



# SAN FRANCISCO PLANNING DEPARTMENT

## Letter of Determination

December 12, 2016

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

Site Address:	55 Potrero Avenue
Assessor's Block/Lot:	3907/005
Zoning District:	PDR-1-G
Staff Contact:	Linda Ajello Hoagland, (415) 575-6823 or <a href="mailto:linda.ajellohoagland@sfgov.org">linda.ajellohoagland@sfgov.org</a>

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Dear Mr. Kelvin:

This letter is in response to your request for a Letter of Determination regarding the property at 55 Potrero Avenue. This parcel is located within the PDR-1-G (Production, Distribution & Repair-General) Zoning District and 40-X Height and Bulk District. The request seeks a determination that the proposed Roche Bobois Paris furniture showroom is a Trade Shop and Wholesale Use, as defined in Section 102 of the Planning Code, and is thus a permitted use pursuant to Section 210.3.

### Background

In February 2015, the Board of Supervisors passed Ordinance No. 22-15, "amending the Planning Code to consolidate definitions into Section 102, reorganize Article 2 to create Zoning Controls Tables, and make nonsubstantive changes to various sections in Articles 1, 2, 3, 4, 6, 7 and 8 in order to update, clarify, and simplify code language; affirming the Planning Department's California Environmental Quality Act determination and make findings of consistency with the General Plan and the eight priorities of Planning Code Section 101.1." Prior to the adoption of the Ordinance, Section 222 of the Planning Code, allowed "Home and Business Services" uses in the PDR-1-G District, which included "interior decorating shops." The "Home and Business Services" use definition stated that "the term shop as used in this section shall include only the establishments of artisans dealing at retail directly with the consumer and concerned primarily with custom trade." With the repeal of Section 222, the definition of "Home and Business Services" was omitted from the Planning Code and a definition for "Trade Shop" was added as part of the consolidation.

### Trade Shop

Per Planning Code Section 210.3, a Trade Shop is a principally permitted use in the PDR-1-G Zoning District. Planning Code Section 102 defines a Trade Shop as "...a Retail Sales and Service Use that provides custom-crafted goods and/or services for sale directly to the consumer, reserving some

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storefront space for display and retail service, subject to the conditions in Section 202.2. A trade shop includes, but is not limited to:

- a) Repair of personal apparel, accessories, household goods, appliances, furniture and similar items, but excluding repair of motor vehicles and structures;
- b) Upholstery services;
- c) Carpentry;
- d) Printing of a minor processing nature, including multi-copy and blueprinting services and printing of pamphlets, brochures, resumes, and small reports, but excluding printing of books, magazines, or newspapers;
- e) Tailoring; and
- f) Other artisan craft uses, including fine arts uses. Arts Activities and Light Manufacturing shall be considered distinct from Trade Shops."

### **Wholesale Sales**

Per Planning Code Section 210.3, Wholesale Sales is a principally permitted use in the PDR-1-G Zoning District. Planning Code Section 102 defines Wholesale Sales as "...a non-retail sales and service use that exclusively provides goods or commodities for resale or business use, including accessory storage. It shall not include a non-accessory storage warehouse."

### **Roche Bobois**

As noted in your letter, European Designs, Inc. currently operates a Roche Bobois Paris furniture showroom at 701 8<sup>th</sup> Street and seeks to relocate to an approximately 8,249 square foot space at 55 Potrero Avenue. Both the existing and proposed locations are within the Showplace Square/Potrero Area Plan of the Eastern Neighborhoods Plan which is recognized as "an important furniture and interior design center that serves a national market." The proposed location is located within the Core Showplace Square Design District, in which the Area Plan seeks to "protect important concentration of design-oriented PDR businesses" and "encourage limited amount of retail and office space to support design functions." Policy 1.1.1 of the Area Plan specifically notes "because of the emphasis on promoting design activities in this area, and the difficulty sometimes in distinguishing retail from wholesale activities, it makes sense to allow somewhat larger retail spaces here in order to facilitate sales of design-oriented products."

Your letter describes the principal business of Roche Bobois as a showroom where customers go to custom order furnishings, which will be manufactured on demand. The showroom space is used to display furnishings showcasing the style and quality of the custom designed and manufactured products being offered. Orders are placed for production off-site and shipped directly to the customer and are not sold off the showroom floor and no stock inventory is kept on site for sale. There is also a wholesale component of the business in which trade professionals purchase items for resale or for furnishing homes as part of their business. In supporting your request, you noted that "Roche Bobois's employees are highly educated professionals that provide interior design services both on-site and off-site at clients' homes and businesses." Further, you state that "roughly 85% of the business is sales of custom furniture

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to architects, brokers, designers and other in the trade, with only about 15% direct sales to users of the furniture" and "90% of the sales from the Roche Bobois showroom are orders for custom products."

**Determination**

Based on the information provided in your request, it is my determination that the Roche Bobois furniture showroom is a Trade Shop Use with a Wholesale Sales component, as defined by Planning Code Section 102. As such, the proposed use would be a permitted use at 55 Potrero Avenue.

**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.**

**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

October 19, 2016

## Via Hand Delivery

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

R # 2016 - 013862 ZAD  
CK # 27487 \$664. -  
R. SUKRE (SE)

**Re: Request for Written Determination**  
**Subject: 55 Potrero Street (Block 3907, Lot 005)**  
**Our File No.: 10497.01**

Dear Mr. Sanchez:

This office represents European Designs, Inc. (“**European Designs**”), which currently operates a Roche Bobois Paris furniture showroom at 701 8th Street.<sup>1</sup> European Designs seeks to move its 8th Street showroom from its current location to an approximately 8,249 square foot space at 55 Potrero Street (or the “**Property**”). The Property is in a PDR-1-G Zoning District in the heart of Showplace Square. European Designs would utilize the new space as it does its current showroom, to showcase furnishings, create custom designs, and provide interior decorating services to individual consumers, architects, and interior designers.

Accordingly, we are seeking a written determination confirming (1) that the proposed Roche Bobois Paris showroom is a trade shop, with some wholesale sales use, pursuant to Planning Code Section 102; and (2) that such uses are principally permitted and not subject to use size limitations at the Property.

## **I. Planning Code Analysis**

Both trade shop and wholesale sales uses are principally permitted in the PDR-1-G district, and neither are subject to a use size limitation. (Plan. Code Table 210.3.) Planning Code Section 102 defines a wholesale sales use as “[a] Non-Retail Sales and Service Use that exclusively provides goods or commodities for resale or business use.” Planning Code Section 102 defines a trade shop as follows:

A Retail Sales and Service Use that provides custom-crafted goods and/or services for sale directly to the consumer, reserving some storefront space for display and retail service, subject to the conditions in Section 202.2. A trade shop includes, but is not limited to:

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<sup>1</sup> European Designs holds licensing rights to sell Roche Bobois Paris furniture on the west coast.

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- (a) Repair of personal apparel, accessories, household goods, appliances, furniture and similar items, but excluding repair of motor vehicles and structures;
- (b) Upholstery services;
- (c) Carpentry;
- (d) Printing of a minor processing nature, including multi-copy and blueprinting services and printing of pamphlets, brochures, resumes, and small reports, but excluding printing of books, magazines, or newspapers;
- (e) Tailoring; and
- (f) Other artisan craft uses, including fine arts uses. Arts Activities and Light Manufacturing shall be considered distinct from Trade Shops.

Prior to the approval of Ordinance No. 22-15 in February 2015, Planning Code Section 222 permitted “home and business services” uses in the PDR-1-G District, which included an “interior decorating shop.” The “home and business services” use definition included “establishments of artisans dealing at retail directly with the consumer and concerned primarily with the custom trade.” (Former Planning Code Section 222(b); See Ordinance No. 22-15.) The changes implemented by Ordinance No. 22-15 were explicitly intended to be non-substantive (as referred to in the title and header of the ordinance). Thus, it appears that the former interior decorating shop definition was absorbed by the current trade shop definition.

European Designs’ proposed use of the Property clearly fits within both of these categories. Like at its 701 8th Street showroom, the company would use the space at 55 Potrero to display furnishings showcasing the style and quality of the custom designed and manufactured products being offered. The interior designers on staff will be available to assist customers with customization of orders, as well as make visits to project sites to consult on room planning and furniture design. Orders will then be placed for production off-site, and shipped directly to the customers. Items will not be sold directly off the showroom floor and no stocks of inventory will be maintained for sale. Clients will include a mix of individuals placing orders for home furniture, as well as architects and designers selecting pieces to use in projects they are working on for clients of their own. The wholesale sales portion of the business would cover orders made by trade professionals who are purchasing multiple items for resale or for furnishing homes as part of their business.

The Roche Bobois website highlights the offerings of the 701 8th Street showroom as follows: “Discover all the elements that make Roche Bobois’s offering so unique in this showroom: innovative new collections and a team of experienced design consultants who can help you plan your project at every stage of the process, including product selection, customisation and advanced 3D planning.” (<http://www.roche-bobois.com/en-US/showrooms/san-francisco> (Oct. 18, 2016).)

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The Roche Bobois store fits within the use categories outlined above as follows:

- The principal business, a showroom where customers custom order furnishings to be manufactured on demand, is a “trade shop” use, as it “provides custom-crafted goods and/or services for sale directly to the consumer, reserving some storefront space for display and retail service...”
- The interior decorating component of the operation would also fall within the “trade shop” definition, which has subsumed the previous use subcategory of “interior decorating shop.”
- The secondary wholesale business would fall within the definition of wholesale sales.

## II. Showplace Square/Potrero Area Plan

The Property is located within the Showplace Square/Potrero Area Plan (“Area Plan”), and within the Core Showplace Square Design District created by the Area Plan, the express purpose of which is to “[p]rotect important concentration of **design-oriented PDR businesses** here, many in historic buildings. Encourage limited amount of retail and office space to support design functions in this area. Prohibit new residential development.” (Area Plan, pg. 13; emphasis added.) The Area Plan describes PDR uses as activities including “arts activities, performance spaces, **furniture wholesaling, and design activities.**” (Area Plan, pg. vii; emphasis added.) The first sentence of the introduction of the Area Plan states that “Showplace Square is an important **furniture and interior design center** that serves a national market.” (Area Plan, pg. 1; emphasis added.)

The proposed custom furniture showroom and interior decorating center at the Property, and detailed above in Section I, is precisely the type of use that the Area Plan intended to cultivate and prioritize within the Showplace Square Design District.

## III. Written Determination Request

Based on the foregoing, we respectfully request a written determination that European Designs’ proposed Roche Bobois Paris furniture showroom at 55 Potrero would be a principally permitted trade shop and wholesale sales use pursuant to Planning Code Section 102 and Table 210.3. Enclosed is a check in the amount of \$664 made payable to the San Francisco Planning Department. Please feel free to contact me should you have any questions.

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Very truly yours,

**REUBEN, JUNIUS & ROSE, LLP**

A handwritten signature in black ink, appearing to read "John Kevlin". The signature is fluid and cursive, with a large initial "J" and a long horizontal stroke.

John Kevlin