



SAN FRANCISCO PLANNING DEPARTMENT

Letter of Determination

August 5, 2016

Marc Lindsell
2M Architecture
501 Cortland Avenue
San Francisco, CA 94110

Site Address:	23-25 Castro Street
Assessor's Block/Lot:	1260/019
Zoning District:	RH-3 (Residential, House, Three-Family), 40-X
Staff Contact:	Laura Ajello, (415) 575-9142 laura.ajello@sfgov.org
Record Number:	2016-009343ZAD

Dear Mr. Lindsell:

This letter is in response to your request for a Letter of Determination regarding the property at 23-25 Castro Street. The subject property is located within and RH-3 (Residential, House, Three-Family) Zoning District and 40-X Height and Bulk District. The inquiry has two parts: 1) determining the front property line; and 2) whether there is a front setback requirement. The subject parcel is located at the corner of Castro Street and Duboce Avenue and is triangular-shaped with street frontage on Castro Street only.

Planning Code Section 130 sets forth the standards for determining the location of yards and setbacks, including the location of the front property line. Given that the subject property only has frontage along Castro Street, this property line shall be considered as the "front property line" for the purposes of the Planning Code. This determination is supported by a 1961 rear yard variance approval for the subject property (Case Number VZ61.2), which refers to the southernmost sliver of the property (used as a driveway) as a side yard.

Planning Code Section 132(a) states that "where one or both of the buildings adjacent to the subject property have front setbacks along a street or alley, any building or addition constructed, reconstructed or relocated on the subject property shall be set back to the average of the two adjacent front setbacks. If only one of the adjacent buildings has a front setback, or if there is only one adjacent building, then the required setback for the subject property shall be equal to one-half the front setback of such adjacent building. In any case in which the lot constituting the subject property is separated from the lot containing the nearest building by an undeveloped lot or lots for a distance of 50 feet or less parallel to the street or alley, such nearest building shall be deemed to be an 'adjacent building,' but a building on a lot so separated for a greater distance shall not be deemed to be an 'adjacent building.'"

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The subject property is abutted by one property to the east (724-726 Duboce Avenue) with street frontage on Duboce Avenue only and one property to the north (15 Castro Street) with street frontage along Castro and Lloyd Streets. While the adjacent property at 15 Castro Street has its address and entrance along Castro Street, its development pattern is most consistent with that of a development that has a frontage on Lloyd Street (which would provide for a Code-complying rear yard on the subject lot). Given this fact, the adjacent property at 15 Castro Street shall not be included in calculating the front setback requirement for the subject property. Given these facts, the subject property does not have any adjacent properties for purposes of the front setback calculation; therefore, the subject property does not have a front setback requirement.

Please note that updated Accessory Dwelling Unit (ADU) legislation was recently passed by the Board of Supervisors and is expected to become effective Citywide in September 2016.

Please note that a Letter of Determination is a determination regarding the classification of uses and interpretation and applicability of the provisions of the Planning Code. This Letter of Determination is not a permit to commence any work or change occupancy. Permits from appropriate Departments must be secured before work is started or occupancy is changed.

APPEAL: If you believe this determination represents an error in interpretation of the Planning Code or abuse in discretion by the Zoning Administrator, an appeal may be filed with the Board of Appeals within 15 days of the date of this letter. For information regarding the appeals process, please contact the Board of Appeals located at 1650 Mission Street, Room 304, San Francisco, or call (415) 575-6880.

Sincerely,



Scott F. Sanchez
Zoning Administrator

cc: Property Owner
Neighborhood Groups
Laura Ajello, Planner



R# 2016 - 009343ZAD
CK # 1003 \$ 645. -
D. LINDSAY (NW)

MEMORANDUM

Project: 23 - 25 Castro Street, S.F.
Date: June 29, 2016
TO: Scott Sanchez, Zoning Administrator, San Francisco Planning Department
RE: Requesting a "Letter of Determination"

Dear Mr. Sanchez,

(1260/019)

I am writing on behalf of my client, Peter Schaff regarding his property on 23-25 Castro Street. We are requesting you to review the site conditions and attached materials and prepare a "Letter of Determination" regarding the front yard setback for the property.

The property is a triangular shaped corner lot with Castro Street to the west and Duboce Street to the south. The property area is 1582 square feet in an RH-3 zoning district. The lot was originally developed with a 3 story structure, with 2 residential flats over a garage/utility level and has undergone only minimal interior changes since it was built.

The new owner of the building is proposing to "legalize" an existing roof deck (installed without benefit of a permit) and to remove the current garage and provide a new one-bedroom rental unit under the ADU ordinance. This new unit would have a small "infill" addition beneath an existing cantilever of the residences above. We reviewed our proposal with staff at the PIC but due to the unusual layout of the building and site, they were not able to determine with certainty where, if any, the front yard setback would be.

Question

Is the front setback at the front lot line for this property?

- Section 132(a) stipulates that the front yard setback for a subject property shall be the average of the adjacent neighbors. The adjacent neighbor to the north at 15 Castro Street is setback 1.3 feet and there is no adjacent neighbor on Castro street to the south. (The neighboring building fronts onto Duboce). Across the intersection on Duboce Street to the south is Davies Medical Center, which breaks the residential pattern envisioned by Section 132. Using the method of regular method of averaging, this suggests that that the front setback would be only 7 inches.
- Section 132(a) also refers to a 50-foot distance for purposes of establishing context adjacency. Since the house to the north is greater than 50 away and there is



effectively no neighbor to the south, the context would suggest that there the front setback could be zero.

- At the ground floor, the existing building has several offsets and angles that conform the perimeter to the property line. *See attached Site Plan, 1/A-1.1.* On the 2 floors above, the floor plans are more "regular", with overhangs above the ground floor that are similar to the obstructions (like bay windows) described in Section 136. This would suggest that the building was constructed without a front setback.

If there are any additional materials that we can furnish to assist in your review, or questions we can answer, we will be happy to do so.

Respectfully,

A handwritten signature in black ink that reads 'Marc A. Lindsell'. The signature is fluid and cursive, with a large loop at the end.

Marc A. Lindsell, Architect
LEED AP

Google Maps Castro St



Image capture: Jun 2016 © 2016 Google

San Francisco, California
Street View - Jun 2016

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DEPARTMENT OF CITY PLANNING

Date of This Letter February 6, 1961

Mr. Eugene Vignati
4545 Mission Street
San Francisco
California

Decision Becomes Effective February 17, 1961

RE: VZ61.2 Lot 19 Block 1260
at Castro St. N/E corner Duboce Ave.
Zoning District R-3

Dear Mr. Vignati:

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: to permit construction of a 4-unit dwelling on northerly portion of said lot, beginning 58.5 feet north of Duboce Avenue and extending the full depth (ranging from 14 feet to 28½ feet) of that portion of the lot, thus leaving no rear yard where one cf 15 feet is required, which application was considered by the Zoning Administrator at a public hearing on January 25, 1961, has been decided as follows:

DENIED for the 4-unit plan filed with said application; GRANTED for the 2-unit plan submitted by letter dated November 17, 1960.

As directed by Charter and Section 302(d) of the Planning Code, the findings upon which this decision is based are set forth below with regard to the five conditions of Section 302(d), each of which conditions must be met if a variance is to be granted:

- 1 That there are exceptional or extraordinary circumstances or conditions 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: Condition met because the awkward, triangular shape of the lot justifies a rear yard variance for a reasonable improvement such as the 2-unit plan indicates.
- 2 That owing to such exceptional or extraordinary circumstances the literal enforcement of specified provisions of the Code would result in practical difficulty or unnecessary hardship: Condition met because provision of a 15 foot yard along either of the lot's interior lines would distort the room lay-out of the units.
- 3 That the variance is necessary for the preservation of a substantial property right of the petitioner, possessed by other property in the same class of district: Condition met to the extent of the 2-unit plan for the foregoing reasons, but not met for the 4-unit plan because of the reasons set forth below.
- 4 That the granting of the variance will not be materially detrimental to the public welfare or materially injurious to the property or improvements in the vicinity: Condition met for a 2-unit plan as indicated in the letter of November 17, 1960, with its 69 foot setback from Duboce Avenue and use of that "sliver" side yard for both driveway and landscaped area; condition not met for the 4-unit plan, with its density and coverage well in excess of that on neighboring lots, its lack of any open space other than driveway, its greater shading impact upon the yard of the dwelling to the east, and its less satisfactory arrangement for backing cars out into the traffic flow along Castro Street.
- 5 That the granting of such variance will be in harmony with the general purpose and intent of this Code and will not adversely affect the Master Plan; Condition met because the 2-unit plan, as contrasted with the 4-unit plan, would conform to the area's designation as a medium-density residential one on the City-Wide Land Use Plan and its designation as an area suitable for redevelopment on the Urban Renewal Plan.

This decision will be effective on the eleventh (11th) day following the date of this letter unless an appeal therefrom has been filed within ten (10) days of the date of this letter as provided in Section 303 of the Planning Code.

Very truly yours,

Clyde O. Fisher, Jr.
Zoning Administrator

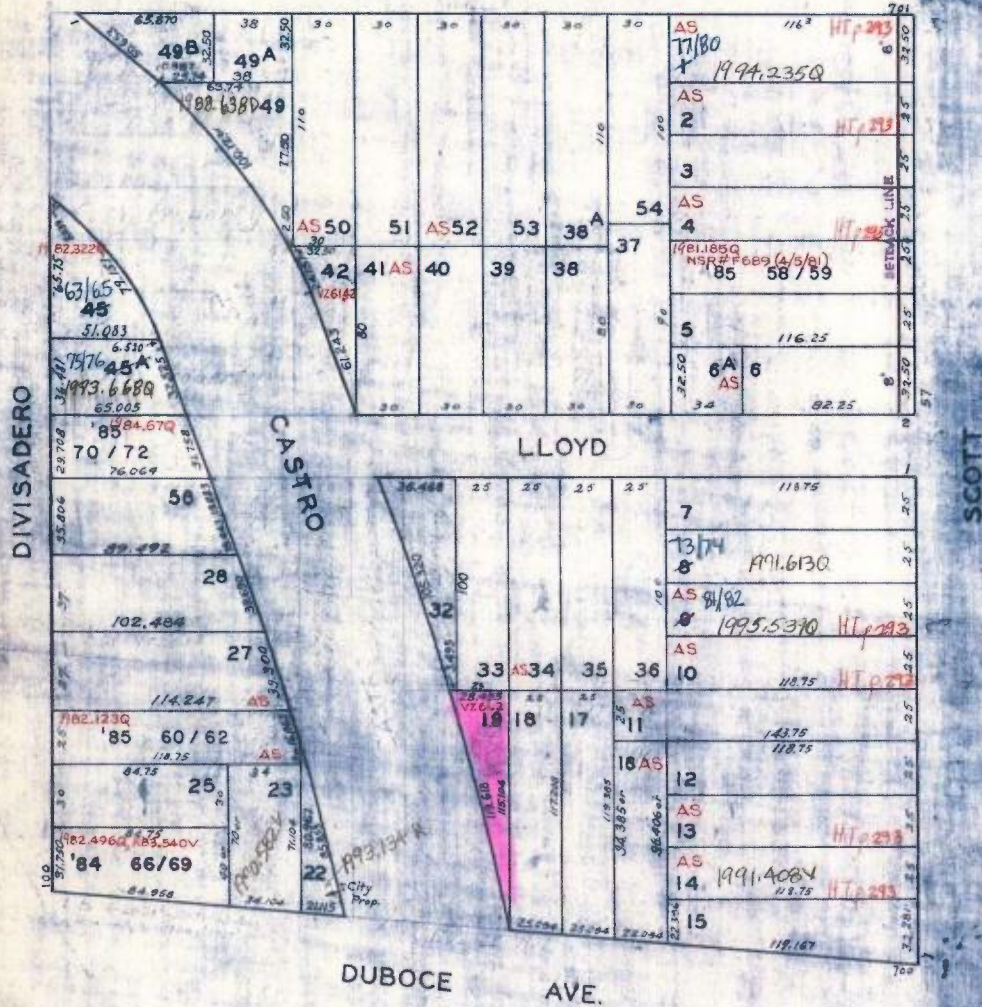
LOTS MERGED
 LOTS 20, 21, 28, 30, 31, 43, 44, 46/48 OMITTED - 1938

REVISED '58
 " '61
 " '84
 " '85

RH-3
 40-X



WALLER



148 DIVISADERO ST
A CONDOMINIUM

LOT NO.	UNIT NO.	% COMMON AREA
70	A	34.414
72	B	33.265
72	C	32.321

102-106 DIVISADERO ST.

A CONDOMINIUM

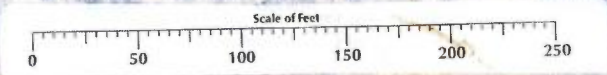
LOT NO.	UNIT NO.	% COMMON AREA
66	102	27.47
67	104	28.63
68	106	20.17
69	760	23.73

69-71 SCOTT ST.
A CONDOMINIUM

LOT NO.	UNIT NO.	% COMMON AREA
58	101	57.91
59	201	42.09

116 - 120 - 122 DIVISADERO ST.
A CONDOMINIUM

LOT NO.	UNIT NO.	% COMMON AREA
60	101	46.17
61	201	27.06
62	301	26.77



Google Maps 23 Castro St



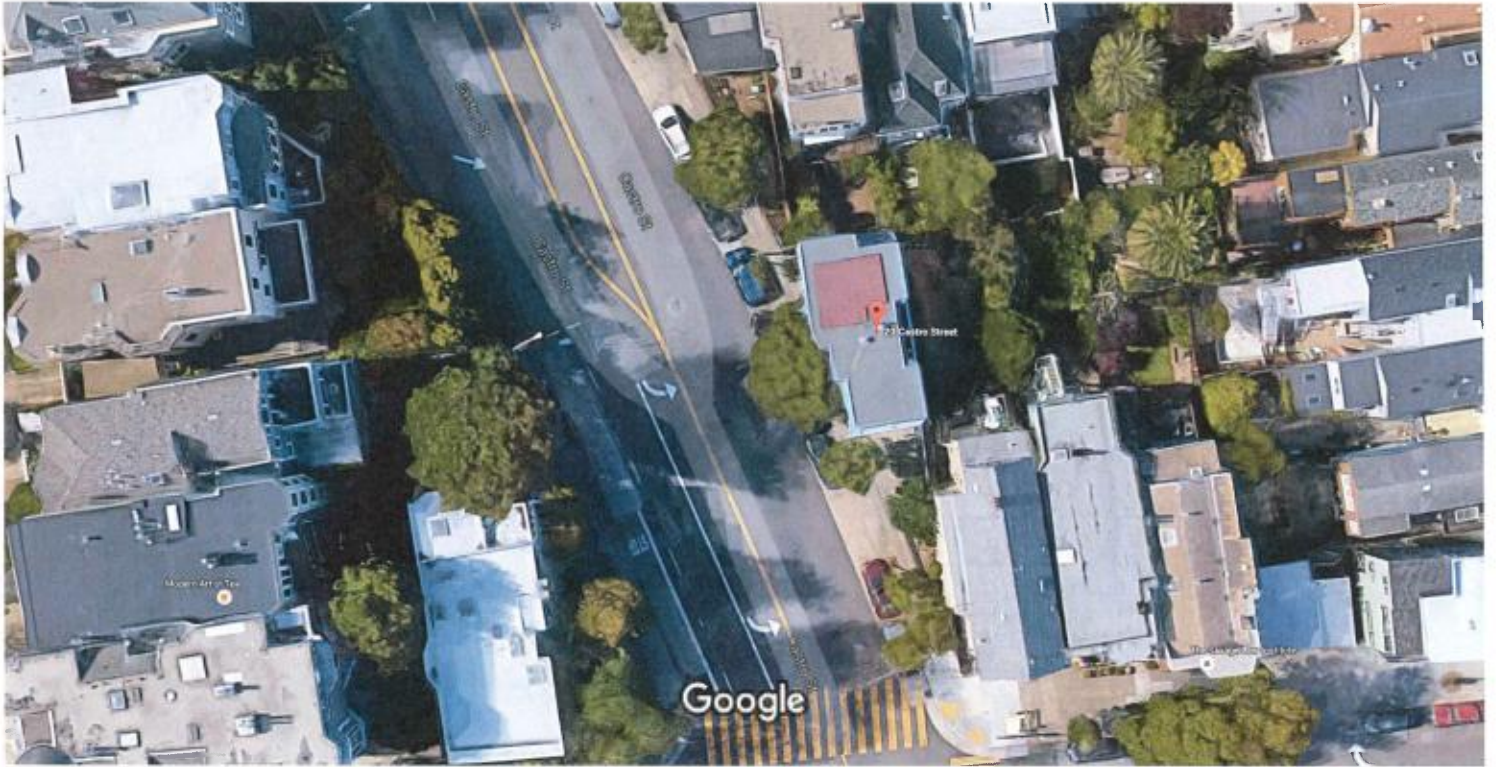
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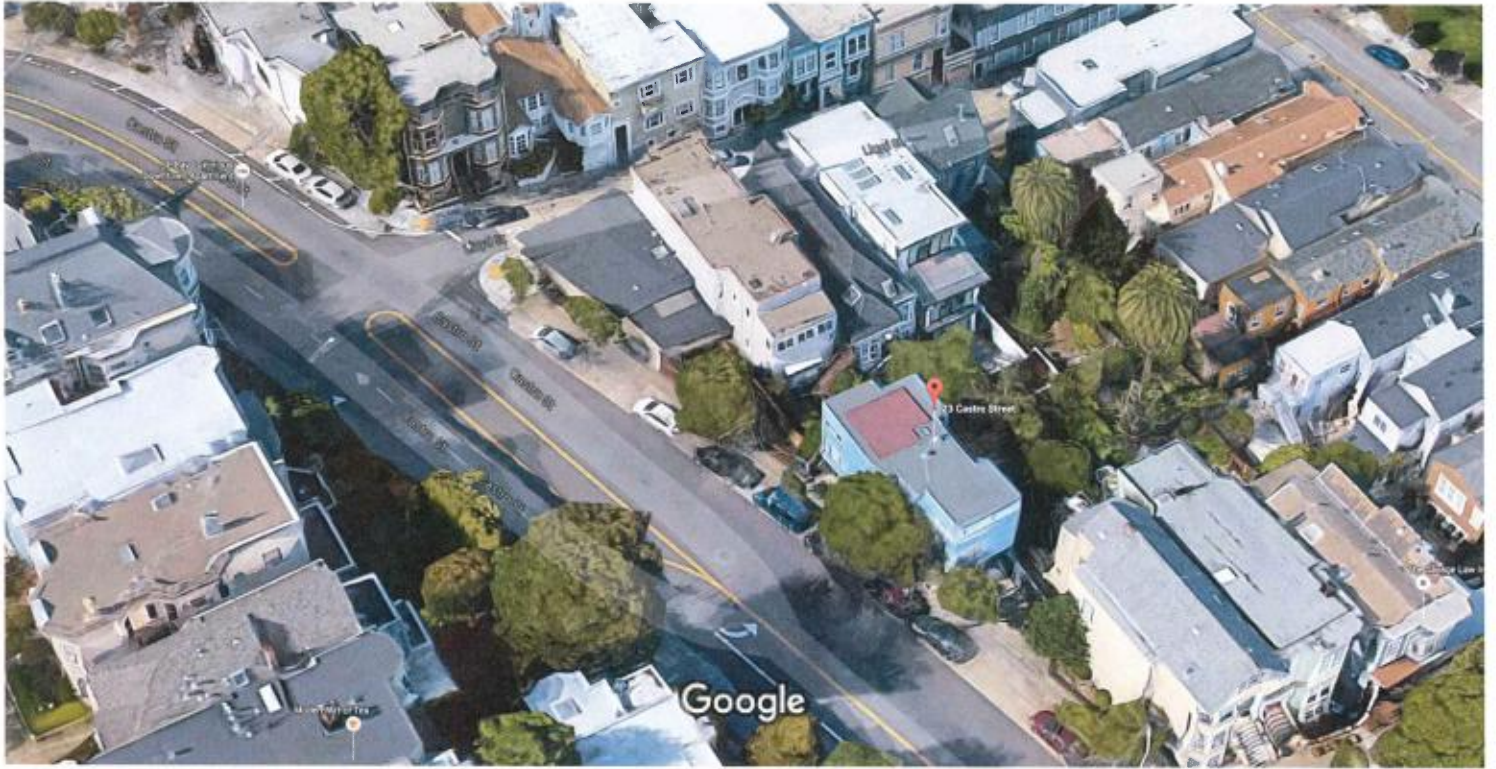
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