

## PLANNING DEPARTMENT

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March 3, 2005

Steven Vettel Morrison & Foerster LLP 425 Market St. San Francisco, California 94105-2482

> Re: Request for Determination regarding Permitted Housing Density

at 684 Ellis Street.

Lot 020 in Block 0321 in an RC-4/NOMRSUD #1/80-T Zoning District

## Dear Mr. Vettel:

I am writing in response to your December 6, 2004 letter on behalf of Mercy Housing requesting determinations related to a proposed change of use from residential hotel rooms and tourist hotel rooms to dwelling units. Specifically, your letter requests that:

- 1) a variance be considered to reduce the density ratio from 1:200 to 1:125 minus one dwelling unit, and
- 2) the conversion of 49 nonconforming tourist hotel rooms to dwelling units in excess of the allowed density be considered Code-complying pursuant to Section 182(b).

In response to request #1. Planning Department records indicate that the subject property at 684 Ellis Street is within the NOMRSUD Subarea #1, not #2 as shown in your letter. The maximum permitted density of the subject site is therefore 1:125, with no need for a variance.

In response to your request #2, my determination is that the proposed conversion of 49 tourist hotel units along with the conversion of 59 residential hotel units to 90 dwelling units would comply with Code Section 182(b), and would therefore be permitted. Tourist hotel rooms are not permitted in the RC-4 Zoning District and therefore constitute a nonconforming use in the existing building. Converting the 49 tourist hotel rooms to dwelling units would therefore comply with Section 182(b), which provides that:

[A] nonconforming use may be reduced in size, extent or intensity, or changed to a use that is more widely permitted by the use districts of the City than the existing use, subject to the other applicable provisions of this Code.

The conversion of the 59 residential hotel units and 49 tourist hotel rooms to 90 dwelling units would result in a lower impact, less dense use of the property, and one that is more compatible with the neighborhood and in conformity with the intent of the NOMRSUD.

Letter of Determination 684 Ellis Street 3/3/05

If you have any questions about this determination, please call Ms. Kelley Amdur at (415) 558-6351. If you believe that this determination represents an error in interpretation of the Planning Code or abuse of discretion by the Zoning Administrator an appeal may be filed with the Board of Appeals, 1660 Mission Street, within 15 days of the date of this letter.

Very truly yours,

Lawrence B. Badiner Zoning Administrator

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