File No. 120849

Committee Item No. _____
Board Item No. 28

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee _____ Date _____

Board of Supervisors Meeting Date September 18, 2012

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

OTHER (Use back side if additional space is needed)

☐	☐	Tentative Map Appeal – 1101-1103 Dolores Street
☐	☐	
☐	☐	

Completed by: Joy Lamug Date September 13, 2012
Completed by: _____ Date _____

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

Re: Appeal of Tentative Map - 1101-1103 Dolores Street
Larry Badiner
to:
Joy.Lamug
09/07/2012 08:24 AM
Sent by:
larrybadiner@gmail.com
Cc:
Kevin Cheng, "Storrs, Bruce", Nicole.Lyshorn
Show Details

Security:

To ensure privacy, images from remote sites were prevented from downloading. Show Images

History: This message has been forwarded.

Hi Ms. Lamug-

I've forwarded your email to Todd Mavis and Kevin Cheng, the property owners, who are cc'd on this email. Please direct all correspondence to them, as they'll be representing themselves on the appeal.

Thanks,

Larry Badiner

Picture

Lawrence Badiner
Badiner Urban Planning
95 Brady Street
San Francisco, CA 94103

(415) 865-9985 (o)
(415) 602-9078 (m)
www.badinerurbanplanning.com

On Thu, Sep 6, 2012 at 4:54 PM, <Joy.Lamug@sfgov.org> wrote:

Hi Mr. Badiner,

The above referenced appeal is scheduled to be heard by the Board of Supervisors on Tuesday, September 18 at 4:00 p.m.
Please provide to the Clerk's Office by:

8 days prior to the hearing: any documentation which you may want available to the

Board members prior to the hearing;
11 days prior to the hearing: names of interested parties to be notified of the hearing.

Provide 18 copies of the documentation for distribution, and, if possible, names of interested parties to be notified in label format.

Thank you in advance.

Joy

Joy Lamug
Board of Supervisors
Legislative Division
City Hall, Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102
Tel: 415.554.7712
Fax: 415.554.7714
Email: joy.lamug@sfgov.org

BOARD of SUPERVISORS

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

RECEIVED
12 AUG 22 PM 4:28
DEPT. OF PUBLIC WORKS
DIRECTOR'S OFFICE

August 22, 2012

Mohammed Nuru, Director
Department of Public Works
City Hall, Room 348
San Francisco, CA 94102

File No. 120849
Appeal of Tentative Parcel Map for 1101-1103 Dolores Street
Assessor's Block No. 6511, Lot No. 033
2 Units Condo Conversion

Dear Director Nuru:

The Office of the Clerk of the Board is in receipt of an appeal filed by Lawrence Badiner (copy attached), from the decision of the Department of Public Works dated August 9, 2012, affirming the approval of a Tentative Parcel Map for a 2 Unit Condo Conversion located at 1101-1103 Dolores Street.

By copy of this letter, the City Engineer's Office is advised the Board of Supervisors will have the appeal scheduled for public hearing on Tuesday, September 18, 2012, at 4:00 p.m.

Pursuant to Subdivision Code Section 1315, enclosed is a filing fee of $284.00 paid by the appellant for deposit to your Subdivision Fund.

Sincerely,

Angela Calvillo
Clerk of the Board

c:
Jerry Sanguinetti, Manager, Department of Public Works-Bureau of Street Use and Mapping
Fuad Sweiss, City Engineer, Department of Public Works
Bruce Storrs, PLS, County Surveyor, Department of Public Works
Scott Sanchez, Zoning Administrator, Planning Department
AnMarie Rodgers, Planning Department
Jon Givner, Deputy City Attorney
John Malamut, Deputy City Attorney
Appellant, Lawrence Badiner, Urban Planner, 95 Brady Street, San Francisco, CA 94103
Kevin Cheng, Po Box 460171, San Francisco, CA 94146
Todd Mavis, Po Box 460171, San Francisco, CA 94146

Lawrence Badiner
Urban Planner

95 Brady Street
San Francisco, CA 94103
Phone: (415) 865-9985

E-Mail: larry@badinerurbanplanning.com
Web: badinerurbanplanning.com

August 17, 2012

Board of Supervisors
City and County of San Francisco
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102

RE: Appeal from Approval by City and County Surveyor
Tentative Map for 2 Units Condo Conversion
1101 – 1103 Dolores Street, Block 6511, Lot 033

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2012 AUG 20 PM 4:38
BY

To: The Honorable President and Members of the Board of Supervisors
of the City and County of San Francisco

We appeal the decision to approve the Tentative Map for 1101 – 1103 Dolores Street on August 9, 2012, made by Bruce R. Storrs, PLS, City and County Surveyor, a copy of which is attached.

We enclose a check for $284.00 payable to Department of Public Works.

Please provide us with all notices of procedures and deadlines for filing our appellant documents in advance of the hearing before the Board of Supervisors.

Sincerely,

Lawrence Badiner

Attachment 1: Decision to Approve Tentative Map

City and County of San Francisco

Edwin M. Lee,Mayor
Mohammed Nuru,Director

Fuad S. Sweiss, PE, PLS,
City Engineer & Deputy Director of Engineering

Phone: (415) 554-5827
Fax: (415) 554-5324

http://www.sfdpw.com
subdivision.mapping@sfdpw.org

Department of Public Works
Office of the City and County Surveyor

875 Stevenson Street, Room 410
San Francisco, CA 94103

Bruce R. Storrs, City and County Surveyor

Date: August 9, 2012

Approval of Tentative Map for

2 Units Condo Conversion

Address	Block	Lot
1101 - 1103 DOLORES ST	5611	033

Dear Sir/Madam:

This is to advise you that based on our findings the City and County Surveyor has made his decision affirming the approval of the subject Tentative Map.

The City and County Surveyor, together with the Planning Department and Department of Building Inspection have reviewed the application for conformity with the General Plan, and with the requirements of the Subdivision Map Act, the San Francisco Subdivision Code and applicable regulations for the Tentative Map.

Subdivision Code Section 1314 provides that an appeal of the decision of the City and County Surveyor may be made to the Board of Supervisors, located at 1 Dr. Carlton B. Goodlett Place, Room 244, telephone number (415) 554-5184.

Any such appeal must be filed in writing with the Clerk of the Board within ten (10) days of the date of this letter along with a check in the amount of $284 made out to the Department of Public Works.

The file for this project is available for viewing at the Office of the City and County Surveyor located at 875 Stevenson Street, Room 410 during regular business hours.

If you have any questions on this matter, please contact us at (415) 554-5827, or our email address: subdivision.mapping@sfdpw.org

Sincerely,

Bruce R. Storrs, P.L.S.
City and County Surveyor
City and County of San Francisco

[illegible] CITY AND COUNTY OF SAN FRANCISCO

[illegible] Service [illegible] Teamwork [illegible] Continuous Improvement

Attachment 2: Letter of Determination from City and County Surveyor

City and County of San Francisco

Edwin M. Lee, Mayor
Mohammed Nuru, Interim Director
Fuad S. Sweiss, PE, PLS,
City Engineer & Deputy Director of Engineering

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

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

Bruce R. Storrs, City and County Surveyor

February 3, 2012

Frederick T. Seher
841 Lombard Street
San Francisco, CA 94133

Dear Rick:

I am in receipt of your letter dated January 30, 2012 requesting the determination of the legality of Assessor's Block 6511, Lot 33. I do not believe that AB 6511, Lot 33, 37 and 38 were originally created legally. I believe that AB 6511, Lot 33, 37 and 38 are three dwelling units built on the original two 50' x 50' lots. In its current state, AB 6511 Lot 33 would not be allowed to be processed as a condominium conversion.

In reading 66499.36 of the Subdivision Map Act and its reference to 66412.6, it would be my interpretation that AB 6511, Lot 33, 37 and 38 have been subsequently purchased and therefore the owners ***"...shall be required to obtain a certificate of compliance or a conditional certificate of compliance....."***

Currently, I would like to stop short of issuing a Notice of Intent to Record a Notice of Violation (66499.36) for AB 6511, Lot 33, 37 and 38 due to the serious title implications for all three owners.

Any of these properties that are substandard would need to obtain a variance from the Planning Department and then I think the best solution would be to record a Parcel Map on the existing three units and then have your client submit a condominium conversion application after the title issues are resolved by the Parcel Map. I would anticipate that the Parcel Map requirement would be one of the conditions from the conditional certificate of compliance. Nothing in this letter is meant to suggest that all of this will happen; it is just my interpretation of what would be an appropriate resolution with what I currently understand of the situation.

Feel free to contact me if you have any questions.

Sincerely,

Bruce R. Storrs
City and County Surveyor

RECEIVED
FEB 13 2012
BY _____

City and County of San Francisco

Phone: (415) 554-5827
Fax: (415) 554-5324

http://www.sfdpw.com
subdivision.mapping@sfdpw.org

Department of Public Works
Office of the City and County Surveyor

875 Stevenson Street, Room 410
San Francisco, CA 94103

Edwin M. Lee, Mayor
Mohammed Nuru, Director

Fuad S. Sweiss, PE, PLS,
City Engineer & Deputy Director of Engineering

Bruce R. Storrs, City and County Surveyor

Date: June 29, 2012

Department of City Planning
1650 Mission Street, Suite 400
San Francisco, CA 94103

Project ID:	7257		
Project Type:	2 Units Condo Conversion		
Address#	StreetName	Block	Lot
1101 - 1103	DOLORES ST	6511	033
Tentative Map Referral			

Attention: Mr. Scott F. Sanchez

Pursuant to Section 1325 of the City and County of San Francisco Subdivision Code and Section 4.105 of the 1996 City Charter, a print of the above referenced Map is submitted for your review, CEQA and General Plan conformity determination. Under the provisions of the Subdivision Map Act and the City and County of San Francisco Subdivision Code, your Department must respond to the Bureau of Street-Use and Mapping within 30 days of the receipt of the application or CEQA Determination per SMA 664521(c). Under these same state and local codes, DPW is required to approve, conditionally approve, or disapprove the above referenced map within 50 days of the receipt of the application or CEQA Determination per SMA 664521(c). Failure to do so constitutes automatic approval. Thank you for your timely review of this Map.

Enclosures:

- X Print of Parcel Map
- X List "B"
- X Proposition "M" Findings
- X Photos

Sincerely,

Bruce R. Storrs, P.L.S.
City and County Surveyor

12 AUG -9 AM 9:18

The subject Tentative Map has been reviewed by the Planning Department and does comply with applicable provisions of the Planning Code. On balance, the Tentative Map is consistent with the General Plan and the Priority Policies of Planning Code Section 101.1 based on the attached findings. The subject referral is exempt from environmental review per Class 1 California Environmental Quality Act Guidelines.

The subject Tentative Map has been reviewed by the Planning Department and does comply with applicable provisions of the Planning Code subject to the following conditions (Any requested documents should be sent in with a copy of this letter to Scott F. Sanchez at the above address):

The subject Tentative Map has been reviewed by the Planning Department and does not comply with applicable provisions of the Planning Code. Due to the following reasons (Any requested documents should be sent in with a copy of this letter to Scott F. Sanchez at the above address):

PLANNING DEPARTMENT

DATE 8.7.2012

Mr. Scott F. Sanchez, Zoning Administrator

SAN FRANCISCO
PLANNING DEPARTMENT

Letter of Determination

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

August 17, 2012

Lawrence Badiner
Urban Planner
98 Brady Street
San Francisco CA 94103

Site Address:	1101-1103, 1105 and 1111 Dolores Street
Assessor's Block/Lots:	6511/033, 6511/038 and 6511/037
Zoning District:	RH-3 (Residential-House, Three-Family)
Staff Contact:	Doug Vu, (415) 575-9120 or doug.vu@sfgov.org

Dear Mr. Badiner:

This letter is in response to your request for a Letter of Determination regarding the properties at 1101-1103, 1105 and 1111 Dolores Street. These parcels are located in an RH-3 (Residential-House, Three Family) Zoning District with a 40-X Height and Bulk District. The request is for confirmation of the Planning Department and Planning Commission's approval process in the mid-1950s for 1101-1103 Dolores Street and the adjacent properties at 1105 and 111 Dolores Street.

1101-1103 Dolores Street was developed on July 10, 1907 on the northern half of Block 6511, Lot 33, which is located on the southeast corner of 24th and Dolores Streets. The building covered 25' by 50' of the 50' by 50' lot. On November 4, 1954, the owner of Lot 33 and 32, which was also a 50' by 50' lot located directly south of Lot 32, applied for a variance from the lot area and rear yard requirements of Ordinance No. 6995 (Series of 1939) for the existing building at 1101-1103 Dolores Street in order to build apartments on the vacant portions of both lots. On November 24, 1954, the Planning Commission denied the variance application and adopted Resolution 4350, noting there was no hardship warranting the granting of the variance. By denying the variance, the Planning Commission left the dimensions of Lots 32 and 33 unchanged at 50' by 50' each.

On August 19, 1955, the owner of the parcel submitted a letter to the Planning Department that proposed to set aside 10' of the vacant portion of Lot 33 as the rear yard for the building at 1101-1103 Dolores Street, and divide the remaining 65' into two new lots, each measuring 32'-6" by 50'. The proposal was to construct two single-family dwellings with 15' rear yards on these two new lots, and the owner requested an exception to the minimum lot area requirement.

On October 19, 1955, the Planning Department prepared a response letter that agreed to the proposed resubdivision, thereby creating two lots having a frontage of 32'-6", a depth of 50', and also permitted a 10' rear yard for the structure located at the southeast corner of 24th and Dolores Streets. The letter also specified the proposal conformed to all provisions of the Minimum Lot Size Ordinance. The Department recorded these conditions in the Parcel Map Book by referencing the August 19, 1955 letter and

redrawing the property lines for Lots 32 and 33, which subdivided them into three new lots, the northernmost on the corner of 24th and Dolores Streets (containing the structure at 1101-1103 Dolores) that measured 35' by 50', and two southern lots each measuring 32'-6" by 50'.

Pursuant to the Department's October 15, 1955 letter to the owner, the resubdivision conformed to the Minimum Lot Size Ordinance. The proposal also complied with the lot coverage and rear yard requirements in effect at the time. Under *Paragraph (e) Corner Lots in Other Than First Residential Districts* of the *San Francisco Municipal Code (Part II, Chapter II, Article 4 - General Provisions, Section 99 – Subdivisions)*, the minimum width and area for resubdivided lots is 25' and 1437.5 square feet, respectively. In addition, the 1946 Summary Chart of Minimum Lot Size Regulations specifies a 10' rear yard requirement for corner lots and 15' rear yard requirement for interior lots in the Second Residential Zoning District.

In conclusion, the resubdivision of Block 6511, Lots 33 and 32 that was approved in 1955 conformed to the regulations in effect at the time.

Please note that this letter is limited to your request for confirmation of the Planning Department and Planning Commission's subdivision approval in the mid-1950s for 1101-1103 Dolores Street and the adjacent properties at 1105 and 111 Dolores Street. It does not address the legality of the subject lots from the standpoint of the Subdivision Map Act and the San Francisco Subdivision Code. That determination is under the jurisdiction of Bruce Storrs, City and County Surveyor. Please contact him directly for more information on this issue.

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

Sincerely,

Scott F. Sanchez
Zoning Administrator

cc: Doug Vu, Planner
Bruce Storrs, City and County Surveyor
Property Owner
Neighborhood Groups

Attachments:
Part II, Chapter II, Article 4, Section 99 of San Francisco Municipal Code
1946 Summary Chart of Minimum Lot Size Regulations

and a width not less than 33 feet, or such greater width as may be required to conform to the pattern established by residential development of the immediately adjacent area, as determined by the City Planning Commission. No subdivision shall be approved which contains lots smaller than required by this section, unless a variance has first been granted as provided in sub-paragraph (g) of this section.

(b) New Subdivisions—Lot Coverage. No dwelling shall be constructed upon a lot in a new subdivision for which a map has been approved in accordance with the provisions of this section, which will cover more than 65 per cent of the lot area, or which provides for an open rear yard less than 25 feet in depth. The provision of open spaces between dwellings on adjacent lots is optional, but where such side yards are provided, the distance between dwellings shall be not less than 6 feet.

(c) Resubdivision. Except as provided in Subdivisions (d) and (e) hereof, in any area previously subdivided, no lot or land unit shall be established and indicated upon a map or maps filed for record which has an area less than 2500 square feet, or a width less than 25 feet, and no dwelling or portion of a building to be used for dwelling purposes shall be constructed upon any such lot which will cover more than 65 per cent of the lot area or which will extend within 15 feet of the rear lot line.

(d) Corner Lots—First Residential Districts. In any area previously subdivided in a First Residential District, the area lying within 100 feet of the corner of a block, measured along each street from such corner, can be resubdivided into lots having a minimum width of 25 feet and a minimum depth of 70 feet; provided, however, that where the City Planning Commission finds that existing conditions do not permit the establishment of the minimum depth of 70 feet such areas can be resubdivided into lots having a street frontage of not less than 25 feet and an area of not less than 1437.5 square feet. No building shall be constructed upon any such lot which will cover more than 75 per cent of the lot area, or which provides for an open rear yard less than 15 feet in depth.

(e) Corner Lots in Other Than First Residential Districts. In any area previously subdivided in a Second Residential District or in any less Restricted District, the area lying within 100 feet of the corner of a block, measured along each street from such corner, may be resubdivided into lots having a minimum width of 25 feet and a minimum area of 1437.5 square feet. No dwelling or portion of a building to be used for dwelling purposes shall be constructed upon any such lot which provides an open rear yard of a depth of less than set forth in the table given in Section [illegible] of Article II, Chapter 7 of the California State Housing Act. Such rear yard shall be required to be unoccupied only above the level of the lowest floor to be used for residence purposes.

(f) Lots Now of Record Excepted. Wherever a map showing subdivided lots is of record in the office of the Recorder or the office of the Assessor at the time of the enactment of this section (December 26, 1946) any lot as shown having dimensions less than those required by this section may, nevertheless, be used as the site for a dwelling, provided that the requirements as to coverage and rear yards of Subdivision (d) shall apply thereto.

(g) Variances. The City Planning Commission may, upon application, grant variances from any of the provisions of this section, after public notice and hearing, if it is of the opinion that special circumstances exist in the particular case, and that unnecessary hardship would result from the strict interpretation and enforcement of such provision. The procedure governing such applications and the granting or denial of such variances shall be the same as that prescribed by ordinance for zoning changes.

16681

SEC. 100. Building Permits. Building permits for the erection or alteration of any building or structure shall be issued by the Central Permit Bureau only after approval by the Bureau of Building Inspection, the Division of Fire Prevention and Investigation and the City Planning Commission and shall not be issued contrary to the provisions of Sections 1 to 14, inclusive, of Article 1 or Section 99 of Article 4 of this Chapter.

Each application for a building permit hereafter filed with the Central Permit Bureau shall be accompanied by a statement as to the use of the building to be constructed or altered on blanks to be furnished by the Central Permit Bureau. On each application there shall be shown an accurate block plan of the location of the building on the lot drawn to a scale of sixteen (16) feet to one (1) inch.

SEC. 101. Interpretation—Purpose. In interpreting and applying the provisions of Sections 1 to 14, inclusive, of Article 1 of this Chapter and Sections 99 and 100 of this Article, they shall be held to be the minimum requirements adopted

SUMMARY OF MINIMUM [illegible] SIZE REGULATIONS

1946 ORDINANCE

ZONING	MINIMUM SIZE	LOTS BUT AFTER 1946 COVERAGE AND REAR YARD	SECURED AS OF 1946
[illegible] RESIDENTIAL			
Corner	25' x 70' (g) (g - With C.P.C. permission, depth may be less, but area at least 1437.5 sq. ft.)	75% maximum coverage 15' minimum rear yard	If lot lines established as of 1946 are meet minimum requirements, NO coverage or yard requirements. If either width, area, or depth (when specified) is less than required minimum, 75% minimum coverage and 15-ft. minimum rear yard apply
Interior	25' minimum width 2500 sq. ft.	65% maximum coverage 15' minimum rear yard	
SECOND RESIDENTIAL COMMERCIAL LIGHT INDUSTRIAL			
Corner	25' minimum width 1437.5 sq. ft.	10' minimum rear yard beginning at lowest residential floor level	
Interior	25' minimum width 2500 sq. ft.	65% maximum lot coverage 15' minimum rear yard	

NEW SUBDIVISIONS: 33' minimum width
2640 sq. ft.
65% lot coverage

(ENM - 7/21

D. APPLICATION

(To be submitted by all Residential Condominium Conversion applicants)

Property Address: 1101 - 1103 DOLORES STREET

Assessor's Block: 6511 Lot Number(s): 33

For DPW-BSM use only
ID No.: 7257

Owner:			
Name:	KEVIN W. CHENG		
Address:	PO BOX 460171 SAN FRANCISCO CA 94146		
Phone:	(415) 307-4276	E-mail:	KEVINWUCHENG@HOTMAIL.COM
Person to be contacted concerning this project (if different from owner)			
Name:			
Address:			
Phone:		E-mail:	
Firm or agent preparing the subdivision map:			
Name:	LANGFORD LAND SURVEYING		
Address:	424 PRESTON COURT LIVERMORE CA 94551		
Phone:	(510) 520-5200	E-mail:	LANGFORDLS@SBCGLOBAL.COM
Subdivider: (if different from owner)			
Name:			
Address:			

Number of Units in Project: 2

This subdivision results in an airspace: ☑ No ☐ Yes (shown on Tentative Map)

Check only one of the following options:

	2-unit (Lottery bypass) (All residential units owner occupied)	2-4 units (Lottery)	5-6 units (Lottery)
Residential Only	☑	☐	☐
Mixed Use**	☐ If checked, Number of residential unit(s): 1	☐ If checked, Number of residential unit(s): ____ Number of commercial unit(s): ____	☐ If checked, Number of residential unit(s): ____ Number of commercial unit(s): ____

** In Mixed Use Conversions where there is one residential unit only, there is no owner occupancy requirement.

STATE OF CALIFORNIA
CITY AND COUNTY OF SAN FRANCISCO

I (We) KEVIN W. CHENG
(Print Subdivider's Name in full)

declare, under penalty of perjury, that I am (we are) the owner(s) [authorized agent of the owner(s)] of the property that is the subject of this application, that the statements herein and in the attached exhibits present the information required for this application, and the information presented is true and correct to the best of my (our) knowledge and belief.

Date: JUNE 20, 2012 Signed: _____

Date: _____ Signed: _____

City and County of San Francisco

Phone: (415) 554-5827
Fax: (415) 554-5324

http://www.sfdpw.com
subdivision.mapping@sfdpw.org

Department of Public Works
Office of the City and County Surveyor

875 Stevenson Street, Room 410
San Francisco, CA 94103

Edwin M. Lee,Mayor
Mohammed Nuru,Director

Fuad S. Sweiss, PE, PLS,
City Engineer & Deputy Director of Engineering

Bruce R. Storrs, City and County Surveyor

Date: August 9, 2012

Approval of Tentative Map for

2 Units Condo Conversion

Address	Block	Lot
1101 - 1103 DOLORES ST	6511	033

Dear Sir/Madam:

This is to advise you that based on our findings the City and County Surveyor has made his decision affirming the approval of the subject Tentative Map.

The City and County Surveyor, together with the Planning Department and Department of Building Inspection have reviewed the application for conformity with the General Plan, and with the requirements of the Subdivision Map Act, the San Francisco Subdivision Code and applicable regulations for the Tentative Map.

Subdivision Code Section 1314 provides that an appeal of the decision of the City and County Surveyor may be made to the Board of Supervisors, located at 1 Dr. Carlton B. Goodlett Place, Room 244, telephone number (415) 554-5184.

Any such appeal must be filed in writing with the Clerk of the Board within ten (10) days of the date of this letter along with a check in the amount of $284 made out to the Department of Public Works.

The file for this project is available for viewing at the Office of the City and County Surveyor located at 875 Stevenson Street, Room 410 during regular business hours.

If you have any questions on this matter, please contact us at (415) 554-5827, or our email address: subdivision.mapping@sfdpw.org

Sincerely,

Bruce R. Storrs, P.L.S.
City and County Surveyor
City and County of San Francisco

City and County of San Francisco

Edwin M. Lee, Mayor
Mohammed Nuru, Director
Fuad S. Sweiss, PE, PLS,
City Engineer & Deputy Director of Engineering

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

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

Bruce R. Storrs, City and County Surveyor

Langford Land Surveying
424 Preston Court.
Livermore, CA 94551

Tentative Map Approval
PID: 7257
Assessor's Block No. 6511 Lot(s) 033
Address: 1101-1103 Dolores St
Project type: 2 Units Condo Conversion
Date: 08/09/12

Dear Mr. Richard Langford, PLS:

The Tentative Map which you submitted to this Agency for review is approved, subject to compliance with the following:

The C.C.S.F. Planning Code and all Planning Department conditions outlined in the attached Planning Department memo dated 08/07/12

[X] Copy of Planning Department approval/conditions (check if attached)

The C.C.S.F. Building Code and all Department of Building Inspection conditions outlined in the attached D.B.I. memo dated_____

[ ] Copy of D.B.I. approval/conditions (check if attached)

The San Francisco Redevelopment Agency conditions outlined in the attached S.F.R.A. memo dated_____

[ ] Copy of S.F.R.A. approval/conditions (check if attached)

The C.C.S.F. Subdivision Code and the California State Map Act

Additionally, please submit:

- [X] Two (2) Check Prints of the final version of this map
- [X] One (1) copy of C.F.C. (Certificate of Final Completion)
- [X] One (1) copy of the Map Checklist (found at our website under: "Information for Mapping Professionals")

Do not submit check prints without complying with ALL of the above.
Incomplete submittals will be returned and subject to additional handling charges.

Sincerely,

Bruce R. Storrs, PLS
City and County Surveyor

Tentative approval valid for 36 months:
This Tentative Map Approval is valid for 36 months, unless a written request for an extension is received prior to the expiration date. When the approved time ne expires, the project is terminated. A completely new application packet together with new fees must then be submitted to DPW/BSM to reopen or reactivate project.

Contesting this decision:
If you wish to contest this decision, you may do so by filing an appeal (together with an appeal fee check for $250) with the Clerk of the Board of Supervisors, 1 Dr. Carlton B. Goodlett Place (formerly 400 Van Ness Ave.), Room 244, within ten (10) days of the date of this letter per Section 1314 of the San Francisco Subdivision Code.

BOARD of SUPERVISORS

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

NOTICE OF PUBLIC HEARING

BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF SAN FRANCISCO

NOTICE IS HEREBY GIVEN THAT the Board of Supervisors of the City and County of San Francisco will hold a public hearing to consider the following proposal and said public hearing will be held as follows, at which time all interested parties may attend and be heard:

Date: **Tuesday, September 18, 2012**

Time: **4:00 p.m.**

Location: **Legislative Chamber, Room 250 located at City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102**

Subject: **File No. 120849.** Hearing of persons interested in or objecting to the decision of the Department of Public Works dated August 9, 2012, approving a Tentative Map for a 2-unit condominium conversion located at 1101-1103 Dolores Street, Assessor's Block No. 6511, Lot No. 033. (District 8) (Appellant: Lawrence Badiner)

Pursuant to Government Code Section 65009, notice is hereby given, if you challenge, in court, the matter described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

In accordance with Section 67.7-1 of the San Francisco Administrative Code, persons who are unable to attend the hearing on these matters may submit written comments to the City prior to the time the hearing begins. These comments will be made part of the official records in these matters, and shall be brought to the attention of the Board of Supervisors. Written comments should be addressed to Angela Calvillo, Clerk of the Board, Room 244, City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102. Information relating to this matter is available in the Office of the Clerk of the Board and agenda information will be available for public review on September 13, 2012.

Angela Calvillo
Clerk of the Board

DATED: September 5, 2012
PUBLISHED: September 7, 2012

Planning Department Response to BF 12-0849
Rodgers, AnMarie
to:
BOS-Supervisors, Calvillo, Angela
09/14/2012 11:51 AM
Cc:
Todd Mavis, Kevin Cheng, "Lamug, Joy", "Smith, Michael (CPC)", "Sanchez, Scott", "Vu, Doug", "bruce.storrs@sfgov.org", BOS-Legislative Aides
Hide Details
From: "Rodgers, AnMarie" <anmarie.rodgers@sfgov.org> Sort List...
To: BOS-Supervisors <bos-supervisors.bp2ln@sfgov.microsoftonline.com>, "Calvillo, Angela" <angela.calvillo@sfgov.org>,
Cc: Todd Mavis <toddmavis@hotmail.com>, Kevin Cheng <kevinwucheng@hotmail.com>, "Lamug, Joy" <joy.lamug@sfgov.org>, "Smith, Michael (CPC)" <michael.e.smith@sfgov.org>, "Sanchez, Scott" <scott.sanchez@sfgov.org>, "Vu, Doug" <doug.vu@sfgov.org>, "bruce.storrs@sfgov.org" <bruce.storrs@sfgov.org>, BOS-Legislative Aides <bos-legislativeaides.bp2ln@sfgov.microsoftonline.com>

1 Attachment

BF12-0849 Planning Dept Appeal Response.pdf

Dear Clerk Calvillo,

The attached documents are in response to the letter of appeal to the Board of Supervisors regarding the Department of Public Works August 9, 2012 approval of a Tentative Parcel Map for a two unit condominium conversion for 1101-1103 Dolores Street and Assessors Block 6511 Lot 033. This item has been scheduled for public hearing on Tuesday, September 18, 2012, at 4:00p.m.

The Department is submitting these materials after the deadline for inclusion in the Board's prepared packet as we have been waiting for the project sponsor/appellants to provide their arguments in support of their appeal. Without stated reasons for said appeal, the Department submits the attached response. This email transmittal to the Board of Supervisors, the Clerk, the project sponsor/appellant, and the Department of Public Works will be paired with a mailed copy sent to all parties and the owners of 1105 and 1111 Dolores Street.

AnMarie Rodgers
Manager of Legislative Affiars
SF Planning Department
1650 Mission Street, #400
San Francisco, CA 94103
415-558-6395

1254 A

SAN FRANCISCO
PLANNING DEPARTMENT

MEMO

1650 Mission St.
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San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Appeal of Tentative Parcel Map
1101-1103 Dolores Street

DATE: September 12, 2012

TO: Angela Calvillo, Clerk of the Board of Supervisors

FROM: John Rahaim, Planning Director – (415) 558-6411
AnMarie Rodgers, Manager of Legislative Affairs – Planning Department 558-6169
Michael Smith, Case Planner – Planning Department 558-6322

RE: Board File No. 12-0849, Planning Case No. 2012.1019Q –
Appeal of the Tentative Parcel Map for 1101-1103 Dolores Street

HEARING DATE: September 18, 2012

ATTACHMENT: Zoning Administrator Revised Letter of Determination, September 11, 2012.

PROJECT SPONSOR: Todd Mavis and Kevin Cheng, 1101-1103 Dolores Street, San Francisco, CA 94110

APPELLANT: Todd Mavis and Kevin Cheng, 1101-1103 Dolores Street, San Francisco, CA 94110

INTRODUCTION:

This memorandum and the attached documents are in response to the letter of appeal ("Appeal Letter") to the Board of Supervisors (the "Board") regarding the Department of Public Works ("DPW") August 9, 2012 approval of a Tentative Parcel Map for a two unit condominium conversion for 1101-1103 Dolores Street and Assessors Block 6511 Lot 033. The application was filed with DPW and referred to the Planning Department for review on June 29, 2012. Recommendation for approval by the Department was made on August 7, 2012 and issued by DPW on August 9, 2012. The Appeal Letter to the Board was filed on August 22, 2012 by Lawrence Badiner, agent, for Todd Mavis and Kevin Cheng and referenced the proposed project in Case No. 2012.1019Q.

The decision before the Board is whether to uphold or overturn the Tentative Parcel Map approval.

PROJECT DESCRIPTION:

The project proposes to establish two residential condominiums and requires the approval of the Tentative Parcel Map. These parcels are located in an RH-3 (Residential-House, Three Family) Zoning District with a 40-X Height and Bulk District. The subject application was not subject to the condominium conversion lottery because two-unit buildings where each unit has been owner-occupied for a period of one-year may bypass the condominium conversion lottery.

BACKGROUND:

2012 – Tentative Parcel Map Application Filed & Approved.
The application was referred to the Planning Department for review on June 29, 2012 by DPW. Recommendation for approval by the Planning Department was made on August 7, 2012 and issued by

DPW on August 9, 2012. The Appeal Letter to the Board was filed on August 22, 2012 by Lawrence Badiner, agent, for Todd Mavis and Kevin Cheng and referenced the proposed project in Case No. 2012.1019Q.

2012 – August Letter of Determination, Requested and Issued.
On May 2, 2012, the Planning Department received a request for a Letter of Determination requesting the confirmation of the Planning Department and Planning Commission's approval process in the mid-1950s for 1101-1103 Dolores Street and the adjacent properties at 1105 and 1111 Dolores Street. On August 17, 2012, the Zoning Administrator issued a Letter of Determination confirming the Department's 1955 approval of the subdivision of 1101-1103 Dolores Street (formerly Block 6511, Lot 33) and 1105 & 1111 Dolores Street (formerly Block 6511, Lot 32) into three separate parcels, measuring 35' by 50', 32.5' by 50', and 32.5' by 50'. These lots conformed to the lot coverage and rear yard requirements in effect at that time.

2012 – September Letter of Determination, Revised.
On September 11, 2012, the Zoning Administrator issued a Revised Letter of Determination stating that sometime after 1955, the subject parcels were subdivided so that

- 1101-1103 Dolores Street – Lot 33 measured 25' by 50';
- 1105 Dolores Street – Lot 38 measured 42.5' by 50'; and
- 1111 Dolores Street – Lot 37 measured 32.5' by 50', which may have been processed without proper Planning Department review and resulted in the creation of a substandard lot at 1101-1103 Dolores Street.

The Zoning Administrator also confirmed that in the past, the Department has granted lot legalization requests through the variance process for substandard lots created without Planning Department review, and since at least 2009 the Department, through its Zoning Administrator, has reviewed and addressed similar situations through the Letter of Determination process. Therefore, the Zoning Administrator determined the subject lot, which appears to have been in existence for more than 55 years is considered a legal, non-conforming lot for the purposes of the Planning Code, and that no variances are required in order to address areas of noncompliance.

APPELLANT ISSUES AND PLANNING DEPARTMENT RESPONSES:

In this case the project sponsors and the appellants are the same party. The project sponsors/appellants are appealing an approval that they have applied to receive. The project sponsors/appellants of the Tentative Parcel Map raise no arguments to the Board of Supervisors as to why the appeal was filed. However, the appellants have discussed the legality of the lot with our Department Staff. To provide the Board of Supervisors with background and history of this lot we are submitting the September 2012 Revised Letter of Determination.

CONCLUSION:

For the reasons stated above, the Planning Department recommends that the Board uphold the Department of Public Work's decision in approving the Tentative Parcel Map for 1101-1103 Dolores Street and deny the Appellant's request for appeal.

SAN FRANCISCO
PLANNING DEPARTMENT

Revised Letter of Determination

1650 Mission St.
Suite 400
San Francisco,
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Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

September 11, 2012

Lawrence Badiner
Urban Planner
98 Brady Street
San Francisco CA 94103

Site Address:	**1101-1103, 1105 and 1111 Dolores Street**
Assessor's Block/Lots:	**6511/033, 6511/038 and 6511/037**
Zoning District:	**RH-3 (Residential-House, Three-Family)**
Staff Contact:	**Doug Vu, (415) 575-9120 or doug.vu@sfgov.org**

Dear Mr. Badiner:

This letter is in response to your request for a Letter of Determination regarding the properties at 1101-1103, 1105 and 1111 Dolores Street and supersedes a Letter of Determination issued on August 17, 2012. These parcels are located in an RH-3 (Residential-House, Three Family) Zoning District with a 40-X Height and Bulk District. The request is for confirmation of the Planning Department and Planning Commission's approval process in the mid-1950s for 1101-1103 Dolores Street and the adjacent properties at 1105 and 111 Dolores Street.

1101-1103 Dolores Street was developed on July 10, 1907 on the northern half of Block 6511, Lot 33, which is located on the southeast corner of 24th and Dolores Streets. The building covered 25' by 50' of the 50' by 50' lot. On November 4, 1954, the owner of Lot 33 and 32, which was also a 50' by 50' lot located directly south of Lot 32, applied for a variance from the lot area and rear yard requirements of Ordinance No. 6995 (Series of 1939) for the existing building at 1101-1103 Dolores Street in order to build apartments on the vacant portions of both lots. On November 24, 1954, the Planning Commission denied the variance application and adopted Resolution 4350, noting there was no hardship warranting the granting of the variance. By denying the variance, the Planning Commission left the dimensions of Lots 32 and 33 unchanged at 50' by 50' each.

On August 19, 1955, the owner of the parcel submitted a letter to the Planning Department that proposed to set aside 10' of the vacant portion of Lot 33 as the rear yard for the building at 1101-1103 Dolores Street, and divide the remaining 65' into two new lots, each measuring 32'-6" by 50'. The proposal was to construct two single-family dwellings with 15' rear yards on these two new lots, and the owner requested an exception to the minimum lot area requirement.

On October 19, 1955, the Planning Department prepared a response letter that agreed to the proposed subdivision, thereby creating two lots having a frontage of 32'-6", a depth of 50', and also permitted a 10' rear yard for the structure located at the southeast corner of 24th and Dolores Streets. The letter also specified the proposal conformed to all provisions of the Minimum Lot Size Ordinance. The Department

recorded these conditions in the Parcel Map Book by referencing the August 19, 1955 letter and redrawing the property lines for Lots 32 and 33, which subdivided them into three new lots, the northernmost on the corner of 24th and Dolores Streets (containing the structure at 1101-1103 Dolores) that measured 35' by 50', and two southern lots each measuring 32'-6" by 50'.

Pursuant to the Department's October 15, 1955 letter to the owner, the subdivision conformed to the Minimum Lot Size Ordinance. The proposal also complied with the lot coverage and rear yard requirements in effect at the time. Under *Paragraph (e) Corner Lots in Other Than First Residential Districts* of the *San Francisco Municipal Code (Part II, Chapter II, Article 4 - General Provisions, Section 99 – Subdivisions)*, the minimum width and area for subdivided lots is 25' and 1437.5 square feet, respectively. In addition, the 1946 Summary Chart of Minimum Lot Size Regulations specifies a 10' rear yard requirement for corner lots and 15' rear yard requirement for interior lots in the Second Residential Zoning District. As such, the subdivision of Block 6511, Lots 33 and 32 that was approved in 1955 conformed to the regulations in effect at the time.

At some point after 1955, the subject parcels were finally subdivided as follows: 1101-1103 Dolores Street - Lot 33 (25' by 50'); 1105 Dolores Street - Lot 38 (42.5' by 50'); and, 1111 Dolores Street – Lot 37 (32.5' by 50'). In 1956, a single-family dwelling was constructed on Lot 38 and a two-unit building was constructed on Lot 37. This lot configuration is present on parcel maps on file with the Planning Department since 1960.

It should be noted that the final subdivision may have been processed without proper Planning Department review, resulting in creation of a substandard lot at 1101-1103 Dolores Street. In the past, the Department has required a variance process to legalize substandard lots created without Planning Department review and to my knowledge all such lot legalization requests have been granted. Since at least 2009, the Planning Department, through its Zoning Administrator, has reviewed and addressed similar situations through the Letter of Determination process. In this case, the Planning Department made note of a possible illegal subdivision of these lots in the 1960-1965 Block Book Map, but proceeded to review/approve building permits for the all three lots. The Planning Department also investigated and abated a 1985 complaint related to a garage addition at 1101-1103 Dolores Street. While issuance of development permits does not necessarily constitute legalization of the subject lot, City records are unclear as to whether any action was taken to legalize the lot at any point in the past. Therefore, it is my determination that the subject lot, which appears to have been in existence for more than 55 years, is considered to be a legal, non-conforming lot for the purposes of the Planning Code and that no variances are required in order to address areas of noncompliance.

Please note that this letter is limited to your request for confirmation of the Planning Department and Planning Commission's subdivision approval in the mid-1950s for 1101-1103 Dolores Street and the adjacent properties at 1105 and 111 Dolores Street. It does not address the legality of the subject lots from the standpoint of the Subdivision Map Act and the San Francisco Subdivision Code. That determination is under the jurisdiction of Bruce Storrs, City and County Surveyor.

Lawrence Badiner
Urban Planner
98 Brady Street
San Francisco CA 94103

September 11, 2012
Revised Letter of Determination
1101-1103, 1105 and 1111 Dolores Street

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

Sincerely,

Scott F. Sanchez
Zoning Administrator

cc: Doug Vu, Planner
Bruce Storrs, City and County Surveyor
Property Owner
Neighborhood Groups

Attachments:
Part II, Chapter II, Article 4, Section 99 of San Francisco Municipal Code
1946 Summary Chart of Minimum Lot Size Regulations