File No. 110373

Committee Item No. _____
Board Item No. 15

# COMMITTEE/BOARD OF SUPERVISORS

## AGENDA PACKET CONTENTS LIST

Committee _____ Date _____

Board of Supervisors Meeting Date April 19, 2011

| Cmte | Board | |
|---|---|---|
| ☐ | ☐ | Motion |
| ☐ | ☐ | Resolution |
| ☐ | ☐ | Ordinance |
| ☐ | ☐ | Legislative Digest |
| ☐ | ☐ | Budget Analyst Report |
| ☐ | ☐ | Legislative Analyst Report |
| ☐ | ☐ | Introduction Form (for hearings) |
| ☐ | ☒ | Department/Agency Cover Letter and/or Report |
| ☐ | ☐ | MOU |
| ☐ | ☐ | Grant Information Form |
| ☐ | ☐ | Grant Budget |
| ☐ | ☐ | Subcontract Budget |
| ☐ | ☐ | Contract/Agreement |
| ☐ | ☐ | Award Letter |
| ☐ | ☐ | Application |
| ☐ | ☒ | Public Correspondence |

OTHER (Use back side if additional space is needed)

☐ ☐ Conditional Use Appeal - 1268 Lombard Street

☐ ☐ _____

☐ ☐ _____

Completed by: Joy Lamug Date April 14, 2011

Completed by: _____ Date _____

An asterisked item represents the cover sheet to a document that exceeds 20 pages. The complete document is in the file.

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2011 MAR 21 AM 11:43
BY

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

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

The property is located at 1268 LOMBARD ST.

FEB 17TH, 2011
Date of City Planning Commission Action
**(Attach a Copy of Planning Commission's Decision)**

Appeal Filing Date

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

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

X The Planning Commission approved in whole or in part an application for conditional use authorization, Case No. 2009.1029C.

_____ The Planning Commission disapproved in whole or in part an application for conditional use authorization, Case No. _____.

Statement of Appeal:

a) Set forth the part(s) of the decision the appeal is taken from:

1) Conditional USE OF 4th UNIT
2) HEIGHT
3) PENTHOUSES
4) BULK

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

1A) OVER TRAFFICED STREET
2A) HEIGHT IS NOT IN KEEPING W/ NEIGHBORHOOD
3A) POOR LOCATION
4A) NOT IN KEEPING W/ NEIGHBORHOOD

Person to Whom Notices Shall Be Mailed

TINA MOYLAN
Name

1819 POLK STREET #221
Address

SF, CA 94109

415.939.1573
Telephone Number

Name and Address of Person Filing Appeal:

MARVIN FRANKEL
Name

1819 POLK STREET #221
Address

SF, CA 94109

415.314.0552
Telephone Number

Signature of Appellant or Authorized Agent

SAN FRANCISCO
**PLANNING DEPARTMENT**

*Subject to: (Select only if applicable)*

- ☐ Inclusionary Housing (Sec. 315)
- ☐ Jobs Housing Linkage Program (Sec. 313)
- ☐ Downtown Park Fee (Sec. 139)
- ☐ First Source Hiring (Admin. Code)
- ☐ Child Care Requirement (Sec. 314)
- ☐ Other

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

Reception:
**415.558.6378**

Fax:
**415.558.6409**

Planning
Information:
**415.558.6377**

# Planning Commission Motion No. 18279

| | |
|---|---|
| *Date:* | February 17, 2011 |
| *Case No.:* | **2009.1029C** |
| *Project Address:* | **1268 LOMBARD STREET** |
| *Zoning:* | RH-3 (Residential, House, Three-Family) District<br>40-X Height and Bulk District |
| *Block/Lot:* | 0500/015 |
| *Project Sponsor:* | 1268 Lombard Street, LLC<br>2501 Mission Street<br>San Francisco, CA 94110<br>c/o Edward Toby Morris<br>Kerman Morris Architects, LLP<br>69A Water Street<br>San Francisco, CA 94133 |
| *Staff Contact:* | Glenn Cabreros – (415) 558-6169<br>glenn.cabreros@sfgov.org |

**ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 209.1 AND 303 OF THE PLANNING CODE TO ALLOW NEW CONSTRUCTION OF FOUR DWELLING UNITS AT LOT 015 IN ASSESSOR'S BLOCK 0500 AT A DENSITY RATIO UP TO ONE DWELLING UNIT FOR EACH 1,000 SQUARE FEET OF LOT AREA IN THE RH-3 (RESIDENTIAL, HOUSE, THREE-FAMILY) DISTRICT AND THE 40-X HEIGHT AND BULK DISTRICT.**

## PREAMBLE

On November 17, 2009, Edward Toby Morris for 1268 Lombard Street, LLC (hereinafter "Project Sponsor") filed an application with the Planning Department (hereinafter "Department") for Conditional Use Authorization under Planning Code Sections 209.1 and 303 of the Planning Code to allow new construction of four dwelling units on Lot 015 in Assessor's Block 0500 at a density ratio up to one dwelling unit for each 1,000 square feet of lot area in the RH-3 (Residential, House, Three-Family) District and the 40-X Height and Bulk District.

On February 17, 2011, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2009.1029C.

On February 11, 2011, the Project was determined to be exempt from the California Environmental Quality Act ("CEQA") as a Class 3 Categorical Exemption under CEQA as described in the determination contained in the Planning Department file, Case No. 2009.1029E.

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

**MOVED,** that the Commission hereby authorizes the Conditional Use requested in Application No. 2009.1029C, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

## FINDINGS

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

1. The above recitals are accurate and constitute findings of this Commission.

2. **Site Description and Present Use.** The project is located on the north side of Lombard Street, Block 0500, Lot 015 with a lot area of 4, 727 square feet of lot area. The property is located within the RH-3 (Residential, House, Three-Family) District and the 40-X Height and Bulk District. The property is a vacant lot that slopes steeply downhill from Lombard Street to the rear lot line.

3. **Surrounding Properties and Neighborhood.** The project site is located within the blockface of Lombard Street between Polk and Larkin Streets in the Russian Hill Neighborhood. Directly adjacent and west of the site is a three-story-plus-basement, 13-unit apartment building. Directly adjacent and east of the site are a three-story, three-unit building that faces Lombard Street and a tall two-story, three-unit building that fronts onto Culebra Terrace. This portion of Lombard Street slopes steeply uphill from Polk Street to Larkin Street. The immediate neighborhood is characterized by residential structures of various sizes and architectural styles. Along both sides of Lombard Street east of the project site are mostly lower density (one to three units), three-story buildings. West of the project site and towards the intersection of Lombard and Polk Street are taller, higher density buildings ranging from four to seven stories containing six to thirty-six units.

4. **Project Description.** The applicant proposes new construction of a four-story, four-unit residential building. Due to the downsloping nature of the site, the proposed building would have a six-story rear wall. Three units may be developed as-of-right on the project site; however with a lot area of 4,727 square feet in the RH-3 (Residential, House, Three-Family) Zoning Distrct,

four units may be constructed at the project site with Conditional Use authorizing a dwelling unit density of up to one unit per 1,000 square feet of lot area.

5. **Historical Preservation.** An emergency demolition permit was issued on March 13, 2009 by the Department of Building Inspection to demolish the Victorian-era, two-unit, two-story cottage that was located at the subject property. The cottage was listed on the *Here Today* survey (p. 279) and was considered to be a historic resource per the Department's CEQA review procedures. Due to the strong interest shown by the HPC in the emergency demolition that took place at the property in March 2009, Planning Department Preservation staff brought the current new construction project to public hearings before the Architectural Review Committee (ARC) of the Historic Preservation Commission (HPC) and the full HPC for review and comment on May 19, 2010 and July 7, 2010 respectively. Although not required by the Department's CEQA review procedures, the Review and Comment hearings were requested by the Department prior to issuance of a Historic Resource Evaluation Response Memo (HRER) under Case No. 2009.1029E.

6. **Public Comment.** At the February 17, 2011 hearing, ten persons spoke in opposition to the project, including representatives from the *Russian Hill Neighbors* group and the *Little House Committee.* Eleven persons spoke in support of the project.

7. **Planning Code Compliance:** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:

   A. **Dwelling Unit Density.** Planning Code Section 209.1 states that the dwelling unit density of up to one dwelling unit per 1,000 square feet of lot area in the RH-3 District may be allowed with Conditional Use Authorization.

   *The Project Sponsor is seeking Conditional Use Authorization to construct 4 units on a 4,727 square foot lot at the project site.*

   B. **Height.** Planning Code Section 260 limits a building height to 40 feet within the 40-X Height and Bulk District.

   *The project is proposed to the 40-foot height limit. Per Section 260, the proposed stair and elevator penthouse is allowed to exceed the height limit by 10 and 16 feet, respectively, as features exempted from the height limit.*

   C. **Rear Yard Requirement in the RH-3 District.** Planning Code Section 134 states that the minimum rear yard depth shall be equal to 45-percent of the total depth. Section 134 also allows the use of the adjacent building depths to determine an averaged required rear yard depth, which can in no case be less than 25 percent of the lot depth or 15 feet, whichever is greater.

   *The project proposes an alternate method of rear yard averaging as allowed per Section 134. As such, the depth of the rear yard at the lowest level is equal to approximately 34 feet or 25 percent of the total lot depth.*

D. **Parking.** Planning Section 151 of the Planning Code requires one off-street parking space per dwelling unit.

*The project proposes four dwelling units, and four independently-accessible parking spaces are provided within an enclosed garage.*

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

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

*The proposed dwelling unit density and building massing are compatible with the neighborhood. The proposed four units are in keeping with the varied dwelling unit density per lot found throughout the neighborhood, which ranges from two units to 34 units per lot. The lot adjacent to the west of the project site and of similar lot size as that of the project site contains 13 units. The proposed building scale at the street is in keeping with adjacent buildings on the blockface and maintains the stepping pattern of front façades that mimics the sloped topography. The overall massing of the proposed building is such that the bulk of the building is designed against a blank façade of the longer adjacent building to the west, which also provides relief to the shorter building to the east. While tall rear facades are typical of buildings in the immediate vicinity due to the steep topography of the block, the rear façade at the project is stepped so as not to appear to be a massive wall. The project is necessary and desirable as it is an appropriate infill of a vacant lot that will contribute four units to the City's housing stock.*

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

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

*The height and bulk of the project is designed to address the building's scale and massing as perceived from the public right-of-way as well as from the mid-block open space.*

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

*The Planning Code requires one parking space per dwelling unit. Four parking spaces are proposed along with the four dwelling units.*

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

*The proposed use is a residential building. Noxious or offensive emissions are typically not associated with residential uses.*

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

*The proposed four parking spaces are contained within an enclosed garage, and therefore screened from the public right-of-way. The existing tree at the front of the property is proposed to be retained.*

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

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

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

## URBAN DESIGN ELEMENT

### Objectives and Policies

OBJECTIVE 1:
EMPHASIS OF THE CHARACTERISTIC PATTERN WHICH GIVES TO THE CITY AND ITS NEIGHBORHOODS AN IMAGE, A SENSE OF PURPOSE AND A MEANS OF ORIENTATION.

**Policy 2:**
Recognize, protect and reinforce the existing street pattern especially as it is related to topography.

**Policy 3:**
Recognize that buildings, when seen together, produce a total effect that characterizes the city and its districts.

*The project proposes appropriate infill on a vacant lot. The proposed four-story building would benefit the neighborhood character by maintaining the built street wall along the blockface. The main front façade at the front property line is a three-story mass that is compatible with the building scale and mass on the blockface, particularly the adjacent buildings. As related to the topography of Lombard Street, the three-story front façade also maintains the stepping pattern of the existing buildings along the blockface. Furthermore, the four-story portion of the project is set back 15 feet from the main façade so that the fourth floor massing appears subordinate to the front façade. In response to topography, the proposed*

*stair/elevator penthouse is located on the uphill side of the lot and set back over 23 feet from the main front façade.*

## HOUSING ELEMENT

### Objectives and Policies

**OBJECTIVE 1:**
TO PROVIDE NEW HOUSING, ESPECIALLY PERMANENTLY AFFORDABLE HOUSING, IN APPROPRIATE LOCATIONS WHICH MEETS IDENTIFIED HOUSING NEEDS AND TAKES IN ACCOUNT THE DEMAND FOR AFFORDABLE HOUSING CREATED BY EMPLOYEMENT DEMAND.

**Policy 1.4:**
Locate in-fill housing on appropriate sites in established residential neighborhoods.

*The project is an appropriate in-fill residential development. The proposed density for the project is also compatible with the existing, surrounding density patterns.*

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

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

*Existing neighborhood-serving retail uses would not be adversely affected by the project, as the project is a residential use located within a residential zoning district.*

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

*The existing neighborhood character would be conserved and protected as the project would appropriately infill a vacant lot along the blockface. The additional four units would provide new housing opportunities and economic diversity to the established neighborhood.*

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

*No affordable housing is removed for this Project.*

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

*The project proposes to add four dwelling units, and the project site is not located along a MUNI transit line. The vehicular traffic associated with the amount of dwelling units would not impede*

*MUNI service. The project site is well served my MUNI lines (within one block distance on Polk Street and nearby Van Ness Avenue): MUNI #19, 30X, 47, 49 and 76.*

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

*The Project will not displace any service or industry establishment. The project will not affect industrial or service sector uses or related employment opportunities. Ownership of industrial or service sector businesses will not be affected by this project.*

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

*The Project is designed and will be constructed to conform to the structural and seismic safety requirements of the City Building Code. This proposal will not impact the property's ability to withstand an earthquake.*

G. That landmarks and historic buildings be preserved.

*A landmark or historic building does not occupy the Project site.*

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

*The project will have no negative impact on existing parks and open spaces. The Project does not have an impact on open spaces.*

11. The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would contribute to the character and stability of the neighborhood and would constitute a beneficial development.

12. The Commission hereby finds that approval of the Conditional Use authorization would promote the health, safety and welfare of the City.

## DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Application No. 2009.1029C** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans filed with the Application as received on December 3, 2010 and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

**APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion No. 18279. The effective date of this Motion shall be the date of this Motion if not appealed (After the 30-day period has expired) OR the date of the decision of the Board of Supervisors if appealed to the Board of Supervisors. For further information, please contact the Board of Supervisors at (415) 554-5184, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.**

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on February 17, 2011.

Linda D. Avery
Commission Secretary

AYES: Antonini, Fong, Miguel, Sugaya

NAYS: Borden, Moore, Olague

ABSENT: (none)

ADOPTED: February 17, 2011

# EXHIBIT A

## AUTHORIZATION

1. This authorization is for a conditional use to allow four dwelling units located at 1268 Lombard Street, Block 0500, and Lot 015 pursuant to Planning Code Sections 209.1 and 303 within the RH-3 (Residential House, Three-Family) District and a 40-X Height and Bulk District; in general conformance with plans, dated February 8, 2011, and stamped "EXHIBIT B" included in the docket for Case No. 2009.1029C and subject to conditions of approval reviewed and approved by the Commission on February 17, 2011 under Motion No 18279. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

## RECORDATION OF CONDITIONS OF APPROVAL

2. Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on February 17, 2011 under Motion No. 18279.

## PRINTING OF CONDITIONS OF APPROVAL ON PLANS

3. The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. 18279 shall be reproduced on the Index Sheet of construction plans submitted with the Site or Building permit application for the Project. The Index Sheet of the construction plans shall reference to the Conditional Use authorization and any subsequent amendments or modifications.

## SEVERABILITY

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

## CHANGES AND MODIFICATIONS

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

# Conditions of Approval, Compliance, Monitoring, and Reporting

## PERFORMANCE

6. **Validity and Expiration.** The authorization and right vested by virtue of this action is valid for three years from the effective date of the Motion. A building permit from the Department of Building Inspection to construct the project and/or commence the approved use must be issued as this Conditional Use authorization is only an approval of the proposed project and conveys no independent right to construct the project or to commence the approved use. The Planning Commission may, in a public hearing, consider the revocation of the approvals granted if a site or building permit has not been obtained within three (3) years of the date of the Motion approving the Project. Once a site or building permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. The Commission may also consider revoking the approvals if a permit for the Project has been issued but is allowed to expire and more than three (3) years have passed since the Motion was approved.

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

## DESIGN

7. **Final Materials.** The Project Sponsor shall continue to work with Planning Department on the building design. Final materials, glazing, color, texture, landscaping, and detailing shall be subject to Department staff review and approval. The architectural addenda shall be reviewed and approved by the Planning Department prior to issuance.

8. The garage door shall be limited to 10-feet in width.

9. The windows that face the public right-of-way shall be painted wood windows.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org .*

## PARKING AND TRAFFIC

10. **Parking Requirement.** Pursuant to Planning Code Section 151, the Project shall provide four (4) independently accessible off-street parking spaces.

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

Return to:
RHN
1819 Polk Street, #221
San Francisco, CA 94109

CU Appeal
1268 LOMBARD ST

City Planning Commission
Case No. ~~2009.1029C~~

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

If ownership has changed and assessment roll has not been amended, we attach proof of ownership change. If signing for a firm or corporation, proof of authorization to sign on behalf of the organization is attached

| | Street Address, property owned | Assessor's Block & Lot | Printed Name of Owner(s) | Original Signature of Owner(s) |
|---|---|---|---|---|
| 1. | 2555 Larkin #4 | | Harold Wagner | |
| 2. | ~~1A.~~ 2555 Larkin #4 | | MARCIA WAGNER | |
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1268 LOMBARD ST.

City Planning Commission
Case No. 2009.1029C

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| | Street Address, property owned | Assessor's Block & Lot | Printed Name of Owner(s) | Original Signature of Owner(s) |
|---|---|---|---|---|
| 1. | 2760 Polk | 500 21A | Josephine Migala | Josephine Migala |
| 2. | 2760 Polk | 500 21A | Vito Migala | Vito Migala |
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Return to:
RHN
1819 Polk Street, #221
San Francisco, CA 94109

CU Appeal
1268 LOMBARD ST

City Planning Commission
Case No. ~~2009.1029C~~

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If ownership has changed and assessment roll has not been amended, we attach proof of ownership change. If signing for a firm or corporation, proof of authorization to sign on behalf of the organization is attached.

| | Street Address, property owned | Assessor's Block & Lot | Printed Name of Owner(s) | Original Signature of Owner(s) |
|---|---|---|---|---|
| 1 | 2555 LARKIN #3 | 0501C 002 | Bert S. Pincolini, Tr | |
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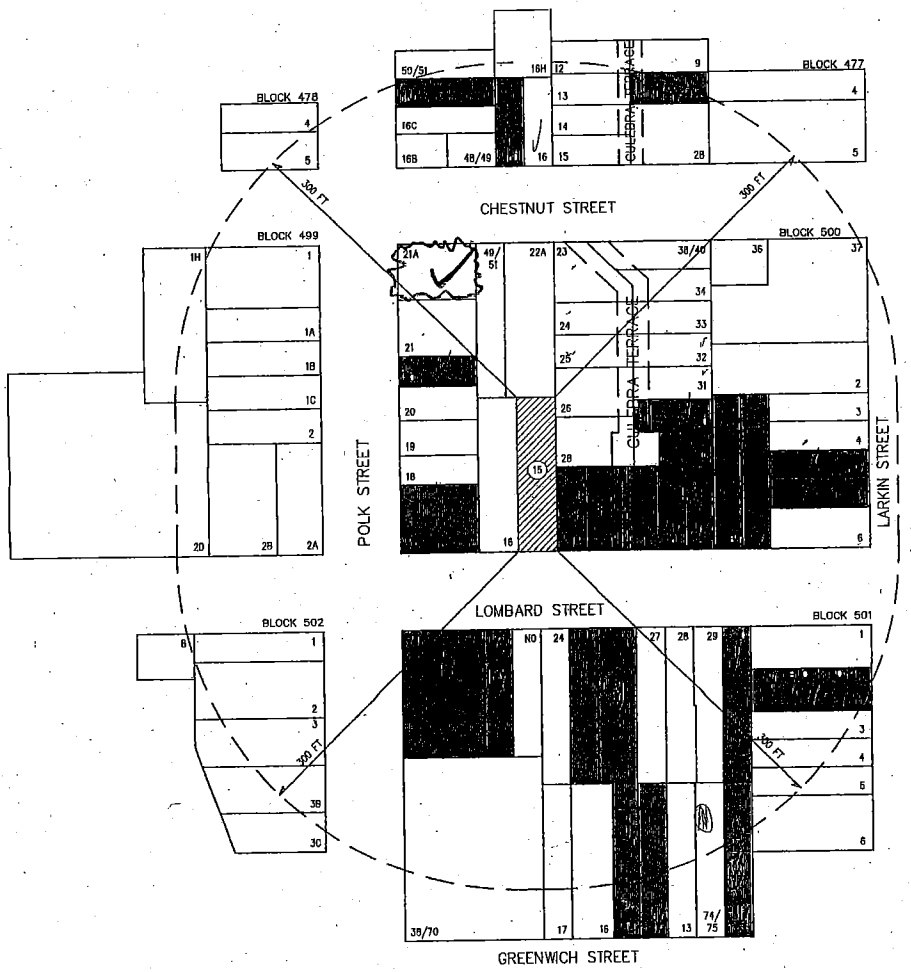


347

The information contained herein has been obtained from sources that we deemed reliable and current at the time of preparation. We have no reason to doubt its accuracy but we do not guarantee it.

RADIUS services
1221 Harrison Street Suite 18
San Francisco CA 94103-4449
(415) 391-4775

BLOCK 500
LOT 15

San Francisco, CA

SCALE: 1"=50'-0"

| JOB NO: | DATE: 110304 |
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| 0500015U | DRAWN: DC |
| | CHECKED: DC |

300 FOOT
RADIUS MAP

(2)

City Planning Commission
Case No. _____

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If ownership has changed and assessment roll has not been amended, we attach proof of ownership change. If signing for a firm or corporation, proof of authorization to sign on behalf of the organization is attached

| | Street Address, property owned | Assessor's Block & Lot | Printed Name of Owner(s) | Original Signature of Owner(s) |
|---|---|---|---|---|
| | 1242 LOMBARD. | | | |
| 1 | | | C. Lloyd + Frank | |
| 2 | 1248 Lombard ST | | Gene Chin - Donna Chin | |
| 3 | 2603 Larkin St | | Alessandra Galli | |
| 4 | 2603 Larkin St | | Isaac Galli | |
| 5 | 2609 Larkin St | | Investure Company | |
| 6 | 1246 Lombard | | ELENA BUKHMAN | |
| 7 | 1212 LOMBARD | | FREDERICK BOOTH | |
| 8 | 1234 Lombard | 0500-041 | Thomas Hintz | |
| 9 | 1234 LOMBARD #1 | | KAREN DONOVAN | |
| 10 | 1234 Lombard #1 | | Robert Aydlett | |
| 11 | 1234 LOMBARD ST #2 | 0500-042 | SOFIA D. RUNDLE | |
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Duplicate Original Attached

(7)

City Planning Commission
Case No. _____

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| | Street Address, property owned | Assessor's Block & Lot | Printed Name of Owner(s) | Original Signature of Owner(s) |
|---|---|---|---|---|
| | 1212 Lombard | → | Salvatore Romano | |
| 1. | | | Claudia Rourke | |
| 2. | 1248 Lombard ST | 500-012 | Gene Chen + Donna Chew | |
| 3. | 2603 Larkin St | 500-007 | Alessandra Cutli | |
| 4. | 2603 Larkin St | | Rocco Cutli | |
| 5. | 2609 Larkin St | | Ernestine Campagna | |
| 6. | 1240 Lombard | 500-045 | DONNA BLAKEMORE | |
| 7. | 1212 LOMBARD | 500-008 | FREDERICK BOOTH | |
| 8. | 1234 Lombard | 500-043 | Thomas Hintz | |
| 9. | 20 Culebra | 0477-032 | Jill Tarlow | |
| 10. | 20, 22, 24 Culebra | 0600-29 | Pierre Marc Blouse | |
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① 1268 LOMBARD St.

City Planning Commission
Case No. 2009.1029C

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| | Street Address, property owned | Assessor's Block & Lot | Printed Name of Owner(s) | Original Signature of Owner(s) |
|---|---|---|---|---|
| 1. | 1299 LOMBARD | 501 Lot 22 | SIMON CHANG | |
| 2. | 2652 POLK ST. | 501 Lot 22 | SIMON CHANG | |
| 3. | 1299 LOMBARD | 501 Lot 22 | GRACE CHANG | |
| 4. | 2652 POLK ST. | 501 Lot 22 | GRACE CHANG | |
| 5. | 1299 LOMBARD | 501 LOT 22 | RUQIYAH & WONG | |
| 6. | 2652 POLK ST | 501 LOT 22 | RUQIYAH WONG | |
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| 8. | | 501-73 | | |
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Return to:
RHN
1819 Polk Street, #221
San Francisco, CA 94109

CU Appeal
1268 LOMBARD ST

City Planning Commission
Case No. 2009.1029C

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| | Street Address, property owned | Assessor's Block & Lot | Printed Name of Owner(s) | Original Signature of Owner(s) |
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| 1. | 1257-1261 LOMBARD | 25/501 | GREG CAMPBELL | |
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Return to:
RHN
1819 Polk Street, #221
San Francisco, CA 94109

CU Appeal
1268 LOMBARD ST

City Planning Commission
Case No. ~~2009.1029C~~

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| | Street Address, property owned | Assessor's Block & Lot | Printed Name of Owner(s) | Original Signature of Owner(s) |
|---|---|---|---|---|
| 1. | 2555 LARKIN ST, #5 | BLOCK 0501C LOT 004 | JOHN L. MOLINARI | John L. Molinari |
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1268 LOMBARD ST.

City Planning Commission
Case No. 2009.1029C

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| | Street Address, property owned | Assessor's Block & Lot | Printed Name of Owner(s) | Original Signature of Owner(s) |
|---|---|---|---|---|
| 1. | 2555 LARKIN #6 | 0501C/005 | ROBERT & CINDY FITZWILSON | cindy Fitzwilson |
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Return to:
RHN
1819 Polk Street, #221
San Francisco, CA 94109

CU Appeal
1268 LOMBARD ST

City Planning Commission
Case No. 2008.1020C

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

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| | Street Address, property owned | Assessor's Block & Lot | Printed Name of Owner(s) | Original Signature of Owner(s) |
|---|---|---|---|---|
| 1 | 1275 LOMBARD | Block 501 Lot 72 | ALLAN HENNING | |
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Clerks CPC-A Appeal Information Sheet on the Appeal Process

(J)

1268 LOMBARD St.

City Planning Commission
Case No. ~~2009.1029~~C

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| | Street Address, property owned | Assessor's Block & Lot | Printed Name of Owner(s) | Original Signature of Owner(s) |
|---|---|---|---|---|
| 1. | 2615 Larkin | 0500-005 | Cecilia Bell | |
| 2. | 2615 Larkin | | Bobby Bell | |
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(D) 1268 LOMBARD St.

City Planning Commission
Case No. 2009.1029C

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| | Street Address, property owned | Assessor's Block & Lot | Printed Name of Owner(s) | Original Signature of Owner(s) |
|---|---|---|---|---|
| 1. | 1354 Greenwich St | 0501 015 | Fumio & Mieko Wada | Mieko Wada |
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1268 LOMBARD St.

City Planning Commission
Case No. 2009.1029C

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| | Street Address, property owned | Assessor's Block & Lot | Printed Name of Owner(s) | Original Signature of Owner(s) |
|---|---|---|---|---|
| 1. | 1215 Lombard | 501-030 | ROBERT ANGLE | Robert T. Angle |
| 2. | 1217 Lombard | 501-030 | MURIEL ANGLE | M Angle |
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1268 LOMBARD ST.

City Planning Commission
Case No. 2009.1029C

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| | Street Address, property owned | Assessor's Block & Lot | Printed Name of Owner(s) | Original Signature of Owner(s) |
|---|---|---|---|---|
| 1. | 1326 GREENWICH STREET | 501 32 | Judy M. Tisdale | |
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1268 LOMBARD ST.

City Planning Commission
Case No. 2009.1029C

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| | Street Address, property owned | Assessor's Block & Lot | Printed Name of Owner(s) | Original Signature of Owner(s) |
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| 1. | 2814/16 POLK | 0477 016E | DENIS DELUCHI | |
| 2. | | | JOANNE DELUCHI | |
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1268 LOMBARD ST.

City Planning Commission
Case No. 2009.1029C

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| | Street Address, property owned | Assessor's Block & Lot | Printed Name of Owner(s) | Original Signature of Owner(s) |
|---|---|---|---|---|
| 1. | 2609-11-13 | 500.5-A | Equestrian Campground | Equestrian Campground |
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① 1268 LOMBARD ST.

City Planning Commission
Case No. 2009.1029C

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| | Street Address, property owned | Assessor's Block & Lot | Printed Name of Owner(s) | Original Signature of Owner(s) |
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| 1. | 1234 LOMBARD #2 | 0500-42 | S BERK | |
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1268 LOMBARD St.

City Planning Commission
Case No. 2009.1029C

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| | Street Address, property owned | Assessor's Block & Lot | Printed Name of Owner(s) | Original Signature of Owner(s) |
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| 1. | 26-28-30 Culebra | 0500-30 | Bill/Ura Joe Durrett | Bill Durrett / Ura Durrett |
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1268 LOMBARD St.

City Planning Commission
Case No. 2009.1029C

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| | Street Address, property owned | Assessor's Block & Lot | Printed Name of Owner(s) | Original Signature of Owner(s) |
|---|---|---|---|---|
| 1. | 2740 Polk | 0500-070A | Thomas Madland | Thomas Madland |
| 2. | 2740 Polk | 0500-088A | Barbara Madland | Barbara J Madland |
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1212 Lombard

1234 Lombard St. #4 Pamela Russos

500-44

(5)

1268 LOMBARD St.

3/12/11

City Planning Commission
Case No. 2009.1029C

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

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| | Street Address, property owned | Assessor's Block & Lot | Printed Name of Owner(s) | Original Signature of Owner(s) |
|---|---|---|---|---|
| 1. | 1176 CHESTNUT ST. | 0497-016D | ALEX PELLEGRINI | Alex Pellegrini |
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(1) 1268 LOMBARD St.

City Planning Commission
Case No. 2009.1029C

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| | Street Address, property owned | Assessor's Block & Lot | Printed Name of Owner(s) | Original Signature of Owner(s) |
|---|---|---|---|---|
| 1. | 2700 Polk St | 0500 017 | MUROLO FAMILY Trust | [signature] |
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City Planning Commission
Case No. 2009.1029C

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| | Street Address, property owned | Assessor's Block & Lot | Printed Name of Owner(s) | Original Signature of Owner(s) |
|---|---|---|---|---|
| 1. | 1256-58 LOMBARD | 0500-013 | Jeffrey Reay | |
| 2. | 1256-58 LOMBARD | 0500-013 | Brianne Ambler Reay | |
| 3. | | | Jeffrey Glavan | |
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2009.1029C

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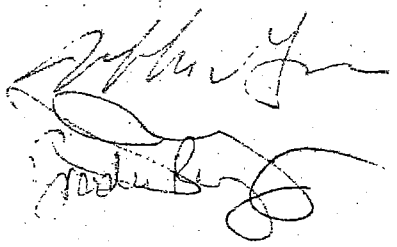
| 1256-58 LOMBARD | 0500-013 | JEFFREY GLAVIN |
| 1256-58 Lombard | 0500-013 | JEFFREY REVOY |
| 1256-58 Lombard | 0500-013 | BRANDIE REVOY |



Return to:
RHN
1819 Polk Street, #221
San Francisco, CA 94109

(2)

CU Appeal
1268 LOMBARD ST

City Planning Commission
Case No. 2009.1029C

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

If ownership has changed and assessment roll has not been amended, we attach proof of ownership change. If signing for a firm or corporation, proof of authorization to sign on behalf of the organization is attached.

| | Street Address, property owned | Assessor's Block & Lot | Printed Name of Owner(s) | Original Signature of Owner(s) |
|---|---|---|---|---|
| 1. | 1249 Lombard | 501/36 | Frank Hoeppe | |
| 2. | 1251 Lombard | 501/34 | Margaret Hoeppe | Margaret C. Hoeppe |
| 3. | 1263 Lombard | 500/14 | Stephen Berezin | |
| 4. | 1262 Lombard | 500/14 | Victoria Berezin | V. Berezin |
| 5. | | | | |
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| 22. | | | | |

Pursuant to Planning Code Section 308.1(b), the undersigned members of the Board of Supervisors believe that there is sufficient public interest and concern to warrant an appeal of the Planning Commission on Case No. _____, a conditional use authorization regarding (address) _____ _____, District ___. The undersigned members respectfully request the Clerk of the Board to calendar this item at the soonest possible date.

| SIGNATURE | DATE |
|---|---|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

**(Attach copy of Planning Commission's Decision)**

## EXCERPT FROM SAN FRANCISCO CITY PLANNING CODE

### Section 308.1 Appeals: Amendments and Conditional Uses

(a) **Right of appeal**. The action of the City Planning Commission, in disapproving in whole or in part an amendment initiated by application as described in Section 302 and Sections 306 through 306.5, or in approving or disapproving in whole or in part an application for conditional use authorization as described in Section 303 and 304, and Sections 306 through 306.5, shall be subject to appeal to the Board of Supervisors in accordance with this section. An action of the Commission so appealed from shall not become effective unless and until approved by the Board of Supervisors in accordance with this section.

(b) **Notice of appeal**. Any appeal under this section shall be taken by filing written notice of appeal with the Board of Supervisors within 30 days after the date of action by the City Planning Commission. The notice of appeal shall be subscribed by either (i) the owners of at least 20 per cent of the property affected by the proposed amendment or conditional use or (ii) five members of the Board of Supervisors. The signature on the appeal of members of the Board shall not be deemed to be any indication of their position on the merits of the appeal but rather shall indicate only that they believe there is sufficient public interest and concern in the matter to warrant a hearing by the Board of Supervisors. For the purposes of this section, the property affected shall be calculated as follows:

1. When a proposed amendment of conditional use has been disapproved by the City Planning Commission, the property affected shall be deemed to be all property within the area that is the subject of the application for amendment or conditional use, and within 300 feet of all exterior boundaries of the property that is the subject of the application;

2. When a proposed conditional use has been approved by the City Planning Commission, the property affected shall be deemed to be all property within 300 feet of all exterior boundaries of the property for which the conditional use has been approved by the City Planning Commission, excluding the property for which the approval has been given;

3. In either of the above cases, when any property is owned by the City and County of San Francisco, the United States Government or the State of California, or any department agency thereof, or by any special district, and is located within 300 feet of the area that is the subject of the application for amendment or conditional use, such property shall be excluded in determining the property affected unless such owner shall itself be a subscriber of the notice of appeal; and

4. Wherever a property is held in joint ownership, the signatures of joint owners shall be calculated as representing affected property in direct proportion to the amount of the total ownership of that property attributable to the joint owner or owners subscribing to the notice of appeal. For the purpose of this calculation, the tern "joint ownership" shall include joint tenancies, interests in common, community apartments and planned unit developments. Where each owner has exclusive rights to a portion of the property, the proportion of the total ownership attributable to that owner shall be calculated in terms of a ratio of the floor area and land in which that owner has exclusive, joint and common rights to the total floor area and land area of that property. Under these calculations, the land area of an affected property in joint ownership shall be given the same weight as the land area of an affected property not in joint ownership in determining whether 20 per cent of the property affected is represented by signatures to the notice of appeal.

(c) **Hearing**. Upon the filing of such written notice of appeal so subscribed, the Board of Supervisors or the Clerk thereof shall set a time and place for hearing such appeal, which shall be not less than 10 nor more than 30 days after such filing. Provided, that if the Board of

Supervisors does not conduct at least three regular Board meetings during the 30 day period referred to in the previous sentence, the Board of Supervisors or the Clerk shall schedule the appeal not more than 40 days (rather than 30 days) after the filing of such written notice of appeal. The Board of Supervisors must decide such appeal within 30 days of the time set for the hearing thereon, provided that, if the full membership of the Board is not present on the last day on which said appeal is set or continued for hearing within said period, the Board may postpone said hearing and decision thereon until, but not later than, the full membership of the Board is present; provided further, that the latest date to which said hearing and decision may be so postponed shall be not more than 90 days from the date of filing of the appeal. Failure of the Board of Supervisors to act within such limit shall be deemed to constitute approval by the Board of the action of the City Planning Commission.

(d) **Decision**. In acting upon any such appeal, the Board of Supervisors may disapprove the action of the City Planning Commission only by a vote of not less than 2/3 of all members of the Board, except that in the event that one or more of the full membership of the Board is disqualified or excused from voting because of an interest prohibited by general law or the San Francisco Charter, any such disapproval shall be by a vote of not less than 2/3 of all members of the Board that are not disqualified or excused; provided, however, that in the event that a quorum of all members of the Board is disqualified or excused from voting because of an interest prohibited by general law or the Charter, the action of the City Planning Commission shall be deemed approved. In the event the Board disapproves the action of the Commission when the Commission has disapprove in whole or in part a proposed amendment, the Board shall, not later than its next regularly scheduled meeting, adopt the proposed ordinance. In the event the Board disapproves the action of the Commission when the Commission has disapproved in whole or in part a proposed conditional use, the Board shall prescribe in its resolution such conditions as are in its opinion necessary to secure the objectives of this Code, in accordance with Section 303(d).

# SAN FRANCISCO
# PLANNING DEPARTMENT

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

Reception:
**415.558.6378**

Fax:
**415.558.6409**

Planning
Information:
**415.558.6377**

## Board of Supervisor Appeals of Environmental Determinations and Conditional Use Authorizations

Effective September 1, 2008, the appellant fee is $500 for appeals to the Board of Supervisors of environmental (CEQA) determinations and conditional use authorizations. When submitting your appeal request, you must also provide a check for $500 made payable to the Planning Department.

**Fee Waivers.** The Planning Department will waive the $500 fee if the applicant is the representative of a neighborhood organization and meets required criteria, or the applicant is indigent and can demonstrate that paying $500 would interfere with his or her ability to provide for the necessities of life. Applications for waivers for neighborhood organizations are available at the Clerk of the Board's Office and from the Planning Department at the Public Information Counter, located at 1660 Mission Street and on the Department's website (www.sfgov.cityplanning.org). To apply for an indigent fee waiver, contact Ms. Yvonne Ko at the Planning Department at (415) 558-6386.

To file an appeal, the applicant must provide a $500 check to the Clerk of the Board of Supervisors at the time of filing. If the applicant applies for and is granted a waiver, the Planning Department will return the check to the applicant. If the applicant applies for but is not granted a waiver, the Planning Department will deposit the check.

**Refunds.** An appellant is entitled to a refund of the $500 fee for CEQA appeals if (1) the Planning Department rescinds its determination, or (2) the Board of Supervisors remands or rejects the environmental finding. The Planning Department will issue a refund to the appellant within four weeks of the Board of Supervisors' decision. Should you not receive a refund within four weeks, please contact Ms. Yvonne Ko at the Planning Department at (415) 558-6386.

# SAN FRANCISCO
# PLANNING DEPARTMENT

## NEIGHBORHOOD ORGANIZATION FEE WAIVER REQUEST FORM

Appeals to the Board of Supervisors

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

Reception:
**415.558.6378**

Fax:
**415.558.6409**

Planning
Information:
**415.558.6377**

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

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

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

### TYPE OF APPEAL FOR WHICH FEE WAIVER IS SOUGHT

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

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

### REQUIRED CRITERIA FOR GRANTING OF WAIVER

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

- ☒ The appellant is a member of the stated neighborhood organization and is authorized to file the appeal on behalf of that organization. Authorization may take the form of a letter signed by the president or other officer of an organization.
- ☒ The appellant is appealing on behalf of a neighborhood organization which is registered with the Planning Department and which appears on the Department's current list of neighborhood organizations.
- ☒ The appellant is appealing on behalf of a neighborhood organization, which was in existence at least 24 months prior to the submittal of the fee waiver request. Existence may be established by evidence including that relating to the organization's activities at that time such as meeting minutes, resolutions, publications, and rosters.
- ☒ The appellant is appealing on behalf of a neighborhood organization, which is affected by the project, which is the subject of the appeal.

| **APPELLANT & PROJECT INFORMATION** [to be completed by applicant] | |
|---|---|
| Name of Applicant: TINA MOYLAN, MARVIN FRANK | Address of Project: 1268 LOMBARD |
| Neighborhood Organization: RHN | Planning Case No: 2009.1029C |
| Applicant's Address: 1819 POLK #221, SF, CA 94109 | Building Permit No: |
| Applicant's Daytime Phone No: 415.939.1573 | Date of Decision: FEBRUARY 17th, 2011 |
| Applicant's Email Address: VICEPRESIDENT12009@RHN.ORG | |

**DCP STAFF USE ONLY**

- ☐ Appellant authorization
- ☐ Current organization registration
- ☐ Minimum organization age
- ☐ Project impact on organization

**Planner's Name:** _____

**Date:** _____

**Planner's Signature:**

■ **WAIVER APPROVED** ■ **WAIVER DENIED**

BOARD of SUPERVISORS

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

March 30, 2011

Marvin Frankel
1819 Polk Street, #221
San Francisco, CA 94109

**File No. 110373, Planning Case No. 2009.1029C**
**1268 Lombard Street Conditional Use Appeal**

Dear Mr. Frankel:

This is in reference to the appeal you submitted from the decision of the Planning Commission by Motion No. 18279, on property located at:

1268 Lombard Street, Lot No. 015 in Assessor's Block No. 0500.

The Director of Public Works has informed the Board of Supervisors in a letter dated March 29, 2011, (copy attached), that the signatures represented with your appeal of March 21, 2011, have been checked pursuant to the Planning Code and represent owners of more than 20 percent of the property involved and would be sufficient for appeal.

The appeal is scheduled to be heard by the Board of Supervisors on Tuesday, April 19, 2011, at 4:00 p.m.

Sincerely,

Angela Calvillo
Clerk of the Board

c:
Edward Reiskin, Director, Department of Public Works
Jerry Sanguinetti, Manager, Department Public Works-Bureau of Street Use and Mapping
Fuad Sweiss, City Engineer, Department of Public Works
Property Owners, 1268 Lombard Street, LLC, 2501 Mission Street, San Francisco, CA 94110
Project Contact, Edward Toby Morris, Kerman Morris Architects, LLP, 69 A Water Street, San Francisco, CA 94133
Scott Sanchez, Zoning Administrator, Planning Department
AnMarie Rodgers, Planning Department
Tina Tam, Planning Department
Nannie Turrell, Planning Department
Glenn Cabreros, Planning Department
Linda Avery, Planning Department
Cheryl Adams, Deputy City Attorney
Kate Stacy, Deputy City Attorney

City and County of San Francisco

Edwin M. Lee, Mayor
Edward D. Reiskin, Director
Fuad S. Sweiss, PE, PLS,
City Engineer & Deputy Director of Engineering

Phone: (415) 554-5827
Fax: (415) 554-5324
www.sfdpw.org
Subdivision.Mapping@sfdpw.org

Department of Public Works
Office of the City and County Surveyor
875 Stevenson Street, Room 410
San Francisco, CA 94103

Bruce R. Storrs, City and County Surveyor

March 29, 2011



Ms. Angela Calvillo
Clerk of the Board
1 Dr. Carlton B. Goodlet Place
City Hall – Room 244
San Francisco, CA 94102

RE: 1268 Lombard St
Lots 015 of Assesor's Block 0500
Appealing Planning Commissions Approval of
Conditional Use Application No. 2009.1029C

Dear Ms. Calvillo:

This letter is in response to your March 23, 2011 request for our Department to check the sufficiency of the signatures with respect to the above referenced appeal. Please be advised that per our calculations the appellants' signatures represent 20.50% of area represented, which is greater than 20% of the area involved and is therefore sufficient for appeal.

If you have any questions concerning this matter, please contact Mr. Javier Rivera of my staff at 554-5864.

Sincerely

Bruce R. Storrs
City & County Surveyor

BOARD of SUPERVISORS

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



March 23, 2011



Edward Reiskin
Director of Public Works
City Hall, Room 348
San Francisco, CA 94102

**Planning Case No. 2009.1029C**
**1268 Lombard Street Conditional Use Appeal**

Dear Director Reiskin:

This office is in receipt of an appeal filed by Marvin Frankel, on behalf of Russian Hill Neighbors from the decision of the Planning Commission by its Motion No. 18279 dated February 17, 2011, relating to the approval, subject to certain conditions, of a Conditional Use Authorization (Case No. 2009.1029C), pursuant to Sections 209.1 and 303 of the Planning Code to allow new construction of four dwelling units at a density ratio up to one dwelling unit for each 1,000 square feet of lot area in the RH-3 (Residential, House, Three-Family) District and the 40-X Height and Bulk District, on property located at:

1268 Lombard Street, Lot No. 015 in Assessor's Block No. 0500.

By copy of this letter, the City Engineer's Office is requested to determine the sufficiency of the signatures in regard to the percentage of the area represented by the appellant. Please submit a report not later than 5:00 p.m., March 29, 2011, to give us time to prepare and mail out the hearing notices as the Board of Supervisors has tentatively scheduled the appeal to be heard on April 19, 2011, at 4:00 p.m.

Sincerely,

Angela Calvillo
Clerk of the Board

c:
Manager, DPW-BSM, Jerry Sanguinetti, w/copy of appeal
Fuad Sweiss, City Engineer, Department of Public Works, w/copy of appeal
Appellant, Marvin Frankel, 1819 Polk Street, #221, San Francisco, CA 94109
Property Owners, 1268 Lombard Street, LLC, 2501 Mission Street, San Francisco, CA 94110, w/copy of appeal
Project Contact, Edward Toby Morris, Kerman Morris Architects, LLP, 69 A Water Street, San Francisco, CA 94133, w/copy of appeal
Scott Sanchez, Zoning Administrator, Planning Department, w/copy of appeal
AnMarie Rodgers, Planning Department, w/copy of appeal
Tina Tam, Planning Department, w/copy of appeal
Nannie Turrell, Planning Department, w/copy of appeal
Glenn Cabreros, Planning Department, w/copy of appeal
Linda Avery, Planning Department, w/copy of appeal
Cheryl Adams, Deputy City Attorney, w/copy of appeal
Kate Stacy, Deputy City Attorney, w/copy of appeal

City and County of San Francisco

Edwin M. Lee, Mayor
Edward D. Reiskin, Director
Fuad S. Sweiss, PE, PLS,
City Engineer & Deputy Director of Engineering

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Department of Public Works
Office of the City and County Surveyor
875 Stevenson Street, Room 410
San Francisco, CA 94103

Bruce R. Storrs, City and County Surveyor

March 29, 2011



Ms. Angela Calvillo
Clerk of the Board
1 Dr. Carlton B. Goodlet Place
City Hall – Room 244
San Francisco, CA 94102

RE: 1268 Lombard St
Lots 015 of Assesor's Block 0500
Appealing Planning Commissions Approval of
Conditional Use Application No. 2009.1029C

Dear Ms. Calvillo:

This letter is in response to your March 23, 2011 request for our Department to check the sufficiency of the signatures with respect to the above referenced appeal. Please be advised that per our calculations the appellants' signatures represent 20.50% of area represented, which is greater than 20% of the area involved and is therefore sufficient for appeal.

If you have any questions concerning this matter, please contact Mr. Javier Rivera of my staff at 554-5864.

Sincerely

Bruce R. Storrs
City & County Surveyor

SAN FRANCISCO
**PLANNING DEPARTMENT**

**MEMO**

1650 Mission St.
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San Francisco,
CA 94103-2479
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Fax:
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Planning
Information:
415.558.6377



# Conditional Use Authorization Appeal

## 1268 Lombard Street

**DATE:** April 11, 2011

**TO:** Angela Calvillo, Clerk of the Board of Supervisors

**FROM:** John Rahaim, Planning Director – Planning Department (415) 558-6411

Glenn Cabreros, Case Planner – Planning Department (415) 558-6169

**RE:** File No. 110373, Planning Case No. 2009.1029C - Appeal of the approval of Conditional Use authorization for 1268 Lombard Street

**HEARING DATE:** April 19, 2011

**ATTACHMENTS:**

A. Planning Commission Packet (excluding draft motion) for Conditional Use Hearing
   i. Executive Summary
   ii. Planning Commission Motion from Conditional Use Hearing (Motion No. 18279)
   iii. Certificate of Exemption from Environmental Review
   iv. Photographs & Maps
   v. Plans

B. Appeal Letter (excluding attachments)

---

**PROJECT SPONSOR:** 1268 Lombard Street, LLC, 2501 Mission Street, San Francisco, CA 94110 c/o Toby Morris, project architect, Kerman Morris Architects, 69A Water Street, San Francisco, CA 94133

**APPELLANT:** Marvin Frankel, 1819 Polk Street #221, San Francisco, CA 94109

---

**INTRODUCTION:**

This memorandum and the attached documents are a response to the letter of appeal to the Board of Supervisors (the "Board") regarding the Planning Commission's ("Commission") approval of the application for Conditional Use Authorization under Planning Code Sections 290.1 (Dwelling Unit Density) and 303 (Conditional Use Authorization) to allow new construction of four dwelling units at Lot 015 in Assessor's Block 0500 at a density ratio of up to one dwelling unit for each 1,000 square feet of lot area in the RH-3 (Residential , House, Three-Family District) and the 40-X Height and Bulk District ("the Project").

This response addresses the appeal ("Appeal Letter") to the Board filed on March 21, 2011 by Marvin Frankel of 1819 Polk Street #221. The Appeal Letter referenced the proposed project in

Case No. 2009.1029C. The decision before the Board is whether to uphold or overturn the Planning Commission's approval of Conditional Use Authorization to allow new construction of a four-unit building at 1268 Lombard Street.

## SITE DESCRIPTION & PRESENT USE:

The project is located on the north side of Lombard Street, Block 0500, Lot 015 with a lot area of 4, 727 square feet of lot area. The property is located within the RH-3 (Residential, House, Three-Family) District and the 40-X Height and Bulk District. The property is a vacant lot that slopes steeply downhill from Lombard Street to the rear lot line.

## SURROUNDING PROPERTIES AND NEIGHBORHOOD:

The project site is located within the blockface of Lombard Street between Polk and Larkin Streets in the Russian Hill Neighborhood. Directly adjacent and west of the site is a three-story-plus-basement, 13-unit apartment building. Directly adjacent and east of the site are a three-story, two-unit building that faces Lombard Street and a tall two-story, three-unit building that fronts onto Culebra Terrace. This portion of Lombard Street slopes steeply uphill from Polk Street to Larkin Street. The immediate neighborhood is characterized by residential structures of various sizes and architectural styles. Along both sides of Lombard Street east of the project site are mostly lower density (one to three units), three-story buildings. West of the project site and towards the intersection of Lombard and Polk Street are taller, higher density buildings ranging from four to seven stories containing six to thirty-six units.

## PROJECT DESCRIPTION:

The applicant proposes new construction of a four-story, four-unit residential building. Due to the downsloping nature of the site, the proposed building would have a six-story rear wall. Three units may be developed as-of-right on the project site; however with a lot area of 4,727 square feet in the RH-3 (Residential, House, Three-Family) Zoning Distrct, four units may be constructed at the project site with Conditional Use authorizing a dwelling unit density of up to one unit per 1,000 square feet of lot area.

## BACKGROUND:

*2009 – Conditional Use Authorization Application filed*

The project sponsor submitted a Conditional Use Authorization application on November 17, 2009.

*2010 – Historical Preservation Commission review*

An emergency demolition permit was issued on March 13, 2009 by the Department of Building Inspection to demolish the Victorian-era, two-unit, two-story cottage that was located at the subject property. The cottage was listed on the *Here Today* survey (p. 279) and was considered to be a historic resource per the Department's CEQA review procedures. Due to the strong interest shown by the HPC in the emergency demolition that took place at the property in March 2009, Planning Department Preservation staff brought the current new construction project to public hearings before the Architectural Review Committee (ARC) of the Historic Preservation

Commission (HPC) and the full HPC for review and comment on May 19, 2010 and July 7, 2010 respectively. Although not required by the Department's CEQA review procedures, the Review and Comment hearings were requested by the Department prior to issuance of a Historic Resource Evaluation Response Memo (HRER) under Case No. 2009.1029E.

*2011 – Environmental Review*
The Project was determined by the Major Environmental Analysis division of the Planning Department to be categorically exempt from the California Environmental Quality Act (CEQA) per Categorical Exemption Class 3, Section 15303(b) (new construction of four or less units) on February 11, 2011.

*2011 – Conditional Use Authorization hearing*
At the February 17, 2011 public hearing, the Planning Commission granted Conditional Use Authorization pursuant to Planning Code Sections 209.1 and 303, authorizing construction of four units at the subject property.

## CONDITIONAL USE AUTHORIZATION REQUIREMENTS:

**Planning Code Section 209.1** states that the dwelling unit density of up to one dwelling unit per 1,000 square feet of lot area in the RH-3 District may be allowed with Conditional Use Authorization.

**Planning Code Section 303** establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use approval:

1. 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.
2. 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:
    a. Nature of proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;
    b. The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed off-street parking and loading;
    c. The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor;
    d. Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs;
3. That the use as proposed will comply with the applicable provisions of the Planning Code and will not adversely affect the General Plan.

## APPELLANT ISSUES AND PLANNING DEPARTMENT RESPONSES:

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

**ISSUE #1:** The Appellant contends that the project is located on an over-trafficked street.

**RESPONSE #1:** The Planning Commission found that the Project not only meets the criteria of Planning Code Section 303, but that the project exceeded the baseline criteria. Section 303 requires the Commission to find a project either necessary or desirable. In this case, the Commission found that the project was both "necessary and desirable." Specifically, related to the Appellant's concerns about the over-trafficked street, the Commission found that the Project is necessary and desirable and that the project would not overburden city streets and traffic as follows:

1. **Traffic:** One of eight priority-planning policies established by Planning Code Section 101.1(b) requires that projects not create commuter traffic that impedes MUNI transit service or overburden our streets or neighborhood parking. The project would provide four off-street parking spaces, and the Commission found that the amount of additional parking and traffic created by the project were not significant.

   Specifically, the Commission found that the addition of four dwelling units and four parking spaces would not significantly increase traffic along Lombard Street or in the neighborhood. The 1200 block of Lombard Street, which is a two lane street, is not as heavily trafficked as other blocks of Lombard Street which are part of State Highway Route 101, containing six lanes of traffic. The subject block is two blocks east of the portion of Lombard that is part of Route 101, which is at the intersection of Lombard Street and Van Ness Avenue and is where Route 101 runs north-south along Van Ness Avenue. The portion of Lombard Street on the west side of Russian Hill, where the project is located, may be inherently more trafficked than other east-west streets in the immediate neighborhood, as eastbound Lombard Street provides vehicular access to the portion of the street known as "the crookedest street in the world," which is a one-way eastbound street and a popular, international tourist attraction.

2. **Muni:** The project is not located along a MUNI transit line. The Commission found that "vehicular traffic associated with the amount of dwelling units would not impede MUNI service". The Commission found the multi-unit project "in keeping with the City's Transit First Policy and the general planning principle that higher density development should be located close to public transit". While the project is not located along a transit line, the project is well-served by MUNI lines within a one-block distance (on Polk Street and Van Ness Avenue): MUNI #19, 30X, 47, 49 and 76.

3. **Parking:** Planning Code Section 151 requires one parking space per dwelling unit in this zoning district. As such, four parking spaces are proposed along with the four dwelling units. With regard to meeting the criteria of Planning Code Section 303, the project was found necessary and desirable and would not be detrimental to the health safety, convenience or general welfare of persons residing or working in the vicinity. Specifically, the Commission found that "accessibility and traffic patterns for persons and vehicles, the type and volume of traffic and the adequacy of the proposed off-street parking would not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity".

4. **CEQA Impacts:** The project was found to be categorically exempt from environmental review per CEQA, Categorical Exemption Class 3, Section 15303(b). Class 3 allows for exemptions from CEQA for new construction projects that are multi-family residential structures no more than four units; furthermore in urbanized areas, this exemption applies to apartments, duplexes and similar structures designed for not more than six units. As the project is exempt from environmental review, the environmental effects due to traffic and parking generated by the project are found not to be significant.

**ISSUE #2:** The Appellant contends that the project height is not in keeping with the neighborhood.

**RESPONSE #2:** The project is a four-story, four-unit building. As viewed from the front façade the project would appear as a four-story building. Due to the steep downhill slope of the lot, the rear building wall of the project appears to be six stories tall. The appearance of a taller rear façade is also characteristic of other buildings on the block where the slope of the lot drops away from the street. The project is within the current height for this zoning district and did not require a zoning map amendment to increase the height limit.

1. **Building Massing and Scale:** The Commission found that the project is "necessary and desirable" as the height and bulk of the project appropriately infill a vacant lot. The proposed building scale at the street is in keeping with adjacent buildings on the blockface and maintains the stepping pattern of front façades that mimics the sloped topography of the street. The overall massing, particularly towards the rear of the proposed building is designed such that the bulk of the building is placed against a blank façade of the longer adjacent building to the west, which also provides relief to the shorter building to the east. While tall rear facades are typical of buildings in the immediate vicinity due to the steep topography of the block, various setbacks and stepping of the building are proposed at the project so the rear façade does not to appear to be a massive wall.

2. **Street Pattern:** The Commission considered the project in relation to the General Plan's Urban Design Element. The Commission found the project to be compatible with Urban Design Element Objective 1 that places emphasis on the characteristic pattern which gives the City and its neighborhoods an image, a sense of purpose and a means of orientation, and more specifically Policy 2 that states the existing street pattern should be protected and reinforced especially as related to topography:

    a. The proposed four-story building would benefit the neighborhood character by maintaining the built street wall along the blockface. The properties in the immediate vicinity of the project site – on the blockface and across the street – are comprised of three- to four-story residential buildings. At the project, the main front façade at the front property line is a three-story mass that is compatible with the building scale and mass on the blockface, particularly the adjacent buildings. As related to the topography of Lombard Street, the three-story front façade also maintains the stepping pattern of the existing buildings along the blockface. Furthermore, the four-story portion of the project is set back 15 feet from the main façade so that the fourth floor massing appears subordinate to the front façade.

    b. In response to topography, the proposed stair and elevator penthouse structures are located on the uphill side of the lot and set back over 23 feet from the main front façade.

3. **Rooftop Structures:** Specifically with regard to the proposed penthouse structures, two stair and one elevator penthouse structures are proposed. The three structures are proposed to be grouped as close as possible to eliminate roof clutter while meeting the minimum dimensions and exiting provisions required the Fire and Building Codes.

    a. Although not required by the Conditional Use Authorization, the project architect has revised the rear stair penthouse to be further reduced in mass as compared to the project reviewed and approved by the Planning Commission.

    b. The project requires two means of egress. Per the applicant's pre-application meeting with the Fire Department and the Department of Building Inspection, roof hatches are not permitted as a means of egress. Hence, the project provides two stair penthouses. Ceiling height for means of egress is required to be a minimum of 7'-6"; when taking into consideration the roof thickness itself this results in stair penthouses of 8'-6" above the roof.

    c. Under the applicable Building Codes, privately funded housing with three or more units is required to be handicapped accessible. The building requires an elevator and all dwelling units must be accessible. Also, all common use facilities, which includes the common roof deck, are required to be accessible to persons with disabilities. The elevator must be ADA accessible (minimum 68" x 54" interior), and the elevator must also be capable of accommodating an ambulance stretcher (24" x 84"), which results in a larger cab.

**ISSUE #3:** The Appellant contends that the project is in a poor location.

**RESPONSE #3:** The project is a multi-unit, multi-bedroom residential building within an existing high-density residential neighborhood. The project is compliant with the Planning Code intentions for this area because it is within a zoning district that encourages multi-family buildings. The project is consistent with General Plan policies for the area as it is an infill project that is proposed for a walkable and transit-oriented neighborhood.

1. **General Plan.** The project is consistent with General Plan policies for the area as it is an infill project that is proposed for a walkable and transit-oriented neighborhood.

    a. **Residential Infill Development.** The General Plan calls for the provision of infill housing in established residential neighborhoods (Housing Element 1.4). The project is an appropriate in-fill development of a vacant lot. The project is also consistent with the RH-3 Zoning District with regard to the location of the building on the lot, rear yard area and height requirements.

    b. **New Family Housing.** The Project would provide 4 units with a total of 10 bedrooms. The General Plan calls for the support and encouragement of quality new family housing (Housing Element 1.7).

    c. **Transit-Supported.** The General Plan seeks to locate housing near transit service. (Transportation Element Objective 2). The project is a half block from the Polk Street Muni Line (Muni Line No. 19) and is a block and a half from the "Primary Transit Streets" of Van Ness Avenue (served by Muni Line No. 47, 49, 30X, 76 and Golden Gate Transit) and the portion of Lombard Street that is designated a "Primary Transit Street" (served by Muni Line No 76 and Golden

Gate Transit). The Project is 2.5 blocks from the portion of Chestnut that is designated a "Secondary Transit Street" (served by Muni Line No 30 and 30X).

d. **Walkable Neighborhood.** The project is within a comfortable walking distance[1] of three commercial corridors: Lombard, Union, and Polk Street Neighborhood Commercial Districts. The project is also close to Fort Mason, Aquatic Park and Ghirardelli Square. According to Walkscore.com, the project's location is rated 89 for walkability stating the project's location to be "very walkable" to various types of neighborhood amenities (restaurants, stores, banking, parks, etc.) by foot.

2. **Planning Code:** The project complies with the applicable provisions of the Planning Code and was reviewed by the Planning Department's Residential Design Team for compliance with the *Residential Design Guidelines*. No variances from the Planning Code were requested for the project.

   a. **RH-3 Zoning District.** While the RH-3 District permits three-unit dwellings as-of-right (without Planning Commission approval), the provisions of the RH-3 Zoning District allow for increased residential density with Conditional Use Authorization by the Commission. Specifically, the RH-3 District allows a residential density up to 1 to each 1000 square feet of lot area. The proposed project fits this description as it was approved for four units, with up to 1 unit per 1000 sf, with Conditional Use Authorization. As approved by the Commission, the project will result in 1182 sf of lot area per unit. The RH-3 District is intended to accommodate projects of this density upon a favorable finding by the Commission.

   b. **Dwelling Unit Density.** The Commission found the proposed density for the project to be compatible with the existing surrounding density patterns. Planning Code Section 209.1 states that the dwelling unit density of up to one dwelling unit per 1,000 square feet of lot area in the RH-3 Zoning District may be allowed with Conditional Use Authorization. The Conditional Use approved by the Commission allows for the construction of four dwelling units on a 4,727 square foot lot.

   c. **Residential Design Guidelines.** The building massing, scale, proportions and use of exterior materials proposed at the project would compliment the existing neighborhood character, and therefore the project is consistent with the Residential Design Guidelines (RDGs). Through the provision of various setbacks and shared lightwells, the project addresses the RDGs intent to protect light and air access to both adjacent buildings, the rear yard area and the mid-block open space.

[1] The Department considers a comfortable walking distance to be the distance that can be covered by walking at a comfortable pace for 15 minutes. Expressed as a distance, this would generally be a ¼ mile.

**ISSUE #4:** The Appellant contends that the project is not in keeping with the neighborhood.

**RESPONSE #4:** The project is a multi-unit residential building within an existing high-density residential neighborhood, which is also within a zoning district that encourages multi-family buildings.

**Compatible with Existing Neighborhood.** In addition to the findings aforementioned in Response #2, per the criteria of Planning Code Section 303, the Planning Commission found the proposed building, uses and the intensity of the uses at the proposed location, would provide a development that is "necessary or desirable" and in keeping with the neighborhood:

1. **Neighborhood Density:** The proposed dwelling unit density and building massing are compatible with the neighborhood. The proposed four units are in keeping with the varied dwelling unit density per lot found throughout the neighborhood, which ranges from two units to 34 units per lot.
2. **Density of Adjacent Lots:** The lot adjacent to the west of the project site and of similar lot size as that of the project site contains 13 units. The lot directly adjacent and east of the project site is approximately 67 feet shorter in length than the project site and contains a three-story, three-unit building with rear yard depth of only 5 feet.
3. **Commission Findings of Compatibility:** In this case, the Commission not only found that the project was "necessary or desirable", but found the project to be both "necessary and desirable." Specifically, the Commission's resolution found that "the proposed dwelling unit density is compatible with the neighborhood." The Commission found the proposed density for the project to be compatible with the existing surrounding density patterns. Planning Code Section 209.1 states that the dwelling unit density of up to one dwelling unit per 1,000 square feet of lot area in the RH-3 Zoning District may be allowed with Conditional Use Authorization. The Conditional Use approved by the Commission allow for the construction of four dwelling units on a 4,727 square foot lot. Furthermore, the Commission found that the proposed building scale at the street is in keeping with adjacent buildings on the blockface and maintains the stepping pattern of front facades that mimics the sloped topography. The overall massing of the proposed building is such that the bulk of the building is designed against a blank façade of the longer adjacent building to the west, which also provides relief to the shorter building to the east. While tall rear facades are typical of buildings in the immediate vicinity due to the steep topography of the block, the rear façade at the project is stepped so as not to appear to be a massive wall. This finding concluded with the statement, "The proposed unit density is necessary and desirable, as the project that will contribute four units to the City's housing stock."

## CONCLUSION:

For the reasons stated above, the Planning Department recommends that the Board uphold the Planning Commission's decision in approving the Conditional Use authorization for the four-story, four-unit building at 1268 Lombard Street and deny the Appellant's request for appeal.

SAN FRANCISCO
**PLANNING DEPARTMENT**

# Executive Summary
## Conditional Use

**HEARING DATE: FEBRUARY 17, 2011**

1650 Mission St.
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San Francisco,
CA 94103-2479

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415.558.6409

Planning
Information:
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| | |
|---|---|
| *Date:* | February 10, 2011 |
| *Case No.:* | **2009.1029C** |
| *Project Address:* | **1268 LOMBARD STREET** |
| *Zoning:* | RH-3 (Residential, House, Three-Family) District<br>40-X Height and Bulk District |
| *Block/Lot:* | 0500/015 |
| *Project Sponsor:* | 1268 Lombard Street, LLC<br>2501 Mission Street<br>San Francisco, CA 94110<br>c/o Edward Toby Morris<br>Kerman Morris Architects, LLP<br>69A Water Street<br>San Francisco, CA 94133 |
| *Staff Contact:* | Glenn Cabreros – (415) 558-6169<br>glenn.cabreros@sfgov.org |
| *Recommendation:* | **Approval with Conditions** |

## PROJECT DESCRIPTION

The applicant proposes new construction of a four-story, four-unit residential building. Due to the downsloping nature of the site, the proposed building would have a six-story rear wall. Three units may be developed as-of-right on the project site; however with a lot area of 4,727 square feet in the RH-3 (Residential, House, Three-Family) Zoning Distrct, four units may be constructed at the project site with Conditional Use authorizing a dwelling unit density of up to one unit per 1,000 square feet of lot area.

## SITE DESCRIPTION AND PRESENT USE

The project is located on the north side of Lombard Street, Block 0500, Lot 015 with a lot area of 4, 727 square feet of lot area. The property is located within the RH-3 (Residential, House, Three-Family) District and the 40-X Height and Bulk District. The property is a vacant lot that slopes steeply downhill from Lombard Street to the rear lot line.

## SURROUNDING PROPERTIES AND NEIGHBORHOOD

The project site is located within the blockface of Lombard Street between Polk and Larkin Streets in the Russian Hill Neighborhood. Directly adjacent and west of the site is a three-story-plus-basement, 13-unit apartment building. Directly adjacent and east of the site are a three-story, two-unit building that faces

Lombard Street and a tall two-story, three-unit building that fronts onto Culebra Terrace. This portion of Lombard Street slopes steeply uphill from Polk Street to Larkin Street. The immediate neighborhood is characterized by residential structures of various sizes and architectural styles. Along both sides of Lombard Street east of the project site are mostly lower density (one to three units), three-story buildings. West of the project site and towards the intersection of Lombard and Polk Street are taller, higher density buildings ranging from four to seven stories containing six to thirty-six units.

## ENVIRONMENTAL REVIEW

On January 13, 2011, the Project was determined to be exempt from the California Environmental Quality Act ("CEQA") as a Class 3 Categorical Exemption under CEQA as described in the determination contained in the Planning Department file, Case No. 2009.1029E.

## HEARING NOTIFICATION

| TYPE | REQUIRED PERIOD | REQUIRED NOTICE DATE | ACTUAL NOTICE DATE | ACTUAL PERIOD |
|---|---|---|---|---|
| Classified News Ad | 20 days | December 31, 2010 | December 29, 2010 | 22 days |
| Posted Notice | 20 days | December 31, 2010 | December 31, 2010 | 20 days |
| Mailed Notice | 10 days | December 31, 2010 | December 23, 2010 | 28 days |

## PUBLIC COMMENT

- The Department has received comments from at least eleven individuals adamantly opposed to the project. Many of the opponents would like the project limited to the scale and height of the building demolished in 2009 and that the demolished building be reconstructed.

## ISSUES AND OTHER CONSIDERATIONS

- **Historical Preservation.** An emergency demolition permit was issued on March 13, 2009 by the Department of Building Inspection to demolish the Victorian-era, two-unit, two-story cottage that was located at the subject property. The cottage was listed on the *Here Today* survey (p. 279) and was considered to be a historic resource per the Department's CEQA review procedures. Due to the strong interest shown by the HPC in the emergency demolition that took place at the property in March 2009, Planning Department Preservation staff brought the current new construction project to public hearings before the Architectural Review Committee (ARC) of the Historic Preservation Commission (HPC) and the full HPC for review and comment on May 19, 2010 and July 7, 2010 respectively. Although not required by the Department's CEQA review procedures, the Review and Comment hearings were requested by the Department prior to issuance of a Historic Resource Evaluation Response Memo (HRER) under Case No. 2009.1029E.

## REQUIRED COMMISSION ACTION

In order for the project to proceed, the Commission must grant conditional use authorization to allow four dwelling units to be constructed on the subject property at a density ratio up to one dwelling unit for each 1,000 square feet of lot area in the RH-3 (Residential, House, Three-Family) District.

## BASIS FOR RECOMMENDATION

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

- The project proposes a dwelling unit density compatible with the neighborhood.
- The project is of a scale and mass that is compatible with other surrounding structures in the neighborhood, and therefore the new building is considered to be an appropriate in-fill project.
- The amount of units proposed is limited to four; therefore traffic associated with the project should not impact traffic or impede MUNI service.
- The proposed project meets all applicable requirements of the Planning Code and, on balance, meets the applicable Objectives and Policies of the General Plan.

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

**Attachments:** (also see attachment checklist)
Parcel Map
Sanborn Map
Aerial Photographs
Zoning Map
Categorical Exemption
Project Sponsor submittal
Reduced Plans

*Subject to: (Select only if applicable)*

- ☐ Inclusionary Housing (Sec. 315)
- ☐ Jobs Housing Linkage Program (Sec. 313)
- ☐ Downtown Park Fee (Sec. 139)
- ☐ First Source Hiring (Admin. Code)
- ☐ Child Care Requirement (Sec. 314)
- ☐ Other

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# Planning Commission Motion No. 18279

| | |
|---|---|
| *Date:* | February 17, 2011 |
| *Case No.:* | **2009.1029C** |
| *Project Address:* | **1268 LOMBARD STREET** |
| *Zoning:* | RH-3 (Residential, House, Three-Family) District<br>40-X Height and Bulk District |
| *Block/Lot:* | 0500/015 |
| *Project Sponsor:* | 1268 Lombard Street, LLC<br>2501 Mission Street<br>San Francisco, CA 94110<br>c/o Edward Toby Morris<br>Kerman Morris Architects, LLP<br>69A Water Street<br>San Francisco, CA 94133 |
| *Staff Contact:* | Glenn Cabreros – (415) 558-6169<br>glenn.cabreros@sfgov.org |

**ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 209.1 AND 303 OF THE PLANNING CODE TO ALLOW NEW CONSTRUCTION OF FOUR DWELLING UNITS AT LOT 015 IN ASSESSOR'S BLOCK 0500 AT A DENSITY RATIO UP TO ONE DWELLING UNIT FOR EACH 1,000 SQUARE FEET OF LOT AREA IN THE RH-3 (RESIDENTIAL, HOUSE, THREE-FAMILY) DISTRICT AND THE 40-X HEIGHT AND BULK DISTRICT.**

## PREAMBLE

On November 17, 2009, Edward Toby Morris for 1268 Lombard Street, LLC (hereinafter "Project Sponsor") filed an application with the Planning Department (hereinafter "Department") for Conditional Use Authorization under Planning Code Sections 209.1 and 303 of the Planning Code to allow new construction of four dwelling units on Lot 015 in Assessor's Block 0500 at a density ratio up to one dwelling unit for each 1,000 square feet of lot area in the RH-3 (Residential, House, Three-Family) District and the 40-X Height and Bulk District.

On February 17, 2011, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2009.1029C.

On February 11, 2011, the Project was determined to be exempt from the California Environmental Quality Act ("CEQA") as a Class 3 Categorical Exemption under CEQA as described in the determination contained in the Planning Department file, Case No. 2009.1029E.

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

**MOVED,** that the Commission hereby authorizes the Conditional Use requested in Application No. 2009.1029C, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

## FINDINGS

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

1. The above recitals are accurate and constitute findings of this Commission.

2. **Site Description and Present Use.** The project is located on the north side of Lombard Street, Block 0500, Lot 015 with a lot area of 4, 727 square feet of lot area. The property is located within the RH-3 (Residential, House, Three-Family) District and the 40-X Height and Bulk District. The property is a vacant lot that slopes steeply downhill from Lombard Street to the rear lot line.

3. **Surrounding Properties and Neighborhood.** The project site is located within the blockface of Lombard Street between Polk and Larkin Streets in the Russian Hill Neighborhood. Directly adjacent and west of the site is a three-story-plus-basement, 13-unit apartment building. Directly adjacent and east of the site are a three-story, three-unit building that faces Lombard Street and a tall two-story, three-unit building that fronts onto Culebra Terrace. This portion of Lombard Street slopes steeply uphill from Polk Street to Larkin Street. The immediate neighborhood is characterized by residential structures of various sizes and architectural styles. Along both sides of Lombard Street east of the project site are mostly lower density (one to three units), three-story buildings. West of the project site and towards the intersection of Lombard and Polk Street are taller, higher density buildings ranging from four to seven stories containing six to thirty-six units.

4. **Project Description.** The applicant proposes new construction of a four-story, four-unit residential building. Due to the downsloping nature of the site, the proposed building would have a six-story rear wall. Three units may be developed as-of-right on the project site; however with a lot area of 4,727 square feet in the RH-3 (Residential, House, Three-Family) Zoning District,

four units may be constructed at the project site with Conditional Use authorizing a dwelling unit density of up to one unit per 1,000 square feet of lot area.

5. **Historical Preservation.** An emergency demolition permit was issued on March 13, 2009 by the Department of Building Inspection to demolish the Victorian-era, two-unit, two-story cottage that was located at the subject property. The cottage was listed on the *Here Today* survey (p. 279) and was considered to be a historic resource per the Department's CEQA review procedures. Due to the strong interest shown by the HPC in the emergency demolition that took place at the property in March 2009, Planning Department Preservation staff brought the current new construction project to public hearings before the Architectural Review Committee (ARC) of the Historic Preservation Commission (HPC) and the full HPC for review and comment on May 19, 2010 and July 7, 2010 respectively. Although not required by the Department's CEQA review procedures, the Review and Comment hearings were requested by the Department prior to issuance of a Historic Resource Evaluation Response Memo (HRER) under Case No. 2009.1029E.

6. **Public Comment.** At the February 17, 2011 hearing, ten persons spoke in opposition to the project, including representatives from the *Russian Hill Neighbors* group and the *Little House Committee.* Eleven persons spoke in support of the project.

7. **Planning Code Compliance:** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:

   A. **Dwelling Unit Density.** Planning Code Section 209.1 states that the dwelling unit density of up to one dwelling unit per 1,000 square feet of lot area in the RH-3 District may be allowed with Conditional Use Authorization.

   *The Project Sponsor is seeking Conditional Use Authorization to construct 4 units on a 4,727 square foot lot at the project site.*

   B. **Height.** Planning Code Section 260 limits a building height to 40 feet within the 40-X Height and Bulk District.

   *The project is proposed to the 40-foot height limit. Per Section 260, the proposed stair and elevator penthouse is allowed to exceed the height limit by 10 and 16 feet, respectively, as features exempted from the height limit.*

   C. **Rear Yard Requirement in the RH-3 District.** Planning Code Section 134 states that the minimum rear yard depth shall be equal to 45-percent of the total depth. Section 134 also allows the use of the adjacent building depths to determine an averaged required rear yard depth, which can in no case be less than 25 percent of the lot depth or 15 feet, whichever is greater.

   *The project proposes an alternate method of rear yard averaging as allowed per Section 134. As such, the depth of the rear yard at the lowest level is equal to approximately 34 feet or 25 percent of the total lot depth.*

D. **Parking.** Planning Section 151 of the Planning Code requires one off-street parking space per dwelling unit.

*The project proposes four dwelling units, and four independently-accessible parking spaces are provided within an enclosed garage.*

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

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

*The proposed dwelling unit density and building massing are compatible with the neighborhood. The proposed four units are in keeping with the varied dwelling unit density per lot found throughout the neighborhood, which ranges from two units to 34 units per lot. The lot adjacent to the west of the project site and of similar lot size as that of the project site contains 13 units. The proposed building scale at the street is in keeping with adjacent buildings on the blockface and maintains the stepping pattern of front façades that mimics the sloped topography. The overall massing of the proposed building is such that the bulk of the building is designed against a blank façade of the longer adjacent building to the west, which also provides relief to the shorter building to the east. While tall rear facades are typical of buildings in the immediate vicinity due to the steep topography of the block, the rear façade at the project is stepped so as not to appear to be a massive wall. The project is necessary and desirable as it is an appropriate infill of a vacant lot that will contribute four units to the City's housing stock.*

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

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

*The height and bulk of the project is designed to address the building's scale and massing as perceived from the public right-of-way as well as from the mid-block open space.*

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

*The Planning Code requires one parking space per dwelling unit. Four parking spaces are proposed along with the four dwelling units.*

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

*The proposed use is a residential building. Noxious or offensive emissions are typically not associated with residential uses.*

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

*The proposed four parking spaces are contained within an enclosed garage, and therefore screened from the public right-of-way. The existing tree at the front of the property is proposed to be retained.*

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

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

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

## URBAN DESIGN ELEMENT

### Objectives and Policies

**OBJECTIVE 1:**
EMPHASIS OF THE CHARACTERISTIC PATTERN WHICH GIVES TO THE CITY AND ITS NEIGHBORHOODS AN IMAGE, A SENSE OF PURPOSE AND A MEANS OF ORIENTATION.

**Policy 2:**
Recognize, protect and reinforce the existing street pattern especially as it is related to topography.

**Policy 3:**
Recognize that buildings, when seen together, produce a total effect that characterizes the city and its districts.

*The project proposes appropriate infill on a vacant lot. The proposed four-story building would benefit the neighborhood character by maintaining the built street wall along the blockface. The main front façade at the front property line is a three-story mass that is compatible with the building scale and mass on the blockface, particularly the adjacent buildings. As related to the topography of Lombard Street, the three-story front façade also maintains the stepping pattern of the existing buildings along the blockface. Furthermore, the four-story portion of the project is set back 15 feet from the main façade so that the fourth floor massing appears subordinate to the front façade. In response to topography, the proposed*

*stair/elevator penthouse is located on the uphill side of the lot and set back over 23 feet from the main front façade.*

## HOUSING ELEMENT

### Objectives and Policies

**OBJECTIVE 1:**
TO PROVIDE NEW HOUSING, ESPECIALLY PERMANENTLY AFFORDABLE HOUSING, IN APPROPRIATE LOCATIONS WHICH MEETS IDENTIFIED HOUSING NEEDS AND TAKES IN ACCOUNT THE DEMAND FOR AFFORDABLE HOUSING CREATED BY EMPLOYEMENT DEMAND.

**Policy 1.4:**
Locate in-fill housing on appropriate sites in established residential neighborhoods.

*The project is an appropriate in-fill residential development. The proposed density for the project is also compatible with the existing, surrounding density patterns.*

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

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

*Existing neighborhood-serving retail uses would not be adversely affected by the project, as the project is a residential use located within a residential zoning district.*

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

*The existing neighborhood character would be conserved and protected as the project would appropriately infill a vacant lot along the blockface. The additional four units would provide new housing opportunities and economic diversity to the established neighborhood.*

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

*No affordable housing is removed for this Project.*

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

*The project proposes to add four dwelling units, and the project site is not located along a MUNI transit line. The vehicular traffic associated with the amount of dwelling units would not impede*

*MUNI service. The project site is well served my MUNI lines (within one block distance on Polk Street and nearby Van Ness Avenue): MUNI #19, 30X, 47, 49 and 76.*

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

*The Project will not displace any service or industry establishment. The project will not affect industrial or service sector uses or related employment opportunities. Ownership of industrial or service sector businesses will not be affected by this project.*

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

*The Project is designed and will be constructed to conform to the structural and seismic safety requirements of the City Building Code. This proposal will not impact the property's ability to withstand an earthquake.*

G. That landmarks and historic buildings be preserved.

*A landmark or historic building does not occupy the Project site.*

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

*The project will have no negative impact on existing parks and open spaces. The Project does not have an impact on open spaces.*

11. The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would contribute to the character and stability of the neighborhood and would constitute a beneficial development.

12. The Commission hereby finds that approval of the Conditional Use authorization would promote the health, safety and welfare of the City.

## DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Application No. 2009.1029C** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans filed with the Application as received on December 3, 2010 and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

**APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion No. 18279. The effective date of this Motion shall be the date of this Motion if not appealed (After the 30-day period has expired) OR the date of the decision of the Board of Supervisors if appealed to the Board of Supervisors. For further information, please contact the Board of Supervisors at (415) 554-5184, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.**

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on February 17, 2011.

Linda D. Avery
Commission Secretary

AYES: Antonini, Fong, Miguel, Sugaya

NAYS: Borden, Moore, Olague

ABSENT: (none)

ADOPTED: February 17, 2011

# EXHIBIT A

## AUTHORIZATION

1. This authorization is for a conditional use to allow four dwelling units located at 1268 Lombard Street, Block 0500, and Lot 015 pursuant to Planning Code Sections 209.1 and 303 within the RH-3 (Residential House, Three-Family) District and a 40-X Height and Bulk District; in general conformance with plans, dated February 8, 2011, and stamped "EXHIBIT B" included in the docket for Case No. 2009.1029C and subject to conditions of approval reviewed and approved by the Commission on February 17, 2011 under Motion No 18279. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

## RECORDATION OF CONDITIONS OF APPROVAL

2. Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on February 17, 2011 under Motion No. 18279.

## PRINTING OF CONDITIONS OF APPROVAL ON PLANS

3. The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. 18279 shall be reproduced on the Index Sheet of construction plans submitted with the Site or Building permit application for the Project. The Index Sheet of the construction plans shall reference to the Conditional Use authorization and any subsequent amendments or modifications.

## SEVERABILITY

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

## CHANGES AND MODIFICATIONS

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

# Conditions of Approval, Compliance, Monitoring, and Reporting

## PERFORMANCE

6. **Validity and Expiration.** The authorization and right vested by virtue of this action is valid for three years from the effective date of the Motion. A building permit from the Department of Building Inspection to construct the project and/or commence the approved use must be issued as this Conditional Use authorization is only an approval of the proposed project and conveys no independent right to construct the project or to commence the approved use. The Planning Commission may, in a public hearing, consider the revocation of the approvals granted if a site or building permit has not been obtained within three (3) years of the date of the Motion approving the Project. Once a site or building permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. The Commission may also consider revoking the approvals if a permit for the Project has been issued but is allowed to expire and more than three (3) years have passed since the Motion was approved.

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

## DESIGN

7. **Final Materials.** The Project Sponsor shall continue to work with Planning Department on the building design. Final materials, glazing, color, texture, landscaping, and detailing shall be subject to Department staff review and approval. The architectural addenda shall be reviewed and approved by the Planning Department prior to issuance.

8. The garage door shall be limited to 10-feet in width.

9. The windows that face the public right-of-way shall be painted wood windows.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org .*

## PARKING AND TRAFFIC

10. **Parking Requirement.** Pursuant to Planning Code Section 151, the Project shall provide four (4) independently accessible off-street parking spaces.

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

# SAN FRANCISCO
# PLANNING DEPARTMENT

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

Reception:
**415.558.6378**

Fax:
**415.558.6409**

Planning
Information:
**415.558.6377**

## Certificate of Determination
## Exemption from Environmental Review

| | |
|---|---|
| *Case No.:* | **2009.1029E** |
| *Project Title:* | **1268 Lombard Street** |
| *Zoning:* | RH-3 (Residential, House, Three-Family)<br>40-X Height and Bulk District |
| *Block/Lot:* | 0500/015 |
| *Lot Size:* | 4,726 square feet |
| *Project Sponsor:* | Toby Morris, Kerman / Morris Architects<br>(415) 749-0302 |
| *Staff Contact:* | Shelley Caltagirone – (415) 558-6625<br>shelley.caltagirone@sfgov.org |

### PROJECT DESCRIPTION:

The proposed project involves construction of a new 4-unit, 5-story, 13,243-square-foot residential building on a vacant lot. The building would measure approximately 40′ tall and 103′ deep. The project site is located on a block bounded by Chestnut Street, Lombard Street, Larkin Street, and Polk Street. The proposed project requires Conditional Use Authorization per San Francisco Planning Code Sections 209.1 and 303.

### EXEMPT STATUS:

Categorical Exemption, Class 3 (State CEQA Guidelines Section 15303(b)

### REMARKS:

See next page.

### DETERMINATION:

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

Bill Wycko
Environmental Review Officer

February 11, 2011
Date

cc: Toby Morris, Project Sponsor
1268 Lombard Street LLC, Property Owner
Brett Bollinger, MEA Division
Shelley Caltagirone, Preservation Planner
Supervisor Farrell, District 2
Virna Byrd, M.D.F.
Distribution List
Historic Preservation Distribution List

**REMARKS (continued):**

In evaluating whether the proposed project would be exempt from environmental review under the California Environmental Quality Act (CEQA), the Planning Department determined that the subject property is not a historical resource. The property is a vacant parcel and contains no historic buildings, structures, or objects. The site is considered a "Category B" (Properties Requiring Further Consultation and Review) property for the purposes of the Planning Department's California Environmental Quality Act (CEQA) review procedures due to the parcel's proximity to a potential California Register-eligible historic district. As described in the Historic Resource Evaluation (HRE) Memorandum[1] (attached), the 1268 Lombard Street property appears to be located within the setting of a potential California Register-eligible historic district. The subject property is adjacent to (across the street from and three lots west of) the boundary of the potential historic district. The district appears to be eligible for listing under Criterion 1 (Event) and Criterion 3 (Architecture) as a collection of pre- and post-1906 residential architecture containing a wide yet cohesive range of turn-of-the-century styles (Italianate, Stick East-Lake, Queen Anne, Classical Revival, Shingle, and Spanish Revival) with "fine detailing and traditional compositions." The district is also noted for the theme of Shingle-style houses and flats and the addition of shingles to 19th century houses. The period of significance is identified as 1876-1928, a period representing the changing aesthetics in residential architecture of this portion of Russian Hill at the turn-of-the-century. Because the subject property no longer retains a building or structure that would contribute to the district, the site does not appear to contribute to the district. As such, the property is not considered a historic resource for the purposes of CEQA.

Since the property was determined to be located within the setting of a potential California Register-eligible historic district, the Planning Department assessed whether the proposed project would materially impair the district. The Department concurs with the analysis presented in architectural historian William Kostura's *Study of the Effect of the proposed New Building at 1268 Lombard Street on a Nearby Potential Historic District* that the proposed project would not have an adverse effect on off-site historical resources, including the adjacent historic district. The design of the new construction would be compatible with the architectural character of the potential district, thereby preserving the setting and feeling of these resources. Specifically, the project design would be compatible with the character of the neighborhood for the following reasons:

- The height of the proposed building at the street wall would be in keeping with the heights of the adjacent properties, retaining a stepping pattern of buildings along the north side of Lombard Street.
- The setback at the east side of the building would reduce the mass of the new structure as viewed from Lombard Street so that the relative size of the building would be perceived as similar to the surrounding buildings.

[1] Memorandum from Shelley Caltagirone, Preservation Technical Specialist, to Brett Bollinger, Planner, Major Environmental Analysis, December 15, 2010.

- The proposed painted wood cladding, wood trim/fascia, and wood-framed windows and doors would be in keeping with the traditional materials found on the block and within the historic district.

- The fenestration pattern includes a rectangular projecting bay element and paired window units with narrow lights that would relate well to the traditional fenestration patterns found on the block.

- The projecting cornice element and frieze are a contemporary interpretation of the cornices found on the Victorian-era buildings on the block, which would help to relate the new building to its context.

- The proposed new design would employ a level of ornamentation (including the trim-work, pent-roofed entrance, metal picket railing, and tile-work) that is comparable but more subdued than that found in the historic buildings on the block. This would create an appropriate subordinate relationship between the new building and the historic buildings that would allow the district contributors to stand out more prominently in the streetscape.

For these reasons, the proposed project would have no adverse effect on the potential historic district located in the vicinity of the project site.

The proposed project would involve the construction of a new 4-unit, 5-story, 13,243-square-foot residential building. CEQA State Guidelines Section 15303(b), or Class 3, provides for new construction of multi-family residential structures totaling no more than four dwelling units on a single parcel. In urbanized areas, this exemption applies to apartments, duplexes, and similar structures designed for not more than six dwelling units. The proposed project would create four dwelling units on a single parcel. The proposed project therefore meets the criteria of Class 3.

CEQA State Guidelines Section 15300.2 states that a categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances. Section 15300.2(f) specifically states that a categorical exemption shall not be used for a project that may cause a substantial adverse change in the significance of an historical resource. As described above, the proposed project would not cause a substantial adverse change in the significance of the historical resource under Section 15300.2(f). Given this fact and the nature of the proposed project, the exemption provided for in CEQA State Guidelines Section 15301(e), or Class 1, may be used. There are no other unusual circumstances surrounding the proposed project that would suggest a reasonable possibility of a significant environmental effect. The project would be exempt under the above-cited classification. For the above reasons, the proposed project is appropriately exempt from environmental review.

SAN FRANCISCO
**PLANNING DEPARTMENT**

**MEMO**

# Historic Resource Evaluation Response

1650 Mission St.
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San Francisco,
CA 94103-2479

Reception:
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Planning
Information:
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| | |
|---|---|
| *MEA Planner:* | Brett Bollinger |
| *Project Address:* | **1268 Lombard Street** |
| *Block/Lot:* | 0500/015 |
| *Case No.:* | **2009.1029E** |
| *Date of Review:* | December 14, 2010 |
| *Planning Dept. Reviewer:* | Shelley Caltagirone |
| | (415) 558-6625 \| shelley.caltagirone@sfgov.org |

**PROPOSED PROJECT** ☐ Demolition ☐ Alteration ☒ New Construction

## PROJECT DESCRIPTION

The proposed project involves construction of a new 4-unit, 5-story, 13,243-square-foot residential building. The building would measure approximately 40' tall and 103' deep. Please see plans dated December 3, 2010 for details.[1]

## PRE-EXISTING HISTORIC RATING / SURVEY

The property is a vacant lot and contains no historic buildings, structures, or objects. The site is considered a "Category B" (Properties Requiring Further Consultation and Review) property for the purposes of the Planning Department's California Environmental Quality Act (CEQA) review procedures due to the lot's proximity to a potential California Register-eligible historic district.[2]

## HISTORIC DISTRICT / NEIGHBORHOOD CONTEXT

The subject property (1268 Lombard Street, Assessor's Block 0500, Lot 015) is a 34' x 137.5' vacant lot located on the north side of Lombard Street between Polk and Larkin Streets in a portion of the Russian Hill neighborhood referred to as the West Slope in William Kostura's *Russian Hill the Summit*.[3] The site is zoned RH-3 (Residential, House District, Three-Family) and is in as 40-X Height and Bulk District. The lot is located on a block that was largely spared from the destruction of the 1906 Earthquake and Fire, resulting in a collection of buildings dating from the mid-19th century through the present. In general, the West Slope of Russian Hill is composed of a mixture of single and multi-family residences dating predominantly from the post-1906 period.

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[1] An emergency demolition permit was issued on March 13, 2009 by the Department of Building Inspection to demolish a Victorian-era, two-unit, two-story cottage located at the subject property. The project under review by the Department is limited to the review of the new construction project as the emergency demolition project was exempt from further environmental review.

[2] This environmental review considers the existing conditions of the site at the time of the application. Therefore, the historic resource status of the demolished building is not pertinent to the current review.

[3] Kostura, William. *Russian Hill the Summit; 1853-1906*. Aerie Publications: San Francisco, 1997.

Kostura has identified the West Slope of Russian Hill as a potential historic district comprised of most of the properties within Assessor's Block 0501 and the six properties located at the east end of Lombard Street within Assessor's Block 0500.[4] The district appears to be significant as a collection of pre- and post-1906 residential architecture containing a wide yet cohesive range of turn-of-the-century styles (Italianate, Stick East-Lake, Queen Anne, Classical Revival, Shingle, and Spanish Revival) with "fine detailing and traditional compositions." The district is also noted for the theme of Shingle-style houses and flats and the addition of shingles to 19th century houses. The period of significance is identified as 1876-1928, a period representing the changing aesthetics in residential architecture of this portion of Russian Hill at the turn-of-the-century.

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1. **California Register Criteria of Significance:** Note, a building may be an historical resource if it meets any of the California Register criteria listed below. If more information is needed to make such a determination please specify what information is needed. *(This determination for California Register Eligibility is made based on existing data and research provided to the Planning Department by the above named preparer / consultant and other parties. Key pages of report and a photograph of the subject building are attached.)*

| | | | |
|---|---|---|---|
| **Event:** or | ☐ Yes | ☒ No | ☐ Unable to determine |
| **Persons:** or | ☐ Yes | ☒ No | ☐ Unable to determine |
| **Architecture:** or | ☐ Yes | ☒ No | ☐ Unable to determine |
| **Information Potential:** | ☐ Further investigation recommended. | | |
| **District or Context:** | ☐ Yes, may contribute to a potential district or significant context | | |
| **If Yes; Period of significance:** | | | |

The subject property located at 1268 Lombard Street appears to be located within the setting of a potential California Register-eligible historic district. The district appears to be eligible for listing under Criterion 1 (Event) and Criterion 3 (Architecture) for the reasons discussed above. Because the property no longer retains a building or structure that would contribute to the district, the site does not appear to contribute to the district. Below is a brief description of the subject property's historical significance per the criteria for inclusion on the California Register. This summary is based upon William Kostura's *Study of the Effect of the Proposed New Building at 1268 Lombard Street on a Nearby Potential Historic District*, dated November 2, 2009 (attached). Staff concurs fully with the findings of the Kostura report.

***Criterion 1: It is associated with events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States;***
The subject lot, without the original cottage building, does not retain sufficient character-defining features to convey the property's association with pre- and post-1906 development in this area of Russian Hill. The single remaining feature of the site which conveys an association with the pre-1906

---

[4] Kostura, William. *The West Slope of Russian Hill: A Historical Context and Inventory of Historic Resources for Residential Buildings around Lombard and Larkin Streets.* San Francisco, CA. Adopted by the Historic Preservation Commission in October 2009, and on file at the San Francisco Planning Department located at 1650 Mission Street, Suite 400, San Francisco, CA 94103.

development in this area is the slope at the front of the lot, which likely resulted from the change in grade that occurred along Lombard Street in the 1890s. When the cottage was extant, a bridge spanned this sloped area to give access to the main level of the cottage. This single landscape feature is not a sufficiently strong association with the past to qualify under this criterion.

*Criterion 2: It is associated with the lives of persons important in our local, regional or national past;*

The subject property is associated with a line of blue collar and clerical tenants and owners who lived in the cottage between the early 1860s and the 1930s. None of these persons can be considered to be individually significant in our local, regional, or national past. However, in William Kostura's DPR form for the property dated November 2000, he argues that the property's association with several generations of people representing an important economic and social class in the history of San Francisco should qualify the property for listing under this criterion. This association with the lives of blue color and clerical workers is no longer conveyed by the property without the cottage in which they lived. Therefore, the property does qualify under this criterion.

*Criterion 3: It embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master, or possesses high artistic values;*

The house that previously occupied the site was constructed in 1861 for Robert Price, a laborer. It was a one-story-plus-basement Italianate cottage that had been covered with wooden shingles at a later date.[5] An emergency demolition permit was issued on March 13, 2009 by the Department of Building Inspection to demolish a Victorian-era cottage. Without the building, the property does not retain sufficient historical integrity to qualify under this criterion.

*Criterion 4: It yields, or may be likely to yield, information important in prehistory or history;*

It does not appear that the subject property is likely to yield information important to a better understanding of prehistory or history.

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2. **Integrity** is the ability of a property to convey its significance. To be a resource for the purposes of CEQA, a property must not only be shown to be significant under the California Register criteria, but it also must have integrity. To retain historic integrity a property will always possess several, and usually most, of the aspects. The subject property has retained or lacks integrity from the period of significance noted above:

| | | | | | |
|---|---|---|---|---|---|
| **Location:** | ☒ Retains | ☐ Lacks | **Setting:** | ☒ Retains | ☐ Lacks |
| **Association:** | ☐ Retains | ☒ Lacks | **Feeling:** | ☐ Retains | ☒ Lacks |
| **Design:** | ☐ Retains | ☒ Lacks | **Materials:** | ☐ Retains | ☒ Lacks |
| **Workmanship:** | ☐ Retains | ☒ Lacks | | | |

There are no remaining buildings, structures, or objects located at the property to convey the site's historic relationship to the adjacent potential historic district. The site's location and setting are the

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[5] Kostura, p. 13.

only remaining elements of the historic property and are not sufficient to convey historic significance related to the collection of pre- and post-1906 residential buildings in the area dating from 1876-1928.

3. **Determination of whether the property is an "historical resource" for purposes of CEQA.**

☒ No Resource Present *(Go to 6 below.)* ☐ Historical Resource Present *(Continue to 4.)*

4. **If the property appears to be an historical resource, whether the proposed project would materially impair the resource (i.e. alter in an adverse manner those physical characteristics which justify the property's inclusion in any registry to which it belongs).**

☐ The project will not cause a substantial adverse change in the significance of the resource such that the significance of the resource would be materially impaired. *(Continue to 5 if the project is an alteration.)*

☐ The project is a significant impact as proposed. *(Continue to 5 if the project is an alteration.)*

5. **Character-defining features of the building to be retained or respected in order to avoid a significant adverse effect by the project, presently or cumulatively, as modifications to the project to reduce or avoid impacts. Please recommend conditions of approval that may be desirable to mitigate the project's adverse effects.**

6. **Whether the proposed project may have an adverse effect on off-site historical resources, such as adjacent historic properties.**

☐ Yes ☒ No ☐ Unable to determine

Staff concurs with the analysis presented in William Kostura's study that the proposed project would not have an adverse effect on off-site historical resources.[6] The subject property is adjacent to (across the street from and three lots west of) a potential historic district and alterations to the site may affect the setting of that district. The design of the new construction would be compatible with the architectural character of the potential district, thereby preserving the setting and feeling of these resources. Specifically, the project design is compatible with the character of the neighborhood for the following reasons:

- The height of the proposed building at the street wall would be in keeping with the heights of the adjacent properties, retaining a stepping pattern of buildings along the north side of Lombard Street.

[6] Please note that the project has been revised since the November 2009 analysis to further improve the new building's compatibility with the district.

- The setback at the east side of the building will reduce the mass of the new structure as viewed from Lombard Street so that the relative size of the building will be perceived as similar to the surrounding buildings.
- The proposed painted wood cladding, wood trim/fascia, and wood-framed windows and doors will be in keeping with the traditional materials found on the block and within the historic district.
- The fenestration pattern includes a rectangular projecting bay element and paired window units with narrow lights that relate well to the traditional fenestration patterns found on the block.
- The projecting cornice element and frieze are a contemporary interpretation of the cornices found on the Victorian-era buildings on the block, which help to relate the new building to its context.
- The proposed new design employs a level of ornamentation (including the trim-work, pent-roofed entrance, metal picket railing, and tile-work) that is comparable but more subdued than that found in the historic buildings on the block. This creates an appropriate subordinate relationship between the new building and the historic buildings that allows them to stand out more prominently in the streetscape.

For these reasons, the proposed project will have no adverse effect on the potential historic district located in the vicinity of the project site.

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**SENIOR PRESERVATION PLANNER REVIEW**

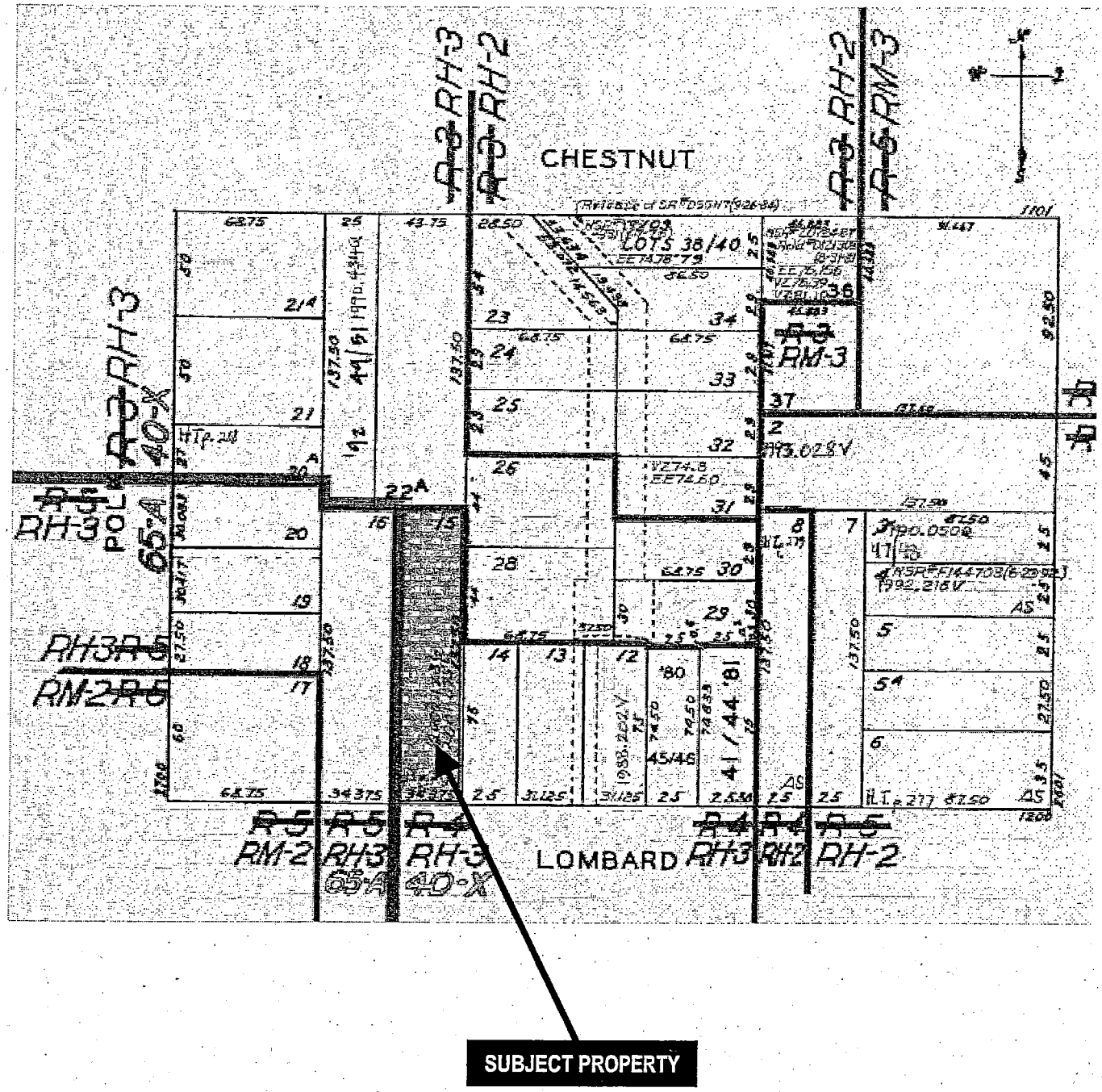
Signature: Tina Tam Date: 11/11/2011

Tina Tam, *Senior Preservation Planner*

cc: Linda Avery, *Recording Secretary*, Historic Preservation Commission
Virnaliza Byrd / Historic Resource Impact Review File
Glenn Cabreros, Neighborhood Planner

*SC: G:\DOCUMENTS\Cases\CEQA\HRER\1268 Lombard\2009.1029E_1268 Lombard_HRER memo.doc*

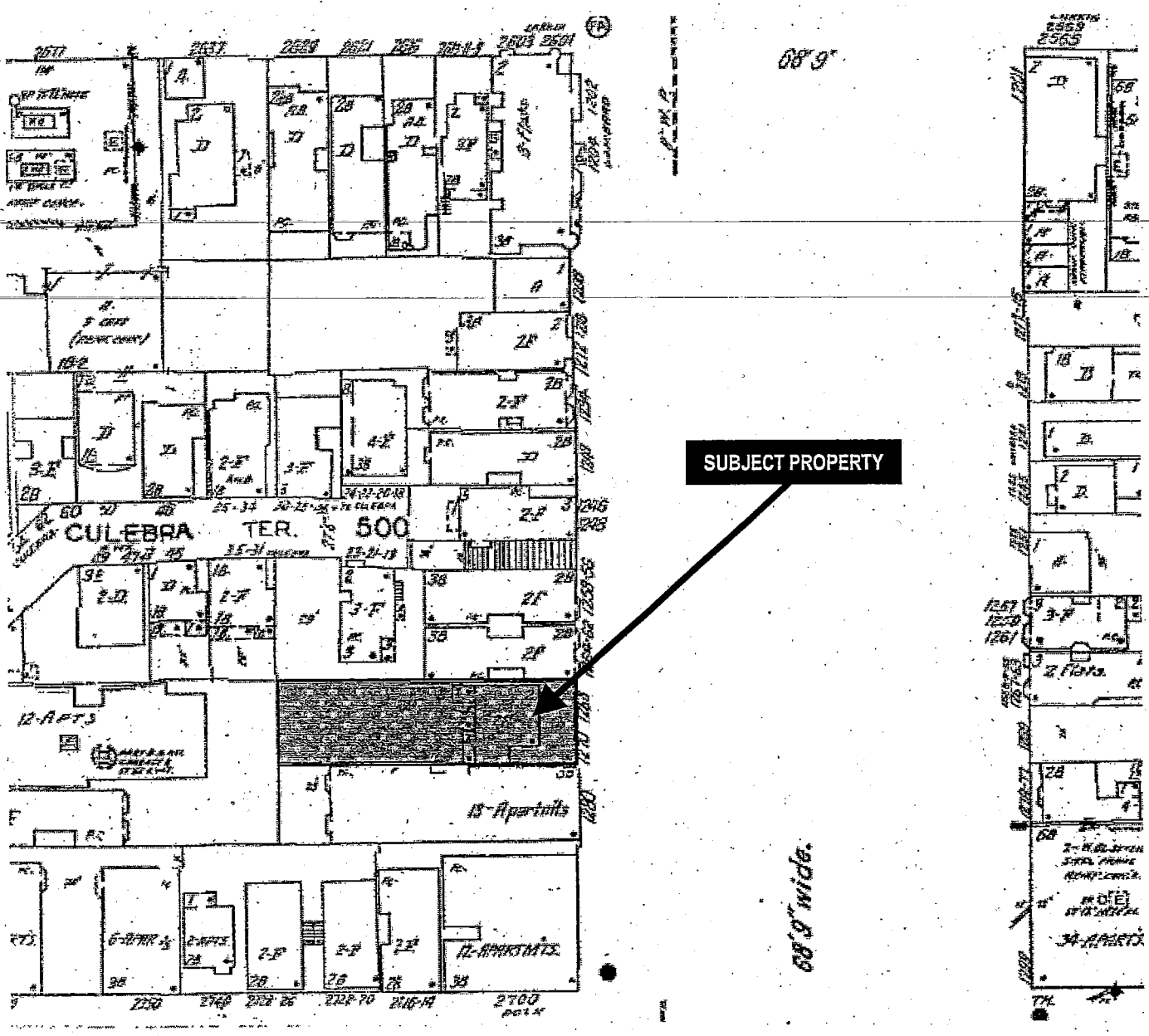
# Parcel Map




Conditional Use Hearing
**Case Number 2009.1029C**
1268 Lombard Street
Hearing Date: February 17, 2011

SAN FRANCISCO
PLANNING DEPARTMENT

# Sanborn Map*




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

Conditional Use Hearing
**Case Number 2009.1029C**
1268 Lombard Street
Hearing Date: February 17, 2011

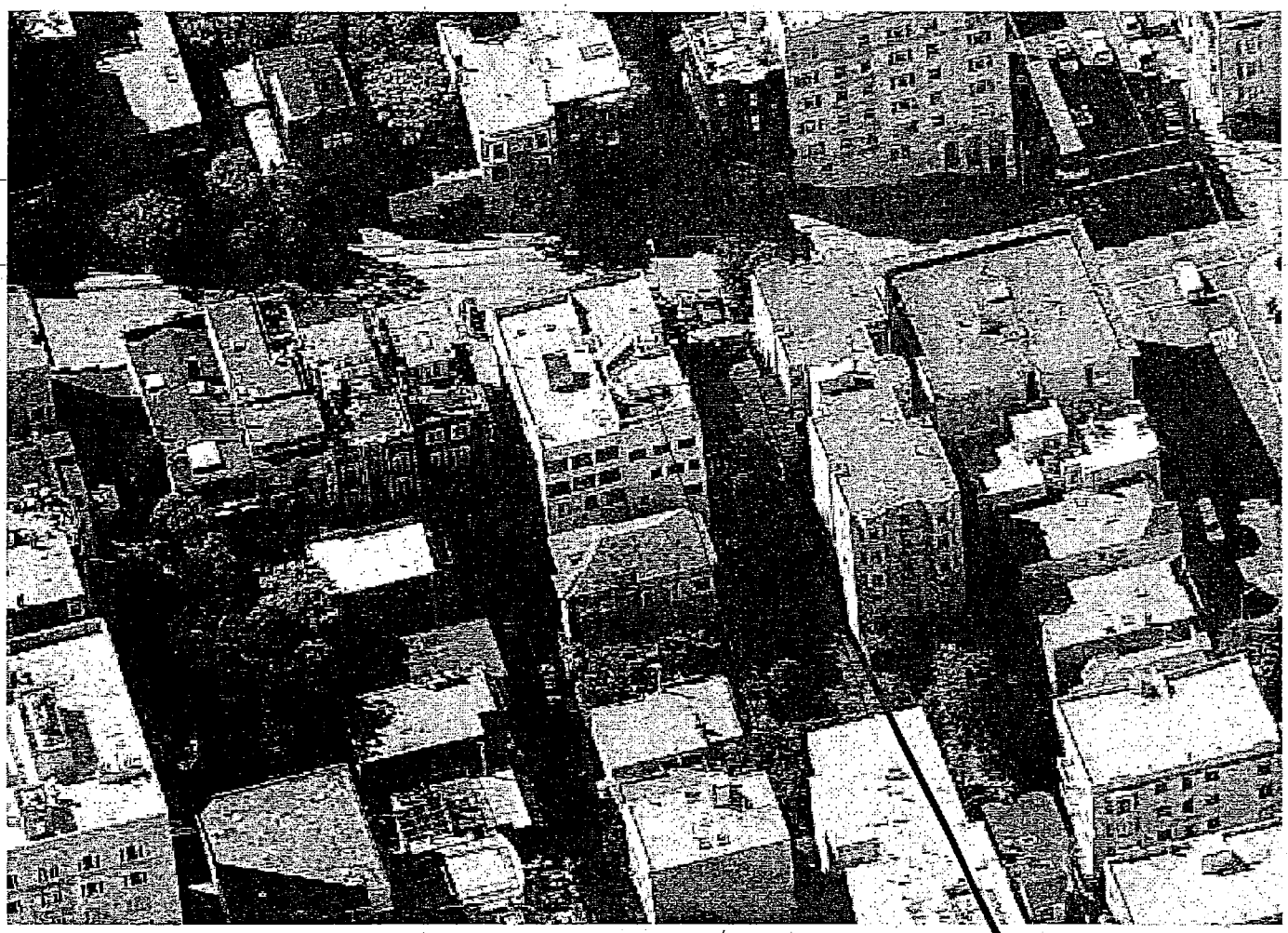
SAN FRANCISCO
PLANNING DEPARTMENT

# Aerial Photo 1


Conditional Use Hearing
**Case Number 2009.1029C**
1268 Lombard Street
Hearing Date: February 17, 2011

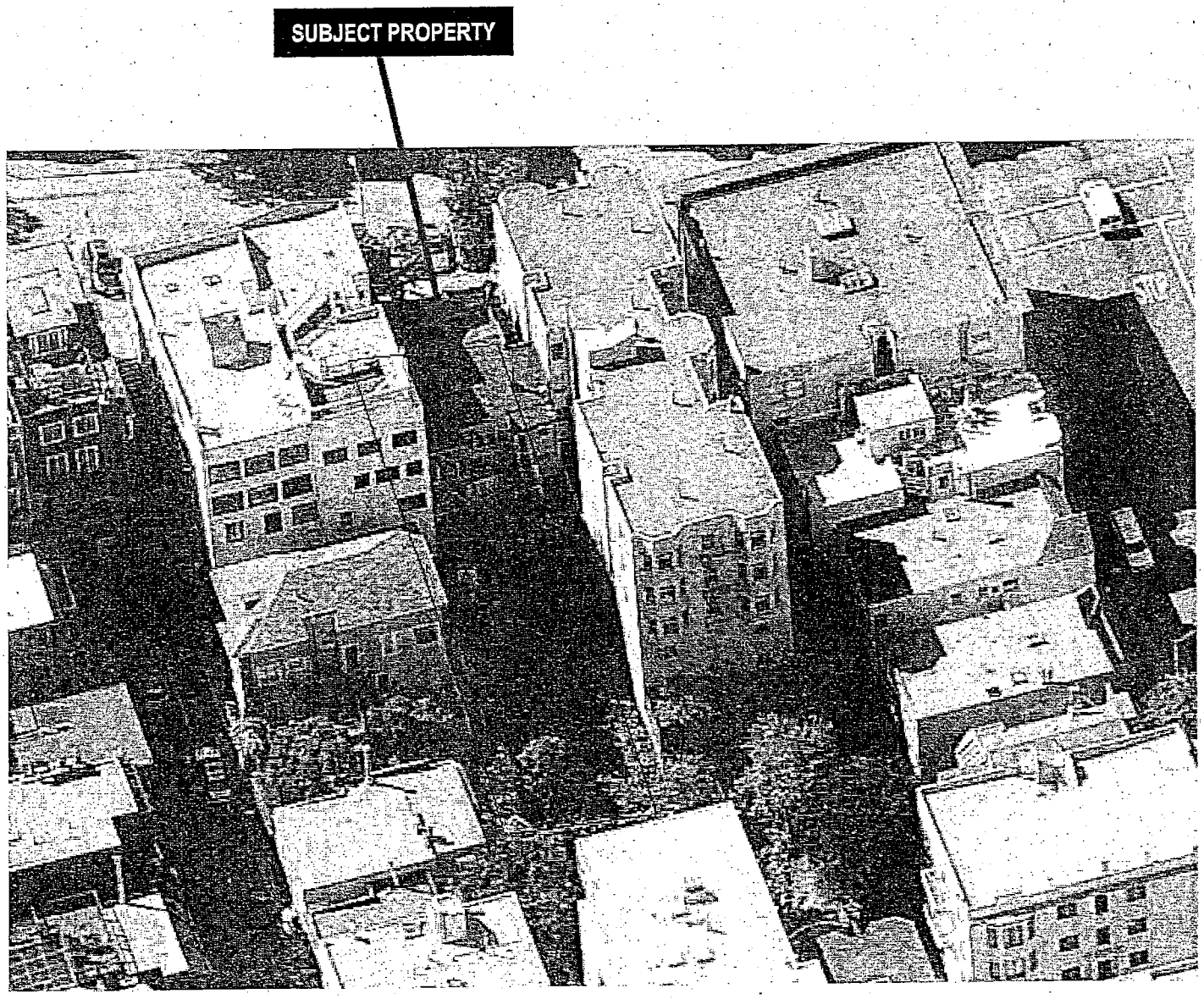
SAN FRANCISCO
PLANNING DEPARTMENT

# Aerial Photo 2




Conditional Use Hearing
**Case Number 2009.1029C**
1268 Lombard Street
Hearing Date: February 17, 2011

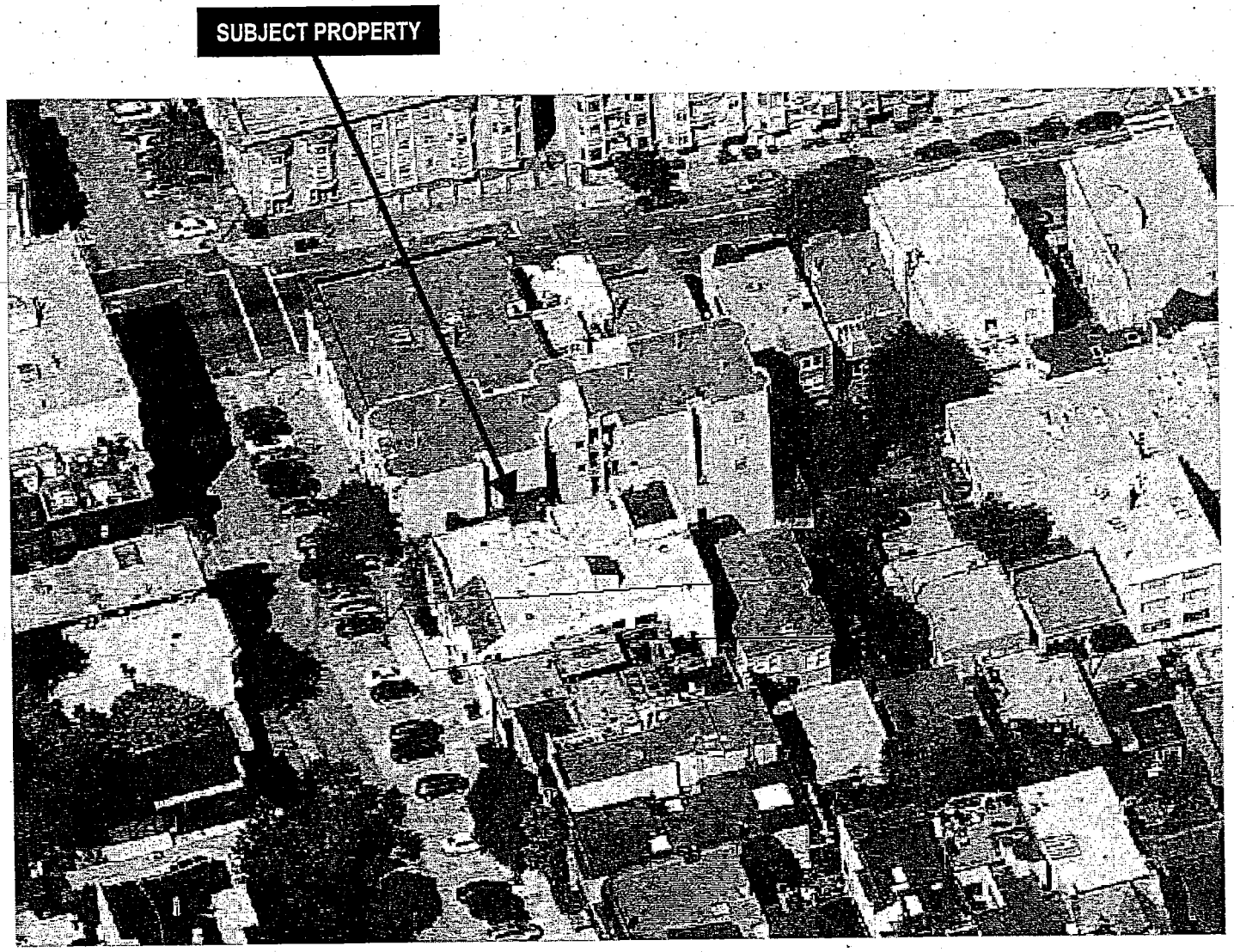
# Aerial Photo 3




Conditional Use Hearing
**Case Number 2009.1029C**
1268 Lombard Street
Hearing Date: February 17, 2011

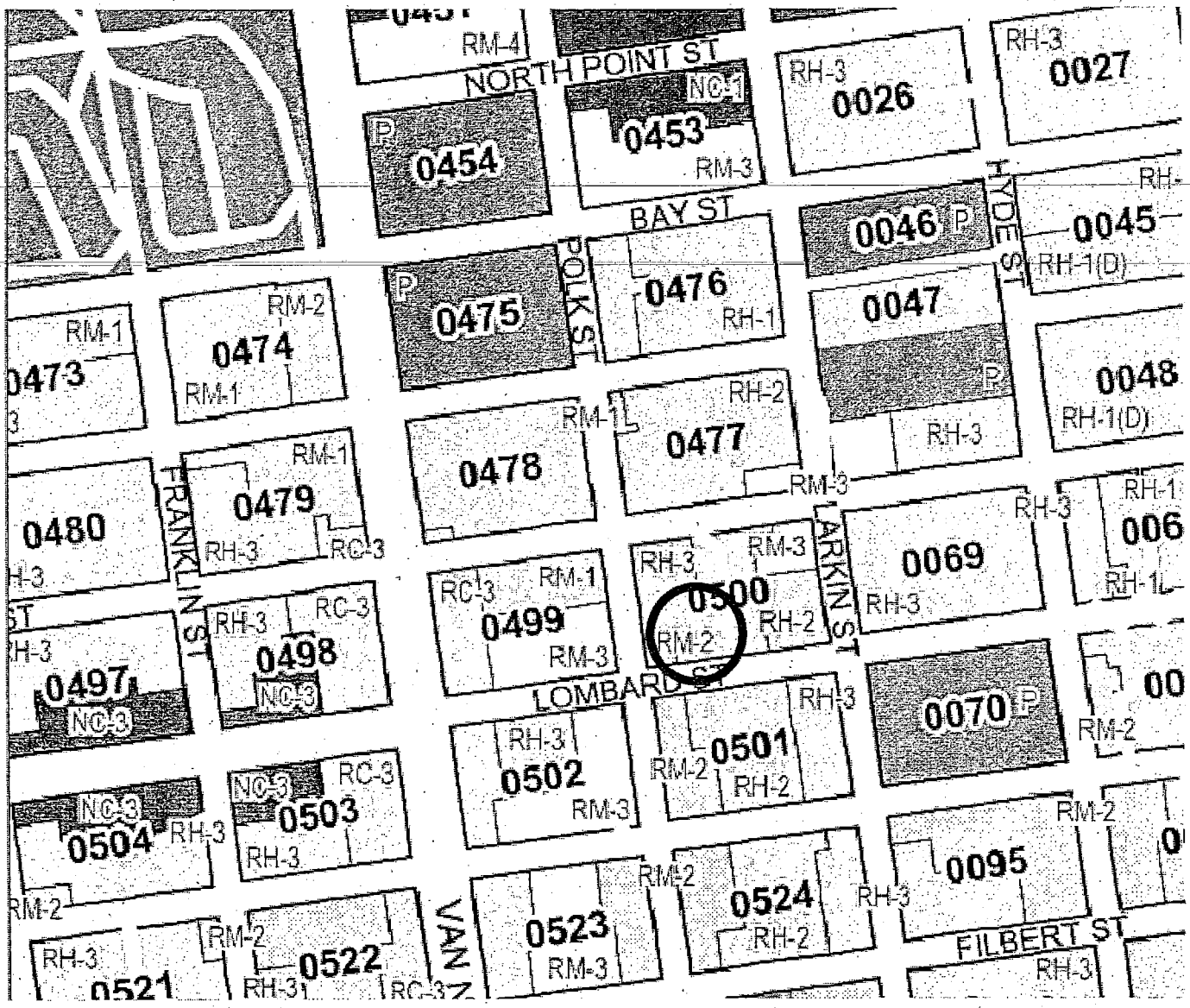
SAN FRANCISCO
PLANNING DEPARTMENT

# Aerial Photo 4



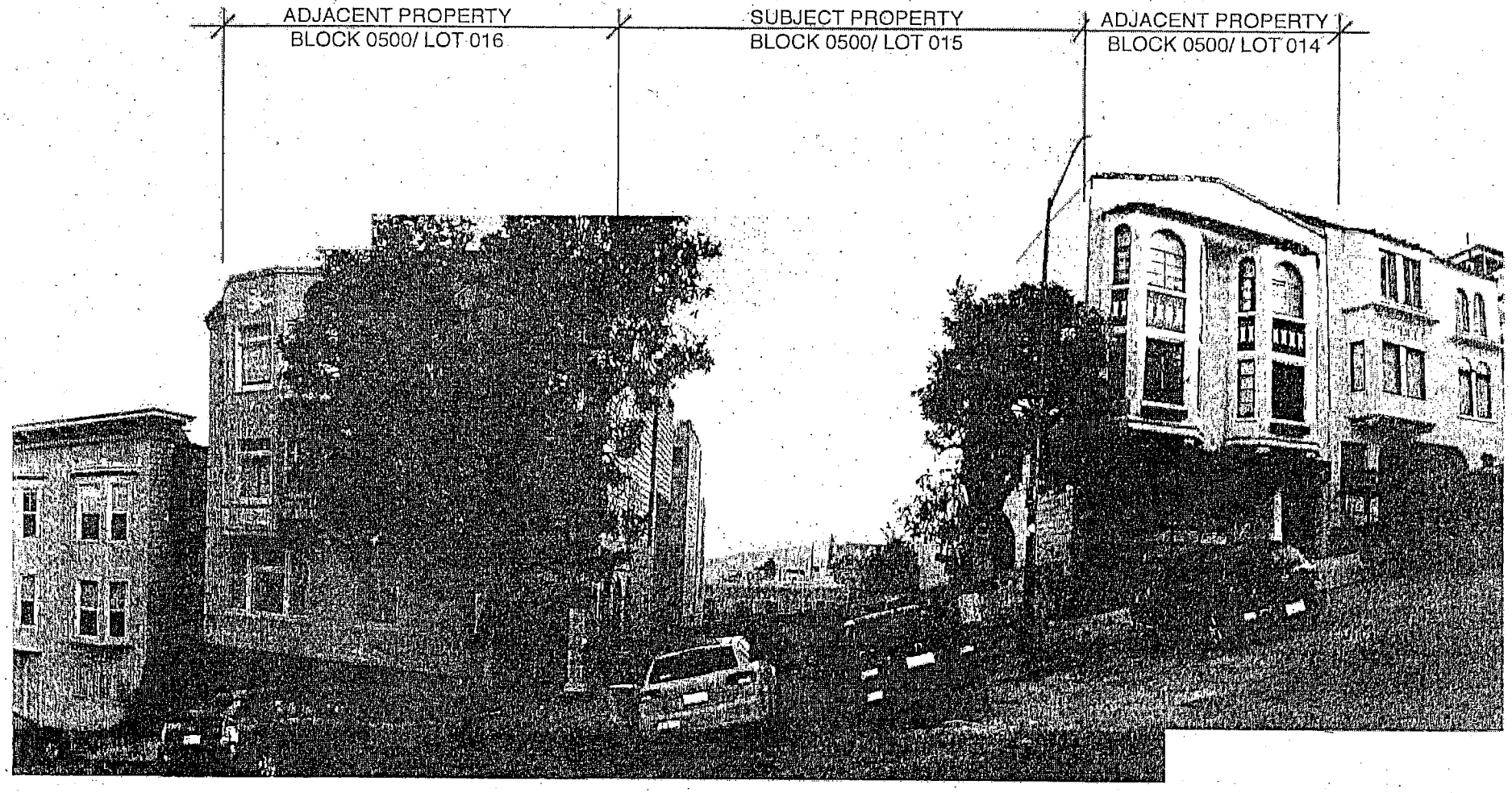
# Aerial Photo 5

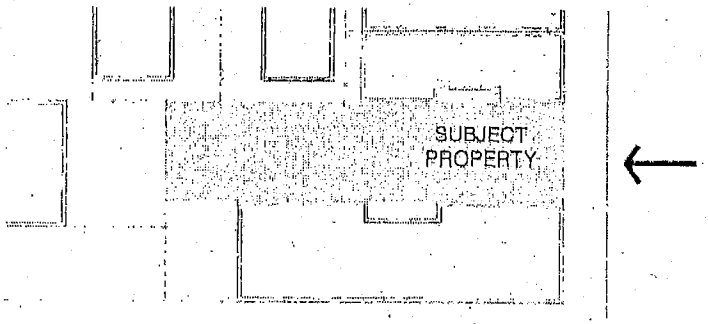
# Zoning Map




Conditional Use Hearing
**Case Number 2009.1029C**
1268 Lombard Street
Hearing Date: February 17, 2011

SAN FRANCISCO
PLANNING DEPARTMENT





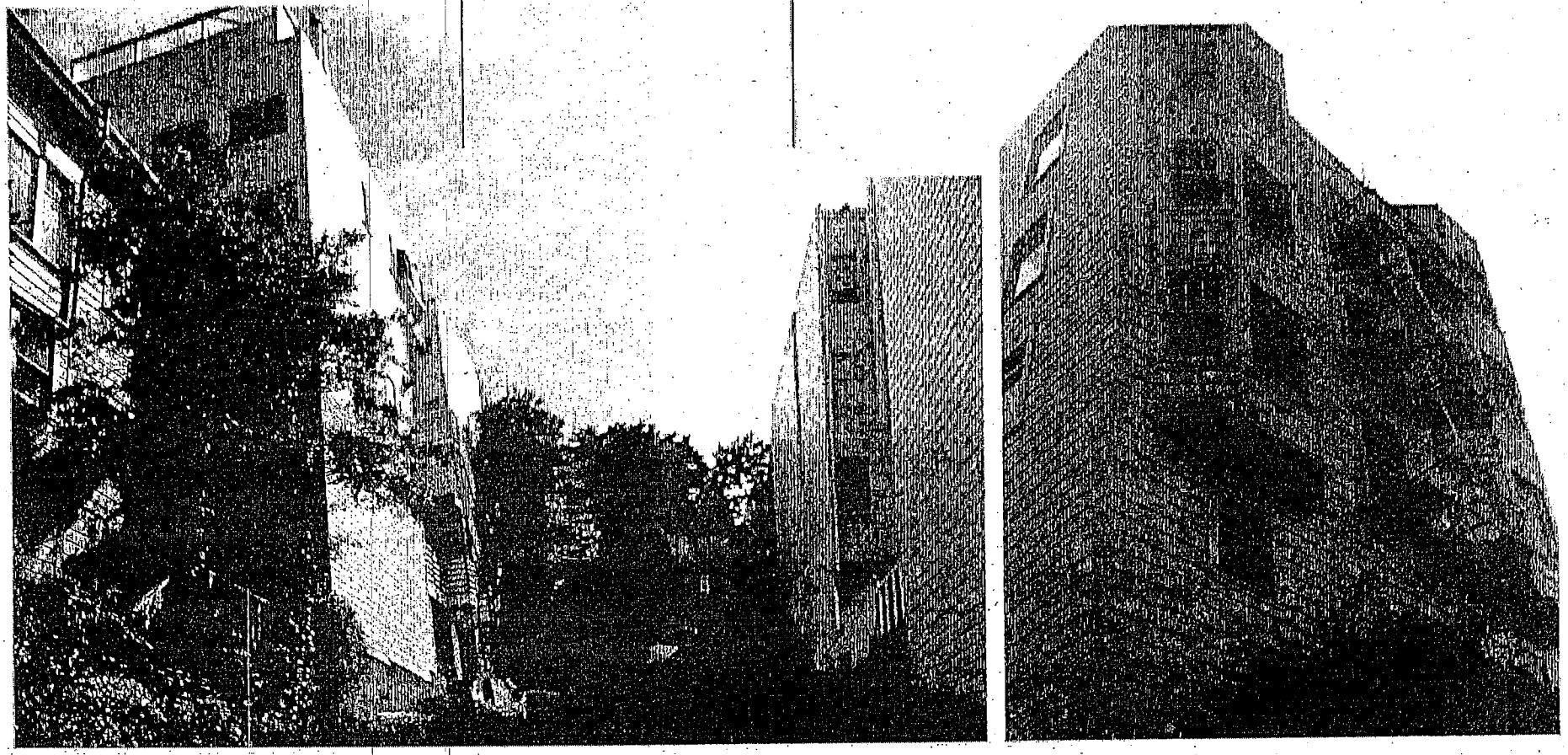

KERMAN MORRIS ARCHITECTS 10/21/2009

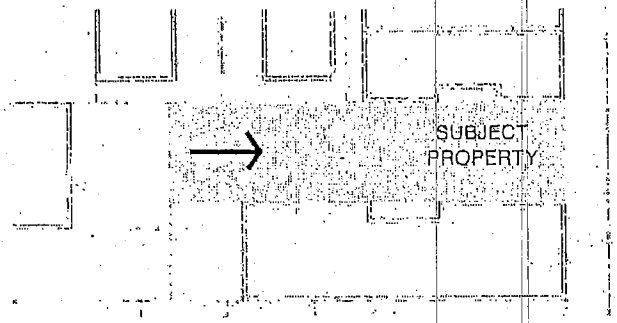
SUBJECT PROPERTY: **1268 LOMBARD STREET**
BUILDINGS ON SAME BLOCK

ADJACENT PROPERTY
BLOCK 0500/ LOT 014

SUBJECT PROPERTY
BLOCK 0500/ LOT 015

ADJACENT PROPERTY
BLOCK 0500/ LOT 016



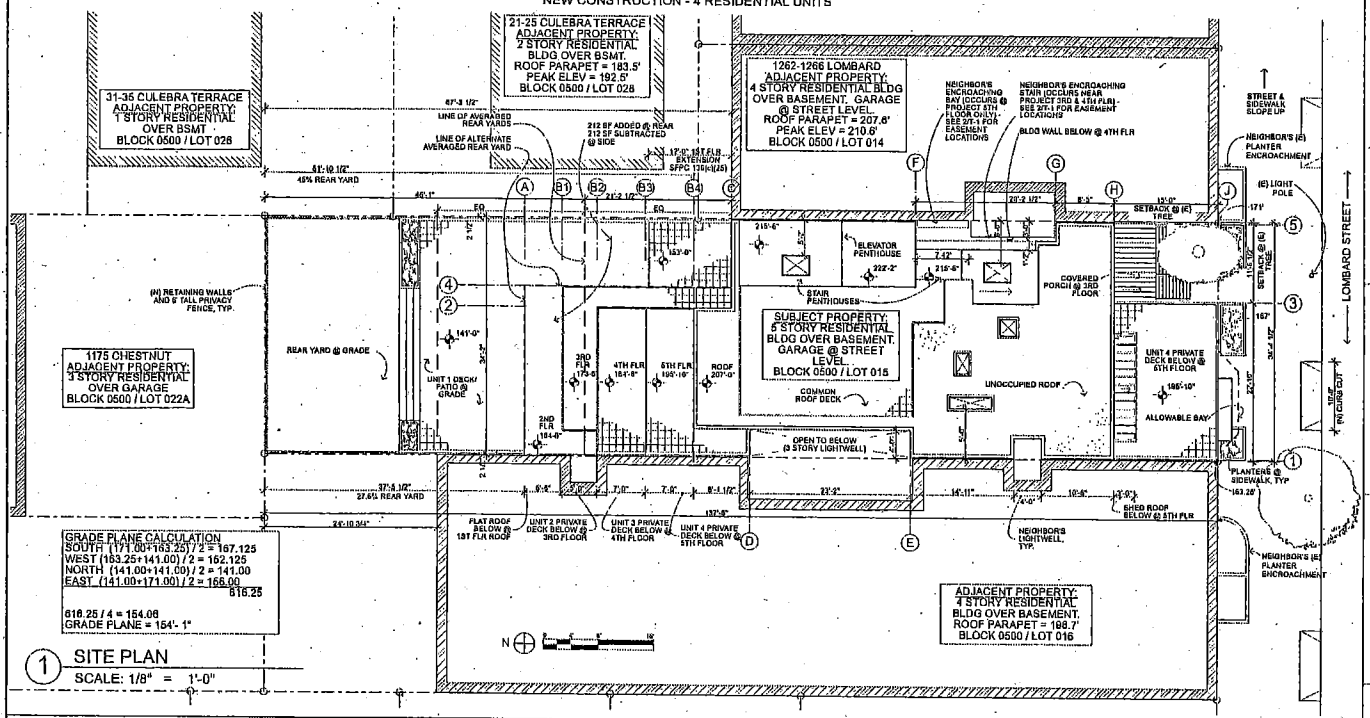



KERMAN MORRIS ARCHITECTS 10/21/2009

SUBJECT PROPERTY: **1268 LOMBARD STREET**
REAR VIEW

# 1268 LOMBARD STREET

NEW CONSTRUCTION - 4 RESIDENTIAL UNITS




1 SITE PLAN
SCALE: 1/8" = 1'-0"

## PLANNING DEPARTMENT NOTES:

PROJECT LOCATION: 1268 Lombard Street, Block 0500/ Lot 015

ZONING DISTRICT: RH-3

HEIGHT DISTRICT: 40-X

LOT SIZE: 4,728 sf

CURRENT USE: Vacant Lot

PROPOSED USE: 4-unit residential building with off-street parking (4 spaces) @ street level.

DENSITY: Per SFCP Section 209.1, 1-3 units permitted. Per SFCP Section 209.1(b) 1 unit / 1000 sf of lot area allowed with Conditional Use. (4,728 / 1000 = 4.7 units = 4 units allowed) 4 units proposed. *Conditional Use Required.*

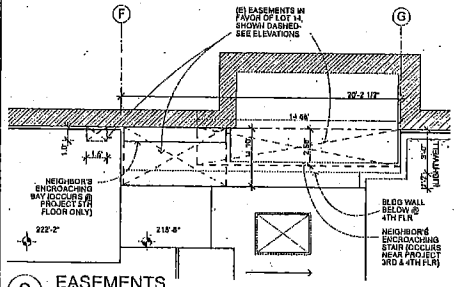
SETBACKS:
Front Setback: Per SFPC Section 132, average between adjacent neighbors. No setback required.

Rear Yard: 45% of lot depth, but not less than 25%. Per SFPC Section 134 (c)(1), proposed rear yard is averaged between adjacent neighbor's rear yards. 25% rear yard provided at basement level extension per SFPC Section 136(c)(25).

USABLE OPEN SPACE: Per SFPC Section 135, 100 sq private or 133 sf common open space required. Unit 1 has private open space at grade and decks > than 100 sf. Units 2-4 all have decks > 100 sf. Though not required, an additional 460 sf of common open space provided at shared roof deck.

PARKING: Per SFPC Section 150, 1 space / dwelling unit required. 4 spaces required and provided. (One ADA van accessible space included in count)

BICYCLE PARKING: Per SFPC Section 155.5, 1 "Class 1" space / 2 dwelling unit required. 2 parking spaces required and provided.




2 EASEMENTS
SCALE: 1/4" = 1'-0"

# CU/PLNG R5
# 2/8/2011

NOTE: SPRINKLERS UNDER SEPARATE PERMIT

## GENERAL LEGEND:

- (N) 1-HR WALL
- (N) 2-HR WALL
- (N) 3-HR WALL
- BLDG WALL SECTION
- EXTERIOR ELEVATION
- COLUMN LINE
- ELEVATION MARKER

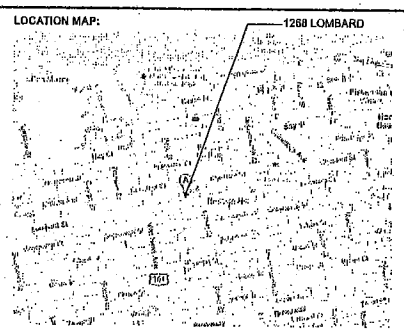
## BLDG. SQUARE FOOTAGE (GROSS):

| Use | Square Feet |
|---|---|
| Residential (R-2) | 10,499 |
| Parking Garage (U) | 2,015 |
| Residential Storage (S-2) | 726 |
| TOTAL | 13,230 S.F. |

## NET LEASABLE RES'L SQUARE FOOTAGE (BY UNIT):

| Unit Number | Square Feet |
|---|---|
| Unit 1 (2-Level Townhouse) | 2,725 |
| Unit 2 (Flat) | 1,888 |
| Unit 3 (Flat) | 1,737 |
| Unit 4 (Flat) | 1,308 |
| TOTAL | 7,458 S.F. |

LOCATION MAP:




## TITLE 24 COMPLIANCE:

Title-24 Mandatory Measures:
All work to comply with Title-24 Mandatory Measures including but not limited to: R-13 min. insulation in all new/rebuilt exterior walls; R -19 min. insulation in all new/rebuilt roofs; R-13 raised floor insulation in all new/rebuilt wood framed floors; double insulated doors and window products with certified U-value and infiltration certification; exterior doors and windows weatherstripped; all joints and penetrations caulked and sealed; 50% minimum high efficacy lighting in kitchens (separately switched); high efficacy lighting in bathrooms, garage, laundry room and utility rooms (or manual-on occupancy sensor); all other rooms, lighting to be high efficacy, manual-on occupancy sensor, or dimmer. All recessed incandescent ceiling fixtures to be IC approved. All recessed fluorescents to be ICAT rated. Outdoor lighting to be high efficacy or motion sensor with photocontrol. See attached compliance sheets on A-0.2, project notes, product information and drawings for project specific insulation levels and energy efficiency provisions.

## DESCRIPTION OF WORK:

This work consists of a newly constructed 4-unit, 5 story residential building with basement. Basement of Type I-A concrete construction below 5 stories of Type III-A wood construction. Street level parking garage (U occupancy) at the third floor. All units have private decks in addition to shared common deck at roof level. Project will require a Conditional Use for 4 units on this RH-3 lot.

All work to comply with current local and state codes including, but not limited to: the 2007 Edition of the California Building Code, the California Plumbing Code, the California Mechanical Code, the California Electrical Code and the California Fire Code, the current editions of the San Francisco Building and Planning Codes, Title-24 Energy Standards, etc...

## BUILDING DATA:

| | |
|---|---|
| OWNERS: | 1268 LOMBARD STREET, LLC<br>2601 MISSION STREET<br>SAN FRANCISCO, CA 94110<br>TEL: (415) 321-7077 |
| ADDRESS: | 1268 LOMBARD STREET<br>SAN FRANCISCO, CA 94109 |
| BLOCK/LOT: | BLOCK 0500/ LOT 015 |
| ZONING DISTRICT: | RH-3/ 40-X |
| LOT SIZE: | 4,728 SQ. FT. |
| SFBC OCCUPANCY CLASS: | R-2 OVER U OVER R-2 |
| CONSTRUCTION TYPE: | TYPE III-A (5 FLOORS) OVER TYPE I-A (BASEMENT) |
| DESIGN: | KERMAN MORRIS ARCHITECTS<br>99A WATER STREET<br>SAN FRANCISCO, CA 94133<br>T: (415) 749-0302 F: (415)626-5152 |

## DRAWING INDEX:

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FAX 415.626.5152


Revisions:

| |
|---|
| EE APP - 10/21/09 |
| CU - 11/17/09 |
| CU/PLNG R1 - 9/8/10 |
| CU/PLNG R2 - 12/3/10 |
| CU/PLNG R3 - 1/10/11 |
| CU/PLNG R4 - 1/24/11 |
| CU/PLNG R5 - 2/8/11 |

1268 LOMBARD STREET

4-UNIT RESIDENTIAL BUILDING

BLOCK 0500/ LOT 015

SITE PLAN



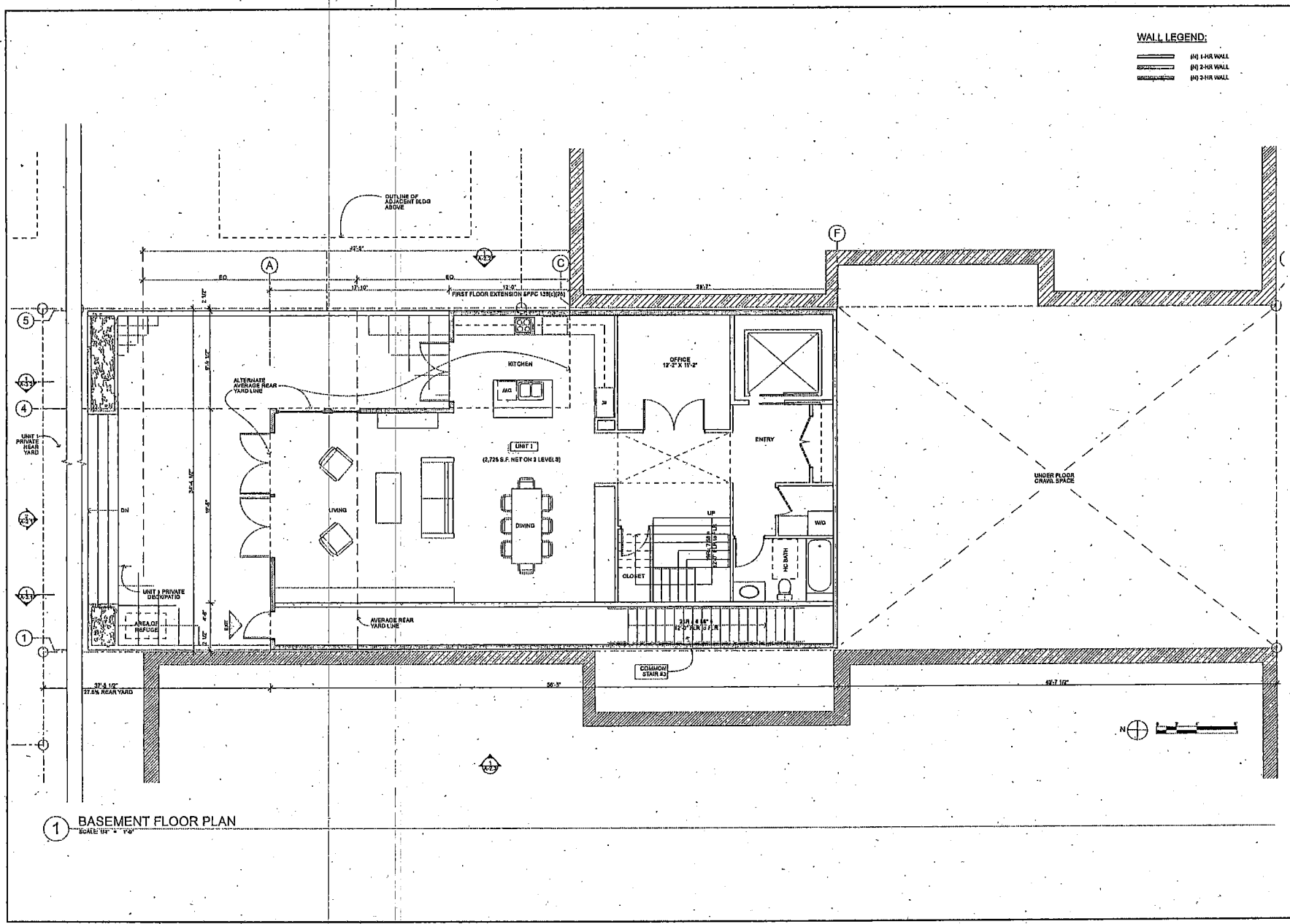
DATE: 2/8/2011
SCALE:
DRAWN BY: TTD
CHECKED BY: TM
JOB NO: 0910

DRAWING:

T-1

1 of 14 sheets

418




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

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Architects
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Revisions:
- EE APP - 11/23/09
- CU - 11/17/09
- CUPLNG R1 - 8/8/10
- CUPLNG R2 - 12/2/10
- CUPLNG R3 - 5/10/11
- CUPLNG R4 - 10/24/11
- CUPLNG R5 - 2/8/11

1268 LOMBARD STREET

4-UNIT RESIDENTIAL BUILDING

BLOCK 0500/ LOT 016

BASEMENT PLAN

NOTICE

These drawings and specifications are the property and copyright of Kermani Architects, and shall not be used on any other work except by written agreement with Kermani Architects.

The Contractor shall verify all field conditions. Written dimensions take precedence over scaled dimensions and shall be verified on the project site. Any discrepancy shall be brought to the attention of Kermani Architects prior to the commencement of any work.

These drawings are incomplete and shall not be used for bidding purposes and to assist the contractor in construction. The drawings are limited and only representational details SPECIFICALLY EXCLUDED FROM THE SCOPE OF DESIGN SERVICES AND AS INDICATED IN THESE PLANS ARE ALL WATERPROOFING DETAILS, ENERGY, WHICH ARE THE RESPONSIBILITY OF THE CONTRACTOR/BUILDER.

All attachments, connections, anchorings, etc., are to be properly executed in accordance with local practices, and the Contractor shall be responsible for providing and installing them.

DATE: 2/8/2011
SCALE:
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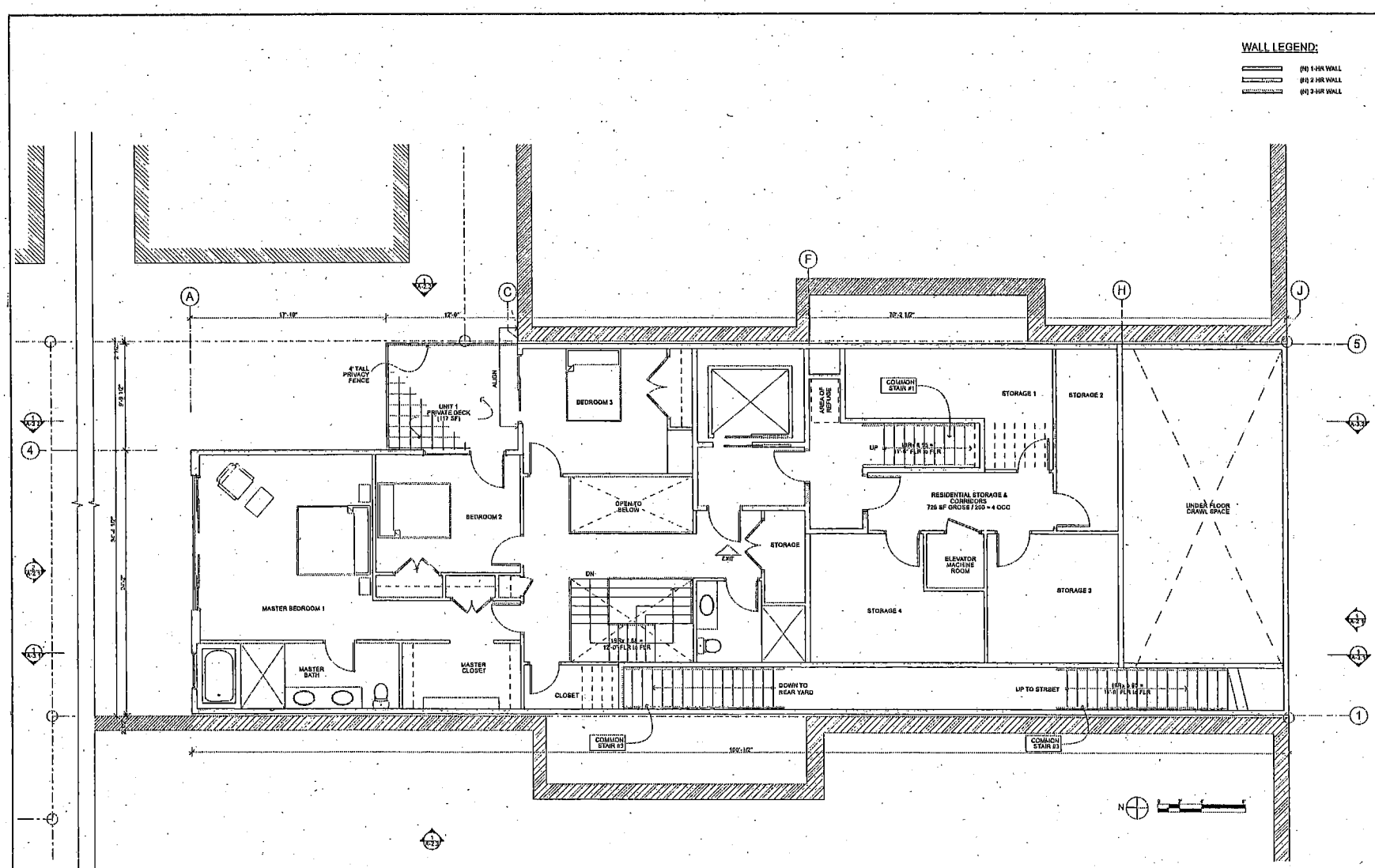
A-1.1
3 of 14 sheets

419




1 FIRST FLOOR PLAN
SCALE: 1/4" = 1'-0"


KELLAN NEIGHBORHOOD architects
614 WATER STREET
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Revisions:

| |
|---|
| RE APP - 10/21/09 |
| CU - 11/17/09 |
| CUPLNG R1 - 9/8/10 |
| CUPLNG R2 - 12/3/10 |
| CUPLNG R3 - 5/10/11 |
| CUPLNG R4 - 7/12/11 |
| CUPLNG R5 - 2/9/11 |

1268 LOMBARD STREET

4-UNIT RESIDENTIAL BUILDING

BLOCK 0500/ LOT 016

FIRST FLOOR PLAN

NOTICE

These drawings and specifications are the property and copyright of Kellan Neighborhood Architects and shall not be used on any other work except by agreement with Kellan Neighborhood Architects.

The Contractor shall verify all existing conditions. Written dimensions take precedence over scaled dimensions and shall be verified on the project site. Any discrepancy shall be brought to the attention of Kellan Neighborhood Architects prior to any commencement of any work.

These drawings are an industry standard tool and are not building permit and do not assure the construction documents. The drawings show limited and only representative typical details. SPECIFICALLY EXCLUDED FROM THE SCOPE OF DESIGN SERVICES AND AS INDICATED IN THESE PLANS ARE ALL WATERPROOFING DETAILS/ DESIGN, WHICH ARE THE RESPONSIBILITY OF THE CONTRACTOR/BUILDER.

All dimensions, conditions, locations, etc., are to be properly noted on all contractors with best practice, and the Contractor shall be responsible for providing and installing them.

DATE: 2/8/2011
SCALE:
DRAWN BY: TTD
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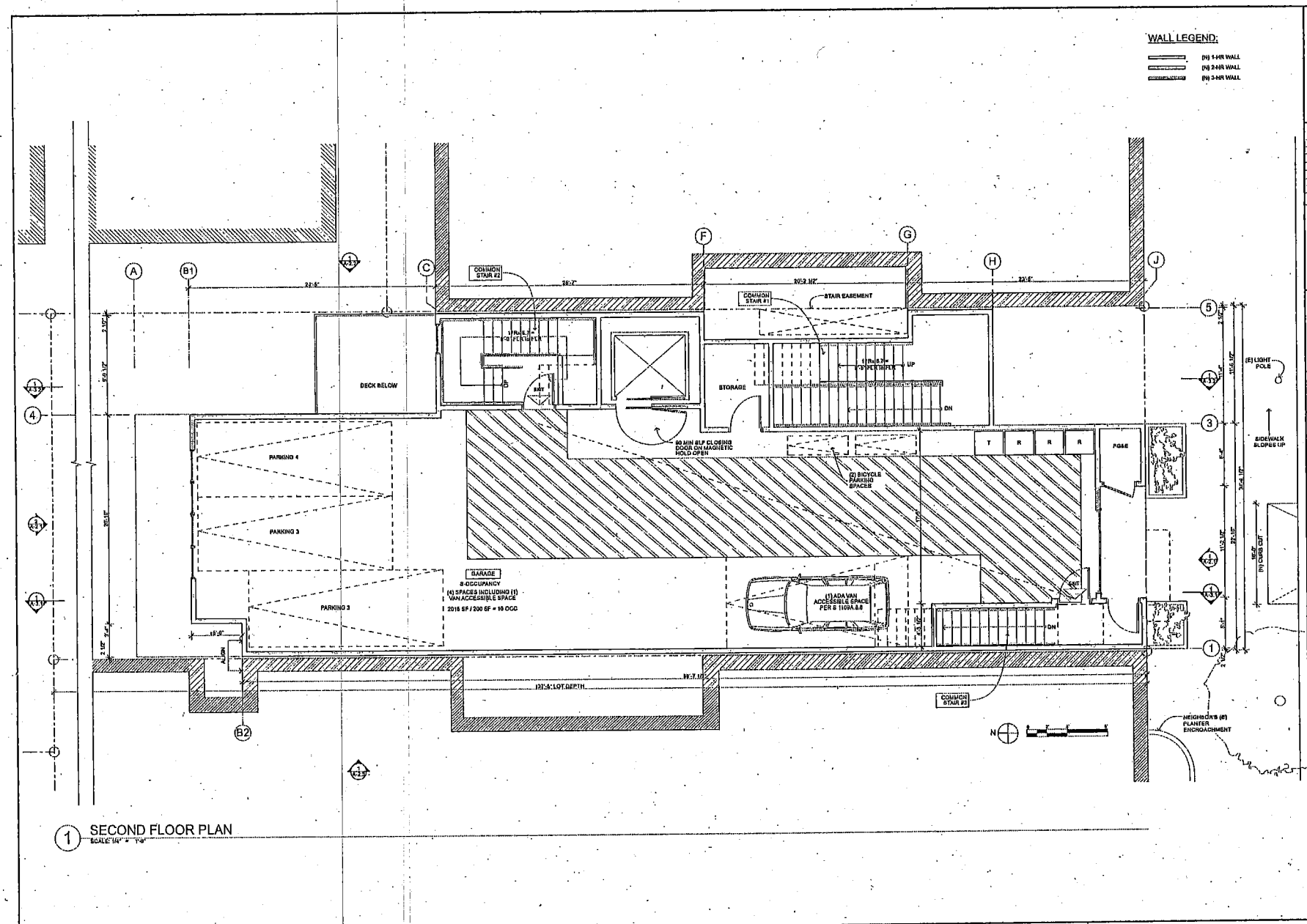
4 of 14 sheets

420




1 SECOND FLOOR PLAN
SCALE: 1/4" = 1'-0"

KERMAN MORRIS Architects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Revisions

| | |
|---|---|
| | BP APP - 10/21/09 |
| | CU - 10/17/05 |
| | CUPLNG R1 - 5/5/10 |
| | CUPLNG R2 - 10/5/10 |
| | CUPLNG R3 - 1/10/11 |
| | CUPLNG R4 - 1/24/11 |
| | CUPLNG R5 - 2/8/11 |

1268 LOMBARD STREET

4-UNIT RESIDENTIAL BUILDING

BLOCK 0508/ LOT 015

SECOND FLOOR PLAN

NOTICE

These drawings and specifications are the property and copyrighted document of Kerman Morris Architects, and shall not be used in any way without the prior written agreement with Kerman Morris Architects.

The Contractor shall verify all building conditions. Written dimensions take precedence over scaled dimensions, and shall be followed in the event of any discrepancy shall be brought to the attention of Kerman Morris Architects prior to the commencement of any work.

These drawings are not a building permit and do not authorize the contractor to commence. The drawings show finished and only representational details. SPECIFICALLY EXCLUDED FROM THESE BOOKS OF RIGHT SERVICES AND AS ALLOCATED IN THE PROPOSAL ARE ALL WATERPROOFING DETAILS or DESIGN, WHICH ARE THE RESPONSIBILITY OF THE CONTRACTOR/BUILDER.

All attachments, connections, anchorings, etc., are to be properly secured in conformance with local practice, and the Contractor shall be responsible for providing and installing them.

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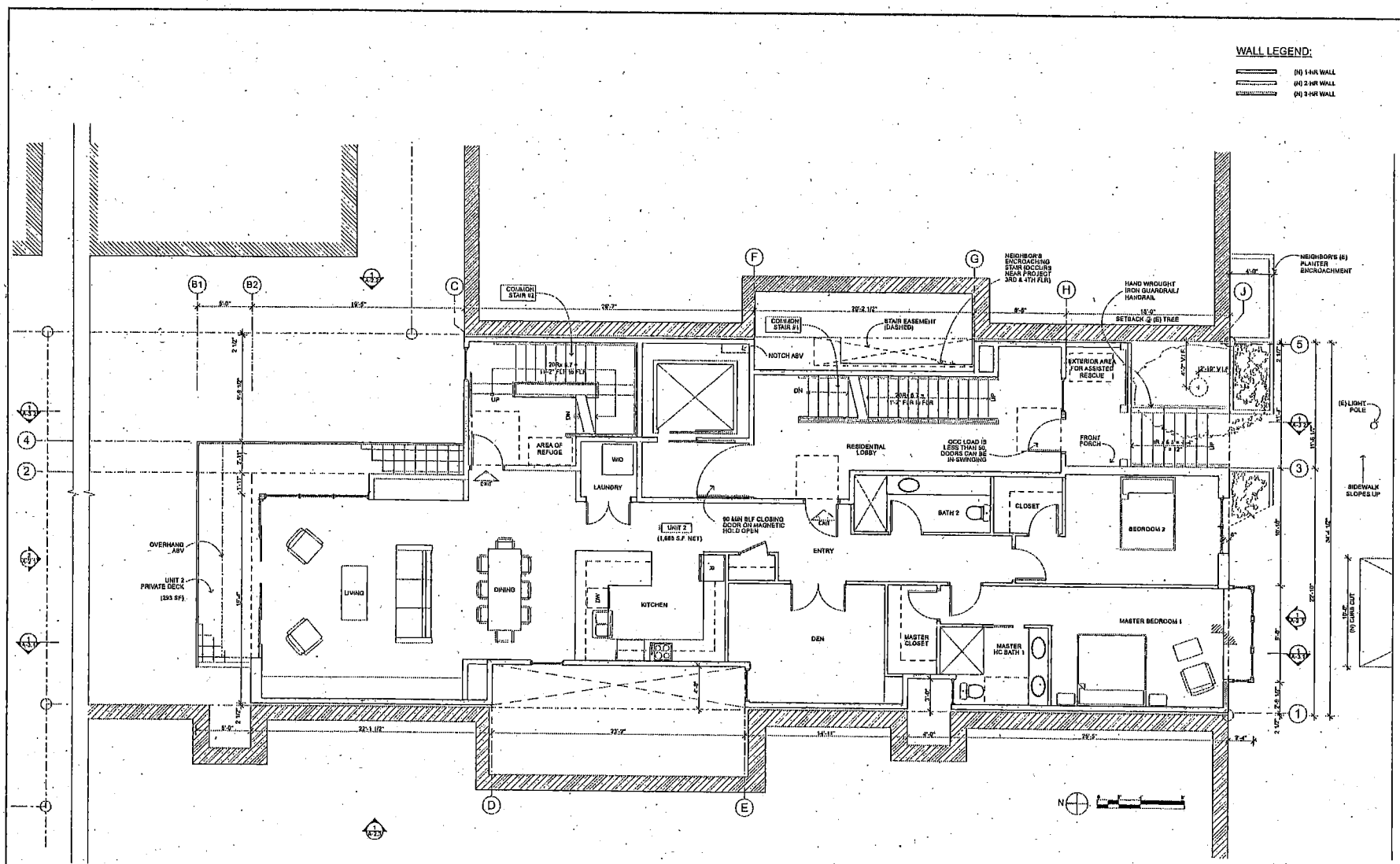
8 of 14 sheets

421




1 THIRD FLOOR PLAN

SCALE: 1/4" = 1'-0"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Revisions:

| | |
|---|---|
| SF APP - 10/7/2009 | |
| CU - 10/7/2009 | |
| CUP LNG R1 - 9/8/10 | |
| CUP LNG R2 - 12/3/10 | |
| CUP LNG R3 - 1/10/11 | |
| CUP LNG R4 - 1/23/11 | |
| CUP LNG R5 - 2/8/11 | |

1288 LOMBARD STREET

4-UNIT RESIDENTIAL BUILDING

BLOCK 0500/ LOT 015

THIRD FLOOR PLAN

NOTICE

These drawings and specifications are the property and copyright of Kornbluth Keith Architects, and shall not be used on any project with except by written agreement with Kornbluth Keith Architects.

The Contractor shall verify all existing conditions within the contract documents and shall be responsible for any discrepancy shall be brought to the attention of the Architect prior to the commencement of any work.

These drawings are not entirely detailed and are not for building permit and is to aid the contractor in construction. Therefore, some elements and any representational details SPECIFICALLY EXCLUDED FROM THE SCOPE OF DESIGN SERVICES AND AS SUCH AID IN THESE PLANS ARE ALL WATERPROOFING DETAILS DESIGN, WHICH ARE THE RESPONSIBILITY OF THE CONTRACTOR/BUILDER.

All attachments, connections, bracings, etc., are to be temporarily removed in conformance with local practice, and the Contractor shall be responsible for providing and building them.

DATE: 2/8/2011

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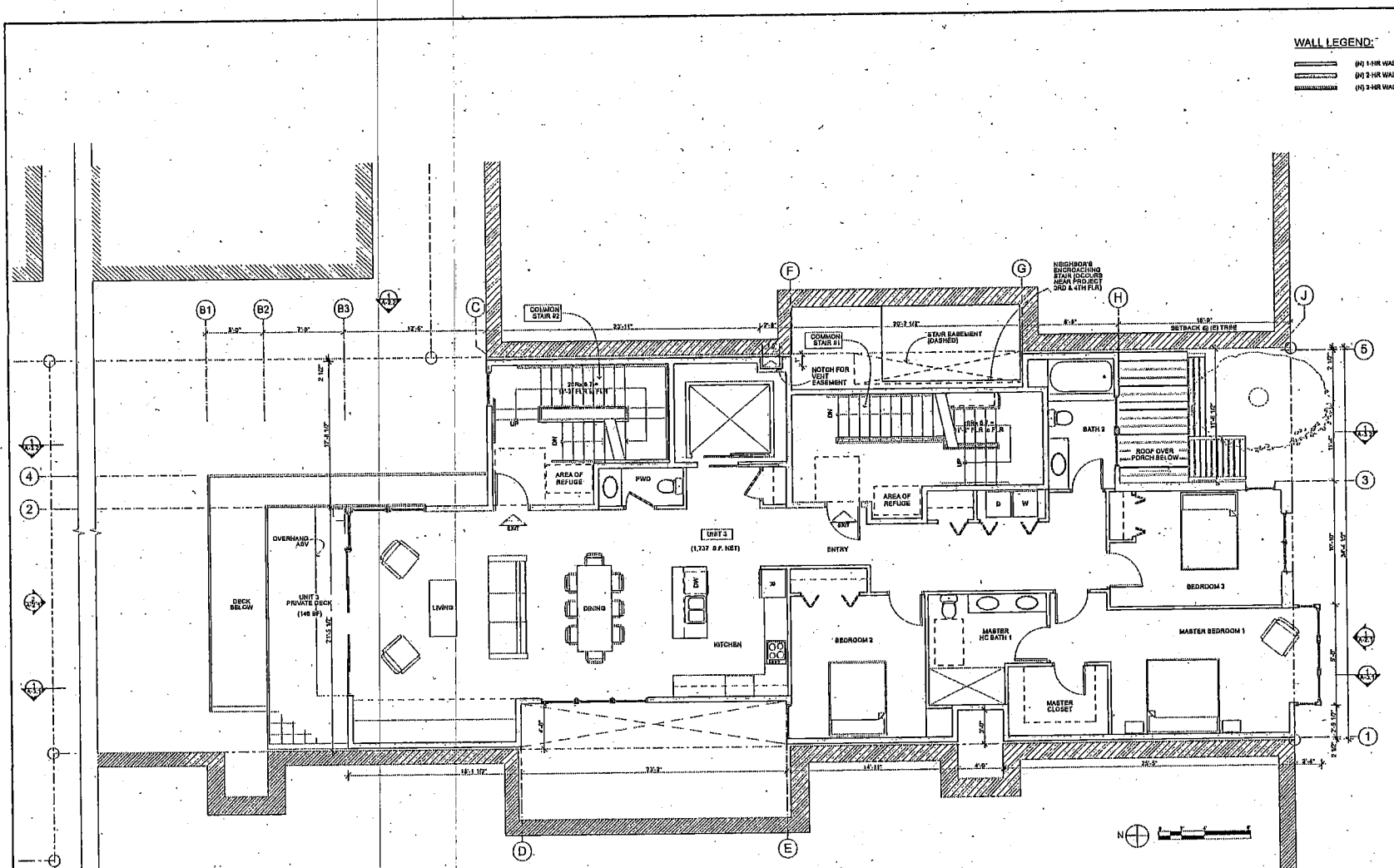
422




1 FOURTH FLOOR PLAN
SCALE: 1/4" = 1'-0"

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Residenc

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|---|
| SF APP - 10/7/09 |
| CU - 1/07/09 |
| CUPLNG R1 - 6/8/10 |
| CUPLNG R2 - 12/2/10 |
| CUPLNG R3 - 1/10/11 |
| CUPLNG R4 - 1/27/11 |
| CUPLNG R5 - 2/8/11 |

1268 LOMBARD STREET

4-UNIT RESIDENTIAL BUILDING

BLOCK 0500/ LOT 015

FOURTH FLOOR PLAN

NOTICE

These drawings and specifications are the property and copyrighted instruments of Kerman Architects, and shall not be used on any other work except by written agreement with Kerman Architects.

The Contractor shall verify all building conditions. Written dimensions take preference over scaled dimensions and shall be followed on the project site. Any discrepancy shall be brought to the attention of Kerman Architects prior to the commencement of any work.

Plans are drawn to an industry standard to delineate the building parcel and to assist the construction contractor. The drawings show finished and only represent simplified details. SPECIFICALLY EXCLUDED FROM THE SCOPE OF DESIGN SERVICES AND AS INDICATED IN THESE PLANS ARE ALL WATERPROOFING DETAILING DESIGN, WHICH ARE THE RESPONSIBILITY OF THE CONTRACTOR/BUILDER.

All attachments, connections, fastenings, etc., are to be properly executed in accordance with best practice, and the Contractor shall be responsible for providing and installing same.

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JOB NO.: 0910

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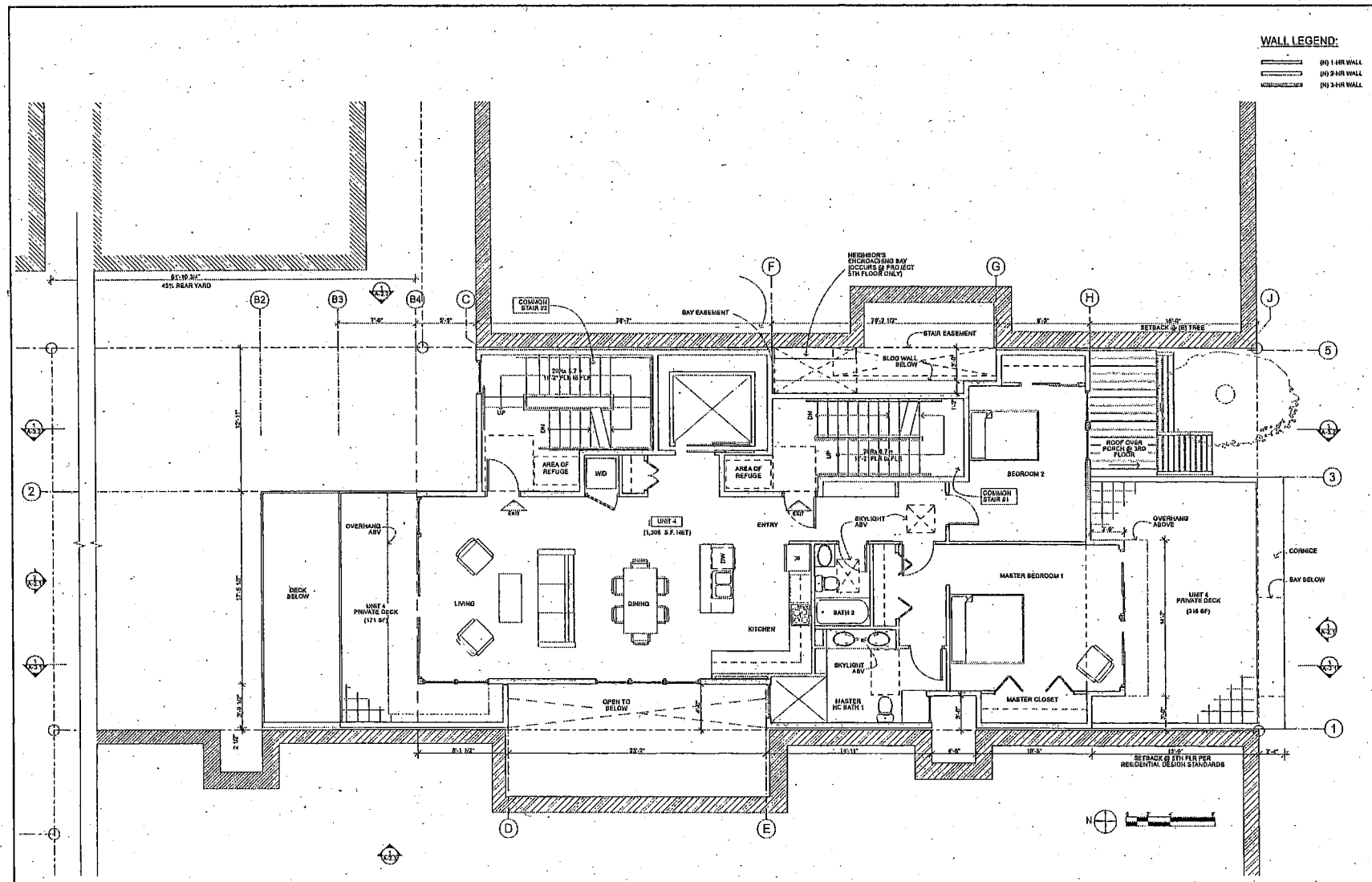
7 of 14 sheets

423

1268 LOMBARD STREET
SECOND + CUPLNG #5




1 FIFTH FLOOR PLAN
SCALE: 1/4" = 1'-0"

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| Revisions: |
|---|
| EE APP - 10/21/09 |
| CU - 1/17/10 |
| CUPLNG R1 - 02/10 |
| CUPLNG R2 - 12/3/10 |
| CUPLNG R3 - 1/10/11 |
| CUPLNG R4 - 1/24/11 |
| CUPLNG R5 - 2/9/11 |

1268 LOMBARD STREET

4-UNIT RESIDENTIAL BUILDING

BLOCK 0500/ LOT 015

FIFTH FLOOR PLAN

NOTICE

These drawings and specifications are the property and copyright of Kerman Morris Architects, and shall not be used for any other work except by written agreement with Kerman Morris Architects.

The Contractor shall verify all ceiling conditions. Written dimensions take precedence over scaled dimensions and shall be verified on the project site. Any discrepancy shall be brought to the attention of Kerman Morris Architects prior to the commencement of any work.

These drawings are preliminary and not to be used for bidding, permit and/or construction purposes. The drawings are diagrammatic and only represent conceptual details. SPECIFICALLY EXCLUDED FROM THE SCOPE OF DESIGN SERVICES AND AS INDICATED IN THESE PLANS ARE ALL WATERPROOFING DETAILS/ DESIGN, WHICH ARE THE RESPONSIBILITY OF THE CONTRACTOR/BUILDER.

All attachments, connections, bracing, etc., are to be properly executed in conformance with local codes, and the Contractor shall be responsible for providing and installing same.

DATE: 2/9/2011
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JOB NO.: 0910

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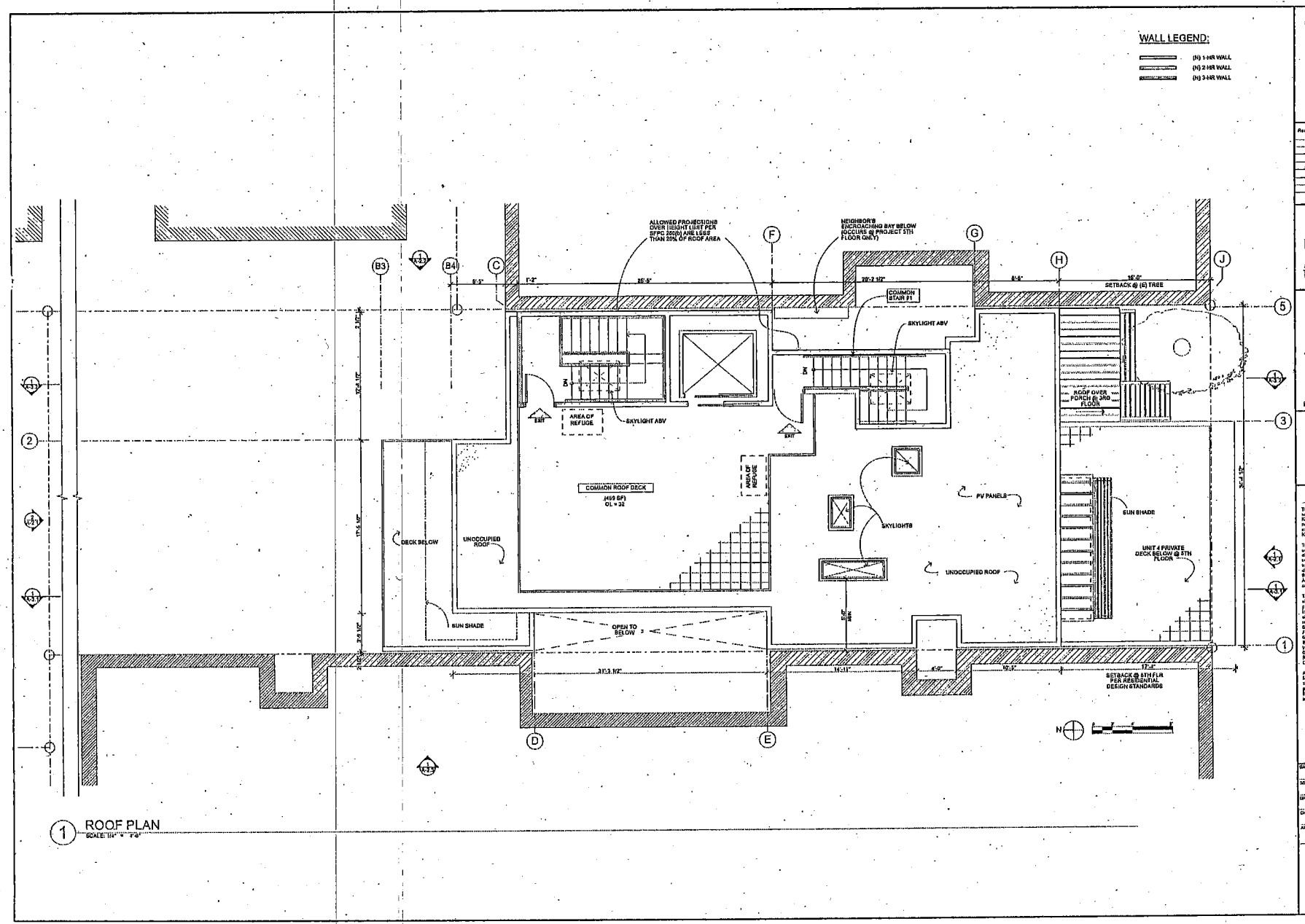
8 of 14 sheets

424

PRINT: 1268 LOMBARD STREET
PROJECT: LOT 015




1 ROOF PLAN
SCALE: 1/4" = 1'-0"

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Revisions
- SE APP - 10/21/09
- CU - 11/17/09
- CUPLNG R1 - 9/8/10
- CUPLNG R2 - 12/3/10
- CUPLNG R3 - 1/10/11
- CUPLNG R4 - 1/24/11
- CUPLNG R5 - 2/8/11

1268 LOMBARD STREET

4-UNIT RESIDENTIAL BUILDING

BLOCK 0500/ LOT 015

ROOF PLAN

NOTICE

These drawings and specifications are the property and copyright of Kerman Morris Architects and shall not be used on any work except by written agreement with Kerman Morris Architects.

The Contractor shall verify all existing conditions. Written dimensions take precedence over scaled dimensions and shall be followed on the project site. Any discrepancy must be brought to the attention of Kerman Morris Architects prior to the commencement of any work.

These drawings are an architectural guideline and are not a building permit and do not establish the structural foundation. The drawings show finished and only representational structural details. SPECIFICALLY EXCLUDED FROM THE SCOPE OF DESIGN SERVICES AND AS INDICATED IN THESE PLANS ARE ALL WATERPROOFING DETAILS. DESIGN WHICH ARE THE RESPONSIBILITY OF THE CONTRACTOR/ENGINEER.

All attachments, connections, fasteners, etc., are to be properly executed in accordance with best practice, and the Contractor shall be responsible for providing and installing them.

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JOB NO: 0910

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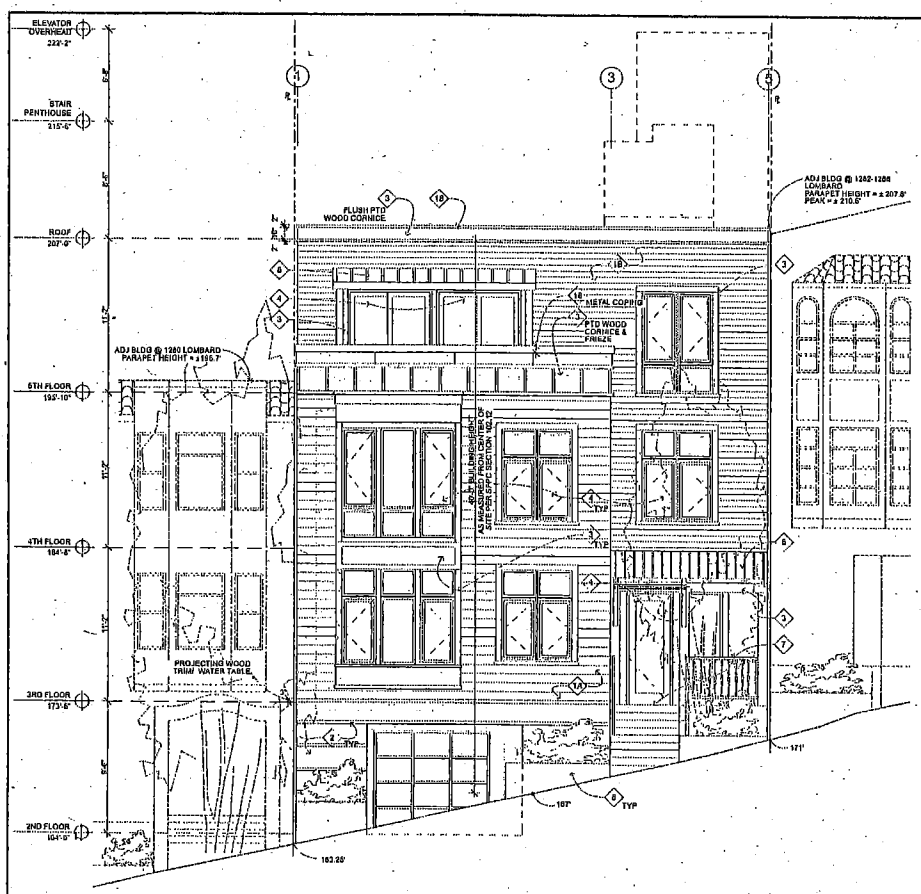
425

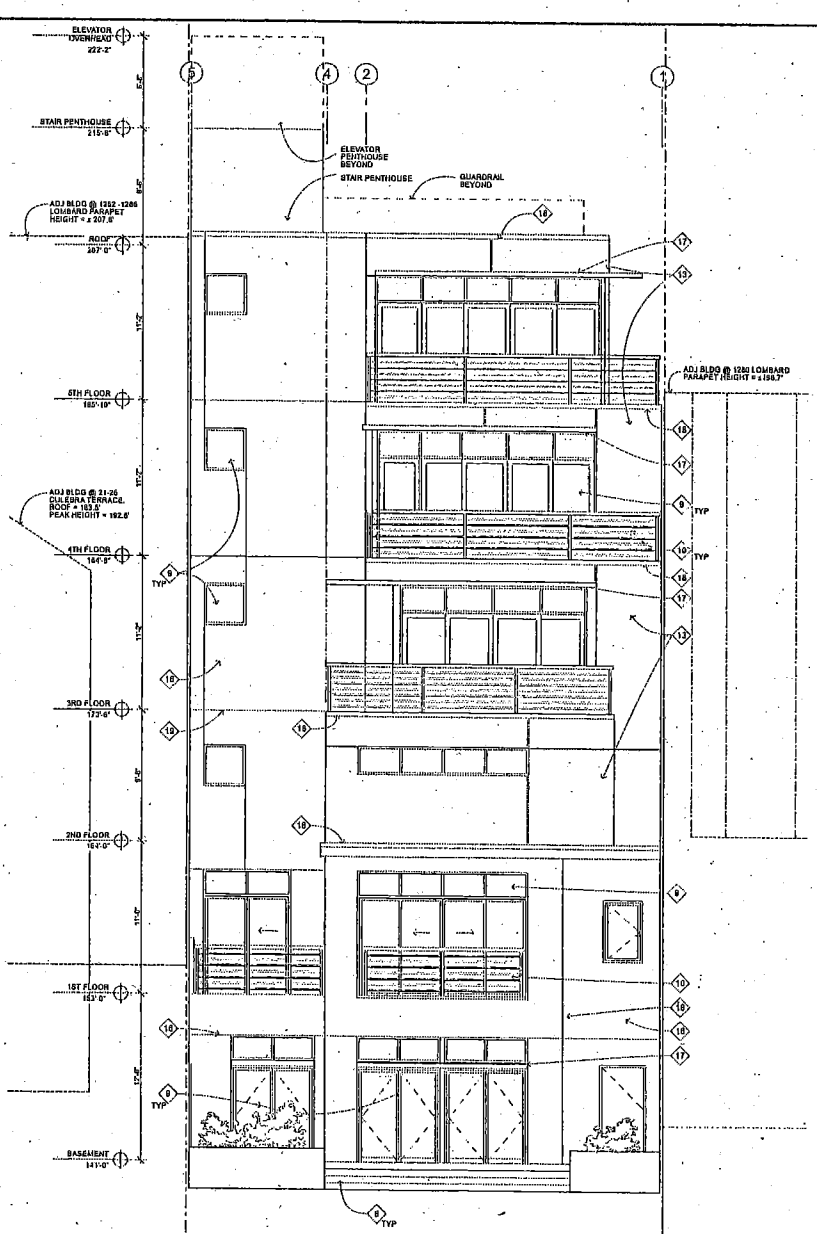
1268 LOMBARD STREET - CUPLNG R5




ELEVATION KEY NOTES

| | | |
|---|---|---|
| 1A PTD. HORIZ. WOOD LAP SIDING - 3/8" REVEALS, 8" CENTERS | 6 STANDING SEAM METAL ROOF | 13 CEMENTITIOUS BOARD |
| 1B PTD. HORIZ. WOOD LAP SIDING - 3/8" REVEALS, 5" CENTERS | 7 METAL GUARDRAIL - HAMMER FINISH; STONE FINISHED STAIRS OR TERRAZZO | 14 BLINDWALL |
| 2 STONE TILE BASE | 8 PLANTER BOX | 15 PERVIOUS DECK MATERIALS |
| 3 PTD. WOOD TRIM / FASCIA | 9 METAL WINDOWS & DOORS | 16 STUCCO |
| 4 PTD WOOD WINDOWS/ DOORS | 10 42" TALL METAL GUARDRAIL | 17 METAL OVERHANG |
| 5 NOT USED | 11 42" 1-HR RATED GUARDRAIL | 18 PTD SHEET METAL COPING |
| | 12 BREAK METAL CLADDING | 19 3/8" REVEAL @ STUCCO |

1 SOUTH (FRONT) ELEVATION
SCALE: 1/4" = 1'-0"




2 NORTH (REAR) ELEVATION
SCALE: 1/4" = 1'-0"


KERMAN MORRIS ARCHITECTS
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Revisions

| |
|---|
| EE APP - 10/21/09 |
| CU - 10/17/10 |
| CUPLNG R1 - 6/9/10 |
| CUPLNG R2 - 12/21/10 |
| CUPLNG R3 - 1/10/11 |
| CUPLNG R4 - 1/24/11 |
| CUPLNG R5 - 2/9/11 |

1269 LOMBARD STREET

4-UNIT RESIDENTIAL BUILDING

BLOCK 0500/ LOT 015

FRONT & REAR ELEVATIONS

NOTICE

These drawings and specifications are the property and copyright of Kerman Morris Architects and shall not be used on any other work except by written agreement with Kerman Morris Architects.

The Contractor shall verify all building conditions. Written dimensions take precedence over scaled dimensions and shall be verified on the project site. Any discrepancy shall be brought to the attention of Kerman Morris Architects prior to the commencement of any work.

These drawings are an minimum standard builders will be bid by permit and to meet the contractor in accordance. The drawings show finish and only representational typical details. SPECIFICALLY EXCLUDED FROM THE SCOPE OF DESIGN SERVICES AND AS REFLECTED IN THESE PLANS ARE ALL WATERPROOFING DETAILS AND DESIGN, WHICH ARE THE RESPONSIBILITY OF THE CONTRACTOR/BUILDER.

All mechanical, electrical, plumbing, etc., are to be properly sized and coordinated with local practice, and the Contractor shall be responsible for providing and installing them.

DATE: 2/8/2011
SCALE:
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JOB NO: 0910

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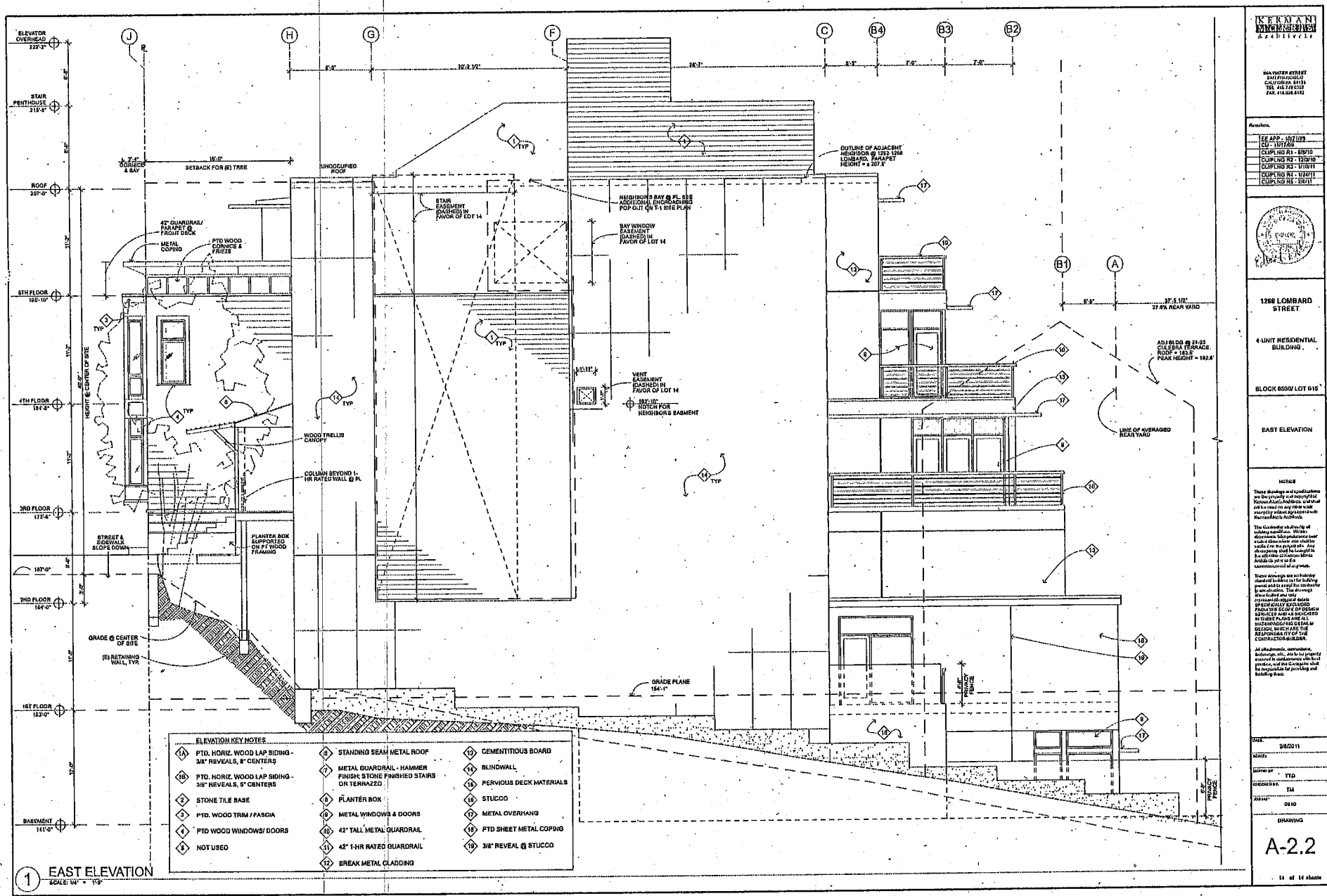
10 of 14 sheets

426




1 EAST ELEVATION
SCALE: 1/4" = 1'-0"

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Revisions:
- EE APP - 10/2/09
- CU - 10/17/09
- CUPLNG R1 - 8/9/10
- CUPLNG R2 - 12/3/10
- CUPLNG R3 - 1/10/11
- CUPLNG R4 - 1/24/11
- CUPLNG R5 - 2/9/11

1268 LOMBARD STREET

4-UNIT RESIDENTIAL BUILDING

BLOCK 0500/ LOT 015

EAST ELEVATION

NOTICE



DATE: 2/8/2011
SCALE:
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CHECKED BY: TM
JOB NO: 0910

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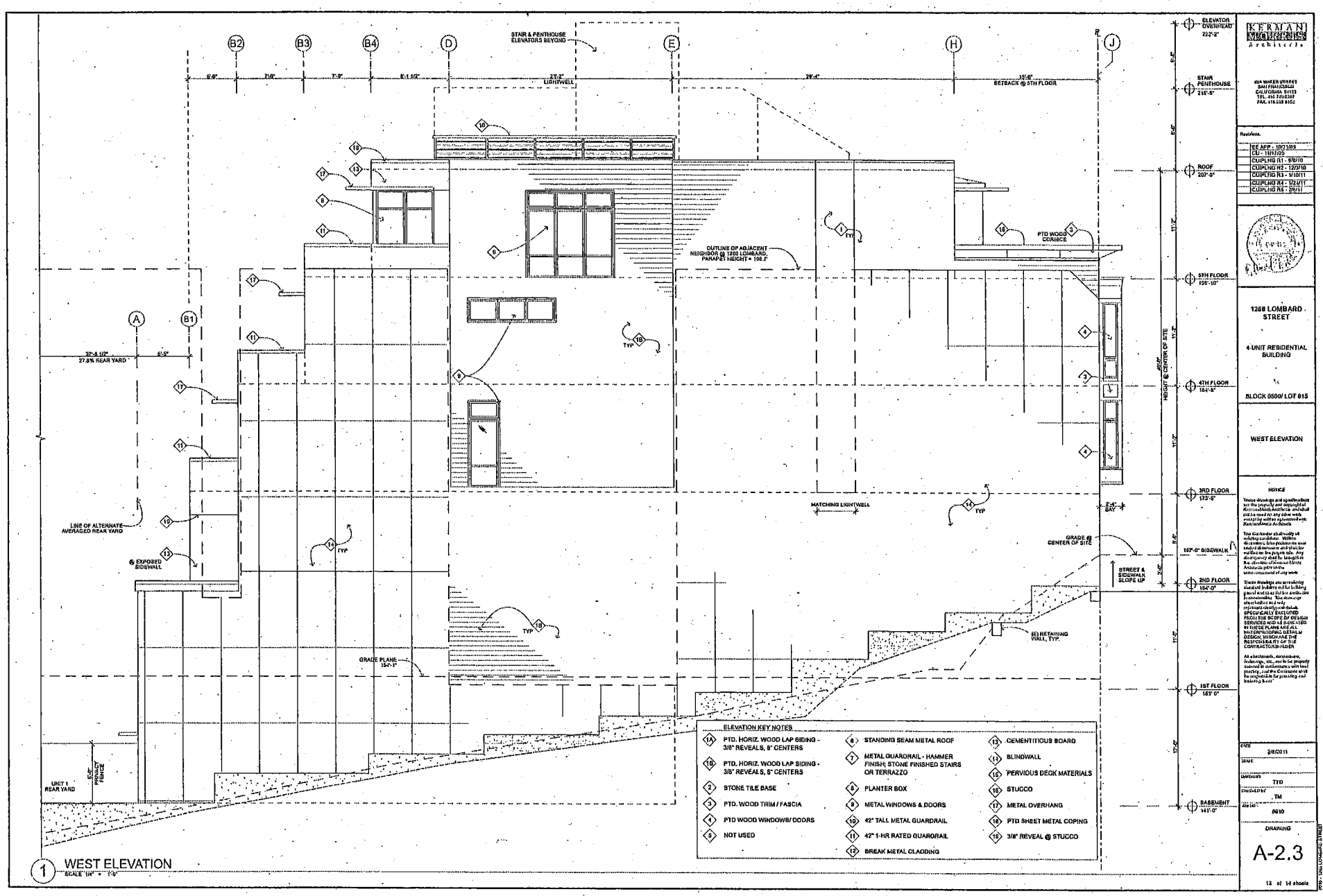
A-2.2
11 of 14 sheets

427

1268 LOMBARD STREET - CUPLNG R5




1 WEST ELEVATION
SCALE: 1/4" = 1'-0"


KERMAN MORRIS Architects
500 WASHINGTON STREET SAN FRANCISCO CALIFORNIA 94111 TEL. 415.749.0302 FAX. 415.749.0322


Revisions:
- EE APP - 10/21/09
- CU - 10/1/09
- CUPLNG R1 - 9/8/10
- CUPLNG R2 - 12/7/10
- CUPLNG R3 - 1/10/11
- CUPLNG R4 - 1/24/11
- CUPLNG R5 - 2/9/11

1268 LOMBARD STREET

4-UNIT RESIDENTIAL BUILDING

BLOCK 0500/ LOT 015

WEST ELEVATION

NOTICE



DATE: 2/8/2011
SCALE:
DRAWN BY: TTD
CHECKED BY: TM
JOB NO.: 0910

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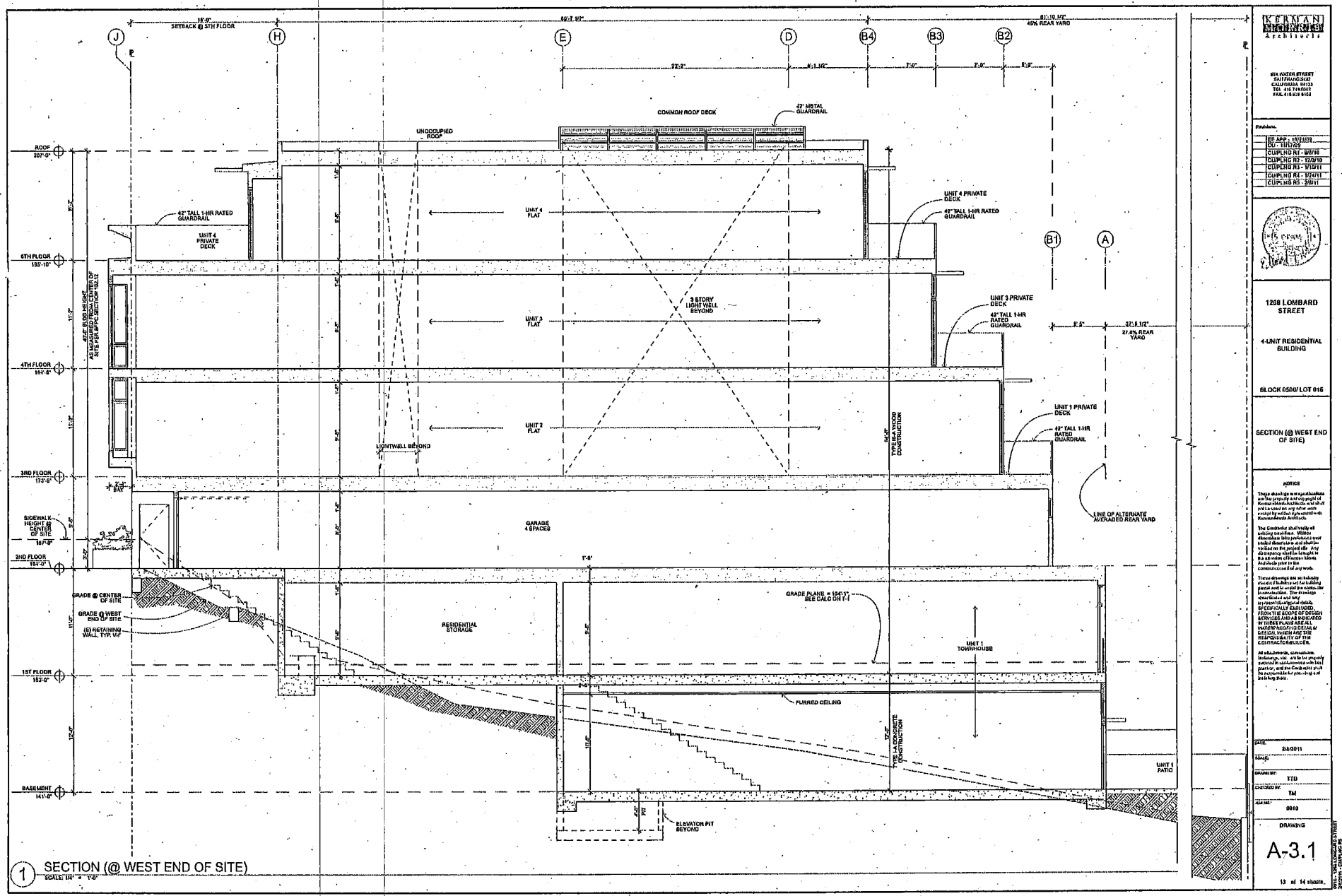
A-2.3

12 of 14 sheets

PTD - 1268 LOMBARD STREET
3/9/11 - CUPLNG R6

428




1 SECTION (@ WEST END OF SITE)
SCALE: 1/4" = 1'-0"

KERMAN MORRIS Architects
99A WATER STREET
SAN FRANCISCO
CALIFORNIA 94133
TEL 415.749.0302
FAX 415.520.0182

Revisions:
- EE APP - 10/21/09
- CU - 10/11/10
- CUPLNG R1 - 6/8/10
- CUPLNG R2 - 12/9/10
- CUPLNG R3 - 1/10/11
- CUPLNG R4 - 1/24/11
- CUPLNG R5 - 2/9/11

1298 LOMBARD STREET

4-UNIT RESIDENTIAL BUILDING

BLOCK 0500/ LOT 016

SECTION (@ WEST END OF SITE)

NOTICE



DATE: 2/8/2011
SCALE:
DRAWN BY: TTD
CHECKED BY: TM
JOB NO.: 0910

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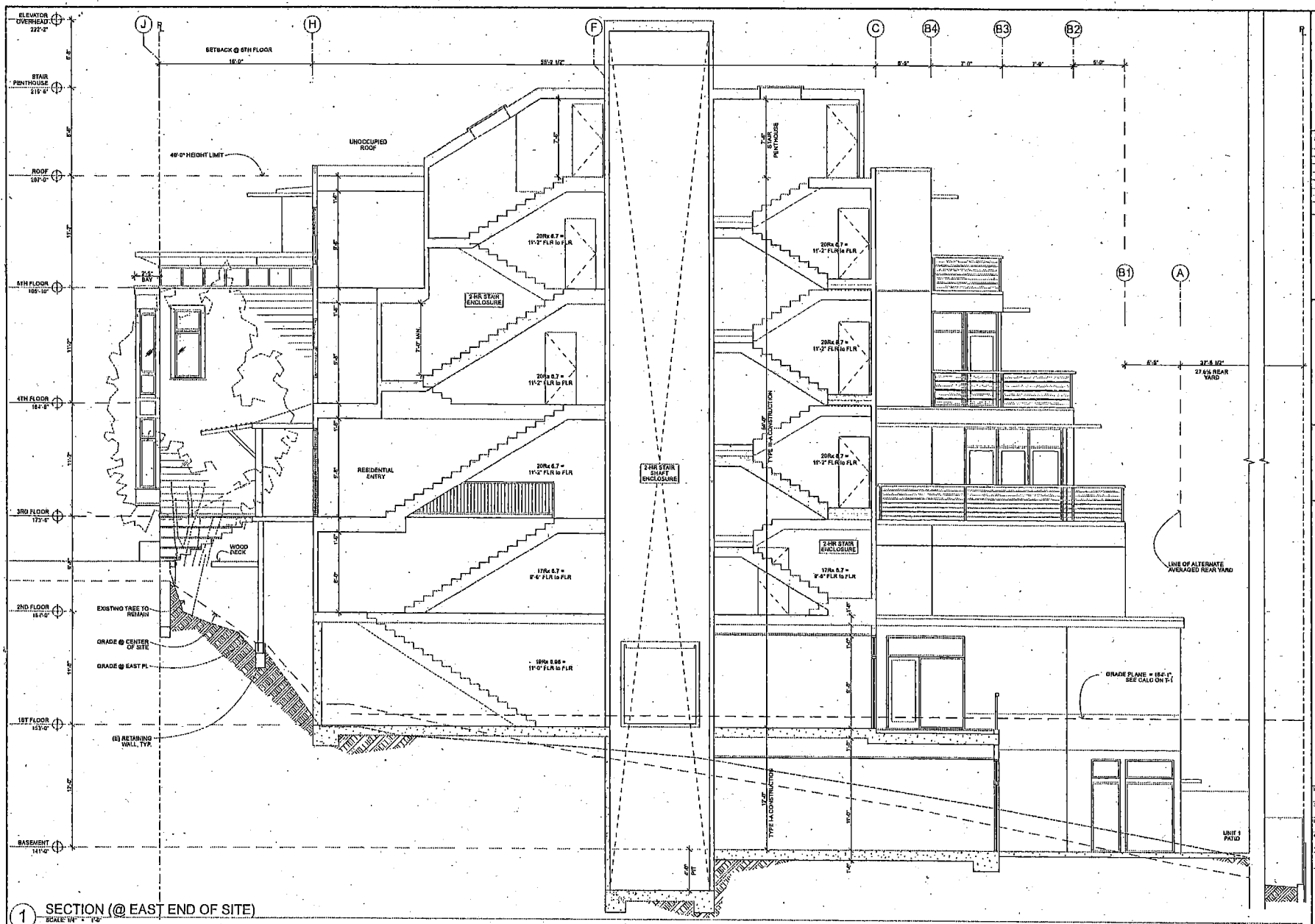
A-3.1
13 of 14 sheets

Print - 1298 LOMBARD STREET 3rd Form - CUPLNG R5

429




1 SECTION (@ EAST END OF SITE)
SCALE: 1/4" = 1'-0"

KERMAN MORRIS Architects
119 WATER STREET
SAN FRANCISCO
CALIFORNIA 94133
TEL 415 749 0302
FAX 415 374 8430

Revisions:

| |
|---|
| EE APP - 10/21/09 |
| CU - 10/21/09 |
| CU/PLNG R1 - 6/8/10 |
| CU/PLNG R2 - 12/2/10 |
| CU/PLNG R3 - 1/10/11 |
| CU/PLNG R4 - 1/24/11 |
| CU/PLNG R5 - 2/9/11 |

1268 LOMBARD STREET

4-UNIT RESIDENTIAL BUILDING

BLOCK 0500/ LOT 015

SECTION (@ EAST END OF SITE)



DATE: 2/9/2011
DRAWN BY: TTD
CHECKED BY: TM
JOB NO: 0910

DRAWING
A-3.2

14 of 14 sheets

DWG - 1268 LOMBARD STREET
2-4UNIT - CU/PLNG R5

430

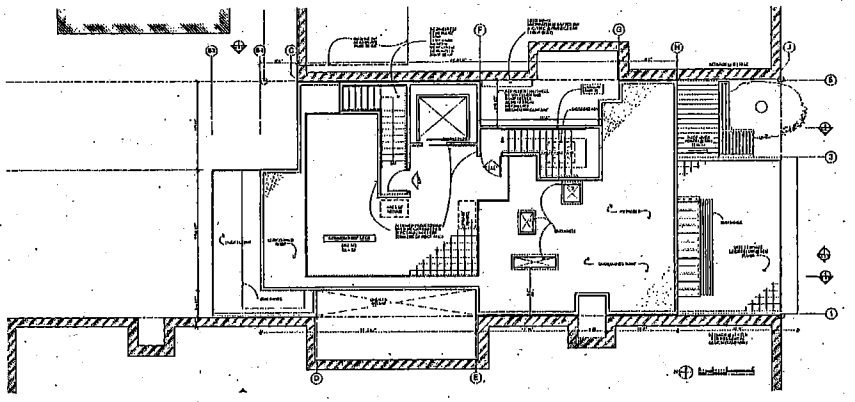
MODIFICATION PROPOSAL: REJECTED BY NEIGHBOR (2-8-11)

NOTE: THIS MODFICATION WAS PRESENTED ON 2-8-11 TO STEVE BEREZIN (1262-66 LOMBARD), HIS ARCHITECT AND ATTORNEY AS A COMPROMISE TO ADDRESS SOME OF HIS CONCERNS. IT

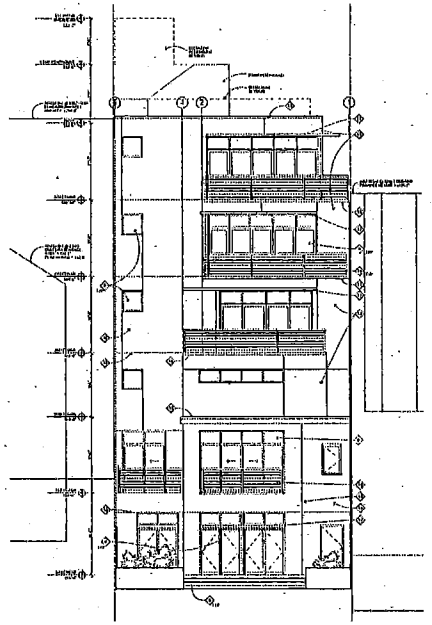
1) REDUCES THE SIZE OF THE REAR PENTHOUSE ENABLING VIEWS FROM MR. BEREZINS ROOF DECK TO BE PRESERVED, AND

2) DEEPENS THE LIGHTWELL ACROSS FROM HIS ENCROACHING KITCHEN BAY TO INCREASE LIGHT ACCESS TO HIS UNIT.

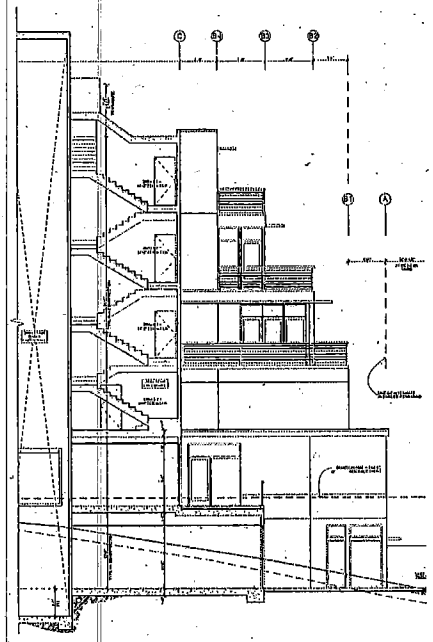
THIS PROPOSAL WAS REJECTED ON THE GROUNDS THAT IT DOES NOT PROVIDE LIGHT AND VIEWS FROM TWO EXISTING PROPERTY LINE WINDOWS AT A DINING ROOM OF THE TOP FLOOR OF 1262-66 LOMBARD. THESE WINDOWS WILL BE COVERED OVER BY THE ELEVATOR AT THE SUBJECT PROPERTY, WHICH ENABLES CODE REQUIRED DISABLED ACCESS TO THE COMMON ROOF DECK.



1 ROOF PLAN
SCALE: 1/8" = 1'-0"



4 NORTH (REAR) ELEVATION
SCALE: 1/8" = 1'-0"



3 SECTION (@ EAST END OF SITE)
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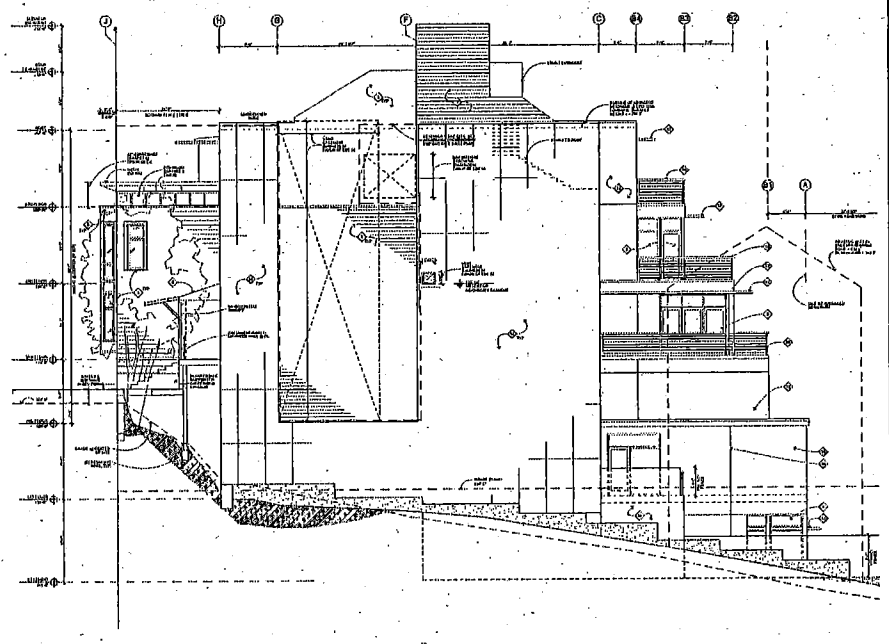


2 EAST ELEVATION
SCALE: 1/8" = 1'-0"

KERMAN MORRIS Architects


864 HOWARD STREET
SAN FRANCISCO
CALIFORNIA 94103
TEL: 415.749.0302
FAX: 415.749.0322


Revisions:

1262 LOMBARD STREET

4-UNIT RESIDENTIAL BUILDING

BLOCK 0500/ LOT 015

STAIR PENTHOUSE ALT

NOTICE

These drawings and specifications are the property and copyright of Kerman Morris Architects and shall not be used on any other work except by written agreement with Kerman Morris Architects.

The Contractor shall verify all building conditions. Written dimensions take precedence over scaled dimensions and shall be verified on the project site. Any discrepancy shall be brought to the attention of the Architect immediately prior to the commencement of any work.

These drawings are for building permit and in order for construction to commence. The drawings shall be full and only professional/typical details SPECIFICALLY EXCLUDED FROM THE SCOPE OF DESIGN SERVICES AND AS INDICATED IN THESE PLANS ARE ALL WATERPROOFING DETAILS/ DESIGN, WHICH ARE THE RESPONSIBILITY OF THE CONTRACTOR/BUILDER.

All attachments, connections, brackets, etc., are to be properly executed in accordance with best practice, and the Contractor shall be responsible for providing and installing them.

DATE: 2/8/2011
SCALE:
DRAWN BY: TTO
CHECKED BY: TM
JOB NO.: 0910

DRAWING
SK-1

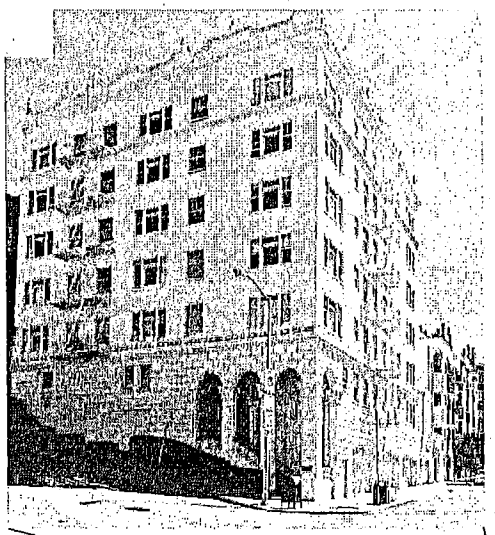
431

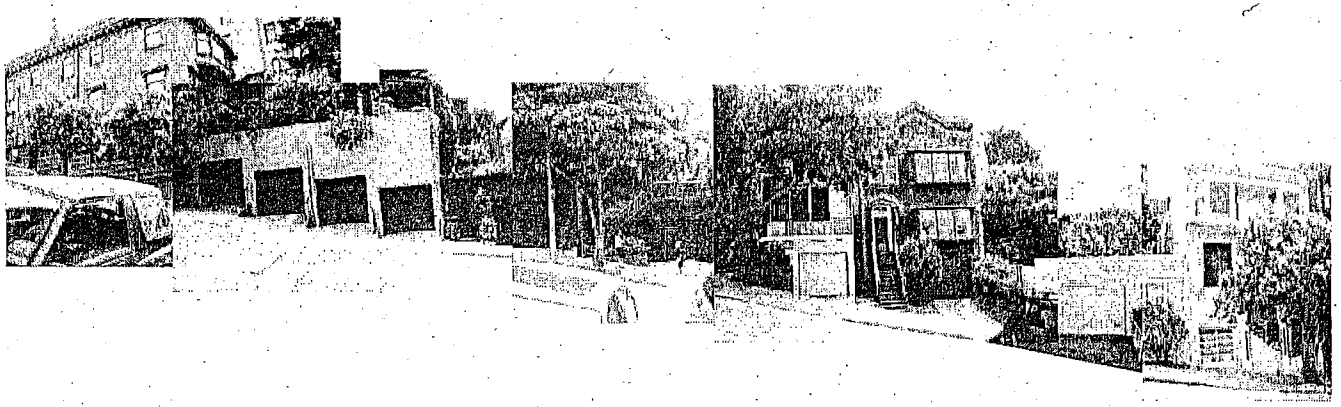
0910-1262 LOMBARD STREET 2-8-2011

1 MARYLAND'S FIRST FOUNDLING HOME, 1869 BOND STREET
MARYLAND'S FIRST FOUNDLING HOME, 1869 BOND STREET

SUBJECT PROPERTY: 1268-1270 LOMBARD STREET
KERMAN MORRIS ARCHITECTS 1/10/2010

SOUTHWEST CORNER OF LOMBARD AND POLK

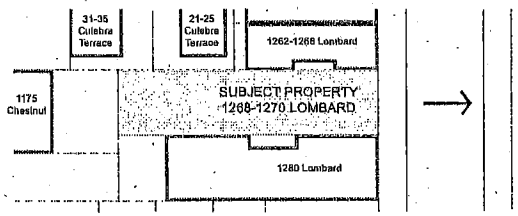




PROPERTY ACROSS STREET BLOCK 0501/ LOT 024 1263-1267 LOMBARD

PROPERTY ACROSS STREET BLOCK 0501/ LOT 023 1269 LOMBARD

PROPERTY ACROSS STREET BLOCK 0501/ LOT 071 1271-1275 LOMBARD




BUILDINGS ACROSS THE STREET

KERMAN MORRIS ARCHITECTS 1/10/2010

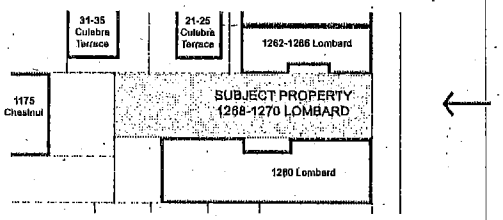
SUBJECT PROPERTY: **1268-1270 LOMBARD STREET**

ADJACENT PROPERTY
BLOCK 0500/ LOT 014
1262-1266 LOMBARD

ADJACENT PROPERTY
BLOCK 0500/ LOT 016
1280 LOMBARD

SUBJECT PROPERTY
BLOCK 0500/ LOT 015
1268-1270 LOMBARD STREET

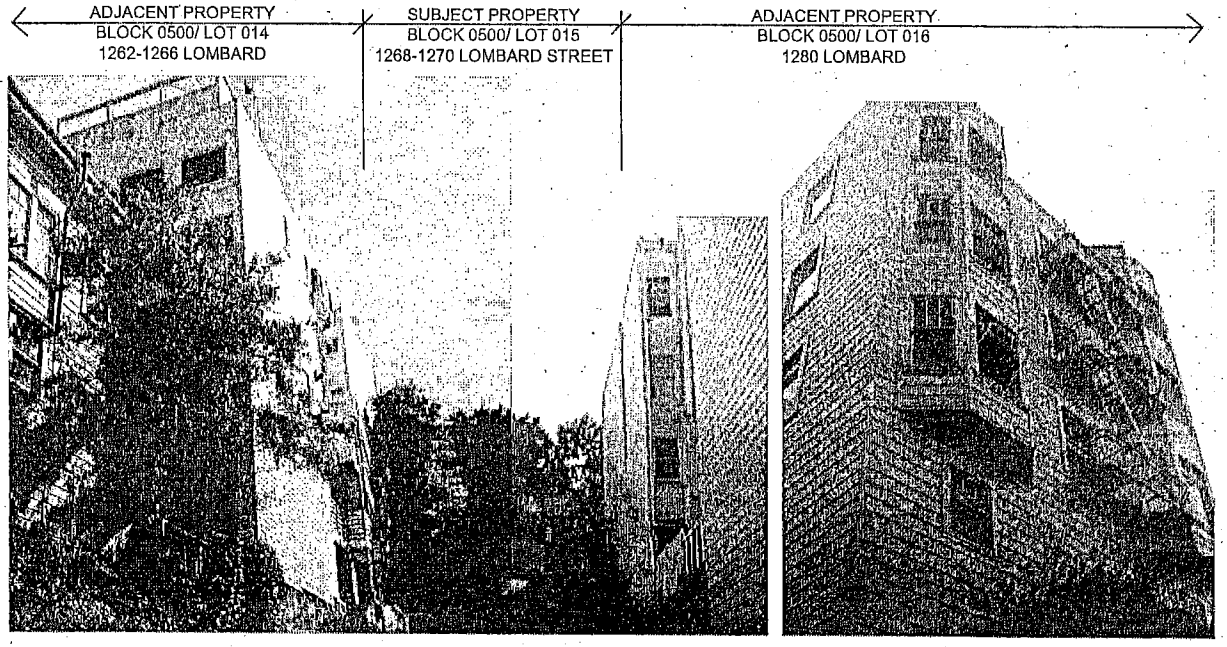
BUILDINGS ON SAME BLOCK



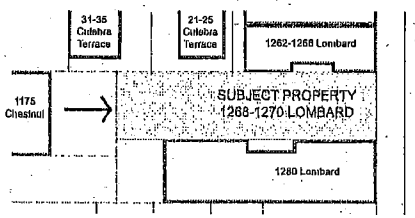

KERMAN MORRIS ARCHITECTS 1/10/2010

SUBJECT PROPERTY: **1268-1270 LOMBARD STREET**

435

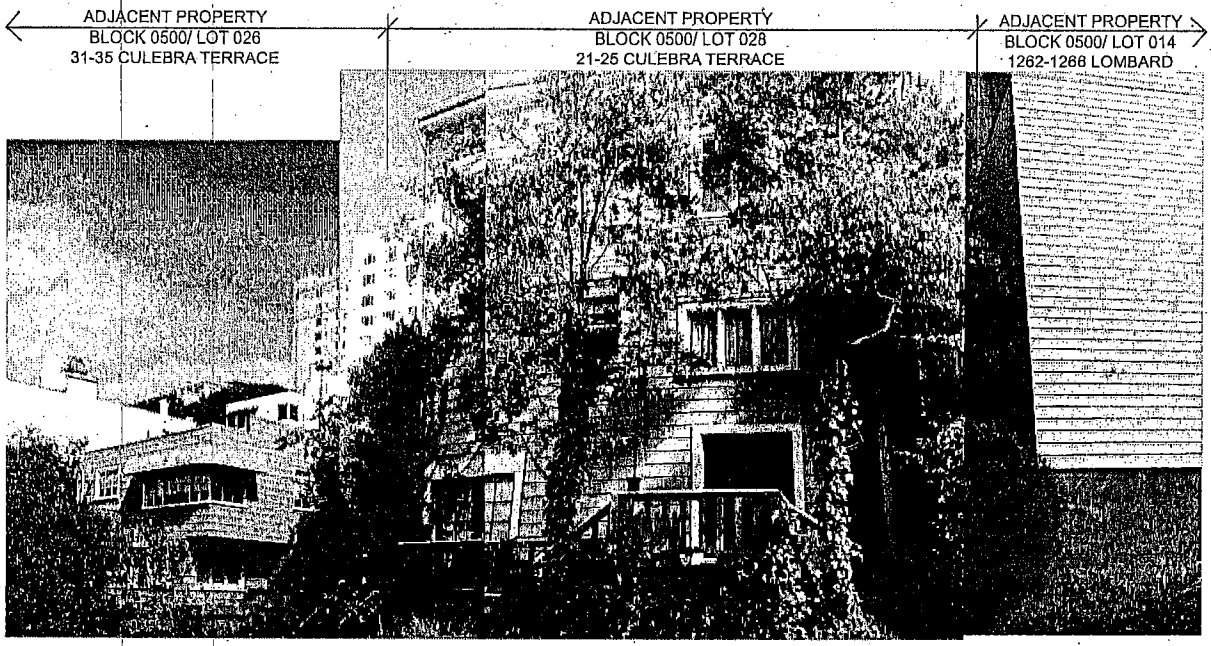



REAR VIEW

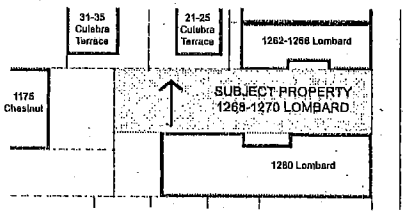



KERMAN MORRIS ARCHITECTS 1/10/2010

SUBJECT PROPERTY: **1268-1270 LOMBARD STREET**

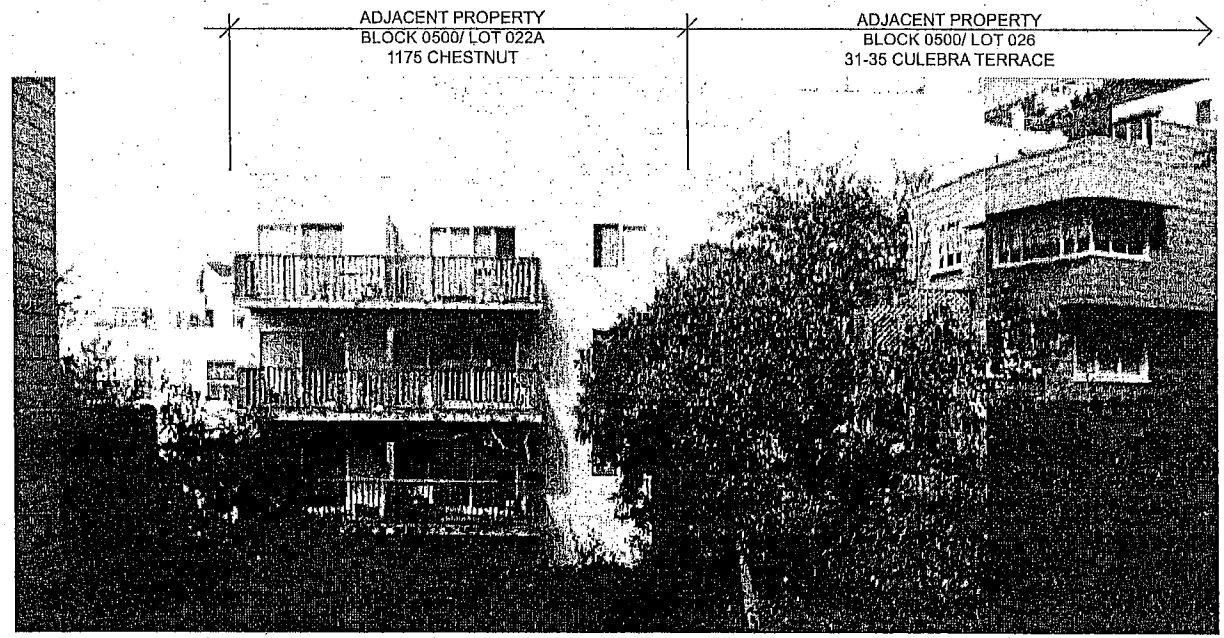



SIDE VIEW

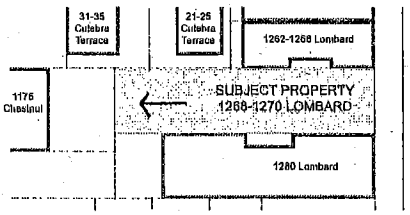



KERMAN MORRIS ARCHITECTS 1/10/2010

SUBJECT PROPERTY: **1268-1270 LOMBARD STREET**




VIEW TOWARDS REAR PROPERTY LINE




KERMAN MORRIS ARCHITECTS 1/10/2010

SUBJECT PROPERTY: **1268-1270 LOMBARD STREET**

BOS - 11
City Atty - 2

KERMAN | MORRIS ARCHITECTS LLP

April 12, 2011

Supervisor David Chiu
President, Board of Supervisors
City Hall, Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 941024669

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BOARD OF SUPERVISORS
SAN FRANCISCO
2011 APR 12 PM 4:05

SUBJECT: File No. 110373, Planning Case No. 2009.1029C
1268 Lombard Street Conditional Use Appeal

Dear Supervisor Chiu,

On December 22, 2010, the 1268 Lombard Street LLC ("Applicant"), owner of 1268 Lombard Street, submitted Application No. 201012227210 to construct a four-unit residential building ("Project") at 1268 Lombard Street ("Site"). On November 17, 2009, a conditional use application was submitted to the Planning Department ("Department") for the Project. The Planning Commission ("Commission") held a duly noticed public hearing on February 17, 2011 and granted the conditional use application. See the Department's April 11, 2011 case report to the Board of Supervisors for a copy of the Commission Motion No. 18279.

Russian Hill Neighbors ("Appellant") appealed the conditional use application to the Board of Supervisors on March 21, 2011. The Board of Supervisors ("Board") will hear this appeal on April 19, 2011. As will be fully discussed below, this appeal is without merit.

## PROJECT SITE

The Site, located at 1268 Lombard Street between Polk and Larkin Streets, was improved with a dilapidated single family home. Due to the unsafe condition of that building, the Department of Building Inspection issued an emergency demolition order on March 13, 2009 requiring that building to be demolished immediately. Demolition was completed on April 27, 2009 pursuant to Permit Application No. 200903134043.

This down sloping Site has an elevation difference of 34' between the front and rear property lines. The 4,727 square foot Site measures 34'-4 ½" by 137'-6" and is located in a RH-3 zoning district, where a three unit residential building may be constructed as a matter of right. However, Section 209.1 of the Planning Code provides that dwelling units exceeding three may be constructed at a density of

69A Water Street
San Francisco CA 94133
Tel 415 749-0302
Fax 415 928-5152

1,000 square feet with conditional use approval. Thus, four units may be constructed on the Site with Conditional Use approval.

East of the Site are one- to three-unit buildings; west of the Site are three-unit buildings and apartment houses ranging from 6 to 36 units. The Polk Street Neighborhood Commercial District is a half block away and Van Ness Avenue is one and one-half blocks away. The heights of the buildings near the Site vicinity range from three to seven stories. Photographs of the Site and Site vicinity are attached to the Department's case report to this Board.

The Site is easily accessible to public transit. MUNI line. 19 (Polk) is a half block away. MUNI lines 47 (Van Ness), 49 (Van Ness/Mission) and 76 (Marin Headlands) are 1 ½ blocks away. MUNI lines 30 and 30X are 2 ½ blocks away. MUNI lines 41 Union) and 45 (Union/Stockton) are 3 1/2 blocks away. All of these MUNI lines provide easy connections to other parts of the City.

## PROPOSED PROJECT

The project is the construction of a four-unit, 40' high building on a vacant lot. The building is four stories high from Lombard Street; however, the fourth floor is set back 15' from the floor below, so that the façade maintains the height of the nearby three-story building from the pedestrians' perspective. While the rear of the building is six-stories high, the rear façade incorporates multiple set backs to minimize the scale and massing of the building at the rear. At the street level (second floor) is the four-car parking garage.

The two levels below the garage level contain storage rooms for each unit and a three-bedroom town house unit. The bedrooms are located on the first floor, one level above the rear garden. The living/dining/kitchen, den and a bath room are in the basement level which has direct access to the rear yard.

Each of the three floors above the garage level contains a two- or three-bedroom, two-bath flat. All units are handicapped accessible, as required by law. The roof deck provides common usable open space for all the units. An elevator provides handicap access to the roof deck, which is also accessible by the two required stairs. The stair penthouses have been sloped to reflect the slope of the stairs and to minimize their mass and scale.

## PROCEEDINGS BELOW

Prior to the conditional hearing before the Planning Commission, the Project was presented to the Historic Preservation Commission (HPC) because the demolished single family home was listed in *Here Today* and was a historic resource under CEQA. Although not required, the Department presented the new building to the

Architectural Review Committee (ARC) of the HPC on May 19 and July 7 2010 to the full HPC before issuing a Historic Resource Evaluation Report for the new building. While the ARC was generally supportive of the project as designed and presented, specific requests were made to remove the front glass railing and lend more softness and grace to the façade. The building was subsequently revised per these comments and direction from the Department's historical technical specialists overseeing the HRER.

The Planning Commission approved the Conditional Use application by a vote of 4 to 3 on February 12, 2011.

## THE GROUNDS OF APPEAL

In its statement of Appeal, Appellant argues that the Conditional Use authorization should have been denied because

1. Only three dwelling unit should be allowed because Lombard Street is a congested street;

2 The height of the building is excessive and not in keeping with the neighborhood character;

3. The location of the stair and elevator penthouses are "poor;" and

4. The bulk of the building is not compatible with the neighboring buildings;

## THE APPEAL IS WITHOUT MERIT

1. ***Four Dwelling Units Are Allowed Under the Planning Code***

Appellant appears to argue that Lombard Street cannot accommodate a fourth unit on this site because the Site is one block from the famous crooked portion of Lombard Street that is a major tourist attraction. Under the Department's transportation guidelines,[1] the new building will generate a total of 40 daily trips, of which 7 would occur during the evening peak commute hour. It is reasonable to assume that a majority of the 7 trips would be by either public transit or walking. Even if all 7 trips are vehicular trips, this number would be within the daily traffic fluctuation, only 2 more vehicular trips more than a three-unit project and would not be noticeable.

[1] Transportation Impact Analysis Guidelines for Environmental Review, published by the City and County of San Francisco.

2. ***The Height of the Building Is Compatible With the Surrounding Building.***

The Commission Motion approving this project describes in fair detail the buildings immediately adjacent to the Project. The Commission concluded that because the top floor is set back 15' from the street, it would not be noticeable to pedestrians and will maintain the appearance of a three story building similar to the adjacent buildings, the uphill buildings and the buildings across the street. The photographs (see the Department's case report) near the project site also show four- to six-story buildings on Lombard Street west of the Site. Therefore, the building has been designed to be contextually appropriate in its micro-urban environment.

3. ***The Elevator and Stair Penthouses Have Been Set Far Back from the Street to Minimize their Appearance.***

The elevator and stair penthouses provide access to the roof deck and are required by the Building Code and for disabled access. The southern edge of the south stair penthouse (closest to Lombard Street) is 25'-8" from the front building façade. At this point, the height of the stair penthouse is the minimum height required by the Building Code. The elevator penthouse is immediately north of the south stair penthouse (43'-7" from the street) will not be visible from the street. Following Planning Commission approval of the project on February 17, 2011 and as a "Good Neighbor" modification, the project sponsor submitted additional revisions to the project reducing the north stair penthouse (furthest from the street) to the benefit of uphill neighbors and enlarging a matching light well to the benefit of the eastern abutting neighbor at 1262 Lombard (see "SK-1 Modification Proposal," dated 2-8-11, at the end of the "Plans" section of the Department's case report). Therefore, the stair and elevator penthouses have been carefully located and configured to eliminate or minimize their being seen from the street (as well as from the roof decks of neighboring uphill properties).

4. ***The Bulk of the Project Is Compatible With the Surrounding Buildings.***

With the fourth floor set back 15' from the street, the bulk of the Project from the street is similar to the other three-story buildings and much smaller that the four to six story apartment buildings west of the Site. Therefore, the building blends in with the surrounding buildings and will not standout.

## THE PROJECT MEETS THE CONDITIONAL USE CRITERIA

Both the Planning Commission Motion and the Department's case report to this Board explain why the Project meets the criteria set forth in Planning Code Section 303. The Applicant agrees with the Commission and the Department's reasoning and will not repeat them in this letter.

**THE PROJECT COMPLIES WITH THE PLANNING POLICIES OF PLANNING CODE SECTION 101.1(b)**

Pages 6 and 7 of the Commission Motion states the reasons why the Project complies with the objectives and policies of Section 101.1(b). Applicant agrees with those analyses. Additionally, the Project will add four units to the City's housing stock.

For the reasons stated above, this Board should affirm the conditional use authorization for the Project and deny the Appellant's appeal.

Very truly yours,

Toby Morris
Kerman/Morris Architects, LLP

docket copy

SAN FRANCISCO
**PLANNING DEPARTMENT**

# Executive Summary
## Conditional Use

**HEARING DATE: FEBRUARY 17, 2011**

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377



| | |
|---|---|
| *Date:* | February 10, 2011 |
| *Case No.:* | 2009.1029C |
| *Project Address:* | **1268 LOMBARD STREET** |
| *Zoning:* | RH-3 (Residential, House, Three-Family) District<br>40-X Height and Bulk District |
| *Block/Lot:* | 0500/015 |
| *Project Sponsor:* | 1268 Lombard Street, LLC<br>2501 Mission Street<br>San Francisco, CA 94110<br>c/o Edward Toby Morris<br>Kerman Morris Architects, LLP<br>69A Water Street<br>San Francisco, CA 94133 |
| *Staff Contact:* | Glenn Cabreros – (415) 558-6169<br>glenn.cabreros@sfgov.org |
| *Recommendation:* | **Approval with Conditions** |



### PROJECT DESCRIPTION

The applicant proposes new construction of a four-story, four-unit residential building. Due to the downsloping nature of the site, the proposed building would have a six-story rear wall. Three units may be developed as-of-right on the project site; however with a lot area of 4,727 square feet in the RH-3 (Residential, House, Three-Family) Zoning Distrct, four units may be constructed at the project site with Conditional Use authorizing a dwelling unit density of up to one unit per 1,000 square feet of lot area.

### SITE DESCRIPTION AND PRESENT USE

The project is located on the north side of Lombard Street, Block 0500, Lot 015 with a lot area of 4, 727 square feet of lot area. The property is located within the RH-3 (Residential, House, Three-Family) District and the 40-X Height and Bulk District. The property is a vacant lot that slopes steeply downhill from Lombard Street to the rear lot line.

### SURROUNDING PROPERTIES AND NEIGHBORHOOD

The project site is located within the blockface of Lombard Street between Polk and Larkin Streets in the Russian Hill Neighborhood. Directly adjacent and west of the site is a three-story-plus-basement, 13-unit apartment building. Directly adjacent and east of the site are a three-story, ~~two-unit~~ 3-unit building that faces

# Type of Application To Be Submitted: Conditional Use

## 1. Owner/Applicant Information

Property Owner's Name: 1268 Lombard Street, LLC
Address: 2501 Mission Street, SF, CA ZIP: 94110 Telephone:(415) 321-7077
Applicant's Name: Kerman Morris Architects, LLP
Address: 69A Water Street, SF, CA ZIP: 94133 Telephone:(415) 749-0302
Contact for Project Information: Edward "Toby" Morris (Kerman Morris Architects, LLP)
Address: 69A Water Street, SF, CA ZIP: 94133 Telephone:(415) 749-0302

## 2. Location and Classification

Street Address of Project: 1268 Lombard Street, SF, CA ZIP: 94109
Cross Streets: between Polk and Larkin Streets
Assessors Block/Lot: 0500/ 015 Lot Dimensions: 34.375' x 137.5' Lot Area(SqFt): 4,726 sf
Zoning District: RH-3 Height/Bulk District: 40-X

## 3. Project Description

***Please Check***

| | | | | | |
|---|---|---|---|---|---|
| Change of Use | ☐ | Change of Hours | ☐ | New Construction | ☒ |
| Alterations | ☐ | Demolition | ☐ | Other | ☐ |

Describe what is to be done: build a new 4-unit, 5-story residential building with basement. Basement and first floor residential of Type I (concrete) construction below street level parking of Type V-A (wood) construction. Three residential stories of Type V-A (wood) construction above. Common roof deck provided at roof level.

**Additions to Building:**

Rear ☐ Front ☐ Height ☐ Side Yard ☐

Present or Previous Use: current vacant lot, previously residential
Proposed Use: R-2 (residential) over U (parking) over R-2 (residential)
Building Permit Application No. Env. Case #2009.1029 Date Filed: 10/21/09

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

Per SFPC Section 209.1(h), (1) dwelling unit is allowed per 1000 sf of lot area with Conditional Use in RH-3 districts. (4,726 sf / 1000 sf = 4.7) 4 dwelling units allowed with CU.

## 5. 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.**

Signed _____ Date 11-17-09
Applicant or owner

Edward D Morris "Toby"
(Print Name of Applicant in Full)

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11/17/2009

Address: 1268 Lombard, San Francisco Block and Lot No. 0500/015

## CONDITIONAL USE FINDINGS

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

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

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RESPONSES TO THE ABOVE:

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

- The proposed 4-unit residential building is compatible with its surrounding neighborhood, which includes a mix of large apartment buildings on large lots and smaller multi-family structures. The proposed building is designed to be complementary to and compatible with the height, massing, and detailing of its neighbors.
- The proposal for a 4-unit building is completely consistent with the General Plan, which calls for more family-sized housing in San Francisco. With a Conditional Use we can provide 4 family-sized units instead of just 3.
- This proposal is desirable because it would provide homes for 4 families where there is currently a vacant lot.

2a) The nature of the proposed site and the size, shape and placement of the proposed building will in no way be detrimental to persons residing or working in the vicinity, nor will it be injurious to surrounding properties.

- The proposed building's scale is consistent with its neighbors to the east and the west. Setbacks at the front property line minimize mass at the front property line and allow us to preserve the existing magnolia tree.
- The building also has been carefully sculpted at the rear to provide light and air to its neighbors to the east, especially the property at 21-25 Culebra Terrace.

2b) 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 will in no way be detrimental to persons residing or working in the vicinity, nor will it be injurious to surrounding properties.

- The project will provide (4) off-street parking spaces, (1) for each of the (4) units. This is in keeping with the City's Transit First Policy.
- The new curb cut will kept to the minimum dimension of 10'-0" to limit the loss of street parking to just 1-2 perpendicular spaces.

2c) The proposed building will in no way be detrimental to persons residing or working in the vicinity, nor will it be injurious to surrounding properties in terms of creating noxious or offensive emissions such as noise, glare, dust and odor.

- During construction best practices will be implemented to minimize noise, glare, dust and odor.
- Upon completion of construction this residential/commercial project will create none of these environmental nuisances.

2d) The proposed building's treatment of landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs will in no way be detrimental to persons residing or working in the vicinity, nor will it be injurious to surrounding properties.

- The parking garage door and access will be kept to minimum. Given the extremely steep site, there is an existing pattern of sidewalk encroachment planters to aid in the warping of the sidewalk for garage access; these planters also add visual interest to the pedestrian experience. The proposal will use planters similarly.
- The setback for the existing magnolia softens and enhances the pedestrian experience.
- There are no loading or service areas associated with this project.
- Lighting and addresses signage will be appropriately scaled and attractive.

3) The building as proposed will fully comply with the applicable provisions of the San Francisco Planning Code and will not adversely affect the Master Plan.

- SFPC Section 209.1(h) allows for an increase in allowable dwelling units in an RH-3 district based on lot size. Given the large size of the lot (4,726 sf) we will be able to provide 4 family-sized units. (4,726 sf/ 1000 sf = 4.7 or 4 units) Providing more family-sized units is in keeping with the San Francisco Planning Code and will not adversely affect the Master Plan.

**City Planning Case No.** Env # 2009.1029E

**Address** 1268 Lombard Street, San Francisco

**Block and Lot No.** 0500/015

## PRIORITY GENERAL PLAN POLICIES FINDINGS

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

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

   This residential project will bring 4 new households to neighborhood and will improve the viability of all local business by increasing the demand for local retail/services.

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

   The property is currently a vacant lot and no housing exists here. The proposed building is designed to respect the height, massing and materials of its neighbors.

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

   Not applicable. The lot is currently vacant.

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

   The project provides (4) parking spaces, (1) for each of the (4) units, which is in keeping with the City's Transit First Policy. The project will require one new curb cut, limited to the minimum dimensions of 10'-0" to limit the loss of street parking to just 1-2 parking perpendicular spaces.

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.

   Not applicable. This is a predominately residential neighborhood, and no industrial activity to our knowledge has ever occurred on this site.

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

   Not Applicable. The proposed project will be designed and constructed to the current and state of the industry seismic/engineering standards and Codes.

7. That landmarks and historic buildings be preserved; and

   Historian William Kostura reviewed the proposed new building to determine if it would have any impact on the potential historic district across the street. The proposal was found to NOT have an adverse visual effect on the potential historic district. Please refer to Kostura's report, "Study of the Effect of the Proposed New Building at 1268 Lombard Street on a Nearby Potential Historic District."

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

   The proposed building is down the hill from George Sterling Memorial Park, and therefore will not have an effect the park's sunlight or vistas.

DATE: November 17, 2009

PROJECT ADDRESS: 1268 Lombard St, SF, CA 94109

ASSESSOR'S BLOCK/LOT 0500 / 015

## ESTIMATED CONSTRUCTION COSTS

TYPE OF APPLICATION: New construction

OCCUPANCY CLASSIFICATION: R-2; U; S-2

BUILDING TYPE: Type V-A over Type I-A

TOTAL GROSS SQUARE FEET OF CONSTRUCTION 14,539 sf

ESTIMATED SQUARE FOOTAGE:

BY PROPOSED USES: R-2 (Residential) 12,031 sf

S-2 (Res Storage) 530 sf

U (Parking) 1,928 sf

ESTIMATED CONSTRUCTION COST $1.85 million

ESTIMATE PREPARED BY: Kerman Morris Architects, LLP

FEE ESTABLISHED:

# APPLICATION SUBMITTAL CHECKLIST

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

| REQUIRED MATERIALS (check correct column) | Environmental Evaluation | Conditional Use | Reclassification | Variance |
|---|---|---|---|---|
| Application, with all blanks completed | ☐ | ☑ | ☐ | ☐ |
| 300-foot radius map | – | ☑ | ☐ | ☐ |
| Address labels (original) | | ☑ | ☐ | ☐ |
| Address labels (copy of the above) | | ☑ | ☐ | ☐ |
| Site Plan | ☐ | ☑ | ☐ | ☐ |
| Floor Plan | ☐ | ☑ | ☐ | ☐ |
| Elevations | ☐ | ☑ | ☐ | ☐ |
| Section 303 Requirements (shown on info. sheet) | – | ☑ | – | – |
| Prop. M Findings | – | ☑ | ☐ | ☐ |
| Photographs | ☐ | ☑ | ☐ | ☐ |
| Check payable to Planning Dept. | ☐ | ☑ | ☐ | ☐ |
| Application signed by owner or agent | ☐ | ☑ | ☐ | ☐ |
| Letter of authorization for agent | ☐ | ☑ | ☐ | ☐ |

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

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

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

**********

**ACKNOWLEDGEMENT AND SIGNATURES**

**OTHER APPLICATIONS THAT MAY BE REQUIRED:** _____ By signing below, I acknowledge: That I have read and completed this form in its entirety; that I understand that receipt of these materials by the Department does not mean that the application has been accepted as complete; that all of the information provided in this application is accurate.

Signature Edward N [signature] Date 11-17-09

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

Owner/Authorized Agent (circle one)

APPLICATION RECEIVED BY PLANNING DEPARTMENT:

By: J. Cabrera Date 11/17/09