



SAN FRANCISCO PLANNING DEPARTMENT

May 21, 2007

William Werner
Werner Associates Architects
207 Powell Street, Suite 800
San Francisco, CA 94102

**RE: Zoning Administrator Determination
625-631 Pine Street and 635-659 Pine Street
Block 0271, Lot 001B and Block 0271, Lot 023
C-3-G (Downtown General Commercial) District**

1650 Mission St
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San Francisco,
CA 94103-2479

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Dear Mr. Werner:

I am writing in response to your letter dated May 15, 2007 in which you requested a written determination regarding the ability to reconstruct a building destroyed by a natural disaster if the building's transferable development rights (TDR) have been sold. The two properties in question are owned by the Roman Catholic Welfare Corporation. The building at 625-631 Pine Street is used by Notre Dame des Victoires Church for various support functions, and the building at 635-659 Pine Street is occupied by Notre Dame des Victoires Grammar School.

A Code-complying or noncomplying structure that is damaged or destroyed by fire or other calamity may be restored to its former condition. A nonconforming use in such a structure may also be restored.

There is no time limit for starting the restoration work on a Code-complying structure. Pursuant to Section 188(b) of the Planning Code, the restoration work on a noncomplying structure must be started within one year and diligently prosecuted to completion. Pursuant to Section 181(d), the one-year time limit also applies to restoring a nonconforming use. Historically, the one-year time limit has not been strictly enforced, because there are often substantial delays in settling insurance claims before the restoration work can begin.

Pursuant to Section 102.9(b)(15), nonprofit educational and religious facilities are exempt from the calculation of gross floor area. Two recently-issued Statements of Eligibility of TDR (Cases No. 2007.0452J and 2007.0453J) determined that the properties in question have no existing gross floor area according to the Planning Code. Therefore, both properties can sell the maximum amount of TDR allowed by the 6.0 to 1 floor area ratio (FAR). If all of the TDR are sold from each property, the buildings could not be converted to uses that do not meet the provisions of Section 102.9(b)(15), i.e. uses that are non-profit in nature.

Handwritten signature or initials

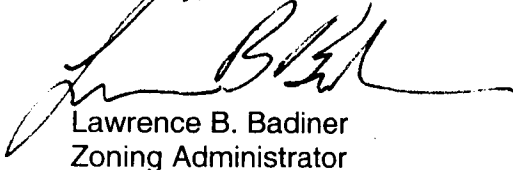
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As long as both properties continue to comply with the provisions of Section 102.9(b)(15), reconstruction of these buildings would not be restricted by the sale of their TDR, even if current Building Code requirements necessitate their expansion beyond their original conditions. However, for profit uses could not be rebuilt, since they would not have sufficient Floor Area Ratio and the Transferable Development Rights have transferred.

If you have substantial reason to believe that there was an error in the interpretation of the Planning Code or abuse of discretion on the part of the Zoning Administrator, you may file an appeal within fifteen (15) days of the date of this letter. For further information, please contact the Board of Appeals in person at 1660 Mission Street, Room 3036 or call (415) 575-6880.

If you have any questions regarding this matter, please contact Michael Li at (415) 558-6396.

Sincerely,



Lawrence B. Badiner
Zoning Administrator

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May 15, 2007

Mr. Lawrence B. Badiner, Zoning Administrator
Planning Department
City and County of San Francisco
1650 Mission Street, Suite 400
San Francisco, CA 94103-2479

Project: 625-631 Pine Street and 635-659 Pine Street

Subject: Rebuilding on a site from which Transferable Development Rights ("TDR") have been sold.

Dear Mr. Badiner:

We have been asked by The Roman Catholic Welfare Corporation of San Francisco ("RCWCSF"), the owner of 625-631 Pine Street and 635-659 Pine Street (collectively, "NDV Properties"), to request from you a Written Letter of Determination concerning the question below:

After Transferable Development Rights are transferred from the NDV Properties, upon any casualty damage to or destruction of the existing buildings on the NDV Properties, would RCWCSF be prohibited by virtue of such TDR transfer from repairing and restoring such existing buildings to substantially the same forms as exist today?

Enclosed is our check No. 880, in the amount of Four Hundred Sixty Three Dollars (\$463.00) for the Letter of Determination fee. Please call if you have any questions.

Very truly yours,

Werner Associates Architects

Edward Auyeung
Project Manager

cc: Edward J. Suharski
Clint Callan
Laird Steverango
Lawrence Ma

