



PLANNING DEPARTMENT

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April 18, 2005

Mr. Sean O'Conner
Director, Real Estate Services
USI Real Estate Brokerage Services, Inc.
90 New Montgomery Street, Suite 1420
San Francisco, CA 94105

SUBJECT: Letter of Determination
PROPERTY ADDRESS: 585 Howard Street
ASSESSOR'S PARCEL #: Block 3736, Lot 099
ZONING DISTRICT: C-3-O (SD) Downtown Office Special Development District

Dear Mr. O'Conner,

This letter is in response to your request for a written determination with regards to Planning Code provisions regulating uses at the subject site. The proposal is to establish an approximately 11,000 square foot national test preparation company at the ground floor of the existing building. The operation of that company would comprise the following components: (1) approximately 4,000 square feet of classroom for test preparation instruction; and, (2) approximately 7,000 square feet used for related general office use.

Article 2 of the Planning Code defines and allows for the above-described uses as follows:

The classroom instruction intended for test preparatory education is defined by Section 217 (h) of the Planning Code as a Postsecondary educational institution for the purposes of academic, professional, business or fine arts education. Such use is permitted within the C-3-0 (SD) district provided that the institution meets the applicable provisions of Section 304.5 of the Planning Code concerning institutional master plans.

As the proposed educational use would occupy a site area of less than one acre, Section 304.5 of the Planning Code allows the applicant to place on file with the Planning Department a statement that the institution does not anticipate future expansion to more than one acre. An abbreviated institutional master plan is also required, consisting of a textual description of the institution's physical plant and employment, the institution's affirmative action program, all ownership by the institution of properties throughout the City and County of San Francisco, the services provided and service population, parking availability, and any other relevant general information pertaining to the institution and its services.

The general office use as proposed would be approximately 7,000 square feet at the ground floor level and would not offer on-site services that are available to the general public. Section 219 of the Planning Code states that other professional and business offices (those not offering on-site services for the public) at or below the ground floor would require that a Conditional Use Application be filed for review by the Planning Commission at a public hearing.

Another option would be to furnish evidence demonstrating that the proposed office use is a continuation of a previously approved similar office space use. This can be a permit history that demonstrates that the ground floor had been legally converted to office use and that shows the office use has occurred since 1985 and predates zoning controls. In that case, the office use would be an "automatic" Conditional Use and allowed to continue at the site without further Planning Commission action. Evidence must include proof that the previous office space did not offer on-site services for the public and that the space had been vacant for less than a three-year period of time prior to the current occupancy.

If you have substantial reason to believe that there was an error in interpretation of the provisions of the Planning Code, or abuse of discretion on the part of the Zoning Administrator, you may file an appeal with the Board of Appeals (1660 Mission Street, Room 3036 telephone: 575-6880) within fifteen (15) days of the date of this letter. If you have any questions regarding this determination please contact Planner Dan DiBartolo, at (415) 558-6291 or via e-mail at Dan.DiBartolo@sfgov.org.

Sincerely,

Lawrence B. Badiner,
Zoning Administrator