



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Conditional Use Authorization

HEARING DATE: JULY 16, 2020

Record No.: 2019-005176CUA
Project Address: 722 Steiner Street
Zoning: RH-2 (Residential-House, Two Family) Zoning District
40-X Height and Bulk District
Block/Lot: 0803/023
*Project Sponsor/
Property Owner:* Come Lague
722 Steiner Street
San Francisco, CA 94117
Staff Contact: Shannon Ferguson – (415) 575-9074
shannon.ferguson@sfgov.org
Recommendation: **Disapproval**

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

Reception:
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Information:
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PROJECT DESCRIPTION

On February 18, 2019, a Conditional Use Authorization Application was submitted to the Planning Department for a Dwelling Unit Merger of 722A Steiner Street and 722 Steiner Street (subject property) from a Two-Family Dwelling to a Single-Family Residence.

The subject property is located on the southeast corner of Steiner and Grove streets in the Alamo Square neighborhood. It is a two-family dwelling consisting of a 4,493 square foot, four bedroom, four bath dwelling unit comprising the first through third floors (722 Steiner Street), and a 919 square foot one-bedroom dwelling unit in the basement (722A Steiner Street). A one-car garage is also located in the basement. A partition wall at the basement level of an existing stair would be demolished in order to merge the two units. The existing sink would be removed from 722A Steiner Street.

The Report of Residential Building Record (3R) indicates that the original use is in unknown and the authorized use is a two-family dwelling. Telephone Directory research indicates a dwelling unit was added to the basement sometime in the 1950s. Water tap records show that an application for increased water service was filed in 1967. 722A Steiner Street was legalized in 1978. Per Telephone Directory research, the unit was occupied 1953-1979. 722 Steiner Street is owner-occupied. Photographs indicate 722A Steiner Street is vacant.

Constructed in 1892 in the Queen Anne style by builder Matthew Kavanagh as his personal residence, the subject property is the anchor of the "Painted Ladies" and is a contributor to the Alamo Square Historic District. The subject property holds an active Mills Act Contract.

REQUIRED COMMISSION ACTION

In order for the Project to proceed, the Commission must grant a Conditional Use Authorization, pursuant to Planning Code Sections 317 and 303 to authorize a residential merger of a two-family dwelling to a single-family residence within a RH-2 (Residential-House, Two Family) Zoning District and 40-X Height and Bulk District.

ISSUES AND OTHER CONSIDERATIONS

- **Public Comment & Outreach:**
 - **Support/Opposition:** The Department has received no letters in support or opposition to the Project
- **Existing Tenant & Eviction History:** Residential Rent Stabilization and Arbitration Board documentation shows that there have been no evictions in the past 10 years. The subject property is subject to Rent Control. See Exhibits for Eviction History documentation.
- **Illegal Short-Term Rental:** The subject property has an open enforcement case for an illegal short-term rental (STR) for 722A Steiner Street. Staff denied a STR application on September 21, 2018 because it appeared that the property owner was not the permanent resident of the specific unit being offered. The owner continued offering the unit for short term rentals after the denial. On October 18, 2018, the property owner submitted an appeal response. The appeal was denied by staff on August 1, 2019 because the property owner was not a permanent resident of the specific unit being offered. (see attached denial letter). The property owner submitted a new application for short term rentals for 722A on August 23, 2019. A short term rental host can continue to list the unit for rental and conduct short term rentals while an application is pending.

ENVIRONMENTAL REVIEW

Not defined as a project under CEQA Guidelines sections 15378 and 15060(c)(2) because it would not result in a direct or indirect physical change in the environment.

BASIS FOR RECOMMENDATION

The Department finds, on balance, that the Project is not compatible with the intentions of the RH-2 Zoning District and the Objectives and Policies of the General Plan. The proposed project would result in a loss of an affordable rental unit and would be detrimental to the supply of affordable housing stock in the area.

ATTACHMENTS:

Draft Motion – Conditional Use Authorization Disapproval

Exhibits:

Plans

Land Use Data, Maps and Context Photos

722A Steiner Street Photos

Conditional Use Authorization Application, Project Sponsor Brief, Supplemental Information

Building Permit History

Notice of Decision Appeal of Ineligible STR Application dated August 1, 2019



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Draft Motion

HEARING DATE: JULY 16, 2020

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ADOPTING FINDINGS RELATING TO THE DISAPPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO PLANNING CODE SECTION 317 AND 303 OF THE PLANNING CODE PROPOSING THE LEGALIZATION OF A RESIDENTIAL DWELLING UNIT MERGER FROM A TWO-FAMILY DWELLING TO ONE-UNIT SINGLE-FAMILY RESIDENCE AT 722 STEINER STREET, LOT 023 IN ASSESSOR'S BLOCK 0823, WITHIN THE RH-2 (RESIDENTIAL, HOUSE, TWO-FAMILY) ZONING DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On February 18, 2019, Come Lague (hereinafter "Project Sponsor" and "Property Owner") filed Application No. 2019-005176CUA (hereinafter "Application") with the Planning Department (hereinafter "Department") for a Conditional Use Authorization under Planning Code Sections 303 and 317 for a dwelling unit merger of an approximately 4,493 square foot, four bedroom, four bath dwelling unit comprising the first through third floors, and a 919 square foot one-bedroom dwelling unit in the basement (hereinafter "Project") at 722 Steiner Street, Block 0803, Lot 023 (hereinafter "Project Site").

The Project is not defined as a project under CEQA Guidelines sections 15378 and 15060(c)(2) because it would not result in a direct or indirect physical change in the environment.

On July 16, 2020, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2019-005176CUA.

The Planning Department Commission Secretary is the custodian of records; the File for Record No. 2019-005176CUA is located at 1650 Mission Street, Suite 400, San Francisco, California.

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

MOVED, that the Commission hereby disapproves the Conditional Use Authorization as requested in Application No. 2019-005176CUA, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

FINDINGS

1. The above recitals are accurate and constitute findings of this Commission.
2. **Project Description.** The project sponsor seeks Conditional Use Authorization, pursuant to Planning Code Sections 303 and 317, for a residential merger of two dwelling units into one single-family dwelling unit. The proposed project would authorize interior modifications that resulted in the merger of two dwelling units located on the basement and first floors. A partition wall at the basement level of an existing stair would be demolished in order to merge the two units. The existing sink would be removed from 722A Steiner Street.
3. **Site Description and Present Use.** The subject property is located on the southeast corner of Steiner and Grove Streets, Block 0803, Lot 023 in the Alamo Square Historic District. It is a two-unit dwelling consisting of a 4,493 square foot, four bedroom, four bath dwelling unit comprising the first through third floors (722 Steiner Street), and a 919 square foot one-bedroom dwelling unit in the basement (722A Steiner Street). A one-car garage is also located in the basement. A partition wall at the basement level of an existing stair would be demolished in order to merge the two units. The existing kitchen would be removed from 722A Steiner Street. The Report of Residential Building Record (3R) indicates that the original use is in unknown and the authorized use is a two-family dwelling. Telephone Directory research indicates a dwelling unit was added to the basement sometime in the 1950s. Water tap records show that an application for increased water service was filed in 1967. 722A Steiner was legalized in 1978. The subject property holds an active Mills Act Contract.
4. **Surrounding Properties and Neighborhood.** The subject property is a contributor to the Alamo Square Historic District. Constructed in 1892 in the Queen Anne style by builder Matthew Kavanagh as his personal residence, the subject property is of the anchor of the "Painted Ladies."
5. **Public Outreach and Comments.** To date the Department has not received any correspondence related to the project.
6. **Planning Code Compliance.** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:

- A. **Residential Usable Open Space.** Planning Code Section 135 requires a minimum of 100 square feet of usable private or 133 square feet of common open space per dwelling unit.

Common open space is provided in the rear yard.

- B. **Dwelling Unit Exposure.** Planning Code Section 140 requires new dwelling units face onto a public street, public alley at least 20-feet in width, side yard at least 25-feet in width or code-complying rear yard.

The subject building is located on a corner lot. The Project proposes a dwelling unit merger where all units front a public street. Therefore, the project would comply with this requirement.

- C. **Off-Street Parking.** Planning Code Section 151 does not require any off-street parking spaces and permits a maximum of 1.5 off-street parking spaces for each dwelling unit. Planning Code Section 150(e) states that any off-street parking spaces which existed lawfully at the effective date of that section and which exceed the maximum permitted under Section 151.1 shall be considered noncomplying features.

The Project proposes to retain the one (1) existing off-street parking spaces in the basement level. This would comply with the Planning Code.

- D. **Dwelling Unit Density.** In the RH-2 Zoning District, pursuant to Planning Code Section 209.1, two (2) dwelling units are principally permitted per lot.

As configured the subject two-family building conforms to density. As proposed, the project would result in one dwelling unit but would remain in conformity with the Planning Code.

- E. **Residential Merger – Section 317:** Pursuant to Planning Code Section 317, Conditional Use Authorization is required for applications proposing to merge Residential Units. This Code Section establishes a checklist of criteria that delineate the relevant General Plan Policies and Objectives.

As the project requires Conditional Use Authorization per the requirements of the Section 317, the additional criteria specified under Section 317 have been incorporated as findings a part of this Motion. See Item 8 “Additional Findings pursuant to Section 317” below.

7. **Conditional Use Findings.** Planning Code Section 303 establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use authorization. The project does not comply with said criteria in that:

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

The Project is not considered to be necessary or desirable for the neighborhood or the community. The Project seeks merger of two dwelling units into one dwelling unit. Merging the units will result in the loss of a small, affordable unit to one larger unit that would be much less affordable.

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

- (1) Nature of proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;

The Project would not affect the building envelope.

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

The Project does not trigger additional parking and would not increase the amount of traffic because the Project would reduce the legal number of dwelling units.

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

The Project would reduce the number of residential units and would not create any additional noise, glare, dust or odor.

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

The Project seeks to reduce the number of dwelling units and does not require any additional landscaping, screening, or open space and does not propose any exterior changes.

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

The proposed Project complies with all aspects of the Planning Code. The Project is not consistent with certain aspects of the General Plan, as detailed below.

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

The proposed Project is not in conformity with the stated purpose of the RH-2 Zoning District, as the Project will result in one residential unit where two residential units are permitted per lot.

8. **Residential Merger – Section 317(g)(2).** This Section also establishes the criteria below for the Planning Commission to consider when reviewing applications to merge residential units under Section 317(g)(2). On balance, the Project does not comply with said criteria in that:

- a. Whether the removal of the unit(s) would eliminate only owner-occupied housing, and if so, for how long the unit(s) proposed to be removed have been owner occupied;

The proposed Project would eliminate a vacant unit at 722A Steiner Street. The authorized use of the building is two dwelling units per the Residential Building Record Report (3R). 722 Steiner Street is occupied by the property owner.

- b. Whether removal of the unit(s) and the merger with another is intended for owner occupancy;

722A Steiner Street is vacant. 722 Steiner Street is occupied by the property owner. The owner intends to occupy the entire property.

- c. Whether removal of the unit(s) will remove an affordable housing unit as defined in Section 401 of this Code or housing subject to the Residential Rent Stabilization and Arbitration Ordinance;

The building was constructed circa 1900. 722A was added to the basement sometime in the 1950s and legalized in 1978. The removal of 722A Steiner Street will remove an affordable housing unit. It is the Planning Department's position to assume that every unit is subject to the Residential Rent Stabilization and Arbitration Ordinance unless we receive information from an appropriate agency or body to the contrary.

- d. If removal of the unit(s) removes an affordable housing unit as defined in Section 401 of this Code or units subject to the Residential Rent Stabilization and Arbitration Ordinance, whether replacement housing will be provided which is equal or greater in size, number of bedrooms, affordability, and suitability to households with children to the units being removed;

In the 1950s the building was converted to two-family use. The building was later legalized as a two unit building in 1978. Although Planning Staff does not have the authority to make the final determination, it is assumed that the units proposed to be merged are subject to the Residential Rent Stabilization and Arbitration Ordinance. Replacement housing will not be provided.

- e. How recently the unit being removed was occupied by a tenant or tenants;

Per Telephone Directory research, the unit was occupied 1953-1979. Photographs indicate the unit is vacant.

- f. Whether the number of bedrooms provided in the merged unit will be equal to or greater than the number of bedrooms in the separate units;

The authorized use is two units. The merged units will provide an equal number of bedrooms.

- g. Whether removal of the unit(s) is necessary to correct design or functional deficiencies that cannot be corrected through interior alterations;

The proposed project is not required to correct design or functional deficiencies with the existing building.

9. **General Plan Compliance.** The Project is, on balance, not consistent with the following Objectives and Policies of the General Plan:

HOUSING ELEMENT

Objectives and Policies

OBJECTIVE 2:

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

Policy 2.2:

Retain existing housing by controlling the merger of residential units, except where a merger clearly creates new family housing.

OBJECTIVE 3:

PROTECT THE AFFORDABILITY OF THE EXISTING HOUSING STOCK, ESPECIALLY RENTAL UNITS.

OBJECTIVE 4:

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

The dwelling unit merger will remove one residential unit from the City's housing stock. The basement one-bedroom unit is naturally affordable because of its size and age. The proposed merger does not retain the former housing unit count, nor does it protect the affordability of the existing housing stock.

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

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

The Project site is zoned for residential use and does not contain any existing neighborhood-serving retail uses.

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

The Project does not conserve and protect existing housing or preserve economic diversity because it would merge two dwelling units into one dwelling unit

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

The Project does not comply because it would remove a dwelling unit that would be considered naturally affordable due to its age and size, thus reducing the City's supply of affordable housing.

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

The Project is not expected to create additional traffic or parking demand as there is no building expansion of gross floor area or increase in number of units.

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

The Project would not affect industrial or service sector uses or related employment opportunities. Ownership of industrial or service sector businesses would not be affected by the proposed project.

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

The proposed Project will not change the seismic and fire safety standards of the Building.

- G. That landmarks and historic buildings be preserved.

The existing building is located within the Alamo Square Landmark District; however the proposed dwelling unit merger will not affect the exterior of the building as no exterior changes are proposed.

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

The proposed project will not affect any existing parks and open spaces. The Project proposes a dwelling unit merger with no exterior changes.

11. The Project is not consistent with and would not promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would not contribute to the character and stability of the neighborhood and would not constitute a beneficial development.

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **DISAPPROVES Conditional Use Authorization Application No. 2019-005176CUA under Planning Code Section 303 and 317 proposing a dwelling unit merger of two dwelling units into one dwelling unit within an RH-2 Zoning District and 40-X height and Bulk District.** n

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion. The effective date of this Motion shall be the date of this Motion if not appealed (after the 30-day period has expired) OR the date of the decision of the Board of Supervisors if appealed to the Board of Supervisors. For further information, please contact the Board of Supervisors at (415) 554-5184, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

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

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

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on July 16, 2020.

Jonas P. Ionin
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: May 21, 2020

VICINITY MAP

NOTE: DESIGN BASED ON THE CBC 2013 & SAN FRANCISCO BUILDING CODE 2013 AMENDMENTS. CONSTRUCTION SHALL CONFORM TO ALL APPLICABLE SECTIONS.



<http://propertymap.sfplanning.org>

	existing	proposed
CONSTRUCTION CLASSIFICATION	V-B	V-B
	existing	proposed
FIRE SPRINKLER	(E) BASEMENT ONLY	(E) BASEMENT ONLY

2013	CA BLDG. CODE
2013	S.F. BLDG. CODE & AMENDMENTS
2013	CA ENERGY CODE
2013	S.F. ELECTRICAL CODE
2013	S.F. MECHANICAL CODE
2013	S.F. PLUMBING CODE
2013	S.F. FIRE CODE

ARCHITECTURAL:

A0.0	TITLE SHEET
A1.1	EXISTING FLOOR PLANS
A2.1	EXISTING AND PROPOSED BASEMENT PLAN



1 MAP: PARTIAL SANBORN V4P349
NOT TO SCALE



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LAGUE
722 STEINER STREET, SAN FRANCISCO, CA 94117

[illegible]

JOB#:	1418
DATE:	01/10/2019
DRAWN:	LW
CHECKED:	LB
SCALE:	AS NOTED

TITLE SHEET

A0.0



2 NORTH FACADE - GROVE STREET

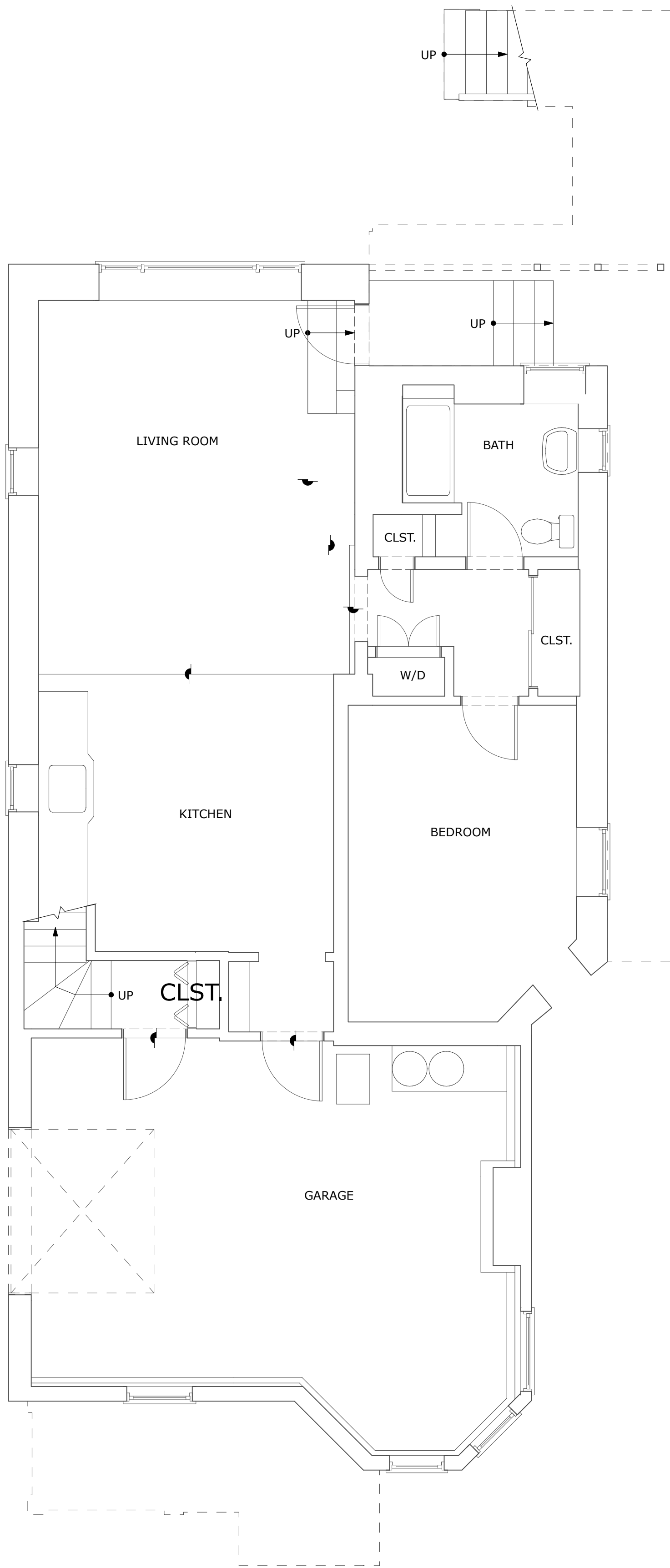


1 WEST FACADE - STEINER STREET

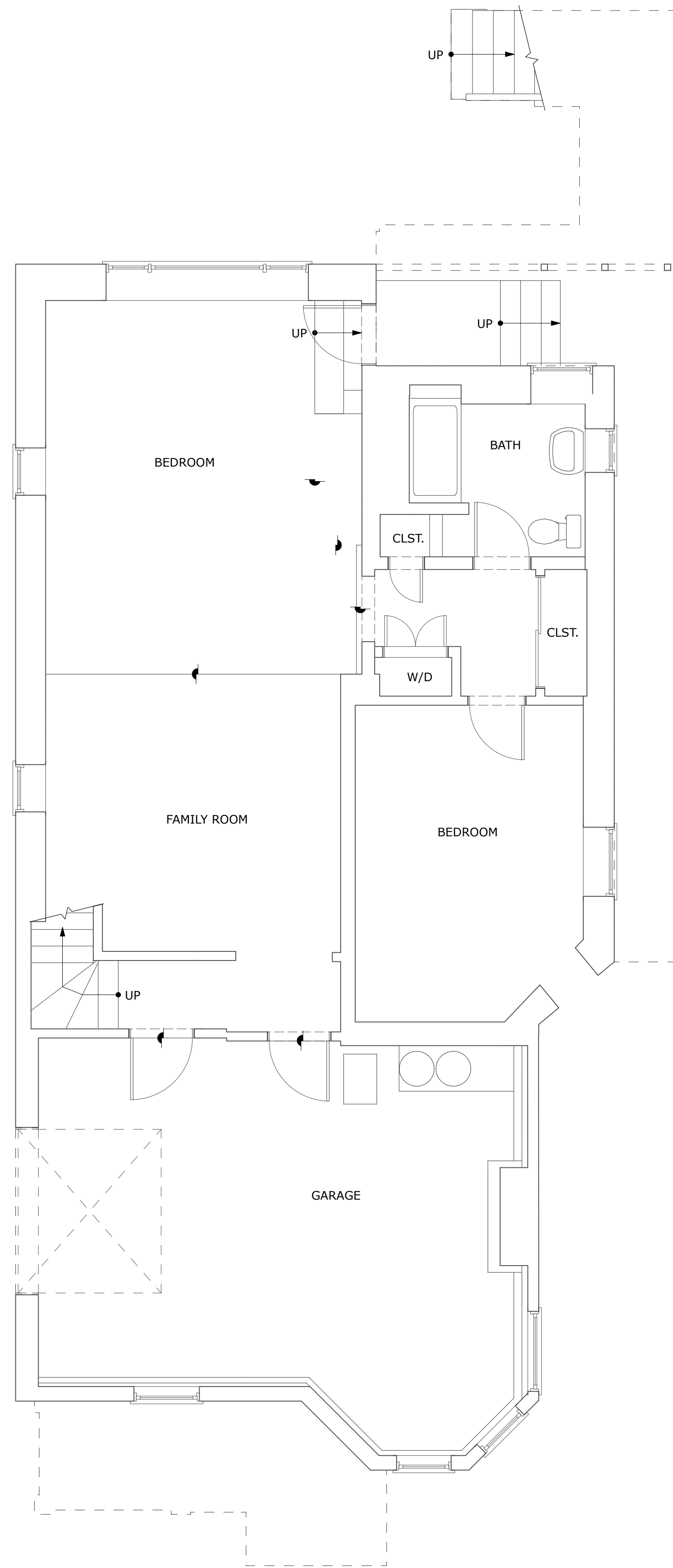
PERMIT SET

REVISIONS:	BY:

JOB#:	1418
DATE:	01/10/2019
DRAWN:	LW
CHECKED:	LB
SCALE:	AS NOTED



2 PLAN: EXISTING BASEMENT
SCALE: 1/4" = 1'-0"



1 PLAN: PROPOSED BASEMENT
SCALE: 1/4" = 1'-0"

PERMIT SET

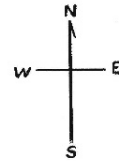
REVISIONS:	BY:

JOB#:	1418
DATE:	01/10/2019
DRAWN:	LW
CHECKED:	LB
SCALE:	AS NOTED

EXISTING AND
PROPOSED
BASEMENT PLAN

Parcel Map

SUBJECT PROPERTY



GROVE

STEINER

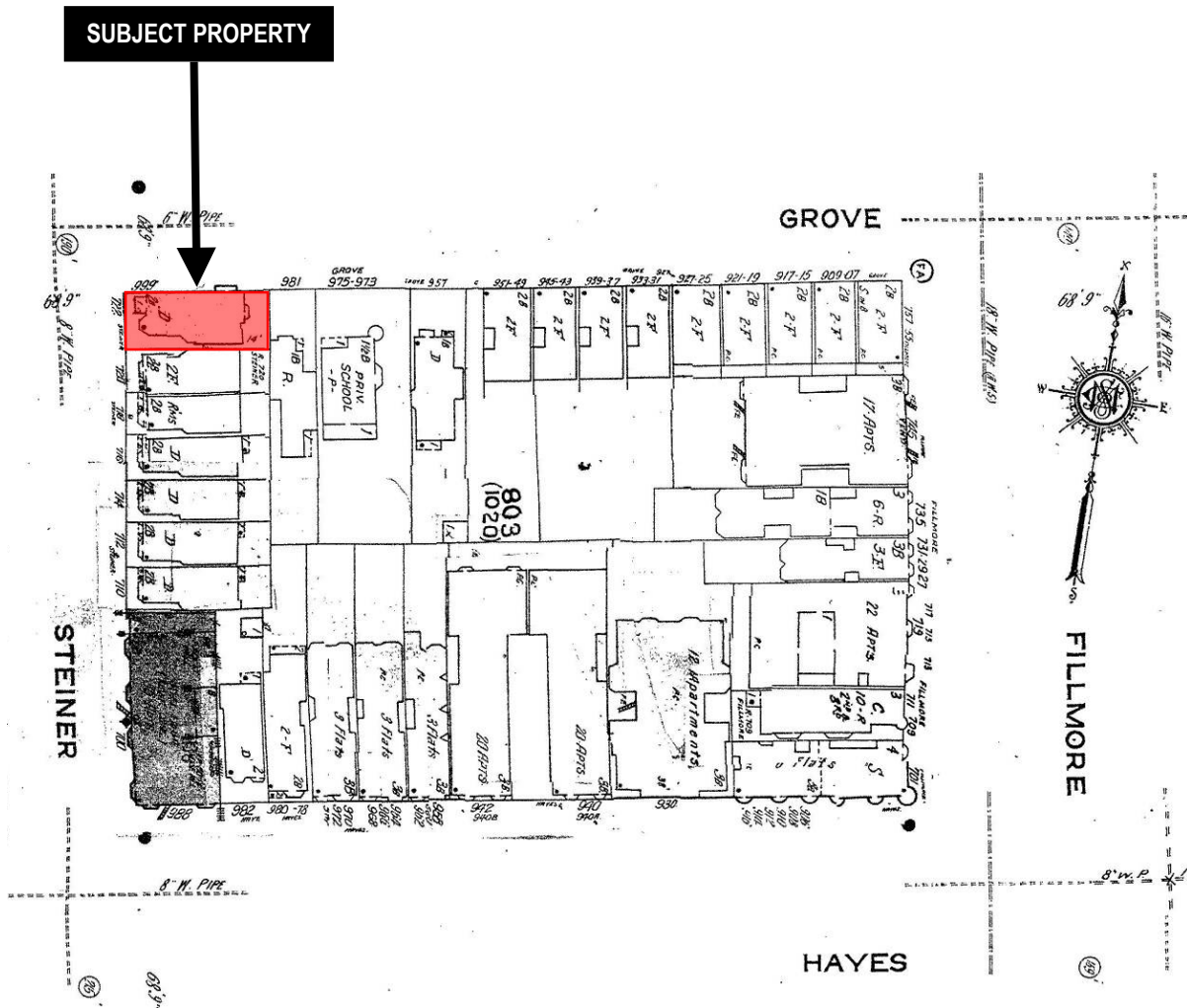
FILLMORE

HAYES



Conditional Use Authorization Application
Case Number 2019-005176CUA
722 Steiner Street

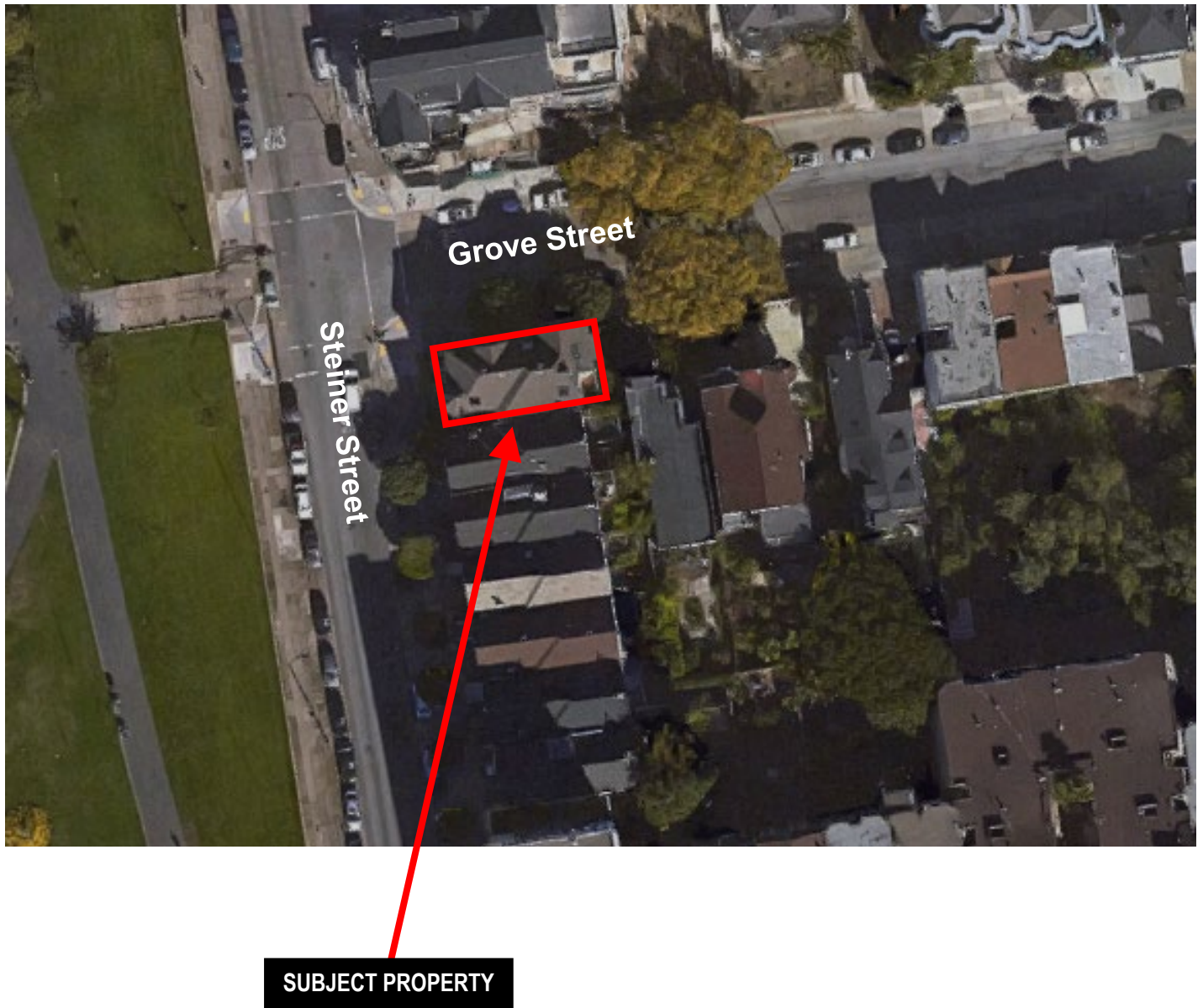
Sanborn Map*



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

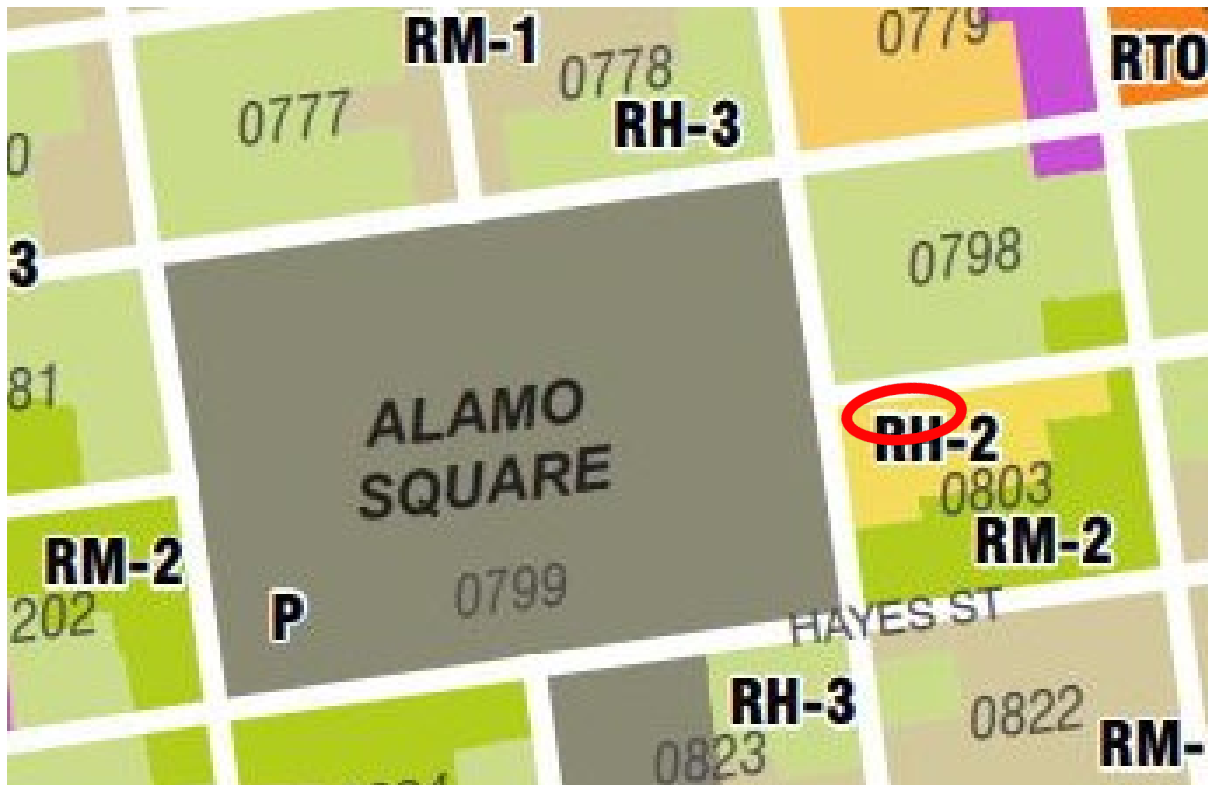


Aerial Photo



Conditional Use Authorization Application
Case Number 2019-005176CUA
722 Steiner Street

Zoning Map



District Map

ALAMO SQUARE HISTORIC DISTRICT



SUBJECT PROPERTY



Conditional Use Authorization Application
Case Number 2019-005176CUA
722 Steiner Street

Site Photo



Conditional Use Authorization Application
Case Number 2019-005176CUA
722 Steiner Street

Site Photo



722A Steiner Street, Mills Act Contract site visit, May 2015.













DWELLING UNIT REMOVAL: MERGER, CONVERSION OR DEMOLITION

SUPPLEMENTAL APPLICATION

Property Information

Project Address:

Block/Lot(s):

Project Details

UNITS	EXISTING:	PROPOSED:	NET CHANGE:
Owner-occupied Units:			
Rental Units:			
Total Units:			
Units subject to Rent Control:			
Vacant Units:			

BEDROOMS	EXISTING:	PROPOSED:	NET CHANGE:
Owner-occupied Bedrooms:			
Rental Bedrooms:			
Total Bedrooms:			
Bedrooms subject to Rent Control:			

Unit Specific Information

	UNIT NO.	NO. OF BEDROOMS	GSF	OCCUPANCY		ADDITIONAL CRITERIA (check all that apply)
EXISTING				OWNER OCCUPIED	RENTAL	ELLIS ACT VACANT RENT CONTROL
PROPOSED				OWNER OCCUPIED	RENTAL	
EXISTING				OWNER OCCUPIED	RENTAL	ELLIS ACT VACANT RENT CONTROL
PROPOSED				OWNER OCCUPIED	RENTAL	
EXISTING				OWNER OCCUPIED	RENTAL	ELLIS ACT VACANT RENT CONTROL
PROPOSED				OWNER OCCUPIED	RENTAL	

RESIDENTIAL MERGER (SUPPLEMENTAL INFORMATION)

Pursuant to Planning Code Section 317(c), any application that would result in the removal of one or more residential units or unauthorized units is required to obtain a Conditional Use Authorization. In addition to filing a Conditional Use Authorization application, this Dwelling Unit Removal application, along with responses to the specific conditional use criteria listed below, as described in Planning Code Section 317(g)(2), must be submitted to the Planning Department.

Please note that pursuant to Planning Code Section 317(g)(2), the Planning Commission shall not approve an application for residential merger if any tenant has been evicted pursuant to Administrative Code Sections 37.9(a)(9) through 37.9(a)(14) where the tenant was served with a notice of eviction after December 10, 2013 if the notice was served within 10 years prior to filing the application for merger. Additionally, the Planning Commission shall not approve an application for residential merger if any tenant has been evicted pursuant to Administrative Code Section 37.9(a)(8) where the tenant was served with a notice of eviction after December 10, 2013 if the notice was served within five (5) years prior to filing the application for merger.

Please answer the following questions to determine how the project does or does not meet the Planning Code requirements:

DWELLING UNIT MERGER CRITERIA:		YES	NO
1	Does the removal of the unit(s) eliminate only owner-occupied housing? If yes, for how long was the unit(s) proposed for removal owner-occupied? _____ months or years (check one)		
2	Is the removal of the unit(s) and the merger with another intended for owner occupancy?		
3	Will the removal of the unit(s) remove an affordable housing unit as defined in Section 401 of the Planning Code or housing subject to the Rent Stabilization and Arbitration Ordinance? If yes, will replacement housing be provided which is equal or greater in size, number of bedrooms, affordability, and suitability to households with children to the units being removed? YES NO		
4	If the unit(s) proposed for removal was occupied by a tenant or tenants, please specify the date of when it was last occupied: _____		
5	Will the number of bedrooms provided in the merged unit be equal to or greater than the number of bedrooms in the separate units?		
6	Is the removal of the unit(s) necessary to correct design or functional deficiencies that cannot be corrected through interior alterations?		
7	If the merger does not involve an unauthorized unit, what is the appraised value of the least expensive unit to be merged? _____ Please include an attachment of the appraisal within six months of filing this application.		

RESIDENTIAL CONVERSION (SUPPLEMENTAL INFORMATION)

Pursuant to Planning Code Section 317(g) (3), the conversion of residential dwelling units to a non-residential use is required to obtain a Conditional Use Authorization.

In reviewing proposals for the conversion of residential dwelling units to other forms of occupancy, the Planning Commission will review the criteria below.

Please answer the following questions to inform the Planning Commission as to how the project does or does not meet the following criteria:

DWELLING UNIT CONVERSION CRITERIA:		YES	NO
1	<p>Will the conversion of the unit(s) eliminate only owner occupied housing?</p> <p>If yes, for how long was the unit(s) proposed for removal owner-occupied?</p> <p>_____ months or years (check one)</p>		
2	<p>Will the conversion of the unit(s) provide desirable new non-residential use(s) appropriate for the neighborhood and adjoining district(s)?</p>		
3	<p>Is the property located in a district where Residential Uses are not permitted?</p> <p>If yes, will the Residential Conversion bring the building closer into conformance with the uses permitted in the zoning distirt?</p> <p>YES NO</p>		
4	<p>Will the conversion of the unit(s) be detrimental to the City's housing stock?</p>		
5	<p>Is the conversion of the unit(s) necessary to eliminate design, functional, or habitability deficiencies that cannot otherwise be corrected?</p>		
6	<p>Will the Residential Conversion remove Affordable Housing, or unit(s) subject to the Rent Stabilization and Arbitration Ordinance?</p>		

DWELLING UNIT DEMOLITION (SUPPLEMENTAL INFORMATION)

Pursuant to Planning Code Section 317(d), residential demolition is subject to a Conditional Use Authorization or will qualify for administrative approval.

Administrative approval only applies to:

- (1) single-family dwellings in RH-1 and RH-1(D) Districts proposed for Demolition that are not affordable or financially accessible housing (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) residential buildings of two units or fewer that are found to be unsound housing.

Please see the Department's website under Publications for "*Dwelling Unit Removal: Current Numerical Values*" and the "*Zoning Controls on Dwelling Unit Removal Implementation*" documents..

The Planning Commission will consider the following criteria in the review of residential demolitions Please answer the following questions to inform the Planning Commission as to how the project does or does not meet the following criteria, as described in Planning Code Section 317(g)(5):

EXISTING VALUE AND SOUNDNESS		YES	NO
1	Is the value of the existing land and structure of the single-family dwelling affordable or financially accessible housing (below the 80% average price of single-family homes in San Francisco, as determined by a credible appraisal within six months)? If no, submittal of a credible appraisal is required with the application.		
2	Has the housing been found to be unsound at the 50% threshold (applicable to one- and two-family dwellings)?		
3	Is the property free of a history of serious, continuing code violations?		
4	Has the housing been maintained in a decent, safe, and sanitary condition?		
5	Is the property a <i>historical resource</i> under CEQA?		
RENTAL PROTECTION		YES	NO
6	Does the Project convert rental housing to other forms of tenure or occupancy?		
7	Does the Project remove rental units subject to the Rent Stabilization and Arbitration Ordinance or affordable housing?		
PRIORITY POLICIES		YES	NO
8	Does the Project conserve existing housing to preserve cultural and economic neighborhood diversity?		
9	Does the Project conserve neighborhood character to preserve neighborhood cultural and economic diversity?		
10	Does the Project protect the relative affordability of existing housing?		
11	Does the Project increase the number of permanently affordable units as governed by Section 415?		

RESIDENTIAL DEMOLITION

(SUPPLEMENTAL INFORMATION CONTINUED)

REPLACEMENT STRUCTURE		YES	NO
12	Does the Project locate in-fill housing on appropriate sites in established neighborhoods?		
13	Does the Project increase the number of family-sized units on-site?		
14	Does the Project create new supportive housing?		
15	Is the Project of superb architectural and urban design, meeting all relevant design guidelines, to enhance the existing neighborhood character?		
16	Does the Project increase the number of on-site dwelling units?		
17	Does the Project increase the number of on-site bedrooms?		
18	Does the Project maximize density on the subject lot?		
19	If the building is not subject to Rent Stabilization and Arbitration Ordinance or affordable housing, will the Project replace all of the exiting units with new dwelling units of similar size and with the same number of bedrooms?		

REMOVAL OF UNAUTHORIZED UNIT(S) (SUPPLEMENTAL INFORMATION)

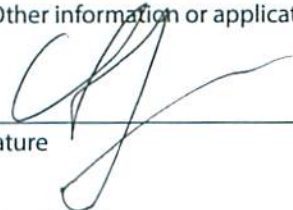
The Planning Commission will consider the following criteria in the review of applications for removal of unauthorized units, pursuant to Planning Code Section 317 (g)(6). Please fill out answers to the criteria below:

DWELLING UNIT REMOVAL OF UNAUTHORIZED UNIT(S) CRITERIA:		YES	NO
1	Is it financially feasible to legalize the unauthorized unit(s)? If no, please provide the cost to legalize the unauthorized unit(s) _____		
2	What is the appraised value of the building with the unauthorized unit(s)? _____ Please include an attachment of the appraisal within six months of filing this application.		
3	What is the appraised value of the building with the unit(s) legalized? _____ Please include an attachment of the appraisal within six months of filing this application.		

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) Other information or applications may be required.



Signature

OWNER

Relationship to Project
(i.e. Owner, Architect, etc.)

650-218-5207

Phone

COME LAQUE


Name (Printed)

COME2LAQUE.NET

Email

APPLICANT'S SITE VISIT CONSENT FORM

I hereby authorize City and County of San Francisco Planning staff to conduct a site visit of this property, making all portions of the interior and exterior accessible.



Signature

2/18/19

Date

COME LAQUE

Name (Printed)

For Department Use Only

Application received by Planning Department:

By: _____

Date: _____



CONDITIONAL USE AUTHORIZATION

SUPPLEMENTAL APPLICATION

Property Information

Project Address:

Block/Lot(s):

Action(s) Requested

Action(s) Requested (Including Planning Code Section(s) which authorizes action)

Conditional Use Findings

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

1. That the proposed use or feature, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable for, and compatible with, the neighborhood or the community. If the proposed use exceeds the non-residential use size limitations for the zoning district, additional findings must be provided per Planning Code Section 303(c)(1)(A-C).

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) Other information or applications may be required.



Signature

Come Laque

Name (Printed)

OWNER

Relationship to Project
(i.e. Owner, Architect, etc.)

650-218-5207

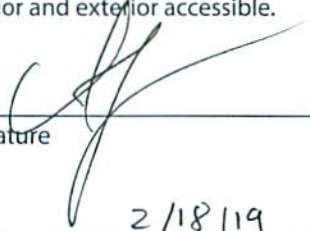
Phone

Come @ laque.net

Email

APPLICANT'S SITE VISIT CONSENT FORM

I herby authorize City and County of San Francisco Planning staff to conduct a site visit of this property, making all portions of the interior and exterior accessible.



Signature

2/18/19

Date

Come Laque

Name (Printed)

For Department Use Only

Application received by Planning Department:

By: _____

Date: _____

Conditional Use Authorization: Supplemental Application

Action Requested

Pursuant to Planning Code Section 317(c), Conditional Use Authorization is sought for the dwelling unit merger of the owner occupied 919 square foot unit located in the basement of 722 Steiner Street. Pursuant to Planning Code Section 317(g)(2), since the unit was legalized in 1978, it has only been occupied by a tenant for 1 year in 1979 and the last tenancy was 40 years ago. No tenant has been evicted or served a notice of eviction. The proposal to merge the unit with the upstairs unit is consistent with the historical configuration of the house and is intended for owner occupancy.

The home at 722 Steiner Street is instantly recognized as the iconic Original Painted Lady of Alamo Square and the anchor of the Painted Lady row. Built in 1892 as a single family home by developer Matthew Kavanaugh, he went on to build the 6 identical Painted Ladies, all originally constructed as single family homes.

The current owners purchased the home in 2014 and commenced a robust restoration effort including seismic upgrades, repairs to exterior dry rot, sealing roof leaks, repairs to downspouts, repainting the exterior, restoration of interior doors, repairs to original pocket doors, restoration of the grand staircase, repairs to gas chandeliers, repairs to trim and plaster detail, repairs to windows, new electrical and plumbing. They care deeply about preserving this home for generations to come as a historically important landmark in San Francisco and seek to remove the basement dwelling unit and convert the home to its original single family form.

According to the original June 11, 1892 Spring Valley Water Works water connection agreement (**Exhibit 1**) and the official Property Card on file at the Assessor office dating to August 1951 (**Exhibit 2**), the building was constructed as a single family home (SFH), similar to all of the other 6 Painted Ladies at 720, 718, 716, 714, 712 and 710 Steiner which are also SFH.

A 919 square foot 1 bedroom apartment unit was added to basement space at the rear of the building sometime in the 1950s. The unit became vacant in 1967, based upon phone directoy records at the time, with only one tenant briefly in 1979 and owner occupied since then (**Exhibit 3**). Research by the Assessor's Office found no tenants in the apartment unit (**Exhibit 4**). The entire building has been owner occupied for 40 years by previous owner Michael Shannon since 1979 and current owners Côme Laguë and Charlene Li since their purchase from him 5 years ago.

The apartment sits directly below the main house, which has historic and irreplaceable features such as stained glass windows, gas chandeliers, elaborate plaster molding, wainscoting, original mahogany grand staircase, Eastlake pattern doors and redwood trim, door hardware etc. The exterior craftsmanship is even more ornate, much more so than the 6 other Painted Ladies due to 3 sides being visible from the street corner lot. The proposal to merge the units would allow for restoration of the home to continue in character with its original configuration.

On December 24, 2018, a leak occurred in the lower unit and flooded it with water. The kitchen cabinetry was damaged and had to be removed. The proposal to merge the units coincides with the repair work needed to restore this space and includes converting the 1 bedroom unit to a 2 bedroom space.

Residential Merger

(Supplemental Information)

Planning Code Section 317(g)(2) establishes criteria for the Planning Commission to consider when reviewing applications requesting to merge residential units.

1. Whether removal of the unit(s) would eliminate only owner occupied housing, and if so, for how long the unit(s) proposed to be removed have been owner occupied;

The Project proposes to merge units within a 2-unit building. Since the unit was legalized in 1978, it has only been occupied by a tenant for 1 year in 1979 and the last tenancy was 40 years ago. It has been owner occupied for the past 40 years.

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

The Project applicant's family currently occupies both units and the merge would allow both units to function as one. The newly created six-bedroom unit will continue to be occupied by the same family.

3. That the removal of the unit will remove an affordable housing unit as defined in Section 401 of this Code or housing subject to the Residential Rent Stabilization and Arbitration Ordinance;

The Project will not eliminate any affordable housing units.

4. If removal of the unit removes an affordable housing unit as defined in Section 401 of this Code or units subject to the Residential Rent Stabilization and Arbitration Ordinance, whether replacement housing will be provided which is equal or greater in size, number of bedrooms, affordability, and suitability to households with children to the units being removed;

As discussed above, neither of the units are considered affordable and are not subject to the Residential Rent Stabilization and Arbitration Ordinance.

5. How recently the unit being removed was occupied by a tenant or tenants;

722A Steiner Street was an illegal unit occupied from 1953-1966 based upon phone directory listings showing address 722A with an occupant. In 1967, phone directory listings show address 722A as turning "Vacant" and shows no tenant until 1979. In 1973 the unit was flagged by DBI Conservation Report 803-23-5 as illegal, along with a 7 page list of repairs required to bring the building to code. The unit was legalized in 1978 but had only one tenant in 1979 and then reverted to owner occupied for the next 40 years. Research by the Assessor's Office (Bryan Bibby) found no tenant records.

6. Whether the number of bedrooms provided in the merged unit will be equal to or greater than the number of bedrooms in the separate units;

The Project would merge the four-bedroom unit with the one-bedroom unit to create a 6-bedroom, 5- bath unit. The new unit will have six bedrooms which is greater in sum of the bedrooms in 722A and 722 Steiner.

7. Whether removal of the unit is necessary to correct design or functional deficiencies that cannot be corrected through interior alterations;

The reconfiguration and merger of the units reverts the building back to its original historic configuration as a single family home. On December 24, 2018, a leak occurred in the lower unit and flooded it with water. The kitchen cabinetry was damaged and had to be removed. The proposal to merge the units coincides with the repair work needed to restore this space and includes converting the 1 bedroom unit to a 2 bedroom space.

8. The appraised value of the least expensive Residential Unit proposed for merger only when the merger does not involve an Unauthorized Unit.

\$890,000 (estimate based on 919 sf / 4,493 sf x \$3.1m purchase in 2014 plus \$1.25m restorations since then).

4. No alteration shall be made in any water-pipe or fixture without first giving notice of the intended alteration at the office of the Company.
 5. In all cases where water is to be supplied to several parties or tenants from one connection or tap, the Company contracts only with one of said several parties, and on his default to abide by these regulations and pay the rates, will cut off the connection.
 6. Whenever any of these regulations shall be violated, the supply of water will be discontinued, and not resumed until all charges and expenses are satisfied.
 7. All persons taking water shall keep the service pipes in good repair, at their own expense, and they will be held liable for all damages which may result from their failure to do so.
 8. Street Sprinkling with hose and standing Irrigators will not be allowed under any circumstances.
 9. The inspector or other properly authorized officer of the Company shall be admitted at all reasonable hours to all parts of any premises supplied with water, to see that these regulations are observed.
 10. The Company does not guarantee to deliver water under this application more than ten feet above the street.

No. _____ Date of Supply, _____ 18__
APPLICATION and AGREEMENT.

I hereby agree to take water from the Spring Valley Water Works, at the Rate of _____ per month, payable monthly in advance, in U. S. Gold Coin. For _____

722 E. 15th St. S. E. Grove
 and in default of such payment punctually made in advance, or if the above regulations are in any respect violated, the said Spring Valley Water Works may disconnect the water at my own cost and charges, according to the above regulations, of which I have been duly notified.

Service Connection 157 Paid

GENERAL RATE.....	76	Size Building.....	1380	Sq. Feet.....	2	Stories.....
".....		".....	"	".....	"	"
".....		".....	"	".....	"	"
".....		".....	"	".....	"	"
".....		".....	"	".....	"	"
SPECIAL RATES.						
.....Stores @.....						
2 Wash Trays.....						
2 Wash Basins.....	10					
Boarders and Lodgers.....						
1 Baths.....	32					
2 Water Closets.....	45					
Urinals.....						
Cows.....						
Horses.....						
Horse Trough.....						
50 Sq. Yds. Irrigation.....	25					
Total.....	78					

OK 7/18
 Bill, \$ 185 11/10/17

And I hereby covenant and agree that I will protect and save harmless the said corporation from all claims for damage occasioned by the bursting of any of the pipes used for the supply of water under this application.

Matthew Flanagan
 San Francisco, June 11th 1892

15419 10004 5-2244 OK 9/10/04 11-0 11

OK 9/10/04
OK 10/11/09
11730.
OK 4/15/08
Inspection taken 10/10/04

NEEDED INCREASED 1st DATE 6-16-67
21 1/2" No. 1000
24 1/2" No. 1000
22 1/2" No. 1000
24 1/2" No. 1000

Application for Service Installation

722- Steiner STREET

LOCATION San Francisco,

157
2410

TO THE SPRING VALLEY WATER COMPANY:

You are hereby requested and authorized to make service installation for water supply at

14675791

for account of

(Signed) _____ Owner

By _____ Architect-Plumber-Agent

NOTE: This order covers service installation only; a separate order is required for supply.

TNI 8/1951 Buckley

[illegible]

LAND ATTRIBUTES	
Square feet	2288
Acres	
Zoning	R-5
Square feet usable	

RESIDENTIAL				CLASS							EXTERIOR CONSTRUCTION				INTERIOR FINISH				HEATING SYSTEM			
Dwelling	D	R	<input checked="" type="checkbox"/>	B	R	1A	1B	2	3	4	5	Rustic	<input checked="" type="checkbox"/>	Plaster	<input checked="" type="checkbox"/>	Electric	Gas	<input checked="" type="checkbox"/>	Oil			
Flats												Panels		Sheetrock		Forced Air						
Apartment						FOUNDATION						Stucco		Wallboard		Steam						
Hotel						Concrete						Metal		Paneling		Radiant						
Motel						Brick						Shingles		Unfinished		Baseboard						
Rooming House						Slab						Brick		PINE <input checked="" type="checkbox"/>		Vent & Air Cond.						
						Conc. Block						Concrete		BATH ROOM		Gravity						
NON-RESIDENTIAL						Piers						Tilt-Up		Number of Rooms	1	FIREPLACE <input checked="" type="checkbox"/>						
Public Building						Misc.						Conc. Block		Tubs	1	Built-in	MECHANICAL					
School												Veneer		Shower	1	PLAS.	Sprinkler System					
Office						BASEMENT						ROOF				ELEVATOR						
Commercial						Unfinished	1/4	1/2	3/4	F	SH 1-1/2	Comp	<input checked="" type="checkbox"/>	Flat		Separate Toilet	1	Passenger Capacity				
Industrial						Finished	1/4	1/2	3/4	F		Metal		Hip	<input checked="" type="checkbox"/>			Freight Capacity				
						Number Car Spaces	1					T&G		Gable	KITCHEN							
												Concr.				Tile		Sink				
CLASSIFICATION						FLOORS						BUILT - INS				MISCELLANEOUS						
Service Station						Medical						Softwood	ALL				Dwsh.		Disp.			
Loft						Theatre						Hardwood					Oven		Range			
Warehouse						Club						Terrazzo					PLUMBING					
Condominium						Bank						Marble					W. C.		Lavs			
Greenhouse						Store						Concrete					Urn		S. S.			
Co-Operative						Garage						Earth					EXCLUS <input checked="" type="checkbox"/>					
Shed						Church						Tile										
												Metal										

Corner	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Curb, Sdwk	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Level	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Grade	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
View	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Utilities	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Alley	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

- - NO PHOTO - -

IMPROVEMENT ATTRIBUTES	
Year built	1898
Effective Year	
Total Rooms	8
Bedrooms	
Family Room	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Total Finished Area	3031
Finished Basement Area	
Finished Attic Area	
Full Baths	1
Half Baths	
Garage spaces	1
Build-in-Kitchen	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Central Heating	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Condition	E <input type="checkbox"/> G <input type="checkbox"/> F <input type="checkbox"/> P <input type="checkbox"/>

NEIGHBORHOOD ATTRIBUTES		
Single family use		<input type="checkbox"/>
Multi-family use		<input type="checkbox"/>
Commercial use		<input type="checkbox"/>
Industrial use		<input type="checkbox"/>
Zoning conform.	Yes <input type="checkbox"/> No <input type="checkbox"/>	
Desirability	Yes <input type="checkbox"/> No <input type="checkbox"/>	
Built-up	Yes <input type="checkbox"/> No <input type="checkbox"/>	
Date of Improvements		
Trend	G. <input type="checkbox"/> F. <input type="checkbox"/> P. <input type="checkbox"/>	

CONCLUSIONS	
Land Value	13600
Improvement Value	12600
Total Value	26200

APPRAISER & DATE				COMPUTATIONS			
DIM.		AREA					
UNIT	AREA	UNIT COST	COST	UNIT COST	COST	UNIT COST	COST
1st	28'6 x 51'87		1545				
2nd	28'6 x 51'33		1486				
Total			3031				
Normal % Good							
R. C. L. N. D.							

[illegible]

CONSTRUCTION RECORD				EFFECT. YEAR	APPR. YEAR	NORMAL % GOOD			
PERMIT NO.	FOR	AMT.	DATE			AGE	REM. LIFE	TABLE	%
NO RECORD OF ORIGINAL PERMIT									
18024	Alt.	650	7/9/08						

REMARKS:

D/T 6/28/85 333,000

LAND DATA									
FRONT		DEPTH	AREA		ZONING	TOPOGRAPHY			
30.50 FT. x		75	FT. = 2288 SF.		R-5	LEVEL		GRADE	%
						SOIL		VIEW	
DESCRIPTION			ADJUSTMENT		VALUE		SFV.	FFV.	
CORNER		CURB	%	STD. DEPTH	\$ 13,600		\$ 5.94	\$	
INSIDE		SIDEWALK	%	STD. WIDTH					
		UTILITIES	%	COR. INFL.					

REMARKS:

MARKET APPROACH							
ADDRESS	BLOCK	LOT	DESC.	SQ. FT.	SALES PRICE - DATE	GRM	REMARKS:

INCOME ANALYSIS									
GROSS INCOME:			NET INCOME:				Sales History:		
			INCOME IMPUTABLE PERSONALTY:				5/13/65 Wolf to Zapien (D) 8500 Equity		
			LIFE	DEPR.	YIELD	TAX			
			YR	%	%	%			
Vacancy	%		\$ x %						
Effective Gross Income			INCOME IMPUTABLE TO LAND:						
Expenses				YIELD	TAX	RATE			
				%	%	%			
			\$ x %				Summary:		
			RESIDUAL IMPUTABLE TO BLDG:						
			LIFE	DEPR.	YIELD	TAX	METHOD	RATE/P.V.	
			YR	%	%	%			
			Bldg. Val. \$						
			Rounded to:						
			Land Value						
Total Expense:									
NET INCOME:			TOTAL				ESTIMATED VALUE:		

PHOTO



TENANCY HISTORY 722A STEINER STREET

<u>Year*</u>	<u>722A Listing</u>
--------------	---------------------

Illegal Unit until 1978

1953	Theo A Vleira
1955-1956	Mrs. Nellie Chappell
1957	Richard Harvey
1960	Mrs. Nancy Brown
1961	Mrs. Anne Gatson
1964-1966	Edgar Lewis Jr

Unit Legalized in 1978

1979	Duane R Miller
1980-2019	No listing

*All other years show no tenancy

Since the unit was legalized in 1978, it has only been occupied by a tenant for 1 year in 1979 and the last tenancy was 40 years ago

Source of Directory Data: 1953-1982 Polk's Directory: <https://sfpl.org/?pg=2000540401>

Source of Directory Data: 1983-2018 San Francisco Public Library - Haine's Directory

Come Lague

From: Bibby, Bryan (ASR) <bryan.bibby@sfgov.org>
Sent: Thursday, February 21, 2019 9:29 AM
To: come@lague.net
Subject: RE: 722A Steiner Street - Tenant History Research Request

Hi Côme-

Further to your inquiry to research whether any tenant may have resided in the lower unit, known as 722A Steiner Street, after researching the ASR Records pertaining to the property listed above, I was unable to find any relevant tenant history to report back to you.

Sincerely,

Bryan Bibby
Real Property Appraiser
Office of the Assessor-Recorder, Carmen Chu
1 Dr. Carlton B. Goodlett Place
City Hall - Room 190
San Francisco, CA 94102
Phone: (415) 554-6946
Fax: (415) 554-7915
E-mail: Bryan.Bibby@sfgov.org



SAN FRANCISCO PLANNING DEPARTMENT

Planning Department Request for Eviction History Documentation

(Date) 12/19/19

ATTN: Van Lam
Rent Stabilization and Arbitration Board
25 Van Ness Avenue, Suite 320
San Francisco, CA 94102-6033

RE: Address of Permit Work: 722 Steiner St
Assessor's Block/Lot: 0803/023
BPA # / Case #: 2019-005176CUA

Project Type

- ☒ Merger – Planning Code Section 317
- ☐ Enlargement / Alteration / Reconstruction – Planning Code Section 181
- ☐ Legalization of Existing Dwelling Unit – Planning Code Section 207.3
- ☐ Accessory Dwelling Unit Planning – Planning Code Section 207(c)(4)

Pursuant to the Planning Code Section indicated above, please provide information from the Rent Board's records regarding possible evictions at the above referenced unit(s) on or after:

- ☒ 12/10/13: for projects subject to Planning code 317(e)4 or 181(c)3
(Search records for eviction notices under 37.9(a)(8) through (14))
- ☐ 3/13/14: for projects subject to Planning Code Section 207.3
(Search records for evictions notices under 37.9(a)(8) through (14))
- ☐ 10 years prior to the following date: _____
(Search records for eviction notices under 37.9(a)(9) through (14) (10 years) and under 37.9(a)(8) (5 years))

Sincerely,

Natalia Kwiatkowska

Planner

Digitally signed by Natalia
Kwiatkowska
Date: 2019.12.19
10:53:37 -08'00'

cc: Jennifer Rakowski- Rent Board Supervisor

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Rent Board Response to Request from Planning Department for Eviction History Documentation

Re: 722 Steiner

This confirms that the undersigned employee of the San Francisco Rent Board has reviewed its records pertaining to the above-referenced unit(s) to determine whether there is any evidence of evictions on or after the date specified. All searches are based upon the street addresses provided.

No related eviction notices were filed at the Rent Board after:

- ☒ 12/10/13
☐ 03/13/14
☐ 10 years prior to the following date: _____

Yes, an eviction notice was filed at the Rent Board after:

- ☐ 12/10/13
☐ 03/13/14
☐ 10 years prior to the following date: _____
 ○ See attached documents.

There are no other Rent Board records evidencing an eviction after:

- ☒ 12/10/13
☐ 03/13/14
☐ 10 years prior to the following date: _____

Yes, there are other Rent Board records evidencing a an eviction after:

- ☐ 12/10/13
☐ 03/13/14
☐ 10 years prior to the following date: _____
 ○ See attached documents.

Signed:



Dated:

12-19-19

Van Lam
Citizens Complaint Officer

The Rent Board is the originating custodian of these records; the applicability of these records to Planning permit decisions resides with the Planning Department.



SAN FRANCISCO OFFICE OF SHORT-TERM RENTALS

Notice of Decision Appeal of Ineligible Application

August 1, 2019

Applicant

Come Lague
722 Steiner Street Unit A
San Francisco, CA 94117

Residential Unit:

Assessor's Block/Lot:

Application No.:

Staff Contact:

722 Steiner Street Unit A

0803/023

2018-000124STR

Erika Jackson, (415) 558-6363, erika.jackson@sfgov.org

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

Reception:
415.558.6378

Website:
www.sfgov.org/OSTR

Inquiries:
415.575.9179
shorttermrentals@sfgov.org

BACKGROUND/BASIS FOR INITIAL REJECTION

After review of an application submitted by Mr. Come Lague, for a short-term rental certificate for the dwelling unit at 722 Steiner Street Unit A ("dwelling unit"), Mr. Adrian Putra with the Office of Short-Term Rentals ("OSTR") issued Mr. Lague a Notice of Ineligible Short-Term Residential Rental Application letter ("denial letter") on September 21, 2018. Mr. Lague's short-term rental application was denied by Mr. Putra, for reasons which include, but are not limited to, the following:

- Based on a review of information provided on the hosting platform, it appears that you are not the permanent resident of the specific unit being offered for short-term rental under the Airbnb listing titled, "Stay in a Famous Painted Lady!" (www.airbnb.com/rooms/20030972). The intent of the City's short-term rental program is to allow LIMITED short-term rentals; while preserving long-term housing availability/opportunities; by only allowing limited (e.g. up to 90 cumulative nights of un-hosted/whole-unit rentals per calendar year) short-term rental activity in the same individual (and legal) dwelling unit, where the host also resides at least 275 nights per year (definition of permanent resident per Chapter 41A of the SF Administrative Code).

APPEAL DOCUMENTATION

Following the issuance of the denial letter on September 21, 2018, Mr. Lague requested an appeal of the written decision. On October 18, 2018, Mr. Lague submitted an appeal response to OSTR via email. This email sent by Mr. Lague after the issuance of the denial letter included the following documentation, which was reviewed and considered as part of the appeal:

- Screenshots of the monthly booking calendars from November 2017 to December 2018 for the Airbnb listing titled, "Stay in a Famous Painted Lady!" (www.airbnb.com/rooms/20030972)
- A screenshot of an Airbnb message from Ali Killam on February 15, 2018
- A copy of Mr. Lague's Driver License showing the address of 722 Steiner Street Unit A

- A copy of Mr. Lague's Voter Registration card showing the address of 722 Steiner Street Unit A

Along with the appeal documentation submitted by Mr. Lague, the following documentation/information was reviewed and considered as part of this appeal:

- The Airbnb listing offering an entire unit located at 722 Steiner Street Unit A, titled, "Stay in a Famous Painted Lady!" (www.airbnb.com/rooms/20030972)
- The Owners Overseas listing offering an entire unit located at 722 Steiner Street Unit A, titled, "An Exquisite Apartment Inside A Historic Painted Lady" (www.ownersoverseas.com/An-Exquisite-Apartment-Inside-a-Historic-Painted-Lady-559.html)
- The Effortless listing offering an entire unit located at 722 Steiner Street Unit A, titled, "Painted Ladies" (www.effortlesshost.com/bookeffortless/rooms/6ad507fe-8438-475f-a56c-54d2ec1af418)
- Article from the Business Insider titled "What it's like to live inside one of the iconic Painted Lady homes in San Francisco" dated July 30, 2018
- Property records for 722 Steiner Street from the San Francisco Property Information Map
- All email correspondence between Mr. Lague and OSTR staff
- Airbnb profile for Mr. Lague

APPEAL REVIEW PROCEDURES

Pursuant to the published "Administrative Guidance regarding the Short-Term Rental Application Process", the applicant filing an appeal shall have the burden of proving by a preponderance of the evidence that the basis for rejection of the application is incorrect. The Guidance specifies that the appeal will be considered by an OSTR employee other than the employee who was primarily responsible for the initial investigation and determination (in this case, Mr. Putra). Ms. Erika Jackson, Senior Planner, Office of Short-Term Rentals has considered the appeal request submitted by Mr. Lague.

ANALYSIS

Pursuant to the short-term rental regulations (codified in San Francisco Administrative Code Chapter 41A), a host must be a Permanent Resident of the unit that he or she will offer for short-term rental in order to be eligible to receive a certificate from OSTR. As defined by the City's short-term rental regulations, a Permanent Resident is, "A person who occupies a Residential Unit for at least 60 consecutive days with intent to establish that unit as his or her primary residence." In addition, once residency is established in this manner, the host must live in the dwelling unit offered for short-term rental for at least 275 nights per year or have lived in the unit for no less than 75% of the days since they have lived in the unit.

The following items indicate that Mr. Lague is not the Permanent Resident of 722 Steiner Street Unit A and/or does not reside in 722 Steiner Street Unit A for at least 275 nights per year:

1. Mr. Lague submitted an application for short-term rentals at 722 Steiner Street on March 23, 2017. This application was denied on March 29, 2017 based on the fact that Mr. Lague was residing in 722 Steiner Street, but the space being rented was located at 722 Steiner Street Unit A. On November 8, 2017, Mr. Lague submitted an application for 722 Steiner Street Unit A indicating on his application that he had been living in that unit for a year. The supporting documentation with the application submitted with the application was a Driver License with a change of address from 722 Steiner Street to 722 Steiner Street Unit

A submitted to the DMV on the same day, as well as a combined PG&E bill for both 722 Steiner Street and 722 Steiner Street Unit A.

2. Mr. Lague indicates on the short-term rental application filed on November 8, 2017 that he moved into 722 Steiner Street Unit A in November 2016, however, his primary residence was at 722 Steiner Street in March 2017 when Mr. Lague's first short-term rental application was filed.
3. An article in Business Insider titled "What it's like to live inside one of the iconic Painted Lady homes in San Francisco" dated July 30, 2018 states that Come Lague and Charlene Li live at 722 Steiner Street with photos of the interior space of 722 Steiner Street, not 722 Steiner Street Unit A.
4. A Conditional Use Authorization Application was submitted to the Planning Department for a Dwelling Unit Merger of 722 Steiner Street and 722 Steiner Street Unit A on April 12, 2019 by Mr. Lague. The application indicates that Mr. Lague is the owner and resident of 722 Steiner Street. The application also states that there was a water leak in 722 Steiner Street Unit A on December 24, 2018 causing flooding and requiring the removal of the kitchen. Photos submitted with the application indicate that 722 Steiner Street Unit A is currently vacant.
5. The unit located at 722 Steiner Street Unit A is currently listed for short-term rental on Owners Overseas, titled, "An Exquisite Apartment Inside A Historic Painted Lady" (www.ownersoverseas.com/An-Exquisite-Apartment-Inside-a-Historic-Painted-Lady-559.html). In the description of the rental, the following statements point to Mr. Lague's residence in 722 Steiner Street, the main unit on the top floor.
 - "The apartment is on the ground floor with its own private access. You may occasionally hear us playing the piano upstairs during the day or early evening. We tend to take our shoes off in the house, so you shouldn't hear us moving around much."
 - "Also, please be aware that a neighboring house is undergoing construction 7:30am-4pm Monday-Friday and some Saturdays. The noise has not bothered us living upstairs in the main Painted Lady."
 - "Feel free to knock on the main house door if you need other information, a recommendation or just want to say hello."
6. The unit located at 722 Steiner Street Unit A is currently listed for short-term rental on Effortless, titled, "Painted Ladies" (www.effortlesshost.com/bookeffortless/rooms/6ad507fe-8438-475f-a56c-54d2ec1af418). In the description of the rental, the following statements point to Mr. Lague's residence in 722 Steiner Street, the main unit on the top floor.
 - "If we are home, we'd be happy to show you the upstairs main house."
7. Mr. Lague is currently offering tours of 722 Steiner Street, the main unit upstairs, on Airbnb. A guest review from the tour indicates that this is Mr. Lague's home: "Côme is a wonderful host! He showed us around his house which is the first one on the left of that famous Painted Lady row."

8. Mr. Lague provided booking calendars for the Airbnb listing only, and not for the Owners Overseas or the Effortless listings. The Airbnb booking calendars indicate that 722 Steiner Street Unit A was rented (and payment was received) for 111 nights in the calendar year of 2018 on Airbnb. Of those 111 nights, one booking was for 30 nights, which is considered a long-term rental and does not count as a short-term rental. Therefore, the unit was rented for a total of 84 short-term rental nights in the calendar year of 2018 on Airbnb. Mr. Lague submitted a copy of an Airbnb message from the guest, Ali Killam, who booked 722 Steiner Street Unit A from February 19, 2018 to March 21, 2018 (30 nights). In the message the guest stated that the room would only be slept in for 3 nights (February 21, 2019 to February 24, 2019). However, even though the guest only slept in the unit for 3 nights of the 30 night rental, the listing was still rented (and payment was received) for the full 30 nights. Even though the unit was rented for a total of 84 short-term rental nights in the calendar year of 2018 on Airbnb, which does not exceed the maximum of 90, the unit was rented for a total of 111 nights (short-term rental and long-term rentals combined). Therefore, the maximum number of nights that Mr. Lague could have resided in the unit in 2018 is 254, which is short of the 275 night minimum. Additionally, booking calendars were not provided for the Owners Overseas and the Effortless listings, and it can be presumed that there were additional nights of rentals in 2018 on those listings.

It is of further concern that the following short-term listings are still currently active and available for booking. Upon receipt of the denial letter dated September 21, 2018, Mr. Lague was instructed to cancel all pending reservations for rentals of less than 30 days AND remove any and all online short-term rental listings.

- The Owners Overseas listing offering an entire unit located at 722 Steiner Street Unit A, titled, "An Exquisite Apartment Inside A Historic Painted Lady" (www.ownersonseas.com/An-Exquisite-Apartment-Inside-a-Historic-Painted-Lady-559.html). Per the description, this listing offers a 2 night minimum stay: "If you are interested in 1 night available on the calendar between other reservations (also known as an "orphan night"), please send an inquiry message as you will not be able to Instant Book because of the 2 night minimum."
- The Effortless listing offering an entire unit located at 722 Steiner Street Unit A, titled, "Painted Ladies" (www.effortlesshost.com/bookeffortless/rooms/6ad507fe-8438-475f-a56c-54d2ec1af418). This listing has a booking field that allows the guest to select a 1 night minimum stay.

Please note that the continued short-term rental (hosting or listing/advertising) of the dwelling(s) is a violation of Chapter 41A and may be subject to future enforcement action (including daily administrative penalties of \$484 per day, per dwelling unit).

DETERMINATION

Based on the analysis cited above, I hereby **UPHOLD the denial** of Mr. Lague's application for a short-term rental certificate for the unit at 722 Steiner Street Unit A.

In the future, Mr. Lague may wish to apply as a short-term rental host to offer the unit for short-term rental, if he meets the qualifications as a Permanent Resident as described in the Analysis above.

PROCEDURES FOR FURTHER REVIEW

Pursuant to the published "Administrative Guidance regarding the Short-Term Rental Application Process", the sole means of review of the OSTR's determination of this appeal shall be by filing in the San Francisco Superior Court a petition of writ of mandate under Section 1094.5 of the California Code of Civil Procedures.



Erika Jackson
Senior Planner, Office of Short-Term Rentals

8/1/19
Date

如果你需要用華語獲得關於這通告的細節,請電 415-575-9010.

Para obtener más información sobre esta notificación en español, llame al siguiente teléfono (415) 575-9010.

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