

PLANNING DEPARTMENT

City and County of San Francisco • 1660 Mission Street, Suite 500 • San Francisco, California • 94103-2414

ZONING ADMINISTRATOR

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January 28, 2005

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

> Request for Determination regarding Permitted Housing Density Re:

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 for the subject building at 684 Ellis Street. Specifically, your letter requests that:

- 1) a variance be considered to reduce the maximum allowed 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) of the Planning Code.

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 calculated using the 1:125 ratio, with no need for a variance.

In response to your request #2, however, 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 NOT comply with Code Section 182(b), and would therefore not be permitted. The maximum permitted density of dwelling units would be 1 unit for every 125 square feet of lot area. If the units were less than 500 square feet in size, as indicated in your letter, they would be allowed the 34 exception thereby increasing the number of units permitted. With a site area of 4,313 square feet, 4313/125 = 34.5, /.75 = a maximum of 46 dwelling units.

Section 182(b) provides:

[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.

My determination is that the proposed conversion of tourist rooms to dwelling units would NOT comply with 182(b) because a dwelling unit density greater than that allowed by the Letter of Determination 684 Ellis Street 1/28/05

Code, such as the 90 units proposed, would not be considered a "use that is more widely permitted...than the existing use."

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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