



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

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

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

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


May 1, 2017
Letter of Determination

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

November 28, 2016

Mr. Scott Sanchez
Zoning Administrator
Mr. Corey Teague
Assistant Zoning Administrator
San Francisco Planning Department
1650 Mission Street
Suite 400 San Francisco CA 94103

R# 2016 - 015758 ZAD
CK #17126 \$664. -
R. SUCRE (SE)

RECEIVED

NOV 28 2016

CITY & COUNTY OF S.F.
PLANNING DEPARTMENT
RECEPTION DESK

Re: Requested Letter of Determination: Change of Use at 1069 – 1073 Howard Street (3731/071)

Dear Mr. Sanchez and Mr. Teague,

Determination Requested

- 1. Can Sackett Design, LLC and its divisions continue operating all of its long-standing businesses under an "administrative only," building permit correcting a long outdated use with the actual building uses?**
- 2. What code uses under MUG zoning best describe the activities of these businesses?** We have had difficulty fitting his legitimate businesses into the pre-determined categories and have recognized this is a unique situation. i.e.: Most people simply don't do this many things, and the types of things Mark Sackett does are not listed.
- 3. If this building is historically listed, are there additional permitted uses and greater flexibilities of business locations with the building (story controls)?** With regards to question 3, we are specifically seeking clarification from Alexandra Kirby's e-mail to Mark Sackett of October 26 where she said the following:

"1069 Howard was found to be eligible for the State Register through the prior survey efforts and therefore qualifies for this preservation benefit. The permitted uses under this Code section do include office. Rather than going through the 9+ month landmarking process we discussed previously, you would need to work with a preservation consultant to provide a preservation plan that would include restorative work such as restoring some of the windows at the ground story and any necessary repairs. This would be followed by a presentation before the Historic Preservation Commission to demonstrate that the proposed use would help to preserve the property. With their support the Zoning Administrator would make a formal determination authorizing the requested use."

and with the following reference to a Section of Code 803.9 (b):

(1) This subsection applies only to buildings in SPD, MUG, MUO, or MUR Districts that are designated landmark buildings or contributory buildings within a designated historic district per Article 10 of the Planning Code, **or buildings listed on or determined eligible for the California Register of Historical Resources by the State Office of Historic Preservation.**

(A) All uses are principally permitted, provided that:

(i) The project does not contain any nighttime entertainment use.

(ii) Prior to the issuance of any necessary permits, the Zoning Administrator, with the advice of the Historic Preservation Commission, determines that allowing the use will enhance the feasibility of preserving the building.

Background to the Letter of Determination Request

My client Mark E. Sackett dba 1069-1073 Howard LLC owns a historic building at that same address. The building is 3 stories over a full basement. Sackett Design, LLC Mark's company and its subsidiaries are currently the sole tenants of this historic building which was the former William Randolph Hearst Printing Plant built in 1926. He purchased this three-story building with a basement located at 1069-1073 Howard Street for his business operations in 2004.

(The building was constructed in 1926. It was originally the printing facility for the San Francisco Examiner.) When Mark purchased the building however it was not being used as a printing facility and had not been used as such many years prior to that. To that end, we believe some city records to be incomplete, lost, misfiled or otherwise incorrect as it has not been a printing facility in perhaps over 25 years or longer according to what Mark was told.

At the time of this purchase, the building held a Sheet Music company that did music events and sheet music distribution on the ground floor. Offices were on the second floor. Offices and space for meetings and events were held on the third floor. Again, It was not a printing or manufacturing facility and had not been in some time.

For the last 12 years, Mark, has owner occupied the building. During that time Mark has operated a number of business divisions simultaneously. Many of these could be characterized as design arts (photo and film shoots, advertising art, campaigns, museum installations, branding and other kindred creative work and creative related meetings and events). For seven of those years he also had a tenant designing interactive exhibitions on the ground floor. (That tenant vacated in July 2015 when it went bankrupt.)

While all of his operations are housed and operate within the building, he has three core businesses that utilize parts of this building for client meetings, assembly activities, and exhibition space specifically as a private meeting and event center well known as (The Box SF). (Please visit: www.theboxsf.com) This site also has a full Google Walkthrough of the building in its current state. The first and third floors also contain meeting and event space.

Mark operates his meetings and art activities on the second floor. On the third floor he has offices to operate his other divisions in conjunction with the meeting and events space and a management office for 1069-1073 Howard LLC.

His additional core business activities that utilize parts of this building for client meetings, assembly activities, and exhibition space are (Reflectur) an award winning Design, Art, Branding and Advertising Agency and (Brainfood Creative Programs) that do company trainings, off site retreats, team building and a unique networking event (The Art of Active Networking) worldwide designed to help people who are struggling with finding a job, financial issues, who are new to the area or who need some kind of support. Over 14,000 people have been helped by these events so far.

Mark engages in private/by-appointment-only retail activities centered around prop rentals and antique sales (Circa Props) and has a massive rare print archive (Target Paper) that collects, preserves, exhibits and sells antiquarian labels, paper, antiquarian illustrated books and rare highly sought after printed materials. (He is open to the Public by appointment only, due to the neighborhood being unsafe and due to the extreme rarity of his inventory.)

Last month Mark received a Notice of Violation, which is attached, noting that the Planning Department's records show the last use of the building as a print shop. (This NOV was triggered when he sent a client to get a permit to hang a banner during Dreamforce. Prior to that there has been no use issue.) As a corrective action, Mark was told to apply for a change of use to reflect his current businesses.

The building, per Alexandra Kirby, is eligible for consideration on both the San Francisco and State historic registers in fact in discussions with Mark, Alexandra Kirby counseled Mark that not only did the city consider the building to have high historic value but that the city had already "earmarked" the building for preservation and that it was further eligible and would be recommended as a state landmark. She and the enforcement officer David Brosky have suggested and encouraged Mark to enjoy the greater latitude of permitted uses and other incentives afforded to historically registered buildings.

Mark was completely unaware this was a possibility and immediately said "yes" to the idea and is willing to pursue getting a historical designation. He most certainly values history as the building is full of printing antiques, props from his collections and the building is in impeccable shape.

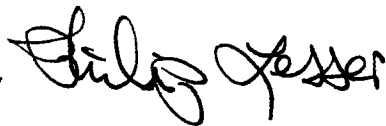
However he recognizes that this could be a lengthy and costly process.

During what appears to be an unknown length of time to do the work and gain the status, Mark wants to keep his businesses operating, his staff of seven employed and continue working with a broad base of local suppliers and customers while his building goes through historical preservation review. Mark's companies directly or indirectly employ 100's of local vendors, suppliers, small businesses and family owned independent businesses in the course of operating this company and these divisions. His businesses have formed strong partnerships with many local hotels and restaurants generating further business and employment in the City of San Francisco and they are a respected member of most of the trade organizations including SF Travel.

Additionally, Mark is active in the community and also serves on a number of non-profit boards and offers his space to them for free and to all non-profits at significant discount.

Your answers to these questions and response to this LOD will greatly help us expedite the corrective process of this NOV.

Appreciatively,



Philip Lesser
For 1069-1073 Howard LLC
555 Laurel Avenue, #501
San Mateo CA

phnsan@msn.com
(650) 346-2903 cell
cc. David Brosky
Alexandra Kirby

Attachments: \$664 Check for Written Determination Fee
NOV 2016-012357ENF (October 28, 2016)
email from Alexandra Kirby (October 26, 2016)



SAN FRANCISCO PLANNING DEPARTMENT

NOTICE OF VIOLATION

October 28, 2016

Property Owner

1069-1073 Howard Street LLC

1069 Howard Street

San Francisco, CA 94103-2822

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Site Address: 1069 Howard Street
Assessor's Block/Lot: 3731/071
Complaint Number: 2016-012357ENF
Zoning District: MUG, Mixed Use-General
Code Violation: Planning Code Section 205.3; Temporary Uses: Twenty-Four-Hour Limit
AND Section 803.9(h); Vertical Controls for Office Uses
Administrative Penalty: Up to \$250 Each Day of Violation
Response Due: Within 15 days from the date of this Notice
Staff Contact: David Brosky, (415) 575-8727 / david.brosky@sfgov.org

The Planning Department has determined that 1069 Howard Street (the "subject property") is in violation of the Planning Code. As the owner of the subject property, you are the 'responsible' party charged with bringing the above property into compliance with the Planning Code. Details of the violation are discussed below:

DESCRIPTION OF VIOLATION

The violation pertains to a private event and meeting space (dba The Box SF) and an Office use (dba Reflector) that are currently operating on the subject property. Planning Department records indicate that the subject property is currently authorized for 'Industrial' uses.

On May 4, 2015, the Planning Department approved a Temporary Use Authorization (TUA - Case No. 2015-005697GEN) to allow a "celebration or exhibition sponsored by a residential or commercial occupant" as a temporary use on the subject property. Pursuant to Planning Code Section 205.3, such temporary use is limited to one 24 hour event per month for one year.

The Temporary Use Authorization (TUA) approved for the subject property expired on May 1, 2016; yet events continue to take place and with a frequency that exceeds those allowed by the Planning Code. Additionally, there are no records that establish a legal Office use at the subject property.

Pursuant to Planning Code Section 171, structures and land in any zoning district shall be used only for the purposes listed in this Code as permitted in that district, and in accordance with the regulations established for that district. Further, pursuant to Planning Code Section 174, every condition, stipulation,

special restriction, and other limitation under the Planning Code shall be complied with in the development and use of land and structures. Failure to comply with any of Planning Code provisions constitutes a violation and is subject to enforcement processes under Code Section 176.

TIMELINE OF INVESTIGATION

On September 23, 2016, the Planning Department sent you a Notice of Complaint to inform you about the complaint. In that Notice, you were advised to contact the Planning Department to resolve the complaint. On September 27, 2016, a phone conversation was held between Howard Street LLC representative, Mark Sackett and staff planner, David Brosky. During this conversation, Mr. Sackett was informed that the TUA granted him had expired on May 1, 2016. Mr. Sackett was also made aware that according to available information, it appeared he had exceeded the number of events per month and year allowed him by the TUA. Mr. Sackett said he believed he was operating in full compliance under the terms of the TUA.

On October 4, 2016, Planning Department staff, David Brosky, conducted a site visit and confirmed that events (i.e. Dreamforce) were taking place at the subject property without the benefit of a TUA.

On October 17, 2016, Planning Department staff, David Brosky and Alexandra Kirby, conducted a site visit and confirmed the presence of office uses at the subject property.

HOW TO CORRECT THE VIOLATION

The Planning Department requires that you immediately proceed to abate the violation by discontinuing the 'Assembly' and 'Office' use and reinstating the above property to its last authorized Industrial use. Alternatively, you may apply for a Change of Use which would allow the subject property to have additional uses (e.g. Assembly, Office) permitted under the Planning Code.

If you intend to continue using the subject property for private event and meeting space while applying for a Change of Use, you must obtain a new TUA from the Planning Department and comply with all limitations contained therein. A Building Permit must also be obtained to record the current Office use. Notice of the designation of Office stories shall also be recorded as a restriction on the deed of the property along with plans clearly depicting the designated story.

The responsible party will need to provide adequate evidence to demonstrate that either no violation exists or that the violation has been abated. Please provide evidence including copies of permits, authorizations or other supporting documents. A site visit may also be required to verify compliance.

You may also need to obtain a building permit for any alterations done to, or for a change of use at the property. For questions regarding the building permit process, please contact the Department of Building Inspection (DBI) at:

1660 Mission Street
San Francisco, CA 94103
telephone: (415) 558-6088
website: www.sfgov.org/dbi

within 30 days from the final date of the Notice of Violation. After 30 days, the Planning Department may forward the matter to the Bureau of Delinquent Revenue for collection as authorized by Article V, Section 10.39 of the San Francisco Administrative Code. Please be advised that payment of penalty does not excuse failure to correct the violation or bar further enforcement action. Additional penalties will continue to accrue until a corrective action is taken to abate the violation.

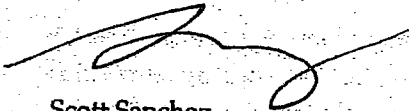
ENFORCEMENT TIME AND MATERIALS FEE

Pursuant to Planning Code Section 350(c)(1), the Planning Department shall charge for 'Time and Materials' to recover the cost of correcting the Planning Code violations. Accordingly, the responsible party is currently subject to a fee of \$1,308.00 for 'Time and Materials' cost associated with the Code Enforcement investigation. Please submit a check payable to 'San Francisco Planning Department' for Code Enforcement within 15 days from the date of this notice. Additional fees will continue to accrue until the violation is abated. This fee is separate from the administrative penalties as noted above and is not appealable.

OTHER APPLICATIONS UNDER PLANNING DEPARTMENT CONSIDERATION

The Planning Department requires that pending violations be resolved prior to the approval and issuance of any new applications that you may wish to pursue in the future. Therefore, any applications not related to abatement of the violation will be placed on hold until a corrective action is taken to abate the violation. We want to assist you in ensuring that the subject property is in full compliance with the Planning Code. You may contact the enforcement planner noted above for any questions on the enforcement and appeal process.

Sincerely,



Scott Sanchez
Zoning Administrator

For questions regarding Planning Department process, please contact the Planning Department Public Information Center (PIC) at:

1660 Mission Street (ground floor)
San Francisco, CA 94103
telephone: (415) 558-6377
email: pic@sfgov.org

TIMELINE TO RESPOND

The responsible party has fifteen (15) days from the date of this notice to either;

- 1) Correct the violation as noted above; or
- 2) Appeal this Notice of Violation as noted below.

Corrective actions shall be taken as soon as possible. The diligent pursuit of corrective action, such as seeking assistance from an enforcement planner or learning how to apply for a Change of Use, will also satisfy the response requirement. Please contact the enforcement staff named above to submit evidence of correction. Any unreasonable delays in abatement of the violation will result in further enforcement action by the Planning Department.

APPEAL PROCESSES

If the responsible party believes that this order to remove violation of the Planning Code is an abuse of discretion by the Zoning Administrator, the following appeal processes are available within fifteen (15) days from the date of this notice:

- 1) The responsible party may request a Zoning Administrator Hearing under Planning Code Section 176 to show cause why this Notice of Violation is issued in error and should be rescinded by submitting the Request for Zoning Administrator Hearing Form and supporting evidence to the Planning Department. The Zoning Administrator shall render a decision on the Notice of Violation within 30 days of such hearing. The responsible party may appeal the Zoning Administrator's decision to the Board of Appeals within 15 days from the date of the decision.
- 2) The responsible or any interested party may waive the right to a Zoning Administrator Hearing and proceed directly to appeal the Notice of Violation to the Board of Appeals located at 1650 Mission Street, Room 304, San Francisco, CA 94103, telephone: (415) 575-6880, website: www.sfgov.org/bdappeal. The Board of Appeals may not reduce the amount of penalty below \$100 per day for each day the violation continues unabated, excluding the period of time the matter has been pending either before the Zoning Administrator or before the Board of Appeals.

ADMINISTRATIVE PENALTIES

If any responsible party does not request any appeal process and does not take corrective action to abate the violation within the 15-day time limit as noted above, this Notice of Violation will become final. Beginning on the following day, administrative penalties of up to \$250 per day to the responsible party will start to accrue for each day the violation continues unabated. The penalty amount shall be paid

From: "Kirby, Alexandra (CPC)" <alexandra.kirby@sfgov.org>

Subject: 1069 Howard Follow up

Date: October 26, 2016 at 1:32:58 PM PDT

To: "msackett@reflectur.com" <msackett@reflectur.com>

Cc: "Brosky, David (CPC)" <david.brosky@sfgov.org>

Hi Mark,

My apologies for not getting back to you sooner on this! In speaking with the team leader of the SE team I discovered that there is a portion of the Planning Code that would allow for you to seek office use within the building

Below is the Code language regarding landmark properties in Section 803.9(b):

(b) Preservation of Historic Buildings within Certain Eastern Neighborhoods Mixed Use Districts. The following controls are intended to support the economic viability of buildings of historic importance within Eastern Neighborhoods.

(1) This subsection applies only to buildings in SPD, MUG, MUO, or MUR Districts that are designated landmark buildings or contributory buildings within a designated historic district per Article 10 of the Planning Code, or buildings listed on or determined eligible for the California Register of Historical Resources by the State Office of Historic Preservation.

(A) All uses are principally permitted, provided that:

(i) The project does not contain any nighttime entertainment use.

(ii) Prior to the issuance of any necessary permits, the Zoning Administrator, with the advice of the Historic Preservation Commission, determines that allowing the use will enhance the feasibility of preserving the building.

1069 Howard was found to be eligible for the State Register through the prior survey efforts and therefore qualifies for this preservation benefit. The permitted uses under this Code section do include office. Rather than going through the 9+ month landmarking process we discussed previously, you would need to work with a preservation consultant to provide a preservation plan that would include restorative work such as restoring some of the windows at the ground story and any necessary repairs. This would be followed by a presentation before the Historic Preservation Commission to demonstrate that the proposed use would help to preserve the property. With their support the Zoning Administrator would make a formal determination authorizing the requested use.

We will cover this in greater detail during your upcoming Project Review meeting and I have asked that Rich Sucre, the team leader and preservation specialist for the SE quadrant be present to answer any questions you may have about the process.

The below documents provide (a) a list of qualified preservation consultants you can contact for assistance with the proposal – I recommend waiting until you've discussed this route with staff to determine if you would like to pursue office use; and (b) a memo with more details on Section 803.9.

(a) [http://sfmea.sfplanning.org/Historic%20Pools%20Effective%2003042015%20-%20Contact%20Updates%2005182015%20CURRENT%20\(9.2.15\).pdf](http://sfmea.sfplanning.org/Historic%20Pools%20Effective%2003042015%20-%20Contact%20Updates%2005182015%20CURRENT%20(9.2.15).pdf)

(b) http://default.sfplanning.org/Preservation/Element/PE_Pres_Element_2014-09-10_HPC_Memo.pdf

Thank you,

Alexandra Kirby
Preservation Specialist, Zoning and Compliance

Planning Department, City and County of San Francisco
1650 Mission Street, Suite 400, San Francisco, CA 94103
Direct: 415-575-9133 Fax: 415-558-6409

Email: alexandra.kirby@sfgov.org

Web: www.sfplanning.org

Planning Information Center (PIC): 415-558-6377 or pic@sfgov.org
Property Information Map (PIM): <http://propertymap.sfplanning.org>

February 14, 2017

Mr. Scott Sanchez
Zoning Administrator
Mr. Corey Teague
Assistant Zoning Administrator
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco CA 94103

R # 2016-015758 ZAD

PLANNER: E. JARDINES (SE)

Addendum to November 28, 2016 Requested Letter of Determination: 1069-1073 Howard Street (3731/071)

Dear Mr. Sanchez and Mr. Teague,

On December 13, 2016 the 1069-73 Howard Street project team met with David Vu, Alexandra Kirby and David Brosky for a pre-application meeting. Those planners counseled that it would be beneficial to refine the Letter of Determination Request of November 28, 2016 by expressing it in proposed detailed usage floor plans.

This addendum to our November 28, 2016 requested Letter of Determination and attachments is the follow up to their counsel.

After much thought on how to transition his building and businesses, Mr. Mark E. Sackett (1069-1073 Howard LLC) would like to propose a much needed use for artists by creating a high-quality artist/artisan collaborative work space and studios devoted to inspiring and sustaining artists, photographers, crafts makers and other permissible creators in collaboration with the community, educators and related businesses supportive to them.

As can be seen on the attached floor plans, the arts activities would occur in the basement, ground and second floors. The third floor would contain accessory artist support offices, which we calculate to be 32% of the area devoted to arts and artisan activities

Given this proposed building usage, project sponsor is desirous of the following determinations:

1. We believe that the proposed three floors devoted to the creation of fine arts (laser printing, drawing, painting, photography, filming, antique and archive restoration and craft makers) fall under Section 890.124 TRADE SHOP (f) "Other artisan craft uses, including fine arts uses" Is this a correct interpretation of Code?
2. Would the third floor devoted to artist support services (exhibition support, artist management, marketing support, accounting support and other artist-related support functions) be considered as permissible accessory uses to Section 890.124 (f). Is this a correct interpretation of Code?
3. Given the building's historical use as a "print shop," we believe an arts collaborative space as described above and on the working floor plans effectively converts one form of industrial use to another form of industrial use(i.e. laser printing, drawing, painting, photography, filming, antique and archive restoration as well as crafts makers.) Is this a change of one type of PDR to another type of PDR under MUG zoning?
4. Would there be any impact fees associated with changing the use from print shop to the aforementioned uses?
5. Can this change be effected with an "administrative-only" building permit application so that the owner can expeditiously cure the Notice of Violation and begin marketing the space to artists and artisans?

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FEB 13 2017

CITY & COUNTY OF S.F.
PLANNING DEPARTMENT
RECEPTION DESK

Addendum to LOD Request of November 28, 2016
1069-1073 Howard Street
Page 2 of 2

Any additional information that you may need for these determinations will gladly be provided upon request.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Philip Lesser". The signature is fluid and cursive, with the first name "Philip" written in a larger, more prominent script than the last name "Lesser".

Philip Lesser
For 1069-73 Howard LLC
555 Laurel Avenue, #501
San Mateo CA 94401

Attachments: Letter of Determination Request of November 28, 2016
Drawings denoting proposed Usages by Floor, 1069-1073 Howard Street
Spreadsheet denoting proposed pdr to accessory pdr space, 1069-73 Howard Street

Cc. David Brosky, Alexandra Kirby and David Vu
Mark E. Sackett, 1069-1073 Howard LLC

November 28, 2016

Mr. Scott Sanchez
Zoning Administrator
Mr. Corey Teague
Assistant Zoning Administrator
San Francisco Planning Department
1650 Mission Street
Suite 400 San Francisco CA 94103

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NOV 28 2016

**CITY & COUNTY OF S.F.
PLANNING DEPARTMENT
RECEPTION DESK**

Re: Requested Letter of Determination: Change of Use at 1069 – 1073 Howard Street (3731/071)

Dear Mr. Sanchez and Mr. Teague,

Determination Requested

1. **Can Sackett Design, LLC and its divisions continue operating all of its long-standing businesses under an "administrative only," building permit correcting a long outdated use with the actual building uses?**
2. **What code uses under MUG zoning best describe the activities of these businesses?** We have had difficulty fitting his legitimate businesses into the pre-determined categories and have recognized this is a unique situation. i.e.: Most people simply don't do this many things, and the types of things Mark Sackett does are not listed.
3. **If this building is historically listed, are there additional permitted uses and greater flexibilities of business locations with the building (story controls)?** With regards to question 3, we are specifically seeking clarification from Alexandra Kirby's e-mail to Mark Sackett of October 26 where she said the following:

"1069 Howard was found to be eligible for the State Register through the prior survey efforts and therefore qualifies for this preservation benefit. The permitted uses under this Code section do include office. Rather than going through the 9+ month landmarking process we discussed previously, you would need to work with a preservation consultant to provide a preservation plan that would include restorative work such as restoring some of the windows at the ground story and any necessary repairs. This would be followed by a presentation before the Historic Preservation Commission to demonstrate that the proposed use would help to preserve the property. With their support the Zoning Administrator would make a formal determination authorizing the requested use."

and with the following reference to a Section of Code 803.9 (b):

(1) This subsection applies only to buildings in SPD, MUG, MUO, or MUR Districts that are designated landmark buildings or contributory buildings within a designated historic district per Article 10 of the Planning Code, **or buildings listed on or determined eligible for the California Register of Historical Resources by the State Office of Historic Preservation.**

(A) All uses are principally permitted, provided that:

(i) The project does not contain any nighttime entertainment use.

(ii) Prior to the issuance of any necessary permits, the Zoning Administrator, with the advice of the Historic Preservation Commission, determines that allowing the use will enhance the feasibility of preserving the building.

Background to the Letter of Determination Request

My client Mark E. Sackett dba 1069-1073 Howard LLC owns a historic building at that same address. The building is 3 stories over a full basement. Sackett Design, LLC Mark's company and its subsidiaries are currently the sole tenants of this historic building which was the former William Randolph Hearst Printing Plant built in 1926. He purchased this three-story building with a basement located at 1069-1073 Howard Street for his business operations in 2004.

(The building was constructed in 1926. It was originally the printing facility for the San Francisco Examiner.) When Mark purchased the building however it was not being used as a printing facility and had not been used as such many years prior to that. To that end, we believe some city records to be incomplete, lost, misfiled or otherwise incorrect as it has not been a printing facility in perhaps over 25 years or longer according to what Mark was told.

At the time of this purchase, the building held a Sheet Music company that did music events and sheet music distribution on the ground floor. Offices were on the second floor. Offices and space for meetings and events were held on the third floor. Again, It was not a printing or manufacturing facility and had not been in some time.

For the last 12 years, Mark, has owner occupied the building. During that time Mark has operated a number of business divisions simultaneously. Many of these could be characterized as design arts (photo and film shoots, advertising art, campaigns, museum installations, branding and other kindred creative work and creative related meetings and events). For seven of those years he also had a tenant designing interactive exhibitions on the ground floor. (That tenant vacated in July 2015 when it went bankrupt.)

While all of his operations are housed and operate within the building, he has three core businesses that utilize parts of this building for client meetings, assembly activities, and exhibition space specifically as a private meeting and event center well known as (The Box SF). (Please visit: www.theboxsf.com) This site also has a full Google Walkthrough of the building in its current state. The first and third floors also contain meeting and event space.

Mark operates his meetings and art activities on the second floor. On the third floor he has offices to operate his other divisions in conjunction with the meeting and events space and a management office for 1069-1073 Howard LLC.

His additional core business activities that utilize parts of this building for client meetings, assembly activities, and exhibition space are (Reflectur) an award winning Design, Art, Branding and Advertising Agency and (Brainfood Creative Programs) that do company trainings, off site retreats, team building and a unique networking event (The Art of Active Networking) worldwide designed to help people who are struggling with finding a job, financial issues, who are new to the area or who need some kind of support. Over 14,000 people have been helped by these events so far.

Mark engages in private/by-appointment-only retail activities centered around prop rentals and antique sales (Circa Props) and has a massive rare print archive (Target Paper) that collects, preserves, exhibits and sells antiquarian labels, paper, antiquarian illustrated books and rare highly sought after printed materials. (He is open to the Public by appointment only, due to the neighborhood being unsafe and due to the extreme rarity of his inventory.)

Last month Mark received a Notice of Violation, which is attached, noting that the Planning Department's records show the last use of the building as a print shop. (This NOV was triggered when he sent a client to get a permit to hang a banner during Dreamforce. Prior to that there has been no use issue.) As a corrective action, Mark was told to apply for a change of use to reflect his current businesses.

The building, per Alexandra Kirby, is eligible for consideration on both the San Francisco and State historic registers in fact in discussions with Mark, Alexandra Kirby counseled Mark that not only did the city consider the building to have high historic value but that the city had already "earmarked" the building for preservation and that it was further eligible and would be recommended as a state landmark. She and the enforcement officer David Brosky have suggested and encouraged Mark to enjoy the greater latitude of permitted uses and other incentives afforded to historically registered buildings.

Mark was completely unaware this was a possibility and immediately said "yes" to the idea and is willing to pursue getting a historical designation. He most certainly values history as the building is full of printing antiques, props from his collections and the building is in impeccable shape.

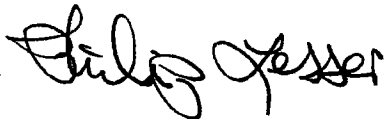
However he recognizes that this could be a lengthy and costly process.

During what appears to be an unknown length of time to do the work and gain the status, Mark wants to keep his businesses operating, his staff of seven employed and continue working with a broad base of local suppliers and customers while his building goes through historical preservation review. Mark's companies directly or indirectly employ 100's of local vendors, suppliers, small businesses and family owned independent businesses in the course of operating this company and these divisions. His businesses have formed strong partnerships with many local hotels and restaurants generating further business and employment in the City of San Francisco and they are a respected member of most of the trade organizations including SF Travel.

Additionally, Mark is active in the community and also serves on a number of non-profit boards and offers his space to them for free and to all non-profits at significant discount.

Your answers to these questions and response to this LOD will greatly help us expedite the corrective process of this NOV.

Appreciatively,



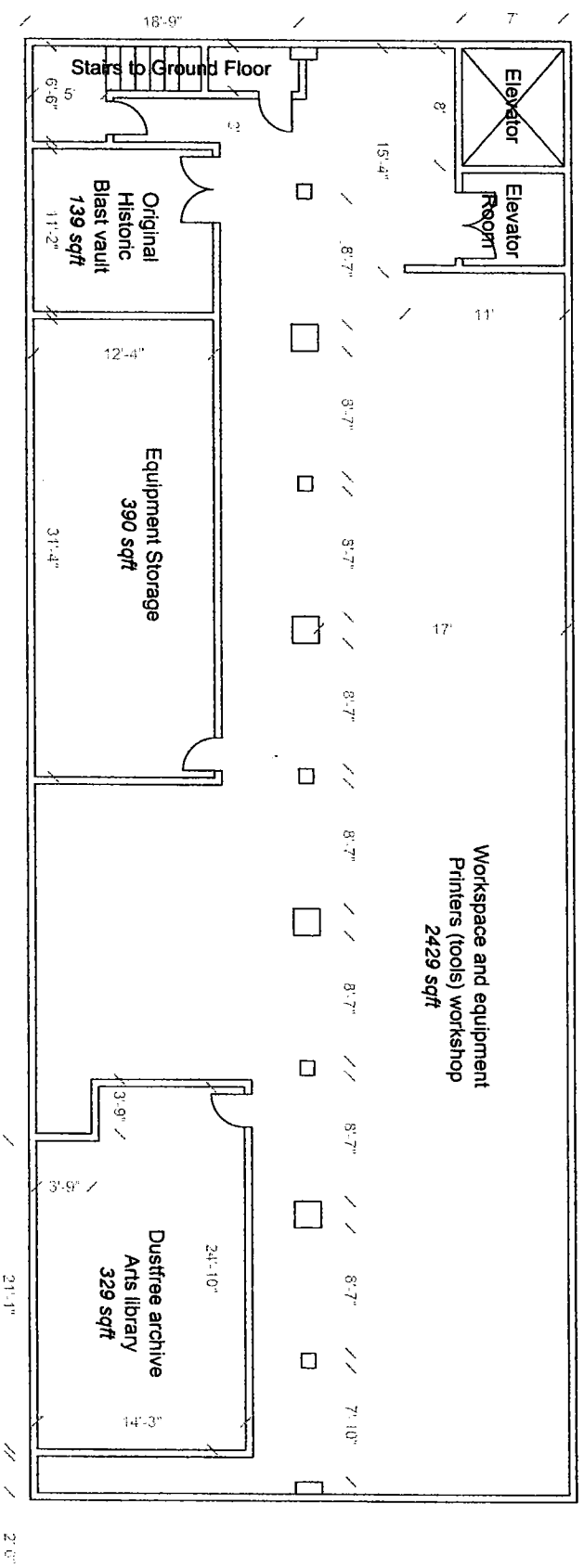
Philip Lesser
For 1069-1073 Howard LLC
555 Laurel Avenue, #501
San Mateo CA

phnsan@msn.com
(650) 346-2903 cell
cc. David Brosky
Alexandra Kirby

Attachments: \$664 Check for Written Determination Fee
NOV 2016-012357ENF (October 28, 2016)
email from Alexandra Kirby (October 26, 2016)

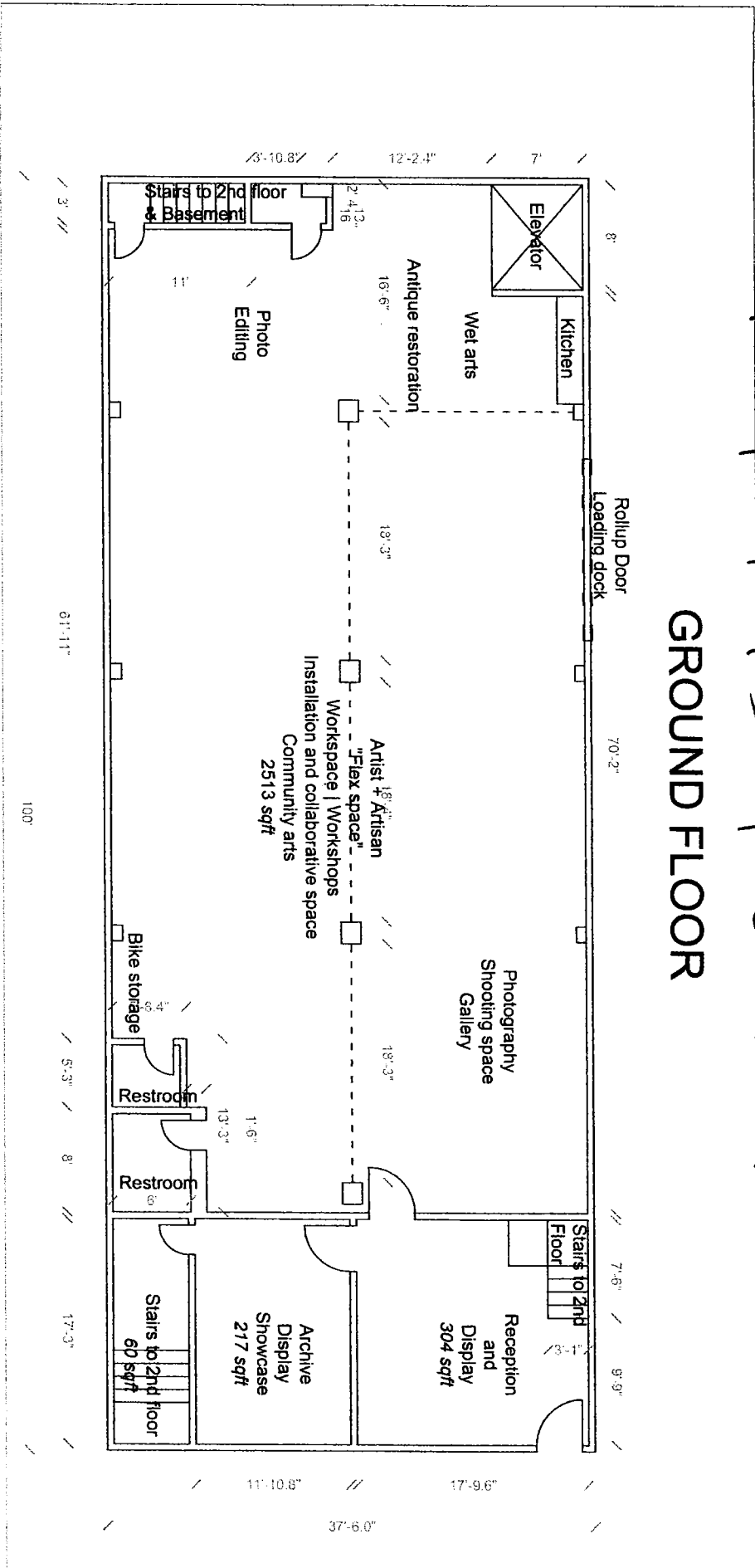
1069 - 1073 Howard Street

BASEMENT



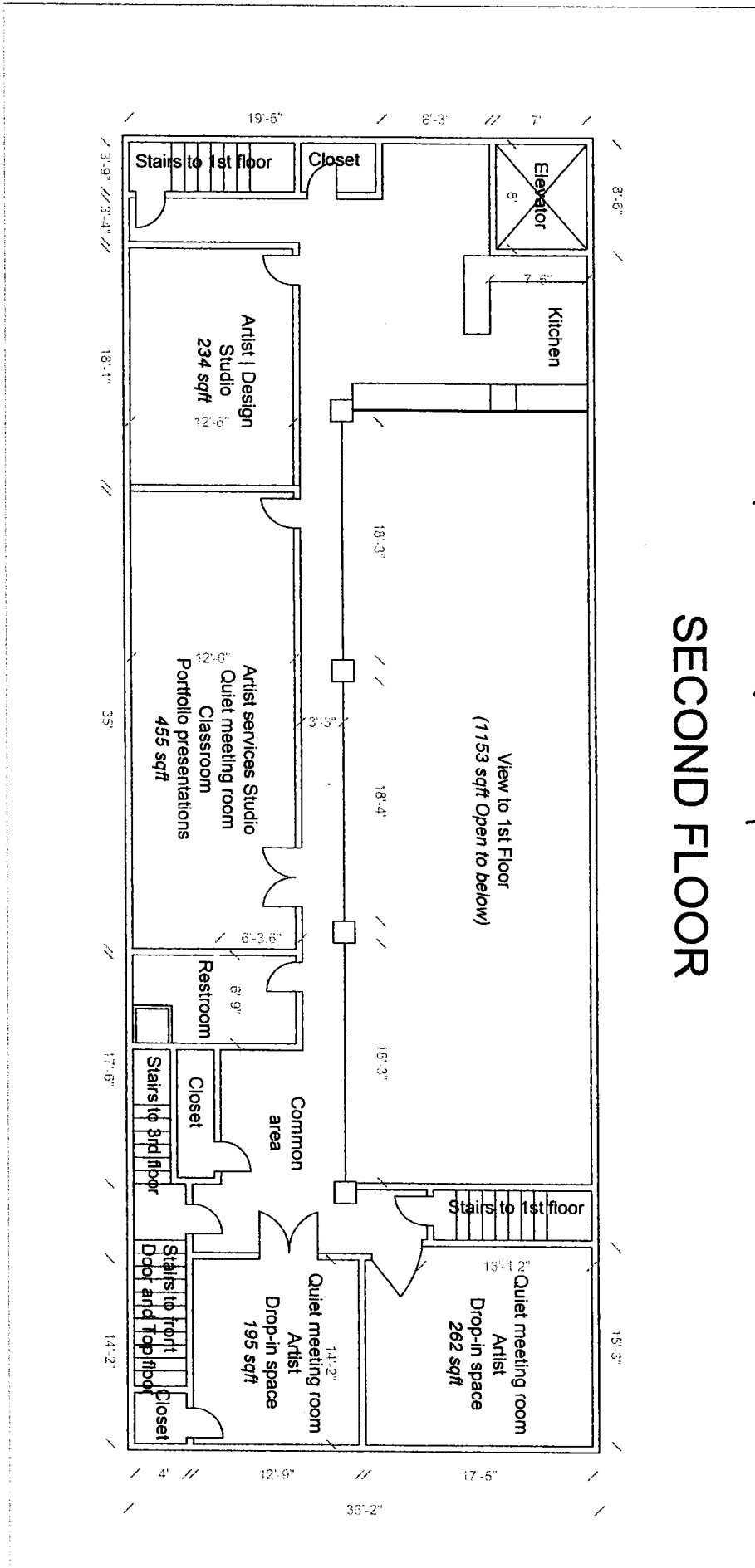
1069 - 1073 Howard Street

GROUND FLOOR



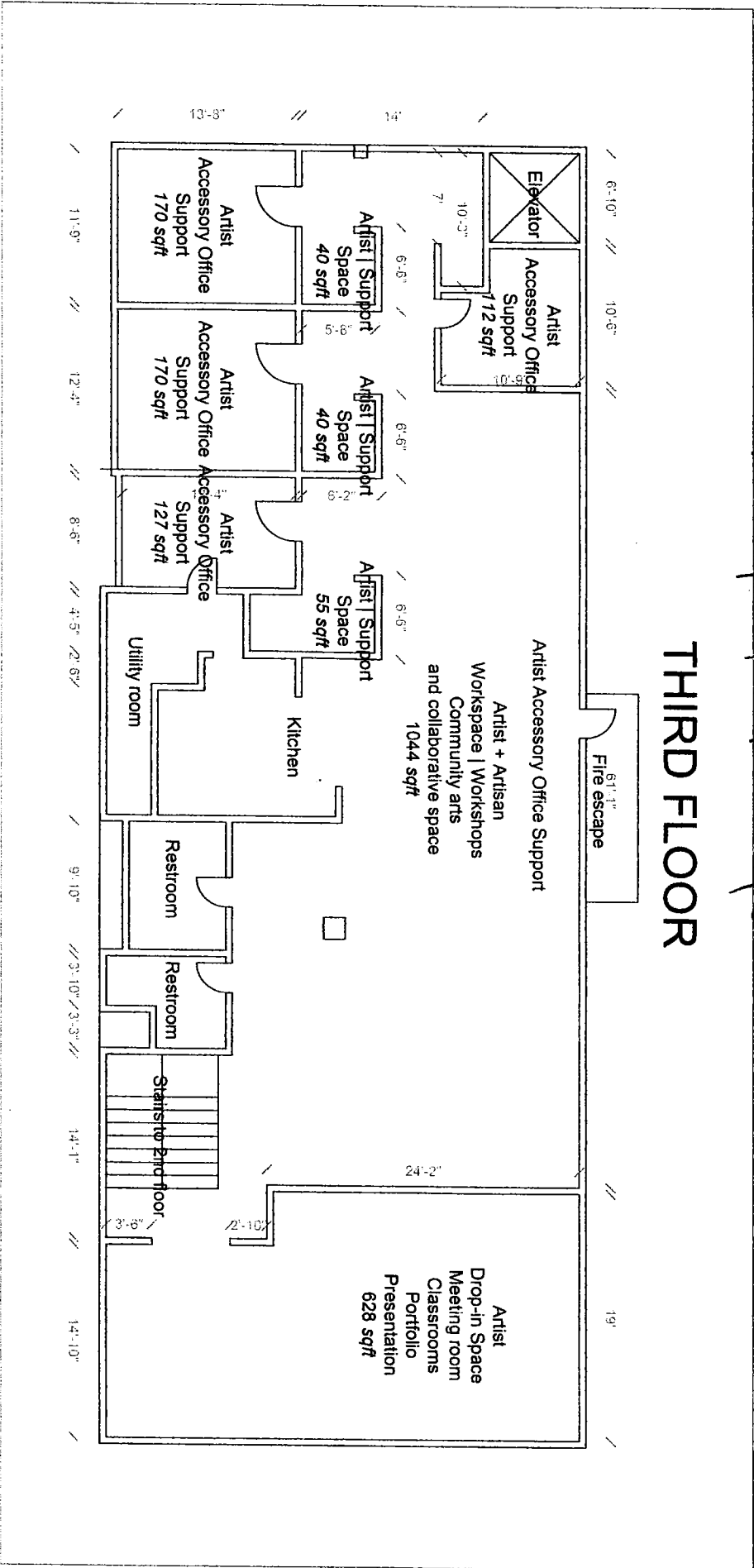
1069 - 1073 Howard Street

SECOND FLOOR



1069 - 1073 Howard Street

THIRD FLOOR



1069-1073 Howard Street

	TOTAL AREA	ELEVATOR	STAIRS	CORRIDORS	REST ROOMS	CLOSETS	KITCHEN	UTILITY AREA	ACTIVE AREA
BASEMENT	3,750	123	92	200	48				3,287
GROUND FLOOR	3,750	57	206	200	108	32	88	25	3,034
2ND FLOOR	2,597	57	249	797	91	89	168		1,146
3RD FLOOR	3,750	57	115	625	132	164	166	105	2,386
TOTALS	13,847	294	662	1,822	331	333	422	130	9,853

	USAGE	ACTIVE AREA	ACCESSORY PERCENTAGE
BASEMENT	PDR	3,287	
GROUND FLOOR	PDR	3,034	2,386 equals 31.95%
2ND FLOOR	PDR	1,146	
3RD FLOOR	ACCESSORY TO PDR	2,386	

BASEMENT	GROUND FLOOR	SECOND FLOOR	THIRD FLOOR
2,429 Workshop Equipment 390 Storage Archive/ Arts 329 Library Historic Blast 139 Vault 3,287	Reception/ 304 Display Archive Display 217 Showcase Flex Artist/ Artisan 2,513 Workspace 3,034	Quiet Room 262 Room Quiet 195 Room artist Studio/ 455 Classroom Artist Design 234 Studio 1,146	628 Accessory Office e Support 1,044 Accessory Office e Support 55 Accessory Office e Support 40 Accessory Office e Support 40 Accessory Office e Support 170 Accessory Office e Support 170 Accessory Office e Support 127 Accessory Office e Support 112 Accessory Office e Support 2,386