



SAN FRANCISCO PLANNING DEPARTMENT

Letter of Determination

May 20, 2016

Claudio Matonffy
237 Clara Street
San Francisco, CA 94107

Site Address: 872-876 Capp Street
Assessor's Block/Lot: 3642/045
Zoning District: RTO-M (Residential Transit Oriented-Mission)
Staff Contact: Esmeralda Jardines, (415) 575-9144 or esmeralda.jardines@sfgov.org
Record No.: 2016-003869ZAD

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Dear Mr. Martonffy:

This letter is in response to your request for a Letter of Determination regarding the property at 872-876 Capp Street. This parcel is located in the RTO-M (Residential Transit Oriented-Mission) Zoning District and 40-X Height and Bulk District. The request is whether the lot at 872 Capp Street can be used as accessory parking for the businesses at 2777-2779 Mission Street (El Farolito Bar and Taqueria). The property at 2777-2779 Mission Street abuts the rear of the subject property and is located in the Mission Neighborhood Commercial Transit (NCT) Zoning District and 85-X Height and Bulk District.

BACKGROUND

Based upon information provided in your request, the property at 2779 Mission Street was purchased by the Lopez family in December of 1982 and El Farolito Taqueria has operated at this location continuously since that time. Also in 1982, the previous owner of 872 Capp Street granted the Lopez family use of the 872 Capp Street lot to park their commercial vehicles necessary for the operation of El Farolito Taqueria. On June 22, 2009, the Lopez family purchased 872-876 Capp Street with the intent to continue using the lot as accessory parking to their existing business operations with the possibility of future development on the lot.

872-876 Capp Street is located within the RTO-M Zoning District. Per Planning Code 209.4, off-street parking is not required and maximum amounts are set forth in Section 151.1. 2777-2779 Mission Street is located within the Mission NCT Zoning District. Per Section 736.22, commercial off-street parking is not required and maximum amounts are set forth in Section 151.1 and subject to the criteria of Sections 150, 151.1, 204.5, 153-157 and 159-160.

Per Planning Code Section 102, a Lot is defined as follows: "A parcel of land under one ownership that constitutes, or is to constitute, a complete and separate functional unit of development, and that does not extend beyond the property lines along streets or alleys. A lot as so defined generally consists of a single Assessor's lot, but in some cases consists of a combination of contiguous Assessor's lots or portions thereof where such combination is necessary to meet the requirements of this Code."

The properties at 872-876 Capp Street and 2777-2779 Mission Street are contiguous lots that are under the same ownership and used by the aforementioned business entity; therefore, they function as one

Claudio Martonffy
237 Clara Street
San Francisco CA 94107

May 20, 2016
Letter of Determination
872-876 Capp Street

development lot. Per Planning Code Section 204.5, in order to be classified as an accessory use, off-street parking and loading shall be located on the same lot as the structure of use served by them.

Per Planning Code Section 151.1, for restaurants and bars, accessory off-street parking is permitted at the ratio of one space for each 200 square feet of occupied floor area. Per plans dated December 12, 2015 (prepared by Claudio Martonffy Design) the occupied floor area for the El Farolito Bar and Restaurant is 2,478 square feet. Thus, 12 off-street parking spaces are permitted as accessory. As such, the eleven demarcated off-street parking spaces at 872-876 Capp Street are within the accessory parking limit thresholds.

Per Planning Code Section 156, "A 'parking lot' is defined as an off-street open area or portion thereof solely for the parking of passenger automobiles. Such an area or portion shall be considered a parking lot whether or not on the same lot as another use, whether or not required by this Code for any structure or use, and whether classified as an accessory, principal or conditional use." Additionally, "where parking lots are specified in Articles 2, 7 or 8 of the Planning Code as a use for which Conditional Use approval is required in a certain district, such Conditional Use approval shall be required only for such parking lots in such district as are not qualified as accessory uses under Section 204.5 of this Code. The provisions of Section 156 shall, however, apply to all parking lots whether classified as accessory, principal, or conditional uses." As such, 872-876 Capp Street must demonstrate compliance with the requirements of Section 156.

DETERMINATION

After reviewing City records, architectural plans, and the materials contained in your request, it is my determination that the 872-876 Capp Street lot may continue as accessory parking for the El Farolito businesses at 2777-2779 Mission Street, provided that the lots are maintained as one development lot and that the parking lot comply with the relevant requirements of Section 156.

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: Esmeralda Jardines, Planner
Property Owner
Neighborhood Groups

Claudio Martonffy
Claudio Martonffy Design
237 Clara St
San Francisco, CA 94107
(415) 218-9212

Scott Sanchez
Office of the Zoning Administrator
1650 Mission Street, Suite 400
San Francisco, CA 94103

March 3, 2016

Property: 872 Capp St
Block/Lot: 3642/045

Mr Sanchez,

On behalf of the property owners, Irene and Lupe Lopez, I would like to request a Letter of Determination to use the Lot at 872 Capp St as Accessory Parking to El Farolito Taqueria and El Farolito Bar at 2777 & 2779 Mission St.

History of the site:

The lot at 2779 Mission St, which backs into the lot at 872 Capp St was purchased by the Lopez family in December of 1982. El Farolito Taqueria has operated continuously since that time. Also in 1982, the previous owner of 872 Capp St granted the Lopez family use of the 872 Capp St lot for parking commercial vehicles used for the operation of El Farolito Taqueria.

In June 2009, the Lopez family purchased 872 Capp St with plans to continue using the lot as accessory parking to their existing business operations and possible future development.

The Capp St lot has been the defacto accessory parking of El Farolito Taqueria and Bar for over 30 years.

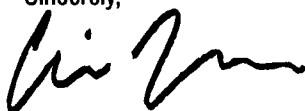
Request for LOD:

The current number accessory parking spaces allowed by code based on the square footage of El Farolito Taqueria and El Farolito Bar is 11. Refer to the documents submitted for the CU Permit on this matter.

There are currently 11 marked parking spaces at 872 Capp St. The owners would like to continue to use those spots exclusively as accessory parking to El Farolito Taqueria and Bar. During the course of their use of the lot, the owners have operated vehicles in the lot in a manner respectful to the neighbors in terms of hours of operation appropriate to a mixed-use neighborhood and would continue to do so in the future.

Thank you for your consideration on this matter.

Sincerely,



Claudio Martonffy

R# 2016-003869 ZAD

CK # 1491 \$ 645 -

J. BANALES (SE)

RECEIVED

MAR 16 2016

CITY & COUNTY OF S.F.
PLANNING DEPARTMENT
RECEPTION DESK