Letter of Determination

September 12, 2008

Suheil Shatara Shatara Architecture 522 2nd Street San Francisco CA 94107

RE:

152 Elsie Street Block: 5618 Lot: 020 BPA No: 2003.1006.6599

Dear Mr. Shatara:

This letter is in response to your request for a Zoning Administrator's letter of determination for the property at 152 Elsie Street. This parcel is located in the RH-1 (Residential House, One-Family) District and The Bernal Heights Special Use District with a 40-X height and bulk limitation. The request is to confirm the August 8, 1988 Zoning Determination decision exempting 152 Elsie Street from the off-street parking requirement pursuant to Planning Code Section 161(a) and to accept the project with the

modifications necessitated by this change.

HISTORY OF PROJECT

The subject property is a 1,750-square-foot, rectangular lot that slopes steeply downward from the northwest side of Elsie Street and is the only undeveloped lot on the block. Because of the steep grade it is not possible to construct a driveway ramp to serve the property without significantly altering the sidewalk elevation. The two houses directly adjacent to the property to the north and all of the houses to the south do not have off-street parking.

The project sponsor submitted the current plans and began the planning process on October 6, 2003. Following Section 311 Notification and a Discretionary Review hearing (November 9, 2006), the Planning Commission granted approval for a proposed new single family dwelling, by taking Discretionary Review, and approving the Building Permit with the condition that the project sponsor shall build the neighbors a 3-D model of the proposed improvements to the right-of-way.

The Commission found that the primary objections or concerns of the DR Requestors were not under Commission purview. There was relatively little testimony or written argument against the proposed building envelope itself. Most of the testimony was regarding the proposed improvements to the rightof-way, the feasibility for providing parking on the subject site, and potential construction impacts. The Commission found that the project complies with the General Plan, the Planning Code, the Residential Design Guidelines, and the Elsie Street Design Guidelines.

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Planning Information: 415.558.6377 Suheil Shatara 522 2nd Street San Francisco, CA 94107 Letter of Determination: 152 Elsie Street September 12, 2008

The approved design includes one off-street parking space, and a Variance was sought and granted by the Acting Zoning Administrator at a concurrent hearing to allow provision of a second parking space that did not meet certain requirements of Article 1.5.

In order to accommodate that off-street parking space in a garage and the additional non-complying space, the project sponsor would need to make significant changes to the elevation of the existing sidewalk. Neighbors expressed strong concerns regarding the proposed sidewalk changes.

We understand that the Project Sponsor, Mr. Paul McKeown, pursued diligently and in good faith, the granting of an encroachment permit from the Department of Public Works, We further understand that the conditions of approval for the encroachment as imposed by DPW are untenable and do not guarantee off-street parking access for the life of the project.

1988 PARKING DETERMINATION, 152 ELSIE STREET

Subsequently, a determination dated August 8, 1988 Robert Passmore,, Zoning Administrator, was discovered, which withdrew the parking Variance application and concluded "that off-street parking is not required for the above-referenced property [152 Elsie Street, Case 88.066V] pursuant to Section 161 (a) of the Planning Code which states: "No off-street parking shall be required for a one-family or two-family dwelling where the lot on which such dwelling is located is entirely inaccessible by automobile because of topographic conditions." In order to construct a driveway ramp to serve the subject property, the sidewalk elevation would have to be raised. The Interdepartmental Staff Committee on Traffic and Transportation (ISCOTT) disapproved the applicant's proposal to construct a driveway ramp on the basis that the resulting blockage of the public sidewalk would be unacceptable. The disapproval of the driveway ramp by ISCOTT therefore renders the subject property topographically inaccessible for off-street parking."

DETERMINATION

It is hereby determined that the property located at 152 Elsie Street shall not be required to provide offstreet parking pursuant to Planning Code Section 161(a). The August 8, 1988 Letter of Determination's action is upheld, which specifically states, "Off-street parking is not required for the above-referenced property pursuant to Section 161 (a) of the Planning Code." In addition, the question had arisen as to whether the project should be reviewed once again by the Planning Commission given that it had appeared in front of that body via a publicly induced Discretionary Review. It is further determined that the project is not required to appear before the Planning Commission owing to the Planning Commission's findings which stated,

The Commission found that the reasons the DR Requestors asked to the Commission to take DR were largely out of their purview. There was relatively little testimony or written arguments against the proposed house itself. Most of the testimony was regarding the proposed improvements to the right-of-way, the feasibility for providing parking for the subject site, and construction impacts. The Commission found that the project was compliant with the General Plan, the Planning Code, the Residential Design Guidelines, and the Elsie Street Design Guidelines.

However, to provide current information about the project to interested parties, the Department will mail copies of this Letter of Determination to those persons who spoke publicly at the November 9, 2006 Planning Commission Hearing comprising both supporters of the project and supporters of the DR request.

SAN FRANCISCO
PLANNING DEPARTMENT

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Any aggrieved party who believes this determination represents an error in interpretation of the Planning Code or abuse in discretion by the Zoning Administrator may file an appeal with the Board of Appeals within 15 days of the date of this letter. For information regarding the appeals process, please contact the Board of Appeals located at 1650 Mission Street, Room 304, San Francisco, CA 94103, or call (415) 575-6880.

Sincerely Craig hikitas

Craig Nikitas

Acting Zoning Administrator

cc: Edgar Oropeza, Planner
Julian Banales, Southeast Quadrant Team Leader
Paul McKeown, Project Sponsor
Nick Elsner, DPW
Meredith Jones, Sheppard Mullin

Commission Speakers, 11/9/2006

Charles Bolton, 315 Virginia Avenue Melissa Clendenny, 150 Elsie Street David Schreiber, 150 Elsie Street Mary Morgan, 146 Elsie Street Linda Goldman, 151 Elsie Street Sululagi Palega, 148 Elsie Street