



SAN FRANCISCO PLANNING DEPARTMENT

Amended Letter of Determination

1650 Mission St.
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San Francisco,
CA 94103-2479

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Planning
Information:
415.558.6377

March 20, 2017

Cary Bernstein, Architect
2325 Third Street, Studio 341
San Francisco, CA 94103

Site Address: 50 Surrey Street
Assessor's Block/Lot: 6729/044
Zoning District: RH-1 (Residential-House, One Family)
Staff Contact: Elizabeth Gordon Jonckheer, (415) 575.8728 or
elizabeth.gordon-jonckheer@sfgov.org
Record No.: 2016-010516ZAD

Dear Ms. Bernstein:

This amended letter is in response to your request for a Letter of Determination regarding the property at 50 Surrey Street. This property is located in the RH-1 (Residential-House, One Family) Zoning District and 40-X Height and Bulk District. Previously a letter was issued to you on September 13, 2016; this Amended Letter of Determination is being issued to clarify the requirements regarding the proposed fill-in addition to a noncomplying carriage house structure within the rear yard.

Project Summary

The subject property is a through-lot that runs from Surrey Street to Penny Lane. The lot is a steep, upslope lot that is 25 feet wide by 83.71 feet long. There is an existing two-story over basement main house at the front of the property and an existing non-complying single-story over basement carriage house at the rear of the property. The main house fronts Surrey Street and the carriage house fronts Penny Lane. The proposed project is to build a two-story horizontal addition to the rear of the main house and renovate the carriage house for use as an ADU. The existing non-complying cottage is 10 feet, 4 inches in length, extends the full width of the lot, and sits entirely within the required rear yard at the rear property line. The proposed project would remove the exterior stair and landing of the existing noncomplying carriage house and fill-in an angled, recessed landing of approximately 3 feet in length and 20 square feet, at the first floor of the southwest corner. An approximately 4 foot, 5-inch two-story horizontal addition to the main house is also proposed within the buildable area of the lot. The resulting open area, located in the central portion of the lot, between the main structure and the noncomplying carriage house would be 18 feet.

Rear Yard

The letter of determination issued on September 13, 2016 stated that the proposed approximate 3-foot horizontal addition would be an expansion of the existing non-complying structure within the rear yard and would require a rear yard variance. However, pursuant to a 6/90 Zoning Administrator interpretation for Section 134 regarding fill-ins under nonconforming projections, *"It is an established policy to allow the enclosure of the void under a legal nonconforming enclosed projection extending into the required rear yard. Noting that a fence could not exceed a height of 10 feet, this policy could not be applied to a situation where the void extends higher than the*

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San Francisco, CA 94107

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equivalent of one story. Such void could not be enclosed without a variance. The height of the infill addition to the 50 Surrey Street carriage house is 9'-6" and therefore complies with the 6/90 interpretation for Section 134 regarding fill-ins under nonconforming projections and does not require a rear yard variance.

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: Owners, Ryan Lynch & Steven Nye, 50 Surrey Street, San Francisco, CA 94107
Neighborhood Groups
Elizabeth Gordon Jonckheer, Planner

CARY BERNSTEIN ARCHITECT

R # 2016 - 010516ZAD
CK # 4856 \$ 645 -
D WASHINGTON (SU)

5 August 2016

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

Project: 50 Surrey Street
Block: 6729 Lot: 044
Zoning: RH-1
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Dear Mr. Sanchez,

The purpose of this letter is to request the Zoning Administrator's Letter of Determination for the rear yard requirements for the property at 50 Surrey Street. In addition, we request authorization to use the existing carriage house as an Accessory Dwelling Unit.

Project Summary

The property is a through-lot that runs from Surrey Street to Penny Lane. The lot is a steep, upslope lot that is 25ft wide x 83.71ft long. There is an existing two-story-over-basement house and single-story-over-basement carriage house on the property: the house fronts Surrey Street and the carriage house fronts Penny Lane. (See 1938 & current aerial photos attached)

The Owners would like to build a two-story horizontal addition to the rear of the house and renovate the carriage house for use as an Accessory Dwelling Unit. We are requesting a Letter of Determination for the proposed alterations to the house & carriage house and a reduction of the rear yard requirements.

1. Existing Rear Yard

Based on the lot depth of 83.71ft, a 25% rear yard = 20.92ft. The carriage house, which is located at the rear property line on Penny Lane, is in the rear yard. As such, the rear yard is located in the central portion of the lot. *Planning Code 134 (c)(4)(C)*.

Both the house and carriage house have staggered footprints in the rear yard. There is an existing kitchen extension on the west side of the house and an elevated exterior stair & landing extension on the east side of the carriage house. (See photos attached). The kitchen and carriage stair extensions are offset such that they are diagonally opposite each other on the lot. In a Project Review meeting (3.1.16), the Planning Department determined that the existing rear yard depth is the distance from the south face of the carriage house stair landing to the rear wall of the house at the east side, resulting in a rear yard of approximately 18ft. Based on this dimensions, please confirm that the existing rear yard depth is approximately 18ft and is legal, non-conforming because it is less than 20.92ft but greater than 15ft. *Planning Code 134 (a)(1)*.

2. Existing Carriage House

The existing carriage house is currently outfitted as a dwelling unit with an entry from Penny Lane, a full kitchen, full bath and fireplace. It is an unauthorized dwelling unit as there are no permits which show a conversion from its original garage function. (See 3-R report attached)

CARY BERNSTEIN ARCHITECT

Project: 50 Surrey Street
Block: 6729 Lot: 044
Zoning: RH-1
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2. Proposed Rear Yard

The proposed project seeks to maintain and improve the existing rear yard by removing the exterior stair and landing at the carriage house and filling in an angled, recessed landing (appx 20sf) at the first floor of the south-west corner in order to make space for an interior stair. While the proposed infill is technically an expansion of a non-conforming structure, the infill is logical, under the boundary of an existing overhang and has no negative impact on any neighbors or the mid-block open space. (*Planning Code Section 188.a*) The rear yard area recovered at the carriage house will be replaced by a rear yard horizontal addition to the house that will align with the existing north wall of the existing house extension at the west side. The resulting rear yard will be approximately 18ft (to match the existing rear yard) as measured from the rear wall of the house to the rear wall of the carriage house, thereby maintaining the 18ft rear yard depth. (*See existing & proposed plans attached*)

The removal of the exterior stair at the carriage house benefits the neighbors at 52 and 48 Surrey by improving the view of the mid-block open space with the removal of an unsightly structure. In the Project Review meeting of 3.1.16 and in subsequent communication, the Planning Department confirmed that a rear yard addition to the house could be extended as far back as the rear wall of 52 Surrey Street's east side house extension provided that the new addition steps back 5ft at the second floor on the east side to acknowledge the rear yard of 48 Surrey. By aligning the proposed house addition with the existing first floor extension, the project seeks a smaller footprint than might otherwise be allowed so that a rear yard dimension of +/-18ft may be maintained.

3. Carriage House as Accessory Dwelling Unit

According to the Property Information Report, the property is eligible for an Accessory Dwelling Unit. The proposed project seeks to make the carriage house an authorized Accessory Dwelling Unit. The Accessory Dwelling Unit will add new housing to the City's supply as intended by the General Plan. The intended scope of construction is to be a renovation with replacement and repair in-kind and the Planning Department confirmed that the proposed scope of work is not tantamount to demolition.

Sincerely,



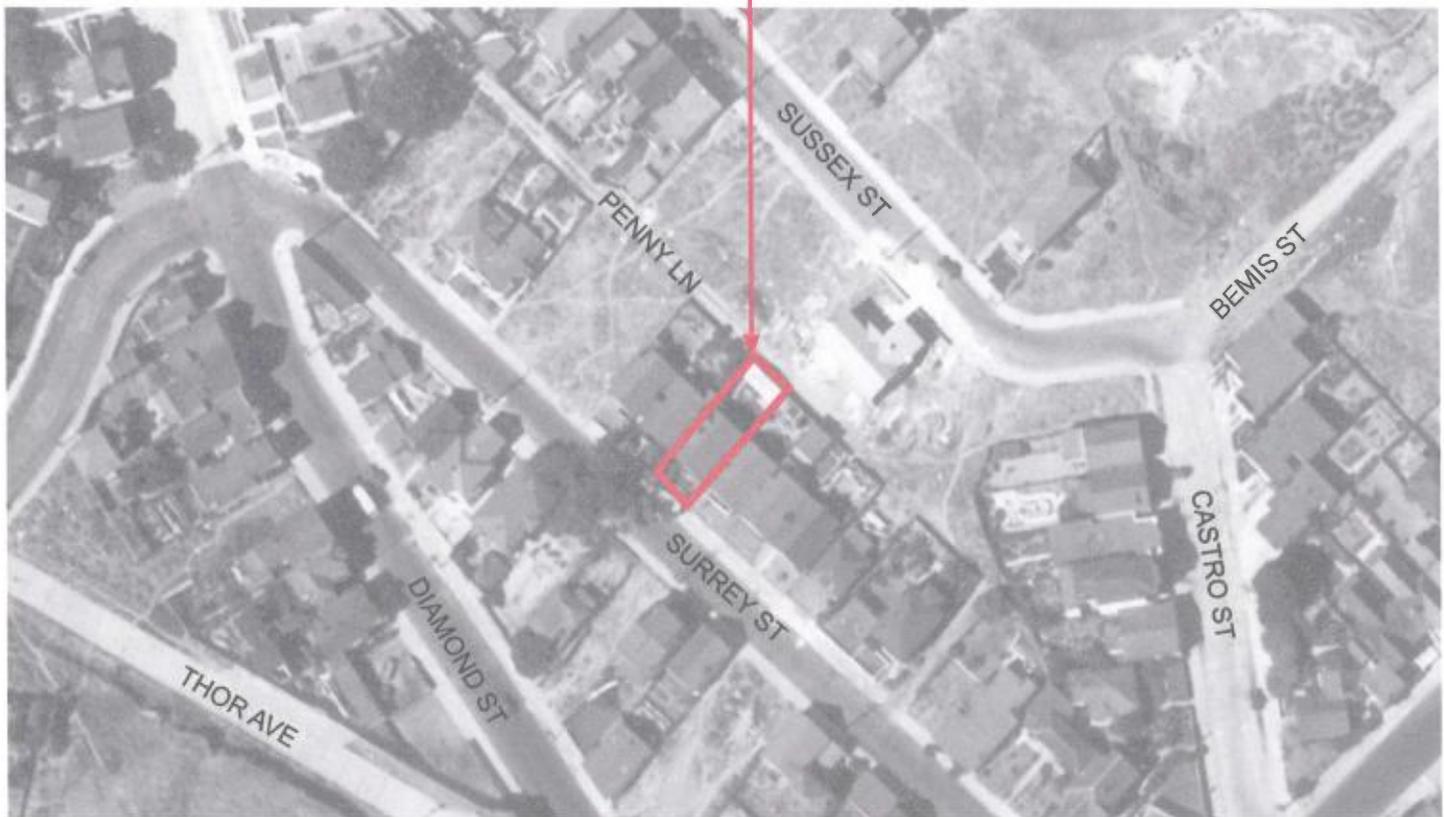
Cary Bernstein

Cc: Owners: Ryan Lynch & Steven Nye
Planner-in-Charge: Elizabeth Gordon-Jonckheer



EXISTING CONDITIONS

SUBJECT
PROPERTY



1938 AERIAL PHOTOGRAPH BY HARRISON RYKER

52 SURREY

PROJECT SITE

48 SURREY



HOUSE - FRONT FACADE

48 SURREY

PROJECT SITE

52 SURREY



HOUSE - REAR FACADE



CARRIAGE HOUSE - FRONT FACADE (PENNY LANE)



CARRIAGE HOUSE - REAR FACADE



Report of Residential Building Record (3R)
 (Housing Code Section 351(a))

BEWARE: This report describes the current legal use of this property as compiled from records of City Departments. There has been no physical examination of the property itself. This record contains no history of any plumbing or electrical permits. The report makes no representation that the property is in compliance with the law. Any occupancy or use of the property other than that listed as authorized in this report may be illegal and subject to removal or abatement, and should be reviewed with the Planning Department and the Department of Building Inspection. Errors or omissions in this report shall not bind or stop the City from enforcing any and all building and zoning codes against the seller, buyer and any subsequent owner. The preparation or delivery of this report shall not impose any liability on the City for any errors or omissions contained in said report, nor shall the City bear any liability not otherwise imposed by law.

Address of Building **50 SURREY ST**

Block **6729**

Lot **044**

Other Addresses

1. A. Present authorized Occupancy or use: **ONE FAMILY DWELLING**
 B. Is this building classified as a residential condominium? Yes No
 C. Does this building contain any Residential Hotel Guest Rooms as defined in Chap. 41, S.F. Admin. Code? Yes No
 2. Zoning district in which located: **RH-1** 3. Building Code Occupancy Classification: **R-3**
 4. Do Records of the Planning Department reveal an expiration date for any non-conforming use of this property? Yes No
 If Yes, what date? **The zoning for this property may have changed. Call Planning Department, (415) 558-6377, for the current status.**
 5. Building Construction Date (Completed Date): **UNKNOWN**
 6. Original Occupancy or Use: **UNKNOWN**
 7. Construction, conversion or alteration permits issued, if any:

Application #	Permit #	Issue Date	Type of Work Done	Status
37325	36617	Aug 20, 1938	CHANGE FROM FLAT ROOF TO GABLE IN GARAGE AREA . STRAIGHTEN BACK WALL AND INSTALL NEW SIDING	C
374886	336240	Nov 17, 1969	COMPLY WITH F.A.C.E REPORT #6729-44-3- (CFC-1FD)	C
8413545	525505	Dec 31, 1984	TERMITE REPAIR	X
8820367	603436	Dec 27, 1988	KITCHEN REMODEL	X
8908649	618503	Jul 21, 1989	RENEW EXPIRED PERMIT #8820367	X
8923602	640493	Apr 20, 1990	RENEW EXPIRED PERMIT #8908649	C
9815056	856317	Aug 04, 1998	REROOFING	X

8. A. Is there an active Franchise Tax Board Referral on file? Yes No
 B. Is this property currently under abatement proceedings for code violations? Yes No
 9. Number of residential structures on property? **1**
 10. A. Has an energy inspection been completed? Yes No B. If yes, has a proof of compliance been issued? Yes No

Read and Approved

X Buyer: Date:

X Buyer: Date:

Address of Building 50 SURREY ST

Block 6729

Lot 044

Other Addresses

Date of Issuance: 17 JUN 2014
Date of Expiration: 17 JUN 2015
By: NANCY GUTIERREZ
Report No: 201406111843

Patty Herrera, Manager, Records Management Division



Gayle Revels
Acting Chief Financial Officer

THIS REPORT IS VALID FOR ONE YEAR ONLY.

The law requires that, prior to the consummation of the sale or exchange of this property, the seller must deliver this report to the buyer and the buyer must sign it.

(For Explanation of terminology, see attached)

