



SAN FRANCISCO PLANNING DEPARTMENT

Letter of Determination

July 19, 2010

Barak Jolish
2432 Castro Street
San Francisco CA 94131

RE: 1731 15th Street
Block: 3555 Lot: 056

Dear Mr. Jolish:

This letter is in response to your request for a letter of determination regarding the property at 1731 15th Street. This parcel is located in the Valencia Street NCT District and a 55-X Height and Bulk District. The request is to determine if the existing legal use of the building is "Group Housing" (as defined in 790.88(b)). Additionally, you requested information regarding the potential conversion to a more traditional group housing facility, and any required public notification for such conversion.

The following documentation supports that the existing legal use of at least some portion of the building is group housing:

1. R. Spencer Steele, the Zoning Administrator at the time, issued a letter of determination on August 3, 1973, regarding the establishment of a Buddhist monastery in the subject building. The proposal included a "church, lecture hall, one kitchen and 21 monastic rooms." The letter stated that "the proposed use is more like a boarding house or other group housing arrangement than any other residential use listed in the Planning Code," and that a building permit could be approved for the project as proposed.
2. The Department of Public Works inspected the subject building on October 7, 1974. The inspection report stated that "the first floor is used for public assembly, (B-3) church offices, kitchen and dining area for the occupants."
3. The Planning Department approved Building Permit No. 7411224 on December 2, 1974, which permitted a "conversion to church, monastery, and accessory sleeping quarters."
4. The current "3R" report from the Department of Building Inspection lists the authorized use(s) as 27 guest rooms and commercial.

The documentation also demonstrates that along with group housing, the ground floor of the existing building also housed a "Religious Facility," which is a subset of the "Other Large Institutions" use defined in Planning Code Section 790.50.

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Several additional building permit applications were approved since the issuance of Building Permit No. 7411224, establishing the use of the subject building as a religious facility and group housing. However, none of those permits included a change of use of the building.

It is my determination that the subject building was established as a religious facility and group housing in 1974 through the issuance of Building Permit Application 7411224. No other building permit or other development approval was issued since then to legally change the use of the building. Therefore, the existing legal use of the ground floor chapel area of the subject building is "Religious Facility," and the existing legal use of the remainder of the subject building is "Group Housing."

Please note that the conversion of the building into a new "Group Housing" facility and new "Other Large Institutions" use in the same footprints of the existing uses, will not require public notification per Planning Code Section 312. However, conversion of any portion of the subject building to other uses, or enlargement of the "Other Large Institutions" use may be subject to the notification requirements of Section 312, in addition to other Planning Code requirements.

If you have any questions, please contact Corey Teague at (415) 575-9081.

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
Acting Zoning Administrator

cc: Corey Teague, Planner

ID # 9016-SE J. BAÑALES
CK # 1075 \$ 549.50

Barak Jolish
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June 18, 2010

RECEIVED

Mr. Scott Sanchez
Acting Zoning Administrator
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103-2479

JUN 18 2010
CITY & COUNTY OF S.F.
PLANNING DEPARTMENT
RECEPTION DESK

Re: Request for Letter of Determination of 1731 15th Street (3555/056) authorized occupancy or use.

Dear Mr. Sanchez,

I am in the process of purchasing a building at 1731 15th Street and would appreciate your help in formally determining its present authorized Occupancy or Use. Specifically, I would like to renovate and lease the building as group housing, and need to confirm that this is a continuation of the previous use.

To assist you in understanding my request, I have divided this letter into three sections:

- Background (3R and Permit history);
- Current Building Condition and Proposed Modifications; and
- Specific Requests for Determination.

Background—3R Report and Relevant Permit History

Per the 3R Report, the present authorized Occupancy or use is as "27 Guest Rooms & Commercial." The Building Code and Occupancy Classifications are R1 & B3. Per 1.C. of the report, these rooms are not Residential Guest Rooms per Chapter 41 of the San Francisco Administrative Code.

I have tracked this use and occupancy classification to a 1974 Permit (No. 395681), which lists the work performed as "Legalize use as 3 story B3 and hotel with 27 guest rooms." (See Attachment A.) The Proposed Use is listed at "B-3" (for a ground-level Chapel area) and "H." Per Kirk Means of the Building Department's Technical Services Counter, "H" may have been a generic reference to housing.

The applicant for the 1974 permit was the Sino-American Buddhist Association, which used the building to house the Gold Mountain Monastery—i.e., as a residence for monks, nuns, visitors, students, workshop participants, etc. A contemporaneous publication describes the "Gold Mountain Monastery at 1731 Fifteenth Street in San Francisco, where more than 100 American monks, nuns,

and lay people are carrying on 'the high tradition of Chinese Buddhism."

(http://www.dharmasite.net/vbs44/44_8.htm.) There is no evidence of a "hotel" use; the term in the 1974 permit appears to be a poorly articulated reference to the guest rooms.

The plans accompanying the permit application support this housing use, in that the two upper floors have a high density of shared bedrooms, common bathrooms and a Reading Room/Lounge. The ground floor appears geared to service the needs of the residents, with a kitchen, offices, and a chapel/assembly area. Per my research, this use is most like Group Housing under Section 790.88(b) of the Planning Code, which lists:

A residential use which provides lodging or both meals and lodging without individual cooking facilities for a week or more at a time in a space not defined as a dwelling unit. Group housing includes, but is not limited to, a rooming house, boarding house, guest house, lodging house, residence club, commune, fraternity and sorority house, monastery, nunnery, convent, and ashram. It also includes group housing operated by a medical or educational institution when not located on the same lot as such institution.

The ambiguity as to occupancy and use arises as a result of other, different building uses listed in subsequent permit applications for minor renovations. For instance:

- Permit No. 727956 (1993) lists the use as "Buddhist Temple - A-3/R1." This permit was for a parapet reinforcement. (See Attachment B.)
- Permit Application No. 200802144859 list the use as "Residential Hotel - R-2,MA-3." This permit was for dry rot repair, new flooring and window and door replacement. (See Attachment C.)

In summary, neither the 3R report nor the Building Department online permit tracking system list post-1974 permits for anything other than minor repairs—i.e., alterations that would not involve changes to the group housing use or occupancy.

Please note that the Department of Building Inspection has no physical files on 1731 15th Street. (Per inquiry with Bernedette Perez, Principle Clerk.) May at the records department has also confirmed that they have no further documents that would shed light on use and occupancy issues.

Current Building Condition and Proposed Modifications

I believe the Sino-American Buddhist Association or related entities continued to occupy the building until 2008, when it was sold. (I base these assumptions on the applicants listed in available permits, internet searches that list the Sino-American address at 15th Street, and City tax records).

The purchaser substantially altered the building interior without permits, leading to a December 2009 Order of Abatement. It appears he was trying to create apartments on the second level—i.e., he created 2-3 room units with large kitchens, 1-2 bathrooms, and washer and dryer hookups. The building is currently empty.

After purchasing the building, I plan to remediate the code violations and renovate the structure (including a full seismic retrofit). My proposed layout is very similar to the 1975 group housing

design—i.e., the last permitted use. I would then lease the building for group housing per Section 790.88(b) of the Planning Code. I specifically envision providing housing for residents participating in social services programs (e.g., parolees transitioning back into society or adult former foster children), or student housing. To remain consistent with the 1975 occupancy and use designations, I could also restore ground level public assembly space.

Specific Requests for Determination

- Is the present authorized Occupancy or Use "Group Housing," as defined by Section 790.88(b) of the Planning Code?
- Would leasing the renovated building as housing for participants in social service programs, or as student housing, constitute a change of Use or Occupancy?
- Would my proposed uses trigger a 311 notification requirement?

The purchase and renovation of this building will be extremely expensive. It would be especially difficult to absorb carrying costs during a drawn-out Planning Process involving public opposition to a group housing use. I would thus greatly appreciate if you could help me resolve my questions before my due diligence period expires on July 8, 2010. I am ready to provide whatever help you need to reach a conclusion.

Thank you for your time and help.

Sincerely,



Barak Jolish

Dear Sir / Madam,
Please note that
I have only until
7/8/10 to complete
my due-diligence
on this issue. I would
very much appreciate
your help resolving
the issues as quickly
as possible.
Barak Jolish