



SAN FRANCISCO PLANNING DEPARTMENT

Letter of Legitimization

November 4, 2011

Michael Stanton
Stanton Architecture
555 De Haro Street, Suite 300
San Francisco CA 94107

Site Address: 555 De Haro Street
Assessor's Block/Lot: 4007/002
Zoning District: PDR-1-G (Production Distribution and Repair – General)
Staff Contact: Diego Sánchez, (415) 575-9082 diego.sanchez@sfgov.org

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Dear Mr. Stanton:

This letter is in response to your request for a Letter of Legitimization per Planning Code Section 179.1 regarding the property at 555 De Haro Street. This parcel is located in the PDR-1-G (Production, Distribution and Repair – General) Zoning District with a 40-X Height and Bulk District and the Showplace Square Special Sign District. The request is to legitimize 14,800 gross square feet of existing office use and 11,500 gross square feet of existing institutional use (Postsecondary Educational Institution) on the subject property.

Procedural Background

The Department received the request for legitimization of office space at 555 De Haro Street on March 1, 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 5, 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 6, 2011.

Eligibility

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

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

The following documentation indicates the office use existed as of March 1, 2011:

- o Building Permit Nos. 9100899, 9208276, 9219174, 9221969, 9302673, 200312102009, 200402206860, 200404080863 and 200512160524 recognize an existing office use at the subject property.

- o *Lease Agreements executed April 1, 2006, April 14, 2008, March 22, 2006, May 13, 2003, October 1, 2004, December 2, 2004, May 26, 2005, and April 7, 2006 indicate office uses at the subject property.*

The following documentation indicates the institutional use (Postsecondary Educational Institution, Planning Code Section 217(h)) existed as of March 1, 2011:

- o *A lease agreement for the institutional use executed December 2, 2003 for "American College of Traditional Chinese Medicine," commencing from February 1, 2004 to January 31, 2009, with an Extended Term from March 16, 2009 to March 15, 2014.*

- 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 both the office use and the institutional use (Postsecondary Educational Institution).

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

The subject property is located in the PDR-1-G Zoning District, which does not permit office uses or institutional uses (Postsecondary Educational Institution, Planning Code Section 217(h)) at the subject site.

- 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;

The following documentation indicates the office use has been regularly operating for no less than 2 years prior to January 19, 2009:

- o *Lease Agreements executed April 1, 2006, April 14, 2008, March 22, 2006, May 13, 2003, October 1, 2004, December 2, 2004, May 26, 2005, and April 7, 2006 indicate office uses at the subject property.*

The following documentation indicates the institutional use (Postsecondary Educational Institution, Planning Code Section 217(h)) has been regularly operating for no less than 2 years prior to January 19, 2009:

- o *A lease agreement for the institutional use executed December 2, 2003 for "American College of Traditional Chinese Medicine," commencing from February 1, 2004 to January 31, 2009, with an Extended Term from March 16, 2009 to March 15, 2014.*

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

The office use is separated into multiple tenant spaces, all of which operate independently of the other existing uses in the building and none are accessory to another use in the building. The institutional use (Postsecondary Educational Institution, Planning Code Section 217(h)) is operated as a separate use, independent of any existing use in the building and not accessory to another 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 subject property is presently occupied and is in continual use by multiple office tenants and the institutional use (Postsecondary Educational Institution, Planning Code Section 217(h)) tenant. There has been no discontinuance or abandonment of any office or institutional use (Postsecondary Educational Institution, Planning Code Section 217(h)) under the provisions of Planning Code Section 183.

Determination

It is my determination that the request for legitimization of the existing 14,800 gross square feet of office space and 11,500 gross square feet of institutional space (Postsecondary Educational Institution, Planning Code Section 217(h)), per the attached plans (Exhibit A), meets all the required criteria of Planning Code Section 179.1, and is therefore deemed to be a legal office use as defined in Planning Code Section 870.90 and a legal institutional use as defined in Planning Code Section 217(h). A Notice of Special Restrictions shall be filed on the subject property documenting the specific building areas legitimized as office and institutional uses as listed in this letter and documented on the attached plans prior to the approval of a site or building permit establishing such office and institutional uses. This determination is **not** a project approval, nor does it in any way substitute for a Building Permit Application for the legitimization of either of the two uses or for other required entitlements for either of the two uses.

Please note that before a Building Permit Application may be approved to legally establish the **office space** in question, this project must pay the applicable legitimization fee of \$2 per gross square foot per Planning Code Section 179.1. Please note that before a Building Permit Application may be approved to legally establish the **institutional use** in question, this project must pay the applicable legitimization fees under Planning Code Section 179.1(g)(4) of \$2 per gross square foot.

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.

Michael Stanton
Stanton Architecture
555 De Haro Street, Suite 300
San Francisco, CA 94107

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555 De Haro Street

Sincerely,



Scott Sanchez
Zoning Administrator

cc: Diego R Sánchez, Planner
Steve Wertheim, Planner
Planning Commissioners
Jerry Hettinger (Property Owner)
All Parties on the Notification Request List

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