



Subdivision Appeal

1365-1371 York Street

DATE: January 23, 2024
TO: Carla Short, Director, Department of Public Works
FROM: Aaron Starr, Manager of Legislative Affairs – Planning Department (628) 652-7600
Clair Feeney, Case Planner – Planning Department (628) 652-7313
RE: Board File No. 231187, Planning Case No. 2022-007843SUB
Appeal of Subdivision for 1365-1371 York Street
HEARING DATE: January 30, 2024
APPELLANTS: Deepa A Varma 1369 York Street, SF, CA 94110

INTRODUCTION

This memorandum and the attached documents are a response to the letters of appeal to the Board of Supervisors (“Board”) regarding the Planning Department’s (“Department”) approval of the application for a two-lot subdivision under Planning Department Case Number 2022-007843SUB pursuant to Planning Code Section 121, 130, 132, 134, and 209.1. This memorandum addresses the appeal to the Board, filed on November 13, 2023, by Deepa Varma, who resides at subject property.

SITE DESCRIPTION & PRESENT USE

The subject property is zoned RH-2 (Residential, House, Two Family), and located in a 40X height and Bulk Districts. It is located on the east side of York Street, between 25th and 26th Streets, and is 50’ by 100’. The subject property contains two separate buildings, both constructed in 1930 as “twin” buildings. The two buildings contain two stories over a garage and have a raised tunnel entry. The Department determined the two buildings are not historic resources through historic survey results.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The subject property is located within a residential neighborhood that is primarily made up of one- and two-unit buildings. Across the street is a property that contains an industrial building, which has an approved permit to demolish the existing building and construct a three-unit building.

PROJECT DESCRIPTION

The proposed subdivision would divide the lot into two code-complying lots. As a result, each lot would be 25’ wide by 100’ deep and each lot would contain one, two-unit building.

APPELLANT ISSUES AND PLANNING DEPARTMENT RESPONSES

Lack of Notice

Planning Department procedures do not require public notice for code-compliant Department of Public Works (DPW) referrals, including subdivisions, condo conversions, and lot line adjustments. Subdivision applications are not subject to any Planning Code notification requirements. The subdivision application for 1365 York (2022-007843SUB) is code-compliant and was processed correctly by the Department. The Department defers to DPW for their procedures.

Risk of Displacement and Loss of Rent Controlled Units

Subdivision applications do not require review of tenancy records or property occupancy status. Tenancy, rent control, and eviction protections are not within the jurisdiction of the Department. As a four-unit property that was constructed in 1930, the property is likely subject to both price controls and eviction protections as stipulated in the Rent Stabilization and Arbitration Ordinance. If these buildings are subject to the Rent Stabilization and Arbitration Ordinance, they would be under the jurisdiction of the Rent Board.

A subdivision application is not an application to convert rental housing units to condominiums. If a condo conversion application is submitted for the subject property, it will be reviewed in accordance with all required procedures and Planning Code requirements. For a two-dwelling-unit property (such as both parcels created by the 1365 York Street Subdivision) to convert to condominiums, the units must be owner occupied. The new parcels created by this subdivision application would not be eligible for condo conversions until the dwelling units have been owner-occupied for at least a year.

SUMMARY RESPONSE

The subject Tentative Map was 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. The subject referral is exempt from California Environmental Quality Act (CEQA) environmental review as categorically exempt Class 15 based on the information provided. Regarding the appellant's basis for appeal, there is no Planning Code noticing requirement for lot line adjustments; therefore, there was no lack of notice on the part of the Planning Department. Lastly, a lot-subdivision application is not an application to convert rental housing units to condominiums. The appellant's concern regarding the risk of displacement is speculative and outside of the actual action of this application.

CONCLUSION

For the reasons stated in this document the Department recommends that the Board uphold the Department's decision in approving the Tentative Parcel Map approval.



Katharine S. Anderson, PLS, City and County Surveyor | Bureau of Street-Use & Mapping
subdivisions.mapping@sfdpw.org | T. 628-271-2000 | 49 South Van Ness Ave. 9th Floor, San Francisco, CA 94103

January 23, 2024

Subject: File No. 231187 – Tentative Map Appeal – 1365-1371 York Street
APN: 4275-028
DPW Project ID: 11200

Dear Ms. Calvillo and members of the Board of Supervisors,

The Department of Public Works (“Department”) issues this letter in response to the letter from Deepa Varma, dated November 13, 2023, appealing the Tentative Parcel Map approval of a 2-lot subdivision project (also referred to as a “lot split”) for the above-referenced property. The subject lot split application was properly reviewed and approved.

The subject subdivision application pertains to Assessor’s Lot 028, in Assessor’s Block 4275, which is 50’ wide by 100’ deep. There are two existing buildings on the lot, with each building comprised of two residential units. The separation between the two buildings is approximately 4.7’. Attached to this letter is the Tentative Parcel Map, which describes the proposed lot split as a “two lot subdivision” and depicts the proposed new lot line positioned to result in two 25’ wide parcels, each totaling 2,500 square feet, which is the standard lotting pattern in many San Francisco neighborhoods, including this one.

Below is a summary of the project timeline.

- April 26, 2022: The Office of the County Surveyor received a Parcel Map Subdivision Application for the above-referenced property. The application submitted to our office is for a lot split (dividing a single lot into two lots). This proposed subdivision does not include or contemplate a conversion of any residential dwelling unit(s) into a condominium. A condominium conversion, which converts separate dwelling units into 2 or more condominiums is a separate and distinct application with different requirements.
- August 11, 2022: The application was deemed submittable, which means all the required elements of the application were satisfactorily received by our office; then Acting County Surveyor William Blackwell, PLS, referred the subdivision application to the Department of City Planning (DCP) and the Department of Building Inspection (DBI).
- May 30, 2023: The Department of Building Inspection issued its conditional approval of the subdivision.
- October 27, 2023: The Department of City Planning issued its approval of the subdivision.
- November 1, 2023: Chief Surveyor Jacob Rems issued Tentative Parcel Map approval on behalf of Katharine S. Anderson, City and County Surveyor, subject to compliance with any conditions from DBI and DCP (if applicable).

Pursuant to Section 1313(d)(1) of the San Francisco Subdivision Code, the Office of the County Surveyor gave notice of the Tentative Parcel Map Approval as required under the Subdivision Code to: “[a] list of the names, assessor’s lot and block numbers and mailing addresses of all those shown in the

last equalized assessment roll as owning property within 300 feet of the property proposed to be subdivided.”

The Subdivision Code does not require the Department to notify non-owning tenants of lot split applications. The Subdivision Code only requires notice to non-owning tenants for condominium conversions. As stated above, the subdivision on appeal is not a condominium conversion. While the Subdivision Code Section 1313(a) does require that notice be sent to any person who has filed a written request for notice with the Director's office, the appellant in this case did not request such notice. Furthermore, the appellant was not harmed by not receiving notice, because they were still able to appeal the project, which now is pending before the Board of Supervisors on January 30, 2024 following the Board’s continuance of the appeal, which was originally scheduled to be heard on December 12, 2023.

There is no evidence to support that any portion of the buildings are to be subdivided, nor is there any evidence to support potential displacement of any residents. As stated above, the conversion of dwelling units to condominiums is a distinct and different application for an entirely different type of subdivision, and should not be confused with a lot split. The appellant’s concern regarding the “risk of displacement and loss of rent controlled units” is speculative and outside of the scope of the actual subdivision application in question. If an application for condominium conversion is submitted to the Office of the County Surveyor at some point in the future, the tenants, in accordance with the Subdivision Code, will receive notice of any tentative subdivision map decision that the County Surveyor makes regarding a condominium conversion.

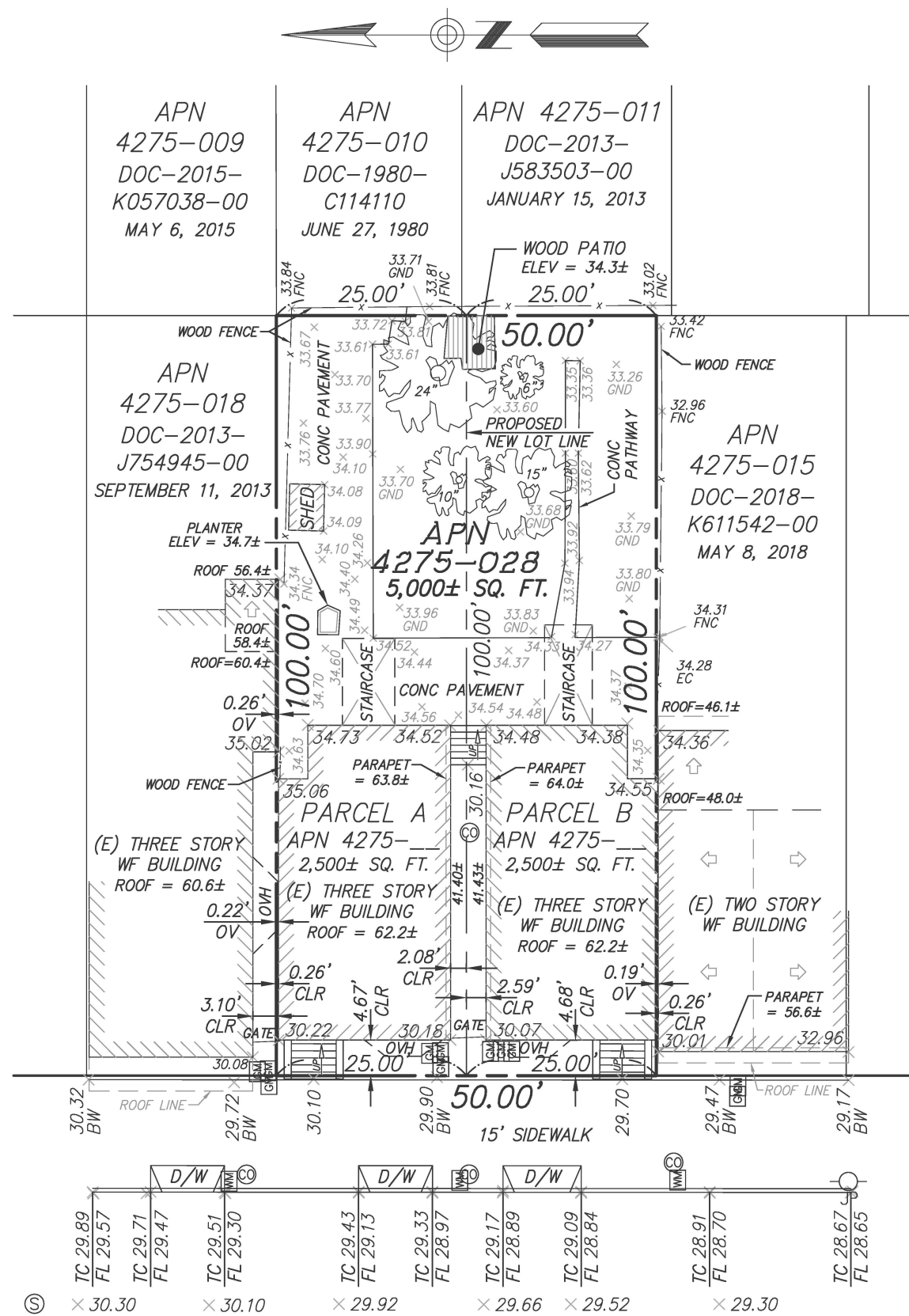
Section 66474 of the Subdivision Map Act, entitled “Tentative or Parcel Map; Grounds for Denial,” lists seven findings a legislative body of a city or county can make to deny the approval of a Tentative Parcel Map. Following my office’s review of the subdivision application in question, I have determined that there are no grounds for denial of this subdivision application under Section 66474 of the Subdivision Map Act.

In conclusion, the appeal in question fails to identify any violations of City or State law related to the subdivision application that could be grounds for denying the lot split or reversing the approval of the subdivision application.

Thank you,

K. Anderson

Katharine S. Anderson, PLS #8499
City and County Surveyor, City and County of San Francisco



YORK STREET (60.00' WIDE)

SITE DETAIL

GRAPHIC SCALE



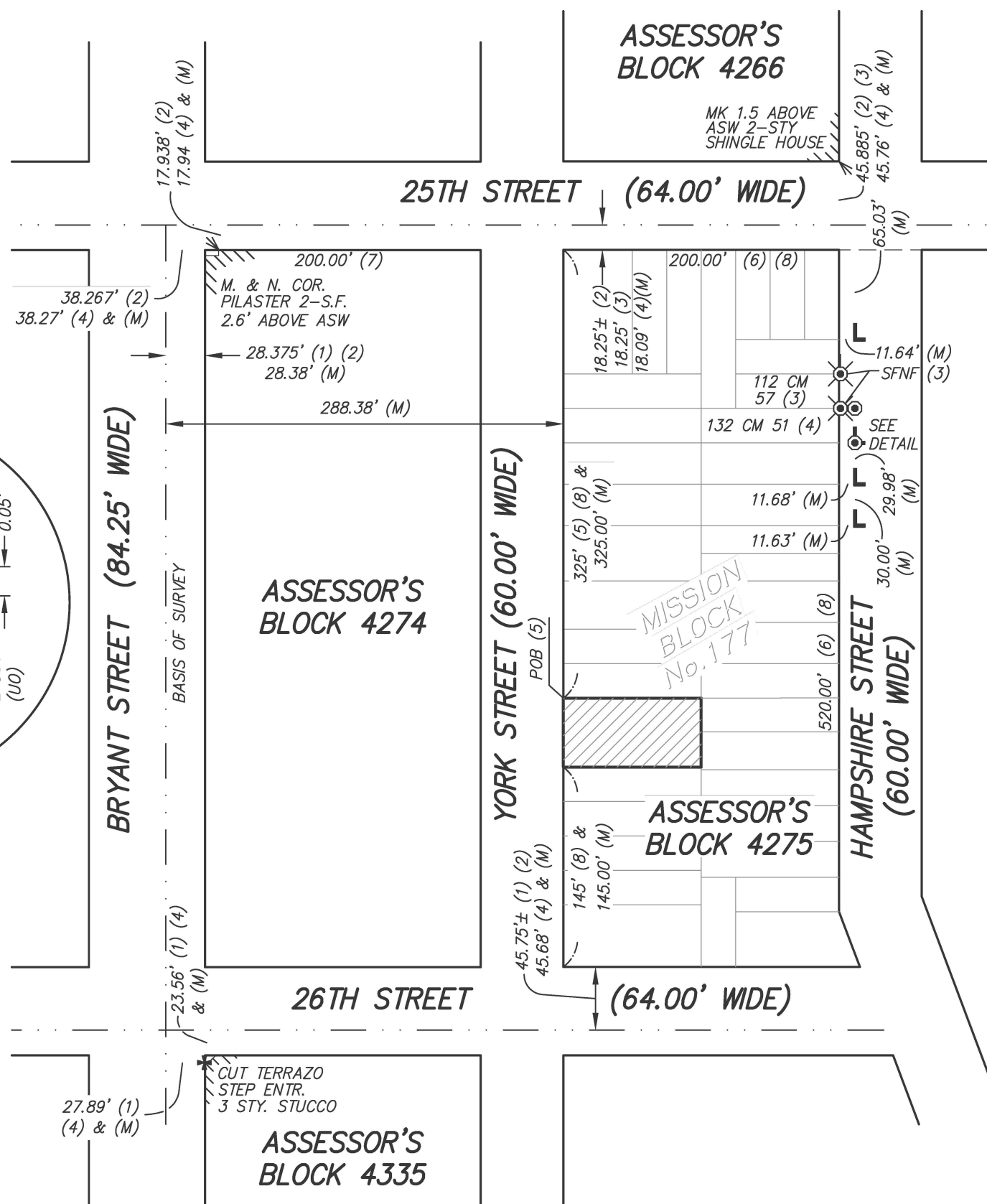
1 inch = 20 feet

LEGEND

---	PROPERTY LINE
---	ADJACENT PARCEL LINES
---	RIGHT OF WAY LINE
---	MONUMENT LINE
---	PROPOSED NEW LOT LINE
---	FENCE LINE
---	BUILDING LINE
---	SUBJECT PROPERTY
---	MARK MONUMENT MAP
---	BRASS TAG PER (3), SFNF
---	FOUND CROSS CUT
---	FOUND L CUT (UO)
---	FOUND NAIL & TAG PER (4)
---	CLEANOUT
---	GAS VALVE
---	SANITARY SEWER MANHOLE
---	ROOF PITCH
---	GAS METER
---	WATER METER
---	JOINT POLE

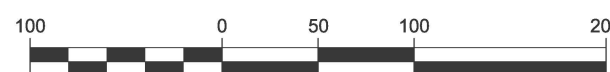
ABBREVIATIONS

AB	ASSESSOR'S BLOCK
APN	ASSESSOR'S PARCEL NUMBER
BLDG	BUILDING
BW	BACK OF SIDEWALK
CLR	CLEAR
CONC	CONCRETE
DOC	DOCUMENT
D/W	DRIVEWAY
EC	EDGE OF CONCRETE
ELEV	ELEVATION
FL	FLOW LINE
FNC	FENCE
GND	GROUND
OVH	OVERHANG
POB	POINT OF BEGINNING
SFNF	SEARCHED FOR NOT FOUND
SQ FT	SQUARE FEET
TC	TOP OF CURB
WF	WOOD FRAME
()	REFERENCE NUMBER
(E)	EXISTING
(M)	MEASURED
(UO)	UNKNOWN ORIGIN



CONTROL DIAGRAM

GRAPHIC SCALE



1 inch = 100 feet

REFERENCES

- (1) MONUMENT MAP 279, ON FILE IN THE OFFICE OF THE CITY AND COUNTY SURVEYOR
- (2) MONUMENT MAP 280, ON FILE IN THE OFFICE OF THE CITY AND COUNTY SURVEYOR
- (3) 112 CM 58, MAP FILED DECEMBER 10, 2009 OFFICE OF THE COUNTY RECORDER
- (4) 132 CM 51, MAP FILED JUNE 21, 2017 OFFICE OF THE COUNTY RECORDER
- (5) DOC-2006-1276786-00 RECORDED OCTOBER 31, 2006
- (6) ASSESSOR'S BLOCK DIAGRAM 4275 FILED IN THE OFFICE OF THE COUNTY RECORDER.
- (7) ASSESSOR'S BLOCK DIAGRAM 4274 FILED IN THE OFFICE OF THE COUNTY RECORDER.
- (8) HISTORIC BLOCK DIAGRAM: AB 4275, MISSION BLOCK NUMBER 177, ON FILE IN THE OFFICE OF THE CITY AND COUNTY SURVEYOR.

BOUNDARY NOTES

PROPERTY AND RIGHT OF WAY LINES SHOWN HEREON ARE BASED UPON RECORD DATA AND NOT INTENDED TO BE A DETAILED FINAL SURVEY OF THE PROPERTY. BOUNDARY INFORMATION SHOWN HEREON IS FOR PLANNING PURPOSES ONLY.

ALL ANGLES ARE 90° UNLESS OTHERWISE SHOWN.

ALL DISTANCES ARE MEASURED IN FEET AND DECIMALS THEREOF.

DATE OF SURVEY

TOPOGRAPHIC INFORMATION SHOWN HERE IS BASED UPON A FIELD SURVEY PERFORMED JUNE 2021.

SURVEY REFERENCE

THIS SURVEY IS BASED ON THE LEGAL DESCRIPTION DESCRIBED IN THE FOLLOWING GRANT DEED:

APN 4275-028, RECORDED OCTOBER 31, 2006, DOCUMENT NUMBER 2006-1276786-00.

UTILITY NOTE

UNDERGROUND UTILITIES SHOWN HEREON WERE PLOTTED FROM A COMBINATION OF OBSERVED SURFACE EVIDENCE (CONDITIONS PERMITTING) AND RECORD INFORMATION OBTAINED FROM THE RESPECTIVE UTILITY COMPANIES AND ARE NOT INTENDED TO REPRESENT THEIR ACTUAL LOCATIONS. THEREFORE, ALL UTILITIES MUST BE VERIFIED WITH RESPECT TO SIZES, HORIZONTAL & VERTICAL LOCATIONS BY THE OWNER AND/OR CONTRACTOR PRIOR TO DESIGN OR CONSTRUCTION. NO RESPONSIBILITY IS ASSUMED BY TRANSAMERICAN ENGINEERS FOR THE LOCATION AND CAPACITY OF SAID UTILITIES.

PROJECT BENCHMARK - DESCRIPTION

ELEVATIONS SHOWN HEREON WERE OBTAINED FROM THE BENCHMARK LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF 25TH STREET AND BRYANT STREET, LETTER "O" IN "OPEN" TOP HPFS HYDRANT. SAID BENCHMARK IS BASED UPON CITY & COUNTY OF SAN FRANCISCO DATUM AND HAS AN ELEVATION OF 40.176.

OWNER(S)

VIRGINIA LOPEZ
1325 HOWARD AVENUE, #308
BURLINGAME, CA 94010-4212

SURVEYOR'S STATEMENT

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY,

BY: B. A. Pierce DATE: 04-20-2022

BARRY A. PIERCE, L.S. 6975
MY LICENSE EXPIRES SEPTEMBER 30, 2023

TENTATIVE PARCEL MAP
BEING A TWO LOT SUBDIVISION OF THAT REAL PROPERTY
DESCRIBED IN THAT CERTAIN DEED
RECORDED ON OCTOBER 31, 2006
AS DOC-2006-1276786-00, OFFICIAL RECORDS
ALSO BEING A PORTION OF MISSION BLOCK No. 177

CITY & COUNTY OF SAN FRANCISCO
SCALE AS SHOWN

STATE OF CALIFORNIA
APRIL 2022

BARRY A. PIERCE
TRANSAMERICAN ENGINEERS & ASSOCIATES

SHEET 1 OF 1
APN: 4275-028, ADDRESS: 1365 YORK STREET