



SAN FRANCISCO PLANNING DEPARTMENT

Letter of Determination

October 27, 2008

Michelle Fuller
950 Noe Street
San Francisco, CA 94114

**RE: 950 NOE STREET
BLOCK: 3624 LOT: 001**

Dear Ms. Fuller:

Planning Department staff has reviewed your letter dated July 9, 2008, requesting a determination as to whether the building's current use as an office is a legal, non-conforming use permitted under the Planning Code. Planning Department staff has also reviewed the additional information submitted on October 21, 2008.

The Property at 950 Noe Street (Block 3624, Lot 001) is located on the southwest corner of Noe and Alvarado Streets, and contains a one-story structure that is currently occupied by a business or professional service use – specifically a pharmaceutical consulting firm – doing business as “ThinkOne, Inc., LLC.” The Property contains approximately 26.5 feet of frontage along Noe Street and approximately 60 feet of frontage along Alvarado Street.

Based on the aforementioned data and a review of our historical files, it is my determination that the property located at 950 Noe Street is authorized to operate as a professional office, mail box service, or art gallery, in a manner that is consistent with ground floor commercial uses permitted within the 24th Street-Noe Valley Neighborhood Commercial District, located approximately 3 blocks south of the subject property. My determination is based on the following information:

1. It appears that the subject building was originally constructed in 1910 as a small corner grocery store. Although Department records indicate that the commercial use was abandoned in the mid-1960's, this abandonment appears to have been a determination made in error, as a clear record of continuous commercial use in the ground floor space has been established.
 - a. According to information provided by the County Assessor's office, the subject building was constructed in 1910. The form of the subject building, including the storefront windows, transoms, and corner entrance suggest that it was originally constructed as a small corner grocery store. The 1919 Sanborn Fire Insurance map confirms that the subject building was operating as a store; this was confirmed again on the 1957 Land Use map.
 - b. A building permit was issued on July 18, 1949 for a concrete retaining wall; the existing and proposed use for the site at that time was listed as a store.
 - c. In 1967, the Limited Commercial Use status of the property was terminated. It appears that

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

the Limited Commercial Use was terminated because the space was incorrectly determined to have been vacant.

- d. Consultation of the Polk Directories indicate that the Swan Cleaners operated in the subject building from 1964-1978, and Ritz Cleaners operated in the same location from 1980-1982. No record of the property's use could be located for the years 1979, and 1983-1988. Records from the Office of the County Clerk, the California Office of Professional Licenses, and City Telephone Directories indicate that the subject building included a professional office space from 1989-1993, a ground floor dentist office from 1993-2004, and professional offices from 2004-2008.
2. The current RH-2 Zoning District permits two residential units on the corner lot, which measures approximately 1,590 square feet, pursuant to Planning Code Section 209. Commercial uses are not permitted within the RH-2 Zoning District. Commercial uses permitted within the 24th Street-Noe Valley Commercial District are listed in Section 728.1 of the Planning Code, and include personal services, medical services, business or professional services, and "other retail sales and service."

In response to the five specific points noted in your letter:

1. The subject building is a storefront. As noted above, the subject building appears to have been constructed as a corner store, prior to the adoption of a San Francisco Planning Code. The commercial use was considered a "non-conforming use" operating within a residential district. Section 183 of the Planning Code states, "Whenever a nonconforming use has been changed to a conforming use, or discontinued for a continuous period of three years, or whenever there is otherwise evident a clear intent on the part of the owner to abandon a nonconforming use, such use shall not after being so changed [...] be reestablished, and the use of the property thereafter shall be in conformity with the use limitations of the Code for the district in which the property is located.
2. According to the Zoning Records, a determination was made that the LCU status was terminated due to abandonment of the commercial use. As noted above, it appears that this determination was made in error.
3. Based on the records submitted, it appears that the subject storefront has been operating as a commercial space continuously since its original construction.
4. The existing use does not appear to be detrimental to the overall character of the neighborhood, and is consistent with the permitted uses within the 24th Street-Noe Valley Neighborhood Commercial District, located three blocks south along the 24th Street commercial corridor.
5. As noted above, the nearest legal neighborhood commercial district is located three blocks to the south. It appears that the building was originally constructed as a small corner grocery store, the Limited Commercial Use status was erroneously terminated, and the space may continue to operate as a commercial space in accordance with the legal uses outlined for the 24th Street-Noe Valley Neighborhood Commercial District.

Should you have any questions about the contents of this letter, please contact **Sophie Middlebrook** at **(415) 558-6372**. 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

Michelle Fuller
950 Noe Street
San Francisco, CA 94114

October 27, 2008
Letter of Determination
950 Noe Street

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,



Lawrence Badiner
Zoning Administrator

cc: Sophie Middlebrook, Planner

G:\DOCUMENTS\LETTERS OF DETERMINATION\950 Noe Street.doc