



# SAN FRANCISCO PLANNING DEPARTMENT

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## Letter of Determination

May 15, 2009

Steven L. Vettel  
Farella Braun and Martel, LLP  
235 Montgomery Street  
San Francisco CA 94104

**RE: 178 Townsend Street (Case No. 2005.0470ACV  
Block: 3788 Lot: 012**

Dear Mr. Vettel:

This letter is in response to your request for a letter of determination regarding the property at 178 Townsend Street. On September 4, 2008 the Planning Commission granted Conditional Use authorization for up to 85 dwelling units in a structure 50-feet in height as part of the existing contributing building to the South End Historic District located at 178 Townsend Street. This approval followed the issuance of a related Certificate of Appropriateness by the Planning Director based on the recommendation of the Landmarks Preservation Advisory Board.

On December 9, 2008, the Board of Supervisors amended the Zoning Map to change the height and bulk of the site and the immediate area to 65-X as part of the Eastern Neighborhoods area plan. The Board of Supervisors also amended the Planning Code to include Section 10 of Appendix I of Article 10 of the Planning Code to address additional guidelines and criteria for additions and new construction within the South End Historic District to balance this increase in height.

Based on the questions enclosed within your letter, it is my determination that as part of a new request for Conditional Use authorization, the Planning Commission has the authority to review and approve, approve with conditions, or disapprove the number of units from 85 to 94 and an increase in height of the building to approximately 62 feet. Under the SLI zoning, up to 1 dwelling unit is permitted for every 200 square feet of lot area (Planning Code Section 817.03). The subject lot is 22,000 square feet in size, such that up to 110 units are permitted. Within the 65-X height/bulk district, structures up to 65-feet are permitted, with no bulk limits. However, the subject building is located within the South End Historic District and this height and bulk is not an as-of-right allowance. The overall footprint and envelope of the proposal shall be determined by evaluating the project's conformance with the Secretary of the Interior's Standards and Article 10 of the Planning Code. Section 10 of Appendix I of Article 10 of the Planning Code outlines specific additional criteria that both the Historic Preservation and Planning Commissions utilize when evaluating any project that proposes an addition to a contributing building within this landmark district.

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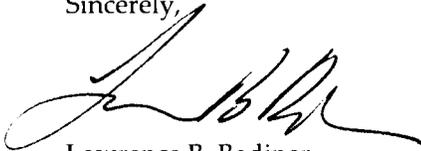
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The Historic Preservation Commission (HPC) has the authority to issue a new Certificate of Appropriateness to approve the modified design provided the design meets the Secretary of the Interior's Standards as well as the standards of Article 10 and Appendix I of the Planning Code. The subject building is not an individually landmarked property and the project requires a Conditional Use authorization from the Planning Commission. Therefore, under Section 4.135 of the Charter, and until the codification of any new processes under a revised Article 10 of the Planning Code, the HPC's decision on the Certificate of Appropriateness may be *modified* by the Planning Commission with a 2/3 vote provided that the Planning Commission applies all applicable historic resources provisions of the Planning Code.

At the discretion of the Zoning Administrator, a new request for variance may be reviewed and approved, approved with conditions, or disapproved based on the revised project.

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,

A handwritten signature in black ink, appearing to read 'L. Badiner', written over a white background.

Lawrence B. Badiner  
Zoning Administrator

cc: Tina Tam, Preservation Coordinator  
Julian Banales, Team Leader, SE Quadrant  
Pilar LaValley, Preservation Planner, SE Quadrant  
Timothy Frye, Preservation Planner, NE Quadrant

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