



SAN FRANCISCO PLANNING DEPARTMENT

Letter of Determination

July 20, 2016

Pavel Cherkashin
Startup Temple Holdings, Inc.
910 Broadway
San Francisco CA 94133

Site Address:	906 Broadway
Assessor's Block/Lot:	0149/009
Zoning District:	RM-2 (Residential – Mixed, Moderate Density District)
Staff Contact:	Claudine Asbagh, (415) 575-6914 or claudine.asbagh@sfgov.org
Record No.:	2016-004027ZAD

Dear Mr. Cherkashin:

This letter is in response to your request for a Letter of Determination (LOD) regarding the property at 906 Broadway. This parcel is located in the RM-2 (Residential – Mixed, Moderate Density) Zoning District, 40-X Height and Bulk District and has been designated as City Landmark No. 204. Your request seeks a determination as to whether your proposed uses (described as “adult educational” with “occasional entertainment” as a secondary use) would be allowed at the property under the Planning Code.

In 1994, a Conditional Use Authorization (1994.044C – Motion No. 13707) was granted to convert the church to a private elementary school (St. Mary's School). The subject property was occupied as a school until 2011. In 2012, work under Building Permit Application Nos. 201206283715 and 201211023433 was completed to remove improvements on the property associated with the school use. Further, the use has lapsed for a period of more than three years. As such, the Conditional Use Authorization for private elementary school is no longer effective per the requirements of Planning Code Section 178.

Planning Code Section 209.2 outlines permitted uses for the RM-2 Zoning District. In addition, Section 186.3 (Non-Residential Uses in Landmark Buildings in RH and RM Districts) allows for additional non-residential uses in the building due to its status as a Landmark. Per this Section, uses listed as a principally or conditionally permitted use on the ground floor in an NC-1 (Neighborhood Commercial Cluster) Zoning District are allowed at the subject property with a Conditional Use Authorization. Any such proposal to establish a non-residential use pursuant to Section 186.3 would need to demonstrate: 1) that the proposed use(s) conform to applicable provisions of Section 303; and 2) the specific use is essential to the feasibility of retaining and preserving the landmark.

Startup Temple Holdings, Inc. recently purchased the building and the LOD request describes proposed uses as educational with occasional entertainment uses. Subsequent to the request, Leonid Kozlova, the architect, provided a more detailed description of the proposed uses as well as proposed floor plans. The

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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statement indicates that "Startup Temple will be providing educational services for international technology startup founders and teams entering US market and aiming to raise capital in Silicon Valley." The courses would be taught over a one to three month period, and would include lectures, "hackathons," and one-on-one consulting and education services. Tech and arts events would be hosted one-two times per month and would be open to the general public. Startup Temple is not currently certified by the Western Association of Schools and Colleges.

Planning Code Section 209.2 allows Post-Secondary Educational Institutions and Community Facilities with Conditional Use Authorization. Planning Code Section 102 defines these uses as follows:

***Post-Secondary Educational Institution.** An Institutional Education Use, public or private, that is certified by the Western Association of Schools and Colleges, provides educational services such as a college or university, and has met the applicable provisions of Section 304.5 of this Code concerning institutional master plans. Such institution may include employee or student dormitories and other housing operated by and affiliated with the institution. Such institution shall not have industrial arts as its primary course of study.*

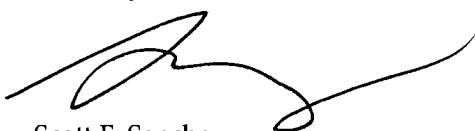
***Community Facility.** An Institutional Community Use that includes community clubhouses, neighborhood centers, community cultural centers, or other community facilities not publicly owned but open for public use in which the chief activity is not carried on as a gainful business and whose chief function is the gathering of persons from the immediate neighborhood in a structure for the purposes of recreation, culture, social interaction, health care, or education other than Institutional Uses as defined in this Section.*

As described in your LOD request, the proposed use would not be consistent with either of these use categories. Further review of relevant Planning Code provisions has failed to yield a use category that would allow the proposed use at the subject property. As such, the proposed use would not be allowed.

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

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cc: Claudine Asbagh, Planner
Property Owner
Neighborhood Groups