



# SAN FRANCISCO PLANNING DEPARTMENT

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## Letter of Determination

June 7, 2016

Larry Badiner  
Badiner Urban Planning, Inc.  
95 Brady Street  
San Francisco CA 94103

<b>Site Address:</b>	1885-1899 Mission Street
<b>Assessor's Block/Lot:</b>	3548/031
<b>Zoning District:</b>	UMU (Urban Mixed Use)
<b>Staff Contact:</b>	Chris Townes, (415) 575-9195 or <a href="mailto:chris.townes@sfgov.org">chris.townes@sfgov.org</a>
<b>Record No.:</b>	2016-004031ZAD

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Dear Mr. Badiner:

This letter is in response to your request for a Letter of Determination regarding the property at 1885-1899 Mission Street. This property is located within the UMU (Urban Mixed Use) Zoning District and 68-X Height and Bulk District. The request is whether the proposed tenant, Impact Hub SF, may be established within the subject three-story building based upon either "Option 1" or "Option 2" as outlined within your request and summarized below.

"Option 1" seeks to relocate an existing legal-nonconforming first floor Office use to the third floor, add a new level of Office use on the second floor (per Planning Code Sections 843.66 and 803.9(h)) and introduce an Assembly use on the first floor (per Section 843.34). Option 1 is based upon five statements in your request, including:

1. HealthRight 360/Walden House (the prior tenant) established an Office use on the ground floor per the Planning Code.
2. The existing ground floor is a grandfathered legal-nonconforming Office use.
3. The property owner has a vested right to continue the ground floor Office use.
4. Impact Hub SF proposes an independent Assembly use component.
5. Impact Hub SF proposes to relocate the existing, legal-nonconforming ground floor Office use to the third floor, convert the second floor to Office use, and establish Assembly use on the ground floor.

"Option 2" seeks to add a new level of Office on the second floor (per Sections 843.66 and 803.9(h)), introduce Assembly on the ground floor and a portion of the third floor, with up to one-third of the space used for accessory Office, and use a portion of the third floor for Social Service use (per Section 843.34). Option 2 is supported by four statements, including:

1. Impact Hub SF is an Institution, Assembly and Social Service/Religious Facility use.

2. Impact Hub SF proposes to convert the ground and third floors to Assembly use, and the second floor to Office use.
3. A portion of Impact Hub SF's uses are Institutional use with Assembly/Social Service/Religious Facility uses.
4. Up to one-third of the Institutional/Assembly use may be used as accessory Office by the non-profits outlined in the request.

### **Description of Proposed Use**

As outlined in your request, Impact Hub SF was established in 2009 as part of a global network of campuses and members whose mission "helps entrepreneurs build sustainable businesses that drive social and environmental good." Spatially, this involves co-working office space for its members. Impact Hub SF would also provide event space to both the general public, along with programming for a membership community of non-profit organizations, entrepreneurs, activists, creatives, and professional taking action to drive social innovation.

As a certified benefit corporation ("B-corporation"), Impact Hub SF is certified by the non-profit B Lab and subject to meet rigorous standards of social, environmental performance, accountability, and transparency. This type of corporate entity must, (a) have a corporate purpose to create a material positive impact on society and the environment; and (b) consider the impact of its decisions not only on shareholder value, but on workers, the community and the environment. A part of Impact Hub SF's proposed revenue stream and business model is to provide ancillary space to non-member individuals and organizations to hold events relevant to its social and environmental mission.

### **Background/Relevant Tenancy and Building Permit History**

As noted in your letter, the approximately 24,600 square foot three-story building was originally established as an industrial use in 1925 and subsequently converted to other uses. Until 2009, the property was zoned as M-1 (Light Industrial); however, as a result of the Eastern Neighborhoods Plan adoption, the property was re-zoned to UMU (Urban Mixed Use). Tenancy and building permit history indicates "HealthRight360" (formerly "Walden House Inc.") occupied the building from 1996 to February 2015. HealthRight360/Walden House occupied the property as a non-profit use that provided a variety of social, mental and behavioral health services; however, these uses do not comply with the definition of Office use as outlined in Planning Code Section 890.70<sup>1</sup>. As such, prior occupancy by HealthRight360/Walden House did not establish a legal-nonconforming Office use on the subject property.

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<sup>1</sup> 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.

### **Office Use**

Per Planning Code Section 843.66, Office use is principally permitted within the UMU Zoning District subject to the vertical control limitations of Section 803.9(h). The purpose of the vertical controls is to “preserve ground floor space for production, distribution, and repair uses and to allow the preservation and enhancement of a diverse mix of land uses, including limited amounts of office space on upper stories.” Pursuant to these requirements, one story of the subject building may be designated for Office use as defined in Section 890.70.

### **Institutional Uses**

Per Planning Code Sections 843.33 and 843.34, both Religious Facility and Assembly and Social Service uses are principally permitted within the UMU Zoning District without limitation as to number of stories. Per Section 890.50, these uses are considered to be “Other Institutions” which are defined as “a public or private, nonprofit or profit-making use, excluding hospitals and medical centers, which provides services to the community, and meets the applicable provisions of Section 304.5 of this Code concerning institutional master plans, including but not limited to the following...” Section 890.50(a) defines Assembly and Social Service as “a use which provides social, fraternal, counseling or recreational gathering services to the community. It includes a private noncommercial clubhouse, lodge, meeting hall, family or district association, recreation building, or community facility not publicly owned. It also includes an unenclosed recreation area.” Section 890.50(e) defines Religious Facility as “a use which provides religious services to the community such as a church, temple or synagogue. It may include on the same lot, the housing of persons who engage in supportive activity for the institution.”

### **Accessory Uses**

Per Planning Code Sections 204 and 803.3(b)(1)(C), an accessory use is a related minor use that is either: a) necessary to the operations or enjoyment of a lawful principal or conditional use or b) appropriate, incidental, and subordinate to any such use.

### **Determination**

Based upon the information provided in your request, it is my determination that while the subject property does not contain an existing legal non-conforming general Office use, Impact Hub SF may be permitted in accordance with “Option 2” as proposed in your request and outlined above. This would allow Assembly/Social Service/Religious Facility use (with accessory office space) on the first and third floors (per Sections 843.33 and 843.34) and Office use on the second floor (per Sections 843.66 and 803.9(h)). Within the Assembly/Social Service/Religious Facility use, the proposed amount of non-profit socially/environmentally-oriented office space would be no more than one-third of the primary use and would comply with the accessory use requirements of the Planning Code. In light of the foregoing, Impact Hub SF would be a permitted use at 1885-1899 Mission Street.

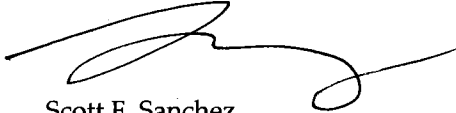
**Please note that a Letter of Determination is a determination regarding the classification of uses and interpretation and applicability of the provisions of the Planning Code. This Letter of Determination is not a permit to commence any work or change occupancy. Permits from appropriate Departments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

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Badiner Urban Planning, Inc.  
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**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: Chris Townes, Planner  
Property Owner  
Neighborhood Groups