

File No. 140148

Committee Item No. 4

Board Item No. 12

# COMMITTEE/BOARD OF SUPERVISORS

## AGENDA PACKET CONTENTS LIST

Committee: Land Use and Economic Development Date March 31, 2014

Board of Supervisors Meeting Date April 8, 2014


### Cmte Board

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| <input type="checkbox"/>            | <input type="checkbox"/>            | Ordinance                                    |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Legislative Digest                           |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Budget and Legislative Analyst Report        |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Youth Commission Report                      |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Introduction Form                            |
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| <input type="checkbox"/>            | <input type="checkbox"/>            | Grant Information Form                       |
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Completed by: Andrea Ausberry Date March 27, 2014

Completed by:  Date 4-3-14

1 [Street Encroachment - 1410 Stanyan Street]

2  
3 **Resolution granting revocable permission to Kieran J. Woods to occupy a portion of**  
4 **the public right-of-way to construct and maintain various improvements, including a**  
5 **driveway, associated retaining wall, a vehicular carousel to provide access to a**  
6 **proposed new single family dwelling at 1410 Stanyan Street (Block No. 2706, Lot No.**  
7 **035), landscaping, stairs leading to a public sitting area, and other related**  
8 **improvements within an existing unimproved portion of Stanyan Street between**  
9 **Clarendon and Mountain Spring Avenues, conditioning the permit, affirming the**  
10 **Planning Department's determination under the California Environmental Quality Act,**  
11 **and making findings of consistency with the General Plan, and the priority policies of**  
12 **Planning Code, Section 101.1.**

13  
14 WHEREAS, Pursuant to Public Works Code Section 786, permission was requested by  
15 Mark Brand Architecture, on behalf of the owner, Kieran J. Woods, to occupy a portion of the  
16 public right-of-way to construct and maintain a driveway, an associated retaining wall, and  
17 vehicle carousel to provide vehicular access to a proposed new single family dwelling at 1410  
18 Stanyan Street (Block No. 2706, Lot No. 035). The occupancy request also includes  
19 landscaping improvements, consisting of ground cover, shrubs, trees; concrete stairs leading  
20 to public sitting area; and other related improvements. The proposed encroachments, which  
21 would be located on an existing unimproved portion of Stanyan Street between Clarendon  
22 and Mountain Spring Avenues, are shown on the permit plans, a copy of which is on file with  
23 the Clerk of the Board in File No. 140148 and incorporated herein by reference; and

24 WHEREAS, The Transportation Advisory Staff Committee (TASC), at its meeting of  
25 September 26, 2013, recommended the proposed encroachment for approval; and

1           WHEREAS, The Planning Department by letter dated August 26, 2013, found the  
2 proposal, as modified, to be consistent with the General Plan. This letter also includes a  
3 determination relating to the encroachment pursuant to the California Environmental Quality  
4 Act ("CEQA", the California Public Resources Code, Sections 21000, et seq.). A copy of said  
5 letter is on file with the Clerk of the Board of Supervisors in File No. 140148 and is  
6 incorporated herein by reference; and

7           WHEREAS, After a duly noticed public hearing on December 9, 2013, the Department  
8 of Public Works recommended approval of the proposed encroachments and requested that  
9 the Permittee continue to work with the neighborhood on the landscaping features and  
10 incorporate, as much as possible their input on material and plant species as set forth in DPW  
11 Order No. 182,071, approved January 8, 2014. A copy of the DPW Order is on file with the  
12 Clerk of the Board in File No. 140148 and is incorporated herein by reference; and

13           WHEREAS, The permit and associated street encroachment agreement, copies of  
14 which are on file with the Clerk of the Board in File No. 140148 and incorporated herein by  
15 reference, shall not become effective until:

16           (a) The Permittee executes and acknowledges the permit and delivers said permit to  
17 the City's Controller;

18           (b) Permittee delivers to the City Controller a policy of insurance provided for in said  
19 agreement and the Controller shall have had approved the same as complying with the  
20 requirement of said agreement. The Controller may, in his discretion, accept, in lieu of said  
21 insurance policy, the certificate of an insurance company certifying to the existence of such a  
22 policy; and

23           (c) The City Controller records the permit and associated agreement in the office of the  
24 County Recorder; and

1           WHEREAS, The Permittee, at the Permittee's sole expense and as is necessary as a  
2 result of this permit, shall make the following arrangements:

3           (a) To provide for the support and protection of facilities belonging to the Department  
4 of Public Works, San Francisco Water Department, the San Francisco Fire Department and  
5 other City Departments, and public utility companies; and

6           (b) To remove or relocate such facilities and provide access to such facilities for the  
7 purpose of constructing, reconstructing, maintaining, operating, or repairing such facilities;  
8 and

9           WHEREAS, The Permittee shall procure the necessary permits from the Central Permit  
10 Bureau, Department of Building Inspection and/or Bureau of Street-Use and Mapping,  
11 Department of Public Works, and pay the necessary permit fees and inspection fees before  
12 starting work; and

13           WHEREAS, The permit shall be conditioned upon payment of an annual public right-of-  
14 way occupancy assessment pursuant to Public Works Code, Section 786, and the initial  
15 amount of said fee shall be \$3,488.26; and

16           WHEREAS, No structure shall be erected or constructed within said street right-of-way  
17 except as specifically permitted herein; and

18           WHEREAS, Use of the encroachment permit area is not exclusive to the Permittee and  
19 may be accessed by the general public and adjacent property owners. Should an adjacent  
20 property owner request a separate encroachment permit that affects said encroachment, the  
21 Board hereby delegates to the Department, in its discretion, the ability to amend or modify this  
22 permit to accommodate a separate permit(s). Under such circumstances, the Department  
23 shall adjust the requirements concerning permit maintenance, liability, annual occupancy fee,  
24 and any other applicable conditions to proportionately allocate responsibility among the permit  
25 holders; and

1           WHEREAS, The Permittee shall assume all costs for the maintenance and repair of the  
2 encroachments and no cost or obligation of any kind shall accrue to the City and County of  
3 San Francisco by reason of this permission granted; now, therefore be it

4           RESOLVED, That pursuant to Public Works Code Section 786, the Board of  
5 Supervisors hereby grants revocable permission to Kieran J. Woods to occupy a portion of the  
6 public right-of-way to construct and maintain a driveway, an associated retaining wall, and  
7 vehicle carousel to provide vehicular access to a proposed new single family dwelling at 1410  
8 Stanyan Street (Block 2706, Lot 035). The revocable permission also includes landscaping  
9 improvements, consisting of ground cover, shrubs, trees; concrete stairs leading to public  
10 sitting area; and other related improvements. These encroachments shall be installed on an  
11 existing unimproved portion of Stanyan Street between Clarendon and Mountain Spring  
12 Avenues; and, be it

13           FURTHER RESOLVED, The permission granted herein is conditioned upon the  
14 requirements set forth in this resolution, including payment of an annual occupancy  
15 assessment fee; and, be it

16           FURTHER RESOLVED, That the Board adopts as its own the findings of consistency  
17 with the General Plan and Planning Code Section 101.1 as set forth in the Planning  
18 Department letter dated August 26, 2013, and affirms the CEQA determination contained in  
19 this letter.

20  
21 APPROVED:

22   
23 \_\_\_\_\_  
24 Mohammed Nuru

25 Director of Public Works



Edwin M. Lee, Mayor  
Mohammed Nuru, Director

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

2014 FEB 24 AM 11:21

A handwritten signature in black ink, appearing to be "RZ", written over a horizontal line.



Phone: (415) 554-6920  
Fax: (415) 554-6944  
TDD: (415) 554-6900  
<http://www.sfdpw.com>

Department of Public Works  
Office of the Director  
City Hall, Room 348  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4645

February 21, 2014

Angela Calvillo, Clerk of the Board  
Board of Supervisors  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102-4689

Dear Ms. Calvillo:

Attached please find two original copies of the proposed resolution for Board of Supervisors consideration, which would grant revocable permission to Kieran J. Woods to construct a privately maintained driveway, including a retaining wall and a vehicular carousel to provide access to a new single family dwelling at 1410 Stanyan Street (Block 2706, Lot 035), landscaping, stairs leading to a public sitting area, and other related improvements within an existing unimproved portion of Stanyan Street between Clarendon and Mountain Spring Avenues conditioned upon the payment of an annual assessment fee (the initial fee is \$3,488.26) and making findings of consistency with the priority policies of Planning Code Section 101.1.

Pursuant to Section 786 of the Public Works Code, the proposed Major Encroachment Permit was requested in a letter dated May 14, 2013 from Mark Brand Architecture. The request was heard and recommended for approval by the San Francisco Municipal Transportation Agency's Transportation Advisory Staff Committee (TASC) on September 26, 2013. The Planning Department, by letter dated August 26, 2013, on balance to be in conformity with the General Plan and with the priority policies of Planning Code Section 101.1.

On December 9, 2013, DPW held a public hearing on this matter. DPW Order No. 182,071, approved January 8, 2014 outlines the recommendation of the Hearing Officer and Director of Public Works.

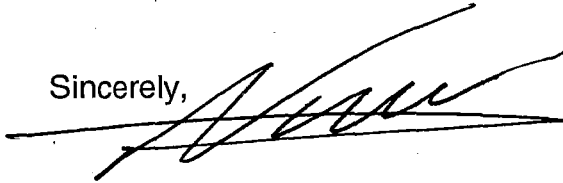
The following is a list of documents which will be sent to the "BOS Legislation" mail box.

- Drafted resolution in "Word" format.
- Letter from Mark Brand Architecture on dated May 14, 2013.
- Project Timeline provided by Mr. Mark Brand.

- Letters from the Planning Department dated August 26, 2013.
- Street Encroachment Agreement, executed by Kieran J. Woods on January 15, 2014.
- DPW Public Hearing Notice, a list of property owners within 300-foot radius of the subject locations;
- DPW Order No. 182071, approved January 8, 2014.
- A plan for the proposed Major (Street) Encroachment.

The following person may be contacted regarding this matter: Eleanor Tang of BSM at (415) 554-5854 or by e-mail at [Eleanor.tang@sfdpw.org](mailto:Eleanor.tang@sfdpw.org).

Sincerely,

A handwritten signature in black ink, appearing to read 'Mohammed Nuru', is written over a horizontal line.

Mohammed Nuru  
Director of Public Works

Attachments: As Noted



Edwin M. Lee, Mayor  
Mohammed Nuru, Director

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2014 FEB 24 AM 11:16

San Francisco Department of Public Works  
Office of the Deputy Director & City Engineer, Fuad Sweiss  
Bureau of Street-Use and Mapping  
1155 Market Street, 3rd Floor  
San Francisco, CA 94103  
(415) 554-5810 ■ www.sfdpw.org



Jerry Sanguinetti, Bureau Manager

## MAJOR ENCROACHMENT RESOLUTION ROUTING SHEET

Everyone involved in the processing of this Major Encroachment Resolution is requested to complete this form so that the Department has a written record of the steps taken. Please notify the sender (see below) of any delays or questions.

### PERMIT INFORMATION

Permit No. 13ME-0007	Date Sent: 2/21/14	Date Due at BOS
Block/Lot 2706/035	Project Address: 1410 Stanyan St - major encroachment	

### SENDER

Name: Eleanor Tang	Telephone: 415-554-5854
Address: 1155 Market Street, 3rd Floor	Email: eleanor.tang@sfdpw.org

### ROUTE

Date Received	To	Date Forwarded or Signed
2/21/14	Frank W. Lee Executive Assistant To Director City Hall, Room 348	2/21/14
2/24/14	Mohammed Nuru Director of Public Works City Hall, Room 348	2/24/14
2/24/14	Clerk of Board of Supervisors (BOS) City Hall, Room 244 (Submit a copy of this sheet with packet.)	
	When the legislation packet is submitted to BOS, please return this original routing sheet to sender.	







**CITY AND COUNTY OF SAN FRANCISCO  
DEPARTMENT OF PUBLIC WORKS**

**STREET ENCROACHMENT AGREEMENT**

**WITNESSETH**

In consideration of the adoption by the Board of Supervisors of the City and County of San Francisco of Resolution No. \_\_\_\_\_ at its meeting of \_\_\_\_\_, a true copy of which is attached hereto marked Exhibit A, and by this reference incorporated herein, and subject to all the terms, conditions and restrictions of this Agreement, also by reference incorporated herein, Permittee agrees that in accordance with this agreement and Exhibit A:

1. The permitted encroachment shall constitute a revocable license, shall be personal to Permittee and shall not be assignable or transferable by Permittee, whether separate from or together with any interest of Permittee.

Upon revocation the undersigned permittee, subsequent owners, or their heirs and assignees will within 30 days remove or cause to be removed the encroachment and all materials used in connections with its construction, without expense to the City and County of San Francisco, and shall restore the area to a condition satisfactory to the Department of Public Works.

2. The occupancy, construction and maintenance of the encroachment shall be in the location and as specified by the plans submitted, revised, approved and filed in the Department of Public Works. The permittee, by acceptance of this permit, acknowledges its responsibility to comply with all requirements of the occupancy, construction and maintenance of the encroachment as specified in Public Works Code Section 786 and with the sidewalk maintenance requirements specified in Public Works Code Section 706.
3. The permittee shall verify the locations of City and public service utility company facilities that may be affected by the work authorized by this permit and shall assume all responsibility for any damage to such facilities due to the work. The permittee shall make satisfactory arrangements and payments for any necessary temporary relocation of City and public utility company facilities.
4. In consideration of this Permit being issued for the work described in the application, Permittee on its behalf and that of any successor or assign, and on behalf of any lessee, promises and agrees to perform all the terms of this Permit and to comply with all applicable laws, ordinances and regulations.

Permittee agrees on its behalf and that of any successor or assign to hold harmless, defend, and indemnify the City and County of San Francisco, including, without limitation, each of its commissions, departments, officers, agents and employees (hereinafter collectively referred to as the "City") from and against any and all losses, liabilities, expenses, claims, demands, injuries, damages, fines, penalties, costs or judgments including, without limitation, attorneys' fees and costs (collectively, "claims") of any kind allegedly arising directly or indirectly from (i) any act by, omission by, or negligence of, Permittee or its subcontractors, or the offices, agents or employees of either, while engaged in the performance of the work authorized by this Permit, or while in or about the property subject to this Permit for any reason connected in any way whatsoever with the performance of the work authorized by this Permit, or allegedly resulting directly or indirectly from the maintenance or installation of any equipment, facilities or structures authorized under this Permit, (ii) any accident or injury to any contractor or subcontractor, or any officer, agent, or employee of either of them, while engaged in the performance of the work authorized by this Permit, or while in or about the property, for any reason connected with the performance of the work authorized by this Permit, or arising from liens or claims for services rendered or labor or materials furnished in or for the performance of the work authorized by this Permit, (iii) injuries or damages to real or personal property, good will, and persons in, upon or in any way allegedly connected with the work authorized by this Permit from any cause or claims arising at any time, and potentially falls within this indemnity provision, even if the allegations are or may be groundless, false or fraudulent, which obligations arises at the time such claim is tendered to Permittee by the City and continues at all times thereafter. Permittee agrees that the indemnification obligations assumed under this Permit shall survive expiration of the Permit or completion of work.

Permittee shall obtain and maintain through the terms of this Permit insurance as the City deems necessary to protect the City against claims for damages for personal injury, accidental death and property damage allegedly arising from any work done under this Permit. Such insurance shall in no way limit Permittee's indemnity hereunder. Certificates of insurance, in form and with insurers satisfactory to the City, evidencing all coverages above shall be furnished to the City before commencing any operations under this Permit, with complete copies of policies furnished promptly upon City request.

5. Permittee will, at its own expense, maintain in full force and effect an insurance policy or policies issued by insurers with ratings comparable to A-VIII, or higher that are authorized to do business in the State of California, and that are satisfactory to the City. Approval of the insurance by City shall not relieve or decrease Permittee's liability hereunder.

Permittee must maintain in force, during the full term of the Agreement, insurance in the following amounts and coverages. Workers' Compensation, in statutory amounts, with Employer's Liability limits not less than \$1,000,000 each accident, injury, or illness; and Commercial General Liability Insurance with Limits not less than \$1,000,000 each occurrence and \$2,000,00 in the aggregate for bodily injury and property damage, including contractual liability, personal injury, products and completed operations; and Commercial Automobile Liability insurance with limits not less than \$1,000,000 each occurrence combined single limit or bodily injury and

property damage, including owned, non-owned and hired auto coverage as applicable. Said policies shall include the City and County of San Francisco and its officers and employees jointly and severally as additional insured and shall apply as primary insurance and shall stipulate that no other insurance affected by the City and County of San Francisco will be called on to contribute to a loss covered hereunder.

All policies shall be endorsed to provide thirty (30) days advance written notice to the City of reduction, nonrenewal or material changes in coverages or cancellation of coverages for any reason. Notices shall be sent to the Department of Public Works, Bureau of Street Use and Mapping, 1155 Market Street, 3<sup>rd</sup> Floor, San Francisco, CA, 94103. The permission granted by said resolution shall automatically terminate upon the termination of such insurance. Upon such termination, Permittee shall restore the right-of-way, without expense to the "Personal Injuries", as used herein, shall include wrongful death.

6. The permittee shall obtain a building permit as the Central Permit Bureau, 1660 Mission Street for the construction or alteration of any building.
7. The permittee shall contact the DPW Street Inspection Section (415) 554-7149, at least 72 hours prior to starting work to arrange an inspection schedule.
8. The permittee acknowledge its responsibility to notify any successor owners of the existence of the encroachment and the successor owner's obligation to obtain a permit from the Department of Public Works 60 days in advance of any pending sale of the permittee's adjacent property. The permittee's obligation to remove the encroachment and restore the right-of-way to a condition satisfactory to the Department of Public Works shall survive the revocation, expiration or termination of this permit or sale of permittee's adjacent property.
9. The permittee's right to use City property, as set forth in this permit is appurtenant to the property described as:  
1410 STANYAN STREET BLOCK 2706, LOT 035  
The provisions of the permit shall bind all subsequent purchases and owners of the described property.

Subsequent purchasers and owners shall be subject to the revocation and termination provisions set forth in this permit.

10. The permittee or subsequent owners recognize and understand that this permit may create a possessory interest subject to property taxation and that the permittee or subsequent owner or owners may be subject to the payment of such taxes.
11. The permittee or subsequent owner or owners recognize the recordation of this permit.

All of the provisions of this agreement shall be deemed provisions of said resolution. All of the provisions of said resolution shall be deemed provisions of this agreement.

In witness whereof the undersigned Permittee(s) have executed this agreement this \_\_\_\_\_  
15 day of January, 2014.

[Handwritten Signature]  
KIERAN WOODS

STATE OF CALIFORNIA )  
COUNTY OF San Francisco ) SS )

On 15 January 2014 before me, Heather Kay Notary Public in and for said County and State, personally appeared Kieran Woods ~~personally known to me (or~~ proven to me on the name(s) is/are subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity(ies), and that by this by his/~~her/their~~ signature(s) on the instrument the person(s), or entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

(NOTARY STAMP OR SEAL)

[Handwritten Signature]  
Notary Public in and for said  
County and State





# SAN FRANCISCO PLANNING DEPARTMENT

## General Plan Referral

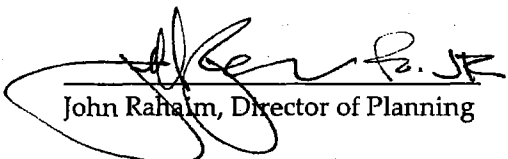
**Date:** August 26, 2013  
**Case No.** Case No. 2013.0727R  
DPW-1410 Stanyan St Major Encroachment

**Block/Lot No.:** 2706/035  
**Project Sponsor:** Nick Elsner  
San Francisco Department of Public Works  
1155 Market Street, 3<sup>rd</sup> Floor  
San Francisco, CA 94103

**Applicant:** Mark Brand  
Mark Brand Architecture  
681 Harrison Street  
San Francisco, CA 94107

**Staff Contact:** Neil Hrushowy – (415) 558-6471  
[neil.hrushowy@sfgov.org](mailto:neil.hrushowy@sfgov.org)

**Recommendation:** Finding the project, on balance, is **in conformity** with the General Plan

**Recommended By:**   
John Raftalm, Director of Planning

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

Reception:  
415.558.6378

Fax:  
415.558.6409

Planning  
Information:  
415.558.6377

### PROJECT DESCRIPTION

The project sponsor proposes to construct a new driveway, vehicle carousel and retaining walls to provide access to a newly constructed house at 1410 Stanyan Street. Proposed landscape work includes the planting of ground cover, shrubs, trees and concrete stairs leading to compacted gravel public sitting area within the Stanyan Street right-of-way. Stanyan Street, because of the steep grade along this part of the hill, remains an unimproved street. This project would build in the Stanyan Street right-of-way to provide a private driveway to a recently constructed property. The submittal is for a General Plan Referral to recommend whether the Project is in conformity with the General Plan, pursuant to Section 4.105 of the Charter, and Section 2A.52 and 2A.53 of the Administrative Code.

### **SITE DESCRIPTION AND PRESENT USE**

The project sponsor filed a General Plan Referral in 2004 (2004.1167R) with a different design. It was found not in-conformity with the General Plan and the Planning Department submitted comments to the project sponsor requesting changes. Those changes were made and a new design was submitted. The Planning Department found the new design in-conformity with the General Plan.

The current design makes further improvements to the design by reducing the amount of paved driveway and adding landscaping, as well as providing a public seating area. The improvements from the original 2004 design, including a 10' curb cut for the drive way, remain intact.

### **ENVIRONMENTAL REVIEW**

On June 17, 2013, the Environmental Planning Division of the Planning Department determined that the "Stanyan Major Encroachment" is Categorically Exempt from Environmental Review as Categorical Exemption Class (c) Existing highway and streets, sidewalks, gutters, bicycle and pedestrian ways and similar facilities.

### **GENERAL PLAN COMPLIANCE AND BASIS FOR RECOMMENDATION**

The Project is to construct a new driveway to provide vehicular access to a recently constructed residential building. The Project is consistent with the Eight Priority Policies of Planning Code Section 101.1 as described in the body of this letter. The Project is, on balance, **in-conformity** with the following Objectives and Policies of the General Plan:

### **URBAN DESIGN ELEMENT**

#### **City Pattern**

#### **OBJECTIVE 1**

**EMPHASIS OF THE CHARACTERISTIC PATTERN WHICH GIVES TO THE CITY AND ITS NEIGHBORHOODS AN IMAGE, A SENSE OF PURPOSE, AND A MEANS OF ORIENTATION.**

#### **Conservation, Street Space**

#### **POLICY 2.8**

**Maintain a strong presumption against the giving up of street areas for private ownership or use, or for construction of public buildings.**

Street areas have a variety of public values in addition to the carrying of traffic. They are important, among other things, in the perception of the city pattern, in regulating the scale and organization of building development, in creating views, in affording neighborhood open space and landscaping, and in providing light and air and access to properties.

**POLICY 2.9**

**Review proposals for the giving up of street areas in terms of all the public values that streets afford.**

Every proposal for the giving up of public rights in street areas, through vacation, sale or lease of air rights, revocable permit or other means, shall be judged with the following criteria as the minimum basis for review:

a. No release of a street area shall be recommended which would result in:

- (2) Interference with the rights of access to any private property;
- (3) Inhibiting of access for fire protection or any other emergency purpose, or interference with utility lines or service without adequate reimbursement;
- (12) Release of a street area in any situation in which the future development or use of such street area and any property of which it would become a part is unknown.

b. Release of a street area may be considered favorably when it would not violate any of the above criteria and when it would be:

- (5) In furtherance of the public values and purposes of streets as expressed in The Urban Design Element and elsewhere in the General Plan.

*The Project, as revised, would include construction of a driveway, stairway, public seating area, retaining walls and installation of landscaping in the Stanyan Street right-of-way to access a private lot.*

*However, the Project, if approved and implemented, would provide access to a private property and would enable the City to provide fire protection and emergency services to the private property. Also, the project design has been revised to increase the amount of landscaping in the right-of-way as a public benefit.*

*Should the City require use of the right-of-way in the future, it can require the applicant to remove the improvements (at the applicant's expense) as part of this project as part of the Major Encroachment permit process.*

## Neighborhood Environment

### OBJECTIVE 4

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

San Francisco draws much of its strength and vitality from the quality of its neighborhoods. Many of these neighborhoods offer a pleasant environment to residents of the city, while others have experienced physical decline and still others have never enjoyed some of the amenities common to the city as a whole. Measures must be taken to stabilize and improve the health and safety of the local environment, the psychological feeling of neighborhood, the opportunities for recreation and other fulfilling activities, and the small-scale visual qualities that make the city a comfortable and often exciting place in which to live.

#### FUNDAMENTAL PRINCIPLES FOR NEIGHBORHOOD ENVIRONMENT

These fundamental principles and their illustrations reflect the needs and characteristics with which this Plan is concerned, and describe measurable and critical urban design relationships in the neighborhood environment:

4. Open space and landscaping can give neighborhoods an identity, a visual focus and a center for activity.

*Providing access to 1410 Stanyan Street on this steep portion of Stanyan Street challenges any designer. A good design to access this dwelling would fit within the neighborhood's topography, scale and existing urban pattern.*

*The revised Project would add landscaping, improve views and outlooks from the public right-of-way, and blend well into the undeveloped portion of the street. These improvements are consistent with General Plan policies.*



TRANSPORTATION ELEMENT

General

**POLICY 1.2**

**Ensure the safety and comfort of pedestrians throughout the city.**

Safety is a concern in the development and accommodation of any part of the transportation system, but safety for pedestrians (which includes disabled persons in wheelchairs and other ambulatory devices) should be given priority where conflicts exist with other modes of transportation.

Pedestrian

**OBJECTIVE 23**

**IMPROVE THE CITY'S PEDESTRIAN CIRCULATION SYSTEM TO PROVIDE FOR EFFICIENT, PLEASANT, AND SAFE MOVEMENT.**

**POLICY 23.9**

**Implement the provisions of the Americans with Disabilities Act and the City's curb ramp program to improve pedestrian access for all people.**

*As proposed, the project would install a driveway and related improvements, which would access a single private property.*

**OBJECTIVE 26**

**CONSIDER THE SIDEWALK AREA AS AN IMPORTANT ELEMENT IN THE CITYWIDE OPEN SPACE SYSTEM.**

**POLICY 26.1**

**Retain streets and alleys not required for traffic, or portions thereof, for through pedestrian circulation and open space use.**

*Since there is no sidewalk on this portion of Stanyan Street because the public right-of-way is not yet developed, there is no pedestrian circulation.*

*The City however, can require the applicant to remove the improvements should the City require use of the public right-of-way in the future, as part of the Encroachment Permit.*

RECREATION AND OPEN SPACE ELEMENT

Citywide System

**POLICY 2.2**

**Preserve existing public open space.**

San Francisco's public open space system is fairly extensive. It ranges from large parks to undeveloped street rights-of-way.

*Currently this portion of the undeveloped Stanyan Street is considered a public resource to provide access to private property and as an informal part of the citywide system of open space.*

*The modified design for the driveway on the public-right-of-way provides subtle landscaping that would help soften the edges of retaining walls for the driveway, helping the new driveway blend into the right-of-way, most of which will remain landscaped and undeveloped.*

**PROPOSITION M FINDINGS – PLANNING CODE SECTION 101.1**

Planning Code Section 101.1 establishes Eight Priority Policies and requires review of discretionary approvals and permits for consistency with said policies. The Project, demolition and replacement of the Chinese Recreation Center, is found to be consistent with the Eight Priority Policies as set forth in Planning Code Section 101.1 for the following reasons:

**Eight Priority Policies Findings**

The subject project is found to be consistent with the Eight Priority Policies of Planning Code Section 101.1 in that:

The proposed project is found to be consistent with the eight priority policies of Planning Code Section 101.1 in that:

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

*The Project would have no adverse effect on neighborhood serving retail uses or opportunities for employment in or ownership of such businesses.*

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

*The Project would have no adverse effect on the City's housing stock or on neighborhood character. The existing housing and neighborhood character will be not be negatively affected*

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

*The Project would have no adverse effect on the City's supply of affordable housing.*

4. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking.

*The Project would not result in commuter traffic impeding MUNI's transit service, overburdening the streets or altering current neighborhood parking.*

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

*The Project would not affect the existing economic base in this area.*

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

*The Project would not adversely affect achieving the greatest possible preparedness against injury and loss of life in an earthquake. It would improve the City's ability to respond to injuries caused by earthquakes and other emergencies.*

7. That landmarks and historic buildings be preserved.

*This site and building are not landmarks or of historic significance. The structure was constructed in the last 20-30 years.*

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

*The Project would have no adverse effect on parks and open space or their access to sunlight and vista. If the City purchases or leases the site for use by the Department of Technology, no new structures would be added to the site*

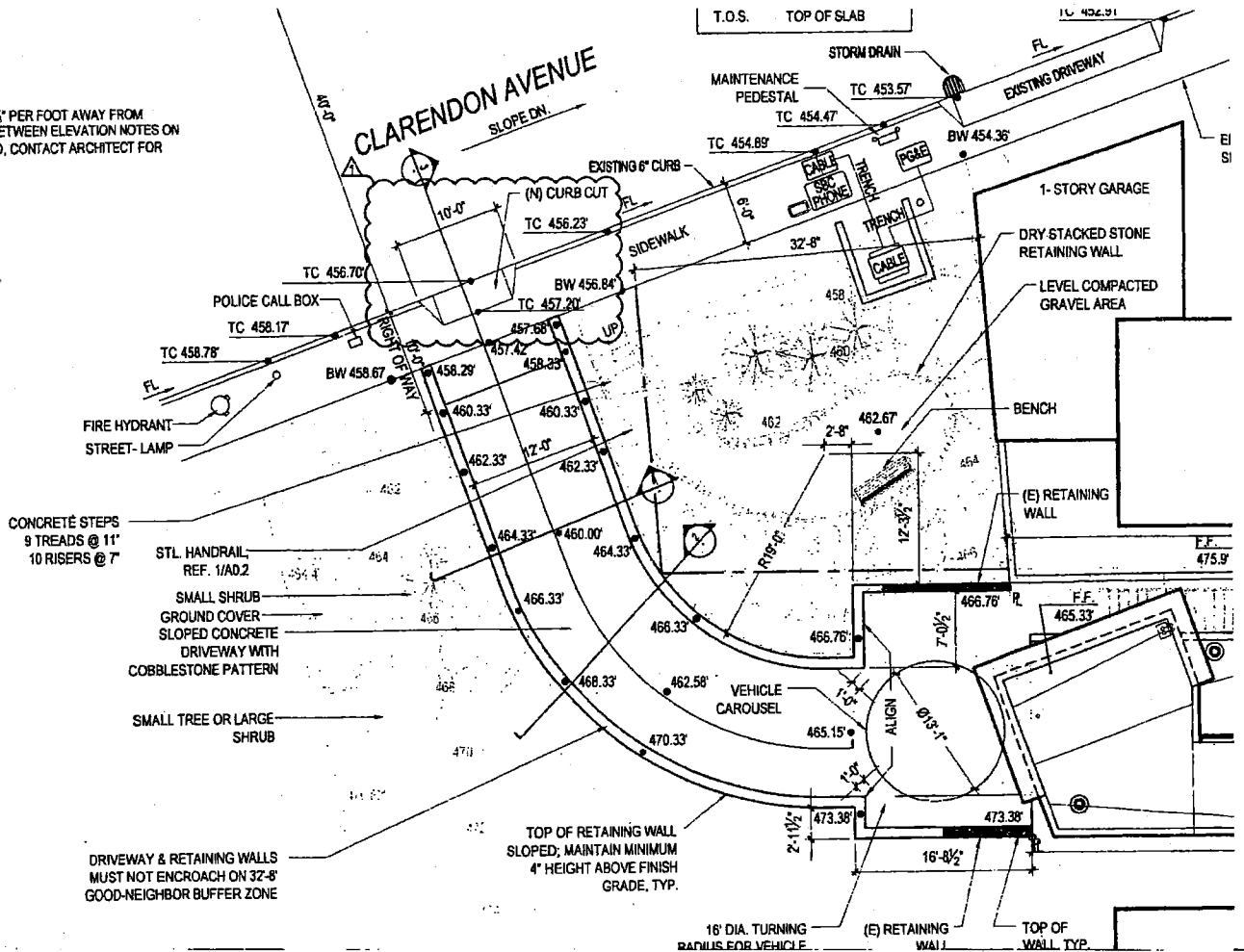
<b>RECOMMENDATION:</b>	<b>Finding the Project, on balance, in-conformity with the General Plan</b>
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**Attachments:**  
Proposed Design

cc: Nick Elsner, SFDPW

I:\Citywide\General Plan\General Plan Referrals\2013\2013.0727R 1410 Stanyan St DRAFT 2.doc

MAINTAIN MINIMUM SLOPE OF 1/4" PER FOOT AWAY FROM GARAGE. IF ANY CONFLICT BETWEEN ELEVATION NOTES ON REQUIREMENT ARE DISCOVERED, CONTACT ARCHITECT FOR



City and County of San Francisco



Edwin M. Lee, Mayor  
Mohammed Nuru, Director

San Francisco Department of Public Works  
Office of the Deputy Director & City Engineer, Fuad Sweiss  
Bureau of Street-Use & Mapping  
1155 Market Street, 3rd Floor  
San Francisco Ca 94103  
(415) 554-5810 ■ www.sfdpw.org



Jerry Sanguinetti, Bureau Manager

### DPW Order No: 182071

Director's Decision for a Major Encroachment Permit (No. 13ME-0007) to occupy and construct a driveway and other landscape improvements within the unimproved portion of Stanyan Street, between Clarendon Avenue and Mountain Spring Avenue, and to construct a curb-cut on Clarendon Avenue to access the driveway to the garage at 1410 Stanyan Street (Block 2706, Lot 35).

Applicant: Mark Brand Architecture  
681 Harrison Street  
San Francisco, CA 94107  
Attn: Mark Brand, AIA

Owner: Kieran J. Woods

#### BACKGROUND:

On May 14, 2013, the applicant submitted to the Department of Public Works (DPW) a Major Encroachment application for a driveway accessing the house located at 1410 Stanyan Street from Clarendon Avenue.

In his application, the applicant stated that he has "reduced the size of the proposed driveway, decreased the height of the surrounding retaining walls, and incorporated parklike landscaping around the proposed driveway," in response to neighborhood input.

Per Major Encroachment application process, the Department of Public Works then requested the San Francisco Planning Department and the San Francisco Municipal Transportation Agency's review and comments on the application.

The San Francisco Planning Department, via determination letter of August 26, 2013, informed the Department of Public Works that it has reviewed the application for a General Plan Referral and found the application and project to be in conformity with the General Plan, pursuant to Section 4.105 of the Charter and Section 2A.52 and 2A.53 of the Administrative Code.



San Francisco Department of Public Works  
Making San Francisco a beautiful, livable, vibrant, and sustainable city.

In its letter, the San Francisco Planning Department stated that “this portion of the undeveloped Stanyan Street is considered a public resource to provide access to private property.”

The San Francisco Planning Department’s letter also stated that “the project, if approved and implemented, would provide access to a private property and would enable the City to provide fire protection and emergency services to the private property” and that the project would have no adverse effect on the Eight Priority Policies of Planning Code Section 101.1, including no adverse effect on parks and open space or their access to sunlight and vista and no adverse effect on MUNI’s transit service, overburdening the streets or altering current neighborhood parking.

On September 26, 2013, the San Francisco Municipal Transportation Agency’s Transportation Advisory Staff Committee also reviewed the application, approved the proposal, and recommended that the curb-cut be reduced to 10 feet in width.

The Department of Public Works issued DPW Order No. 181,770, which scheduled a November 20, 2013 public hearing on the application.

The Department of Public Works then notified the property owners within a 300-foot radius of the 1410 Stanyan Street of the public hearing date and time.

The application was not heard on November 20, 2013 and was subsequently rescheduled for December 9, 2013 as ordered by DPW Order No. 181,903.

The Department of Public Works then notified the property owners within a 300-foot radius of the 1410 Stanyan Street of the rescheduled public hearing date and time.

On December 9, 2013, the public hearing on the application was held. Hearing Officer Frank Lee conducted the hearing and heard testimony from Department of Public Works staff, from the applicant, and from the public.

Since notifying the property owners of the public hearing, the Department of Public Works staff received four written objections to the application, which were submitted to the hearing officer.

The Department of Public Works staff recommended approval of the application based on the approvals by the Planning Department, by the San Francisco Municipal Transportation Agency, and because the requested method of access to the private property at 1410 Stanyan Street is an appropriate use of the public right-of-way.

Rodrigo Santos of Santos and Urrutia, Structural Engineer for the project, stated that the proposed design for the driveway minimizes any disturbances to the natural conditions of the unimproved right-of-way. He further described that by incorporating a vehicle turntable in front of the garage area, the width of the driveway was reduced.



Mark Brand of Mark Brand Architecture, the applicant, then stated that he met with the neighbors regarding the project and that the neighbors wanted a minimum driveway, did not want a connection between Mountain Spring Avenue and Clarendon Avenue, and expressed a desire of some sort of public amenity such as a park or park-like space. He also provided a computer-aided rendering of the proposed driveway and landscaping that incorporated those design elements suggested by the neighbors.

Twelve public speakers spoke at the hearing. In addition, three additional objection letters were submitted for a total of seven letters. One public member also submitted five DVDs that recorded the 2006 Board of Supervisors' hearing on the first application and the Planning Department's 2005 review (dated October 14, 2005) and approval of the first application.

Eleven of the speakers objected to the application. The comments of the speakers and the contents of the written objections included:

1. Opposing the property owner's use of the public right-of-way
2. Opposing the property's owner use of public land without any compensation to the City
3. Opposing the removal of "permanent" green space
4. Opposing the removal of parking spaces
5. Stating that this is the second Major Encroachment request by the applicant; the first request was tabled by the Board of Supervisors in 2006
6. Stating that other houses in the area do not have driveway access
7. Stating that the home at 1410 Stanyan Street was approved with a stipulation that it will not have a driveway
8. Stating that, if a driveway is permitted to be built, it would be a permanent structure
9. Stating that a previous Minor Encroachment permit was issued for access to 1410 Stanyan Street from Mountain Spring Avenue
10. Stating that neighbors would like to landscape the unimproved portion of Stanyan Street and that the architect's landscaping design is not inviting to the public

One member of the public expressed favoring access to 1410 Stanyan Street from Clarendon Avenue.

#### FINDINGS:

The Department of Public Works and the San Francisco Planning Department concluded that the request for a driveway to access the 1410 Stanyan Street property is an appropriate use of the public right-of-way. Abutting property owners have the right to access public rights-of-way.

The property owner would be assessed an annual fee for the use of the unimproved right-of-way by this Major Encroachment and would also be responsible for maintaining the landscaping included within the Major Encroachment.



Stanyan Street, between Clarendon Avenue and Mountain Spring Avenue, is a public right-of-way and; although unimproved, was never designated as “permanent” green space. This unimproved right-of-way will remain as open space, even if the Major Encroachment is granted.

The Major Encroachment, if granted, is a revocable permit at the will of the Board of Supervisors. Therefore, the property owner would be responsible for removing the driveway, if the Major Encroachment was revoked.

The San Francisco Planning Department said that the Major Encroachment, if granted, would not overburden the streets or alter current neighborhood parking. The San Francisco Municipal Transportation Agency, the department that oversees vehicular parking on San Francisco streets, through its Transportation Advisory Staff Committee (TASC) approved the application without mentioning any adverse effect on street parking.

While this is the applicant’s second request for a Major Encroachment, this request differs from the first request. The driveway design has changed, the driveway width and curb-cut are narrower, and additional landscaping and park-like elements have been added.

Although other houses in the area may not have driveway access, the Department of Public Works has not denied any of those property owners of their rights to request access via driveway.

The Department of Public Works found no documentation showing that the house on 1410 Stanyan Street was allowed to be built with the stipulation that it would not include a driveway.

The Department of Public Works did find an approved Minor Encroachment Permit for 1410 Stanyan Street for access from Mountain Springs Avenue. However, the Department found no Street Improvement Permit for the construction of that permitted access. Therefore, although the Minor Encroachment was approved, it was never activated.

The architect for the project expressed a willingness to work with the neighbors on the landscaping design, to incorporate their ideas and suggested plant species, and to make the area more pleasing and accessible to the public.

#### RECOMMENDATIONS:


Approve the request for the Major Encroachment Permit and forward to the Board of Supervisors for a decision based on the above finding; and,

Request that the applicant continue to work with the neighborhood on the landscaping features and incorporate, as much as possible, their input on material and plant species, and have this plan in place when submitting a Street Improvement Permit application to the Department of Public Works.






1/7/2014

X 

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Sanguinetti, Jerry  
Bureau Manager

1/8/2014

X 

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Sweiss, Fuad  
Deputy Director and City Engineer

1/8/2014

X Mohammed Nuru

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Nuru, Mohammed  
Director, DPW



City and County of San Francisco



Edwin M. Lee, Mayor  
Mohammed Nuru, Director

San Francisco Department of Public Works  
Office of the Deputy Director & City Engineer, Fuad Sweiss  
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Jerry Sanguinetti, Bureau Manager

**DPW Order No: 181770**

PUBLIC HEARING TO CONSIDER A REQUEST FROM MARK BRAND OF MARK BRAND ARCHITECTURE ON BEHALF OF KIERAN J. WOODS FOR A MAJOR ENCROACHMENT PERMIT (13ME-0007) TO OCCUPY AND CONSTRUCT A DRIVEWAY AND OTHER LANDSCAPE IMPROVEMENTS WITHIN THE UNIMPROVED PORTION OF STANYAN STREET BETWEEN CLARENDON AVENUE AND MOUNTAIN SPRING AVENUE AND CONSTRUCT A CURB CUT ON CLARENDON AVENUE TO ACCESS THE NEW GARAGE AT 1410 STANYAN STREET (BLOCK 2706, LOT 35).

The Department of Public Works will consider the request for the above mentioned Major Encroachment Permit. Any interested person may attend the Department of Public Works hearing on this matter at City Hall, 1 Dr. Carlton B. Goodlett Place, Room 400 at **9:00 AM, Wednesday, November 20, 2013.**

Persons unable to attend the public hearing may submit written comments regarding the subject matter to the Bureau of Street-Use & Mapping, 1155 Market Street, 3<sup>rd</sup> Floor, San Francisco, CA 94103, Attention: Eleanor Tang. These comments will be brought to the attention of the hearing office and made a part of the official public record.

Information on this matter may be obtained prior to the hearing at 1155 Market Street, 3<sup>rd</sup> Floor or by contacting Ms. Tang at (415) 554-5810 or at [Eleanor.tang@sfdpw.org](mailto:Eleanor.tang@sfdpw.org).

10/23/2013

X Handwritten signature of Frank W. Lee in cursive script.

Lee, Frank W  
Approver 3



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Edwin M. Lee, Mayor  
Mohammed Nuru, Director



Jerry Sanguinetti, Bureau Manager

**DPW Order No: 181903**

RESCHEDULED PUBLIC HEARING TO CONSIDER A REQUEST FROM MARK BRAND ARCHITECTURE ON BEHALF OF KIERAN J. WOODS FOR A MAJOR ENCROACHMENT PERMIT (NO. 13ME-0007) TO OCCUPY AND CONSTRUCT A DRIVEWAY AND OTHER LANDSCAPE IMPROVEMENTS WITHIN THE UNIMPROVED PORTION OF STANYAN STREET BETWEEN CLARENDON AVENUE AND MOUNTAIN SPRING AVENUE AND CONSTRUCT A CURB CUT ON CLARENDON AVENUE TO ACCESS THE NEW GARAGE AT 1410 STANYAN STREET (BLOCK 2706, LOT 35).

The Department of Public Works has rescheduled the public hearing to consider the request for the above mentioned Major Encroachment Permit. Any interested person may attend the Department of Public Works hearing on this matter at City Hall, 1 Dr. Carlton B. Goodlett Place, Room 400 at **9:00 AM, Monday, December 9, 2013.**

Persons unable to attend the public hearing may submit written comments regarding the subject matter to the Bureau of Street-Use & Mapping, 1155 Market Street, 3<sup>rd</sup> Floor, San Francisco, CA 94103, Attention: Eleanor Tang. These comments will be brought to the attention of the hearing office and made a part of the official public record.

Information on this matter may be obtained prior to the hearing at 1155 Market Street, 3<sup>rd</sup> Floor or by contacting Ms. Tang at (415) 554-5810 or at [Eleanor.tang@sfdpw.org](mailto:Eleanor.tang@sfdpw.org).

11/22/2013

X Handwritten signature of Frank W. Lee in cursive script.

Lee, Frank W  
Approver 4





May 14, 2013

Nick Elsner  
Senior Plan Checker  
DPW Street-Use & Mapping  
1155 Market Street, 3rd Floor  
SF CA 94103

RE: 1410 Stanyan Street

Dear Mr. Elsner,

On behalf of my client, Kieran J. Woods, I would like to request a Major Encroachment for a driveway accessing the new house located at 1410 Stanyan Street from Clarendon Avenue. This encroachment would occupy a portion of the right-of-way of the unimproved portion of Stanyan Street between Clarendon Avenue and Mountain Spring Avenue.

We previously had designed the house with a driveway and this design was approved by the Planning Department. Subsequently, the design with the driveway was upheld by the Planning Commission by a 5-2 vote at a Discretionary Review hearing on February 17, 2005. We later encountered significant neighborhood objection to the driveway and the application was tabled by the Land Use Committee of the Board of Supervisors on January 18, 2006. We then decided to move forward without the driveway, changing access to the house by means of steps down from Mountain Spring Avenue instead of the driveway from Clarendon Avenue.

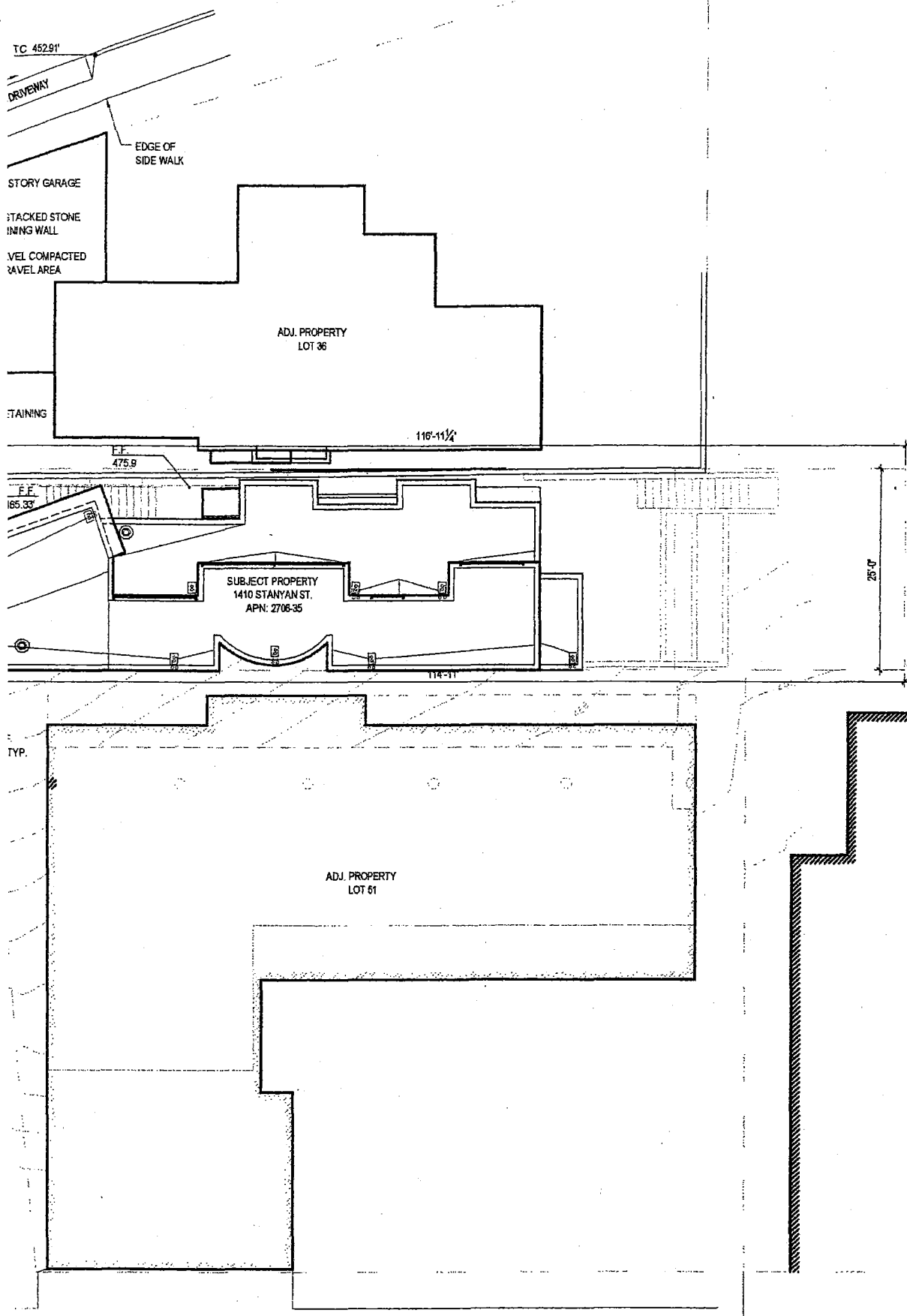
Since construction of the house was completed last year, we have conducted three neighborhood outreach meetings regarding the possibility of moving forward with the driveway. The stairs from Mountain Spring Avenue have not been built. In response to neighborhood input, we have reduced the size of the proposed driveway, decreased the height of the surrounding retaining walls and incorporated parklike landscaping around the proposed driveway. We are hopeful that with these changes we will be able to get a Major Encroachment permit for the driveway approved.

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark Brand', with a long horizontal line extending to the right.

Mark Brand, AIA



1410 Stanyan Street Driveway

New Driveway

Block: 2706 Lot: 35  
San Francisco, CA

ISSUE DATE: MAJOR ENCROACHMENT 04.25.13

DATE: 04.25.13  
DRAWN BY: AM, BW, MV  
JOB NO: D3-RE-03  
SCALE:  
SHEET TITLE:

PROPOSED SITE PLAN

SHEET NO.

## **1410 Stanyan Street Project Timeline**

- 03/06/03: Mark Brand Architecture hired by Kieran J. Woods to design a new house for site.**
- 07/15/04: Building permit application filed.**
- 08/19/04: Section 311 Posting begins.**
- 09/17/04: DR Review application filed by the Matulas and Marconis.**
- 10/05/04: Mark Brand spoke to Rick Crawford, the staff planner, asking him to schedule the DR Hearing. He said he would send a memo to the Planning Commission secretary immediately asking her to schedule it.**
- 10/26/04: Mark Brand spoke with Dr. Matula to let him know we were re-checking the survey and have a meeting set up for Monday with Kieran Woods and the Blaylocks.**
- 11/01/04: Mark Brand met with the Matulas. At that meeting, no clear compromise was reached. In earlier telephone conversations, the Matulas had suggested that the lot line between 1310 Stanyan and 90 Mountain Spring could be adjusted (moving it 8 feet to the south) so the proposed house could be moved 8 feet away from their house.**
- 12/20/04: Neighborhood petition with 52 signatures submitted by Matulas to Rick Crawford.**
- 01/20/05: DR Hearing #1.**
- 02/17/05: DR Hearing #2: Planning Commission voted in favor of project 5-2.**
- 03/08/05: Final drawings submitted by Mark Brand to Rick Crawford for his review.**
- 03/21/05: Application for Major Encroachment made to DPW.**
- 07/08/05: Letter from Planning Staff Sandra Soto stating that the project is not in conformance with the General Plan Guidelines. Letter also suggests that revisions may be made for reconsideration.**
- 08/15/05: Meeting with Dean Macris, Larry Badiner and Steve Shotland concerning issues with driveway. Suggestion of small revisions and neighborhood meeting is made by Mark Brand.**
- 09/20/05: Neighborhood Meeting at Donna Crowder's house to review changes to driveway area and to offer other possible amenities to neighborhood. None are desired.**
- 10/14/05: Letter from Dean Macris stating that project, with revisions made, has been found in conformance with General Plan.**
- 01/04/06: DPW Hearing held with Chris McDaniels concerning overall approval of Major Encroachment Permit. 01/19/06: Chris McDaniels recommends approval of project, to be reviewed by the Board of Supervisors via public hearing.**
- 01/18/06: Board of Supervisors Land Use Committee tables application for driveway.**
- 07/26/06 Parking Variance Hearing so house can be built without driveway.**
- 08/02/06: Variance Approval Letter issued by Zoning Administrator.**
- 08/14/06 Variance appealed by neighbor Mark Courey.**
- 10/04/06: Variance Appeal Hearing – Appeal Denied 5-0**
- 10/21/08: Hearing for Minor Encroachment Permit for stairs in right of way from house to Mountain Spring Avenue.**

- 10/29/08: Minor Encroachment Permit for stairs approved.**
- 04/22/10: Negotiations with Matulas begun to alleviate their concerns about design of the house.**
- 06/24/10: Building permit for house issued.**
- 07/12/10 Agreement signed by Matulas and Kieran Woods in which Kieran agrees to numerous good neighbor gestures, modifying the design of the house, reducing its size slightly, changing certain materials and colors, using obscure glass in certain locations etc. in exchange for the Matulas agreeing to end their attempts to block construction of the house.**
- 08/24/10 Approximate start of construction, site clearing.**
- 12/07/10 Official start of work on shoring permit.**
- 09/15/12 Approximate date construction completed.**
- 01/23/13 Neighborhood meeting to re-engage neighbors to see if there is a possibility of a shared concept that could make Mr. Woods happy and community members. Essentially listening to concerns from 40 + neighbors in attendance**
- 03/06/13 Follow up meeting with neighbors with an attempt to incorporate their ideas of a community garden, off-street parking, and driveway to Mr. Woods home. Many neighbors felt offstreet parking had too much concrete. 15 neighbors expressed desire to support driveway with as small a footprint as possible. 30 + neighbors in attendance.**
- 04/10/13 Met with neighbors to show final concept with turnabout in front of Mr. Woods home, small community garden, and no off-street parking. Very minimal imprint for driveway. 20+ neighbors in attendance.**
- 04/25/13 Final concept submitted for Major Encroachment permit.**

RADIUS SERVICES 1221 HARRISON ST #18 SAN FRANCISCO CA 94103 415-391-4775

BLOCK	LOT	OWNER	OADDR	CITY	STATE	ZIP
0001	001	RADIUS SERVICES NO. 2706035	1410 STANYAN ST	BRANDMAR	12	1212
0001	002					
0001	003	RADIUS SERVICES	1221 HARRISON ST #18	SAN FRANCISCO	CA	94103
0001	004	MARK BRAND ARCHITECTURE	681 HARRISON ST	SAN FRANCISCO	CA	94107
0001	005					
2634A	003	REC & PK DEPT	501 STANYAN ST	SAN FRANCISCO	CA	94117-1898
2687	005	TERRY SENNE TRS	1329 STANYAN ST	SAN FRANCISCO	CA	94114-2133
2687	006	PENNIE SEMPELL TRS	2100 WEBSTER ST #119	SAN FRANCISCO	CA	94115-2375
2687	007	MARY DYKHUIZEN	1341 STANYAN ST	SAN FRANCISCO	CA	94114-2133
2687	011	BROWNING-HEITHAUS TRS	30 SHERIDAN ST	SAN FRANCISCO	CA	94103-3821
2687	019	LINDA LYONS	100 CLARENDON AV	SAN FRANCISCO	CA	94114-2104
2687	020	STANLEY CHABAN TRS	110 CLARENDON AV	SAN FRANCISCO	CA	94114-2104
2687	022	JAMES & SOYOUNG SCANIAN	1347 STANYAN ST	SAN FRANCISCO	CA	94114-2133
2687	023	DANIEL SANTI TRS	211 BELGRAVE AV	SAN FRANCISCO	CA	94117-3851
2687	024	NOYOLA TRS	203 BELGRAVE AV	SAN FRANCISCO	CA	94117-3851
2687	027	STANLEE GATTI	132 CLARENDON AV	SAN FRANCISCO	CA	94114-2104
2687	029	HENRY SHAO	124 CLARENDON AV	SAN FRANCISCO	CA	94114-2104
2687	030	MILLAUER-HSU TRS	128 CLARENDON AV	SAN FRANCISCO	CA	94114-2104
2707	004	WEILL TRS	120 MOUNTAIN SPRING AV	SAN FRANCISCO	CA	94114-2120
2707	006	DAVID GRISSOM	126 MOUNTAIN SPRING A	SAN FRANCISCO	CA	94114-2120
2707	007	KAREN SLISSMAN	2015 TARAVAL ST	SAN FRANCISCO	CA	94116-2218
2707	008	TOM TRS	115 CLARENDON AV	SAN FRANCISCO	CA	94114-2103
2707	009	WONG TRS	100 MOUNTAIN SPRING AV	SAN FRANCISCO	CA	94114-2120
2708	008	DEYO TRS	160 SAINT GERMAIN AV	SAN FRANCISCO	CA	94114-2132
2708	009	MILA ALEMASOV TRS	170 SAINT GERMAIN AV	SAN FRANCISCO	CA	94114-2132
2708	012	L & Y MALABED	145 MOUNTAIN SPRING AV	SAN FRANCISCO	CA	94114-2119
2708	013	D & M BRIDON	135 MOUNTAIN SPRING AV	SAN FRANCISCO	CA	94114-2119
2708	014	MALLOY & PERICA	125 MOUNTAIN SPRING AV	SAN FRANCISCO	CA	94114-2119
2708	015	SCOTTIE MCKINNEY	115 MOUNTAIN SPRING AV	SAN FRANCISCO	CA	94114-2119
2708	015A	WILLIAM MARCONI TRS	101 MOUNTAIN SPRING AV	SAN FRANCISCO	CA	94114-2119
2708	016	D & R EBERHART	150 SAINT GERMAIN AV	SAN FRANCISCO	CA	94114-2132
2708	019	CHENG CHUNG ETAL	2048 GREEN ST #3	SAN FRANCISCO	CA	94123-4822
2708	020	SERENA WONG TRS	190 SAINT GERMAIN AV	SAN FRANCISCO	CA	94114-2132
2709	022	KORNBERG TRS	50 GLENBROOK AV	SAN FRANCISCO	CA	94114-2110
2709	023	E & A LILJEGREN	100 SAINT GERMAIN AV	SAN FRANCISCO	CA	94114-2132
2709	024	CARLAT TRS	120 SAINT GERMAIN AV	SAN FRANCISCO	CA	94114-2132
2709	025	JOSEPH SARRET TRS	130 SAINT GERMAIN AV	SAN FRANCISCO	CA	94114-2132
2709	026	JOSHUA OISHANSKY	140 SAINT GERMAIN AV	SAN FRANCISCO	CA	94114-2132
2709	040	STEVEN PEARLMUTTER	99 MOUNTAIN SPRING AV	SAN FRANCISCO	CA	94114-2143
2709	041	ELAINE YOUNG	89 MOUNTAIN SPRING AV	SAN FRANCISCO	CA	94114-2143
2709	042	LUCY WASKELL TRS	2204 DEVONSHIRE RD	ANN ARBOR	MI	48104-2702
2709	043	OKEEFE TRS	56 CHILTON AV	SAN FRANCISCO	CA	94131-2963
2709	044	R & M NIVER	65 MOUNTAIN SPRING AV	SAN FRANCISCO	CA	94114-2143
2709	045	THOMAS ENGINEERING CO	2 GLENBROOK AV	SAN FRANCISCO	CA	94114-2110
2723	002	REC & PK DEPT	501 STANYAN ST	SAN FRANCISCO	CA	94117-1898
2706	023	MACGUINNESS BELLBER TRS	60 MOUNTAIN SPRING AV	SAN FRANCISCO	CA	94114-2118
2706	025	THOMAS & CARLA FAWCETT	66 MOUNTAIN SPRING AV	SAN FRANCISCO	CA	94114-2118
2706	027	F & D BEYERLEIN	74 MOUNTAIN SPRING AV	SAN FRANCISCO	CA	94114-2118
2706	030	OBUEHOFF TRS	82 MOUNTAIN SPRING AV	SAN FRANCISCO	CA	94114-2118
2706	035	KM 26TH ST PRPTYS LLC	1485 BAY SHORE BL #149	SAN FRANCISCO	CA	94124-4001
2706	036	MATULA TRS	99 CLARENDON AV	SAN FRANCISCO	CA	94114-2101
2706	040	ROTBERT TRS	83 CLARENDON AV	SAN FRANCISCO	CA	94114-2101
2706	041	GARY ROGERS ETAL	79 CLARENDON AV	SAN FRANCISCO	CA	94114-2101
2706	042	LAWRENCE RUFF	75 CLARENDON AV	SAN FRANCISCO	CA	94114-2101
2706	043	FRANKLIN JACKSON	71 CLARENDON AV	SAN FRANCISCO	CA	94114-2101
2706	044	DAVID KADISH TRS	67 CLARENDON AV	SAN FRANCISCO	CA	94114-2101
2706	045	DAVID & DIANA CHUI	63 CLARENDON AV	SAN FRANCISCO	CA	94114-2101
2706	046	ALEXANDER GUTKIN	2877 TURK BL	SAN FRANCISCO	CA	94118-4350
2706	048	HEIDI HOLTER	47 CLARENDON AV	SAN FRANCISCO	CA	94114-2101
2706	049	GREGORY WALLACE	45 CLARENDON AV	SAN FRANCISCO	CA	94114-2101
2706	051	DRIMALAS FLYNN TRS	90 MOUNTAIN SPRING AV	SAN FRANCISCO	CA	94114-2118
2706	061	CHARLES & COUTAZ	3700 HAYVENHURST AV	ENCINO	CA	91436-3844
2706	062	M & C DONOVAN	50 MOUNTAIN SPRING AV	SAN FRANCISCO	CA	94114-2118
2706	063	MARK & SUSAN COUREY	95 CLARENDON AV	SAN FRANCISCO	CA	94114-2101
2706	064	WAYNE HUEY	91 CLARENDON AV	SAN FRANCISCO	CA	94114-2101



RADIUS SERVICES 1221 HARRISON ST #18 SAN FRANCISCO CA 94103 415-391-4775

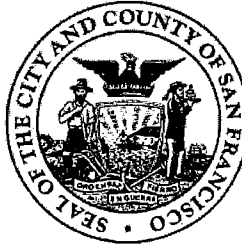
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2688	017	ORYOL-VULAKH	44 CLARENDON AV	SAN FRANCISCO	CA	94114-2102
2688	019	DAJANI & CHAI	48 CLARENDON AV	SAN FRANCISCO	CA	94114-2102
2688	020	HSU TRS	52 CLARENDON AV	SAN FRANCISCO	CA	94114-2102
2688	021	TIMOTHY WU	56 CLARENDON AV	SAN FRANCISCO	CA	94114-2102
2688	023	THOMAS MCGRATH	2467 21ST AV	SAN FRANCISCO	CA	94116-2409
2688	024	GAETANO ZANELLI TRS	66 CLARENDON AV	SAN FRANCISCO	CA	94114-2102
2688	025	KENNETH EISEN	70 CLARENDON AV	SAN FRANCISCO	CA	94114-2102
2688	027	TIEDGENS REUS TRS	80 CLARENDON AV	SAN FRANCISCO	CA	94114-2102
2688	029	CARMEN CASTRO-FRANCESCHI TRS	66 CLARENDON AV	SAN FRANCISCO	CA	94114-2102
2688	030	THOMAS CASEY	90 CLARENDON AV	SAN FRANCISCO	CA	94114-2102
2688	031	RICHARD MORGESE TRS	98 CLARENDON AV	SAN FRANCISCO	CA	94114-2102
2688	033	CLARK & SEALY TRS	1340 STANYAN ST	SAN FRANCISCO	CA	94114-2134
2688	034	SINGER TRS	177 BELGRAVE AV	SAN FRANCISCO	CA	94117-4227
2688	042	NEEMA & SARAH JALALI	155 BELGRAVE AV	SAN FRANCISCO	CA	94117-4227
2688	044	THOMAS FINE	135 BELGRAVE AV	SAN FRANCISCO	CA	94117-4227
2688	045	THOMAS FINE	135 BELGRAVE AV	SAN FRANCISCO	CA	94117-4227
2688	046	EDWARD & LESLIE FINE	135 BELGRAVE AV	SAN FRANCISCO	CA	94117-4227
2688	048	JORDON TRS	125 BELGRAVE AV	SAN FRANCISCO	CA	94117-4227
2688	050	WILLIAM BYRNES TRS	115 BELGRAVE AV	SAN FRANCISCO	CA	94117-4227
2688	088	CRYSTAL TAYLOR	185 BELGRAVE AV	SAN FRANCISCO	CA	94117-4227
2688	069	SINGER TRS	177 BELGRAVE AV	SAN FRANCISCO	CA	94117-4227
2688	073	LORINCZ TRS	1450 POST ST #209	SAN FRANCISCO	CA	94109-6589
9999	999	.....	.....	.....	.....	.....

23





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

## MEMORANDUM

TO: Ben Rosenfield, Controller, Office of the Controller  
Harlan Kelly, General Manager, Public Utilities Commission  
Tom Hui, Director, Department of Building Inspection  
Joanne Hayes-White, Chief, Fire Department

FROM: Andrea Ausberry, Clerk, Land Use and Economic Development Committee  
Board of Supervisors

DATE: March 20, 2014

SUBJECT: LEGISLATION INTRODUCED

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The Board of Supervisors' Land Use and Economic Development Committee has received the following proposed legislation, introduced by the Public Works Department on March 4, 2014:

**File No. 140148**

**Resolution granting revocable permission to Kieran J. Woods to occupy a portion of the public right-of-way to construct and maintain various improvements, including a driveway, associated retaining wall, a vehicular carousel to provide access to a proposed new single family dwelling at 1410 Stanyan Street (Block No. 2706, Lot No. 035), landscaping, stairs leading to a public sitting area, and other related improvements within an existing unimproved portion of Stanyan Street between Clarendon and Mountain Spring Avenues, conditioning the permit, affirming the Planning Department's determination under the California Environmental Quality Act, and making findings of consistency with the General Plan, and the priority policies of Planning Code, Section 101.1.**

If you have any additional comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c: Monique Zmuda, Office of the Controller  
Juliet Ellis, Public Utilities Commission  
William Strawn, Department of Building Inspection  
Carolyn Jayin, Department of Building Inspection  
Sonya Harris, Department of Building Inspection

BOARD of SUPERVISORS



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

March 20, 2014

File No. 140148

Sarah Jones  
Environmental Review Officer  
Planning Department  
1650 Mission Street, 4<sup>th</sup> Floor  
San Francisco, CA 94103

Dear Ms. Jones:

On March 4, 2014, the Department of Public Works introduced the following legislation:

**File No. 140148**

**Resolution granting revocable permission to Kieran J. Woods to occupy a portion of the public right-of-way to construct and maintain various improvements, including a driveway, associated retaining wall, a vehicular carousel to provide access to a proposed new single family dwelling at 1410 Stanyan Street (Block No. 2706, Lot No. 035), landscaping, stairs leading to a public sitting area, and other related improvements within an existing unimproved portion of Stanyan Street between Clarendon and Mountain Spring Avenues, conditioning the permit, affirming the Planning Department's determination under the California Environmental Quality Act, and making findings of consistency with the General Plan, and the priority policies of Planning Code, Section 101.1.**

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script, appearing to read "A. Ausberry".

By: Andrea Ausberry, Committee Clerk  
Land Use & Economic Development Committee

Attachment

c: Nannie Turrell, Environmental Planning  
Jeanie Poling, Environmental Planning



1410 Stanyan Street

To the Land Use Committee of the Board of Supervisors:

This project has a long and storied history. I was hired to design this house in 2003. The next-door neighbors, Dr. and Mrs. Matula, opposed it from the start and enlisted many of their neighbors in an effort to keep it from being built. Nonetheless, the house itself was approved on its merits by every department, committee, agency or commission which reviewed it. The design of the house was approved by the Planning Department and upheld at the Planning Commission DR hearing by a 5-2 vote. The original design of the house, approved by the Planning Department and Planning Commission, included a driveway from Clarendon and parking for two cars.

Construction of the house began in 2010 and was completed in 2012. (Figure 1, how the completed project looks.) Today we are asking that you recommend approval of our major encroachment permit application to provide vehicular access to the project site for parking.

Before beginning work on this project in 2003, we consulted DPW and were told that encroachments across unimproved streets for access to provide on-site parking had routinely been approved by DPW in the past and there was no reason we should not be granted similar access. We were shown similar encroachments on Poppy Lane, Alpha Street and 22nd Street. The 22nd Street encroachment is most similar to ours. (Figures 2 and 3, the 22nd Street project.)

In 2006, the design of the driveway and the encroachment were separately reviewed by the Planning Department for General Plan conformity and after holding a neighborhood meeting and making some revisions to our design including narrowing of the driveway and adding landscaping, recommended it for approval. DPW and the ISCOTT committee reviewed our driveway design, and after a public hearing recommended approval. Final approval would have been by the Board of Supervisors, starting with this committee. Unfortunately at the Land Use Committee hearing in 2006, only two committee members heard the case and they chose to table the matter. It never got out of committee and was never denied or approved.

Prior to building the new house, my client, Kieran Woods, negotiated with the Matulas, even though construction of the house itself without vehicular access could go ahead without their approval. We made a number of changes to the design of the house, enlarging and adjusting setbacks we had already built into the design as good neighbor gestures. One written agreement was executed, and another seemed very close to being executed.

Once the house was completed, it became obvious that lack of vehicular access was a major liability. In addition, moving garbage, recycling and compost bins up 56 steps to Mountain Spring Avenue would be at best a burden. With construction of the house finished, we decided to give the driveway another try. We began outreach to the neighbors hoping to win their support. In 2013 we held three meetings with the neighbors to see if we could work out an agreement. The proposal you have before you today is the result of those meetings.

Short of abandoning the driveway altogether, it became obvious that there were two changes most of the neighbors agree on. They wanted the driveway to be reduced to the smallest size possible and they wanted more landscaping.

By narrowing and simplifying the driveway, eliminating the pedestrian steps and replacing the hammerhead turnaround that was part of the original proposal with a turntable, we were able to reduce the paving area of our proposal by almost half. (Figures 4, 5 and 6, original proposal, second proposal and the current proposal.) The current proposal takes up only 13% of the unimproved Stanyan Street right-of-way. We have also reduced the maximum height of the retaining walls, landscaped the walls and the area around the proposed driveway and created a little pocket park. (Figure 7, the way this area looked in 2004 before we began construction. Figures 8 and 9, the way it will look if our proposal is approved.)

I admit that there is very organized opposition to our project. The fact that our project is unpopular does not necessarily make it wrong. It is my belief that the majority of the neighbors who have signed on in opposition to construction of this driveway are doing so to be supportive of Dr. and Mrs. Matula who were very disturbed by construction of a house next to theirs. This type of loyalty is laudable. However, I have spoken to neighbors who actually support our project but remain silent out of fear of being ostracized.

Rather than dwell on why our project has met with this opposition, let me dispel some of the myths about our project.

Such encroachments are common. This encroachment is not permanent, it is revocable by the Board, and it will come at a substantial cost to the property owner who will pay a large assessment to the city annually and will be responsible for maintaining the driveway and the landscaping.

A park was never approved for this site. Nevertheless, we have incorporated their ideas and wishes into our proposal, and it will be the responsibility of the property owner to maintain it instead of the city.

Regarding street parking, the proposed curb cut will be only 10 feet wide, which is less than the length of one car. Our proposal will provide two enclosed parking



spaces and of course more cars could park in the driveway, thus lessening the number of cars competing for street space.

In summary, let me say that we have attempted from the start to work with the neighbors although in many cases the neighbors were unwilling to work with us. Nonetheless, we created a home design which incorporated the good-neighbor gestures recommended in the Planning Department's residential design guidelines. Once we decided to try again to get the driveway approved, we spent months reaching out to the neighbors and refining the design. Please back up the Planning Department, the Planning Commission and DPW and allow my client proper access to his property.

Thank you for your consideration.

Sincerely,

Mark Brand, AIA

FIG. 1

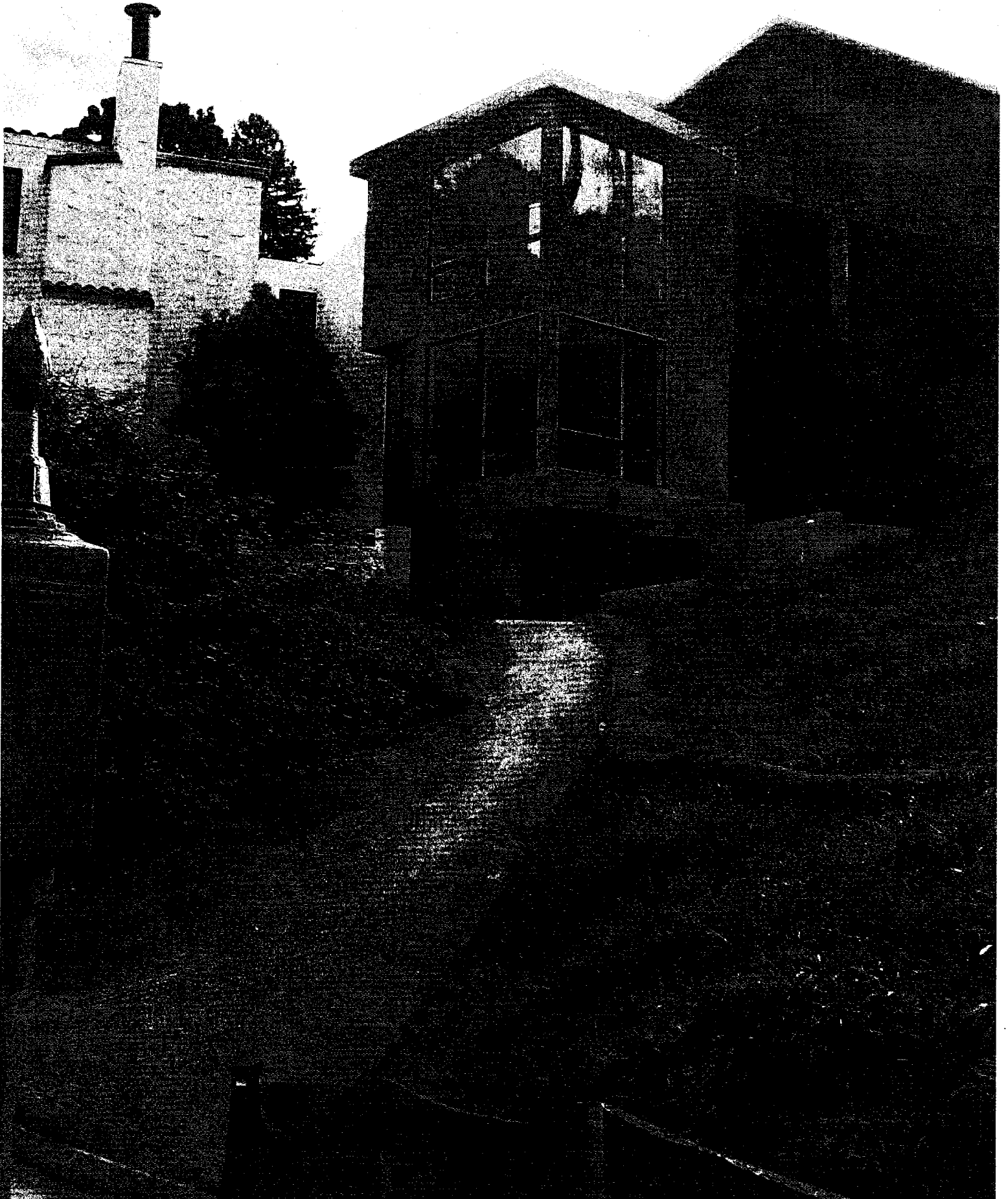
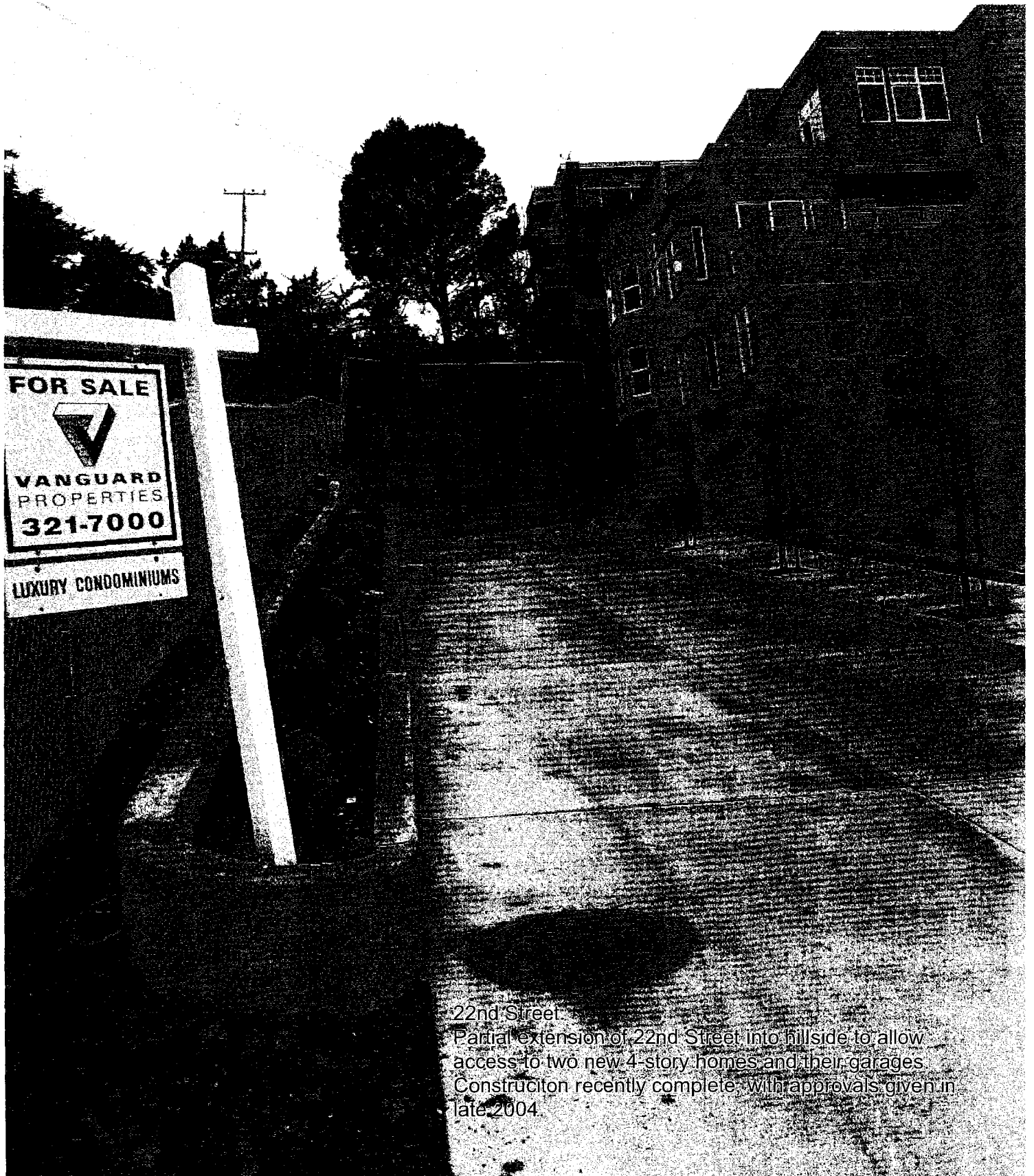
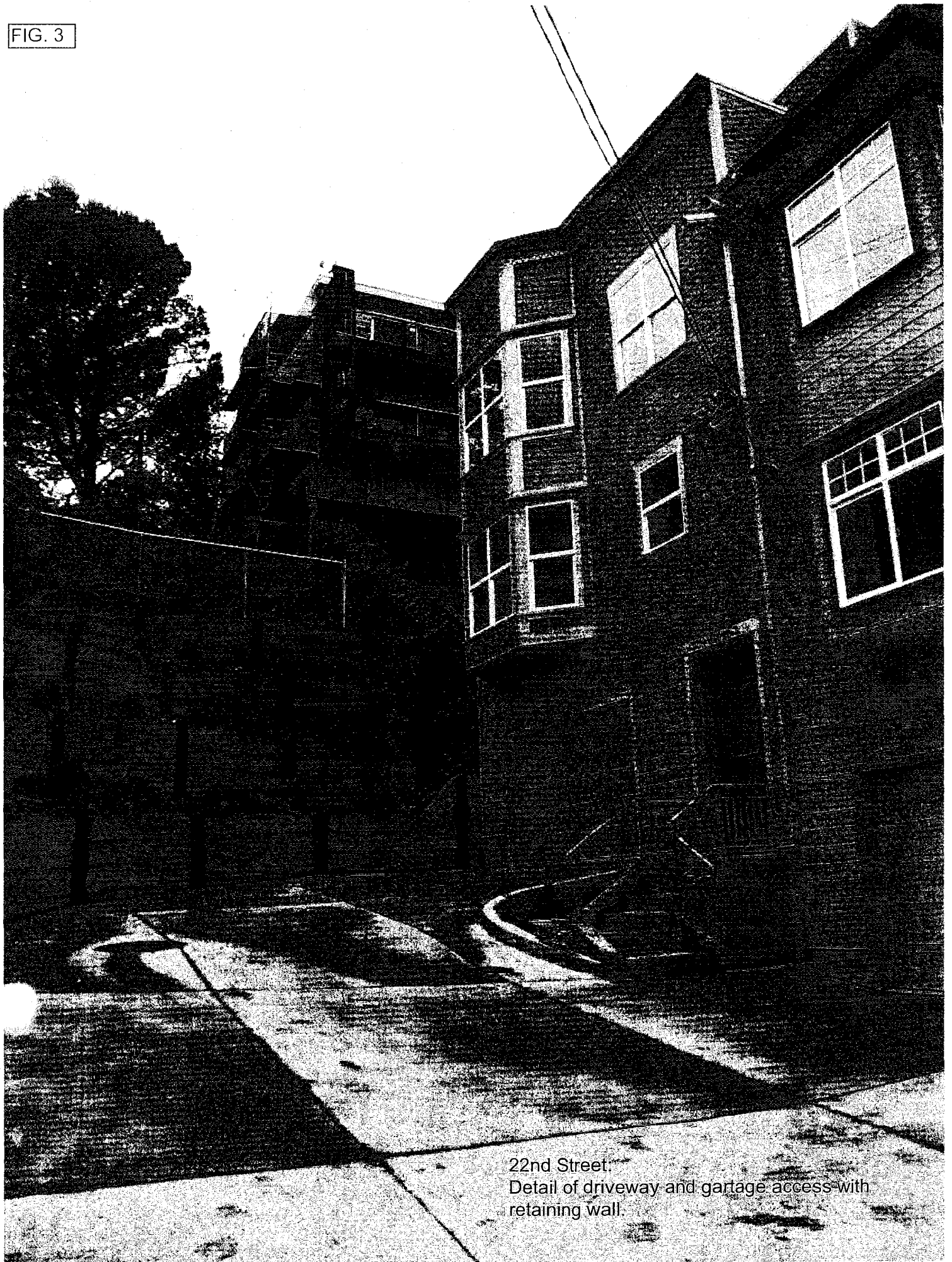


FIG. 2



22nd Street  
Partial extension of 22nd Street into hillside to allow  
access to two new 4-story homes and their garages.  
Construction recently complete with approvals given in  
late 2004.

FIG. 3



22nd Street:  
Detail of driveway and gartage access with  
retaining wall.

FIG. 4

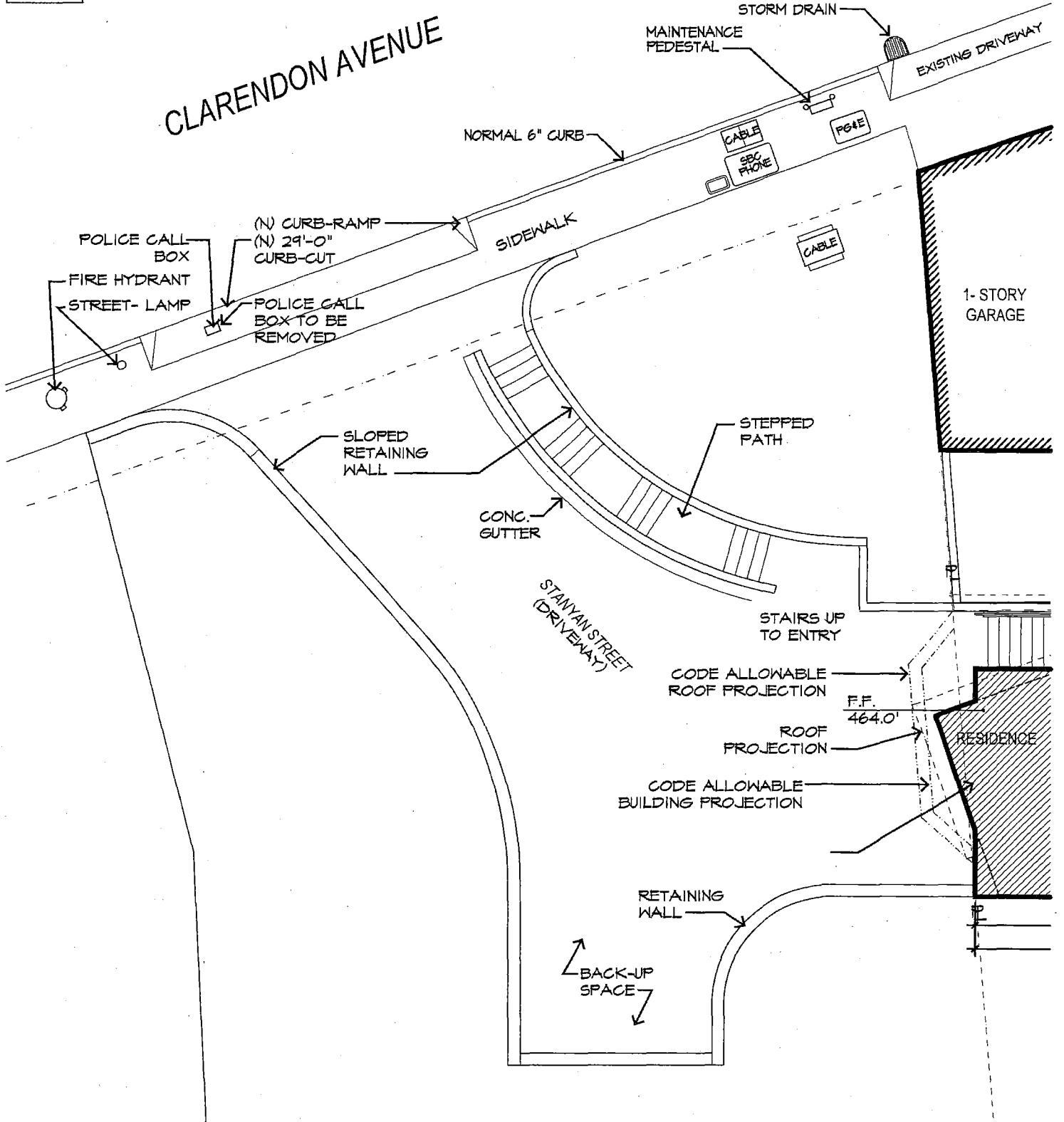


FIG. 5

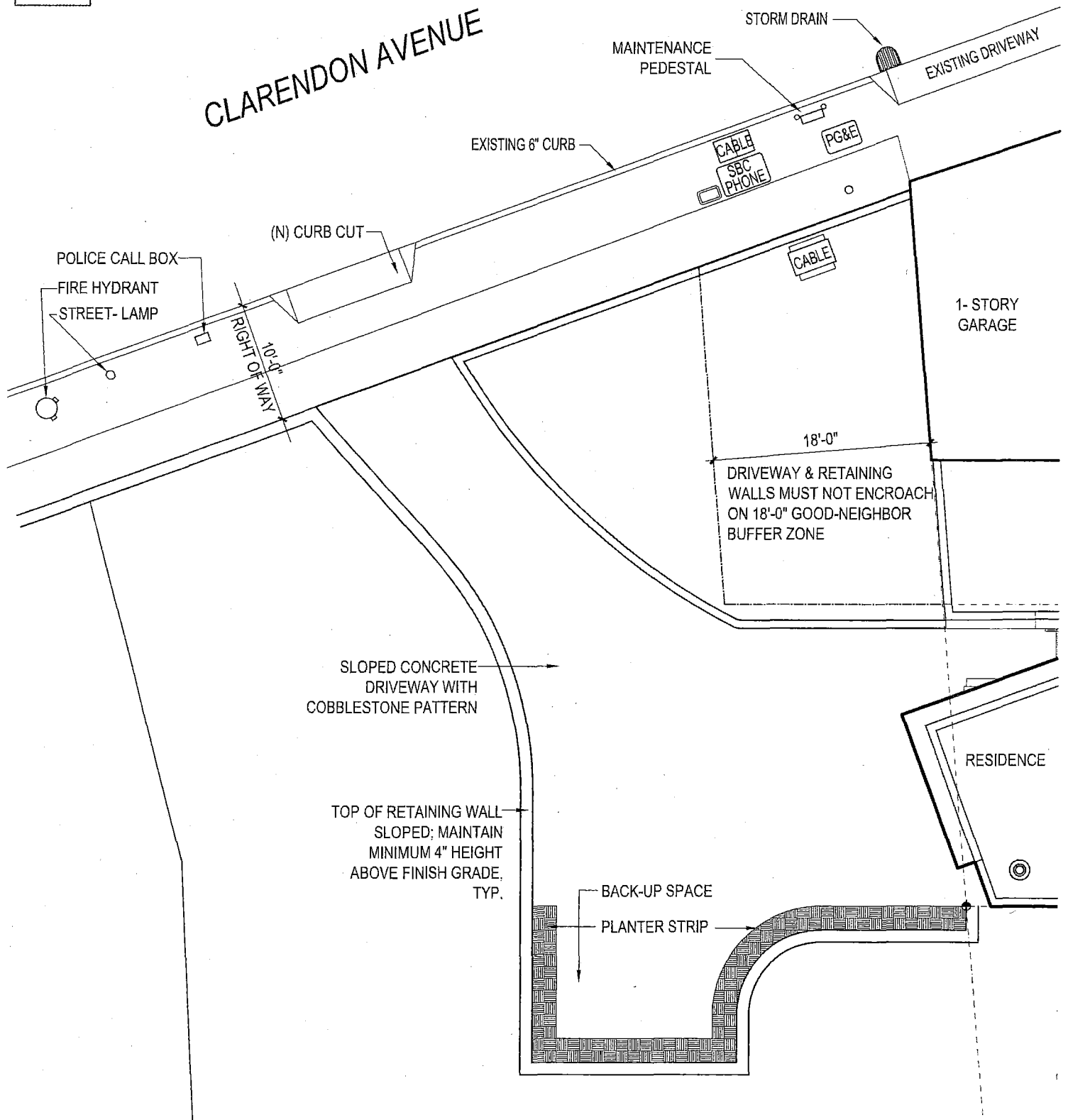
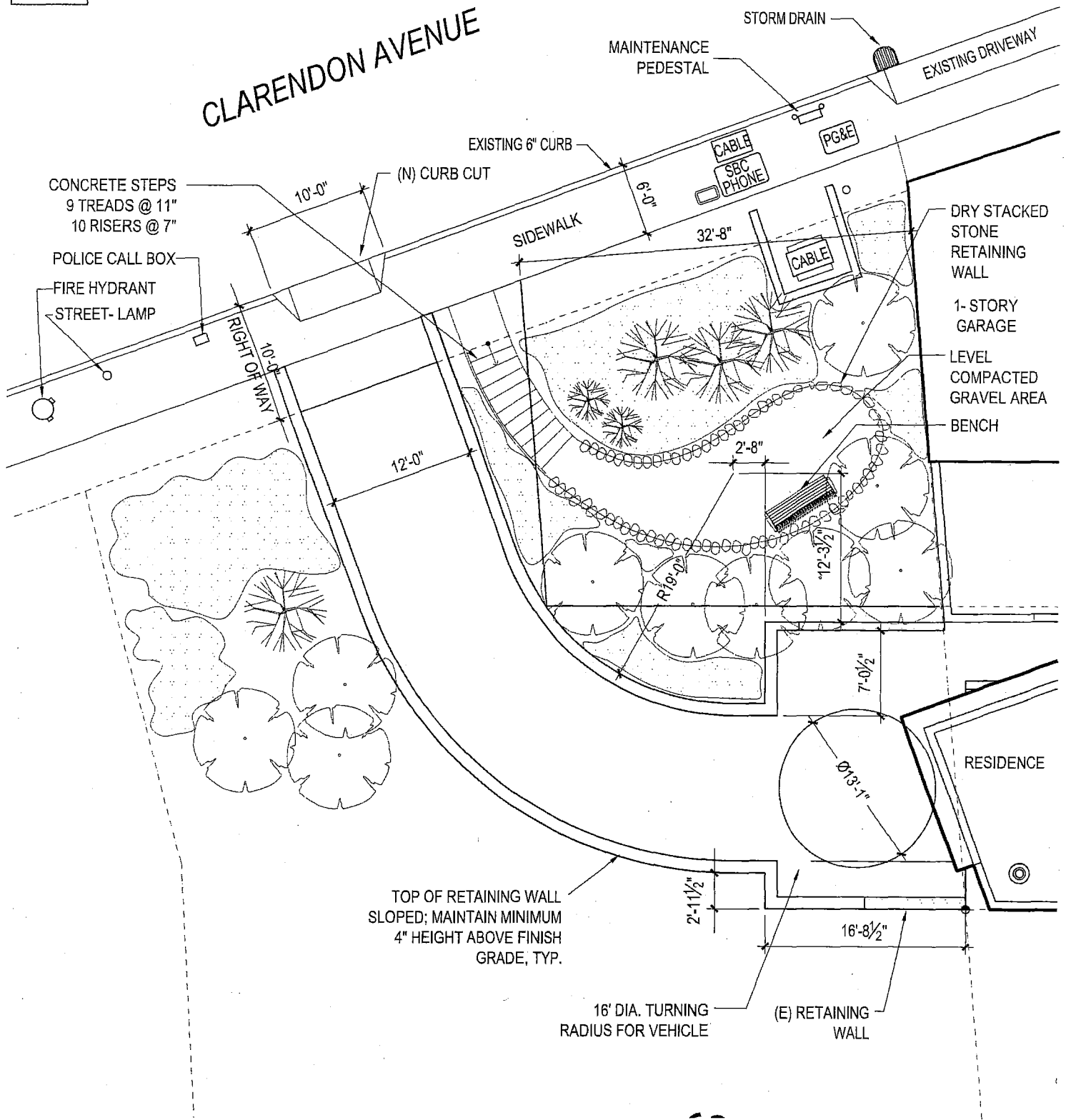


FIG. 6



**Imark  
brand  
architecture**  
681 Harrison Street  
San Francisco, CA 94107

**1410 Stanyan St.  
RESIDENCE  
1410 STANYAN ST.  
SAN FRANCISCO, CA**

ISSUE DATE:	03/31/14
DRAWN BY:	MH
JOB NO:	03-RE-03
SHEET NO:	



FIG. 7



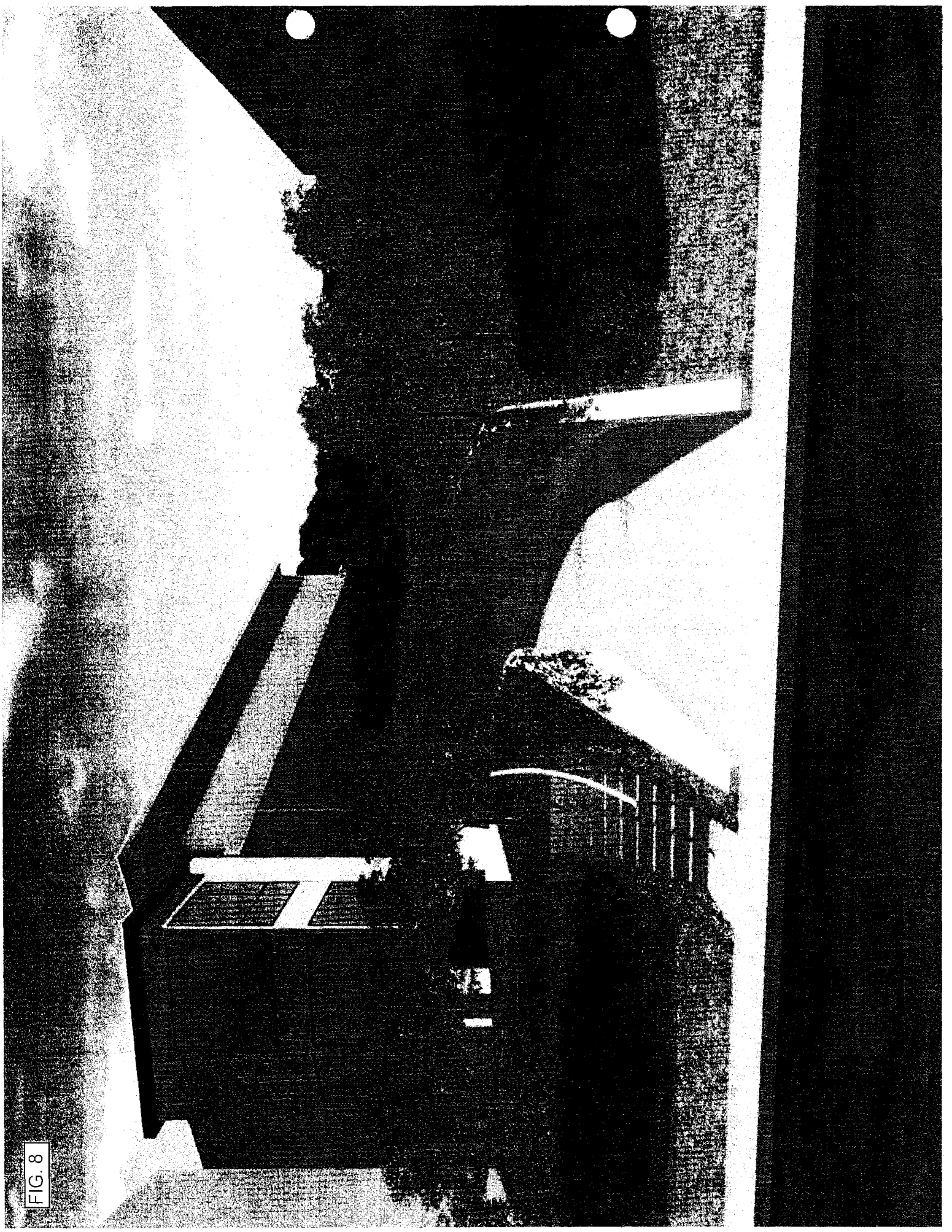


FIG. 8

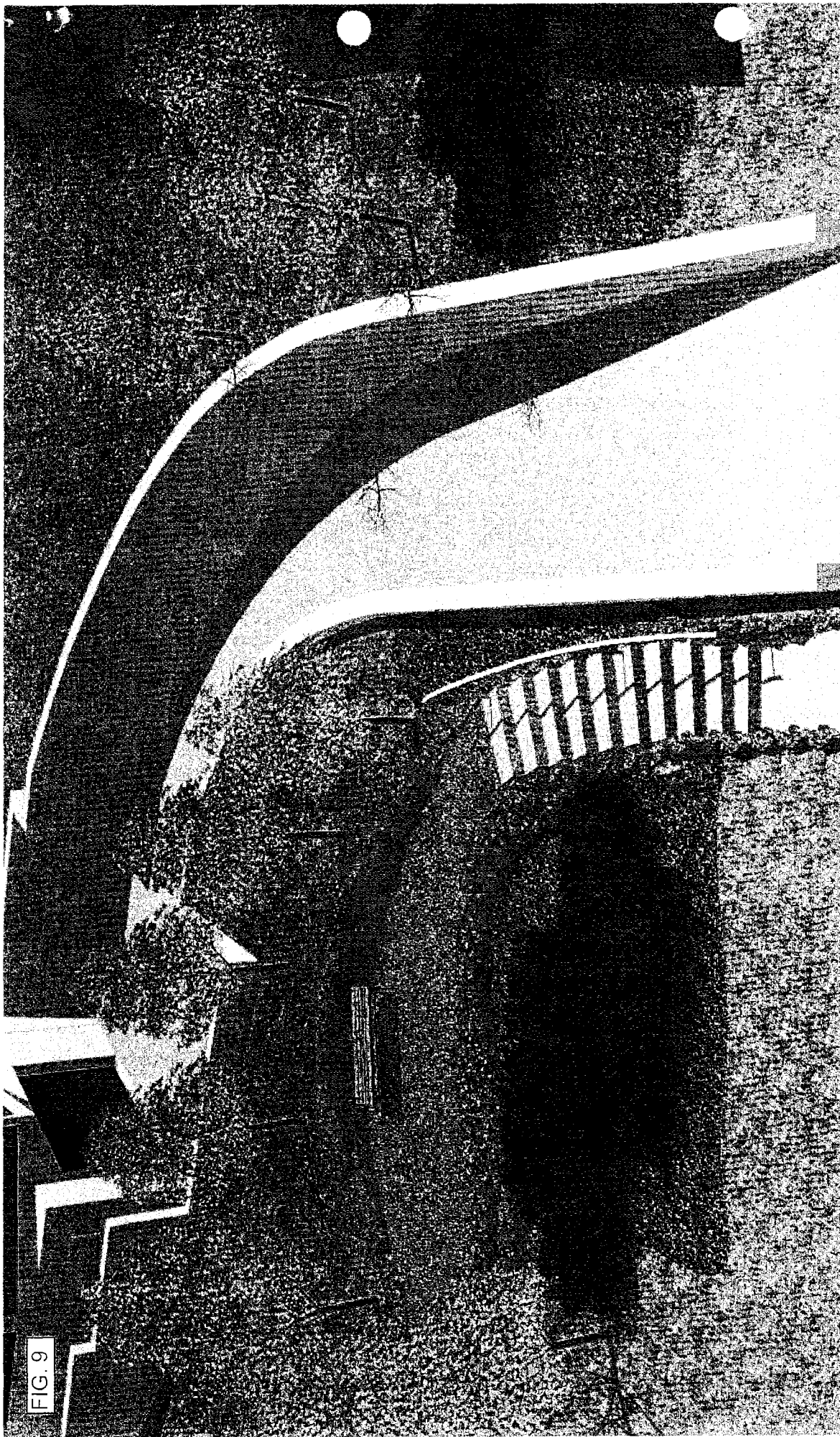


FIG. 9

From: "Elsner, Nick" <Nick.Elsner@sfdpw.org> 1  
Subject: RE: 1410 Stanyan  
Date: December 16, 2013 3:43:21 PM PST  
To: "rmorgese@comcast.net" <rmorgese@comcast.net>  
Cc: "Kwong, John" <John.Kwong@sfdpw.org>, "Fong, Lynn" <Lynn.Fong@sfdpw.org>, "Sanguinetti, Jerry" <Jerry.Sanguinetti@sfdpw.org>  
Reply-To: "Elsner, Nick" <Nick.Elsner@sfdpw.org>

Dear Mr. Morgese:

Please note that we process and issue several hundred encroachment permits each year; and there have been multiple property owners and developers that have used unimproved public rights-of-way for providing access to their properties. I don't recall that a list was ever created and/or submitted to Supervisors McGoldrick and Sandoval; however as a result of these multiple encroachments, the Board approved an annual assessment fee for all new encroachments approved by either DPW or the Board.

Please let me know if you have any further questions.

Regards,

Nick Elsner

Sent from my Verizon Wireless 4G LTE Smartphone

----- Original message -----

From: rmorgese@comcast.net  
Date: 12/16/2013 3:25 PM (GMT-08:00)  
To: "Elsner, Nick" <Nick.Elsner@sfdpw.org>  
Subject: 1410 Stanyan

Dear Nick Elsner,

At the BOS Land Use hearing of 4/12/06 Supervisors Sandoval and McGoldrick asked you to provide the Board a list of any other properties in the city where public land was given for private development. Please provide us a copy of that report.

Thank you on behalf of the Clarendon Heights Neighborhood Coalition,

Richard Morgese