



BOARD OF APPEALS

Date Filed: November 26, 2025

City & County of San Francisco

REHEARING REQUEST FOR APPEAL NO. 25-036

Teamsters Local 665, Appellant(s) seeks a rehearing of **Appeal No. 25-036** which was decided on **November 19, 2025**. This request for rehearing will be considered by the Board of Appeals on **Wednesday, December 10, 2025**, at 5:00 p.m. **and will be held in Room 416 of San Francisco City Hall, 1 Dr. Carlton B. Goodlett Place. The parties may also attend via the Zoom video platform.**

The **response** to the written request for rehearing must be submitted by the opposing party and respondent department **on or before 4:30 p.m. on December 4, 2025** and must not exceed six (6) double-spaced pages in length, with unlimited exhibits. The brief shall be double-spaced with a minimum 12-point font size. An electronic copy should be e-mailed to: boardofappeals@sfgov.org; julie.lamarre@sfgov.org; corey.teague@sfgov.org and tdelorio@teamsters665.org

You or your representative **MUST** be present at the hearing. It is the general practice of the Board that only up to three minutes of testimony from each side will be allowed. Except in extraordinary cases, and to prevent manifest injustice, the Board may grant a Rehearing Request only upon a showing that new or different material facts or circumstances have arisen, where such facts or circumstances, if known at the time, could have affected the outcome of the original hearing.

Based on the evidence and testimony submitted, the Board will make a decision to either grant or deny your request. Given that there is a vacancy, three votes are necessary to grant a rehearing. If your request is denied, a rehearing will not be scheduled and the decision of the Board will become final. If your request is granted, a rehearing will be scheduled, the original decision of the Board will be set aside, and after the rehearing, a second decision will be made. Only one request for rehearing and one rehearing are permitted under the Rules of the Board.

Requestor or Agent:

Signature: Tony Delorio, agent for Appellant

Print Name: Submitted by email

November 26, 2025

Board of Appeals:

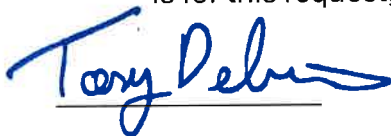
I am writing to request a rehearing of Appeal No. 25-036 at 1942 & 1960 Folsom Street concerning a Letter of Determination (Record No. 2025-005253ZAD) issued on August 19, 2025 by the Planning Department's Zoning Administrator (ZA) that concluded that outdoor flying of autonomous aerial delivery systems ("drones") is a Laboratory Use under the San Francisco Planning Code. Appeal No. 25-036 was heard at the Board of Appeals on November 19, 2025 and a bare quorum of the Board of Appeals denied our appeal. This request for rehearing is based on two additional facts and circumstances which known at the time could have affected the outcome of the November 19, 2025 hearing:

1. While the Board of Appeals typically has five (5) members, due to Board vacancy the Board of Appeals currently has only four (4) members. Additionally, there was one (1) Board of Appeal member absent at the appeal hearing on November 19, 2025. This resulted in several cancelled agenda items due to a Board of Appeal member absence and another Board of Appeal member conflict. For Appeal No. 25-036, only three (3) members were present when the matter was heard on November 19, 2025. While the three (3) members voted against the appeal, due to the novel nature of the question presented we believe it is a manifest injustice that this matter was not heard in front of a fully seated Board of Appeals with five (5) members. In fact, had we known of the absence of the member at the Board of Appeals hearing on November 19, 2025, we would have requested a continuance of the matter.

2. At the hearing of November 19, 2025 there was considerable testimony about the exact nature of the alleged “Laboratory” use, yet neither the ZA nor the Board of Appeals members ever elicited from the Applicant the precise percentage of the proposed use that will be held outside of the existing facility: Specifically, how much of the alleged “Laboratory” use simply is the flying of drones above the property? As a result, this line of testimony and questioning by Board of Appeals members failed to demonstrate that the described activity is a “Laboratory” use. For example, if 90% of the activity is the actual flying of drones over the property would that still be a “Laboratory” use? The Applicant conceded in its brief (Page 6) that the PDR-1-G does place some limit on the amount of outdoor “testing” and stated that “...the second-most permissive zone, PDR-1-G, allows for activities between these ends of the continuum. The ZA has discretion to determine that intermittent and limited duration outdoor testing falls within this range.” Yet, at the November 19, 2025 Board hearing, neither the Applicant nor the ZA would go on record about how much outdoor drone flying is allowed for the use to remain considered a “Laboratory” use and how much outdoor drone flying (as a percentage of overall use) would place the activity not within the “Laboratory” definition. Logically, if there is a limit on the amount of outdoor “testing” for a use to remain permitted under the Planning Code definition of “Laboratory” use within the PDR-1-G, then the ZA must articulate what that limit is. What if the Applicant just simply flies drones outside as 100% of the use? The failure to include a limit on outdoor testing sets a precedent and one can imagine that if a company was proposing to test a novel trash removal system by testing out its

equipment through burning trash in the 1960 Folsom parking lot as 100% of the proposed “Laboratory” use, the ZA might have a different interpretation of how much outdoor activity is allowed. This example demonstrates that there must be a limit on outdoor activity and because the Applicant, the Board of Appeals and the ZA never explored this question or established this limit, as far as we know the Applicant can use the 1960 Folsom property for 100% flying of drones outdoors and still be considered a “Laboratory” use. This cannot be so.

We respectfully request a rehearing of this matter. Please let me know what the fee is for this request, and I will ensure it is paid promptly.

A handwritten signature in blue ink, reading "Tony Delorio", with a horizontal line underneath the name.

Mr. Tony Delorio

San Francisco, CA

BRIEF SUBMIT BY THE DETERMINATION HOLDER

December 8, 2025

Via E-Mail: boardofappeals@sfgov.org

President John Trasviña
San Francisco Board of Appeals
49 South Van Ness Ave., Suite 1475
San Francisco, CA 94103

Re: Opposition to Rehearing Request – Appeal No. 25-036, Teamsters Local 665 vs. ZA

Dear President Trasviña and Board Members:

On behalf of DD Holdings A, LLC, a subsidiary of DoorDash Labs (“DoorDash Labs”), we respectfully submit this brief in opposition to the rehearing request filed by Teamsters Local 665 (“Appellant”) in Appeal No. 25-036. The Board properly denied the appeal on November 19, 2025, concerning a Zoning Administrator (“ZA”) Letter of Determination for the property at 1942-1960 Folsom Street, and the request for rehearing does not come close to meeting the strict standards set forth in the Rules of the Board of Appeals (“Board Rules”).

The Appellant does not identify any “new or different material facts or circumstances” that were not known at the time of the original hearing and that could have affected the outcome, nor does the Appellant explain why the issues it now raises were not addressed earlier. Instead, the Appellant attempts to repackage arguments already made – and rejected – by the Board, and to introduce other arguments it had every opportunity to raise at the first hearing.

I. LEGAL STANDARD FOR REHEARING

The Board Rules provide the applicable standard for granting a rehearing:

(b) Except in extraordinary cases, and to prevent manifest injustice, the Board may grant a Rehearing Request only upon a showing that new or different material facts or circumstances have arisen, where such facts or circumstances, if known at the time, could have affected the outcome of the original hearing. The written request shall state:

(i) the nature and character of the new facts or circumstances;

(ii) the names of the witnesses and/or a description of the documents to be produced; and

(iii) why the evidence was not produced at the original hearing.

(c) Failure to exercise due diligence to produce the new facts and circumstances at the previous hearing shall be deemed grounds for denial of the request.

(Article V, Section 9, emphasis added). The Appellant's submission fails each of these requirements.

II. DISCUSSION

A. Appellant's Assertion About the Number of Board Members Present Is Not a New Fact and Would Not Have Changed the Outcome

1. The presence of three members was known at the time, and Appellant had the opportunity to request a continuance

The Appellant's first asserted "new" circumstance is that the appeal was heard by only three of the four current members of the Board, and that it should have been heard by a full Board of five members. This is categorically not a new fact or circumstance.

The fact that only three Board members were in attendance was plainly announced by Board staff at the outset of the November 19 hearing. The number of Board members seated at the dais was also visually obvious to all participants, including the Appellant, when the President

opened the matter. If the Appellant believed that a hearing by a quorum of three was prejudicial, it could have requested a continuance immediately, as stated in Article V, Section 7(a) of the Board Rules: “At the time of hearing, upon the request of any party, the Board may grant rescheduling requests or continuances for good cause shown.”

The Appellant now states that had it “known of the absence of the [fourth current] member” at the hearing, it “would have requested a continuance.” But the Appellant did have this knowledge at the hearing, and did not request a continuance. Failure to pursue an available procedure is not a new fact.

2. Even if a fourth (or fifth) member had been present, the outcome would be the same

Moreover, a continuance would not have been warranted under the circumstances and would not have changed the outcome of the matter. To grant the Appellant’s appeal, three out of four current Board members would have needed to vote in its favor. Yet All three Board members present voted to deny the appeal and uphold the LOD. Even if the absent member – and a yet-to-be-appointed fifth member – had appeared and voted in favor of the Appellant, the vote would have resulted in denial.

Article V, Section 7(a) of the Board Rules explicitly states that the Board “generally will not reschedule a matter based solely on the fact that less than five members are present at the hearing,” and will continue deliberations only if an absent member’s vote could alter the decision. That was not the case here.

The Appellant cites no provision of the Charter, Planning Code, or Board Rules requiring a full five-member Board to hear an appeal. Its interpretation would effectively prevent the Board from adjudicating matters whenever a seat is vacant, as has been the case for the Board since August 20, 2025. This is inconsistent with the City’s governing framework, unreasonable

(especially when the timeline for appointment of a fifth member is unknown), and would unfairly deny timely resolution for the determination holder.

B. Appellant’s Arguments Regarding Outdoor Testing Are Not New and Were Fully Addressed at the Hearing

1. Appellant itself raised concerns about the extent of outdoor activity

Next, the Appellant argues that the hearing did not identify the “precise percentage” of the applicant’s proposed use that would occur outdoors. Yet the Appellant’s concern about the extent of outdoor operations was not only known at the time of the hearing – it was central to Appellant’s presentation. The Appellant’s representative stated that:

the proposed use is at the very essence an outdoor flying activity to develop a food delivery system by small AV aircraft. This is the heart of the proposed use here, and that activity is entirely outdoors. ... The Zoning Administrator and the LOD requester both gloss over the fact that the primary purpose of the use and the majority of the activity of the proposed use is flying drones to simulate delivery of food entirely outdoors.”

(November 19, 2025 hearing video,¹ starting at 12:03, emphasis added.)

The question here is not whether these characterizations of the proposed use are accurate (although they are not), it is whether they were already presented to the Board. Clearly they were presented to the Board, and are not new facts or circumstances that were unknown at the time of the hearing.

2. The Board discussed the nature and extent of outdoor testing

For nearly half an hour at the appeal hearing, the Board and ZA extensively discussed the LOD request, the applicant’s description of limited outdoor testing, and hypothetical scenarios

¹ Video available at https://sanfrancisco.granicus.com/player/clip/51196?view_id=6&redirect=true.

raised by the Appellant. (See generally hearing video, starting at 26:25, continuing until approximately 54:00). The ZA explained thoroughly that the LOD was an interpretation of how the Planning Code applies to the potential use proposed by the applicant. Specifically, would the type of activity described in the LOD request be considered Laboratory use, and would it be permitted in this location?

Here, the applicant described limited and intermittent drone use that would occur in conjunction with the primarily indoor laboratory use. But the ZA also addressed the hypothetical posed by the Appellant (“What if the Applicant just simply flies drones outside as 100% of the use?”). The ZA stated: “Even if this proposal was purely outdoor, there’s nothing in the Planning Code to prohibit that ... [I]n terms of just what the Planning Code allows or prohibits ... that wouldn’t change the answer that it’s a laboratory use and it’s ... principally permitted at this site.” (See hearing video starting at 48:06).

3. Appellant could have pursued this line of questioning at the hearing

To the extent that the Appellant is dissatisfied about how specific questions were framed at the hearing, the Appellant had full opportunity to brief the issue in advance, submit evidence, or ask for clarifications. Article V, Section 9(b)(iii) of the Board Rules requires the rehearing request to include an explanation of why the “new” evidence was not produced at the original hearing. The Appellant provides none. Under Article V, Section 9(c), this failure alone requires denial.

Nothing about the use proposed in the LOD request, or the ZA’s interpretation of that use, has changed. The Appellant merely wishes the discussion at the hearing resulted in a different outcome, which is not a basis for rehearing.

III. CONCLUSION

The Appellant has not met its burden to identify any new information, let alone material new information, that was unknown at the time of the hearing and that could have affected the outcome of the appeal. We respectfully request that the Board deny the request for rehearing.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Megan Jennings', with a stylized flourish at the end.

Megan Jennings

cc: Julie Lamarre, Executive Director, Board of Appeals (julie.lamarre@sfgov.org)
Corey Teague, Zoning Administrator (corey.teague@sfgov.org)
Natalia Fossi, Deputy Zoning Administrator (natalia.fossi@sfgov.org)
Tony Delorio, Teamsters Local 665, Appellant (tdelorio@teamsters665.org)

BRIEF(S) SUBMITTED BY RESPONDENT DEPARTMENT(S)



BOARD OF APPEALS REHEARING REQUEST BRIEF

HEARING DATE: January 28, 2026

December 8, 2025

Appeal Nos.: 25-036
Project Address: 1942-1960 Folsom Street
Subject: Letter of Determination - 2025-005253ZAD
Zoning/Height: RH-2 / 40-X
Staff Contact: Corey Teague, Zoning Administrator – (628) 652-7328
corey.teague@sfgov.org

Per Section 9(b) and (c) of the Board of Appeals' adopted Rules, the standard of review for a Rehearing Request is that "except in extraordinary cases, and to prevent manifest injustice, the Board may grant a Rehearing Request only upon a showing that new or different material facts or circumstances have arisen, where such facts or circumstances, if known at the time, could have affected the outcome of the original hearing." The "failure to exercise due diligence to produce the new facts and circumstances at the previous hearing shall be deemed grounds for denial of the request."

The Appellant's rehearing request does not meet this purposefully high bar to justify a rehearing. They state that a rehearing request should be granted due to the fact that the Board only had a minimum quorum of three commissioners when the original appeal was denied. However, such circumstance does not meet the standard of review. Additionally, the Appellant made no request during the hearing to continue the case due to there only being three commissioners present.

The Appellant also states that neither the Zoning Administrator nor the Board asked the Determination Holder for more details about their planned operations. However, there were numerous questions from the Board to the Determination Holder about their planned operations, and questions to the Zoning Administrator regarding what type of outdoor operations would be permitted by the Planning Code for a Laboratory use. More specifically, there was ample discussion regarding the fact that the Laboratory definition is broad, it accommodates many different types of Laboratory operations, and there are no specific controls regarding the unenclosed operations of a Laboratory use.

Additionally, the Appellant had the opportunity to raise any issues they thought relevant within a written brief or in their oral presentation. However, they did not provide a brief for the hearing and did not raise these additional operational questions at the hearing. Concerns regarding proposed operations of such a Laboratory use can be raised through the actual development review process.

To conclude, the Board purposefully sets a high bar to justify a rehearing of an appeal that was already fully heard and decided. The Appellants did not demonstrate they met such burden for this request. Therefore, the Department respectfully requests that the Board deny the rehearing request.

cc: Tony Delorio (Agent for Appellant)
Megan Jennings (Attorney for Determination Holder)
Joe Ospitale (Department of Building Inspection)

DOCUMENTS SUBMITTED FOR THE NOVEMBER 19, 2025
HEARING

BOARD OF APPEALS, CITY & COUNTY OF SAN FRANCISCO

Appeal of
TEAMSTERS LOCAL 665,)
Appellant(s))
vs.)
ZONING ADMINISTRATOR,)
Respondent)

Appeal No. **25-036**

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN THAT on September 18, 2025, the above named appellant(s) filed an appeal with the Board of Appeals of the City and County of San Francisco from the decision or order of the above named department(s), commission, or officer.

The substance or effect of the decision or order appealed from is the ISSUANCE on August 19, 2025 to DD Holdings A, LLC, of a Letter of Determination (The request seeks determinations by the Zoning Administrator (ZA) on: (1) the proposed land use of the existing warehouse building (the proposed business would use the existing warehouse to create, test, and refine an autonomous delivery system including assembling and maintenance of drones, and drone technology; accessory office space and break rooms would also be located within the existing warehouse for employees), and (2) a determination of Laboratory Use's inclusion of outdoor testing of autonomous aerial delivery systems (drone testing would be conducted on the outside off-street parking lot between the hours of 9 a.m. and 6:00 p.m.) The ZA determined that the proposed land use is a Laboratory Use as defined in Planning Code Section 102 and that Laboratory Use is principally permitted at the subject location) at 1942 & 1960 Folsom Street.

APPLICATION NO. Record No. 2025-005253ZAD

FOR HEARING ON November 19, 2025

Address of Appellant(s):

Address of Other Parties:

Teamsters Local 665, Appellant(s)
c/o Tony Delorio, Agent for Appellant(s)
150 Executive Park Boulevard
San Francisco, CA 94134

DD Holdings A, LLC, Determination Holder(s)
c/o Megan Jennings, Attorney for Determination
Holder(s)
Coblentz Patch Duffy & Bass LLP
1 Montgomery Street, Suite 3000
San Francisco, CA 94104



Date Filed: September 18, 2025

**CITY & COUNTY OF SAN FRANCISCO
BOARD OF APPEALS**

PRELIMINARY STATEMENT FOR APPEAL NO. 25-036

I / We, **Teamsters Local 665**, hereby appeal the following departmental action: **ISSUANCE** of **Letter of Determination Record No. 2025-005253ZAD** by the **Zoning Administrator** which was issued or became effective on: **August 19, 2025**, to: **DD Holdings A, LLC**, for the property located at: **1942 & 1960 Folsom Street**.

BRIEFING SCHEDULE:

Appellant's Brief is due on or before: 4:30 p.m. on **October 16, 2025**, (no later than three Thursdays prior to the hearing date). The brief may be up to 12 pages in length with unlimited exhibits. It shall be double-spaced with a minimum 12-point font. An electronic copy shall be emailed to: boardofappeals@sfgov.org, julie.lamarre@sfgov.org, corey.teague@sfgov.org, Natalia.fossi@sfgov.org, and mjennings@coblentzlaw.com

Respondent's and Other Parties' Briefs are due on or before: 4:30 p.m. on **October 30, 2025**, (no later than one Thursday prior to hearing date). The brief may be up to 12 pages in length with unlimited exhibits. It shall be doubled-spaced with a minimum 12-point font. An electronic copy shall be emailed to: boardofappeals@sfgov.org, julie.lamarre@sfgov.org, corey.teague@sfgov.org, Natalia.fossi@sfgov.org, and tdelorio@teamsters665.org

Hard copies of the briefs do NOT need to be submitted to the Board Office or to the other parties.

Hearing Date: **Wednesday, November 5, 2025, 5:00 p.m., Room 416 San Francisco City Hall, 1 Dr. Carlton B. Goodlett Place**. The parties may also attend remotely via Zoom. Information for access to the hearing will be provided before the hearing date.

All parties to this appeal must adhere to the briefing schedule above, however if the hearing date is changed, the briefing schedule MAY also be changed. Written notice will be provided of any changes to the briefing schedule.

In order to have their documents sent to the Board members prior to hearing, **members of the public** should email all documents of support/opposition no later than one Thursday prior to hearing date by 4:30 p.m. to boardofappeals@sfgov.org. Please note that names and contact information included in submittals from members of the public will become part of the public record. Submittals from members of the public may be made anonymously.

Please note that in addition to the parties' briefs, any materials that the Board receives relevant to this appeal, including letters of support/opposition from members of the public, are distributed to Board members prior to hearing. All such materials are available for inspection on the Board's website at www.sfgov.org/boa. You may also request a hard copy of the hearing materials that are provided to Board members at a cost of 10 cents per page, per S.F. Admin. Code Ch. 67.28.

The reasons for this appeal are as follows:

See attachment to the Preliminary Statement of Appeal.

Appellant or Agent:

Signature: Via Email

Print Name: Tony Delorio, agent for appellant

September 18, 2025

Board of Appeals:

I am writing to request an appeal of a Letter of Determination (Record No. 2025-005253ZAD) issued on August 19, 2025 by the Planning Department's Zoning Administrator (ZA) for a property located at 1960 Folsom Street. The ZA concluded that outdoor flying of autonomous aerial delivery systems ("drones") is a Laboratory Use under the San Francisco Planning Code. This determination was in error, and the basis of this appeal is as follows:

1. The described use of conducting outdoor flying of drones does not fall within any of the described activities within the definition of Laboratory Use under Section 102 of the Planning Code.
2. The stated purpose for flying drones is to support an entirely different set of uses, including Parcel Delivery or Retail Sales and Service uses.

We respectfully request that you schedule this Letter of Determination for appeal. Please let me know what the fee is for this appeal, and I will ensure it is paid promptly.



Mr. Tony Delorio

San Francisco, CA



LETTER OF DETERMINATION

August 19, 2025

Megan Jennings
Coblentz Patch Duffy & Bass LLP
One Montgomery Street, Suite 3000
San Francisco, CA 94104-5500

Record No.: 2025-005253ZAD
Site Address: 1942 & 1960 Folsom Street
Assessor's Block/Lot: 3552 / 009 & 046
Zoning District: PDR-1-G (Production, Distribution, and Repair, General)
Mission Alcohol Restrict Special Use District
Priority Equity Geographies Special Use District
Staff Contact: Gabriela Pantoja, Senior Planner, Gabriela.Pantoja@sfgov.org

Dear Megan Jennings:

This letter is in response to your request for a Letter of Determination regarding the property at 1942 Folsom Street, Block 3552, Lot 009 and 1960 Folsom Street, Block 3552, Lot 046, located within the PDR-1 Zoning District. The request seeks determinations on the proposed land use of the existing warehouse building and a determination of Laboratory Use's inclusion of outdoor testing of autonomous delivery technologies and, specifically, autonomous aerial delivery systems at the subject properties.

As noted in your letter, the proposed business at the subject properties would use the existing warehouse to create, test, and refine an autonomous delivery system including assembling and maintenance of drones and drone technology. Accessory office space and break rooms would also be located within the existing warehouse for employees. Outside, within the existing surface off-street parking area, drone testing would be conducted between the hours of 9AM and 6PM in accordance with Federal Aviation Administration (FAA) regulations. A number of the existing 39 off-street parking spaces would be removed for the designated drone testing location.

Planning Code Section 102 defines Laboratory as follows:

Laboratory. *A Non-Retail Sales and Services Use 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, Light Manufacturing, or Heavy Manufacturing. 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; and*
- i) Cannabis testing facility (any use requiring License Type 8—Testing Laboratory, as defined in California Business and Professions Code, Division 10)*

Pursuant to Planning Code Section 210.3, a Laboratory use is principally permitted.

Determination

Based on the information provided in your letter, **the proposed land use is a Laboratory use** as defined in Planning Code Section 102. As described, the proposed land use will focus on the research and development of drones and drone technology for a prototype drone delivery system. Drone testing conducted outdoors would be included within the Laboratory Use and subject to all applicable local, state, and federal regulations relative to outdoor drone activity. While a Laboratory Use is principally permitted at the subject location, any application filed with the Planning Department to establish such use will be subject to any other applicable Planning Code provisions, such as impact fees, as well as any applicable guidelines and policies.

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.

Megan Jennings
Coblentz Patch Duffy & Bass LLP
One Montgomery Street, Suite 3000
San Francisco, CA 94104-5500

August 19, 2025
Letter of Determination
2025-005253ZAD

APPEAL: An appeal may be filed with the Board of Appeals within 30 days of the date of this letter if you believe this determination represents an error in interpretation of the Planning Code or abuse in discretion by the Zoning Administrator. Please contact the Board of Appeals in person at 49 South Van Ness Ave, Suite 1475, call (628) 652-1150, or visit www.sfgov.org/bdappeal.

Sincerely,



Corey A. Teague, AICP
Zoning Administrator

cc: Neighborhood Groups
Gabriela Pantoja, Senior Planner

APPELLANT(S) DID NOT SUBMIT A BRIEF

BRIEF SUBMITTED BY THE DETERMINATION HOLDER

November 13, 2025

Via E-Mail: boardofappeals@sfgov.org

President John Trasviña
San Francisco Board of Appeals
49 South Van Ness Ave., Suite 1475
San Francisco, CA 94103

Re: Brief of Determination Holder – Appeal No. 25-036, Teamsters Local 665 vs. ZA

Dear President Trasviña and Commissioners:

On behalf of DD Holdings A, LLC (referred to herein as “DoorDash Labs”), a subsidiary of DoorDash, Inc., we respectfully request that the Board of Appeals deny the appeal filed by Teamsters Local 665 (“Appellant”) concerning a Letter of Determination for the property at 1942-1960 Folsom Street (Block/Lot 3352/046 and 3552/009; the “Property”).

I. EXECUTIVE SUMMARY

The Board is being asked to decide a narrow issue: whether the Zoning Administrator (“ZA”) erred in determining that the PDR-1-G zoning district allows for limited research and development activities to be conducted outdoors. The Appellant declined to submit a brief to explain the basis for its appeal, so we are left to respond to cursory and unsupported assertions in the Appellant’s preliminary statement. In any case, the ZA’s duties squarely encompass the type of Planning Code interpretation the Appellant is challenging. The ZA’s determination is supported by the text of the Planning Code and precedent. The Appellant has not demonstrated, and cannot demonstrate, a basis for overturning this determination. The appeal must be denied.

II. STATEMENT OF FACTS

A. The Property and Proposed Use

DoorDash Inc., founded and headquartered in San Francisco, is one of the world's leading e-commerce platforms connecting customers with local restaurants, grocery stores, and retailers. One of the company's goals is to develop technology to make last-mile delivery systems more efficient for merchants, consumers, and the people engaged in deliveries (known as Dashers). This includes development of an Autonomous Delivery Platform that leverages purpose-built robots and drones to help merchants meet rising demand while improving speed and accuracy of delivery. Autonomous delivery technology also has positive impacts for the broader community, helping to ease traffic congestion and related vehicle emissions.

In the spring of 2025, DoorDash Labs identified the Property as a promising location for a new research and development (R&D) facility for electronics and robotics. The Property is developed with an approximately 34,325 square foot warehouse building, used most recently as an R&D space for a construction robotics company focused on drywall installation. It includes a gated outdoor area of approximately 18,375 square feet, used for vehicle parking. See Exhibit A.

B. Applicable Zoning Controls Allow for R&D Activities

The Property is located in the Production, Distribution, and Repair – General (PDR-1-G) zoning district, which is intended to “retain and encourage existing production, distribution, and repair [“PDR”] activities and promote new business formation.” (Planning Code sec. 210.3¹). Under the Zoning Control Table of Section 210.3, PDR-1-G principally permits a variety of non-residential uses, including Laboratory, Light Manufacturing, and a range of Automotive uses. A

¹ All code citations are to the San Francisco Planning Code unless otherwise noted.

number of uses that are conducted primarily or partially outdoors are also principally permitted in PDR-1-G (subject to certain locational requirements), such as Storage Yards, Truck Terminals, Community Recycling Centers, Outdoor Entertainment, and certain Agricultural and Automotive uses, as well as Open Air Sales and Outdoor Activity Areas associated with permitted Commercial uses.

C. Proposed Autonomous Delivery System Research and Development

DoorDash Labs intends to use the Property in a manner consistent with the PDR-1-G zoning as well as the prior tenant's R&D functions. Accordingly, the building will be used in part as a design and production studio to create prototype systems for autonomous delivery technology, including infrastructure and drone technology. The building would be occupied with areas for research, testing, assembly, and maintenance related to developing autonomous delivery systems, as well as accessory office space and an employee break room.

As a part of its use, DoorDash Labs intends to conduct limited, intermittent outdoor testing of aerial delivery systems in the gated, outdoor part of the Property during normal business hours. Outdoor test flights will support the R&D program by allowing prototype components to be tested in real time at greater heights and in more varied environmental conditions than indoor testing permits. All outdoor drone testing activities would be conducted in compliance with Federal Aviation Administration regulations, including keeping all test flights within the operator's visual line of sight. Test flights are expected to reach heights of up to approximately 150 feet above ground. No more than two drones would be operated at the same time, and no individual flight would exceed 30 minutes in duration.

DoorDash Labs' investment in autonomous delivery systems R&D at the Property would bring high-quality engineering and technical jobs to the Mission District. This project reflects a

broader commitment to reinvesting in San Francisco’s innovation economy and creating pathways for local employment in emerging technologies. At scale, approximately 200 individuals are anticipated to be employed at the site.

D. Letter of Determination Requested to Confirm Laboratory Use and Acceptable Outdoor Activities

To proactively confirm that the proposed use would be consistent with Planning Code requirements, DoorDash Labs submitted a request to the ZA on June 11, 2025, requesting a determination that (1) the proposed use constitutes a “Laboratory” use under the Planning Code,² and (2) the Laboratory use classification allows for certain outdoor testing of autonomous technologies including aerial delivery systems in this location. This request letter is included as Exhibit B.

The ZA issued a Letter of Determination on August 19, 2025 (Record No. 2025-005253ZAD) confirming that “the proposed land use is a Laboratory use” as defined in the Planning Code, and that “[d]rone testing conducted outdoors would be included within the Laboratory Use and subject to all applicable local, state, and federal regulations relative to outdoor drone activity.” The Letter of Determination is included as Exhibit C.

On September 18, 2025, the Appellant filed the present appeal, with a preliminary statement claiming that:

1. *The described use of conducting outdoor flying of drones does not fall within any of the described activities within the definition of Laboratory Use under Section 102 of the Planning Code.*

² The Planning Code defines “Laboratory” as a Non-Retail Sales and Service use suitable for scientific research (section 102). The definition lists several examples, which include “Engineering laboratory” and “Development laboratory.” As described below, a number of past ZA Letters of Determination have concluded that development and testing of robotics and autonomous technology constitute Laboratory use.

2. *The stated purpose for flying drones is to support an entirely different set of uses, including Parcel Delivery or Retail Sales and Service uses.*

The Appellant did not file a brief to support these claims by the October 30, 2025 deadline.

III. DISCUSSION

A. The Appellant Has Failed to Identify Any Error or Abuse of Discretion

The ZA's determination can be overturned *only* if there has been an error or an abuse of discretion. (San Francisco Charter sec. 4.106; Planning Code sec. 308.2(e)). It is not enough to show that another interpretation is possible (although the Appellant has not done so here) – the party challenging a Letter of Determination must specifically demonstrate that the ZA's interpretation cannot be supported. As described below, the Appellant does not come close to meeting this high bar.

B. The ZA's Determination Is Fully Supported in the Planning Code

The Appellant provides no reasoning or precedent to support its claim that Laboratory use precludes outdoor testing activities, only a bare assertion that the definition of Laboratory use does not describe “outdoor flying of drones.” The fact that the Laboratory definition does not explicitly list this activity only illustrates the obvious: that the Planning Code sometimes requires interpretation. This kind of Code interpretation falls squarely within the purview of the ZA, and the ZA's ability to issue interpretations is the exact reason that DoorDash Labs sought a Letter of Determination. (“The Zoning Administrator shall, consistent with the expressed standards, purposes and intent of this Code and pursuant to its objectives, issue and adopt such rules, regulations and interpretations as are in the Zoning Administrator's opinion necessary to administer and enforce the provisions of this Code.” Sec. 307(a)).

The Appellant seems to take the position that the mere issuance of an interpretation is evidence of an error, rather than a core power and duty of the ZA, which was properly executed here.

1. Limited Outdoor Testing Is Consistent with the PDR-1-G Framework

PDR-1-G is one of four PDR zones in the City, which allow for a range of intensity in PDR uses. Comparing what each of these districts' descriptions says about permissible *outdoor* activities, in least intensive to most intensive order:

- **PDR-1-B (Light Industrial Buffer):** uses “are *generally conducted completely within enclosed structures.*”
- **PDR-1-D (Design):** other than heavy industrial uses, “[g]enerally, all other uses are permitted.” The description does not expressly refer to outdoor activities.
- **PDR-1-G (General):** “allows for *more intensive [PDR] activities than PDR-1-B and PDR-1-D but less intensive than PDR-2.*” This description also does not expressly refer to outdoor activities.
- **PDR-2 (Core Production, Distribution, and Repair):** allows light industrial uses that “may be conducted entirely within an enclosed structure, partly within enclosed structures, or *some functions may occur entirely in open areas.*”

Sec. 210.3 (emphasis added). To summarize, the most restrictive zone provides that uses are “generally” conducted indoors (though even this description appears to allow for some exceptions), while the most permissive zone expressly allows permitted uses to occur partly or entirely outdoors. The second-most permissive zone, PDR-1-G, allows for activities between these ends of the continuum. The ZA has discretion to determine that intermittent and limited duration outdoor testing falls within this range.

To meet its burden here, the Appellant would need to demonstrate that the Planning Code *prohibits* limited outdoor Laboratory activities in the PDR-1-G district. It cannot do so, based on the plain text of the Planning Code.

2. Outdoor Drone Testing Is Analogous to Other Permitted Outdoor Uses

In addition to the general framework described above, PDR-1-G expressly permits other non-residential uses that may occur partly or entirely outdoors. To the extent that concerns about outdoor operations relate to potential noise impacts on surrounding land uses, it is reasonable to assume that each of these permitted uses generates at least occasional noise outdoors that could be comparable to intermittent drone testing. The Planning Code treats several of these limited outdoor functions as entirely compatible with the PDR-1-G district. For example, this zone allows for:

- Community Recycling Facilities that collect and handle glass bottles and aluminum cans.
- Outdoor Activity Areas where outdoor spaces are used for eating, drinking, dancing, and food service.
- Neighborhood Agriculture, which may include use of mechanized farm equipment where not conducted in a Residential District.
- Motor Vehicle Tow Service, involving heavy tow trucks coming and going from a storage lot.

These examples serve to further demonstrate support for the ZA's determination that outdoor drone testing would occur at a level of intensity that is consistent with the land use controls for PDR-1-G.

3. The City Has Chosen Not to Restrict Laboratory Activities to Enclosed Buildings

Many uses in the City, or in specific zoning districts or geographic locations, are required to be located entirely within an enclosed building. However, none of these provisions restrict Laboratory use at the Property to occur exclusively indoors.

- Certain activities must be conducted entirely within an enclosed building *in all locations* per the use definitions in section 102, including General Entertainment; Non-Auto Vehicle Sales or Rental; and Commercial, Self, or Wholesale Storage; see also restrictions on cannabis Industrial Agriculture in section 202.2. By contrast, the Laboratory definition does not include this limitation.
- Other uses must be located entirely indoors if they are located *within a certain radius of an R district*, under section 102 or 202.2. These uses include Automotive Wash; Automotive Repair; Heavy Manufacturing 1, 2, and 3; Metal Working; Agricultural and Beverage Processing 1 and 2, as well as other industrial and PDR uses. There are no such controls for Laboratory or other Non-Retail Sales and Service Uses.
- Some uses must be located indoors *within a specific zoning district*. For example, section 210.3 provides that Automotive Sale/Rental must be conducted in an enclosed building in the PDR-1-D district. There are no such controls for any specific use in the PDR-1-G district.

Excerpts from each of the cited Planning Code sections are included in Exhibit D.

Where the City intends to prohibit outdoor operations, it does so expressly – whether by defining a use as one that must always occur within an enclosed building or by restricting outdoor operations in certain locations. The Planning Code imposes no such restriction on

Laboratory uses in the PDR-1-G district. The absence of that limitation confirms that the ZA acted within his discretion in interpreting the Code to allow limited outdoor activities under the Laboratory use category.

C. The Proposed Use Is Not Parcel Delivery Service or Retail Sales and Service

Regarding the Appellant's second claim, that the proposed drone testing activity is in support of an entirely different Parcel Delivery or Retail use, this is both untrue and irrelevant to the ZA's Letter of Determination. The Appellant fails to distinguish between R&D for a given technology and commercial application of that technology. For example, an Engineering Laboratory for automobiles is a distinct land use from Automobile Sale or Rental, or Automotive Repair; a Chemistry Laboratory for pharmaceuticals is distinct from a Pharmacy or Health Service use. The question posed to the ZA was whether the described activities fell within Laboratory use, and it is not relevant whether entirely *different* activities would fall within a different use category. Additionally, DoorDash Labs is aware of the various land use and regulatory controls that would apply to any commercial application of the technology it is now testing, and will comply with all applicable legal requirements, but none of those requirements are relevant to the ZA's function of interpreting the Planning Code definition of Laboratory use.

1. Precedent Supports the ZA's Determination of Laboratory Use

The ZA has issued a number of Letters of Determination over the past several years that cover similar ground, confirming that development and testing of specific robotics/autonomous vehicle technologies fall within the Laboratory use. In determinations for GM Cruise, NextEV NIO, Samsara, Embark, and Aether Biomachines, the ZA has recognized that R&D for emerging technologies – including autonomous and robotic systems – fits squarely within the Laboratory use classification. These precedent Letters of Determination are included in Exhibit E.

All of these examples share a common feature with DoorDash Labs. In each case, the ZA was asked to determine whether R&D for a specific technology constituted Laboratory use, despite that technology not being expressly listed in the Planning Code. And in each case, the ZA confirmed that the R&D functions were indeed a Laboratory use. The ZA's interpretation of Laboratory use has been consistent and well-founded across a range of technologies, and the determination of DoorDash Labs' proposed use is consistent with these precedents.

IV. CONCLUSION

PDR-zoned areas serve as vital space for emerging and evolving industries – uses that may not have existed when the Planning Code was adopted and that cannot realistically operate in traditional office or neighborhood commercial settings. DoorDash Labs' R&D is precisely the type of emerging and evolving use that the PDR zones contemplate. The Appellant has not met its burden to show that the ZA's routine interpretation about outdoor activities was in error. For these reasons, and consistent with the Planning Code's intent to foster innovation and maintain productive PDR activity in the Mission District, the Board should affirm the Zoning Administrator's Letter of Determination and deny the appeal.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Megan Jennings', with a stylized flourish at the end.

Megan Jennings
Counsel for Determination Holder

cc: Julie Lamarre, Executive Director, Board of Appeals (julie.lamarre@sfgov.org)
Corey Teague, Zoning Administrator (corey.teague@sfgov.org)
Natalia Fossi, Deputy Zoning Administrator (natalia.fossi@sfgov.org)
Tony Delorio, Teamsters Local 665, Appellant (tdelorio@teamsters665.org)

EXHIBIT LIST

<u>Exhibit A</u>	Views of the Property
<u>Exhibit B</u>	Request for ZA Letter of Determination
<u>Exhibit C</u>	ZA Letter of Determination
<u>Exhibit D</u>	Planning Code Excerpts
<u>Exhibit E</u>	Precedent ZA Letters of Determination – Laboratory Uses

Exhibit A – Views of the Property



San Francisco Board of Appeals
November 13, 2025

Exhibit B – Request for ZA Letter of Determination

[Attached]

Megan Jennings
D (415) 772-5763
mjennings@coblenzlaw.com

June 11, 2025

Submitted via Public Portal

Corey Teague
Office of the Zoning Administrator
49 South Van Ness Avenue, Suite 1400
San Francisco, CA 94103

Re: 1960 Folsom St. – Request for Letter of Determination

Dear Mr. Teague:

We are submitting this letter on behalf of our client, a subsidiary of a leading technology company focused on last-mile delivery solutions (the “Operator”), in connection with a proposed lease of an existing warehouse located at 1960 Folsom Street, together with an adjacent gated outdoor parking area (Block/Lot 3552/046 & 009; the “Property”). The Property is proposed for use as a research and development (R&D) space for autonomous delivery technologies (described in greater detail below). While most activities would be conducted indoors in the warehouse space, some testing is planned to occur outdoors in the gated area.

We respectfully request a Zoning Determination to confirm whether, within the Production, Distribution, and Repair – General district (PDR-1-G): (1) the proposed use of the existing warehouse building constitutes a Laboratory use, which would be principally permitted, and (2) the Laboratory use classification allows for certain outdoor testing of autonomous delivery technologies and, specifically, autonomous aerial delivery systems, in this location.

The Property

The Property is improved with a single building, consisting of approximately 34,325 square feet of ground-floor warehouse space and an adjacent 18,375-square-foot gated outdoor area that contains surface parking. The Property is currently occupied by a construction technology company developing robotics for drywall installation. While the Property is zoned PDR-1-G, it is adjacent to properties in the RH-3 and UMU districts.

The Autonomous Delivery R&D Concept

The Operator seeks to establish a new R&D lab for its autonomous delivery technologies team in San Francisco in order to support continued testing and scaling of autonomous aerial delivery systems.

- **Indoor Autonomous Aerial Delivery Design and Development:** The warehouse building will be used as a design and production studio to create prototype autonomous delivery systems, and, specifically, drone technology. The Operator proposes to occupy the entire building, including areas for research, testing, assembly, and maintenance related to developing aerial delivery systems, including infrastructure and drone technology. Additional functions in the building include accessory office space used for computer work and a break room for on-site employees.
- **Limited Aerial Delivery Systems Testing:** To adequately test aerial delivery systems to perform autonomous delivery services, some testing will necessarily occur in the outdoor gated area generally during normal business hours, approximately 9:00 a.m. – 6:00 p.m. Outdoor test flights will facilitate the overall R&D program by allowing real-time testing of prototype components at a height greater than existing ceiling heights, and exposure to a broader range of real-world conditions. The Operator will conduct any outdoor drone testing activities according to Federal Aviation Administration (FAA) regulations. This will include keeping all test flights within the operator's visual line of sight. The test flights outdoors are anticipated to be up to approximately 150 feet above ground. No more than two drones would be operated at the same time, and no individual flight would exceed 30 minutes in duration.

There are currently approximately 39 automobile parking spaces on site; the Operator plans to use a portion of the parking lot in order to accommodate the drone testing area. No parking is required as part of the proposed R&D use, and the site is located in a transit-rich area with the 16th Street/Mission BART station and more than 10 bus lines within a four-block radius.

The Operator's investment in autonomous aerial delivery systems R&D at the Property would bring high-quality engineering and technical jobs to the Mission District, maintaining an active PDR presence in this space. This project reflects a broader commitment to reinvesting in San Francisco's innovation economy and creating pathways for local employment in emerging technologies. At scale, approximately 200 individuals are anticipated to be employed at the site.

Applicable Zoning Controls

The Property is located in the PDR-1-G district and is within the Mission Planning Area. PDR-zoned land represents "an important reservoir of space in San Francisco for new and evolving industry and activity types that cannot be foreseen today and cannot practically function or compete for space in a typical downtown office or neighborhood commercial environment."¹ The PDR-1-G district is intended to "retain and encourage existing [PDR] activities and promote

¹ *Id.*

new business formation,” and it “allows for more intensive [PDR] activities than PDR-1-B and PDR-1-D but less intensive than PDR-2.”²

Under the Zoning Control Table of Section 210.3, PDR-1-G principally permits a variety of non-residential uses, including Laboratories, Light Manufacturing, and a range of Automotive uses. A number of uses that are conducted primarily or partially outdoors are also principally permitted in PDR-1-G (subject to certain locational requirements), such as Storage Yards, Truck Terminals, Community Recycling Centers, Outdoor Entertainment, and certain Agricultural and Automotive uses, as well as Open Air Sales and Outdoor Activity Areas associated with permitted Commercial uses.

Requested Determination

In light of the information provided in this letter, we seek a determination regarding the proposed use classification and whether it is principally permitted at the Property. Specifically:

- (1) Whether the proposed R&D use would be classified as a Laboratory use, and
- (2) Whether limited outdoor activities, such as drone testing, would also be permissible as a Laboratory use in this location.

(1) Classification of R&D Facility as Laboratory Use

We believe that the R&D facility would appropriately be classified as a Laboratory, engineering or development type.

Planning Code Section 102 defines Laboratory as “[a] Non-Retail Sales and Services Use intended or primarily suitable for scientific research” with “specialized facilities and/or built accommodations that distinguish the space from Office uses, Light Manufacturing, or Heavy Manufacturing.” Examples include engineering laboratories, development laboratories, and support laboratories. The Operator would use 1960 Folsom Street as a space for its drone research team to engineer, build, and test drones that would be used for autonomous aerial delivery services in the future. The facility would include accessory office space used for computer work by the engineering team that would not occupy more than one-third of the floor space.

The requested determination would be similar to prior Letters of Determination that classified NextEV/NIO (at 1155 Bryant Street) as a Laboratory use for a proposed design and production studio for electronic and autonomous cars,³ and Aether Biomachines as a Laboratory use for a robotics and analytics company.⁴ The Operator’s drone R&D use would be similar to NextEV/NIO’s use, as it also includes an “integrated design studio for design and on-site prototype production.” We believe that a similar determination that classifies the Operator’s R&D space as a Laboratory use with accessory office would be appropriate here.

² San Francisco Planning Code Section 210.3.

³ Letter issued by Zoning Administrator Scott Sanchez, Record No. 2017-001785ZAD (January 16, 2018).

⁴ Letter issued by Zoning Administrator Scott Sanchez, Record No. 2020-007326ZAD (November 12, 2020).

(2) Treatment of Limited Outdoor Activities as Laboratory Use

We believe that outdoor testing activities should also be classified as a Laboratory use, and further believe that these activities are not so intensive that they require a buffer from R districts.

Neither the definition of Laboratory in Section 102 nor the location controls in Section 202.2 specify that Laboratory uses must be conducted entirely within an enclosed structure. Moreover, the description of the PDR-1-G district does not specify whether permitted uses may be conducted entirely in open areas, but it is noted that PDR-1-G “allows for more intensive production, distribution, and repair activities than PDR-1-B and PDR-1-D but less intensive than PDR-2.” Comparing what may be allowed outdoors in each district:

- In the PDR-1-B district, uses “are generally conducted *completely within enclosed structures*.”
- The description of PDR-1-D does not expressly refer to outdoor activities, but states that other than heavy industrial uses, “[g]enerally, all other uses are permitted.”
- Meanwhile, the PDR-2 district allows light industrial uses that “may be conducted entirely within an enclosed structure, partly within enclosed structures, or *some functions may occur entirely in open areas*.”

Section 210.3 (emphasis added).

As PDR-1-G’s use intensity falls between PDR-1-B/PDR-1-D and PDR-2, logic dictates that PDR-1-G allows uses to occur at a midpoint on the continuum between “conducted completely within enclosed structures” and “entirely in open areas.” Because the Operator is proposing limited outdoor testing with the majority of its R&D use occurring in the enclosed warehouse structure, we believe these outdoor activities fall within the range of principally permitted uses in PDR-1-G.

Assuming this is correct, then it also must be determined whether the use would be limited at the Property based on its proximity to the RH-3 district. As stated above, PDR-1-G principally permits a number of non-residential uses that may occur partly or entirely outdoors, but several such uses (e.g. Storage Yard, Truck Terminal) are restricted from occurring within 50 or 200 feet, respectively, of R districts. Other uses, which include outdoor components that may operate at a similar intensity as the Operator’s proposed drone testing, do not have locational restrictions. For example:

- Community Recycling Facilities that collect and handle glass bottles and aluminum cans.
- Outdoor Activity Areas where outdoor spaces are used for eating, drinking, dancing, and food service.
- Neighborhood Agriculture, where not conducted in a Residential District, may include use of mechanized farm equipment.

Accordingly, we request a determination as to whether intermittent outdoor drone testing activities, integral to the overall R&D operation, are appropriately characterized as falling within

the Laboratory definition, and if so, whether locational restrictions would apply to these activities based on proximity to R districts.

Conclusion

We believe that the Operator's proposed drone R&D facility fits squarely with the goals and intent of the PDR-1-G zoning district. These operations will utilize the flexible, industrial-scale space for engineering, testing, and light assembly activities that are characteristic of PDR uses. In addition to being physically and operationally compatible with the District, the project will bring high-quality jobs to San Francisco, both directly through its technical and operations teams and indirectly through increased daytime activity and foot traffic supporting nearby small businesses. Additionally, we believe that the level of outdoor activity—key to the success of the overall R&D operation—is consistent with other outdoor activities allowed in the PDR-1-G district.

This usage of new technology reflects the type of evolving industrial activity the PDR districts were designed to accommodate—industries that cannot practically function in traditional office or commercial districts, but that are vital to the City's innovation economy and long-term economic resilience.

Please do not hesitate to contact me with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Megan Jennings", written in a cursive style.

Megan Jennings

San Francisco Board of Appeals
November 13, 2025

Exhibit C – ZA Letter of Determination

[Attached]



LETTER OF DETERMINATION

August 19, 2025

Megan Jennings
Coblentz Patch Duffy & Bass LLP
One Montgomery Street, Suite 3000
San Francisco, CA 94104-5500

Record No.: 2025-005253ZAD
Site Address: 1942 & 1960 Folsom Street
Assessor's Block/Lot: 3552 / 009 & 046
Zoning District: PDR-1-G (Production, Distribution, and Repair, General)
Mission Alcohol Restrict Special Use District
Priority Equity Geographies Special Use District
Staff Contact: Gabriela Pantoja, Senior Planner, Gabriela.Pantoja@sfgov.org

Dear Megan Jennings:

This letter is in response to your request for a Letter of Determination regarding the property at 1942 Folsom Street, Block 3552, Lot 009 and 1960 Folsom Street, Block 3552, Lot 046, located within the PDR-1 Zoning District. The request seeks determinations on the proposed land use of the existing warehouse building and a determination of Laboratory Use's inclusion of outdoor testing of autonomous delivery technologies and, specifically, autonomous aerial delivery systems at the subject properties.

As noted in your letter, the proposed business at the subject properties would use the existing warehouse to create, test, and refine an autonomous delivery system including assembling and maintenance of drones and drone technology. Accessory office space and break rooms would also be located within the existing warehouse for employees. Outside, within the existing surface off-street parking area, drone testing would be conducted between the hours of 9AM and 6PM in accordance with Federal Aviation Administration (FAA) regulations. A number of the existing 39 off-street parking spaces would be removed for the designated drone testing location.

Planning Code Section 102 defines Laboratory as follows:

Laboratory. *A Non-Retail Sales and Services Use 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, Light Manufacturing, or Heavy Manufacturing. 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; and*
- i) Cannabis testing facility (any use requiring License Type 8—Testing Laboratory, as defined in California Business and Professions Code, Division 10)*

Pursuant to Planning Code Section 210.3, a Laboratory use is principally permitted.

Determination

Based on the information provided in your letter, **the proposed land use is a Laboratory use** as defined in Planning Code Section 102. As described, the proposed land use will focus on the research and development of drones and drone technology for a prototype drone delivery system. **Drone testing conducted outdoors would be included within the Laboratory Use and subject to all applicable local, state, and federal regulations relative to outdoor drone activity.** While a Laboratory Use is principally permitted at the subject location, any application filed with the Planning Department to establish such use will be subject to any other applicable Planning Code provisions, such as impact fees, as well as any applicable guidelines and policies.

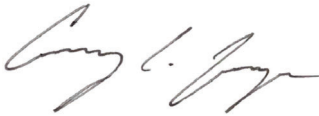
Please note that a Letter of Determination is a determination regarding the classification of uses and interpretation and applicability of the provisions of the Planning Code. This Letter of Determination is not a permit to commence any work or change occupancy. Permits from appropriate Departments must be secured before work is started or occupancy is changed.

Megan Jennings
Coblentz Patch Duffy & Bass LLP
One Montgomery Street, Suite 3000
San Francisco, CA 94104-5500

August 19, 2025
Letter of Determination
2025-005253ZAD

APPEAL: An appeal may be filed with the Board of Appeals within 30 days of the date of this letter if you believe this determination represents an error in interpretation of the Planning Code or abuse in discretion by the Zoning Administrator. Please contact the Board of Appeals in person at 49 South Van Ness Ave, Suite 1475, call (628) 652-1150, or visit www.sfgov.org/bdappeal.

Sincerely,

A handwritten signature in black ink, appearing to read 'Corey A. Teague'.

Corey A. Teague, AICP
Zoning Administrator

cc: Neighborhood Groups
Gabriela Pantoja, Senior Planner

Exhibit D – Planning Code Excerpts

Section 102 Definitions – “Enclosed Building” Provisions

Automotive Repair. A Retail Automotive Use that provides any of the following automotive repair services, **when conducted within an enclosed building having no openings, other than fixed windows or exits required by law, located within 50 feet of any R District**; minor auto repair, engine repair, rebuilding, or installation of power train components, reconditioning of badly worn or damaged motor vehicles, collision service, or full body paint spraying. It may include other services for automobiles including, but not limited to, accessory towing, if all towed vehicles stored on the premises are limited to those vehicles that are to be repaired on the premises.

Entertainment, General. A Retail Entertainment, Arts and Recreation Use that provides entertainment or leisure pursuits to the general public including dramatic and musical performances where alcohol is not served during performances, arcades that provide eleven or more amusement game devices (such as video games, pinball machines, or other such similar mechanical and electronic amusement devices), billiard halls, bowling alleys, skating rinks, and mini-golf, **when conducted within a completely enclosed building**, and which is adequately soundproofed or insulated so as to confine incidental noise to the premises. Mechanical amusement devices are further regulated in Sections 1036 through 1036.24 of the Police Code. The use may include a non-profit theater with ABC license Type 64 and a music entertainment facility with ABC license Type 90, provided that alcohol is not served during performances.

Non-Auto Vehicle Sales or Rental. A Retail Sales and Service Use offering new or used bicycles, scooters, motorcycles, boats, or other marine vehicles for sale, rent, or lease **when conducted entirely within an enclosed building**.

Storage, Commercial. A Non-Retail Sales and Service Use defined as a facility that stores **within an enclosed building**; contractors' equipment, building materials, or goods or materials used by other businesses at other locations. This use shall not include the storage of waste, salvaged materials, automobiles, inflammable or highly combustible materials, and wholesale goods or commodities.

Storage, Self. A Retail Sales and Service Use defined as a facility that stores, **within an enclosed building**, household and personal goods.

Storage, Wholesale. A Non-Retail Sales and Service Use defined as a facility that stores, **within an enclosed building**, wholesale merchandise that is not accessory to a Wholesale Sales use. This use includes cold storage facilities, but not storage of inflammables or hazardous materials, which is covered under Hazardous Materials Storage.

Section 202.2 Location and Operating Conditions – “Enclosed Building” Provisions

202.2(a)

(3) **Automotive Wash.** Cleaning and polishing are required to be conducted **within an enclosed building** having no openings, other than fixed windows or exits required by law **located within 50 feet of any R District**, and that has an off-street waiting and storage area outside the building which accommodates at least one-quarter the hourly capacity in vehicles of the enclosed operations, provided: (1) that incidental noise is reasonably confined to the premises by adequate soundproofing or other device; and (2) that complete enclosure within a building may be required as a condition of approval, notwithstanding any other provision of this Code; but the foregoing provisions shall not preclude the imposition of any additional conditions pursuant to Section 303 of this Code.

202.2(c)

(3) **Industrial Agriculture.** Cannabis must only be grown **within an enclosed structure**.

202.2(d)

(d) **Industrial Uses.** The Industrial and PDR uses listed below shall be subject to the corresponding conditions:

(1) **Heavy Manufacturing 1, Metal Working, and Agricultural and Beverage Processing 1 and 2.** These uses are required to operate **within a completely enclosed building**, with no opening, other than fixed windows or exits required by law, **within 50 feet of any R District**; No noise, vibration, or unhealthful emissions shall extend beyond the premises of the use.

(2) **Heavy Manufacturing 2, Junk Yard, Power Plant and Hazardous Waste Facilities.** These uses are required to operate **within a completely enclosed building**, with no opening, other than fixed windows or exits required by law, **within 200 feet of any R or NC District**; No noise, vibration, or unhealthful emissions shall extend beyond the premises of the use.

(3) **Heavy Manufacturing 3, Livestock Processing 1 & 2, and Volatile Materials Storage.** These uses are required to operate **within a completely enclosed building**, with no opening, other than fixed windows or exits required by law, **within 500 feet of any R District or NC District**; No noise, vibration, or unhealthful emissions shall extend beyond the premises of the use.

Section 210.3 PDR Districts – “Enclosed” and Other Relevant Provisions

These Districts provide space for a wide variety of PDR (production, distribution and repair) and other non-residential activities in districts where these uses are free from inherent economic and operational competition and conflicts with housing, large office developments, and large-scale retail, which are not permitted in these Districts. Other uses that share operational characteristics with PDR uses are permitted in these Districts, as they require large flexible spaces and prefer separation from intensive housing districts. PDR-zoned land is also an important reservoir of space in San Francisco for new and evolving industry and activity types that cannot be foreseen today and cannot practically function or compete for space in a typical downtown office or neighborhood commercial environment. Business and activities allowed in PDR Districts generally share a need for flexible operating space that features large open interior spaces, high ceilings, freight loading docks and elevators, floors capable of bearing heavy loads, and large (often uncovered exterior) storage areas. These uses are often not ideally compatible with housing for operational reasons, including the need for significant trucking and delivery activities, 24-hour operation, and emission of noise, odors and vibrations. Importantly, PDR uses are limited in the amount of rent they can afford relative to office, retail, and residential uses, yet are important sectors of the City's economy.

PDR-1-B District: Light Industrial Buffer. The intent of this District is to create a buffer area between residential neighborhoods and light industrial areas, primarily in the Bayview Hunters Point neighborhood. Thus, this District prohibits residential uses and limits Office, Retail, and Institutional uses. Generally, all other uses are permitted. This zone allows for less intensive production, distribution, and repair activities that will not compromise the quality of life of nearby residents. These uses generate less external noise, odors, and vibrations and engage in fewer trucking activities than those permitted in PDR-2 Districts. **Uses in this District are generally conducted completely within enclosed structures.** Small-scale Retail and Office uses are permitted, as are other activities that may serve well to buffer existing residential neighborhoods from areas of concentrated industrial operations. In considering any new land use not contemplated in this District, the Zoning Administrator shall take into account the intent of this District as expressed in this Section and in the General Plan.

PDR-1-D District: Design. The intention of this District is to retain and encourage less-intensive production, distribution, and repair businesses, especially the existing clusters of design-related businesses. Thus, this District prohibits Residential and Office uses, and limits Retail and Institutional uses. Additionally, **this District prohibits heavy industrial uses, which generate external noise, odors, and vibrations and engage in frequent trucking activities. Generally, all other uses are permitted.** In considering any new land use not contemplated in this District, the Zoning Administrator shall take into account the intent of this District as expressed in this Section and in the General Plan.

San Francisco Board of Appeals
November 13, 2025

PDR-1-G District: General. The intention of this District is to retain and encourage existing production, distribution, and repair activities and promote new business formation. Thus, this District prohibits Residential and Office uses, and limits Retail and Institutional uses. Additionally, **this District allows for more intensive production, distribution, and repair activities than PDR-1-B and PDR-1-D but less intensive than PDR-2. Generally, all other uses are permitted.** In considering any new land use not contemplated in this District, the Zoning Administrator shall take into account the intent of this District as expressed in this Section and in the General Plan.

PDR-2 District: Core Production, Distribution, and Repair. The intent of this District is to encourage the introduction, intensification, and protection of a wide range of light and contemporary industrial activities. Thus, this District prohibits new housing, large office developments, large-scale retail, and the heaviest of industrial uses, such as incinerators. Generally, all other uses are permitted. The conservation of existing flexible industrial buildings is also encouraged. This District permits certain non-industrial, non-residential uses, including small-scale Retail and Office, Entertainment, certain institutions, and similar uses that would not create conflicts with the primary industrial uses or are compatible with the operational characteristics of businesses in the area. **Light industrial uses in this District may be conducted entirely within an enclosed structure, partly within enclosed structures, or some functions may occur entirely in open areas.** These uses may require trucking activity multiple times per day, including trucks with up to 18 wheels or more, and occurring at any time of the day or night. As part of their daily operations, PDR activities in these areas may emit noises, vibrations, odors, and other emissions, as permitted by law. Within the requirements of local, state, and federal health and safety regulations, and within the stipulation of this Code, which may impose additional use size maximums and minimum distance requirements on certain activities, raw materials used for production, manufacturing, repair, storage, research, and distribution may be stored on site and may include chemical, biological, and other hazardous, explosive, or flammable materials. In considering any new land use not contemplated in this District, the Zoning Administrator shall take into account the intent of this District as expressed in this Section and in the General Plan.

Table 210.3
ZONING CONTROL TABLE FOR PDR DISTRICTS

<i>Zoning Category</i>	<i>§ References</i>	<i>PDR-1-B</i>	<i>PDR-1-D</i>	<i>PDR-1-G</i>	<i>PDR-2</i>
<i>Automotive Use Category</i>					
Automotive Uses*	§ 102	NP	P	P	P
Automotive Repair (25)	§ 102	P (3)	P	P	P
Automotive Sale/Rental	§ 102	P	P (4)	P	P
Automotive Service Station (25)	§§ 102, 202.2(b)	P	P	P	P
Automotive Wash (25)	§§ 102, 202.2(b)	P	P	P	P
Electric Vehicle Charging Location	§§ 102, 202.2(b), 202.13	P	P	P	P
Fleet Charging	§ 102	C	C(24)	C(24)	C(24)
Gas Station	§§ 102, 187.1, 202.2(b)	P	P	P	P
Parcel Delivery Service (25)	§ 102	NP	P	P	P

* Not listed below.

(1) See Table 210.3A.

(2) See Table 210.3A.

(3) NP above 7,500 Gross Square Feet.

(4) Required to be in an enclosed building. NP if operated on open lot.

San Francisco Board of Appeals
November 13, 2025

Exhibit E – Precedent ZA Letters of Determination – Laboratory Uses

[Attached]



SAN FRANCISCO PLANNING DEPARTMENT

Letter of Determination

September 19, 2016

Larry Badiner
Badiner Urban Planning, Inc.
95 Brady Street
San Francisco, CA 94103
larry@badinerurbanplanning.com

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Name:	GM Cruise, LLC
Site Address:	1201 Bryant Street/530 10 th Street
Assessor's Block/Lot	3528 / 001
Zoning District:	SALI (Service/Arts/Light Industrial District)
Staff Contact:	Ming Yeung, (415) 575-9183 or ming.yeung@sfgov.org
Record No.:	2016-010221ZAD

Dear Mr. Badiner:

This letter is in response to your request for a Letter of Determination regarding the property at 1201 Bryant Street/530 10th Street. The subject property is located in the SALI (Service/Arts/Light Industrial) Zoning District, Western SoMa Special Use District and 40-X Height and Bulk District. The request seeks a determination as to whether GM Cruise, LLC is a Laboratory use as defined in the Planning Code.

Background

As noted in your letter, GM Cruise is an automobile engineering company whose mission is to develop autonomous cars. GM Cruise proposes to use of the space at 1201 Bryant Street to develop, prototype, and test its autonomous driving platform and automobile componentry. The functions that would occur at the property are described in your letter as:

- *Vehicle Maintenance and Control Installation* – Installation of controls (buttons, sensors) and electronic hardware (computers in trunk, wiring throughout car). Development and testing of new car configurations and sensors and equipment. Maintenance of the test fleet.
- *Machine Shop and 3-D Printing* – Metal working equipment such as saws, grinders, milling machines and drill presses. Plastic and composite 3-D printers for prototypes.
- *Test Production Space* – Automobile parking and staging, cars are disassembled and modifications added (sensors, racks on top, wiring run through cars, computers in the back, etc.)
- *Showroom* – Automobile display and parking.
- *Engineering and Development Lab* – Collaborative and open workspace for engineers to conduct various development tasks for driverless vehicles, such as using iterative

measurements of sensor readings (like acceleration, deceleration, and turning) to calibrate sensors and fidelity to vehicle readings and actuation; testing and using data from various sensors and combinations of sensors, in various placements and layouts, to ensure autonomous vehicles correctly perceive and track important road objects; developing vehicle behaviors (e.g. turn left, stop, change lanes) based on given set of information (e.g., stop sign ahead, car to your right, speed limit 25 mph); using machine learning to train computers to recognize various elements of images; and integrating readings from various sensors on vehicle and comparing them to existing data from the vehicle's base map so the vehicle can tell where it is.

In a follow-up email, you clarified that the proposed "showroom" would involve displaying cars that are being developed and that the cars would only be visible through the window and inaccessible by the public. No sales would occur on the site. In addition, your submittal includes a chart indicating that a limited amount of accessory office is also proposed for the site.

Laboratory/Accessory Office

Per Planning Code Section 890.52, Laboratory, not including Life Science Laboratory, is a permitted use in the SALI district. 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.*

Office use is not a permitted principal use in the SALI district, however, Planning Code Section 204 allows office as an accessory use as follows:

Subject to the limitations set forth in this Code, and especially as specified in Sections 204.1 through 204.5, a related minor use that is either (a) necessary to the operation or enjoyment of a

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

September 19, 2016
Letter of Determination
GM Cruise LLC

lawful principal use or conditional use; or (b) appropriate, incidental, and subordinate to any such use; and (c) in the case of Internet Services Exchange as defined in Section 102, which use does not exceed 25,000 gross square feet of floor area or use more than two megawatts of back-up power generators, shall be permitted as an accessory use when located on the same lot...

Determination

Based upon the information provided in your request, it is my determination that GM Cruise is a Laboratory use, and more specifically, an engineering laboratory use. As such, GM Cruise would be a permitted use at 1201 Bryant Street/530 10th Street. Future submittals for authorization at this site should include a detailed chart and breakdown of the proposed office use at the site to ensure that this use is accessory to the principal Laboratory use.

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: Property Owner
Neighborhood Groups
BBN Holder (if any)
Ming Yeung, Planner



SAN FRANCISCO PLANNING DEPARTMENT

Letter of Determination

January 16, 2018

John Mikita, Facilities Manager
NIO
3200 North First Street
San Jose, CA 95134
John.mikita@nio.io

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Name:	NextEV/NIO
Site Address:	1155 Bryant Street
Assessor's Block/Lot	3526/019B
Zoning District:	PDR-1-G (Production, Distribution & Repair-1-General)
Staff Contact:	Kimberly Durandet, (415) 575-6816 or kimberly.durandet@sfgov.org
Record No.:	2017-001785ZAD

Dear Mr. Mikita:

This letter is in response to your request for a Letter of Determination regarding the property at 1155 Bryant Street. The subject property is located in the PDR-1-G (Production, Distribution & Repair-1-General) Zoning District and 40-X Height and Bulk District. The request seeks a determination as to whether NextEV/NIO, a design and production studio for electronic and autonomous cars, would be a permitted use at the subject property.

Background

As noted in your letter (and as seen on your website), NextEV/NIO is a technology company whose mission is to develop the next-generation of electric and autonomous vehicles. NextEV/NIO proposes to use of the space at 1155 Bryant Street as an integrated studio for design and on-site prototype production of the interiors, exteriors, and component parts of electric vehicles. As described in your letter, the functions that would occur at the property are as follows:

- *Fabrication* – The ground floor is described and shown to contain an auto lab, 3-D printers, a model wood/metal shop and a materials/art/craft space in addition to storage areas and mechanical equipment for the building.
- *Workstations* – The second floor is described and shown as predominately open office workstations with several conference rooms, a fittings area and research/collaboration areas.
- *Design Collaboration* – The third floor is described and shown as containing foam 'mach-up', photographic print and display areas, as well as additional research and design review/critique areas.

Laboratory/Accessory Office

Per Planning Code Section 210.3, a Laboratory is a permitted use in the PDR-1-G District. Section 102 defines a Laboratory as follows:

A Non-Retail Sales and Services Use 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, Light Manufacturing, or Heavy Manufacturing. 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; and
- (h) Core laboratory; and
- (i) Cannabis testing facility (any use requiring License Type 8 – Testing Laboratory, as defined in California Business and Professions Code, Division 10).

Office use is not a permitted principal use in the PDR-1-G Zoning District, however, Planning Code Section 204.3 allows office as an accessory use as follows:

No use shall be permitted as an accessory use to a lawful principal or conditional use in any PDR or M District that involves or requires the use of more than one-third (1/3) of the total floor area occupied by such use and the principal or conditional use to which it is accessory, except in the case of accessory retail, off-street parking, and loading. Multiple PDR uses within a single building or development may combine their accessory retail allotment into one or more shared retail spaces, provided that the total allotment of accessory retail space per use does not exceed what otherwise would be permitted by this Section.

Determination

Based upon the information provided in your request, **it is my determination that NextEV/NIO is a Laboratory use, and more specifically, an engineering laboratory use.** As such, NextEV/NIO would be a permitted use at 1155 Bryant Street. Any submittal to authorize the proposed use at the subject property must include a detailed chart, breakdown and explanation of the proposed office uses (i.e. conference rooms, research and collaboration areas) to ensure that the proposal complies with the accessory use provisions of the Planning Code.

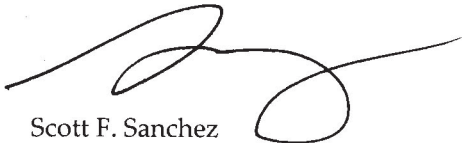
John Mikita
NIO
3200 North First Street
San Jose, CA 95134

January 16, 2018
Letter of Determination
NextEv/NIO

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: Property Owner
Neighborhood Groups
BBN Holder (if any)
Kimberly Durandet, Senior Planner
Dario Jones, Senior Enforcement Planner



SAN FRANCISCO PLANNING DEPARTMENT

Letter of Determination

May 15, 2019

Larry Badiner
Badiner Urban Planning, Inc.
95 Brady Street
San Francisco, CA 94103
larry@badinerurbanplanning.com

Record Number: 2019-001364ZAD
Site Address: 251 Rhode Island Street
Assessor's Block/Lot: 3937/002A
Zoning District: PDR-1-D
Staff Contact: Rich Sucré, (415) 575-9108 or richard.sucré@sfgov.org

Dear Mr. Badiner:

This letter is in response to your request for a Letter of Determination on whether the subject business, Samsara, would be classified as an Engineering/Development Laboratory, Light Manufacturing, and Wholesale Sales Use under Planning Code Section 102, and whether this business may occupy the subject building at 251 Rhode Island Street.

As stated in the Request for Written Determination (dated February 4, 2019), Samsara is described as:

Samsara is an engineering company who develops, manufactures and sells sensors for the trucking industry and manufacturing. Samsara connects manufacturing equipment and remote operations with real-time status updates and analytics to monitor manufacturing processes. It also creates a unified system for fleet management, driver safety, and compliance.

Fleet Management – Any organization with commercial vehicles has some form of fleet operations and fleet management. The purpose of fleet management is to oversee all fleet performance and vehicle maintenance in order to increase productivity and help a business run as smoothly as possible. Samsara's devices monitor and track vehicle maintenance, fuel consumption, driver management, route planning, and the implementation of any programs that increase company productivity and decrease waste. Samsara's electronics include a driver application running on smartphones, vehicle sensors for location and speed, devices for managing driver hours and compliance.

Manufacturing - Samsara Industrial Visibility and Control Systems provide modern sensors that combines data collection, control, alerts, and analytics in an easy to use and easy to deploy system. Samsara's industrial controllers includes Ethernet, WIFI, and cellular connectivity for

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deployment anywhere, allowing easy data collection. Samsara's environmental monitors capture temperature and humidity data with simple wireless connectivity. Data-logging, waterproofing, and high-precision sensors are used for quality control, loss prevention, and compliance monitoring in fixed and mobile environments. Machine health sensors are able to monitor vibration and surface temperature for visibility of the health of critical equipment including motors, compressors, pumps, fans, etc. helping operators improve machine performance and reduce downtime.

Per the Request for Written Determination, Samsara is seeking to occupy the subject building at 251 Rhode Island Street. As noted in the request, 251 Rhode Island Street possesses approximately 67,500 square feet. Samsara would occupy a tenant space measuring approximately 21,586 square feet of space on the second floor.

Per Planning Code Section 102, a Laboratory is defined as:

A Non-Retail Sales and Services Use 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, Light Manufacturing, or Heavy Manufacturing. 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; and*
- (i) Cannabis testing facility (any use requiring License Type 8—Testing Laboratory, as defined in California Business and Professions Code, Division 10).*

Per Planning Code Section 102, Light Manufacturing is defined as:

An Industrial Use that provides for the fabrication or production of goods, by hand or machinery, for distribution to retailers or wholesalers for resale off the premises, primarily involving the assembly, packaging, repairing, or processing of previously prepared materials. Light manufacturing uses include production and custom activities usually involving individual or special design, or handiwork, such as the following fabrication or production activities, as may be defined by the Standard Industrial Classification Code Manual as light manufacturing uses:

- (a) Food processing;*
- (b) Apparel and other garment products;*

- (c) Furniture and fixtures;
- (d) Printing and publishing of books or newspapers;
- (e) Leather products;
- (f) Pottery;
- (g) Glass-blowing;
- (h) Commercial laundry, rug cleaning, and dry cleaning facility;
- (i) Measuring, analyzing, and controlling instruments; photographic, medical, and optical goods; watches and clocks; or
- (j) Manufacture of cannabis products or cannabis extracts that are derived without the use of volatile organic compounds (any use requiring License Type 6—Manufacturer 1, as defined in California Business and Professions Code, Division 10).
- (k) It shall not include Trade Shop, Agricultural and Beverage Processing 1 or 2, or Heavy Manufacturing 1, 2, or 3. This use is subject to the location and operation controls in Section 202.2(d).

Per Planning Code Section 102, Wholesale Sales is defined as:

A Non-Retail Sales and Service Use that exclusively provides goods or commodities for resale or business use, including accessory storage. This use includes cannabis distribution (any use requiring License Type 11—Distributor, as defined in California Business and Professions Code, Division 10). It shall not include a non-accessory storage warehouse.

Based on the information provided in the Request for Determination, it appears that Samsara would be classified as a combination of Engineering and Development Laboratory, Light Manufacturing, and Wholesale Sales.

Because they directly involve the fabrication of goods and products, the following spaces are classified as Light Manufacturing: Light Assembly Product 1, Component Inventory & Product 1 Assembly, Component Inventory & Product 2 Assembly, Remanufacturing Assembly, Component Inventory, and Finished Goods and Packaging. Based on the information and plans provided in your request, adding a proportional amount of space devoted to common areas (i.e. break room, bathrooms, meeting rooms, reception, etc.) brings the total Light Manufacturing area to approximately 8,337 square feet.

The other spaces are classified as Laboratory (Engineering and/or Development Laboratory), including: Hardware Development and Engineering, Hardware Engineering, Product Configuration & Calibration. Based on the information and plans provided in your request, adding a proportional amount of space devoted to common areas (i.e. break room, bathrooms, meeting rooms, reception, etc.) brings the total Laboratory area to approximately 11,333 square feet.

The area of proposed office space is approximately 1,876 square feet, which represents approximately 9 percent of the overall area. As such, it is classified as an accessory use pursuant to Planning Code Section 204. While Wholesale Sales was listed as one of the potential uses for the Samsara, no specific

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

May 15, 2019
Letter of Determination
251 Rhode Island Street

descriptions were provided for such use, and no portion of the proposed use clearly falls within that land use classification.

Light Manufacturing and Laboratory uses are principally permitted in the PDR-1-D Zoning District. For the purposes of development impact fee calculations, Light Manufacturing is a PDR use, and Laboratory is a Non-Residential use.

Please be aware that these determinations are based on your request letter and associated plans. Any building permit application will be reviewed by the Planning Department based upon the details provided on the submitted permit application and plans. Please ensure that the proposed uses are identified on such plans to ensure the Department can clearly evaluate the proposed uses.

Please note that a Letter of Determination is a determination regarding the classification of uses and interpretations 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,



Corey A. Teague, AICP
Zoning Administrator

cc: Property Owner
Neighborhood Groups
Rich Sucre, Principal Planner



SAN FRANCISCO PLANNING DEPARTMENT

Letter of Determination

March 11, 2020

John Kevlin
Reuben, Junius & Rose, LLP
One Bush Street, Suite 600
San Francisco, CA 94104

Record Number: 2019-022640ZAD
Site Address: 2525 16th Street
Assessor's Block/Lot: 3966/001
Zoning District: PDR-1-G (Production, Distribution & Repair - 1 – General)
Staff Contact: Xinyu Liang, (415) 575-9182 or xinyu.liang@sfgov.org

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Planning
Information:
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Dear Mr. Kevlin:

This letter is in response to your request for a Letter of Determination for the property at 2525 16th Street (the "Property"). The request seeks confirmation that Embark's combined operations are principally permitted as a Light Manufacturing use.

Background

As described in your Letter of Determination request, Embark develops self-driving trucks specializing in freight and logistics services. It creates and tests self-driving technology and currently operates a fleet of 13 18-wheel trucks that currently haul freight for five Fortune 500 companies in the southwest United States.

The core operation of the proposed use at 2525 16th Street is design and development of software and hardware for autonomous freight vehicles. Other proposed functions include product testing, product certification, failure analysis (aka quality control), and accessory office. Your February 9, 2020 supplemental letter states that the proposed use also includes building custom sensors and mounts for the trucks, building custom computer systems for the trucks, installation of such software and hardware onto the trucks, testing the trucks before they are put into operation, and occasional maintenance and hardware reconfiguration for the trucks.

Planning Code Section 102 defines "Laboratory" as follows:

A Non-Retail Sales and Services Use 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, Light Manufacturing, or Heavy Manufacturing. 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; and
- i) Cannabis testing facility (any use requiring License Type 8—Testing Laboratory, as defined in California Business and Professions Code, Division 10).

Planning Code Section 102 defines “Light Manufacturing” as follows:

An Industrial Use that provides for the fabrication or production of goods, by hand or machinery, for distribution to retailers or wholesalers for resale off the premises, primarily involving the assembly, packaging, repairing, or processing of previously prepared materials. Light manufacturing uses include production and custom activities usually involving individual or special design, or handiwork, such as the following fabrication or production activities, as may be defined by the Standard Industrial Classification Code Manual as light manufacturing uses:

- a) Food processing;
- b) Apparel and other garment products;
- c) Furniture and fixtures;
- d) Printing and publishing of books or newspapers;
- e) Leather products;
- f) Pottery;
- g) Glass-blowing;
- h) Commercial laundry, rug cleaning, and dry cleaning facility;
- i) Measuring, analyzing, and controlling instruments; photographic, medical, and optical goods; watches and clocks; or
- j) Manufacture of cannabis products or cannabis extracts that are derived without the use of volatile organic compounds (any use requiring License Type 6—Manufacturer 1, as defined in California Business and Professions Code, Division 10).

It shall not include Trade Shop, Agricultural and Beverage Processing 1 or 2, or Heavy Manufacturing 1, 2, or 3. This use is subject to the location and operation controls in Section 202.2(d).

Determination

Laboratory use includes a variety of laboratory types, including Engineering, Development, and Quality Assurance/Quality Control laboratories. As described in your Letter of Determination request, Embark’s core operations are design, development, and quality control for software and hardware for autonomous freight vehicles. As such, **the proposed use may be classified as a Laboratory use.** However, depending on the space used and intensity of certain other Embark functions (i.e. building and installation of physical components, maintenance/repair, etc.), a portion of the area may also be considered a Light Manufacturing

John Kevlin
Reuben, Junius & Rose, LLP
One Bush Street, Suite 600
San Francisco, CA 94104

March 11, 2020
Letter of Determination
2525 16th Street

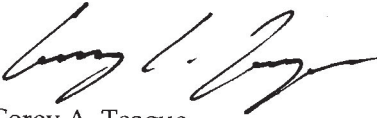
use. A specific proposal is required to make a final determination on these uses because they depend, in part, on the size, intensity, and relationships of the various functions described in your letter. The office component of the proposed use appears to be classified as a General Office use and may be considered as an accessory use if it complies with all relevant requirements for accessory uses.

This is a preliminary determination of the land use classification for the proposed use and is based upon the limited information provided in your request. A final determination of the appropriate land use classification will be made at the time a complete submittal is made for the proposed use.

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,



Corey A. Teague
Zoning Administrator

cc: Property Owner
Neighborhood Groups
Xinyu Liang, Planner



LETTER OF DETERMINATION

November 12, 2020

Chloe Angelis
Reuben, Junius & Rose, LLP
One Bush Street, Suite 600
San Francisco, CA 94104

Record No.: 2020-007326ZAD
Name: Aether Biomachines
Site Address: No Address Specified
Staff Contact: Scott F. Sanchez - 628.652.7384 or scott.sanchez@sfgov.org

Dear Chloe Angelis:

This letter is in response to your request for a Letter of Determination regarding the proper use classification for Aether Biomachines ("Aether"). 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 letter, Aether is a "robotics and analytics company employing cutting edge technology to increase the efficiency of enzyme chemical reactions used in production by its clients" and "working to build the most comprehensive enzyme database to date." Aether uses proprietary robotics and deep learning algorithms and it does not use advanced biological techniques. The biological techniques that are used are "basic biological methods and techniques" that "date back to the 1980s." The advances that are used are primarily technological (robotics and deep learning algorithms) that allow Aether "to conduct enzyme analysis on a high throughput scale that would not be possible with traditional lab methods alone." Further, Aether "does not produce or package enzymes on site. Rather, the data the company generates is provided to its clients to optimize enzyme chemical reactions on their own, in their own facilities."

The use is compared to Zymergen, a company that the Zoning Administrator issued a non-life science laboratory determination for on October 19, 2016. In this determination, it was found that Zymergen is "an analytics company that employs robotics, advanced manufacturing techniques, and proprietary software to traditional biochemistry laboratory methods...[to] facilitate the study of microbial chemical interactions faster and on a much larger scale than would be possible with manual testing performed by individual scientists. 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."

Planning Code Definitions

As noted in your letters, the Planning Code contains similar definitions for Laboratory and Life Science uses.

Planning Code Section 102 defines Laboratory as follows:

Laboratory *A Non-Retail Sales and Services Use 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, Light Manufacturing, or Heavy Manufacturing. 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; and
- (i) Cannabis testing facility (any use requiring License Type 8—Testing Laboratory, as defined in California Business and Professions Code, Division 10).

Planning Code Section 102 defines Life Science use as follows:

Life Science *A Non-Retail Sales and Service Use 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 the Laboratory definition Subsections (d) and (e).*

Determination

Based upon the information provided in your request letters, it is my determination that Aether is a Laboratory use as defined in Planning Code Section 102. 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 as defined in Planning Code Section 102.

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.

Chloe Angelis
Reuben, Junius & Rose, LLP
One Bush Street, Suite 600
San Francisco, CA 94104

November 12, 2020
Letter of Determination
Aether Biomachines

APPEAL: An appeal may be filed with the Board of Appeals within 15 days of the date of this letter if you believe this determination represents an error in interpretation of the Planning Code or abuse in discretion by the Zoning Administrator. Please contact the Board of Appeals in person at 49 South Van Ness Ave, Suite 1475, call (628) 652-1150, or visit www.sfgov.org/bdappeal.

Sincerely,



Corey A. Teague, AICP
Zoning Administrator

cc: Citywide Neighborhood Groups

BRIEF(S) SUBMITTED BY RESPONDENT DEPARTMENT(S)



BOARD OF APPEALS BRIEF

HEARING DATE: November 19, 2025

November 13, 2025

Appeal Nos.: 25-036
Project Address: 1942-1960 Folsom Street
Subject: Building Permit No. 202502110120
Zoning/Height: RH-2 / 40-X
Staff Contact: Corey Teague, Zoning Administrator – (628) 652-7328
corey.teague@sfgov.org

Background

The subject Letter of Determination (LoD) was issued on August 19, 2025, and found that a facility for the creation, testing, and refinement of an autonomous delivery system, including assembling and maintaining drones, would be a Laboratory use under the Planning Code.

Key Points

The specific request and the LoD itself provide sufficient detail to explain the request and determination. Unfortunately, the appellant did not file a brief for this appeal, but instead only provided the two following issues in their appeal statement:

1. “The described use of conducting outdoor flying of drones does not fall within any of the described activities within the definition of Laboratory Use under Section 102 of the Planning

Code. “

2. “The stated purpose of flying drones is to support an entirely different set of uses, including Parcel Delivery or Retail Sales and Service uses.”

Regarding the first issue raised, the definition of Laboratory (below) is expansive in its scope, but does not provide a high level of details about specific activities within the types of Laboratory.

Laboratory. A Non-Retail Sales and Services Use 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, Light Manufacturing, or Heavy Manufacturing. 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; and*
- i) Cannabis testing facility (any use requiring License Type 8—Testing Laboratory, as defined in California Business and Professions Code, Division 10)*

Activities that focus on research & development, prototyping, and quality control are distinct from manufacturing or retail uses and generally fall under engineering, development, and/or quality control laboratories. This position is consistent with prior Zoning Administrator determinations of Laboratory use, and is also explained further in a LoD issued on November 6, 2020, to detail the distinction between Life Science use and Laboratory use (Exhibit 1). The request letter makes no mention of manufacturing or any retail sales or services that would be part of the proposed use on the subject property. If any such proposal is made in the future, that will be reviewed and classified as the appropriate land use under the Planning Code at that time.

Regarding the second issue raised, the Planning Code only regulates specific uses on individual lots. It does not regulate or classify land use based on total business locations and associations. Laboratory uses, including research and development activities, are often intended to support other functions for a business or organization. But this also applies to other scenarios, such as companies that have one location for their office space, but other locations for their manufacturing, warehousing, and other activities, which are all classified as separate uses on separate lots.

Conclusion

To conclude, the proposed facility is clearly described as only being for the creation, testing, and refinement of an autonomous delivery system. Activities that are purely research and development fall under the definition of Laboratory in the Planning Code, which is consistent with numerous previous determinations. The proposal does not include commercial manufacturing or the commercial operation of such autonomous delivery system, each of which would result in a different land use classification. As such, the Zoning Administrator did no err or abuse their discretion, and the Department respectfully requests that the Board deny the appeal and uphold the determination.

Board of Appeals Brief
Appeal Nos. 25-036
1942-1960 Folsom Street
Hearing Date: November 19, 2025

cc: Tony Delorio (Agent for Appellant)
Megan Jennings (Attorney for Determination Holder)
Joe Ospitale (Department of Building Inspection)

Enclosures: Exhibit A – LoD Issued 11/6/2020 Re: Life Science and Laboratory Uses

EXHIBIT A



REISSUED LETTER OF DETERMINATION

November 6, 2020

John Kevlin
Reuben, Junius & Rose, LLP
One Bush Street, Suite 600
San Francisco, CA 94104

Record No.: **2020-006020ZAD**
Site Address: **None**
Subject: **Life Science Use**
Staff Contact: **Scott F. Sanchez, (415) 558-6326 or scott.sanchez@sfgov.org**

Dear John Kevlin:

This letter replaces the response letter issued to you on October 9, 2020. The substance of the determination was not changed. However, the final determination language was slightly revised to correct errant grammar and to provide additional clarification.

This letter is in response to your request for a Letter of Determination seeking a clarification of the characteristics of, and distinctions between, Life Science and Laboratory uses as defined in Planning Code Section 102. The request expressly does not seek a determination about a specific use (or user) or whether the use would be allowed at a specific property or in a specific zoning district.

Background

As described in your request, you seek a written determination that “(1) to qualify as a Life Science use, an operator must involve the manufacture of products or the provision of services on-site for commercial use, and (2) that exclusive research and development operations are classified as laboratory use.”

Planning Code Section 102 defines “Life Science” as follows:

A Non-Retail Sales and Service Use 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 the Laboratory definition Subsections (d) and (e).

As noted in your request, in order for a use to meet the definition of Life Science, it must use “the integration of natural and engineering sciences and advanced biological techniques using organisms, cells, and parts thereof for products and services” (emphasis added). While the definition doesn’t specify to what extent the creation of products or provision of services must occur on site, it has generally been interpreted that such activities are integral to the definition of Life Science.

Planning Code Section 102 defines “Laboratory” as follows:

A Non-Retail Sales and Services Use 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, Light Manufacturing, or Heavy Manufacturing. 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; and*
- (i) Cannabis testing facility (any use requiring License Type 8—Testing Laboratory, as defined in California Business and Professions Code, Division 10).*

A key component of Laboratory use is that it is “intended or primarily suitable for scientific research” (emphasis added). Please note that the Planning Code does not contain a definition for “research and development” uses and that no such use category exists under the Planning Code. A previous Zoning Bulletin from April 26, 1988 provides a list of “research and development facilities permitted in C-3, C-M, M-1 and M-2 Zoning Districts.” While the bulletin used Planning Code references and controls that are no longer in effect, it did note that the primary purpose of research and development is scientific or technical research and development activities. Many of the examples cited in the bulletin are now contained in the definition of Laboratory. Given that this bulletin contains outdated information and inoperative provisions, it is no longer effective and will be removed from the interpretations as part of a future update process.

Determination

In response to your request regarding Life Science use, an operator must involve the production of final, commercial products or the provision of commercial services on-site to be classified as a Life Science use. However, the Planning Code does not specify to what extent the production of products or provision of services must occur on site. As noted above, it has generally been interpreted that such on-site activities are integral to the definition of Life Science. In the case where a laboratory use involves “the integration of natural and engineering


sciences and advanced biological techniques using organisms, cells, and parts thereof” but does not include such on-site activities, it would be classified as a Laboratory, not a Life Science use. Given the nuanced nature of the definition, such review has typically occurred on a case-by-case basis as the Planning Department reviews specific proposals for compliance with the Planning Code. This case-by-case review will continue going forward.

In response to your request for confirmation that exclusive research and development operations are classified as Laboratory use, the Planning Code does not contain a definition of “research and development operations.” As noted above, the definition of Laboratory captures uses that are intended or primarily suitable for scientific research. It also specifies types of laboratories that may be associated with the development of products, such as Development Laboratory and Quality Assurance/Quality Control Laboratory. However, while the Laboratory may be synonymous with common perceptions of “research and development,” it may not capture the full universe of uses or activities one may consider to be “research and development.” Therefore, while a Laboratory use includes many forms of what is commonly considered to be “research and development,” such review will occur on a case-by-case basis as the Planning Department reviews specific proposals for compliance with the Planning Code.

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: An appeal may be filed with the Board of Appeals within 15 days of the date of this letter if you believe this determination represents an error in interpretation of the Planning Code or abuse in discretion by the Zoning Administrator. Please contact the Board of Appeals in person at 49 South Van Ness Ave, Suite 1475, call (628) 652-1150, or visit www.sfgov.org/bdappeal.

Sincerely,



Corey A. Teague, AICP
Zoning Administrator

cc: Citywide Neighborhood Groups
Scott Sanchez, Deputy Zoning Administrator

PUBLIC COMMENT



November 12, 2025

President John Trasviña
San Francisco Board of Appeals
City Hall, 1 Dr. Carlton B. Goodlett Place, Room 416
San Francisco, California, 94102

RE: Support for New DoorDash Innovation Hub at 1960 Folsom Street

President Trasviña, Members of the Board of Appeals,

On behalf of the Bay Area Council, representing over 360 of the Bay Area's largest employers, I am submitting this letter to express support for DoorDash Labs's Innovation Hub at 1960 Folsom Street IN San Francisco. As one of the region's leading business associations working to champion the economic vitality of our city, we wish to express our firm support for DoorDash Labs's proposal and urge the Board to move the project forward.

We believe this facility further positions San Francisco as a leader in innovation and autonomous technology and has the potential to bring new, high-quality engineering and operations jobs to the city. We are confident that DoorDash's investment in this new hub will result in broader improvements to the Mission District and benefit the surrounding neighborhood. Beyond the benefits to innovation and local employment, this project supports San Francisco's broader economic recovery. Continued investment of this kind helps create new opportunities for residents and strengthen the city's economic foundation.

In our experience, DoorDash is a strong working partner and we are reassured by the company's commitments to be transparent, responsive, and collaborative with the surrounding community.

We respectfully request that the Board of Appeals affirm the Zoning Administrator's determination.

Should you have any questions or comments regarding this position, please contact Matt Regan
mregan@bayareacouncil.org.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Matt Regan".

Senior Vice President Public Policy
Bay Area Council



President John Trasviña November 13, 2025
San Francisco Board of Appeals
City Hall, 1 Dr. Carlton B. Goodlett Place, Room 416
San Francisco, California, 94102

November 12th, 2025

Re: MMA Support for DoorDash Innovation Hub at 1960 Folsom St

President Trasviña, Members of the Board of Appeals,

DoorDash's arrival presents a meaningful opportunity for the Mission. Their opening will create new jobs in our neighborhood at a time when many residents are seeking stable employment and local businesses are working hard to retain staff.

Our commercial corridor is also facing a real vacancy issue. Having a long-term, established company activate an empty space helps strengthen our local economy and brings much-needed foot traffic to surrounding small businesses.

DoorDash has pledged to work closely and consistently with our small business community. We welcome this approach. Too often large companies enter neighborhoods and operate in a silo, disconnected from the people and merchants who define the character of the area. DoorDash has made clear that they intend to do the opposite by collaborating, listening, and contributing.

We are very aware of the tension that can exist between tech and long-standing communities in the Mission. That history matters. In this case we see no real upside to blocking a well-established business that is offering tools, resources, and partnership to support our merchants. At a time when so many storefronts remain empty, turning away investment that aligns with community benefit would not serve our members or our corridor.

Ryen Motzek

A handwritten signature in black ink, appearing to read "Ryen Motzek". The signature is stylized with a large, sweeping "M" and "R".

President, Mission Merchants Association



President John Trasviña
San Francisco Board of Appeals
City Hall, 1 Dr. Carlton B. Goodlett Place, Room 416
San Francisco, California, 94102

November 13, 2025

RE: Support for the New DoorDash Innovation Hub at 1960 Folsom Street

President Trasviña and Members of the Board of Appeals,

On behalf of the San Francisco Council of District Merchants Associations (SFCDMA) — representing over twenty-eight neighborhood merchant associations across San Francisco — we are writing to express our strong support for the proposed DoorDash Innovation Hub at 1960 Folsom Street.

As an organization dedicated to strengthening neighborhood commercial corridors and advancing opportunities for small businesses, we view this project as an important investment in both innovation and community vitality. DoorDash's expansion in the Mission District represents a commitment to the long-term prosperity of San Francisco's local economy. The company's presence not only brings high-quality engineering and operations jobs to the city, but also reinforces the local ecosystem that supports thousands of small, family-owned restaurants and cafés that depend on DoorDash as a vital revenue stream.

The SFCDMA also commends DoorDash for its ongoing collaboration with the Mission Street Merchants Association and its willingness to work transparently and proactively with neighborhood stakeholders. Through open dialogue, community engagement, and responsive design planning, DoorDash has demonstrated that innovation and community coexistence can move hand in hand — ensuring that new development benefits both local residents and small businesses.

We believe that this project will help revitalize the surrounding corridor, attract additional foot traffic, and create ripple effects that strengthen nearby merchants, workers, and families alike. As San Francisco continues its economic recovery, partnerships between forward-thinking companies and local communities are critical to creating a sustainable and inclusive future.

For these reasons, the San Francisco Council of District Merchants Associations respectfully urges the Board of Appeals to affirm the Zoning Administrator's determination and allow DoorDash to proceed with its innovation hub at 1960 Folsom Street.

Sincerely,

Timothy Made' Omi

President

San Francisco Council of District Merchants Associations (SFCDMA)

SAN FRANCISCO CHAMBER OF COMMERCE

November 13, 2025

President John Trasviña
San Francisco Board of Appeals
City Hall, 1 Dr. Carlton B. Goodlett Place, Room 416
San Francisco, California, 94102

RE: Support for New DoorDash Innovation Hub at 1960 Folsom Street

Dear President Trasviña and members of the Board of Appeals,

We write to you today regarding the pending appeal on the Letter of Determination related to DoorDash Labs's lease of the premises located at 1960 Folsom Street. As a chamber representing the interests of local businesses of all sizes, and as a champion of entrepreneurialism and economic prosperity in San Francisco, we wish to express our support for DoorDash Labs's proposed new innovation hub and urge the Board to move the project forward.

We believe this facility further positions San Francisco as a leader in innovation and autonomous technology and has the potential to bring new, high-quality engineering and operations jobs to our city. We are confident that DoorDash's investment in this new hub will result in broader improvements to the Mission District and benefit the surrounding neighborhood. Beyond the benefits to innovation and local employment, this project supports San Francisco's broader economic recovery. Continued investment of this kind helps create new opportunities for residents and strengthen the city's economic foundation.

In our experience, DoorDash is a strong working partner and we are reassured by the company's commitments to be transparent, responsive, and collaborative with the surrounding community.

We respectfully request that the Board of Appeals affirm the Zoning Administrator's determination.

Sincerely,



Rodney Fong
President & CEO
The San Francisco Chamber of Commerce

CC:

*Vice President Lopez
Commissioner Swig
Commissioner Saroyan
Executive Director Lamarre
Legal Assistant Longaway
Legal Clerk Mejia*

Dear Board of Appeals,

My name is Hana Haber and I've been a resident of 125 Shotwell St since 2021, and lived in the Mission since 2012. I am writing today in opposition of a private company that is seeking to use a parking lot at 1942 & 1960 Folsom Street to test their drone delivery technology. As a resident of the 100 Shotwell block (between 15th & 16th streets) I am vehemently opposed to this proposition.

There are multiple issues with allowing a private company to test drones on our mixed use, but mostly residential block.

The first issue is **noise pollution**. Drones are loud. Drone testing can generate significant and repetitive noise, particularly from multiple takeoffs and landings. The postcard states the company would test drones from 9am to 6pm Monday through Friday, which means for forty-five (45) hours a week, the block would be polluted by the constant buzzing and literally drone sounds of this equipment. Continuous noise exposure has been shown to affect mental health, sleep quality, and overall well-being. I cannot imagine enduring this noise Monday through Friday from 9am to 6pm with no reprieve, audible from my home. **Have there been any independent noise studies conducted? Will the results be made public?**

This would not only impact all the human residents who have a right to peaceful enjoyment of their residences, but also impact our pets and local wildlife. [This peer reviewed study](#) from 2025 found the following about the impact of drone's noise pollution on animal populations:

"We found that drone altitude, speed, approach distance, and noise levels significantly influence wildlife responses, with some species exhibiting increased vigilance, flight responses, or physiological stress."

In addition to the pets who live in the neighborhood, we have multiple hawks, crows, sparrows, warblers, and even a brown eagle who live on this block. These animals are already impacted by human activity, and the disturbance of drones will add even more stress to their lives. Will there be an environmental **impact review**?

The second issue is **invasion of privacy**. Allowing a private company to test drone technology on a residential block means stripping away our resident's right to privacy within their homes and backyards. Drones use cameras to capture imagery. The testing may involve cameras and sensors capable of capturing video, images, and data beyond the intended test zone. Residents have a reasonable expectation of privacy in their homes and backyards, and no consent has been given to be recorded. I do not consent to a private company capturing me in my private home or backyard. I am not interested in allowing a private company to store and archive imagery of my block, my home, my neighbor's home and private lives. Even if footage is claimed to be "for navigation," it could inadvertently capture private property, people, or children. This is a serious invasion of privacy. I urge the Board to require full disclosure of data collection

practices, data retention policies, and any third-party access to that data. I also suggest that a **privacy impact assessment** be required before any approval.

My next issue is **safety and liability risks**. Drone malfunctions or operator errors could result in crashes, property damage, or injuries. The presence of people, parked cars, and public sidewalks makes this location unsuitable for experimental flights. As we've seen with autonomous vehicles, giving the green light to private companies to test new technology within the living spaces of our community comes at the expense of those who live in the community. Once that permission is given, it is very, very difficult to remove and regulate.

Who would be legally responsible in the event of a malfunction — the company, the property owner, or the municipality? Can the Board require proof of insurance and emergency response procedures for accidents?

Another concern is zoning and land use compatibility. The parking lot is zoned for vehicle use, not as a testing or industrial site. Drone testing is fundamentally an aeronautical and technological activity, not a typical commercial use compatible with residential neighborhoods and parking lots. Approving this could set a precedent allowing other private companies to repurpose local spaces for incompatible commercial testing.

Lastly: **transparency**. Who is this company? Why has their identity not been revealed to the residents of the block they are seeking to negatively impact? I request that the Board delay any decision until a comprehensive public hearing process is complete and the community is aware of what company is behind this proposition.

While I recognize the importance of innovation and emerging technologies, **these advances should not come at the expense of the health, safety, and privacy of local residents**. The proposed drone testing site raises serious and unresolved concerns about noise pollution, surveillance, public safety, and the compatibility of such operations with our residential zoning. Allowing a private company to conduct experimental drone activities in a neighborhood setting sets a troubling precedent that could permanently alter the character and tranquility of our community. **I respectfully urge the Board to deny this application**, or at the very least, to postpone any approval until comprehensive independent reviews of noise, privacy, environmental, and safety impacts are completed with full public input. Our community deserves to feel secure in our homes and confident that local decisions prioritize residents' quality of life above corporate convenience.

Thank you for your consideration,

Hana Haber
125 Shotwell St
San Francisco, CA 94103

To: The Members of the San Francisco Board of Appeals

Re: Opposition to Proposed Drone Delivery Testing at [Address or Location of Parking Lot]

Dear Members of the Board,

I am writing as a resident of the 100 Shotwell St block of the Mission to express my strong opposition to the proposal allowing a private company to use the parking lot at 1942 & 1960 Folsom Street as a testing site for drone delivery operations. I have lived in this community for 15 years and deeply value the privacy, and quiet character that make our neighborhood a desirable place to live. The proposed use poses multiple serious concerns that I urge the Board to consider before granting any approval.

Noise Pollution and Quality of Life

Drone testing would inevitably produce repetitive and disruptive noise from takeoffs, landings, and hovering, particularly for the proposed schedule of 9am to 6pm Monday through Friday, which is 45 hours a week. This noise intrusion would degrade the peace and quiet of our residential area, impacting residents' well-being, sleep, and enjoyment of their homes. I ask whether an independent noise study has been conducted and request that any such findings be made available for public review.

Privacy and Surveillance Concerns

Drone operations often rely on high-resolution cameras and sensors for navigation and testing. Even if unintentional, these systems could capture video and images of nearby homes, yards, and residents without consent. This represents a clear violation of our reasonable expectation of privacy. The company should be required to fully disclose its data collection and retention policies and to demonstrate that no visual or sensor data will infringe on private property or individuals.

Safety and Liability

Drone testing in a populated area creates a significant risk of accidents, property damage, or personal injury from equipment malfunctions or operator error. It is unclear who would bear liability should such an incident occur—the company, the property owner, or the town. The Board should require proof of insurance and detailed emergency procedures before considering any approval.

Zoning and Land Use

The proposed use of a parking lot for drone testing appears inconsistent with existing zoning designations. Drone operations are more akin to industrial or aeronautical activities, which are not appropriate within or adjacent to residential neighborhoods. Approving this project could set a troubling precedent, encouraging other companies to use local properties for commercial testing activities not aligned with community land-use goals.

Environmental and Community Impacts

Drone noise and low-altitude flight can disturb local wildlife and domestic animals. Depending on the power source, these operations may also increase emissions and energy use. The Board should require an environmental impact assessment before allowing any testing in or near residential zones.

Transparency and Public Input

Residents deserve full transparency regarding the scope, duration, and timing of the proposed testing. Any decision that affects neighborhood safety, noise levels, and privacy should occur only after meaningful public participation and full disclosure by the applicant.

Conclusion

While I appreciate the role of innovation in advancing technology, such progress must not come at the expense of residents' health, safety, and privacy. The proposed drone testing presents unacceptable risks and conflicts with the intended use of the site. I respectfully urge the Board to **deny this application** or, at minimum, to **delay any decision** until independent studies on noise, privacy, environmental, and safety impacts have been completed and reviewed with full community input.

Thank you for your attention to this important matter and for your commitment to protecting the integrity and livability of our neighborhood.

Respectfully submitted,

Brendan Hagarty



President John Trasviña
San Francisco Board of Appeals
City Hall, 1 Dr. Carlton B. Goodlett Place, Room 416
San Francisco, California, 94102

November 13, 2025

RE: Support for New DoorDash Innovation Hub at 1960 Folsom Street

President Trasviña, Members of the Board of Appeals,

We write to you today regarding the pending appeal on the Letter of Determination related to DoorDash Labs's lease of the premises located at 1960 Folsom Street. As an organization that works to empower San Francisco's restaurant community, we wish to express our firm support for DoorDash Labs's proposed new innovation hub and urge the Board to move the project forward.

We believe this facility further positions San Francisco as a leader in innovation and autonomous technology and has the potential to bring new, high-quality engineering and operations jobs to the city. We are confident that DoorDash's investment in this new hub will result in broader improvements to the Mission District and benefit the surrounding neighborhood. Beyond the benefits to innovation and local employment, this project supports San Francisco's broader economic recovery. Continued investment of this kind helps create new opportunities for residents and strengthen the city's economic foundation.

In our experience, DoorDash is a strong working partner and we are reassured by the company's commitments to be transparent, responsive, and collaborative with the surrounding community.

We respectfully request that the Board of Appeals affirm the Zoning Administrator's determination.

Sincerely,

Laurie Thomas
Executive Director
Golden Gate Restaurant Association

CC:
Vice President Lopez
Commissioner Swig
Commissioner Saroyan
Executive Director Lamarre
Legal Assistant Longaway
Legal Clerk Mejia



Nov 18, 2025

President Trasviña and Board Members:

Re: Appeal #25-036

Calle 24 Latino Cultural District writes to express our concerns regarding the proposed drone testing site in blue-collar space at 1960 Folsom St.

Calle 24's mission is to preserve, enhance and advocate for Latino cultural continuity, vitality, and community in San Francisco's touchstone Latino Cultural District and the greater Mission neighborhood.

For working-class communities like the Mission District, blue collar (PDR) zoned spaces are critical to stability and opportunity for our families in the neighborhood -- and are disappearing rapidly. These spaces provide well-paying jobs that do not require advanced educational degrees.

This most recent wave of high-tech related companies are, unfortunately, not providing meaningful job opportunities to the existing working-class residents, particularly opportunities equivalent to blue collar jobs historically provided in these spaces. They are driving up land values and increasing displacement pressures with no upside to the working-class families that already exist in this area.

This dual role that PDR space plays -- both stabilizing communities and providing opportunities for low-to middle income workers -- is critical for the existing Mission community's survival. **Over the past several decades, the neighborhood has lost roughly 12,000 Latinos, and at the same time lost hundreds of thousands of square feet of blue-collar space.**

Additionally, on top of the formal replacement of blue-collar spaces, the Mission District continues to face an ongoing problem with illegal occupation of PDR-zoned spaces by other uses such as tech companies.

Therefore, in light of this concerning context, it is especially worrying to see an autonomous drone testing site proposal made for one of these important job spaces - particularly while at the same time that we are seeing large numbers of AI companies already simultaneously pushing into these very same vulnerable spaces while millions of vacant square footage exists downtown and in other areas of the city.

We ask this Board to closely review this application to ensure it is compliant with the actual intent and history of these spaces.

Thank you for your attention to this important matter.

Calle 24 Latino Cultural District



Nov 18, 2025

President Trasviña and Board Members:

Re: Appeal #25-036

United to Save the Mission, a coalition of more than a dozen community resident groups and nonprofit organizations, writes to express our concerns regarding the proposed drone testing site in blue-collar space at 1960 Folsom St, and appreciate the Teamsters raising potential issues regarding this use for further review before your Board.

For working-class communities like the Mission District, blue collar (PDR) zoned spaces are critical to stability and opportunity for our families in the neighborhood -- and disappearing rapidly.

These spaces provide well-paying jobs that do not require advanced educational degrees. Simultaneously, these spaces serve as a strong buffer to stabilize against gentrification and its accompanying displacement of low-income residents.

This dual role that PDR space plays -- both stabilizing communities and providing opportunities for low-to middle income workers -- is critical for the existing Mission community's survival. **Over the past several decades, the neighborhood has lost roughly 12,000 Latinos, and at the same time lost hundreds of thousands of square feet of blue-collar space.**

Additionally, on top of the formal replacement of blue-collar spaces, the Mission District continues to face an ongoing problem with illegal occupation of PDR-zoned spaces by other uses such as tech companies.

Therefore, in light of this concerning context, it is especially worrying to see an autonomous drone testing site proposal made for one of these important job spaces - particularly while at the same time that we are seeing large numbers of AI companies already simultaneously pushing into these very same vulnerable spaces while millions of vacant square footage exists downtown and in other areas of the city.

This most recent wave of high-tech related companies are, unfortunately, not providing meaningful job opportunities to the existing working-class residents, particularly opportunities equivalent to blue collar jobs historically provided in these spaces,. They

are driving up land values and increasing displacement pressures with no upside to the working-class families that already exist in this area.

These outcomes are antithetical to the city/community partnership work together in Mission Action Plan 2020 and Mission Action Plan 2030 over the last decade. We must all work together to change this course of action.

Our asks are:

- For this Board to closely review this application to ensure it is compliant.
- For other city departments to work with us to redouble our efforts and find mechanisms to slow the loss of these jobs spaces -- such as instituting controlling measures, or incentivizing these uses in other areas such as downtown or Mission Bay where the uses will not lead to displacement and lost critical jobs. Such an outcome would be far better alignment with the city's existing business and economic goals.

Thank you for your attention to this important matter.

Community Development Committee, United to Save the Mission

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November 18th, 2025

President Trasviña and Honorable Board Members,

Re: Appeal #25-036

On behalf of the Hispanic Chambers of Commerce of San Francisco (HCCSF), I write to urgently share our deep concerns regarding the proposal to establish a drone testing site in the vital blue-collar (PDR) space at 1960 Folsom Street.

The mission of HCCSF centers on defending and advancing Latino small businesses and sustaining the legacy and vibrancy of the Latino Cultural District, the greater Mission neighborhood and the City of San Francisco. For generations, the Mission's blue-collar spaces have anchored working-class stability, providing living-wage jobs accessible to families regardless of academic pedigree. Yet, these irreplaceable spaces are vanishing at an unprecedented pace.

Unfortunately, the latest influx of high-tech ventures, including the proposed drone site, is accelerating displacement pressures without generating genuine opportunities for the Latino and working-class communities that have built this neighborhood. Instead of preserving access to good blue-collar jobs, these new ventures risk transforming essential job centers into exclusive, high-tech enclaves—undermining the very community fabric these spaces were meant to protect.

Over recent decades, our community has already lost nearly 12,000 Latino residents and hundreds of thousands of square feet of blue-collar job space in the Mission. The loss continues as PDR-zoned spaces are systematically replaced or informally occupied by uses that do not serve the working people for whom these spaces were intended.

Amid these alarming trends, the proposal for an autonomous drone testing site represents a direct threat to the economic security and cultural integrity of the Mission. There is ample vacant space downtown suitable for tech ventures; permitting further encroachment into PDR zones in our historic neighborhood would disregard the explicit intent of these protections and exacerbate displacement.

We urge the Board to closely scrutinize this application and uphold the true spirit and purpose of PDR zoning—to preserve stable, equitable, local employment and support the survival of the Mission's diverse working-class community.

Thank you for your stewardship and commitment to San Francisco's communities.

Sincerely,

Carlos Solórzano
CEO
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415.259.1498
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Cc: Board of Directors