



SAN FRANCISCO PLANNING DEPARTMENT

Letter of Determination

July 10, 2017

John Kevlin
Ruben, Junius & Rose, LLP
One Bush Street, Suite 600
San Francisco CA 94104

| | |
|------------------------------|--|
| Site Address: | 333 Valencia Street |
| Assessor's Block/Lot: | 3547/017 |
| Zoning District: | Valencia St. Neighborhood Commercial Transit (NCT) |
| Staff Contact: | Linda Ajello Hoagland, (415) 575-6823 or linda.ajellohoagland@sfgov.org |

Dear Mr. Kevlin:

This letter is in response to your request for a Letter of Determination regarding the property at 333 Valencia Street. This parcel is located within the Valencia Street NCT (Neighborhood Commercial Transit) Zoning District, Mission Alcoholic Beverage Special Use District and 45-X/55-X Height and Bulk Districts. The request seeks a determination that the existing non-conforming office space was legalized as part of Building Permit Application No. 09102532, which was for the remodeling and upgrading the space to meet Building Code requirements as per the Zoning Administrator's Decision dated October 21, 1988.

Background

On October 21, 1988, the Zoning Administrator approved Variance Case No. 88.321V to allow a reduction of the required off-street parking requirements for the building located at 333 Valencia Street, which was located in the Valencia Neighborhood Commercial (NCD) Zoning District. The variance was to allow a 7,850 square foot health club to locate on the ground floor of the building without providing the required off-street parking. The application also included the legalization of 22,655 square feet of office space on the second, third and fourth floors of the building that was stated to have been converted without proper permits by a previous building owner and without providing the required off-street parking. The Zoning Administrator granted approval of the variance to allow the health club to locate on the ground level of the building and to legalize the office space on the second, third and fourth floors without providing the required off-street parking to serve the office use, with the following conditions:

1. *That the applicant shall provide a minimum of 14 independently, accessible parking spaces on site.*
2. *That the applicant shall make available a minimum of 10 off-site parking spaces within 300 feet of the subject property for use by the members of Gold Gym after the house of 5:30 pm.*

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

3. *That the available parking provided after 5:30 pm shall be provided for the duration of the use of the ground level of the subject property as a health club and if the health club is converted to another use, the code required parking shall be provided.*
4. *That the tenants of the subject office building with the exception of Gold Gym and the property owner's commercial space be limited to non-profit local serving organizations.*
5. *That the Zoning Administrator shall be notified of any change or alteration of the terms of the usage agreement between Arco Auto Shop and the property owner.*
6. *That the property owner shall file a Building Permit Application establishing the use of the subject property as office use with 22,655 square feet of occupied floor area, 7,551.5 square feet of accessory offices and 4,364 square feet of storage space.*
7. *That the property owner shall file a Building Permit Application establishing the use of the ground level of the subject property from 7,850 square feet of office use to a 7,850 square foot health club.*
8. *That in the event that the City is required to bring and prevails in a legal action to enforce the terms of this variance, the applicant or its successors and assigns shall pay to the City and City's costs and expenses incurred to enforce the terms of this variance, including a reasonable attorney's fee and expert witness fees.*
9. *That the applicant shall encourage transit use by employees by instituting the following procedures and programs:*
 - A. *Public transit promotion and provision of convenience services for use of public transit.*
 1. *The applicant shall sell public transit passes and tickets on-site monthly in locations convenient to employees.*
 2. *The applicant shall distribute transit route and schedule information on-site in locations convenient to employees with transit pass sales.*
 - B. *Alternatives to single occupancy automobile commute by employees shall be encouraged and facilitated.*
 1. *The applicant shall provide safe, secure facilities and locations for storage of bicycles, and is encouraged to provide safe, secure facilities and location for storage of scooters and/or motorcycles used by employees.*

The Variance Decision stated that *implementation of this variance will be accomplished by completion of construction work under the appropriate Building Permit Applications and issuance of the appropriate Certificate of Final Completion.*

Permit History

The building at 333 Valencia Street was constructed in 1919 as a factory building for the San Francisco Casket Company. Based on the building permit records, the ownership and occupancy of the building changed sometime between 1957 and 1965 from the San Francisco Casket Company to Asiatic Trans Pacific, Inc. Beginning in 1965, building permits for improvements to the building were issued to Asiatic Trans Pacific, Inc., as follows:

- January 12, 1965:
 - Install a partition 20-feet long and 6'-8" high in present office and partitions from floor to ceiling in warehouse using 2" and 4" studs and 5/8 " sheetrock.
 - Present use of building: Office and Warehouse; Proposed use of building: Same
 - Approved by Planning Department on January 14, 1965

- August 10, 1965:
 - Erect six partitions. Total footage of all partitions approximately 75' x 10'. Construction to be 2 x 4 studs @ 16" centers. Fire blocked at approx. 5'-5/8" sheet rock both sides.
 - Present Use of building: Warehouse and Offices; Proposed use of building: Same.
 - Unclear if approved by Planning Department

- August 13, 1965:
 - Install partitions in present space to be used as offices.
 - Present use of building: Office and Storage; Proposed use of building: Offices
 - Approved by Planning Department on August 16, 1965

- September 3, 1965:
 - Additional restrooms 2nd and 3rd floors.
 - Present use of building: Office and warehouse; Proposed use of building: Office and warehouse
 - No Planning Department approval

- March 10, 1966:
 - Build a partition dividing office space using 2" x 4" studings and 5/8 sheetrock.
 - Present Use of building: Office; Proposed use of building: Office.
 - Unclear if approved off by Planning Department

- August 29, 1966:
 - Partitions using 5/8 sheetrock and 1-hour solid core doors with (*illegible word*).
 - Present use of building: Offices; Proposed use of building: Offices
 - Approved by Planning Department on September 2, 1966

- June 5, 1967:
 - Install new partitions 25 per plan 3rd floor.
 - Present Use of building: Warehouse and Offices; Proposed use of building: Same.
 - No Planning Department approval

- On November 15, 1988, a Notice of Special Restriction was recorded on the property for the aforementioned conditions of approval of Variance Case No. 88.321v by the Zoning Administrator on October 21, 1988.

- On November 18, 1988, Building Permit No. 08803521 was approved by the Planning Department for the tenant improvements related to the gymnasium approved per Variance Case No. 88.321v. The permit received final approval on June 20, 1989.
- On April 16, 1991, Building Permit No. 09102532 was approved by the Planning Department for the “remodeling of the 2nd and 3rd floors to satisfy code requirements and upgrade handicapped access; remove approximately 50’ gypsum partition. Building approximately 15’ partition (1-hour construction – 5/8” type X gypsum both sides of studs), upgrade elevator and third floor bathroom and handicapped accessibility.” The permit received final approval on February 21, 1992.

As you mentioned in your letter, following the issuance of the Building Permit No. 09102532, the project architect, Scott Neely, submitted a letter dated April 30, 1991 to verify that conditions of approval numbers 6 and 7 had been met as it related to the ground floor health club and legalization of the existing offices without a building permit for a Change of Use being required by the Department of Building Inspection or Planning, in which no response was received. A copy of said letter stamped “Received” by the Planning Department on May 13, 1991 was located in the Variance Case docket.

Determination

Based on the information provided in your request and via City permit records, it is my determination that the 22,655 square feet of office space in the building at 333 Valencia Street is a permitted use subject to the Conditions of Approval from Variance Case No. 88.321. The completion of the scope of work under Building Permit Nos. 08803521 and 0902532 to establish said uses (as per Conditions of Approval numbers 6 and 7), and the final approval of the permits by the City fulfilled the requirement for the “appropriate Certificate of Final Completion” required to implement the Variance, as per the Zoning Administrators decision on October 21, 1988. As such, said office uses shall be allowed to continue provided that there are no violations of the Notice of Special Restriction. It should be noted that the underlying Valencia Street NCT Zoning District does not allow general office uses. Any office uses permitted on the subject property must comply with the all Conditions of Approval outlined in the decision letter for Variance Case No. 88.321.

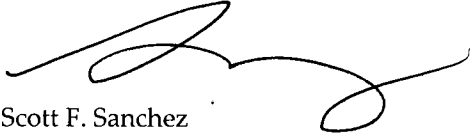
Please note that a Letter of Determination is a determination regarding the classification of uses and interpretation and applicability of the provisions of the Planning Code. This Letter of Determination is not a permit to commence any work or change occupancy. Permits from appropriate Departments must be secured before work is started or occupancy is changed.

John Kevlin
Ruben, Junius & Rose, LLP
One Bush Street, Suite 600
San Francisco CA 94104

July 10, 2017
Letter of Determination
333 Valencia Street

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 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,



Scott F. Sanchez
Zoning Administrator

cc: Linda Ajello Hoagland, Planner
Property Owner
Neighborhood Groups

REUBEN, JUNIUS & ROSE, LLP

R# 2017-005388 ZAD
CK# 28484 \$664. -
R. SUCRE (SE)

May 1, 2017

By Messenger

Scott Sanchez, Zoning Administrator
San Francisco Planning Department
1650 Mission Street, 4th Floor
San Francisco, CA 94103

RECEIVED

MAY 02 2017

Re: 333 Valencia Street – Letter of Determination Request
Our File No.: 6876.07 (3547/017)

CITY & COUNTY OF S.F.
PLANNING DEPARTMENT
ZA OFFICE

Dear Mr. Sanchez:

Our office represents Prado Group, the owner of 333 Valencia Street (the “Property”). The Property is a four-story, roughly 54,000 square foot building located on the east side of Valencia Street between 14th and 15th Street, with secondary frontage along Julian Ave as well.

The Property is located within the Valencia Street NCT zoning district. The Property has been occupied by retail on the ground floor and office uses on the upper floors for over 30 years. By this letter of determination request, Prado Group is seeking confirmation of the existence of legal, non-conforming office use at the Property.

1988 Variance

On October 21, 1988, the Zoning Administrator approved a variance from the off-street parking requirements for the existing building at the Property. The then-owner of the Property had proposed (1) the establishment of a 7,850 square foot retail health club on the ground floor and (2) the legalization of 22,665 square feet of office use at the building, calculated as set forth in the variance application and decision, that had been established after 1963 without benefit of a building permit and without complying with the Planning Code’s off-street parking requirements. The variance was approved subject to a number of conditions of approval, including the following:

6. That the property owner shall file a Building Permit Application establishing the use of the subject property as office use with 22,655 square feet of occupied floor area, 7,551.5 square feet of accessory offices and 4,364 square feet of storage space.

James A. Reuben | Andrew J. Junius | Kevin H. Rose | Daniel A. Frattin | John Kevlin

Tuija I. Catalano | Jay F. Drake | Matthew D. Visick | Lindsay M. Petrone | Sheryl Reuben¹

Thomas Tunny | David Silverman | Melinda A. Sarjapur | Mark H. Loper | Jody Knight

Chloe V. Angelis | Louis J. Sarmiento, Jr. | Corie A. Edwards | Jared Eigerman^{2,3} | John McInerney III²

1. Also admitted in New York 2. Of Counsel 3. Also admitted in Massachusetts

San Francisco Office

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Oakland Office

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Scott Sanchez
San Francisco Planning Department
May 1, 2017
Page 2

7. That the property owner shall file a Building Permit Application establishing the use at the ground level of the subject property from 7,850 square feet of office use to a 7,850 health club.

The variance decision is attached to this letter as **Exhibit A**.

Subsequent Permit Activity

On February 17, 1989, the Department of Public Works – Bureau of Building Inspection (“DPW-BBI”) issued building permit application number 8803521, authorizing the establishment of a health club on the ground floor of the Property. This was approved and signed by Planning Department staff. The permit was finalized on June 20, 1989. The permit application is attached to this letter as **Exhibit B**.

On April 23, 1991, DPW-BBI issued building permit application number 9102532, authorizing various upgrades to the Property to comply with Building Code requirements. This permit recognizes the existing and proposed use of the Property as “offices/health club.” This permit was approved and signed by Planning Department staff. The permit was finalized on February 27, 1991. The permit application is attached to this letter as **Exhibit C**.

On April 30, 1991, the Property owner’s architect filed a letter with the Zoning Administrator outlining their efforts to comply with the conditions of the 1988 variance. With respect to the legalized office space, the letter states the following:

For the purposes of legalizing the office use, the Bureau of Building Inspection did not request a change of use permit based on the permit history for office occupancy. They did ask that the code violations in the existing offices be rectified. Building Permit Application No. 9102532 describes the work necessary to eliminate the existing code violations in the offices. This application has been approved and the construction is pending.

By this letter and the enclosed documentation, we are verifying that Mr. Foggy [Property owner] has complied with items 6 and 7 of Variance Decision Case No. 88321V.

The letter was stamped “RECEIVED” by the Planning Department on May 13, 1991. No other communication was found in the Planning Department’s records. The architect’s letter is attached as **Exhibit D**.

Analysis

The Property owner’s action should be considered to have adequately legalized the existing office space recognized by the 1988 variance, for the following reasons:

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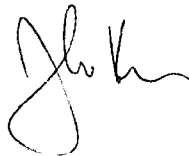
- Despite attempting to file a change of use permit, DPW-BBI directed the Property owner to file a permit to correct Building Code deficiencies for the office use;
- No impact fees were avoided as a result of no change of use permit being filed. The Jobs Housing Linkage Fee only applied to the creation of 25,000 square feet or more of office space and the Transit Impact Development Fee only applied in the downtown area at the time;
- The Planning Department took no action in response to the 1991 architect's letter contradicting the conclusion that variance conditions 6 and 7 were met;
- The upper floors of the Property have been continuously used as office use, consistent with the variance, since 1988. No enforcement action was brought by the Planning Department despite an open and notorious use of the Property as office use during this 29 year period.

D. Conclusion

In conclusion, the Zoning Administrator recognized an existing office use at the Property in 1988, DPW-BBI directed the Property owner to file a code correction permit rather than a change of use permit, the Planning Department was notified of this attempt at compliance with the variance decision, and no enforcement action has been taken by the City despite open and notorious use of the upper floors as office since 1988. For these reasons, we respectfully request a letter of a determination confirming that the existing office use recognized in the 1988 variance has been adequately established and may continue as a legal, nonconforming use pursuant to the requirements of Planning Code Sections 180-183.

Sincerely,

REUBEN, JUNIUS & ROSE, LLP



John Kevlin

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EXHIBIT

A



**City and County of San Francisco
Department of City Planning**

**450 McAllister Street
San Francisco, CA 94102
(415) 558-6411**

ADMINISTRATION
(415) 558-6414 / 558-6411
CITY PLANNING COMMISSION
(415) 558-6414
PLANS AND PROGRAMS
(415) 558-6264
IMPLEMENTATION / ZONING
(415) 558-6377

October 21, 1988

VARIANCE DECISION

UNDER THE CITY PLANNING CODE

CASE NO. 88.321V

APPLICANT: John Foggy
333 Valencia Street
San Francisco, CA 94107

PROPERTY IDENTIFICATION: 321-35 VALENCIA STREET, east side of Valencia Street, a through lot between Valencia Street and Julian Avenue, 100 feet south of 14th Street; Lot 17 in Assessor's Block 3547 in the Valencia Neighborhood Commercial District.

DESCRIPTION OF VARIANCE SOUGHT: OFF-STREET PARKING VARIANCE SOUGHT: The proposal is to install a 7,850 square foot health club on the ground level of the subject building without providing the required off-street parking to serve the health club. The proposal is also to legalize 22,655 square feet of existing office space in the subject building that was converted sometime after 1963 without proper permit and without providing the required off-street parking to serve the offices. The City Planning Code requires 46 parking spaces for the legalization of the existing offices and 23 parking spaces for the conversion of the ground floor to a health club. Allowing for an existing lawful deficiency of 18 parking spaces for the original warehouse use and 14 existing on-site parking spaces, the subject building has a parking requirement of 37 off-street parking spaces. The project sponsor does not propose to provide any additional off-street parking to serve the existing office use or the proposed health club use.

PROCEDURAL BACKGROUND:

1. General Rule Exemption from Environmental Review was determined by the Environmental Review Officer on October 10, 1988.

2. The Zoning Administrator held a public hearing on Variance Application No. 88.321V on July 27, 1988.
3. Square footage calculations for the subject building were calculated as follows:

| | | |
|----------|-------|---|
| Floor 1: | 7,850 | square feet of occupied floor area. |
| Floor 2. | 5,295 | square feet excludes 4,364 square feet of storage space. |
| Floor 3. | 8,523 | square feet includes storage space because the space is used by one tenant. |
| Floor 4. | 8,538 | square feet occupied floor area. |

| | | |
|--|---------|-----------------------------|
| Total | 30,206 | square occupied floor area. |
| minus 25% accessory floor area approved under various building permit applications - | 7,551.5 | square occupied floor area |

| | | |
|-----|----------|----------------------------|
| Net | 22,166.5 | square occupied floor area |
|-----|----------|----------------------------|

DECISION: GRANTED, to install a 7,850 square foot health club on the ground level of the subject building and to legalize 22,655 square feet of existing office space in the subject building that was converted sometime after 1963 without proper permit and without providing the required off-street parking to serve the offices in general conformity with plans on file with this application, shown as Exhibit A and dated March 21, 1988 ON
CONDITION:

1. That the applicant shall provide a minimum of 14 independently, accessible parking space on site.
2. That the applicant shall make available a minimum of 10 off-site parking spaces within 300 feet of the subject property for use by the members of the Gold Gym after the hours of 5:30 p.m.
3. That the available parking provided after 5:30 p.m. shall be provided for the duration of the use of the ground level of the subject property as a health club and if the health club is converted to another use, the code required parking shall be provided.
4. That the tenants of the subject office building with the exception of Gold Gym and the property owner's commercial space be limited to non-profit local serving organizations.
5. That the Zoning Administrator shall be notified of any change or alteration of the terms of the usage agreement between Arco Auto Shop and the property owner.
6. That the property owner shall file a Building Permit Application establishing the use of the subject property as office use with 22,655 square feet of occupied floor area, 7,551.5 square feet of accessory offices and 4,364 square feet of storage space.
7. That the property owner shall file a Building Permit Application establishing the use of the ground level of the subject property from 7,850 square feet of office use to a 7,850 square foot health club.
8. That in the event that the City is required to bring and prevails in a legal action to enforce the terms of this variance, the applicant or its successors and assigns shall pay to the City and City's costs and expenses incurred to enforce the terms of this variance, including a reasonable attorney's fee and expert witness fees.
9. That the applicant shall encourage transit use by employees by instituting the following procedures and programs:
 - A. Public transit promotion and provision of convenience services for use of public transit.
 1. The applicant shall sell public transit passes and tickets on-site monthly in locations convenient to employees.

2. The applicant shall distribute transit route and schedule information on-site in locations convenient to employees with transit pass sales.
- B. Alternatives to single occupancy automobile commute by employees shall be encouraged and facilitated.
1. The applicant shall provide safe, secure facilities and locations for storage of bicycles, and is encouraged to provide safe secure facilities and locations for storage of scooters and/or motorcycles used by employees.
10. That the above conditions of this variance decision shall be recorded in the form of a Notice of Special Restrictions, in a form acceptable to the Zoning Administrator, with the City and County of San Francisco.

Section 305(c) of the City Planning Code states that in order to grant a variance, the Zoning Administrator must determine that the facts of the case are sufficient to establish the following five findings:

1. That there are exceptional or extraordinary circumstances applying to the property involved or to the intended use of the property that do not apply generally to other property or uses in the same class of district;
2. That owing to such exception and extraordinary circumstances the literal enforcement of specified provisions of this Code would result in practical difficulty or unnecessary hardship not created by or attributable to the applicant or the owner of the property;
3. That such variance is necessary for the preservation and enjoyment of a substantial property right of the subject property, possessed by other property in the same class of district;
4. That the granting of such variance will not be materially detrimental to the public welfare or materially injurious to the property or improvements in the vicinity; and
5. That the granting of such variance will be in harmony with the general purpose and intent of this Code and will not adversely affect the Master Plan.

The decision to grant or to deny the variance was based on the following conclusions as to whether or not the facts of the case supported the five findings:

FINDINGS:

FINDING 1. The subject building is a three-story over ground level building located in the Valencia Neighborhood Commercial District. There are exceptional and extraordinary circumstances which justify the granting of an off-street parking variance to permit the legalization of the existing offices and the conversion of the ground level to a health club. Although the subject building contains only 14 on-site parking spaces, the tenants of this building generate a low parking demand during the daytime hours since most of the tenants walk or use public transit to get to work. According to a survey conducted by the owners of the office building, only 30% (12 cars) of the total employees of the offices drive to work. The remaining 70% either use public transportation or walk to work. Therefore, although the subject building contains only 14 on-site parking spaces, this is sufficient to meet the anticipated parking demand of the subject office building of 12 parking spaces. Furthermore, between the hours of 5:30 p.m. and 8:30 p.m., the hours of heaviest use for the members of the health club, the owners of the office building have authorization to park up to 10 cars at the Golden Arco Auto Center which is within 300 feet walking distance from the subject property. The members of the health club can also park 21 cars in the adjacent parking lot of the Operating Engineers Union after 5:30 p.m. With the existing 14 on-site parking spaces for daytime and nighttime use, and 31 parking spaces at the two above lots for nighttime use, the property owner can provide a sufficient number of parking spaces to almost meet the off-street parking requirement of the Planning Code to meet the anticipated parking demand of the tenants. In addition, the area is well serviced by parking lots. The applicant submitted a survey showing 5 parking lots within walking distance of the subject property with 442 parking spaces available. The owners of the office building were also willing to lease additional parking spaces to serve the subject building. However, the Zoning Administrator felt that any additional parking spaces that the applicant leased would remove the available parking from the other users in the immediate vicinity. Furthermore, the conditions of approval requiring that the office space be limited to non-profit organization will insure that there will be a lower parking demand because a higher percentage of the users of non-profit organization use public transportation.

Providing the Code required number of parking spaces on-site would be very difficult because the provision of the required off-street parking on this site would require the removal of the ground story commercial which is not feasible because the Valencia Neighborhood Commercial District encourages commercial use on the ground story. Because of the highly developed nature of this area, the acquisition of additional property within the Code required distance would be difficult and economically prohibitive. Since the owner of the subject building is providing parking to meet the anticipated parking demand, this will ensure that the tenants and employees of the building will not generate an adverse impact on the available on-street parking.

The site also located in an area where current market forces are resulting in a transition from former warehouse and manufacturing uses of office use. Use of the subject property as office use are principal permitted uses in this class of zoning district. No public actions are being taken to discourage the transition now in progress. Therefore, the denial of the variance would result in the underutilization of the subject building with no compensating public benefit.

FINDING 2. Denial of this variance would create a hardship for the project sponsor. The Planning Code requirement that the specified number of independently-accessible off-street parking spaces be provided would render the project both fiscally infeasible and structurally impractical. Providing ground level parking would also cause the removal of the viable commercial space which is not a feasible alternative. As indicated in Finding 1, the practical difficulty of providing the Code required parking is disproportionate to the benefit of providing any on-site parking when adequate off-street parking is available.

FINDING 3. Other similar projects, representing previously approved conversions of warehouse to office and light industrial uses, are subject to conditions consistent with the variance at hand.

Provision of parking spaces to meet the demands of the tenants of the building required will permit the enjoyment of the substantial property rights while ensuring harmony with the Planning Code and no adverse effects on the Master Plan.

FINDING 4. The parking survey for the proposed project identified a parking demand of 12 parking spaces for all day usage. The parking congestion generated by this project would be alleviated by the provision of parking to meet the parking demands of the office building during the day and provision of parking in excess of the parking demand for this project after 5:30 p.m. by the health club. Furthermore, there are other parking lot open to the public within walking distance of the subject property which would further mitigate any problems with parking in this area and the area is served by transit.

FINDING 5. The City Planning Code and the Comprehensive Plan both have the intent and purpose of the guiding orderly development for the City. The conversion from warehouse to office space is consistent with the Master Plan as the proposed parking would satisfy the anticipated parking demand generated by the use proposed for this site. The proposal represents a reasonable improvement which will contribute to the orderly change of the area in conformance with the objectives of the Valencia Neighborhood Commercial Controls.

Planning Code Section 101.1 establishes priority planning policies and requires review of variance applications for consistency with said policies. Review of the relevant Priority Planning Policies yielded the following determinations: That commuter traffic for the project will not impede Muni service or overburden streets or neighborhood parking because only 30 percent of employees drive to work and that the project will enhance our diverse economic base by catering to non-profit organizations.

This variance from the City Planning Code is valid for a period of three (3) years from the effective date of this decision (the date of this decision letter if not appealed or the date of the Notice of Decision and Order if appealed to the Board of Permit Appeals).

Implementation of this variance will be accomplished by completion of construction work under the appropriate Building Permit Applications and issuance of the appropriate Certificate of Final Completion.

CASE NO. 88.321V
321-25 Valencia Street
October 21, 1988
Page Eight

APPEAL: Any aggrieved person may appeal this variance decision to the Board of Permit Appeals within ten (10) days after the date of the issuance of this Variance Decision. For further information, please contact the Board of Permit Appeals in person at City Hall (Room 154-A) or call 554-6720.

Very truly yours,



Robert W. Passmore
Assistant Director of
Planning-Implementation
(Zoning Administrator)

=====

THIS IS NOT A PERMIT TO COMMENCE ANY WORK OR CHANGE OCCUPANCY. PERMITS FROM APPROPRIATE DEPARTMENTS MUST BE SECURED BEFORE WORK IS STARTED OR OCCUPANCY IS CHANGED.

RWP:MJF/pg/386

EXHIBIT
B

OFFICIAL COPY

SAN FRANCISCO DEPARTMENT OF BUILDING INSPECTION

SFUSD

APPROVED FEB 27 1988

RAY MCCOTTE

FIRE

3

08803521

5-28

APPLICATION FOR BUILDING PERMIT ADDITIONS, ALTERATIONS OR REPAIRS

CITY AND COUNTY OF SAN FRANCISCO DEPARTMENT OF PUBLIC WORKS

APPLICATION IS HEREBY MADE TO THE DEPARTMENT OF PUBLIC WORKS FOR BUILDING PERMIT FOR CONSTRUCTION TO BE ACCORDANCE WITH THE PLANS AND SPECIFICATIONS SUBMITTED HEREBY AND ACCORDING TO THE DESCRIPTION AND FOR THE PURPOSE HEREINAFTER SET FORTH.

FORM 10 PRE-APPROVAL SITE INSPECTION REQUIRED FORM 11 COVERING COUNTER DRAINAGE

NUMBER OF PLAN SETS 7-179 3/21/88 18 7555 333 VALENCIA B#5547 L#17 608378 2/17/89 \$60,000.00

INFORMATION TO BE FURNISHED BY ALL APPLICANTS

Table with columns for description of existing buildings, description of buildings after proposed alteration, and other details.

Owner: John Foggy, 333 Valencia, Suite 301, San Francisco, CA

Remodel 6000 sq. ft. at Ground Floor for reception, office and weight training gymnasium. Construct new 1600 sq. ft. floor platform in existing garage area to match gymnasium floor level and install new shower, locker and toilet facilities and a janitor's closet.

ADDITIONAL INFORMATION - FORM 3 APPLICANTS ONLY

Form with various checkboxes for additional information such as 'Does not affect adjacent lots', 'New building on lot', etc.

IMPORTANT NOTICES: No change shall be made in the character of the occupancy or use without first obtaining a Building Permit...

NOTICE TO APPLICANT: WORKMANSHIP CLAUSE: The Permittee, by acceptance of the permit, agrees to indemnify and hold harmless the City and County of San Francisco...

CHECK APPROPRIATE BOX: OWNER, ARCHITECT, ENGINEER, LICENSE, AGENT WITH POWER OF ATTORNEY, CONTRACTOR, ATTORNEY IN FACT.


APPLICANT'S CERTIFICATION: I HEREBY CERTIFY AND AGREE THAT IF A PERMIT IS ISSUED FOR THE CONSTRUCTION DESCRIBED IN THIS APPLICATION, ALL THE PROVISIONS OF THE PERMITS AND ORDINANCES THEREIN WILL BE COMPLIED WITH.

Signature: Lawrence D. Gartin, 3/21/88

OFFICIAL COPY

SAN FRANCISCO
DEPARTMENT OF
BUILDING INSPECTION

CONDITIONS AND STIPULATIONS

| | |
|--|---|
| APPROVED:  BUREAU OF ENGINEERING | DATE: _____ REASON: _____ NOTIFIED MR. _____ |
| APPROVED: As per permit 88-3214 and as per Division Decision No. 88-3214/17 88-3214, dated Oct. 21, 1988 to install a 7885 square foot heated club on the ground level of the subject building and provide 14 independent occupied off-site parking spaces and provide 10 off-site parking spaces within 500 feet of subject property. (See attached). This approval is granted as only part of a total approval. A separate permit application regarding the upper floor office must be filed in order to complete the approval of Permit No. 88-3214. <i>Max Sun 11/18/89</i> | DATE: _____ REASON: _____ SPECIAL RESTRICTIONS: RECORDED 11/15/89 NOTIFIED MR. _____ |
| APPROVED: <i>As noted & noted on plans and per Permit 88-3214</i> SUBMIT SPRINKLER PLAN PER N.F.P.A. # 13, 1976 SEC. 1.9 <i>John Comer 2/17/89</i> BUREAU OF FIRE PREVENTION & PUBLIC SAFETY | DATE: _____ REASON: _____ NOTIFIED MR. _____ |
| APPROVED: <i>As noted</i> | DATE: _____ REASON: _____ NOTIFIED MR. _____ |
| APPROVED: <i>M. J. 1-30-89</i> BUREAU OF ENGINEERING | DATE: _____ REASON: _____ NOTIFIED MR. _____ |
| APPROVED: _____ DEPARTMENT OF PUBLIC HEALTH | DATE: _____ REASON: _____ NOTIFIED MR. _____ |
| APPROVED: _____ REDEVELOPMENT AGENCY | DATE: _____ REASON: _____ NOTIFIED MR. _____ |
| APPROVED: _____ RESIDENTIAL-ENV. INSPECTOR, DIV. OF APT. & HOTEL-INSP., S.F.I. | DATE: _____ REASON: _____ NOTIFIED MR. _____ |
| APPROVED: <i>As noted Permit modification</i> <i>Albert L...</i> <i>1/25 2/1/89</i> <i>Matter C...</i> | DATE: _____ REASON: _____ NOTIFIED MR. _____ |

MAIN SECTION - NOTE DATES AND NAMES OF ALL PERSONS NOTIFIED DURING PROCESSING

I agree to comply with all conditions or stipulations of the various business or departments noted in this application, and attached
determination of conditions or stipulations, which are hereby a part of this application.
Number of Attachments:
OWNER'S AUTHORIZED AGENT

EXHIBIT
C

OFFICIAL COPY

SAN FRANCISCO
DEPARTMENT OF
BUILDING INSPECTION

CONDITIONS AND STIPULATIONS

REFER TO APPROVED

AS NOTED ON PLANS DATED 4-1-91 (REVISED) FOR STAIRS

DATE: _____
REASON: _____

CONTACT DISTRICT INSPECTOR NAMED ON FACE OF APPLICATION AT START OF WORK (TELEPHONE NO. 558-6050). THIS APPLICATION IS APPROVED WITHOUT SITE INSPECTION AND DOES NOT CONSTITUTE AN APPROVAL OF THE BUILDING WORK AUTHORIZED MUST BE DONE IN STRICT ACCORDANCE WITH ALL APPLICABLE CODE.

WILLIAM C. WONG
BUILDING INSPECTOR, BUR. OF BLDG. INSP.
APR 9 1991

NOTIFIED MR. _____

APPROVED: *Approved for work stated only*

DATE: _____
REASON: _____

OFFICIALLY EXEMPT FROM ENVIRONMENTAL REVIEW

Jim Wong
DEPARTMENT OF CITY PLANNING
APR 16 1991

NOTIFIED MR. _____

APPROVED: _____

DATE: _____
REASON: _____

[Signature]
BUREAU OF FIRE PREVENTION & PUBLIC SAFETY
OCT 12 1991

NOTIFIED MR. _____

APPROVED: _____

DATE: _____
REASON: _____

CIVIL ENGINEER, BUR. OF BLDG. INSPECTION

NOTIFIED MR. _____

APPROVED: _____

DATE: _____
REASON: _____

BUREAU OF ENGINEERING

NOTIFIED MR. _____

APPROVED: _____

DATE: _____
REASON: _____

DEPARTMENT OF PUBLIC HEALTH

NOTIFIED MR. _____

APPROVED: _____

DATE: _____
REASON: _____

REDEVELOPMENT AGENCY

NOTIFIED MR. _____

APPROVED: _____

DATE: _____
REASON: _____

HOUSING INSPECTION DIVISION

NOTIFIED MR. _____

I agree to comply with all conditions or stipulations of the various bureaus or departments noted on this application, and I warrant that the statements of conditions or stipulations which are a part of this application are true.

[Signature]
OWNER'S AUTHORIZED AGENT

HOLD SECTION - NOTE DATES AND NAMES OF ALL PERSONS NOTIFIED DURING PROCESSING

EXHIBIT
D

MAY

April 30, 1991

RECEIVED

MAY 13 1991

Zoning Administration
DEPARTMENT OF CITY PLANNING
San Francisco, CA 94102

CITY & COUNTY OF
DEPT. OF CITY PLA.
ADMINISTRATION

Re: VARIANCE DECISION
CASE NO. 88.321V
(October 21, 1988)
John Foggy
333 Valencia Street
San Francisco, CA 94107

Dear Zoning Administrator:

The above-referenced variance was granted to allow a health club and to legalize existing office space in the subject building at 333 Valencia Street on the condition that several criteria were met.

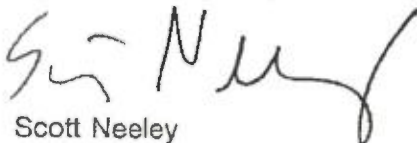
This letter verifies that items 6 and 7 of the variance conditions which require the property owner to file Building Permit Applications to establish the health club and office uses of the building have been met.

Attached please find a copy of Building Permit Application No. 08803521 establishing the ground level use of the building as a health club. The work described on this application has been completed and approved.

For the purpose of legalizing the office use, the Bureau of Building Inspection did not request a change of use permit based on the permit history for office occupancy. They did request that the code violations in the existing offices be rectified. Building Permit Application No. 9102532 describes the work necessary to eliminate existing code violations in the offices. This application has been approved and construction is pending.

By this letter and the enclosed documentation, we are verifying that Mr. Foggy has complied with items 6 and 7 of Variance Decision Case No. 88.321V.

Sincerely,



Scott Neeley

copy: John Foggy

encl.

88.321V ✓