

BOARD OF APPEALS, CITY & COUNTY OF SAN FRANCISCO

Appeal of
GRACE BACIGALUPI,)
Appellant(s))
vs.)
ZONING ADMINISTRATOR,)
Respondent)

Appeal No. **23-039**

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN THAT on August 25, 2023, the above named appellant(s) filed an appeal with the Board of Appeals of the City and County of San Francisco from the decision or order of the above named department(s), commission, or officer.

The substance or effect of the decision or order appealed from is the ISSUANCE on August 10, 2023, of a Letter of Determination (Record No. 2023-004009ZAD) (The Zoning Administrator has determined that the existing parking space at the front of the property is a legally permitted parking space under the Planning Code. However, the garage building was removed and the existing fence between the street and parking space does not provide adequate screening. Therefore, a building permit must be filed, issued, and completed to provide adequate screening of the parking space as required by the Planning Code) at 1367 San Bruno Avenue.

RECORD NO. 2023-004009ZAD

FOR HEARING ON October 11, 2023

Address of Appellant(s):

Address of Other Parties:

Grace Bacigalupi, Appellant(s) 1367 San Bruno Avenue San Francisco, CA 94110	N/A
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Date Filed: August 25, 2023

**CITY & COUNTY OF SAN FRANCISCO
BOARD OF APPEALS**

PRELIMINARY STATEMENT FOR APPEAL NO. 23-039

I / We, **Grace Bacigalupi**, hereby appeal the following departmental action: **ISSUANCE** of **Letter of Determination Record No. 2023-004009ZAD** by the **Zoning Administrator** which was issued or became effective on: **August 10, 2023**, for the property located at: **1367 San Bruno Avenue**.

BRIEFING SCHEDULE:

Appellant's Brief is due on or before: 4:30 p.m. on **September 21, 2023, (no later than three Thursdays prior to the hearing date)**. The brief may be up to 12 pages in length with unlimited exhibits. It shall be double-spaced with a minimum 12-point font. An electronic copy shall be emailed to: boardofappeals@sfgov.org, julie.rosenberg@sfgov.org, corey.teague@sfgov.org, tina.tam@sfgov.org

Respondent's and Other Parties' Briefs are due on or before: 4:30 p.m. on **October 5, 2023, (no later than one Thursday prior to hearing date)**. The brief may be up to 12 pages in length with unlimited exhibits. It shall be doubled-spaced with a minimum 12-point font. An electronic copy shall be emailed to: boardofappeals@sfgov.org, julie.rosenberg@sfgov.org, corey.teague@sfgov.org, tina.tam@sfgov.org and grace.bacigalupi@ucsf.edu

Hard copies of the briefs do NOT need to be submitted to the Board Office or to the other parties.

Hearing Date: **Wednesday, October 11, 2023, 5:00 p.m., Room 416 San Francisco City Hall, 1 Dr. Carlton B. Goodlett Place**. The parties may also attend remotely via Zoom. Information for access to the hearing will be provided before the hearing date.

All parties to this appeal must adhere to the briefing schedule above, however if the hearing date is changed, the briefing schedule MAY also be changed. Written notice will be provided of any changes to the briefing schedule.

In order to have their documents sent to the Board members prior to hearing, **members of the public** should email all documents of support/opposition no later than one Thursday prior to hearing date by 4:30 p.m. to boardofappeals@sfgov.org. Please note that names and contact information included in submittals from members of the public will become part of the public record. Submittals from members of the public may be made anonymously.

Please note that in addition to the parties' briefs, any materials that the Board receives relevant to this appeal, including letters of support/opposition from members of the public, are distributed to Board members prior to hearing. All such materials are available for inspection on the Board's website at www.sfgov.org/boa. You may also request a hard copy of the hearing materials that are provided to Board members at a cost of 10 cents per page, per S.F. Admin. Code Ch. 67.28.

The reasons for this appeal are as follows:

See attachment to the preliminary Statement of Appeal

Appellant or Agent:

Signature: Via Email

Print Name: Grace Bacigalupi, appellant

I would like to appeal the LOD (2023-004009ZAD) issued 8/10/23 for 1367 San Bruno, the purpose of the LOD was to determine if my driveway was legal and the answer was that it was when the garage was there and that the fence didn't provide adequate screening. As per Alec's advice, I emailed Rogelio to see if I could find out more about what exactly was wrong with and because my question wasn't really answered by Rogelio's email of whether or not this green tennis court material was or was not adequate screening ?

The email that I received an email from Rogelio 8/14/23 was a definition of what code 142 is but Rogelio did not say if my screening was or was not adequate, I think I met the criteria in the definition, but I really didn't understand why I didn't get an answer. I called and left a msg but never got a call back.

Thank you for your guidance on the phone today Alec and I look forward to your help paying for the appeal and perhaps getting some closure in this matter.

Sincerely, Grace Bacigalupi

415-794-4331

grace.bacigalupi@ucsf.edu



LETTER OF DETERMINATION

August 10, 2023

Grace Bacigalupi
1363 San Bruno Ave
San Francisco, CA 94110

Record No.: **2023-004009ZAD**
Site Address: **1367 San Bruno Ave**
Assessor's Block/Lot: 4262 / 016
Zoning District: RH-2 (Residential – House, Two Family)
Staff Contact: Rogelio Baeza - Rogelio.Baeza@sfgov.org

Dear Grace Bacigalupi:

This letter is in response to your request for a Letter of Determination regarding the property 1367 San Bruno Ave. The request seeks confirmation of the following: 1) whether the driveway/parking at the front was a legal existing condition.

BACKGROUND

The subject property previously included a single-car garage building at the front of the lot. Aerial photography, photographs you submitted, and building permit records indicate that the garage building date back to at least 1950. Per your request letter, the garage building collapsed during a storm in 2000. Aerial photography from 2002 show no garage building at the front of the lot. Additionally, Building Permit Application No. 200108246798 was submitted in 2001 to demolish the garage building and replace with an aluminum shed. However, that permit was cancelled on October 7, 2002.

PLANNING CODE ANALYSIS

The parking space and previous garage building existed legally up until the garage collapsed and was removed. Planning Code Section 142(a)(1) requires that, on a lot with 25 or less feet of frontage on a street, every off-street parking space within a building, where not enclosed by solid building walls, shall be screened from view from all Streets and Alleys through use of garage doors or by some other means. Additionally, the following Zoning Interpretation regarding this required screening was issued in December of 2000:

Code Section: [142](#)

Subject: Screening of parking

Effective Date: 12/00

Interpretation:

Planning Code Section 142 requires screening of parking within a building (Sec. 142(a)) and in rear yards and in other interior areas (Sec. 142(b)). A question was raised whether screening for parking was required in the front of a building that was setback from the street beyond the required front setback, and, therefore, the parking was in the buildable area but not within the building. While Section 142 does not strictly require the screening in this circumstance, past practice has been to do so.

Page 41 of the Residential Design Guidelines provides justification for this practice:

Other Parking Openings

On wider lots all of the street level facade may not be needed for garage or building entries. Preferably occupied rooms with windows should occupy the frontage with any parking pulled back from the property line. When parking is at the front of the building care should be taken to screen the parking from view and to make the wall visually interesting. Openings to the parking area, other than garage door, should be limited to those required by the Building Code for ventilation, should be well below eye level, and should be decoratively screened in a way that will block the view of the parking area from the street. (emphasis added)

Therefore, parking in front of the building must be screened even if it is not within a building.

It's important to note that the subject property does not appear to have a required front setback pursuant to Planning Code Section 132. Therefore, the current location of the parking space is within the permitted buildable area of the lot. However, it appears that the current parking space is not fully screened as required by Planning Code Section 142, as the existing fence allows substantial visibility to the parking space from the street.

DETERMINATION

Based on the information above, it is my determination that the existing parking space is a legally permitted parking space under the Planning Code. When the parking space was within the previously existing garage building it met the screening requirements of Planning Code Section 142. However, the garage building was removed and the existing fence between the street and parking space does not provide adequate screening. Therefore, a building permit must be filed, issued, and completed to provide adequate screening of the parking space per Planning Code Section 142 while also meeting all other applicable requirements of the Planning Code.

Alternatively, you may choose to file an application and request a variance from the requirements of Planning Code Section 142 pursuant to Section 305. But please note that any such variance proposal may only be granted by the Zoning Administrator if it is determined that the proposal meets all five required findings provided in Section 305. You can find more information on the variance process on the Planning Department's website.

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.

Grace Bacigalupi
1363 San Bruno Ave
San Francisco, CA 94110

August 10, 2023
Letter of Determination
1367 San Bruno Ave

APPEAL: An appeal may be filed with the Board of Appeals within 15 days of the date of this letter if you believe this determination represents an error in interpretation of the Planning Code or abuse in discretion by the Zoning Administrator. Please contact the Board of Appeals in person at 49 South Van Ness Ave, Suite 1475, call (628) 652-1150, or visit www.sfgov.org/bdappeal.

Sincerely,



Corey A. Teague, AICP
Zoning Administrator

cc: Neighborhood Groups
Rogelio Baeza, Planner

BRIEF(S) SUBMITTED BY APPELLANT(S)

From: [Bacigalupi, Grace](#)
To: [Longaway, Alec \(BOA\)](#)
Subject: Fw: 1367 San Bruno BRIEF
Date: Monday, September 18, 2023 2:57:47 PM
Attachments: [20230918124047857.pdf](#)

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

TO: The SF Planning Dept.
FROM: Grace Bacigalupi
SUBJECT: 1367 San Bruno Driveway Legality
ISSUE: Appeal LOD for 1367, Is the driveway a legal driveway?

Back round: An anonymous complaint was made to DPW in 12/2022 that someone asked if this was a legal driveway?

After my husband and I were notified of the complaint, I sent a Sanborn map from 1919 that was given to me by your department in 2016, showing the entire property with a small garage at the front of the property.

I also sent a Zoning verification letter from 2016 from your office; Pictures from 1950 and 1960 of the little garage and driveway.

Also pictures after repairs were made to the sidewalk (same area) from a previous DPW complaint in 2017 (no mention of the driveway at that time)

The response from DPW was that they would put the complaint on hold until they heard from the SF Planning department.

Since then, my husband and I have had all the sidewalks repaired. We painted the fence and attached a green tennis court material on the inside.

I reached out to SF Planning and was told a letter of determination may help this situation and that's just what I did 5/3/23.

8/10/23 I received the LOD, but it was not clear, it said the driveway was legal with the garage there, but that code 142 says that we currently don't have adequate screening. when I asked questions via Email, I was given a definition of code 142 which is the screening between sidewalk and the parking space on the other side of the fence.

I have spoken with Corey and given a number for David Winslow whom I reached out to 9/7/23 and my email was not responded to.

The garage mentioned was very dilapidated and started falling after a series of storms in 2000 and after several attempts to get a permit to replace or rebuild, we were told that if we repaired the fence that was there and it was 72 inches or less it did not require a permit, so

that's what we did.

I am asking for an appeal because the LOD was confusing, and no other ideas or solutions were offered when asked and I believe that the current screening on our fence meets the criteria mentioned in code 142.

Thank you, Grace Bacigalupi

From: ecopysvc@ucsfmedctr.org <ecopysvc@ucsfmedctr.org>

Sent: Monday, September 18, 2023 12:40 PM

To: Bacigalupi, Grace <Grace.Bacigalupi@ucsf.edu>

Subject: Message from "P31794"

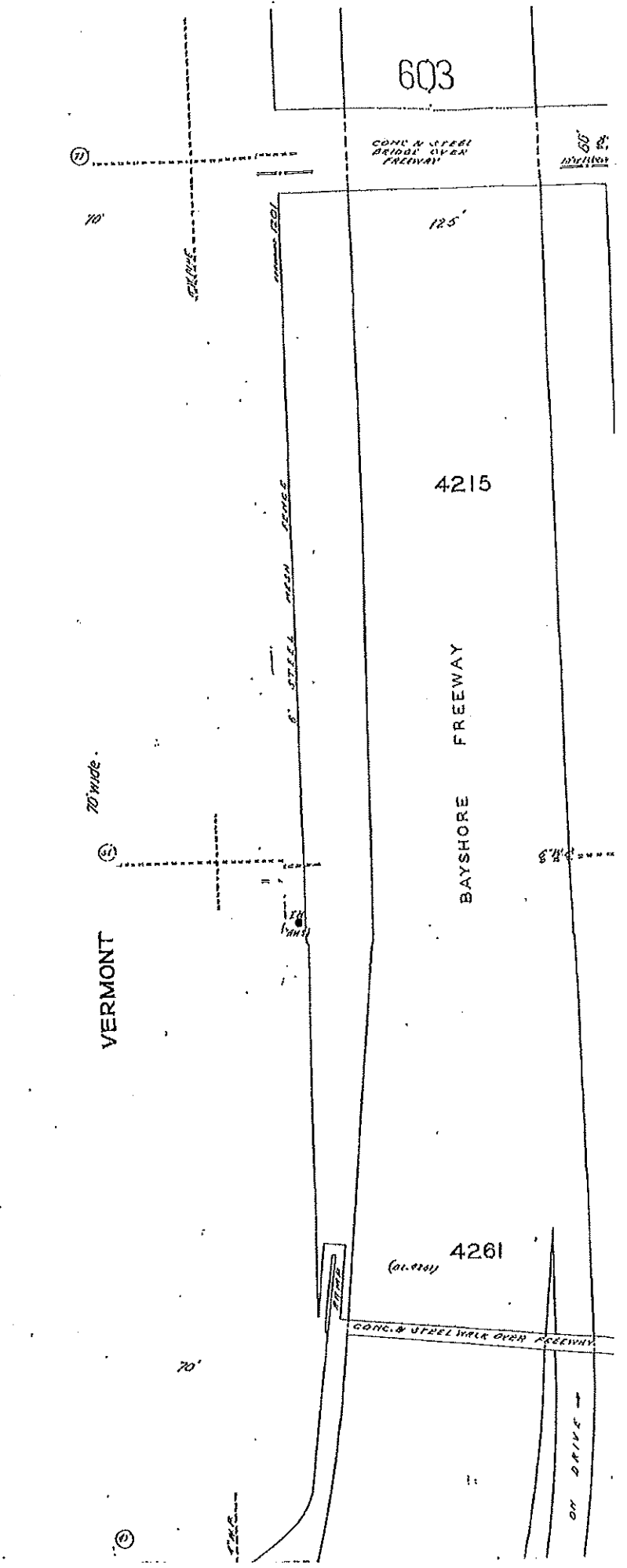
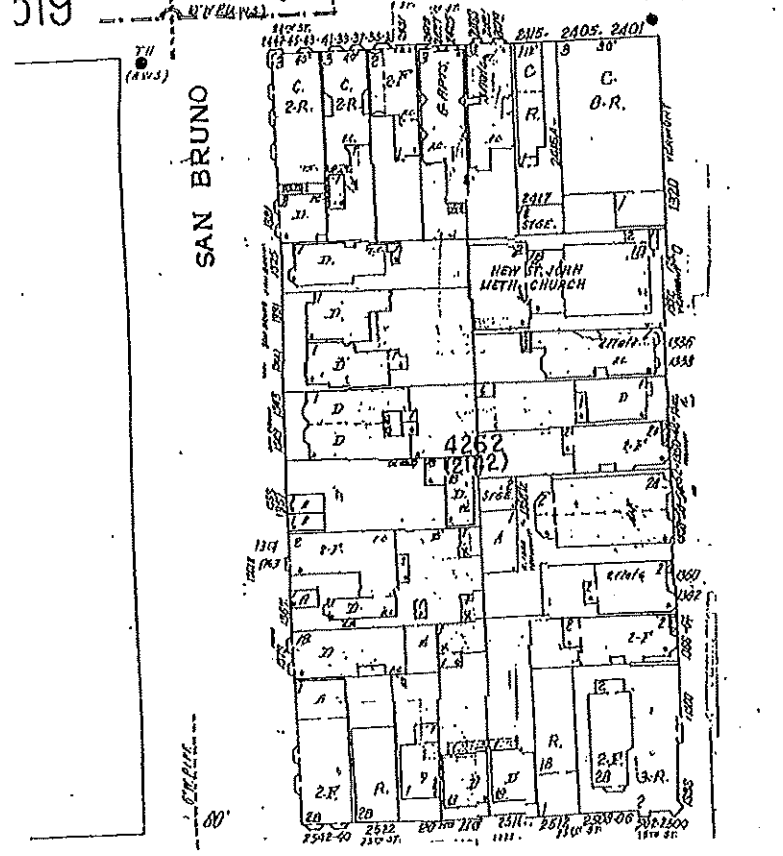
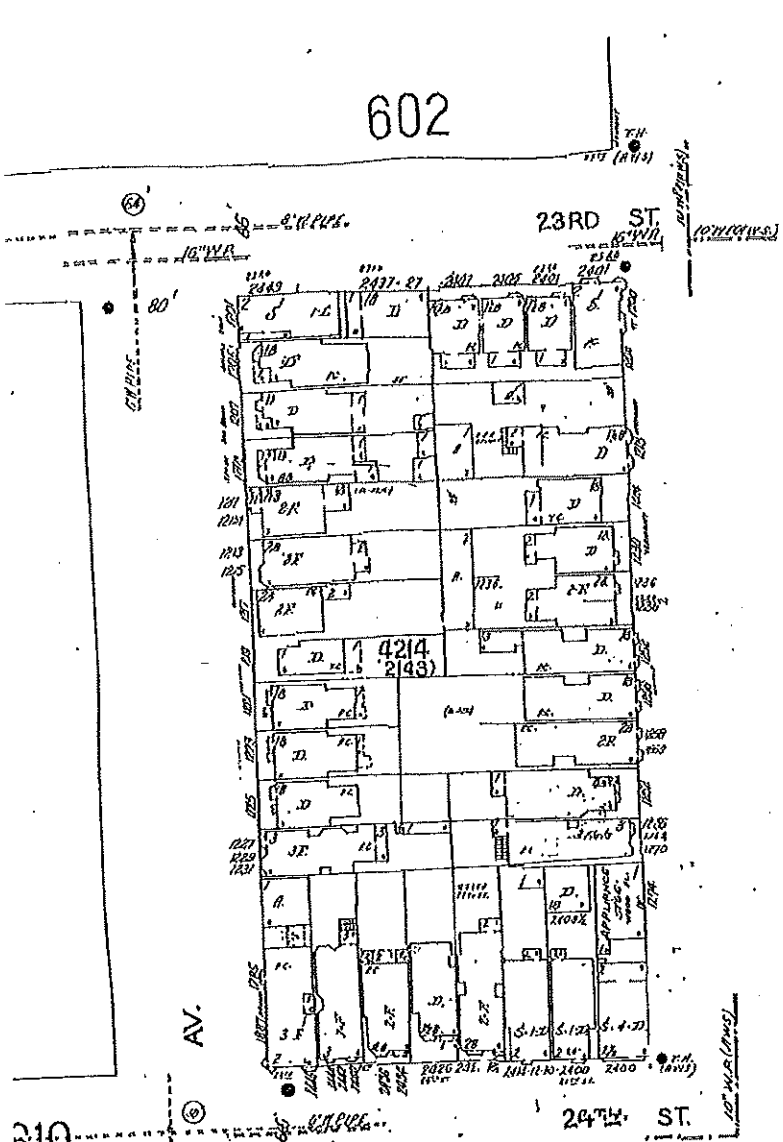
This E-mail was sent from "P31794" (IM C3000).

Scan Date: 09.18.2023 12:40:47 (-0700)

Queries to: ecopysvc@ucsfmedctr.org

602

603





SAN FRANCISCO PLANNING DEPARTMENT

Zoning Verification Letter

July 12, 2016

Grace and Michael Bacigalupi
1363 San Bruno Avenue,
San Francisco, CA 94110

Site Address:	1367 San Bruno Avenue
Assessor's Block/Lot:	4262 / 016
Zoning District:	RH-2, Residential- House, Two-Family
Staff Contact:	Eugenio Salcedo - (415) 575-9139 Eugenio.Salcedo@sfgov.org
Record No.:	2016-008994ZAV

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Dear Grace and Michael Bacigalupi:

The Zoning Designation of the Subject Property is: RH-2, Residential- House, Two-Family

The Adjacent Properties Zoning Designations are:

- North: RH-2, Residential- House, Two-Family
- South: RH-2, Residential- House, Two-Family
- East: RH-2, Residential- House, Two-Family
- West: RH-3, Residential- House, Three-Family

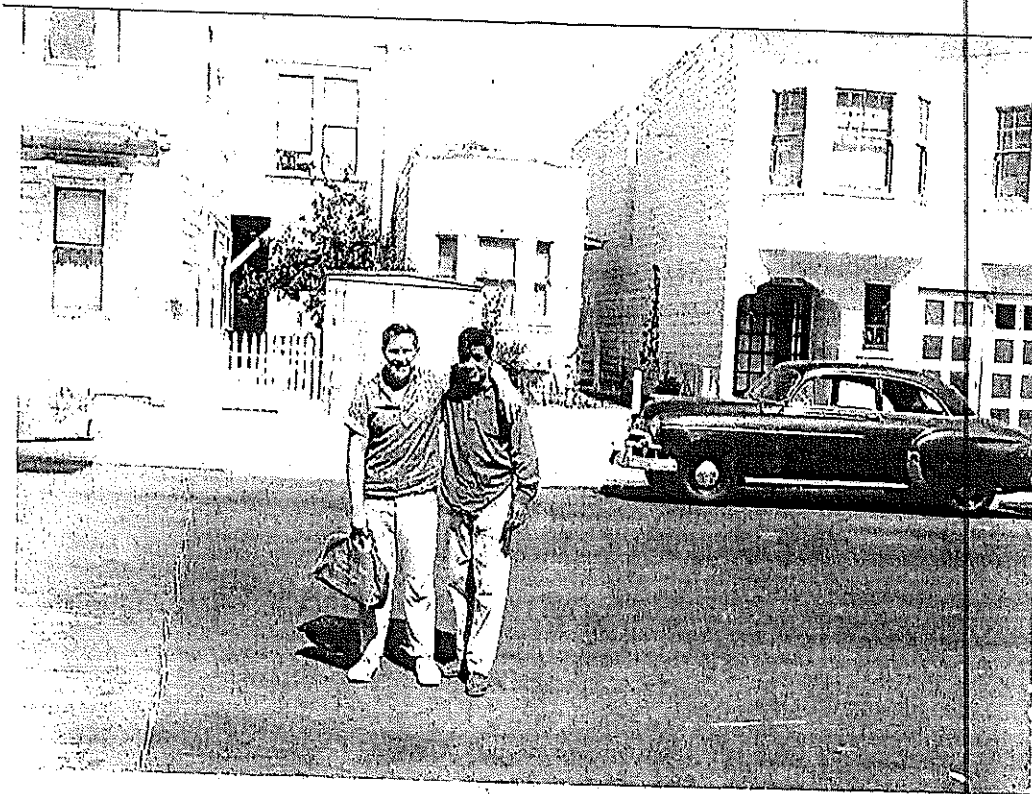
Zoning Controls: The Subject Property is regulated by Planning Code Section 209.1 RH (Residential, House) Districts.

Current Use: The Subject Property's current use is a residential use. Specifically, the subject property is authorized as a single-family dwelling. Pursuant to Planning Code Section 209.1, in the RH-2 District, up to two residential units are permitted per lot by right.

Conformity: The Subject Property was developed in 1906, prior to the development of the planning code. The subject property appears to be legal conforming to current planning code requirements.

Rebuild: In the event of casualty, in whole or in part, the structure located on the subject property may be rebuilt in the current form, if applicable.

Compliance: The Subject Property has no active zoning violations or complaints.



1960
GARAGE &
DRIVEWAY



1950
GARAGE
1367

2017
AFTER REPAIR



2020



GRACE J BACIGALUPI
MICHAEL R BACIGALUPI
1363 SAN BRUNO AVE
SAN FRANCISCO, CA 94110

93-7113
391

1120

DATE 5-3-23

PAY TO: PLANNING DEPT-SF \$ 808.00
THE UNITED STATES OF AMERICA
EIGHT HUNDRED AND EIGHT DOLLARS AND NO/100 CENTS

PROVIDENT
CREDIT UNION
333 Twin Oaks Drive, Redwood City, CA 94063
(650) 509-1300 (TOLL FREE) 617-4600

MEMO ZAD 2023

Grace Bacigalupi



2023-05-03-237



LETTER OF DETERMINATION

August 10, 2023

Grace Bacigalupi
1363 San Bruno Ave
San Francisco, CA 94110

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