



PLANNING DEPARTMENT

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January 10, 2007

Edwin Hardy
188 Henry Adams Street
San Francisco, CA 94103

RE: 577 Sanchez Street, Assessor's Block and Lot, 3585/031

Dear Mr. Hardy:

I am writing in response to your letter of November 29, 2006. In that letter, you requested a determination regarding the compliance of a deck at the rear of the property at 577 Sanchez Street. The subject property is within an RH-3, Residential House, Three Family, district and a 40-X height and bulk district. The property is occupied by a single family dwelling with a deck at the rear. The deck appears to have been constructed without the benefit of permits, probably in the late 1970s and the current building permit application is intended to legalize the earlier construction.

Planning Code Section 136(c)(24) regulates the encroachment of decks into the required rear yard. This Section permits decks, on lots with a slope of more than 15% but no more than 70%, to encroach into the required open area provided the deck does not exceed a height of 3 feet above grade at *any lot line* (emphasis added) and further provided that the deck not penetrate a plane made by a vertical angle of 45% above horizontal with its vertex three feet above grade at any lot line bordering the required open area. In addition the vertical distance measured up from grade to the floor of the deck may not exceed 7 feet. I have attached a copy of this Section for your convenience.

The proposed modifications to the existing deck on the subject property comply with this Section in that the deck will be setback 3 feet from the side property line, will be no more than 6 feet above grade, and does not penetrate a plane made by a vertical angle of 45% above horizontal with its vertex three feet above grade at the rear lot line bordering the required open area. Finally the rear portion of the subject property has a slope that rises 7 feet 2 inches over a 42 foot 10 inch run for a slope of 16.7%. The entire subject lot rises 24 feet 3 inches over the 100 feet of lot depth for a slope of 24.2%.

If anyone has substantial reason to believe that there was an error in interpretation of the provisions of the Planning Code, or abuse of discretion on the part of the Zoning Administrator, they may file an appeal with the Board of Appeals (1660 Mission Street, Room 3036 telephone: 575-6880) within fifteen (15) days of the date of this letter.

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I understand that you filed an application for Discretionary Review of this project in late December 2006, since we did not expect to be able to respond to this request prior to the expiration of the Section 311 notification period. Should you wish to appeal this determination and maintain your Discretionary Review request, I would recommend that the Board of Appeals not consider an appeal of this determination prior to the Planning Commission hearing on the Discretionary Review request. This will allow the Board of Appeals to hear all aspects of the case at one time.

I hope this letter adequately addresses the questions in your letter. If you have any questions regarding this determination, please feel free to contact Rick Crawford of my staff, (415) 558-6358.

Sincerely,

Lawrence B. Badiner,
Zoning Administrator

cc: Rick Crawford, Planner