



Edwin M. Lee, Mayor
Mohammed Nuru, Director



Jerry Sanguinetti, Bureau Manager

DPW Order No: 182071

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

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

Owner: Kieran J. Woods

BACKGROUND:

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

FINDINGS:

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

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



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

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

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

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

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

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

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

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

RECOMMENDATIONS:

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

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



1/7/2014

X



Sanguinetti, Jerry
Bureau Manager

1/8/2014

X



Sweiss, Fuad
Deputy Director and City Engineer

1/8/2014

X

Mohammed Nuru

Nuru, Mohammed
Director, DPW

