



# SAN FRANCISCO PLANNING DEPARTMENT

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## Letter of Determination

November 15, 2017

Alexis Pelosi  
Pelosi Law Group  
560 Mission Street, Suite 2800  
San Francisco, CA 94105

<b>Site Address:</b>	<b>180 Montgomery Street</b>
<b>Assessor's Block/Lot:</b>	<b>0289/009</b>
<b>Zoning District:</b>	<b>C-3-O (Downtown – Office)</b>
<b>Staff Contact:</b>	<b>Claudine Asbagh, (415) 575-6914 or <a href="mailto:claudine.asbagh@sfgov.org">claudine.asbagh@sfgov.org</a></b>
<b>Record No.:</b>	<b>2017-008528ZAD</b>

Dear Ms. Pelosi:

This letter is in response to your request for a Letter of Determination (LOD) regarding the property at 180 Montgomery Street. This parcel is located in the C-3-O (Downtown - Office) Zoning District and in both the 300-S and 350-S Height and Bulk Districts. Your request seeks a determination as to whether an existing use on the property (dba Workshop Café) is a Restaurant Use under the Planning Code.

The Planning Code defines Restaurant Use as "A Retail Sales and Service use that serves prepared, ready-to-eat cooked foods to customers for consumption on the premises and which has seating. As a minor and incidental use, it may serve such foods to customers for off-site consumption. It may provide on-site beer, wine, and/or liquor sales for drinking on the premises (with ABC license types 41, 47, 49, 59, or 75); however, if it does so, it shall be required to operate as a Bona Fide Eating Place."

As described in your request, Workshop Café offers food and beverage, free Wi-Fi, and different configurations of seating areas (including private rooms) that patrons can reserve for blocks of time as works-spaces (reserved seating areas). Workshop Café also offers various services (including print services, whiteboards and video monitors) that facilitate use of the reserved seating areas as office space by customers. The floor plans provided show that 3,007 sf of the 4,669 sf use is devoted to reserved seating areas.

In order for the Workshop Café to be consistent with the Planning Code definition of Restaurant Use, more than half of overall gross receipts must be from food and drink sales (including alcohol). If the Workshop Café does not meet this requirement, it will be considered to be an Office Use. Separately, more than half of food/drink receipts would need to be from non-alcohol food/drink sales to be a Bona Fide Eating Place. If the Workshop Café does not meet this requirement, it will be considered to be a Bar Use.

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

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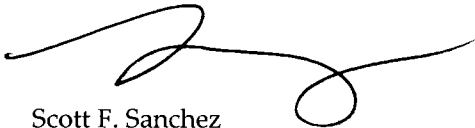
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In addition, the reserved seating areas must be limited to 1/3 of the total occupied floor area in order to be considered subordinate to the Restaurant Use. If the Workshop Café does not meet this requirement, it will be considered to be an Office Use. Please note that the current plans show that more than 1/3 of the total occupied floor area is dedicated to reserved seating areas. Workshop Café may either reduce the area in question to less than 1/3 of the total occupied floor area or apply for a Conditional Use Authorization to allow an Office Use on the ground floor of the subject property.

**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: Claudine Asbagh, Planner  
Property Owner  
Neighborhood Groups