



# SAN FRANCISCO PLANNING DEPARTMENT

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## Letter of Determination

October 19, 2016

James A. Reuben  
Reuben, Junius & Rose, LLP  
One Bush Street, Suite 600  
San Francisco, CA 94104

<b>Name:</b>	<b>Zymergen</b>
<b>Site Address:</b>	<b>No Address Specified</b>
<b>Staff Contact:</b>	<b>Corey Teague, (415) 575-9183 or <a href="mailto:corey.teague@sfgov.org">corey.teague@sfgov.org</a></b>
<b>Record No.:</b>	<b>2016-006306ZAD</b>

Dear Mr. Reuben:

This letter is in response to your request for a Letter of Determination regarding the proper use classification for Zymergen, Inc. The request seeks a confirmation that the subject use is a "non-life science laboratory use" and does not seek a determination about whether the use would be allowed at a specific property.

### Background

As noted in your letters (dated May 11, 2016 and August 6, 2016), Zymergen "is an analytics laboratory company that employs robotics, advanced manufacturing techniques, and proprietary software to traditional biochemistry methods." It is noted that the "advanced manufacturing techniques" relate to Zymergen's use of "advanced robotics machines to speed up its analytic process in its own laboratory" and "the information gleaned from this analysis is used by Zymergen's industrial clients to optimize production microbes in order to more efficiently manufacture commodity chemicals and carbon-based materials." Based upon your letters, while Zymergen uses propriety software and advanced robotics systems, it does not use advanced biological techniques. The biological techniques employed are "basic protocols developed in the 1970s and 1980s and applied broadly in the fields of fermentation and analytical chemistry" and are conducted in a laboratory with Biosafety level 1 controls. Zymergen does not manufacture products, but through its analytical services provides "its industrial clients with a roadmap for optimizing microbes for industrial fermentation at their own facilities." Further, it is emphasized that Zymergen "does not create anything or provide any service that would aid in the analysis or detection of illness."

### Planning Code Definitions

As noted in your letters, the Planning Code contains similar definitions for Laboratory and Life Science uses, and both were added to the Planning Code by Ordinance No. 298-08 to implement the Eastern Neighborhoods Area Plan.

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Planning Code Section 890.52 defines Laboratory as follows:

*Laboratory shall mean space within any structure intended or primarily suitable for scientific research. The space requirements of uses within this category include specialized facilities and/or built accommodations that distinguish the space from office uses (as defined in Section 890.70), light manufacturing (as defined in Section 890.54(a)), or heavy manufacturing (including uses listed in 226(g) through 226(w)). Examples of laboratories include the following:*

- (a) *Chemistry, biochemistry, or analytical laboratory;*
- (b) *Engineering laboratory;*
- (c) *Development laboratory;*
- (d) *Biological laboratories including those classified by the Centers for Disease Control (CDC) and National Institutes of Health (NIH) as Biosafety level 1, Biosafety level 2, or Biosafety level 3;*
- (e) *Animal facility or vivarium, including laboratories classified by the CDC/NIH as Animal Biosafety level 1, Animal Biosafety level 2, or Animal Biosafety level 3;*
- (f) *Support laboratory;*
- (g) *Quality assurance/Quality control laboratory;*
- (h) *Core laboratory.*

Planning Code Section 890.53 defines Life Science use as follows:

*Life Science is an industry that involves the integration of natural and engineering sciences and advanced biological techniques using organisms, cells, and parts thereof for products and services. This includes the creation of products and services used to analyze and detect various illnesses, the design of products that cure illnesses, and/or the provision of capital goods and services, machinery, instruments, software, and reagents related to research and production. Life Science uses may utilize office, laboratory, light manufacturing, or other types of space. As a subset of Life Science uses, Life Science laboratories typically include biological laboratories and animal facilities or vivaria, as described in Section 890.52(d) and (e).*

### **Determination**

Based upon the information provided in your request letters, it is my determination that Zymergen is a Laboratory use, and more specifically, an analytical/biochemistry/biological laboratory (with Biosafety level 1) use as defined in Planning Code Section 890.52. This is due to the focus on analytical work and the means and methods of research as described in your request. The subject use, as described in your request letters, is not consistent with the definition of Life Science Use in Planning Code Section 890.53.

**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: Citywide Mailing List