



SAN FRANCISCO PLANNING DEPARTMENT

Letter of Determination

July 24, 2017

Patrick J. Burger
441 Banbury Street
Hayward, CA 94544

Record Number: 2017-006948ZAD
Site Address: 2170 Vallejo Street
Assessor's Block/Lot: 0556 / 038-047
Zoning District: RH-2 (Residential – House, Two Family)
Staff Contact: David Weissglass, (415) 575 – 9177 or david.weissglass@sfgov.org

Dear Mr. Burger:

This letter is in response to your request for a Letter of Determination regarding the property at 2170 Vallejo Street. This parcel is located in a RH-2 (Residential – House, Two Family) Zoning District and 40-X Height and Bulk District. The request is for a determination regarding the potential removal of a roof deck on the existing condominium building.

Per Planning Code Section 135, residential buildings in the RH-2 Zoning District are required to provide no less than 125 square feet of usable open space for each dwelling unit if the open space is private, or an area of open space accessible to residents of all dwelling units at a ratio of 1.33 square feet to each square foot of usable open space to be provided privately. Common usable open space is often provided in rear yards, setbacks, decks, and balconies.

The 10-unit building located at 2170 Vallejo Street was constructed prior to the Planning Code's requirement for usable open space, and its rear yard is fully occupied by vehicular maneuvering and parking spaces. The deck constructed on the roof of the structure is the only usable open space provided on the property, and therefore the building is currently legally nonconforming with respect to the usable open space requirements of Planning Code Section 135. Based upon aerial photographs, the subject roof deck has existed on the property since at least 1938. Further, the roof deck appears to be a legal structure based upon the permit history and condominium conversion process that was performed in 1980 and which required a site inspection to verify that all work on the property had obtained proper permits.

Per Planning Code Section 172(c), any open space provided on a property that satisfies the requirements of the Planning Code shall not be reduced below the minimum requirements, nor further reduced if already less than said minimum requirements.

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Patrick Burger
441 Banbury Street
Hayward, CA 94544

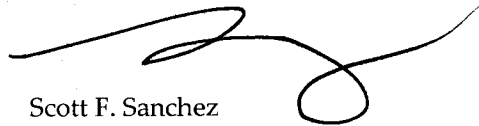
July 24, 2017
Letter of Determination
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While it is unclear whether the roof deck provides private usable open space to one unit or common usable open space to all units, removal of the roof deck would leave the property with no private or common usable open space. Therefore, per Planning Code Section 172(c), removal of the roof deck would require a variance from the usable open space requirements of Planning Code Section 135 as it would further reduce an amount of usable open space that is already less than the minimum requirements.

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: Property Owner
Neighborhood Groups
David Weissglass, Planner



Member, American Institute of Architects

Patrick Jean-Philip Burger, AIA
Architect C-19988 General Contractor 766169
Property Inspections Claims Consultant Expert Services



April 26, 2017

Office of the Zoning Administrator
1650 Mission Street Suite 400
San Francisco, CA 94103

R # 2017-006948 ZAD
CK # 000027 \$ 669. -
D. LINDSAY (NW)

Subject: Request for Letter Of Determination ~~and Zoning Verification Letter~~
for 2170 Vallejo Street – Removal of Roof Deck

(0556/038-047)

To Whom It May Concern:

We would like a determination as to classification as to the open space provided - in the form of a roof deck - at the subject property. The property owners are considering removal of this deck and wanted to make sure as to the proper procedure for doing so.

I spoke with planning regarding the attached information that was available regarding this property. They recommended that - before we proceed with the deck removal – we get a determination from the Zoning Administrator as to interpretation and classification of use.

Please send me your formal determination and zoning information regarding our desire to remove in its entirety, the southerly roof deck @ the subject property.

Sincerely,

Patrick J. Burger

Patrick J. Burger

RECEIVED

MAY 11 2017

CITY & COUNTY OF S.F.
PLANNING DEPARTMENT
ZA OFFICE

CHECK PAYMENT
RECEIVED 5/30/17