



# SAN FRANCISCO PLANNING DEPARTMENT

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October 4, 2007

A. Gordon Atkinson, AIA  
735A Taraval Street  
San Francisco, CA 94116

Dear Mr. Atkinson,

**RE: Zoning Administrator Letter of Determination for 2330 Bush Street and 1850 Pierce Street- St. Dominic's Priory  
Block: 0658 Lots: 002A and 003  
Zoning: RH-3 (Residential, House, Three Family) District and 40-X Height and Bulk District**

This letter is in response to your letter dated July 27, 2007 regarding a proposed unenclosed, three-story, exterior exit stair and disabled access ramp to be constructed at the rear of the priory. This property is located in an RH-3 (Residential, House, Three Family) District and 40-X Height and Bulk District and the authorized use of the property is a church.

Your specific questions are as follows:

1. For the purposes of future development on this parcel, will the Planning Department consider Lots 2A and 3 as one lot? And, if so, will the Department require any changes in the records or other actions to assure compliance?
2. What are the rear yard requirements for this lot?
3. Would the proposed 3-story stairs and disabled access ramp require 311 notification?

Regarding question 1, Section 102.14 of the Planning Code stipulates that in order to clarify the status of a specific property as a lot under the Code, the Zoning Administrator may require such changes in the Assessor's records, placing of restrictions on the land records, and other actions as may be necessary to assure compliance with this Code. Given that the subject block is owned entirely by one entity and the proposed stair is a relatively minor addition, it is not necessary to merge lots 2A and 3 into one lot in order to construct the new exit stairs. However, the Department would require that a Notice of Special Restrictions be placed on the property that specifies the stairs and access ramps would be removed, or that there would be some modification to the lot line when and if the properties are sold to avoid any ownership conflict.

Regarding question 2, the Planning Code states that where a vacant lot abuts on two or more streets, any street lot line may be elected by the owner as the front lot line for purposes of determining the yard and setback requirements. Because lot 2A is not vacant, the frontage is determined by which frontage that makes the current building the most Code compliant. However, since the building on lot 2A covers most of the lot, choosing the frontage based on this criterion is impractical. Therefore, it is my determination that the property owner can determine the frontage of lot 2A, for the purpose of determining the rear yard. For lot 2A and

1650 Mission St.  
Suite 400  
San Francisco,  
CA 94103-2479

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

lot 3 the rear yards are required to be equal to 45% of the lot depth, unless there is a qualifying rear averaging wall on an adjacent property to reduce the rear yard requirement.

Regarding question 3, a Zoning Administrator Interpretation of Planning Code Section 311 states that unenclosed decks and stairs in RH and RM districts require the notification of neighbors only when:

- (1) They encroach into the required rear yard via Sections 136(c)(25); or when
- (2) Multi-level decks or decks more than 10 feet above grade, are supported by columns or walls other than the building wall to which it is attached; or when
- (3) The deck is more than 10 feet above grade; or when
- (4) The Building Code requires a one-hour wall greater than 10 feet in height for the proposed deck and/or stair.

It is my determination that your proposal would require 311 notification because, at a minimum, the proposed structure would be taller than 10' and presumably be supported by columns or walls other than the building wall to which it is attached. However, without a more specific proposal in the front of me this determination is subject to change.

If anyone believes that this determination represents an error in interpretation of the Planning Code or abuse of 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 1660 Mission Street, Room 3036, San Francisco or call (415) 575-6880.**

If you have any questions regarding this letter please contact Aaron Starr at (415) 558-6362.

Sincerely,

Lawrence B. Badiner,  
Zoning Administrator

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