



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

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|---|--|
| <input type="checkbox"/> Inclusionary Housing (Sec. 315) | <input type="checkbox"/> First Source Hiring (Admin. Code) |
| <input type="checkbox"/> Jobs Housing Linkage Program (Sec. 313) | <input checked="" type="checkbox"/> Child Care Requirement (Sec. 314) |
| <input type="checkbox"/> Downtown Park Fee (Sec. 139) | <input checked="" type="checkbox"/> Other (Eastern Neighborhoods – Sec. 327) |
| <input checked="" type="checkbox"/> Transit Impact Development Fee (Admin Code) | |

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Planning Commission Motion No. 18095

HEARING DATE: MAY 27, 2010

Date: May 20, 2010
Case No.: **2009.1026EB**
Project Address: **850-870 (aka 888) Brannan Street**
Zoning: UMU (Urban Mixed Use District)
68-X Height and Bulk District
Block/Lot: 3780/006, 007, 007A and 072
Project Sponsor: David Prowler
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Staff Contact: Corey Teague – (415) 575-9081
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ADOPTING FINDINGS APPROVING ALLOCATION OF OFFICE SQUARE FOOTAGE UNDER THE 2009-2010 ANNUAL OFFICE-DEVELOPMENT LIMITATION PROGRAM FOR A PROPOSED PROJECT LOCATED AT 850-870 BRANNAN STREET THAT WOULD AUTHORIZE THE CONVERSION OF THE THIRD AND FOURTH FLOORS OF THE EXISTING FIVE-STORY BUILDING AT 870 BRANNAN STREET, AND THE THIRD FLOOR OF THE EXISTING THREE-STORY BUILDING AT 850 BRANNAN STREET FOR A TOTAL OF 138,580 GROSS SQUARE FEET OF OFFICE USE, AND TO REMOVE THE REQUIREMENT FOR 204 OFF-SITE PARKING SPACES PER PLANNING COMMISSION RESOLUTION 9288 AND VARIANCE CASE NO. 84.135V AND 86.144V, PURSUANT TO PLANNING CODE SECTIONS 321 AND 322 ON ASSESSOR'S BLOCK 3780, LOTS 006, 007, 007A, AND 072, IN THE UMU (URBAN MIXED USE) DISTRICT AND WITHIN THE 68-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On December 3, 2009, David Prowler, on behalf of SFGC Associates LLC (hereinafter "Project Sponsor") filed Application No. 2009.1026EB (hereinafter "Application") with the Planning Department (hereinafter "Department") for an Office Allocation per Planning Code Sections 321 and 322 to establish the third and fourth floors of the existing five-story building at 870 Brannan Street, and the third floor of the existing three-story building at 850 Brannan Street for a total of 138,580 gross square feet of office use, and to

remove a requirement for 204 off-site parking spaces. The reclassification of use includes no interior alterations or exterior additions to the existing buildings.

The environmental effects of the Project were determined by the San Francisco Planning Department (hereinafter "Department") to have been fully reviewed under the Eastern Neighborhoods Plan Environmental Impact Report (hereinafter "Eastern Neighborhoods EIR"). The Eastern Neighborhoods EIR was prepared, circulated for public review and comment, and, by Motion No. 17659 certified by the Commission as complying with the California Environmental Quality Act (Cal. Pub. Res. Code Section 21000 et seq., hereinafter "CEQA").

The Eastern Neighborhoods EIR is a Program EIR. Pursuant to CEQA Guideline 15168(c)(2), if the lead agency finds that no new effects could occur or no new mitigation measures would be required, the agency may approve the project as being within the scope of the project covered by the program EIR, and no additional or new environmental review is required. The Commission adopted CEQA Findings in its Motion No. 17661 and hereby incorporates such Findings by reference.

Additionally, State CEQA Guidelines Section 15183 provides an exemption from environmental review for projects that are consistent with the development density established by existing zoning, community plan or general plan policies for which an EIR was certified, except as might be necessary to examine whether there are project-specific effects which are peculiar to the project or its site. Section 15183 specifies that examination of environmental effects shall be limited to those effects that (a) are peculiar to the project or parcel on which the project would be located, (b) were not analyzed as significant effects in a prior EIR on the zoning action, general plan or community plan with which the project is consistent, (c) are potentially significant off-site and cumulative impacts which were not discussed in the underlying EIR, and (d) are previously identified in the EIR, but which are determined to have a more severe adverse impact than that discussed in the underlying EIR. Section 15183(c) specifies that if an impact is not peculiar to the parcel or to the proposed project, then an EIR need not be prepared for that project solely on the basis of that impact.

Pursuant to the Guidelines of the State Secretary of Resources for the implementation of the California Environmental Quality Act (CEQA), on May 17, 2010, the Planning Department of the City and County of San Francisco (hereinafter "Department") determined that the proposed application was exempt from the environmental review process per Section 15183 of the CEQA Guidelines and California Public Resources Code Section 21083.3. The file for this project, including the Community Plan Exemption certificate, is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, California.

On May 27, 2010, the Planning Commission ("Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Office Allocation Application No. 2009.1026EB.

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 Office Allocation requested in Application No. 2009.1026EB, 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 northeast corner of Brannan Street at 8th Street on the block surrounded by Brannan, 7th, Bryant, and 8th Streets in San Francisco's Showplace Square neighborhood. The two adjoining buildings on the site – 850 Brannan Street and 870 Brannan Street – currently contain 9,079 square feet of retail, 4,910 square feet of office, and 409,144 square feet of showroom/accessory office uses, which are categorized by the Planning Department as production, distribution, and repair (PDR) use. The 850 Brannan Street building is a three-story concrete building. The 870 Brannan Street building is a five-story, reinforced concrete building on three parcels. The two buildings are connected internally.
3. **Surrounding Properties and Neighborhood.** The Project site falls within the Showplace Square plan area, but is in an area that may also be considered the southern edge of the South of Market neighborhood. The immediate area consists of similar, large, industrial/commercial buildings. Interstate 1-80 runs along the west elevation of the building.
4. **Project Description.** The proposal is to establish the third and fourth floors of the existing five-story building at 870 Brannan Street, and the third floor of the existing three-story building at 850 Brannan Street as a total of 138,580 gross square feet of legal office use. Another 174,183 square feet on the first and second floors of both buildings are proposed as "Integrated PDR." Additionally, off-street parking requirements per past Planning Commission and Zoning Administrator actions for 204 off-site parking spaces are proposed to be removed.
5. **Public Comment.** The Department received no public comment for this case.
6. **Planning Code Compliance.** The Commission finds and determines that the Project is consistent with the relevant provisions of the Code in the following manner:
 - A. **Open Space.** Section 135.3 requires new office developments in Eastern Neighborhoods Mixed Use Districts to provide and maintain usable open space for that new office space at a ratio of one square foot per 50 square feet of new office space, and/or pay an in-lieu fee of \$76 per square foot. All or a portion of the requirement for this Project is covered by the existing atrium on the ground floor, with any remaining portion subject to either newly created open space or the in-lieu fees. The open space (atrium) must meet the following criteria:

- i. Be in such locations and provide such ingress and egress as will make the area convenient, safe, secure and easily accessible to the general public;

The existing atrium is located on the ground floor just inside the main entrance to the 870 Brannan Street building. As such, it is a convenient, safe, and secure area that is easily accessible to the general public.

- ii. Be appropriately landscaped;

The existing atrium is lined with planter beds with small shrubs and trees, and it also includes a three-story palm tree.

- iii. Be protected from uncomfortable wind;

The existing atrium is located on the ground floor just inside the main entrance to the 870 Brannan Street building. As such, it is well protected from any adverse weather.

- iv. Incorporate ample seating and, if appropriate, access to food service, which will enhance public use of the area;

The existing atrium is flanked by a restaurant (dba Delessio) that includes seating within the atrium itself. There is also additional seating in the atrium that is not reserved for restaurant patrons.

- v. Be well signed and accessible to the public during daylight hours;

The existing atrium is located on the ground floor just inside the main entrance to the 870 Brannan Street building. As such, it is well signed and extremely accessible.

- vi. Have adequate access to sunlight if sunlight access is appropriate to the type of area;

The existing atrium is capped by a glass roof above the fifth floor of the 870 Brannan Street building. It provides adequate sunlight to the atrium and the glass roof is only covered during severe weather.

- vii. Be well lighted if the area is of the type requiring artificial illumination;

The existing atrium is adequately lighted by both the glass roof above and artificial illumination within the building.

- viii. Be designed to enhance user safety and security;

The existing atrium is located on the ground floor just inside the main entrance to the 870 Brannan Street building. Additionally, it is flanked by a full-service restaurant that

includes seating in the atrium. As such, the atrium is an active public space that with adequate accessibility and safety.

- ix. Be of sufficient size to be attractive and practical for its intended use; and

The existing atrium is nearly 20,000 square feet and includes several features that make it attractive, including a performance stage and proximity to a full-service restaurant. It provides adequate leisure space for people who work in the buildings and visitors.

- x. Have access to toilets, if feasible.

Public restrooms are provided immediately adjacent to the existing atrium.

- B. **Street Trees.** Section 143 requires the owner or developer of new buildings or office conversions in this District to install street trees. Each street tree must be a minimum of 24-inch box for 20 feet of frontage of the property along each street or public alley.

The Project site already includes 13 trees along Brannan Street and 6 trees along 8th Street. However, additional trees will be added to meet the minimum Code requirement.

- C. **Parking.** Section 151.1 does not require any off-street parking, and provides maximum parking amounts based on land use type.

The existing buildings contain three off-street parking spaces in the loading dock area between the two buildings. This is well within the permitted amounts in Section 151.1, which permits up to one space per 1,000 square feet of office space in the UMU District. However, in 1984 the Zoning Administrator required the 850 Brannan Street building to provide 66 spaces within 800 feet of the property for the lifetime of the structure or use through Case No. 84.135V. Additionally, in 1987 the Zoning Administrator required the 850 Brannan Street building to provide an additional 14 spaces within 800 feet of the property for the lifetime of the structure or use through Case No. 86.144V.

In 1982, the Planning Commission required the 870 Brannan Street building to retain 124 parking spaces within 800 feet of the property through Case No. 82.019D and Resolution No. 9288. These parking requirements are currently met by providing 110 parking spaces on a surface lot at 901 Brannan Street below the freeway, and 96 parking spaces at 925 Bryant Street.

The Zoning Administrator determined that because the current zoning for the property does not require that any parking be provided for the building, on or off-site, that the previously imposed parking required associated with Case Nos. 84.135V and 86.144V are released for the new Project. Planning Commission approval of this Project will also remove the existing off-site parking requirements of Resolution No. 9288.

- D. **Loading.** Section 152.1 requires certain amounts of off-street freight loading spaces based on the type and size of uses in a project.

The existing buildings contain four off-street loading spaces in the loading dock area accessed from Brannan Street between the two buildings. The existing buildings require seven off-street loading spaces per Section 152, and have a legal deficit of three spaces. The new project also requires a total of seven off-street loading spaces. The legal deficit may carry over to the new Project per Section 150.

- E. **Child Care.** Section 314 requires office developments of more than 50,000 gross square feet to 1) construct or provide a child-care facility on or near the site of the development project, either singly or in conjunction with the sponsors of other office or hotel development projects, 2) arrange with a nonprofit organization to provide a child-care facility at a location within the City, or 3) pay an in-lieu fee to the City Treasurer which shall thereafter be used exclusively to foster the expansion of and ease access to child-care facilities affordable to households of low or moderate income.

The Project does not include on-site child care. Therefore, the Project Sponsor shall pay an in-lieu fee of \$1 per occupied square foot of new office space, pursuant to Planning Code Section 314.4, prior to the issuance by DBI of the first certificate of occupancy for the development project.

- F. **Development Fees.** The Project is subject to the Jobs-Housing Linkage Fee per Planning Code Section 313, and The Eastern Neighborhoods Community Impact Fee per Planning Code Section 327.

The Project Sponsor shall pay the appropriate Jobs-Housing Linkage and Eastern Neighborhoods Community Impact fees, pursuant to Planning Code Sections 313 and 327, prior to the issuance of the first site or building permit application by the Department of Building Inspection.

- G. **Office Allocation.** Section 321 establishes standards for San Francisco's Office Development Annual Limit. In determining if the proposed Project would promote the public welfare, convenience and necessity, the Commission considered the seven criteria established by Code Section 321(b)(3), and finds as follows:

I. APPORTIONMENT OF OFFICE SPACE OVER THE COURSE OF THE APPROVAL PERIOD IN ORDER TO MAINTAIN A BALANCE BETWEEN ECONOMIC GROWTH ON THE ONE HAND, AND HOUSING, TRANSPORTATION AND PUBLIC SERVICES, ON THE OTHER.

The existing buildings have been used as a wholesale design center and showroom space, with small amounts of retail on the ground floors. There is currently more than 3.8 million gross square feet of available "large cap" office space in the City. Additionally, the Project is subject to a minimum of approximately \$1.5 million in development fees, plus the Child Care in-lieu fee. Therefore, the Project will help maintain the balance between economic growth, housing, transportation and public services.

II. THE CONTRIBUTION OF THE OFFICE DEVELOPMENT TO, AND ITS EFFECTS ON, THE OBJECTIVES AND POLICIES OF THE GENERAL PLAN.

The Project is consistent with the General Plan, as outlined in Section 7 below.

III. THE QUALITY OF THE DESIGN OF THE PROPOSED OFFICE DEVELOPMENT.

The proposed office space is within two existing buildings. The proposed reclassification of use includes no interior alterations or exterior additions to the existing buildings.

IV. THE SUITABILITY OF THE PROPOSED OFFICE DEVELOPMENT FOR ITS LOCATION, AND ANY EFFECTS OF THE PROPOSED OFFICE DEVELOPMENT SPECIFIC TO THAT LOCATION.

- a) Use. *The Project is within the UMU (Urban Mixed Use) Zoning District, which permits office use only on certain floors, and in relation to the number of stories in the building. Planning Code Section 843 states that the UMU District promotes "a vibrant mix of uses while maintaining the characteristics of this formerly industrially-zoned area." It also states that office uses are permitted, but limited to the upper floors of buildings. The proposal is to convert two floors (3rd and 4th) of the existing five-story building at 870 Brannan Street, and on floor (3rd) of the existing three-story building at 850 Brannan Street to office use.*
- b) Transit Accessibility. *The area is served by a variety of transit options. The Project site is approximately six blocks from the Civic Center MUNI and BART station, and the CalTrain Depot at 4th and King Streets. It is also within three blocks from six MUNI bus lines, and a Golden Gate Transit bus line.*
- c) Open Space Accessibility. *The project is located in the Showplace Square neighborhood, which includes very little open space. The nearest significant open spaces are Franklin Square and Jackson Park, each being further than six blocks away. However, the existing atrium on the ground floor of the 870 Brannan Street building provides a significant portion of the open space required by the Planning Code.*
- d) Urban Design. *The proposed office space is in existing structures. The building at 870 Brannan Street was constructed in 1917, with additions in 1920, and is listed on both the National Register of Historic Places and the California Register of Historical Resources. It is an excellent example of the character of the built environment in the area. The building at 850 Brannan Street was originally built in 1920, but was substantially altered in 1944 and 1984-5. It compliments the adjacent historic structure and is representative of the low, industrial building type of the area.*
- e) Seismic Safety. *The Project does not include any new construction or additions to the existing buildings. Therefore, the Project will not create any new space that does not meet current seismic safety standards.*

V. THE ANTICIPATED USES OF THE PROPOSED OFFICE DEVELOPMENT IN LIGHT OF EMPLOYMENT OPPORTUNITIES TO BE PROVIDED, NEEDS OF EXISTING BUSINESSES, AND THE AVAILABLE SUPPLY OF SPACE SUITABLE FOR SUCH ANTICIPATED USES.

- a) Anticipated Employment Opportunities. *The Project includes a total of 138,580 gross square feet of office space. Based on the Project Sponsor's analysis, the proposed office space would employ approximately 740 people at full occupancy.*
- b) Needs of Existing Businesses. *The Project will supply office space in the Showplace Square area, which limits or prohibits office use, depending on the Zoning District. In contrast to the downtown area, office rents in this area are generally lower and provide valuable space for smaller and/or younger businesses. Based on the Project Sponsor's analysis, the proposed office space would employ approximately 740 people at full occupancy. Since office space is limited in this area, an overconcentration is unlikely, and the area will continue to provide a vibrant mix of uses.*
- c) Availability of Space Suitable for Anticipated Uses.

The project will provide quality office space that is suitable for a variety of office uses and sizes.

VI. THE EXTENT TO WHICH THE PROPOSED DEVELOPMENT WILL BE OWNED OR OCCUPIED BY A SINGLE ENTITY.

The buildings are currently under single ownership. They are currently divided into a large number of small tenant spaces. However, the floors proposed for conversion to office space could be altered to accommodate larger tenants.

VII. THE USE, IF ANY, OF TRANSFERABLE DEVELOPMENT RIGHTS ("TDR's") BY THE PROJECT SPONSOR.

The Project does not include any Transfer of Development Rights.

- H. **Vertical Office Controls.** Section 803.9(h) limits office use in the UMU Zoning District based on a building's number of stories. A building with 2 to 4 stories may have only one floor designated for office use. A building with 5 to 7 stories may have up to two floors designated for office use.

The proposal is to convert two floors (3rd and 4th) of the existing five-story building at 870 Brannan Street, and one floor (3rd) of the existing three-story building at 850 Brannan Street to office use. Therefore, the Project meets the required vertical office controls.

- I. **Section 101.1 Priority Policy Findings.** Section 101.1(b)(1-8) establishes Eight Priority Planning Policies and requires review of permits for consistency with said policies.

The Commission finds and determines that the Project is consistent with the eight priority policies, for the reasons set forth below.

- a) That Existing Neighborhood-Serving Retail Uses be Preserved and Enhanced and Future Opportunities for Resident Employment in and Ownership of Such Businesses Enhanced.

The Project will not remove or create any neighborhood-serving retail uses. It would provide opportunities for resident employment consistent with this priority policy.

- 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 includes no exterior additions to the existing buildings and will not remove or add any housing. The conversion to office space is limited to only three floors total for both buildings, which will allow other floors to be occupied by other appropriate uses to help ensure economic diversity in the buildings and the neighborhood.

- c) The City's Supply of Affordable Housing be Preserved and Enhanced.

There is no existing affordable or market-rate housing on the Project Site. The development will contribute fees to the Jobs-Housing Linkage Program. Therefore, the Project is consistent with this priority policy.

- d) That Commuter Traffic not Impede Muni Transit Service or Overburden our Streets or Neighborhood Parking.

The area is served by a variety of transit options, including MUNI, BART and Golden Gate Transit. The existing buildings contain minimal off-street parking and the formerly required 204 off-site parking spaces will be no longer required. Therefore, the Project should have no impact on transit or neighborhood parking.

- 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 existing buildings are quite large and currently have a high vacancy rate. The Eastern Neighborhood planning effort recognized that some amount of office space in this area was beneficial, and permitted office with vertical controls so that it could not dominate a building or area. The conversion to office use on a total of three floors in the two buildings will help diversify the building and the area and facilitate adaptive reuse of a historical resource.

- f) That the City Achieve the Greatest Possible Preparedness to Protect Against Injury and Loss of Life in an Earthquake.

The Project does not include any new construction or additions to the existing buildings. Therefore, the Project will not create any new space that does not meet current seismic safety standards.

- g) That Landmarks and Historic Buildings be Preserved.

Permitting office use on the Project site, per Planning Code limitations, will help preserve the historic resource at 870 Brannan Street.

- h) That our Parks and Open Space and their Access to Sunlight and Vistas be Protected from Development.

The proposed Project does not include any exterior additions to the existing buildings, and there will be no impact to parks, open space, access to sunlight, or vista views.

7. **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 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 which has substantial undesirable consequences that cannot be mitigated.

Policy 1.3:

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

OBJECTIVE 2:

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

Policy 1.1:

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

The Project will preserve two existing industrial building, including a historical resource at 870 Brannan Street, that are currently facing vacancies. It will add a mix of uses to the buildings and area, which may

help to diversify the local economy. Authorization of the office space will also result in the collection of significant development fees that would not otherwise be paid.

SHOWPLACE SQUARE/POTRERO HILL AREA PLAN

Objectives and Policies

OBJECTIVE 1.1:

ENCOURAGE THE TRANSITION OF PORTIONS OF SHOWPLACE / POTRERO TO A MORE MIXED USE AND NEIGHBORHOOD-SERVING CHARACTER, WHILE PROTECTING THE CORE OF DESIGN-RELATED PDR USES.

Policy 1.2:

In the northern part of Showplace Square (around 8th and Brannan, east of the freeway and along 16th and 17th Streets) revise land use controls to create new mixed use areas, allowing mixed-income housing as a principal use, as well as limited amounts of retail, office, and research and development uses, while protecting against the wholesale displacement of PDR uses.

OBJECTIVE 6.1:

SUPPORT THE ECONOMIC WELLBEING OF A VARIETY OF BUSINESSES IN THE EASTERN NEIGHBORHOODS.

The Project will provide a limited amount of office space, relative to the overall size of the existing buildings, which will advance the concept of a transition to a more mixed use area. Additionally, the Project includes the adaptive reuse of a Historical Resource (870 Brannan Street) that is currently facing a high vacancy rate.

8. 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. The Commission finds that granting the Project Authorization in this case would promote the public welfare, convenience and necessity of the City for the reasons set forth above.

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 Office Allocation Application No. 2009.1026EB** subject to the conditions attached hereto as Exhibit A, which is incorporated herein by reference as though fully set forth, in general conformance with the plans stamped Exhibit B and dated May 17, 2010, on file in Case Docket No. 2009.1026EB.

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Section 321 and 322 Office-Space Allocation to the Board of Appeals within fifteen (15) days after the date of this Motion. The effective date of this Motion shall be the date of adoption of this Motion if not appealed (after the 15-day period has expired) OR the date of the decision of the Board of Appeals if appealed to the Board of Appeals. For further information, please contact the Board of Appeals at (415) 575-6880, 1660 Mission, Room 3036, San Francisco, CA 94103.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on May 27, 2010.

Linda D. Avery
Commission Secretary

AYES: Commissioners Antonini, Lee, Miguel, and Sugaya.

NAYS: None.

ABSENT: Commissioners Borden, Moore, and Olague.

ADOPTED: May 27, 2010

Exhibit A

Conditions of Approval

Wherever "Project Sponsor" is used in the following conditions, the conditions shall also bind any successor to the Project or other persons having an interest in the Project or underlying property.

The authorization contained herein is an allocation of office square footage under the 2009 - 2010 annual Office-Development Limitation Program for the addition of approximately 138,580 gross square feet of office area to the subject property, pursuant to Planning Code Sections 321 and 322 on Assessor's Block 3780, Lots 0026, 007, 007A and 072, within a UMU (Urban Mixed Use) District and the 68-X Height and Bulk District, and as shown on plans dated May 17, 2010, labeled "Exhibit B" and on file with Application No. 2009.1026EB.

1. GENERAL CONDITIONS

- A. Community Liaison. The Project Sponsor shall appoint a community liaison officer to deal with issues of concern to owners and occupants of nearby properties at all times during the establishment of the office space. Prior to the issuance of the first site or building permit, the Project Sponsor shall provide the Zoning Administrator and the owners of the properties within 300 feet of the Project Site written notice of the name, business address, and telephone number of the community liaison.
- B. Recordation. Prior to the issuance of any building permit 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, which notice shall state that construction of the Project has been authorized by and is subject to the conditions of this Motion. From time to time after recordation of such notice, at the request of the Project Sponsor, the Zoning Administrator shall affirm in writing the extent to which the conditions of this Motion have been satisfied, and record said writing if requested.
- C. Performance
 1. A site permit or building permit for the herein-authorized Project shall be obtained within 18 months of the date of this action or the said authorization may become null and void.
 2. This authorization may be extended at the discretion of the Zoning Administrator only where the failure to issue a permit by the Department of Building Inspection for the Project is caused by a delay by a City, state or federal agency or by any appeal of the issuance of such a permit(s). The Project Sponsor shall obtain required site or building permits within 18 months (per Code Sections 321 and 322) of the date of this approval or this authorization may be null and void.

D. Severability. 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 of the remaining provisions, clauses, sentences, or sections of these conditions. It is hereby declared to be the intent of the Commission that these conditions of approval would have been adopted had such invalid sentence, clause, or section or part thereof not been included herein.

2. CONDITIONS TO BE MET PRIOR TO THE ISSUANCE OF A BUILDING OR SITE PERMIT

E. Open Space. The Project Sponsor must either create additional open space meeting the minimum criteria of Planning Code Section 135.3 to meet the minimum square footage required for the Project, or must pay the appropriate in-lieu fee (per Section 135) prior to the issuance of the first site or building permit by the Department of Building Inspection.

F. Window Design. The Project Sponsor must work with the Planning Department to ensure the proposed replacement windows are appropriate for the 870 Brannan Street building.

G. Development Fees. The Project Sponsor must submit payment of the appropriate Jobs-Housing Linkage Fee per Planning Code Section 313 et sec., and the Eastern Neighborhoods Community Impact Fee per Planning Code Section 327 et sec., prior to the issuance of the first site or building permit by the Department of Building Inspection.

3. CONDITIONS TO BE MET PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY

H. Child Care In-Lieu Fee. The Project Sponsor must submit payment of the appropriate Child Care In-Lieu Fee per Planning Code Section 314 et sec. prior to the issuance of the first site or building permit by the Department of Building Inspection.