



SAN FRANCISCO PLANNING DEPARTMENT

Letter of Determination

July 6, 2016

Andrew Dunbar, AIA
INTERSTICE Architects Inc.
1173 Sutter Street
San Francisco, CA 94109

Site Address: 488 Bryant Street
Assessor's Block/Lot: 3763/018
Zoning District: SLI (Service - Light Industrial)
Staff Contact: Kimberly Durandet, (415) 558-6346 or kimberly.durandet@sfgov.org
Record No.: 2016-003864ZAD

Dear Mr. Dunbar,

This letter is in response to your request for determination regarding the property at 488 Bryant Street. The subject property is located within the SLI (Service – Light Industrial) Zoning District and 65-X Height and Bulk District. Your requests specifically seeks the following clarifications regarding the subject property:

1. The current use is permitted under the current zoning.
2. Confirmation that there are no impact fees associated with the current use.
3. Confirmation that neighborhood notification pursuant to Planning Code Section 312 is not required.
4. The property is not subject to the PDR Interim Controls.

The subject property was constructed in 1923 as an industrial building for the Hockwalds Chemicals Company. Records indicate the subject property has also been occupied by National Taxi Cab with a taxi (top light) signage repair and production shop on the ground floor. In your letter you state that Noel Barnhurst Photography Studios bought the property in 2007 from National Taxi and then proceeded with major renovations of the building, bringing it up to ADA conformity and current seismic, fire and life safety codes. The request further states that the building is currently used as a commercial food photography studio with two commercial kitchens for the production of photogenic foods used in photo shoots for such clients as Williams & Sonoma, Bon Appetite and several other major food production companies and food-related publications. There is also a photo retouch studio/labs on the upper floor and offices for administration and client meetings and art direction breakout spaces. On the ground floor there is extensive storage for photo "Sets and Props" including freezers for food delivery and handling table linens and other kitchen and food related products or raw materials to be processed in either the video or photo kitchen facilities.

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

National Taxi Cab is a business that produces and sells products for the taxi cab industry. As such it is considered to be a Business Goods and Equipment Repair Service under the Home and Business Service land use category (Planning Code Section 817.45). Planning Code Section 890.23 defines Business Goods and Equipment Repair Service as follows:

A service use which involves the sale, rental, installation, servicing and/or repair of business goods and equipment including the following items: office machines and business equipment; calipers, gauges and other precision instruments; cameras and other optical equipment; medical, scientific, musical or navigational instruments; fire safety and security systems and equipment; and other similar business machines and equipment. It also includes motor, machine, engine and tool repair; welding and blacksmith services; furnace, boiler, tank and chimney maintenance and repair; sign manufacture and repair; mannequin service; and other similar services.

A photography studio is considered to be an Arts Activities under the Home and Business Service land use category (Planning Code Section 817.46) and is principally permitted at the subject property. Planning Code Section 102 defines Arts Activities as follows:

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, exclusive of a Movie Theater, Amusement Enterprise, Adult Entertainment, and any other establishment where liquor is customarily served during performances.

Given that Business Goods and Equipment Repair Service and Arts Activities are grouped in the same impact fee category, change from one use to another would not be subject to impact fees. Further, given that both uses fall within the same land use category, change from one use to another would not require neighborhood notification pursuant to Planning Code Section 312.

The subject property is located within the area that is subject to the Interim Moratorium on Production, Distribution, and Repair (PDR) Conversion (Ordinance Nos. 210-14 and 258-14). The Interim Controls prohibit a change of use from PDR to any other use. Per Planning Code Section 102, the definition of PDR includes both Business Goods and Equipment Repair Service (National Taxi Cab) and Arts Activities (Noel Barnhurst Photography Studios). As such, the change of use would be allowed under the Interim Moratorium.

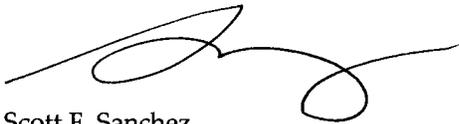
Andrew Dunbar, AIA
1173 Sutter Street
San Francisco, CA 94109

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Letter of Determination
488 Bryant Street

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
BBN Requestor (if any)
Kimberly Durandet, Planner

Daniel A. Sider, AICP
Office of the Zoning Administrator,
San Francisco Planning Department, 1650 Mission Street,
Suite 400, San Francisco, CA 94103

R # 2016 - 003864 ZAD
OK 3083 \$645. -
J BANALES (SE)

February 21st, 2016

Request for Letter of Determination.

Dear Zoning administrator,

We are asking for a letter of determination to establish a clear path for a change of use on a SOMA area property at 488 Bryant Street. Having recognized that the current description of the property is not up to date since its construction in 1923, we engaged the planning department to ask how to rectify this situation. After a lengthy conversation with Daniel Sider in the planning department, we were advised to request a letter of determination to clarify the proper designation for its current use in order to rectify this inconsistency between the use originally recorded for the property at 488 Bryant Street, and its actual historic use over the past 75 years of available records.

(3763/018)

We believe that the current use is in fact consistent with current zoning in the SLI area, but the city records still show the buildings original recorded use at the time of its construction in the 1920's as that of a "Warehouse" which it has not been for a very long time.

We are writing at this time seeking a letter of determination to establish that the current use is allowed under the current zoning in anticipation of our seeking a Building Permit to memorialize this use. We are further asking to confirm that no Neighborhood notification is required, and that no impact fees apply to this change. We are also wishing to confirm that because the use is consistent with the planning code, we are not subject to the interim Zoning Controls as this does not represent a loss of PDR in this area.

Background

Property Description: The building at 488 Bryant Street is a typical 1920's concrete building with property line bearing-walls supporting concrete girders that in turn support exposed wood framing and floors on two levels and large clear span wood trusses at the roof. It was originally built by brothers Lionel D Hockwald and Sigmund Hockwald, as their first 1923 San Francisco foothold for the Hockwald Chemicals Company. Since then it has transferred ownership several times and has been the offices of National Taxi Cab for over 20 years with a taxi (top light) signage repair and production shop on the ground floor. Noel Barnhurst Photography Studios bought the property in 2007 from National Taxi and within the next year he permitted a major renovation of the building, bringing it up to ADA conformity and current seismic, fire and life safety codes.

The permitting history of the building involves multiple permits including the installation of Sprint Cell phone towers on its roof, structural upgrades and numerous other permits including elevator upgrades, voluntary seismic upgrades and several roofing and minor electrical plumbing and other service trade permits. The buildings exteriors have not been significantly affected by the multiple improvements over the past century of its use as warehouse, offices and studios of various kinds - and it was only recently that when we applied for a signage permit we were made aware of the information on city records which was in congruous with the current use of the building.

Change Of Use: We are seeking to apply for a permit to memorialize this existing use and so we were advised to apply for a change of use which seems logical but wanted to confirm our reading of the planning code. Dan Snyder advised us that the Photographers Commercial Food Photography Studio

would in fact be an acceptable use under the current zoning but it is not a specifically mentioned use designation, and that we should start the process request a letter of determination to establish that this is an acceptable use.

Layout: The building is used primarily as a commercial photography studio with two commercial kitchens for the production of photogenic foods for the almost daily shoots for such clients as Williams & Sonoma, Bon Appetite and several other major food production companies and food related publications. There is also a photo retouch studio/labs on the upper floor and offices for administration and client meetings and art direction breakout spaces. On the ground floor there is extensive storage for photo "Sets and Props" including freezers for food delivery and handling table linens and other kitchen and food related products or raw materials to be processed in either the video or photo kitchen facilities. We have diagramed these uses in the attached plans that are consistent with the city records and permitting history of the building. (See **Plan Diagrams** attached: **Sheet A-01**)

Use Designation: We believe that this type of use (Commercial Food Photography / Commercial Art studio), although not entirely circumscribed by any one of the permitted zoning categories would best be described by one of the following three depending on what one might determine to be most significant of this highly hybridized business services delivery type which involves the creation of photogenic dishes for recording and marketing purposes.

Business Services: **817.47**, Arts Activities: **817.46**, or Light Manufacturing: **817.65**

We find the best or most suitable category to be 817.47 Business Services as this in fact what a commercial food photographer does in service other businesses creating commercial photographs for publication or advertising means and media related methods. We would therefore like to have the zoning administration confirm that as the use is compatible with the planning code - and that since limits of office uses are ancillary (less than 1/3 of the building), we are asking to confirm our understanding of this permitted use:

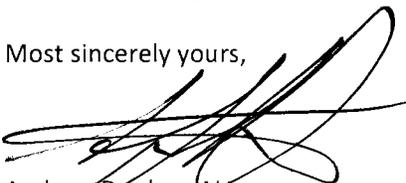
817.47 Business Serving

In Conclusion: , because the building has been operating as several uses other than a warehouse for over the past 50 years or more and that its current use does in fact conform with a permitted designation, and that the applicable criteria are met regarding acceptable proportional uses consistent with the SLD zoning regulations currently in force for this area, and that the use does not result in a loss of PDR in this area. We would like to ask for a determination confirming:

1. The current use is permissible under the current zoning
2. Confirmation that there are no impact fees associated with this.
3. That there is no 312 notification required because of use to one permitted under the SLI zoning.
4. And this property is not subject to the interim control measures.

Thank you for your attention to this matter – and please do not hesitate to call us if there are any further questions or information required from the Owner Noel Barnhurst Studios or from us as his Architects and Agent.

Most sincerely yours,



Andrew Dunbar, AIA
INTERSTICE Architects Inc.
1173 Sutter Street, SF CA 94109

Att: Scott Sanchez
Office of the Zoning Administrator,
San Francisco Planning Department, 1650 Mission Street,
Suite 400, San Francisco, CA 94103

RE: **488 Bryant Street**; Request for Letter of Determination Dated: **February 21st, 2016**

LOD for 488 Bryant Street Change of use Permit

Supplemental Information:

Narrative Description of Commercial Food Photography Studio Use

Commercial Food photography is a particularly production intensive form of commercial photography. From a planning perspective it is primarily a "Business Services" typology that involves a hybridized use profile consisting of creative arts related activities (in the form of photography and sets production); and some Light Manufacturing (in the form of food production, and photo/video editing stations, including set or props creation); and some offices and conference rooms associated with client services, art direction, graphics and promotional staff areas). A typical production shoot might last two or three days, during which time, the studio location is intensively used for delivery, storage, food production and preparation, all the way through to set photography and then finally into photo editing and product shots for publication, media circulation and promotional purposes. The following is a description of what takes place at the 488 Bryant Street Studio during a typical Promotional shoot.

The Ground floor is used for delivery of food, frozen raw materials for meal preparation and or products specific to a particular client. These arrive in bulk in sealed plastic or refrigerated crates and are moved directly to freezers and refrigeration units on the ground floor. This level is also used to store a myriad of sets, backdrops, tables, linens and place setting materials, plates, cookware, dinnerware, cutlery and decorative articles involved in food display, cooking utensils, glass ware and other ceramics and cooking or food related articles of all sizes and shapes. These are stored in vertical and horizontal shelving units and open bins that take up the majority of the lower level. These are brought up to the shoot or production kitchens along with the food materials throughout the shoot by the elevator which connects this floor with the upper two production and studio floors.

The Second floor studio level is the main client reception level and main cooking and food production kitchen (Central photography Kitchen) along with photo retouching computer stations and a client desk for Art direction people associated with the shoot are able to

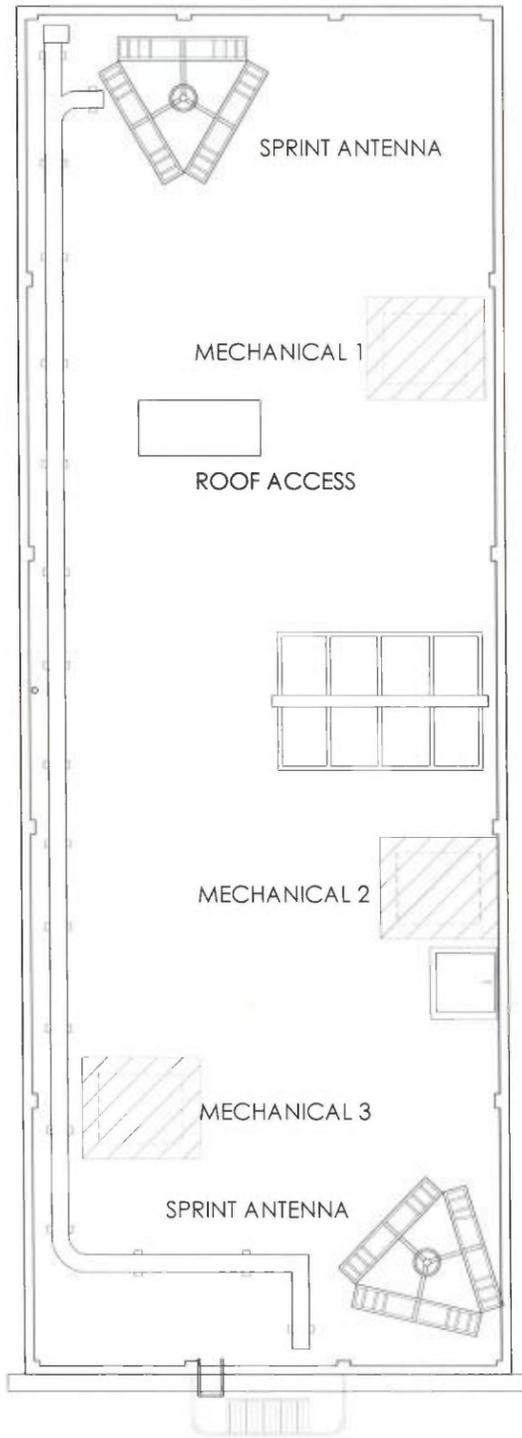
supervise the food preparation and review set layouts and general workflow over the course of the multiple day shoots. There is a lounge area for art direction and marketing managers to sit and stay in communication with the parent company and continually feed test shots and draft proofs of images coming off the ongoing shoot in real time as sets are prepared and food objects are created for photography. This kitchen is also used as a set if “in Kitchen” still photography is required – other-wise it is mostly the central production area for both images and subject matter (Food products for the cameras at the larger photo sets on the upper third floor and larger studio area.) It is on this floor as well that typically a communal “working lunch” is hosted for the extensive teams sometimes numbering over a dozen or more people at a time.

The Third floor has the best light, and skylights and as such it is the larger more open studio area – it has some offices in the rear, an informal lounge and for the clients and art direction staff (which can be a client team of several people over the course of several days of shooting) and conference rooms for marketing and layout strategy meetings – Typically seasonal collections and major product lines are photographed months in advance of the actual promotional campaigns – This may involve shooting thanksgiving feast products in early March for instance – or a holiday food spread in the middle of summer). The upper production kitchen on this floor is more the Video oriented or “photogenic” kitchen area, and as such is used more as a “Set kitchen” where video work done of food “in-production” or educational video works are produced for marketing or product promotion. This upper level has a conference room and two private offices for the studio director and production manager. This is also the level with the largest studio associated with photography and light control. Here is an open space for sets to be placed and “situational” photographic backdrops for the foods and products prepared on site. An informal lounge is set up for client teams not directly engaged in the shot – or in the food production for the shoot itself.

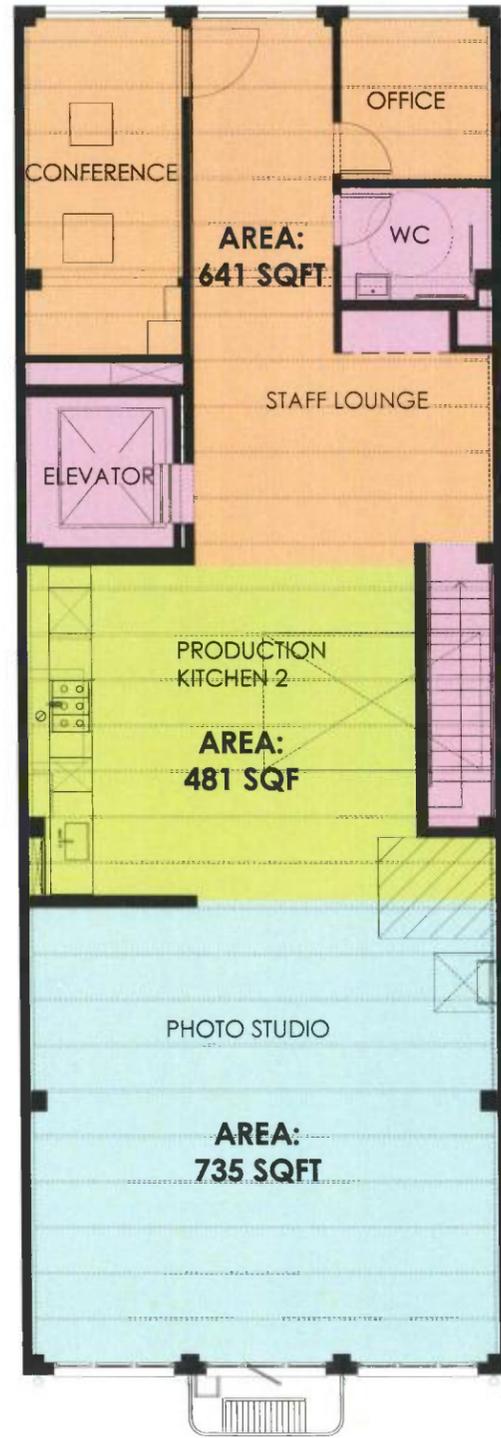
Note: Please see the Floor area diagrams for further information and relative sizes of these interrelated activities as part of previously submitted request letter.

AREA USE DIAGRAMS:

488 | BRYANT STREET - TOTAL ENCLOSED FLOOR AREA (3 FLOORS): 6261 SQFT

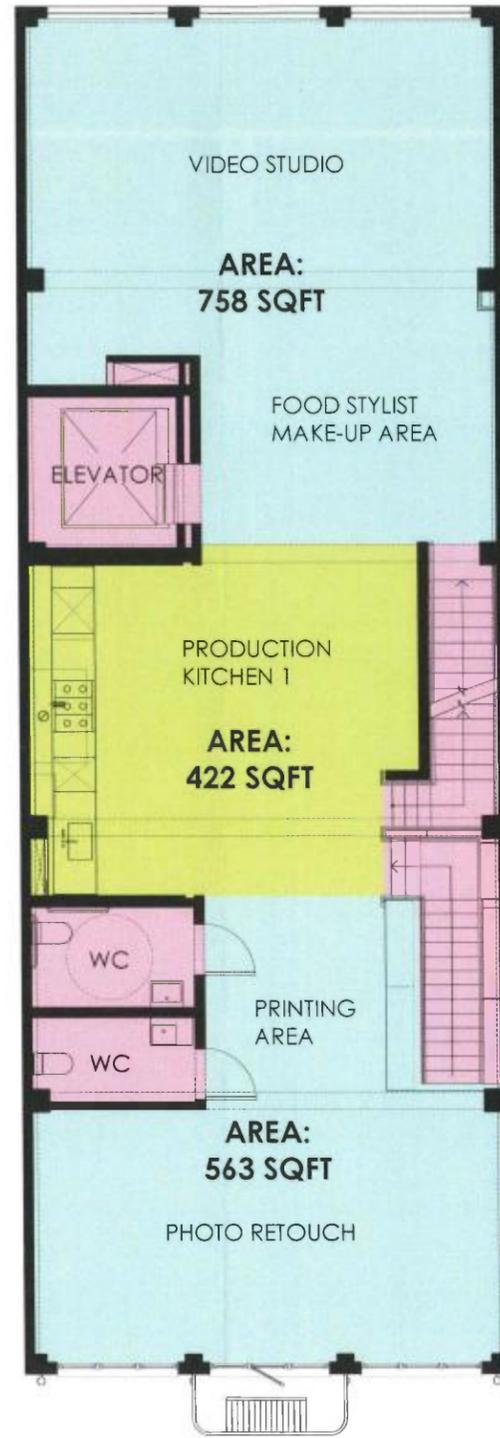


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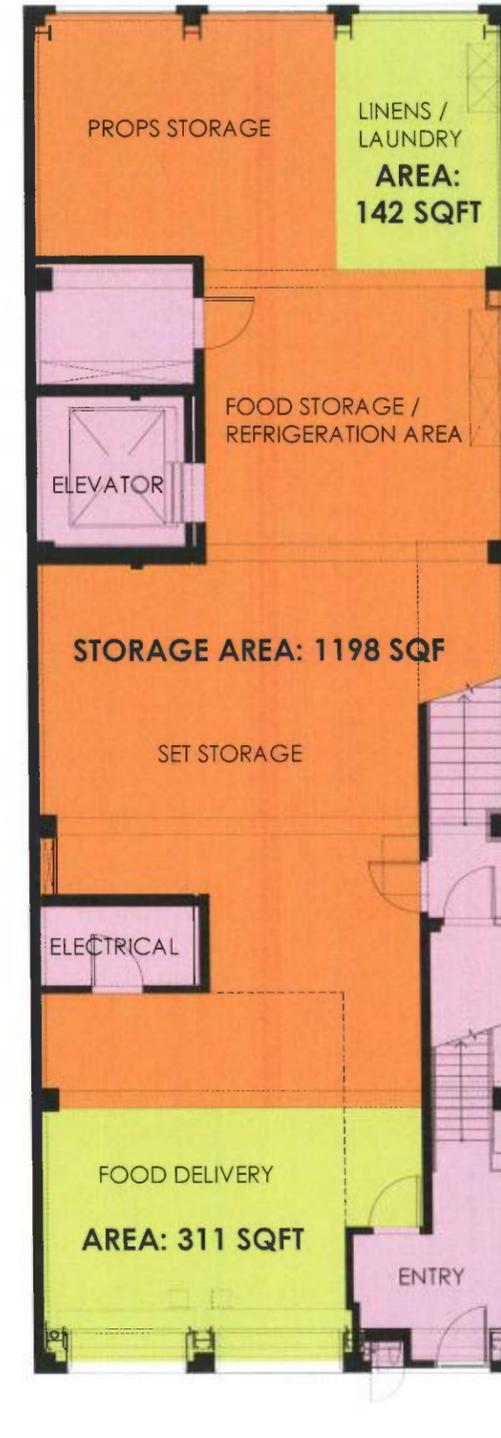
TOTAL AREA: 2087 SQFT

THIRD FLOOR



TOTAL AREA: 2087 SQFT

SECOND FLOOR



TOTAL AREA: 2087 SQFT

GROUND FLOOR

**TOTAL SQFT
(BUILDING USE AREA)**

- STUDIO:
2056 SQFT
- PRODUCTION:
1356 SQFT
- STORAGE:
1198 SQFT
- MECHANICAL / SERVICE
CIRCULATION:
1010 SQFT
- OFFICE / CONFERENCE:
641 SQFT

TOTAL BUILDING AREA:

6261 SQFT

DRAWING SCALE: 3/32"=1'

**NOEL BARNHURST
488 BRYANT PHOTO STUDIO**



AREA USE DIAGRAMS

SHEET #:

A-01

DATE:
03.10.2016