



SAN FRANCISCO PLANNING DEPARTMENT

Letter of Determination

May 1, 2017

Philip Lesser
555 Laurel Avenue #501
San Mateo, CA 94401

Site Address:	1069 - 1073 Howard Street
Assessor's Block/Lot:	3731/071
Zoning District:	MUG (Mixed Use General)
Staff Contact:	Doug Vu, (415) 575-9120 or Doug.Vu@sfgov.org
Record No.:	2016-015758ZAD

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Dear Mr. Lesser:

This letter is in response to your request for a Letter of Determination regarding the property at 1069 – 1073 Howard Street. The subject property is located within the MUG (Mixed Use General) Zoning District, SOMA Youth and Family Zone Special Use District (SUD), SOMA Special Sign District (SSD) and also within one-quarter mile of an Existing Fringe Financial Service Restricted Use District. According to the San Francisco Property Information Map (PIM), the property is identified as an industrial use. As described in your February 14, 2017 amended letter, the request seeks a determination of the proposed Trade Shop/Arts Activity use with Accessory Office use at the subject property.

The subject building at 1069 – 1073 Howard Street is located on a 3,746 square-foot rectangular lot on the southeast corner of Howard and Moss streets. Built in 1927 and designed by the architect, Walter C. Falch, the subject property is a two-story with mezzanine, concrete frame industrial building designed in the Classical Revival style. The rectangular-plan building, clad in smooth and scored stucco, is capped by a flat roof.¹ The property is located in the Western SOMA Light Industrial and Residential Historic District; an area that during the years 1906-1929, largely assumed its physical character of low and mid-rise masonry loft buildings.²

The development controls for the MUG Zoning District are designed to maintain and facilitate the growth and expansion of small-scale light industrial, wholesale distribution, arts production and performance/exhibition activities, general commercial and neighborhood-serving retail and personal service activities while protecting existing housing and encouraging the development of housing at a scale and density compatible with the existing neighborhood. In order to stabilize and advance the desirable qualities of the MUG Zoning District, hotels, nighttime entertainment, movie theatres, adult entertainment and heavy industrial uses are not permitted and office uses are restricted to the upper floors of multiple story buildings.

¹ Department of Parks and Recreation Form 523A for parcel 3731/071.

² Page & Turnbull, Inc. *Historic Context Statement: South of Market Area, San Francisco, California* (2009).

Originally designed and constructed to house a printing press and attendant operations, 1069 – 1073 Howard Street appears to retain many qualities and characteristics embodying the historicity of the South of Market area. According to the amended determination request and floor plans, the building would be used as a collaborative workspace for artists, photographers, craft makers and others in the creative field. The 3,287 sq. ft. basement and 3,034 sq. ft. ground floor would be used as production and exhibition space for fine arts, including but not limited to, laser printing, drawing, painting, photography, antique restoration and craft making. A reception and display area totaling approximately 320 sq. ft. would also be located at the fore of the ground floor. The 1,146 sq. ft. mezzanine – labeled as the second floor on the plans – would be divided into separate rooms also used for arts production including studios, classrooms, meeting space and other related uses. Finally, the 2,386 sq. ft. second floor – labeled as the third floor on the plans – is divided into additional arts activities space and accessory office uses for the operation and administration of retail activities conducted in the building that is limited to one-third of the total floor area.

Arts Activities are principally permitted in the MUG Zoning District, and defined under Section 102 as:

A Retail Entertainment, Arts and Recreation Use that includes performance, exhibition (except exhibition of films), rehearsal, production, post-production and some schools of any of the following: Dance, music, dramatic art, film, video, graphic art, painting, drawing, sculpture, small-scale glassworks, ceramics, textiles, woodworking, photography, custom-made jewelry or apparel, and other visual, performance and sound arts and craft. It shall exclude accredited Schools and Post-Secondary Educational Institutions. It shall include commercial arts and art-related business service uses including, but not limited to, recording and editing services, small-scale film and video developing and printing; titling; video and film libraries; special effects production; fashion and photo stylists; production, sale and rental of theatrical wardrobes; and studio property production and rental companies. Arts spaces shall include studios, workshops, archives and theaters, and other similar spaces customarily used principally for arts activities," with the exception of a "Movie Theater, Amusement Enterprise, Adult Entertainment, and any other establishment where liquor is customarily served during performances."

Trade Shops are also principally permitted in the MUG Zoning District, and defined under Section 890.124 as:

A retail service use which provides custom-crafted goods and/or services for sale directly to the consumer, reserving some storefront space for display and retail service; if conducted within an enclosed building having no openings other than fixed windows or exits required by law located within 50 feet of any R District. A trade shop includes, but is not limited to:

- a. Repair of personal apparel, accessories, household goods, appliances, furniture and similar items, but excluding repair of motor vehicles and structures;
- b. Upholstery services;
- c. Carpentry;

- d. Printing of a minor processing nature, including multi-copy and blueprinting services and printing of pamphlets, brochures, resumes, and small reports, but excluding printing of books, magazines, or newspapers;
- e. Tailoring; and
- f. Other artisan craft uses, including fine arts uses. Arts Activities and Light Manufacturing shall be considered distinct from Trade Shops.
- g. Within the South of Market Districts, arts activities falling within Section 102.2 shall not be considered trade shops.
- h. Within South of Market and Eastern Neighborhoods Mixed Use Districts, this use shall include the offices of building, plumbing, electrical, painting, masonry, roofing, furnace or pest control contractors and storage of incidental equipment and supplies used by them, if located entirely within an enclosed building having no openings other than fixed windows or exits required by law within 50 feet of an R District. No processing of building materials, such as mixing of concrete or heating of asphalt shall be conducted on the premises. Parking, loading and unloading of all vehicles used by the contractor shall be located entirely within the building containing the use.
- i. Within the Chinatown Mixed Use Districts, it does not include any shop which uses a single machine of more than five horsepower capacity, or a shop in which the mechanical equipment, together with related floor space used primarily by the operators of such equipment, occupies in the aggregate more than 1/3 of the total gross floor area of the use. A trade shop is distinct from light manufacturing, as defined in Section 890.54(a) of this Code.

The proposed primary uses of the building are consistent with the principally permitted Arts Activities and Trade Shop uses, and the floor area devoted to accessory office uses would be permitted within the limitations set forth in Section 803.3(b)(1)(C) that defines an accessory use as a related minor use which is either necessary to the operation or enjoyment of a lawful principal use or conditional use, or is appropriate, incidental and subordinate to any such use. No use will be considered accessory to a principal use which involves or requires the use of more than one-third of the total occupied floor area.

Alternatively, a non-accessory Office Use is principally permitted in the MUG District on one story of the building, following the designation and recordation procedures under Section 803.9(h)(4) for the ground floor if the Office Use is primarily open to the general public on a client-oriented basis under Code Section 840.65A, or on a story above the ground floor for all other Office Uses permitted under Code Section 840.66. Pursuant to Code Section 840.65, Office Use for any additional floor area other than one designated story of the building is principally permitted only if 1069-1073 Howard Street is designated as a landmark or contributory building within a designated historic district, or listed on or determined eligible for the California Register of Historical Resources by the State Office of Historic Preservation subject to the controls and procedures under Code Section 803.9(b)(1).

Therefore, it is my determination that the property located at 1069 – 1073 Howard Street can be permitted for the uses of Arts Activities and/or Trade Shop Use following the procedures under Code Section 312 for a Change of Use, which is required because the proposed uses organized under the Assembly, Recreation, Arts and Entertainment land use category that is different from the property's existing

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Industrial, Home and Business Service Use category. It is also my determination that if the ancillary Office uses meet the criteria for Accessory uses, they would be allowed to operate as part of the principal Arts Activities and/or Trade Shop uses. In the event the Office uses no longer meet the Accessory Use criteria, Recordation of Designation for the Office Use shall be required.

Please note that a Letter of Determination is a determination regarding the classification of uses and interpretation and applicability of the provisions of the Planning Code. This Letter of Determination is not a permit to commence any work or change occupancy. Permits from appropriate Departments must be secured before work is started or occupancy is changed.

APPEAL: 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 Sanchez
Zoning Administrator

cc: Property Owner
Neighborhood Groups
Doug Vu, Planner