



SAN FRANCISCO PLANNING DEPARTMENT

Letter of Determination

May 22, 2017

Randall Stowell
Proprietor of The Archery
626 Hampshire Street
San Francisco, CA 94110

Record Number: 2016-015761ZAD
Site Address: 470 and 498 Alabama Street
Assessor's Block/Lot: 3968/004 and 003
Zoning District: Production Distribution and Repair – PDR-1-G
Staff Contact: Laura Lynch, (415) 575 – 9045 or laura.lynch@sfgov.org

Dear Mr. Stowell:

This letter is in response to your request for a Letter of Determination regarding the business operations and land use classification of the business known as "The Archery." As noted in the application, The Archery is described as "a San Francisco-based in-residence program giving people an everyday space to work surrounded by a community of creative minds and specialized production tools." The request is to confirm the core business and operations of The Archery as a principally permitted use within the PDR-1-G (Production, Distribution, and Repair) Zoning District, and to confirm how accessory office and retail uses are permitted within the PDR-1-G Zoning District. Currently, the subject business is operating out of both 470 and 498 Alabama Street, two industrial warehouse buildings, on two separate block and lots, with an interior connection.

Background

As noted in your letter, The Archery is described as including the following uses:

- 1. Production** (13,750 square feet.) The Archery is in the process of building 12 large studios, 20 dedicated production desks, a photography studio, a wood shop, a 3D printing and laser cutting shop, and 2 shared commercial kitchens. The Archery also includes a commercial grade coffee roastery and coffee distribution center. As with tools elsewhere in the space, the intent is to share this specialized state-of-the-art roasting equipment among multiple roasters, including start-up coffee ventures.
- 2. Retail** (1,850 square feet). The Archery is looking to provide direct-to-the-public sale opportunities for its members and plans to curate a selection of products made both on and off-site in a distinct retail space. As a component of this gallery-style shop, the coffee roastery would operate a cafe counter serving coffee and cafe fare to the members at The Archery and to the general public. The combined footprint of this retail sales and coffee sales would occupy an 1,850 square foot area at of 470 Alabama Street.

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3. **Accessory Office** (4,500 square feet). Members of The Archery are often the operators of small businesses and require the benefit of an auxiliary office space. Separate from the production space at 498 Alabama Street, The Archery provides ample dedicated office space for, client meetings, and business-related needs.

4. **Events.** The Archery is seeking to host occasional events outside of day-to-day operations as an accessory use of the space.

On January 09, 2017, Department staff conducted a site inspection to assess the current operations of The Archery. Based upon the existing operations of the 470 Alabama Street space, much of the current business appears to function as "General Office" (as defined in Planning Code Section 102). However, the space at 498 Alabama Street also functions as Light Manufacturing, Arts Activities, and Catering uses (as defined in Planning Code Section 102) for various businesses to rent space and use tools on-site to produce various products.

Accessory Office Use

In determining The Archery's compliance with the PDR-1-G Zoning District, The Archery would need to demonstrate that their office use is accessory to the principal use (as defined by Planning Code Section 204.3).

Per Planning Code Section 204:

"Subject to the limitations set forth in this Code, and especially as specified in Sections 204.1 through 204.5, a related minor use that is either (a) necessary to the operation or enjoyment of a lawful principal use or conditional use; or (b) appropriate, incidental, and subordinate to any such use. In PDR Districts, accessory uses to non-Office uses (as defined in Section 102) may occupy space that is non-contiguous or on a different story as the principal use so long as the accessory use is located in the same building as the principal use and complies with all other restrictions applicable to such accessory uses."

Per Planning Code Section 204.3(d):

"No use shall be permitted as an accessory use to a lawful principal or conditional use in any PDR District which involves or requires the use of more than one-third (1/3) of the total floor area occupied by such use and the principal or conditional use to which it is accessory, except in the case of accessory off-street parking and loading."

Therefore, accessory or incidental office use within the PDR-1-G Zoning Districts would be limited to one-third of the total floor area of a subject property. Although there is an internal connection between the two buildings, 470 Alabama Street is acting under a separate business model where the office and retail use appear to be the principal uses. If the tenants using the office portion at 470 Alabama Street are limited to those who have active production space within 498 Alabama Street, then this may be considered compliant with the accessory office limitations of Planning Code Section 204.3.

In a supplemental email dated February 13, 2017, Mr. Stowell posed a question regarding if non-PDR businesses providing services to customers of The Archery would be a permissible use. These businesses would include accounting, law, and consulting. The businesses described would be considered a Professional Service¹ use, which is not permitted within the PDR-1-G Zoning District. The individual Professional Service businesses, although providing services to compliant businesses, would not be accessory or necessary to the operation or enjoyment of the principal use, and could not be considered an accessory office use pursuant to Planning Code Section 204.3.

Retail Uses in the PDR-1-G Zoning District

If the retail space provided at The Archery is accessory to the Light Manufacturing and Catering uses at 498 Alabama Street, then this would fall within the accessory use requirements pursuant to Planning Code Section 204.3 (listed above).

If the retail space provides general retail not associated with the goods produced on-site, then the retail use would be considered a principal use, which would be limited to 2,500 square feet (for the entire lot) and subject to any applicable impact fees.

Event Space in PDR-1-G Zoning District

Pursuant to Planning Code Section 210.3, Entertainment and Recreation Uses are principally permitted within the PDR-1-G Zoning District as a principal use. Additionally, pursuant to Planning Code Section 205.3, a temporary use may also be authorized in PDR Districts for a period not to exceed 24 hours per event, once a month, for up to 12 events per year per premises for any of the following uses:

- (a) A performance, exhibition, dance celebration or festival requiring a liquor license, entertainment police permit and/or other City permit when sponsored by an organized group of residents and/or business operators in the neighborhood; or
- (b) A performance, dance or party requiring a liquor license, entertainment and/or other City permit, an art exhibit, or other similar exhibition in each case if sponsored by a residential or commercial tenant or group of tenants or owner-occupants of the property or structure in which the temporary use is authorized.

A Temporary Use Authorization application² would be necessary in order to host the events listed in the application provided by Mr. Stowell. These events would be limited to one event per month. Please note that the property would also need to obtain appropriate permits from other City Agencies such as the Fire Department and Entertainment Commission.

¹ Service, Non-Retail Professional. A Non-Retail Sales and Service Office Use that provides professional services to other businesses including, but not limited to, accounting, legal, consulting, insurance, real estate brokerage, advertising agencies, public relations agencies, computer and data processing services, employment agencies, management consultants and other similar consultants, telephone message services, and travel services. This use may also provide services to the general public but is not required to. This use shall not include research services of an industrial or scientific nature in a commercial or medical laboratory, other than routine medical testing and analysis by a health-care professional or hospital. (Planning Code Section 102)

²<http://sf-planning.org/sites/default/files/FileCenter/Documents/8369-Temporary%20Use%20Application%200415%20fillable.pdf>

Additionally, the property is eligible to operate multiple uses at the property. Therefore, if the property is intended to host more than one event per month, a change of use to Entertainment and Recreation Use, along with the applicable impact fees is required.

Catering Use:

The shared commercial kitchens that are located at both 470 and 498 Alabama street would be considered a Catering³ use, which is a principally permitted within the PDR-1-G Zoning District.

Arts Activity Uses:

Mr. Stowell presented questions regarding the types of businesses that would qualify for Arts Activities Use (as defined under Planning Code Section 102). Specifically, Mr. Stowell presented questions regarding artists that primarily use the computer for their work such as photographers and graphic designers. With regards to The Archery, if the actual Arts Activity use is occurring on-site (i.e. use of the photography studio, printing of posters, cards, use of letterpress, etc.) then this could be considered an Arts Activity use. However, if the space is only used for businesses more aligned with an Office use (graphic design, marketing, etc.) this would be considered a General Office use, which is not permitted in the PDR-1-G Zoning District.

Uses Over Time:

Mr. Stowell stated that many companies that inquire about The Archery are described as “start-up” businesses. These businesses are intended to eventually produce a physical product. However, this may take 6-9 months to come to fruition. The uses within the PDR-1-G Zoning District must be dedicated to an active Light Manufacturing, Catering, or Arts Activity business. Similar businesses that do not currently operate as a permitted use would be considered to be an Office use and would not be permitted in the PDR-1-G Zoning District.

The Archery as a Principally Permitted Use in the PDR Zoning Districts

The plans accompanying the request (attached) demonstrate that the primary function of 498 Alabama Street is dedicated to a Catering, Light Manufacturing, and Arts Activity uses. The Archery website describes it as a studio space for “artists and makers” that includes a shared tool space, work benches, and locker/storage. These uses appear to be in compliance with the PDR-1-G Zoning District. A Building Permit from the Department of Building Inspection would be required to establish these uses at 498 Alabama Street.

The plans provided for 470 Alabama Street show the space being used as an accessory office space along with retail, shared commercial kitchen, and a photography studio. It is understood that the 470 Alabama Street space would be rented by individuals and businesses. After further communication with Mr. Stowell, the office space requirements have expanded to be specifically dedicated to “artists and makers.” Much of the current operation at the 470 Alabama Street space appears to function as a General Office use, as evidenced by the site visit to the location. However, the Department recognizes that the project

³ Catering. A Non-Retail Sales and Service Use that involves the preparation and delivery of goods including the following items: food, beverages; balloons, flowers, plants, party decorations and favors; or cigarettes/candy. (Planning Code Section 102)

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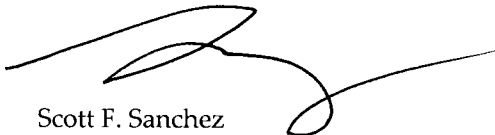
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includes space at 498 Alabama Street for Light Manufacturing, Catering, and Arts Activities, uses which are principally permitted uses within the PDR-1-G Zoning District. If the office space at 470 Alabama Street is limited only to tenants with active workshop space at 498 Alabama Street, then it may be viewed as an accessory use that is "necessary to the operation or enjoyment" of the Light Manufacturing, Arts Activities, and Catering Kitchen uses at 498 Alabama Street (assuming the space complies with all accessory use requirements and does not exceed one third of the floor area).

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 F. Sanchez
Zoning Administrator

cc: Property Owner
Neighborhood Groups
Laura Lynch, Planner