

BOARD OF APPEALS, CITY & COUNTY OF SAN FRANCISCO

Appeal of
MARTIN ENG,)
Appellant(s))
vs.)
DEPARTMENT OF BUILDING INSPECTION,)
PLANNING DEPARTMENT APPROVAL Respondent)

Appeal No. **24-005**

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN THAT on January 25, 2024, the above named appellant(s) filed an appeal with the Board of Appeals of the City and County of San Francisco from the decision or order of the above named department(s), commission, or officer.

The substance or effect of the decision or order appealed from is the ISSUANCE on January 11, 2024 to Byrnes Special Works LLC, of a Demolition Permit (Demolition of Type V, one-story carport) at 939 Lombard Street.

APPLICATION NO. 2021/07/09/4044

FOR HEARING ON March 27, 2024

Address of Appellant(s):

Address of Other Parties:

Martin Eng, Appellant(s)
953 Lombard Street
San Francisco, CA 94133

Byrnes Special Works LLC, Permit Holder(s)
c/o Daniel Turner, Attorney for Permit Holder(s)
Reuben, Junius & Rose LLP
One Bush Street, Suite 600
San Francisco, CA 94104

BOARD OF APPEALS, CITY & COUNTY OF SAN FRANCISCO

Appeal of
MARTIN ENG, _____)
Appellant(s))
vs.)
DEPARTMENT OF BUILDING INSPECTION, _____)
PLANNING DEPARTMENT APPROVAL Respondent

Appeal No. **24-006**

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN THAT on January 25, 2024, the above named appellant(s) filed an appeal with the Board of Appeals of the City and County of San Francisco from the decision or order of the above named department(s), commission, or officer.

The substance or effect of the decision or order appealed from is the ISSUANCE on January 11, 2024 to Byrnes Special Works LLC, of a Site Permit (to erect four stories, no basement, Type V-B, single-family dwelling unit) at 939 Lombard Street.

APPLICATION NO. 2021/07/09/4046

FOR HEARING ON March 27, 2024

Address of Appellant(s):

Address of Other Parties:

<p>Martin Eng, Appellant(s) 953 Lombard Street San Francisco, CA 94133</p>	<p>Byrnes Special Works LLC, Permit Holder(s) c/o Daniel Turner Reuben, Junius & Rose LLP One Bush Street, Suite 600 San Francisco, CA 94104</p>
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Date Filed: January 25, 2024

**CITY & COUNTY OF SAN FRANCISCO
BOARD OF APPEALS**

PRELIMINARY STATEMENT FOR APPEAL NO. 24-005

I / We, **Martin Eng**, hereby appeal the following departmental action: **ISSUANCE** of **Demolition Permit No. 2021/07/09/4044** by the **Department of Building Inspection** which was issued or became effective on: **January 11, 2024**, to: **Byrnes Special Works LLC**, for the property located at: **939 Lombard Street**.

BRIEFING SCHEDULE:

Appellant's Brief is due on or before: 4:30 p.m. on **March 7, 2024, (no later than three Thursdays prior to the hearing date)**. The brief may be up to 12 pages in length with unlimited exhibits. It shall be double-spaced with a minimum 12-point font. An electronic copy shall be emailed to: boardofappeals@sfgov.org, julie.rosenberg@sfgov.org, corey.teague@sfgov.org, tina.tam@sfgov.org, matthew.greene@sfgov.org and matteryard@yahoo.com

Respondent's and Other Parties' Briefs are due on or before: 4:30 p.m. on **March 21, 2024, (no later than one Thursday prior to hearing date)**. The brief may be up to 12 pages in length with unlimited exhibits. It shall be doubled-spaced with a minimum 12-point font. An electronic copy shall be emailed to: boardofappeals@sfgov.org, julie.rosenberg@sfgov.org, corey.teague@sfgov.org, tina.tam@sfgov.org, matthew.greene@sfgov.org and me2461111@gmail.com

Hard copies of the briefs do NOT need to be submitted to the Board Office or to the other parties.

Hearing Date: **Wednesday, March 27, 2024, 5:00 p.m., Room 416 San Francisco City Hall, 1 Dr. Carlton B. Goodlett Place**. The parties may also attend remotely via Zoom. Information for access to the hearing will be provided before the hearing date.

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In order to have their documents sent to the Board members prior to hearing, **members of the public** should email all documents of support/opposition no later than one Thursday prior to hearing date by 4:30 p.m. to boardofappeals@sfgov.org. Please note that names and contact information included in submittals from members of the public will become part of the public record. Submittals from members of the public may be made anonymously.

Please note that in addition to the parties' briefs, any materials that the Board receives relevant to this appeal, including letters of support/opposition from members of the public, are distributed to Board members prior to hearing. All such materials are available for inspection on the Board's website at www.sfgov.org/boa. You may also request a hard copy of the hearing materials that are provided to Board members at a cost of 10 cents per page, per S.F. Admin. Code Ch. 67.28.

The reasons for this appeal are as follows:

See attachment.

Appellant:

Signature: Via Email

Print Name: Martin Eng, appellant

The health hazard against the elementary school with kindergarten right next door.

All dusts, chemicals, noise, parking hazards (parents double park right in front of 939 Lombard) will cause serious health dangers for all of us, for the many thousands of tourists walking by 24/7; some will jaywalked from the middle of the street to across the street.

The demo will take away 3 very valuable parking spaces and create congestions for the whole neighborhood. No demo is not a bad solution.

If demo; a complete solid coverup for the whole demo without any dusts to escape into the air, plus water down and vacuum.

Then grow a garden with a professional florist horticulture company to grow colorful roses, plants, small trees. The big tree that overlapped the lot line next door must be cut down totally I believe I am still the rightful owner of this 939 property. Although the quiet title suit is over at the state level. The legal process was fraud upon the court; so there is no statute of limitation; grant deed restriction cannot be revoked at the state level. Enclosed is a copy of the grant deed restriction; a new lawsuit is brewing in federal court.

The building permit is a year out, and the financing of the construction might not even be obtained. This is a huge project for this small developer, who has never develop such a large house, with a small budget on a 5,100 sf is not feasible; a badly unsafe dangerous house with less than three hundred dollars a square foot is ridiculous. This project makes no sense for anyone, not even for developer.

Permit Details Report

Report Date: 1/25/2024 12:50:14 PM

Application Number: 202107094044
 Form Number: 6
 Address(es): 0072 /021 /0 939 LOMBARD ST
 Description: DEMOLITION OF A TYPE V, 1 STORY, CARPORT
 Cost: \$15,000.00
 Occupancy Code:
 Building Use: -

Disposition / Stage:

Action Date	Stage	Comments
7/9/2021	TRIAGE	
7/9/2021	FILING	
7/9/2021	FILED	
12/26/2023	PLANCHECK	
12/26/2023	APPROVED	
1/11/2024	ISSUED	

Contact Details:

Contractor Details:

License Number: OWN
 Name: OWNER OWNER
 Company Name: OWNER
 Address: OWNER * OWNER CA 00000-0000
 Phone:

Addenda Details:

Description:

Station	Rev#	Arrive	Start	In Hold	Out Hold	Finish	Checked By	Review Result	Hold Description
CPB		7/9/21	7/9/21			7/15/21	WONG ALBERT		7/9/21: W/ NEW BUILDING PA#202107094046 -AKW
CP-ZOC		7/15/21	7/6/23			7/6/23	MAY CHRISTOPHER		7/6/23 Approved: Demolition of existing 1-story, 2-car garage at the front of the lot. (CM)
BLDG		7/10/23	8/23/23			8/23/23	LEE MIRA	Issued Comments	
BLDG	1	10/16/23	10/18/23			10/18/23	LEE MIRA	Approved	Approved Garage demo 10/18/23 Approved Demo
DPW-BSM		9/25/23	9/26/23			9/26/23	CHOY CLINTON	Approved	Pre-construction site meeting required by BSM Street Inspection. Call (628) 271-2000 to schedule.
DPW-BUF		10/2/23	10/2/23			11/30/23	HOFFMAN DANIEL	Approved	Tree protection plan approved. Existing tree must be protected during DEMO and Building .

PPC		12/22/23	12/22/23			12/22/23	WAI CHUNG WONG	Administrative	12/22/23: To CPB w/4046; kw 12/11/23: Travelling to DPW-BSM w/4046; kw 11/30/23: To hold bin #46 w/4046;mml 11/1/23: To hold bin #46 pending for DPW-BUF approval w/4046; kw 10/18/23: Travelling to SFFD w/4046; kw 10/16/23: To Mira Lee's desk per request w/4046; kw 10/13/23: To hold bin #46 pending for BLDG, & BUF approval w/4046; kw 9/27/23: Travelling to SFPUC w/4046; kw 9/25/23: To SFFD w/4046; kw 8/23/23: Travelling to SFFD w/4046; kw 7/25/23: To BLDG Site bin #6 for assignment w/4046; kw 7/10/23: Route to Pre-Plan Check Team to screen for review times/tiers and OTC eligibility w/4046; KW 7/15/21: To CP-ZOC (planning) w/ 202107094046 s; nl
CPB		12/22/23	12/26/23			1/11/24	CHAN AMARIS	Administrative	1/11/24: ISSUE. CONTACT CUSTOMER FOR PICK UP. AMARIS. 1/10/24: ASBESTOS REPORT (N/A) RECEIVE. NEW 300 PACKAGE & OWNER BUILDER WITH ID RECEIVE. PENDING FOR PAYMENT. RESEND INVOICE. AMARIS. 1/05/24: 27 PAGES. PLAN SHARE WITH PA# 202107094044 & PA #202107094046-S. PENDING FOR ASBESTO REPORT, NEW 300 PACKAGE, DOCS & PAYMENT. AMARIS. 1/3/24: invoiced. rec'd J#, green halo tracking #. missing asbestos report, contr stmt/owner builder form, mailing list/labels. gs 12/26/23: approved. need payer info, contr stmt, J#, DDRP, asbestos rept, new (1) set mailing labels, mailing list. emailed Curtis Hollenbeck. gs



Date Filed: January 25, 2024

**CITY & COUNTY OF SAN FRANCISCO
BOARD OF APPEALS**

PRELIMINARY STATEMENT FOR APPEAL NO. 24-006

I / We, **Martin Eng**, hereby appeal the following departmental action: **ISSUANCE of Site Permit No. 2021/07/09/4046** by the **Department of Building Inspection** which was issued or became effective on: **January 11, 2024**, to: **Byrnes Special Works LLC**, for the property located at: **939 Lombard Street**.

BRIEFING SCHEDULE:

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The reasons for this appeal are as follows:

See attachment.

Appellant :

Signature: Via Email

Print Name: Martin Eng, appellant

The health hazard against the elementary school with kindergarten right next door.

All dusts, chemicals, noise, parking hazards (parents double park right in front of 939 Lombard) will cause serious health dangers for all of us, for the many thousands of tourists walking by 24/7; some will jaywalked from the middle of the street to across the street.

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If demo; a complete solid coverup for the whole demo without any dusts to escape into the air, plus water down and vacuum.

Then grow a garden with a professional florist horticulture company to grow colorful roses, plants, small trees. The big tree that overlapped the lot line next door must be cut down totally I believe I am still the rightful owner of this 939 property. Although the quiet title suit is over at the state level. The legal process was fraud upon the court; so there is no statute of limitation; grant deed restriction cannot be revoked at the state level. Enclosed is a copy of the grant deed restriction; a new lawsuit is brewing in federal court.

The building permit is a year out, and the financing of the construction might not even be obtained. This is a huge project for this small developer, who has never develop such a large house, with a small budget on a 5,100 sf is not feasible; a badly unsafe dangerous house with less than three hundred dollars a square foot is ridiculous. This project makes no sense for anyone, not even for developer.

Permit Details Report

Report Date: 1/25/2024 12:51:13 PM

Application Number: 202107094046
 Form Number: 2
 Address(es): 0072 /021 /0 939 LOMBARD ST
 Description: TO ERECT 4 STORIES, NO BASEMENT, TYPE V-B, SINGLE-DWELLING UNIT
 Cost: \$1,484,000.00
 Occupancy Code: R-3
 Building Use: 27 - 1 FAMILY DWELLING

Disposition / Stage:

Action Date	Stage	Comments
7/9/2021	TRIAGE	
7/9/2021	FILING	
7/9/2021	FILED	
12/26/2023	PLANCHECK	
12/26/2023	APPROVED	
1/11/2024	ISSUED	

Contact Details:

Contractor Details:

License Number: OWN
 Name: OWNER OWNER
 Company Name: OWNER
 Address: OWNER * OWNER CA 00000-0000
 Phone:

Addenda Details:

Description: SITE.

Station	Rev#	Arrive	Start	In Hold	Out Hold	Finish	Checked By	Review Result	Hold Description
CPB		7/9/21	7/9/21			7/15/21	WONG ALBERT		7/9/21: W/ DEMO PA#202107094044 - AKW
INTAKE		6/30/23	6/30/23			6/30/23	SAPHONIA COLLINS		REPLACED PLAN SET. APPLICANT WILL GIVE THE PLANS TO THE PERMIT CENTER
CP-ZOC		7/15/21	7/6/23			7/6/23	MAY CHRISTOPHER		7/6/23 Approved: New 4-story single-family dwelling (approx. 4,828 square feet) at front of the lot per DRA-829. (CM)
CP-NP		3/21/23	3/21/23	3/21/23	3/24/23	7/6/23	MAY CHRISTOPHER	Administrative	3/21/23: Emailed 311 cover letter - Vlad 3/24/23: Mailed 311 notice 4/4/23; Expires 5/4/23 - Vlad DR not taken by CPC on 6/29/23, approved as revised (CM)
CP-DR		3/7/23	12/22/23			12/22/23	LIANG XINYU	Administrative	
BLDG		7/10/23	8/15/23			8/15/23	OSPITAL JOSEPH	Administrative	REASSIGNED

BLDG		7/10/23	8/22/23			8/23/23	LEE MIRA	Issued Comments	
BLDG	1	10/16/23	10/18/23			10/18/23	LEE MIRA	Approved	Approved 4 story single family house
SFFD		8/23/23	9/25/23			9/25/23	NEEDHAM EILEEN	Issued Comments	Routed to Needham bin 8/25/23. Fire Flow Required, 09/25/23, EN, ABOO5 Required for rear building access, Front Gate cannot be a solid piece, need to see through. Signage needed for rear building address, (place on front building) (NOT on Gate) No rear gate allowed on exit access. No utilities of any kind or storage allowed in exit access area. Routed to PPC 09/25/23
SFFD	1	10/18/23	11/1/23			11/1/23	NEEDHAM EILEEN	Approved-Stipulated	Routed back to Needham bin 10/30/23. LP 11/01/23,EN,APPROVED,PLANS TO PPC.
DPW-BSM		9/25/23	9/26/23			9/26/23	CHOY CLINTON	Issued Comments	SITE (TIER 3) 9/26/23: For new ground up construction, new planters do not meet PW code, Section 723.2. Applicant will need to clarify on paper set. Official sidewalk width is 15-feet. Also, new planter will need neighborhood notification with submitted permit package before SITE permit sign off.
DPW-BSM	1	12/11/23	12/12/23			12/12/23	CHOY CLINTON	Approved-Stipulated	BSM sign off on Job Card required prior to DBI final. Subject to all conditions of BSM: #23IE-00460 & 23MSE-00380.
DPW-BUF		8/8/23	8/8/23			11/30/23	HOFFMAN DANIEL	Approved	Tree protection approved. New building has street tree requirements. 27ft frontage requires one(1) tree. Also please review tree protection requirements online http://sfpublicworks.org/treeprotection .
SFPUC		9/27/23	10/12/23			10/13/23	FONG JEFFREY	Issued Comments	Pending additional info and PDF files. jfong@sfgwater.org 10/13/23.
SFPUC	1	10/13/23	10/13/23			10/13/23	FONG JEFFREY	Approved	Permit has been assessed a Capacity Charge. DBI will collect charges. See Invoice attached to application. jfong@sfgwater.org . Plans are with the applicant. 10/13/23.
PERMIT-CTR		6/30/23	6/30/23			7/6/23	PERMIT CENTER USER		06/30/2023: Project received by Permit Center Team and transferred to SF Planning Intake for review (CP-ZOC). Applicants may contact pic@sfgov.org for further project updates. -HB
PPC		12/22/23	12/22/23			12/22/23	WAI CHUNG WONG	Administrative	12/22/23: To CPB w/4044; kw 12/13/23: Emailed to Victoria Lewis to sign off CP-DR; kw 12/11/23: To DPW-BSM per Rassendyll Dennis request w/4044; kw 11/30/23: To hold bin #46 pending for DPW-BSM approval w/4044;mml 11/1/23: To hold bin #46 pending for DPW-BSM & DPW-BUF approval w/4044; kw 10/18/23: To SFFD per BLDG w/4044; kw 10/16/23: To Mira Lee's desk per request w/4044; kw 10/13/23: To hold bin #46 pending for BLDG, SFFD & BSM approval w/4044; kw 9/27/23: To SFPUC w/4044; kw 9/25/23:

									To DPW-BSM w/4044; kw 8/23/23: To SFFD w/4044; kw 7/25/23: To BLDG Site bin #6 for assignment w/4044; kw 7/10/23: Route to Pre-Plan Check Team to screen for review times/tiers and OTC eligibility w/4044; KW 7/15/21: TO CP-ZOC (planning) w/ 202107094044; nl
CPB		12/22/23	12/26/23			1/11/24	CHAN AMARIS	Administrative	1/11/24: ISSUE. CONTACT CUSTOMER FOR PICK UP. AMARIS. 1/10/24: GH794-495-5770 REIVE. PENDING FOR PAYMENT. RESEND INVOICE. AMARIS. 1/05/24: 27 PAGES. PLAN SHARE WITH PA# 202107094044 & PA #202107094046-S. GREEN HALO REQUIRE. PENDING FOR GH & PAYMENT. AMARIS. 1/3/24: invoiced. waiting for owner builder form, disclosure form. gs 12/28/2023: SFUSD fee included to issuance fee.ay 12/28/2023: SFUSD form sent for calculation, permit not ready to be issued.ay 12/26/23: approved. SFUSD req'd, waiting for school fee calc. need payer info, contr stmt, disclosure form. travelling together w/ demo PA #202107094044. emailed Curtis Hollenbeck. gs

BRIEF SUBMITTED BY THE APPELLANT(S)

Appeal No.: 24-005 and 24-006

Appeal Title: Eng vs. DBI, PDA

Subject Property: 939 Lombard Street

Permit Type: Site Permit & demolition permit

Permit No.: 2021/07/09/4046 and Permit 2021/07/09/4044

**Hearing Date: Wednesday, March 27, 2024, 5:00 p.m., Room 416 San Francisco
City Hall,**

**Appeal the Demolition & Building Permits issued to 939 Lombard Street on
1/11/2024 Block 0072, Lot 021**

From: Martin Lee Eng

953 Lombard Street, San Francisco, CA 94133

415-246-1111 mobile

eagle5555@live.com

me2461111@gmail.com

Subject: Urgent Concerns regarding the overall tourism, image and the impact on the kindergarten children mental IQ

Dear Honorable commissioners, elected officials, to whom it may concern:

Governor Newsom shoved down our throats to demand California to build more housing without planning. San Francisco is no exception, planning commission and the

supervisors have marching order to approve just about housing. Unjustly enriching some unscrupulous greedy unconscionable developers.

Zoning bonuses seem to be given away for free.

939 developer Mr. Enda Keane who holds these permits attempt to bribe the school district, telling the Yick Wo school people and principal Alfred Sanchez that a donation can be forth coming. (sancheza4@sfusd.edu)

The health hazard against the elementary school with kindergarten right next door. All dusts, chemicals, noise, parking hazards (parents double park right in front of 939 Lombard) will cause serious health dangers and traffic deaths for everyone, for the many millions of tourists walking by 24/7; some will jaywalked from the middle of the street to across the street so just to avoid walking pass the dirty noisy construction site.

One major overlooked liability can be against the city, officials, employees, school officials... in billions of dollars. The young school children can suffered intellectual disabilities and cancer...shorten their lives, permanent damages and became a tax burden to society. Class actiont lawsuit can be forth coming if built.

There are law cases and actual incidents If a CEQA exemption causes injury to the public or citizens, it is possible for the public officials to be held liable for CEQA violations. Public officials who approve projects without complying with CEQA can be held personally liable for any resulting environmental damage.

There are plenty of lawyers will file a class action lawsuit for billions on behalf of the children and even adults. There are medical firms that will prepare the class action lawsuit in advance of years ahead; to take the baseline medical exams, health screenings, and health monitoring programs. Some of these services may be tailored specifically for children or vulnerable populations. Cognitive IQ of these school children and adults will be retarded.

A need for development, we must also consider the broader implications for our beloved city. Common sense alone is enough to kill the project.

Health Hazards:

The proximity of the elementary school with kindergarten right next door raises serious concerns. Dust, chemicals, noise, and parking hazards (parents double-parking in front of 939 Lombard) pose health risks to all of us, including the many tourists walking by 24/7. Some pedestrians will jaywalk across the street to avoid the construction risk; causing potential deaths from the speedsters down the famous steep hill,

CEQA Compliance:

If a CEQA exemption causes harm to the public or citizens, public officials can be held liable for CEQA violations. Approving projects without complying with CEQA may result in personal liability for environmental damage.

The zoning actually allow 3 units, but choose to build one big house with full height.

There is actually a renovated new 4,000 sf house in the rear already.

Selling these two large size houses will be difficult.

This outrageous permit is not good for anyone; not even for the developers and owner user. 1. Bad for the SF city revenue; 2. Bad for SF image; 3. Shameful ugly project for Russian Hill; 4. Laughing stock for the 50 million tourists walking & driving down the world famous crookedest street; 5. Risky project for the developer, possible eyesore and bankruptcy; 6. Take away resources from the affordable housing; 7. Risky for the buyers and renters due to noise from the school, landslide, earthquake; 8. Bedrock will be damaged:

There are different types of damages that can occur from a bedrock foundation for a 46' tall new house construction.

- A. **Cracking:** This is when the foundation develops cracks due to stress, settlement, or movement. Cracks can vary in size, shape, and location, and can indicate different levels of severity and causes. .
- B. **Bowing:** This is when the foundation walls curve inward or outward due to lateral pressure from the soil, water, or frost. .
- C. **Heaving:** This is when the foundation is pushed upward by the expansion of the soil beneath it. Heaving can be caused by freezing and thawing cycles, clay soils, or tree roots.

D. **Sinking:** This is when the foundation settles or sinks into the ground due to soil compaction, erosion, or poor drainage. Sinking can cause cracks, gaps, and misalignment in the foundation, walls, and doors. Sinking can also affect the slope and drainage of the property.

A long list of negative information:

1. Danger of unexpected personal liabilities:

If a CEQA exemption causes injury to the public or citizens, it is possible for public officials to be held liable for CEQA violations. Public officials who approve projects without complying with CEQA can be held personally liable for any resulting environmental damage.

2. Common sense that all the schools that are presently surrounded by residential buildings were built before the school was built or at least not right next to the school on the lot line like this Yick Wo Elementary School; closest one can get.

3. Most parents are too busy that they don't even heard of the new housing building permit at all; and lack of knowledge of the construction danger that can impede their little kindergarten children mental disability. Some are immigrant alien parents who have to work and let alone to even think about the child welfares.

4. The modern, simple, ugly design house with cheap unhealthy building materials will be a laughing stock among the sophisticated tourists.

5. The cheap ugly house will hurt the image of San Francisco with millions of tourists walking and driving by 24/7.

6. The new house will drag down the property values.

7. Developer can abandon the project or file bankruptcy if the construction funding gets cut off; it can be an eyesore site for many years.
8. A hard to sell vacant house can attract squatters, homeless, criminal gangs.
9. Hard to sell, the two houses will be very close together; even if one owner bought both houses, privacy is always an issue.
10. To build a nice decent home, it will take 3 times the budget amount.
11. Each of these two houses must be sold in the multi-millions each, so the houses left vacant is a high probability.
12. Well heeled buyers normally don't want to be next to a school. The two houses are extremely too close; privacy and security are serious issues.
13. City tax revenues will actually be hurt because overall properties will be sold for less. Permit fees, transfer taxes won't help much.
14. To build this house is to compete for bank loans and construction workers; it will hurt other viable low in housing projects
15. This house will not help the affordable housing or the middle class.
16. The two houses on the same lot combined selling price would well be over \$6 million; never will help the homeless, this ugly monster project can sit and rot if it ever gets built.
17. Developer is not financially strong, it can be an unfinished project that can create an eyesore, a haven for squatters, homeless, drug use.
18. Many incidents of homeless invading the stairs, yards...to sleep and charging their mobile phones.

19. All dusts, chemicals, noise...will render the school functions useless much of the times.

20. Parking hazards (parents double park right in front of 939 Lombard) will cause serious dangers for all of us, car traffic too.

21. For the many thousands of tourists walking by 24/7; many will jaywalked from the middle of the street just to avoid this construction site. Traffic deaths are not unusual.

We are all warned.

22. The project is situated a mere 300 feet away from the famous crooked hillside block in Russian Hill. However, it is concerning that there is no explicit mention of its proximity to an elementary school in the available information. This omission raises questions about transparency and accountability.

23. Noise alone will disturb the special needs of autistic school children.

24. Alternative construction sites farther from schools should be explored.

25. Nullification of the Permit: Given the potential risks, we request a reevaluation of the building permit for 939 Lombard Street. If necessary, we advocate for the nullification of the permit until comprehensive studies address health concerns adequately.

26. The proposed four-story building with single-family dwellings will significantly alter the neighborhood landscape. Community engagement is crucial. We must actively involve parents, teachers, and local residents in discussions about the project's impact.

The health and safety of our children should be at the forefront of any decision-making process.

27. Medical surveillance is a proactive approach that can help detect health issues early, especially in scenarios where exposure to hazardous conditions is a concern.

Here are some companies that provide baseline medical exams and ongoing monitoring for employees, including children:

1. Concentra: Concentra offers comprehensive medical surveillance services, including baseline exams, biologic monitoring, and follow-ups. Their clinicians assess employees' exposure to various hazards such as chemicals, extreme heat, and radiation. These measures allow employers to monitor health over time and detect abnormalities before they become severe¹.
2. Examinetics: Examinetics specializes in silica medical exams to keep workplaces compliant with OSHA standards. While their focus is on silica exposure, they conduct thorough exams that can be adapted to other hazardous conditions as well².

28. Can demolish the garage and build back a garden like it was for hundreds of years

29. The new house will displace the SF city birds, the green parrots.

30. The new house will cause rodents the size of a cat, foxes, raccoons...to lose their homes and overrun into the school buildings.

31. The loss of big trees that help to block off noises, give off fresh air will be lost.

32. The blocking of the sun will not be good for the children playground.

33. There were two grant deed restrictions to build. One was put on by the famous Cimino family about 100 years ago.

34. All past owners and potential buyers never intend to build an extra house, let alone is 5,100 sf, plus the 4,000 sf house already build in the rear.

35. Construction financing is tough. This is a huge project for this small developer, who has never develop in such prime area; ideally should be build with cash.

In conclusion, let us prioritize San Francisco's long-term appeal over short-term gains.

Responsible development should enhance our city, not detract from it. I implore you to take action to preserve the beauty and spirit of San Francisco.

Let us also prioritize the health and future of our children. Responsible development should not come at the cost of their well-being. We implore the relevant authorities to reconsider and act in the best interest of our community. Let us advocate for a San Francisco that continues to inspire awe and admiration.

Sincerely,

/s/ Martin Lee Eng

martin lee eng

BRIEF SUBMITTED BY THE PERMIT HOLDER(S)

REUBEN, JUNIUS & ROSE, LLP

Tara Sullivan
tsullivan@reubenlaw.com

March 21, 2024

President Jose Lopez
San Francisco Board of Appeals
49 South Van Ness Ave., Suite 1475
San Francisco, CA 94103

Re: Permit Holder Brief in Opposition of Appeals
Subject Property: 939 Lombard Street
Appeal Nos.: 24-005 & 24-006
Hearing Date: March 27, 2024

Dear President Lopez and Commissioners:

Our office represents Enda Keane, the sponsor of a project at the property located at 939 Lombard Street and the respondent in this matter (the “**Respondent**” and the “**Property**,” respectively) and holder of Building Permit Applications Nos. 2021.0709.4004 and 2021.0709.4046 (the “**Permits**”). The project consists of the demolition of the existing carport at the front of the Property and construction of a new single-family home in its place (the “**Project**”). This is a consolidated response to the Appeals of the above-mentioned Permits filed on January 25, 2024, by Mr. Martin Eng (the “**Appellant**”). We request that the Board of Appeals **deny** the Appeals and uphold the issuance of the Permits. This is the third time the Appellant has appealed city approvals in an attempt to stop the Project solely to protect his private views; he has not provided any legitimate grounds on which to base the Appeal or to overturn the Permits.

The Project has undergone multiple reviews by city agencies and bodies, which have approved or upheld the Project at every step of the way. While we respect the Appellant's concerns, there are no unusual circumstances that warrant the granting of these Appeals, nor is there any indication that the Project would have an extraordinary impact on any public or private interest.

I. PROPERTY DESCRIPTION

The Property is located on the south side of Lombard Street between Jones and Leavenworth Streets. The Appellant resides in the adjacent property directly to the west (see lot condition photos in **Exhibit A**). The subject Property measures 137.5 feet deep by 27.5 feet wide and is improved with a single-family residence located at the rear of the property, and a 512 square-foot one-story carport structure at the front property line. The Respondent purchased the property in 2018 and completed a renovation of the house at the rear of the lot in August 2019. After living in that house for several years, he moved out and leased it to the current tenant.

II. PERMIT/PROJECT HISTORY

In July 2021, the Respondent filed for the Permits to demolish the one-story carport structure and construct a new four-story, four-bedroom, 4,828 square foot home (3,778 square feet of habitable space), with two ground level parking spaces. The Project would provide a Code-compliant rear yard (equal to 25% the depth of the lot, or 34 feet) between the new home and the existing house at the rear of the Property (*see* Project Plans attached as **Exhibit B**). At 40 feet in height, the project complies with the 40-X Height/Bulk limit and is consistent with the massing of other buildings on the block.

The Project underwent the Planning Department's (the "**Department**") standard process for code compliance and design review, and the Project was found to be code-complying after

minor revisions. The Project underwent the 30-day Section 311 notice on or about April 5, 2023, which gave notice of the Department's intent to approve the Permits.

a. Discretionary Review Hearing at Planning Commission

On May 4, 2023, a request for Discretionary Review was filed by the Appellant under Planning Case No. 2021-07262DRP (*see* Discretionary Review Analysis for Case No. 2021-007262DRP-02 attached as **Exhibit C**). The Discretionary Review request raised several of the same issues as those in the present Appeals, including temporary construction impacts and neighborhood character concerns. The Department's staff found that the Project complied with the Planning Code, policies, and the Residential Design Guidelines (*see* **Exhibit C**). Further, staff noted that the Project would create a condition that is similar to adjacent neighbors – it is four stories in height and aligns with the front and rear walls of the adjacent street-front building. Ultimately, staff found that the Project was compatible with neighborhood character, noting that construction impacts were not within the purview of the Department to regulate.

On June 29, 2023, the Planning Commission heard the DR request and voted 4-2-1 to uphold the Project and *not* take Discretionary Review (*see* Discretionary Review Action Memo No. 829 attached as **Exhibit D**).

b. CEQA Appeal to Board of Supervisors

As part of the standard review of the Project and Permits, the Department's Environmental Review Team considered the Project for compliance with the California Environmental Quality Act ("CEQA"). The Project qualifies for a Class 1 (existing facilities) and Class 3 (new construction or conversion of small structure) exemption. A Class 1 exemption applies to a project that consists of work to an existing facility, including the demolition and removal of individual

small structures such as “accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences.” (CEQA Guidelines § 15301(l)(4).) A Class 3 exemption is available for the construction of a “new single-family residence, or second dwelling unit in a residential zone,” or a “duplex, or similar multi-family residential structure” containing no more than six dwelling units. (CEQA Guidelines §§ 15303(a) and (b).)

Because the Project calls for the demolition of the one-story carport structure at the front of the Property and the construction of a new single-family home that would share the lot with the existing home at the rear of the Property within the RM-1 district (Residential, Mixed, Low-Density), it qualified for both a Class 1 and Class 3 exemption.

On April 19, 2023, the Department determined that the Project was categorically exempt from CEQA. On July 28, 2023, the Appellant filed a CEQA appeal to the Board of Supervisors under Case No. 2021-007262APL. The Appellant raised issues as varied as the “potential hazard” of the retaining wall, the construction impacts that “would generate noise, dust, traffic and other disturbances”, the loss of animal habitat and greenery, and compatibility with the neighborhood (*see* Planning Response Memo for Case No. 2021-007262APL attached as **Exhibit E**). As with this Appeal, the Appellant spent much time speculating on possible impacts and negative consequences of the Project and said the only remedy was to deny the Project outright.

The Board of Supervisors heard the CEQA appeal on September 12, 2023, and at the conclusion of the hearing, voted unanimously 11-0 to uphold the Department’s CEQA determination and approve the Project (*see* Board Motion No. 23-122, attached as **Exhibit F**; *see also* BOS File No. 230887). The Board of Supervisors found that, based on the entirety of the record, that there were “no substantial project changes, no substantial changes in project

circumstances, and no new information of substantial importance that would change the conclusions set forth in the exemption determination by the Planning Department.”

Although CEQA determinations are not within the subject-matter jurisdiction of the Board of Appeals,¹ we felt that it was important to include this history to demonstrate to this Board that 1) the Appellant has already litigated most of the same issues in previous appeals; and 2) that the Project and its potential environmental effects have undergone significant review efforts and consideration by the city’s staff and officials (*see Exhibit E*). The Appellant’s raises the same arguments regarding the retaining wall, construction impacts, and disturbance to wildlife in this Appeal, none of which are under the legal purview of the Board of Appeals. We respectfully request that these arguments be thrown out of this Appeal.

III. STANDARD OF REVIEW

Under Charter Section 4.106(b), the Board of Appeals shall hear and determine appeals with respect to any person who “believes that his or her interest or the public interest will be adversely affected by the grant, denial, suspension or revocation of a license or permit.”

IV. APPELLANT’S ISSUES

a. Neighborhood Character Concerns

In addition to CEQA issues, the Appellant raises concerns with respect to neighborhood character. He says that the Project’ “modern, simple, ugly design house with cheap unhealthy building materials” will “be a laughing stock,” “hurt the image of San Francisco,” and “drag down property values.” We do not believe these serve as an adequate basis to grant the Appeals, as these are highly subjective opinions. Further, the Appellant does not provide any specifics about how

¹ San Francisco Administrative Code § 31.16(a).

the Project does not meet neighborhood character – what specifically is “out of character” with the adjacent properties? The Department staff reviewed the Project for design and it was found that it was compatible. Further, the Department’s Discretionary Review report (**Exhibit C**) notes that the Project “complied with the Planning Code, policies, and the Residential Design Guidelines.” Staff found that the Project would create a condition that is similar to adjacent neighbors – it is four stories in height and aligned with the front and rear walls of the adjacent street front building. In other words, staff found that the Project meets neighborhood character. As shown in Appellant’s Discretionary Review requests, CEQA Appeal, and this Appeal, he offered no architectural alternatives or design suggestions. The Appellant simply does not want to see a new home on the Property, which is zoned for residential use.

Additionally, Appellant notes that after the Project is built, the Property would have two residential structures on one lot, which he claims is out of character, and is not what potential buyers would want. These assertions seem particularly disingenuous given that it appears that the Appellant subdivided his lot, which is adjacent to the Property, in the early 1990s and constructed a four-unit building on the new lot, which is located at the rear of his original lot. Together, Appellant’s previous project resulted in two large buildings with a total of seven units, while the current Project before the Board would result in two homes that are no larger than the adjacent buildings (see **Exhibit A**). That Appellant is balking at the Project is telling – it is not neighborhood character he is concerned with; he does not want his views to be impeded and will do anything to that end to prevent them from being blocked.

b. Construction Concerns

The Appellant raises several issues with temporary construction impacts, that the Project “would generate noise, dust, traffic, and other disturbances” which would disrupt the adjacent neighbors, including the students at Yick Wo Elementary School. While we can appreciate this concern, construction near schools is common, and much larger projects in denser neighborhoods and near or adjacent to schools are successfully constructed without resulting in substantial disruption. Stringent permitting regulations and requirements related to the coordination of construction activities with various City agencies ensure the minimum feasible level of disruption to circulation on public rights-of-way and public safety. There is nothing unusual with the construction of a single-family home that would adversely affect the public interest.

In this case, construction is expected to take approximately 9-12 months total, with the structure being erected and exterior finished in about 14 weeks. The Respondent is committed to ensuring that construction is minimally disruptive to the adjacent neighbors, including Yick Wo Elementary School. In a dense urban environment, it is expected that there will be construction projects periodically, and there is nothing unusual about construction near a school. The Project’s construction will not cause the school to close and will not affect the use of the outdoor area.

Construction impacts are inherent in all construction projects in a tightly packed city like San Francisco. This is not an unusual circumstance and there are several systems in place to ensure that construction can be conducted safely with as minimal an impact as possible on neighboring properties and residences. The allegation that the Permits will not be executed in a safe manner is not an adequate reason to deny the Permits.

c. Retaining Wall - Foundation Concerns

The Appellant raises concerns over the stability of the proposed foundation and retaining wall, but this is something that will undergo extensive review by the Department of Building Inspection. The City's robust permitting and inspection requirements will ensure that the Project meets strict seismic requirements and does not compromise the integrity of the existing slope, areas in which the city's Building Inspection staff have highly specialized expertise. These issues were extensively discussed and considered in the CEQA appeal, and the Board of Supervisors found that the city's review of this component of the Project was sufficient.

Despite the fact that these concerns fall under CEQA and are not under the jurisdiction of the Board of Appeals, the foundation and retaining wall was thoroughly examined. A geotechnical report prepared for the Project on October 8, 2022, concluded that the Property is suitable for the Project and provided recommendations for ensuring that construction does not undermine the adjacent properties, including the school. More specifically, the Project would extend drilled piers deep below the bottom of the retaining wall—to 15 feet below the bottom of the neighboring foundation. The weight of the new building will be supported by these piers below the adjacent retaining wall and any potential horizontal load (i.e. surcharge) would occur well below the bottom of the retaining wall. Further, these new piers will act as “shear keys” for the soil behind the retaining wall—which means that by adding the new piers, the Project will actually reduce the load of the slope on the existing retaining wall.

The Appellant has failed to present substantial evidence as to how construction of the Project would impact the retaining wall or pose any geological risk to Yick Wo Elementary School.

d. Non-Board of Appeal Concerns

The Appellant's other concerns, such as those relating to property values, the Respondent's budget and financial well-being, and city tax revenue from a sale are not within the scope of permit review and do not provide a basis to overturn the Permits. The planning, design, environmental, and safety aspects of the Project have been repeatedly considered and analyzed by the City, and the Project has been approved and upheld several times already after an extensive review of the various concerns raised by Appellant.

V. CONCLUSION

The Project has undergone multiple reviews by City agencies and bodies, and each time the Project has been approved or upheld before the Permits for the Project were issued. The Appellant's concerns have been considered several times by the Department, the Planning Commission, and the Board of Supervisors, each of which found the Project supportable and approved it. While we respect the Appellant's concerns, there is nothing in the record that demonstrates that the granting of the Permits will adversely affect the public welfare or any interest of the public. We do not believe there are any unusual circumstances or other bases to further delay this Project. For these reasons, we respectfully request that the Board denies these Appeals and upholds the issuance of the Permits.

Very truly yours,

REUBEN, JUNIUS & ROSE, LLP

A handwritten signature in black ink, appearing to read "Tara", with a long horizontal flourish extending to the right.

Tara Sullivan

cc: Alex Lemberg, Vice-President
Rick Swig, Commissioner
John Trasviña, Commissioner
J.R. Eppler, Commissioner
Julie Rosenburg, Executive Director
Tina Tam, Deputy Zoning Administrator

Exhibits

- Exhibit A: Photographic Conditions of Site & Neighbors
- Exhibit B: 939 Lombard Street Project Plans
- Exhibit C: Discretionary Review Analysis, Planning Department 6/29/23
- Exhibit D: Discretionary Review Action Memo DRA-829, 7/31/23
- Exhibit E: Categorical Exemption Appeal Department Response, 9/1/23
- Exhibit F: BOS Motion No. 23-122

EXHIBIT A

Exhibit A: 939 Lombard Street Property/Context Map



Existing 939
Lombard Rear
House

Appellant's Property
945 Lombard

EXHIBIT B

GENERAL NOTES

CONTRACTOR RESPONSIBILITY

1. ALL WORK AND MATERIALS SHALL BE IN ACCORDANCE WITH THE LATEST RULES AND REGULATIONS OF THE NATIONAL BOARD OF UNDERWRITERS, THE LATEST EDITIONS OF THE NATIONAL ELECTRICAL CODE, THE NATIONAL PLUMBING AND MECHANICAL CODE, MOVING ON THE DRAWING SHALL BE CONSIDERED TO PERMIT WORK NOT CONFORMING TO THESE CODES.

2. ALL CONDITIONS NOT SPECIFICALLY DETAILLED ON THE DRAWINGS SHALL BE SIMILAR TO THOSE SHOWN ON BIDDING OR SHALL HAVE IDENTICAL CONDITIONS.

3. ALL WORK SHALL BE PROVIDED IN ACCORDANCE TO ALL REQUIREMENTS OF THE STATE OF CALIFORNIA ENERGY COMMISSION (TITLE 24) ENERGY EFFICIENCY STANDARDS FOR NEW OR EXISTING BUILDINGS. REFER TO SPECIFIC REGULATIONS AND MANDATORY FEATURES AND DEVICES AS NOTED BY THE ENERGY PERFORMANCE CALCULATION INCLUDED CLEARING IN THESE DOCUMENTS.

4. THE CONTRACTOR SHALL COMPLETE AND PERFORM ALL WORK IN A GOOD, PROFESSIONAL MANNER AT A LEVEL, QUALITY AND TOLERANCE CONSISTENT WITH THE STANDARDS OF THE CONSTRUCTION INDUSTRY. THE CONSTRUCTION DOCUMENTS ARE PROVIDED TO ILLUSTRATE THE DESIGN AND GENERAL INTENT OF CONSTRUCTION DRAWINGS AND TO SET THE HIGHEST QUALITY OF CONSTRUCTION, MATERIALS AND WORKMANSHIP THROUGHOUT.

5. ALL PLAN NOTES IMPLY THE WORDS "THE CONTRACTOR SHALL" OR "THE CONTRACTOR SHALL INSTALL" UNLESS OTHERWISE APPLICABLE. ITEMS LABELED "EXISTING", "EXIST OR SEE ARE" EXISTING AND SHALL REMAIN. ALL OTHER ITEMS AND NOTES NOT LABELED OR IDENTIFIED AS EXISTING SHALL BE CONSIDERED NEW AND SHALL BE PROVIDED BY THE CONTRACTOR.

6. CONTRACTOR TO MAINTAIN ALL PROPER WORKERS COMPENSATION AND LIABILITY INSURANCES.

7. CONTRACTOR SHALL MAKE SITE INSPECTIONS AND BE RESPONSIBLE FOR ALL HAZARD AND DISQUALITY WORK, WHETHER DETAILLED BY THE SPECIFICATIONS AND DRAWINGS OR IMPLIED BY EXISTING CONDITIONS.

8. ANY DISCREPANCIES IN THE CONSTRUCTION DOCUMENTS AT CONFLICT WITH ACTUAL SITE CONDITIONS SHALL BE INDICATED TO THE OWNER'S ATTENTION BEFORE PROCEEDING WITH THE WORK.

9. CONTRACTOR SHALL PROVIDE ALL TEMPORARY SHIELDS AS NECESSARY.

10. OWNER SHALL BE RESPONSIBLE TO COORDINATE AND PROVIDE ALL NECESSARY TEMPORARY UTILITY HOOK UP.

11. BIDDOR CONTRACTOR SHALL BE RESPONSIBLE FOR DISCONNECTION / CAPPING OFF OF ALL EXISTING UTILITIES.

12. COVER ALL WINDOW SIZES WITH ACTUAL / EXISTING ROUGH OPENINGS DIMENSIONS PRIOR TO ORDERING WINDOWS.

13. MECHANICAL AND ELECTRICAL WORK SHOWN ON DRAWINGS IS SCHEMATIC IN NATURE. RESPECTIVE SUBCONTRACTOR TO COMPLETE FINAL LAYOUT WITH OWNER PRIOR TO PROCEEDING WITH THE WORK.

DRAWINGS:

1. ALL DIMENSIONS TAKE PRECEDENCE OVER SCALE. THE CONTRACTOR SHALL NOT HOLD THE DRAWINGS WITH THE INTENT OF DETERMINING EXACT PLACEMENT OR LOCATION OF PARTICULAR FINISHES OR ALL DIMENSIONS ARE TO BE FACE OF STUD OR FINISH MEMBER UNLESS OTHERWISE NOTED.

2. VERIFY ALL DIMENSIONS AND CONDITIONS IN FIELD. REPORT ANY DISCREPANCIES TO ARCHITECT FOR RESOLUTION. DISCREPANCIES BETWEEN ARCHITECTURAL DRAWINGS OR MANUFACTURERS CONSTRUCTION DETAILS SHALL BE RESOLVED TO SATISFY THE MOST STRINGENT REQUIREMENT.

3. ALL DIMENSIONS ARE TO FACE OF STUD, UNLESS SPECIFICALLY NOTED OTHERWISE. EXISTING DIMENSIONS IDENTIFIED. ALL DIMENSIONS SHALL BE FIELD VERIFIED PRIOR TO PROCEEDING WITH WORK.

4. LARGE SCALE DRAWINGS TAKE PRECEDENCE OVER SMALL SCALE DRAWINGS. WRITTEN SPECIFICATIONS TAKE PRECEDENCE OVER DRAWINGS, INCLUDING THESE GENERAL NOTES.

5. REFER TO EXTERIOR ELEVATIONS FOR INDICATIONS OF WINDOW OPERATION AND HANDLES.

MECHANICAL AND ELECTRICAL (SEE M, P & E SHEETS FOR ADDITIONAL NOTES)

1. ALL INTERIOR COMMON AREA LIFT-TWO FLOOR, ETC SHALL BE PROVIDED WITH SWITCHING VIA CENTRAL PROFESSIONAL ENGINEER DESIGN WITH TIMER CLOCK SWITCH OVERLOAD, UNLESS OTHERWISE SPECIFIED.

2. RECEPTACLE OUTLETS SHALL BE SPACED 12'-0" MAX ALONG WALL.

3. ALL ELECTRICAL RECEPTACLES IN CHAMP LOCATIONS TO BE GROUND FAULT INTERRUPTER (GFI) AS PROVIDED PER CODE.

4. ISOLATE ALL AREAS BETWEEN HEATED AND UNHEATED AREAS. SEE TITLE 24 ENERGY COMPLIANCE STATEMENT MANDATORY MEASURES CHECKLIST FOR SPECIFIC REQUIREMENTS.

5. PROVIDE VENTILATION OF ALL LOBBY, STUD AND HALLWAY SPACES ENCLOSED BY BUILDING ASSEMBLIES BETWEEN HEATED AND UNHEATED AREAS INCLUDING ATTIC, BARRIERS, ROOMS, BOYFITS, PANNYPETS AND RAILING WALLS, ETC.

6. ALL DOORS BETWEEN HEATED AND UNHEATED AREAS SHALL BE PROVIDED WITH WEATHER STRIPPING AND THRESHOLDS.

7. PROVIDE MOISTURE RESISTANT GYPSUM BOARD (MR GWB) ON ALL BATHROOM WALLS. DO NOT USE A CONTINUOUS WATER BARRIER BEHIND MR GWB. PROVIDE 3/4" POLYURETHANE FLOOR JOINT SURFACE OF ALL TUB / SHOWER BUNDLES. LAYERS ALL BEAMS DO NOT USE MR GWB ON BATHROOM CEILING. USE 5/8" TYPE III GYPSUM.

8. PROVIDE BEARING STRIPS ON WATER HEATERS AND RARE TO AT LEAST 1" ABOVE FLOOR.

9. ALL ELECTRICAL AND MECHANICAL WORK SHALL CONFORM TO THE LATEST EDITION OF THE NATIONAL ELECTRICAL CODE (NEC) AND THE UNIFORM MECHANICAL (UMC) AND CALIFORNIA ENERGY COMMISSION FOR MANDATORY FEATURES AND DEVICES.

10. CONFIRM SIZE OF EXISTING ELECTRICAL SERVICE. VERIFY ELECTRICAL SERVICE REQUIREMENT FOR ANTICIPATED ELECTRICAL LOAD. MAKE RECOMMENDATIONS TO OWNER BEFORE COMMENCING NEW WORK.

11. PROVIDE GROUND FAULT CIRCUIT INTERRUPTER PROTECTION AT ALL RECEPTACLES WITHIN 6 FEET OF A SINK, INTERIOR DOWNDRAFT RECEPTACLE SHALL BE INSTALLED SO THAT NO POINT ALONG THE FLOOR LINE AT ANY WALL IS MORE THAN 6 FEET HORIZONTALLY FROM AND OUTLET.

12. ALL STANDARD ELECTRICAL RECEPTACLES IN GYPSUM BOARD SHALL BE MOUNTED VERTICALLY CENTERED AT 12" ABOVE THE FINISH FLOOR UNLESS NOTED OTHERWISE. ALL ELECTRICAL RECEPTACLES NOT SPECIFICALLY CONTROLLED ORIENTED ON PLANS SHALL BE CENTERED TO THE SURFACE OR WALL ON WHICH THEY ARE LOCATED. COORDINATE LOCATION OF RECEPTACLES AT BACK SPLASHES WITH ARCHITECT IN THE FIELD BEFORE INSTALLATION.

GENERAL NOTES CONT.

13. COORDINATE HEIGHT AND LOCATION OF SWITCHES IN BACK SPLASHES WITH OWNER / ARCHITECT BEFORE INSTALLATION. COORDINATE EXACT SPECIFICATION OF SWITCHES WITH OWNER. OWN ALL MULTIPLE SWITCHES AS COOLERS.

14. NO DISHWASHER MACHINE SHALL BE DIRECTLY CONNECTED TO A DRAINAGE SYSTEM OF FOOD DISPENSER WITHOUT THE USE OF AN APPROVED AIR GAP FITTING ON THE DISHWASHER SIDE OF THE DISH WASHING MACHINE. LISTED AIR GAPS SHALL BE INSTALLED WITH THE FLOOD LEVEL. WARNINGS AT OR ABOVE FLOOD LEVEL OF SINK OR DRAIN BOARD, UNLESS OTHERWISE NOTED, UPC 807.4

15. COLOR AND MATERIAL OF COVER PLATES SHALL BE AS SELECTED BY INTERIOR DESIGNER. MATCHING PLATES FOR DUPLEX RECEPTACLES BY INTERIOR DESIGNER. MATCHING PLATES FOR DUPLEX RECEPTACLES, CABLE, JACS AND PHONE JACKS.

16. PROVIDE AIR SPLITTING CONTROL OUTLET GRANTS AT ALL ELECTRICAL OUTLETS AND SWITCH ROOMS LOCATED ON INTERIOR WALLS.

17. GENERAL LIGHTING IN KITCHEN SHALL BE A 16W ENERGY SAVING, TYPICALLY FLUORESCENT FIXTURES RATED AT 40 LUMENS PER WATT OR BETTER. SEE MANDATORY REQUIREMENTS.

18. USE ELECTRICAL FIXTURES LISTED FOR LIGHT FIXTURE SPECIFICATIONS. CONTRACTOR TO COORDINATE ALL LIGHT FIXTURE SPECIFICATIONS WITH OWNER OR ARCHITECT PRIOR TO ORDERING. OWNER TO REVIEW AND APPROVE ALL LIGHT FIXTURES BEFORE ORDERING. NOTIFY THE ARCHITECT OF ANY LONG LEAD TIME ITEMS WHICH MAY ADVERSELY AFFECT THE PROJECT SCHEDULE.

19. CONTRACTOR SHALL COORDINATE THE EXACT LOCATION OF ALL FIXTURES WITH THE OWNER OR ARCHITECT IN THE FIELD BEFORE ELECTRICAL ROOMS ARE REFINISHED WITHOUT PRIOR LOCATION APPROVAL MAY BE REQUIRED TO BE RELOCATED AT THE CONTRACTORS EXPENSE.

20. SUBMIT MANUFACTURERS TECHNICAL PRODUCT DATA AND COMPLETE MAINTENANCE INFORMATION FOR ALL EQUIPMENT THAT REQUIRES PERIODIC MAINTENANCE TO CONTROL IMPACT OPERATIONS. PROVIDE ONE YEAR MINIMUM WARRANTY ON ALL INSTALLED EQUIPMENT AND PARTS.

21. FOR ALL AIR UNITS TO BE INSTALLED, VERIFY MANUFACTURERS REQUIREMENTS FOR POWER, GAS, VENT, CLEARANCES, ETC.

22. POWER TO COMPUTER SYSTEMS, CABLE, DATA, SECURITY AND PHONE REQUIREMENTS TO BE COORDINATED WITH ADDITIONAL CONSULTANT. PHONE JACKS ARE TO BE WIRING WITH THE OWNER AND COORDINATED WITH LISTED SYSTEMS.

23. ALL SWITCHES TO BE DIMMING. CONFIRM FLUORESCENT REQUIREMENTS WITH ARCHITECT / TITLE 24 ENERGY CALCULATIONS.

24. PROVIDE OUT SHEETS FOR ALL LIGHTING FIXTURES, SWITCHES, HEATERS RADIANT HEATING SYSTEMS, ETC.

25. ALL TELEPHONE JACKS TO BE CAT 5 WIRING.

26. TB UNBATCH COAX CABLE.

27. BRASSWARE FANS IN BATHROOMS MUST CONNECT DIRECTLY TO THE OUTSIDE AND MUST PROVIDE 60 MIN DRAINAGE PER HOUR. THEY MUST TERMINATE TO FIRST FLOOR AND DRAINAGE INTO THE BUILDING AND BE PROVIDED WITH BACKDRIFT DAMPERS, TYP. & CITY AND COUNTY OF SAN FRANCISCO GREEN BUILDING SUBMITTAL FOR DESIGN ETAR AND HURDLETEXT CODES AND CO CODE SECTION 4.05.1

28. SHOWERS AND TUB / SHOWER COMBINATIONS SHALL BE PROVIDED WITH INDIVIDUAL CONTROL VALVES OF THE THERMOSTATIC MIXING OR PRESSURE BALANCE TYPE. SHOWERS NOT TO EXCEED 2.8 GPM @ 80PSI PER VALVE AND 8" OVERHEAD.

29. ALL MANUFACTURERS AND / OR EQUIPMENT SHALL BE INCLUDED AND INSTALLED AS PER MANUFACTURERS SPECIFICATIONS AND RECOMMENDATIONS.

WATERPROOFING

1. All sheet metal work to be in accordance with the current edition of S.F.A.C.H.A. Standards

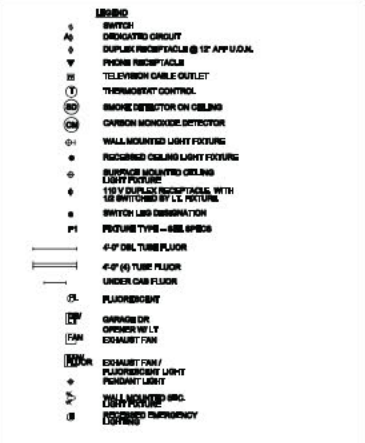
2. Provide galvanized steel metal roofing at all window and door heads, metal under window sills or eaves, eaves and building proper and over head frames of all new doors and windows.

3. Provide galvanized steel metal roofing at all roof conditions including but not limited to: perimeter edges, valleys, parapet caps, roof intersections, roof penetrations, etc. See also sheets for specific requirements.

4. All new exterior balconies to be finished over a minimum moisture barrier of two layers of 10 mil polyethylene (10 mil).

5. All manufacturers and / or equipment shall be tested and labeled as per manufacturer's specifications and recommendations.

ELEC SYMBOLS



Curie Holmbeck
 Architect
 875 Columbus Ave. #2
 San Francisco, CA 94133
 P: 415.644.8888
 mholmbeck@yahoo.com



03/01/25	POI COME
07/02/21	SITE PERMIT
07/02/21	N PRELAPP
Notes	

FIELD VERIFY ALL SITE CONDITIONS. REPORT ANY DISCREPANCIES TO ARCHITECT.

939 LOMBARD ST
 SAN FRANCISCO, CALIFORNIA
 LOT 021 / BLOCK 0072

Drawing Title
GENERAL NOTES / SYMBOLS

By: CH
 Date:
 Scale: NA
 Drawing No.:

A0.2

SHEET NOTES

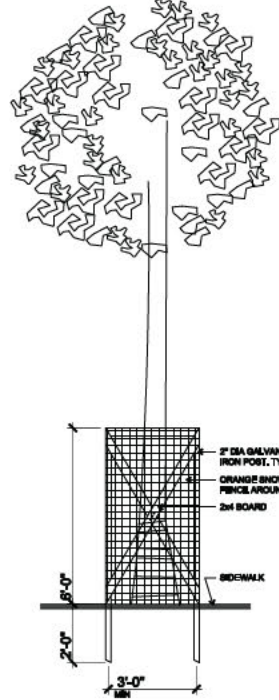
- 1 STIPPLE LINES INDICATE PORTION OF EXISTING STRUCTURE TO BE DEMOLISHED.
- 2 SEE BC1.2 FOR SOIL EXCAVATION CALCULATIONS
- 3 FIELD VERIFY ALL EXISTING CONDITIONS, REPORT ANY DISCREPANCIES TO OWNER/ARCHITECT/ENGINEER.

SOIL EXCAVATION CALCS

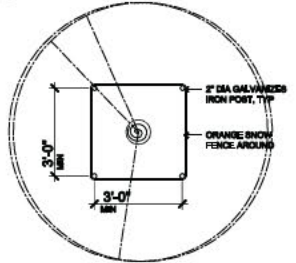
- 1 11'-0" x 16'-0" x 2'-0" = 412 / 27 = 15.3 YARDS
 - 2 4'-0" x 26'-0" x 2'-0" = 264 / 27 = 9.8 YARDS
 - 3 8'-0" x 26'-0" x 2'-0" = 528 / 27 = 19.5 YARDS
 - 4 2'-0" x 4'-0" x 1'-0" = 8 / 27 = .3 YARDS
- TOTAL EXCAVATION: 35.2 YARDS

SOIL FILL CALCS

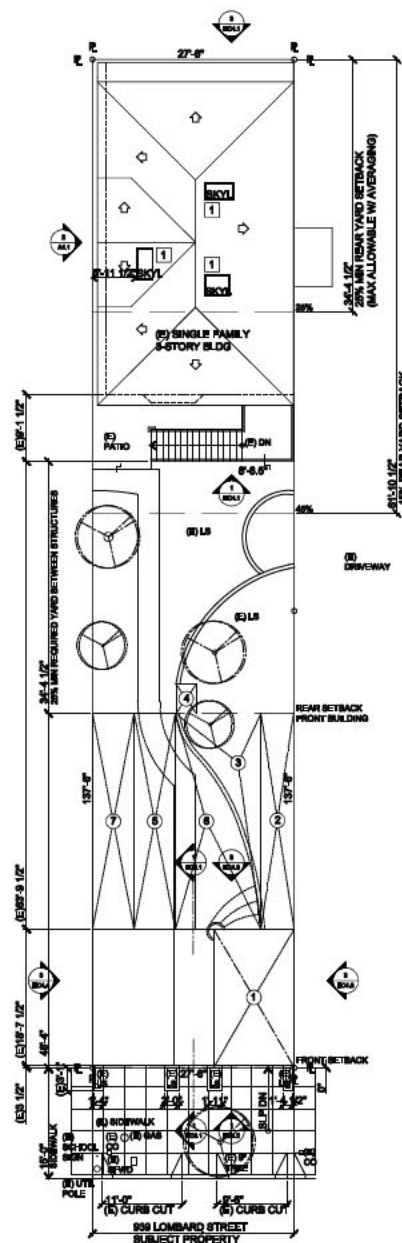
- 5 8'-7" x 26'-0" x 1'-0" = 123.1 / 27 = 4.6 YARDS
 - 6 11'-0" x 26'-0" x 1'-0" = 126 / 27 = 4.6 YARDS
 - 7 8'-0" x 26'-0" x 1'-0" = 86.4 / 27 = 3.1 YARDS
- TOTAL EXCAVATION (35.2 YARDS) + FILL (12.4 YARDS) = 47.6 YARDS



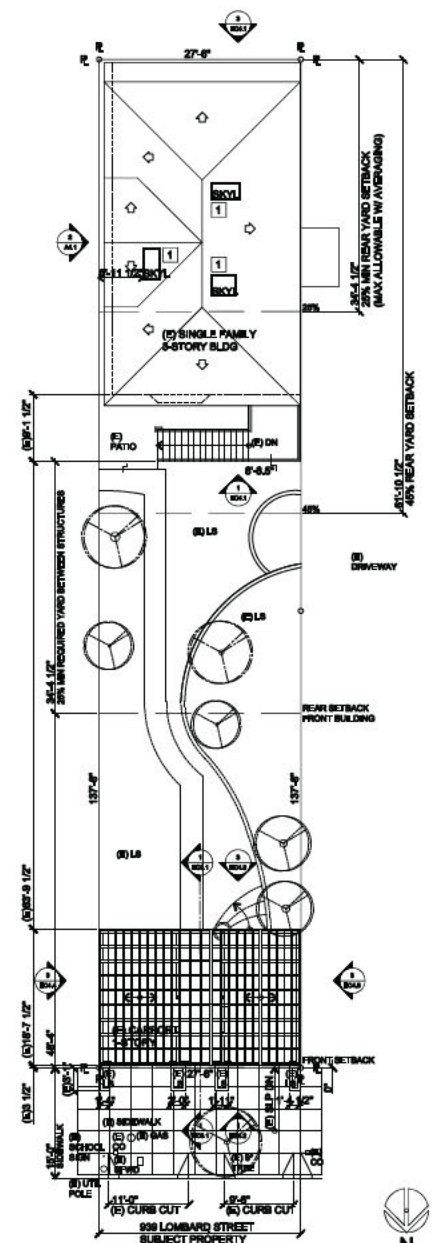
4 (E) STREET TREE PROTECTION
EC1.2 1/2"=1'-0"



3 (E) STREET TREE PROTECTION
EC1.2 1/2"=1'-0"



1 (E) SITE EXCAVATION PLAN
EC1.2 1/2"=1'-0"



1 (E) SITE / ROOF DEMOLITION PLAN
EC1.2 1/2"=1'-0"

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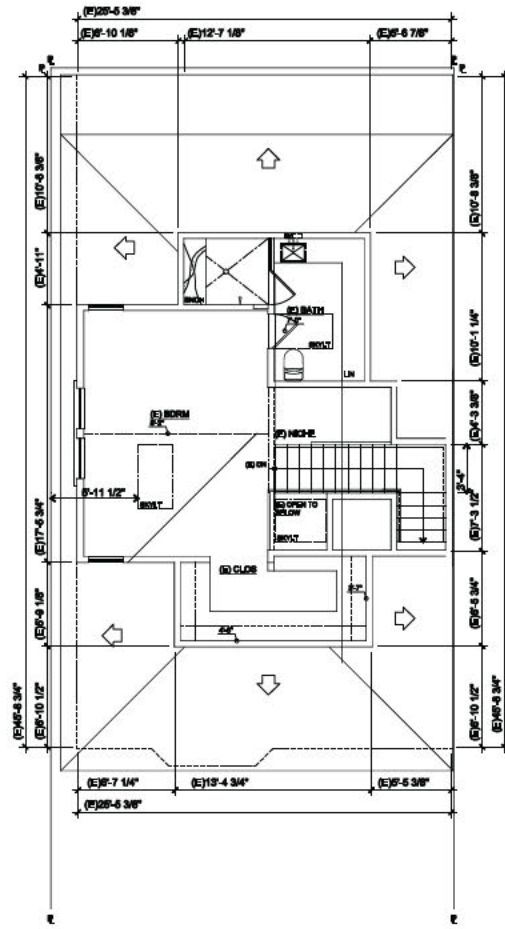
03/05	POI COMM
07/02	SITE PERMIT
07/02	H PLS-APP
07/02	H PLS-APP

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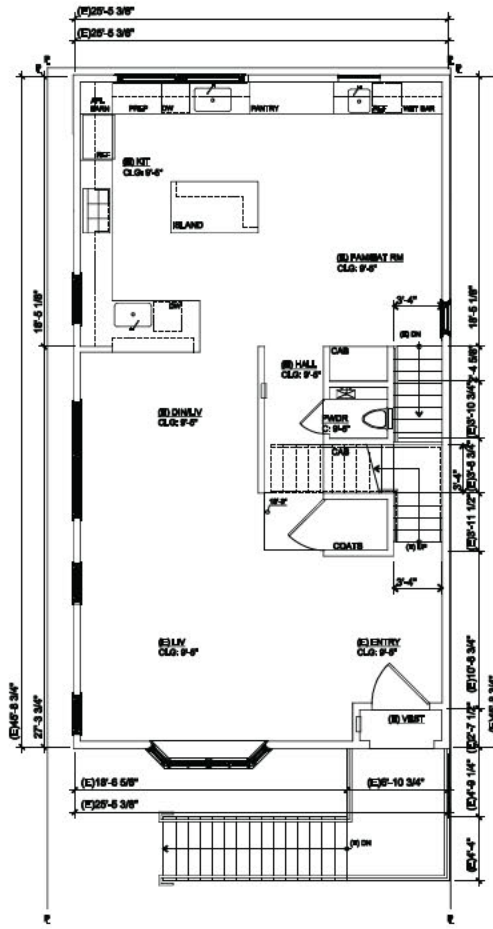
Site / Roof Demolition Plan + Soil Excavation

By: CH
Date:
Scale: AS NOTED
Drawing No.:

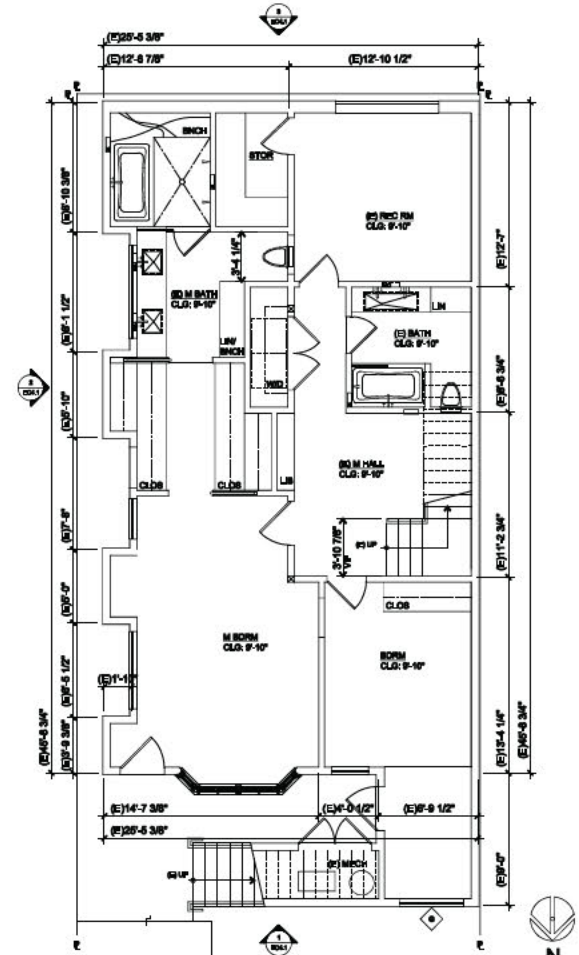
EC1.2



3 (E) FLOOR '3' PLAN (NO PROPOSED CHANGES)
1/11/17



2 (E) FLOOR '2' PLAN (NO PROPOSED CHANGES)
1/11/17



1 (E) FLOOR '1' PLAN (NO PROPOSED CHANGES)
1/11/17

07/02/11 SITE PERMIT
07/02/11 N PERM APP
Revisions

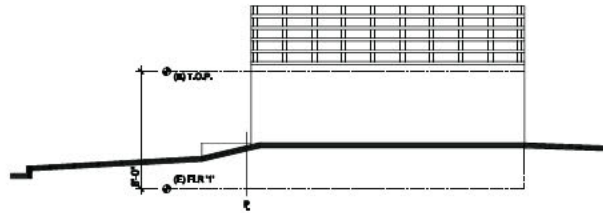
FIELD VERIFY ALL
EXISTING CONDITIONS.
REPORT ANY
DISCREPANCIES TO
ARCHITECT.

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Drawing Title
(E) FLR '1',
FLR '2' &
FLR '3' PLANS

BY CH
DATE
SCALE AS NOTED
DRAWING NO.

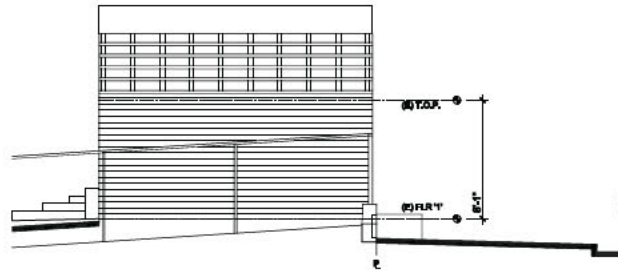
EC2.1



6 (E) REAR ELEV (WEST)
EC2.2



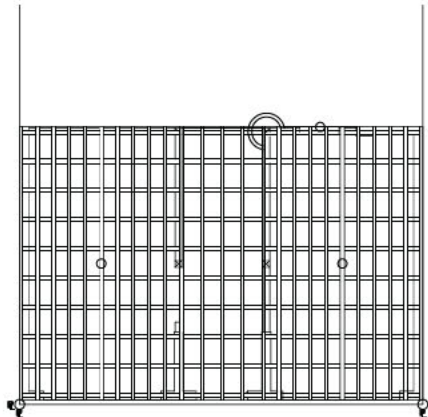
4 (E) REAR ELEV (SOUTH)
EC2.2



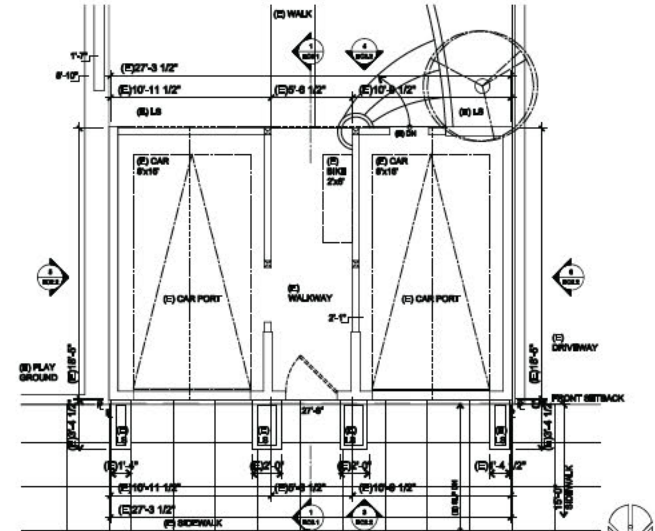
5 (E) SIDE ELEV (EAST)
EC2.2



3 (E) FRONT ELEV (NORTH)
EC2.2



2 (E) CARPORT ROOF PLAN
EC2.2



1 (E) CARPORT PLAN
EC2.2

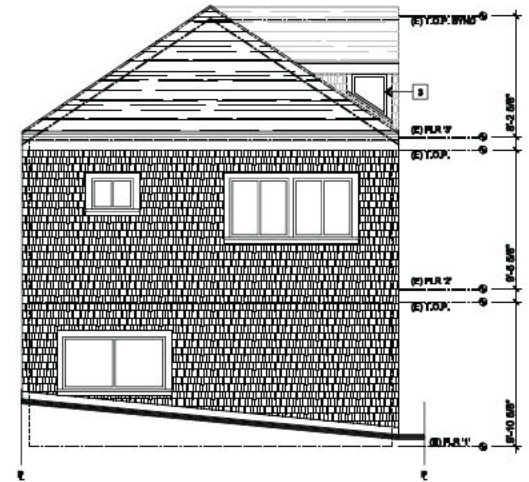
07/20/21 SITE PERMIT
07/20/21 H PERLAPP
Resubmission
FIELD VERIFY ALL
NOTED CONDITIONS.
REPORT ANY
DISCREPANCIES TO
ARCHITECT.

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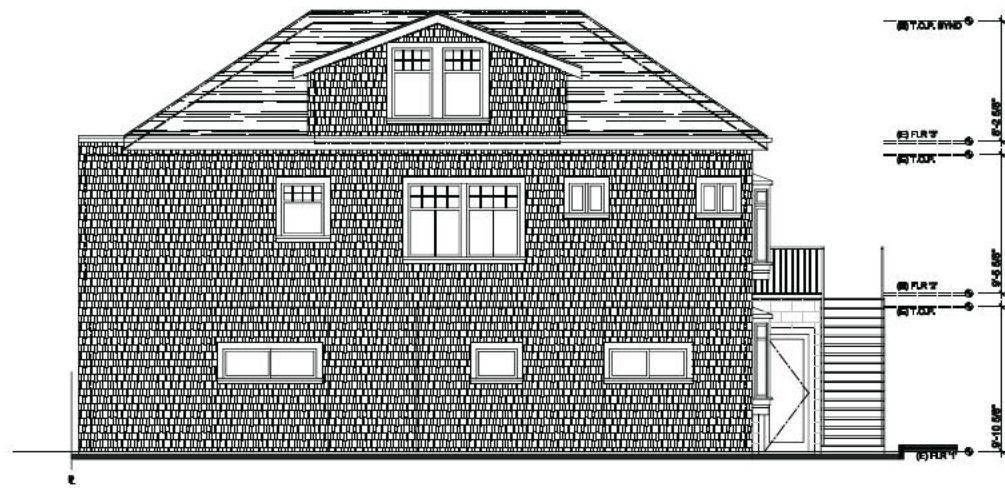
Drawing Title
(E) CARPORT
PLAN +
ELEVATIONS

By CH
Date
Scale AS NOTED
Drawing No.

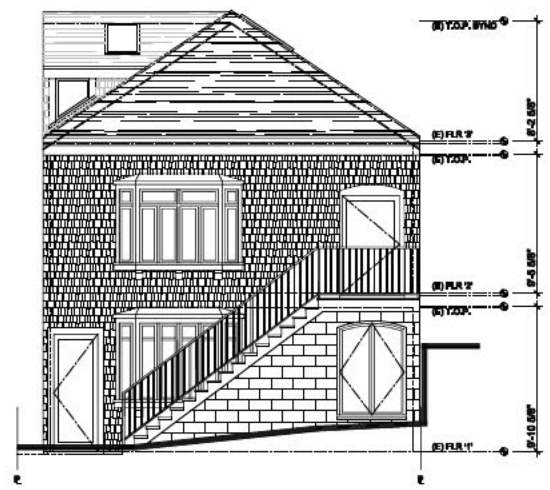
EC2.2



3 (E) REAR ELEVATION (SOUTH) (NO PROPOSED CHANGES)
 EC4.1 WVP



2 (E) SIDE ELEVATION (EAST) (NO PROPOSED CHANGES)
 EC4.1 WVP



1 (E) FRONT ELEVATION (NORTH) (NO PROPOSED CHANGES)
 EC4.1 WVP

OWNER	SITE PERMIT
OWNER	H PWS APP
REVISION	

FIELD VERIFY ALL EXISTING CONDITIONS. REPORT ANY DISCREPANCIES TO ARCHITECT.

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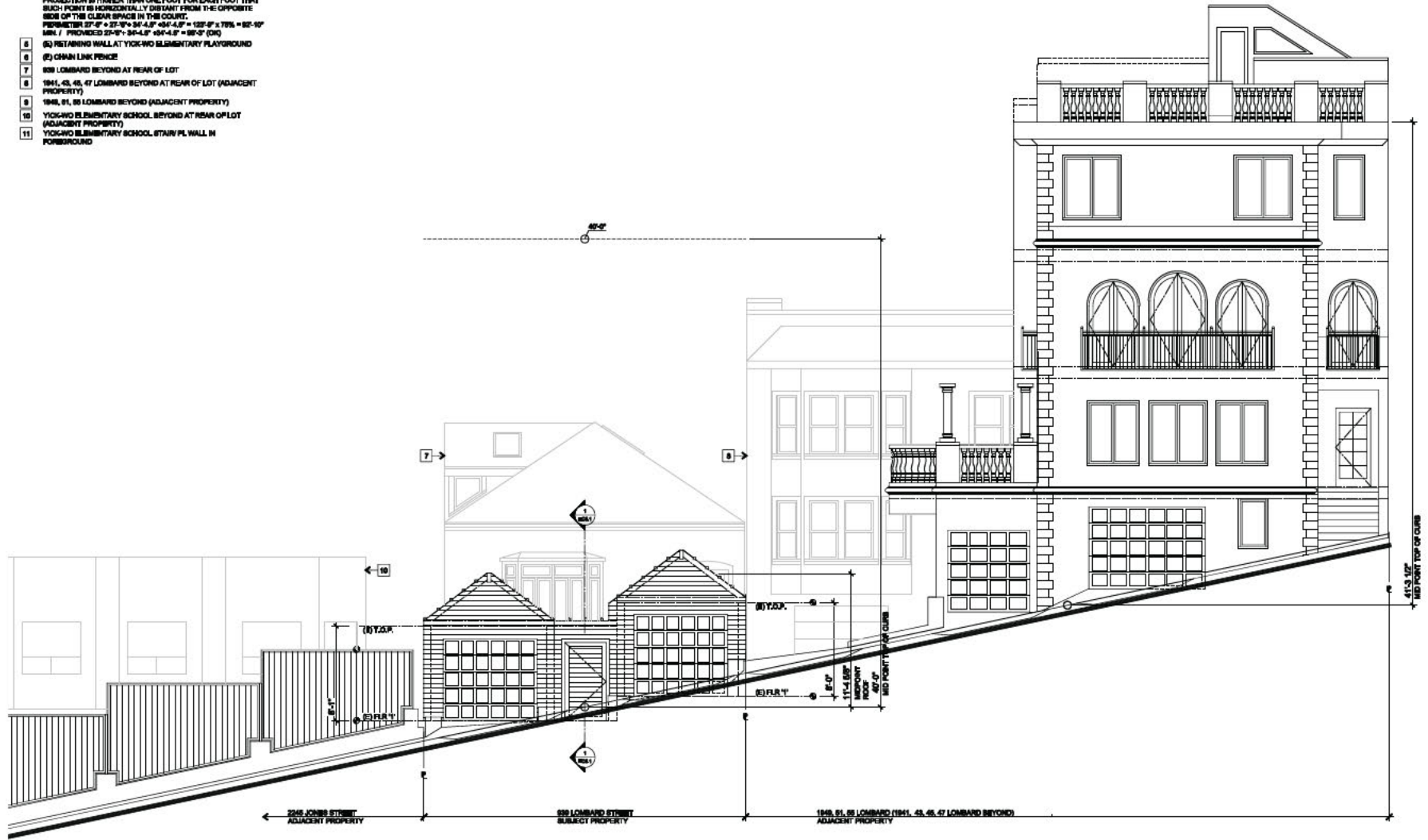
Drawing Title
 (E) EXTERIOR ELEVATIONS

By CH
 Date
 Scale AS NOTED
 Drawing No.

EC4.1

SHEET NOTES

- 1 FIELD VERIFY ALL EXISTING CONDITIONS. REPORT ANY DISCREPANCIES TO OWNER/ARCHITECT/ENGINEER.
- 2 DASHED LINE INDICATES ADJACENT BUILDING IN FOREGROUND.
- 3 DASHED LINE INDICATES ADJACENT BUILDING OPENINGS IN FOREGROUND (RED COLOR LINE TYPE)
- 4 MEETS REQUIREMENT OF 15% MIN. CLEARANCE OF THE COURT. THE HEIGHT OF THE BALCONY PROJECTIONS ABOVE THE COURT OR AT LEAST THREE SIDES (OR 75% OF PERIMETER, WHICH EVER IS GREATER) SUCH THAT NO POINT ON ANY SUCH WALL OR PROJECTION IS HIGHER THAN ONE FOOT FOR EACH FOOT THAT SUCH POINT IS HORIZONTALLY DISTANT FROM THE OPPOSITE SIDE OF THE CLEAR SPACE IN THE COURT.
PERIMETER: $127'-0" + 22'-0" + 24'-0" + 44'-0" = 127'-0" \times 75% = 95'-15"$
MIN. / PROVIDED: $22'-0" + 24'-0" + 44'-0" = 90'-0" (OK)$
- 5 RETAINING WALL AT YICKWAO ELEMENTARY PLAYGROUND
- 6 CHAIN LINK FENCE
- 7 838 LOMBARD BEYOND AT REAR OF LOT
- 8 1941, 43, 45, 47 LOMBARD BEYOND AT REAR OF LOT (ADJACENT PROPERTY)
- 9 1948, 81, 83 LOMBARD BEYOND (ADJACENT PROPERTY)
- 10 YICKWAO ELEMENTARY SCHOOL BEYOND AT REAR OF LOT (ADJACENT PROPERTY)
- 11 YICKWAO ELEMENTARY SCHOOL STAIR PL. WALL IN FOREGROUND



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07/02/21	H PLS-APP
Revised:	

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Drawing Title
(E) FRONT ELEVATION (NORTH)

By CH
Date
Scale AS NOTED
Drawing No.

1 (E) FRONT ELEVATION (NORTH)
EC4.2



EC4.2

SHEET NOTES

SEE EC4.2 FOR KEYED SHEET NOTES

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05/15/23	POI COMM
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07/02/21	H PLS APP
Finalize	

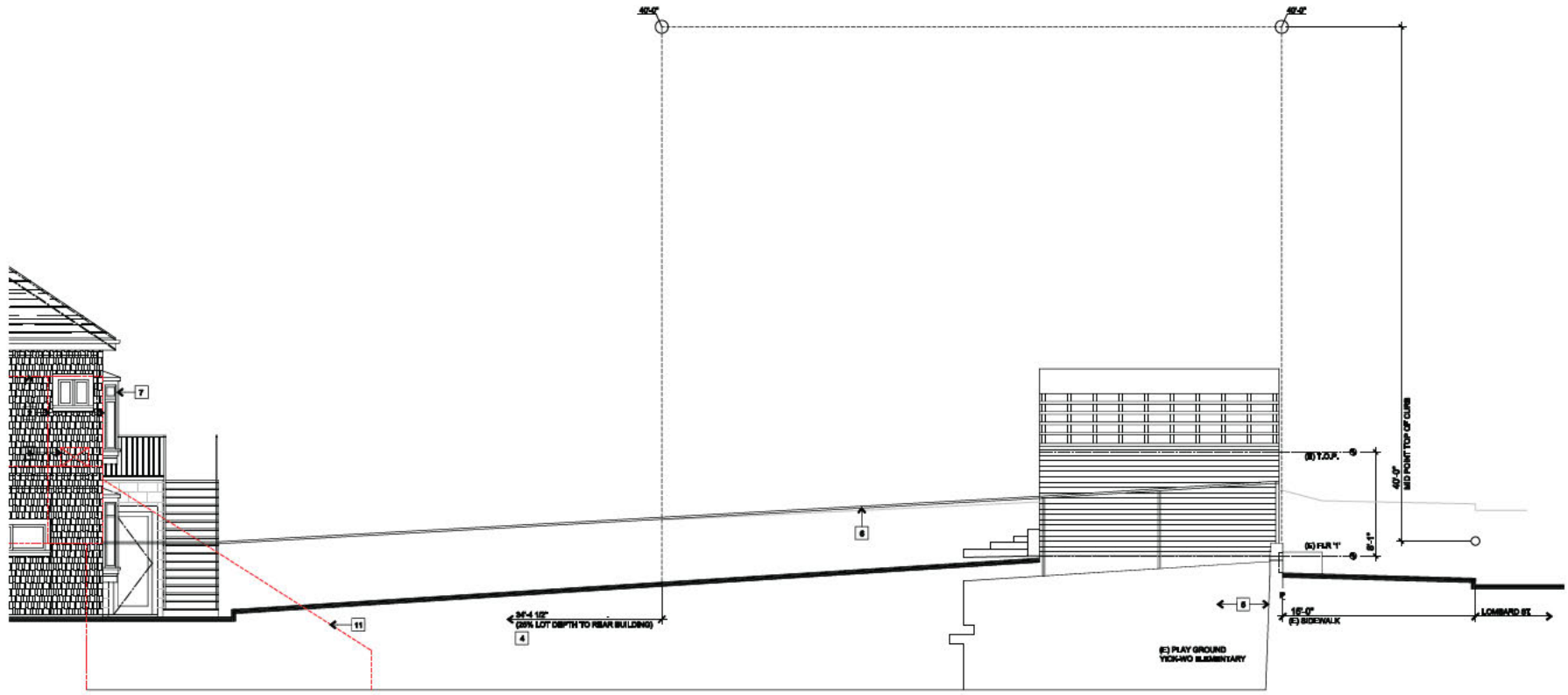
FIELD VERIFY ALL EXISTING CONDITIONS. REPORT ANY DISCREPANCIES TO ARCHITECT.

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Dwelling No.
(E) SIDE ELEVATION (EAST)

By: CH
Date:
Scale: AS NOTED
Drawing No.:

EC4.4



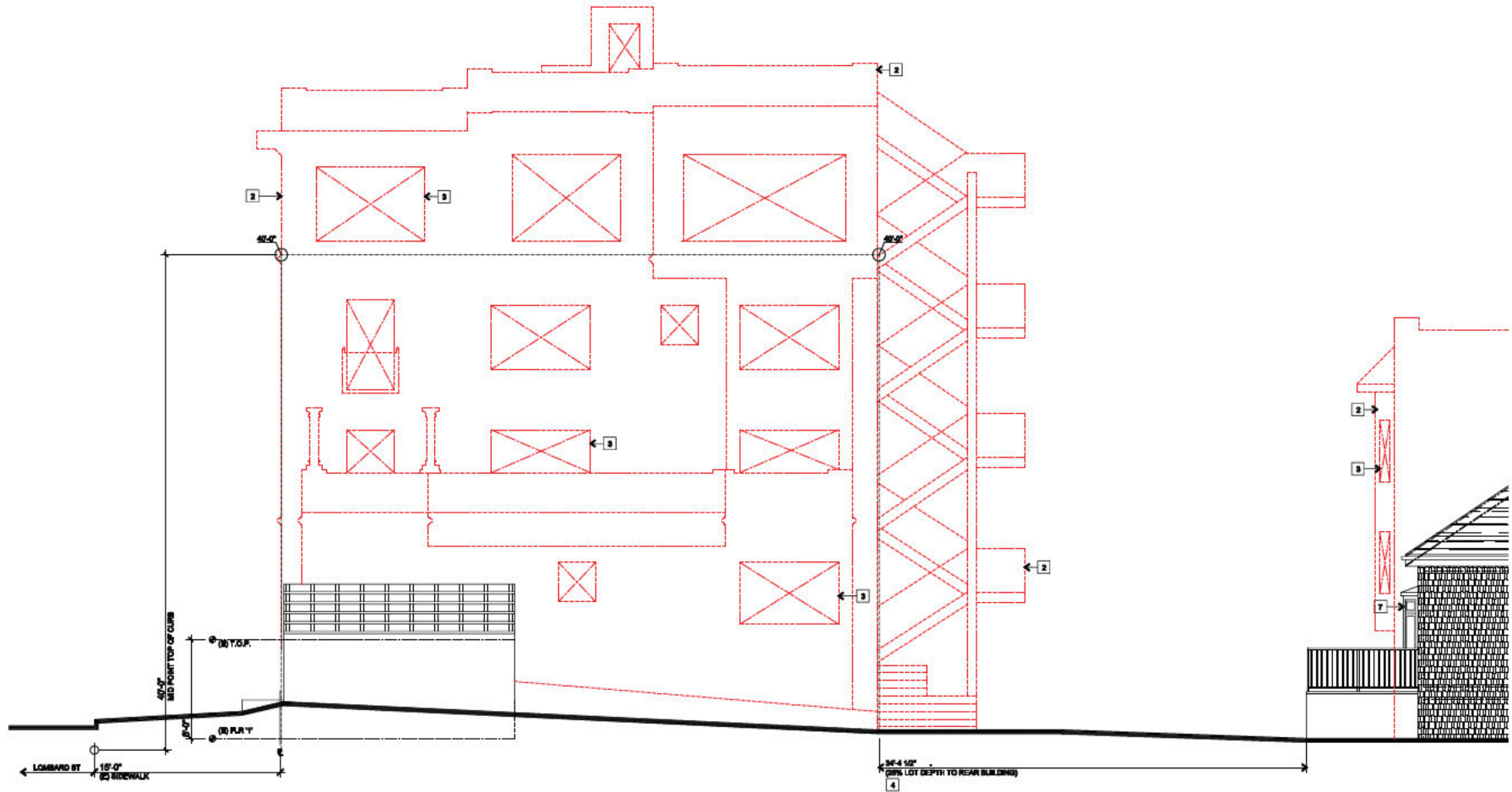
1 (E) SIDE ELEVATION (EAST)
EC4.4



SHEET NOTES

☐ SEE EC4.2 FOR KEYED SHEET NOTES

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030105 POY CGM
070821 SITE PERMIT
070821 H PLS APP
Redline
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EXISTING CONDITIONS.
REPORT ANY
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ARCHITECT.

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Drawing Title
(E) SIDE ELEVATION (WEST)

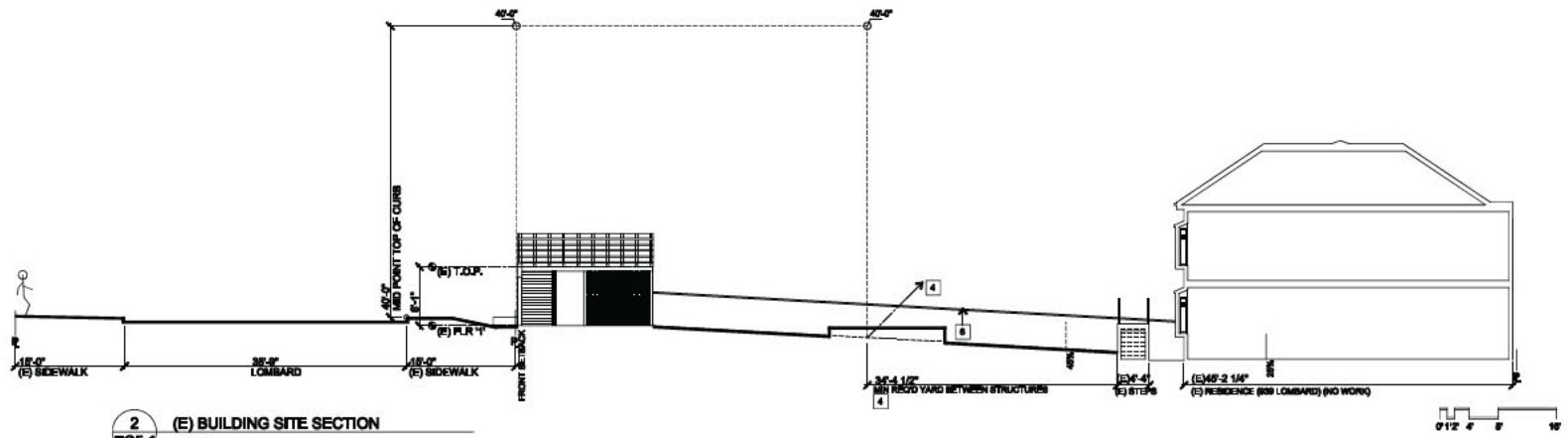
By CH
Date
Scale AS NOTED
Drawing No.

EC4.5

1 (E) SIDE ELEVATION (WEST)
EC4.5



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2 (E) BUILDING SITE SECTION
 EC5.1
 W/4/19

SHEET NOTES
 SEE BOLD FOR REVED SHEET NOTES

07/02/21	SITE PERMIT
07/02/21	H PERLAPP
Redline	

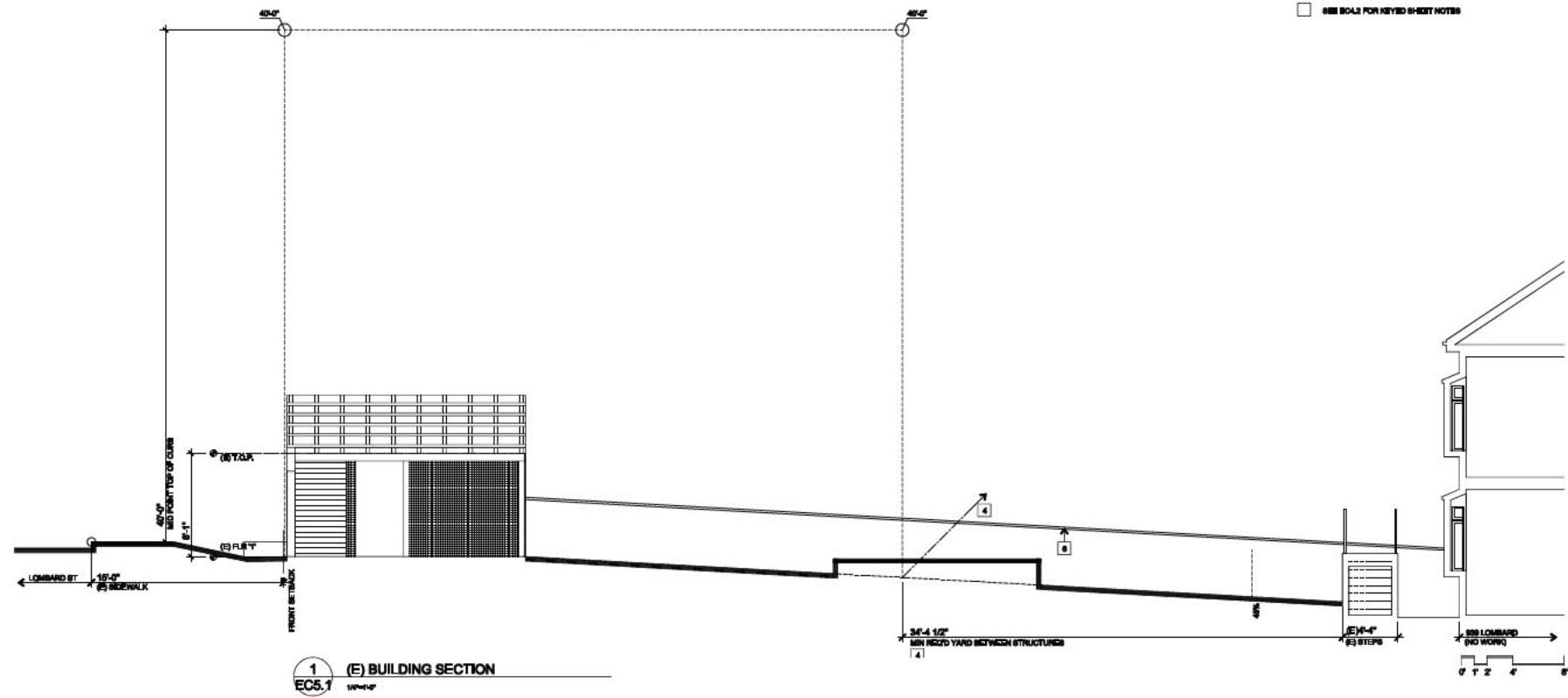
FIELD VERIFY ALL EXISTING CONDITIONS. REPORT ANY DISCREPANCIES TO ARCHITECT.

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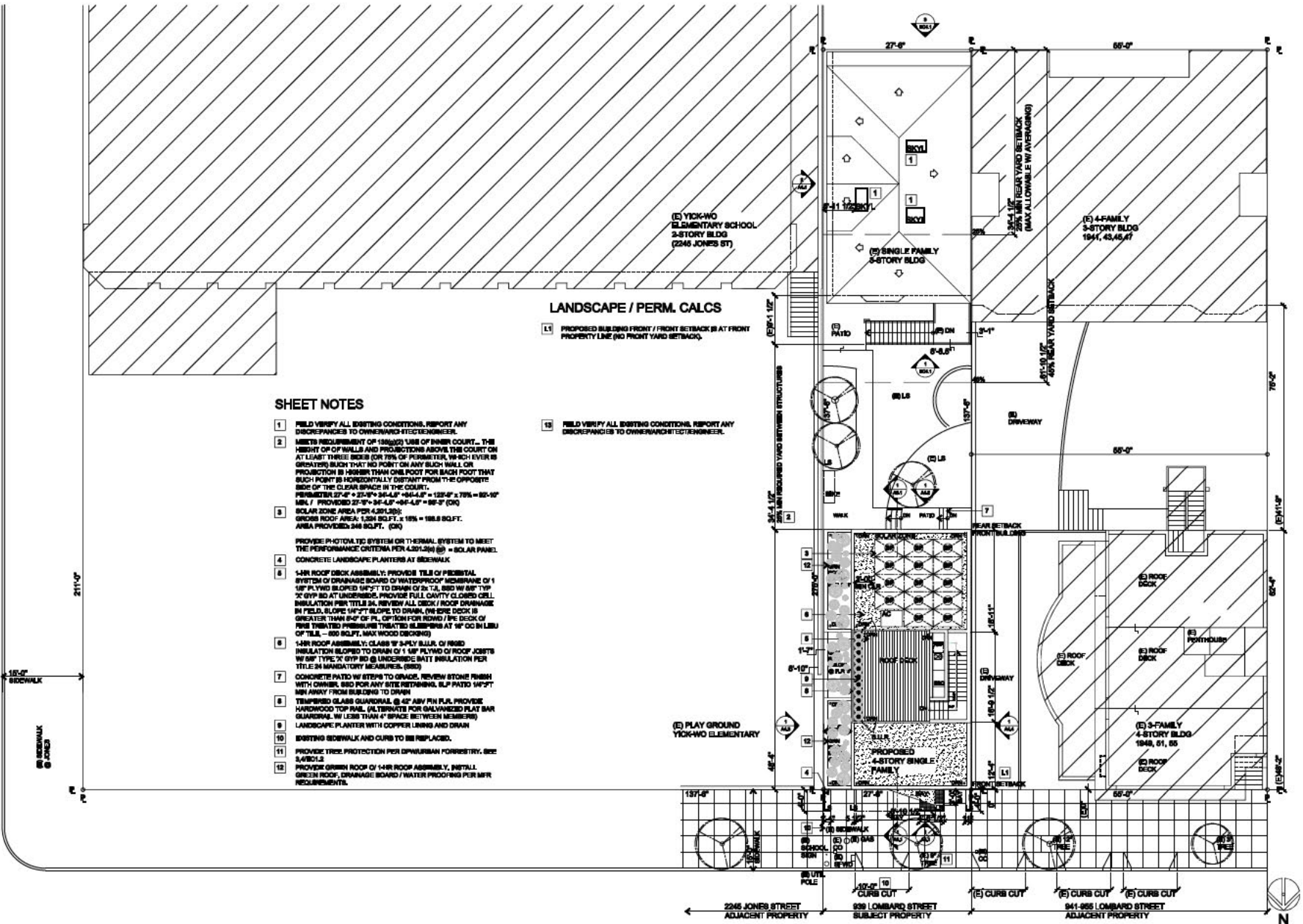
Drawing Title
(E) BUILDING/ SITE SECTION

By CH
 Date
 Scale AS NOTED
 Drawing No.

EC5.1



1 (E) BUILDING SECTION
 EC5.1
 W/4/19



LANDSCAPE / PERM. CALCS

- 1a) PROPOSED BUILDING FRONT / FRONT SETBACK @ AT FRONT PROPERTY LINE (NO FRONT YARD SETBACK).
- 1b) FIELD VERIFY ALL EXISTING CONDITIONS, REPORT ANY DISCREPANCIES TO OWNER/ARCHITECT/ENGINEER.

SHEET NOTES

- 1) FIELD VERIFY ALL EXISTING CONDITIONS, REPORT ANY DISCREPANCIES TO OWNER/ARCHITECT/ENGINEER.
- 2) MEETS REQUIREMENT OF 1992(2)(3) USE OF INNER COURT... THE HEIGHT OF OF WALLS AND PROJECTIONS ABOVE THE COURT ON AT LEAST THREE SIDES (OR 75% OF PERIMETER, WHICHEVER IS GREATER) SUCH THAT NO POINT ON ANY SUCH WALL OR PROJECTION IS HIGHER THAN ONE FOOT FOR EACH FOOT THAT SUCH POINT IS HORIZONTALLY DISTANT FROM THE OPPOSITE SIDE OF THE CLEAR SPACE IN THE COURT.
PERIMETER 27'-0" + 27'-0" + 34'-0" + 34'-0" + 123'-0" + 75% = 32'-10" MIN. / PROVIDED 27'-0" + 34'-0" + 44'-0" + 37" = 39'-0" (3)
- 3) SOLAR ZONE AREA FOR 4.25(1)(D):
GROSS ROOF AREA: 1,204 SQ.FT. ± 15% = 1,083 SQ.FT.
AREA PROVIDED: 240 SQ.FT. (24)
- PROVIDE PHOTOLOGIC SYSTEM OR THERMAL SYSTEM TO MEET THE PERFORMANCE CRITERIA PER 4.25(1)(D) - SOLAR PANEL
- 4) CONCRETE LANDSCAPE PLANTERS AT SIDEWALK
- 5) 1-1/2" ROOF DECK ASSEMBLY: PROVIDE TILE OR PRECAST SYSTEM OF DRAINAGE BOARD OR WATERPROOF MEMBRANE OF 1 1/2" PLYWOOD SLOPED 1/4" FT TO DRAIN @ 24" T4, 3RD W/ 8" TYP 2" GYP BD AT UNDERSIDE, PROVIDE FULL QUANTITY CLOSED CELL INSULATION PER TITLE 24, REVIEW ALL DECK / ROOF DRAINAGE IN FIELD, SLOPE 1/4" FT TO DRAIN, (ON DECK DECK IS GREATER THAN 1/4" OF PL. OPTION FOR ROOF) / THE DECK OF FINE TREATED PRESURIZED TREATED SLIPSTREAMS AT 1/4" ON IN LINE OF TUB. - 200 SQ.FT. MAX WOOD DECKING
- 6) 1-1/2" ROOF ASSEMBLY: CLASS W/ 1/2" SLUR, 1/2" 3RD INSULATION SLOPED TO DRAIN @ 1 1/2" PLYWOOD OF ROOF JOISTS W/ 8" TYP 2" GYP BD @ UNDERSIDE BATT INSULATION PER TITLE 24 MANDATORY MEASURES. (24)
- 7) CONCRETE PATIO W/ STEPS TO GRADE, REVIEW STONE FINISH WITH CURB, 3RD FOR ANY SITE RETAINING, 8" PATIO 1/4" FT MIN AWAY FROM BUILDING TO DRAIN
- 8) TEMPERED GLASS GUARDRAIL @ 42" AFT FIN PL, PROVIDE HARDWOOD TOP RAIL, (ALTERNATE FOR GALVANIZED PLAY BAR GUARDRAIL, W/ LESS THAN 4" SPACE BETWEEN MEMBERS)
- 9) LANDSCAPE PLANTER WITH COVER LIVING AND DRAIN
- 10) EXISTING SIDEWALK AND CURB TO BE REPLACED.
- 11) PROVIDE TREE PROTECTION PER OPENURBAN FORESTRY, SEE 3.4(2)(1)
- 12) PROVIDE GREEN ROOF OF 1-1/2" ROOF ASSEMBLY, INSTALL GREEN ROOF, DRAINAGE BOARD / WATER PROOFING PER MFR RECOMMENDATION.

1 PROPOSED SITE / ROOF PLAN
A1.1

020000	IL, P, DDN
030100	POY COMM
070001	SITE PERM
070002	N PER APP
070003	PERM

FIELD VERIFY ALL EXISTING CONDITIONS, REPORT ANY DISCREPANCIES TO ARCHITECT.

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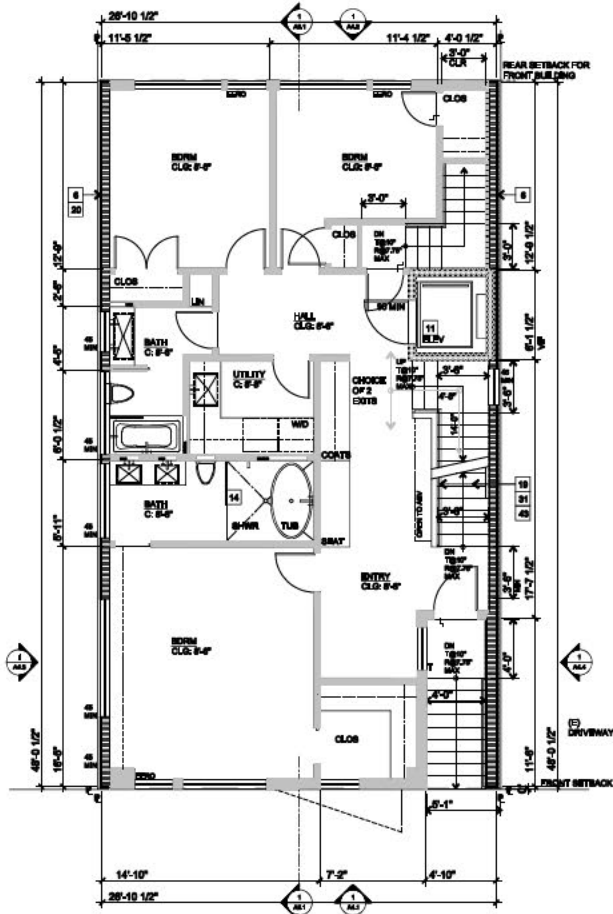
Drawing Title
PROPOSED SITE / ROOF PLAN

By CH
Date
Scale AS NOTED
Drawing No.

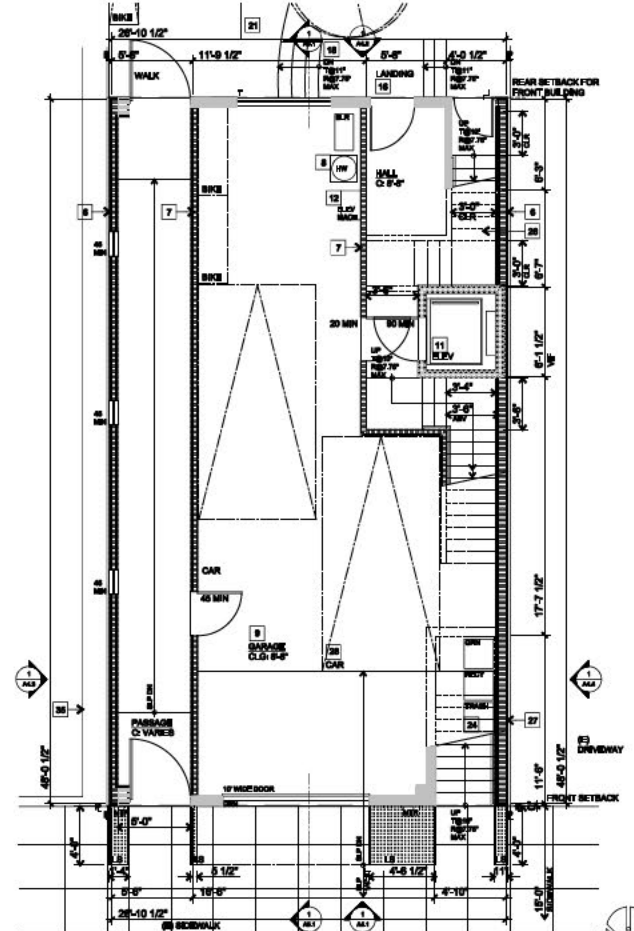
A1.1

SHEET NOTES
(SEE A2.2 FOR CONTINUED NOTES)

- 1 FIELD VERIFY ALL (B) CONDITIONS. REPORT ANY DISCREPANCIES OR STRUCTURAL DISCREPANCIES TO ARCHITECT / ENGINEER
- 2 MODIFY (B) FL FINISH W/ REDWOOD FENCE @ REAR YARD AS NOTED AT ADDITION. VP W/ OWNER
- 3 PROVIDE BATT INSULATION AT BATHROOM WALLS. DISCUSS PROVIDING RUBBER ADJUSTMENT ON WALLS FOR GREATER SOUND ISOLATION.
- 4 REVEAL ALL FINISH SPECIFICATION W/ OWNER. TYP (WOOD FLOORING, PLASTER WALLS AND CEILING)
- 5 GLAZING IN ANY PORTION OF A BUILDING WALL, WHERE THE BOTTOM OF THE GLAZING IS LESS THAN 8" ABOVE A STANDING SURFACE AND DRAIN PILET SHALL BE TEMPERED SAFETY GLAZING.
- 6 5/4"R PROPERTY LINE WALL - WALLS WITH PARALLEL 2"X4" OF PROPERTY LINE. CEMENT PLASTER OR PAPER BACKED MTLATH (SEE ELEVATIONS FOR LOCATION FOR PINK INS BOARD) STRUCTURAL PLYWD OF 5/8" TYPE 'X' GYP BD OR 2x STUDS @ 16" OC W/ 5/8" TYPE 'X' GYP BD @ INTERIOR SIDE. PROVIDE BATT INSULATION IN WALL PER TITLE 24 MANDATORY MEASURES.
- 7 5/4"R WALL BETWEEN GARAGE / PASSAGE AND HABITABLE SPACE. PROVIDE 5/8" TYPE 'X' GYP BD OR 2x STUDS @ 16" OC. REVEAL W/ OWNER OPTION TO PROVIDE 4" CONC CLBS DOWELED INTO CONCRETE SLAB AT BOTTOM OF WALL. PROVIDE BATT INSULATION PER TITLE 24 MANDATORY MEASURES.
- 8 PROVIDE PLATFORM @ 1/4" MIN FIN PLR. PROVIDE 5/8" DIA STRAPS TO WATER HEATER.
- 9 1/4"R ASSEMBLY BETWEEN GARAGE AND UNIT ABOVE AND BASEMENTS: 5/4" HARDWOOD FUR OF 5/8" PLY 1/4" R OF 2x CLS JOINTS W/ 5/8" TYPE 'X' GYP BD AT CEILING. DISCUSS SOUND ISOLATION ISSUES WITH OWNER. OPTION TO PROVIDE SECOND LAYER IN BEST WORK WITH RESILIENT CHANGERS AND ACCURATE CHANGING. S&D
- 10 1/4"R ROOF ASSEMBLY: CLASS IV 3-PLY SLUR OF ROOF INSULATION BLOKED BY 5/8" PLY 1/4" R OF 2x CLS JOINTS W/ 5/8" TYPE 'X' GYP BD @ UNDERSIDE FULL. CLORD CELL INSULATION PER TITLE 24 MANDATORY MEASURES. (S&D)
- 11 3/4"R ELEVATOR SHAFT ASSEMBLY W/ 90 MINUTE DOOR. (2) LAYERS 5/8" TYPE 'X' GYP BD EACH SIDE OF 2x STUDS @ 16" OC. PROVIDE PLYWOOD PER STRUCT ENGINEER. PROVIDE 1/2" CHANGERS AND GLASS BATT INSULATION FOR DETAIL 'JAV.1' PROVIDE 90 MINUTE DOOR W/ CLOSING. CONTRACTOR TO VP W/ ELEVATOR MANUFACTURER ALL ELEVATOR AND ELEVATOR MACHINE ROOM REQUIREMENTS DETAIL A, C, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, T, U, V, W, X, Y, Z.
- 12 STONETILE FLOOR AT BATHROOM. VP SPECIFICATION W/ OWNER.
- 13 PROVIDE 3/4" TEMPERED GLASS ISOWER ENCLOSURE W/ CUTTING TEMPERED GLASS DOOR. DISCUSS FULL HEIGHT SIDE PANEL.
- 14 TOILETS MUST BE LOW-FLUSH TYPE AND LOCKED IN A SPACE NOT LESS THAN 30" IN WIDTH AND HAVE A CLEAR SPACE OF NOT LESS THAN 30" IN FRONT.
- 15 SLP PATIO 1/4" MIN AWAY FROM BUILDING TO DRAIN.
- 16 CONCRETE PATIO S&D FOR REQ. BOORING/EXPANSION JOINTS. REVEAL STONE FINISH WITH OWNER. S&D FOR ANY SITE RETAINING.
- 17 CONCRETE STEPS ON GRADE. DISCUSS OPT FOR STONE CLADDING. S&D
- 18 PROVIDE 1/2" DIA HANDRAIL @ 3/4" ASB STAIR NOSE. RETURN ENDS TO WALL.
- 19 DISCUSS PROVIDING RUBBER ADJUSTMENT AT WALLS WHERE GREATER SOUND ISOLATION DESIRED. INSTALL PER MFR RECS.
- 20 PROVIDE ARBA DRAINS IN PATIO / YARD / LANDSCAPING. REVIEW IN FIELD W/ OWNER.
- 21 (B) ALUMINUM CLAD WOOD DOORS, SEE DOOR SCHEDULE SHEET AS.1
- 22 (B) ALUMINUM CLAD WINDOWS, SEE AS.1
- 23 PROVIDE ADEQUATE SPACE AND EQUAL ACCESS FOR STORAGE COLLECTION AND LOADING OF COMPOSTABLE, RECYCLABLE AND LANDFILL MATERIALS
- 24 SOLID GUARDRAIL @ 42" ASB FIN PLR
- 25 PROVIDE 5/8" TYPE 'X' GYP BD AT UNDERSIDE OF ENCLOSED STAIRS (WALLS AND CLS)
- 26 S&D FOR FOUNDATION / SLAB / RETAINING WALL DRAINAGE. PROVIDE CONTINUOUS DRAIN, WATER PROOFING / MEMBRANE AT RETAINING AND PROPERTY LINE FOUNDATIONS. INSTALL PER MANUFACTURER'S RECOMMENDATION. PROVIDE PERFORATED DRAIN AT UNDER SLAB AT INTERIOR SIDE OF FOOTING. S&D
- 27 PROVIDE SHORT AND LONG TERM PARKING TO MEET REQUIREMENTS OF 67 PLANNING CODE SEC. 19.1.4
- 28 PROVIDE SHOP DRAWINGS FOR ALL CABINETS, CLOSETS, CUSTOM FABRICATIONS FOR OWNER TO REVIEW / APPROVE. LOCATE ALL ELECTRICAL, OUTLET SWITCHES ON CABBING. ELEVATIONS FOR REVIEW / ALIGNMENT
- 29 WALL & FLOOR < 10% MOISTURE CONTENT BEFORE ENCLOSURE
- 30 5/4" HARDWOOD TREADS AND RISERS OF STRUCTURAL PLYWD OR 2x STRANGERS @ 16" OC, W/ 5/8" TYPE 'X' GYP BD AT UNDERSIDE. REEL. DISCUSS RUBBER ADJUSTMENT TO DAMPER BOUND SEAL AROUND PIPE, CABLE, CONDUIT, AND OTHER OPENINGS IN EXTERIOR WALLS WITH CEMENT MORTAR OF DSI-APPROVED SEALER METHOD
- 31 USE PRODUCTS THAT COMPLY WITH THE EMISSION LIMIT REQUIREMENTS OF 4.00L-1.6, 8.00L-1.6 FOR GREENWALLS, SEALANTS, PAINTS, COATINGS, CARPET SYSTEMS INCLUDING CUSHIONS AND ADHESIVE, RESILIENT FLOORING (90% OF AREA), AND COMPOSITE WOOD PRODUCTS
- 32 MEET FLOW/LOW REQUIREMENTS FOR TOILETS (CLASSIFY: 5/4"R (REEL) CLOSING LAVATORY (1) 2.00L, 8.00L PUBLIC/COMMERCIAL KITCHEN FAUCETS (1) 2.00L, 8.00L RESIDENTIAL MAJOR BATH PRODUCT PRODUCTS MUST EXCEED ALL NON-COMPLIANT FIXTURES PER SF HOUSING CODE SEC. 12A10
- 33 VP W/ ENGINEER IN FIELD ADJACENT NEIGHBORING PROPRIETARY SCHOOL PLAYGROUND / RETAINING TO DETERMINE REQUIREMENTS FOR NEW FOUNDATIONS
- 34 VELUX ALUMINUM SOLAR POWERED SKYLIT



2 PROPOSED FLR 2' PLAN
VP W/ VP



1 PROPOSED FLR 1' PLAN
VP W/ VP

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DESIGNED BY N. F. DEON
REVISED BY
CHECKED BY POY CHAM
DATE 07/20/21 SITE PERMIT
DATE 07/20/21 N. F. DEON
DATE 07/20/21 N. F. DEON

FIELD VERIFY ALL EXISTING CONDITIONS. REPORT ANY DISCREPANCIES TO ARCHITECT.

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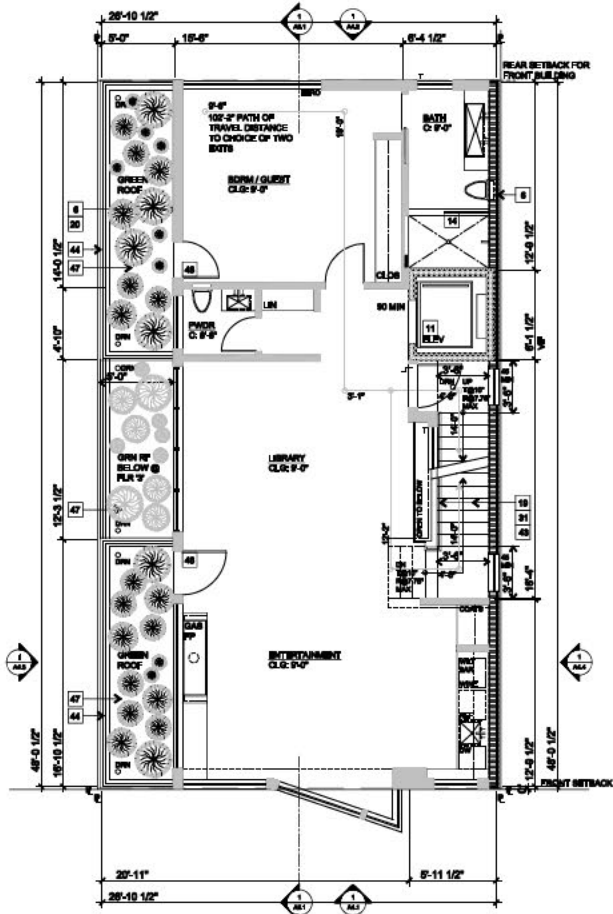
Drawing Title
PROPOSED FLR 1' + FLR 2' PLANS

BY CH
DATE
SCALE AS NOTED
DRAWING NO.

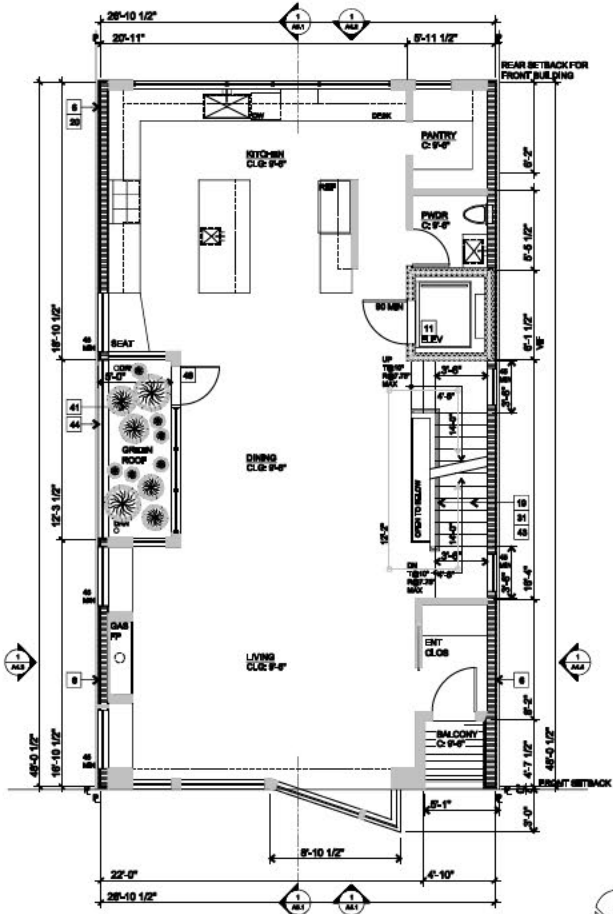
A2.1

SHEET NOTES CONTINUED

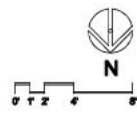
- 37 1-HR ROOF DECK ASSEMBLY: PROVIDE REINFC DECK OF PRE-TREATED PRESSURE TREATED BLESSERS AT 18" OC IN DRAINAGE BOARD OF WATERPROOF MEMBRANE OF 1/8" PLYWOOD SLOPED 1/8"FT TO DRAIN @ 2x 2x, BID W/ 6# TYP 1" GYP SD AT UNDERSIDE. PROVIDE FULL CAVITY CLOSED CELL INSULATION PER TITLE 24. REVIEW ALL DECK / ROOF DRAINAGE IN FIELD. SLOPE 1/8"FT SLOPE TO DRAIN. (REVIEW OPTION FOR PFB OR TILE OF PEBESTAL SYSTEM RULES OF ROWD)
- 38 SOLAR ZONE AREA PER 4.301.2(b): GROSS ROOF AREA 1,234 SQ. FT. ± 10% = 108.8 SOLT. AREA PROVIDED: 388 SOLT. (24)
- 39 PROVIDE PHOTOVOLTAIC SYSTEM OR THERMAL SYSTEM TO MEET THE PERFORMANCE CRITERIA PER 4.301.2(a) (2) = SOLAR PANEL.
- 40 HARDWOOD FLR (REVIEW ENGINEERED HARDWOOD) OF PLYWOOD / PT 2x FLAT OF BLDG PAPER OR CONCRETE SLAB. PROVIDE RADIANT HEATING. REVIEW ASSEMBLY IN FIELD WITH MANUFACTURERS REQUIREMENTS.
- 41 1-HR ROOF DECK ASSEMBLY: PROVIDE TILE OF PEBESTAL SYSTEM OF DRAINAGE BOARD OF WATERPROOF MEMBRANE OF 1/8" PLYWOOD SLOPED 1/8"FT TO DRAIN @ 2x 2x, BID W/ 6# TYP 1" GYP SD AT UNDERSIDE. PROVIDE FULL CAVITY CLOSED CELL INSULATION PER TITLE 24. REVIEW ALL DECK / ROOF DRAINAGE IN FIELD. SLOPE 1/8"FT SLOPE TO DRAIN. (REVIEW OPTION FOR PFB OR ALT)
- 42 TEMPERED GLASS GUARDRAIL @ 42" MIN FIN FLR. PROVIDE HARDWOOD TOP RAIL. ALTERNATE FOR GALVANIZED FLAT BAR GUARDRAIL W/ LESS THAN 4" SPACE BETWEEN MEMBERS.
- 43 GALVANIZED FLAT BAR GUARDRAIL W/ LESS THAN 4" SPACE BETWEEN MEMBERS. PROVIDE IPE TOP RAIL W/ GALV PLATE SET IN. CHOOSE OPTION FOR TEMPERED GLASS GUARDRAIL SYSTEM @ STAIR.
- 44 GALVANIZED FLAT BAR GUARDRAIL W/ LESS THAN 4" SPACE BETWEEN MEMBERS. ALTERNATE FOR TEMPERED GLASS GUARDRAIL.
- 45 REVIEW SOUND ISOLATIONS AT AIR CONDITIONING EQUIPMENT. SYSTEM TO BE DESIGN BLDG SSB 7.34
- 46 PROVIDE 1-HR GUARDRAIL AT BRG WITHIN 84" OF PL. CEMENT PLASTER OF PAPER BACKED INTL LATH STRUCTURAL PWDF OF 8# TYP 1" GYP SD @ 2x STUDS @ 18" OC (EACH BRG) (W/ ARE NOT PROTECTED BY 1-HR PL WALL)
- 47 PROVIDE GREEN ROOF OF 1-HR ROOF ASSEMBLY. INSTALL GREEN ROOF DRAINAGE BOARD / WATER PROOFING PER MFR REQUIREMENTS.
- 48 PROVIDE DOOR ACCESS TO GREEN ROOF MAINTENANCE. SEE DOOR SCHEDULE A.1
- 49 LANDSCAPE PLANTER WITH COPPER LINING AND DRAIN



2 PROPOSED FLR '4' PLAN
A2.2



1 PROPOSED FLR '3' PLAN
A2.2



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020000	N. SP. DOM. REV.
030100	POY. COMM.
070001	SITE PERMIT
070002	N. PREL. APP.
Revised:	

FIELD VERIFY ALL MEASUREMENTS. REPORT ANY DISCREPANCIES TO ARCHITECT.

939 LOMBARD ST
SAN FRANCISCO, CALIFORNIA
LOT 0021 / BLOCK 0072

Design Title
PROPOSED FLR '3' + FLR '4' PLANS

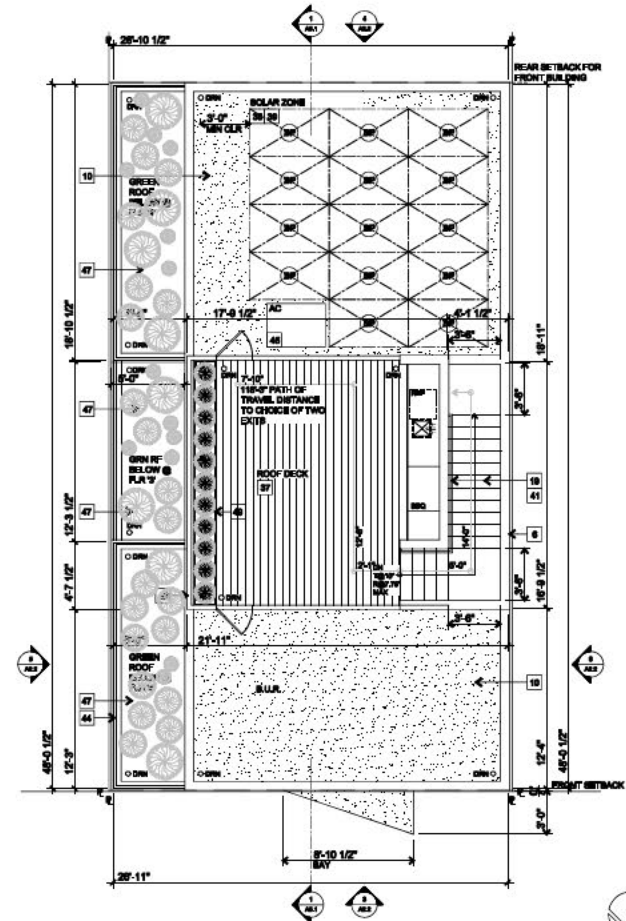
By: CH
Date:
Scale: AS NOTED
Drawing No.:

A2.2

SHEET NOTES

☐ SEE A2.1 & A2.2 FOR NOTED SHEET NOTES

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020003	N. SP. CON.
020103	REV.
020103	POY. CON.
020201	SITE PERMIT
020202	N. PER. APP.

FIELD VERIFY ALL EXISTING CONDITIONS. REPORT ANY DISCREPANCIES TO ARCHITECT.

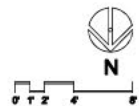
939 LOMBARD ST
SAN FRANCISCO, CALIFORNIA
LOT 021 / BLOCK 0072

Proposed
ROOF PLAN

By: CH
Date:
Scale: AS NOTED
Drawing No.:

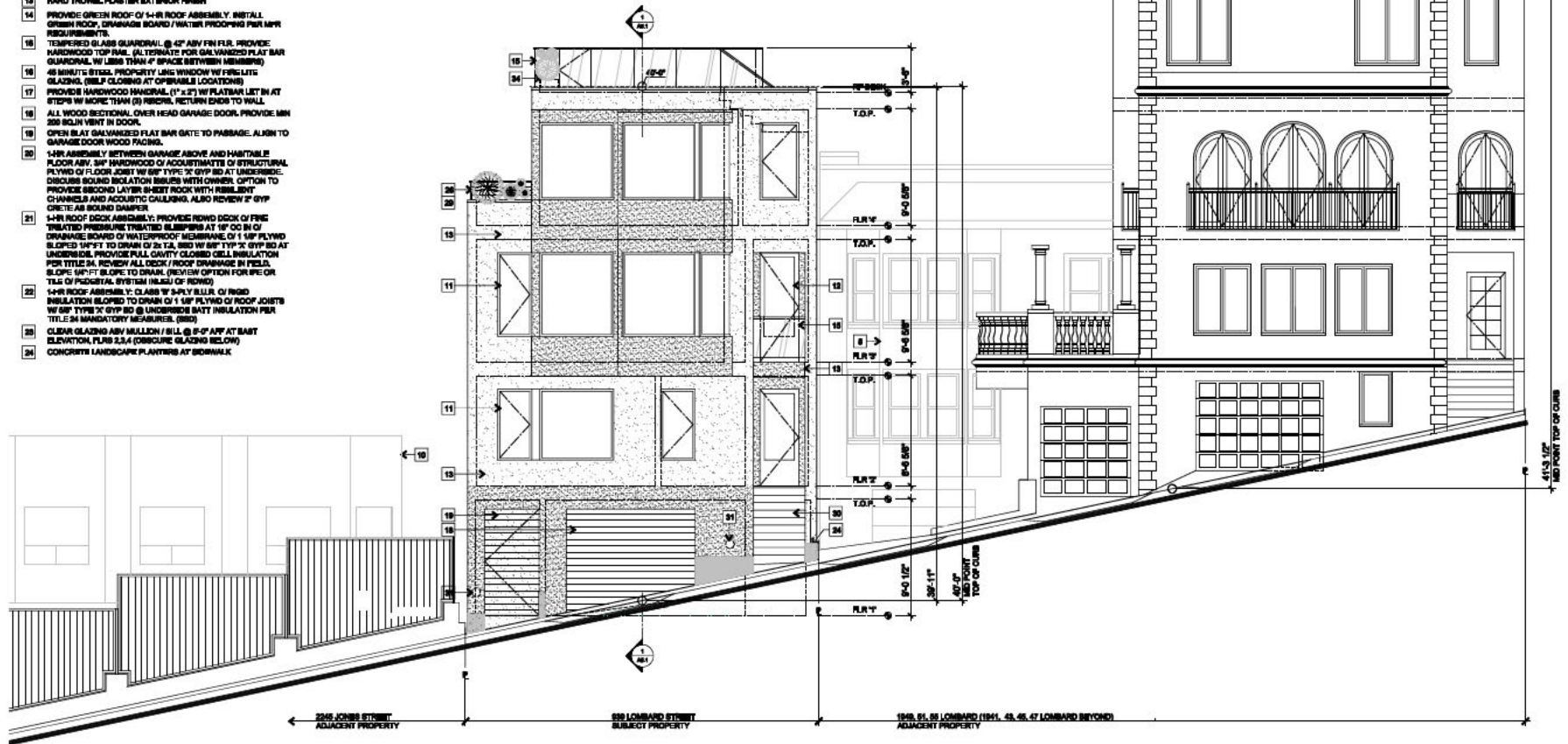
A2.3

1
A2.3
PROPOSED ROOF PLAN



SHEET NOTES

- (SEE SHEET NOTES CONTINUED ON A4.2)
- 1 FIELD VERIFY ALL EXISTING CONDITIONS. REPORT ANY DISCREPANCIES TO OWNER/ARCHITECT/ENGINEER.
 - 2 DASHED LINE INDICATES ADJACENT BUILDING IN FOREGROUND.
 - 3 DASHED LINE INDICATES ADJACENT BUILDING OPENINGS IN FOREGROUND.
 - 4 MESH REQUIREMENT OF 130(20) WGS OF INNER COURT. THE HEIGHT OF WALL AND PROJECTIONS ABOVE THE COURT ON AT LEAST THREE SIDES (OR 75% OF PERIMETER, WHICH EVER IS GREATER) SUCH THAT NO POINT ON ANY SUCH WALL OR PROJECTION IS HIGHER THAN ONE FOOT FOR EACH FOOT THAT SUCH POINT IS HORIZONTALLY DISTANT FROM THE OPPOSITE SIDE OF THE CLEAR SPACE IN THE COURT.
PERIMETER: 17'-0" x 27'-0" + 24'-0" + 10'-0" = 122'-0" x 75% = 91'-0" MIN. / PROVIDED 27'-0" x 24'-0" + 10'-0" = 91'-0" (OK)
 - 5 RETAINING WALL AT YICK-WO ELEMENTARY PLAYGROUND
 - 6 CHAIN LINK FENCE
 - 7 808 LOMBARD BEYOND AT REAR OF LOT
 - 8 1941, 43, 45, 47 LOMBARD BEYOND AT REAR OF LOT (ADJACENT PROPERTY)
 - 9 1941, 81, 83 LOMBARD BEYOND (ADJACENT PROPERTY)
 - 10 YICK-WO ELEMENTARY SCHOOL BEYOND AT REAR OF LOT (ADJACENT PROPERTY)
 - 11 ALUMINUM CLAD WOOD WINDOWS
 - 12 ALUMINUM CLAD WOOD DOORS
 - 13 HARD TROWEL PLASTER EXTERIOR FINISH
 - 14 PROVIDE GREEN ROOF OF 5-1/2" ROOF ASSEMBLY. INSTALL GREEN ROOF DRAINAGE BOARD / WATER PROOFING PER MFR REQUIREMENTS.
 - 15 TEMPERED GLASS GUARDRAIL @ 42" AFB FIN FLR. PROVIDE HARDWOOD TOP RAIL. ALTERNATE FOR GALVANIZED FLAT BAR GUARDRAIL W/ LENS TRIM 4" SPACE BETWEEN MEMBERS.
 - 16 48 MINUTE STEEL PROPERTY LINE WINDOW W/ FRIG-LITE GLAZING. (SEAL F CLOSING AT OPERABLE LOCATIONS)
 - 17 PROVIDE HARDWOOD HANDRAIL (1" x 2") W/ FLATBAR KIT IN AT STEPS W/ MORE THAN (2) RISERS. RETURN ENDS TO WALL.
 - 18 ALL WOOD SECTIONAL OVER HEAD GARAGE DOOR. PROVIDE MIN 200 SOLID WHT IN DOOR.
 - 19 GREEN FLAT GALVANIZED FLAT BAR GATE TO PASSAGE. ALIGN TO GARAGE DOOR WOOD FACING.
 - 20 1-1/2" AIR ASSEMBLY BETWEEN GARAGE ABOVE AND HABITABLE FLOOR AFB. 5/8" HARDWOOD OF ACQUATANATIE OF STRUCTURAL PLYWOOD OF FLOOR JOIST W/ 5/8" TYPE 2" GYP BD AT UNDERSIDE. DISCUS SOUND ISOLATION BARRIERS WITH OWNER. OPTION TO PROVIDE SECOND LAYER 5/8" GYP BOARD WITH RESILIENT CHANNELS AND ACOUSTIC CAULKING. ALSO REVIEW 2" GYP CRETE AIR SOUND DAMPER.
 - 21 5-1/2" ROOF DECK ASSEMBLY. PROVIDE NEW DOCK OF FINE TREATED PRESSURE TREATED BLEBBERS AT 19" OC IN OF DRAINAGE BOARD OF WATERPROOF MEMBRANE OF 1 1/2" PLYWOOD BLOKED 1/8" TO DRAIN TO S.D. AND W/ 5/8" TYPE 2" GYP BD AT UNDERSIDE. PROVIDE FULL CAVITY CLOSED CELL INSULATION PER TITLE 24. REVIEW ALL DECK / ROOF DRAINAGE IN FIELD. SLOPE 1/8" TO SLOPE TO DRAIN. REVIEW OPTION FOR REC-GUT TILE OF P/20-GUT SYSTEM (INSTEAD OF R/20).
 - 22 1-1/2" ROOF ASSEMBLY. CLASS 1/4" PLY BLK. OF R/20 INSULATION BLOKED TO DRAIN OF 1 1/2" PLYWOOD OF ROOF JOISTS W/ 5/8" TYPE 2" GYP BD @ UNDERSIDE BATT INSULATION PER TITLE 24 MINIMATORY MEASURES. (R/20)
 - 23 CLEAR GLAZING AFB W/ MULLION / SILL @ 9'-0" AFB AT EAST ELEVATION, FLR 2.5.4 (OBSOLETE GLAZING BELOW)
 - 24 CONCRETE LANDSCAPE PLANTING AT SIDEWALK



1 PROPOSED FRONT ELEVATION (NORTH)
A4.2



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020000	N. SP. COMM. REV.
030100	POY COMM.
070001	SITE PERMIT
070002	N. PRELAPP
Revisions	

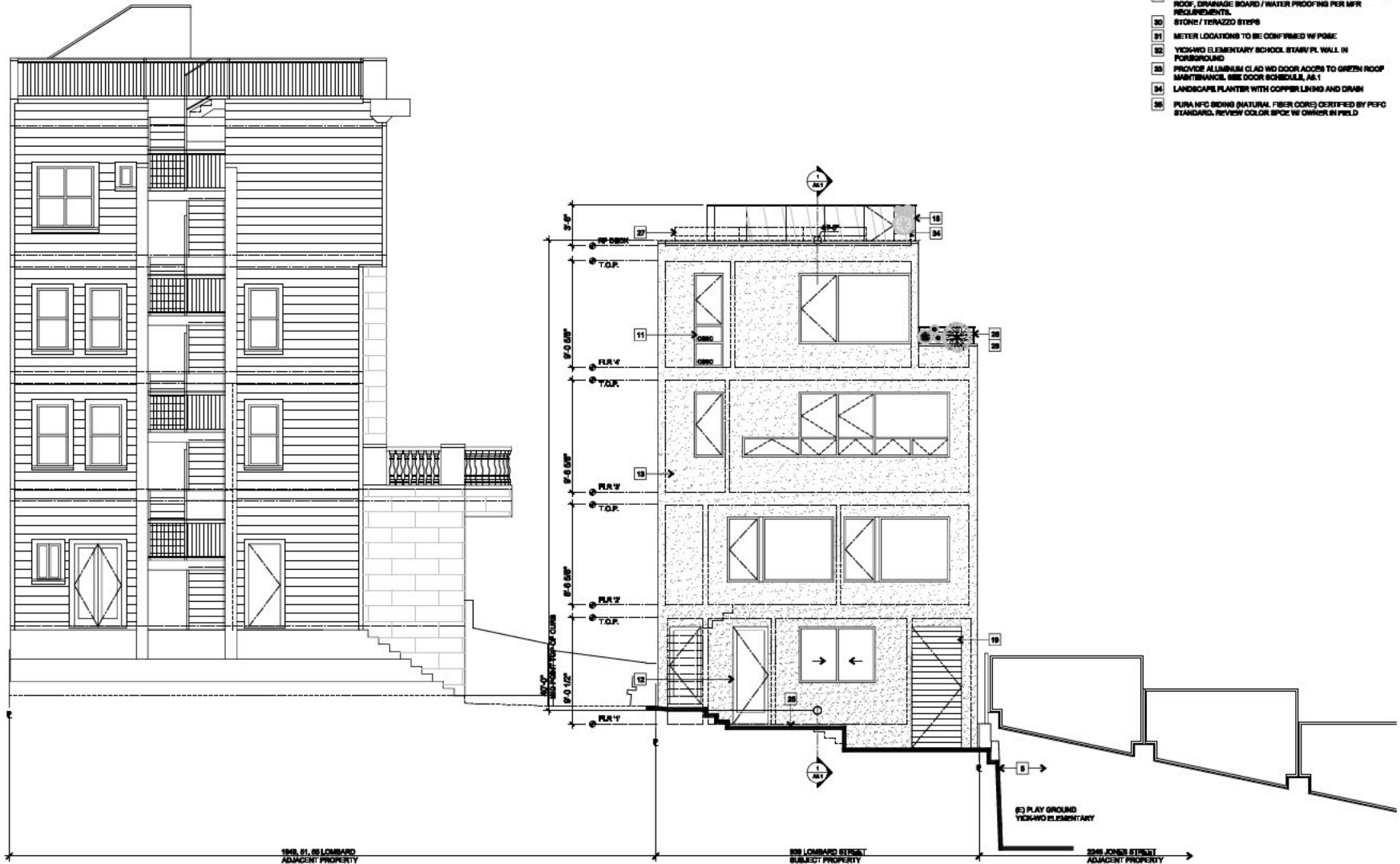
FIELD VERIFY ALL EXISTING CONDITIONS. REPORT ANY DISCREPANCIES TO ARCHITECT.

939 LOMBARD ST
SAN FRANCISCO, CALIFORNIA
LOT 021 / BLOCK 0072

Drawing No.
PROPOSED FRONT ELEVATION (NORTH)

By: CH
Date:
Scale: AS NOTED
Drawing No.:

A4.1



SHEET NOTES

- (S) SHEET NOTES CONTINUED ON A4.1)
- 25 CONCRETE PATIO W/ STEPS TO GRADE. REVIEW STONE FINISH WITH OWNER. SDO FOR ANY SITE RETAINING. SLP PATIO 14"x21" MIN AWAY FROM BUILDING TO DRAIN
 - 26 GALVANIZED FLAT BAR GUARDRAIL, W/ LESS THAN 4" SPACE BETWEEN MEMBERS. PROVIDE 1/2" TOP RAIL W/ GALV PLATE LET IN (ALTERNATE OK FOR TEMPERED GLASS GUARD)
 - 27 SOLAR ZONE / SOLAR PANELS
 - 28 BAY IN FOREGROUND
 - 29 GREEN ROOF BYWD OF 1-HR ROOF ASSEMBLY. INSTALL GREEN ROOF, DRAINAGE BOARD / WATER PROOFING PER MFR REQUIREMENTS.
 - 30 STONE / TERRAZZO STEPS
 - 31 METER LOCATIONS TO BE CONFIRMED W/ PG&E
 - 32 YICKWO ELEMENTARY SCHOOL STAIR FL. WALL IN FOREGROUND
 - 33 PROVIDE ALUMINUM CLAD MD DOOR ADDS TO GREEN ROOF SW/THRANCE. SEE DOOR SCHEDULE, AS 1
 - 34 LANDSCAPE PLANTER WITH COPPER LINING AND DRAIN
 - 35 PURA NFC BOND (NATURAL FIBER CORE) CERTIFIED BY PCFC STANDARD. REVIEW COLOR SWCH W/ OWNER IN FIELD

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030003 N. SF DDM
REV
030105 POY COMM
070001 SITE PERMIT
070002 N. PLS APP
Rev: 04/20
FIELD VERIFY ALL
EXISTING CONDITIONS.
REPORT ANY
DISCREPANCIES TO
ARCHITECT.

939 LOMBARD ST
SAN FRANCISCO, CALIFORNIA
LOT 021 / BLOCK 0072

Showing this
PROPOSED
REAR
ELEVATION
(SOUTH)

By CH
Date
Scale AS NOTED
Drawing No.

1 PROPOSED REAR ELEVATION (SOUTH)
A4.2

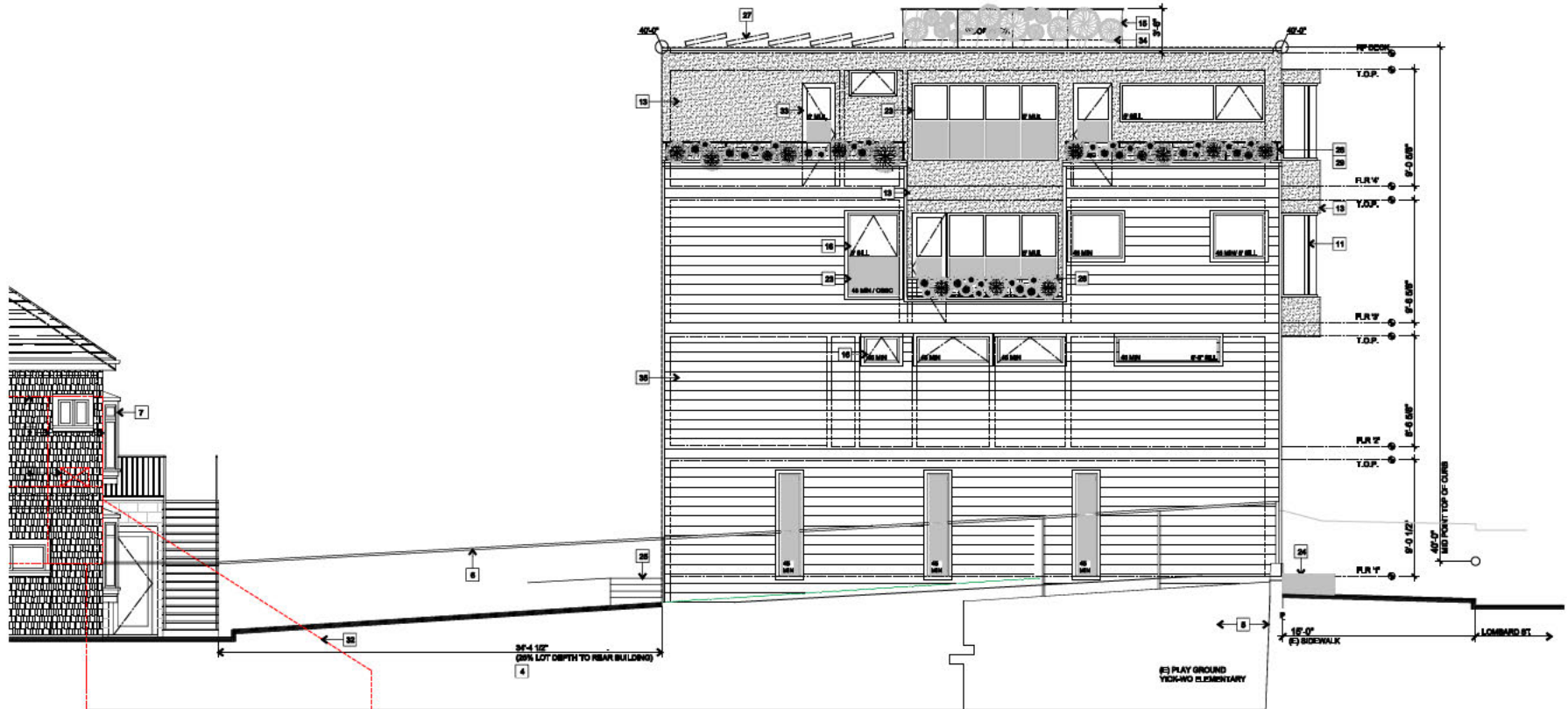


A4.2

SHEET NOTES

☐ SEE A4.1 & A4.2 FOR REVEED SHEET NOTES

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mhollery@cmn.com



050303 N SF DDM REV
050405 PCI COMM
070821 SITE PERMIT
070821 N PLS APP
Revised

FIELD VERIFY ALL
SURFACE CONDITIONS.
REPORT ANY
DISCREPANCIES TO
ARCHITECT.

939 LOMBARD ST
SAN FRANCISCO, CALIFORNIA
LOT 021 / BLOCK 0072

Drawing No.
**PROPOSED SIDE
SIDE
ELEVATION
(EAST)**

By CH
Date
Scale AS NOTED
Drawing No.

1 PROPOSED SIDE ELEVATION (EAST)
A4.3

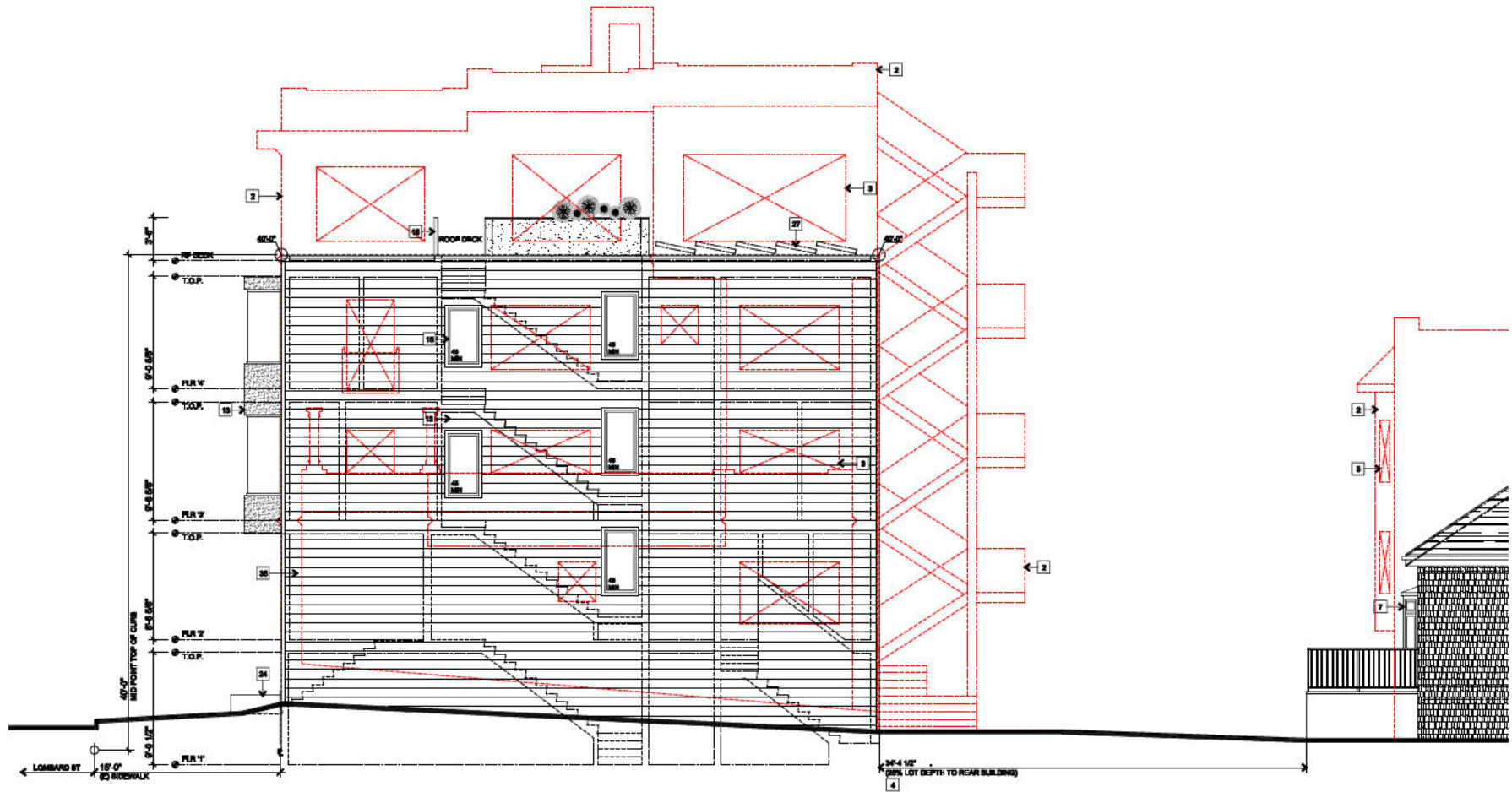


A4.3

SHEET NOTES

☐ SEE A4.1 & A4.2 FOR REVEAL SHEET NOTES

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050003 N. SP. ROOM
REV
050105 POY. CORNER
070001 SITE PERMIT
070002 N. PERLAPP
Residence
FIELD VERIFY ALL
EXISTING CONDITIONS.
REPORT ANY
DISCREPANCIES TO
ARCHITECT.

939 LOMBARD ST
SAN FRANCISCO, CALIFORNIA
LOT 021 / BLOCK 0072

Drawing Title
**PROPOSED
SIDE
ELEVATION
(WEST)**

By CH
Date
Scale AS NOTED
Drawing No.

A4.4

1 PROPOSED SIDE ELEVATION (WEST)
A4.4



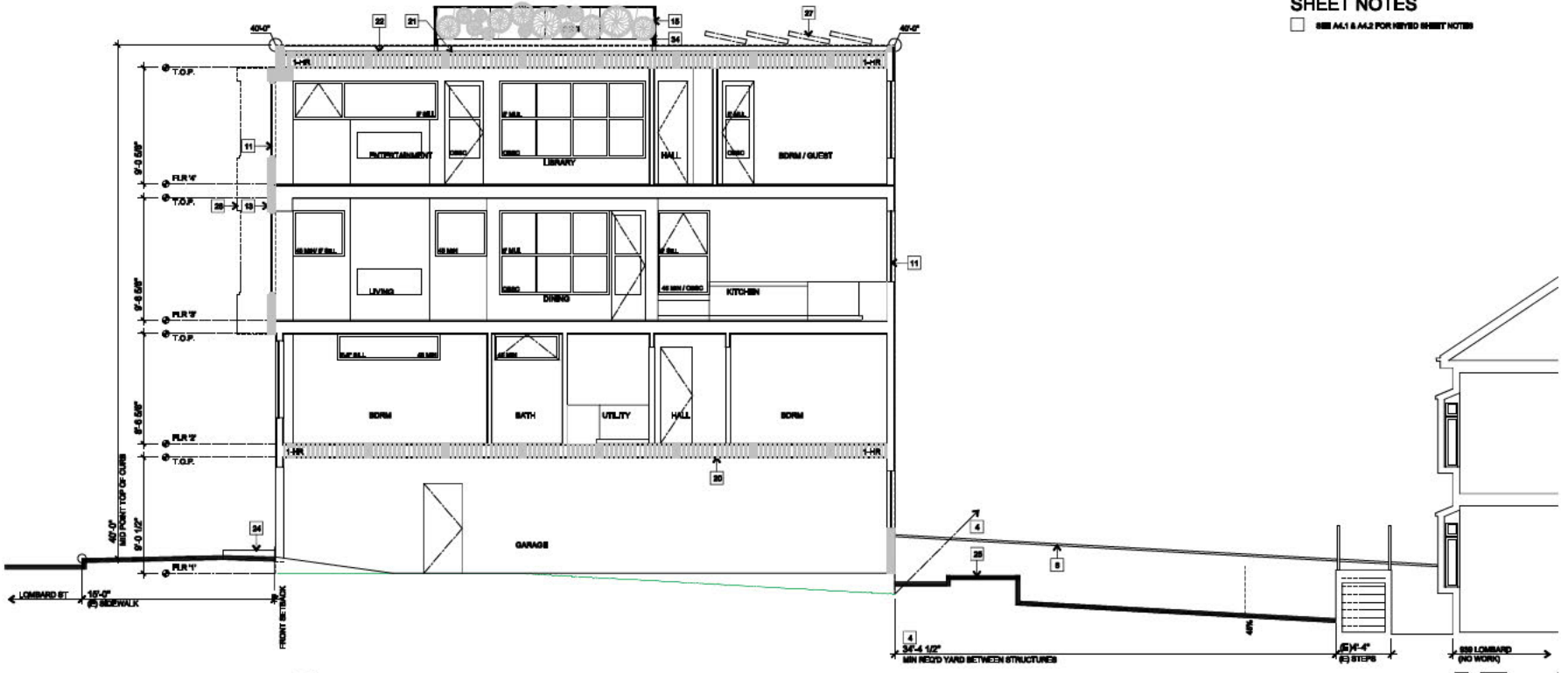


2
A5.1.2
 PROPOSED BUILDING SITE SECTION
 W/NOT

SHEET NOTES

- SEE A4.1 & A4.2 FOR REVISION SHEET NOTES

05/20/23	N. SP. CONN. REV.
05/10/23	POI CORRECTION
07/20/21	SITE PERMIT
07/20/21	N. PRELAPP
Revised:	
FIELD VERIFY ALL SURROUNDING CONDITIONS. REPORT ANY DISCREPANCIES TO ARCHITECT.	



1
A5.1.1
 PROPOSED BUILDING SECTION
 W/NOT

939 LOMBARD ST
 SAN FRANCISCO, CALIFORNIA
 LOT 021 / BLOCK 0072

Display Title
PROPOSED BUILDING/ SITE SECTION

By: CH
 Date:
 Scale: AS NOTED
 Drawing No.:

A5.1

EXHIBIT C



DISCRETIONARY REVIEW ANALYSIS

HEARING DATE: June 29, 2023

Record No.: 2021-007262DRP-02
Project Address: 939 Lombard Street
Permit Application 2021.0709.4046
Zoning: RM-1 [Residential Mixed- Low Density]
40-X Height and Bulk District
Cultural District: NA
Block/Lot: 0072 / 021
Project Sponsor: Curtis Hollenbeck
Curtis Hollenbeck Architect
576 Columbus Avenue #2
San Francisco, CA 94133
Staff Contact: Trent Greenan – (628) 652-7324
trent.greenan@sfgov.org
**Environmental
Review:** Categorical Exemption

Recommendation: Do Not Take DR and Approve

Project Description

The project proposes to demolish an existing 2-car parking structure at the front of the lot and construct a new 5,173 square foot single-family dwelling.

Site Description and Present Use

The site is an approximately 27'-6" wide x 137'-6" deep steeply lateral sloping lot. The existing building located at the rear of the lot is a category B– Age eligible Historic Resource present - built in 1908.

Surrounding Properties and Neighborhood

This block of Lombard consists predominantly of three-story over basement multi-unit residential buildings. The adjacent corner to the east is the Yick Wo elementary school playground. The rear yards of the two immediate adjacent residential buildings contain buildings in the rear of the lots.

Building Permit Notification

Type	Required Period	Notification Dates	DR File Date	DR Hearing Date	Filing to Hearing Date
311	30 days	April 5, 2023- May 4, 2023	May 4, 2023	June 29, 2023	66 days

Hearing Notification

Type	Required Period	Required Notice Date	Actual Notice Date	Actual Period
Posted Notice	20 days	June 10, 2023	June 10, 2023	20 days
Mailed Notice	20 days	June 10, 2023	June 10, 2023	20 days
Online Notice	20 days	June 10, 2023	June 10, 2023	20 days

Public Comment

	Support	Opposed	No Position
Adjacent neighbor(s)	0	0	0
Other neighbors on the block or directly across the street	0	0	0
Neighborhood groups	0	1	0

Environmental Review

The Department has determined that the proposed project is exempt/excluded from environmental review, pursuant to CEQA Guideline Section 15303 (Class 3 – New Construction. Up to three new single-family residences or six dwelling units in one building.

DR Requestors

DR requestor #1: Martin Eng of 953 Lombard Street, the adjacent neighbor to the west.

DR requestor #2: Mark Swartz representing the 945 Lombard Street HOA, a four unit residential building adjacent to the southwest.

DR Requestor’s Concerns and Proposed Alternatives

DR requestor #1 is concerned that the proposed project will affect the structural stability of the retaining wall adjacent to Yo Wick elementary school; the set back and rear yard requirements are not met and; construction impacts of fumes, gas, suppliers & workers traffic jam and take away parking spaces from tourists will be hazardous to everyone’s health and safety.

Proposed alternatives:

1. Deny permit.

See attached *Discretionary Review Application*, dated May 4, 2023

DR requestor #2 is concerned that the proposed project does not protect the neighborhood’s character, nor enhance the quality of life for the city. Additionally, the proposed construction will create significant impacts for the residents of the Lombard Street HOA. The proposed project is sited directly adjacent to the driveway and will most likely require a significant disruption of vehicular access while excavation and foundation footings are constructed.

Proposed alternatives:

1. None.

See attached *Discretionary Review Application*, dated May 4, 2023

Project Sponsor’s Response to DR Application

This project is designed to meet the Planning Code. We have revised the design based on comments received from planning staff. We met with the principal of Yick Wo elementary school and conveyed the retaining wall design will not surcharge the existing neighboring retaining wall. We will comply with DBI requirements for hours of construction, site maintenance and pedestrian protection during construction.

See attached Response to *Discretionary Review*, dated May 10, 2023

Department Review

Staff supports the proposed project as it complies with the Planning Code, policies, and the Residential Design Guidelines. Construction impacts are not within the purview of the Planning Department to regulate. The proposed building is within the buildable area of the lot. The adjacent uphill building of the DR requestor at 953 Lombard is separated by an approximately 9’ wide driveway. The adjacent building at 945 Lombard occupies nearly the entirety of a rear lot accessed via an easement across 953 Lombard. These lots were originally one lot which were split into separate lots in 1989.

The proposed project would create a condition similar to the adjacent neighbors. The proposed building is four stories in height and aligns with the front and rear walls of the adjacent street fronting building at 953 Lombard.

Condition No. 2 in the 1998 NSR stipulates that "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."

Staff met with the ZA prior to the neighborhood notification being sent out and he determined that a new variance would not be required to facilitate the proposed project at 939 Lombard St as it is Code-complying, is compatible with existing neighborhood character and scale, and does not cause significant loss of light, air, view or privacy to adjacent buildings.

Therefore, staff deems there are no exceptional and extraordinary circumstances and recommends not taking Discretionary Review and approving the project.

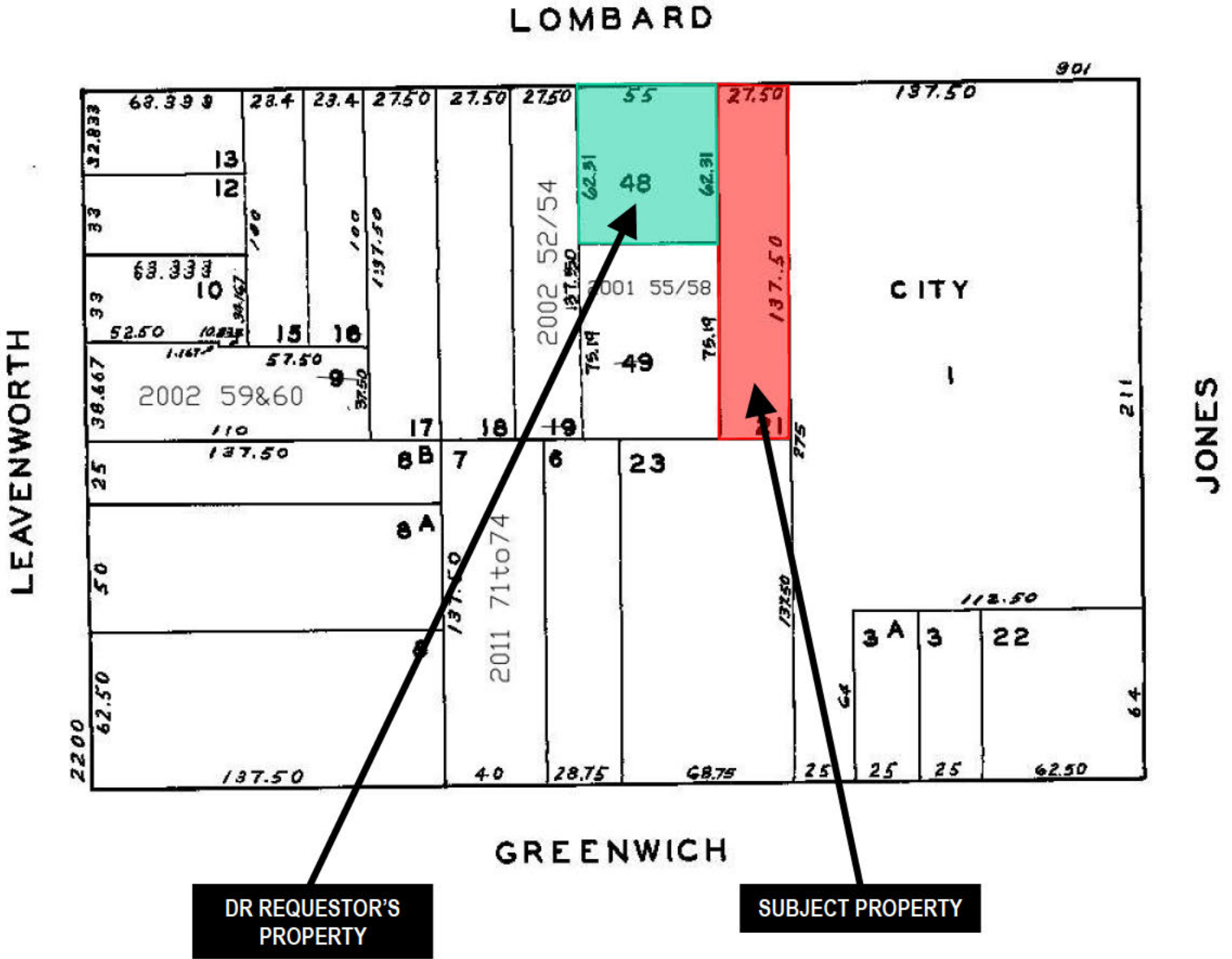
Recommendation: Do Not Take DR and Approve

Attachments:

Block Book Map
Sanborn Map
Zoning Map
Aerial Photographs
Context Photographs
311 Notice
CEQA Determination
Variance NSR
Geotechnical report
DR Applications
Public Comment Letters
Response to Discretionary Review, dated May 10, 2023
Sponsor Brief in Opposition to DR Request dated June 20, 2023
Plans with Proposed Revisions
311 Plans

Exhibits

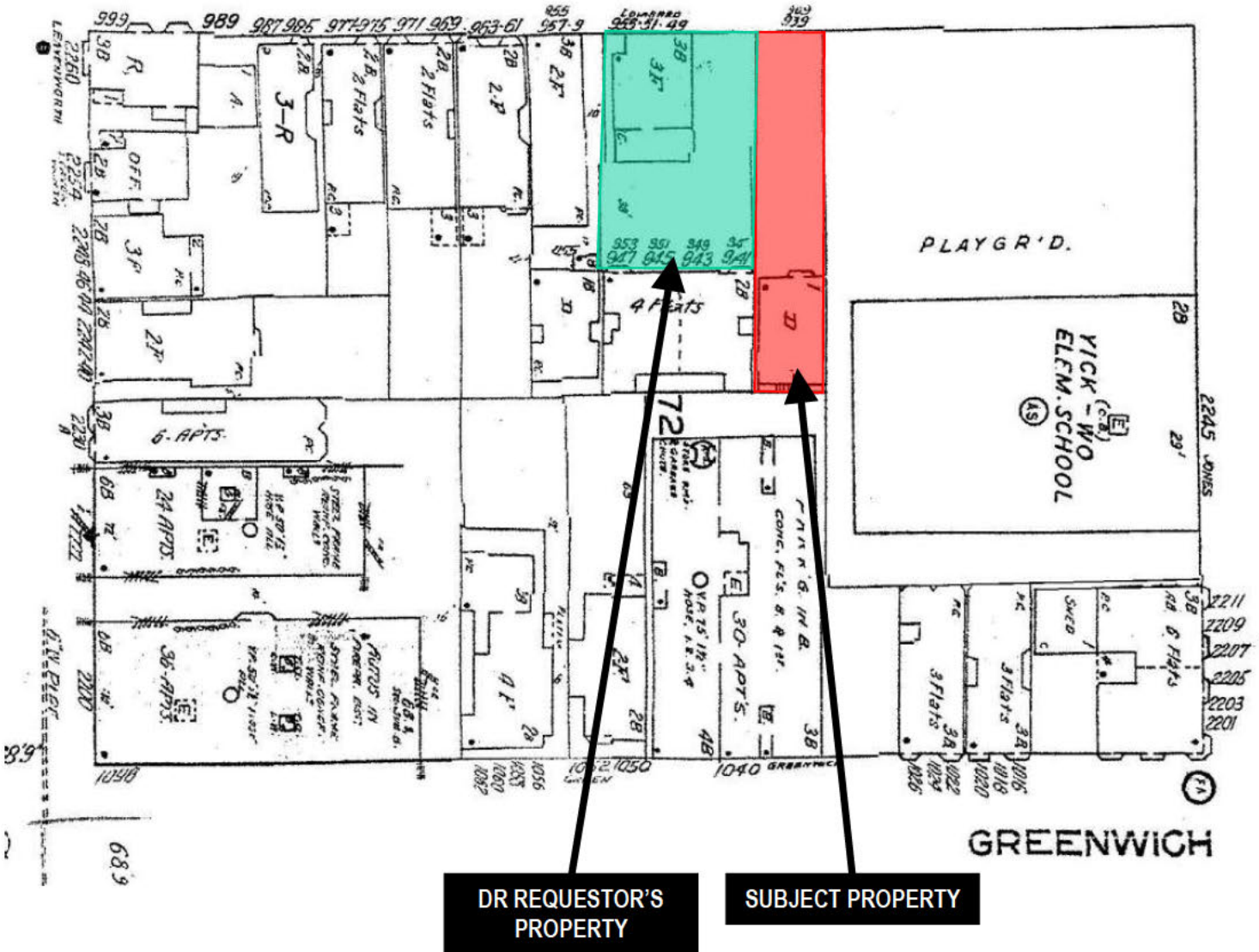
Parcel Map



Discretionary Review Hearing
 Case Number 2021-007262DRP
 939 Lombard Street

Sanborn Map*

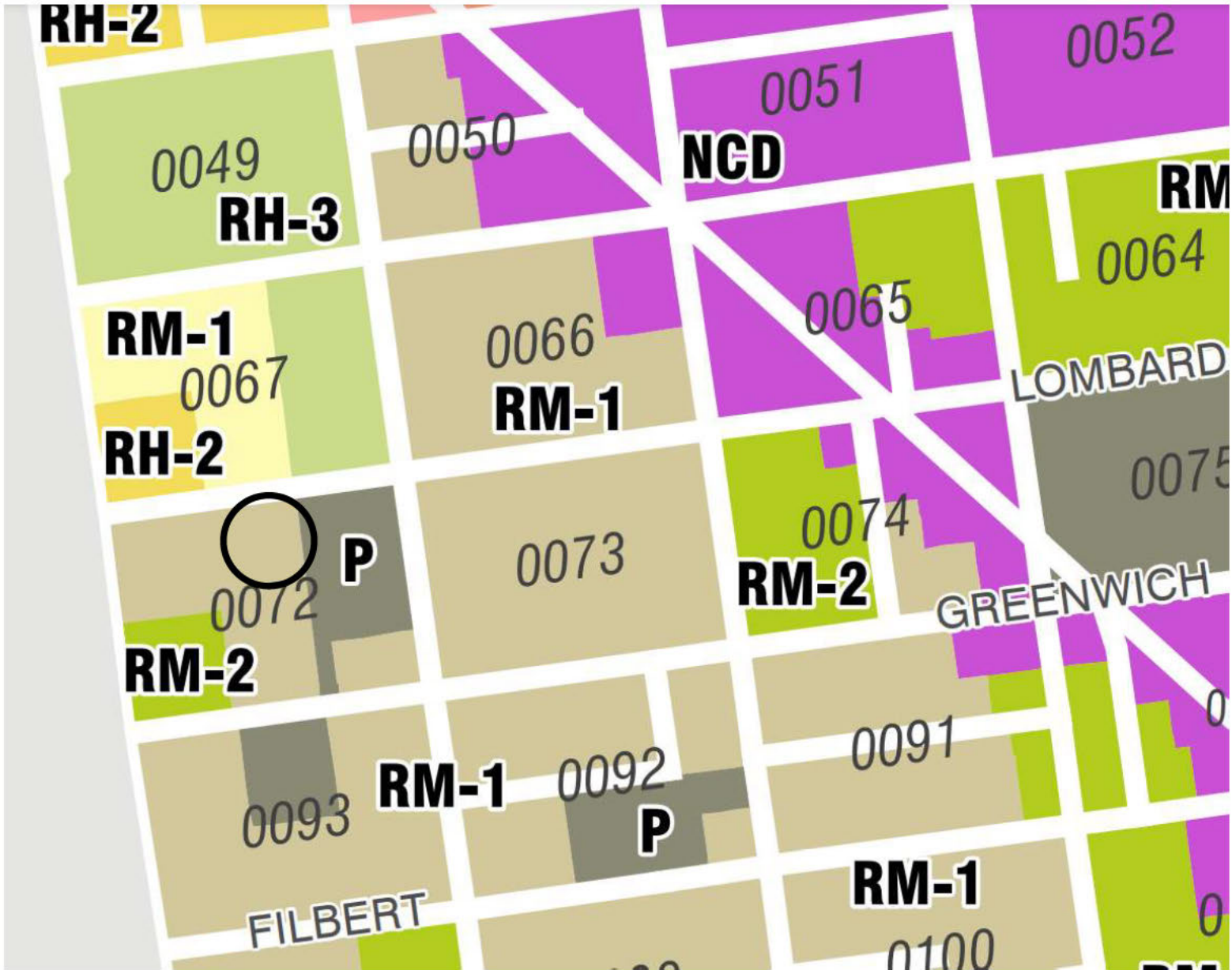
LOMBARD



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

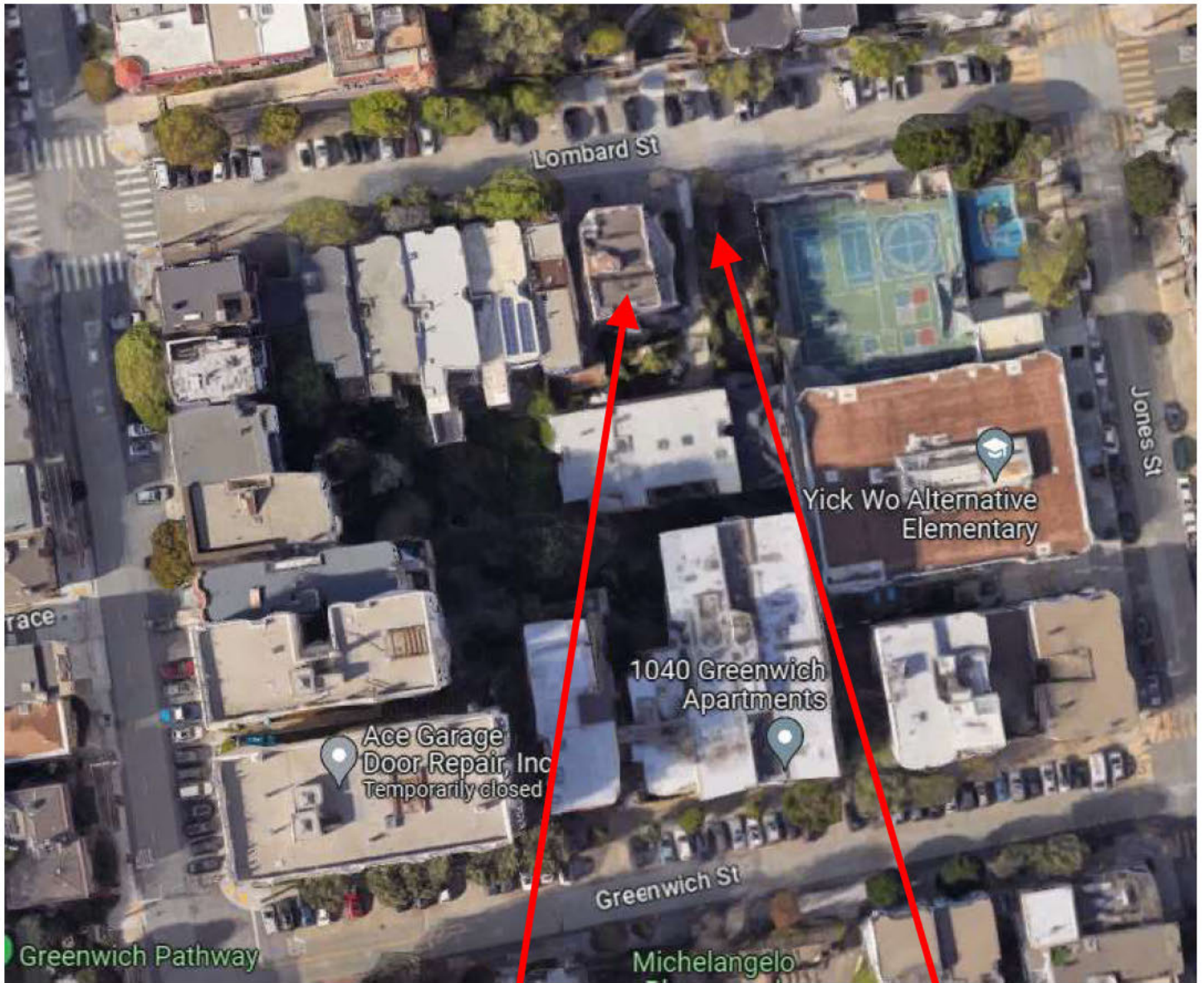


Zoning Map



Discretionary Review Hearing
Case Number 2021-007262DRP
939 Lombard Street

Aerial Photo



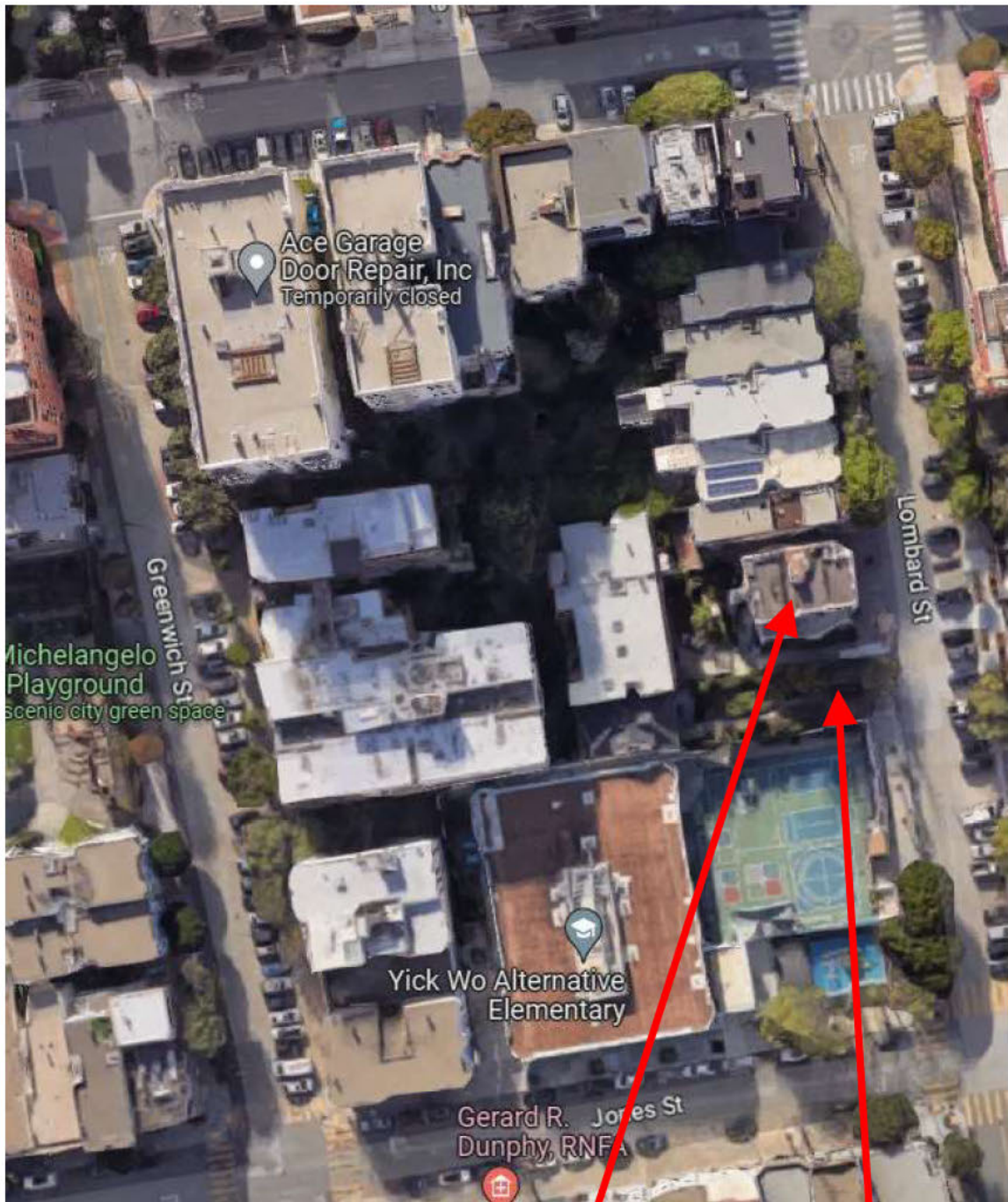
**DR REQUESTOR'S
PROPERTY**

SUBJECT PROPERTY



Discretionary Review Hearing
Case Number 2021-007262DRP
939 Lombard Street

Aerial Photo



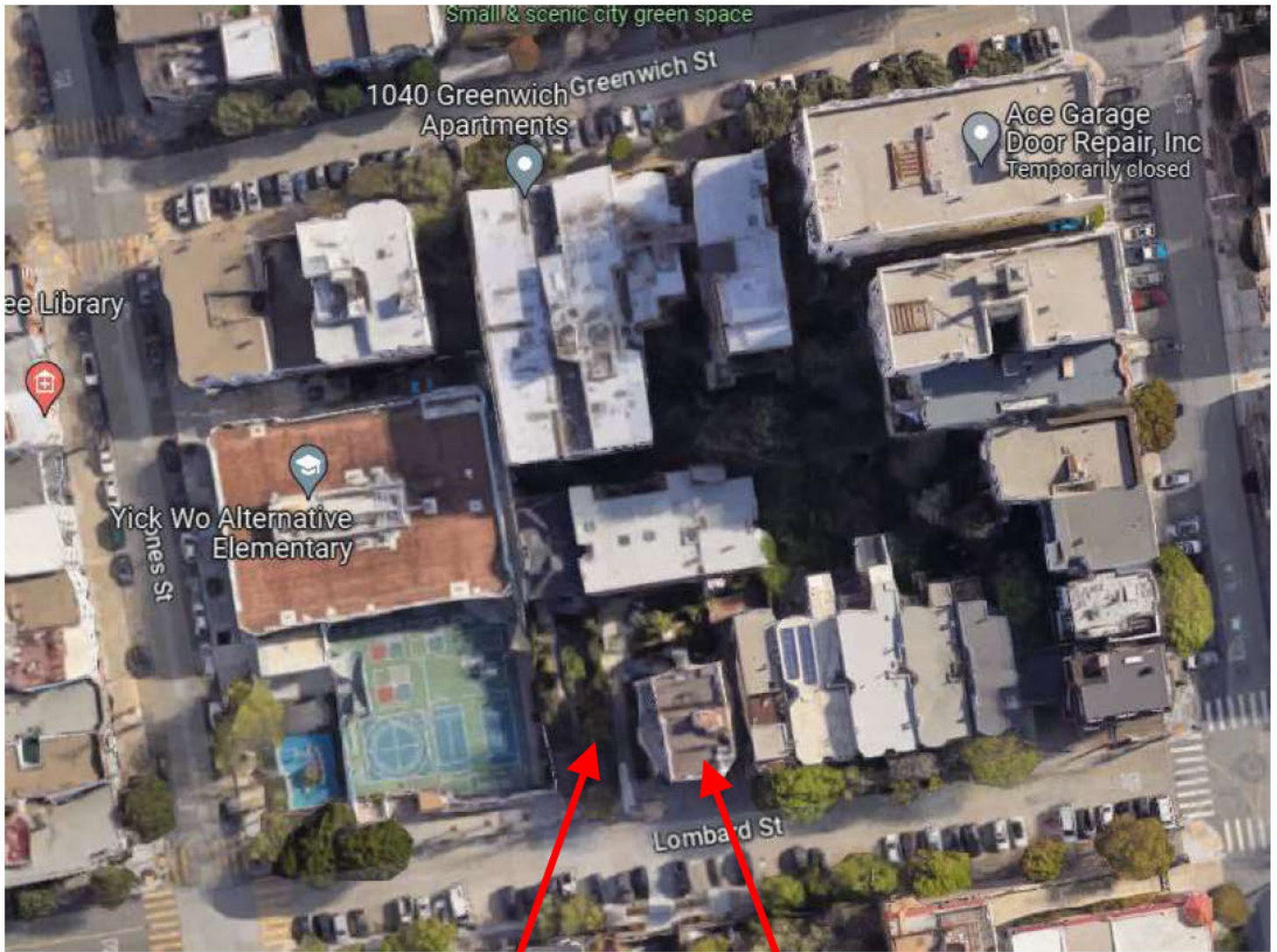
**DR REQUESTOR'S
PROPERTY**

SUBJECT PROPERTY



Discretionary Review Hearing
Case Number 2021-007262DRP
939 Lombard Street

Aerial Photo



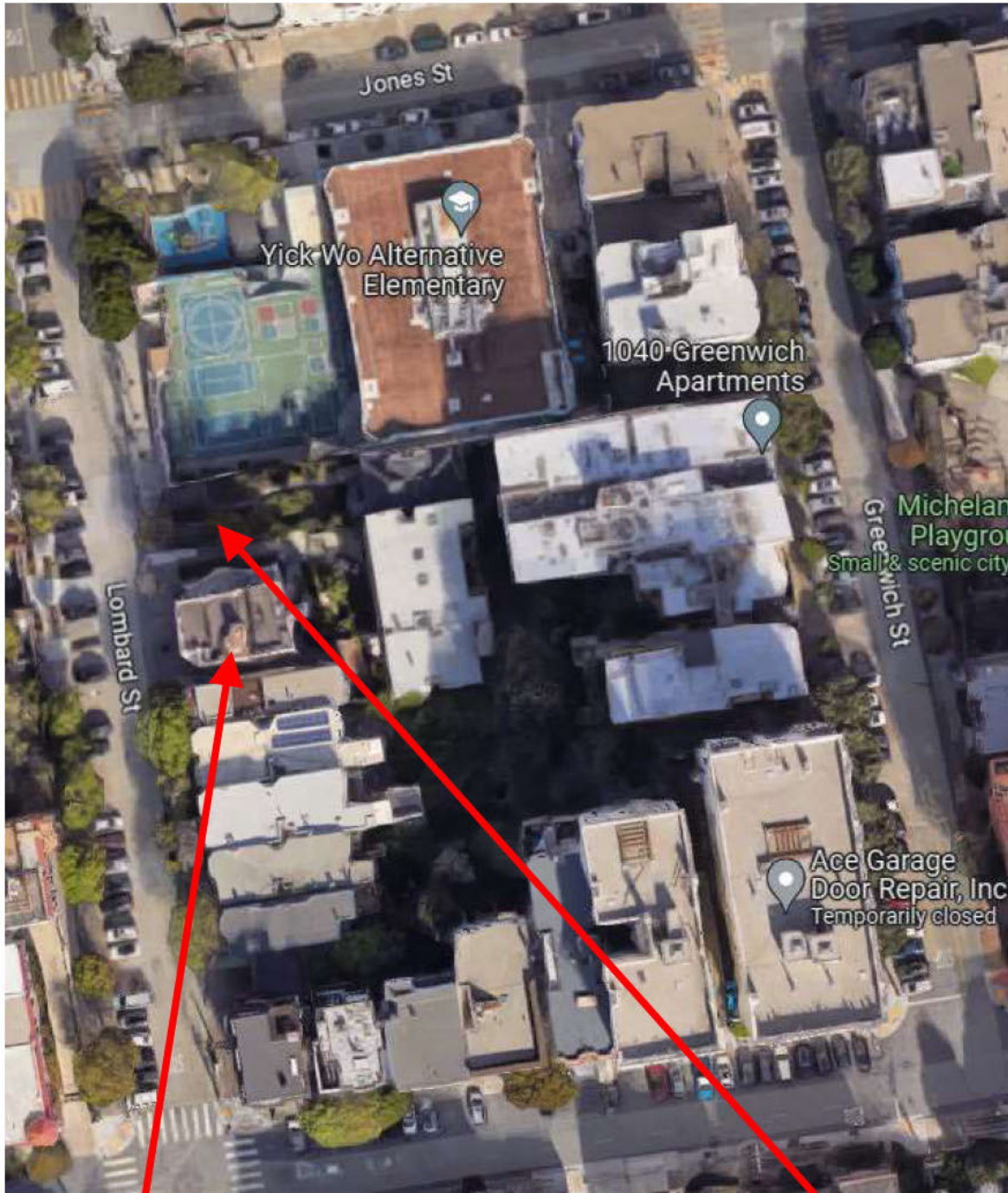
SUBJECT PROPERTY

**DR REQUESTOR'S
PROPERTY**



Discretionary Review Hearing
Case Number 2021-007262DRP
939 Lombard Street

Aerial Photo

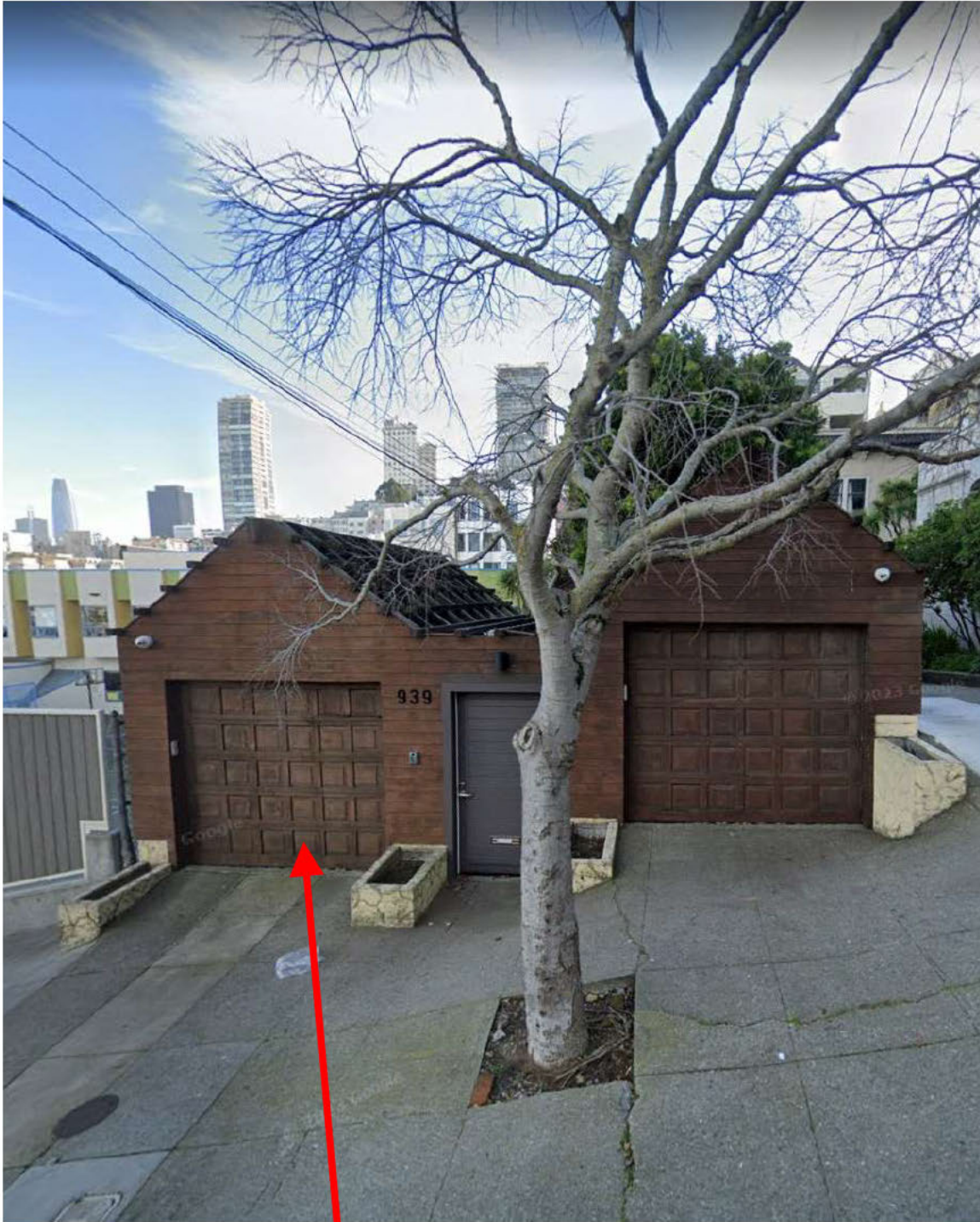


DR REQUESTOR'S
PROPERTY

SUBJECT PROPERTY



Site Photo



SUBJECT PROPERTY

Discretionary Review Hearing
Case Number 2021-007262DRP
939 Lombard Street













Notice of an application for Demolition and New Construction

Project Location & Details:
939 Lombard Street

Building Permit Application No. 2021.07.09.4046
Block/Lot No. 0072 / 021
Zoning District: RM-1 (Residential-Mixed, Low-Density)

The project at 939 Lombard Street proposes to demolish the existing parking structure at the front of the lot and construct a new residential building. No changes are proposed to the existing dwelling at the rear of the lot.



Applicant: Curtis Hollenbeck
(415) 544-9883 mattervard@yahoo.com
City Planner: Christopher May
(628) 652-7359 christopher.may@sfgov.org

Project Features	Existing	Proposed
Building Use	Parking	Residential
Building Height	11 feet	40 feet
Dwelling Units	0	1

**You are not
required to take
any action.**

If you believe there are exceptional circumstances, you may request a **public hearing for Discretionary Review** by the response deadline.

For information on how to request a public hearing please contact the City Planner or visit sfplanning.org/resource/drp-application.

中文:

該專案位於 939 Lombard Street 提議拆除現有的結構並且建造新的住宅樓。有關此通知的中文信息，請於以下截止日期前致電 628.657.7550，並提供項目地址及項目編號。

Español:

El proyecto en 939 Lombard Street propone demoler la estructura existente y construir un nuevo edificio residencial. Para información sobre esta notificación en español, favor de llamar al 628.657.7550 antes de la fecha límite listada abajo, y mencione la dirección y número de proyecto.

Filipino:

Iminumungkahi ng proyektong nasa 939 Lombard Street na gibain o i-demolish ang nariyan nang istruktura at magtayo ng bagong residensiyal na gusali. Para sa impormasyon tungkol dito sa abiso sa Filipino, pakitawagan ang 628.657.7550 sa petsa ng deadline na nakalista sa ibaba, at banggitin ang address ng proyekto at ang numero ng record.

Response Deadline: **5/4/23**

Record No. **2021-007262PRJ**



**San Francisco
Planning**

了解更多信息 *Para más información* *Para sa karagdagang impormasyon*

sfplanning.org/notices



For more information

General Information About Procedures

Reduced copies of the proposed project plans have been included in this mailing for your information. If you have questions about the plans, please contact the project Applicant listed on the front of this notice. You may wish to discuss the plans with your neighbors or neighborhood association, as they may already be aware of the project. If you have specific questions about the proposed project, you should contact the planner listed on the front of this notice. If you have general questions about the Planning Department's review process, contact the Planning counter at the Permit Center via email at pic@sfgov.org.

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

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

If, after exhausting the procedures outlined above, you still believe that exceptional and extraordinary circumstances exist, you have the option to request that the Planning Commission exercise its discretionary powers to review the project. These powers are reserved for use in exceptional and extraordinary circumstances for projects that conflict with the City's General Plan and the Priority Policies of the Planning Code; therefore the Commission exercises its discretion with utmost restraint. This procedure is called Discretionary Review ("DR"). If you believe the project warrants Discretionary Review by the Planning Commission, **you must file a DR Application prior to the Expiration Date shown on the front of this notice.**

To file a DR Application, you must:

1. Complete the Discretionary Review PDF application (<https://sfplanning.org/resource/drp-application>) and email the completed PDF application to CPC.Intake@sfgov.org by the expiration date listed on the front of this notice. You will receive follow-up

instructions via email on how - and by when - to post payment for the DR Application.

To determine the fee for a Discretionary Review, please refer to the Planning Department Fee Schedule available at www.sfplanning.org. If the project includes multiple building permits, i.e. demolition and new construction, a separate request for Discretionary Review must be submitted, with all required materials and fee, for each permit that you feel will have an impact on you. Incomplete applications will not be accepted.

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

BOARD OF APPEALS

An appeal of the Planning Commission's decision on a Discretionary Review case may be made to the **Board of Appeals within 15 calendar days after the building permit is issued** (or denied) by the Department of Building Inspection. The Board of Appeals is accepting appeals via e-mail. For further information about appeals to the Board of Appeals, including current fees, contact the Board of Appeals at (628) 652-1150.

ENVIRONMENTAL REVIEW

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

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



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CEQA Exemption Determination

PROPERTY INFORMATION/PROJECT DESCRIPTION

Project Address		Block/Lot(s)
939 LOMBARD ST		0072021
Case No.		Permit No.
2021-007262ENV		202107094044
<input type="checkbox"/> Addition/ Alteration	<input checked="" type="checkbox"/> Demolition (requires HRE for Category B Building)	<input checked="" type="checkbox"/> New Construction
<p>Project description for Planning Department approval. Demolition of an existing detached garage and construction of a new 4-story, single-family dwelling at front of lot also containing an existing 3-story single-family dwelling at the rear of the lot.</p>		

STEP 1: EXEMPTION TYPE

The project has been determined to be exempt under the California Environmental Quality Act (CEQA).	
<input checked="" type="checkbox"/>	Class 1 - Existing Facilities. Interior and exterior alterations; additions under 10,000 sq. ft.
<input checked="" type="checkbox"/>	Class 3 - New Construction. Up to three new single-family residences or six dwelling units in one building; commercial/office structures; utility extensions; change of use under 10,000 sq. ft. if principally permitted or with a CU.
<input type="checkbox"/>	Class 32 - In-Fill Development. New Construction of seven or more units or additions greater than 10,000 sq. ft. and meets the conditions described below: (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations. (b) The proposed development occurs within city limits on a project site of no more than 5 acres substantially surrounded by urban uses. (c) The project site has no value as habitat for endangered rare or threatened species. (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality. (e) The site can be adequately served by all required utilities and public services. FOR ENVIRONMENTAL PLANNING USE ONLY
<input type="checkbox"/>	Other _____
<input type="checkbox"/>	Common Sense Exemption (CEQA Guidelines section 15061(b)(3)). It can be seen with certainty that there is no possibility of a significant effect on the environment. FOR ENVIRONMENTAL PLANNING USE ONLY

STEP 2: ENVIRONMENTAL SCREENING ASSESSMENT

TO BE COMPLETED BY PROJECT PLANNER

<input type="checkbox"/>	<p>Air Quality: Would the project add new sensitive receptors (specifically, schools, day care facilities, hospitals, residential dwellings, and senior-care facilities within an Air Pollution Exposure Zone? Does the project have the potential to emit substantial pollutant concentrations (e.g. use of diesel construction equipment, backup diesel generators, heavy industry, diesel trucks, etc.)? (refer to <i>The Environmental Information</i> tab on the https://sfplanninggis.org/pim/)</p>
<input type="checkbox"/>	<p>Hazardous Materials: If the project site is located on the Maher map or is suspected of containing hazardous materials (based on a previous use such as gas station, auto repair, dry cleaners, or heavy manufacturing, or a site with underground storage tanks): Would the project involve 50 cubic yards or more of soil disturbance - or a change of use from industrial to residential?</p> <p>Note that a categorical exemption shall not be issued for a project located on the Cortese List if box is checked, note below whether the applicant has enrolled in or received a waiver from the San Francisco Department of Public Health (DPH) Maher program, or if Environmental Planning staff has determined that hazardous material effects would be less than significant. (refer to <i>The Environmental Information</i> tab on the https://sfplanninggis.org/pim/)</p>
<input type="checkbox"/>	<p>Transportation: Does the project involve a child care facility or school with 30 or more students, or a location 1,500 sq. ft. or greater? Does the project have the potential to adversely affect transit, pedestrian and/or bicycle safety (hazards) or the adequacy of nearby transit, pedestrian and/or bicycle facilities?</p>
<input checked="" type="checkbox"/>	<p>Archeological Resources: Would the project result in soil disturbance/modification greater than two (2) feet below grade in an archeological sensitive area or eight (8) feet in a non-archeological sensitive area? If yes, archeology review is required.</p>
<input type="checkbox"/>	<p>Subdivision/Lot Line Adjustment: Does the project site involve a subdivision or lot line adjustment on a lot with a slope average of 20% or more? (refer to <i>The Environmental Information</i> tab on the https://sfplanninggis.org/pim/) If box is checked, Environmental Planning must issue the exemption.</p>
<input checked="" type="checkbox"/>	<p>Average Slope of Parcel = or > 25%, or site is in Edgehill Slope Protection Area or Northwest Mt. Sutro Slope Protection Area: Does the project involve any of the following: (1) New building construction, except one-story storage or utility occupancy, (2) horizontal additions, if the footprint area increases more than 50%, or (3) horizontal and vertical additions increase more than 500 square feet of new projected roof area? (refer to <i>The Environmental Planning</i> tab on the https://sfplanninggis.org/pim/) If box is checked, a geotechnical report is likely required and Environmental Planning must issue the exemption.</p>
<input type="checkbox"/>	<p>Seismic Hazard: <input type="checkbox"/>Landslide or <input type="checkbox"/>Liquefaction Hazard Zone:</p> <p>Does the project involve any of the following: (1) New building construction, except one-story storage or utility occupancy, (2) horizontal additions, if the footprint area increases more than 50%, (3) horizontal and vertical additions increase more than 500 square feet of new projected roof area, or (4) grading performed at a site in the landslide hazard zone? (refer to <i>The Environmental</i> tab on the https://sfplanninggis.org/pim/) If box is checked, a geotechnical report is required and Environmental Planning must issue the exemption.</p>
<p>Comments and Planner Signature (optional): Don Lewis</p> <p>Geology and Soils: A preliminary geotechnical report was prepared by H. Allen Gruen (dated 10/8/2022), confirming that the proposed project is on a site subject to 25 percent slope. The project's structural drawings would be reviewed by the building department, where it would be determined if further geotechnical review and technical reports are required.</p> <p>Archeological Resources: The department's staff archeologist conducted preliminary archeological review on 1/19/2023 and determined that no CEQA-significant archeological resources are expected within project-affected</p>	

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

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

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

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

STEP 5: ADVANCED HISTORICAL REVIEW
TO BE COMPLETED BY PRESERVATION PLANNER

Check all that apply to the project.	
<input type="checkbox"/>	1. Reclassification of property status. (<i>Attach HRER Part I</i>) <input type="checkbox"/> Reclassify to Category A a. Per HRER b. Other (<i>specify</i>): <input type="checkbox"/> Reclassify to Category C (<i>No further historic review</i>)
<input type="checkbox"/>	2. Project involves a known historical resource (CEQA Category A) as determined by Step 3 and conforms entirely to proposed work checklist in Step 4.
<input type="checkbox"/>	3. Interior alterations to publicly accessible spaces that do not remove, alter, or obscure character defining features.
<input type="checkbox"/>	4. Window replacement of original/historic windows that are not "in-kind" but are consistent with existing historic character.
<input type="checkbox"/>	5. Façade/storefront alterations that do not remove, alter, or obscure character-defining features.

<input type="checkbox"/>	6. Raising the building in a manner that does not remove, alter, or obscure character-defining features.
<input type="checkbox"/>	7. Restoration based upon documented evidence of a building's historic condition, such as historic photographs, plans, physical evidence, or similar buildings.
<input type="checkbox"/>	8. Work consistent with the <i>Secretary of the Interior Standards for the Treatment of Historic Properties</i> (Analysis required):
<input type="checkbox"/>	9. Work compatible with a historic district (Analysis required):
<input type="checkbox"/>	10. Work that would not materially impair a historic resource (Attach HRER Part II).
Note: If ANY box in STEP 5 above is checked, a Preservation Planner MUST sign below.	
<input type="checkbox"/>	Project can proceed with exemption review. The project has been reviewed by the Preservation Planner and can proceed with exemption review. GO TO STEP 6.
Comments (optional):	
Preservation Planner Signature: Don Lewis	

STEP 6: EXEMPTION DETERMINATION

TO BE COMPLETED BY PROJECT PLANNER

<input checked="" type="checkbox"/>	No further environmental review is required. The project is exempt under CEQA. There are no unusual circumstances that would result in a reasonable possibility of a significant effect.	
	Project Approval Action: Building Permit	Signature: Don Lewis
	If Discretionary Review before the Planning Commission is requested, the Discretionary Review hearing is the Approval Action for the	04/19/2023
	Supporting documents are available for review on the San Francisco Property Information Map, which can be accessed at https://sfplanninggis.org/pim/ . Individual files can be viewed by clicking on the Planning Applications link, clicking the "More Details" link under the project's environmental record number (ENV) and then clicking on the "Related Documents" link.	
	Once signed and dated, this document constitutes an exemption pursuant to CEQA Guidelines and Chapter 31 of the SF Admin Code. Per Chapter 31, an appeal of an exemption determination to the Board of Supervisors shall be filed within 30 days after the Approval Action occurs at a noticed public hearing, or within 30 days after posting on the Planning Department's website a written decision or written notice of the Approval Action, if the approval is not made at a noticed public hearing.	

STEP 7: MODIFICATION OF A CEQA EXEMPT PROJECT

TO BE COMPLETED BY PROJECT PLANNER

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

MODIFIED PROJECT DESCRIPTION

Modified Project Description:

DETERMINATION IF PROJECT CONSTITUTES SUBSTANTIAL MODIFICATION

Compared to the approved project, would the modified project:

- | | |
|--------------------------|--|
| <input type="checkbox"/> | Result in expansion of the building envelope, as defined in the Planning Code; |
| <input type="checkbox"/> | Result in the change of use that would require public notice under Planning Code Sections 311 or 312; |
| <input type="checkbox"/> | Result in demolition as defined under Planning Code Section 317 or 19005(f)? |
| <input type="checkbox"/> | Is any information being presented that was not known and could not have been known at the time of the original determination, that shows the originally approved project may no longer qualify for the exemption? |

If at least one of the above boxes is checked, further environmental review is required

DETERMINATION OF NO SUBSTANTIAL MODIFICATION

- | | |
|--------------------------|---|
| <input type="checkbox"/> | The proposed modification would not result in any of the above changes. |
|--------------------------|---|

If this box is checked, the proposed modifications are exempt under CEQA, in accordance with prior project approval and no additional environmental review is required. This determination shall be posted on the Planning Department website and office and mailed to the applicant, City approving entities, and anyone requesting written notice. In accordance with Chapter 31, Sec 31.08j of the San Francisco Administrative Code, an appeal of this determination can be filed to the Environmental Review Officer within 10 days of posting of this determination.

Planner Name:

Date:

APR 03 1998

CONFORMED COPY of document recorded on _____

RECORDING REQUESTED BY:)
And When Recorded Mail To:)
Name: Daniel Friedlander)
Address: 294 Townsend St.)
City: SF, Ca. 94107)
State: California)

at _____ as No. C330147
This document has not been compared with
the original
SAN FRANCISCO ASSESSOR RECORDER

Space Above this Line For Recorder's Use

NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

I(We) Dan Friedlander, Kazuyo Davis, the owner(s) of that certain real property situated in the City and County of San Francisco, State of California more particularly described as follows:

(PLEASE ATTACH THE LEGAL DESCRIPTION AS ON DEED)

BEING ASSESSOR'S BLOCK 72 , LOT 21:

COMMONLY KNOWN AS 939 LOMBARD STREET

hereby give notice that there are special restrictions on the use of said property under Part II, Chapter II of the San Francisco Municipal Code (Planning Code).

Said Restrictions consist of conditions attached to a variance granted by the Zoning Administrator of the City and County of San Francisco on March 9, 1998 (Case No. 97.886V) permitting the conversion of an existing one-story, single-family unit with basement into a three-story, single-family dwelling unit in the rear yard and the construction of vehicular storage in the front yard, in general conformity with plans on file with this application.

The restrictions and conditions of which notice is hereby given are:

1. 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.
2. No further vertical or horizontal expansion of the subject building in the rear yard, and no new building or further vertical or horizontal expansion of the vehicular storage building in the front yard, 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 the public hearing and all other

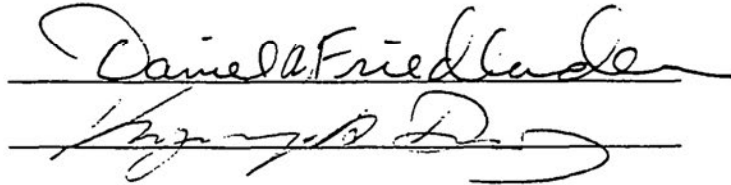
NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

applicable procedures of the City 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. This condition does not preclude construction of a Code-complying building in the front yard, without a new variance, if the rear yard is brought to at least the same level of Code compliance as the subject property's physical condition existing on the date of this variance approval.

3. The owners of the subject property shall record on the land records of the City and County of San Francisco the conditions attached to this variance decision as a Notice of Special Restrictions in a form approved by the Zoning Administrator.
4. The proposed project must meet these conditions and all applicable City Codes, and in case of conflict, the more restrictive controls shall apply.

The use of said property contrary to these special restrictions shall constitute a violation of the Planning Code, and no release, modification or elimination of these restrictions shall be valid unless notice thereof is recorded on the Land Records by the Zoning Administrator of the City and County of San Francisco.

Dated: 3.30.98 at San Francisco, California.



The image shows two handwritten signatures in black ink. The top signature is 'Daniela Friedlander' written in a cursive style. Below it is another signature, which is less legible but appears to be 'K...'. Both signatures are written over a horizontal line.

This signature(s) must be acknowledged by a notary public before recordation; add Notary Public Certification and Official Notarial Seal Below.

**REPORT
GEOTECHNICAL INVESTIGATION
Planned Improvements At
939 Lombard Street
San Francisco, California**

Prepared for:

Mr. Enda Keane
C/o: Byrne's Special Works LLC
51 Bernard Street
San Francisco, CA 94133

Prepared by:

H. Allen Gruen
Geotechnical Engineer
360 Grand Avenue, # 262
Oakland, California 94610
(510) 455-0321

Project Number: 22-5132



H. Allen Gruen

H. Allen Gruen, C.E., G.E.
Registered Geotechnical Engineer No. 2147

October 8, 2022

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INTRODUCTION

Purpose

A geotechnical investigation has been completed for the proposed improvements at 939 Lombard Street in San Francisco, California. The purposes of this study have been to gather information on the nature, distribution, and characteristics of the earth materials at the site, assess geologic hazards, and to provide geotechnical design criteria for the planned improvements.

Scope

The scope of my services was outlined in the Proposal and Professional Service Agreement dated September 7, 2022. My investigation included a reconnaissance of the site and surrounding vicinity; sampling and logging one test boring to practical drilling refusal at a maximum depth of 6-½ feet below the ground surface; a review of published geotechnical and geologic data pertinent to the project area; geotechnical interpretation and engineering analyses; and preparation of this report.

This report contains the results of my investigation, including findings regarding site, soil, geologic, and groundwater conditions; conclusions pertaining to geotechnical considerations such as weak soils, settlement, and construction considerations; conclusions regarding exposure to geologic hazards, including faulting, ground shaking, liquefaction, lateral spreading, and slope stability; and geotechnical recommendations for design of the proposed project including site preparation and grading, foundations, retaining walls, slabs on grade, and geotechnical drainage.

Pertinent exhibits appear in Appendix A. The location of the test boring is depicted relative to site features on Plate 1, Boring Location Map. The log of the test boring is displayed on Plate 2. Explanations of the symbols and other codes used on the log are presented on Plate 3, Soil Classification Chart and Key to Test Data. Bedrock is described in accordance with the engineering geology rock terms presented on Plate 4.

References consulted during the course of this investigation are listed in Appendix B. Details regarding the field exploration program appear in Appendix C.

Proposed Improvements

It is my understanding that the project will consist of the design and construction of a 4-story, single family house at the front portion of the lot. No other project details are known at this time.

FINDINGS

Site Description

The subject site is located south of Lombard Street between Jones and Leavenworth Streets, in San Francisco, California. At the time of my investigation, the subject site was occupied by a residential structure with appurtenant flatwork and yard areas.

Geologic Conditions

The site is within the Coast Ranges Geomorphic Province, which includes the San Francisco Bay and the northwest-trending mountains that parallel the coast of California. Tectonic forces resulting in extensive folding and faulting of the area formed these features. The oldest rocks in the area include sedimentary, volcanic, and metamorphic rocks of the Franciscan Complex. This unit is Jurassic to Cretaceous in age and forms the basement rocks in the region.

Locally, the site lies within the USGS San Francisco North Quadrangle. Schlocker (1958) has mapped the area of the site as being underlain by thick-bedded massive graywacke sandstone inter-bedded with thin layers of shale and fine-grained sandstone.

Earth Materials

My boring at the subject site encountered medium dense to very dense, clayey sand with gravel to the maximum depth explored of 6-½ feet. The earth materials below 4-feet appeared to be similar to conglomerate bedrock.

Groundwater

Free groundwater was not encountered in the boring drilled at the subject site to the maximum depth explored of 6-½ feet. It is my opinion that the free groundwater table will be below the planned site excavations. I anticipate that the depth to the free water table will vary with time and that zones of seepage may be encountered near the ground surface following rain or irrigation upslope of the subject site.

CONCLUSIONS

General

On the basis of my investigation and literature review, I conclude that the site is suitable for support of the planned improvements. The primary geotechnical concerns are founding improvements in competent earth materials, excavation of bedrock, support of temporary slopes and adjacent improvements, and seismic shaking and related effects during earthquakes. These items are addressed below.

Foundation Support

It is my opinion that the planned improvements may be supported on a conventional spread footing foundation bearing in competent earth materials. If the spread footings would cover a substantial portion of the building area, a mat foundation may be used as an alternative to reduce forming and steel bending costs. The Structural Engineer may also choose to use drilled piers to support improvements, or for shoring and underpinning, if required. Detailed foundation design criteria are presented later in this report.

I estimate that improvements supported on foundations designed and constructed in accordance with my recommendations will experience post-construction total settlements from static loading of less than 1 inch with differential settlements of less than ½ inch over a 50-foot span.

Excavation of Bedrock

Bedrock was encountered in the boring at the subject site at a depth of about 4 feet. The upper portion of the bedrock is fractured and will generally excavate with conventional equipment. During the excavation operations, additional effort may be required to remove some of the bedrock materials underlying the site, particularly in the lower portions of the excavations. Since the bedrock may locally be massive, localized hoe-ram work and/or hand work with jackhammers may be necessary to break down massive blocks and large boulders.

Temporary Slopes and Undermining of Existing Structures

Temporary slopes will be necessary during the planned site excavations. In order to safely develop the site, temporary slopes will need to be laid back in conformance with OSHA standards at safe inclinations, or temporary shoring will have to be installed. The contractor may choose to excavate test pits to evaluate site earth materials and the need for temporary shoring.

If excavations undermine or remove support from the existing or adjacent structures, it may be necessary to underpin those structures. Care should be taken to provide adequate shoring or underpinning to support the affected improvements as a result of the loss of support.

Temporary slopes and support of structures during construction are the responsibility of the contractor. H. Allen Gruen, Geotechnical Engineer is available to provide geotechnical consultation regarding stability of excavations and support of improvements.

Geologic Hazards

Faulting

The property does not lie within an Alquist-Priolo Earthquake Fault Zone as defined by the California Division of Mines and Geology. The closest mapped active fault in the vicinity of the site is the San Andreas Fault, located about 9 miles southwest of the site (CDMG, 1998). No active faults are shown crossing the site on reviewed published maps, nor did I observe evidence of active faulting during my investigation. Therefore I conclude that the potential risk for damage to improvements at the site due to surface rupture from faults to be low.

Earthquake Shaking

Earthquake shaking results from the sudden release of seismic energy during displacement along a fault. During an earthquake, the intensity of ground shaking at a particular location will depend on a number of factors including the earthquake magnitude, the distance to the zone of energy release, and local geologic conditions. I expect that the site will be exposed to strong earthquake shaking during the life of the improvements. The recommendations contained in the applicable Building Code should be followed for reducing potential damage to the improvements from earthquake shaking.

Liquefaction

Liquefaction results in a loss of shear strength and potential volume reduction in saturated granular soils below the groundwater level from earthquake shaking. The occurrence of this phenomenon is dependent on many factors, including the intensity and duration of ground shaking, soil density and particle size distribution, and position of the groundwater table (Seed and Idriss, 1982). The site does not lie within a liquefaction potential zone as mapped by the California Division of Mines and Geology for the City and County of San Francisco (CDMG, 2000). In addition, the earth materials encountered in the boring at the subject site have a low potential for liquefaction due to the lack of free groundwater and the high cohesive fines contents or bedrock being present. Therefore, it is my opinion that there is a low potential for damage to the planned improvements from liquefaction.

Lateral Spreading

Lateral spreading or lurching is generally caused by liquefaction of marginally stable soils underlying gentle slopes. In these cases, the surficial soils move toward an unsupported face, such as an incised channel, river, or body of water. Because the site has a low potential for liquefaction, I judge that there is a low risk for damage of the improvements from seismically-induced lateral spreading.

Densification

Densification can occur in clean, loose granular soils during earthquake shaking, resulting in seismic settlement and differential compaction. It is my opinion that earth materials subject to seismic densification do not exist beneath the site in sufficient thickness to adversely impact the planned improvements.

Landsliding

The site is mapped within an area of potential landslide hazard by URS/John A. Blume & Associates (1974). Qualifying projects may be subject to the Slope Protection Act (San Francisco Building Code 106A.4.1.4). The San Francisco Building Code (106A.4.1.4.3) states construction work that is subject to these requirements includes the construction of new buildings or structures having over 1000 square feet of new projected roof area and horizontal or vertical additions having over 1000 square feet of new projected roof area. In addition, these requirements apply to the following activity or activities, if, in the opinion of the Director, the proposed work may have a substantial impact on the slope stability of any property: shoring, underpinning, excavation or retaining wall work; grading, including excavation or fill, of over 50 cubic yards of earth materials; or any other construction activity.

The geologic map of the site vicinity reviewed for this study (Schlocker, 1958) did not show landslides at the subject site. In addition, a map prepared by the California Division of Mines and Geology for the City and County of San Francisco (CDMG, 2000) does not indicate earthquake induced landsliding at the subject site. During his site reconnaissance, my field engineer did not observe evidence of active slope instability at the subject site. Therefore, it is my opinion that the potential for damage to the improvements from slope instability at the site is low provided the recommendations presented in this report are incorporated into the design and construction of the project.

RECOMMENDATIONS

Site Preparation and Grading

General

The thickness of soil blanketing the site and the depth to bedrock can vary across the site. Design criteria are provided for foundations and retaining walls in soil and rock. Soil design criteria may be assumed within 4 feet of the current ground surface and rock design criteria may be assumed more than 4 feet below the current ground surface. However, if during construction, soil is observed more than 4 feet below the ground surface at foundation levels, the foundations will need to be deepened to bear in rock, or the foundations will need to be redesigned using the soil values. Likewise, if more than 4 feet of soil is being retained by subsurface walls, the portions of walls supporting the additional soil will need to be designed using the lateral earth pressures for soil conditions.

I assume that the planned improvements will be constructed at or below existing site grades. If site grades are raised by filling more than about 1 foot, I should be retained to calculate the impact of filling on slope stability, site settlements, and foundations.

Clearing

Areas to be graded should be cleared of debris, deleterious materials, and vegetation, and then stripped of the upper soils containing root growth and organic matter. I anticipate that the required depth of stripping will generally be less than 2 inches. Deeper stripping may be required to remove localized concentrations of organic matter, such as tree roots. The cleared materials should be removed from the site; strippings may be stockpiled for reuse as topsoil in landscaping areas or should be hauled off site.

Excavation of Bedrock

Bedrock was encountered in the boring at the subject site at a depth of about 4 feet. The upper portion of the bedrock is fractured and will generally excavate with conventional equipment. During the excavation operations, additional effort may be required to remove some of the bedrock materials underlying the site, particularly in the lower portions of the excavations. Since the bedrock may locally be massive, localized hoe-ram work and/or hand work with jackhammers may be necessary to break down massive blocks and large boulders.

Overexcavation

Loose, porous soils and topsoil, if encountered, should be overexcavated in areas designated for placement of future engineered fill or support of improvements. Difficulty in achieving the recommended minimum degree of compaction described below should be used as a field criterion by the geotechnical engineer to identify areas of weak soils that should be removed and replaced as engineered fill. The depth and extent of excavation should be approved in the field by the geotechnical engineer prior to placement of fill or improvements.

Subgrade Preparation

Exposed soils designated to receive engineered fill should be cut to form a level bench, scarified to a minimum depth of 6 inches, brought to at least optimum moisture content, and compacted to at least 90 percent relative compaction, in accordance with ASTM test designation D 1557.

Material for Fill

It is anticipated that the on-site soil will be suitable for reuse as fill provided that lumps greater than 6 inches in largest dimension and perishable materials are removed, and that the fill materials are approved by the geotechnical engineer prior to use.

Fill materials brought onto the site should be free of vegetative mater and deleterious debris, and should be primarily granular. The geotechnical engineer should approve fill material prior to trucking it to the site.

Compaction of Fill

Fill should be placed in level lifts not exceeding 8 inches in loose thickness. Each lift should be brought to at least the optimum moisture content and compacted to at least 90 percent relative compaction, in accordance with ASTM test designation D 1557.

Underpinning

During excavations adjacent to improvements, care should be taken to adequately support the existing improvements. When excavating below the level of foundations supporting existing structures, some form of underpinning may be required where excavations extend below an imaginary plane sloping at 1H:1V downward and outward from the edge of the existing footings. All temporary underpinning design and construction are the responsibility of the contractor. H. Allen Gruen, Geotechnical Engineer is available to provide consultation regarding underpinning adjacent improvements.

Temporary Slopes

Temporary slopes will be necessary during the planned site excavations. In order to safely develop the site, temporary slopes will need to be laid back in conformance with OSHA standards at safe inclinations, or temporary shoring will have to be installed. All temporary slopes and shoring design are the responsibility of the contractor. H. Allen Gruen, Geotechnical Engineer is available to provide consultation regarding stability and support of temporary slopes during construction.

Finished Slopes

In general, finished cut and fill slopes in soil should be constructed at an inclination not exceeding 2:1 (horizontal:vertical). Routine maintenance of slopes should be anticipated. The tops of cut slopes should be rounded and compacted to reduce the risk of erosion. Fill and cut slopes should be planted with vegetation to resist erosion, or protected from erosion by other measures, upon completion of grading. Surface water runoff should be intercepted and diverted away from the tops and toes of cut and fill slopes by using berms or ditches.

Seismic Design

If the improvements are designed using the 2019 California Building Code with San Francisco Amendments, the following parameters apply:

Design Code Reference Document: ASCE7-16

Risk Category II

Site Class C – Very Dense Soil and Soft Rock

$S_s = 1.5$

$S_1 = 0.6$

$S_{Ms} = 1.8$

$S_{M1} = 0.84$

$S_{Ds} = 1.2$

$S_{D1} = 0.56$

Foundations

General

The thickness of soil blanketing the site and the depth to bedrock can vary across the site. Design criteria are provided for foundations in soil and rock. Soil design criteria may be assumed within 4 feet of the current ground surface and rock design criteria may be assumed more than 4 feet below the current ground surface. However, if during construction, soil is observed more than 4 feet below the ground surface at foundation levels, the foundations will need to be deepened to bear in rock, or the foundations will need to be redesigned using the soil values.

It is my opinion that the planned improvements may be supported on a conventional spread footing foundation bearing in competent earth materials. If the spread footings would cover a substantial portion of the building area, a mat foundation may be used as an alternative to reduce forming and steel bending costs. The Structural Engineer may also choose to use drilled piers to support improvements, or for shoring and underpinning, if required. Design criteria for each foundation type are presented below.

Spread Footings

New spread footings should extend at least 18 inches below lowest adjacent grade. If soft or unstable soil areas are encountered at the bottom of the footings, localized deepening of the footing excavation will be necessary. Footing depths may be reduced if competent bedrock is exposed in footing excavations. Footings should be stepped to produce level tops and bottoms and should be deepened as necessary to provide at least 7 feet of horizontal clearance between the portions of footings designed to impose passive pressures and the face of the nearest slope or retaining wall.

Spread footings bottomed in soil can be designed to impose dead plus code live load bearing pressures and total design load bearing pressures of 2,000 and 3,000 psf, respectively. If foundations are bottomed in bedrock, the footings may be designed for maximum allowable rock contact pressures of 3,500 pounds per square foot (psf) for dead plus sustained live loads, and 5,000 psf for total loads, including wind or seismic forces.

There should be no isolated footing pads, where practical. Resistance to lateral pressures can be obtained from passive earth pressures against the face of the footing and soil friction along the base of footings. A passive pressure equivalent to that obtained using a fluid weight of 250 pounds per cubic foot (pcf) and a friction factor of 0.3 may be used to resist lateral forces and sliding in soil. In bedrock, a uniform pressure of 3000 psf and a friction factor of 0.4 times the net vertical dead load may be used for design to resist lateral forces and sliding. These values include a safety factor of 1.5 and may be used in combination without reduction. Passive pressures should be disregarded in areas with less than 7 feet of horizontal soil confinement and for the uppermost 1-foot of foundation depth unless confined by concrete slabs or pavements.

Drilled Piers

Drilled, cast-in-place, reinforced concrete piers should be at least 14 inches in diameter and extend at least 10 feet below grade, or to practical drilling refusal in bedrock. Piers should be designed for a maximum allowable skin friction of 500 psf for combined dead plus sustained live loads in soil. In bedrock, piers should be designed for a maximum allowable skin friction of 1,000 psf for combined dead plus sustained live loads. The above values may be increased by one-third for total loads, including the effect of seismic or wind forces. The weight of the foundation concrete extending below grade may be disregarded.

Resistance to lateral displacement of individual piers will be generated primarily by passive earth pressures acting on the pier. Passive pressures in soil should be assumed equivalent to those generated by a fluid weighing 250 pcf acting on 2 pier diameters. In bedrock, a passive pressure equivalent to that generated by a uniform pressure of 3000 psf acting on 1.5 pier diameters may be used. Passive pressures should be neglected within 12 inches of the ground surface in areas not confined by slabs or pavements and in areas with less than 7 feet of horizontal confinement.

Where groundwater is encountered during pier shaft drilling, it should be removed by pumping, or the concrete must be placed by the tremie method. If the pier shafts will not stand open, temporary casing may be necessary to support the sides of the pier shafts until concrete is placed. Concrete should not be allowed to free fall more than 5 feet to avoid segregation of the aggregate.

Mat Foundation

A mat foundation may be used to support the planned improvements. The mat can be designed for an average allowable bearing pressure in soil over the entire mat of 2,000 psf for combined dead plus sustained live loads, and 3,000 psf for total loads including wind or seismic forces. The weight of the mat extending below current site grade may be neglected in computing bearing loads. Localized increases in bearing pressures of up to 4,000 psf may be utilized. If the mat is bottomed in bedrock, the mat may be designed for maximum allowable rock contact pressures of 3,500 pounds per square foot (psf) for dead plus sustained live loads, and 5,000 psf for total loads, including wind or seismic forces, with localized increases up to 8,000 psf. For elastic design, a modulus of subgrade reaction for soil of 50 kips per cubic foot and for rock of 200 kips per cubic foot may be used.

Resistance to lateral pressures can be obtained from passive earth pressures against the face of the mat and soil friction along the base of the mat foundation. I recommend that an allowable passive equivalent fluid pressure in soil of 250 pcf and a friction factor of 0.3 times the net vertical dead load be used for design. In bedrock, a uniform pressure of 3000 psf and a friction factor of 0.4 times the net vertical dead load may be used for design to resist lateral forces and sliding. If a waterproofing membrane or vapor retarder is used beneath the mat slab, a friction factor of 0.2 should be used. Passive pressures should be disregarded in areas with less than 7 feet of horizontal soil confinement and for the uppermost 1-foot of foundation depth unless confined by concrete slabs or pavements.

Retaining Walls

The geotechnical design criteria presented in this section may also be used for the design of temporary shoring.

The thickness of soil blanketing the site and the depth to bedrock can vary across the site. Design criteria are provided for retaining walls in soil and rock. Soil design criteria may be assumed within 4 feet of the current ground surface and rock design criteria may be assumed more than 4 feet below the current ground surface. However, if more than 4 feet of soil is being retaining by subsurface walls, the portions of walls supporting the additional soil will need to be designed using the lateral earth pressures for soil conditions.

Retaining walls should be fully backdrained. The backdrains should consist of at least a 3-inch-diameter, rigid perforated pipe, or equivalent such as a "high profile collector drain", surrounded by a drainage blanket. The pipe should be sloped to drain by gravity to appropriate outlets. Accessible subdrain cleanouts should be provided and maintained on a routine basis. The drainage blanket should consist of clean, free-draining crushed rock or gravel, wrapped in a filter fabric such as Mirafi 140N. Alternatively, the drainage blanket could consist of Caltrans Class 2 "Permeable Material" or a prefabricated drainage structure such as Mirafi Miradrain. The bottom of the collector drain should be at least 12 inches below lowest adjacent grade. Aggregate drainage blankets should be at least 1 foot in width and extend to within 1 foot of the surface. The uppermost 1-foot should be backfilled with compacted native soil to exclude surface water.

Vertical retaining walls that are free to rotate at the top should be designed to resist active lateral soil pressures equivalent to those exerted by a fluid weighing 40 pcf where the backslope is level, and 60 pcf for backfill at a 2:1 (horizontal:vertical) slope. In areas where bedrock is exposed and backfill is placed behind the wall, the structural engineer may use active lateral earth pressures equivalent to those exerted by a fluid weighing 30 pcf where the backslope is level, and 45 pcf for backfill at a 2:1 (horizontal:vertical) slope. If the retaining wall is constructed directly against the bedrock with no backfill, the structural engineer may use active lateral earth pressures equivalent to those exerted by a fluid weighing 20 pcf where the backslope is level, and 26 pcf for backfill at a 2:1 (horizontal:vertical) slope. For intermediate slopes, interpolate between these values. I should be consulted to calculate lateral pressures on retaining walls that are tied-back or braced.

In addition to lateral earth pressures, retaining walls must be designed to resist horizontal pressures that may be generated by surcharge foundation loads applied at or near the ground surface. If a footing surcharge is located above a retaining wall within a horizontal distance of $0.4 \bullet H$, where H is the height of soil retained by the wall, then a horizontal lateral resultant force equal to $0.55 \bullet Q_L$ should be applied to the retaining wall at a height above the base of the wall equal to $0.6 \bullet H$. Q_L equals the equivalent resultant footing line load. This footing surcharge load applies equally to walls that are fixed or free to rotate. As an example, a retaining wall supporting 10 feet of soil has a footing 2 feet away from the top of the wall carrying a line load of 1,000 pounds per lineal foot. This footing is within $0.4 \bullet H = 4$ feet of the retaining wall. The resultant horizontal force on the retaining wall from the footing surcharge load would be $0.55 \times 1,000 = 550$ pounds acting $0.6 \bullet H = 6$ feet above the base of the retaining wall.

In addition to lateral earth pressures and adjacent footing loads, retaining walls must be designed to resist horizontal pressures that may be generated by surcharge loads applied at or near the ground surface. Where an imaginary 1:1 (H:V) plane projected downward from the outermost edge of a surcharge load intersects a retaining wall, that portion of the wall below the intersection should be designed for an additional horizontal thrust from a uniform pressure equivalent to one-third the maximum anticipated surcharge pressure in soil and one-fourth the maximum anticipated surcharge pressure in rock. In some cases, this value yields a conservative estimate of the actual lateral pressure imposed. I should be contacted if a more precise estimate of lateral loading on the retaining wall from surcharge pressures is desired.

Rigid retaining walls constrained against such movement could be subjected to "at-rest" lateral earth pressures equivalent to those exerted by the fluid pressures listed above plus a uniform load of $6 \bullet H$ pounds per square foot in soil and of $4 \bullet H$ pounds per square foot in rock, where H is the height of the backfill above footing level. Where an imaginary 1:1 (H:V) plane projected downward from the outermost edge of a surcharge load intersects a lower retaining wall, that portion of the constrained wall below the intersection should be designed for an additional horizontal thrust from a uniform pressure equivalent to one-half the maximum anticipated surcharge pressure in soil and one-third the maximum anticipated surcharge pressure in rock. In some cases, this value yields a conservative estimate of the actual lateral pressure imposed. I should be contacted if a more precise estimate of lateral loading on the retaining wall from surcharge pressures is desired.

If retaining walls are designed using the 2019 California Building Code, a seismic pressure increment equivalent to a rectangular pressure distribution of $10 \bullet H$ pounds per square foot may be used, where H is the height of the soil retained in feet. The seismic pressure increment does not need to be applied to constrained walls where at-rest lateral earth pressure is applied or to temporary shoring.

Wall backfill should consist of soil that is spread in level lifts not exceeding 8 inches in thickness. Each lift should be brought to at least optimum moisture content and compacted to not less than 90 percent relative compaction, per ASTM test designation D 1557. Retaining walls may yield slightly during backfilling. Therefore, walls should be properly braced during the backfilling operations.

Where migration of moisture through retaining walls would be detrimental or undesirable, retaining walls should be waterproofed as specified by the project architect or structural engineer.

Retaining walls should be supported on footings designed in accordance with the recommendations presented above. A minimum factor of safety of 1.5 against overturning and sliding should be used in the design of retaining walls.

Slab-on-Grade Floors

The subgrade soil in slab and flatwork areas should be proof rolled to provide a firm, non-yielding surface. If moisture penetration through the slab would be objectionable, slabs should be underlain by a capillary moisture break consisting of at least 4 inches of clean, free-draining crushed rock or gravel graded such that 100 percent will pass the 1-inch sieve and less than 5 percent will pass the No. 4 sieve. Further protection against slab moisture penetration can be provided by means of a moisture vapor retarder membrane, placed between the drain rock and the slab. The membrane may be covered with 2 inches of damp, clean sand to protect it during construction.

Additional protection against moisture infiltration into finished basement areas may be provided by installing a slab underdrain system. Retaining wall back drains should be separated from under slab drains. If selected, the slab underdrain system would consist of trenches, which are at least 12 inches deep and 6 inches wide, spaced no further than 10 feet apart beneath the floor slab. The bottoms of the trenches should slope to drain to a low-point by gravity. A 3-inch diameter, rigid perforated pipe should be placed near the bottom of the trench which is fully encapsulated in drain rock. The drainrock should be fully encapsulated in an approved filter fabric. The perforated pipes should be tied to closed conduits which outlet at appropriate discharge points.

Site Drainage

Positive drainage should be provided away from the improvements. Roof downspouts should discharge into closed conduits that drain into the site storm drain system. Surface drainage facilities (roof downspouts and drainage inlets) should be maintained entirely separate from subsurface drains (retaining wall backdrains and under slab drains). In addition, retaining wall back drains should be separated from under slab drains. Drains should be checked periodically, and cleaned and maintained as necessary to provide unimpeded flow.

Supplemental Services

H. Allen Gruen, Geotechnical Engineer recommends that he be retained to review the project plans and specifications to determine if they are consistent with his recommendations. In addition, he should be retained to observe geotechnical construction, particularly site excavations, placement of retaining wall backdrains, fill compaction, and excavation of foundations, as well as to perform appropriate field observations.

If, during construction, subsurface conditions different from those described in this report are observed, or appear to be present beneath excavations, I should be advised at once so that these conditions may be reviewed and my recommendations reconsidered. The recommendations made in this report are contingent upon my notification and review of the changed conditions.

If more than 18 months have elapsed between the submission of this report and the start of work at the site, or if conditions have changed because of natural causes or construction operations at or adjacent to the site, the recommendations of this report may no longer be valid or appropriate. In such case, I recommend that I review this report to determine the applicability of the conclusions and recommendations considering the time elapsed or changed conditions. The recommendations made in this report are contingent upon such a review.

These services are performed on an as-requested basis and are in addition to this geotechnical investigation. I cannot accept responsibility for conditions, situations or stages of construction that I am not notified to observe.

LIMITATIONS

This report has been prepared for the exclusive use of Mr. Enda Keane and his consultants for the proposed project described in this report.

My services consist of professional opinions and conclusions developed in accordance with generally-accepted geotechnical engineering principles and practices. I provide no other warranty, either expressed or implied. My conclusions and recommendations are based on the information provided regarding the proposed construction, my site reconnaissance and investigation, review of published data, and professional judgment. Verification of my conclusions and recommendations is subject to my review of the project plans and specifications, and my observation of construction.

The test boring log represents subsurface conditions at the location and on the date indicated. It is not warranted that they are representative of such conditions elsewhere or at other times. Site conditions and cultural features described in the text of this report are those existing at the time of my field exploration, conducted on October 7, 2022, and may not necessarily be the same or comparable at other times.

H. Allen Gruen, Geotechnical Engineer
Project Number: 22-5132
939 Lombard Street, San Francisco
October 8, 2022

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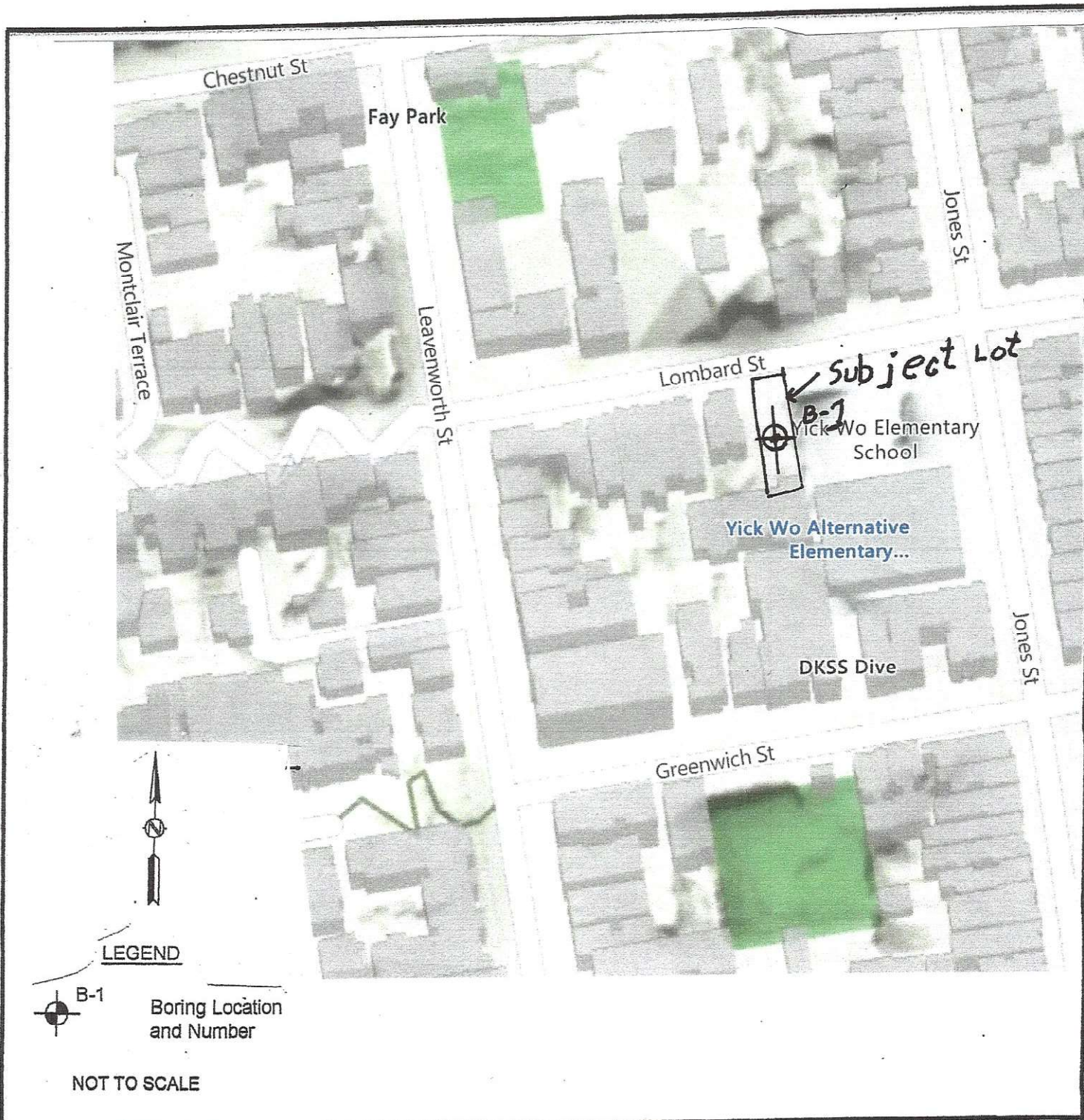
The location of the test boring was established in the field by reference to existing features and should be considered approximate only.

The scope of my services did not include an environmental assessment or an investigation of the presence or absence of hazardous, toxic, or corrosive materials in the soil, surface water, groundwater or air, on or below, or around the site, nor did it include an evaluation or investigation of the presence or absence of wetlands.

APPENDIX A

List of Plates

- | | | |
|---------|---|--|
| Plate 1 | - | Boring Location Map |
| Plate 2 | - | Log of Boring 1 |
| Plate 3 | - | Soil Classification Chart and Key to Test Data |
| Plate 4 | - | Engineering Geology Rock Terms |



H. Allen Gruen
Geotechnical Engineer

Job. No:
APPR:
Drwn:
Date:

BORING LOCATION MAP
939 Lombard Street
San Francisco, CA

PLATE

1

Location of Boring:

Project:

939 Lombard St

Boring No.: 1

Total Depth: 6.5'

Job No.: 20-5001

Logged By: RG

Proj. Mgr.: AG

Date: 10/18/22

Drilling Contractor: Access Drilling

Hammer Wt.: 140 lbs

Drop: 30"

Water Depth (ft.):

Time:

Date:

Backfilled, Time:

Date:

By:

Surface Elev.:

Datum:

Conditions:

Brown clayey SAND with Gravel (sc), Medium dense, dry

- Dense to very dense
- Conglomerate

Bottom of Boring = 6.5 feet

Sample Depth	Sampler Type	Blows/foot	Inches Driven	Inches Recovered	Sample Condition	Pocket Penetrometer Shear Strength (KSF)	Moisture Content (%)	Dry Density (PSF)	% Passing #200 Sieve	Depth in Feet	Graphic Log
	S _H									1	Brown clayey SAND with Gravel (sc), Medium dense, dry - Dense to very dense - Conglomerate
		25								2	
	S _H	52								3	
	2"	67								4	
	S _{PT}	53								5	
	S _{PT}									6	
		52								7	Bottom of Boring = 6.5 feet
										8	
										9	
										10	
										11	
										12	
										13	
										14	
										15	
										16	
										17	
										18	
										19	
										20	

H. Allen Gruen
Geotechnical Engineer

Job No:

Appr:

Date:

LOG OF BORING 1

939 Lombard Street





San Francisco, California

PLATE

2

MAJOR DIVISIONS				TYPICAL NAMES
COARSE GRAINED SOILS More than Half > #200 sieve	GRAVELS MORE THAN HALF COARSE FRACTION IS LARGER THAN NO. 4 SIEVE	CLEAN GRAVELS WITH LITTLE OR NO FINES	GW	WELL GRADED GRAVELS, GRAVEL-SAND
			GP	POORLY GRADED GRAVELS, GRAVEL-SAND MIXTURES
		GRAVELS WITH OVER 12% FINES	GM	SILTY GRAVELS, POORLY GRADED GRAVEL-SAND-SILT MIXTURES
			GC	CLAYEY GRAVELS, POORLY GRADED GRAVEL-SAND-CLAY MIXTURES
	SANDS MORE THAN HALF COARSE FRACTION IS SMALLER THAN NO. 4 SIEVE	CLEAN SANDS WITH LITTLE OR NO FINES	SW	WELL GRADED SANDS, GRAVELLY SANDS
			SP	POORLY GRADED SANDS, GRAVELLY SANDS
		SANDS WITH OVER 12% FINES	SM	SILTY SANDS, POORLY GRADED SAND-SILT MIXTURES
			SC	CLAYEY SANDS, POORLY GRADED SAND-CLAY MIXTURES
FINE GRAINED SOILS More than Half < #200 sieve	SILTS AND CLAYS LIQUID LIMIT LESS THAN 50	ML	INORGANIC SILTS AND VERY FINE SANDS, ROCK FLOUR, SILTY OR CLAYEY FINE SANDS, OR CLAYEY SILTS WITH SLIGHT PLASTICITY	
		CL	INORGANIC CLAYS OF LOW TO MEDIUM PLASTICITY, GRAVELLY CLAYS, SANDY CLAYS, SILTY CLAYS, LEAN CLAYS	
		OL	ORGANIC CLAYS AND ORGANIC SILTY CLAYS OF LOW PLASTICITY	
	SILTS AND CLAYS LIQUID LIMIT GREATER THAN 50	MH	INORGANIC SILTS, MICACEOUS OR DIATOMACIOUS FINE SANDY OR SILTY SOILS, ELASTIC SILTS	
		CH	INORGANIC CLAYS OF HIGH PLASTICITY, FAT CLAYS	
		OH	ORGANIC CLAYS OF MEDIUM TO HIGH PLASTICITY, ORGANIC SILTS	
HIGHLY ORGANIC SOILS		Pt	PEAT AND OTHER HIGHLY ORGANIC SOILS	

UNIFIED SOIL CLASSIFICATION SYSTEM

		Shear Strength, psf		Confining Pressure, psf	
Consol	Consolidation	Tx	2630 (240)	Unconsolidated Undrained Triaxial	
LL	Liquid Limit (in %)	Tx sat	2100 (575)	Unconsolidated Undrained Triaxial, saturated prior to test	
PL	Plastic Limit (in %)	DS	3740 (960)	Unconsolidated Undrained Direct Shear	
PI	Plasticity Index	TV	1320	Torvane Shear	
Gs	Specific Gravity	UC	4200	Unconfined Compression	
SA	Sieve Analysis	LVS	500	Laboratory Vane Shear	
	Undisturbed Sample (2.5-inch ID)	FS	Free Swell		
	2-inch-ID Sample	EI	Expansion Index		
	Standard Penetration Test	Perm	Permeability		
	Bulk Sample	SE	Sand Equivalent		

KEY TO TEST DATA

H. Allen Gruen
Geotechnical Engineer













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Date:

SOIL CLASSIFICATION CHART AND KEY TO TEST DATA

PLATE

3

ROCK SYMBOLS

 SHALE OR CLAYSTONE	 CHERT	 SERPENTINITE
 SILTSTONE	 PYROCLASTIC	 METAMORPHIC ROCKS
 SANDSTONE	 VOLCANIC	 DIATOMITE
 CONGLOMERATE	 PLUTONIC	 SHEARED ROCKS

LAYERING

MASSIVE	Greater than 6 feet
THICKLY BEDDED	2 to 6 feet
MEDIUM BEDDED	8 to 24 inches
THINLY BEDDED	2-1/2 to 8 inches
VERY THINLY BEDDED	3/4 to 2-1/2 inches
CLOSELY LAMINATED	1/4 to 3/4 inches
VERY CLOSELY LAMINATED	Less than 1/4 inch

JOINT, FRACTURE, OR SHEAR SPACING

VERY WIDELY SPACED	Greater than 6 feet
WIDELY SPACED	2 to 6 feet
MODERATELY SPACED	8 to 24 inches
CLOSELY SPACED	2-1/2 to 8 inches
VERY CLOSELY SPACED	3/4 to 2-1/2 inches
EXTREMELY CLOSELY SPACED	Less than 3/4 inch

HARDNESS

SOFT - Pliable; can be dug by hand

FIRM - Can be gouged deeply or carved with a pocket knife

MODERATELY HARD - Can be readily scratched by a knife blade; scratch leaves heavy trace of dust and is readily visible after the powder has been blown away

HARD - Can be scratched with difficulty; scratch produces little powder and is often faintly visible

VERY HARD - Cannot be scratched with pocket knife; leaves a metallic streak

STRENGTH

PLASTIC - Capable of being molded by hand

FRIABLE - Crumbles by rubbing with fingers

WEAK - An unfractured specimen of such material will crumble under light hammer blows

MODERATELY STRONG - Specimen will withstand a few heavy hammer blows before breaking

STRONG - Specimen will withstand a few heavy ringing hammer blows and usually yields large fragments

VERY STRONG - Rock will resist heavy ringing hammer blows and will yield with difficulty only dust and small flying fragments

DEGREE OF WEATHERING

HIGHLY WEATHERED - Abundant fractures coated with oxides, carbonates, sulphates, mud, etc., thorough discoloration, rock disintegration, mineral decomposition

MODERATELY WEATHERED - Some fracture coating, moderate or localized discoloration, little to no effect on cementation, slight mineral decomposition

SLIGHTLY WEATHERED - A few stained fractures, slight discoloration, little or no effect on cementation, no mineral decomposition

FRESH - Unaffected by weathering agents, no appreciable change with depth

H. Allen Gruen
Geotechnical Engineer

Job No:

Appr:

Drwn:

Date:

ENGINEERING GEOLOGY
ROCK TERMS

939 Lombard Street
San Francisco, CA

PLATE

4

APPENDIX B

List of References

1. California Department of Conservation, Division of Mines and Geology, 1998, *Maps of Known Active Fault Near-Source Zones in California and Adjacent Portions of Nevada*.
2. CDMG, 2000, State of California Seismic Hazards Zones, City and County of San Francisco, California Division of Mines and Geology, released November 17, 2000.
3. DeLisle, M., 1993, *Map Showing Areas of Exposed Bedrock and Contours on Bedrock Surface on a Portion of the San Francisco North 7.5' Quadrangle*, unpublished map by the California Division of Mines and Geology.
4. DeLisle, M., 1993, *Map Showing Generalized Contours on the Groundwater Surface on a Portion of the San Francisco North 7.5' Quadrangle*, unpublished map by the California Division of Mines and Geology.
5. Schlocker, J., 1958, *Geology of the San Francisco North Quadrangle, California*, United States Geological Survey Professional Paper 782, scale 1:24,000.
6. Seed, H. B., and Idriss, E., 1982, *Ground Motion and Soil Liquefaction during Earthquakes*, Earthquake Engineering Research Institute Monograph.
7. United States Geological Survey, 1993, *San Francisco North Quadrangle, 7.5 Minute Series, Scale 1:24,000*.
8. URS/John A. Blume & Associates, Engineers, 1974, *San Francisco Seismic Safety Investigation, Figure 4, June 1974*.

APPENDIX C

Field Exploration

My field exploration consisted of a geologic reconnaissance and subsurface exploration by means of one test boring logged by my Engineer on October 7, 2022. The test boring was drilled with portable hand-carried equipment utilizing continuous flight, 3-inch-diameter augers. The boring was drilled at the approximate location shown on Plate 1.

The log of the test boring is displayed on Plate 2. Representative undisturbed samples of the earth materials were obtained from the test boring at selected depth intervals with a 1.4-inch inside diameter, split-barrel Standard Penetration Test (SPT) sampler, a 2-inch inside diameter, split-barrel sampler, and a 2.5-inch inside diameter, modified California sampler.

Penetration resistance blow counts were obtained by dropping a 140-pound hammer through a 30-inch free fall. The sampler was driven 24 inches or less and the number of blows was recorded for each 6 inches of penetration. The blows per foot recorded on the Boring Log represents the accumulated number of equivalent SPT blows that were required to drive the sampler the last 12 inches or fraction thereof.

The soil classification is shown on the Boring Log and referenced on Plate 3. Engineering Geology Rock Terms are presented on Plate 4

H. Allen Gruen, Geotechnical Engineer
Project Number: 21-5018
939 Lombard Street, San Francisco
October 8, 2022

Page D-1

APPENDIX D

Distribution

Mr. Enda Keane
C/o: Byrne's Special Works LLC
51 Bernard Street
San Francisco, CA 94133

(4 wet signed and stamped originals)

endapkeane@gmail.com
quinlanz@comcast.net



DISCRETIONARY REVIEW PUBLIC (DRP)

APPLICATION PACKET

Pursuant to Planning Code Section 311, the Planning Commission may exercise its power of Discretionary Review over a building permit application.

For questions, you can call the Planning counter at 628.652.7300 or email pic@sfgov.org where planners are able to assist you.

Please read the [Discretionary Review Informational Packet](#) carefully before the application form is completed.

WHAT TO SUBMIT:

- Two (2) complete applications signed.
- A Letter of Authorization from the DR requestor giving you permission to communicate with the Planning Department on their behalf, if applicable.
- Photographs or plans that illustrate your concerns.
- Related covenants or deed restrictions (if any).
- A digital copy (CD or USB drive) of the above materials (optional).
- Payment via check, money order or debit/credit for the total fee amount for this application. (See [Fee Schedule](#)).

HOW TO SUBMIT:

To file your Discretionary Review Public application, please email the completed application to cpc.intake@sfgov.org.

Español: Si desea ayuda sobre cómo llenar esta solicitud en español, por favor llame al 628.652.7550. Tenga en cuenta que el Departamento de Planificación requerirá al menos un día hábil para responder.

中文: 如果您希望獲得使用中文填寫這份申請表的幫助，請致電628.652.7550。請注意，規劃部門需要至少一個工作日來回應。

Filipino: Kung gusto mo ng tulong sa pagkumpleto ng application na ito sa Filipino, paki tawagan ang 628.652.7550. Paki tandaan na mangangailangan ang Planning Department ng hindi kukulangin sa isang araw na pantrabaho para makasagot.



DISCRETIONARY REVIEW PUBLIC (DRP) APPLICATION

Discretionary Review Requestor's Information

Name: Martin Eng

Address: 953 Lombard Street
San Francisco, CA 94133-2217

Email Address: me2461111@gmail.com

Telephone: 415-246-1111

Please Select Billing Contact: Applicant Other (see below for details)

Name: _____ Email: _____ Phone: _____

Information on the Owner of the Property Being Developed

Name: Enda Keane

Company/Organization: Byrne's Special Works, LLC

Address: 939 Lombard Street, San Francisco, CA 94133

Email Address: endapkeane@gmail.com

Telephone: (415) 544-9883

Property Information and Related Applications

Project Address: 939 Lombard Street

Block/Lot(s): 0072, 021

Building Permit Application No(s): 2021-007262PRJ

ACTIONS PRIOR TO A DISCRETIONARY REVIEW REQUEST

PRIOR ACTION	YES	NO
Have you discussed this project with the permit applicant?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Did you discuss the project with the Planning Department permit review planner?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Did you participate in outside mediation on this case? (including Community Boards)	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Changes Made to the Project as a Result of Mediation.

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

Received no notice, ignored mine email. (Received 311, never a response from owner)
Spoke to the architect but no changes will be made
Permit must not be allowed.

1. Yick Wo elementary school is right next abut or join by a much higher dangerous retaining wall to the upper hill building already with a house in the rear.
2. The set back and rear yard requirements are not met.
3. Construction of fumes, gas, suppliers & workers traffic jam and take away parking spaces from tourists...will be hazardous to everyone's health and danger to safety
4. A speculation project that help no one but greedy money for a few.
5. Unjust enrichment for a 5,100 sf new house. Outrageous size, design downgrade the area. \$750,000 cost on permit is a fraud

DISCRETIONARY REVIEW REQUEST

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

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

There are at least two grant deed restrictions that the state court has no jurisdiction.
NSR recorded document should void the permit also.

1. Yick Wo elementary school is right next to a much higher dangerous retaining wall to the project which already has a 3,000 sf house in the rear. Deisgn & construction is fast & cheap

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

2. Construction of fumes, gas, suppliers & workers traffic jam and take away parking spaces from tourists...will be hazardous to everyone's health and danger to safety for many years.
3. A speculation project that help no one but greedy money for a few.
4. This is a monster unit in a small lot alreadyf with a 3,000 sf house. Nothing to alleviate the housing shortage, this is for the super rich. Unjust enrichment for a 5,100 sf new house.

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

Permit must not be allowed, this is the best option

5. The set back and rear yard requirements are not met.

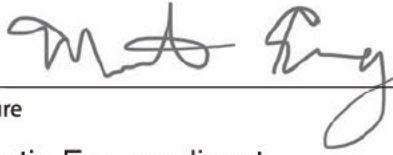
This is a monster unit in a small lot already with a 3,000 sf house. Nothing to alleviate the housing shortage, this is for the super rich. Unjust enrichment for a 5,100 sf new house.

6. 40 feet high is outrageous, blocking the sun & light to the school children, and the 4 condomiumns in the back.

DISCRETIONARY REVIEW REQUESTOR'S AFFIDAVIT

Under penalty of perjury the following declarations are made:

a) The undersigned is the DR requestor or their authorized representation.



Signature

/s/Martin Eng, applicant

415-246-1111

Relationship to Requestor
(i.e. Attorney, Architect, etc.)

Phone

Martin Eng /s/Martin Eng

Name (Printed)

Me2461111@gmail.com

Email

For Department Use Only

Application received by Planning Department:


By: _____

Date: _____

Recording Requested by
Marin Eng

And when recorded mail to

Martin Eng
939 Lombard Street
San Francisco, CA 94133__


San Francisco Assessor-Recorder
Phil Ting, Assessor-Recorder
DOC- 2008-1678640-00
Check Number 700
Friday, NOV 14, 2008 08:28:53
Ttl Pd \$19.00 Rcpt # 0003569300
REEL J768 IMAGE 0206
osd/ER/1-4

GRANT DEED SUBJECT TO COVENANT RUNNING WITH LAND

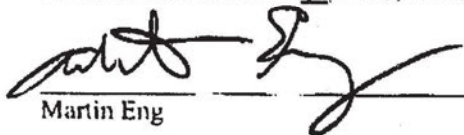
FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, I, Marin Eng, hereby grant to Martin Eng all that real property situated in the City and County of San Francisco, state of California, described as follows:

a fee estate in 939 Lombard Street, APN Lot 21, Block 72, subject to the covenant running with the land, to be binding on Martin Eng and all his successors in interest, that he and they may not and shall not ever cause any building or other improvement to be constructed on said land.

This covenant is for the benefit of 949-953 Lombard Street, APN Lot 48, Block 72, which is contiguous to the parcel conveyed, to which Martin Eng holds title; for the benefit of himself, his successors in interest and the said benefited parcel itself.

Martin Eng and his estate can negotiate the right to change or cancel this deed restriction.

Executed on November 7th, 2008, in the City and County of San Francisco, State of California.


Martin Eng

What are Deed Restrictions?

For most people, buying a piece of land is a simple proposition: pay the money, file the deed, and the property is yours. Deed restrictions, though, make it clear that the world of real estate transactions is rarely so simple. Simply put, deed restrictions limit what you can and can't do with your home. A common tool for homeowners associations to maintain uniformity in the neighborhood, deed restrictions can be added by parties such as the builder or developer, the homeowners association, or even a previous owner. Once a deed restriction is put in place, it can be very difficult to have it removed, and in many cases removal may be impossible.

Understanding Deed Restrictions

Deed restrictions may be referred to using a number of terms, so it's important to carefully review the paperwork to assess precisely what you're restricted from doing. Many deed restrictions are referred to as covenants or restrictive covenants. Because a deed restriction is essentially a contract—an agreement into which you freely enter by virtue of purchasing a property—these restrictions can cover a wide number of issues. Some common deed restrictions include:

- Homeowners association covenants governing how your property looks, which plants you can use, how and when you can paint your home, and in what condition you must maintain the exterior of your property.
- State, county, or local rules about what you can have on your property, such as a limitation on pets or livestock.
- Rules about the materials from which your home can be built.
- Rules about whether and how you can run a home-based business.

- Rules governing the addition of more rooms, addressing how close your home can be to other properties, and governing whether, when, and how you can have construction projects performed on your home.

Deed restrictions are generally legal, even if they severely constrain your rights to enjoy your property. When a deed restriction violates a clearly established Constitutional provision, though, a court may declare it invalid. For instance, deed restrictions prohibiting the sale of the home to non-white owners were common during the era of Jim Crow segregation, but laws such as the Fair Housing Act prohibit these unconstitutional deed restrictions in contemporary real estate transfers.

How to Find Out if a Property Has Deed Restrictions

The easiest way to learn whether a property has any deed restrictions is to ask the seller, who is obligated to tell you of any deed restrictions he or she is aware of. If you don't have time to explore potential deed restrictions prior to entering escrow or agreeing to purchase a property, your purchase offer should make it explicitly clear that your offer is made contingent upon there being no deed restrictions. Simply insert a contingency clause into your formal offer; your lawyer or real estate agent can help you with this relatively simple process.

If you're curious about a property's status or want to learn whether it has any deed restrictions before approaching the owner about a purchase, visit your county clerk's office, and ask to see the deed abstract. This is a public record, which means you're entitled to view it, and will show the restrictions added to the property over the last 50 years.

It's important to do a deed abstract search for any and all properties you consider buying, since any property can have deed

restrictions. Some properties that are especially likely to have deed restrictions, though, include:

- Townhouses and condominiums
- Properties in gated communities
- Properties in communities governed by a homeowners association
- New properties built in a large batch by a developer
- Properties in a community where all of the homes or gardens look similar

How are Deed Restrictions Enforced?

You might think that a deed restriction is a mere formality, or perhaps a throwback to a bygone era when neighbors were more concerned about their lawns, or the uniform appearance of their homes. But a deed restriction acts like a restriction on your ownership of the property. If you fail to abide by the restriction, you could end up losing your home, though a variety of other penalties might apply.

So who enforces deed restrictions? It's usually the person who put the restriction on the property in the first place—often a developer, builder, or local government. Far and away the most common enforcer, though, is the homeowners association.

Homeowners associations have the power of enforcement, but also the power of awareness. Since members of the HOA typically live in your neighborhood, and because aggrieved neighbors can effortlessly report your violation to your HOA, if your homeowners association is the agency charged with enforcing the deed restrictions, your odds of getting caught if you break the rules are exceedingly high.

You can face a number of penalties. Usually those penalties start as relatively minor hassles, steadily escalating to more serious penalties. Common penalties include:

- Requirements that you fix the violation. For instance, if you build on an illegal third room to your home, your HOA could require you to remove the addition.
- Fines. You can be assessed a variety of fines. There may be a standard fine amount, or the fine may depend on the violation. In some cases, the fine may be a percentage of the value of your home, or may grow larger for each day you're in violation of the deed restriction.
- Lawsuits. If you refuse to comply with the deed restriction, the party who placed the restriction on the deed can sue you to enforce your obligation. If you lose, you might have to pay the other party's attorneys fees and court costs, in addition to covering the litigation expenses of your own attorney.
- Eviction. Some homeowners associations have the power to evict you for violating a deed restriction. If you violate a restriction that prohibits you have hosting tenants, the HOA could evict your tenants, depriving you of income and potentially exposing you to lawsuits from the tenants.
- Foreclosure. You won't be foreclosed upon overnight, but homeowners associations are increasingly using foreclosures to get wayward homeowners to come into compliance. HOAs are increasingly aggressive at enforcing the law.

One of the challenges of deed restrictions is that the cost of fighting these restrictions can be prohibitively expensive, particularly if you lose and are stuck paying fines, interest, or attorney's fees. Consequently, it's often wise to just give in, rather than fighting the restriction, since fighting for years can cost you so much money that you eventually lose your home. Of course, if the deed restriction is truly unfair, illegal, or unethical, you can and should fight it.

Can Deed Restrictions Be Removed?

Whether or not a deed restriction can be removed depends on the deed restriction itself. If you're hoping to have a restriction removed, look at the deed itself. Some restrictions come with expiration dates. Others are the result of HOA or community bylaws. Review these bylaws carefully, since many outline the specific circumstances under which deed restrictions can be enforced.

If the deed doesn't allow a clear path out of the restriction, then you'll have to go to the person or entity who placed the restriction on the deed in the first place. Since a deed restriction is akin to a contract, if the other party agrees to remove it and puts that agreement in writing, the new agreement will supersede the previous restriction. Often this requires a vote by your HOA, or if the restriction comes from a local government, a vote of approval by a zoning board or city council.

If it's a developer who put the restriction on your property, you'll need to get in contact with him or her instead.

Rarely, deed restrictions are so restrictive that they're illegal. Because you can contract to do things you might not otherwise be forced to do, though, these situations are relatively rare. For instance, it's perfectly acceptable for your HOA to require you to plant a certain variety of flower. But if you have a disability, your HOA can't prohibit you from building a wheelchair ramp. Deed restrictions that are prohibited by law include restrictions that:

- Pose a serious public safety hazard
- Violate fair housing laws
- Violate local community laws, especially zoning laws
- Violate federal regulations designed to prevent discrimination, such as the Americans With Disabilities Act, which requires "reasonable accommodations" for disabled individuals to live full lives.

If you believe the restriction is illegal or unconstitutional, talk to the other party first. If he or she is unwilling to budge, you'll need to hire a lawyer to sue. Though this can be a long and protracted

process, you may be able to recover attorney's fees, court costs, and even damages if you win—particularly if the the court determines that the restrictive covenant was discriminatory or otherwise unconstitutional.

Do Sellers Have to Disclose Deed Restrictions?

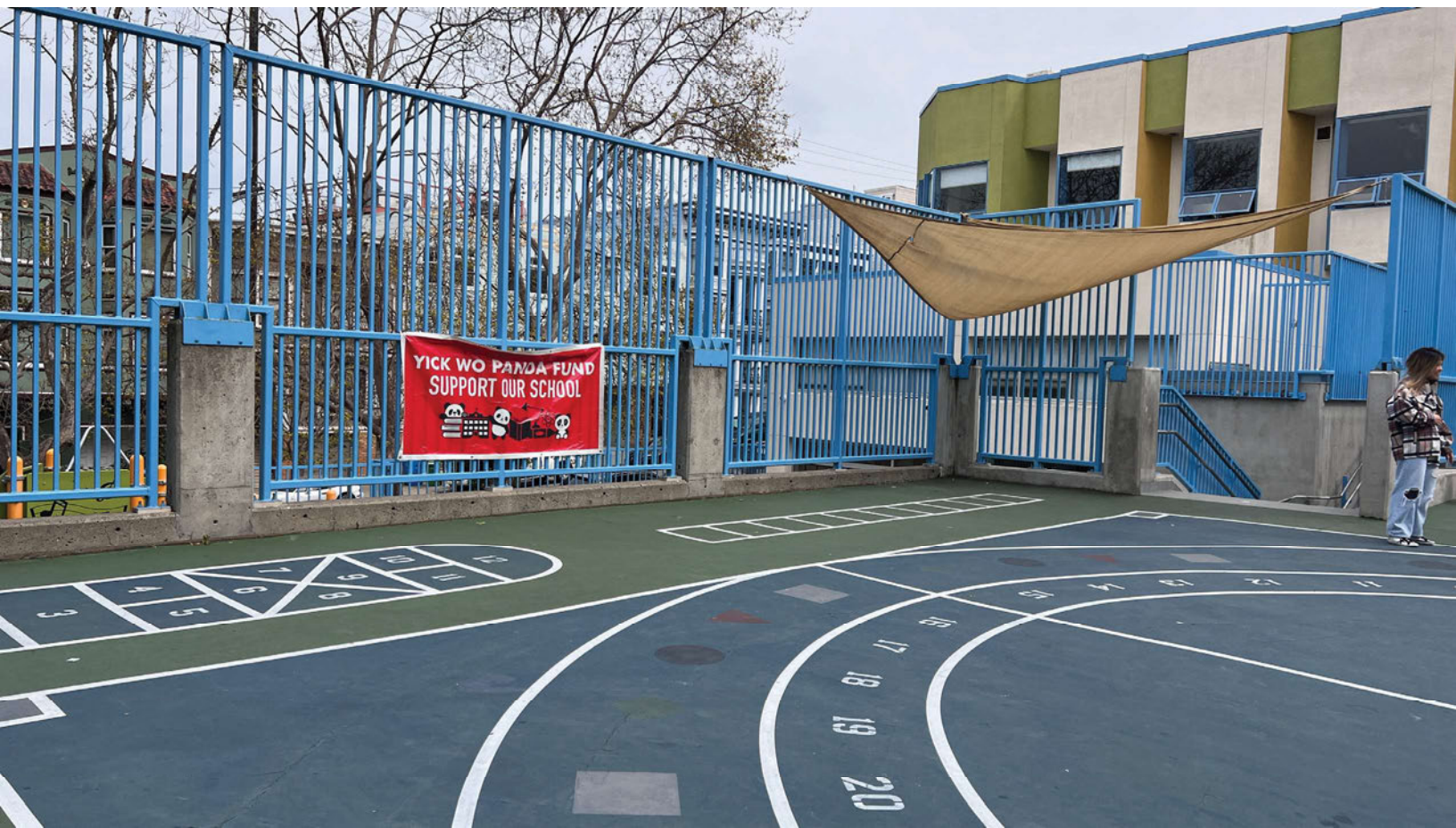
Sellers are generally required to disclose deed restrictions, and sellers can't willfully obfuscate such restrictions. The laws governing when a seller has to disclose the restrictions and how he or she has to do so vary from state to state. Generally speaking, it's sufficient for the seller to put information about the restrictions into other real estate documents; he or she does not have to verbally tell you about the restrictions or explain to you what they mean.

In Florida, for instance, Section 720.401 requires that sellers of properties sold in communities with homeowners associations must provide a disclosure summary to the buyer prior to the execution of a sales contract. The state offers forms for doing this, but does not require the seller to use these forms; the seller must, however, provide information substantially similar to that requested by Florida's disclosure forms.

If you're concerned that there might be a deed restriction on the property, the time to address the issue is prior to the purchase. Consider contracting with a skilled real estate attorney who specializes in removing these restrictions, since doing so can save you a serious headache if you eventually decide the covenants are too restrictive.

Byrne Chief Asian

The removal is effected automatically by defendant filing the requisite documents and giving the required notice (above).



YICK WO PANDA FUND
SUPPORT OUR SCHOOL



DISCRETIONARY REVIEW PUBLIC (DRP)

APPLICATION PACKET

Pursuant to Planning Code Section 311, the Planning Commission may exercise its power of Discretionary Review over a building permit application.

For questions, you can call the Planning counter at 628.652.7300 or email pic@sfgov.org where planners are able to assist you.

Please read the [Discretionary Review Informational Packet](#) carefully before the application form is completed.

WHAT TO SUBMIT:

- Two (2) complete applications signed.
- A Letter of Authorization from the DR requestor giving you permission to communicate with the Planning Department on their behalf, if applicable.
- Photographs or plans that illustrate your concerns.
- Related covenants or deed restrictions (if any).
- A digital copy (CD or USB drive) of the above materials (optional).
- Payment via check, money order or debit/credit for the total fee amount for this application. (See [Fee Schedule](#)).

HOW TO SUBMIT:

To file your Discretionary Review Public application, please email the completed application to cpc.intake@sfgov.org.

Español: Si desea ayuda sobre cómo llenar esta solicitud en español, por favor llame al 628.652.7550. Tenga en cuenta que el Departamento de Planificación requerirá al menos un día hábil para responder.

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Filipino: Kung gusto mo ng tulong sa pagkumpleto ng application na ito sa Filipino, paki tawagan ang 628.652.7550. Paki tandaan na mangangailangan ang Planning Department ng hindi kukulangin sa isang araw na pantrabaho para makasagot.



DISCRETIONARY REVIEW PUBLIC (DRP)

APPLICATION

Discretionary Review Requestor's Information

Name: Lombard Street Homeowners Association, Mark Swartz

Address: 945 Lombard St
San Francisco, CA 94133

Email Address: markswartz@me.com

Telephone: 415-518-3076

Please Select Billing Contact: Applicant Other (see below for details)

Name: _____ Email: _____ Phone: _____

Information on the Owner of the Property Being Developed

Name: Enda Patrick Keane

Company/Organization: Bynes Special Works LLC

Address: 939 Lombard St
San Francisco, CA 94133

Email Address: _____

Telephone: _____

Property Information and Related Applications

Project Address: 939 Lombard St

Block/Lot(s): 0072/021

Building Permit Application No(s): 2021.07.09.4046

ACTIONS PRIOR TO A DISCRETIONARY REVIEW REQUEST

PRIOR ACTION	YES	NO
Have you discussed this project with the permit applicant?		<input checked="" type="checkbox"/>
Did you discuss the project with the Planning Department permit review planner?		<input checked="" type="checkbox"/>
Did you participate in outside mediation on this case? (including Community Boards)		<input checked="" type="checkbox"/>

Changes Made to the Project as a Result of Mediation.

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

None

DISCRETIONARY REVIEW REQUEST

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

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

The proposed development does not protect the neighborhood's character, nor enhance the quality of life for the city. From the Design Guidelines: "The Residential Design Guidelines articulate expectations regarding the character of the built environment and are intended to promote design that will protect neighborhood character, enhancing the attractiveness and quality of life in the city."

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

The construction process will create significant impacts for the residents of the Lombard Street HOA. The proposed project is sited directly adjacent to the driveway and will most likely require a significant disruption of vehicular access while excavation and foundation footings are constructed. This very narrow driveway is the only ingress/egress for the building and any disturbance in it would create extreme challenges for elderly residents and those with small children.

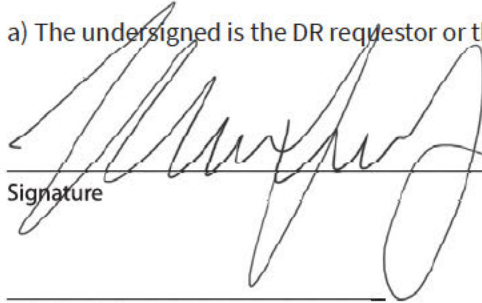
3. What alternatives or changes to the proposed project, beyond the changes (if any) already made would respond to the exceptional and extraordinary circumstances and reduce the adverse effects noted above in question #1?

Due to the historic nature of the rear residence and the adjacent school, there is no viable alternative to this proposal

DISCRETIONARY REVIEW REQUESTOR'S AFFIDAVIT

Under penalty of perjury the following declarations are made:

a) The undersigned is the DR requestor or their authorized representation.



Signature

MARK SWARTZ

Name (Printed)

Relationship to Requestor
(i.e. Attorney, Architect, etc.)

Phone

Email

For Department Use Only

Application received by Planning Department:

By: _____

Date: _____

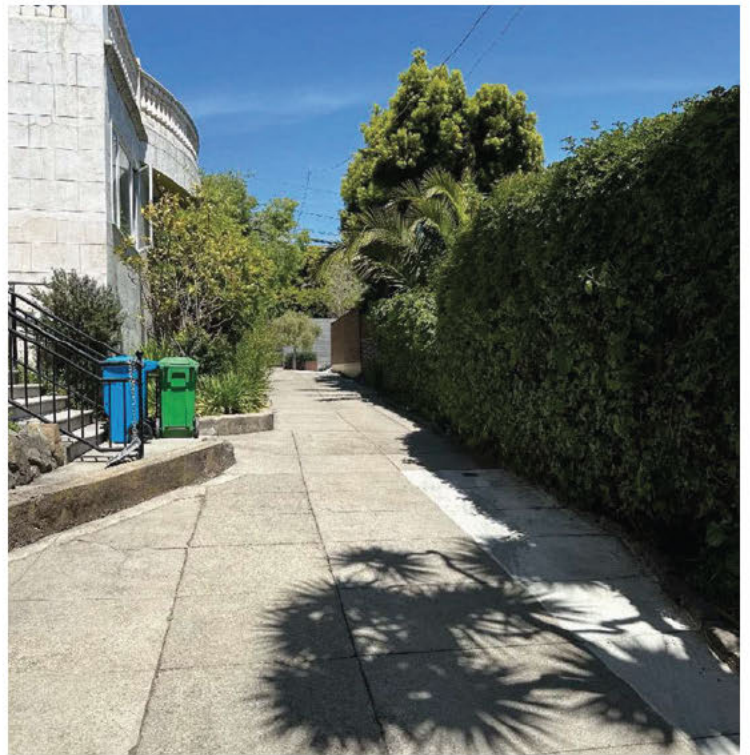
Narrow Driveway

- Only Ingress/Egress to Property is down this driveway directly adjacent to proposed development



Narrow Driveway

- View from the property looking at the driveway

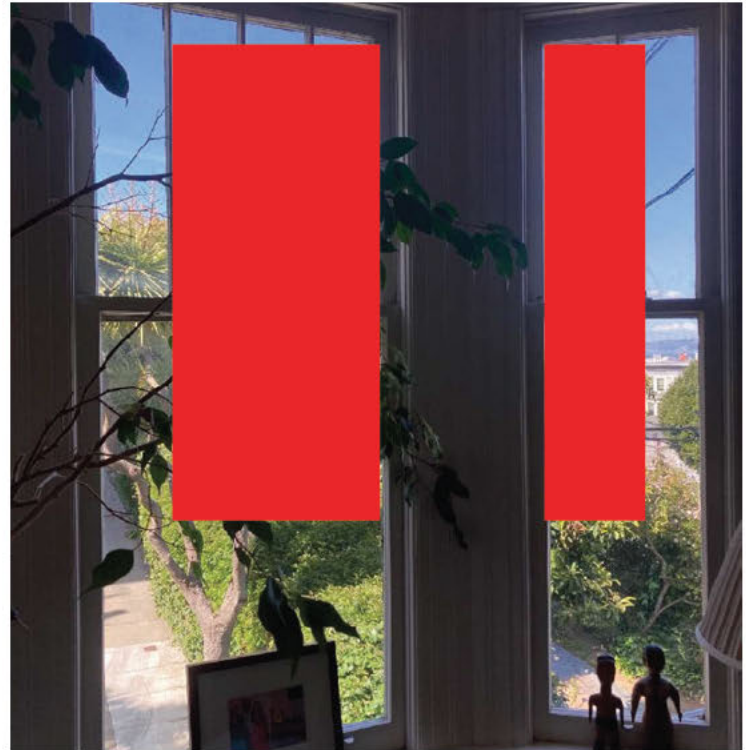


941 View

Current View:



Potential Blocked View:

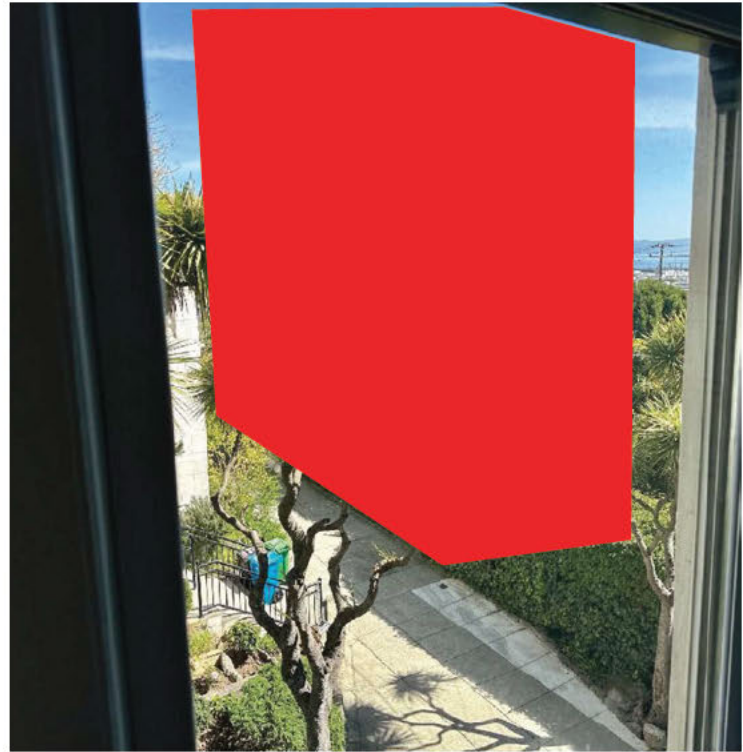


945 View

Current View:



Potential Blocked View:



From: **Stephanie Falkenstein** <globalstephanie@gmail.com>

Date: Thu, May 4, 2023 at 10:19 PM

Subject: Public Comment on 939 Lombard - From Yick Wo Elementary School

To: <christopher.may@sfgov.org>

Cc: Raneë Kwong <raneë.kwong@gmail.com>, Dorset, Catherine <dorsetc@sfusd.edu>, melville family <415melvilles@gmail.com>, Herdah Warner <herdah@gmail.com>, Stefanie Pogre <stefanie.pogre@gmail.com>, HI Fukuyamas <hifukuyamas@gmail.com>, Trish Feeney <trshfeeney@gmail.com>, Mattias Erlö <mattias.erlo@gmail.com>, Kumiko Erlo <kumiko918@gmail.com>, Cristin Owens <cristinowens@gmail.com>, maribel bonilla <mary9088@gmail.com>, <reynabv31@gmail.com>, ICE - Roxanne Durr <roxanne.durr@gmail.com>

Dear Christopher,

My name is Stephanie Falkenstein. My son attends Yick Wo Elementary School which is next door to the 939 Lombard property. I am submitting concerns on behalf of many members of the Yick Wo Elementary School community.

We recently received notice of a plan for demolition of the single story garage unit and construction of a 4 story, 5,170 square foot single family mansion on the property. Of note, there is already a [2,700 square foot single family home](#) on the same lot.

As our community will be directly impacted by this project, we have several concerns about this project that we would like to be addressed.

Shadows on the main school yard.

We are concerned, from the orientation of the building, how it will cast a shadow on the schoolyard during the afternoon. The schoolyard is currently used until 3:45pm for 200+ students every weekday and until 6pm for students participating in on site after school programming. Going from one story (11 feet) to four stories (40 feet) is a significant change to the landscape. Given that the location of the building is to the West of the school (up the hill), it appears that afternoon light from noon onwards may be eclipsed. This amounts to a potential loss of sunlight for the majority of the school day.

- As a solution, we would propose that the new building remain at the height of the current 11 foot garage unit or maintain the height of the rear unit (2-stories). For any changes in the height of the building from its current 11 feet we could request a full shadow study.

Impact of demolition and construction on safety of school children

We are concerned about the noise, dust and large vehicles that will be involved in the construction project given the many children walking to school each day, playing in the schoolyard, and attending classes next to the building. In addition to being next to the schoolyard, 939 Lombard is also next to the gate/entrance used to drop off and pick up students each day.

- As a solution, we would recommend that the demolition and foundation creation take place when school and afterschool activities are not in session. In addition, we would request safety precautions be put in place to minimize any impact. We would also like to consider that background checks are conducted on any contractors, subcontractors and workers on the property given their close proximity to the students.

The number of units proposed for a 5,170 square foot building.

In addition to abiding by the light and safety concerns mentioned above, we would prefer that the building volume would be consistent with zoning. In this case, instead of one large single family home, there would be 3 or 4 modestly sized parcels.

Thank you for listening to our concerns and working to address them. Let us know if any further steps need to be taken to move onto discretionary review.

Best regards,

Stephanie Falkenstein, Yick Wo parent
Caroline Kim, Yick Wo parent
Catherine Dorset, Yick Wo teacher
Cristin Owens, Yick Wo parent
Diana Tsu, Yick Wo parent
Herdah Warner, Yick Wo parent
Joanie Tatar, Yick Wo parent
Jonathan Warner, Yick Wo parent
Katherine & Matthew Melville, Yick Wo parents
Kenneth Kim, Yick Wo parent
Kumiko Yamamoto, Yick Wo parent
Maribel Padilla, Yick Wo parent
Mattias Erlo, Yick Wo parent
Paula Yee Fukuyama & Jason Fukuyama, Yick Wo parents
Ranee Kwong, Yick Wo parent
Reyna Vazquez, Yick Wo parent
Roxanne Durr, Yick Wo parent
Ryan Tatar, Yick Wo parent



939 lombard_shadow analysis.pdf

1 MB



2 attachments (3 MB) Save all to OneDrive - CCSF Download all

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Hello David, Christopher and Trent,

I wanted to let you know that I was able to schedule a Zoom meeting yesterday with the Yick Wo Community and the project owner and architect. **During this meeting significant concerns were raised that have yet to be addressed:**

Building Concerns:

- **Increased shadows on the school yard during the afternoon in late spring and fall (see attached study)** - As Yick Wo is an elementary school, the school yard gets significant usage throughout the day from 200+ children from morning circle time to multiple recesses, gym classes and after school programming. The Yick Wo Community would prefer a reduced mass that did not incur any additional shadows.
- **Light and air impacts** - A Yick Wo teacher raised concerns around how the building would impact the light and air flow in classrooms as well. She demonstrated the strong sun still streaming into the classroom at 5pm. It was raised that the school yard would resemble a prison with the massive structure looming where there are now trees and greenery.
- **Risk of destabilizing the hillside and integrity of retaining wall against playground / safety hazard due to mass of building** - The building will require an estimated 6-7 heliporters to be dug into what is assumed to be

bedrock to support the structure. We request that studies on the environmental impact of construction be undertaken prior to approving the designs. What might be the impacts of drilling and the piers themselves have on the stability of the hillside? What might the impacts be during an earthquake? To reiterate, this would be a four-story structure directly uphill from a playground (see attached photo where a small brown building is where a new building would appear).

- **Release of potential contaminants to the surface from drilling.** Ground nearby has been found to have high levels of lead. Environmental studies of soil will need to be conducted.

Please note that some of these requirements are listed in CA code of school facilities regulations here: <https://www.cde.ca.gov/ls/fa/sf/title5regs.asp>

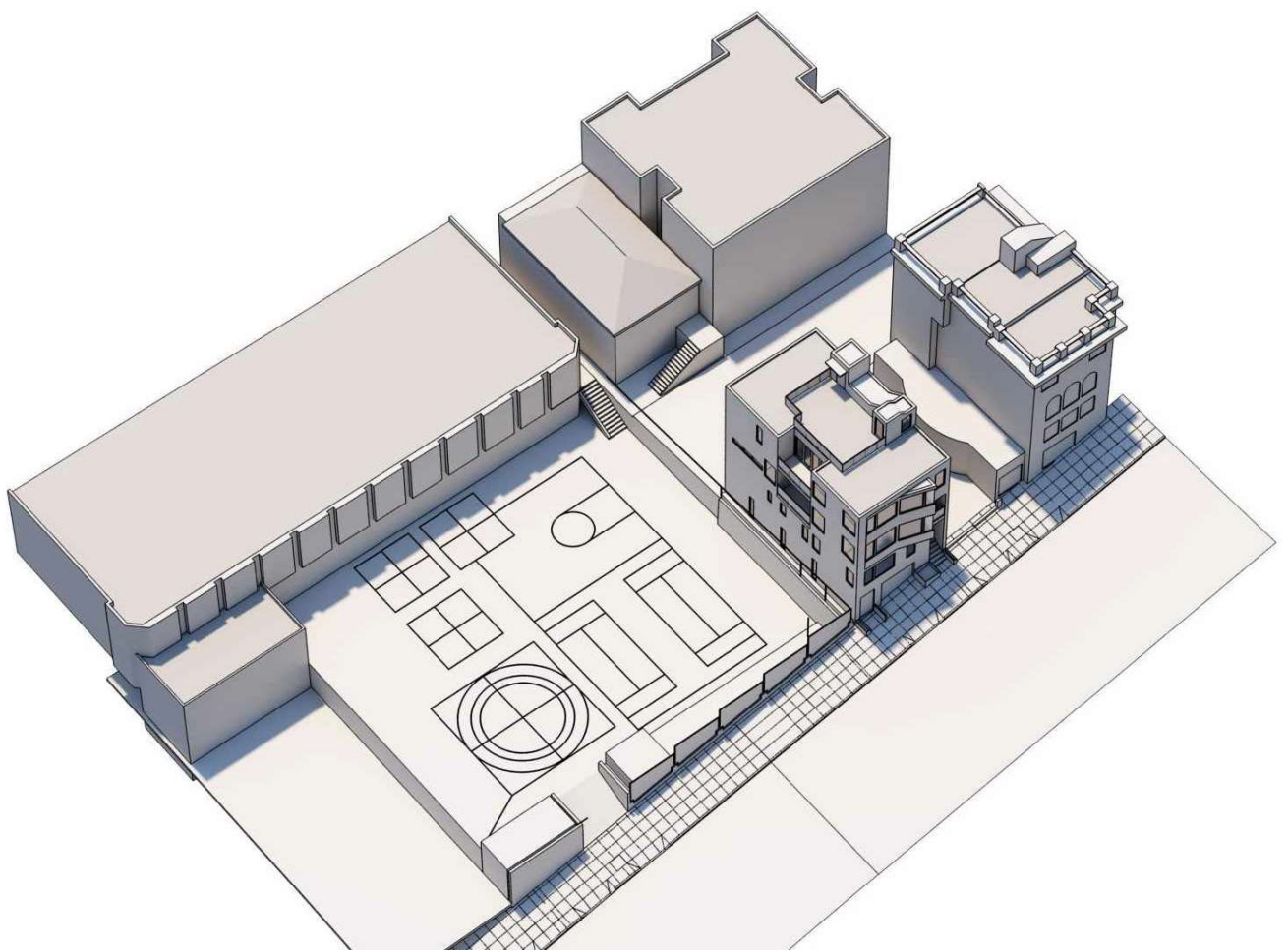
Construction Concerns:

- **Timing of construction** - Proposed that all external construction take place when school (including after school programming) is not in session. Ideally this would be during the 10-week summer break.
- **Environmental impacts of noise and dirt** - The construction (both interior and exterior) will impact the ability of children to learn. The distractions from noise are even more pronounced for children with ADHD (10% of the general population and > 50% of children with autism). It is particularly troubling as a school with a Special Day Class for children with autism to have significant noise impacts. Dust concerns should also be concerned for all children and children with asthma in particular.
- **Safety of sidewalk, street and playground** - the building would be next door to the primary entrance of the school which is through the school yard. Families would pass in front of the proposed building to access the school by foot, bike or vehicle.
- **Who would be working on the project** - Would recommend background checks for all contractors, subcontractors and workers on par with those for school employees

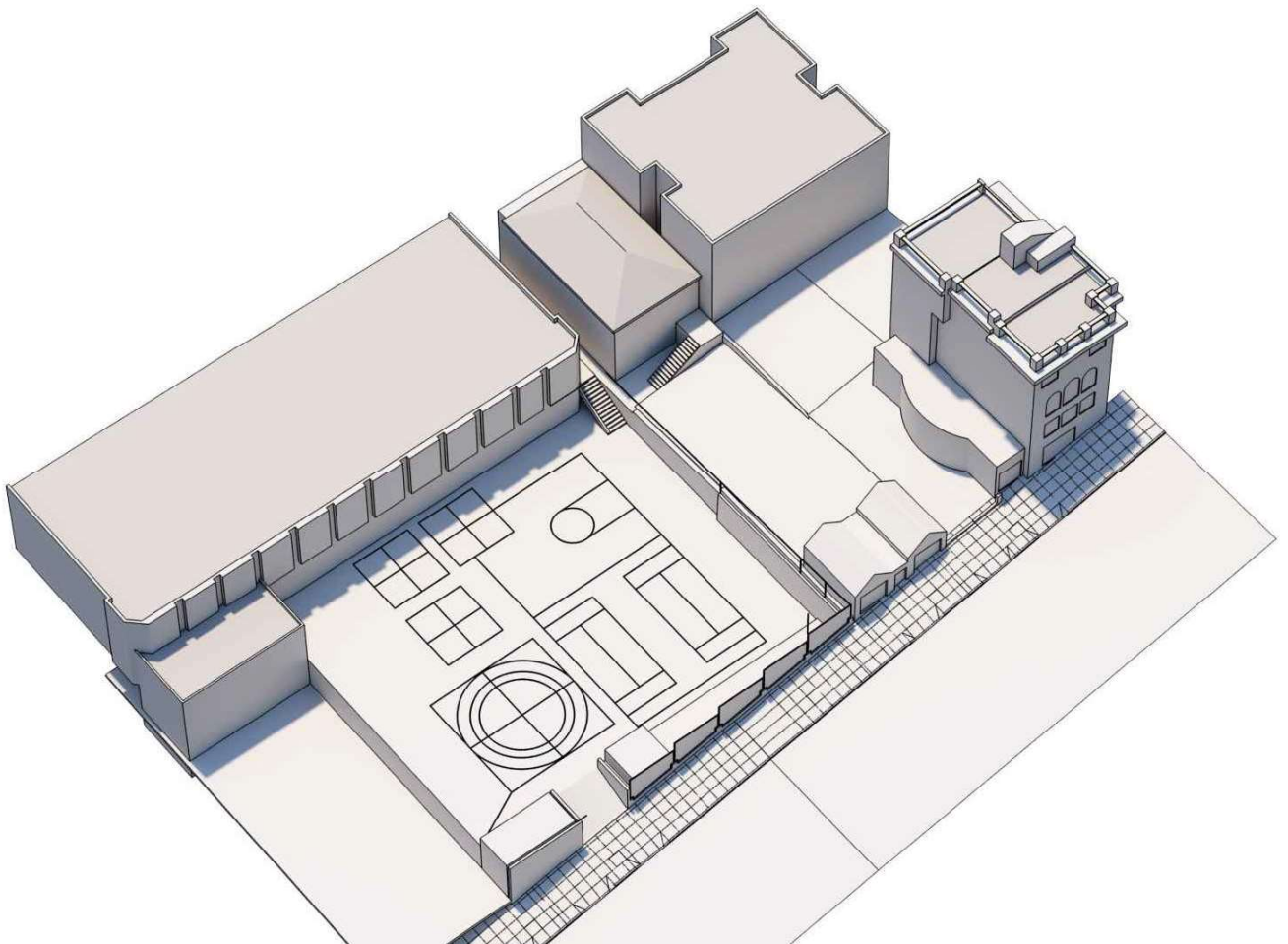
Thank you for taking these concerns into consideration when evaluating this project.

Best regards,

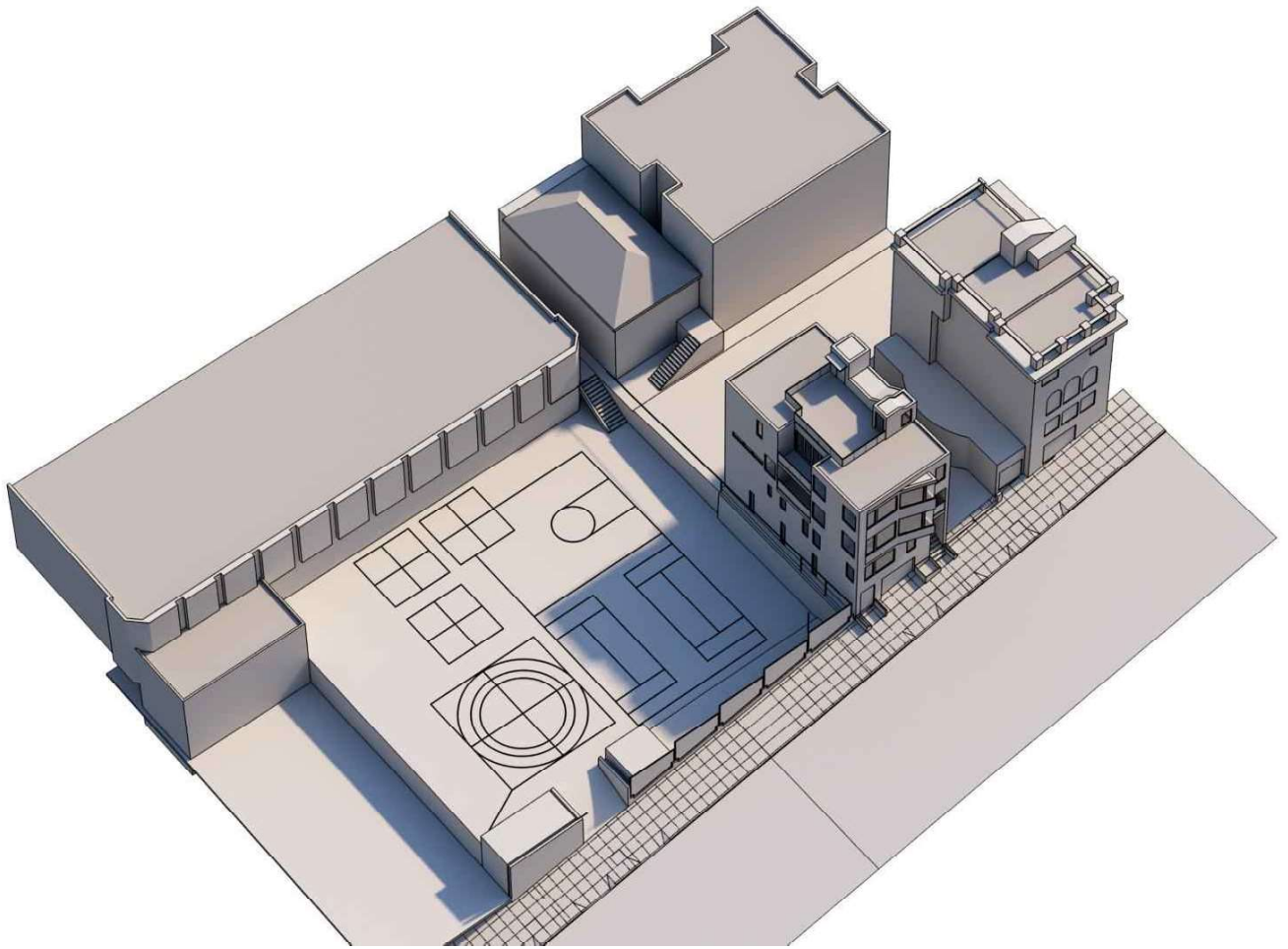
Stephanie Falkenstein
Yick Wo Elementary School parent
SSC Chair



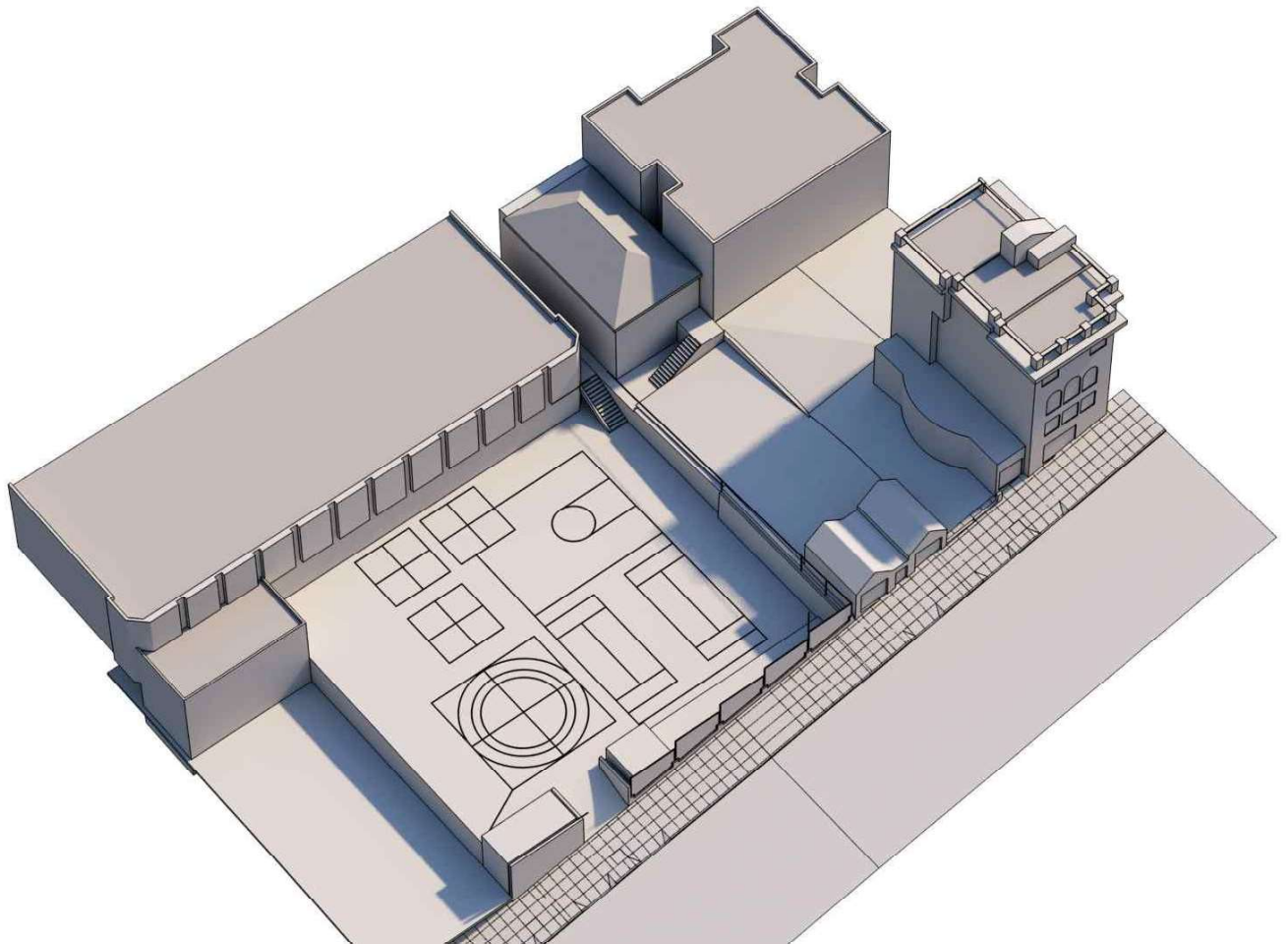
939 LOMBARD: PROPOSED (JUNE 21ST @ 12:00PM)



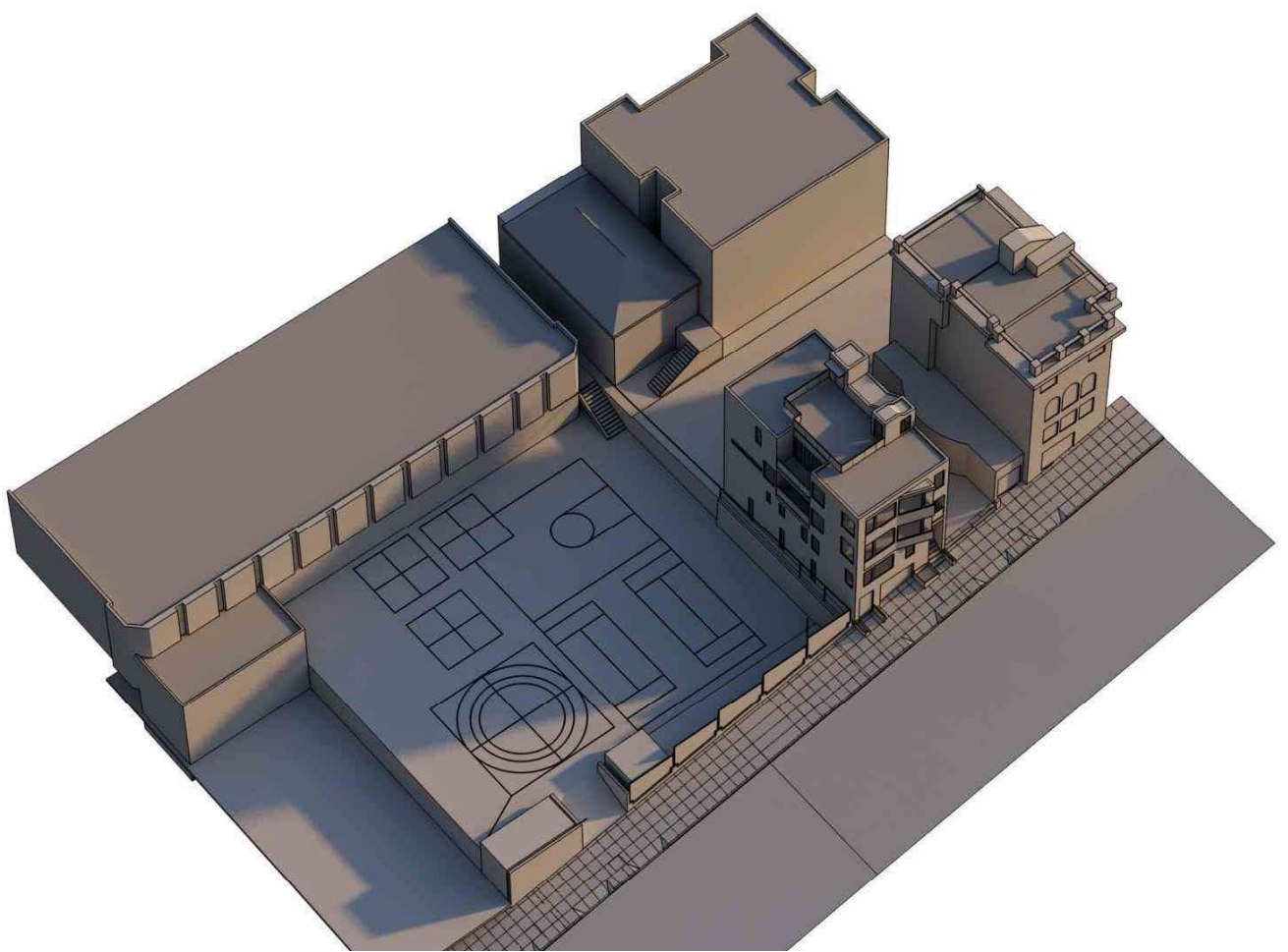
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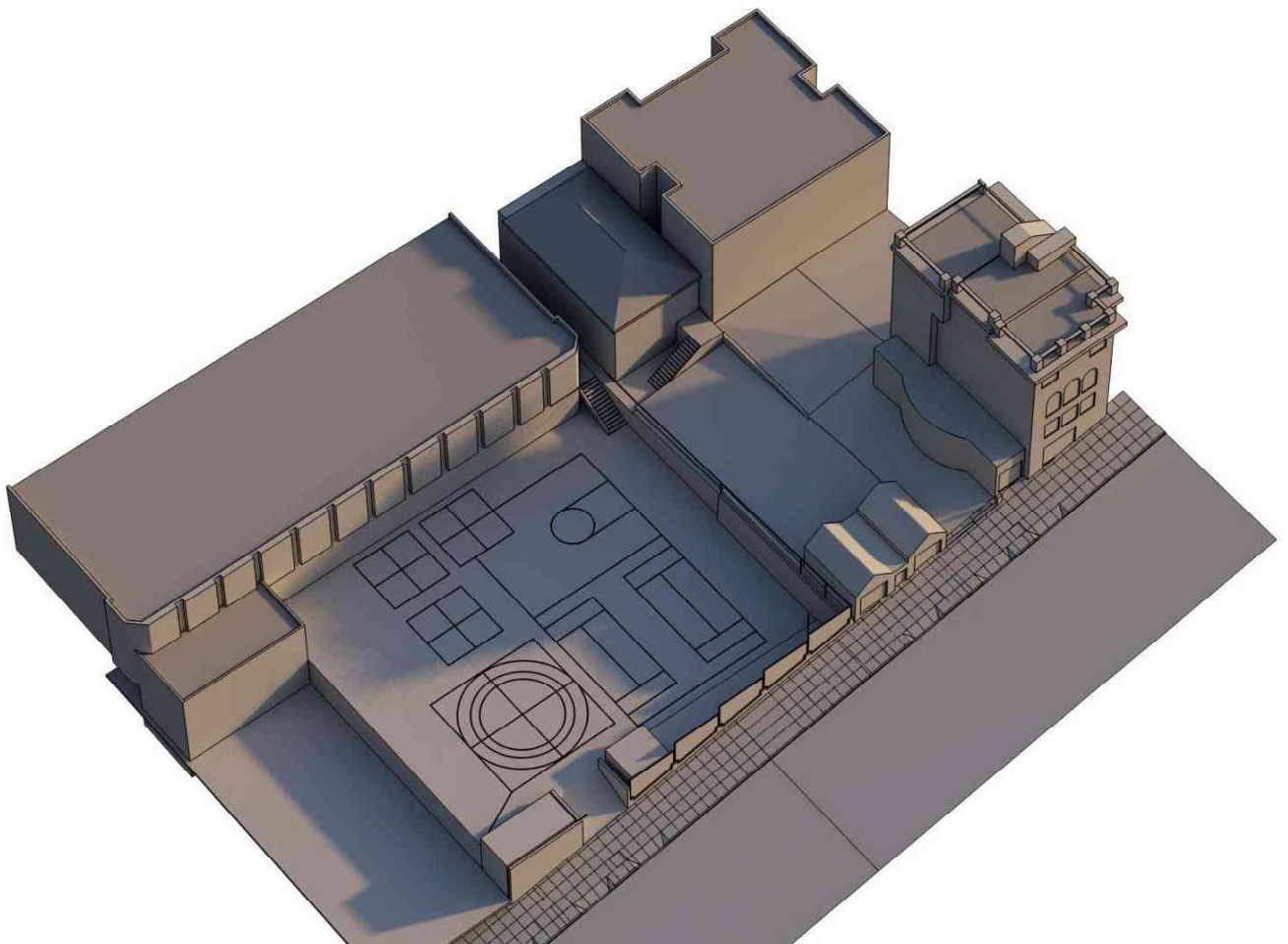
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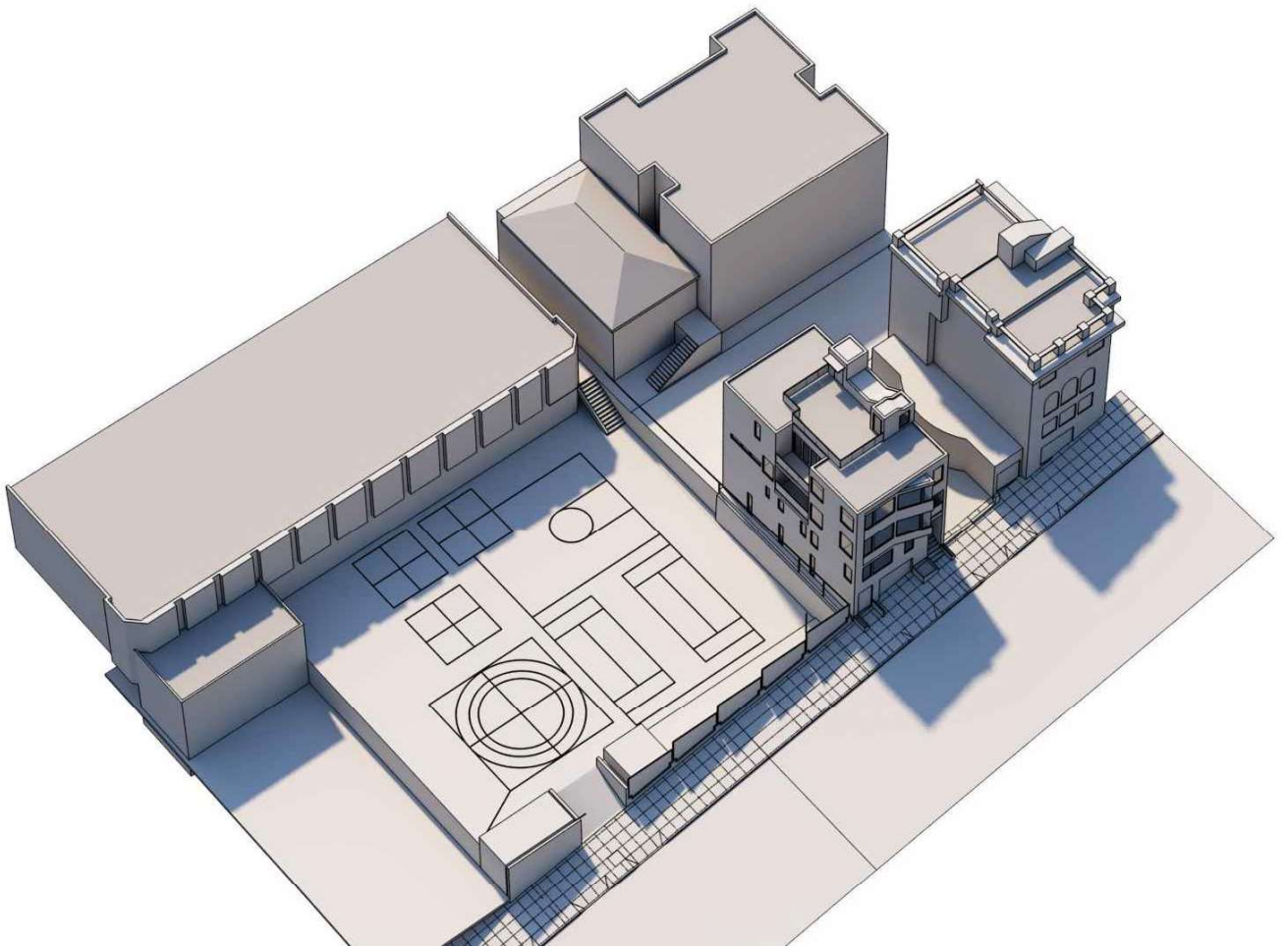
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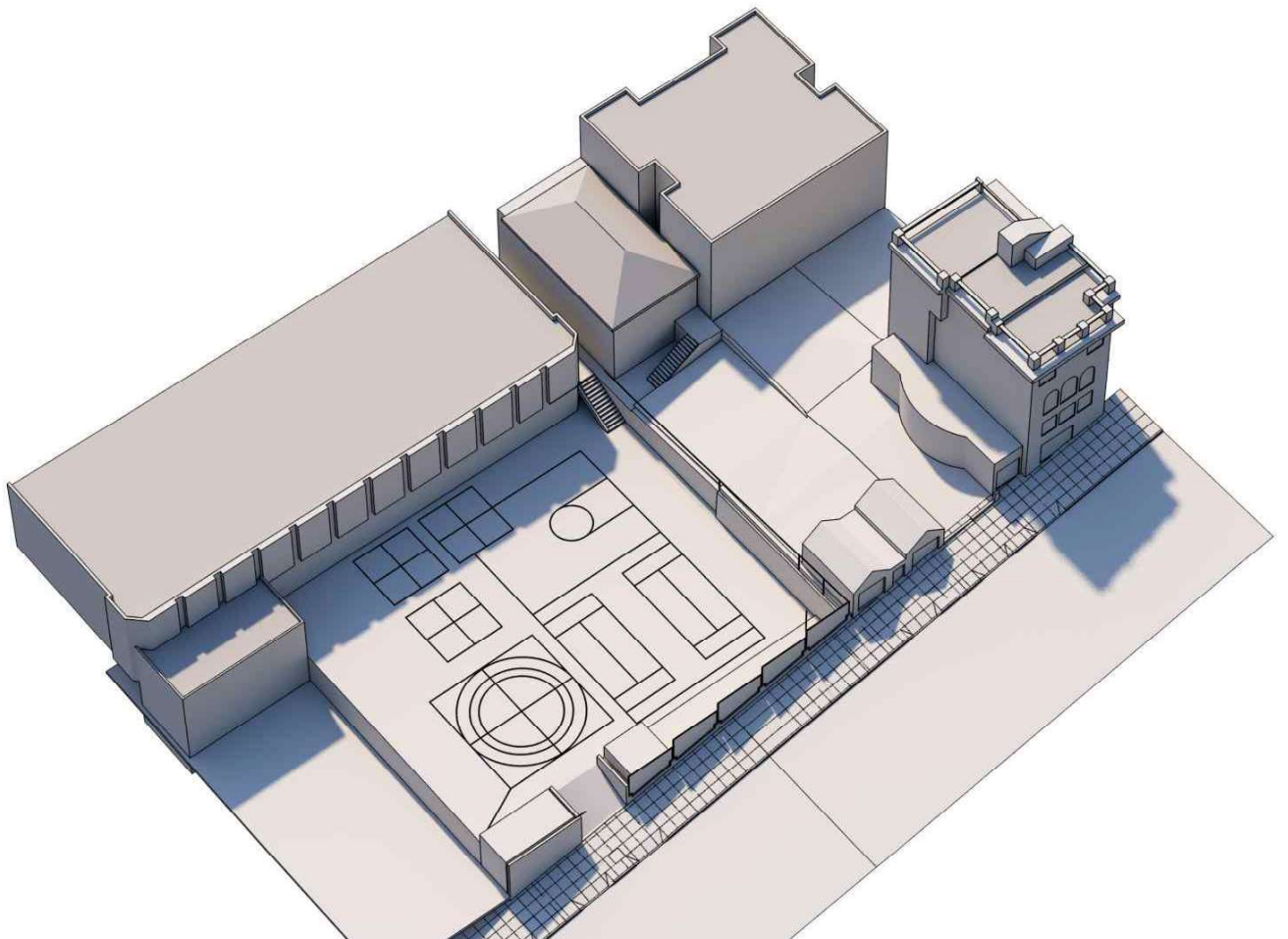
939 LOMBARD: PROPOSED (JUNE 21ST @ 5:30PM)



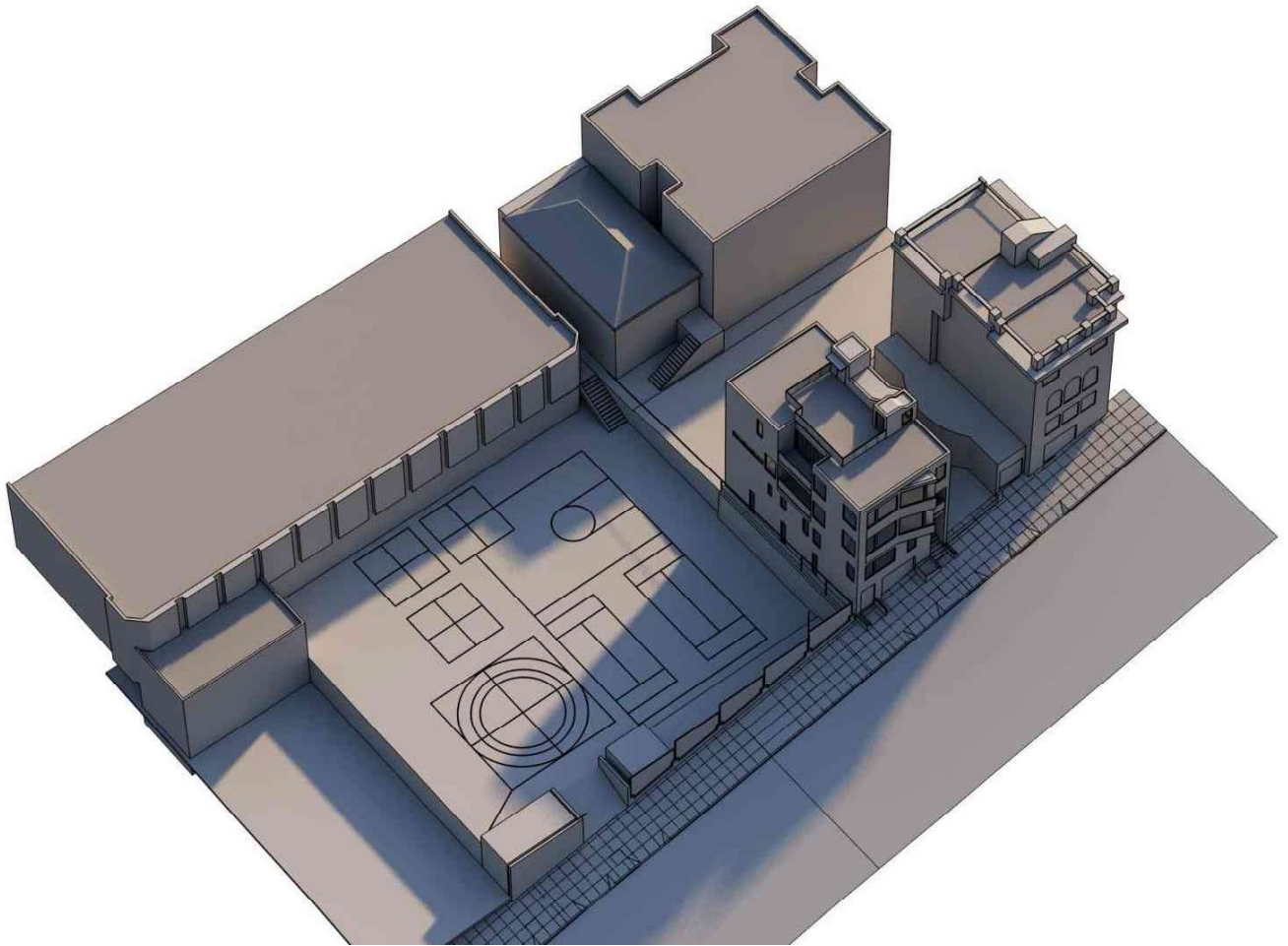
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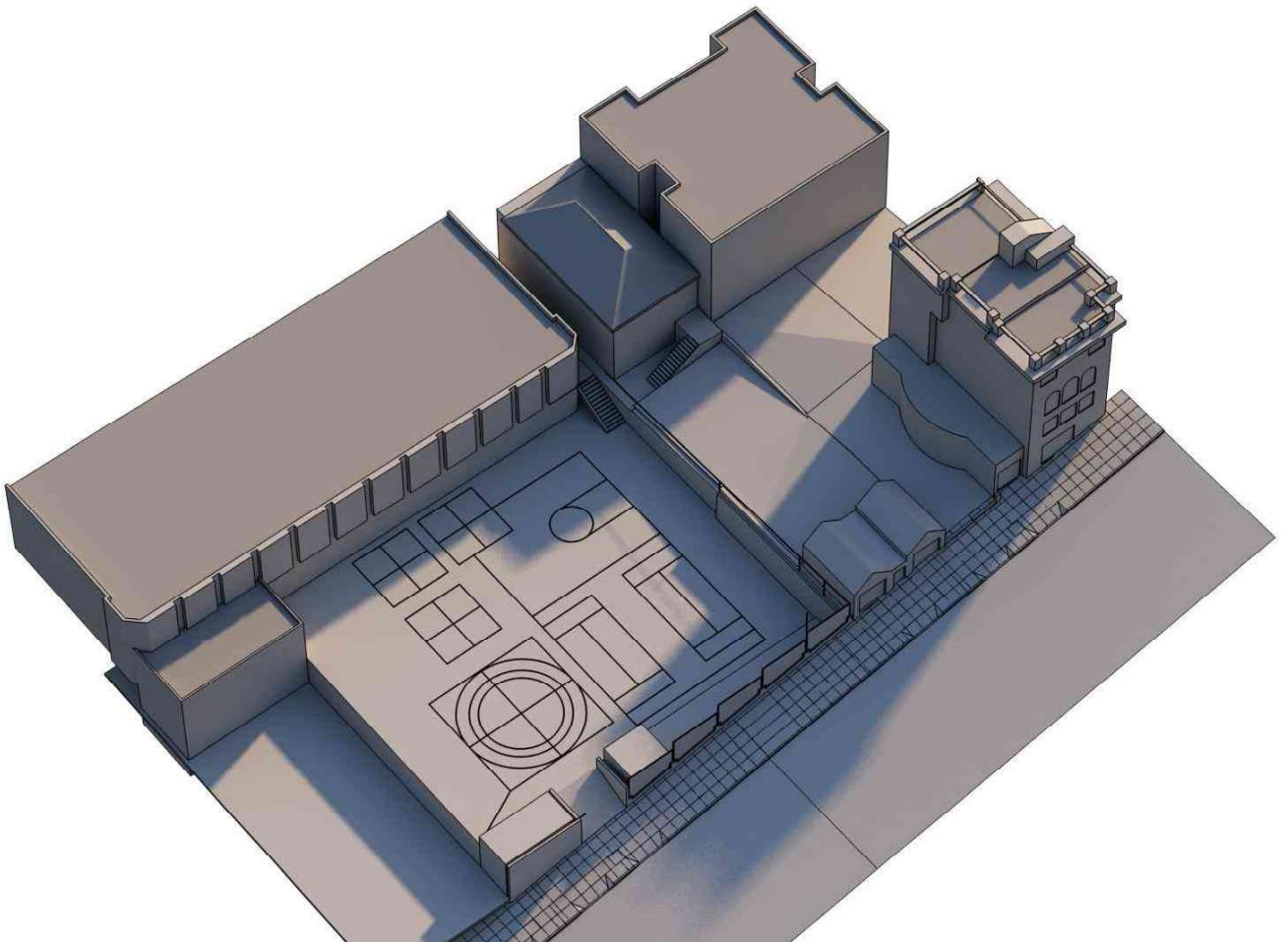
939 LOMBARD: PROPOSED (SEPT 21ST @ 12:00PM)



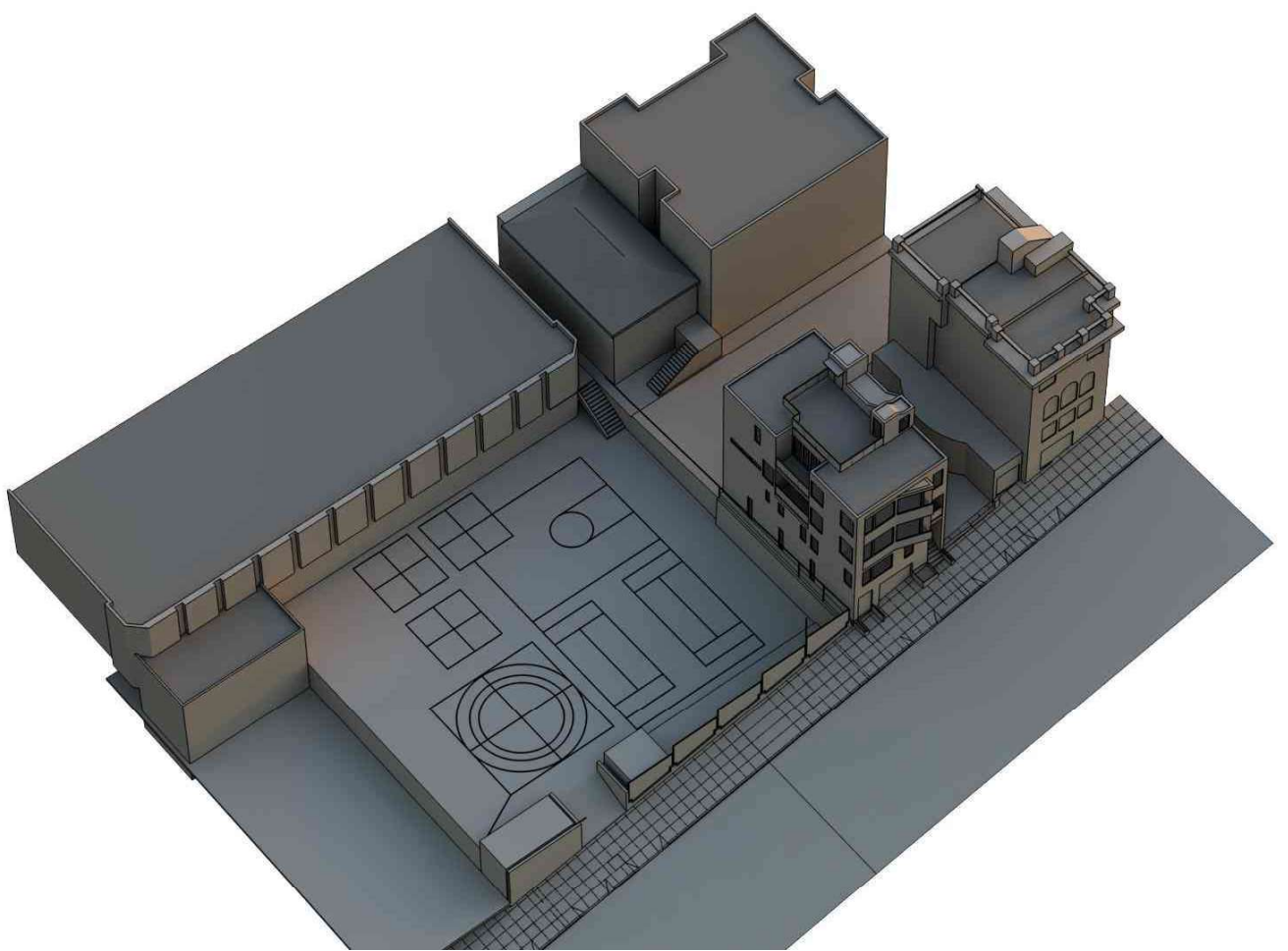
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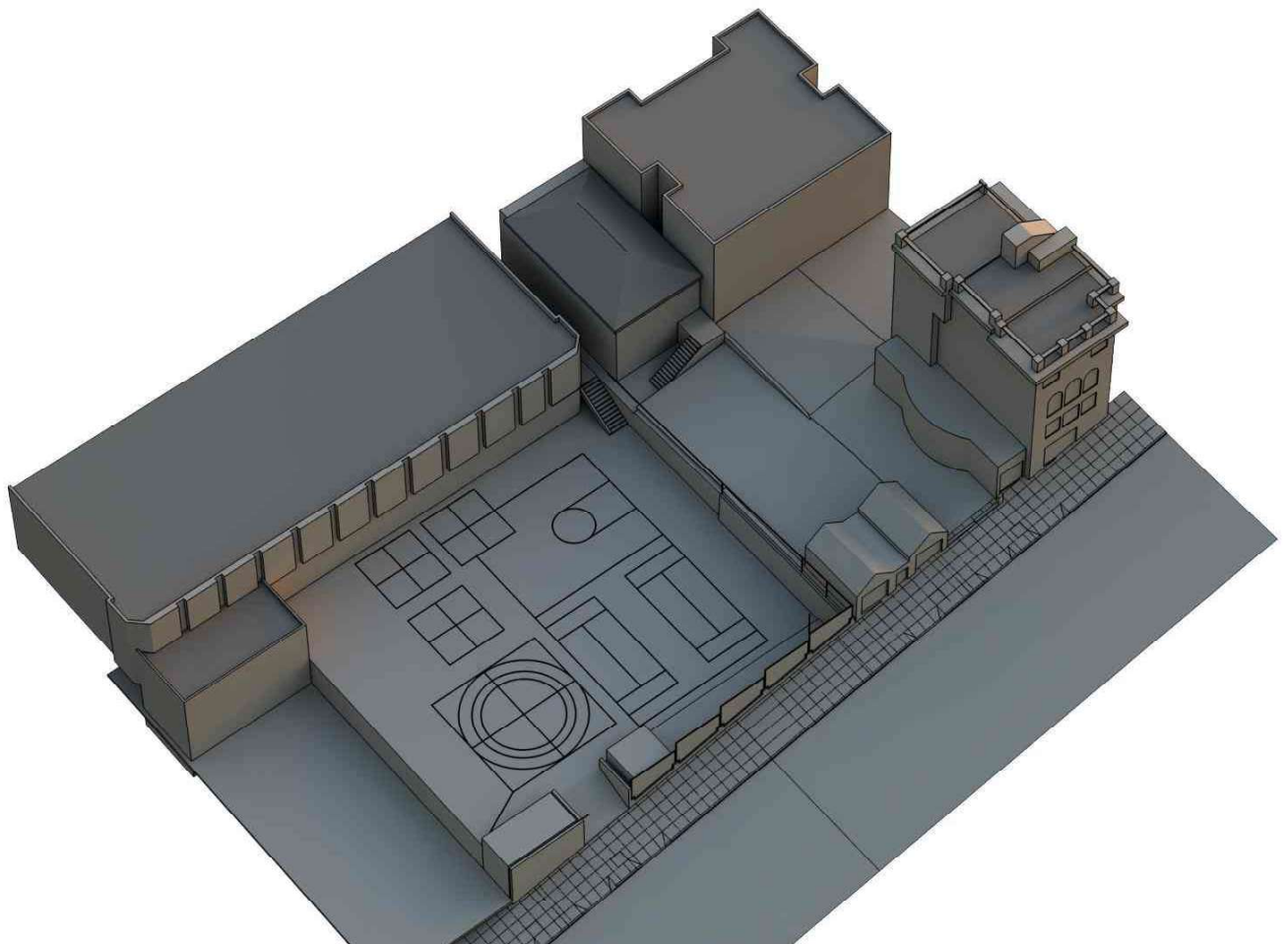
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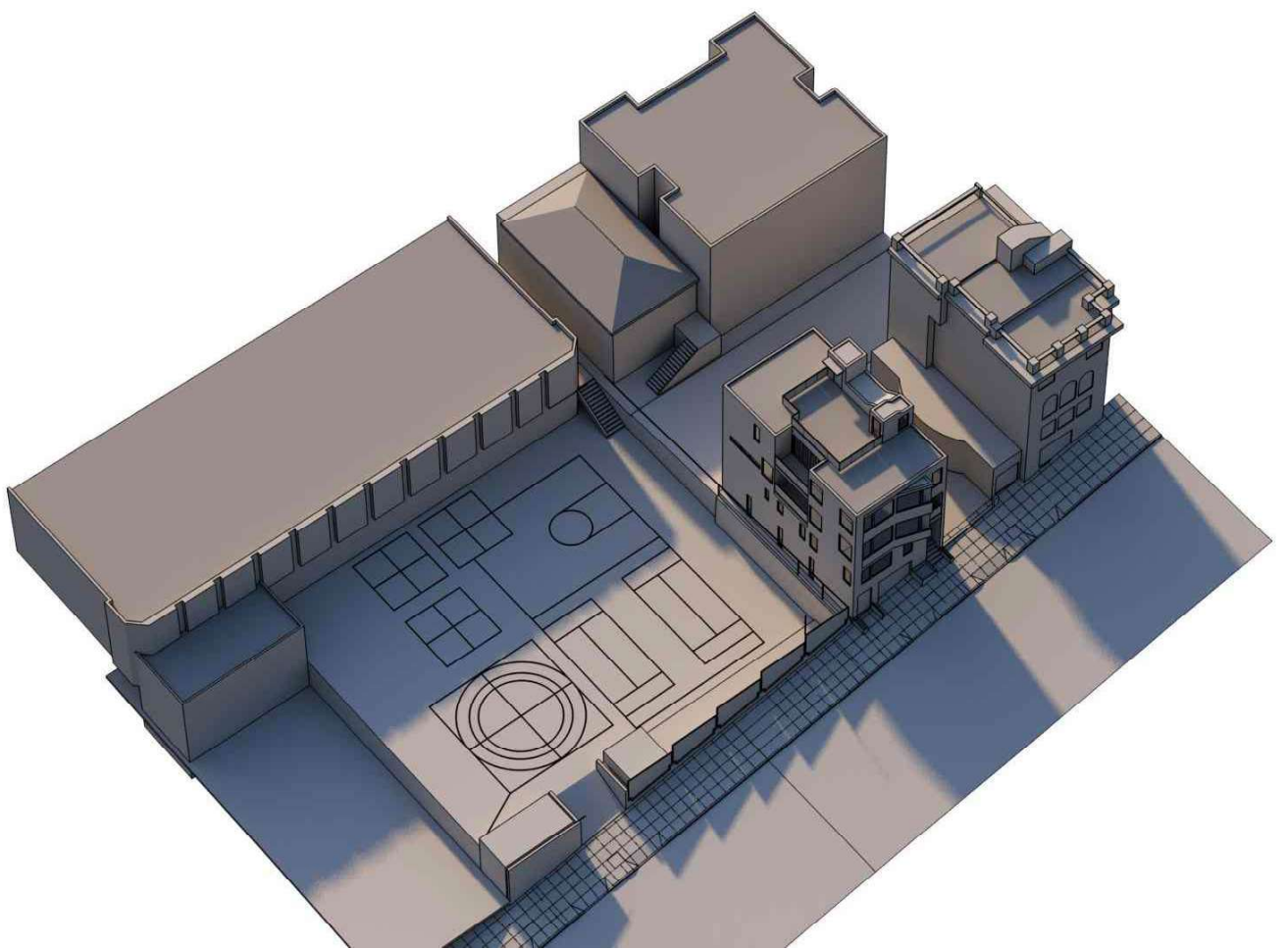
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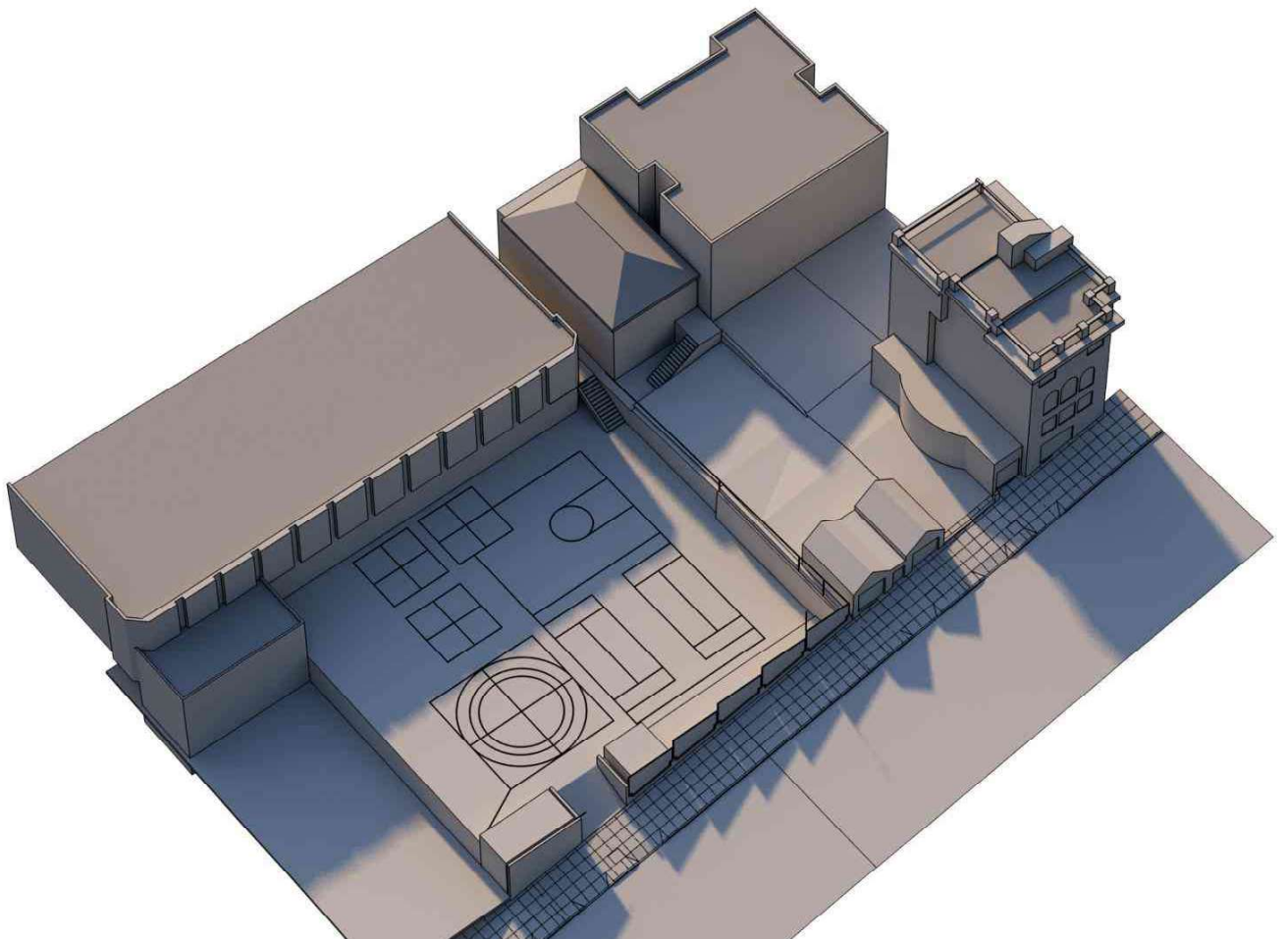
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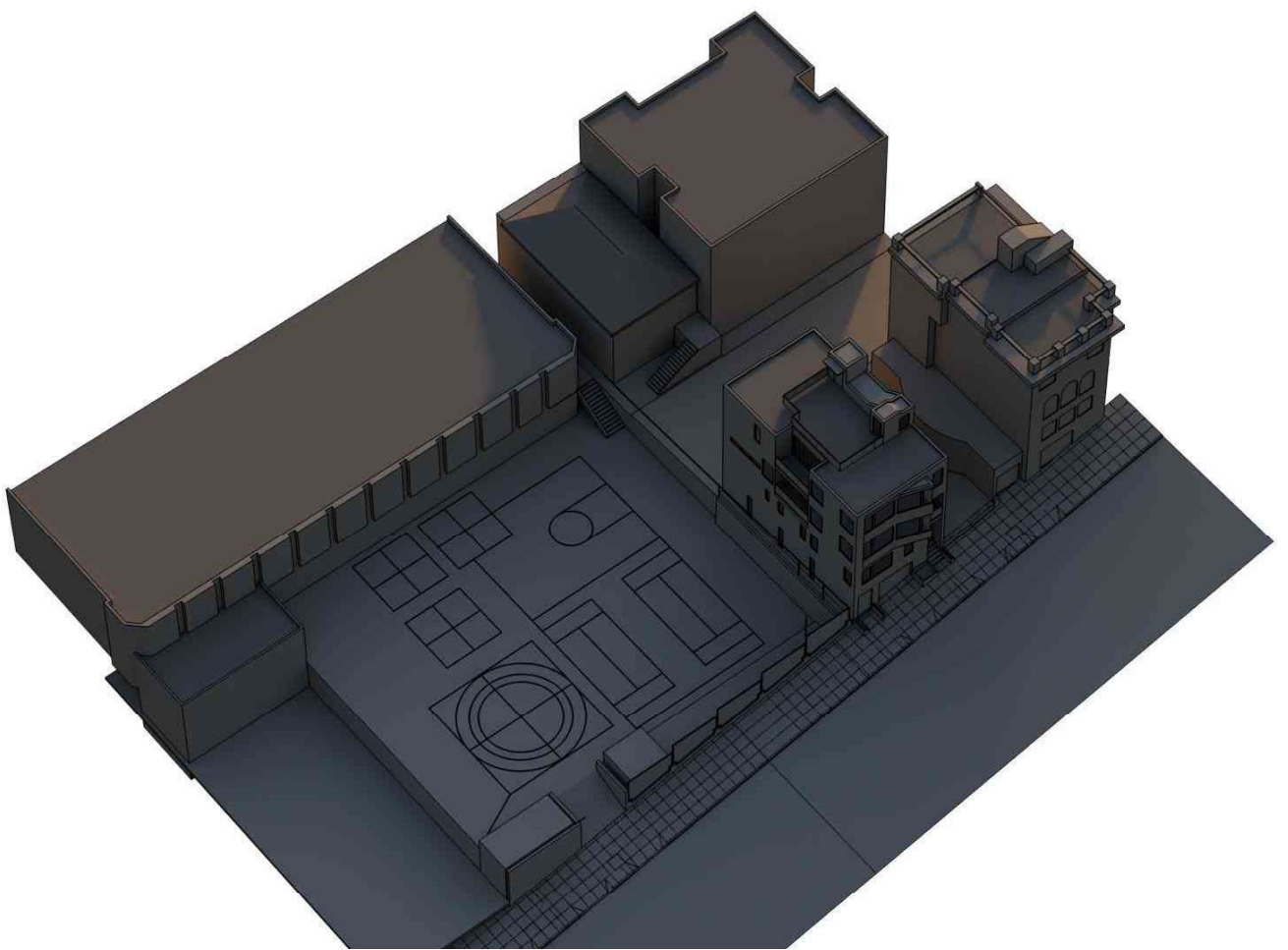
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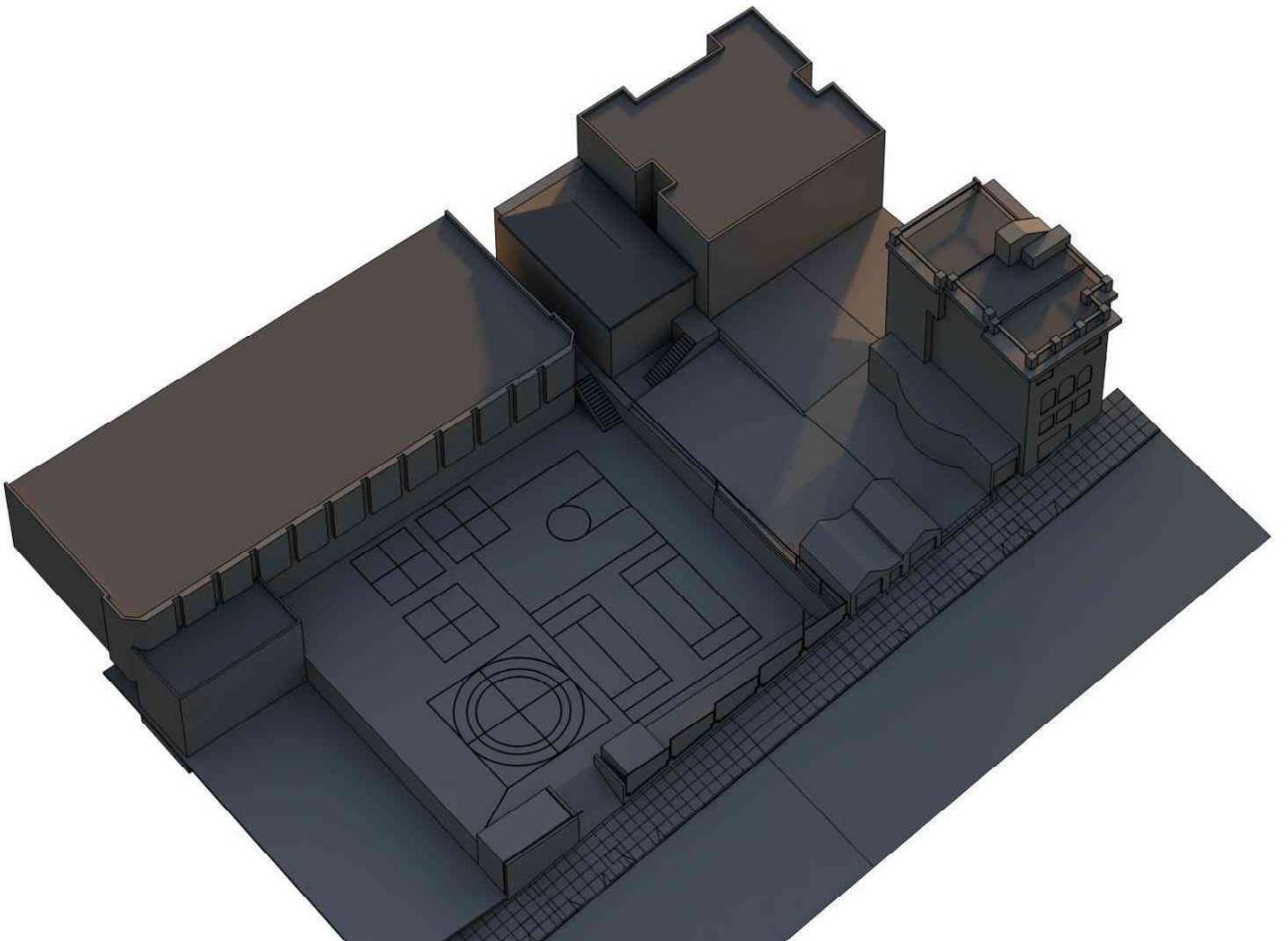
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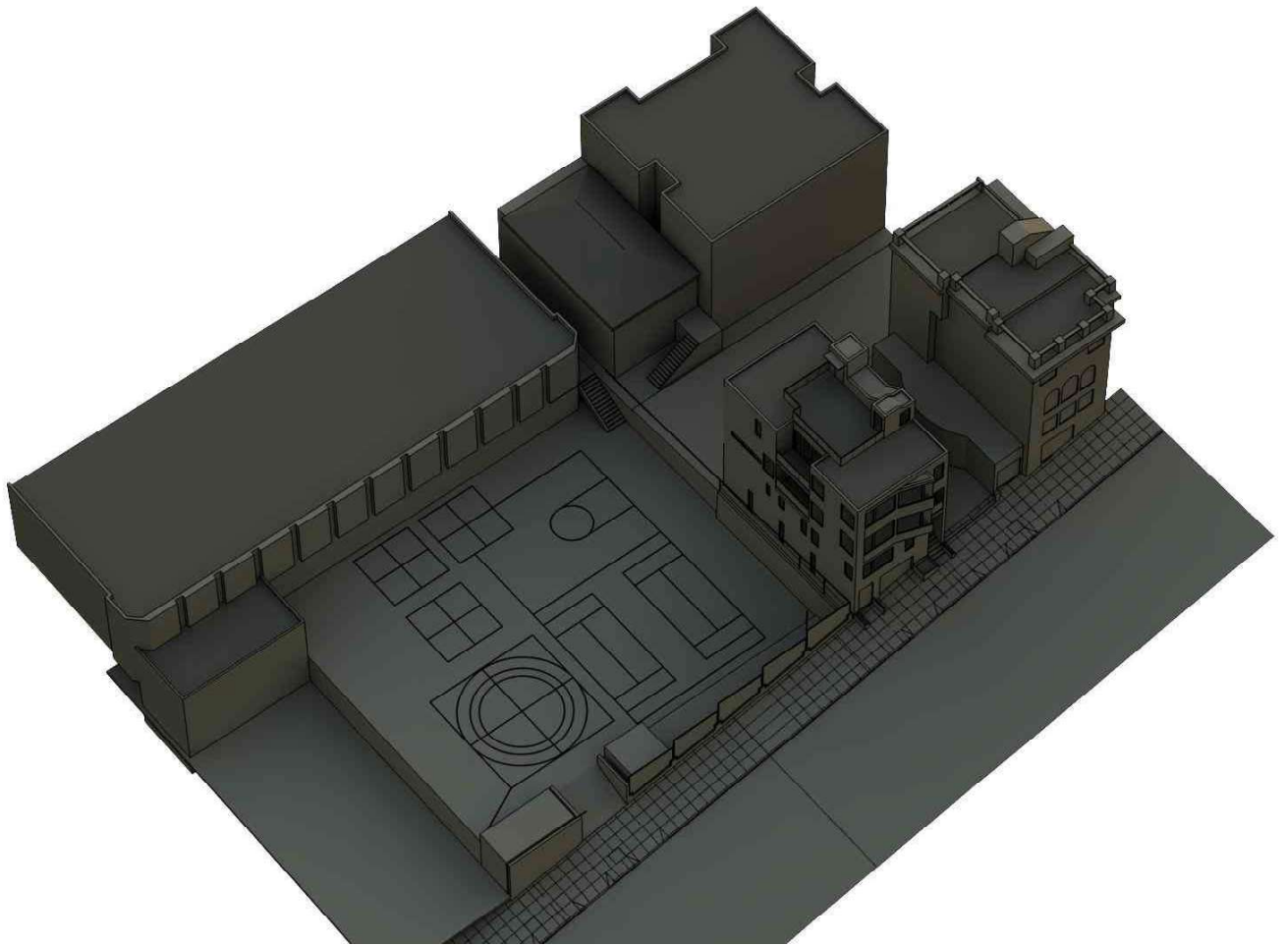
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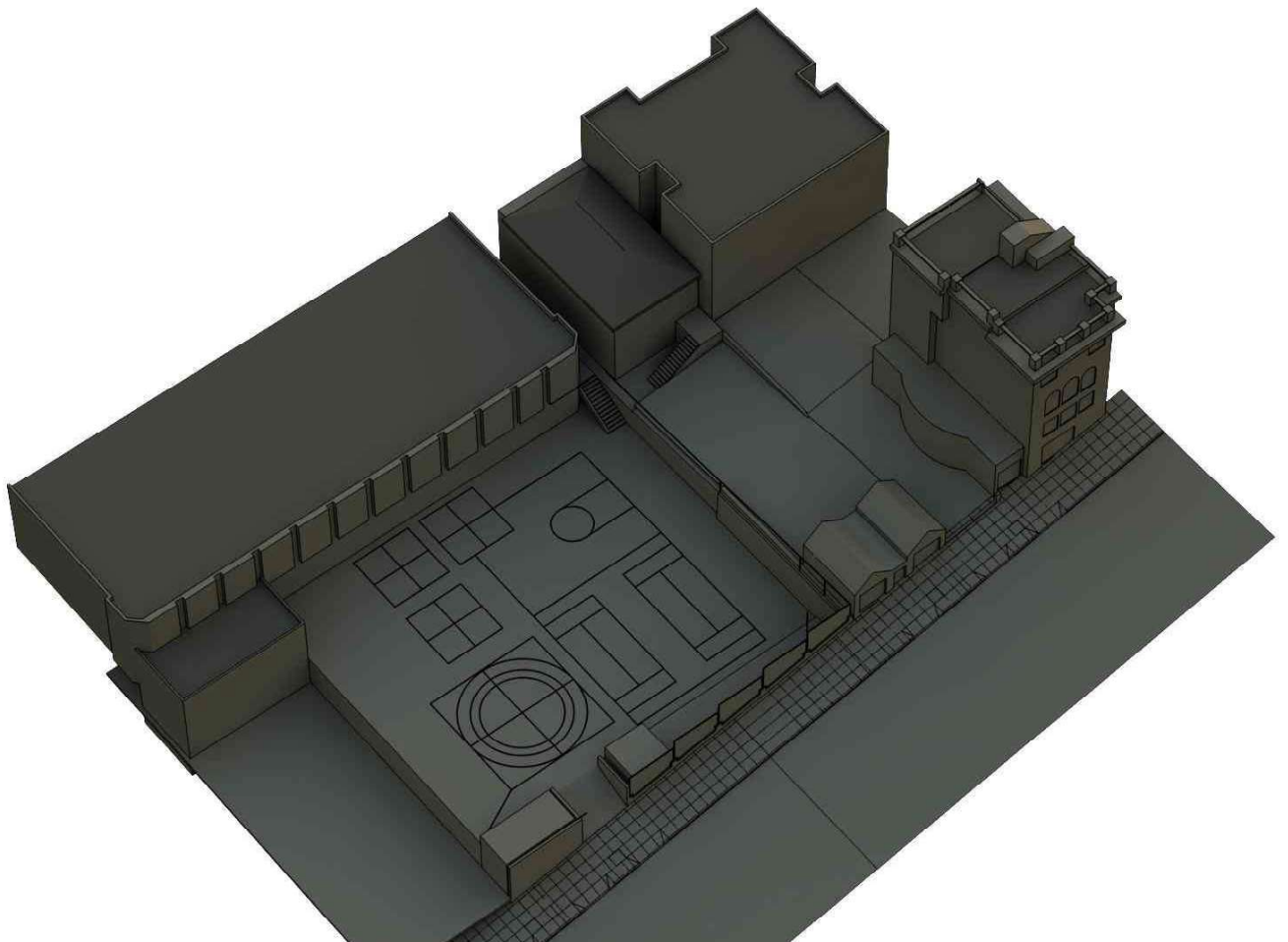
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939 LOMBARD: EXISTING CONDITION (DEC 21ST @ 3:30PM)



939 LOMBARD: PROPOSED (DEC 21ST @ 5:30PM)



939 LOMBARD: EXISTING CONDITION (DEC 21ST @ 5:30PM)

To:

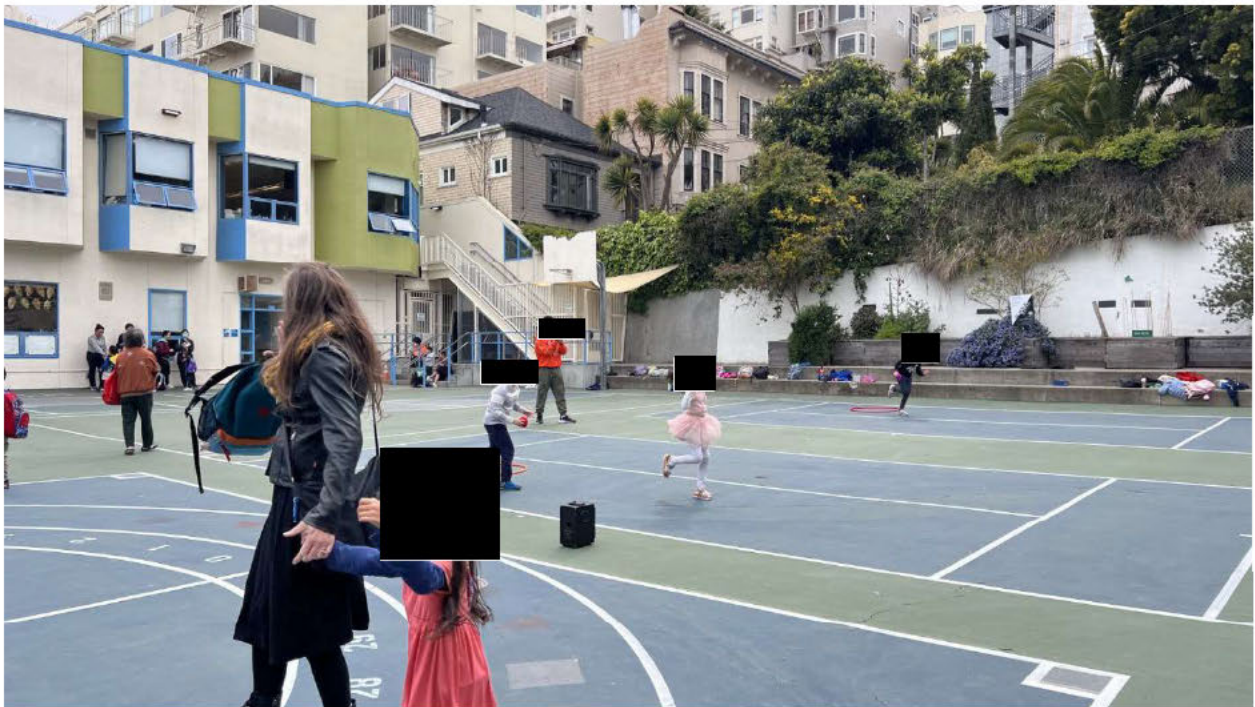
- Greenan, Trent (CPC)

Cc:

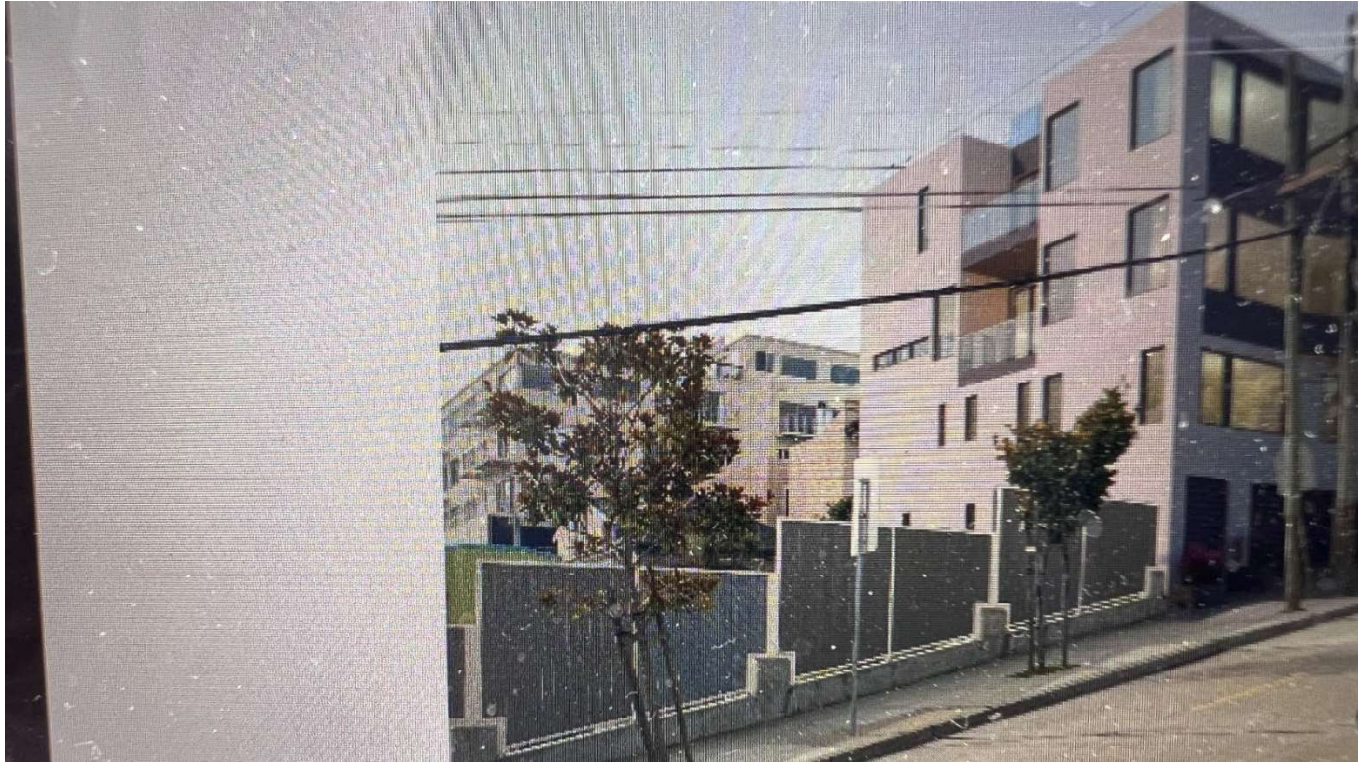
- Winslow, David (CPC)
Wed 6/7/2023 1:29 PM

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2nd email: Documents and photos attached. Multiple emails because of huge sizes and petitions of people oppose the project to be submitted during the hearing



From the playground, the rear house of the propose lot and the other 4 condominiums will be severely impacted by shadows, open spaces, construction dangers. This is needless speculation, the city will suffers as a whole, it add nothing to the housing supply.



See how ugly and imposing the dangerously tall building; many tall buildings around the world have tumbled down due to earthquakes and flooding. The imposing tall shadow will hurt the mental growth of the children. The construction hazards will stop the school from functioning in 100%. The trees have to be cleaned will hurt the environment and caused the raccoons, rats, squirrels, coyote...to escape into neighboring homes, already happened before, The propose huge monster house does not. Blend it with the surrounding area. Eyesore, cheap, ugly factory pre-fab and might even be 3-D printing. This permit must be quashed

To:

- Greenan, Trent (CPC)

Cc:

- Winslow, David (CPC)
Wed 6/7/2023 1:50 PM

Lombard 939 permit Yick Wo.pdf

65 KB



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3rd email: Documents and photos attached. Multiple emails because of huge sizes and petitions of people oppose the project to be submitted during the hearing



See how dangerously close to the construction, the retaining wall is not strong enough, this lot is not buildable safely. Earthquake and flood and the never strong enough retaining wall will justify to ban this lot from ever to be built anything.

Many small children mental health will be retarded and stunt their physical growth. Construction noise is enough to drive adults mad, the kids will not know that breathing in the fumes and dusts can hurt their IQ.



The noise will penetrate deep into the classrooms too. It will be too dangerously to even sit on the playground, Let alone running around with industrial accents like flying hammer, nails popping out of the staple guns, caulking smells, drill shrill noise can damage mentally...

=====

Most parents don't even know about the new construction, and it can take 4 years. Even though the construction is legal, I have seen people come screaming into the construction sites to demand stoppage immediately because the drill noise can really wreck the mental nerves.

=====

jamie alemany <eagle5555@live.com>

To:

- Greenan, Trent (CPC)

Cc:

- Winslow, David (CPC)

Wed 6/7/2023 2:16 PM

Lombard 939 Mark Swartz construction risks.pdf

30 KB



This message is from outside the City email system. Do not open links or attachments from untrusted sources.

4th email: Documents and photos attached. Multiple emails because of huge sizes

and petitions of people oppose the project to be submitted during the hearing

Mark Swartz filed his own DR; he has a baby less than a year old.

The only way to save his situation is to void and null the building permit totally.

The shadow, blocking of the sun, loss of all the trees, blocking of his driveway from the construction...will hurt him family plus all other units nearby tremendously.

=====





Many many tourists walk and drive up this street; the huge construction project will make it much worse and dangerous. It will make robberies, smash & grab from cars much easier, daily occurrences.

=====



The school bus will have less space to pick up and drop off the little children. There can be hundreds of people in the playground and will be useless at hours the school have no control.



This kind of event with speakers cannot happen with the construction noise, dust, fumes, potential flying objects...



RESPONSE TO DISCRETIONARY REVIEW

Project Information

Property Address: 939 LOMBARD STREET

Zip Code: 94133

Building Permit Application(s): 2021-0709-4046

Record Number: 2021-007262DRP

Discretionary Review Coordinator: David Winsow

(David Winslow / Trent Greenan, Christopher May)

Project Sponsor

Name: Curtis Hollenbeck, Architect

Phone: 415.544.9883

Email: matteryard@yahoo.com

Required Questions

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

SEE ATTACHED

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

SEE ATTACHED

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

SEE ATTACHED

Project Features

Please provide the following information about the project for both the existing and proposed features. **Please attach an additional sheet with project features that are not included in this table.**

	EXISTING	PROPOSED
Dwelling Units (only one kitchen per unit - additional kitchens count as additional units)	0	1
Occupied Stories (all levels with habitable rooms)	0	3
Basement Levels (may include garage or windowless storage rooms)	1	1
Parking Spaces (Off-Street)	2	2
Bedrooms	0	4
Height	11'-4"	40'-0"
Building Depth	18'-7 1/2"	48'-4"
Rental Value (monthly)	\$0	\$6,500
Property Value	1,700,000	2,700,000

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

Signature: 	Date: 04/24/23
Printed Name: Curtis Hollenbeck, Architect	<input type="checkbox"/> Property Owner <input checked="" type="checkbox"/> Authorized Agent

If you have any additional information that is not covered by this application, please feel free to attach additional sheets to this form.

04.25.23

Christopher May, Senior Planner, 49 South Van Ness Ste1400 Ave, SF CA 94103, christopher.may@sfgov.org, 628.652.7359

Curtis Hollenbeck, Architect, 575 Columbus Ave, #2, SF, CA 94133, matteryard@yahoo.com, 415.544.9883

Byrnes Special Works LLC, mgr Enda Keane, 51 Bernard St, SF, CA 94133, endapkeane@gmail.com, 415.828.4981

939 Lombard Street: Response to Discretionary Review

Building Permit # 2021-0709-4046

Record 2021-00726DRP

Discretionary Review Coordinator: David Winslow, Trent Greenan, Christopher May

Project Sponsor: Curtis Hollenbeck, Architect, 415.544.9883, matteryard@yahoo.com

Required Questions

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

Response:

1. We held a pre-app meeting on 07/02/21. The DR requestor did not attend. We also had a follow-up meeting with North Beach Neighbor's Association on 09/29/21. 61 addresses were compiled/ included by Radius Services in the Pre-Application meeting and documented with Site permit submittal. On 07/10/21 I did receive an aggressive email from 1111myhouse@gmail.com, which was unsigned, but am assuming is Martin Eng and it simply stated "*Your pre-application is a fraud, and all works at 939 Lombard must be stopped. This pre-application must be void and null*". See attached email for reference.
2. We met with the Principal of Yick-Wo Elementary School 04/17/23 and walked him through the project. (Principal Sanchez). He was comfortable with the project and asked to be informed when we were closer to construction. The building will be designed with both a Structural and Geotech Engineer, per state and local Building Codes. We will not add a surcharge to the neighboring retaining wall. Scaffolding and netting will be provided along the adjacent school property as well as dust mitigation. We also discussed that should the school be hosting a specific event and need quiet, we could work around their schedule.
3. The Front setback and Rear yard requirements are met and designed to code. We will maintain 25% open space between the proposed front building and rear exterior stair structure (34'-4 1/2" from the back of the building to the face of the exterior stair. *(It should be noted that the DR requestor has two buildings on his adjacent site that do not meet the required rear yard open space with a dimension of only 29'-10" from rear building to face of exterior stair at front building)*. The front yard setback is set by DR requestor's property and complies with code.
4. We will comply with DBI requirements for construction, pedestrian protection, site maintenance and hours of construction. There currently are no parking spaces on subject properties side of street. We will only use street space as approved / permitted by SFDPW
5. My client is investing a great deal of time and resources to add a home on an undeveloped portion of this lot. This and many other projects across the city will add to San Francisco housing stock.

6. DBI plan check will accept or edit as they determine the cost of construction during plan check. The city is comprised a beautiful mixture of people, culture and homes. This project will offer a since of place that future generation may call home.
 7. We are working within the permitted height limit of the site. After planning / Design guidelines review, we made edits as the planners saw fit. *(It should be noted that the DR requestors Subject property which we are mainly following for massing is actually taller than the permitted height lime, reaching 41'-4" at front and then steps up an additional 2'-0" at rear. The DR requestor's building also has a larger roof deck and stair penthouse beyond what we are proposing.)* The DR requestor has the adjacent building at the front of the adjacent lot. His front building is 29'-10" from the front building stair to the building at the rear of the lot. Our proposed building is 41'-7" away from the rear adjacent building. If sun and light were his concern, the impact would be greater from his existing building at front lot building than our proposed. No public parks will be impacted by our project.
-

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

Response:

1. We have worked closely with planning and the residential design planner to make s beautiful home that utilizes an undeveloped portion of lot. For massing, we actually mimicked the DR requestors building to fit within the fabric of the neighborhood. We have made changes from the Residential Design Guideline review regarding entry, building materials and scale of windows. We find the DR requestor's comments not quite sincere and a bit hypocritical considering we are following their pattern.
-

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

Response:

1. This is sound project that infills a portion of lot that is undeveloped. We can add a home that can serve generations to come. The DR requestor is fighting any development right at the front of the site.
2. 939 Lombard's property title is clean and is not encumbered or restricted in any way, no aspect of its title benefits any other party or property.
3. Mr Martin Ng the DR requester has exhausted all legal avenues in regards to his claims on property as per *Remittitur issued by Court Of Appeal, No CGC18566741 Dated August 31st 2022*

EMAIL FROM DR REQUESTOR
TO ARCHITECT

Fwd: Cease & deacease the project at 939

From: A A (1111myhouse@gmail.com)

To: matteryard@yahoo.com

Date: Saturday, July 10, 2021 at 02:42 PM PDT

----- Forwarded message -----

From: **AA** <1111myhouse@gmail.com>

Date: Sat, Jul 10, 2021 at 12:02 PM

Subject: Cease & deacease the project at 939

To: <endapkeane@gmail.com>, <materialyard@yahoo.com>

To: Enda Patrick Keane
Architect Curtis Hollerbeck

Your pre-application is a fraud, and all works at 939 Lombard must be stopped.

This pre-application must be void and null

ALSO

There are two deed restrictions on the property

One was put on about 100 years ago by the past owner xyz family.

The other grant deed restriction is under appeal and new litigation.

By the way, did your lawyer Carlos conveyed mine communication to you at all! This law firm seem to be raking up attorney fees.

REUBEN, JUNIUS & ROSE, LLP

June 20, 2023

Delivered Via Email

President Rachael Tanner
San Francisco Planning Commission
49 South Van Ness Ave, Suite 1400
San Francisco, CA 94103

**Re: 939 Lombard Street (0072/021)
Brief in Opposition to DR Request
Planning Department Case Nos. 2021-007262DRP and 2021-007262DRP-02
Hearing Date: June 29, 2023
Our File No.: 5125.10**

Dear President Tanner and Commissioners:

Our office represents the Project Sponsor at 939 Lombard Street (the “Property”). The Property is located on the south side of Lombard between Jones and Leavenworth. The Sponsor purchased the property in 2018 is seeking approval of a permit to construct a new single-family home in place of an aging carport (the “Project”). The new house would share the lot with the existing single-family home at the rear of the lot, which was renovated in 2019 and is tenant-occupied.

Over the last two years, the Project has undergone environmental and design review, and Planning Staff concluded that the Project is exempt from environmental review and consistent with the Planning Code and the Residential Design Guidelines.

The two DR requestors are the uphill neighbor (Martin Eng) and the neighbor to the southwest of the property (Lombard Street Homeowners Association, Mark Swartz) (situated behind the adjacent uphill neighbor) (collectively, the “DR Requestors”). The DR Requestors’ concerns about this project boil down to views and worries about the temporary inconvenience of nearby construction, which would be minimized pursuant to the building permit process and well-established construction best practices. More importantly, the DR Requestor has not identified any exceptional or extraordinary circumstances that justify discretionary review.

The DR request should be denied for the following reasons:

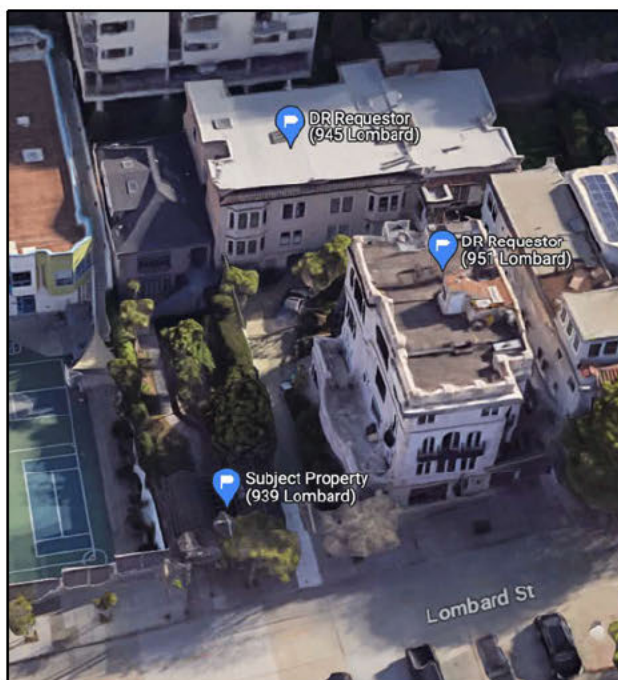
- The Project is located in Russian Hill, less than a block from the famed winding section of Lombard Street, where 3-4 story single family homes are common.

- The Property would result in a 2-unit lot with a shared rear yard, which is appropriate given the RM-1 zoning at the site.
- The 8-foot, 9-inch driveway to 945 Lombard (which will not be altered by the Project), creates a built-in buffer between the Project and the adjacent properties—minimizing potential light and air impacts. Further, the upper stories of 945 Lombard are set back from the driveway to provide a 24-foot, 11-inch setback between the 939 Lombard property line and the main building mass of the adjacent building. This built-in separation will minimize any potential light and air impacts. And while it is clear that the underlying concern here is views, private views are not protected.
- The Project site does not share the driveway to 945 Lombard, and construction of the Project will not cause any disruption to vehicular access to the adjacent properties, and existing construction regulations and best management practices will ensure that a project of this scope can be safely constructed in close proximity to a school and other residences.

For these reasons, we ask that you approve the Project as proposed. There are no exceptional or extraordinary circumstances that justify taking DR, and the proposed Project is appropriate, necessary, and not materially injurious to the Property or its neighbors.

A. Property Background & Project Description

The Property is located on the south side of Lombard between Jones and Leavenworth. The two DR Requestors live in the two adjacent properties:



The Sponsor purchased the property in 2018 and completed a renovation of the existing house at the rear of the lot in August 2019. After living in that house for several years, he moved out and leased it to the current tenant.

Following the resolution of litigation with the uphill neighbor to clear a number of title issues, the Sponsor filed a permit to construct a new home on the front half of the lot. As originally proposed, the new home would replace the 512 square foot carport with a 5,173 square foot home with two ground level parking spaces. The initial application proposed 1,196 square feet of open spaces and a rear yard sitting between the existing house at the rear and the proposed new one facing the street. The original plans also included east-facing decks at the third and fourth floors, and elevator and stair penthouses to provide access to the rooftop open space.

In response to concerns from neighbors and the DR Requestors about building massing and privacy facing the school, the Sponsor has converted the east-facing decks to planted living roof areas (so they no longer provide sitting/standing access), has incorporated a 5-foot setback for the entire fourth floor, and has eliminated the rooftop elevator and penthouses. The revised Project would provide a 4-bedroom, 4,828 square foot home (3,778 square feet of habitable space), with two ground level parking spaces. The Project would provide a Code-compliant rear yard (equal to 25% the depth of the lot) between the new home and the existing house at the rear of the Property. (Revised Project Plans attached at **Attachment A.**)

B. Neighborhood Outreach and Project Revisions

Over the last several months, the Project Sponsor has had numerous meetings with the North Beach Neighbors, the Russian Hill Neighbors, parents and administrators from the adjacent Yick Wo Elementary School, and both DR Requestors.

Throughout this process, the Project Sponsor has been communicative and open to working with the community and adjacent neighbors. In response to neighborhood concerns regarding privacy and the potential for shadows on the school yard, the revised Project replaces a third-floor deck with a planted living roof, incorporates a 5-foot setback from the east property line at the fourth floor and converts the resulting outdoor space to a living roof, and eliminates the rooftop elevator penthouse (instead providing roof access via exterior stair access only).

These good faith revisions have not resulted in a compromise with the DR Requestors because, ultimately, both DR Requestors' concerns come down to their desire to protect unimpeded views from their properties.

C. Response to DR Concerns

The DR Requestors have raised several concerns about the Project, mostly related to views and potential construction disruptions:

- 1. The Project will not Result in any Disruption of Vehicular Access to 945 Lombard or Cause any Danger to Adjacent Properties or People.*

The Property does not share access to the 945 Lombard driveway, and the driveway will not be used for construction access or impeded in any way.

Concerns raised by Mr. Eng about the retaining wall between the school and the Property are also unfounded. A geotechnical report was prepared for the Project on October 8, 2022, which concluded that the Property is suitable for the planned developments and provides recommendations for ensuring that construction of the Project does not undermine the adjacent properties, including the school.

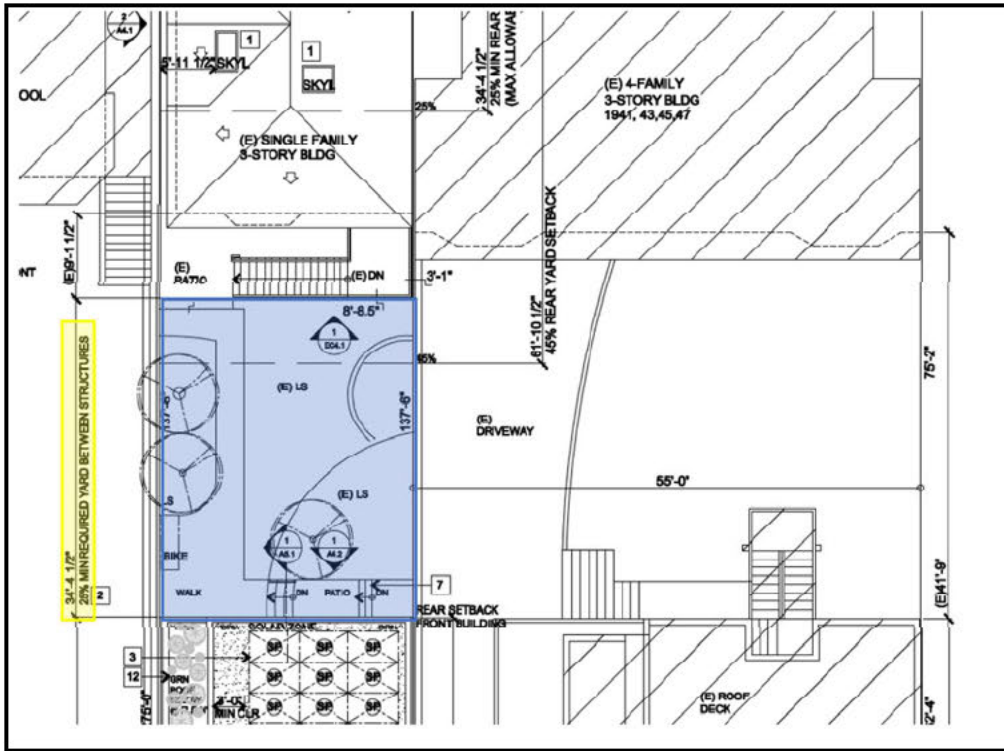
Much larger projects in denser neighborhoods are successfully constructed without causing undue construction impacts or jeopardizing much steeper slopes. This is due to stringent permitting regulations and requirements related to the coordination of construction activities with various City agencies to ensure the minimum feasible level of disruption to circulation on public rights-of-way and public safety.

- 2. The Project Provides a Code Compliant Rear Yard*

Mr. Eng's DR request alleges that the Project does not meet setback and rear yard requirements. This allegation is false. Side yards are not required in the RM-1 district, and front and rear setbacks can be averaged based on the setbacks of the adjacent properties. (Plan. Code Table 209.2.)

At the front, the Project matches the street-facing building line of the one adjacent residential property (Mr. Eng's).

At the rear, the Project provides a rear yard equal to 25% the depth of the lot (34 feet, 4.5 inches), as required by Planning Code Section 134 and comparable to the rear setback provided between the DR Requestors' properties next door:



The 8-foot, 9-inch driveway to 945 Lombard (which will not be altered by the Project), also creates a built-in buffer between the Project and the adjacent properties. Further, the upper stories of 945 Lombard are set back from the driveway, such that there is a 24-foot, 11-inch setback between the 939 Lombard property line and the main building mass of the adjacent building (at the ground floor, the distance between the subject Property line and the adjacent building is 16 feet, 3 inches). This built-in separation will minimize any potential light and air impacts.

3. 40-Foot is the Principally Permitted Height Limit, and the Project is Consistent with the Character and Scale of the Neighborhood.

Mr. Eng has asserted that “40 feet high is outrageous, blocking the sun & light to the school children, and the 4 condos in the back.” The Property (and all the nearby properties) are subject to a 40-foot height limit. Mr. Eng’s own property is also 40-feet tall and includes a rooftop penthouse.

The proposed Project is also consistent with the scale and design of other buildings in the vicinity. The focus and intent of the Residential Design Guidelines is to ensure projects respect the character of the block face and mid-block conditions. Where there is a mixed visual character, as there is on the subject block, the Guidelines allow for greater flexibility and opportunity in design (RDG, pgs. 9-10). The Guidelines do look to make sure that a building’s form is compatible with the overall context of the block (RDG, pg. 23).

In this case, the Project is appropriate for the mixed-character of the block and the proposed scale of the Project matches the massing of DR Requestor’s property next door and is appropriate for the range of 3-4 story buildings in the vicinity. On the subject block of Lombard, properties

range from 3-4 stories, with several large single-family homes and 2-home lots on the opposite block across Lombard. On the block opposite the subject Property, there are 11 lots—and at least 7 are single-family. On the subject block, there are 9 lots: 2 of 8 are single-family, 3 of 9 are 2-units, 1 is 3-units, 1 contains a 2-unit building and a single-family home, 1 contains a 3-unit building, and the last lot contains the school. As proposed, the Project will result in a lot providing equal or greater density than most of the lots on the subject block and the opposite block across Lombard.

D. Conclusion

The DR Requestor has failed to establish exceptional or extraordinary circumstances that would justify the exercise of discretionary review. The Project Sponsor has demonstrated a willingness to be a good neighbor by reducing the building massing and converting two east-facing balconies to living roofs in order to provide additional privacy for the school below. The DR Requestors' opposition is based on an underlying concern for their unobstructed views, which are not protected by the Planning Code or the Residential Design Guidelines. Because the DR Requestors have not established any exceptional or extraordinary circumstances, we respectfully ask that the Planning Commission deny the request for discretionary review and approve the modified Project as proposed (and already modified) by the Project Sponsor.

Thank you for your consideration.

Very truly yours,

REUBEN, JUNIUS & ROSE, LLP



Chloe Angelis

cc:

Vice President Moore
Commissioner Braun
Commissioner Diamond
Commissioner Koppel
Commissioner Imperial
Commissioner Ruiz
Chris May, Planner
Trent Greenan, Planner
David Winslow, Planner

ATTACHMENT A
Revised Plans

Castle Hill Architects
 8750 Colburn Ave, #2
 San Francisco, CA 94129
 Tel: 415.424.2288
 castlehill@castlehill.com



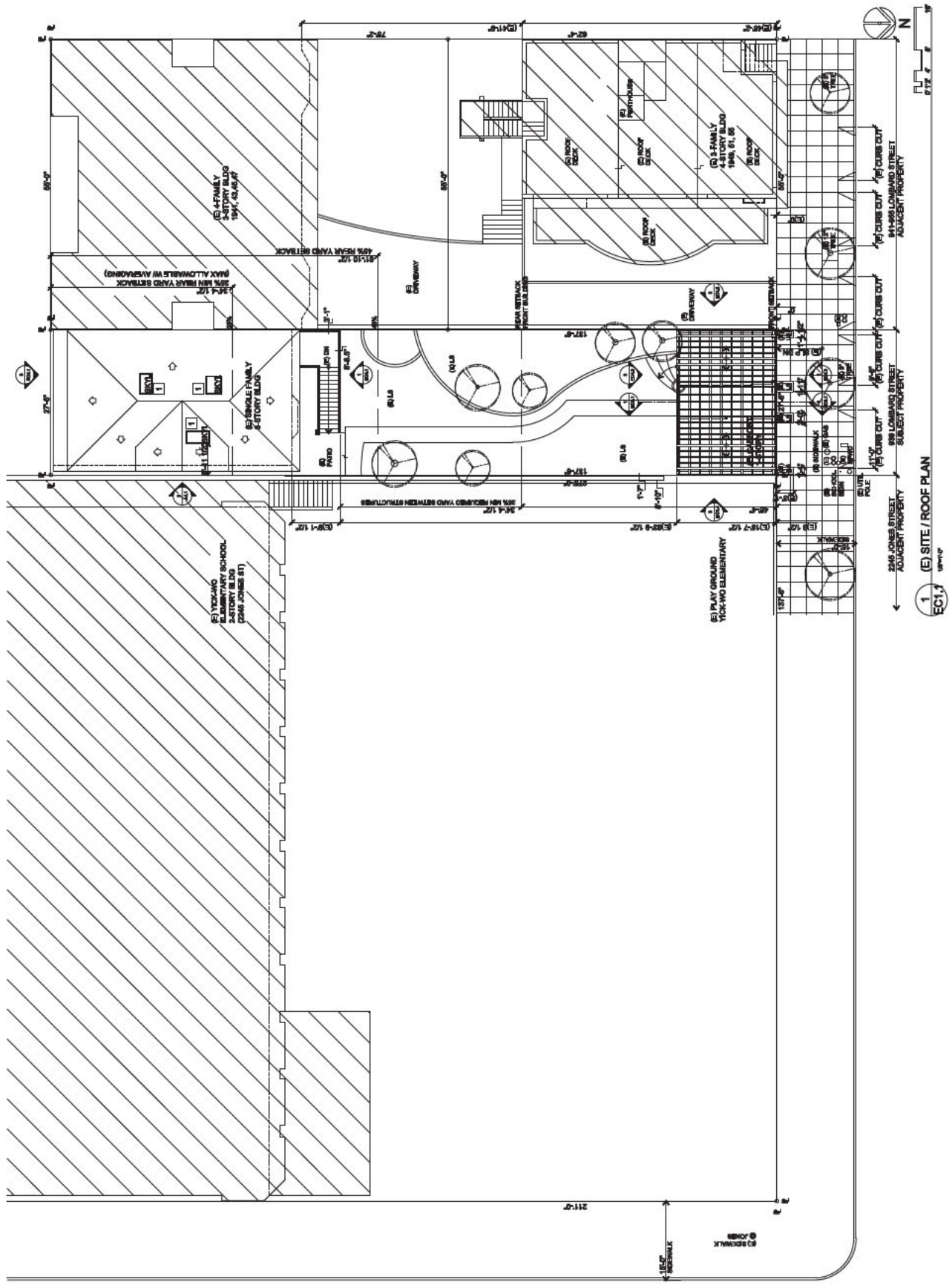
NO. 001	NO. 002	NO. 003	NO. 004	NO. 005	NO. 006	NO. 007	NO. 008	NO. 009	NO. 010

939 LOMBARD ST
 SAN FRANCISCO, CALIFORNIA
 LOT 021 / BLOCK 0072

(E) SITE / ROOF PLAN

NO. CH
 DATE
 DRAWN BY
 CHECKED BY

EC1.1



1 (E) SITE / ROOF PLAN

SHEET NOTES

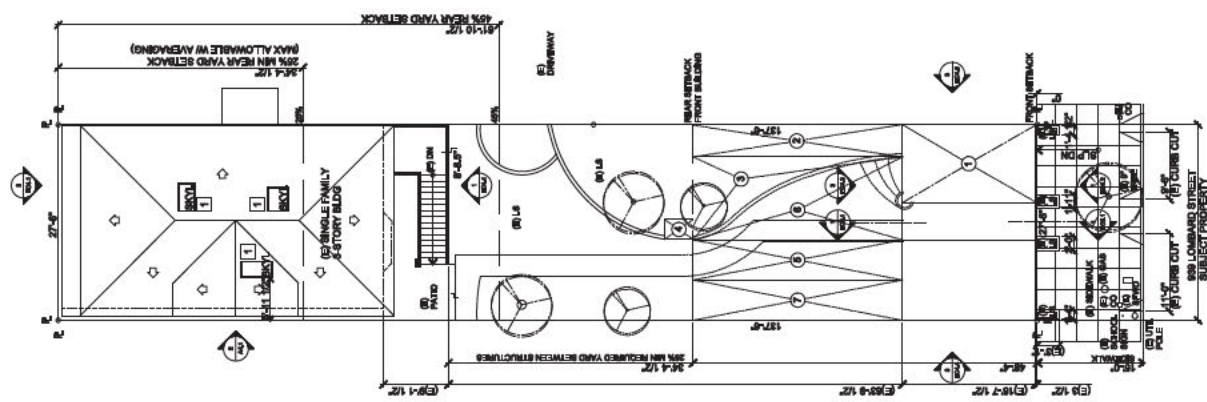
1. PROVIDE SEPARATE PORTION OF EXISTING STRUCTURE TO BE DEMOLISHED.
2. SEE ALL NOTES ON SHEET EC1.2 FOR SOIL EXCAVATION CALCULATIONS.
3. FIELD VERIFY ALL EXISTING CONDITIONS, REPORT ANY DISCREPANCIES TO OWNER/ARCHITECT/ENGINEER.

SOIL EXCAVATION CALCS

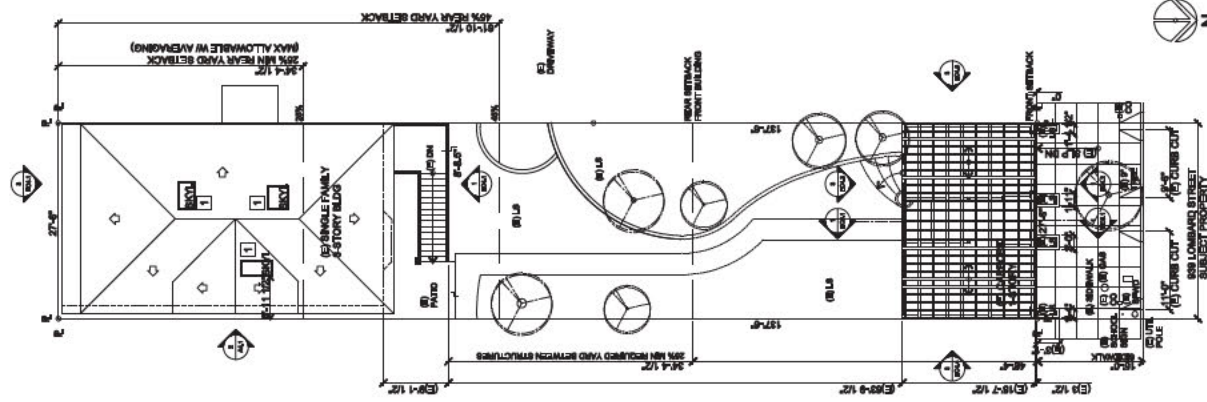
1. $11'0" \times 16'0" \times 2'0" = 352 \text{ CU YD}$
 2. $4'0" \times 28'0" \times 2'0" = 224 \text{ CU YD}$
 3. $8'0" \times 28'0" \times 2'0" = 448 \text{ CU YD}$
 4. $2'0" \times 4'0" \times 1'0" = 8 \text{ CU YD}$
- TOTAL EXCAVATION: 1032 YARDS

SOIL FILL CALCS

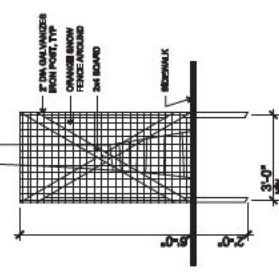
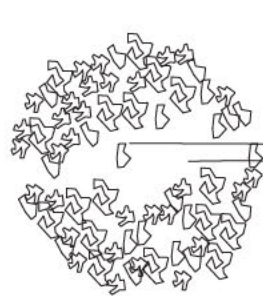
1. $8'0" \times 28'0" \times 2'0" = 1008 \text{ CU YD}$
 2. $11'0" \times 28'0" \times 2'0" = 1584 \text{ CU YD}$
 3. $8'0" \times 28'0" \times 2'0" = 1008 \text{ CU YD}$
- TOTAL OCCUPATION: 3600 YARDS
- TOTAL EXCAVATION (SEE YARDS) - 1032 (SEE YARDS) = 2568 YARDS



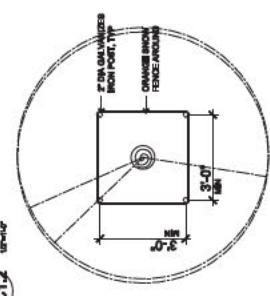
1 (E) SITE EXCAVATION PLAN
EC1.2



1 (E) SITE / ROOF DEMOLITION PLAN
EC1.2



4 (E) STREET TREE PROTECTION
EC1.2



3 (E) STREET TREE PROTECTION
EC1.2



Circle Network
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3175 Colquhoun Ave. #2
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circlejane@circlejane.com

DESIGNER	FCI COMM
OWNER	SEE PERMIT
DATE	11/16/2017
PROJECT	11/16/2017
REVISIONS	
DATE	
BY	
CHKD BY	
DATE	
BY	
CHKD BY	
DATE	
BY	
CHKD BY	
DATE	

939 LOMBARD ST
SAN FRANCISCO, CALIFORNIA
LOT 021 / BLOCK 0072

(E) SITE / ROOF
DEMOLITION
PLAN
EXCAVATION

No. CH
Date
Scale
Notes: AS NOTED

EC1.2

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 Architect
 875 Colquhoun Ave. #2
 San Francisco, CA 94133
 Tel: 415.541.2880
 carrollj@carrollholmbeck.com



PROJECT	939 LOMBARD
DATE	11/14/2017
DESIGNER	CH
CHECKER	CH
DATE	11/14/2017

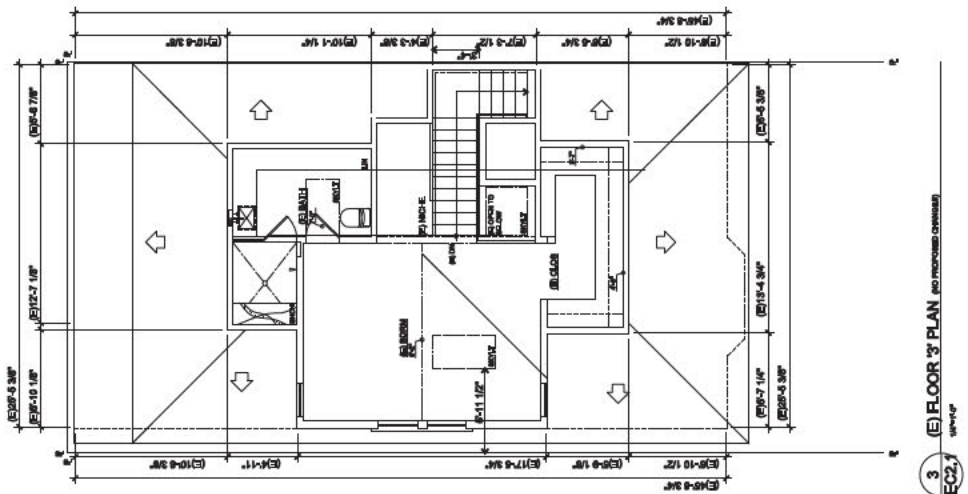
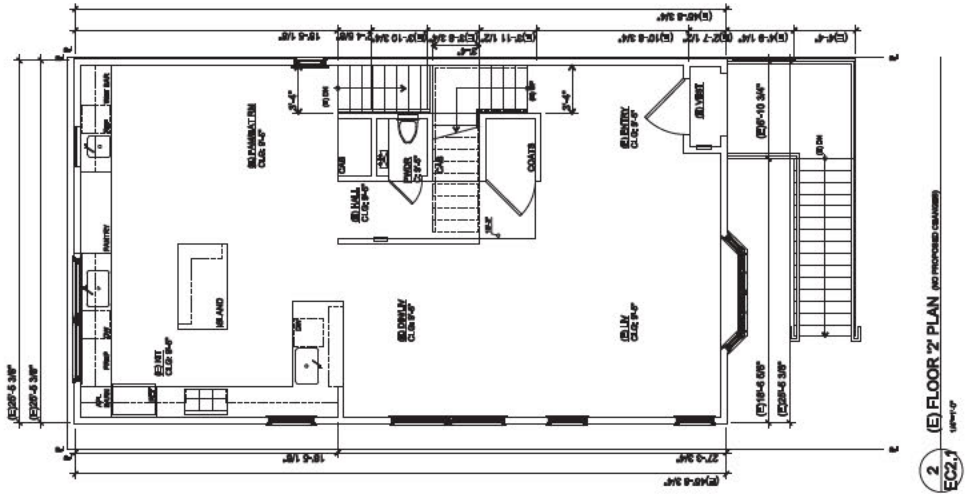
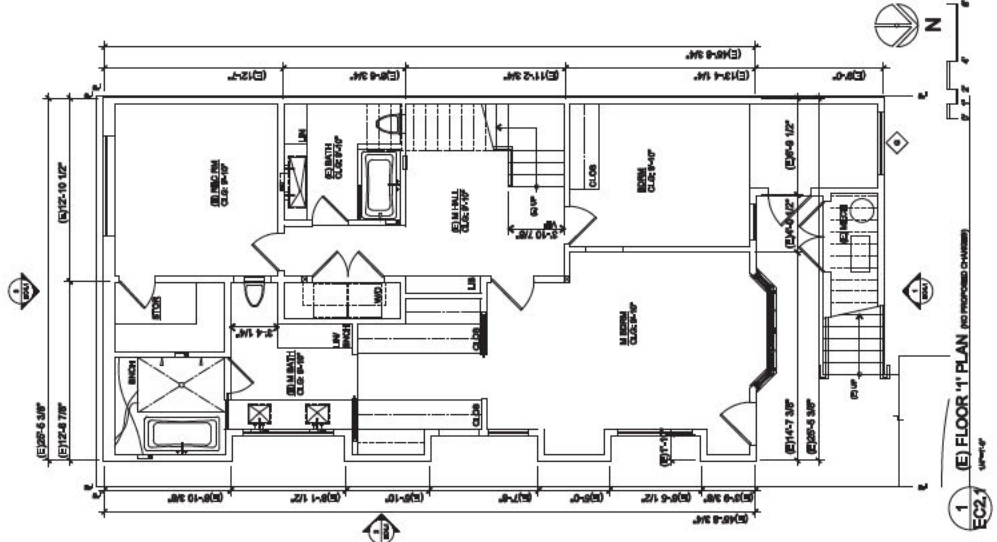
FOR ALL WORK, ALL
 MEASUREMENTS SHALL BE
 TAKEN TO THE
 FINISH UNLESS
 OTHERWISE NOTED.

939 LOMBARD ST
 SAN FRANCISCO, CALIFORNIA
 LOT 021 / BLOCK 0072

Display File:
 (E) FLOOR 1,
 FLOOR 2 &
 FLOOR 3 PLANS

By: CH
 Date:
 Scale: AS NOTED
 Project No.:

EC2.1



Carroll Holmbeck
Architect
875 Columbus Ave. #2
San Francisco, CA 94133
Tel: 415.441.2888
carrollj@carrollholmbeck.com



PROJECT	939 LOMBARD
DATE	11/16/2017
DESIGNER	Carroll Holmbeck Architect
SCALE	AS NOTED
PROJECT NO.	17-001

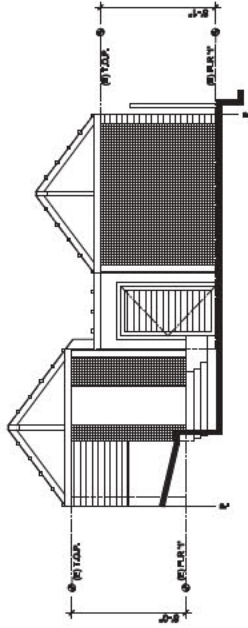
FOR ALL WORK, ALL
PERMITS AND
REQUIREMENTS,
CONSULT THE
LOCAL AGENCIES TO
OBTAIN THE
LATEST CODES.

939 LOMBARD ST
SAN FRANCISCO, CALIFORNIA
LOT 021 / BLOCK 0072

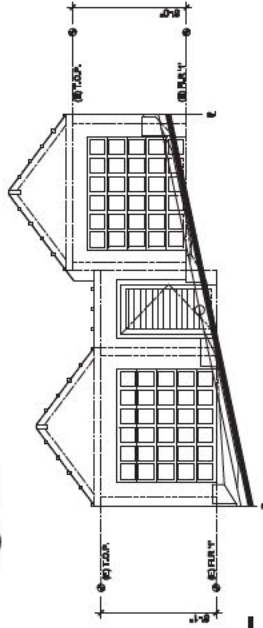
Design Title
(E) CARPORT
PLAN +
ELEVATIONS

No. CH
Date
Scale
Notes
AS NOTED

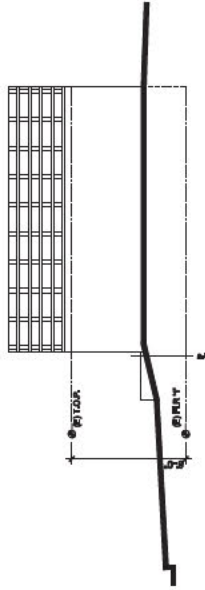
EC2.2



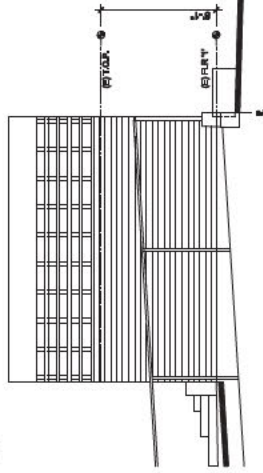
4 (E) REAR ELEV (SOUTH)
EC2.2



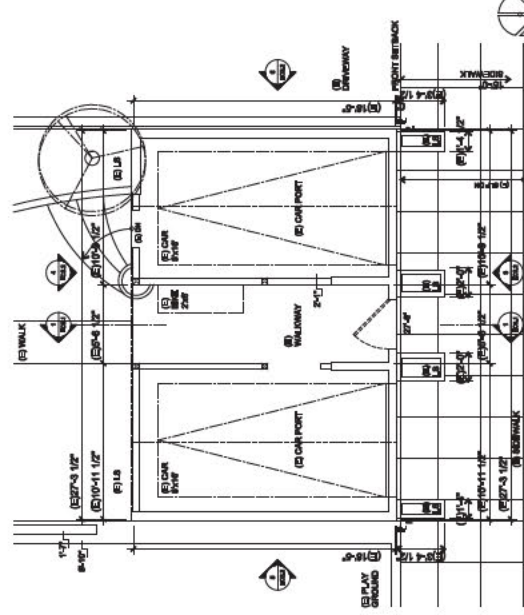
3 (E) FRONT ELEV (NORTH)
EC2.2



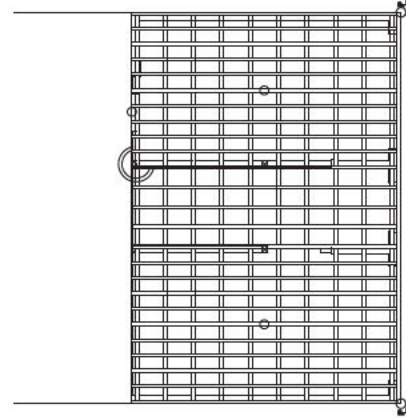
6 (E) REAR ELEV (WEST)
EC2.2



5 (E) SIDE ELEV (EAST)
EC2.2



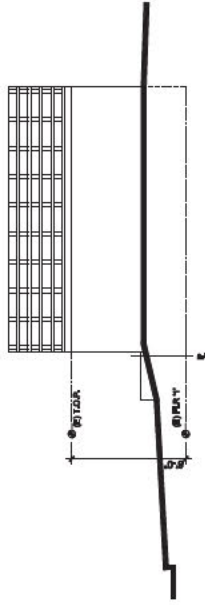
1 (E) CARPORT PLAN
EC2.2



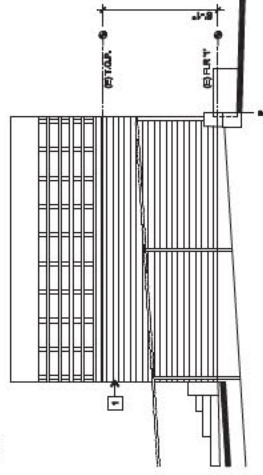
2 (E) CARPORT ROOF PLAN
EC2.2

SHEET NOTES

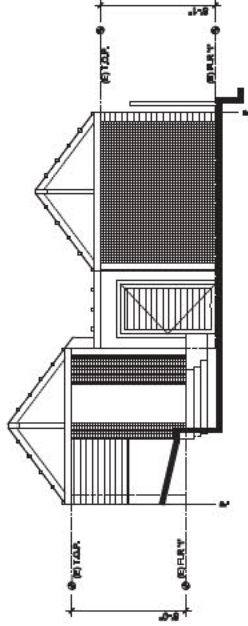
- 1. ALL DEMOLITION PORTION OF EXISTING STRUCTURE TO BE DEMOLISHED.
- 2. SEE ALL NOTES FOR EXISTING DIMENSIONS.
- 3. SEE ALL NOTES FOR SOIL EXCAVATION CALCULATIONS.



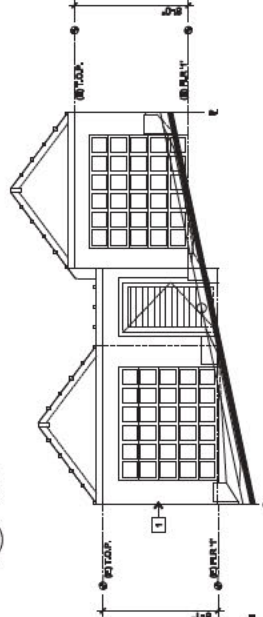
6 (E) REAR ELEV (WEST) DEMOLITION
EC2.3



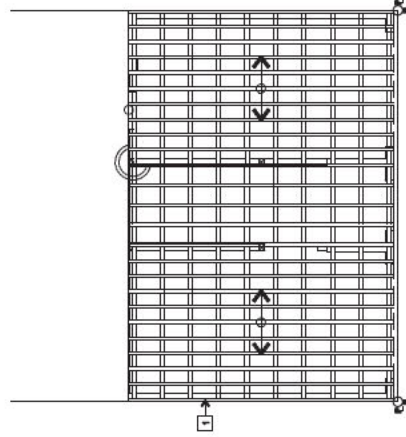
5 (E) SIDE ELEV (EAST) DEMOLITION
EC2.3



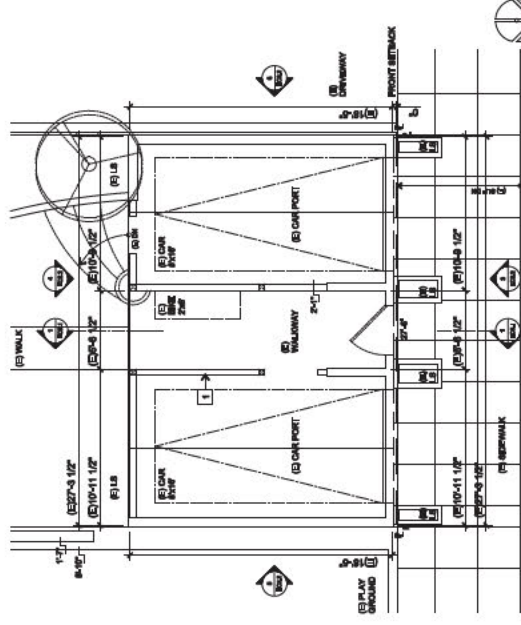
4 (E) REAR ELEV (SOUTH) DEMOLITION
EC2.3



3 (E) FRONT ELEV (NORTH) DEMOLITION
EC2.3



2 (E) CARPORT ROOF DEMOLITION PLAN
EC2.3



1 (E) CARPORT DEMOLITION PLAN
EC2.3

Charles Holmbeck
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375 Columbus Ave, 8C
San Francisco, CA 94133
Tel: (415) 398-2288
charles@charch.com



PROJECT	399 LOMBARD ST
DATE	11/15/2017
DESIGNER	CH
CHECKER	CH
DATE	11/15/2017
PROJECT	399 LOMBARD ST
DATE	11/15/2017
DESIGNER	CH
CHECKER	CH
DATE	11/15/2017

399 LOMBARD ST
SAN FRANCISCO, CALIFORNIA
LOT 021 / BLOCK 0072

(E) CARPORT
PLAN +
ELEVATIONS
DEMOLITION

By: CH
Date:
Scale: AS NOTED
Project No. EC2.3

EC2.3

Carlin Holbrook
 Architect
 875 Columbus Ave. #2
 San Francisco, CA 94133
 Tel: 415.398.1235
 carlin@carlinholbrook.com



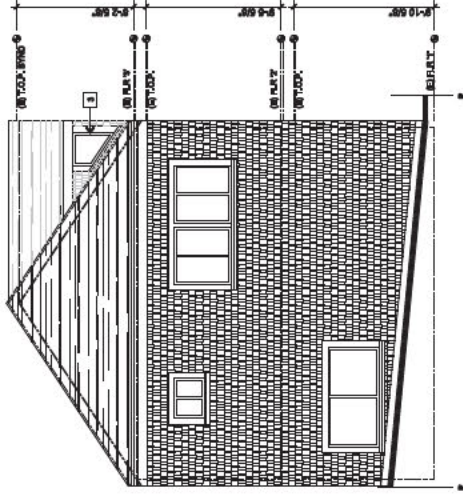
PROJECT	939 LOMBARD
DATE	11/16/2017
DESIGNER	Carlin Holbrook
SCALE	AS SHOWN
NOTES	SEE ALL NOTES ON ALL SHEETS AND SPECIFICATIONS.
	FOR MORE INFORMATION, CONTACT THE ARCHITECT.

939 LOMBARD ST
 SAN FRANCISCO, CALIFORNIA
 LOT 021 / BLOCK 0072

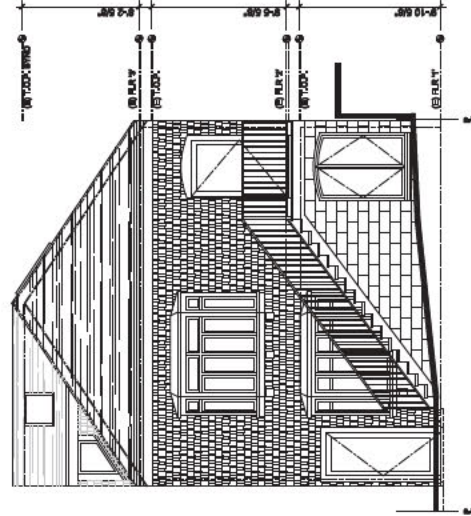
Exterior Views
 (E) EXTERIOR ELEVATIONS

No. CH
 Date
 Scale AS NOTED
 Drawing No.

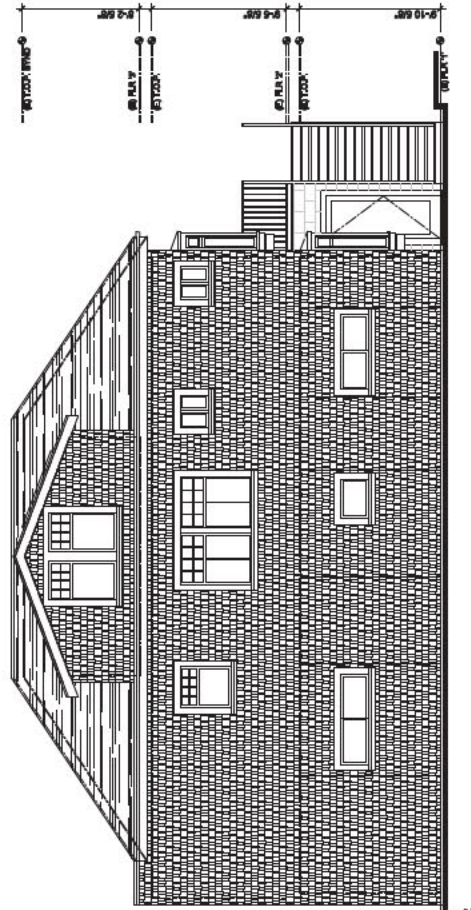
EC4.1



3 (E) REAR ELEVATION (SOUTH) (see references on sheets EC4.1)



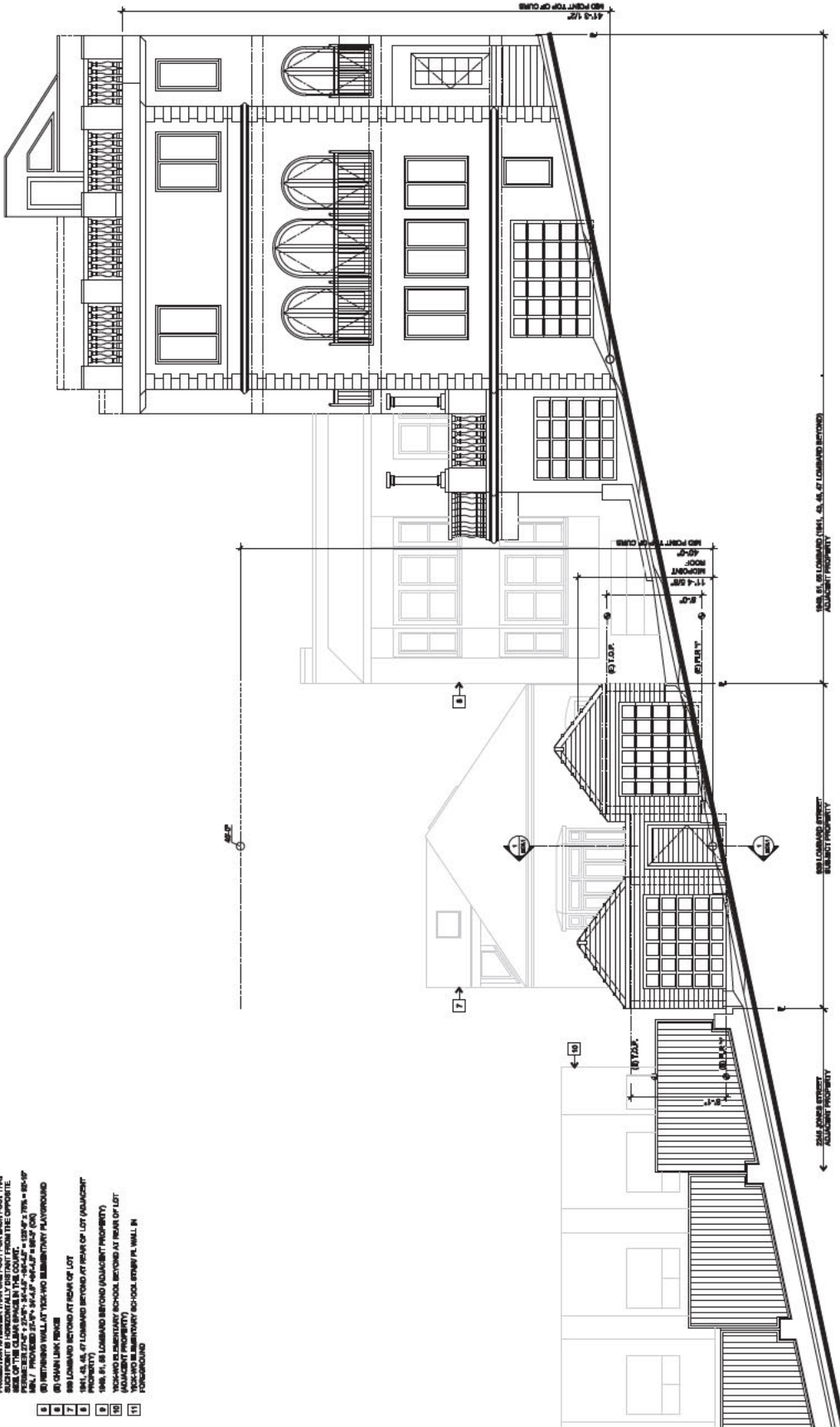
1 (E) FRONT ELEVATION (NORTH) (see references on sheets EC4.1)



2 (E) SIDE ELEVATION (EAST) (see references on sheets EC4.1)

SHEET NOTES

- 1 FIELD VERIFY ALL DIMENSIONS. REPORT ANY DISCREPANCIES TO ARCHITECT IMMEDIATELY.
- 2 DASHED LINE INDICATES ADJACENT BUILDING OR FENCE. HATCHED LINE INDICATES ADJACENT BUILDING OR FENCE IN BACKGROUND (RED COLOR LINE TYPE).
- 3 HATCHED LINE INDICATES ADJACENT BUILDING OR FENCE IN FOREGROUND (RED COLOR LINE TYPE).
- 4 HATCHED LINE INDICATES ADJACENT BUILDING OR FENCE IN BACKGROUND (RED COLOR LINE TYPE).
- 5 HATCHED LINE INDICATES ADJACENT BUILDING OR FENCE IN FOREGROUND (RED COLOR LINE TYPE).
- 6 HATCHED LINE INDICATES ADJACENT BUILDING OR FENCE IN BACKGROUND (RED COLOR LINE TYPE).
- 7 HATCHED LINE INDICATES ADJACENT BUILDING OR FENCE IN FOREGROUND (RED COLOR LINE TYPE).
- 8 HATCHED LINE INDICATES ADJACENT BUILDING OR FENCE IN BACKGROUND (RED COLOR LINE TYPE).
- 9 HATCHED LINE INDICATES ADJACENT BUILDING OR FENCE IN FOREGROUND (RED COLOR LINE TYPE).
- 10 HATCHED LINE INDICATES ADJACENT BUILDING OR FENCE IN BACKGROUND (RED COLOR LINE TYPE).



Castle Hill
 275 Columbus Ave. #2
 San Francisco, CA 94133
 castlehill.com



NO.	DATE	DESCRIPTION

FOR ALL WORK, ALL
 MATERIALS AND METHODS
 SHALL BE APPROVED BY
 ARCHITECT.

939 LOMBARD ST
 SAN FRANCISCO, CALIFORNIA
 LOT 021 / BLOCK 0072

(E) FRONT
 ELEVATION
 (NORTH)

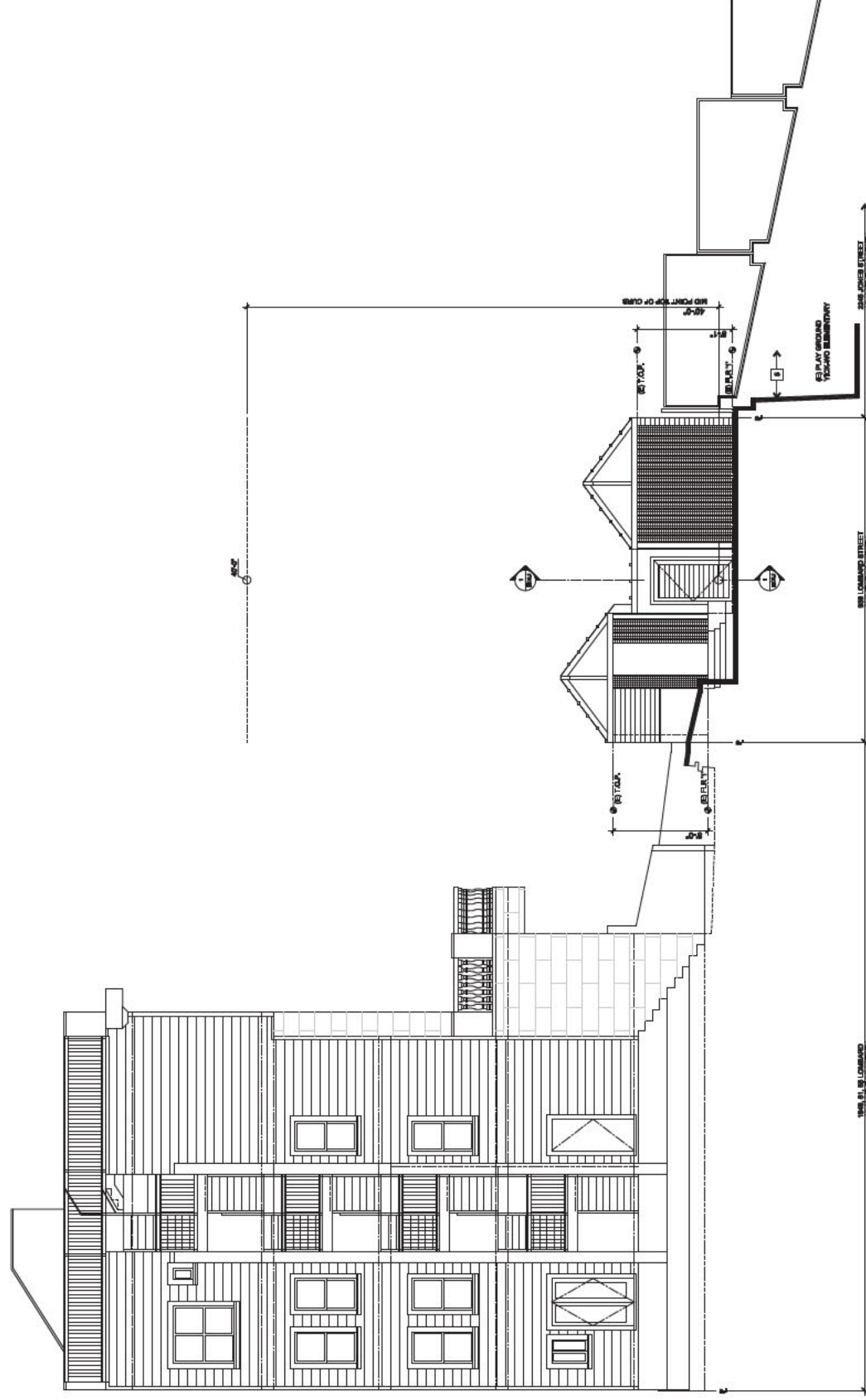
NO. CH
 DATE
 DRAWN BY
 CHECKED BY

EC4.2

1 (E) FRONT ELEVATION (NORTH)
 EC4.2

SHEET NOTES

- SEE CALLOUT FOR NOTED SHEET NOTES



1 (E) REAR ELEVATION (SOUTH)
EC4.3



Curtis Helmsbeck
 Architect
 875 Columbus Ave, #2
 San Francisco, CA 94133
 415.441.2288
 cshelms@curtisarch.com

PROJECT	939 LOMBARD
DATE	11/16/2017
DESIGNER	ARCHITECT
SCALE	AS SHOWN
PROJECT	939 LOMBARD
DATE	11/16/2017
DESIGNER	ARCHITECT
SCALE	AS SHOWN

939 LOMBARD ST
 SAN FRANCISCO, CALIFORNIA
 LOT 021 / BLOCK 0072

No. CH
 Date
 Name AS NOTED
 Project No.

EC4.3

SHEET NOTES
 EXCEEDS FOR THIS SHEET NOTES

Castle Hill
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 San Francisco, CA 94133
 castlehill.com



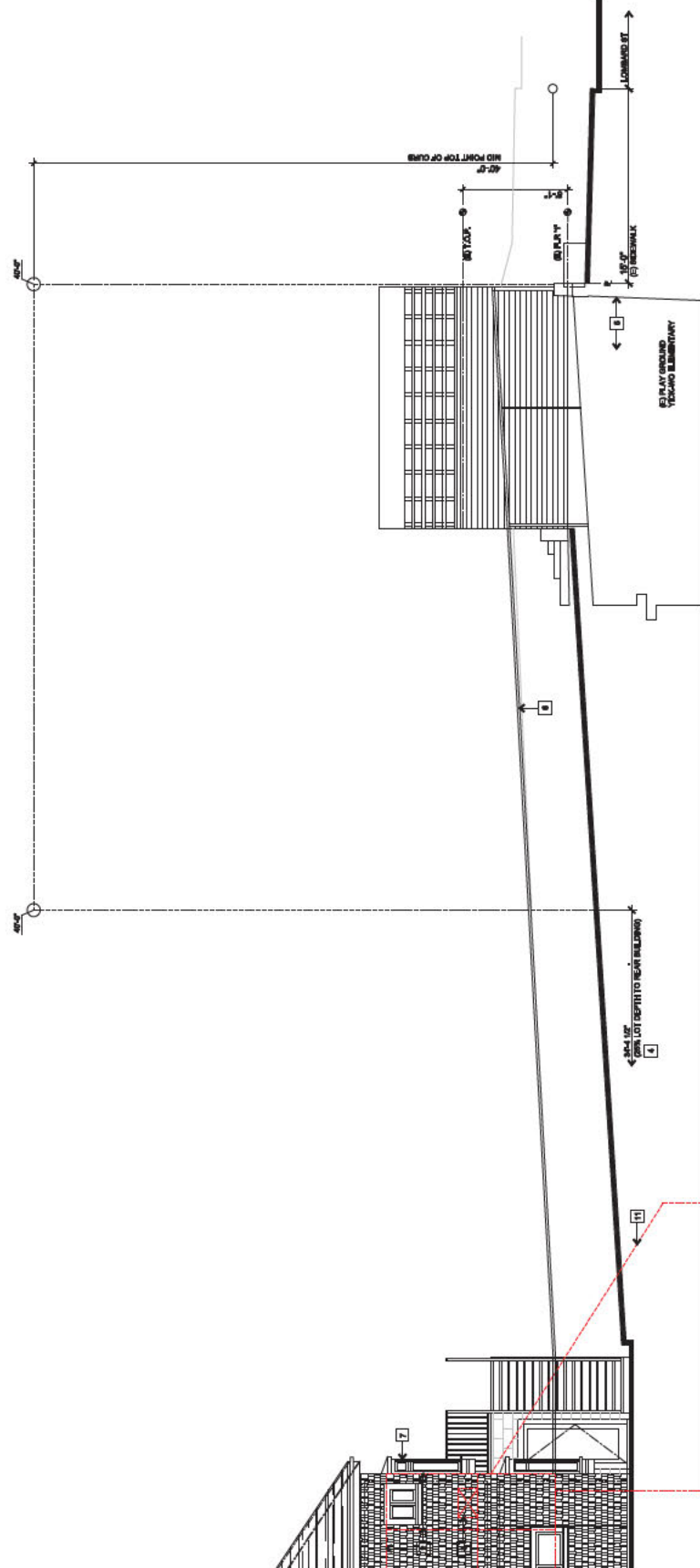
PROJECT	PCI COMM
OWNER	MR. PERKINS
DATE	11/15/2017
DESIGNER	CASTLE HILL
SCALE	AS SHOWN
NOTES	SEE ALL SHEETS FOR ALL NOTES AND CONDITIONS.
REVISIONS	NO REVISIONS TO DATE

939 LOMBARD ST
 SAN FRANCISCO, CALIFORNIA
 LOT 021 / BLOCK 0072

Project No.
(E) SIDE ELEVATION (EAST)

By: CH
 Date:
 Scale: AS NOTED
 Project No.:

EC4.4



1 (E) SIDE ELEVATION (EAST)
 EC4.4

SHEET NOTES
 EXCEEDS FOUR FEET SHEET WIDTH

Circle of Commerce
 Architects
 875 Columbus Ave. #2
 San Francisco, CA 94133
 (415) 441-2200
 circleofcommerce.com



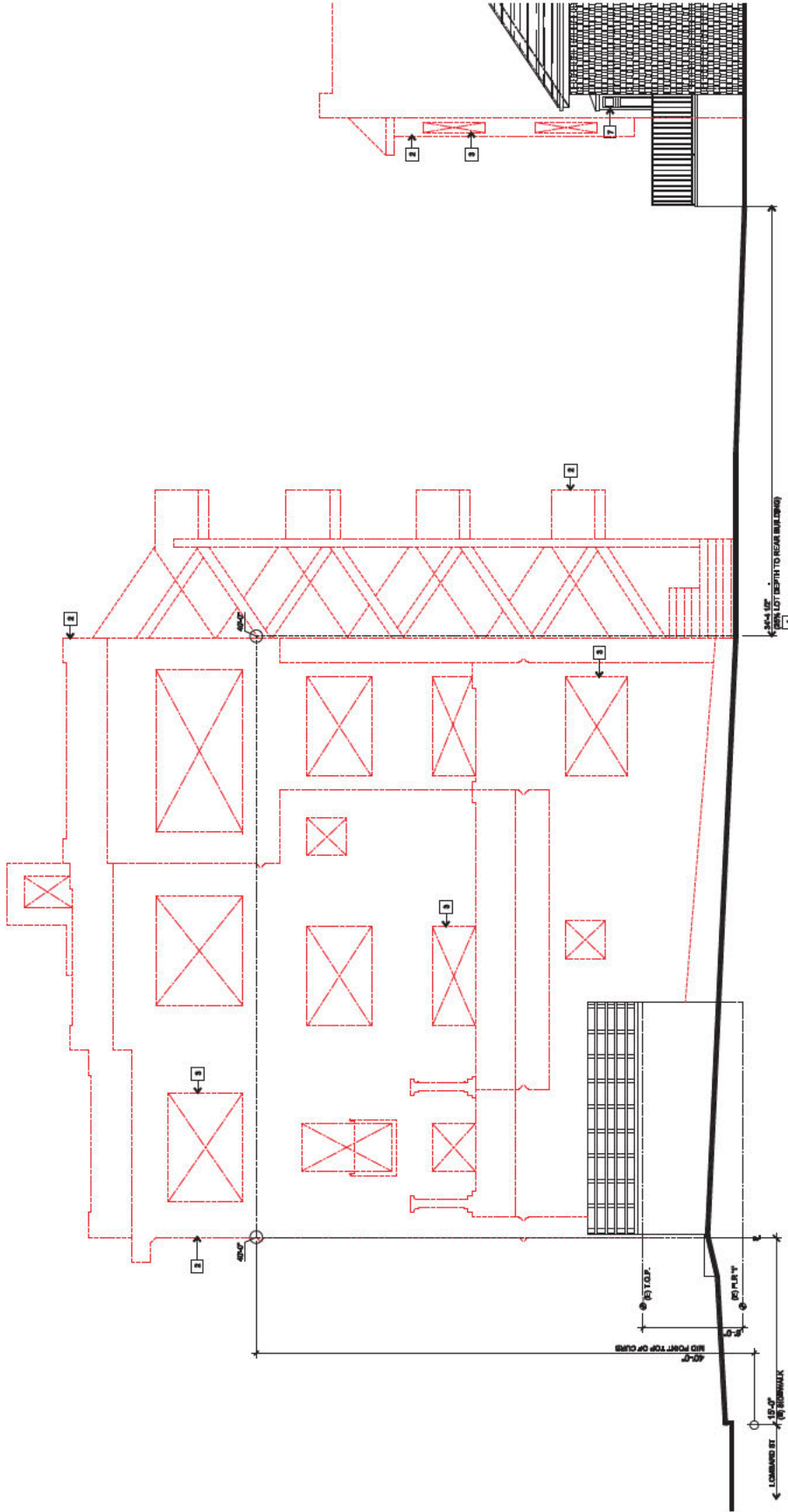
939 LOMBARD ST
 SAN FRANCISCO, CALIFORNIA
 LOT 021 / BLOCK 0072

OWNER	PCI COMM
DESIGNER	Circle of Commerce Architects
DATE	11/16/2022
PROJECT	1111111111
SCALE	AS SHOWN

FOR ALL WORK, ALL CONTRACTORS SHALL BE RESPONSIBLE FOR VERIFYING THE EXISTING CONDITIONS AND THE ACCURACY OF THE INFORMATION PROVIDED TO THE ARCHITECT.

No. CH
 Date
 Name AS NOTED
 Version

EC4.5

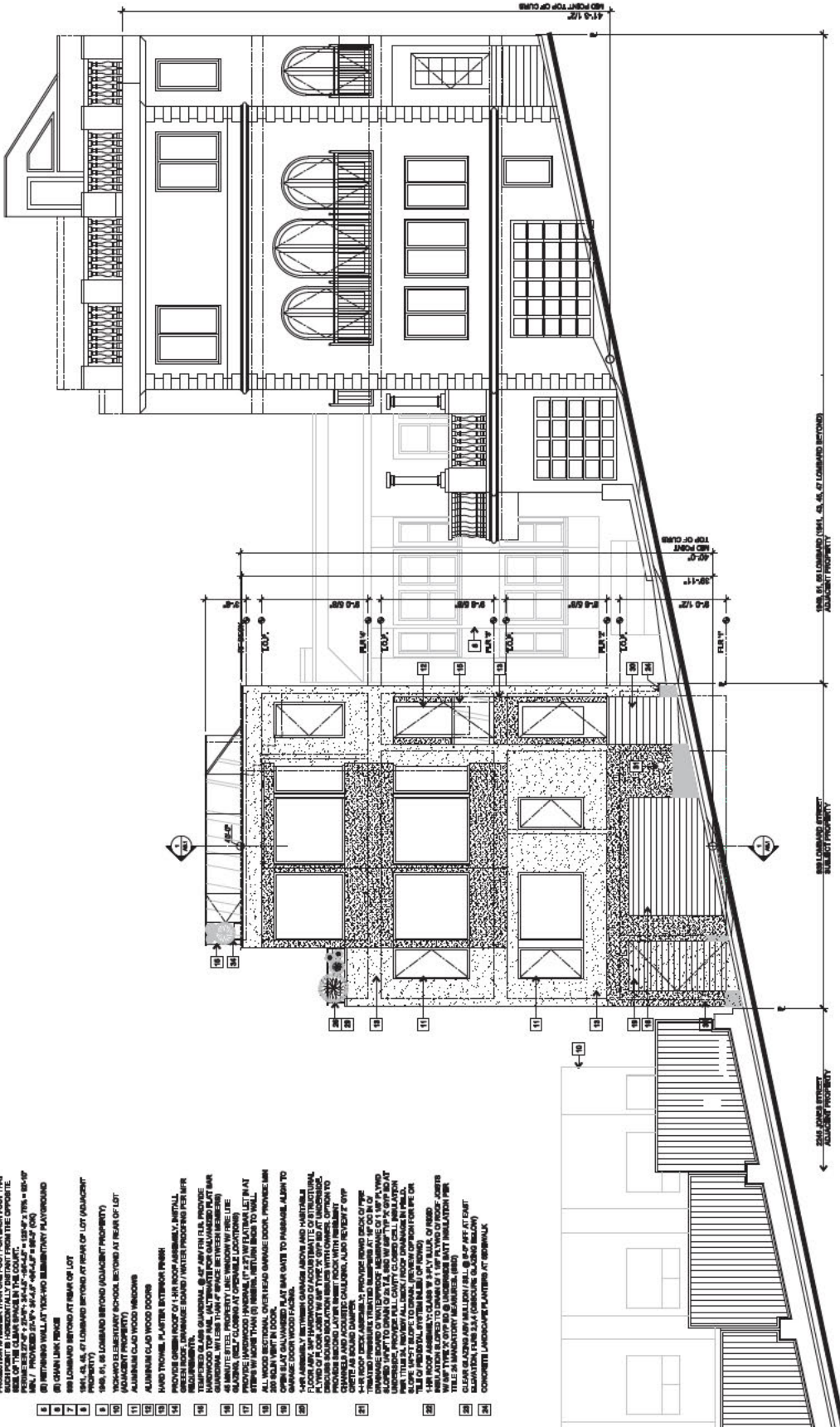


1 (E) SIDE ELEVATION (WEST)
 EC4.5



SHEET NOTES

- 1 FIELD VERIFY ALL EXISTING CONDITIONS, REPORT ANY DISCREPANCIES TO ARCHITECT IMMEDIATELY.
- 2 CHASE/CHANNELS INDICATE ADJACENT BUILDING INFORMATION IN THIS DRAWING.
- 3 ALL DIMENSIONS ARE IN FEET AND INCHES UNLESS OTHERWISE NOTED.
- 4 ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
- 5 ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
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Curtis Helms
 Architect
 875 Columbus Ave, #2
 San Francisco, CA 94133
 cph@curtis-helms.com



NO.	DATE	DESCRIPTION
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3	12/15/20	REVISED
4	01/10/21	REVISED
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939 LOMBARD ST
 SAN FRANCISCO, CALIFORNIA
 LOT 021 / BLOCK 0072
 PROJECT NO. 2020-0001

PROPOSED FRONT ELEVATION (NORTH)
 DATE: 10/10/24
 DRAWN BY: CH

A4.1

1 PROPOSED FRONT ELEVATION (NORTH)
 A4.2

SHEET NOTES

- DETAILS & ALTERNATES SHEET NOTED

Circle Notebook
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375 Columbus Ave, 22
San Francisco, CA 94133
415.398.1233
circlejane@circlejane.com



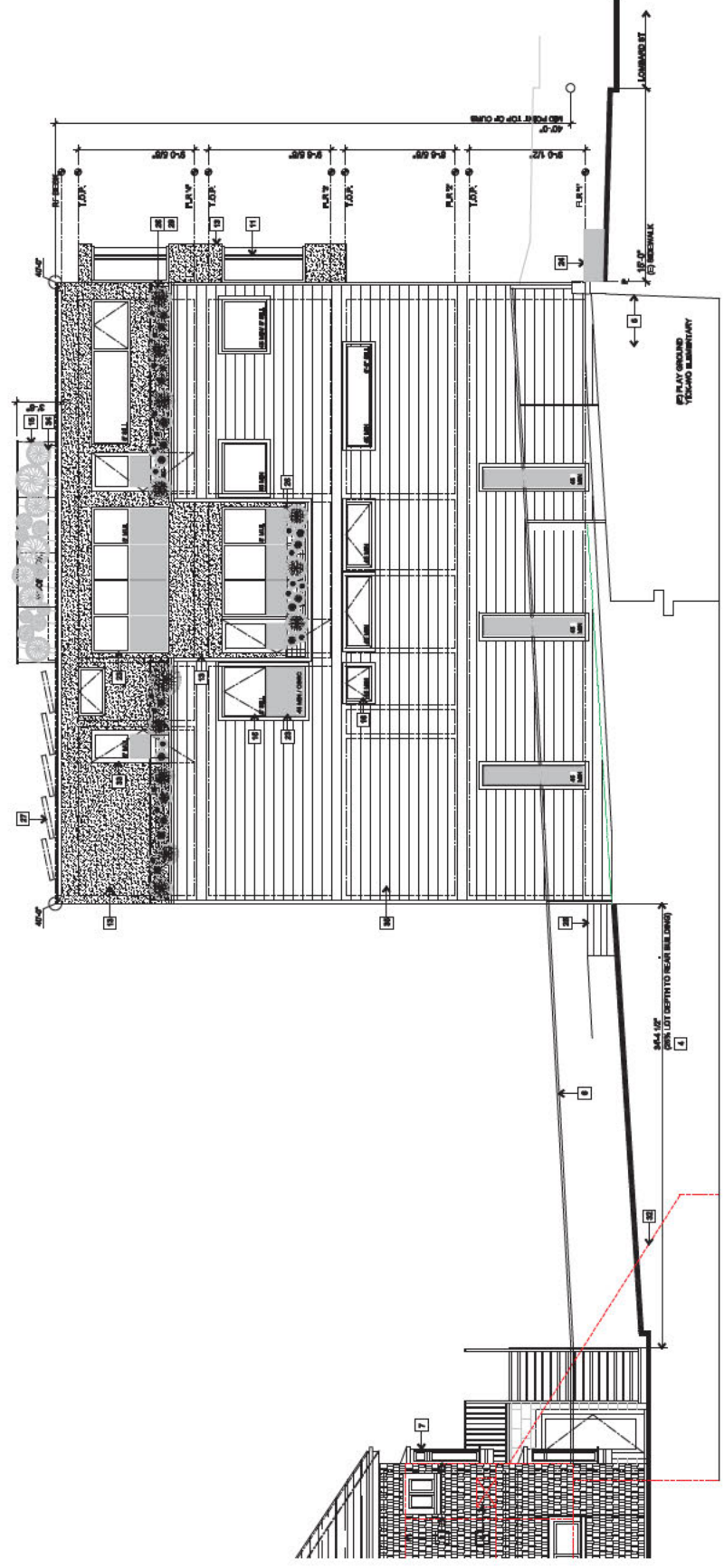
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939 LOMBARD ST
SAN FRANCISCO, CALIFORNIA
LOT 021 / BLOCK 0072

PROPOSED SIDE
SIDE
ELEVATION
(EAST)

By: CH
Date:
Scale: AS NOTED
Version: 01

A4.3



1 PROPOSED SIDE ELEVATION (EAST)



SHEET NOTES

- DETAILS BALFOUR DESIGN SHEET NOTES

Circle K Network
 Architect
 875 Colma Ave. #2
 San Francisco, CA 94134
 415.554.2200
 circlekpa@circlek.com



DATE	NO. OF COPIES
REVISION	NO. OF COPIES
PROJECT	NO. OF COPIES
DESIGNER	NO. OF COPIES
CHECKER	NO. OF COPIES
DATE	NO. OF COPIES

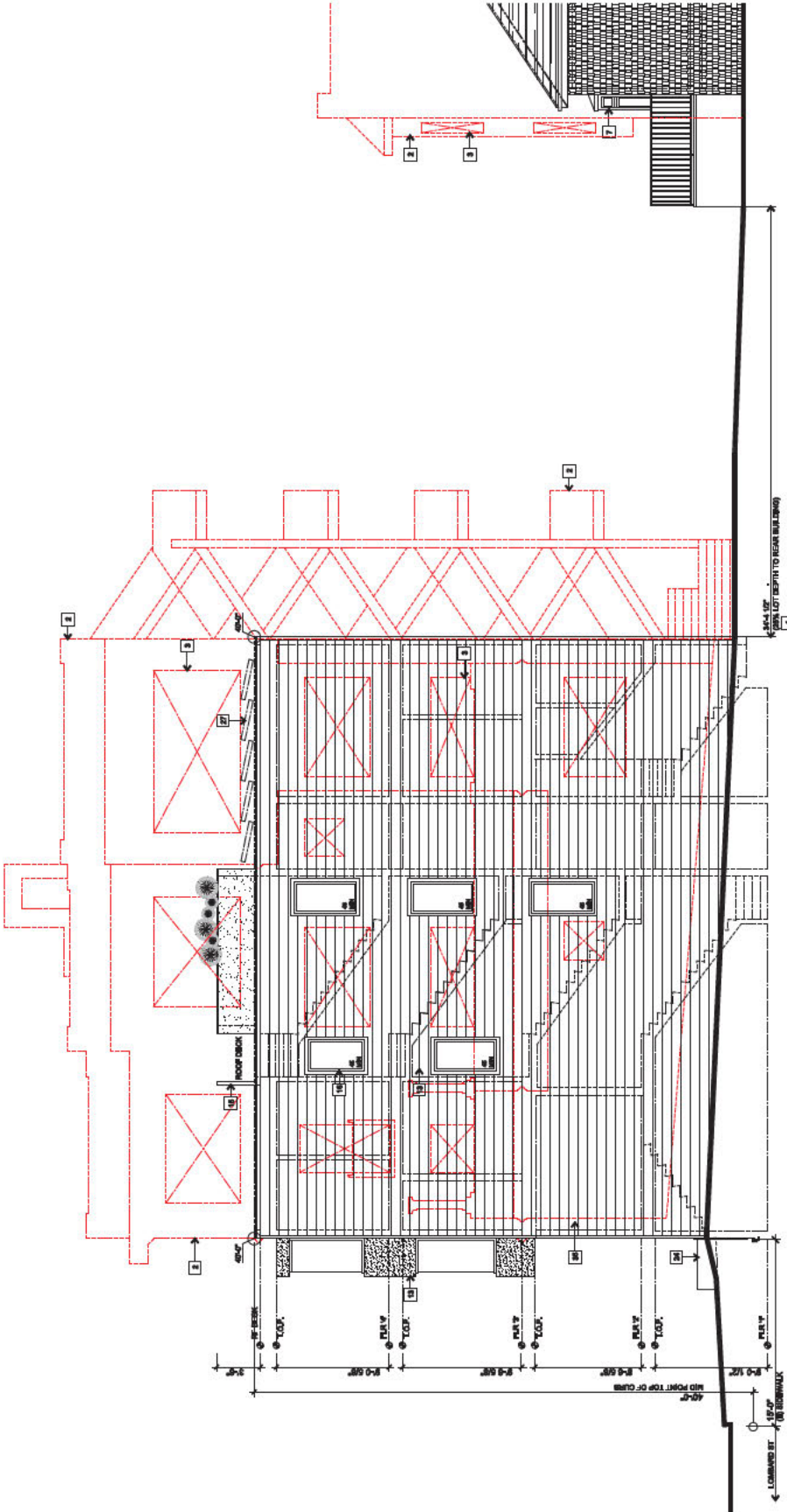
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939 LOMBARD ST
 SAN FRANCISCO, CALIFORNIA
 LOT 021 / BLOCK 0072

PROPOSED SIDE ELEVATION (WEST)

No. CH
 Date
 Scale: AS NOTED
 Drawing No.

A4.4



1 PROPOSED SIDE ELEVATION (WEST)
 A4.4



Carlin Holbrook
 Architect
 870 Columbus Ave, #2
 San Francisco, CA 94133
 Tel: 415.398.1235
 carlin@carlinholbrook.com



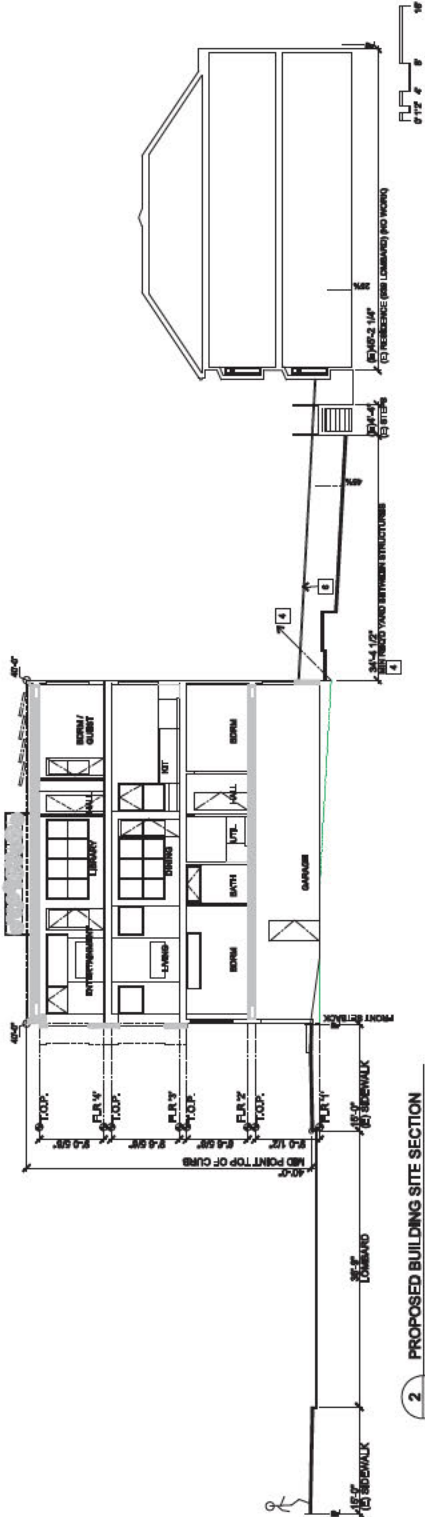
DATE:	12/15/17
DESIGNER:	PCJ/COM
CHECKER:	PCJ/COM
PROJECT:	RESIDENTIAL
LOCATION:	11700 11th Ave

PROJECT: 11700 11th Ave, San Francisco, CA 94133
 PROJECT NO: 11700 11th Ave
 SHEET NO: A5.1
 SHEET TITLE: PROPOSED BUILDING SITE SECTION

San Francisco
 939 LOMBARD ST
 LOT 021 / BLOCK 0072

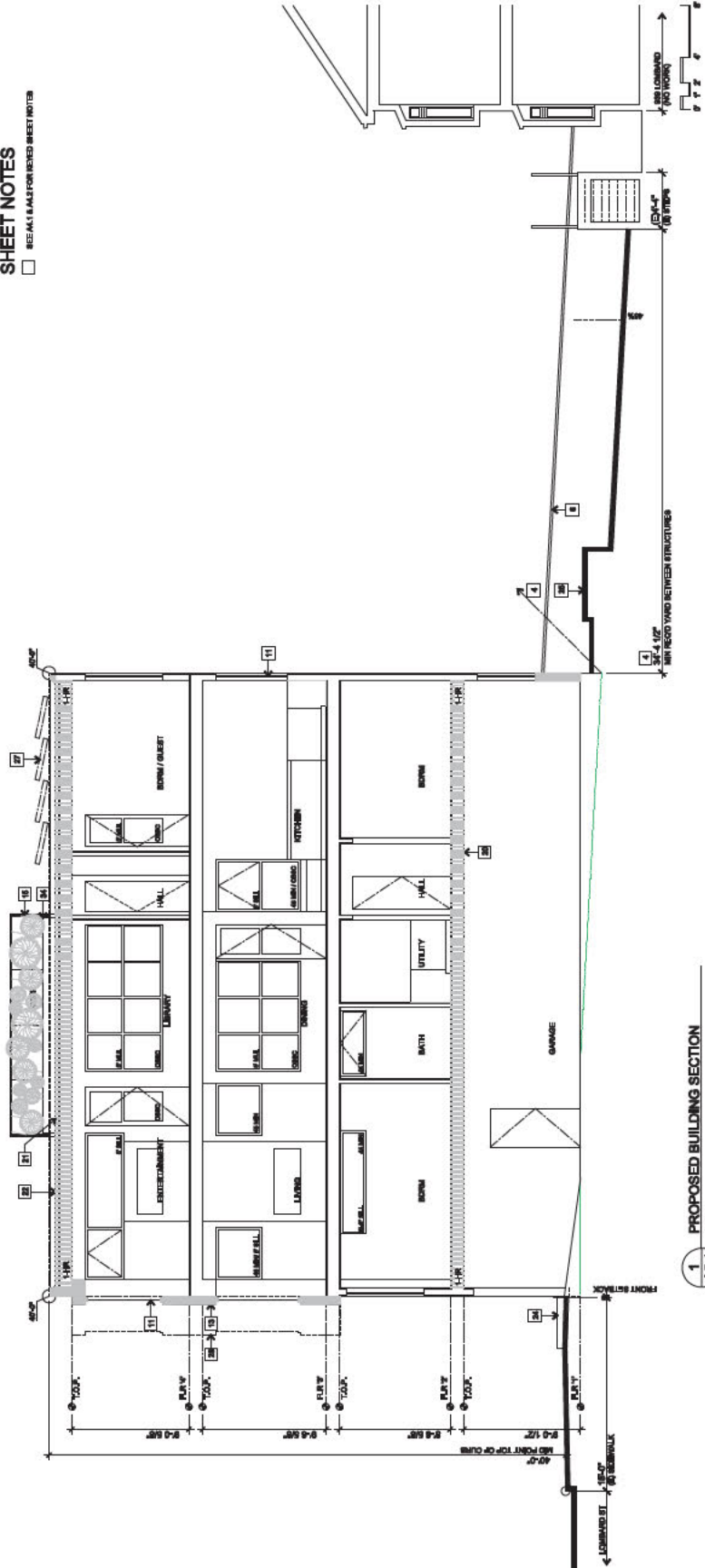
No. CH
 Date
 Scale AS NOTED
 Drawing No.

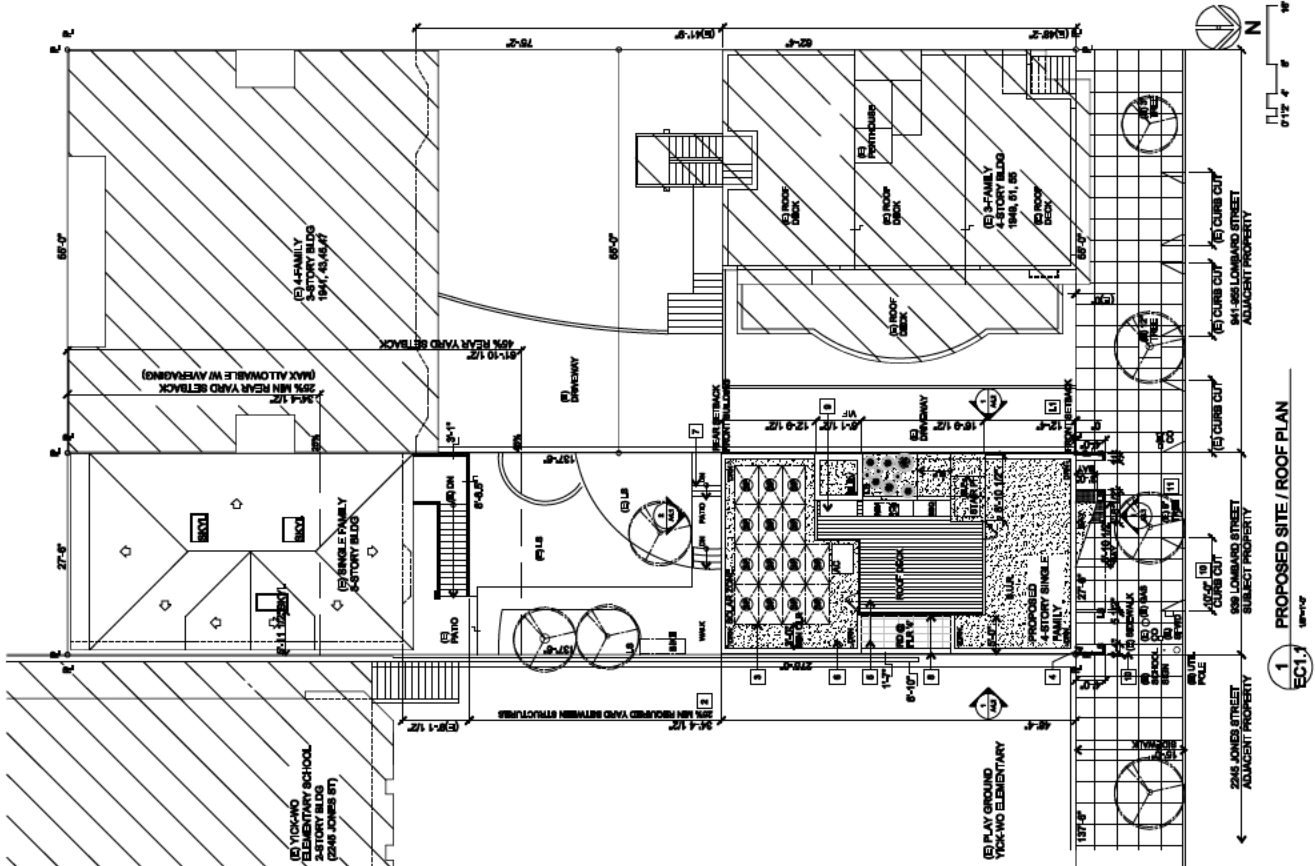
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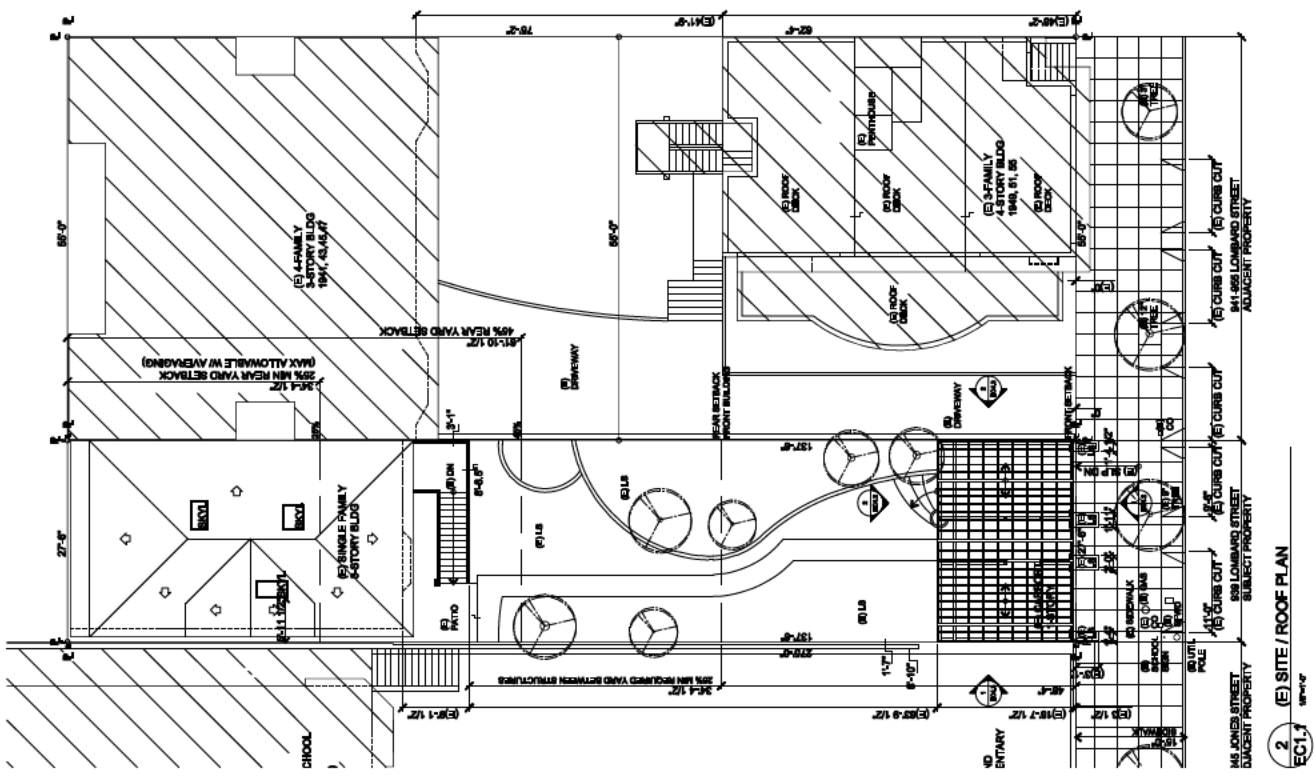
SHEET NOTES

- SEE ALL UNIFORMED SHEET NOTES

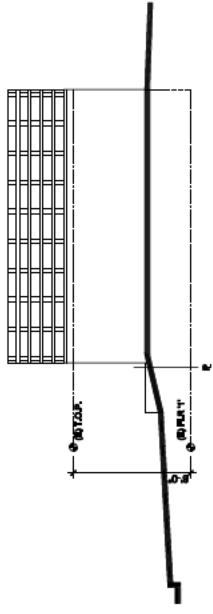




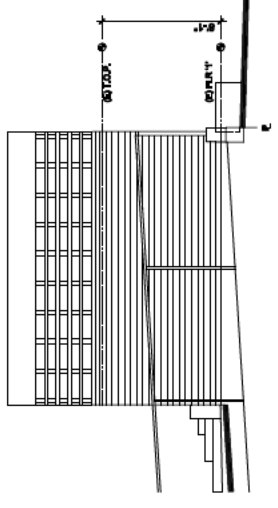
1 PROPOSED SITE / ROOF PLAN
 EC1.1



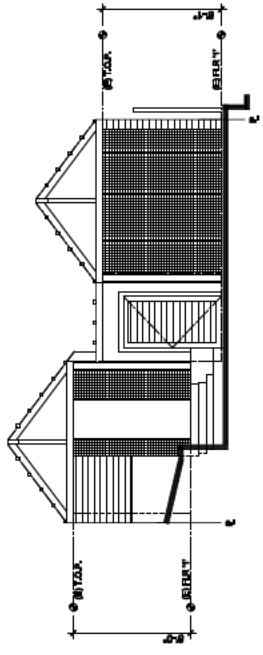
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 EC1.1



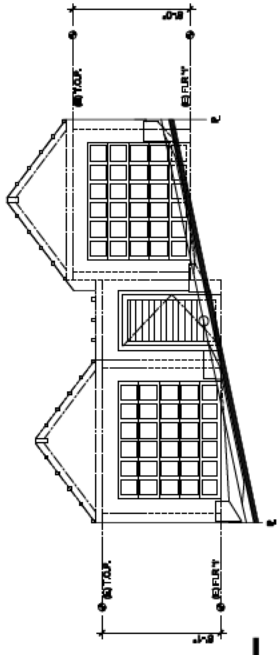
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EC2.2



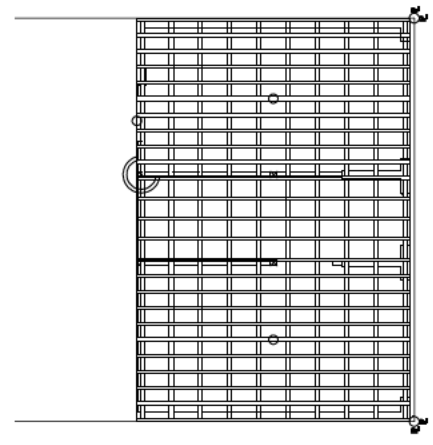
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EC2.2



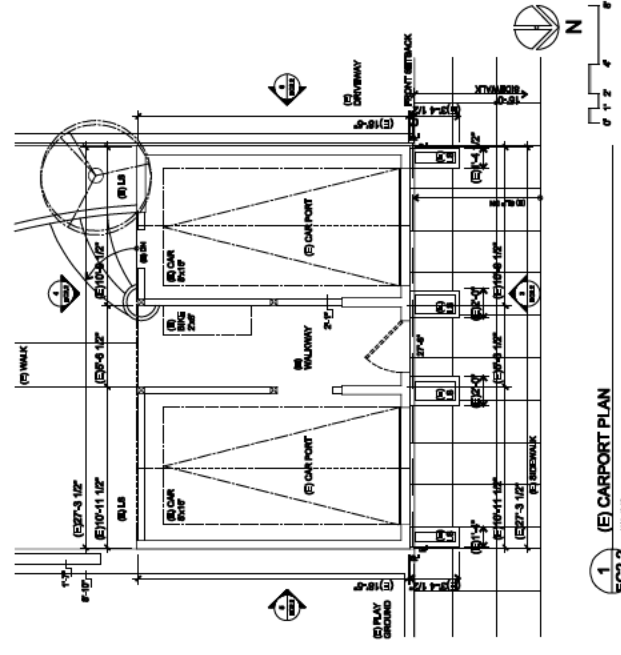
4 (E) REAR ELEV (SOUTH)
EC2.2



3 (E) FRONT ELEV (NORTH)
EC2.2



2 (E) CARPORT ROOF PLAN
EC2.2



1 (E) CARPORT PLAN
EC2.2

Carlin Hillstead
Architect
672 Coleman Ave., SE
Dartmouth, VT 05740
Tel: 802.388.1234
carlinhillstead.com



OWNER	BLISS POINT
DESIGNER	IN PRACTICE
DATE	10/15/2014
PROJECT	BLISS POINT
LOCATION	BLISS POINT
SCALE	AS NOTED
DATE	10/15/2014

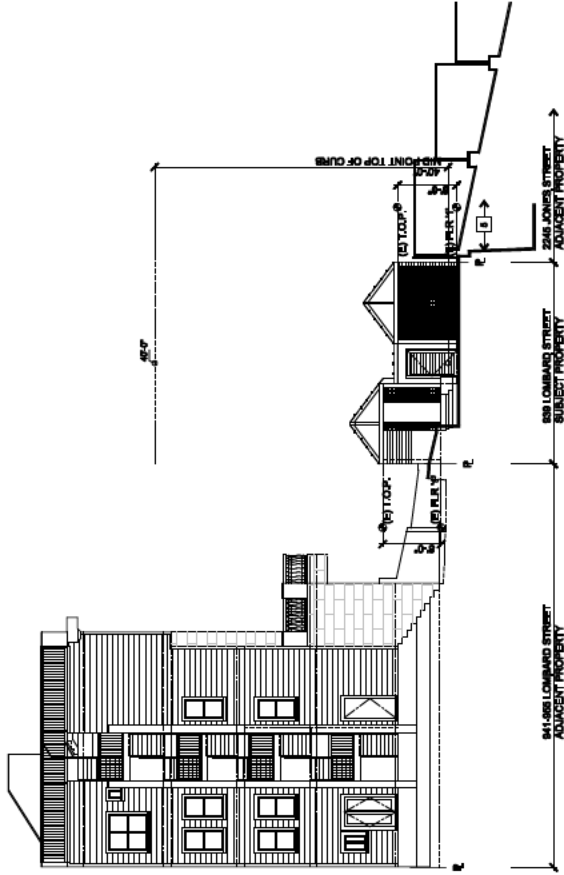
939 LOMBARD ST
SAN FRANCISCO, CALIFORNIA
LOT 021 / BLOCK 0022
BLISS POINT
ELEVATIONS

By CH
Date
Scale AS NOTED
Drawing No.

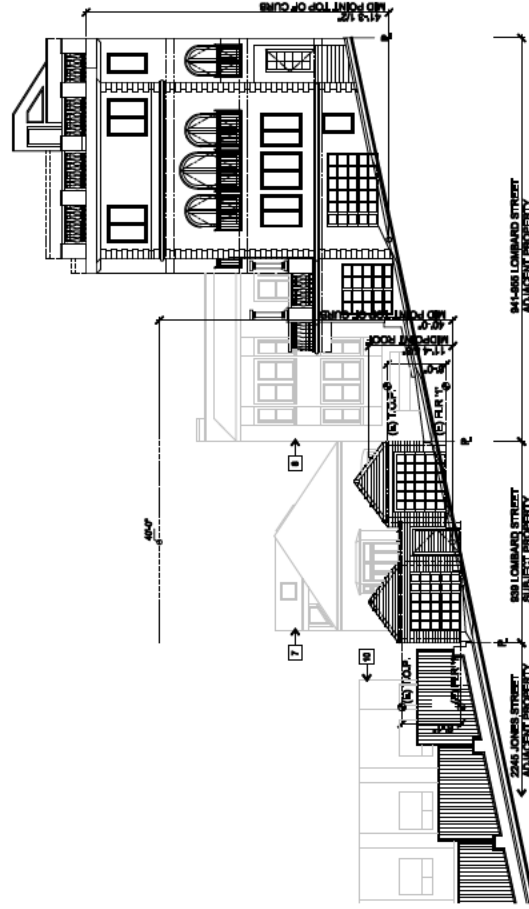
EC2.2

SHEET NOTES

1. FIELD DIMENSIONS AND CHAIN LINE INDICATE PROPERTY AND DISCREPANCIES TO COMMERCIAL CONTRACT DRAWINGS.
2. DASHED LINES INDICATE ADJACENT BUILDING IN FOREGROUND.
3. DASHED LINES INDICATE ADJACENT BUILDING IN BACKGROUND.
4. FOREGROUND RED COLOR LINE TYPE.
5. HATCHED AREA INDICATES PROPERTY OF ARCHITECT. THE HATCHED AREA IS TO BE CONSIDERED AS A CHAIN LINE AT LEAST THREE FEET FROM THE PERIMETER, WHICH IN TURN IS TO BE CONSIDERED AS A CHAIN LINE AT LEAST THREE FEET FROM THE PERIMETER. SUCH POINTS ARE INDICATED BY A DOTTED LINE FROM THE CORNER POINT TO THE CHAIN LINE. THE CHAIN LINE IS TO BE A MINIMUM OF 1/2" FROM THE PERIMETER. THE CHAIN LINE IS TO BE A MINIMUM OF 1/2" FROM THE PERIMETER. THE CHAIN LINE IS TO BE A MINIMUM OF 1/2" FROM THE PERIMETER.
6. CHAIN LINE FENCE.
7. 84'-0" LOMBARD STREET AT REAR OF LOT.
8. 94'-0" LOMBARD STREET AT REAR OF LOT (ADJACENT PROPERTY).
9. 2246 JONES STREET (ADJACENT PROPERTY).
10. YOGA AND BOUTIQUE SCHOOL BEYOND AT REAR OF LOT (ADJACENT PROPERTY).
11. YOGA AND BOUTIQUE SCHOOL BEYOND AT REAR OF LOT (ADJACENT PROPERTY).



2 (E) REAR ELEVATION (SOUTH)



1 (E) FRONT ELEVATION (NORTH)

Carla Hillenbeck
Architect
672 Columbus Ave, SE
Suite 1000
Atlanta, GA 30316
404.525.1111
carla@carlahillenbeck.com



DATE: 01/11/2024
PROJECT: 2246 JONES STREET
DRAWN BY: CARLA HILLENBECK
CHECKED BY: CARLA HILLENBECK
SCALE: AS NOTED
SHEET NO.: 012 OF 02
PROJECT NO.: 2246 JONES STREET

939 LOMBARD ST
LOT 021 / BLOCK 0072
SAN FRANCISCO, CALIFORNIA

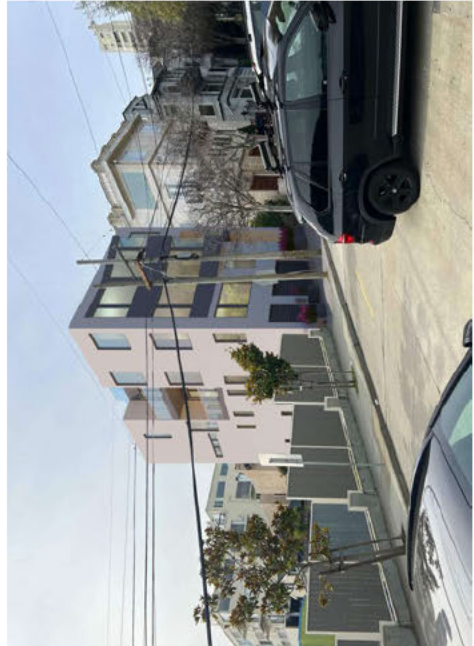
(E) FRONT & REAR ELEVATION

BY: CH
DATE: 01/11/2024
SCALE: AS NOTED
SHEET NO.: 012 OF 02

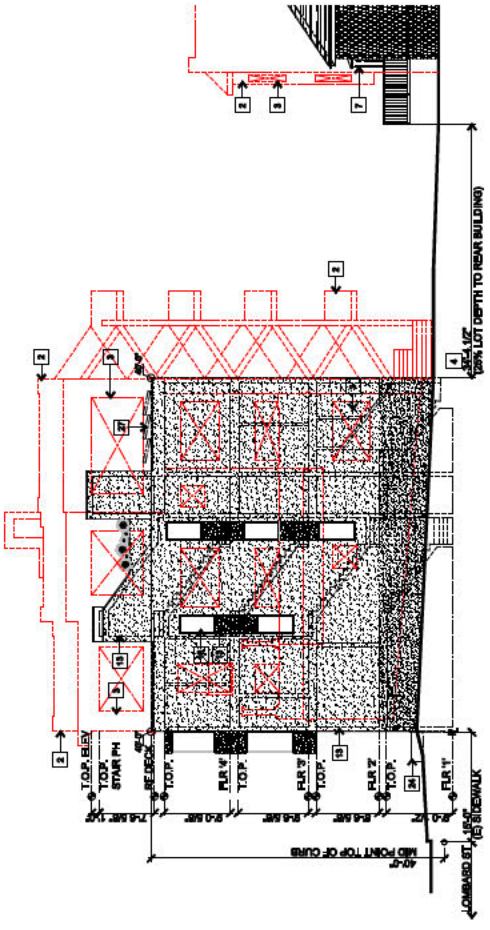
EC4.2



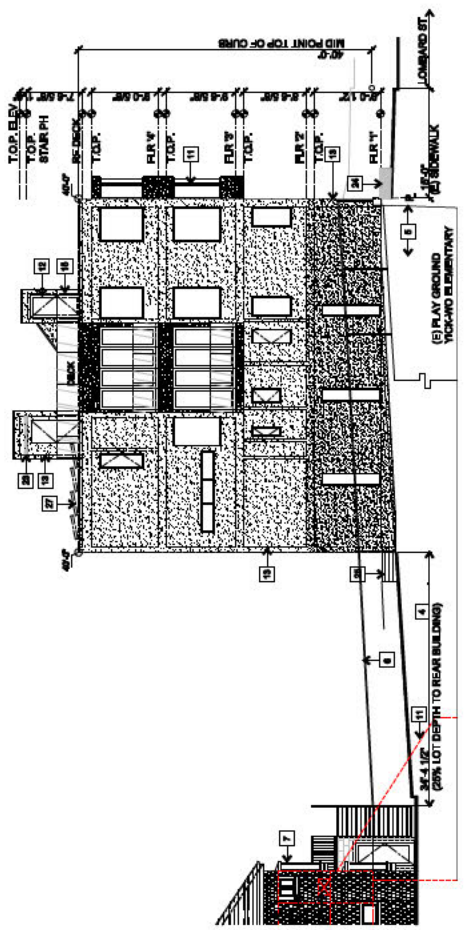
PROPOSED NORTH VIEW



PROPOSED NORTH-EAST VIEW LOOING UP LOMBARD



2 PROPOSED SIDE ELEVATION (WEST)
A4.2



1 PROPOSED SIDE ELEVATION (EAST)
A4.2

Carla Hillenbeck
Architect
672 Chestnut Ave, SE
San Francisco, CA 94133
415.774.1234
carla@carlahillenbeck.com



DATE: 01/15/2024
PROJECT: 939 LOMBARD ST
CLIENT: [REDACTED]
ARCHITECT: CARLA HILLENBECK ARCHITECT
SCALE: 1/8" = 1'-0"

939 LOMBARD ST
SAN FRANCISCO, CALIFORNIA
LOT 021 / BLOCK 0022

PROPOSED SIDE ELEVATIONS

NO. CH: [REDACTED]
DATE: [REDACTED]
DRAWN BY: [REDACTED]
CHECKED BY: [REDACTED]

A4.2



EXHIBIT D



DISCRETIONARY REVIEW ACTION DRA-829

HEARING DATE: JUNE 29, 2023

CORRECTED DATE: JULY 31, 2023

Record No.: 2021-007262DRP-02
Project Address: 939 Lombard Street
Building Permit: **2021.0709.4046**
Zoning: RM-1 (Residential Mixed- Low Density) Zoning District
 40-X Height and Bulk District
Cultural District: N/A
Block/Lot: 0072 / 021
Project Sponsor: Curtis Hollenbeck
 Curtis Hollenbeck Architect
 576 Columbus Avenue #2
 San Francisco, CA 94133
DR Requestor: Martin Eng
 953 Lombard Street
 San Francisco, CA 94133
 Mark Swartz
 945 Lombard Street
 San Francisco, CA 94133
Staff Contact: David Winslow – (628) 652-7335
David.Winslow@sfgov.org

ADOPTING FINDINGS RELATED TO NOT TAKING DISCRETIONARY REVIEW OF RECORD NO. 2021-007262DRP-02 AND THE APPROVAL OF BUILDING PERMIT APPLICATION NO. 2021.0709.4046 PROPOSING DEMOLITION OF AN EXISTING 2-CAR PARKING STRUCTURE AT THE FRONT OF THE LOT AND CONSTRUCTION OF A NEW 5,173 SQUARE FOOT SINGLE-FAMILY DWELLING WITHIN THE RM-1 (RESIDENTIAL MIXED- LOW DENSITY) ZONING DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT.

Preamble

On July 9, 2021 Curtis Hollenbeck filed for Building Permit Application No. 2021.0709.4046 proposing demolition of an existing 2-car parking structure at the front of the lot and construction of a new 5,173 square foot single-family dwelling within the RM-1 (Residential Mixed- Low Density) Zoning District and a 40-x Height and Bulk District.

On ~~January~~ May 24, 2023 Martin Eng and Mark Swartz (hereinafter “Discretionary Review (DR) Requestors”) filed an application with the Planning Department (hereinafter “Department”) for Discretionary Review (2021-007262DRP-02) of Building Permit Application No. 2021.0709.4046.

The Department has determined that the proposed project is exempt/excluded from environmental review, pursuant to CEQA Guideline Section 15303 (Class 3 – New Construction. Up to three new single-family residences or six dwelling units in one building.

On June 29, 2023, the San Francisco Planning Commission (hereinafter “Commission”) conducted a duly noticed public hearing at a regularly scheduled meeting on Discretionary Review Application 2021-007262DRP-02.

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

Action

The Commission hereby does not take Discretionary Review requested in Record No. 2021-007262DRP-02 and approves Building Permit Application 2021.0709.4046.

The reasons that the Commission took the action described above include:

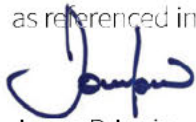
1. There are no extraordinary or exceptional circumstances in the case. The proposal complies with the Planning Code, the General Plan, and conforms with the Residential Design Guidelines.
2. The Commission determined that no modifications to the project were necessary, and they instructed staff to approve the Project per plans marked dated May 30, 2023, on file with the Planning Department.

APPEAL AND EFFECTIVE DATE OF ACTION: Any aggrieved person may appeal this Building Permit Application to the Board of Appeals only after the Department of Building Inspection (DBI) takes action (issuing or disapproving) the permit. Such appeal must be made within fifteen (15) days of DBI's action on the permit. For further information, please contact the Board of Appeals at (628) 652-1150, 49 South Van Ness Ave, Suite 1475, San Francisco, CA 94103.

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

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

I hereby certify that the Planning Commission did not take Discretionary Review and approved the building permit as referenced in this action memo on June 29, 2023 and corrected on July 31, 2023.



Jonas P. Ionin
Commission Secretary

Jonas P Ionin

Digitally signed by Jonas P
Ionin
Date: 2023.08.07 16:40:44
-07'00'

AYES: Braun, Diamond, Koppel, Tanner

NOES: Imperial, Moore

ABSENT: Ruiz

ADOPTED: June 29, 2023

CORRECTED: July 31, 2023

Circle Hillwalk
Architect
875 Colma Ave, #2
San Francisco, CA 94134
Tel: 415.434.2222
circlehillwalk.com



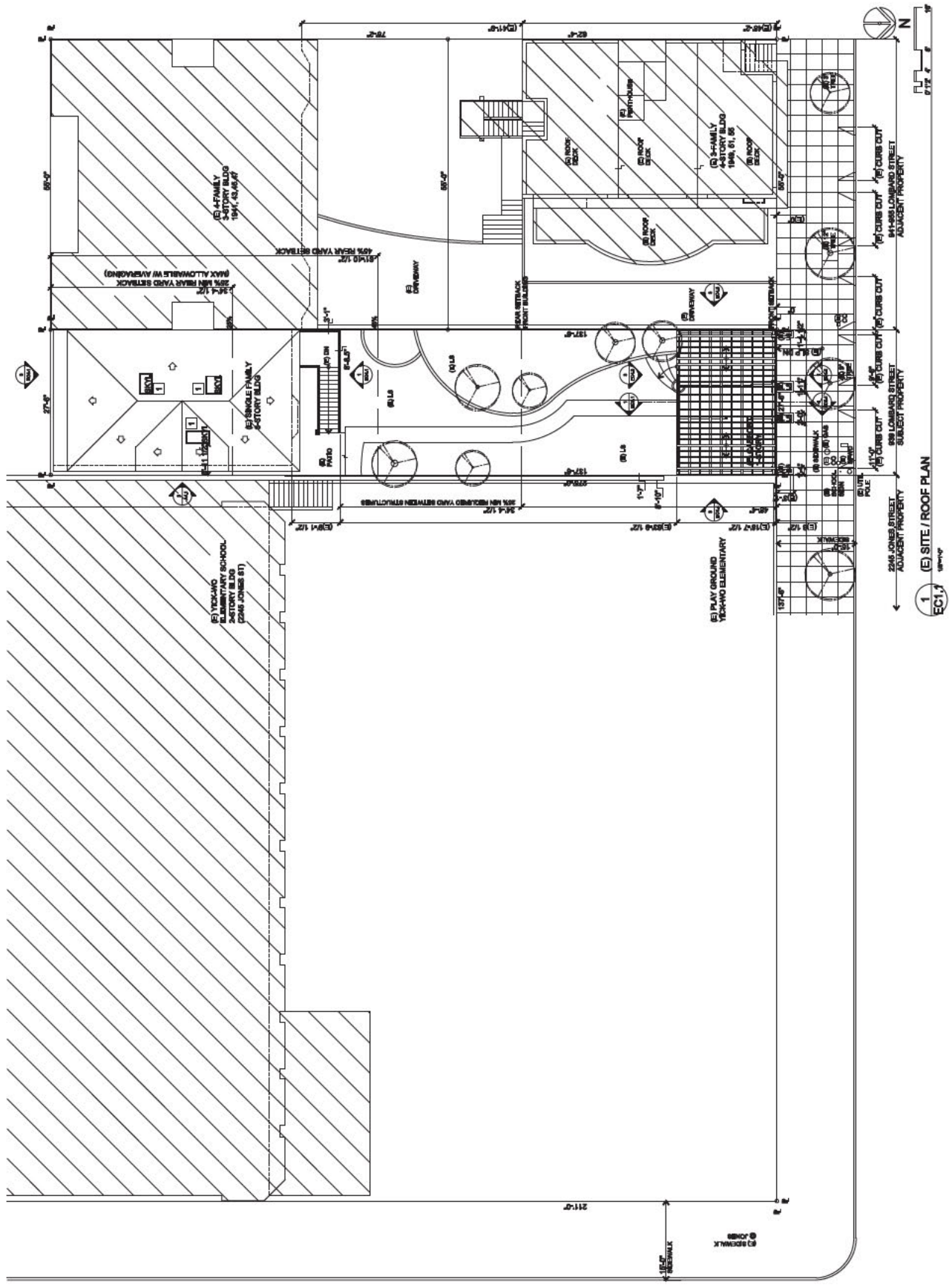
NO. 001	NO. 002	NO. 003	NO. 004	NO. 005	NO. 006	NO. 007	NO. 008	NO. 009	NO. 010

939 LOMBARD ST
SAN FRANCISCO, CALIFORNIA
LOT 021 / BLOCK 0072

(E) SITE / ROOF PLAN

NO. CH
DATE
REVISIONS

EC1.1



1 (E) SITE / ROOF PLAN

Carla Holbrook
 Architect
 875 Coliseum Ave, #2
 San Francisco, CA 94107
 Phone: 415.441.2820
 carla@carlaholbrook.com



PROJECT	939 LOMBARD
DATE	11/14/2017
DESIGNER	Carla Holbrook
SCALE	AS SHOWN

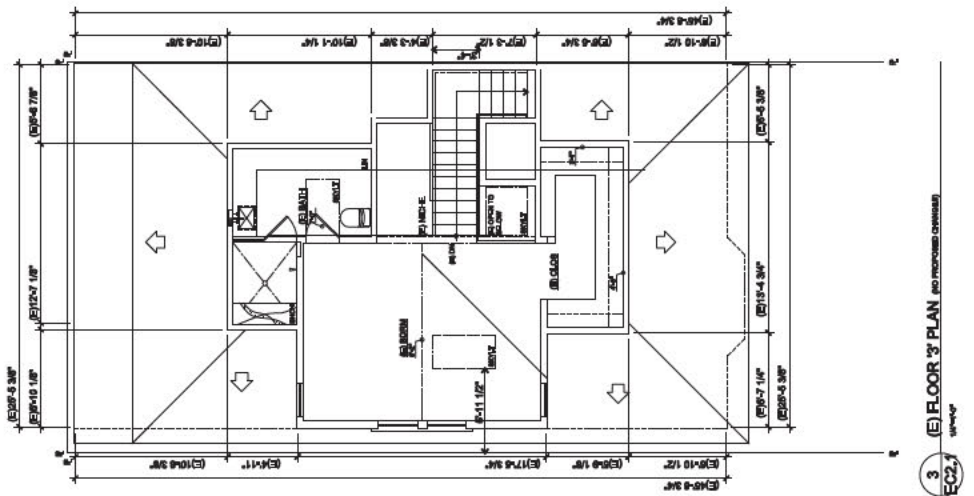
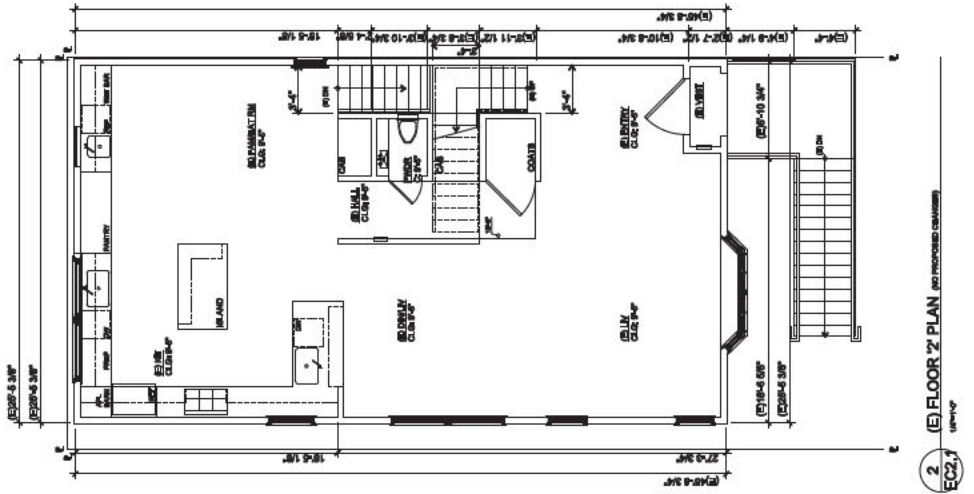
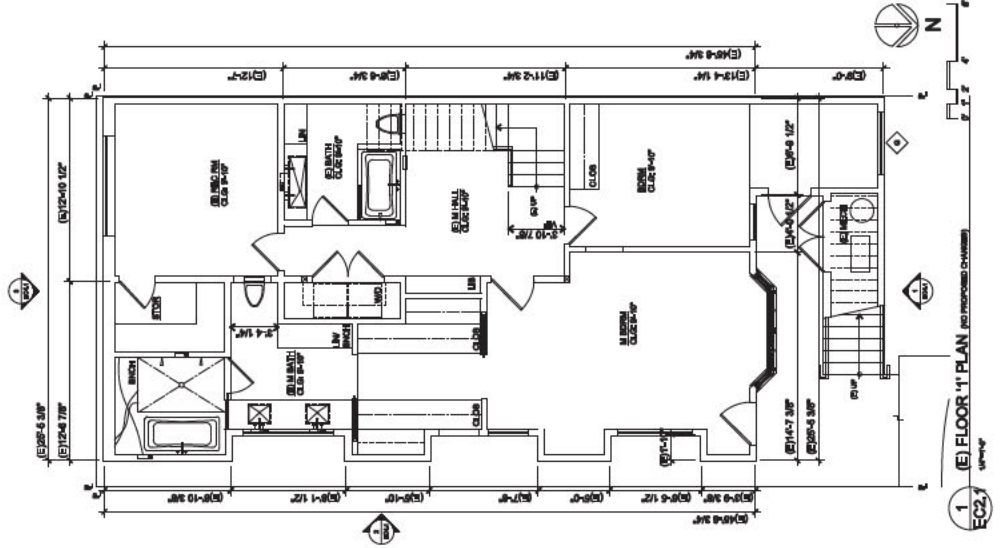
FOR ALL WORK, ALL
 MEASUREMENTS SHALL BE TO
 FINISH UNLESS NOTED
 OTHERWISE.

939 LOMBARD ST
 SAN FRANCISCO, CALIFORNIA
 LOT 021 / BLOCK 0072

Display Title
 (E) FLOOR 1,
 FLOOR 2 &
 FLOOR 3 PLANS

BY: CH
 DATE:
 SHEET AS NOTED
 NUMBER OF SHEETS:

EC2.1



Cordia Holbrook
 Architect
 875 Columbus Ave. #2
 San Francisco, CA 94133
 Tel: 415.441.2222
 cordia@arch.com



PROJECT	939 LOMBARD
DATE	11/15/2017
DESIGNER	ARCHITECT
SCALE	AS SHOWN

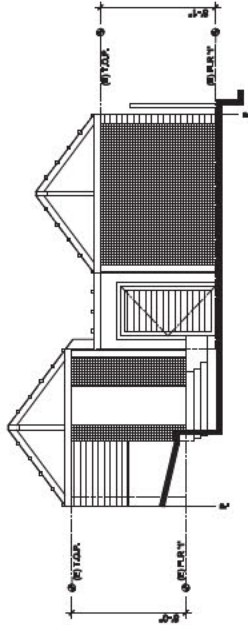
PER ALL VIEWS, ALL
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 MEASURED TO THE
 FINISH SURFACE UNLESS
 OTHERWISE NOTED.

939 LOMBARD ST
 SAN FRANCISCO, CALIFORNIA
 LOT 021 / BLOCK 0072

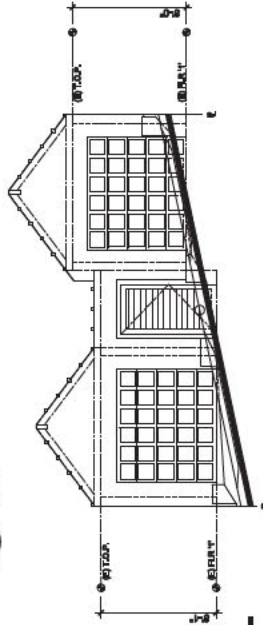
939 LOMBARD ST
 SAN FRANCISCO, CALIFORNIA
 LOT 021 / BLOCK 0072

NO. CH
 DATE
 SCALE AS NOTED
 DRAWN BY

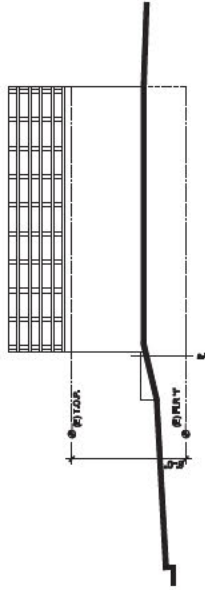
EC2.2



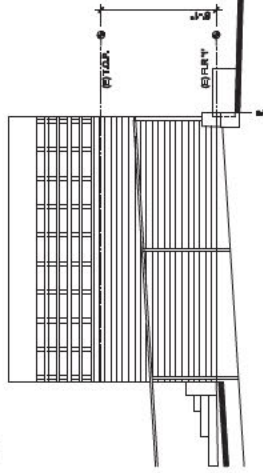
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 EC2.2



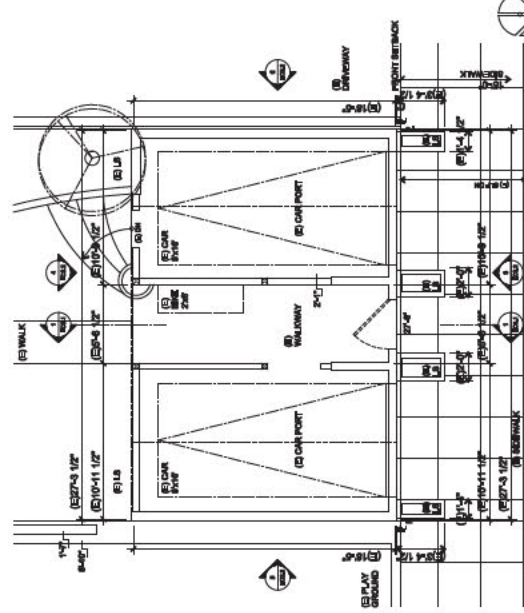
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 EC2.2



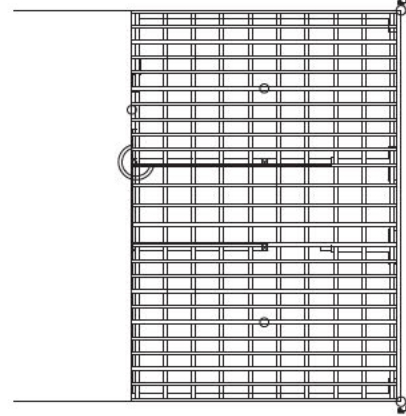
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 EC2.2



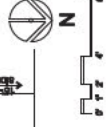
5 (E) SIDE ELEV (EAST)
 EC2.2



1 (E) CARPORT PLAN
 EC2.2

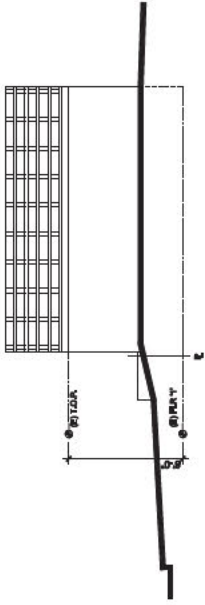


2 (E) CARPORT ROOF PLAN
 EC2.2

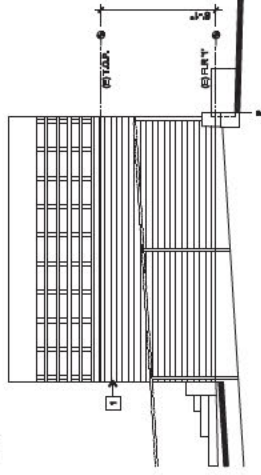


SHEET NOTES

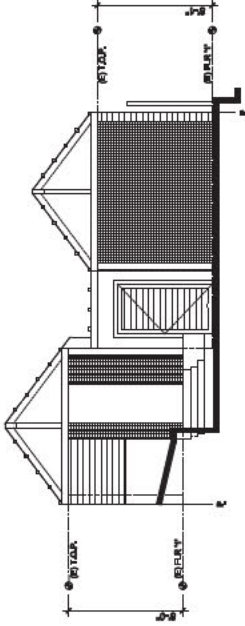
- 1. ALL DIMENSIONS INDICATE PORTION OF EXISTING STRUCTURE TO BE DEMOLISHED.
- 2. SEE SHEET EC2.2 FOR SOIL EXCAVATION CALCULATIONS.



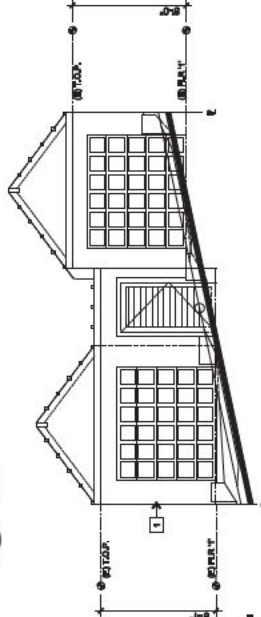
6 (E) REAR ELEV (WEST) DEMOLITION
EC2.3



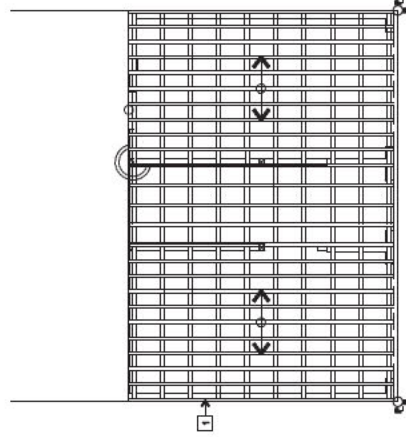
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EC2.3



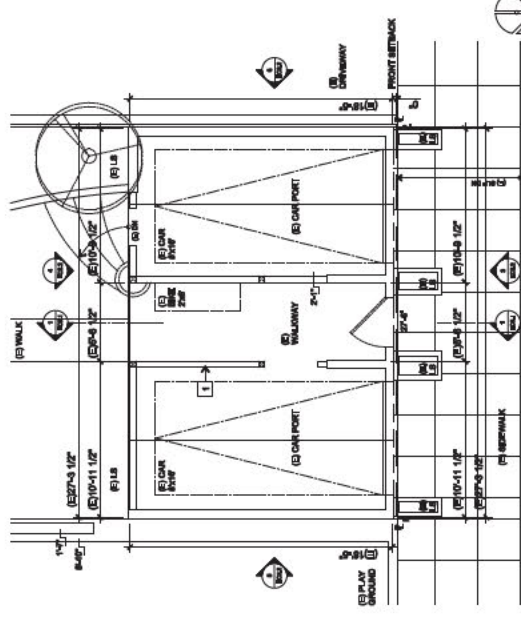
4 (E) REAR ELEV (SOUTH) DEMOLITION
EC2.3



3 (E) FRONT ELEV (NORTH) DEMOLITION
EC2.3



2 (E) CARPORT ROOF DEMOLITION PLAN
EC2.3



1 (E) CARPORT DEMOLITION PLAN
EC2.3

Circle 10/20/20
Architect
2875 Colma Blvd, #20
San Francisco, CA 94134
Tel: (415) 424-2288
matt@jacobson.com



PROJECT	399 LOMBARD
DATE	10/20/20
DESIGNER	EC2.3
CHECKER	EC2.3
DATE	10/20/20
PROJECT	399 LOMBARD
DATE	10/20/20
DESIGNER	EC2.3
CHECKER	EC2.3
DATE	10/20/20

399 LOMBARD ST
SAN FRANCISCO, CALIFORNIA
LOT 021 / BLOCK 0072

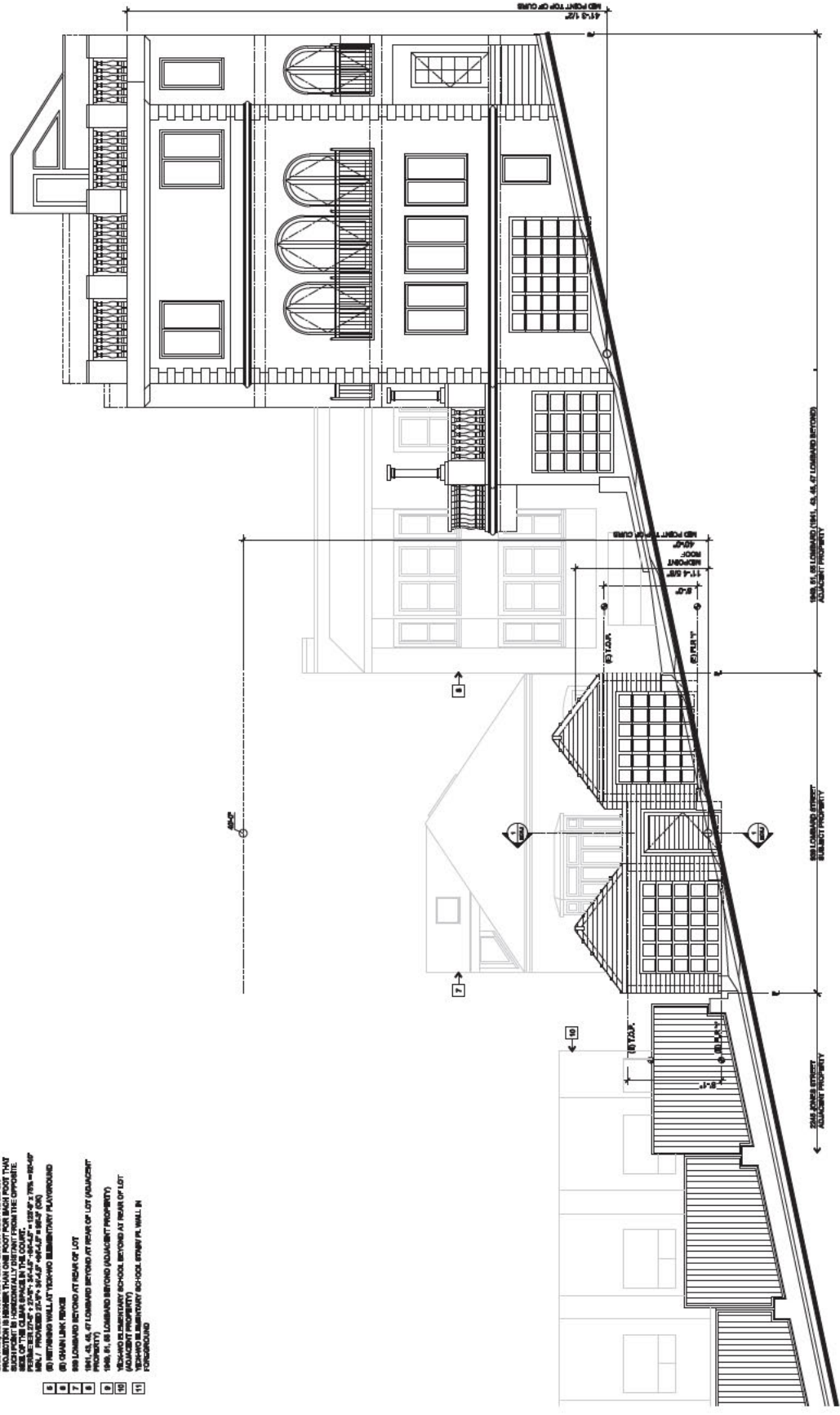
(E) CARPORT
PLAN +
ELEVATIONS
DEMOLITION

BY: CH
DATE: 10/20/20
SCALE: AS NOTED
PROJECT NO. 20200000

EC2.3

SHEET NOTES

- 1 FIELD VERIFY ALL DIMENSIONS. REPORT ANY DISCREPANCIES TO ARCHITECT IMMEDIATELY.
- 2 DASHED LINE INDICATES ADJACENT BUILDING OR FENCE. DASHED LINE TYPE TO BE DETERMINED BY ARCHITECT.
- 3 AT LEAST THREE (3) FEET OF PROTRUSION, UNLESS OTHERWISE NOTED, SHALL BE MAINTAINED FROM THE OPPOSITE SIDE OF THE LOT.
- 4 PERMITS SHALL BE OBTAINED FROM THE APPLICABLE AGENCIES PRIOR TO CONSTRUCTION.
- 5 PERMITS SHALL BE OBTAINED FROM THE APPLICABLE AGENCIES PRIOR TO CONSTRUCTION.
- 6 PERMITS SHALL BE OBTAINED FROM THE APPLICABLE AGENCIES PRIOR TO CONSTRUCTION.
- 7 PERMITS SHALL BE OBTAINED FROM THE APPLICABLE AGENCIES PRIOR TO CONSTRUCTION.
- 8 PERMITS SHALL BE OBTAINED FROM THE APPLICABLE AGENCIES PRIOR TO CONSTRUCTION.
- 9 PERMITS SHALL BE OBTAINED FROM THE APPLICABLE AGENCIES PRIOR TO CONSTRUCTION.
- 10 PERMITS SHALL BE OBTAINED FROM THE APPLICABLE AGENCIES PRIOR TO CONSTRUCTION.



Chris Holbeck
Architect
2700 Columbus Ave, #2
San Francisco, CA 94133
chris@chris-holbeck.com

DATE	PROJECT	DESCRIPTION

FOR ALL WORK, ALL
PERMITS SHALL BE OBTAINED
FROM THE APPLICABLE
AGENCIES PRIOR TO
CONSTRUCTION.

939 LOMBARD ST
SAN FRANCISCO, CALIFORNIA
LOT 021 / BLOCK 0072

(E) FRONT
ELEVATION
(NORTH)

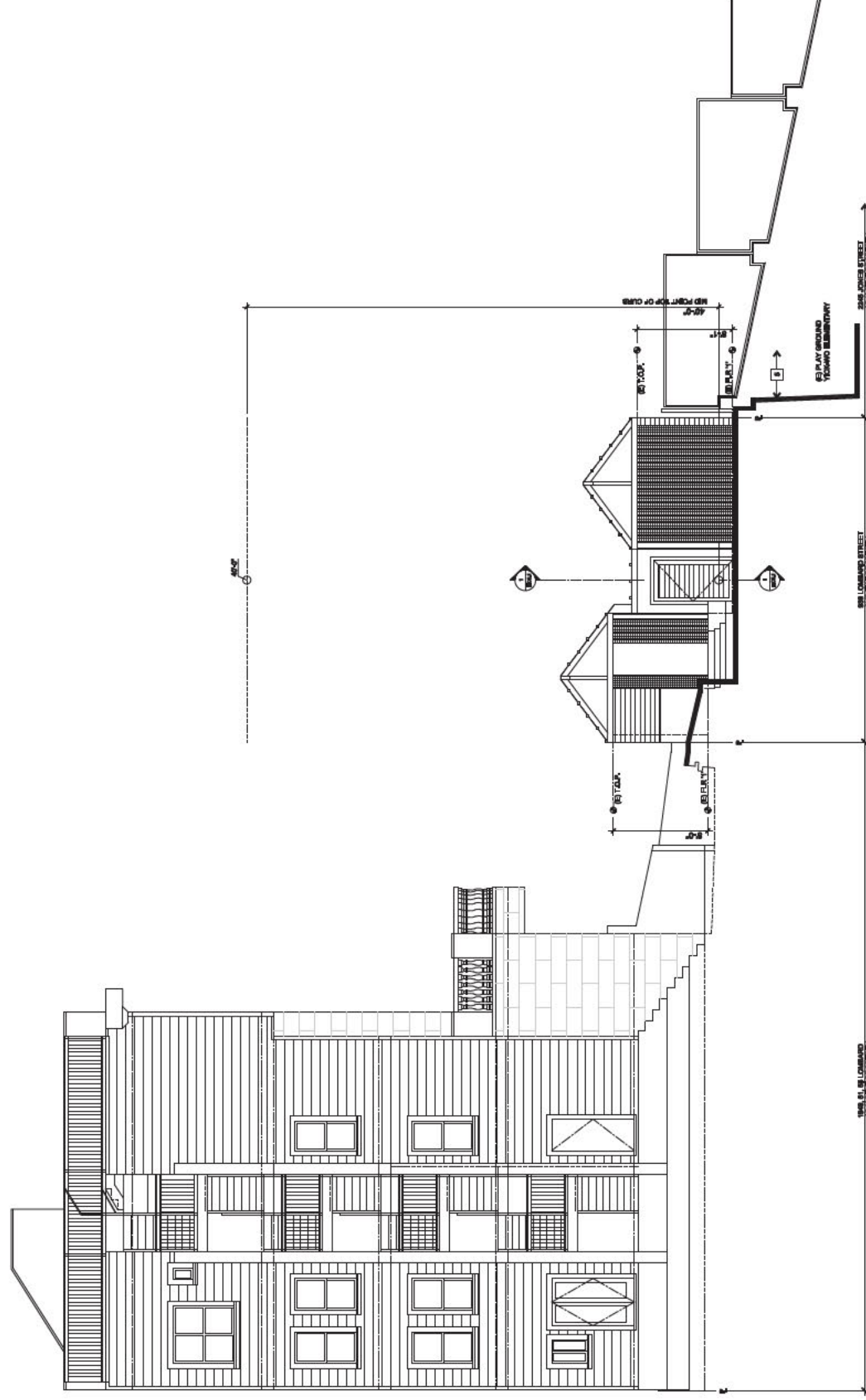
NO. CH
DATE
SCALE
DRAWN BY
CHECKED BY

EC4.2

1 (E) FRONT ELEVATION (NORTH)
EC4.2

SHEET NOTES

- SEE CALC FOR LISTED SHEET NOTES



1 (E) REAR ELEVATION (SOUTH)
EC4.3



Circle 10/10/2024
Architect
3750 Colma Avenue, #200
San Francisco, CA 94133
Tel: 415.441.2222
circle10@aec.com



PROJECT	939 LOMBARD
DATE	10/10/2024
DESIGNER	CIRCLE 10 ARCHITECT
SCALE	AS SHOWN
PROJECT NO.	2024-001
DATE	10/10/2024
PROJECT	939 LOMBARD
DATE	10/10/2024
DESIGNER	CIRCLE 10 ARCHITECT
SCALE	AS SHOWN
PROJECT NO.	2024-001

939 LOMBARD ST
SAN FRANCISCO, CALIFORNIA
LOT 021 / BLOCK 0072

(E) REAR
ELEVATION
(SOUTH)

BY: CH
DATE:
SCALE: AS NOTED
PROJECT NO.:

EC4.3

SHEET NOTES
 EXERCISES FOR REVIEW SHEET NOTES

Circle Hillwood
 Architect
 875 Columbus Ave, 8C
 San Francisco, CA 94133
 (415) 441-2220
 circlehillwood.com



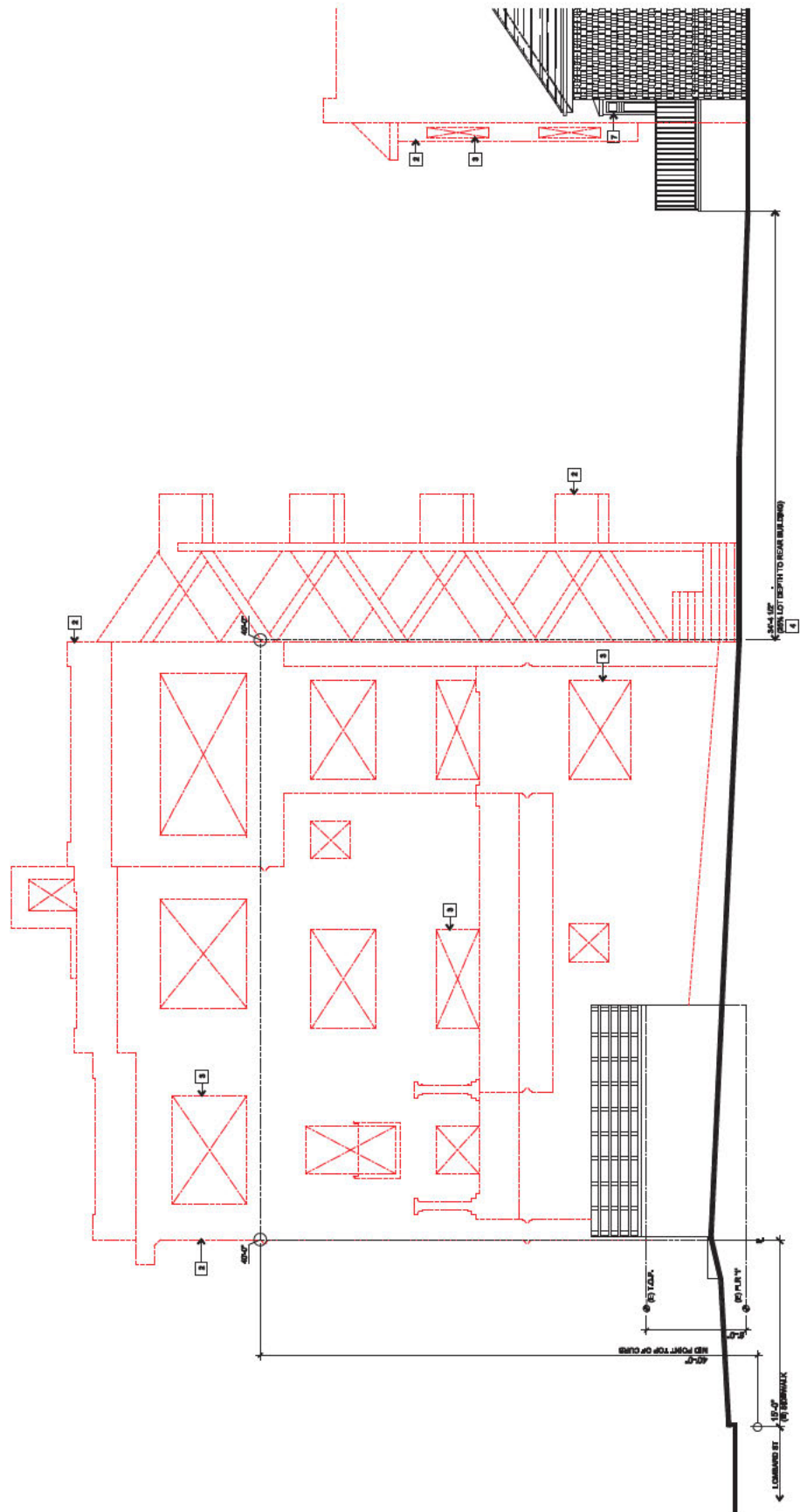
939 LOMBARD ST
 SAN FRANCISCO, CALIFORNIA
 LOT 021 / BLOCK 0072

OWNER	PCI COMM
DESIGNER	Circle Hillwood
DATE	11/16/2022
PROJECT	1111111111
SCALE	AS SHOWN

PREPARED BY: J.A.L.
 CHECKED BY: J.A.L.
 DATE: 11/16/2022

NO. CH
 DATE
 DRAWN BY: J.A.L.
 CHECKED BY:

EC4.5



1 (E) SIDE ELEVATION (WEST)
 EC4.5



Circle Hillwood
Architect
870 Columbus Ave, 8C
San Francisco, CA 94133
415.441.2222
circlehillwood.com



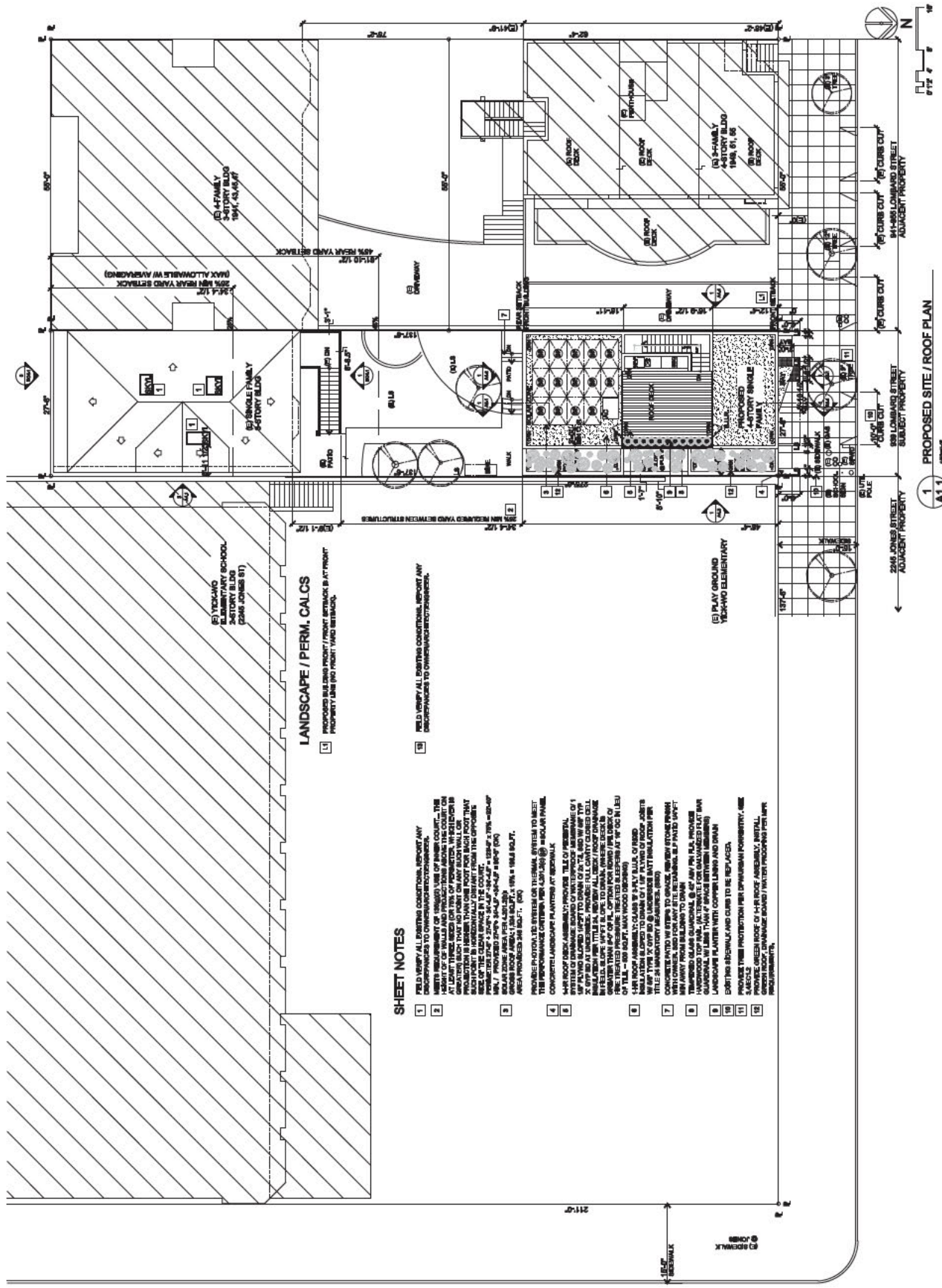
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08/15/24	JL	CH	
08/15/24	JL	CH	
08/15/24	JL	CH	
08/15/24	JL	CH	
08/15/24	JL	CH	

639 LOMBARD ST
SAN FRANCISCO, CALIFORNIA
LOT 021 / BLOCK 0072

PROPOSED
SITE / ROOF
PLAN

By: CH
Date:
Scale: AS NOTED
Drawing No.:

A1.1



SHEET NOTES

1. FIELD VERIFY ALL EXISTING CONDITIONS, REPORT ANY DISCREPANCIES TO OWNER/ARCHITECT/ENGINEER.
2. VERIFY MEASUREMENT OF SHINGLED ROOF ASSEMBLY, THE HEIGHT OF WALLS AND PROTECTIVE FINISHES TO CORRECT ON ALL ROOF AREAS. VERIFY ALL EXISTING CONDITIONS AND REPORT ANY DISCREPANCIES TO OWNER/ARCHITECT/ENGINEER.
3. PROVIDE 2" MIN. CLEARANCE FROM ROOF EDGE TO FACE OF THE CLEAN SPACE IN THE COURT.
4. PROVIDE 2" MIN. CLEARANCE FROM ROOF EDGE TO FACE OF THE CLEAN SPACE IN THE COURT.
5. PROVIDE 2" MIN. CLEARANCE FROM ROOF EDGE TO FACE OF THE CLEAN SPACE IN THE COURT.
6. PROVIDE 2" MIN. CLEARANCE FROM ROOF EDGE TO FACE OF THE CLEAN SPACE IN THE COURT.
7. PROVIDE 2" MIN. CLEARANCE FROM ROOF EDGE TO FACE OF THE CLEAN SPACE IN THE COURT.
8. PROVIDE 2" MIN. CLEARANCE FROM ROOF EDGE TO FACE OF THE CLEAN SPACE IN THE COURT.
9. PROVIDE 2" MIN. CLEARANCE FROM ROOF EDGE TO FACE OF THE CLEAN SPACE IN THE COURT.
10. PROVIDE 2" MIN. CLEARANCE FROM ROOF EDGE TO FACE OF THE CLEAN SPACE IN THE COURT.
11. PROVIDE 2" MIN. CLEARANCE FROM ROOF EDGE TO FACE OF THE CLEAN SPACE IN THE COURT.
12. PROVIDE 2" MIN. CLEARANCE FROM ROOF EDGE TO FACE OF THE CLEAN SPACE IN THE COURT.
13. PROVIDE 2" MIN. CLEARANCE FROM ROOF EDGE TO FACE OF THE CLEAN SPACE IN THE COURT.
14. PROVIDE 2" MIN. CLEARANCE FROM ROOF EDGE TO FACE OF THE CLEAN SPACE IN THE COURT.
15. PROVIDE 2" MIN. CLEARANCE FROM ROOF EDGE TO FACE OF THE CLEAN SPACE IN THE COURT.
16. PROVIDE 2" MIN. CLEARANCE FROM ROOF EDGE TO FACE OF THE CLEAN SPACE IN THE COURT.
17. PROVIDE 2" MIN. CLEARANCE FROM ROOF EDGE TO FACE OF THE CLEAN SPACE IN THE COURT.
18. PROVIDE 2" MIN. CLEARANCE FROM ROOF EDGE TO FACE OF THE CLEAN SPACE IN THE COURT.
19. PROVIDE 2" MIN. CLEARANCE FROM ROOF EDGE TO FACE OF THE CLEAN SPACE IN THE COURT.
20. PROVIDE 2" MIN. CLEARANCE FROM ROOF EDGE TO FACE OF THE CLEAN SPACE IN THE COURT.

LANDSCAPE / PERM. CALCS

1. PROVIDE 2" MIN. CLEARANCE FROM ROOF EDGE TO FACE OF THE CLEAN SPACE IN THE COURT.

FIELD VERIFY ALL EXISTING CONDITIONS, REPORT ANY DISCREPANCIES TO OWNER/ARCHITECT/ENGINEER.

1 PROPOSED SITE / ROOF PLAN
A1.1

SHEET NOTES CONTINUED

- 1) SEE LIST FOR ADDRESS, NOTES
- 2) PROVIDE PROTECTIVE BOARDING OVER EXISTING ROOFING TO BE REMOVED TO PROTECT EXISTING ROOFING FROM DAMAGE TO EXISTING ROOFING. PROVIDE BOARDING TO BE REMOVED TO PROTECT EXISTING ROOFING FROM DAMAGE TO EXISTING ROOFING. PROVIDE BOARDING TO BE REMOVED TO PROTECT EXISTING ROOFING FROM DAMAGE TO EXISTING ROOFING.
- 3) PROVIDE PROTECTIVE BOARDING OVER EXISTING ROOFING TO BE REMOVED TO PROTECT EXISTING ROOFING FROM DAMAGE TO EXISTING ROOFING. PROVIDE BOARDING TO BE REMOVED TO PROTECT EXISTING ROOFING FROM DAMAGE TO EXISTING ROOFING. PROVIDE BOARDING TO BE REMOVED TO PROTECT EXISTING ROOFING FROM DAMAGE TO EXISTING ROOFING.
- 4) PROVIDE PROTECTIVE BOARDING OVER EXISTING ROOFING TO BE REMOVED TO PROTECT EXISTING ROOFING FROM DAMAGE TO EXISTING ROOFING. PROVIDE BOARDING TO BE REMOVED TO PROTECT EXISTING ROOFING FROM DAMAGE TO EXISTING ROOFING. PROVIDE BOARDING TO BE REMOVED TO PROTECT EXISTING ROOFING FROM DAMAGE TO EXISTING ROOFING.
- 5) PROVIDE PROTECTIVE BOARDING OVER EXISTING ROOFING TO BE REMOVED TO PROTECT EXISTING ROOFING FROM DAMAGE TO EXISTING ROOFING. PROVIDE BOARDING TO BE REMOVED TO PROTECT EXISTING ROOFING FROM DAMAGE TO EXISTING ROOFING. PROVIDE BOARDING TO BE REMOVED TO PROTECT EXISTING ROOFING FROM DAMAGE TO EXISTING ROOFING.
- 6) PROVIDE PROTECTIVE BOARDING OVER EXISTING ROOFING TO BE REMOVED TO PROTECT EXISTING ROOFING FROM DAMAGE TO EXISTING ROOFING. PROVIDE BOARDING TO BE REMOVED TO PROTECT EXISTING ROOFING FROM DAMAGE TO EXISTING ROOFING. PROVIDE BOARDING TO BE REMOVED TO PROTECT EXISTING ROOFING FROM DAMAGE TO EXISTING ROOFING.
- 7) PROVIDE PROTECTIVE BOARDING OVER EXISTING ROOFING TO BE REMOVED TO PROTECT EXISTING ROOFING FROM DAMAGE TO EXISTING ROOFING. PROVIDE BOARDING TO BE REMOVED TO PROTECT EXISTING ROOFING FROM DAMAGE TO EXISTING ROOFING. PROVIDE BOARDING TO BE REMOVED TO PROTECT EXISTING ROOFING FROM DAMAGE TO EXISTING ROOFING.
- 8) PROVIDE PROTECTIVE BOARDING OVER EXISTING ROOFING TO BE REMOVED TO PROTECT EXISTING ROOFING FROM DAMAGE TO EXISTING ROOFING. PROVIDE BOARDING TO BE REMOVED TO PROTECT EXISTING ROOFING FROM DAMAGE TO EXISTING ROOFING. PROVIDE BOARDING TO BE REMOVED TO PROTECT EXISTING ROOFING FROM DAMAGE TO EXISTING ROOFING.
- 9) PROVIDE PROTECTIVE BOARDING OVER EXISTING ROOFING TO BE REMOVED TO PROTECT EXISTING ROOFING FROM DAMAGE TO EXISTING ROOFING. PROVIDE BOARDING TO BE REMOVED TO PROTECT EXISTING ROOFING FROM DAMAGE TO EXISTING ROOFING. PROVIDE BOARDING TO BE REMOVED TO PROTECT EXISTING ROOFING FROM DAMAGE TO EXISTING ROOFING.
- 10) PROVIDE PROTECTIVE BOARDING OVER EXISTING ROOFING TO BE REMOVED TO PROTECT EXISTING ROOFING FROM DAMAGE TO EXISTING ROOFING. PROVIDE BOARDING TO BE REMOVED TO PROTECT EXISTING ROOFING FROM DAMAGE TO EXISTING ROOFING. PROVIDE BOARDING TO BE REMOVED TO PROTECT EXISTING ROOFING FROM DAMAGE TO EXISTING ROOFING.



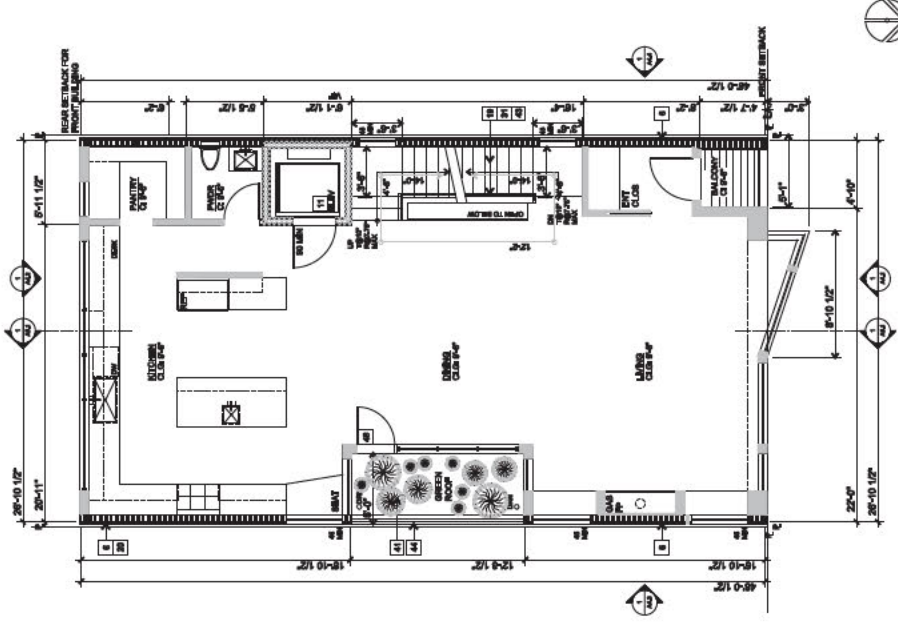
Civil Engineer
 1000 California Ave, #2
 San Francisco, CA 94108
 415.455.1234
 mason.jones@me.com

NO.	DATE	BY	DESCRIPTION
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2	01/01/2018	MJ	ISSUED FOR PERMITS
3	01/01/2018	MJ	ISSUED FOR PERMITS
4	01/01/2018	MJ	ISSUED FOR PERMITS
5	01/01/2018	MJ	ISSUED FOR PERMITS
6	01/01/2018	MJ	ISSUED FOR PERMITS
7	01/01/2018	MJ	ISSUED FOR PERMITS
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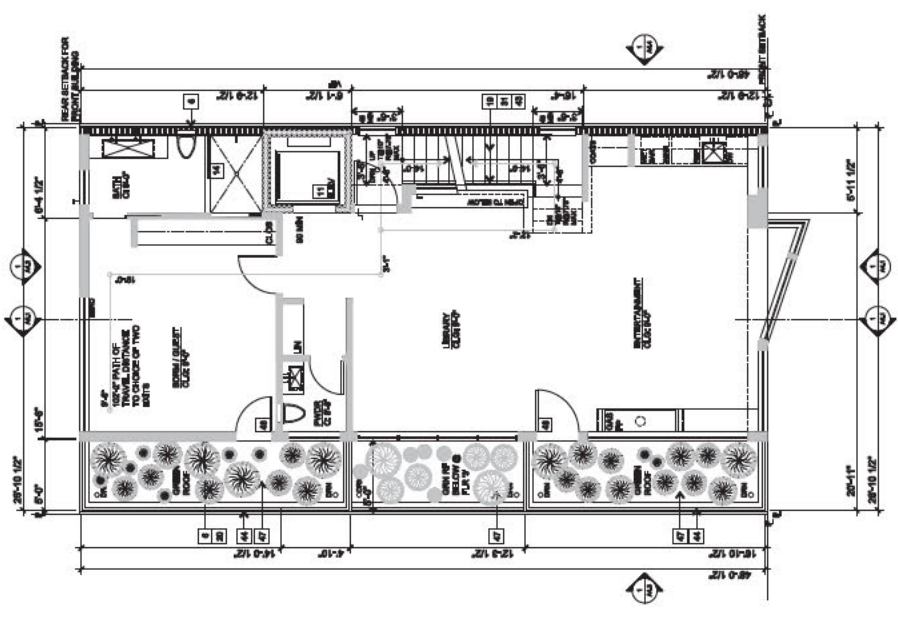
939 LOMBARD ST
 SAN FRANCISCO, CALIFORNIA
 LOT 021 / BLOCK 0072
 PROPOSED
 FLR 3 +
 FLR 4 PLANS

No CH
 Date
 Scale AS NOTED
 Drawing No.

A2.2



1 PROPOSED FLR 3 PLAN



2 PROPOSED FLR 4 PLAN

SHEET NOTES

- DETAILS BALFOUR DESIGN SHEET NOTES

Circle of Excellence
 275 Colma Avenue, Suite 200
 San Francisco, CA 94026
 415.441.2222
 circleofexcellence.com



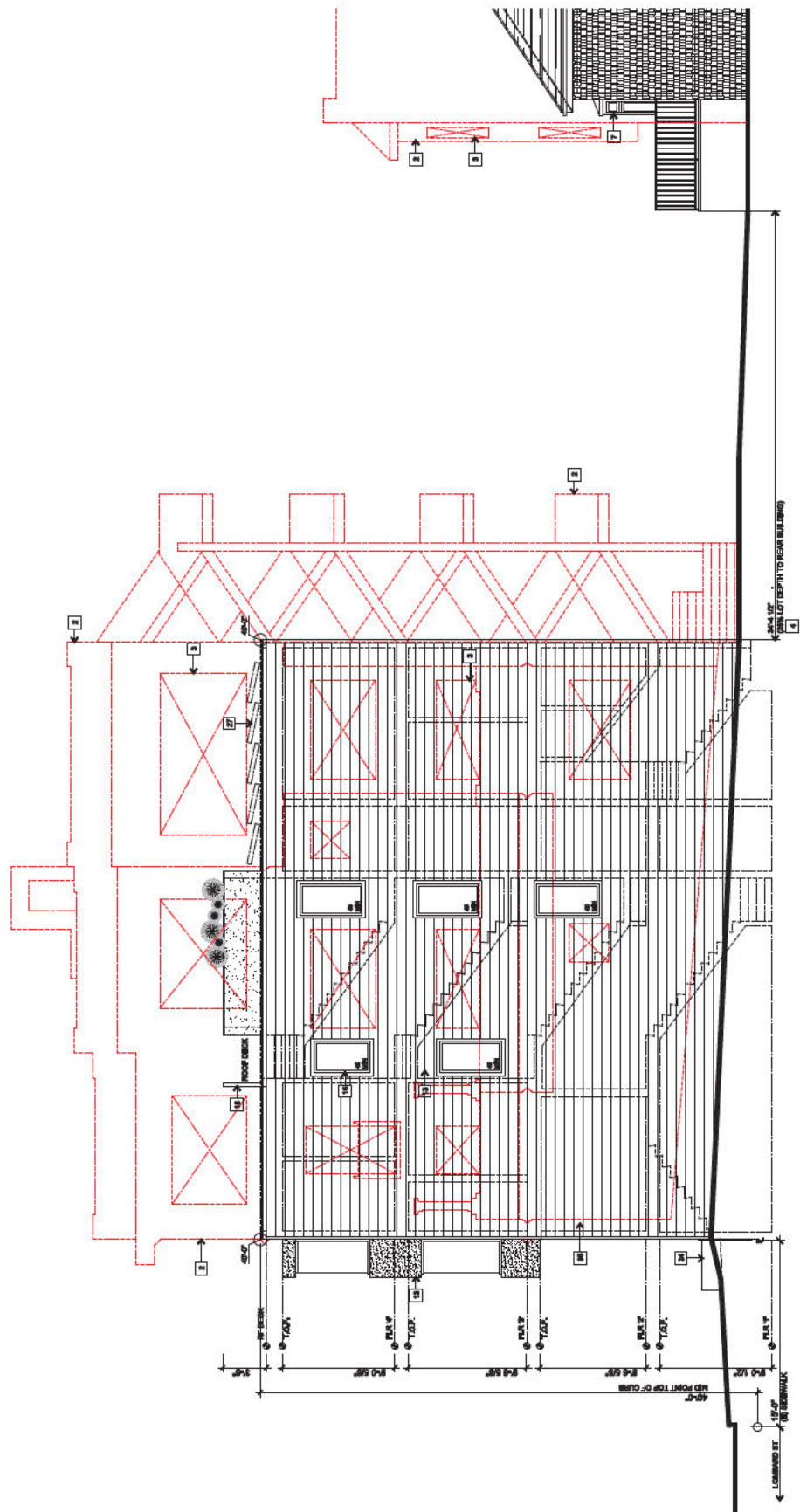
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REVISION	NO. OF COPIES
PROJECT	NO. OF COPIES
DESIGNER	NO. OF COPIES
CHECKER	NO. OF COPIES
DATE	NO. OF COPIES

939 LOMBARD ST
 SAN FRANCISCO, CALIFORNIA
 LOT 021 / BLOCK 0072

PROPOSED SIDE ELEVATION (WEST)

BY: CH
 DATE:
 SCALE: AS NOTED
 DRAWING NO.:

A4.4



1 PROPOSED SIDE ELEVATION (WEST)
 A4.4



Credit Hallock
 Architect
 870 Columbus Ave, #2
 San Francisco, CA 94133
 (415) 441-2222
 credit@credit.com



OWNER	399 LOMBARD
DESIGNER	PCI COMM
CONTRACT	AS 1 PERMIT
DATE	11/15/2017
PROJECT	11 PERMIT APP

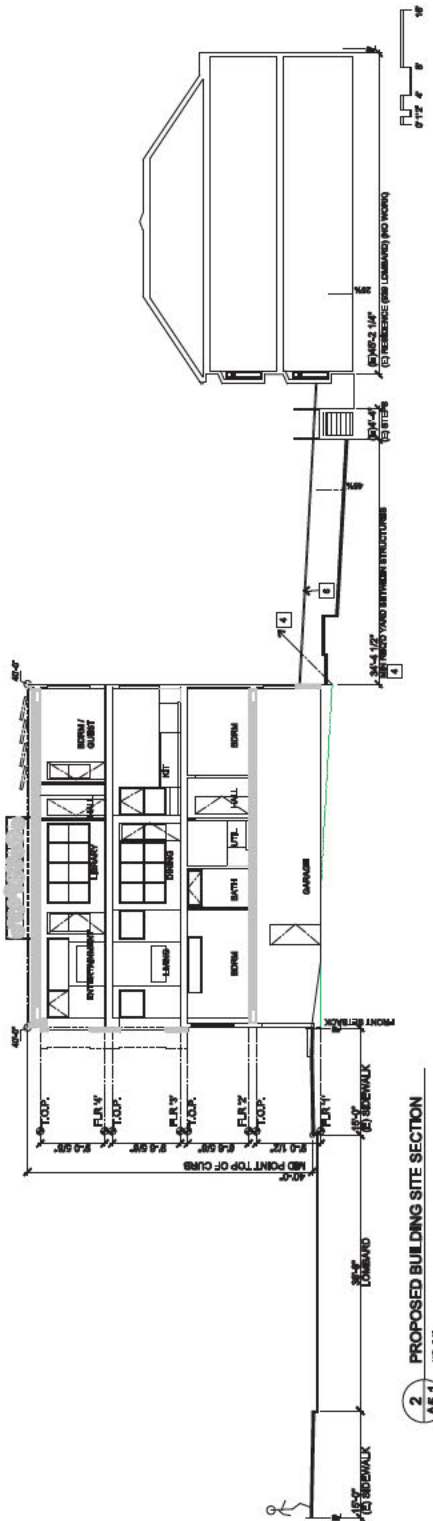
PER ALL VIEWS/ALL
 DIMENSIONS, THE
 DIMENSIONS SHOWN
 SHALL TAKE PRECEDENCE TO
 ANY CONFLICTING
 DIMENSIONS TO
 ANY OTHER DRAWING.

939 LOMBARD ST
 SAN FRANCISCO, CALIFORNIA
 LOT 021 / BLOCK 0072

PROPOSED
 BUILDING/
 SITE SECTION

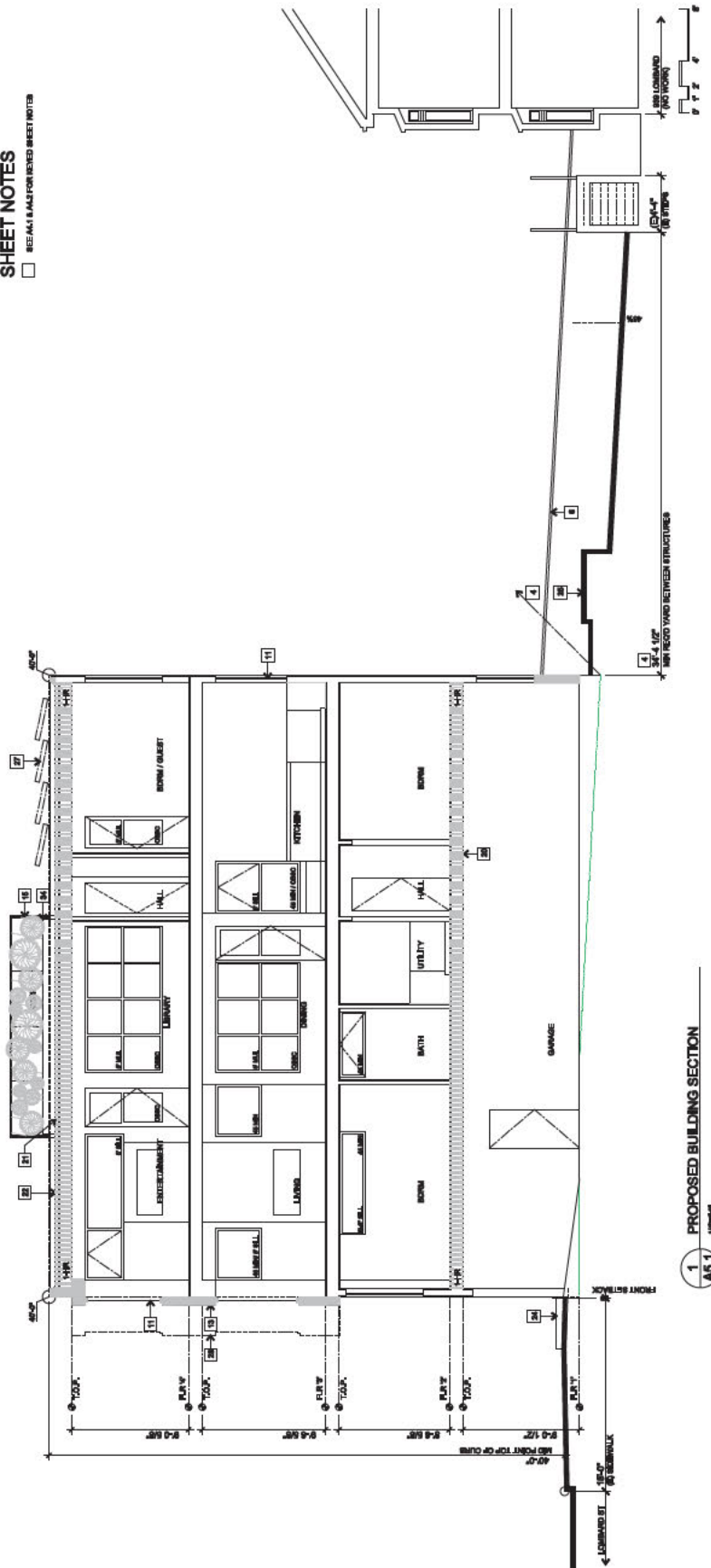
No. CH
 Date
 Scale AS NOTED
 Drawing No.

A5.1



2 PROPOSED BUILDING SITE SECTION
 A5.1

SHEET NOTES
 SEE ALL UNANNOTATED SHEET NOTES



1 PROPOSED BUILDING SECTION
 A5.1

EXHIBIT E



CATEGORICAL EXEMPTION APPEAL

939 Lombard Street

Date: September 1, 2023
To: Angela Calvillo, Clerk of the Board of Supervisors
From: Lisa Gibson, Environmental Review Officer – 628.652.7571
Don Lewis, Senior Planner, don.lewis@sfgov.org, 628.652.7543

RE: Planning Record No. 2021-007262ENV
Appeal of Categorical Exemption for 939 Lombard Street

Hearing Date: September 12, 2023

Project Sponsor: Chloe Angelis, Reuben, Junius & Rose, LLP, 415.567.9000
Appellant: Martin Lee Eng

Introduction

This memorandum responds to the July 24, 2023 letter of appeal to the board of supervisors (the board) regarding the planning department's (the department) issuance of a categorical exemption under the California Environmental Quality Act (CEQA determination) for the proposed 939 Lombard Street project.

The department, pursuant to Article 19 of the CEQA Guidelines, issued a categorical exemption for the proposed project on April 19, 2023, finding that the proposed project is exempt from CEQA as a Class 1 and 3 exemption.

The decision before the board is whether to uphold the department's decision to issue a categorical exemption and deny the appeal, or to overturn the department's decision to issue a categorical exemption and return the project to department staff for additional environmental review.

Site Description and Existing Use

The project site is a 3,781-square-foot parcel located on the south side of Lombard Street between Jones and Leavenworth streets in the Russian Hill neighborhood. The project site is occupied by an existing three-story, single-family residence (constructed in 1908) that is approximately 2,844 square feet in size at the rear of the lot and an existing approximately 12-foot-tall, 512-square-foot, two-car parking structure (constructed in 1999) located at the front of

the project site.

Immediately east of the project site is the Yick Wo Alternative Elementary School playground that is approximately 13 feet lower in elevation than the project site. The change in elevation is supported by a retaining wall ranging between 6 to 10 feet that extends the length of the schoolyard. The subject block of Lombard Street consists predominantly of three-story over basement multi-unit residential buildings. The project site is located approximately 290 feet downhill from the famed winding section of Lombard Street, where three to four story single-family homes are common.

Project Description

The proposed project would demolish the parking structure at the front of the lot and construct a new 40-foot-tall, 4,828-gross-square-foot, single-family dwelling with four bedrooms and two off-street parking spaces at the ground-floor level. The project approved at the Planning Commission includes a 5-foot setback from the east property line for the entire fourth floor and eliminates the roof-top elevator and stair penthouses. The project would remove approximately 5 trees from the rear yard and would retain 3 trees, including the street tree in front of the project site. The project would provide a Planning Code-compliant rear yard (equal to 25 percent the depth of the lot) between the proposed home and the existing house at the rear of the property. The proposed roof would include a 5-foot-wide “green” landscaped area along the eastern building wall with a deck located towards the center of the roof. The proposed buildings would be supported on spread footings with drilled piers along the east property line. The project would require approximately 36 cubic yards of excavation to a depth of approximately 3 feet below ground surface. Construction is expected to last approximately 12 months.

Background

The following bullet points provide a chronological summary of the various actions documented in the record related to the proposed project that have occurred since July 9, 2021, when the project sponsor filed for a building permit associated with the proposed project:

- On July 9, 2021, Curtis Hollenback (the architect representing the project sponsor) filed a project application with the department.
- On April 14, 2023, the department determined that the project was categorically exempt under CEQA Class 1 – Existing Facilities and Class 3 – New Construction or Conversion of Small Structures, and that no further environmental review was required.
- On May 4, 2023, Martin Lee Eng (the appellant) and Mark Swartz, representing the Lombard Street Homeowners Association, filed separate Discretionary Review applications.
- On June 29, 2023, the Planning Commission approved the project and did not take discretionary review.
- On July 28, 2023, Martin Lee Eng filed an appeal of the categorical exemption determination.
- On August 3, 2023, the department determined that the appeal was timely filed.

CEQA Guidelines

Categorical Exemptions

Pursuant to CEQA Guidelines section 15061, “Once a lead agency has determined that an activity is a project subject to CEQA, a lead agency shall determine whether the project is exempt from CEQA” [CEQA Guidelines section 15061(a)]. A project is exempt from CEQA if “the project is exempt pursuant to a categorical exemption. . .and the application of that categorical exemption is not barred by one of the exceptions set forth in Section 15300.2.” [CEQA Guidelines section 15061(b)(2).]

In accordance with Public Resources Code section 21084, CEQA Guidelines sections 15301 through 15333 list classes of projects that have been determined *not* to have a significant effect on the environment and are exempt from further environmental review.

Guidelines section 15301, or Class 1, applies to the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. Class 1 also includes demolition and removal of individual small structures listed in section 15301(l), such as accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences.

CEQA Guidelines section 15303 (New Construction or Conversion of Small Structures), or Class 3, applies to construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The structures described in this section include up to three single-family residences in a residential zone.

As noted above, a categorical exemption may not be used when an exception listed in CEQA Guidelines section 15300.2 applies. Among these exceptions are projects located on a site that is included on any list compiled pursuant to Section 65962.5 of the Government Code (known as the “Cortese list”) [CEQA Guidelines section 15300.2(e)] and projects where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances [CEQA Guidelines section 15300.2(c)].

Pursuant to CEQA Guidelines section 15300.2(c), lead agencies must apply a two-pronged analysis in determining whether the “unusual circumstances” exception applies. First, an unusual circumstance must exist, and second, the unusual circumstance must give rise to “a reasonable possibility that the activity will have a significant effect on the environment.” It is important to note that it is not enough for an Appellant to claim the project – *as a whole* – will have a substantial effect on the environment. Rather, an Appellant must show that the specific unusual circumstances themselves will potentially cause that substantial effect.

Standards of Review

The standard of judicial review of lead agency decisions on a project's qualification for a given class of exemption is the “substantial evidence” standard of Public Resources Code section 21168.5. Under this substantial evidence standard, courts will defer to the agency

decision as long it is supported by substantial evidence, even if there is conflicting evidence.

The standards of judicial review for the “unusual circumstance” exception are two-pronged, as follows: An agency’s determination as to whether (or not) there are “unusual circumstances” [CEQA Guidelines section 15300.2 (c)] is reviewed under the substantial evidence standard. On the other hand, an agency’s determination as to whether unusual circumstances result in “a reasonable possibility that the activity will have a significant effect on the environment” is reviewed under the non-deferential “fair argument” standard. Under the “fair argument” standard, the exception to the exemption would apply, and would require additional environmental analysis under CEQA, if the record contains evidence that supports a fair argument that the unusual circumstances may produce a significant effect on the environment.

Substantial Evidence

In determining the significance of environmental effects caused by a project, CEQA Guidelines section 15064(f) states that “the decision as to whether a project may have one or more significant effects shall be based on substantial evidence in the record of the lead agency.” CEQA Guidelines section 15064(f)(5) offers the following guidance: “Argument, speculation, unsubstantiated opinion or narrative, or evidence that is clearly inaccurate or erroneous, or evidence that is not credible, shall not constitute substantial evidence. Substantial evidence shall include facts, reasonable assumption predicated upon facts, and expert opinion supported by facts.”

Planning Department Responses

The responses, below, address the environmental concerns raised by the Appellant, organized by environmental topic. Each response confirms that the project meets the eligibility criteria for both a Class 1 and Class 3 exemption pursuant to CEQA Guidelines sections 15301 and 15303 and issuance of an exemption is not barred by one of the exceptions identified in CEQA Guidelines section 15300.2. The Appellant has not met the legal burden of proof to demonstrate that the project is not exempt and that an initial study must be prepared.

Categorically Exempt from Environmental Review

Response 1: For informational purposes, the proposed project qualifies for a Class 1 and Class 3 categorical exemption.

CEQA Guidelines section 15301(l)(3), or Class 1, provides an exemption from environmental review for the demolition of accessory structures such as garages and carports. The project involves the demolition of an existing 2-car garage structure and thus the demolition is exempt under Class 1. CEQA Guidelines section 15303(a), or Class 3, allows for the construction of up to three single-family residences in an urbanized area. The project involves the construction of one single-family residence and thus the new construction is also exempt under Class 3.

When a lead agency determines that a project fits within a class of exemption, that determination will be upheld if it is supported by substantial evidence. CEQA Guidelines define substantial evidence as “enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached.” The department’s determination is supported by substantial evidence as set forth above.

No Unusual Circumstances

Response 2: None of the exceptions for categorical exemptions apply to the proposed project.
The Appellant raises a variety of impacts that he asserts disqualify the project for a categorical exemption. These include geology and soils, shadow, hazardous materials, aesthetics, air quality, noise, public safety, and biological resources. Each of these topics is addressed in individual responses below. However, for context, this response explains the legal framework established by CEQA and the CEQA Guidelines for exceptions that would defeat a lead agency's ability to issue a categorical exemption.

CEQA Guidelines section 15300.2 identifies exceptions to the applicability of categorical exemptions. When any of the exceptions apply, a project that otherwise fits within a categorical exemption must undergo a higher level of environmental review. None of the exceptions to CEQA's categorical exemptions apply to the proposed project, including the unusual circumstances exception, which is discussed below.

Significant Effect Due to Unusual Circumstances

Pursuant to CEQA, the department applies a two-part analysis to determine whether there is a reasonable possibility of having a significant effect on the environment due to unusual circumstances. The following describes the two-parts, or questions, and their applicability to the project.

Part 1 Question: Do unusual circumstances exist?

Part 1 Answer: There are no unusual circumstances surrounding the project.

The lead agency must determine if unusual circumstances are present. If a lead agency determines that a project does not present unusual circumstances, that determination will be upheld if it is supported by substantial evidence, as defined above.

The circumstances surrounding the project and the project site are not unusual. It is not unusual for a residential development to occur adjacent to a school on a steeply sloped lot in San Francisco. There are approximately 14 public elementary schools in San Francisco that share similar characteristics with the Yick Wo Elementary School, as they are located in residential area on steeply sloping lots.^{1,2}#

The issues alleged by the Appellant do not rise to the level of "unusual circumstances," as similar conditions are encountered throughout San Francisco, as discussed in this appeal response. For the above reasons, the department's determination that unusual circumstances are not present is supported by substantial evidence; the Appellant has not demonstrated otherwise.

Part 2 Question: Would the project result in significant effects due to unusual circumstances?

Part 2 Answer: This question is not applicable, given that no unusual circumstances are present.

¹ The list of 14 elementary schools can be located here: <https://citypln-m-extnl.sfgov.org/SharedLinks.aspx?accesskey=a57baceb37c75dbe237d9d867240af80643ad8e889f282b6be05f3a8b4840a0d&VaultGUID=A4A7DACD-B0DC-4322-BD29-F6F07103C6E0>, accessed August 29, 2023.

² Pursuant to Ordinance No. 121-18: Slope and Seismic Hazard Protection Zone Act (effective 6/23/2018), a steep slope is defined as a property with an average slope that exceeds 25 percent grade.

If the lead agency determines that a project presents unusual circumstances, then the lead agency must determine if a fair argument has been made supported by substantial evidence in the record that the project may result in significant effects.

As stated above, there are no unusual circumstances surrounding the project, so the answer to this question is moot.

For informational purposes, however, even if unusual circumstances were present, the proposed project would not result in a significant effect on the environment. This includes effects addressed in the exceptions to a categorical exemption discussed in this response, as well as the topics discussed in the Responses 3 to 10, below.

Conclusion regarding Exceptions to Categorical Exemption

Considering the above, the proposed project clearly fits within the Class 1 and 3 categorical exemptions and none of the exceptions are triggered. As such, the project is not required to undergo further environmental review. Moreover, since the proposed project qualifies for an exemption, mitigation measures cannot be applied to the project. The Appellant has not demonstrated that the department's CEQA determination for the proposed project is not supported by substantial evidence in the record.

Geology and Soils

Response 3: Construction on steep slopes is common in San Francisco.

The Appellant claims, without evidence, that the project site is not suitable for construction, the project poses a potential hazard to the safety and stability of the adjacent school, and there would be a serious risk of damage from earthquakes, landslides, mudslides, or mudflows.

Even if the project's construction presented unusual circumstances, the Department of Building Inspection (DBI's) building permit review process, discussed below, which includes provisions for construction on hillsides, would ensure the project's structural integrity during construction and operations. Moreover, a geotechnical report prepared for the proposed project concluded that the subject property is suitable for the planned development and provides recommendations for ensuring that construction of the project does not undermine the adjacent properties, including the school.³ The unsubstantiated concerns raised by the Appellant about the existing retaining wall between the school and the project site are unfounded. Consistent with the findings of the geotechnical report, the project architect met with the principal of Yick Wo Alternative Elementary School and has conveyed that the project's proposed retaining wall design would not surcharge⁴ the existing neighboring retaining wall.

The proposed project includes drilled piers that would extend 15 feet below the bottom of the neighboring retaining wall. The weight of the new building would be supported by the drilled piers and any resulting surcharge loads would occur below the bottom of the adjacent retaining wall. Furthermore, some of the soil pressure currently imposed onto the existing retaining wall would bear onto the side of

³ H. Allen Gruen, Geotechnical Engineer, Geotechnical Investigation, Plan Improvements at 939 Lombard Street, San Francisco, California, October 8, 2022

⁴ When a vertical load is imposed onto soil, there is a resulting horizontal load that is also imposed. Typically, this horizontal load is equal to about one-third of the vertical loading (depending on the soil characteristics). This horizontal load is called surcharge.

the new drilled piers. By adding the new piers, the project would unload the existing retaining wall incrementally.⁵

It is important to note both that geology and soils are not among the exceptions to the use of a categorical exemption, and the proposed project would not present unusual circumstances that could cause a significant impact to geology and soils given the prevalence of construction on slopes throughout the city (“a city of 49 hills”). Instead, the proposed project would be consistent with the density, height, and bulk limitations for its designated RM-1 (Residential, Mixed, Low Density) zoning district and its size and construction type would be within the range of structures that predominate in the neighborhood.

Any effects of the project related to geology and soils would be addressed by state and local law. To ensure that the potential for adverse effects related to geology and soils are adequately addressed, San Francisco relies on the state and local regulatory processes for review and approval of building permits pursuant to the California Building Code and the San Francisco Building Code, which is the state building code plus local amendments that supplement the state code, including the building department’s administrative bulletins.

During the building department’s review of the building permit, the building department would review the construction plans for conformance with recommendations in the project-specific geotechnical report. The building permit would be reviewed pursuant to the building department’s implementation of the building code, including administrative bulletins, local implementing procedures such as the building department information sheets, and state laws, regulations, and guidelines to ensure that the proposed project would have no significant impacts related to soils, seismic, or other geological hazards.

In general, if the scope of a proposed project requires a preliminary geotechnical report for environmental review purposes, the planning department reviews this report to understand geotechnical issues and recommendations. Through its building permit review process, DBI requires the sponsor to incorporate such recommendations into the project. For environmental review purposes, department staff confirm that the preliminary geotechnical report finds that the proposed project is feasible either as proposed, or with additional construction requirements recommended by the report preparer. During environmental review, department staff confirm that the project sponsor would incorporate foundation design recommendations (and/or other recommendations) into the project design, upon approval. DBI, during its review of site and building permits (after CEQA review is completed/project approvals are issued), reviews construction documents for conformance with the preliminary and, ultimately, the final geotechnical report.

The geotechnical report prepared for the proposed project confirmed that the project site has a 25 percent slope and concluded that there was no observed evidence of active slope instability at the subject site.^{6,7} Taking the site characteristics into consideration, the geotechnical report made recommendations regarding foundations that could be supported on the site and

⁵ Email communication from the project sponsor, August 22, 2023.

⁶ H. Allen Gruen, Geotechnical Engineer, *Geotechnical Investigation, Plan Improvements at 939 Lombard Street, San Francisco, CA*, October 8, 2022.

⁷ The project site does not lie within a liquefaction potential zone.

recommendations pertaining to retaining walls, temporary slopes and excavation, surface draining, and various other geotechnical issues. Whether or not the project is subject to the Slope and Seismic Hazard Zone Protection Act⁸ (San Francisco Building Code section 106A.4.1.4) would be determined by DBI as part of their building permit review process.

As described in DBI's Information Sheet S19,⁹ the slope conditions at the site *as well as the scope of the project* are used to determine if a project is subject to the Slope and Seismic Hazard Zone Protection Act. If the building department determines a project is subject to this act, the project will require additional geotechnical and structural review, which may include a third-party peer review and/or assignment to a Structural Advisory Committee, as determined by the building department. The three-member Structural Advisory Committee will advise the building department on matters pertaining to the building's design and construction.¹⁰

The site's topography and geology present no unusual circumstances. The slope of the project site (25 percent) is not unusual for San Francisco. By department estimates, approximately 12.8 percent of San Francisco is on slopes of this percent or greater (which works out to be approximately 38.6 percent of parcels where at least a portion includes a slope of 25 percent or more).¹¹ Similarly, the project site is underlain with clayey sand and bedrock which is a common occurrence in San Francisco. Additionally, the project's potential for seismic activity would not comprise an unusual circumstance since San Francisco and the San Francisco Bay Area region are prone to earthquakes. As with all projects, the San Francisco Building Code and the California Building Code appropriately address geotechnical considerations and compliance with the building codes is ensured through DBI's building permit review process.

CEQA caselaw recognizes that it is routine in the development process to rely on these and other regulatory requirements when reviewing a project's impacts under CEQA. Requiring additional environmental review where a project satisfies the requirements for a categorical exemption would be contrary to the City's adopted Housing Element, which calls for the City to practice CEQA in an efficient manner to reduce constraints to housing production.

Shadow

Response 4: The project does not present any unusual circumstances that would give rise to a significant shadow impact.

As discussed above, the project clearly meets the definitions of both a class 1 and class 3 exemption. Shadow impacts is not one of the exceptions that preclude the use of a categorical exemption, nor are they included in the Appendix G checklist of the CEQA Guidelines, which includes a list of environmental factors that lead agencies may consider in preparing an initial study for non-exempt projects. Therefore, shadow impacts are not among the topics that must be considered in assessing a project's eligibility for a categorical exemption. Further, the proposed

⁸ Enacted by Ordinance No. 12118, effective June 23, 2018.

⁹ Department of Building Inspection Information Sheet No. S-19, Properties Subject to the Slope and Seismic Hazard Zone Protection Act (SSPA) Ordinance, October 2, 2018. Available at <https://sfdbi.org/sites/default/files/IS%20S-19.pdf>.

¹⁰ San Francisco Building Code Section 105A.6 establishes and defines the process and requirements for identifying the members of the Structural Advisory Committee. The three committee members must be selected from a list of qualified engineers submitted by the Structural Engineers Association of Northern California and approved by the building department.

¹¹ Mike Wynne, San Francisco Planning Department, personal communication to Tania Sheyner, Planning Department, June 15, 2023.

project would not present unusual circumstances that could cause a significant shadow impact. Specifically, 40-foot-high buildings are common in San Francisco, as are the shadows caused by such buildings.

Pursuant to Planning Code Section 295, the department conducts a shadow impact analysis for any project that would (a) be over 40 feet in height and (b) cast net new shadow on any property under the jurisdiction of the Recreation and Park Commission.¹² The 939 Lombard Street project would not exceed 40 feet in height and, therefore, no shadow impact analysis is required under Planning Code 295.¹³ Additionally, the school playground is not considered public open space as the Yick Wo Alternative Elementary School property is not under the jurisdiction of the Recreation and Park Commission and the school does not participate in the Shared Schoolyard Program.¹⁴

Moreover, most of the city is zoned to allow 40-foot-tall buildings. Section 295 reflects the city's policy that shadows from buildings below the Section 295 applicability threshold of 40 feet are to be tolerated, regardless of where that shadow falls. The Appellant has provided no substantial evidence to support the argument that shadow from the proposed project would be a significant impact on the environment.

The project site and Yick Wo Alternative Elementary School are on adjoining parcels along Lombard Street, on the east-facing slope of Russian Hill. The 900 block of Lombard Street has a steep slope, oriented east. The project site is located directly uphill and west of the approximately 6,000-square-foot schoolyard. There are existing structures (the school, etc.) on the eastern and southern portions of the school site. The nearest off-site structures to the east are about 80 feet from the school, downslope, across Jones Street.

As the sun rises in the east, structures cast their shadows to the west. The schoolyard is likely to be largely unshaded in the morning, with shadow cast from the on-site school district building being the largest source of shade and minimal shade cast from buildings east of Jones Street. Shadows are the smallest around noon when the sun is at its highest point. As the sun descends west in the early afternoon, shadows on the schoolyard are cast by structures uphill and to the west, including the existing 4-story residential building (owned by the Appellant) and the two-car garage structure on the project site (proposed for demolition), and all the existing buildings further west and uphill. As the sun becomes lower in the sky and eventually descends behind Russian Hill, shadows cast to the east, across the schoolyard, become longer. As such, the proposed 4-story (40-foot-tall) building would cast more shadow on a portion of the schoolyard than the existing two-car garage structure on the project site, particularly in the late afternoon.

According to the school's website, the Yick Wo Alternative Elementary School schoolyard is used throughout the school day from morning circle time through multiple recesses and gym classes; it is also used for afterschool programming. The elementary school opens at 9:00 am, playground supervision begins at 9:10 am, and school begins for all grades at 9:30 am. Kindergarten dismissal is at 3:20

¹² San Francisco Planning Code, Section 295. Height Restrictions on Structures Shadowing Property Under the Jurisdiction of the Recreation and Park Commission, https://codelibrary.amlegal.com/codes/san_francisco/latest/sf_planning/0-0-0-21861.

¹³ The 40-foot height threshold is calculated based on the measurement from the curb level at the centerline of the building to the finished roof, per Planning Code Section 260.

¹⁴ The Shared Schoolyard Program increases public space for San Francisco families to get out into the community on weekends in this post-pandemic recovery time by opening the schoolyard gates for public use. [Shared Schoolyard Program | SFUSD](#).

pm, while dismissal for 1st through 5th grades is at 3:30 pm. Afterschool programming is from 3:30 to 6:30pm.

Based on the current school programming and the uphill orientation of the project site to schoolyard, the area of shadow from the proposed project would quickly increase from the time school is dismissed through the end of afterschool programming. Based on the project sponsor's conversations with the school principal, there is no evidence to suggest that this additional shadow would substantially disrupt or alter the school's outdoor afternoon programming.

Please see Response 6 for the consideration of aesthetics and visual quality impacts.

Hazardous Materials

Response 5: The proposed project does not present any unusual circumstances that would give rise to a significant impact related to hazardous materials.

A categorical exemption may not be issued for a proposed project on a project site that is listed on the Cortese List (Government Code section 65962.5), which consists of a series of lists or databases maintained by state regulatory agencies containing information about contaminated properties.¹⁵ Here, the project site is not included on such a list and thus this exception does not apply to the project. There are no other exceptions related to hazardous materials related to the project site, and the Appellant has provided no substantial evidence to support the argument that hazardous materials could result in a significant impact on the environment resulting from an unusual circumstance of the project.

The Appellant states that "children can suffer from IQ mental retardation due to lead poisoning" but does not provide any substantial evidence indicating how the project could result in potential lead poisoning. The Appellant also states that there is a building materials shortage worldwide which could cause delay and create "bad fumes and traps" if the construction site is left empty. Again, the Appellant provides no evidence to support this speculative claim.

The existing garage that is proposed for demolition was constructed in 1999. Since the existing garage was constructed after 1980, it is unlikely that the project would release lead-based paint into the environment.¹⁶ Nonetheless, project demolition would be subject to the Cal OSHA Lead in Construction Standard (8 CCR Section 1532.1). This standard requires development and implementation of a lead compliance plan when materials containing lead would be disturbed during construction. The plan must describe activities that could emit lead, methods that will be used to comply with the standard, safe work practices, and a plan to protect workers from exposure to lead during construction activities. Compliance with these regulations would ensure the proposed project would not result in significant impacts from a potential release of lead.

Additionally, the proposed project is not subject to San Francisco Health Code Chapter 22A (the Maher Ordinance, or Maher program) as the project site is not located in the Maher area. The project would result in less than 50 cubic yards of soil disturbance, and based on a review of historic Sanborn maps, the project site has always been residential.

¹⁵ <https://calepa.ca.gov/sitecleanup/corteselist/Background/>

¹⁶ The U.S. Consumer Product Safety Commission banned lead paint in 1977 in residential properties and public buildings (16 CFR 1303).

In summary, the proposed project would not result in unusual circumstances or a significant hazard to the public or the environment involving the release of hazardous materials into the environment. Project mitigation would not be required. The Appellant has not met the legal burden of proof to successfully challenge this determination.

Aesthetics

Response 6: The aesthetic impacts of this project shall not be considered to be significant impacts on the environment pursuant to CEQA.

The Appellant provides an opinion that the project would result in potential negative impacts on the overall character and livability of the neighborhood, that the project does not align with the scale and architectural style of the surrounding area; and that the project would create an eyesore that would negatively affect the aesthetics of the neighborhood.

In accordance with CEQA section 21099 – Modernization of Transportation Analysis for Transit Oriented Projects – aesthetics and parking shall not be considered in determining if a project has the potential to result in significant environmental effects, provided the project meets the following three criteria: a) the project is in a transit priority area; b) the project is on an infill site; and c) the project is residential, mixed-use residential, or an employment center. The proposed project meets each of the above three criteria and thus, the CEQA analysis should not consider aesthetics or parking in determining the significance of project impacts under CEQA. Furthermore, per CEQA case law, even when aesthetics must be considered, “community character” itself is not a physical environmental effect.¹⁷

For informational purposes, the proposed project is consistent with the Planning Code and the Residential Design Guidelines. Forty feet is the principally permitted height limit, and the project is consistent with the character and scale of the neighborhood. The subject property and all the nearby properties are subject to a 40-foot height limit. The immediately adjacent property to the west (the Appellant’s property) is also 40 feet tall and includes a rooftop penthouse. The proposed project is consistent with the scale and design of other buildings in the vicinity. The proposed project is appropriate for the mixed character of the block and the proposed scale of the proposed building matches the massing of the Appellant’s property next door at 949-953 Lombard Street and is appropriate for the range of three- to four-story buildings in the vicinity. On the subject block of Lombard Street, properties also range from three to four stories.

Please see Response 3 for the consideration of shadow impacts.

Air Quality

Response 7: The project does not present any unusual circumstances that would give rise to a significant air quality impact during project construction or operations.

CEQA does not require that the department consider whether significant air quality impacts in general would occur when issuing a Class 1 or 3 categorical exemption, as air quality by itself is not an exception to the use of a categorical exemption. Further, there is nothing unusual about the project that would give rise

¹⁷ Preserve Poway v. City of Poway, 245 Cal.App.4th 560.

to a potential significant air quality impact. Thus, the following discussion of air quality is provided for informational purposes.

The Appellant makes unsubstantiated claims that the project's construction dust and fumes would impact the school. The proposed project's construction would be subject to the Dust Control Ordinance (Article 22B of the Health Code). The intent of the dust control ordinance is to reduce the quantity of fugitive dust generated during site preparation, demolition, and construction work to protect the health of the general public and of construction workers, minimize public nuisance complaints, and to avoid orders to stop work in response to dust complaints. Project-related construction activities would result in construction dust, primarily from ground-disturbing activities. In compliance with the dust control ordinance, the project sponsor and contractor responsible for construction activities at the project site would be required to control construction dust on the site through a combination of watering disturbed areas, covering stockpiled materials, street and sidewalk sweeping, and other measures. The regulations and procedures set forth by the San Francisco Dust Control Ordinance would ensure that construction dust impacts would not be significant. Compliance with the dust control ordinance would ensure that the proposed project would not result in substantial amounts of fugitive dust, including particulate matter, during construction activities.

Additionally, the project site is not located within an air pollutant exposure zone and would not add new stationary sources of toxic air contaminants. In particular, the project would not involve construction over 75 feet in height; as such, no backup generators would be required.

In summary, the proposed project would not result in unusual circumstances that could give rise to a significant air quality impact. Project mitigation would not be required. The Appellant has not met the legal burden of proof to successfully challenge this determination.

Noise

Response 8: For informational purposes, the project would not result in any significant noise impacts during project construction or operations.

CEQA does not require that the department consider whether significant noise impacts in general would occur when issuing a Class 1 or 3 categorical exemption, as noise by itself is not an exception to the use of a categorical exemption. Further, there is nothing unusual about the project that would give rise to a potential significant noise impact. Thus, the following discussion of the project's noise impacts is provided for informational purposes.

The Appellant states that the project's construction noise would impact students and makes unsubstantiated claims that the school would not be able to function at full capacity due to construction activities. It is true that project construction could be perceived as an annoyance to the students and teachers of the school, as well as to immediate adjacent neighborhoods. But construction noise from construction of an infill single-family residential home in the urban setting of San Francisco would not constitute an unusual circumstance, and even if it were, this noise would not be significant.

The proposed project would involve demolition of a 512-square-foot parking structure on-site and

construction of a four-story residence with no underground levels. The proposed building would be supported by a spread footing foundation with drilled piers along the east property line. The project would require limited excavation as the project proposes approximately 35 cubic yards of excavation. Construction of the proposed project would be temporary in nature, with a limited duration of 12 months, and would not include pile driving or an excessive amount of excavation.

The proposed project would use typical construction equipment that would be regulated by Article 29 of the Police Code (section 2907, Construction Equipment). No impact pile driving or nighttime construction is required. Construction vibration would not be anticipated to affect adjacent structures. The proposed project would not generate sufficient vehicle trips to noticeably increase ambient noise levels, and the project's fixed noise sources, such as heating, ventilation, and air conditioning systems, would be subject to noise limits in Article 29 of the Police Code (section 2909, Noise Limits).

In summary, the proposed project would not result in unusual circumstances or a significant noise impact on adjacent properties, including the school. Project mitigation would not be required. The Appellant has not met the legal burden of proof to successfully challenge this determination.

Public Safety

Response 9: For informational purposes, the proposed project would not result in a significant environmental impact related to public safety.

CEQA does not require that the department consider whether significant impacts associated with public safety in general would occur when issuing a Class 1 or 3 categorical exemption, as public safety by itself is not an exception to the use of a categorical exemption. Further, there is nothing unusual about the project that would give rise to a potential significant public safety impact. Thus, the following discussion of public safety is provided for informational purposes.

The Appellant makes unsubstantiated claims stating that large project delivery trucks could create unsafe and hazardous conditions for parents and students at the elementary school, as well as for tourists that are visiting the famed section of Lombard Street (which is located about 290 feet away). There is no evidence that the project would introduce a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses, present potentially hazardous traffic conditions or accessibility impacts. Yick Wo Alternative Elementary School has approximately 200 feet of passenger loading space on Jones Street in front of the school; there are no passenger loading zones on Lombard Street near the project site. In summary, the project would not impact the school's loading operations.

The project would be subject to the San Francisco Municipal Transportation Agency (SFMTA's) Regulations for Working in San Francisco Streets (the blue book). The blue book establishes rules and guidance so that construction work can be done safely and with the least possible interference with pedestrian, bicycle, transit, and vehicular traffic. Prior to construction of the proposed project, the project sponsor and construction contractor(s) would be required to meet with SFMTA and public works staff to develop and review the project's construction plans in preparation for obtaining relevant construction permits. In addition, the project would be subject to San Francisco Public Works Code section 724, which addresses temporary occupation of the public right-of-way. Section 724 requires, among other things,

that the project contractor provide a minimum clear width of four feet to provide a continuous pedestrian access route.

Because the project would be required to comply with these applicable regulatory requirements, the project would not create potentially hazardous conditions for people walking, bicycling, driving, or public transit operations, and there are no unusual circumstances related to the proposed or project site. The Appellant has not met the legal burden of proof to successfully challenge this determination.

Biological Resources

Response 10: For informational purposes, the proposed project would not result in a significant environmental impact related to biological resources.

CEQA does not require that the department consider whether significant impacts associated with biological resources in general would occur when issuing a Class 1 or Class 3 categorical exemption, as biological resources by itself is not an exception to the use of a categorical exemption. Further, there is nothing unusual about the project that would give rise to a potential significant impact on biological resources. Thus, the following discussion of the project's impacts on biological resources is provided for informational purposes.

The Appellant speculates that the proposed project would have the potential to impact the city's wild parrots, raccoons and coyotes, and that the project's removal of trees in the rear yard would be detrimental to the local ecosystem.

The project site, which contains a residential structure in the rear and an accessory parking structure in the front with seven trees in the rear yard, is located within a developed urban area. The project site has no significant riparian corridors, estuaries, marshes, wetlands, or any other potential wildlife habitat that might contain endangered, rare or threatened species. Thus, the project site has no value as habitat for rare, threatened, or endangered species.

The Urban Forestry Ordinance requires a permit from Public Works to remove any protected trees (landmark¹⁸, significant¹⁹, and street trees²⁰). The proposed project, however, does not involve the removal of a protected tree. There are no landmark or significant trees on the project site and the proposed project would retain the existing street tree in front of the project site. The project would remove five trees that are located in the rear yard. The removal of trees and other vegetation growing on private property is not an unusual circumstance for projects in San Francisco. The removal of trees on private property is a daily occurrence in San Francisco and is not considered an unusual circumstance.

18 A landmark tree is designated by the board of supervisors following nomination of a tree by the urban forestry council. The urban forestry council determines whether a nominated tree meets the qualification for landmark designation by using established criteria set forth in section 810(f)(4)(A)-(E) of the public works code. Special permits are required to remove a landmark tree.

19 A significant tree is defined either on property under the jurisdiction of public works, or on privately-owned property with any portion of its trunk within 10 feet of the public right-of-way and that satisfies at least one of the following criteria: (a) diameter at breast height in excess of 12 inches, (b) a height in excess of 20 feet, or (c) a canopy in excess of 15 feet²⁹ The director of public works may authorize removal of a significant tree.

20 Street trees are trees within the public right-of-way or on land within the jurisdiction of public works. Their removal by abutting property owners requires a permit (section 806(b)(3)).

In summary, the proposed project would not result in unusual circumstances or a significant impact on biological resources. Project mitigation would not be required. The Appellant has not met the legal burden of proof to successfully challenge this determination.

Compliance with Regulations

Response 11: The issuance of the CEQA categorical exemption determination compiled with the CEQA Guidelines and Chapter 31 of the San Francisco Administrative Code.

The Appellant lists several legal citations but does not provide evidence that the planning department's issuance of the categorical exemption violated any regulation. The Appellant further states the project violates the planning code which is factually incorrect as the proposed project is code-complying. The Appellant also states that the project violates the building code, but again does not provide any evidence to support that claim.

The Appellant states that the CEQA exemption determination process lacked public participation. Per the CEQA Guidelines and Chapter 31, a lead agency is not required to notify the public prior to issuance when a project qualifies for class 1 and class 3 categorical exemption. Instead, as required by Chapter 31, the categorical exemption determination for the 939 Lombard Street project was posted on the planning department website upon issuance. Additionally, as part of the permit review process, the planning department mailed out a Section 311 notice to the neighborhood which informed the public that the project qualified for a categorical exemption and a subsequent discretionary review hearing took place at the planning commission on June 29, 2023. The issuance of the CEQA determination for the 939 Lombard Street project compiled with the CEQA Guidelines and Chapter 31.

Conclusion

The department has determined, based on substantial evidence in the record, that the proposed project is categorically exempt from environmental review under CEQA on the basis that: (1) the project meets the definition of one or more of the classes of projects that the Secretary of Resources has found do not have a significant effect on the environment, and (2) none of the exceptions specified in CEQA Guidelines section 15300.2 prohibiting the use of a categorical exemption are applicable to the project. Specifically, as documented above, the Class 1 and Class 3 categorical exemption was appropriately issued because the proposed project would demolish an accessory parking structure and construct a single-family residence. In addition, there are no unusual circumstances that would exclude the project from qualifying from a categorical exemption and no mitigation measures are required under CEQA.

The Appellant has not met the legal burden of proof to demonstrate that the project does not qualify for a Class 1 and Class 3 categorical exemption. The department therefore respectfully recommends that the board uphold the CEQA categorical exemption determination and deny the appeal of the CEQA determination.

EXHIBIT F

1 [Affirming the Categorical Exemption Determination - 939 Lombard Street]

2
3 **Motion affirming the determination by the Planning Department that the proposed**
4 **project at 939 Lombard Street is categorically exempt from further environmental**
5 **review.**

6
7 WHEREAS, On April 19, 2023, the Planning Department issued a CEQA Categorical
8 Exemption Determination for the proposed project located at 939 Lombard Street ("Project")
9 under the California Environmental Quality Act ("CEQA"), the CEQA Guidelines, and San
10 Francisco Administrative Code, Chapter 31; and

11 WHEREAS, The project site is a 3,781-square-foot parcel located on the south side of
12 Lombard Street between Jones and Leavenworth streets in the Russian Hill neighborhood;
13 the project site is occupied by an existing three-story, single-family residence (constructed in
14 1908) that is approximately 2,844 square feet in size at the rear of the lot and an existing
15 approximately 12-foot-tall, 512-square-foot, two-car parking structure (constructed in 1999)
16 located at the front of the project site; immediately east of the project site is the Yick Wo
17 Alternative Elementary School playground that is approximately 13 feet lower in elevation than
18 the project site; the change in elevation between the project site and the playground is
19 supported by a retaining wall ranging between 6 to 10 feet that extends the length of the
20 schoolyard; the subject block of Lombard Street consists predominantly of three-story over
21 basement multi-unit residential buildings; the project site is located approximately 290 feet
22 downhill from the famed winding section of Lombard Street, where three to four story single
23 family homes are common; and

1 WHEREAS, The Project proposes to demolish the parking structure at the front of the
2 lot and construct a new 40-foot-tall, 4,828-gross-square-foot, single-family dwelling with four
3 bedrooms and two off-street parking spaces at the ground-floor level; the Project includes a 5-
4 foot setback from the east property line for the entire fourth floor; the Project would remove
5 approximately five trees from the rear yard and would retain three trees, including the street
6 tree in front of the project site; the Project would provide a Planning Code-compliant rear yard
7 (equal to 25 percent of the depth of the lot) between the proposed home and the existing
8 house at the rear of the property; the proposed roof would include a 5-foot-wide “green”
9 landscaped area along the eastern building wall with a deck located towards the center of the
10 roof; the proposed buildings would be supported on spread footings with drilled piers along
11 the east property line; the Project would require approximately 36 cubic yards of excavation to
12 a depth of approximately three feet below ground surface; construction is expected to last
13 approximately 12 months; and

14 WHEREAS, Pursuant to Article 19 of the CEQA Guidelines (California Code of
15 Regulations, Title 14, Division 6, Chapter 3, Article 19, Sections 15300-15333), on April 19,
16 2023 the Planning Department found that the proposed Project is exempt from the California
17 Environmental Quality Act (CEQA) as a Class 1 and Class 3 categorical exemption
18 (“exemption determination”); and

19 WHEREAS, On June 29, 2023, the San Francisco Planning Commission (hereinafter
20 “Commission”) conducted a duly noticed public hearing at a regularly scheduled meeting on
21 Discretionary Review Application 2021-007262DRP-02, declined to take Discretionary Review
22 and approved the Project; and

23 WHEREAS, On July 28, 2023, Martin Lee Eng (“Appellant”) filed an appeal with the
24 Office of the Clerk of the Board of Supervisors of the exemption determination; and
25

1 WHEREAS, By memorandum to the Clerk of the Board dated August 4, 2023, the
2 Planning Department's Environmental Review Officer determined that the appeal was timely
3 filed; and

4 WHEREAS, On September 12, 2023, this Board held a duly noticed public hearing to
5 consider the appeal of the exemption determination filed by Appellant; and

6 WHEREAS, In reviewing the appeal of the exemption determination, this Board
7 reviewed and considered the exemption determination, the appeal letter, the responses to the
8 appeal documents that the Planning Department prepared, the other written records before
9 the Board of Supervisors and all of the public testimony made in support of and opposed to
10 the exemption determination appeal; and

11 WHEREAS, Following the conclusion of the public hearing, the Board of Supervisors
12 affirmed the exemption determination for the Project based on the written record before the
13 Board of Supervisors as well as all of the testimony at the public hearing in support of and
14 opposed to the appeal; and

15 WHEREAS, The written record and oral testimony in support of and opposed to the
16 appeal and the oral and written testimony at the public hearing before the Board of
17 Supervisors by all parties and the public in support of and opposed to the appeal of the
18 exemption determination, including the deliberations by the members of the Board, is in the
19 Clerk of the Board of Supervisors File No. 230886, and is incorporated in this motion as
20 though set forth in its entirety; now, therefore, be it

21 MOVED, That the Board of Supervisors hereby adopts as its own and incorporates by
22 reference in this motion, as though fully set forth, the exemption determination; and, be it

23 FURTHER MOVED, That the Board of Supervisors finds that based on the whole
24 record before it there are no substantial project changes, no substantial changes in project
25 circumstances, and no new information of substantial importance that would change the

1 conclusions set forth in the exemption determination by the Planning Department that the
2 Project is exempt from environmental review; and, be it

3 FURTHER MOVED, That after carefully considering the appeal of the exemption
4 determination, including the written information submitted to the Board of Supervisors and the
5 public testimony presented to the Board of Supervisors at the hearing on the exemption
6 determination, this Board concludes that the Project qualifies for an exemption determination
7 under CEQA.

8
9 n:\land\as2019\1900434\01703346.docx



City and County of San Francisco

Tails

Motion: M23-122

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 230887

Date Passed: September 12, 2023

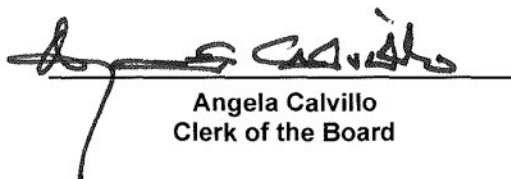
Motion affirming the determination by the Planning Department that the proposed project at 939 Lombard Street is categorically exempt from environmental review.

September 12, 2023 Board of Supervisors - APPROVED

Ayes: 11 - Chan, Dorsey, Engardio, Mandelman, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton

File No. 230887

I hereby certify that the foregoing Motion was APPROVED on 9/12/2023 by the Board of Supervisors of the City and County of San Francisco.



Angela Calvillo
Clerk of the Board