



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

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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

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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