



# PLANNING DEPARTMENT

City and County of San Francisco • 1660 Mission Street, Suite 500 • San Francisco, California • 94103-2414

MAIN NUMBER  
(415) 558-6378

DIRECTOR'S OFFICE  
PHONE: 558-6411

4TH FLOOR  
FAX: 558-6426

ZONING ADMINISTRATOR  
PHONE: 558-6350

5TH FLOOR  
FAX: 558-6409

PLANNING INFORMATION  
PHONE: 558-6377

MAJOR ENVIRONMENTAL  
FAX: 558-5991

COMMISSION CALENDAR  
INFO: 558-6422

INTERNET WEB SITE  
WWW.SFGOV.ORG/PLANNING

February 3, 2005

Gloria Hicks  
RHL Design Group  
1137 North McDowell Boulevard  
Petaluma, CA 94954-1110

**RE: 1698 Fell Street**  
Zoning: RM-2 (Residential, Mixed, Moderate Density)  
Block 1208 Lot 019

Dear Ms. Hicks:

This letter is in response to your letter dated December 14, 2004, in which you request Zoning Administrator approval to modernize the existing Chevron automobile service station. The modernization includes enlarging the existing canopy and fueling islands; removal of the existing building containing an office, restrooms, cashier area, service bays and utilities; and construction of a new building at the northeast corner of the lot, containing an office, restrooms, cashier, utilities and a retail sales area. The proposal also includes additional landscaping.

The subject property is zoned RM-2 and the existing automobile service station is allowed as a legal nonconforming use. Per the Zoning Administrator's determination on July 28, 1998, continued and permanent use of the site as an automobile service station is highly desirable and therefore the station will be able to continue as an automobile service station indefinitely.

Planning Code Section 187.1 regulates service stations and gasoline stations as legal nonconforming uses. Section 187.1(c) states, "an automotive service station regarded as a legal nonconforming use ... may enlarge or intensify its current service station operations provided the station receives conditional use approval for such enlargement or intensification under Section 303 ...".

The proposed new building with the specified uses would require conditional use authorization, per Section 187.1(c). Please see our website at [www.sfgov.org/planning](http://www.sfgov.org/planning) for a conditional use application and description of procedures. This building is proposed to be located in the required rear yard, and as a result, would require a rear yard variance for approval. Please see our website at [www.sfgov.org/planning](http://www.sfgov.org/planning) for a variance application and description of procedures.

The proposed expansion of the canopy and fueling islands does not constitute an enlargement or intensification under Section 303. However the addition of more fuel pumps would be an intensification of the existing use, requiring conditional use authorization from the Planning Commission. Also, increasing the lumens of the existing lighting or adding more lighting that in

Gloria Hicks  
RHL Design Group  
Letter of Determination – 1698 Fell Street  
January 27, 2005  
Page 2.

any way results in more glare on neighboring properties would be an intensification requiring conditional use authorization.

Please direct any questions regarding this letter to Isolde Wilson at (415) 558-6163 or via email at [Isolde.Wilson@sfgov.org](mailto:Isolde.Wilson@sfgov.org).

If anyone has substantial reason to believe that there is an error in the interpretation 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

Cc: Gil Chavis, Planning Department Public Information Center  
Augustine Fallay, Department of Building Inspection