

R# 2017-014562ZAD

LOD WITHDRAWN

**From:** Peggy Berlese  
**To:** Foster, Nicholas (CPC); <[gabriel@gabrielingarchitects.com](mailto:gabriel@gabrielingarchitects.com)>; Jeremy Schaub; My My Ly; Mei Lam  
**Cc:** [Therese Hu](mailto:therese@waterfrontcontainer.com); [Howard Hu](mailto:howard@waterfrontcontainer.com)  
**Subject:** Waterfront Request for Letter of Determination, Case # 2017-014562ZAD  
**Date:** Monday, January 08, 2018 11:11:36 AM  
**Attachments:** [scottlet 11-8-17 \(Signed\).pdf](#)

3000 LARKIN (AKA 898 NORTH POINT)

Dear Mr. Foster,

My client, Waterfront Management, LLC hereby withdraws its Request for a Letter of Determination, Case # 2017-014562ZAD, dated November 8, 2017. A copy of the letter requesting the determination is attached. The client will seek a Variance to have the NSR removed from title.

Thank you,

Peggy Berlese

**From:** Foster, Nicholas (CPC) [<mailto:nicholas.foster@sfgov.org>]  
**Sent:** Friday, January 05, 2018 10:25 AM  
**To:** Peggy Berlese <[pberlese@hbcondolaw.com](mailto:pberlese@hbcondolaw.com)>; Barbara Herzig <[bherzig@hbcondolaw.com](mailto:bherzig@hbcondolaw.com)>; <[gabriel@gabrielingarchitects.com](mailto:gabriel@gabrielingarchitects.com)> <[gabriel@gabrielingarchitects.com](mailto:gabriel@gabrielingarchitects.com)>; Jeremy Schaub <[jeremy@slasf.com](mailto:jeremy@slasf.com)>; My My Ly <[mymy@slasf.com](mailto:mymy@slasf.com)>; Mei Lam <[mei@gabrielingarchitects.com](mailto:mei@gabrielingarchitects.com)>  
**Cc:** [Therese Hu](mailto:therese@waterfrontcontainer.com) <[therese@waterfrontcontainer.com](mailto:therese@waterfrontcontainer.com)>; [Howard Hu](mailto:howard@waterfrontcontainer.com) <[howard@waterfrontcontainer.com](mailto:howard@waterfrontcontainer.com)>  
**Subject:** RE: Waterfront, 2017-014562ZAD

Hi Peggy:

I forgot to ask you: would you still like a formal response to your LOD request (i.e., an LOD response letter stating that the NSR cannot be lifted and a Variance is required), or will my January 3, 2018 email stating as much suffice (thereby withdrawing the letter request)? It's the same outcome, the latter is clearly easier. If you do withdraw the letter request, can you kindly send me an simple email stating you're withdrawing the LOD request and reference Case No. 2017-014562ZAD.

Also, I can return your NSR release check.

Thanks,

**Nicholas Foster, AICP, LEED GA**  
**Planner, Northeast Team, Current Planning Division**  
San Francisco Planning Department  
1650 Mission Street, Suite 400 San Francisco, CA 94103  
Direct: 415.575.9167 | [www.sfplanning.org](http://www.sfplanning.org)  
[San Francisco Property Information Map](#)

**From:** Peggy Berlese [<mailto:pberlese@hbcondolaw.com>]  
**Sent:** Thursday, January 04, 2018 4:32 PM  
**To:** Foster, Nicholas (CPC); Barbara Herzig; <[gabriel@gabrielingarchitects.com](mailto:gabriel@gabrielingarchitects.com)>; Jeremy Schaub; My My Ly; Mei Lam

**Cc:** Therese Hu; Howard Hu  
**Subject:** RE: Waterfront, 2017-014562ZAD

Thank you, Nick, for all your help with this NSR. It was an unusual one, to say the least! I wish the NSR could have been released and I am disappointed that the client must apply for a variance, but if that is what is required, we'll get going on the necessary materials.

Peggy

**From:** Foster, Nicholas (CPC) [<mailto:nicholas.foster@sfgov.org>]  
**Sent:** Wednesday, January 03, 2018 3:44 PM  
**To:** Peggy Berlese <[pberlese@hbcondolaw.com](mailto:pberlese@hbcondolaw.com)>; Barbara Herzig <[bherzig@hbcondolaw.com](mailto:bherzig@hbcondolaw.com)>; <[gabriel@gabrielngarchitects.com](mailto:gabriel@gabrielngarchitects.com)> <[gabriel@gabrielngarchitects.com](mailto:gabriel@gabrielngarchitects.com)>; Jeremy Schaub <[jeremy@slasf.com](mailto:jeremy@slasf.com)>; My My Ly <[mymy@slasf.com](mailto:mymy@slasf.com)>; Mei Lam <[mei@gabrielngarchitects.com](mailto:mei@gabrielngarchitects.com)>  
**Cc:** Therese Hu <[therese@waterfrontcontainer.com](mailto:therese@waterfrontcontainer.com)>; Howard Hu <[howard@waterfrontcontainer.com](mailto:howard@waterfrontcontainer.com)>  
**Subject:** RE: Waterfront, 2017-014562ZAD

Hi Peggy:

Apologies for the delay on a decision for this matter.

I spoke with the ZA and he has determined that a new Variance to remove the condition(s) from the 1970 Variance (VZ70.61) would be required since the existing NSR cannot be released.

While the normal Variance hearing schedule is booked through April, the ZA has agreed to hear this new Variance request as soon as you are able to supply materials. The next available date would be 1/24, however, I don't suspect materials could be produced in time, nor could the 20-day required notice be served. Therefore, I would proposed we aim for the next Variance hearing date, 2/28. After that, the next available date is 3/28.

Please let me know if you have any questions and I can work with you expedite the normal intake process.

Thanks,

**Nicholas Foster, AICP, LEED GA**  
**Planner, Northeast Team, Current Planning Division**  
San Francisco Planning Department  
1650 Mission Street, Suite 400 San Francisco, CA 94103  
Direct: 415.575.9167 | [www.sfplanning.org](http://www.sfplanning.org)  
[San Francisco Property Information Map](#)

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**From:** Peggy Berlese [<mailto:pberlese@hbcondolaw.com>]  
**Sent:** Wednesday, December 27, 2017 11:49 AM  
**To:** Foster, Nicholas (CPC); Barbara Herzig; <[gabriel@gabrielngarchitects.com](mailto:gabriel@gabrielngarchitects.com)>; Jeremy Schaub; My My Ly; Mei Lam  
**Cc:** Therese Hu; Howard Hu  
**Subject:** Waterfront, 2017-014562ZAD

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# HERZIG & BERLESE

ATTORNEYS AT LAW

IVY COURT, SUITE 5, 414 GOUGH STREET, SAN FRANCISCO, CA 94102  
(415) 861-8800 FAX (415) 861-0259

BARBARA E. HERZIG  
MARGARET J. BERLESE (Of Counsel)  
CANDICE MACARIO (Of Counsel)

November 8, 2017

Scott Sanchez  
Zoning Administrator  
San Francisco Planning Department  
1650 Mission Street #400  
San Francisco, CA 94103

Dear Mr. Sanchez,

I represent Waterfront Management, LLC. The members of the LLC are Howard and Therese Hu. Waterfront owns the property located at the corner of Larkin and North Point Streets in San Francisco. There currently are two buildings located on the property. One is known as 3000-12 Larkin/898 North Point Street and one is known as 882-888 North Point. The Assessor's lot number currently is Lot 24 in Block 25.

Lot 24 is encumbered by a Notice of Special Restrictions requiring that a portion of the northerly part of the lot must remain as "open space". The Hus request that the City release the encumbrance on title created by the NSR for the reasons stated below.

## BACKGROUND

Lot 24 includes three former lots – former lot 10, a portion of former lot 11, and former lot 9 -- that were merged at different times. In 1971, Lot 11 was subdivided and the southern portion of it was deeded to Lot 10. The remaining portion of Lot 11 became Lot 23. The merged lot was designated as lot 22. At a later date, lots 9 and 22 were merged, and this merged lot was designated lot 24, which it remains today. Attached is a document prepared by the Hus' architect called "888 North Point NSR Exhibits" that show you the chronology of the lots and the changing lot numbers over time.

George Imperiale was the owner of Lot 11 in 1971, and he wished to subdivide his Lot 11 and transfer a large portion of it, measuring 30 feet by 43.75 feet, to the adjacent Lot 10 which was

R # 2017-014562 ZAD

CK # 219 \$ 664. -

# 220 15. -

\$ 669. -

M. LUELLEN (NL)

**RECEIVED**

NOV 09 2017

CITY & COUNTY OF S.F.  
DEPT. OF CITY PLANNING  
ADMINISTRATION

owned by Arthur Court. In order to deed a portion of lot 11 to lot 10, the owner of lot 11, George Imperiale, had to apply for a variance. On December 28, 1970 a variance was granted by the Zoning Administrator (Docket No. VZ70.61) permitting the subdivision of Lot 11. Former Lot 11 is the property to the north of the Hus' lot and it contained an eleven-unit apartment building.

In connection with the granting of the Variance, a Notice of Special Restrictions was recorded on June 30, 1971, as Document No. T72437 in Book B535, Page 549. Copies of the Variance application, Variance decision, and NSR are attached.

The NSR sets forth the following legal description of a portion of the Hus' property which was to remain as "open space":

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

If you look at the first sheet of the attached NSR Exhibits, you will see the area which was to remain as open space. It is the slashed area that says "create NSR area per Variance". The NSR requires that the entirety of the southern portion of Lot 11 which was conveyed to Arthur Court in 1970 "remain as open space in perpetuity."

The Hus purchased Lot 24 in 2000. In approximately 2014, the Hus applied for a permit to construct a seven-unit mixed use building on their lot, application number 2014.1216.3783S-R2. In October, 2015 the Planning Department approved plans for a mixed-use building with five residential units and commercial space and a building permit was issued. The required open space for the new building meets the requirements of the current Planning Code. The required open space is located only in the northerly 20 feet of Lot 24. A portion of the building to be constructed also is located in the NSR open space. Therefore, the Planning Department approved the construction of a new building in a portion of the "open space" referred to in the NSR. You will see the area of the required open space and the location of the building on the last sheet of the architect's exhibit.

**1. THE NSR SHOULD BE RELEASED BECAUSE THE APPROVED BUILDING PLANS COMPLY WITH THE INTENT OF THE VARIANCE DECISION.**

As mentioned, the NSR requires that the entirety of the southern portion of Lot 11 which was conveyed to Arthur Court in 1970 "remain as open space in perpetuity." The question is what was meant by "open space" under the NSR? I think it meant simply an area that would provide light and air to the building on Lot 11. I do not think it meant "required open space" as we understand it under the current Planning Code.

Finding 8 of the Variance decision provides as follows:

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

According to this finding, the area that was transferred was never usable open space for the residents of Lot 11.

It seems that the Variance was approved in conjunction with a proposal to develop the NSR area as an open plaza area available for use by patrons of the commercial establishment to be constructed by Arthur Court on the newly created Lot 22. But that development never occurred. Instead the NSR area was used as a parking lot. When the Hus bought Lot 24 in 2000, there was a parking lot on their property and it looked to be quite old. There is a record that a complaint was filed with the Department of Building Inspection in 2000 concerning the existence of a parking lot on Lot 24 without a permit or a variance, but the City never did anything about it and to this day, the area remains a parking lot. A parking lot does not satisfy code requirements for "required open space" but it does provide light and air to the adjacent building.

Under the Hu's building plans, the required open space that will be constructed at the new building continues to provide light and air to windows on the south side of Lot 23. It also provides actual open space that can be used by residents of the new building. That area has never been available as usable open space in the past.

## 2. THE NSR SHOULD BE RELEASED BECAUSE THE VARIANCE SHOULD NOT HAVE BEEN GRANTED.

I do not understand how this Variance was granted. The Zoning Administrator has the power to grant a variance ONLY to the extent necessary to overcome a practical difficulty or unnecessary hardship of the property owner. There must be extraordinary circumstances that apply to the property or its intended use that do not apply generally to other properties in the district.

In 1971, Mr. Imperiale wanted to subdivide his lot and sell a large portion of it to his neighbor. However, there were several significant problems faced by Mr. Imperiale in getting Planning to allow the subdivision. If the subdivision were permitted, then his remaining Lot 11 would no longer have required open space, there would be too much lot coverage and too much density for the size of the reduced lot. The seemingly most insurmountable problem he faced was that he was seeking a variance from multiple Planning Code requirements resulting from a self-imposed hardship. He sought a variance solely because he wanted to sell and his neighbor wanted to buy a portion of his lot, and the sale would result in multiple Planning Code deficiencies. There was no other reason for the Variance. The purported justification for granting the Variance, that it

would create public open space, is not a valid reason for granting a variance, particularly where the Variance creates self-imposed hardships that did not previously exist.

3. THERE WAS INSUFFICIENT NOTICE OF THE NSR OR THE PLANNING DEPARTMENT DETERMINED THAT THE APPROVED BUILDING DESIGN COMPLIES WITH THE NSR.

Planning approved the building plans for construction in a portion of the open space referred to in the NSR without any reference to the NSR or the Variance decision. There are several possible reasons for this. Maybe the multiple changes in the lot numbers made it difficult for Planning to keep track of the Variance and the NSR. Maybe Planning decided that the purpose for the NSR was the provision of light and air to current Lot 23, and the Hus' plans satisfied this requirement. Maybe Planning decided that the required open space that will be constructed on Lot 24 is in accordance with current code requirements and is sufficient to provide both required open space to Lot 24 and light and air to Lot 23.

In February, 2016 a subdivision application seeking approval of five residential condominiums and two commercial condominiums and a map were submitted to the Department of Public Works. The portion of the application that DPW sends to the Planning Department contained a preliminary report referencing the NSR, a tentative map referencing the NSR, and a set of approved building plans. Planning approved the condominium project in March, 2016, and the project received tentative map approval shortly thereafter. The map showed the NSR on its first sheet. See the attached parcel map. Neither the Planning Department nor DPW mentioned any discrepancy between the NSR and the building plans or the tentative map. Therefore, these two City departments must have decided that the spirit and purpose of the Variance (provision of light and air to Lot 23) had been met by the Hus' proposed development.

Neither the Hus nor their architect were aware of the NSR when the building plans were submitted to the Planning Department. The Hus got a preliminary report from a title company when they purchased the property and the title report lists the NSR as an encumbrance. English is the Hus' second language and there may have been misunderstanding about what a Notice of Special Restrictions is, or what this one required. The architect did not have the Hus' preliminary report and he never has used one in planning a building for a site. As he always does, he thoroughly researched the Planning Department records before he submitted building plans to the department. He did not see any record of either the Variance or the NSR in Planning files for Lot 24.

4. RELEASING THE NSR WILL INSURE THAT ADDITIONAL HOUSING WILL BE CONSTRUCTED.

The approved building plans provide for the construction of five much needed, relatively moderately priced family housing in moderate sized condominiums in a district zoned for commercial use. Four of the condominiums contain two bedrooms and one contains three

bedrooms. Size of the units ranges from about 1,000 to about 2,000 square feet. If the Hus were required to revise their building plans to retain the open space referred to in the NSR, they only would be permitted to have five one-bedroom condominiums at the site, or they would have to reduce the number of units. Either choice would make a residential project economically unfeasible. The Hus probably would have to construct a commercial building.

The Hus would be substantially damaged if the NSR is not removed as an encumbrance on their title. They have spent about three years and a substantial amount of money getting their building plans and condominium map approved. They are ready to start construction of the new building. If they were required to re-design their building around the open space described in the NSR, or design a commercial building, much more time and money would have to be spent.

CONCLUSION The city is not harmed by releasing the NSR. The Hus' building has the required usable open space mandated by the Planning Code and it actually will be open space instead of a parking lot. Nobody has complained that the approved plans reduce any sort of required open space on Lot 24, or any required or desired light and air for the neighbors. Further, if you agree that it was a mistake to grant the Variance in 1970, release of the NSR would partially correct the error. The NSR was recorded over 45 year ago in connection with a proposed commercial project that never came about. San Francisco has changed enormously over the years. An old NSR imposed as part of a questionable 1971 Variance decision should not be allowed to interfere with the needs of San Francisco in 2017.

I have enclosed a check made payable to the Planning Department for \$664 for your review of this request. I've also enclosed a check for \$15 for the notary fee for the notarization of your signature on the proposed release. Please let me know if you have any questions about this request.

Sincerely yours,

HERZIG & BERLESE



Peggy Berlese

Of Counsel

pberlese@hbcondolaw.com

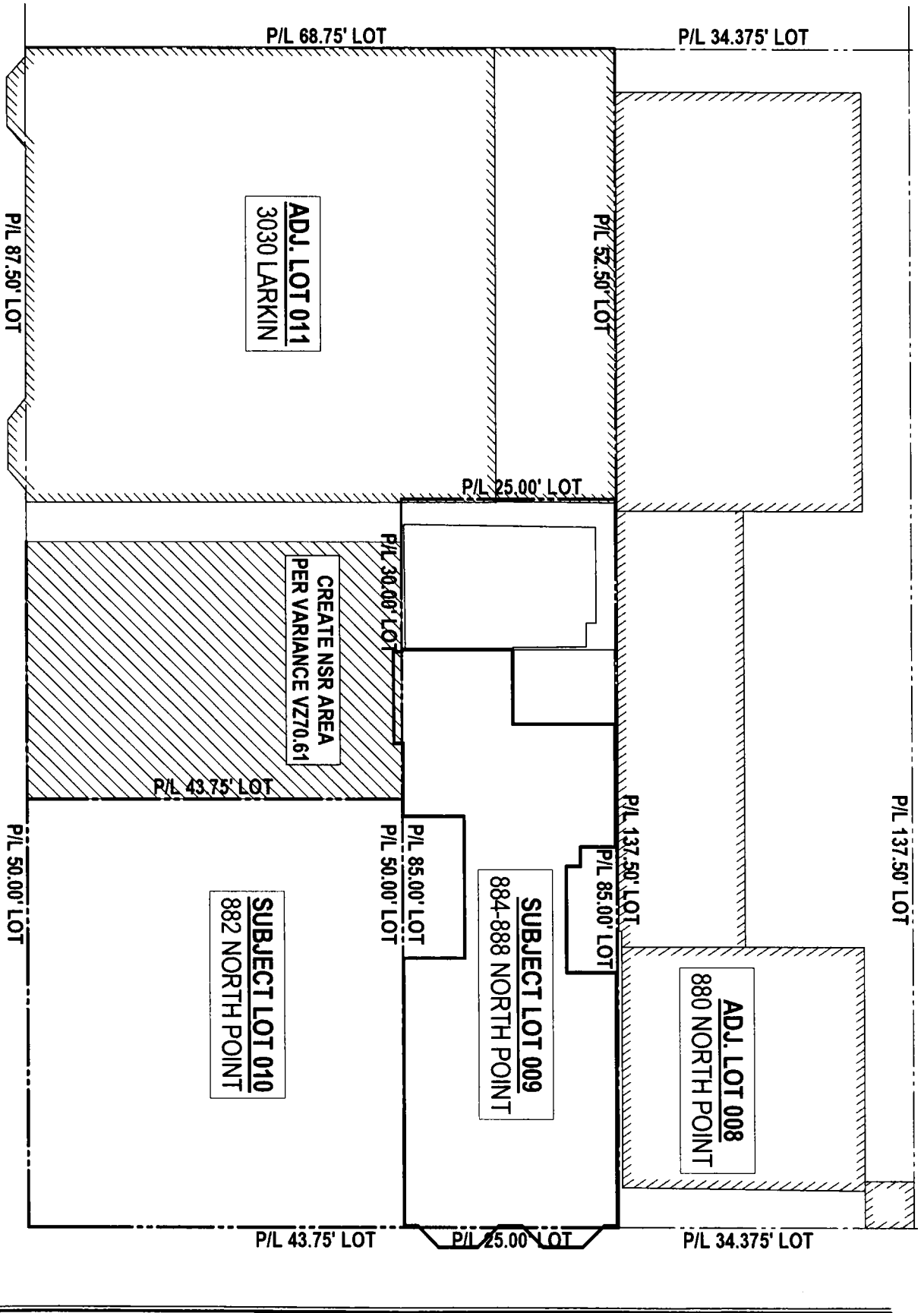


1970 VARIANCE

1/16" = 1'-0"

LARKIN STREET

(68.75' WIDE)



**NORTH POINT STREET**  
(68.65' WIDE)

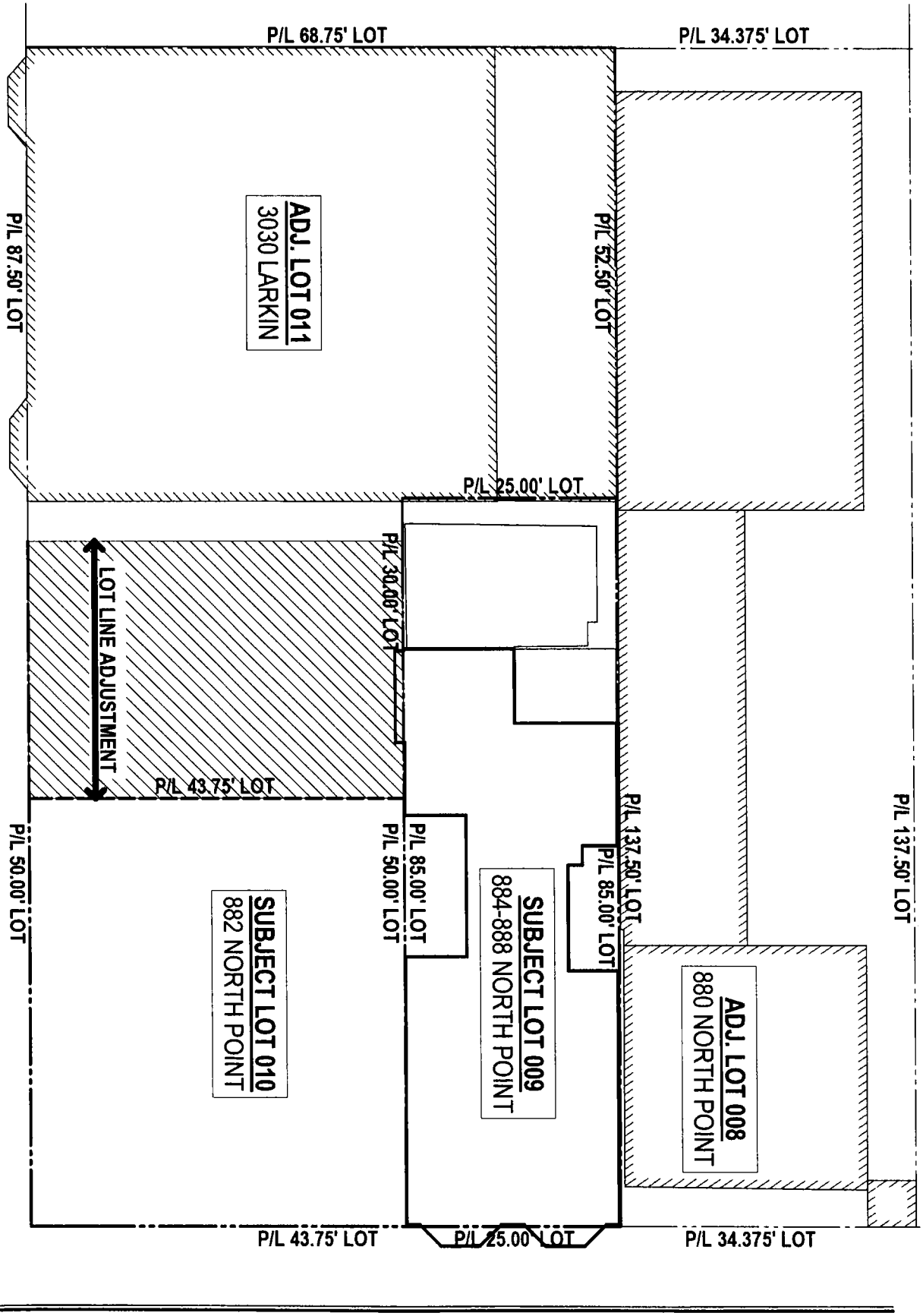




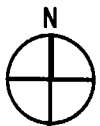
1971 NSR & LLA

1/16" = 1'-0"

LARKIN STREET  
(68.75' WIDE)



**NORTH POINT STREET**  
(68.65' WIDE)

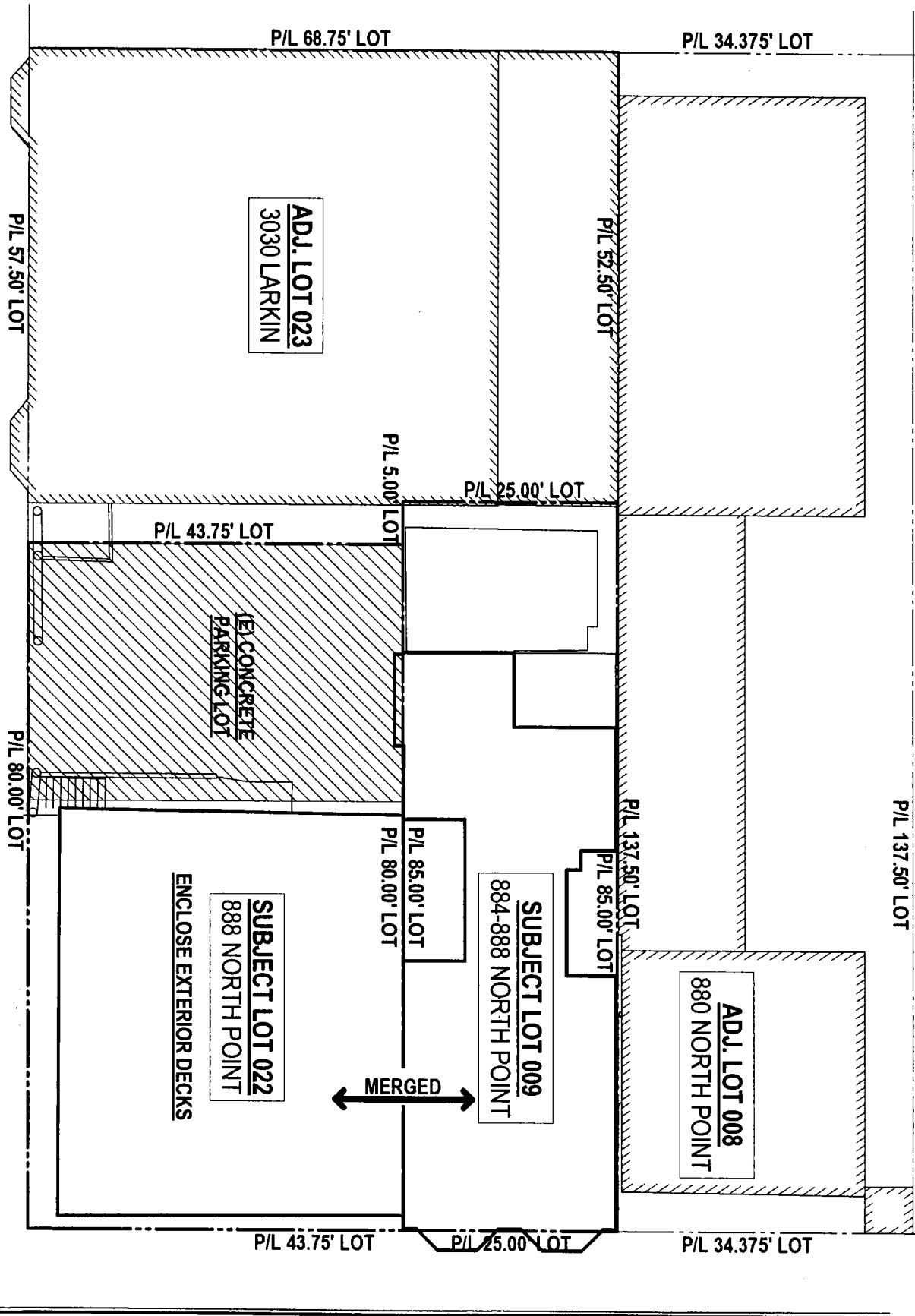


1975 - ENCLOSE EXTERIOR DECKS

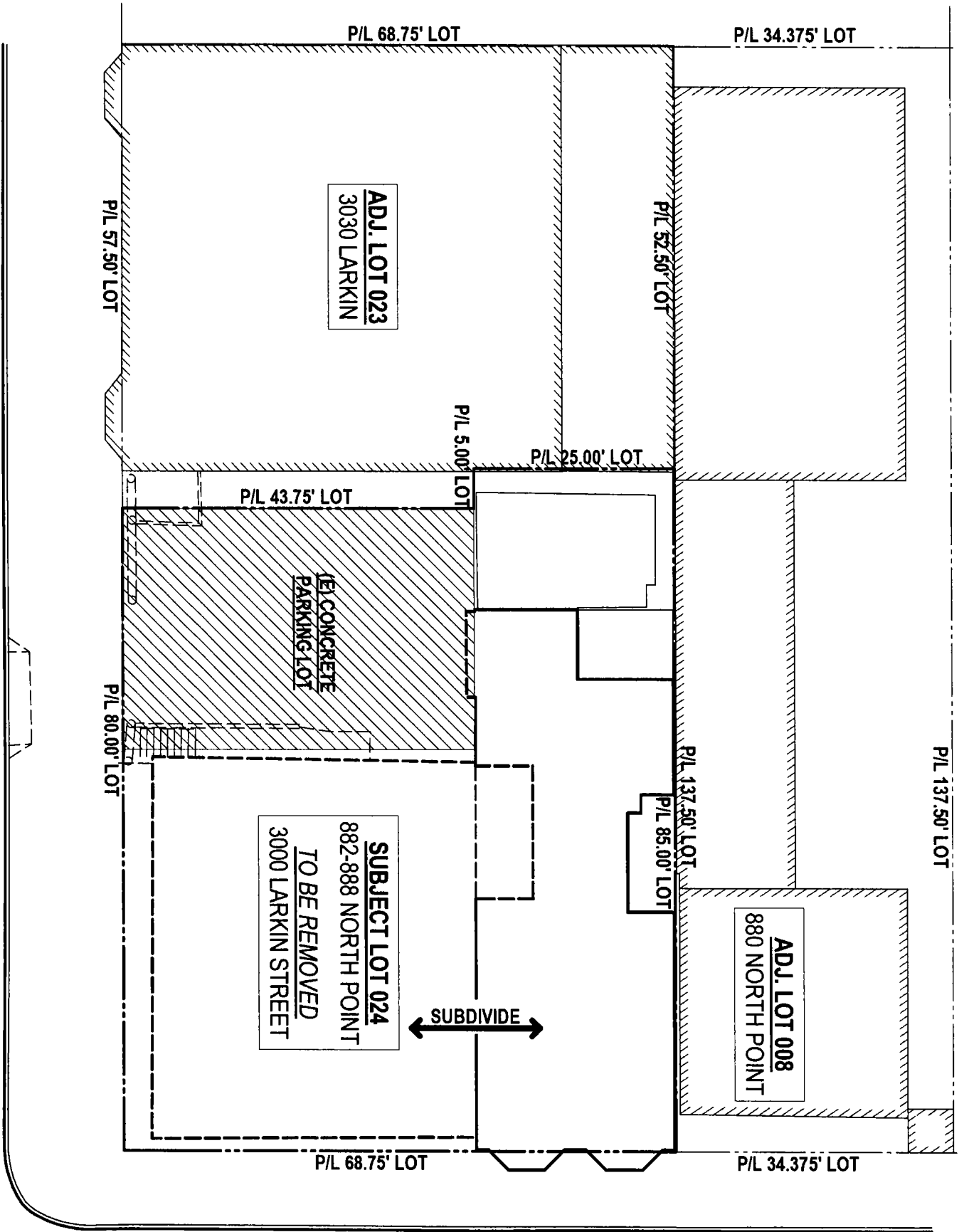
1/16" = 1'-0"

LARKIN STREET

(68.75' WIDE)



NORTH POINT STREET  
(68.65' WIDE)

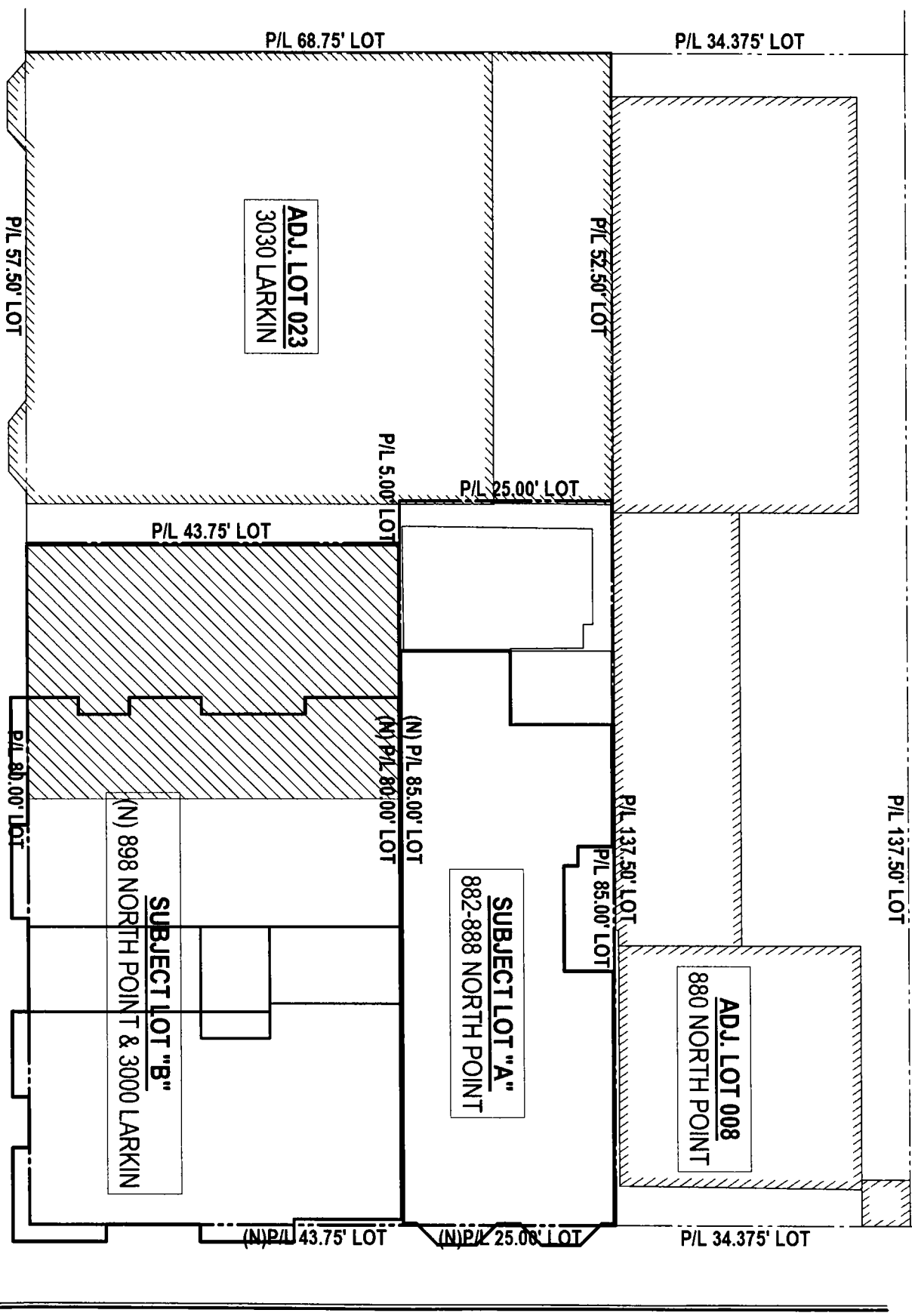




PROPOSED CONDITION

1/16" = 1'-0"

LARKIN STREET  
(68.75' WIDE)



NORTH POINT STREET  
(68.65' WIDE)

**LOCATION** 3020 Larkin Street

**BLOCKS** 25

25

**LOTS** 11

**RELATED PROPOSALS**

**PROPOSAL NO.**

V2.70.61

HEARING DATE	11-18-70	FILING DATE	10-28-70	CLASSIFICATION	C-2	PROPOSAL	Quelling Unit and
APPLICANT	George impreviale	ADDRESS	655 Pine ST	PHONE		FEE	\$50.00
OWNERS	✓	ADDRESS		PHONE		RECEIPT NO.	69562

**ACTION OF PLANNING COMMISSION**

DATE \_\_\_\_\_ RULING \_\_\_\_\_ RES. NO. \_\_\_\_\_

**REMARKS**

Contact: Stanley Banko  
 602 E. Caroline Road  
 Box 349  
 San Bruno, Ca.

**ACTION OF BOARD OF SUPERVISORS COMMITTEE**

DATE \_\_\_\_\_ RULING \_\_\_\_\_

no neighborhood appeals

**ACTION OF BOARD OF SUPERVISORS**

DATE \_\_\_\_\_ RULING  APPEAL \_\_\_\_\_ RES. NO. \_\_\_\_\_

**ACTION OF ZONING ADMINISTRATOR**

DATE 11-18-70 RULING Shantung 11-18 EFFECTIVE DATE 11-28

**ACTION OF BOARD OF PERMIT APPEALS**

DATE \_\_\_\_\_ RULING \_\_\_\_\_ NO. \_\_\_\_\_

RECORD OF PROCEEDINGS  
**DEPARTMENT OF CITY PLANNING**  
**CITY AND COUNTY OF SAN FRANCISCO**

(date)

APPLICATION FOR A VARIANCE  
FROM CITY PLANNING CODEState here the name, address and phone  
number of the person to be contacted  
for details about this application:

TO THE ZONING ADMINISTRATOR:

Name STANLEY PANKOAddress 600 EL CAMINO REAL BOX 344SAN BRUNO Phone No. 583-8944  
CA.I. The Applicant, GEORGE IMPERIALE

(Type or Print name)

being the owner(s) X or his (their) authorized agent \_\_\_\_\_ (Owner's name \_\_\_\_\_)\_\_\_\_\_, Owner's address 655 PINE ST. ) of property at3020 LARKIN ST.

(address)

\_\_\_\_\_, which is on the N S E W side of

(circle)

LARKIN ST.

Street

50

feet

N S E W ofNORTH POINT

(circle)

\_\_\_\_\_, Street and identified as Assessor's Block No. 25Lot No. 11in a(n) C-2

district under the City Planning Code, requests variance from the following section(s) of that Code:

SECT. 125SECT. 130

and the approval, in accordance with the attached plans, of (state here exactly what is intended to be done on, or with, the property insofar as a variance is necessary):

WE'RE SUBDIVIDING LOT #11 AND TRANSFERING 30' x 43.75' OF LOT #11 TO LOT #10. THE 11 UNIT APARTMENT BUILDING (3 STORY OVER 1 STORY PARKING GARAGE - ALL WOOD FRAME TYPE V CONSTRUCTION) WAS ORIGINALLY CONSTRUCTED FOR THE 52.5' x 68.75' PORTION OF LOT NO. 11 AND THE REMAINDER 35' x 43.75' PORTION WAS USED IN CONJUNCTION WITH LOT NO. 10 AS A SEPARATE BUILDING. THIS WAS REMOVED SEVERAL YEARS AGO AND THAT PORTION OF LOT NO. 11, NOW DEAMED AS OPEN SPACE, IS A "VACANT LOT".

- II. The Charter and the City Planning Code authorize the Zoning Administrator to hear and make determinations regarding applications for variances from the strict application of quantitative standards in the City Planning Code. He has the power to grant only such variances as may be in harmony with the general purpose and intent of the Code and in accordance with the general and specific rules contained therein, and he has the power to grant such variances only to the extent necessary to overcome such practical difficulty or unnecessary hardship as may be established in accordance with the provisions for variances. In granting any variance the Zoning Administrator must specify the character and extent thereof, and must also prescribe such conditions as are necessary to secure the objectives of the Code. No variance may be granted in whole or in part whose effect would be substantially equivalent to a reclassification of property or which would permit any use not expressly permitted at the subject location under the Code.

The City Planning Code sets forth the following five requirements, all of which must be met if a variance is to be granted. State in detail the manner in which you believe each of these requirements is met in this case:

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

THE OPEN AREA OF LOT NO. 11, TO BE RESUBDIVIDED, WILL REMAIN AS OPEN SPACE FOR SUCH TIME AS THE LIFE OF THE EXISTING APARTMENT BUILDING ON LOT NO. 11

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

IF THE ENTIRE LOT NO. 11 WERE TRANSFORMED INTO COMMERCIAL USE, UNDER THE PRESENT C-2 ZONING, THE EXISTING OPEN SPACE WOULD NO LONGER EXIST. THIS WOULD BE VERY DETRIMENTAL IN PLANNING THE COMMERCIAL USE OF LOT NO. 10 IN CONJUNCTION WITH LOT NO. 9.

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

AS LOT NO. 9 AND 10 ARE DEVELOPED, THIS OPEN SPACE (80' x 43.75') WILL BE DEVELOPED AS AN OPEN COURT YARD FOR THE USE OF ALL INVOLVED PARTIES.

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

IF THE VARIANCE IS GRANTED THIS "VACANT LOT" WILL BE DEVELOPED AS OPEN SPACE WHICH WILL BE AN IMPROVEMENT TO THE PUBLIC WELFARE AND ALL PROPERTIES IN THE VICINITY.

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

THE LIFE OF THE EXISTING APARTMENT BUILDING ON LOT NO. 11 IS RELATIVELY SHORT, THE ENTIRE AREA IS ZONED C-2. THE OPEN SPACE COULD ALWAYS REMAIN - MUCH LONGER THAN THE EXISTING APARTMENT BUILDING.

III. Indicate by number any applications for Building Permits or Business Licenses that have been filed in connection with the proposed use of this property:

NONE

IV. Indicate which of the following are included with this application:

- 300-foot radius map
- Address list for property owners
- Letter of authorization for agent's application \_\_\_\_\_
- Plot plan
- Floor plans \_\_\_\_\_
- Drawings of elevations \_\_\_\_\_
- Parking or loading plan \_\_\_\_\_
- Plan showing signs \_\_\_\_\_
- Landscaping plan \_\_\_\_\_
- Photographs \_\_\_\_\_
- Covenants or deed restrictions \_\_\_\_\_
- Other items (specify) \_\_\_\_\_

V. Applicant's Affidavit:

STATE OF CALIFORNIA

CITY AND COUNTY OF SAN FRANCISCO

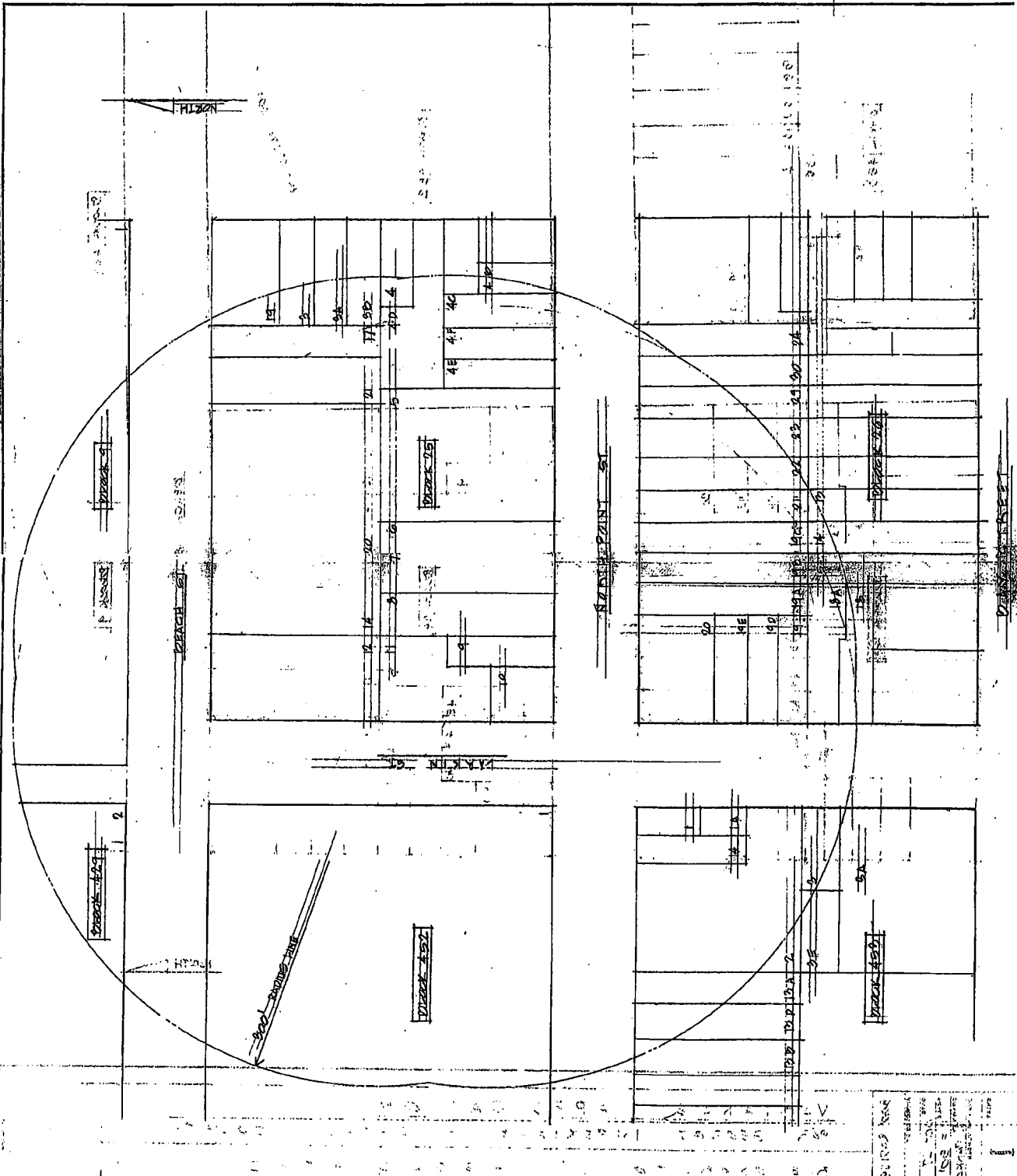
I (We) GEORGE IMPERIALE  
(Print name of Applicant in full)

declare, under penalty of perjury, that I am (we are) the owner(s) (authorized agent of the owner(s)) of the property that is the subject of this application, that the statements herein and in the attached exhibits present the information required for this application to the best of my (our) ability, and that the facts, statements and information presented are true and correct to the best of my (our) knowledge and belief.

Signed *Ruth E. Pratt*  
For (Applicant) *George Imperiale*



VANDANCE APPLICATION		3000 - SAVING MAP
FOR GERALD IMPERIAL & ATHLETIC COLLEGE		APPROVED BY
SAN FRANCISCO CALIF		DATE OCT 27 1977
		BY [Signature]
		PROJECT [Signature]
		DATE [Signature]

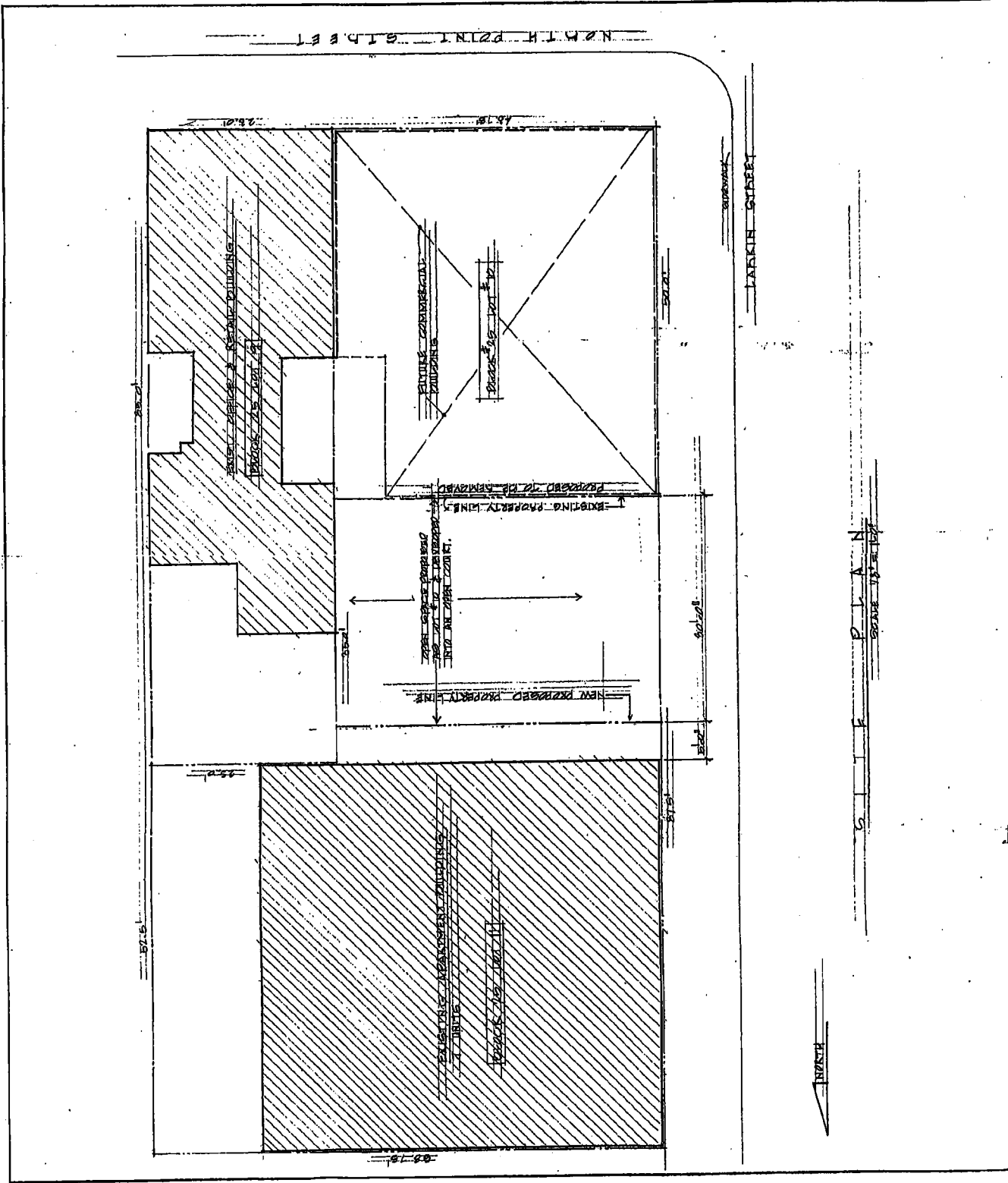


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NO.	REVISIONS

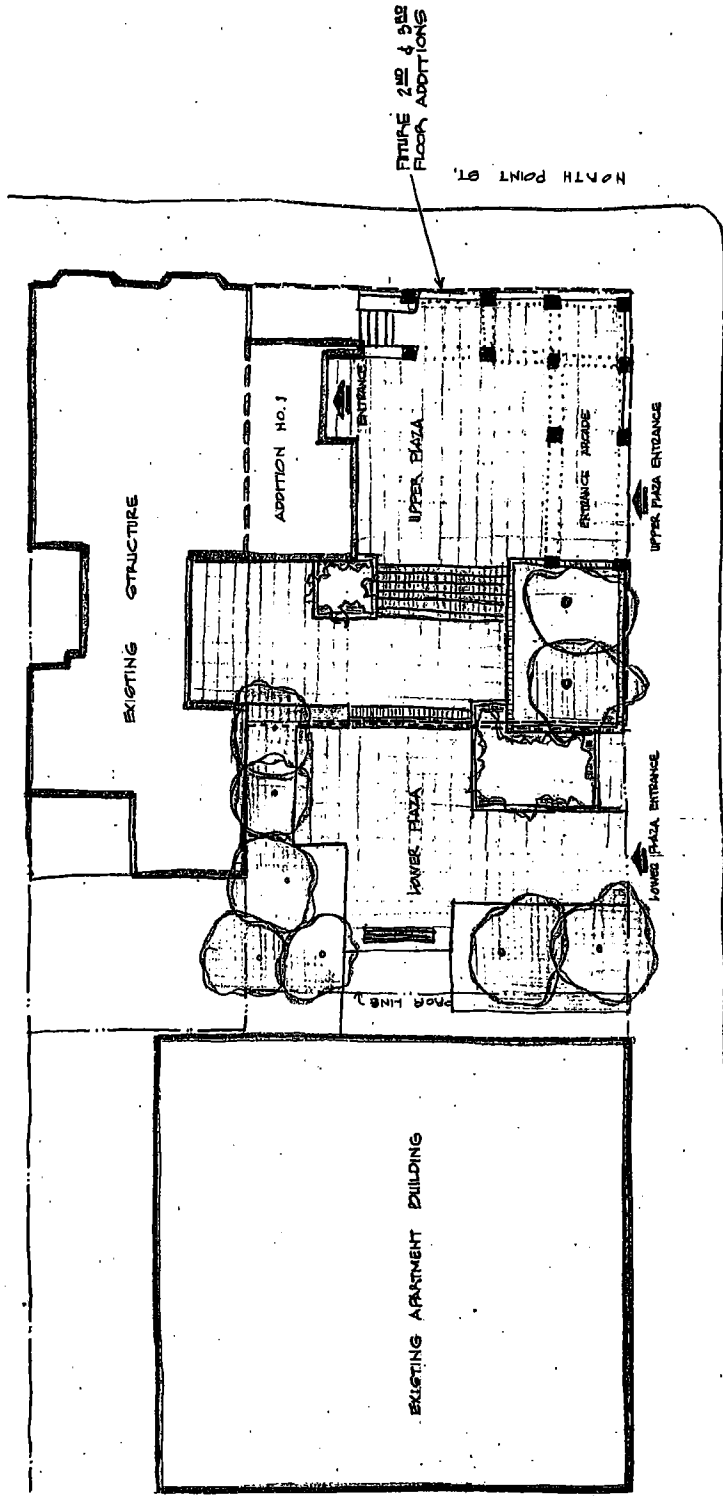
VAPLANCE APPLICATIION  
 FOR GEORGE M. PERALES & ANTHONY G. COUBET  
 D.F. SHARPE & ASSOCIATES  
 SAN DIEGO CALIF.

DATE: OCT 27 1972  
 SHEET NO. 1 OF 1  
 PROJECT NO. 72-012  
 CLIENT: PERALES  
 TITLE: SITE PLAN  
 DRAWN BY: [Signature]



S I F P L A N  
 SITE PLAN





LARKIN ST.

VZ 70.61  
EXHIBIT A

1/8" = 1'-0"

H.P. ONYARD & ASSOCIATES DESIGNER

SCHEMATIC SITE PLAN

ARTHUR COURT DESIGNS INC.

VZ 70.61

ZONING C-2, R-3 NEAREST R-DIST

COVERAGE (70% MAX)

OPEN AREA	5' x 43.75'	218.75
	15' x 52.5'	787.5
		1006.25 #

TOTAL AREA	5' x 43.75'	218.75 #
	68.75' x 52.5'	3609.375
		3828.125 #

% Coverage  $\frac{2821.875}{3828.125} = 76.3\%$

USABLE OPEN SPACE

150 # / d.u. required

11 d.u.

1650 # required

TOTAL UNDEVELOPED AREA ONLY 1006.25 #

REQUIRED REAR YD (25' Req'd)

Lot 4100' IN DEPTH FROM LARKIN ST. → 68.75'

~~25'~~ ∴ REQ'D REAR YD = 15' 19' 17"

REAR YD = 15'

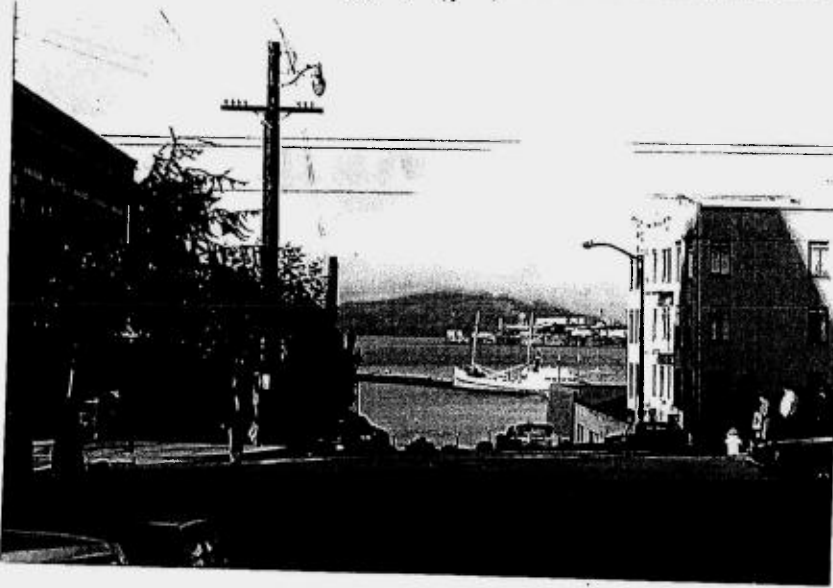
DENSITY (1 d.u./600# lot area) ✓

LOT AREA	3828.125	EXISTING LOT 11 AREA	5140.625
D.U. PERMITTED	6 UNITS	D.U. PERMITTED	9 UNITS
TOTAL ON LOT	11 UNITS		

NOV • 70



NOV • 70



NOV • 70



STATE OF CALIFORNIA )  
 ) SS  
CITY AND COUNTY OF SAN FRANCISCO)

Elsie O. Noceti, BEING DULY SWORN DEPOSES AND SAYS:

That she is a female citizen of the United States of the age of Twenty-one years; that, acting under and by the direction of the City Planning Commission of the City and County of San Francisco, State of California, she did on the 6<sup>th</sup> day of November, 19670, deposit in the United States Mail, notice of the hearing before the City Planning Commission    . The Zoning Administrator ✓, on application No. VZ 20-61 for a change in the land use regulations affecting the following described parcel or parcels of land, to wit:



That said notices were at their names and addresses appeared on o filed the above application.

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 19670.

DEPUTY COUNTY CLERK

VZ 70.61

49

ADDRESS LIST

Block No. 9

Lot No. 8

City Property

Block No. 25

Lot No. 3

Mailing Address

Buena Vista Cafe, Inc.  
2749 Hyde Street.  
2765 Hyde St., San Francisco, California 94109

Lot No. 3A

Mailing Address

Jose Geraldí  
2741 Hyde Street  
2741 Hyde St., San Francisco, California 94109

Lot No. 3B

Mailing Address

Laura Sabella  
2735 Hyde Street  
2735 Hyde St., San Francisco, California 94109

Lot No. 4

Mailing Address

Sigurd K. Verner  
2719 Hyde Street  
2719 Hyde St., #1, San Francisco, California 94109

Lot No. 4B

Mailing Address

Alfred and Angelo Franchi  
804 North Point Street  
c/o Les Crepes Restaurant  
804 North Point St., San Francisco, California 94109

Lot No. 4C

Mailing Address:

Maurizio & Severino Graziolo  
818 North Point Street

Box 16175 San Francisco 94116

Lot No. 4D

Mailing Address:

Lakey Schonwetter  
2715 Hyde Street

1726 Cabrillo St., San Francisco 04121

Lot No. 4E

Mailing Address:

Mon Fong & Mildred Jann  
830 North Point Street

832 North Point, San Francisco 94109

Block No. 25 (cont'd)

Lot No. 4F	James E. & Nancy P. Grant
	820 North Point Street
Mailing Address:	822 North Point St., San Francisco 94109
Lot No. 5	Giulia Life Est Bisio
	834 North Point Street
Mailing Address:	1988 Greenwich St., San Francisco 94123
Lot No. 6	Matteo & Rose Spadaro
	860 North Point Street
Mailing Address:	862 North Point, San Francisco 94109
Lot No. 7	Caterina & Jennie Torrenti
	870 North Point St.
Mailing Address:	862 North Point, San Francisco 94109
Lot No. 8	Geol. & Virginia E. Frizzell
	872 North Point Street
Mailing Address:	872 North Point St., San Francisco 94109
Lot No. 9	Arthur E. & Annette M. Court
	882 North Point St.
Mailing Address:	601 Ortega St., San Francisco 94122
Lot No. 10	George Imperiale
	V.
Mailing Address:	655 Pine St., San Francisco 94108
Lot No. 11	George Imperiale
	3020 Larkin Street
Mailing Address:	655 Pine St., San Francisco 94108
Lot No. 12	Guido Ghiselli
	799 Beach Street
Mailing Address:	2713 Ridge Rd., Berkeley, CA 94709



Block No. 25 (cont'd)

Lot No. 14 Bank of America Etc.  
767 Beach Street  
Mailing Address: 485 Calif. St., San Francisco 94104

Lot No. 17 Irene H. Rhodehamel  
721 Beach Street  
Mailing Address: P. O. Box 67, Bodega Bay, CA 94923

Lot No. 19 Christian W. Nienann  
2761 Hyde Street  
Mailing Address 532 Magnolia, Piedmont, California 94611

Lot No. 20 Jas C. & Louisa A. Davis  
761 Beach Street  
Mailing Address: 5322 Calif. Street, S. F. 94118

Lot No. 21 Ralph L. & Harry J. Lewis  
747 Beach Street  
Mailing Address: 747 Beach Street, San Francisco 94909

BLOCK NO. 26

Lot No. 13 Aurelia Carbone  
838 Bay Street  
Mailing Address c/o Pia McGrath  
842A Bay St., San Francisco, California 94109

Lot No. 14 Alphonse B. and Jo Gerald  
844 Bay Street  
Mailing Address 836 Bay St., San Francisco, California 94109

Lot No. 15 Giovanni and Giusina Costa  
848 Bay Street  
Mailing Address 847 North Point St., San Francisco, California 94109

Lot No. 18 Camille and Maria Borruso  
2914 Larkin Street  
Mailing Address 2914 Larkin St., San Francisco, California 94109

Block No. 26 (cont'd)

Lot No. 18A	Eleanor A. Clayton 2928 Larkin Street
Mailing Address:	2928 Larkin Street, San Francisco 94109
Lot No. 19	Francesco Armanini 2934 Larkin Street
Mailing Address:	% Wm. J. Raffetto & Sons 401 Columbus Ave., San Francisco 94133
Lot No. 19A	James & Ruth Dealberto 875 North Point Street
Mailing Address:	875 North Point St., San Francisco 94109
Lot No. 19B	Margaret & William Donlon 869 North Point Street
Mailing Address:	15735 Skyline Blvd., Oakland, CA 94605
Lot No. 19C	Marvin S. & Laiw. Huie 865 North Point Street
Mailing Address:	1541 Mason Street, San Francisco, CA 94133
Lot No. 19D	Antonio Sivori 2940 Larkin Street
Mailing Address:	2940 Larkin Street, San Francisco 94109
Lot No. 19E	Emilia & Steve Rusconi 2946 Larkin Street
Mailing Address:	2948 Larkin Street, San Francisco 94109
Lot No. 20	Wm. J. & Margaret A. Donlon 879 North Point Street
Mailing Address:	15735 Skyline Blvd, Oakland, CA 94605

Block No. 26 (cont'd)

Lot No. 21	Hong & Harda Wong
	853 North Point
Mailing Address:	857 North Point, San Francisco 94109
Lot No. 22	Giovanni & Giustina Costa
	847 North Point
Mailing Address:	847 North Point, San Francisco 94109
Lot No. 23	Peter R. & Helen L. Loeb
	839 North Point
Mailing Address:	2801 Leavenworth St., San Francisco 94133
Lot No. 24	Frances Chin
	821 North Point Street
Mailing Address	823B North Point St., San Francisco 94109
Lot No. 29	Edward Villa
	831 North Point
Mailing Address:	829 North Point, San Francisco 94109
Lot No. 30	Leona & Gary & Rita Guglielmo
	V
Mailing Address:	831 North Point St., San Francisco 94109
<u>Block No. 429</u>	
Lot No. 2	City Property
<u>Block No. 452</u>	
Lot No. 1	Ghirardelli Square
	900 North Point Street
Mailing Address:	% Roth Properties
	215 Market Street, San Francisco 94105

Block No. 453

Lot No. 1	Christian W. Niemann 901 North Point St
Mailing Address:	532 Magnolia Ave, Piedmont, CA 94611
Lot No. 1A	Christian W. Niemann 901 North Point Street
Mailing Address:	532 Magnolia Ave., Piedmont, CA 94611
Lot No. 2	Lurline B. Roth 2935 Larkin Street
Mailing Address:	215 Market Street, San Francisco 94105
Lot No. 3	Lena Orero 2925 Larkin Street
Mailing Address:	2925 Larkin Street, San Francisco 94109
Lot No. 3A	Virgilio and Marietta Gaida 900 Bay Street
Mailing Address	900 Bay St., San Francisco 94109
Lot No. 3E	Phoebe S. Price 2925 Larkin St.
Mailing Address	Highway 1, Pacifica Calif. 94044
Lot No. 13A	Fred M. & Ethel G. Gok 935 North Point St
Mailing Address:	935 North Point Street, San Francisco 94109
Lot No. 13B	Joseph & Jennie Torrente 949 North Point
Mailing Address:	951 North Point Street, San Francisco 94109
Lot No. 13D	Inez M. Montalto 941 North Point
Mailing Address:	943 North Point St., San Francisco 94109

Block No. 453 (cont'd)

Lot No. 14

Hilda M. Jackson

903 North Point

Mailing Address:

903 North Point Street, San Francisco 94109

**DEPARTMENT OF CITY PLANNING  
NOTICE OF HEARING ON  
APPLICATION FOR ZONING VARIANCE  
FOR THE FOLLOWING PROPERTY:**

**3020 Larkin Street, east side 30 feet north of  
North Point Street; lot 11 in Assessor's Block  
25, in a C-2 (Community Business) zoning district.**

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

**Notice is hereby given to the public and to owners of property within 300 feet that an application for a variance under the City Planning Code as described above has been filed with the Zoning Administrator and will be considered at a public hearing to be held on Wednesday, November 18, 1970, at 10:00 a.m. in Room 282, City Hall.**

**R. Spencer Steele  
Zoning Administrator**

**XXXXXXXX  
VE70-61**

No. 265723

RECEIPT FOR CERTIFIED MAIL—30¢ (plus postage)

SENT TO <i>Mr. George Imperial</i>	POSTMARK OR DATE <i>11-18-70</i>
STREET AND NO. <i>655 Pine St.</i>	<i>Decision letter 1270.61 granted</i>
P.O., STATE AND ZIP CODE <i>S. F. Calif.</i>	
OPTIONAL SERVICES FOR ADDITIONAL FEES	
RETURN RECEIPT SERVICES	1. Shows to whom and date delivered ..... 10¢ With delivery to addressee only ..... 60¢
	2. Shows to whom, date and where delivered .. 35¢ With delivery to addressee only ..... 85¢
DELIVER TO ADDRESSEE ONLY	50¢
SPECIAL DELIVERY (2 pounds or less)	30¢

POD Form 3800 Sep. 1968 NO INSURANCE COVERAGE PROVIDED—NOT FOR INTERNATIONAL MAIL (See other side)

**INSTRUCTIONS TO DELIVERING EMPLOYEE**

Shows to whom, date and address where delivered  Deliver ONLY to addressee  
(Additional charges required for these services)

**RECEIPT**  
Received the numbered article described below.

REGISTERED NO. *11-18-70*

CERTIFIED NO. *11-18-70*

INSURED NO. *11-18-70*

DATE DELIVERED *11-18-70*

SIGNATURE OR NAME OF ADDRESSEE (Must be filled in)  
*Joe Mirtel*

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

SHOW WHERE DELIVERED (this is required)



CITY AND COUNTY OF SAN FRANCISCO  
DEPARTMENT OF CITY PLANNING  
100 LARKIN STREET . CIVIC CENTER . SAN FRANCISCO 2, CALIFORNIA

Date of This Letter: December 18, 1970

Last Date for Filing Appeal: December 28, 1970

Mr. George Imperiale  
655 Pine Street  
San Francisco, California

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

Dear Mr. Imperiale:

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

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

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

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

1. The transferred portion of the lot remain as open space in perpetuity and
2. A deed restriction to this effect approved as to form by the Zoning Administrator be filed with the Recorder of the City and County of San Francisco prior to the approval of any building permits on the resulting enlarged lot, and



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

I FINDINGS OF FACT

1. Assessor's lot 11 is an interior lot with 87.5 feet frontage on Larkin Street and a depth variously of 43.75 feet and 68.75 feet with an area of 5140.625 square feet.
2. Lot 11 is presently occupied by an 11 unit apartment building. Uncovered open space on the existing lot amounts to 2318.75 square feet. The apartment building covers approximately 55 per cent of the lot. Assessor's lot 10, adjacent to the south of lot 11 is vacant.
3. The proposal is to transfer the southernmost 30 feet of present lot 11 to lot 10, in order to provide additional open plaza area for a proposed commercial building on lot 10, leaving lot 11 with a total area of 3828.125 square feet far larger than the 2500 square foot minimum required by the City Planning Code.
4. The transferred area would remain as open space under the applicant's proposal.
5. Lot 11 is zoned C-2 and since 1964 has been subject to the density standard of one dwelling unit for each 600 square feet of lot area; the existing building, built prior to current zoning Code standards, exceeds the maximum density now permitted, with a ratio of lot area to dwelling units of approximately 467 square feet per unit. The proposed reduction in the size of lot 11 would reduce this figure to 348 square feet per dwelling unit, considerably less than required by the Code.
6. After transfer of the subject portion of lot 11, 1006.25 square feet of open space would remain on lot 11, or approximately 91.5 square feet per dwelling unit. The Code now requires at least 150 square feet of open space for each dwelling unit.
7. After transfer of the subject portion of lot 11, the apartment building would cover 73.7 per cent of the remaining lot. The Code limits lot coverage to a maximum of 65 per cent for an interior lot.
8. The apartment building on lot 11 is not developed in a manner using open space that would be transferred to lot 10 other than as light and air to windows on the south side of the building. This window exposure would be retained under the applicant's proposal to retain the subject area that would be transferred to lot 10 as open plaza area.

9. The Ghirardelli Square area is developing rapidly as an intense commercial area which attracts residents of the area and tourists.
10. The applicant proposes to include the open area in a development of open courtyards emphasizing the natural environment which is intended to link together with the open access Aquatic Park and Ghirardelli Square to the north and west.
11. The lots on the east side of Larkin Street, directly opposite Ghirardelli Square such as the subject lots 10 and 11 are logical sites for immediate and future expansion of the commercial area. Thus, a commercial development on lot 11 may be expected in the future.
12. In a C-2 district the rear yard, lot coverage and usable open space requirements of the Planning Code apply only from the window sill level of the lower story, if any, occupied as a dwelling.
13. No one appeared in opposition to the application at the public hearing.

## II CONCLUSIONS BASED UPON THESE FINDINGS

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

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

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

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

December 18, 1970

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

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

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

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

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

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

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

Mr. George Imperiale

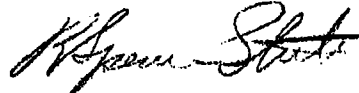
- 5 -

December 18, 1970

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

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

Very truly yours,

A handwritten signature in cursive script, appearing to read "R. Spencer Steele".

R. Spencer Steele  
Zoning Administrator

RSS/RWP/en

NOTICE OF SPECIAL RESTRICTIONS UNDER THE CITY PLANNING CODE

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

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

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

Being a portion of 50 Vara Block No. 289.

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

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

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

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

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

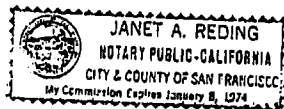
Dated: 6/28/71 at San Francisco, California

Arthur Court  
\_\_\_\_\_

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

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

Janet A. Reding  
Notary Public in and for said  
City and County and State



BOOK **B535** PAGE **549**

RECORDED AT REQUEST OF  
Arthur Court  
At 7:00 Min Past 9 A M

JUN 30 1971

City & County of San Francisco, Calif.  
MARTIN MONGER  
RECORDER

T72487

RECORDING FEE \$2.00

**OWNER'S STATEMENT:**  
WE HEREBY STATE THAT WE ARE THE OWNERS OF OR HAVE SOME RIGHT, TITLE OR INTEREST IN AND TO THE REAL PROPERTY INCLUDED WITHIN THE SUBDIVISION SHOWN UPON THE HERIN MAP THAT WE ARE THE ONLY PERSONS WHOSE CONSENT IS NECESSARY TO PASS A CLEAR TITLE TO SAID REAL PROPERTY, AND THAT WE HEREBY CONSENT TO THE PREPARATION AND RECOGNITION OF SAID MAP AND SUBDIVISION.  
IN WITNESS WHEREOF, WE, THE UNDERSIGNED, HAVE CAUSED THIS STATEMENT TO BE EXECUTED.

**OWNERS:**  
WATERFRONT MANAGEMENT, L.L.C. A CALIFORNIA LIMITED LIABILITY COMPANY

BY: \_\_\_\_\_  
TITLE: \_\_\_\_\_

**OWNER'S ACKNOWLEDGMENT:**  
A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF CALIFORNIA )  
COUNTY OF \_\_\_\_\_ )  
ON \_\_\_\_\_ BEFORE ME (INSERT NAME) )  
NOTARY PUBLIC )

PERSONALLY APPEARED \_\_\_\_\_  
WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) I HAVE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE(S) HEYER THEY EXECUTED THE SAME IN HIS/HER/ITHEM AUTHORIZED CAPACITIES, AND THAT BY HIS/HER/ITHEM SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S) OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.  
I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.  
WITNESS MY HAND AND OFFICIAL SEAL

SIGNATURE: \_\_\_\_\_

PRINTED NAME: \_\_\_\_\_

COMMISSION EXPIRES: \_\_\_\_\_

COMMISSION # OF NOTARY: \_\_\_\_\_

PRINCIPAL COUNTY OF BUSINESS: \_\_\_\_\_

**RECORDERS STATEMENT:**  
FILED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_ AT \_\_\_\_\_ M.  
IN BOOK \_\_\_\_\_ OF PARCEL MAPS AT PAGE(S) \_\_\_\_\_ AT THE REQUEST OF  
FREDERICK T. SEHER  
SIGNED \_\_\_\_\_  
COUNTY RECORDER \_\_\_\_\_

**NOTES:**  
THE PROPERTY SHOWN HEREIN IS SUBJECT TO THE TERMS AND PROVISIONS AS DESCRIBED IN THE FOLLOWING RECORDED DOCUMENTS:  
DEED RECORDED ON SEPTEMBER 8, 1977,  
BOOK 879 OF DEEDS, PAGE 549  
NOTICE OF SPECIAL RESTRICTIONS UNDER THE CITY PLANNING CODE RECORDED JUNE 30, 1971,  
BOOK 853 OF OFFICIAL RECORDS, PAGE 548  
INSTRUMENT RECORDED ON DECEMBER 7, 1971,  
BOOK 886 OF OFFICIAL RECORDS, PAGE 11

**SURVEYOR'S STATEMENT**

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF HERENSE HU ON JANUARY 25, 2018. I HEREBY STATE THAT THIS PARCEL MAP SUBSTANTIALLY CONFORMS TO THE APPROVED OR CONDITIONALLY APPROVED TENTATIVE MAP, IF ANY.  
I FURTHER STATE THAT ALL THE MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED AND THAT THE MONUMENTS ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.



FREDERICK T. SEHER, P.L.S.  
LICENSE NO. 8216

DATE: \_\_\_\_\_

**CITY AND COUNTY SURVEYOR'S STATEMENT:**

I HEREBY STATE THAT I HAVE EXAMINED THIS MAP THAT THE SUBDIVISION AS SHOWN IS SUBSTANTIALLY THE SAME AS IT APPEARED ON THE TENTATIVE MAP, AND ANY APPROVED ALTERATIONS THEREOF. THAT ALL PROVISIONS OF THE CALIFORNIA SUBDIVISION MAP ACT AND ANY LOCAL ORDINANCES APPLICABLE AT THE TIME OF THE APPROVAL OF THE TENTATIVE MAP HAVE BEEN COMPLIED WITH, AND THAT I AM SATISFIED THIS MAP IS TECHNICALLY CORRECT.

BRUCE R. STORRS, CITY AND COUNTY SURVEYOR  
CITY AND COUNTY OF SAN FRANCISCO

BY \_\_\_\_\_  
BRUCE R. STORRS, L.S. 8914

DATE: \_\_\_\_\_

PRELIMINARY  
FOR REVIEW PURPOSES  
ONLY

A TWO LOT SUBDIVISION  
BEING A MERGER AND SUBDIVISION OF THAT CERTAIN REAL PROPERTY AS DESCRIBED IN THAT CERTAIN DEED FILED FOR RECORD ON MAY 29, 2009, DOCUMENT NUMBER 2009-0772281-00 OF OFFICIAL RECORDS, ON FILE IN THE OFFICE OF THE RECORDER OF THE CITY AND COUNTY OF SAN FRANCISCO, CALIFORNIA,  
ALSO BEING A PORTION OF 50 YV494 BLOCK NO. 289  
CITY AND COUNTY OF SAN FRANCISCO

DATE: \_\_\_\_\_ NOVEMBER, 2016  
CALIFORNIA



Frederick T. Seher & Associates, Inc.  
PROFESSIONAL LAND SURVEYORS  
481 LOMBARD STREET, SAN FRANCISCO, CA 94133  
PHONE (415) 921-7860 FAX (415) 921-7656

USE FORMAT: APN ###-###-##

ABE 0025-024 888 NORTH POINT STREET

SHEET ONE OF TWO SHEETS

MARK CORNER  
1.0' UP

ASSESSOR'S  
BLOCK 0405

BEACH STREET  
68.75' WIDE

CITY MONUMENT LINE

BLOCK 0452

LARKIN STREET  
68.75' WIDE

NORTH POINT STREET  
68.65' WIDE

BAY STREET  
WIDTH VARIES

CITY MONUMENT LINE

BASIS OF SURVEY  
CITY MONUMENT LINE

HYDE STREET  
WIDTH VARIES

ASSESSOR'S  
BLOCK 0024

LARKIN STREET  
68.75' WIDE

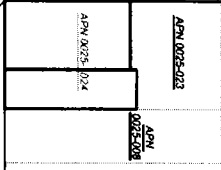
ASSESSOR'S  
BLOCK 0025

NORTH POINT STREET  
68.65' WIDE

DETAIL

NOTE:  
DISTANCES FROM BUILDING  
CORNERS TO PROPERTY LINE WERE  
TAKEN AT 3' UP FROM GROUND.  
BUILDING TRIMS ARE EXCLUDED  
FROM THESE DISTANCES.

AREA OF UNKNOWN  
OWNERSHIP DETAIL  
(NOT TO SCALE)



SEE DETAIL  
REGARDING THE SHADING OF LOT LINES.  
VERIFY AND SHOW RECORD VALUE PER 129 CM 194  
\*\*REQUIRED\*\*

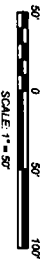
MONUMENT MARKS PER 201 NOT SHOWN ON  
SUBJECT BLOCK WERE SEARCHED FOR, NOT FOUND

PLEASE REVIEW, ADD TO  
REFERENCES, AND SHOW STATUS,  
LOCATION, AND TIES TO SET  
MONUMENTS PER THE FOLLOWING:

- 29 PM 117
- 37 CM 89
- 41 CM 133
- 44 CM 168
- 83 CM 18
- 125 CM 194

NOTE: IT IS SUGGESTED TO AT A  
MINIMUM SHOW DISTANCES PER  
THESE MARKS FROM THE SUBJECT  
MONUMENT LINES

### MONUMENT LINE AND BOUNDARY CONTROL



1. GRAN DEED RECORDED MAY 29, 2008, DOCUMENT NUMBER 2008-077291-00, FRANCISCO
2. MONUMENT MAP NO. 014, ON FILE IN THE OFFICE OF THE CITY AND COUNTY SURVEYOR
3. BLOCK DIAGRAM OF 90 VARA BLOCK 289, DATED LINE 21, 1998, ON FILE IN THE OFFICE OF THE CITY AND COUNTY SURVEYOR
4. BLOCK 88 OF CONDOMINIUM MAPS, AT PAGES 44-51, RECORDED SEPTEMBER 15, 2004 IN THE OFFICE OF THE RECORDER OF THE CITY AND COUNTY OF SAN FRANCISCO
5. BLOCK 81 OF CONDOMINIUM MAPS, AT PAGES 106-108, RECORDED JULY 22, 2003 IN THE OFFICE OF THE RECORDER OF THE CITY AND COUNTY OF SAN FRANCISCO

- LEGEND
- SET BRASS NAIL & TAG (B.N.T.) 0.218 IN CURB
  - FOUND BRASS NAIL & TAG (B.N.T.) PER REFERENCE (S.F.N.F.)
  - SEARCHED FOR NOT FOUND, PER REFERENCE (S.F.N.F.)
  - ( ) INDICATES RECORD DATA IN DISCREPANCY WITH MEASUREMENT, PER REFERENCE
  - N.F. NOW OR FORMERLY
  - CITY MONUMENT SEARCHED FOR, NOT FOUND (S.F.N.F.)
  - CLEAR OF PROPERTY LINE
  - MONUMENT VALUE PER CITY AND COUNTY OF SAN FRANCISCO DATABASE
  - P.O.B. POINT OF BEGINNING

### ASSESSOR'S PARCEL NUMBER (APN) NOTE:

THE PROPOSED ASSESSOR'S PARCEL NUMBERS (APN) SHOWN HEREON ARE FOR INFORMATIONAL USE ONLY AND SHOULD NOT BE RELIED UPON FOR ANY OTHER PURPOSE. PROVIDE A TABLE HERE TO LIST THOSE PARCEL "B" AND PARCEL "C".

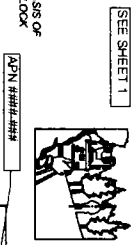
- BOUNDARY NOTES:
1. ALL ANGLES ARE 90° UNLESS OTHERWISE NOTED.
  2. ALL DISTANCES SHOWN HEREON ARE MEASURED UNLESS SHOWN OTHERWISE.
  3. ALL DISTANCES ARE MEASURED IN FEET AND DECIMALS THEREOF.

BEING A MERGER AND SUBDIVISION OF THAT CERTAIN REAL PROPERTY AS DESCRIBED IN THAT CERTAIN DEED FILED FOR RECORD ON MAY 29, 2008, DOCUMENT NUMBER 2008-077291-00 OF OFFICIAL RECORDS, ON FILE IN THE OFFICE OF THE RECORDER OF THE CITY AND COUNTY OF SAN FRANCISCO, CALIFORNIA.

ALSO BEING A PORTION OF 90 VARA BLOCK NO. 289  
CITY AND COUNTY OF SAN FRANCISCO  
SCALE AS NOTED

### PRELIMINARY FOR REVIEW PURPOSES PARCEL MAP NO. 8956 ONLY

#### A TWO LOT SUBDIVISION



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APN 888181488

APN 0025-024 888 NORTH POINT STREET

CALIFORNIA  
NOVEMBER, 2016