



# PLANNING DEPARTMENT

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January 31, 2007

Gale P. Elston P.C.  
1388 Sutter Street – Suite 1000  
San Francisco, CA 94109

**RE: Request for Letter of Determination  
850 Greenwich Street  
Assessor's Block/Lot: 0074/007**

Dear Ms. Elston,

I am writing in response to your letter dated January 5, 2007 (it was logged into our database on January 23, 2007 which is when we received the fee). You requested a determination regarding commercial use of the ground floor of the building on the above referenced property. The subject property is located within an RM-2, Residential, Moderate Density, Two Family zoning district and a 40-X height and bulk district and is occupied by a three-story building.

The building on the subject property has been used in the past as a mixed-use building with ground floor commercial and residential units on the two upper floors. In 1960 the nonconforming commercial status of this property was terminated. The owner was advised of this termination (originally set in 1960 and given a 20-year amortization period) on May 2, 1980. A certified letter was also sent to Mr. Albert Gee the listed owner of the property on March 3, 1982 (signed for by Mr. Gee), which advised of the termination of the commercial use and notified Mr. Gee of the recordation of a Notice of Special Restrictions on the land records. We have attached a letter from our historical files dated January 7, 1988, which contains more information. A Notice of Special restrictions (attached) dated August 7, 1982 and recorded on August 10, 1982 as D420- Image 1740 documents this and a title search should have disclosed this.

Also, it is important to note that atop the 3R Report there is a disclaimer which states:

**BEWARE:** This report describes the current legal use of this property as compiled from records of City Departments. There has been no physical examination of the property itself. This record contains no history of any plumbing or electrical permits. The report makes no representation that the property is in compliance with the law. Any occupancy or use of the property other than that listed as authorized in this report may be illegal and subject to removal or abatement, *and should be reviewed with the Department of Planning and the Department of Building Inspection.* Errors or omissions in this report shall not bind or stop the City from enforcing any and all building and zoning codes against the seller, buyer and any subsequent owner. (Emphasis Added) The preparation or delivery of this report shall not impose any liability on the City for any errors or omissions contained in said report, nor shall the City bear any liability not otherwise imposed by law.

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Therefore, it is my determination that the nonconforming use was terminated under provisions of the Planning Code Section 183 and therefore can no longer be used for commercial purposes.

If anyone has substantial reason to believe that there was an error in interpretation of the provisions of the Planning Code, or abuse of discretion on the part of the Zoning Administrator, they may file an appeal with the Board of Appeals (1660 Mission Street, Room 3036 telephone: 575-6880) within fifteen (15) days of the date of this letter.

Sincerely,

Lawrence B. Badiner  
Zoning Administrator