



SAN FRANCISCO PLANNING DEPARTMENT

Letter of Determination

June 15, 2009

April M. Alderiso, Esq.
Zachs & Utrecht, PC
235 Montgomery Street, Suite 400
San Francisco, CA 94104

**RE: 77 - 79 7th Avenue, Units A-E
Assessor's Block: 1351 Lot: 014
RH-2 (Residential, House, Two-Family) Zoning District**

Dear Ms. Alderiso:

This letter is in response to your request for a letter of determination for the property at 77 - 79 7th Avenue (Units A-E). The subject lot is 2,850 square feet (25 feet wide by 114 feet deep) and is occupied by a three-story residential building containing five units. It is located within an RH-2 (Residential, House, Two-Family) Zoning District and a 40-X Height and Bulk District. The existing building, constructed circa 1905, is not listed in the Planning Department's 1976 Architectural Survey or the National or California Registers as having architectural significance. However, the existing building is included within the Inner Richmond Survey area. The Report of Residential Record (3-R), issued by the Department of Building Inspection (DBI) which typically establishes the legality of existing dwelling units, authorizes the use of this building as a five-family dwelling. You have asked whether the building may be rebuilt as a five-unit structure if the building were destroyed. You have indicated that this Letter of Determination will be used as written documentation, as required from the Department of Real Estate (DRE), to convert the property into tenancy-in-common interests and to sell the interests to purchasers.

The existing building may be rebuilt under its current condition and configuration in the event of fire or other calamity pursuant to Sections 181(d) and 188(b) of the Planning Code. Planning Code Sections 181(d) and 188(b) allow a legally constructed structure that is destroyed by fire, other calamity, or by act of God or the public enemy to be restored to its original condition and use provided that such restoration is permitted by the Building Code and is started within one year and diligently prosecuted to completion. This allows the reconstruction of a non-conforming use, a non-complying building or conditional use that has all applicable building permits and a Certificate of Occupancy on record with the Department of Building Inspection. Uses, buildings and features not legally built or established may be replaced only with uses, buildings or features that conform to current standards.

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.

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

Reception:
415.558.6378

Fax:
415.558.6409

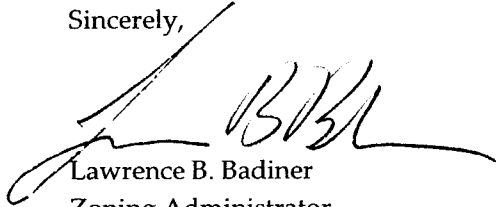
Planning
Information:
415.558.6377

April M. Alderiso, Esq.
Zachs & Utrecht, PC
235 Montgomery Street, Suite 400
San Francisco, CA 94104

June 15, 2009
Letter of Determination
77 - 79 7th Avenue

If you have any questions regarding this matter, please contact me or my staff Sharon M. Young at (415) 558-6346 or sharon.m.young@sfgov.org.

Sincerely,



Lawrence B. Badiner
Zoning Administrator

HAZARD DETERMINATION 2009/77 - 79 7th Ave LOD