



# SAN FRANCISCO PLANNING DEPARTMENT

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## Letter of Legitimization

September 22, 2011

David Silverman  
Reuben & Junius  
One Bush Street, Suite 600  
San Francisco, CA 94104

**Site Address:** 2300 Harrison (a.k.a. 3101 19<sup>th</sup> Street)  
**Assessor's Block/Lot:** 3593/001  
**Zoning District:** UMU (Urban Mixed Use) Zoning District  
68-X Height and Bulk District  
**Staff Contact:** Kimberly Durandet, (415) 575-6816 or  
[kimberly.durandet@sfgov.org](mailto:kimberly.durandet@sfgov.org)

Dear Mr. Silverman,

This letter is in response to your request for a letter of legitimization per Planning Code Section 179.1 regarding the property at 2300 Harrison Street (a.k.a. 3101 19<sup>th</sup> Street). This parcel is located on the west side of Harrison Street between 19<sup>th</sup> and 20<sup>th</sup> Streets in the UMU (Urban Mixed Use) Zoning District and 68-X Height and Bulk District. The request is to legitimize 22,847 gross square feet of existing office on the ground floor of the subject building.

### Procedural Background

The Department received the request for legitimization of office space at 2300 Harrison Street (a.k.a. 3101 19<sup>th</sup> Street) on February 15, 2011. Staff reviewed the request and associated materials and the Zoning Administrator issued a 30-day public notice of the intent to issue the Letter of Legitimization on August 16, 2011. The public notice also included a draft letter for review, and was sent to 1) all owners of property within 300 feet of the subject property, 2) all current tenants of the subject property, and 3) all individuals and neighborhood associations that had requested to receive such notice. Additionally, notice was posted on the site during the notification period. The notification period expired on September 15, 2011.

### Eligibility

The land use proposed for legitimization is deemed eligible if it meets the following criteria:

- i. The land use existed as of the date of the application;

*The following documentation indicates the office use existed as of February 15, 2011:*

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

- o *A lease agreement for 100% or 65,494 square feet in the subject building between the 562 Mission Street LLC (Lessor) and The Regents of the University of California (Lessee) on February 12, 2003;*
- o *Letter of Determination dated September 25, 2008.*

- ii. The land use would have been principally permitted or permitted with Conditional Use Authorization under provisions of the Planning Code that were effective on April 17, 2008;

*Prior to the Eastern Neighborhoods rezoning, the subject property was located in the M-1 (Light Industrial) Zoning District, which principally permitted office uses.*

- iii. The land use would not be permitted under current provisions of the Planning Code;

*The subject property is located in the UMU (Urban Mixed Use) Zoning District, which does not permit office use.*

- iv. The land use either has been (1) regularly operating for functioning on a continuous basis for no less than 2 years prior to the effective date of Planning Code Section 179.1, or (2) functioning in the space since at least April 17, 2008, and is associated with an organization, entity or enterprise which has been located in this space on a continuous basis for no less than 2 years prior to the effective date of Planning Code Section 179.1;

*The following documentation indicates the office use has been regularly operating for no less than 2 years prior to February 15, 2011:*

- o *A lease agreement for 100% or 65,494 square feet in the subject building between the 562 Mission Street LLC (Lessor) and The Regents of the University of California (Lessee) on February 12, 2003;*
- o *Letter of Determination dated September 25, 2008.*

- v. The land use is not accessory to any other use;

*The subject office use occupies the ground floor of the subject building and is a principal use.*

- vi. The land use is not discontinued and abandoned pursuant to the provisions of Planning Code Section 183 that would otherwise apply to nonconforming uses.

*The documentation and site inspection conducted on August 9, 2011 indicate the office use is currently in operation, and has been regularly operating as office since at least 2003. There has been no discontinuance or abandonment of the office use under Planning Code Section 183.*

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2300 Harrison Street  
(a.k.a. 3101 19<sup>th</sup> Street)

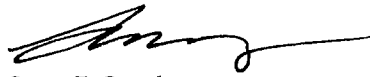
## Determination

It is my determination that the request for legitimization of the existing 22,847 gross square feet of office use on the ground floor of the subject building per the attached plans (Exhibit A), meets all the required criteria of Planning Code Section 179.1. Therefore, the subject gross floor area is deemed legitimate office space as defined in Planning Code 870.90. A Notice of Special Restrictions shall be filed on the subject property documenting the specific building area legitimized as office space as listed in this letter and documented on the attached plans prior to the approval of a site or building permit establishing such office space. This determination is **not** a project approval, or in any way a substitute for a Building Permit Application for the change of use to office space.

Please note that before a Building Permit Application may be approved to legally convert the subject gross floor area to office, this project must pay the applicable legitimization fee of \$2.00 per gross square foot for Transit Impact Development Fees per Section 179.1.

**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 the Letter of Legitimization. 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: Kimberly Durandet, Planner  
Steve Wertheim, Planner  
Planning Commissioners  
562 Mission Street LLC (Property Owner)  
All Parties on the Notification Request List

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