



SAN FRANCISCO PLANNING DEPARTMENT

Letter of Determination

April 22, 2016

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

Site Address: 552 Berry Street (aka 1 De Haro Street)
Assessor's Block/Lot: 3800/003 and 004
Zoning District: PDR-1-G (Production, Distribution & Repair -1- General)
Staff Contact: Corey Teague, (415) 575-9081 corey.teague@sfgov.org
Record No.: 2015-015010ZAD

Dear Mr. Badiner:

This letter is in response to your request for a Letter of Determination regarding the property at 552 Berry Street (aka 1 De Haro Street). This property is located within the PDR-1-G Zoning District and 58-X Height and Bulk District. The request is to confirm that the subject property has a Floor Area Ratio (FAR) of under 0.3 to 1 and is therefore eligible for the provision in Planning Code Section 210.3C (formerly Section 219.1).

Planning Code Section 210.3C allows for certain non-residential uses, such as office and institutional uses, to subsidize and support the development of new Production, Distribution, and Repair (PDR) space in the PDR-1-D and PDR-1-G districts so long as the proportion of gross floor area on the site dedicated to PDR uses remains at least 1/3 of the total gross floor area on the parcel. In order for this code section to be applicable, parcels must meet all of the following criteria as outlined in Section 210.3C(b):

- Are located in either the PDR-1-D or PDR-1-G Districts; and
- Are located north of 20th Street; and
- Contain a floor area ratio of 0.3 gross floor area or less as of January 1, 2014; and
- Are 20,000 square feet or larger.

You submitted a Letter of Determination request letter on October 26, 2015 and a supplemental request on February 3, 2016. Those letters state that the subject property was occupied by the San Francisco Gravel Company from the 1920s until recently and is comprised of several unenclosed storage sheds, warehouses, and open gravel bunkers, more than half of which were built without building permits throughout the decades. Your letter analyzed the buildings' permit history, and according to your findings, only three roofed structures on this site have documented building permits and thus may be the only buildings that contribute to the site's FAR. The remaining structures were built without benefit of a building permit and therefore may not contribute to the site's FAR.

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

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

April 22, 2016
Letter of Determination
552 Berry Street (aka 1 De Haro Street)

Your submittal also makes a case that a majority of the structures on the site, or portions of the structures, do not meet the definition of Gross Floor Area, per Planning Code Section 102. This is due to the fact that the structures are not enclosed, or that they contain accessory loading area that is excluded from the definition of Gross Floor Area.

More specifically, per Table A and Exhibit B of your February 3, 2016 submittal, accessory off-street loading space in Buildings A, I, J, and K should be excluded from the definition of Gross Floor Area. Additionally, you state that Buildings B, C, D, F, and H should be excluded from the definition of Gross Floor Area because they are not enclosed buildings.

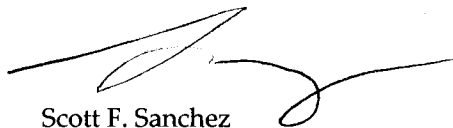
Per the definition of Gross Floor Area, per Planning Code Section 102, all accessory off-street loading spaces and maneuvering areas within buildings outside the C-3 zoning districts are excluded. Additionally, Gross Floor Area is "measured from the exterior faces of exterior walls or from the centerlines of walls separating two buildings." When buildings are not enclosed, there are not walls from which to take such a measurement.

Therefore, it is my determination that the accessory off-street loading and maneuvering space within Buildings A, I, J, and K, and the entirety of the unenclosed Buildings B, C, D, F, and H are not considered to be Gross Floor Area per Planning Code Section 102. If excluding these areas and buildings from Gross Floor Area results in a FAR of 0.3 or less, then the subject property would meet all the applicability requirements for Planning Code Section 210.3C(b), "Allowance For Uses to Support the Development of New PDR Space in the PDR-1-D and PDR-1-G Districts."

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: Corey Teague, Assistant Zoning Administrator
Property Owner
Neighborhood Groups