



SAN FRANCISCO PLANNING DEPARTMENT

Revised Letter of Determination

July 27, 2017

Troy Kashanipour
2325 3rd Street Suite 401
San Francisco, CA 94107

Site Address:	306 Shotwell Street
Assessor's Block/Lots:	3574/052
Zoning District:	RH-3 Zoning District 40-X Height & Bulk District
Staff Contact:	Daniel Sirois, (415) 575-8714 or daniel.sirois@sfgov.org
Record No.:	2017-006661ZAD

Dear Mr. Kashanipour:

This is in response to your request for a Letter of Determination regarding the property at 306 Shotwell Street. The subject property is located within the RH-3 Zoning District and 40-X Height and Bulk District. You seek clarification regarding the combined application of the rear yard averaging in an irregular manner under Planning Code Section 134(c)(2) and the two-story 12-foot permitted obstruction under Section 136(c)(25).

Consistent with a previous interpretation dated March 1986, when the rear yard is defined along an articulated or slanted line achieved pursuant to the alternative averaging method of Section 134(c)(2), the deck or extension allowed by Section 136(c)(25) would be permitted to extend beyond such line directly toward the rear property line only. It would not be permitted to extend more than 12 feet beyond any part of this line nor to extend laterally. Further, the extension may not be located within the last 25 percent of the lot (or 15 feet, whichever is greater) or within the 5-foot setbacks required for the two-story, 12-foot permitted obstruction. It should be noted that a previous interpretation dated May 1996 only allowed the alternative method of averaging in cases where the deeper adjacent wall is blank and constructed to within 4 feet of the common property line in consideration of the Residential Design Guidelines. Compliance with the Residential Design Guidelines is reviewed on a case-by-case basis and the specifics of the site and context may (or may not) allow for use of the alternative method of averaging in different cases.

In regards to the specific proposal accompanying your request, it is noted that the combined application of these provisions does not allow buildable area within the last 25 percent of the lot or 15 feet (whichever is greater) or within the 5-foot side setbacks required for the two-story, 12-foot permitted obstruction allowed under Section 136(c)(25).

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306 Shotwell Street

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
Daniel Sirois, Planner

R# 2017-006661 ZAD

To: Zoning Administrator Scott Sanchez
1650 Mission Street, Suite 400
San Francisco CA 94103

CK # 1098 \$ 664. -
R. SUCRE (SE)

May 25, 2017

Subject: Letter of Determination, 306 Shotwell – Rear Yard Setback
Address: 306 Shotwell Street
Block/Lot: 3574/052
Zoning: RH-3
Attachments: Site Plan Exhibit A, Sheets: A0.1, A1.0, A3.1, A3.2, A3.4

Dear Mr. Sanchez,

We wish to clarify the rear yard requirements as it relates to averaging and section 136 exceptions.

Background:

Planning Code Section 134 permits the averaging of adjacent buildings' rear walls in RH-3 Districts to establish the required rear yard on the subject property. If an adjacent noncomplying building does not have residential occupancy, its rear wall is not counted for the purposes of averaging. Instead the adjacent lot is considered to have a building on it covering the front 75 percent of the lot per Section 134(c)(3) for vacant lots.

At 306 Shotwell, the adjacent neighbor to the north is a commercial building (PDR zoning) which extends to the rear of the lot. The other neighbor to the south is a residential occupancy with RH-3 zoning.

Rear Yard Setback and Averaging:

Planning Code section 134(c)(2) permits averaging in an irregular manner when against a neighboring building's blank wall.

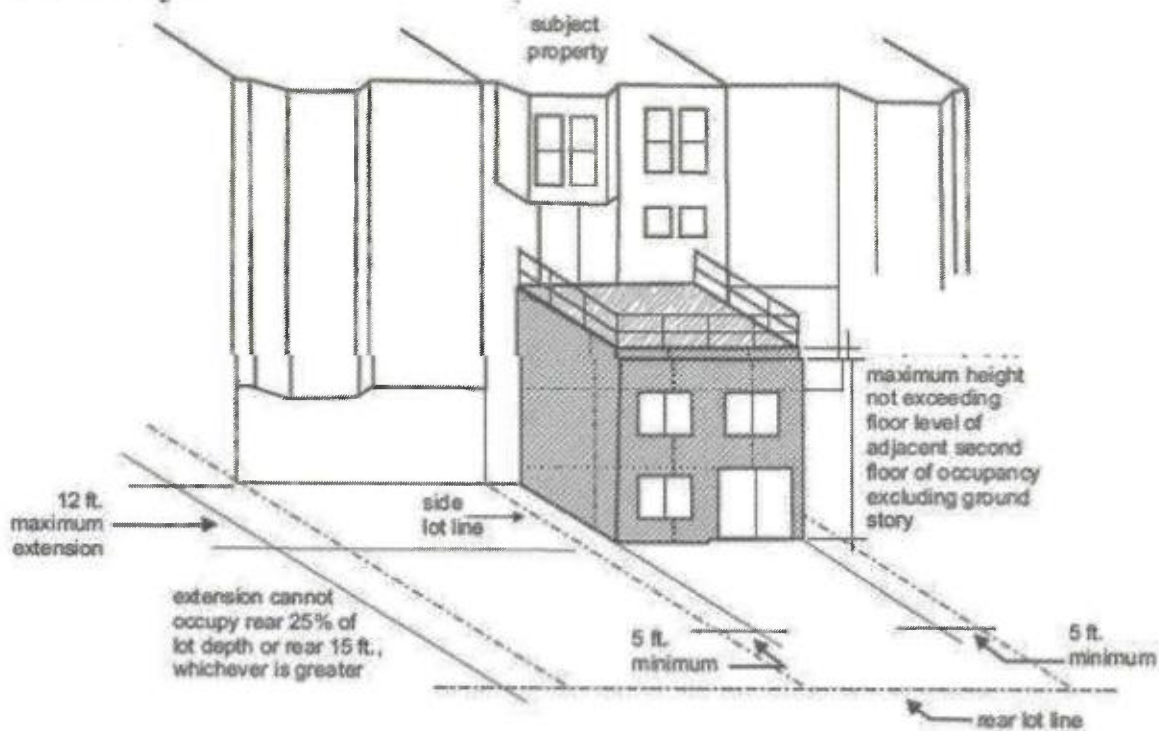
(2) Alternative Method of Averaging. If, under the rule stated in Paragraph (c)(1) above, a reduction in the required rear yard is permitted, the reduction may alternatively be averaged in an irregular manner; provided that the area of the resulting reduction shall be no more than the product of the width of the subject lot along the line established by Paragraph (c)(1) above times the reduction in depth of rear yard permitted by Paragraph (c)(1); and provided further that all portions of the open area on the part of the lot to which the rear yard reduction applies shall be directly exposed laterally to the open area behind the adjacent building having the lesser depth of its rear building wall.

Please confirm that the rear yard averaging line as shown on A0.1 is acceptable per Section 134(c)(2).

Permitted Obstructions in required setbacks:

Per Section 136(c)(25) an extension no higher than the 2nd story above grade is permitted into the required rear yard. Per 136(c)(25)(ii) . The 12' extension, 2-stories must *be no closer than 5' from the interior side property line.*

(ii) A height not exceeding the floor level of the second floor of occupancy, excluding the ground story, at the rear of the building on the subject property, in which case the structure shall be no closer than five feet to any interior side lot line.



Please advise if the projection shown, no closer than 5' from the property line, conforms the requirement of section 136(c)(25).

Typically the code does not permit the 12' extension if some other portion of the building exists in a non-conforming manner in the rear yard. In this case it is our understanding that the rear wall is in conformance by averaging and that the pop-out conforms as it is set 5' from each of the side property lines.

The intent of the 5' setback is to provide relief to an adjacent property. Enforcement of a clear space on the side of the pop-out, in the buildable area permitted by stepped averaging, would provide no appreciable public benefit as this is against an entirely blank wall of the adjacent property. I believe our proposal is within the intent and letter of the code.

We look forward to your determination if we have correctly evaluated the code in regard to sections 134 and 136.

Best regards,

Troy Kashanipour, Architect

LOT WIDTH: 24'-0"

LOT DEPTH: 122'-6"

25% OF LOT DEPTH: 30'-7 5/8"

AREA OF EXTENSION PER 136(C)(25) EXTENSION NOT PERMITTED WITHIN LAST 25% OF LOT, SHOWN WITH CLOUD

(N) STAIR FROM YARD TO 2ND STORY

SETBACK: STEPPED AVERAGING PER 134

AREA OF ALLOWABLE EXTENSION PER 136(C)(25) WITH 5' SIDE SETBACKS PER (B)(ii), SHOWN SHADED IN RED

EXTENSION PER 136(C)(25) WITH 5' SIDE SETBACKS PER (B)(ii)

5'-0"

12'-0"

9'-0"

3'-8"

PATIO OVER 1ST LEVEL

DECK (2 STORY)

(E) ROOF

35'-2 1/2"

75% LOT DEP

(N) STAIR FROM 3 TO 2

FIREWALL EXTENSION: 19'-8 1/2"

308 SHOTWELL STREET

THREE STORY DWELLING

306 SHOTWELL STREET

THREE STORY DWELLING

304 SHOTWELL STREET

THREE STORY BUILDING

