



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- Affordable Housing (Sec. 415)
- Jobs Housing Linkage Program (Sec. 413)
- Downtown Park Fee (Sec. 412)
- First Source Hiring (Admin. Code)
- Child Care Requirement (Sec. 414)
- Other

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Planning Commission Motion No. 19013 HEARING DATE: OCTOBER 24, 2013

Date: October 24, 2013
Case No.: **2013.0226BC**
Project Address: **665 3rd Street**
Zoning: SLI (Service/Light Industrial) Zoning District
 South End Landmark District
 65-X Height and Bulk District
Block/Lot: 3788/013
Project Sponsor: James Schafer
 665 Third Street Associates
 3 Elm Avenue
 Kentfield, CA 94904
Staff Contact: Richard Sucre – (415) 575-9108
richard.sucre@sfgov.org
Recommendation: **Approval with Conditions**

ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 303, 803.9(A), AND 817.48 OF THE PLANNING CODE TO CONVERT UP TO 123,700 GSF OF PDR USE TO OFFICE USE AT 665 3RD STREET, LOT 041 IN ASSESSOR’S BLOCK 3788 WITHIN THE SLI (SERVICE/LIGHT INDUSTRIAL) DISTRICT, SOUTH END LANDMARK DISTRICT, AND A 65-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On February 28, 2013, Caroline Guibert of Coblenz, Patch, Duffy and Bass, LLP (hereinafter “Project Sponsor”), on behalf of James Schafer of 665 Third Street Associates (Property Owner) filed an application with the Planning Department (hereinafter “Department”) for Conditional Use Authorization under Planning Code Sections 303 and 803.9(a) of the Planning Code to change the use of up to 123,700 gsf of PDR space to office use within the SLI (Service/Light Industrial) Zoning District, South End Landmark District, and a 65-X Height and Bulk District.

On October 2, 2013, the San Francisco Historic Preservation Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2013.0226C, in order to provide a recommendation to the San Francisco Planning Commission on the project’s feasibility to

preserve the subject building. The HPC determined that the proposed project would enhance the feasibility of preserving the existing building, as noted in HPC Resolution No. 0713.

On October 24, 2013, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2013.0226C.

The project is exempt from the California Environmental Quality Act ("CEQA") as a Class 1 Categorical Exemption.

The Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of the applicant, Department staff, and other interested parties.

MOVED, that the Commission hereby authorizes the Conditional Use requested in Application No. 2013.0226C, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

FINDINGS

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The proposed project is located on a generally rectangular lot (measuring approximately 150-ft by 160-ft for a lot area of 24,430± sq ft) on the east side of 3rd Street between Brannan and Townsend Streets. Currently, the subject lot contains a five-story reinforced concrete light industrial building. Originally constructed in 1916, 665 3rd Street was designed for the M.J. Brandenstein Co. by noted architect, G. Albert Langsburgh, and builder, George Wagner. The building features a concrete foundation, reinforced concrete walls, a stucco exterior, steel-sash industrial windows, and a tabbed parapet and cornice. The property is a contributing resource to the South End Historic District, which is listed in Article 10 of the San Francisco Planning Code.
3. **Surrounding Properties and Neighborhood.** The project site is located in the SLI (Service/Light Industrial) Zoning District along a largely commercial corridor within the East SoMA Area Plan and is approximately one block south of South Park. The immediate neighborhood consists of two- to-six-story tall, older brick or reinforced-concrete warehouses (largely converted into office or commercial space). Other properties in the area are residential, commercial or light industrial in nature. To the north of the project site is a narrow two-story commercial building and an older four-story former brick warehouse (now office), while to the south is a similar five-story reinforced concrete former warehouse and a smaller two-story commercial building. Other zoning districts in the vicinity of the project site include: MUO (Mixed Use Office); SPD (South Park District); and, MB-RA (Mission Bay South Redevelopment Plan).

4. **Project Description.** The proposed project is a change in use of up to 123,700 gsf from printing use (PDR-Production, Distribution and Repair) to office use. The proposed project would retain approximately 3,800 gsf of PDR use.

As outlined in Planning Code Section 803.9(a), the Project Sponsor created a Historic Building Maintenance Plan (HBMP) to assist in the feasibility of preserving the historic resource and justify the conversion to office use. To further support the preservation of the subject building, the HBMP outlines a maintenance and restoration program for: regular cyclical maintenance; repair of the roof, windows, exterior paint, and signage; and, restoration of the ground floor windows.

5. **Public Comment.** The Department has received one correspondence regarding the proposal. This correspondence has not expressed either support or opposition to the proposed project; rather, this correspondence expressed concern over the environmental review and the release of the staff case report.
6. **Planning Code Compliance:** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:

A. **Commercial Uses in Mixed Use Districts.** Planning Code Section 803.9(a) states that any use which is permitted as a principal or conditional use within the SSO (Service/Secondary Office) Zoning District, excluding nighttime entertainment, may be permitted as a conditional use in "a contributory building which is proposed for conversion to office use of an aggregate gross square footage of 25,000 or more per building and which is located outside the SSO District yet within a designated historic district." For all such buildings the following conditions shall apply:

- (1) the provisions of Sections 316 through 318 of this Code must be met;
- (2) in addition to the conditional use criteria set out in Sections 303(c)(6) and 316 through 316.8, it must be determined that allowing the use will enhance the feasibility of preserving the landmark, significant or contributory building; and
- (3) the landmark, significant or contributory building will be made to conform with the San Francisco Building Code standards for seismic loads and forces which are in effect at the time of the application for conversion of use.

665 3rd Street is a contributing resource to the South End Landmark District, which is listed in Article 10 of the San Francisco Planning Code. It is located within the SLI Zoning District, which is outside of the SSO (Service/Secondary Office) Zoning District, and includes a proposal which will result in a conversion to office use of an aggregate gross floor area in excess of 25,000 sf.

Further, the proposal has been reviewed by the Historic Preservation Commission on December 7, 2011, and was determined to enhance the feasibility of preserving the subject building, as documented in HPC Resolution No. 0713.

- B. **Useable Open Space.** Planning Code Section 135.3 states that 1 sq. ft. per 90 sq. ft. of occupied floor area of new, converted or added square footage will be required for office uses, as defined in Planning Code Section 890.70, in South of Market Mixed Use Districts.

The Project is required to provide 1,374 sq ft of useable open space for the 123,700 gsf of new office use. Pursuant to Planning Code Section 425, the proposed project will apply for a waiver authorized by the Zoning Administrator, and will provide a payment to the Open Space Fund.

- C. **Off-Street Parking.** Within the SLI Zoning District (which is part of the SOMA Mixed Use Districts), Planning Code Section 151.1 states there is no required off-street parking.

Currently, the subject building does not possess any off-street parking spaces. As a contributing resource to a designated local historic district listed in Article 10 of the San Francisco Planning Code, there is no minimum off-street parking requirement for the subject building, per Planning Code Section 161(k).

- D. **Off-Street Freight Loading.** Planning Section 152.1 of the Planning Code requires 0.1 off-street freight loading spaces for every 10,000 square feet of gross floor area of office use.

As a contributing resource to a designated local historic district listed in Article 10 of the San Francisco Planning Code, there is no minimum off-street freight loading requirement for the subject building, per Planning Code Section 161(k).

- E. **Bicycle Parking Requirement.** Planning Section 155.2 of the Planning Code requires at least one Class 1 bicycle parking space for every 5,000 occupied square feet of office space and a minimum of two Class 2 bicycle parking spaces for any office uses greater than 5,000 gross square feet plus one Class 2 bicycle parking space for each additional 50,000 occupied square feet.

The proposed project includes up to 123,700 gsf of office use, thus requiring at least twenty-five (25) Class 1 bicycle parking spaces, and four (4) Class 2 bicycle parking spaces. The proposed project includes twenty-five (25) Class 1 bicycle parking spaces and will pay the in-lieu fee for the Class 2 bicycle parking spaces; therefore, the proposed project complies with Planning Code Section 155.2.

- F. **Shower Facility and Clothes Locker Requirement.** Planning Section 155.4 of the Planning Code requires at least four showers and twenty-four clothes lockers when gross square footage exceeds 50,000 square feet of the office use floor area.

As outlined within Planning Code Section 155.4(d), the Project Sponsor shall seek an exemption from the Zoning Administrator to provide arrangements for shower and locker facilities at a health club or other facility within three blocks of the building, which will be available to tenants at no cost to the building employees; therefore, the proposed project would comply with Planning Code Section 155.3.

- G. **Transportation Management Program.** Planning Section 163 requires the Project Sponsor to execute an agreement with the Planning Department for the provision of on-site

transportation brokerage services and preparation of a transportation management program to be approved by the Director of Planning and implemented by the provider of transportation brokerage services for projects within the SOMA Mixed Use District, where the gross square feet of new, converted or added floor area for office use equals at least 100,000 square feet.

The proposed project includes up to 123,700 gsf of office use, thus the Project Sponsor must execute an agreement to provide on-site transportation brokerage services. The agreement will be reviewed by the Planning Department prior to the issuance of a temporary certificate of occupancy, in accordance with Planning Code Section 163.

- H. **Office Development Authorization.** Planning Code Section 321 outlines the requirements for an Office Development Authorization from the Planning Commission for new office space in excess of 25,000 gsf.

The proposed project has submitted an application for an Office Development Authorization. The proposed project will seek an office development authorization for up to approximately 123,700 gsf of office space from the Planning Commission. See Case No. 2013.0226B.

- I. **Jobs-Housing Linkage Program.** Planning Code Section 413 applies the Jobs-Housing Linkage Fee to any project that increases by at least 25,000 gross square feet the total amount of any combination of entertainment use, hotel use, Integrated PDR use, office, research and development use, retail use, and/or Small Enterprise Workspace use.

The proposed project includes a change in use of up to 123,700 gsf from PDR to office use and is subject to the Jobs-Housing Linkage Program, as outlined in Planning Code Section 413. The Project Sponsor may elect between the Housing Requirement option, the Payment to Housing Developer option, the In-Lieu Fee Payment option or compliance by combination payment to Housing Developer and payment of In-Lieu Fee at the time of building permit issuance. The Project Sponsor has elected to satisfy this requirement through payment of an in-lieu fee.

- J. **Child Care Requirements for Office Development Projects.** Planning Code Section 414 applies the Child Care Requirements for Office Development Projects to any project that increases by at least 50,000 gross square feet the total amount of office space.

The proposed project includes 123,700 gsf of office use and is subject to the Child Care Requirements for Office Development Projects Requirement. Prior to issuance of the first construction document, the Project Sponsor will elect between compliance by providing an on-site child-care facility, compliance in conjunction with the sponsors of other development projects to provide an on-site child care facility at another project, compliance in conjunction with the sponsors of other development projects to provide a child-care facility within one mile of the development projects, compliance by payment of an in-lieu fee, compliance by combining payment of an in-lieu fee with construction of a child care facility or compliance by entering into an arrangement with a non-profit organization. The Project Sponsor shall pay the in-lieu fee to comply with this requirement.

- K. **Eastern Neighborhood Infrastructure Impact Fees.** Planning Code Section 423 is applicable to any development project within the Eastern Neighborhoods Area Plan that results in the addition of gross square feet of non-residential space.

The proposed project includes a change in use of up to 123,700 gsf from PDR to office use. These uses are subject to Eastern Neighborhood Infrastructure Impact Fees, as outlined in Planning Code Section 423. These fees shall be paid prior to the issuance of the building permit application.

- L. **Bicycle Parking In-Lieu Fee.** Planning Code Section 430 outlines the requirements for an in-lieu fee for required Class 2 bicycle parking spaces. The amount of the in-lieu fee shall be \$400 per Class 2 bicycle parking space.

The proposed project shall pay the in-lieu fee for the required four (4) Class 2 bicycle parking spaces. These fees must be paid prior to the issuance of the building permit application.

7. **Planning Code Section 303** establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use approval. On balance, the project does comply with said criteria in that:

- (1) The proposed new uses and building, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable, and compatible with, the neighborhood or the community.

The proposed use is in keeping with other uses on the block face. The immediate block along 3rd Street features a variety of uses, including light industrial, general commercial, and multi-story residential, as well as professional office. The office use will complement the mix of goods and services currently available in the surrounding district and will contribute to the economic vitality of the neighborhood by expanding office square footage at this location. Currently, the surrounding district features a number of former light industrial and warehouse properties that have been converted to office use. The project will support the continued maintenance of the historic resource, which is a positive contribution to the neighborhood.

- (2) That such use or feature as proposed will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity, or injurious to property, improvements or potential development in the vicinity, with respect to aspects including but not limited to the following:

- i. Nature of proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;

The height and bulk of the existing building will remain the same and the proposal will not alter the existing appearance or character of the project vicinity. The proposed work includes a maintenance and restoration program, which will eventually include exterior alterations that will remove incompatible alterations to the ground floor. These exterior alterations would

be subject to a Certificate of Appropriateness, and would be reviewed by the Historic Preservation Commission at the time of application.

- ii. The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed off-street parking and loading;

The Planning Code does not require parking for the proposed use. The project is in close proximity to numerous transit options, including the proposed Central Subway, Caltrain, and Muni bus lines, which could offer alternatives to private vehicles.

- iii. The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor;

The proposed project will comply with the City's requirements to minimize noise, glare, odors, or other harmful emissions. Conditions of approval are included to address potential issues.

- iv. Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs;

The proposed change of use does not require any additional exterior tenant improvements. The proposal will not include loading or service areas. The Project Sponsor will not alter the existing street trees. Screening and open space requirements will be met. Signage will comply with Planning Code requirements.

- (3) That the use as proposed will comply with the applicable provisions of the Planning Code and will not adversely affect the General Plan.

The Project complies with all relevant requirements and standards of the Planning Code and is consistent with objectives and policies of the General Plan as detailed below.

- (4) That the use as proposed would provide development that is in conformity with the purpose of the applicable Neighborhood Commercial District.

The proposed project is not located within a Neighborhood Commercial District.

- 8. **General Plan Compliance.** The Project is, on balance, consistent with the following Objectives and Policies of the General Plan:

COMMERCE AND INDUSTRY

Objectives and Policies

OBJECTIVE 2:

MAINTAIN AND ENHANCE A SOUND AND DIVERSE ECONOMIC BASE AND FISCAL STRUCTURE FOR THE CITY.

Policy 2.1:

Seek to retain existing commercial and industrial activity and to attract new such activity to the City.

The Project will enhance an existing commercial use and will enhance the diverse economic base of the City.

URBAN DESIGN

Objectives and Policies

OBJECTIVE 2:

CONSERVATION OF RESOURCES WHICH PROVIDE A SENSE OF NATURE, CONTINUITY WITH THE PAST, AND FREEDOM FROM OVERCROWING.

Policy 2.4:

Preserve notable landmarks and areas of historic, architectural or aesthetic value, and promote the preservation of other buildings and features that provide continuity with past development.

Policy 2.5:

Use care in remodeling of older buildings, in order to enhance rather than weaken the original character of such buildings.

The Project will preserve and reuse a contributing resource to a designated historic district.

EAST SOMA AREA PLAN

LAND USE

Objectives and Policies

OBJECTIVE 1.1:

ENCOURAGE PRODUCTION OF HOUSING AND OTHER MIXED-USE DEVELOPMENT IN EAST SOMA WHILE MAINTAINING ITS EXISTING SPECIAL MIXED-USE CHARACTER.

Policy 1.1.2:

Encourage small flexible, office space throughout East SoMa and encourage larger office in the 2nd Street Corridor.

OBJECTIVE 1.4:

SUPPORT A ROLE FOR “KNOWLEDGE SECTOR” BUSINESSES IN EAST SOMA.

Policy 1.4.1:

Permit limited office space throughout East SoMa to support a flexible space for all types of office users.

HISTORIC RESOURCES

Objectives and Policies

OBJECTIVE 8.2:

PROTECT, PRESERVE, AND REUSE HISTORIC RESOURCES WITHIN THE EAST SOMA AREA PLAN.

Policy 8.2.3:

Promote and offer incentives for the rehabilitation and adaptive reuse of historic buildings in the East SoMa area plan.

Generally, the East SoMa Area Plan encourages the reuse of the historic buildings and the production of small, flexible office space. The proposed project is consistent with the policies and objectives of the East SoMa Area Plan. The proposed project will contribute to the economic diversity and mixed-use character of the neighborhood and will reuse a contributing building in a designated historic district.

9. **Planning Code Section 101.1(b)** establishes eight priority-planning policies and requires review of permits for consistency with said policies. On balance, the project does comply with said policies in that:

- A. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses be enhanced.

The proposal would not significantly affect any neighborhood serving retail uses, as numerous retail uses would still be present in the area. Currently, the project does not include any retail use.

- B. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods.

The proposal will not impact the existing housing or neighborhood character. The surrounding neighborhood has a mixed character composed of residential, commercial, office, and light industrial uses.

- C. That the City's supply of affordable housing be preserved and enhanced.

The proposal will not impact any of the existing housing.

- D. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking.

The proposal will not alter the existing commuter traffic patterns. The existing building is well-served by public transportation options. The location of the site will enable employees and visitors to the building to walk or use public transit. Parking is not required per Planning Code Sections 151.1 and 161(k).

- E. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced.

The proposed project will assist in maintaining a diverse economic base by enhancing a commercial use.

- F. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake.

The project will conform to the structural and seismic safety requirements of the City Building Code. This proposal will not impact the property's ability to withstand an earthquake.

- G. That landmarks and historic buildings be preserved.

The existing building is located in the South End Landmark District, and the proposal would enhance the feasibility to preserve the existing building by allowing office use and engaging within a Historic Building Maintenance Plan.

- H. That our parks and open space and their access to sunlight and vistas be protected from development.

The project will have no negative impact on existing parks and open spaces. The Project does not have an impact on open spaces.

10. The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would contribute to the character and stability of the neighborhood and would constitute a beneficial development.

11. The Commission hereby finds that approval of the Conditional Use Authorization would promote the health, safety and welfare of the City.

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Application No. 2013.0226C** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plan on file, dated February 26, 2013, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion No. 19013. The effective date of this Motion shall be the date of this Motion if not appealed (After the 30-day period has expired) OR the date of the decision of the Board of Supervisors if appealed to the Board of Supervisors. For further information, please contact the Board of Supervisors at (415) 554-5184, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on October 24, 2013.

Jonas P. Ionin
Commission Secretary

AYES: Antonini, Borden, Fong, Hillis, Moore and Wu

NAYS: Sugaya

ABSENT:

ADOPTED: October 24, 2013

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to allow office use located at 665 3rd Street, Block 3788, Lot 041, pursuant to Planning Code Section(s) 303 and 803.9(a) within the SLI District and a 65-X Height and Bulk District; in general conformance with plans, dated February 26, 2013, and stamped "EXHIBIT B" included in the docket for Case No. 2013.0226C and subject to conditions of approval reviewed and approved by the Commission on October 24, 2013 under Motion No. 19013. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

RECORDATION OF CONDITIONS OF APPROVAL

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on October 24, 2013 under Motion No. 19013.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. 19013 shall be reproduced on the Index Sheet of construction plans submitted with the site or building permit application for the Project. The Index Sheet of the construction plans shall reference to the Conditional Use authorization and any subsequent amendments or modifications.

SEVERABILITY

The Project shall comply with all applicable City codes and requirements. If any clause, sentence, section or any part of these conditions of approval is for any reason held to be invalid, such invalidity shall not affect or impair other remaining clauses, sentences, or sections of these conditions. This decision conveys no right to construct, or to receive a building permit. "Project Sponsor" shall include any subsequent responsible party.

CHANGES AND MODIFICATIONS

Changes to the approved plans may be approved administratively by the Zoning Administrator. Significant changes and modifications of conditions shall require Planning Commission approval of a new Conditional Use authorization.

Conditions of Approval, Compliance, Monitoring, and Reporting

PERFORMANCE

Validity. The authorization and right vested by virtue of this action is valid for three (3) years from the effective date of the Motion. The Department of Building Inspection shall have issued a Building Permit or Site Permit to construct the project and/or commence the approved use within this three-year period.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

Expiration and Renewal. Should a Building or Site Permit be sought after the three (3) year period has lapsed, the project sponsor must seek a renewal of this Authorization by filing an application for an amendment to the original Authorization or a new application for Authorization. Should the project sponsor decline to so file, and decline to withdraw the permit application, the Commission shall conduct a public hearing in order to consider the revocation of the Authorization. Should the Commission not revoke the Authorization following the closure of the public hearing, the Commission shall determine the extension of time for the continued validity of the Authorization.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

Diligent pursuit. Once a site or Building Permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. Failure to do so shall be grounds for the Commission to consider revoking the approval if more than three (3) years have passed since this Authorization was approved.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

Extension. All time limits in the preceding three paragraphs may be extended at the discretion of the Zoning Administrator where implementation of the project is delayed by a public agency, an appeal or a legal challenge and only by the length of time for which such public agency, appeal or challenge has caused delay.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

Conformity with Current Law. No application for Building Permit, Site Permit, or other entitlement shall be approved unless it complies with all applicable provisions of City Codes in effect at the time of such approval.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

Additional Project Authorization. The Project Sponsor must obtain an Office Development Authorization under Planning Code Section 321 to allocate office square footage and satisfy all the conditions thereof. The conditions set forth below are additional conditions required in connection with the Project. If these conditions overlap with any other requirement imposed on the Project, the more restrictive or protective condition or requirement, as determined by the Zoning Administrator, shall apply.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

PARKING AND TRAFFIC

Bicycle Parking. Pursuant to Planning Code Section 155.2, the Project shall provide no fewer than 25 Class 1 bicycle parking spaces.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

Showers and Lockers. Pursuant to Planning Code Section 155.4(d), the Project shall seek an exemption from the Zoning Administrator to provide arrangements for shower and locker facilities at a health club or other facility within three blocks of the building, which will be available to tenants at no cost to the building employees.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

PROVISIONS

Transportation Brokerage Services - C-3, EN, and SOMA. Pursuant to Planning Code Section 163, the Project Sponsor shall provide on-site transportation brokerage services for the actual lifetime of the project. Prior to the issuance of any certificate of occupancy, the Project Sponsor shall execute an agreement with the Planning Department documenting the project's transportation management program, subject to the approval of the Planning Director.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

Transit Impact Development Fee. Pursuant to Planning Code Section 411 (formerly Chapter 38 of the Administrative Code), the Project Sponsor shall pay the Transit Impact Development Fee (TIDF) as required by and based on drawings submitted with the Building Permit Application. Prior to the issuance of a temporary certificate of occupancy, the Project Sponsor shall provide the Planning Director with certification that the fee has been paid.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

Jobs Housing Linkage. Pursuant to Planning Code Section 413 (formerly 313), the Project Sponsor shall contribute to the Jobs-Housing Linkage Program (JHLP). The calculation shall be based on the net addition of gross square feet of each type of space to be constructed as set forth in the permit plans. The Project Sponsor shall provide evidence that this requirement has been satisfied to the Planning Department prior to the issuance of the first site or building permit by the Department of Building Inspection.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

Childcare Requirements for Office and Hotel Development Projects. Pursuant to Section 414 (formerly 314), the Project Sponsor shall pay the in-lieu fee as required. The net addition of gross floor area subject to the fee shall be determined based on drawings submitted with the Building Permit Application.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sfplanning.org

Eastern Neighborhoods Infrastructure Impact Fee. Pursuant to Planning Code Section 423 (formerly 327), the Project Sponsor shall comply with the Eastern Neighborhoods Public Benefit Fund provisions through payment of an Impact Fee pursuant to Article 4.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sfplanning.org

SoMa Mixed-Use Usable Open Space In Lieu Fee. Pursuant to Planning Code Section 425, in South of Market Mixed Use Districts, the open space requirement for non-residential requirements shall be satisfied through payment of a fee in accordance with Article 4.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sfplanning.org

Bicycle Parking In Lieu Fee. Pursuant to Planning Code Section 430, the Project Sponsor shall pay the in-lieu fee as required for the Class 2 Bicycle Parking Requirements in accordance with Article 4.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sfplanning.org

MONITORING - AFTER ENTITLEMENT

Enforcement. Violation of any of the Planning Department conditions of approval contained in this Motion or of any other provisions of Planning Code applicable to this Project shall be subject to the enforcement procedures and administrative penalties set forth under Planning Code Section 176 or Section 176.1. The Planning Department may also refer the violation complaints to other city departments and agencies for appropriate enforcement action under their jurisdiction.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sfplanning.org

Revocation due to Violation of Conditions. Should implementation of this Project result in complaints from interested property owners, residents, or commercial lessees which are not resolved by the Project Sponsor and found to be in violation of the Planning Code and/or the specific conditions of approval for the Project as set forth in Exhibit A of this Motion, the Zoning Administrator shall refer such complaints to the Commission, after which it may hold a public hearing on the matter to consider revocation of this authorization.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sfplanning.org

OPERATION

Community Liaison. Prior to issuance of a building permit to construct the project and implement the approved use, the Project Sponsor shall appoint a community liaison officer to deal with the issues of concern to owners and occupants of nearby properties. The Project Sponsor shall provide the Zoning Administrator with written notice of the name, business address, and telephone number of the community liaison. Should the contact information change, the Zoning Administrator shall be made

aware of such change. The community liaison shall report to the Zoning Administrator what issues, if any, are of concern to the community and what issues have not been resolved by the Project Sponsor.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org