



SAN FRANCISCO PLANNING DEPARTMENT

Letter of Determination

July 31, 2009

David Silverman
Reuben & Junius, LLP
1 Bush Street, Suite 600
San Francisco CA 94104

RE: 300 Funston Avenue
Block: 1444 Lot: 041

Dear Mr. Silverman:

This letter is in response to your request for a letter of determination regarding the property at 300 Funston Avenue. This parcel is located at the southeast corner of Funston Avenue and Clement Street within a RM-1 (Residential, Mixed, Low-Density) Zoning District and a 40-X Height and Bulk District. The property contains an existing building, the Fourth Church of Christ Scientist, constructed circa 1922. Directly to the east of the property, the lots on the remainder of the block-face along Clement Street are within the Inner Clement Neighborhood Commercial District (NCD). The request for a letter of determination inquires if a proposed library and museum to be established within the existing church building would be considered a public use, pursuant to Planning Code Section 2109.6(a), and therefore principally permitted in the RM-1 Zoning District.

A "public structure or use of a nonindustrial character, when in conformity with the Master Plan" is principally permitted in the RM-1 Zoning District pursuant to Section 209.6(a) of the Planning Code. As discussed in your request, Section 209.6(a) does not expound upon the nature of such public structures or uses, although public use is further described in other parts of the Code. For example, Section 790.80 describes a public use within an NCD as a publicly or privately owned use which provides public services to the community, whether conducted within a building or on an open lot, and which has operating requirements which necessitate the location within the district. Section 790.80 specifically mentions civic structures (including museums) and public libraries. Section 890.80, as related to Mixed Use Districts, also provides a duplicate definition of public use as found in Section 790.80.

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From the description in your request for determination, the Internet Archive wishes to occupy the existing church building at the subject property as a private, non-profit library that would be open to the public, while the San Francisco Center for the Book would also occupy the building as museum/exhibition space to establish "The Museum of the Book." Both entities intend to be open to the public free of charge. The Internet Archive is a library that builds digital collections that are available to the public though the internet and also on the premises. The Center of the Book teaches the art of making books by hand. The Center of the Book would provide exhibits to the museum use contemplated at the subject property, while The Center of the Book's operations would continue off-site (current operations located at 300 DeHaro Street). As part of the museum use, poetry readings and gallery talks are also anticipated.

In drawing from more specific definitions of "public use" from the Planning Code, the Internet Archive's intent to occupy the building as a library open to the public and The Center of the Book's use of the building as a museum/exhibition space may be classified as a public use as principally permitted in the RM-1 Zoning District. Furthermore, the contemplated library and museum uses within the existing building are found to be in conformity with the following Objective and Policies from the Community Facilities Element of the General Plan:

OBJECTIVE 3: ASSURE THAT NEIGHBORHOOD RESIDENTS HAVE ACCESS TO NEEDED SERVICES AND A FOCUS FOR NEIGHBORHOOD ACTIVITIES.

POLICY 2: Assure that neighborhood centers complement and do not duplicate existing public and private facilities.

POLICY 3: Develop centers to serve an identifiable neighborhood.

POLICY 4: Located neighborhood centers so they are easily accessible and near the natural center of activity.

POLICY 5: Develop neighborhood centers that are multi-purpose in character, attractive in design, secure and comfortable, and inherently flexible in meeting the current and changing needs of the neighborhood served.

Comment: The proposed uses as a library and a museum are unique due to the specialized interests of Internet Archive and The Center of the Book. The project sponsor intends to provide the library and museum to the general public free of charge. The proposed uses are multi-purpose in character, particularly as the library use focuses on archiving the internet and the museum use highlights the craft of book making. The desire for adaptive re-use of the existing Neo-Classical church building would maintain a readily identifiable physical symbol for the existing neighborhood. The proposed adaptive re-use would also preserve the existing building for use by the neighborhood and for potential future uses/tenants. Being located on a corner lot, within a predominant building and also directly adjacent to the Inner Clement NCD, the proposed uses are appropriately located within the neighborhood and are also

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easily accessed by public transit lines that serve the Clement Street NCD and nearby Park Presidio Boulevard, Geary Boulevard and California Avenue.

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,

A handwritten signature in black ink, appearing to read 'L. Badiner', written over a horizontal line.

Lawrence B. Badiner
Zoning Administrator

cc: Glenn Cabrerros, Planner

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