1 hist

CITY AND COUNTY OF SAN FRANCISCO

DEPARTMENT OF CITY PLANNING

100 LARKIN STREET · CIVIC CENTER · SAN FRANCISCO 2, CALIFORNIA

Date of This Letter: December 18, 1970

Last Date for Filing Appeal: December 28, 1970

Mr. George Imperiale
655 Pine Street
San Francisco, California

Re: VZ70.61
3020 Larkin Street, east side 50 feet north of North Point Street; Lot 11 in Assessor's Block 25, in a C-2 (Community Business) zoning district.

Dear Mr. Imperiale:

This is to notify you and other interested parties that your application under the City Planning Code for a variance pertaining to the above property and described as follows:

COVERAGE, USABLE OPEN SPACE AND DENSITY VARIANCES SOUGHT:
The proposal is to split lot 11 into 2 parcels: the southernmost vacant portion of the lot which has 30 feet of frontage on Larkin to be transferred to the abutting corner lot and the northern most portion which has 57.5 feet of frontage on Larkin and is developed with an apartment house. As a result of the proposed resubdivision, the apartment house lot would not meet City Planning Code standards for permitted lot coverage, usable open space or density.

which application was considered by the Zoning Administrator at a public hearing on November 18, 1970, has been decided as follows:

GRANTED, for the transfer of the southernmost vacant portion of lot 11, having 30 feet of frontage on Larkin Street and a depth of 43.75 feet, to lot 10 prior to the construction on lot 10 of a commercial building in general conformity with the land use indicated on the Schematic Site Plan by R. E. Onorato and Associates, marked "Exhibit A" and on file with this application. This variance shall be considered granted on the additional CONDITION that:

1. The transferred portion of the lot remain as open space in perpetuity and

2. A deed restriction to this effect approved as to form by the Zoning Administrator be filed with the Recorder of the City and County of San Francisco prior to the approval of any building permits on the resulting enlarged lot, and

3020 Larkin Street

3. The variance on the resulting reduced lot 11 shall apply only to the existing development, and upon demolition of the existing apartment building, any new construction must meet Planning Code standards.

I FINDINGS OF FACT

1. Assessor's lot 11 is an interior lot with 87.5 feet frontage on Larkin Street and a depth variously of 43.75 feet and 68.75 feet with an area of 5140.625 square feet.

2. Lot 11 is presently occupied by an 11 unit apartment building. Uncovered open space on the existing lot amounts to 2318.75 square feet. The apartment building covers approximately 55 per cent of the lot. Assessor's lot 10, adjacent to the south of lot 11 is vacant.

3. The proposal is to transfer the southernmost 30 feet of present lot 11 to lot 10, in order to provide additional open plaza area for a proposed commercial building on lot 10, leaving lot 11 with a total area of 3828.125 square feet far larger than the 2500 square foot minimum required by the City Planning Code.

4. The transferred area would remain as open space under the applicant's proposal.

5. Lot 11 is zoned C-2 and since 1964 has been subject to the density standard of one dwelling unit for each 600 square feet of lot area; the existing building, built prior to current zoning Code standards, exceeds the maximum density now permitted, with a ratio of lot area to dwelling units of approximately 467 square feet per unit. The proposed reduction in the size of lot 11 would reduce this figure to 348 square feet per dwelling unit, considerably less than required by the Code.

6. After transfer of the subject portion of lot 11, 1006.25 square feet of open space would remain on lot 11, or approximately 91.5 square feet per dwelling unit. The Code now requires at least 150 square feet of open space for each dwelling unit.

7. After transfer of the subject portion of lot 11, the apartment building would cover 73.7 per cent of the remaining lot. The Code limits lot coverage to a maximum of 65 per cent for an interior lot.

8. The apartment building on lot 11 is not developed in a manner using open space that would be transferred to lot 10 other than as light and air to windows on the south side of the building. This window exposure would be retained under the applicant's proposal to retain the subject area that would be transferred to lot 10 as open plaza area.

9. The Ghirardelli Square area is developing rapidly as an intense commercial area whic attracts residents of the area and tourists.

10. The applicant proposes to include the open area in a development of open courtyards emphasizing the natural environment which is intended to link together with the open access Aquatic Park and Ghirardelli Square to the north and west.

11. The lots on the east side of Larkin Street, directly opposite Ghirardelli Square such as the subject lots 10 and 11 are logical sites for immediate and future expansion of the commercial area. Thus, a commercial development on lot 11 may be expected in the future.

12. In a C-2 district the rear yard, lot coverage and usable open space requirements of the Planning Code apply only from the window sill level of the lower story, if any, occupied as a dwelling.

13. No one appeared in opposition to the application at the public hearing.

II CONCLUSIONS BASED UPON THESE FINDINGS

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

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

REQUIREMENT MET because, as shown in the Findings, the intended use of the subject portion of Assessor's lot 11 that would be transferred to lot 10 will not change its basic nature as open space and will, indeed, guarantee that it remains as such when such a guarantee could not otherwise be made in a C-2 zoning district. It will do so in a manner which will benefit residents of the City as a whole and increase the usability and attractiveness of the existing area for tenants of the residential building.

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

REQUIREMENT MET because the strict enforcement of the City Planning Code provisions in this case would call for the impractical and unreasonable alteration or destruction of the existing apartment building or prevent the applicant from realizing a well-conceived concept of open space development which will serve the tenants and visitors of lots 11 and 10 without any compensating public benefit.

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

REQUIREMENT MET because the same class of district permits 100 per cent coverage of lots for commercial purposes, and other such lots in the area are so developed, adding none of the open space amenities to neighboring residences which granting a variance under the stated condition will guarantee. The applicant proposes to develop the rest of the newly enlarged corner lot to less than the maximum permitted coverage in the zoning district, and less than that of neighboring properties, in order to provide even more open area for the enjoyment of the public as well as commercial tenants.

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

REQUIREMENT METbecause granting the variance will allow a development of lots 11 and 10 that will add to the open space amenities now available to those two C-2 zoned lots in keeping with similar amenities available at Ghirardelli Square and Aquatic Park in this area of the City which is changing rapidly from an earlier industrial character to uses conducive to shopping, recreation and tourist attractions. The proposed development, including the open court on theportion of lot 11 under discussion, is designed to tie in with other development in the area and should be at the same time an attraction in itself for the public. Thus, the proposal actually adds to and strengthens existing amenities of neighboring properties.

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

REQUIREMENT MET because in considering the nature of this area and the purposes of open space provisions of the Planning Code and of the Master Plan in general, that open space may be considered even more desirable which can serve not only the needs of the tenants on one particular lot but in addition other citizens and neighbors. The proposed development.

made possible by this variance strengthens the natural beauty of this neighborhood and adds to the beneficial attractions of the City as a whole while fulfilling intentions of the Master Plan. The variance allows development in the spirit of the intention of Code provisions and, thus, is both necessary and desirable.

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

Very truly yours,

R. Spencer Steele
Zoning Administrator

RSS/RWP/en

DATA SHEET: DOCUMENT RECORDED ON THE LAND RECORDS
IN CONNECTION WITH A PERMIT APPLICATION

1. Property Address 3020 Larkin St.

2. Block and Lot 25 / 111

3. Permit Application No. VZ 70.61, Dec 28, 1970.

4. Date Application Received by DCP _____

5. Date Applicant or His Agent Informed of Need for Recorded Document ~~Dec 30, 1970~~

6. Name and Telephone Number of Person So Informed _____

7. Type of Restriction to Be Reflected in Recorded Document Condition attached to VZ 70-61, designating open space in perpetuity

8. Form Number Used _____

9. Date Draft Document Received by DCP _____

10. Date of Approval of Draft Document, and Person Approving _____

11. Date Final Document Received by DCP _____

12. Date of Approval of Final Document, and Person Approving _____

13. Date Final Document Recorded on Land Records I 2437, June 30, 1971.

14. Name in Which Recorded Arthur Court.

15. Notation of Document Made in Block Book (check) ✓

16. Notation Made on Building Application (check) _____

17. Date Permit Application Approved _____

18. Document Put in Historical File (check) _____

19. Log Filled in for this Document (check) ✓

NOTICE OF SPECIAL RESTRICTIONS UNDER THE CITY PLANNING CODE

I/We Arthur Court, the owner(s) of,

and I/We _____, the possessor of a trust deed on, that certain real property situate in the City and County of San Francisco, State of California, more particularly described as follows:

Beginning at a point on the easterly line of Larkin Street, distant thereon 50 feet northerly from the northerly line of North Point Street; running thence northerly and along said line of Larkin Street 30 feet; thence at a right angle easterly 43 feet and 9 inches; thence at a right angle southerly 30 feet; thence at a right angle westerly 43 feet and 9 inches to the point of beginning.

Being a portion of 50 Vara Block No. 289.

hereby give notice that there are special restrictions on the use of said property under Part II, Chapter II of the San Francisco Municipal Code (City Planning Code).

Said restrictions consist of a condition attached to a variance granted by the Zoning Administrator of the City and County of San Francisco on December 28, 1970 (Docket No. VZ70.61) permitting the resubdivision of Lot 11 in Assessor's Block 25 and the separation in ownership of subject parcel from the property immediately to the north, thus in effect legalizing City Planning Code deficiencies in lot coverage, usable open space and density for the apartment house on the northerly portion of Lot 11.

The aforesaid condition is, that the transferred portion of the lot, i.e. the subject property, remain as open space in perpetuity. This notice of restriction is not intended as, and shall not per se be deemed to constitute, a dedication to the public or to the City and County of San Francisco of the subject property.

The use of said property contrary to these special restrictions shall constitute a violation of the City Planning Code, and no release, modification or elimination of these special restrictions shall be valid unless notice thereof is recorded on the Land Records by the Zoning Administrator of the City and County of San Francisco.

These special restrictions shall run with the land and be binding upon any future owners, encumbrancers, their successors, heirs and assigns. The undersigned acknowledge acquisition of the subject parcel with full knowledge of the condition imposed by VZ70.61.

Dated: 6/28/71 at San Francisco, California

State of California)
City and County of San Francisco) ss

On June 28 1971, before me, Janet A. Reding a Notary Public, in and for said City and County and State, personally appeared Arthur Court known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

Notary Public in and for said City and County and State

JANET A. REDING
NOTARY PUBLIC-CALIFORNIA
CITY & COUNTY OF SAN FRANCISCO
My Commission Expires January 8, 1974

RECORDED AT REQUEST OF
At Min Past M
JUN 30 1971
City & County of San Francisco, Calif.
MARTIN MONGAN
RECORDER

T72437 3020 Larkin St

NOTICE OF SPECIAL RESTRICTIONS UNDER THE CITY PLANNING CODE

I/We _____, the owner(s) of,

and I/We_____, the possessor of a trust deed on, that certain real property situate in the City and County of San Francisco, State of California, more particularly described as follows:

> Beginning at a point on the easterly line of Larkin Street, distant thereon 50 feet northerly from the northerly line of North Point Street; running thence northerly and along said line of Larkin Street 30 feet; thence at a right angle easterly 43 feet and 9 inches; thence at a right angle southerly 30 feet; thence at a right angle westerly 43 feet and 9 inches to the point of beginning.
>
> Being a portion of 50 Vara Block No. 239.

hereby give notice that there are special restrictions on the use of said property under Part II, Chapter II of the San Francisco Municipal Code (City Planning Code).

Said restrictions consist of a condition attached to a variance granted by the Zoning Administrator of the City and County of San Francisco on December 28, 1970 (Docket No. V270.61) permitting the resubdivision of Lot 11 in Assessor's Block 25 and the separation in ownership of subject parcel from the property immediately to the north, thus in effect legalizing City Planning Code deficiencies in lot coverage, usable open space and density for the apartment house on the northerly portion of Lot 11.

The aforesaid condition is, that the transferred portion of the lot, i.e. the subject property, remain as open space in perpetuity. This notice of restriction is not intended as, and shall not per se be deemed to constitute, a dedication to the public or to the City and County of San Francisco of the subject property.

The use of said property contrary to these special restrictions shall constitute a violation of the City Planning Code, and no release, modification or elimination of these special restrictions shall be valid unless notice thereof is recorded on the Land Records by the Zoning Administrator of the City and County of San Francisco.

These special restrictions shall run with the land and be binding upon any future owners, encumbrancers, their successors, heirs and assigns. The undersigned acknowledge acquisition of the subject parcel with full knowledge of the condition imposed by V270.61.

Dated:_____ at San Francisco, California

_____

_____

State of California)
City and County of San Francisco) SS

> On_____, before me,_____
> a Notary Public, in and for said City and County and State,
> personally appeared _____ known to me to be
> the persons whose names are subscribed to the within instrument,
> and acknowledged to me that they executed the same.

_____

Notary Public in and for said
City and County and State

CITY AND COUNTY OF SAN FRANCISCO

DEPARTMENT OF CITY PLANNING

100 LARKIN STREET · CIVIC CENTER · SAN FRANCISCO 2, CALIFORNIA

Date of This Letter: December 18, 1970

Last Date for Filing Appeal: December 28, 1970

Mr. George Imperiale
655 Pine Street
San Francisco, California

Re: VZ70.61
3020 Larkin Street, east side 50 feet north of North Point Street; Lot 11 in Assessor's Block 25, in a C-2 (Community Business) zoning district.

Dear Mr. Imperiale:

This is to notify you and other interested parties that your application under the City Planning Code for a variance pertaining to the above property and described as follows:

COVERAGE, USABLE OPEN SPACE AND DENSITY VARIANCES SOUGHT:
The proposal is to split lot 11 into 2 parcels: the southernmost vacant portion of the lot which has 30 feet of frontage on Larkin to be transferred to the abutting corner lot and the northern most portion which has 57.5 feet of frontage on Larkin and is developed with an apartment house. As a result of the proposed resubdivision, the apartment house lot would not meet City Planning Code standards for permitted lot coverage, usable open space or density.

which application was considered by the Zoning Administrator at a public hearing on November 18, 1970, has been decided as follows:

GRANTED, for the transfer of the southernmost vacant portion of lot 11, having 30 feet of frontage on Larkin Street and a depth of 43.75 feet, to lot 10 prior to the construction on lot 10 of a commercial building in general conformity with the land use indicated on the Schematic Site Plan by R. E. Onorato and Associates, marked "Exhibit A" and on file with this application. This variance shall be considered granted on the additional CONDITION that:

1. The transferred portion of the lot remain as open space in perpetuity and

2. A deed restriction to this effect approved as to form by the Zoning Administrator be filed with the Recorder of the City and County of San Francisco prior to the approval of any building permits on the resulting enlarged lot, and

3. The variance on the resulting reduced lot 11 shall apply only to the existing development, and upon demolition of the existing apartment building, any new construction must meet Planning Code standards.

I FINDINGS OF FACT

1. Assessor's lot 11 is an interior lot with 87.5 feet frontage on Larkin Street and a depth variously of 43.75 feet and 68.75 feet with an area of 5140.625 square feet.

2. Lot 11 is presently occupied by an 11 unit apartment building. Uncovered open space on the existing lot amounts to 2318.75 square feet. The apartment building covers approximately 55 per cent of the lot. Assessor's lot 10, adjacent to the south of lot 11 is vacant.

3. The proposal is to transfer the southernmost 30 feet of present lot 11 to lot 10, in order to provide additional open plaza area for a proposed commercial building on lot 10, leaving lot 11 with a total area of 3828.125 square feet far larger than the 2500 square foot minimum required by the City Planning Code.

4. The transferred area would remain as open space under the applicant's proposal.

5. Lot 11 is zoned C-2 and since 1964 has been subject to the density standard of one dwelling unit for each 600 square feet of lot area; the existing building, built prior to current zoning Code standards, exceeds the maximum density now permitted, with a ratio of lot area to dwelling units of approximately 467 square feet per unit. The proposed reduction in the size of lot 11 would reduce this figure to 348 square feet per dwelling unit, considerably less than required by the Code.

6. After transfer of the subject portion of lot 11, 1006.25 square feet of open space would remain on lot 11, or approximately 91.5 square feet per dwelling unit. The Code now requires at least 150 square feet of open space for each dwelling unit.

7. After transfer of the subject portion of lot 11, the apartment building would cover 73.7 per cent of the remaining lot. The Code limits lot coverage to a maximum of 65 per cent for an interior lot.

8. The apartment building on lot 11 is not developed in a manner using open space that would be transferred to lot 10 other than as light and air to windows on the south side of the building. This window exposure would be retained under the applicant's proposal to retain the subject area that would be transferred to lot 10 as open plaza area.

9. The Ghirardelli Square area is developing rapidly as an intense commercial area whic attracts residents of the area and tourists.

10. The applicant proposes to include the open area in a development of open courtyards emphasizing the natural environment which is intended to link together with the open access Aquatic Park and Ghirardelli Square to the north and west.

11. The lots on the east side of Larkin Street, directly opposite Ghirardelli Square such as the subject lots 10 and 11 are logical sites for immediate and future expansion of the commercial area. Thus, a commercial development on lot 11 may be expected in the future.

12. In a C-2 district the rear yard, lot coverage and usable open space requirements of the Planning Code apply only from the window sill level of the lower story, if any, occupied as a dwelling.

13. No one appeared in opposition to the application at the public hearing.

II CONCLUSIONS BASED UPON THESE FINDINGS

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

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

REQUIREMENT MET because, as shown in the Findings, the intended use of the subject portion of Assessor's lot 11 that would be transferred to lot 10 will not change its basic nature as open space and will, indeed, guarantee that it remains as such when such a guarantee could not otherwise be made in a C-2 zoning district. It will do so in a manner which will benefit residents of the City as a whole and increase the usability and attractiveness of the existing area for tenants of the residential building.

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

REQUIREMENT MET because the strict enforcement of the City Planning Code provisions in this case would call for the impractical and unreasonable alteration or destruction of the existing apartment building or prevent the applicant from realizing a well-conceived concept of open space development which will serve the tenants and visitors of lots 11 and 10 without any compensating public benefit.

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

REQUIREMENT MET because the same class of district permits 100 per cent coverage of lots for commercial purposes, and other such lots in the area are so developed, adding none of the open space amenities to neighboring residences which granting a variance under the stated condition will guarantee. The applicant proposes to develop the rest of the newly enlarged corner lot to less than the maximum permitted coverage in the zoning district, and less than that of neighboring properties, in order to provide even more open area for the enjoyment of the public as well as commercial tenants.

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

REQUIREMENT METbecause granting the variance will allow a development of lots 11 and 10 that will add to the open space amenities now available to those two C-2 zoned lots in keeping with similar amenities available at Ghirardelli Square and Aquatic Park in this area of the City which is changing rapidly from an earlier industrial character to uses conducive to shopping, recreation and tourist attractions. The proposed development, including the open court on theportion of lot 11 under discussion, is designed to tie in with other development in the area and should be at the same time an attraction in itself for the public. Thus, the proposal actually adds to and strengthens existing amenities of neighboring properties.

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

REQUIREMENT MET because in considering the nature of this area and the purposes of open space provisions of the Planning Code and of the Master Plan in general, that open space may be considered even more desirable which can serve not only the needs of the tenants on one particular lot but in addition other citizens and neighbors. The proposed development

made possible by this variance strengthens the natural beauty of this neighborhood and adds to the beneficial attractions of the City as a whole while fulfilling intentions of the Master Plan. The variance allows development in the spirit of the intention of Code provisions and, thus, is both necessary and desirable.

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

Very truly yours,

R. Spencer Steele
Zoning Administrator

RSS/RWP/en