Letter of Determination

March 15, 2016

Robert Edmonds
Edmonds + Lee Architects
2601 Mission Street, #503
San Francisco CA 94110

Site Address: 165 Page Street
Assessor's Block/Lot: 0853/015
Zoning District: Moderate Scale Neighborhood Commercial Transit (NCT-3)

Site Address: Central Freeway Parcel T
Assessor's Block/Lot: 0853/022
Zoning District: Hayes Gough Neighborhood Commercial Transit (NCT)

Staff Contact: Carly Grob, (415) 575-9138 or carly.grob@sfgov.org
Record No.: 2016-002104ZAD

Dear Mr. Edmonds:

This letter is in response to your request for a Letter of Determination regarding 165 Page Street and Central Freeway Parcel T. 165 Page Street is located in the Moderate Scale Neighborhood Commercial Transit (NCT-3) Zoning District and 50-X Height and Bulk District. Parcel T is located in the Hayes-Gough Neighborhood Commercial Transit (NCT) Zoning District and 50-X Height and Bulk District. The request is to determine if a rear yard setback is required for a proposed development which would occupy both parcels.

Per Planning Code Section 134(a)(1), the typical minimum rear yard depth in Neighborhood Commercial (NC) Zoning Districts shall be equal to 25% of total lot depth on which the building is situated, and in no cases less than 15 feet. Section 134(a)(1)(C) states that in NCT-3 and Hayes-Gough NCT Districts, rear yards shall be provided at the lowest level containing a dwelling unit. This section also states that in the Hayes-Gough NCT, lots fronting the east side of Octavia Boulevard between Linden and Market Streets (Central Freeway Parcels L, M, N, R, S, T, U, and V) are not required to provide rear yards at any level of the building, provided that the project fully meets the usable open space requirement for Dwelling Units per Planning Code Section 135, the exposure requirements of Section 140, and gives adequate architectural consideration to the light and air needs of adjacent buildings given the constraints of the project site.

A proposed project which only occupied Parcel T would not be required to provide a rear yard setback provided that the other criteria of Section 134(a)(1)(C) are met. However, merging the subject lots would

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not change the requirements of the underlying Zoning Districts. The rear yard exemption in Section 134(a)(1)(C) applies only to certain Central Freeway parcels along Octavia Boulevard which are located within the Hayes-Gough NCT. The property at 165 Page Street is located within the NCT-3 District, in which a rear yard is required. Therefore, a rear yard setback would be required at the lowest level containing a dwelling unit on the portion of the property that is located within the NCT-3 District.

It should be noted that Section 134(e)(1) allows the Zoning Administrator to modify or waive the rear yard requirement in NC Districts pursuant to the procedures which are applicable to variances if all of the following criteria are met:

1. Residential uses are included in the new or expanding development and a comparable amount of usable open space is provided elsewhere on the lot or within the development where it is more accessible to the residents of the development; and

2. The proposed new or expanding structure will not significantly impede the access of light and air and views from adjacent properties; and

3. The proposed new or expanding structure will not adversely affect the interior block open space formed by the rear yards of adjacent properties.

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: Kate Conner, Planner
    Property Owner
    Neighborhood Groups
    BBN Requestor (if any)
Mr. Scott Sanchez, Zoning Administrator
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103

RE: Rear Yard Requirements for Parcel T & 165 Page Street

February 12, 2016

Dear Mr. Sanchez,

I am writing to request a Letter of Determination for the rear yard requirement for the mixed-use, multi-family residential building being proposed on the Central Freeway Parcel T (0853 / 022) and 165 Page Street (0853 / 015).

In May of 2014 and in response the City and County of San Francisco's Request for Developer Proposal, the joint development team of DDG and DM Development entered into an Exclusive Negotiating Agreement (ENA) to develop Parcel T into a mixed-use, 5-story, 26-residential unit building designed by Edmonds + Lee Architects.

The basis of design of the proposed project was on the assumption that rear yards would not be required on the parcel per San Francisco Zoning Code Section 134 (a)(1)(C) which states:

"...lots fronting the east side of Octavia Boulevard between Linden and Market Streets (Central Freeway Parcels L, M, N, R, S, T, U, and V) are not required to provide rear yards at any level of the building, provided that the project fully meets the usable open space requirement for Dwelling Units per Section 135 of this Code, the exposure requirements of Section 140, and gives adequate architectural consideration to the light and air needs of adjacent buildings given the constraints of the project site."

In recent months, the development team in collaboration with the Mayor's Office has been in negotiations to acquire the directly adjacent parcel at 165 Page Street with the intent of demolishing the existing commercial building and incorporating the 165 Page Street property into the larger Parcel T development project. If combined, we believe there would be a net increase of 14 additional residential units providing 40 total residential units for the combined project.

The development team would therefore like to confirm that there will not be a rear yard requirement for the combined project.

Attached for your reference are supporting documents that illustrate our proposal.

Thank you for your consideration.

Sincerely,

Robert Edmonds
EDMONDS + LEE ARCHITECTS
OCTAVIA BOULEVARD PARCEL T
BLOCK 0853, LOT 022, SAN FRANCISCO, CA 94102

ISSUED FOR PRELIMINARY PROJECT ASSESSMENT (PPA) - SEPTEMBER 12, 2014
GENERAL CONDITIONS

THE CONTRACTOR IS THE AMERICAN INSTITUTE OF ARCHITECTS DOCUMENT ACCORDING TO THE TERMS AND CONDITIONS OF THE GENERAL CONDITIONS, SPECIFICATIONS, DRAWINGS, AND ANY ADDITIONAL DOCUMENTS." THE CONTRACTOR MUST COMPLY WITH THE FOLLOWING GENERAL CONDITIONS:

1. GENERAL CONSTRUCTION DRAWINGS AND SPECIFICATIONS.

2. DRAWINGS AND SPECIFICATIONS ARE INTENDED TO BE COMPLEMENTARY. ANYTHING SHOWN IN THE DRAWINGS MUST BE CONSIDERED TO BE A REQUIREMENT OF THE CONTRACT. THE CONTRACTOR WILL RECEIVE NECESSARY NUMBER OF COPIES OF EACH OF THE ARCHITECTURAL, ENGINEERING, AND TECHNICAL SPECIFICATIONS.

3. CONTRACTOR SHALL OBTAIN AND PAY FOR ALL REQUIRED PERMITS, INSPECTIONS, ETC. ALL LANDFILL REVENUES AND FEES SHALL BE IN ACCORDANCE WITH THE LOCAL GOVERNMENT.

4. ALL WORK SHALL COMPLY WITH ALL FEDERAL, STATE AND LOCAL CODES AND ORDINANCES, ALL ENVIRONMENTAL REGULATIONS, AND ANY OTHER REQUIREMENTS.

5. ALL CONTRACTORS AND SUBCONTRACTORS SHALL VERIFY ALL EXISTING CONDITIONS AND DIMENSIONS AS THEY ARE ENCOUNTERED. ALL DATA PROVIDED BY THE CONTRACTOR SHALL BE ACCURATE AND COMPLETE.

6. ALL SUBSTANTIATION OF PAYMENT REQUEST: APPLICATION FOR PAYMENT FOR MATERIALS AND EQUIPMENT NOT SHOWN IN THE DRAWINGS OR SPECIFICATIONS.

7. THE CONTRACTOR SHALL PRESENT THE JOB CLEAR OF TRASH AND DEBRIS. CONTRACTOR SHALL PRESENT THE BUILDING TO THE OWNER FOR ACCEPTANCE CLASS AND READY FOR OCCUPANCY. ALL GLASS SECTIONS OF THE SPECIFICATIONS FOR FURTHER INFORMATION ON SAMPLE SUBMITTAL.

8. THE CONTRACTOR SHALL PRESENT THE BUILDING TO THE OWNER FOR ACCEPTANCE CLASS AND READY FOR OCCUPANCY. ALL GLASS SECTIONS OF THE SPECIFICATIONS FOR FURTHER INFORMATION ON SAMPLE SUBMITTAL.

9. THE CONTRACTOR SHALL PRESENT THE BUILDING TO THE OWNER FOR ACCEPTANCE CLASS AND READY FOR OCCUPANCY. ALL GLASS SECTIONS OF THE SPECIFICATIONS FOR FURTHER INFORMATION ON SAMPLE SUBMITTAL.

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18. THE CONTRACTOR SHALL PRESENT THE BUILDING TO THE OWNER FOR ACCEPTANCE CLASS AND READY FOR OCCUPANCY. ALL GLASS SECTIONS OF THE SPECIFICATIONS FOR FURTHER INFORMATION ON SAMPLE SUBMITTAL.
NO. DATE: SUBMISSION:

PROJECT: OCTAVIA BLVD. PARCEL T BLOCK 0853, LOT 022
SAN FRANCISCO, CA 99102

EXISTING SITE PLAN

SCALE: 1" = 1'-0"

DATE: SEPTEMBER 12, 2014

JOB NO. 2014.12

DRAWN: A0.10

ISSUED FOR PPA
NO: DA7E. SUBMISSION.

ISSUED FOR

EDMONDS + LEE
ARCHITECTS, INC.
2601 Mission St., 400A
San Francisco, CA 94110
T 415.285.1300
www.edmondslee.com

WALL LEGEND:

- WALL TO DEMOLISH
- EXIST WALL
- 7'-0" WALL
- 2'-0" WALL

PROJECT:
OCTAVIA BLVD. PARCEL T
SAN FRANCISCO, CA 94102

DRAWING:
FLOOR PLANS
SCALE: 1/8" = 1'-0"
DATE: SEPTEMBER 12, 2014
JOB NO. 2014.12
DRAWN:
REVIEWED:

A1.13