



# SAN FRANCISCO PLANNING DEPARTMENT

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## Letter of Determination

October 3, 2008

David Teeters  
1427 Paru Street  
Alameda, CA 94501

**RE: 17 Coleridge Street  
Block: 5610; Lot: 021**

Dear Mr. Teeters:

On September 19, 2008 you submitted a request for determination regarding proposed alterations to the dwelling at 17 Coleridge Street. This property is located within the RH-2 (Residential, Two-Family) and Bernal Heights Special Use zoning districts. In your letter you first request acknowledgment by the Planning Department that the 3<sup>rd</sup> story penthouse constitutes a noncomplying structure in regards to the height requirements of Planning Code Section 242. Your request provides two aerial photos taken of the subject property in 1948 and 1983. These photos support your claim that the penthouse predates the adoption of the Bernal Heights Special Use District regulations, Planning Code Section 242, in 1991, and is therefore a noncomplying structure. In addition to being noncomplying in regards to height, the existing dwelling is also noncomplying in regards to the rear yard requirements of Section 242. The required rear yard for the property is 35.33-feet, thus, any portion of the building that projects beyond the required rear yard line is a noncomplying structure.

Planning Code Section 180 defines a noncomplying structure as a structure which existed lawfully at the effective date of this Code, or of amendments thereto, and which fails to comply with the regulations for structures, that then became applicable to the property on which the structure is located. The intent of the Planning Code is to bring such structures back into compliance whenever possible. Accordingly, Planning Code Section 188 restricts the enlargements, alterations and reconstruction of any noncomplying structure.

In your letter you request a determination on interior improvements in a noncomplying structure. Pursuant to Planning Code Section 188, interior renovations may be made to noncomplying structures so long as they do not intensify the noncomplying nature of the structure. The proposed correction to the penthouse interior stairs and the addition of useable floor area beneath the gabled roof would not be considered an intensification of the noncomplying structure.

Your letter also requests a determination as to whether alterations may be made to the 2-story addition, permitted in 1926, at the rear. The proposed interior renovations to the 2-story addition would be permitted as they do not add any additional useable floor area and do not increase the structure's mass. However variances from both Planning Code Sections 188 and 242 are required to construct a deck above the 2<sup>nd</sup> story of the addition. In order to create a roof deck in the proposed location, the roofline of the

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structure below must be raised and leveled. This alteration would result in an increase in massing of a noncomplying structure. Variances from both Planning Code Sections 188 and 242 would also be required to reconfigure the stairs in the required rear yard area. To receive a variance, the Project Sponsor must demonstrate that the proposal is necessary to overcome a practical difficulty or unnecessary hardship that is neither self-induced nor monetary in nature.

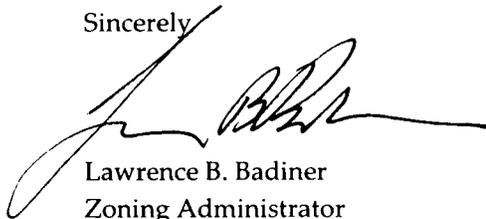
Finally, your letter requests determination regarding the parking requirements of Planning Code Section 242 and their applicability to your proposal. Off-street parking requirements in the Bernal Heights Special Use District are determined by the useable floor area of the building. The subject dwelling is noncomplying in regards to parking, therefore, additional off-street parking is not presently required. However, if one or more alterations cumulatively add over 200 square feet of usable floor area, the parking standards of Planning Code Section 242 would apply to the entire building. Useable floor area is defined in Section 242 as the sum of the gross floor areas of the several floors of a building, measured from the exterior walls or from the center lines of common walls separating two buildings. Useable floor area does not include floor area devoted to off-street parking or any space or area which is not readily accessible and which has not more than five feet vertical clearance at any point.

The exterior improvements described in your letter would not result in an addition of useable floor area and therefore, would not trigger the parking requirements of Section 242. However, the proposed addition of 24-square-feet of useable floor area, for storage space under the gabled roof, would count towards to the 200 square foot threshold because the space is both greater than 5-feet in height and readily accessible.

If you have any question regarding this matter, please contact Brittany Bendix at (415) 575-9089.

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 Permit Appeals within 15 days of the date of this letter. For information regarding the appeals process, please contact the Board of Permit Appeals located at 1650 Mission Street, 3<sup>rd</sup> Floor, Room 304, San Francisco, or call (415) 575-6880.

Sincerely



Lawrence B. Badiner  
Zoning Administrator

cc: Brittany Bendix

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