Letter of Determination

June 30, 2016

Allen Gee Allen Gee Architects 790 Thirty Seventh Avenue San Francisco, CA 94121

Site Address:

Assessor's Block/Lot

Zoning District:

Staff Contact: Record No.:

3727 / 004 WMUG (Western SoMa Mixed Use - General)

Ming Yeung, (415) 575-9183 or ming.yeung@sfgov.org

2016-007080ZAD

150 7th Street

Dear Mr. Gee:

This letter is in response to your request for a Letter of Determination regarding the property at 150 7th Street. The subject property is located in the WMUG (Western SoMa Mixed Use - General) Zoning District and 55-X Height and Bulk District. The request seeks a determination as to whether Office Use¹ on the second floor of the building at 150 7th Street is an existing legal non-conforming use, and whether potential new owners of the building can continue to use this space as office and renovate it in the future for office.

Background

You have provided copies of documents to support that office use has existed at this location. This includes: a building permit application (Permit #2001.0621.2111, dated June 21, 2001) that describes the work as "remodeling (E) office space at 2nd floor as per plan"; a real estate listing describing the building with offices on the second floor; and a Phase 1 environmental assessment report, dated May 4, 2006, documenting the use of the property at that time as offices upstairs.

Reception: 415.558.6378

Fax:

415.558.6409

Planning Information: 415.558.6377

¹ Per Planning Code Section 890.70:

⁽a) "Office use" shall mean space within a structure or portion thereof intended or primarily suitable for occupancy by persons or entities which perform, provide for their own benefit, or provide to others at that location services including, but not limited to, the following: Professional; banking; insurance; management; consulting; technical; sales; and design; and the non-accessory office functions of manufacturing and warehousing businesses; all uses encompassed within the definition of "office" in Section 219 of this Code; multimedia, software development, web design, electronic commerce, and information technology; all uses encompassed within the definition of "administrative services" in Section 890.106 of this Code; and all "professional services" as proscribed in Section 890.108 of this Code excepting only those uses which are limited to the Chinatown Mixed Use District.

⁽b) "Office use" shall exclude: retail uses; repair; any business characterized by the physical transfer of tangible goods to customers on the premises; wholesale shipping, receiving and storage; and design showrooms or any other space intended and primarily suitable for display of goods.

Allen Gee Allen Gee Architects 790 Thirty Seventh Avenue San Francisco, CA 94121 June 30, 2016 Letter of Determination 150 7th Street

Although the various documents you provided make reference to office use, these documents do not constitute an approved change in use and cannot be used to establish office use at the site. The permit lists both the existing and proposed uses as office and does not legally establish an office use on the subject property. We have conducted additional research into the building's permit history and have found a variety of uses (including printing shop, dwelling, workshop and retail sales); however, we are unable to locate any permits that establish an office use on the second floor.

In addition, our records show that prior to the site being rezoned to WMUG in April 2013 to implement the Western South of Market Area Plan, the site was previously zoned SLR (Service/Light Industrial/Residential District). Per Planning Code Section 816, which outlines the uses permitted in the SLR zoning district, all other office uses other than office uses in landmark buildings or contributory buildings in historic districts and work space of design professionals, are not permitted under the SLR zoning district. Based on this restriction, office use, other than those stated above, would not have been permitted at the site under the previous zoning district. It is therefore unlikely that the existing office use was legally established at the site.

Office Use in the WMUG (Western SoMa Mixed Use - General) Zoning District

Per Planning Code Section 844, within the WMUG zoning district, office uses in historic buildings are permitted as-of-right subject to the provisions of Planning Code Section 803.9(b), and Professional Services, Financial Services, and Medical Services are permitted as-of-right on the ground floor only if primarily open to the general public on a client-oriented basis; conditional use authorization is required if above 50,000 square feet. All other office uses are not permitted in the WMUG zoning district.

Determination

Based on the absence of records showing an approved change in use to office use at this site, and the information provided above, I have determined that the second floor of the subject building does not contain legal non-conforming office use on the second story. Under the existing zoning, continuation of office use on the second floor of the building may only be permitted if the building is determined to be a historic building, per Planning Code Section 844. Therefore, the existing office use must be removed and replaced with a use that is permitted under the existing WMUG zoning district.

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.

Allen Gee Allen Gee Architects 790 Thirty Seventh Avenue San Francisco, CA 94121 June 30, 2016 Letter of Determination $150 \, 7^{\text{th}}$ 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:

Property Owner

Neighborhood Groups Ming Yeung, Planner



R#2016-007080 Z CK # 1055 \$ 645. -R. SUCRE (SE)

790 Thirty Seventh Avenue San Francisco California Tel: 415-386-1753

Date:

May 24, 2016

To:

Mr. Scott Sanchez, Zoning Administrator

Company:

San Francisco Planning Department 1650 Mission Street, Suite 400

San Francisco, CA 94103

Re:

150 7th Street

Request for Letter of Determination (3727/004)

Remarks:

Dear Mr. Sanchez,

We are requesting a Letter of Determination to confirm if an existing non-conforming use (office) can still be used on the second floor of an existing building located at 150 7th Street. It is our understanding that this space was previously used as an office, "B" occupancy prior to the purchase of the building by the new Owners. It is the intent of the new Ownership to continue to use this space as an office and to renovate it in the future as an office.

We have found the following documents which support that an office was at this location for some time. Attached please find:

- Permit #2001.0621.2111 dated 6/21/2001 notes its present use as retail/restaurant/office and describes the work as "remodeling existing office space at the 2nd floor as per plan". The building inspection record is also attached for your review.
- A real estate listings which describe the building as three retail spaces on the ground floor and offices on the second floor.
- A phase 1 environmental assessment report by Orswell and Kasman, Inc. dated May 4, 2006 which documents the current use of the property as offices upstairs in article 3.3.

It appears that the second floor office space has been a part of the building for over 15 years and has been a part to this community. We respectfully request that your letter of determination allows for the continued use this space as an existing non-conforming office space.

If you have any questions please do not hesitate to call.

Sincerely,

Allen Ge

encl:

Check for Zoning Administrator written determination fee (\$645)

Owner letter of authorization

cc:

File



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•	WORK COMPLETED. FINAL CERTIFICATE POSTED.
APP. NO. 7201	062/2111 Building inspection



DATE	BUILDING INSPECTORS JOB RECORD
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Contact Us



NEIGHBORHOODS

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INTERNATIONAL

Hi There! Is this Your First Time?

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Property Details

Map & Directions

Bird's Eye View

Streetview

← Back to Results

PRICE

SQ. FT.

BUILT

\$1,950,000

7,250

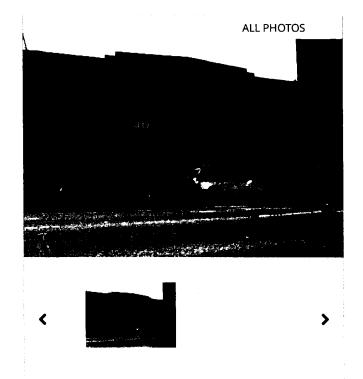
1920

150-154 7th Street, San Francisco

Great for owner use or investment. Excellent location next to Best Western Hotel and New Federal Building. Street level consists of 3 retail stores. 2nd level has 2 offices. 4 electric meters, 4 water meters and 1 gas meter. Please call listing agent for showing.

INQUIRE!

ADD TO FAVO...



Next Steps:

INQUIRE

REQUEST SHOWING

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Essential Information

Community Information

150-154 7th Street, San Francisco Property Listing: MLS® #333000 http://www.hill-co.com/listing-sfar_sold/333000-150-154-7th-street-san-... MLS®# 333000 Address 150-154 7th Price \$1,950,000 Area Street **Square Footage** 7,250 City South of Market San Francisco Year Built 1920 County San Francisco Type Commercial State CA **Status** Sold Zip Code 94103-2833 Interior Additional Information Stories 2 Stories **Date Listed** October 24th, 2007 Days on Market 76 **Listing Details** Listing Agent David T. Chan **Listing Office Prudential** California Realty Ask About this Property Request a Showing **First Name Last Name Email** Phone (optional)

Please provide a valid email address.

I was searching for a Property and found this listing (MLS® #333000). Please send me more information regarding 150-154 7th Street, San Francisco, CA, 94103-2833. Thank you!

PHASE I ENVIRONMENTAL SITE ASSESSMENT REPORT

SUBJECT

RETAIL/COMMERCIAL PROPERTY

PROPERTY:

150-154 7TH STREET

SAN FRANCISCO, CALIFORNIA 94103

REPORT DATE:

MAY 4 2006

CLIENT:

MR. JAMES WONG

FAR EAST NATIONAL BANK 500 MONTGOMERY STREET

SAN FRANCISCO, CALIFORNIA 94111

PREPARED FOR:

MR. JAMES WONG

FAR EAST NATIONAL BANK

WRITTEN AND REVIEWED BY:

JOAN E. ORSWELL

REGISTERED ENVIRONMENTAL ASSESSOR

OF CALIFORNIA

DATE:

P06128

This report was prepared in conformance to meet or exceed the scope and limitations as set forth by the American Society for Testing & Materials (ASTM) Standard Practice E 1527-00. It is for the express use of the client, and its contents are considered to be privileged and confidential. Acceptance of this report constitutes an agreement by the client to assume full liability for information contained herein. This report is for the sole use and interpretation of the client, and it is not be reproduced or distributed to outside parties. The information in this report is furnished in good faith and was obtained from sources and databases considered to be reliable; however, the accuracy of the information cannot be guaranteed. Our liability is limited to the fee charged.

Prepared by
ORSWELL & KASMAN, INC.

316 West Foothill Boulevard Monrovia, CA 91016
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www.orswell-kasman.com

Phase I Environmental Site Assessment 150-154 7th Street May 4, 2006 Page Two

and the surrounding area. The report includes a visual inspection of the property and adjacent sites, and a review of regulatory agency records, aerial photographs, and other historic record sources. Also included in this report are maps, diagrams, and photographs pertaining to this site.

2.3 Significant Assumptions

The information in this report is furnished in good faith and was obtained from sources and databases considered to be reliable; however, nothing in this report should be construed as a promise or guarantee that the subject property is free of environmental hazards. In many instances, this report relies on regulatory database information provided by federal, state and local governmental agencies. Although the database information used in this report consists of the most recently released records, it may not reflect the actual current status of the case.

2.4 <u>Limitations and Exceptions</u>

This report was prepared in conformance to meet or exceed the scope and practice as set forth by the American Society for Testing & Materials (ASTM) Standard Practice E 1527-00, "Standard Practice of Environmental Site Assessments: Phase I Environmental Site Assessment Process."

No tests were conducted, and no samples of air, water, soil or building materials were taken.

2.5 Special Terms and Conditions

No special terms or conditions have been incorporated into the preparation of this report. There were also no limiting physical conditions such as rain or lack of electrical power, that had a limiting effect on the site inspection.

2.6 User Reliance

This report is prepared for the express use of the client, and its contents are considered to be privileged and confidential. Acceptance of this report constitutes an agreement by the client to assume full liability for information contained herein. This report is for the sole use and interpretation of the client, and it is not be reproduced or distributed to outside parties.

3.0 SITE DESCRIPTION

3.1 Location and Legal Description

The subject property, 150-154 7th Street, San Francisco, California, is located on the west side of 7th Street, north of Natoma Street. The property is described as San Francisco County Tax Assessor's Parcel Number (APN) 3727-004.

Phase I En vironmental Site Assessment 150-1547th Street May 4, 2006 Page Three

3.2 Site and Vicinity General Characteristics

The site consists of a two-story commercial building with a basement area. The subject property is located in a mixed commercial and residential area of San Francisco, California (see site plan). The site and surrounding area are fairly level, and the subject property is currently connected to the municipal water and sewage systems.

3.3 Current Use of Property

The subject property is currently occupied by restaurant, a cleaners, a vacant retail unit, and upstairs offices.

Descriptions of Structures, Roads, Other Improvements On Site

The two-story commercial building occupies the entire site. A basement is located underneath the building.

3.5 Current Uses of the Adjoining Properties

Nortiof the subject property is a four-story Best Western Motel, and further north is Minna Street. To the east is 7th Street, and further east is a four-story Best Western Motel and Peppers Bar & Grill. South of the subject property is a vacant commercial building, and further south is Natona Street. To the west is a continuation of the vacant commercial building south of the subject property. Further west is a residential neighborhood.

4.0 USER PROVIDED INFORMATION

4.1 litle Records

Noticorded land title records were provided by the client for review.

4.1 Environmental Liens or Activity and Use Limitations

Ticlient has not provided any information concerning environmental liens or activity and use ligitations.

Specialized Knowledge

Inspecialized knowledge of recognized environmental conditions or historical recognized eironmental conditions in connection with the subject property has been provided by the client.

150-7TH STREET PROPERTY, LLC

25 KEARNY STREET, SUITE 302 SAN FRANCISCO, CALIFORNIA 94108 TEL. (415) 989-5300 ◊ FAX (415) 788-4315

> Writer's E-mail: hnchung@cclg.net Writer's Direct Dial: (415) 788-1280

May 20, 2016

TO WHOM IT MAY CONCERN:

RE: Authorization for Architect Allen Gee for 150-154 7th Street, San Francisco

Dear Sir or Madam:

The undersigned is the authorized representative of 150 7th Street Property, LLC, a California limited liability company, which is the owner of record of the subject property commonly known as 150-154 7th Street, San Francisco, California 94103, APN3727-004 (the "Property").

This letter expressly authorizes Allen Gee to act as the architect for the Property. Mr. Gee's contact information:

Allen Gee Principal AG Architects Ph: 415-386-1753 allen.agarchitects@gmail.com

Do not hesitate to contact me regarding this matter.

Yours very truly,

Howard N. Chung

Enclosures