



SAN FRANCISCO PLANNING DEPARTMENT

Letter of Determination

October 30, 2008

Rene Calara, Architect
Huntsman Architectural Group
50 California Street, 7th floor
San Francisco CA 94111

RE: 459 – 495 9th Avenue and 462 – 466 10th Avenue
Block: 1535 Lots: 010B, 016, 028, 029 and 049

Dear Ms. Calara:

This letter is in response to your request for a letter of determination regarding the status of the Conditional Use Authorization for the Zion Lutheran Church School expansion project at 459 – 495 9th Avenue and 462 – 466 10th Avenue. You have also requested a determination that the proposed reduced scope of the project is in general conformance with the Planning Commission's July 15, 2004 approval of Case No. 2003.0735C.

The Planning Commission's approval of Case No. 2003.0735C included Condition of Approval #8, requiring that the project commence within three years of the approval date, which would be July 15, 2007. On April 4, 2007, I granted a six-month extension of the authorization from July 15, 2007 to January 15, 2008 on the basis that review of the building permit application was delayed within the Department of Building Inspection (DBI). On December 20, 2007, I granted a further six-month extension from January 15, 2008 to July 15, 2008, based on information provided indicating that the application was still making its way through the City's review process. On June 4, 2008, following a meeting between David Lindsay of my staff and the project sponsor, in which the project sponsor indicated that the School had decided to reduce the scale of the approved project, I granted a further six-month extension of the Conditional Use authorization from July 15, 2008 to January 15, 2009 to allow for the City's review of the reduced project.

You have now provided to the Planning Department evidence that the addition and alteration of the project's 466 10th Avenue component was approved, constructed and completed (Certificate of Final Completion issued by DBI on August 13, 2007), which I have determined was the triggering of the project's "commencement," as required by Condition of Approval #8. The project may therefore continue its progress without any further extensions of the Conditional Use authorization.

You have also asked for my determination that the reduced scope of the project is in general conformity with the Conditional Use authorization approved by the Planning Commission in 2004.

You indicate that the reduced project scope consists of the construction of a 3-story addition (with possible basement, depending on financial resources) of approximately 10,628 square feet (including

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basement) to the existing school building on 9th Avenue. The two existing dwelling units (459 – 461 9th Avenue) will remain dwelling units and not be demolished. Alterations to 462 10th Avenue, which will convert the building from classroom use to two dwelling units, will go forward following the completion of the addition to the school building. Alterations to 466 10th Avenue have already been completed.

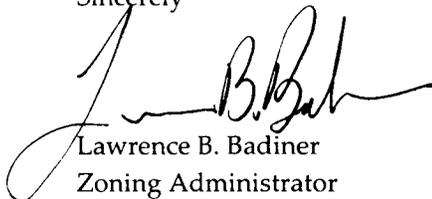
You indicate that with the reduced scope of the project, Zion Lutheran Church School does not plan to increase its student enrollment beyond 255 students nor its number of employees beyond 15 employees.

The reduced addition to the school building will include classrooms, science labs, multi-purpose rooms, restrooms and ancillary spaces. The originally-approved kitchen, offices and rooftop play yard components have been eliminated from the project scope. The reduced scope of the project still includes the addition of 9 weekday and 12 weekend off-street parking spaces within the rear yards of 462 and 466 10th Avenue.

I have reviewed the reduced scope of the project and it is my determination that it is in general conformity with the Conditional Use authorization approved by the Planning Commission as Motion No. 16839 on July 15, 2004.

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 Permit Appeals within 15 days of the date of this letter. For information regarding the appeals process, please contact the Board of Permit Appeals located at 1650 Mission Street, Room 304, San Francisco, or call (415) 575-6880.

Sincerely



Lawrence B. Badiner
Zoning Administrator

cc: David Lindsay, Senior Planner
Tom Hurley, Pastoral Deacon, Zion Lutheran Church, 495 9th Avenue, SF 94118

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