



SAN FRANCISCO PLANNING DEPARTMENT

Letter of Determination

May 26, 2016

Jeremy Schaub
Gabriel Ng + Architects
1360 9th Avenue, Suite 210
San Francisco, CA 94122

Site Address: 106 Bache Street
Assessor's Block/Lot: 5826/003
Zoning District: RH-2 (Residential House, Two-Family)
Staff Contact: Jonathan DiSalvo, (415) 575-9182 or jonathan.disalvo@sfgov.org
Record No.: 2016-004498ZAD

Dear Mr. Schaub:

This letter is in response to your request for a Letter of Determination regarding the property at 106 Bache Street. This parcel is located in the RH-2 (Residential House, Two-Family) Zoning District, Bernal Heights Special Use District, and 40-X Height and Bulk District. The request is whether a garage structure located on the adjacent property at 118 Bache Street could be defined as a qualifying adjacent building for the purposes of averaging to determine the front setback requirement per Planning Code Section 132. In addition, the request seeks to determine the minimum front setback requirement for the subject property.

Per Planning Code Section 132, the required front setback is calculated as the average depth of the building walls of the two adjacent properties, up to a maximum of 15 feet or 15% of lot depth (whichever is less). Section 132(c) provides the method of measurement for this calculation as follows: "the extent of the front setback of each adjacent building shall be taken as the horizontal distance from the property line along the street or alley to the building wall closest to such property line, excluding all projections from such wall, all decks and garage structures and extensions, and all other obstructions." Given that Section 132(c) explicitly excludes "garage structures" from the calculation to determine the required front setback, the garage structure at 118 Bache Street does not qualify as an adjacent building for the purposes of calculating the required front setback.

Your request cites an interpretation of Section 132(c) (dated 9/87) as justification for including the garage structure at 118 Bache Street. This interpretation states "for the purpose of determining the required front setback, the wall of the adjacent building/s which is structural with a foundation (touches to ground) is to be counted as the main building wall unless such wall conforms to the configuration of a permitted obstruction in the front setback." It should be noted that this interpretation further clarifies the requirements of Section 132(c), which is that the wall of the adjacent building, for the purposes of averaging, should be taken from the main structure of the building with a foundation, rather than an

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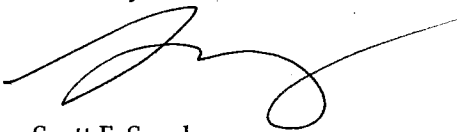
obstruction. In no way can this interpretation be construed to allow garage structures to be included in the front setback calculation as they are explicitly excluded per Section 132(c).

In regard to the front setback requirement for the subject property, a front setback of 10.5 feet (measured from the front property line) is required. Averaging the qualifying building walls of the adjacent properties, which are respectively 0 feet at 104 Bache Street and approximately 46.86 feet at 118 Bache Street, yields an average of approximately 23.45 feet. Given that this exceeds the maximum requirements of Section 132, the property requires a minimum front setback of 10.5 feet (which is 15% of the lot depth).

Please note that a Letter of Determination is a determination regarding the classification of uses and interpretation and applicability of the provisions of the Planning Code. This Letter of Determination is not a permit to commence any work or change occupancy. Permits from appropriate Departments must be secured before work is started or occupancy is changed.

APPEAL: 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,



Scott F. Sanchez
Zoning Administrator

cc: Jonathan DiSalvo, Planner
Property Owner
Neighborhood Groups