

File No. 101185

Committee Item No. _____
Board Item No. 30

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Board of Supervisors Meeting

Date October 5, 2010

Cmte Board

- | | | |
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| <input type="checkbox"/> | <input type="checkbox"/> | Motion |
| <input type="checkbox"/> | <input type="checkbox"/> | Resolution |
| <input type="checkbox"/> | <input type="checkbox"/> | Ordinance |
| <input type="checkbox"/> | <input type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Youth Commission Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Introduction Form (for hearings) |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/> | MOU |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Information Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Budget |
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| <input type="checkbox"/> | <input type="checkbox"/> | Contract/Agreement |
| <input type="checkbox"/> | <input type="checkbox"/> | Award Letter |
| <input type="checkbox"/> | <input type="checkbox"/> | Application |
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OTHER

(Use back side if additional space is needed)

- | | | |
|--------------------------|-------------------------------------|----------------|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Exhibit A – M* |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |

Completed by: Andrea Ausberry Date: 9/30/10

Completed by: _____ Date: _____

An asterisked item represents the cover sheet to a document that exceeds 25 pages.
The complete document is in the file.

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RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2010 SEP 17 PM 2:48

BY 

September 12, 2010

San Francisco Board of Supervisors

Hello,

As provided by subdivision code section 1314, we wish to appeal the County Surveyor's decision to approve the proposed subdivision at Block 3027A, Lots 116 and 117. This subdivision is related to San Francisco Planning Commission case number 2008.0871D.

The area around Los Pamos and Foerster (the location of this proposed subdivision) is one of the more densely populated sections of Miraloma Park. These proposed small lot sizes allow for substandard setbacks than what is common in this area. The prevailing lot sizes in this neighborhood are much larger than the proposed subdivision. There are no other areas in Miraloma Park where three adjacent substandard sized lots are found.

This proposed project will be replacing a world class specimen garden with three concrete lots with no foliage. This is counter to San Francisco's promotion of "green space". One of the selling points of Miraloma Park neighborhood is the green space which this project aims to diminish.

There is an underground spring that runs through this property. This spring is active all year and has undermined the stability of yards and fences down stream in the homes on the 700 block of Foerster. We have not seen proper engineering and hydrology reports guaranteeing the safety of these properties.

The exemption to the zoning laws that are being used to allow this substandard sized subdivision would not even be applicable in this case if it wasn't for the unauthorized removal of an existing ground floor bedroom at 795 Foerster.

While we are aware of the city's goal of reducing automobile traffic and congestion, because of the steep grades in Miraloma Park use of private transportation is more of a necessity. This project will result in the loss of most of the existing parking spaces in this area and this will be a great hardship for the elderly and disabled members of our families.

This proposed development project will result in great degradation of the property values across the street on Los Pamos. Real estate expert estimate approximate losses of several hundred thousand dollars for the properties directly across from this project. The owner of property at 250 Los Pamos has been unable to sell his house since plans for this project were posted at the project site.

The developer has estimated two years of construction work for this project. This is a great hardship for the residents in the immediate vicinity. This includes noise and dust pollution and the loss of access to residents' garages.

Most of these issues can be alleviated if the project was reduced from three new lots to two. It would allow for more green space and reduce the impact of heavy construction activity.

We feel this project is too large for this space. Not only are they trying to build three houses in the space normally allocated to two homes, the proposed houses are very large. The result is three giant boxes with no yard space, and very much out of character for this neighborhood. Initially, this property was zoned as two lots when the neighborhood was subdivided. It was later merged into one single lot until 2006 when it was subdivided in to two lots.

Sincerely,



Sina Tarassoly
246 Los Palms Dr.
San Francisco, CA 94127

415-239-0883 - home

415-215-9027 - cell



Department of Public Works
Bureau of Street-Use and Mapping
875 Stevenson Street, Room 410
San Francisco, CA 94103-0942

Gavin Newsom, Mayor
Edward D. Reiskin, Director
Fuad S. Sweiss, City Engineer & Deputy Director for Engineering

Barbara L. Moy, Bureau Manager
Bruce Storrs, City and County Surveyor

Date: September 7, 2010

Approval of Tentative/Parcel Map for		
Address	Block	Lot
0 LOS PALMOS (VACANT) DR	3027A	116
795 FOERSTER ST	3027A	117

Dear Sir/Madam:

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

The 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 Code and applicable regulations for the Tentative/Parcel Map for the creation of:

Lot Subdivision (4 lot(s))

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

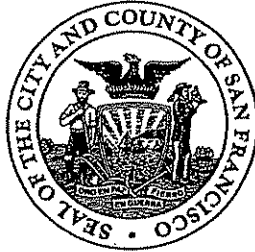
Any such appeal must be filed in writing with the Clerk of the Board within ten (10) days of the date of this letter along with a check in the amount of \$280 made out to the Department of Public Works.

If you have any questions on this matter, please contact Bruce R. Storrs, County Surveyor, of this Department at 554-5827.

Sincerely,


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

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. 544-5227

September 20, 2010

Edward Reiskin, Director
Department of Public Works
City Hall, Room 348
San Francisco, CA 94102

RECEIVED
10 SEP 20 PM 4:48
DEPT. PUBLIC WORKS
DIRECTOR'S OFFICE
Raul RP

File Number 101185.

Appeal of Tentative/Parcel Map for 0 Los Palmos (Vacant) Drive, Lot No. 116 in Assessor's Block No. 3027A, and 795 Foerster Street, Lot No. 117 in Assessor's Block No. 3027A
4 Lots Subdivision Project

Dear Director Reiskin:

This office is in receipt of an appeal filed by Sina Tarassoly, from the decision of the Department of Public Works dated September 7, 2010, affirming the approval of a Tentative/Parcel Map for 4 lots subdivision project located at 0 Los Palmos (vacant) Drive and 795 Foerster 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, October 5, 2010, at 4:00 p.m.

Pursuant to Subdivision Code Section 1315, enclosed is a filing fee of \$280.00 paid by the appellant for deposit to your Subdivision Fund.

Sincerely,

Angela Calvillo
Clerk of the Board

- c:
- Barbara L. Moy, 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
- Appellant, Sina Tarassoly, 246 Los Palmos Drive, San Francisco, CA 94127
- Property Owner, Xiang Si Lei, 616 Rolph Street, San Francisco, CA 94112
- Project Contact, Frederick T. Seher & Associates, Inc., 841 Lombard Street, San Francisco, CA 94133
- Scott Sanchez, Acting Zoning Administrator, Planning Department
- AnMarie Rodgers, Planning Department
- Tara Sullivan, Planning Department
- Cheryl Adams, Deputy City Attorney
- John Malamut, Deputy City Attorney

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, October 5, 2010

Time: 4:00 p.m.

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

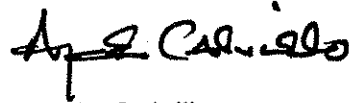
Subject: File No. 101185. Hearing of persons interested in or objecting to the decision of the Department of Public Works dated September 7, 2010, approving a Tentative Parcel Map for a 4 lot subdivision located at 0 Los Palmos (vacant) Drive, Lot No. 116, in Assessor's Block No. 3027A, and 795 Foerster Street, Lot No. 117, in Assessor's Block No. 3027A. (District 7) (Appellant: Sina Tarassoly)

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 a part of the official public records in these matters, and shall be brought to the attention of the Board of Supervisors. Written comments should be addressed to

mailed - 9/24/10

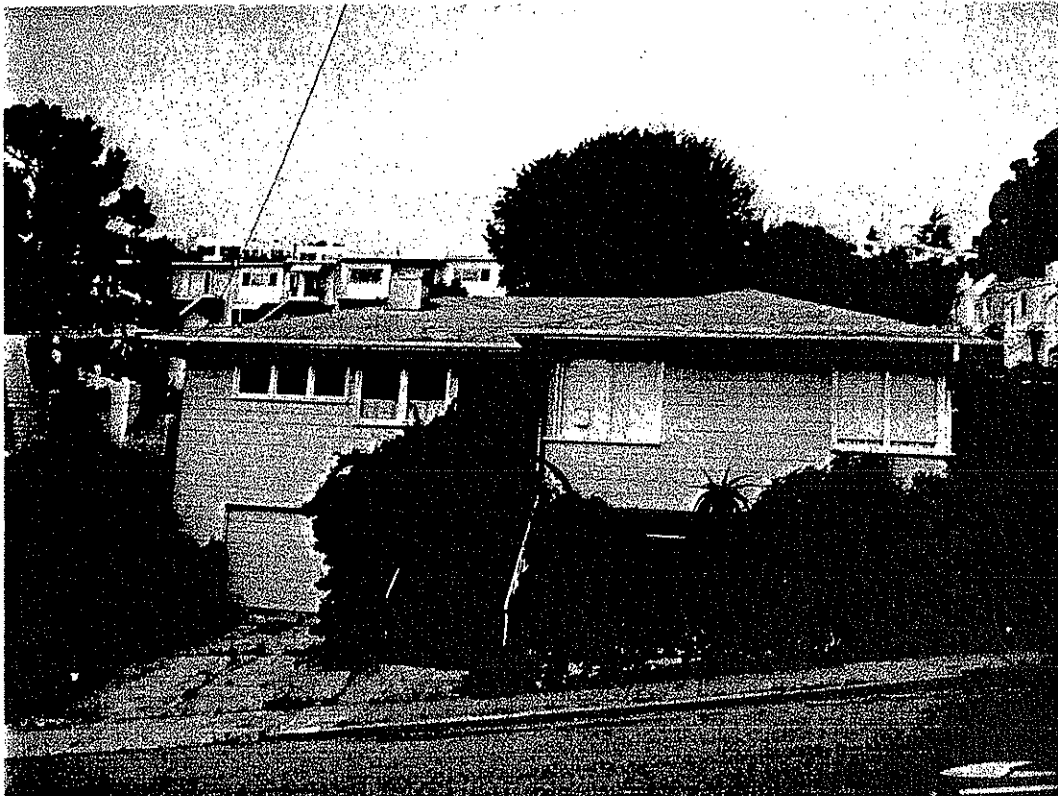
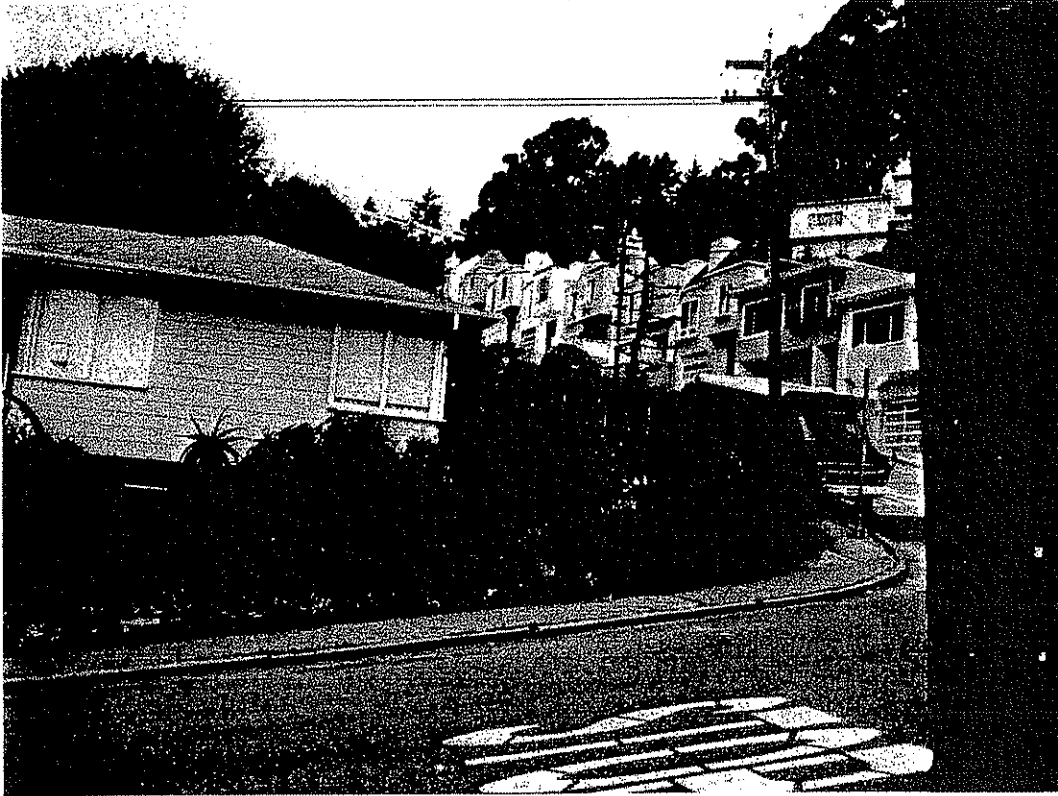
Angela Calvillo, Clerk of the Board, Room 244, City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102. Information relating to this matter is available in the Office of the Clerk of the Board and agenda information will be available for public review on Thursday, September 30, 2010.



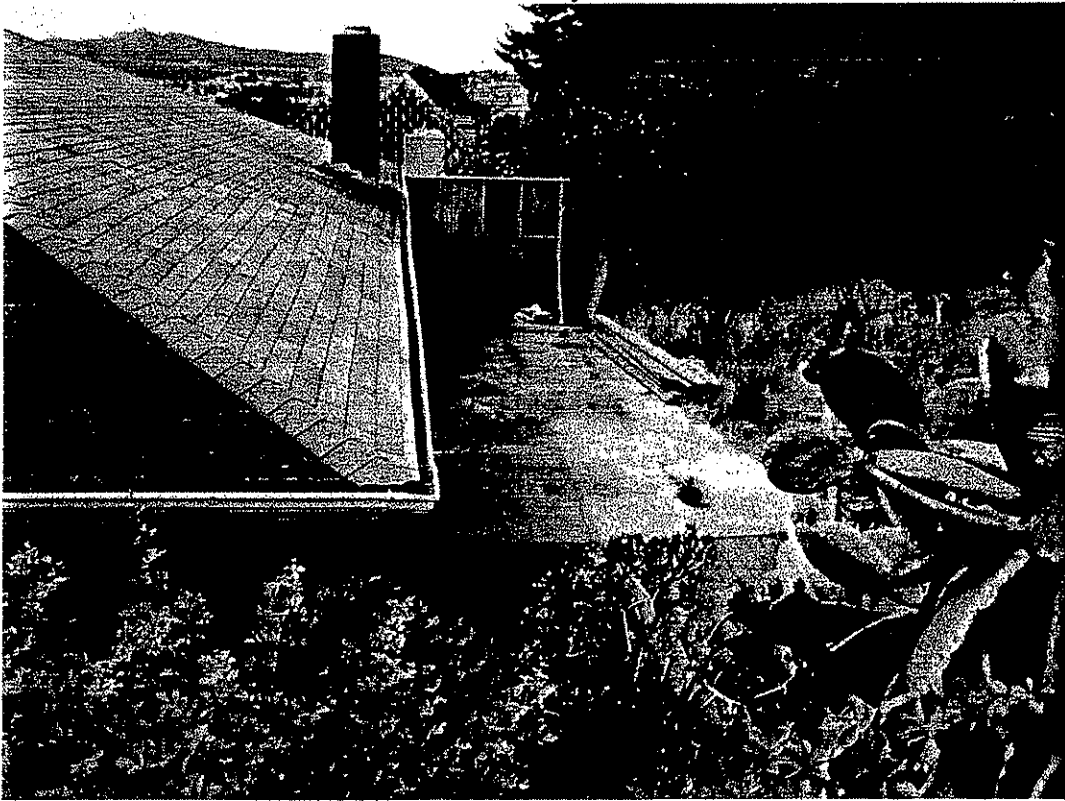
Angela Calvillo
Clerk of the Board

DATED: September 24, 2010

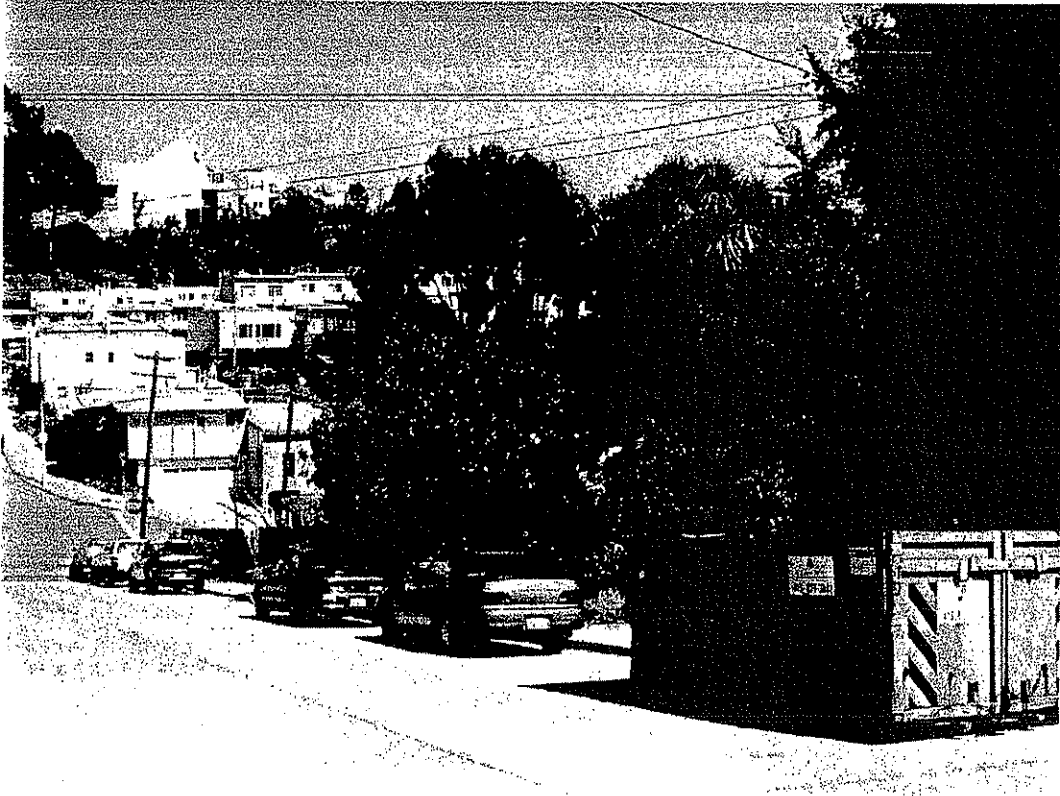
BLOCK 3027A; LOT 117



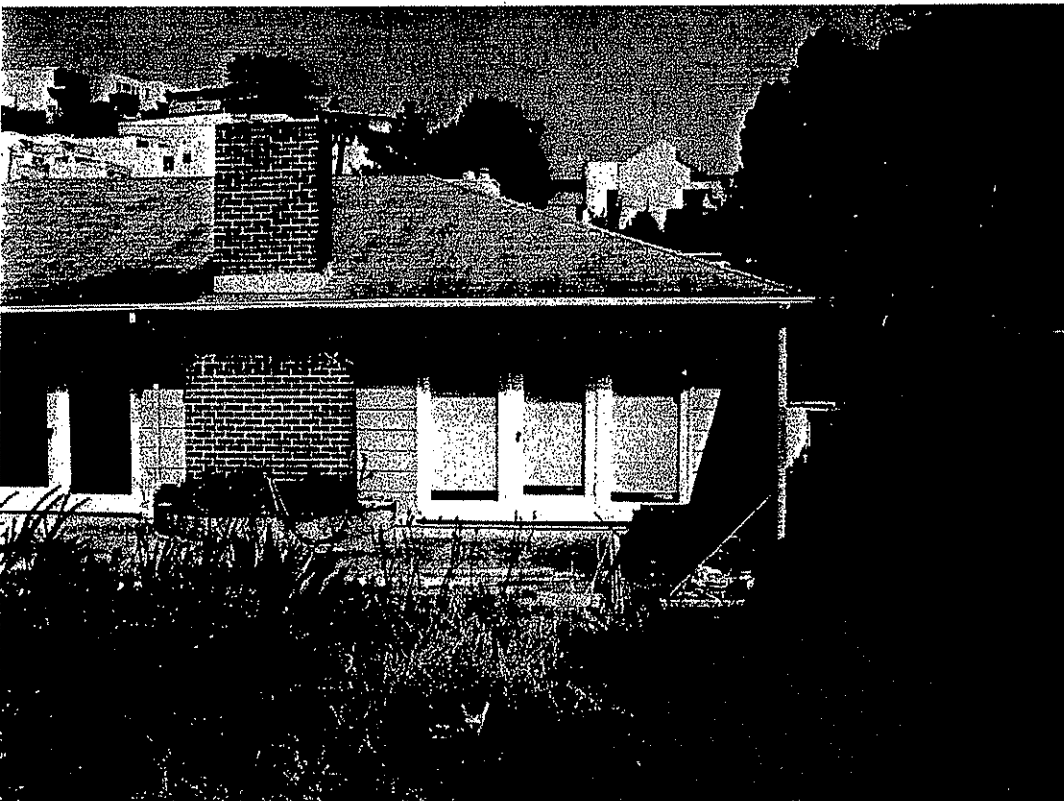
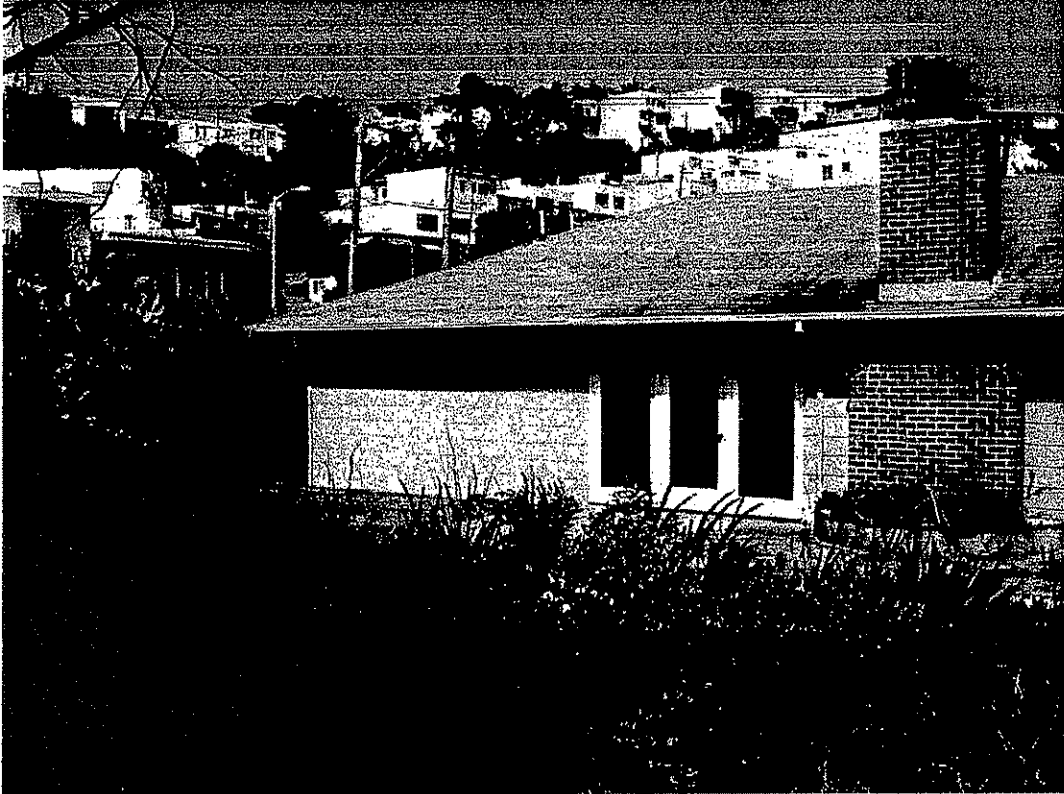
BLOCK 3027A; LOT 117



BLOCK 3027A; LOT 117



BLOCK 3027A; LOT 117



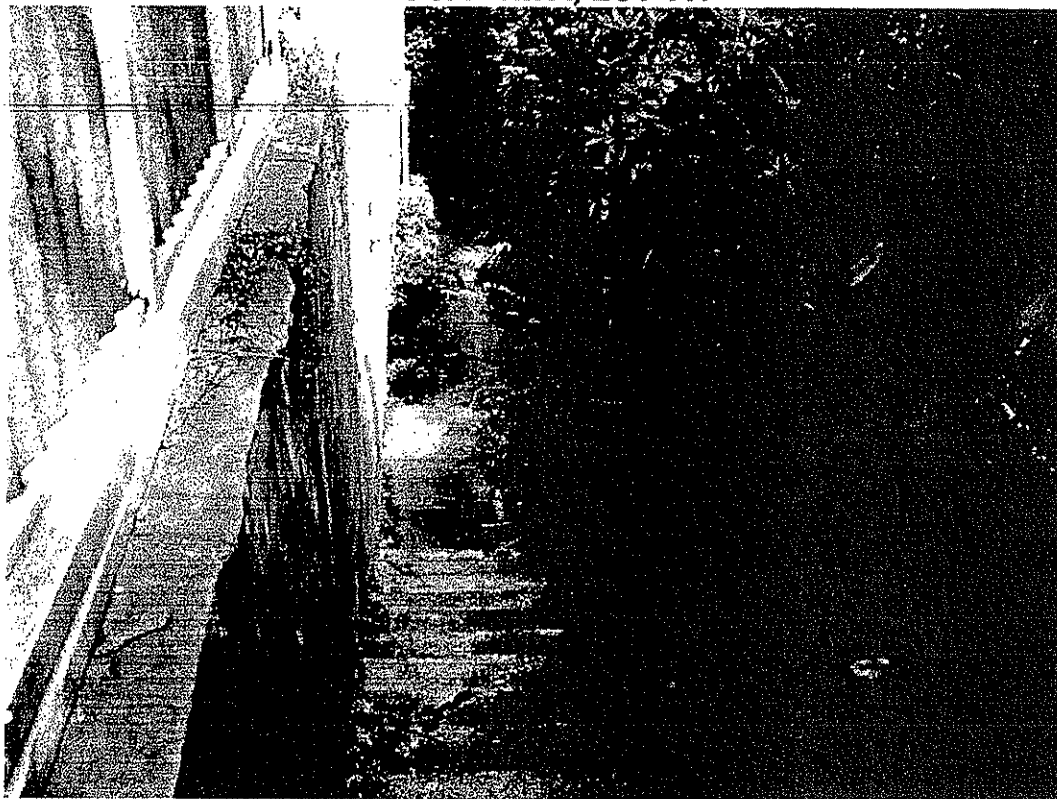
BLOCK 3027A; LOT 117



BLOCK 3027A; LOT 117



BLOCK 3027A; LOT 117



Parcel name: PARCEL A

~~North: 6752.1502 East: 9275.5874~~
Line Course: N 89-28-48 E Length: 26.13
North: 6752.3873 East: 9301.7163
Line Course: N 00-31-12 W Length: 70.73
North: 6823.1144 East: 9301.0744
Line Course: S 85-24-56 W Length: 28.59
North: 6820.8292 East: 9272.5758
Line Course: S 02-30-53 E Length: 68.75
North: 6752.1455 East: 9275.5923

Perimeter: 194.20 Area: 1,906 sq. ft. 0.04 acres

Mapcheck Closure - (Uses listed courses, radii, and deltas)

Error Closure: 0.0068 Course: S 46-28-30 E
Error North: -0.00471 East: 0.00496
Precision 1: 28,558.82

Parcel name: PARCEL B

North: 6825.1200 East: 9326.0572
Line Course: S 85-24-56 W Length: 25.06
North: 6823.1170 East: 9301.0774
Line Course: S 00-31-12 E Length: 70.73
North: 6752.3899 East: 9301.7193
Line Course: N 89-28-48 E Length: 25.00
North: 6752.6168 East: 9326.7183
Line Course: N 00-31-12 W Length: 72.51
North: 6825.1238 East: 9326.0602

Perimeter: 193.30 Area: 1,791 sq. ft. 0.04 acres

Mapcheck Closure - (Uses listed courses, radii, and deltas)

Error Closure: 0.0048 Course: N 38-07-24 E

Error North: 0.00381 East: 0.00299

Precision 1: 40,270.83

Parcel name: PARCEL C

~~North: 6827.1232 East: 9351.0400~~
Line Course: S 85-24-56 W Length: 25.06
North: 6825.1202 East: 9326.0602
Line Course: S 00-31-12 E Length: 72.51
North: 6752.6132 East: 9326.7183
Line Course: N 89-28-48 E Length: 25.00
North: 6752.8401 East: 9351.7173
Line Course: N 00-31-12 W Length: 74.29
North: 6827.1270 East: 9351.0430

Perimeter: 196.86 Area: 1,835 sq. ft. 0.04 acres

Mapcheck Closure - (Uses listed courses, radii, and deltas)

Error Closure: 0.0048 Course: N 38-07-24 E
Error North: 0.00381 East: 0.00299
Precision 1: 41,012.50

Parcel name: PARCEL D

North: 6831.0977 East: 9400.6060
Line Course: S 85-24-56 W Length: 49.73
North: 6827.1228 East: 9351.0351
Line Course: S 00-31-12 E Length: 74.29
North: 6752.8359 East: 9351.7093
Line Course: N 89-28-48 E Length: 49.60
North: 6753.2860 East: 9401.3073
Line Course: N 00-31-12 W Length: 77.81
North: 6831.0928 East: 9400.6011

Perimeter: 251.42 Area: 3,772 sq. ft. 0.09 acres

Mapcheck Closure - (Uses listed courses, radii, and deltas)

Error Closure: 0.0069 Course: S 45-18-50 W

Error North: -0.00483 East: -0.00488

Precision 1: 36,439.13

M. BRETT GLADSTONE

GLADSTONE & ASSOCIATES
ATTORNEYS AT LAW
PENTHOUSE, 177 POST STREET
SAN FRANCISCO, CALIFORNIA 94108

TELEPHONE (415) 434-9500
FACSIMILE (415) 394-5188
admin@gladstoneassociates.com

September 28, 2010

David Chiu, President
San Francisco Board of Supervisors
City and County of San Francisco
City Hall
1 Dr. Carlton B. Goodlett Pl. Room #244
San Francisco, CA 94102-4689

Re: Appeal of Tentative Parcel Map
Assessor's Block 3027A, Lots 116 and 117; 795 Foerster Street
Miraloma Park

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2010 SEP 28 PM 3:04
BY _____ ALK

Dear President Chiu and Supervisors:

We represent the owner of the referenced properties in this lot split appeal. The owner wishes to subdivide the properties into four new lots. The new lots will each contain a single family home. The subdivision already has been the subject of a request for discretionary review by the Planning Commission on August 5, 2010, at which a seven member Planning Commission unanimously denied requests to modify the project.

BACKGROUND.

The properties consist of one lot that is approximately 5,360 square feet containing a single family residence (Lot 117) with an address of 795 Foerster Street and a second lot that is approximately 3,930 square feet and is vacant (Lot 116). The two lots will be merged and then subdivided into four lots with proposed addresses of 795 Foerster Street and 203, 207 and 213 Los Palms Drive. The new lots would have areas of 3,792 square feet, 1,831 square feet, 1,787 square feet, and 1,894 square feet respectively. The existing single family dwelling will remain on a lot of 3792 square feet and a single family dwelling will be constructed on each of the three new lots.

As our attached letter to the Planning Commission indicates, the new homes will be an average of 2,440 square feet excluding garage, and range from 2,320 to 2,517 square feet in size, excluding garages. (See Exhibit B of the Planning Commission letter.) Given the small size and given they will only be 20 feet 5 inches tall per the Planning Code definition of height (even

Board of Supervisors
September 28, 2010
Page Two

though in a 40 foot height district) each of the three new homes will be quite modest. (See Exhibit G of the Planning Commission letter.)

The three new uphill lots will be code-complying in size and will range from 1,787 to 1894 square feet and each will contain a new home. (See Exhibit K of the Planning Commission letter.) The lots are not perfect rectangles (and do not need to be under the law). The shape of the lots follow the non-perpendicular angle where Los Paltos Drive meets Foerster Street.

The Miraloma Park Improvement Club (MPIC) has stated that the project meets all the technical aspects of the Miraloma Park Residential Design Guidelines (MPRDG).¹

One neighbor requested that the Planning Code be amended to delete the rule that states that although minimum lot sizes are sometimes 2,500 square feet, a lot can legally be 1,750 square feet if it lies within a certain number of feet from a street corner. If such a change were to take place in the Code, the City will see a lot fewer new housing units built in the future (since extremely large corner parcels exist through the City).

In fact, the rule that lots within 125 feet of a street corner can be 1,750 square feet (and not 2,500) was created for circumstances (just like this one) where corners have huge lots with extra side or rear yards to spare. This 1,750 square foot allowance is to facilitate new lots created out of oversized side or rear yards in corner parcels. This proposed change in the law has tremendous implications, and this newly proposed change in code (proposed by no one other than those opposing this subdivision) should not be applied to this project on an *ad hoc* basis. The Planning Commission has not supported such a change.

This 1750 square foot lot size is part of the Code, and is not an exception to it.

On August 5, 2010, the Planning Commission unanimously approved the project. Attached please find the Planning Department's staff report to the Planning Commission in support of the project and our letter to the Planning Commission.

TENTATIVE / PARCEL MAP APPROVAL.

- 1. The proposed subdivision meets the requirements of the Subdivision Map Act, San Francisco Subdivision Code, and applicable regulations for the Tentative / Parcel Map**

¹ However, it asked the Commissioners to consider fewer houses, despite the Code allowance of three new homes.

Board of Supervisors
September 28, 2010
Page Three

The Appellant does not raise any issues related to the proposed subdivision's compliance with either the State or City Subdivision Code, or other applicable regulations. The only issues raised relate mostly to property values and loss of curb spaces due to garage entrances. These were addressed when the Planning Commission unanimously denied the request for discretionary review and approved the project.

2. The proposed subdivision conforms to the General Plan.

The Planning Department's Staff Report is attached which supports the proposed subdivision and the project. At the Planning Commission hearing, Commissioners Sugaya and Moore (both appointed by the Board of Supervisors) pointed out that the eastern portion of the City has taken on the burden of providing a lot of new housing; and that these sites provide an opportunity for the City's west side to share that burden.

GENERAL PLAN COMPLIANCE

The proposed subdivision conforms to the General Plan as follows:

HOUSING ELEMENT

POLICY 1.4

Locate in-fill housing on appropriate sites in established residential neighborhoods.

"In established residential neighborhoods, new in-fill housing construction should be located on vacant sites that are not designated for open space; where buildings cannot feasibly be rehabilitated or brought to acceptable levels of seismic safety; and where non-conforming uses have been terminated."

POLICY 1.7

Encourage and support the construction of quality, new family housing.

POLICY 8.9

Encourage the provision of new home ownership opportunities through new construction so that increased owner occupancy does not diminish the supply of rental housing.

"Since the demand for rental housing continues to significantly exceed supply and less than 8% of San Francisco residents can afford the median home cost, the development of new home ownership opportunities should rely primarily on new construction and not the conversion of rental housing to home ownership."

GLADSTONE & ASSOCIATES
ATTORNEYS AT LAW

Board of Supervisors
September 28, 2010
Page Four

POLICY 11.5

Promote the construction of well-designed housing that enhances existing neighborhood character.

Subdivision and Planned Unit Development

- provide a lot layout and pattern that integrates well with the surrounding urban fabric and create a street pattern that ties into the surrounding streets.

Based on the foregoing, we respectfully request that the Board of Supervisors deny the appeal and uphold the approval of the Tentative/Parcel Map.

Very truly yours,

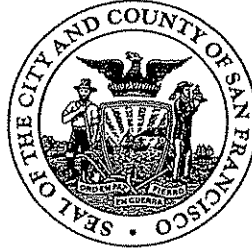


M. Brett Gladstone

Enclosures

cc: Sina Tarassoly
Gabriel Ng, architect
Miraloma Park Improvement Club
Bruce Storrs
Xiang Si Lei
Tara Sullivan
Frederick Seher
Elizabeth Watty

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. 544-5227

September 20, 2010

Edward Reiskin, Director
Department of Public Works
City Hall, Room 348
San Francisco, CA 94102

RECEIVED
10 SEP 20 PM 4:48
DEPT. PUBLIC WORKS
DIRECTOR'S OFFICE
Paul RP

File Number 101185

**Appeal of Tentative/Parcel Map for 0 Los Palmos (Vacant) Drive, Lot No. 116 in Assessor's Block No. 3027A, and 795 Foerster Street, Lot No. 117 in Assessor's Block No. 3027A
4 Lots Subdivision Project**

Dear Director Reiskin:

This office is in receipt of an appeal filed by Sina Tarassoly, from the decision of the Department of Public Works dated September 7, 2010, affirming the approval of a Tentative/Parcel Map for 4 lots subdivision project located at 0 Los Palmos (vacant) Drive and 795 Foerster 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, October 5, 2010, at 4:00 p.m.

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Sincerely,

Angela Calvillo
Clerk of the Board

c:

- Barbara L. Moy, 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
- Appellant, Sina Tarassoly, 246 Los Palmos Drive, San Francisco, CA 94127
- Property Owner, Xiang Si Lei, 616 Rolph Street, San Francisco, CA 94112
- Project Contact, Frederick T. Seher & Associates, Inc., 841 Lombard Street, San Francisco, CA 94133
- Scott Sanchez, Acting Zoning Administrator, Planning Department
- AnMarie Rodgers, Planning Department
- Tara Sullivan, Planning Department
- Cheryl Adams, Deputy City Attorney
- John Malamut, Deputy City Attorney

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BOARD OF SUPERVISORS
SAN FRANCISCO

2010 SEP 17 PM 2:48

BY 

September 12, 2010

San Francisco Board of Supervisors

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The area around Los Palmos and Foerster (the location of this proposed subdivision) is one of the more densely populated sections of Miraloma Park. These proposed small lot sizes allow for substandard setbacks than what is common in this area. The prevailing lot sizes in this neighborhood are much larger than the proposed subdivision. There are no other areas in Miraloma Park where three adjacent substandard sized lots are found.

This proposed project will be replacing a world class specimen garden with three concrete lots with no foliage. This is counter to San Francisco's promotion of "green space". One of the selling points of Miraloma Park neighborhood is the green space which this project aims to diminish.

There is an underground spring that runs through this property. This spring is active all year and has undermined the stability of yards and fences down stream in the homes on the 700 block of Foerster. We have not seen proper engineering and hydrology reports guaranteeing the safety of these properties.

The exemption to the zoning laws that are being used to allow this substandard sized subdivision would not even be applicable in this case if it wasn't for the unauthorized removal of an existing ground floor bedroom at 795 Foerster.

While we are aware of the city's goal of reducing automobile traffic and congestion, because of the steep grades in Miraloma Park use of private transportation is more of a necessity. This project will result in the loss of most of the existing parking spaces in this area and this will be a great hardship for the elderly and disabled members of our families.

This proposed development project will result in great degradation of the property values across the street on Los Palmos. Real estate expert estimate approximate losses of several hundred thousand dollars for the properties directly across from this project. The owner of property at 250 Los Palmos has been unable to sell his house since plans for this project were posted at the project site.

The developer has estimated two years of construction work for this project. This is a great hardship for the residents in the immediate vicinity. This includes noise and dust pollution and the loss of access to residents' garages.

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Sincerely,



Sina Tarassoly
246 Los Palmos Dr.
San Francisco, CA 94127

415-239-0883 - home
415-215-9027 - cell



Department of Public Works
Bureau of Street-Use and Mapping
875 Stevenson Street, Room 410
San Francisco, CA 94103-0942

Gavin Newsom, Mayor
Edward D. Reiskin, Director
Fuad S. Sweiss, City Engineer & Deputy Director for Engineering

Barbara L. Moy, Bureau Manager
Bruce Storrs, City and County Surveyor

Date: September 7, 2010

Approval of Tentative/Parcel Map for		
Address	Block	Lot
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795 FOERSTER ST	3027A	117

Dear Sir/Madam:

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The 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 Code and applicable regulations for the Tentative/Parcel Map for the creation of:

Lot Subdivision (4 lot(s))

Subdivision Code Section 1314 provides that an appeal of the decision of the County Surveyor may be made to the Board of Supervisors located at 1 Dr. Carlton B. Goodlett Place, Room 244 (telephone number 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 \$280 made out to the Department of Public Works.

If you have any questions on this matter, please contact Bruce R. Storrs, County Surveyor, of this Department at 554-5827.

Sincerely,


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



SAN FRANCISCO PLANNING DEPARTMENT

Discretionary Review Full Analysis HEARING DATE AUGUST 5, 2010

Date: July 29, 2010
Case No.: 2008.0871D
Project Address: 203 Los Palmos Drive
Permit Application: 2008.0506.1388
Zoning: RH-1 (Residential House, One-Family)
40-X Height and Bulk District
Block/Lot: 3027A/117
Project Sponsor: Gabriel Ng, AIA
Gabriel Ng & Associates
1360 – 9th Avenue, Suite 210
San Francisco, CA 94122
Staff Contact: Elizabeth Watty – (415) 558-6620
Elizabeth.Watty@sfgov.org
Recommendation: Do not take DR and approve the project as proposed.

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

PROJECT DESCRIPTION

The Project includes the subdivision of lots 116 and 117 into a total of four lots, and the construction of three new single-family dwellings. The three new vacant lots would be Code-compliant with regard to lot size and would each contain a single-family dwelling fronting Los Palmos Drive. The existing single-family dwelling that is located on the corner of lot 117 fronting Foerster Street will not be demolished or altered, and will retain a Code-compliant lot size and rear yard.

Each new single-family dwelling would be Code-compliant, containing approximately 2,500 square-feet of floor area, 2 off-street parking spaces, and would be approximately 20'-6" feet tall. Beginning with the most uphill dwelling, the buildings will step down the hill, in-keeping with the neighborhood pattern, which responds to the laterally-sloping topography.

The Department has worked with the Project Sponsor to refine the design and materials, reduce the garage door width, and reduce the overall building height in order to increase the "stepping" pattern along the block.

The Project before the Planning Commission is a Discretionary Review filed on one of the three new buildings: 203 Los Palmos Drive.

SITE DESCRIPTION AND PRESENT USE

The Subject Property, which includes two lots (lot 116 and 117) is located at the southwest corner of Los Palmos Drive and Foerster Street. It is located on a block bounded by Los Palmos Drive, Foerster Street,

Melrose Avenue and Stanford Heights in the Miraloma Park Neighborhood. Lot 117, which is approximately 5,360 square-feet, contains a two-story single-family dwelling with two off-street parking spaces. Lot 116, which is approximately 3,930 square-feet, is undeveloped with substantial vegetation.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The surrounding properties along Los Palms Drive are all attached single-family dwellings, located in the RH-1 Zoning District, 40-X Height and Bulk District, and Miraloma Park Neighborhood. The properties along Los Palms Drive were constructed in the 1960s, and are one-story-over-garage at the street. The structures were designed to respond to the existing topography, stepping down the block at the street wall, and increasing in height as the buildings approach their rear yards. Most of the buildings contain flat rooflines – some with parapet detailing at the front – with minimal ornamentation and ground floor entrances.

Miraloma Park was built as a “suburb within the City”, with most of the neighborhood constructed during three periods: Pre-War (1920s and 1930s), Transitional (1940-1955), and Recent (1955-Present). The neighborhood surrounding the Subject Property falls within the Recent time period of construction.

BUILDING PERMIT NOTIFICATION

TYPE	REQUIRED PERIOD	NOTIFICATION DATES	DR FILE DATE	DR HEARING DATE	FILING TO HEARING TIME
311 Notice	30 days	July 6, 2009 – August 5, 2009	July 21, 2009	August 5, 2010	379 days*

*The Project Sponsor requested that the DR hearing be placed on hold for while discussions took place with the DR Requestor.

HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Posted Notice	10 days	July 26, 2010	July 26, 2010	10 days
Mailed Notice	10 days	July 26, 2010	July 26, 2010	10 days

PUBLIC COMMENT

	SUPPORT	OPPOSED	NO POSITION
Adjacent neighbor(s)	1	1 (DR Requestor)	7
Other neighbors on the block or directly across the street	0	0	65
Neighborhood groups		Miraloma Park Improvement Club*	

*The Miraloma Park Improvement Club does not support the Project as they find the building to be too large for the lot and too close to the rear wall of 795 Foerster Street (existing corner structure). They have expressed concerns about the Planning Code provision that allows for smaller lot sizes within 125'-0" of an intersection. They would prefer this Project to be built with two dwellings rather than three, in order to increase the amount of green space surrounding each of the new single-family dwellings. They do, however support the design of the new buildings, finding the design consistent with the Miraloma Park Design Guidelines.

In addition to the DR Requestor, the Department has received opposition to the Project from one member of the community (address unknown). The DR Requestor has informed staff that there are numerous other members of the community opposed to this Project, but they have not directly contacted Planning staff. The Department has also received support from a neighbor across the street from the Project (256 Los Palmos Drive).

DR REQUESTOR

Maida Taylor, 785 Foerster Street, San Francisco, CA. Ms. Taylor's property is perpendicular to the Subject Property.

DR REQUESTOR'S CONCERNS AND PROPOSED ALTERNATIVES

Issue #1: The DR Requestor believes that the subdivision size violates the zoning, since the subdivided lots will yield lots of less than 2500 square feet. She feels that success of this application will be setting a precedent for other lots, making the neighborhood ripe for acquisitions, teardowns and subdivisions of other lots, resulting in overcrowding and congestion.

Issue #2: The DR Requestor believes that the Project will result in the destabilization of the hillside. She states that there is considerable concern about the seismic instability of the subject hillside, particularly because there have been two slides since 1942, which resulted in major loss of structures and one death. She points out that there is an underground spring that runs through the site, which has caused flooding, soil instability, foundation and structural damage behind the homes on Foerster. She believes that the Project Sponsor should not be allowed to develop the site until appropriate seismic, hydrology, and civil engineering studies are completed. She also believes that the Project Sponsor should indemnify the site for 20 years for future damage, since prospective buyers should not be held liable for future damage.

Issue #3: The DR Requestor believes that the Project will result in a loss of property value and privacy at 785 Foerster Street. She specifically believes that the devaluation will be caused by the anticipated increase in noise and lack of privacy caused by three new single-family dwellings. She has just completed a several hundred thousand dollar remodel that was designed to create maximum privacy, which she feels will be undermined by the Project. She feels that the Project will devalue her property to the point where she may lose all of the improvement value and investment.

Issue #4: The DR Requestor believes that the Project will result in the destruction of existing tree cover on the Subject Property. She states that the Project Sponsor has already removed major trees, and is concerned that the remaining trees that provide some privacy will be removed to accommodate the construction. She states that the back yard of the existing house (which fronts Foerster Street) was a

botanical wonderland, and has been deconstructed by the owner's workers with little regard to the value and rarity of the plants. The back yard was an arboretum quality collection of plants and they have been uprooted and thrown away. She states that "collectors" were allowed to take the rarest specimens, but has not seen evidence that it ever happened.

PROJECT SPONSOR'S RESPONSE

Response to Issue #1: The Project Sponsor states that there are numerous examples of non-standard lot sizes and of properties that contain no or minimal rear yards in the neighborhood. The proposed Project is not unusual on either account.

Response to Issue #2: The Project Sponsor states that the DR Requestor's assertion that the hillside slid in 1942 is untrue. According to the Project Sponsor, who references an article from mtdavidson.com, the entire hillside gave way and crashed down on the homes below while new roads were being cut on Mount Davidson's southeastern slope during the rainy season. In order to ease neighborhood concerns, the Project Sponsor retained two independent geotechnical engineers to investigate the site. Both consultants have confirmed that the site is suitable for the proposed construction.

Response to Issue #3: The Project Sponsor states that the new construction at 203 Los Palmos Drive will be over 40'-0" away from the DR Requestor's basement and 1st floor levels, and over 46'-0" away from the 2nd floor. The Project Sponsor has included a graphic to show that the DR Requestor's bedroom would not be visible from the Subject Property due to the existing trees at the rear property line as well as the 10'-0" tall fence.

Response to Issue #4: The Project Sponsor indicates that there was no destruction of tree cover. Cacti and plants were taken by interested neighbors and donated to the Alcatraz Historic Gardens. Furthermore, at the request of the DR Requestor's representative, seven existing trees along the rear property line are being retained.

PROJECT ANALYSIS

The new construction proposed at 203 Los Palmos Drive is an appropriately massed and designed in-fill single-family dwelling. The height of the building respects the laterally sloping topography along Los Palmos Drive, stepping down from the existing single-family dwelling at 219 Los Palmos Drive. The depth of the proposed single-family dwelling is consistent with the surrounding neighborhood context, in that it is shorter than the existing single-family dwelling at 219 Los Palmos, it will be the shortest of the three new single-family dwellings, and it will not adversely impact the mid-block open space. The top floor is pulled in from the rear wall in order to reduce the overall height as the lot slopes downward toward the DR Requestor's property. The design of the building – with its flat roofline, strong projecting horizontal cornice, fenestration pattern, and ground floor entry – is in keeping with vernacular expressed by the mid-century buildings on the subject block, while not mimicking the past.

The new single-family dwelling at 203 Los Palmos will be located on a newly developed vacant lot, containing 1,831 square-feet of lot area. The Project – including the creation of the new lot – is entirely Code-compliant. Although the DR Requestor and Miraloma Park are opposed to the Project due to the creation of lots less than 2,500 square feet in area, the Code has established that lots within 125'-0" of an

intersection are appropriately sized if they are at least 1,750 square feet. Furthermore, a survey of the surrounding area – all within Miraloma Park – indicates that there are numerous lots containing fewer than 2,500 square feet.

In RH-1 Districts – particularly on the west side of San Francisco – there are few opportunities to add new housing without demolishing existing housing. One way of achieving additional housing in these neighborhoods is through subdividing large, under-developed lots. By allowing new lots to be created that are Code-complying, it enables the creation of new housing in largely built-out residential neighborhoods. The General Plan – specifically the Housing Element (2004) Objective 1, Policy 1.4 – encourages in-fill housing to be located on appropriate sites in established residential neighborhoods. Appropriate sites are identified as vacant sites. The Implementation for Policy 1.4 states that the Planning Department and the Planning Commission will continue to approve new in-fill housing construction in compliance with the Residential Design Guidelines in established neighborhoods.

Most of the DR Requestor's remaining concerns are not Planning-related issues, such as: decreased property values, the stability of the lot, noise resulting from future occupants, removal of non-protected landscaping and trees (there are no rare, threatened or endangered species known to exist in the vicinity of the Subject Property). The Residential Design Guidelines notes that some privacy impacts should be assumed with development, but provides suggestions for how to mitigate "unusual" privacy impacts. There is more than 40'-0" that separates the rear wall of the Subject Property from the DR Requestor's house. Due to the distance separating the two structures, the Department does not find any "unusual" privacy impacts. Furthermore, the Project Sponsor has agreed to reduce the height of the building and the depth of the top floor, eliminate the concrete patio at the rear yard and retain the natural grade, retain the existing trees located at rear property line, and install a 10'-0" fence in order to further reduce any privacy impacts.

ENVIRONMENTAL REVIEW

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

RESIDENTIAL DESIGN TEAM REVIEW

The request for Discretionary Review was reviewed by the Department's Residential Design Team (RDT) on July 21, 2010. The RDT found no exceptional or extraordinary circumstances associated with the Subject Property or with the Project. Based on the following findings, the RDT determined that this Project should be approved as proposed, although it is categorized as a Full Discretionary Review because it is new construction on a vacant lot:

1. The proposed subdivision is permitted-by-right. The Planning Code allows for smaller lots in zoning districts other than RH-1(D) (minimum of 1750 square feet) if they are within 125'-0" of an intersection. There are numerous examples of smaller lot sizes in Miraloma Park, which makes this Project Code-compliant and consistent with the neighborhood development pattern.
2. The Planning Department does not analyze impacts on surrounding property values as part of routine analysis of permitted-by-right development projects. The new construction does not

create unusual privacy impacts on the DR Requestor's property or any other surrounding properties.

3. The stability of the hillside is not a Planning-related issue, and will be reviewed by the Department of Building Inspection prior to the issuance of any permits.
4. The Project does not include the elimination of any protected trees or required landscaping. The Project Sponsor has provided documentation showing that several non-native aloe, cacti, and succulents were donated to the historic Alcatraz gardens. The Residential Design Team staff has worked with the Project Sponsor to achieve a design that is compatible with the surrounding neighborhood character and consistent with the Residential Design Guidelines and the adopted portions of the Miraloma Park Design Guidelines. The Project is harmonious with the scale, massing, and architectural character of neighboring properties, and it respects the existing topography by stepping down at the street and by not maximizing the development potential of the lot.
5. This Project does not contain or create any exceptional or extraordinary circumstances. Development on hillside terrain is not uncommon in San Francisco or in Miraloma Park, nor is development of smaller lots that are proximate to intersections. The design of the 203 Los Paltos is in-keeping with the neighborhood character, and is recognized as being well-designed by the Miraloma Park Improvement Club.

Under the Commission's pending DR Reform Legislation, this project would be referred to the Commission, as this project involves new construction on a vacant lot.

BASIS FOR RECOMMENDATION

The Department believes that the Project is a well-designed, Code-compliant Project, and does not find any exceptional or extraordinary circumstances associated with the new construction. The Department recommends approval for the following reasons:

- There are not many opportunities to add dwelling units in the City's developed RH-1 Districts, and as such, well designed, Code-complying in-fill projects should be encouraged.
- The Project is compatible with the neighborhood character and is consistent with the Residential and Miraloma Park Design Guidelines. There are numerous examples of smaller lots developed within 125'-0" of an intersection throughout Miraloma Park.
- The Project is consistent with height and depth of surrounding dwellings, being shorter in depth and height than the development's adjacent neighbor at 219 Los Paltos Drive.
- Hillside development is not abnormal in San Francisco and it is the responsibility of the Department of Building Inspection to ensure that the engineering drawings are adequate for construction. The Department believes the Project is sited and massed to respect its hillside topography.

RECOMMENDATION: Do not take DR and approve the project as proposed.
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Discretionary Review – Full Analysis
August 5, 2010

CASE NO. 2008.0871D
203 Los Palmos Drive

Attachments:

Block Book Map
Sanborn Map
Zoning Map
Aerial Photographs
Context Photos
Section 311 Notice
DR Application
Response to DR Application
3-D Rendering
Reduced Plans

Design Review Checklist

NEIGHBORHOOD CHARACTER (PAGES 7-10)

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

Comments: The neighborhood – specifically the subject block of Los Palmos Drive – is defined. The buildings fronting the south side of Los Palmos Drive were constructed in 1964, and the buildings fronting the north side of Los Palmos Drive were constructed in 1960-1961.

SITE DESIGN (PAGES 11 - 21)

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

Comments: The new building respects the existing block pattern by stepping down the block to respect the existing topography, providing appropriate front setbacks with landscaping to enhance the street and create a pedestrian scale at the street wall. The Residential Design Guidelines state that some loss of privacy to existing neighboring buildings can be expected, and that unusual impacts on privacy to “neighboring interior living spaces” can be minimized by providing landscaping and privacy screens, by

using window configurations that break the line of sight between houses. Based on the modifications made by the Project Sponsor in response to the DR Requestor's concerns about privacy, there should be no "unusual impacts on interior living spaces" caused by the new project. The Project Sponsor has provided a section showing sightlines from the new dwelling toward the DR Requestor's home, which indicates no direct lines of site into the DR Requestor's home from any location on the Subject Property. The overall scale and siting of the proposed development is consistent with the block face and is complementary to the neighborhood character.

BUILDING SCALE AND FORM (PAGES 23 - 30)

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

Comments: The new building is compatible with the established one-story-over-garage scale at the street. The height and depth of the building is compatible with the existing building scale at the mid-block open space (shorter in height and shallower in depth than the existing building at 219 Los Palmos Drive). The buildings' form, facade width, proportions, entrance, and roofline are compatible with the neighborhood context.

ARCHITECTURAL FEATURES (PAGES 31 - 41)

QUESTION	YES	NO	N/A
Building Entrances (pages 31 - 33)			
Does the building entrance enhance the connection between the public realm of the street and sidewalk and the private realm of the building?	X		
Does the location of the building entrance respect the existing pattern of building entrances?	X		
Is the building's front porch compatible with existing porches of surrounding buildings?	X		
Are utility panels located so they are not visible on the front building wall or on the sidewalk?	X		
Bay Windows (page 34)			
Are the length, height and type of bay windows compatible with those found on surrounding buildings?	X		

Garages (pages 34 - 37)			
Is the garage structure detailed to create a visually interesting street frontage?	X		
Are the design and placement of the garage entrance and door compatible with the building and the surrounding area?	X		
Is the width of the garage entrance minimized?	X		
Is the placement of the curb cut coordinated to maximize on-street parking?	X		
Rooftop Architectural Features (pages 38 - 41)			
Is the stair penthouse designed to minimize its visibility from the street?			X
Are the parapets compatible with the overall building proportions and other building elements?			X
Are the dormers compatible with the architectural character of surrounding buildings?			X
Are the windscreens designed to minimize impacts on the building's design and on light to adjacent buildings?			X

Comments: The location of the entrance is consistent with the predominant pattern of ground floor tunnel entrances found along the 200 block of Los Palmos Drive. The design of the shallow rectangular bay window along the façade is compatible with the surrounding architectural style of buildings in the neighborhood, and the garage door and curb cut is limited to a width of 10 feet. The rooftop architectural parapets are standard in size and compatible with the architectural parapets found on other flat-roofed buildings in the neighborhood. The majority of the dwellings' roofs are fire-rated in order to reduce their overall heights.

BUILDING DETAILS (PAGES 43 - 48)

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

Comments: The placement and scale of the architectural details are compatible with the residential character of this neighborhood. The fixed and awning aluminum-frame windows with redwood trim are residential in character and compatible with the mid-century window patterns and materials found on neighboring buildings. The stucco and redwood wall finish with wood banding and detailing are compatible with the existing buildings in the neighborhood.

EW: G:\Documents\DRs\203, 207, 213 Los Palmos\DR Analysis - Full.doc

GLADSTONE & ASSOCIATES

ATTORNEYS AT LAW

PENTHOUSE, 177 POST STREET
SAN FRANCISCO, CALIFORNIA 94108

TELEPHONE (415) 434-9500

FACSIMILE (415) 394-5188

admin@gladstoneassociates.com

BRETT GLADSTONE

July 26, 2010

Ron Miguel, President
Planning Commission
1650 Mission Street
San Francisco, CA

Re: Discretionary Review for Lot Known As 203 Los Palmos for Miraloma Park

Dear President Miguel and Commissioners:

I represent Yin Kwan Tam, Yu Ling Lee, Irene Chu and Xiang Si Lei, the four owners of the above-referenced property. DR Requestors Ed Kelly and Maida Taylor (living at 785 Foerster) have chosen to appeal to you the site permit for this single lot, one of the three new lots being created by my clients. A discretionary reviewed was filed for 213 Los Palmos by an adjacent neighbor at 219 Los Palmos, but that DR was subsequently withdrawn when modifications were made to the satisfaction of that DR requestor. Also, a compromise agreement was reached with a neighbor across the street at 256 Los Palmos.

The non-subdivided lots today consist of a 5360 square foot Lot 117 with a building on it known as 795 Foerster, and a 3930 square foot vacant Lot 116. The two lots will be merged and then resubdivided into four lots. See drawings at Exhibit A (one drawing for each new building). The three new uphill lots will be code-complying in size and will range from 1787 to 1894 square feet (they are not perfect rectangles), and each will contain a new home. The existing building at 795 Foerster will remain on its own lot, without renovation, but its lot will now be 3792 square feet rather than 5360 square feet. The proposed lot split is pending at the Department of Public Works until this Discretionary Review is decided.

The new homes will be an average of 2440 square feet excluding garage, and range from 2320 to 2517 square feet in size, excluding garages. Given the small size and given they will only be 20 feet 5 inches tall (per the Planning Code definition of height) in a 40 foot height district, each of the three new homes will be quite modest. A summary of the square footages of each of the three new buildings can be seen at Exhibit B.

Your Department issued an Exemption from Environmental Review which is attached as Exhibit C, under Exemption Classes 1 and 3.

Planning Commission
July 26, 2010
Page Two

After three years of discussions with neighbors, two objecting neighbors have withdrawn their objections due to concessions, but one family next door at 785 Foerster, Ed Kelly and Maida Taylor, has filed a Discretionary Review. (Letter of Support from one of the parties who withdrew is at Exhibit D). As further discussed below, the Miraloma Park Improvement Club (MPIC) has stated that the project meets all the technical aspects of the Miraloma Park Residential Design Guidelines (MPRDG), but that it feels that only two new buildings should be built. It asks that the Planning Commission initiate a change in the Planning Code so as to limit the new lot/buildings to only two, although it concurs that today's code contains no such limitation.

- I. Although This Project Complies With the Miraloma Park Residential Design Guidelines (MPRDG), the Miraloma Park Improvement Club (MPIC) Asks That You Assume A Change in the Planning Code It Wishes to See Enacted in the Future, So That the Project Will Consist of Only Two New Unit Lots and Not Three Unit Lots.

Property owners buy and invest money to improve projects based on the rules in effect at the time. All they ask is for clear rules, and they will invest and then design relying on the rules as they are. This neighborhood association requests that the Planning Code be amended to delete the rule that states that although minimum lot sizes are sometimes 2500 square feet, a lot can be 1750 square feet if it lies within a certain number of feet from a street corner. Not only is this not fair, but if such a change were to take place in the Code, the City will see a lot fewer new housing units built in the future (since extremely large corner parcels exist through the City).

In fact, the rule that lots within 125 feet of a street corner can be 1750 square feet (and not 2500) was created for circumstances (just like this one) where corners have huge lots with extra side or rear yards to spare. This 1750 allowance is to facilitate new lots created out of oversized side or rear yards of corner parcels. This proposed change in the law has tremendous implications, and this change should not be applied to this project on an *ad hoc* basis.

Moreover, as Exhibit E illustrates, the creation of only two lots where three are proposed will make the width of the new lots inconsistent with the width of existing uphill lots. This will lead to an inconsistent block-face, and larger homes which are less affordable to purchase.

Besides its concerns regarding the number of lots, MPIC also states (1) that it is concerned that the property value of 795 Foerster will go down and (2) that the view from the back of my clients' existing structure uphill toward the new lots will have blockage due to construction on the new lots. My clients believe that if they are not concerned that their new building could block their own views, it is strange that it is the concern of the neighborhood association.

The report from MPIC makes several positive conclusions about the project:

Planning Commission
July 26, 2010
Page Three

1. The projects sponsors have reduced the height to appropriate amounts.
2. The facades are well designed and meet the neighborhood's Design Guidelines.

II. The Association and DR Requestor Ask that the Buildings on the New Lots Have Side Yard Setbacks, Even Though Over 80 Percent of the Homes in Miraloma Park Have No Side Yard Setbacks.

Attached at Exhibit F is a map of homes within Miraloma Park which shows that the large majority of lots with side yards are those at corners, such as the existing lot today at 795 Foerster. Interior lots such as the three newly proposed lots rarely have side yards in this district.

III. DR Requestor Claims that the Corner Lot (795 Foerster) Should Have A Rear Yard Larger Than the Code Requires.

The rear yard of this lot lies adjacent to the newly created uphill lots. Although the 36.5 foot deep rear yard at 795 Foerster will be reduced by 21.5 feet to about 15 feet to create the three new uphill lots, the reduction does not make the rear yard non-complying, as it will remain at 30.6 percent (15.013 feet at the rear of a lot of 49.90 in lot depth). The requirement is only 25 percent of the lot. This reduction was necessary to create lots of adequate width uphill, those with the three Los Palmos addresses.

IV. DR Requestor Has Requested 10 Changes in the Project, and Although All Requests Have Been Accommodated, DR Requestor Still Seeks New Changes.

Attached as Exhibit H is a list of 10 project changes requested by DR Requestor in a meeting on November 30, 2009. *All these changes have been made.* One important change is shown at Exhibit G, which shows how our clients reduced the heights of each building after the neighbors complained about heights at the Pre-Application Meeting. A neighbor across the street at 256 Los Palmos decided not to file a DR Appeal as a result of these height changes. After all these changes were made and shown the DR Requestor, DR Requestor Maida Taylor changed her mind and asked for additional items, including additional monetary compensation. At that point, my clients decided that good faith negotiations had broken down and decided to allow the discretionary review hearing to go forward. DR Requestor continues to ask for the following new changes:

- (1) removal of the bay windows at the rear of the new homes;
- (2) Increased monetary compensation to remove the DR appeal.

Planning Commission
July 26, 2010
Page Four

V. DR Requestor's Concerns Regarding Lack of Privacy to Her New Rear Yard Addition Are Unfounded.

DR Requestor is now completing a new addition to her property. This rear and side yard addition will bring her new rooms closer to the joint property line than her existing structure. However, there will still be a distance of *more than 40 feet* from those new rooms to the closest buildings on the proposed new lots. In between these two structures, there exists a great deal of foliage which will be left in place (See Exhibit I). The existing six foot temporary fence recently built by my clients (at their expense), was built to provide this privacy for DR Requestor. However, DR Requestor later asked for 3 additional privacy changes: (1) replace this 6 foot fence with a new 10 foot fence; (2) an additional 1 foot six inches rear setback on the 2nd floor; and (3) a planter for box for privacy screening at the rear of the 2nd floor decks. These three very new requests have been accommodated. However, as stated above, DR Requestor continues to ask for the following additional and even newer changes: (1) removal of the bay windows at the rear of the new homes; and (2) increased monetary compensation to remove the DR appeal.

VI. DR Requestor Has Expressed Concerns Regarding Devaluation of Her Property, but Devaluation is Not an Issue That This Commission, the Code or the Design Guidelines Has Ever Taken Into Account.

Devaluation of property is not a consideration under the Planning Code, nor under the Miraloma Park Design Guidelines.

VII. DR Requestor Is Expected To Claim That the Less Than 1 Percent Deviation in the Minimum Lot Width Requirement Triggers A Variance, but Planning Code Interpretations Provide for a Margin of 1 Percent or Less in Deviation Without Triggering a Variance.

Planning Code Interpretation 121(d) (2) of January 1989 (attached as Exhibit J) allows for a minor deviation of 1 percent or less at the discretion of the Zoning Administrator without a variance hearing. However, in our case, the deviation from the required lot width is less than 1 percent, and thus it was appropriate for Planning Staff to waive this minimum 25 foot requirement pursuant to the Memorandum attached as Exhibit K. Originally, my client considered getting a variance to create a less than required rear yard at 795 Foerster. The rear yard would have been a couple of inches short of the required 15-foot open rear yard once new 25-foot wide lots were created. In order to keep the existing house rear yard to be exactly 15-foot, the width of all 3 new lots needed to be adjusted to be short of the 25 foot required width by 0.2 %.

Planning Commission
July 26, 2010
Page Five

VIII. The Property Owners Have Cured the Previous Owner's Demolition of a Rear Wall at 795 Foerster After the Previous Owner Did So Without Permits.

The rear portion of the existing building was taken down by the previous owner. When our clients purchased the building, they had no knowledge about what kind of work was done on the house before they owned it. Our clients did not know that portion was illegally removed until Planner Elizabeth Watty notified them.

Exhibit L contains an alteration permit and Certificate of Final Completion showing that the current owners corrected this work with permits and have placed the wall back.

IX. The Rear Yards of the New Buildings Contribute to the Mid Block Open Space in a Fashion Typical of Other Buildings on the Block.

As you can see from Exhibit M, the rear yards of the new lots contribute to the mid block open space in the same manner and proportions as other rear yards on the lot. DR Requestor is wrong in stating that the buildings will encroach too much into the mid block open space. In fact, Exhibit M shows that DR Requestor's building encroaches into the block's midblock open space more than our clients' building and more than the buildings of downhill neighbors of DR Requestor.

X. The Homes Will Be Built With New Retaining Walls Which Will Reduce Amount of Water Flowing Onto Downhill Neighbors, Including DR Requestor.

DR Requestor's claim that this site slid twice in 1942 is not accurate. According to mountdavidson.org, the problem was a mud flow caused by new roads which were poorly constructed way up the hill during the rainy season in 1942. Our site was merely in the area onto which a portion of the mud settled.

The project sponsor has responded to this by paying for an additional engineer's report, known as the "Supplemental Report," performed by Trans Pacific Geotechnical Consultants, Inc. It concludes that based on literature review of the 1942 mudslide, field exploration, laboratory testing, and engineering analyses, the project site shows no evidence of slip instability and is suitable for the proposed construction.

Moreover, these engineering issues are properly the subject of review by the Department of Building Inspection. DBI could choose to request additional reports or certain additional engineering in addition to that proposed. If the neighbors remain concerned that DBI will not do a proper review, the project sponsor will agree to a peer review of outside engineers.

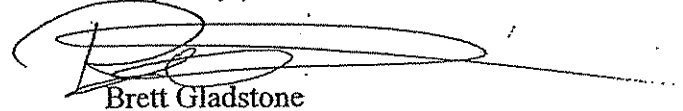
Planning Commission
July 26, 2010
Page Six

The project's engineers have advised in the Supplemental Report that the project includes putting new retaining walls at the rear of the lot with drainage pipes that will divert the water from the surface and into City sewers, something that has not occurred in the past. As a result, downhill neighbors including DR Requestor can anticipate less water drainage onto their property than at any time in the past.

XI. Conclusion.

For the reasons stated above, we respectfully request your approval of the lot/building that has been appealed to you, which is 203 Los Palmos (the downhill lot).

Very truly yours,



Brett Gladstone

cc: Gabriel Ng, architect
DR Requestor
Miraloma Park Improvement Club
Planner Elizabeth Watty
Client Xiang Si Lei
Tony Kim



Gavin Newsom, Mayor
Edward D. Reiskin, Director



Phone: (415) 554-5827
Fax: (415) 554-5324
www.sfgov.org/dpw

Department of Public Works
Bureau of Street-Use and Mapping
875 Stevenson Street, Room 410
San Francisco, CA 94103

Fuad S. Swells, PE, PLS
City Engineer & Deputy Director of Engineering
Barbara L. Moy, Bureau Manager
Bruce R. Storrs, City and County Surveyor

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

Tentative Map Approval
PID: 5160
Assessor's Block No. 3027A Lot(s) 116 & 117
Address: 795 Foerster Street
Project type: 4 Lot Subdivision
Date: September 7, 2010

Dear Mr. Rick Seher:

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 8/16/2010.

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:

Two (2) Check Prints of the final version of this map

One (1) copy of C.F.C. (Certificate of Final Completion)

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 frame 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 the 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.



Gavin Newsom, Mayor
Edward D. Reiskin, Director
Fuad S. Sweiss, City Engineer & Deputy Director for Engineering



(415) 554-5827
FAX (415) 554-5324
<http://www.sfdpw.com>

Department of Public Works
Bureau of Street-Use and Mapping
875 Stevenson Street, Room 410
San Francisco, CA 94103-0942

Barbara L. Moy, Bureau Manager
Bruce Storrs, City and County Surveyor

Date: September 7, 2010

Approval of Tentative/Parcel Map for		
Address	Block	Lot
0 LOS PALMOS (VACANT) DR	3027A	116
795 FOERSTER ST	3027A	117

Dear Sir/Madam:

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

The 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 Code and applicable regulations for the Tentative/Parcel Map for the creation of:

Lot Subdivision (4 lot(s))

Subdivision Code Section 1314 provides that an appeal of the decision of the County Surveyor may be made to the Board of Supervisors located at 1 Dr. Carlton B. Goodlett Place, Room 244 (telephone number 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 \$280 made out to the Department of Public Works.

If you have any questions on this matter, please contact Bruce R. Storrs, County Surveyor, of this Department at 554-5827.

Sincerely,


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



Department of Public Works
Bureau of Street-Use and Mapping
875 Stevenson Street, Room 410
San Francisco, CA 94103

Gavin Newsom, Mayor
Edward D. Reiskin, Director

Fuad S. Sweiss, PE, PLS
City Engineer & Deputy Director of Engineering
Barbara L. Moy, Bureau Manager
Bruce R. Storrs, City and County Surveyor

Date: August 20, 2010

Public Hearing Acknowledgment

Linda Joe
767 Foerster Street
San Francisco, CA 94127

PID:	5160
Assessor's Block No.	3027A
Lot(s)	116 and 117
Address:	795 Foerster Street
Project	4 Lot Subdivision

Dear Appellant:

On May 12, 2008, we received your written request for a public hearing to consider the Tentative Map showing a 4 Lot Subdivision Project at 795 Foerster Street in Assessor's Block No. 3027A, Lot(s) 116 and 117.

Since then, the subject Tentative Map has been reviewed by the Planning Department (DCP) and does comply with applicable provisions of the Planning Code.

The subject Tentative Map has also been approved by the Department of Building Inspection (DBI) based on the review of the parcel map and the geotechnical report. A copy of the geotechnical report can be found at the Department of Building Inspection with Vivian Huang.

At this point, we are granting Tentative Approval of this map. Should you still wish for a public hearing, please notify us on or before September 3, 2010. If you have any other questions or concerns, please call my staff at 415-554-5827.

Thank you,

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

Cc: Frederick Seher & Associates
Property owners at: 775 Foerster Street
765 Foerster Street
763 Foerster Street
795 Foerster Street

DEPARTMENT OF BUILDING INSPECTION

City & County of San Francisco

1660 Mission Street, 2nd Floor, SF, CA 94103-2414

Phone No. (415) 558-6133 Fax No. (415) 558-6434

**Map Referral Plan Review
COMMENTS**

This Map Referral Review comments has been generated based on your submittal. The Final Map will not able to be issued until all conditions required by the Department of Building Inspection have been complied with. The issuance of the Final Map is under the jurisdiction of the Department of Public works – Bureau of Street and Mapping

Dept. of Public Works
Bureau of Street-Use and Mapping
875 Stevenson Street, Room 410
San Francisco, CA 94103

Project ID:

Project Type: 4 Lot Subdivision

Address : 795 Foerster Street

Block/Lots: 3027A / 116, 117

Work description:

Tentative Map Referral

Owner:

Phone:

Fax:

Contact:

Phone:

Fax:

Land Surveyor:

Phone:

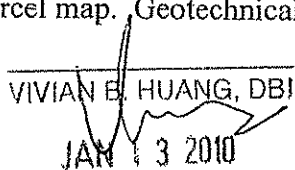
Fax:

DBI Engineer: Vivian Huang

Phone: 415-558-6673

Fax:

10 JAN 11 11 21 AM '10

COMMENTS / CORRECTIONS REQUIRED Reference: S.F.B.C. 2007, unless noted otherwise.	CODE SECTION
<p>The above subject referral required Department of Building Inspection to review for building code compliance. Please contact reviewer for clarifications or to schedule a meeting if necessary.</p> <p>1. This Tentative Map Referral is approved based on review of parcel map, Geotechnical report and DBI fee received on January 13, 2010.</p> <div style="text-align: right;">  VIVIAN B. HUANG, DBI JAN 13 2010 </div>	
<p>Plan Reviewer: Vivian Huang, P.E. Tel: 415-558-6673, email: vivian.huang@sfgov.org</p>	<p><u>Date:</u> 01/13/2010</p>

C/c: Owner:

Architect:

Engineer:

Other:



The lot behind 767 and the adjacent lots are all privately properties

- Problem Area
- mudslide at 775 Foerster
 - water flow under 767 Foerster
 - water flow & flooding at 765 Foerster



Gavin Newsom, Mayor
Edward D. Reiskin, Director



Phone: (415) 554-5827
Fax: (415) 554-5324
www.sfgov.org/dpw

Department of Public Works
Bureau of Street-Use and Mapping
875 Stevenson Street, Room 410
San Francisco, CA 94103

Fuad S. Sweiss, PE, PLS
City Engineer & Deputy Director of Engineering
Barbara L. Moy, Bureau Manager
Bruce R. Storrs, City and County Surveyor

Re-referral
November 24, 2009

RECEIVED
NOV 30 2009
DEPT OF BUILDING INSPECTION
FOR SUBDIVISION
REFERENCE REVIEW ONLY

Department of Building Inspection
1660 Mission Street, Room 2019
San Francisco, CA 94103

Project ID:	5160		
Project Type:	4 Lot Subdivision		
Address #	Street Name	Block	Lot
795	Forester	3027A	117
0	Los Paltos	3027A	116
Tentative Map Referral			

To Whom It May Concern:

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 Tentative Map is submitted for your review and consideration. Under the provisions of the Subdivision Map Act and the Subdivision Code, your Department must respond to the Bureau of Street-Use and Mapping within 30 days of the date of this letter. Failure to do so constitutes automatic approval from your department. Thank you for your timely review of this Tentative Map.

Sincerely,

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

BRS/st
Enclosures:

<input checked="" type="checkbox"/>	Print of Map
<input type="checkbox"/>	3R No.
<input type="checkbox"/>	Building Permit Application
<input type="checkbox"/>	Permit

COPIES OF THIS LETTER

This tentative map has been:

___ Approved by DBI

___ Conditionally Approved by DBI, Subject to the following conditions (Any requested documents should be sent in with a copy of this letter to Department of Building Inspection at the above address):

X NOT APPROVED AT THIS TIME. PLEASE PROVIDE A payment of \$374.50 PAYABLE TO DBI BEFORE REVIEW CAN COMMENCE. GEO TECHNICAL REPORT AND ARCHITECTURAL FLOOR PLAN OF THE HOUSE ARE ALSO NECESSARY FOR THE REVIEW.

Date

12/21/09
Customer Service

IMPROVING THE QUALITY OF LIFE IN SAN FRANCISCO

Teamwork VIVIAN B. HUANG, DBI Continuous Improvement

DEC 21 2009

.....

.....



Gavin Newsom, Mayor
Edward D. Reiskin, Director

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2010 SEP 22 PM 3:18



Phone: (415) 554-5827
Fax: (415) 554-5324
www.sfgov.org/dpw

Department of Public Works
Bureau of Street-Use and Mapping
875 Stevenson Street, Room 410
San Francisco, CA 94103

BY [Signature]

Fuad S. Sweiss, PE, PLS
City Engineer & Deputy Director of Engineering
Barbara L. Moy, Bureau Manager
Bruce R. Storrs, City and County Surveyor

Re-referral

November 24, 2009

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

Project ID:	5160		
Project Type:	4 Lot Subdivision		
Address #	Street Name	Block	Lot
795	Forester	3027A	117
0	Los Pamos	3027A	116
Tentative Map Referral			

Attention: Mr. Lawrence Badiner:

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:

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

Sincerely,

[Signature]

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

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 Lawrence Badiner 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 Lawrence Badiner at the above address):

DATE 8/16/10

PLANNING DEPARTMENT
[Signature]
Mr. Lawrence B. Badiner, Zoning Administrator

IMPROVING THE QUALITY OF LIFE IN SAN FRANCISCO



SAN FRANCISCO PLANNING DEPARTMENT

MEMO

FILED
5/16/09

DATE: December 14, 2009
TO: File for Case No.'s 2008.0871V & 2008.0558S
FROM: Elizabeth Watty, 558-6620
RE: Subdivision Application for 795 Foerster Street

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
 Information:
415.558.6377

Based on the revised Tentative Parcel Map, dated November 19, 2009, the proposal to subdivide the existing property (Lot 001 in Assessor's Block 3027A) into four lots (noted as Parcels A, B, C, and D on the Tentative Parcel Map) no longer necessitates a rear yard variance for the corner parcel.

All four lots are located within 125-feet of the intersection of Los Palomos Drive and Foerster Street and each measure at least 1,750 square feet. Each lot is at least 25-feet wide for the portion of the lot measuring 1,750 square feet. An Interpretation of Planning Code Section 121(d)(2) from January 1989 states that if a lot is deficient by up to a ¼ inch (1 percent) of the required 25 foot lot width, it will still be considered 25-feet wide. Parcels B and C, shown on the Tentative Map for 795 Foerster Street, measure 24.948-feet wide each, which is less than a 1% deficiency of the required 25-foot wide lot measurement. Therefore, Parcels B and C are both considered "25-foot" wide lots.

This analysis and Tentative Parcel Map were presented to the Zoning Administrator on November 3, 2009, at which time he concurred with the application of this Interpretation to Case No.'s 2008.0871V and 2008.0558S, therefore eliminating the need for a rear yard variance in order to subdivide the subject property into four Code-compliant parcels (shown as Parcel's A, B, C, and D).

09 DEC 17 10:17

Bruce Storrs
City and County of San Francisco Surveyor
Department of Public Works
875 Stevenson Street, Room 410
San Francisco, California, 94103

RECEIVED
08 MAY 12 AM 8:15

Dear Mr. Storrs:

I received your notification of an application by a neighbor to request a 4-lot subdivision at 795 Foerster Street, Block 3027A, Lot 117 and 116.

I am concerned about the hillside this future project will disturb. There is an underground spring on the hill, and for the 32 years I have lived here, water has flowed through the property bordering the backyards of Foerster and Stanford Heights, and emptied out in the weep holes provided in the concrete wall on Foerster/Melrose, right next to 763 Foerster.

But in the last year something has changed the flow. Last year, a mudslide affected our neighbor's property at 775 Foerster. And this past winter, the flow of water has changed course, going under our deck and foundation at 767 Foerster. Our neighbors downhill at 765 Foerster had flooding in their garage level rooms. The water also flowed in between 765 and 763 Foerster, and out into the street. I suspect these changes are the result of other new construction and deck add-ons on the hill by homes on Stanford Heights in recent years.

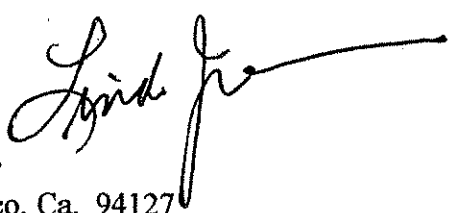
Before any new construction is considered, I would request that a geotechnical engineer inspect the hill to ensure no new problems will surface, and make corrections on the current problems.

If a public hearing is required on this issue, then I would like to request one.

Please advise.

Thank you,

Linda Joe
767 Foerster
San Francisco, Ca. 94127



Cc: Property owners:
775 Foerster
765 Foerster
763 Foerster
795 Foerster



Department of Public Works
Bureau of Street-Use and Mapping
875 Stevenson Street, Room 410
San Francisco, CA 94103-0942

Gavin Newsom, Mayor
Edward D. Reiskin, Director

Barbara L. Moy, Bureau Manager
Bruce R. Storrs, City and County Surveyor

Date: May 12, 2008

Public Hearing Request Acknowledgment

Linda Joe
767 Foerster Street
San Francisco, CA 94127

Assessor's Block No	3027A
Lot(s)	116 and 117
Address:	795 Foerster Street
Project	4 Lot Subdivision

Dear Sir or Madam:

Your written request for a public hearing to consider the Tentative Map showing a 4 Lot Subdivision Project at 795 Foerster Street in Assessor's Block No. 3027A, Lot(s) 116 and 117, was received by this office on May 12, 2008.

The above referenced project has been referred to the Planning Department for review and findings of conformity with the General Plan. When we receive findings from the Planning Department that the project is consistent with the General Plan, we will schedule a public hearing.

Testimony **will be restricted to technical / engineering issues** of the Tentative Map. Other issues, such as building permits, conditional use permits, building heights, zoning, parking, and restricted views **WILL NOT** be considered at this hearing. Inquiries regarding building permits, etc. should be directed to the Department of Building Inspection at 415-558-6088. Inquiries regarding zoning issues and permitted uses should be directed to the Planning Department at 415-558-6377. Redevelopment questions should be directed to the Redevelopment Agency at 415-749-2400.

We will notify you in writing when and where this Public Hearing will take place. You may withdraw this request for a Public Hearing at any time up to 2 days preceding the Hearing. If you have any questions, please call my staff at 415-554-4885.

Very truly yours,

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

Cc: Frederick Seher & Associates
Property owners at: 775 Foerster Street
765 Foerster Street
763 Foerster Street



DEPARTMENT OF BUILDING INSPECTION

City and County of San Francisco
1660 Mission Street, 2nd Floor, San Francisco, California 94103-2414
(415) 558-6133 Fax (415) 558-6686

MEMORANDUM

DATE: May 30, 2008
TO: Bruce Storrs, P.L.S.
Division of Subdivision and Mapping, Dept. of Public Works
FROM: Joseph Yu, Plan Check Services Division
SUBJECT: Address: 795 Foerster Street & Los Palmos (vacant)
Assessor's Block No. 3027A, Lot No: 117 & 116
Map Referral 2 merger and 4- Lot Subdivision

08 JUN -4 PM 1:42 RECEIVED

Reference is made to your memo dated 05/02/08 (received on 05/06/08) in which your Division referred to this Department of the proposed subdivision as shown on the Tentative/Preliminary Map.

For New Condominium Construction, Building permit application for this site filed. approved. issued.

For Existing Building to be converted to condominium-no review by the Plan Check Services Division required. (Existing building code compliance to be inspected upon separate application).

X Subdivision is:

- (a) Developable with the respect to the San Francisco Building Code, and we recommend your approval of the Tentative/Preliminary Map to subdivide the vacant Lot subject to applicant provide an updated soil investigation report...
(b). Not approvable because new property line cannot cut through an existing building.
(c) Not approvable at this time. Exterior walls and all windows next to the proposed property lines of the building (s) must comply with Table 5A SFBC before subdivision.
(d) Not developable because
(e) Not able to complete reviewed at this time due to lack of necessary information. Please provide
1. Provide information on deck. If existing deck is greater than 30 inches above grade fire wall will be required. CBC 2007 704 & table 602





Department of Public Works
Bureau of Street-Use and Mapping
875 Stevenson Street, Room 410
San Francisco, CA 94103-0942

Gavin Newsom, Mayor
Edward D. Reiskin, Director

Barbara L. Moy, Bureau Manager
Bruce Storrs, City and County Surveyor

Date: May 2, 2008

NOTICE IS HEREBY GIVEN THAT THE COUNTY SURVEYOR HAS RECEIVED AN APPLICATION FOR:

4 Lot Subdivision			
Block	Lot	Address#	StreetName
3027A	117	795	FOERSTER ST
3027A	116	0	LOS PALMOS (VACANT) DR

The County Surveyor, together with the Planning Department, will review 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 creating a

4 Lot Subdivision

The Department of Public Works staff will have a notice of application published in at least one newspaper of general circulation within the City and County of San Francisco, and will also mail this notice to all property owners within 300 feet of the property that is the subject of this application.

If a written request for a public hearing is received on or before ten days after the date of this letter, the County Surveyor shall hold a public hearing.

Testimony will be restricted to technical / engineering issues of the Tentative / Parcel Map. Other issues, such as building permits, conditional use permits, building heights, zoning, parking, and restricted views WILL NOT be considered at this hearing. Inquiries regarding building permits, etc. should be directed to the Department of Building Inspection at 558-6088. Inquiries regarding zoning issues and permitted uses should be directed to the Planning Department at 558-6377. Redevelopment questions should be directed to the Redevelopment Agency at 749-2400.

If a public hearing is to be held, all property owners within 300 feet of the affected property, and those parties who requested notification in writing, will be sent written notification of the time and place of the public hearing. All inquires and requests for public hearings should be directed to the attention of Bruce R. Storrs, City and County Surveyor at 875 Stevenson Street, Room 460 (telephone number 554-5827).

Sincerely,


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

cc: John Malamut, - City Attorney
Planning Department
5160

Department of Building Inspection
1660 Mission St, San Francisco, CA 94103 - (415) 558-6081
Report of Residential Building Record (3R)
Page 2

Address of Building 795 FOERSTER ST

Block 3027A

Lot 117

THIS REPORT IS VALID FOR ONE YEAR ONLY.

The law requires that, prior to the consummation of the sale or exchange of this property, the seller must deliver this report to the buyer and the buyer must sign it.

(For Explanation of terminology, see attached)



SAN FRANCISCO PLANNING DEPARTMENT

08 JUN 10 AM 11:19

June 4, 2008

Robert Hanley
Department of Public Works
Bureau of Street-Use and Mapping
875 Stevenson Street, Room 410
San Francisco, CA 94103-0942

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

RE: 795 Foerster Street (Address of Permit Work)
3027A/116 and 117 (Block / Lot)
2008.0558S (Case No.)

The Planning Department has received your subdivision application for review. Per our review process your application is being held because the following information is required before it is accepted as complete or may be considered code complying. Time limits for review of your project will not commence until we receive the requested information or materials and verify their accuracy.

In order to proceed with your building application, one of the following is required:

Rear Yard Compliance. Pursuant to Section 134 of the Planning Code, the required rear yard for the existing building, after the proposed subdivision, would be 15-feet measured from the rear property line opposite the Foerster Street frontage. As proposed, the rear yard measures only 14'-9" in depth. Therefore, you must either seek and justify a rear yard variance to subdivide the lot as proposed or revise the project to meet this Code requirement.

Please respond fully with all requested information and/or any revisions necessary to comply with the Planning Code. Direct any questions concerning this notice to Michael Smith at (415) 558.6322. Thank you for your attention to this notice. An early and complete response on your part will help expedite our review of your application.

cc: Frederick T. Seher, Project Sponsor
Elizabeth Watty, Project Planner



April 28, 2008

Edwin M. Lee, Director
Department of Public Works
Bureau of Street-Use & Mapping
875 Stevenson St., Room 410
San Francisco, CA 94103

Attention: Mr. Bruce Storrs

Re: Parcel Map: 795 Foerster Street, San Francisco, CA
Assessor's Block 3027A Lots 116 & 117

Sir,

The subject property is a lot merger and subdivision of two lots into four new lots, three of which are vacant and one with an existing building that is described in the "3R Report" which has been submitted as part of this packet.

Since, to the best of our knowledge there is no construction planned at this time, the property owners respectfully request a waiver of the soils report or soils letter as part of this Application Packet.

Should you require further information please do not hesitate to call. Thank you.

Sincerely,

Heather Folsom

FINDINGS FOR PRIORITY POLICIES OF PROPOSITION M

Property Address: 203, 207, & 213 Los Palmos Drive
Block 3027A, Lot 116 & 117

Zoning District: RH-1

Description of Proposal: Construct 3 single family dwellings fronting along Los Palmos Drive by merging and resubdividing 2 existing lots into 4 parcels. The existing single family dwelling at 795 Foerster Street will remain at the street corner on Lot 117.

FINDINGS

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 proposed new single family dwellings will not have direct impacts on neighborhood-serving retail uses. However, the 3 new homes will enhance the customer base for local neighborhood serving 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 immediate vicinity is characterized with single family dwellings of 2 to 3 stories in height with diversified materials and styles. The density, height and bulk of the proposed 3-story single family dwellings with contemporary facade are consistent with the neighborhood character.

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

The subject site consists of 2 lots with one existing single family house which is not an affordable housing. The project will not have any direct impact on the City's supply of affordable housing. However, the 3 new dwellings to be constructed will potentially enhance the city's housing affordability.

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

Due to the scale and nature of the project, the proposed dwellings will not impede Muni Transit service or overburden our street parking. While only one off-street parking is required by the planning code, all dwellings are designed with a 2-car garage.

FINDINGS FOR PRIORITY POLICIES OF PROPOSITION M

**Property Address: 203, 207, & 213 Los Palms Drive
Block 3027A, Lot 116 & 117**

- 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 resident employment and ownership in these sectors be enhanced;**

The proposed project has no direct impact in the commercial or industrial sectors of the San Francisco economy. However, the construction project may potentially create jobs and enhance local employment.

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

The new buildings will be designed to comply with all present-day seismic codes for achievement of the greatest possible preparedness to protect against injury and loss of life in an earthquake.

- 7. That landmarks and historic building be preserved; and**

The subject site consists of 2 lots with one existing single family house that is not a landmarks or historic building.

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

The proposed project will not have any impacts toward any public parks or open space.



Fidelity National Title Company

PRELIMINARY REPORT

In response to the application for a policy of title insurance referenced herein, Fidelity National Title Company hereby reports that it is prepared to issue, or cause to be issued, as of the date hereof, a policy or policies of title insurance describing the land and the estate or interest therein hereinafter set forth, insuring against loss which may be sustained by reason of any defect, lien or encumbrance not shown or referred to as an exception herein or not excluded from coverage pursuant to the printed Schedules, Conditions and Stipulations or Conditions of said policy forms.

The printed Exceptions and Exclusions from the coverage and Limitations on Covered Risks of said policy or policies are set forth in Attachment One. The policy to be issued may contain an arbitration clause. When the Amount of Insurance is less than that set forth in the arbitration clause, all arbitrable matters shall be arbitrated at the option of either the Company or the Insured as the exclusive remedy of the parties. Limitations on Covered Risks applicable to the CLTA and ALTA Homeowner's Policies of Title Insurance which establish a Deductible Amount and a Maximum Dollar Limit of Liability for certain coverages are also set forth in Attachment One. Copies of the policy forms should be read. They are available from the office which issued this report.

This report (and any supplements or amendments hereto) is issued solely for the purpose of facilitating the issuance of a policy of title insurance and no liability is assumed hereby. If it is desired that liability be assumed prior to the issuance of a policy of title insurance, a Binder or Commitment should be requested.

The policy(s) of title insurance to be issued hereunder will be policy(s) of Fidelity National Title Insurance Company, a California corporation.

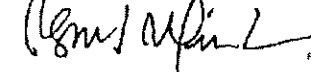
Please read the exceptions shown or referred to herein and the exceptions and exclusions set forth in Attachment One of this report carefully. The exceptions and exclusions are meant to provide you with notice of matters which are not covered under the terms of the title insurance policy and should be carefully considered.


It is important to note that this preliminary report is not a written representation as to the condition of title and may not list all liens, defects and encumbrances affecting title to the land.


Countersigned



Fidelity National Title Company

BY  PRESIDENT

ATTEST  SECRETARY

LEGAL DESCRIPTION

EXHIBIT "A"

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF SAN FRANCISCO, COUNTY OF SAN FRANCISCO, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

Lots 116 & 117, as described and delineated upon that certain Map entitled, "Parcel Map, a Subdivision of that Parcel Described in Reel I-089, Image 0307, recorded March 7, 2002, in the Official Records of The City and County of San Francisco, California", which was filed for record April 15, 2005, in Book 46 of Parcel Maps, Page 94.

APN: Lots 116 & 117, Block 3027-A

6. The herein described property lies within the boundaries of a Mello-Roos Community Facilities District ("CFD"), as follows:

CFD No: 90-1
For: School Facility Repair and Maintenance
Disclosed by: Notice of Special Tax Lien recorded July 5, 1990 in Book F160, Page 1044 and by Supplemental Notice of Special Tax Lien recorded July 11, 1990, in Book F165, Page 1 et. seq., Official Records of the City and County of San Francisco

This property, along with all other parcels in the CFD, is liable for an annual special tax. This special tax is included with and payable with the general property taxes of the City and County of San Francisco. The tax may not be prepaid.

7. The lien of supplemental taxes, if any, assessed pursuant to the provisions of Chapter 3.5 (Commencing with Section 75) of the Revenue and Taxation code of the State of California.

8. Recitals as shown on that certain map recorded April 15, 2005 in Book 46 of Parcel Maps, at Pages 94-95, inclusive.

Reference is made to said map for full particulars.

9. An encroachment of the improvements, situated on land adjoining on the westerly line of Parcel A into or onto said land, as disclosed by the map.

10. A deed of trust to secure an indebtedness in the amount shown below, and any other obligations secured thereby

Amount: \$720,000.00
Dated: February 20, 2007
Trustor: Yu Ling Lee, Yin Kwan Tam, Xiang Si Lei and Irene Chu
Trustee: Prlap, Inc.
Beneficiary: Bank of America N.A
Loan No.: 6238379652
Recorded: February 26, 2007, Instrument No. 2007-I343779-00, Book J335, Page 102, of Official Records

"Insured - YES"

Affects Lot 117 only

14. The application for title insurance was placed by reference to only a street address or tax identification number.

Based on our records, we believe that the description in this report covers the parcel requested, however, if the legal description is incorrect a new report must be prepared.

If the legal description is incorrect, in order to prevent delays, the seller/buyer/borrower must provide the Company and/or the settlement agent with the correct legal description intended to be the subject of this transaction.

END OF ITEMS

Note 1. The current owner does NOT qualify for the \$20.00 discount pursuant to the coordinated stipulated judgments entered in actions filed by both the Attorney General and private class action plaintiffs for the herein described property.

Note 2. A recorded Certificate of Energy Compliance for the property described herein recorded June 29, 2005, Instrument No. 2005-H981318-00, Book I921, Pages 484, of Official Records.

Note 3. The name(s) of the buyer(s) furnished with this application for Title Insurance is/are:

No name(s) furnished

If these names are incorrect, incomplete or misspelled, please notify the Company.

Note 4. None of the items shown in this report will cause the Company to decline to attach CLTA Endorsement Form 100 to an Extended Coverage Loan Policy, when issued.

Note 5. The Company is not aware of any matters which would cause it to decline to attach the CLTA Endorsement Form 116 indicating that there is located on said land a single family dwelling known as 795 Foerster Street, San Francisco , CA to an Extended Coverage Loan Policy.

Note 6. The only deeds affecting said land, which recorded within twenty-four (24) months of the date of this report, as are follows:

Grantor: Wing Ling Chu, a married man as his sole and separate property and Tony Ho Leung Chiang, a married man as his sole and separate property

Grantee: Yu Ling Lee, a married man, as his sole and separate property and Yin Kwan Tam, an unmarried woman and Xiang Si Lei, a married man, as his sole and separate property and Irene Chu, a married woman, as her sole and separate property each as to an undivided 1/4 interest, as tenants in common

Recorded: February 26, 2007, Instrument No. 2007-I343775-00, Book J335, Page 98, of Official Records

Note 9. Wiring instructions for Fidelity National Title Company, San Francisco, CA, are as follows:

Receiving Bank:	Wells Fargo
	707 Wilshire Blvd., 13th Floor
	Los Angeles, CA 90017
ABA Routing No.:	121000248
Credit Account Name:	Fidelity National Title Company - San Francisco Noriega Street
	1900 Noriega Street, Suite 228, San Francisco, CA 94122
Credit Account No.:	4375682432
Escrow No.:	08-9009660-LC

These wiring instructions are for this specific transaction involving the Title Department of the Concord office of Fidelity National Title Company. These instructions therefore should not be used in other transactions without first verifying the information with our accounting department. It is imperative that the wire text be exactly as indicated. Any extraneous information may cause unnecessary delays in confirming the receipt of funds.

Note 10. Any documents being executed in conjunction with this transaction must be signed in the presence of an authorized Company employee, an authorized employee of an agent, an authorized employee of the insured lender, or by using Bancserv or other approved third-party service. If the above requirements cannot be met, please call the company at the number provided in this report.

END OF NOTES

ATTACHMENT ONE

AMERICAN LAND TITLE ASSOCIATION RESIDENTIAL TITLE INSURANCE POLICY (6-1-87) EXCLUSIONS

In addition to the Exceptions in Schedule B, you are not insured against loss, costs, attorneys' fees, and expenses resulting from:

1. Governmental police power, and the existence or violation of any law or government regulation. This includes building and zoning ordinances and also laws and regulations concerning:
 - land use
 - improvements on the land
 - land division
 - environmental protection

This exclusion does not apply to violations or the enforcement of these matters which appear in the public records at policy date.

This exclusion does not limit the zoning coverage described in Items 12 and 13 of Covered Title Risks.

2. The right to take the land by condemning it, unless:
 - a notice of exercising the right appears in the public records on the Policy Date
 - the taking happened prior to the Policy Date and is binding on you if you bought the land without knowledge of the taking

In addition to the Exclusions, you are not insured against loss, costs, attorneys' fees, and the expenses resulting from:

1. Any rights, interests, or claims of parties in possession of the land not shown by the public records.
2. Any easements or liens not shown by the public records. This does not limit the lien coverage in Item 8 of Covered Title Risks.

3. Title Risks:

- that are created, allowed, or agreed to by you
- that are known to you, but not to us, on the Policy Date— unless they appeared in the public records
- that result in no loss to you
- that first affect your title after the Policy Date— this does not limit the labor and material lien coverage in Item 8 of Covered Title Risks

4. Failure to pay value for your title.

5. Lack of a right:

- to any land outside the area specifically described and referred to in Item 3 of Schedule A
 - or
 - in streets, alleys, or waterways that touch your land
- This exclusion does not limit the access coverage in Item 5 of Covered Title Risks.

3. Any facts about the land which a correct survey would disclose and which are not shown by the public records. This does not limit the forced removal coverage in Item 12 of Covered Title Risks.

4. Any water rights or claims or title to water in or under the land, whether or not shown by the public records.

ATTACHMENT ONE
(CONTINUED)

AMERICAN LAND TITLE ASSOCIATION LOAN POLICY (10-17-92)
WITH A.L.T.A. ENDORSEMENT-FORM I COVERAGE
EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses which arise by reason of:

1. (a) Any law, ordinance or governmental regulation (including but not limited to building and zoning laws, ordinances, or regulations) restricting, regulating, prohibiting or relating to (i) the occupancy, use, or enjoyment of the land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
(b) Any governmental police power not excluded by (a) above, except to the extent that a notice of the exercise thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
2. Rights of eminent domain unless notice of the exercise thereof has been recorded in the public records at Date of Policy, but not excluding from coverage any taking which has occurred prior to Date of Policy which would be binding on the rights of a purchaser for value without knowledge.
3. Defects, liens, encumbrances, adverse claims, or other matters:
(a) created, suffered, assumed or agreed to by the insured claimant;
(b) not known to the Company, not recorded in the public records at Date of Policy, but known to the insured claimant and not disclosed in writing to the Company by the insured claimant prior to the date the insured claimant became an insured under this policy;
(c) resulting in no loss or damage to the insured claimant;
(d) attaching or created subsequent to Date of Policy (except to the extent that this policy insures the priority of the lien of the insured mortgage over any statutory lien for services, labor or material or to the extent insurance is afforded herein as to assessments for street improvements under construction or completed at Date of Policy); or
(e) resulting in loss or damage which would not have been sustained if the insured claimant had paid value for the insured mortgage.
4. Unenforceability of the lien of the insured mortgage because of the inability or failure of the insured at Date of Policy, or the inability or failure of any subsequent owner of the indebtedness, to comply with applicable doing business laws of the state in which the land is situated.
5. Invalidity or unenforceability of the lien of the insured mortgage, or claim thereof, which arises out of the transaction evidenced by the insured mortgage and is based upon usury or any consumer credit protection or truth in lending law.
6. Any statutory lien for services, labor or materials (or the claim of priority of any statutory lien for services, labor or materials over the lien of the insured mortgage) arising from an improvement or work related to the land which is contracted for and commenced subsequent to Date of Policy and is not financed in whole or in part by proceeds of the indebtedness secured by the insured mortgage which at Date of Policy the insured has advanced or is obligated to advance.
7. Any claim, which arises out of the transaction creating the interest of the mortgagee insured by this policy, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that is based on:
(i) the transaction creating the interest of the insured mortgagee being deemed a fraudulent conveyance or fraudulent transfer; or
(ii) the subordination of the interest of the insured mortgagee as a result of the application of the doctrine of equitable subordination; or
(iii) the transaction creating the interest of the insured mortgagee being deemed a preferential transfer except where the preferential transfer results from the failure:
(a) to timely record the instrument of transfer; or
(b) of such recordation to impart notice to a purchaser for value or a judgement or lien creditor.

The above policy form may be issued to afford either Standard Coverage or Extended Coverage.

In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following Exceptions from Coverage:

EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records. Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
2. Any facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the land or which may be asserted by persons in possession thereof.
3. Easements, liens or encumbrances, or claims thereof, not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by the public records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b) or (c) are shown by the public records.

**ATTACHMENT ONE
(CONTINUED)**

**AMERICAN LAND TITLE ASSOCIATION OWNER'S POLICY (10-17-92)
EXCLUSIONS FROM COVERAGE**

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses which arise by reason of:

1. (a) Any law, ordinance or governmental regulation (including but not limited to building and zoning laws, ordinances, or regulations) restricting, regulating, prohibiting or relating to (i) the occupancy, use, or enjoyment of the land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
(b) Any governmental police power not excluded by (a) above, except to the extent that a notice of the exercise thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
2. Rights of eminent domain unless notice of the exercise thereof has been recorded in the public records at Date of Policy, but not excluding from coverage any taking which has occurred prior to Date of Policy which would be binding on the rights of a purchaser for value without knowledge.
3. Defects, liens, encumbrances, adverse claims, or other matters:
(a) created, suffered, assumed or agreed to by the insured claimant;
(b) not known to the Company, not recorded in the public records at Date of Policy, but known to the insured claimant and not disclosed in writing to the Company by the insured claimant prior to the date the insured claimant became an insured under this policy;
(c) resulting in no loss or damage to the insured claimant;
(d) attaching or created subsequent to Date of Policy, or
(e) resulting in loss or damage which would not have been sustained if the insured claimant had paid value for the estate or interest insured by this policy.
4. Any claim, which arises out of the transaction vesting in the insured the estate or interest insured by this policy, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that is based on:
(i) the transaction creating the estate or interest insured by this policy being deemed a fraudulent conveyance or fraudulent transfer; or
(ii) the transaction creating the estate or interest insured by this policy being deemed a preferential transfer except where the preferential transfer results from the failure:
(a) to timely record the instrument of transfer; or
(b) of such recordation to impart notice to a purchaser for value or a judgement or lien creditor.

The above policy form may be issued to afford either Standard Coverage or Extended Coverage.

In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following Exceptions from Coverage:

EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records. Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
2. Any facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the land or which may be asserted by persons in possession thereof.
3. Easements, liens or encumbrances, or claims thereof, not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by the public records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b) or (c) are shown by the public records.

**ATTACHMENT ONE
(CONTINUED)**

**CLTA HOMEOWNER'S POLICY OF TITLE INSURANCE (10-22-03)
ALTA HOMEOWNER'S POLICY OF TITLE INSURANCE (10-22-03)**

EXCLUSIONS

In addition to the Exceptions in Schedule B, You are not insured against loss, costs, attorneys' fees, and expenses resulting from:

1. Governmental police power, and the existence or violation of any law or government regulation. This includes ordinances, laws and regulations concerning:
 - a. building
 - b. zoning
 - c. Land use
 - d. improvements on Land
 - e. Land division
 - f. environmental protection

This Exclusion does not apply to violations or the enforcement of these matters if notice of the violation or enforcement appears in the Public Records at the Policy Date.
This Exclusion does not limit the coverage described in Covered Risk 14, 15, 16, 17 or 24.
2. The failure of Your existing structures, or any part of them, to be constructed in accordance with applicable building codes. This Exclusion does not apply to violations of building codes if notice of the violation appears in the Public Records at the Policy Date.
3. The right to take the Land by condemning it, unless:
 - a. notice of exercising the right appears in the Public Records at the Policy Date; or
 - b. the taking happened before the Policy Date and is binding on You if You bought the Land without Knowing of the taking.
4. Risks:
 - a. that are created, allowed, or agreed to by You, whether or not they appear in the Public Records;
 - b. that are Known to You at the Policy Date, but not to Us, unless they appear in the Public Records at the Policy Date;
 - c. that result in no loss to You; or
 - d. that first occur after the Policy Date – this does not limit the coverage described in Covered Risk 7, 8,d, 22, 23, 24 or 25.
5. Failure to pay value for Your Title.
6. Lack of a right:
 - a. to any Land outside the area specifically described and referred to in paragraph 3 of Schedule A; and
 - b. in streets, alleys, or waterways that touch the Land.

This Exclusion does not limit the coverage described in Covered Risk 11 or 18.

LIMITATIONS ON COVERED RISKS

Your insurance for the following Covered Risks is limited on the Owner's Coverage Statement as follows:

- For Covered Risk 14, 15, 16 and 18, Your Deductible Amount and Our Maximum Dollar Limit of Liability shown in Schedule A.

The deductible amounts and maximum dollar limits shown on Schedule A are as follows:

	<u>Your Deductible Amount</u>	<u>Our Maximum Dollar Limit of Liability</u>
Covered Risk 14:	1.00% of Policy Amount or <u>\$ 2,500.00</u> (whichever is less)	\$ <u>10,000.00</u>
Covered Risk 15:	1.00% of Policy Amount or <u>\$ 5,000.00</u> (whichever is less)	\$ <u>25,000.00</u>
Covered Risk 16:	1.00% of Policy Amount or <u>\$ 5,000.00</u> (whichever is less)	\$ <u>25,000.00</u>
Covered Risk 18:	1.00% of Policy Amount or <u>\$ 2,500.00</u> (whichever is less)	\$ <u>5,000.00</u>

Notice

You may be entitled to receive a \$20.00 discount on escrow services if you purchased, sold or refinanced residential property in California between May 19, 1995 and November 1, 2002. If you had more than one qualifying transaction, you may be entitled to multiple discounts.

If your previous transaction involved the same property that is the subject of your current transaction, you do not have to do anything; the Company will provide the discount, provided you are paying for escrow or title services in this transaction.

If your previous transaction involved property different from the property that is subject of your current transaction, you must - prior to the close of the current transaction - inform the Company of the earlier transaction, provide the address of the property involved in the previous transaction, and the date or approximate date that the escrow closed to be eligible for the discount.

Unless you inform the Company of the prior transaction on property that is not the subject of this transaction, the Company has no obligation to conduct an investigation to determine if you qualify for a discount. If you provide the Company information concerning a prior transaction, the Company is required to determine if you qualify for a discount which is subject to other terms and conditions.

Effective through November 1, 2014

AD: 5160

■ AB 3027A ■ LOT 116 & 117

■ PROJECT TYPE: 4LS

DATE RECEIVED 4/28/2008
(SEE BSM DATE STAMP)

SUBD-TRACKING LOG IN 4/28/2008 ce

APPLICATION LOG IN _____

COMMENTS _____

■ COMPLETE SUBMITTAL LETTER SENT _____
"SUBMITTABLE" LOG IN - _____



Frederick T. Seher & Associates, Inc.

PROFESSIONAL LAND SURVEYORS

State License # 6216

April 28, 2008

Re: Application for Parcel Map Subdivision: 795 Foerster Street, San Francisco, CA.
Assessor's Block 3027A – Lots 116 & 117

Director of Public Works
875 Stevenson St., Room 460
San Francisco, CA 94103

Dear Sir,

In compliance with the California Subdivision Map Act, the San Francisco Subdivision Code, the San Francisco Subdivision Regulations, and all amendments thereto, I, the undersigned subdivider, or agent, hereby submit to you for your review and processing a proposed Parcel Map subdivision, together with the Parcel Map Application and Checklist and all applicable items, fee, documents and data checked thereon.

Respectfully,

Heather Folsom
Frederick T. Seher & Associates, Inc.

RECEIVED
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Attachment: Application Packet

841 LOMBARD STREET, SAN FRANCISCO, CALIFORNIA 94133
PHONE (415) 921-7690 FAX (415) 921-7655
E-MAIL: rick@sflandsurveyor.com



LETTER OF TRANSMITTAL

DATE: April 28, 2008

JOB NUMBER: 1169-07

TO: Bureau of Street-Use & Mapping
875 Stevenson Street, Room 460
San Francisco, CA 94103

ATTENTION: Bruce Storrs

SUBJECT: Tentative Parcel Map – 795 Foerster Street, San Francisco, CA
Block 3027A Lots 116 & 117

TRANSMITTING THE FOLLOWING: -Attached

- ⇒ Cover Letter
- ⇒ Signed Application, two (2) copies
- ⇒ Checklist
- ⇒ Two fee checks (\$7,944.00 and \$250.00) attached to one application
- ⇒ Tentative Parcel Map, three (3) sets
- ⇒ Electronic map closure calculations
- ⇒ Preliminary Parcel Title Report
- ⇒ Grant Deeds
- ⇒ Current 3R report
- ⇒ Request for soils report waiver
- ⇒ Neighborhood Notification Package
 - ⇒ 300' Radius Map, two (2) sets
 - ⇒ Address List, two (2) sets
 - ⇒ Stamped and addressed envelopes, two (2) sets
- ⇒ Photographs of subject property, two (2) sets
- ⇒ Draft Proposition "M" findings

RECEIVED
08 APR 28 PM 3: 39

REMARKS:

Bruce:

If you have any questions or need additional information, please do not hesitate to call (415) 921-7690.

Regards,


Heather Folsom

841 LOMBARD STREET, SAN FRANCISCO, CALIFORNIA 94133
PHONE (415) 921-7690 FAX (415) 921-7655
E-MAIL: rick@sflandsurveyor.com

E. APPLICATION FOR PARCEL MAP / FINAL MAP SUBDIVISION

Property Address: 795 Foerster Street

Assessor's Block: 3027A Lot Number(s): 116 & 117

For DPW-BSM use only
ID No.: 5160

Owner:	
Name:	Xiang Si Lei
Address:	616 Rolph Street, San Francisco, CA 94112
Phone:	E-mail:
Person to be contacted concerning this project (if different from owner)	
Name:	Frederick T. Seher & Associates, Inc.
Address:	841 Lombard Street, San Francisco, CA 94133
Phone:	(415) 921-7690
E-mail:	rick@sflandsurveyor.com
Firm or agent preparing the subdivision map:	
Name:	Frederick T. Seher & Associates, Inc.
Address:	841 Lombard Street, San Francisco, CA 94133
Phone:	(415) 921-7690
E-mail:	rick@sflandsurveyor.com
Subdivider: (If different from owner)	
Name:	
Address:	

RECEIVED
08 APR 28 PM 3:39

Existing number of lots: 2 Proposed number of lots: 4

STATE OF CALIFORNIA CITY AND COUNTY OF SAN FRANCISCO

I (We) Frederick T. Seher, authorized agent
(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: 04/28/08 Signed: Frederick T. Seher

Date: _____ Signed: _____

F. PARCEL MAP / FINAL MAP SUBDIVISION APPLICATION CHECKLIST

Check the following items enclosed where applicable:

Submitted per guidelines and in this order?		Official Use Only	No.	Item Description and Order	Total of copies	Which and how many of total required items are needed for each agency?			Form No. (where applicable)
Yes	No	OK?				DPW	DCP	DBI	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1.	Five (5) copies of Tentative Parcel Map [DPW copies: 2-BSM Mapping / BSM Permit Section; 1-Office of the Assessor and Recorder] *One additional copy will be required if project falls within the jurisdiction of SFRA.	5	√3*	1	1	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2.	Six (6) copies of Tentative Final Map [DPW copies: 4-BSM Mapping / BSM Permit Section; 1-Office of the Assessor and Recorder] *One additional copy will be required if project falls within the jurisdiction of SFRA.	6	4*	1	1	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3.	Subdivision Fee (\$ <u>8194</u>)	1	1			
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	4.	Preliminary Title Report (dated within 6 months)	2	√1	1		
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	5.	Grant Deeds and any other recorded documents for: <input type="checkbox"/> Subject Site and <input type="checkbox"/> Adjoiners	1	√1			
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	6.	Current 3R Report, see item number 6 page 9 for details	2	√1	1		
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	7.	<u>waiver request</u> Soils Report, see item number 7 page 9 for details	2	√1		1	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	8.	Neighborhood notification package for; Notification of Tentative Map & Tentative Map approval [Sec 1313(a) 1314] see item 8 page 9 for details <input type="checkbox"/> 300-Foot Radius Map <input type="checkbox"/> Address List <input type="checkbox"/> Envelopes	2	√2			
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	9.	Photographs of subject property, as follows: [Public Works Code Sec. 723.2 & Planning Code] <input type="checkbox"/> Front photo from the street looking at the property, including sidewalk without obstructions <input type="checkbox"/> Photo from left side showing property line and sidewalk fronting subject site <input type="checkbox"/> Photo from right side showing property line and sidewalk fronting subject site <input type="checkbox"/> Photo of rear of property	3	√2	1		
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	10.	Draft Proposition "M" Findings demonstrating consistency with Eight Priority General Plan Policies [Planning Code Sec. 101.1(b)]	2	√1	1		Form No. 1



CITY AND COUNTY OF SAN FRANCISCO
DEPARTMENT OF BUILDING INSPECTION
 1660 Mission Street, San Francisco CA 94103

Report of Residential Building Record (3R)
 (Housing Code Section 351(a))
 Customer Service Division
 (415) 558-6081

BEWARE: This report describes the current legal use of this property as compiled from records of City Departments. There has been no physical examination of the property itself. This record contains no history of any plumbing or electrical permits. The report makes no representation that the property is in compliance with the law. Any occupancy or use of the property other than that listed as authorized in this report may be illegal and subject to removal or abatement, and should be reviewed with the Planning Department and the Department of Building Inspection. Errors or omissions in this report shall not bind or stop the City from enforcing any and all building and zoning codes against the seller, buyer and any subsequent owner. The preparation or delivery of this report shall not impose any liability on the City for any errors or omissions contained in said report, nor shall the City bear any liability not otherwise imposed by law.

Address of Building **795 FOERSTER ST**Block **3027A**Lot **117**

Other Addresses

1. A. Present authorized Occupancy or use: **ONE FAMILY DWELLING**

B. Is this building classified as a residential condominium? Yes No ✓

C. Does this building contain any Residential Hotel Guest Rooms as defined in Chap. 41, S.F. Admin. Code? Yes No ✓

2. Zoning district in which located: **RH-1**3. Building Code Occupancy Classification: **R3**

4. Do Records of the Planning Department reveal an expiration date for any non-conforming use of this property? Yes No ✓

If Yes, what date? The zoning for this property may have changed. Call Planning Department, (415) 558-6377, for the current status.

5. Building Construction Date (Completed Date): **1950**6. Original Occupancy or Use: **ONE FAMILY DWELLING**

7. Construction, conversion or alteration permits issued, if any:

<u>Application #</u>	<u>Permit #</u>	<u>Issue Date</u>	<u>Type of Work Done</u>	<u>Status</u>
124136	112818	24-FEB-50	NEW CONSTRUCTION (CFC 1)	C
265875	237095	29-JUN-67	REPAIR CHIMNEY & PATIO	C
8908332	614097	15-MAY-89	REROOF	C
200402206795	1017699	20-FEB-04	DEMO GREEN HOUSE	X
200703025331	1119135	02-MAR-07	REROOF	X
200704118567	1116824	11-APR-07	REMODEL KITCHEN	X
200704128663	1116932	12-APR-07	REPAIR DRY ROT DAMAGE WALL AT ROOM	X

8. A. Is there an active Franchise Tax Board Referral on file? Yes No ✓

B. Is this property currently under abatement proceedings for code violations? Yes No ✓

9. Number of residential structures on property? **1**

10. A. Has an energy inspection been completed? Yes No ✓

B. If yes, has a proof of compliance been issued? Yes No ✓

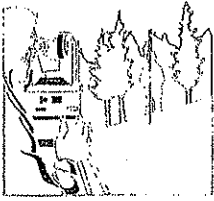
Date of Issuance: **14 APR 2008**

Patty Herrera, Supervisor, Customer Service Division

Date of Expiration: **14 APR 2009** ✓By: **ROCHELLE GARRETT**

Report No: **200804099094****Isam Hasenin, P.E., C.B.O.**

Director, Department of Building Inspection



LETTER OF TRANSMITTAL

DATE: November 19, 2009

JOB NUMBER: 1169-07

TO: Bureau of Street-Use & Mapping
875 Stevenson Street, Room 410
San Francisco, CA 94103

ATTENTION: Cheryl Herrera

SUBJECT: Tentative Parcel Map – 795 Foerster Street, San Francisco, CA
Block 3027A Lots 116 & 117

TRANSMITTING THE FOLLOWING: -Attached

⇒ Revised Tentative Parcel Map, five (5) sets

REMARKS:

Cheryl:

The proposed lot lines have been moved slightly, so I'm sending you revised maps to re-circulate. If you have any questions or need additional information, please do not hesitate to call (415) 921-7690.

Thank you!

Heather Folsom
Heather Folsom

09 NOV 20 01 7:47

117

RECORDING REQUESTED BY:
Chicago Title Company
Escrow No.: 06-36602319-LY
Locate No.: CACT17738-7738-2356-0036602319
Title No.: 06-36602319-RM

San Francisco Assessor-Recorder
Phil Ting, Assessor-Recorder
DOC- 2007-1343775-00
Rec'd 1-CHICAGO Title Company
Monday, FEB 26, 2007 08:08:00
Ttl Pd \$9,473.00 Nbr-0003182634
REEL J335 IMAGE 0098
par/AB/1-3

**When Recorded Mail Document
and Tax Statement To:**
Mr. Yu Ling Lee, et al:
21 Cook Street
San Francisco, CA 94118

CTC # 36602319 LY
APN: Lot 117, Block 3027A
795 FOERSTER STREET

SPACE ABOVE THIS LINE FOR RECORDERS USE

GRANT DEED

The undersigned grantor(s) declare(s)
Documentary transfer tax is \$9,450.00

- computed on full value of property conveyed, or
- computed on full value less value of liens or encumbrances remaining at time of sale,
- Unincorporated Area City of San Francisco,


FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, Wing Ling Chu, a married man as his sole and separate property and Tony Ho Leung Chiang, a married man as his sole and separate property

hereby **GRANT(S)** to Yu Ling Lee, a married man as his sole and separate property and Yin Kwan Tam, an unmarried woman and Xiang Si Lei, a married man as her sole and separate property and Irene Chu, a married woman as her sole and separate property, each as to an undivided 1/4 interest, tenants in common

the following described real property in the City of San Francisco, County of San Francisco, State of California:
SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

DATED: February 20, 2007

STATE OF CALIFORNIA)
COUNTY OF San Francisco)
ON 02/21/2007 before me,


Wing Ling Chu

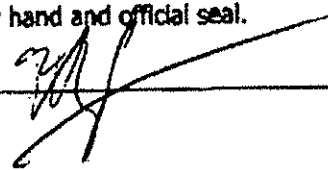
Linda Yee, Notary Public.


Tony Ho Leung Chiang

personally appeared Wing Ling Chu and Tony Ho Leung Chiang.

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose 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 his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



Witness my hand and official seal.
Signature  (Seal)

MAIL TAX STATEMENTS AS DIRECTED ABOVE
GRANT DEED

FD-213 (Rev 7/96)
(grant)(06-06)

STATE OF CALIFORNIA

Title or type of Document Grant Deed
Number of Pages _____ Date of Document 2/20/07
Signer(s) Other than named below _____

County of San Francisco

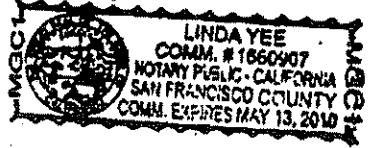
On 2/20/07 before me Linda Yee, Notary Public personally appeared

Tony Ho Leung Chang

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose 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 his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature _____
Notary Public in and for said County and State



UD01 (Rev. 4/84)

STATE OF CALIFORNIA

Title or type of Document _____
Number of Pages _____ Date of Document _____
Signer(s) Other than named below _____

County of _____

On _____ before me _____ personally appeared

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose 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 his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature _____
Notary Public in and for said County and State

(Seal)

UD01 (Rev. 4/94)

EXHIBIT "A"

LEGAL DESCRIPTION

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF SAN FRANCISCO, COUNTY OF SAN FRANCISCO, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

Lot 117, as described and delineated upon that certain Map entitled, "Parcel Map, a Subdivision of that Parcel Described in Reel I-089, Image 0307, recorded March 7, 2002, in the Official Records of The City and County of San Francisco, California", which was filed for record April 15, 2005, in Book 46 of Parcel Maps, Page 94.

Lot 117, Block 3027A

116

RECORDING REQUESTED BY:
Chicago Title Company
Escrow No.: 06-36602319 & 36602837LY

San Francisco Assessor-Recorder
Phil Ting, Assessor-Recorder
DOC- 2007-1343776-00
Acct 1-CHICAGO Title Company
Monday, FEB 26, 2007 08:00:00
Ttl Pd \$15.00
REEL J335 IMAGE 0099
Nbr-0003182635
car/AB/1-3

When Recorded Mail Document
and Tax Statement To:
Yu Ling Lee

21 Cook Street
SF, CA 94118

CTC #36602319LY
APN: Lot 117 and Lot 116, Block 3027A
795 FOELSTER STREET

SPACE ABOVE THIS LINE FOR RECORDER'S USE

INTERSPOUSAL TRANSFER DEED

(Excluded from reappraisal under California Constitution Article 13 A Section 1 et seq.)

The undersigned grantor(s) declare(s)

Documentary transfer tax is \$ 0.00

[] Unincorporated area: [x] City of San Francisco

- Computed on the consideration or value of property conveyed.

This is an Interspousal Transfer and not a change in ownership under Section 63 of the Revenue and Taxation Code and Grantor(s) has (have) checked the applicable exclusion from reappraisal:

- A creation, transfer, or termination, solely between spouses, of any co-owner's interest.

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, Cindy Zhou Lee, spouse of herein mentioned grantee

hereby GRANT(S) to Yu Ling Lee, a married man as his sole and separate property
the real property in the City of San Francisco, County of San Francisco, State of California:
SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

The grantor is executing this instrument for the purpose of relinquishing all of grantor's rights, title and interest, including, but not limited to, any community property interest in and to the land described herein and placing title in the name of the grantee as his/her separate property.

DATED: February 20, 2007

STATE OF CALIFORNIA)
COUNTY OF San Francisco)
ON 02/21/2007 before me,
Linda Yee, Notary Public.


Cindy Zhou Lee

personally appeared Cindy Zhou Lee,
personally known to me (or proved to me on the basis of
satisfactory evidence) to be the person(s) whose
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 his/her/their signature(s) on the instrument the
person(s), or the entity upon behalf of which the
person(s) acted, executed the instrument.



Witness my hand and official seal.

Signature  (Seal)

MAIL TAX STATEMENT AS DIRECTED ABOVE

UD-13C (Rev 12/95)
(Intersp)(06-06)

INTERSPOUSAL TRANSFER DEED

EXHIBIT "A"

LEGAL DESCRIPTION

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF SAN FRANCISCO, COUNTY OF SAN FRANCISCO, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

Lot 116, as described and delineated upon that certain Map entitled, "Parcel Map, a Subdivision of that Parcel Described in Reel I-089, Image 0307, recorded March 7, 2002, in the Official Records of The City and County of San Francisco, California", which was filed for record April 15, 2005, in Book 46 of Parcel Maps, Page 94.

Lot 116, Block 3027A

EXHIBIT "A"
LEGAL DESCRIPTION

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF SAN FRANCISCO, COUNTY OF SAN FRANCISCO, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

Lot 117, as described and delineated upon that certain Map entitled, "Parcel Map, a Subdivision of that Parcel Described in Reel I-089, Image 0307, recorded March 7, 2002, in the Official Records of The City and County of San Francisco, California", which was filed for record April 15, 2005, in Book 46 of Parcel Maps, Page 94.

Lot 117, Block 3027A



115

Recording requested by,
when recorded mail this deed to:
JANET L. DOBROVOLNY
2000 POWELL ST, SUITE 1805
EMERYVILLE, CA 94608

San Francisco Assessor-Recorder
Phil Ting, Assessor-Recorder
DOC- 2006-1142644-00

Check Number 4444
Tuesday, MAR 14, 2006 11:01:23
TII Pd \$9.00 Nbr-0002957784
REEL J096 IMAGE 0579
car/AB/1-1

Mail Tax Statement to:
Maida - Kelly Revocable Trust
785 Foerster St.
San Francisco, CA 94127-2305

INTERSPOUSAL TRANSFER DEED TRANSFER NOT PURSUANT TO A SALE

The undersigned Grantor(s) declare(s) under penalty of perjury that the following is true and correct. Documentary transfer tax is -0- under Revenue and Taxation Code §11930. It is a conveyance between spouses transferring Grantors' interest into a revocable living trust and not pursuant to sale.

For valuable consideration and zero dollars, Maida Taylor and Edward F. Kelly grant to Maida B. Taylor and Edward F. Kelly as trustees of the Taylor - Kelly Revocable Trust all of their interest in the real property in the City of San Francisco, County of San Francisco, State of California described as follows:

Lots 4 and 5 according to the map entitled, "Map of the Subdivision of Block No. 123 of Sunnyside Addition No. 1", filed January 28, 1893 in Book "E" and "F" of Maps, page 143 in the office of the Recorder of the City and County of San Francisco, State of California

APN: Lot 115, Block 3027-A 785 Foerster St.

Dated: 9-14, 2005

Maida Taylor
MAIDA TAYLOR
Edward F. Kelly
EDWARD F. KELLY

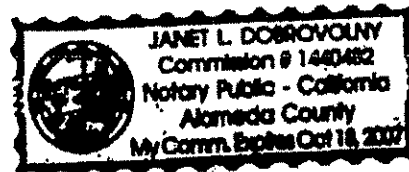
State of California
County of Alameda } ss.

On 9-14-05 before me, Janet L. Dobrovoly, personally appeared

Maida Taylor and Edward F. Kelly

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose 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 his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.
WITNESS my hand and official seal.

Janet L. Dobrovoly
NOTARY SIGNATURE





57

Recording Requested By
And When Recorded Mail To:

San Francisco Assessor-Recorder
Phil Ting, Assessor-Recorder
DOC- 2005-1076577-00

ROSEMARY TYLER, TRUSTEE OF
THE ROSEMARY TYLER TRUST
219 Los Palmos Drive
SAN FRANCISCO, CA 94127

Check Number 1412
Friday, NOV 18, 2005 14:37:16
Ttl Pd \$9.00 Nbr-0002882523
REEL J020 IMAGE 0815
081/AB/1-1

APN: 3027A 057
Situs: 219 Palmos Drive

GRANT DEED

The undersigned grantor(s) declare(s):
Documentary transfer tax is \$ -0- No Consideration
() computed on full value of property conveyed, or
() computed on full value less value of liens and encumbrances
remaining at time of sale.
() Unincorporated area: (X) City and County of San Francisco, and
FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,
Rosemary Tyler hereby does GRANT to: Rosemary Tyler, Trustee of the Rosemary
Tyler Trust UTD 11/17/2005, the real property situated in the City and County
of San Francisco, State of California, described as follows:

Lot No. 56 as shown on the "Map of Subdivision of block No. 1123, Sunnyside
Addition No. 1" filed January 28, 1893, in Liber E and F of Maps, at
page 143, in the office of the Recorder of the City and County of San
Francisco, State of California.

Commonly know as 219 Palmos Drive, San Francisco, California.

DATED: November 17, 2005

Rosemary Tyler
ROSEMARY TYLER

State of California)
) ss.
County of San Francisco)

Subscribed and sworn to before me on this 17th day of November, 2005, before me, the undersigned Notary Public,
personally appeared, ROSEMARY TYLER, personally known to me (or proved to me on the basis of satisfactory evidence) to be
the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same in she
authorized capacity, and that by her signature on the instrument the person, or the entity upon behalf of which the person acted,
executed the instrument.

WITNESS my hand and official seal.

David B. Caldwell
NOTARY PUBLIC



Mail Tax Statements To Above Address

