



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Conditional Use Authorization

HEARING DATE: OCTOBER 17, 2019

Record No.: 2018-014774CUA
Project Address: 360 Spear Street
Zoning: Rincon Hill Downtown Residential (RH-DTR) Zoning District
105-X Height and Bulk District
Block/Lot: 3745/009
Project Sponsor: Mark Loper
Reuben, Junius & Rose, LLP
One Bush Street, Suite 600
San Francisco, CA 94104
Property Owner: MC PR II 360 Spear (SF) Owner, LLC
55 E. 59th St., 17th Fl.
New York, NY 10022
Staff Contact: Xinyu Liang – (415) 575-9182
xinyu.liang@sfgov.org
Recommendation: **Approval with Conditions**

1650 Mission St.
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PROJECT DESCRIPTION

The Project includes a change of use of a portion of the Internet Services Exchange (ISE) use and its accessory vehicular parking area to Laboratory Use. The project would result in approximately 51,000 square feet of Laboratory and 58,500 square feet of ISE uses. No change is proposed to the existing 49,909 square feet of Office use. The building is also undergoing various tenant improvements under separate permits. It is the Project Sponsor's intent to eventually change all the ISE use to a non-office, non-ISE use when the lease for the rest of the ISE space expires in the mid-2020s.

REQUIRED COMMISSION ACTION

In order for the Project to proceed, the Commission must grant a Conditional Use Authorization, pursuant to Planning Code Sections 303 and 827.21, to establish a new non-residential use greater than 25,000 square feet within the RH-DTR Zoning District and a 105-X Height and Bulk District.

ISSUES AND OTHER CONSIDERATIONS

Public Comment & Outreach. To date, the Department has not received any letters in support or opposition to the proposed project.

ENVIRONMENTAL REVIEW

On September 25, 2019 the Project was determined to be exempt from the California Environmental Quality Act ("CEQA") as a Class 32 Categorical Exemption under CEQA as described in the determination contained in the Planning Department files for this Project.

BASIS FOR RECOMMENDATION

The Department finds that the Project is, on balance, consistent with the Rincon Hill Area Plan and the Objectives and Policies of the General Plan. The current design of the building is not conducive to residential use because of the lack of dwelling unit exposure and open space at the project site. Instead, the large integrated floorplate is ideal for a mix of commercial uses. The change of use from data farms, an ISE use with little human activity, to a more active Laboratory use will revitalize the building and contribute to the diversity and mixed character of the Rincon Hill neighborhood by providing new patrons to support nearby neighborhood-serving retail uses. This location is ideal for a large Non-Retail Sales Services use because it is on the border of downtown and well-served by a variety of public transportation options, including Caltrain, Muni Metro, and multiple Muni bus lines. The Department also finds the Project to be necessary, desirable, and compatible with the surrounding neighborhood, and not to be detrimental to persons or adjacent properties in the vicinity.

ATTACHMENTS:

Draft Motion – Conditional Use Authorization with Conditions of Approval
Exhibit B – Plans and Renderings
Exhibit C – Environmental Determination
Exhibit D – Land Use Data
Exhibit E – Maps and Context Photos
Exhibit F - Project Sponsor Brief
Exhibit G – First Source Hiring Affidavit



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Draft Motion

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ADOPTING FINDINGS RELATING TO THE APPROVAL OF A CONDITIONAL USE AUTHORIZATION PURSUANT TO PLANNING CODE SECTIONS 303 AND 827.21 TO ESTABLISH A NEW NON-RESIDENTIAL USE (LABORATORY) GREATER THAN 25,000 SQUARE FEET, WITHIN THE RINCON HILL DOWNTOWN RESIDENTIAL (RH-DTR) ZONING DISTRICT AND A 105-X HEIGHT AND BULK DISTRICT, LOCATED AT 360 FOLSOM STREET, LOT 009 IN ASSESSOR'S BLOCK 3745.

PREAMBLE

On October 29, 2018, MC PR II 360 Spear (SF) Owner, LLC (hereinafter "Project Sponsor") filed an Application No. 2018-014774CUA (hereinafter "Application") with the Planning Department (hereinafter "Department") for a Conditional Use Authorization to change a portion of the Internet Services Exchange (ISE) use and its accessory vehicular parking area to Laboratory Use (hereinafter "Project") at 360 Spear Street, Block 3745 Lot 009 (hereinafter "Project Site"). The Project would result in approximately 51,000 square feet of Laboratory and 58,500 square feet of ISE uses. No change is proposed to the existing 49,909 square feet of Office use. The building is also undergoing various tenant improvements under separate permits.

On September 25, 2019 the Project was determined to be exempt from the California Environmental Quality Act ("CEQA") as a Class 32 Categorical Exemption under CEQA as described in the determination contained in the Planning Department files for this Project.

On October 17, 2019, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Authorization Application No. 2018-014774CUA.

The Planning Department Commission Secretary is the custodian of records; the File for Record No. 2018-014774CUA is located at 1650 Mission Street, Suite 400, San Francisco, California.

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

MOVED, that the Commission hereby authorizes the Conditional Use Authorization as requested in Application No. 2018-014774CUA, 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. **Project Description.** The Project proposes a change of use of 51,000 square feet from ISE and 4,000 square feet of the accessory vehicle parking area to Laboratory use. No change is proposed to the existing 49,909 square feet of office space. The Project will result in three non-residential uses exceeding 25,000 square feet, instead of the two non-residential uses exceeding 25,000 square feet that currently exist at the site. The Project will not include any new construction, demolition, or additions to the subject property. However, the property is undergoing various building improvements under a separate permit.

The Project Sponsor intends to eventually change all the ISE use to a non-office, non-ISE use when the lease for the rest of the ISE space expires in the mid-2020s.

3. **Site Description and Present Use.** The project site is located on a rectangular corner lot (measuring 125-ft by 275-ft or 34,375 square feet) on the northwest corner of Spear and Harrison Streets. The project site has 275-ft of frontage along Spear Street and 125-ft of frontage along Harrison Street. The subject lot is developed with a five-story building that was constructed in 2000. The building was originally occupied entirely by ISE use as a server farm before 2015. In 2015, the Planning Commission approved to convert 49,909 square feet of the building to Office use. Currently, the building is occupied with 105,745 square feet of an ISE use, 49,909 square feet of Office use, and 9,000 square feet of accessory parking. The entrance to the off-street parking spaces and loading area is located along Spear Street.
4. **Surrounding Properties and Neighborhood.** The project site is located in the RH-DTR Zoning District within a mixed-use area in the Rincon Hill Area Plan. The project site is approximately one block from the San Francisco waterfront and Embarcadero. The immediate neighborhood includes office mixed-use buildings, two residential towers within the same block and another two

residential towers across Main Street, and a smaller-scale two-story live/work complex across Harrison Street. The project site is well-served by a variety of public transportation options. The site is within a few blocks of the Folsom & Embarcadero Muni Metro stop, the E Embarcadero light rail stop, and multiple Muni bus lines, including the 12, 30x, 41, 81x, and 82x lines. The Property is also within walking distance of the Caltrain station. Other zoning districts in the vicinity of the project site include RC-4 (Residential-Commercial, High Density), M-1 (Light Industrial), TBDTR (Transbay Downtown Residential); C-3-O (Downtown Office), and C-2 (Community Business).

5. **Public Outreach and Comments.** To date, the Department has not received any letters in support or opposition to the proposed project.
6. **Planning Code Compliance.** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:

- A. **Use.** Planning Code Section 827.26 states that all non-residential uses, unless as exempted, are principally permitted within the RH-DTR Zoning District.

Laboratory use is considered to be a non-residential use. The Project would establish approximately 51,000 square feet of Laboratory use. Therefore, the Project meets this Planning Code requirement.

- B. **Non-Residential Use Size.** Planning Code Section 827.21 states that Conditional Use Authorization from the Planning Commission is required for the establishment of a nonresidential use larger than 25,000 gross square feet. In addition, no individual ground-floor tenant may occupy more than 75-ft of frontage for a depth of 25-ft from Folsom Street.

The Project would establish 51,000 square feet of Laboratory use on the ground, second, and third floors. The Project has no frontage on Folsom Street. The Project has filed for this Conditional Use Authorization to seek approval from the Planning Commission for the establishment of a non-residential use larger than 25,000 gsf.

- C. **Parking.** Per Planning Code Sections 151.1 and 827.24, off-street parking is not required.

The Project does not currently include off-street parking for the new Laboratory use. The Project would repurpose 4,000 sf from accessory parking spaces for ISE use to Laboratory use. The total number of accessory parking spaces will reduce from 11 to 7.

- D. **Bicycle Parking Requirement.** Planning Section 155.2 of the Planning Code requires at least one Class 1 bicycle parking space for every 12,000 occupied floor area of Laboratory space and four Class 2 spaces for Laboratory use larger than 50,000 gross square feet.

The existing ISE use requires none bicycle parking spaces. The existing Office use requires 10 Class 1 and 2 Class 2 bicycle parking spaces per Motion No. 19516. The proposed Laboratory use is required to provide 4 Class 1 bicycle parking spaces and 4 Class 2 bicycle parking spaces. Currently, there are 16

Class 1 bicycle parking spaces and 2 Class 2 bicycle parking spaces. The Project will provide an additional 10 Class 1 bicycle parking spaces and 4 Class 2 bicycle parking spaces. Therefore, the Project meets this Planning Code requirement.

- E. **Shower Facility and Clothes Locker Requirement.** Planning Section 155.4 of the Planning Code requires at least two showers and twelve clothes lockers when occupied square footage exceeds 20,000 square feet but is not greater than 50,000 square feet of the Laboratory use floor area.

The Project will provide 2 showers and 12 clothes lockers on the first floor. Therefore, the Project meets this Planning Code requirement.

- F. **Transportation Demand Management (TDM) Plan.** Pursuant to Planning Code Section 169 and the TDM Program Standards, the Project shall finalize a TDM Plan prior Planning Department approval of the first Building Permit or Site Permit. As currently proposed, the Project must achieve a target of 13 points.

The Project Sponsor filed its first Development Application on October 29, 2018, and is therefore required to achieve 100% of the point target established in the TDM Program Standards for a target of 13 points for Land Use Category B (Office). As currently proposed, the Project will achieve its required 13 points through the following TDM measures:

- *Parking Supply (Option K)*
- *Bicycle Parking (Option A)*
- *Showers and Lockers*

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

- A. The proposed use or feature, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable for, and compatible with, the neighborhood or the community.

The Project is necessary, desirable, and compatible with the neighborhood at the proposed location. The change of use from data farms, an ISE use with little human activity, to a more active Laboratory use will revitalize the building and contribute to the diversity and mixed character of the Rincon Hill neighborhood by providing new patrons to support nearby neighborhood-serving retail uses. The project site is the ideal location for a large non-residential use because it is on the border of Downtown and well-served by a variety of public transportation options, including Caltrain, Muni Metro, and multiple Muni bus lines. The current design of the building is not conducive to a residential use because of the open floor plates and a lack of open space. Instead, the large integrated floorplate is ideal for a mix of non-residential uses. The Project does not request any additional office space.

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

- (1) The nature of the proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;

The Project proposes no alteration to the size, shape, or structure of the existing building at the Property. The proposed mix of uses would be complementary to the surrounding neighborhood and revitalize the area by providing a more active use.

- (2) The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed off-street parking and loading and of proposed alternatives to off-street parking, including provisions of car-share parking spaces, as defined in Section 166 of this Code.;

The existing loading dock will be retained while five of the existing 11 parking spaces will be repurposed to allow for additional Laboratory use. The Project would not adversely affect public transit or overburden the existing supply of parking in the neighborhood because it is expected that employees will utilize alternative modes of transportation such as bicycles and public transportation. The Project will provide code-compliant bike parking and the site is well served by multiple public transportation options. It is within a few blocks of the Folsom & Embarcadero Muni Metro stop, the E Embarcadero light rail stop, and multiple Muni bus lines, including the 12, 30x, 41, 81x, and 82x lines. The Property is also within walking distance of the Caltrain station.

- (3) The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor;

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

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

The building owner is currently processing plans to upgrade landscaping along Spear Street, consistent with the Rincon Hill Streetscape Plan. No new signage is proposed at this time.

- C. Such use or feature as proposed will comply with the applicable provisions of this Code and will not adversely affect the General Plan.

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

- D. Such use or feature as proposed will provide development that is in conformity with the stated purpose of the applicable Use District.

The Project is located within the Downtown Residential Districts, which are transit-oriented, high-density mixed-use residential neighborhoods in and around downtown. These areas are generally transitioning from a variety of commercial and industrial to residential uses. The intent of this district is to enable a mix of new day and nighttime activities. The proposed project would establish a new Laboratory use that would contribute to the economic diversity and the mixed character of the surrounding neighborhood.

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

COMMERCE AND INDUSTRY ELEMENT

Objectives and Policies

OBJECTIVE 1:

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

Policy 1.1

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

Policy 1.2

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

Policy 1.3

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

OBJECTIVE 1.2:

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.

Policy 2.3

Maintain a favorable social and cultural climate in the city in order to enhance its attractiveness as a firm location.

The change of use could provide new employment opportunities and the new employees will help support the existing neighborhood-serving retail in the area. The increased activity at the site will help enhance the attractiveness of this area as a vibrant mixed-use neighborhood, especially given its location on the border of Downtown and the Embarcadero. The Project's impact fees will support childcare service, fund public schools, and construct transportation and infrastructure improvements both in the neighborhood and throughout the city.

TRANSPORTATION ELEMENT

Objectives and Policies

OBJECTIVE 28:

PROVIDE SECURE AND CONVENIENT PARKING FACILITIES FOR BICYCLES.

Policy 28.1:

Provide secure bicycle parking in new governmental, commercial, and residential developments.

Policy 28.3:

Provide parking facilities which are safe, secure, and convenient.

The Project will include code-compliant bike parking in a secure and convenient location on the ground level of the existing building along with required shower and locker facilities. Consistent with the city's transit first policies, it will replace a portion of the car parking spaces with a Laboratory use.

RINCON HILL PLAN AREA

LAND USE

Objectives and Policies

OBJECTIVE 1.1:

ENCOURAGE THE DEVELOPMENT OF A UNIQUE, DYNAMIC, MIXED-USE RESIDENTIAL NEIGHBORHOOD CLOSE TO DOWNTOWN.

OBJECTIVE 5.5:

MANAGE PARKING SUPPLY AND PRICING TO ENCOURAGE TRAVEL BY FOOT, PUBLIC TRANSPORTATION AND BICYCLE.

Policy 5.9:

Eliminate the minimum off-street parking requirement for all uses.

Generally, the Rincon Hill Area Plan encourages the development of a mixed-use neighborhood to support the residential uses that are developed as part of the implementation of the Area Plan. The proposed project would establish a new Laboratory use that would contribute to the economic diversity and the mixed character of the surrounding neighborhood. The Project does not include new off-street parking for the proposed use but provides code-compliant bicycle parking spaces, in furtherance of the policy. The Project's bike parking together with the site's close proximity to the Downtown neighborhood and multiple public transportation options will encourage alternative modes of transportation.

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 complies 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 existing building does not contain any neighborhood-serving retail uses. The existing ISE is not considered to be a neighborhood-serving retail use. The proposal would enhance the nearby retail uses by introducing a number of new employees and potential patrons to the retail uses in the area.

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

The existing neighborhood character will be preserved since the Project involves adaptive reuse of an existing building. The Project is located in the Rincon Hill Area Plan and is located within a zoning district that allows Laboratory use. Other nearby properties include residential, commercial, office, or light industrial uses. The Project does not have an impact on the existing housing character of the neighborhood.

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

There is no existing affordable or market-rate housing on the Project Site.

- 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 and Caltrain. It is also near several streets that are part of the City's growing bicycle network. It is not anticipated that commuter traffic will impede MUNI transit or overburden streets 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 Project does not include the displacement of an industrial or service sector use. The existing ISE use is considered to be a utility and infrastructure use. The Project will create Laboratory sector employment and ownership opportunities by converting approximately 51,000 square feet of existing ISE space into Laboratory.

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

The existing building on the Property conforms to the requirements of the San Francisco Building Code.

- G. That landmarks and historic buildings be preserved.

The Project does not impact any landmarks or historic buildings. The existing building at 360 Spear Street is not a historic resource.

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

The Project will have no impact on parks and open space.

10. **First Source Hiring.** The Project is subject to the requirements of the First Source Hiring Program as they apply to permits for residential development (Administrative Code Section 83.11), and the Project Sponsor shall comply with the requirements of this Program as to all construction work and on-going employment required for the Project. Prior to the issuance of any building permit to construct or a First Addendum to the Site Permit, the Project Sponsor shall have a First Source Hiring Construction and Employment Program approved by the First Source Hiring Administrator, and evidenced in writing. In the event that both the Director of Planning and the First Source Hiring Administrator agree, the approval of the Employment Program may be delayed as needed.

The Project Sponsor submitted a First Source Hiring Affidavit and prior to issuance of a building permit will execute a First Source Hiring Memorandum of Understanding and a First Source Hiring Agreement with the City's First Source Hiring Administration.

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

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Authorization Application No. 2018-014774CUA** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated July 23, 2019, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion. The effective date of this Motion shall be the date of this Motion if not appealed (after the 30-day period has expired) OR the date of the decision of the Board of Supervisors if appealed to the Board of Supervisors. For further information, please contact the Board of Supervisors at (415) 554-5184, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

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

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

I hereby certify that the Planning Commission **ADOPTED** the foregoing Motion on October 17, 2019.

Jonas P. Ionin
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: October 17, 2019

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to allow a new non-residential use (Laboratory) greater than 25,000 square feet located at 360 Spear Street, Block 3745, and Lot 009 pursuant to Planning Code Sections 303 and 827.21 within the RH-DTR Zoning District and a 105-X Height and Bulk District; in general conformance with plans, dated July 23, 2019, and stamped "EXHIBIT B" included in the docket for Record No. 2018-014774CUA and subject to conditions of approval reviewed and approved by the Commission on October 17, 2019 under Motion No XXXXXX. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

RECORDATION OF CONDITIONS OF APPROVAL

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on October 17, 2019 under Motion No XXXXXX.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

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

SEVERABILITY

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

CHANGES AND MODIFICATIONS

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

Conditions of Approval, Compliance, Monitoring, and Reporting

PERFORMANCE

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

PARKING AND TRAFFIC

6. **Transportation Demand Management (TDM) Program.** Pursuant to Planning Code Section 169, the Project shall finalize a TDM Plan prior to the issuance of the first Building Permit or Site Permit to construct the project and/or commence the approved uses. The Property Owner, and all successors, shall ensure ongoing compliance with the TDM Program for the life of the Project, which may include providing a TDM Coordinator, providing access to City staff for site inspections, submitting appropriate documentation, paying application fees associated with required monitoring and reporting, and other actions.

Prior to the issuance of the first Building Permit or Site Permit, 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 to document compliance with the TDM Program. This Notice shall provide the finalized TDM Plan for the Project, including the relevant details associated with each TDM measure included in the Plan, as well as associated monitoring, reporting, and compliance requirements.

For information about compliance, contact the TDM Performance Manager at tdm@sfgov.org or 415-558-6377, www.sf-planning.org.

7. **Bicycle Parking.** Pursuant to Planning Code Sections 155.1 and 155.4, the Project shall provide no fewer than 10 Class 1 and four Class 2 bicycle parking spaces. SFMTA has final authority on the type, placement and number of Class 2 bicycle racks within the public ROW. Prior to issuance of first architectural addenda, the project sponsor shall contact the SFMTA Bike Parking Program at bikeparking@sfmta.com to coordinate the installation of on-street bicycle racks and ensure that the proposed bicycle racks meet the SFMTA's bicycle parking guidelines. Depending on local site conditions and anticipated demand, SFMTA may request the project sponsor pay an in-lieu fee for Class II bike racks required by the Planning Code.

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

8. **Showers and Clothes Lockers.** Pursuant to Planning Code Section 155.3, the Project shall provide no fewer than two showers and 14 clothes lockers.

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

PROVISIONS

9. **First Source Hiring.** The Project shall adhere to the requirements of the First Source Hiring Construction and End-Use Employment Program approved by the First Source Hiring Administrator, pursuant to Section 83.4(m) of the Administrative Code. The Project Sponsor shall comply with the requirements of this Program regarding construction work and on-going employment required for the Project.

For information about compliance, contact the First Source Hiring Manager at 415-581-2335, www.onestopSF.org

10. **Transportation Sustainability Fee.** The Project is subject to the Transportation Sustainability Fee (TSF), as applicable, pursuant to Planning Code Section 411A.

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

11. **Jobs-Housing Linkage.** The Project is subject to the Jobs Housing Linkage Fee, as applicable, pursuant to Planning Code Section 413.

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

MONITORING - AFTER ENTITLEMENT

12. **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

13. **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

14. **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>

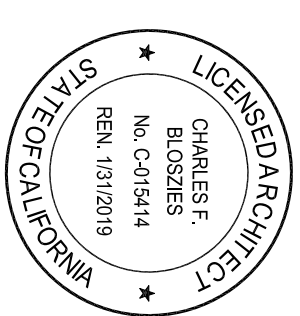
15. **Community Liaison.** Prior to issuance of a building permit to construct the project and implement the approved use, the Project Sponsor shall appoint a community liaison officer to deal with the issues of concern to owners and occupants of nearby properties. The Project Sponsor shall provide the Zoning Administrator and all registered neighborhood groups for the area with written notice

of the name, business address, and telephone number of the community liaison. Should the contact information change, the Zoning Administrator and registered neighborhood groups 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

Exhibit B:

Plans and Renderings



Change of Use at
360 Spear St.
San Francisco, CA

Graphic and other special symbols, as the owner, contractor, engineer and materials vendor of this building. Compliance of the record is stated by the architect and provided by the 1993 International Building Code, California Building Code, and the 1993 International Mechanical Code, California Mechanical Code, and the 1993 International Electrical Code, California Electrical Code.

File Name	Sheet No.	Sheet Title	Checked By
18027-A0.00	01	01	CFB

Number	Date	Description
1	03.14.13	CONCEPTUAL USE PERMIT
2	01.17.13	CONCEPTUAL USE PERMIT
3	04.15.13	CONCEPTUAL USE PERMIT
4	06.17.13	CONCEPTUAL USE PERMIT
5	06.21.13	CONCEPTUAL USE PERMIT
6	02.21.13	CONCEPTUAL USE PERMIT

Revisions	Number	Date	Description
	1		
	2		
	3		
	4		
	5		
	6		

TITLE SHEET

DATE: JULY 23, 2019

A0.00

CHANGE OF USE

360 SPEAR STREET
SAN FRANCISCO, CALIFORNIA

CONDITIONAL USE PERMIT SUBMITTAL
JULY 23, 2019

SCOPE OF WORK

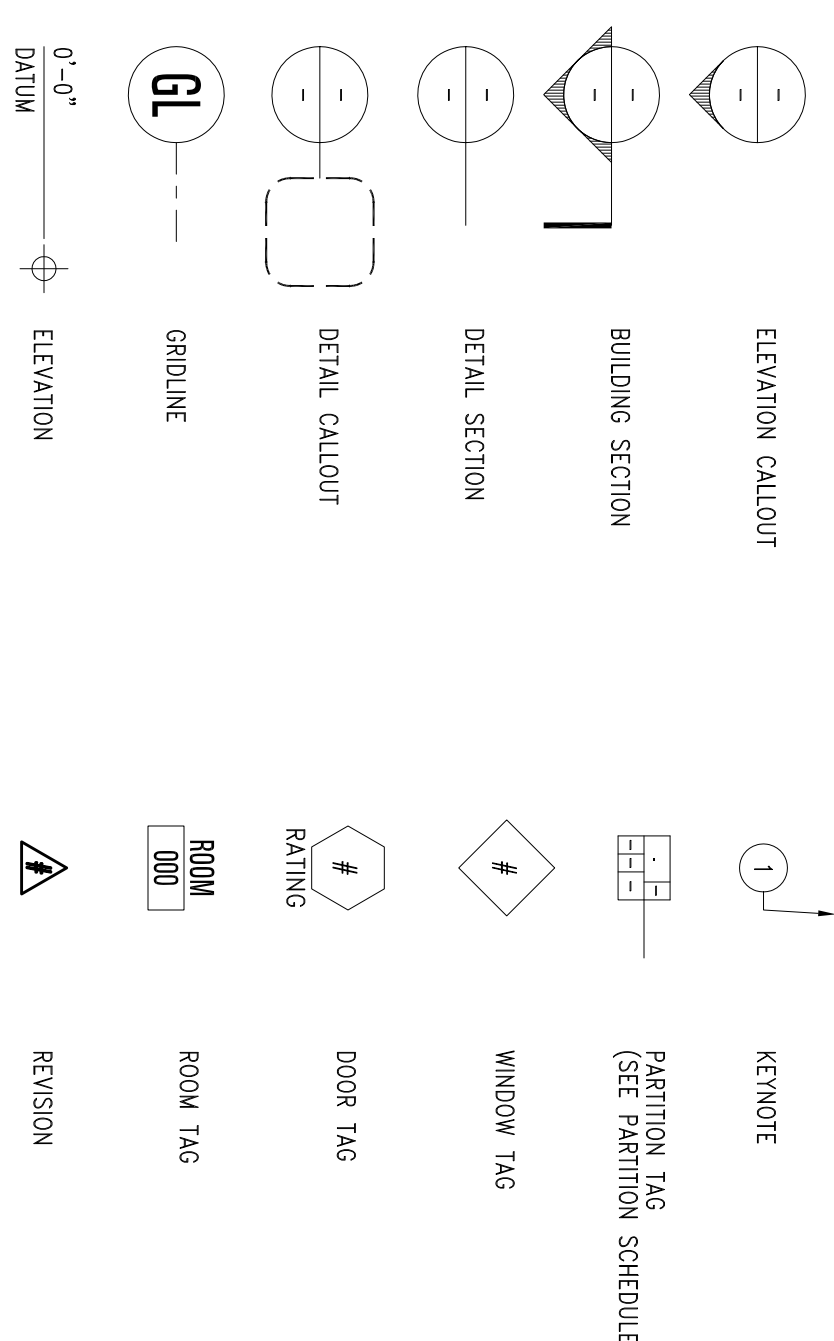
CHANGE OF USE FROM INTERNET SERVICE EXCHANGE TO LABORATORY USE IN PORTIONS OF 360 SPEAR. NO PHYSICAL WORK IS PROPOSED.

PROJECT DIRECTORY

OWNER
MC FR II 360 SPEAR (SF) OWNER, LLC
Contact: JUSTIN CASSANO
2157/523590

ARCHITECT
Office of Charles F. Bloszies
3 Embarcadero Center, Pieremeadow Level
San Francisco, CA 94111
Contact: CHARLES BLOSZIES
415.384.4302

SYMBOL KEY



PARKING/OFF-STREET LOADING SUMMARY

EXISTING	PROPOSED
VEHICLE PARKING 11	VEHICLE PARKING 7
SPACES 18	SPACES 32
BIKE PARKING 1	BIKE PARKING 1
LOADING DOCK 1	LOADING DOCK 1

FLOOR AREA SUMMARY

EXISTING	PROPOSED
1ST FIB 17,947	1ST FIB 17,947
2ND FIB 34,262	2ND FIB 34,262
3RD FIB 19,274	3RD FIB 19,274
4TH FIB 34,262	4TH FIB 34,262
5TH FIB 34,262	5TH FIB 34,262
177,423 = 105,745	177,423 = 105,745
48,909	48,909
9,041	9,041
602	602
6,126	6,126
58,447	58,447
50,932	50,932
48,909	48,909
5,230	5,230
779	779
6,126	6,126
177,423	177,423

PLANNING CODE INFORMATION

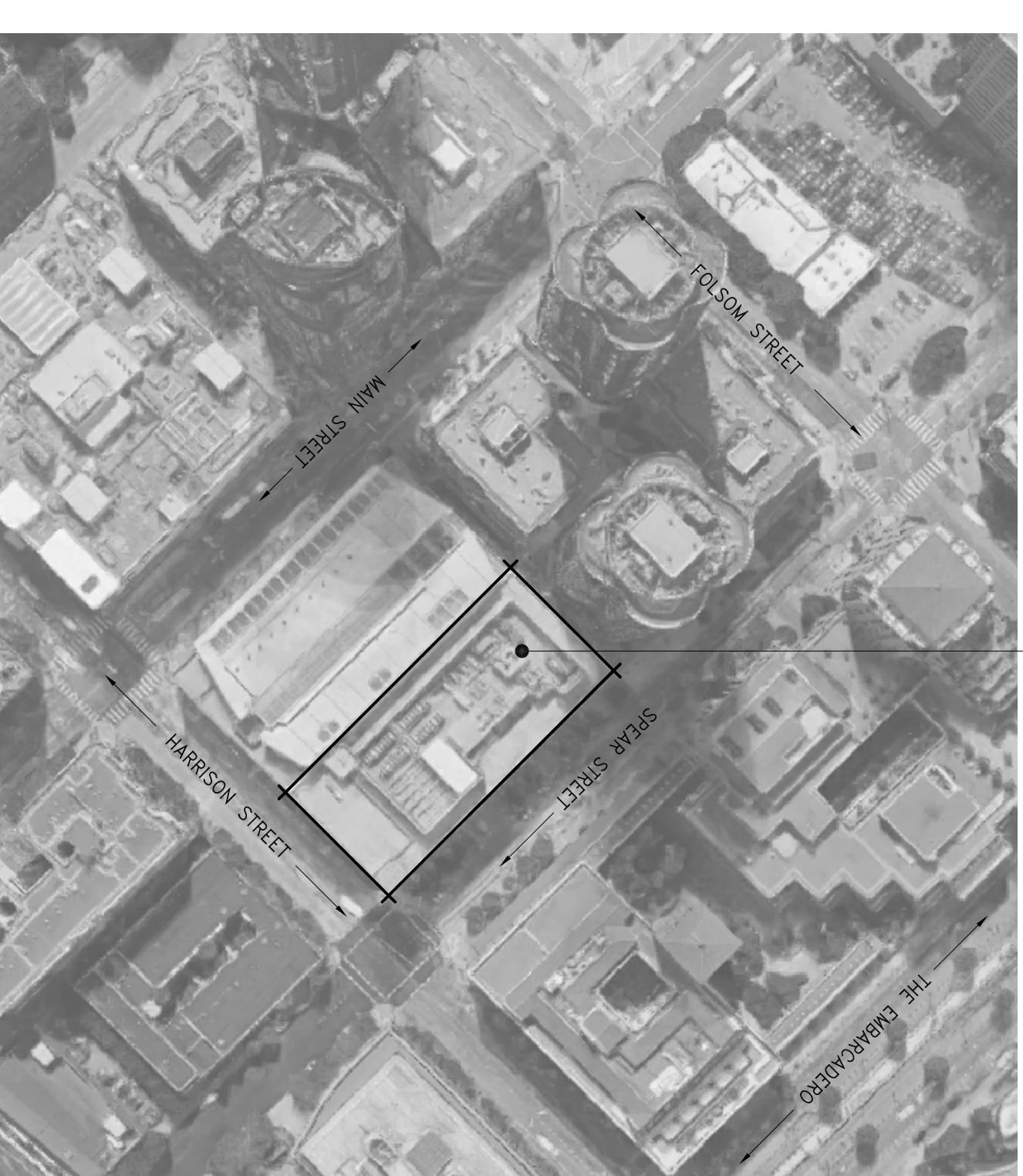
BLOCK: 3745
 LOT: 009
 ZONING DISTRICT: 009-17P
 HEIGHT/BULK DISTRICT: 105-X
 PRESENT USES: INTERNET SERVICE EXCHANGE
 PROPOSED USES: LABORATORY, INTERNET SERVICE EXCHANGE (NO CHANGE), OFFICE (NO CHANGE)

BUILDING CODE INFORMATION

CONSTRUCTION TYPE: TYPE I-B
 OCCUPANCY: F-1 (DATA CENTER), B (OFFICE), S-2 (PARKING)
 PRESENT OCCUPANCY (BUILDING): F-1 (DATA CENTER), B (OFFICE), LABORATORY), S-2 (PARKING)
 PROPOSED OCCUPANCY: F-1 (DATA CENTER), B (OFFICE), LABORATORY), S-2 (PARKING)

DRAWING INDEX

- 40.00 GENERAL
- 40.01 TITLE SHEET
- 40.10 SITE PHOTOGRAPHS
- 40.11 SITE PLAN
- ARCHITECTURAL
- 42.01 FIRST FLOOR PLAN
- 42.02 SECOND FLOOR PLAN
- 42.03 THIRD FLOOR PLAN
- 42.04 FOURTH FLOOR PLAN
- 42.05 FIFTH FLOOR PLAN
- 43.01 EXISTING BUILDING SECTIONS & ELEVATIONS

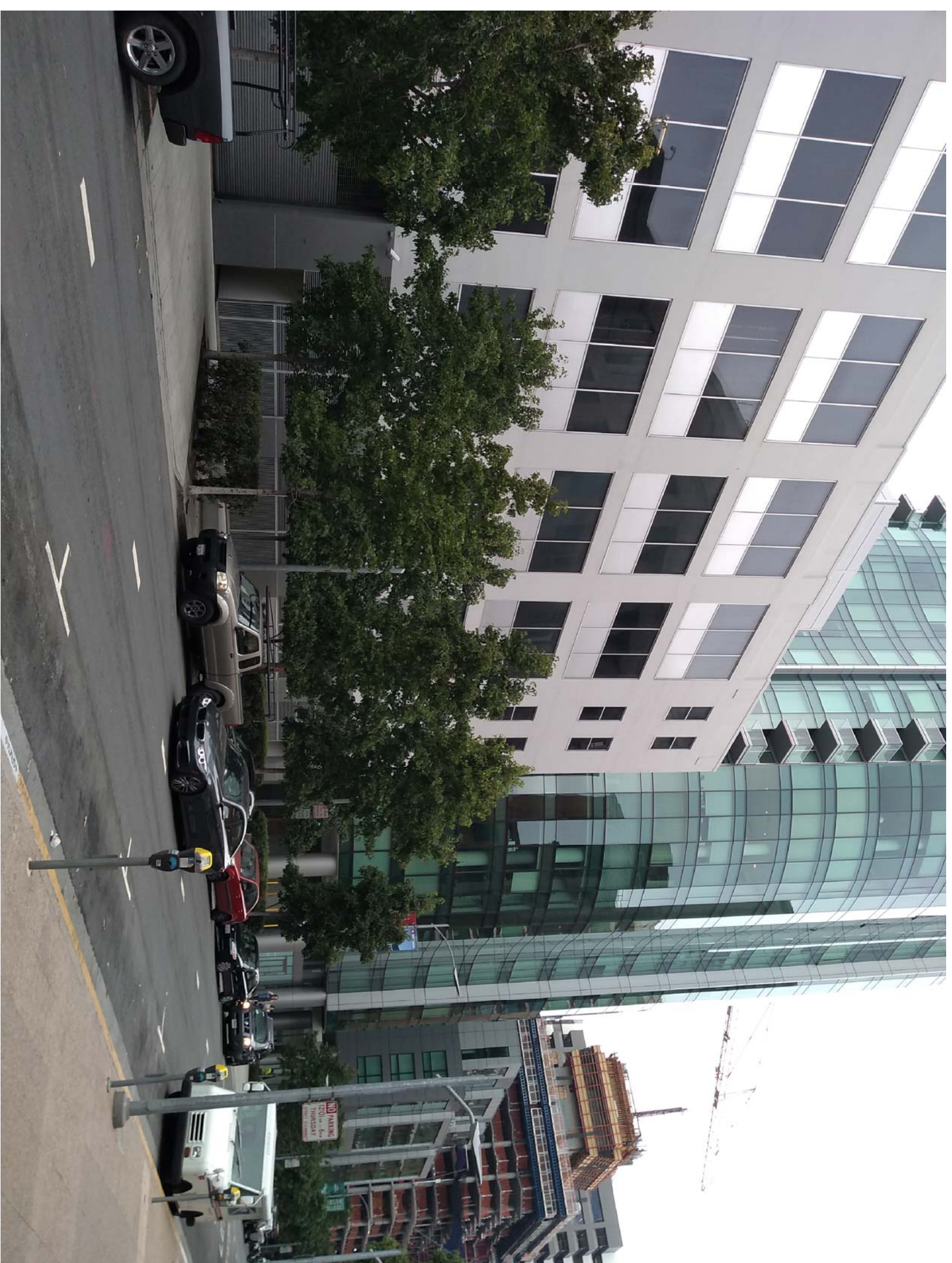


360 SPEAR STREET
BLOCK: 3745
LOT: 009

Change of Use at
360 Spear St.
San Francisco, CA



3



2



1

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File Name: A0.10
18027-00.10

Sheet No.: 018

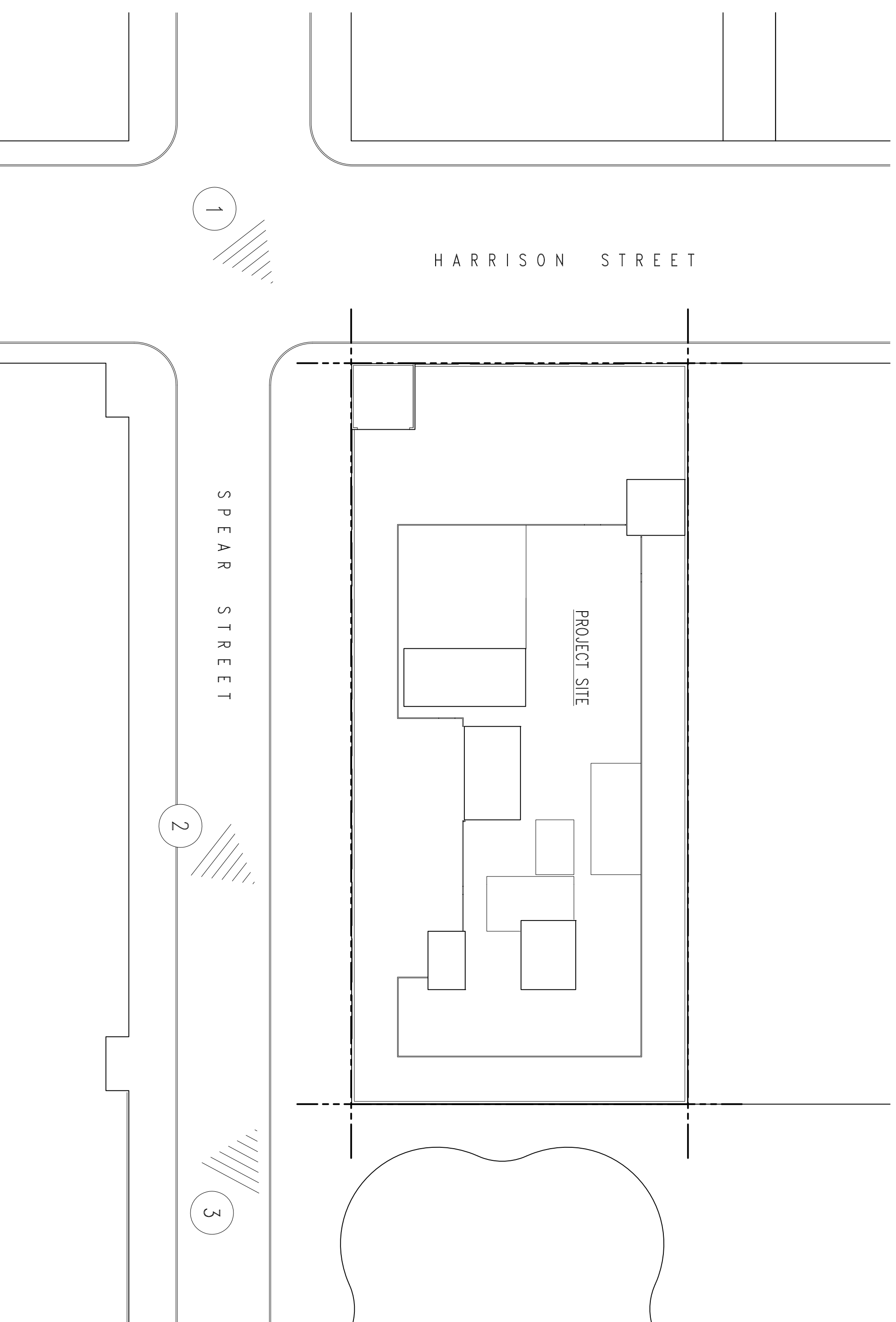
Checked By:

Revised: 6

Number	Date	Description
1	04.24.18	CONVENTIONAL USE PERMIT
2	01.17.19	CONVENTIONAL USE PERMIT
3	04.15.19	CONVENTIONAL USE PERMIT
4	06.07.19	CONVENTIONAL USE PERMIT
5	06.21.19	CONVENTIONAL USE PERMIT
6	07.23.19	CONVENTIONAL USE PERMIT

Revisions	Number	Date	Description
△			

SITE PHOTOGRAPHS



1 KEY PLAN

INTS

A-39-a-01

JULY 23, 2019

Graphic and other related symbols in this drawing conforming to the standards of the International Building Code and the International Mechanical Code and shall be used as such. Compliance with the International Building Code and the International Mechanical Code is required to be used by the architect and engineer. In the 1995 International Building Code and the International Mechanical Code, the word "shall" means that the action is required, unless otherwise provided in the code. The word "may" means that the action is permitted, unless otherwise provided in the code.

File Name: A0.11 Date: 07/23/19

Project No: 18027.00

Sheet: 5 of 5

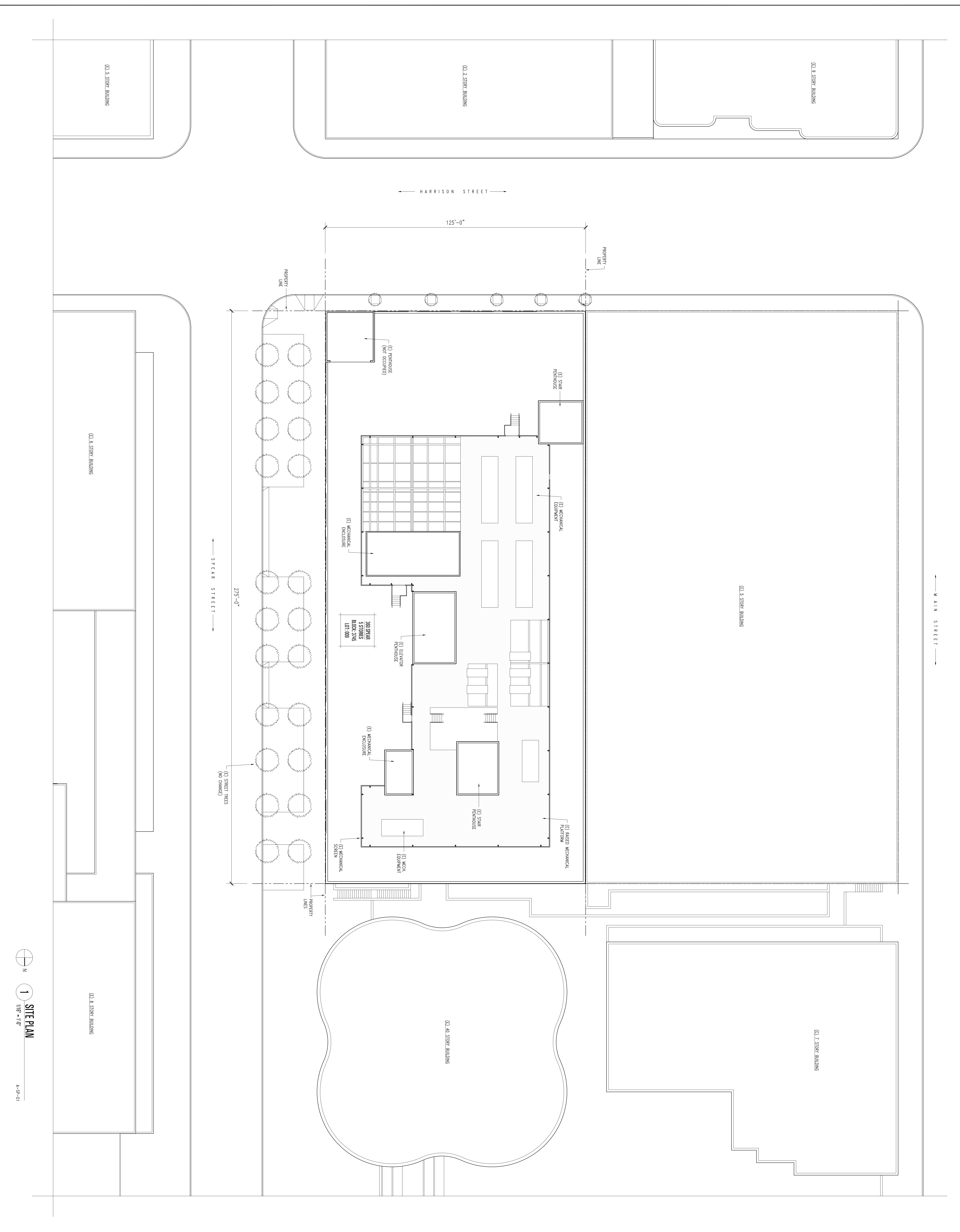
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2	07/23/19	CONCEPTUAL USE PERMIT
3	04/15/19	CONCEPTUAL USE PERMIT
4	06/17/19	CONCEPTUAL USE PERMIT
5	06/21/19	CONCEPTUAL USE PERMIT
6	07/23/19	CONCEPTUAL USE PERMIT

Number	Date	Description
1	07/23/19	CONCEPTUAL USE PERMIT

SITE PLAN

JULY 23, 2019

A0.11

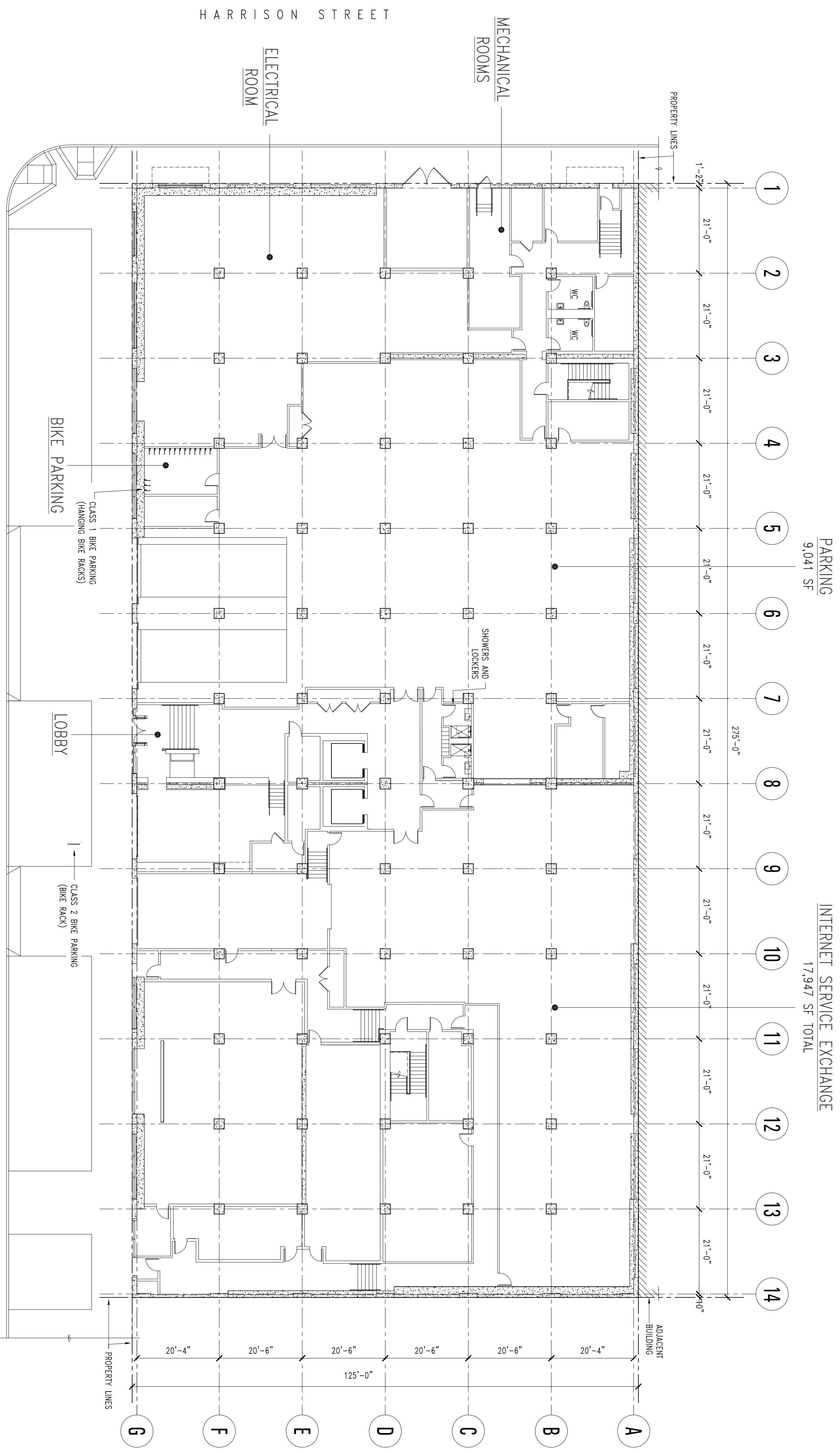


Revised	Date	Description
1	07/23/2019	CONCEPTUAL SITE PLAN
2	07/23/2019	CONCEPTUAL SITE PLAN
3	08/15/19	CONCEPTUAL SITE PLAN
4	08/15/19	CONCEPTUAL SITE PLAN
5	08/15/19	CONCEPTUAL SITE PLAN
6	07/23/19	CONCEPTUAL SITE PLAN

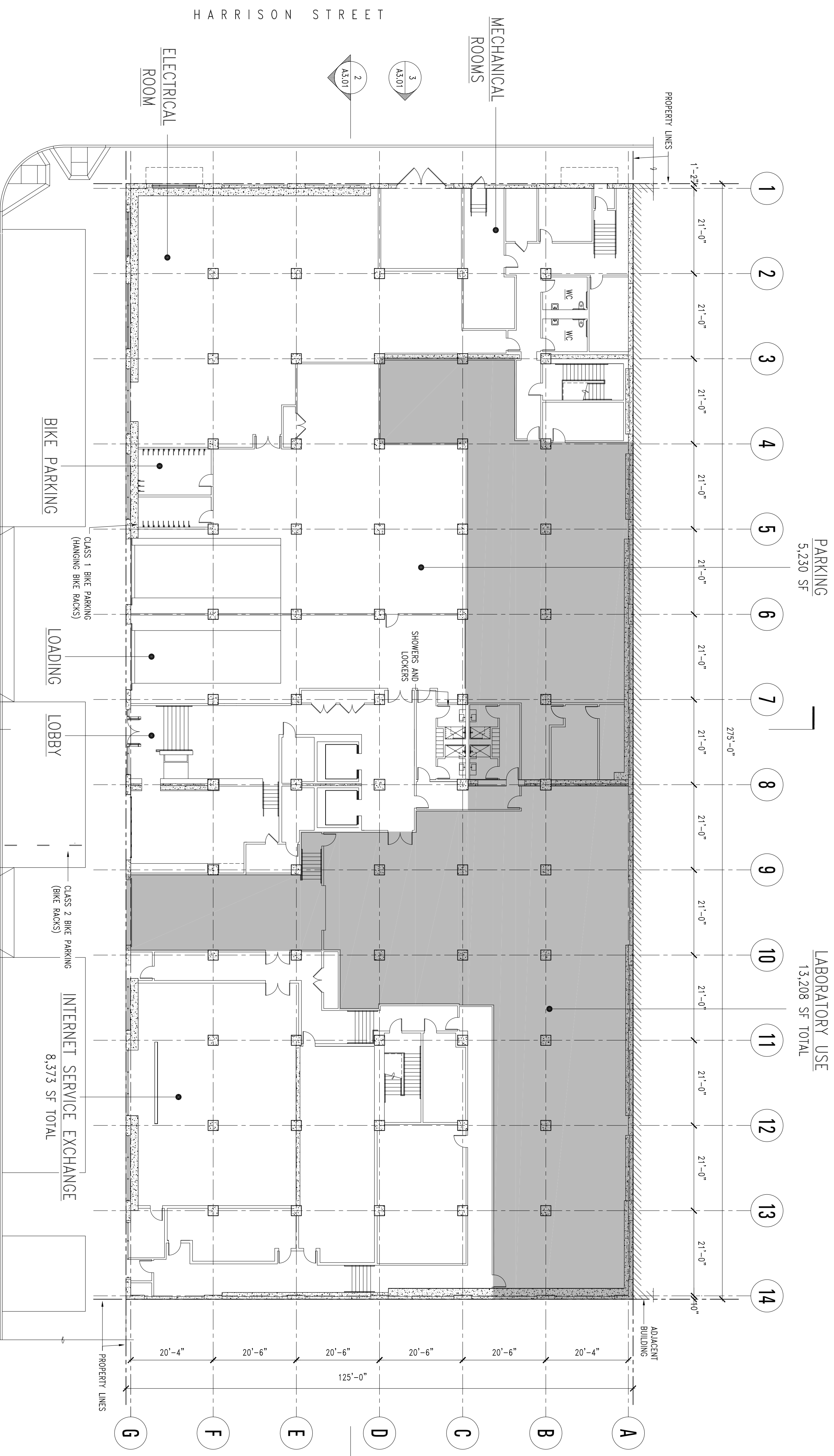
FIRST FLOOR PLAN

JULY 23, 2019

A2.01



EXISTING FIRST FLOOR PLAN
A-FF-01



PROPOSED FIRST FLOOR PLAN
A-FF-01

EXISTING AREAS

PARKING	9,041 SF
ISE*	17,947 SF
OFFICE**	659 SF
MECHANICAL, ELECTRICAL, & STORAGE	6,126 SF
BIKE PARKING & SHOWERS***	602 SF
TOTAL	34,375 SF

*INCLUDES LOBBY ALLOCATION FOR EXISTING ISE USE ON UPPER FLOORS

**LOBBY ALLOCATION FOR EXISTING OFFICE USE ON UPPER FLOORS

***INCLUDES:

- (16) CLASS 1 BIKE PARKING SPACES
- (2) CLASS 2 BIKE PARKING SPACES
- (2) SHOWERS
- (14) LOCKERS

PROPOSED AREAS

PARKING & LOADING	5,230 SF
ISE*	8,373 SF
LABORATORY**	13,208 SF
OFFICE***	659 SF
MECHANICAL, ELECTRICAL, & STORAGE	6,126 SF
BIKE PARKING & SHOWERS****	779 SF
TOTAL	34,375 SF

*INCLUDES LOBBY ALLOCATION FOR ISE USE ON UPPER FLOORS

**INCLUDES LOBBY ALLOCATION FOR LABORATORY USE ON UPPER FLOORS, AND:

- (10) CLASS 1 BIKE PARKING SPACES
- (2) CLASS 2 BIKE PARKING SPACES
- (2) SHOWERS
- (14) LOCKERS

***LOBBY ALLOCATION FOR EXISTING OFFICE USE ON UPPER FLOORS

****INCLUDES:

- (16) CLASS 1 BIKE PARKING SPACES
- (4) CLASS 2 BIKE PARKING SPACES
- (2) SHOWERS
- (14) LOCKERS

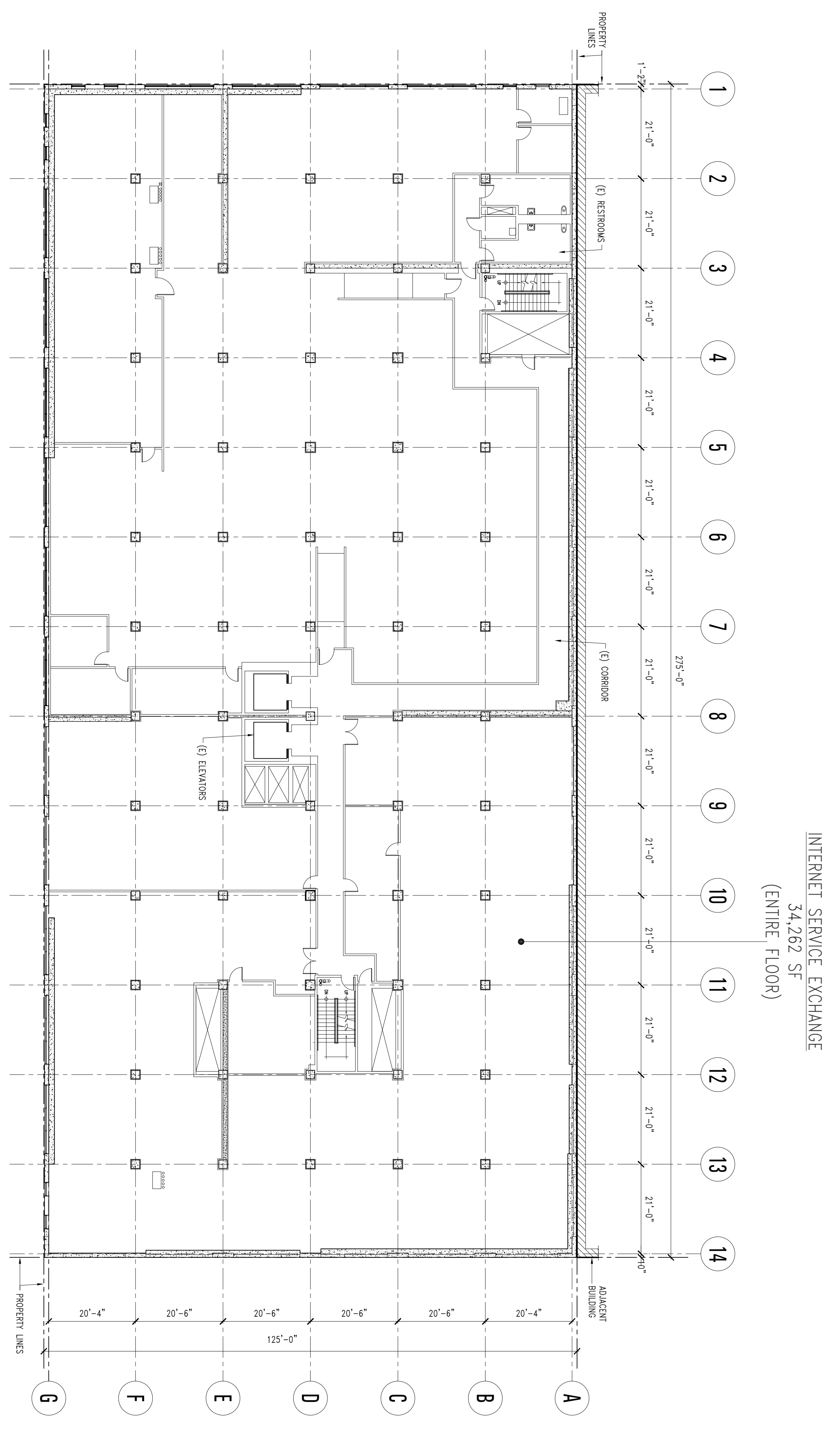
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Project Name:	360 Spear St.	Sheet No.:	A-2.02
Project No.:	18027-00-02	Scale:	1/16" = 1'-0"
Revision:	5	Checked By:	CJB

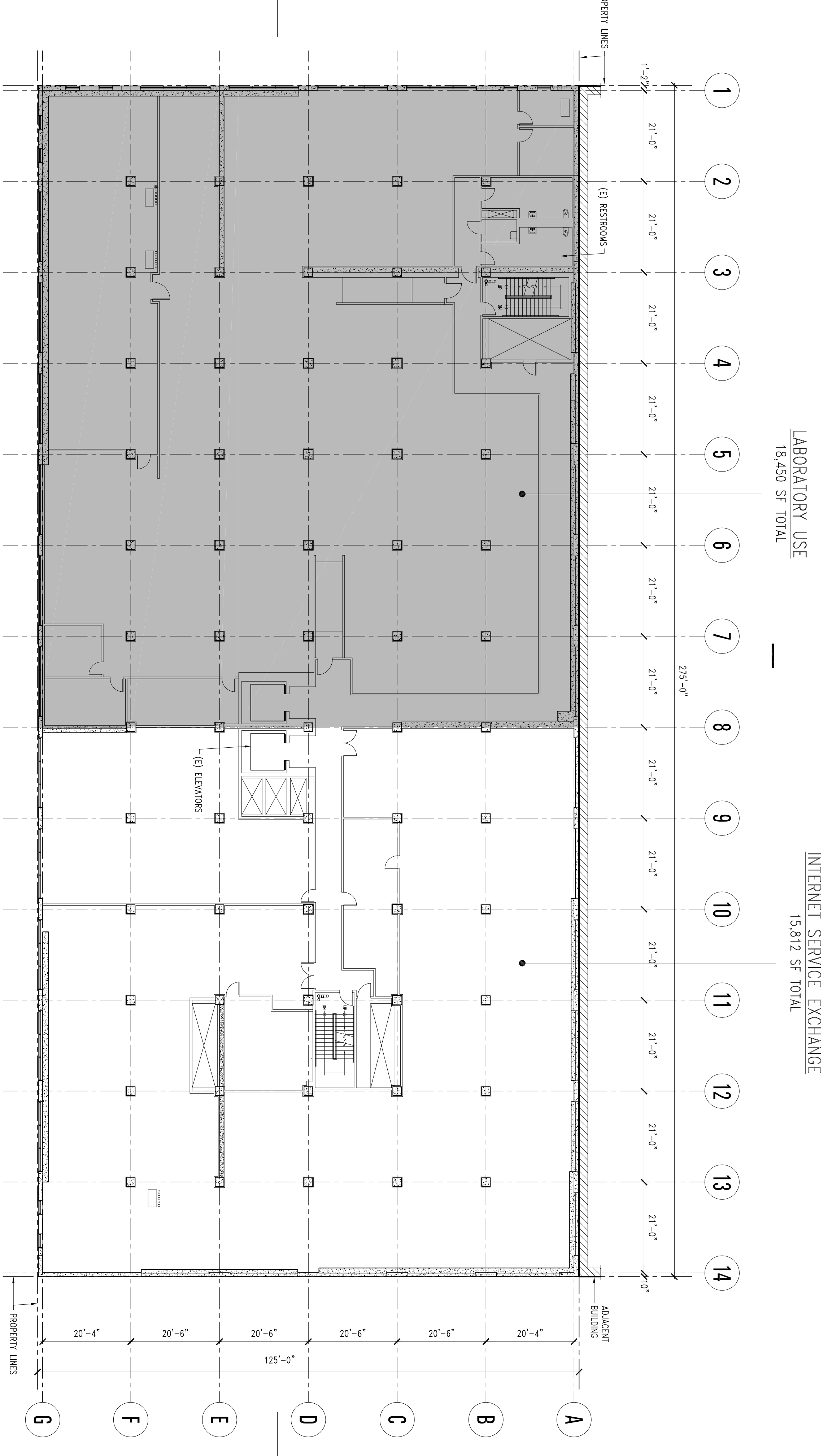
Number	Date	Description
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2	01.17.19	CONVENTIONAL USE PERMIT
3	04.15.19	CONVENTIONAL USE PERMIT
4	06.17.19	CONVENTIONAL USE PERMIT
5	06.21.19	CONVENTIONAL USE PERMIT
6	02.23.19	CONVENTIONAL USE PERMIT

Number	Date	Description
1	07.23.19	PROPOSED SECOND FLOOR PLAN

Date:	JULY 23, 2019
Sheet:	A2.02



EXISTING SECOND FLOOR PLAN
1/16" = 1'-0"
A-FF-02



PROPOSED SECOND FLOOR PLAN
1/16" = 1'-0"
A-FF-02

EXISTING AREAS
34,262 SF

PROPOSED AREAS
LABORATORY 18,450 SF
ISE 15,812 SF
TOTAL 34,262 SF

THE OFFICE OF
CHARLES F. BLOSZIES
F.A.S.
ARCHITECTURE STRATEGISTS
Three Embarcadero Center
Pieremonte Level, Suite 72
San Francisco, CA 94111
Phone: 415.384.5302
Email: charles@bloszies.com

Change of Use at
360 Spear St.
San Francisco, CA

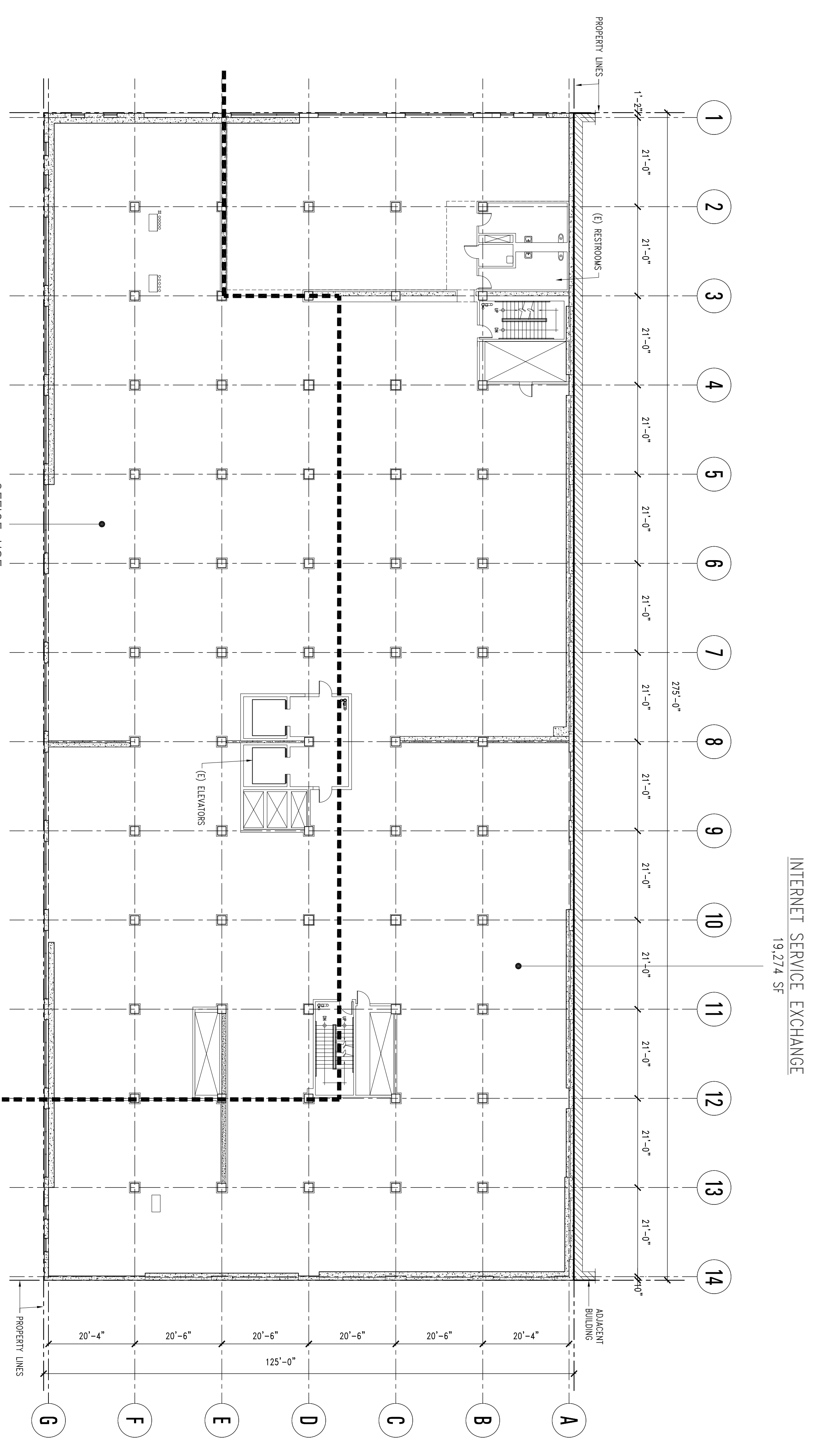
Revisions	Number	Date	Description
	1		
	2		
	3		
	4		
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	6		

Revisions	Number	Date	Description
	1		
	2		
	3		
	4		
	5		
	6		

THIRD FLOOR PLAN

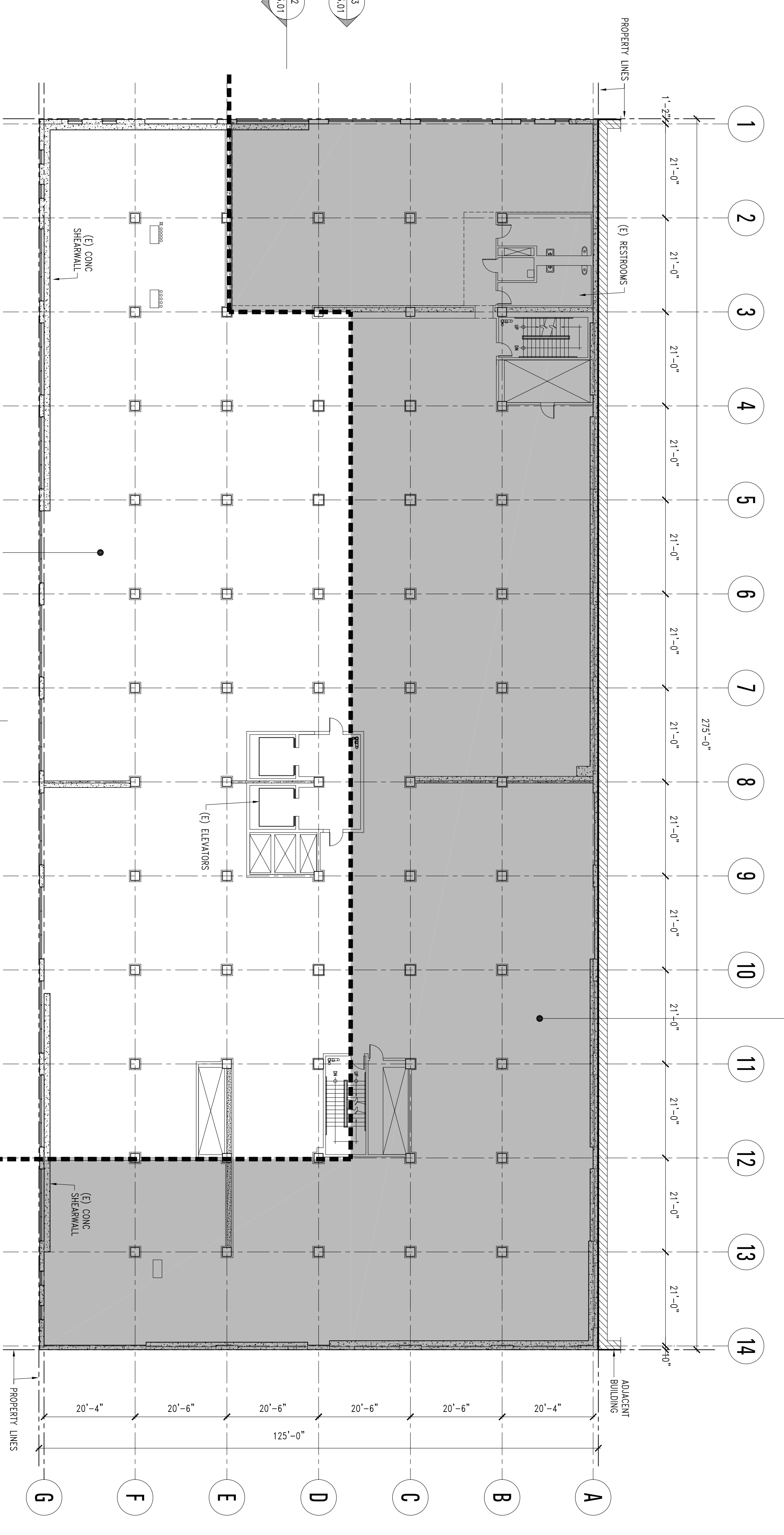
JULY 23, 2019

A2.03



14,988 SF
OFFICE CONVERSION APPROVED BY
THE SAN FRANCISCO PLANNING
DEPARTMENT. SEE CASE NOS.
2013.15110FA & 2013.15111C

EXISTING THIRD FLOOR PLAN
1/16" = 1'-0"
A-FP-03



19,274 SF
LABORATORY USE

PROPOSED AREAS

LABORATORY	19,274 SF
OFFICE	14,988 SF
TOTAL	34,262 SF

EXISTING AREAS

ISE	19,274 SF
OFFICE	14,988 SF
TOTAL	34,262 SF

14,988 SF
OFFICE CONVERSION APPROVED BY
THE SAN FRANCISCO PLANNING
DEPARTMENT. SEE CASE NOS.
2013.15110FA & 2013.15111C

PROPOSED THIRD FLOOR PLAN
1/16" = 1'-0"
A-FP-03

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Project No:	18027-00-00	Sheet No.:	A-2.04	Checked By:	CJB
Revision:	5	Date:	07/23/19	Drawn By:	CJB

Number	Date	Description
1	04.24.18	CONVENTIONAL USE PERMIT
2	01.17.19	CONVENTIONAL USE PERMIT
3	04.15.19	CONVENTIONAL USE PERMIT
4	06.07.19	CONVENTIONAL USE PERMIT
5	06.21.19	CONVENTIONAL USE PERMIT
6	07.23.19	CONVENTIONAL USE PERMIT

Revisions	Number	Date	Description
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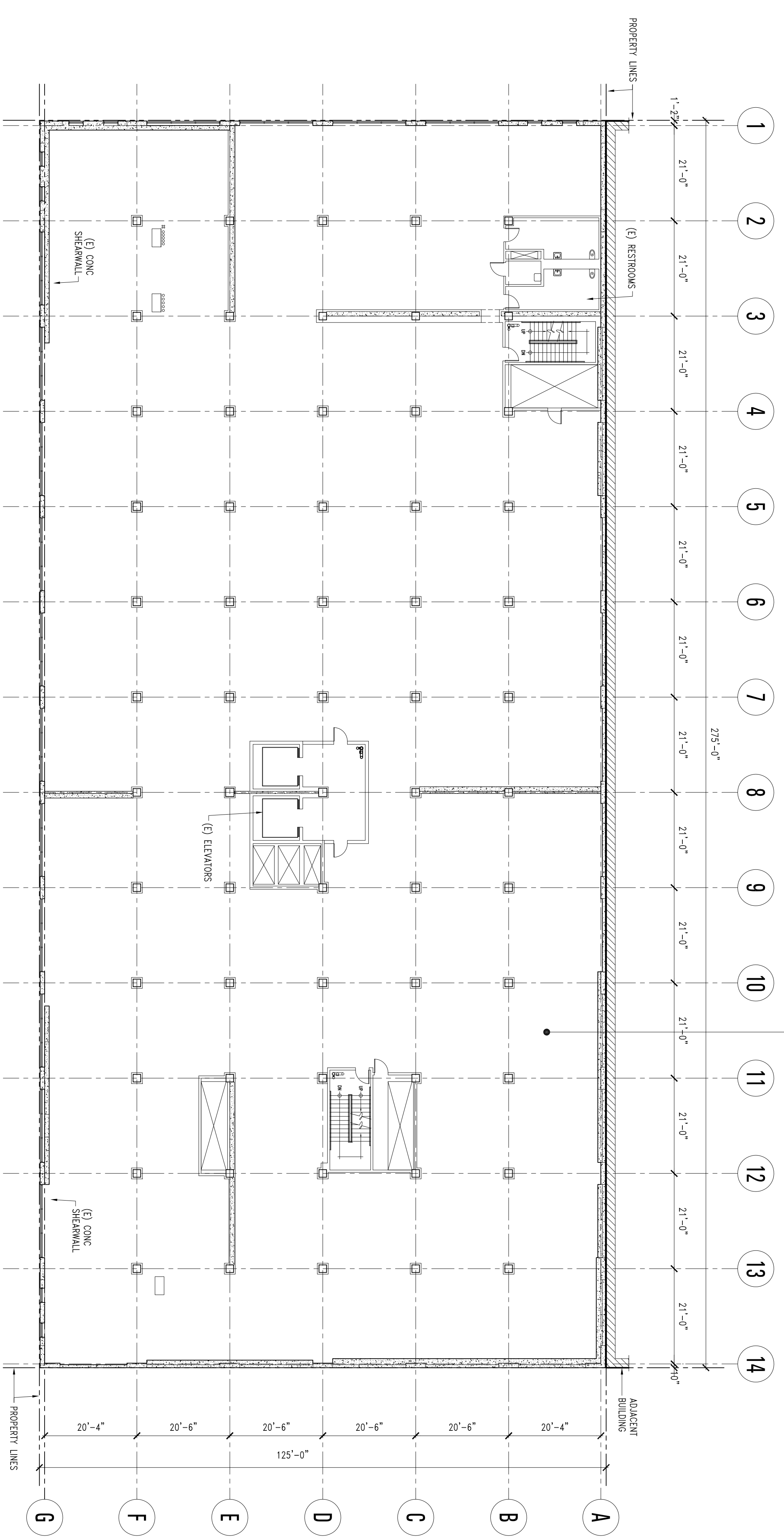
FOURTH FLOOR PLAN

JULY 23, 2019

A2.04

EXISTING AREAS
OFFICE
34,262 SF

OFFICE USE
34,262 SF (ENTIRE FLOOR)
OFFICE CONVERSION APPROVED BY
THE SAN FRANCISCO PLANNING
DEPARTMENT. SEE CASE NOS.
2013.15110FA & 2013.15111C



NO CHANGE OF
USE PROPOSED
FOR THIS FLOOR
1 EXISTING FOURTH FLOOR PLAN
A-2.04

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File Name: A2.05
Sheet No.: 18027-00-05
Checked By: CFB

Number	Date	Description
1	03.14.18	CONVENTIONAL USE PERMIT
2	01.17.19	CONVENTIONAL USE PERMIT
3	04.15.19	CONVENTIONAL USE PERMIT
4	06.17.19	CONVENTIONAL USE PERMIT
5	06.21.19	CONVENTIONAL USE PERMIT
6	07.23.19	CONVENTIONAL USE PERMIT

Revisions	Date	Description
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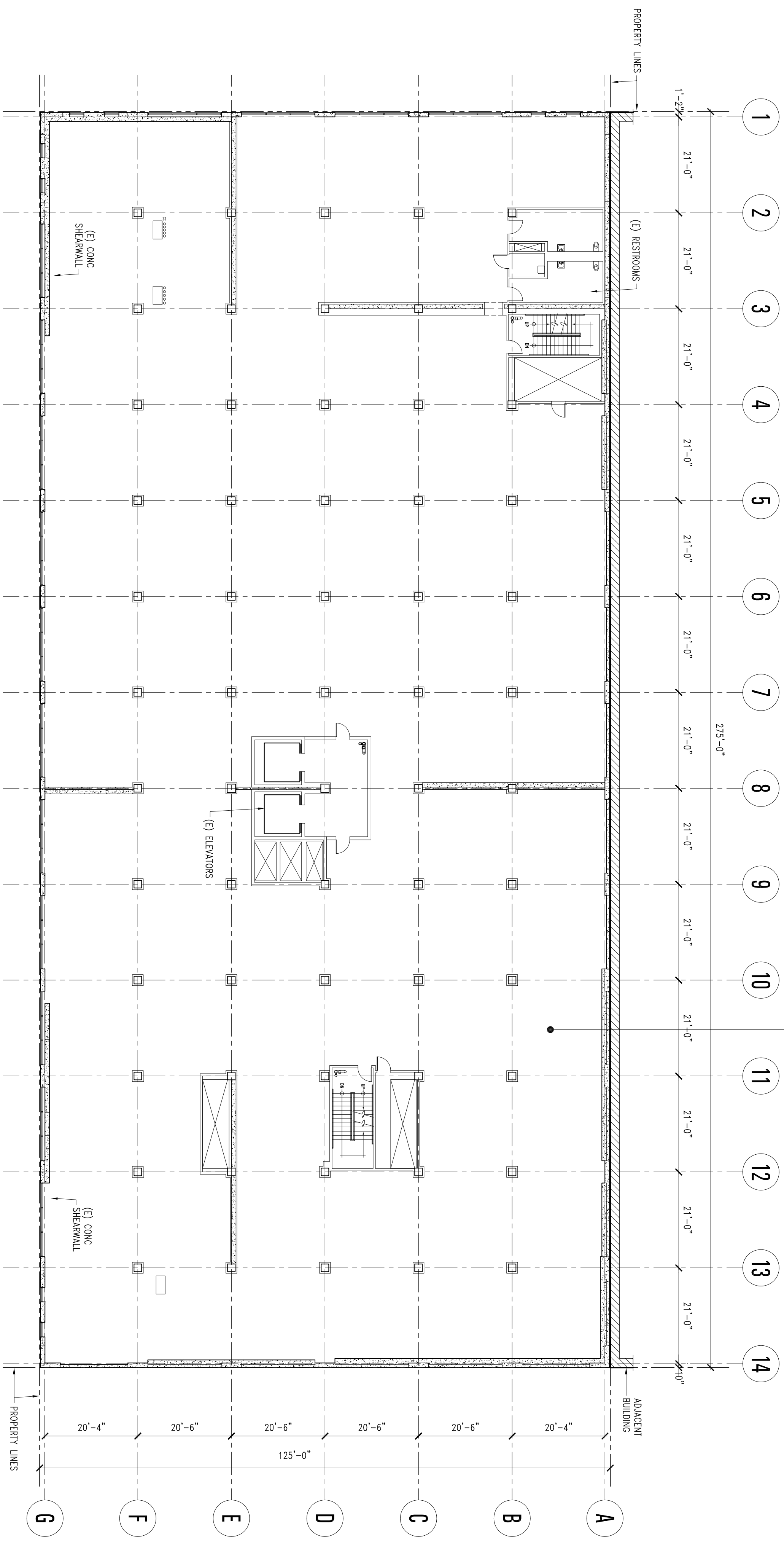
FIFTH FLOOR PLAN

JULY 23, 2019

A2.05

EXISTING AREAS
ISE
34,262 SF

INTERNET SERVICE EXCHANGE
34,262 SF
(ENTIRE FLOOR)



NO CHANGE OF USE PROPOSED FOR THIS FLOOR

1 EXISTING FIFTH FLOOR PLAN
1/8" = 1'-0"
A-FF-03

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Revised: 03/13/19

Sheet: 03

Project: 18027-00

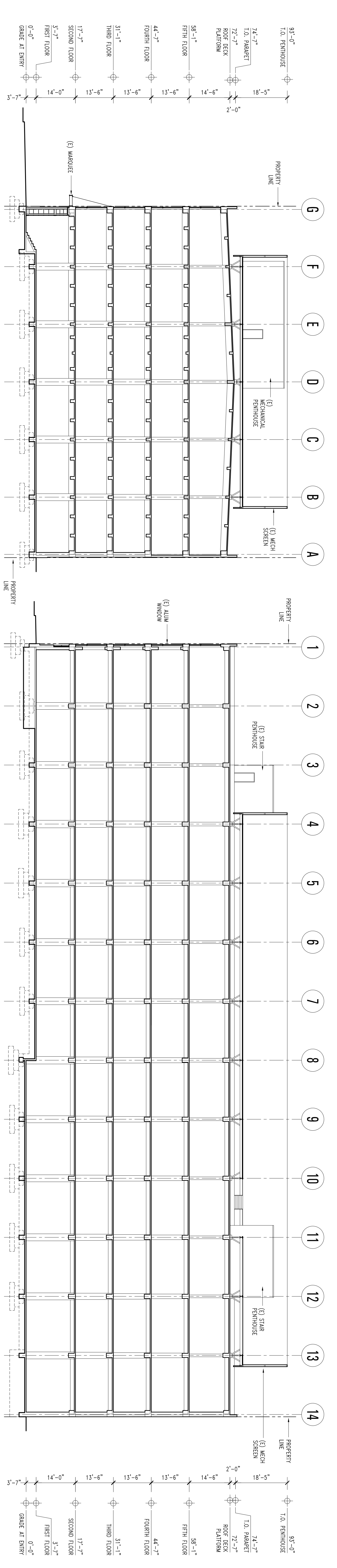
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3	06/15/19	CONDITIONAL SET FORTH
4	06/15/19	CONDITIONAL SET FORTH
5	06/11/19	CONDITIONAL SET FORTH
6	02/21/19	CONDITIONAL SET FORTH

Revisions	Date	Description
1		

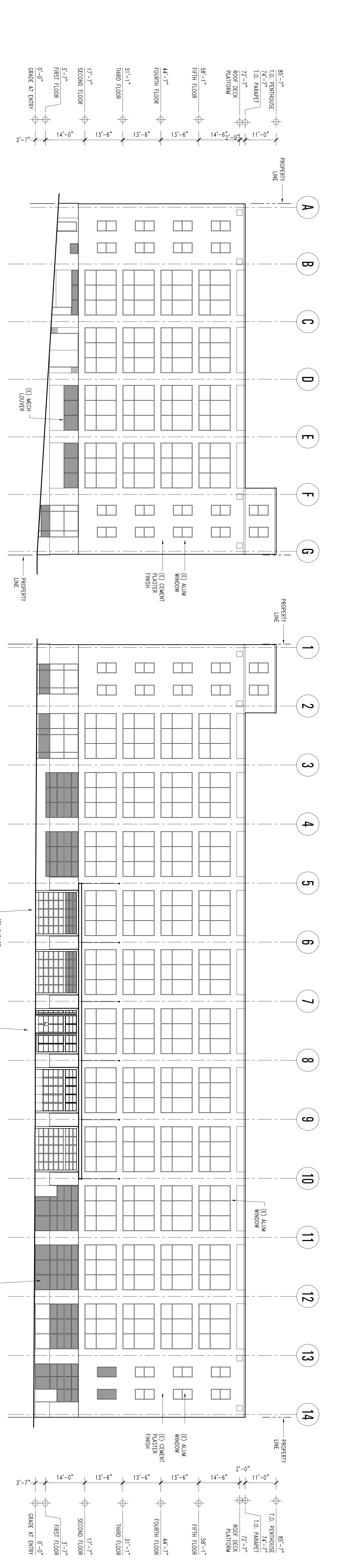
EXISTING BUILDING SECTIONS & ELEVATIONS

JULY 23, 2019

A3.01



NO EXTERIOR ALTERATIONS ARE PROPOSED
4 EXISTING SECTION
SCALE: 1/8" = 1'-0"
A-E-ALL



NO EXTERIOR ALTERATIONS ARE PROPOSED
2 EXISTING SECTION
SCALE: 1/8" = 1'-0"
A-E-ALL

NO EXTERIOR ALTERATIONS ARE PROPOSED
3 EXISTING HARRISON STREET ELEVATION
SCALE: 1/8" = 1'-0"
A-E-ALL

NO EXTERIOR ALTERATIONS ARE PROPOSED
1 EXISTING SPEAR STREET ELEVATION
SCALE: 1/8" = 1'-0"
A-E-ALL

Exhibit C:

Environmental Determination

Conditional Use Authorization
Case Number 2018-014774CUA
360 Spear Street
Block 3745 Lot 009



SAN FRANCISCO PLANNING DEPARTMENT

CEQA Categorical Exemption Determination

PROPERTY INFORMATION/PROJECT DESCRIPTION

Project Address		Block/Lot(s)
360 SPEAR ST		3745009
Case No.		Permit No.
2018-014774ENV		
<input checked="" type="checkbox"/> Addition/ Alteration	<input type="checkbox"/> Demolition (requires HRE for Category B Building)	<input type="checkbox"/> New Construction
<p>Project description for Planning Department approval.</p> <p>The project site is comprised of a single parcel at the northwest corner of Spear and Harrison streets. The project site is developed with a five-story building that is currently occupied with 105,745 square feet of an internet services exchange and 49,909 square feet of legal office use with ground floor parking and loading facilities. The proposed project would convert a portion of the existing internet exchange and parking uses to laboratory uses, resulting in 50,932 square feet of laboratory uses, 58,447 square feet of internet exchange uses, and 5,230 square feet of parking and loading. No change is proposed to the existing 49,909 square feet of office space. On the first floor, the parking area would be reduced from 9,041 to 5,230 sf including one off-street loading space 25 feet long and 12 feet wide with 14 feet of vertical clearance. There are currently 16 class 1 and two class 2 bicycle parking spaces, two showers, and 14 lockers onsite. The proposed project would add 10 class 1 and four class 2 bicycle parking spaces (along Spear Street), as well as two showers and 14 lockers for a total of 26 class 1 and six class 2 bicycle parking spaces, four showers, and 28 lockers. On the first floor, the area dedicated to the internet service exchange use would be reduced from 17,947 to 8,373 sf, and 13,208 sf of laboratory</p> <p>FULL PROJECT DESCRIPTION ATTACHED</p>		

STEP 1: EXEMPTION CLASS

The project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA).	
<input type="checkbox"/>	Class 1 - Existing Facilities. Interior and exterior alterations; additions under 10,000 sq. ft.
<input type="checkbox"/>	Class 3 - New Construction. Up to three new single-family residences or six dwelling units in one building; commercial/office structures; utility extensions; change of use under 10,000 sq. ft. if principally permitted or with a CU.
<input checked="" type="checkbox"/>	<p>Class 32 - In-Fill Development. New Construction of seven or more units or additions greater than 10,000 sq. ft. and meets the conditions described below:</p> <p>(a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.</p> <p>(b) The proposed development occurs within city limits on a project site of no more than 5 acres substantially surrounded by urban uses.</p> <p>(c) The project site has no value as habitat for endangered rare or threatened species.</p> <p>(d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.</p> <p>(e) The site can be adequately served by all required utilities and public services.</p> <p>FOR ENVIRONMENTAL PLANNING USE ONLY</p>
<input type="checkbox"/>	Class ____

STEP 2: CEQA IMPACTS

TO BE COMPLETED BY PROJECT PLANNER

<input type="checkbox"/>	<p>Air Quality: Would the project add new sensitive receptors (specifically, schools, day care facilities, hospitals, residential dwellings, and senior-care facilities within an Air Pollution Exposure Zone? Does the project have the potential to emit substantial pollutant concentrations (e.g., backup diesel generators, heavy industry, diesel trucks, etc.)? (refer to EP_ArcMap > CEQA Catex Determination Layers > Air Pollution Exposure Zone)</p>
<input type="checkbox"/>	<p>Hazardous Materials: If the project site is located on the Maher map or is suspected of containing hazardous materials (based on a previous use such as gas station, auto repair, dry cleaners, or heavy manufacturing, or a site with underground storage tanks): Would the project involve 50 cubic yards or more of soil disturbance - or a change of use from industrial to residential?</p> <p><i>if the applicant presents documentation of enrollment in the San Francisco Department of Public Health (DPH) Maher program, a DPH waiver from the Maher program, or other documentation from Environmental Planning staff that hazardous material effects would be less than significant (refer to EP_ArcMap > Maher layer).</i></p>
<input type="checkbox"/>	<p>Transportation: Does the project involve a child care facility or school with 30 or more students, or a location 1,500 sq. ft. or greater? Does the project have the potential to adversely affect transit, pedestrian and/or bicycle safety (hazards) or the adequacy of nearby transit, pedestrian and/or bicycle facilities?</p>
<input type="checkbox"/>	<p>Archeological Resources: Would the project result in soil disturbance/modification greater than two (2) feet below grade in an archeological sensitive area or eight (8) feet in a non -archeological sensitive area? If yes, archeo review is required (refer to EP_ArcMap > CEQA Catex Determination Layers > Archeological Sensitive Area)</p>
<input type="checkbox"/>	<p>Subdivision/Lot Line Adjustment: Does the project site involve a subdivision or lot line adjustment on a lot with a slope average of 20% or more? (refer to EP_ArcMap > CEQA Catex Determination Layers > Topography). If yes, Environmental Planning must issue the exemption.</p>
<input type="checkbox"/>	<p>Slope = or > 25%: Does the project involve any of the following: (1) square footage expansion greater than 500 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? (refer to EP_ArcMap > CEQA Catex Determination Layers > Topography) If box is checked, a geotechnical report is required and Environmental Planning must issue the exemption.</p>
<input type="checkbox"/>	<p>Seismic: Landslide Zone: Does the project involve any of the following: (1) square footage expansion greater than 500 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? (refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones) If box is checked, a geotechnical report is required and Environmental Planning must issue the exemption.</p>
<input type="checkbox"/>	<p>Seismic: Liquefaction Zone: Does the project involve any of the following: (1) square footage expansion greater than 500 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? (refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones) If box is checked, a geotechnical report will likely be required and Environmental Planning must issue the exemption.</p>
<p>Comments and Planner Signature (optional): Rachel Schuett</p>	

**STEP 3: PROPERTY STATUS - HISTORIC RESOURCE
TO BE COMPLETED BY PROJECT PLANNER**

PROPERTY IS ONE OF THE FOLLOWING: (refer to Property Information Map)	
<input type="checkbox"/>	Category A: Known Historical Resource. GO TO STEP 5.
<input type="checkbox"/>	Category B: Potential Historical Resource (over 45 years of age). GO TO STEP 4.
<input checked="" type="checkbox"/>	Category C: Not a Historical Resource or Not Age Eligible (under 45 years of age). GO TO STEP 6.

**STEP 4: PROPOSED WORK CHECKLIST
TO BE COMPLETED BY PROJECT PLANNER**

Check all that apply to the project.	
<input type="checkbox"/>	1. Change of use and new construction. Tenant improvements not included.
<input type="checkbox"/>	2. Regular maintenance or repair to correct or repair deterioration, decay, or damage to building.
<input type="checkbox"/>	3. Window replacement that meets the Department's <i>Window Replacement Standards</i> . Does not include storefront window alterations.
<input type="checkbox"/>	4. Garage work. A new opening that meets the <i>Guidelines for Adding Garages and Curb Cuts</i> , and/or replacement of a garage door in an existing opening that meets the Residential Design Guidelines.
<input type="checkbox"/>	5. Deck, terrace construction, or fences not visible from any immediately adjacent public right-of-way.
<input type="checkbox"/>	6. Mechanical equipment installation that is not visible from any immediately adjacent public right-of-way.
<input type="checkbox"/>	7. Dormer installation that meets the requirements for exemption from public notification under <i>Zoning Administrator Bulletin No. 3: Dormer Windows</i> .
<input type="checkbox"/>	8. Addition(s) that are not visible from any immediately adjacent public right-of-way for 150 feet in each direction; does not extend vertically beyond the floor level of the top story of the structure or is only a single story in height; does not have a footprint that is more than 50% larger than that of the original building; and does not cause the removal of architectural significant roofing features.
Note: Project Planner must check box below before proceeding.	
<input type="checkbox"/>	Project is not listed. GO TO STEP 5.
<input type="checkbox"/>	Project does not conform to the scopes of work. GO TO STEP 5.
<input type="checkbox"/>	Project involves four or more work descriptions. GO TO STEP 5.
<input type="checkbox"/>	Project involves less than four work descriptions. GO TO STEP 6.

**STEP 5: CEQA IMPACTS - ADVANCED HISTORICAL REVIEW
TO BE COMPLETED BY PROJECT PLANNER**

Check all that apply to the project.	
<input type="checkbox"/>	1. Project involves a known historical resource (CEQA Category A) as determined by Step 3 and conforms entirely to proposed work checklist in Step 4.
<input type="checkbox"/>	2. Interior alterations to publicly accessible spaces.
<input type="checkbox"/>	3. Window replacement of original/historic windows that are not "in-kind" but are consistent with existing historic character.
<input type="checkbox"/>	4. Façade/storefront alterations that do not remove, alter, or obscure character-defining features.
<input type="checkbox"/>	5. Raising the building in a manner that does not remove, alter, or obscure character-defining features.
<input type="checkbox"/>	6. Restoration based upon documented evidence of a building's historic condition, such as historic photographs, plans, physical evidence, or similar buildings.

<input type="checkbox"/>	7. Addition(s) , including mechanical equipment that are minimally visible from a public right-of-way and meet the <i>Secretary of the Interior's Standards for Rehabilitation</i> .
<input type="checkbox"/>	8. Other work consistent with the <i>Secretary of the Interior Standards for the Treatment of Historic Properties</i> (specify or add comments):
<input type="checkbox"/>	9. Other work that would not materially impair a historic district (specify or add comments): (Requires approval by Senior Preservation Planner/Preservation Coordinator)
<input type="checkbox"/>	10. Reclassification of property status. (Requires approval by Senior Preservation Planner/Preservation <input type="checkbox"/> Reclassify to Category A a. Per HRER or PTR dated <input type="checkbox"/> Reclassify to Category C (attach HRER or PTR) b. Other (specify):
Note: If ANY box in STEP 5 above is checked, a Preservation Planner MUST sign below.	
<input type="checkbox"/>	Project can proceed with categorical exemption review. The project has been reviewed by the Preservation Planner and can proceed with categorical exemption review. GO TO STEP 6.
Comments (optional):	
Preservation Planner Signature:	

**STEP 6: CATEGORICAL EXEMPTION DETERMINATION
TO BE COMPLETED BY PROJECT PLANNER**

<input checked="" type="checkbox"/>	No further environmental review is required. The project is categorically exempt under CEQA. There are no unusual circumstances that would result in a reasonable possibility of a significant effect.	
	Project Approval Action: Planning Commission Hearing	Signature: Rachel Schuett
	If Discretionary Review before the Planning Commission is requested, the Discretionary Review hearing is the Approval Action for the project.	09/25/2019
Once signed or stamped and dated, this document constitutes a categorical exemption pursuant to CEQA Guidelines and Chapter 31 of the Administrative Code. In accordance with Chapter 31 of the San Francisco Administrative Code, an appeal of an exemption determination can only be filed within 30 days of the project receiving the approval action. Please note that other approval actions may be required for the project. Please contact the assigned planner for these approvals.		

Full Project Description

The project site is comprised of a single parcel at the northwest corner of Spear and Harrison streets. The project site is developed with a five-story building that is currently occupied with 105,745 square feet of an internet services exchange and 49,909 square feet of legal office use with ground floor parking and loading facilities. The proposed project would convert a portion of the existing internet exchange and parking uses to laboratory uses, resulting in 50,932 square feet of laboratory uses, 58,447 square feet of internet exchange uses, and 5,230 square feet of parking and loading. No change is proposed to the existing 49,909 square feet of office space.

On the first floor, the parking area would be reduced from 9,041 to 5,230 sf including one off-street loading space 25 feet long and 12 feet wide with 14 feet of vertical clearance. There are currently 16 class 1 and two class 2 bicycle parking spaces, two showers, and 14 lockers onsite. The proposed project would add 10 class 1 and four class 2 bicycle parking spaces (along Spear Street), as well as two showers and 14 lockers for a total of 26 class 1 and six class 2 bicycle parking spaces, four showers, and 28 lockers. On the first floor, the area dedicated to the internet service exchange use would be reduced from 17,947 to 8,373 sf, and 13,208 sf of laboratory uses would be added. On the second floor 18,450 sf of existing internet exchange use would be converted to laboratory use. On the third floor 19,274 sf of internet exchange use would be converted to laboratory use. No changes are proposed for the fourth or fifth floors, and no exterior improvements to the building are included within the scope of the project. Existing HVAC equipment would remain in place behind an existing perimeter screen; these units are not currently in use and would continue to be non-operational. New condensers with quiet fans would be installed behind the existing perimeter screen on the roof to provide HVAC to renovated floors. No excavation is required.

The project would require a Conditional Use Authorization to permit the change of use from internet services exchange to Production Distribution and Repair, life science, or laboratory use.

STEP 7: MODIFICATION OF A CEQA EXEMPT PROJECT

TO BE COMPLETED BY PROJECT PLANNER

In accordance with Chapter 31 of the San Francisco Administrative Code, when a California Environmental Quality Act (CEQA) exempt project changes after the Approval Action and requires a subsequent approval, the Environmental Review Officer (or his or her designee) must determine whether the proposed change constitutes a substantial modification of that project. This checklist shall be used to determine whether the proposed changes to the approved project would constitute a “substantial modification” and, therefore, be subject to additional environmental review pursuant to CEQA.

PROPERTY INFORMATION/PROJECT DESCRIPTION

Project Address (If different than front page)		Block/Lot(s) (If different than front page)
360 SPEAR ST		3745/009
Case No.	Previous Building Permit No.	New Building Permit No.
2018-014774PRJ		
Plans Dated	Previous Approval Action	New Approval Action
	Planning Commission Hearing	
Modified Project Description:		

DETERMINATION IF PROJECT CONSTITUTES SUBSTANTIAL MODIFICATION

Compared to the approved project, would the modified project:	
<input type="checkbox"/>	Result in expansion of the building envelope, as defined in the Planning Code;
<input type="checkbox"/>	Result in the change of use that would require public notice under Planning Code Sections 311 or 312;
<input type="checkbox"/>	Result in demolition as defined under Planning Code Section 317 or 19005(f)?
<input type="checkbox"/>	Is any information being presented that was not known and could not have been known at the time of the original determination, that shows the originally approved project may no longer qualify for the exemption?
If at least one of the above boxes is checked, further environmental review is required.	

DETERMINATION OF NO SUBSTANTIAL MODIFICATION

<input type="checkbox"/>	The proposed modification would not result in any of the above changes.
If this box is checked, the proposed modifications are categorically exempt under CEQA, in accordance with prior project approval and no additional environmental review is required. This determination shall be posted on the Planning Department website and office and mailed to the applicant, City approving entities, and anyone requesting written notice. In accordance with Chapter 31, Sec 31.08j of the San Francisco Administrative Code, an appeal of this determination can be filed within 10 days of posting of this determination.	
Planner Name:	Date:

Exhibit D:

Land Use Data



SAN FRANCISCO PLANNING DEPARTMENT

Land Use Information

PROJECT ADDRESS: 360 SPEAR ST
RECORD NO.: 2018-014774CUA

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

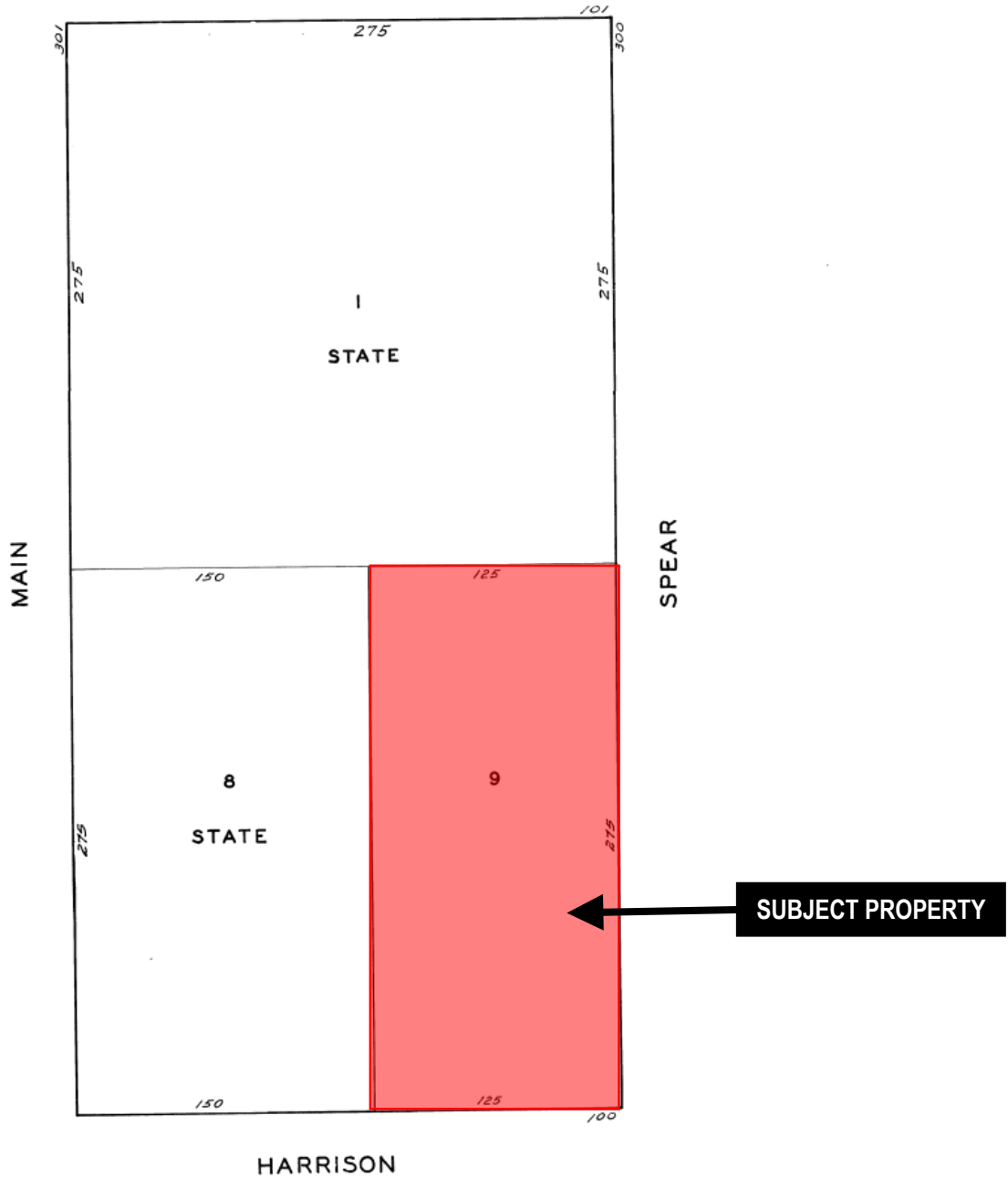
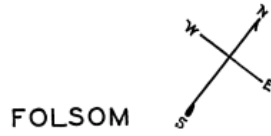
	EXISTING	PROPOSED	NET NEW
GROSS SQUARE FOOTAGE (GSF)			
Parking (accessory) GSF	9,000	-5,000	4,000
Residential GSF	0	0	0
Laboratory GSF	0	51,000	51,000
Office GSF	49,909	0	49,909
Industrial/PDR GSF <i>Production, Distribution, & Repair</i>	0	0	0
Medical GSF	0	0	0
Visitor GSF	0	0	0
CIE GSF	0	0	0
Usable Open Space	0	0	0
Public Open Space	0	0	0
Other (ISE)	104,500	-46,000	58,500
TOTAL GSF	163,409		163,409
	EXISTING	NET NEW	TOTALS
PROJECT FEATURES (Units or Amounts)			
Dwelling Units - Affordable	0	0	0
Dwelling Units - Market Rate	0	0	0
Dwelling Units - Total	0	0	0
Hotel Rooms	0	0	0
Number of Buildings	1	1	1
Number of Stories	5	5	5
Parking Spaces	11	TBD	TBD
Loading Spaces	2	0	2
Bicycle Spaces	18	14	32
Car Share Spaces	0	0	0
Other ()			

Exhibit E:

Maps and Context Photos

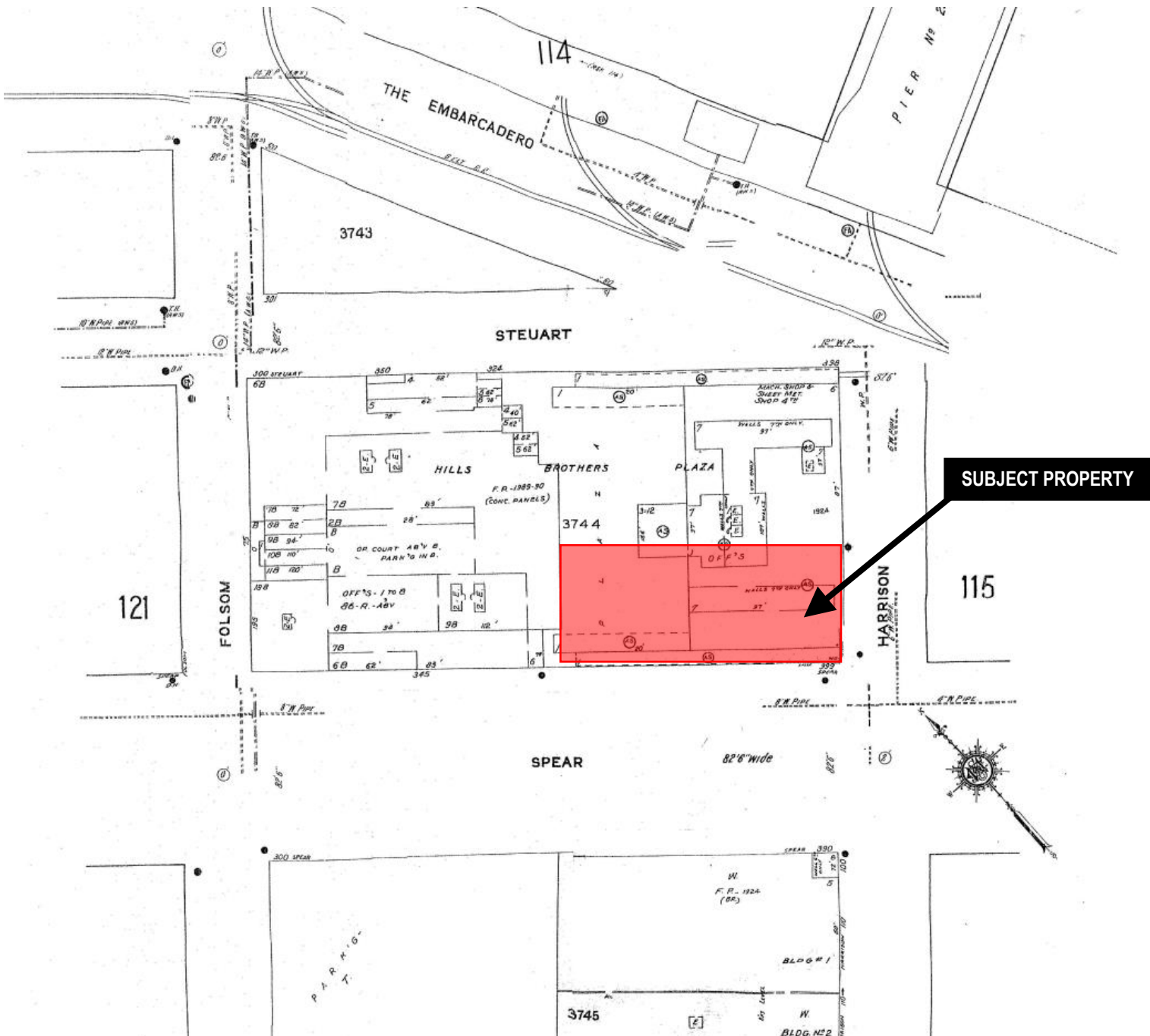
Parcel Map

LOTS MERGED
LOTS INTO LOT
5/7 1 "1942"
3/4 2 "1947"



Conditional Use Authorization
Case Number 2018-014774CUA
360 Spear Street
Block 3745 Lot 009

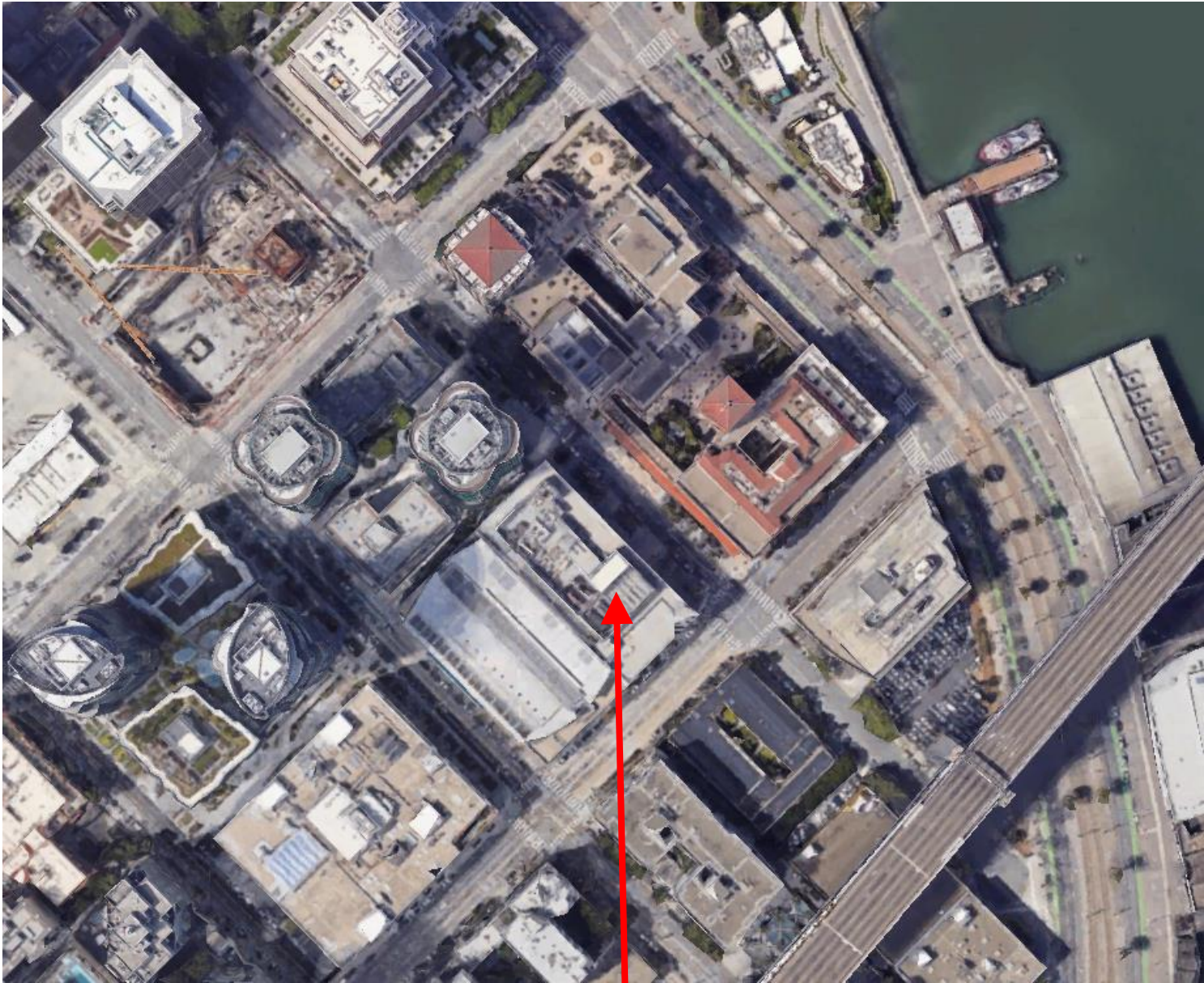
Sanborn Map*



*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.

Conditional Use Authorization
Case Number 2018-014774CUA
360 Spear Street
Block 3745 Lot 009

Aerial Photo – View 1



SUBJECT PROPERTY

Conditional Use Authorization
Case Number 2018-014774CUA
360 Spear Street
Block 3745 Lot 009

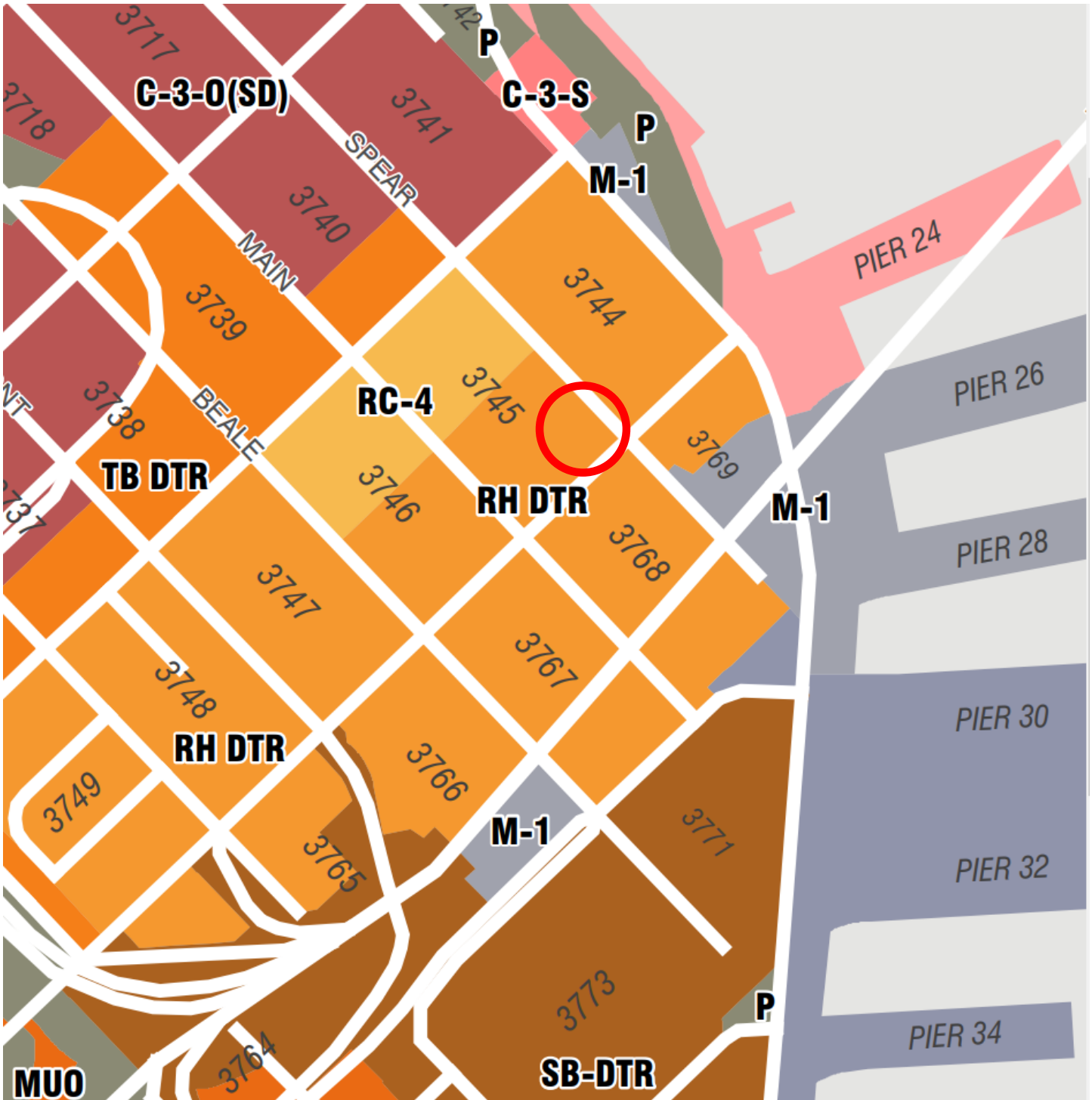
Aerial Photo – View 2



SUBJECT PROPERTY

Conditional Use Authorization
Case Number 2018-014774CUA
360 Spear Street
Block 3745 Lot 009

Zoning Map



Conditional Use Authorization
Case Number 2018-014774CUA
360 Spear Street
Block 3745 Lot 009

Site Photo



Conditional Use Authorization
Case Number 2018-014774CUA
360 Spear Street
Block 3745 Lot 009

Exhibit F:

Project Sponsor Brief

REUBEN, JUNIUS & ROSE, LLP

Mark Loper
mloper@reubenlaw.com

September 17, 2019

Delivered Via Email (Xinyu.liang@sfgov.org)

Myrna Melgar, Commission President
San Francisco Planning Commission
1650 Mission Street, 4th Floor
San Francisco, CA 94107

Re: 360 Spear Street
Planning Case Number: 2018-014774
Hearing Date: October 17, 2019
Our File No.: 10350.03a

Dear President Melgar and Commissioners:

This office represents MC PR II 360 Spear (SF) Owner, LLC (the “Project Sponsor”), which proposes to change the use of 50,932 square feet of internet service exchange and parking uses to laboratory (the “Project”) at 360 Spear Street (the “Property”), which is at the base of Rincon Hill and adjacent to Downtown.

A. Existing Site and Project Description

The Project would change the use of approximately 51,000 square feet of space that currently is used as data farms, as well as 3,811 square feet of ground floor parking, to laboratory use. No change is proposed to the existing 49,992 square feet of office space approved by this Commission in 2015. In addition, the Project does not include any new construction, demolition, or additions to the Property. However, the Property is undergoing various building improvements under a separate permit.

For background, until 2015 the entire building was used as a server farm. In 2015, this Commission approved a project converting 49,909 square feet of the building to office. In 2018, the Project Sponsor acquired the building and began the process to convert a different portion of the building into laboratory use. If approved, the Project will have 49,992 square feet of office, 50,932 square feet of laboratory use, and 57,936 square feet of ISE use.

This Project originally proposed to convert the entire Internet Service Exchange space. However, due to existing leases that do not expire until the mid-2020s, 57,936 square feet must

San Francisco Office
One Bush Street, Suite 600, San Francisco, CA 94104
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Oakland Office
827 Broadway, 2nd Floor, Oakland, CA 94607
tel: 510-527-5589

www.reubenlaw.com

remain ISE for the near future. It is the Project Sponsor's intent to eventually change the use of that space to a non-office, non-ISE use as well.

The Project will provide a new non-office, non-ISE use in an existing building appropriate for this kind of use. It has large floorplate space that is ideal for companies with modern laboratories. The space proposed for lab use is also proposed for the same floors as office use, allowing companies with blended business models to locate their laboratory functions in the same building as their office uses.

B. Planning Approvals Sought

In the Rincon Hill – Downtown Residential zoning district, Conditional Use approval is required for a non-residential use over 25,000 square feet. The Project will result in three separate non-residential uses exceeding 25,000 square feet, instead of the two non-residential uses exceeding 25,000 square feet that currently exist at the site: office and ISE. As a result, it needs a Conditional use.

C. Project Benefits and Desirability

The Project is necessary, desirable, and compatible with the neighborhood at the proposed location. The longstanding City goal of retaining and attracting new commercial uses to Downtown will be advanced by the proposed Project. The change of use from ISE, a stagnant use with little to no human activity, to an active non-office, non-residential use will revitalize the building and the surrounding area. The addition of a stable and active commercial use at the site will contribute to the diversity and mixed character of the neighborhood, while providing new patrons that will support nearby neighborhood-serving retail uses.

This is the ideal location for a large commercial use because it is on the border of Downtown and well-served by a variety of public transportation options, including Caltrain, Muni Metro, and multiple Muni bus lines. The current design of the building is not conducive to a residential use because of the open floor plates and lack of open space. Instead, the large integrated floorplate is ideal for a mix of commercial uses. The Project does not request any additional office space.

The Project proposes no alteration to the size, shape, or structure of the existing building at the Property. Changing the use of a portion of the building will result in a new commercial space that can be occupied by a single tenant or multiple tenants without any potential adverse effects attributable to new construction. The new use will revitalize the area by providing a stable and active use.

The Project's impact fees will support child care service, fund public schools, and construct transportation and infrastructure improvements both in the neighborhood and throughout the city.

Finally, the building owner is currently processing plans to upgrade landscaping along Spear Street, consistent with the Rincon Hill Streetscape Plan. The Sponsor presented these landscaping plans to the East Cut Community Benefit District's executive team, to make sure that the proposal is consistent with the Streetscape Plan and answer any questions the CBD executives had about materiality and programming.

D. Conclusion

The Project will change the use of existing server farm space into a lab, replacing a stagnant use with little to no human activity with a non-office commercial use that will activate the area around the building. This is an ideal location for new lab space due to its proximity to downtown and numerous public transit options. We respectfully request you approve this Project.

Sincerely,

REUBEN, JUNIUS & ROSE, LLP



Mark Loper

Exhibit G:

First Source Hiring Affidavit



SAN FRANCISCO
PLANNING
DEPARTMENT

AFFIDAVIT FOR FIRST SOURCE HIRING PROGRAM

Administrative Code

Chapter 83

1650 Mission Street, Suite 400 • San Francisco CA 94103-2479 • 415.558.6378 • <http://www.sfplanning.org>

Section 1: Project Information

PROJECT ADDRESS		BLOCK/LOT(S)	
360 Spear Street		3745/009	
BUILDING PERMIT APPLICATION NO.	CASE NO. (IF APPLICABLE)	MOTION NO. (IF APPLICABLE)	
	2018-014774		
PROJECT SPONSOR		MAIN CONTACT	PHONE
MC PR II 360 Spear (SF) Owner, LLC		Justin Cesario	(212)759-2350
ADDRESS			
55 E. 59th St., 17th Fl.			
CITY, STATE, ZIP		EMAIL	
New York, NY 10022		jcesario@mcapny.com	
ESTIMATED RESIDENTIAL UNITS	ESTIMATED SQ FT COMMERCIAL SPACE	ESTIMATED HEIGHT/FLOORS	ESTIMATED CONSTRUCTION COST
0	No change	No change	\$0 (change of use only)
ANTICIPATED START DATE			
As soon as possible			

Section 2: First Source Hiring Program Verification

CHECK ALL BOXES APPLICABLE TO THIS PROJECT	
<input type="checkbox"/>	Project is wholly Residential
<input checked="" type="checkbox"/>	Project is wholly Commercial
<input type="checkbox"/>	Project is Mixed Use
<input type="checkbox"/>	A: The project consists of ten (10) or more residential units;
<input checked="" type="checkbox"/>	B: The project consists of 25,000 square feet or more gross commercial floor area.
<input type="checkbox"/>	C: Neither 1A nor 1B apply.
NOTES:	
<ul style="list-style-type: none"> If you checked C, this project is <u>NOT</u> subject to the First Source Hiring Program. Sign Section 4: Declaration of Sponsor of Project and submit to the Planning Department. If you checked A or B, your project <u>IS</u> subject to the First Source Hiring Program. Please complete the reverse of this document, sign, and submit to the Planning Department prior to any Planning Commission hearing. If principally permitted, Planning Department approval of the Site Permit is required for all projects subject to Administrative Code Chapter 83. For questions, please contact OEWD's CityBuild program at CityBuild@sfgov.org or (415) 701-4848. For more information about the First Source Hiring Program visit www.workforcedevelopmentsf.org If the project is subject to the First Source Hiring Program, you are required to execute a Memorandum of Understanding (MOU) with OEWD's CityBuild program prior to receiving construction permits from Department of Building Inspection. 	

Continued...

Section 3: First Source Hiring Program – Workforce Projection

Per Section 83.11 of Administrative Code Chapter 83, it is the developer's responsibility to complete the following information to the best of their knowledge.

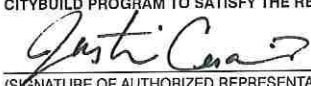
Provide the estimated number of employees from each construction trade to be used on the project, indicating how many are entry and/or apprentice level as well as the anticipated wage for these positions.

Check the anticipated trade(s) and provide accompanying information (Select all that apply):

TRADE/CRAFT	ANTICIPATED JOURNEYMAN WAGE (Annual)	# APPRENTICE POSITIONS	# TOTAL POSITIONS	TRADE/CRAFT	ANTICIPATED JOURNEYMAN WAGE (Annual)	# APPRENTICE POSITIONS	# TOTAL POSITIONS		
Abatement Laborer				Laborer	42,500	1	3		
Boilermaker				Operating Engineer					
Bricklayer				Painter	55,099	1	4		
Carpenter	69,357	2	4	Pile Driver					
Cement Mason				Plasterer	40,477	1	2		
Drywall/Latherer	53,257	1	3	Plumber and Pipefitter	70,777	1	2		
Electrician	69,290	1	2	Roofer/Water proofer					
Elevator Constructor				Sheet Metal Worker					
Floor Coverer	38,334	1	2	Sprinkler Fitter	55,000	1	2		
Glazier	54,180	1	2	Taper	40,813	1	2		
Heat & Frost Insulator				Tile Layer/Finisher	66,307	1	2		
Ironworker				Other:					
			TOTAL:	13				TOTAL:	17

- Will the anticipated employee compensation by trade be consistent with area Prevailing Wage? YES NO
- Will the awarded contractor(s) participate in an apprenticeship program approved by the State of California's Department of Industrial Relations? YES NO
- Will hiring and retention goals for apprentices be established? YES NO
- What is the estimated number of local residents to be hired? 10

Section 4: Declaration of Sponsor of Principal Project

PRINT NAME AND TITLE OF AUTHORIZED REPRESENTATIVE	EMAIL	PHONE NUMBER
Justin Cesario	jcesario@mcapny.com	212-759-2350
I HEREBY DECLARE THAT THE INFORMATION PROVIDED HEREIN IS ACCURATE TO THE BEST OF MY KNOWLEDGE AND THAT I COORDINATED WITH OEWD'S CITYBUILD PROGRAM TO SATISFY THE REQUIREMENTS OF ADMINISTRATIVE CODE CHAPTER 83.		
 (SIGNATURE OF AUTHORIZED REPRESENTATIVE)		10/7/19 (DATE)

FOR PLANNING DEPARTMENT STAFF ONLY: PLEASE EMAIL AN ELECTRONIC COPY OF THE COMPLETED AFFIDAVIT FOR FIRST SOURCE HIRING PROGRAM TO OEWD'S CITYBUILD PROGRAM AT CITYBUILD@SFGOV.ORG

Cc: Office of Economic and Workforce Development, CityBuild
 Address: 1 South Van Ness 5th Floor San Francisco, CA 94103 Phone: 415-701-4848
 Website: www.workforcedevelopmentsf.org Email: CityBuild@sfgov.org