



SAN FRANCISCO PLANNING DEPARTMENT

Letter of Determination

October 30, 2017

Jim Abrams
J. Abrams Law, P.C.
1 Maritime Plaza Suite 1900
San Francisco, CA 94111

Record Number: 2017-005829ZAD
Site Address: 345 4th Street
Assessor's Block/Lot: 3751/165
Zoning District: MUO (Mixed Use – Office)
Staff Contact: Natalia Kwiatkowska, (415) 575 – 9185 or
natalia.kwiatkowska@sfgov.org

Dear Mr. Abrams:

This letter is in response to your request for a Letter of Determination regarding the property at 345 4th Street. The subject property is located in the MUO (Mixed Use – Office) Zoning District, SOMA Youth and Family Zone Special Use District (SUD), and 85-X Height and Bulk District. The request seeks a determination of the legal use of the property.

Background

The subject building was constructed in 1925 as an industrial building. The subject property appears to have been located within Light Industrial Zoning Districts until 2009 at which time it was rezoned to the MUO Zoning District.

Information contained in the memorandum prepared by Page & Turnbull and included with your request as well as the permit history for the building indicate that the property was originally used as display showroom/warehouse in the mid-1920s through late-1950s. As noted in the memorandum: "No additional detail relating to the interior spatial arrangement or use were able to be recovered. Presumably, the display room was located at ground level and additional storage or perhaps offices within the second story."

In 1960, the building transitioned to a sports merchandise office, warehouse and retail location owned and operated by Hagemeister-Lert (a sports equipment designer/manufacturer). In 1960, Building Permit Application No. 208142 (dated February 2, 1960) describes the existing and proposed use as "offices" as well as several subsequent permits; however, records indicate that the building was not used solely as an office building and continued to include wholesale and retail uses.

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In 1993, the building transitioned to an office use occupied by Thinkware and Building Permit Application No. 09308311 (dated May 18, 1993) listed the existing and proposed uses as "office/warehouse" and records indicate the building was used entirely as office by this occupant.

In 2003, the building transitioned to a retail use with accessory office occupied by Pacific Bicycle, which occupied the building until February 2017. Pacific Bicycle received Building Permit Application No. 200305305866 (issued July 22, 2003) to change the use of the building from "office" to "retail & office". The associated plans show the property was used as retail with accessory offices and the permit was properly reviewed and approved by the Planning Department and issued by the Department of Building Inspection. While the permit expired on February 12, 2007; photographs of the interior while occupied by Pacific Bicycle show the property was used as retail with accessory office, consistent with the plans associated with Building Permit Application No. 200305305866.

Office Use in the MUO (Mixed Use – Office) Zoning District

Per Planning Code Section 842.66 and 890.70, office uses are permitted in the MUO Zoning District. A building permit application documenting a change of use from retail with accessory office to an office will be required and will be subject to neighborhood notification pursuant to Planning Code Section 312.

Determination

In your request, it is argued that the existing legal use of the building should be deemed to be office, given that Building Permit Application No. 208142 (from 1960) listed both the existing and proposed uses as office and was approved by the Planning Department. However, given that 1) the 1960 permit lists both the existing and proposed uses as office (which is not considered to be a change of use), 2) the absence of any prior permit establishing an office use and, 3) evidence submitted with your request indicating that the building was not used entirely as office at this time (but a mix of office, warehouse and retail uses), it is my determination that the 1960 permit cannot be relied upon to determine the last legal use of the subject building as an office building.

Based upon available information, including Building Permit Application No. 200305305866 (which changed the use of the building to retail with accessory office), recent interior photographs of the property, and the information provided with your request, it is my determination that the last permitted use of the subject property is retail with accessory office.

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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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
Natalia Kwiatkowska, Planner