



SAN FRANCISCO PLANNING DEPARTMENT

September 21, 2007

Brett Gladstone
Gladstone & Associates
Penthouse, 177 Post Street
San Francisco, CA 94108
415.434.9500

Re: Request For Written Determination Pursuant To Planning Code §307(A)
Property Address: 1417 15th Street
Block/Lot: 3552/043
Zoning District: RH-3 (Residential, House, Three-Family) District

Dear Mr. Gladstone:

This is in response to your letter requesting to verify the compliance of the proposed change of use with the San Francisco Planning Code. A previous written determination verified the existing use of commercial film studio as a legal nonconforming arts activity use.

Present and Historical Use

The 5,000-square-foot lot contains an approximately 6,200 square foot industrial building. The Assessor's records indicates the building was constructed in 1906. According to the previous letter, the property had been occupied by various industrial and commercial uses, first for the manufacture of refrigeration equipment, then between 1975 and 1980 as a wholesale storage warehouse for a building supply company, between 1980 and 1997 as a commercial photography studio, and since 1997 as a commercial film studio and accessory office.

Zoning and Permitted Uses

The property is currently zoned RH-3 (Residential, House, Three-Family). Our records indicate the property was zoned M-1 (Light Industrial) until approximately 1978, when the property and parts of the surrounding neighborhood were rezoned to RH-3. Under the current RH-3 zoning, the only allowable uses of the property would be those principally permitted or conditionally permitted uses identified in Section 209 of the Planning Code, which include dwellings, other housing, institutions, community facilities, and live/work occupied by arts activities. Commercial and industrial uses are not permitted.

Nonconforming Use

The previous determination stated that the change of use in 1980 from a warehouse to a photography studio (an Arts Activity, which is more widely permitted than a warehouse use) was in compliance with the Planning Code. The nonconforming photography studio use operated continuously until 1997. The change in 1997 from a photography studio to a commercial film studio did not constitute a change of use, since both activities come under the Arts Activity use classification defined in Section 102.2. The accessory office use is limited to no more than 1/4 of

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the total floor area per Section 204.2. This office use may not be leased to a separate tenant. Any nonconforming use may continue subject to the provisions of Sections 181-186.

Proposal

A change of use from an existing nonconforming use to a principally and conforming use is permitted. A residential use is a principally permitted use in a RH-3 zoning district. The proposed conversion of less than 1/4 of the total floor area of the existing nonconforming Arts Activity use to an accessory dwelling unit to accommodate 24-hour film-making and photograph shoots reduces the nonconformity of the existing use.

Determination

It is my determination that (1) a dwelling unit is permitted and the partial conversion of the existing commercial film studio use to dwelling reduces the nonconformity of the existing use, and (2) an accessory dwelling unit of no more than 1/4 of the total floor area does not require additional off-street parking spaces. Therefore, your proposal to convert an area of less than 1/4 of the total floor area of the subject building containing approximately 6,200 square feet of area to an accessory dwelling is permitted.

If you have any questions regarding this matter, please contact Ben A. Fu at (415) 558-6613 or via e-mail at ben.fu@sfgov.org.

If anyone has substantial reason to believe that there is an error in the implementation of the Planning Code, or abuse of discretion on the part of the Zoning Administrator, this determination may be appealed to the Board of Appeals within fifteen (15) days from the date of this letter. For further information regarding the appeals process, please contact the Board of Appeals, 1660 Mission Street, Room 3036, San Francisco or by telephone at (415) 575-6880.

Sincerely,

Lawrence B. Badiner
Zoning Administrator

