Letter of Determination

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January 26, 2009

Chris Foley Polaris Group 525 Bryant Street San Francisco CA 94107

RE:

888 7th Street

Block: 3800 Lot: 005

Zoning District: Urban Mixed Use (UMU)

Dear Mr. Foley:

This letter is in response to your request for a zoning letter of determination for the property at 888 Seventh Street. This parcel is located in the Urban Mixed Use (UMU) zoning district with a 68-X height and bulk limitation. The request is for clarification about (1) whether a real estate office is a permitted use if it occupies less than 4,000 square feet; (2) whether a retail use is permitted within the UMU district; and (3) whether Professional Services and Retail are uses permitted within the Heavy Industrial (M-2) zoning district.

Planning Code Section 843.50 indicates that a Professional Service use, as defined in Planning Code Section 890.108, is principally permitted when the use is primarily open to the general public on a retail basis and, under the use size limits in Planning Code Section 843.45, up to 25,000 gross square feet per lot for all Professional Service uses on the lot and up to 3,999 gross square feet for each individual Professional Service use above the ground floor. Should any individual Professional Service use exceed 3,999 square feet then Conditional Use authorization is required. Please note that Planning Code Section 803.9(h) does not permit Office uses, as defined in Planning Code Section 890.70 and which includes a real estate office, on the ground floor, requires designation of stories where the Office uses will be located prior to issuance of a first building permit or along with any associated Planning Commission action, whatever occurs first, and limits the number of office designated stories in relation to the total number of stories in the structure (see Table 803.9(h)).

Planning Code Section 843.45 principally permits Retail Sales and Service uses, as defined in Planning Code Section 890.104, if the use size limits in Planning Code Section 803.9(i) are met. Please note that Formula Retail uses, as defined in Planning Code Section 803.6, Ambulance Service uses, as defined in Planning Code Section 890.2, Self-Storage uses, as defined in Planning Code Section 890.54(d), Tourist

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Hotel uses as defined in Planning Code Section 890.46, and Gyms, as defined in Planning Code Section 218(d), all broadly considered Retail Sales and Services, are subject to different controls found in Planning Code Sections 843 and 890.

The Heavy Industrial (M-2) district permits a real estate office occupying less than 4,000 square feet as a Professional Office under Planning Code Section 219(a) and permits retail uses under Planning Code Section 218.

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,

Lawrence B. Badiner Zoning Administrator

cc: Diego R Sánchez, Planner

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