



SAN FRANCISCO PLANNING DEPARTMENT

SAN FRANCISCO ZONING ADMINISTRATOR

NOTICE OF INTENT TO RENDER A DETERMINATION

UNDER PLANNING CODE SECTION 179.1

LEGITIMIZATION OF USES LOCATED IN THE EASTERN NEIGHBORHOODS

Notice is hereby given to the general public that an application involving the property described below was filed with the Planning Department for review as set forth in the Planning Code. The Zoning Administrator has reviewed the application and will render a determination at the end of a 30 day notification period on or after **January 21, 2014**.

3130 20th Street – northeastern corner of the intersection of Harrison and 20th Streets, Lot 002 in Assessor's Block 4083 - Request for Legitimization of Office Use pursuant to Planning Code Section 179.1 to determine if up to 12,758 gross square feet of office use on a portion of the third floor of the existing three-story building is a legitimate use under the current UMU (Urban Mixed-Use) Zoning District and 58-X Height and Bulk District.

The subject site is within a 300-foot radius of your property.

Legitimization

Planning Code Section 179.1 allows the “legitimization” of certain existing land uses that did not obtain a use permit from the City—particularly office and housing—that were previously permitted in specific zoning districts, but are no longer permitted under the recent Eastern Neighborhoods rezoning. As part of the Eastern Neighborhoods rezoning process, the City determined it was desirable to allow these uses to legitimize. Legitimization requires evidence to show that such a use has been operating without the benefit of required permits for a certain period of time.

The Project Sponsor for **3130 20th Street** provided substantial evidence that meets the minimum criteria set by Planning Code Section 179.1(b). The Zoning Administrator intends to issue a Letter of Legitimization for 12,758 gross square feet of office space at the subject property (see attached draft letter) on or after **January 21, 2014**, but seeks written comment prior to making a final determination. Once the Zoning Administrator issues a written determination, it is then appealable to the Board of Appeals within 15 days of issuance.

You are not obligated to take any action. For more information regarding the proposal, or to express concerns about the project, please contact the Planner named below as soon as possible.

Please note that the subject site is within a 300-foot radius of your property and this notice fulfills the notice requirement for Legitimization determinations per Planning Code Section 179.1. **For further information, contact Corey Teague at 415.575.9081 or corey.teague@sfgov.org.**

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377



SAN FRANCISCO PLANNING DEPARTMENT

DRAFT Letter of Legitimization

January X, 2014

J. Gregg Miller, Jr.
Coblentz Patch Duffy & Bass LLP
One Ferry Building, Suite 200
San Francisco, CA 94111-4213

Site Address:	3130 20 th Street
Assessor's Block/Lot:	4083/002
Zoning District:	UMU
Staff Contact:	Corey Teague, (415) 575-9081 or corey.teague@sfgov.org

Dear Mr. Miller:

This letter is in response to your request for a Letter of Legitimization per Planning Section 179.1 regarding the property at 3130 20th Street. This parcel is located in the UMU Zoning District and a 58-X Height and Bulk District. Pursuant to your original request dated January 13, 2012, and your supplemental request dated July 19, 2013, the request is to legitimize the existing office use on a portion of the third floor in the existing three-story building, which totals 12,758 gross square feet.

Procedural Background

The Department received the request for legitimization of office space on the second and third stories of the existing building at 3130 20th Street on January 13, 2012. The Department received a supplemental request for legitimization of office space on only a portion of the third floor of the existing building on January 13, 2012. 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 December 19, 2013. 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 January 20, 2014.

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 office uses/tenants occupied the third floor of the subject building as detailed below:

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Suites 308, 350, and 380

In 1998, The University of California ("UC") expanded its presence in the subject building by leasing, pursuant to two separate leases, 1) approximately 5,620 square feet of space on the third floor, consisting of Suites 351-390, and 2) an additional approximately 1,823 square feet of space on the third floor, consisting of Suites 310-312 (later renumbered to Suite 380). In 2005, UC added an additional approximately 1,961 square feet of space on the third floor by leasing Suite 308 pursuant to a third separate lease that commenced August 1, 2005.

In early August 2010, UC consolidated its three leases of space on the third floor by allowing its lease of Suites 310-312 to expire, renaming the space constituting Suites 310-312 as Suite 380, and adding Suite 380 to its lease of Suites 351-390 by means of Amendment to Lease Number Three. The separate lease of Suite 308 was not changed. As of the date of the original request (January 13, 2012), UC continues to lease Suites 308, 380 (formerly Suites 310-312), and 351-390.

Suite 304

Meadow is a branding, graphic, and interactive design firm. According to signed lease and business registration documentation, Meadow occupied Suite 304 from August 1, 2003 to the date of the original request (January 13, 2012).

Suite 311

According to signed lease documents, 1) Peter Allen (d.b.a. PBA Music Publishing) occupied Suite 311 from March 1, 2004 to February 28, 2006, 2) Leather Gloves Online occupied Suite 311 from March 1, 2006 to July 31, 2007, and 3) Streetside Stories occupied Suite 311 from August 1, 2007 to the date of the original request (January 13, 2012).

- 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 Zoning District, which principally permitted office uses.

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

The property containing the subject building is located in the UMU Zoning District, which prohibits office use on the ground floor pursuant to Planning Code Section 803.9(h), except those specific office uses listed in Section 843.65A, and only permits one floor of a two-to-four-story building to be used as office space. General office use may be permitted in the entire building within the UMU Zoning District if it is a historic building that meets the criteria of Section 803.9(c). However, the subject building does not meet the criteria of Section 803.9(c).

The project proposed to select the second floor of the existing building as its designated office floor, pursuant to Planning Code Section 803.9(h). Therefore, office space on the third floor of the existing building cannot be permitted under the current provisions of the Planning Code.

- iv. The land use either has been (1) regularly operating or 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;

As detailed in Section (i) above, signed lease and business registration documents demonstrate that office space operated continuously in the subject suites for no less than 2 years prior to January 19, 2009, the effective date of Planning Code Section 179.1, to the date of the original request (January 13, 2012).

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

The subject office uses are principal uses and are not accessory to any other uses within the building.

- 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.

Signed lease and business registration documents indicate that the subject suites remained occupied during the required period.

Determination

It is my determination that the request for legitimization of the existing 12,758 gross square feet of office use on a portion of the third floor in the existing three-story building as shown on the attached plans meet 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 proposed plans on file with this request, 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 a Building Permit Application must be approved to legally convert the subject gross floor area to office. Additionally, the relevant impact fees outlined in Section 179.1(g), and elsewhere in the Municipal Code, shall be assessed as part of the Building Permit Application.

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.

J. Gregg Miller, Jr.
Coblentz Patch Duffy & Bass LLP
One Ferry Building, Suite 200
San Francisco, CA 94111-4213

January X, 2014
DRAFT Land Use Legitimization Letter
3130 20th Street

Sincerely,

Scott F. Sanchez
Zoning Administrator

cc: Corey Teague, Assistant Zoning Administrator
Brad Koch, Twentieth Streets Associates, LP
Planning Commissioners
All Parties on the Notification Request List

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