



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Conditional Use and Variance

HEARING DATE: FEBRUARY 11, 2016

Date: February 4, 2016
Case No.: **2015-000473CUA/VAR**
Project Address: **495 CHAPMAN STREET**
Zoning: RH-1 (Residential House, One Family)
Bernal Heights Special Use District
40-X Height and Bulk District
Block/Lot: 5627/042
Project Sponsor: Mason Kirby
301 Bocana Street
San Francisco, CA 94110
Staff Contact: Kimberly Durandet – (415) 575-6816
kimberly.durandet@sfgov.org

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PROJECT DESCRIPTION

The applicant proposes the new construction of a three story, 1,286 square foot, single family dwelling on a substandard lot of 1,522 square feet and less than 25 feet width at Folsom Street, where a minimum of 1,750 square feet and 25 feet are required, respectively. The proposed height is 27 feet.

SITE DESCRIPTION AND PRESENT USE

The project is located on the southeast corner of Chapman and Folsom Streets, Lot 042 in Assessor's Block 5627. The subject property is located within the RH-1 (Residential House-One Family), Bernal Heights Special Use District and a 40-X Height and Bulk District. The subject property is currently a vacant corner substandard (1,522 sf) lot with approximately 71 feet of frontage along Chapman Street and 15 feet of frontage along Folsom Street.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The project site is located at the intersection of Chapman and Folsom Streets in Bernal Heights on the southern side in the East Slope Design Review area. The adjacent property to the south is a two-story single family dwelling. The adjacent property to the east is a three-story single family dwelling. Properties across the street to the north and west are two-story single family dwellings. The surrounding area is zoned RH-1 and P generally developed with two-story single family dwellings and public open space.

ENVIRONMENTAL REVIEW

The Project is exempt from the California Environmental Quality Act ("CEQA") as a Class 3 categorical exemption.

HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Classified News Ad	20 days	January 22, 2016	January 20, 2016	22 days
Posted Notice	20 days	January 22, 2016	January 22, 2016	20 days
Mailed Notice	20 days	January 22, 2016	January 22, 2016	20 days

The proposal requires a Section 311-neighborhood notification, which was conducted in conjunction with the conditional use authorization process.

PUBLIC COMMENT/COMMUNITY OUTREACH

- To date, the Department has received one general inquiry regarding site design, one from a concerned adjacent neighbor and 12 letters of support for the project. The project sponsor also submitted a letter of support from the Bernal Heights East Slope Design Review Board dated January 5, 2015.
- The project sponsor has conducted outreach through the pre-application meeting held on August 21, 2013. Neighbor concerns documented on the pre-application meeting submittal included issues of traffic safety at the corner of Chapman and Folsom, the preservation of open space and views, privacy, security and noise to the adjacent properties. The project sponsor also met with the BH East Slope Design Review Board on September 10, 2014 and December 9, 2014. The project was confirmed for a Commission hearing date of February 11, 2016 by staff on January 5, 2016. The project sponsor conducted a voluntary second outreach meeting on January 21, 2016 and has been working with an adjacent neighbor to address concerns related to privacy and security.

ISSUES AND OTHER CONSIDERATIONS

- The existing lot was established in 1960 under Planning Commission Resolution R60.25 from surplus land used to create the right of way for Chapman Street in Bernal Heights and was sold as unwarranted for development in 1961 under Board of Supervisor's Resolution No. 437-61. The project sponsor is seeking this Conditional Use authorization from the Planning Commission to develop a one-family dwelling unit on the subject property.
- Development entitlement via Variance proceedings for the subject lot was denied by the Zoning Administrator on August 29, 1979, October 6, 1981 and June 3, 1987. The Planning Commission also denied development entitlement via Conditional Use Authorization on November 20, 1997, October 25, 2001 and February 3, 2005.
- The lot is a substandard lot in an area of predominately small lots.
- The proposed project is on a corner lot of a steeply sloping curvilinear street.
- The project will be providing the required minimum rear yard of 24.5 feet in an alternative location fronting on Folsom Street, to allow for greater visibility at the corner of Folsom and

Chapman. This location does not meet Section 134 Code requirements for rear yard open space and is subject to Variance.

REQUIRED COMMISSION ACTION

In order for the project to proceed, the Commission must grant conditional use authorization to allow the construction of a three story, 1,286 square foot, single family dwelling on a substandard lot of 1,522 square feet and less than 25 feet width at Folsom Street, where a minimum of 1,750 square feet and 25 feet are required, respectively pursuant to Planning Code Sections 121(f) and 303.

BASIS FOR RECOMMENDATION

- On December 18, 2013 the Mayor of San Francisco issued Executive Directive 13-01, *Housing Production & Preservation of Rental Stock*. The Planning Department recommends approval of this project to facilitate the production of housing and encourage density to contribute to meeting the policy goals of Executive Directive 13-01.
- Housing policy in San Francisco has evolved since this lot was created in 1960. The 1979 and 1981 Variance Decision Letters have suggested alternative disposition of the property to be used as a side yard open space to an adjacent property or as a neighborhood serving parking lot. Further, the 2014 Housing Element encourages the development of housing on adequate sites for families and children in areas that have amenities to support such development. In concert with the current housing crisis, the current development offers a solution which addresses these issues.
- The proposed design is contextually appropriate and provides a respectful transition between adjacent buildings.
- The East Slope Design Review Board previously did not support development proposed for the site. However, they indicated support for the current proposal in a letter dated January 5, 2015 (attached).

RECOMMENDATION:	Approval with Conditions
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Attachments:

Block Book Map

Sanborn Map

Aerial Photographs

Public Correspondence (see also Project Sponsor Submittal)

Project Sponsor Submittal, including:

- Site Photographs
- Reduced Plans
- Letter of Support from BH East Slope Design Review- Dated January 5, 2015
- Letter of Support

Attachment Checklist

- | | |
|---|--|
| <input checked="" type="checkbox"/> Executive Summary | <input checked="" type="checkbox"/> Project sponsor submittal |
| <input checked="" type="checkbox"/> Draft Motion | Drawings: <u>Existing Conditions</u> |
| <input type="checkbox"/> Environmental Determination | <input checked="" type="checkbox"/> Check for legibility |
| <input checked="" type="checkbox"/> Parcel Map | Drawings: <u>Proposed Project</u> |
| <input checked="" type="checkbox"/> Zoning District Map | <input checked="" type="checkbox"/> Check for legibility |
| <input checked="" type="checkbox"/> Sanborn Map | 3-D Renderings (new construction or significant addition) |
| <input checked="" type="checkbox"/> Aerial Photo | <input checked="" type="checkbox"/> Check for legibility |
| <input checked="" type="checkbox"/> Site Photos | <input type="checkbox"/> Wireless Telecommunications Materials |
| <input checked="" type="checkbox"/> Previous Decision Documents | <input type="checkbox"/> Health Dept. review of RF levels |
| | <input type="checkbox"/> RF Report |
| | <input type="checkbox"/> Community Meeting Notice |
| | <input checked="" type="checkbox"/> Other Documents |

Exhibits above marked with an "X" are included in this packet

KJD
Planner's Initials



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- | | |
|--|--|
| <input type="checkbox"/> Affordable Housing (Sec. 415) | <input type="checkbox"/> First Source Hiring (Admin. Code) |
| <input type="checkbox"/> Jobs Housing Linkage Program (Sec. 413) | <input type="checkbox"/> Child Care Requirement (Sec. 414) |
| <input type="checkbox"/> Downtown Park Fee (Sec. 412) | <input type="checkbox"/> Other |

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Planning Commission Draft Motion

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ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO PLANNING CODE SECTIONS 121 AND 303 FOR CONSTRUCTION OF A THREE STORY, 1,286 SQUARE FOOT, SINGLE FAMILY DWELLING ON A SUBSTANDARD LOT OF 1,522 SQUARE FEET AND LESS THAN 25 FEET WIDTH AT FOLSOM STREET, WHERE A MINIMUM OF 1,750 SQUARE FEET AND 25 FEET ARE REQUIRED, RESPECTIVELY. THE SUBJECT PROPERTY IS LOCATED WITHIN THE RH-1 (RESIDENTIAL HOUSE-ONE FAMILY), BERNAL HEIGHTS SPECIAL USE DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On January 15, 2015, Mason Kirby (hereinafter "Project Sponsor") filed an application with the Planning Department (hereinafter "Department") for Conditional Use Authorization under Planning Code Section(s) 121 and 303 for construction of a three story, 1,286 square foot, single family dwelling on a substandard lot of 1,522 square feet and less than 25 feet width at Folsom Street, where a minimum of 1,750 square feet and 25 feet are required, respectively. The subject property is located within the RH-1 (Residential House-One Family), Bernal Heights Special Use District and a 40-X Height and Bulk District.

The project will be providing the required minimum rear yard, 35% lot depth or 24.5 feet in an alternative location fronting on Folsom Street, to allow for greater visibility at the corner of Folsom and Chapman and will be also be subject to a Variance.

On February 11, 2016, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2015-000473CUA/VAR.

The Project is exempt from the California Environmental Quality Act ("CEQA") as a Class 3 categorical exemption.

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

MOVED, that the Commission hereby authorizes the Conditional Use requested in Application No. 2015-000473CUA/VAR, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

FINDINGS

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

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The project is located on the southeast corner of Chapman and Folsom Streets, Lot 042 in Assessor's Block 5627. The subject property is located within the RH-1 (Residential House-One Family), Bernal Heights Special Use District and a 40-X Height and Bulk District. The subject property is currently a vacant corner substandard (1,522 sf) lot with approximately 71 feet of frontage along Chapman Street and 15 feet of frontage along Folsom Street.
3. **Surrounding Properties and Neighborhood.** The project site is located at the intersection of Chapman and Folsom Streets in Bernal Heights on the southern side in the East Slope Design Review area. The adjacent property to the south is a two-story single family dwelling. The adjacent property to the east is a three-story single family dwelling. Properties across the street to the north and west are two-story single family dwellings. The surrounding area is zoned RH-1 and P generally developed with two-story single family dwellings and public open space.
4. **Project Description.** The applicant proposes the new construction of a three story, 1,286 square foot, single family dwelling on a substandard lot of 1,522 square feet and less than 25 feet width at Folsom Street, where a minimum of 1,750 square feet and 25 feet are required, respectively. The proposed height is 27 feet.

5. **Past History and Actions:** The present configuration of the subject lot dates from 1956 when the City acquired a quantity of land for the right-of-way for Chapman Street. A portion of this land was sold in 1961 without warranty as a buildable site (absent a variance granted). The requested "legalization" as a "lot of record" under the Planning Code was the subject of three variance requests, and two Appeals under Case Numbers VZ79.44, 81.382V, and 87.19V. At that time, it was assumed that the lot area was less than 1,500 square feet.

Subsequently, the lot was also subject to a Conditional Use hearing, Case Number 97.513C, wherein an unofficial survey showed the area to be 1,599 feet square. The request for Conditional Use was nevertheless denied.

For the next case, Case Number 2001.0336C, the owner provided a professional survey that established an area of 1,522 square feet. The assessor's office has officially registered this measurement. Because the parcel contains 1,522 square feet it qualifies for consideration as a narrow-lot subdivision under Planning Code Section 121(f). In this case, the burden of proof of hardship (as required for a variance) is eliminated and the less-stringent Conditional Use standards of necessity or desirability and compatibility are invoked. The request was unanimously denied.

The most recent request for authorization to develop this parcel was heard by the Planning Commission on February 3, 2005. The Commission denied the proposed development finding it undesirable due to existing density and visibility at the corner of Chapman and Folsom which would present a hazard to neighborhood traffic. Further, it was found to be inconsistent with the General Plan Residential Policies in that although the project would add to the housing supply, the location was determined to not be consistent with the prevailing character of the neighborhood which is already developed with smaller lots.

6. **Public Comment/Community Outreach.** To date, the Department has received one general inquiry regarding site design and one from a concerned adjacent neighbor. The project sponsor also submitted a letter support from the Bernal Heights East Slope Design Review Board dated January 5, 2015. The Department has received 12 additional letters of support.

The project sponsor has conducted outreach through the pre-application meeting held on August 21, 2013. Neighbor concerns documented on the pre-application meeting submittal included issues of traffic safety at the corner of Chapman and Folsom, the preservation of open space and views, privacy, security and noise to the adjacent properties. The project sponsor also met with the BH East Slope Design Review Board on September 10, 2014 and December 9, 2014. The project was confirmed for a Commission hearing date of February 11, 2016 by staff on January 5, 2016. The project sponsor conducted a voluntary second outreach meeting on January 21, 2016 and has been working with an adjacent neighbor to address concerns related to privacy and security.

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

- A. **Minimum Lot Width and Area.** Planning Code Section 121 establishes the minimum lot frontage to be 16 feet, width 25 feet and area of a corner lot 1,500 feet. Subsection (f) states that the Planning Commission may permit one or more lots of lesser width to be created, with each lot containing only a one-family dwelling according to the procedures and criteria for conditional use approval.

The existing lot was established in 1960 under Planning Commission Resolution R60.25 from surplus land used to create the right of way for Chapman Street in Bernal Heights and was sold as unwarranted for development in 1961 under Board of Supervisor's Resolution No. 437-61. The project sponsor is seeking this Conditional Use authorization from the Planning Commission to develop a one-family dwelling unit on the subject property.

- B. **Standards for Bird Safety.** Adopted on July 14, 2011, the Standards for Bird Safe Buildings, Section 139, specify requirements for a bird safe building.

The proposed project is located within 300 feet of a potential urban bird refuge. The plans must meet the standard for glazing treatment where applicable.

- C. **Dwelling Unit Exposure.** Planning Code Section 140 requires that at least one room shall face directly onto a public street or open space.

The proposed project has windows that face Chapman Street which is a public street of at least 20 feet in width.

- D. **Height Limits.** Planning Code Section 242(e)(1) states that no portion of a dwelling in any portion of this district shall exceed a height of 30 feet et. seq.

At 27 feet the proposed building will not exceed 30 feet in height.

- E. **Rear Yards.** Planning Code Section 242(e)(2)(A) requires that lots which have a depth of 70 feet or less, shall provide a minimum rear yard depth equal to 35 percent of the total depth of the lot on which the building is located.

The required rear yard for the subject property is 24.5 feet. The project will be providing the required minimum rear yard, 35% lot depth or 24.5 feet in an alternative location fronting on Folsom Street, to allow for greater visibility at the corner of Folsom and Chapman which does not meet this Code requirement and will be subject to Variance proceedings per Planning Code Section 305.

- F. **Mass Reduction Requirement for RH-1 and RH-1(S) Buildings.** Planning Code Section 242(e)(3) requires that after calculation of the maximum permissible height and lot coverage in an RH-1 or RH-1(S) District, a total of 650 square feet of usable floor area must be deleted from the exterior of the building, causing a reduction in square footage as well as building volume.

The proposed project includes a mass reduction of greater than 650 square feet to the building volume.

- D. **Parking.** Planning Code Section 242(e)(4) requires one off-street parking space for new construction of usable floor area of 1-1,300 square feet.

The proposed project is less than 1,300 square feet and provides one required parking space.

- E. **Bicycle Parking.** Planning Code Section 155.2 requires that one class one bicycle parking space be provided.

The proposed project provide for class one bicycle parking.

- F. **Curb Cuts and Garage Door Width.** Planning Code Section 242(e)(5) requires that the maximum width of curb cuts allowed for new construction shall be 10 feet; the maximum width of a garage door opening shall be 12 feet.

The proposed project provides a curb cut less than 10 feet and a garage door opening less than 12 feet.

- G. **Design.** Planning Code Section 242(e)(6) requires that in addition to applicable guidelines cited by Section 311, the East Slope Building Guidelines shall be used as guidelines to determine neighborhood compatibility of new construction and alterations in the respective areas covered by those guidelines.

The Department has reviewed the project for compatibility with the Residential Design and Bernal Heights East Slope Building Guidelines and found the proposed design to be contextually compatible and innovative given the existing constraints of the site. Furthermore, the Bernal Heights East Slope Design Review Board reviewed the proposed design on January 5, 2015 and found it in conformance with the guidelines (attached).

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

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

The proposed use of the property as a single-family dwelling will provide a modest house on a small lot in an area that currently is developed with single-family dwellings on small lots. The subject lot is 233 square feet smaller (13%) than most surrounding properties that are 1,750 square feet. Whereas previous proposals were denied on that basis, City policy under the Mayor's Executive Directive 13-01- "Housing Production and Preservation of Rental Stock", has changed to encourage density in new development. Further, whereas in prior proposals, the East Slope Design Review Board did not

support development proposed for the site, they indicated support for the current proposal in a letter dated January 5, 2015.

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

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

The subject property has a graduated width from 15 feet at Folsom to 25 feet at the easterly property line. The size, design, and location of the proposed structure of a 1,286 square feet single-family dwelling are modest. The subject lot, while smaller than other lots in the area, is irregular only in that the portion of the lot that is substandard is the curvilinear section that was appropriated to create Chapman Street.

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

The design of the building mass is located farthest from the corner of Chapman and Folsom Streets to allow for maximum visibility at the corner. Chapman Street does not have through access around Bernal Hill open space. Traffic is generally limited to local residences. The project will remove one on street parking and add one off-street parking space with access located approximately 54 feet from the corner.

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

The proposed use as a single-family dwelling will not create noxious or offensive emissions.

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

The proposed single-family dwelling will provide screening for parking and landscaping as required by the Planning Code.

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

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

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

**2014 HOUSING ELEMENT
Objectives and Policies**

OBJECTIVE 1

IDENTIFY AND MAKE AVAILABLE FOR DEVELOPMENT ADEQUATE SITES TO MEET THE CITY'S HOUSING NEEDS, ESPECIALLY PERMANENTLY AFFORDABLE HOUSING.

Policy 1.1:

Plan for the full range of housing needs in the City and County of San Francisco, especially affordable housing.

Policy 1.6:

Consider greater flexibility in number and size of units within established building envelopes in community based planning processes, especially if it can increase the number of affordable units in multi-family structures.

The proposed project will allow development of a site that will contribute to meeting the City's housing production needs on a site that while 13% smaller than surrounding properties is adequate to provide a modest single-family dwelling.

OBJECTIVE 4

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

Policy 4.1

Develop new housing and encourage the remodeling of existing housing, for families with children.

The proposed development is a modest 3-bedroom single-family dwelling with a rear yard open space located close to dog friendly public open spaces, parks and a variety of services and amenities for families with children in the NC District along Cortland Avenue.

OBJECTIVE 11

SUPPORT AND RESPECT THE DIVERSE AND DISTINCT CHARACTER OF SAN FRANCISCO'S NEIGHBORHOODS.

Policy 11.1

Promote the construction and rehabilitation of well-designed housing that emphasizes beauty, flexibility, and innovative design, and respects existing neighborhood character.

Policy 11.3

Ensure growth is accommodated without substantially and adversely impacting existing residential neighborhood character.

The proposed project design is a positive contribution to the existing block face of Chapman Street that will enhance the character of the neighborhood with a contextually appropriate contemporary design.

OBJECTIVE 12

BALANCE HOUSING CONSTRUCTION AND COMMUNITY INFRASTRUCTURE.

Policy 12.2

Consider the proximity of quality of life elements, such as open space, child care, and neighborhood services, when developing new housing units.

The proposed project is located close to dog friendly public open spaces, parks, and a variety of services and amenities in the NC District along Cortland Avenue as well as the commercial areas located on Mission Street and Bayshore Boulevard.

URBAN DESIGN ELEMENT

Objectives and Policies

OBJECTIVE 4

IMPROVEMENT OF THE NEIGHBORHOOD ENVIRONMENT TO INCREASE PERSONAL SAFETY, COMFORT, PRIDE AND OPPORTUNITY.

Policy 4.15

Protect the livability and character of residential properties from the intrusion of incompatible new buildings.

The subject lot is vacant and underutilized. The addition of a modest single family home is an improvement to the neighborhood. The proposed design enhances public safety by providing a widened sidewalk (current 19" wide) and preserves visibility for vehicular traffic at the corner of Folsom and Chapman.

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

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

The proposed production of a single-family dwelling would provide additional economic support for the nearby neighborhood-serving retail establishments through patronage of the future residents of the project.

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

Neighborhood character would not be adversely affected by the proposed development.

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

No housing is removed for this Project.

- D. That commuter traffic not impedes MUNI transit service or over burden our streets or neighborhood parking.

The site is on Chapman Street and would not impede MUNI transit service routes 67 Bernal Heights or 24 Divisadero which currently serve Bernal Heights residents. The project proposes to remove one on-street parking and create one off-street parking space.

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

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

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

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

- G. That landmarks and historic buildings be preserved.

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

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

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

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

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

DECISION

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

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

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

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

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on XXXXXXXXXX.

Jonas P. Ionin
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: XXXXXXXXXX

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to allow a [Insert Use] (d.b.a. XXXXXX) located at [Insert Address, Block, and Lot] pursuant to Planning Code Section(s) XXXXXX within the XXXXXX District and a XXXXXX Height and Bulk District; in general conformance with plans, dated XXXXXX, and stamped "EXHIBIT B" included in the docket for Case No. XXXXXX and subject to conditions of approval reviewed and approved by the Commission on XXXXXX under Motion No XXXXXX. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

RECORDATION OF CONDITIONS OF APPROVAL

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

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

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

SEVERABILITY

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

CHANGES AND MODIFICATIONS

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

Conditions of Approval, Compliance, Monitoring, and Reporting

PERFORMANCE

Validity. The authorization and right vested by virtue of this action is valid for three (3) years from the effective date of the Motion. The Department of Building Inspection shall have issued a Building Permit or Site Permit to construct the project and/or commence the approved use within this three-year period.

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

Expiration and Renewal. Should a Building or Site Permit be sought after the three (3) year period has lapsed, the project sponsor must seek a renewal of this Authorization by filing an application for an amendment to the original Authorization or a new application for Authorization. Should the project sponsor decline to so file, and decline to withdraw the permit application, the Commission shall conduct a public hearing in order to consider the revocation of the Authorization. Should the Commission not revoke the Authorization following the closure of the public hearing, the Commission shall determine the extension of time for the continued validity of the Authorization.

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

Diligent pursuit. Once a site or Building Permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. Failure to do so shall be grounds for the Commission to consider revoking the approval if more than three (3) years have passed since this Authorization was approved.

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

Extension. All time limits in the preceding three paragraphs may be extended at the discretion of the Zoning Administrator where implementation of the project is delayed by a public agency, an appeal or a legal challenge and only by the length of time for which such public agency, appeal or challenge has caused delay.

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

Conformity with Current Law. No application for Building Permit, Site Permit, or other entitlement shall be approved unless it complies with all applicable provisions of City Codes in effect at the time of such approval.

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

Additional Project Authorization. The Project Sponsor must obtain a Project authorization under Section 305 for a Variance to allow the construction of a dwelling unit in the required rear yard. The conditions set forth below are additional conditions required in connection with the Project. If these conditions overlap with any other requirement imposed on the Project, the more restrictive or protective condition or requirement, as determined by the Zoning Administrator, shall apply.

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

DESIGN – COMPLIANCE AT PLAN STAGE

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

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

Garbage, composting and recycling storage. Space for the collection and storage of garbage, composting, and recycling shall be provided within enclosed areas on the property and clearly labeled and illustrated on the building permit plans. Space for the collection and storage of recyclable and compostable materials that meets the size, location, accessibility and other standards specified by the San Francisco Recycling Program shall be provided at the ground level of the buildings.

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

PARKING AND TRAFFIC

Bicycle Parking. The Project shall provide no fewer than one Class 1 bicycle parking space as required by Planning Code Sections 155.1 and 155.5.

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

Parking Requirement. Pursuant to Planning Code Section 151, the Project shall provide one independently accessible off-street parking space.

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

Managing Traffic During Construction. The Project Sponsor and construction contractor(s) shall coordinate with the Traffic Engineering and Transit Divisions of the San Francisco Municipal Transportation Agency (SFMTA), the Police Department, the Fire Department, the Planning Department, and other construction contractor(s) for any concurrent nearby Projects to manage traffic congestion and pedestrian circulation effects during construction of the Project.

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

MONITORING - AFTER ENTITLEMENT

Enforcement. Violation of any of the Planning Department conditions of approval contained in this Motion or of any other provisions of Planning Code applicable to this Project shall be subject to the enforcement procedures and administrative penalties set forth under Planning Code Section 176 or

Section 176.1. The Planning Department may also refer the violation complaints to other city departments and agencies for appropriate enforcement action under their jurisdiction.

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

OPERATION

Garbage, Recycling, and Composting Receptacles. Garbage, recycling, and compost containers shall be kept within the premises and hidden from public view, and placed outside only when being serviced by the disposal company. Trash shall be contained and disposed of pursuant to garbage and recycling receptacles guidelines set forth by the Department of Public Works.

For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works at 415-554-.5810, <http://sfdpw.org>

Sidewalk Maintenance. The Project Sponsor shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean and sanitary condition in compliance with the Department of Public Works Streets and Sidewalk Maintenance Standards.

For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works, 415-695-2017, <http://sfdpw.org>

Community Liaison. Prior to issuance of a building permit to construct the project and implement the approved use, the Project Sponsor shall appoint a community liaison officer to deal with the issues of concern to owners and occupants of nearby properties. The Project Sponsor shall provide the Zoning Administrator with written notice of the name, business address, and telephone number of the community liaison. Should the contact information change, the Zoning Administrator shall be made aware of such change. The community liaison shall report to the Zoning Administrator what issues, if any, are of concern to the community and what issues have not been resolved by the Project Sponsor.

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

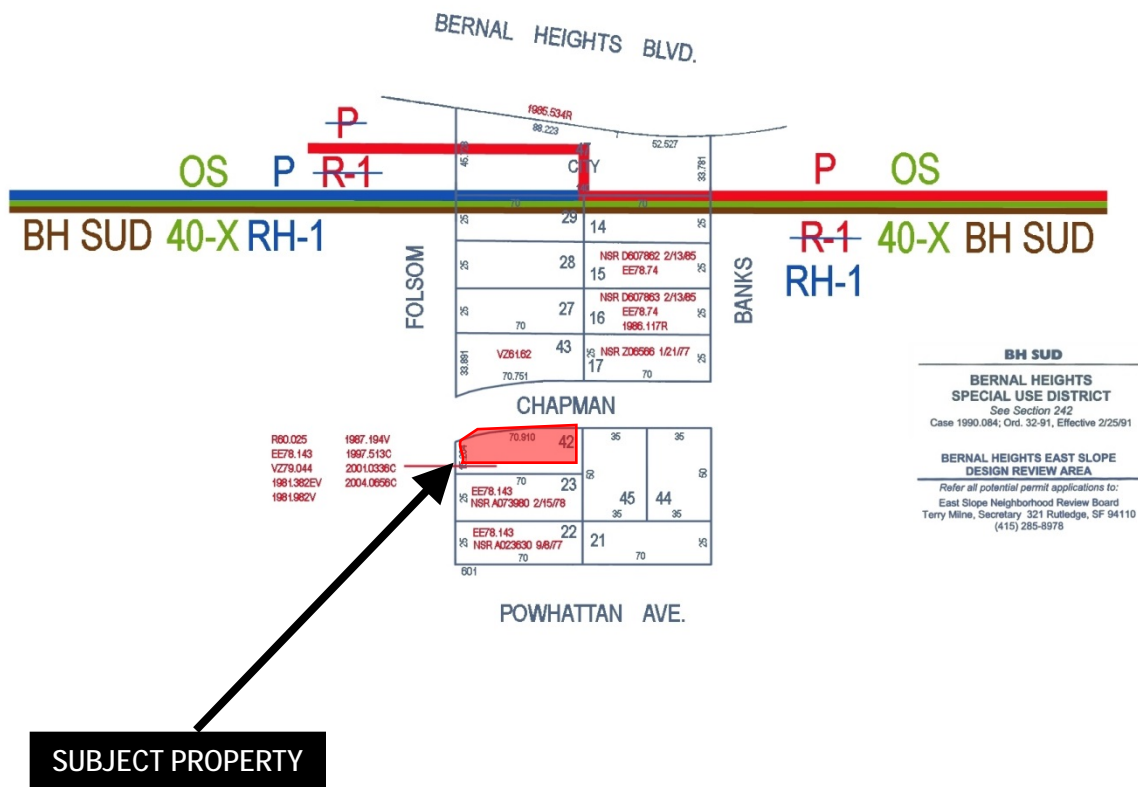
Parcel Map

GIFT MAP 3 LOTS 925 965



REVISED '58
" '61
" '66
" '69
" '70

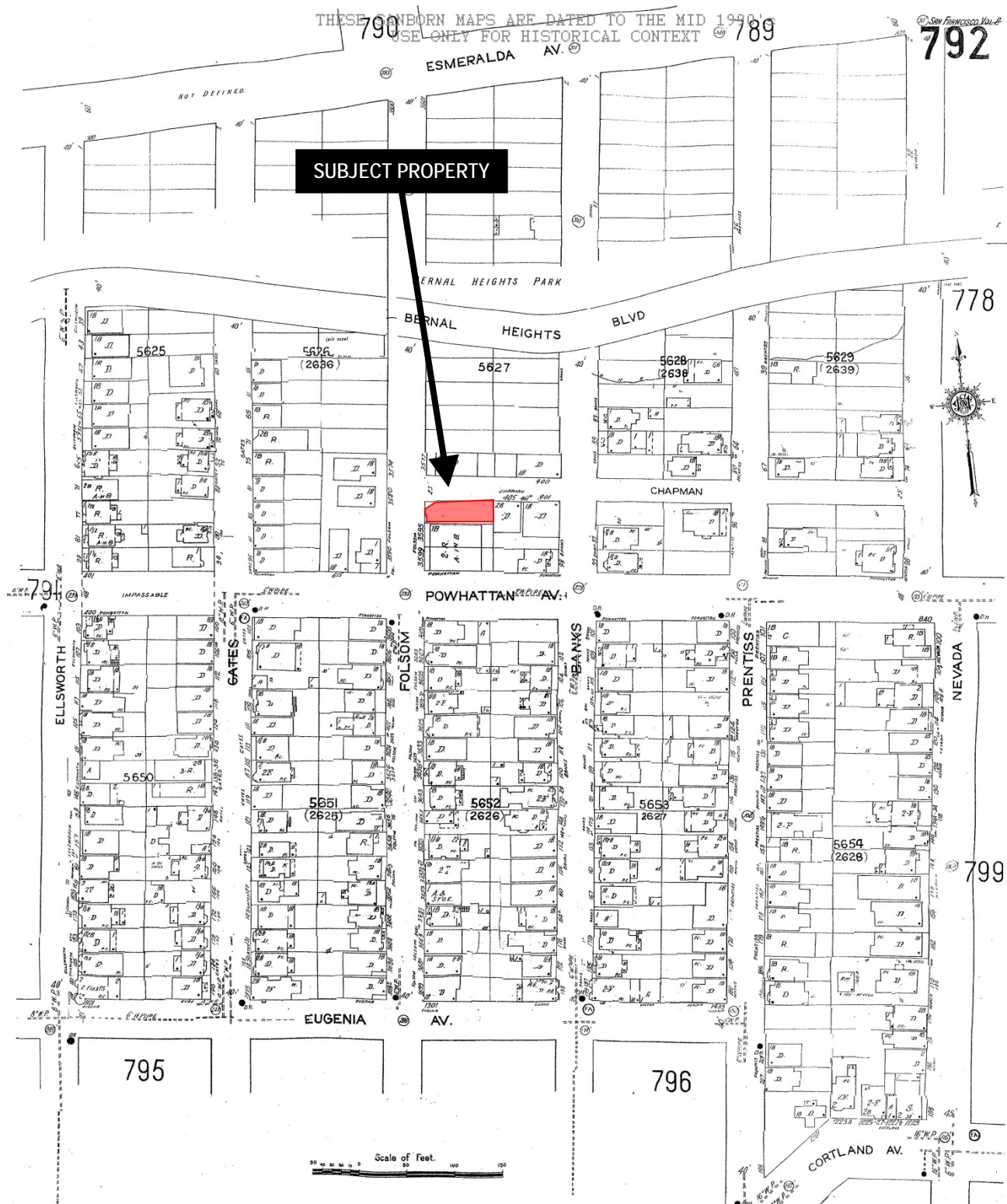
1987.626E (WHOLE BLOCK)
1988.708ET BERNAL HEIGHTS SUD (EAST AND SOUTH SLOPES)
1990.188R



Conditional Use and Variance Hearing
2015-000473CUA/VAR
495 Chapman Street



Sanborn Map*



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



Conditional Use and Variance Hearing
2015-000473CUA/VAR
495 Chapman Street

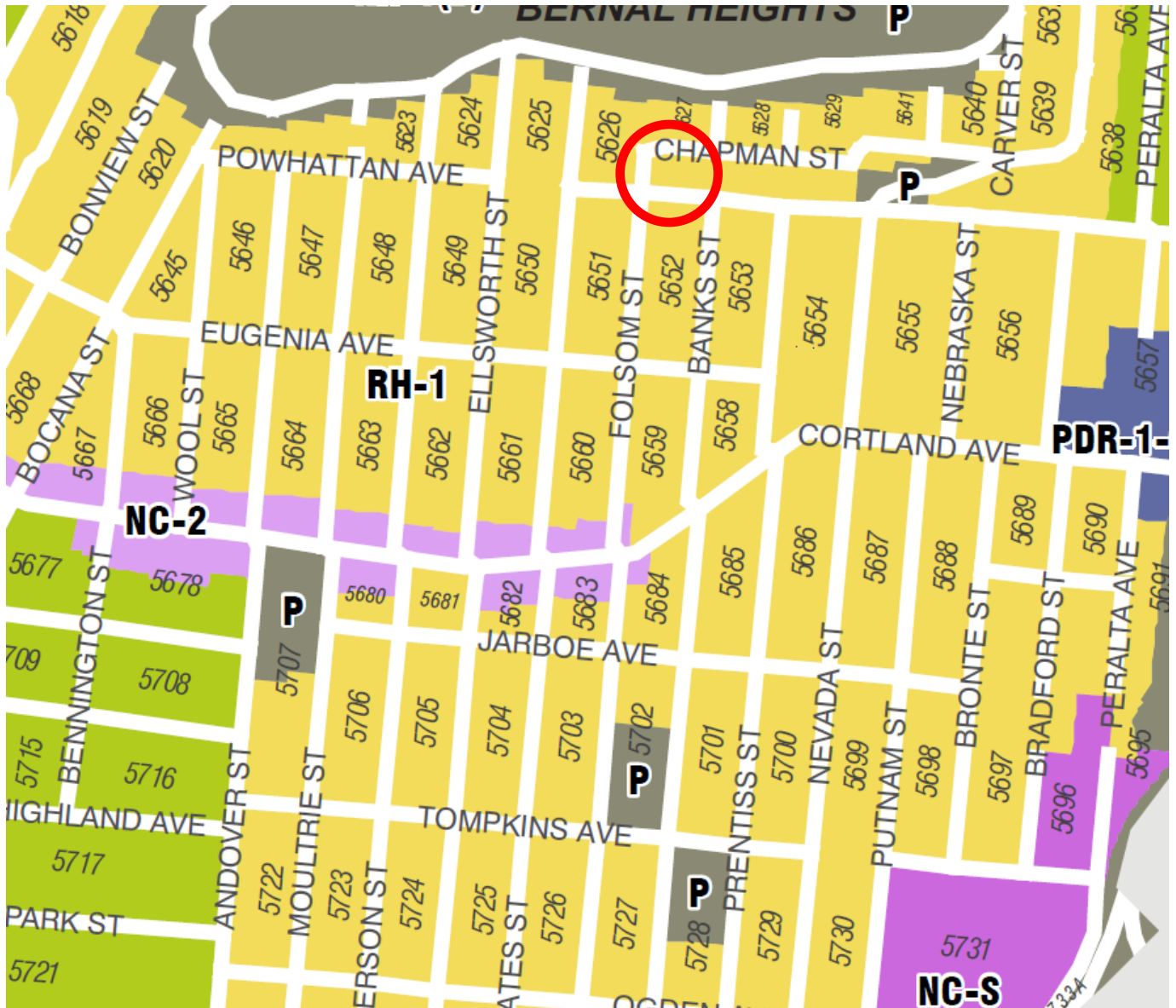
Aerial Photo

SUBJECT PROPERTY



Conditional Use and Variance Hearing
2015-000473CUA/VAR
495 Chapman Street

Zoning Map



Conditional Use and Variance Hearing
2015-000473CUA/VAR
495 Chapman Street

Site Photo



Conditional Use and Variance Hearing
2015-000473CUA/VAR
495 Chapman Street

SITE INFORMATION

ADDRESS

495 CHAPMAN STREET
SAN FRANCISCO, CA 94110

ZONING: RH-1

HEIGHT RESTRICTION: 40-X

PARCEL: 5627

LOT: 042

CURRENT # OF UNITS: 0

CURRENT # OF STORIES: 0

NEIGHBORHOOD: BERNAL HEIGHTS SPECIAL USE DISTRICT

MASS REDUCTION:

1st Floor: 168 SQFT
2nd Floor: 168 SQFT
3rd Floor: 668 SQFT
TOTAL OPEN-TO-SKY AREA: 1004 SQFT
REQUIRED SQ FT: 650 SQFT

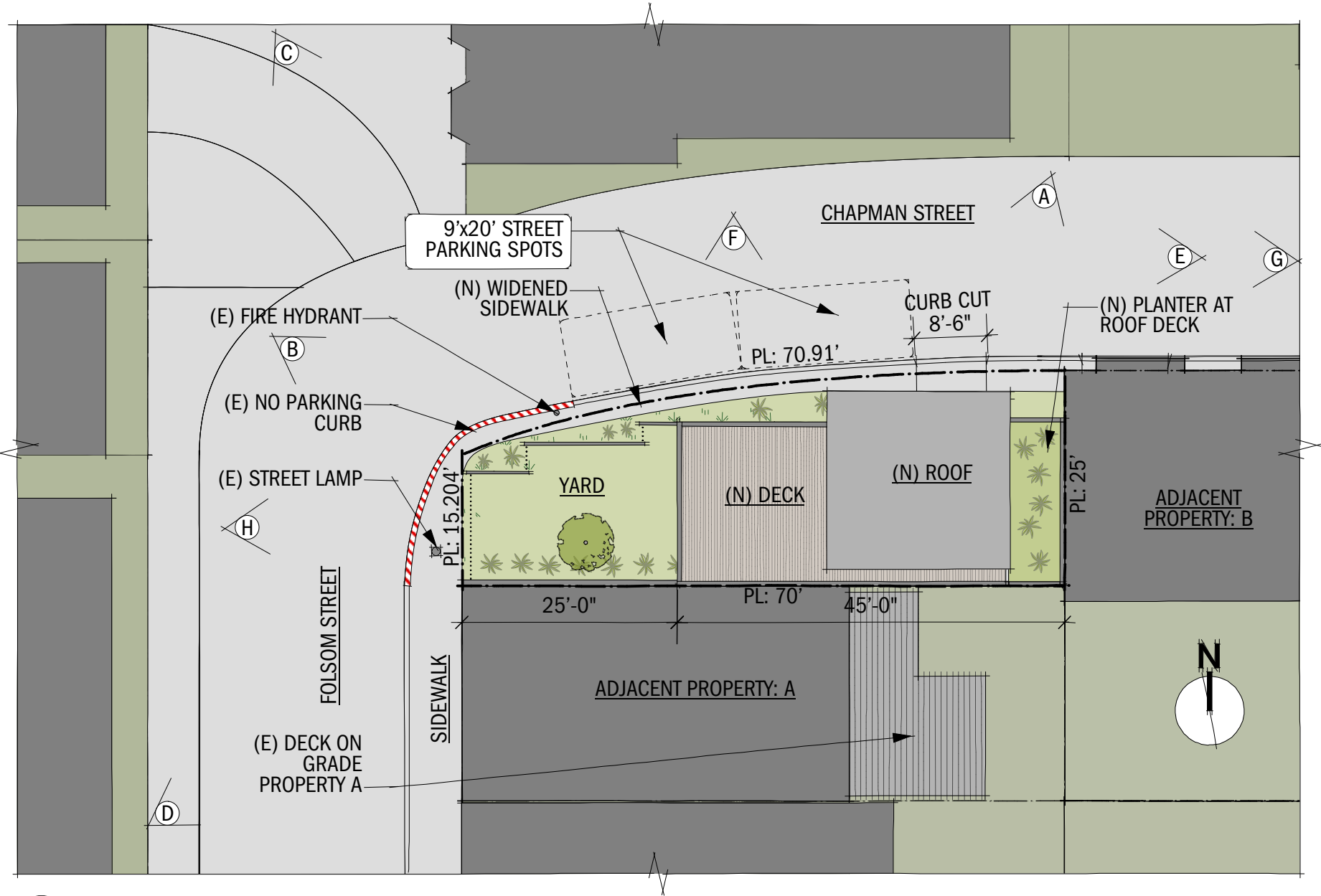
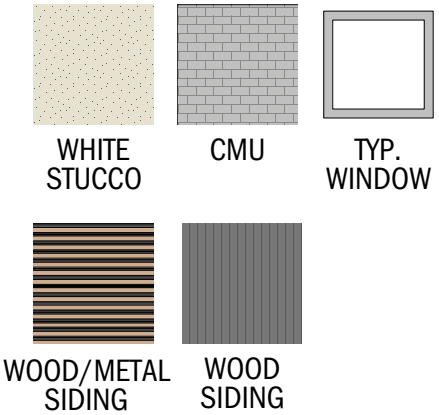
AREA

GROUND FLR: 124 SQFT
SECOND FLR: 837 SQFT
THIRD FLR: 337 SQFT
TOTAL: 1,298 SQFT

PARKING REQUIREMENTS:

0-1,300 SQFT: 1 PARKING SPACE REQUIRED / PROPOSED

MATERIALS LEGEND

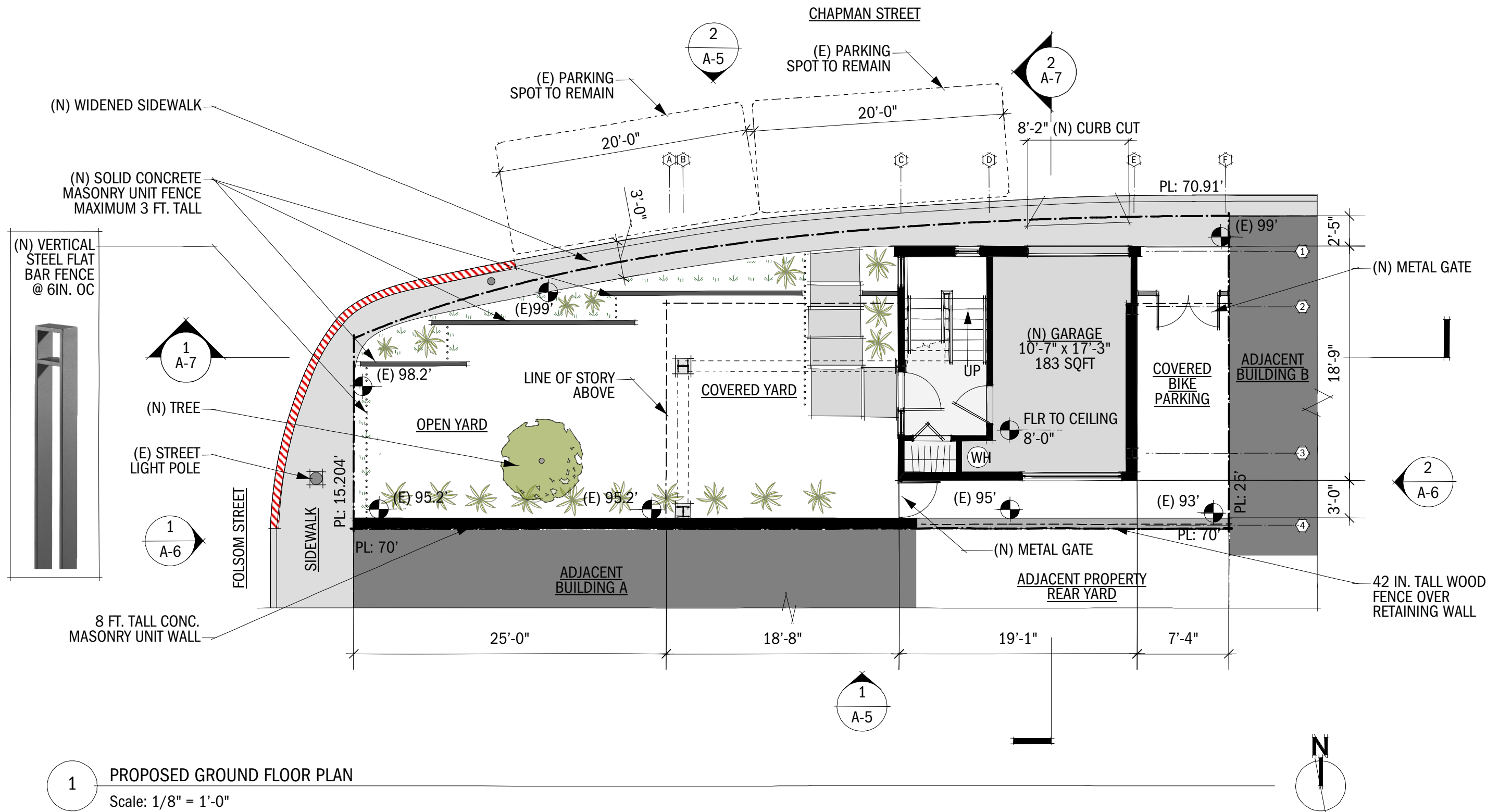


2

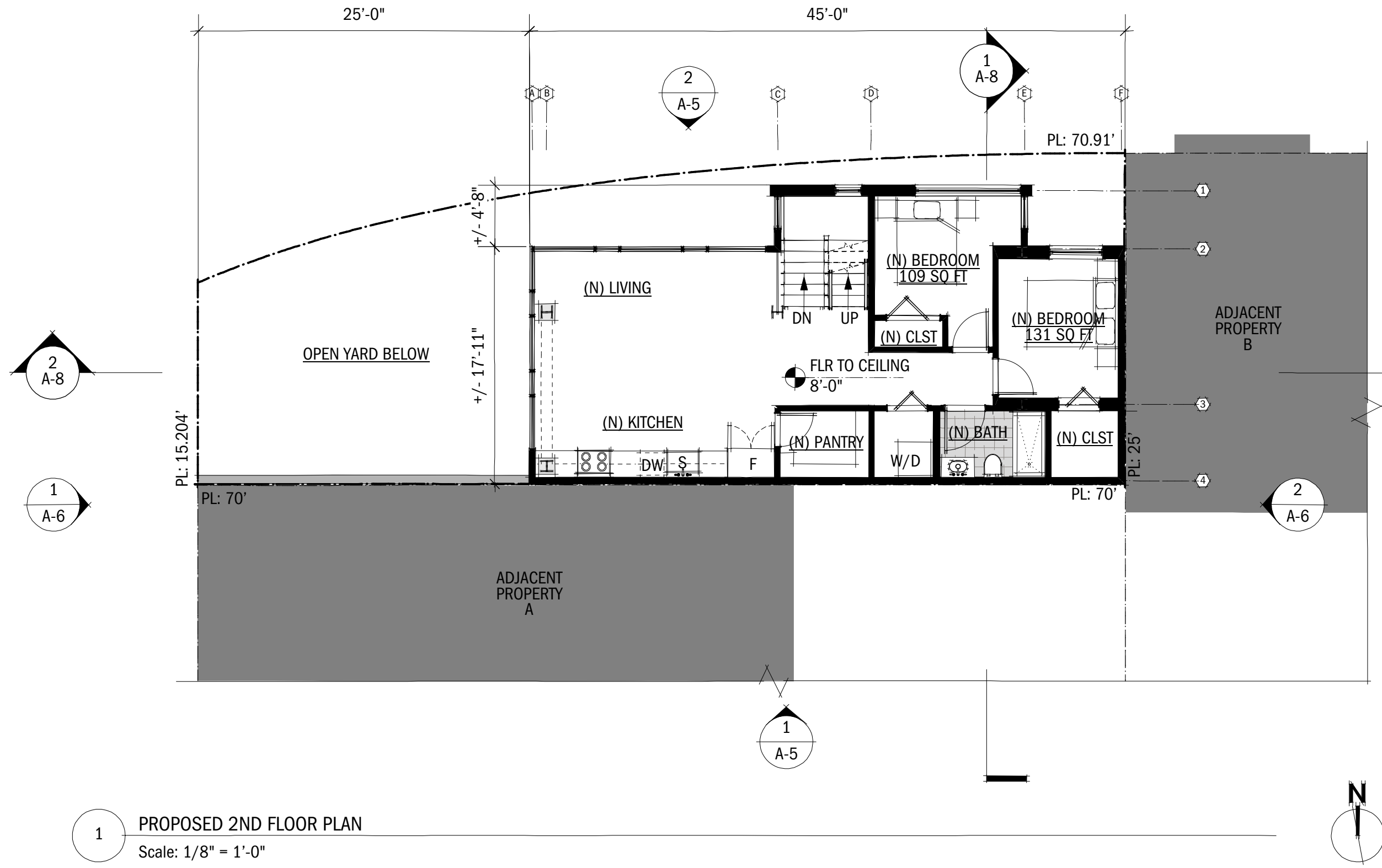
MASS REDUCTION - OPTION A
Scale: 1/16" = 1'-0"

1

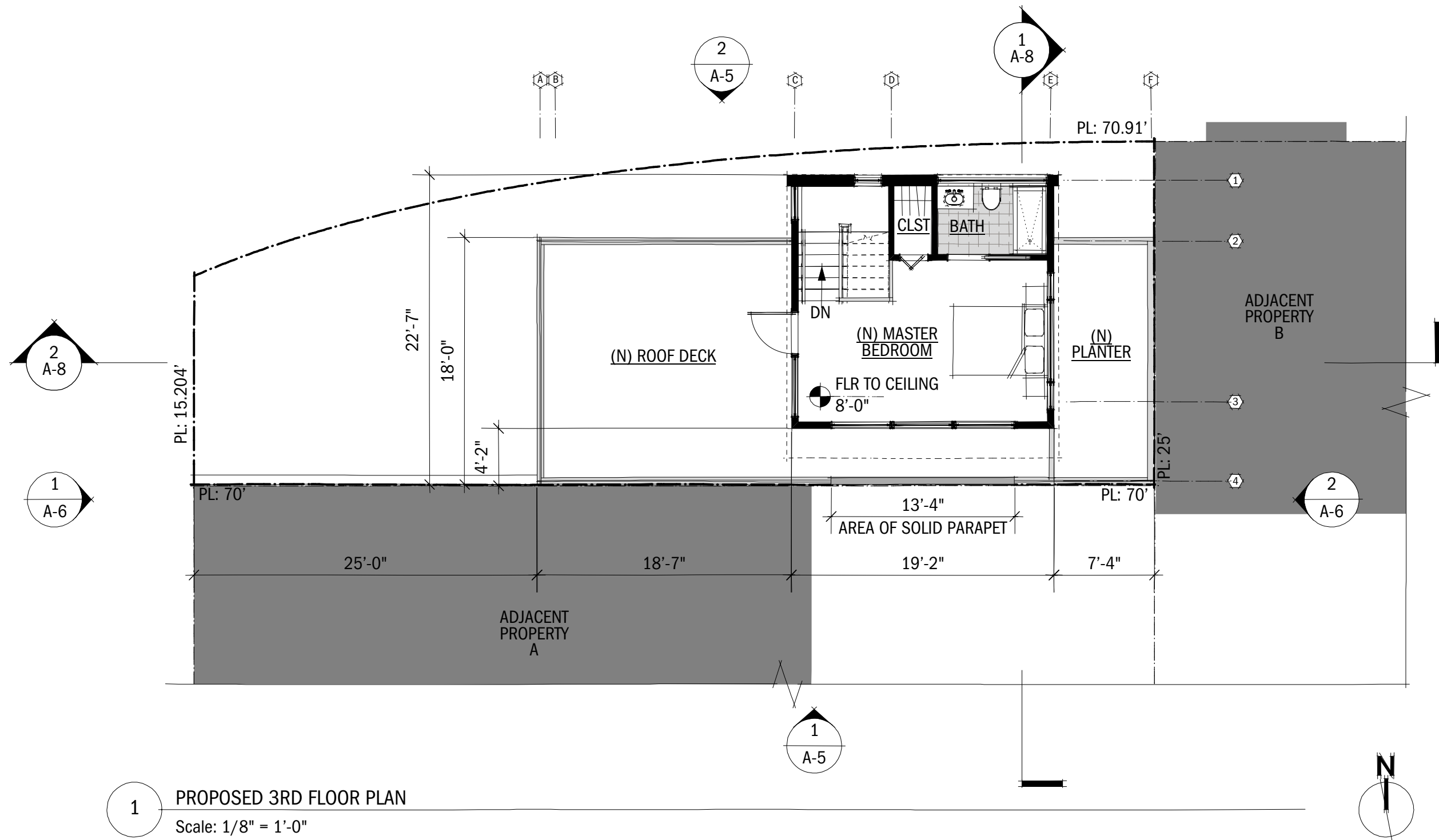
SITE PLAN - OPTION A
Scale: 1/16" = 1'-0"



1 PROPOSED GROUND FLOOR PLAN
Scale: 1/8" = 1'-0"

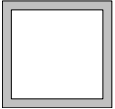


1 PROPOSED 2ND FLOOR PLAN
Scale: 1/8" = 1'-0"

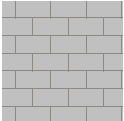


1 PROPOSED 3RD FLOOR PLAN
 Scale: 1/8" = 1'-0"


MATERIALS
LEGEND




TYP.
WINDOW



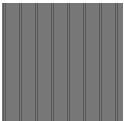
CMU



WHITE
STUCCO



WOOD/METAL
SIDING



WOOD
SIDING

2

NORTH ELEVATION

Scale: 1/8" = 1'-0"

1

SOUTH ELEVATION

Scale: 1/8" = 1'-0"

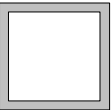
Architect
Mason Kirby
Inc


301 Bocana Street, San Francisco
California 94110 415 867 5357

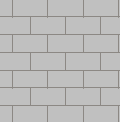
495 CHAPMAN ST.
SAN FRANCISCO, CA

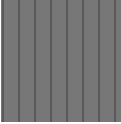
A-5 NORTH + SOUTH ELEVATIONS
SCALE: 1/8" = 1'-0"
1/29/16

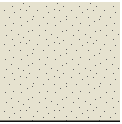
MATERIALS
LEGEND

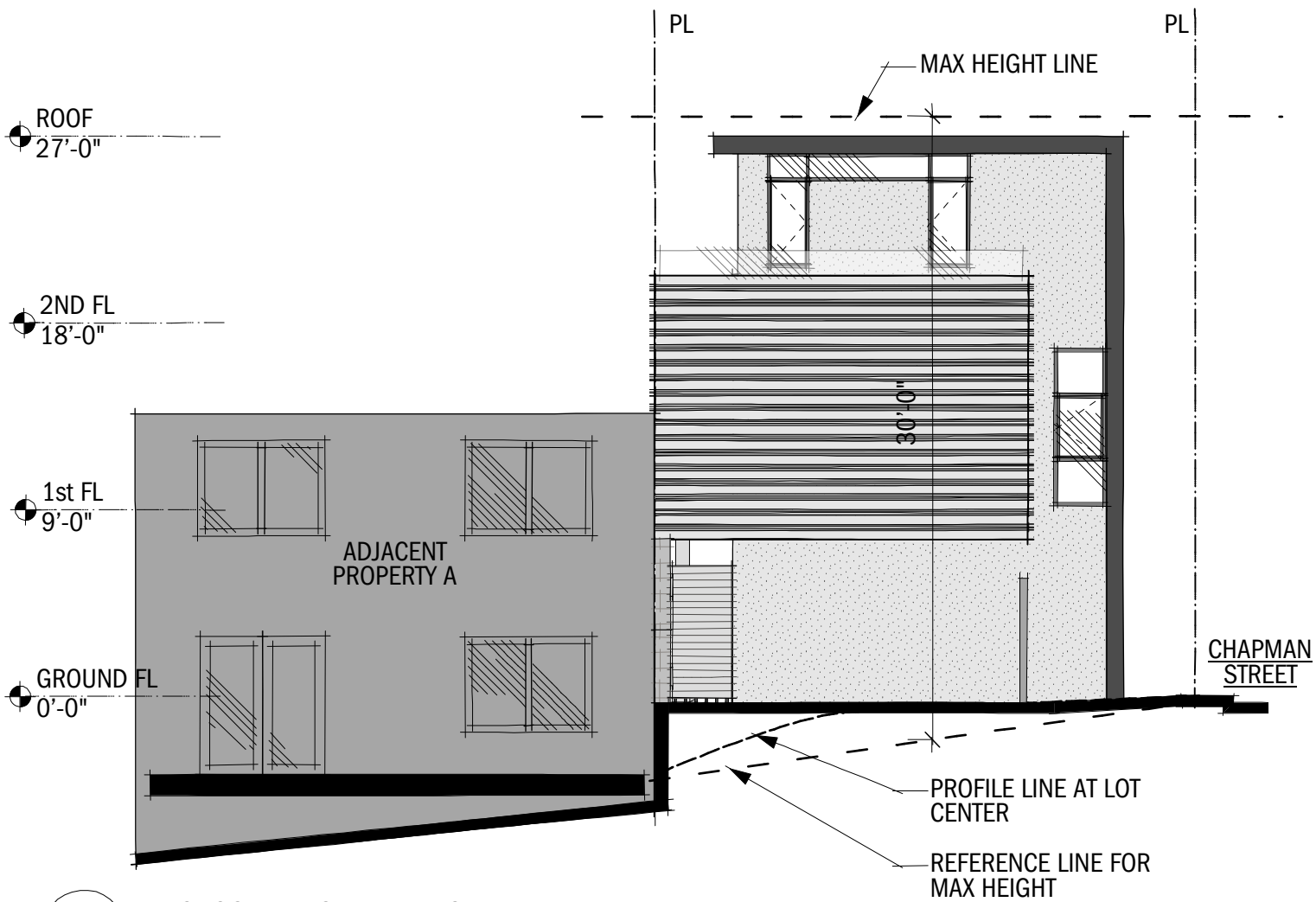

TYP.
WINDOW


WOOD/METAL
SIDING


CMU

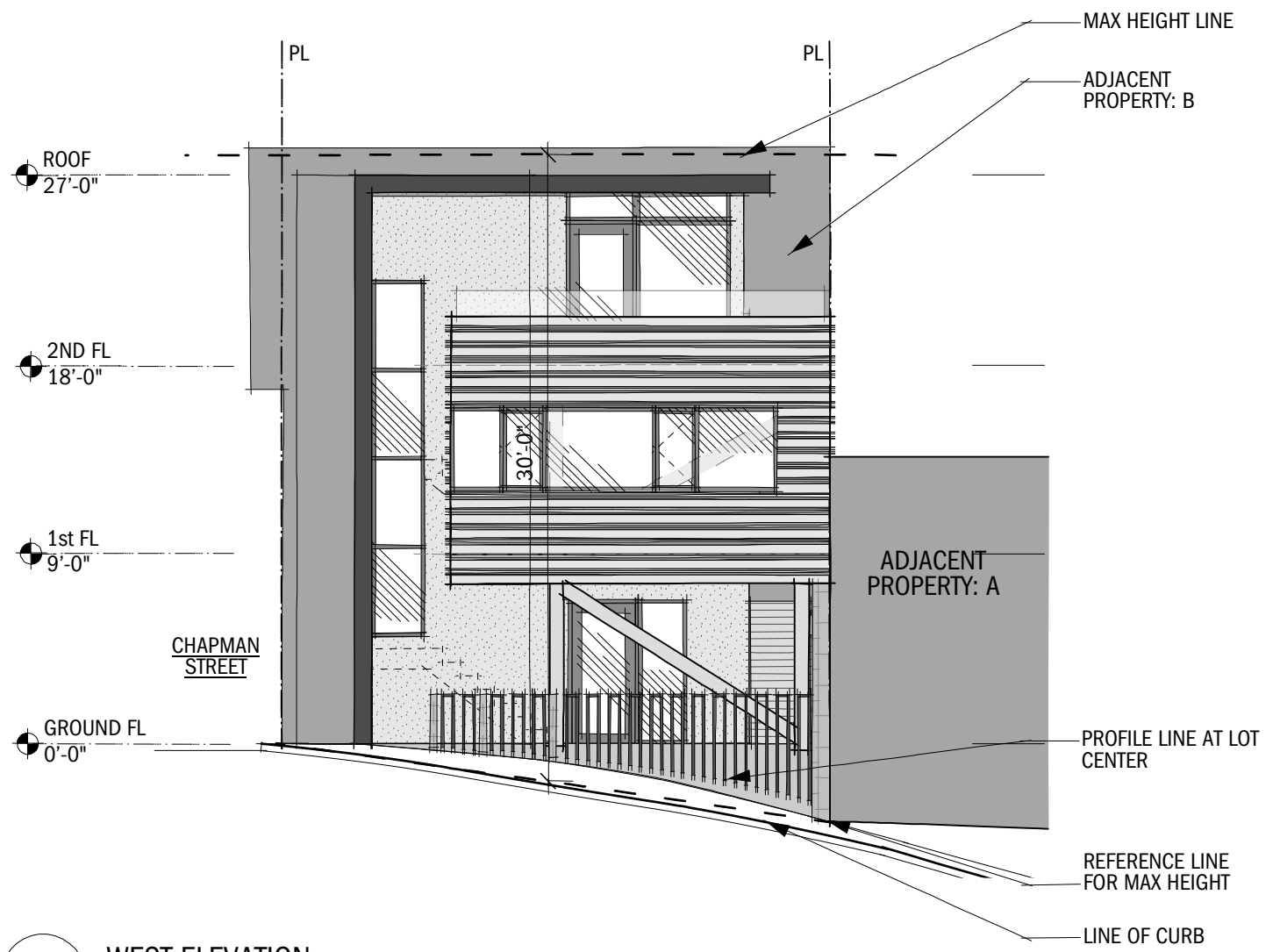

WOOD
SIDING


WHITE
STUCCO



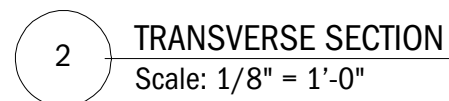
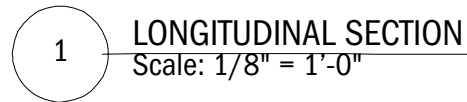
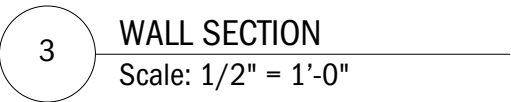
2

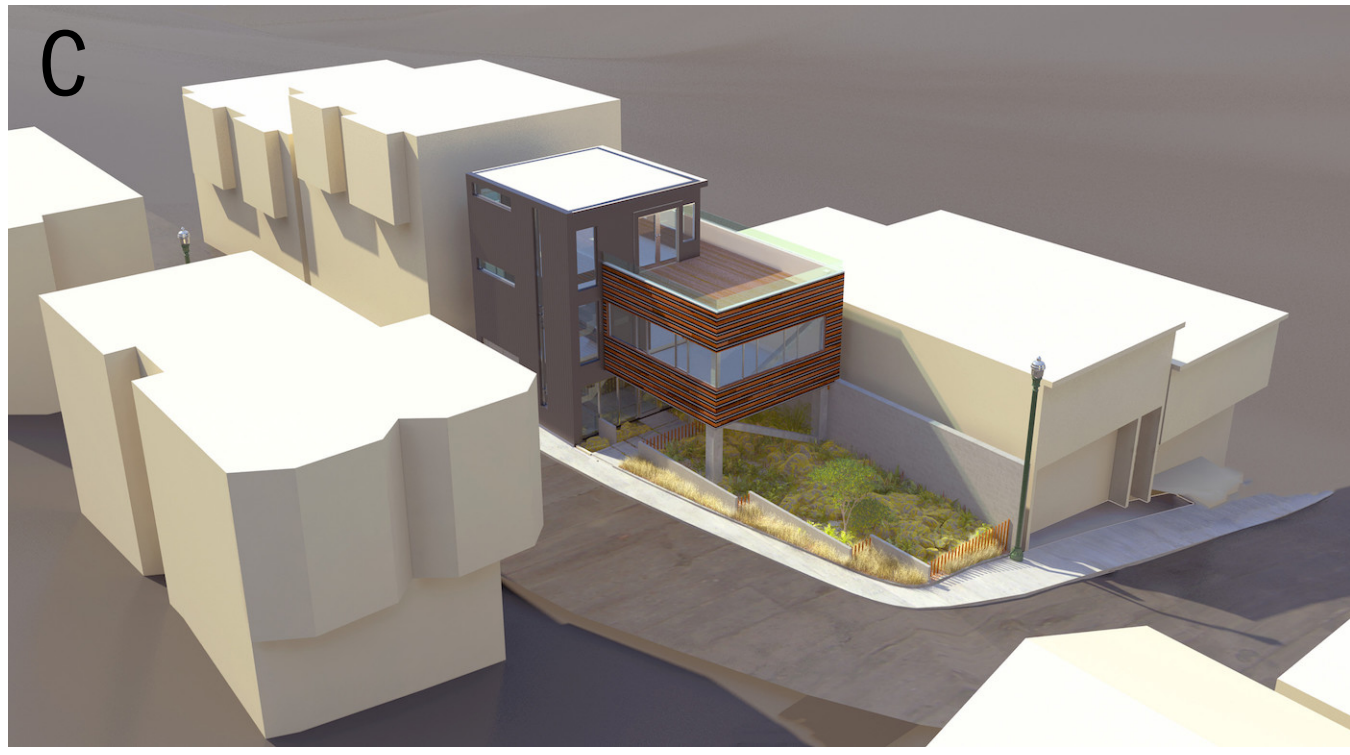
PROPOSED EAST ELEVATION
Scale: 1/8" = 1'-0"



1

WEST ELEVATION
Scale: 1/8" = 1'-0"







A-9 RENDERINGS

SCALE: 1/8" = 1'-0"
1/29/16

495 CHAPMAN ST.
SAN FRANCISCO, CA

Architect
Mason Kirby
Inc

301 Bocana Street, San Francisco
California 94110 415 867 5357



A-10 RENDERINGS
SCALE: 1/8" = 1'-0"
1/29/16

495 CHAPMAN ST.
SAN FRANCISCO, CA

Architect
Mason Kirby
Inc

301 Bocana Street, San Francisco
California 94110 415 867 5357



Paul Matamoros
P.O. Box 44425
Rio Rancho, NM 87174
505. 290. 3053

June 30, 2014

Architect Mason Kirby
301 Bocana Street
San Francisco, CA 94110

Re: San Francisco, CA Folsom Street Corner Lot; APN: Block 5627 lot
042; Address 3579 Folsom / 495 Chapman

LETTER OF AUTHORIZATION

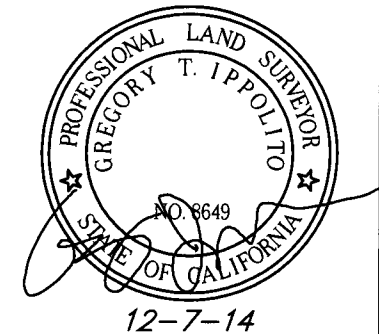
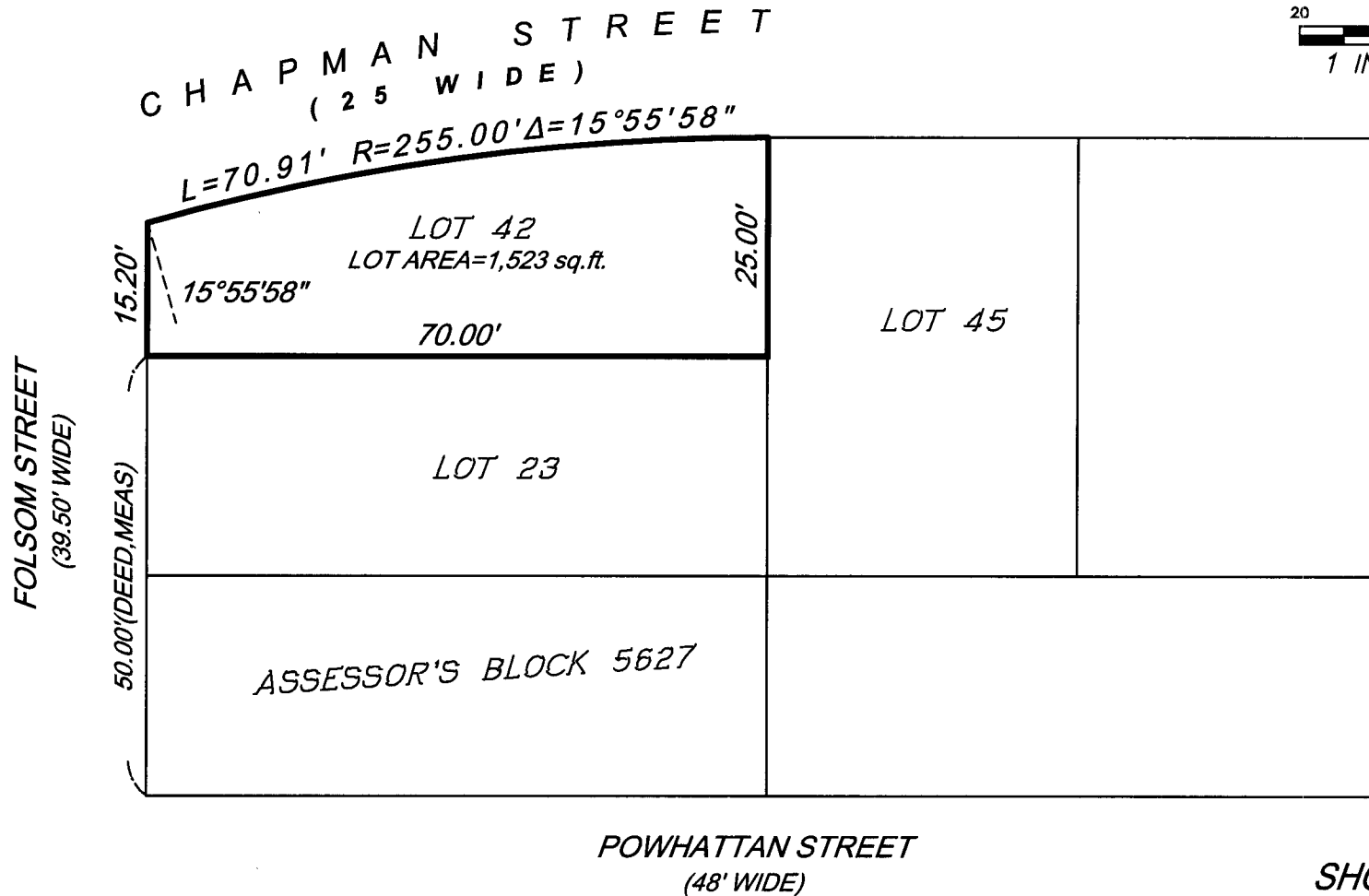
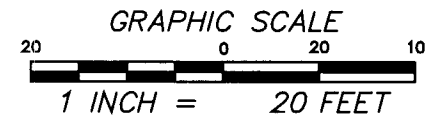
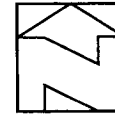
To Whom It May Concern:

As the legal Owner of this parcel; APN: 5627 lot 042; address 3579 Folsom / 495 Chapman, I hereby authorize Architect Mason Kirby to act as my agent in all proceedings regarding and obtaining building permit approval for the construction of a single family dwelling. This allows Mason Kirby to obtain/submit applications and/or any additional information which may be required to speak on my behalf to Planning Department and Building Department staff and elected and appointed officials and in the approval of all permits involved in the building of a single family dwelling.

Sincerely,

A handwritten signature in black ink, appearing to read 'Paul Matamoros', written over a horizontal line.

Paul Matamoros



NOTE

THE PARCEL CONFIGURATION SHOWN HEREON
IS BASED ON RECORD DATA ONLY AND IS BASED ON THE
CORNERSTONE TITLE COMPANY PRELIMINARY
REPORT DATED: 5-29-14

EXHIBIT
SHOWING THE RECORD
POSITION OF 495 CHAPMAN ST
SAN FRANCISCO, CA
ASSESSOR'S BLOCK 5627 LOT 42

FORESIGHT
LAND SURVEYING

1537 FRANKLIN STREET, SUITE #102
SAN FRANCISCO, CA 94109
415-735-6180

COPY



Abrams Associates

Transportation • Traffic • Engineering • Planning

October 24, 2003

Mr. Jeff Rosen
Sheppard-Rosen Law Firm
120 Montgomery Street, Suite 2100
San Francisco, CA 94104

Re: Traffic Review of a Proposed Single-Family Dwelling at 3579 Folsom Street in the Bernal Heights Neighborhood of San Francisco

Dear Mr. Rosen,

This letter describes the results of our review of the traffic and parking impacts of the proposed single family dwelling to be located at the intersection Folsom and Chapman Streets of you described in the Bernal Heights neighborhood of San Francisco. This lot is currently vacant and fenced off with cyclone fence. The address of the property in question is 3579 Folsom Street (aka 495 Chapman Street). In addition to a site visit on October 17, 2003 we also reviewed a number of other pertinent items including:

1. A videotape of the testimony given at an October 25, 2001 Planning Commission hearing on a previous conditional use application for property.
2. San Francisco Planning Commission Motion No. 16267 which summarizes the various findings that the commission considered in its making its ruling.
3. A scale model of the proposed single-family dwelling showing how it would be situated on the property.

Based on our review of the comments on the previous Conditional Use Application, we have elected to divide our analysis into three main areas: traffic capacity, traffic operations and safety, and parking.

Traffic Capacity - With respect to traffic capacity it is clear the project would not have any significant impacts. The proposed single family dwelling would generate no more than about one to two trips during the peak periods and about 10 trips per day. This amount of traffic would clearly not cause any traffic capacity impacts on the surrounding roadway system. Various City and State guidelines (i.e. CEQA) state that a project is considered to have significant traffic impacts and require further study if it causes a substantial increase in traffic relative to the existing traffic load and capacity of the street system. In the vicinity of this project the roadways could use some improvements but they are certainly serviceable and able to handle the traffic from the proposed project.

Traffic Operations and Safety - With respect to traffic safety we find that the proposed project would not have any negative impacts on safety or the flow of traffic in this area. The conditions at the corner in question will be unchanged by the project - the same sight distance will be available for motorists and the street width and parking configuration would remain the same. The only real problem we've identified is that motorists tend to park too close to the inside of this corner which makes turning difficult when two cars meet going the opposite direction since Chapman Street is narrow. This issue could easily be

8 pages

8/11/2014 | 11:57

DocuSigned by:
Mason Kirby
A7B72B43F4A45A

addressed by restricting parking but this issue is only raised when neighbors discuss this project. This location has no documented history of accidents or a safety problems and no history of requests for the City to make safety improvements here. It would be prejudicial to assume that these roadways are safe enough for the existing residents to use but somehow unsafe for any other "new" motorists to use. One of the major purposes of urban roadways such as this is to provide access to adjacent properties.

It should be noted that the intersection of Chapman and Folsom Streets does not actually operate as an intersection, it is merely a curve on a through street where the roadway changes names. A motorist on either Chapman Street or Folsom Street approaching this "intersection" has no decisions to make. The roadway makes a ninety-degree turn and there are no other connecting roadways. There are several private driveways in the area but these are all off-set enough from the intersection that they could not be mistaken for through roadways. The steep grade on Folsom Street limits the sight distance around the corner enough

Even though this is not really an intersection from a traffic engineering perspective, it is still important to make this location as safe as possible for motorists traveling in both directions. We have two improvement measures that we have recommended below. Please note that these items are suggestions only and would not be required based on City or Caltrans Standards. Also, please note that the proposed project would not increase the need for these improvements. These are intended to address the safety concerns that have been previously raised. These types of improvements would normally only be made on an existing residential roadway if there were a pattern of accidents or numerous complaints.

The following are two potential safety improvements that could be implemented:

1. Install 15 feet of red curb in each direction on the inside of the curve at Folsom and Chapman Streets starting at the end of each curb return. The corner should not be painted red since parking in this area is already a violation of the vehicle code. With the proposed red curb adjacent to the corner, it will become even more obvious that parking on the corner is illegal. However, in general the police already have the authority they need to keep the corners of these intersections clear.

It should be mentioned that the steep grade on Folsom Street limits the sight distance around the corner onto Chapman Street enough that the construction of the proposed project would not reduce it any further. With or without the proposed project, restricting parking on the corner is the only real way to improve visibility at this location (unless the street were completely reconstructed to smooth out the grade change.) Because of the existing grades and street widths, motorists will always have to negotiate this curve with caution.

2. Install a warning sign indicating there is a sharp turn ahead on each approach to the curve in question. The turn signs (Caltrans Code W3) would also have an advisory speed plate indicating a 10 mph safe speed. In the absence of a documented safety problem, there are probably other locations in the City that would be more deserving of this type of signage.

Parking -- The proposed project would remove only one parking space to create the driveway to a new two-car garage on Chapman Street. With this the project would have two off-street parking spaces and would add no more than about one to two new vehicles to the surrounding street system. Our observations indicate that these minor changes to on-street

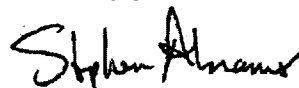
parking would not result in any significant impacts to the neighborhood, particularly when you consider the overall supply of parking in these areas.

Previous complaints about the potential for this single-family dwelling to reduce the parking available in the neighborhood are incorrect and not supported by the facts. The fact is, a couple additional vehicles is not going to make a noticeable difference for anyone in the neighborhood and the occupancy levels will essentially remain unchanged. The only effect of the project is that some of the immediate neighbors may no longer enjoy the convenience of parking along the lot they've managed keep vacant next to their houses.

The comments about the traffic and parking impacts of the previous Conditional Use Application were inaccurate and lacked adequate supporting data. It appears the primary goal of the existing residents at the time was to maintain the status quo so the convenience of their on-street parking would not be affected. Although there are a plenty of vehicles competing for on-street parking there are definitely on-street parking spaces available in the area, they just may not be as close as residents would prefer to park to their homes. For example, if parking is prohibited in the area near the corner a resident who has been parking there with a home immediately adjacent might have to go a little farther away to find a space. Removing a space to improve safety or allow access to an adjacent property would not be considered a significant impact since these are public streets and there is other available on-street parking within a short walking distance. The existing residents do not have the right to reserve specific parking spaces or areas for themselves within the public right of way without approval from the City. Since there are no special designations in this area the removal of one parking space and the addition of one to two new parked vehicles would not be considered a significant impact.

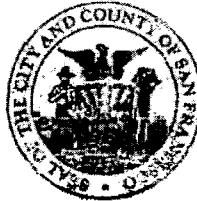
Conclusions - In general, the various arguments regarding the potential for this project to create traffic safety problems or generate parked cars blocking emergency vehicles are very weak since these issues would already have been documented and/or addressed by the City if they were actual problems. All the evidence that has been forwarded on these issues has been purely anecdotal and presented by people with no background in traffic engineering. These problems are clearly not as serious as they have been purported to be and they would certainly not be created or exacerbated by the construction of this single-family dwelling or the couple of additional cars it would generate. Our conclusion is that the proposed project would have no significant traffic or parking impacts and the conditions at Folsom and Chapman Streets with the project would be no better or worse than they are today.

Sincerely yours,



Stephen C. Abrams
Vice President, Abrams Associates
Registered Professional Traffic Engineer
T.E. License No. 1852

OFFICE OF THE ASSESSOR-RECORDER
SAN FRANCISCO



PHIL TING
ASSESSOR-RECORDER

Paul Matamoros
PO Box 44425
Rio Rancho, NM 87174

June 11, 2012

Re: 5627-42, 3579V Folsom St/495 Chapman St, Occupancy Codes

Mr. Matamoros,

We received your call today. Like the two other properties sent as comparables, your property is zoned residential. All three have permits issued for RH-3, Residential Housing up to 3 units.

DBI shows the building permits for your lot and the 219 Prentiss are each for a 3-story Single Family dwelling. Permit costs are from \$300,000 for Chapman/Folsom to \$319,444 for 219 Prentiss.

The 120 Bache property has a permit for two dwellings, 3 stories each. Permit costs: \$250,000.

We think your lot is superior, it is at the end of Folsom with an excellent view and little street noise in comparison to the traffic noise at the corner of Prentiss and Cortland. It is valued at \$320,000 for 1522sf lot or \$210sf for a basically rectangular lot. The Prentiss lot is a triangle with no backyard. It is 819sf and sold for \$190,000 or \$213sf.

The Bache property is rectangular, but is the last buildable lot before the freeway, this also generates much traffic noise for any owner.

You may apply for an appeal at 415-554-6778 as of July 2. I can be reached 9-10am, Mon-Wed, if you have further questions.

A handwritten signature in black ink, appearing to read "Chris Sam".

Chris Sam

cc: Michael Jiro

6 Pages

8/11/2014 11:57 AM
Mason Kirby
mason.kirby@sfassessor.org

8/11/2014 | 11:57 PM Signed by: Mason King
A7B72B434FAA5

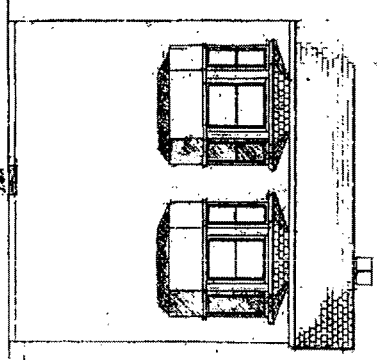
2000 0623 3460 R-

MATAMOROS RESIDENCE 449 CHADWICK ST SAN FRANCISCO

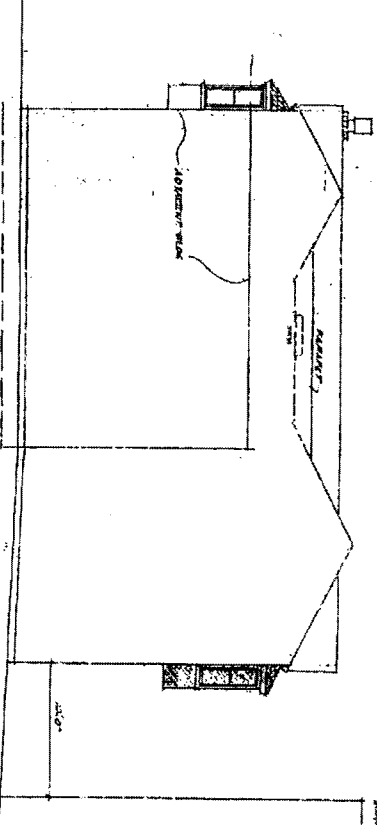
PLANNED BY:
KUNG - YUEN CHEU AND ASSOCIATES

2146 - 32ND AVENUE
SAN FRANCISCO, CALIFORNIA 94114
TEL: (415) 752-1200 / (710) 4720 1020 0000 TEL-EX

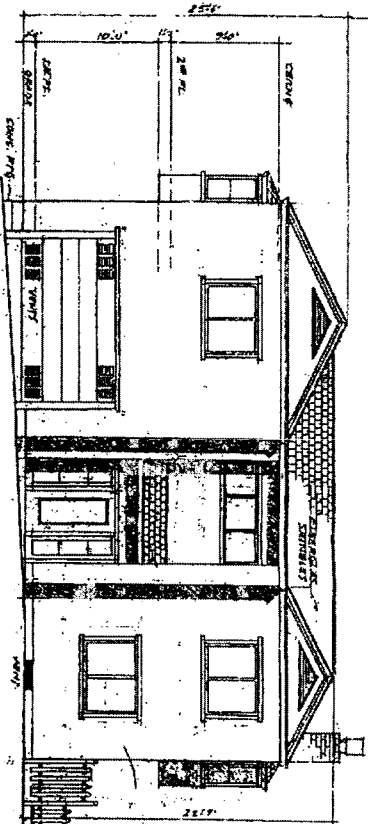
PREPARED BY
A. J. NELSON
ARCHITECTURAL DESIGN
919 1756



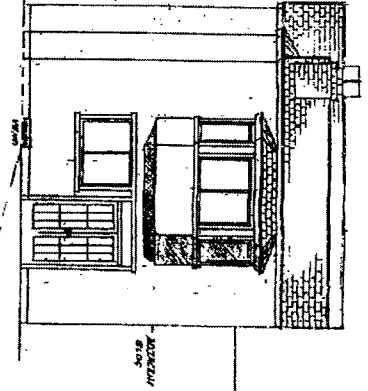
EAST ELEVATION, 1/2" = 1'-0"



SOUTH ELEVATION, 1/2" = 1'-0"



NORTH ELEVATION



WEST ELEVATION, 1/2" = 1'-0"

APPROVED
DEPARTMENT OF BUILDING CONTROL
JAN 23 1992
FRANK E. CHIU, DIRECTOR

REVISION
REV. 1-1-92
DEPT. OF BUILDING CONTROL
RECEIVED FOR RECORD
JAN 23 1992

HAYAMORIS RESIDENCE 495 CHAPMAN ST. SAN FRANCISCO

DESIGNED BY
KING, YOUNG CHIU AND ASSOCIATES
1200 - 20th AVENUE
SAN FRANCISCO, CALIFORNIA 94114
TEL: 415 775-0101 FAX: 415 775-0101

PREPARED BY
A. J. NELSON
ARCHITECTURAL DESIGNER
929-1112

Xaundy



Don Hillebrandt Associates Geotechnical Consultants

604 Mission St. Suite 901 • San Francisco, CA 94105 • Phone (415) 543-5943

August 10, 1978
Project 560-1

RECEIVED

10/18/1978

*OFFICE OF
ENVIRONMENTAL REVIEW*

DL

R.M.M. Builder
D.B.A. Mauricio Matamoros
c/o Barragan Realty
6732 Mission Street
Daly City, CA. 94014

RE: Foundation Investigation
Three Proposed Residences on Folsom
Street between Chapman Street
and Powhattan Avenue
San Francisco, California

10/18/1978

Gentlemen:

In accordance with your request, we have performed a foundation investigation for the three proposed residences to be constructed on Folsom Street between Chapman Street and Powhattan Avenue, in San Francisco, California, as shown on the attached Site Plan, Figure 1.

PROPOSED CONSTRUCTION

It is our understanding that the proposed structures will probably be two-story, wood-frame structures with slab-on-grade floors at the lower levels off of Folsom Street. Building loads will be typical for this type of construction.

Since the site slopes upward to the north, excavations will probably be required into the existing hillside with retaining walls of variable height constructed along several sides of the buildings.

SCOPE

The scope of our work included a detailed site reconnaissance by the undersigned, subsurface exploration and laboratory testing, engineering analyses of the field and office data and the preparation of this report, which includes soil and foundation engineering recommendations for the proposed residences.

SITE INVESTIGATION

A detailed reconnaissance was performed on August 2, 1978 by the undersigned. Our subsurface investigation consisted of four exploratory test pits excavated at the approximate locations shown on the Site Plan. Logs of the test pits and a key for the classification of the subsurface soils, Figure 2, are attached to this report. The results of our laboratory tests are shown on the logs of test pits.

A. SITE FEATURES

The three residences will be located on three undeveloped, contiguous lots with overall plan dimensions of roughly 70 by 65 feet. The property is bounded by Powhattan Avenue on the south, Folsom Street on the west, Chapman Street on the north and an existing three-story, wood-frame dwelling and backyard on the east.

Topographic data was not available at the time of our field work so the inclination of slopes could only be estimated. The site slopes upward to the north at estimated inclinations of $2\frac{1}{2}$:1 to 3:1 (horizontal to vertical).

Our reconnaissance of the site and immediately surrounding properties did not indicate any signs of major instability. No slides were observed on the site and published data does not indicate any mapped landslides on the subject site. There is, however, some evidence of minor erosion on some of the slopes at the site.

At the time of our field work, surface vegetation consisted of a moderate growth of grass, weeds and brush.

B. SUBSURFACE CONDITIONS

Geologic maps covering the area indicate that the site is underlain by "slope debris and ravine fill" followed at shallow depths by weathered and fractured chert bedrock materials. The "slope debris and ravine fill" is a colluvial deposit which consists of a mixture of clay, silt, sand and gravel fragments.

Our exploratory test pits encountered $\frac{1}{2}$ to 1 foot of surface soils, which consisted of firm silty clay with gravel. These surface soils were underlain by stiff sandy clays and silts with gravel that graded to weathered and decomposed bedrock at the depths explored (4 to 5 feet).

Free groundwater was not observed in our test pits and probably exists at depths significantly greater than those explored. However, since the site is located on a hill in an area of complex geology, it is our opinion that seepages could occur in the excavations planned at the site and behind any permanent retaining walls, particularly after prolonged rains during a relatively wet season.

Since site grading will probably involve only nominal amounts of excavation and essentially no filling, earthwork operations at the site will be minimal. We recommend, however, that positive surface drainage be provided adjacent to the structures so as to direct surface water runoff away from foundations to suitable discharge facilities. In addition, we recommend that rainwater collected on the roofs of the buildings be transported through gutters, downspouts and closed pipes to suitable discharge facilities.

B. FOUNDATIONS

We recommend that the proposed structures be supported on conventional continuous and isolated spread footings that bear on stiff and/or dense soil materials and/or weathered and decomposed bedrock materials that underlie the site. All footings should extend at least 18 inches below the lowest adjacent finished grade or to the depth of any adjacent footings, whichever is deeper. Stepped continuous footings, however, only need a minimal confinement of 12 inches at their toe provided that they are founded in approved supporting materials.

Any footings located on slopes steeper than 4:1 should be founded at the depths necessary to provide at least 5 feet of horizontal distance between the footings and the slope face at the footing bearing level. In addition, any footings located adjacent to utility trenches or other footings should also have their bearing surface below an imaginary 1½:1 (horizontal to vertical) plane projected upward from the edge of the bottom of the adjacent trench or footing.

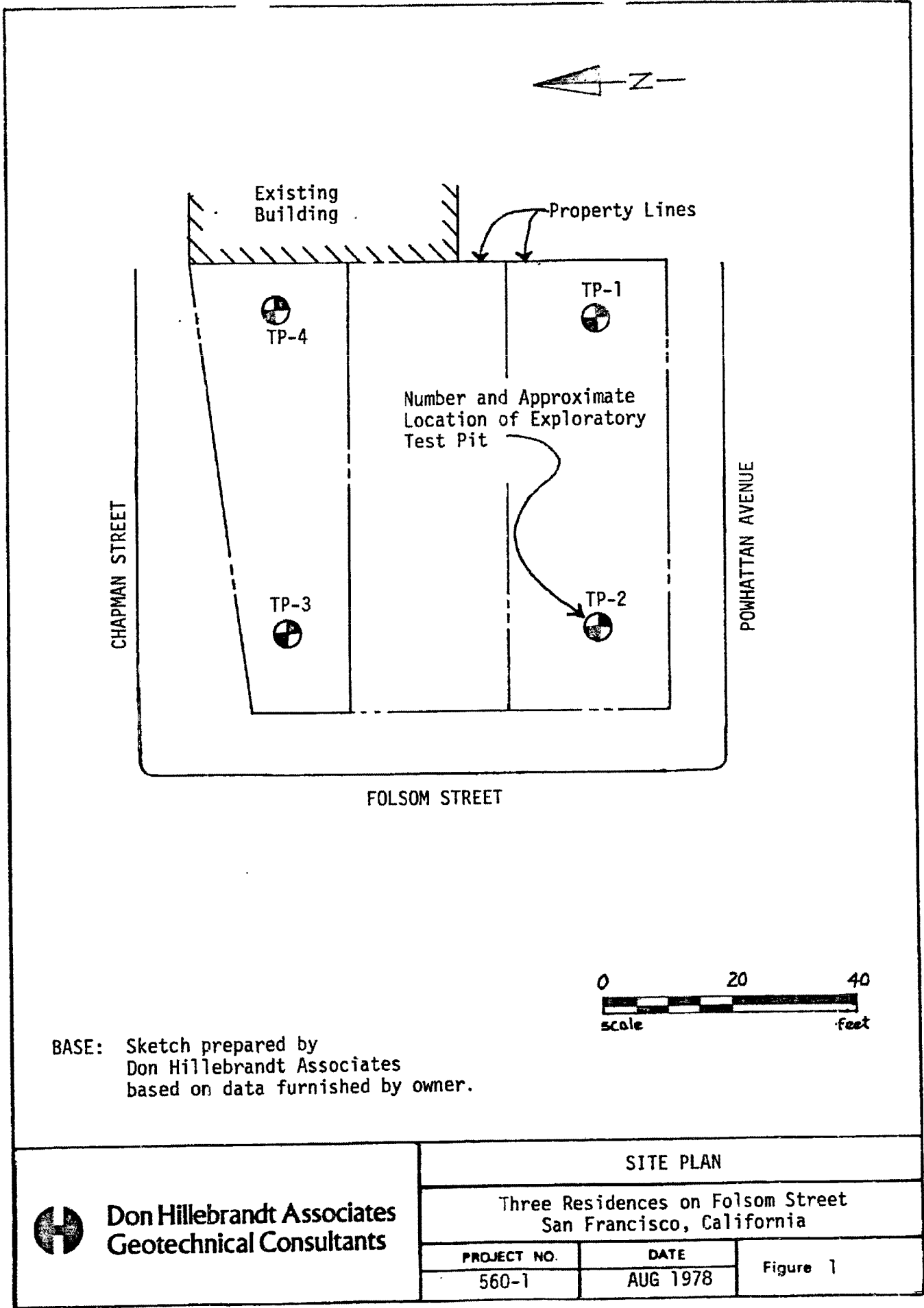
At the above depths, the footings may be designed for an allowable bearing pressure of 2,000 pounds per square foot due to dead plus live loads with a one-third increase for all loads including wind or seismic. These allowable bearing pressures are net values; therefore, the weight of the footings can be neglected for design purposes. However, all footings should have a minimum width of 15 inches.

We recommend that all continuous footings be tied together with reinforcing steel and that any isolated footings on slopes steeper than 4:1 be tied into the continuous footings with tie-beams or grade beams that extend up and down the slope between the isolated footings.

Since all foundations will bear on competent subsurface materials, post-construction differential settlements across the buildings should be less than 3/4 inch.

C. RETAINING WALLS

We recommend that any unrestrained walls with a level surface or with a sloping surface flatter than 4:1 be designed to resist an equivalent fluid pressure of 30 pounds per cubic foot. If there are surcharge loads on the walls, the walls



RIG Hand Excavated		SURFACE ELEVATION See Note 1		LOGGED BY JMJ					
DEPTH TO GROUNDWATER Not Established (See Note 3)				DATE 8-4-78					
DESCRIPTION AND CLASSIFICATION				DEPTH (FEET)	SAMPLE	WATER CONTENT (%)	SHEAR STRENGTH (KSF)	LIQUID LIMIT	PLASTICITY INDEX
DESCRIPTION AND REMARKS	COLOR	CONSIST.	SOIL TYPE						
Silty Clay with Gravel and Organics	Brown	Firm	CL						
Sandy Silt with Gravel			ML	1					
Sandy Clay with Gravel	Red-Brown	Stiff-Medium Dense	CL	2	X	5	4.5		
				3					
Weathered and Decomposed Bedrock	Red-Brown	Dense		4	X	8	4.5		

Bottom of Test Pit = 4 Feet

NOTES:

- (1) Topographic data was not available at the time of our field work.
- (2) The stratification lines represent the approximate boundaries between material types; actual transitions are gradual.
- (3) Hole was dry at the time of excavation and was backfilled immediately (See text of report for discussion of groundwater).
- (4) Hole was terminated at shallow depth since practical refusal was encountered in the hand-excavated hole.



Don Hillebrandt Associates
Geotechnical Consultants

LOG OF TEST PIT

Three Residences on Folsom Street
San Francisco, California




PROJECT NO.

560-1

DATE

AUG 1978


TEST PIT 2

RIG	Hand Excavated	SURFACE ELEVATION			See Note 1	LOGGED BY					JMJ
DEPTH TO GROUNDWATER		Not Established (See Note 3)				DATE		8-4-78			
DESCRIPTION AND CLASSIFICATION						DEPTH (FEET)	SAMPLE	WATER CONTENT (%)	SHEAR STRENGTH (KSF)	LIQUID LIMIT	PLASTICITY INDEX
DESCRIPTION AND REMARKS		COLOR	CONSIST.	SOIL TYPE							
Silty Clay with Gravel and Organics (POSSIBLE FILL) 		Brown	Firm	CL	1						
Sandy Silt with Gravel		Red-Brown	Stiff-Medium Dense	ML	2		5	4.5			
					3						
					4						
Weathered and Decomposed Bedrock		Red-Brown	Dense		5		11	4.5			


Bottom of Test Pit = 5 Feet

NOTES:

- (1) Topographic data was not available at the time of our field work.
- (2) The stratification lines represent the approximate boundaries between material types; actual transitions are gradual.
- (3) Hole was dry at the time of excavation and was backfilled immediately (See text of report for discussion of groundwater).
- (4) Hole was terminated at shallow depth since practical refusal was encountered in the hand-excavated hole.

 Don Hillebrandt Associates Geotechnical Consultants		LOG OF TEST PIT	
		Three Residences on Folsom Street San Francisco, California	
		PROJECT NO.	DATE
		560-1	AUG 1978
		TEST PIT 4	

THE RADIUS OF YELLOW AREA WAS NOT
ADDED ON PREVIOUS LOT SOFT. ON
THIS LOT IS 1.522 SOFT. (CALCULATED)
INSTEAD OF 1.407 SOFT. PREVIOUS
RECORDED ON ASSESSOR'S OFFICE
MAPS.



FOLSON



Bernal Heights

East Slope Design Review Board

Terry Milne, external secretary • 321 Rutledge • San Francisco 94110 • [285-8978]

January 5, 2015

Mason Kirby
301 Bocana Street
San Francisco, CA 94110

RE: 495 Chapman Street
Block/Lot: 5627/042

Dear Applicant,

The Bernal Heights East Slope Design Review Board held a neighborhood meeting on Tuesday, December 9, 2014, to review revised plans for the construction of a new single-family dwelling on an undeveloped lot at 495 Chapman Street. In the meeting we discussed the applicant's response to the Board's comments regarding the previous plans, and the new drawings provided as a result.

The Board believes that the two schemes presented, Design A and Design B, are in general conformance with the Bernal Heights East Slope Building Guidelines, and represent interesting and well thought out solutions to building on a challenging site. Of the two schemes we continue to prefer Design A.

We note that the modest size of the house seems appropriate to the small lot; the design strategy provides a clear line of sight for cars and pedestrians through the intersection of Folsom and Chapman Streets; and the overall massing responds to the adjacent buildings and site conditions. We recognize that Design A may require a rear yard variance, which we would support.

Neighbors in attendance at the meeting expressed concern about the project, primarily on the basis of a number of issues that are beyond the purview of the East Slope Design Review Board, as follows:

1. Since the site area is below the minimum size required for a single family house, a Conditional Use Permit will be required. The neighbors understand that approval of a CUP necessitates a "benefit to the community" – what is the benefit of this project?
2. The applicant has noted that 1500 sf is the minimum site area required for a single family house with a CUP. The area of the site seems somewhat uncertain, perhaps based on existing documents rather than a recent survey. Can the applicant legally confirm that the site meets the minimum requirement?

3. Visibility and safety at the intersection of Folsom and Chapman Streets are primary concerns. How can the applicant ensure that an opaque fence won't be built at the site perimeter in the future? Or that landscaping won't impede visibility around the corner?
4. If the project proceeds it will be important that the applicant ensure that emergency vehicle access to the neighborhood is not unduly impeded during the construction process.

The Board wishes to thank the project sponsor for presenting the plans to the neighborhood. Since the Board is not a City agency, it does not have the power to either approve or disapprove the permit application.

Cordially,

A handwritten signature in black ink that reads "Jeff Saydah". The signature is written in a cursive, slightly slanted style.

Jeff Saydah, Chair, Bernal ESDRB

From: [Tom Kim](#)
To: [Durandet, Kimberly \(CPC\)](#)
Subject: Property on 495 Chapman
Date: Monday, April 27, 2015 1:44:01 PM

Hi Kimberly,

I am the owner of 3595 Folsom - the property next to the proposed new construction on 495 Chapman. My understanding is that you are the planner in charge of the current review process.

The neighbors and I have concerns about the property and want to have a voice in the approval process.

Would you be able to let me know what the current status of the conditional use permit is how we can have input into the process?

We were part of the process conducted by the East Bernal Review Board but found the proceedings and outcomes inadequate.

Thank you in advance,
Thomas

From: Durandet, Kimberly (CPC)
To: ["Gabriel Guerriero"](#); [Kim, Thomas](#)
Cc: [Mason Kirby](#)
Subject: RE: 495 Chapman Update
Date: Thursday, January 28, 2016 1:35:00 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)

Dear Mason and Thomas,

I am glad you are working through the issues raised.

That said, I need a final draft of the plans by the close of business tomorrow in order to meet my deadlines for review and publication of the Case Report. Thank you.

Regards,
Kimberly Durandet
Current Project Planner
Southeast Quadrant

Planning Department, City and County of San Francisco
1650 Mission Street, Suite 400, San Francisco, CA 94103
Direct: 415-575-6816 **Fax:** 415-558-6409
Email: kimberly.durandet@sfgov.org
Web: www.sfplanning.org



Planning Information Center (PIC): 415-558-6377 or pic@sfgov.org
Property Information Map (PIM): <http://propertymap.sfplanning.org>

From: Gabriel Guerriero [mailto:gg@masonkirby.com]
Sent: Tuesday, January 26, 2016 4:48 PM
To: Kim, Thomas
Cc: Durandet, Kimberly (CPC); Mason Kirby
Subject: Re: 495 Chapman Update

Hi Thomas,

Thanks for your follow up call re the placement of the third floor glass and the shared site lines into the rear of your home. I appreciate and understand that what we forwarded today is different that what we talked about in person yesterday. We've subsequently prepared a draft computer model to test/illustrate the feasibility of the "frosted glass" parapet cap that we included in our recent proposal. I hope this illustrates one possible solution/compromise that would otherwise be subject to "a good guess." This version of the model places the viewer about 12 inches from the inside of the master bedroom glass at an eye height of about 5'-6." The line of glazng is about 4' from the property line.

Thanks for your involvement in this process--please let me know if you have any other questions or want to talk more on this tomorrow.

Mason

On Tue, Jan 26, 2016 at 2:06 PM, Kim, Thomas <Thomas.Kim@bain.com> wrote:
This is very different than what we had discussed yesterday. In contrast to what you had shown me yesterday the building seems much more set back. From what I am seeing this doesn't meet my needs.

Mason – I tried to give you a call on your line. Give me a call at [9496972469](tel:9496972469) to discuss further.

Thomas

From: Gabriel Guerriero [mailto:gg@masonkirby.com]
Sent: Tuesday, January 26, 2016 12:24 PM
To: Kim, Thomas
Cc: Durandet, Kimberly (CPC); Mason Kirby
Subject: Re: 495 Chapman Update

Hi Thomas -

We measured the locations of windows at the back of your house yesterday. The changes we discussed to mitigate the visibility onto your rear facade will be better mitigated with a frosted glass parapet. Take a look at the section drawing #2 on sheet A-7 showing the angled bedroom views that are cut off from parapet. We've also modified the design of the fence and included a new gate.

Best,
Gabe

On Mon, Jan 25, 2016 at 2:10 PM, Kim, Thomas <Thomas.Kim@bain.com> wrote:

Thanks Mason.

Kimberly – I am the owner of the house next door on Folsom St (3595 Folsom). As this project very directly impacts my house, I wanted to highlight several concerns. Mason has suggested various changes to accommodate some of these concerns and I'd like to make sure they are incorporated. Let me add a bit more context to the topics below.

- Balancing corner visibility and safety of rod-like fence design –
 - The current rod based fences on Folsom present a safety issue as they are exposed steel rods. If someone were to fall while walking on the sidewalk they could be impaled by the rods. I have young kids who so this is of particular concern for me.
 - At the same time, the project needs to preserve visibility around that corner as it's a corner on a steep hill with a blindspot around the corner that endangers pedestrians on that street. The corner visibility is a major concern for

myself and other neighbors. The neighbors and I feel strongly that the visibility around the corner must be preserved in the future

- **CHANGES:** I'd ask the project sponsors to figure out a way to mitigate the risk of exposed steel rods while maintaining corner visibility. As currently designed, the fence does a nice job of maintaining visibility but the steel rods to create a safety risk. I'd also ask the city whether there is a way to include language in the permit or some other measure to prevent the proposed owner or any future owners from building a larger fence structure in the future to block visibility.

- Visibility from bedroom into rear of adjacent property –

- Currently, the master bedroom on the top floor of the development has windows that will look directly into my daughter's bedroom on the rearside of my house.

- **CHANGES:** Mason and I discussed moving the windows so that there is no direct line of sight between the Master bedroom window and my daughter's bedroom.

- Technical feasibility of property line foundations

- The slope of the lot for the proposed project is a bit strange as it runs downward and a steep slope as it comes towards my wall facing the northside (Chapman St).

- **CHANGES:** I'd like to make sure the project designs a foundation that does not pose issues or risk to my foundation.

- Ground level access and privacy from street

- The project as currently proposed will create an open access to my backyard though the gap between my north wall (towards Chapman) and the proposed projects Garage. Someone could come into the project's front yard, go through the gap and then come into my backyard by going over the retaining wall.

- **CHANGES:** Mason and I discussed potentially adding a gate between the gap to mitigate this risk.

- Shared rear yard fence design.

- We discussed a few ideas on the shared fence between my rear yard and the proposed project but we didn't conclude anything final. Of primary concern is the ground level access and the shared rear yard can be figured out but is premature given the project has not been approved to date.

- **CHANGES:** None to date

- Construction impact and schedule
 - Given that this is a very steep hill with a narrow corner turn, I'd like to make sure the project sponsor takes measures to mitigate construction impact. We have seen large trucks get stuck going up and down Chapman street and any traffic issues would create significant delays for the neighborhood.
 - **CHANGES:** I'd ask the project sponsor to propose a construction impact mitigation plan (e.g. specific construction times, etc.) should the Conditional Use and Variance plan be approved.

Thank you and please let me know if you have additional questions.

Thanks,
Thomas

From: Mason Kirby [mailto:mk@masonkirby.com]
Sent: Monday, January 25, 2016 12:10 PM
To: Kim, Thomas; Durandet, Kimberly (CPC); Gabriel Guerriero
Subject: Fwd: 495 Chapman Update

This time with correct email for Thomas.
Thanks
Mason

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

From: **Mason Kirby** <mk@masonkirby.com>
Date: Mon, Jan 25, 2016 at 12:07 PM
Subject: Fwd: 495 Chapman Update
To: thomas kim <thomaskim@gmail.com>, "Durandet, Kimberly (CPC)" <kimberly.durandet@sfgov.org>, Gabriel Guerriero <gg@masonkirby.com>

All, adding Thomas to the thread--

Hi Thomas,
As of this writing, Kimberly is alright with us submitting changes to the plans and we will attempt to prepare the revisions for all to review before the end of the day today--
Thanks,
Mason

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

From: **Gabriel Guerriero** <gg@masonkirby.com>
Date: Mon, Jan 25, 2016 at 11:43 AM
Subject: Re: 495 Chapman Update

To: "Durandet, Kimberly (CPC)" <kimberly.durandet@sfgov.org>
Cc: Mason Kirby <mk@masonkirby.com>

Hello Kimberly,

We had a meeting this morning with Thomas Kim who lives at 3595 Folsom Street. He raised the following questions and concerns:

1. Safety of rod-like fence design.
2. Visibility from bedroom into rear of adjacent property.
3. Ground level access and privacy from street.
4. Technical feasibility of property line foundations
5. Shared rear yard fence design.

We talked about proposed solutions and are making minor revisions to accommodate these comments. Can we provide revised exhibits to you by the end of the day today?

Best,
Gabe

On Fri, Jan 22, 2016 at 9:25 AM, Durandet, Kimberly (CPC) <kimberly.durandet@sfgov.org> wrote:

Hi Gabe,
What is your phone number, I can call to discuss.

Regards,
Kimberly Durandet
Current Project Planner
Southeast Quadrant

Planning Department, City and County of San Francisco
1650 Mission Street, Suite 400, San Francisco, CA 94103
Direct: 415-575-6816 Fax: [415-558-6409](tel:415-558-6409)
Email: kimberly.durandet@sfgov.org
Web: www.sfplanning.org



Planning Information Center (PIC): [415-558-6377](tel:415-558-6377) or pic@sfgov.org
Property Information Map (PIM): <http://propertymap.sfplanning.org>

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Mason Kirby, AIA
Architect Mason Kirby Inc
301 Bocana Street
San Francisco CA 94110
[415 867 5357](tel:4158675357)

--

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Gabriel Guerriero

Architect Mason Kirby
301 Bocana Street
San Francisco, CA 94110
[415-867-5357](tel:415-867-5357)

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--

Gabriel Guerriero

Architect Mason Kirby
301 Bocana Street
San Francisco, CA 94110
415-867-5357

From: [Michael Wilburn](#)
To: [Durandet, Kimberly \(CPC\)](#)
Subject: 495 Chapman Street.
Date: Wednesday, January 27, 2016 4:06:27 PM

Dear Kimberly,

We are writing in support of the proposed single family home to be located at 495 Chapman St. My wife and I are long time San Francisco residents, but relatively new to Bernal Heights. We love our new home and neighborhood!

The lot at the corner of Folsom and Chapman is vacant, underutilized, and unkempt, and the addition of a small 1300 square foot single family home is a welcome improvement to the neighborhood.

We feel that the house changes and site minimally impacts parking and its elevated design enhances public safety by allowing for a widened sidewalk (current 19" wide) and unimpeded views for vehicular traffic going around the corner.

We fully support this work and would love to see the changes in our neighborhood!

Thank you,

Michael & Gessica Wilburn
31 Mullen Avenue

From: [James Maxwell](#)
To: [Durandet, Kimberly \(CPC\)](#)
Subject: 495 Chapman
Date: Wednesday, January 27, 2016 5:44:25 PM

Kimberly,

My name is James Maxwell. I live on Ripley St. in Bernal Heights. I built my house there in 2007 and loved how we were able to fit in with the neighborhood while still getting a new house.

I am writing to support another proposed new house in Bernal 495 Chapman. I have seen the designs for this home and think it is fantastic. At approx. 1300 square feet, it fits really well with the neighborhood and provides enough house for a family to live in. I love how they fit into the character of the neighborhood and leave the corner somewhat open feeling.

Please count me as a Bernal resident who is enthusiastically in support of this project.

James Maxwell

From: [Andrew Jeffery](#)
To: [Durandet, Kimberly \(CPC\)](#)
Subject: 495 Chapman
Date: Sunday, January 31, 2016 1:40:00 PM

Hi Kimberly,

I am writing to express my support for the proposed development of the vacant lot at 495 Chapman in Bernal Heights.

From what I understand of the project, the proposed new home is of modest size and should be within affordability for families moving to the area. Given the current lack of use of the lot, it seems like an easy way to add badly needed housing without any displacement. Provided the developer adequately address safety concerns of building on a corner lot on a narrow street (line of sight, wide sidewalks, etc), I would see no reason the project wouldn't be a good thing for the neighborhood.

I appreciate you considering my input.

Andrew

--

Andrew Jeffery
schnageler@gmail.com
917.605.0024

From: [Brandon Powell](#)
To: [Durandet, Kimberly \(CPC\)](#)
Subject: 495 Chapman
Date: Friday, January 29, 2016 9:17:32 AM

Ms. Durandet,

I'm writing to you regarding the proposed project at 495 Chapman. I am unable to attend the review in person, but I want to express my support for the proposal.

I am a Bernal resident of nearly fifteen years, first on the south side of the hill, and now on the north side. I am also a member of the Northwest Bernal Heights Design Review Board.

I am enthusiastic about 495 Chapman because of how nicely it preserves the sense of openness at the corner and provides a rare bit of green space within the usual rhythm of houses along the street. It steps down from the last house on Chapman to the first house on Folsom in a way that echoes the natural terrain and minimizes the visual impact of the structure. The design responds to the existing architecture without mimicking, and acts as a vernacular link between the adjacent buildings.

I hope that the project will be approved.

bp

From: [Jane Mermelstein](#)
To: [Durandet, Kimberly \(CPC\)](#)
Subject: 495 Chapman
Date: Friday, January 29, 2016 10:38:03 AM

Dear Kimberly,

I was able to take a look at drawings for the proposed project at 495 Chapman Street. I wanted to offer my support for this new home. I hope that the Planning Department gives this careful consideration and allows the project to proceed.

I like the house at the 'rear' of the lot, although on a corner lot, is this really the rear? The design of this home with its different levels integrates nicely with the adjacent homes. The mass of the home is smaller than other new construction in the city. This proposal creates more housing in our neighborhood in a beautiful, thoughtful way.

We need more housing and we need thoughtful, beautiful design. I hope to see more projects like this in Bernal and throughout the city.

Thank you

Jane



Jane Mermelstein

Real Estate Consultant & Zephyr Top Producer, CalBRE# 01343171

t: 415-608-8461 **f:** 415-432-2146

e: jane@mermetown.com | **w:** www.mermetown.com



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Anna Limkin and Fabien Lannoye
241 Amber Drive
San Francisco, CA 94131

San Francisco Planning Department
San Francisco Planning Commission
1650 Mission Street
San Francisco, CA 94103

January 31, 2016

RE: 495 Chapman Street

Dear Members of the Planning Commission, Mr. Scott Sanchez, Zoning Administrator and anyone reviewing this project,

We are the owners of the lot located at 3516 Folsom Street, where we hope to soon be able to build our house. We are not able to attend the Planning Commission Hearing, but want to support the proposed single family residence at 495 Chapman Street.

We have known Mason Kirby and his family for several years and he was kind to show us his proposed project for a single family residence at 495 Chapman Street, which is currently a vacant lot framed by large blind property line walls.

The proposed building would be a nice improvement to the neighborhood and won't impact parking, taking away a single street parking space while offering the required off street parking, complying with Planning Code Section 242.

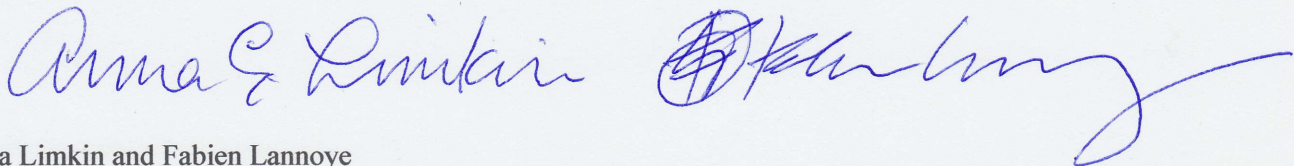
The proposed 1,300 SF single family residence seems like a very reasonable request on this irregular lot, which has been unkempt all these years. The City needs housing and this lot would be put to useful purpose.

The proposed design offers a handsome transition to the adjacent buildings, a nice articulation to the awkward corner configuration of the lot.

We hope you will vote to approve this project and that we will have the chance to soon call Mason and his family our future neighbors.

Thank you for your consideration.

Sincerely,



Anna Limkin and Fabien Lannoye

Lev Osherovich

151 Bronte St.
San Francisco, CA 94110
415-596-2789
yeastbeast@gmail.com

29th January 2016

Kimberly Durandet

San Francisco Planning Department
1650 Mission St.
San Francisco, CA 94103

Dear Kimberly,

I would like to express my support for the proposed single family home at 495 Chapman St. in my neighborhood, Bernal Heights.

As a friend and neighbor of the Kirby family, I have had an opportunity to view the project design and believe that it would be a welcome addition to the neighborhood.

I gather there are concerns about the project's impact on street parking, pedestrian access and vehicular traffic visibility. In my opinion, the proposed design does not substantially affect street parking and will improve pedestrian access as a result of widening of the sidewalk in front of the property. The design preserves a clear line of sight around the corner of Chapman St. and Folsom St. and will not alter vehicular traffic visibility.

As a long-time San Francisco resident, I am keenly aware of city's chronic shortage of single family residences and thus am excited when small projects such as this one are proposed. More dwellings like this are exactly what this city needs.

Best regards,

Lev

From: seankellyconstruction@gmail.com on behalf of [SeanKellyConstruction](#)
To: [Durandet, Kimberly \(CPC\)](#)
Subject: 495 Chapman St
Date: Saturday, January 30, 2016 12:25:03 PM

Dear Ms Durandet,

I'm writing to support the approval of the proposed single family home to be located at 495 Chapman St. I am a long time San Francisco resident and a contractor who works regularly in Bernal Heights.

The lot at 495 Chapman is vacant and underused and the addition of a modest single family home would be a welcome improvement to the neighborhood.

I've had a chance to take a look at the plans from a constructibility perspective and note that the design takes advantage of the increased site access of a corner lot. Because of this, construction may be expedited when compared to a standard lot with one point of frontal access. With this design the front yard may be used to advantage of from a construction planning perspective-- this will significantly limit the need for street based staging (commonly the cause of significant neighborhood concern.)

I've personally worked Mason for many years and think that his project should be welcomed.

Sincerely,

Sean Kelly
Sean Kelly Construction

From: [Bruce Wright](#)
To: [Durandet, Kimberly \(CPC\)](#)
Cc: [Kelly York](#); [James Maxwell](#)
Subject: Support for 495 Chapman St
Date: Wednesday, January 27, 2016 5:56:42 PM
Attachments: [image001.png](#)
[image003.png](#)
[image004.png](#)

Dear Ms. Durandet,

I am writing you as both an Architect and 19 year resident of Bernal Heights to support the proposed residential project at 495 Chapman St.

The proposed creative design benefits both our local neighborhood and the City of San Francisco with increased housing stock. Because of the unique shape of the lot, the proposed design elegantly resolves the corner lot condition. I understand to achieve this design, the Owner would need to seek a rear yard variance. It seems this variance would significantly benefit the project and the architectural character/density of this exposed corner lot.

We support the project and I hope the City of San Francisco will too.

Regards,

Bruce Wright
1751 Alabama St.
94110

Bruce Wright, AIA, LEED AP
Vice President | Principal



SB ARCHITECTS

1 Beach Street | Suite 101 | San Francisco, CA 94133
office 415.673.8990 ext. 422 | mobile 415.307.0037

[website](#) | [news](#) | [vCard](#) | [map](#) | [email](#)



From: [Tony Ferrari](#)
To: [Durandet, Kimberly \(CPC\)](#)
Subject: 495 chapman st improvments
Date: Friday, January 29, 2016 4:02:05 PM

Kimberly,

I am the owner of Hillside supper club restaurant and have been in Bernal for some time now. Mason is a neighbor and is working on building a new house on folsom and chapman. That corner has always been odd and vacant and could use some love. It always seems unkempt and makes the rest of Bernal look a bit like we dont care about our community here.

I think the new home will be a huge improvement to our hood as well as draw more neighbors to settle here for long term, not to mention improve the lot, safety of pedestrians, and the blind curb to motorists. It will also open up more parking options which have lately been a topic of shortage.

Bernal is a place where we all care and want to see improvements where they are needed and wanted. Thank you for your consideration.

Tony Ferrari
Chef/owner HSC
Hillsidesupperclub.com
513.910.8896

From: [Vernon Marshall](#)
To: [Durandet, Kimberly \(CPC\)](#)
Subject: House on Chapman/Folsom
Date: Thursday, January 28, 2016 6:03:19 PM

Hi,

I'm writing in to give my two cents to the proposed house at 495 Chapman. I've lived in Bernal for over a decade, most of that on Folsom street below the site. I think any productive and non-obtrusive building at that site is only good. Not only would it provide more housing, but it would remove an unsightly corner that has only been the home of various for-sale signs etc. over the years. I've known the Kirby's for almost as long as I've lived in the neighborhood, and have seen the preliminary drawings and see only upside to what Mason proposes. Thanks for your consideration.

Cheers,
Vernon Marshall

(415) 359 6191

From: [Gabriel Guerriero](#)
To: [Durandet, Kimberly \(CPC\)](#)
Cc: [Mason Kirby](#)
Subject: Fwd: 495 Chapman
Date: Thursday, January 21, 2016 10:04:58 AM

Hello Kimberly -
Please add this letter from Wendy Cowles to your records - see below:

Thanks!
Gabe

----- Forwarded message -----
From: **Mason Kirby** <mk@masonkirby.com>
Date: Thu, Jan 21, 2016 at 9:55 AM
Subject: Fwd: 495 Chapman
To: Gabriel Guerriero <gg@masonkirby.com>

Gabe-
Please forward this letter of support from Wendy Cowles to Kimberly.
Thanks
Mason

----- Forwarded message -----
From: **Wendy** <wacowles@earthlink.net>
Date: Wed, Jan 20, 2016 at 10:25 PM
Subject: 495 Chapman
To: Mason Kirby <mk@masonkirby.com>

Hi Mason,

Thanks for hosting the meeting tonight to give us an update on the project. I'm following up as a neighbor, not a member of the ESDRB.

The project looks nice, and I think it will be a significant improvement over the existing condition of the neglected lot. I support the CUP.

I just wanted to reiterate the couple of comments I shared at the meeting and ask that you take them into consideration as you finalize your proposal. I believe that the site can accommodate a tree, though it would be good to select the species carefully, so it has a high canopy that does not impede corner visibility. Also, the tree could also be moved away from the corner, toward the southeast, to reduce its visual impact at the corner.

Also, I urge you to study the appropriate height for the low walls at the property edges, to minimize traffic danger at the intersection of Chapman and Folsom. I'm sure you are interested in making the intersection safe, since you and your family will be moving through it all the time if the project goes forward.

Thank you for your consideration of these issues, and good luck. Will neighbors receive notification of the CUP hearing date?

Wendy

--

Mason Kirby, AIA
Architect Mason Kirby Inc
301 Bocana Street
San Francisco CA 94110
[415 867 5357](tel:4158675357)

--

Gabriel Guerriero

Architect Mason Kirby
301 Bocana Street
San Francisco, CA 94110
415-867-5357

CITY PLANNING COMMISSION

Minutes of the regular meeting held Thursday, March 31, 1960.

The City Planning Commission met pursuant to notice on Thursday, March 31, 1960, at 2:30 P.M. in the meeting room at 100 Larkin Street. Present: Joseph E. Tinney, President; Mrs. Charles B. Porter, Vice President; Louis M. Cole, Philip Dindia, Sherman P. Duckel, Gardner W. Mein, members of the Commission; James R. McCarthy, Director of Planning; Edward I. Murphy, Principal City Planner; Clyde O. Fisher, Jr., Zoning Administrator; and Thomas G. Miller, Secretary.

Referrals

R60.20 - Proposed Vacation of a Portion of Wawona Street

The Director reviewed the proposed vacation and recommended approval. Members of the Commission discussed the prospective lotting arrangement of the vacated street area. It was moved by Mrs. Porter, seconded by Mr. Mein, and carried unanimously that the Director be authorized to report that the proposed vacation of a portion of Wawona Street, Block 2471, as shown on Bureau of Engineering Plan No. SUR-311 is in conformity with the Master Plan.

R60.22 - Record of Survey Map

The Director reviewed a Record of Survey Map for the block bounded by Hamilton, Holyoke, Wayland and Woolsey Streets, and recommended approval. Members of the Commission discussed minimum lot size. It was moved by Mr. Cole, seconded by Mrs. Porter, and carried unanimously that the Director be authorized to report that the Record of Survey Map of a portion of Assessor's Block 6054 is approved as submitted.

R60.23 - Street Dedication - Kiska and Reardon Roads

The Director reviewed the referral, and recommended approval. It was moved by Mr. Mein, seconded by Mr. Cole, and carried unanimously that the Director be authorized to report that the dedication of Kiska and Reardon Roads on Hunters Point, as submitted on the map dated February 24, 1960, is in conformity with the Master Plan.

R60.24 - Proposed Vacation and Dedication of Streets within Western Addition Redevelopment Project A-1

The Director reviewed the referral, and said the street pattern had been previously approved in the final plan for this redevelopment area. He described the new street pattern, and recommended approval. It was moved by Mr. Mein, seconded by Mr. Dindia, and carried unanimously that the Director be authorized to report that the proposed vacation and dedication of streets within Western Addition Redevelopment Project A-1 is in conformity with the Master Plan.

R60.25 - Declaration as Surplus Land of Lots No. 42 and 43 in Block 5627, Chapman Street

The Director reviewed the referral, and recommended approval. Commissioner Dindia inquired if the 15-foot frontage lot was a buildable

one, and the Director replied that a variance may be required on this property. It was moved by Mr. Cole, seconded by Mrs. Porter, and carried that the Director be authorized to report that the declaration as surplus of city-owned Lots Nos. 42 and 43 in Block 5627, fronting on Chapman Street between Banks and Polson Streets is in conformity with the Master Plan.

R60.26 - Proposed Sale of Surplus Fire Department Land, Lot 36, Block 2452

The Director reviewed this referral and recommended approval. It was moved by Mrs. Porter, seconded by Mr. Dindia, and carried unanimously that the Director be authorized to report that the proposed sale of Lot 36 in Block 2452, located on the west side of 44th Avenue, 275' south of Vicente Street, is in conformity with the Master Plan.

R60.27 - Street Widening, Bonview Street

The Director reviewed this referral, and recommended approval. It was moved by Mr. Dindia, seconded by Mr. Mein, and carried unanimously that the Director be authorized to report that the widening of Bonview Street as shown on the print of Bureau of Engineering Plan SUR-312 is in conformity with the Master Plan.

R60.29 - Changes of Sidewalk Widths at Sutter and Stockton Streets

The Director reviewed this referral, pointing out the changes were in conformity with the preliminary plans for the Sutter-Stockton Garage. It was moved by Mr. Dindia, seconded by Mr. Cole, and carried unanimously that the Director be authorized to report that the proposed changes in sidewalk widths at Sutter and Stockton Streets are in conformity with the Master Plan.

R60.30 - Street Widening - Alemany Boulevard at Mission Street

The Director reviewed this referral, and recommended approval. It was moved by Mr. Mein, seconded by Mrs. Porter, and carried unanimously that the Director be authorized to report that the widening of Alemany Boulevard at Mission Street as shown on the print of Bureau of Engineering Map A-17-6, dated March, 1960, is in conformity with the Master Plan.

Lot Resubdivision

The Principal City Planner reviewed a request to resubdivide a lot on the southeast corner of Delta Street and Tucker Avenue. He said the proposed resubdivision would be in conformity with the neighborhood pattern, but there was a window on an existing building which would be on a side lot line. He said the owner was aware of this and had offered to design the building on the adjoining lot in conformity with the Building Code. He discussed the rear yard sizes and recommended approval. It was moved by Mrs. Porter, seconded by Mr. Cole, and carried unanimously that the Director be authorized to approve the proposed resubdivision of a lot on the southeast corner of Delta Street and Tucker Avenue, subject to the provision that a lightwell be provided in the plans for any building on the adjoining lot so as to protect the window of the existing building.

CHAPMAN ST. BETW. BANKS AND FOLSOM STS.

R60.25

BLOCK 5627, LOTS 42 & 43

SURPLUS CITY-OWNED PROPERTY (Sale of)

Action taken: In conformity CPC

Date: March 31, 1960

Filed: Sale of Land, 1960

Cross Reference:

Commissioner Dindia inquired if the 15-foot frontage lot was a buildable



DEPARTMENT OF CITY PLANNING

100 LARKIN STREET · SAN FRANCISCO, CALIFORNIA 94102

DATE OF THIS LETTER: August 29, 1979

LAST DATE FOR FILING APPEAL: September 10, 1979

Mr. Mauricio Matamoros
P.O. Box 12463
San Francisco, CA 94112

RE: VZ 79.44
Folsom Street, southeast corner
of Chapman Street, between
Powhattan Avenue and Bernal
Heights Boulevard; Lot 42 in
Assessor's Block 5627 in an
RH-1 (House, One-Family)
District.

Dear Mr. Matamoros:

This is to notify you as the applicant and other interested parties of the result of the referenced application under the City Planning Code for variances seeking to authorize zoning clearance for Building Permit Application No. 7803359, which was filed on April 4, 1978. The variance application was the subject of a public notice in these terms.

LOT WIDTH AND LOT AREA VARIANCES SOUGHT: The proposal is to legalize the subject property as a buildable lot with a width of less than 25 feet and an area of 1,484 square feet, when the City Planning Code requires a minimum lot width of 25 feet and a minimum lot area of 1,750 square feet.

This department issued a final negative declaration on September 19, 1978 under Environmental Evaluation No. EE 78.143 for a proposal to construct a single-family dwelling on each of three contiguous lots which are owned by the variance applicant: lots 22 and 23 as well as the subject parcel. The Zoning Administrator certifies that he reviewed and considered that negative declaration before arriving at the following decision for the variance application.

Said application having been considered by the Zoning Administrator at a public hearing on July 18, 1979 has been decided as follows:

DENIED for substandard lot width and lot area in the proposed development of the subject property with a 4-bedroom single-family dwelling, as shown on the undated one-sheet preliminary plan which was drawn by the applicant and is now on file as Exhibit A.

August 29, 1979

The Charter and Section 305(c) of the City Planning Code specify five requirements that must all be met if a variance is to be granted, and the Charter and Code also specify that this variance decision must set forth the findings upon which these requirements are deemed to be met in each case. The five requirements, therefore, are listed below and, on the basis of the findings herein set forth, they are deemed met or not to be met in this case as indicated.

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

REQUIREMENT NOT MET as to topographical and geological characteristics of the proposed building site in this RH-1 district on the southerly slope of Bernal Heights.

REQUIREMENT MET solely as to the distinctive shape and standard dimensions of the subject parcel as the remnant of Lot 24 in this Assessor's Block, Because in 1956 the City and County acquired a 75-foot frontage along the easterly side of Folsom Street, north of Powhattan Avenue, consisting of said Lot 24 plus Lots 25 and 26, to provide the westerly terminus of the unpaved public right-of-way for Chapman Street, a 25-foot wide alley running parallel to Powhattan Avenue except for the first 70 feet of the opening from Folsom Street, corresponding to the uniform and typical depth of those three lots; because the design of Chapman Street near the opening from Folsom Street is curvilinear to facilitate vehicular access in this topographical setting, upslope from Powhattan Avenue; because the right-of-way for Chapman Street has preempted approximately 9.8 feet of the Folsom Street frontage for said Lot 24 and approximately 16.1 feet of the Street frontage for said Lot 25; and because the remnant of said Lot 24, now Lot 42 and: surplus to the executed design for Chapman Street, has a frontage of only 15.2 feet on Folsom Street, a curvilinear northerly side lot line approximately 70.9 feet long, and a rear lot line 25 feet long corresponding to the typical lot width in this RH-1 district.

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

.. REQUIREMENT NOT MET, Because the City and County sold the surplus portion of Lot 24 as the subject Lot 42, and also sold Lot 26 plus the surplus portion of Lot 25 as the new Lot 43, without warranty, pursuant to Resolution No. 437-61 which the Board of Supervisors adopted on July 3, 1961 and which the Mayor approved on July 7, 1961; more particularly because the Board of Supervisors acted in this matter after the City Planning Commission reported in a mandatory referral, R60.25, that sale of Lots 42 and 43 would be in conformity with the Master Plan, and the Minutes of the Commission's regular meeting of March 31, 1960 record as constructive notice a warning that the "15-foot frontage lot" does not qualify as a buildable site in the absence of variances properly granted; because in these circumstances a reasonable and prudent person considering purchase of Lot 42, and having constructive knowledge of enacted regulations, would take careful notice of the distinguishing characteristics noted above, investigate the cause and consequences of substandard lot width and lot area in this case, and weigh the alternatives of seeking to justify variances or redrawing lotlines, by merger, so as to create a buildable site.

FURTHERMORE, because the current variance applicant has had the additional option of merging Lot 42 into Lots 22 and 23, each 25 feet wide and 70 feet in depth, thereby increasing the buildable width of those two sites, and enlarging the permissible building envelope, or alternatively providing one or more landscaped side yards so as to enhance the residential amenity of two single-family dwellings fronting on Folsom Street between the south side of Chapman Street and the north side of Powhattan Avenue; because the applicant has limited his options by recent construction of two single-family dwellings known as 3595 and 3599 Folsom Street on Lots 22 and 23, pursuant to building Permit Applications No. 7708977 and 7800369; thereby isolating the subject property as an unbuildable site; because despite this showing of self-induced hardship in filing for lot width and lot area variances, the applicant retains the options of developing the subject property as a landscaped side yard serving the dwelling on Lot 23 or requesting the City Planning Commission to authorize alternative development with a paved and landscaped parking lot as a conditional use and a neighborhood amenity.

Finally, in the light of the foregoing written findings, because a literal enforcement of enacted minimum lot size standards has not prevented, and does not now prevent, the owner-applicant from the enjoyment of beneficial use of the subject property and a reasonable scale of development.

August 29, 1979

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

REQUIREMENT NOT MET, Because Lot 42 has never met minimum lot size standards in the City Planning Code for development with a dwelling, and the City and County has never represented the subject RH-1 parcel as a buildable site.

FURTHERMORE, because in the absence of misrepresentation, no equitable property right could vest in Lot 42 to be developed in accordance with Exhibit A, unless a pattern of similar or greater deviations from enacted minimum lot size regulations prevailed throughout this RH-1 district; because the owner-applicant has made no effort to establish the existence of such a lot pattern, and indeed even a casual reference to the 300-foot radius map accompanying the signed variance application as requisite documentation would refute any claim to a typical lot width of less than 25 feet and a typical lot area of less than 1,750 square feet in the vicinity.

FURTHERMORE, because expenditures for site preparation which the owner-applicant may undertake in expectation of the subsequent issuance of a building permit cannot vest any property right to execution of the design proposal in Exhibit A, particularly in view of the fact that the Zoning Administrator announced his intention at the close of the public hearing on July 18, 1979 to issue a written decision denying the referenced lot size variances.

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

REQUIREMENT NOT MET, Because granting the indicated variances without proper justification would encourage property-owners in the vicinity to create substandard lots with the expectation of invoking the variance procedure as an insurer-of-last-resort; because Chapman Street provides access to several dwellings upslope near Bernal Heights Boulevard, and construction of a dwelling on a substandard lot could have the undesirable effect of generating on-street parking at this critical intersection, thereby hampering the movement of fire-fighting equipment.

Requirement 5. That the granting of such variance will be in harmony with the general purpose and intent of the City Planning Code and will not adversely affect the Master Plan:

Mr. Matamoros

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August 29, 1979

REQUIREMENT NOT MET, Because the design proposal in Exhibit A does not meet any of the three preceding requirements and satisfies Requirement 1 in ways that are irrelevant to the requisite element of hardship; because the scope of the indicated lot area variance, seeking to validate a shortage of 266 square feet, is significant in relation to the Planning Code standard which allows the Zoning Administrator to dispense with the requirement of a public hearing, provided that the shortage is less than 175 square feet of lot area; more particularly because the scope of the indicated lot width variance is clearly excessive, in that an average lot width of approximately 21.2 feet does not suggest the actual street frontage of only 15.2 feet, in relation to the required 25-foot width.

FURTHERMORE, Because granting the indicated variances without the requisite showing of hardship, equity, and compatibility would be contrary to the intent and purpose of said Code to promote the orderly and beneficial development of residential areas, Bernal Heights in this case, and would thereby affect housing objectives in the Master Plan adversely.

This decision will become effective if no appeal from this decision has been filed as provided in Section 308.2 of the City Planning Code on or before the last date for filing as noted above.

Very truly yours,



Robert W. Passmore
Acting Zoning Administrator

cc: District Building Inspector, DPW

Plumbing Division, DPW

Waste Water Management, DPW

RWP/DJS/RFH/tr



October 6, 1981

VARIANCE DECISION

UNDER THE CITY PLANNING CODE

CASE No. 81.382VEAPPLICANT:

Mr. Oscar Maciel
464 Edinburgh Street
San Francisco, CA 94112

PROPERTY DESCRIPTION:

3579

Southeast corner of Folsom and Chapman Streets, between Powhattan Avenue and Bernal Heights Boulevard: Lot 42 in Assessor's Block 5627 in an RH-1 (House, One Family) District.

DESCRIPTION OF VARIANCE:

LOT WIDTH AND LOT AREA VARIANCES SOUGHT: The proposal is to legalize the subject property as a buildable lot having an average width of approximately 20 feet and an area of 1,484 square feet when the City Planning Code requires a minimum lot width of 25 feet and a minimum lot area of 1,750 square feet.

DATE OF PUBLIC HEARING: August 26, 1981DECISION:

DENIED for legalization of the subject property as a buildable lot.

ENVIRONMENTAL ACTION:

A negative declaration for a proposal to construct a single-family dwelling on this parcel and the two adjoining parcels was issued on September 19, 1978 under EE 78.143.

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

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

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

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

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

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

The decision to grant or to deny the variance was based on the following conclusions as to whether or not the facts of the case supported the required five findings:

FINDING 1. The exceptional circumstances of the lot area and width were created in 1956 when the City and County acquired a portion of the subject property for the right-of-way of Chapman Street. When the property was offered for sale by the City in 1961, it was sold without warranty after the City Planning Commission noted at a regular meeting that the lot did not qualify as a buildable site in the absence of a variances properly granted. Because of these circumstances, a reasonable and prudent person, considering the purchase of the subject property, would have taken careful notice of the unique nature of this substandard lot.

FINDING 2. The previous owner of the subject lot, who also owned and developed the two adjoining standard sized lots fronting on Folsom Street, had the opportunity at that time of adding the subject lot area to the two adjoining buildable sites, thereby affording more open space and amenity for those dwellings. That previous owner requested this same variance, and it was denied (VZ 79.44). The only altered circumstance is the change of ownership. The new owner, however gains no more rights than the previous owner had. It must be held, therefore, that any hardship in this instance is self-induced.

FINDING 3. Since sale by the City as surplus property in 1961, the subject lot has never met minimum lot size standards of the City Planning Code to permit the development of a dwelling. Also, the City and County never represented the parcel as a buildable site. Although the parcel is not a practical building site, the applicant has the option of selling the land to the adjoining property owner for use as a landscaped sideyard.

As an alternative, the applicant could request conditional use authorization from the Planning Commission to allow development of a neighborhood-serving parking lot.

FINDING 4. The construction of a dwelling on a substandard lot in such a restricted area would be incompatible with the existing surrounding development. Increased congestion caused by exceptionally dense site development could have a deleterious effect on nearby property. Several neighbors of this property voiced opposition to the proposed variance and improvements.

Mr. Oscar Maciel
81.382EV

-3-

October 6, 1981

FINDING 5. The size of the subject lot is significantly below the already lower size standard required of corner lots. The granting of the requested variances without findings of compatibility and equity with surrounding development would be opposed to the intent and purpose of the City Planning Code to promote the orderly and beneficial development of residential areas. The housing objectives of the Master Plan would thereby be adversely affected.

This decision may be appealed by any person whose legal rights may be adversely affected or by an officer, board, or commission of the City and County of San Francisco. Such appeal shall be presented to the Board of Permit Appeals within ten (10) days after the date of this Variance Decision.

Sincerely,



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

RWP/McD/tb

=====

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



**City and County of San Francisco
Department of City Planning**

**450 McAllister Street
San Francisco, CA 94102**

ADMINISTRATION

(415) 558-6414 / 558-6411

CITY PLANNING COMMISSION

(415) 558-6414

PLANS AND PROGRAMS

(415) 558-6264

IMPLEMENTATION / ZONING

(415) 558-6377

June 3, 1987

VARIANCE DECISION

**UNDER THE CITY PLANNING CODE
CASE NO. 87.194V**

APPLICANT: Manuel Perez
327 St. Francis Boulevard
San Francisco, CA 94015

PROPERTY IDENTIFICATION: 3585 Folsom Street, southeast corner of Chapman and Folsom Streets; Lot 42 in Assessor's Block 5627 in an RH-1 (House, Single-Family) District.

DESCRIPTION OF VARIANCE SOUGHT: MINIMUM LOT WIDTH AND MINIMUM LOT SIZE VARIANCES SOUGHT: The proposal is to legalize the subdivision of Lot 42 which was created in 1956. The subject property has a lot width of 15.204 feet and contains 1,407.14 square feet. The City Planning Code requires a lot width of 25 feet and a lot size of 1,750 square feet for lots entirely within 125 feet of an intersection.

Two previous variances were sought for minimum lot width and minimum lot size. Both applications, Nos. VZ79.44 and 81.382VE, were denied.

PROCEDURAL BACKGROUND:

1. A Negative Declaration for a proposal to construct a single-family dwelling on this parcel and the two adjoining parcels was adopted and issued by the Office of Environmental Review on September 19, 1978 under EE 78.143.
2. The Zoning Administrator held a public hearing on Variance Application No. 87.194V on May 27, 1987.

DECISION: D E N I E D

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

1. That there are exceptional or extraordinary circumstances applying to the property involved or to the intended use of the property that do not apply generally to other property or uses in the same class of district;
2. That owing to such exception and extraordinary circumstances the literal enforcement of specified provisions of this Code would result in practical difficulty or unnecessary hardship not created by or attributable to the applicant or the owner of the property;
3. That such variance is necessary for the preservation and enjoyment of a substantial property right of the subject property, possessed by other property in the same class of district;
4. That the granting of such variance will not be materially detrimental to the public welfare or materially injurious to the property or improvements in the vicinity; and
5. That the granting of such variance will be in harmony with the general purpose and intent of this Code and will not adversely affect the Master Plan.

The decision to grant or to deny the variance was based on the following conclusions as to whether or not the facts of the case supported the five findings:

FINDINGS:

- FINDING 1. Two previous variance applications were sought for an identical proposal (Nos. VZ79.44 and 81.382VE) and both applications were disapproved. In Variance Decision 81.382VE, it was noted that the subject lot was created in 1956 when the City and County acquired a portion of the subject property for the right-of-way of Chapman Street. When the property was offered for sale by the City in 1961, it was sold without warranty after the City

Planning Commission noted at a regular meeting that the lot did not qualify as a buildable site without first seeking and justifying a variance. The previous owner, current owner and the applicant (prospective owner) were all aware of these circumstances.

Since the disapproval of the previous two variance applications, there is no altered circumstance that would justify the approval of this variance application. In fact, there are now more restrictions on new construction in view of life/safety hazards of this area by the East Slope Neighborhood Building Review Board. In addition, new zoning controls for this area will be proposed for adoption in the next 30 to 60 days.

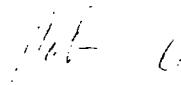
- FINDING 2. Since the sale by the City as surplus property in 1961, the subject lot has never met the minimum lot width and size standards of the City Planning Code to permit the development of a dwelling. Also, the City and County never represented the parcel as a buildable site without the approval of a minimum lot width and size variance. Both the current owner and the prospective buyer were aware of these circumstances and any hardship associated with the disapproval of this variance application is clearly self-induced.
- FINDING 3. As indicated above, the City and County never represented the subject property as a buildable lot without the approval of a minimum lot width and size variance. There is no right associated with the subject property that would justify the circumvention of the minimum lot standards of the Planning Code in order to build a dwelling that would be incompatible with the surrounding properties.
- FINDING 4. The construction of a dwelling on a substandard lot in such a restricted area would be incompatible with the existing surrounding development. Increased congestion caused by exceptionally dense site development would have a deleterious effect on nearby properties. In addition, it is now recognized that there are serious life/safety hazards associated with the development of the east slope of Bernal Heights, and new construction is more restricted. The Department received three letters from nearby residents and a representative of the Bernal Heights South Slope Community Organization opposed to the project on the basis that the proposed dwelling would be an intensity of development unsuitable for this substandard sized lot. In addition, the owner of the adjacent property to south objected to the proposal because she felt it would block light and air of her rear yard.

Case No. 87.194V
3585 Folsom Street
June 3, 1987
Page Four

FINDING 5. The size of the subject lot is significantly below the already lower size standard required of corner lots. The granting of this variance application without findings of compatibility and equity with the surrounding development would be contrary to the intent and purpose of the City Planning Code to promote orderly and beneficial development of residential areas. The housing objectives of the Master Plan would therefore be adversely affected.

APPEAL: Any aggrieved person may appeal this variance decision to the Board of Permit Appeals within ten (10) days after the date of the issuance of this Variance Decision. For further information, please contact the Board of Permit Appeals in person at City Hall (Room 154-A) or call 554-6720.

Very truly yours,


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

RWP:JCW/pg/130

Case No. 97.513C
3579 Folsom Street
(aka 495 Chapman Street)

SAN FRANCISCO

PLANNING COMMISSION

MOTION NO. 14496

**ADOPTING FINDINGS RELATED TO THE DISAPPROVAL OF APPLICATION NO. 97.513C
SEEKING AUTHORIZATION OF A CONDITIONAL USE FOR THE CREATION OF ONE NEW
LOT WITH FEWER THAN 25 FEET OF WIDTH IN AN RH-1 (HOUSE, ONE-FAMILY)
DISTRICT, THE BERNAL HEIGHTS SPECIAL USE DISTRICT AND A 40-X HEIGHT AND
BULK DISTRICT.**

Preamble

On November 13, 1997, the Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing on Conditional Use Application No. 97.513C, at which time the Commission reviewed and discussed the findings prepared for its review by the staff of the Planning Department of the City and County of San Francisco (hereinafter "Department").

Pursuant to the Sections 15303(a) and 15315 of the Guidelines of the State Secretary of Resources for the implementation of the California Environmental Quality Act, the proposed Conditional Use was determined to be Categorically Exempt from environmental review. The Commission has reviewed and concurs with said determination.

This Commission has reviewed and considered reports, studies, plans and other documents pertaining to this proposed project.

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

At said November 13, 1997 hearing, the Commission voted unanimously its intent to disapprove the subject application and continued the matter to the regular Commission hearing of November 20, 1997 for consideration of a draft Motion so indicating.

It is hereby MOVED that the Commission DISAPPROVES Conditional Use Application No. 97.513C based on the following findings:

Findings

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

1. On August 7, 1997, Miguel Perez, authorized agent of the Maruice M. Casals Trust, owner, (hereinafter "Applicant"), made application to the Department for authorization of a Conditional Use for the creation of one new lot, which lot would have fewer than the minimum required 25 feet of width, and the construction of a new one-family dwelling thereon, (hereinafter "Project") on the property known as 3579 Folsom Street (aka 495 Chapman Street), southeast corner at Chapman Street, Lot 42 in Assessor's Block 5627 (hereinafter "Subject Property") in an RH-1

(House, One-Family) District, the Bernal Heights Special Use District and a 40-X Height and Bulk District.

2. The subject property has approximately 15 feet at its Folsom Street frontage and a lateral slope with the highest part of the property being at the Chapman Street frontage.
3. Code Section 121 establishes standards for minimum lot width and area. Code Section 121(a) thereunder states that every newly-created lot must have and maintain frontage on a public street or alley as defined by the Code, or on some other permanent right-of-way from which there is vehicular access to such lot, and in each case such frontage must have a minimum width. The subject property, as a corner lot, would have more than sufficient street frontage and the requisite vehicular access.
4. Section 121(d) of the Code establishes a minimum lot width of 25 feet in all zoning use districts other than RH-1(D). Code Section 121(e) establishes a minimum lot area of 2,500 square feet in all zoning districts except RH-1(D); except that the minimum lot area for any lot having its street frontage entirely within 125 feet of the intersection of two streets that intersect at an angle of not more than 135 degrees is 1,750 square feet.
5. Under Code Section 121(f), notwithstanding the foregoing requirements of Code Section 121 as to lot width, lot area and width of lot frontage, in any zoning use district other than an RH-1(D) district, the Commission may permit one or more lots of lesser width to be created, with each lot containing only a one-family dwelling and having a lot area of not less than 1,500 square feet, according to the procedures and criteria for Conditional Use approval in Code Section 303. The proposed lot would have only a single-family dwelling thereon, would be 1,522 square feet in area, and would narrow from 25 feet at its rear lot line to approximately 15 feet at the front thereof thereby providing the minimum width and are to satisfy the Section 121(f) criteria.
6. The present configuration of the lot in question dates from 1956 at which time the City acquired a portion of it for the right-of-way of Chapman Street. The remainder (as currently configured) was sold in 1961 without warranty as a buildable site (absent a Variance property granted). The requested Alegalization≡ as a A lot of record≡under the Planning Code was the subject of three Variance requests under Case Numbers VZ79.44, 81.382V and 87.194V. At those times, it was assumed that the lot area of the site was below 1,500 square feet. Recently, the present owner had the site surveyed which survey determined that the parcel contains 1,522 square feet thereby qualifying it for consideration as a narrow-lot subdivision under Planning Code Section 121(f). In this case, the burden of proof of a hardship not self-induced (as required for the granting of a Variance) drops away and the less-stringent Conditional Use standards of necessity or desirability and compatibility come into play.

7. Under the provisions of Code Section 303, the Commission may authorize a Conditional Use only after holding a duly noticed public hearing and making findings that the proposed use would provide a development that is necessary or desirable for and compatible with the neighborhood or the community, that such use would not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity, or injurious to property, improvements or potential development in the vicinity and that such use would comply with the applicable provisions of the Code, and would not adversely affect the Master Plan.
8. The proposed Project does not comply with the criteria of Code Section 303 in that:
 - A. The Project would not be in keeping with the character and scale of the surrounding neighborhood in that it would involve the creation of one excessively small lot, even by the standards of Bernal Heights where smaller lots are the rule. Testimony rendered by neighborhood advocates indicates that the AT \cong intersection of Chapman and Folsom Streets is a dangerous corner where sight lines that are vital to vehicular safety are enhanced by the unbuilt state of the Subject Property. According to neighbors, if a new dwelling were to be constructed on the Subject Property, it would over-crowd existing development, would contribute to decreased traffic safety in the area, and, therefore, would not blend well with existing development. Accordingly, the Project would have a negative impact on the surrounding area and would not be compatible with or desirable for the neighborhood and the community. In addition, it would be detrimental to the health, safety and general welfare of the residents of the area.
 - B. The Project would introduce the development potential for one new single-family dwelling, albeit small, in an area of small lots and steep, narrow streets. Traffic patterns and building density would be negatively affected. The established residential district which includes the Subject Property could not accommodate easily such an infill project. Due to the nature of the developments on the adjoining lots, the Subject Property would not lend itself to be developed with even a small one-family dwelling as proposed as part of the Project. The Alegalization \cong of the subject lot and the construction of one new one-family dwelling thereon could have a negative effect on parking patterns and traffic safety in the neighborhood.
 - C. The proposed Project would be adverse to the policies of the Residence and Urban Design Elements of the General Plan. The Project would not be consistent with Residence Element policy which seeks to provide a quality living environment, to relate land use controls to the appropriate scale for new and existing residential areas. Furthermore, the one new dwelling unit which would be built pursuant to the Project would not be consistent with the Urban Design Element policies which seek to promote harmony in the visual relationships and transition between new and older buildings and to improve neighborhood environment to increase personal safety, comfort, pride and opportunity.

- D. With the exception of the aforementioned minimum width of the proposed two new lots, for which substandard width is the subject of the request for authorization of Conditional Use in this Case No. 97.513C, the proposed Project would comply with all of the applicable provisions of the Code.
9. Code Section 101.1 requires that the Master Plan must be an integrated, internally consistent and compatible statement of policies for San Francisco. Section 101.1(b) establishes eight priority policies which are intended to be the basis upon which inconsistencies in the Master Plan are resolved. This Section requires consistency with these eight priority policies for projects requiring permits. The Project is not consistent with the eight priority policies of Section 101.1(b) as follows:

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

Existing neighborhood-serving retail uses would not be affected by the Project.

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

The Project would not be in keeping with the residential character of the area in that Bernal Heights is already an area of small lots thereby making the disparity between the proposed lot size and the typical lot size in the district more at issue, especially at its blind-intersection site.

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

The City's supply of affordable housing would not be effected by the Project, however, theoretically, one new dwelling unit could be added to the City's housing stock as a result of the Project .

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

The Project would have no effect on commuter traffic patterns nor would it interfere with Muni operations, however, neighborhood traffic safety would be compromised by construction on the Subject Property.

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

The Project would not affect the industrial and service sectors.

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

Testimony rendered at the public hearing indicated that the narrowness and steepness of the streets in the subject Bernal Heights neighborhood result in difficulty of access for emergency vehicles, especially at the subject (blind) intersection (the visibility at which would be further reduced if this lot were to be developed). Emergency vehicle access being vital to public safety in an earthquake, authorization of the requested Conditional Use would not be consistent with Priority Policy 7.

- G. No landmark or historic buildings would be affected by the Project.

No landmark or historic buildings would be affected by the Project.

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

The Project would have no effect on parks or open space nor on their access to sunlight or vistas.

The Commission, after carefully balancing the competing public and private interests, hereby finds that authorization of the requested Conditional Use would not promote the health, safety and welfare of the City.

DECISION

That, based upon the record, the submissions by the Applicant, the staff of the Planning Department and other interested parties, the oral testimony presented to this Commission at the public hearing, and all other written materials submitted by all parties, the Commission hereby DISAPPROVES Conditional Use Application No. 97.513C.

I hereby certify that the foregoing Motion was ADOPTED by the Planning Commission on November 20, 1997.

Linda Avery
Commission Secretary

AYES: Commissioners Antenore, Hills, Joe, Martin, Mills, and Theoharis

NOES: None

ABSENT: None

ADOPTED: November 20, 1997

LJM:Fols3579.dis

**SAN FRANCISCO
PLANNING COMMISSION
MOTION NO. 16267**

ADOPTING FINDINGS RELATED TO THE DISAPPROVAL OF APPLICATION NO. 2001.0336C SEEKING AUTHORIZATION OF A CONDITIONAL USE FOR THE CREATION OF ONE NEW LOT WITH LOT AREA LESS THAN 1,750 SQUARE FEET AND WITH A LOT WIDTH OF LESS THAN 25 FEET IN AN RH-1 (RESIDENTIAL, HOUSE, ONE-FAMILY) DISTRICT AND WITHIN THE BERNAL HEIGHTS SPECIAL USE DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT.

Preamble

On October 25, 2001, the Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing on Conditional Use Application No. 2001.0336C, at which time the Commission reviewed and discussed the findings prepared for its review by the staff of the Planning Department of the City and County of San Francisco (hereinafter "Department").

Pursuant to the Sections 15303(a) and 15315 of the Guidelines of the State Secretary of Resources for the implementation of the California Environmental Quality Act, the proposed Conditional Use was determined to be Categorically Exempt from environmental review. The Commission has reviewed and concurs with said determination.

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

Findings

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

1. The above recitals are accurate and also constitute findings of this Commission.
2. On April 5, 2001, Diana Serchia, authorized agent of the Maruice M. Casals Trust, owner, (hereinafter "Applicant"), made application to the Department for authorization of a Conditional Use for the creation of one new lot, which lot would have fewer than the minimum required 25 feet of width, and the construction of a new one-family dwelling thereon, (hereinafter "Project") on the property known as 3579 Folsom Street (aka 495 Chapman Street), southeast corner at Chapman Street, Lot 42 in Assessor's Block 5627 (hereinafter "Subject Property") in an RH-1 (House, One-Family) District, the Bernal Heights Special Use District and a 40-X Height and Bulk District.
3. The subject property is 15'-2" feet wide at its Folsom Street (western) frontage and 25'-0" wide at its eastern property line. It has a lateral slope with the highest part of the property being at the Chapman Street frontage.
4. Code Section 121 establishes standards for minimum lot width and area. Code Section 121(a) thereunder states that every newly-created lot must have and maintain frontage on a public street or alley as defined by the Code, or on some other permanent right-of-way from which there is vehicular access to such lot, and in each case such frontage

must have a minimum width. The subject property, as a corner lot, would have more than sufficient street frontage and the requisite vehicular access.

5. Section 121(d) of the Code establishes a minimum lot width of 25 feet in all zoning use districts other than RH-1(D). Code Section 121(e) establishes a minimum lot area of 2,500 square feet in all zoning districts except RH-1(D); except that the minimum lot area for any lot having its street frontage entirely within 125 feet of the intersection of two streets that intersect at an angle of not more than 135 degrees is 1,750 square feet.
6. Under Code Section 121(f), notwithstanding the foregoing requirements of Code Section 121 as to lot width, lot area and width of lot frontage, in any zoning use district other than an RH-1(D) district, the Commission may permit one or more lots of lesser width to be created, with each lot containing only a one-family dwelling and having a lot area of not less than 1,500 square feet, according to the procedures and criteria for Conditional Use approval in Code Section 303. The proposed lot would have only a single-family dwelling thereon, would be 1,522 square feet in area, and would narrow from 25 feet at its rear lot line to 15'-2" feet at the front thereof thereby providing the minimum width and are to satisfy the Section 121(f) criteria.
7. Code Section 134 requires a minimum rear yard of 25 per cent of the depth of an RH-1 lot, or 15 feet, whichever is greater. The proposed dwelling constructed on the subject lot would have a substandard rear yard, and thus be subject to a Rear Yard Variance.
8. The present configuration of the subject lot dates from 1956 at which time the City acquired a portion of it for the right-of-way of Chapman Street. The remainder (as currently configured) was sold in 1961 without warranty as a buildable site (absent a Variance property granted). The requested "legalization" as a "lot of record" under the Planning Code was the subject of three Variance requests and two Appeals under Case No.'s VZ79.44, 81.382V and 87.194V. At those times, it was assumed that the lot area of the site was below 1,500 square feet. The lot was also the subject of a Conditional Use Hearing, Case Number 97.513C, wherein an unofficial survey showed the area to be 1,522 square feet. All cases were disapproved.
9. Under the provisions of Code Section 303, the Commission may authorize a conditional use after finding the proposed use will provide a development that is necessary or desirable for and compatible with the neighborhood or the community. The proposed project does not comply with the criteria of Code Section 303 as described below.
 - a. The proposed use or feature, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable for, and compatible with, the neighborhood or the community:

The Project would not be in keeping with the character and scale of the surrounding neighborhood in that it would involve the creation of one excessively small lot, even by the standards of Bernal Heights where smaller lots are the rule. Testimony rendered by neighborhood advocates indicates that the "T" intersection of Chapman and Folsom Streets is a dangerous corner where sight lines that are vital to vehicular safety are enhanced by the unbuilt state of the Subject Property. According to neighbors, if a new dwelling were to be constructed on the Subject Property, it would over-crowd existing development, would contribute to decreased traffic safety in the area, and, therefore, would not blend well with existing development. Accordingly, the Project would have a negative impact on the surrounding area and would not be compatible with or

desirable for the neighborhood and the community. In addition, it would be detrimental to the health, safety and general welfare of the residents of the area.

- b. The proposed use will be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity, or injurious to property, improvements or potential development in the vicinity, with respect to aspects including but not limited to the following:

1. The nature of the proposed site, including its size and shape, and the proposed size, shape, and arrangement of structures:

There is no existing pattern of lots of this size and shape in the immediate neighborhood. The proposed dwelling would require a Variance, therefore further creating discrepancy with the Planning Code.

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

Traffic patterns and building density would be negatively affected. The established residential district which includes the Subject Property could not accommodate easily such an infill project. Due to the nature of the developments on the adjoining lots, the Subject Property would not lend itself to be developed with even a small one-family dwelling as proposed as part of the Project. The "legalization" of the subject lot and the construction of one new one-family dwelling thereon could have a negative effect on parking patterns and traffic safety in the neighborhood.

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

The construction of an one-family house will cause an increase in dust and noise level to the immediate neighborhood.

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

No treatments yet proposed.

10. The Project will not affirmatively promote, be consistent with, and will adversely affect the San Francisco General Plan, including the following relevant objectives and policies:

The Residence Element

OBJECTIVE 12: TO PROVIDE A QUALITY LIVING ENVIRONMENT.

Policy 12-6:

Relate land use to controls to the appropriate scale for new and existing residential areas.

The Urban Design Element

OBJECTIVE 3: MODERATION OF MAJOR NEW DEVELOPMENT TO COMPLEMENT THE CITY PATTERN, THE RESOURCES TO BE CONSERVED, AND THE NEIGHBORHOOD ENVIRONMENT.

Policy 5:

Relate the height of buildings to important attributes of the city pattern and to the height and character of existing development.

There is no pattern of lots of the same scale or conditions in the existing residential areas within the neighborhood. The approval of the substandard lot would provide only a negative effect to the existing neighborhood environment by creating a hazardous intersection of a blind corner adjacent to narrow streets and dense development with no sidewalks and the possibility of additional on-street parking.

11. The proposed project will not comply with the following eight Priority Policies as established in Code Section 101.1 for the Master Plan consistency and implementation:

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

Existing neighborhood-serving retail uses would not be affected by the Project.

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

The Project would not be in keeping with the residential character of the area in that Bernal Heights in that it would be smaller than the already smaller lots typical of the area. is already an area of small lots thereby making the disparity between the proposed lot size and the typical lot size in the district more at issue, especially at its blind-intersection site.

- c. The City's supply of affordable housing be preserved and enhanced.

The City's supply of affordable housing would not be effected by the Project. However, theoretically, one new dwelling unit could be added to the City's housing stock as a result of the Project.

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

The Project would have no effect on commuter traffic patterns nor would it interfere with MUNI operations, however, neighborhood traffic safety would be compromised by construction on the Subject Property. The provision of two off-street parking spaces would add vehicles to the neighborhood streets while reducing available neighborhood parking.

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

The Project would not affect the industrial and service sectors.

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

According to previous testimony, Chapman street provides access to dwellings upslope near Bernal Heights Boulevard, and the construction of a dwelling on a substandard lot would have the undesirable effect of generating on-street parking at this critical intersection, thereby hampering the movement of emergency vehicles and equipments during a catastrophe such as earthquake.

- g. The landmarks and historic buildings be preserved.

There are no landmarks or historic buildings involved in the proposed project.

- h. The parks and open space and their access to sunlight and vistas be protected from development.

The Project will not affect the access to sunlight or vistas from any park or open space.

- 12. The Project is not consistent with and would not promote the general and specific purposes of the Code provided under Section 101.1 in that, as designed, the Project would be detrimental to the character and stability of the neighborhood and would not constitute a beneficial development.

DECISION

That, based upon the record, the submissions by the Applicant, the staff of the Planning Department and other interested parties, the oral testimony presented to this Commission at the public hearing, and all other written materials submitted by all parties, the Commission hereby DISAPPROVES Conditional Use Application No. 2001.0336C.

I hereby certify that the foregoing Motion was ADOPTED by the Planning Commission on October 25, 2001.

Linda Avery
Commission Secretary

AYES: Commissioners Theoharis, Baltimore, Chichilla, Joe, Lim, and Salinas

NOES: None

ABSENT: Commissioner Fay

ADOPTED: October 25, 2001

PLANNING COMMISSION

CASE NO.2004.0656C

ADDRESS: 3579

Folsom/495 Chapman

Block/Lot: 5627/42

Subject to:(Select with check mark only if applicable)

- ☐ Inclusionary Housing
- ☐ Childcare Requirement
- ☐ Park Fund
- ☐ Art Fund
- ☐ Public Open Space Fund
- ☐ Jobs Housing Linkage Program
- ☐ Transit Impact Development Fee
- ☐ First Source Hiring
- ☐ Other:_____

SAN FRANCISCO

PLANNING COMMISSION

MOTION NO. 16944

ADOPTING FINDINGS RELATING TO THE DISAPPROVAL OF A CONDITIONAL USE AUTHORIZATION UNDER PLANNING CODE SECTION 121, TO ALLOW THE CREATION OF ONE LOT WITH A WIDTH OF LESS THAN 25 FEET IN AN RH-1 (RESIDENTIAL, HOUSE, SINGLE-FAMILY) DISTRICT A 40-X HEIGHT AND BULK DISTRICT, AND THE BERNAL HEIGHTS SPECIAL USE DISTRICT.

PREAMBLE

On **January 27, 2005**, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. **2004.0656C** at which time the Commission reviewed and discussed the findings prepared for its review by the staff of the Planning Department of the City and County of San Francisco (hereinafter "Department").

The proposed Conditional Use application was determined by the San Francisco Planning Department (hereinafter "Department") to be exempt from environmental review pursuant to Title 14 of the California Administrative Code. The Commission has reviewed and concurs with said determination.

FINDINGS

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

1. On July 7, 2004, Jeffrey Rosen, authorized agent for Maurice Matamoros, (hereinafter "Project Sponsor"), made application (hereinafter "Application") for Conditional Use on the Property at 3579 Folsom/495 Folsom Street, Lot 42 in Assessor's Block 5627 to allow the creation of one lot of less than 25 feet in width for the construction of a single-family dwelling in an RH-1 (Residential, Single-family) District, a 40-X Height and Bulk District, and the Bernal Heights Special Use District. The above recitals are accurate and also constitute findings of this Commission.

2. The subject property lies at the intersection of Folsom and Chapman Streets. Folsom Street dead-ends at the curving intersection with Chapman Street, and these two streets define two sides of block 5627. The remaining two sides of the Block 5627, Banks Street and Powhattan Street, are presently unpaved but carry local traffic. Where Folsom and Chapman Streets meet, at the curving intersection, the width of the roadway changes from 40 feet on Folsom to 25 feet on Chapman. Presently there is two-way traffic but there are no sidewalks. The Department of Public Works is planning to install sidewalks. The lot itself is roughly triangular, 15 feet 2 inches wide at its Folsom Street (western) frontage and 25 feet wide at its eastern property line. Its depth is 70 feet. The most recent survey of the property shows it has an area of 1,520 square feet. It has a lateral slope, with the highest part of the property being at the Chapman Street frontage.
3. The lot is located in an RH-1 (Residential, House, Single-Family) in the Bernal Heights Special Use District. The neighborhood is developed with small, single-family dwellings, mostly one story over garage, on small lots of 1,750 square feet. To the north, in the direction of Bernal Heights Boulevard, the steep upslope and lack of paved access has limited development.
4. **Proposal:** The proposal is to legalize the substandard lot in order to construct a single-family dwelling on the property. The proposed building would be subject to one variance for rear yard encroachment. */limited dimensions of the lot have resulted in designs presented in previous applications that would necessitate one or more Variances, for either rear yard or front setback encroachment.*
5. **Past History and Actions:** The present configuration of the subject lot dates from 1956 when the City acquired a quantity of land for the right-of-way for Chapman Street. A portion of this land was sold in 1961 without warranty as a buildable site (absent a variance granted). The present owner apparently acquired the property sometime between 1976 and 1979. The requested "legalization" as a "lot of record" under the Planning Code was the subject of three variance requests, and two Appeals under Case Numbers VZ79.44, 81.382V, and 87.19V. At those times, it was assumed that the lot area was less than 1,500 square feet. The lot was also subject to a Conditional Use hearing, Case Number 97.513C, wherein an unofficial survey showed the area to be 1,599 feet square. The request was nevertheless denied. For the next case, Case Number 2001.0336C, the owner provided a professional survey that established an area of 1,522 square feet. The assessor's office has officially registered this measurement. Because the parcel contains 1,522 square feet it qualifies for consideration as a narrow-lot subdivision under Planning Code Section 121(f) (see below). In this case, the burden of proof of hardship not self-induced (as required for a variance) drops away and the less-stringent Conditional Use standards of necessity or desirability and compatibility are invoked. The request was unanimously denied.
4. **Support or Opposition to Project:** The Bernal Heights East Slope Design Review Board has notified the Department by letter and by telephone that they are opposed, citing the existing density in an area of minimum lot sizes; the decades of opposition by nearby neighbors; the threat to access for emergency vehicles; and the City declaration of the lot as "unbuildable". One expression of support by a nearby resident has been received.

5. **Planning Code Compliance.** The Commission finds that project meets the provisions of the Planning Code in the following manner:

- a. **Planning Code Section 121(d):** *The minimum lot width in this district is 25 feet. The subject property has a width graduated from 15 feet at the Folsom/Chapman intersection to 25 feet wide at the northern property line.*
- b. **Planning Code Section 121(e):** *The minimum area for a lot having its street frontage entirely within 125 feet of two streets that intersect at an angle of not more than 135° in this district is 1,750 square feet. The subject lot has an area of 1,522 square feet and meets the frontage requirement.*
- c. **Planning Code Section 121(f):** *The Planning Commission may permit the creation a lot of less width [than 25 feet] and an area of not less than 1,500 square feet, subject to the procedures and criteria for conditional use approval in Section 303 of the Planning Code.*
- d. **Planning Code Section 242:** *the minimum rear yard required in the Bernal Heights Special Use District is 35 of the total depth of the lot, or 24 feet 6 inches. The proposed structure would require both front and rear yard variances.*
- e. **Planning Code Section 303(1):** *That the proposed use or feature, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable for, and compatible with, the neighborhood community. The proposed use as a site for a single-family dwelling is incompatible with the neighborhood community as it is 13% smaller than the standard Bernal Heights lots surrounding it. It is unnecessary as the immediate area is densely developed on all presently buildable lots.*
- f. **Planning Code Section 303(2):** *That such use or feature as proposed will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity, with respect to aspects including but not limited to the following: It is undesirable because the lot is sited on a sloping intersection with restricted visibility in both directions. The roadway changes width by 15 feet along the curve. There is presently no sidewalk on the curve. The installation of a driveway on the curving intersection can increase the hazard to neighborhood traffic.*

7. **General Plan Conformity.** The Commission hereby finds that the Project is inconsistent with the Objectives and Policies of the General Plan as follows:

Residence Element

- OBJECTIVE 1 **To provide new housing, especially permanently affordable housing, in appropriate locations which meets identified housing needs and takes into account the demand for affordable housing**

created by employment growth. *The proposal does not meet the requirement of this objective because although the proposal would create a relatively affordable single-family dwelling, the location is found to be inappropriate.*

POLICY 4 **Locate infill housing opportunities on appropriate sites in established neighborhoods.**

OBJECTIVE 2 **To increase the supply of housing without overcrowding or adversely affecting the prevailing character of existing neighborhoods.** *The proposal does not meet the requirement of this objective because its location is within an area already densely developed.*

General Plan Priority Policies

Planning Code Section 101.1 establishes Eight Priority Planning Policies and requires review of permits for consistency with said policies. The Project fails to comply with relevant policies as follows:

- 1) **Existing neighborhood serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses be enhanced.** *The Project would not affect existing retail uses.*
- 2) **Existing housing and neighborhood character of the area be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods.** *The Project would not be in keeping with the residential character of Bernal Heights in that it would be significantly smaller than the already typically small lots of the area.*
- 3) **The City's supply of affordable housing be preserved and enhanced.** *The Project would add one single-family dwelling to the City's supply of housing.*
- 4) **Commuter traffic not impede Muni transit service or overburden out streets or neighborhood parking.** *The Project would provide 2 off-street parking spaces and remove one on-street parking space.*
- 5) **A diverse economic base be maintained.** *The Project would have no effect on the economic base, therefore this item does not apply.*
- 6) **The City achieve the greatest preparedness to protect against injury and loss of life in an earthquake.** *The Project would have no effect on the City's earthquake preparedness, therefore this item does not apply.*
- 7) **Landmark buildings and historic resources be preserved.** *The Project would have no effect on landmark buildings or historic resources, therefore this item does not apply.*

- 8) **Parks and open space and their access to sunlight and vistas be protected from development.** *The Project would have no effect on City parks or open space therefore this item does not apply.*

21. The Commission after carefully balancing the competing public and private interests, hereby finds that approval of the Conditional Use authorization would not promote the health, safety and welfare of the City.

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **DISAPPROVES** Conditional Use Application No. CASE NO. 2004.0656C.

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this conditional use authorization to the Board of Supervisors within thirty (30) days after the date of this Motion No. 16944. The effective date of this Motion shall be the date of this Motion if not appealed (After the 30-day period has expired) OR the date of the decision of the Board of Supervisors if appealed to the Board of Supervisors. For further information, please contact the Board of Supervisors at (415) 554-5184, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94012.

I hereby certify that the foregoing Motion was ADOPTED by the Planning Commission on February 3, 2005.

Linda Avery
Commission Secretary

AYES: Commissioners Alexander, Antonini, Bell, S. Lee, and Olague

NOES: None

ABSENT: Commissioners Hughes and W. Lee

ADOPTED: February 3, 2005