



SAN FRANCISCO PLANNING DEPARTMENT

Discretionary Review Full Analysis

HEARING DATE: SEPTEMBER 22, 2011

Date: September 15, 2011
Case No.: 2010.1104D
Project Address: 124 – 128 Fillmore Street
Permit Application: 2009.06.22.0907
Zoning: RTO (Residential Transit Oriented)
40-X Height and Bulk District
Block/Lot: 0868/021
Project Sponsor: David Nale, represented by Brett Gladstone
124 Fillmore Street
San Francisco, CA 94117
Staff Contact: Sara Vellve – (415) 588-6263
Sara.Vellve@sfgov.org
Recommendation: **Do not take DR and approve as proposed**

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

PROJECT DESCRIPTION

The subject permit application is to change the building's use from three residential units to group housing, both residential/housing uses listed under Planning Code Section 209. Pursuant to Planning Code Section 209.2(6), group housing is permitted "as-of-right" in the RTO (Residential, Transit Oriented) zoning district. In addition, a stair penthouse leading to new roof deck and mechanical rooms would be constructed on the roof.

The proposed group housing use would contain up to 15 bedrooms, 14 with queen beds and one with a double bed for an overall permitted occupancy of 30 people. The three existing kitchens would remain intact and useable by occupants. In general, the overall interior layout of the building would be unchanged and existing building entrances would remain. Pursuant to Planning Code Section 209.2(a), the length of group housing tenancy must be for a week or more. Other than the rooftop features discussed below, exterior alterations to the building are not proposed. The proposed stair penthouse would be located at the rear of the building on the Germania Street frontage. The proposed mechanical unit, approximately 8 feet high, 22 feet long and 14 feet wide, would be located along the interior south property line and contain water heaters and HVAC units.

SITE DESCRIPTION AND PRESENT USE

The site is located at the southeast corner of Fillmore and Germania Street in the Duboce Triangle/Lower Haight neighborhood. The circa 1902 three-story building fronts on Fillmore Street and covers approximately 85% of the lot area. The subject building is considered a historic resource as it is listed in the California Register and the Department's 1976 survey.

In 2007, the Planning Department received a complaint that the property was operating as a boarding house/tourist hotel. The building is currently being operated as group housing with tenancies of a week or more while the permitted use is a three-unit building. The subject permit is to address the conflict in use.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The adjacent property to the south contains three dwelling units and the adjacent property to the east contains two dwelling units. The neighborhood contains a broad mix of residential densities from one dwelling unit per lot to six dwelling units per lot. The area was rezoned from RH-3 to RTO under the Market and Octavia zoning amendments. Lots north of Germania Street fronting Fillmore Street are zoned NC-1, but generally contain residential uses. Duboce Park is located one block west of the site.

BUILDING PERMIT APPLICATION NOTIFICATION

TYPE	REQUIRED PERIOD	NOTIFICATION DATES	DR FILE DATE	DR HEARING DATE	FILING TO HEARING TIME
311/312 Notice	30 days	11/02/2010 to 12/02/2010	12/01/2010	09/22/2011 (2 continuances)	+/- 280 days

HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Posted Notice	10 days	September 12, 2011	September 12, 2011	10 days
Mailed Notice	10 days	September 12, 2011	September 12, 2011	10 days

PUBLIC COMMENT

	SUPPORT	OPPOSED	NO POSITION
Adjacent neighbor(s)	-	4	-
Other neighbors on the block or directly across the street	-	Numerous	-
Neighborhood groups	-	1	-

The request for Discretionary Review was accompanied by a petition signed by approximately 75 neighborhood residents. Those in opposition to the proposal indicate that they generally do not oppose group housing as a use, but the manner in which the property owner conducts the operations and how he originally established the use.

DR REQUESTOR

Jimmy Terrell, 149 Fillmore Street, resides across Fillmore Street from the subject property and four lots north close to Waller Street. Mr. Terrell filed DR on behalf of the Lower Haight Merchants & Neighbors Association (LoHaMNA).

DR REQUESTOR'S CONCERNS AND PROPOSED ALTERNATIVES

Issue #1: The sponsor's inability to manage the property in terms of occupant behavior and his response in addressing neighborhood concerns. (The Planning Department understands that neighbors attempted to contact the property owner about a tenant disturbance and raw sewage spill, and he was not available to address their immediate concerns.)

Issue #2: That previous residential occupants were evicted in order to establish a tourist hotel in 2005 before gaining the required entitlements.

Issue #3: The proposed rooftop deck, water heaters and HVAC units would create noise (parties), and light issues for the immediate neighbors.

Proposed Alternative: The DR requestor, neighborhood association and residents would like the application for group housing to be denied and the building use reverted back to three residential dwelling units per Planning Code Section 209.1(e) with occupancy of approximately 28 days or more.

PROJECT SPONSOR'S RESPONSE

At the time the Planning Department's submittal was assembled, the Department had not received a response from the sponsor on which to comment. Their *Response to Discretionary Review* is an attached document.

PROJECT ANALYSIS

Responses to DR Concerns:

Issue #1: The subject permit is to address a change of use that occurred without the required Planning Code procedure. To the Planning Department's knowledge, there is not an acute history of Building Code violations, or fire or police activity on the site.

Issue #2: Based on two emails from previous tenants, provided by the DR Requestor, the sponsor evicted them and indicated that his family members would occupy the building. The tenants admit to being late in rent payments. The Planning Department is not aware that family members reside in the building. The sponsor has provided evidence from the Residential Rent Stabilization and Arbitration Board that an Ellis Act eviction did not take place on the site between January 1, 1997 and December 15, 2010. The subject building was constructed in approximately 1902 and is subject to rent control.

Issue #3: The sponsor has indicated that he is willing to soundproof the mechanical penthouses to address the neighborhood's concerns about noise from the HVAC units. The sponsor has proposed an exterior stair to the roof in the shared lightwell area to the south. The mechanical penthouse has been set back from the adjacent neighbor's lightwell. Originally, the proposal included two mechanical

penthouses and the sponsor has consolidated them into one. The proposed roof deck is set back no less than five feet from each building wall. The sponsor attempted to enter into a Memorandum of Understanding with the DR requestor to address noise and nuisance concerns. The roof deck is proposed to provide required open space for group housing.

Planning Department involvement with the property began in 2005 when the sponsor applied for a Variance (2005.0228V) to locate a 3-car garage in the property's required rear yard. The Variance was approved and not appealed. The accompanying Building Permit Application (BPA), 2005.06.17.5347 to construct the garage, was appealed and overturned at the Board of Appeals (BOA) in 2008 on the basis that the sponsor was admittedly operating a tourist hotel (without the Planning Department's knowledge) while the BPA indicated the building contained, and would continue to contain, three residential dwellings. The BOA found that conversion of use without the appropriate process (Conditional Use authorization for a tourist hotel) is contrary to Planning Code Section 175, which requires appropriate process for all permits approved by the Planning Department.

Former tenants have indicated that the premises were used for occupants staying for less than a week, which is considered a tourist hotel per Planning Code Section 209.2(d). Tourist hotels with up to five rooms or suites are not permitted in the RTO (Residential, Transit Oriented) zoning district without Conditional Use authorization. Tourist hotels with six or more guest rooms or suites are not permitted in the RTO zoning district. During the 2008 Board of Appeals case, the project sponsor admitted to operating a tourist hotel. The proposed group housing use would contain up to 15 individual bedrooms.

Two violations currently exist on the property; one with the Planning Department for the building's use, and one with the Department of Public Works (DPW) regarding landscaping in the Fillmore Street right-of-way. The subject permit will address the building's use and as of Monday, September 13, 2011 the DPW violation has been addressed.

The sponsor has indicated he presently uses the property's required rear yard as off-street parking for one car to accommodate a medical disability. In order to access the parking, a curb cut has been established on Germania Street. The curb cut was incorporated into the garage permit revoked by the BOA. The garage Variance remains in effect and the sponsor has indicated he plans to construct the garage after the subject permit is resolved. The sponsor's website advertising the premises indicates that a parking space behind the building is available for rent (see attachments).

The sponsor has submitted eight letters in support of the proposal from people residing in the building as group housing occupants. Based on these letters, it appears that the duration and type of tenancy provided by the proposal is desirable to a particular population who wish to find residential facilities that offer an alternative to hotels and residential leases for a duration of more than a week.

Under Per Planning Code Sections 209.2(d) and 303, Conditional Use authorization could be granted to establish a hotel, inn or hostel containing no more than five rooms without individual cooking facilities in the RTO zoning district.

The DR requestor's submittal provides information that the premises were advertised on a nightly basis as recently as August, 2011. While the property has been removed from 1stChoiceVacation Rentals.com,

the Department was under the belief that the sponsor understood that nightly rentals were considered a tourist hotel and not permitted without Conditional Use approval.

Overall, the Department has concerns about the proposal, but recognizes the value in providing a diverse choice in shelter opportunities.

- That the proposed group housing use appears to be a quasi-tourist hotel use which the Department believes poses a larger policy question with regard to vacation rental properties that are available on a nightly basis. The sponsor has developed an independent web site advertising the business (sample pages are attached). Planning Code Section 790.88 indicates that group housing is supposed to serve residents of San Francisco for a minimum of one week, which could be difficult to enforce.
- It should be recognized that group housing occupants will patronize neighborhood-serving retail uses and (based on letters of support) are sometimes employees of San Francisco businesses and organizations. Tourist hotels are subject to local taxes.
- The project may set a precedent for group housing to be used to accommodate vacation rentals on a nightly basis, which constitutes a tourist hotel.

ENVIRONMENTAL REVIEW

The Department has determined that the proposed project is exempt from environmental review, pursuant to CEQA Guideline Sections 15301(1)(4) and 15303(a).

RESIDENTIAL DESIGN TEAM REVIEW (RDT)

The project sponsor complied with the RDT's request to create an exterior staircase on the south property line, reduce the bulk of the stair penthouse fronting Germania Street, and reduce the mechanical penthouse height to eight feet.

Under the Commission's pending DR Reform Legislation, this project would not be referred to the Commission, as this project involves a change in use within Planning Code Section 209 and a stair penthouse.

BASIS FOR RECOMMENDATION

- The Department supports the group housing use *IF* it is operated as such. The Department has concerns about the past operation of the site as a tourist hotel.

RECOMMENDATION: Do not take DR and approve the project as proposed.

Attachments:

Block Book Map
Sanborn Map
Zoning Map

Aerial Photographs

Context Photos

Section 311 Notice

DR Application

Letters of support and opposition

Printouts of welcomhomehomerentalproperties.com used to advertise the premises

Response to DR Application dated September 15, 2011

Reduced Plans

Design Review Checklist

NEIGHBORHOOD CHARACTER (PAGES 7-10)

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

Comments: The proposal includes construction of a stair penthouse and roof deck.

SITE DESIGN (PAGES 11 - 21)

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

Comments: The proposal has been modified to include an exterior stair rather than an enclosed penthouse in a shared lightwell.

BUILDING SCALE AND FORM (PAGES 23 - 30)

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

Comments: None.

ARCHITECTURAL FEATURES (PAGES 31 - 41)

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

Are the parapets compatible with the overall building proportions and other building elements?			X
Are the dormers compatible with the architectural character of surrounding buildings?			X
Are the windscreens designed to minimize impacts on the building's design and on light to adjacent buildings?			X

Comments: The proposal originally included two stair penthouses to provide access to a roof deck. The deck is proposed to comply with the open space requirement for group housing. One stair penthouse has been eliminated by changing it to an open stairway. The second stair penthouse was modified to follow the slope of the stair inside.

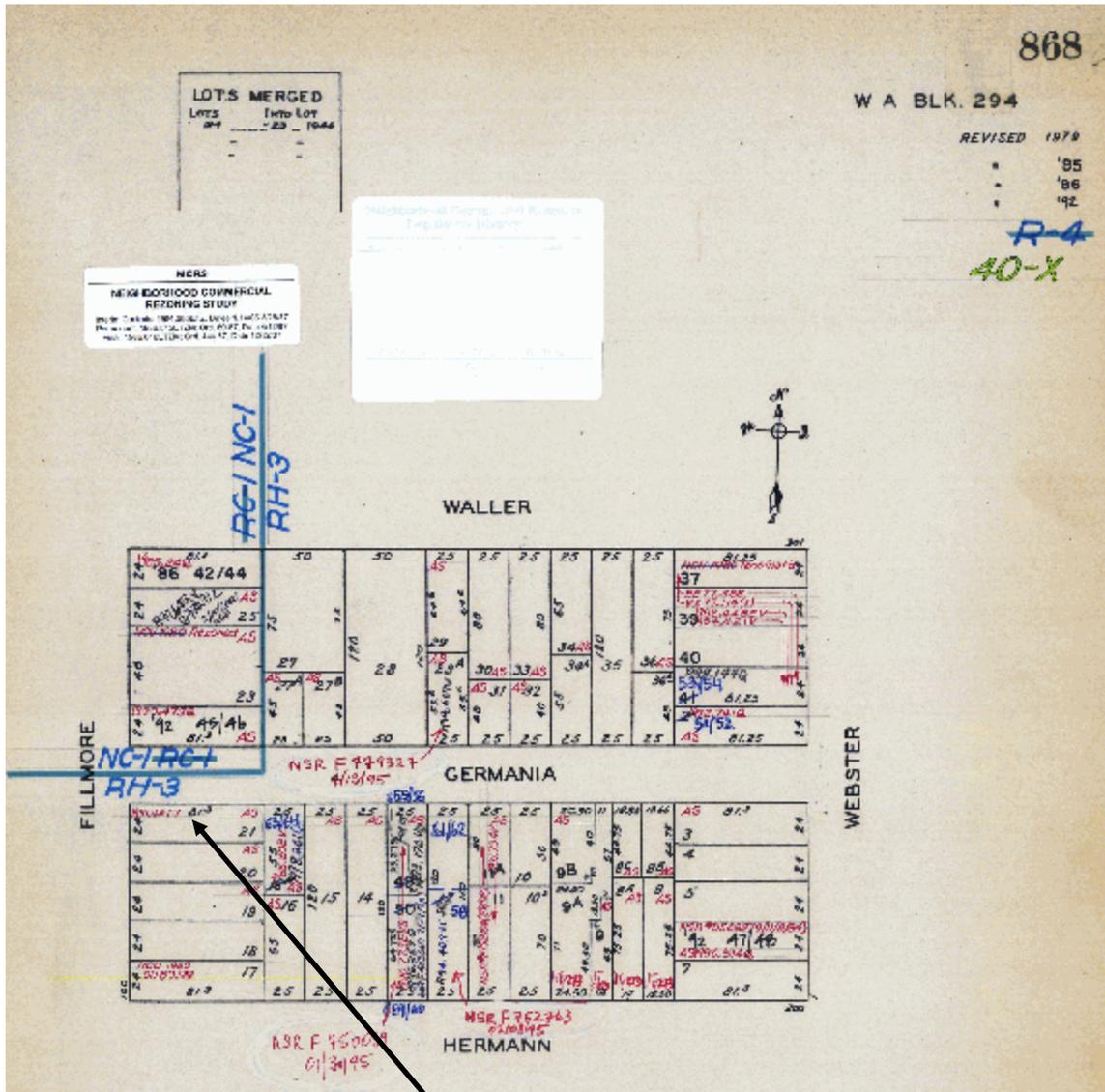
BUILDING DETAILS (PAGES 43 - 48)

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

Comments: None.

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Parcel Map



SUBJECT PROPERTY



Discretionary Review Hearing
Case Number 2010.1104D
124 - 128 Fillmore Street

Sanborn Map*

DR REQUESTOR'S
PROPERTY



SUBJECT PROPERTY

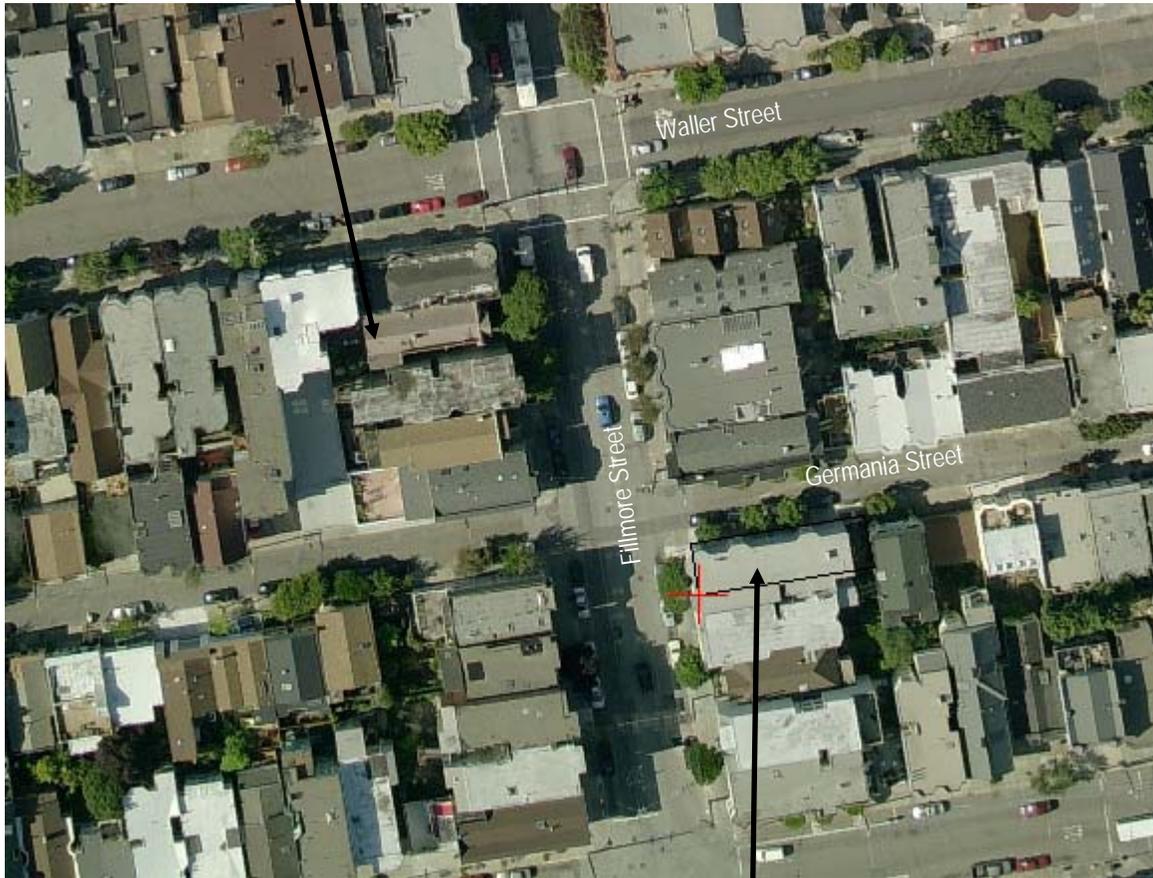
**The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.*



Discretionary Review Hearing
Case Number 2010.1104D
124 – 128 Fillmore Street

Aerial Photo

DR REQUESTOR'S
PROPERTY



SUBJECT PROPERTY



Discretionary Review Hearing
Case Number 2010.1104D
124 – 128 Fillmore Street

Zoning Map



SUBJECT PROPERTY



Discretionary Review Hearing
Case Number 2010.1104D
124 – 128 Fillmore Street

Site Photo



Subject Property as seen from Fillmore Street.



Subject Property as seen from Germania Street.

Discretionary Review Hearing
Case Number 2010.1104D
124 – 128 Fillmore Street



SAN FRANCISCO PLANNING DEPARTMENT

NOTICE OF BUILDING PERMIT APPLICATION (SECTION 312)

On June 22, 2009 the Applicant named below filed Building Permit Application No. 2009.06.22.0907 (Alteration) with the City and County of San Francisco.

CONTACT INFORMATION		PROJECT SITE INFORMATION	
Applicant:	David Nale	Project Address:	124 – 128 Fillmore Street
Address:	124 – 128 Fillmore Street	Cross Streets:	Germania/Hermann
City, State:	San Francisco, CA 94117	Assessor's Block /Lot No.:	0868/021
Telephone:	(415) 265-3496	Zoning Districts:	RTO/40-X

Under San Francisco Planning Code Section 312, you, as a property owner or resident within 150 feet of this proposed project, are being notified of this Building Permit Application. You are not obligated to take any action. For more information regarding the proposed work, or to express concerns about the project, please contact the Applicant above or the Planner named below as soon as possible. If your concerns are unresolved, you can request the Planning Commission to use its discretionary powers to review this application at a public hearing. Applications requesting a Discretionary Review hearing must be filed during the 30-day review period, prior to the close of business on the Expiration Date shown below, or the next business day if that date is on a week-end or a legal holiday. If no Requests for Discretionary Review are filed, this project will be approved by the Planning Department after the Expiration Date.

PROJECT SCOPE		
<input type="checkbox"/> DEMOLITION	and/or	<input type="checkbox"/> NEW CONSTRUCTION or <input checked="" type="checkbox"/> ALTERATION
<input checked="" type="checkbox"/> VERTICAL EXTENSION		<input checked="" type="checkbox"/> CHANGE OF USE <input type="checkbox"/> FACADE ALTERATION(S)
<input type="checkbox"/> HORIZ. EXTENSION (FRONT)		<input type="checkbox"/> HORIZ. EXTENSION (SIDE) <input type="checkbox"/> HORIZ. EXTENSION (REAR)
PROJECT FEATURES	EXISTING CONDITION	PROPOSED CONDITION
BUILDING USE	Residential, Dwelling Units (3)	Residential, Group Housing
FRONT SETBACK	As Is	No Change
SIDE SETBACKS	As Is	No Change
BUILDING DEPTH	As Is	No Change
REAR YARD	As Is	No Change
HEIGHT OF BUILDING (to roof).....	± 40'	No Change
HEIGHT OF BUILDING (to top of stair penthouse).....	As Is	± 48'
NUMBER OF STORIES	As Is	No Change
NUMBER OF OFF-STREET PARKING SPACES	As Is	No Change
PROJECT DESCRIPTION		

The proposal subject to Section 312 notification is construction of a stair penthouse to provide access to a proposed roof deck. The penthouse would be located at the northwest corner of the existing roof and would be sloped towards Germania Street to reduce the overall bulk. While not subject to neighborhood notification, the use of the building would be changed from three dwelling units to group housing under the subject permit.

PLANNER'S NAME: Sara Vellve
 PHONE NUMBER: (415) 558-6263
 EMAIL: sara.vellve@sfgov.org

DATE OF THIS NOTICE: 11-2-10
 EXPIRATION DATE: 12-2-10



SAN FRANCISCO PLANNING DEPARTMENT

NEIGHBORHOOD ORGANIZATION FEE WAIVER REQUEST FORM

Appeals to the Board of Supervisors and Planning Commission

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

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

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

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

TYPE OF APPEAL FOR WHICH FEE WAIVER IS SOUGHT

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

- Conditional Use Authorization Appeals to the Board of Supervisors
- CEQA Appeals to the Board of Supervisors (including EIR's, NegDec's, CatEx's, and GRE's.)
- Discretionary Review Request (to the Planning Commission)
- CEQA Appeals to the Planning Commission (Negative Declaration)

REQUIRED CRITERIA FOR GRANTING OF WAIVER

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

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

APPELLANT & PROJECT INFORMATION [to be completed by applicant]

Name of Applicant: <u>JIMMY TERRELL</u>	Address of Project: <u>124-128 FILLMORE ST-94117</u>
Neighborhood Organization: <u>JOHANNA</u>	Planning Case No:
Applicant's Address: <u>149 FILLMORE ST</u>	Building Permit No: <u>2009.06.22.0907</u>
Applicant's Daytime Phone No: <u>415-864-5033</u>	Date of Decision:
Applicant's Email Address: <u>draedawg@yahoo.com</u>	

DCP STAFF USE ONLY

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

Planner's Name: _____

Date: _____

Planner's Signature: _____

WAIVER APPROVED

WAIVER DENIED

Lower Haight Merchants & Neighbors Association LoHaMNA

To; Planning Department
1650 Mission Street, suite 400
San Francisco, CA 94103

To Whom It May Concern;

I am writing this letter in support of the Lower Haight neighborhood requesting a fee waiver for a Discretionary Review Request from the Planning Department.

The Lower Haight Merchants & Neighbors Association is an established neighborhood association that was created 8 years ago and recognized by the City of San Francisco. LoHaMNA has received City grants and funding for various neighborhood beautification projects and safety education.

It has worked closely with City Officials and departments to create a safe, inclusive neighborhood.

We feel Planning should grant a DR to the neighbors in regards to the proposed group housing project and waive the fee for the process.

Thank you,



Elizabeth Everhart
LoHaMNA Vice-President

APPLICATION FOR Discretionary Review Application

1. Owner/Applicant Information

DR APPLICANT'S NAME: Jimmy Tevell		
DR APPLICANT'S ADDRESS: 149 Fillmore St	ZIP CODE: 94117	TELEPHONE: (415) 864-5033
PROPERTY OWNER WHO IS DOING THE PROJECT ON WHICH YOU ARE REQUESTING DISCRETIONARY REVIEW NAME: David Nale		
ADDRESS: 124-128 Fillmore St	ZIP CODE: 94117	TELEPHONE: (?)
CONTACT FOR DR APPLICATION: Same as Above <input checked="" type="checkbox"/>		
ADDRESS:	ZIP CODE:	TELEPHONE: ()
E-MAIL ADDRESS: Stevell@BankofAmerica.com		

2. Location and Classification

STREET ADDRESS OF PROJECT: 124-128 Fillmore St St		ZIP CODE: 94117
CROSS STREETS: Bermania		
ASSESSORS BLOCK/LOT: 08681021	LOT DIMENSIONS:	LOT AREA (SQ FT):
		ZONING DISTRICT: RTO/40 -X
		HEIGHT/BULK DISTRICT:

3. Project Description

Please check all that apply
 Change of Use Change of Hours New Construction Alterations Demolition Other

Additions to Building: Rear Front Height Side Yard

Present or Previous Use: **3 flat residential building**

Proposed Use: **Group housing**

Building Permit Application No. **2009.06.22.0907**

Date Filed: **June 22, 2009**

4. 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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

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

Applicant's Affidavit

Under penalty of perjury the following declarations are made:

- a: The undersigned is the owner or authorized agent of the owner of this property.
- b: The information presented is true and correct to the best of my knowledge.
- c: The other information or applications may be required.

Signature: Jimmy Terrell

Date: December 1, 200

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

Jimmy Terrell
Owner / Authorized Agent (circle one)

Discretionary Review Request

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

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

Our neighborhood is not opposed to group housing, but rather, Mr. Nale's proven inability to run this type of housing and managing the environment. Mr. Nale has a long standing history of ignoring or addressing neighbor concerns, and city official requests for addressing issues at his property. **Attachment (1)** Lower Haight Merchants & Neighbors Association (LoHaNMA) Vice President's letter from Elizabeth Everthard, dated November 30, 2010.

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

The negative impact would be the number of people living in this establishment of property non-responsive and non-responsible owner. Mr. Nale took these 3 flats off the rental market in order to run the hotel-group housing. Mr. Nale is interested in his financial gain without regard to the impact upon the neighborhood that a responsive, irresponsible landlord would cause. Mr. Nale also wants to install roof top deck water heaters and boxed in air condition units which would create a noise nuisance and light issues for the immediate neighbors.

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?

With the history of Mr. Nale's lack of management and use of this property, it is requested the property be returned to a 3 flat rental unit, as it was originally used prior to Mr. Nale falsely evicting the long term tenants. **Attachment (2)**, email from Mr. Ash Townsend stating Mr. Nale began running the hotel/group housing as far back as 2005 and describing the method Mr. Nale used to unfairly evict these long term tenants; **Attachment (3)**, Neighborhood Petition Against Mr. Nale operating a group housing; **Attachment (4)** Philip Sarris' letter dated November 26, 2010; **Attachment (5)** Adjoining neighbor Deborah Stott' letter dated November 28, 2010; **Attachment (6)** SF Planning Department Letter of Determination, dated August 18, 2010; **Attachment (7)**; Affidavit of Service Letter dated April 18, 2008; **Attachment (8)** Jimmy Terrell/Carla Short email communication, dated August 10, 2007; **Attachment (9)**, Jimmy Terrell/Barbara Moy email communication, dated July 22, 2009, **Attachment (10)**, pictures of concerns to the neighborhood; **Attachment (11)**, Web page indicating Mr. Nale already advertises the rooms at 124-128 for rent. These attachments clearly reveal Mr. Nale is unwilling to address the concerns of his neighbors and compliance with the laws of the city. Mr. Nale is not the type of property owner to responsibly operate and run a group housing complex.

10.1104D

Lower Haight Merchants & Neighbors Association LoHaMNA

To; Planning Department
1650 Mission Street, suite 400
San Francisco, CA 94103

To Whom It May Concern;

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It has worked closely with City Officials and departments to create a safe, inclusive neighborhood.

We feel Planning should grant a DR to the neighbors in regards to the purposed group housing project and waive the fee for the process.

Thank you,



Elizabeth Everhart
LoHaMNA Vice-President

10.1104D



Handwritten initials and notes on the right margin.

NOTICE OF BUILDING PERMIT APPLICATION (SECTION 312)

On June 22, 2009 the Applicant named below filed Building Permit Application No. 2009.06.22.0907 (Alteration) with the City and County of San Francisco.

CONTACT INFORMATION		PROJECT SITE INFORMATION	
Applicant:	David Nale	Project Address:	124 - 128 Fillmore Street
Address:	124 - 128 Fillmore Street	Cross Streets:	Germania/Hermann
City, State:	San Francisco, CA 94117	Assessor's Block /Lot No.:	0868/021
Telephone:	(415) 265-3496	Zoning Districts:	RTO/40-X

Under San Francisco Planning Code Section 312, you, as a property owner or resident within 150 feet of this proposed project, are being notified of this Building Permit Application. You are not obligated to take any action. For more information regarding the proposed work, or to express concerns about the project, please contact the Applicant above or the Planner named below as soon as possible. If your concerns are unresolved, you can request the Planning Commission to use its discretionary powers to review this application at a public hearing. Applications requesting a Discretionary Review hearing must be filed during the 30-day review period, prior to the close of business on the Expiration Date shown below, or the next business day if that date is on a week-end or a legal holiday. If no Requests for Discretionary Review are filed, this project will be approved by the Planning Department after the Expiration Date.

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

PROJECT FEATURES	EXISTING CONDITION	PROPOSED CONDITION
BUILDING USE	Residential, Dwelling Units (3)	Residential, Group Housing
FRONT SETBACK	As Is	No Change
SIDE SETBACKS	As Is	No Change
BUILDING DEPTH	As Is	No Change
REAR YARD	As Is	No Change
HEIGHT OF BUILDING (to roof)	± 40'	No Change
HEIGHT OF BUILDING (to top of stair penthouse)	As Is	± 48'
NUMBER OF STORIES	As Is	No Change
NUMBER OF OFF-STREET PARKING SPACES	As Is	No Change

PROJECT DESCRIPTION

The proposal subject to Section 312 notification is construction of a stair penthouse to provide access to a proposed roof deck. The penthouse would be located at the northwest corner of the existing roof and would be sloped towards Germania Street to reduce the overall bulk. While not subject to neighborhood notification, the use of the building would be changed from three dwelling units to group housing under the subject permit.

PLANNER'S NAME: Sara Vellve
 PHONE NUMBER: (415) 558-6263
 EMAIL: sara.vellve@sfgov.org

DATE OF THIS NOTICE: 11-2-10
 EXPIRATION DATE: 12-2-10

Please record the details of this transaction.

Country: FR

**Lower Haight Merchants & Neighbors Association
LoHaMNA**

November 30, 2010

To. San Francisco Planning Department
400 Mission Street, suite 400
San Francisco, CA. 94103

To Whom It May Concern:

The Lower Haight Merchants & Neighbors Association (LoHaMNA) has great concern regarding the property owner; David Nale, 124-128 Fillmore request to operate group housing in his building. The history and concerns with Mr. Nale and the surrounding neighbors are valid and his requested for a group-housing permit should be denied.

LoHaMNA is not opposed to group housing; in fact there are well-run, responsible group-housing complexes in our neighborhood. The difference between those and Mr. Nale's situation is Mr Nale's history with addressing neighbors concerns. Mr. Nale has been running an unpermitted group house and hotel for years. He did not reach out to the neighbors when he changed the use of his property. In fact he evicted tenants and told the neighborhood, he, his mother and father would be each taking a flat; hence the reason to evict all the tenants in his three flat building.

Shortly after, the property was listed and advertised as a hotel; neither Mr. Nale, his mother or father moved in.

In the last three years, the neighborhood has had incidents and concerns over situations with his tenants and property. They have reached out to Mr. Nale on several occasions without success.

Recently a neighbor organized a meeting with Mr. Nale and the surrounding neighbors to discuss his property, their concerns and group housing. Mr. Nale continued to deny he has been renting his building presently as group housing and hotel and he would not acknowledge the neighbors requests to address their concerns on other issues regarding his property.

Our neighborhood has worked hard to create a safe and inclusive community. We have worked with City Officials and Departments in addressing safety; The City has spent time and money on code enforcement in regards to irresponsible landlords. Some are still under City enforcements, 6 years later. It seems irresponsible to create another situation for the neighborhood and eventually the

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City by allowing a property owner that is only interested in his financial gain and not the well being of the community or his tenants.
A non-responsive group-housing owner is the last thing our neighborhood needs.
It's not group housing we are opposing, it's the operator, Mr. David Nale.

Sincerely.

Elizabeth Everthard
Vice-President; LoHaMNA
Elizabetheverthard@att.net

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Attachment 2

Here's what happened: David sent us a letter that said he wanted us to move out of our apartment so his mother could move in. The same day he sent a letter to our neighbor at 128 Fillmore asking him to move out of his apartment so his father could move in. Robert and I met with David and Tex and were threatened to accept David's measly cash offer to move out otherwise he would slap us with an eviction lawsuit and ruin our credit. We refused to accept his offer and were subsequently served with an eviction notice on the grounds that we were delinquent with the rent, which was in fact true per our rental agreement. The neighbor at 128 Fillmore accepted David's offer, and shortly after he moved out David had construction workers in the apartment constructing three new full bathrooms.

David had been using 126 Fillmore as a B&B for more than a year before he served us with an eviction, we know this because of the countless international guests staying there but none of them for more than a week. Some of them told us they made room reservations from his website. When we asked David why he had so many guests he told us that they were his "roommates."

As part of our settlement with Nale, Robert, Julia, and I signed a letter agreeing to take no further action against Nale after the three of us moved out on July 1, 2006.

I work downtown and would love to show up for the hearing at City Hall. If I can get off work early I will be there to give my support. Robert, are you in?

Ash

1/20/2009

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Terrell, Jimmy

From: Ash Townsend [ash.townsend@gmail.com]
Sent: Wednesday, November 24, 2010 2:05 PM
To: Philip
Cc: hoodr@smccd.edu; dfloyd@mcn.org; irvin; Terrell, Jimmy; Vallie; Anne Thornton
Subject: Re: letter to the Board

Hi Philip,

I am currently in the Philippines and do not have access to a printer or a fax machine. I hope this email can be used as my official statement.

In or around March 2006, Robert van Gool and I had a meeting with David Nale and his attorney and partner at the time, Tex Ritter. We were informed that Nale wanted to move his mother and father in to the building, with each parent taking either the top floor unit or the ground floor unit of the property. Ritter informed Robert and I in a threatening manner that we can move out of 124 Fillmore Street or they will evict us from it and ruin our credit. Tex Ritter and Robert van Gool had a disagreement over the terms during which Robert mentioned that we had sought the advice of legal counsel. Nale and Ritter walked out of the meeting and began the eviction process based on several late rent payments.

For one year prior to the meeting with David Nale ran an illegal hostel. When Robert and I confronted Nale about the number of people coming and going from the middle unit and always different people mostly from foreign countries, David said they were all his roommates.

I hope this helps.

Best of luck,
Ash Townsend

On Wed, Nov 24, 2010 at 1:24 PM, Philip <philyesi@pacbell.net> wrote:
Ash and Robert,

This is Philip, at 131 Fillmore, above the Chiropractic offices.
We had a neighborhood meeting last night where we planned our strategy to stop David's plans to pursue his group housing permit. We are going to file for a Discretionary Review, which is deadlined for Dec. 02, 1 week from today.

As part of the necessary documentation required for the review, I am submitting a letter that describes a personal incident that I had with one of David's tenants, which will show David's lack of availability and responsibility in the daily management of his property.

We would like to invite you to write a brief letter, concise and to the point, maybe 2 paragraphs, relating your experience when you were evicted by David. We feel that this would be very helpful in our attempt to show the board the history of his character.

We have been advised by the case Planner that we should not object to the zoning law, per se, that allows one to operate a group housing, but rather the operator, himself. In other, opposite words, don't hate the game, hate the player.

We would like to collect your letter by Tuesday, next week. With the Holidays upon us, and such short notice, it's a little inconvenient for all of us to gather the necessary documents, but we hope that you'll take a few moments and put your thoughts on paper.

Thanks so much for your consideration in this matter. We hope to hear from you soon.
Happy and safe Thanksgiving,
Philip

Lower Haight/Duboce Triangle Neighbors Do Not Support David Nale's request for group housing at his property @ 124-128 Fillmore Street. We are not opposed to group housing but are opposed to the operator; David Nale.

Attach 3

NAME	CONTACT INFO	EMAIL	
James Yager	160 Fillmore St, SF CA 94117	yager@mcw.org	<i>[Signature]</i>
Jim Irvin	135 Fillmore St, SF CA 94117	irvin.tim@gmail.com	<i>[Signature]</i>
Phil Horowitz	149 Fillmore St, SF CA 94117	phil@creative.net	<i>[Signature]</i>
David W. Hoag	160-C Fillmore St SF, Ca	dclloyd@mcw.org	<i>[Signature]</i>
Gregory Bartal	143 Fillmore St SF 94117	gregory@kellinops.net	<i>[Signature]</i>
Jessa Freeman	143 Fillmore St SF 94117	Jessa.Freeman@gmail.com	<i>[Signature]</i>
Scott Cameron	140 Fillmore St SF 94117	scott@trapezoid.com	<i>[Signature]</i>
Robert Hood	289 Hermann St SF 94117	rthood@mac.com	<i>[Signature]</i>
Donna Hood	289 Hermann St SF 94117	" " "	<i>[Signature]</i>
Kathleen Stroughter	128 Fillmore St SF 94117	stroughterf@aol.com	<i>[Signature]</i>
DERRYL ZINN	120 Fillmore St SF 94117		<i>[Signature]</i>
Vellie Brown	152 Fillmore St.	424vshown@aol.com	<i>[Signature]</i>
Dave Faulk	150 Fillmore Street	415-241-9686	<i>[Signature]</i>
Philip Savis	131 Fillmore St.	415-621-1281	<i>[Signature]</i>
ANNE THORNTON	131 Fillmore St.	415-279-0885 anne.r.thornton@qmail.com	<i>[Signature]</i>
Deborah Stott	73 Garrison St	676-5076	<i>[Signature]</i>
Jimmy Terrell	149 Fillmore Street	dracdawg@yahoo.com	<i>[Signature]</i>

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Lower Haight/Duboce Triangle Neighbors Do Not Support David Nale's request for group housing at his property @ 124-128 Fillmore Street. We are not opposed to group housing but are opposed to the operator; David Nale.

NAME	CONTACT INFO	EMAIL
Cheal Brinkman	65 Germania St.	Cheal.Brinkman@gmail.com
GEOFFREY HALTZ	71 GERMANIA ST.	GTHOLTZ@YAHOO.COM
Christine Ferrari	71 Germania St	cferrari@yahoo.com
CHRIS BENDER	25 GERMANIA ST.	CHRIS_BENDER @ COMCAST, NET
RICH COFFIN	65 GERMANIA ST	RICH.COFFIN@GMAIL.COM
PHILIP ZEYLIGER	63 GERMANIA	PHILIP.ZEYLIGER@GMAIL.COM
MIRANDA DIETZ	63 Germania St.	miranda.dietz@gmail.com
DAVID COM WATSI	337 WALLER ST	FIRSTNAME@SDCC.COM
ANDREW MENGHER	25 GERMANIA ST	ANDYBINE@HOTMAIL.COM
Benjamin Niles	83 Webster ST	nilesben@yahoo.com
Ellen Brown	83 Webster St	ekbmail@yahoo.com
Jenny RAUH	43 Germania ST	JennyRauh@gmail.com
William Summer	52 GERMANIA ST	Wm.Summer@gmail.com
LUCRETIA RAUH	40-50 GERMANIA	lucetia.rah@gmail.com <i>J. Rauh</i>
Betsy Hensley	46 Germania St	sparepartad@gmail.com
Johanna Thomashofski	48 Germania St.	johanna.thomashofski@gmail.com <i>J. Hensley</i>
Takami Fujita	59 Germania St.	takamif@mac.com
Kathleen Campbell	50 Germania ST	kccampbell@gmail.com
Kelly Winkvist	52 GERMANIA ST	kwinquist@yahoo.com
DEVA FERRAR	35 GERMANIA ST	devaferrari@yahoo.com
Jenna Ferrar	35 Germania St.	Jenna.Ferrari@gmail.com
HUGH O'CONNOR	59 GERMANIA ST	HUGHONNOR@ME.COM <i>H. O'Connor</i>

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Lower Haight/Duboce Triangle Neighbors Do Not Support David Nale's request for group housing at his property @ 124-128 Fillmore Street. We are not opposed to group housing but are opposed to the operator; David Nale.

NAME	CONTACT INFO	EMAIL	
Mary Baumgartner	262 Hermann St. 415-252-5974	mary@msbdesign.com	Mary Baumgartner
Eric Vereczkey	258 Hermann St	eriksrf@gmail.com	
Julia Sargent	266 Hermann St	juliasr@gmail.com	
Anthony Robinson	267 Hermann St	621-5260	Anthony Robinson
DAMON	269 HERMANN ST	510 689-4722	Damon
Mildred Monge	275 Hermann St 94117		Mildred Monge
Miriam Baumtree	275 Hermann St 94117		Miriam Baumtree
Kathy Lavicka	283 Hermann St 94117	KatLavicka@aol.com	Kathy Lavicka
ROBERT BERKE	287 HERMANN ST 94117	415-621-0459	Robert Berke
Laura Small	334 Hermann St 94117	415 621 4623	Laura Small
Paula Breen	356 Hermann St 94117	hbaskel@yahoo.com	Paula Breen
Doris U. McClellan	256 Hermann St 94117	dumack@calpac.net	Doris U. McClellan
Jose Rojas	330 Hermann St 94117	bserojas@yahoo.com	Jose Rojas
Hunter Leigh	308 Hermann St Apt A 94117	hunterl@icloud.com	Hunter Leigh
Mark Cashel	380 Hermann St 94117	markcashel@yahoo.com	Mark Cashel

2014

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SARRIS CONSTRUCTION**GENERAL BUILDING CONTRACTOR**

LICENSE #361402

11-26-10

I live on Fillmore St. in the building that sits on the corner, diagonally across from David Nale's apartment building. One day, last year, I noticed a pizza box and other papers sitting in the top of a 20 foot tree that is planted near the front corner of David's building. A few days later, I witnessed a person in the 3 rd story corner room, open his window and throw out a bag of garbage that landed in the top of that tree below his window. I immediately walked across the street to that corner to confront the person. As I was approaching the corner, he opened the window and threw out some more trash. I yelled out to him, he looked at me, but he immediately shut his window without any reply.

There are no door bell buttons from the front gate to the units, so I called a phone number that was listed on the front of the building, but there was no answer. After a few more attempts at calling, I called the Northern Police Station and requested that an officer be sent over to investigate this incident. After the officers arrived we had to wait until a couple of tenants happened to be entering the front gate where the officers were able to question them about the tenant residing in the front room. They then let the officers into the building and the officers were able to meet and speak with this person. The young couple that let the officers in the front gate also told us that they were visiting from Sweden, were renting their room for just a few weeks, and they went on to explain that each room was rented separately and had it's own designated cabinet space in the shared kitchen. They said that this same person in the front corner room had been stealing their eating utensils from their cabinet, and that they had tried to call David to complain about this problem, but that he had not been available.

The police were able to resolve the matter.

Philip Sarris

(415) 621-1281 (415) 621-1663 fax
131 Fillmore St. San Francisco, CA 94117

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11/28/2010

From:Deborah Stott
73 Germania St.
dstottsf@yahoo.com

To whom it may concern,

On Nov.13 I attended a neighborhood meeting concerning a permit for a roof top deck and a change of use for a building located on the SE corner of Fillmore and Germania St.,124-128 Fillmore St. Mr. David Nale presented his plan to officially change his 3 flats into group housing and to build a deck to satisfy city codes for out door space.

I do not believe Mr. Nale is an appropriate person to either manage or own a group house. When David bought his property in 2005 the first thing he did was renovate 126 flat where he resided. 126 Fillmore was soon advertised as a tourist Hotel on numerous web sites. After evicting tenants in 124 and then 128 the building morphed into Fillmore House Hotel. These evictions were coerced with threats of lawsuits and intimidation. I was subjected to the same behavior after objecting to a variance decision and appealing permits for a roof penthouse and 3 story garage because of undisclosed change of use in 2006. David was not truthful with the group about the past or current use of his building. He was not truthful when he applied for the variance in 2005 or the permit in 2006 about the use of his building. I don't believe Mr. Nale is fit to run a group house with 30+ occupants. The possibility of him harming some vulnerable people and a fragile neighborhood is too great to allow when the only motivation is money.

Thank you for your attention,
Deborah Stott

11/28/2010

David Nale
126 Fillmore Street
San Francisco, CA 94117

March 21, 2009

Larry Badiner
Zoning Administrator
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103

Dear Mr. Badiner:

We respectfully request a letter of determination with respect to the following:

REQUEST FOR LETTER OF DETERMINATION

Property Address: 124-128 Fillmore

Variance decision dated 11-10-2005

1. The Variance and the Decision on the Variance allowed the construction of a 3 level elevator garage and roof top deck related to an application at the property located at 124-128 Fillmore as a three unit apartment building. Is use of the property as Group Housing, as permitted under the code, a consistent residential use, and not a change in use from multi-family residential to group housing so as not to constitute a change of use of the structure and building with respect to the Variance and the applicable permits and permitting processes and procedures?
2. Did the filing of an appeal by a neighbor, and the length of time for which construction was delayed pursuant to the appeal, toll and extended the three year time frame for the application of a permit to build the garage on the property? And therefore, is the October 2, 2008 application for a permit by the property owner for a permit within the three year period consistent with the intent of the original Decision on the Request for a Variance?

Please note that the \$535.50 fee was already submitted on February 12, 2009.

Respectfully submitted;

David Nale

Tex Ritter, attorney for property owner

*Jimmy let me know
what I can do.
Deb*

RECEIVED

Attachment

MAR 23 2009

**CITY & COUNTY OF S.F.
PLANNING DEPARTMENT
RECEPTION DESK**



SAN FRANCISCO PLANNING DEPARTMENT

Letter of Determination

August 18, 2010

David Nale
124 Fillmore Street
San Francisco, CA 94117

RE: 124 - 128 Fillmore Street
Block: 0868 Lot: 021

Dear Mr. Nale:

This letter is in response to your request for a Letter of Determination regarding the property at 124 - 128 Fillmore Street. This parcel is located in the Residential Transit Oriented (RTO) District with a 40-X height and bulk limitation. The request is whether Section 312 notification is required for a change of use from three residential dwelling units to group housing, and whether the expiration date of the Variance Decision Letter associated with Case 2005.0228V can be extended as a result of appeals by neighbors. Two building permit applications have been submitted proposing changes on the property: No. 2009.06.22.0907 for a change of use and construction of a stair penthouse; and, No. 2008.10.02.3200 to construct a multi-level garage in the required rear yard of the property.

The authorized building use is three residential dwelling units. Building Permit Application No. 2009.06.22.0907 was submitted to change the use from three dwelling units pursuant to Planning Code Section 209.1(e) to group housing pursuant to Planning Code Section 209.2(a). Planning Code Section 312 does not require neighborhood notice of this change in use categories. However, this building permit application includes construction of a stair penthouse for fire egress, which constitutes a building expansion under Planning Code Section 312. Therefore, neighborhood notification is required for Building Permit Application No. 2009.06.22.0907.

On March 8, 2005, Variance Case No. 2005.0228V was filed with the Planning Department to construct a three-car, multi-level garage within the required rear yard of the property. On November 10, 2005 the Zoning Administrator issued a Variance Decision Letter approving the variance request. Building Permit Application No. 2005.06.17.5347 was submitted and concurrently processed with the variance request to construct the garage. On approximately May 21, 2007, a neighbor filed a timely appeal of the building permit with the Board of Appeals. On approximately April 2, 2008, the Board of Appeals revoked the above-referenced building permit to construct the garage. Variance authorizations are deemed void and cancelled if a building permit has not been issued within three years from the effective date of the decision. However, this authorization may be extended by the Zoning Administrator when the issuance of a necessary Building Permit or other City action is delayed by a City agency or by appeal of the issuance of such a permit or other City action. The variance authorization for Case No. 2005.0228V expired on November 10, 2008. Due to the time frame of the appeal and revocation of the garage building

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Handwritten initials, possibly "MD", in the right margin.

David Nale
124 Fillmore Street
San Francisco, CA 94117

August 20, 2010
Letter of Determination
124 – 128 Fillmore Street

permit, the Variance authorization expired without issuance of the building permit. A subsequent building permit application (2008.10.02.3200) has been submitted for the garage structure.

You have requested an extension of the expiration date of the Variance Decision Letter due to the time elapsed as a result of the appeals and revocation process. In response to your request, I will extend the expiration date of the Variance Decision Letter to November 10, 2011.

If you believe this determination represents an error in interpretation of the Planning Code or abuse in discretion by the Zoning Administrator, an appeal may be filed with the Board of Permit Appeals within 15 days of the date of this letter. For information regarding the appeals process, please contact the Board of Permit Appeals located at 1650 Mission Street, Room 304, San Francisco, or call (415) 575-6880.

Sincerely



Scott F. Sanchez
Acting Zoning Administrator

cc: Ross Mirkarimi, District 5 Supervisor
Sara Velve, Planner
Deborah Stott, 73 Germania Street, SF, CA 94117

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AFFIDAVIT OF SERVICE

Deborah Stott, Appellant
73 Germania Street
SF, CA 94117

I, Victor F. Pacheco, Legal Asst. & Interim Dept. Head for the Board of Appeals, hereby certify that on this 18th day of **April, 2008**, I served the attached **Notice(s) of Decision & Order for Appeal No(s). 07-074**, Stott vs. DBI, PDA, subject property at 124-128 Fillmore St., on the appellant(s) by mailing a copy via U.S. mail, first class, to the address above.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed in San Francisco, California.

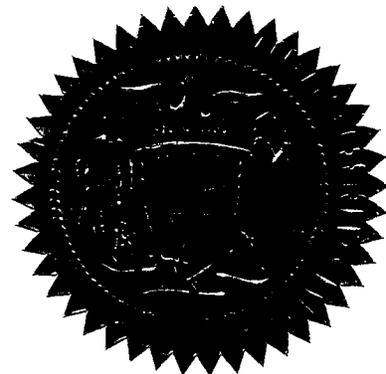
4/18/2008
Date

Victor F. Pacheco
Victor F. Pacheco

cc: DBI BID (if applicable), DBI CPB (if applicable), Planning Dept. (if applicable), and Redevelopment Agency (if applicable)

OTHER PARTIES
OR CONCERNED CITIZENS:

David Nale, Permit Holder
126 Fillmore Street
SF, CA 94117



BOARD OF APPEALS, CITY & COUNTY OF SAN FRANCISCO

Appeal No. 07-074

Appeal of DEBORAH STOTT, vs. DEPT. OF BUILDING INSPECTION, PLANNING DEPT. APPROVAL

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN THAT the above named appellant(s) appeals to 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 May 8, 2007, to David Nale, Site Permit to Alter a Building (on three-unit apartment building: garage in rear yard; variance application filed; roof deck over garage; three-car car lift) at 124 -128 Fillmore Street.

APPLICATION NO. 2005/06/17/5345S

Table with 2 columns: Address & Tel. of Appellant(s) and Address & Tel. of Permit Holder(s). Includes contact info for Deborah Stott and David Nale.

I, Deborah Stott declare under penalty of perjury that the foregoing is true and correct. Entered on May 21, 2007 at San Francisco, California. FOR HEARING ON August 29, 2007.

Handwritten signature of Deborah Stott and the text 'Appellant or Agent'.

NOTICE OF DECISION & ORDER

The aforementioned matter came on regularly for hearing before the Board of Appeals of the City & County of San Francisco on January 30, 2008, and the order was OVERRULED by the Board of Appeals.

PURSUANT TO § 4.106 of the Charter of the City & County of San Francisco and Article 1, § 14 of the Business & Tax Regulations Code of the said City & County, and the action above stated, the Board of Appeals hereby orders

that the issuance of the subject permit is OVERRULED, and the Department of Building Inspection is hereby ordered and directed to REVOKE the subject permit, with FINDINGS.

SAID FINDINGS WERE ADOPTED BY THE BOARD ON APRIL 2, 2008 AND ARE ATTACHED.

BOARD OF APPEALS CITY & COUNTY OF SAN FRANCISCO Michael L. Garcia, President

Last Day to Request Rehearing: April 14, 2008 Request for Rehearing: None Rehearing: None Notice Released: April 18, 2008

If this decision is subject to review under Code of Civil Procedure § 1094.5, then the time within which judicial review must be sought is governed by California Code of Civil Procedure § 1094.6.

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

Appeal No(s). 07-074

<u>DEBORAH STOTT,</u>)	
)	Appellant(s)
vs.)	
)	
<u>DEPT. OF BUILDING INSPECTION,</u>)	
PLANNING DEPT. APPROVAL)	Respondent

On January 30, 2008 and April 2, 2008, this Appeal No. 07-074 by Deborah Stott ("Appellant") from the issuance of Building Permit Application No. 2005/06/17/5347 to construct a garage, deck and stairs in the rear yard ("Building Permit") at 124-128 Fillmore Street ("Property") came before duly noticed hearings of the Board of Appeals.

Having heard all the public testimony and reviewed the record in this matter, the Board of Appeals hereby grants the appeal and revokes the Building Permit, based on the following findings:

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Permit Holder David Nale is the owner of a three-story building located at 124-128 Fillmore Street. Appellant Deborah Stott resides at 73 Germania Street, which is adjacent to the Property.
2. On June 17, 2005, Permit Holder, through his architect, submitted Building Permit Application No. 2005/06/17/5347 for a vertical and horizontal addition to construct a three-car garage with car lift, a roof deck over the garage and a stair penthouse. Permit Holder obtained the Building Permit on May 8, 2007. Appellant filed a timely appeal.
3. Permit Holder stated in "Block 7A, Present Use" of the Building Permit Application that the Legal Description of Existing Building was "Apartment," and in "Block 7, Proposed Use (Legal Use)," that the Description of Building After Proposed Alteration was "Apartment/Garage."
4. On May 30, 2007, the Zoning Administrator issued a Notice of Violation against the Property based on his determination that the Property was converted from three dwelling units into a tourist hotel without proper permits. By "tourist hotel," we mean accommodations intended or

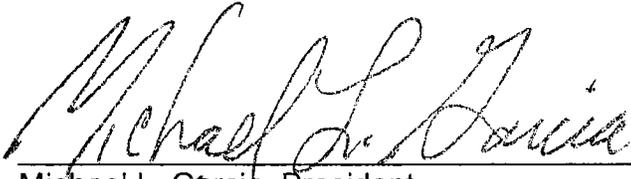
designed to be used, rented or hired to transient visitors or guests on a nightly basis or longer, but less than 32 consecutive days. Permit Holder did not appeal the Notice of Violation. At the hearing, Permit Holder admitted operating the Property as a tourist hotel from May 2006 through July 2007.

5. Permit Holder and the Planning Department disagree as to whether the three legal dwelling units have been restored at the Property or whether it continues to be used or as a tourist hotel in whole or part, or for any other un-permitted occupancy. As explained below, we make no finding on this matter.
6. Under San Francisco Planning Code Section 175, no building permit may be approved or issued where the Property is "maintained" or "intended to be used" for a purpose contrary to the Planning Code. By his own admission, Permit Holder was operating the Property as a tourist hotel without the required Conditional Use Permit at the time the Building Permit was issued. On this basis alone, we conclude that the Building Permit was issued in error and must be revoked.
7. At the hearing, Permit Holder argued that the garage was "separate," "non-attached," "freestanding" and "independent" so that Planning Code Section 175's prohibition against new permits should not apply. We disagree for two reasons. First, Planning Code Section 175 prohibits new permits when a Planning Code violation exists anywhere on the lot, not simply within the structure being permitted. Nor is there any equitable argument favoring the permit. The proposed project authorized by the Building Permit – the garage, deck and stair penthouse- is not an independent use, but rather an integral element of the unlawful tourist hotel use.
8. Furthermore, based on the drawings submitted to the City, we are not convinced that the proposed project authorized by the Building Permit- the garage, deck and stair penthouse- is a separate structure. But if Permit Holder is correct that the Building Permit is for a separate structure, then the Building Permit was issued in error. The Building Permit is for the vertical and horizontal enlargement of an *existing* structure, not a new structure. 2007 San Francisco Building Code Section 106A.1 requires every structure to have a *separate* building permit. If the Project were an independent structure, it would need to be authorized by its own building permit, not by a permit for a vertical/horizontal addition.
9. Because we conclude that the Property was in violation of the Planning Code when the Building Permit was issued, we need make no finding as to when Permit Holder began or "intended to" convert the Property from its legal use as three dwelling units, or whether the Property continues to be used in violation of its legal use.
10. While we revoke the Building Permit at issue in this Appeal, we note that speakers from the neighborhood expressed willingness to consider the establishment of a "Bed and Breakfast" at the Property pursuant to appropriate City processes. We make no finding as to whether the Property is or may be suitable to be converted to such use. Nor do we intend this Decision to constitute a one-year bar under Business and Tax Regulations Code Article I, Section 31, to any applications to legalize such use, should the Permit Holder choose to pursue establishing a "Bed and Breakfast" at the Property.

DETERMINATION

Based on the above findings, the Board grants the appeal, overrules the Department of Building Inspection (with Planning Department approval), and revokes the Building Permit.

The undersigned hereby certify that the Board of Appeals has adopted the findings above at its regular meeting on April 2, 2008.



Michael L. Garcia, President



Victor F. Pacheco, Legal Asst. & Interim Dept. Head

Attachment 8



RE: 124-128 Fillmore Street

Friday, August 10, 2007 9:41 AM

From: "Short, Carla" <Carla.Short@sfdpw.org>
To: "dracdawg0" <dracdawg0@yahoo.com>
Cc: "Nuru, Mohammed" <Mohammed.Nuru@sfdpw.org>

Dear Mr. Terrell,

I have just left you a voicemail on your cell phone, but wanted to follow up by email as well.

The sidewalk landscaping permit for this property has not been finalized, and will not be permitted to include the fence that you are concerned about. Unfortunately, the property owner is not cooperating with our request to remove and replace that fence, and we have, in fact, issued a formal "notice to repair" on this site.

The plans that were submitted with this permit application did NOT show this fencing, and so the letter to allow construction to begin was issued. However, as I indicated, the final permit has not yet been issued, and the owner is currently not in compliance with the City.

I am happy to speak with you further about this, but did want to assure you that the fence is not permitted, and we have requested that it be removed. We will not grant the final permit with the existing fence in place.

Sincerely,

Carla
Carla Short
Urban Forester
Bureau of Urban Forestry
Department of Public Works
415.641.2674

-----Original Message-----

From: dracdawg0 [mailto:dracdawg0@yahoo.com]
Sent: Wednesday, August 08, 2007 12:01 PM
To: Short, Carla; Nuru, Mohammed
Subject: 124-128 Fillmore Street

Ms. Short,

I have been attempting to speak with you regarding the property at 124-128 Fillmore for approximately 2 months. I leave you voice messages, and no response. You did return 1 call approximately 1 month after I left it. No communication since then.

Your department issued a permit for the owners to plant trees, shrubs, etc. While this is wonderful for the city, and I'm all for city beautification. However, I expressed concern over the 12" raised spike black wrought iron barrier that was installed on both sides of the sidewalk. This barrier is a danger to kids and possible people utilizing the light rails coming from Haight street in the wee hours of the morning after a night of drinking. What if someone should accidentally fall on this spiked barrier?

I have a 14 month old child, who is not stable on his feet, and I am not comfortable with him walking past this wrought iron fence. This really is a logical situation, and a accident waiting to

happen. This can easily be solved, by requiring the owners to place a flat barrier, just like the city has installed around the trees on Market street. This would allow for proper drainage, etc. Your department needs to define and outline specific guidelines for this activity.

I feel this barrier is inappropriate. Also, there was quite a bit of the side walk removed to do this. It appears the contractor mis calculated the measurements.

I would like to speak with someone in your office or meet in person to discuss this issue before the permit is finalized. I feel I have been fair and patient regarding this situation. Is this too much to ask? Do you think I'm being unreasonable? I know we're all busy, but I still find time to return telephone calls to me at my job, and respond to the emails that I receive. I am in Investment Banking, and just imagine what would happen, if I didn't respond to a client. But most importantly, it's simply courteous and respectful.

My cell phone number is 415.939-8632, which is the best way to reach me.

Jimmy Terrell
149 Fillmore Street

Ready for the edge of your seat? [Check out tonight's top picks on Yahoo! TV.](#)

Attachment 9

Sincerely,

Jimmy Terrell
149 Fillmore Street
San Francisco, CA 94117
415.864.5033

--- On **Wed, 7/22/09**, dracdawg0 <dracdawg0@yahoo.com> wrote:

From: dracdawg0 <dracdawg0@yahoo.com>
Subject: RE: 124-128 Fillmore Street
To: "BarbaraMoy" <Barbara.Moy@sfdpw.org>
Date: Wednesday, July 22, 2009, 10:09 PM

Hello Ms. Moy,

What is the status of the removal of the wrought iron fence at this location? Where are we in the process of getting this fence removed.

Please advise ASAP.

Thanks,

Jimi Terrell

--- On **Tue, 5/5/09**, Moy, Barbara <Barbara.Moy@sfdpw.org> wrote:

From: Moy, Barbara <Barbara.Moy@sfdpw.org>
Subject: RE: 124-128 Fillmore Street
To: "dracdawg0@yahoo.com" <dracdawg0@yahoo.com>
Date: Tuesday, May 5, 2009, 5:05 PM

Good afternoon. Sorry I have not gotten back to you sooner. I am drafting a letter to the property owner informing them that the fence around the tree pit is not in conformance with their permit conditions and that it must be modified to meet the permit conditions or it must be removed. I will be drafting the letter carefully to make sure I am following all the relevant laws and permit conditions and reviewing with City Attorney prior to issuance.

I will inform you when I sent the letter.

Regards,

Barbara

From: dracdawg0 [mailto:dracdawg0@yahoo.com]
Sent: Monday, May 04, 2009 2:37 PM
To: Moy, Barbara
Subject: RE: 124-128 Fillmore Street

Hi Ms. Moy,

Property Location: 124-128 Fillmore Street.

Violation: Signage indicating there is a driveway at this property

Property Owner: David Nale

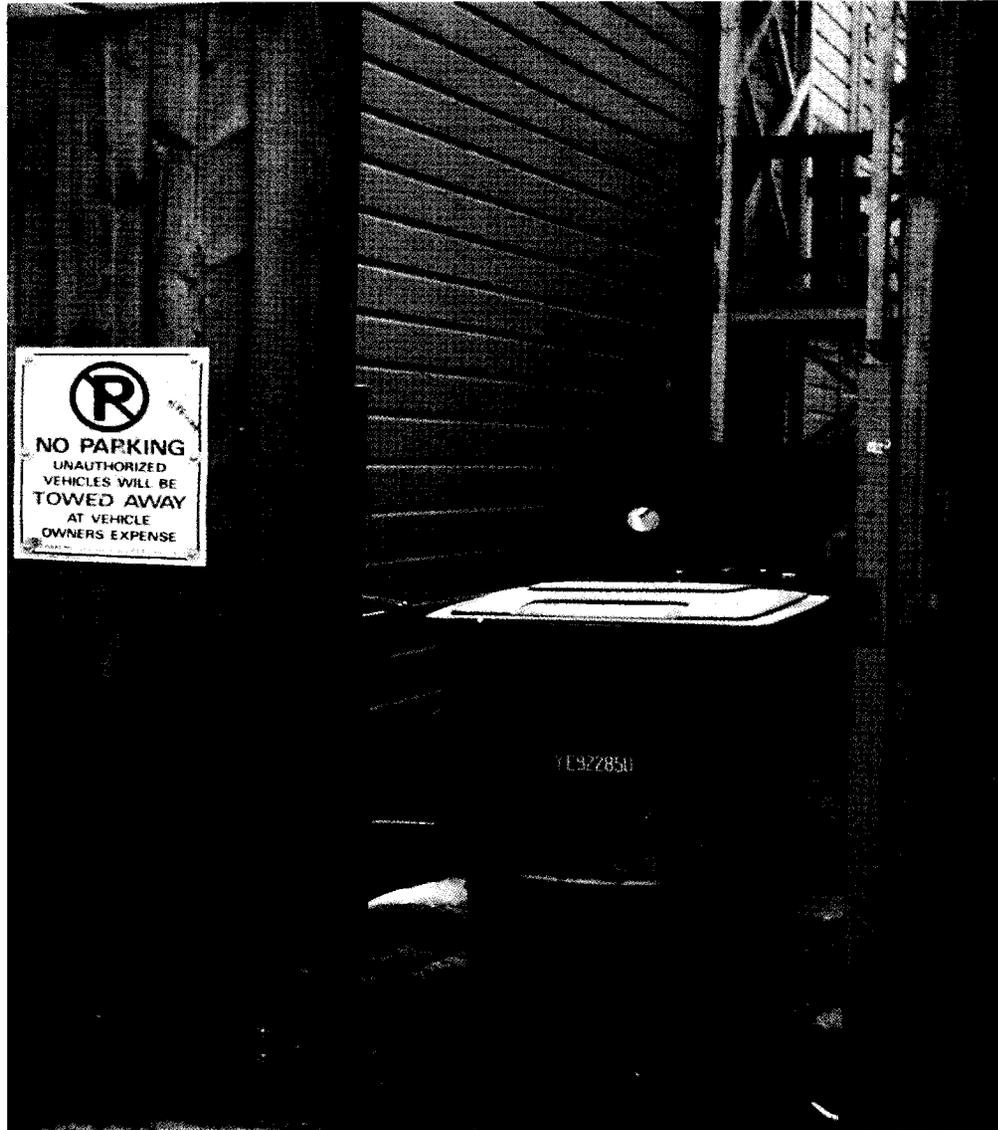


10.1104D

Property Location: 124-128 Fillmore Street.

Violation: There is no driveway at this property

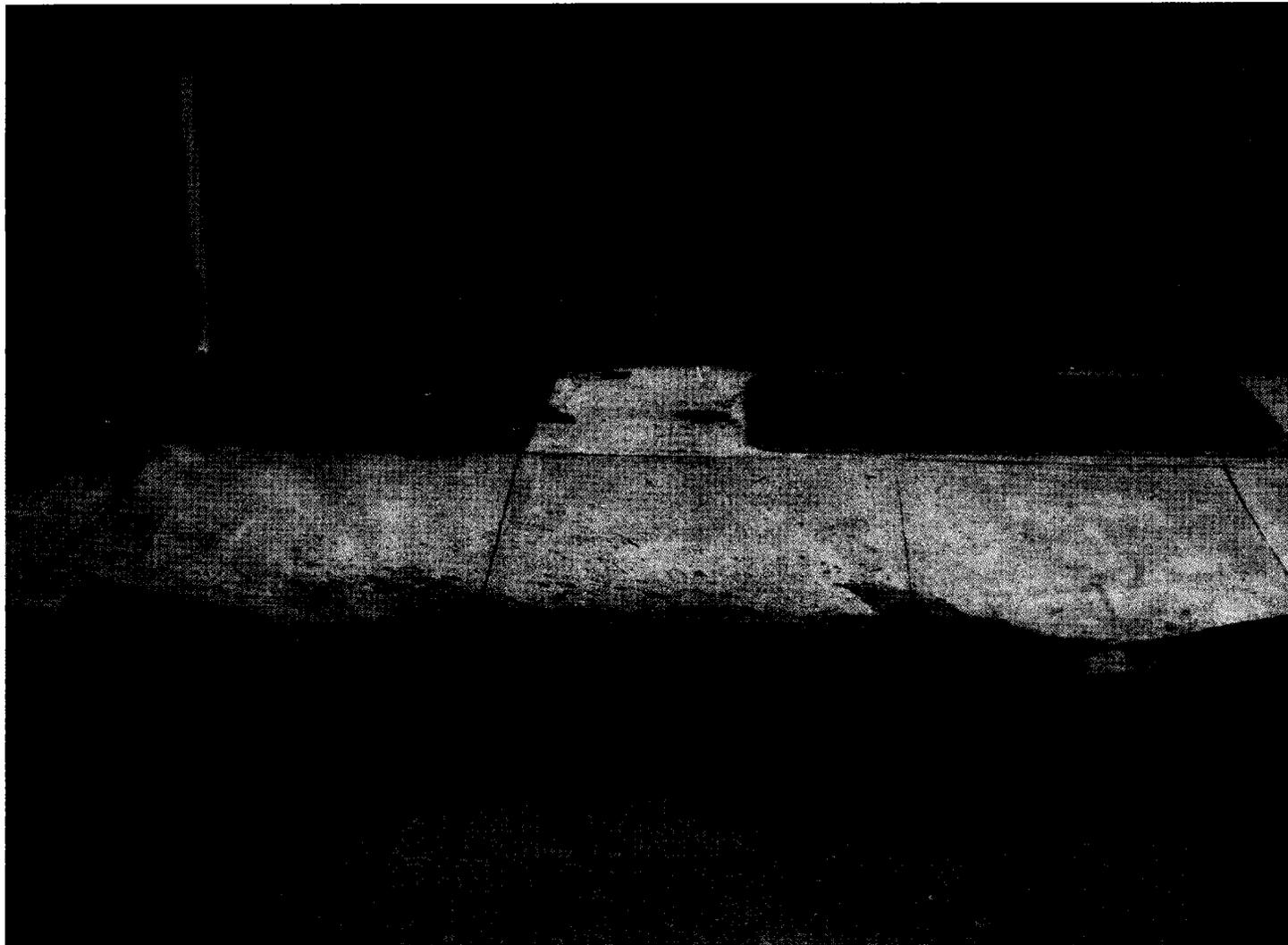
Property Owner: David Nale



Property Location: 124-128 Fillmore Street.

Violation: Illegally altered sidewalk to indicate there is a driveway at this property

Property Owner: David Nale



10.1104D

Property Location: 124-128 Fillmore Street.

Violation: Illegally altered sidewalk to indicate there is a driveway at this property

Property Owner: David Nale



3/30/2009

4

Property Location: 124-128 Fillmore Street.

Violation: Signage indicating owner is looking for a room mate. Smaller sign show whom Boarders can call for assistance.

Property Owner: David Nale



Property Location: 124-128 Fillmore Street.

Violation: Illegally installed spiked wrought iron fence, that HAS NOT been approved by the Urban Forestry division. This fence is a safety hazard and should be REMOVED.

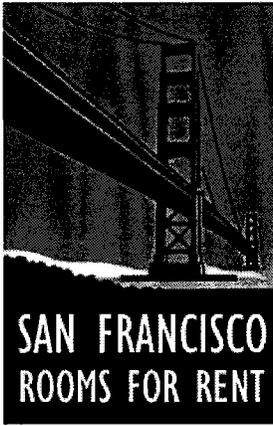
Property Owner: David Nale



Attachment 11

Latest News: \$300 rebate for 3 month or more lease signed by May 1

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Email: support@welcomerentalproperties.com



Sara Velve/CTYPLN/SFGOV
07/12/2011 05:53 PM

To Chuck Pareto <chuckdawit@gmail.com>
cc
bcc

Subject Re: SF Planning Department

Mr. Pareto - Your letter will be forwarded to the Planning Commission. The hearing has been continued until September 22, 2011.

Sincerely,

Sara Velve, Northwest Team
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103
P: 415.558.6263
F: 415.558.6409
Hours: M-W 8:45 to 1:00, Th 8:45 to 4:00

Chuck Pareto <chuckdawit@gmail.com>



Chuck Pareto
<chuckdawit@gmail.com>
07/11/2011 12:12 PM

To Sara.Velve@sfgov.org
cc

Subject SF Planning Department

Hi Sara.

Here is something help with the planning dept's decision about the Fillmore House on September 22 2011.
Charles Pareto

July 5 2011
San Francisco Planning Commission,

I lived at 128 Fillmore for 5 months in 2011. I moved from Marin County to SF and needed a place to live but didn't have the time to find a permanent apartment, the Fillmore House provided me with a temporary place to live until I could find a more permanent residence.

I found that paying rent on a monthly lease was convenient because I knew I would only be staying in the house temporarily.

The house was clean, well maintained and felt very secure with private locks on each door and a main lock on the front door all with individual codes for each tenant .

Charles Pareto
chuckdawit@gmail.com
cell: 415-509-4369



Sara Vellve/CTYPLN/SFGOV
07/12/2011 10:11 AM

To: Harvey Tharp <harveytharp@hotmail.com>
cc
bcc

Subject: Re: FW: Fillmore House Group Housing Zoning/Permit Application

Mr. Tharp - Your letter will be forwarded to the Planning Commission. Please note that the hearing has been continued to September 22, 2011.

Sincerely,

Sara Vellve, Northwest Team
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103
P: 415.558.6263
F: 415.558.6409
Hours: M-W 8:45 to 1:00, Th 8:45 to 4:00

Harvey Tharp <harveytharp@hotmail.com>



Harvey Tharp
<harveytharp@hotmail.com>
07/12/2011 03:19 AM

To: <sara.vellve@sfgov.org>
cc

Subject: FW: Fillmore House Group Housing Zoning/Permit Application

Ms. Vellve,

Forwarded for your consideration are my comments regarding the zoning case of Mr. David Nale and his Fillmore House property.

Harv Tharp.

From: harveytharp@hotmail.com
To: pic@sfgov.org
CC: support@welcomerentalproperties.com
Subject: Fillmore House Group Housing Zoning/Permit Application
Date: Sat, 9 Jul 2011 22:15:23 +0000

EMAIL MEMORANDUM

10 July 2011

TO: SAN FRANCISCO PLANNING COMMISSION
FROM: HARVEY J THARP III, (Former Fillmore House Tenant)
CC: MR. DAVID NALE

SUBJ: FILLMORE HOUSE ZONING/PERMIT APPLICATION

1. Mr. David Nale contacted me several days ago regarding his application to change the zoning designation of his Fillmore House property. Mr. Nale has asked me to describe my experience at the Fillmore House, and specifically to comment on the issue of whether I or any other tenants were month-to-month tenants versus residential hotel guests.
2. Upon moving in, both my room and the entire property were just as the SF Examiner article stated, 'well manicured' to say the least. During my stay every detail with the property that required attention was taken care of promptly. The bathrooms retain their antique fixtures which require careful maintenance, and they always got it. Once a circuit breaker tripped for whatever reason and my unit's microwave was a type that required initial programming to function. I was impressed that Mr. Nale came over promptly to take care of it, and was organized to the point that he had the instructions to reprogram it stored in his PDA. Reading through the Examiner article and his neighbor's objections listed on the Fillmore House website there is a generalized objection to Mr. Nale as a businessman. Yet the specifics to support these claims are lacking, and from my personal experience he is instead a consummate professional.
3. Some of Mr. Nale's neighbors allege that he has already been running a group house without a permit vice renting rooms month to month. I only stayed at Fillmore House around six months but had no reason to believe Fillmore House was a hotel/group house. Instead I signed a lengthy and thoroughly detailed month-to-month lease form for my particular room. In my part of Fillmore House I lived with a paralegal, an Apple employee, a Vietnam Veteran who worked in Berkeley, etc, and there was no indication that any of them were staying at Fillmore House in a hotel-type arrangement.
4. Finally, Mr. Nale has asked me to explain why my stay was personally important. After leaving the Navy in 2005, I became disabled with PTSD and complications from serving in the Iraq war. Having returned to my hometown of Cincinnati, for several years I rented rooms within walking distance of the city's VA hospital so I could concentrate on my recovery. After four years I was finally well enough to fulfill my long-held goal of moving to the West Coast, and the Fillmore House was just the safe environment I needed. Having seen property management done poorly in unlicensed group houses in Cincinnati, and then having seen it done well by Mr. Nale, I've since established my own investment rental property in Oregon, and look forward to buying a home in Northern California soon. Finally, as the people of San Francisco were amazingly supportive of veterans, and thanks in no small part to Mr. Nale, I'll always fondly recall my too-brief stay in San Francisco.
5. I thank the Planning Commission for their time, and can be reached via this email address or at (513) 313-2223 if there are any questions.

Dear San Francisco Planning Commission,

I am currently a resident of the Oscar Wilde room at 124 Fillmore Street. In the past, I have also resided in the Quentin Crisp room and the Peter Burnett room at the same address. During our residencies in those rooms, my boyfriend and I have been college students (more recently for myself a college graduate) interning or studying. Thus, our income is limited and, as we all know, safe and affordable housing is hard to come by in San Francisco for people on a limited income. I know from hours upon hours of investigation that the Fillmore House is the safest, cleanest, and most pleasant place at which we could choose to reside while on a limited income. It has come to my attention that there are people who believe the Fillmore House to be an immoral and disruptive residence, and I hope to dispel these claims.

During our stays at the Fillmore House (totaling 4 months so far), I have been extremely pleased with the Fillmore House in every way. In addition to allowing my boyfriend and I to live in a much safer neighborhood than we would otherwise be able to live, the house is kept remarkably clean. The housekeeping staff clean at least every other day and do a wonderful job of it. I have never seen the Fillmore House in a state of uncleanness or even untidiness. Furthermore, the landlord, David Nale, is extremely attentive to tenant concerns. I have never placed a concern with David to which he did not respond and remedy within 24 hours. He must also do an excellent job of selecting tenants as all of the tenants I have met have been very responsible, friendly, intelligent, clean, respectful, and quiet. I have never once been disrupted by a noisy or dirty tenant while at the Fillmore House, which leads me to believe that it is impossible for neighbors to have been disrupted by these tenants given our relative proximities.

I would understand our neighbors' concerns if residents of the Fillmore House were in any way disruptive or unclean, but they are not. I would also have a very hard time believing that our neighbors have had problems with David given how reliable and attentive he is to his own guests. The Fillmore House has allowed me to live safely and happily in San Francisco in a way that would have been impossible if it were not available for monthly single-room rentals. I would greatly appreciate for the the appeal against David Nale to be overturned so that I may continue to live in this affordable, safe, clean, and quiet house.

Sincerely,
Alison Holley



Sara Vellve/CTYPLN/SFGOV
07/12/2011 10:09 AM

To Thomas Jochmann <thomas@jochmann.info>
cc
bcc

Subject Re: Fillmore house 

Mr. Jochmann - Your letter will be forwarded to the Planning Commission. Please note that the hearing date has been continued to September 22, 2011.

Sincerely,

Sara Vellve, Northwest Team
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103
P: 415.558.6263
F: 415.558.6409
Hours: M-W 8:45 to 1:00, Th 8:45 to 4:00

Thomas Jochmann <thomas@jochmann.info>



Thomas Jochmann
<thomas@jochmann.info>
07/11/2011 11:41 AM

To Sara.Vellve@sfgov.org
cc

Subject Fillmore house

Dear Mrs. Vellve, dear San Francisco Planning Commission,

I have been staying at the Fillmore House for three times in 2009 and 2010, each time 2-3 months, and I was planning to return, as soon as I have the opportunity to return to San Francisco.

1. I visited San Francisco to do research at the UCSF, as my German university has a joined project with the UCSF. In academia, there is no budget for a monthlong stay in a hotel and Fillmore House was great, as it was affordable and hassle-free. I made good friends at Fillmore House, as the people there where in similar situations.
2. Some people just started working in the city and stood at Fillmore House while they where looking for an apartment. There where internationals doing internships, or a travel nurse, working in the bay for a couple months. The atmosphere was great. Some people stood there for years. My own stays in San Francisco where always for a limited time, as I have family here in Germany.
3. I was very happy with the maintenance / management, which is why I returned twice to Fillmore House (I was in an SRO in the sunset before, which was terrible). There was regular housekeeping and whenever something occurred (lightbulb to be exchanged etc.), the landlord responded very fast.

I would definitely miss Fillmore House and I think it brought a lot of benefit to the city, as it help well educated, nice people to start or stay in San

Francisco. During the time I was there, the people where very proper and respectable. None of them would have thrown trash out of windows.

I would be available to call by phone from Germany during the hearing.

Best regards from Germany
Thomas Jochmann



Sara Vellve/CTYPLN/SFGOV
07/12/2011 10:05 AM

To Stacey Forbes <forbes.stacey@yahoo.com>
cc
bcc

Subject Re: Filmore House 

Ms. Forbes - Your letter will be forwarded to the Planning Commission. Please note that the hearing has been continued to September 22, 2011.

Sincerely,

Sara Vellve, Northwest Team
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103
P: 415.558.6263
F: 415.558.6409
Hours: M-W 8:45 to 1:00, Th 8:45 to 4:00

Stacey Forbes <forbes.stacey@yahoo.com>



Stacey Forbes
<forbes.stacey@yahoo.com>
07/11/2011 02:01 PM

Please respond to
Stacey Forbes
<forbes.stacey@yahoo.com>

To "Sara.Vellve@sfgov.org" <Sara.Vellve@sfgov.org>
cc

Subject Filmore House

San Francisco Planning Commission:

I lived at Filmore House for almost a year on a month to month lease. Being able to rent a room in a shared house afforded me the opportunity to live affordably in San Francisco. I found the property well maintained and have no complaints about my stay there. I enjoyed the community of the house and getting to know other residents, many of them international travelers, who came and went on month-to-month leases. Davied Nale was responsible as a landlord and promptly responded to any needs of the house and residents.

Sincerely,

Stacey Forbes



Sara Vellve/CTYPLN/SFGOV
07/12/2011 10:04 AM

To Tim Seelig <tgseelig@mac.com>
cc
bcc

Subject Re: Letter regarding The Fillmore House 

Mr. Seelig - Your letter will be forwarded to the Planning Commission. Please note that the hearing has been continued to Thursday, September 22.

Sincerely,

Sara Vellve, Northwest Team
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103
P: 415.558.6263
F: 415.558.6409
Hours: M-W 8:45 to 1:00, Th 8:45 to 4:00

Tim Seelig <tgseelig@mac.com>



Tim Seelig
<tgseelig@mac.com>
07/11/2011 03:18 PM

To Sara.Vellve@sfgov.org
cc

Subject Letter regarding The Fillmore House

Dear San Francisco Planning Commission,

The Fillmore House saved my life in relocating to San Francisco. This past fall, I found myself hired by the San Francisco Gay Men's Chorus as its new Artistic Director.

It was an exciting opportunity and I moved my entire life and worldly possessions from Texas to San Francisco in the space of one month.

Finding suitable housing was completely impossible on such short notice, so I moved my things to storage and found the Fillmore House.

I was able to stay there while I settled into my new city and found a place of my own.

I will forever be grateful for such a place of transition.

Now, about the Fillmore House. It is a wonderful place. I was able to rent month-to-month which was perfect for me.

The residents are all in transition, as was I, which allowed me to have many conversations and share common issues/

The house is impeccably maintained. The residents were all thoughtful and quiet. Of course, the location is ideal for learning to get around in a new city.

Please do not enforce any policy that would make the Fillmore House unavailable to people like me. There is literally nothing like it and I have recommended it to all of my colleagues.

Should you need further information, please feel free to contact me.

Dr. Tim Seelig

Dr. Timothy Seelig

Artistic Director & Conductor

Golden Gate Performing Arts Inc.

of the **San Francisco Gay Men's Chorus**

1800 Market Street, PMB #100, San Francisco, CA 94102-6227



T: 1-415-865-3653 F: 1-415-865-3655



Jason Feinberg
<jasonpfeinberg@yahoo.com
>

04/12/2011 02:36 PM

To Sara.Vellve@sfgov.org

cc

bcc

Subject Group Housing Support at 124-128 Fillmore St

I am writing you to urge your support of the Group Housing project at 124-128 Fillmore Street.

I am a property owner who rents one bedroom apartments in the nearby Dolores Park neighborhood. I come across many potential tenants who are not able to afford a full one bedroom apartment in the neighborhood, but who could afford to rent a room in group housing in the neighborhood. Converting three large apartments into 15 rooms for rent as proposed by Mr. Nale will provide more affordable housing for San Francisco and should be supported by the San Francisco Planning Department. 124-128 Fillmore is located just two blocks from Church and Market street where all subways stop and is very convenient to transit. More residents at 124-128 Fillmore will result in more people taking public transit and less people driving.

I have read through the complaints from the immediate neighbors that were filed with the Request for Discretionary Review. These personal attacks on Mr. Nale's character are irrelevant and contrived. The Mr. Nale will be required to have an on site manager once the group housing is approved so there will be more management now that presently exists. It seems clear that their personal attacks on Mr. Nale are simply a guise and what they really object to is the possibility of lower income people moving to their neighborhood.

Thank you for your time.

Sincerely,
Jason Feinberg
720 Dolores Street
San Francisco, CA 94110



Brown Ellen
<ekbmail@yahoo.com>
12/03/2010 12:01 AM

To sara.vellve@sfgov.org
cc
bcc

Subject Appeal re: 124-128 Fillmore St.

Dear Ms. Vellve,
I am writing with respect to the permit application by the owner of 124 Fillmore to convert his property into group housing.

As an initial matter, it seems that a property owner should be required to apply for and have such a permit approved before they actually start to begin using their property as group housing. The property in question has been used as a hotel for at least several years - the owner even posted a sign on the edge of the building identifying the property as "Fillmore House". I have seen countless people coming and going through the front door with suitcases and have even had new arrivals ask me for directions to the place as if it is a hotel. I really don't think that someone should be "rewarded" with a permit after operating as an illegal hotel for at least three years. Here is just one example of reviews for this place as a "hotel" on Trip Advisor:
http://hotels.uptake.com/california/san_francisco/fillmore_house_7206695.html

Here is another:
<http://fillmorehouse.welcomehomerentalproperties.com/sfxx.html>.

In addition, there are previous permit violations that the property owner should be REQUIRED to resolve before the issue of any new permits related to this property can even be considered. In particular, the owner made an illegal curb cut on the Germania St. side of the property several years ago and has never repaired it. Upon information and belief, he has been issued a "Notification to Repair" the curb cut (DPW Notification # 42336) and has never repaired the curb cut.

In addition to failing to repair the actual curb cut, the owner still maintains a "No Parking" sign at the back of the building next to the illegal curb cut. This is extremely frustrating to the neighbors because there is a parking shortage in our neighborhood and the illegal curb cut has eliminated a street parking spot because people perceive it to be a driveway. In fact, it's not a driveway at all - the fence where the no parking sign is placed basically just covers up the rear yard to the property - no cars are parked behind the building, nor is it even possible to park any cars behind the building because it is the rear yard for the building, and is also the required fire egress from all of the units. (The owner had previously applied for a permit to create parking behind the building and those permits were either appealed and revoked (#200506175345) or never approved in the first place (#200810023200).

The inspector at the DPW who previously attempted to address this issue stated that he has been unable to get the owner to fix this problem. According to

the
DPW supervisor responsible for this area, because the owner has failed to
repair
the illegal curb cut, the onus is on the City to actually replace the curb and
bill the owner for it. However, the City doesn't have the budget to make the
repair - so now 3 years have gone by and it still hasn't been fixed.

The City should not even consider any additional permits for this owner to
turn
his property into group housing when he is (1) already running an illegal
group
housing establishment and has been doing so for at least 3 years and (2) he
made
an illegal curb cut which he not only refuses to repair but has posted as a
"no
parking" area when it should actually be a public parking spot.

Please seriously consider this issue and take the necessary steps to force the
owner to come into compliance with all applicable laws.

Thank you, Ellen Brown

Stevane 434-9500-887

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Featured Property of the Month..



The Luxury of Cabo awaits you at ComeToCabo.com

Homes 1-2 Bedrooms

Properties >>



San Francisco Charming Nob Hill Flats - Great for Add to NotePad

Two charming one bedroom flats on top of Nob Hill! Located on a quiet one block long...

Jennifer Solomon : (707) 823-5383

Calendar

Bedrooms: 1 Price/nt: \$150 - \$200 Price/week: \$1000 - \$1500



Rooms for Rent in a Gorgeous San Francisco Victori... Add to NotePad

Cafes, restaurants, all MUNI subway lines, Market Street trolley lines, Safeway, and ...

David Nale, At Home Rentals : 4152653496

Bedrooms: 1 Price/nt: Under \$100 Price/week: Under \$500



San Francisco Elegant Nob Hill Flats, Top flat is Add to NotePad

Probably the most special vacation rental in all of San Francisco. This fabulous two...

Jennifer Solomon : (707) 823-5383

Bedrooms: 1 Price/nt: \$250 - \$350 Price/week: \$1500 - \$2000



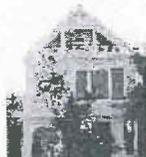
Two Bedroom Apartment in Excellent Location Add to NotePad

Terrace View Enjoy spectacular views in a quiet yet central neighborhood. Terrace V...

Jan Chernoff, Casa Buena Vista Rental : 415-775-2600

Calendar

Bedrooms: 2 Price/nt: \$200 - \$250 Price/week: \$1000 - \$1500



Large Victorian Flat Sleeps Six Add to NotePad

CASA BUENA VISTA Stay in an elegantly decorated yet comfortable Victorian flat in...

Jan Chernoff, Casa Buena Vista Rental : 415-775-2600

Calendar Special

Bedrooms: 2 Price/nt: \$200 - \$250 Price/week: \$1500 - \$2000

Increase Your BOOKINGS

CUSTOM WEBSITE

ONLINE BOOKINGS

UNLIMITED LISTINGS

CENTRAL CALENDAR

Demo

Vacation Rental Software by

LiveRez.com



NewsLetter Sign-up

Join our 1st Choice Vacation Rentals Newsletter and get information on what's new with 1st Choice.

Sign-Up Now!

Some advantages 1st Choice has to Offer You as a Vacation Rental Manager/Owner:

- Exposure to 20,000 visitors a day...
Self manageable property page with

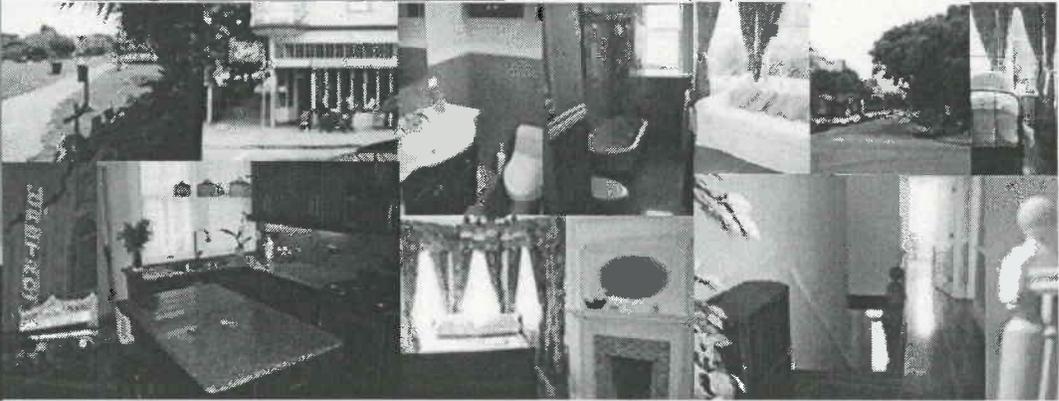
Do you have a vacation rental property you want to list on the internet?

You should consider advertising with 1st Choice Vacation Rentals.

Add Your Vacation Rental

Email: support@welcomehomerentalproperties.com

Call Now: (415) 265-3496



HOME

Carefree living in a masterfully restored 1902 Victorian. The most convenient location. Shared gourmet kitchens. Your best value at \$999 to \$1399/month including all utilities, housekeeping, cable TV, and wireless internet.

TOUR ROOMS AVAILABILITY

COMPARE YOUR OPTIONS

Enjoy San Francisco in a well-located, and meticulously restored 1902 Victorian Boarding House. This premier San Francisco Guest House offers furnished rooms for rent in the Lower Haight - Castro Area. We offer the best value in town for corporate rentals, short term rentals and weekly rentals in a fantastic location where San Franciscans really live. Cafes, restaurants, all MUNI subway lines, Market Street trolley lines, Safeway, and Duboce Park within a three block radius.

LOCATION

This fine San Francisco Victorian residence was recently restored and furnished with heirloom antiques. Enjoy refinished hardwood floors, luxurious draperies, and granite bathrooms. The separate individually-locking bedrooms share an updated eat-in kitchen. Wireless DSL, Cable TV, and laundry facilities provided. Clean linen, towels, and blankets provided.

Smoking outside only. Credit cards accepted. Payment required in advance to reserve room.

NEIGHBORHOOD

Rooms Facilities:

- Free Business Class Wireless Internet
- Free Cable TV
- Free Maid Service of the Common Areas
- Alarm Clock
- DVD Player
- Sofa and Working Gas Fireplace(Large Room Only)
- Robe Fresh Sheets and Towels Provided
- Keyless Entry System
- Big Windows to Enjoy the California Sunshine

General Facilities:

- Eat-In Updated Gourmet Kitchens on Every Floor
- Masterfully Restored 1902 Victorian
- Brand New Granite Everywhere Bathrooms
- Fastidious Housekeeper
- All Subways at Nearby Church/Market Stop
- Laundry Room (Coin Operated)
- Historic Market Street Trolley to Fishermans Wharf
- Private or Shared Bathrooms
- Dedicated Parking Spot for Additional Price
- Central Monitoring Fire Alarm System
- Free Parking Available on the Street
- Parking Space Behind Home Available for Rent
- Nearby Restaurants and Cafes
- Nearby Safeway Supermarket
- Nearby Duboce Park
- Walk to Lower Haight or Castro Neighborhoods
- Outdoor Garden Area with Gas BBQ

I WANT THE ROOM

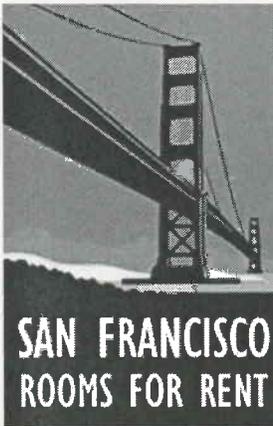
ABOUT US

EMAIL

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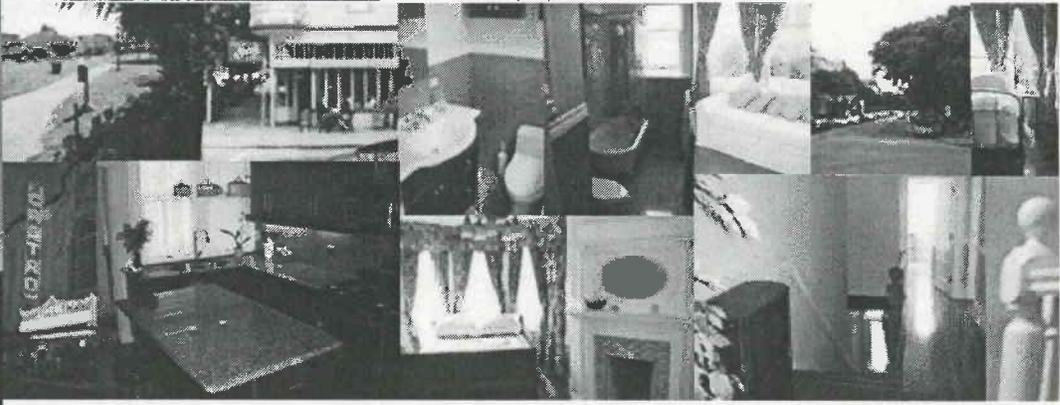
EMAIL

	OUR HOME	APARTMENT	ROOMMATES	HOTEL
PRIVACY	Private. Lock your door.	Private. Lock your door.	Roommate Constance wants to know why you were out late last night	Private. Lock your door.
PRICE	Good Value for one room (includes utilities)	Good Value for multiple rooms (no utilities)	Seems less expensive until you factor in utilities and risk	More Expensive for one room
TERMS	30 day notice to move out	Usually one year lease	It depends	Same day notice to move out
RISK	No. Your own lease.	No. Your own lease.	If roommates move out you will help pay the difference until new ones are found	No. Your own contract.
MAID SERVICE	Housekeeper Glenda cleans three times a week	You clean up after yourself	You clean up after Roommate Ron because his mother is not around	Daily maid service
LOCATION	Residential neighborhood in the middle of town	Residential neighborhood	Residential neighborhood	Hotel zone
KITCHEN	Shared full-sized eat in gourmet kitchen	Shared kitchen	Shared kitchen	Usually no kitchen
CONSCIERGE	Landlord	Landlord	Landlord	Conscierge
PERSONALITY TEST	None. Only credit check.	None. Only credit check.	Roommate Max wants to know if you have any tatoos	None

Call Now: (415) 265-3496 Email: support@welcomehomerentalproperties.com

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- [LOCATION](#)
- [NEIGHBORHOOD](#)
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AVAILABLE?	ROOM NAME	RATE	ROOM TYPE	Photos	Video	Common Area
YES on Sept 17	Donald Fisher Room	\$1399/mo	Standard Private Bath	Photos	Video	Common Area
YES on Sept 26	Joe Dimaggio Room	\$1299/mo	Standard With Sink	Photos	Video	Common Area
NO	Beatrice Wood Room	\$1399/mo	Standard Private Bath	Photos	Video	Common Area
NO	Craig Newmark Room	\$999/mo	Small Shared Bath	Photos	Video	Common Area
NO	Ester Hernandez Room	\$1399/mo	Large Shared Bath	Photos	Video	Common Area
NO	Gracie Allen Room	\$1199/mo	Standard Shared Bath	Photos	Video	Common Area
NO	Harvey Milk Room	\$1399/mo	Large Shared Bath	Photos	Video	Common Area
NO	Isadora Duncan Room	\$1199/mo	Standard Shared Bath	Photos	Video	Common Area
NO	Kristina Olson Room	\$1399/mo	Large Shared Bath	Photos	Video	Common Area
NO	Mary Ann Singleton Room	\$1199/mo	Standard Shared Bath	Photos	Video	Common Area
NO	Natalie Wood Room	\$1399/mo	Large Shared Bath	Photos	Video	Common Area
NO	Oscar Wilde Room	\$1199/mo	Standard Shared Bath	Photos	Video	Common Area
NO	Peter Burnett Room	\$999/mo	Small Shared Bath	Photos	Video	Common Area
NO	Quentin Crisp Room	\$1299/mo	Standard With Sink	Photos	Video	Common Area
NO	Robert Frost Room	\$1399/mo	Large Shared Bath	Photos	Video	Common Area

FLOORPLANS:

- [First Floor](#)
- [Second Floor](#)
- [Third Floor](#)

Call Now: (415) 265-3496

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Avoid scams and fraud by dealing locally! Beware any arrangement involving Western Union, Moneygram, wire transfer, or a landlord/owner who is out of the country or cannot meet you in person.
[More info](#)

\$1199 Furnished Room in Gorgeous Victorian Residence (lower haight) (map)

Date: 2011-08-11, 8:29AM PDT
Reply to: hous-qr8ny-2541328216@craigslist.org [Errors when replying to ads!]

Have complete privacy by renting your own room in a beautiful residence. Restaurants, Church and Market Street subway stop, and cafes are just steps away. Walk to the Castro. Only one block to Duboce Park.

Beautiful furnishings with big bright windows. Premium quality pillow-top queen-sized mattress. All utilities, shared gourmet kitchen, cable TV, and wireless internet included. Laundry facilities. Clean linen, towels, and blankets provided. Your room has its own separately keyed lock and deadbolt. Everything recently restored and renovated with granite bathrooms and kitchens, refinished walls, ceilings, and hardwood floors, and period fixtures. Smoke Free Home.

Housekeeper Glenda comes three times a week to insure that all common areas stay clean. Eclectic San Francisco mix of ages, races, sexual orientation, etc.

See www.sanfranciscoroomsforrent.com for videos, photos, and availability.

Fillmore at Duboce ([google map](#)) ([yahoo map](#))

- it's NOT ok to contact this poster with services or other commercial interests

