

NEW

SUBMITTALS

TD 9/17/14

FILE

BOARD OF APPEALS

SEP 09 2014

APPEAL # 13-062 RR

TWIN PEAKS EASTSIDE NEIGHBORHOOD ALLIANCE (TPENA) v.
DBI, PDA

Re: 70 CRESTLINE DR.--APPEAL #13-062-RR

APPELLANT'S 2nd RESPONSE TO PERMIT HOLDER'S
REHEARING REQUEST

HEARING DATE: SEPTEMBER 17, 2014

This matter is part of the permit holder's attempt to subdivide a lot in the Vista Francisco Subdivision on the east side of Twin Peaks and to construct a four-unit residential building on the newly-created parcel. (See attached Exhibit A for a timeline of events.) Vista Francisco was approved by the Board of Supervisors in 1962 with certain conditions; one condition, the maintenance of open spaces that are part of some lots in Vista Francisco, is at the heart of this entire matter.

This current proceeding concerns the building permit holder's rehearing request. The first hearing, in July, 2013, resulted in the Board ruling in favor of TPENA, a neighborhood group opposed to the permit holder's proposed construction. Although the permit holder participated in the initial hearing, it contends that it is entitled to a rehearing to present additional evidence and legal arguments.

The matter was twice continued to allow the Department of Public Works to complete its review of and decision on the permit holder's subdivision application of subject property. Also, the Board requested that the Zoning Administrator review the history of the creation of the open spaces as indicated by the Building Setback lines and report his findings. The Zoning Administrator's conclusion was that allowing construction on the green spaces would be inconsistent with the Planning Code in that it was not in compliance with the conditions imposed by the Board of Supervisors in its approval of the original Vista Francisco Subdivision. (See attached Exhibit B.) In April, 2014, the City Surveyor issued his final decision: allowing the subdivision but with the condition that no building be allowed on the resulting new parcel. The permit holder failed to appeal that decision to the Board of Supervisors and it is now final.

**THE PERMIT HOLDER'S REHEARING REQUEST IS
MOOT AND THEREFORE THE REHEARING REQUEST
SHOULD BE DISMISSED**

We request that the Board's Executive Secretary dismiss the permit holder's request as moot or alternatively that the Board do so in accordance with the intent of Board rules. This request is based on a logical extension of the Secretary's authority under Art. V, Sec. 11, requiring dismissal of "any *appeal* (emphasis added) for which the underlying subject matter has become moot as a matter of law." Although the pending matter is a rehearing request rather than an appeal, logic, law and administrative convenience argue for this administrative dismissal. If the Executive Secretary does not administratively dismiss the rehearing request, we request that the Board do so.

The subject matter is moot as a matter of law. *Even if* the Board grants the rehearing request and *even if* the permit holder is successful in securing its building permit in a subsequent hearing, it does not have the authority to build since that is prohibited by the terms of the uncontested final conditional subdivision approval. In short, there is no relief that the Board can grant to the permit holder.

Therefore, dismissal of the rehearing request is called for.

**THE PERMIT HOLDER HAS NOT MET THE STANDARD
FOR REHEARING IN BOARD RULES.**

The starting point of an analysis under Art. V, Sec. 9 is whether there is "a showing that new or different material fact or circumstances have arisen ... [that] could have affected the outcome of the original hearing " and where the "exercise of due diligence" would have produced the new facts or circumstances at the original hearing. The record is completely devoid of evidence in this regard.

The permit holder has not submitted a brief for the September 17 hearing and so the only source of its contentions is the Rehearing Request. The first contention made is that the protective covenants should have been introduced and considered at the first hearing and that those covenants would have affected the outcome. This is plainly untrue. Rather, the covenants merely show compliance with the condition of the original Vista Francisco Subdivision: maintaining the open spaces. As such, they support the Board's decision and so would not have changed the outcome. And, of course, the permit holder failed to exercise due diligence: they had actual knowledge of the covenants for months before the original hearing, and constructive knowledge at all relevant times. The permit holder could have presented the covenants at the first hearing and has not offered any reason for failing to do so. Therefore, this contention fails.

Other procedural contentions are clearly without merit. The permit holder contends that the Planning Department and the Building Department staffs confused, misled and misrepresented law and facts to the permit holder and the Board. These bald assertions are without foundation and need no further discussion.

Section 9 contains an exception to the above-discussed requirement: "in extraordinary cases, and to prevent manifest injustice". To this end, the permit holder makes various grandiose contentions of violations of constitutional rights. However, the record establishes that, from the creation of the Vista Francisco Subdivision, no property owner, including the permit holder, had a right to develop the open spaces. This was reiterated in the April, 2014 subdivision decision. Having no right, there can be no violation of such right.

For the reasons stated above, we respectfully request the Board to deny the permit holder's rehearing request.

SUMMARY OF PROCEEDINGS (AND OTHER NOTABLE EVENTS) TO DATE

Dec. 17, 1962: Board of Supervisors approved Vista Francisco Subdivision with conditions regarding open spaces.

Aug., Sept., 1963: Protective covenants are recorded.

Apr. 3, 2013: Permit holder receives title report that includes the protective covenants.

May 29, 2013: TPENA files appeal from Planning Commission approval of building permit

July 15, 2013: Permit holder files subdivision application, including a copy of the protective covenants.

July 17, 2013: Hearing on TPENA's appeal from Planning Commission decision. Permit holder does not offer protective covenants in evidence. Board of Appeals decision in favor of TPENA.

July 29, 2013: Permit holder files request for rehearing.

Aug. 14, 2013: Hearing on rehearing request; Board of Appeals continues matter, pending City's decision on permit holder's subdivision application.

Sept 11, 2013: City Surveyor issues conditional approval of subdivision that prohibits building on resulting parcel; permit holder does not appeal to Board of Supervisors.

Nov. 20, 2013: Hearing on permit holder's rehearing request; Board of Appeals continues matter when City Surveyor withdraws conditional approval of subdivision so that Zoning Administrator can review the subdivision for compliance with Planning Code.

Apr. 30, 2014: City Surveyor again issues conditional subdivision approval prohibiting construction, based on the Zoning Administrator's opinion that subdivision, to comply with Planning Code, must be subject to condition that no building can take place on open spaces. Permit holder again does not appeal to the Board of Supervisors.

Sept. 17, 2014: Hearing scheduled on rehearing request, at call of the chair.

EXHIBIT A



SAN FRANCISCO PLANNING DEPARTMENT

Tentative Map Decision

April 17, 2014

Bruce R. Storrs, P.L.S.
City and County Surveyor
Department of Public Works
1155 Market Street, 3rd Floor
San Francisco, CA 94103

DPW Project ID: 8034
Planning Case No.: 2014.0183S
Property Address: 70 Crestline Drive
Block and Lot 2845/005
Zoning District: RM-1 / 40-X

Dear Mr. Storrs,

On January 16, 2014, your office issued a request to the Planning Department to review the Tentative Map for the proposed 2-lot subdivision at 70 Crestline Drive for compliance with applicable provisions of the Planning Code and consistency with the General Plan and Priority Policies of Planning Code Section 101.1. The subject property is located in an RM-1 Zoning District and is part of the Vista Francisco Subdivision, which was approved with conditions by the Planning Commission, Director of Public Works and Board of Supervisors in 1962. In reviewing the Tentative Map, the Planning Department has found that the proposed subdivision complies with applicable provisions of the Planning Code subject to conditions (outlined below).

VISTA FRANCISCO SUBDIVISION DEVELOPMENT OVERVIEW

On March 1, 1962, the Planning Commission ("Commission") held a public hearing on the Tentative Subdivision Map for the Vista Francisco Subdivision ("Project") and conditionally approved the proposal. At this hearing, the Planning Director James R. McCarthy ("Director") stated that this was "one of the most important subdivisions to come before the Planning Commission in its history, because it involves one of the most prominent and famous sites in San Francisco" (see attached minutes). At this hearing, both the Commission and Director expressed concerns about potential impacts from the proposal. The Director outlined several recommendations, including "breaking up the long rows of building masses and minimizing the cut and fill." At the hearing, the Project Architect stated that "there will be considerable variety in the buildings and building groups" and that "there would be modifications to provide additional open space in the long blocks and variations in material, color, grouping, and roof lines to avoid an institutional effect." In addition, "the best views from Twin Peaks would be preserved and that with landscaping the project would have a rather soft topography and a contoured shape."

www.sfplanning.org

EXHIBIT B

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Bruce R. Storrs, City and County Surveyor, DPW
Tentative Map Decision
70 Crestline Drive
April 17, 2014

The Commission discussed the Director's recommendations and unanimously agreed to conditionally approve the tentative map "subject to possible modifications and clarifications of the following features to be precisely determined by analysis of grading plans to be submitted in conformity with the revised plot plan submitted February 28, 1962: 1) depth of fill, 2) retaining walls, 3) landscaping of open areas and dedicated pedestrian ways shall be indicated, 4) rooftop elevations of the final proposals shall be submitted as agreed; and it is further recommended that a preliminary plan indicating the entire contemplated subdivision development be presented for record purposes."

On April 12, 1962, the Commission held a public hearing to review the revised tentative subdivision map for the Project. At this hearing, the Director noted that "the applicant had agreed to submit a final landscaping plan to the Planning Commission for review and approval." One Commissioner noted that "certain open areas had been requested by the Commission Committee at the last meeting, and he asked if the open space was identical with that recommended by the Commission Committee, and he pointed out the open space on the map." The Commissioner then "asked that the minutes reflect the statement of the applicant's representative that the three open areas would be the same as in the original agreement."

The Commission discussed potential traffic impacts and unanimously agreed to authorize the Director to report to the Director of Public Works that the Tentative Map of the Vista Francisco Subdivision be approved, subject to the following modifications: 1) that the fill area represented by cross-section 5 be modified as shown on the revised map submitted on this date, with a maximum elevation of 752-1/2 feet; 2) that a general landscaping plan of all open areas, excluding carports, be submitted for City Planning Commission review at the time the final subdivision map is submitted for approval; 3) that pedestrian ways be as shown in red on the tentative map; 4) that roof elevations on buildings fronting on the upper street be not higher than thirty feet above the highest approved finished curb elevation opposite the front of each building, with maximum building frontage not to exceed 76 feet for the purpose of this measurement."

On October 3, 1962, the Project Sponsor submitted the Final Map and Preliminary Planting Plan for the Project. The Final Map includes "Building Setback Lines" on all but one of the properties wider than 75 feet which limit the buildable width of those properties. These properties feature prominently at locations on the map, including curves, and break up long rows of building masses.

On November 8, 1962, the Commission held a public hearing to review the final map and landscaping plans for the Project. At this hearing, Assistant Director Edward I. Murphy ("Assistant Director") noted that "the final map differs from the tentative map in that the lots have been increased in width from 66 feet to 75 feet; wider buildings on the lots will contain twelve dwelling units and will have fourteen garage spaces, but there will be 72 less units in the subdivision than originally planned." The Director recommended that the landscaping plan be "accepted as fulfillment of the requirement for a 'General Landscape Plan', provided that final landscape plans be submitted to the Director of Public Works, and procedures shall be worked out to the satisfaction of the Director of Public Works for continued maintenance of open spaces and

Bruce R. Storrs, City and County Surveyor, DPW
Tentative Map Decision
70 Crestline Drive
April 17, 2014

final notice given on the land records of the Country Recorder's Office of such provisions." The Commission unanimously approved the Director's recommendation.

On December 5, 1962, the Director of Public Works issued Order No. 62-530 and transmitted the Final Map for the Project to the Board of Supervisors. The Order noted that the Final Map included in the Owner's Affidavit "an agreement to plant and maintain or, form an improvement association to maintain, landscaping in the land subdivided in accordance with that certain 'Preliminary Planting Plan'". The Order also noted that "the purpose of this agreement is to effectuate the recommendation of the City Planning Commission that provision be made for the landscaping of the subdivision open area and the maintenance thereof."

On December 17, 1962, the Board of Supervisors approved the Final Map for the project, including all recommendations/conditions (Resolution No. 756-62). On December 28, 1962, the Project Sponsor recorded the Final Map.

CONDITION FOR TENTATIVE MAP DECISION

The subject property (Block 7629; Lot 005) was created as part of the Vista Francisco Subdivision and contains a "Building Setback Line" ("BSL") which bears $S76^{\circ}12'E$ for 143.721 feet. In reviewing the history of development for the Vista Francisco Subdivision and available materials (including Planning Commission minutes), the Planning Department has determined that the BSL was intended as a condition of approval to prevent building beyond that line and was a requirement of the Planning Commission that was adopted by the Director of Public Works and the Board of Supervisors.

While the proposed subdivision meets the minimum lot width and area requirements of Planning Code 121, Planning Code Section 174 requires compliance with "every condition, stipulation, special restriction and other limitation imposed by administrative actions pursuant to this Code." As such, approval of the proposed subdivision must reflect the conditions of approval imposed under the Vista Francisco Subdivision. The Planning Department recommends approval of the proposed subdivision with the following condition: the proposed subdivision must maintain the Building Setback Line imposed under the Vista Francisco Subdivision exclusively for landscaping and open space purposes and restrict all building in this area. Failure to maintain the condition of approval imposed on the Vista Francisco Subdivision would result in a subdivision that is not, on balance, consistent with the General Plan.

Sincerely,



Scott F. Sanchez
Zoning Administrator

CC: Daniel Frattin, Reuben & Junius, LLP
Henry Karnilowicz, Occidental Express



SAN FRANCISCO PLANNING DEPARTMENT

Board of Appeals Brief

Date: September 11, 2014
Hearing Date: September 17, 2014
Appeal No.: 13-062
Project Address: 70 Crestline Drive
Block/Lot: 2845/005
Zoning: RM-1 (Residential – Mixed, Low Density)
40-X Height and Bulk District
Staff Contact: Scott Sanchez – (415) 558-6350
scott.sanchez@sfgov.org

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

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INTRODUCTION

The Planning Department respectfully submits this brief to update the Board of Appeals on the status of the project at 70 Crestline Drive.

BACKGROUND

On August 25, 2009, the Permit Holder submitted Building Permit Application No. 200908255545S to erect a five-story over garage, four-unit building. The project also included the subdivision of the subject property into two parcels, one would contain the existing five-story over garage, 14-unit building (constructed in 1965 as part of the Vista Francisco Subdivision) and one would contain the proposed four-unit building.

On November 29, 2012, the Planning Commission held a public hearing on a Request for Staff-Initiated Discretionary Review of the subject building permit application (Case No. 2012.0859D). Staff's preliminary recommendation was to take Discretionary Review and disapprove the subject project. The Planning Commission voted 5-1-1 to not take Discretionary Review and approve the project as proposed.

On May 15, 2013, the subject building permit was issued and on May 29, 2013, the subject appeal was filed (Appeal No. 13-062) by the Twin Peaks Eastside Neighborhood Appliance (Appellant).

Board of Appeals Brief
Appeal No. 13-062
70 Crestline Drive
Hearing Date: September 17, 2014

On July 15, 2013, the Permit Holder submitted the associated subdivision application for the project (Department of Public Works ID No. 7629/Planning Department Case No. 2012.0859S).

On July 17, 2013, the Board of Appeals held a public hearing on the appeal and voted 4-1 to grant the appeal and overturn the permit on the following basis: (1) the project does create exceptional and extraordinary circumstances because it will not preserve and protect the character and stability of the Vista Francisco Development and it will not be an orderly and beneficial in-fill project in the Vista Francisco Development; (2) the project, if approved, will result in an inappropriate precedent or expectation for a similar in-fill project elsewhere in the Vista Francisco Development; and (3) the Board's authority pursuant to Article 1, Section 26 of the San Francisco Business and Tax Regulations Code to consider the project's effect on surrounding properties and residents.

On July 21, 2013, the Project Sponsor filed a Rehearing Request and submitted additional materials in support of their permit application.

On August 14, 2013, the Board of Appeals held a public hearing on the Rehearing Request and ultimately continued the item to the Call of the Chair pending resolution of the associated subdivision case.

On August 18, 2013, the Department of Public Works (DPW) issued a letter stating that the subdivision map (Vista Francisco) that created the subject property in 1962 included a Building Setback Line (BSL) that was intended to prevent building beyond that line (a determination that would have prevented construction of the subject building). On September 6, 2013, the Planning Department issued a Tentative Map Decision for the subdivision noting DPW's August 18, 2013 determination.

Board of Appeals Brief
Appeal No. 13-062
70 Crestline Drive
Hearing Date: September 17, 2014

On September 11, 2013, DPW issued a Conditional Approval for the Tentative Map with the condition noted in the August 18, 2013 determination. This decision was appealable to the Board of Supervisors within 10 days of issuance; however, no appeal was filed.

On October 7, 2013, the Rehearing Request was rescheduled with the agreement of all parties from Call of the Chair to November 20, 2013.

On November 14, 2013, DPW rescinded their August 18, 2013 determination and September 11, 2013 Conditional Approval for the Tentative Map. DPW indicated that the determination whether or not the parcel can be built upon should be determined by the Planning Department and/or Department of Building Inspection.

On November 20, 2013, the Board of Appeals held a public hearing on the Rehearing Request and ultimately continued the item to the Call of the Chair to allow the subdivision issue to be resolved through the City process.

On January 16, 2014, DPW issued a new request to the Planning Department to review the Tentative Map for the proposed subdivision (DPW ID No. 8034/Planning Department Case No. 2014.0183S).

On April 17, 2014, the Planning Department issued a Tentative Map Decision for the proposed subdivision (Exhibit A) based on research of records related to the Vista Francisco Subdivision that were not previously available. This decision recommended approval of the proposed subdivision with the condition that the BSL imposed under the Vista Francisco Subdivision is maintained exclusively for landscaping and open space purposes and restrict all building in this area.

**Board of Appeals Brief
Appeal No. 13-062
70 Crestline Drive
Hearing Date: September 17, 2014**

On April 30, 2014, DPW issued a Tentative Map Approval for the proposed subdivision with conditions contained in the April 17, 2014 Tentative Map Decision (Exhibit B). This decision was appealable to the Board of Supervisors within 10 days of issuance; however, no appeal was filed.

On July 21, 2014, the Rehearing Request was rescheduled with the agreement of all parties from Call of the Chair to September 17, 2014.

CONCLUSION

Through the course of the appeal and subdivision processes, new facts have emerged about the development history of the subject property. This information resulted in the April 17, 2014 Tentative Map Decision by the Planning Department and the associated condition of approval. This condition restricts building in the area proposed for development under the subject building permit and was included in DPW's Tentative Map Approval. This decision was not appealed to the Board of Supervisors and is considered final. Given these facts, the Planning Department respectfully requests that the Board deny the Rehearing Request, which would maintain the Board's denial of the subject building permit and be in conformance with the Tentative Map Approval.

Cc:

Rodrigo Santos – Agent for Permit Holder
Twin Peaks Eastside Neighborhood Alliance - Appellant

Attachments:

Exhibit A – Planning Department Tentative Map Decision
Exhibit B – Department of Public Works Tentative Map Approval

EXHIBIT A

City and County of San Francisco



Phone: (415) 554-5827
Fax: (415) 554-5324

<http://www.sfdpw.com>
subdivision.mapping@sfdpw.org

**Department of Public Works
Office of the City and County Surveyor**

1155 Market Street, 3rd Floor
San Francisco, CA 94103

Bruce R. Storrs, City and County Surveyor

Edwin M. Lee, Mayor
Mohammed Nuru, Director

Fuad S. Sweiss, PE, PLS,
City Engineer & Deputy Director of Engineering

TENTATIVE MAP DECISION

Date: January 16, 2014

Department of City Planning
1650 Mission Street, Suite 400
San Francisco, CA 94103

2014-01835

Project ID: 8034			
Project Type: 2 Lot Subdivision			
Address#	StreetName	Block	Lot
70	CRESTLINE DR	2845	005
Tentative Map Referral			

Attention: Mr. Scott F. Sanchez

The subject Tentative Map has been reviewed by the Planning Department and does comply with applicable provisions of the Planning Code. On balance, the Tentative Map is consistent with the General Plan and the Priority Policies of Planning Code Section 101.1 based on the attached findings. The subject referral is exempt from environmental review per Class 1 California Environmental Quality Act Guidelines.

The subject Tentative Map has been reviewed by the Planning Department and does comply with applicable provisions of the Planning Code subject to the following conditions (Any requested documents should be sent in with a copy of this letter to Scott F. Sanchez at the above address): *please see attached letter.*

The subject Tentative Map has been reviewed by the Planning Department and does not comply with applicable provisions of the Planning Code. Due to the following reasons (Any requested documents should be sent in with a copy of this letter to Scott F. Sanchez at the above address):

Enclosures:

- Application
- Print of Tentative Map

Sincerely,

Bruce R. Storrs, P.L.S.
City and County Surveyor

DATE

4.17.14

PLANNING DEPARTMENT

Mr. Scott F. Sanchez, Zoning Administrator



EXHIBIT A

SAN FRANCISCO PLANNING DEPARTMENT

Tentative Map Decision

April 17, 2014

Bruce R. Storrs, P.L.S.
City and County Surveyor
Department of Public Works
1155 Market Street, 3rd Floor
San Francisco, CA 94103

DPW Project ID: 8034
Planning Case No.: 2014.0183S
Property Address: 70 Crestline Drive
Block and Lot 2845/005
Zoning District: RM-1 / 40-X

Dear Mr. Storrs,

On January 16, 2014, your office issued a request to the Planning Department to review the Tentative Map for the proposed 2-lot subdivision at 70 Crestline Drive for compliance with applicable provisions of the Planning Code and consistency with the General Plan and Priority Policies of Planning Code Section 101.1. The subject property is located in an RM-1 Zoning District and is part of the Vista Francisco Subdivision, which was approved with conditions by the Planning Commission, Director of Public Works and Board of Supervisors in 1962. In reviewing the Tentative Map, the Planning Department has found that the proposed subdivision complies with applicable provisions of the Planning Code subject to conditions (outlined below).

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EXHIBIT A

Bruce R. Storrs, City and County Surveyor, DPW
Tentative Map Decision
70 Crestline Drive
April 17, 2014

The Commission discussed the Director's recommendations and unanimously agreed to conditionally approve the tentative map "subject to possible modifications and clarifications of the following features to be precisely determined by analysis of grading plans to be submitted in conformity with the revised plot plan submitted February 28, 1962: 1) depth of fill, 2) retaining walls, 3) landscaping of open areas and dedicated pedestrian ways shall be indicated, 4) rooftop elevations of the final proposals shall be submitted as agreed; and it is further recommended that a preliminary plan indicating the entire contemplated subdivision development be presented for record purposes."

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The Commission discussed potential traffic impacts and unanimously agreed to authorize the Director to report to the Director of Public Works that the Tentative Map of the Vista Francisco Subdivision be approved, subject to the following modifications: 1) that the fill area represented by cross-section 5 be modified as shown on the revised map submitted on this date, with a maximum elevation of 752-1/2 feet; 2) that a general landscaping plan of all open areas, excluding carports, be submitted for City Planning Commission review at the time the final subdivision map is submitted for approval; 3) that pedestrian ways be as shown in red on the tentative map; 4) that roof elevations on buildings fronting on the upper street be not higher than thirty feet above the highest approved finished curb elevation opposite the front of each building, with maximum building frontage not to exceed 76 feet for the purpose of this measurement."

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Tentative Map Decision
70 Crestline Drive
April 17, 2014

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On December 17, 1962, the Board of Supervisors approved the Final Map for the project, including all recommendations/conditions (Resolution No. 756-62). On December 28, 1962, the Project Sponsor recorded the Final Map.

CONDITION FOR TENTATIVE MAP DECISION

The subject property (Block 7629; Lot 005) was created as part of the Vista Francisco Subdivision and contains a "Building Setback Line" ("BSL") which bears S76°12E for 143.721 feet. In reviewing the history of development for the Vista Francisco Subdivision and available materials (including Planning Commission minutes), the Planning Department has determined that the BSL was intended as a condition of approval to prevent building beyond that line and was a requirement of the Planning Commission that was adopted by the Director of Public Works and the Board of Supervisors.

While the proposed subdivision meets the minimum lot width and area requirements of Planning Code 121, Planning Code Section 174 requires compliance with "every condition, stipulation, special restriction and other limitation imposed by administrative actions pursuant to this Code." As such, approval of the proposed subdivision must reflect the conditions of approval imposed under the Vista Francisco Subdivision. The Planning Department recommends approval of the proposed subdivision with the following condition: the proposed subdivision must maintain the Building Setback Line imposed under the Vista Francisco Subdivision exclusively for landscaping and open space purposes and restrict all building in this area. Failure to maintain the condition of approval imposed on the Vista Francisco Subdivision would result in a subdivision that is not, on balance, consistent with the General Plan.

Sincerely,



Scott F. Sanchez
Zoning Administrator

CC: Daniel Frattin, Reuben & Junius, LLP
Henry Karnilowicz, Occidental Express

EXHIBIT A

Bruce R. Storrs, City and County Surveyor, DPW
Tentative Map Decision
70 Crestline Drive
April 17, 2014

Attachments:

Planning Commission Minutes (March 1, 1962; April 12, 1962; November 8, 1962)

Department of Public Works Order No. 62-530

Board of Supervisors Resolution No. 756-62

Vista Francisco Final Subdivision Map (October 1962, Recorded December 28, 1962)

EXHIBIT A

NOTICE OF MEETING
AND
CALENDAR
OF THE
CITY PLANNING COMMISSION
REGULAR MEETING
THURSDAY
MARCH 1, 1962
2:30 P.M.
100 LARKIN STREET

ROLL CALL Cole, Duckel, Kearney, Kirkwood, Mein, Porter, Rockrise

Approval of Minutes

Minutes of the meetings of January 18 and January 25, 1962 to be considered for approval.

1. Signs

Applications for signs to be reviewed.

2. Current Matters for Commission Attention

- 1) Director's report
- 2) Communications received
- 3) Reports of meetings attended and scheduled

3:00 P.M. - Room 282 CITY HALL

3. Zoning Hearing

- ZM62.1 Woodside Avenue n/1, 103.2' west of Youth Guidance Center
R-1 to R-4 District
(Under advisement from meeting of February 1, 1962)
- ZM62.2 San Jose Avenue, w/1, 40.5' north of Army Street
R-4 to C-M District
(Under advisement from meeting of February 1, 1962)
- ZM61.37 Folsom Street, n/1, Hawthorne Street w/1
C-M and M-1 to C-3 District
(Postponed from meeting of December 7, 1961)
- CU62.8 Leavenworth Street, e/1, 82' south of Green Street
Community Garage in an R-5 District
- ZM62.5 Waller Street, s/1, from Stanyan Street, 206.25 east
R-4 and R-3 to C-2 District

EXHIBIT A

- 2 -

4. Referral - R61.148 - Vista Francisco Subdivision Tentative Map

Review of the tentative map of Vista Francisco Subdivision on the east slope of Twin Peaks, between Burnett Avenue and Twin Peaks Boulevard

5. Final Plans - Jefferson, Powell, Beach, and Mason Streets

Review of final plans in accordance with Resolution No. 5377, CU61.20, April 6, 1961

6. CU61.29 - Waller Street, n/1, 1375' west of Shrader Street

Consideration of revocation of conditional use authorization because of apparent violations.

7. Brotherhood Way - Proposed Subdivision of Parcel No. 1

Pursuant to Resolution No. 4746, S57.5, August 8, 1957, the approval of the Commission is required before any of the parcels in the subject area can be subdivided.

Adjournment

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In rebuttal, Mr. Burns said he recognized the philosophy of the staff in attempting to attain an ideal objective, but an examination of the property indicates that the most economic use is commercial and has been since 1921. He said it is not economically feasible to develop this property unless it is zoned commercial, and that the objective of the staff was admirable but not consistent with the facts.

Commissioners Rockrise, Kearney, Porter and Duckel discussed in detail the existing nonconforming uses, the existing zoning, and the residential uses in the area. At the conclusion of the discussion it was moved by Mrs. Porter, seconded by Mr. Kearney, and carried unanimously that the application be disapproved, and that Resolution No. 5498 be adopted.

CU62.8 Leavenworth Street, c/1, 82' south of Green Street
Community Garage in an R-3 District

Byron Meyer, the applicant, described the existing vacant lot and the adjoining 14-unit apartment building at 1097 Green Street. He said the purpose of the application was to provide an interim parking lot on the vacant property which would relieve the congestion in the neighborhood.

There were no opponents present. The Director described the existing land use in the area, and recommended approval. He distributed and reviewed a draft resolution containing three Conditions. Mr. Meyer said the Conditions were acceptable. After discussion, it was moved by Mr. Kearney, seconded by Mr. Rockrise, and carried unanimously that the application be approved, and that Resolution No. 5499, as submitted on this date by the Director, be adopted.

Referral - R61.148 - Vista Francisco Subdivision Tentative Map

The Director said this is one of the most important subdivisions to come before the Planning Commission in its history, because it involves one of the most prominent and famous sites in San Francisco. He described the 21-acre tract on the east slopes of Twin Peaks between Burnett Avenue and Twin Peaks Boulevard, and said that many persons believe the City owns this land. The Director said the land has always been in private ownership and a 1937 bond issue to acquire the property for park purposes had been defeated. He reviewed the zoning history of the property, including a change of zone in 1950 for a multiple unit housing development. The Director said that the Planning Commission had recommended the property be classified R-1 in the new Zoning Ordinance so that the planned unit development provisions could be applied, but the Board of Supervisors had by a majority vote zoned the property R-3. The Director said that the subdivision map under consideration covers the southerly half of the property and that the City Planning staff has had numerous discussions since June of 1961 with the developers and the Department of Public Works. He said the developers had informally presented to the staff their original concept for apartment buildings on this property with 960 step-down apartments on a series of shelves oriented to the Market Street view. The Director said the staff thought this plan would interfere with views from Twin Peaks and also with the view of Twin Peaks from the rest of the City, and the staff concept was to use the natural form of the slope with minimum cut and fill shelves which would result in lower density and a lowering of the building line. The Director said that during the study it became

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apparent that some of the views could be preserved if surplus Fire Department property could be exchanged for some of the developer's property on the top of the slopes and that subsequently alternate plans were developed lowering the buildings within the shelf concept of the developer. He said the staff also recommended breaking up the long rows of building masses and minimizing the cut and fill. The Director said the officially submitted plan filed in December, 1961, contains 474 units with an over-all density of about 800 square feet per dwelling unit and represents a major change from the original June, 1961 plan. The Director then described on photographs the location of the proposed development, and described the highest building level, and described the remaining differences between the developer's plan and the staff plan for the high point in the center. He said in order to equalize the cut and fill material on the site, grading tended to become severe with some areas having a depth of fill of 40 feet. The Director also described the proposed traffic pattern and the need for an outlet to Burnett Avenue.

Carl Gellert, representing the Casitas Development Corporation, said the property had been acquired about 12 years ago from Shipstad and Johnson, who had acquired the property from the Wells Fargo Express Company, the original owners. He said Shipstad and Johnson had elaborate plans for 2,000 apartment units on the property but that his company did not like these and, after intensive study, prepared the June, 1961 plans for 960 units. Mr. Gellert said that the Department of City Planning and the Committee of the Planning Commission believed these plans might obstruct some views so, after further studies and meetings the plans were revised to construct 62 buildings with a total of 750 units. He said there also had been developed a balanced grading plan to permit the maximum views to the northeast. He said his company had two primary objectives, first to preserve the wonderful view from Twin Peaks, and secondly to give the best views possible to the many people who would be living in the apartments. Mr. Gellert described the proposed exchange of 3-1/2 acres of land in order to lower the development and, on a large scale model, described the proposed location of the apartment buildings. He said that Donald Beach Kirby, distinguished architect, had been employed to supervise the design of the buildings and that a landscape architect would be employed to design landscaping for the open areas. Mr. Gellert said it would probably take a long time to complete the exchange of lands so he wishes to proceed now with the southern half of the proposed project.

Mr. Schulhauser, engineer for Standard Building Company, described the requirements for developing street grades acceptable to the Department of Public Works and described the changes in the grading plan that had been made after discussions with the staffs of the Departments of City Planning and Public Works. He said the 55-foot fill would be lowered to an acceptable level and that plans were being developed for the street connection with Twin Peaks Boulevard. He said the cuts and fills would not be excessive, and he discussed the drainage problems. Mr. Schulhauser said this was just another one of the hillside jobs that his company has tackled from time to time.

Commissioner Duckel asked if Mr. Schulhauser had said exactly how much the 55-foot fill would be lowered. Mr. Schulhauser replied he had not said exactly, but it would be much less.

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Mr. Kirby, Architect, said there will be considerable variety in the buildings and in the building groups. He said there would be modifications to provide additional open space in the long blocks and variations in material, color, grouping, and roof lines to avoid an institutional effect. He said the buildings, on the street frontages, with two stories above a garage, would be about 27 feet high above the street. Mr. Kirby said that the best views from Twin Peaks would be preserved and that with landscaping the project would have a rather soft topography and a contoured shape.

Wesley Ewing, Civil Engineer representing the Department of Public Works, pointed out that, in the analysis of the two grading plans as submitted to the Commission, Standard Building Company had not yet supplied figures for the maximum height or the length of the retaining wall.

The Director said the basic difference in the developer's plan and the City plan is the balanced cut and fill versus the minimum cut and fill, and he said the effect should be considered in terms of the welfare of the City. He said it was, of course, easier to balance the cut and fill, but since there are Bay Area tidelands and other uses for red rock fill, it seems more consideration should be given to hauling out surplus material for a better site plan and final development. He said it was his recommendation that the Commission conditionally approve the tentative Subdivision Map subject to analysis of the modification and clarification of some of the features, including the depth of fill, the retaining walls, landscaping and pedestrian ways, and the final rooftop elevations.

Members of the Commission discussed the Director's recommendations. Mr. Gellert said he thought they sounded reasonable and he would agree. After further discussion, it was moved by Mr. Kearney, seconded by Mrs. Porter, and carried unanimously that the City Planning Commission conditionally approve the tentative map of the Vista Francisco Subdivision subject to possible modifications and clarifications of the following features to be precisely determined by analysis of grading plans to be submitted in conformity with the revised plot plan submitted February 28, 1962: 1) depth of fill, 2) retaining walls, 3) landscaping of open areas and dedicated pedestrian ways shall be indicated, 4) rooftop elevations of the final proposals shall be submitted as agreed; and it is further recommended that a preliminary plan indicating the entire contemplated subdivision development be presented for record purposes.

Final Plans - Jefferson, Powell, Beach and Mason Streets

The Director reviewed the 1950 stipulations and the 1961 Conditional Use for this block. He then described the final plans submitted in conformance with the 1961 Conditional Use for a three-story hotel with 249 units and 195 parking spaces and ground floor commercial uses. The Director recommended approval, pointing out that plans for signs and landscaping would be submitted at a later date for approval.

Eldon Riley, representing John Bolles, Architect, said that construction would start as soon as a building permit was issued. After discussion, it was moved by Mrs. Porter, seconded by Mr. Duckel, and carried unanimously that the Director be authorized to approve the final plans as submitted on this date.

EXHIBIT A

NOTICE OF MEETING
AND CALENDAR
OF THE
CITY PLANNING COMMISSION
SPECIAL MEETING
THURSDAY
APRIL 12, 1962
2:00 P.M.
100 LARKIN STREET

ROLL CALL Cole, Duckel, Kearney, Kirkwood, Mein, Porter, Rockrise

Approval of Minutes

Minutes of the meetings of March 22 and March 29, 1962, to be considered for approval.

1. 2:00 P.M. - Signs

Applications for signs to be reviewed.

2. Tentative Subdivision Map - Vista Francisco

Review of the tentative map of Vista Francisco Subdivision on the east slopes of Twin Peaks, which was conditionally approved on March 1, 1962.

3. Downtown Study

- a) Review of Downtown Plan studies.
- b) Discussion with representatives of the American Institute of Architects on the scope of the Downtown study.

4. Bernal Heights Microwave Installation

Final plans for the permanent microwave installation on Bernal Heights require Commission approval in accordance with Resolution No. 5313, October 6, 1960.

5. Referrals

- R62.15A New Fire Department Headquarters in a portion of Margaret Hayward Playground, on the south side of Turk Street, east of Laguna Street.
- R62.25 Sale of surplus property on the west side of Market Street, north of Morgan Alley.
- R62.31 Capital Improvement Projects for 1962-63, not previously reviewed.

EXHIBIT A

SAN FRANCISCO CITY PLANNING COMMISSION

Minutes of the special meeting held Thursday, April 12, 1962.

The City Planning Commission met pursuant to notice on Thursday, April 12, 1962, at 2:00 P.M. in the meeting room at 100 Larkin Street. Present: Gardner W. Mein, President; Mrs. Charles B. Porter, Vice President; Louis M. Cole, Sherman P. Duckel, James S. Kearney, and George T. Rockrise, members of the City Planning Commission; James R. McCarthy, Director of Planning; Edward I. Murphy, Assistant Director of Planning; Clyde O. Fisher, Jr., Zoning Administrator; and Thomas Miller, Secretary.

Approval of Minutes

It was moved by Mrs. Porter, seconded by Mr. Kearney, and carried unanimously that the minutes of the meeting of March 22, 1962, be approved as submitted.

Signs

The Director reviewed an application for a pole sign 40 feet high on Geary Boulevard near Cook Street, and said the Sign Committee recommended approval provided the sign be set back 9 feet. It was moved by Mrs. Porter, seconded by Mr. Rockrise, and carried unanimously that the Director be authorized to approve application for a sign No. 262727, provided the sign was set back 9 feet from Geary Boulevard at Cook Street.

The Director reviewed an application for a billboard at the corner of Lombard Street and Van Ness Avenue, 38 feet high, and said this would create a double-deck free-standing sign which would be in front of a large existing wall sign, and that the Committee recommended approval. It was moved by Mrs. Porter, seconded by Mr. Rockrise, and carried unanimously that the Director be authorized to approve application for a sign No. 262358.

Tentative Subdivision Map - Vista Francisco

The Director reviewed the March 1, 1962, action of the Planning Commission in conditionally approving the tentative subdivision map. He reviewed the revised grading plan and stairway easements. Concerning landscaping, the Director said the applicant had agreed to submit a final landscaping plan to the Planning Commission for review and approval. He then described the roof-top elevations, and the agreed maximum height not to exceed 30 feet above curb elevation, with the maximum building frontage not to exceed 76 feet for the purpose of this measurement. The Director said one difference of opinion still existed concerning the depth of the center of the fill. He said it was the staff recommendation that this not exceed an elevation of 750 feet and the revised grading plan indicated an elevation of 758 feet.

Carl Gellert was present, representing the applicant, and asked his engineer to discuss this point. Mr. Schulhauser, engineer, said that agreement had been reached except for the 8-foot difference in fill, and said he would like to submit an alternate plan which would lower the fill in the center 5-1/2 feet by

changing the street elevations to improve the site distance on street corners. He said this would leave only a 2-1/2-foot difference from the staff recommendation.

Commissioner Rockrise asked if this would increase the excess material to be hauled away. Mr. Schulhauser replied it would. The Director conferred with Wes Ewing, representing the Department of Public Works, and then reported that the revision was acceptable as presented on this date to lower the height of the center fill to an elevation of 752-1/2 feet and he would so revise his recommendation that the revised vertical curve on the map, as submitted on this date, be approved.

Commissioner Rockrise said that certain open spaces had been requested by the Commission Committee at the last meeting, and he asked if the open space was identical on the revised drawing submitted on this date. Mr. Bacon, representing the applicant, said the open space was identical with that recommended by the Committee, and he pointed out the open space on the map. Commissioner Rockrise asked that the minutes reflect the statement of the applicant's representative that the three open areas would be the same as in the original agreement.

Captain Zaragoza, Director of Traffic, Police Department, said the Police Department had not had a chance to inspect the street layout, and they were concerned since they had to operate the traffic control on these streets. The Director replied that the street layout for this subdivision had been reviewed by the Interdepartmental Staff Committee on Traffic and Transportation. Captain Zaragoza replied that a preliminary plan may have been reviewed more than six months ago but the Police Department would like to review the final plans before they were adopted.

The Director said that there had been no substantial changes in the traffic pattern from the original plan, but he agreed there seemed to be a need for improvement in procedures. Commissioner Duckel asked if the Police Department criteria was the same as that of the Department of Public Works. Mr. Ewing, Department of Public Works, replied both departments used the same criteria. Captain Zaragoza said he was not in opposition to the plan as presented on this day but he requested the Police Department be allowed to review final plans as well as preliminary plans.

Commissioner Rockrise pointed out that only about half the area would be graded in the first increment and he asked if there would be temporary cul-de-sacs. Mr. Schulhauser replied that it was intended to grade the streets through to Burnett Avenue as soon as possible.

Albert Meakin, President of the Twin Peaks Improvement Association, said he was still concerned about the traffic because the area was very congested now and he did not think Corbett Avenue could handle the increased traffic. Mr. Meakin said that the intersection at Clayton and 17th Streets was also extremely bad and would become worse. The Director described the existing street pattern and new connections with Twin Peaks Boulevard and Burnett Avenue. He said 17th and Clayton Streets was an obvious problem and this was now being studied by the Department of Public Works. After further discussion, it was moved by Mrs. Porter, seconded by Mr. Rockrise, and carried unanimously that the Director be authorized to report to the Director of Public Works that the Tentative Map of Vista Francisco Subdivision be approved, subject to the following modifications: 1) that the fill area represented by cross-section 5 be modified as shown on the revised map submitted on this date, with a maximum elevation of 752-1/2 feet; 2) that a general landscaping plan

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of all open areas, excluding carports, be submitted for City Planning Commission review at the time the final subdivision map is submitted for approval; 3) that pedestrian ways be as shown in red on the tentative map; 4) that roof elevations on buildings fronting on the upper street be not higher than thirty feet above the highest approved finished curb elevation opposite the front of each building, with maximum building frontage not to exceed 76 feet for the purpose of this measurement.

Downtown Study

The Director said, in view of the recent letter from the American Institute of Architects, that it would be appropriate to report to the Commission, and to interested parties, what has been done, what is being done, and what will be done on the Downtown Study. The Director read and distributed a memorandum describing the status of central business district plans and studies and he described the current activities of the Department of City Planning in the Downtown Study. The Director also referred to the 1955 report "Modernizing Downtown San Francisco," and read the recommendations from that report. He discussed the statements of purpose and the memoranda submitted to the Finance Committee in April and May, 1961, justifying the supplemental budget appropriation of \$25,000 for the Downtown Study.

James Keilty, Senior City Planner, then described on a series of maps the work being done by the Department of City Planning in studying the topography, street grades, transit and circulation, land use, age and height of structures, off-street parking, zoning, special districts and functional areas in the Downtown Study area.

M. Peter Groat, Assistant City Planner, distributed samples of forms used for data collection by the Department of City Planning, and described comparative studies of central business districts in other United States cities. Mr. Groat reviewed the techniques for economic base studies, population projections, and space requirements. He then described a review made of recent applications for building permits for new construction and alterations in the area. Mr. Groat said this study would reflect changes in land use, and could be so constructed to be a continuing study which would be of value to the department after the Downtown Study district was concluded.

The Director of Planning then reviewed the special districts, as indicated on the Downtown Special Area Study Map. Commissioner Rockrise asked if these special areas were perhaps not too limited, and if it would be possible to have a broader three-dimensional picture. The Director replied that the special areas were primarily those in which public decisions had to be made which would influence private decisions. He said it was not intended to prepare detailed plans for every block in the downtown area or to indicate proposed land use for every parcel. The Director said the objective of the study was to stimulate and guide private investment trends. Commissioner Rockrise said he thought San Francisco needed a design study for the entire city which might show that zoning controls were not enough. Commissioner Rockrise said he thought a vote of thanks was owed to the A.I.A. because their inquiry had brought forth this report in depth of the staff effort. He said he thought the staff report as presented on this date was very helpful and his remaining question concerned the extent of work to be performed by the consultants. The Director said that the Department of City Planning and other City agencies will

EXHIBIT A

NOTICE OF HEARING
AND CALENDAR
OF THE
CITY PLANNING COMMISSION
SPECIAL MEETING
THURSDAY
NOVEMBER 8, 1962
2:30 P.M.
100 LARKIN STREET

ROLL CALL: Baum, Cole, Duckel, Kearney, Kirkwood, Mein, Porter

Approval of Minutes

Minutes of the meetings of October 11 and October 18, 1962 to be considered for approval.

1. Current Matters for Commission Attention

- 1) Director's report
- 2) Communications received
- 3) Reports of meetings attended and scheduled

3:00 P.M. - ROOM 282, CITY HALL

2. Zoning Cases Under Advisement

ZM62.36 - Burnett Ave., E/L 104.3 Ft. South of Copper Alley
R-1 to R-3 District
(Under Advisement from October 25, 1962 Meeting)

ZM62.39 - Palou Ave., NE Corner Rankin St.
R-1 to C-M District
(Hearing Postponed from Meeting of November 1, 1962)

3. Vista Francisco Subdivision - Final Map

Review of final map and landscaping plans for the Vista Francisco Subdivision on the East slope of Twin Peaks.

4. Referral - R62.106 - Diamond Heights Firehouse Site

5. Signs

Applications for signs to be reviewed.

Adjournment

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EXHIBIT A

11/8/62

- 3 -

residential. The Director stated that the proposed alternate use of the upper story would be unsuitable. In this instance the entire frontage is in residential use, and that within two blocks there was an established elementary school and adjacent to it a junior high school. After further discussion, it was moved by Mr. Cole, seconded by Mr. Baum and carried unanimously that the proposal be disapproved and that Resolution No. 5602 be adopted.

Vista Francisco Subdivision - Landscaping Plan

At the request of the Director, the Assistant Director, Edward I. Murphy, distributed the written memorandum and explained that in April, 1962, the City Planning Commission had approved the tentative plans for this subdivision with the recommendation that a general landscaping plan be submitted at the time of filing the final map. The final map has been submitted for filing together with the landscaping plan. The final plan differs from the tentative plan in that the lots have been increased in width from 66 feet to 75 feet; wider buildings on the lots will contain twelve dwelling units and will have fourteen garage spaces, but there will be 72 less units in the subdivision than originally planned. Placement of buildings caused by change of lot size has also caused differences in the size and location of open space.

Mr. Murphy asked Mr. Ken Jones, representing French-Jones, Landscape Architects, to describe the landscape plan. He stated that it was a preliminary plan, not the final working drawing. The type of planting proposed was described by Mr. Jones. Mrs. Jefferson of the Twin Peaks Association inquired as to what type of planting would be on the top level and when advised that it was planned to put in acacia, she stated that acacias were shallow rooted and easily blown down and that pines would be much more appropriate, and such pines could be topped to preserve the view. Mr. Schulhauser indicated he would consider this suggestion. The Director recommended that the "Preliminary Planting Plan", as submitted, be accepted as fulfillment of the requirement for a "General Landscape Plan", provided that final landscape plans be submitted to the Director of Public Works, and procedures shall be worked out to the satisfaction of the Director of Public Works for continued maintenance of open spaces and final notice given on the land records of the County Recorder's Office of such provisions. It was moved by Mr. Cole, seconded by Mr. Kirkwood and unanimously carried that the Director's recommendation be approved.

Signs

The Director reported on a proposed sign to be located on the southeast corner of Fourth and Market Streets in a parking lot. This is to be a free-standing sign flared at the top, 40 feet in height advertising Station KGO. He recommended that it be approved. It was moved by Mr. Baum, seconded by Mr. Kirkwood, and carried unanimously that the Director be authorized to approve application for a sign No. 274039.

Referral R62.106 - Diamond Heights Firehouse Site

Miss Phoebe Brown, Senior City Planner, reported on the firehouse site in the Diamond Heights area, which is proposed to be located in Block 7540, Lots 13,

EXHIBIT A

a) TO ASSISTANT DIRECTOR, ADMINISTRATIVE

b) AFTER SIGNATURE, FORWARD TO:

W
CITY AND COUNTY OF SAN FRANCISCO

DEPARTMENT OF PUBLIC WORKS

ORDER NO. 62 530

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The following are approved and transmitted to the Board of Supervisors:

- ✓ 1. Three (3) copies of Resolution Approving Map of Vista Francisco Subdivision No. 1;
- ✓ 2. Two (2) sets of Map (2 sheets each);
- ✓ 3. Subdivision Improvement Bond;
- ✓ 4. Monument Bond;
- ✓ 5. Copy of Tax Bills showing all taxes have been paid;
- ✓ 6. Check for sum of \$7.00 from Casitas Investment Company to cover cost of filing the Map.

It is to be noted that the maps listed in Item 2 above include in the Owners' Affidavit an agreement "to plant and maintain or, form an improvement association to maintain, landscaping in the land subdivided in accordance with that certain "Preliminary Planting Plan for Subdivision No. 1, Vista Francisco", revised October 3, 1962, copies of which are on file in the office of the City Engineer and Department of City Planning of the City and County of San Francisco".



The purpose of this agreement is to effectuate the recommendation of the City Planning Commission that provision be made for the landscaping of the subdivision open area and the maintenance thereof.



It is recommended that the Board of Supervisors adopt the Resolution.

RECOMMENDED:

Clifford J. Geertz
Clifford J. Geertz
City Engineer

Reuben H. Owens
Director of Public Works

By *R. Brooks Larter*
R. Brooks Larter
Assistant Director, Admin.

December 5, 1962

File (3)
File - Assistant Director
Board of Supervisors
Mr. Beneke

• Ltrs. Nos. 3184, 3209 and 3215 ret'd.

GQW-McK

Approved 5 December 1962

Reuben H. Owens, Director tJ

EXHIBIT A

FILE NO. 428-62

RESOLUTION NO. 75662

1 **APPROVING MAP OF VISTA FRANCISCO SUBDIVISION NO. 1.**

2
3 **RESOLVED**, That the certain map entitled "Vista Francisco Sub-
4 division No. 1, City and County of San Francisco, California," compr-
5 ing two sheets, approved the 5th day of December, 1962, by
6 Department of Public Works Order No. 62 530, be and the same is
7 hereby approved and adopted as the official Map of Vista Francisco
8 Subdivision No. 1.

9 **FURTHER RESOLVED**, That the parcels of land delineated and desig-
10 nated thereon as Crestline Drive, Parkridge Drive, Gardenside Drive,
11 Vista Lane and Burnett Avenue within the boundaries of said map, not
12 previously dedicated, are hereby accepted on behalf of the City and
13 County of San Francisco and declared to be open public streets dedi-
14 cated to public use to be known by said names; and

15 **FURTHER RESOLVED**, That this Board of Supervisors does hereby
16 accept on behalf of the City and County of San Francisco that certain
17 deed from Casitas Investment Company, granting the City and County of
18 San Francisco all the land comprising Crestline Drive, Parkridge
19 Drive, Gardenside Drive, Vista Lane and Burnett Avenue as shown on
20 said map; and

21 **FURTHER RESOLVED**, That this Board of Supervisors does hereby
22 accept on behalf of the City and County of San Francisco that certain
23 easement deed from the Casitas Investment Company, granting the City
24 and County of San Francisco easements to maintain the sewer systems of
25 said subdivision; and

26 **FURTHER RESOLVED**, That the certain Subdivision Performance Bonds
27 with Casitas Investment Company, as Principal, and the United Pacific
28 Insurance Company, as surety, in the total sum of One Hundred Twenty
29 Eight Thousand and No/100 Dollars (\$128,000.00) conditioned for the
30 faithful performance of street work and setting monuments as shown on
31 said Map is hereby approved and accepted.
32

EXHIBIT A

SUBDIVISION No 1
SAN FRANCISCO CALIFORNIA
COMPRISING 2 SHEETS
E.V. SCHULHAUSER CIVIL ENGINEER
OCTOBER 1962
SHEET No 1 OF 2 SHEETS

KNOW ALL MEN BY THESE PRESENTS:

That we the undersigned are the only parties having any record of the interest in the land subdivided and shown enclosed within the red boundary line upon this map and do hereby consent to the preparation and recording of this map entitled "VISTA FRANCISCO, SUBDIVISION No 1, SAN FRANCISCO, CALIFORNIA", comprising two (2) sheets, and do hereby offer for dedication for public use as streets or highways the parcels of land delineated and designated hereon as CRESTLINE DRIVE, PARKRIDGE DRIVE, GARDENSIDE DRIVE, BURNETT AVENUE and VISTA LANE, and do hereby agree to plant and maintain, or form an improvement association to maintain, landscaping in the land subdivided in accordance with that certain "Finalistiry Planning Plan for Subdivision No 1, VISTA FRANCISCO", revised October 3, 1962, copies of which are on file in the offices of the City Engineer and Department of City Planning of the City and County of San Francisco.

CASITAS INVESTMENT COMPANY, a California Corporation, by Robert A. Gandy Vice President and Robert Baker Secretary
2222 NINE-TEENTH REALTY COMPANY, a California Corporation (trustee) by Arthur M. Miller President and Robert Baker Secretary
TWIN PEAKS INVESTMENT COMPANY, a California Corporation (as beneficiary) by Fred R. Bahat President and Robert Baker Secretary

STATE OF CALIFORNIA
CITY AND COUNTY OF SAN FRANCISCO: SS.

On this 15th day of December, 1962, before me Paul J. Dolan, a Notary Public in and for the City and County of San Francisco, personally appeared Robert A. Gandy and Robert Baker, known to me to be the vice president and secretary respectively of CASITAS INVESTMENT COMPANY, the corporation that executed the within and foregoing instrument and also known to me to be the persons who executed it on behalf of the corporation therein named and they acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal at my office in the City and County of San Francisco, the day and year in this certificate first above written.

My commission expires 4-12-64
Paul J. Dolan
Notary Public in and for the City and County of San Francisco, State of Calif.

On this 15th day of December, 1962, before me Paul J. Dolan, a Notary Public in and for the City and County of San Francisco, personally appeared Robert A. Gandy and Robert Baker, known to me to be the president and secretary respectively of 2222 NINE-TEENTH REALTY COMPANY, the corporation that executed the within and foregoing instrument and also known to me to be the persons who executed it on behalf of the corporation therein named and they acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal at my office in the City and County of San Francisco, the day and year in this certificate first above written.

My commission expires 4-12-64
Paul J. Dolan
Notary Public in and for the City and County of San Francisco, State of Calif.

STATE OF CALIFORNIA
CITY AND COUNTY OF SAN FRANCISCO: SS.

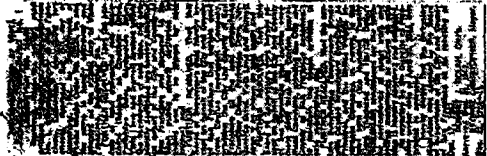
On this 15th day of December, 1962, before me Paul J. Dolan, a Notary Public in and for the City and County of San Francisco, personally appeared Robert A. Gandy and Robert Baker, known to me to be the president and secretary respectively of TWIN PEAKS INVESTMENT COMPANY, the corporation that executed the within and foregoing instrument and also known to me to be the persons who executed it on behalf of the corporation therein named and they acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal at my office in the City and County of San Francisco, the day and year in this certificate first above written.

My commission expires 4-12-64
Paul J. Dolan
Notary Public in and for the City and County of San Francisco, State of Calif.

I, R. J. DOLAN, Clerk of the Board of Supervisors of the City and County of San Francisco, State of California, do hereby certify that the subdividers, CASITAS INVESTMENT COMPANY, have filed a certificate from the Controller of the City and County of San Francisco, showing that according to the records of his office there are no liens against this subdivision or any part thereof for unpaid State, County, Municipal or local taxes, or special assessments collected as taxes, except taxes or special assessments not yet payable, which he estimates to be \$. I also do certify that a bond in the amount fixed by said Board and by its terms made to ensure to the benefit of the City and County of San Francisco conditioned for payment of the above taxes or special assessments not yet payable, has been filed with and approved by said Board.

Dated this 15th day of December, 1962.
Robert J. Dolan
Clerk of the Board of Supervisors
City and County of San Francisco



City of San Francisco, State of California, County of San Francisco, Board of Supervisors by its Resolution No. 256-62, adopted December 17, 1962, approves this map entitled "VISTA FRANCISCO, SUBDIVISION No 1, SAN FRANCISCO, CALIFORNIA", comprising two (2) sheets and areas on behalf of the public, CRESTLINE DRIVE, PARKRIDGE DRIVE, GARDENSIDE DRIVE, BURNETT AVENUE and VISTA LANE.

IN TESTIMONY WHEREOF, I have hereunto subscribed my hand and caused the Seal of this office to be affixed.
Robert J. Dolan
Clerk of the Board of Supervisors
City and County of San Francisco

I do hereby certify that during the month of June, 1962 a survey authorized by CASITAS INVESTMENT COMPANY was made under my direction and that the survey is true and complete as shown on the within map of "VISTA FRANCISCO, SUBDIVISION No 1, SAN FRANCISCO, CALIFORNIA", comprising two (2) sheets.
I do hereby certify that the monuments are of the character and occupy the positions indicated on the within map (or that they will be set in such positions and at such time as agreed upon) and that they are sufficient to enable this survey to be retraced.

Witness my hand and seal this 7th day of May, 1962.
E.V. SCHULHAUSER
E.V. Schulhauser
Registered Civil Engineer No 5526

I, CLIFFORD J. GEERTZ, City Engineer of the City and County of San Francisco do hereby certify that I have examined this final map of "VISTA FRANCISCO, SUBDIVISION No 1, SAN FRANCISCO, CALIFORNIA", comprising two (2) sheets, that the subdivision shown hereon is substantially the same as it appeared on the tentative map and any approved alterations thereof, that all provisions of the "SUBDIVISION MAP ACT" and any local ordinance applicable at the time of approval of the tentative map have been complied with and I am satisfied that said map is technically correct.

Dated this 5th day of December, 1962.
Clifford J. Geertz
City Engineer

This map is approved this 5th day of December, 1962, by Order No. 62-532
ATTEST: Robert A. Gandy Assistant Director, Department of Public Works
Robert H. Vestal Director of Public Works and Advisory Agency

153827
Map Book T-
Pages 104 & 105.
APPROVED AS TO FORM
THOMAS H. O'CONNOR, CITY ATTORNEY
by Thomas H. O'Connor
Deputy City Attorney

RECORDED AT REQUEST OF
At 3:04 PM Past 11 M
DEC 28 1962
City & County of San Francisco, California
MARTIN MORGAN,
REGISTRAR

FILED 700

VISTA FRANCISCO

SUBDIVISION N^o 1

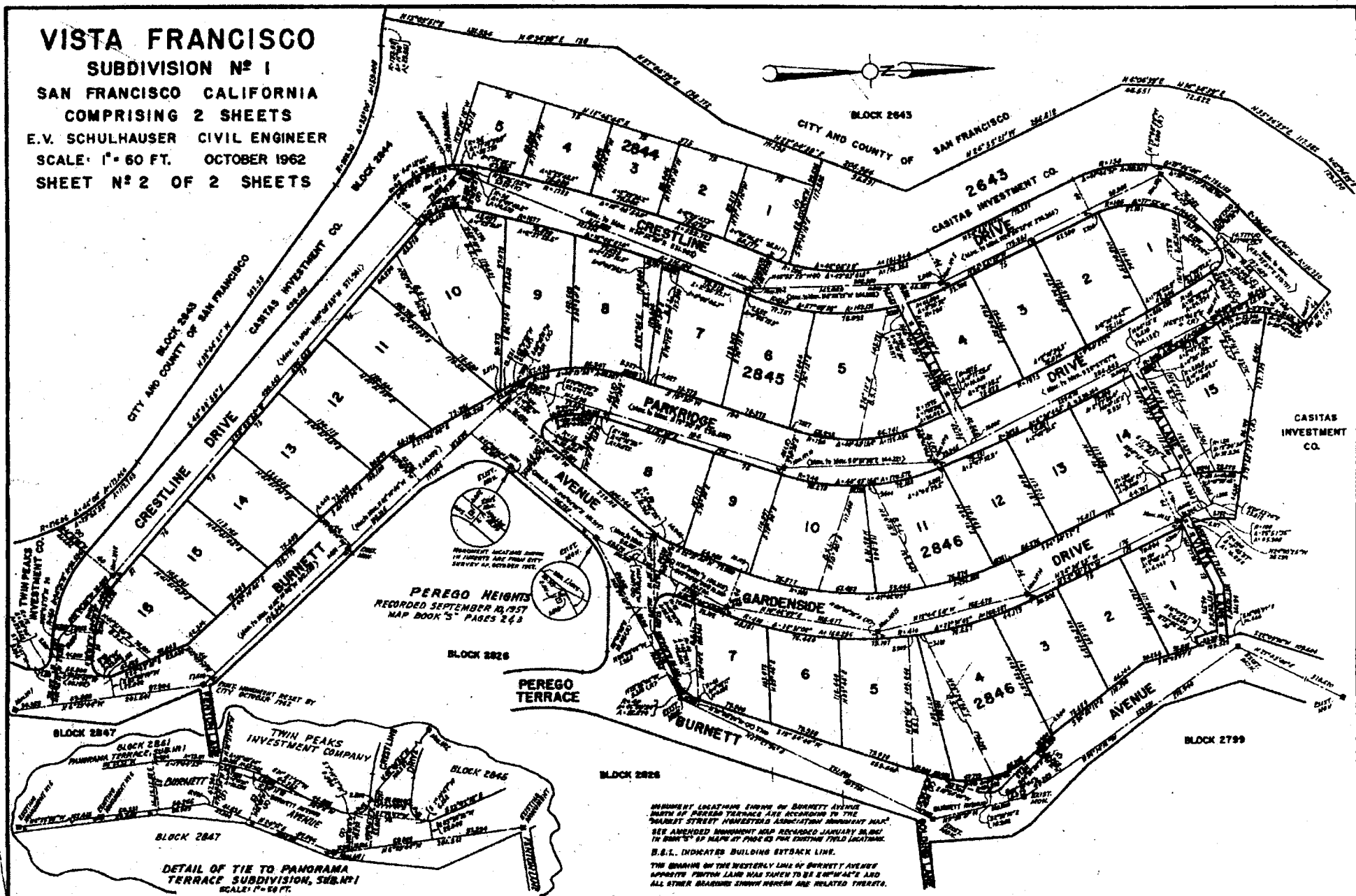
SAN FRANCISCO CALIFORNIA

COMPRISING 2 SHEETS

E.V. SCHULHAUSER CIVIL ENGINEER

SCALE: 1" = 60 FT. OCTOBER 1962

SHEET N^o 2 OF 2 SHEETS



PEREGO HEIGHTS
RECORDED SEPTEMBER 10, 1957
MAP BOOK "S" PAGES 242

DETAIL OF TIE TO PANORAMA
TERRACE SUBDIVISION, SUB. N^o 1
SCALE: 1" = 60 FT.

IMMEDIATE LOCATIONS SHOWN BY BURNETT AVENUE
NORTH OF PEREGO TERRACE ARE ACCORDING TO THE
"MARKET STREET HOMEOWNERS ASSOCIATION" BURNETT MAP.
NEW ASSIGNED NUMBERS WERE RECORDED JANUARY 1962
IN BOOK "S" OF MAPS AT OFFICE OF THE ENGINEER FIELD OFFICE.
B.S.L. INDICATED BUILDING SETBACK LINE.
THE BURNING OF THE WESTERN END OF BURNETT AVENUE
SOUTH OF PEREGO TERRACE HAS GIVEN TO BE A "WIDENING" AND
ALL OTHER MARKINGS SHOWN HEREON ARE RELATED THEREAFTER.

Vista Francisco Planting Plan

SUBDIVISION N^o 1

SAN FRANCISCO CALIFORNIA

COMPRISING 2 SHEETS

E.V. SCHULHAUSER CIVIL ENGINEER

OCTOBER 1962

SHEET N^o 1 OF 2 SHEETS

KNOW ALL MEN BY THESE PRESENTS:

That we the undersigned are the only parties having any record title interest in the land subdivided and shown enclosed within the red boundary line upon this map and do hereby consent to the preparation and recordation of this map entitled "VISTA FRANCISCO, SUBDIVISION N^o 1, SAN FRANCISCO, CALIFORNIA", comprising two (2) sheets, and do hereby offer for dedication for public use as streets or highways the

parcels of land delineated and designated hereon as CRESTLINE DRIVE, PARKRIDGE DRIVE, GARDENSIDE DRIVE, BURNETT AVENUE and VISTA LANE, and do hereby agree to plant and maintain, or form an improvement association to maintain, landscaping in the land subdivided in accordance with that certain "Preliminary Planting Plan for Subdivision N^o 1, VISTA FRANCISCO," revised October 3, 1962, copies of which are on file in the offices of the City Engineer and Department of City Planning of the City and County of San Francisco.

OCASITAS INVESTMENT COMPANY, a California Corporation
by Robert S. Gandy Vice president by Robert Baker Secretary

2222 STREET LIGHT BEAUTY COMPANY, a California Corporation (as trustee)
by [Signature] President by Robert Baker Secretary

TWIN PEAKS INVESTMENT COMPANY a California Corporation (as beneficiary)
by Fred R. Bahrt President by Robert Baker Secretary

EXHIBIT B

City and County of San Francisco



Phone: (415) 554-5827

Fax: (415) 554-5324

www.sfdpw.org

Subdivision.Mapping@sfdpw.org

Department of Public Works
Office of the City and County Surveyor
1155 Market Street, 3rd Floor
San Francisco, CA 94103

Bruce R. Storrs, City and County Surveyor

Edwin M. Lee, Mayor
Mohammed Nuru, Director
Fuad S. Sweiss, PE, PLS,
City Engineer & Deputy Director of Engineering

Tentative Map Approval
PID: 8034
Assessor's Block No. 2845 Lot(s) 005
Address: 70 Crestline Drive
Project type: 2 Lot Subdivision
Date: April 30, 2014

True North Surveying, Inc.
123 Tenth Street
San Francisco, CA 94110

Dear Ms. Donna De Souza, PLS:

The Tentative Map which you submitted to this Agency for review is approved, subject to compliance with the following:

The C.C.S.F. Planning Code and all Planning Department conditions outlined in the attached Planning Department memo dated April 17, 2014 per Planning Case No. 2014.0183S Per DPW Order No. 62-530 and BOS Res No. 756-62.

Copy of Planning Department approval/conditions (check if attached)

The C.C.S.F. Building Code and all Department of Building Inspection conditions outlined in the attached D.B.I. memo dated _____

Copy of D.B.I. approval/conditions (check if attached)

The San Francisco Redevelopment Agency, Successor Agency conditions outlined in the attached S.F.R.A. memo dated _____

Copy of S.F.R.A. approval/conditions (check if attached)

The C.C.S.F. Subdivision Code and the California State Map Act

Additionally, please submit:

One (1) Check Print in PDF format of the final version of this map

One (1) copy of C.F.C. (Certificate of Final Completion)

One (1) copy of the Map Checklist (found at our website under: "Information for Mapping Professionals")

Do not submit check prints without complying with ALL of the above.
Incomplete submittals will be returned and subject to additional handling charges.

Sincerely,

Bruce R. Storrs, PLS
City and County Surveyor

Tentative approval valid for 36 months:

This Tentative Map Approval is valid for 36 months, unless a written request for an extension is received prior to the expiration date. When the approved time frame expires, the project is terminated. A completely new application packet together with new fees must then be submitted to DPW/BSM to reopen or reactivate the project.

Contesting this decision:

If you wish to contest this decision, you may do so by filing an appeal (together with an appeal fee check for \$284) with the Clerk of the Board of Supervisors at 1 Dr. Carlton B. Goodlett Place, City Hall, Room 244, within ten (10) days of the date of this letter per Section 1314 of the San Francisco Subdivision Code.