Executive SummaryOffice Development Authorization

HEARING DATE: NOVEMBER 17, 2016

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

Reception: 415.558.6378

Fax:

415.558.6409

Planning Information: 415.558.6377

Date: November 10, 2016
Case No.: 2015-011529OFA

Project Address: 2525 16th Street

Zoning: PDR-1-G (Production Distribution and Repair- General) District

68-X Height and Bulk District

Block/Lot: 3966/001

Project Sponsor: Brett Gladstone

Hanson Bridgett LLP

425 Market Street 26th Floor San Francisco, CA 94105

Staff Contact: Kimberly Durandet (415-575-6816)

kimberly.durandet@sfgov.org

Recommendation: Approval with Conditions

PROJECT DESCRIPTION

The proposed project would establish 43,569 gross square feet (gsf) of office use within an existing four-story building. No alterations are proposed to the exterior of the building.

SITE DESCRIPTION AND PRESENT USE

The project site is located on the block bounded by 16th Street to the north, Florida Street to the east, 17th Street to the south, and Alabama Street to the west. The parcel is approximately 42,000 square feet with 200 feet of lot frontage on 16th and 210 feet of lot frontage on Florida and Alabama Streets and has full lot coverage with a four-story industrial building consisting of approximately 149,051 gsf of Production Distribution and Repair use (PDR) and pre-existing office use. The existing building was constructed as a warehouse in 1924.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The project site is located in the PDR-1-G Zoning District along a mixed-use corridor within the Mission Area Plan. The surrounding neighborhood is characterized by a wide variety of commercial, retail, PDR, public and residential uses. The adjacent property to the south is a PDR and office use (legalized in 2012). Across 16th Street to the north is the SPCA. Across Florida Street to the east are two industrial buildings that have recently been approved for demolition and new construction of a PDR on the ground floor and residential above development. Franklin Square, a 4.5-acre park under the jurisdiction of San Francisco Recreation and Parks, is about 400 feet east of the Project Site. The Potrero Center (with a supermarket

and various other retail/commercial establishments), is about 450 feet to the northeast on the opposite side of 16th Street from the project site. The project site is located along 16th Street, which is a high injury pedestrian and vehicular corridor. Other zoning districts in the vicinity of the Project Site include: UMU (Urban Mixed Use); RH-3 (Residential House-Three Family); and, P (Public).

ENVIRONMENTAL REVIEW

The Department determined that the proposed application which has no exterior alterations or significant interior alterations that affect circulation is not a project under CEQA and therefore does not require environmental review under Section 15378 of the CEQA Guidelines.

HEARING NOTIFICATION

ТҮРЕ	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Classified News Ad	N/A	N/A	October 26, 2016	22 days
Posted Notice	20 days	October 28, 2016	October 26, 2016	22 days
Mailed Notice	20 days	October 28, 2016	October 28, 2016	20 days

PUBLIC COMMENT

To date, the Department has received four inquiries regarding this proposal.

ISSUES AND OTHER CONSIDERATIONS

- Legitimization: The Zoning Administrator determined the existing office space to be eligible for the legitimization process afforded under Planning Code Section 179.1. The legitimization process allows the existing building to be approved for office use despite the controls under Planning Code Section 219 that now prohibit office uses.
- Office Allocation: There is currently 1,081,316 square feet of Small Cap office space available under the Section 321 office allocation program.

REQUIRED COMMISSION ACTION

In order for the project to proceed, the Commission must authorize an Office Development Authorization for the proposed 43,569 gsf of office use per Planning Code Sections 179.1, 321, and 322.

BASIS FOR RECOMMENDATION

- The Project complies with the applicable requirements of the Planning Code.
- The Project is consistent with the objectives and policies of the General Plan.
- The proposal is utilizing Planning Code Section 179.1, Legitimization of Uses Located in the Eastern Neighborhoods, as part of its request for an office allocation under Planning Code

Sections 321 and 322, which govern the development and administrative procedures for office uses. The Zoning Administrator determined the proposed office space to be eligible for legitimization pursuant to Planning Code Section 179.1.

- The proposal represents an allocation of four percent of the small cap office space currently available for allocation.
- Authorizing the requested office allocation will allow the leased office space to continue its
 economic activities.
- The proposal will generate fees that will benefit the City of San Francisco.
- The Project is consistent with the Planning Code, the Mission Area Plan and the General Plan.

RECOMMENDATION:

Approval with Conditions

Attachments:

Draft Motion

Exhibits:

- Parcel Map
- Sanborn Map
- Zoning Map
- Height Map
- Aerial Photos
- Site Photo

Zoning Administrator Letter of Legitimization

Project Sponsor Submittals

Attachment Checklist

Executive Summary		Project sponsor submittal
Draft Motion		Drawings: Existing Conditions
Environmental Determination		Check for legibility
Zoning District Map		Drawings: <u>Proposed Project</u>
Height & Bulk Map		Check for legibility
Parcel Map		Wireless Telecommunications Materials
Sanborn Map		Health Dept. review of RF levels
Aerial Photo		RF Report
Context Photos		Community Meeting Notice
Site Photos		Housing Documents
ZA Letter of Legitimization		Inclusionary Affordable Housing Program: Affidavit for Compliance
		Residential Pipeline
Exhibits above marked with an "X" are inc	d in this packet <u>KD</u>	
		Planner's Initials



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)
- ☑ Transit Impact Development Fee (Admin. Code)
- ☐ First Source Hiring (Admin. Code)
- ☑ Child Care Requirement (Sec. 414)
- ☐ Other

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Planning Commission Draft Motion

HEARING DATE: NOVEMBER 17, 2016

 Case No.:
 2015-011529OFA

 Project Address:
 2525 16th Street

Zoning: PDR-1-G (Production Distribution and Repair- General) Zoning District

68-X Height and Bulk District

Block/Lot: 3966/001

Project Sponsor: Brett Gladstone, Hanson Bridgett LLP

425 Market Street 26th Floor San Francisco, CA 94105

Staff Contact: Kimberly Durandet (415-575-6816)

kimberly.durandet@sfgov.org

ADOPTING FINDINGS RELATING TO AN ALLOCATION OF OFFICE SQUARE FOOTAGE UNDER THE 2016 – 2017 ANNUAL OFFICE DEVELOPMENT LIMITATION PROGRAM PURSUANT TO PLANNING CODE SECTIONS 321, 322, AND 179.1 THAT WOULD AUTHORIZE UP TO 43,569 GROSS SQUARE FEET OF OFFICE USE AT 2525 16th STREET, LOT 001 IN ASSESSOR'S BLOCK 3966, WITHIN THE PDR-1-G (PRODUCTION DISTRIBUTION AND REPAIR) ZONING DISTRICT AND A 68-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On March 29, 2019 Brett Gladstone (hereinafter "Project Sponsor") filed an application with the Planning Department (hereinafter "Department") for Office Development Allocation under Planning Code Section(s) to Sections 321, 322 and 179.1 that would authorize up to 43,569 gross square feet (gsf) of office use at 2525 16th Street, Lot 001 in Assessor's Block 3966, within the PDR-1-G (Production Distribution and Repair) Zoning District and a 68-X Height and Bulk District in San Francisco, California.

The Department determined that the proposed application is not a project under CEQA and therefore does not require environmental review under Section 15378 of the CEQA Guidelines.

The Planning Department, Jonas P. Ionin, is the custodian of records, located in the File for Case No. 2015-011529OFA at 1650 Mission Street, 4th Floor, San Francisco, California.

On November 17, 2016, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Office Allocation Application No. 2015-011529OFA.

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 Development requested in Application No. 2015-011529OFA, 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 block bounded by 16th Street to the north, Florida Street to the east, 17th Street to the south, and Alabama Street to the west. The parcel is approximately 42,000 square feet with 200 feet of lot frontage on 16th and 210 feet of lot frontage on Florida and Alabama Streets and has full lot coverage with a four-story industrial building consisting of approximately 149,051 gross square feet of Production Distribution and Repair use (PDR) and pre-existing office use. The existing building was constructed as a warehouse in 1924.
- 3. Surrounding Properties and Neighborhood. The Project Site is located in the PDR-1-G Zoning District along a mixed-use corridor within the Mission Area Plan. The surrounding neighborhood is characterized by a wide variety of commercial, retail, PDR, public and residential uses. The adjacent property to the south is a PDR and office use (legalized in 2012). Across 16th Street to the north is the SPCA. Across Florida Street to the east are two industrial buildings that have recently been approved for demolition and new construction of a PDR on the ground floor and residential above development. Franklin Square, a 4.5-acre park under the jurisdiction of San Francisco Recreation and Parks, is about 400 feet east of the Project Site. The Potrero Center (with a supermarket and various other retail/commercial establishments), is about 450 feet to the northeast on the opposite side of 16th Street from the Project Site. The Project Site is located along 16th Street, which is a high injury pedestrian and vehicular corridor. Other zoning districts in the vicinity of the Project Site include: UMU (Urban Mixed Use); RH-3 (Residential House-Three Family); and, P (Public).
- 4. **Project Description.** The proposed project would establish 43,569 gross square feet (gsf) of office use within an existing four-story building. No alterations are proposed to the exterior of the building.

- 5. **Public Comment**. The Planning Department has received four inquiries from the public regarding this proposal.
- 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. Legitimization of Office. Planning Code Section 179.1 established a time limited program wherein existing uses in the Eastern Neighborhoods plan area that have operated without the benefit of required permits may seek those permits. Uses that could be "legitimized" under this Section are those uses which, under the current provisions of this Code and without this Section, could not otherwise seek the required permits.

The Zoning Administrator issued a Letter of Legitimization on January 26, 2016 for this project stating that the project had met all the eligibility requirements of Section 179.1, and that 43,569 gross square feet of office use are eligible to be approved as office space pursuant to the Legitimization program.

B. **Bicycle Parking, Showers and Lockers.** Planning Code Section 155.2 requires this project to provide 1 Class 1 bicycle parking space per 5,000 square feet of occupied floor area and 2 Class 2 bicycle parking spaces for occupied floor area greater than 5,000 and up to 50,000 square feet for office uses. Planning Code Section 155.4 requires this project to provide 2 showers and 12 lockers for occupied floor area greater than 20,000 but less than 50,000 square feet.

The project will provide 10 Class 1 bicycle parking spaces and shower with locker facilities on the 4th floor near the elevator that is accessed through the main entrance on 16th Street. Class 2 parking spaces are currently provided on Florida, however, 2 new Class 2 spaces will be provided at the entrance on 16th Street.

C. **Development Fees.** The Project is subject to the Transit Impact Development Fee per Planning Code Sections 179.1(g), and 411, the Jobs-Housing Linkage Fee per Planning Code Sections 179.1(g) and 413 and the Child Care Requirements for Office and Hotel Development Projects per Planning Code Section 414.

The Project Sponsor shall pay the appropriate Transit Impact Development and Jobs-Housing Linkage Fees pursuant to Planning Code Sections 179.1(g), 411, and 413, and the Child Care Requirements Fee pursuant to Planning Code Section 414 at the appropriate stage of the building permit application process.

7. **Office Development Authorization.** Planning Code 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 building has been used as office space for more than a decade and is located in an area that is light industrial in character, with some retail and residential uses. The establishment of the proposed office use would not adversely affect the balance between economic growth and housing, transportation or public services in the area as the area is served by multiple modes of transportation including MUNI bus lines, bicycle lanes and access to the freeways, and would not alter access to public service while augmenting public services through the payment of the various development impact fees. The project does not propose to convert any space that is occupied by an industrial and/or PDR tenant.

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

The proposal is consistent with the General Plan (See Below).

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

The proposed allocation and legitimization of office space does not include exterior additions or alterations and therefore will not compromise the existing design of the building.

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

The neighborhood is characterized by older industrial buildings. The proposal is an allocation and legitimization of an office use in existence for more than a decade and will not involve expansion of the building or exterior alterations. The office uses have existed on site without complaint to the Planning Department Code Enforcement division regarding incompatibilities to the existing and surrounding uses. The legitimization of the office use in and of itself will not create any new, adverse impacts in the area.

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.

The space is proposed to be allocated and legitimized by legally establishing 43,569 gross square feet space would permit the existing office tenants to remain. Should the existing office tenants vacate, the proposal would bring onto the office market additional 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 Project Site is owned by a single entity, however, the office space proposed for allocation and legitimization is currently occupied by a multiple business entities.

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

The project will not use TDR's.

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 1:

MANAGE ECONOMIC GROWTH AND CHANGE TO ENSURE ENHANCEMENT OF THE TOTAL CITY LIVING AND WORKINIG 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.

The allocation and legitimization of the office use will provide net benefits to the City in that an existing office tenants will remain in San Francisco utilizing a building that has been used as an office for more than a decade. The proposal is required to comply with the Conditions of Approval (Exhibit A), thereby ensuring reasonable performance.

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 allocation and legitimization of the office use will retain existing commercial office tenants and will not displace existing industrial tenants thereby maintaining a diverse economic base.

MISSION AREA PLAN

Objectives and Policies

OBJECTIVE 1.3:

INSTITUTE FLEXIBLE "LEGAL NONCONFORMING USE" PROVISIONS TO ENSURE A CONTINUED MIX OF USES IN THE MISSION.

Policy 1.3.1:

Continue existing legal nonconforming rules, which permit pre-existing establishments to remain legally even if they no longer conform to new zoning provisions, as long as the use was legally established in the first place.

Policy 1.3.3:

Recognize desirable existing uses in the former industrial areas which would no longer be permitted by the new zoning, and afford them appropriate opportunities to establish a continuing legal presence.

The requested allocation and legitimization will continue an existing non-conforming, desirable existing use in an area that principally permitted industrial uses and will legally establish the use through the process afforded by Planning Code Section 179.1.

- 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 does not directly affect the retail sector as the project is office in nature.

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 preserves the existing character of the neighborhood as the request is an allocation and legitimization of a use that has existed at the site for more than a decade and that has not generated any incompatibilities with the surrounding area.

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

No housing is removed as a result of the proposal.

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

The proposal will not impede MUNI service or overburden streets and neighborhood parking as the proposal is an allocation and legitimization of an existing use.

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 proposal will not displace industrial or service sector activities as the proposed office use has been in existence at the site for more than a decade.

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

The proposal will not affect the property's ability to withstand an earthquake.

G. That landmarks and historic buildings be preserved.

No exterior alterations to the building are proposed as part of the project. The subject building is not a historic resource.

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

The proposal will have no negative impact on existing parks and open spaces as there is no physical expansion to the existing four-story structure.

- 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 Office Development 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 Office Development Application No. 2015-011529OFA** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated **XXXXX**, 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 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.

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 November 17, 2016.

Jonas P. Ionin Commission Se	cretary
AYES:	
NAYS:	
ABSENT:	
ADOPTED:	November 17, 2016

EXHIBIT A

AUTHORIZATION

This authorization is for an Office Development Authorization to authorize up to 43,569 gsf of office use in the existing four-story building, located 2525 16th Street, Lot 001 in Assessor's Block 3966, pursuant to Planning Code Sections 179.1, 321, and 322 within the PDR-1-G (Production Distribution and Repair - General) Zoning District and a 68-X Height and Bulk District; in general conformance with plans, dated **XXXXX**, and stamped "EXHIBIT B" included in the docket for Case No. 2015-011529OFA and subject to conditions of approval reviewed and approved by the Commission on November 17, 2016 under Motion No. **XXXXX**. 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 **November 17**, **2016** under Motion No. **XXXXX**.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. **XXXXX** 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 Office Development 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 Office Development authorization.

Conditions of Approval, Compliance, Monitoring, and Reporting

PERFORMANCE

1. **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

2. **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

3. 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

4. **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

5. **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

6. **Development Timeline - Office**. Pursuant to Planning Code Section 321(d) (2), construction of the office development project shall commence within 18 months of the effective date of this

Motion. Failure to begin work within that period or to carry out the development diligently thereafter to completion, shall be grounds to revoke approval of the office development under this Office Development authorization.

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

PROVISIONS

- 7. **Transit Impact Development Fee.** Pursuant to Planning Code Section 179.1(g), the Project Sponsor shall pay the Transit Impact Development Fee (TIDF) as required by and based on drawings submitted with the Building Permit Application.
 - For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org
- 8. **Jobs Housing Linkage**. Pursuant to Planning Code Section 179.1(g), 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
- 9. Childcare Requirements for Office and Hotel Development Projects. Pursuant to Section 414 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.sf-planning.org

MONITORING

- 10. **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*
- 11. **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

OPERATION

12. **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

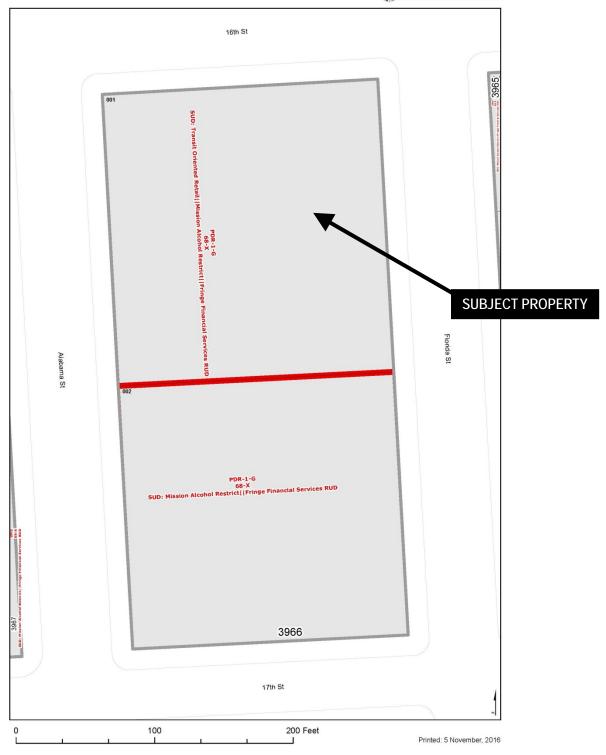
13. **Sidewalk Maintenance.** The Project Sponsor shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean and sanitary condition in compliance with the Department of Public Works Streets and Sidewalk Maintenance Standards.

For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works, 415-695-2017,.http://sfdpw.org/

BLOCK 3966

Parcel Map

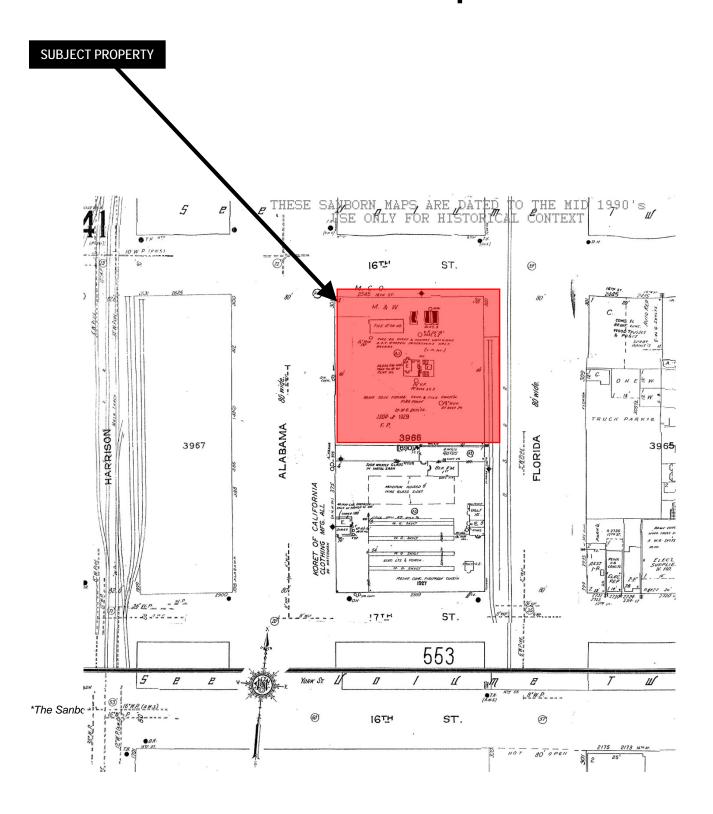






Office Development Authorization **Case Number 2015-011529OFA** 2525 16th Street

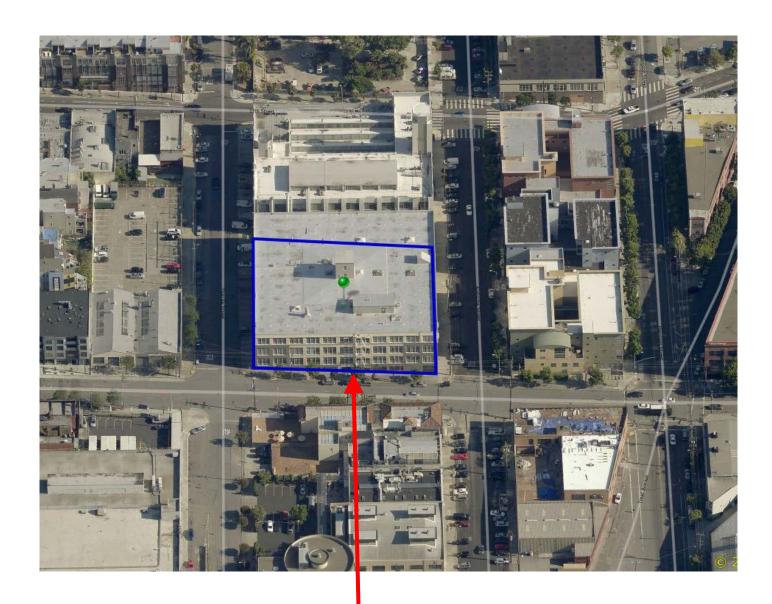
Sanborn Map*





Office Development Authorization Case Number 2015-011529OFA 2525 16th Street

Aerial Photo

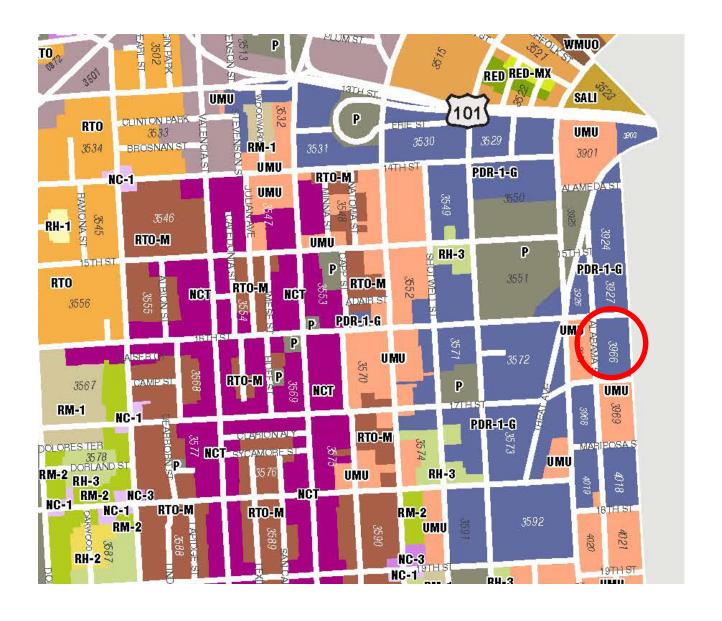


SUBJECT PROPERTY



Office Development Authorization Case Number 2015-011529OFA 2525 16th Street

Zoning Map





Site Photo



Letter of Legitimization

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

Reception: 415.558.6378

Fax: **415.558.6409**

Planning Information: 415.558.6377

January 26, 2016

Brett Gladstone Hanson Bridgett LLP 425 Market Street, 26th Floor San Francisco, CA 94105

Site Address:

2525 16th Street (aka 350 Florida Street)

Assessor's Block/Lot:

3966/001

Zoning District:

PDR-1-G

Staff Contact:

Corey Teague, (415) 575-9081 or corey.teague@sfgov.org

Dear Mr. Gladstone:

This letter is in response to your request for a Letter of Legitimization per Planning Section 179.1 regarding the property at 2525 16th Street. This parcel is located in the PDR-1-G Zoning District and a 68-X Height and Bulk District. The request is to legitimize approximately 51,792 rentable square feet of office space on various floors within the existing approximately 147,660 square foot building. The 51,792 square feet is located in Units 1B, 201, 204, 304, 310, 311, 316, and 400.

Procedural Background

The Department received the request for legitimization of office space at 2525 16th Street on November 13, 2012. A supplemental letter and documentation was submitted on May 22, 2015. Staff reviewed the request and associated materials and the Zoning Administrator issued a 30-day public notice of the intent to issue the Letter of Legitimization on or after December 6, 2015. The public notice also included a draft letter for review, and was sent to 1) all owners of property within 300 feet of the subject property, 2) all current tenants of the subject property, and 3) all individuals and neighborhood associations that had requested to receive such notice. Notice was posted on each street frontage of the site during the notification period. The notification period expired on December 5, 2015. Finally, staff conducted a site visit to the subject property on January 7, 2016.

Eligibility

The land use proposed for legitimization is deemed eligible if it meets the following criteria:

i. The land use existed as of the date of the application;

January 26, 2016 Land Use Legitimization Letter 2525 16th Street (aka 350 Florida Street)

A combination of lease documentation, invoices, owner and tenant affidavits, permit records, online information, photographs, and marketing materials indicate that office use existed in Units 1B, 201, 304, 310, 311 and 316 as of November 13, 2012 (see Exhibit A). Units 204 and 400 do not meet this criterion.

ii. The land use would have been principally permitted or permitted with conditional use authorization under provisions of the Planning Code that were effective on April 17, 2008;

Prior to the Eastern Neighborhoods rezoning, the subject property was located in the M-1 Zoning District, which principally permitted office uses.

iii. The land use would not be permitted under current provisions of the Planning Code;

The property containing the subject building is located in the PDR-1-G Zoning District, which prohibits office uses.

iv. The land use either has been (1) regularly operating for functioning on a continuous basis for no less than 2 years prior to the effective date of Planning Code Section 179.1, or (2) functioning in the space since at least April 17, 2008, and is associated with an organization, entity or enterprise which has been located in this space on a continuous basis for no less than 2 years prior to the effective date of Planning Code Section 179.1;

Lease documentation, invoices, owner and tenant affidavits, permit records, online information, photographs (including some provided by the applicant and some taken by staff on January 7, 2016), and marketing materials indicate the office uses operated continuously in Units 1B, 201, 304, 310, 311 and 316 (see Exhibit A), for no less than two years prior to January 19, 2009. Units 204 and 400 do not meet this criterion.

v. The land use is not accessory to any other use;

The subject office uses are divided into individual office units that do not serve as an accessory use to any other uses in the building. This was confirmed for Units 1B, 201, 304, 310, 311 and 316 through lease documentation, owner and tenant affidavits, online information, photographs (including some provided by the applicant and some taken by staff on January 7, 2016), and marketing materials. Units 204 and 400 do not meet this criterion.

vi. The land use is not discontinued and abandoned pursuant to the provisions of Planning Code Section 183 that would otherwise apply to nonconforming uses.

Lease documentation, invoices, owner and tenant affidavits, permit records, online information, photographs(including some provided by the applicant and some taken by staff on January 7, 2016), and marketing materials indicate that Units 1B, 201, 304, 310, 311 and 316 (see Exhibit A) have remained occupied during the required period.

Brett Gladstone Hanson Bridgett LLP 425 Market Street, 26th Floor San Francisco, CA 94105 January 26, 2016 Land Use Legitimization Letter 2525 16th Street (aka 350 Florida Street)

Determination

It is my determination that of the requested units for legitimization totaling approximately 51,792 rentable square feet of office use, only Units 1B, 201, 304, 310, 311 and 316 (see Exhibits A and B) meet all the required criteria of Planning Code Section 179.1, resulting in a total of approximately 43,569 rentable square feet. These units are deemed eligible to be legalized as legitimate office space as defined in Planning Code 102. A Notice of Special Restrictions shall be filed on the subject property documenting the specific building area legitimized as office space as listed in this letter and documented on the proposed plans, attached as Exhibit B, prior to the approval of a site or building permit establishing such office space. Units 204 and 400 do not meet the required criteria, and therefore are deemed ineligible for legalization.

This determination is <u>not</u> a project approval, or in any way a substitute for a Building Permit Application for the change of use to office space, or an associated Office Allocation per Planning Code Section 321. Such approvals are required to legally convert the subject space to office use. Additionally, the relevant impact fees outlined in Section 179.1(g), and elsewhere in the Municipal Code, shall be assessed as part of the Building Permit Application.

APPEAL: If you believe this determination represents an error in interpretation of the Planning Code or abuse in discretion by the Zoning Administrator, an appeal may be filed with the Board of Appeals within 15 days of the date of the Letter of Legitimization. For information regarding the appeals process, please contact the Board of Appeals located at 1650 Mission Street, Room 304, San Francisco, or call (415) 575-6880.

Sincerely,

Scott F. Sanchez

Zoning Administrator

Enclosure:

Exhibit A - 2525 16th Street Tenant List and Timeline

Exhibit B – 2525 16th Street Floor Plans

cc:

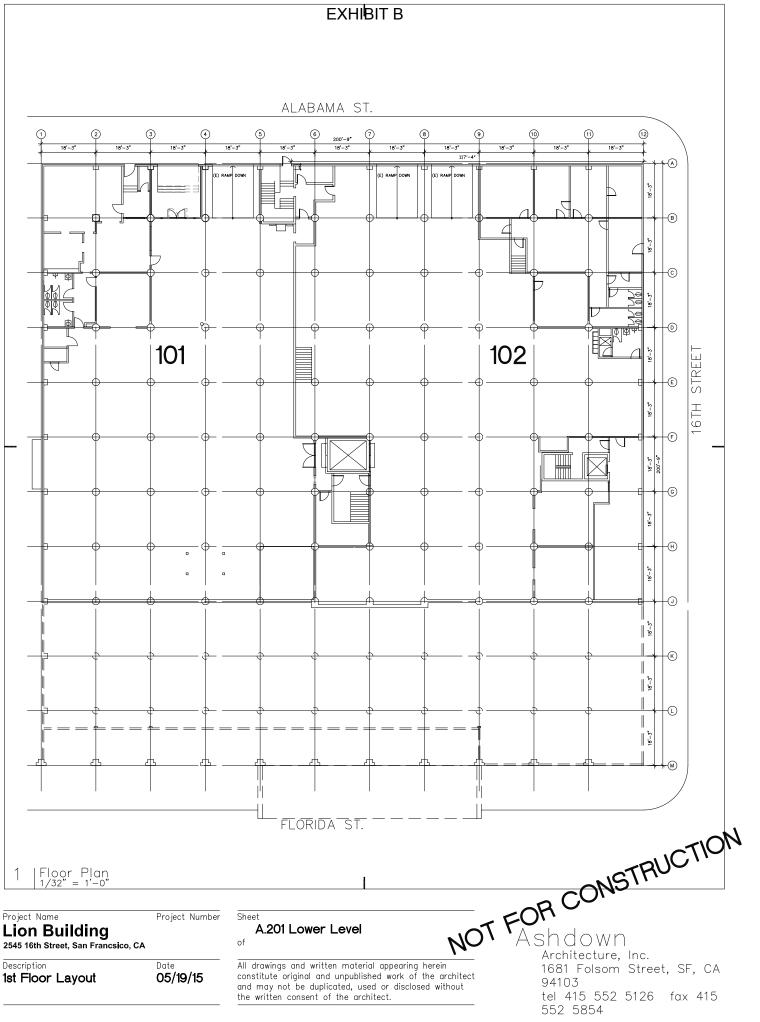
Property Owner

Planning Commissioners

All Parties on the Notification Request List - (WITHOUT ATTACHMENT)

				Tenant Inform	nation for Unit	s Requesting Le	egitimization*				
	Rentable										
Unit	Sq. Ft.	2015	2014	2013	2012	2011	2010	2009	2008	2007	2006
1B											
(201 16 th St)	420	PO Office	PO Office	PO Office	PO Office	PO Office	PO Office	PO Office	PO Office	PO Office	PO Office
			Events Management								
201	12,401	Earnest	(through June)	Events Management	Events Management	Events Management	Events Management	Events Management	Events Management	Events Management	Events Managemen
204	2,045	Shooting Star	Shooting Star	Shooting Star	Belmar Upholstery (through June)	Belmar Upholstery	Belmar Upholstery	Belmar Upholstery	Belmar Upholstery	Belmar Upholstery	Belmar Upholstery
304	2,643	Vacant	Innovative	Innovative	Innovative	Innovative	Innovative	Innovative	Innovative	Innovative	Innovative
310	9,068	GLP	GLP	GLP	GLP	GMC (through July) GLP (as of September)	Timbuk2 (Jan-May) GMC (June- Dec)	Timbuk2	Timbuk2	Timbuk2 (as of May 2007)	Zebra Hall
311	8,250	Events Management	Events Management (as of June)	Tune Up Media	Tune Up Media	Tune Up Media	Holt Hinshaw (through August)	Holt Hinshaw	Holt Hinshaw	Holt Hinshaw	Holt Hinshav
316	10,787	Talisman (w/GMC sublease)	Talisman (w/GMC sublease)	Talisman (w/GMC sublease)	Talisman (w/GMC sublease)	Talisman (w/GMC sublease)	Talisman (w/GMC sublease)	Talisman (w/GMC sublease)	Talisman (w/GMC sublease)	Talisman (w/GMC sublease)	Talisman (w/GMC sublease)
400	6,178	Prodesign Eyeware	Prodesign Eyeware	Prodesign Eyeware	GMC Prodesign Eyeware (as of 8/1/12)	GMC (as of May)	Margaret O'Leary (through March)	Margaret O'Leary	Margaret O'Leary	Margaret O'Leary	Margaret O'Leary
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^{*}See lease documents and other materials for more specific dates of tenancy.

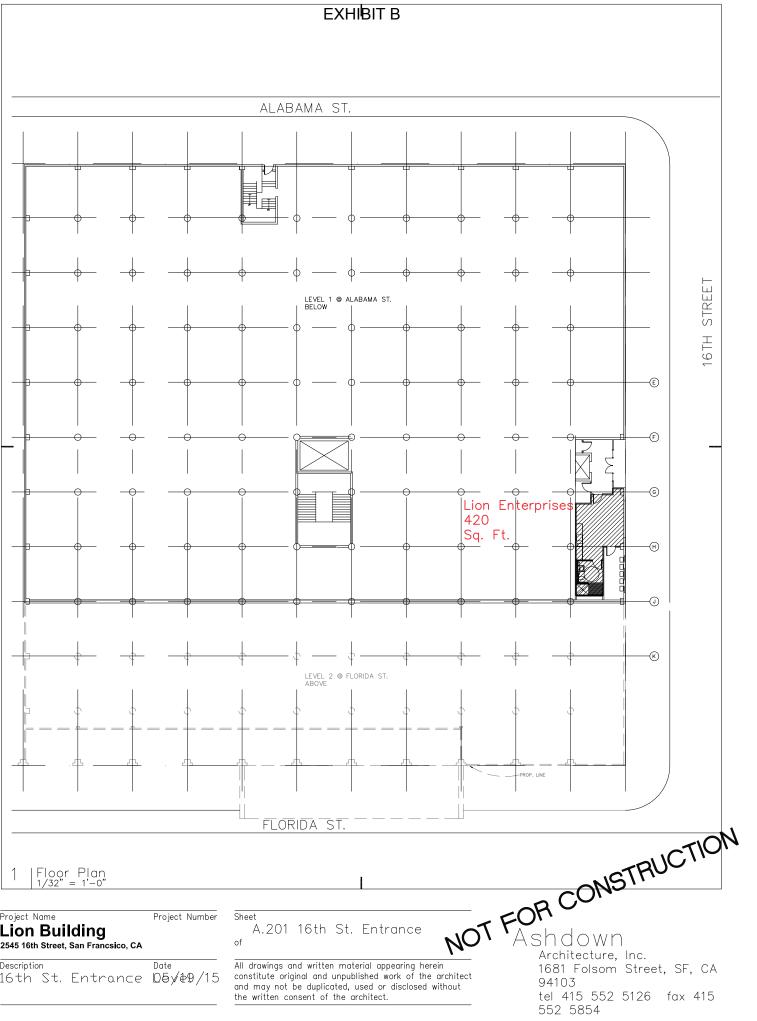


2545 16th Street, San Francsico, CA

Description 1st Floor Layout

Date 05/19/15

All drawings and written material appearing herein constitute original and unpublished work of the architect and may not be duplicated, used or disclosed without the written consent of the architect.



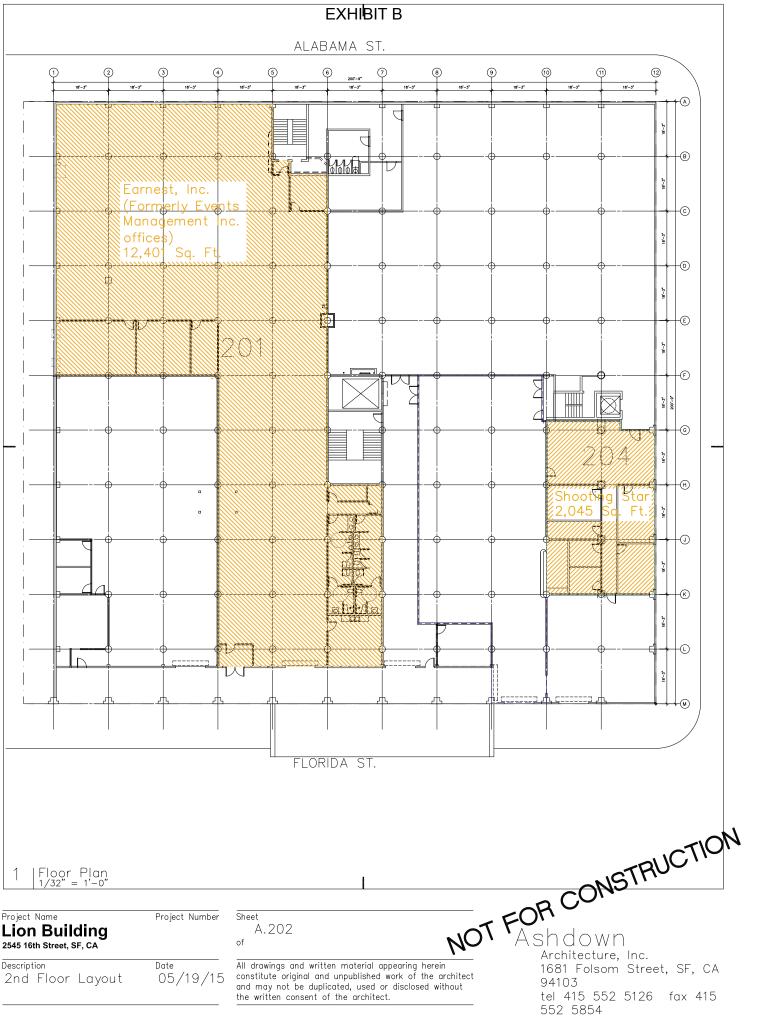
Project Name **Lion Building** Project Number

2545 16th Street, San Francsico, CA

Description Date 16th St. Entrance 105√€9/15 Sheet

A.201 16th St. Entrance

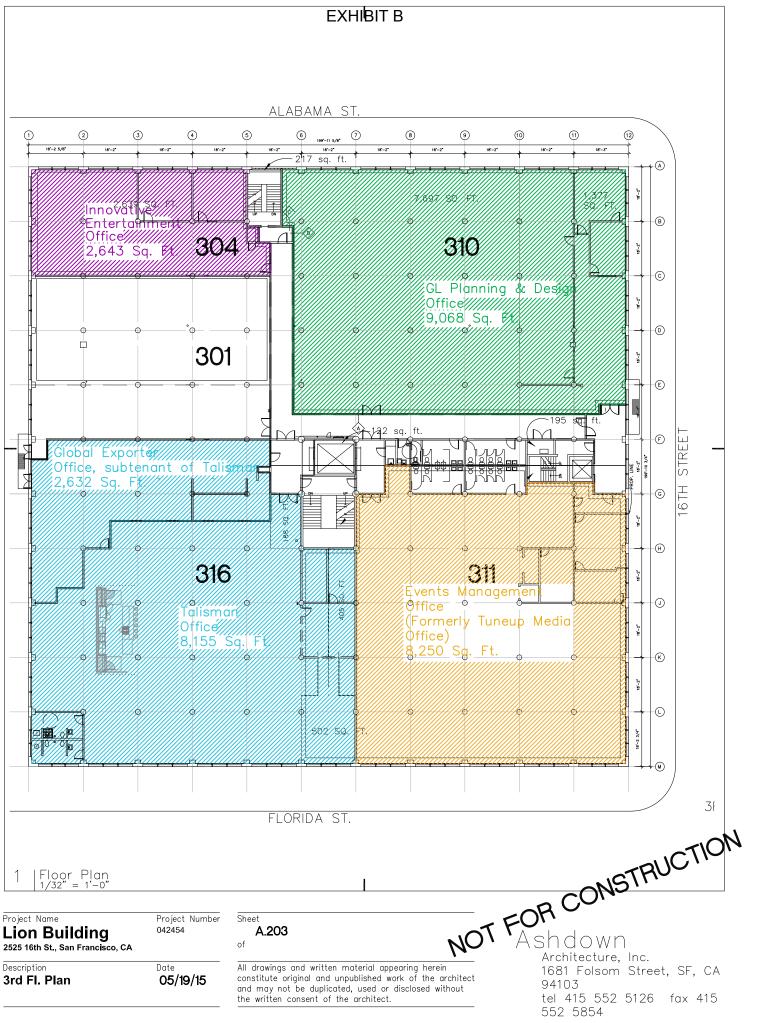
All drawings and written material appearing herein constitute original and unpublished work of the architect and may not be duplicated, used or disclosed without the written consent of the architect.



Lion Building 2545 16th Street, SF, CA

Description Date 2nd Floor Layout 05/19/15 A.202

All drawings and written material appearing herein constitute original and unpublished work of the architect and may not be duplicated, used or disclosed without the written consent of the architect.



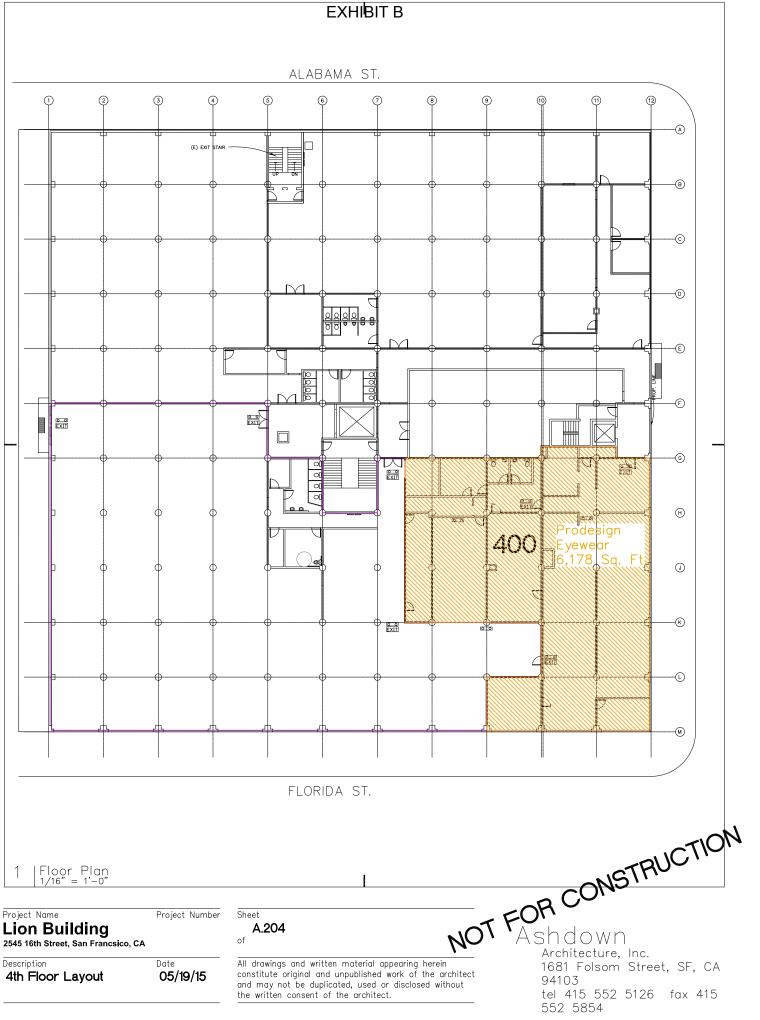
Lion Building 2525 16th St., San Francisco, CA

Description

3rd Fl. Plan

Date 05/19/15

All drawings and written material appearing herein constitute original and unpublished work of the architect and may not be duplicated, used or disclosed without the written consent of the architect.



Lion Building 2545 16th Street, San Francsico, CA

Description 4th Floor Layout Date 05/19/15 A.204

All drawings and written material appearing herein constitute original and unpublished work of the architect and may not be duplicated, used or disclosed without the written consent of the architect.



BRETT GLADSTONE
PARTNER
DIRECT DIAL (415) 995-5065
DIRECT FAX (415) 995-3517
E-MAIL BGladstone@hansonbridgett.com

November 10, 2016 Via Electronic Mail and US Mail

Rodney Fong, President San Francisco Planning Commission 1650 Mission Street, Suite 400 San Francisco, CA 94103

Re: 2525 – 16th Street – November 17, 2016 Hearing – Prop M

Section 321 Prop M Office Space Allocation, Case No. 2012.0014B

Dear President Fong and Planning Commissioners:

We represent Lion Enterprises, a General Partnership (the "Owner"), which owns the property of 133,715 square feet located at 2525 -16th Street (the "Project Site") (between Alabama and Florida Streets). The Owner is seeking Planning Commission approval for a Prop M allocation of office space to convert approximately 43,569 square feet of industrial space (now used as office space) to a legal office use. The approval is undertaken pursuant to the Legitimization Legislation created during the Eastern Neighborhood Rezoning.

The Project Site is located within the PDR-1-G District and the 16th Street Transit Oriented Special Use District.¹ The Project Site has frontage on 16th Street and side elevations facing Florida and Alabama Streets.

History of the Building.

The Project Site contains a four-story building consisting of 133,715 square feet (including mechanical areas, hallways, etc.). All but 43,569 square feet of the building will remain in uses other than office. (See several pages of the plans at Exhibit A and photos at Exhibit B2.) The building was constructed in 1924 for food processing and warehouse use. Over many decades, portions of the building were converted to office with Building Permits; however, the Planning Department has advised the owners that the Building Permits did not meet the technical requirements to change the legal use to office since the Planning Department did not sign the back of the Permits with the word "Approved".

¹ The Property also is located in the Mission Alcohol Restricted Special Use District and Fringe Financial Services Restricted Use District.

² Full plans are in the Planning Department files and will appear in your Staff Report.

The Planning Department did review many of the permits and wrote notes within the box for Planning Department comments; but the word "Approved" did not always appear. Where the Planning Department did not make any statement, it was because in the years these Building Permits were obtained, the Planning Department was not consistently provided interior alteration permits for comments when the Building Department processed these permits. However, during all those years (ending during the Eastern Neighborhoods Rezoning), office was permitted as a matter of right by the previous zoning of "M". The building tenants' businesses now fall into the categories of either industrial / PDR or office use.

Attached at <u>Exhibit C</u> are some typical alteration/building permits that were issued for the building during the years when the zoning permitted office use. It is these same permits that have Planning Department handwritten notations but not the word "Approved" on the back.³ Thus it is clear that for decades, the property owner obtained many alteration permits for tenant improvement work for new office tenants, so there was no intent to hide the proposed change of use from the City.

The office tenants whose spaces are to be legalized by your approval are small business owners who would be displaced if the Application were not approved. There are no PDR tenants that would be impacted by this Application.

In 2008, the Project Site was rezoned to its current PDR zoning, which no longer permits office use. The Owner obtained a Letter of Legitimization dated January 26, 2016 making 43,569 square feet eligible for legitimization. (See Exhibit D.) The Owner now desires to complete the legitimization process by establishing 43,569 square feet of office use on the Project Site pursuant Planning Code Section 321 (the "Project"). The office spaces would be located in Units 1B, 201, 304, 310, 311 and 316 (see Exhibit A). No alterations are proposed for the exterior of the building. Minor alterations to the interior are proposed to install showers and lockers for those who bike, and and a separate storage room for the bikes. With approval of the Office Allocation Application, the office use would become a legal, non-conforming use.

Consistency with Prop M Findings.

The Project is consistent with the Planning Code Section 321 Findings for an allocation of office space under Proposition M's Small Allocation Program for allocating less than 50,000 square feet.

³ The box for Planning Department comments on the back of each permit (See samples at Exhibit C) states either "N/A" or shows a stamp stating that "issuance constitutes no indication that the use does or does not comply to the Planning Code"; or contains a signature of someone at the Planning Department.

⁴ Units 204 and 400 have tenants that are industrial/PDR and therefore, not eligible for legitimization.

A. <u>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.</u>

Approval of the office use would not displace any existing businesses or uses as office tenants have been occupying these units. The Project does not seek to convert any space that is occupied by an industrial/PDR tenant. Without the approval of the Office Allocation Application, the businesses that fall under the category of office use would have to be relocated out of the building.

The Project Site is located in an area rich in land use diversity, including PDR uses, retail, housing, and public open space. While the PDR-1-G District does not permit office, it is in a zoning district created to encourage more retail, called the 16th Street Transit Oriented Retail Special Use District. Retail has not yet started to bloom along this section of 16th Street. The continued office use on this site may in fact lead to more retail activity on 16th Street because office has a higher density of workers than industrial use.

Based on the latest San Francisco Office Development Annual Limitation Program tracking sheet, as of July 22, 2016, 1,081,316 gross square feet of office space is available for allocation in the allocation group of less than 50,000 square feet. If the Project is approved, 1,037,747 square feet still would be available for approval. A large amount of office space equal to the amount existing today has been on the property for up to 60 years starting in the early 1950's. Thus, the immediately surrounding buildings and users have accommodated themselves to this office use; and the persons within the building, including the PDR users, have comfortably existed with office users in the building before and there is no reason to think this will not be true after this approval.

As a result of your approval, the Project Sponsor will pay \$525,878 in development fees that will be used to support public transit, housing, and neighborhood infrastructure needs. This total includes the following:

Transit Impact Development Fee: \$87,138
Job Housing Linkage Fee: \$370,337
Child Care Fee: \$68,403
Total \$525,878

B. 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 policies and goals stated in Exhibit E.

C. The quality of the design of the proposed office development.

The Project does not propose any alterations to the exterior of the building because office already exists in the building. Minor interior alterations are proposed to install showers for bikers, lockers for bikers and a separate storage room for the bikes. These facilities will also benefit the PDR tenants as they will be available to them equally.

D. The suitability of the proposed office development for its location, and any effects of the proposed office development specific to that location.

The neighborhood is characterized by older brick buildings that have an industrial character. The Project is suitable for its location because the office space will fit within the existing industrial-looking building without changing the façade or adding to the building.

The neighborhood would not become oversaturated with office use because less than 40% of the building would be approved as office and office already exists on the Project Site. Further, the Project will not displace any tenants or require exterior alterations, and this will allow the building to continue to be compatible with the aesthetics of the neighborhood. All interior improvements proposed in this application will meet all Code requirements, including those requirements related to seismic safety, bikes and bike storage.

This site area is particularly good for office space as the building is served by a variety of transit options. The Project site is on MUNI's 16th Street bus line and is approximately 0.4 miles from the 16th Street BART station and within a 1/4 mile of eight MUNI bus routes. The City has proposed an expensive public transit upgrade to 16th Street to better connect Mission Bay to the Mission.

E. 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.

Office use creates more employment opportunities than industrial use because the occupancy level is much higher for office. The Project also will supply office in an area of the City with lower rents for office as compared to the downtown and East SOMA, thus providing space desired by newer and smaller businesses. The office space is highly desirable because the building has wide open floor plates of up to 40,000 square feet allowing for the wide creative space desired by high tech companies along with flexibility to meet businesses' changing needs. With the increasingly important Prop M limits on office space creation at 50,000 square feet or more, these smaller buildings with office represent an important device to keep San Francisco as a place for new small businesses needing office space.

F. The extent to which the proposed development will be owned or occupied by a single entity.

The Project Site is owned by a single entity which has owned the property for over 40 years, and there are no plans to change this.

G. The use, if any, of transferable development rights ("TDR's") by the project sponsor.

The Project does not require the use of TDRs.

Conclusion.

The Office Allocation Application on file with the Planning Department provides additional detail and information. For the reasons contained in this Application and above, we respectfully request that the Commission approve the Office Allocation Application for this property.

Very truly yours,

M. Brett Gladstone

Enclosure

cc: John Rahaim, Director, Planning Department

Scott Sanchez, Zoning Administrator

Mary Pellow Terry Hird

Dwight Ashdown

Kimberley Durandet, Planning Department

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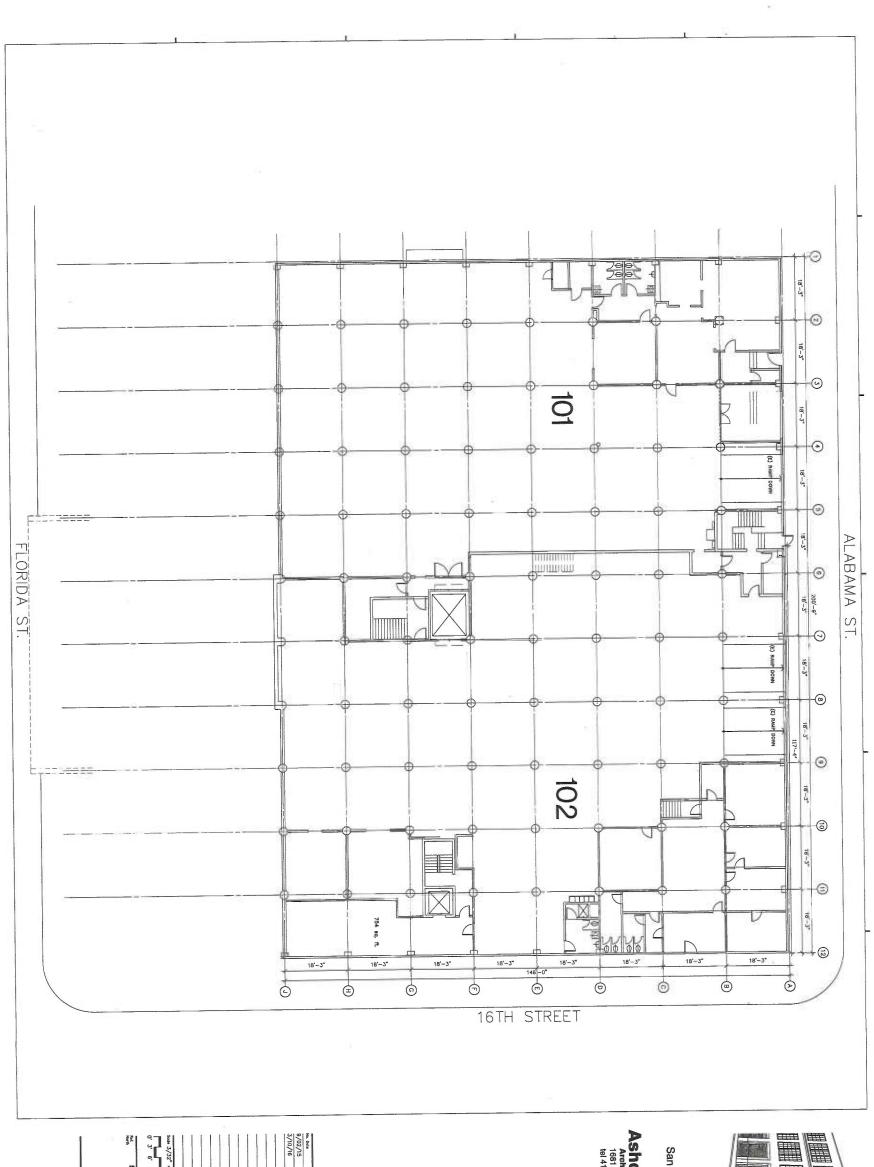
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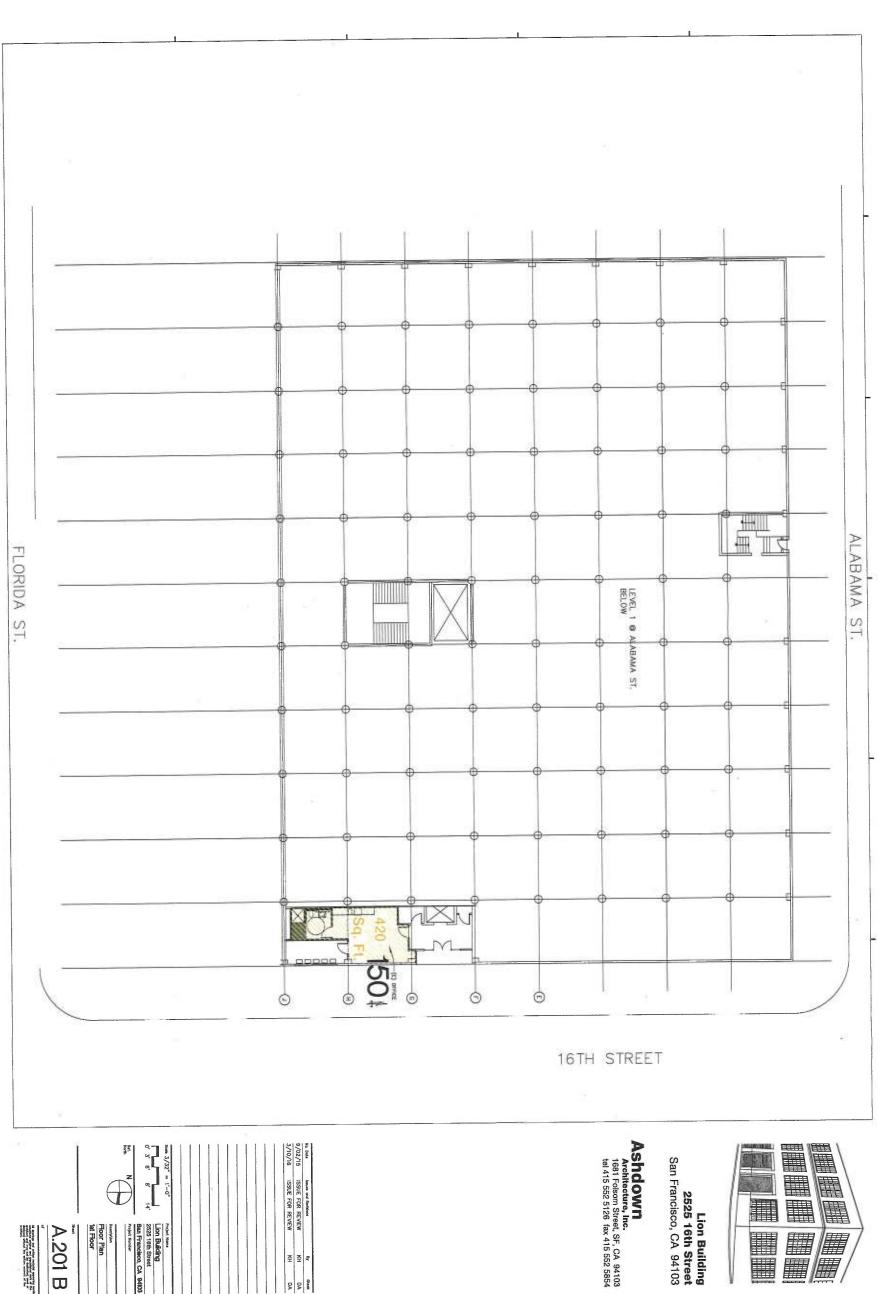


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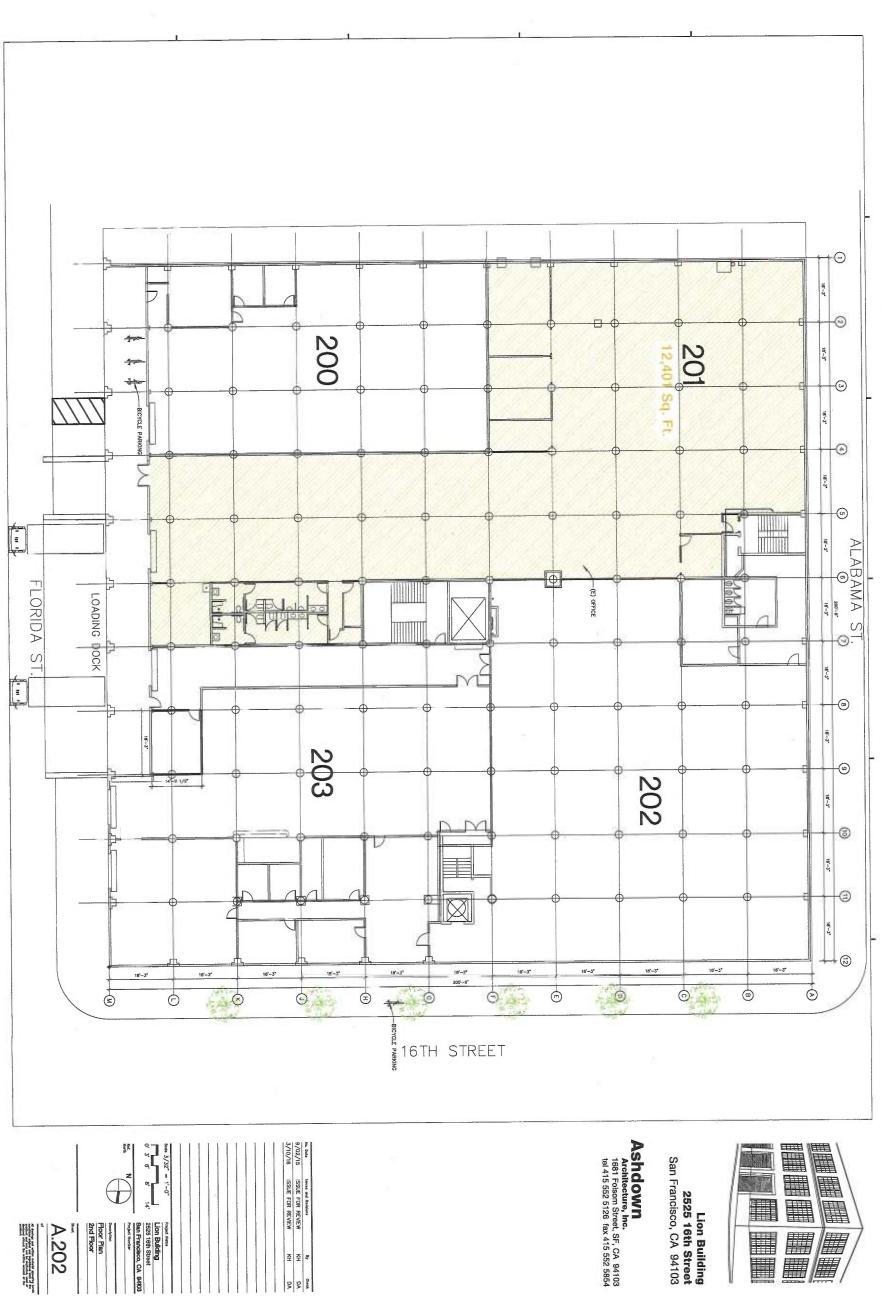


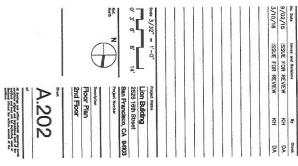


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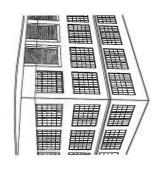
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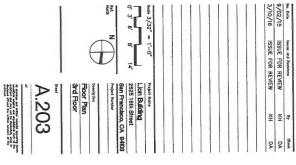




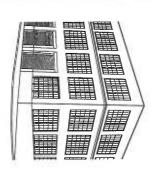
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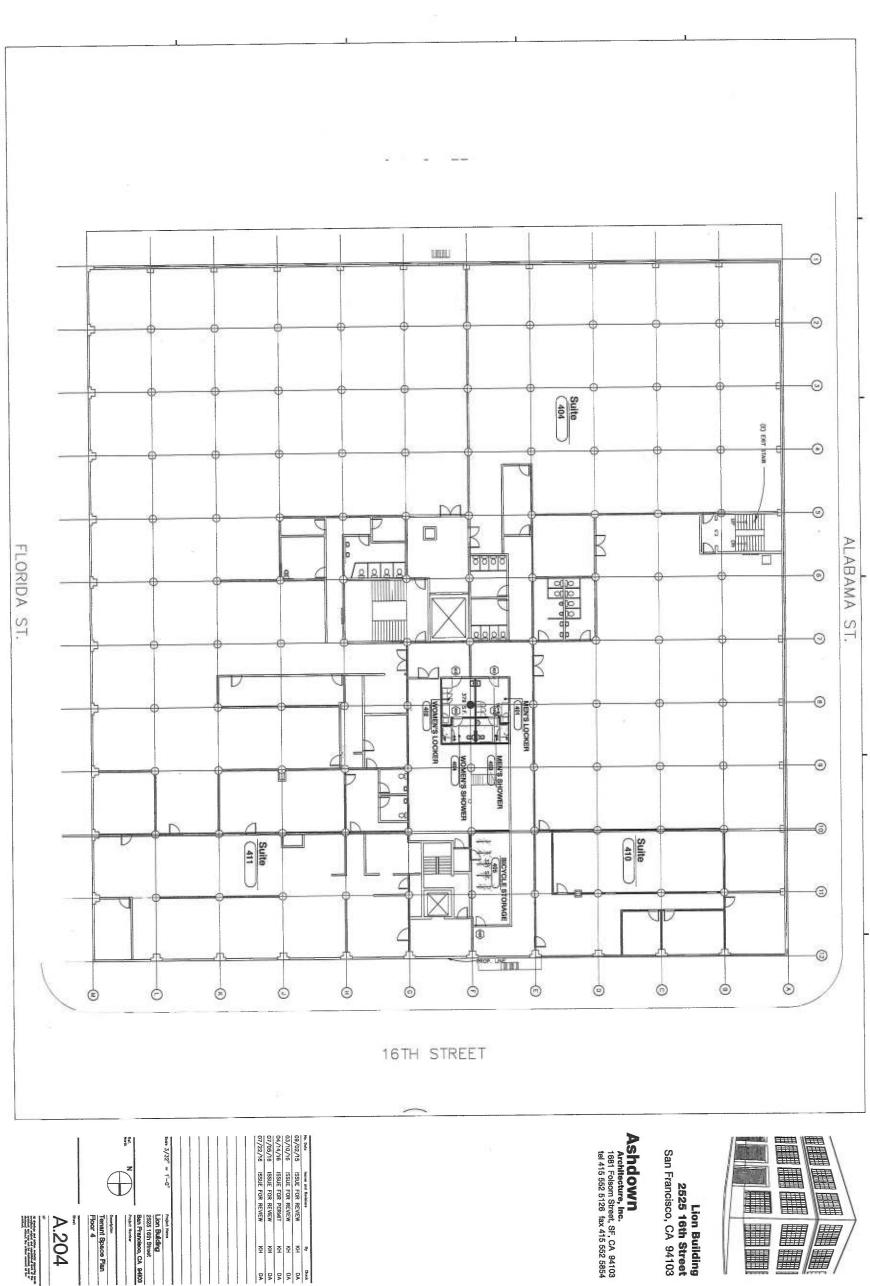






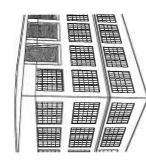
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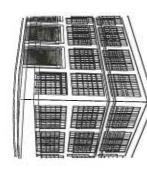
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tel 415 552 5126 fax 415 552 5854

Lion Building
2525 16th Street
San Francisco, CA 94103
Ashdown
Architecture, Inc.



Ashdown Architecture



View from Alabama St.

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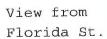


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View from Florida St.

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Ashdown Architecture



View from Florida St.

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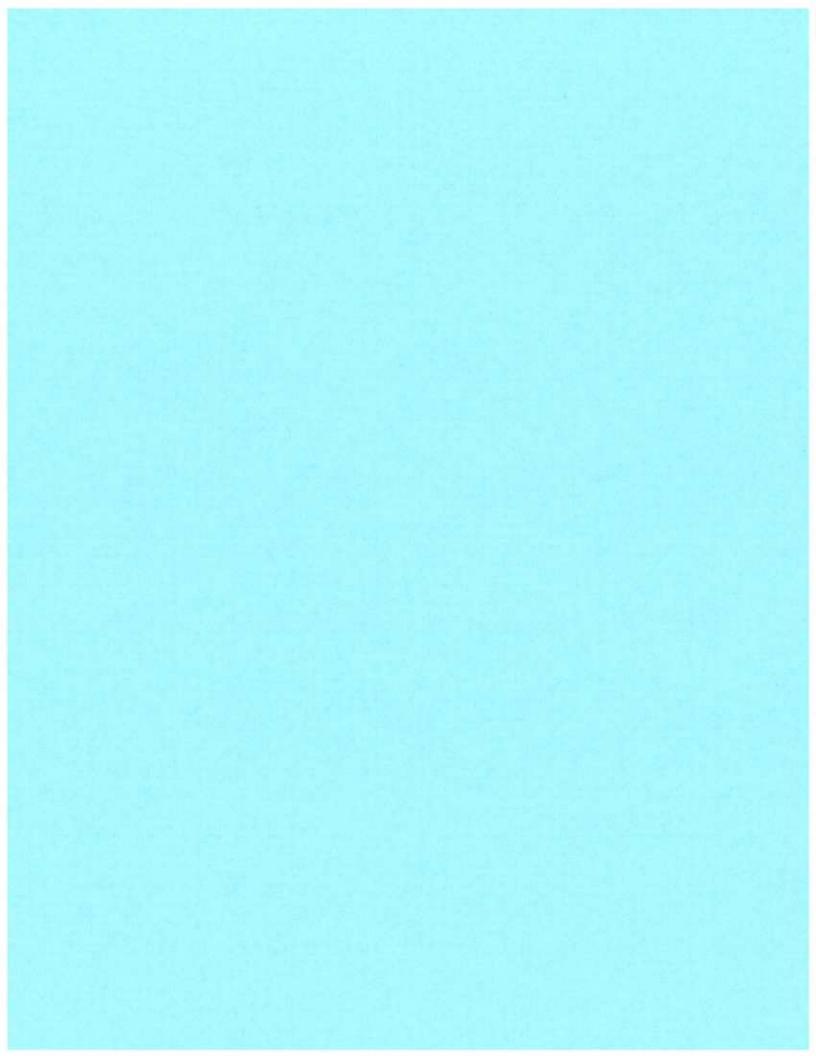
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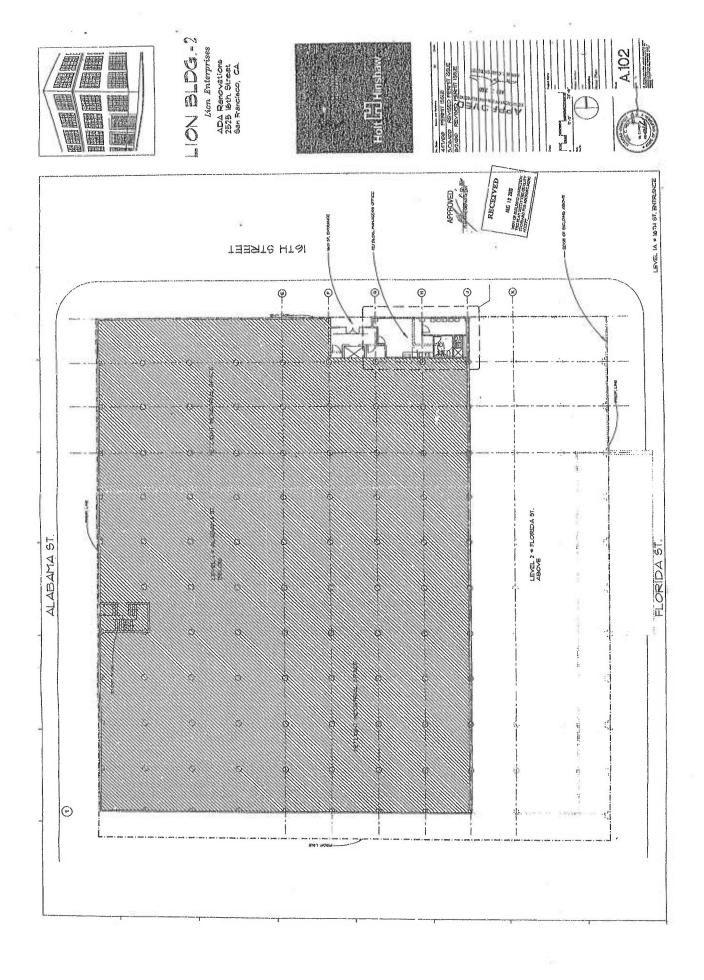
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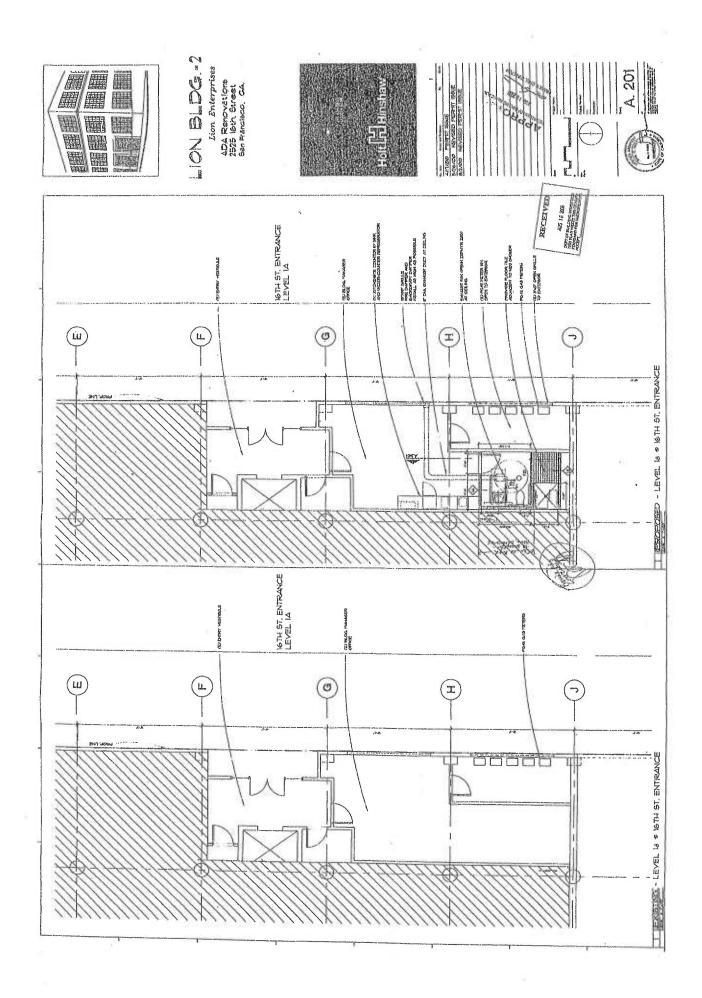
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APPLICANT'S CERTIFICATION

THEREBY CERTIFY AND AGREE THAT IF A PERMIT IS ISSUED FOR THE CONSTRUCTION
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CONDITIONS AND STIPULATIONS

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Letter of Legitimization

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

Reception: 415.558.6378

Fax: 415.558.6409

Planning Information: 415.558.6377

January 26, 2016

Brett Gladstone Hanson Bridgett LLP 425 Market Street, 26th Floor San Francisco, CA 94105

Site Address:

Assessor's Block/Lot:

Zoning District:

Staff Contact:

2525 16th Street (aka 350 Florida Street)

3966/001

PDR-1-G

Corey Teague, (415) 575-9081 or corey.teague@sfgov.org

Dear Mr. Gladstone:

This letter is in response to your request for a Letter of Legitimization per Planning Section 179.1 regarding the property at 2525 16th Street. This parcel is located in the PDR-1-G Zoning District and a 68-X Height and Bulk District. The request is to legitimize approximately 51,792 rentable square feet of office space on various floors within the existing approximately 147,660 square foot building. The 51,792 square feet is located in Units 1B, 201, 204, 304, 310, 311, 316, and 400.

Procedural Background

The Department received the request for legitimization of office space at 2525 16th Street on November 13, 2012. A supplemental letter and documentation was submitted on May 22, 2015. Staff reviewed the request and associated materials and the Zoning Administrator issued a 30-day public notice of the intent to issue the Letter of Legitimization on or after December 6, 2015. The public notice also included a draft letter for review, and was sent to 1) all owners of property within 300 feet of the subject property, 2) all current tenants of the subject property, and 3) all individuals and neighborhood associations that had requested to receive such notice. Notice was posted on each street frontage of the site during the notification period. The notification period expired on December 5, 2015. Finally, staff conducted a site visit to the subject property on January 7, 2016.

Eligibility

The land use proposed for legitimization is deemed eligible if it meets the following criteria:

i. The land use existed as of the date of the application;

Brett Gladstone Hanson Bridgett LLP 425 Market Street, 26th Floor San Francisco, CA 94105 January 26, 2016 Land Use Legitimization Letter 2525 16th Street (aka 350 Florida Street)

A combination of lease documentation, invoices, owner and tenant affidavits, permit records, online information, photographs, and marketing materials indicate that office use existed in Units 1B, 201, 304, 310, 311 and 316 as of November 13, 2012 (see Exhibit A). Units 204 and 400 do not meet this criterion.

ii. The land use would have been principally permitted or permitted with conditional use authorization under provisions of the Planning Code that were effective on April 17, 2008;

Prior to the Eastern Neighborhoods rezoning, the subject property was located in the M-1 Zoning District, which principally permitted office uses.

iii. The land use would not be permitted under current provisions of the Planning Code;

The property containing the subject building is located in the PDR-1-G Zoning District, which prohibits office uses.

iv. The land use either has been (1) regularly operating for functioning on a continuous basis for no less than 2 years prior to the effective date of Planning Code Section 179.1, or (2) functioning in the space since at least April 17, 2008, and is associated with an organization, entity or enterprise which has been located in this space on a continuous basis for no less than 2 years prior to the effective date of Planning Code Section 179.1;

Lease documentation, invoices, owner and tenant affidavits, permit records, online information, photographs (including some provided by the applicant and some taken by staff on January 7, 2016), and marketing materials indicate the office uses operated continuously in Units 1B, 201, 304, 310, 311 and 316 (see Exhibit A), for no less than two years prior to January 19, 2009. Units 204 and 400 do not meet this criterion.

The land use is not accessory to any other use;

The subject office uses are divided into individual office units that do not serve as an accessory use to any other uses in the building. This was confirmed for Units 1B, 201, 304, 310, 311 and 316 through lease documentation, owner and tenant affidavits, online information, photographs (including some provided by the applicant and some taken by staff on January 7, 2016), and marketing materials. Units 204 and 400 do not meet this criterion.

vi. The land use is not discontinued and abandoned pursuant to the provisions of Planning Code Section 183 that would otherwise apply to nonconforming uses.

Lease documentation, invoices, owner and tenant affidavits, permit records, online information, photographs(including some provided by the applicant and some taken by staff on January 7, 2016), and marketing materials indicate that Units 1B, 201, 304, 310, 311 and 316 (see Exhibit A) have remained occupied during the required period.

Brett Gladstone Hanson Bridgett LLP 425 Market Street, 26th Floor San Francisco, CA 94105 January 26, 2016 Land Use Legitimization Letter 2525 16th Street (aka 350 Florida Street)

Determination

It is my determination that of the requested units for legitimization totaling approximately 51,792 rentable square feet of office use, only Units 1B, 201, 304, 310, 311 and 316 (see Exhibits A and B) meet all the required criteria of Planning Code Section 179.1, resulting in a total of approximately 43,569 rentable square feet. These units are deemed eligible to be legalized as legitimate office space as defined in Planning Code 102. A Notice of Special Restrictions shall be filed on the subject property documenting the specific building area legitimized as office space as listed in this letter and documented on the proposed plans, attached as Exhibit B, prior to the approval of a site or building permit establishing such office space. Units 204 and 400 do not meet the required criteria, and therefore are deemed ineligible for legalization.

This determination is <u>not</u> a project approval, or in any way a substitute for a Building Permit Application for the change of use to office space, or an associated Office Allocation per Planning Code Section 321. Such approvals are required to legally convert the subject space to office use. Additionally, the relevant impact fees outlined in Section 179.1(g), and elsewhere in the Municipal Code, shall be assessed as part of the Building Permit Application.

APPEAL: If you believe this determination represents an error in interpretation of the Planning Code or abuse in discretion by the Zoning Administrator, an appeal may be filed with the Board of Appeals within 15 days of the date of the Letter of Legitimization. For information regarding the appeals process, please contact the Board of Appeals located at 1650 Mission Street, Room 304, San Francisco, or call (415) 575-6880.

Sincerely,

Scott F. Sanchez

Zoning Administrator

Enclosure:

Exhibit A - 2525 16th Street Tenant List and Timeline

Exhibit B - 2525 16th Street Floor Plans

CC:

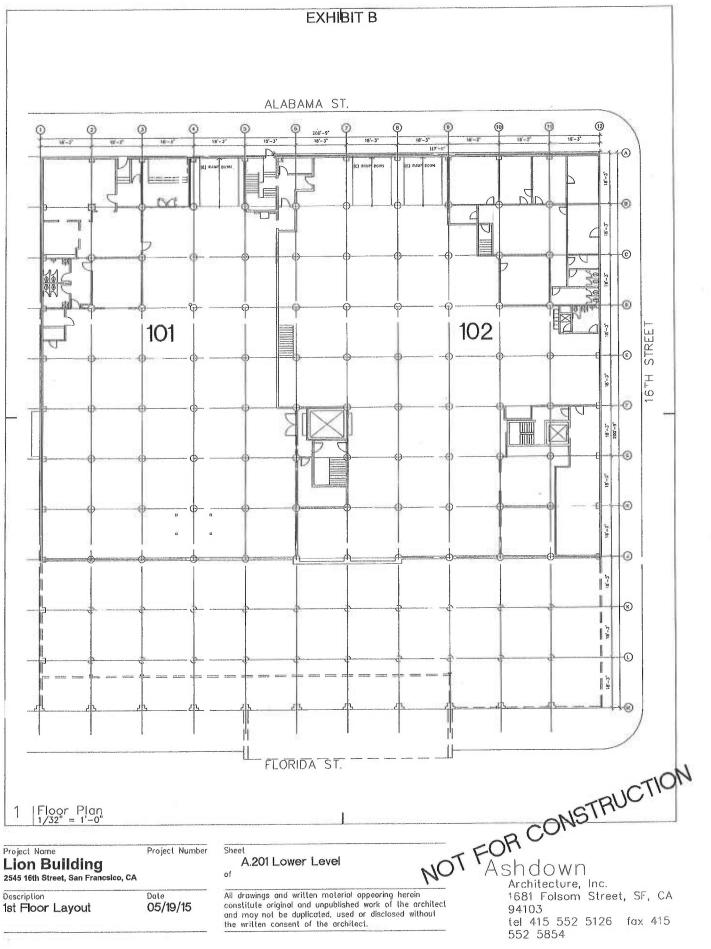
Property Owner

Planning Commissioners

All Parties on the Notification Request List - (WITHOUT ATTACHMENT)

				Tenant Inform	Tenant Information for Units Requesting Legitimization*	Requesting Le	gitimization*				
	Rentable										
Unit	Sq. Ft.	2015	2014	2013	2012	2011	2010	2009	2008	2007	2006
1B (201 16 th St)	420	PO Office	PO Office	PO Office	PO Office	PO Office	PO Office	PO Office	PO Office	PO Office	PO Office
			Events Management								
201	12,401	Earnest	(through June)	Events Management	Events Management	Events Management	Events Management	Events Management	Events Management	Events Management	Events Management
204	2,045	Shooting Star	Shooting Star	Shooting Star	Belmar Upholstery (through June)	Belmar Upholstery	Belmar Upholstery	Belmar Upholstery	Belmar Upholstery	Belmar Upholstery	Belmar Upholstery
304	2,643	Vacant	Innovative	Innovative	Innovative	Innovative	Innovative	Innovative	Innovative	Innovative	Innovative
310	890'6	GLP	GLP	GLP	GLP	GMC (through July) GLP (as of September)	Timbuk2 (Jan-May) GMC (June- Dec)	Timbuk2	Timbuk2	Timbuk2 (as of May 2007)	Zebra Hall
311	8,250	Events Management	Events Management (as of June)	Tune Up Media	Tune Up Media	Tune Up Media	Holt Hinshaw (through August)	Holt Hinshaw	Hoft Hinshaw	Holt Hinshaw	Holt Hinshaw
316	10,787	Talisman (w/GMC sublease)	Talisman (w/GMC sublease)	Talisman (w/GMC sublease)	Talisman (w/GMC sublease)	Talisman (w/GMC sublease)	Talisman (w/GMC sublease)	Talisman (w/GMC sublease)	Talisman (w/GMC sublease)	Talisman (w/GMC sublease)	Talisman (w/GMC sublease)
400	6,178	Prodesign Eyeware	Prodesign Eyeware	Prodesign Eyeware	GMC Prodesign Eyeware (as of 8/1/12)	GMC (as of May)	Margaret O'Leary (through March)	Margaret O'Leary	Margaret O'Leary	Margaret O'Leary	Margaret O'Leary
	51,792	51,792 TOTAL RENT	ABLE SQUARE FEET	FEET							

*See lease documents and other materials for more specific dates of tenancy.



Lion Building 2545 16th Street, San Francsico, CA

Description 1st Floor Layout

05/19/15

A.201 Lower Level

All drawings and written material appearing herein constitute original and unpublished work of the architect and may not be duplicated, used or disclosed without the written consent of the architect.

EXHIBIT B ALABAMA ST. 耳 STREET LEVEL 1 @ ALABAMA ST. BELOW [I H O Œ **(f)** 0 (6) Lion Enterprise 420 Sq. Ft. (H) 0 (0) ABOVE 2 TORIDA TH NOT FOR CONSTRUCTION

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Architecture, Inc.
1681 Folso
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Project Name

Project Number

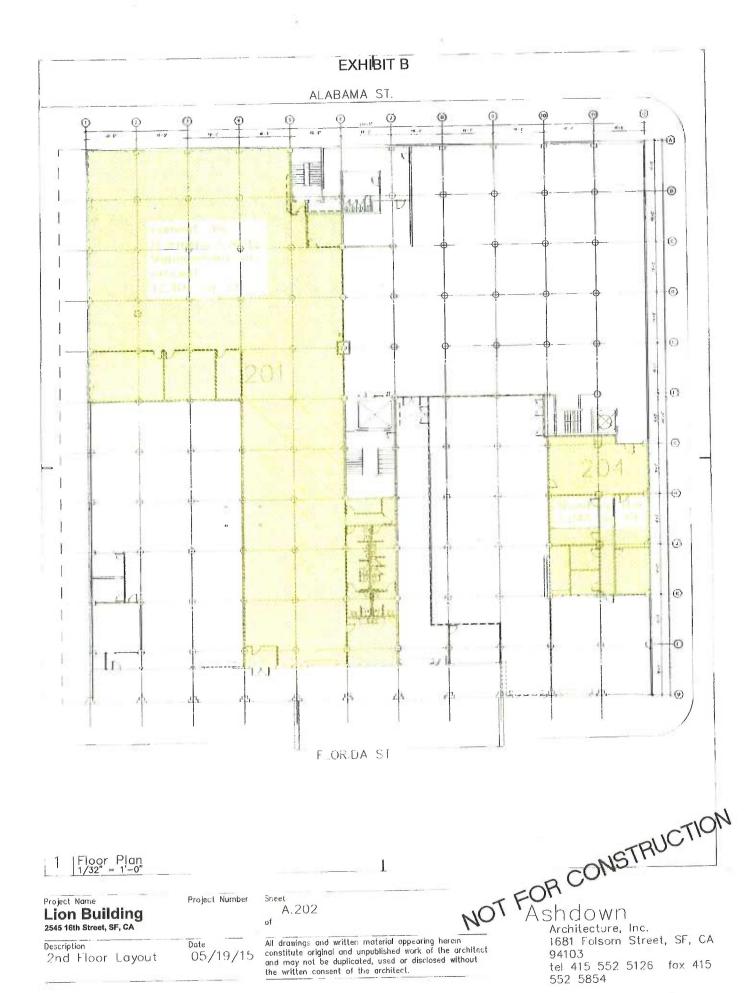
Lion Building 2545 16th Street, San Francsico, CA

Description Date 16th St. Entrance D5/49/15

Sheet

A.201 16th St. Entrance

All drawings and written material appearing herein constitute original and unpublished work of the architect and may not be duplicated, used or disclosed without the written consent of the architect.



1 | Floor Plan | 1/32" = 1'-0"

Project Name

Lion Building 2545 16th Street, SF, CA

Description 05/19/15 2nd Floor Layout

Project Number

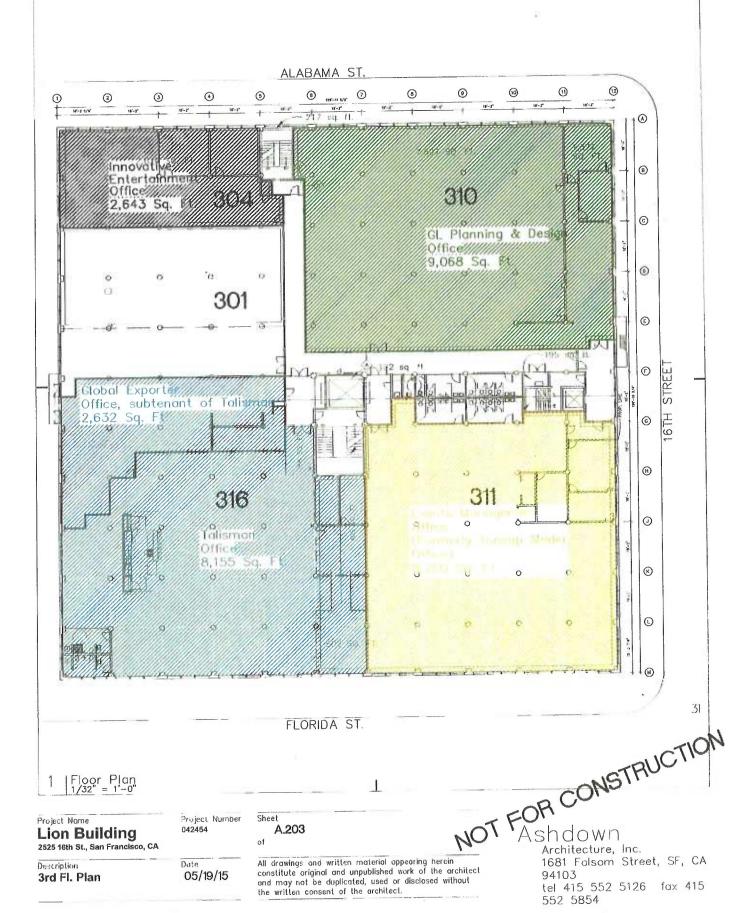
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All drawings and writter: material appearing herein constitute original and unpublished work of the architect and may not be duplicated, used or disclosed without the written consent of the architect.

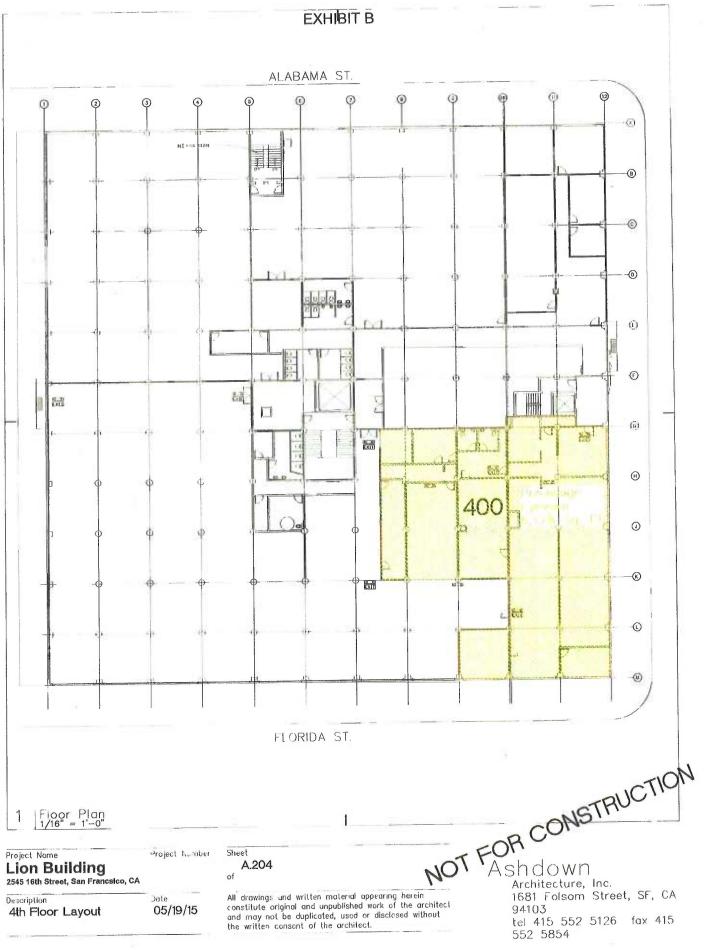
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552 5854

EXHIBIT B



552 5854



Description

4th Floor Layout

05/19/15

All drawings and written material appearing herein constitute original and unpublished work of the architect and may not be duplicated, used or disclosed without the written consent of the architect.

E

Exhibit E

General Plan Objectives and Policies

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 1.2:

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.

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.

COMPLIANCE.

The Project will allow existing office and PDR users to maintain their businesses at the Project Site and contribute to the mixture of uses in and vibrancy of the neighborhood. The Project will contribute development fees that will benefit the community. The Project Site's location in close proximity to nearby transit will incentivize employees and visitors to use public transportation to and from the Project Site. The City has already announced major plans to fund better 16th Street transit to connect Mission Bay to the Mission and its 16th Street BART stop.