



SAN FRANCISCO PLANNING DEPARTMENT

Letter of Determination

September 9, 2016

Geoff Gibson
Winder Gibson Architects
1898 Mission Street
San Francisco, CA 94103

Site Address:	792 Capp Street
Assessor's Block/Lot:	3637/019B
Zoning District:	RTO-M (Residential Transit Oriented – Mission)
Staff Contact:	Michael Christensen, (415) 575-8742 or michael.christensen@sfgov.org
Record No.:	2016-010313ZAD

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Dear Mr. Gibson,

This letter is in response to your request for a Letter of Determination regarding the property at 792 Capp Street. The subject property is located within the RTO-M (Residential Transit Oriented – Mission) Zoning District and 40-X Height and Bulk District. The request is to determine the method of averaging for the front setback and rear yard of the subject lot.

Planning Code Section 132 generally requires a front setback equal to the average of adjacent properties (but in no case more than 15 feet). Planning Code Section 134 generally requires a rear yard equal to 45% of the lot depth or the average of adjacent neighbors (but in no case less than 25% of lot depth or 15 feet, whichever is greater).

The subject building abuts (to the south) a building on a corner lot (792 Capp Street/3254-3264 23rd Street) which is located within the Mission Street NCT (Neighborhood Commercial Transit) Zoning District. Per Planning Code Sections 132(d)(2) and 134(c)(4)(B), if this building is determined to be 'fronting' on 23rd Street, then it could not be used for averaging purposes to determine the front setback or rear yard of the subject property.

The Zoning Administrator has previously interpreted that where a subject lot is adjacent to a corner lot which has most of its yard area next to the subject lot, then the adjacent building is not fronting the same street as the subject lot and therefore cannot be used for averaging. The subject interpretation relates to Planning Code Section 132(d)(2) (dated April 1987).

In the case of the subject property, the adjacent corner lot (798 Capp Street/3254-3264 23rd Street) has no yard area adjacent to 792 Capp Street. On the west side of the property, opposite of the Capp Street frontage, the structure appears to have no setback on the ground floor but has an upper-story setback (identified as 8'-5" in your request letter). Currently, this property is a non-complying structure, since it does not meet the front or rear yard requirements of the Planning Code. Based upon the rear setback and prevailing frontage, it is determined that the front of this building is Capp Street, and the building can be used for averaging as related to the calculation of front setback requirement. It should be noted that Planning Code Section 134(c)(3) states that when a building is adjacent to a lot located in an NC District,

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such adjoining lot shall, for the purposes of the rear yard calculation, be considered to have an adjacent building upon it whose rear building wall is at a depth equal to 75% of the total depth of the lot.

Therefore, it is determined that:

1. The front setback requirement for 792 Capp Street is the average of the setbacks of 786 Capp Street and 798 Capp Street/3254-3264 23rd Street as calculated in Section 132, and
2. The rear yard requirement for 792 Capp Street is the average of the rear qualifying wall of 786 Capp Street and 75% of the lot depth of 798 Capp Street/3254-3264 23rd Street as calculated in Section 134.

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
Michael Christensen, Planner

R # 2016 - 010313 ZAD
CK # 1001 \$ 645 -
R. SUCRE (SE)

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1898 mission street
san francisco ca 94103

PROJECT : 792 Capp Street

TO : Scott Sanchez, Zoning Administrator, SF Planning Dept
VIA :

DATE : 08.02.16

FROM : Geoff Gibson

Project Address: 792 Capp Street
Intersection: one lot north of Capp Street and 23rd Street
Block 3637, Lot 019B
Zoning: RTO-M
Lot Size: 30'x90', 2700 sf total.

We are writing to request a **Letter of Determination** for the averaging of the front and rear setbacks of the adjacent properties to the subject property. We are investigating the potential for adding additional residential units through a vertical and/or horizontal addition or a complete demolition and new construction.

The subject property is a two level single-family home. The lower level is at grade with the sidewalk and partially underground as the lot slopes slightly up from the front to the rear. The subject property has a 13'-9" front setback and a 16'-1" rear setback.

The adjacent neighbor to the north is 786 Capp Street. It is a two-level single-family home similar to the subject property. It is on a 30'x90' lot, the same as the subject property. 786 Capp Street has a 10'-9" front setback and a 16'-1" rear setback. We are requesting confirmation that the rear façade of 786 Capp Street may be used for averaging.

The adjacent neighbor to the south is the corner building at the northwest corner of Capp Street and 23rd Street. Per the Sanborn Map, it is listed as 798 Capp Street as well as 3254-3264 23rd Street. The primary residential and commercial building addresses are on 23rd street which would conventionally suggest that the south side (23rd) be considered the front and the north side (abutting the subject property) be considered the rear. However, there is no rear setback per se on the north side. The majority of that wall is a blank solid property line wall without windows, as one would typically find as a side wall on a building in San Francisco. (There is an egress stair within a lightwell on that side). Conventionally the front and rear sides of the building are on the shorter lot dimension in San Francisco. Furthermore, there is a setback on the west side of the building. There is a one story commercial space extending to the west property line but the residential floors above are set back 8'-5" from the property line. While the street address is on 23rd Street, we believe the built envelope suggests that the east side (fronting Capp Street) should be considered the front and the west side should be considered the rear for the purposes of averaging in relation to the subject property.

We are requesting that the east wall of 3254 23rd Street be considered the 'front wall' and that the subject

property front setback be established as the average of this wall and the front wall of 786 Capp Street.

We are requesting that the west wall of the residential levels (2nd and 3rd floors) of 3254 23rd Street be considered the 'rear wall' and that the subject property rear setback be established as the average of this wall and the rear wall of 786 Capp Street.

We are seeking to add residential units and density in an RTO-M zoned area. We contend that the setbacks established by the rationale above are consistent with the block pattern and context and will allow a reasonable buildable envelope appropriate for the site.

Thank you for your careful review of this issue. Please let us know if you have any questions or concerns.

Sincerely,
Geoff Gibson