



EXECUTIVE SUMMARY

OFFICE DEVELOPMENT AUTHORIZATION & VARIANCE

HEARING DATE: October 14, 2021

CONTINUED FROM: August 26, 2021

Record No.: 2019-011944OFA/VAR
Project Address: 660 3rd Street
Zoning: Central SoMa Mixed Use-Office (CMUO) Zoning District
65-X Height and Bulk District
Central SoMa Special Use District
Block/Lot: 3787/008
Project Sponsor: Jim Reuben
Reuben, Junius and Rose, LLP
One Bush Street #600
San Francisco, CA 94104
Property Owner: Gorr Partners, LLC
21 Locust Avenue, Suite 1
Mill Valley, CA 94941
Staff Contact: Alex Westhoff – (628) 652-7314
alex.westhoff@sfgov.org

Recommendation: Approval with Conditions

Project Description

The Project requests an Office Development Authorization (Office Allocation), pursuant to Planning Code Sections 321 and 322, to legalize approximately 36,699 square feet of office use within a four-story former industrial building. The proposed legalization of office use includes 16,307 square feet on the first floor, 20,074 square feet on second floor, and 318 square feet on fourth floor. Previously, the Commission authorized approximately 40,000 square feet of office use per Planning Commission Motion No. 19235. No off-street automobile parking is included, and the project includes 24 Class 1 and 5 Class 2 bicycle parking spaces.

Required Commission Action

Since the proposal would establish more than 25,000 gross square feet (gsf) of office use, the Commission must

grant an Office Allocation, pursuant to Planning Code Sections 321 and 322, to legalize 36,699 gsf of existing office use as part of the Small Cap Office Allocation Program.

Issues and Other Considerations

- **Public Comment & Outreach.**
 - **Outreach:** This Project did not require a pre-application meeting.
 - **Support/Opposition:** The Department has received one public inquiry on the Project, though it was neither in support nor opposition.
- **Variance.** The Project requires a variance from the Zoning Administrator to address the following Planning Code requirement, pursuant to Planning Code Section 305:
 - Active Use – Pursuant to Planning Code Section 249.78(c)(1)(B), office uses are not considered active uses on the ground floor in the Central SoMa Special Use District; thus, the Project requires a Variance from the active use requirements in Planning Code Section 145.1.
- **Code Enforcement and Board of Appeals Background.** In 2014, a code enforcement case was open (13347_ENF), and a notice of violation was issued for the site's unauthorized conversion to office space. To abate this violation, this Office Allocation is being sought to legalize the approximately 36,699 sf of office use which exists onsite in addition to the approximately 40,000 sf of previously approved office space. The following is a more detailed timeline of the site's history as it relates to office use at the subject property:
 - On May 13, 2013, the Property Owner submitted Conditional Use Authorization and Office Allocation applications to change the use of the property from warehouse/auction space to office use (Case No. 2013.0627BC). The applications note that "the Building was formerly used predominately as auction space, along with accessory offices and storage space. A retail piano store formerly used a portion of the ground floor. Approximately 16,765 square feet was used for wholesale space. The former auction business has closed down, as has the wholesale dealer and the piano store." The application noted that "auction space" is "classified in Planning Code Section 890.54(b) as wholesale sales, resale of goods including accessory storage space." Section 890.54 is titled "Light Manufacturing, Wholesale Sales, Storage."
 - On February 19, 2014, the Historic Preservation Commission reviewed the project and adopted findings supporting the feasibility of preserving the subject property for the proposed change in use from warehouse to office use (Resolution No. 0731).
 - On July 22, 2014, the Planning Department opened an enforcement case on the subject property for unauthorized conversion of the building from PDR to office use.
 - On September 11, 2014 (after multiple hearings on the item), the Planning Commission approved the Conditional Use Authorization and Office Allocation for the property (Motions Nos. 19234 and 19235); however, the Planning Commission limited the office conversion to the third and fourth floors of the subject building (up to 40,000 gross square feet of office space). At the hearing it was noted that the Property Owner would have to bring the lower two levels of the building into compliance with the Planning Code by providing uses that are allowed within the SoMa Service/Light Industrial (SLI) Zoning District. The Planning Commission's decisions were not appealed and have become final.
 - On October 15, 2014, a Notice of Special Restrictions (NSR) containing project description and

Conditions of Approval outlined in the Conditional Use Authorization and Office Allocation were recorded on the deed of the subject property by the Property Owner (NSR# J961137).

- o On October 16, 2014, the Planning Department issued an Enforcement Notice for the subject property.
- o On November 25, 2014, Planning Department Enforcement staff performed a site visit and confirmed the entire building was occupied by office uses. On the same day, the Property Owner submitted Building Permit Application No. 201411252480 to document the change of use of the third and fourth floors from warehouse to office use per Planning Commission Motion Nos. 19234 and 19235.
- o On December 15, 2014, Building Permit Application No. 201411252480 was approved by the Planning Department. The subject permit was subsequently issued on February 24, 2015.
- o On April 2, 2015, the Zoning Administrator issued a Notice of Violation and Penalty (NOVP) finding that the building, with office uses at all levels, was in violation of the Planning Commission's decision limiting approval of the office conversion to the third and fourth floors.
- o On May 19, 2015, the Zoning Administrator held a public hearing on the NOVP to hear evidence regarding the legal use of the first and second floors of the subject property.
- o On August 28, 2015, the Zoning Administrator issued the NOVP Decision confirming that office use at the subject building, other than that which was authorized by the Planning Commission for the third and fourth floors, was a violation of the Planning Code.
- o On September 11, 2015, the Property Owner filed Appeal No. 15-125 on the Notice of Violation and Penalty (NOVP) Decision by the Zoning Administrator for the property at 660 3rd Street.
- o On November 12, 2015, a Certificate of Final Completion was issued for Building Permit Application No. 201411252480 to document the change of use of the third and fourth floors of the building from warehouse to office.
- o On May 18, 2016, the Board of Appeals heard Appeal No. 15-125. At this hearing, the Board noted that the pending Central SoMa Plan may impact the ability of the Property Owner to legalize the office use on the subject site and continued the item to December 7, 2016. The item was subsequently continued several times at the request of the parties to allow time for settlement discussions. As a result of these discussions, the Property Owner and Planning Department agreed upon specific terms to bring the property into compliance with the Planning Code and the parties jointly requested that the Board grant the appeal and modify the NOVP subject to specific findings and conditions that were proposed by the parties. On July 18, 2018, the Board granted the appeal based upon these findings and conditions.
- o The findings require the Property Owner to bring the Property into compliance with the Planning Code by September 1, 2019. Compliance is defined as either: 1) all unauthorized office uses on the first and second floors have been discontinued or 2) work under a Building Permit (with Planning Department approval) to legalize the office uses on the first and second floors has been completed. Further, the Property Owner is required to pay administrative penalties of \$150 per day commencing on the date the Notice of Decision and Order for Appeal No. 15-125 was issued (July 30, 2018) until the Property is brought into compliance or until September 1, 2019 (whichever occurred first). After September 1, 2019, the administrative penalties increased to \$250 per day until the Property is brought into compliance.

- o The Property has not yet been brought into compliance as defined in the Notice of Decision and Order. The subject Office Allocation is required to legalize the office use on the Property and would allow the Property Owner to obtain and complete work under a Building Permit to legalize the office use. If this occurs, the Property will be in compliance with the Planning Code and penalties will cease to accrue under the Notice of Decision and Order.

Environmental Review

The Project is exempt from the California Environmental Quality Act (“CEQA”) as a Class 1 categorical exemption.

Basis for Recommendation

The Department finds that the Project is, on balance, consistent with the Central SoMa Plan and the Objectives and Policies of the General Plan. The existing office space provides employment opportunities for city residents and helps to retain existing commercial activity, and attract new such activity, which is a goal for the City and the Central SoMa Area Plan. No off-street automobile parking is included in the Project and both Class 1 and Class 2 bicycle spaces are being provided, thus promoting the City’s transit-first goals. The Project will support the continued use of a historic building, thus helping to conserve neighborhood character. The Department does not find the project to be detrimental to persons or adjacent properties in the vicinity.

Attachments:

- Draft Motion – Office Development Authorization with Conditions of Approval (Exhibit A)
- 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



PLANNING COMMISSION DRAFT MOTION

HEARING DATE: October 14, 2021

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ADOPTING FINDINGS RELATING TO AN ALLOCATION OF OFFICE SQUARE FOOTAGE UNDER THE 2020-2021 ANNUAL OFFICE DEVELOPMENT LIMITATION PROGRAM PURSUANT TO PLANNING CODE SECTIONS 321 AND 322 TO LEGALIZE APPROXIMATELY 36,699 GROSS SQUARE FEET AT THE FIRST, SECOND, AND FOURTH FLOORS OF AN EXISTING BUILDING LOCATED AT 660 3RD STREET, LOT 008 IN ASSESSOR'S BLOCK 3787, WITHIN THE CMUO (CENTRAL SOMA MIXED-USE OFFICE) ZONING DISTRICT, CENTRAL SOMA SPECIAL USE DISTRICT, 65-X HEIGHT AND BULK DISTRICT, AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

PREAMBLE

On May 22, 2019, Tara Sullivan of Reuben, Junius and Rose (hereinafter "Project Sponsor") filed Application No. 2019-011944OFA (hereinafter "Application") with the Planning Department (hereinafter "Department") for an Office Allocation to legalize approximately 36,699 gross square feet at the first, second and fourth floors of an existing building (hereinafter "Project") at 660 3rd Street, Block 3787 Lot 008 (hereinafter "Project Site").

The Project is exempt from the California Environmental Quality Act ("CEQA") as a Class 1 categorical exemption.

On October 14, 2021, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Office Development Application No. 2019-011944OFA.

The Planning Department Commission Secretary is the Custodian of Records; the File for Record No. 2019-011944OFA is located at 49 South Van Ness Avenue, Suite 1400, 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 Office Development Authorization as requested in Application No. 2019-011944OFA, 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 includes the legalization of approximately 36,699 square feet of office use within a four-story former industrial building. The proposed legalization of office use includes 16,307 square feet on the first floor, 20,074 square feet on second floor, and 318 square feet on fourth floor. Previously, the Commission authorized approximately 40,000 square feet of office use per Planning Commission Motion No. 19235. No off-street automobile parking is included, and the project includes 24 Class 1 and 5 Class 2 bicycle parking spaces.
3. **Site Description and Present Use.** The project site at 660 3rd Street (Block 3787 Lot 008), located within a four-story former industrial brick building which is a contributor to the Article 10 South End Landmark District. The subject property is approximately 88,000 square feet with approximately 135 feet of street frontage along both its primary and rear facades (3rd Street and Rich Street, respectively). The building is fully devoted to office use. Per Planning Commission Motion No. 19234, the subject building had 40,000 square feet of office space was previously approved in 2014.
4. **Surrounding Properties and Neighborhood.** The site is located within the CMUO Zoning District in the Central SoMa Special Use District (SUD). The South End Landmark District, which the subject property falls in, consists of 55 contributing buildings including one to multi-story masonry and reinforced concrete warehouses and light industrial structures. The Landmark District is particularly notable due to its extraordinary concentration of buildings from almost every period of San Francisco's maritime history, with a period of significance of 1867-1935. Contemporary development lies within the District as well, including compatible buildings with comparable heights, massing, and bulk to the historic structures. As a mixed-use zoning district, surrounding buildings include residential, retail, office uses and more. The Central SoMa SUD which was established as part of the interim controls by the Board of Supervisors per Ordinance No. 280-18. Other zoning districts in the vicinity of the project include: MUO (Mixed-Use Office), MB-RA (Mission Bay Redevelopment), M-2 (Heavy Industrial), SPD (SoMa – South Park), and more.
5. **Public Outreach and Comments.** The Department has received one public inquiry on the Project, though it was neither in support nor opposition.
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. **Permitted Uses in the CMUO Zoning District.** Planning Code Section 848 states that office uses, as a non-retail sales and service use are permitted in the CMUO Zoning District.

The Project proposes to legalize 36,699 square feet of office, which is a permitted use in the CMUO District.
 - B. **Floor Area Ratio.** Planning Code Section 124 establishes basic floor area ratios (FAR) for all zoning

districts. However, Planning Code Section 848 states that the CMUO Zoning District has no maximum FAR limit.

Given there is no maximum FAR in the CMUO Zoning District, this Project complies with Planning Code Section 848.

- C. **Usable Open Space.** Pursuant to Planning Code Section 135.3, Office uses in the EN Mixed-Use Districts are required to provide 1 square foot of open space per each 50 square feet of occupied floor area of new, converted or added square footage.

No open space is provided with this Project. Therefore the project will be required to pay the Eastern Neighborhoods non-residential Open Space pursuant to Planning Code Section 426, in lieu of the required 734 sf of required open space for the 36,699 gsf of office space being legalized.

- D. **Active Uses.** Per Planning Code Section 145.1(c)(3), with the exception of space allowed for parking and loading access, building egress, and access to mechanical systems, active uses—i.e. uses which by their nature do not require non-transparent walls facing a public street—must be located within the first 25 feet of building depth on the ground floor and 15 feet on floors above facing a street at least 30 feet in width. Lobbies are considered active, so long as they are not longer than 40 feet or 25% of the building’s frontage, whichever is larger. Pursuant to Planning Code Section 249.78(c)(1)(B) office uses are not considered active uses on the ground floor in the Central SoMa Special Use District.

The ground floor of the Project includes office space on the ground floor and therefore is not compliant with Planning Code section 249.78(c)(1). Thus, the Project requires a variance from the Zoning Administrator to address this Planning Code requirement.

- E. **Off-Street Parking.** Planning Code Section 151.1 states that off-street parking is not required for any use in the CMUO District and accessory parking is permitted up to certain limits. Office uses may provide 1 space per each 3,500 square feet of OFA.

No parking is proposed.

- F. **Off-Street Freight Loading.** Per Planning Code Section 152.1, in the EN Mixed Use Districts, the number off required loading spaces for Non-Retail Sales and Service Uses, which include office use, is 0.1 space per 10,000 square feet of occupied floor area (“OFA”). In the CMUO District, substitution of two service vehicle spaces for each required off-street freight loading space may be made, provided that a minimum of 50 percent of the required number of spaces are provided for freight loading.

Given 36,999 sf of office space is being legalized, this requirement is not triggered.

- G. **Bicycle Parking.** Planning Code Section 155.2 establishes bicycle parking requirements for new developments, depending on use. For office uses, one Class 1 space is required for every 5,000 occupied square feet, and two Class 2 spaces are required for the first 5,000 gross square feet; a minimum of two Class 2 spaces, plus one Class 2 space for each additional 50,000 occupied

square feet.

Given the subject property includes 76,699 sf of office space, 15 Class 1 and 3 Class 2 bicycle parking spaces are required. This project includes 24 Class 1 and 5 Class 2 bicycle parking spaces, therefore meeting this requirement.

- H. **Transportation Management Program.** Per Planning Code Section 163, a Transportation Management Program is intended to ensure that adequate services are undertaken to minimize the transportation impacts of added office employment and residential development by facilitating the effective use of transit, encouraging ridesharing, and employing other practical means to reduce commute travel by single-occupant vehicles. In the Central SoMa Special Use District where the occupied sf of new, converted or added floor area for office use equals at least 25,000 sf, the property owner shall be required to provide on-site transportation brokerage services for the lifetime of the project. Prior to the issuance of a temporary permit of occupancy, the property owner shall execute an agreement with the Planning Department for the provision of on-site transportation brokerage services.

The Project is adding over 25,000 sf of office area and must comply with this Section. The Project Sponsor will execute an agreement with the Planning Department for the provision of on-site brokerage services prior to the issuance of a temporary certificate of occupancy for each phase of the Project.

- I. **Transportation Demand Management (TDM) Plan.** Pursuant to Planning Code Section 169 and the TDM Program Standards, the Project shall finalize a TDM Plan prior to Planning Department approval of the first Building Permit or Site Permit. Within the Central SoMa SUD, Tier B projects that filed a Development Application or submitted an Environmental Application deemed complete after September 4, 2016 shall be subject to 100% of such target. As currently proposed, the Project must achieve a target of 13 points for Office.

The Project submitted a completed Environmental Evaluation Application after September 4, 2016. Therefore, the Project must achieve 100% of the point target established in the TDM Program Standards, resulting in a required target of 13 points for office. As currently proposed, the Project will achieve its required target by providing 13 points for Office through the following TDM measures:

- *Bicycle Parking (Option A): 1 point*
- *Delivery Supportive Amenities: 1 point*
- *Parking Supply (Option K): 11 points*

- J. **Central SoMa SUD Active Uses.** Under Section 249.78(c)(1)(E), active uses are required within the first 10 feet of the building depth. Office use is not considered an active use in the Central SoMa SUD.

Pursuant to Planning Code Section 249.78, office use is not considered an active use on the ground floor in the Central SOMA Special Use District. Thus, the Project does not comply with this requirement and a variance from the Zoning Administrator is required.

- K. **Central SoMa SUD, Community Development Controls—Land Dedication / Jobs-Housing Linkage Fee.** Section 249.78(e)(2)(B) – the Central SoMa Special Use District Community Development Control – Land Dedication – states that the Jobs-Housing Linkage Fee in Section 413 applies to any project resulting in a net addition of at least 25,000 gsf of office and retail uses. In the Central SoMa SUD, Section 249.78(e)(2)(B) states that non-residential projects in the Special Use District may opt to fulfill their Jobs-Housing Linkage Fee requirement of Section 413 through the Land Dedication Alternative contained in Section 413.7.

The Project will comply with the Job-Housing Linkage Fee requirement.

- L. **Child Care Facilities.** Planning Code Section 414.3 requires that office and hotel development projects proposing the net addition of 25,000 or more gross sf of office or hotel space are subject to a child-care facility requirement. Section 414.4 requires that prior to issuance of a building or site permit for a development project subject to the requirements of Section 414.4, the sponsor shall elect its choice of the options for providing Child Care Facilities as described in subsections 414.5-414.10.

The Project will meet the Child Care Facility requirements by paying the in-lieu fee as required by Planning Code Section 414.8.

- M. **Transportation Sustainability Fee (“TSF”).** Per Planning Code Section 411A, TSF applies to the construction of a new non-residential use in excess of 800 gross sf.

The Project Sponsor will comply with this Section by paying the applicable TSF fee to the City.

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:

- A. 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.

Currently, there are 407,805 gross square feet of available “Small Cap” office space for allocation. The Project will legalize approximately 36,699 square feet of office space. If this Project is approved, approximately 371,106 square feet of space will remain in the Small Cap Allocation.

Twenty-four Class 1 and five Class 2 bicycle parking spaces are included in the plans. The Project site’s close proximity to Caltrain and MUNI lines will facilitate and encourage the office tenants to use alternative means of transportation to travel to and from work. This is in line with one of the Central SoMa Plan’s goals to provide safe and convenient transportation that prioritizes walking, bicycling, and transit. The Central SoMa Plan Initial Study also found that the rezoning and resulting new development contemplated by the Central SoMa Plan would not have significant impacts on transportation infrastructure. The Project will be approved in furtherance of the Central SoMa Area Plan, which

specifically encourages new office development in this part of SoMa to create an economically diversified and lively jobs center.

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

Use. *Office is a principally permitted in the CMUO Zoning District, as well as the Central SoMa Special Use District. The Central SoMa Plan expressly encourages new development in the Plan Area, including the development of office space. The Project's close proximity to public transit will provide employees and tenants with ample access to the Project site, making it a suitable location for office development. By supporting the office-related component of San Francisco's economy, the Project will help strengthen local neighborhood businesses and offer new employment opportunities to San Francisco residents. The Project is legalizing 36,699 square feet of new office use, which can assist with the needs of small-to-medium sized companies that are essential to the City's economy.*

Transit Accessibility. *The Project Site is served by nearby public transportation options, including Muni bus lines, Muni metro lines, and Caltrain. The number of different public transit options makes the site easily accessible from all over the Bay Area without a car, while not overburdening one type of public transit. The Project site is located in close proximity to the: 12, 30, 45, 47, 8, 81X, 82X, 83X, 8AX, 8BX, N and T MUNI bus lines, as well as the Central Subway line along 4th Street and the 4th & King Caltrain and MUNI light stations. The Central Subway Project to extend the Muni Metro T Third Line through South of Market, Union Square, and Chinatown with four new stations is also expected to be completed soon. The T extension would run along 4th Street, a block away from 660 3rd Street. The Project also provides sufficient bicycle parking, including both Class 1 and Class 2 spaces, for employees and their guests.*

Open Space. *The Central SoMa Plan envisions creating new parks and open spaces in an area that currently lacks it. Given no open space is included in the project, the Eastern Neighborhoods Non-Residential Open Space Fee will be required pursuant to Planning Code Section 426.*

Historic Preservation. *The subject property, built in 1902, is a contributor to the Article 10 South End Landmark District. Using the subject property as an office building will help ensure the building's long-term vitality by providing a sound economic use. The proposal does not propose any exterior alterations to the structure and thus characteristics which define the property including its brick façade, height, massing, fenestration, and architectural detailing will not be modified through this proposal.*

- C. Whether the proposed project includes development of New Affordable Housing Units such that all of the following criteria are satisfied. (i) The New Affordable Housing units are on-site or located within a Community of Concern as designated by the Board of Supervisors; (ii) The New Affordable Housing Units will be developed pursuant to a requirement included in a development agreement authorized by Government Code Section 65865 or any successor section for the proposed office development; (iii) The number of New Affordable Housing Units is no less than 100% of the New Affordable Housing Units required to house the future employees of the proposed project's office development in accordance with the City's Affordable Housing Demand Ratio.

The Project will not include the production of new affordable housing; rather, the Project will contribute to the Jobs-Housing Linkage Fee.

- D. The extent to which the project incorporates Community Improvements that exceed the requirements of zoning and City ordinances applicable to the project. “Community Improvement(s)” include construction, financing, land dedication, or land exchanges for the creation of any of the following facilities: community-serving facilities, including without limitation, childcare facilities, tot lots, community gardens, parks, indoor and outdoor neighborhood-oriented plazas and open space, neighborhood recreation centers, dog parks, public safety facilities, affordable space for community serving retail services and food markets, and affordable space for community arts and cultural activities.

The legalization of existing office at this site does not include the creation of any specific facilities that would be considered community improvements. However, the Project will be required to pay the associated impact fees, such as the Eastern Neighborhoods Non-Residential Open Space Fee which will fund the development and construction of neighborhood amenities that are called out as priorities in the Central SoMa Plan.

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 which has substantial undesirable consequences that cannot be mitigated.

Policy 1.3:

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

OBJECTIVE 2:

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

Policy 2.1:

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

OBJECTIVE 3:

PROVIDE EXPANDED EMPLOYMENT OPPORTUNITIES FOR CITY RESIDENTS, PARTICULARLY THE UNEMPLOYED AND ECONOMICALLY DISADVANTAGED.

Policy 3.2:
Promote measures designed to increase the number of San Francisco jobs held by San Francisco residents.

OBJECTIVE 12

BALANCE HOUSING GROWTH WITH ADEQUATE INFRASTRUCTURE THAT SERVES THE CITY'S GROWING POPULATION.

Policy 12.2
Consider the proximity of quality of life elements such as open space, child care, and neighborhood services, when developing new housing units.

URBAN DESIGN ELEMENT

OBJECTIVE 2:

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

Policy 2.4
Preserve notable landmarks and areas of historic, architectural or aesthetic value, and promote the preservation of other buildings and features that provide continuity with past development.

Policy 2.7
Recognize and protect outstanding and unique areas that contribute in an extraordinary degree to San Francisco's visual form and character.

CENTRAL SOMA PLAN

OBJECTIVES AND POLICIES

OBJECTIVE 3.2:

SUPPORT THE GROWTH OF OFFICE SPACE

Policy 3.2.1:

Facilitate the growth of office.

OBJECTIVE 4.4:

ENCOURAGE MODE SHIFT AWAY FROM PRIVATE AUTOMOBILE USAGE

Policy 4.4.2:

Utilize Transportation Demand Management strategies to encourage alternatives to the private automobile.

The Project will legalize 36,699 sf of office space, thus providing employment opportunities for city residents. These uses will help retain existing commercial activity and attract new such activity as users of the office space can potentially patronize local retail establishments. The Project will ensure an economically viable

use of a historic structure, thus helping to preserve the character of the Central SoMa neighborhood and retain architectural and cultural gem important to San Francisco's unique history. Given the building's close proximity to ample public transportation, lack of automobile parking, and incorporation of Class 1 and Class 2 bicycle parking, the project helps shift from automobile usage. On balance the project is consistent with the Objectives and Policies of the General Plan and Central SoMa Area Plan.

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 office space provides local employment opportunities and can attract new patrons to the neighborhood who can support existing retail establishments.

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

Through providing an economically viable use, the Project will help preserve a historic building, which is a contributor to a local landmark district. In that way the project helps conserve neighborhood character.

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

No affordable housing exists or would be removed for this Project. The Project does not propose residential uses. Therefore, the proposed development of this site will not affect the City's available housing stock. Payment of the jobs-housing linkage fee will contribute to development of affordable housing in the City.

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

The Project Site is served by nearby public transportation options. The Project site is located in close proximity to the: 12, 30, 45, 47, 8, 81X, 82X, 83X, 8AX, 8BX, N and T MUNI bus lines, as well as the Central Subway line along 4th Street and the 4th & King Caltrain and MUNI light stations. The Central Subway Project to extend the Muni Metro T Third Line through South of Market, Union Square, and Chinatown with four new stations is also expected to be completed soon. The T extension would run along 4th Street, a block away from 660 3rd Street. The Project also provides sufficient bicycle parking for employees and their guests. The number of different public transit options makes the site easily accessible from all over the Bay Area without a car, while not overburdening one type of public transit.

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

No seismic improvements are proposed with this project

- F. That landmarks and historic buildings be preserved.

The subject property is a contributor to an Article 10 Landmark District. Through providing an economically viable use, the Project is helping to support the building's long-term vitality. Furthermore, no exterior alterations are proposed through this project which would compromise the character of the property or the historic district in which it lies.

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

This Project will not affect the sunlight access and/or vistas of any of the City's parks or open spaces.

- 10.** The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would contribute to the character and stability of the neighborhood and would constitute a beneficial development.
- 11.** The Commission hereby finds that approval of the 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 Authorization Application No. 2019-011944OFA** subject to the following conditions attached hereto as “EXHIBIT A” in general conformance with plans on file, dated May 21, 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 Section 321 and 322 Office Development Authorization 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 (628) 652-1150, 49 South Van Ness Avenue, Suite 1475, 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 October 14, 2021.

Jonas P. Ionin
Commission Secretary

AYES:

NAYS:

ABSENT:

RECUSE:

ADOPTED: October 14, 2021

EXHIBIT A

Authorization

This authorization is for an Office Development Allocation to legalize 36,699 sf of Office Use located at 660 3rd Street, Block 3787 Lot 008, pursuant to Planning Code Sections 321 and 322 within the CMUO Zoning District, Central SoMa SUD, and a 65-X Height and Bulk District; in general conformance with plans, dated **May 21, 2019**, and stamped "EXHIBIT B" included in the docket for Record No. 2019-011944OFA and subject to conditions of approval reviewed and approved by the Commission on **October 14, 2021** 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 14, 2021** 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 628.652.7463, www.sfplanning.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 628.652.7463, www.sfplanning.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 628.652.7463, www.sfplanning.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 628.652.7463, www.sfplanning.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 628.652.7463, www.sfplanning.org

- 6. Additional Project Authorization.** –The Project Sponsor must obtain a Variance under Planning Code Section 305 to address the Planning Code requirements for active use (Planning Code 145.1 and 249.78(c)(1)(E)) and satisfy all the conditions thereof. The conditions set forth below are additional conditions required in connection with the Project. If these conditions overlap with any other requirement imposed on the Project, the more restrictive or protective condition or requirement, as determined by the Zoning Administrator, shall apply.

For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, www.sfplanning.org

- 7. 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 628.652.7316, www.sfplanning.org

Parking and Traffic

- 8. 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 628.652.7340, www.sfplanning.org

- 9. 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 628.652.7314, www.sfplanning.org

- 10. Child-Care Requirements for Office and Hotel Development.** In lieu of providing an on-site child-care facility, the Project has elected to meet this requirement by providing an in-lieu fee, as applicable, pursuant to Planning Code Section 414.

For information about compliance, contact the Case Planner, Planning Department at 628.652.7314, www.sfplanning.org

- 11. Eastern Neighborhoods Usable Open Space In Lieu Fee for EN Mixed Use Non-Residential Projects.** The Project is subject to the Eastern Neighborhoods Usable Open Space In-Lieu Fee, as applicable, pursuant to Planning Code Section 426.

For information about compliance, contact the Case Planner, Planning Department at 628.652.7314, www.sfplanning.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 628.652.7463, www.sfplanning.org

- 13. Monitoring.** The Project requires monitoring of the conditions of approval in this Motion. The Project Sponsor or the subsequent responsible parties for the Project shall pay fees as established under Planning Code Section 351(e) (1) and work with the Planning Department for information about compliance.

For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, www.sfplanning.org

- 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, 628.271.2000, www.sfpublishworks.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 628.652.7463, www.sfplanning.org

Exhibit B:

Plans and Renderings

OWNER:

RABIN MANAGEMENT COMPANY

BUILDING DATA:

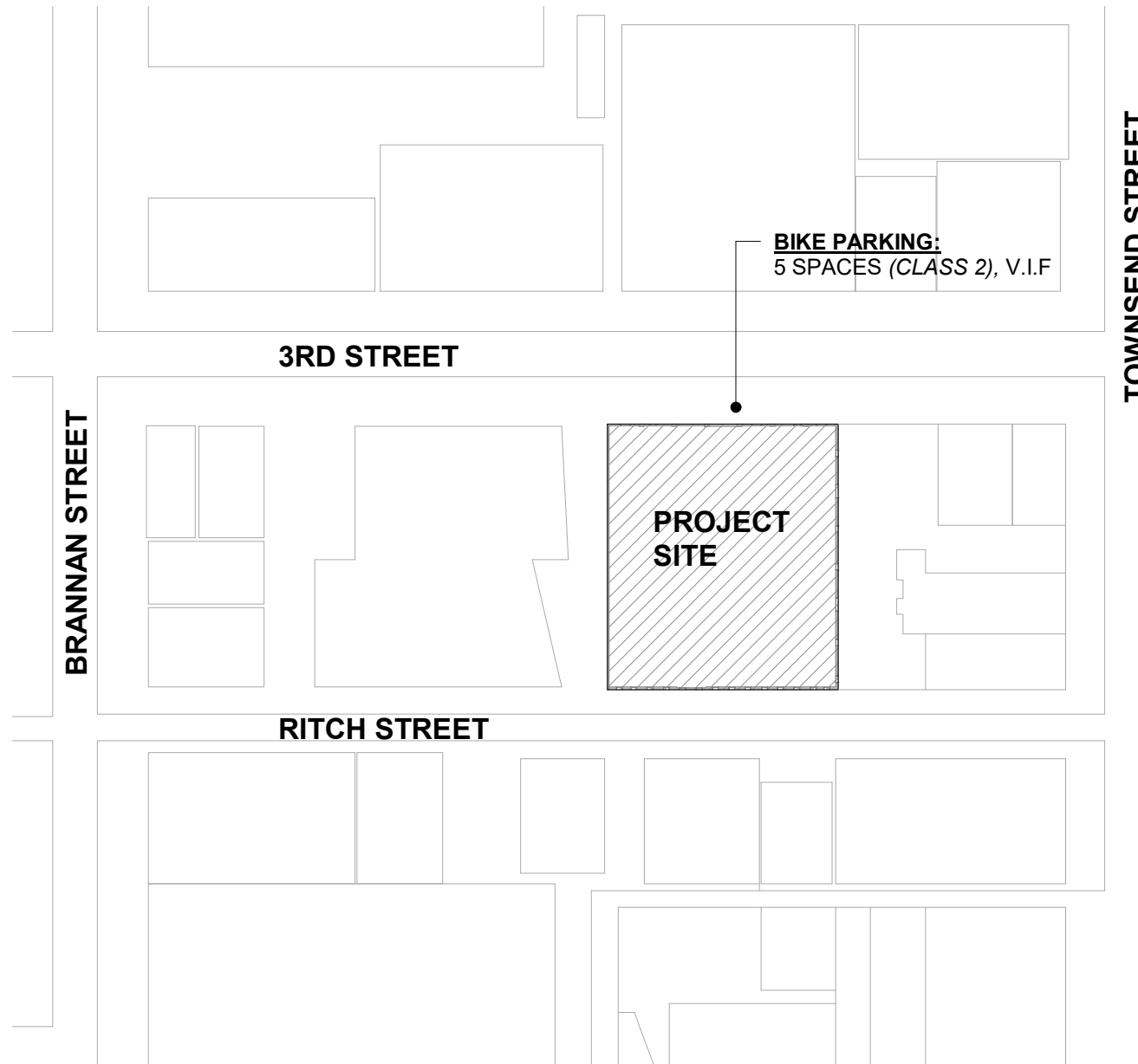
SPRINKLED: YES
CONSTRUCTION TYPE: TYPE IIIA (BRICK MASONRY)
STORIES: 4
HEIGHT: 50 FT
BUILDING AREA: 88,000 SQ FT
PARCEL AREA: 21,997 SQ FT
YEAR: 1902

TABLE OF CONTENTS

A0.01	COVER SHEET
A1.01	LEVEL 1 PLAN - EXISTING
A1.02	LEVEL 2 PLAN - EXISTING
A1.03	LEVEL 3 PLAN - EXISTING
A1.04	LEVEL 4 PLAN - EXISTING
A2.01	LEVEL 1 PLAN - FUTURE
A3.01	ELEVATIONS - EXISTING

PLANNING & ZONING INFORMATION:

PROJECT ADDRESS: 660 3rd ST, SAN FRANCISCO, CA 94107
BLOCK/LOT: 3787/008
USE: OFFICE (B)
ZONING DISTRICT: CMUO-CENTRAL SOMA-MIXED USE OFFICE
HEIGHT/BULK DISTRICT: 65-X
PLANNING AREA: EAST SOMA (En), CENTRAL SOMA
PLANNING DISTRICT: DISTRICT 9 SOUTH OF MARKET
LOT AREA: 137.50' (3RD ST) X 160.00'
21,997 SQ FT



OFFICE ALLOCATION SUMMARY (GSF)

	OFFICE (SF)	COMMON SPACE (SF)	
LEVEL 1 - EXISTING	16,307	4,763	
LEVEL 2 - EXISTING	20,074	1,036	
LEVELS 1+2	36,381	5,799	TOTAL GSF: 42,180
LEVEL 3 - EXISTING	19,805	1,617	
LEVEL 4 - EXISTING	20,513	860	
LEVELS 3+4	40,318	2,477	TOTAL GSF: 42,795
LEVELS 1+2+3+4	76,699	8,276	TOTAL GSF: 84,975

CONCLUSION:

LEVELS 1&2:
36,381 SF SEEKING OFFICE ALLOCATION

LEVELS 3&4:
40,000 SF PERMITTED IN 2014 AS OFFICE UNDER MOTION NO. 19234
318 SF SEEKING OFFICE ALLOCATION @ LEVEL 4

TOTAL SF SEEKING OFFICE ALLOCATION: 36,699 SF

1 SITE PLAN
1" = 100'-0"

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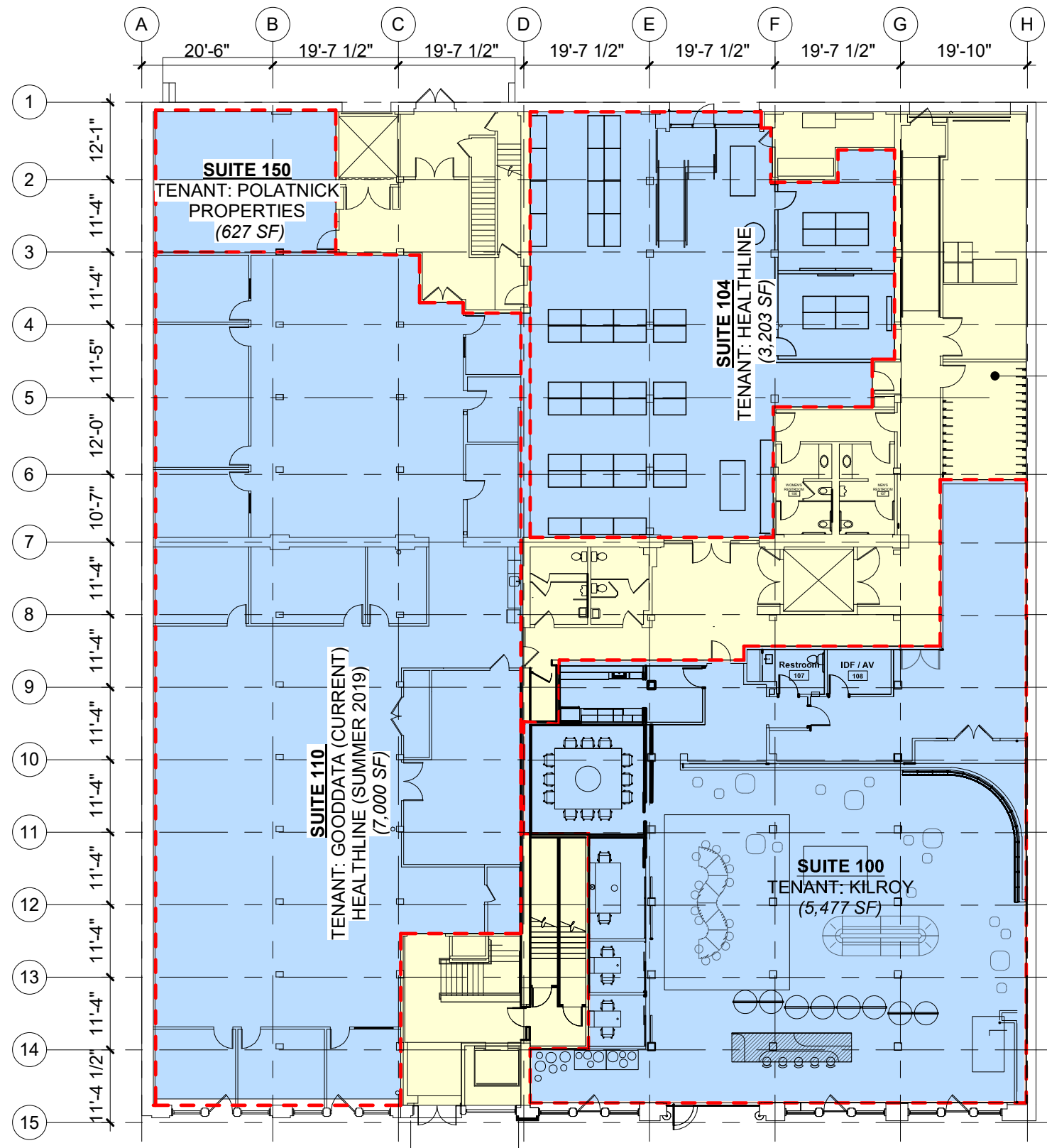
1420 Sutter St San Francisco, CA 94109
T 415.391.7918 F 415.391.7309
TEFarch.com

PROJECT	660 3rd St Office Allocation	TITLE	COVER SHEET
JOB #	21907.00	SCALE	As indicated
DATE	5/21/2019 4:44:53 PM		

DRAWING

A0.01

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BIKE PARKING:
24 SPACES (CLASS 1)

USE	GROSS SF
OFFICE	16,307 SF
COMMON SPACE	4,763 SF
TENANT SEPARATION LINES	

1 LEVEL 1 PLAN - (E) FOR OFFICE ALLOCATION
3/64" = 1'-0"

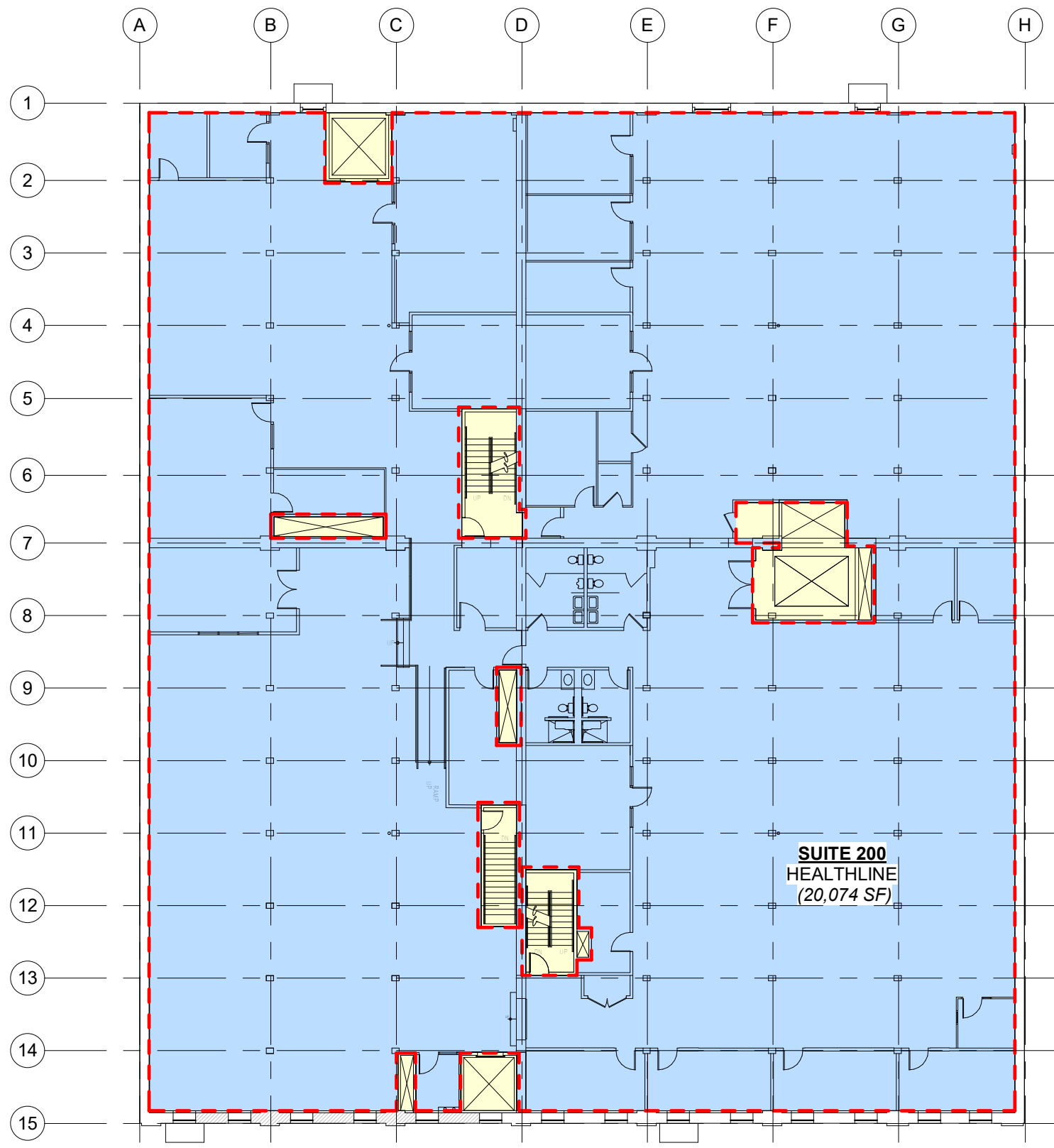
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



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PROJECT	660 3rd St Office Allocation	TITLE	LEVEL 1 PLAN - EXISTING	DRAWING
JOB #	21907.00			A1.01
DATE	5/21/2019 4:44:54 PM	SCALE	As indicated	

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	<u>USE</u>	<u>GROSS SF</u>
	OFFICE	20,074 SF
	COMMON SPACE	1,036 SF
	TENANT SEPARATION LINES	

1 LEVEL 2 PLAN - (E) FOR OFFICE ALLOCATION
3/64" = 1'-0"

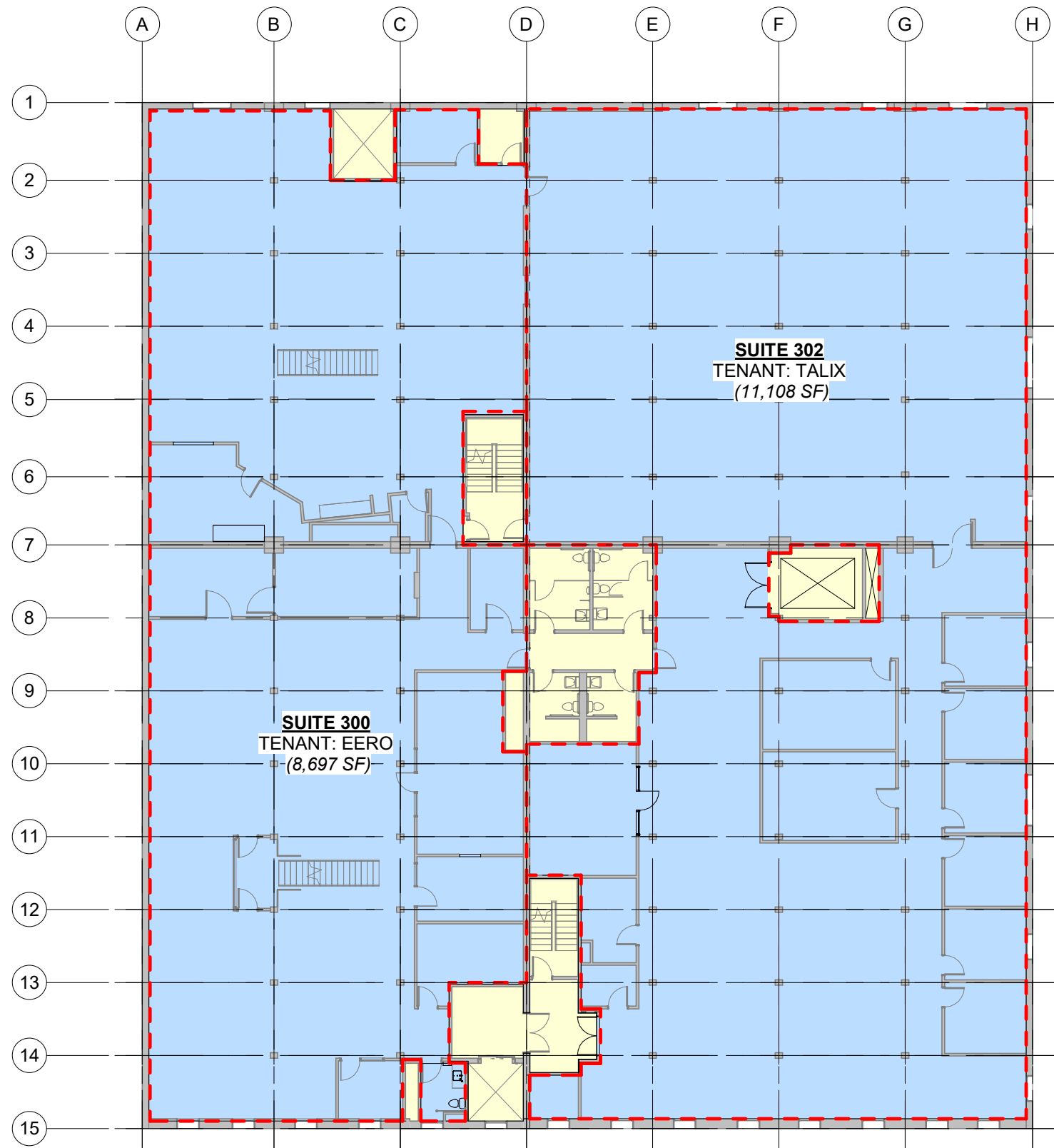
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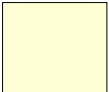



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PROJECT	660 3rd St Office Allocation	TITLE	LEVEL 2 PLAN - EXISTING	DRAWING
JOB #	21907.00			A1.02
DATE	5/21/2019 4:44:55 PM	SCALE	As indicated	

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	<u>USE</u>	<u>GROSS SF</u>
	OFFICE	19,805 SF
	COMMON	1,617 SF
	TENANT SEPARATION LINES	

NOTE:
LEVELS 3&4 ARE PERMITTED IN 2014,
AS OFFICE UNDER MOTION NO. 19234

1 LEVEL 3 PLAN - (E) FOR OFFICE ALLOCATION
3/64" = 1'-0"

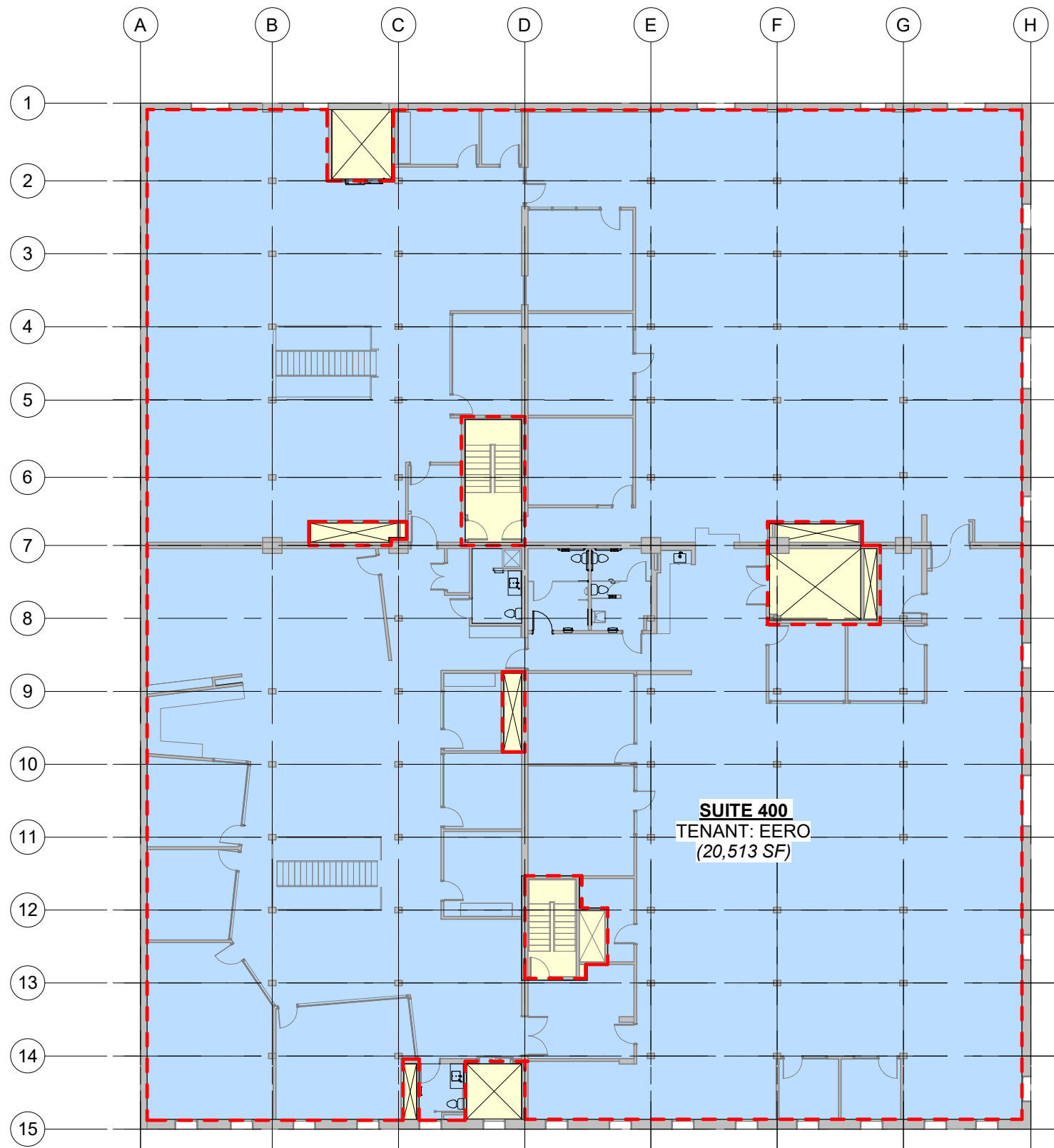
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PROJECT	660 3rd St Office Allocation	TITLE	LEVEL 3 PLAN - EXISTING	DRAWING
JOB #	21907.00			A1.03
DATE	5/21/2019 4:44:56 PM	SCALE	As indicated	

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USE **GROSS SF**



OFFICE 20,513 SF



COMMON AREA 860 SF



TENANT SEPARATION LINES

NOTE:
LEVELS 3&4 ARE PERMITTED IN 2014,
AS OFFICE UNDER MOTION NO. 19234

1 LEVEL 4 PLAN - (E) FOR OFFICE ALLOCATION
3/64" = 1'-0"

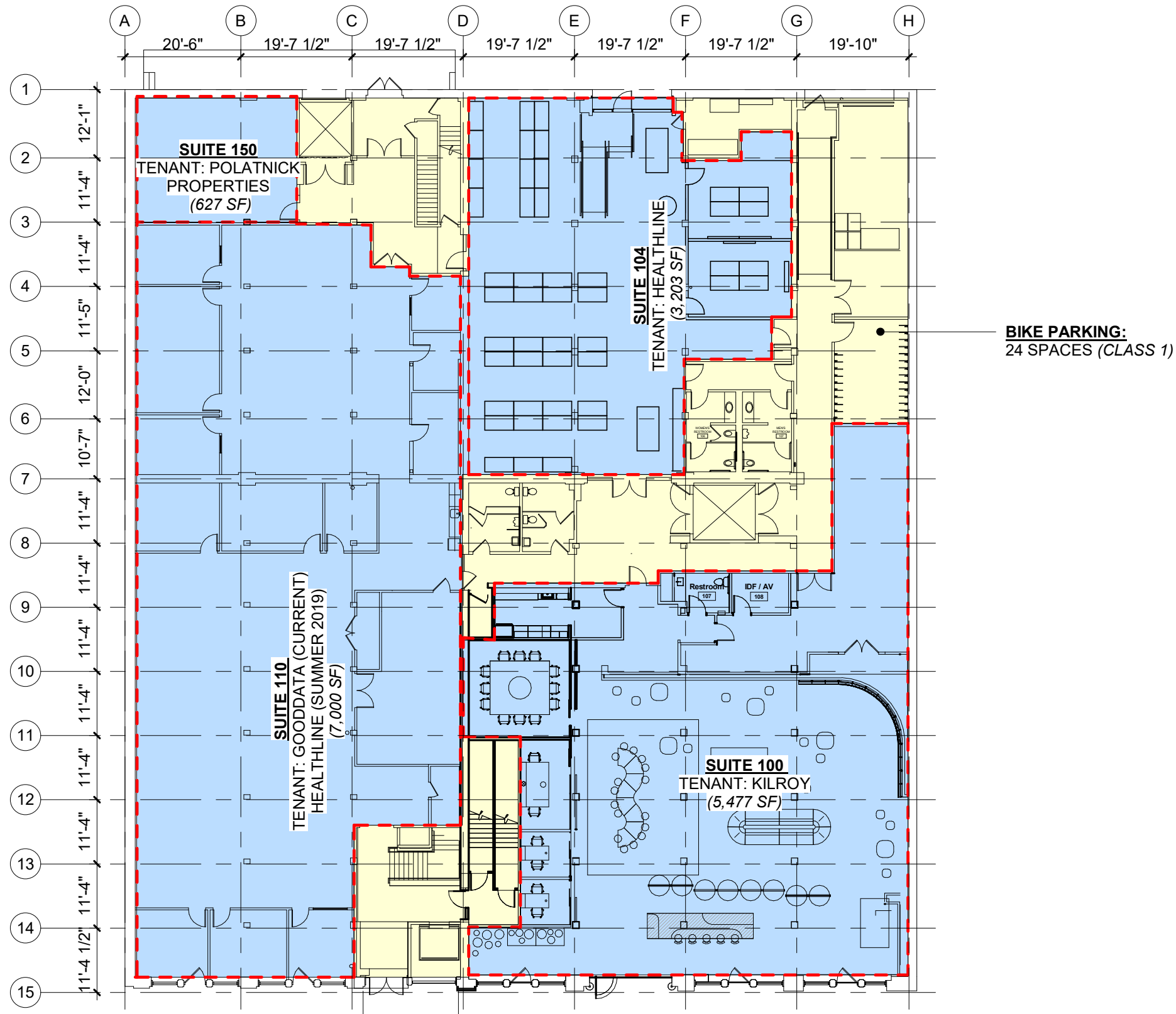
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PROJECT	660 3rd St Office Allocation	TITLE	LEVEL 4 PLAN - EXISTING	DRAWING
JOB #	21907.00			A1.04
DATE	5/21/2019 4:44:57 PM	SCALE	As indicated	

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BIKE PARKING:
24 SPACES (CLASS 1)

USE	GROSS SF
OFFICE	16,307 SF
COMMON SPACE	4,763 SF
TENANT SEPARATION LINES	

LEVEL 1 PLAN - FUTURE OFFICE ALLOCATION

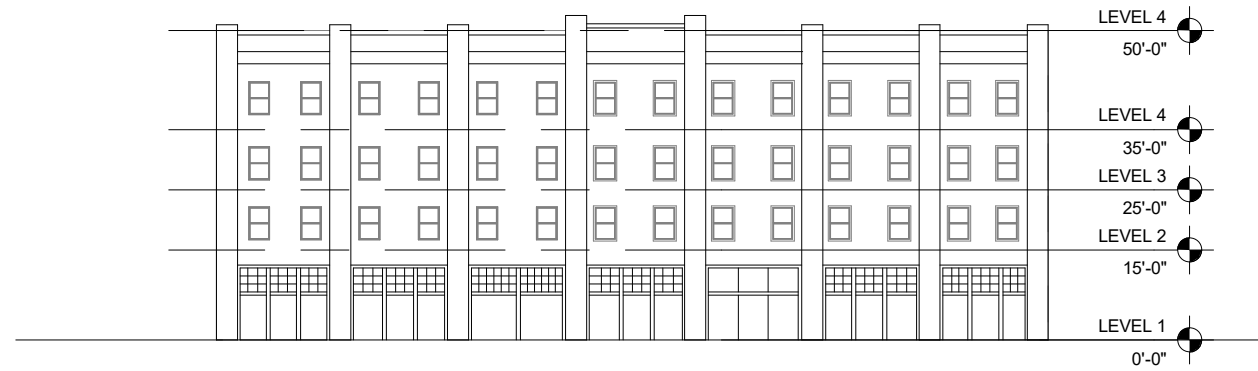
1
3/64" = 1'-0"

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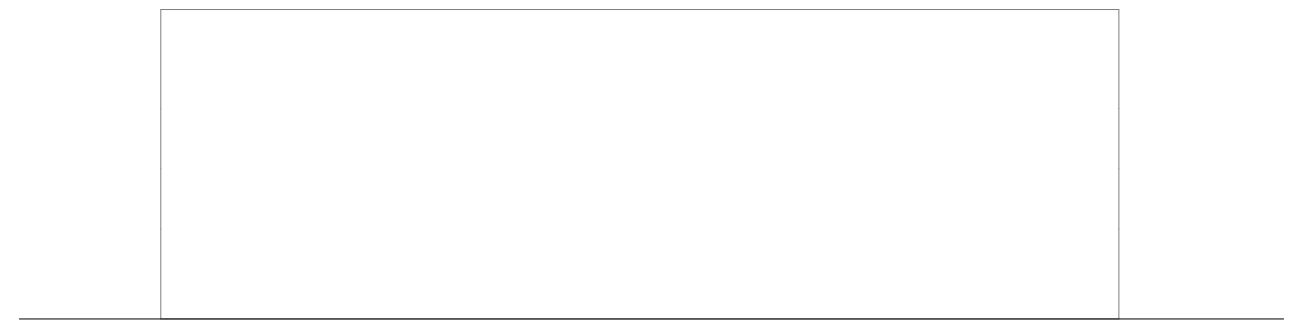


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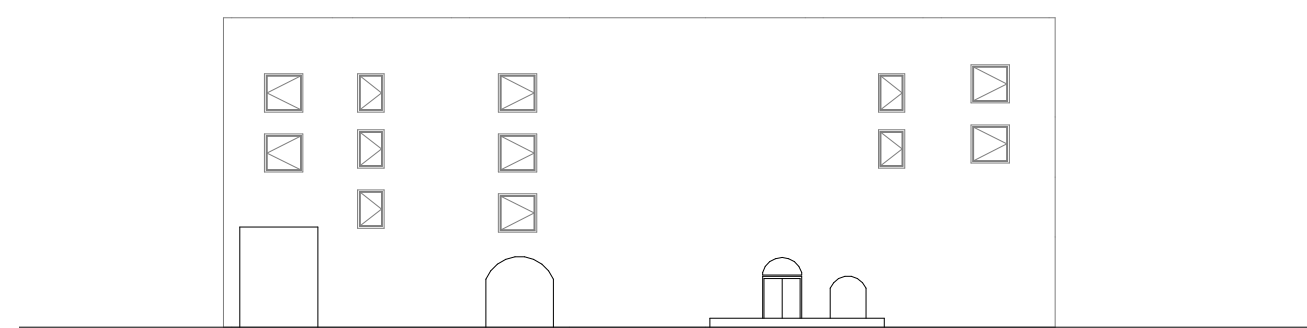
PROJECT	660 3rd St Office Allocation	TITLE	LEVEL 1 PLAN - FUTURE	DRAWING
JOB #	21907.00			A2.01
DATE	5/21/2019 4:44:58 PM	SCALE	As indicated	



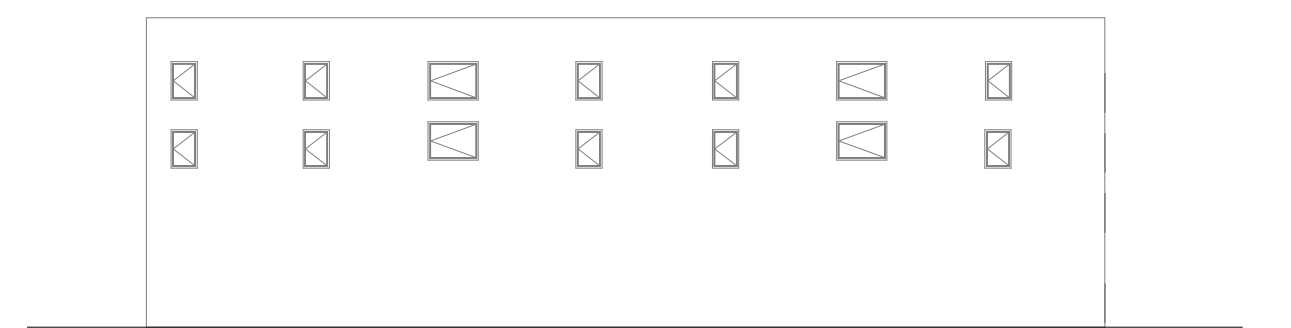
① NORTH-EAST ELEVATION
1/32" = 1'-0"



② NORTH-WEST ELEVATION
1/32" = 1'-0"



③ SOUTH-WEST ELEVATION
1/32" = 1'-0"



④ SOUTH-EAST ELEVATION
1/32" = 1'-0"

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PROJECT	660 3rd St Office Allocation	TITLE	ELEVATIONS - EXISTING	DRAWING
JOB #	21907.00			A3.01
DATE	5/21/2019 4:44:59 PM	SCALE	1/32" = 1'-0"	

Exhibit C:

Environmental Determination



CEQA Exemption Determination

PROPERTY INFORMATION/PROJECT DESCRIPTION

Project Address		Block/Lot(s)
660 03RD ST		3787008
Case No.		Permit No.
2019-011944PRJ		
<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. Office Allocation Authorization request of 36,699 square feet: 16,307 square feet on Level 1, 20,074 square feet on Level 2, and 318 square feet on level 4.</p>		

STEP 1: EXEMPTION TYPE

The project has been determined to be exempt under the California Environmental Quality Act (CEQA).	
<input checked="" 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 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>
<input type="checkbox"/>	Other _____
<input type="checkbox"/>	Common Sense Exemption (CEQA Guidelines section 15061(b)(3)). It can be seen with certainty that there is no possibility of a significant effect on the environment.

STEP 2: ENVIRONMENTAL SCREENING ASSESSMENT

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. use of diesel construction equipment, backup diesel generators, heavy industry, diesel trucks, etc.)? <i>(refer to the Environmental</i></p>
<input type="checkbox"/>	<p>Hazardous Materials: <input type="checkbox"/> Maher or <input type="checkbox"/> Cortese</p> <p>Is the project site located within the Maher area or on a site containing potential subsurface soil or groundwater contamination and would it involve ground disturbance of at least 50 cubic yards or a change of use from an industrial use to a residential or institutional use? Is the project site located on a Cortese site or would the project involve work on a site with an existing or former gas station, parking lot, auto repair, dry cleaners, or heavy manufacturing use, or a site with current or former underground storage tanks? <i>if Maher box is checked, note below whether the applicant has enrolled in or received a waiver from the San Francisco Department of Public Health (DPH) Maher program, or if Environmental Planning staff has determined that hazardous material effects would be less than significant.</i></p> <p>Note that a categorical exemption shall not be issued for a project located on the Cortese List</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? Would the project involve the intensification of or a substantial increase in vehicle trips at the project site or elsewhere in the region due to autonomous vehicle or for-hire vehicle fleet maintenance, operations or</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, archeology review is required.</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? <i>(refer to the Environmental Information tab on https://sfplanninggis.org/PIM/)</i> If box is checked, Environmental Planning must issue the exemption.</p>
<input type="checkbox"/>	<p>Average Slope of Parcel = or > 25%, or site is in Edgehill Slope Protection Area or Northwest Mt. Sutro Slope Protection Area: Does the project involve any of the following: (1) New building construction, except one-story storage or utility occupancy, (2) horizontal additions, if the footprint area increases more than 50%, or (3) horizontal and vertical additions increase more than 500 square feet of new projected roof area? <i>(refer to the Environmental Information tab on https://sfplanninggis.org/PIM/)</i> If box is checked, a geotechnical report is likely required and Environmental Planning must issue the exemption.</p>
<input type="checkbox"/>	<p>Seismic Hazard: <input type="checkbox"/> Landslide or <input type="checkbox"/> Liquefaction Hazard Zone:</p> <p>Does the project involve any of the following: (1) New building construction, except one-story storage or utility occupancy, (2) horizontal additions, if the footprint area increases more than 50%, (3) horizontal and vertical additions increase more than 500 square feet of new projected roof area, or (4) grading performed at a site in the landslide hazard zone? <i>(refer to the Environmental Information tab on https://sfplanninggis.org/PIM/)</i> If box is checked, a geotechnical report is required and Environmental Planning must issue the exemption.</p>
<p>Comments and Planner Signature (optional): Alex Westhoff</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 checked="" 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 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 checked="" 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: ADVANCED HISTORICAL REVIEW
TO BE COMPLETED BY PRESERVATION PLANNER**

Check all that apply to the project.	
<input type="checkbox"/>	1. Reclassification of property status. (Attach HRER Part I) <input type="checkbox"/> Reclassify to Category A a. Per HRER b. Other (specify): <input type="checkbox"/> Reclassify to Category C (No further historic review)
<input type="checkbox"/>	2. 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"/>	3. Interior alterations to publicly accessible spaces that do not remove, alter, or obscure character defining features.
<input type="checkbox"/>	4. Window replacement of original/historic windows that are not "in-kind" but are consistent with existing historic character.
<input type="checkbox"/>	5. Façade/storefront alterations that do not remove, alter, or obscure character-defining features.

<input type="checkbox"/>	6. Raising the building in a manner that does not remove, alter, or obscure character-defining features.
<input type="checkbox"/>	7. Restoration based upon documented evidence of a building's historic condition, such as historic photographs, plans, physical evidence, or similar buildings.
<input type="checkbox"/>	8. Work consistent with the <i>Secretary of the Interior Standards for the Treatment of Historic Properties (Analysis required)</i> :
<input type="checkbox"/>	9. Work compatible with a historic district (Analysis required):
<input type="checkbox"/>	10. Work that would not materially impair a historic resource (Attach HRER Part II).
Note: If ANY box in STEP 5 above is checked, a Preservation Planner MUST sign below.	
<input checked="" type="checkbox"/>	Project can proceed with exemption review. The project has been reviewed by the Preservation Planner and can proceed with exemption review. GO TO STEP 6.
Comments (optional): Office allocation	
Preservation Planner Signature: Alex Westhoff	

STEP 6: EXEMPTION DETERMINATION
TO BE COMPLETED BY PROJECT PLANNER

<input checked="" type="checkbox"/>	No further environmental review is required. The project is 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: Alex Westhoff
		08/03/2021
<p>Supporting documents are available for review on the San Francisco Property Information Map, which can be accessed at https://sfplanninggis.org/PIM/. Individual files can be viewed by clicking on the Planning Applications link, clicking the "More Details" link under the project's environmental record number (ENV) and then clicking on the "Related Documents" link. Once signed or stamped and dated, this document constitutes an exemption pursuant to CEQA Guidelines and Chapter 31 of the Administrative Code.</p> <p>In accordance with Chapter 31 of the San Francisco Administrative Code, an appeal of an exemption determination to the Board of Supervisors can only be filed within 30 days of the project receiving the approval action.</p>		

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

MODIFIED PROJECT DESCRIPTION

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 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

Planner Name:

Date:

Exhibit D: Land Use Data



LAND USE INFORMATION

PROJECT ADDRESS: 660 3RD ST.
RECORD NO.: 2019-011944OFA

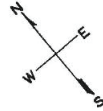
	EXISTING (legal)	PROPOSED (for legalization)	NET NEW
GROSS SQUARE FOOTAGE (GSF)			
Parking GSF	0	0	0
Residential GSF	0	0	0
Usable Open Space GSF	0	0	0
Retail GSF	0	0	0
PDR GSF	0	0	0
Office GSF	40,000	36,699	36,699
Common Space	8,276	0	0
TOTAL GSF	48,276	36,699	36,699
	EXISTING	NET NEW	TOTALS
PROJECT FEATURES (Units or Amounts)			
Dwelling Units - Affordable	0	0	0
Dwelling Units - Market Rate	0	0	0
Dwelling Units - Total	0	0	0
Number of Buildings	1	0	0
Number of Stories	4	0	0
Parking Spaces	0	0	0
Loading Spaces	0	0	0
Bicycle Spaces	0	24 Class 1; 5 Class 2	29
Car Share Spaces	0	0	0

Exhibit E:

Maps and Context Photos

Parcel Map

24 Into 52 4th STREET 1984



SHEET 1
3787

100 VARA BLK. 368

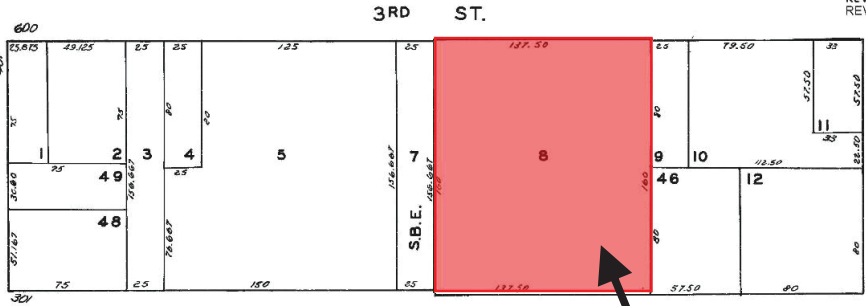
REVISED	169
"	184
"	185
"	191
"	195

Revised 1999
REVISED 2017

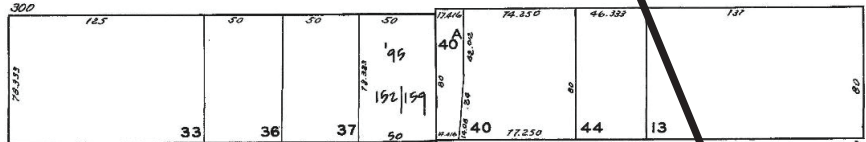
© COPYRIGHT SAN FRANCISCO
CITY & COUNTY ASSESSOR 1995
lot141 into lots160&161 for 1999 roll
lot160 into lots162to164 for 1999 roll
Lot 17 into lots 241 to 246 for 2017 roll

MIXED USE CONDO PROJECT
A CONDOMINIUM
LOT UNIT % COM. AREA

162	1	62.36
163	2	38.07
164	3	19.57



RITCH

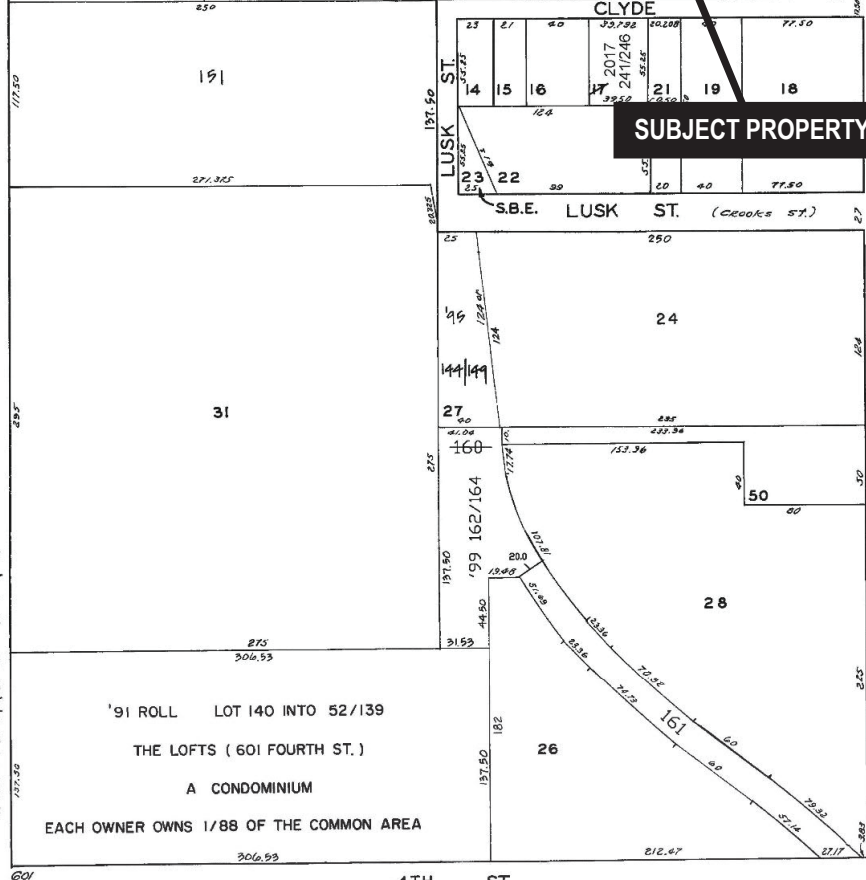


SUBJECT PROPERTY

BRANNAN

TOWNSEND

'91 ROLL - lots 241 & 51 INTO LOTS 140 & 141



'91 ROLL LOT 140 INTO 52/139
THE LOFTS (601 FOURTH ST.)
A CONDOMINIUM
EACH OWNER OWNS 1/88 OF THE COMMON AREA

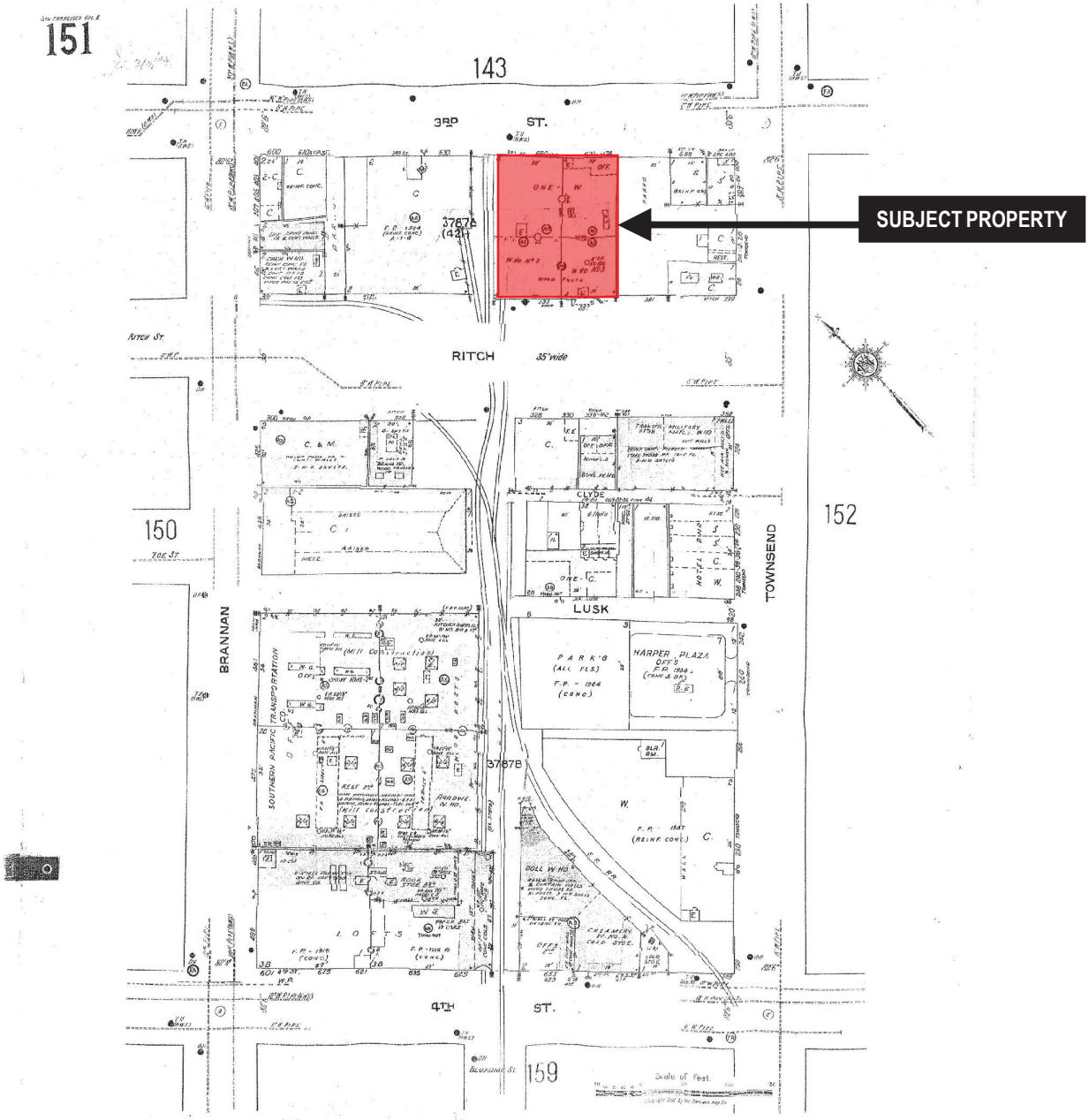
4TH ST.



OFA/VAR Hearing
2019-011944OFA
660 3rd Street

Sanborn Map*

THESE SANBORN MAPS ARE DATED TO THE MID 1990'S
USE ONLY FOR HISTORICAL CONTEXT

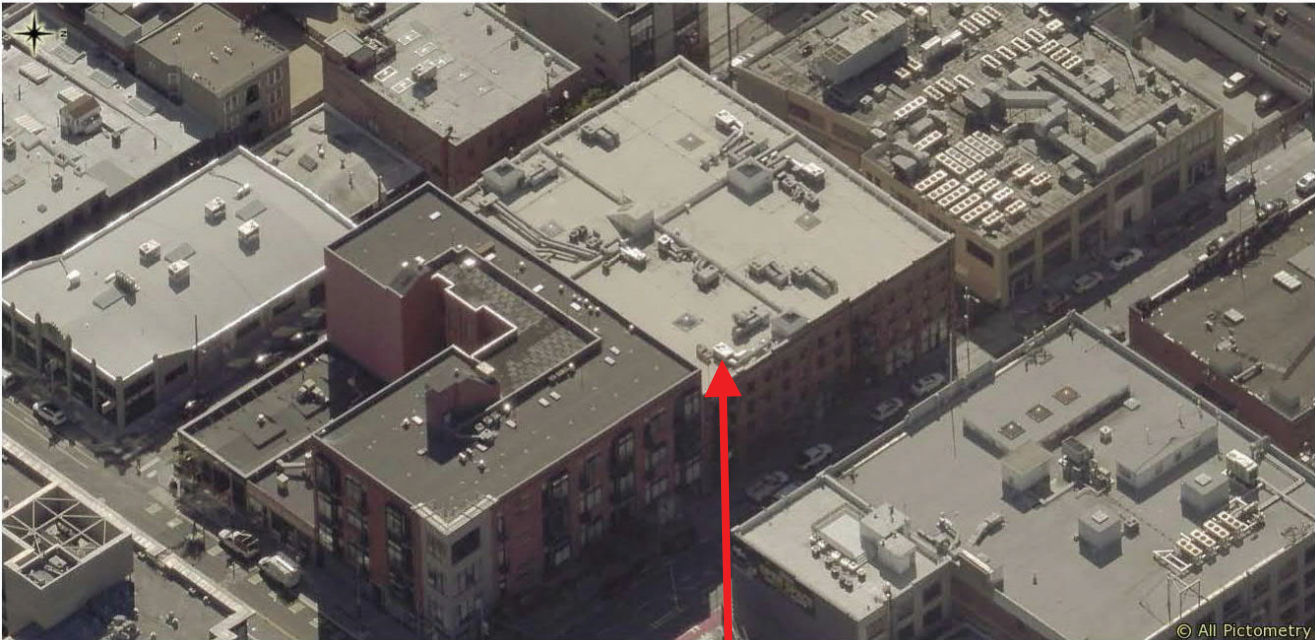


*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.



OFA/VAR Hearing
2019-011944OFA
660 3rd Street

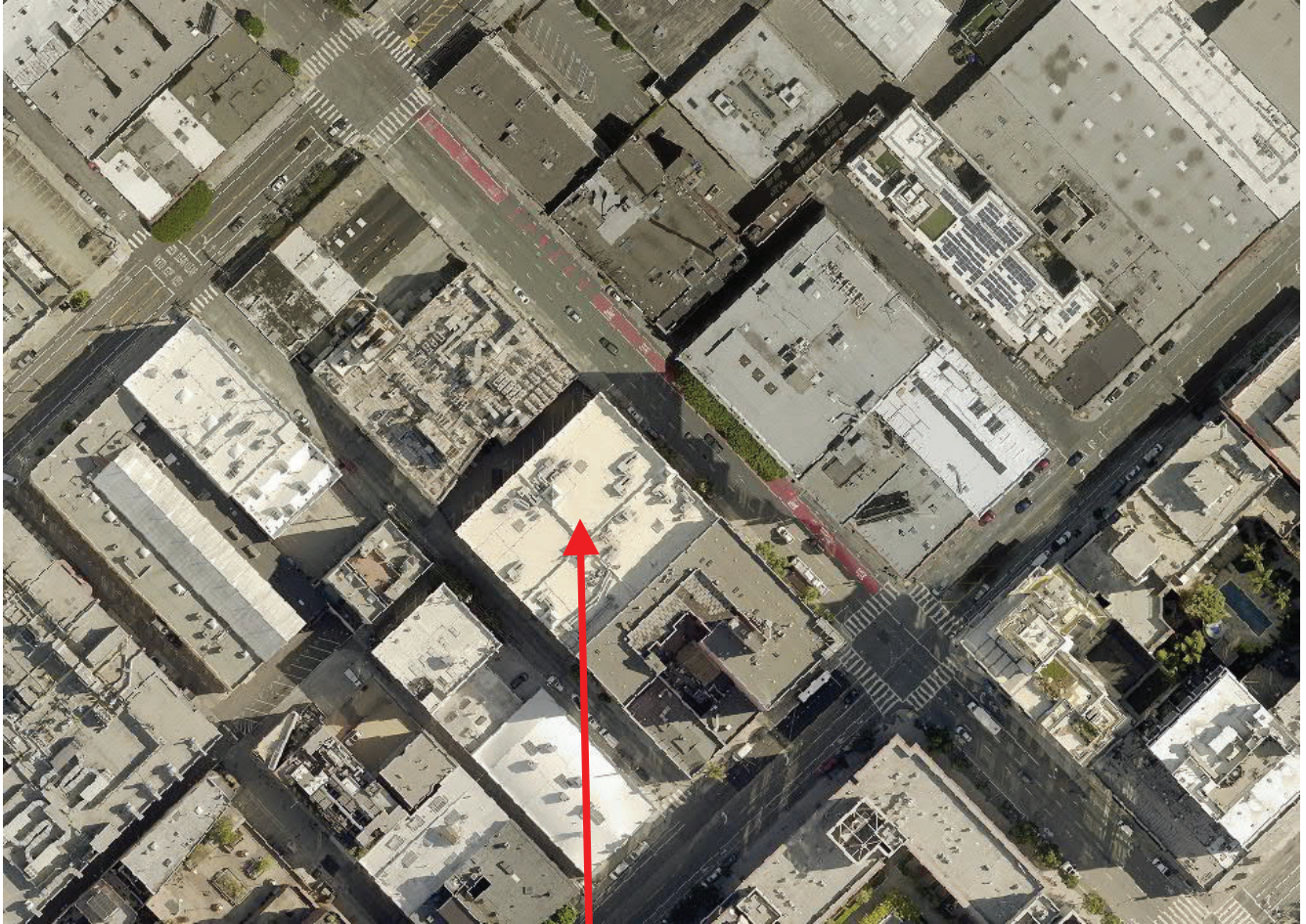
Aerial Photo – View 2



SUBJECT PROPERTY

OFA/VAR Hearing
2019-011944OFA
660 3rd Street

Aerial Photo – View 1

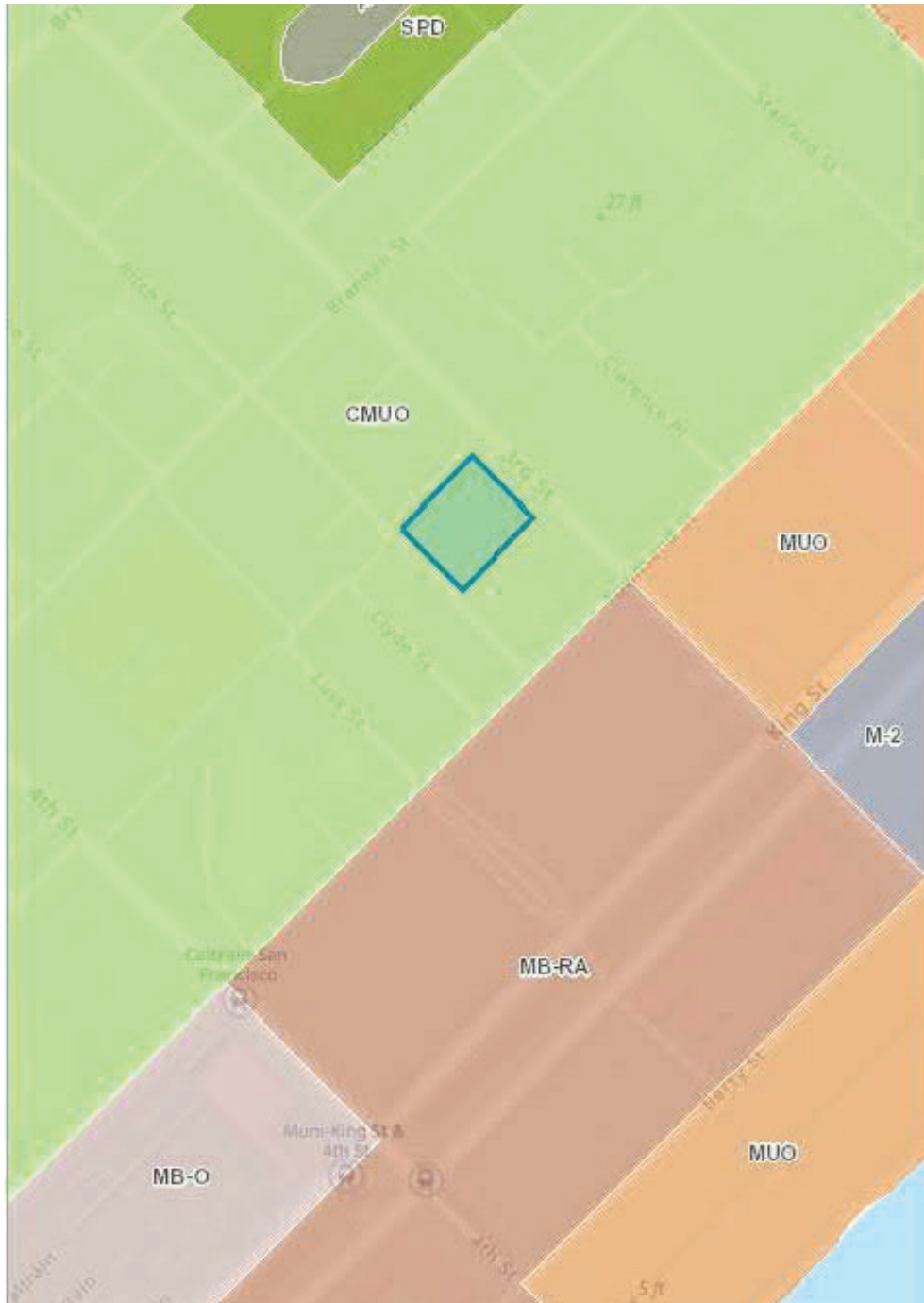


SUBJECT PROPERTY



OFA/VAR Hearing
2019-011944OFA
660 3rd Street

Zoning Map



Site Photo



Source: South End Historic District, National Register Certification, Final (2008)

Exhibit F:

Project Sponsor Brief

REUBEN, JUNIUS & ROSE, LLP

James Reuben

jreuben@reubenlaw.com

September 30, 2021

Delivered Via Email (alex.westhoff@sfgov.org)

Joel Koppel, Commission President
San Francisco Planning Commission
49 South Van Ness Ave, Suite 1400
San Francisco, CA 94103

Re: 660 Third Street
Planning Case Number: 2019-011944OFA
Hearing Date: October 14, 2021
Our File No.: 7462.01

Dear President Koppel and Commissioners:

This office represents Gorr Partners, LLC¹, the owners (“Owners”) of the property located at 660 Third Street (the “Property”). The Owners are proposing to bring the first and second floors of the existing historic building into compliance with the Planning Code by requesting an Office Allocation Authorization pursuant to Section 321 for 36,699 square feet. This Planning Commission hearing is the culmination of an almost decade long process to legalize the long-standing office use at the Property. No alterations – either exterior or interior – are proposed as a part of this Project.

The existing four-story building was constructed in 1902 and is identified as a Category A building that is a contributor to the South End Historic District. Office use began at the Property in the 1980s when it was principally permitted and has continued since. Half of the building’s office use was legalized in 2014 through the provisions that allowed Conditional Use Authorization for office use in certain historic buildings. Although such approvals were commonplace at the time, the project was swept into a maelstrom created by an unrelated project at Showplace Square, known as “One Henry Adams Street”, and was only permitted to legalize half of the office use at the Property. Now, pursuant to a Board of Appeals decision, the Property is back before you for a small cap Office Allocation that will officially legalize the use in the balance of the building. The Property’s unusual and complex entitlement history is discussed in more detail below. Since the prior Planning Commission hearings in 2014, the Property has been rezoned to the Central SoMa-Mixed Use Office (“CMUO”) Zoning District and the Central SoMa Special Use District (“SUD”), where office uses are both permitted and encouraged.

¹ The principals of Gorr Partners, LLC are Daniel and Ariel Rabin, the children of Irving Rubin, who purchased the Building in 1962. The Building has been owned by the family for 53 years.

A. Building and Entitlement History

The Property has been in the Rabin family since 1962. The family owned enterprise, Butterfield Auction Company, occupied most of the building from 1980 to the early 1990s as its offices, and since then the building has continued to be used by other office tenants.

When the patriarch of the family, Irving Rabin, passed away in 2012, his sons initiated the Planning review process in accordance with procedures for office use in historic buildings that were in effect at the time. They aimed to try to clear up any ambiguity in the Planning Department records regarding the use of the building as office since 1980. A Conditional Use Authorization was required because the Property was located within the Service, Light Industrial (“SLI”) Zoning District, which did not permit office use as a matter of right. Even though the building had been operated by the family as an office since the 1980s, there were no records or leases sufficient to demonstrate grandfathered office use to the Planning Department’s strict requirements.

On September 11, 2014, the Property received an Office Allocation Authorization and Conditional Use Authorization for the legalization of the office uses, but only on the third and fourth floors of the building due to reasons unrelated to the Property or the ownership. (*See* Planning Department File No. 2013.0627 and Motion No. 19235.) The Planning Commission made the following findings: (a) the conversion will contribute to the economic diversity and mixed-use character of the neighborhood and reuse a contributing building in a designated historic district; and (b) it will enhance the feasibility of preserving the Property by allowing office use and by undertaking a Historic Building Maintenance Plan. Building Permit No. 2014-1125-2480 was issued on November 12, 2015 effectuating the change of uses on the upper floors.

On August 28, 2015, the Zoning Administrator issued a Notice of Violation and Penalty (“NOVP”) alleging that the Property’s first and second floors were being utilized for office use in violation of the Planning Code and Planning Commission Motion No. 19235.

On July 18, 2018, the Board of Appeals in Appeal No. 15-125, modified the NOVP noting that the Owners had made a “good faith attempt to bring the Property into compliance with the Planning Code” and ultimately required that the first and second floors of the Property be brought into compliance with the Planning Code. “Compliance shall mean that either: 1) all unauthorized office uses on the first and second floors have been discontinued or 2) work under a Building Permit (with Planning Department approval) to legalize the office uses on the first and second floors has been completed.” (See BPA decision No. 15-125).

Pursuant to this Board of Appeals decision, the owners filed an Office Allocation application for 36,699 square feet to bring the first and second floors into compliance. The Property was recently rezoned to be within the CMUO Zoning District as part of the Central SoMa Area Plan, which allows office use as a matter of right. However, an Office Allocation as well as a Variance from the active use requirements for office uses on the ground floor in the Central SoMa SUD are required. This Office Allocation application has been pending since the 2019 filing.

B. Office Allocation

As noted above, this Office Allocation will legalize the long-standing office use for the bottom two floors of the building and bring a long-awaited close to the Owners' efforts to legalize the established office use. The Planning Commission's findings in 2014 still apply today. The project will contribute to the economic diversity and mixed-use character of the neighborhood and enhance the feasibility of preserving the historic Property. The building is not an appropriate or desirable option for PDR and retail uses due to the building's column spacing, low ceiling heights, lack of fenestration along Ritch Street, and lack of parking and loading space. As such, the Property has contained office uses since the 1980s, and is currently occupied by a variety of office tenants. This is typical for the subject block, where many historic buildings have undergone adaptive reuse. For example, a similar building located directly across the street at 665 Third Street was granted Conditional Use Authorization for office use in 2013.

The office use is also consistent with the Central SoMa Plan. The Central SoMa Plan rezoned many industrially-zoned parcels in the area between Harrison, Second, Townsend, and 6th Streets (including the Property) to permit the creation of additional office use. Allocation of office space at the Property is consistent with the Central SoMa Plan's goal of developing the surrounding transit rich, walkable neighborhood with denser commercial development, and would directly advance policies and objectives of the Plan including (1) to increase the capacity for jobs and housing and (2) to facilitate an economically diverse and lively job center.

Approval of the Office Allocation would not only ensure preservation and maintenance for an important historic building, provide a use that is compatible with the neighborhood, and avoid the displacement of existing office tenants, but it would also result in significant contributions to a number of impact fees including those that support affordable housing, child care services, public open space and recreational facilities, streetscape improvements, public schools, and transportation and infrastructure improvements. For these reasons, we respectfully request that you grant the Office Allocation approval.

Very truly yours,

REUBEN, JUNIUS & ROSE, LLP



James Reuben

cc: Kathrin Moore, Commission Vice-President
Deland Chan, Commissioner
Sue Diamond, Commissioner
Frank S. Fung, Commissioner
Theresa Imperial, Commissioner
Rachael Tanner, Commissioner
Alex Westhoff, Project Planner