



SAN FRANCISCO PLANNING DEPARTMENT

Letter of Determination

December 12, 2016

Samuel Kwong
61 Walter U. Lum Place 3rd Floor
San Francisco, CA 94108

Site Address: 41 and 45 Crescent Avenue
Assessor's Block/Lots: 5746/013 and 012
Zoning District: RH-2 Zoning District
40-X Height & Bulk District
Bernal Heights Special Use District
Staff Contact: Daniel Sirois, (415) 575-8714 or daniel.sirois@sfgov.org
Record No.: 2016-013859ZAD

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Dear Mr. Kwong:

This letter is in response to your request for a Letter of Determination regarding the property at 41 Crescent Avenue (Lot 013) and 45 Crescent Avenue (Lot 012). These parcels are located within the Bernal Heights Special Use District (SUD), RH-2 (Residential House, Two-Family) Zoning District and 40-X Height and Bulk District. Your request seeks clarification on how to legalize repair work completed on stairs that extend from the ground floor to the second floor and the construction of a new second-story deck adjacent to the stairs at the rear of the subject property.

Per Planning Code Section 242(e)(2)(B), the subject parcel is required to provide a rear yard equivalent to 45 percent of the total depth of the lot. The subject parcel measures 25 feet wide by 100 feet deep. Therefore, the base required rear yard is 45 feet from the rear property line. Per Section 242(e)(2)(C)(ii)-(iii), any portion of the front setback exceeding 5 feet may be applied to the amount required for satisfying rear yard requirements; however, in no case may any part of the building be within 25% (25 feet) of the rear property line. Further, the averaging provisions of Section 134(a)(2)(C) do not apply within the Bernal Heights SUD. Currently, the existing building encroaches into the required rear yard and as constructed, the subject stairs and the second-story deck encroach further into the required rear yard.

Given that the deck and stairs are located within the required rear yard, a rear yard variance from the Zoning Administrator is required to legalize these features. Please refer to the Planning Department's Variance Application Packet for information, which is available for download from the Planning Department's website at: <http://sf-planning.org/permit-forms-applications-and-fees#v>

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

Samuel Kwong
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San Francisco, CA 94108

December 12, 2016
Letter of Determination
41 Crescent Avenue

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.

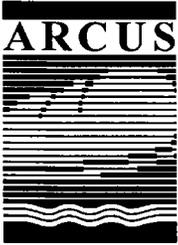
APPEAL: If you believe this determination represents an error in interpretation of the Planning Code or abuse in discretion by the Zoning Administrator, an appeal may be filed with the Board of Appeals within 15 days of the date of this letter. For information regarding the appeals process, please contact 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
Daniel Sirois, Planner



October 13, 2016

Mr. Scott Sanchez, Zoning Administrator
San Francisco City Planning Department
1650 Mission Street, Suite 400
San Francisco CA 94103-2479

R# 2016 - 013859 ZAD
CK# 1644 \$ 664 -
R. SUCRE (SE)

Subject: Request for Letter of Determination

Address: 41 Crescent Ave. San Francisco CA 94110; NOV #201612911
Reference: Block: 5746 Lot: 013
Zoning District: RH-2

Mr. Sanchez:

This request for clarification of the items described below will enable the applicant to establish if a deck addition made without permit can be constructed within the guidelines of the Planning Code.

Project Background

The Building Department issued a Notice of Violation on 4/25/16 that a deck was built on the second floor adjacent to an existing stairway and the work exceed the permitted work for stairway dryrot repair.

Subsequently, our office was asked to check if the work could be legalized. Upon further investigation and field verification of the site conditions, we believe that depending on the code interpretation the deck may be legalized.

1. Unique Site condition

There is extraordinary condition of this particular site which does not conform to normal development pattern. The three lots #13(subject property), lot #12(carriage house) and lot #11(apartment building) should all be studied as a whole. Our historical search of the 1095 Sanborn Map of the property indicates that the 41 Crescent and 45 Crescent are part of the same lot. In 1924, the apartment building at 47 Crescent was built but the entry to this new apartment requires going through the adjacent lot perhaps with an undocumented access easement. The buildings all have some encroachments over the property lines which, will a problem is lots were sold separately. Currently, one family owns all three properties and they recognize that the lots cannot be sold separately due to these conditions.

2. Rear Yard Setback Averaging

According the Section 134 of the Planning Code governing Rear Yard Setback, the site zoned RH-2 require a 45% rear yard setback. However a reduction based on Section 134 (a)(2)(c) may be allowed based on adjacent lots. Due to the unusual condition of the site and all buildings are existing non-conforming structures including the exterior rear stairs being repaired. We believe we can apply Section 134 (a)(2)(c)(4) because of the special lot condition that a rear yard setback line may be at 15' at the rear of the property.

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+ PLANNING

61 Walter U. Lum
Place, Third Floor
San Francisco, CA
94108-1801 USA
(415) 391 - 3313
(Fax) 391 - 3649

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PLANNING DEPARTMENT
ZA OFFICE

3. Allowable obstructions in the setback

According to Planning Code Section 136(c)(14), uncovered stairway and landing are permitted obstructions in the rear yard setback. If the deck is cut back to 5'-0" from the side property line to avoid a fire wall, the encroachment into the required 15' setback is less than 6'-0". The deck is considered as part of the stair landing.

4. Open Space Hardship

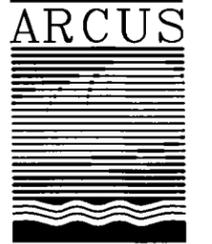
Based on the current Planning Code Section 135 there is required open space for the dwelling units. If private open space is provided, each unit will require 125 sf, but if shared open space is considered, the total for two units will require 332.5 sf. However because of the unique site conditions and the encroachment of existing, the usable open rear yard area is only 311 sf, less that required space of 332.5 sf. The construction of the deck will increase the open space by 60 sf. This is an important amenity, as residents of the top unit do not have to travel a flight of stairs to go to the yard. We believe this is a justifiable hardship that will provide usable open space adjacent to the unit.

We have included site measurements, photos and historical research documents for your evaluation. If you need additional information or if you have questions, please contact me by calling 415-391-3313 or by email to samkwong-arcus@pacbell.net.

Very Truly Yours,

A handwritten signature in black ink, appearing to read 'Samuel Kwong', with a large, stylized flourish at the end.

Samuel Kwong
Principal



ARCHITECTURE
+ PLANNING
61 Walter U Lum Pl
3/F San Francisco
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U S A
(415) 391-3313
(Fax) 391-3649

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Project Title:

REAR DECK
LEGALIZATION

41 CRESCENT AVE
SAN FRANCISCO

JOB NO. 2016-32

Date: 10/13/16
Checked By: SK
Drawn By: YK

ISSUANCES & REVISIONS:

No.	Date	Description

Stamp:

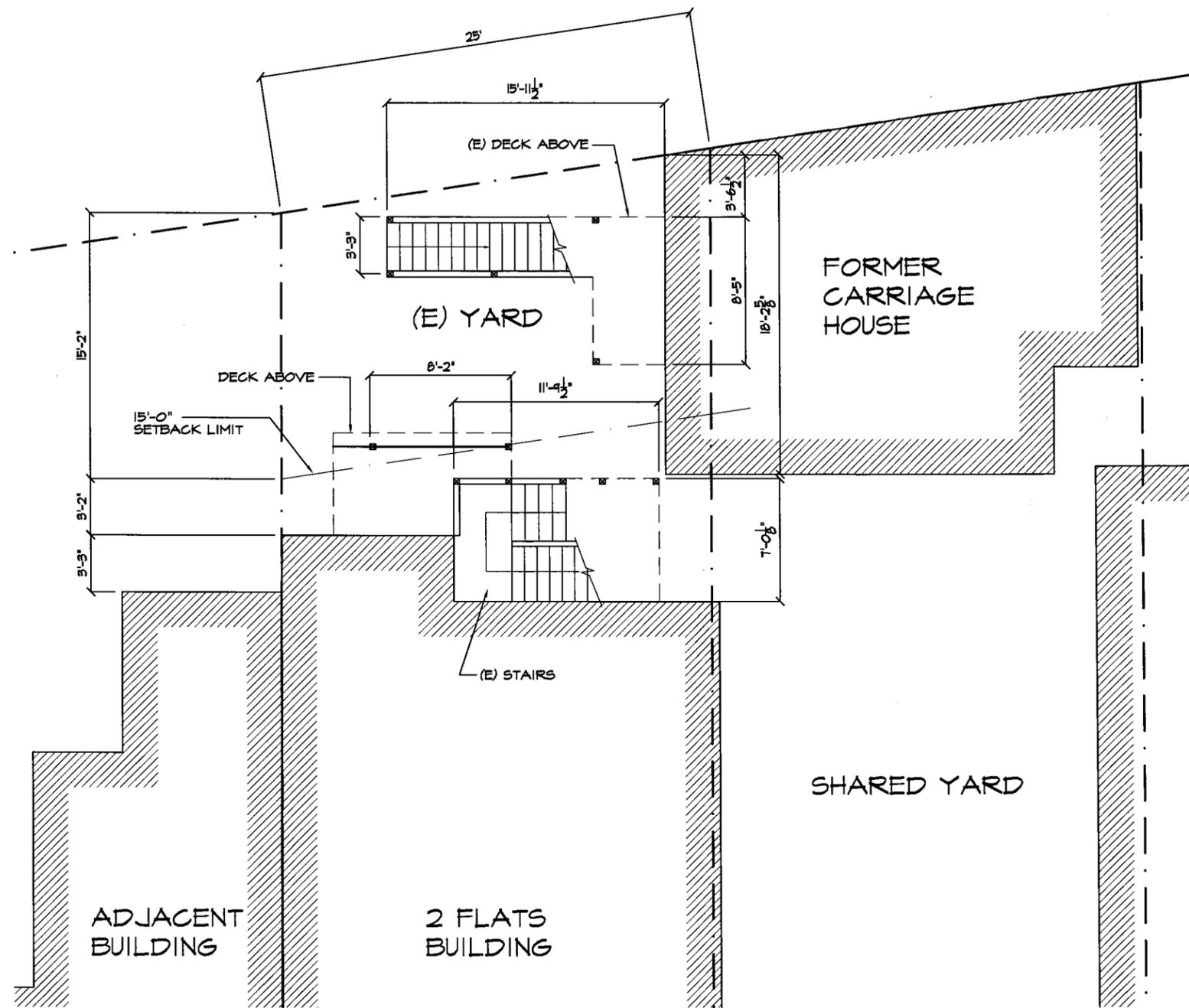


Sheet Title

ENLARGED
PLANS

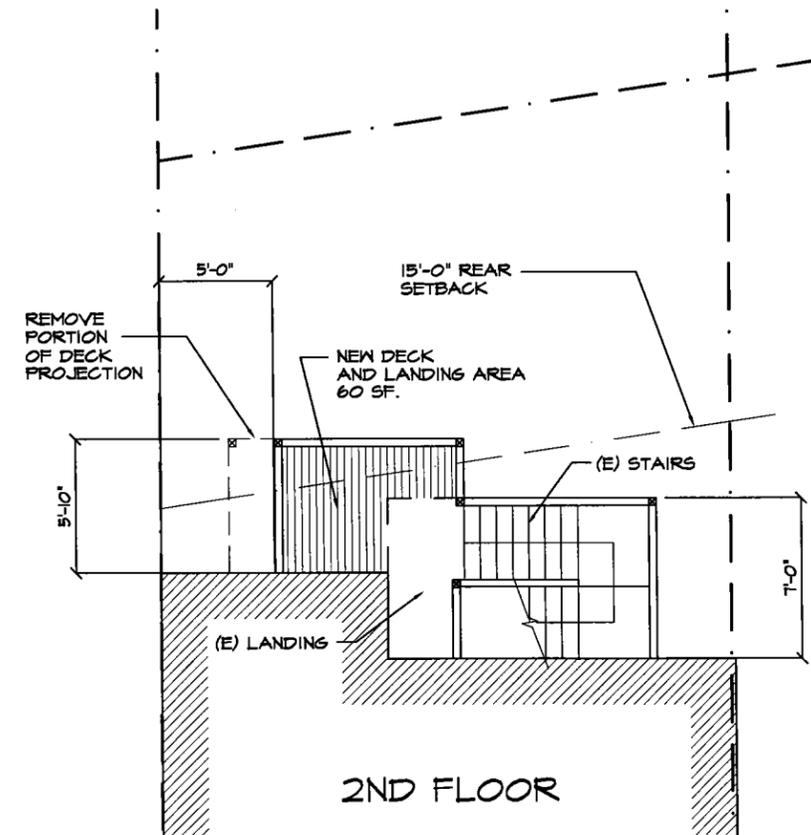
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A-2



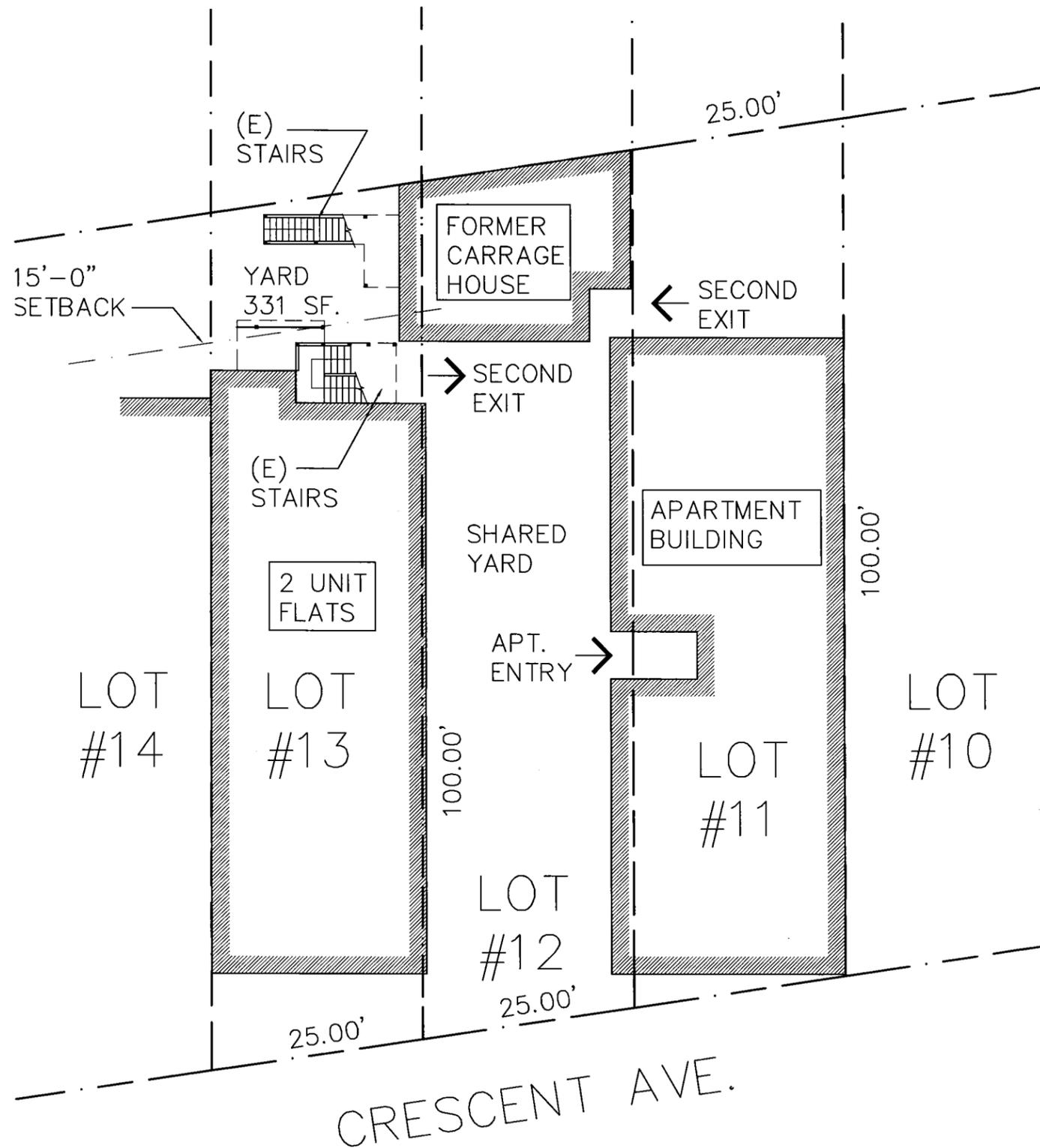
ENLARGED SITE PLAN

SCALE: 1/8" = 1'-0"



ENLARGED DECK PLAN

SCALE: 1/8" = 1'-0"



CRESCENT AVE.

SITE PLAN

SCALE: 1/16" = 1'-0"

PROJECT INFORMATION

ADDRESS: 41 CRESCENT AVE. SAN FRANCISCO
 CA 94110
 BLOCK: 5746 LOT: 013
 ZONING: RH-2
 REQUIRED SETBACK: 45%
 SETBACK BASED ON AVERAGE OF ADJACENT LOTS: 15' MIN.
 OCCUPANCY :R-3, 2 UNIT FLATS

SCHEDULE OF DRAWINGS

- A-1 EXISTING SITE PLAN
- A-2 ENLARGED PLANS



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Project Title:
**REAR DECK
 LEGALIZATION**

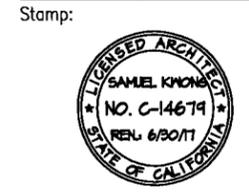
**41 CRESCENT AVE
 SAN FRANCISCO**

JOB NO. 2016-32

Date: 10/13/16
 Checked By: SK
 Drawn By: YK

ISSUANCES & REVISIONS:

No.	Date	Description



Sheet Title
**EXISTING SITE
 PLAN**

Sheet No.
A-1

Anonymous

Log In

Register

Pub_Title="Insurance Maps. San Francisco, Ca Data



COLLECTIONS

EXPLORE

CREATE

SHARE

EMBED

PRINT

HELP

MEDIA INFORMATION

COLLECTION NAME:

David Rumsey Historical Map Collection

Record

Author:

Sanborn-Perris Map Company, Limited

Date:

1905

Short Title:

Vol. 5, Page 571-572. San Francisco.

Publisher:

Sanborn-Perris Map Company, Limited

Publisher Location:

New York

Type:

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Obj Width cm:

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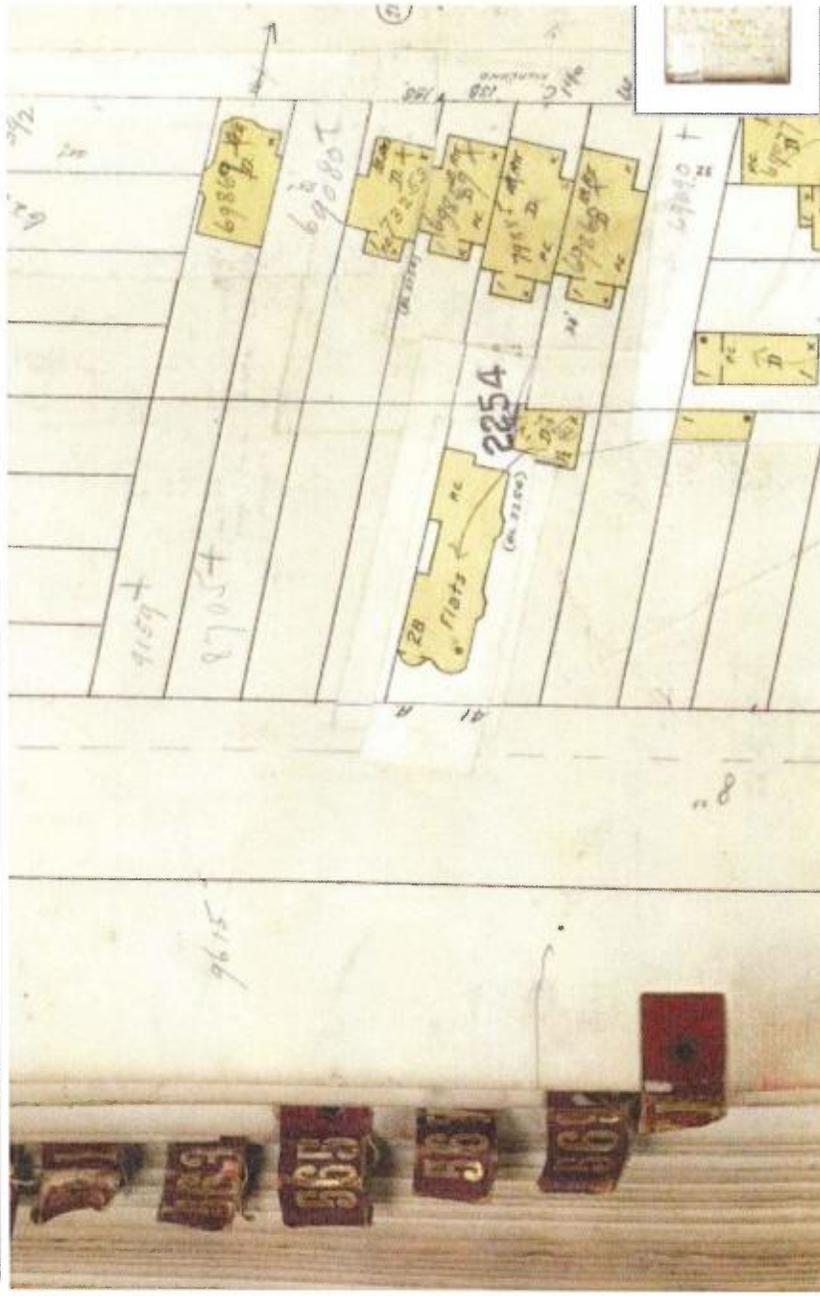
Vol. 5, Page 571-572. San Francisco.

Related (378)

Thumbnails



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138-142 RICHM. RICH.

139-32-126 RICHLAND

142 RICHM. RICH.

166

5746 (2254)

R. 25 CRESCENT

41 CRESCENT

CRESCENT

67-61 57-55 53-51-49-47-45

67-61 57-55 53-51-49-47-45

Anonymous

Log In

Register

aerial 1938

Data



COLLECTIONS

EXPLORE

CREATE

SHARE

EMBED

PRINT

HELP

MEDIA INFORMATION

COLLECTION NAME:

David Rumsey Historical Map Collection

Record

Author:

Ryker, Harrison

Date:

1938

Short Title:

51. San Francisco Aerial Views.

Publisher:

Harrison Ryker

Publisher Location:

Oakland

Type:

Aerial Photograph

Obj Height cm:

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Obj Width cm:

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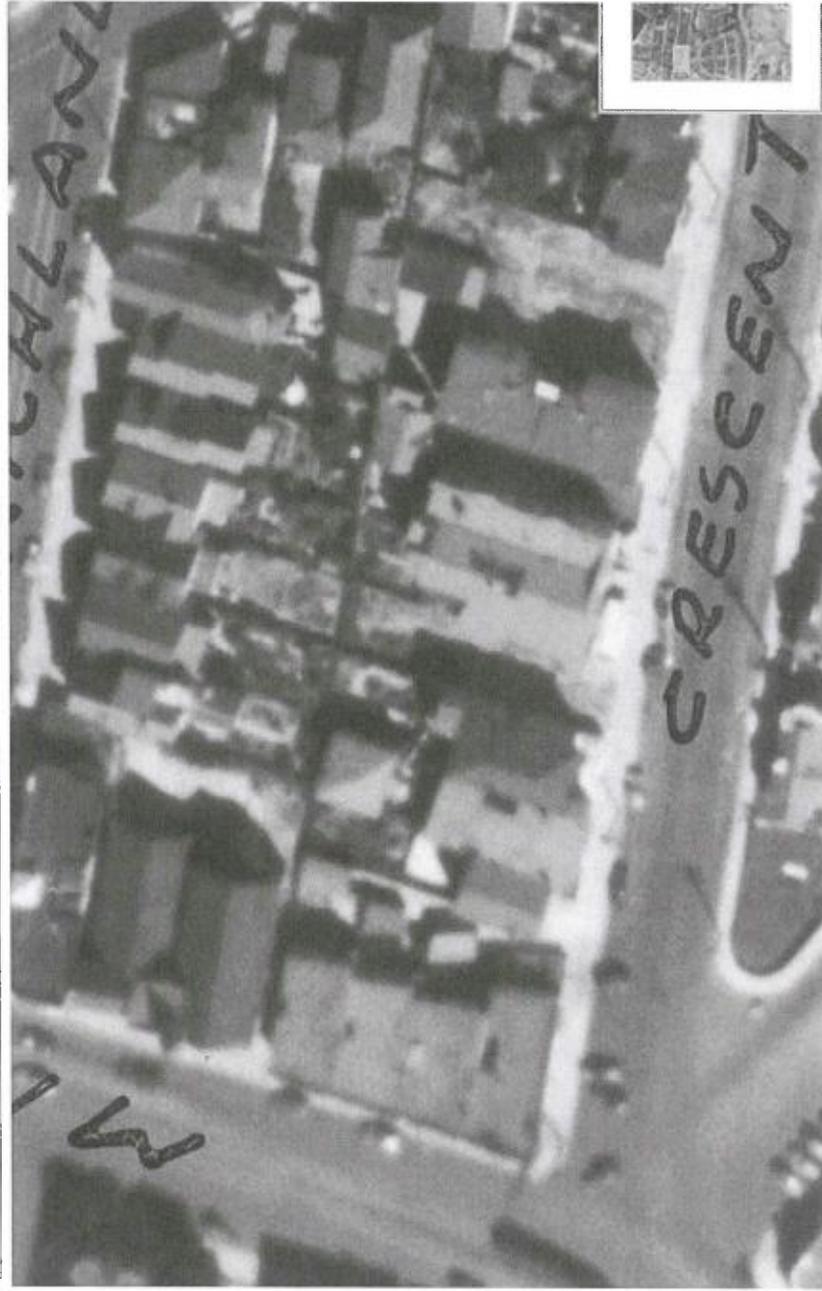
51. San Francisco Aerial Views.

Related (166)

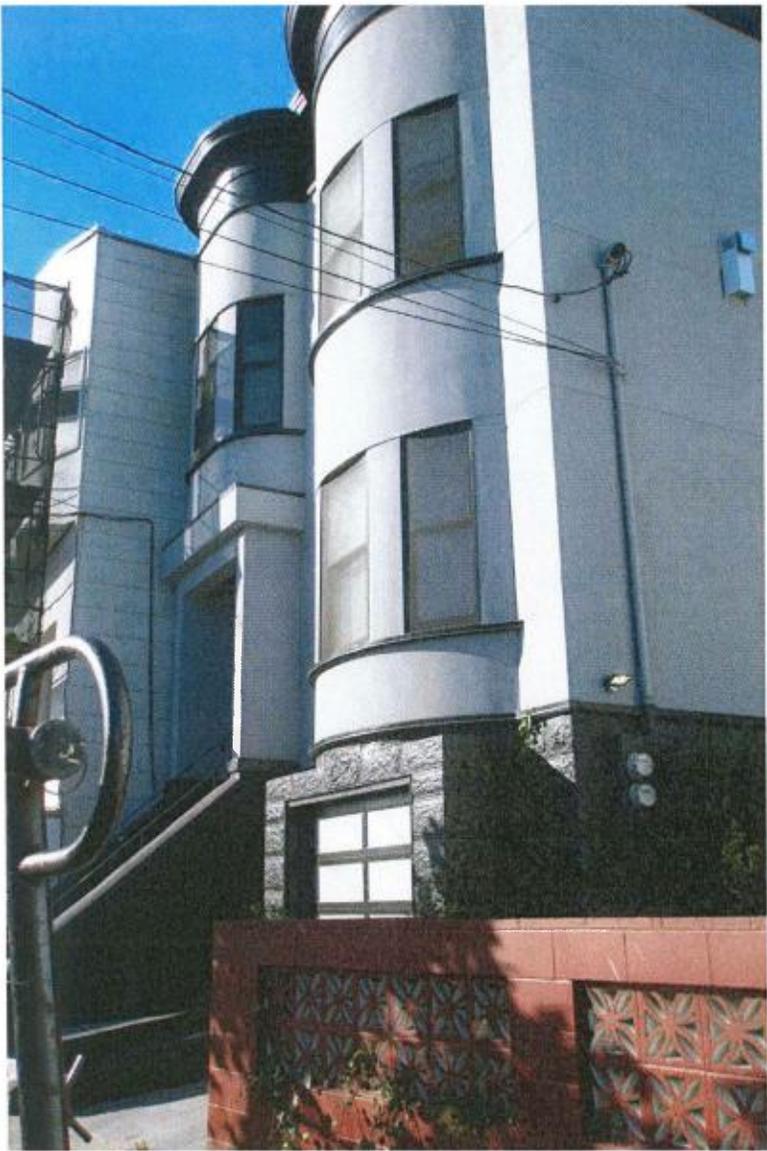
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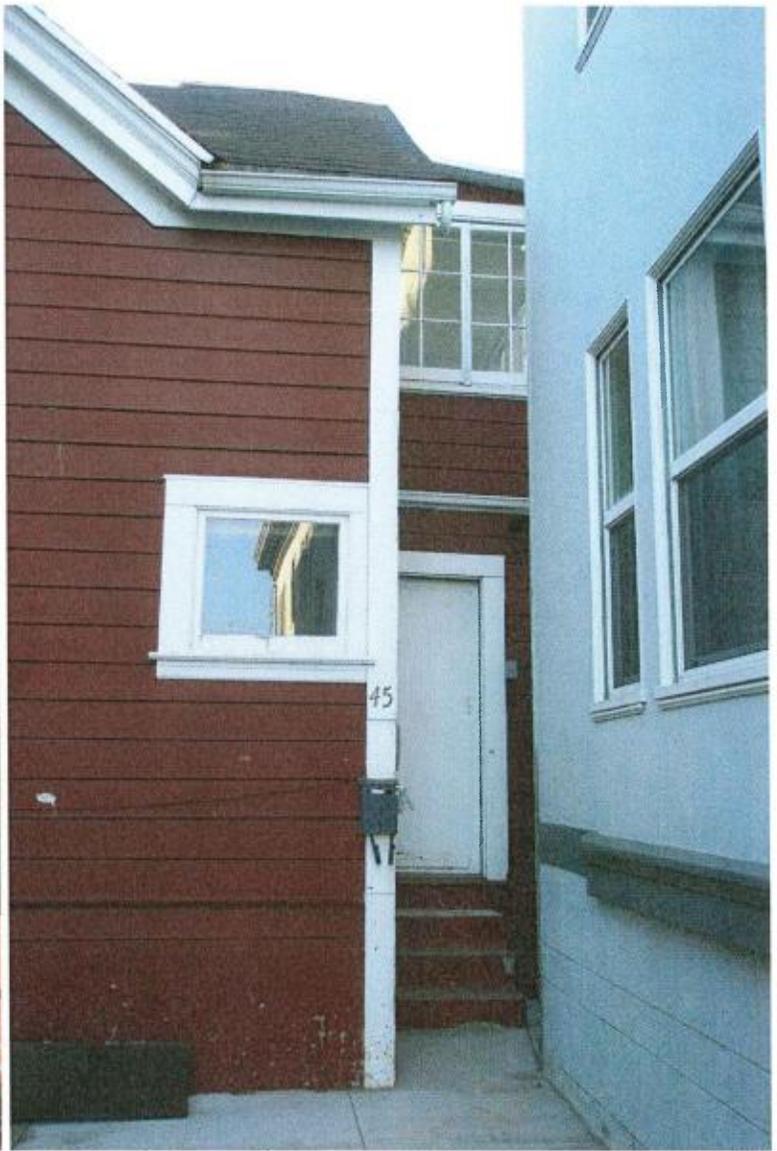
VIEW IN GEOREFERENCER BUY PRINT EXPORT



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41 CRESCENT



45 CRESCENT



COMMON YARD



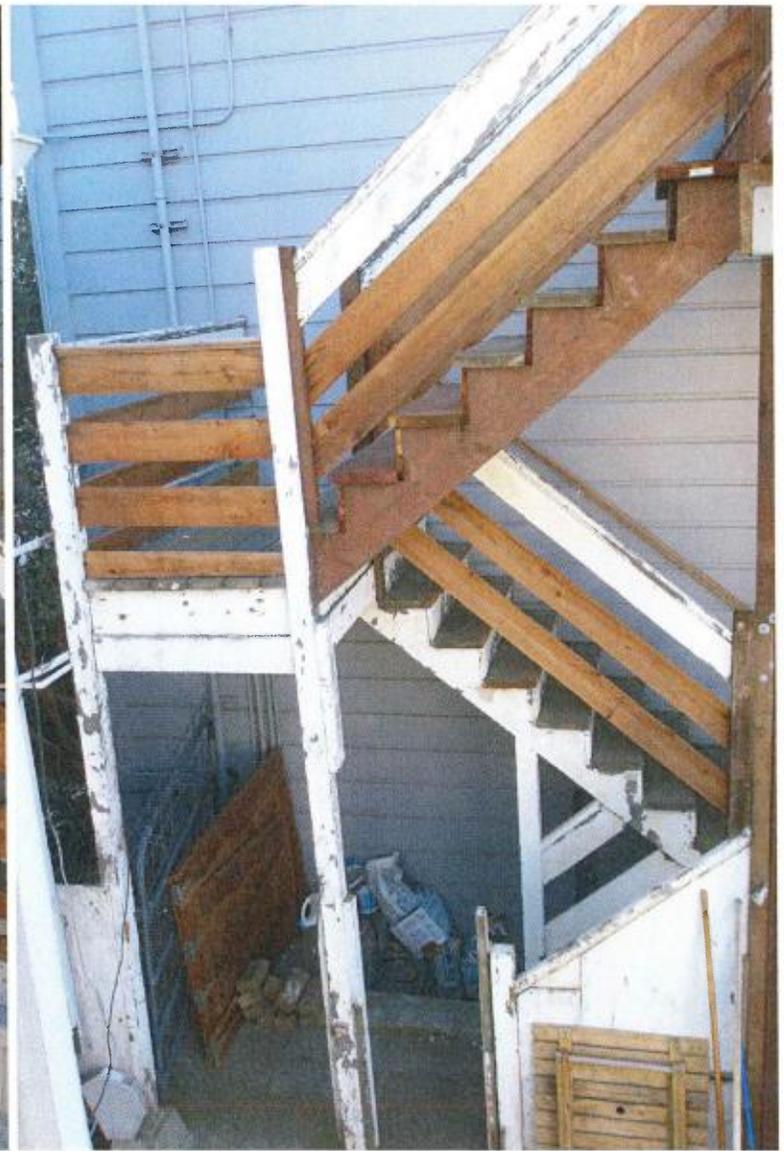
STAIRS @ CARRIAGE HOUSE



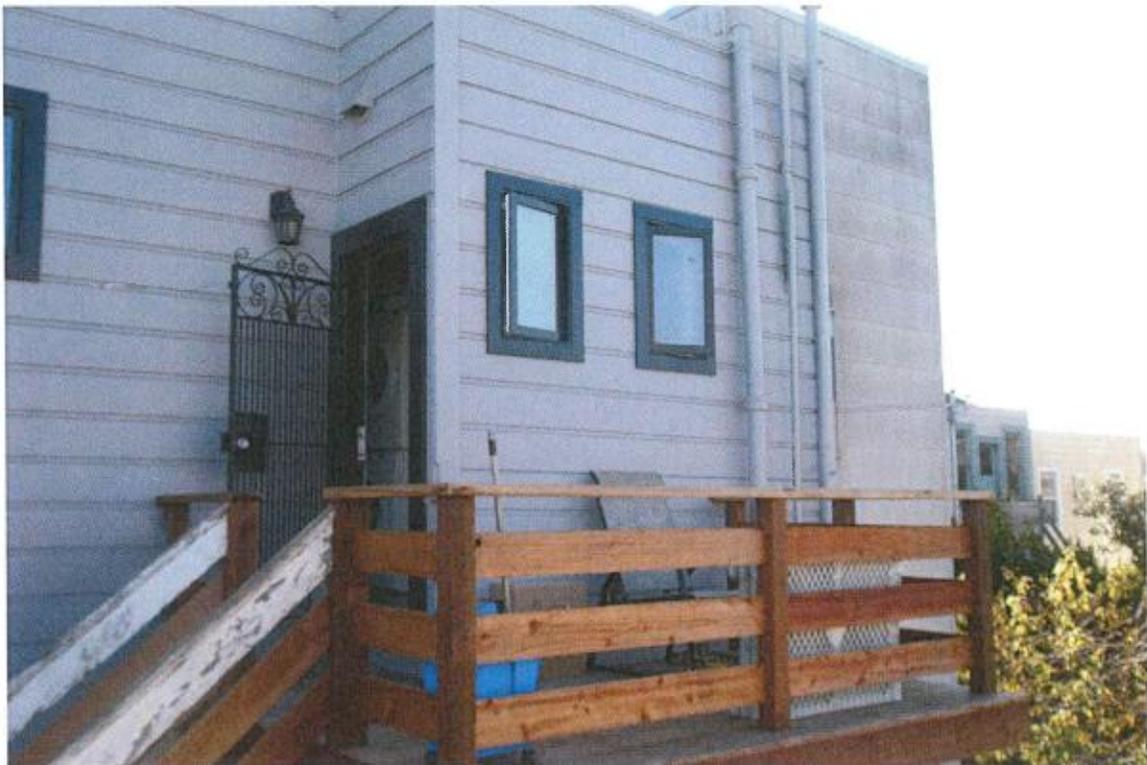
(E) REAR YARD



(E) STAIRS



(E) STAIRS



UN-PERMITTED DECK

October 4th, 2016

To: Department of City Planning
1650 Mission Street 4/floor
San Francisco CA 94103

Subject: 41 Crescent Avenue Letter of Determination
Block 5746 Lot 013

As the property owner located at 41 Crescent Avenue. I hereby authorize Mr. Samuel Kwong, Architect to act as applicant on my behalf for the Letter of Determination request to establish limit of the rear yard deck allowed at the site.

Sincerely,

NIKKI DEWAU

(Insert name and signature)

A handwritten signature in cursive script, appearing to read "Nikki Dewau". The signature is written in black ink and is positioned below the typed name and the instruction to insert a signature.