



SAN FRANCISCO PLANNING DEPARTMENT

Discretionary Review Analysis

HEARING DATE FEBRUARY 18, 2010

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

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415.558.6377

Date: February 11, 2010
Case No.: **2009.0914D**
Project Address: **424 FRANCISCO STREET**
Permit Application: 2004.01.22.4627
Zoning: North Beach Neighborhood Commercial District (NCD)
40-X Height and Bulk District
Block/Lot: 0041/010
Project Sponsor: John Lau, Dickson Consulting Group
5616 Geary Boulevard #201
San Francisco, CA 94121
Staff Contact: Tim Frye – (415) 575-6822
tim.frye@sfgov.org
Recommendation: **Do not take DR and approve project as proposed.**

PROJECT DESCRIPTION

The proposal is to raise the building a maximum of 2-feet in order to accommodate off-street parking for 6 cars. The garage door opening is proposed to be 8-feet in width and the door is proposed to be installed flush with the exterior wall and shall be finished in wood clapboard siding to match the existing surrounding historic cladding material. Planter boxes and additional stair treads are proposed to accommodate the change in grade at the street side property line. To accommodate the garage ramp the floor level for the front room of the first level unit will be raised approximately 1'-7" in height and project approximately 4'-6" into the interior space.

SITE DESCRIPTION AND PRESENT USE

The existing building is a 3-story, 6-unit frame residential building constructed in 1906. It is identified as a contributing structure on the North Beach Survey and was identified on the 1976 Architectural Survey.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The project area is located along Francisco Street between Powell and Mason Streets within the North Beach Neighborhood Commercial District, which functions as a neighborhood-serving marketplace, tourist attraction, citywide specialty shopping and dining district, as well as an apartment and residential hotel area. The district provides most convenience goods and services for residents of North Beach and portions of Telegraph and Russian Hills. The neighborhood is a popular tourist destination due to its own eclectic history, association with Italian immigrants, and the project site's close proximity to the Embarcadero and the Fisherman's Wharf area; the neighborhood-serving convenience stores are strongly outweighed by citywide specialty businesses.

Ground-floor uses in the project vicinity include cafés, restaurants, hair salons, a comedy club, tattoo parlors, a grocery, an antiques store, realty offices, mobile phone sales, a bike shop, and auto repair shops. Also within a few blocks of the project site are additional restaurants and retail shops along Bay Street, including the Northpoint Shopping Center.

HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Posted Notice	10 days	January 3, 2010	January 3, 2010	10 days
Mailed Notice	10 days	January 3, 2010	December 31, 2010	15 days

PUBLIC COMMENT

	SUPPORT	OPPOSED	NO POSITION
Adjacent neighbor(s)	X	X	X
Other neighbors on the block or directly across the street	X	X	X
Neighborhood groups		Chinatown Community Development Center	

The Discretionary Review (DR) Requestor refers to a DR previously heard by this Commission, Case #2009.0038D for 32-40 Varennes Street, stating that they believe that the building permit application for a garage at 424 Francisco is nearly identical. In the Varennes Street case the Commission took DR and disapproved the project based on the findings that,

- The proposal does not comply with Priority Policies of the General Plan, pursuant to Section 101.1(b)(2), in that the proposed garage does not serve to protect the existing housing, economic diversity, or neighborhood character of North Beach.
- The proposal does not comply with Priority Policies of the General Plan, pursuant to Section 101.1(b)(4), in that the proposed garage would promote additional commuter traffic that would impede the transit-rich services existing in the neighborhood.
- The proposal would impact the pedestrian usage of the narrow sidewalks and the new curb cut would risk mobility of pedestrians.
- The 20-foot wide alley would not successfully accommodate the necessary grade of the proposed vehicular ramp without impacts to the abutting sidewalk grade.

The DR Requestor identifies four main issues for requesting Discretionary Review. These main points are that the proposal prioritizes commuter traffic at the expense of existing transit; that the proposal poses a

threat to pedestrian safety and mobility; that the proposal fails to protect the existing housing, economic diversity, or neighborhood character of North Beach; and that there was inadequate review of the potential impacts upon a historic resource.

UPDATE: The DR Requestor has submitted additional materials on the ownership of the subject building; their opinion on renting the remaining units after the construction of the garage; and, their opinion that approving a garage within a building where the tenants have been removed due to the Ellis Act encourages acts of housing discrimination against disabled persons.

DR REQUESTOR

Deland Chan
Chinatown Community Development Center (CCDC)
667 Clay Street
San Francisco CA 94111

DR REQUESTOR'S CONCERNS AND PROPOSED ALTERNATIVES

See attached *DR application and updated DR Requestor submittal dated February 3, 2010*.

PROJECT SPONSOR'S RESPONSE

See attached *Response to Discretionary Review and updated information from Quickdraw Consulting*.

UPDATE: The Project Sponsor has submitted an Americans with Disabilities Act Request for Accommodation that includes the Individual Family Service Plan (IFSP) that outlines the services needed at home to accommodate their Autistic son. The Project Sponsor has also included a financial overview of their proposed project as well as an alternate proposed floor plan for the garage space that includes bicycle parking and outlets for electric cars.

PROJECT ANALYSIS

The DR Requestor believes that the Commission's decision on the Varennes Street cases was precedent setting and that decision should be applied to future garage permit applications. The Department, however, believes that the Commission's decision on the Varennes project was case-specific and was not intended to set policy in regards to all permit applications to install garages within existing buildings.

At the December 17, 1009 Planning Commission hearing, the Department presented a draft Policy for Review of New Garages in Existing Buildings; however, no formal action was taken to adopt the policy. The Commission asked the Department to develop the policy further for future consideration. Pending further direction through newly developed policies, the Department believes that there are no exceptional or extraordinary circumstances associated with the case regarding 424 Francisco Street.

For those buildings that were constructed prior to 1955 (the year San Francisco's 1:1 parking requirement was established) without a garage, any subsequent application for the installation of a garage opening and off-street parking is a voluntary action and not a requirement, and subject to the discretionary

approval of the Planning Department. Like any proposal, planners weigh garage applications against a number of policies and objectives including: General Plan policy, Transit First Policies, Planning Code requirements, Design Guidelines and Zoning Administrator Bulletins.

The Department believes that the project design takes into consideration the continued preservation of the historic resource, the quality of the interior living space, the quality of the public realm, the vitality of the North Beach Neighborhood Commercial District (NCD), and does not diminish access to public transit. The Planning Department heavily scrutinizes permit applications for new curb cuts and garage openings within NCDs. While the subject building is located within the North Beach NCD, its immediate blockface is primarily residential in character and the Department believes that the insertion of a curb cut and a garage opening at this location will not be detrimental to pedestrian activity; the curb cut will not remove any commercial tenants or adversely alter the pedestrian experience for potential customers. The blockface contains a total of four existing curb-cuts and no curb-cuts on the opposite blockface. Francisco Street has not been identified as a Transit Preferential Street. The proposed curb cut and garage opening will not result in the removal of a street tree.

The proposed alteration was found to be compatible with the identified historic resource and meets the Zoning Administrator's Bulletin for inserting a garage in a historic building. The immediate block exhibits a wide variety of building heights and lot widths and bears little relationship to its adjacent neighbors in terms of the location of entries and their height, fenestration, floor levels, or cornice lines. For these reasons, the Department's Preservation Staff determined that raising the building a maximum of 2'-0" will not constitute a significant alteration to the building or its character-defining features. Allowing the building to be slightly raised will avoid impacting the architectural details associated with the historic resource. An additional result of raising the building to avoid adversely impacting the historic resource is that two planters will be located on either side of the door and will project 2'-0" into the public right-of-way. These planters are required by the Department of Public Works (DPW) to protect pedestrians from the slope of the ramp into the building. The Department believes that these planters will not diminish the pedestrian experience along this block face; the sidewalk is approximately 15'-0" in width and the proposed planter are more sensitive in scale and design than the installation of utilitarian metal railings. Furthermore, the previous action involving the 32-40 Varennes Street DR appeared to rely on the fact that narrow alley streets in the Telegraph Hill and North Beach neighborhoods are important pedestrian thoroughfares and provide informal open space. The insertion of a garage opening would create a substantial hazard to pedestrians along these alley streets. Francisco Street between Mason and Powell Streets is 68'-0" in width including 15'-0" wide sidewalks on each side. The Department does not believe that the site conditions at the proposed 424 Francisco Street site possesses the same pedestrian hazards as the project at 32-40 Varennes Street may have created and therefore do not rise to a level of exceptional or extraordinary.

The front room of the first level unit will be raised approximately 1'-7" in height and project approximately 4'-6" into the interior space. This alteration to the interior space of the western 1st-floor unit has been determined not to adversely impact the quality of the living space of this unit. The floor-to-ceiling height within the unit is 9'-8". The 54 square feet of living space altered will have a floor-to-ceiling height of 8'-1" and will only affect a portion of the living room area at the front of a two-bedroom one-bath unit.

UPDATE: The analysis below is based on the proposed legislation requiring Planning Commission Conditional Use Approval for installing a garage within an existing residential building. The Board of Supervisors passed the proposed legislation at their regularly scheduled February 9, 2010 hearing. It will be incorporated and enforceable as part of the Planning Code once the Mayor signs the legislation.

The Department has evaluated the proposed project against the criteria outlined in the draft legislation below:

Installing a garage in a residential building requires a conditional use. In addition to the criteria set forth in Section 303, the Planning Commission shall find that:

(1) The proposed garage opening/addition of off-street parking will not cause the "removal" or "conversion of residential unit," as those terms are defined in Section 317 of this Code;

The proposed project will not result in the removal or conversion of an existing residential unit. The proposed project meets this criterion.

(2) The proposed garage opening/addition of off-street parking will not substantially decrease the livability of a dwelling unit without increasing the floor area in a commensurate amount;

The proposed garage opening/addition of off-street parking will not substantially decrease the livability of a dwelling unit. The front room of the first level unit will be raised approximately 1'-7" in height and project approximately 4'-6" into the interior space. This alteration to the interior space of the western 1st-floor unit has been determined not to adversely impact the quality of the living space of this unit. The existing floor-to-ceiling height within the unit is 9'-8". The 54 square feet of living space altered will have a floor-to-ceiling height of 8'-1" and will only affect a portion of the living room area at the front of a two-bedroom one-bath unit. The proposed project meets this criterion.

(3) The garage opening on a historic resource meets the requirements of Zoning Administrator Bulletin 2006.1A: Procedures and Criteria for Adding Garages to Existing Residential Structures, which assures that no adverse impacts will be made to a historic resource;

The proposed alteration was found to be compatible with the identified historic resource and meets the Zoning Administrator's Bulletin for inserting a garage in a historic building. See discussion on page 4 for more information. The proposed project meets this criterion.

(4) The reduction of an adverse impact to a historic resource with the inclusion of a minor sidewalk encroachment is balanced against the sidewalk accessibility issues that an encroachment will have on the pedestrian space;

A result of raising the building to avoid adversely impacting the historic resource is that two planters will be located on either side of the door and will encroach 2'-0" into the public right-of-way. These planters are required by the Department of Public Works (DPW) to protect pedestrians from the slope of the ramp into the building. The Department believes that these planters will not diminish the pedestrian experience along this block face; the

sidewalk is approximately 15'-0" in width, which will be reduced to 13'-0" at the locations of the planters. This sidewalk width will provide ample room for pedestrians and the proposed planter are more sensitive in scale and design than the installation of utilitarian metal railings. The proposed project meets this criterion.

(5) the proposed curb cut required for the off-street parking will be configured in a manner that (i) minimizes the loss of off-street parking and (ii) will not cause the excessive loss of on-street parking, in no event removing more than two on-street parking spaces;

The proposed project will remove one street parking space to accommodate six off-street parking spaces. The proposed project meets this criterion.

(6) The proposed garage/addition of off-street parking will not (i) include as part of the proposal a sidewalk encroachment permit if the project is located on a Neighborhood Commercial Street or Transit-Preferential Street, as defined in Section 155(f) of this Code, (ii) reduce the path of travel on the sidewalk to less than 6 feet, or (iii) create a sidewalk slope of greater than 2 percent;

While the subject building is located within the North Beach NCD, its immediate blockface is primarily residential in character and the Department believes that the insertion of a curb cut and a garage opening at this location will not be detrimental to pedestrian activity; The curb cut will not remove any commercial tenants or adversely alter the pedestrian experience for potential customers. Francisco Street has not been identified as a Transit Preferential Street. The proposed curb cut and garage opening will not result in the removal of a street tree. The slope of the sidewalk at the location of the ramp down into the garage will be in excess of 2%; however, this sloped area will be within the area as part of the minor encroachment. This area will be identified by the planters on either end of the ramp in order to protect pedestrians from the change in grade of the sidewalk in front of the proposed garage. The remainder of the sidewalk that provides the main path for pedestrians will remain in its current condition. The proposed project meets this criterion.

(7) All parking of vehicles in a driveway will be screened in accordance with Section 142 of this Code;

N/A

(8) The proposed project is consistent with the Residential Design Guidelines, including the Zoning Administrator's Bulletin 2006.1A: Procedures and Criteria for Adding Garages to Existing Buildings;

The Residential Design Guidelines do not apply to the proposed project because it is located within the North Beach NCD. The proposed alteration was found to be compatible with the identified historic resource and meets the Zoning Administrator's Bulletin for inserting a garage in a historic building. The proposed project meets this criterion.

(9) The proposed project will meet the landscape improvements requirements of Section 143 of this Code;

The existing building is constructed at the front (street) property line and does not have a front yard setback. However, two planters will be located on either side of the garage door and will encroach 2'-0" into the public right-of-way. These planters are required by the Department of Public Works (DPW) to protect pedestrians from the slope

of the ramp into the building. The Department believes that these planters will not diminish the pedestrian experience along this block face. The proposed project meets this criterion.

(10) There have been no "no fault" evictions, as defined in Section 37.9(a)(7)-(13) of the San Francisco Administrative Code, within the past ten years;

According to the Project Sponsor the previous owner of the subject building used the Ellis Act to remove the previous tenants in 2004. While the Project Sponsor is now legally allowed to rent the units in the subject building according to State law, the "no fault" eviction occurred less than 10 years ago; and therefore, does not meet this criterion.

(11) The proposed garage/addition of off-street parking installation is consistent with the Priority Policies of Section 101.1 of the Planning Code.

On balance, the Department believes that the proposed project is consistent with the majority of the Priority Policies.

- A. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses be enhanced.

While the subject building is located within the North Beach NCD, its immediate blockface is primarily residential in character and the Department believes that the insertion of a curb cut and a garage opening at this location will not be detrimental to neighborhood-serving retail uses; The curb cut will not remove any commercial tenants or adversely alter the pedestrian experience for potential customers.

- B. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods.

The existing units in the subject building would not be adversely affected. The Project Sponsor intends to live in the building and convert the remaining unit to Tenancies in Common (TICs), which will bring these existing units back onto the market after being vacant for 6 years.

- C. That the City's supply of affordable housing be preserved and enhanced,

The 6 units within the building current exist and no additional units are proposed. According to the Project Sponsor, the majority of the existing units would eventually be converted into TIC. While rentals are economically accessible to a broader population of potential residents than if the units were sold as condominiums or TICs, the Department cannot require the Project Sponsor to maintain the building as a rental property.

- D. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking.

The site is well served by transit; however, Francisco Street has not been identified as a Transit Preferential Street. The Department does not believe that the proposed curb cut and garage opening will negatively impact MUNI service or overburden neighborhood parking; the curb cut will not impact any MUNI stops or impede any existing routes; the proposal removes one street parking space for the creation of six off-street parking spaces.

- E. 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 proposal will not displace any service or industry establishment. The project will not affect industrial or service sector uses or related employment opportunities. Ownership of industrial or service sector businesses will not be affected by this project.

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

The proposal is designed and will be constructed to conform to the structural and seismic safety requirements of the City Building Code. This proposal will not impact the property's ability to withstand an earthquake.

- G. That landmarks and historic buildings be preserved.

The proposed alteration was found to be compatible with the identified historic resource and meets the Zoning Administrator's Bulletin for inserting a garage in a historic building. The garage opening is designed to minimize its physical and visual impact upon the public realm through the introduction of planters rather than open railings that project 2'-0" into the public right-of-way and exterior finishes that match the surrounding historic cladding found on the subject building. The garage opening is proposed to be 8'-0" in width, the minimum feasible for an automobile. The garage door will be frameless and will be clad in siding that matches the existing exterior siding at this location.

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

The proposal will have no negative impact on existing parks and open spaces. The proposal does not have an impact on open spaces.

Prior to approval by the Planning Commission, the Planning Department shall consult the Department of Public Works concerning whether the proposed garage opening will require a minor sidewalk encroachment permit or a street tree removal permit, and whether those permits are likely to be granted.

Prior to approval by the Planning Commission the Planning Department shall consult the Metropolitan Transportation Authority and/or Department of Public Transit concerning whether the proposed garage

opening/curb cut will impact the transportation network, the off-street parking supply for the block, and the safety of transit riders, bicyclists and pedestrians.

The proposal will require a minor encroachment permit and will not result in the removal of a street tree. Due to time constraints the Department has not confirmed with DPW as to whether the minor encroachment permit is likely to be granted. The proposed curb cut will not negatively impact any existing MUNI stops or routes. Due to time constraints the Department has not confirmed with DPW as to whether the minor encroachment permit is likely to be granted.

ENVIRONMENTAL REVIEW

The Department has determined that the proposed project is exempt/excluded from environmental review, pursuant to CEQA Guideline Section 15301 (Class One - Minor Alteration of Existing Facility).

RESIDENTIAL DESIGN TEAM REVIEW

The request(s) for Discretionary Review was reviewed by the Department's Residential Design Team (RDT). The RDT's comments include:

- No exceptional or extraordinary circumstances from RDG perspective; however due to previous similar case, larger policy discussion should be explored.

Under the Planning Department's proposed DR Reform Policy, this project would not be referred to the Planning Commission as this project does not meet the threshold of exceptional or extraordinary.

BASIS FOR RECOMMENDATION

The Department believes the project does not have exceptional or extraordinary circumstances for the following reasons:

- The project meets all except for one of the criteria outlined within the newly-passed legislation and for the reasons listed below the project will not have a negative effect upon the subject building or the neighborhood.
- A garage opening and curb cut at this location is not detrimental to the vitality of the North Beach NCD or pedestrian activity
- The project has been designed sensitively taking into consideration the historic resource, the quality of the interior living space, the public realm, and does not diminish access to public transit
- The alteration to the interior space of the western 1st-floor unit has been determined not to adversely impact the quality of the living space of this unit.
- The proposed alteration was found to be compatible with the identified historic resource and meets the Zoning Administrator's Bulletin for inserting a garage in a historic building.
- The proposed curb cut and garage opening will not result in the removal of a street tree.

RECOMMENDATION: Do not take DR and approve project as proposed.
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Design Review Checklist

NEIGHBORHOOD CHARACTER (PAGES 7-10)

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

Comments: The neighborhood is primarily mixed in character. The immediate block contains a number of 2- to 4-story frame residential and mixed-use buildings. There are several institutional uses in the immediate area, including Francisco Middle School at the southeast corner of Powell and Francisco Streets.

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?			X
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: N/A

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 proposed height of the existing building – a maximum of 2'-0" - is compatible with the overall form and scale of the surrounding neighborhood. There will be no change to the subject building's roofline.

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			X

building elements?			
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 garage opening is designed to minimize its physical and visual impact upon the public realm through the introduction of planters rather than open railings that project 2'-0" into the public right-of-way and exterior finishes that match the surrounding historic cladding found on the subject building. The garage opening is proposed to be 8'-0" in width, the minimum feasible for an automobile. The garage door will be frameless and will be clad in siding that matches the existing exterior siding at this location.

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 proposed alterations are compatible with the existing historic architectural characteristics of the subject building and the neighborhood.

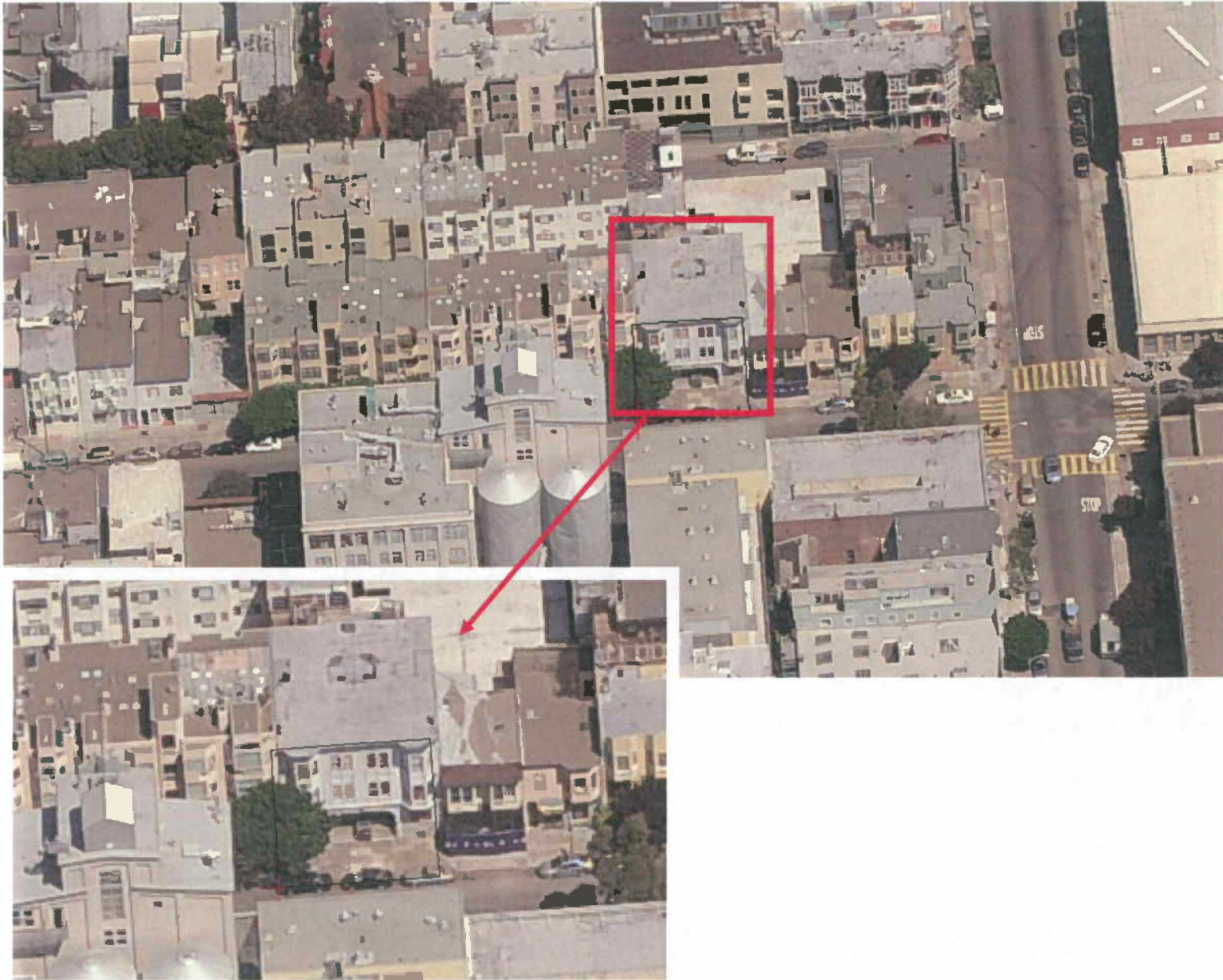
Attachments:

- Block Book Map
- Sanborn Map
- Aerial Photographs
- Section 311 Notice

DR Application
Response to DR Application
3-D Rendering
Reduced Plans
UPDATE: DR Requestor submittal
UPDATE: Project Sponsor Request for Accommodation

TT: G:\PROJECTS\CASES_PERMITS\Francisco_424_2009.0914D\Francisco_424_2009.0914D_DR_Analysis21810.doc

Aerial Photo



Site Photo



Request for Discretionary Review
Case Number 2009.0914D
424 Francisco Street
January 14, 2010

Site Photo



Request for Discretionary Review
Case Number 2009.0914D
424 Francisco Street
January 14, 2010

Site Photo



Site Photo

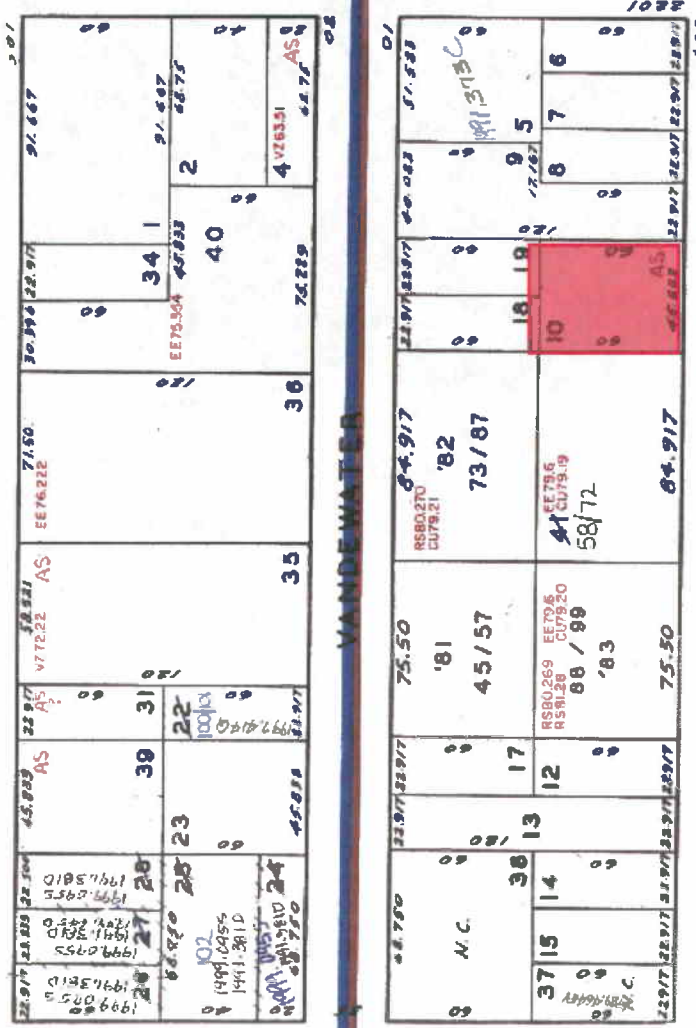


Request for Discretionary Review
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424 Francisco Street
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Site Photo

1988.567EM - Fisherman's Wharf EIR

BAY



FRANCISCO

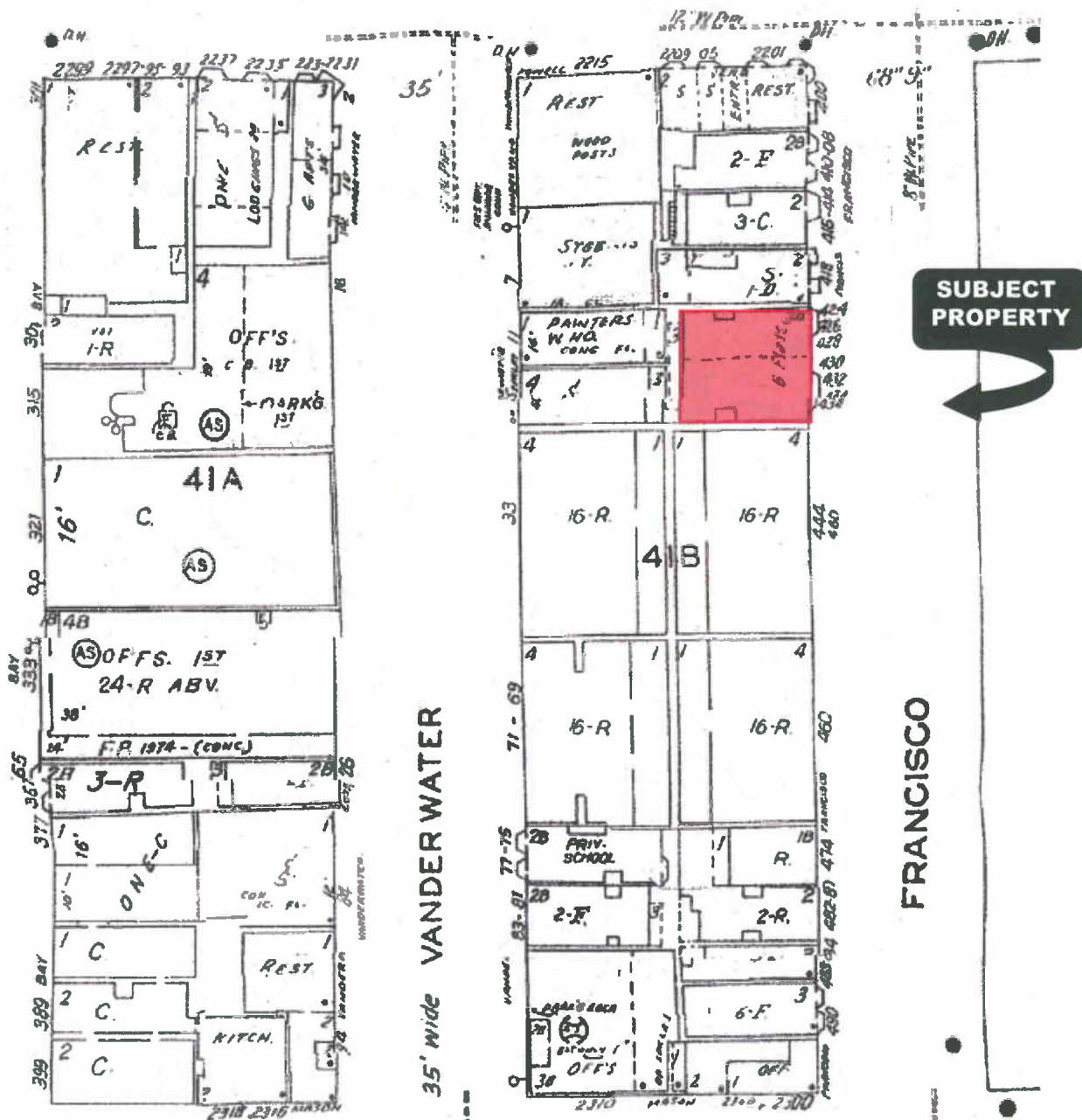
NCRS
NEIGHBORHOOD COMMERCIAL
REZONING STUDY
Village Center, 1988.567EM, 1988.567EM, 1988.567EM
Permitted: 1988.567EM, 1988.567EM, 1988.567EM
Phase: 1988.567EM, 1988.567EM, 1988.567EM

SUD-2
ATERFRONT SPECIAL
USE DISTRICT NO. 2
See Sections 240, 240.2

SUD-2
C-2
NORTH BEACH
NCD

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424 Francisco Street
January 14, 2010

Sanborn Map*



*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.

Request for Discretionary Review
 Case Number 2009.0914D
 424 Francisco Street
 January 14, 2010

RECEIVED

SEP 17 2009

CITY & COUNTY OF S.F.

APPLICATION REQUESTING DISCRETIONARY REVIEW ("D.R.")

This application is for projects where there are exceptional and extraordinary circumstances that justify further consideration, even though the project already meets requirements of the Planning Code, City General Plan and Priority Policies of the Planning Code.

D.R. Applicant's Name Deland Chan Telephone No: (415) 984-1497

D.R. Applicant's Address 667 Clay St.
Number & Street (Apt. #)
San Francisco, CA 94111
City Zip Code

D.R. Applicant's telephone number (for Planning Department to contact): (415) 984-1497
If you are acting as the agent for another person(s) in making this request please indicate the name and address of that person(s) (if applicable): N/A

Name _____ Telephone No: _____

Address _____
Number & Street (Apt. #)
_____ City Zip Code

Address of the property that you are requesting the Commission consider under the Discretionary Review: 424 FRANCISCO

Name and phone number of the property owner who is doing the project on which you are requesting D.R.: DICKSON CONSULTING GROUP (415) 831-7180

Building Permit Application Number of the project for which you are requesting D.R.: 2004.01.22.4627

Where is your property located in relation to the permit applicant's property?
Same neighborhood

A. ACTIONS PRIOR TO A DISCRETIONARY REVIEW REQUEST

Citizens should make very effort to resolve disputes before requesting D.R. Listed below are a variety of ways and resources to help this happen.

1. Have you discussed this project with the permit applicant? YES NO
2. Did you discuss the project with the Planning Department permit review planner? YES NO
3. Did you participate in outside mediation on this case? Community Board Other NO

09.09140

4. If you have discussed the project with the applicant, planning staff or gone through mediation, please summarize the results, including any changes that were made to the proposed project so far.

See attachment

B. DISCRETIONARY REVIEW REQUEST

1. What are the reasons for requesting Discretionary Review? The project meets the minimum standards of the Planning Code. What are the exceptional and extraordinary circumstances that justify Discretionary Review of the project? How does the project conflict with the City's General Plan or the Planning Code's Priority Policies?

See Attachment

2. If you believe your property, the property of others or the neighborhood would be adversely affected, please state who would be affected, and how:

see Attachment

3. What alternatives or changes to the proposed project, beyond the changes (if any) already made would respond to the exceptional and extraordinary circumstances and reduce the adverse effects noted above (in question B1)?

See Attachment

Please write (in ink) or type your answers on this form. Please feel free to attach additional sheets to this form to continue with any additional information that does not fit on this form.

CHECKLIST FOR APPLICANT:

Indicate which of the following are included with this Application:

REQUIRED:

- G** Check made payable to Planning Department (see current fee schedule).
- G** Address list for nearby property owners, in label format, plus photocopy of labels.
- G** Letter of authorization for representative/agent of D.R. applicant (if applicable).
- G** Photocopy of this completed application.

OPTIONAL:

- G** Photographs that illustrate your concerns.
- G** Covenants or Deed Restrictions.
- G** Other Items (specify).

File this objection in person at the Planning Information Center. If you have **questions** about this form, please contact Information Center Staff from 8 a.m. to 5 p.m., Monday to Friday.

Plan to attend the Planning Commission public hearing which must be scheduled after the close of the public notification period for the permit.

Signed  09/10/2009
Applicant Date

09.0914D

Attachment to Application Requesting Discretionary Review (D.R.)

PROPERTY ADDRESS: 424 Francisco
ASSESSOR'S PARCEL NO: Block 0041/Lot 010
ZONING DISTRICT: North Beach Neighborhood Commercial District/40-X
PERMIT APPLICATION: 2004.01.22.4627

D.R. Applicant's Relationship to the Property

The mission of Chinatown Community Development Center (CCDC) is to build community and enhance the quality of life for San Francisco residents. We believe in a comprehensive vision of community, a quality environment, a healthy neighborhood economy, and active voluntary associations. We have a 32-year history in which we have been actively involved in land use, development, and housing issues in the Chinatown, North Beach, and Tenderloin neighborhoods. CCDC prioritizes appeals to matters that have overarching significance to our community at large.

Actions Prior to a Discretionary Review Request

CCDC has informed the permit review planner Tim Frye that we will be filing a discretionary review request for 424 Francisco and have urged the Planning Department to consider this project in light of the Planning Commission's decision on the D.R. in the 32-40 Varennes proposal. We have urged the Department to please consider this proposal in this context and to deny the addition of a garage at 424 Francisco.

Discretionary Review Request

1. Reasons for Requesting Discretionary Review

The Commission has already taken discretionary review and disapproved a similar permit application in a nearly identical project at 32-40 Varennes (DR Case. No. 2009.0038D). In that decision, the Commission determined that a garage addition must comply with Section 101.1(b) of the Planning Code. We urge the Commission to similarly take discretionary review on this proposal because it fails to comply with Section 101.1(b)(4) and (b)(2) and the City's General Plan requirements:

- The proposal does not comply with Priority Policies of the General Plan, pursuant to Section 101.1(b)(4) of the San Francisco Planning Code, in that the proposed garage would promote additional commuter traffic that would impede the transit-rich services existing in the neighborhood. In addition, the proposal

does not comply with the City's Better Streets Policy, pursuant to **Sec. 98.1(d)(2)**, **in that it will prioritize automobile traffic at the expense of pedestrian and travel transit.**

- The proposal does not comply with the City's Transit-First Policy, pursuant to Sec. 8A.115(2), Sec. 8A.115(3), and Sec. 8A.115(5), in that the proposed modifications pose risks to pedestrian health and safety. In addition, it fails to adhere to the City's Better Streets Policy, **Sec. 98.1(d)(3) in that the proposal reduces the amount of** usable on-street space for pedestrians.
- The proposal does not comply with Priority Policies of the General Plan, pursuant to Section 101.1(b)(2), in that the proposed garage threatens the existing housing, economic diversity, and neighborhood character of North Beach. It also fails to comply with Section 101.1(b)(3) in that it will significantly increase the value of the TIC units, thus decreasing the affordability of the units and the neighborhood.

Rationale 1: Proposal prioritizes commuter traffic at the expense of existing transit services.

Similar to the precedent set by 32-40 Varennes, the garage addition at 424 Francisco does not comply with Priority Policies of the General Plan, pursuant to Section 101.1(b)(4), in that the proposed garage would promote additional commuter traffic and impede the transit-rich services existing in the neighborhood. Furthermore, this is incongruous with the City's Better Streets Policy, such that the garage will encourage the unnecessary prioritization of automobile traffic over transit.

Adopted in the City's General Plan in 2006, the Better Streets Policy **requires all city departments** to coordinate their decisions such that they prioritize space for public transit over space for automobiles, as pursuant to **Sec. 98.1(d)(2)**:

(d) As part of an approval or decision concerning any public and private project that impacts or is adjacent to a publicly-accessible right-of-way, all City departments **shall** coordinate their various determinations regarding the planning, design, and use of public rights-of-way in accordance with the Better Streets Policy and the following supporting principles:

(2) Streets that support and invite multiple uses, including safe, active, and ample space for pedestrians, bicycles, and public transit, are more conducive to the public life of an urban neighborhood and efficient movement of people and goods than streets designed primarily to move automobiles. Decisions regarding the

09.0914D

design and use of the City's limited public street space shall **prioritize** space for pedestrians, bicycles, and **public transit over space for automobiles.**

The garage addition at 424 Francisco, resulting in 6 new parking spaces, will increase automobile commuter traffic in the neighborhood. Additional parking at 424 Francisco is entirely unnecessary. First, the building itself is located in a transit-rich neighborhood serviced by numerous Muni routes, such as the 10, 20, 30, 39, 41, 47, and F-line—all of which are accessible within a 5-block (.05 mile) radius from the property. Second, there is already a saturation of garages within walking distance of 424 Francisco. The historic Malt House is located directly across the property and consists of 88 units and 100 parking spots. Public parking garages include the Bay Street Parking Lot at 350 Bay Street, which is two blocks away and consists of 350 parking spots. C Garage is another public garage that is two blocks away and consists of 160 parking spots. The addition of more garage space at this block will further encourage the imbalance that pits private automobile traffic against existing transit uses and violate the Better Streets Policy by prioritizing automobile travel over public transit.

Rationale 2: Proposal poses a threat to pedestrian safety and mobility.

As in 32-40 Varennes, the garage addition impacts the pedestrian usage of the narrow sidewalks and the new curb cut would risk mobility of pedestrians. The proposal also does not comply with the City's Transit-First Policy and the Better Streets Policy **because it poses** a threat to pedestrian safety and mobility.

424 Francisco is located in a high-pedestrian area. Francisco Middle School is located diagonally across the street, and it is the largest public school in the North Beach district serving 700 students. Two blocks away is the Telegraph Heights Neighborhood Center, which serves over 500 children, youth, and community members. North Beach Place is also located within walking distance and consists of a 341-unit family-friendly development and a childcare/community center. Another garage addition at 424 Francisco in this highly-trafficked pedestrian area utilized by primarily youth and seniors will be a threat to the numerous youth and senior pedestrians who use these sidewalks.

In 2007, San Francisco residents voted to implement the Transit-First Policy in the City's General Plan, which sets forth principles that must guide the city's boards, commissions, and departments in conducting the City and County's affairs. The principles that are most relevant to this project are:

- (2) Public transit, including taxis and vanpools, is an economically and environmentally sound alternative to transportation by individual automobiles. Within San Francisco, travel by public transit, **by bicycle** and on foot must be an attractive alternative to travel by private automobile.

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(3) Decisions regarding the use of limited public street and sidewalk space shall encourage the use of public rights of way by pedestrians, **bicyclists**, and public transit, and shall strive to reduce traffic and improve public health and safety.

(5) Pedestrian areas shall be enhanced wherever possible to improve the safety and comfort of pedestrians and to encourage travel by foot.

The City's Better Streets Policy, pursuant to **Sec. 98.1(d)(3)**, **further emphasizes the need to prioritize pedestrian uses:**

(3) Streets should be appropriately designed and maintained to ameliorate negative effects of traffic on pedestrian areas and adjacent uses, to provide usable on-street open spaces, to enhance property values, and to increase the safety and attractiveness of neighborhoods.

The garage permit, if approved, would fail to make walking an attractive alternative to automobile travel. The proposed curb cut serves as a garage entrance and will increase pedestrian-vehicular conflict, as pedestrians have to compete for space with entering and exiting cars that bisect the sidewalk. It will also reduce the amount of usable on-street open spaces. The proposed garage will reduce the already limited sidewalk space available to pedestrians by installing a curb cut and planter boxes. The existing sidewalk is 9'6" wide, but the proposed addition of planter boxes will extend into the sidewalk by 2' and reduce the amount of usable on-street sidewalk space for pedestrians. The project sponsor also fails to identify the depth and angle of the curb cut, despite a July 2008 letter from the Planning Department to the project sponsor requiring the project sponsor to submit this information. Either way, sidewalk usability will be significantly reduced. We also anticipate that the curb cut will result in uneven surfaces that make it more difficult for seniors and disabled persons to traverse the space, especially since the new curb cut will be located next to an already existing curb cut for the garage entrance of the adjacent property at 444 Francisco. The garage entrance, moreover, includes a steep ramp into the underground garage space. Automobiles coming out of this ramp will be angled in a manner where visibility of oncoming pedestrians will be limited if not cut off entirely.

Taken together, these changes will significantly decrease the *public* right of way, discouraging pedestrian use. The curb cut and garage entrance will create new opportunities for pedestrian-vehicular conflict that pose a threat to public health and safety, as approval of the permit will effectively grant cars the *private* right of way to bisect the curb while entering and exiting the garage.

Rationale 3: Proposal fails to protect the existing housing, economic diversity, or neighborhood character of North Beach.

The proposal does not comply with the following principles in Section 101.1 of the Planning Code (codified in Proposition M approved by San Francisco voters in 1986):

- (2) That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods;
- (3) That the City's supply of affordable housing be preserved and enhanced;

The new garage additions will decrease the affordability of the housing units at 424 Francisco. Parking spaces, particularly in neighborhoods with limited street parking, will drive up unit values from \$30,000 - \$50,000 according to information provided in the Mayor's Office of Housing website.

The garage additions will not only decrease affordability of these particular units. This prospect of increased profit will motivate other building owners to remove units from the rental market in order to convert them into tenancies in common. A survey of all garage addition permits in similarly sized buildings between 2007 and 2009 show that 50% of all such permits are associated with an Ellis Act eviction. Ellis Act evictions are an amazingly accurate predictor of rental to TIC conversions.

The Planning Commission must take the discretionary review on this property to discourage this trend and comply with Section 101.1(b)(2) and (3) as a matter of policy.

Rationale 4: Inadequate Review of Impact on Historic Significance

The Planning Department Staff has failed to provide an adequate analysis of the proposed project's impact on the historic significance of the subject site. In July 2008, Planning staff acknowledged that 424 Francisco has been identified as a contributing building under the North Beach Historic Survey and required a review of the project under the Secretary of the Interior's Standards for Rehabilitation. The July 2008 communication goes on to state that the project DOES NOT meet the Secretary of the Interior's standard NOR does it meet the Zoning Administrator's guidelines. Yet on September 3, 2009, planning staffer Tim Frye communicated to Nancy Shanahan in an email, "There was no formal HRER or documented historic evaluation because the garage meets our Garage Guidelines. The Design Review Team didn't review it either because the scope of the project didn't trigger the thresholds that require them to review the project." (see attachment).

While it is possible that the project sponsor revised the design between July 2008 and September 2009, given the strong mandate set forth in July 2008, the review of any

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such revised design should have been documented. CCDC has requested but received written documentation of such review (see attachment). Frankly, it is hard to believe that a garage addition that removes a significant portion of the left facade and a sidewalk level window (which the facade drawings do not show) should be permitted without first determining the negative impacts on the architectural history of the building and neighborhood character.

2. Adverse Effects on the Neighborhood

See above.

3. Alternatives

We ask that the project sponsor eliminate the garage from the plans and create storage space instead, enhancing the livability of each of the converted units.

09.0914D



SAN FRANCISCO PLANNING DEPARTMENT

1650 Mission Street Suite 400 San Francisco, CA 94103

NOTICE OF BUILDING PERMIT APPLICATION (SECTION 312)

On **January 22, 2004**, the Applicant named below filed Building Permit Application No. **2004.01.22.4627** with the City and County of San Francisco.

CONTACT INFORMATION		PROJECT SITE INFORMATION	
Applicant:	Dickson Consulting Group	Project Address:	424 Francisco Street
Address:	5616 Geary Blvd., Suite 201	Cross Streets:	Between Powell & Mason Streets
City, State:	San Francisco, CA 94121	Assessor's Block /Lot No.:	0041/010
Telephone:	(415) 831-7180	Zoning Districts:	North Beach /40-X

Under San Francisco Planning Code Section 312, you, as a property owner or resident within 150 feet of this proposed project, are being notified of this Building Permit Application. You are not obligated to take any action. For more information regarding the proposed work, or to express concerns about the project, please contact the Applicant above or the Planner named below as soon as possible. If your concerns are unresolved, you can request the Planning Commission to use its discretionary powers to review this application at a public hearing. Applications requesting a Discretionary Review hearing must be filed during the 30-day review period, prior to the close of business on the Expiration Date shown below, or the next business day if that date is on a week-end or a legal holiday. If no Requests for Discretionary Review are filed, this project will be approved by the Planning Department after the Expiration Date.

PROJECT SCOPE		
<input type="checkbox"/> DEMOLITION	and/or	<input type="checkbox"/> NEW CONSTRUCTION or <input checked="" type="checkbox"/> ALTERATION
<input checked="" type="checkbox"/> VERTICAL EXTENSION		<input type="checkbox"/> CHANGE # OF DWELLING UNITS <input checked="" type="checkbox"/> FACADE ALTERATION(S)
<input type="checkbox"/> HORIZ. EXTENSION (FRONT)		<input type="checkbox"/> HORIZ. EXTENSION (SIDE) <input type="checkbox"/> HORIZ. EXTENSION (REAR)

PROJECT FEATURES	EXISTING CONDITION	PROPOSED CONDITION
BUILDING USE	Residential	No change
FRONT SETBACK	None	No Change
SIDE SETBACKS	None	No Change
BUILDING DEPTH	No Change	No Change
REAR YARD	No Change	No Change
HEIGHT OF BUILDING	36'	38'
NUMBER OF STORIES	No Change	No Change
NUMBER OF DWELLING UNITS	6	6
NUMBER OF OFF-STREET PARKING SPACES	0	6

PROJECT DESCRIPTION

The proposal is to raise the building a maximum of 2-feet in order to accommodate off-street parking for 6 cars. The garage door opening is proposed to be 8-feet in width and the door is proposed to be installed flush with the exterior wall and shall be finished in wood clapboard siding to match the existing surrounding historic cladding material. Planter boxes and additional stair treads are proposed to accommodate the change in grade at the street side property line. To accommodate the garage ramp the floor level height for the front room of the first level unit will be raised approximately 1'-7" in height and project approximately 4'-6" into the interior space. This alteration to the interior space has been determined not to adversely impact the quality of the living space of this unit. The subject building has been identified as a historic resource and the project is found to meet the Secretary of the Interior's Standards and the Planning Department's guidelines for inserting a garage opening within a historic resource. See attached plans.

PLANNER'S NAME: **Tim Frye**
 PHONE NUMBER: **(415) 575-6822**
 EMAIL: **tim.frye@sfgov.org**

DATE OF THIS NOTICE:
 EXPIRATION DATE:

NOTICE OF BUILDING PERMIT APPLICATION GENERAL INFORMATION ABOUT PROCEDURES

Reduced copies of the site plan and elevations (exterior walls), and floor plans (where applicable) of the proposed project, including the position of any adjacent buildings, exterior dimensions, and finishes, and a graphic reference scale, have been included in this mailing for your information. Please discuss any questions with the project Applicant listed on the reverse. You may wish to discuss the plans with your neighbors and neighborhood association or improvement club, as they may already be aware of the project. Immediate neighbors to the project, in particular, are likely to be familiar with it.

Any general questions concerning this application review process may be answered by the Planning Information Center at 1660 Mission Street, 1st Floor (415/ 558-6377) between 8:00 a.m. - 5:00 p.m. Please phone the Planner listed on the reverse of this sheet with questions specific to this project.

If you determine that the impact on you from this proposed development is significant and you wish to seek to change the proposed project, there are several procedures you may use. We strongly urge that steps 1 and 2 be taken.

1. Seek a meeting with the project sponsor and the architect to get more information, and to explain the project's impact on you and to seek changes in the plans.
2. Call the nonprofit organization Community Boards at (415) 920-3820. They are specialists in conflict resolution through mediation and can often help resolve substantial disagreement in the permitting process so that no further action is necessary.
3. Where you have attempted, through the use of the above steps, or other means, to address potential problems without success, call the assigned project planner whose name and phone number are shown at the lower left corner on the reverse side of this notice, to review your concerns.

If, after exhausting the procedures outlined above, you still believe that exceptional and extraordinary circumstances exist, you have the option to request that the Planning Commission exercise its discretionary powers to review the project. These powers are reserved for use in exceptional and extraordinary circumstances for projects, which generally conflict with the City's General Plan and the Priority Policies of the Planning Code; therefore the Commission exercises its discretion with utmost restraint. This procedure is called Discretionary Review. If you believe the project warrants Discretionary Review by the Planning Commission over the permit application, you must make such request **within 30 days of this notice, prior to the Expiration Date shown on the reverse side**, by completing an application (available at the Planning Department, 1660 Mission Street, 1st Floor, or on-line at www.sfgov.org/planning). You must submit the application to the Planning Information Center during the hours between 8:00 a.m. and 5:00 p.m., with all required materials, and a check for \$300.00, for each Discretionary Review request payable to the Planning Department. If the project includes multi building permits, i.e. demolition and new construction, a **separate request for Discretionary Review must be submitted, with all required materials and fee, for each permit that you feel will have an impact on you. Incomplete applications will not be accepted.**

If no Discretionary Review Applications have been filed within the Notification Period, the Planning Department will approve the application and forward it to the Department of Building Inspection for its review.

BOARD OF APPEALS

An appeal of the approval (or denial) of the permit application by the Planning Department or Planning Commission may be made to the **Board of Appeals within 15 days** after the permit is issued (or denied) by the Superintendent of the Department of Building Inspection. Submit an application form in person at the **Board's office at 1650 Mission Street, 3rd Floor, Room 304**. For further information about appeals to the Board of Appeals, including their current fees, **contact the Board of Appeals at (415) 575-6880**.

February 3, 2010

Ron Miguel, President and Commissioners
Planning Commission
1650 Mission Street, Suite 400
San Francisco, CA 94103-2414

**RE: Item No. 2009.0914D -- 424 Francisco Street
Request for Discretionary Review of Building Permit App. No. 2004.01.22.462**

Dear President Miguel and Commissioners:

I am writing to offer clarification in light of the Commissioners' comments at the Planning Commission hearing on 01/14/2010 regarding the 424 Francisco DR request. We hope that this information will urge the Commission's decision to take discretionary review of the 6-car garage addition at this property.

1. Ownership Structure

At the last Commission hearing, the project sponsor asserted that the current owners are not responsible for the Ellis Act eviction that occurred 5 years ago. However, CCDC found that the current owners at 424 Francisco are still associated with WB Coyle and his entities that invoked the Ellis Act.

The recent resale transaction at 424 Francisco occurred on 08/05/2009 with two listed parties: North Beach Partners and Serious ADD LLC. I have attached documentation that shows North Beach Partners is associated with WB Coyle as the Agent for Service, and Serious ADD LLC is associated with Cecil Chan as the Agent for Service. Both of the agent addresses are listed at 1427 Grant Ave, San Francisco, CA 94111. Furthermore, Cecil Chan is listed as a sub-trustee for GraceNote LLC, which is another of WB Coyle's companies. Our research shows that all WB Coyle entities and associated LLCs list the same address.

WB Coyle, a well-known real estate speculator and the original evictor of the 424 Francisco tenants, still has an interest in and controls the property by and through his associates. CCDC urges the Commission to take DR, as the current owner has an abhorrent record of violating Section 101.1 of the Planning Code— which serves to maintain the neighborhood's economic diversity and affordable housing.

2. Re-renting Units

The project sponsor also asserted the owners' intent to-rent the units after rehabilitating the building. CCDC views this as an egregious attack on North Beach's affordable housing stock. To respond to a Commissioner comment that the conversion of rent-controlled buildings into TICs represents a form of affordable homeownership¹, the project sponsor has made it clear at the last hearing that they will re-rent the units, not replenish the neighborhood's affordable housing stock by creating TICs as an "affordable" form of homeownership. The owners, in removing the rent-controlled units at this property, have destroyed the most stable source of affordable housing stock in the City and will not replace this. We ask the Commission to deny the garage permit based on the fact that the owners offer little to no positive benefits to the community at the expense of generating only negative impacts.

¹ In our experience, most garage-incentivized evictions and TIC conversions in North Beach are priced beyond the reach of low-and-middle income residents.

3. *Impact on Disabled Persons*

The project sponsor was also raised the concern that the denial of the garage permit would be a form of discrimination against disabled people with needs. CCDC would like to point out the WB Coyle and his associates have gotten away with evicting scores of disabled people without a single comment on whether this is a discriminatory act. In speaking with the Tenderloin Housing Clinic's eviction attorney who represented the 424 Francisco tenants in 2004, CCDC found that a disabled tenant resided in 4 of the 6 units. WB Coyle was also involved with the Ellis Act/garage permit addition permit at 2244 Mason, where a current tenant informed CCDC that 3 of the 6 units were occupied by a disabled tenant.

While CCDC is sensitive to the fact that the family who presented at the hearing has an autistic child with disabled needs, we ask the Commission to weigh the sheer numbers. This family will occupy 1 of the 6 units at 424 Francisco, while WB Coyle has removed disabled tenants in 50% or more units in his two properties at 424 Francisco and 2244 Mason. If the denial of the garage permit could be viewed as a form of discrimination, CCDC believes that the approval of Ellis Act incentivized garage additions confirms present and future acts of discrimination against disabled persons.

To conclude, we strongly urge the Commission to take discretionary review to deny the new 6-car garage permit at this property. The current owners of 424 Francisco are associated with real-estate speculators who have no intention of maintaining the economic diversity and affordable housing stock in North Beach.

Sincerely,



Deland Chan
Chinatown Community Development Center

424 Francisco St, San Francisco County, CA

A1 User Notes

No notes found.

A2 Photos

User Uploaded Photos

Upload photos for this property

No photos available.

Other Photos

- Google StreetView
- Microsoft Bird's Eye View

A3 Overview

Location		Square Feet	
Primary address	424 Francisco St	Lot frontage	0.00
APN	0041010	Lot depth	n/a
Lot number	10	Lot area	2,748
Block number	41	Property area	7,500
Legal description	Map d3 2	Building	
Location Attributes		Year built	1906
Subdivison	50 Vara BI 149	Stories	3
Census block group	2	Units	1
Census tract	010100	Rooms	28
Property Tax Assessment		Bedrooms	n/a
Valuation date	6/28/2009	Bathrooms	6
Working roll year	10	Kitchen built-ins	0000
Land value	\$0	Zoning & Use	
Improvement value	\$0	Construction type	Wood frame (D)
Fixtures value	\$0	Zoning	North Beach Neighborhood Commercial (NBEACH)
Personal property	\$0	Property class	Flats & duplex (F)
Homeowner exemption	\$0	Neighborhood	North Beach (08D)
Misc. exemption	\$0	Base lot	000
Closed roll year	09	Tax rate area	General Property (1000)
Land value	\$993,252	Find out more about San Francisco Zoning Codes!	
Improvement value	\$662,166	Links	
Fixtures value	\$0	Sex offenders	Search
Personal property	\$0		
Homeowner exemption	\$0		
Misc. exemption	\$0		
Most Recent Sale			
Sale date	8/5/2009		
Sale price	\$0		

B1 Ownership Summary

PropertyShark pulls ownership information from many different sources. This allows you to compare them and gives you the best chance of finding the actual owner.

From Assessment Roll Gracenote LLC
 Wb Coyle
 P.O. Box 330220 94133
 Research this person
 See more about **424 Francisco St's** ownership.

C1 Title Documents

To find out more about a certain document click on the Event ID link.

Date	Amount	Type	Transaction	1st party	2nd party	Event ID
8/5/2009	\$2,718,000	Grant Deed	Resale	✓ North Beach Partners	Serious Add LLC	1124147777
4/18/2007	\$368,000	Grant Deed	Resale	Daro, Nicole	✓ Gracenote LLC	595992924
4/13/2004		Grant Deed	Resale	Eichler, G T	✓ Wbgt LLC	163795687
10/24/2003	\$1,500,000	Grant Deed	Resale	Vasquez, Louise E	✓ North Beach Partners	163789999
2/26/1998			Resale	Magliulo, Brigida	Magliulo, Brigida	163790274

** Associated with WB Coyle
 as agent for service*

Disclaimer

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- FAQs
- Contact Information
- Resources
- Business Resources
 - Tax Information
 - Starting A Business
 - International Business Relations Program
- Customer Alert
(misleading business solicitations)

Business Entity Detail

Data is updated weekly and is current as of Friday, January 22, 2010. It is not a complete or certified record of the entity.

Entity Name:	NORTH BEACH PARTNERS, LLC
Entity Number:	200116910128
Date Filed:	06/18/2001
Status:	ACTIVE
Jurisdiction:	NEVADA
Entity Address:	1427 GRANT AVE
Entity City, State, Zip:	SAN FRANCISCO CA 94133
Agent for Service of Process:	WB COYLE
Agent Address:	PO BOX 330220
Agent City, State, Zip:	SAN FRANCISCO CA 94133

- * Indicates the information is not contained in the California Secretary of State's database.
- * **Note:** If the agent for service of process is a corporation, the address of the agent may be requested by ordering a status report.
 - For information on checking or reserving a name, refer to **Name Availability**.
 - For information on ordering certificates, copies of documents and/or status reports or to request a more extensive search, refer to **Information Requests**.
 - For help with searching an entity name, refer to **Search Tips**.
 - For descriptions of the various fields and status types, refer to **Field Descriptions and Status Definitions**.

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[Customer Alert](#)
(misleading business solicitations)

Business Entity Detail

Data is updated weekly and is current as of Friday, January 22, 2010. It is not a complete or certified record of the entity.

Entity Name:	SERIOUS ADD, LLC
Entity Number:	200819810176
Date Filed:	07/15/2008
Status:	ACTIVE
Jurisdiction:	CALIFORNIA
Entity Address:	1427 GRANT AVENUE
Entity City, State, Zip:	SAN FRANCISCO CA 94133
Agent for Service of Process:	CECIL CHAN
Agent Address:	1427 GRANT AVENUE
Agent City, State, Zip:	SAN FRANCISCO CA 94133

* Indicates the information is not contained in the California Secretary of State's database.

* **Note:** If the agent for service of process is a corporation, the address of the agent may be requested by ordering a status report.

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- Tax Information
- Starting A Business
- International Business Relations Program

Customer Alert
(misleading business solicitations)

Business Entity Detail

Data is updated weekly and is current as of Friday, January 22, 2010. It is not a complete or certified record of the entity.

Entity Name:	GRACENOTE, LLC
Entity Number:	200709310087
Date Filed:	04/02/2007
Status:	ACTIVE
Jurisdiction:	CALIFORNIA
Entity Address:	1427 GRANT AVE /PO BOX 330220
Entity City, State, Zip:	SAN FRANCISCO CA 94133
Agent for Service of Process:	WB COYLE
Agent Address:	PO BOX 330220
Agent City, State, Zip:	SAN FRANCISCO CA 94133

* Indicates the information is not contained in the California Secretary of State's database.

* **Note:** If the agent for service of process is a corporation, the address of the agent may be requested by ordering a status report.

- For information on checking or reserving a name, refer to **Name Availability**.
- For information on ordering certificates, copies of documents and/or status reports or to request a more extensive search, refer to **Information Requests**.
- For help with searching an entity name, refer to **Search Tips**.
- For descriptions of the various fields and status types, refer to **Field Descriptions and Status Definitions**.

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Business Entities (BE)

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- Business Search
 - Disclosure Search
 - E-File Statements
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Filing Tips

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 (certificates, copies & status reports)

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- Business Resources
- Tax Information
- Starting A Business
- International Business Relations Program

Customer Alert
 (misleading business solicitations)

Business Entity Detail

Data is updated weekly and is current as of Friday, January 22, 2010. It is not a complete or certified record of the entity.

Entity Name:	WBGT, LLC
Entity Number:	200323010194
Date Filed:	08/14/2003
Status:	ACTIVE
Jurisdiction:	CALIFORNIA
Entity Address:	1427 GRANT AVE PO BOX 330220
Entity City, State, Zip:	SAN FRANCISCO CA 94133
Agent for Service of Process:	WB COYLE
Agent Address:	PO BOX 330220
Agent City, State, Zip:	SAN FRANCISCO CA 94133

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Agent for Service →
Cecil Chan

	Record Date	Document Number	Grantor/Grantee	Name	Cross Reference Name	Document Type
Show Detail for this Record	05-AUG-2009	I81125901	E	CHAN CECIL	COMMONWEALTH LAND TITLE CO	SUB TRUSTEE
Show Detail for this Record	05-AUG-2009	I81125901	E	CHAN CECIL	GRACE NOTE LLC	SUB TRUSTEE
Show Detail for this Record	05-AUG-2009	I81125901	E	CHAN CECIL	GRAND PROPERTY HLDGS LLC	SUB TRUSTEE
Show Detail for this Record	05-AUG-2009	I81125902	R	CHAN CECIL	GRACE NOTE LLC	RECONVEYANCE
Show Detail for this Record	13-NOV-2007	I48860300	R	CHAN CECIL	3004 HILLSIDE DR BURLINGAME	FIN STMT
Show Detail for this Record	19-NOV-2009	I87494400	R	CHAN CECIL W	ELMS EDWARD	PENDG ACTION
Show Detail for this Record	19-NOV-2009	I87494400	R	CHAN CECIL W	THEODORE DESIGN & CONST	PENDG ACTION
Show Detail for this Record	20-AUG-2009	I81868400	R	CHAN CECIL W	ELMS TED	MECH LIEN
Show Detail for this Record	20-AUG-2009	I81868400	R	CHAN CECIL W	THEODORE DESIGN & CONSTRUCTION	MECH LIEN

	Record Date	Document Number	Grantor/Grantee	Name	Cross Reference Name	Document Type
Show Detail for this Record	05-AUG-2009	I81125700	E	SERIOUS ADD LLC	ABOVE WATER LLC	DEED
Show Detail for this Record	05-AUG-2009	I81125700	E	SERIOUS ADD LLC	WBGT LLC	DEED
Show Detail for this Record	05-AUG-2009	I81125700	E	SERIOUS ADD LLC	NORTH BEACH PARTNERS	DEED
Show Detail for this Record	05-AUG-2009	I81125700	E	SERIOUS ADD LLC	GRACENOTE LLC	DEED
Show Detail for this Record	05-AUG-2009	I81125700	E	SERIOUS ADD LLC	CYDONIA PARTNES LLC	DEED
Show Detail for this Record	05-AUG-2009	I81126000	E	SERIOUS ADD LLC	NORTH BEACH PTNRS LLC	REQ NTC DFLT
Show Detail for this Record	05-AUG-2009	I81126000	E	SERIOUS ADD LLC	ABOVE WATER LLC	REQ NTC DFLT
Show Detail for this Record	05-AUG-2009	I81126000	E	SERIOUS ADD LLC	WBGT LLC	REQ NTC DFLT
Show Detail for this Record	05-AUG-2009	I81126000	E	SERIOUS ADD LLC	CYDONIA PARTNERS LLC	REQ NTC DFLT

QUICKDRAW

PERMIT CONSULTING



President Ron Miguel
San Francisco Planning
Commission
1650 Mission St.,
San Francisco, CA

60 Otis Street
San Francisco
CA 94103-1220
Phone 415 552-1888
Fax 415 552-1889
www.quickdrawsf.com

Re: **Americans with Disabilities Act Request for Accommodation**
424 Francisco Street; Building Permit Application Number 2004.01.22.4627
DR Case Number 2009 – 0914D

Dear President Miguel and Honorable Planning Commissioners:

On behalf of Wilson Yu and Gwen Miu and their young son Christopher we request accommodation under A.D.A. by the Planning Commission in review of the subject building permit application.

Title II Of the Americans with Disabilities Act provides comprehensive civil rights protection for “qualified individuals with disabilities”. An individual with a disability is defined as a person who has a physical or mental impairment that substantially limits a “major life activity”. As a public entity covered by Title II of the Americans with Disabilities Act, the San Francisco Planning Commission is required to recognize the recent diagnosis of the disability of Christopher Yu as verification of this family’s qualification for accommodation.

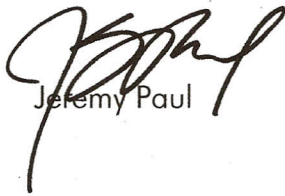
The attached Individual Family Service Plan was prepared in December 2009 by The Golden Gate Regional Center, a nonprofit agency qualified by the California Department Of Developmental Services working with those with disabilities and their families. The analysis of Christopher’s autism describes some of the unique demands and challenges to be faced by the Yu family in the coming years.

As a nonverbal child requiring constant attention and reassurance, Christopher’s parents are unable to leave him seated alone in a car seat for even the briefest time. The convenience of a garage within their apartment building will ease the frequent transitions Christopher will experience as he enters therapeutic programs to address his disability. This garage will also serve to facilitate the frequent visits of in home service providers from the San Francisco Department of Public Health and the Unified School District.

A garage addition at 424 Francisco St. is, as verified by the Planning Staff Case Report, a code compliant and appropriate modification and will accommodate the special needs of a qualified person with a disability. Therefore disapproval of this application by the Planning Commission would be a contradiction of the requirements of Title II of the Americans with Disabilities Act and would be an inappropriate exercise of Discretionary Review.

Please support staff recommendations and grant this permit without further delay.

Respectfully Submitted,



Jeremy Paul

Attached: IFSP from the Golden Gate Regional Center
Project Financial Overview
Proposed Garage Plan and description

Financial Overview: 424 Francisco Street A Six Unit Apartment Building

Purchasers: Wilson Yu & Gwen Mui, Cecil Chan, Joerg Wittenberg

Monthly Fixed Expenses:	
Property taxes	\$2,786.00
Insurance/utilities	\$500.00
Interest payment on loan	\$15,027.00
Total Monthly Costs:	\$18,313.00

Purchase price on 08/05/09: \$2,960,000.00

Construction Costs¹:

Foundation & Seismic Stregthening	\$210,000.00
Garage	\$40,000.00
Low end ² build out of units (\$170/sq ft) total remodel 6350 sq ft	\$1,079,500.00
Total Construction Cost:	<u>\$1,329,500.00</u>

Total Estimated Cost of Project to Restore Habitability³: \$ 4,289,500.00

Projected Sales Value:

The current sales prices for comparable habitable units in this district, (per MLS 4th quarter 2009) ranges \$600 to \$650 per square foot: \$ 3,870,000 - 4,127,500

Estimated Minimum Losses for Yu, Chan & Wittenberg : (\$300,000.00)

This is not a speculative venture. This project is undertaken to restore a blighted historic resource and to provide housing for ourselves, our families and tenants. If we were to sell, each partner would lose at least \$100,000.00. That is not why we bought 424 Francisco Street.

We bought it to make it our home.

¹ Construction costs are based on three different proposals by licensed contractors.

² Moderate value remodel costs in San Francisco begin around 260 per square foot

³ The total project cost, including the purchase, build out, carrying costs, permits, legal, agent expenses, and financing until completion

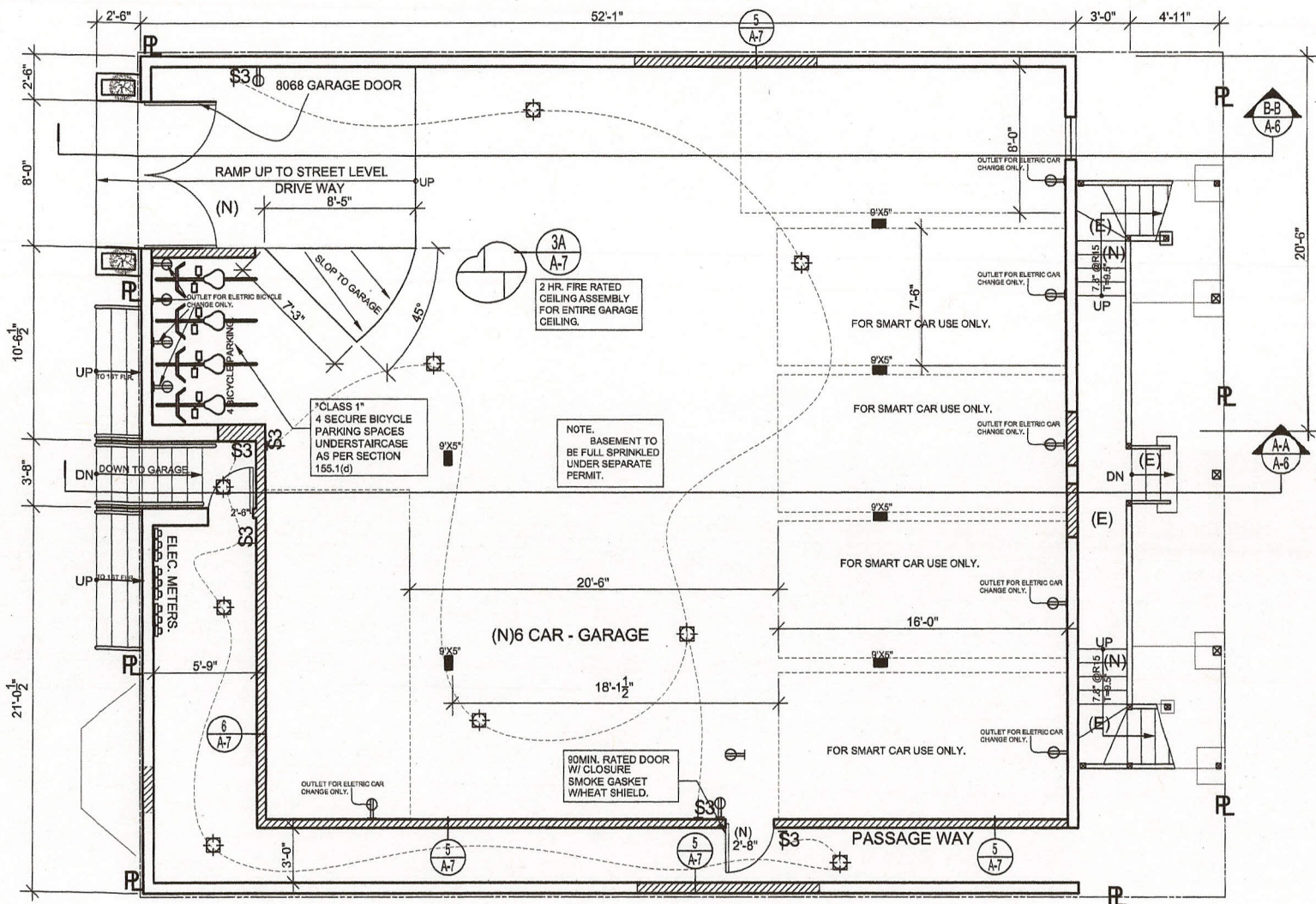
REVISIONS	BY

DICKSON CONSULTING GROUP
 1000 SERRA LOMA BLVD, SUITE 201
 SAN FRANCISCO, CA 94115
 Phone: (415) 881-1780
 Fax: (415) 357-1811

REVISE BASEMENT FLOOR PLAN

BLOCK: 41 - LOT: 010,
 424 FRANCISCO STREET
 SAN FRANCISCO, CA
 APN:

DATE	01/11/2013
SCALE	NCT IN SCALE
DRAWN	WVL
JOB	
CF	SHEETS



REVISE BASEMENT FLOOR PLAN
 NOT IN SCALE

Dear Commissioners,

We would like to provide you with further information regarding our desire to rebuild an old Victorian building in the North Beach area, which would otherwise fall apart.

Impacts to the neighborhood and the environment were mentioned during the previous hearing multiple times. As you can see in our plans for the garage, a separate bicycle storage area is designated, each car space will have an electric power plug for electric vehicles, and the spaces are designed for small to medium cars in order to follow the newest environmental requirements (see attached garage plan).

The issue of the 'money-oriented' investor or home owner is also always coming up during the discussion. We have attached an honest financial summary for the 424 Francisco building. All of the dates are public record, the estimates for the construction were taken from three different contractors and are very reasonable. If you look closely at the numbers you can see, that we are not in for the money, but trying to preserve this beautiful building and give our families a new home (see attached financial summary).

Thank you for taken the time to review this information.

Joerg Wittenberg

GENERAL NOTES

Verify all dimensions of the lot, easement, and soil conditions including excavation, underpinning, drainage and utility lines at this property, as well as, at adjacent properties. All construction work shall conform to local building code.

The drawings are intended to describe and provide for a finished piece of work. The contractor shall understand that the work herein described shall be completed in every detail although every necessary item involved is not particularly mentioned. The contractor will be held responsible to provide all the materials and labor necessary for the entire completion of the work intended to be described and shall not avail himself manifestly of any unintentional error or omission should such exists.

Should any error or inconsistency appears or occurs in the drawing, the contractor shall notify the owner and Architect/Engineer for proper adjustment before proceeding with the work, and in no case, shall proceed with the work in uncertainty.

Work included:
Except as otherwise specifically stated, the contractor shall provide and pay all materials, labor, tools, equipment, and building permits including encroachment and hauling permits.

Alterations:
If alterations of design or plan are made without the written consent of the Architect/Engineer, the Architect/Engineer shall not be responsible for such alterations made by or agreed upon between owner and contractor.

Information confidential
All plans, drawings, specifications and/or information furnished herewith are and shall remain the property of the Architect/Engineer & be held confidential and not be used for any purposes other than those for which they have been supplied and prepared. These drawings are not to be copied or duplicated without the Architect's/Engineer's written permission.

PROJECT DATA

JOB ADDRESS: _____ 424 FRANCISCO ST
SAN FRANCISCO, CA
BLOCK: _____ 0041
LOT: _____ 010
ZONING: _____ NBEACH
TYPE OF CONSTRUCTION: V-A
OCCUPANCY: _____ R-2
OF DWELLING UNIT : 6

SYMBOLS	
	SECTION NO. SHEET NO.
	DETAIL SHEET NO.
	REVISION NO.

DRAWING INDEX

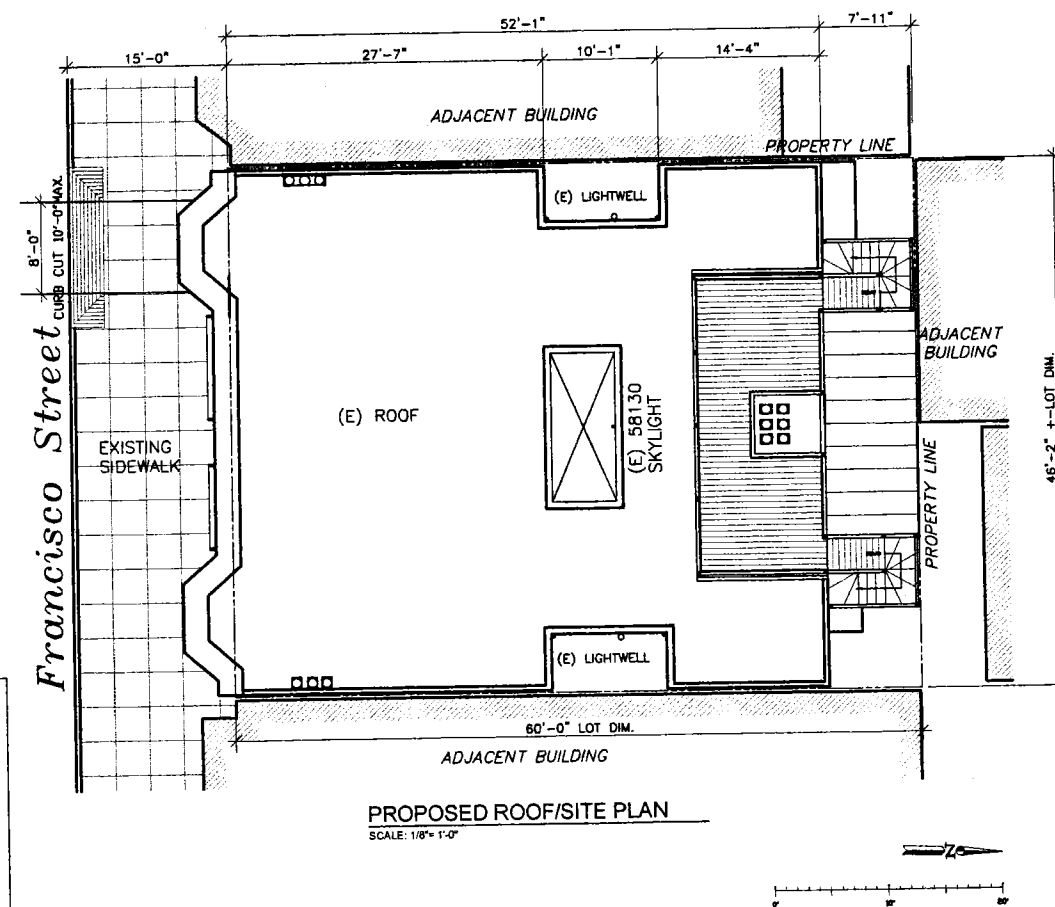
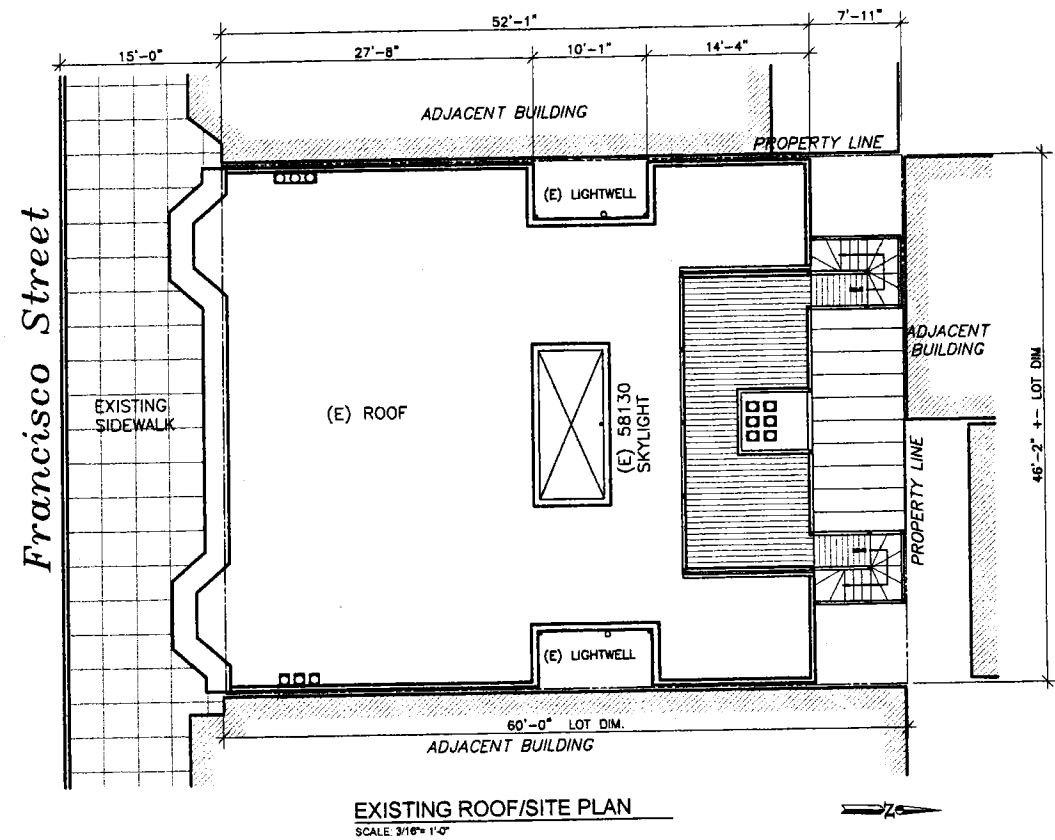
- A-1: GENERAL NOTES , (E) & (N) SITE PLANS
- A-2: (E) & (N) BASEMENT FLOOR PLANS
- A-3: (E) & (N) 1ST FLOOR PLANS
- A-4: (E) & (N) FRONT ELEVATIONS & GARAGE DOOR OPTIONS
- A-5: (E) & (N) LEFT & RIGHT ELEVATIONS
- A-6: SECTIONS & (E) & (N) REAR ELEVATION

APPLICABLE CODES:

CURRENT SAN FRANCISCO ZONING ORDINATES
CALIFORNIA BUILDING CODE,2007 EDITION
CALIFORNIA MECHANICAL CODE,2007 EDITION
CALIFORNIA PLUMBING CODE,2007 EDITION
CALIFORNIA ELECTRIC CODE,2007 EDITION
THE SAN FRANCISCO HOUSING CODE,2007 EDITION
CALIFORNIA ENERGY CODE,2007 EDITION
CURRENT SAN FRANCISCO AMENDMENTS FOR ALL CODES

SCOPE OF WORK

1. ADD GARAGE DOOR.
2. ADD RAMP ACCESS TO (N) PARKING GARAGE.
3. EXTEND REAR WALL AT BASEMENT 3 FEET TOWARD REAR YARD.
4. CONVERT BASEMENT STORAGE FOR PARKING.



REVISIONS	BY
03/03/2009	WEN
06/24/2009	WEN

DICKSON CONSULTING GROUP
5616 Geary Blvd, Suite 201
San Francisco, Ca. 94121
Phone: (415) 831-7180
Fax: (415) 831-7181

GENERAL NOTES
EXISTING SITE PLANS

BLOCK: 41 . LOT: 010 .
424 FRANCISCO STREET
SAN FRANCISCO, CA
APN:

DATE	06/24/2009
SCALE	AS SHOWN
DRAWN	WYL
JOB	

A-1
OF SHEETS

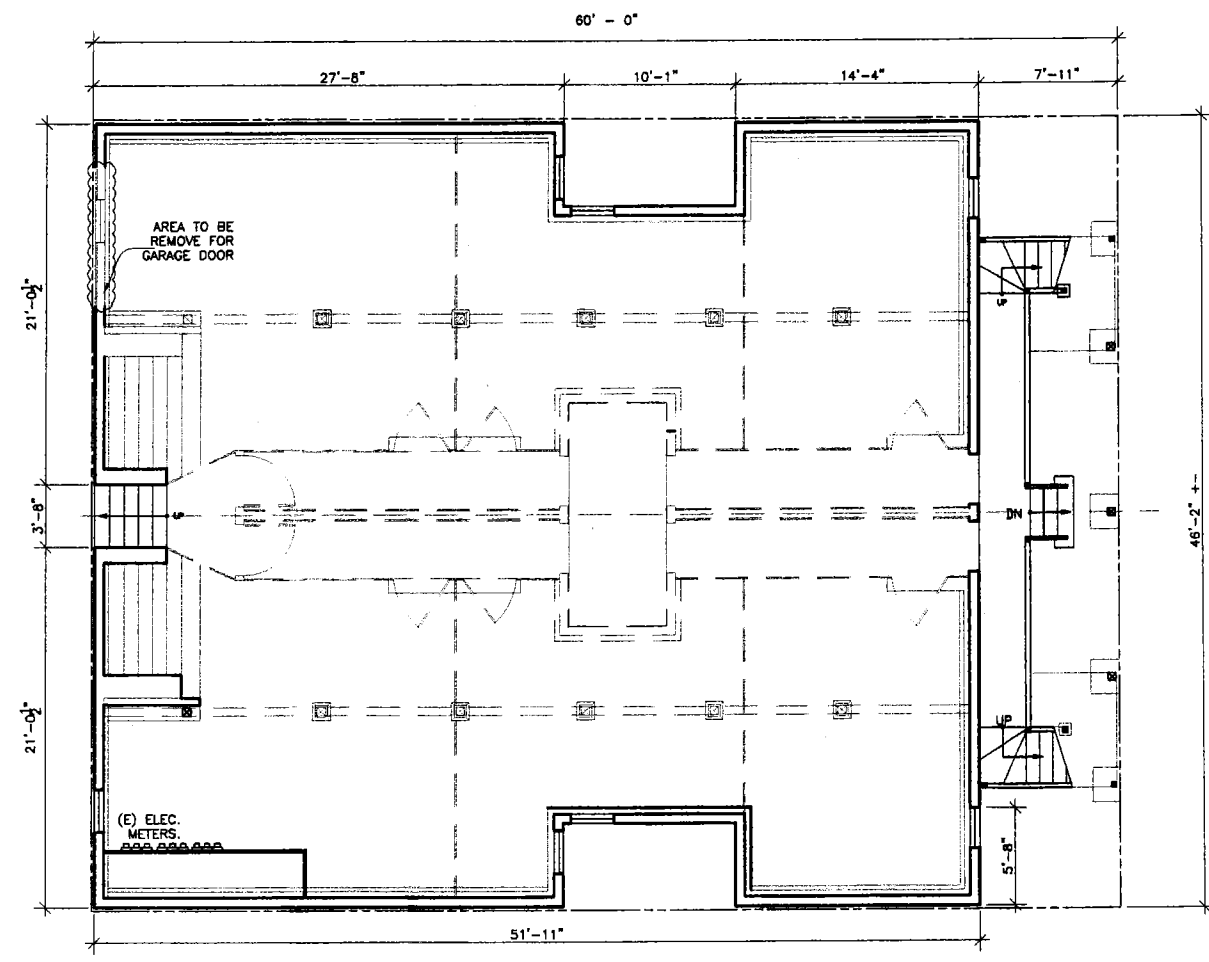
REVISIONS	BY
03/03/2009	WEM
06/24/2009	WEM

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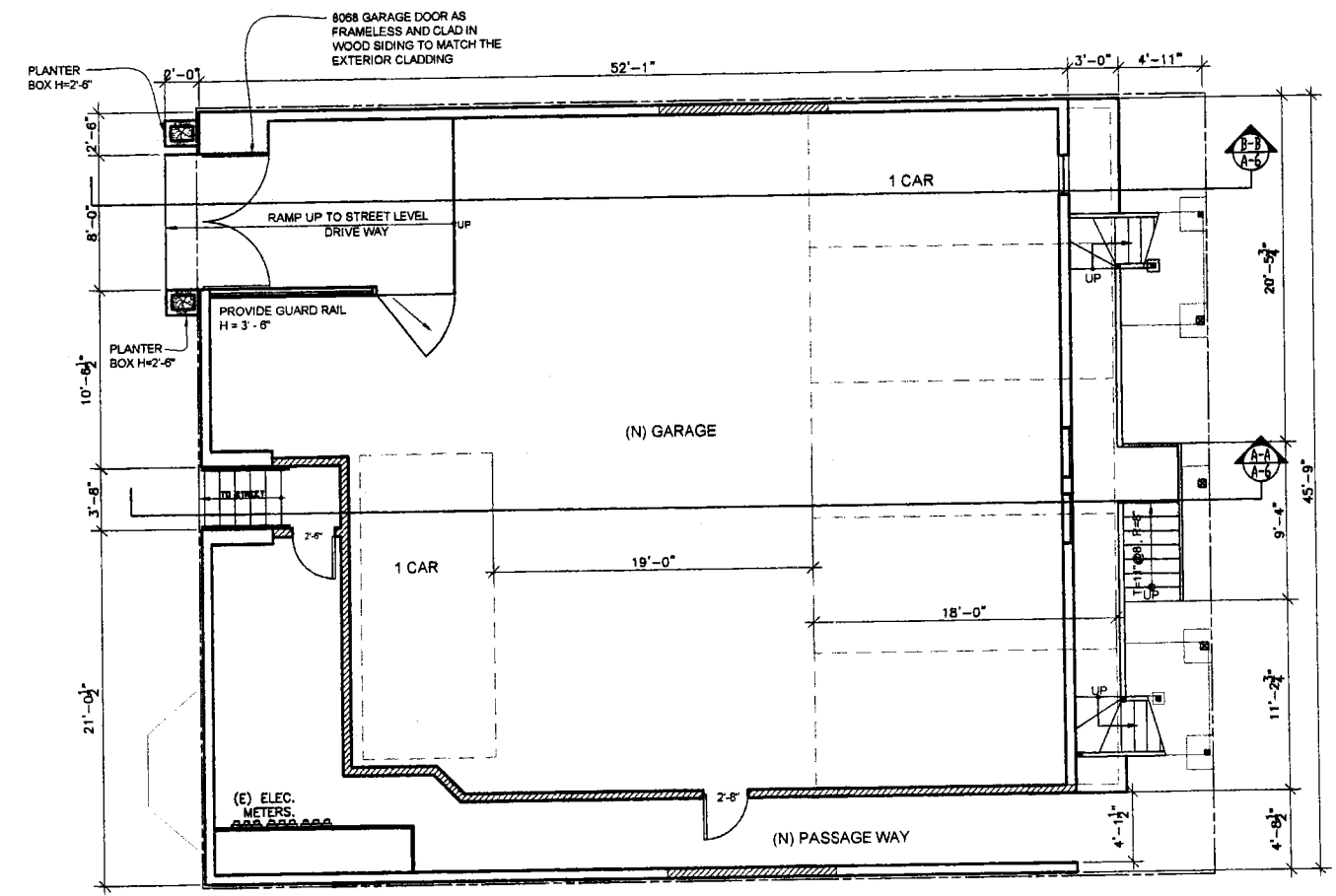
EXISTING & PROPOSED BASEMENT FLOOR PLAN

BLOCK: 41 . LOT: 010 .
 424 FEANCISCO STREET
 SAN FRANCISCO, CA
 APN:

DATE	06/24/2009
SCALE	AS SHOWN
DRAWN	WYL
JOB	



EXISTING BASEMENT FLOOR PLAN
 SCALE: 3/16"= 1'-0"
 --- DEMOLITION
 = WALL TO REMAIN



PROPOSED BASEMENT FLOOR PLAN
 SCALE: 3/16"= 1'-0"
 // NEW WALL

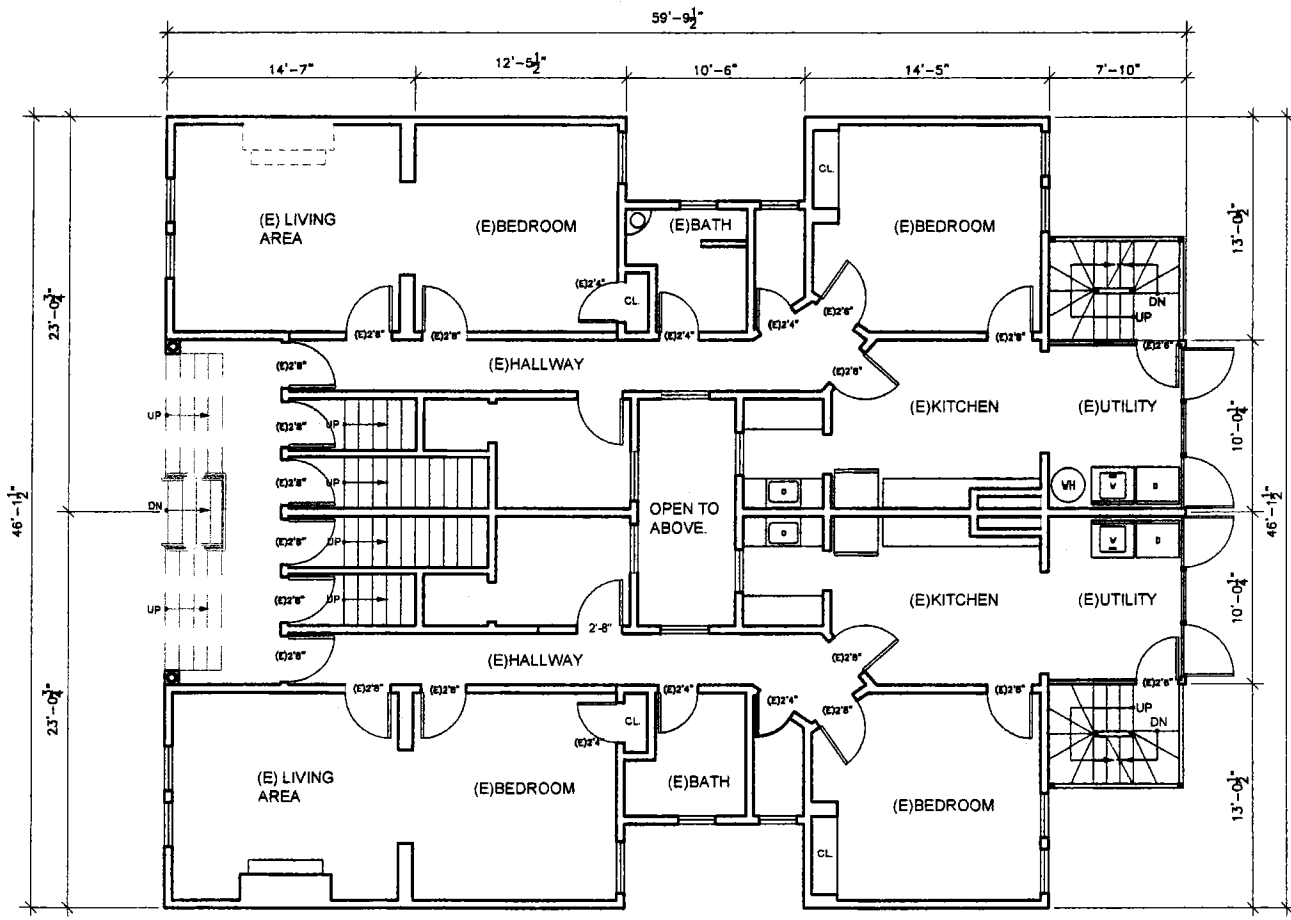
REVISIONS	BY
03/03/2009	WEN
06/24/2009	WEN

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 Phone: (415) 831-7180
 Fax: (415) 831-7181

**EXISTING & PROPOSED
 1ST FLOOR PLAN**

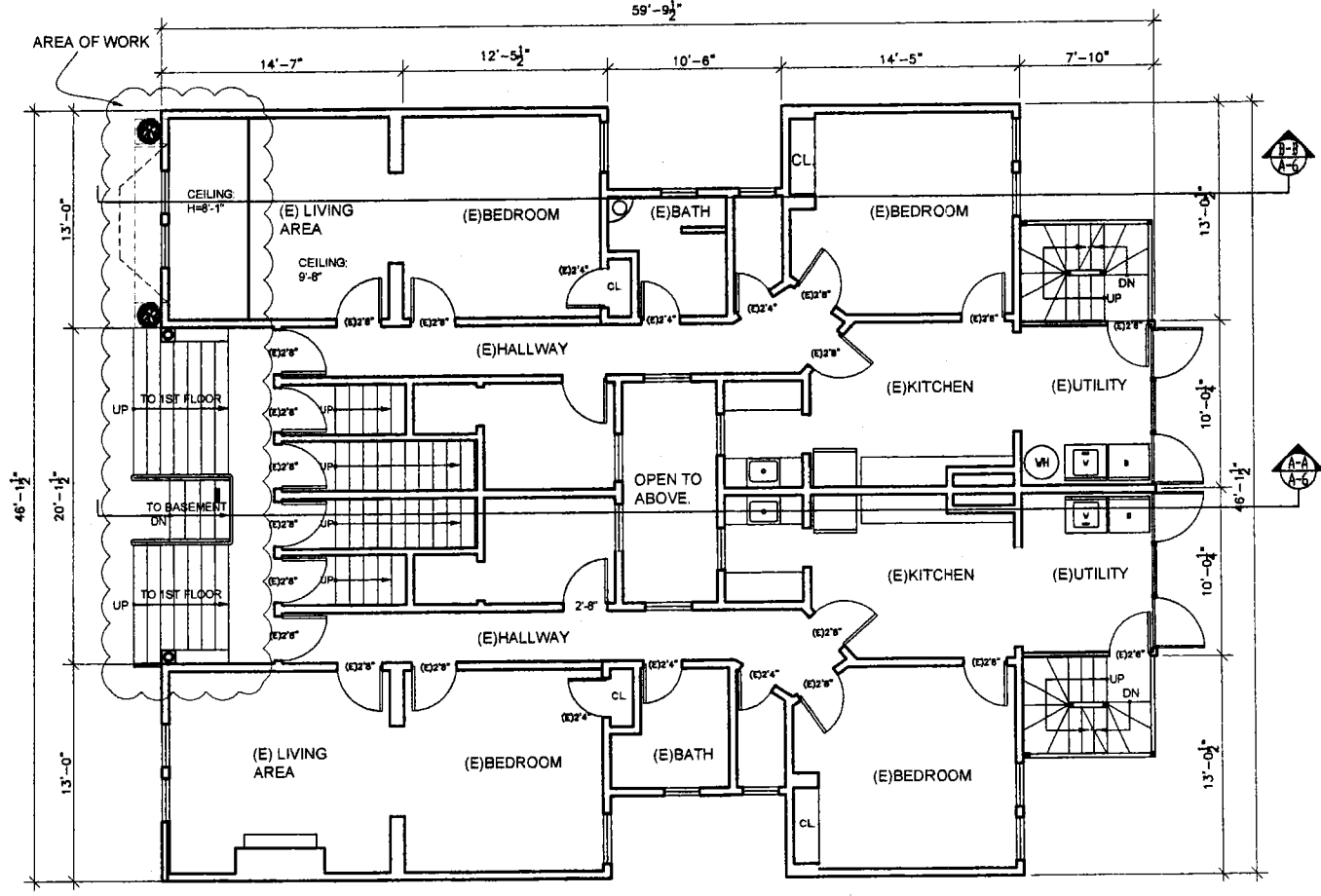
BLOCK: 41 . LOT: 010 .
 424 FRANCISCO STREET
 SAN FRANCISCO, CA
 APN:

DATE	06/24/2009
SCALE	AS SHOWN
DRAWN	WYL
JOB	



EXISTING 1ST FLOOR PLAN

SCALE: 3/16"= 1'-0"



PROPOSED 1ST FLOOR PLAN

SCALE: 3/16"= 1'-0"

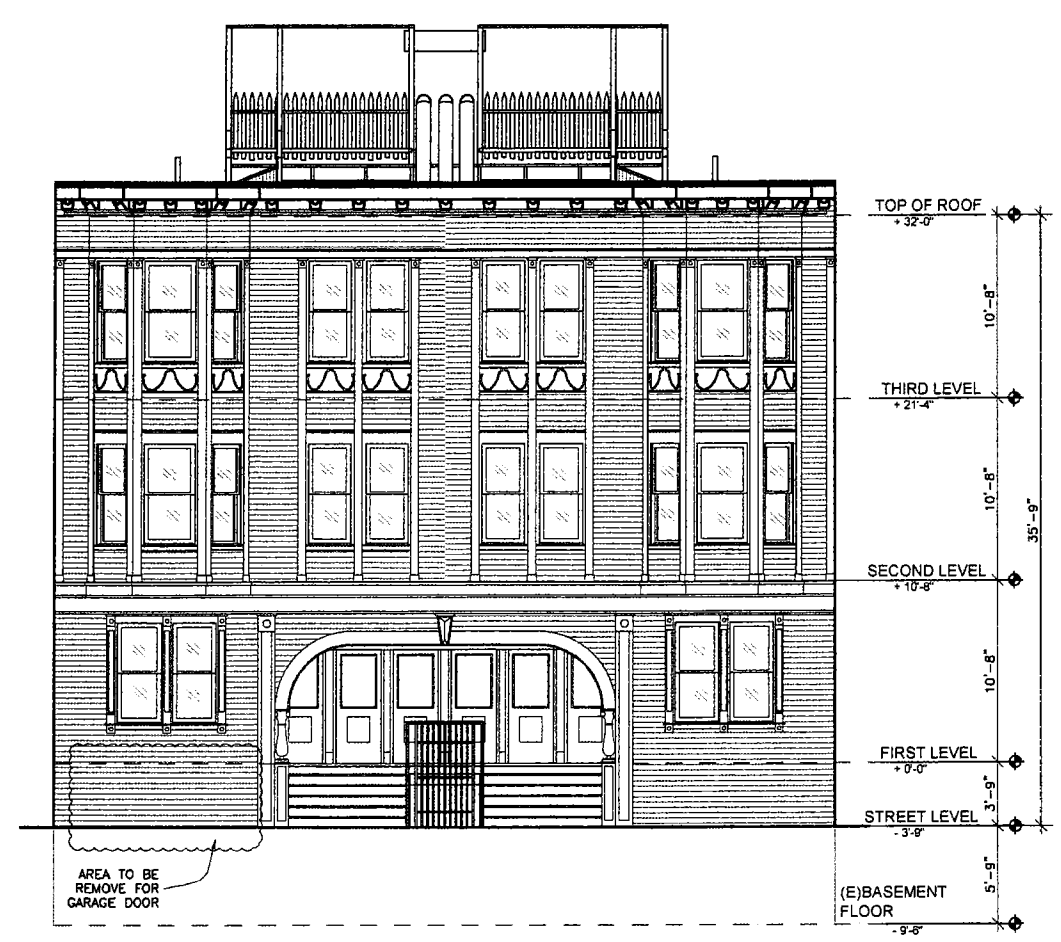
REVISIONS	BY
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06/24/2009	WEN

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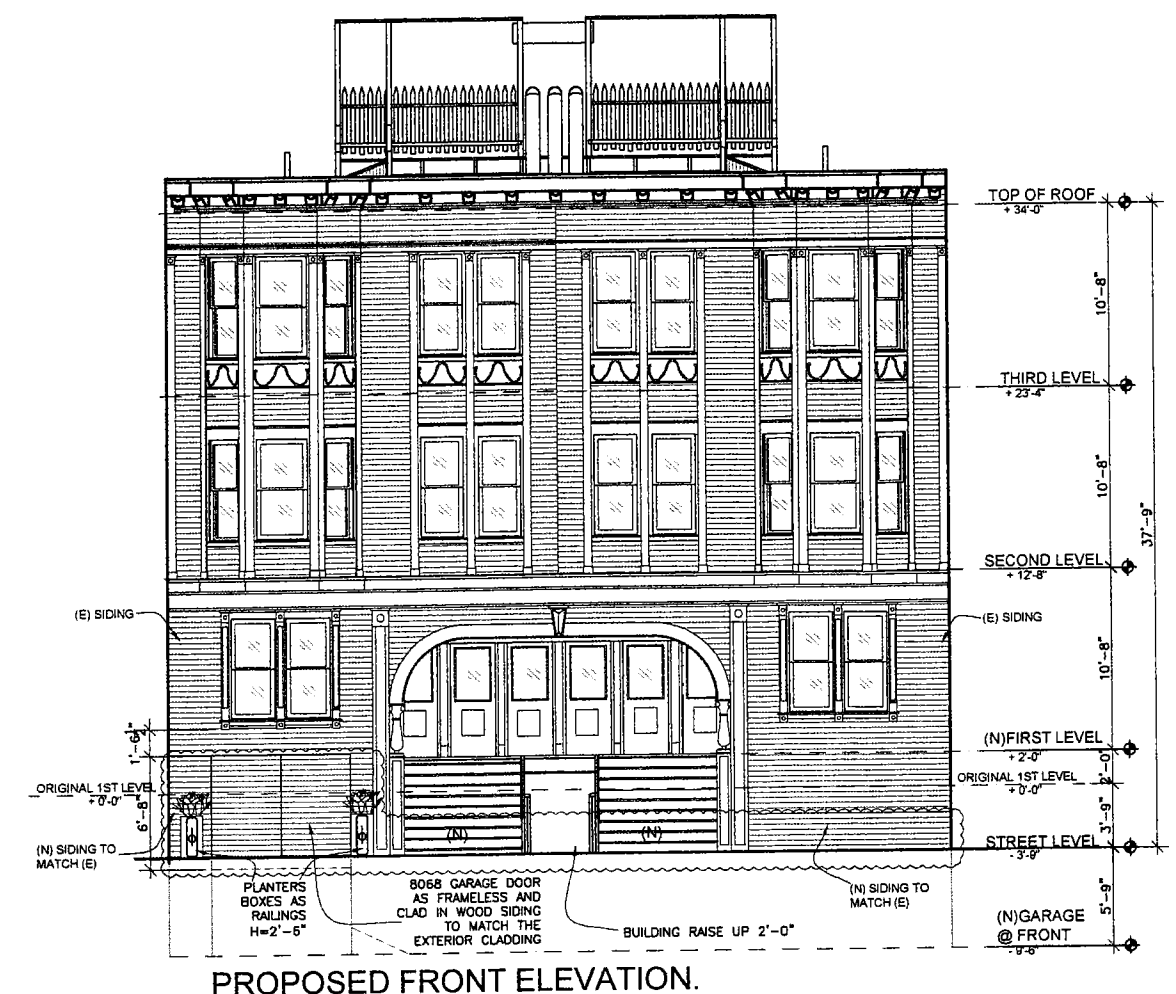
EXISTING & PROPOSED FRONT ELEVATION

BLOCK: 41 . LOT: 010 .
 424 FEANCISCO STREET
 SAN FRANCISCO, CA
 APN:

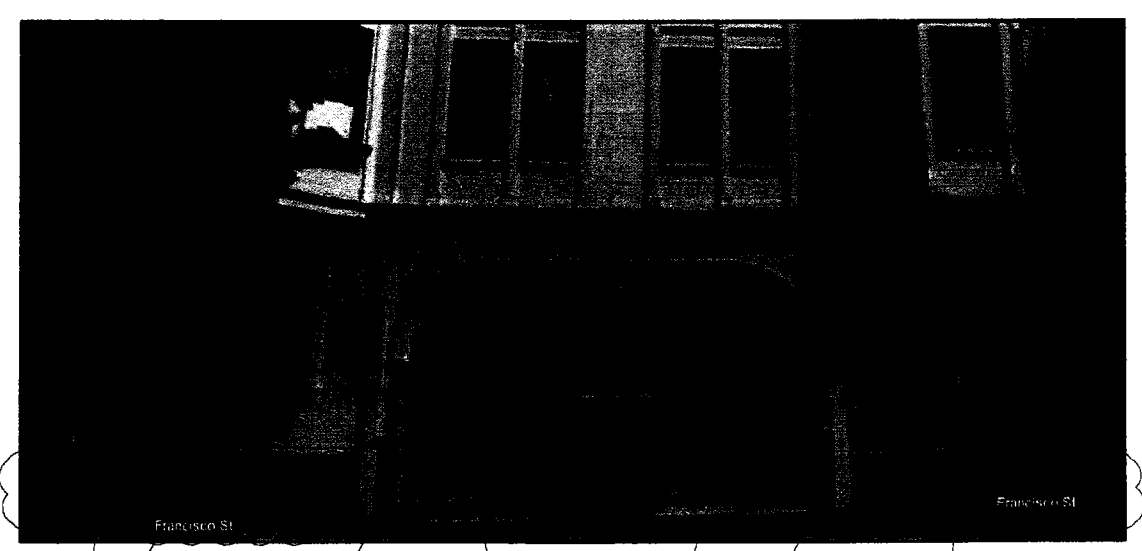
DATE	06/24/2009
SCALE	AS SHOWN
DRAWN	WYL
JOB	



EXISTING FRONT ELEVATION.
 SCALE: 3/16"= 1'-0"



PROPOSED FRONT ELEVATION.
 SCALE: 3/16"= 1'-0"



BLDG. RAISE UP 2' (N) SIDING OF (N) EXTERIOR WALL WILL MATCH (E) SIDING

(N) GARAGE DOOR LOCATION 8068 GARAGE FRAMELESS DOOR AND CLAD IN WOOD SIDING TO MATCH THE EXTERIOR SIDING

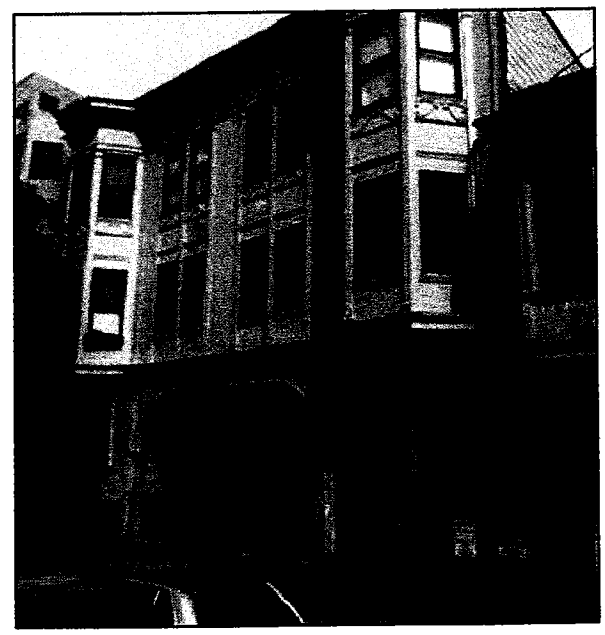
WOOD DECO COLUMN EXTEND 2' IN HEIGHT

3 RISERS ADD DUE TO BLDG. RAISING UP 2'

WOOD DECO COLUMN EXTEND 2' IN HEIGHT

BLDG. RAISE UP 2' (N) SIDING OF (N) EXTERIOR WALL WILL MATCH (E) SIDING

FRONT ELEVATION



FRONT ELEVATION



FRONT ELEVATION

REVISIONS	BY
03/03/2009	WEN
06/24/2009	WEN

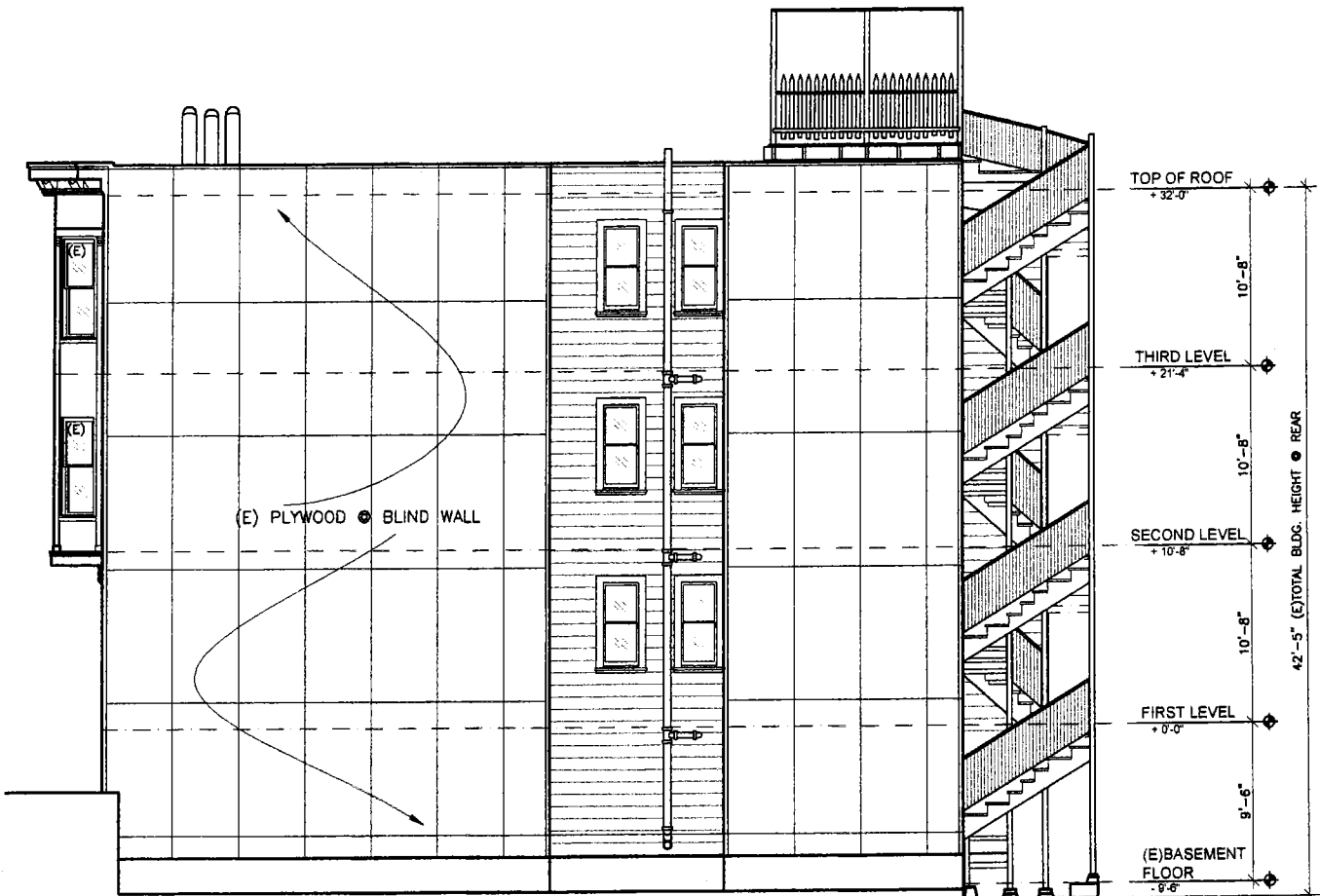
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 5616 Geary Blvd., Suite 201
 San Francisco, CA 94115
 Phone: (415) 831-7180
 Fax: (415) 831-7181

EXISTING & PROPOSED LEFT & RIGHT ELEVATIONS

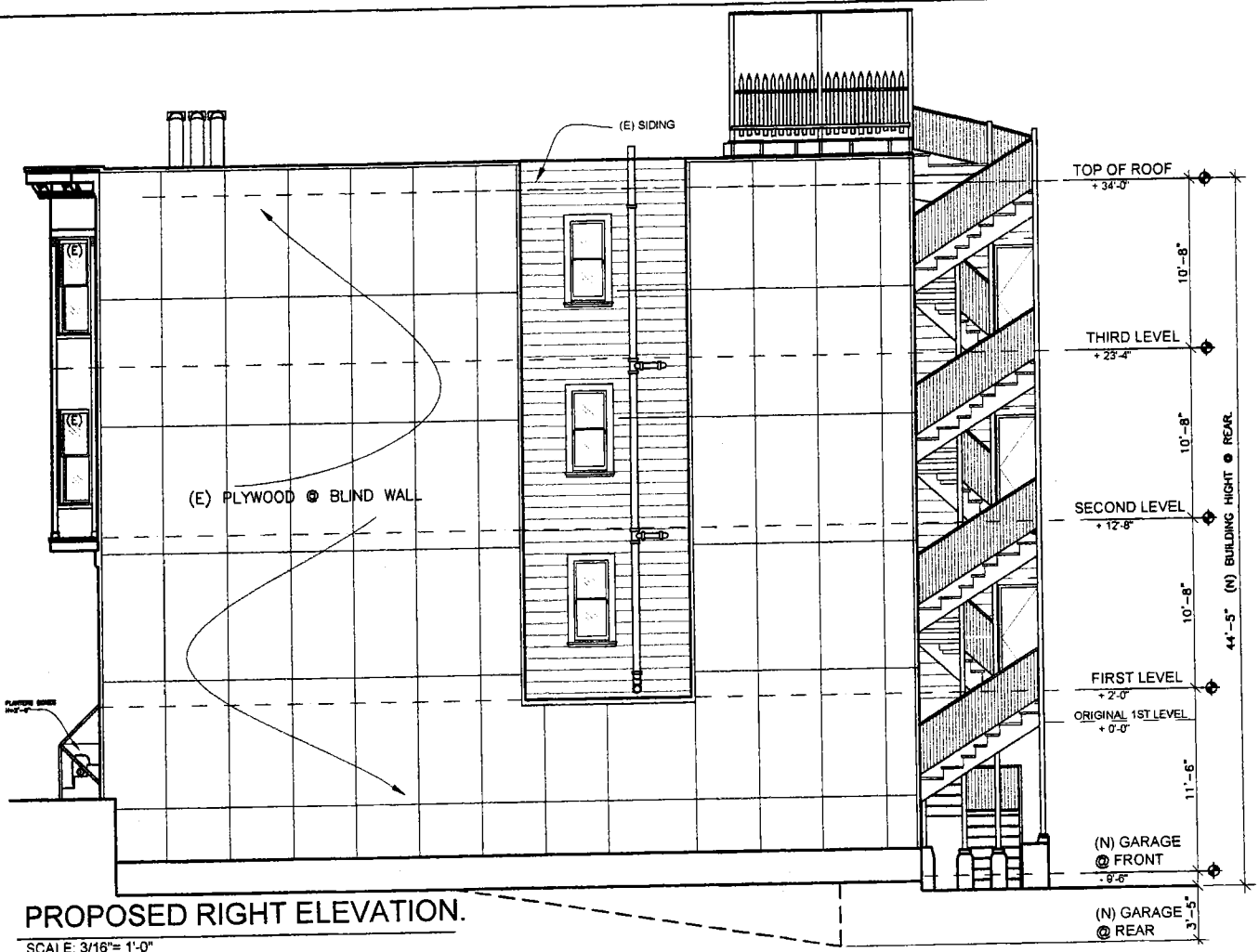
BLOCK: 41 . LOT: 010 .
 424 FRANCISCO STREET
 SAN FRANCISCO, CA
 APN:

DATE	06/24/2009
SCALE	AS SHOWN
DRAWN	WYL
JOB	

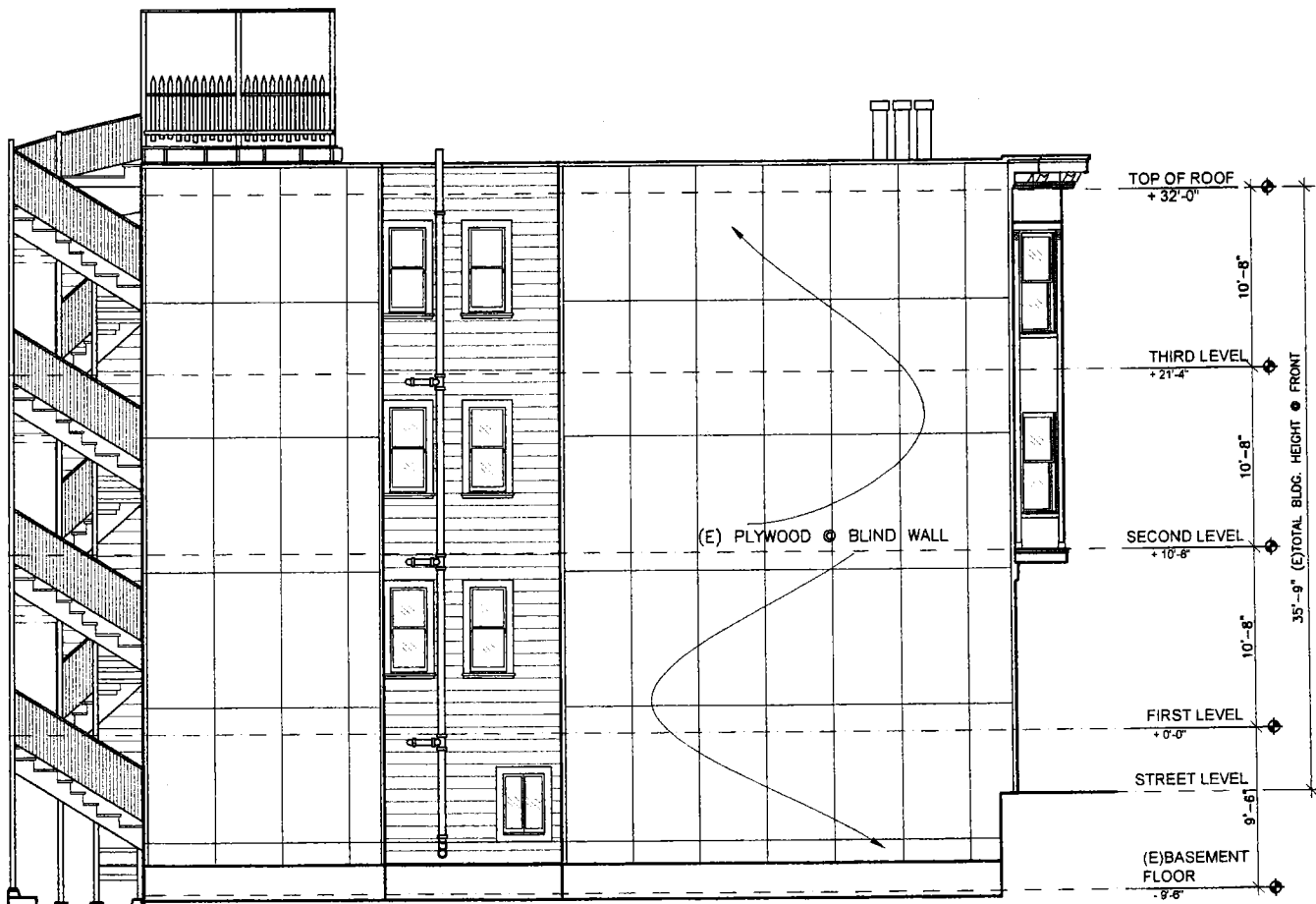
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OF SHEETS



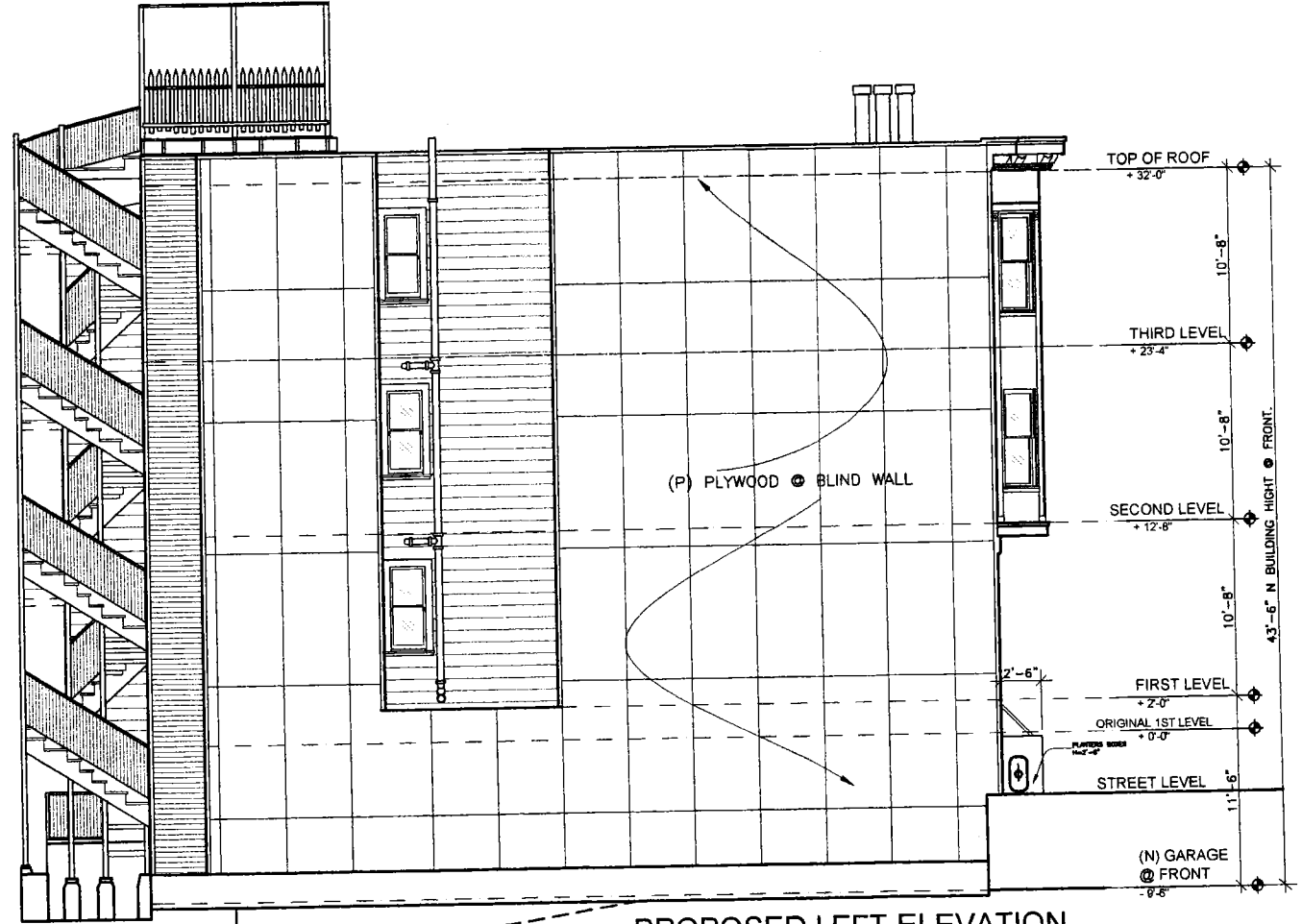
EXISTING RIGHT ELEVATION.
 SCALE: 3/16" = 1'-0"



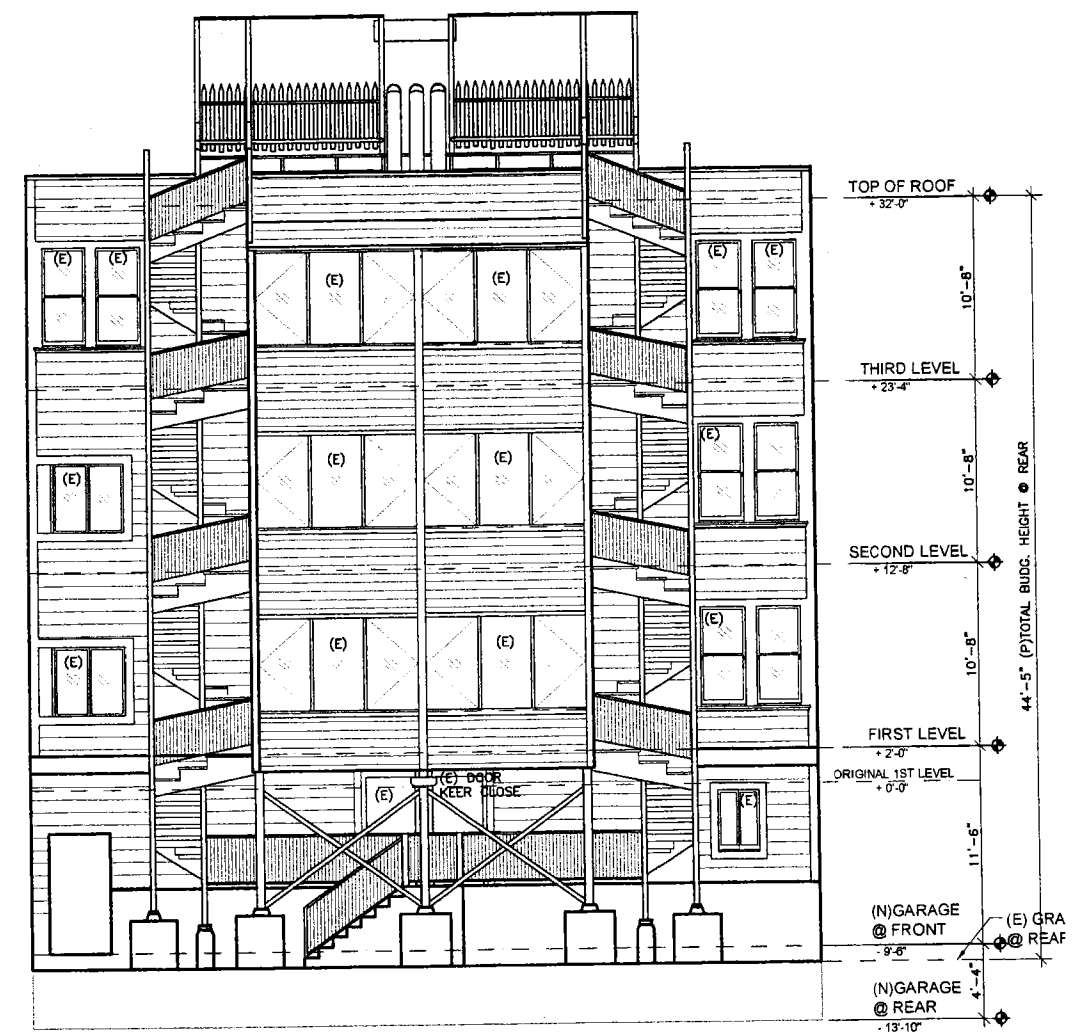
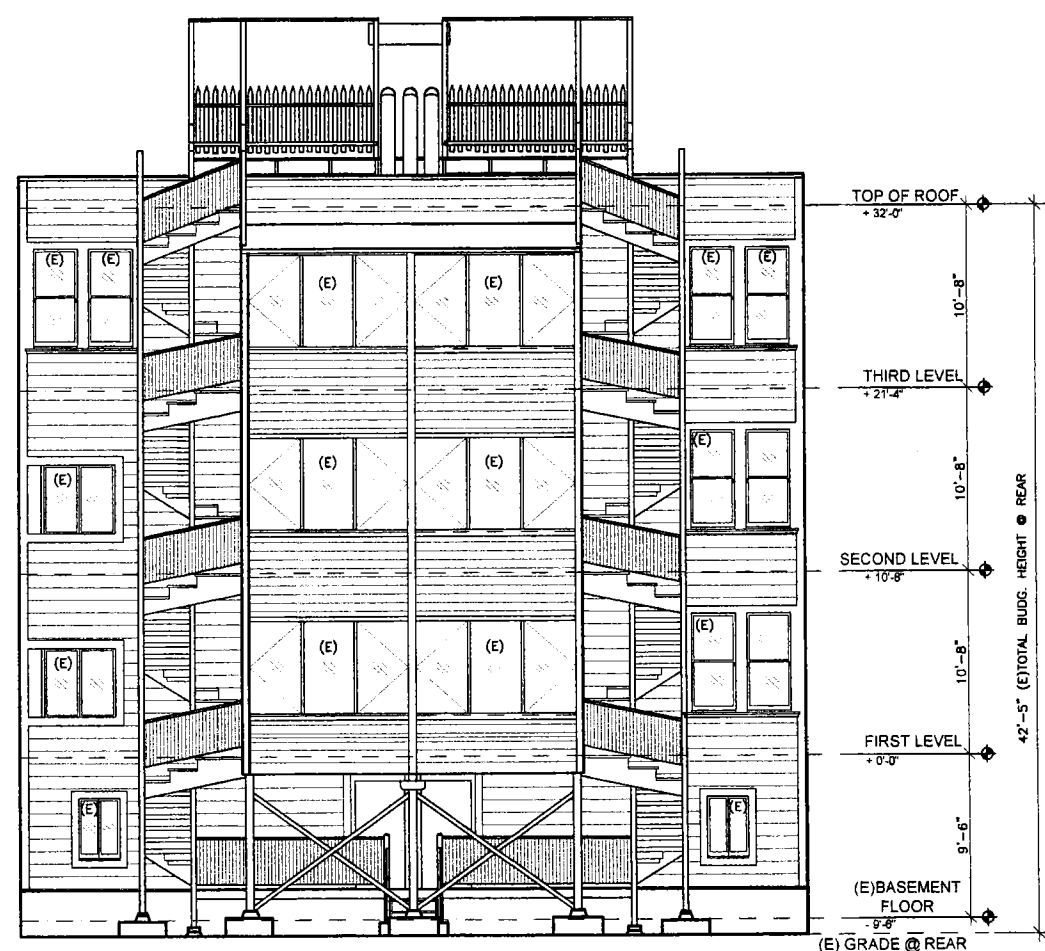
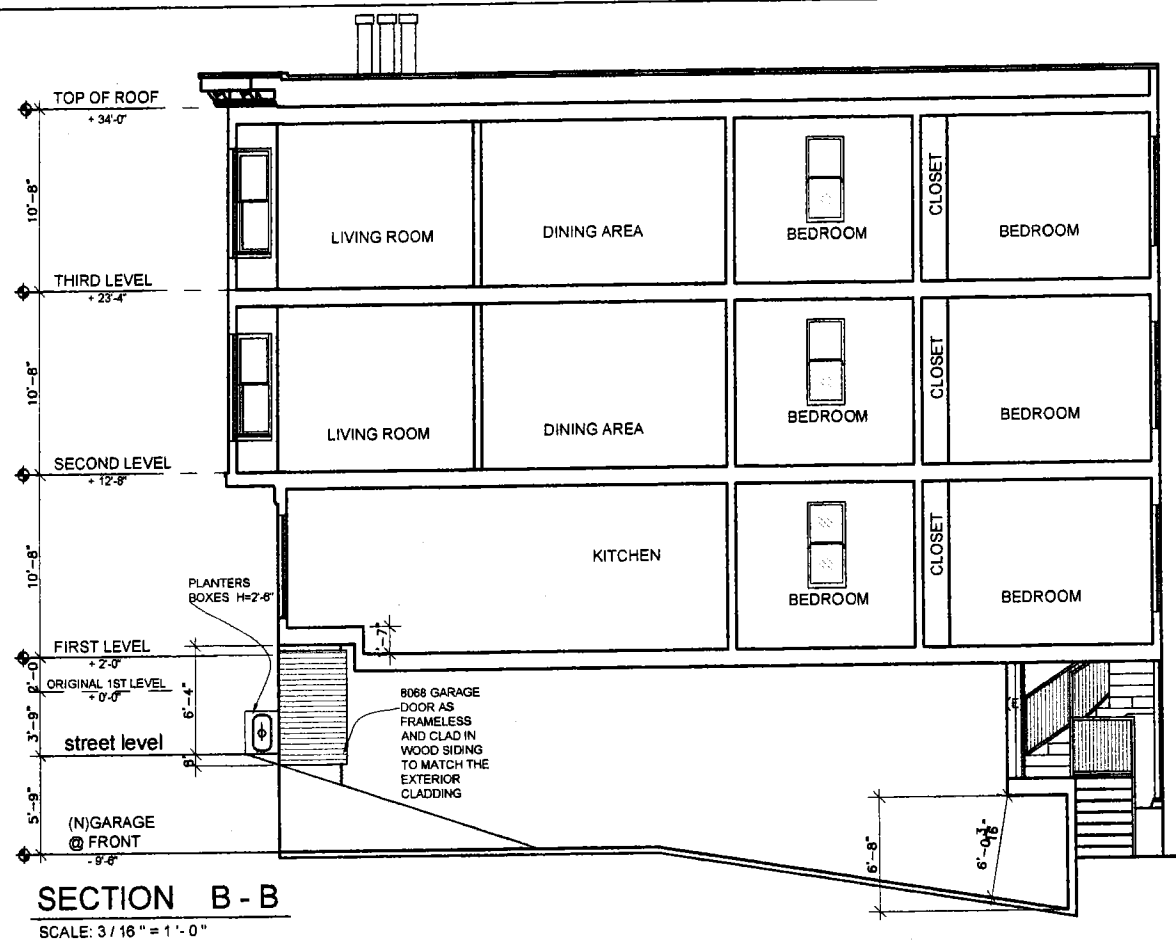
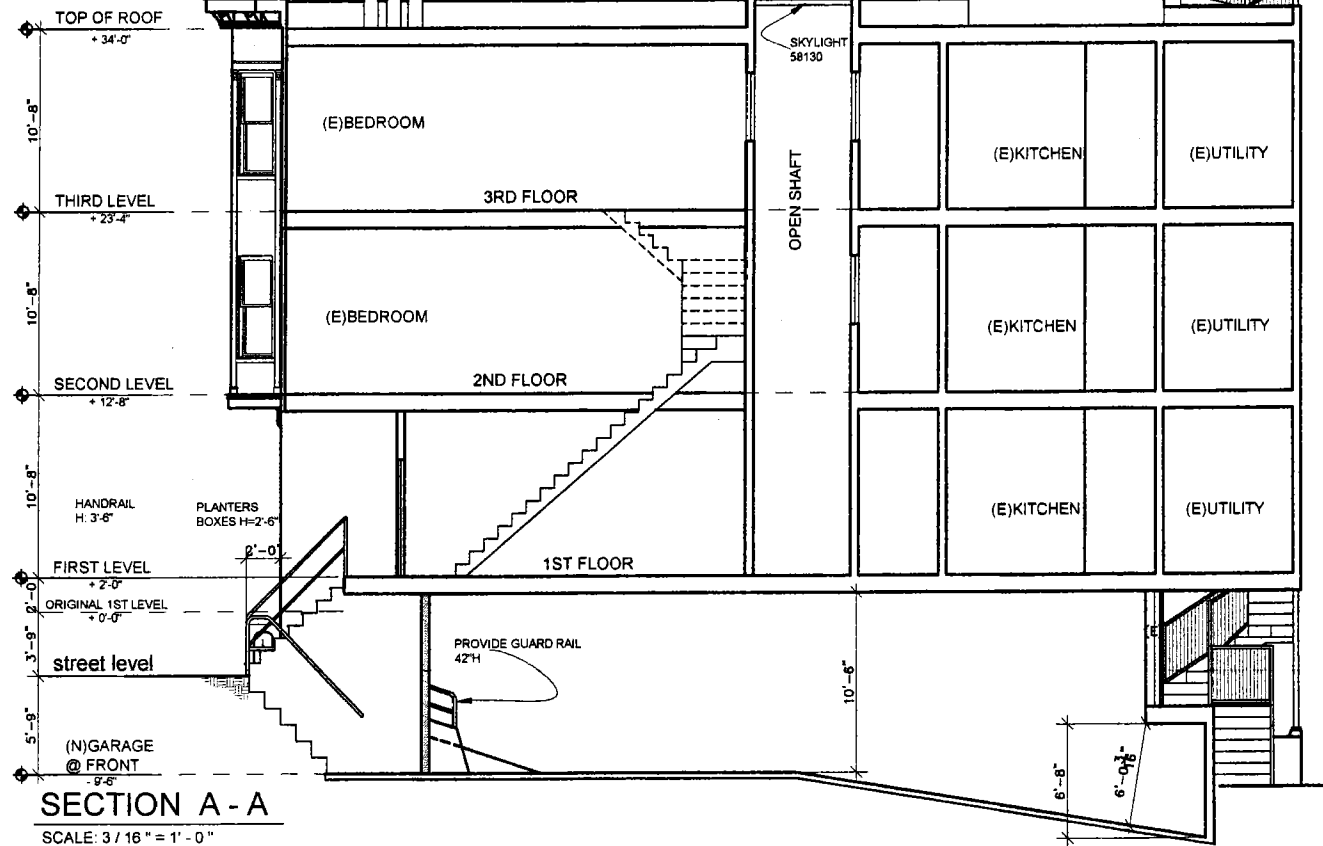
PROPOSED RIGHT ELEVATION.
 SCALE: 3/16" = 1'-0"



EXISTING LEFT ELEVATION.
 SCALE: 3/16" = 1'-0"



PROPOSED LEFT ELEVATION.
 SCALE: 3/16" = 1'-0"



REVISIONS	BY
03/03/2009	WEN
06/24/2009	WEN

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 Fax: (415) 831-7181

**SECTIONS
 EXISTING & PROPOSED REAR ELEVATIONS**

BLOCK: 41 . LOT: 010 .
 424 FRANCISCO STREET
 SAN FRANCISCO, CA
 APN:

DATE	06/24/2009
SCALE	AS SHOWN
DRAWN	WYL
JOB	

REVISIONS	BY

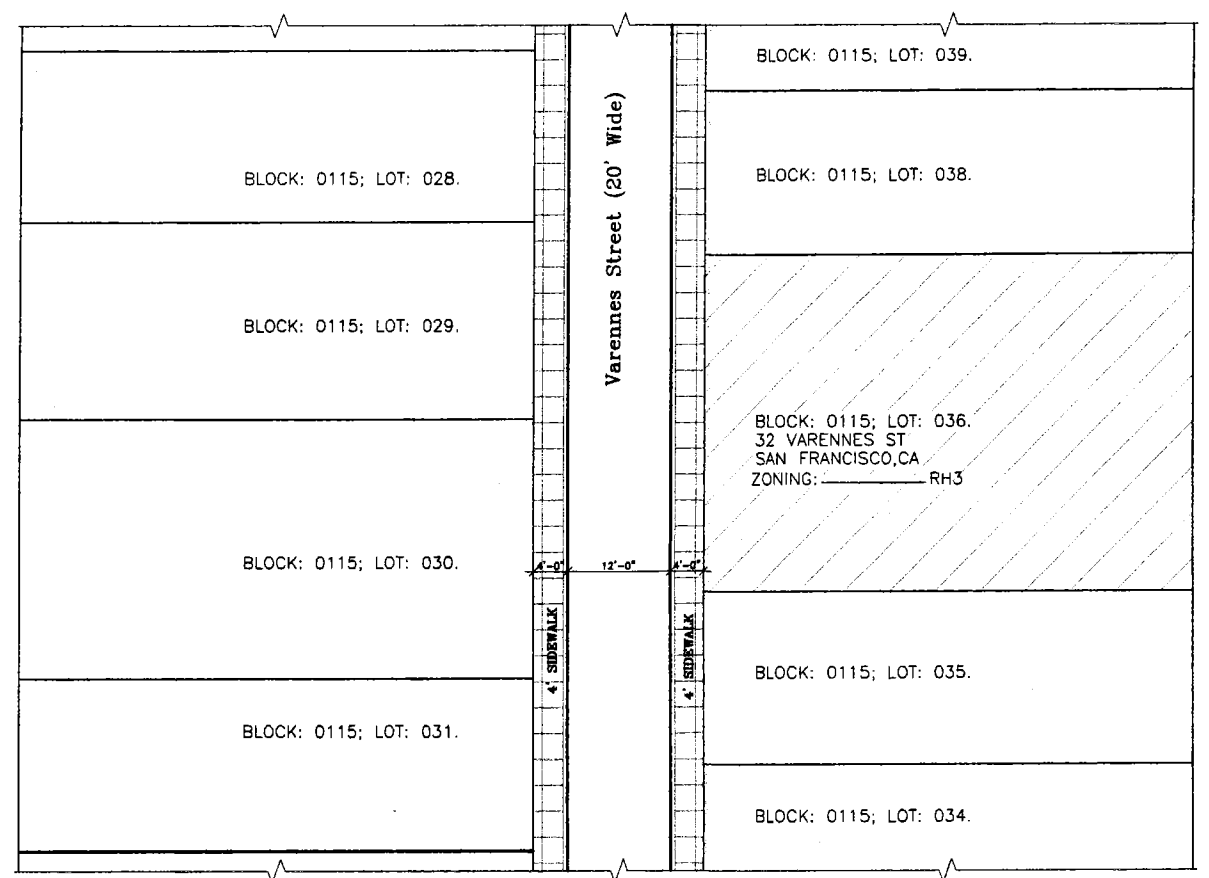
**DICKSON
CONSULTING GROUP**
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San Francisco, Ca. 94121
Phone: (415) 831-7180
Fax: (415) 831-7181

FOR STREET & SIDEWALK COMPAIRISON

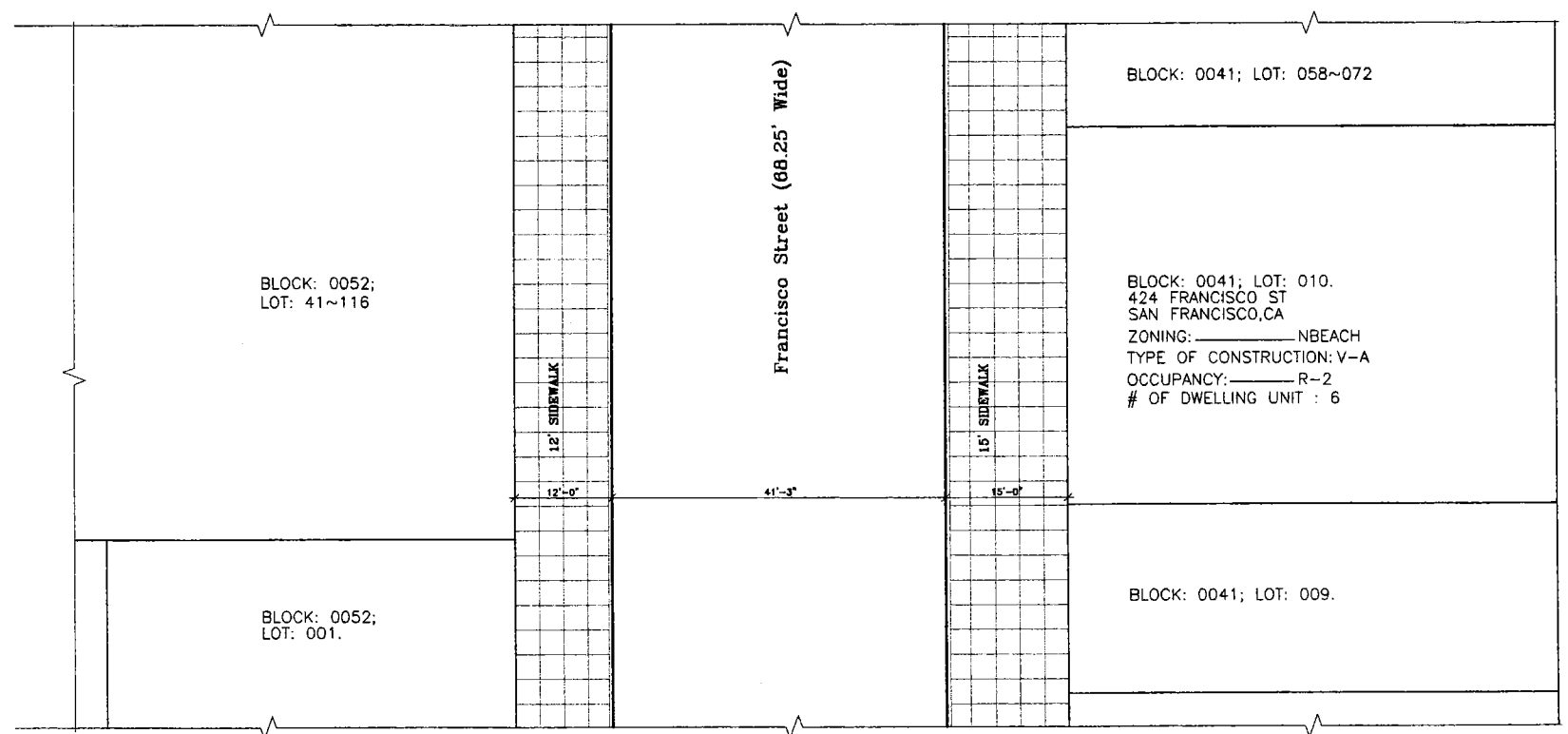
BLOCK: 0041; LOT: 010
424 FRANCISCO ST
SAN FRANCISCO, CA
Application #:

DATE 01/04/10
SCALE AS SHOWN
DRAWN PL
JOB

SW-1.1
OF SHEETS



32 VARENNES ST SITUATION
SCALE 1/8"=1'-0"



424 FRANCISCO ST SITUATION
SCALE 1/8"=1'-0"