



# PLANNING DEPARTMENT

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March 22, 2007

Toby Long, AIA  
Toby Long Design  
665 Third Street, Suite 400  
San Francisco, CA 94107

**RE: Letter of Determination**  
**Zoning District: RH-1(S)**  
**Address: 86 Stanton Street**  
**Block: 2716; Lots: 014A (vacant lot), 013**  
**Year Built: 1918 (Lot 013)**

Dear Mr. Long:

Planning Department staff has reviewed your letter dated February 05, 2007, requesting a determination on the ability to use a three-car communal parking structure on Lot 014A to meet the parking requirements for Lots 13 and 14A. Both Properties are located in the RH-1(S) (Residential House, with Minor Secondary Unit) Zoning District and 40-X Height and Bulk District.

The property at 86 Stanton Street (Block 2716, Lot 13) is a down-sloping lot located three lots to the east of Yukon Street, and contains an existing nonconforming dwelling at the rear of the property. This dwelling unit is approximately 485 square-feet and contains no off-street parking. Lot 14A is a substandard-sized vacant lot abutting Lot 13, which fronts on Yukon Street, and is owned by the same property owner as Lot 13. These two lots, when viewed together, form a flag lot.

**I have made the following determinations in response to the question outlined in your letter:**

1. Every dwelling-unit in the RH-1(S) Zoning District requires one independently accessible off-street parking space (Section 151). The Planning Code allows up to three spaces as an accessory use where one space is required, or four spaces where two spaces are required (Section 204.5)

Lot 14A is permitted by right to have the proposed one dwelling-unit and three accessory off-street parking spaces.

2. Planning Code Section 159 states that the required off-street parking for one-family and two-family dwellings in R Districts shall be located on the same lot as the dwelling served, or in a community garage as described in Section 209.7(a) of the Code.

An Interpretation of Section 159(a) made by the Zoning Administrator (ZA) in September 1990, however, states that exceptions to the on-site parking rule for one-and two-family dwellings have been made to allow the required parking to be located on abutting lots under certain circumstances. Such circumstances applied to cases where the addition of new parking within the existing dwelling-unit was infeasible, and the existing detached garage was on a portion of the land proposed for a lot split. In order to allow for a lot split while preserving the existing parking and the integrity of the house, the lot split was approved with an easement granting use of the parking stall on the newly-created lot to the existing house.

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The ZA's 1990 Interpretation of Section 159(a) is applicable to your proposal. Due to the lot's steeply-sloping topography and the siting of the existing structure, the addition of on-site parking would be very difficult and costly. By providing the required parking on the adjacent lot, the property owner would be able to bring the existing noncomplying house on Lot 13 into conformity with regard to parking, while adding new dwelling-units to San Francisco's housing stock.

Although a lot merger would circumvent this discussion, it would result in a decrease in the potential number of dwelling-units that could come from this land. Thus, it is my determination that a three-car communal parking structure on Lot 14A can be used to meet the required off-street parking of Lot 13. A Notice of Special Restrictions will be required to record the terms of this parking arrangement against the land records of both lots.

3. Please note that your proposal for the development of Lot 14A and the construction of an additional dwelling-unit at the front of Lot 13 will require review for compliance with the Planning Code, CEQA, and the Residential Design Guidelines. Any changes to the proposed dwelling-unit count or to the number of independent parking spaces discussed in your letter will require both lots to be re-evaluated for compatibility with this determination. Any elimination of a dwelling unit through demolition or merger may require Planning Commission review and approval, and could potentially be denied. Please consult the Planner listed below for more details.

Should you have any questions about the contents of this letter, please contact **Elizabeth Watty** at **(415) 558-6620**. If you believe 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.

Sincerely,

Lawrence B. Badiner  
Zoning Administrator

cc: Elizabeth Watty, City Planner