



# SAN FRANCISCO PLANNING DEPARTMENT

*Subject to: (Select only if applicable)*

- |  |  |
|--|--|
| <input type="checkbox"/> Affordable Housing (Sec. 415)           | <input type="checkbox"/> First Source Hiring (Admin. Code) |
| <input type="checkbox"/> Jobs Housing Linkage Program (Sec. 413) | <input type="checkbox"/> Child Care Requirement (Sec. 414) |
| <input checked="" type="checkbox"/> Downtown Park Fee (Sec. 412) | <input type="checkbox"/> Other                             |

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

## Planning Commission Motion No. 19204

HEARING DATE: JULY 24, 2014

*Date:* July 17, 2014  
*Case No.:* **2014.0505C**  
*Project Address:* **581 Market Street (aka 88 Stevenson Street)**  
*Zoning:* C-3-O (SD) (Downtown Office (Special Development) District  
300-S Height and Bulk District  
*Block/Lot:* 3708/044  
*Project Sponsor:* Jonathan Needell  
Redwood-Kairos Real Estate Partners  
30342 Esperanza  
Rancho Santa Margarita, CA 92688  
*Staff Contact:* Pilar LaValley – (415) 575-9084  
[pilar.lavalley@sfgov.org](mailto:pilar.lavalley@sfgov.org)

**ADOPTING FINDINGS RELATING TO THE APPROVAL OF A CONDITIONAL USE AUTHORIZATION PURSUANT TO PLANNING CODE SECTIONS 219(d) AND 303, TO ALLOW PROFESSIONAL AND BUSINESS OFFICES THAT DO NOT OFFER ON-SITE SERVICES TO THE GENERAL PUBLIC BELOW THE GROUND FLOOR OF THE EXISTING THREE-STORY-OVER-BASEMENT BUILDING WITHIN THE C-3-O (SD) (DOWNTOWN OFFICE (SPECIAL DEVELOPMENT)) ZONING DISTRICT AND THE 300-S HEIGHT AND BULK DISTRICT.**

### PREAMBLE

On April 9, 2014, Jonathan Needell (hereinafter “Project Sponsor”) filed an application with the Planning Department (hereinafter “Department”) for Conditional Use Authorization under Planning Code Section(s) 219(d) and 303 to allow an office use below the ground floor of the existing three-story-over-basement building within the C-3-O (SD) (Downtown Office (Special Development)) District and a 300-S Height and Bulk District.

On July 24, 2014, the San Francisco Planning Commission (hereinafter “Commission”) conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2014.0505C.

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. 2014.0505C, 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 Project Site is located on the south side of Market Street, between 1<sup>st</sup> and 2<sup>nd</sup> Streets, Assessor's Block 3708, Lot 044. It is located within the C-3-O (SD) (Downtown Office (Special Development)) Zoning District, Downtown Area Plan, and the 300-S Height and Bulk District. The Project Site is occupied by a three-story-over-basement building, which was formerly occupied by Stacy's Bookstore. The upper floors of the building currently contain office space, while the ground floor retail space that fronts on both Market and Stevenson Streets is occupied by CVS/Pharmacy. The basement office space, which is approximately 7,000 square feet (sf), is accessed via a small lobby fronting on Stevenson Street (88 Stevenson Street).

A Building Permit authorizing interior tenant improvements for the basement office space was approved by the San Francisco Department of Building Inspection (DBI) on November 26, 2012. On January 16, 2013, DBI issued a Certificate of Final Occupancy for this construction. This permit was not routed to the Planning Department due to an administrative oversight; the requested Conditional Use seeks to legalize this construction and use.

3. **Surrounding Properties and Neighborhood.** The surrounding neighborhood consists of a variety of low- to high-rise, mixed-use buildings. The subject property is located within the C-3-O (SD) Zoning District, which is the area south of Market Street and east of 3rd Street that comprises the southern side of the core central business district, and is similar to and generally indistinguishable from the C-3-O District in terms of uses and character. This district permits densities that exceed those in the C-3-O district, is composed of retail, office, hotel, entertainment, institutions, and high-density residential uses, and contains the tallest height limits in the City, reflecting its unparalleled public transportation access and geographically central position in the downtown. Many of these uses have a Citywide or regional function.

Buildings in the immediate vicinity of the subject property predominantly contain office uses over ground floor commercial or retail uses. The project is located within the downtown core, and in an area well-served by a range of public transit options, including BART, AC Transit, Muni Metro and Muni street care lines.

4. **Project Description.** The Project is to legalize professional and business offices below the ground floor of the existing 3-story-over-basement building. The approximately 7,000 square foot (sf) office space is located at the basement with primary access from a small lobby at the rear of the ground floor fronting Stevenson Street. The building, formerly occupied by Stacy's Bookstore, contains approximately 8,010sf of retail use (CVS/Pharmacy) on the ground floor and approximately 11, 334sf of office space on the 2<sup>nd</sup> and 3<sup>rd</sup> floors.

The Project requires a Conditional Use Authorization for the establishment of an office use below the ground floor, pursuant to Planning Code Section 219(d). A Building Permit authorizing interior tenant improvements for the basement office space was approved by the San Francisco Department of Building Inspection (DBI) on November 26, 2012. On January 16, 2013, DBI issued a Certificate of Final Occupancy for this construction. This permit was never routed to the Planning Department due to an administrative oversight; the requested Conditional Use seeks to legalize this construction and use.

5. **Public Comment.** To date, the Department has received no public comment regarding this project.
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. **Use.** Planning Code Sections 219(d) states that professional and business offices that do not provide on-site services to the general public require a Conditional Use Authorization if located at or below the ground floor of a building in the C-3-O (SD) District.

*The Subject Property is located in the C-3-O (SD) District, and pursuant to Planning Code Section 219(d), offices closed to the public are permitted on the ground and basement floors with a Conditional Use Authorization. The Project Sponsor is requesting Conditional Use Authorization in order to legalize an office use that occupies the majority of the basement.*

- B. **Floor Area Ratio.** Planning Code Section 124 establishes basic floor area ratios (FAR) for all zoning districts. FAR is the ratio of the gross floor area of all the buildings on a lot to the total area of the lot. Under Section 124(a), the FAR for the C-3-O (SD) Zoning District is 6.0-to-1.

*The Project will result in no change in overall floor area. The ground and upper floors are not affected by this Project. The Project will result in no change of FAR associated with this building, which is well below the permitted FAR.*

- C. **Loading.** Section 152 requires off-street freight loading for uses above a certain size. Office uses are not required to provide off-street freight loading if they contain less than 100,000 square feet in gross floor area.

*The Project proposes approximately 7,000 gross square feet (gsf) of new office space, which is substantially less than the minimum 100,000 gsf of office space that would trigger provision of a loading space; it is thus exempt from providing any off-street loading.*

- D. **Public Open Space (Section 138).** New buildings or an addition of gross floor area equal to 20 percent or more of an existing building in the C-3 Zoning Districts must include public open space at a ratio of one square foot per 50 gross square feet of all uses, except residential uses, institutional uses, and uses in a predominantly retail/personal services building.

*The project does not trigger the requirement for public open space, since it results in no increase in gross floor area.*

- E. **Street Trees (Sections 138.1).** Section 138.1 requires the installation of street trees in the case of construction of a new building; relocation of a building; the addition of gross floor area equal to 20 percent or more of the gross floor area of an existing building; the addition of a new dwelling unit, a garage, or additional parking; or paving or repaving more than 200 square feet of the front setback.

*The Project does not trigger the requirement for the installation of new street trees since the Project results in no increase in gross floor area.*

- F. **Street Frontage in Commercial Districts: Active Uses (145.1(c)(3)).** Section 145.1(c)(3) of the Planning Code requires that within Downtown Commercial Districts, space for “active uses” shall be provided within the first 25 feet of building depth on the ground floor.

*No change to existing use or to the configuration of the ground floor is proposed as part of the project. The first 25 feet of the ground floor spaces along Market Street and Stevenson Street are developed with “active uses,” consistent with this Code Section.*

- G. **Street Frontage in Commercial Districts: Street-Facing Ground-Level Spaces (Section 145.1(c)(5)).** Section 145.1(c)(5) of the Planning Code requires that within Downtown Commercial Districts, the floors of street-fronting interior spaces housing non-residential active uses and lobbies shall be as close as possible to the level of the adjacent sidewalk at the principal entrance to these spaces. Such required street-facing entrances shall remain open to the public during business hours.

*No change to existing use or to the configuration of the ground floor is proposed as part of the project. The existing retail space that fronts on both Market and Stevenson Street will remain and is not part of the project. The Market Street retail space, which contains the principle entrance to the retail space, is level with the adjacent sidewalk and will be open to the public during business hours.*

- H. **Street Frontage in Commercial Districts: Ground Floor Transparency (Section 145.1(c)(6)).** Section 145.1(c)(6) of the Planning Code requires that within Downtown Commercial Districts, frontages with active uses that are not residential or PDR must be fenestrated with transparent windows and doorways for no less than 60 percent of the street frontage at the ground level and allow visibility to the inside of the building.

*No change to existing use or to the configuration of the ground floor is proposed as part of the project. The existing Stevenson Street frontage, which is not proposed to be altered as part of the project, is nonconforming as less than 60 percent of the frontage is fenestrated with transparent glazing. As no work is proposed at this façade, and as the existing “active use” at the ground floor is not proposed to change as part of this project, the existing nonconforming condition may remain.*

- I. **Bicycle Parking (Section 155.5).** Planning Code Section 155.5 requires new and renovated commercial buildings to provide bicycle parking in the amount outlined in the this Section. Renovated buildings include major alterations (expansion and a construction cost of over \$1,000,000), a major change of use (any change of use involving half or more of the building's square footage, or 10,000 or more square feet), or the addition of off-street parking.

*The Project does not trigger the bicycle parking requirement, in that there is no expansion to the building, the construction cost is less than \$1,000,000 (estimated at \$225,000), and the change of use involves less than 10,000 sf (approximately 7,000 sf of new office space at basement).*

- J. **Additional Requirements for Certain Uses in C and M Districts (Section 212).** In order to assure continuity of retail and consumer service uses in the C-3-R District, and in other important commercial streets in C-3 Districts, such as along Market Street, ground-floor commercial frontages must include uses listed in Sections 218 and 221 within the first 20 feet of the building.

*There is an existing retail use, pursuant to Planning Code Section 218, that extends the depth of the building from Market to Stevenson Streets. No change to this ground floor use is proposed as part of the project, thus it complies with this Code Section.*

- K. **Transit Impact Development Fee.** Planning Code Section 411 applies the Transit Impact Development Fee to projects cumulatively creating more than 800 gross square feet of non-residential uses, including Retail/Entertainment, Management, Information and Professional Services, Production/Distribution/Repair, and Visitor Services.

*The proposed project would convert the previous retail use (Retail/Entertainment) to office use (Management, Information, and Professional Services). Provisions of Section 411 provide for a credit for prior uses eliminated on the project site if the prior use was active on the site within five years before the date of the application for a building or site permit for the proposed use. The project shall be subject to fees pursuant to Section 411 with no credit for the previous use if that previous use has been inactive more than 5 years. Determination of applicability of such fees, and amount of such fees, shall be made at time of permit approval.*

- L. **Downtown Park Fee (Section 412).** Section 412 applies to any proposed office development project within the C-3-G Zoning Districts that results in a net addition of gross floor area of office use.

*The Project includes approximately 7,000 gsf of new office space, and is subject to the Downtown Park Fee.*

- M. **Public Art (Section 429).** In the case of construction of a new building or addition of floor area in excess of 25,000 sf to an existing building in a C-3 District, Section 429 requires a project to include works of art costing an amount equal to one percent of the construction cost of the building.

*The Project does not trigger the requirement for the provision of public art, in that the Project does not include an addition of more than 25,000 sf of gross floor area.*

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:

- A. 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 Project is necessary and desirable because it will provide office space that is compatible with the surrounding neighborhood and community. The Property is located within a C-3-O (SD) Zoning District, where office uses are prevalent. Other buildings in the Property's immediate vicinity along Market Street contain similar office uses with ground floor retail space. This area is ideal for such office uses, as it is located within the Downtown Core, and is well-served by local and regional public transit systems. The Project would legalize approximately 7,000 square feet of renovated basement office space without altering the existing ground floor retail space fronting on Market and Stevenson Streets, which complies with the Planning Code's active use street frontage requirements in this area and would continue to contribute to the pedestrian-oriented character of the street. Access to the basement office space is provided at the rear of the building, in an area that is less desirable for retail use due to its lack of visibility from Market Street and low foot-traffic along Stevenson Street. The Project would be of a size and intensity contemplated for and compatible with the surrounding area.*

- B. The proposed project will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity. There are no features of the project that could be detrimental to the health, safety or convenience of those residing or working the area, in that:

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

*The Project will involve a change of use to the basement of an existing building containing predominantly office uses. The size, shape, and arrangement of the structure are ideal for office use. In addition, the building is located in an area where office uses are prevalent. Access to the basement office space is located at the rear of the building, in an area where the location of retail uses would be undesirable due to a lack of visibility from Market Street and the low foot-traffic along Stevenson Street. Therefore, the location of approximately 7,000 square feet of office space at*

*the basement of the building will not be detrimental to the health, safety, convenience or general welfare of individuals working in the vicinity.*

- 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 Project proposes to locate approximately 7,000 square feet of professional and business offices not offering on-site services to the general public within the basement of an existing office building. No off-street parking is provided within the existing building, and none would be provided as part of the Project. Additionally, no off-street loading docks are provided within the existing building, and none would be created as part of the Project. As the previous use of this space was retail, the Project would likely decrease the need for ground-floor freight loading access within the building.*

*Moreover, there would continue to be a multitude of public transportation options near the Property that ensure the Project would have minimal adverse effects on traffic and parking in the area. The Property is within the Downtown core and is approximately one half block from the Montgomery BART and MUNI light rail station, and the 5, 6, 9, 9L, 21, 31, 38, 38L, 71, 71L, K-OWL, L-OWL, M-OWL, N-OWL, and T-OWL bus lines all have stops essentially adjacent to the property.*

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

*The Project will not produce or include uses that would emit noxious or offensive emissions such as noise, glare, dust and odor. Such uses are inconsistent with the Project Sponsor's objectives.*

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

*The Project proposes a change of use at the basement of an existing building. There are no exterior alterations proposed as part of the project.*

- C. 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.*

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

## COMMERCE AND INDUSTRY ELEMENT

### Objectives and Policies

**OBJECTIVE 1:  
MANAGE ECONOMIC GROWTH AND CHANGE TO ENSURE ENHANCEMENT OF THE  
TOTAL CITY LIVING AND WORKING ENVIRONMENT.**

**Policy 1.1:**

Encourage development which provides substantial net benefits and minimizes undesirable consequences. Discourage development that has substantial undesirable consequences that cannot be mitigated.

**Policy 1.2:**

Assure that all commercial and industrial uses meet minimum, reasonable performance standards.

**Policy 1.3:**

Locate commercial and industrial activities according to a generalized commercial and industrial land use plan.

*The Project will affirmatively support these policies by increasing foot traffic and employment opportunities in the neighborhood, and by providing desirable goods and services through a retained retail space along Market Street. The existing buildings in the immediate vicinity of the Property contain similar office-over-ground-floor-retail uses. The proposed addition of office space at the Property will therefore be consistent with the existing character of the surrounding area, minimizing any potential undesirable consequences. The Project is also located in an area well-served by public transportation, and therefore little additional traffic or parking demand is expected to be generated as a result of the Project.*

**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 retain existing commercial activity in the Downtown core.*

**TRANSPORTATION ELEMENT**

**Objectives and Policies**

**OBJECTIVE 1:  
MEET THE NEEDS OF ALL RESIDENTS AND VISITORS FOR SAFE, CONVENIENT AND  
INEXPENSIVE TRAVEL WITHIN SAN FRANCISCO AND BETWEEN THE CITY AND  
OTHER PARTS OF THE REGION WHILE MAINTAINING THE HIGH QUALITY LIVING  
ENVIRONMENT OF THE BAY AREA.**



**Policy 1.3:**

Give priority to public transit and other alternatives to the private automobile as the means of meeting San Francisco's transportation needs, particularly those of commuters.

*The Project directly furthers this policy by creating additional office uses in an area well-served by local and regional public transit systems. The Property is located approximately one block from the Civic Center BART and MUNI light rail station. The 5, 6, 9, 9L, 21, 31, 38, 38L, 71, 71L, K-OWL, L-OWL, M-OWL, N-OWL, and T-OWL bus lines all have stops essentially adjacent to the Property. The numerous public transit options will reduce any adverse effect that the Project may have on traffic patterns in the vicinity of the Property.*

**OBJECTIVE 2:**

**USE THE TRANSPORTATION SYSTEM AS A MEANS FOR GUIDING DEVELOPMENT AND IMPROVING THE ENVIRONMENT.**

**Policy 2.2:**

Reduce pollution, noise and energy consumption.

*The Project specifically and significantly furthers this policy by being located in an area in close proximity to residential communities and well-served by local and regional public transit services. The Property's easy access by public transportation will encourage employees of retail and office uses in the building to utilize public transit, thereby reducing pollution, noise, and energy consumption relating to automobile use.*

**DOWNTOWN AREA PLAN**

**Objectives and Policies**

**OBJECTIVE 1:**

**MANAGE ECONOMIC GROWTH AND CHANGE TO ENSURE ENHANCEMENT OF THE TOTAL CITY LIVING AND WORKING ENVIRONMENT.**

**Policy 1.3:**

Encourage development which produces substantial net benefits and minimizes undesirable consequences. Discourage development which has substantial undesirable consequences which cannot be mitigated.

*The Project will affirmatively support these policies by increasing foot traffic and employment opportunities in the neighborhood. The Project's additional office space would be located in the Downtown core, which encourages dense office uses. Additionally, the existing buildings in the immediate vicinity of the Property contain similar office-over-ground-floor-retail uses. The proposed addition of office space at the Property will therefore be consistent with the existing character of the surrounding area, minimizing any potential undesirable consequences. The Project is also located in an area well-served by public*

*transportation, and therefore little additional traffic or parking demand is expected to be generated as a result of the Project.*

**OBJECTIVE 2:**

**MAINTAIN AND IMPROVE SAN FRANCISCO'S POSITION AS A PRIME LOCATION FOR FINANCIAL, ADMINISTRATIVE, CORPORATE, AND PROFESSIONAL ACTIVITY.**

**Policy 2.1:**

Encourage prime downtown office activities to grow as long as undesirable consequences of such growth can be controlled.

**Policy 2.2:**

Guide location of office development to maintain a compact downtown core and minimize displacement of other uses.

*The Project will affirmatively support these policies by increasing the availability of relatively small-scale office spaces while not displacing any other protected use.*

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 Project will not displace any existing neighborhood-serving retail uses or related employment opportunities. Ownership of retail businesses will not be affected by this project.*

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

*The Project will not result in removal of any dwelling units from the City's housing stock. In addition, the Project proposes office uses that are consistent with the character of the surrounding neighborhood.*

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

*The Project will not affect the City's supply of affordable housing.*

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

*The Project will not adversely affect public transit or place a burden on the existing supply of parking in the neighborhood. The area is well-served by public transportation and it is expected that many of the office's employees will walk or take public transit to and from work.*

- 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 Project will not displace any service or industry establishment. The project will not affect industrial or service sector uses or related employment opportunities. Ownership of industrial or service sector businesses will not be affected by this project.*

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

*The Project does not involve any construction activities that will compromise the structural integrity of the existing building. Any future tenant improvements will conform to the structural and seismic safety requirements of the City's Building Code.*

- G. That landmarks and historic buildings be preserved.

*A landmark or historic building does not occupy the Project site.*

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

*The Project, which does not include any physical expansion of the building envelope, will not affect any parks or open spaces, or their access to sunlight.*

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. 2014.0505C** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated October 17, 2012, 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. 19204. 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.

**Protest of Fee or Exaction:** You may protest any fee or exaction subject to Government Code Section 66000 that is imposed as a condition of approval by following the procedures set forth in Government Code Section 66020. The protest must satisfy the requirements of Government Code Section 66020(a) and must be filed within 90 days of the date of the first approval or conditional approval of the development referencing the challenged fee or exaction. For purposes of Government Code Section 66020, the date of imposition of the fee shall be the date of the earliest discretionary approval by the City of the subject development.

If the City has not previously given Notice of an earlier discretionary approval of the project, the Planning Commission's adoption of this Motion, Resolution, Discretionary Review Action or the Zoning Administrator's Variance Decision Letter constitutes the approval or conditional approval of the development and the City hereby gives **NOTICE** that the 90-day protest period under Government Code Section 66020 has begun. If the City has already given Notice that the 90-day approval period has begun for the subject development, then this document does not re-commence the 90-day approval period.

I hereby certify that the Planning Commission **ADOPTED** the foregoing Motion on July 24, 2014.

Jonas P. Ionin  
Commission Secretary

AYES: Commissioners Antonini, Fong, Hillis, Johnson, Moore, Sugaya, Wu

NAYS: None

ABSENT: None

ADOPTED: July 24, 2014

## EXHIBIT A

### AUTHORIZATION

1. This authorization is for a Conditional Use Authorization to allow an office use that does not provide on-site services to the general public at the ground floor and basement of the existing building at 581 Market Street (aka 88 Stevenson Street), Block 3708 in Assessor's Lot 044, pursuant to Planning Code Sections **219(d) and 303**, within the C-3-O (SD) (Downtown Office (Special Development)) Zoning District and a 300-S Height and Bulk District; in general conformance with plans, dated **October 17, 2012**, and stamped "EXHIBIT B" included in the docket for Case No. **2014.0505C** and subject to conditions of approval reviewed and approved by the Commission July 24, 2014, under Motion No. 19204. 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

2. 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 **July 24, 2014**, under Motion No. 19204.

### PRINTING OF CONDITIONS OF APPROVAL ON PLANS

3. The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. 19204 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

4. 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

5. 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

6. **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](http://www.sf-planning.org)*

7. **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](http://www.sf-planning.org)*

8. **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](http://www.sf-planning.org)*

9. **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](http://www.sf-planning.org)*

10. **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](http://www.sf-planning.org)*

## DESIGN – COMPLIANCE AT PLAN STAGE

11. **Garbage, composting and recycling storage.** Space for the collection and storage of garbage, composting, and recycling shall be provided within enclosed areas on the property and clearly labeled and illustrated on the building permit plans. Space for the collection and storage of recyclable and compostable materials that meets the size, location, accessibility and other standards specified by the San Francisco Recycling Program shall be provided at the ground level of the buildings.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

## PROVISIONS

12. **Transit Impact Development Fee.** Pursuant to Planning Code Section 411, 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](http://www.sf-planning.org)*

13. **Downtown Park Fee - C-3 District.** Pursuant to Planning Code Section 412 (formerly 139), the Project Sponsor shall pay the Downtown Park Fee. The fee shall be based on drawings of the net addition of gross floor area of office to be constructed as set forth in the building permit and shall be paid prior to the issuance of a temporary certificate of occupancy.

## MONITORING - AFTER ENTITLEMENT

14. **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.sf-planning.org](http://www.sf-planning.org)*

15. **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.sf-planning.org](http://www.sf-planning.org)*

## OPERATION

16. **Garbage, Recycling, and Composting Receptacles.** Garbage, recycling, and compost containers shall be kept within the premises and hidden from public view, and placed outside only when being serviced by the disposal company. Trash shall be contained and disposed of pursuant to garbage and recycling receptacles guidelines set forth by the Department of Public Works.  
*For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works at 415-554-.5810, <http://sfdpw.org>*
17. **Sidewalk Maintenance.** The Project Sponsor shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean and sanitary condition in compliance with the Department of Public Works Streets and Sidewalk Maintenance Standards. In addition, the operator shall be responsible for daily monitoring of the sidewalk within a one-block radius of the subject business to maintain the sidewalk free of paper or other litter associated with the business during business hours, in accordance with Article 1, Section 34 of the San Francisco Police Code.  
*For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works, 415-695-2017, <http://sfdpw.org>*
18. **Noise Control.** The premises shall be adequately soundproofed or insulated for noise and operated so that incidental noise shall not be audible beyond the premises or in other sections of the building and fixed-source equipment noise shall not exceed the decibel levels specified in the San Francisco Noise Control Ordinance.  
*For information about compliance with the fixed mechanical objects such as rooftop air conditioning, restaurant ventilation systems, and motors and compressors with acceptable noise levels, contact the Environmental Health Section, Department of Public Health at (415) 252-3800, [www.sfdph.org](http://www.sfdph.org)  
For information about compliance with the construction noise, contact the Department of Building Inspection, 415-558-6570, [www.sfdbi.org](http://www.sfdbi.org)  
For information about compliance with the amplified sound including music and television contact the Police Department at 415-553-0123, [www.sf-police.org](http://www.sf-police.org)*
19. **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](http://www.sf-planning.org)*