



SAN FRANCISCO PLANNING DEPARTMENT

Letter of Determination

August 10, 2017

David Haun
Zack de Vito Architecture
156 South Park
San Francisco, CA 94107

Site Address:	88 Museum Way/236 States Street
Assessor's Block/Lot:	2620/097
Zoning District:	RH-2 (Residential-House, Two Family)
Staff Contact:	Nancy Tran, (415) 575-9174 or nancy.h.tran@sfgov.org

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Dear Mr. Haun:

This letter is in response to your request for a Letter of Determination regarding the property at 88 Museum Way/236 States Street. The subject parcel is a through lot located between States Street and Museum Way within the RH-2 (Residential-House, Two Family) Zoning District and 40-X Height and Bulk Districts. The request seeks clarification of how potential development on an undeveloped portion of the lot, along Museum Way, may be allowed.

Per Planning Code Section 134(a)(2), a rear yard equal to 45% of its lot depth is required for properties within the RH-2 (Residential-House, Two Family) Zoning District. A Zoning Administrator interpretation (dated 11/86) further clarifies that "frontage (and consequently the rear yard location) is usually chosen on the basis of what will provide a rear yard that most closely conforms to the requirement for the lot." The subject lot is developed with a two unit building fronting States Street with the rear yard extending to Museum Way. In the case of the subject lot, selecting States Street as the frontage with Museum Way as the rear property line provides a rear yard that most closely conforms to the requirements for the lot.

Planning Code Section 134(c)(4)(C), development on through lots may be permitted at both ends of the lot provided that both adjacent lots are developed with residential structures at each end. In the case of the subject lot, while both adjacent lots are through lots, neither lot contains residential structures at each end (both adjacent lots are developed with residential structures on the Museum Way frontage only and rear yards on the States Street frontage).

Planning Code Section 134(c)(4)(B) states that a lot which abuts along both side property lines lots that front on another street or alley are subject to a required rear yard of 25% or 15 feet, whichever is greater. In the case of the subject lot, both adjacent lots front on Museum Way and the subject property fronts along States Street; therefore, the subject property requires a rear yard of 31.25 feet (25% of lot depth).

On January 17, 1978, the Zoning Administrator granted a rear yard variance for the subject property (Case No. VZ77.70) to allow the construction of a garage within the required rear yard (the decision also includes the granting of a lot width variance to legalize the re-subdivision of the subject and adjacent property to the east). The construction of the garage was required as a condition of approval to be performed "as an integral element in the proposed rehabilitation, reconstruction and enlargement of the two-family dwelling known as 236 States Street." It should be noted that the City's review of the project at this time found that the subject building fronting States Street was located within the buildable area of the lot and the proposed garage (fronting Museum Way) was located within the required rear yard.

On August 5, 1981, the Zoning Administrator granted a variance for the subject property (Case No. VZ81.16) to modify the conditions of approval from the 1978 decision to allow the project sponsor to submit a building permit application to construct the two-car garage within 24 months of recordation of the condominium parcel map for the subject property.

On March 28, 1986, Building Permit Application No. 8503733 was issued to allow construction of a garage with entry and storage along the Museum Way frontage of the subject property. This permit was appealed to the Board of Appeals (Appeal No. 86-090), which granted the appeal on April 30, 1986 and conditioned the permit that "the ridge point be lowered to 11 feet with a sidewall height of seven feet." On November 24, 1986, the subject permit expired because no work had been performed and no further extensions could be granted.

As proposed in the plans submitted with the Letter of Determination request (dated July 10, 2017), the two-story over basement accessory structure is sited within the required rear yard and would require a variance, consistent with previous determinations, including the 1978 variance decision. The project also requires neighborhood notification pursuant to Section 311 for new construction and an Environmental Evaluation application as work appears to be located on 20% or more slope and propose up to 8 feet of excavation (to footing). It should be noted that the Property Information Map (PIM) lists the subject property as containing a known historic resource (Larco Building); however, it also lists an address of 214 States Street. This information will be reviewed by the Department's preservation staff to determine its accuracy.

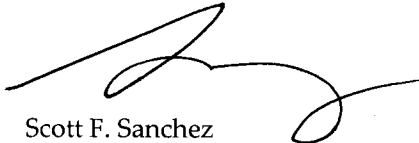
Please note that a Letter of Determination is a determination regarding the classification of uses and interpretation and applicability of the provisions of the Planning Code. This Letter of Determination is not a permit to commence any work or change occupancy. Permits from appropriate Departments must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

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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
Nancy Tran, Planner
Neighborhood Groups