



SAN FRANCISCO PLANNING DEPARTMENT

August 22, 2007

Mr. Geoff Gibson
Windere Liebes Architects
351 Ninth Street
San Francisco, CA 94103

RE: Letter of Determination
Address: 435 Duboce Avenue
Zoning: RH-3 (House, Three-Family)
Block: 3537, Lot: 087

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Dear Mr. Gibson:

This letter is in response to your written request dated May 1, 2007, for a Zoning Administrator Determination regarding the installation of a Yoga and Wellness Center, with an accessory use of day-care facility for 12 or fewer children and a small cafe.

The subject property is within an RH-3 Zoning District and our records indicate the site contains a church, two-family dwelling and a print shop. Principally permitted uses within the RH-3 District includes three dwelling units per lot; up to one unit per 1,000 square feet of lot area with conditional use approval, residential care facility for six or fewer; child care facility for 12 or fewer; open space for horticulture or passive recreation; public structure or use of a non-industrial character; sale or lease sign. The print shop is a legal, non-conforming use that comprises approximately 1,200 square feet on the ground floor of the site. The church use has been terminated and comprises approximately 6,000 square feet on the site. The two residential units located on the third level, are legal uses.

Section 209 of the Planning Code, states that three dwelling units per lot is a permitted use within the RH-3 District as well as child-care facility, providing less than 24-hour care for 12 or fewer children. A church or other religious institutions, which has a tax-exempt status as a religious institution, would require the approval of a Conditional Use Permit by the Planning Commission. The previous church use predates the requirement to obtain a Conditional Use Permit and was considered an automatic conditional use. Unfortunately, once the Conditional use is abandoned, it must revert to a permitted use. We are unable to find a way to allow a commercial use such as a yoga studio to occupy the former church space.

The existing print shop is defined as a Trade Shop per Section 890.124 of the Planning Code and is a legal, non-conforming use on this site. Provided the print shop use has not been eliminated, it may be replaced by another Trade Shop activity, not exceeding 1,200 square feet, including repair of personal apparel, accessories, household goods, appliances, furniture and similar items, but excluding repair of motor vehicles and structures; Upholstery services; Carpentry; Printing of a minor processing nature, including multicopy and blueprinting services and printing of pamphlets, brochures, resumes and small reports, but excluding printing of books, magazines or newspapers; Tailoring; and Other artisan craft uses, including fine arts uses. Also permitted within the print shop space would be a retail service use which provides

Geoff Gibson
Request for Letter of Determination – 435 Duboce Avenue
August 22, 2007
Page 2

custom-crafted goods and/or services for sale directly to the consumer, reserving some storefront space for display and retail service.

Section 182. Nonconforming Uses: Changes Of Use, in the Planning Code, provides that when a non-conforming use is located within ¼ mile of a Neighborhood District, the existing, non-conforming use may be replaced with a use principally permitted within the Neighborhood Commercial District, provided the use does not exceed the floor area of the existing non-conforming use and is approved by the Planning Commission and a Conditional Use. The subject property is within ¼ mile of the Upper Market Neighborhood Commercial District, therefore, the provision applies. Personal Services is a principally permitted use within the Upper Market Neighborhood District. The proposed Yoga and Wellness Center, offering classes by accredited teachers as well as one-on-one instruction is considered to be a Personal Service, as defined by Section 790.116 of the Planning Code and is a permitted use within the Upper Market Neighborhood District, however, the Wellness Center may not replace the church use, so it is limited to 1,200 square feet, the size of the existing print shop. A small café, as defined by Section 790.91, is not a permitted use within this District.

Please note, you may come in for a Project Review, which provides members of the public and Planning Department staff an opportunity to discuss code requirements, planning processes, and departmental policies to a specific proposed project. Please contact Lisa Chau at 558-6364.

If you have any questions about this determination, please contact Cecilia Jaroslowsky, at **(415) 558-6348**.

If anyone has substantial reason to believe that there is an error in the interpretation of the provision of the Planning Code or abuse of discretion on the part of the Zoning Administrator in this determination, you have fifteen (15) days from the date of this letter to appeal the determination to the Board of appeals. For information regarding the appeals process, please call the Board of Appeals, located at 1660 Mission Street, or call 415-575-6880.

Sincerely,

Lawrence B. Badiner
Zoning Administrator

cc: Cecilia Jaroslowsky, Planner

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