



SAN FRANCISCO PLANNING DEPARTMENT

Discretionary Review Analysis Residential Demolition/New Construction

HEARING DATE: APRIL 8, 2010

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Date: April 1, 2010
Case No.: 2009.0443DD/2010.0165DD
Project Address: 1269 LOMBARD STREET
Zoning: RH-2 (Residential House, Two-Family)
 40-X Height and Bulk District
Block/Lot: 0501/023
Project Sponsor: M. Brett Gladstone, Gladstone & Associates
 177 Post Street, Penthouse
 San Francisco, CA 94108
Staff Contact: Shelley Caltagirone – (415) 588-6625
 Shelley.Caltagirone@sfgov.org
Recommendation: **Do not take DR and approve demolition and new construction as proposed.**

DEMOLITION APPLICATION		NEW BUILDING APPLICATION	
Demolition Case Number	2009.0443DD	New Building Case Number	2010.0165DD
Recommendation	Do Not Take DR	Recommendation	Do Not Take DR
Demolition Application Number	2009.06.09.0027	New Building Application Number	2009.06.09.0028
Number Of Existing Units	1	Number Of New Units	2
Existing Parking	0	New Parking	1 (+ 2 tandem)
Number Of Existing Bedrooms	3	Number Of New Bedrooms	6
Existing Building Area	±975 Sq. Ft.	New Building Area	±5,015 Sq. Ft.
Public DR Also Filed?	Yes	Public DR Also Filed?	Yes
311 Expiration Date	3/12/10	Date Time & Materials Fees Paid	N/A

PROJECT DESCRIPTION

The Project is to demolish the existing single-family, two-story building located towards the rear of the lot and construct two new single-family buildings, located at the front and rear of the lot separated by an open yard. The project would provide three off-street parking spaces (one independent space and two tandem spaces accessed by a car lift). The Project requires approval of rear yard and front setback variances.

VARIANCES

PER SECTION 132 OF THE PLANNING CODE the property is required to maintain a front setback area that is equal in depth to the average of the adjacent front setbacks, or approximately 2.5 feet. The proposed front building will extend to the front property line leaving no setback; therefore, the project requires a variance from the front setback requirement (Section 132) of the Planning Code.

PER SECTION 134 OF THE PLANNING CODE the property is required to maintain a rear yard that is equal to 45% of the total lot depth, or approximately 50 feet. The proposed rear building will be located entirely within the rear 45% of the lot; therefore, the project requires a variance from the rear yard requirement (Section 134) of the Planning Code.

SITE DESCRIPTION AND PRESENT USE

The property at 1269 Lombard Street is located on the south side of Lombard Street between Polk and Larkin Streets. The Property has approximately 25' of lot frontage along Lombard Street with a lot depth of 112'-6". The lot slopes steeply uphill to the east and south away from the street. The lot currently contains a single-family, two-story, 21'-1"-tall, 975-sf house. The dwelling is placed in the rear half of the lot, set back approximately 55'-6" feet from the front property line and 18'-6" feet from the rear property line. The building rests atop an approximately 31-foot tall retaining wall and is currently inaccessible from the street. The property is within an RH-2 (Residential, House, Two-Family) Zoning District with a 40-X Height and Bulk designation. City records indicate that the structure was originally constructed circa 1904.

SURROUNDING PROPERTIES & NEIGHBORHOOD

The Subject Property is located in a portion of the Russian Hill neighborhood referred to as the West Slope in William Kostura's *Russian Hill the Summit*.¹ 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. The neighborhood contains 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 neighborhood contains buildings of varying heights and depths. Several of the buildings on the subject block contain front and rear structures, creating a pattern of mid-lot courtyards. The adjacent property to the west contains a four-story building at the front of the lot and a 5-story building in the middle of the lot with an approximately 33'-5" rear yard and a small 2-story building connecting the two buildings. The adjacent property to the east contains a three-story building at the front of the lot and a two-story building at the rear of the lot with an approximately 28'-9" mid-lot courtyard.

HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Posted Notice	10 days	March 29, 2010	February 10, 2010	57 days
Mailed Notice	10 days	March 29, 2010	March 29, 2010	10 days

PUBLIC COMMENT

¹ Kostura, William. *Russian Hill the Summit; 1853-1906*. Aerie Publications: San Francisco, 1997.

	SUPPORT	OPPOSED	NO POSITION
Adjacent neighbor(s)	0	1	0
Other neighbors on the block or directly across the street	0	1	0
Neighborhood groups	1	0	0

REPLACEMENT STRUCTURE

The replacement structures will be located at the front and rear property lines with a 25-foot wide courtyard separating the two buildings. The front building would be a single-family, four-story, 36-foot-tall, 3,133-square-foot house and the rear building would be a single-family, three-story, 30-foot-tall, 1,882-square-foot house. Each building would provide three bedrooms. The buildings would share a street entrance, an entry stair, and a three-car garage located at the ground level of the front building. The front building would be accessed by an entrance at the third floor level of the shared stair and the rear building would be accessed by a path leading from the shared stair and through the mid-lot courtyard. The property currently contains no parking. The project would provide three parking spaces in the ground-floor garage (one independent space and two tandem spaces accessed by a car lift).

The overall scale, design, and materials of the proposed replacement structure are compatible with the block-face and are complementary with the residential neighborhood character. The materials for the front façade are traditional in style, with wood shingle siding and wood casement windows with wood window trim.

PUBLIC COMMENT

The Project has completed the Section 311 and Mandatory DR notification. Joe Butler, member of The Little House Committee, filed a Discretionary Review application for the demolition permit application. John and Mary Horvers, tenants of 1265 Lombard Street (the adjacent lot to the east) and members of The Little House Committee, filed a Discretionary Review application for the new construction building permit application. Staff has also received verbal and written comments from the property owner of 1249-1251 Lombard Street, Frank Morrow, who is concerned about the size and placement of the proposed development (see attached letter).

ISSUES AND RESPONSES

The issues listed in both public Discretionary Review requests are similar in nature and are summarized below.

Issue 1: In 1998, Building Permit Application Nos. 9710402 and 9711296 and Variance Application No. 97.487V were approved with conditions for the Subject Property in conjunction with a project at 1271-79 Lombard Street. The decision documents listing the conditions are attached. The 1998 project was halted after completion of the proposed addition at the 1271-79 Lombard Street site and excavation of the 1269 Lombard Street site. Construction of the proposed garages, stairs, and additions at 1269 Lombard Street were never completed and the property has remained in a state of suspended

construction since 1998. Because the project was not completed, the project failed to comply with the conditions of approval placed upon the building permit application and variance approvals.

Response: *The Department concurs that the 1998 project failed to comply with the conditions placed upon its approval. Among these conditions were requirements for setbacks at the eastern and western property lines to protect light, air, and access to the adjacent properties. Under the current building permit application, the side setbacks are considerably smaller than those described in the 1998 decision documents. However, any action by the Department regarding the new building permit application would supersede the previous project approval. The Department is not recommending any conditions of approval for the current Project as staff believes that the proposed building envelopes comply with the current Department CEQA Review Procedures, the Planning Code, and the Residential Design Guidelines.*

Issue 2: The Discretionary Review Requestors believe that the Project would have adverse impacts to historic resources, which would be avoided by requiring rehabilitation of the subject cottage. They also believe that the historic integrity of the adjacent properties at 1265 and 1271-79 Lombard Street building would be harmed by the Project by disrupting the historic pattern of construction and circulation at the three lots which were jointly owned for 100 years; by causing the removal of lot line windows; and, by preventing the reconstruction of the historic side stairs at the 1271-79 Lombard Street building. They also feel that the replacement building is out of scale and would mar the historic relationships of buildings, which are historic resources and contributors to a potential historic district.

Response: *Staff reviewed impacts to historic resources in the Historic Resource Evaluation Response memo dated December 11, 2009 (attached with Categorical Exemption Certificate) and found that the project would have no significant adverse impacts to historic resources. Staff concurs that the buildings at 1265 Lombard Street and 1271-79 Lombard Street are historic resources as contributors to a potential district. Staff has determined that the alteration of the secondary facades of 1265 Lombard Street and 1271-79 Lombard Street would not cause a significant adverse impact to either building as the work will not remove character-defining features of the buildings that convey their historical significance. Please refer to that document for a full response.*

Issue 3: 1265 Lombard Street will lose light and air if the replacement building is approved by covering existing non-complying lot line windows.

Response: *Staff acknowledges that the Project will reduce light to 1265 Lombard Street by fully blocking one lot line window and partially blocking two lot line windows. These windows are legal, non-conforming windows and are not protected by the Planning Code or the Residential Design Guidelines. The windows are also on a secondary facades and are not considered character-defining features of the historic cottage at 1265 Lombard, so their removal would not cause a significant adverse impact to the resource. The Project has been designed with a 25-foot-deep courtyard to maintain light access to the neighboring buildings. The entrance to the rear cottage has also been recessed to provide greater light access to the western windows at 1265 Lombard Street, and two new windows will be provided for the cottage by the Project Sponsor to compensate for the loss of existing windows.*

Issue 4: 1265 Lombard Street will lose access to roof deck located at 1269 Lombard Street.

Response: *This change in the neighbor's access to 1269 Lombard Street is based upon a private agreement between property owners and is not regulated by the Planning Code.*

Issue 5: The DR Requestors believe that the cottage is a sound habitable structure.

Response: *The Property has been in a state of suspended construction since 1998. In its current state, the building's soundness prior to the halted construction cannot be assessed. Therefore, the Department has no position on whether or not the Project meets the Department's soundness criteria due to lack of information. The Department does not consider the effects of the halted construction to be a state of unsoundness as claimed in the Soundness Report prepared by Santos & Urrutia, Inc.*

Issue 6: Previous building permit applications entitled work which was exceeded by the sponsor.

Response: *A review of the databases for the Department of Building Inspection and the Planning Department did not show any active enforcement cases or notices of violation for the property. Records show that the two 2001 notices of violations have been abated.*

Issue 7: The new construction does not meet the requirements of the Planning Code and requires variances. The hardship arguments for the variances are self-imposed.

Response: *The variance request is reviewed by the Zoning Administrator separately from the Discretionary Review cases, which are the subject of this hearing.*

ENVIRONMENTAL REVIEW

The Project was issued a Categorical Exemption, Classes 1 and 3 (State CEQA Guidelines Sections 15301(l)(1) and 15303(a)) on March 11, 2010.

BASIS FOR RECOMMENDATION

The Department recommends that the demolition of the existing single-family dwelling and the construction of a new two-family dwelling be approved as proposed. The Project meets nine of the eighteen criteria for consideration of demolition under Section 317 of the Planning Code. The Project is also consistent with the Objectives and Policies of the General Plan and complies with the Residential Design Guidelines and Planning Code. The Project meets the criteria set forth in Section 101.1 of the Planning Code in that:

- The Project will result in a net gain of one dwelling-unit.
- The Project will create two family-sized dwelling-units, each with three bedrooms.
- No tenants will be displaced as a result of this Project.
- Given the scale of the Project, there will be no significant impact on the existing capacity of the local street system or MUNI.
- The RH-2 Zoning District allows a maximum of two dwelling-units on this lot. This District is intended to accommodate a greater density than what currently exists on this underutilized lot, and several of the surrounding properties reflect this ability to accommodate the maximum density. The Project is therefore an appropriate in-fill development.

- Although the structure is more than 50-years old, a review of the Historic Resource Evaluation resulted in a determination that the existing building is not an historic resource and that the project will have no adverse impact on surrounding historic resources.

RECOMMENDATION:

Case No. 2009.0443DD – Do not take DR and approve the demolition.

Case No. 2010.0165DD – Do not take DR and approve the new construction as proposed.

DEMOLITION CRITERIA

Existing Value and Soundness

1. Whether the Project Sponsor has demonstrated that the value of the existing land and structure of a single-family dwelling is not affordable or financially accessible housing (above the 80% average price of single-family homes in San Francisco, as determined by a credible appraisal within six months);

Project Does Not Meet Criteria

The Project Sponsor does not claim that the property is valued at or above 80% of the median single-family home prices in San Francisco. As such, the property is considered relatively affordable and financially accessible housing for the purposes of this report and Planning Code Section 317.

2. Whether the housing has been found to be unsound at the 50% threshold (applicable to one- and two-family dwellings);

Criteria Not Applicable to Project

Based on Planning staff's review of the Soundness Report prepared by Santos & Urrutia, Inc. – an independent third party for this Project – the existing structure cannot be evaluated for soundness in its current state. The Property has been in a state of suspended construction since 1998. The Department does not consider the effects of the halted construction to be a state of unsoundness as claimed in the Soundness Report. Neither can the Department consider the cost of completing the halted construction in the calculation of the cost of necessary repairs. Therefore, the Department has no position on whether or not the Project meets the Department's soundness criteria since it cannot determine whether or not the building was sound before the commencement of construction or what the cost of repairing the building would have been at that time.

Existing Building

3. Whether the property is free of a history of serious, continuing code violations;

Project Meets Criteria

A review of the databases for the Department of Building Inspection and the Planning Department did not show any enforcement cases or notices of violation. Records show that the two 2001 notices of violations have been abated.

4. Whether the housing has been maintained in a decent, safe, and sanitary condition;

Project Does Not Meet Criteria

The prior owner did not maintain the existing building in a decent, safe, and sanitary condition. The prior owner's excavation of the site resulted in the installment of temporary shoring to support the building. The current owner acquired the property in this condition. Since then, the current owner has prevented the deterioration from accelerating by doing the following: boarding the windows, removing graffiti, erecting and maintaining a chain link fence in the front and rear of the property, hauling trash, and removing ivy.

5. Whether the property is a "historical resource" under CEQA;

Project Meets Criteria

Although the structure is more than 50-years old, a review of the Historic Resource Evaluation resulted in a determination that it is not an historic resource for the purposes of CEQA.

6. If the property is a historical resource, whether the removal of the resource will have a substantial adverse impact under CEQA;

Criteria Not Applicable to Project

The property is not a historical resource.

Rental Protection

7. Whether the Project converts rental housing to other forms of tenure or occupancy;

Criteria Not Applicable to Project

The existing unit is currently vacant and thus not rental housing.

8. Whether the Project removes rental units subject to the Rent Stabilization and Arbitration Ordinance;

Project Does Not Meet Criteria

According to the Project Sponsor, the building is not subject to rent control because it is a single-family dwelling that is currently vacant and uninhabitable. However, it appears that if the building were restored to habitable condition, it would be subject to rent control as the building was constructed prior to 1979.

Priority Policies

9. Whether the Project conserves existing housing to preserve cultural and economic neighborhood diversity;

Project Does Not Meet Criteria

The Project does not meet this criterion because the existing dwelling will be demolished. Nonetheless, the Project will result in a net gain of housing and thus preserve the quantity of housing. Two family-sized units will replace one single-family home that contains only one bedroom. The creation of these two family-sized units will preserve the cultural and economic diversity within the neighborhood.

10. Whether the Project conserves neighborhood character to preserve neighborhood cultural and economic diversity;

Project Meets Criteria

The Project will conserve the neighborhood character by constructing replacement buildings that are compatible with regard to materials, massing, glazing pattern, and roofline with the dwellings in the surrounding neighborhood. By creating compatible new buildings that increase the density by one unit in a neighborhood defined by one- and two-family units, the neighborhood's cultural and economic diversity will be preserved.

11. Whether the Project protects the relative affordability of existing housing;

Project Meets Criteria

By creating two new dwelling units where one uninhabitable dwelling currently exists, the relative affordability of existing housing is being preserved because the land costs associated with the housing are spread out over two dwellings rather than one. The reduction in land costs per unit reduces the overall cost of housing. The Project also increases the number of family-sized units in San Francisco, increasing housing supply and, thereby, possibly reducing cost.

12. Whether the Project increases the number of permanently affordable units as governed by Section 315;

Project Does Not Meet Criteria

The Project does not include any permanently affordable units, as the construction of two units does not trigger Section 315 review.

Replacement Structure

13. Whether the Project located in-fill housing on appropriate sites in established neighborhoods;

Project Meets Criteria

The Project replaces one single-family dwelling with two dwelling-units in a neighborhood characterized by one- and two-family dwellings.

14. Whether the Project creates quality, new family housing;

Project Meets Criteria

The Project will create two family-sized units – each with three-bedrooms. The floor plans reflect such new quality, family housing.

15. Whether the Project creates new supportive housing;

Project Does Not Meet Criteria

The Project is not specifically designed to accommodate any particular Special Population Group as defined in the Housing Element.

16. Whether the Project promotes construction of well-designed housing to enhance existing neighborhood character;

Project Meets Criteria

The Project is in scale with the surrounding neighborhood and will be constructed of high-quality materials. The proposed site plan, with separate front and rear buildings divided by a mid-lot courtyard, would match the established block pattern and preserve a character-defining feature of the district. The front building wall would be built flush with the front property line, similar to the placement of most buildings along the street, and the rear building wall would closely align with the front facades of the rear cottages located to the east of the property. The height and massing of both of the proposed buildings would be similar to those of the corresponding front- and rear-lot buildings on the block. Both buildings would have flat roofs, in keeping with the predominant roof form in the district, and simple, rectangular massing. The architectural style of both the front and rear buildings would be a contemporary Shingle style that uses wood shingle cladding, wood-framed windows, moderately proportioned glazing, restrained ornamentation, and traditional features such as a cornice and projecting bay to relate to the vocabulary of the surrounding historic buildings. The contemporary design of the new construction would be easily distinguished from the historic buildings in the area so as not to create a false sense of history. Finally, the new construction would replace the existing retaining walls at the front of the site, which detract from the character of the district.

17. Whether the Project increases the number of on-site dwelling units;

Project Meets Criteria

The Project increases the number of dwelling units on the site from one to two.

18. Whether the Project increases the number of on-site bedrooms.

Project Meets Criteria

The Project increases the number of bedrooms on the site from three to six.

Design Review Checklist

NEIGHBORHOOD CHARACTER (PAGES 7-10)

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

Comments: The subject block is unique in that it contains a cluster of buildings that survived the Earthquake and Fire of 1906. Twelve of its twenty-five parcels contain buildings either listed on the Planning Department's 1976 Survey and/or are published in *Here Today*. The surrounding neighborhood consists of a mixture of two- and three-story buildings, containing mostly one or two residential units. Larger apartment buildings are located at the intersection of Polk and Lombard Streets. The neighborhood contains dwellings of varying heights and depths. Several of the buildings on the subject block contain front and rear structures, creating a pattern of mid-lot courtyards. The adjacent property to the west contains a four-story building at the front of the lot and a 5-story building in the middle of the lot with an approximately 33'-5" rear yard and a small 2-story building connecting the two buildings. The adjacent property to the east contains a three-story building at the front of the lot and a two-story building at the rear of the lot with an approximately 28'-9" mid-lot courtyard.

SITE DESIGN (PAGES 11 - 21)

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

Comments: The Project responds to the topography of the block by stepping down in height from the neighboring uphill buildings. The design also responds to the existing block pattern by continuing the pattern of mid-lot courtyards with front and rear buildings established by the lots to the east of the Subject Property. The Project will create a larger building at the front of the lot, in keeping with the size of the front buildings at the adjacent lots, and a smaller building at the rear of the lot, in keeping with the size of the rear cottages to the east of the Subject Property. The Project will minimize impacts to light and privacy at adjacent properties by providing side setbacks along the east property line and an open courtyard adjacent to the 5-story building to the west. The front building will block three property-line windows at the adjacent building to the east and five property-line windows to the west. The rear building has been designed to minimize impacts to property line windows at the adjacent rear cottage so that only one of four windows will be completely blocked.

BUILDING SCALE AND FORM (PAGES 23 - 30)

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

Comments: The front replacement building is compatible with the established building scale at the street, as it creates a stronger street wall with a more compatible front setback than the existing building. The height and depth of both new buildings are compatible with the existing block pattern. The form, façade width, proportions, and roofline of both buildings are compatible with the mixed neighborhood context.

ARCHITECTURAL FEATURES (PAGES 31 - 41)

QUESTION	YES	NO	N/A
Building Entrances (pages 31 - 33)			
Does the building entrance enhance the connection between the public realm of the street and sidewalk and the private realm of the building?	X		
Does the location of the building entrance respect the existing pattern of building entrances?			X
Is the building's front porch compatible with existing porches of surrounding buildings?	X		
Are utility panels located so they are not visible on the front building wall or on	X		

the sidewalk?			
Bay Windows (page 34)			
Are the length, height and type of bay windows compatible with those found on surrounding buildings?	X		
Garages (pages 34 - 37)			
Is the garage structure detailed to create a visually interesting street frontage?	X		
Are the design and placement of the garage entrance and door compatible with the building and the surrounding area?	X		
Is the width of the garage entrance minimized?	X		
Is the placement of the curb cut coordinated to maximize on-street parking?	X		
Rooftop Architectural Features (pages 38 - 41)			
Is the stair penthouse designed to minimize its visibility from the street?			X
Are the parapets compatible with the overall building proportions and other building elements?	X		
Are the dormers compatible with the architectural character of surrounding buildings?			X
Are the windscreens designed to minimize impacts on the building's design and on light to adjacent buildings?			X

Comments: There is not a well-established pattern of entrances on the block as it has a mixture of raised entries and grade-level entries. The proposed entrance for the front building will be slightly raised and will be recessed to provide a small porch area. The length and type of the rectangular bay window along the western side of the façade is compatible with the style of bay windows found throughout the neighborhood. The garage door is recessed slightly from the front façade and limited to a width of 10 feet. The rooftop parapets are standard in size and compatible with the parapets found on other flat-roofed buildings in the neighborhood.

BUILDING DETAILS (PAGES 43 - 48)

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

Are the building's exposed walls covered and finished with quality materials that are compatible with the front facade and adjacent buildings?	X		
Are the building's materials properly detailed and appropriately applied?	X		

Comments: The placement and scale of the architectural details are compatible with the mixed residential character of this neighborhood. The architectural style of both the front and rear buildings would be a contemporary Shingle style that uses wood shingle cladding, wood-framed windows, moderately proportioned glazing, restrained ornamentation, and traditional features such as a cornice and projecting bay to relate to the vocabulary of the surrounding historic buildings. The contemporary design of the new construction would be easily distinguished from the historic buildings in the area so as not to create a false sense of history. Finally, the new construction would replace the existing retaining walls at the front of the site, which detracts from the character of the neighborhood.

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

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

Comments: The Project is not an alteration, and the dwelling that will be demolished has been determined not to be an historical resource for the purposes of CEQA.

* All page numbers refer to the Residential Design Guidelines

ATTACHMENTS

- Design Review Checklist for replacement building
- Block Book Map
- Sanborn Map
- Zoning Map
- Aerial Photographs
- Section 311 Notice
- Residential Demolition Application
- Prop M findings
- Environmental Evaluation / Historic Resources Evaluation Response Memo
- Soundness Report
- Reduced Plans / Renderings / Context Photos
- Letter from Frank Morrow dated March 12, 2010
- Discretionary Review Application Case No. 2009.0443DD

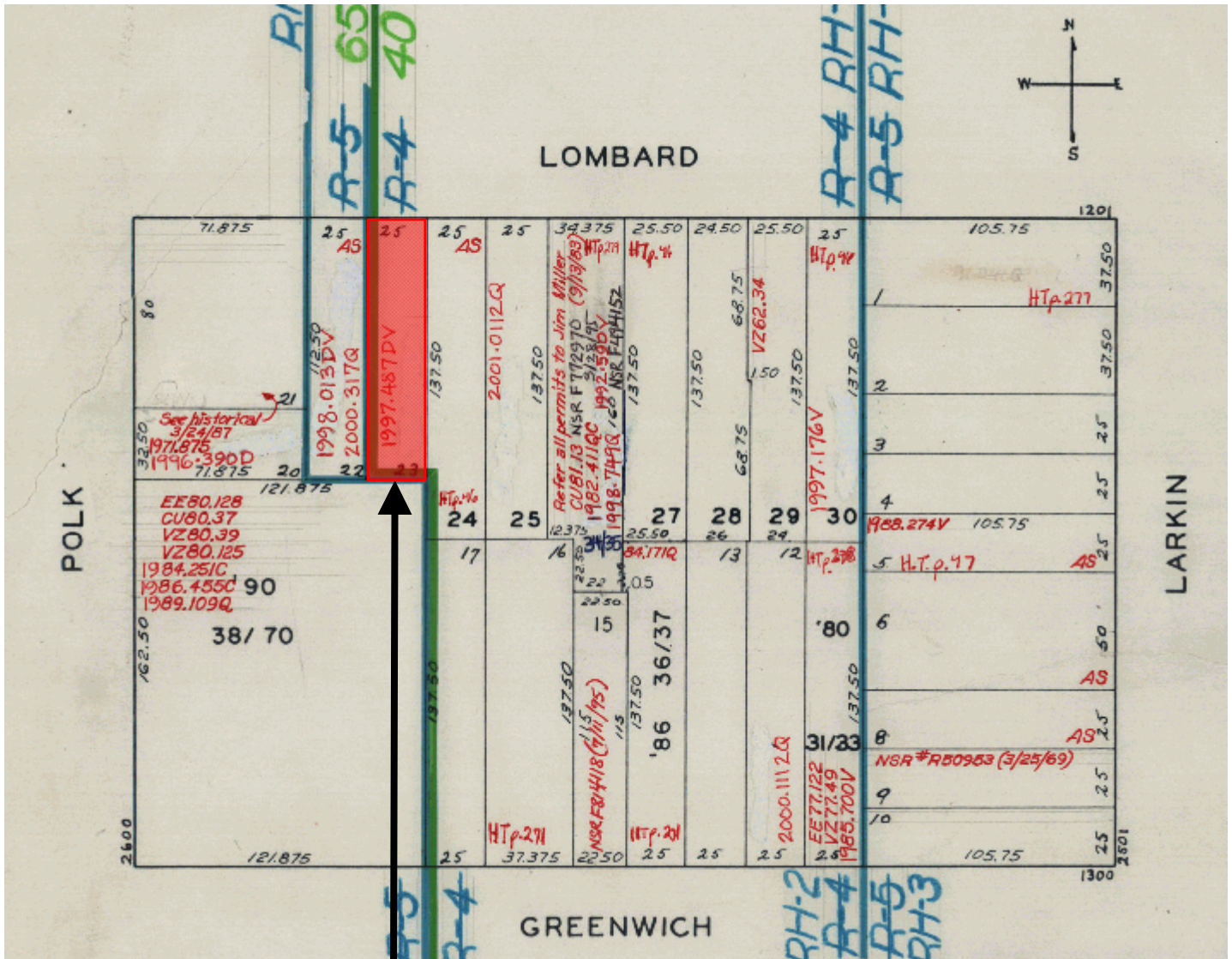
Discretionary Review Application Case No. 2010.0165DD

Planning Commission Action Memo regarding 1296 Lombard Street dated April 8, 1998

Planning Commission Action Memo regarding 1271-79 Lombard Street dated April 8, 1998

Variance Decision Letter regarding 1269 Lombard Street dated April 8, 1998 (Case No. 97.487V)

Block Book Map

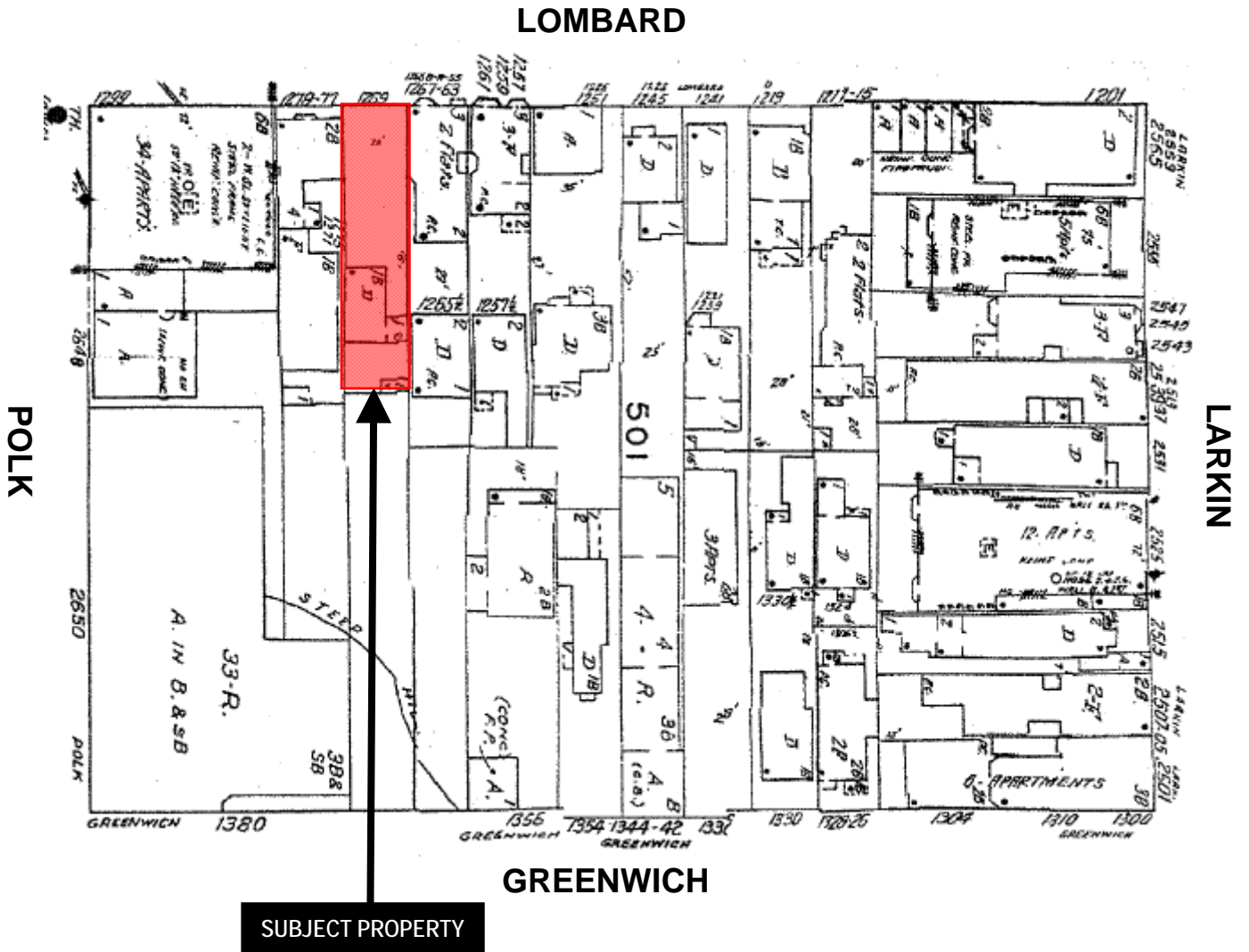


SUBJECT PROPERTY

Discretionary Review Hearing
 Case Number 2008.0791D/2009.0807D
 2626 Larkin Street



Sanborn Map*

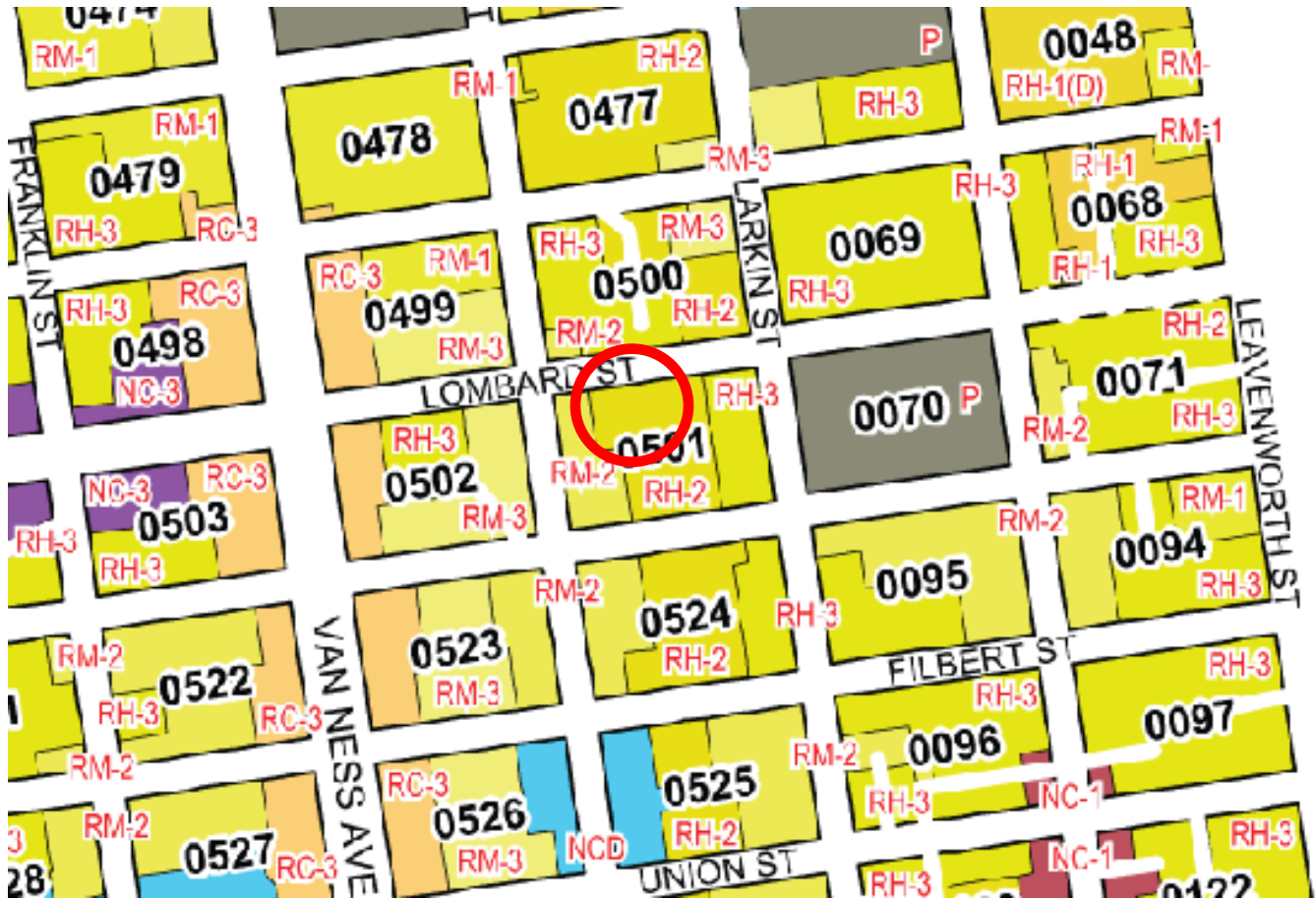


*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.



Discretionary Review Hearing
Case Number 2008.0791D/2009.0807D
2626 Larkin Street

Zoning Map



ZONING USE DISTRICTS

RESIDENTIAL, HOUSE DISTRICTS

RH-1(D) RH-1 RH-1(S) RH-2 RH-3

RESIDENTIAL, MIXED (APARTMENTS & HOUSES) DISTRICTS

RM-1 RM-2 RM-3 RM-4

NEIGHBORHOOD COMMERCIAL DISTRICTS

NC-1 NC-2 NC-3 NCD NC-S

SOUTH OF MARKET MIXED USE DISTRICTS

SPD RED RSD SLR SLI SSO

COMMERCIAL DISTRICTS

C-2 C-3-S C-3-G C-3-R C-3-O C-3-O(SD)

INDUSTRIAL DISTRICTS

C-M M-1 M-2

CHINATOWN MIXED USE DISTRICTS

CRNC CVR CCB

RESIDENTIAL-COMMERCIAL DISTRICTS

RC-3 RC-4

REDEVELOPMENT AGENCY DISTRICTS

MB-RA HP-RA

DOWNTOWN RESIDENTIAL DISTRICTS

RH DTR TB DTR

MISSION BAY DISTRICTS

MB-OS MB-O

PUBLIC DISTRICT

P



Discretionary Review Hearing
Case Number 2008.0791D/2009.0807D
2626 Larkin Street

Aerial Photograph



SUBJECT PROPERTY





SAN FRANCISCO PLANNING DEPARTMENT

1650 Mission Street Suite 400 San Francisco, CA 94103

NOTICE OF BUILDING PERMIT APPLICATION (SECTION 311)

On June 9, 2009, the Applicant named below filed Building Permit Application Nos. 2009.06.09.0027 (Demolition) and 2009.06.09.0028 (New Construction) with the City and County of San Francisco.

CONTACT INFORMATION		PROJECT SITE INFORMATION	
Applicant:	Charles Blozies, Architect	Project Address:	1269 Lombard Street
Address:	228 Grant Avenue	Cross Streets:	Polk and Larkin Streets
City, State:	San Francisco, CA 94108	Assessor's Block /Lot No.:	0501/0023
Telephone:	(415) 834-9002	Zoning Districts:	RH-2/40-X

Under San Francisco Planning Code Section 311, you, as a property owner or resident within 150 feet of this proposed project, are being notified of this Building Permit Application. You are not obligated to take any action. For more information regarding the proposed work, or to express concerns about the project, please contact the Applicant above or the Planner named below as soon as possible. If your concerns are unresolved, you can request the Planning Commission to use its discretionary powers to review this application at a public hearing. Applications requesting a Discretionary Review hearing must be filed during the 30-day review period, prior to the close of business on the Expiration Date shown below, or the next business day if that date is on a week-end or a legal holiday. If no Requests for Discretionary Review are filed, this project will be approved by the Planning Department after the Expiration Date.

PROJECT SCOPE		
<input checked="" type="checkbox"/> DEMOLITION	and/or	<input checked="" type="checkbox"/> NEW CONSTRUCTION or <input type="checkbox"/> ALTERATION
<input type="checkbox"/> VERTICAL EXTENSION		<input checked="" type="checkbox"/> CHANGE # OF DWELLING UNITS <input type="checkbox"/> FACADE ALTERATION(S)
<input type="checkbox"/> HORIZ. EXTENSION (FRONT)		<input type="checkbox"/> HORIZ. EXTENSION (SIDE) <input type="checkbox"/> HORIZ. EXTENSION (REAR)

PROJECT FEATURES	EXISTING CONDITION	PROPOSED CONDITION
BUILDING USE	Single-Family Dwelling	Two Single-Family Dwellings
FRONT SETBACK	55'-6"	0'-0"
BUILDING DEPTH.....	38'-6"	56'-4" (Unit 1), 31'-2" (Unit 2)
REAR YARD.....	18'-6"	25'-0" (between Units 1 and 2)
HEIGHT OF BUILDING	20'-6"	36'-3" (Unit 1), 30'-2" (Unit 2)
NUMBER OF STORIES.....	2	4 (Unit 1), 3 (Unit 2)
NUMBER OF DWELLING UNITS	1	2
NUMBER OF OFF-STREET PARKING SPACES	0	2

PROJECT DESCRIPTION

The proposal is to demolish the existing two-story, single-family building and to construct two new buildings at the front and rear of the lot. The new front building will be four stories tall and the new rear building will be three stories tall. Each building will contain one unit. See attached plans for details. PLEASE NOTE: Per Section 317 of the Planning Code, the project requires a Mandatory Discretionary Review hearing before the Planning Commission. Also, per Sections 132 and 134 of the Code, the project requires front and rear yard variances as the front building will extend 2'-6" into the required front setback and the rear building will be located within the rear 45% of the lot. The project is tentatively scheduled to be heard as Case No. 2009.0443DV at the March 18, 2010 Planning Commission hearing in Room 400, City Hall, 1 Dr. Carlton B. Goodlett Place.

PLANNER'S NAME: Shelley Caltagirone
 PHONE NUMBER: (415) 558-6625
 EMAIL: shelley.caltagirone@sfgov.org

DATE OF THIS NOTICE: 2-10-10
 EXPIRATION DATE: 3-12-10



SAN FRANCISCO PLANNING DEPARTMENT

Section 317 Application

Section 317 of the Planning Code requires that a public hearing will be held prior to approval of any permit that will remove existing housing, with certain codified exceptions. Where a project will result in the loss of one or two residential units, the project is subject to a Mandatory Discretionary Review (DR) hearing before the Planning Commission, unless the Code specifically requires Conditional Use (CU) Authorization. Projects resulting in the loss of three or more units will require a Conditional Use hearing by the Planning Commission. If a Conditional Use is required, attach this Application as a supplemental document. All projects subject to Section 317 must fill out this cover sheet and the relevant attached Form(s) (A, B, or C), and contact Georgia Powell at (415) 558-6371 to schedule an intake appointment.

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Planning
Information:
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PROJECT ADDRESS: 1269 Lombard Street		NAME: Gladstone & Associates		
BLOCK/LOT: 0501/023		ADDRESS: 177 Post St, #910		
ZONING: RH-2		CITY, STATE: 94108 San Francisco, CA		
LOT AREA 2,780 sf		PHONE: (415) 434-9500		
#	PROJECT INFORMATION	EXISTING	PROPOSED	NET CHANGE
1	Total number of units	1	2	+1
2	Total number of parking spaces	0	2	+2
3	Total gross habitable square footage	1,930 sf	2,335 sf 1,866 sf	+2,271 sf
4	Total number of bedrooms	3	6	+3
5	Date of property purchase	2004		
6	Number of rental units	0	0	0
7	Number of bedrooms rented	0	0	0
8	Number of units subject to rent control	0	0	0
9	Number of bedrooms subject to rent control	0	0	0
10	Number of units currently vacant	1		
11	Was the building subject to the Ellis Act within the last decade?	Unknown - owner purchased property vacant		
12	Number of owner-occupied units	0	2	+2

I have read and understood the information in this Application, including the required payment of time and material fees for processing this Application. I certify that I will pay all Planning Department time and material costs for processing this Application, as required by Sections 350(c) and 352(B) of the Planning Code.

Signature: 

Printed Name: Brett Gladstone

Date: May 7

Loss of Dwelling Units through Demolition

(FORM A – COMPLETE IF APPLICABLE)

Pursuant to Planning Code Section 317(d), the demolition of residential dwellings not otherwise subject to a Conditional Use Authorization shall be either subject to a Mandatory Discretionary Review hearing or will qualify for administrative approval. Administrative approval only applies to (1) single-family dwellings in RH-1 Districts proposed for Demolition that are not affordable or financially accessible housing (valued by a credible appraisal within the past six months to be greater than 80% of combined land and structure value of single-family homes in San Francisco); or (2) residential buildings of two units or fewer that are found to be unsound housing.

The Planning Commission will consider the following criteria in the review of applications to demolish Residential Buildings. Please fill out answers to the criteria below:

Existing Value and Soundness

1. Whether the Project Sponsor has demonstrated that the value of the existing land and structure of a single-family dwelling is not affordable or financially accessible housing (above the 80% average price of single-family homes in San Francisco, as determined by a credible appraisal within six months);
Not Applicable because property is located in RH-2 district
2. Whether the housing has been found to be unsound at the 50% threshold (applicable to one- and two-family dwellings).
Yes, please see attached Soundness Report.

Existing Building PLEASE SEE ATTACHMENT FOR RESPONSE TO QUESTIONS 1 - 16.

1. Whether the property is free of a history of serious, continuing code violations;
No
2. Whether the housing has been maintained in a decent, safe, and sanitary condition;
No
3. Whether the property is a "historical resource" under CEQA;
No
4. If the property is a historical resource, whether the removal of the resource will have a substantial adverse impact under CEQA;
Not Applicable

Rental Protection

5. Whether the Project converts rental housing to other forms of tenure or occupancy;
No
6. Whether the Project removes rental units subject to the Rent Stabilization and Arbitration Ordinance;
No

1269 Lombard Street
Application to Demolish Residential Building

Section 317(d)(3)(C). The Planning Commission shall consider the following additional criteria in the review of applications to demolish Residential Buildings:

(i) *whether the property is free of a history of serious, continuing Code violations;*

Redwood Mortgage Investors, VIII ("RMI"), the current owner, is unaware of any current Notices of Violation against the property; however, the existing building is uninhabitable. RMI made a construction loan to the prior owner/developer who originally had plans to develop the site. We are unaware of how much of the old structure the developer wished to re-use, if any. RMI took possession of the property in September of 2004 and the Trustee's Deed recorded September 30, 2004 after the previous owner was unsuccessful in his efforts to develop the site.

During the previous owner's efforts to develop the site, the previous owner rendered the existing rear building uninhabitable by undertaking an excavation at the front of the site. The excavation resulted in the need for temporary shoring, which was intended to be used for less than a year. The temporary shoring has now been in place more than four years longer than intended due primarily to permit and financial troubles the original developer ran into during the approval process resulting in the current owner foreclosing on the property. During the two years between the prior owner stopping work and RMI acquiring ownership, the building severely deteriorated.

The following information is based on our engineer's Soundness Report:

The temporary shoring was placed too far from the face of the cottage and created an excessive cantilever in the second floor (and roof) joists, which over the prolonged time that the project has been left in this condition, has led to permanent deflection of those members, and extensive warping of joists and posts. To correct the now permanent deflection of those joists and posts would require removing and replacing them, i.e. the entire floor and roof. In addition, the entire west property line wall has been removed at the first floor and approximately one half of the first floor and partition walls have been removed as part of the shoring effort. To adequately restore this building to a safe, functional, and habitable condition would lead to a de facto demolition. Although it appears the original intent was to save the cottage, it was poorly shored and it has been left in that condition for an extended period of time, which has significantly and permanently altered the status of the cottage. It is no longer a viably salvageable structure. Finally, the temporary shoring has been exposed to the elements for all this time, and the steel shoring beam is now rusting and the shoring cribs are rotting. As a result, the shoring system is now compromised as well. (See Soundness Report).

The excavation also removed access to the unit. The stairs providing access were located on the property to the west with a door leading to an area at grade on the subject property. When the property was excavated, the area at grade also was excavated removing the access.

(ii) *whether the housing has been maintained in a decent, safe, and sanitary condition;*

As stated above, the prior owner did not maintain the existing building in a decent, safe and sanitary condition. The prior owner's excavation of the site resulted in the installment of temporary shoring to support the building. The current owner acquired the property in this condition. Since then, the current owner has prevented the deterioration from accelerating by doing the following: boarding the windows, removing graffiti, erecting and maintaining a chain link fence in the front and rear of property, hauling trash, and removing ivy.

(iii) *whether the property is an "historical resource" under CEQA;*

The property is not an historical resource under CEQA. The property is not listed in any local, state or federal survey. The Historic Resource Evaluation Report prepared by Frederic Knapp concludes that the property is not an historic resource because it is not eligible for listing on the California Register, either individually or as a contributory property to a potential historic district. The draft Russian Hill West Slope Historic Resources Survey, which currently is being reviewed by the City, came to the same conclusion.

(iv) *whether the removal of the resource will have a substantial adverse impact under CEQA;*

The property is not an historical resource and therefore, the building's demolition will not have a substantial adverse impact under CEQA.

(v) *whether the project converts rental housing to other forms of tenure or occupancy;*

The building has been uninhabitable and vacant for more than ten years; thus, the demolition will not remove habitable rental housing. The current owner, RMI, has not removed any tenants since it acquired the unit in an uninhabitable condition. The building was last occupied by an owner. The project will construct a replacement single family unit (along with a new single family unit at the front of the lot) that will be ownership housing because the cost of work to create the two units is so great that the level of rent payments could not meet the monthly mortgage payment to a lender who lends to a new owner.

(vi) *whether the project removes rental units subject to the Rent Stabilization and Arbitration Ordinance;*

The demolition proposes to remove an uninhabitable single family dwelling, and therefore will not remove habitable rental housing that is subject to the Rent Stabilization and Arbitration Ordinance. The building has been uninhabitable and vacant for over ten years.

(vii) *whether the project conserves existing housing to preserve cultural and economic neighborhood diversity;*

The project will replace the existing vacant building with two new single family units. The property was previously owner occupied. The project would preserve the cultural and economic diversity of the neighborhood because it creates family-sized housing, which is increasingly difficult to find in San Francisco, and re-establish the residential character of the site.

(viii) *whether the project conserves neighborhood character to preserve neighborhood cultural and economic diversity;*

The replacement housing is designed to fit within the neighborhood character. The proposed development includes two new houses, one fronting the street and the other at the rear of the lot with a shared open space in between. This disposition of buildings matches the pattern of development that has historically occurred along Lombard Street uphill from the site to the east. Neighboring properties have two houses on each lot, some of which contain more than one unit.

The proposed design is sensitive to the existing neighborhood context both in general massing and in architectural detail. New construction will be built on the existing retaining wall system, since altering the construction of the large retaining walls could have an adverse impact on the adjoining and uphill neighbors' structures.

The new project will have a two car garage and an entrance shared by both houses at the street level along Lombard Street. The front house will be a 3,000 square foot, 3-bedroom unit on three levels above the garage. The upper level will be set back from the street with a landscaped terrace in front to present a façade that will be in scale with neighboring buildings. The façade will be a modern rendition of shingle style architecture, a style prevalent in the neighborhood. The rear house will be a 2,300 square foot, 3-bedroom unit also on three levels.

The two units will share the garage and the Lombard Street entry. Both units are accessible via a shared elevator or stairway connecting the street level to the entry level of the front unit approximately 25 feet above the street. A pathway and exterior stair will lead to the rear unit.

(ix) *whether the project protects the relative affordability of existing housing;*

The project will replace an uninhabitable unit with two single family units. The increase in housing by two habitable units will help protect the relative affordability of existing housing by increasing the number of family sized units in San Francisco, since more supply can reduce housing costs.

(x) *whether the project increases the number of permanently affordable units as governed by Section 315;*

The project is not subject to the requirements of Section 315 and therefore, would not provide permanently affordable units.

(xi) *whether the project locates in-fill housing on appropriate sites in established neighborhoods;*

The project will replace the existing vacant building and construct two new units. One unit will be located at the rear near the location of the existing building proposed for demolition. The second unit will fill in the front that currently is vacant. The neighborhood consists of almost all buildings situated at the sidewalk, so that creating one here is classic urban infill that will lead to conformity of building frontage on the street.

(xii) *whether the project creates quality, new family housing;*

The project creates quality, new family housing. The front unit will contain three bedrooms and the rear unit will contain three bedrooms. The new homes have been designed for families in that they each contain three bedrooms.

(xiii) *whether the project creates new supportive housing;*

The project creates two new single family homes that will support the City's priority of providing family sized housing, but will not have any support services in them.

(xiv) *whether the project promotes construction of well-designed housing to enhance existing neighborhood character;*

The project would create well-designed housing that enhances the neighborhood character. The front of the site has been severely excavated and is currently supported by two massive retaining walls. The rear building is dilapidated and vacant. The property has lost its residential character and is an eye sore in the neighborhood. The project would restore the residential character and remove the blight; thereby enhancing the neighborhood character. As discussed above, the façade is designed as a modern rendition of shingle-style architecture, a style prevalent in the neighborhood, including the immediately neighboring buildings. The density will be increased to be more consistent with the surrounding buildings, which primarily are two units per site and multi-family buildings.

(xv) *whether the project increases the number of on-site dwelling units;*

The project would increase the number of habitable on-site dwelling units from zero to two units.

(xvi) *whether the project increases the number of on-site bedrooms.*

The project would result in each unit containing three bedrooms. The existing building contains three bedrooms. Thus, the project will add three bedrooms to the site.

5/13/09

Item	Description	Unit (sq.ft.)	Cost per Unit	Cost
1st Floor Demolished Space	sq.ft.	538	240	\$ 129,120
1st Floor Living Space	sq.ft.	335	240	\$ 80,400
2nd Floor Living Space	sq.ft.	873	240	\$ 209,520
Total				\$ 419,040
50% of Replacement Cost				\$ 209,520
75% of Replacement Cost				\$ 314,280

PRIORITY GENERAL PLAN POLICIES FINDINGS

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

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

The project site does not contain retail. The site contains a vacant and uninhabitable residential building. The project would demolish the building and construct two new family-sized units on the site. Therefore, neighborhood serving retail uses will be enhanced by two new dwelling units nearby.

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

The site has been severely excavated at the front and is an eyesore in the neighborhood. The site contains a vacant and uninhabitable residential building. The project would construct two new units that are compatible with the surrounding residential buildings in their shingle design. Therefore, the project will conserve and protect the existing neighborhood character. The site has always had one home in an RH-2 district; with two units, the site will be conforming as to permitted density, and will contain a number of units closer to neighboring lots.

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

The project would demolish a vacant and uninhabitable unit. As a single family dwelling, it is not subject to the City's rent control law and therefore, even if it could be occupied, the unit would not be affordable. As such, there will not be a negative affect on the City's affordable housing supply and no tenants will be displaced as a result of the project.

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

The project would provide off-street parking for each of the two units. Therefore, the project will not overburden the streets, neighborhood parking or public transit.

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

The project will not impact any industrial or service sector uses. The property contains a single family house located within the RH-2 zoning district.

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

The project will comply with the most recent seismic codes and any building codes that are applicable.

7. *That landmarks and historic buildings be enhanced and preserved; and*

The building is not listed as a historic building nor a potential contributor to a potential historic district.

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

The project will not impact public parks, public open space, or access to any park's access to sunlight, nor will it impact any significant public vistas.



SAN FRANCISCO PLANNING DEPARTMENT

Certificate of Determination Exemption from Environmental Review

Case No.: 2009.0443E
Project Title: 1269 Lombard Street
Zoning: RH-2 (Residential, House, Two-Family)
40-X Height and Bulk District
Block/Lot: 0501/023
Lot Size: 2,812.5 square feet
Project Sponsor: M. Brett Gladstone, Gladstone & Associates
(415) 434-9500
Staff Contact: Shelley Caltagirone – (415) 558-6625
shelley.caltagirone@sfgov.org

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PROJECT DESCRIPTION:

The proposed project involves demolition of the existing single-family, two-story, 21-foot-tall, 975-square-foot house and construction of two new single-family residential buildings, located at the front and rear of the lot. The front building would be a four-story, 36-foot-tall, 3,133-square-foot house and the rear building would be a three-story, 30-foot-tall, 1,882-square-foot house. The two buildings would be separated by a mid-lot, 25-foot-deep courtyard. The buildings would share a street entrance, an entry (See next page.)

EXEMPT STATUS:

Categorical Exemption, Classes 1 and 3 (State CEQA Guidelines Sections 15301(l)(1) and 15303(a)).

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

Date

cc: Redwood Investors VIII, Owners
Brett Bollinger, MEA Division
Shelley Caltagirone, Preservation Planner
Supervisor Alioto-Pier, District 2

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

PROJECT DESCRIPTION (continued):

stair, and a three-car garage located at the ground level of the front building. The front building would be accessed by an entrance at the third floor level of the shared stair and the rear building would be accessed by a path leading from the shared stair and through the mid-lot courtyard. The property currently contains no parking. The project would provide three parking spaces in the ground-floor garage (one independent space and two tandem spaces accessed by a car lift). The project site is located on a block bounded by Polk, Greenwich, Larkin, and Lombard Streets in the Russian Hill neighborhood.

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 building located on the project site is not a historical resource. The subject property contains a single-family, two-story house constructed in 1876. The subject property was evaluated by the Junior League of San Francisco in 1976 and was noted as extensively altered. The property is not included in any other historic resource surveys or listed on any local, state or national registries. The building 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. As described in the Historic Resource Evaluation (HRE) Memorandum¹ (attached), the 1269 Lombard Street property does not appear to be eligible for listing on the California Register. Although the subject building is located within an area that is potentially eligible for listing on the California Register under Criterion 1 (Event) and Criterion 3 (Architecture) as a historic district, the building does not retain sufficient historic integrity of design, workmanship, setting, feeling, or materials to convey its association with the district. Therefore, the building does not contribute to the historic significance of the district and cannot be considered a historic resource.

Since the Planning Department determined that the property is not a historic resource, it was not necessary to assess project impacts to the existing building located at 1269 Lombard Street. The Planning Department did, however, assess whether the proposed project design would materially impair adjacent historic resources, including those associated with the surrounding potential historic district. It was determined that the proposed project would not cause a substantial adverse change to adjacent resources such that the significance of the adjacent buildings or surrounding historic district would be materially impaired. The design of the new construction would be compatible with the architectural character of both the larger and smaller potential districts, 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 proposed site plan, with separate front and rear buildings divided by a mid-lot courtyard, would match the established block pattern and preserve a character-defining feature of the district. The front building wall would be built flush with the front property line, similar to the

¹ Memorandum from Shelley Caltagirone, Preservation Technical Specialist, to Brett Bollinger, Planner, Major Environmental Analysis, December 11, 2009.

placement of most buildings along the street, and the rear building wall would closely align with the front facades of the rear cottages located to the east of the property.

- The height and massing of both of the proposed buildings would be similar to those of the corresponding front- and rear-lot buildings on the block. Both buildings would have flat roofs, in keeping with the predominant roof form in the district, and simple, rectangular massing.
- The architectural style of both the front and rear buildings would be a contemporary Shingle style that uses wood shingle cladding, wood-framed windows, moderately proportioned glazing, restrained ornamentation, and traditional features such as a cornice and projecting bay to relate to the vocabulary of the surrounding historic buildings.
- The contemporary design of the new construction would be easily distinguished from the historic buildings in the area so as not to create a false sense of history.
- Finally, the new construction would replace the existing retaining walls at the front of the site, which detract from the character of the district.

The proposed project would demolish an existing single-family, two-story, 21-foot-tall, 975-square-foot house and construct two new single-family residential buildings. The front building would be a four-story, 36-foot-tall, 3,133-square-foot house and the rear building would be a three-story, 30-foot-tall, 1,882-square-foot house. CEQA State Guidelines Section 15301(l)(1), or Class 1, provides for demolition and removal of a single-family residence. The proposed project would demolish one single-family residence, and, therefore, meets the criteria of Class 1. CEQA State Guidelines Section 15303(a), or Class 3, provides for the construction of up to three single-family residences in a residential zone in urbanized areas. The proposed project would construct two new single-family residences in an area zoned for residential use within the City of San Francisco. The proposed project, therefore, also 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 Sections 15301(l)(1) and 15303(a), or Classes 1 and 3, 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

MEA Planner: Brett Bollinger
Project Address: 1269 Lombard Street
Block/Lot: 0501/023
Case No.: 2009.0443EV
Date of Review: December 11, 2009
Planning Dept. Reviewer: Shelley Caltagirone
 (415) 558-6625 | shelly.caltagirone@sfgov.org

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PROPOSED PROJECT Demolition Alteration

PROJECT DESCRIPTION

The proposed project involves demolition of the existing single-family, two-story, 21'-1"-tall, 975-sf house and construction of two new residential buildings, located at the front and rear of the lot. The front building would be a single-family, four-story, 36'-3"-tall 3,133-sf house and the rear building would be a single-family, three-story, 30'-2"-tall, 1,882-sf house. The two buildings would be separated by a mid-lot 25'-deep courtyard. Please see plans dated November 2, 2009 for details.

PRE-EXISTING HISTORIC RATING / SURVEY

The subject property was evaluated by the Junior League of San Francisco in 1976 and was noted as extensively altered. The property is not included in any other historic resource surveys or listed on any local, state or national registries. The building 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.

HISTORIC DISTRICT / NEIGHBORHOOD CONTEXT

The subject parcel is located on the south 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*.¹ The property is located within a RH-2 (Residential, House, Two-Family) Zoning District and a 40-X Height and Bulk District.

The building 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. 1269 Lombard is similar in age to the oldest buildings in the area. A substantial number of parcels in the area have both front and rear buildings with mid-block courtyards.

Architectural historian, William Kostura, has identified the West Slope of Russian Hill as a potential

¹ Kostura, William. *Russian Hill the Summit; 1853-1906*. Aerie Publications: San Francisco, 1997.

historic district containing 28 properties. The boundaries of this potential district are the two blocks that are bounded by Chestnut Street, Polk Street, Greenwich Street, and Larkin Street. Along the subject block of Lombard Street, Kostura has identified five properties that contribute to this district (1215, 1257- 1261, 1263-67, 1271-75, and 1299 Lombard Street). The subject property, 1269 Lombard Street, does not contribute to this district due to its lack of historical integrity (see discussion under Section 2). 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.² This larger district may also contain a smaller historic district composed of properties designed by prominent San Francisco architects (1263-67, 1257-61, and 1239-41 Lombard Street). This potential district is immediately adjacent to the subject property to the east, but does not include 1269 Lombard Street.³

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: 1876-1928

The subject building located at 1269 Lombard Street appears to be located within an area that is eligible for listing on the California Register under Criterion 1 (Event) and Criterion 3 (Architecture). Although 1269 Lombard Street was built within the period of significance (1876) for the potential historic district, it no longer retains historical integrity from the period (see discussion under Section 2). 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 the Historic Resources Evaluation (HRE) report, dated September 11, 2009, provided by Frederic Knapp Architect (attached). Staff concurs fully with the findings of the Knapp 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;
Due to the subject building's construction date and role in the development of Russian Hill, the

² Ibid.

³ Knapp, Frederic and Melissa Bleier. *Historic Resource Evaluation Report: 1269 Lombard Street*. Knapp Architects. San Francisco: September 11, 2009 (p. 7-10).

building would contribute to a historic district significant for its association with pre- and post-1906 development in this area of Russian Hill if it retained historic integrity. The house is one of the oldest surviving structures on the block and pre-dates the 1906 Earthquake and Fire.

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

The subject building has no known associations with significant persons in our local, regional or national past.

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;

Due to the subject building's construction date and original form, the building would contribute to a historic district significant for embodying the distinctive characteristics of pre-1906 architecture in San Francisco if it retained historic integrity. The building's small scale, mid-lot placement, and shingle-clad, classically-detailed façade identify it with the early phase of development within the area.

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.

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:	<input checked="" type="checkbox"/> Retains	<input type="checkbox"/> Lacks	Setting:	<input type="checkbox"/> Retains	<input checked="" type="checkbox"/> Lacks
Association:	<input checked="" type="checkbox"/> Retains	<input type="checkbox"/> Lacks	Feeling:	<input type="checkbox"/> Retains	<input checked="" type="checkbox"/> Lacks
Design:	<input type="checkbox"/> Retains	<input checked="" type="checkbox"/> Lacks	Materials:	<input type="checkbox"/> Retains	<input checked="" type="checkbox"/> Lacks
Workmanship:	<input type="checkbox"/> Retains	<input checked="" type="checkbox"/> Lacks			

While the building and site are structurally stable, the building is overall in poor condition and retains little historic integrity.⁴ The building has remained in a state of disrepair and suspended construction since the late 1990s when a large portion of the lot was excavated and shored with concrete retaining walls. At this time portions of the lower floor were also demolished, including the entry stairs.⁵ The building was probably originally clad in horizontal wood cladding and is now clad in wood shingles. An addition was constructed at the front of the house in 1980, changing the location of the original entry altering the "L" shaped plan to a rectangular plan. The hillside setting of the building has been radically altered by the 1990s excavation of the site. The interior appears to

⁴ Urrutia, Albert. *Soundness Report for: Existing Building at 1269 Lombard Street San Francisco, California*. Santos & Urrutia, Inc.: San Francisco, 2009.

⁵ Refer to the Historic Resource Evaluation Report prepared by Frederic Knapp Architect and dated September 11, 2009 for further information regarding the condition of the site (p. 14-15).

consist of a modern wood floor, gypsum board walls, a new ceiling (1975), and new stairs (1980). While portions of the structure appear to date from the original construction and the building's location and association with the adjacent pre- and post-1906 buildings are intact, the building no longer retains sufficient integrity of design, workmanship, setting, feeling, or materials to convey its historical significance. Furthermore, there does not appear to be sufficient documentary evidence to support restoration of the building.

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

The proposed project would not have an adverse effect on off-site historical resources. Because the existing building no longer retains sufficient historical integrity to convey its significance and association with the surrounding pre- and post- 1906 buildings, its proposed demolition would not have an adverse effect on the surrounding potential district. Furthermore, the proposed new construction would not have an adverse effect on either the surrounding district or adjacent resources, such as the smaller potential historic district and individual resources identified in the HRE report.⁶ The design of the new construction would be compatible with the architectural character of both the larger and smaller potential districts, 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:

⁶ Knapp, Frederic and Melissa Bleier. *Historic Resource Evaluation Report: 1269 Lombard Street*. Knapp Architects. San Francisco: September 11, 2009 (p. 7-10).

RESIDENTIAL DEVELOPMENT
1269 Lombard Street

November 2, 2009

Current Condition



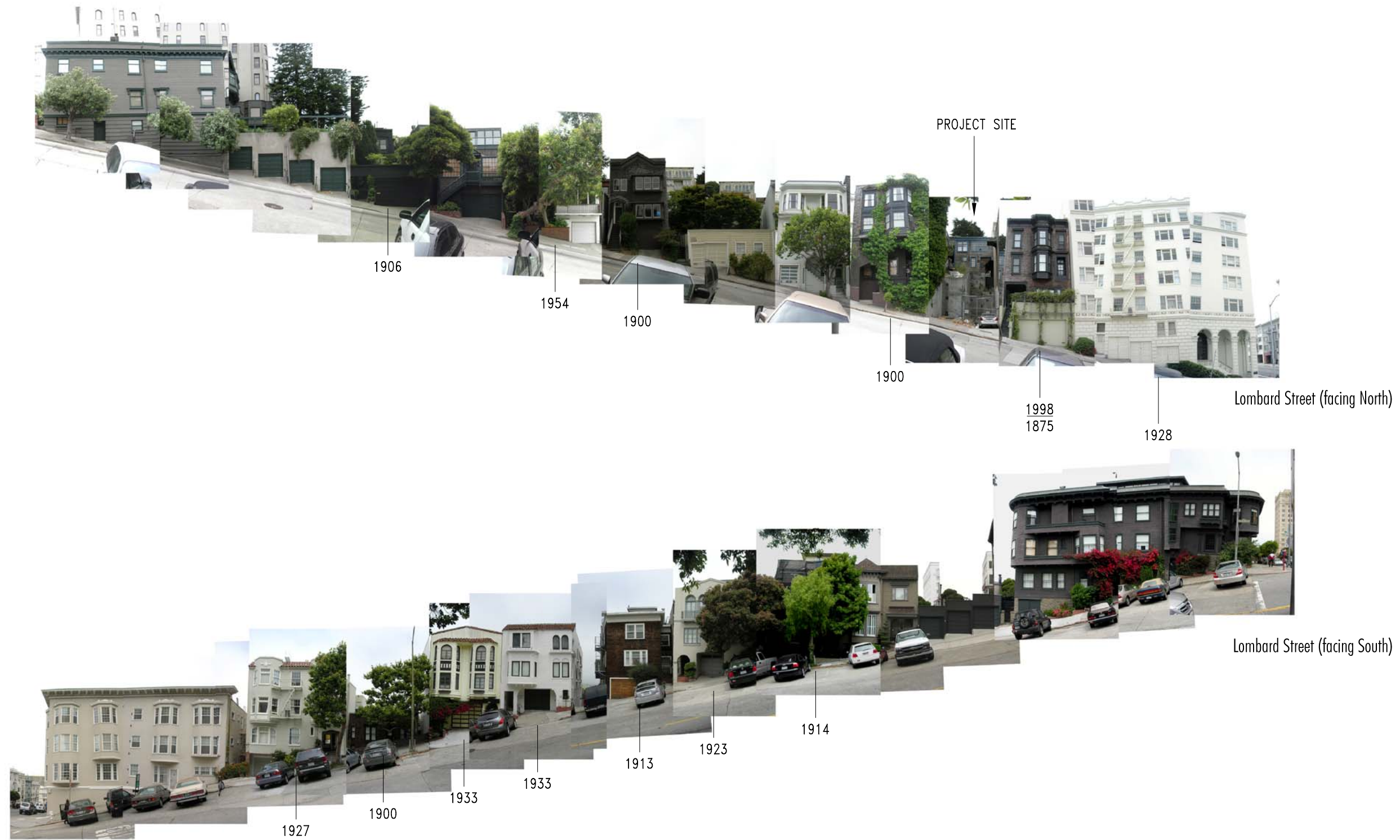
PROJECT SITE



PROJECT SITE



Facade Study



Proposed Lombard Street Facade



Elevation

Bird's Eye View



Project Summary

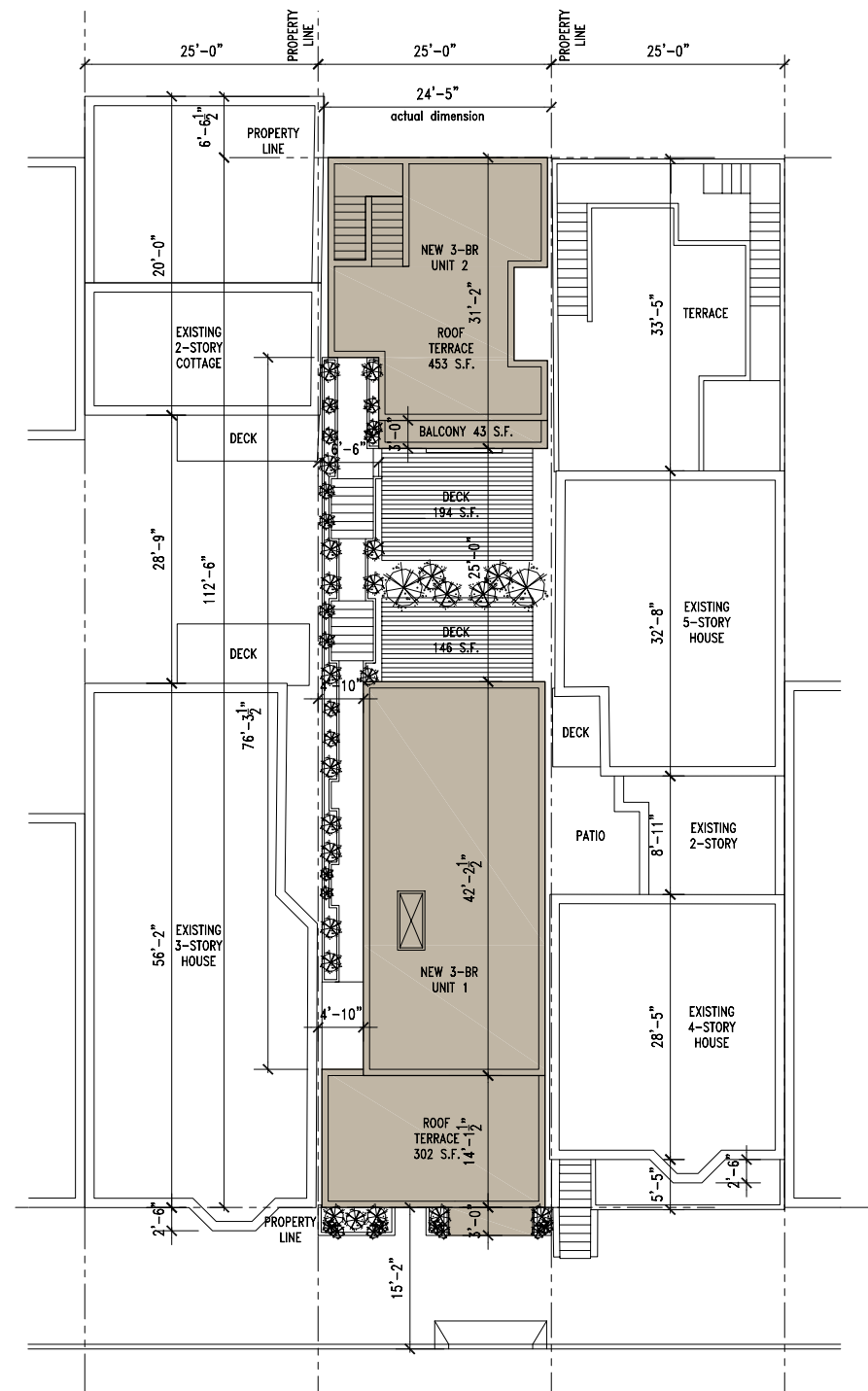
Lot Area = 2,812 SF

3 BEDROOM FRONT HOUSE (Unit 1)
 3½ Baths
 Living Room, Dining Room, Family Room, Office
 Liveable Area = 2,410 sf
 Exclusive Use Open Space = 448 sf

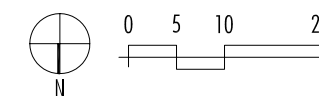
3 BEDROOM REAR COTTAGE (Unit 2)
 2½ Baths
 Liveable Area = 1,650 sf
 Exclusive Use Open Space = 690 sf

Garage = 519 sf
 Common Area = 440 sf
 Total Useable Area = 5,019 sf
 Common Use Open Space = 432 sf

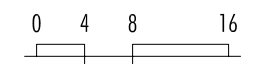
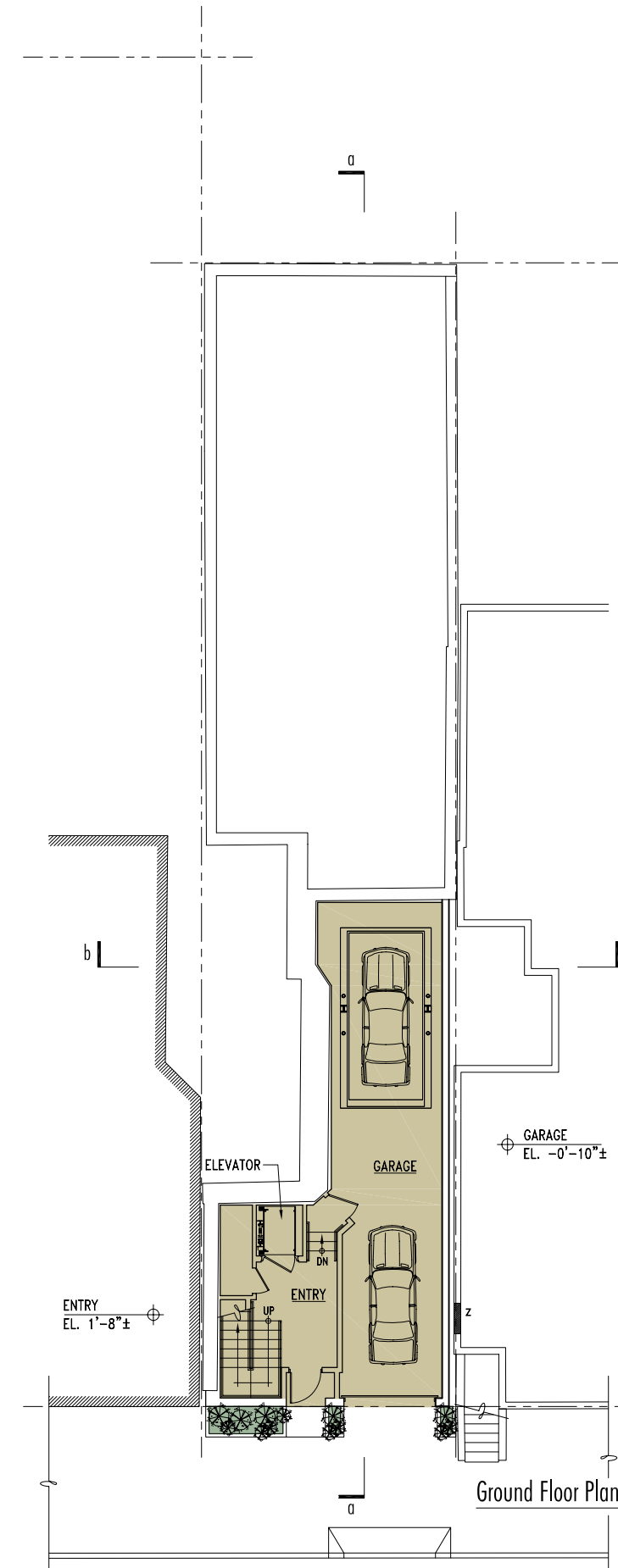
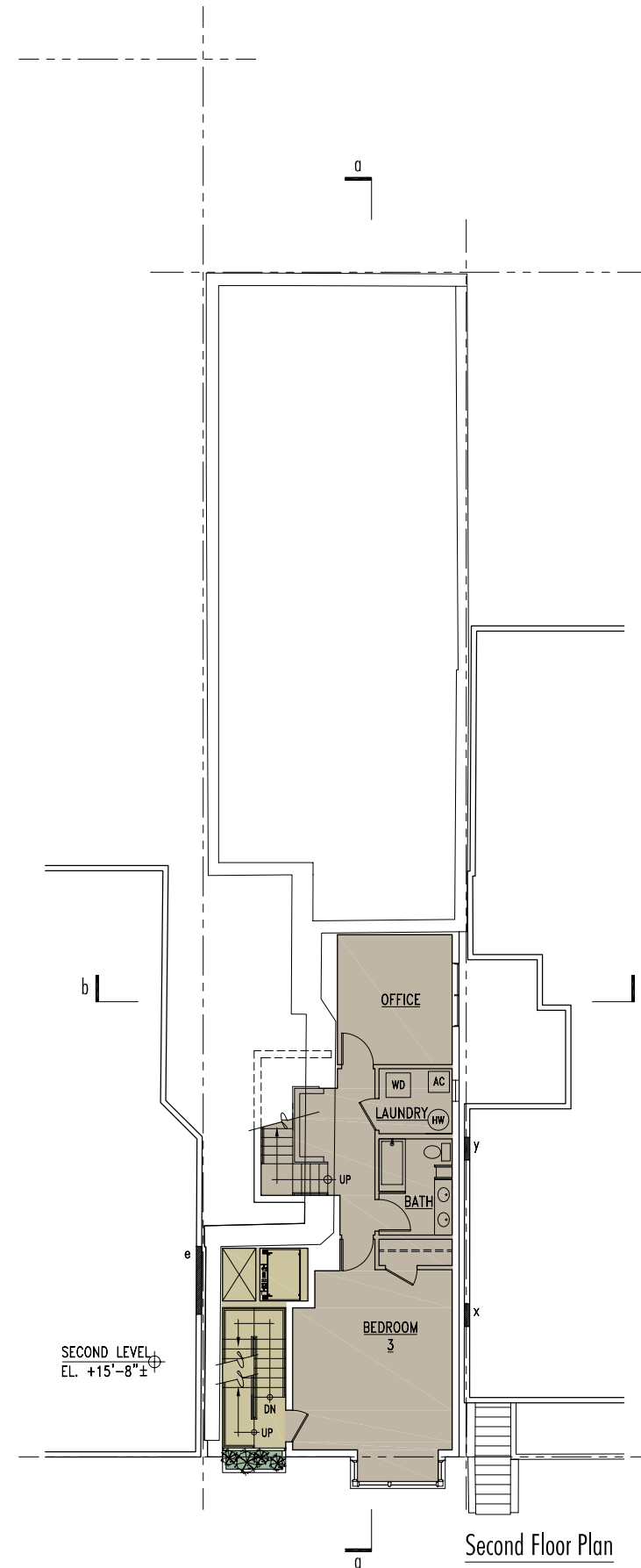
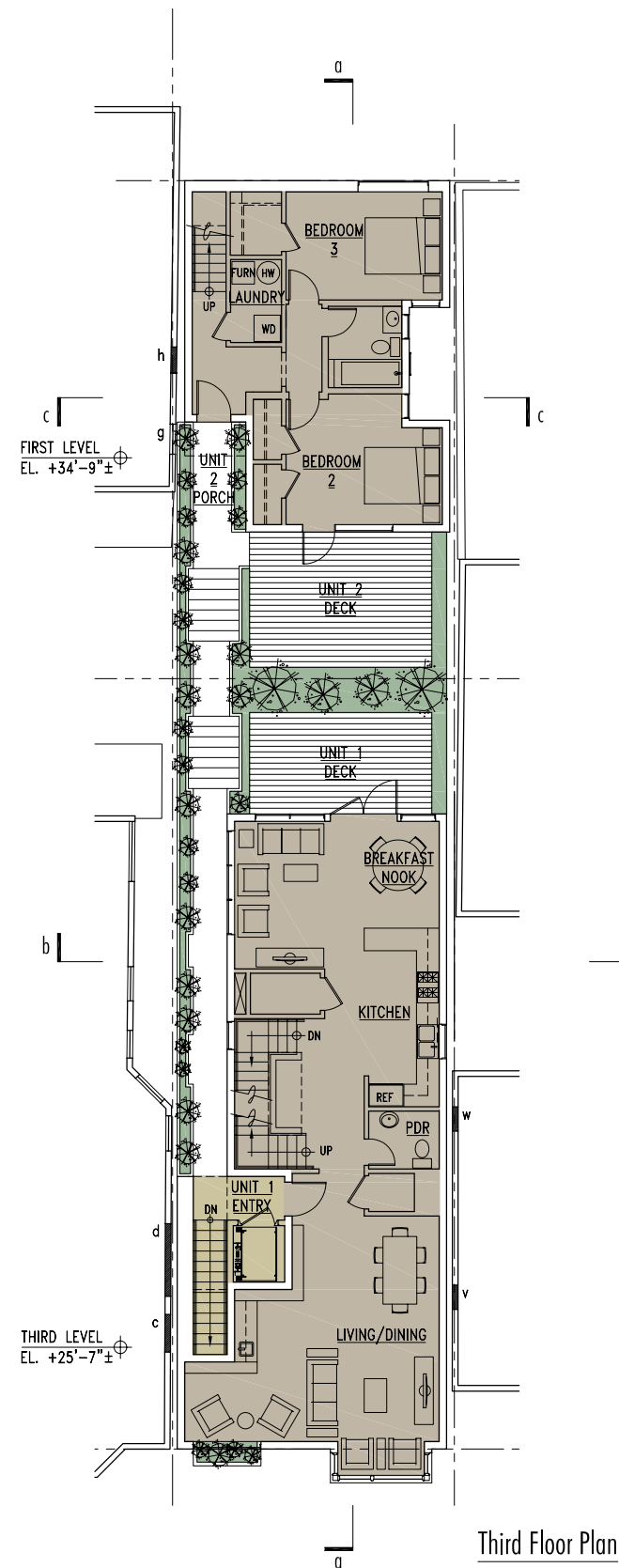
Gross Construction Area
 Unit 1 (Incl. common & garage) = 4,092 sf
 Unit 2 = 1,882 sf
 Total Gross Area = 5,974 sf



Site Plan



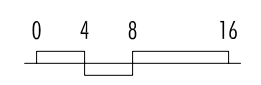
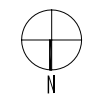
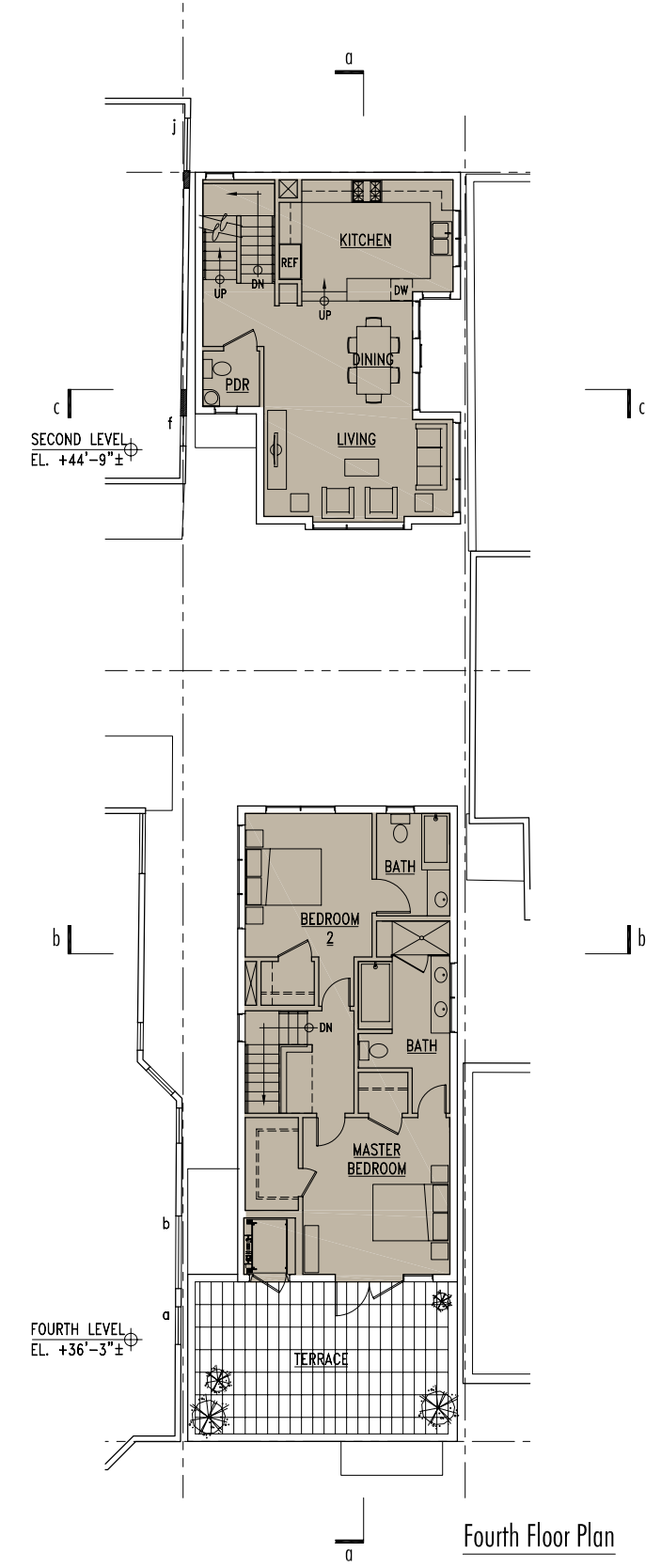
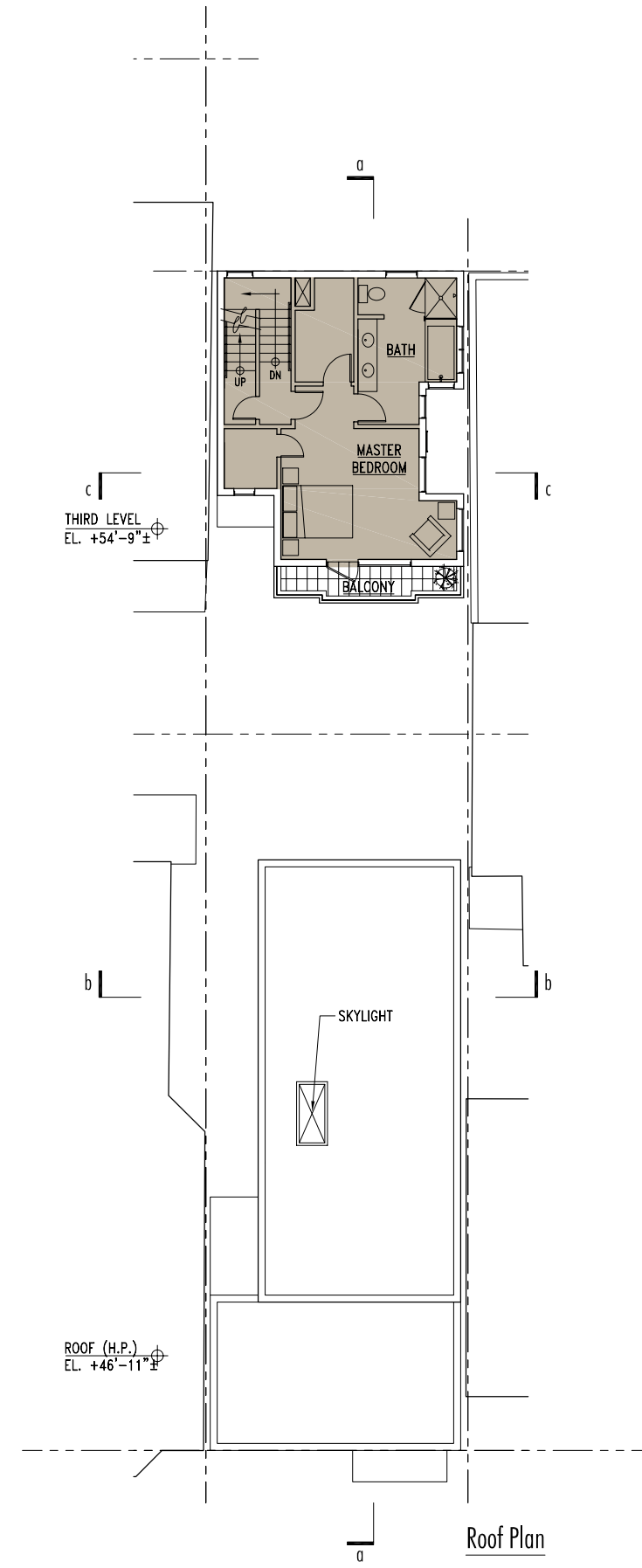
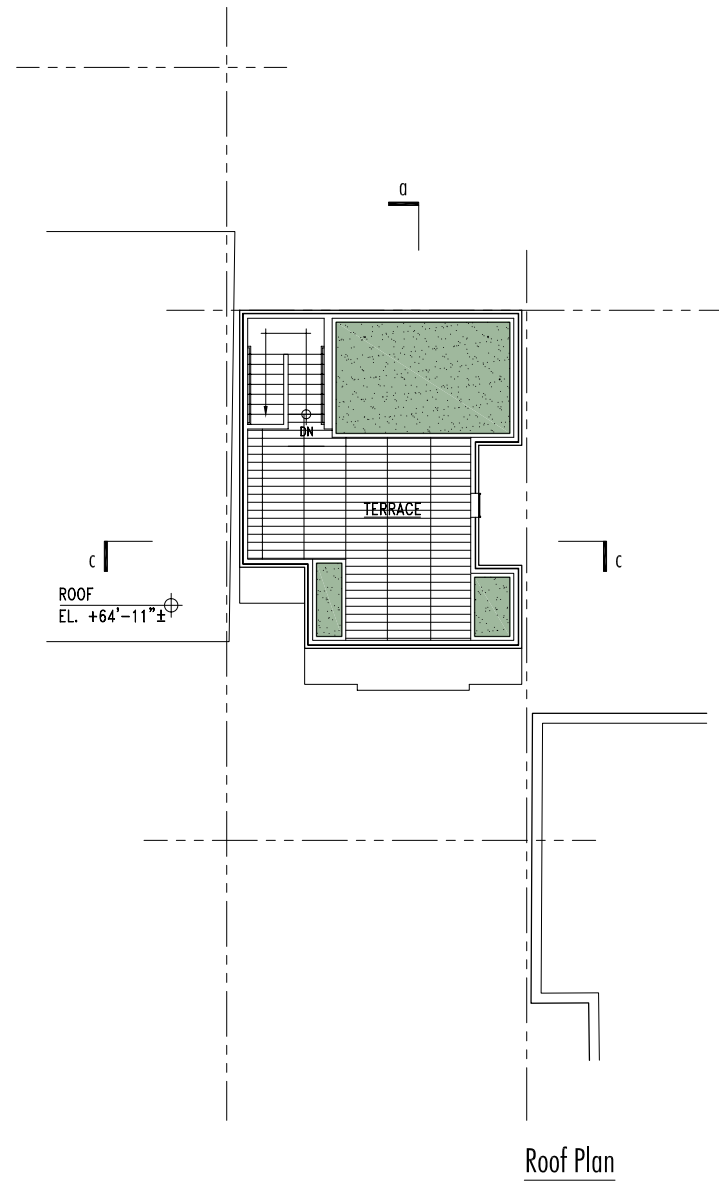
Lower Floor Plans



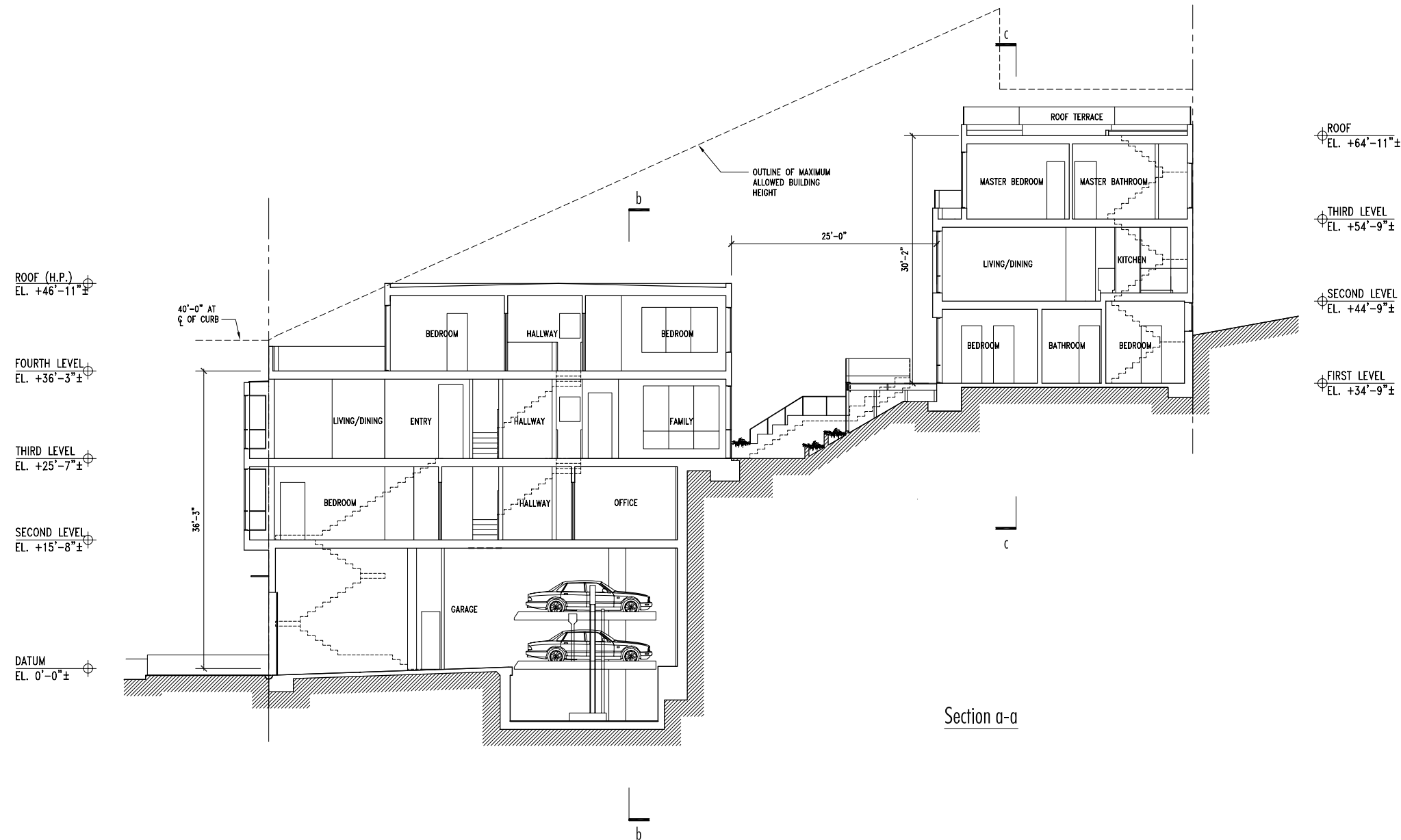
RESIDENTIAL DEVELOPMENT
1269 Lombard Street

November 2, 2009

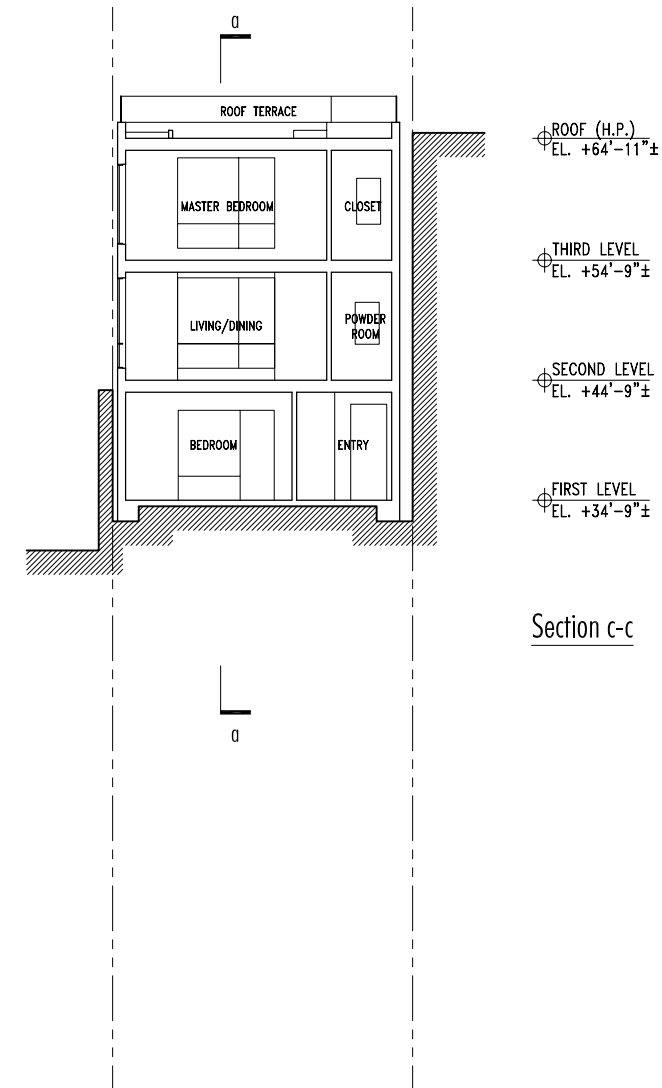
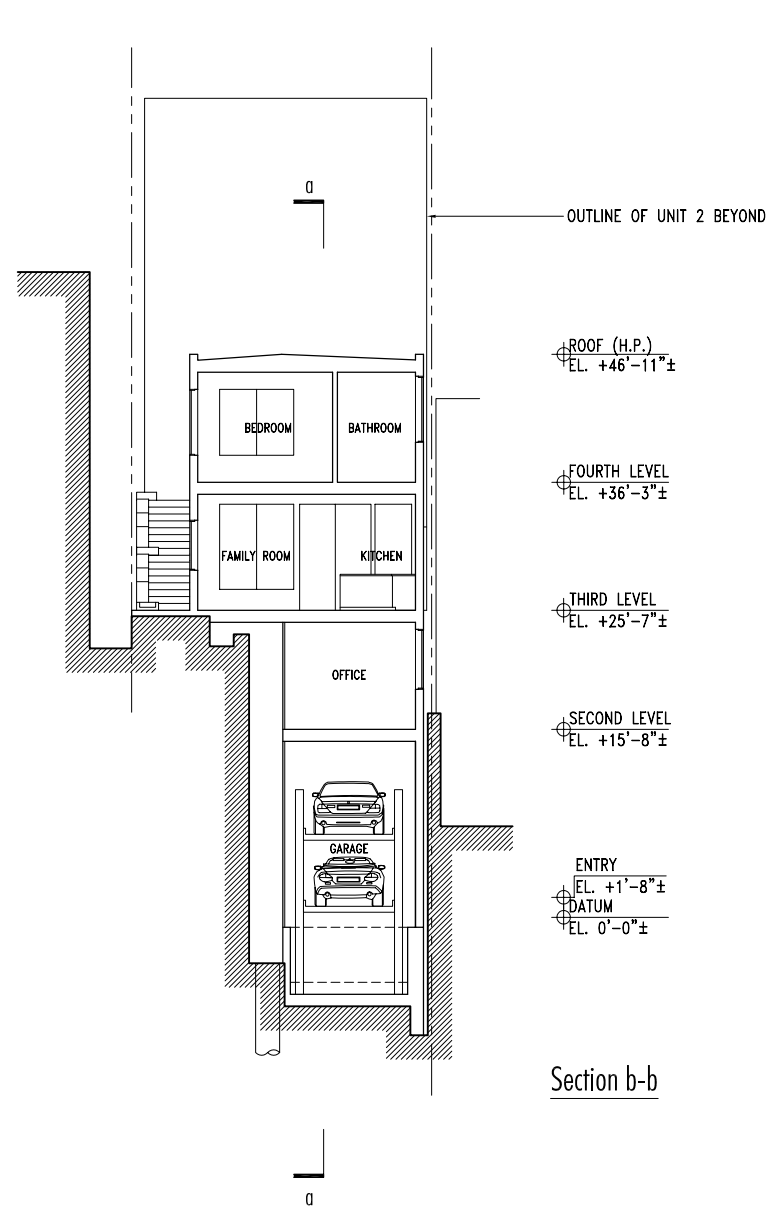
Upper Floor Plans



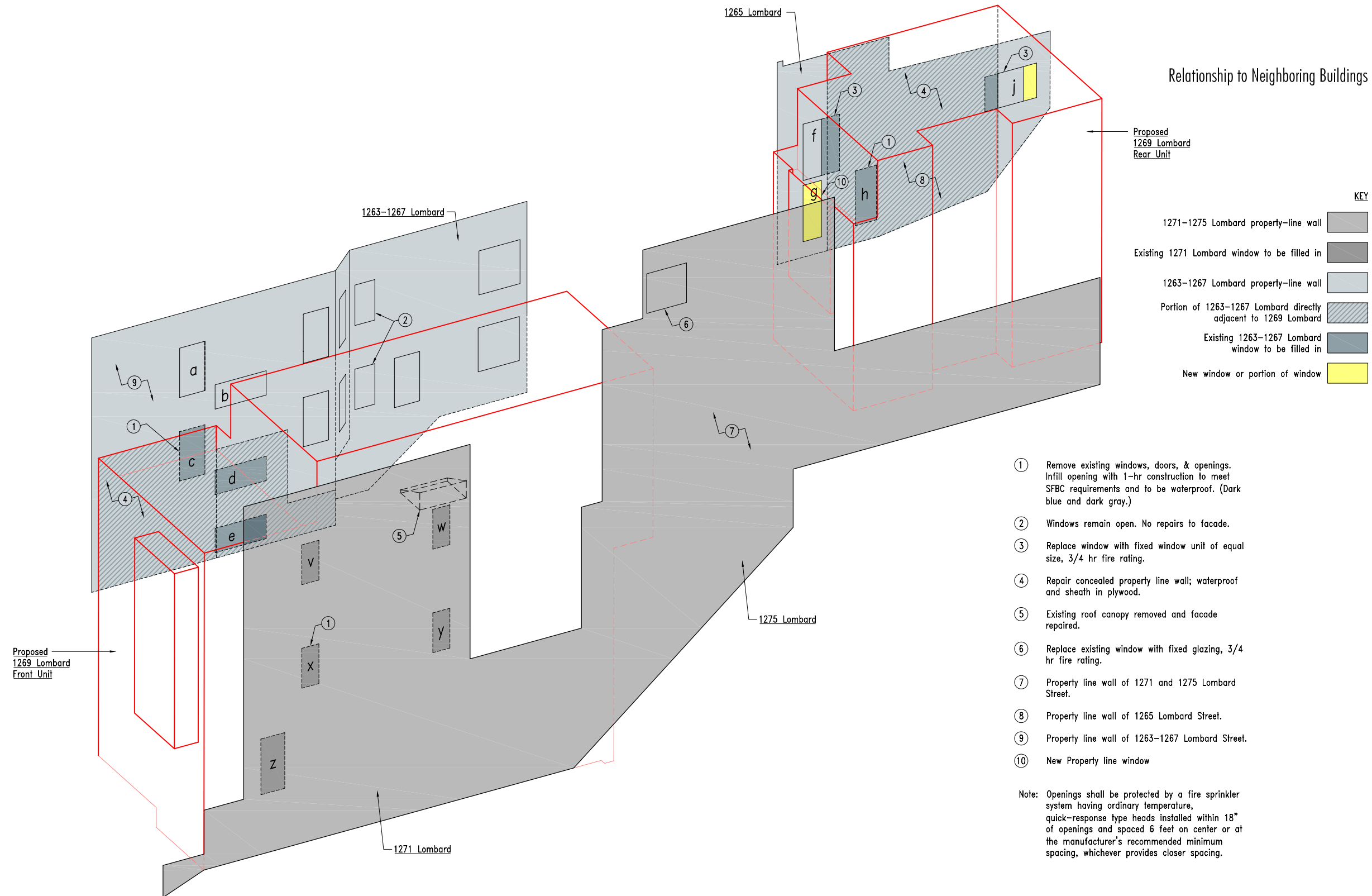
Longitudinal Section

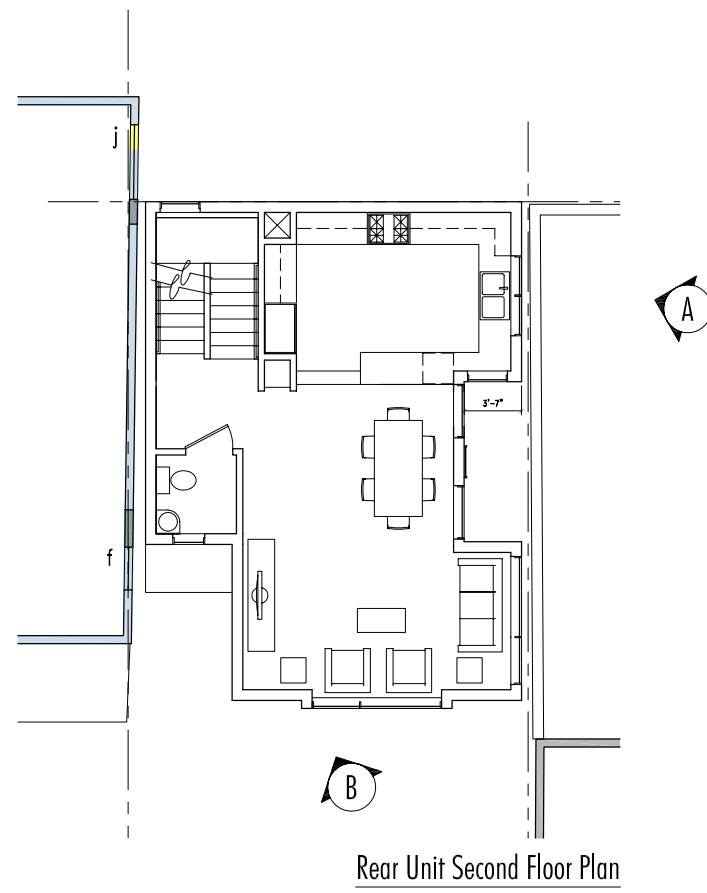


Cross Sections



RESIDENTIAL DEVELOPMENT
1269 Lombard Street

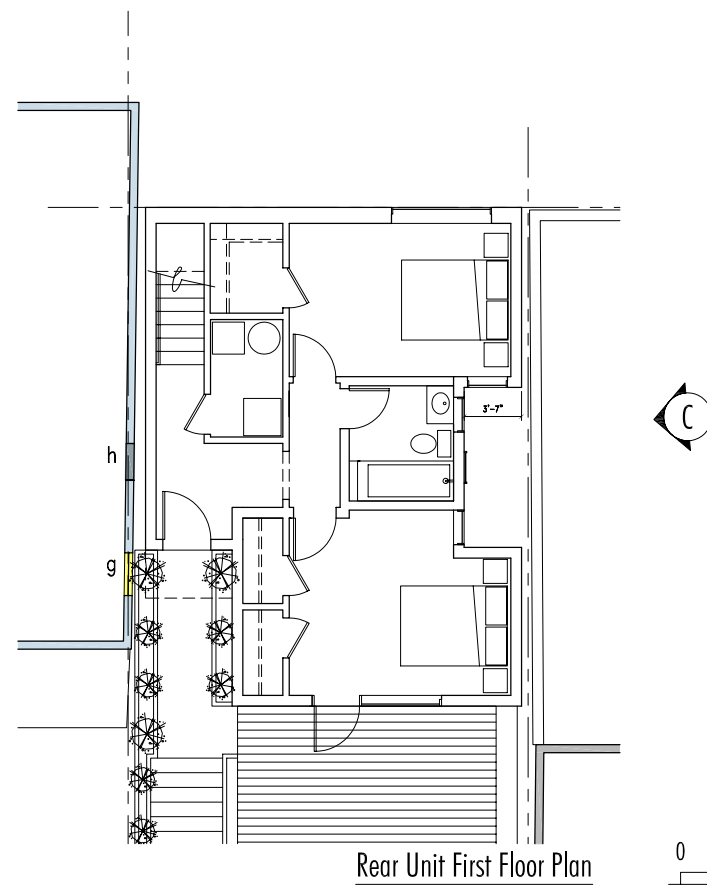




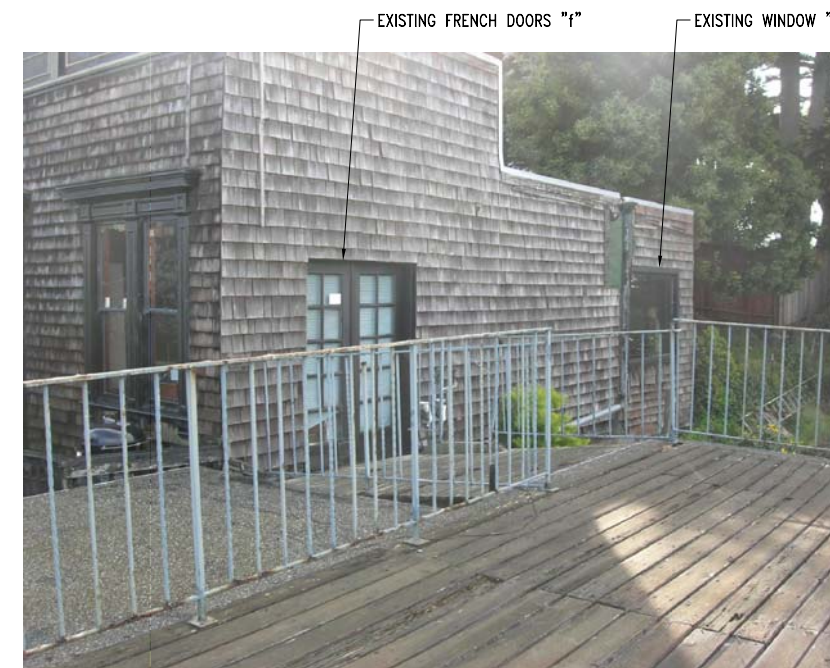
Rear Unit Second Floor Plan



A



Rear Unit First Floor Plan



B



C

RESIDENTIAL DEVELOPMENT
1269 Lombard Street

Bird's-eye View of Rear Buildings



Frank A. Morrow
1249 Lombard St.
San Francisco, CA 94109
(415-225-5755)
fam2@mindspring.com

Friday, March 12, 2010

RE: 1269 Variance Request

Dear Ms. Caltagirone,

My name is Frank Morrow. My wife and I own 1249 and 1251 Lombard St. We have lived here for nearly 20 years. We occupy 1249 and our daughter and grandchildren occupy 1251 Lombard. I am writing to object to the granting of any of the variances requested for the proposed development of 1269 Lombard.

As you know this project has had a long and tortured history. While we would love to see the "hole in ground" finally developed it should be a development that strictly conforms to the existing zoning requirements. As I hope to demonstrate in this letter, the proposal meets none of the requirements that would allow the Zoning Administrator to grant a variance.

Additionally I would point out that the Variance referred to in this application was granted as a negotiated settlement. Among other things that Variance and DR set stringent limits on the development of this property, including; Total building square footage allowed on site: 3209 = 1800 (existing square footage + 1409 (new square footage). I refer you to DR Case Nos.:97.487D

The property originally had the existing structure in the rear with a sloping garden in the front that had been highlighted as part of the charm of Lombard St. leading up to the "Crooked Street".

What really should happen on this property is that the developer be given the option of building a new residence on the rear of the lot within the existing envelope of the existing structure or demolishing the existing structure and building a fully conforming building on the front of the lot. That, in fact is the choice we were given when we began the redevelopment of our home. When we elected to keep the existing building in the rear, we were specifically prohibited from building in the front of our lot even though there was an existing garage at the front.

I would like to also point out that the applicant, Redwood Mortgage, is being disingenuous at best in purporting to be "the new owners". It is understandable that they may want to distance themselves from the "original" developer, Rene Peinado, but the fact is they were involved in this project from its inception as the financial partner of the

developer. As such, they knew or certainly should have known of the negotiations that surrounded the granting of the original variance for this property and the adjoining property 1271/1275 Lombard.

Although throughout their application for a variance they reference the variances granted in 1998, DR Review Case 97.487D they conveniently ignore the fact that their proposal exceeds the level of development allowed in that negotiated settlement and ignores the many setback requirements, front and rear, side, and the preservation of a mature tree. I mention the tree, this applicant Redwood Mortgage, like a thief in the night, came in on Saturday morning a few years back and cut the tree down. Even though one of the elements of approval for development was its preservation (Exhibit A, Page A2.2 of Exhibit B, Exhibit C) of the DR approval.

They also fail to acknowledge that at the time of the original hearing in 1998 the developer and this applicant Redwood Mortgage owned both the properties at 1271/1275 Lombard and 1269 Lombard and that the negotiated settlement treated the development proposals as a whole. For example, 1275 Lombard, the unit to the rear of 1271 was granted a larger building envelope and allowed to build entirely in the rear yard in exchange for a reduced scale and size of the construction on the 1269 site.

Additionally there were several historic easements between the two properties that were to be preserved. Part of that restriction revolved around the historic significance of 1271 Lombard as spelled out in the “1271 Lombard Street, San Francisco, California, Assessment Report. May 5, 1998. Page and Turnbull, Inc.” commissioned by the city. The proposed development violates or ignores several of those requirements.

Moreover, several of the agreements to the allowed variance were never met. The site was not only over excavated it was done without the proper permits. (See below in the discussion re 1.) Among other things, the excavation left the front 50% of the lot level with the street. One could argue that has far as area for the allowed building footprint, the site is now level, not an upslope. It certainly puts into question what really is the slope of the property on the buildable, front half of the lot. This should significantly impact the proposed development and its purported height line envelope.

The Commission needs to be reminded that the proposed project violates several existing “historic building” easements that were attached to 1271 Lombard that were put in place in the context of looking at the original development project which included both lots. That is, the developer was required to design something at 1269 that respected those easements, light and air, window treatments, as well as provided for the re-installation of a historic staircase the descended from 1271 onto the property at 1269.

Additionally, I take substantial issue with the “five findings”

1. Exceptional circumstances -----.

The finding states, “The site conditions constitute exceptional and extraordinary circumstances” and refers to the 30 ft. high retaining walls and the severe uphill slope. What is unsaid is that the owner caused this condition. As I noted at the start of this letter, the current applicant, Redwood Mortgage Company, was the financial partner of Mr. Rene Peinado. Their partner, Mr. Peinado, caused this “extraordinary” condition. It was not an original condition of the site. In fact, their partner, Mr. Peinado, was cited by the San Francisco Department of Building Inspection for excavation “*inconsistent with conditions of permit, as to side and rear setbacks, as to depth of excavation. Work was performed prior to approval of application.*” – “*Excavation, installation of retaining walls, don’t meet conditions of permit imposed on applicant 9711296. Excavation was accomplished without permit.*”

Any extraordinary circumstances and instability are of the owners making. They should not be rewarded by giving them a variance. If anything, they should be precluded from gaining any exception to the current zoning restrictions for this district.

2. Owing to exceptional circumstances -----.

As I have noted above, any extraordinary or exceptional conditions are the result of the Mr. Peinado’s actions. Mr. Peinado’s financial partner, Redwood Mortgage, the applicant should not be rewarded for actions taking by the developer. It is much like the old cliché that “one should feel sorry for those children that killed their parents because now they are orphans.”

The applicant, Redwood Mortgage continues to ignore the fact that his property was the subject of Design Review and intense negotiation between the neighbors and Redwood Mortgage’s borrower, Mr. Peinado. The final approvals with their attachments, which should be on file with the Planning Department, among other things set conditions as to set backs and total building square footage.

3. That the variance is necessary for the preservation and enjoyment of a substantial property right ----.

To argue that the applicant is somehow disadvantaged relative to its neighbors simply does not square with the facts.

As I understand it, this application is not for a change in zoning but rather a variance from the conditions of the existing zone. However, this finding attempts to compare the subject property to the rights of 1299, 1280, and 2700 Polk St. Those properties are zoned RM-2. The subject property 1269 Lombard is zoned RH-2. Those are quite different zoning districts with very different conditions as to allowed development.

As to 1275 Lombard, as has been noted the building envelope of that residence was a trade-off in the negotiations. Wherein, the size of the proposed buildings on 1269 were

cut back, the developer was granted a larger than normal building envelope on the 1271/75 property.

As to property rights for similarly zoned properties in the neighborhood I will again refer you to my own experience. We purchased 1249/51 Lombard in 1991. The property held a single, 3 ½ Story building (max height 35') in the rear yard. We were given the specific choice of either demolishing the existing building and building on the front of the lot or renovating that building, entirely within the confines of the existing building envelope. We chose to renovate that building and a restriction was placed on the property prohibiting any development at the front of the lot, even though there is an existing garage there. I would also note that our homes cover less than 25% of the total lot area.

4. Materially Detrimental –

This finding somehow or the other argues without proof that in order to provide family housing the development must be of this size. That proposition is preposterous on its face. One need look no farther than the project that was approved. It was “family housing” in a much smaller building envelope, that preserved and protected the air and light of its neighbors to a much greater extent than this proposal.

Additionally, a review of the plans shows that the proposed development will take out six to eight side windows on the two properties to the east, plus a historically significant set of French doors, and at least four windows to the property on the west, 1271 Lombard. It should be pointed out that in the Turnbill report referenced earlier in this letter, those windows on 1271 were deemed “historically significant”, and the preservation of those windows was a significant element of the quid pro quos in the negotiated settlement regarding the development of these two properties.

5. Harmony with general intent and purpose of Planning Code and not adversely effect the General Plan.

While beauty is in the eye of the beholder, there simply is no way this oversized proposal is in harmony of the Planning Code or the General Plan. If it were in harmony with the Planning Code, they would not need the substantial number of variances they are asking for. As to the General Plan, the plan states “locate in-fill housing on appropriate sites in established neighborhoods”. The key word is **appropriate**. There is nothing in this proposal that suggests this development is appropriate.

In conclusion then, the request for the numerous variances has no merit and should be rejected out of hand. The applicant should come back to the city with a proposal that respects the neighbors. I believe the approvals granted in 1998 should be cut back. As a maximum the applicant should be constrained to a building in the front that does not interfere with the neighbors and if a building in the rear were to be allowed it should not

exceed the existing envelope of the building they wish to demolish. As with the original approval, the total building area of should not exceed 3200 square feet.

Thank you

Frank Morrow

APPLICATION REQUESTING DISCRETIONARY REVIEW ("D.R.")

This application is for projects where there are exceptional and extraordinary circumstances that justify further consideration, even though the project already meets requirements of the Planning Code, City General Plan and Priority Policies of the Planning Code.

D.R. Applicant's Name LITTLE HOUSE COMMITTEE Telephone No: 415 533 1048

D.R. Applicant's Address 9/0 F. Joseph Butler, A1A 324 CHESTNUT ST.
Number & Street (Apt. #)
San Francisco, CA 94133
City Zip Code

D.R. Applicant's telephone number (for Planning Department to contact): 415 533 1048
If you are acting as the agent for another person(s) in making this request please indicate the name and address of that person(s) (if applicable):

Name _____ Telephone No: _____

Address _____
Number & Street (Apt. #)
City Zip Code

Address of the property that you are requesting the Commission consider under the Discretionary Review: 1269 LOMBARD STREET

Name and phone number of the property owner who is doing the project on which you are requesting D.R.: REDWOOD MORTGAGE INV. 415 434 9500

Building Permit Application Number of the project for which you are requesting D.R.: 2008.06.09.0027 DEMOLITION PERMIT APPLICATION

Where is your property located in relation to the permit applicant's property?
ADJACENT, UPHILL

A. ACTIONS PRIOR TO A DISCRETIONARY REVIEW REQUEST

Citizens should make very effort to resolve disputes before requesting D.R. Listed below are a variety of ways and resources to help this happen.

1. Have you discussed this project with the permit applicant? YES G NO G
2. Did you discuss the project with the Planning Department permit review planner? YES G NO G
3. Did you participate in outside mediation on this case? Community Board G Other G NO G

4. If you have discussed the project with the applicant, planning staff or gone through mediation, please summarize the results, including any changes that were made to the proposed project so far.

1997 permit Application and Uaviznee was for alteration of Cottage which owner now wants to demolish. We sent Owners Historic Contact statement and PPR 523 FORMS FOR BLOCK 501. We asked for front bldg to restore previous site circulation and cottage updated within existing envelope.

B. DISCRETIONARY REVIEW REQUEST

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

The Cottage is part of an ensemble of bldgs ^{that were} jointly owned on three lots. It is a sound habitable structure. Previous application (1997) entitled work which was exceeded by sponsor. Adjacent 1265 Lombard would have its integrity reduced by demol/new construction. Replacement bldg is out of scale and would mar historic relationships of bldgs which are historic resources and contributors to a potential Historic.

2. If you believe your property, the property of others or the neighborhood would be adversely affected, please state who would be affected, and how:

1265 LOMBARD WILL LOSE LIGHT AND AIR, IF REPLACEMENT BUILDING APPROVED BY COVERING EXISTING NON CODE COMPLYING LOT LINE WINDOWS 1265 loses access to deck on 1269. HISTORIC INTEGRITY OF 1265 diminished by new construction ALTERING ITS CHARACTER DEFINING FEATURES SEE DR. REQUEST OF 2009.06.09.0028 District

3. What alternatives or changes to the proposed project, beyond the changes (if any) already made would respond to the exceptional and extraordinary circumstances and reduce the adverse effects noted above (in question B1)?

The demolition/replacement would negatively impact the potential Historic District. EFFECTS ON POTENTIAL DISTRICT HAVE NOT BEEN STUDIED. FRONT BLDG ENVELOPE FORCES REPLACEMENT COTTAGE DEEPER ON LOT. COTTAGE SHOULD BE RESTORED WITHIN ENVELOPE (E). SITE CIRCULATION WHICH PREVIOUSLY EXISTED SHOULD BE RESTORED. ACCESS TO 1271 SHOULD BE RESTORED STAIR WAS DEMOLISHED BY EXCEEDING SCOPE OF PERMIT AND SHOULD BE RESTORED. FRONT BUILDING SHOULD BE SETBACK AND LANDSCAPED CONSISTENT WITH POTENTIAL DISTRICT AND REDUCED IN SIZE.

Please write (in ink) or type your answers on this form. Please feel free to attach additional sheets to this form to continue with any additional information that does not fit on this form.

CHECKLIST FOR APPLICANT:

Indicate which of the following are included with this Application:

REQUIRED:

- G Check made payable to Planning Department (see current fee schedule).
- G Address list for nearby property owners, in label format, plus photocopy of labels. ☆
- G Letter of authorization for representative/agent of D.R. applicant (if applicable).
- G Photocopy of this completed application.

OPTIONAL:

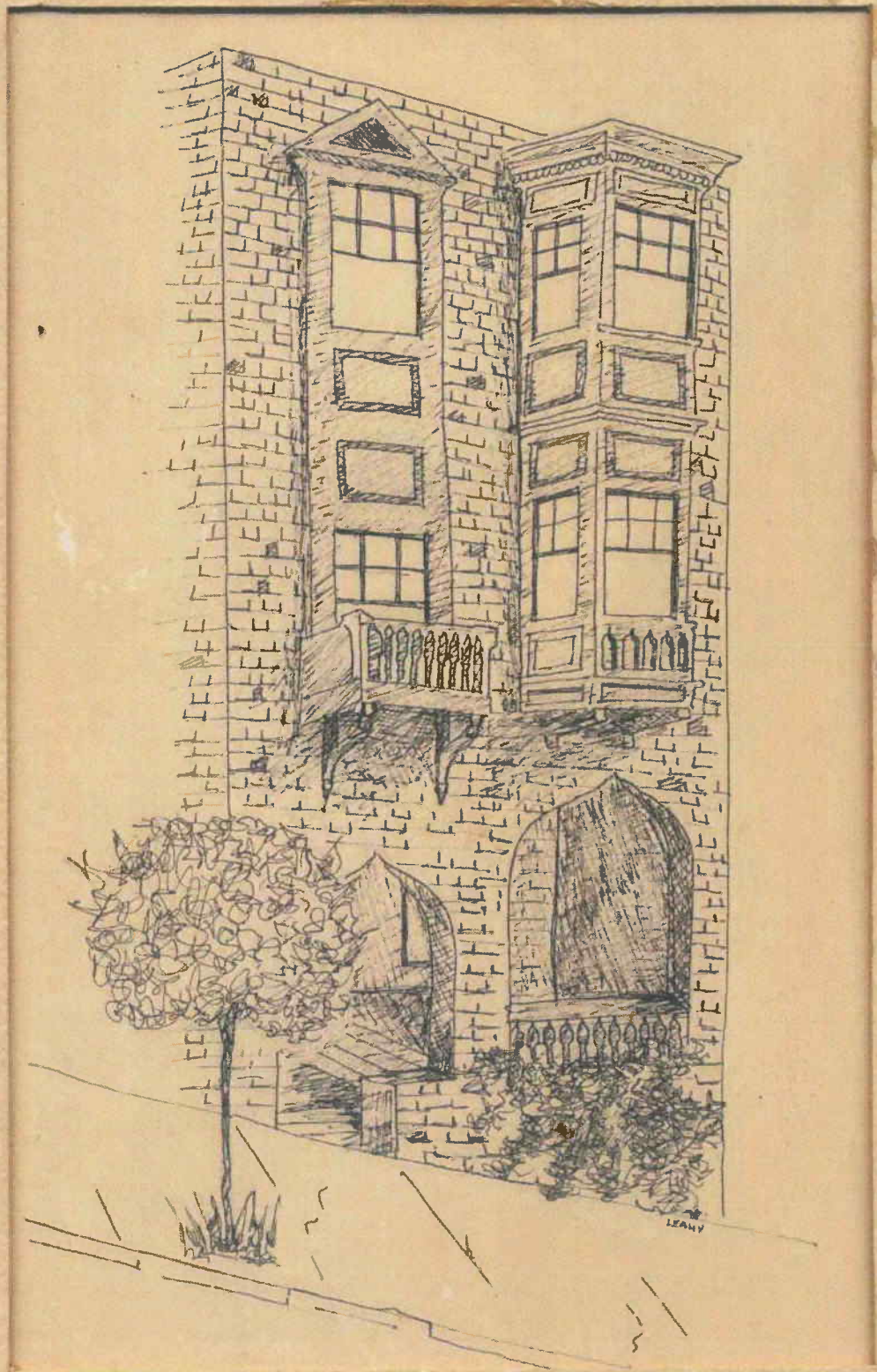
- G Photographs that illustrate your concerns.
- G Covenants or Deed Restrictions.
- G Other Items (specify).

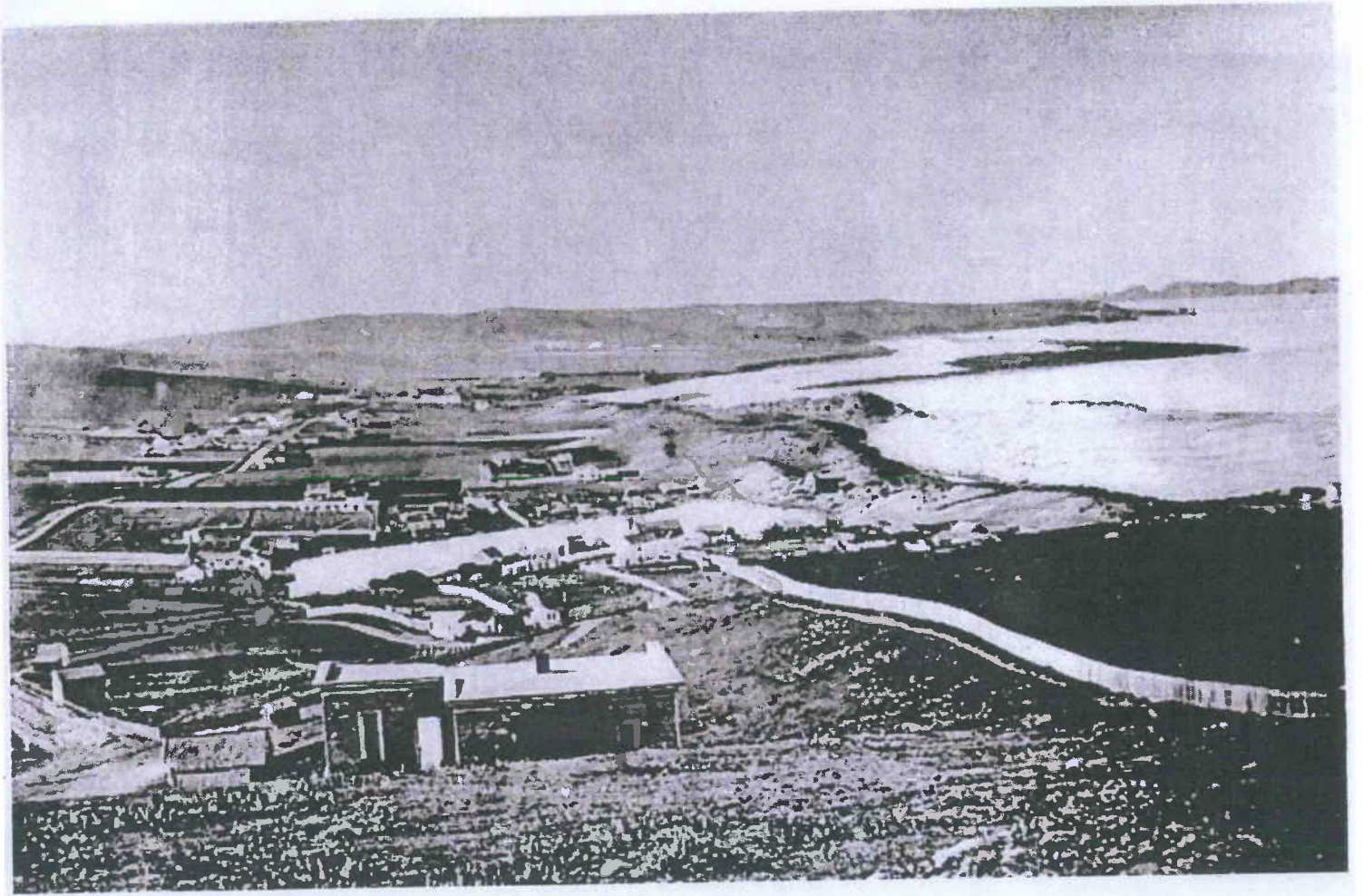
File this objection in person at the Planning Information Center. If you have **questions** about this form, please contact Information Center Staff from 8 a.m. to 5 p.m., Monday to Friday.

Plan to attend the Planning Commission public hearing which must be scheduled after the close of the public notification period for the permit.

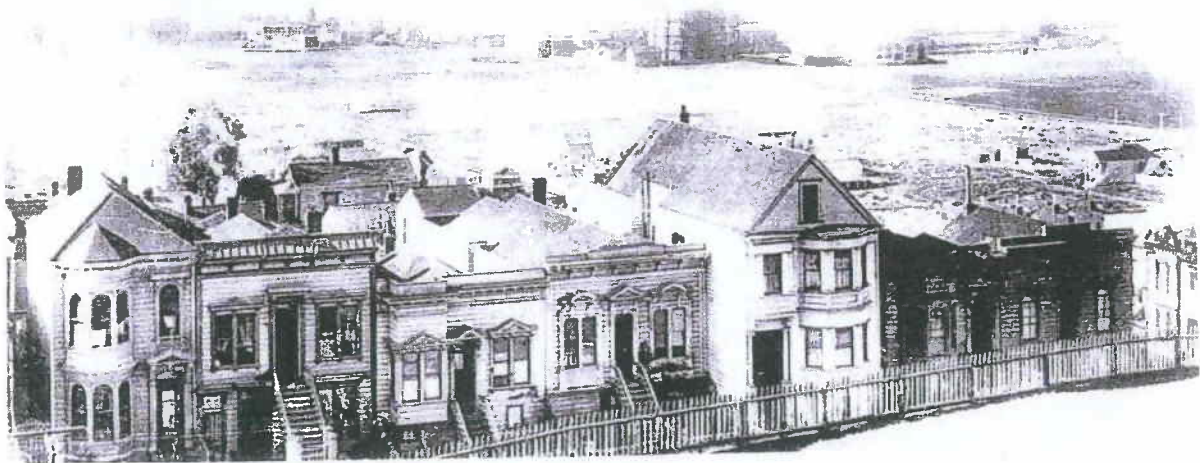
Signed F. Joseph Burtis, AIA 12 Mar 2010
 Applicant Date

☆. Mandatory D.R. by Planning Dept.
 Labels provided as a courtesy





The West Slope of Russian Hill: A Historical Context and Inventory of Historic Resources for Residential Buildings around Lombard and Larkin Streets



Two views of the 2500 block of Larkin Street, looking west from the Lombard Street Reservoir.

Top photo: some time between 1917-1924. Three buildings in this photo still stand: 2515 Larkin (1888, third building from the left); 2531 Larkin (1877, third building from the right); and 2543-2545 Larkin (1902-1903, far right). At far left is the 1877 grocery store of James Walsh, later owned by R. C. Mattison.

Bottom photo: some time between 1903-1906. 2531 and 2543-2545 Larkin also show in this photo. At the extreme right is 1210-1212 Lombard Street, built in 1898.

TALES OF 1200 LOMBARD BLOCK

First house may have been 1268 Lombard which still exists and was then 1228. It had a circular staircase in front to second floor in contrast to current bridge from sidewalk. It is distinguished by lower than street level entrance. This reflects its existence before Lombard was graded and probably looked much like Chestnut today, with no road built into the steep E-W Russian Hill slope.

Only other house by turn of century which still exists on North side was 1210-12, which was later saved from condemnation during 1915 Exposition due to visiting Japanese Sumo wrestlers who were housed there. Culebra did not exist by 1900. Instead there was one house occupied big lot. Only other house on N. side of Lombard by 1900 was 1232-34 up from Polk corner and one lot down from 1228.

Here Today says that 1263-79 (1229-33 old numbering) Lombard cottages, flats and house were built about 1877. 1900 Sanborn map clearly indicates that 1263-67 flats as well as 1257 uphill flats were not in existence yet. The only street front house by 1900 was 1271 which had windows along the West side overlooking the vacant lot on the SE corner of Polk and Lombard and further overlooking the almost vacant block to Van Ness which apparently only had a couple greenhouses by 1900 although three dwellings were planned to be moved to NW corner of Polk and Greenwich. The block to the North was nearly vacant in the south half and filled with Jno. H. Siever's Green Houses in the north half. Next block north across Chestnut also was largely vacant except for Bocce Ball Alley, couple stables and a couple houses.

The ridge cottages of 1200 Lombard block South side probably all date to 1877 or earlier. First on hill was 1261 evidently built by Captain Murray and entered from what is now rear from path through center of block down from Larkin. 1249-51 has remains of bricks and steps up to this path, long before 4th floor and its east wing were added. Its uphill neighbor of 1245 was built about 1884 on what was probably a brick factory before that, judging from old brick piles in back yard. It was on street front, together with buildings on next two uphill lots, both with backyard cottages on the ridge. And finally on the ridge is what is now 1215.

The cottages below 1261, which are now 1265, 1269 and 1279 on the ridge may have as much fantasy as fact associated with them. Much of either seemed to come from Mrs. Davis who owned them as one property from 1921. We do know from the SF Real Estate Monthly that the Wallace and Handeland lots were each sold in Jan 1876 for \$750 each and the two lower lots, later that year also for \$750 each. One would suspect that they were vacant and the cottages built or moved their shortly thereafter. T. Ennors owned the 1263-65-67 lot by 1900.

Fantasy or fact says that 1279 was moved from foot of Polk where Maritime Museum now stands and that is why door seen from Polk St. overhangs the cliff on its Western edge. Davis says cottages were on Polk Street and moved up after a fire which burned top story of 1265 and helps explain inconsistent shape of roof and ceiling. Davis also talked of 1271 house also fronting on Polk, which is unlikely since 1900 Sanborn map has all Polk lots still vacant. 1900 Sanborn map also indicates ruins of fire running over 1279 which is not attached to 1271 as it is today and through a cottage behind 1269 which of course does not exist today. Since that cottage almost touched the back corner of 1265, it probably damaged the SW corner of 1265 which can clearly be seen still and has further been noted in digging up old burned housing materials during construction of back deck at 1269.

Here Today refers to 1271 in their text, but clearly mean 1265 when their backup files talk of the decorative rather than Corinthian brackets below the roofline, bracketed cornices over the windows and balcony running width of building. Davis talks of finding in her renovation of the cottages, a piece of window glass etched with the inscription Ellie Cahill Oct 6 '79. It was evidently the custom of brides to do this on their wedding days in their homes.

Davis was evidently married to a dentist, some who claim was eventually found under the kitchen floor of 1279 during the Hom ownership of 1971-1975. Neighbor stories tell of Davis originally living in the 1273 house and becoming a bit reclusive or shattered after corner apartment building went up to block views. Around that time she evidently retreated to the cottages in back all of which were connected and had common walls. She lived mostly in the center and used 1265 upstairs as the ballroom. Most change has occurred to 1269 with all the small tiny rooms redone to open space in 1965 and then the front extended forward in 1980. The other units were sometime renovated, sometimes vacant. Evidently the main house at 1273 was kept for her sister, who sometimes might be around.

The still empty Greenwich Polk lot which the cottages overlook was evidently used as a quarry, providing the fill to level out and build Lombard St., probably around 1900. By 1900 the lots in back of the cottages where the Wessel house is was still vacant, although the remainder of Greenwich up to Larkin was built on the N side and mostly vacant on the South. By 1900 The W. side of Larkin from Greenwich to halfway between Lombard and Chestnut had houses, except the two Lombard Larkin corner lots.

The fires after the 1906 earthquake were stopped at Greenwich. Tales of neighbors on the roofs with water and wet rags for hours to put out wind blown embers come from Mrs. Oliver who used to live at 1248. She also correlated or conveyed other neighborhood information.

GENEOLOGY OF 1255-79 LOMBARD PROPERTIES AND NEIGHBORS

- 1-76. 1263-7 and 1255-61 sold as lots for \$750 each.
- 6-76. 1269 and 1271-79 were sold for \$750 each.
- 1877 1261 Cottage probably built by Capt. Murray.
- 1877 1265 Cottage probably built or moved from Polk to top of hill
- 1879 Window pane with Edith Cahill 10-1-79 etched in 1265
- 1893 Block map Thomas Ennor owns 1263-7 and Ellen Ennor lot behind to Greenwich. D. Brown owns 1269 and M.C Maunder owns 1271-79.
- 1899 Sanborn map. All cottages shown, plus another in back of 1269. Only Lombard fronted house is existence was 1271-75.
1908. 12-63-67 Lombard front house built. 1257-59 probably built around same time. Ennor listed in SF Directory as papaer carrier for last time.
- 11-15-22. 1263-67 from Bone to Braun.
- 8-5-23. 1263-67 from Henry Peter Braun to Elton N.W. and Heloise C. Davis for \$10 gold coin.
- 2-28-40. Greenwich lots from KT Wessel to KT and Walter Wessel
- 9-16-41. 1255-61 from McDonald/Murray to Wallaces
- 1-19-50. 1263-67 termination of Davis joint tenancy.
- 2-2-72. 1263-79 from Davis via probate to Ben Hom for \$155M
- 5-15-75. 1263-67 from Hom to Handeland
- 6-75. 1269 from Hom to Blackmer
- 4-76. 1271-9 from Hom to Keegan
1981. 1269 from Blackmer to Leonard/Fay
1985. 1269 from Leonard/Fay to Chandler.

TO: PETER ALBERT - PLANNING DEPT
BERRY BUS
35
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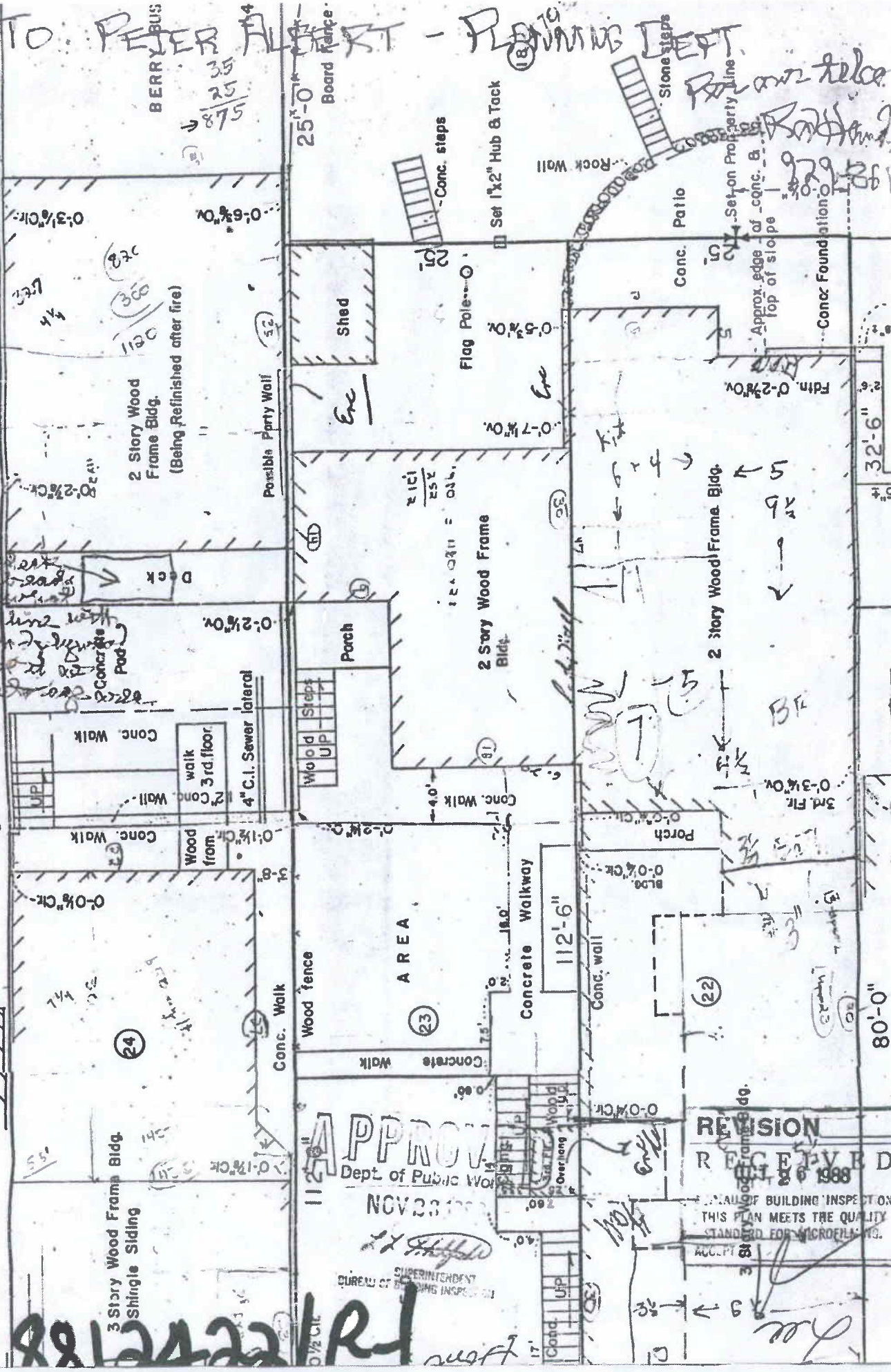
10' Conc. & Brick wall with fence on top

2 Sty. Wood Frame Bldg.
5'11" x 13'1" x 5'12"

2 Story Wood Frame Bldg. (Being Refinished after fire)

2 Story Wood Frame Bldg.
12'1" x 21'0" x 12'1" x 21'0"

2 Sty. Wood Frame Bldg.
12'1" x 21'0" x 12'1" x 21'0"



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12'1" x 21'0" x 12'1" x 21'0"

2 Sty. Wood Frame Bldg.
12'1" x 21'0" x 12'1" x 21'0"

25'-0" Board Fence

Shed

2 Story Wood Frame Bldg.

2 Story Wood Frame Bldg.

2 Story Wood Frame Bldg.

2 Story Wood Frame Bldg.

112'-6" Wood Fence

CONCRETE WALKWAY

112'-6" Concrete Walkway

80'-0" Concrete Wall

80'-0" Concrete Wall

80'-0" Concrete Wall

WOOD FENCE

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door equivalent of the potted conservatory plant.

A handsome shingled house in the style best exemplified in the work of Bernard Maybeck and Julia Morgan, the residence at 2455 *Leavenworth Street* is of the type that is apt to be described casually as "Swiss Chalet" in derivation. This four-story home was built in 1908 for Mr. A. G. Langenberger.

On the other side of the block from the fine old house at 825 Francisco Street, on the east slope of what used to be known as the Chestnut Street Hill, stand two handsome homes dating from the 1860's. A photograph of 1867 shows three houses standing amidst fruit trees on this part of the hill—the house on Francisco and the neighboring houses at 930 and 944 *Chestnut Street*.

The house at 944 *Chestnut Street* was built in about 1863 by artist Alexander Edouart. Eschewing the popular Italianate style, Edouart built a two-story frame house of rather Georgian character. Two years later, he sold the house to a real estate man, Francis Spring.

Francis Spring lived in the house until his death in 1896. In 1918 artist Bruce Porter bought the home for his bride, a daughter of the philosopher William James. Porter, with his designer's eye, considerably remodeled both house and garden.

In 1926 Porter bought the house next door, at 930 *Chestnut Street*. A two-story Italianate structure, it had been

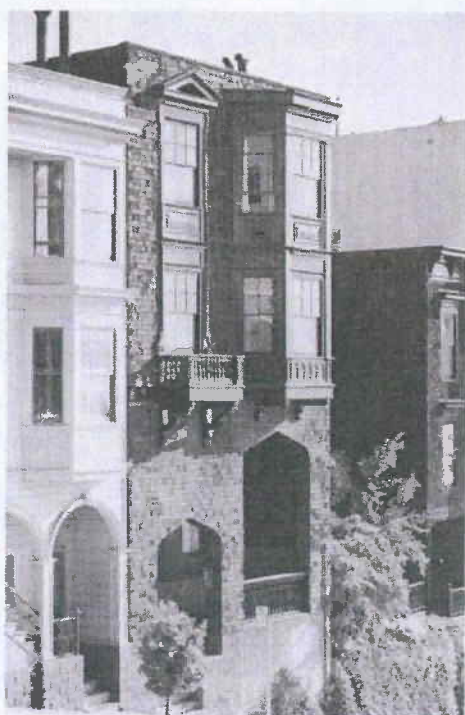
built in about 1861 by James C. Cary, whose family occupied it for sixty-five years. Today, beautifully maintained and embowered by lush foliage, the Cary and Spring Houses are among the most delightful of the city's old residences.

On the western slope of Russian Hill, in the twelve hundred block of Lombard Street, are a number of old buildings of considerable character, two of which cannot be seen from the sidewalk.

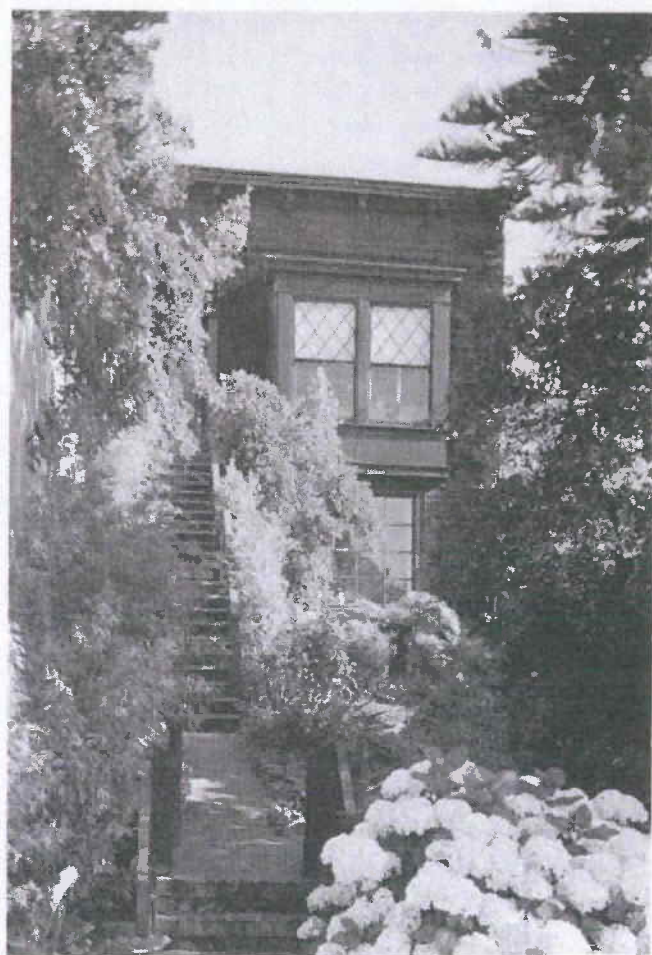
At 1215 *Lombard Street* is an attractive, two-story shingled house set well back behind a garden. Built around 1886, its architectural details suggest that like some of the other houses on the street it may originally have been a standard Stick Style house, to which shingles were later applied. At present the house is divided into apartments and is handsomely restored and maintained.

On the other hand, 1245 *Lombard Street* may have been built as early as 1884 in a distinctive shingle style. This house is also well restored; rooms have been added to the rear, but the present owner is confident that the facade is basically the same as when the house was built.

An especially impressive pair of three-story shingled apartment houses stand at 1263-67 and 1269-79 *Lombard Street*, the former originally built as flats, the latter originally a single-family dwelling. Both structures seem to have been built around 1877. Behind these large buildings are a pair of attractive cottages, 1261 and 1271 *Lom-*



1263 *Lombard Street* (above) was built around 1877
1215 *Lombard* (right)—shingled Stick Style





This one-story house, 2531 Larkin, really has two stories

bard Street, also built in about 1877–78. Both are of simple Italianate style, 1261 having the usual horizontal siding, 1271 being shingled.

Around the corner, at 2531 Larkin Street, is an outstanding example of the interior remodeling of an old house. This little single-story-and-basement home was built in 1876, and to all appearances looks as though it has only been “restored.” In fact, its architect-owner has converted it into a two-story house with almost double the space of the old building. The second floor, which contains the living spaces, was achieved by dropping the twelve-foot ceilings to eight feet, thus concealing the second story behind the high parapet of the old facade.

Perhaps the most famous residential street in San Francisco is the twisting stretch of Lombard Street between Hyde and Leavenworth. The amazing curves of the descent make the street something of a tourist attraction. The red brick paving is wonderfully set off by the banked masses of flowers planted in the segments of the right-of-way left vacant by the curves in the street—a happy example of neighborhood planning and maintenance.

At the top of the hill is the very intimate and attractive house at 1098 Lombard Street, a home that from the street gives the impression of an elegant, woodsy cottage. It was built in 1919. The lot once included almost half a block, and still includes a garden (walled from public view and sweeping down the Hyde Street side to Chestnut Street) which is almost large enough to qualify as a park.

The ten hundred block of Green Street, on one of the three crests of Russian Hill, is one of the most remarkable blocks in the city. The outstanding building on the block is the octagon house at 1067 Green Street. One of the two remaining octagon houses in the city (once there were five), the “Feusier House” was built in 1857–58 by George Kenny and sold in 1870 to Louis Feusier, a companion of such San Francisco celebrities as Leland Stanford and

Mark Twain. The plan was developed from the general scheme of Orson S. Fowler, a phrenologist who had succeeded in identifying well-being with the shape and construction of one’s domicile. The addition of a Mansard roof, providing a third story, and a small, octagonal cupola during the 1880’s does not seem to have affected the original style of the house.

Next to the octagon house, at 1055 Green Street, is an elegant little villa originally built in 1866. This house was remodeled under the direction of Julia Morgan in 1916, and it is Miss Morgan who must be given the credit for the beautifully balanced facade, with its three arched French doors and wrought-iron balcony.

Somewhat reminiscent of an old farmhouse, 1045 Green Street is a three-story brown shingled home of uncertain date. It may have been built as early as 1867 or as late as 1887. There is also the possibility that it may have been moved to this site immediately after the 1906 fire.

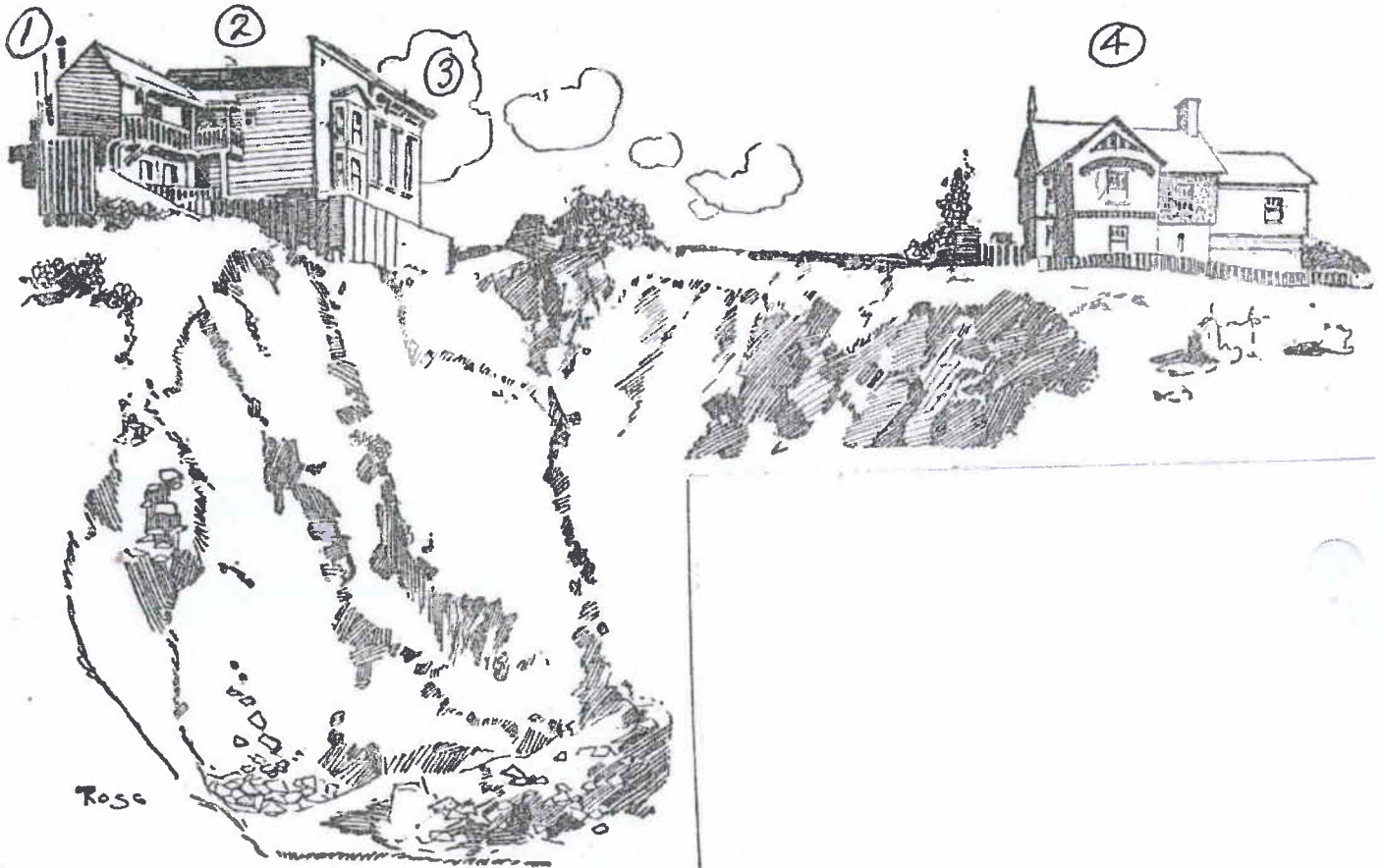
The house next door, at 1039–41–43 Green Street, more certainly was moved to its present location after the great fire. A narrow, three-story Stick Style building of the 1880’s, it consists of three large flats. The curving staircase leading to the second-floor entrance is quite unusual.

1033 Green Street is an elegant Italianate house, with its slanted bay and arched windows and doorway. Built prior to 1891, it also may have been moved from a different site.

On the other side of the street, a most striking building is the firehouse at 1088 Green Street. This structure was built in 1907. The facade is entirely different from the prevailing firehouse architecture of the period, being half timbered and having a steeply pitched roof and ornate front dormer. Always a neighborhood center and landmark, the firehouse was saved by Mrs. Ralph K. Davies, who bought it from the city in 1956. The interior now houses a small museum and a large “party room” that is often used for charity functions.

These two Italianate cottages of the 1870’s are behind 1263 Lombard





POLK STREET, BETWEEN LOMBARD AND GREENWICH, SHOWING THE HOUSES FIFTY-FOUR FEET ABOVE THE LOMBARD-STREET GRADE.
[The residences of N. C. Hawks and Charles Tidd, on the east side of the street, and the residence of M. M. Shea on the west side.]

From "Polk-Street Cliff-Dwellers," *San Francisco Examiner* of May 3, 1895, p. 4. From left to right: 1) Matthew Maunder's house. 2) Charles Tidd's house. 3) Nelson C. Hawks' house. 4) Michael Shea's house. The grading down of Polk Street, commenced by this date, was completed a year or two later.

State of California — The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
PRIMARY RECORD

Primary # _____
HRI # _____
Trinomial _____
NRHP Status Code 3CB

Other Listings _____
Review Code _____ Reviewer _____ Date _____

Page 1 of 7

*Resource Name or #: (Assigned by recorder) 1263-1267 Lombard Street

P1. Other Identifier: _____

P2. Location: Not for Publication Unrestricted *a: County San Francisco

and (P2c, P2e, and P2b or P2d Attach Location Map as necessary.)

*b. USGS 7.5' Quad _____ Date _____ T _____; R _____; _____ % of _____ % of Sec _____; _____ B.M.

c. Address 1263-1267 Lombard Street City San Francisco Zip 94109

d. UTM: (Give more than one for large and/or linear resources) Zone _____; _____ mE/ _____ mN

*e. Other Locational Data: (e.g., parcel #, directions to resource, elevation, etc., as appropriate)

Block 501, lot 24

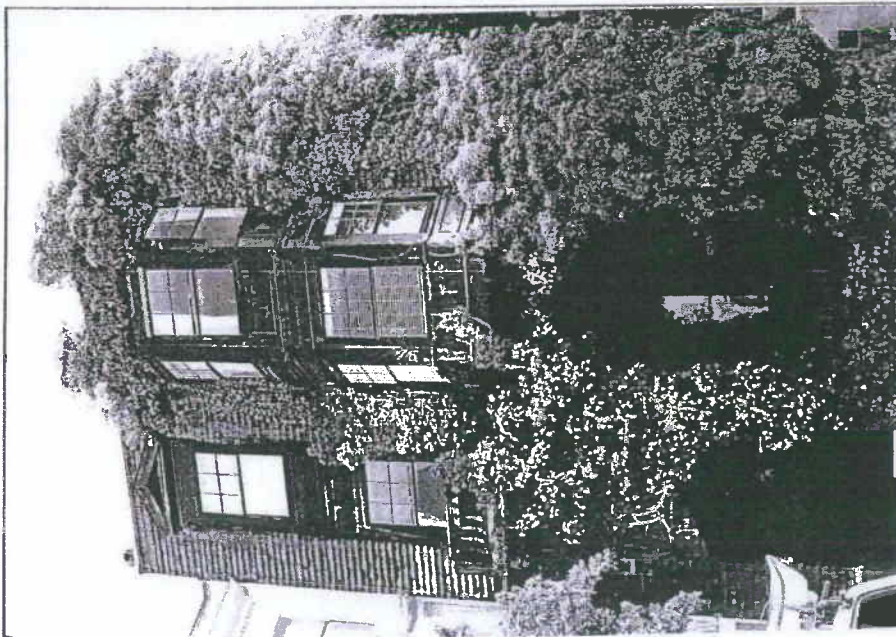
*P3a. Description: (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting, and boundaries)

This 25-foot-wide lot contains two buildings: a one-story cottage at the rear of the lot, numbered 1265 Lombard; and a three-story set of flats at the front of the lot, numbered 1263 and 1267 Lombard (hereafter written "1263-1267"). The rear cottage at #1265 is Italianate in style, with a profiled cornice and paneled frieze, profiled shelf moldings over the central door and flanking paired windows, and very narrow panels flanking the door and each window sash. Additional narrow panels can be found over each window sash, tucked beneath the shelf moldings. The front door has full-length glazing, divided into many lights. The cottage is clad with a coating of wooden shingles.

(See Continuation Sheet, page 2.)

*P3b Resource Attributes: (List attributes and codes) HP2 – house; and HP3 – flats

*P4. Resources Present: Building Structure Object Site District Element of District Other (isolates, etc.)



P5b. Description of Photo:

(View, date, accession #)

View looking south at 1263-1267 Lombard, September 2006.

*P6. Date Constructed/Age and

Source: Historic

Prehistoric Both

#1265: built 1877 (title search, city directory). #1263-1267: built 1908 (publ. bldg. contract)

*P7. Owner and Address:

*P8. Recorded by: (Name, affiliation, and address)

William Kostura

P. O. Box 60211

Palo Alto, CA 94306

*P9. Date Recorded:

October 2006

*P10. Survey Type: (Describe)

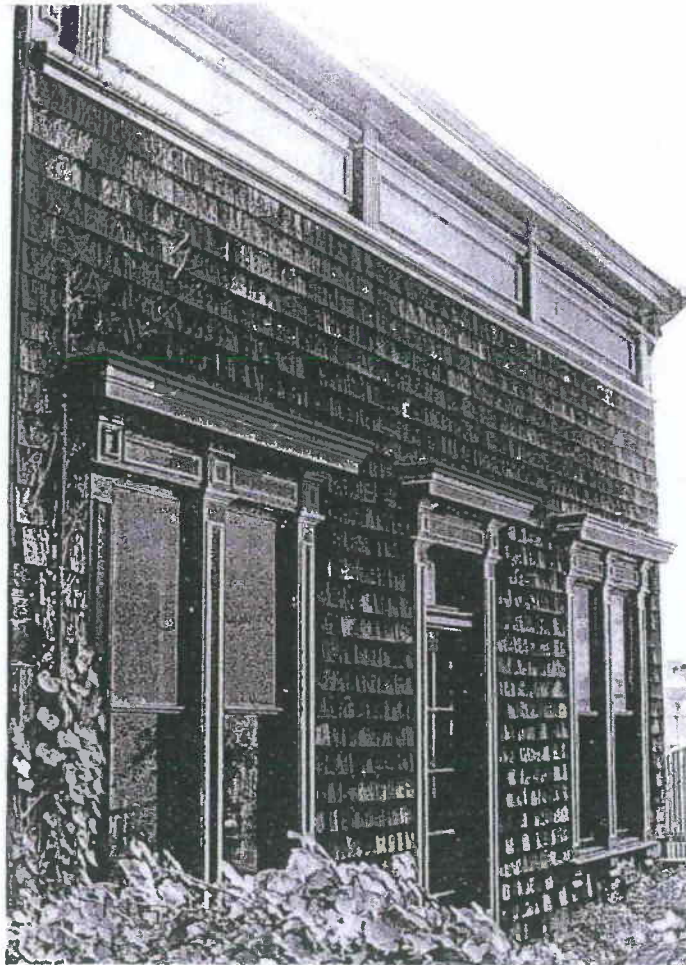
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P11. Report Citation*: (Cite survey report and other sources, or enter "none") William Kostura, *The West Slope of Russian Hill: A Historical Context and Inventory of Historic Resources for Residential Buildings around Lombard and Larkin Streets*, 2006.

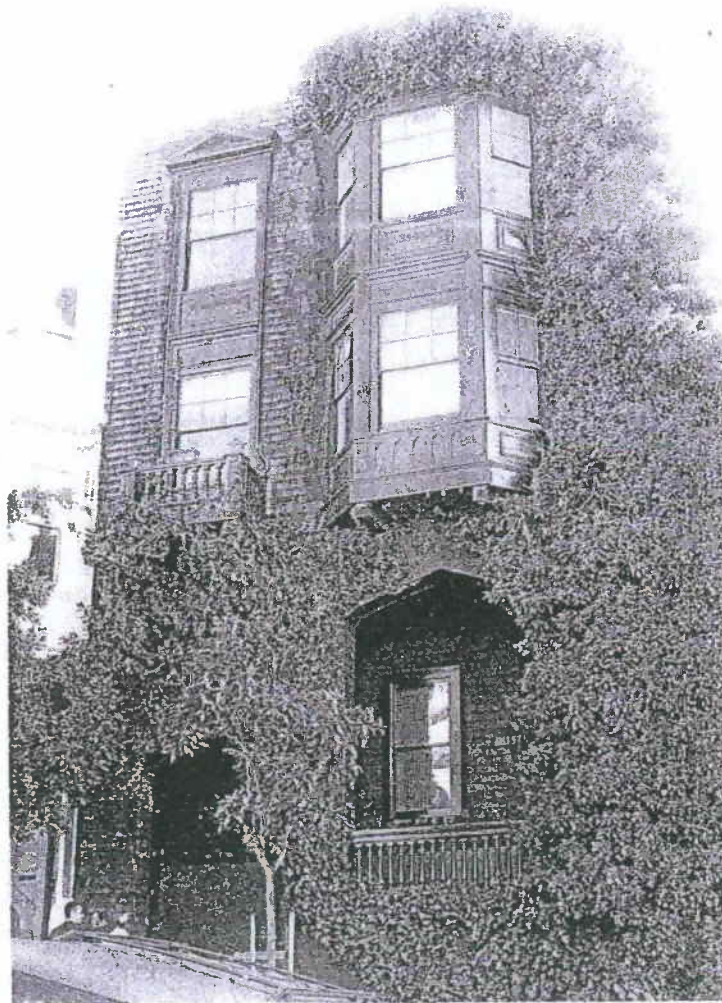
*Attachments: NONE Location Map Sketch Map Continuation Sheet Building, Structure and Object Record
 Archaeological Record District Record Linear Feature Record Milling Station Record Rock Art Record
 Artifact Record Photograph Record Other (List)

Description (continued)

The flats in front, #1263-1267, are also covered with a coating of wooden shingles. The first story is partially open, with two pointed arch openings for the entrance (at left) and to illuminate the walkway (at right). The latter opening has a balustrade with turned balusters. In the upper stories, a projecting bay window with slanted sides is at right, and windows flush with the wall are at left. Each window has six-over-one double-hung sash. Rectangular panels can be found at the base of each window, except in the projecting bay, where there is a band of small, inset pointed arches. A balcony with turned balusters can be found at the second floor level, in the left-hand bay, and a pediment tops the third story window on this side. Bushy vines have climbed to the top of the building, but the vegetation aside, the exterior of the building appears to be unchanged since the time of construction.



The rear cottage, 1265 Lombard. Photo taken 1998.



The flats at 1263-1276 Lombard, 1998.

BUILDING, STRUCTURE, AND OBJECT RECORD

Page 4 of 7

*NRHP Status Code 3CB

*Resource Name or # (Assigned by recorder) 1263-1267 Lombard Street

B1. Historic Name: Bailey-Ennor house and Thomas Ennor flats

B2. Common Name: _____

B3. Original Use: residential B4. Present Use: residential

*B5. Architectural Style: #1265 - Italianate, with shingles. #1263-1267: Shingle style, with minimalist Gothic details

*B6. Construction History: (Construction date, alterations, and date of alterations)
The rear cottage at #1265 was built in 1877, and shingles were added to the façade at an unknown date. The flats at #1263-1267 were built in 1908.

*B7. Moved? No Yes Unknown Date: _____ Original Location: _____

*B8. Related Features: none

B9a. Architect: Wright, Rushforth, and Cahill (#1263-1267) b. Builder: N. A. Trubeck (#1263-1267)

*B10. Significance: Theme architecture Area San Francisco

Period of Significance 1877-1920s Property Type residential Applicable Criteria 3

(Discuss importance in terms of historical or architectural context as defined by theme, period, and geographic scope. Also address integrity.)

History

Henry Bailey, who was a native of England and worked as a house painter, purchased this lot in December 1876 and had the rear house on the lot built for him at the beginning of 1877. Bailey did not own his own house painting business, but instead worked for the painter and glazier John Brewster, whose shop was downtown on Belden Place. Bailey, his wife Hannah, and their two children remained here until 1884, when he sold the house and lot. The next owner and resident was Thomas Ennor, who was also a native of England and lived here with his Irish wife Ellen from 1885 to 1912. During the 1880s Ennor owned saloons at 1318 Market Street and 210 Steuart, and from 1892-1909 he worked as a newspaper carrier. The 1900 and 1910 censuses, however, list him as a miner. In 1908 Ennor hired contractor N. A. Trubeck to build the shingled flats at the front of the lot, to designs by architects Wright, Rushforth, and Cahill. It is not known when the rear cottage was clad in shingles, but it may have been done by Ennor in order to conform to the appearance of the flats in front.

(See Continuation Sheet, page 5.)

B11. Additional Resource Attributes: (List attributes and codes)

*B12. References:

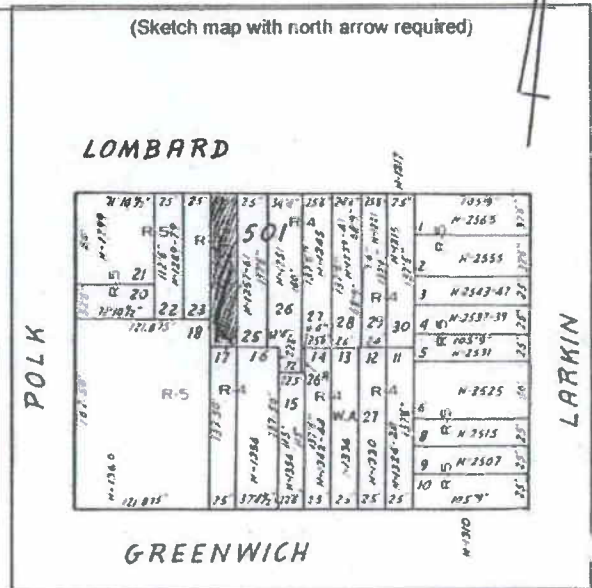
See Continuation Sheet, page 6.

B13. Remarks:

*B14. Evaluator: William Kostura

Date of Evaluation: October 2006

(This space reserved for official comments.)



History (continued)

From the 1910s through the 1930s the house and flats were owned by absentee landlords. Residents are unknown until 1930, when William Cooper, an auto salesman, and George Sohns, a securities executive, rented the flats in front of the lot.

The Architects of the Flats, Wright, Rushforth, and Cahill

George Alexander Wright (1852-1918), George Rushforth (1861-1943), and B. J. S. Cahill (1866-1944) worked together in partnership, as Wright, Rushforth, and Cahill, for seven years, from 1906-1913. For two of the partners, Wright and Rushforth, these years were probably the most productive of their careers. Wright worked as an architect and surveyor in his native country of England before coming to San Francisco in the 1890s. He opened his own office in 1899, and in 1904 formed a short-lived partnership with Willis Polk that produced one important building, the glass warehouse and mirror factory for W. P. Fuller and Co., at 1001 Front Street (extant; 1905-1906). Cahill was also a native of England, came to San Francisco in 1888, and opened his own office in the early 1890s. He became well-known for one of his early designs, the Odd Fellows Columbarium, now located on Lorraine Court, near Geary and Arguello (1898); and for his various, unsolicited Civic Center plans (1899, 1904, 1912). The partnership of the three men was very likely stimulated by the earthquake and fire of 1906. In the general rebuilding after the earthquake, Wright, Rushforth, and Cahill received a moderate number of commissions for commercial, civic, and residential buildings. Their best-known works are the First Baptist Church, at Octavia and Market streets (1909-1910), and the Municipal Building at 1231 Market Street (1911-1912; first used as a temporary city hall, and since 1916 as a hotel). Cahill left the firm in 1913 and worked solo afterward from offices first in San Francisco and then in Oakland. He became best known for his mausoleums and other funerary architecture, for his innumerable articles and essays published in *Architect and Engineer*, and for inventing the "butterfly map" of the world, which depicts continents on a flat map without distortion. The firm of Wright and Rushforth continued until Wright's death in 1918. Rushforth then worked solo, until 1940, but little is known about his later career.

Besides 1263-1267 Lombard, Wright, Rushforth and Cahill designed one other building in this study area: 2601-2603 Larkin (1909). Additionally, Rushforth completely remodeled another house, at 1354 Lombard, in 1921. All three of these buildings are clad in wooden shingles. These were not the first shingled houses in the study area, for at least one, at 2565 Larkin, is older (1906). It is clear, however, that Wright, Rushforth and Cahill did much to establish the shingled motif that is so important in this vicinity.

Integrity

The exterior of the flats in the front of the lot appears to be unchanged since the original construction, while the façade of the rear cottage appears to be unchanged save for the addition of a coat of shingles. These shingles were added at an unknown date, but in all likelihood were added by the early 1920s, when other houses in the study area are known to have been shingled. The flats in the front of the lot

(See Continuation Sheet, page 6.)

B10. Integrity (continued)

therefore retain integrity of location, design, materials, workmanship, feeling, and association dating to the time of original construction, and the house in the rear of the lot retains integrity in these areas very likely to the 1920s or earlier. The neighborhood has changed little since the 1920s, and thus the property also retains integrity of setting to that decade.

Evaluation

None of the early residents of these buildings were historically important, and thus the property does not appear to be eligible for the California Register under criteria 1(events) or 2 (persons).

Under Criterion 3, design, these buildings are notable for the way they contribute to the Shingle style motif of the neighborhood. The Italianate house at the rear of the lot was covered with shingles, leaving its 19th century trim intact, and the front flats were designed in the Shingle style, with minimalist Gothic details. The front flats are unusual in the way the front is open in the first story, with pointed arch openings admitting light and air to the walkway. Because the shingled theme is important in this part of Russian Hill, and because this property contributes to that theme in a distinctive way, it appears to be eligible for the California Register at the local level under Criterion 3. Although the date that shingles were added to the rear cottage is unknown, this work was almost certainly done by the 1920s. The Period of Significance for the rear cottage, #1265, is 1877-1920s, the period this building was built and that shingles were known to have been added to older houses in the neighborhood. The Period of Significance for the front flats, #1263-1267, is 1908, the year the building was built.

These buildings are within a potential historic district that was identified for this study. This district appears to be eligible for the California Register under Criterion 3, for its residential architecture, which is represented by a wide range of periods, styles, and structural types, from Victorian-era cottages to tall apartment buildings of the 1920s. The Period of Significance for this district is 1876-1928. Although the range is wide, the buildings are united by their common attention to fine detailing and traditional compositions. One of the notable themes in this district is the construction of Shingle style houses and flats, and the addition of wooden shingles to 19th century houses. Since the house at 1265 Lombard and the flats at 1263-1267 Lombard were built during this period, and since both buildings strongly reflect this theme, the property appears to be a contributor to the district.

References

Spring Valley Water Company ASI (Application for Service Installation). Available at the San Francisco Water Department. The ASI for this property shows that water was installed in Feb. 1877.

San Francisco city directory listings for Henry Bailey and Thomas Ennor, 1878-1912.

San Francisco Newsletter, January 8, 1876. Sale of this lot from J. E. Foye to J. P. Barrett, for \$750. City directory listings indicate that Barrett never lived here.

(See Continuation Sheet, page 7.)

APPLICATION REQUESTING DISCRETIONARY REVIEW ("D.R.")

This application is for projects where there are exceptional and extraordinary circumstances that justify further consideration, even though the project already meets requirements of the Planning Code, City General Plan and Priority Policies of the Planning Code.

LITTLE HOUSE COMMITTEE
D.R. Applicant's Name ^{c/o} JOHN & MARY HORVERS Telephone No: 415 310 1517

D.R. Applicant's Address 1265 LOMBARD ST.
SF Number & Street (Apt. #) CA 94109
City Zip Code

D.R. Applicant's telephone number (for Planning Department to contact): _____
If you are acting as the agent for another person(s) in making this request please indicate the name and address of that person(s) (if applicable):

Name _____ Telephone No: _____

Address _____
Number & Street (Apt. #)
City Zip Code

Address of the property that you are requesting the Commission consider under the Discretionary Review: 1269 LOMBARD STREET

Name and phone number of the property owner who is doing the project on which you are requesting D.R.: REDWOOD MORTGAGE INV. 415 434 9500

Building Permit Application Number of the project for which you are requesting D.R.: 2009.06.09.0028

Where is your property located in relation to the permit applicant's property? ADJACENT UPHILL

A. ACTIONS PRIOR TO A DISCRETIONARY REVIEW REQUEST

Citizens should make very effort to resolve disputes before requesting D.R. Listed below are a variety of ways and resources to help this happen.

1. Have you discussed this project with the permit applicant? YES **G** NO **G**
2. Did you discuss the project with the Planning Department permit review planner? YES **G** NO **G**
3. Did you participate in outside mediation on this case? Community Board **G** Other **G** NO **G**

4. If you have discussed the project with the applicant, planning staff or gone through mediation, please summarize the results, including any changes that were made to the proposed project so far.

WE LIVE NEXT DOOR. THE NEW BLDG AT REAR WILL DIMINISH WEST LIGHT TO OUR HOME, BLOCKING THREE WINDOWS AND A PAIR OF GLASS FRENCH DOORS. AN ENTRY LIGHTWELL IS PROPOSED TO RELOCATE ONE OF FOUR LIGHT SOURCES TO BE BLOCKED. ACCESS TO THE ROOF DECK ON (E) BLDG TO BE DEMOLISHED WILL BE ELIMINATED. WE ASKED FOR ALTERATION WITHIN (E) FOOTPRINT & ENVELOPE, DEMOLITION IS THEIR ANSWER.
~~WORK~~

B. DISCRETIONARY REVIEW REQUEST

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

THE DEMOLITION / NEW CONSTRUCTION HAS A NEGATIVE, ADVERSE IMPACT ON OUR HISTORIC HOME, AND THE POTENTIAL DISTRICT IN WHICH IT IS LOCATED. PROJECT DOES NOT MEET PLANNING CODE IT NEEDS VARIANCES WHOSE HARSHIP IS SELF IMPOSED IS 19TH CENTURY BLDGS WERE SURVIVED EARTHQUAKE & FIRE AND SHOULD REQUIRE RESTORATION NOT DEMOLITION AND NEW CONSTRUCTION. FRONT BLDG. DISRUPTS HISTORIC CIRCULATION ON ITS SITE.

2. If you believe your property, the property of others or the neighborhood would be adversely affected, please state who would be affected, and how:

LOSS OF LIGHT AND AIR, LOSS OF CHARACTER DEFINING FEATURES WOULD DIMINISH POTENTIAL HISTORIC DISTRICT, DENIES ACCESS TO DECK, WILL DIMINISH LIGHT & AIR TO OPEN SPACE IN FRONT OF OUR COTTAGE, CAUSING WALKS AND STAIRS TO BE EVEN MORE MOSSY, AND SLIPPERY DISRUPTS HISTORIC PATTERN OF CONSTRUCTION, AND SHARDED USE OF THREE LOTS JOINTLY OWNER FOR 100 YEARS.

3. What alternatives or changes to the proposed project, beyond the changes (if any) already made would respond to the exceptional and extraordinary circumstances and reduce the adverse effects noted above (in question B1)?

RESTORE COTTAGE AS IS. IF NEW FRONT BLDG IS ALLOWED ITS CONFIGURATION SHOULD RESTORE HISTORIC CIRCULATION PATTERN AMONG THREE SITES 1261-65, 1269, 1271-75. EXCAVATION OF REAR YARD EXCEEDED SCOPE OF 1997 APPROVALS BY PLANNING COMMISSION. REAR YARD & PATIO SHOULD BE RESTORED. SHARED WALL 1265/1269 AND WEST WALL OF 1265 SHOULD REMAIN AS IS. SEE REQUEST OF DR FOR P.A.#

2009.06.09.0027

Please write (in ink) or type your answers on this form. Please feel free to attach additional sheets to this form to continue with any additional information that does not fit on this form.

CHECKLIST FOR APPLICANT:

Indicate which of the following are included with this Application:

REQUIRED:

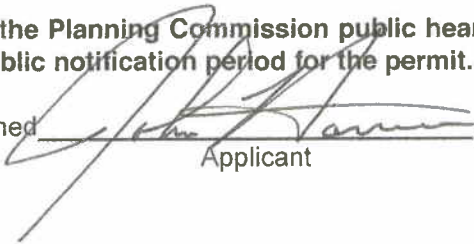
- G Check made payable to Planning Department (see current fee schedule).
- G Address list for nearby property owners, in label format, plus photocopy of labels. ☆
- G Letter of authorization for representative/agent of D.R. applicant (if applicable).
- G Photocopy of this completed application.

OPTIONAL:

- G Photographs that illustrate your concerns.
- G Covenants or Deed Restrictions.
- G Other Items (specify).

File this objection in person at the Planning Information Center. If you have questions about this form, please contact Information Center Staff from 8 a.m. to 5 p.m., Monday to Friday.

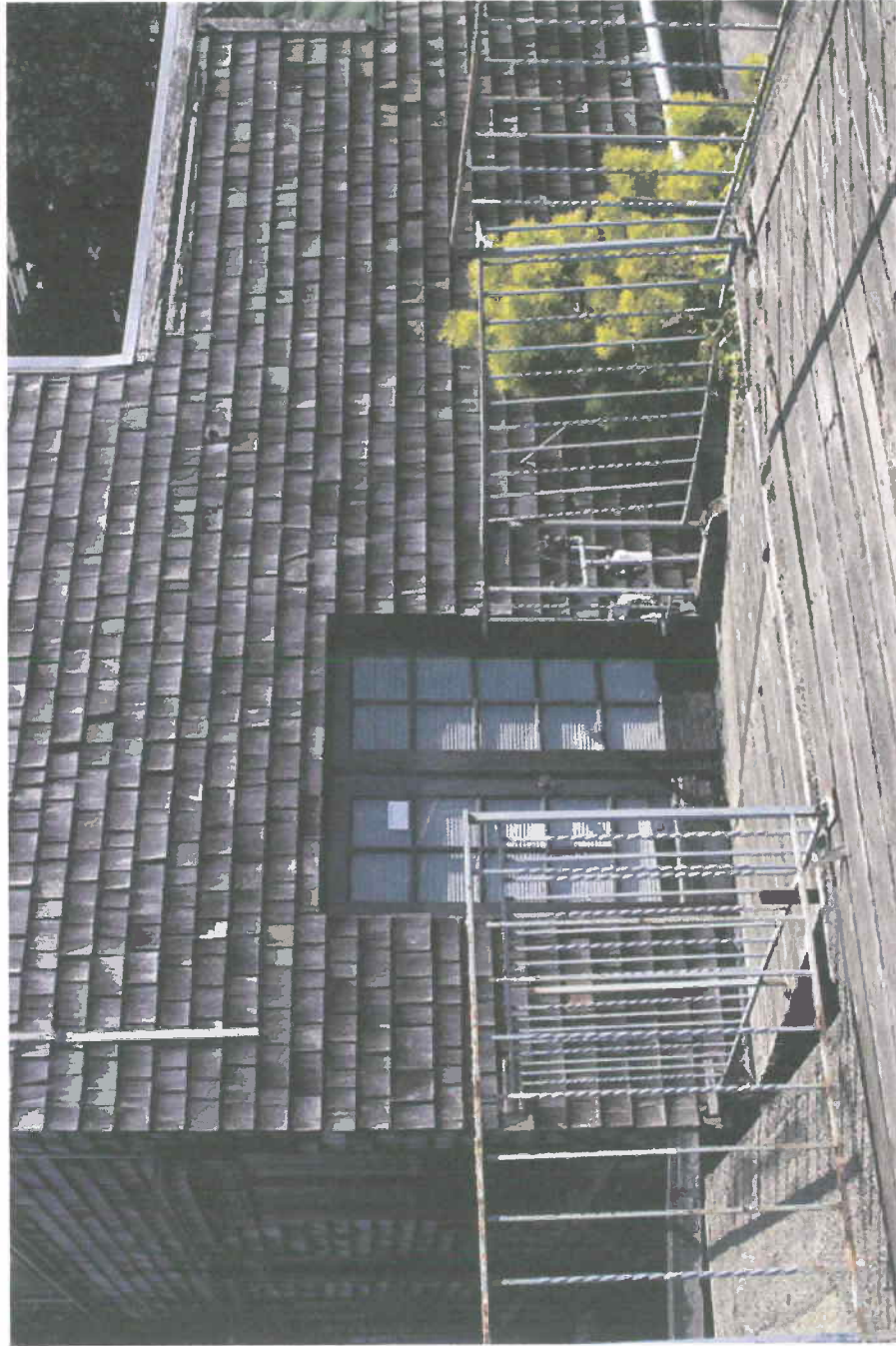
Plan to attend the Planning Commission public hearing which must be scheduled after the close of the public notification period for the permit.

Signed  Applicant 12 March 2010 Date

☆ MANDATORY D.R. BY PLANNING DEPT.
 LABELS PROVIDED AS A COURTESY

N:\applicat\drapp.doc

2009.06.09.0028
WEST SIDE ELEVATION
1265 Lombard ST.



10.01650

From:
John & Mary Horvers
1265 Lombard St.
San Francisco, CA

To:
Shelley Caltagirone
San Francisco Planning Dept.
Re: Project 1269 Lombard St.

To be added to Case No. 2009.0443DV

Subject: Rear Yard Variance

Dear Ms. Caltagirone:

My wife and I reside at 1265 Lombard St., a historical pre-earthquake cottage. 1265 Lombard St. is noted in "Here Today, San Francisco's Architectural Heritage" and "The West Slope of Russian Hill" by William Kostura, writing for The Russian Hill Historic Resources Inventory Committee. The cottage shares a common wall with 1269 Lombard St.

We are adamantly against allowing a rear yard variance for this property because of significant lost of light on two levels of our home.

First: The variance would deprive us of the only source of direct sunlight into our single downstairs room. Without this window, an original feature of the cottage, we would need to keep lights on to make this room habitable. The only other source of light to this room is highly diffused; coming from a courtyard enclosed on three sides and from beneath a porch overhead. The light from this source is insubstantial.

Second: The variance would allow the rear (South) wall of the 1269 project to intersect an upstairs window at 1265. This would decrease the window area by approximately 30%. From that intersection, this wall at 1269 would extend westward approximately 25 ft and upward for one story, once again creating a significant and unacceptable lost of light into our cottage.

We consequently ask the Planning Commission to deny the Rear Yard Variance to 1269 Lombard St.

Sincerely,
John & Mary Horvers



PLANNING DEPARTMENT

City and County of San Francisco 1660 Mission Street San Francisco, CA 94103-2414

(415) 558-6378 PLANNING COMMISSION ADMINISTRATION CURRENT PLANNING/ZONING LONG RANGE PLANNING
FAX: 558-6409 FAX: 558-6426 FAX: 558-6409 FAX: 558-6426

DATE: April 8, 1998
TO: Interested Parties
FROM: Robert W. Passmore
Zoning Administrator
RE: Planning Commission Action
Property Addresses: 1269 Lombard Street
Building Permit Application Nos.: 9710402, 9711296,
Discretionary Review Case Nos.: 97.487D

On February 12, 1998, the Planning Commission reviewed the above-referenced building permit application with the following results:

1. ACTION

- The Commission determined that modifications to the project were appropriate and instructed staff to obtain revisions to the building permit applications to achieve the following:



Referrals to Exhibits --

SETS SQ. FT LIMITS TO EACH NEW ADDITION
325 SQ. FT TO REAR ADDITION

Exhibit A: "Neighbor's Proposal (NP)", posterboard with site plan, section and color rendering of 1269 Lombard Street showing the proposed garage to be cut into retaining wall, and pairs of garage doors at 1269 Lombard Street.

Exhibit B: Project Sponsor's proposal for 1269 Lombard with modifications signed and dated by F. Joseph Butler 2/12/98.

Exhibit C: Neighbor's written proposal for 1269 Lombard signed and dated by F. Joseph Butler 2/12/98.

- Total building square footage (refer to Exhibit A and Exhibit B):
 - Total building square footage allowed on site:
3,209 = 1,800 (existing square footage) + 1,409 (new square footage)
- Basement Plan (refer to Exhibit A, Page A2.1 of Exhibit B, Exhibit C):
 - New 3-car side setback garage, 2-car garage + 1 tandem space with:
4' x 6' setback along eastern property line.
3' x 5' setback along western property line.
 - As shown on page A2.1 of Exhibit A, garage goes from gridline A to gridline F, back to gridline 4 with exception of setbacks noted above, and from 4 to 8 as drawn.
- Lower Terrace Plan (refer to Page A2.1 of Exhibit B, Exhibit C):
 - Eliminate wine cellar south of gridline 4, east of gridline B.

Eliminate 14' setback

558-6309

7'-2" setback

Planning Commission Action
1269 Lombard Street
BPA Nos. 9710402, 9711296
D. R. Case No.: 97.487D
Page 2

- Middle Terrace Plan** (refer to Exhibit A, Page A2.2 of Exhibit B, Exhibit C):
 - Eliminate wine cellar south of gridline 6, and east of gridline B -- a line 7 feet from and parallel to the east property line.
 - Eliminate middle terrace east of gridline C in favor of garden on grade
 - Create 7' (width) x 15' (length) side setback along the east property line.

- Upper Terrace Plan** (refer to Exhibit A, Page A2.2 of Exhibit B, Exhibit C):
 - Eliminate upper terrace south of gridline 6 in favor of a 7' (width) x 15' (length) garden setback area on grade along the east property line, which retains the existing mature tree in that area.

- Roof Terrace Plan** (refer to Exhibit A, Page A2.3 of Exhibit B):
 - Eliminate roof terrace north of gridline 7
 - Roof terrace is restricted to maintain the 7' (width) x 15' (length) side setback along the east property line.
 - New roof penthouse is limited to 10 feet in height above the roof of the existing residence with a 12'-6" setback from the east property line.
 - From the rear of the building the new roof penthouse is setback 7'-2" to a 3' bay window for a total 10'-2" to flat/square portion of proposed rear addition.
 - Roof terrace is limited to 275 square feet as shown on Section drawing of Exhibit A.

- Other** (refer to Exhibit C):
 - Rear addition shall be set back 1'-6" from rear property line.
 - One or two units are permitted.
 - Access to 1271-79 Lombard Street shall be through easement.

2. FINDINGS

The reasons the Commission took the action described above include:

1. Modifications to the proposals meet the design guidelines per evidence of plans and neighborhood analysis of guidelines presented to Planning Commission by the D.R. requestors and adjacent neighbors.
2. Speakers at the hearing included:

In support of the project

George Hauser, Project Architect,
Jim Ruben, Project Sponsor's Attorney

In support of the D.R. request

Jennifer King, Frank Morrow, Greg Campbell, John Horvers, Joe Butler, William Kostura, Nina Markum, Chris VerPlanck, Jake McGoldrich, Jim Herlichee, Sal Ramon.

Planning Commission Action
1269 Lombard Street
BPA Nos. 9710402, 9711296
D. R. Case No.: 97.487D
Page 3

Planning Commissioners: Hills, Antenore, Joe, Thecharis

Department planners involved in the case include Elizabeth Gordon of the plan check.

If the Department does not receive the requested response to the action(s) listed above within a reasonable period of time, the Department is instructed to disapprove the subject building permit application.

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558-6309

ELIZABETH GORDON

- DEPART RULING ON VARIANCE
- DO NOT SET BACK INDICATED FOR REAR ADDITION AS WAS STIPULATED IN NEIGHBORS PLAN
- PARTS OF 1271-79 IN REAR PIT IN FRONT OF 1271 SHOULD BE SAVED AND REMOVED UNDER SUPERVISION OF ARCHITECT



PLANNING DEPARTMENT

City and County of San Francisco 1660 Mission Street San Francisco, CA 94103-2414

(415) 558-6378 PLANNING COMMISSION ADMINISTRATION CURRENT PLANNING/ZONING LONG RANGE PLANNING
FAX: 558-6409 FAX: 558-6426 FAX: 558-6409 FAX: 558-6426

DATE: April 8, 1998
TO: Interested Parties
FROM: Robert W. Passmore
Zoning Administrator
RE: **Planning Commission Action**
Property Addresses: 1271-79 Lombard Street
Building Permit Application Nos.: 9725447, 9725457
Discretionary Review Case Nos.: 98.013D

**DOCKET COPY
DO NOT REMOVE**

On February 12, 1998, the Planning Commission reviewed the above-referenced building permit application with the following results:

1. **ACTION**

- The Commission determined that modifications to the project were appropriate and instructed staff to obtain revisions to the building permit applications to achieve the following:

Referrals to Exhibits --

Exhibit A: "Neighbor's Proposal (NP)", posterboard with site plan, section and color rendering of 1269 Lombard Street showing the proposed garage to be cut into retaining wall, and pairs of garage doors at 1269 Lombard Street.

Exhibit B: Project Sponsor's proposal for 1271-79 Lombard with modifications signed and dated by F. Joseph Butler 2/12/98.

Exhibit C: Neighbor's written proposal for 1271-79 Lombard signed and dated by F. Joseph Butler 2/12/98.

- Facade** (refer to Exhibit C):
 - Restore the facade of subject building and sidewall at east elevation, including porch and existing access easements, in accordance with the Planning Department's Residential Design Guidelines (as required by Planning Code Section 311) and the Guidelines for Rehabilitation of the Secretary of Interior's Standards for the Treatment of Historic Properties which read as follows:
 - (1) The property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.
 - (2) The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize the property will be avoided.
 - (3) Each property will be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.

- (4) Changes to a property that have acquired historic significance in their own right will be retained and preserved.
 - (5) Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.
 - (6) Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.
 - (7) Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
 - (8) Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.
 - (9) New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.
 - (10) New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.
- Planning Department Preservation staff shall review the compliance with the Secretary of Interior's Standards.
- Site Plan** (refer to Page A1.1 of Exhibit B, Exhibit C):
- The front 47'-6" of the subject structure as measured from the front property line (which is considered historic) shall be retained including side and front walls -- or whatever is exposed.
 - A garage is permitted to be inserted below the front portion to be preserved.
- Basement Level Floor Plan** (refer to Exhibit A, Page A2.1 of Exhibit B, Exhibit C):
- From gridline 8 to the south, the existing building may be demolished.
 - New construction is permitted at 5 levels over garage.
 - The elevator and stair are permitted in the rear of the front 47'-6" or in the new construction.
 - New construction is permitted from side property line to side property line, and back to the line for the required rear yard area. Height is permitted as equal to the height of the parapet wall at 1299 Lombard Street.
- Other** (refer to Exhibit C):
- Two to four units are permitted.
 - Existing easement shall remain.
 - Total gross building square footage allowed on site = approximately 5,754.

2. FINDINGS

Planning Commission Action
1271-79 Lombard Street
BPA Nos. 9725447, 9725457
D. R. Case No.: 98.013D
Page 3

The reasons the Commission took the action described above include:

1. Modifications to the proposals meet the design guidelines per evidence of plans and neighborhood analysis of guidelines presented to Planning Commission by the D.R. requestors and adjacent neighbors.
2. Speakers at the hearing included:

In support of the project

George Hauser, Project Architect,
Jim Ruben, Project Sponsor's Attorney

In support of the D.R. request

Jennifer King, Frank Morrow,
Greg Campbell, John
Horvers, Joe Butler, William
Kostura, Nina Markum, Chris
VerPlanck, Jake McGoldrich,
Jim Herlichee, Sal Ramon.

Planning Commissioners: Hills, Antenore, Joe, Theoharis

Department planners involved in the case include Elizabeth Gordon of the plan check.

If the Department does not receive the requested response to the action(s) listed above within a reasonable period of time, the Department is instructed to disapprove the subject building permit application.

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PLANNING DEPARTMENT

City and County of San Francisco 1660 Mission Street San Francisco, CA 94103-2414

(415) 558-6378

PLANNING COMMISSION
FAX: 558-6409

ADMINISTRATION
FAX: 558-6426

CURRENT PLANNING/ZONING
FAX: 558-6409

LONG RANGE PLANNING
FAX: 558-6426

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April 8, 1998

VARIANCE DECISION

UNDER THE CITY PLANNING CODE CASE NO. 97.487V

APPLICANT: George Hauser, Architect for Rene Peinado
555 Howard Street, Suite 201
San Francisco, CA 94105

PROPERTY IDENTIFICATION: 1269 LOMBARD STREET, south side between Polk and Larkin Streets, Lot 23 in Assessor's Block 0501 in an RH-2 (House, Two-Family) Zoning District and a 40-X Height and Bulk District.

DESCRIPTION OF VARIANCE SOUGHT: **REAR YARD VARIANCE SOUGHT:** The proposal is to construct a two-story addition with a second floor terrace, roof deck and stair penthouse to the existing noncomplying one-story over basement single-family dwelling at the rear of the subject property.

Section 134(c) of the Planning Code requires a minimum rear yard depth of approximately 28 feet (minimum 25 percent of the total depth of the lot), measured from the rear property line. The proposed addition would extend 16 feet six inches from the existing noncomplying rear building wall, occupying the most of the entire required rear yard area except for one foot and six inches.

PROCEDURAL BACKGROUND:

1. This proposal was determined to be categorically exempt from Environmental Review.
2. The Zoning Administrator held a public hearing on **Variance Application No. 97.487V on February 12, 1998.**

DECISION: **GRANTED**, to construct a new addition at the rear of the lot, in general conformity with plans on file with this application as modified by F. Joseph Butler -- representative for the Little House Committee at the Planning Commission meeting of February 12, 1998, shown as Exhibit A: "Neighbor's Proposal (NP)", posterboard with site plan, section and color rendering of 1269 Lombard Street showing the proposed garage to be cut into the existing retaining wall, and pairs of garage doors at 1269 Lombard Street, and Exhibit B: Project Sponsor's architectural plans for 1269 Lombard with modifications signed and dated by F. Joseph Butler 2/12/98; subject to the following conditions:

1. Horizontal coverage on the subject lot shall be no greater than that proposed on the companion drawings to this variance decision. No further horizontal expansion of the subject building beyond the scope of work contained in the plans of Exhibits A and B shall be allowed unless such expansion is specifically authorized by the Zoning Administrator after the property owner or authorized agent has sought and justified a new variance request pursuant to a public hearing and all other applicable provisions of the Planning Code. However, the Zoning Administrator, after finding that such expansion complies with applicable Codes, is compatible with existing neighborhood character and scale, and does not cause significant loss of light, air, view or privacy to adjacent buildings, may determine that a new variance is not required. Minor modifications as determined by the Zoning Administrator may be permitted if it is demonstrated that such modifications are necessary in order to comply with Department of Building Inspection requirements.

Section 305(c) of the City Planning Code states that in order to grant a variance, the Zoning Administrator must determine that the facts of the case are sufficient to establish the following five findings:

FINDINGS:

- FINDING 1.** That there are exceptional or extraordinary circumstances applying to the property involved or to the intended use of the property that do not apply generally to other property or uses in the same class of district.

REQUIREMENT MET.

- The Project Sponsor originally proposed to add two stories and roof deck to the existing single-family structure at the rear of the property -- without need of a variance, and to add a new four-story over basement single-family structure at the front of the property. Modifications were then made to the proposal by the Project Sponsor in order to accommodate neighbors concerns and to address the existing pattern of front yard open space along the subject block. Changes included moving the building mass proposed for the front of the structure to the back of the lot thereby requiring a variance.
- The existing house is small and built at the rear with a large front setback. The intent of the rear yard requirement is to preserve midblock open areas and provide usable open space. The subject block does not have the typical mid-block open-space. Most properties on this block have open space at the front of the lot, or at the center between two structures. Also, the addition is proposed in the rear yard area in order to maintain the established open space and garden at front.
- The subject dwelling is in a neighborhood containing buildings of equal or more lot coverage than the subject building. In fact, the two properties immediately adjacent to the site have buildings deeper in depth than the subject property. Because the rear yard requirements refer to the subject lot depth only, the Code requires the subject building to be shallower than other properties on the block,

even though the reduced building depth does not significantly contribute to the midblock open space. Therefore, the requested addition is in character with the other properties in the neighborhood.

FINDING 2. That owing to such exceptional and extraordinary circumstances the literal enforcement of specified provisions of this Code would result in practical difficulty or unnecessary hardship not created by or attributable to the applicant or the owner of the property.

REQUIREMENT MET.

- Denying the variance would constitute an unnecessary hardship with no compensating public benefit. Expansion of the floor area in the proposed, revised manner is the most practical, efficient, and reasonable way to expand the amount of living space, without effecting the front yard area.
- Although the proposed rear addition will intrude further into the required rear yard and diminish usable open space, there is more than sufficient space on the lot to comply with amounts required in Section 135 of the Planning code. Further, the front setback area is equivalent to the area required in the rear. Moreover, granting the variance as proposed will maintain the applicant's the existing front garden and usable open space and will allow access to the outdoors from the front property line.

FINDING 3. That such variance is necessary for preservation and enjoyment of a substantial property right of the subject property, possessed by other property in the same class of district.

REQUIREMENT MET.

- Granting the rear yard variance as modified, is the best and most feasible manner by which the owner of the subject property can enjoy the right to convenient living space that similarly situated property owners enjoy.
- The approval of this variance will allow the applicant to have sufficient living area to meet their needs, and allow the occupants to retain their usable open space in the front yard.

FINDING 4. That the granting of such variance will not be materially detrimental to the public welfare or materially injurious to the property or improvements in the vicinity.

REQUIREMENT MET.

- The addition is limited in the manner proposed on the plans, and as proposed would not block neither light nor views, and therefore would not be detrimental to other properties in the neighborhood.
- Many concerns about the original proposal were expressed by the neighbors (the original proposal was to construct new single family residence in the front yard area). Neighbors were concerned about the appearance and size of that

CASE NO. 97-487V
1269 Lombard Street
April 8, 1998
Page 4

addition, and were especially concerned about the loss of the garden in the front 50 feet of the lot. The Zoning Administrator believes that the revised proposal, subject to the conditions of this variance, would not be detrimental to adjacent properties.

FINDING 5. The granting of such variance will be in harmony with the general purpose and intent of this Code and will not adversely affect the General Plan.

REQUIREMENT MET.

- The proposal is consistent with the generally stated intent and purpose of the Planning Code to promote orderly and beneficial development. The proposal is in harmony with the Residence Element of the General Plan to encourage residential development when it preserves or improves the quality of life for residents of the City.
- Code Section 101.1 establishes eight priority planning policies and requires review of variance applications for consistency with said policies. Review of the relevant priority planning policies yielded the following determinations:
 - A. That the proposed project will be in keeping with the existing housing and neighborhood character.
 - B. That the proposed project will have no significant effect on the City's supply of affordable housing, public transit or neighborhood parking, preparedness to protect against injury and loss of life in an earthquake, commercial activity, business or employment, landmarks and historic buildings, or public parks and open space.

The effective date of this decision shall be either the date of this decision letter if not appealed or the date of the Notice of Decision and Order if appealed to the Board of Appeals.

Once any portion of the granted variance is utilized, all specifications and conditions of the variance authorization became immediately operative. The authorization and rights vested by virtue of this decision letter shall be deemed void and canceled if a Building Permit has not been issued within three years from the effective date of this decision; however, this authorization may be extended by the Zoning Administrator when the issuance of a necessary Building Permit is delayed by a City agency or by appeal of the issuance of such a permit.

Building Permit Application filed within one year of the effective date of this decision shall be exempt from public notification (Section 311 Notification). If Building Permit Application also proposes work separate from the Variance or is filed after one year, public notification shall be required.

APPEAL: Any aggrieved person may appeal this variance decision to the Board of Appeals within ten (10) days after the date of the issuance of this Variance Decision. For further information,

CASE NO. 97.487V

1269 Lombard Street

April 8, 1998

Page 5

please contact the Board of Appeals in person at 875 Stevenson Street (Room 440) or call 554-6720.

Very truly yours,



Robert W. Passmore
Assistant Director of
Planning-Implementation
(Zoning Administrator)

=====

THIS IS NOT A PERMIT TO COMMENCE ANY WORK OR CHANGE OCCUPANCY. PERMITS FROM APPROPRIATE DEPARTMENTS MUST BE SECURED BEFORE WORK IS STARTED OR OCCUPANCY IS CHANGED.

EMG:emg:RWP:G:\WP51\CASES-VZ\DECISION\1269LOMB.VZ