



SAN FRANCISCO PLANNING DEPARTMENT

August 17, 2007

Amy Tsai
Reuben & Junius LLP
1 Bush Street, Suite 600
San Francisco, CA 94103

**RE: Letter of Determination
4451-4455 Mission Street
Assessor's Block 6013/Lots 022A and 022B**

Dear Ms. Tsai:

I am writing in response to your letter of July 13, 2007. In that letter, you requested a determination regarding application of the inclusionary affordable housing requirements of Planning Code Section 315 to the project at 4451-4455 Mission Street. The subject property is within an NC-3 (Moderate Scale Neighborhood Commercial) District and within the 40-X Height and Bulk District.

Planning Section 315 pertains to housing requirements for residential development projects. The Section details requirements for inclusion of affordable housing units in residential development projects. Planning Code Section 315.3 applies the affordable housing requirement to housing projects of 5 or more dwelling units. Planning Code Section 315.1(18) defines housing project to include all phases or elements in a multi-phase or multiple lot residential development.

On August 30, 2005 Reza Koshnevisan of Sia Consulting Corporation filed three separate building permit applications and three demolition permit applications in sequence with the Department of Building Inspection for property at 4441, 4447, and 4451 Mission Street. The same architect designed all the proposed buildings. In addition, development of all the property was included and referenced on each of the separate building permit applications.

On November 23, 2005 Reza Koshnevisan of Sia Consulting Corporation filed an application for environmental review with the Planning Department (Department). One application was filed and one case file was opened by the Department for construction on all three parcels, referencing all three of the Building Permit Applications (case number 2005.1095E). The description of the project reads, "The project would involve the demolition and new construction on three consecutive parcels for three buildings consisting of residential over commercial, 32,717-sf in total." A categorical exemption for the project was issued on April 16 2007.

On September 7, 2006 Reza Koshnevisan of Sia Consulting Corporation filed an application for Conditional Use authorization for the same three buildings on the same property. That application was subsequently withdrawn when the owner of the middle parcel, 4447 Mission Street, withdrew from the project because of concerns that the

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existing building on that property was a historic resource and the total number of dwelling units in the project was reduced from 15 to 12.

The development of the three parcels was considered one project by the Department at that time because the subject property consisted of multiple contiguous lots; the development of the property was designed by the same architect; the permit applications were filed sequentially with the development of all the property included and referenced on each of the separate building permit applications; all the property was included as one project on the applications for environmental review and conditional use authorization filed with the Department.

Although the owner of the middle parcel removed that property from the project because of historic preservation concerns the applicant continued to pursue development of the remaining property in the project. Subsequently Mr. and Mrs. Tahbazof sold their interest in the property at 4451 Mission Street.

In light of the facts presented above I find that the applications for development of the property at 4441 Mission Street and 4451 Mission Street continue to comprise a single housing project as defined in planning Code Section 315.1 and, as such, are subject to the inclusionary housing requirements of the Planning Code. I further determine that under Planning Code Section 315 the project is required to provide a minimum of one inclusionary housing unit. The inclusionary unit may be provided at either property, 4441 or 4451 Mission Street.

If anyone has substantial reason to believe that there was an error in interpretation of the provisions of the Planning Code, or abuse of discretion on the part of the Zoning Administrator, they may file an appeal with the Board of Appeals (1660 Mission Street, Room 3036 telephone: 575-6880) within fifteen (15) days of the date of this letter.

I hope this letter adequately addresses the questions in your letter. If you have any questions regarding this determination, please feel free to contact Rick Crawford of my staff, (415) 558-6358.

Sincerely,

Lawrence B. Badiner,
Zoning Administrator

cc: Rick Crawford, Planner

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