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October 1, 2007

Carl Street Properties I, LLC
Attn: Dean Rider, M.D.
350 Parnassus Avenue, Suite 900
San Francisco, CA 94115

Re: Letter of Determination
415 Carl Street
Block 1275, Lots 42, 42A, 43, 43A and 44
Zoning: RH-2 (Residential House, Two-Family) District
40-X Height and Bulk District

Dear Dr. Rider:

This letter is in response to three Condominium Conversion Applications which were recently referred to the Planning Department by the Department of Public Works with regard to the conversion of six dwelling units in three buildings to condominiums on Lots 42A, 43 and 43A. For the purpose of this determination, Lots 42 and 44 will also be included.

In 1928, five two-unit apartment buildings were constructed on what were then two lots – Lots 42 and 43. In 1934, Lots 42 and 43 were merged into a single large lot, Lot 44. At some point after December 26, 1946, Lot 44 was subdivided into Lots 42, 42A, 43, 43A and 44, each lot containing one of the two-unit buildings. The lot subdivision was processed without proper Planning Department review and hence, all five lots are substandard with respect to Planning Code requirements. In the past, the Department has typically required a lengthy and expensive Variance process, and all to my knowledge have been approved. However, it is my determination that since the subdivision that resulted in the creation of these five substandard lots was not referred to the Planning Department for review and that at least 45 years have passed since the subdivision was effected, the five lots are considered to be legally nonconforming and no variances are required to be granted to address areas of noncompliance.

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 **Christine Lamorena at (415) 575-9085.**

Sincerely,

Lawrence B. Badiner
Zoning Administrator

CC: David Lindsay, Northwest Team Manager
Christine Lamorena, Planner
Aaron Hollister, Planner
April Alderiso, Zacks, Utrecht & Leadbetter, PC
Docket for Case 2007.0655Q
Docket for Case 2007.0858Q
Docket for Case 2007.0859Q

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