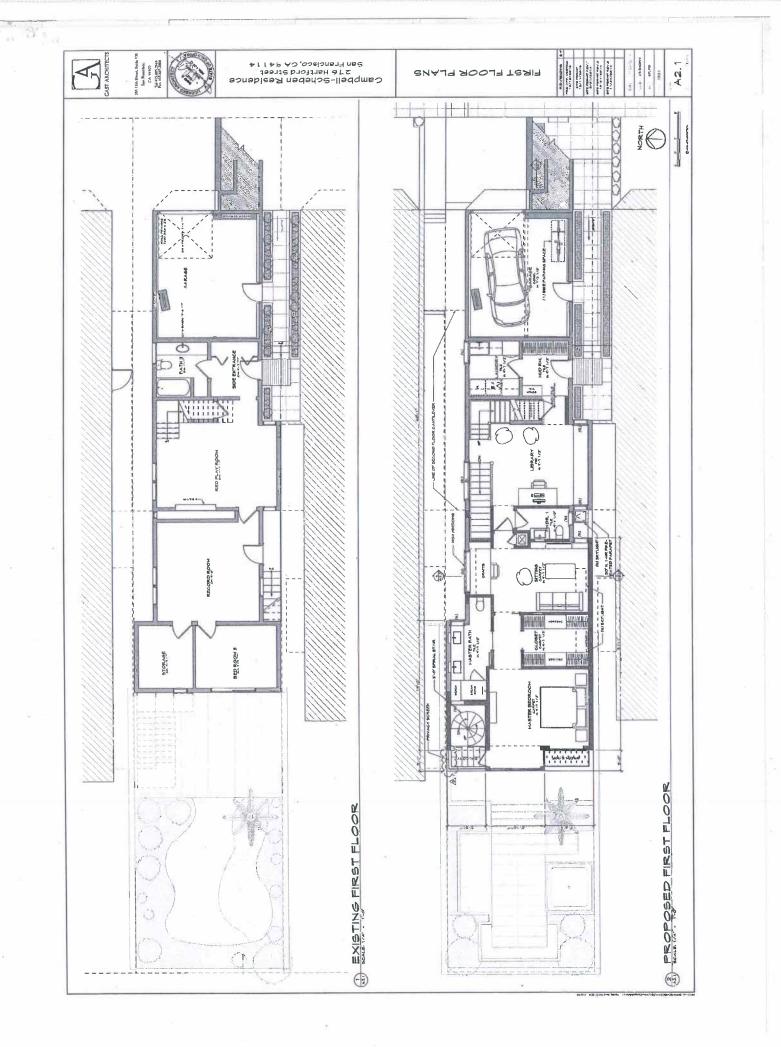


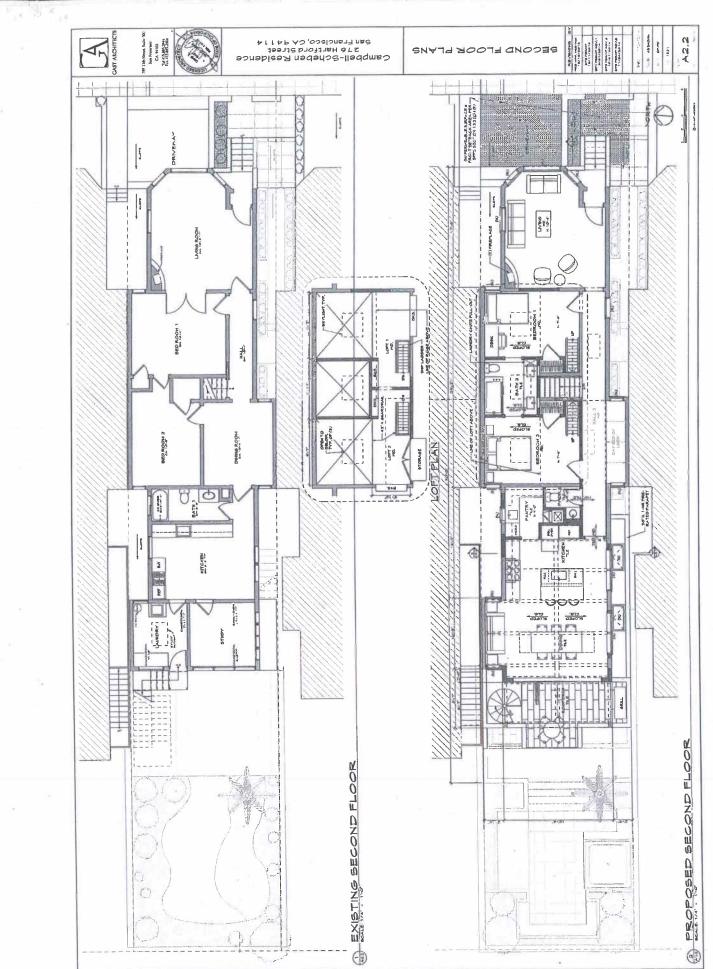
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	PLAN CHECK SUMMARY BLOCK LUT 902/091 BLOCK LUT 902/091 BLOCK LUT 902/091 BLOCK LUT 902/091 REAR YOUR PLANE REAR PALLE 920 - 2790 SQ FT COTSERS A TO X1220 - 2790 SQ FT COTSERS A TO X1220 - 2790 SQ FT REAR PALLE 920 SQ FT REAR PALLE 92	OLCO     09/1     09/1     15.6 P/1       Alternative of the second s	Image: State		

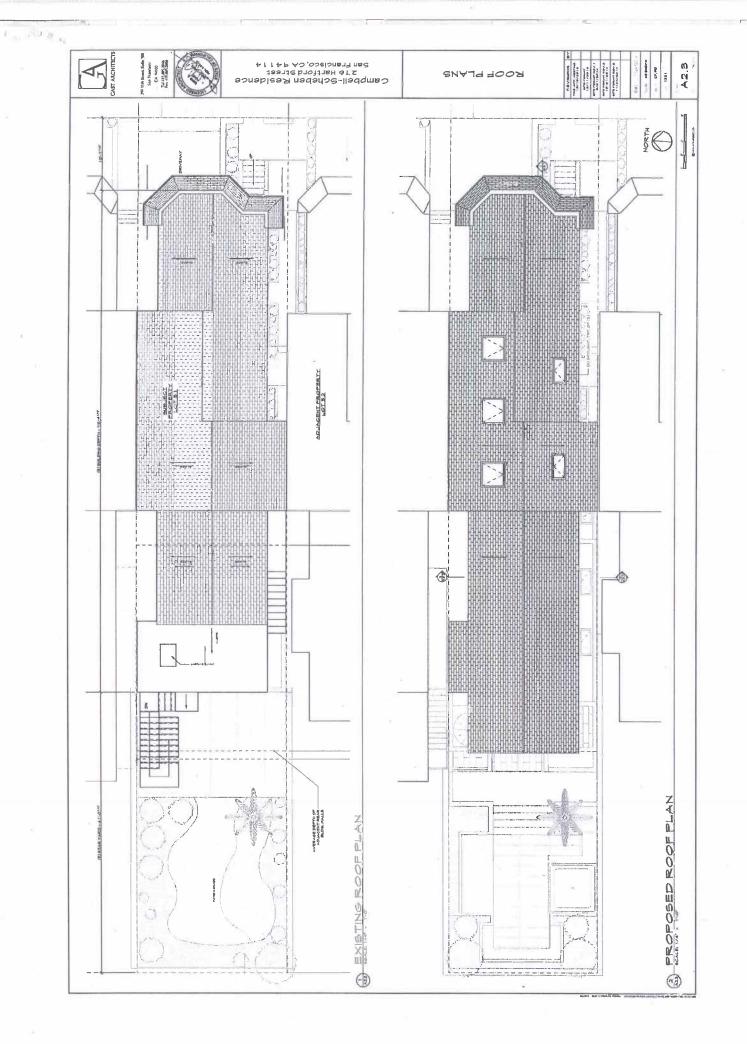


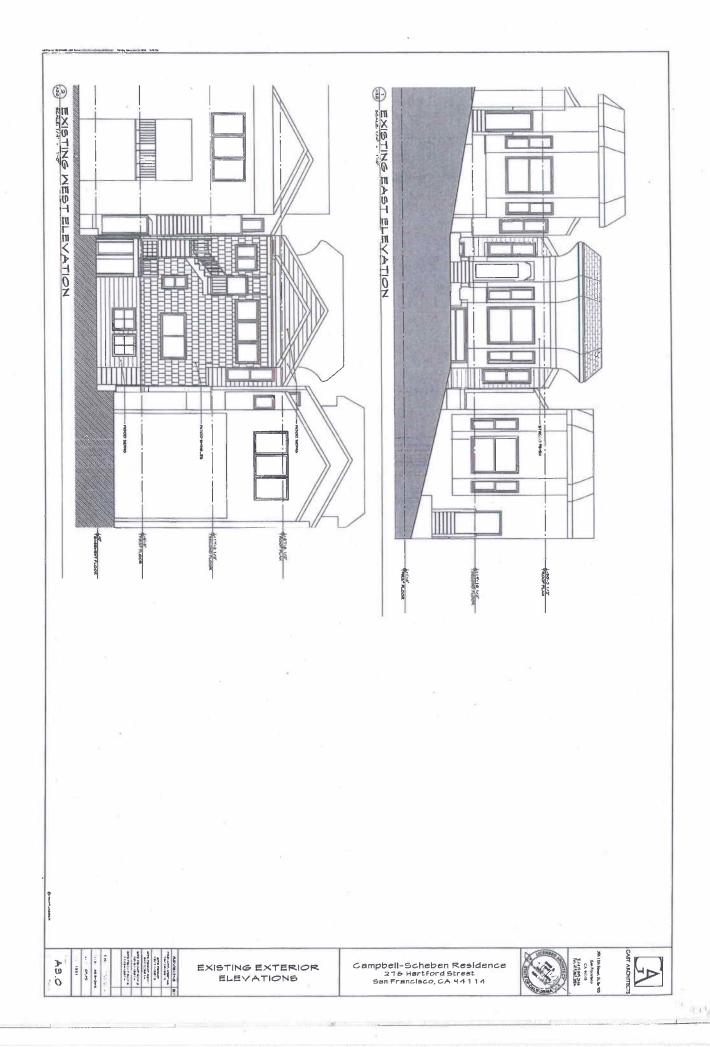


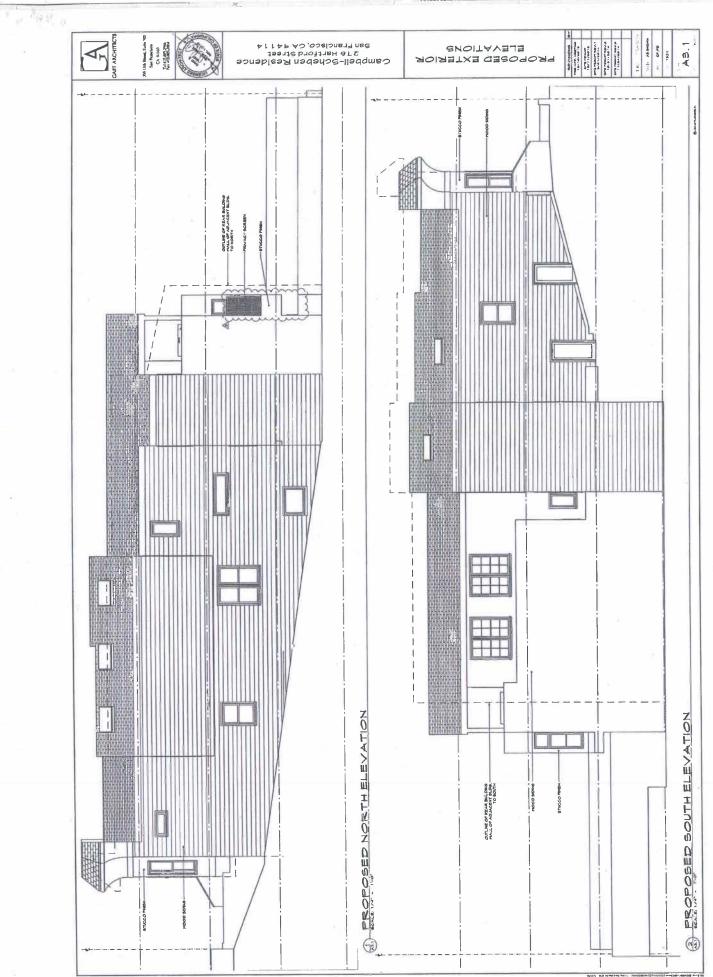


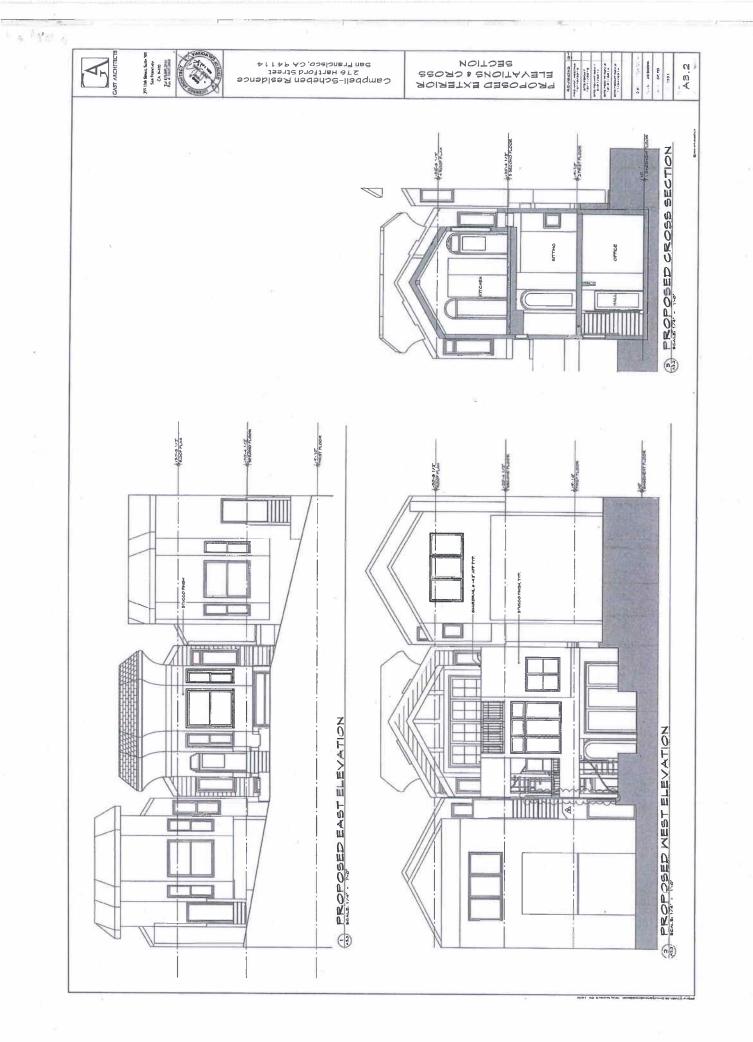


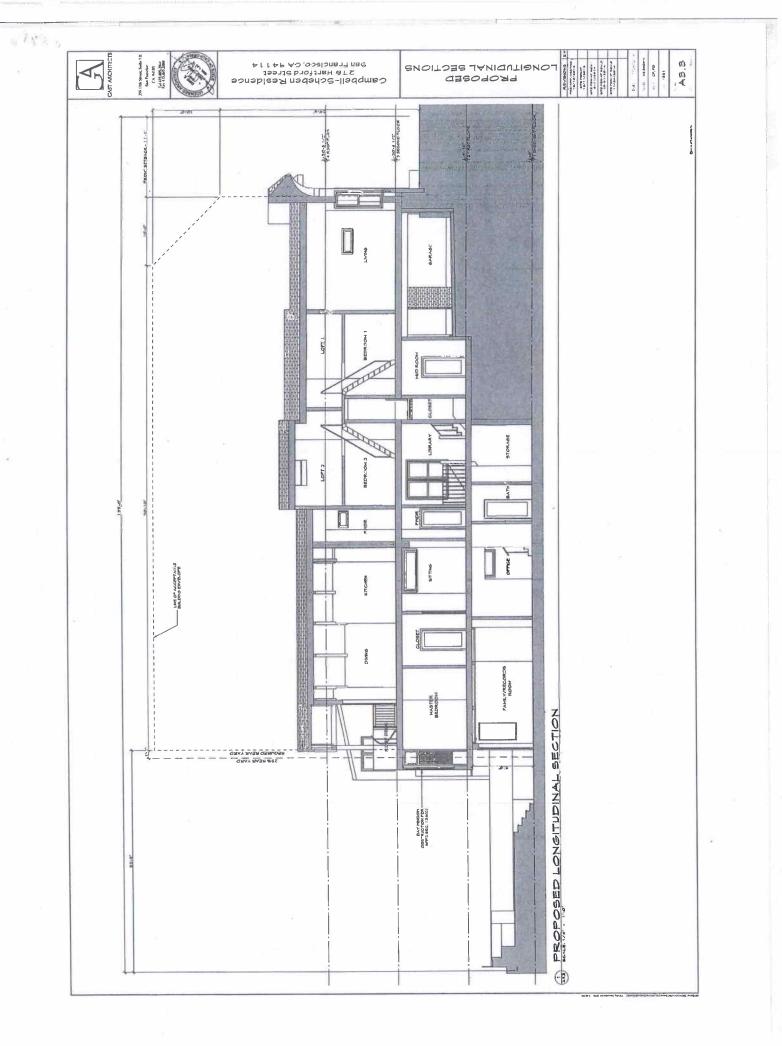












THER IS EXHIBIT H

San Francisco Property Information Map - Print Version



## SAN FRANCISCO PLANNING DEPARTMENT

### Report for: Latitude: 37.75815 Longitude: -122.43385

Historic Preservation Report: Latitude: 37.75815 Longitude: -122.43385

Historic preservation surveys and evaluations. The Historic Resource status shown on this page is tentative, to confirm the status of your property please speak to a Preservation Technical Specialist. Tel: 415-558-6377; Email: pic@sfgov.org

B - Potential Historic Resource

HISTORIC EVALUATION:

Parcel:

3602051

276 HARTFORD ST

Building Name: Address: Planning Dept. Historic Resource Status: California Register: National Register:

ARTICLE 10 DESIGNATED HISTORIC DISTRICTS AND LANDMARKS:

None

ARTICLE 11 PRESERVATION DESIGNATION:

None

NATIONAL REGISTER HISTORIC DISTRICTS:

None

HISTORIC SURVEYS:

None

HISTORIC RESOURCE EVALUATION RESPONSES:

ARCHITECTURE:

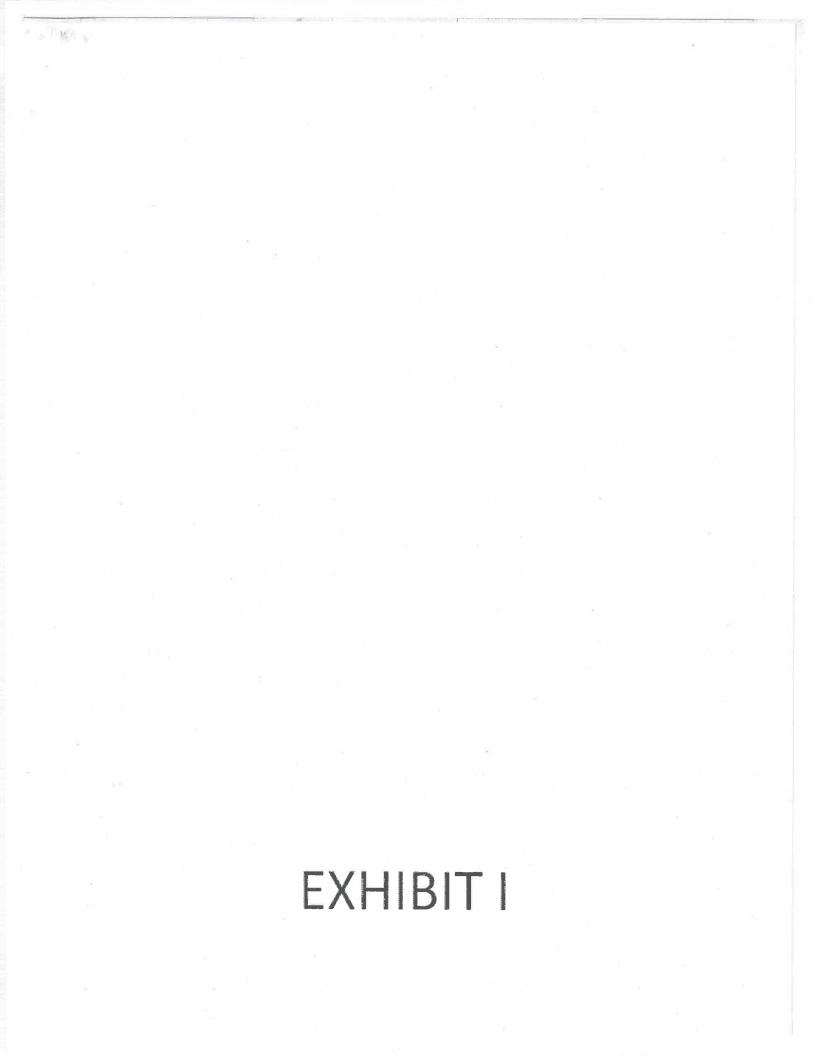
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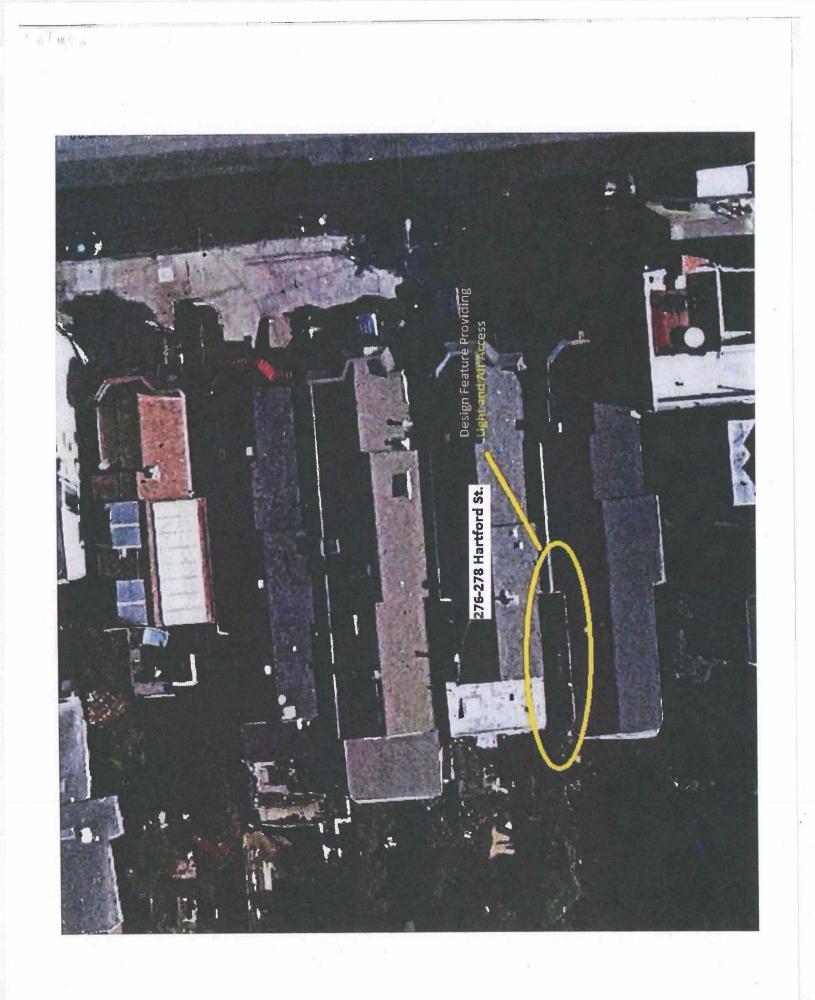
The Disclaimer: The City and County of Sun Francisco (CCSF) does not guarantee the accuracy, adequacy, completeness or usefulness of any information. CCSF provides this information on an 'us is' basis without warranty of any kind, including but not limited to warranties of merchantability or fitness for a particular purpose, and assumes no responsibility for anyone's use of the information.

http://propertymap.sfplanning.org

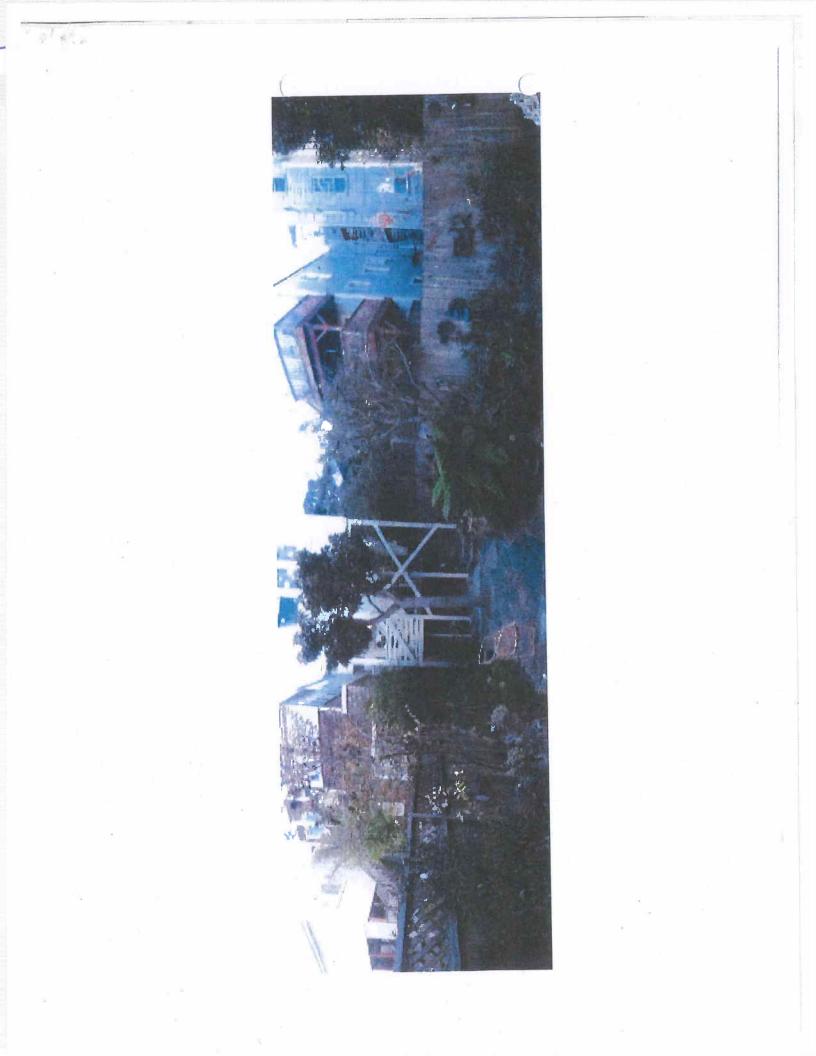
Printed: 2/19/2015

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## and the ag **EXHIBIT J**



# EXHIBIT K







## Zacks & Freedman

A PROFESSIONAL CORPORATION April 8, 2015 235 Montgomery Street, Suite 400 San Francisco, California 94104 Telephone (415) 956-8100 Facsimile (415) 288-9755 www.zulpc.com

Hon. Rodney Fong and Commissioners San Francisco Planning Commission 1650 Mission Street, Suite 400 San Francisco, CA 94103

Re: 276-278 Hartford Street – Residential Unit Merger & Envelope Expansion Case Nos. 2014.1253D & 2014.1253DRP

Dear President Fong and Commissioners:

This office represents DR Requestor Leslie Andelin, the immediate neighbor of the Project. Enclosed with this letter are the following:

- A. A letter of neighborhood opposition signed by 22 neighbors.
- B. Personal attestations of 10 neighbors who "have personal knowledge and can attest that there were two separate residential units located at 276-278 Hartford Street <u>at the time</u> <u>the [Project Sponsors] bought the building</u> in December 2005."
- C. A **former owner's declaration** confirming the property's <u>historic and ongoing use as</u> <u>two separate residential units</u> at least as far back as his grandmother's ownership of the property.

The facts of this case are simple and stark:

- 1. The <u>Project Sponsors illegally removed a lawful rent-controlled housing unit</u> without a building permit, plumbing permit, or electrical permit, and without Planning Department review.
- 2. The <u>Project Sponsors lied</u> to the City and to their neighbors about the lawful status of the property. They got caught.
- 3. The <u>Project would adversely affect the neighborhood</u> by walling off the common rearyard open space, and by in-filling the reciprocal side-yard setback that provides light and air to the adjacent home.

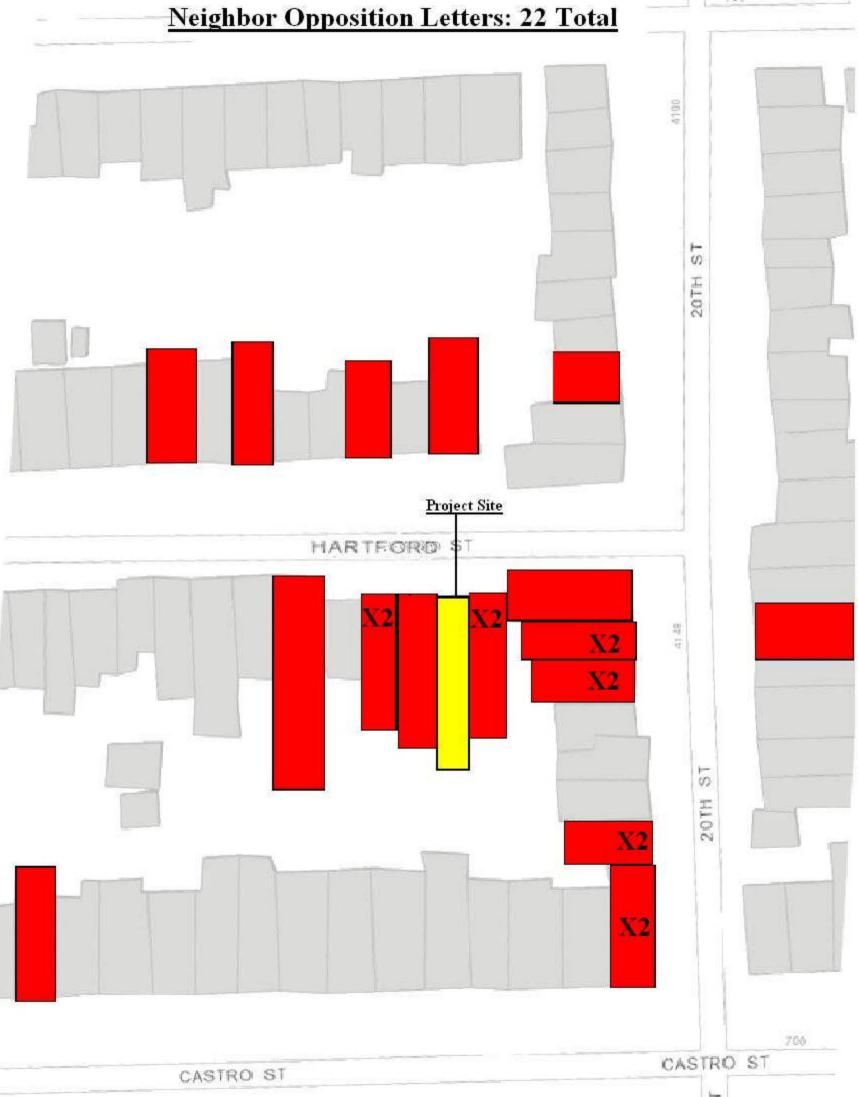
We respectfully ask the Planning Commission to require the property's restoration to its lawful status as <u>two rent-controlled units</u>, and to preserve the neighborhood's character.

Very truly yours,

ZACKS & FREEDMAN, P.C.

Ryan J. Patterson

## EXHIBIT A



in in

January, 2015

President Cindy Wu and Commissioners San Francisco Planning Commission 1650 Mission Street, Suite 400 San Francisco, CA 94103

2

Re: ILLEGAL REMOVAL OF AFFORDABLE HOUSING 276-278 Hartford Street - Building Permit Application No. 2013.12.11.3907 Hearing Date: pending

Dear President Wu and Commissioners:

The owners of the property at 276-278 Hartford Street recently illegally converted two rent-controlled housing units into a single-family house, without permits or public notice. They have now applied to the City to sanction their illegal act, along with dramatically expanding the historic c. 1892 building in a way that is out of character with the neighborhood.

We respectfully urge the City to deny the owners' building permit application. The City should require the owners to restore the building to its rent-controlled two-unit condition, for the following reasons:

1) Approval of this permit would permanently remove a two bedroom unit from the housing market in this neighborhood.

2) Rewarding people who illegally convert their houses by approving this permit for a massive expansion, sends a message that the rules are not the same for everyone and will change the character of this historic neighborhood.

3) The proposed construction is excessively large, blocking light and air originally designed to give these matching Victorians room to breathe in a compact urban environment. It will dramatically increase the size of the historic building, and it will wall off and take away green space from the shared mid-block rear yard open space.

Name: 94114 Fau Address: ore

amanda L. Cout 266 HartFord St. San Francisco, Ca. 9411 Ten abertile F) 4150 20th St. SF. John Beauparlant 14242 20th St. S.F., CA 94114 6) IKUKO HOTTA 4130 2017 STREET, ST- CA 94114 Auch make of 258#C Hartford JF CA-91/11 MARGARETE MEEH SF 914114 "L 4158 A 20th St. (John P. Gunder SF 94114 Hip2 20m St SF 94114 (9)Doniel Fibiger - 22  $0^{\dagger}$ 4182 20th Street WIN ZIMA 4184 DOTH ST CEZ (1) 4190 20th Sami Wahhab (12)Brian Sauls (3) 629 Castro St San Irabrico CA 94110

January, 2015

President Cindy Wu and Commissioners San Francisco Planning Commission 1650 Mission Street, Suite 400 San Francisco, CA 94103

4

Re: ILLEGAL REMOVAL OF AFFORDABLE HOUSING 276-278 Hartford Street - Building Permit Application No. 2013.12.11.3907 Hearing Date: pending

**Dear President Wu and Commissioners:** 

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We respectfully urge the City to deify the owners' building permit application. The City should require the owners to restore the building to its rent-controlled two-unit condition, for the following reasons:

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2) Rewarding people who illegally convert their houses by approving this permit for a massive expansion, sends a message that the rules are not the same for everyone and will change the character of this historic neighborhood.

3) The proposed construction is excessively large, blocking light and air originally designed to give these matching Victorians room to breathe in a compact urban environment. It will dramatically increase the size of the historic building, and it will wall off and take away green space from the shared mid-block rear yard open space.

Name:

Address: 28= Hartford & guiy

Barbara McGuilles-269 Hartford

Uncent M. Williams 253 Hart Ford Street Bian FRY 277 Hartford Street. D\_Ran 274 Havtford Street SF CA (10)cland ac lazar Rosanbalum  $\left(19\right)$ har.m 247 Hardford St. (not an owner) Roberts Arras Arras  $\widehat{20}$ 4188 20th Xt SF. CA 99119 2n. Dave meet 4158 20th St. S.F. Ch 74114 22 Lawid Tolk 4160 20Ast #2 SF CA ,94114 Anthony Vanoni 4167A 20THST

January, 2015

President Cindy Wu and Commissioners San Francisco Planning Commission 1650 Mission Street, Suite 400 San Francisco, CA 94103

#### Re: ILLEGAL REMOVAL OF AFFORDABLE HOUSING 276-278 Hartford Street - Building Permit Application No. 2013.12.11.3907 Hearing Date: January 15, 2015

**Dear President Wu and Commissioners:** 

The owners of the property at 276-278 Hartford Street recently illegally converted two rent-controlled housing units into a single-family house, without permits or public notice. They have now applied to the City to sanction their illegal act, along with dramatically expanding the historic c. 1892 building in a way that is out of character with the neighborhood.

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We respectfully urge the City to deny the owners' building permit application. The City should require the owners to restore the building to its two-unit condition, for the following reasons:

- 1) We are in a housing crisis. We cannot afford to lose two affordable, rent-controlled housing units.
- 2) People who cheat and break City laws should not be rewarded, while people who play by the rules lose out. If the Planning Commission approves this permit, the owners' illegal scheme will be rewarded.
- 3) The proposed construction is out of character with the neighborhood, blocking light and air to the adjacent matching Victorians. It will dramatically increase the size of the historic building, and it will wall off the block's shared rear-yard open space.

Sincerely,

gabriela Schur 3/2/15 4130 20th St SF A 94/14 Name:

# EXHIBIT B

I, the undersigned, have personal knowledge and can attest that there were two separate residential units located at 276-278 Hartford Street at the time the present owners bought the building in December 2005.

Hartford St. Address Andelin **Printed Name** Signature Date 699 Castro St. Dai

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Addres

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lar

I, the undersigned, have personal knowledge and can attest that there were two separate residential units located at 276-278 Hartford Street at the time the present owners bought the building in December 2005.

Hartford st Address Barbara Ingano PrintedName Signature 01/21/2011 Date

266 Hartford St. SF.Ca. 9.414

Amanda L. Courtney <u>Amanda L. Cour</u> signature Jan. 21, 2015

Date

<u>4323 20<sup>M</sup> ST#3</u> Address

Deborah STAcey Cort printed name

Signa

Dat

I, the undersigned, have personal knowledge and can attest that there were two separate residential units located at 276-278 Hartford Street at the time the present owners bought the building in December 2005.

258HC Hell JOMO Dic **Printed Name** Signature Date

<u>4242</u> 20th St. Addrees JOHN BEAUPARLANT Printed name Ø John C. Beauparlant Signature 1/30/15 HARTFORD ST. Address BRIAN FRY + BOURS Ross printed name,  $\left| \right\rangle$ 

# EXHIBIT C

ZACKS & FREEDMAN, P.C. 235 Montgomery Strueft, Sufit: 400 San Francisco, California 94104 

1	RYAN J. PATTERSON (SBN 277971) MICHAEL E. BROEANT (SBN 200246)				
$\frac{1}{2}$	MICHAEL E. PROFANT (SBN 299246) ZACKS & FREEDMAN, P.C. 225 Mante surgers Street Solits 400				
$\frac{2}{3}$	235 Montgomery Street, Suite 400 San Francisco, CA 94104 Tal: (415) 056 8100				
4	Tel: (415) 956-8100 Fax: (415) 288-9755				
5	Attorneys for Discretionary Review Requestor, Leslie Andelin				
6					
7					
8	SAN FRANCISCO PLANNING COMMISSION				
9					
0	DECLARATION OF PHILLIP MOTTINI				
11 12	Discretionary Review Application Project Address: 276-278 Hartford Street BPA No. 2013.12.11.3907				
13	I, Phillip Mottini, declare as follows:				
14 15	1. I make this declaration based on facts personally known to me, except as to				
16	those facts stated on information and belief, which facts I believe to be true.				
17	2. I am informed and believe that my grandmother owned the property known as				
18	276-278 Hartford Street at the time I was born. For as long as I remember—at least 40 years—				
19 20	the property included two separate dwelling units with separate kitchens.				
21	3. After my grandmother passed away, I inherited the property in or about 1995. I				
22	sold the property in or about 2001. The property remained as two dwelling units the entire time				
23	I owned it. I occupied the upper level, and tenants occupied the lower level.				
24	I declare under penalty of perjury under the laws of California that the foregoing is true				
25 26	and correct, and that this was executed on April 7, 2015.				
20					
28	Phillip Motter Phillip Motter				
	-1- DECLARATION OF PHILLIP MOTTINI				



### SAN FRANCISCO PLANNING DEPARTMENT

	RESPONSE TO DISCRETIONARY REVIEW
	Case No.: 2014. 1253 DD
	Building Permit No.: 2013-1211-3907
	Address: 276 Hartford Street
ect Spa	nsor's Name: <u>Samantha_Campbell &amp; Dean Scheben</u>
-	Io.: (415) 292-3656 (for Planning Department to contact)
Giv feel	n the concerns of the DR requester and other concerned parties, why do you your proposed project should be approved? (If you are not aware of the es of concern to the DR requester, please meet the DR requester in addition viewing the attached DR application.
P	ease_see attachment.
Wh	t alternatives or changes to the proposed project are you willing to make in
orde If ye exp you	to address the concerns of the DR requester and other concerned parties have already changed the project to meet neighborhood concerns, please in those changes. Indicate whether the changes were made before filing application with the City or after filing the application.
orde If ye exp you	to address the concerns of the DR requester and other concerned parties have already changed the project to meet neighborhood concerns, please in those changes. Indicate whether the changes were made before filing
orde If ye you P	ease see attachment.
orde If ye you P  If yo plea the pers	to address the concerns of the DR requester and other concerned parties have already changed the project to meet neighborhood concerns, please in those changes. Indicate whether the changes were made before filing application with the City or after filing the application.

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

Reception: 415.558.6378

Fax: 415.558.6409

Planning Information: **415.558.6377** 

www.sfplanning.org

March 27, 2015:

#### ATTACHMENT TO RESPONSE TO DISCRETIONARY REVIEW (DR)

PROPERTY ADDRESS: ASSESSOR'S PARCEL NO.: ZONING DISTRICT: PERMIT APPLICATION NO.: 276 Hartford Street Block 3602, Lot 051 RH-3/40-X 2013-1211-3907

1. Given the concerns of the DR requester and other concerned parties, why do you feel your proposed project should be approved? (If you are not aware of the issues of concern to the DR requester, please meet the DR requester in addition to reviewing the attached DR application.)

The proposed remodel of the existing building at 276 Hartford Street is a relatively modest, and entirely code compliant remodel and addition. The DR requester's building is located to the <u>south</u> of the subject property, and therefore DR requestor will not suffer any loss of direct light nor any shadowing or other alleged impacts from the proposed addition. The DR requester's objections to the proposed project are exaggerated. The claims of being "walled off" border on the absurd. The proposed new rear yard extension is setback from the property line at the upper floor, and extends only a few feet past the DR requester's building into the rear yard.

2. What alternatives or changes to the proposed project are you willing to make in order to address the concerns of the DR requester and other concerned parties? If you have already changed the project to meet neighborhood concerns, please explain those changes. Indicate whether the changes were made before filing your application with the City or after filing the application.

With the guidance of the planning staff, the project sponsor has incorporated a substantial setback at the second floor of the proposed addition which is 3 feet wide and more than 20 feet in length. This was incorporated into the design to allow additional indirect light to reach the north side of the DR requester's building. The project sponsor has also reduced the overall depth of the rear yard extension to an average between the adjacent buildings.

3. If you are not willing to change the proposed project, or pursue other alternatives, please state why you feel that your project would not have any adverse effect on the surrounding properties. Please explain your needs for space or other personal requirements that prevent you from making the changes requested by the DR requester.

When the project sponsors purchased the subject building as a single family home more than 10 years ago they had no children. In the interim their family has expanded; and they now have two small children and a need for additional space. The proposed project came about solely in response to the needs of this family. The project does not have any adverse effect on the DR requester's building as it is located to the south of the subject property, and will not be shadowed or impacted by the addition in any way whatsoever. The DR requestor's only response to the project has been to demand the elimination of any rear yard extension or any expansion of the subject building. If you have any additional information that is not covered by this application, please feel free to attach additional sheets to this form.

4.

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\*.#

Please supply the following information about the proposed project and the existing improvements on the property.

Number of	Existing	Proposed
Dwelling units (only one kitchen per unit -additional		
kitchens count as additional units)	1	_ 1
Occupied stories (all levels with habitable rooms)	2	<u>3 (loft</u> )
Basement levels (may include garage or windowless		
storage rooms)	1	1
Parking spaces (Off-Street)	1	1
Bedrooms	3	4
Gross square footage (floor area from exterior wall to		
exterior wall), not including basement and parking areas	2249	3144
Height	16'-8"	16'-8"
Building Depth	73'-4"	81'-11"
Most recent rent received (if any)	0	0
Projected rents after completion of project	0	0
Current value of property	\$2,300,000	
Projected value (sale price) after completion of project		
(if known)		\$2,800,000

I attest that the above information is true to the best of my knowledge.

	March 27, 2015	Stephen M. Williams
Signature	Date	Name (please print)
$\langle \rangle$		



### SAN FRANCISCO PLANNING DEPARTMENT

### **Design Review Checklist**

Checklist completed for the proposed expansion of the building at **276 Hartford Street**, per plans labeled "Site Permit Rev. 3".

### **NEIGHBORHOOD CHARACTER (PAGES 7-10)**

QUESTION		
The visual character is: (check one)		
Defined		
Mixed	X	

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

Reception: 415.558.6378

Fax: 415.558.6409

Planning Information: 415.558.6377

### SITE DESIGN (PAGES 11 - 21)

QUESTION	YES	NO	N/A
Topography (page 11)			
Does the building respect the topography of the site and the surrounding area?	X		
Is the building placed on its site so it responds to its position on the block and to	x		
the placement of surrounding buildings? Front Setback (pages 12 - 15)			
	x		
Does the front setback provide a pedestrian scale and enhance the street?	λ		
In areas with varied front setbacks, is the building designed to act as transition			x
between adjacent buildings and to unify the overall streetscape?			~
Does the building provide landscaping in the front setback?	X		
Side Spacing (page 15)			
Does the building respect the existing pattern of side spacing?	X		
Rear Yard (pages 16 - 17)			
Is the building articulated to minimize impacts on light to adjacent properties?	X		
Is the building articulated to minimize impacts on privacy to adjacent properties?	X		
Views (page 18)			
Does the project protect major public views from public spaces?			X
Special Building Locations (pages 19 - 21)			
Is greater visual emphasis provided for corner buildings?			X
Is the building facade designed to enhance and complement adjacent public			v
spaces?			X
Is the building articulated to minimize impacts on light to adjacent cottages?			X

### BUILDING SCALE AND FORM (PAGES 23 - 30)

QUESTION		NO	N/A
Building Scale (pages 23 - 27)			
Is the building's height and depth compatible with the existing building scale at the street?	x		
Is the building's height and depth compatible with the existing building scale at the mid-block open space?	x		
Building Form (pages 28 - 30)			
Is the building's form compatible with that of surrounding buildings?	x		
Is the building's facade width compatible with those found on surrounding buildings?	x		
Are the building's proportions compatible with those found on surrounding buildings?	x		
Is the building's roofline compatible with those found on surrounding buildings?	X		

### ARCHITECTURAL FEATURES (PAGES 31 - 41)

QUESTION	YES	NO	N/A
Building Entrances (pages 31 - 33) No changes to entrance are proposed			
Does the building entrance enhance the connection between the public realm of			x
the street and sidewalk and the private realm of the building?			^
Does the location of the building entrance respect the existing pattern of			x
building entrances?			^
Is the building's front porch compatible with existing porches of surrounding			x
buildings?			^
Are utility panels located so they are not visible on the front building wall or on			x
the sidewalk?			^
Bay Windows (page 34)			
Are the length, height and type of bay windows compatible with those found on	x		
surrounding buildings?	λ		
Garages (pages 34 - 37) No changes to garage are proposed			
Is the garage structure detailed to create a visually interesting street frontage?			X
Are the design and placement of the garage entrance and door compatible with			x
the building and the surrounding area?			~
Is the width of the garage entrance minimized?			X
Is the placement of the curb cut coordinated to maximize on-street parking?			X
Rooftop Architectural Features (pages 38 - 41) Not applicable			
Is the stair penthouse designed to minimize its visibility from the street?			X
Are the parapets compatible with the overall building proportions and other			v
building elements?			X
Are the dormers compatible with the architectural character of surrounding			v
buildings?			x
Are the windscreens designed to minimize impacts on the building's design and			X

on light to adjacent buildings?

### **BUILDING DETAILS (PAGES 43 - 48)**

QUESTION	YES	NO	N/A
Architectural Details (pages 43 - 44)			
Are the placement and scale of architectural details compatible with the building and the surrounding area?	X		
Windows (pages 44 - 46)			
Do the windows contribute to the architectural character of the building and the neighborhood?	x		
Are the proportion and size of the windows related to that of existing buildings in the neighborhood?	x		
Are the window features designed to be compatible with the building's architectural character, as well as other buildings in the neighborhood?	x		
Are the window materials compatible with those found on surrounding buildings, especially on facades visible from the street?	x		
Exterior Materials (pages 47 - 48)			
Are the type, finish and quality of the building's materials compatible with those used in the surrounding area?	x		
Are the building's exposed walls covered and finished with quality materials that are compatible with the front facade and adjacent buildings?	x		
Are the building's materials properly detailed and appropriately applied?	X		

### SPECIAL GUIDELINES FOR ALTERATIONS TO BUILDINGS OF POTENTIAL HISTORIC OR ARCHITECTURAL MERIT (PAGES 49 – 54)

QUESTION	YES	NO	N/A
Is the building subject to these Special Guidelines for Alterations to Buildings of Potential Historic or Architectural Merit?	x		
Are the character-defining features of the historic building maintained?	X		
Are the character-defining building form and materials of the historic building maintained?			
Are the character-defining building components of the historic building maintained?	x		
Are the character-defining windows of the historic building maintained?			
Are the character-defining garages of the historic building maintained?			X



### SAN FRANCISCO PLANNING DEPARTMENT

### **RESIDENTIAL DESIGN TEAM REVIEW**

		CA 94103-2479
DATE: <u>3/18/15</u>	<b>RDT MEETING DATE:</b> 3/18/15	Reception: 415.558.6378
PROJECT INFORMATION:		Fax:
Planner:	Eiliesh Tuffy	415.558.6409
Address:	276 Hartford Street	
Cross Streets:	Btwn. 19th and 20th Streets	Planning Information:
Block/Lot:	3602/051	415.558.6377
Zoning/Height Districts:	RH-3/40-X	
BPA/Case No.	201312113907 / 2014.1253DD	
Project Status	$\square$ Initial Review $\square$ Post NOPDR $\square$ DR Filed	
Amount of Time Req.	$\boxtimes$ 5 min (consent) $\square$ 15 minutes	
	30 minutes (required for new const.)	

1650 Mission St.

Suite 400 San Francisco,

### **Project Description:**

The proposal is to

- convert the existing basement crawlspace into habitable space,
- rehabilitate the building interior,
- raise the existing front gable roof structure 1 foot in height, and
- increase the overall building depth through a 3-story rear horizontal addition to the average rear yard setback.

The project requires approval through a Mandatory Discretionary Review hearing before the Planning Commission to legalize the existing single family use. Historic maps, permit records, and the real estate listing at the time of the 2006 sale indicate 2 dwelling units. The 2<sup>nd</sup> unit was never legally removed.

#### Project Concerns (If DR is filed, list each concern.):

General Plan concerns

- Illegal removal of a rent-controlled dwelling unit (*former tenant is believed to have been bought out in 2005, at the time of the last sale*) **Planning Code Section 101.1(b)(3)**
- Impact to neighborhood character. Planning Code Section 101.1(b)(2)
- Impact on historic buildings (*proposal meets the checklist for CatEx-Historical Review*). **Planning Code Section 101.1(b)(7)**
- DR filer supports restoring 2 rent-controlled dwelling units.

RDG concerns

- Reduction of the south elevation side setback (which is repeated in the row of historic Italianates) as part of the rear expansion, and the resulting loss of common access to light and air. DR filer supports maintaining the side setback & light court on the south elevation to preserve common access to light and air and maintain the pattern found on the adjacent buildings.

- Walling off of the DR filer's access to the mid-block open space. **DR filer supports** maintaining the existing rear yard setback to protect access to mid-block open space.

#### **RDT Comments:**

- General Plan concerns are to be addressed through the Mandatory Discretionary Review scheduled before the Planning Commission, and are not the purview of the Residential Design Team.
- The proposed project largely maintains the existing 3-foot side setback from the south property line on the upper floor of the building (**RDG**, **pg. 16**). The only exception being the firewall at the top floor's rear deck.
- The proposed rear yard dimension, which is based on the average rear yard depth of the two adjacent neighboring buildings, is not uncharacteristically deep for this block, is compatible with the surrounding context, and would have little impact on the mid-block open space. (**RDG**, **pg. 16**, **pgs. 25-26**)
- No exceptional or extraordinary circumstances.

Application for **Dwelling Unit Removal** 

D

CASE NUMBER:

For Staff Use only

### 14.1253 APPLICATION FOR **Dwelling Unit Removal** Merger, Conversion, or Demolition

#### 1. Owner/Applicant Information PROPERTY OWNER'S NAME: Christian Marc Scheben and Samantha Campbell and D. Keith Campbell (husband & wife and her father) PROPERTY OWNER'S ADDRESS: TELEPHONE: (415) 652-6202 276 Hartford Street EMAIL: San Francisco, CA 94114 ergeshmergle@yahoo.com APPLICANT'S NAME:

Stephen M. Williams Same as Above APPLICANT'S ADDRESS: TELEPHONE: (415) 292-3656 1934 Divisadero Street EMAIL: San Francisco, CA 94115 smw@stevewilliamslaw.com

CONTACT FOR PROJECT INFORMATION:			
Gast Archtiecture (Dennis Budd and David Gast)	Same as Above 🛛		
ADDRESS	TELEPHONE:		
	( <sup>415</sup> ) 885-2946		
355 11th St # 300, San Francisco, CA 94103	EMAIL:		
	DGast@gastarchitects.com		

COMMUNITY LIAISON FOR PROJECT (PLEASE REPORT CHANGES TO THN/A	IE ZONING ADMINISTRATOR):
ADDRESS:	TELEPHONE:
	( )
	EMAIL:

#### 2. Location and Classification

STREET ADDRES	S OF PROJECT:				ZIP CODE:	
276 Hartford Street				94114		
CROSS STREETS	:					
20th and 19	9th Streets				10) 7	
ASSESSORS BLC		LOT DIMENSIONS:	LOT AREA (SQ FT):	ZONING DISTRICT:	HEIGHT/BULK DISTRICT:	
3602	/ 051	22/125	2750	RH-3	40-X	

### 14.1253 D

1	PROJECT INFORMATION	EXISTING	PROPOSED	NET CHANGE
1	Total number of units	2	1	-1
2	Total number of parking spaces	1	1	0
3	Total gross habitable square footage	2249	3144	895
4	Total number of bedrooms	4	4	0
5	Date of property purchase	December 14, 2005		
6	Total number of rental units	0	0	0
7	Number of bedrooms rented	0	0	0
8	Number of units subject to rent control	0	0	0
9	Number of bedrooms subject to rent control	0	0	0
10	Number of units currently vacant	0	0	0
11	Was the building subject to the Ellis Act within the last decade?	no		
12	Number of owner-occcupied units	2	1	-1

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

Date: 8-14-14

Stephen M. Williams

Owner / Authorized Agent (circle one)

For Staff Use only

1253

### Loss of Dwelling Units Through Merger (FORM B – COMPLETE IF APPLICABLE)

Pursuant to Planning Code Section 317(e), the merger of residential dwelling-units not otherwise subject to a Conditional Use Authorization shall be either subject to a Mandatory Discretionary Review hearing or will qualify for administrative approval. Administrative review criteria only apply to those Residential Units proposed for Merger that are (1) not affordable or financially accessible housing are exempt from Mandatory DR (valued by a credible appraisal within the past six months to be greater than 80% of combined land and structure value of single-family homes in San Francisco); or (2) meet a supermajority of the merger criteria listed below. Please see website under Publications for Loss of Dwelling Units Numerical Values.

#### Please state how the project meets or does not meet the following criteria:

1. Does the removal of the unit(s) eliminate only owner-occupied housing, and if so, for how long was the unit(s) proposed to be removed owner-occupied?

Yes. The owners purchased the property as a single family home in 2005 and for the past nine (9) years they have used it exclusively as a single family home. Since they purchased it as a single family home, the use as one unit was in place prior to their purchase. They relied upon information from the Assessors Office(Attached as Exhibit 1) and a 3R Report from the DBI Records Management Office for m 2005 (Attached as Exhibit 2) both of which confirmed the building as a single family home. The home does not currently have any second unit. There is one kitchen and an internal stair between the floors. The application is to "legalize" the existing use.

2. Is the removal of the unit(s) and the merger with another intended for owner occupancy?

Yes. The building already functions as a one unit single family home and that is the only function the owners have made use of the building. They intend to continue to own and occupy the home with their family. There is no unit for "removal" except on paper. For the past nine (9) years the owners have occupied the entire building and it has always been a single family home.

3. Will the removal of the unit(s) bring the building closer into conformance with the prevailing density in its immediate area and in the same zoning district?

Yes, Although the zoning of the block is partially RH-3 and partially RH-2, research shows that most of the buildings on the block are single family homes. The block face on which the subject site is located has fifteen (15) development lots and of those, nine (9) are currently single family homes. On the opposing block face across Hartford Street there are fourteen development lots and of those, seven (7) are single family homes. Attached as Exhibit 3 is a copy of a map showing the single family homes in the immediate area.

4. Will the removal of the unit(s) bring the building closer into conformance with the prescribed zoning?

No, but as noted above, few homes in the area are at the prescribed zoning. In fact, on the subject block face, only three (3) of the fifteen (15) building are in conformance with the RH-3 zoning.

5. Is the removal of the unit(s) necessary to correct design or functional deficiencies that cannot be corrected through interior alterations?

Yes, the owners purchased the building as a single family home for them and their growing family. They could not function with one of the floors of the building. In fact, as noted above, there is only one kitchen in the building.

### Priority General Plan Policies – Planning Code Section 101.1 (APPLICABLE TO ALL PROJECTS SUBJECT TO THIS APPLICATION)

Proposition M was adopted by the voters on November 4, 1986. It requires that the City shall find that proposed alterations and demolitions are consistent with eight priority policies set forth in Section 101.1 of the 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 is not applicable.

Please respond to ea	ich policy; if it's n	ot applicable explair	why:
----------------------	-----------------------	-----------------------	------

<ol> <li>That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced;</li> <li>There is no nearby retail and this project and merger has no impact on any of these issues.</li> </ol>
<ul> <li>2. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods;</li> <li>The existing building is being preserved and enhanced. The owners have young children and want to stay in the City and raise their children in the City. Samantha Campbell manages a small non-profit trust and her husband Christian Scheben (Dean) is a musician and a MagSafe therapist who had an office in the neighborhood.</li> </ul>
3. That the City's supply of affordable housing be preserved and enhanced;
There is no affordable housing impacts or affected by the remodel project and merger.
4. That commuter traffic not impede Muni transit service or overburden our streets or neighborhood parking;
The remodel project and merger will not impact Muni or transit in any fashion.

### 14.1253 D

### Please respond to each policy; if it's not applicable explain why: 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 remodel project and merger have no impact on industrial or service sectors. 6. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake; The building will receive a complete seismic up-grade to prepare against the next earthquake. 7. That landmarks and historic buildings be preserved; and The facade will be maintained, but there is no landmark or historic building involved in the proejct. 8. That our parks and open space and their access to sunlight and vistas be protected from development. No impact on parks or open space.

### 14.1255 0

### Samantha Campbell 276 Hartford Street San Francisco, CA 94114

August 14, 2014

To Whom It May Concern:

This will confirm that I, Samantha Campbell, on behalf of myself and my husband Christian Marc Scheben and my father D. Keith Campbell, have retained the Law Office of STEPHEN M. WILLIAMS to represent our interests in a Unit Merger Application matter before the Planning Department concerning the proposed unit merger and project at 276 Hartford Street, San Francisco, CA. We hereby authorize STEPHEN WILLIAMS to pursue and complete said merger application for the proposed project.

Sincerely,

yhill

### SMW LAW OFFICES OF STEPHEN M. WILLIAMS

1934 Divisadero Street | San Francisco, CA 94115 | TEL: 415.292.3656 | FAX: 415.776.8047 | smw@stevewilliamslaw.com

Rodney Fong, President San Francisco Planning Commission 1650 Mission Street, Suite 400 San Francisco, CA 94103 April 6, 2015

### RE: 276 Hartford Street; Planning Department No. 2014.1253DD Discretionary Review (Small rear yard addition) Mandatory DR--Dwelling Unit Merger Application (BPA #201312113907) Hearing Date: April 16, 2015

President Fong and Members of the Commission:

### **INTRODUCTION**

This office, along with the team of David Gast, AIA LEED AP and Dennis Budd, AIA, LEED AP, of Gast Architects, represents Christian "Dean" Scheben and Samantha Campbell (husband and wife) and Samantha's father, D. Keith Campbell, the owners of the residential building located at 276 Hartford Street located in the Delores Heights neighborhood of San Francisco ("the Property"). For the past 9-plus years, Ms. Campbell has lived with her husband Dean, in the property believing it to be a single family home.



276 Hartford is a Modest One-Story Over Garage in a Neighborhood Dominated by Single Family Homes

Samantha and Dean closed escrow on the home on December 14, 2005. In December 2013, Samantha and Dean, with the assistance of Gast Architects, initiated a modest remodel project of their home in response to their growing family, (they have two children under the age of six) they learned for the first time that the building is

April 6, 2015 276 Hartford Street

technically considered a two unit building. Accordingly, before the remodel can go forward, they are now requesting approval to merge these "paper units" into a single residence that can accommodate their family's long- term needs. There is one kitchen in the home and an internal stair connects the floors.



This "paper" merger is aimed solely at legalizing the long existing condition (single family home), will not displace any tenants or occupants, and will have no effect on the City's affordable housing stock. Rather it will legalize and allow improvements to what has long been the existing situation at the home. This merger will benefit the neighborhood and the City by creating additional family size housing, which is in short supply. The merger will also allow this family to stay in their home and in the neighborhood where they have resided for nearly 10 years. According to statistics, San Francisco has the lowest percentage of children of any major city in the country. Only **13.4 percent** of the city's approximately 800,000 residents are under the age of 18. (*SF Chronicle June 10, 2013*)

This case was originally scheduled before the Commission on January 16, 2015, but the neighbor to the **south** filed a last minute DR Application on the last day to challenge the project---claiming impacts to "light and air". That additional DR is utterly without merit. The small rear extension and associated construction to the north of the complaining neighbor cannot possible impact "light and air" on the building to the south. We look forward to presenting the application to the Commission on April 16, 2015

### A. <u>Project Setting and Proposal</u>

The property is a one story over garage building located on the west side of Hartford Street between 19th and 20th Streets, in the Dolores Heights/Eureka Valley neighborhood. The block on which it is located is split-zoned RH-2 and RH 3. This is a residential neighborhood with mostly single-family buildings with some 2-unit and very few buildings of 3-unit or more.

Although we have learned that the existing building is technically characterized as two units, as set forth in the merger application, Samantha and Dean purchased the property as a single-family dwelling in 2005 and relying on official city documents including the Assessors Report and the 3R Report from DBI, both of which confirmed the building as a single-family dwelling. (Exhibits 1 & 2 attached to the Merger Application and attached hereto for the Commission's convenience).

The existing building is approximately 2200 square feet. The lower floor has approximately 930 square feet of living space and the upper floor contains 1170 square feet of living space. Samantha and Dean purchased the building with the help of her father Keith Campbell in December 2005 with the sole intention of making it their family home. They reside in the home and do not own other real estate in San Francisco. Since the time the purchased the home, both of their children have been born and the need for additional space has substantially increased.

The project would merge the two floors of the building and create an approximately 2200 square foot residence that the family will continue to occupy. As a separate project, they also intend to remodel the building and increase the square footage modestly by approximately 850 square feet. The proposed project is mostly interior renovations with the creation of a master bedroom suite.

### B. Project Benefits.

The following factors support approval of this proposed merger:

**No tenant displacement.** The project would merge on paper two dwelling units that have been exclusively occupied by the Campbell/Scheben family since 2005. The project affects only owner-occupied housing; it will not displace any existing tenants or remove an otherwise available dwelling unit. No tenant was displaced.

**Increase to the City's Supply of Family Housing**. Housing units of an appropriate size and affordable to growing San Francisco families are in scarce supply. As a result, many families with young children find themselves priced out of the City. This trend is to the detriment of neighborhood diversity and community investment. Allowing the merger and project to go forward will create a home of appropriate size for this growing family, diversifying the City's housing stock and allowing Samantha and Dean to remain in their home and in their neighborhood where they have put down roots and established deep ties.

In this case, the merger will directly advance the policies of the City's Housing Element, including Policy 2.2, to retain existing housing by controlling the merger of residential units, except where the merger clearly creates new family housing; and Policy 4.1 to encourage the remodeling of existing housing for families with children. Accordingly, in this extraordinary situation the unit merger controls should be applied with some common sense and flexibility.

<u>No Affordable Dwelling Units Affected.</u> There are no below market rate units at the property. The building has functioned as a single family home for decades and will continue to do so. Further, because the building is valued at approximately \$3 million dollars, it is anticipated that if the home were divided into two units they would still appraise for a higher amount in the current market. The project will not result in the loss of any dwelling units that would be affordable to low or moderate income residents

**The Merger Will Provide a Complete Seismic Upgrade** Because Samantha and Dean have occupied the subject building for nearly 10 years, it is their permanent family home. The remodeling project that they have proposed includes a complete seismic upgrade of the building and the complete remodeling and updating of the entire building. Attached hereto and marked as Exhibit 5 is a reduced set of plans for the proposed remodeling project. Earthquake preparedness is an express priority policy. The project also includes up-grades to all systems and other improvements to the building

<u>Consistency with Neighborhood Character</u>. The project will not change the existing building's conformity with neighborhood character. As detailed in maps (Exhibit 3) and Assessor's Reports (Exhibit 4) attached to the Merger Application, a majority of the homes on the block and on the surrounding blocks are single family homes. As detailed in the Merger Application nine (9) of the fifteen (15) development-lots on the block face are single-family homes. Across Hartford Street seven (7) of the fourteen (14) development-lots are occupied by single-family homes. (See, Exhibits 3&4 to Merger Application).

### C. <u>Compliance with Dwelling Unit Merger Criterion</u>

The purpose of the City's dwelling unit merger controls is to protect against a shortage of rental and affordable housing stock. The project should be considered in light of these over arching objectives. Allowing the merger will not remove any existing rental units, and will have no effect on the City's supply of affordable housing. Rather the project is consistent with the goals of Planning Code Section 317 and the express objectives of the Housing Element and General Plan. In addition, the balance of criteria set forth in the Planning Code support approval of the project.

First, no residents have been, or will be, displaced by the project. Samantha and Dean bought this building as a single family home and have occupied it as such for nearly 10

April 6, 2015 276 Hartford Street

years. Before they purchased the building it was also being used as a single family home. The building was marketed and sold to them as a single family home. (Perhaps the most striking proof of this fact is that the exhibits attached to the DR Requestors application from the real estate websites Trulia and Redfin --DR Application Exhibits E & F, BOTH describe the building as A SINGLE-FAMILY HOME).

Second, the project will not remove any below market rate units or affect any units that would otherwise be affordable to the vast majority of San Francisco residents. The property is currently appraised at approximately 3 million dollars and it is anticipated that both units, if separate, would appraise for a greater sum in the current market.

Third, the project will not alter the residential character of the district, which contains mostly single-family homes with a few two family homes, and then very few multifamily-units. The proposal will also diversify the city housing supply by providing a legal and larger family unit.

### The Project Meets a Majority of the Mandatory Criteria Under Section 317

As detailed in the Merger Application; the proposed merger meets a majority of the criteria for approving the merger of housing units.

(1)The removal of the unit (which is only on paper) is solely for owner occupation by the applicant's family.

(2)The new single family home is intended for owner occupancy.

(3)Legalizing the single family home will bring the site in conformity with the prevailing density in the neighborhood.

(4) The new building will not be in conformity with the RH-3 zoning, but virtually no buildings on the block are (3 out of 29 development lots).(5) The units have a functional deficiency

The Commission should conclude that on balance, the project complies with the criteria of section 317. A review of the criteria enumerated in the Merger Application and as required under section 317 positively leads to the conclusion that the project meets the criteria for a merger under that Section.

### D. There Are Exceptional and Extraordinary Circumstances to Justify the Requested Merger and to Allow This Family to Proceed with Their Project

There are extraordinary and exceptional circumstances surrounding this case that justify approving the project with the requested merger. There are no negative impacts on the neighbors or the properties surrounding the subject site. As set forth in the Application, (and as determined by the Residential Design Team) the project complies with the General Plan guidelines for design of in-fill development and compatibility with existing neighborhoods The Dept has reviewed and generally approved the project. No variances of any kind are needed for the project. Below is a chronological summary of the ownership of the home by Samantha and Dean.

April 6, 2015 276 Hartford Street

**December 2005** Dean and Samantha close escrow on the house in December 2005. The house was marketed to them as a single family home and all documents received from the sellers, bank and the City, including the Assessors Report (Exhibit 1) and the 3R Report from DBI (Exhibit 2) show the building as a single-family residence. The Commission should note that Exhibits 1 & 2 were part of the disclosure documents and were signed by Samantha and Dean during the closing on the purchase of the building in 2005.

**December 2013** After living at the property for eight years and, following the births of their two children. Dean and Samantha decide to remodel and modestly expand the building. They simply needed more room.

January, 2014 During the review of their remodeling project, the neighbor and DR requestor secretly hires a consultant to request a new 3R Report and to submit material to the DBI to "cloud" the report. Patrick Buscovitch, is hired by a neighbor and fraudulently represents to the DBI Records Management that he is the owner's representative and files a request for a new 3R Report (in order to make such an application one must own the building or represent that owner). A new report is issued showing the occupancy of the building as "unknown." The Planning Dept is notified that the original use of the building was as a two unit building. The Dept stops review of the remodeling project until the "unit count" is clarified.

June 30, 2014 After months of communications and meetings with DBI records officials and the planning staff, Samantha and representatives have an on-site meeting with Senior Inspector Joe Duffy, who concludes that he cannot administratively approve the building as a single family home. The Commission should note that because of the fraud perpetrated in this case, DBI Records Management now requires members of the public seeking a 3R Report to provide *notarized* proof that the applicant owns the building or represents the owner.

<u>August 15, 2014</u> Merger application filed with the Planning Dept and set for a Mandatory Discretionary Review hearing in January 2015. Many months later the neighbor to the south files a request for DR on the project itself claiming "light and air" impacts from the proposed project, even though the project is on the northern property line of the DR Requestors property and cannot possibly cast any shadow or block any direct light.

### E. The Planning Department Specifically Recommends that Prospective Buyers (Like Samantha and Dean) May Rely on 3R Reports to Determine Legal Use

At the center of this application is an issue of fundamental fairness. Samantha and Dean relied on the direct representations from the City and from all other parties in their purchase of this building as a single family home. They did their due diligence and obtained a 3R Report and an Assessor's Report confirming the building was a single family home before the purchase. Indeed, they lived in the building for more than 8 years before learning that there was any question about its status as a single family home.

April 6, 2015 276 Hartford Street

Samantha and Dean researched the building before the purchase and all evidence pointed to the building as a single family home, including all documents produced by the City. In fact, the Planning Department specifically advises prospective real estate purchasers that they may rely upon the information provided in a 3R Report as evidence of the legal use of a building. Attached hereto and marked, as Exhibit 6 is a true and correct copy of a printout from the Planning Department website specifically advising prospective real estate purchasers in the City of San Francisco that the 3R Report is **"evidence for legality"** of use and may be relied upon for such a determination.

It is manifestly unjust and deceptive to now contend that Samantha and Dean had no right to rely upon the documents provided by the City and upon which the City assured them they could rely. The Planning Department informs people that the 3R Report is the definitive evidence of the legal use of a building and Samantha and Dean relied upon the documents provided by the City for the purchase of their home. They detrimentally relied upon the representations from the City for the purchase of their home and the City should now be estopped to contend that Samantha and Dean had no right to rely on the documents or should be required to construct a second unit in their home.

### **CONCLUSION**

The facts in this case create an exceptional and extraordinary circumstance which should mandate the granting of the merger to this family so that they might continue to live in their home. Forcing them out of their home and out of the neighborhood or forcing them to construct an additional unit in the building is unfair and unworkable for their family needs. These exceptional and extraordinary circumstances should permit the Commission to grant the requested merger.

VERY TRULY YOURS,

ph. William

STEPHEN M. WILLIAMS

### ATTACHMENT TO APPLICATION FOR DWELLING UNIT MERGER

PROPERTY ADDRESS:	276 Hartford
ASSESSOR'S PARCEL NO:	Block 3602, Lot 051
ZONING DISTRICT:	RH-3/40-X
APPLICATION NUMBER:	201312113907

### **Merger Application Supplement**

### 1. Does the removal of the unit(s) eliminate only owner-occupied housing, and if so, for how long was the unit(s) proposed to be removed owner-occupied?

The Applicants have only used the building as a single family home. Since purchasing the home in 2005 their two children have been born and they need more room. When they sought a permit to remodel the building this past year (App. #201312113907) they learned that the building is legally a two unit building and so as part of the remodeling plan they are seeking to "merge" the legal two units. The Assessor currently has the building listed as a single unit. (Attached as Exhibit 3)

### 3. Will the removal of the unit(s) bring the building closer in conformance with the prevailing density in its immediate area and in the same zoning district?

The prevailing density in the immediate area is single-family homes. There are also many two unit building and some three unit and larger, but very few. Further, the Assessor's Office lists as the "legal use" for most of these buildings as one-unit or single-family homes. Attached as Exhibit 4 are copies of the "mini" Assessors Reports from the Planning Dept website and San Francisco Property Information Map for 280 Hartford; 276 Hartford; 266 Hartford; 262 Hartford; 220 Hartford; 216 Hartford; 277 Hartford; 271 Hartford; 269 Hartford; 259 Hartford; 257 Hartford; 219 Hartford; and, 217 Hartford Street as well as for 4150 20<sup>th</sup> Street. The subject Assessor's Report still lists the building as a single family home:

Address:	276 HARTFORD ST	
Parcel:	3602051	
Assessed Values:		
Land:	\$869,528.00	
Structure:	\$579,682.00	
Fixtures:	-	
Personal Property:	-	
Year Built:	1900	
Building Area:	2,124 sq ft	
Parcel Area:	2,750 sq ft	
Units:	1	
Stories:	1	4
Recorded Documents	for this property	

# Exhibit 1

### **Tax Detail Report**

Properties as of 11/19/05 at 9:59am

3602051

Mc Kenney, Kevin

Mc Kenney, Kevin

276 Hartford ST

276 Hartford ST

RH3

San Francisco, CA 94114-2526

San Francisco, CA 94114-2526

RSFR - Single Family Residence

**Property Description** 

First Owner Name

**Owner** Name

Spouse Name Second Owner Name

Situs Address

City / State / Zip

Mailing Address

City / State / Zip

Township/Range

Phone Number

Use Code

Zoning

APN

Эг. <mark>4</mark>	<b>4</b>
D I Tel	

Lot

Lot Depth (ft.)

125

# Legal Description Tract 0 Block Lot Size (sq, ft.) 2,750 Lot Width (ft.) Residential Characteristics Year Built 1900 Stories 1 Units 1 Bedrooms 5 Sqft 1st Floor Sqft Pasement Sqft Basement 930

Stories	1900 1	Effective Year Units	1	Total Sq. Ft. Rooms	2,124 10
Bedrooms	5	Baths	2.0	Fire Places	
Sqft 1st Floor		Sqft 2nd Floor		Sqft 3rd Floor	
Sqit Addition		Sqft Basement	930	Sqft Garage	
Heat/Cool		Cooling Detail	Unknown	Heating Detail	
Garage/Carport		Pool		Roof Type	Unknown
Construction Quality		Construction Type	Unknown		
Building Shape	Rectangla	View Type			
Appraisal & Tax Inform	nation		terre i fili i i di di di li fili Veriterene		
Percent Improvement	40.00		Assessed Value	800,087	
Homeowner Exemption	Y		Tax Amount	8742.52	
Year Sold To Date	2000		Tax Year		
1948 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 -	and the second				

#### Transfer Information

Date Recorded Transfer Amount Document Number 1st Loan Amount Loan Type Transaction Type Multiple or Portion

05/21/01 769,000 0G95000120 538,300 Conventional / Unknown Resale Last Transaction Data Last Transaction Doc # Full or Partial 2nd Loan Amount Interest Rate Type Deed Type

Grant Deed / Unknown

00/00/00

Lender Name

Wells Fargo Home AD, UNDERSTOOD & A PGS. THRU READ. UNDERSTOOD & ACCEPTED PGS\_\_\_\_\_\_THRU\_\_\_\_ ND ACKNO GE RECEI DACKNO RECEIPT OF COPY SAME DATE DATE

All data subject to ERRORS, OMISSIONS, or REVISIONS and is NOT WARRANTED. - Copyright: 2005 by San Francisco Assoc of REALTOR

## Exhibit 2



#### CITY AND COUNTY OF SAN FRANCISCO DEPARTMENT OF BUILDING INSPECTION

### **Report of Residential Building Record**

(Article 3.5 Housing Code Ordinance No. 96-69) . Residential Requirement Report Division (415) 558-6081

1660 Mission Street, San Francisco CA 94103

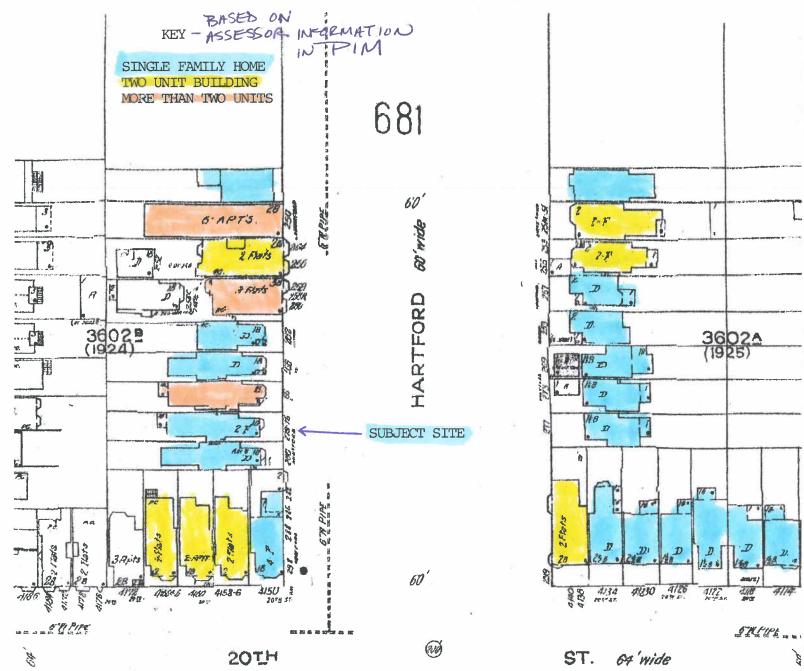
BEWARE: This report describes the current legal use of this property as compiled from records of City Departments. There has been no physical examination of the property itself. This record contains no history of any plumbing or electrical permits. The report makes no representation that the property is in compliance with the law. Any occupancy or use of the property other than that listed as authorized in this report may be illegal and subject to removal or abatement, and should be reviewed with the Department of Planning and the Department of Building Inspection. Errors or omissions in this report shall not bind or stop the City from enforcing any and all building and zoning codes against the seller, buyer and any subsequent owner. The preparation or delivery of this report shall not impose any liability on the City for any errors or omissions contained in said report, nor shall the City bear any liability not otherwise imposed by law.

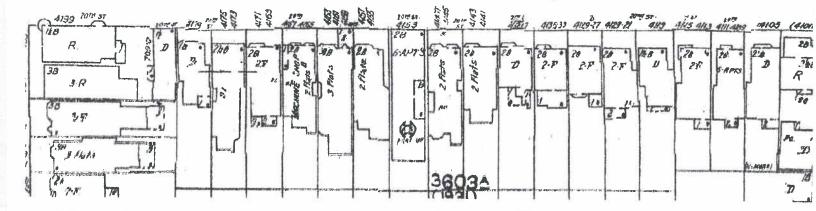
Address of Building 2	76 HARTF	ORD ST		÷		Block 3602	Lot	t 051	
Other Addresses				1.88					
1. A. Present authorized B. Is this building cla				ELLING No ✓					
C. Does this building	g contain any	Residential Ho	otel Guest Room	ns as defined	in Chap. 41, 1	S.F. Admin. Code?	Yes	No 🗸	/
2. Zoning district in wh	hich located:	RH-3		3. Building	Code Occupa	ancy Classification: R	-3		
4. Do Department of C If Yes, what date?	ity Planning					g use of this property? Planning, (415) 558-63		No v current st	
<ol> <li>Building Construction</li> <li>Original Occupancy</li> </ol>									
7. Construction, conver	rsion or alter	ation permits is	sued, if any:						
Application #	Permit #	<b>Issue Date</b>	Type of Wor	k Done				Status	_
89435	83265	12-JUN-46	FOUNDATION	WORK				С	
9717974	717974	15-MAR-98	REROOF					x	
<ol> <li>A. Is this property w</li> <li>B. Is this property w</li> <li>adopted by the C</li> </ol>	ithin a or doe	es it abut upon	the right-of-way	of a freeway	route which	has been	pervisors?	Yes Yes	No ✓
								Yes	No √
C. Does the property abut upon a street to be widened pursuant to action of the Board of Supervisors? D. Is this property a conservation area?						Yes	No 🗸		
9. A. Is there an active ]			al on file?					Yes	No 🗸
B. Is this property cu				de violations	?		20	Yes	No 🗸
10. Number of structure	s on propert	y? 1	11. Is Building	g in Fire Zone	es?			Yës	No 🗸
12. A. Has energy inspe	ction been c	ompleted? Ye	es 🗸 No	B. If yes, ha	s a proof of c	ompliance been issue	ed?	Yes√	No
Date of Expir	ance: 22 NC ration 22 NC By: NORE t No: 20051	DV 2006 ) <del>EN MUR</del> PHY	1	A Amy I	ykee Lee, Acting D	ager, Public Services Director Iding Inspection	Division		
THIS REPORT IS VA				that, prior to th	e consummation	n of the sale or exchange to the buyer and the buye			
READ, UNDERS		anan an	(For Explana	tion of term	inology, see :	attached)			
RGS.	THRY 2								• •
Samathe Call	M		Mar	he	)	9 		13 ** 7 ** 14	•

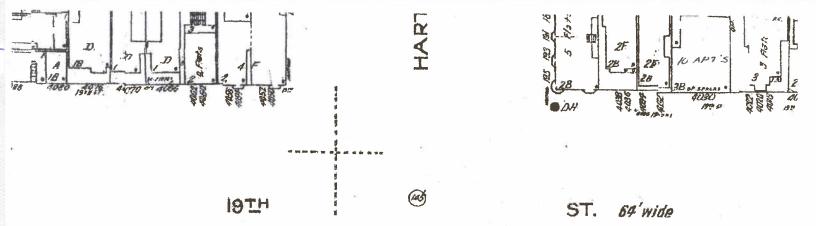
# Exhibit 3

14.1253 D

THESE SANBORN MAPS ARE DATED TO THE MID 1990 USE ONLY FOR HISTORICAL CONTEXT

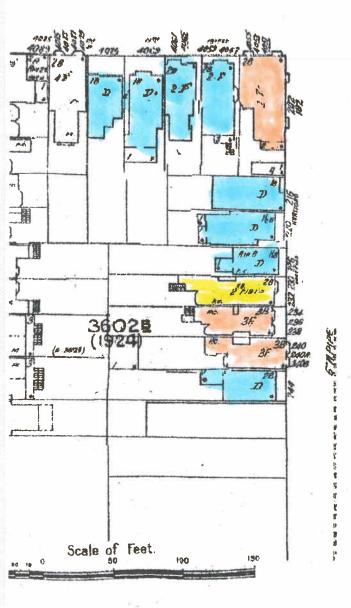






60'

691



1987 4043 BR 403 1012 Ś Rat 7) 3 2.0 D. 辺辺 238 4 7 3-R 28 2 V ? Flars 233 20 5.62.6 2.1 3602A (1925) 2 2 the second Phil Ball 7 110

14.1253 D

# Exhibit 4

Send Feedback to the Asse	essors Office	
Address:	216 HARTFORD ST	
Parcel:	3602038	
Assessed Values:		
Land:	\$652,750.00	
Structure:	\$435,164.00	
Fixtures:	-	
Personal Property:	-	
Year Built:	1949	
Building Area:	1,182 sq ft	
Parcel Area:	2,075 sq ft	
Units:	1	
Stories:	1	
Recorded Documents for this property		
View Assessor's Block	Map	
View Historic Sanborn Map		
View Historic Sanborn Map 2		

Send Feedback to the Assessors Office		
Address:	217 HARTFORD ST	
Parcel:	3602084A	
Assessed Values:		
Land:	\$58,873.00	
Structure:	\$92,521.00	
Fixtures:	-	
Personal Property:	-	
Year Built:	1900	
Building Area:	1,044 sq ft	
Parcel Area:	1,188 sq ft	
Units:	1	
Stories:	1	
Recorded Documents for this property		
View Assessor's Block Map		
View Historic Sanborn Map		
View Historic Sanborn Map 2		

Send Feedback to the Assessors Office		
Address:	219 HARTFORD ST	
Parcel:	3602037	
Assessed Values:		
Land:	\$932,194.00	
Structure:	\$673,482.00	
Fixtures:	-	
Personal Property:	-	
Year Built:	1900	
Building Area:	1,424 sq ft	
Parcel Area:	3,746 sq ft	
Units:	1	
Stories:	1	
Recorded Documents for this property		
View Assessor's Block Map		
View Historic Sanborn Map		
View Historic Sanborn Map 2		

Address: 220 HARTFO	ORD ST	
Parcel: 3602039		
Assessed Values:		
Land: \$898,644.00		
Structure: \$661,984.00		
Fixtures: -		
Personal Property: -		
Year Built: 1905		
Building Area: 2,127 sq ft		
Parcel Area: 2,073 sq ft		
Units: 1		
Stories: 3		
Recorded Documents for this property		
View Assessor's Block Map		
View Historic Sanborn Map		
View Historic Sanborn Map 2		

Send Feedback to the A	ssessors Office
Address:	226 HARTFORD ST
Parcel:	3602040
Assessed Values:	
Land:	\$733,054.00
Structure:	\$509,659.00
Fixtures:	
Personal Property	<b>.</b> -
Year Built:	1905
Building Area:	1,916 sq ft
Parcel Area:	2,748 sq ft
Units:	1
Stories:	1
Recorded Document	ts for this property
View Assessor's Blo	<u>ck Map</u>
View Historic Sanbo	rn Map
View Historic Sanborn Map 2	

Send Feedback to the Assessors Office		
Address:	257 HARTFORD ST	
Parcel:	3602029	
Assessed Values:		
Land:	\$21,928.00	
Structure:	\$31,497.00	
Fixtures:	-	
Personal Property:	-	
Year Built:	1900	
Building Area:	1,549 sq ft	
Parcel Area:	3,123 sq ft	
Units:	1	
Stories:	2	
Recorded Documents for this property		
View Assessor's Block Map		
View Historic Sanborn Map		
View Historic Sanborn Map 2		

Send Feedback to the Assessors Office		
Address:	259 HARTFORD ST	
Parcel:	3602028	
Assessed Values:		
Land:	\$1,131,951.00	
Structure:	\$846,456.00	
Fixtures:	-	
Personal Property:	-	
Year Built:	1905	
Building Area:	3,120 sq ft	
Parcel Area:	3,123 sq ft	
Units:	1	
Stories:	3	
Recorded Documents for this property		
View Assessor's Block Map		
View Historic Sanborn Map		
View Historic Sanborn Map 2		

Send Feedback to the Assessors Office		
Address:	262 HARTFORD ST	
Parcel:	3602048	
Assessed Values:		
Land:	\$985,596.00	
Structure:	\$422,396.00	
Fixtures:	-	
Personal Property:	-	
Year Built:	1905	
Building Area:	1,764 sq ft	
Parcel Area:	2,750 sq ft	
Units:	1	
Stories:	1	
Recorded Documents for this property		
View Assessor's Block Map		
View Historic Sanborn Map		
View Historic Sanborn Map 2		

Send Feedback to the Assessors Office		
Address:	266 HARTFORD ST	
Parcel:	3602049	
Assessed Values:		
Land:	\$19,301.00	
Structure:	\$31,497.00	
Fixtures:	-	
Personal Property:		
Year Built:	1905	
Building Area:	1,300 sq ft	
Parcel Area:	2,748 sq ft	
Units:	1	
Stories:	1	
Recorded Documents for this property		
View Assessor's Block Map		
View Historic Sanborn Map		
View Historic Sanborn Map 2		

Send Feedback to the Assessors Office		
Address:	269 HARTFORD ST	
Parcel:	3602027	
Assessed Values:		
Land:	\$707,992.00	
Structure:	\$471,993.00	
Fixtures:	-	
Personal Property:	-	
Year Built:	1900	
Building Area:	1,838 sq ft	
Parcel Area:	3,125 sq ft	
Units:	1	
Stories:	1	
Recorded Documents for this property		
View Assessor's Block Map		
View Historic Sanborn Map		
View Historic Sanborn Map 2		

Send Feedback to the Assessors Office		
Address:	271-273 HARTFORD ST	
Parcel:	3602026	
Assessed Values:		
Land:	\$445,578.00	
Structure:	\$374,284.00	
Fixtures:	-	
Personal Property:	-	
Year Built:	1905	
Building Area:	2,015 sq ft	
Parcel Area:	3,125 sq ft	
Units:	1	
Stories:	2	
Recorded Documents for this property		
View Assessor's Block Map		
View Historic Sanborn Map		
View Historic Sanborn Map 2		

Send Feedback to the Assessors Office		
Address:	276 HARTFORD ST	
Parcel:	3602051	
Assessed Values:		
Land:	\$865,601.00	
Structure:	\$577,063.00	
Fixtures:	-	
Personal Property:	-	
Year Built:	1900	
Building Area:	2,124 sq ft	
Parcel Area:	2,750 sq ft	
Units:	1	
Stories:	1	
Recorded Documents for this property		
View Assessor's Block Map		
View Historic Sanborn Map		
View Historic Sanborn Map 2		

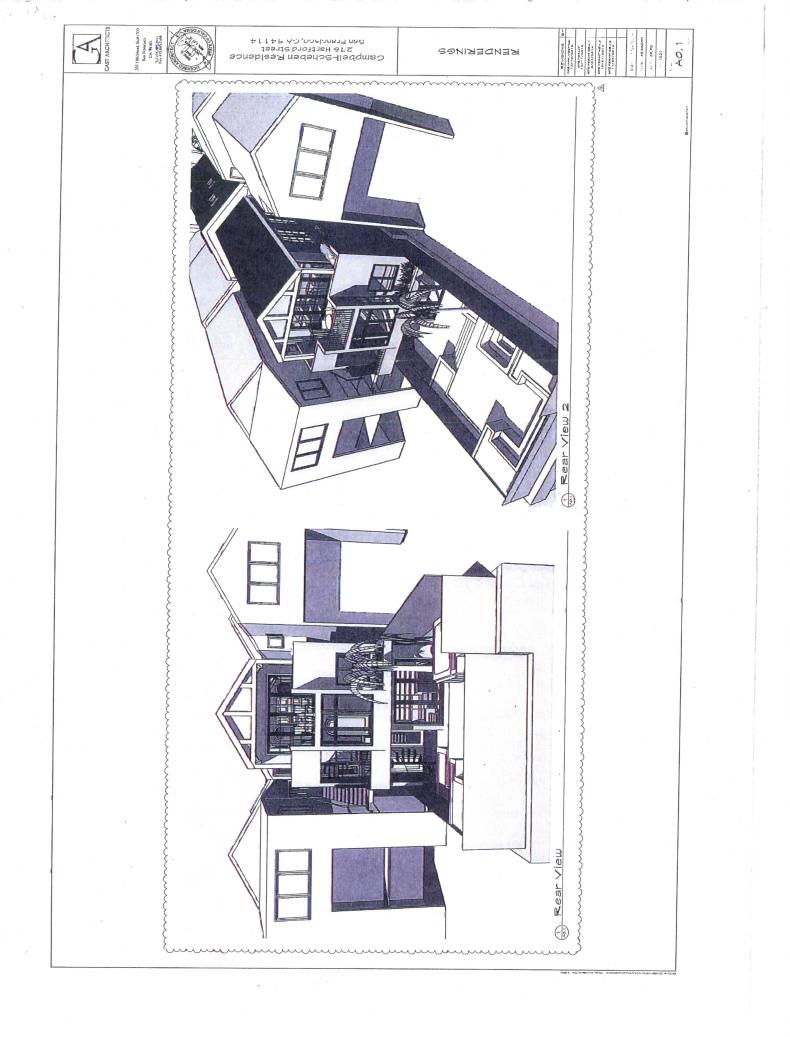
Send Feedback to the Assessors Office				
Address:	277 HARTFORD ST			
Parcel:	3602025			
Assessed Values:				
Land:	\$686,276.00			
Structure:	\$457,517.00			
Fixtures:	-			
Personal Property:	-			
Year Built:	1905			
Building Area:	990 sq ft			
Parcel Area:	3,123 sq ft			
Units:	1			
Stories:	1			
Recorded Documents for this property				
View Assessor's Block Map				
View Historic Sanborn Map				
View Historic Sanborn Map 2				

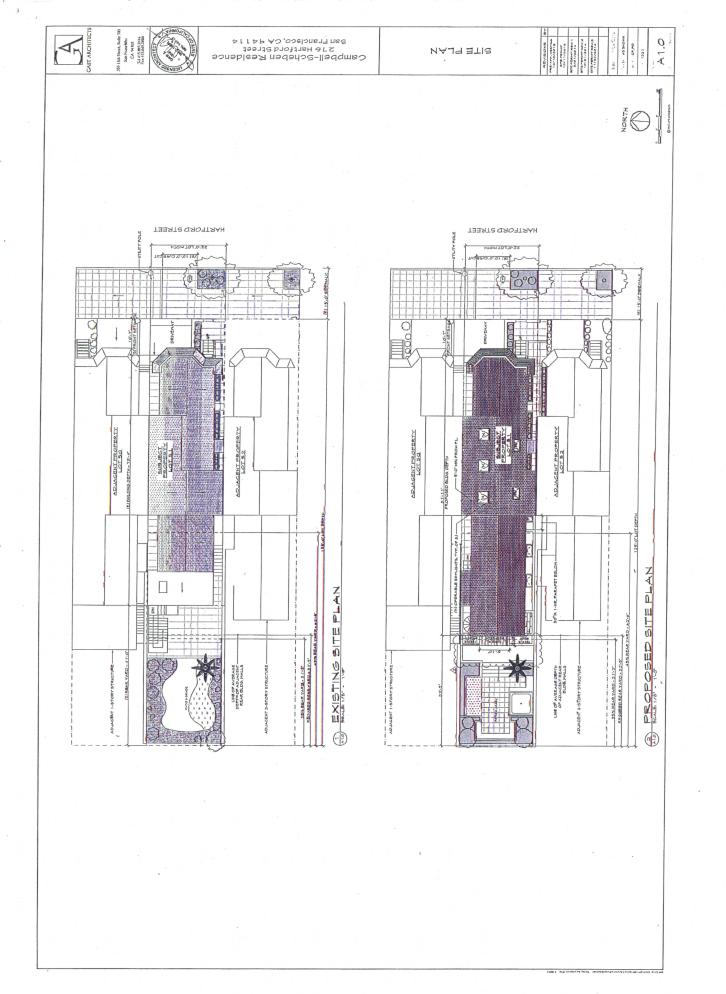
Send Feedback to the Assessors Office				
Address:	280 HARTFORD ST			
Parcel:	3602052			
Assessed Values:				
Land:	\$345,059.00			
Structure:	\$234,638.00			
Fixtures:	-			
Personal Property:				
Year Built:	1900			
Building Area:	1,535 sq ft			
Parcel Area:	2,750 sq ft			
Units:	1			
Stories:	1			
Recorded Documents	for this property			
View Assessor's Block	Map			
View Historic Sanborn	<u>Map</u>			
View Historic Sanborn Map 2				

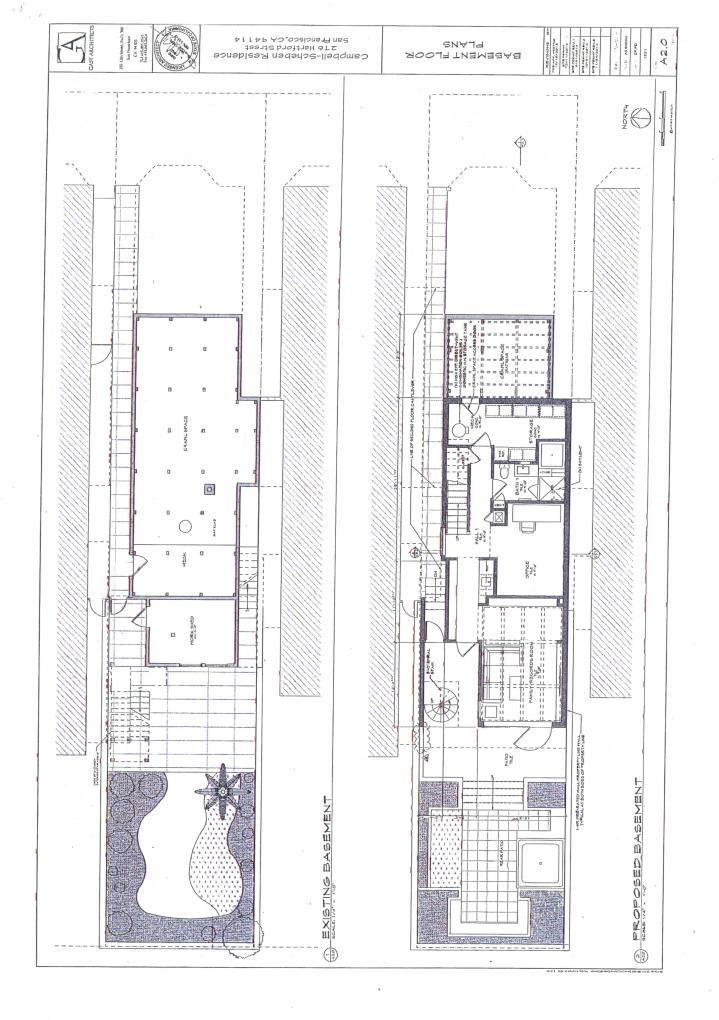
Send Feedback to the Assessors Office					
Recorded Documents for this property					
View Historic Sanborn Map					

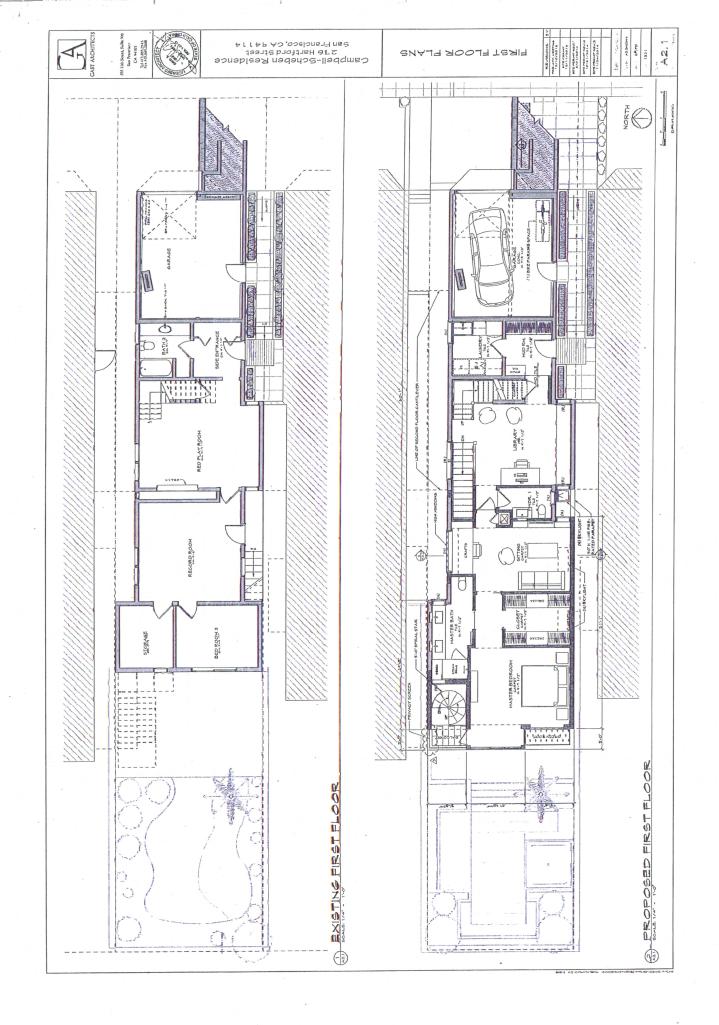
## EXHIBIT 5

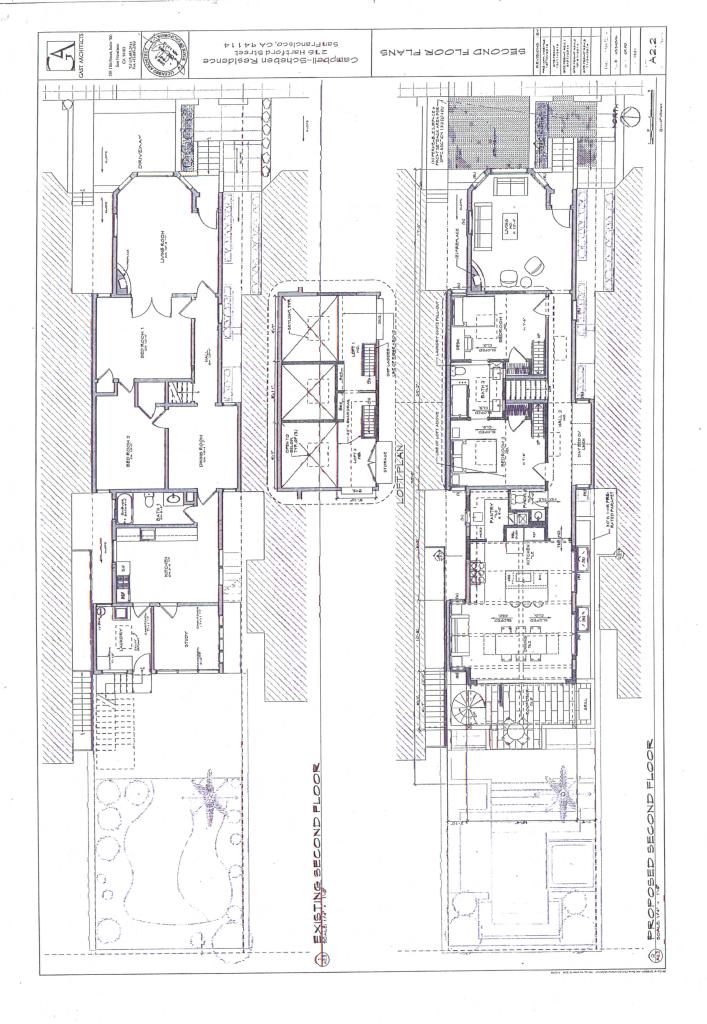
Cost Alchitector All Menu-factors as Provides Cost Alchitectors as Provides Cost Alchitectors Cost Alc	Gampbell-Scheben Residence 236 Hartford Stroct 291 Francisco, CA 94 i 14	COVER SHEET	Политически         Политически
DRAMING INDEX Akatrecilled. Active styler Active styler Ac		GCOPE OF NORK AREA (1995) ・・・・・・・・・・・・・・・・・・・・・・・・・・・・・・・・・・・・	
<ul> <li>DIR世CゴのRY</li> <li>DIR世CゴのRY</li> <li>Aumunt</li> <li>Aumunt</li> <li>Aumunt</li> <li>Aumunt</li> <li>Stantification Stretten</li> <li>Stantin Stretten<!--</td--><td></td><td></td><td><ul> <li>стантика высок макта трака нали какта кака кака кака кака кака кака ка</li></ul></td></li></ul>			<ul> <li>стантика высок макта трака нали какта кака кака кака кака кака кака ка</li></ul>
VICINITY MAP		405 405 405 405 405 405 405 405 405 405	<ul> <li>Mellen, Horden, Mellen, M</li></ul>
アレムN CHECK SUMMARY ビレCK1LDT #0.02051 ELOCK1LDT #0.02061 ELOCK1LDT #0.02061 ELOCK1LDT #0.02061 ELOCK1LDT #0.02061 ELOCK1LDT #0.02061 ERATY PRID: AVELOR ELOCATION CONTRACT #0.0000 ERATY PRID: AVELOR ELOCATION TOTAL ERATY PRID: AVEL T #0.0000 ERATY PRID: AVEL T #0.00000 <p< td=""><td>EXTREMENTANCIAL     EXTREMENTANCIAL     E</td><td></td><td>Фоне сельны ими плите вание самы и или плите вание и или плите ва</td></p<>	EXTREMENTANCIAL     E		Фоне сельны ими плите вание самы и или плите вание и или плите ва





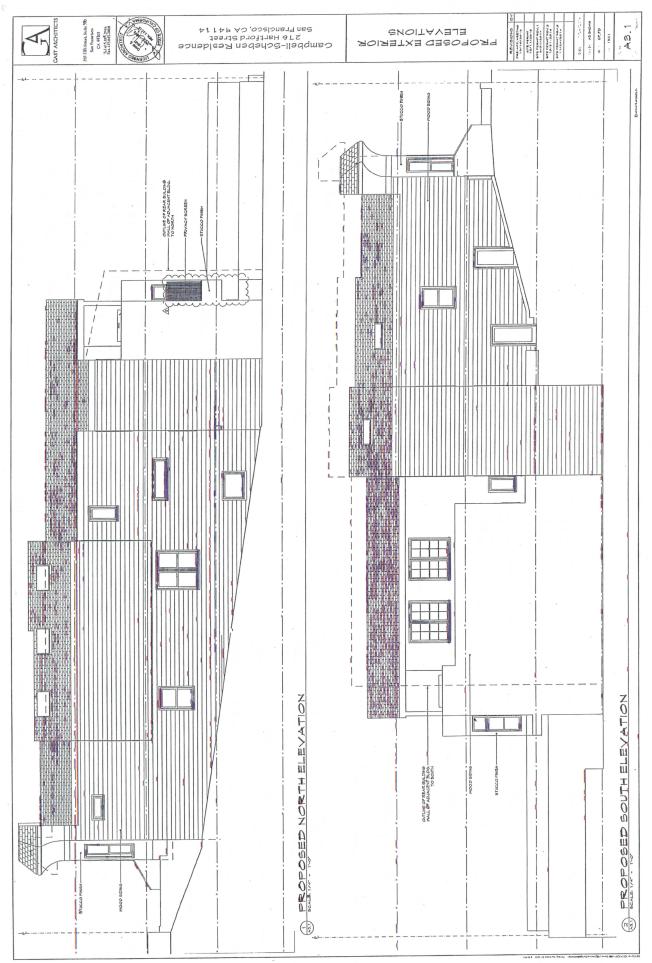




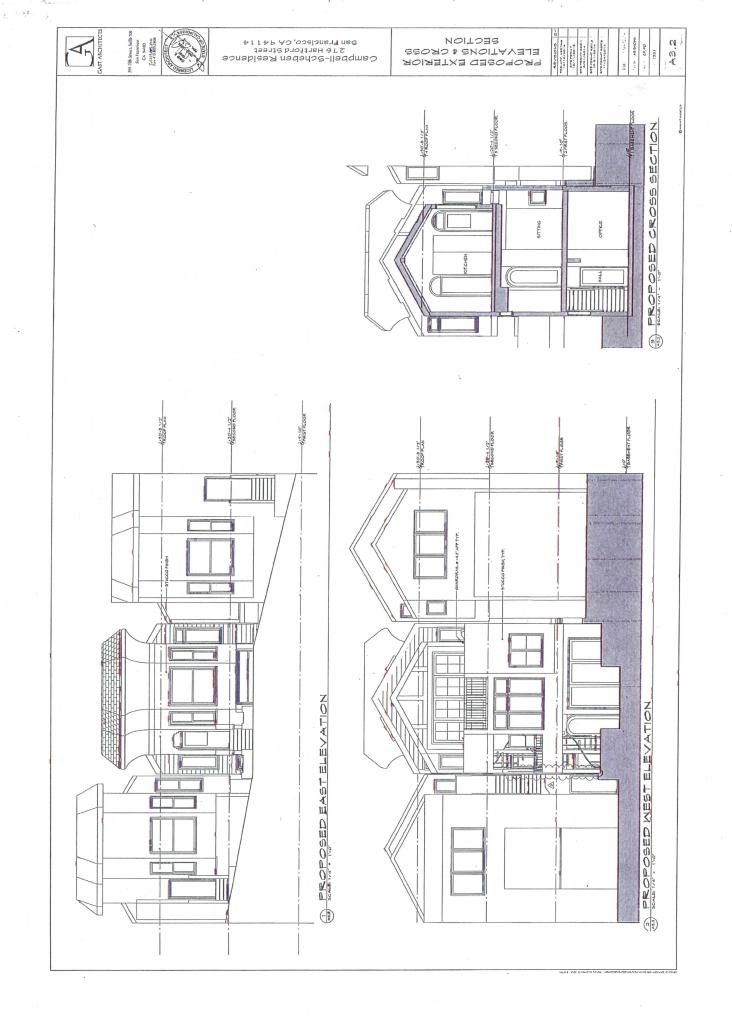


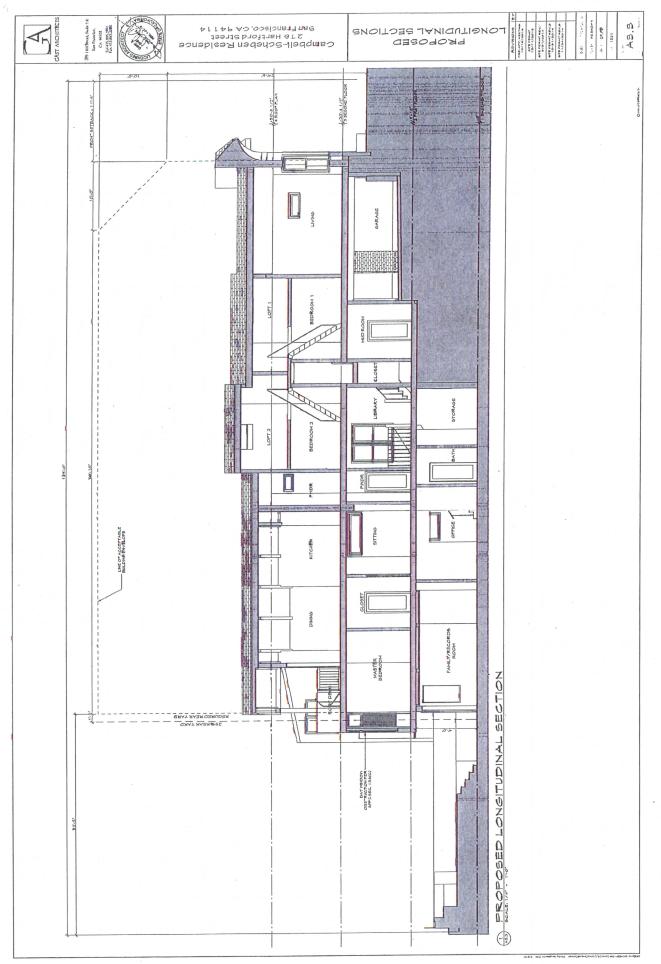






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## EXHIBIT 6



## Planning Department

## Know Before You Buy – Real Estate Questions

Before you invest in a new property, we recommend you thoroughly research the property.

### **Research Current Property Information**

The SF Planning Department keeps records on San Francisco's parcels and properties. Using the Planning Department's **San Francisco Property Information Map** (propertymap.sfplanning.org) you can look up the Zoning District, Permit History, Case History, Historic Preservation information, and much more for each property in San Francisco.

#### A History of Building Permits and Records

Generally what establishes legality of a use or a structure is a building permit. The Department of Building Inspection's **Records Management Division (RMD)** answers general questions from emails and SF 311 Customer Service Center referrals and inquiries. RMD is responsible for storage and reproduction of plans, permit applications, job cards, and miscellaneous documents; producing the Report of Residential Building Records (3R) and maintaining historical records.

The Records Management Division is divided into two sections: **Records Management** and **Report of Residential Building Records** (3R). Their offices are located at 1660 Mission Street, 4th Floor, San Francisco, CA 94103. The 3R report provides a summary of building permit history for the property and indicates what the Department of Building Inspection (DBI) considers to be the number of legal dwellings currently on a site.

### Assessor-Recorder Office and Existing Usage

The Assessor-Recorder's Office also keeps records of land use. However, these are not always reliable. For example, the Office's records will recognize existing uses without verifying they are legal; often, the record may show a building containing more dwelling units than were created with proper building permits.

Similarly, an approved building permit is definitive as to the legal use on a site rather than the Assessor-Recorder's Office listings. For example, if the Office lists a property as "Industrial" and the last approved building permit for the space in question was for office use, then the use is legally office space.

However, in absence of other records, Assessor records may be helpful in indicating how a property has been used over time. Contact Records Management/3R for guidance when building permit history is ambiguous or lacking.

### **Determining Legal Use**

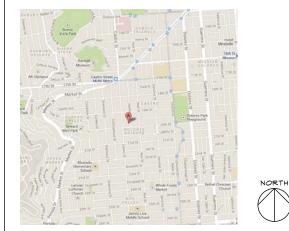
Please note, realtors will sometimes advertise properties containing "unwarranted" space or "unwarranted dwellings." These dwellings are often "in-law" units, usually a minor unit at the ground floor. The listing of space or units as "unwarranted" indicates that its legality is not verified. Only the building permit history, and the associated 3R report in the case of dwellings, is the evidence for legality.

It is important to verify that dwellings are legal as often they cannot be legalized due to zoning density limitations; additionally, fees and penalties may apply to legalize the space. Further, if tenants occupy illegal units, additional costs may accrue to a new owner in any eviction process required to legalize the occupancy of the space.

## PLAN CHECK SUMMARY

BLOCK & LOT: 3602/051 LOT SIZE: 22'.0 X 125'.0 = 2,750 SQ. FT. ZONING: RH-3 REAR YARD: AVERAGE BTWN. ADJ. BUILDING REAR WALLS = 32'-5" HEIGHT LIMIT: 40' EXISTING OCCUPANCY: SINGLE FAMILY DWELLING PROPOSED OCCUPANCY: SINGLE FAMILY DWELLING CONSTRUCTION TYPE: V-B

## VICINITY MAP



ABBREVIATIONS

## PROJECT GROSS SQUARE FOOTAGE CALCULATIONS

GROSS SQUARE FOOTAGE	EXISTING USES	EXISTING USES TO BE RETAINED	NET NEM CONSTRUCTION	PROJECT TOTALS
RESIDENTIAL	2249 SF	2249 SF	895 SF	3144 SF
STORAGE/MECH.	408 SF	153 SF	0 SF	153 SF
PARKING	304 SF	304 SF	0 SF	304 SF
DECKS/BALCONY	0 SF	0 SF	158 SF	158 SF

## SYMBOLS

17

1

F

+ à

\$<sub>P5</sub>

\$<sub>05</sub>

MANUAL-ON OCCUPANCY SENSOR SMITCH

 $\square$ 

 $\otimes$ 

REFERENCE	SYMBOLS	ELECTRI	CAL/MECHANICAL SYMBOLS
	DEMO WALL	÷	DUPLEX OUTLET
'	DENC ARE	-\$	FOURPLEX OUTLET
	EXISTING WALL	+	ELECTRICAL OUTLET, HALF-S
	NEM MALL	+	ELECTRICAL OUTLET, FULLY
	HIDDEN EDGE, ABOVE OR BEYOND	*	240V ELECTRICAL OUTLET
	· · · · · · · · · · · · · · · · · · ·	Ð	FLUSH FLOOR MOUNTED OUT
	HIDDEN EDGE, BELOW OR BEHIND	🗢 GFI	GROUND FAULT CIRCUIT INTER
123	DOOR SYMBOL	+ AFCI	ARC FAULT CIRCUIT INTERRUI
12	MINDOM SYMBOL	- <b>O</b> -	JUNCTION BOX
(12)	SKYLIGHT SYMBOL	SD	SMOKE DETECTOR
		SCD	MULTI-FUNCTION SMOKE & CC
12	WALL TYPE	Ин⊅	HEAT DETECTOR
$\frown$		-□⊤∨	(1) RG6 QUAD
( )	GRID OR REFERENCE LINE	-DCAT-6	(1) 24/4 PAIR CAT-6
		-[] MM 1	(2) CAT-6 \$ (2) RG6 QUAD
3 A1.2	BUILDING OR MALL SECTION NO. OVER SHEET NO.	-0MM2	(1)CAT-6 \$(1)RG6 QUAD
$\bigcirc$	0121001221100	-Пнрмі	HDMI
(3 (A 1.2)	DETAIL NO. OVER SHEET NO.	$\triangleleft$	(1) 24/4 PAIR CAT-3
Ă		−□рв	DOOR BELL BUTTON
A1.2	ELEVATION NO.	-Opc	DOOR CHIME
$\bigcirc$	OVER SHEET NO.	-Ogd	GARAGE DOOR OPENER SMI
3 A1.2	ROOM NO.	-🗆	INTERCOM STATION
	OVER SHEET NO.	-Okp	ALARM KEYPAD
Ψ	LEVEL LINE OR DATUM	-Омр	MOTION DETECTOR
+100.0	SPOT ELEVATION (N)	-Osp	SPEAKER OUTLET
	PROPERTY LINE	-Osc	SCENE CONTROL MASTER UN
-45	NEW OR FINISHED CONTOURS	-On	SCENE CONTROL REMOTE W
- 45	EXISTING CONTOURS	- <b>D</b> su	STEAM UNIT CONTROL PANEL
- 45			PLUG MOLD
ELECTRICAL	/ MECHANICAL SYMBOLS	-+ <sub>c</sub>	COLD WATER CONNECTION
4		<b>-+</b> н	HOT WATER CONNECTION
-\$ <u></u>	SURFACE CEILING LIGHT FIXTURE	-0	CENTRAL VACUUM
	RECESSED DIRECTIONAL LIGHT FIXTURE	$+_{G}$	GAS OUTLET
<b>O</b>	RECESSED CEILING LIGHT FIXTURE WALL MOUNTED LIGHT FIXTURE	-+ <sub>нв</sub>	HOSE BIB
.Ų ⊿_M⊅	MOTION DETECTOR & PHOTOCONTROL	OFD	FLOOR DRAIN
ф	LIGHT FIXTURE RECESSED WALL LIGHT FIXTURE	Ops	DOWNSPOUT
FLUOR	EXPOSED STRIP LIGHT FIXTURE	<b>-</b> □⊤	THERMOSTAT
	CONCEALED STRIP LIGHT FIXTURE	<u>چ</u>	SUPPLY AIR REGISTER AT WA
<del>x x</del>	TRACK AND STRIP LIGHT FIXTURES	Ř	SUPPLY AIR REGISTER AT FL
\$	ELECTRICAL SWITCH	. []~~]	SUPPLY AIR REGISTER AT CE
\$ <sub>3</sub>	3-WAY SWITCH	ريچر ا	RETURN AIR GRILL AT MALL
\$ <sub>4</sub>	4-WAY SWITCH	Ř	RETURN AIR GRILL AT FLOOP
φ.	DIMMER SWITCH	Ť	RETURN AIR GRILL AT CEILING
\$ <sub>P5</sub>	PULL SWITCH	Ø	EXHAUST FAN

ELECTRI	CAL/MECHANICAL SYMBOLS	@ 4_	AT CENTERLINE
<b>₽</b>	DUPLEX OUTLET	φ	DIAMETER
<b></b>	FOURPLEX OUTLET	AB∨ A.D.	ABOVE AREA DRAIN
<b>+</b>	ELECTRICAL OUTLET, HALF-SWITCHED	ADJ. A.F.F.	ADJUSTABLE ABOVE FINISH FLOO
<b>⊕</b>	ELECTRICAL OUTLET, FULLY SWITCHED	APPROX. ARCH.	APPROXIMATE ARCHITECTURAL
<b>\$</b>	240V ELECTRICAL OUTLET	ASPH.	ASPHALT
Ð	FLUSH FLOOR MOUNTED OUTLET	BLDG	BUILDING
🗢 GFI	GROUND FAULT CIRCUIT INTERRUPT	BLKG. BUR	BLOCKING BUILT-UP ROOFING
🗢 AFCI	ARC FAULT CIRCUIT INTERRUPT	C.J.	CONTROL JOINT
Ð	JUNCTION BOX	GLR. GONT.	CLEAR CONTINUOUS
SD	SMOKE DETECTOR	CTR.	CENTER
SCD	MULTI-FUNCTION SMOKE & CO DETECTOR	D. DBL.	DRYER DOUBLE
A HD	HEAT DETECTOR	DET. D.F.	DETAIL DOUGLAS FIR
T∨	(1) RG6 QUAD	DIA. DIM.	DIAMETER DIMENSION
CAT-6	(1) 24/4 PAIR CAT-6	DISP. DN.	DISPOSER DOWN
MM 1	(2) CAT-6 \$ (2) RG6 QUAD	DR. D.S.	DOOR DOWN SPOUT
MM2	(1)CAT-6 \$ (1) RG6 QUAD	D.N. DNG.	DISHWASHER DRAMING
Н₽МІ	HDMI	DWR	DRAMER
۵	(1) 24/4 PAIR CAT-3	E (E) EA.	EAST EXISTING EACH
⊐рв	DOOR BELL BUTTON	EL. ELEC.	ELEVATION ELECTRICAL
JDC	DOOR CHIME	EQ. EXT.	EQUAL EXTERIOR
GD	GARAGE DOOR OPENER SMITCH	F.D.	FLOOR DRAIN
]	INTERCOM STATION	FDN. FIN.	FOUNDATION FINISH
]KP	ALARM KEYPAD	FL. F. <i>O</i> .	FLOOR FACE OF
סאב	MOTION DETECTOR	F.O.F F.O.S.	FACE OF FINISH FACE OF STUD
SP	SPEAKER OUTLET	F.S.M.F	FLEXIBLE SHEET
sc	SCENE CONTROL MASTER UNIT		MEMBRANE FLASH
м	SCENE CONTROL REMOTE WALL STATION	FT. FTG.	FEET FOOTING
່ອມ	STEAM UNIT CONTROL PANEL	GA.	GAUGE
⊨	PLUG MOLD	GALV. GYP. BD.	GALVANIZED GYPSUM BOARD
+ <sub>C</sub>	COLD WATER CONNECTION	н.	нібн
+ <sub>н</sub>	HOT WATER CONNECTION	H.B. HDR.	HOSE BIB HEADER
D	CENTRAL VACUUM	HDWR. HORIZ.	HARDWARE HORIZONTAL
+ <sub>G</sub>	GAS OUTLET	HT.	HEIGHT
⊦ <sub>нв</sub>	HOSE BIB	I.D. I.G. INSUL. INT.	INSIDE DIAMETER INSULATED GLASS INSULATION INTERIOR
Dfd	FLOOR DRAIN	JT.	JOINT
Dos	DOWNSPOUT	JI. LAV.	LAVATORY
]t	THERMOSTAT	LAV. LT.	LIGHT
<sup>4</sup> 2	SUPPLY AIR REGISTER AT WALL OR TOE SPACE	M. MAX	MASTER MAXIMUM
	SUPPLY AIR REGISTER AT FLOOR	MAX. MECH. MFR.	MECHANICAL MANUFACTURER
<u> </u>	SUPPLY AIR REGISTER AT CEILING	MIN. MISC.	MINIMUM MISCELLANEOUS
E ک	RETURN AIR GRILL AT WALL	1913C.	MOOLLARLOUS
	RETURN AIR GRILL AT FLOOR		
	RETURN AIR GRILL AT CEILING		
2	EXHAUST FAN		
2	EXHAUST FAN/ LIGHT UNIT		
6	CEILING FAN		

	(N) N.I.C. NO. N.T.S O.C.	NEM NOT IN CONTRACT NUMBER NOMINAL NOT TO SCALE ON CENTER
00R	O.H. OPNG. OPP. O/	OVERHANG OPENING OPPOSITE OVER
IG	FL PL. P.LAM. PLYWD. P.T. PTD.	PROPERTY LINE PLATE PLASTIC LAMINATE PLYWOOD PRESSURE TREATED PAINTED
	(R) R. R.A. REF. REG. REINF. REQ. RM. R.O. RDMD.	RELOCATED RISE, RISER RETURN AIR REFRIGERATOR REGISTER REINFORCED REQUIRED ROOM REQUIRED ROOM REDHOPENING REDWOOD
	5. 5.0, 5.0, 5.0, 5.1, 5.1, 5.1, 5.1, 5.1, 5.1, 5.1, 5.1	SOUTH SOLID CORE SMOKE DETECTOR SECTION SHEET SHEATTING SHEATAINING SHALLAR SPECIFICATION SQUARE SEE STRUCT. DMGS. STANDARG STANDARG STANDARG STORAGE STORAGE STORAGE STORAGE STORAGE STMEDL
SHING	T. T.B. T4G T.O.C. T.O.P. T.O.M. T.P.H. T.P.H. T.S.M. T.V. TYP.	TREAD TONGUE AND GROOVE TOP OF TOP OF CURB TOP OF PLATE TOP OF MALL TOLET PAPER HOLDER TRANSOM TLELEVISION TYPICAL
	U.O.N	UNLESS OTHERWISE NOTED
	V. VERT. V.F. V.G.	VENT VERTICAL VERIFY IN FIELD VERTICAL GRAIN

## IN WEST WASHING MACHINE WITH WATER CLOSET(TOILET) WATER CLOSE (TOLLE WOOD WATER HEATER WITHOUT WATERPROOF, WORK POINT WATER RESISTANT

YARD

М.

N. M.C. MD. MH. M/O M.P.

M.R.

YD.

## 5. CONTRACTOR RESPONSIBILITY: THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE MEANS, METHODS, TECHNIQUES AND SEQUENCES OF CONSTRUCTION. THE CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR ALL SAFETY PROGRAMS AND PROCEDURES DURING CONSTRUCTION, AND SHALL MAINTAIN THE SHORING AND BRACING UNTIL THE NEW PERMANENT STRUCTURE CAN PROVIDE ADEQUATE VERTICAL AND LATERAL SUPPORT. 6. INSTALLATION: ALL MATERIALS AND EQUIPMENT SHALL BE INSTALLED IN STRICT ACCORDANCE WITH THE MANUFACTURER'S PRINTED INSTRUCTIONS OR RECOMMENDATIONS, UNLESS AGREED TO OTHERWISE BY THE ARCHITECTS.

CONDITIONS

## APPLICABLE CODES

GENERAL NOTES

CODES: ALL WORK SHALL MEET OR EXCEED THE REQUIREMENTS OF CURRENT APPLICABLE SAN FRANCISCO AND CALIFORNIA CODES, AND ALL OTHER APPLICABLE CODES, ORDINANCES AND REGULATIONS. SEE CODE EDITIONS ON THIS SHEET.

2. EXISTING CONDITIONS AND DIMENSIONS: CONTRACTOR SHALL VERIFY EXISTING CONDITIONS AND DIMENSIONS ON SITE. CALLED-OFF DIMENSIONS SHALL TAKE PRECEDENCE OVER SCALED-OFF DIMENSIONS. DIMENSIONS ARE TO FACE OF FINISH OR CONCRETE WALLS, UNLESS OTHERNISE NOTED. DIMENSIONS IN SECTIONS AND ELEVATIONS ARE TO FINISH FLOOR UNLESS OTHERWISE NOTED.

3. PLANS 4 SPECIFICATIONS: THE PLANS AND SPECIFICATIONS SUPPLEMENT EACH OTHER. CONTRACTOR TO IMMEDIATELY REPORT ANY ERRORS, OMISSIONS, AMBIGUITIES OR CONFLICTS IN THE PLANS AND SPECIFICATIONS TO THE ARCHITECT, AND UNTIL THEY ARE RESOLVED, SHALL NOT PROCEED WITH THE AFFECTED WORK.

4. DETAILS: DETAILS SHOWN ARE TYPICAL SIMILAR DETAILS SHALL APPLY IN SIMILAR

2010 CALIFORNIA BUILDING CODE 2010 CALIFORNIA ELECTRICAL CODE 2010 CALIFORNIA MECHANICAL CODE 2010 CALIFORNIA PLUMBING CODE 2010 SAN FRANCISCO BUILDING, ELECTRICAL, MECHANICAL, PLANNING AND PLUMBING CODE AMENDMENTS

## DIRECTORY

## CLIENT

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	AC.0 COVER SHEET AO.1 RENDERINGS A1.0 SITE PLAN	CAST ARCHITECTS 355 11th Street, Suite 300 San Francisco CA 94103
С	A2.0 BASEMENT FLOOR PLANS A2.1 FIRST FLOOR PLANS A2.2 SECOND FLOOR PLANS A2.3 ROOF PLANS A3.0 EXISTING EXTERIOR ELEVATIONS A3.1 PROPOSED EXTERIOR ELEVATIONS & CROSS SECTION A3.2 PROPOSED EXTERIOR ELEVATIONS & CROSS SECTION A3.3 PROPOSED LONGITUDINAL SECTIONS	Tel 415.885.2946 Fax 415.885.2808
		Campbell-Scheben Residence 276 Hartford Street San Francisco, CA 94114
	SECOPE OF MORK 1. 2-STORY OVER BASEMENT HORIZONTAL ADDITION AT THE REAR 2. REAR YARD PATIO EXCAVATED BELOW EXISTING GRADE 3. INTERIOR RENOVATION AND RE-PARTITIONING AT (3) FLOORS 4. UPGRADED PLUMBING, ELECTRICAL AND MECHANICAL SYSTEMS 5. NEW FIXTURES, FINISHES AND FITTINGS THROUGHOUT 6. LEGALIZE EXISTING CONDITIONS AS SINGLE-FAMILY DWELLING	COVER SHEET
		REVISIONS         BY           PRE-APF. MEETING         12/10/2018           BITE FERMIT         12/11/2018           BITE FERMIT REV.1         50/1/2014           BITE FERMIT REV.2         10/51/2014           BITE FERMIT REV.3         12/01/2014           BITE FERMIT REV.4         10/51/2014           BITE FERMIT REV.3         12/01/2014           Date         12/1/2014           Scale         AS SHOWN           Drawn CP, PD         Job           Job         1321           Sheet <b>AO.O</b>
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