



EXECUTIVE SUMMARY

CONDITIONAL USE/OFFICE ALLOCATION

HEARING DATE: JUNE 3, 2021

Record No.: 2021-000444CUA/OFA
Project Address: 135 POST STREET
Zoning: C-3-R (Downtown Retail) Zoning District
80-130-F Height and Bulk District
Block/Lot: 0310/021
Project Sponsor: Daniel Frattin
Reuben, Junius & Rose LLP
One Bush Street
San Francisco, CA 94108
Property Owner: Seaker & Sons, c/o Lew Fong Leung Lee & Chan
San Francisco, CA 94104
Staff Contact: Kevin Guy – (628) 652-7325
kevin.guy@sfgov.org

Recommendation: Approval with Conditions

Project Description

The Project would establish approximately 49,000 square feet of general office uses at floors three through six of an existing six-story building. The building previously housed the retail, back-of-house, and support offices of “Gump’s”, a local retailer first established in San Francisco in 1861. However, Gump’s closed this location in 2018.

Required Commission Action

In order for the Project to proceed, the Commission must grant a Conditional Use Authorization, pursuant to Planning Code Sections 210.2 and 303 to allow non-retail sales and service (general office) use at the third floor of the existing building, and to allow office uses greater than 5,000 square feet on floors four through six of the existing building.

In addition, the Commission must grant an Office Allocation, pursuant to Planning Code Sections 320-325, to allow the establishment of 49,000 square feet of office uses.

Issues and Other Considerations

- **Upper Story Office Uses:** The Planning Code states that the purpose of the C-3-R District is to serve as, "...a regional center for comparison shopper retailing and direct consumer services." Retail and service uses are principally permitted at all levels, while office uses are generally only principally permitted if they are small and serve the general public (such as a travel agency). The intent of these regulations is to create a vibrant and diverse regional shopping district in the vicinity of Union Square. However, this area is currently experiencing a substantial number of retail vacancies. Upper-story retail spaces can be particularly difficult to fill with certain types of tenants (such as apparel stores). Retail sales in urban environments relies strongly on engaging with the pedestrian realm to visually merchandise products and create a vibrant and engaging experience. Retail spaces on upper stories are disengaged from this pedestrian realm, and are difficult to successfully operate for many retail sales establishments.
- **Office Allocation:** The Project requires an allocation of office space available for office projects of between 25,000 and 49,999 square feet ("Small Cap"). As of May 25, 2012, there exists 728,338 square feet of office space available for allocation within the Small Cap during this Approval Period, which ends October 16, 2021. With the allocation of 49,000 square feet of net new office space to the Project, 679,338 square feet would be available for allocation.
- **Public Comment & Outreach.**
 - **Support/Opposition:** Department received one email regarding the proposed project from a resident of the "Graystone Hotel", an SRO hotel located across Maiden Lane to the south of the Project Site. The resident did not indicate that they are opposed to the Project, but they expressed concerns regarding the noise generated by construction of the Project, as well as operational noise from deliveries and trash collection for the office space.

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 Downtown Area Plan and the Objectives and Policies of the General Plan. Although the Project results in a loss of potential retail space, there are ample opportunities for tenants to occupy the large number of vacant ground-floor spaces within Union Square and throughout the city. The proposed office use would occupy otherwise-vacant space on floors three through six of an existing building, without altering the exterior of the building or changing the fundamentally retail character of the pedestrian realm. Workers in the office space would support the retail functions of the district by shopping for convenience needs and patronizing restaurants. In addition, leasing of the office space will provide a revenue stream to preserve the existing building, which was originally constructed in 1908 and is located within the Kearny-Market-Mason-Sutter Conservation District. 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

Draft Motion – Office Allocation with Conditions of Approval

Exhibit B – Plans and Renderings

Exhibit C – Maps and Context Photos

Exhibit D - Project Sponsor Brief



PLANNING COMMISSION DRAFT MOTION

HEARING DATE: JUNE 3, 2021

Record No.: 2021-000444CUA
Project Address: 135 POST STREET
Zoning: C-3-R (Downtown Retail) Zoning District
80-130-F Height and Bulk District
Block/Lot: 0310/021
Project Sponsor: Daniel Frattin
Reuben, Junius & Rose LLP
One Bush Street
San Francisco, CA 94108
Property Owner: Seaker & Sons, c/o Lew Fong Leung Lee & Chan
San Francisco, CA 94104
Staff Contact: Kevin Guy – (628) 652-7325
kevin.guy@sfgov.org

ADOPTING FINDINGS TO APPROVE A CONDITIONAL USE AUTHORIZATION PURSUANT TO PLANNING CODE SECTIONS 210.2 AND 303 TO ALLOW OFFICE USES ON THE THIRD FLOOR OF THE EXISTING BUILDING, AND TO ALLOW OFFICE USES GREATER THAN 5,000 SQUARE FEET PER USE ON FLOORS FOUR THROUGH SIX OF THE EXISTING BUILDING (A TOTAL OF APPROXIMATELY 49,000 SQUARE FEET OF OFFICE USES), LOCATED AT 135 POST STREET, LOT 021 IN ASSESSOR'S BLOCK 0310, WITHIN THE C-3-R ZONING DISTRICT AND THE 80-130-F HEIGHT AND BULK DISTRICT, AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

PREAMBLE

On January 12, 2021, Daniel Frattin of Reuben, Junius & Rose LLP (hereinafter "Project Sponsor") filed Application No. 2021-000444CUA (hereinafter "Application") with the Planning Department (hereinafter "Department") for a Conditional Use Authorization to establish office uses on the third floor of the existing building, and to establish office uses greater than 5,000 square feet per use on floors four through six of the existing building (a total of approximately 49,000 square feet of office uses) (hereinafter "Project"), at 135 Post Street, Block 0310, Lot 021 (hereinafter "Project Site").

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

On June 3, 2021, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Authorization Application No. 2021-000444CUA.

The Planning Department Commission Secretary is the custodian of records; the File for Record No. 2021-000444CUA 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 Conditional Use Authorization as requested in Application No. 2021-000444CUA, 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 would establish approximately 49,000 square feet of general office uses at floors three through six of an existing six-story building.
3. **Site Description and Present Use.** The Project is located on the south side of Post Street between Grant Avenue and Kearny Street. The Project Site contains an existing six-story building constructed in 1908, measuring a total of 73,500 square feet. The ground and second floors previously contained the retail floors of “Gump’s”, a local retailer first established in San Francisco in 1861. Floors three and four contained back-of-house and support offices for “Gump’s”. These floors were vacated when Gump’s closed this location in 2018. Floors five and six have hosted office uses that were independent of any retail operations for approximately 25 years. However, the Planning Department has determined that the office uses on these floors were not authorized, and that the authorized use of the entirety of the building is for retail.
4. **Surrounding Properties and Neighborhood.** The Project Site is located within the C-3-R Zoning District in the Downtown Area Plan. The immediate context is mixed in character with retail, office, and residential uses. The scale of development in the immediate area varies greatly, characterized by two-to-ten story buildings. Building heights generally increase in the Financial District to the east, and in SOMA to the south. The neighborhood also includes a number of prominent public open spaces, including Union Square to the west, Salesforce Park to the east, and Jessie Square and Yerba Buena Gardens to the south. Numerous arts and institutional uses are also located in the vicinity, including SFMOMA, the Moscone Center, the Contemporary Jewish Museum, Yerba Buena Center for the Arts, the Children’s Creativity Museum, and the Museum of the African Diaspora. Other zoning districts in the vicinity of the project site include: P (Public), C-3-O (Downtown Office), and C-3-O(SD) (Downtown Office, Special Development).
5. **Public Outreach and Comments.** The Department received one email regarding the proposed project from a resident of the “Graystone Hotel”, an SRO hotel located across Maiden Lane to the south of the Project Site. The resident did not indicate that they are opposed to the Project, but they expressed concerns regarding the noise generated by construction of the Project, as well as operational noise from deliveries and trash collection for the office space.
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 210.2 states that a Conditional Use Authorization is required for Non-Retail Sales and Service uses at the third floor. In addition, this Section specifies that Conditional Use Authorization is required for Non-Retail Sales and Service uses larger than 5,000 square feet on floors four through six.

The Project would establish office uses at floors three through six of the existing building on the Project Site. Section 210.2 includes specific findings that the Commission must make in order to grant

Conditional Use Authorization for the proposed office uses. Conformance with these findings is discussed in Section 7 below.

- B. Street Frontage in Neighborhood Commercial Districts.** Section 145.1 of the Planning Code requires that within NC Districts space for active uses shall be provided within the first 25 feet of building depth on the ground floor and 15 feet on floors above from any facade facing a street at least 30 feet in width.

The proposed third-floor office space would exhibit visible frontage on both Post Street and Maiden Lane. Office uses are considered active uses by Section 145.1, because the nature of the use does not require non-transparent walls.

- C. Off-Street Freight Loading.** Planning Section 152.1 of the Planning Code requires 0.1 off-street loading space for each 10,000 square feet of office uses, rounded to the closest whole number.

The Project would establish approximately 49,000 square feet of office uses; thus, the Project does not require any off-street loading spaces.

- D. Transportation Demand Management (TDM) Plan.** Planning Code Section 169 requires certain project to submit and finalize a TDM Plan prior to Planning Department approval of the first Building Permit or Site Permit.

For project involving a change of use, Section 169 requires the submittal of a TDM Plan if the change would result in at least 25,000 square feet of any use other than Residential. The proposed Project would establish approximately 49,000 square feet of office uses in a space that was previously approved for retail uses. Therefore, conditions of approval have been added requiring the submittal of a TDM plan prior at the time of the submittal of the first building or site permit.

- F. Office Allocation.** Planning Code Section 320 through 325 specify that the Commission must grant specific approval for certain office developments, including the adoption of specified findings. In addition, these Sections set a limit of 950,000 square feet of office space that may be approved annually.

Pursuant to Section 320, a project which results in more than 25,000 square feet of additional office space is considered an "office development", by definition. Therefore, the Commission will separately consider specific authorization for office allocation for the project. Conformance with the specified findings of Section 321(b)(3) is discuss in Motion No. XXXXX for Application No. 2021-000444OFA.

- 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 new uses and building, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable, and compatible with, the neighborhood or the community.

The Project Site is located within the Downtown core, an area characterized by an intense mix of a wide variety of uses. Many buildings in the vicinity contain office uses on upper stories over ground-floor retail, particularly within the Financial District to the east of the Project Site. The office use proposed by the Project is relatively small in size (49,000 square feet) and would not undermine the core retail functions of the C-3-R District. Because the office uses are located on floors three through six, the Project would not affect the retail shopping experience at the pedestrian level.

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

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

The height and bulk of the existing building will remain the same and will not alter the existing appearance or character of the project vicinity. The proposed work will not affect the building envelope.

- (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;

The Planning Code does not require parking or loading for the proposed office uses. The Project is located within the Downtown core, which is the nexus of City-wide and regional transit services. Abundant transportation options are available within walking distance of the Project Site, including numerous Muni bus lines, bus lines from other regional transit providers (such as AC Transit and Golden Gate Transit), and Muni Metro and BART service. Given the abundant transit service in the area, the proposed use should not generate significant amounts of private vehicular trips.

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

The Project would occupy floors three through six of an existing building and would not alter the existing relationship of the building to its surroundings. The proposed office use will not generate noise, glare, dust, or odors.

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

The proposed office use does not require any exterior alterations of the building or the Project Site. Given the relatively small size of the office use, no new parking or loading areas are required or proposed.

- C. That the use as proposed will comply with the applicable provisions of the Planning Code and will not adversely affect the General Plan.

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

- D. That the use as proposed would provide development that is in conformity with the purpose of the applicable Use district.

As stated in Section 210.2, the purpose of the C-3-R District is to serve as, "...a regional center for comparison shopper retailing and direct consumer services." This Section further states that, "Within the District, continuity of retail and consumer service uses is emphasized, with encouragement of pedestrian interest and amenities..." While the proposed office use does not directly contribute to the core retail functions of the C-3-R District, the uses would be located on the floors three through six in a manner that is not readily visible by pedestrians and visitors to the area. The existing ground floor of the building is characterized by a procession of retail tenant spaces on both the Post Street and Maiden Lane frontages. This existing retail presence will not be affected by the Project. The Project will indirectly support the retail functions of the District as workers in the newly-established office space patronize retail and restaurant establishments in the area.

- 8. Third-Story Non-Retail Sales and Service Findings.** In addition to the criteria of Section 303(c) of this Code, the Code specifies that the Commission consider the following criteria to establish the proposed office use at the third floor within the C-3-R District:

- A. The proposed use would not require modification of the location that would negatively impact existing architectural, historic and aesthetic features, or otherwise inhibit the conversion back to a principally-permitted use in the future.

The Project would not alter the exterior of the building on the Project Site, which was constructed in 1908 and is located within the Kearny-Market-Mason-Sutter Conservation District. The building was previously occupied by a retail tenant, as well as various back-of-house and office functions. The proposed office uses would not inhibit the future conversion of the space to retail and service uses, which are emphasized in the Planning Code as the primary purpose of the C-3-R District.

- B. The proposed use would not have an actual or potential adverse impact on adjacent zoning districts in which non-retail sales and services uses are not permitted.

The Project Site is surrounded by other zoning districts which principally permit non-retail sales and service uses (such as offices) above the ground floor, including the C-3-O, C-3-O(SD), and C-3-S Districts. The Project would add office uses into an area where they are already common and would not potentially undermine the character of the neighborhood introducing an incompatible use.

- C. the proposed use will not result in the development of non-retail sales and services uses such that the District's primary function is no longer an area for comparison shopper retailing.

The zoning controls of the C-3-R District strongly emphasize principally-permitted uses such as retail stores and restaurants. However, retail sales in urban environments relies strongly on engaging with the pedestrian realm to visually merchandise products and create a vibrant and engaging

experience. Retail spaces on upper stories are disengaged from this pedestrian realm, and are difficult to successfully operate for many retail sales establishments. There are currently many vacant ground-floor retail spaces in the area of the Project Site. Therefore, the proposed office uses would not foreclose on the overall supply of available retail space in the city. The office uses would occupy an otherwise-vacant space on the upper floors of an existing building, without altering the exterior of the building or changing the fundamentally retail character of the pedestrian realm.

- D. The proposed use would complement or support principally-permitted uses in the District, and the site of the proposed use is not conducive to any principally-permitted uses in the District by virtue of physical limitations, including but not limited to the size and orientation of the floor plate and the nature of independent access to the third floor

The office uses proposed by the Project would be located on floors three through six, in spaces that do not benefit from direct visual interface with the pedestrian realm. Due to the upper-story location, it would difficult for pedestrians to readily notice and recognize retail tenants on these floors. This severely limits the types of retail operators that would seek to lease an upper-story space. In addition, the upper floors are accessed via an elevator bank at the end of a common hallway past a security desk. The physical nature of this access feels private and would discourage the kind of casual engagement between customer and retail establishment that defines successful urban retail districts. The Project would fill an otherwise vacant space with office uses.

9. **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

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

DOWNTOWN PLAN

Objectives and Policies

OBJECTIVE 2

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

Policy 2.1

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

OBJECTIVE 3

IMPROVE DOWNTOWN SAN FRANCISCO'S POSITION AS THE REGION'S PRIME LOCATION FOR SPECIALIZED RETAIL TRADE.

Policy 3.3

Preserve retail service businesses in upper floor offices in the retail district.

Policy 3.5

Meet the convenience needs of daytime downtown workers.

OBJECTIVE 12

CONSERVE RESOURCES THAT PROVIDE CONTINUITY WITH SAN FRANCISCO'S PAST.

Policy 12.1

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.

The Project would facilitate the use of a space that is currently vacant and is unsuitable for a traditional retail tenant. The upper floors of the building lack direct visibility and connection to the pedestrian realm. There are currently a substantial number of vacant ground-floor retail spaces in the vicinity that would be much more attractive to future tenants. The proposed office use is compatible and consistent with the intense mix of retail, professional, and residential uses in the larger Downtown area. Workers in the office space would support the retail functions of the district by shopping for convenience needs and patronizing restaurants. In addition, leasing of the office space will provide a revenue stream to preserve the existing building, which was originally constructed in 1908 and is located within the Kearny-Market-Mason-Sutter Conservation District.

10. 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 space proposed for office uses is currently vacant. Due to the upper-story location and lack of independent access from the street, the space is difficult to operate for a traditional retail tenant. There are currently many vacant ground-floor retail spaces in the vicinity of the Project Site, therefore, the establishment of office uses proposed by the project would not diminish opportunities for future neighborhood-serving retail 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 Project Site does not contain any housing, and no residents would be displaced by the Project. The proposed office uses are consistent with the intense, varied mix of uses found in the Downtown core, and would not diminish the primary retail functions of the C-3-R District.

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

The Project would not displace any affordable housing stock.

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

The Project Site lies at the confluence of the major local and regional transit services in the Bay Area. The majority of workers in the proposed office space would arrive by transportation modes other than private vehicles.

- 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 space proposed for office use is currently vacant. While many retail and service sector uses are principally permitted with the C-3-R Zoning District, the physical configuration and upper-story location of the space makes it unsuitable for a traditional retailer. Many vacant retail spaces are currently available in the area, and approval of the Project would not diminish opportunities to enhance service sector employment or ownership.

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

Implementation of the Project would require minor interior tenant improvements that would not affect the structural performance of the building. This proposal will not impact the property's ability to withstand an earthquake.

- G. That landmarks and historic buildings be preserved.

The existing building on the Project Site was originally constructed in 1908 and is located within the Kearny-Market-Mason-Sutter Conservation District. The Project would not alter the exterior of the building, and will provide rental income to promote the ongoing economic viability and physical maintenance of the building.

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

The Project would not alter the physical envelope of the building, and will therefore have no effect on shadows cast on parks and open spaces.

- 11. 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.

- 12.** 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.
- 13.** 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. 2021-000444CUA** subject to the following conditions attached hereto as “EXHIBIT A” in general conformance with plans on file, dated June 3, 2021, 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 June 3, 2021.

Jonas P. Ionin
Commission Secretary

AYES:

NAYS:

ABSENT:

RECUSE:

ADOPTED: June 3, 2021

EXHIBIT A

Authorization

This authorization is for a conditional use to allow office uses located at floors three through six of an existing building at 135 Post Street, Lot 021 of Assessor's Block 0310, pursuant to Planning Code Section(s) 210.2 and 303 within the C-3-R District and the 80-130-F Height and Bulk District; in general conformance with plans, dated June 3, 2021, and stamped "EXHIBIT B" included in the docket for Record No. 2021-000444CUA and subject to conditions of approval reviewed and approved by the Commission on June 3, 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 June 3, 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.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

7.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 the date that the Planning Code text amendment(s) and/or Zoning Map amendment(s) became effective.

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

8.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

9.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

10. Additional Project Authorization. The Project Sponsor must obtain a Project authorization under Sections 321 and 322 to allocate office square footage 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

Parking and Traffic

- 11. 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

Provisions

- 12. Downtown Park Fee - C-3 District.** The Project is subject to the Downtown Park Fee, as applicable, pursuant to Planning Code Section 412.

For information about compliance, contact the Case Planner, Planning Department at 628.652.7325, www.sfplanning.org

- 13. 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 628.652.7325, www.sfplanning.org

- 14. Union Square Park, Recreation, and Open Space Fee - C-3-R District.** The Project is subject to the Union Square Park, Recreation, and Open Space Fee, as applicable, pursuant to Planning Code Section 435.

For information about compliance, contact the Case Planner, Planning Department at 628.652.7325, www.sfplanning.org

- 15. 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

Monitoring - After Entitlement

- 16. 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

- 17. 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 628.652.7463, www.sfplanning.org

- 18. 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

- 19. Community Liaison.** Prior to issuance of a building permit to construct the project and implement the approved use, the Project Sponsor shall appoint a community liaison officer to deal with the issues of concern to owners and occupants of nearby properties. The Project Sponsor shall provide the Zoning Administrator 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



PLANNING COMMISSION DRAFT MOTION

HEARING DATE: JUNE 3, 2021

Record No.: 2021-000444OFA
Project Address: 135 POST STREET
Zoning: C-3-R (Downtown Retail) Zoning District
80-130-F Height and Bulk District
Block/Lot: 0310/021
Project Sponsor: Daniel Frattin
Reuben, Junius & Rose LLP
One Bush Street
San Francisco, CA 94108
Property Owner: Seaker & Sons, c/o Lew Fong Leung Lee & Chan
San Francisco, CA 94104
Staff Contact: Kevin Guy – (628) 652-7325
kevin.guy@sfgov.org

ADOPTING FINDINGS TO APPROVE AN OFFICE ALLOCATION PURSUANT TO PLANNING CODE SECTIONS 320 THROUGH 325 TO ALLOW APPROXIMATELY 49,000 SQUARE FEET OF OFFICE USES ON THE THIRD THROUGH SIXTH FLOORS OF THE EXISTING BUILDING, LOCATED AT 135 POST STREET, LOT 021 IN ASSESSOR'S BLOCK 0310, WITHIN THE C-3-R ZONING DISTRICT AND THE 80-130-F HEIGHT AND BULK DISTRICT, AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

PREAMBLE

On January 12, 2021, Daniel Frattin of Reuben, Junius & Rose LLP (hereinafter "Project Sponsor") filed Application No. 2021-000444OFA (hereinafter "Application") with the Planning Department (hereinafter "Department") for an Office Allocation to establish approximately 49,000 square feet of office uses on the third through sixth floors of the existing building (hereinafter "Project"), at 135 Post Street, Block 0310, Lot 021 (hereinafter "Project Site").

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

On June 3, 2021, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Office Allocation Application No. 2021-000444OFA.

The Planning Department Commission Secretary is the custodian of records; the File for Record No. 2021-000444OFA 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 Allocation as requested in Application No. 2021-000444OFA, 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 would establish approximately 49,000 square feet of general office uses at floors three through six of an existing six-story building.
3. **Site Description and Present Use.** The Project is located on the south side of Post Street between Grant Avenue and Kearny Street. The Project Site contains an existing six-story building constructed in 1908, measuring a total of 73,500 square feet. The ground and second floors previously contained the retail floors of “Gump’s”, a local retailer first established in San Francisco in 1861. Floors three and four contained back-of-house and support offices for “Gump’s”. These floors were vacated when Gump’s closed this location in 2018. Floors five and six have hosted office uses that were independent of any retail operations for approximately 25 years. However, the Planning Department has determined that the office uses on these floors were not authorized, and that the authorized use of the entirety of the building is for retail.
4. **Surrounding Properties and Neighborhood.** The Project Site is located within the C-3-R Zoning District in the Downtown Area Plan. The immediate context is mixed in character with retail, office, and residential uses. The scale of development in the immediate area varies greatly, characterized by two-to-ten story buildings. Building heights generally increase in the Financial District to the east, and in SOMA to the south. The neighborhood also includes a number of prominent public open spaces, including Union Square to the west, Salesforce Park to the east, and Jessie Square and Yerba Buena Gardens to the south. Numerous arts and institutional uses are also located in the vicinity, including SFMOMA, the Moscone Center, the Contemporary Jewish Museum, Yerba Buena Center for the Arts, the Children’s Creativity Museum, and the Museum of the African Diaspora. Other zoning districts in the vicinity of the project site include: P (Public), C-3-O (Downtown Office), and C-3-O(SD) (Downtown Office, Special Development).
5. **Public Outreach and Comments.** The Department received one email regarding the proposed project from a resident of the “Graystone Hotel”, an SRO hotel located across Maiden Lane to the south of the Project Site. The resident did not indicate that they are opposed to the Project, but they expressed concerns regarding the noise generated by construction of the Project, as well as operational noise from deliveries and trash collection for the office space.
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 210.2 states that a Conditional Use Authorization is required for Non-Retail Sales and Service uses at the third floor. In addition, this Section specifies that Conditional Use Authorization is required for Non-Retail Sales and Service uses larger than 5,000 square feet on floors four through six.

The Project would establish office uses at floors three through six of the existing building on the Project Site. Section 210.2 includes specific findings that the Commission must make in order to grant

Conditional Use Authorization for the proposed office uses. Conformance with these findings is discussed in Motion No. XXXXX for Conditional Use Authorization Application No. 2021-000444CUA.

- B. **Street Frontage in Neighborhood Commercial Districts.** Section 145.1 of the Planning Code requires that within NC Districts space for active uses shall be provided within the first 25 feet of building depth on the ground floor and 15 feet on floors above from any facade facing a street at least 30 feet in width.

The proposed third-floor office space would exhibit visible frontage on both Post Street and Maiden Lane. Office uses are considered active uses by Section 145.1, because the nature of the use does not require non-transparent walls.

- C. **Off-Street Freight Loading.** Planning Section 152.1 of the Planning Code requires 0.1 off-street loading space for each 10,000 square feet of office uses, rounded to the closest whole number.

The Project would establish approximately 49,000 square feet of office uses; thus, the Project does not require any off-street loading spaces.

- D. **Transportation Demand Management (TDM) Plan.** Planning Code Section 169 requires certain project to submit and finalize a TDM Plan prior to Planning Department approval of the first Building Permit or Site Permit.

For project involving a change of use, Section 169 requires the submittal of a TDM Plan if the change would result in at least 25,000 square feet of any use other than Residential. The proposed Project would establish approximately 49,000 square feet of office uses in a space that was previously approved for retail uses. Therefore, conditions of approval have been added requiring the submittal of a TDM plan prior at the time of the submittal of the first building or site permit.

7. **Office Allocation Criteria.** Planning Code Sections 320 through 325 specify that the Commission must grant specific approval for certain office developments. In addition, these Sections set a limit of 950,000 square feet of office space that may be approved annually. Planning Code Section 321 establishes the following criteria for the Planning Commission to consider when reviewing applications for an Office Allocation:

- 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.

As of May 25, 2012, there exists 728,338 square feet of office space available for allocation to office projects between 25,000 and 49,999 square feet of office space ("Small Cap") during this Approval Period, which ends October 16, 2021. With the allocation of 49,000 square feet of net new office space to the Project, 679,338 square feet would be available for allocation.

Rather than constructing new employment space, the Project would convert existing retail spaces to office uses. Therefore, the impacts to housing, transportation, and public services would be less than if the Project entailed construction of new office space. The Project would continue the pattern of focusing citywide and regional job growth into an intense, urban context in an area supported by abundant

existing and planned transit services, as well as retail and service amenities. In addition, conditions of approval have been added which would generate fee revenue to support critical downtown services and infrastructure, including payment of Downtown Park, Child Care, and Union Square Park Fees. The Project would create both new construction jobs and permanent new jobs, and would comply with the requirements of the First Source Hiring Program (Chapter 83 of the Administrative Code) to maximize employment opportunities for local residents.

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

The Project Site is located within the Downtown core, an area characterized by an intense mix of a wide variety of uses. Many buildings in the vicinity contain office uses on upper stories over ground-floor retail, particularly within the Financial District to the east of the Project Site. The office use proposed by the Project is relatively small in size (49,000 square feet), and would not undermine the core retail functions of the C-3-R District. Because the office uses are located on floors three through six, the Project would not affect the retail shopping experience at the pedestrian level. In addition, the Project is located within the nexus of citywide and regional transit services. The addition of office space should not unduly burden transportation services for the area. The Project involves no exterior changes to the existing building, and it would not alter the relationship between the building and its surroundings. On balance, the Project is compatible with, and appropriate for the surround context of uses and urban form.

- C. Whether the proposed project includes development of New Affordable Housing Units.

The Project does not include the development of any new affordable housing units.

- D. The extent to which the project incorporates Community Improvements that exceed the requirements of zoning and City ordinances applicable to the project.

The Project is relatively small in size and entails the conversion of existing retail space to office uses. Therefore, the Project does not trigger Planning Code requirements for such community improvements. No exterior or streetscape changes are proposed by the Project.

- 8. General Plan Compliance.** The Project is, on balance, consistent with the Objectives and Policies of the Downtown Area Plan and the General Plan for the reasons set forth in the findings of in the Conditional Use Authorization Motion No. XXXXX, which are incorporated by reference as though fully set forth herein.
- 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 for the reasons set forth in the findings in the Conditional Use Authorization, Motion No. XXXXX, which are incorporated by reference as though fully set forth herein.
- 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 Office Allocation 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 Allocation Application No. 2021-000444OFA** subject to the following conditions attached hereto as “EXHIBIT A” in general conformance with plans on file, dated June 3, 2021, 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 Office Allocation to the Board of Appeals within fifteen (15) days after the date of this Motion. The effective date of this Motion shall be the date of adoption of this Motion if not appealed (after the 15-day period has expired) OR the date of the decision of the Board of Appeals if appealed to the Board of Appeals. For further information, please contact the Board of Appeals at (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 June 3, 2021.

Jonas P. Ionin
Commission Secretary

AYES:

NAYS:

ABSENT:

RECUSE:

ADOPTED: June 3, 2021

EXHIBIT A

Authorization

This authorization is for a office allocation to allow 49,000 square feet of office uses located at floors three through six of an existing building at 135 Post Street, Lot 021 of Assessor's Block 0310, pursuant to Planning Code Section(s) 210.2 and 303 within the C-3-R District and the 80-130-F Height and Bulk District; in general conformance with plans, dated June 3, 2021, and stamped "EXHIBIT B" included in the docket for Record No. 2021-000444OFA and subject to conditions of approval reviewed and approved by the Commission on June 3, 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 June 3, 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 Office Allocation and any subsequent amendments or modifications.

Severability

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

Changes and Modifications

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

CONDITIONS OF APPROVAL, COMPLIANCE, MONITORING, AND REPORTING

Performance

1. Validity. The authorization and right vested by virtue of this action is valid for eighteen (18) months 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.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

7.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 the date that the Planning Code text amendment(s) and/or Zoning Map amendment(s) became effective.

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

8.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

9.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

10. Additional Project Authorization. The Project Sponsor must obtain a Conditional Use authorization under Sections 210.2 and 303 to for Non-Retail Sales and Service uses at the third floor, and to allow Non-Retail Sales and Service uses larger than 5,000 square feet on floors four through six. The findings and conditions of Conditional Use Authorization Motion No. XXXXX for Application No. 2021-000444OFA are incorporated by reference as though fully set forth herein.

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

Monitoring - After Entitlement

- 11. 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

- 12. 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.

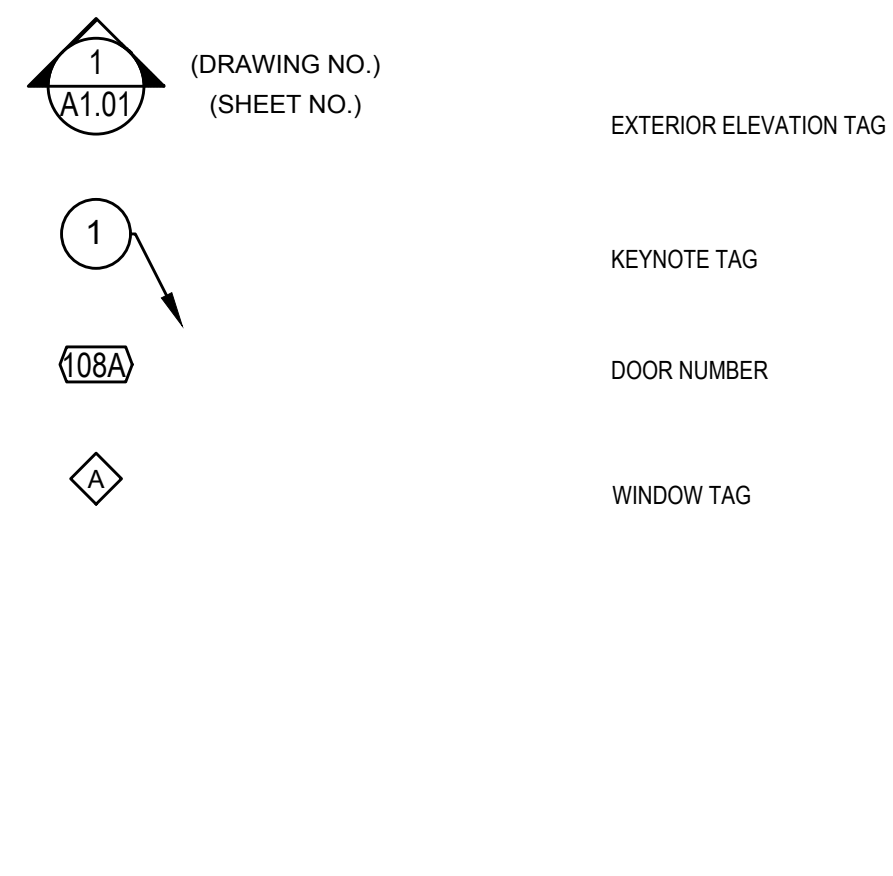
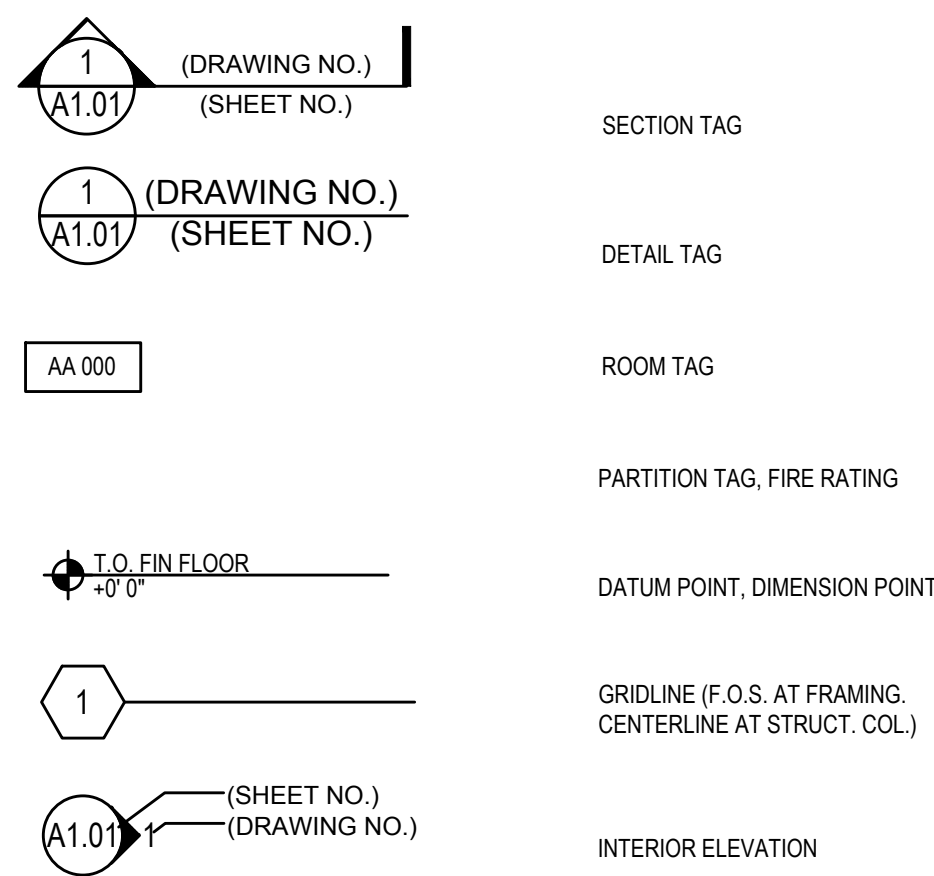
For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, www.sfplanning.org



Structural Engineer:
Murphy Burr Curry, Inc
85 Second Street, Suite 501
San Francisco, CA 94105
T: (415)-546-0431
E: aburr@mbcse.com
Contact: Alan Burr

Architect:
WZ Architecture
245 Vallejo Street
San Francisco, CA 94111
T: (415)-705-6214
E: k.wong@wzarc.com
Contact: Koonshing Wong

Owner:
Seeker & Sons
456 Montgomery Street, Suite 700
San Francisco, CA 94104
T: (415) 781.8277
E: billleung456@aol.com
Contact: Bill Leung



DRAWING SYMBOLS

6



VICINITY MAP

3

PROJECT ADDRESS

135 POST STREET
SAN FRANCISCO, CA 94108
APN / PARCEL NO: 0310/021

EXISTING + PROPOSED OCCUPANCY USE

EXISTING OCCUPANCY USE (FLOORS 1 - 6): M (RETAIL)
PROPOSED OCCUPANCY USE (FLOORS 1, 2): M (NO CHANGE)
PROPOSED OCCUPANCY USE (FLOORS 3 - 6): B (OFFICE)

CONSTRUCTION CLASSIFICATION

EXISTING TYPE OF CONSTRUCTION: TYPE II - 1 HR. STRUCTURAL STEEL/ FIREPROOFED
PROPOSED TYPE OF CONSTRUCTION: TYPE II - 1 HR. (NO CHANGE)
AUTOMATIC FIRE SPRINKLERS: YES

PLANNING ZONE

PLANNING ZONE: C-3-R - DOWNTOWN - RETAIL

FLOOR AREA

BASEMENT	4TH FLOOR
EXISTING: 14350 GSF	EXISTING RETAIL: 12250 GSF
PROPOSED: 14350 GSF	PROPOSED RETAIL: 0 GSF
CHANGE OF USE: 0 GSF	EXISTING OFFICE: 0 GSF
	PROPOSED OFFICE: 12250 GSF
	CHANGE OF USE: 12250 GSF
1ST FLOOR	5TH FLOOR
EXISTING RETAIL: 12250 GSF	EXISTING RETAIL: 12250 GSF
PROPOSED RETAIL: 12250 GSF	PROPOSED RETAIL: 0 GSF
EXISTING OFFICE: 0 GSF	EXISTING OFFICE: 0 GSF
PROPOSED OFFICE: 0 GSF	PROPOSED OFFICE: 12250 GSF
CHANGE OF USE: 0 GSF	CHANGE OF USE: 12250 GSF
2ND FLOOR	6TH FLOOR
EXISTING RETAIL: 12250 GSF	EXISTING RETAIL: 12250 GSF
PROPOSED RETAIL: 12250 GSF	PROPOSED RETAIL: 0 GSF
EXISTING OFFICE: 0 GSF	EXISTING OFFICE: 0 GSF
PROPOSED OFFICE: 0 GSF	PROPOSED OFFICE: 12250 GSF
CHANGE OF USE: 0 GSF	CHANGE OF USE: 12250 GSF
3RD FLOOR	TOTAL
EXISTING RETAIL: 12250 GSF	EXISTING RETAIL: 73500 GSF
PROPOSED RETAIL: 0 GSF	PROPOSED RETAIL: 24500 GSF
EXISTING OFFICE: 0 GSF	EXISTING OFFICE: 0 GSF
PROPOSED OFFICE: 12250 GSF	PROPOSED OFFICE: 49000 GSF
CHANGE OF USE: 12250 GSF	

SUMMARY OF WORK

CHANGE OF USE FROM RETAIL TO OFFICE ON 3RD - 6TH FLOORS.

BUILDING CODE

CALIFORNIA ADMINISTRATIVE CODE (CAC), 2016 EDITION
CALIFORNIA BUILDING CODE (CBC), 2016 EDITION
CALIFORNIA ELECTRICAL CODE (CEC), 2016 EDITION
CALIFORNIA MECHANICAL CODE (CMC), 2016 EDITION
CALIFORNIA PLUMBING CODE (CPC), 2016 EDITION
CALIFORNIA FIRE CODE (CFC), 2016 EDITION
STATE OF CALIFORNIA TITLE 24 ENERGY EFFICIENCY STANDARDS, 2016 EDITION
STATE OF CALIFORNIA TITLE 24 ACCESSIBILITY STANDARDS, 2016 EDITION

THE ARCHITECT OF THE RECORD ON THIS PROJECT WILL BE RESPONSIBLE FOR REVIEWING AND COORDINATING ALL SUBMITTAL DOCUMENTS PREPARED BY OTHERS, INCLUDING DEFERRED SUBMITTALS, FOR COMPATIBILITY WITH THE OVERALL DESIGN OF THE BUILDING.

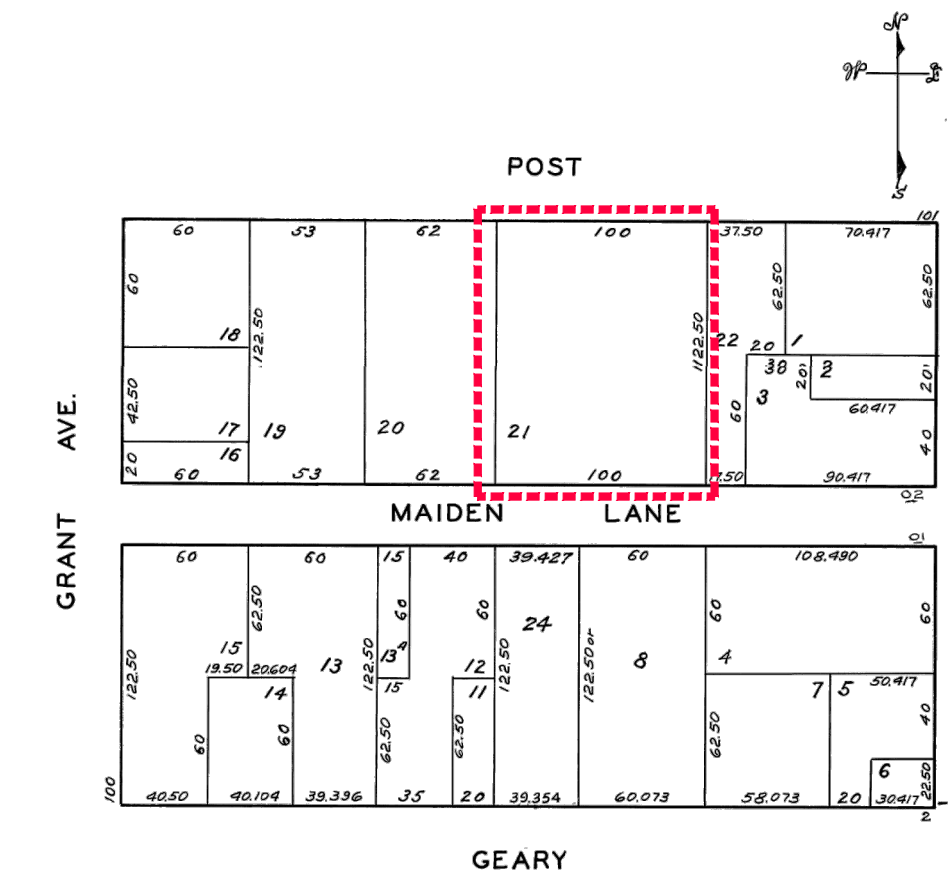
ABBREVIATIONS

5

PROJECT INFORMATION

4

310
50 VARA BLK. 97
REVISED 18



ASSESSOR'S BLOCK MAP

2

Change of Use
12/23/2020

DRAWING INDEX

SHEET	DESCRIPTION
G	GENERAL
	COVER PAGE
G0.01	GEN INFO INDEX
E/A	ARCHITECTURAL
E1.00	EXISTING FLOOR PLAN - BASEMENT
E1.01	EXISTING FLOOR PLAN - 1ST FLOOR
E1.02	EXISTING FLOOR PLAN - 2ND FLOOR
E1.03	EXISTING FLOOR PLAN - 3RD FLOOR
E1.04	EXISTING FLOOR PLAN - 4TH FLOOR
E1.05	EXISTING FLOOR PLAN - 5TH FLOOR
E1.06	EXISTING FLOOR PLAN - 6TH FLOOR
E1.07	EXISTING FLOOR PLAN - ROOF
E2.00	EXISTING NORTH ELEVATION - POST STREET
E2.01	EXISTING SOUTH ELEVATION - MAIDEN LANE
A1.00	PROPOSED FLOOR PLAN - BASEMENT
A1.01	PROPOSED FLOOR PLAN - 1ST FLOOR
A1.02	PROPOSED FLOOR PLAN - 2ND FLOOR
A1.03	PROPOSED FLOOR PLAN - 3RD FLOOR
A1.04	PROPOSED FLOOR PLAN - 4TH FLOOR
A1.05	PROPOSED FLOOR PLAN - 5TH FLOOR
A1.06	PROPOSED FLOOR PLAN - 6TH FLOOR
A1.07	PROPOSED FLOOR PLAN - ROOF

NOTE: If this drawing is not 24"X36" it has been revised from its original size. Scale noted on drawings/details are no longer applicable.

© 2012 WZ Architecture Inc.

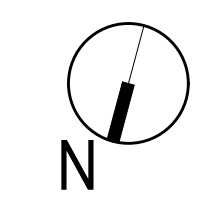
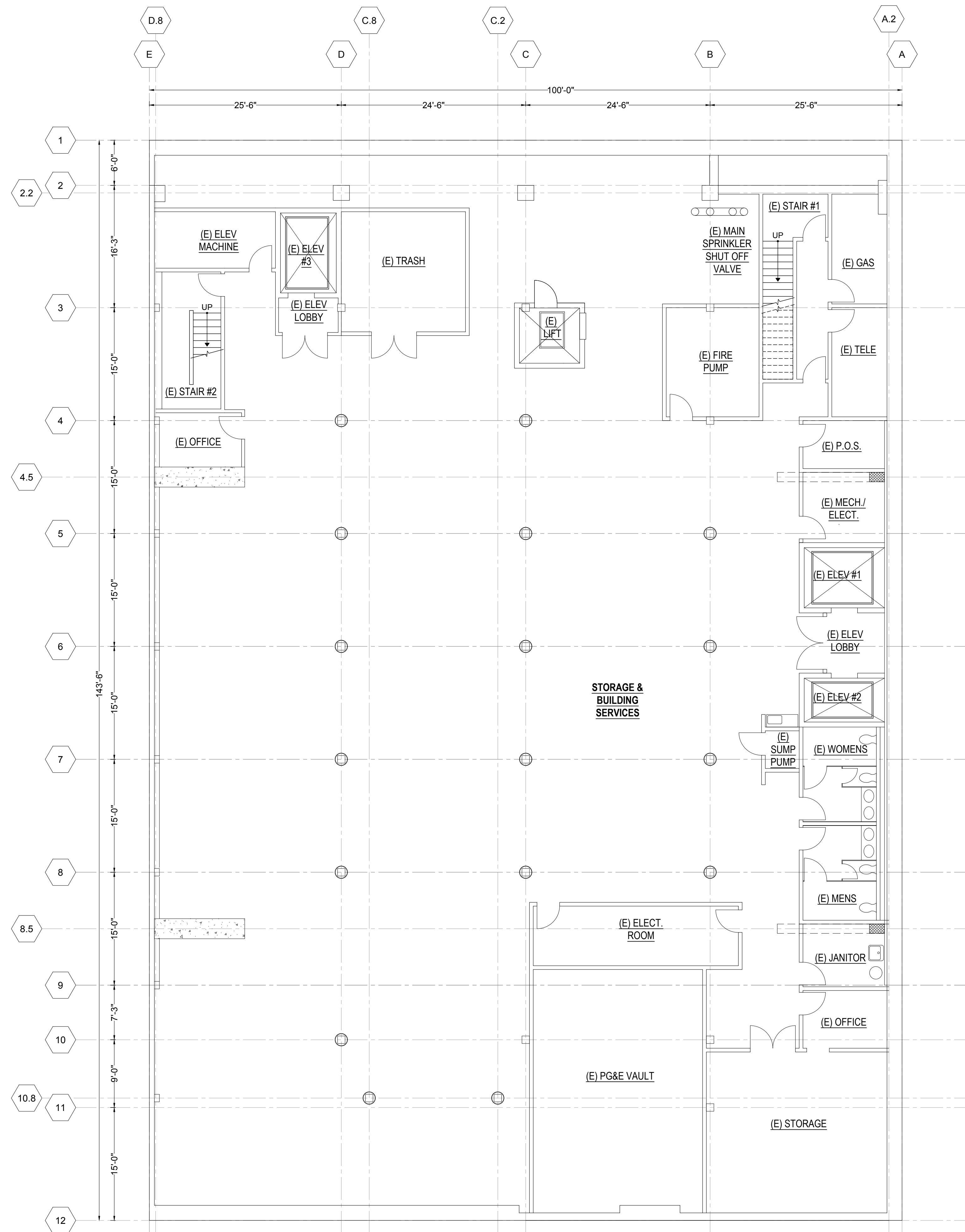
Project No:

Drawing Title:

GENERAL INFORMATION

Sheet No:

G-0.01



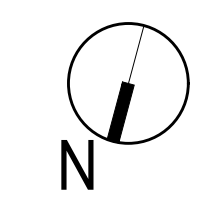
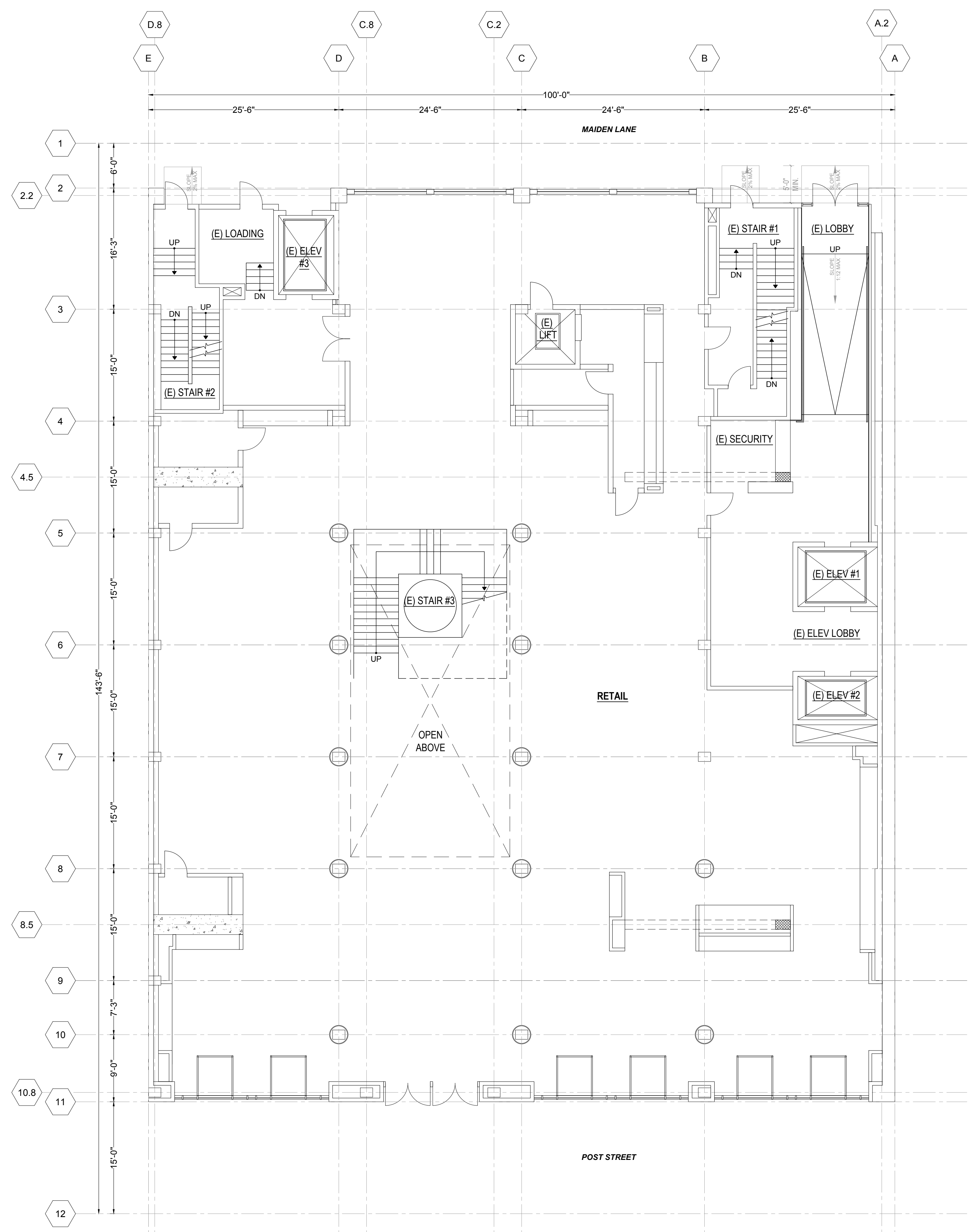
34 MAIDEN LANE
SAN FRANCISCO, CA 94108

Rev.	Date	Remarks
	12/23/2020	CHANGE OF USE APPLICATION

NOTE: If this drawing is not 24"x36" it has been revised from its original size. Scale noted on drawings/details are no longer applicable.
© 2012 WZ Architecture Inc.

Project No:
Drawing Title:
EXISTING FLOOR PLAN - BASEMENT

Sheet No:
E1.00



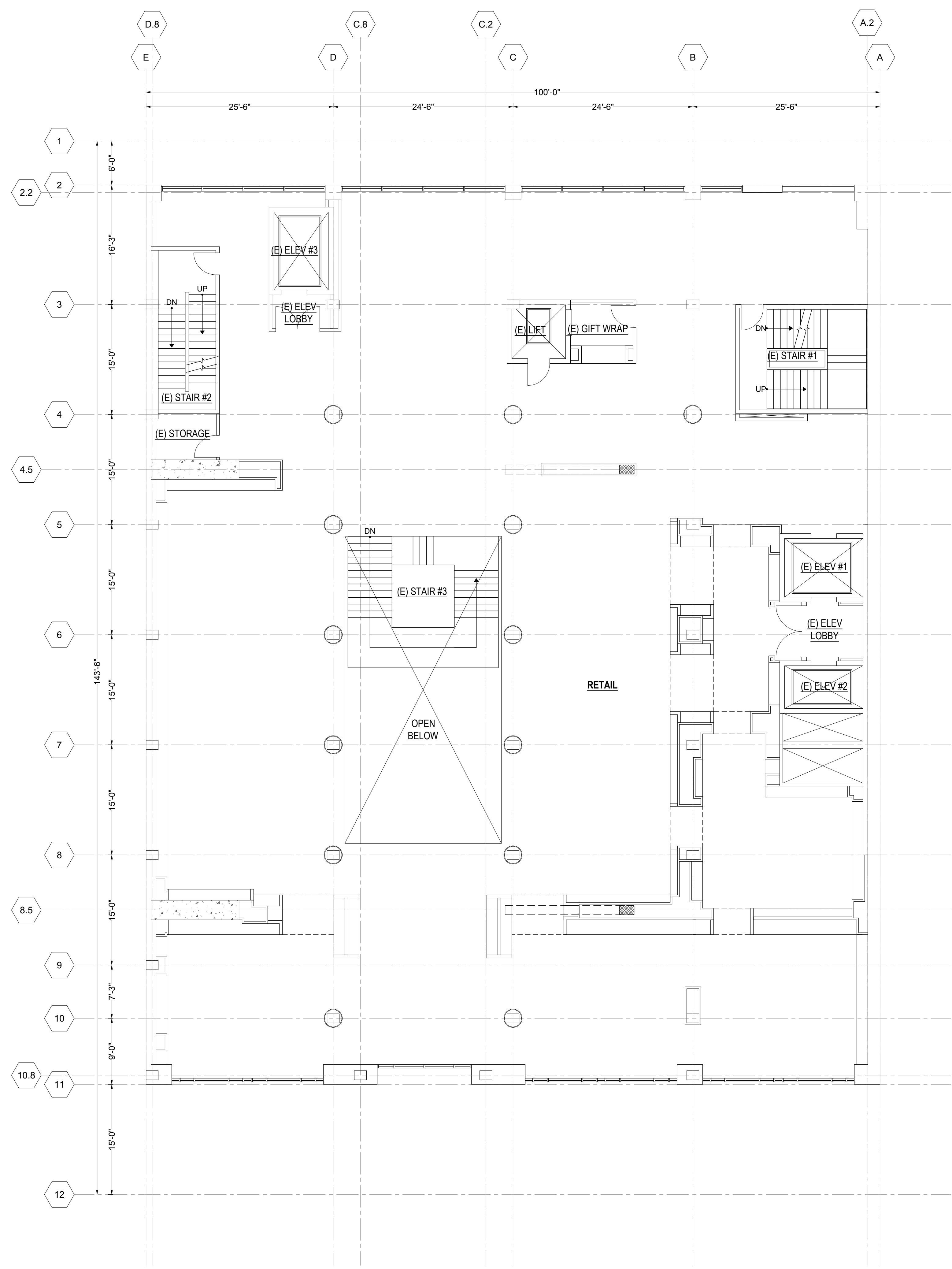
34 MAIDEN LANE
SAN FRANCISCO, CA 94108

Rev.	Date	Remarks
	12/23/2020	CHANGE OF USE APPLICATION

NOTE: If this drawing is not 24"x36" it has been revised from its original size. Scale noted on drawings/details are no longer applicable.
© 2012 WZ Architecture Inc.

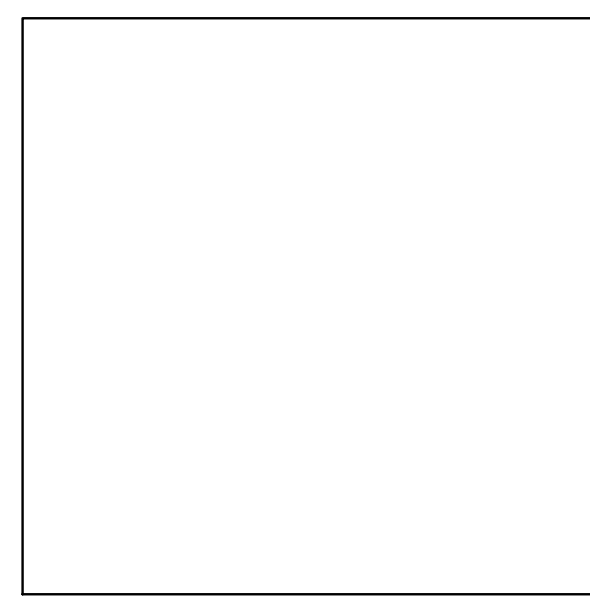
Project No:
Drawing Title:
EXISTING FLOOR PLAN - FIRST FLOOR

Sheet No:
E1.01



34 MAIDEN LANE
SAN FRANCISCO, CA 94108

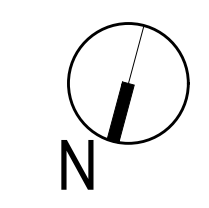
Rev.	Date	Remarks
	12/23/2020	CHANGE OF USE APPLICATION



NOTE: If this drawing is not 24"x36" it has been revised from its original size. Scale noted on drawings/details are no longer applicable.
© 2012 WZ Architecture Inc.

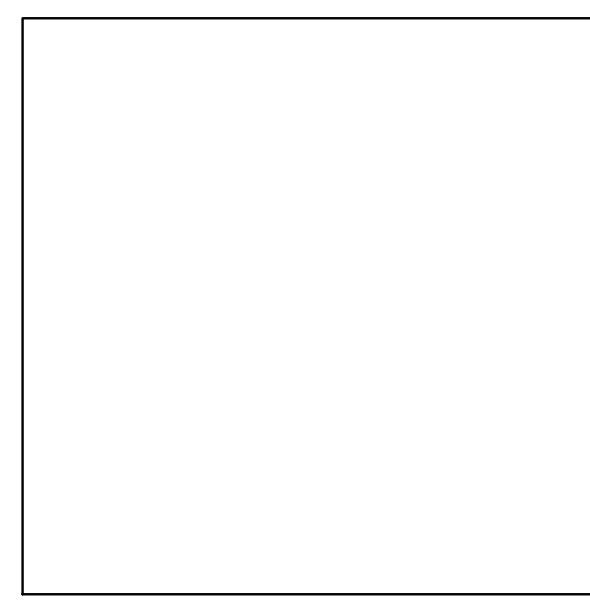
Project No:
Drawing Title:
EXISTING FLOOR PLAN - SECOND FLOOR

Sheet No:
E1.02



34 MAIDEN LANE
SAN FRANCISCO, CA 94108

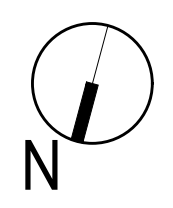
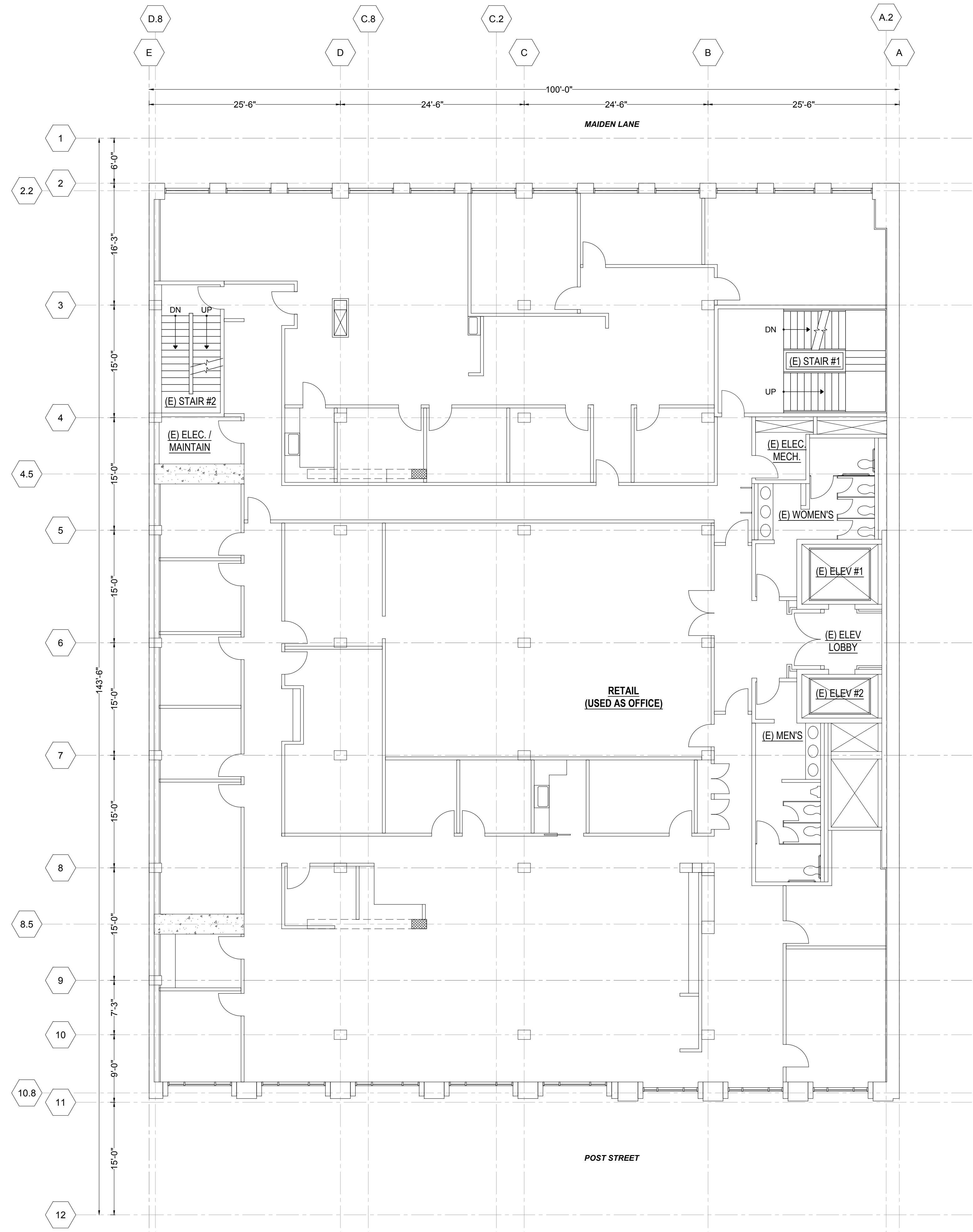
Rev.	Date	Remarks
	12/23/2020	CHANGE OF USE APPLICATION



NOTE: If this drawing is not 24"x36" it has been revised from its original size. Scale noted on drawings/details are no longer applicable.
© 2012 WZ Architecture Inc.

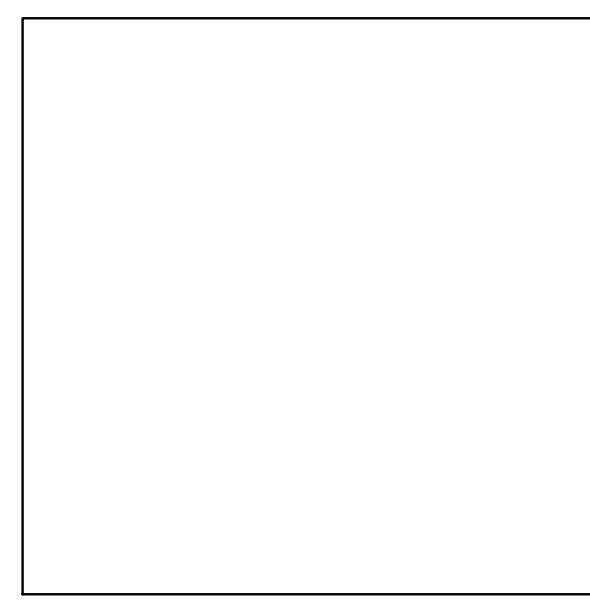
Project No:
Drawing Title:
**EXISTING FLOOR PLAN -
THIRD FLOOR**

Sheet No:
E1.03



34 MAIDEN LANE
SAN FRANCISCO, CA 94108

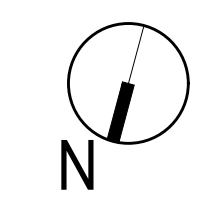
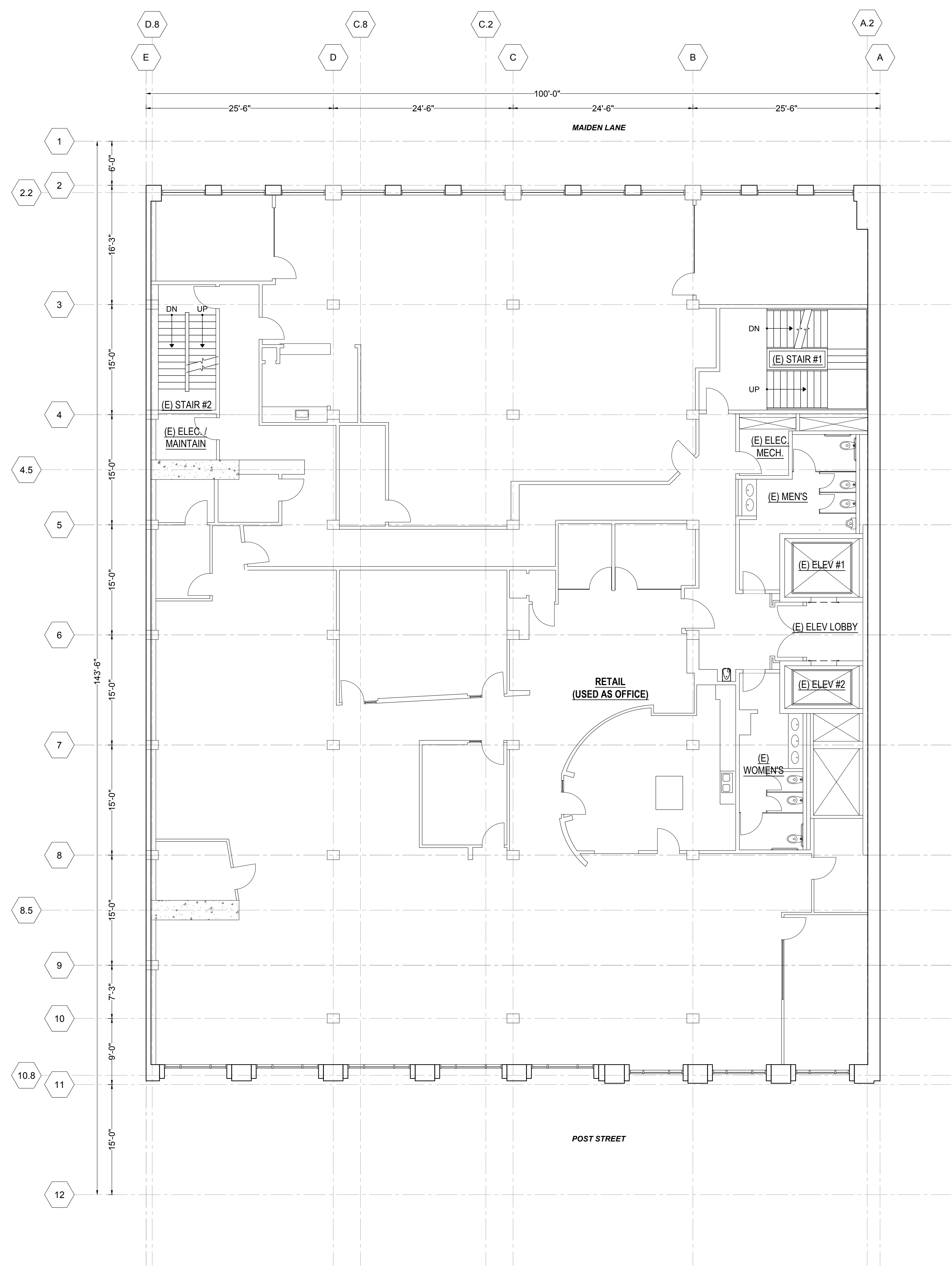
Rev.	Date	Remarks
	12/23/2020	CHANGE OF USE APPLICATION



NOTE: If this drawing is not 24"x36" it has been revised from its original size. Scale noted on drawings/details are no longer applicable.
© 2012 WZ Architecture Inc.

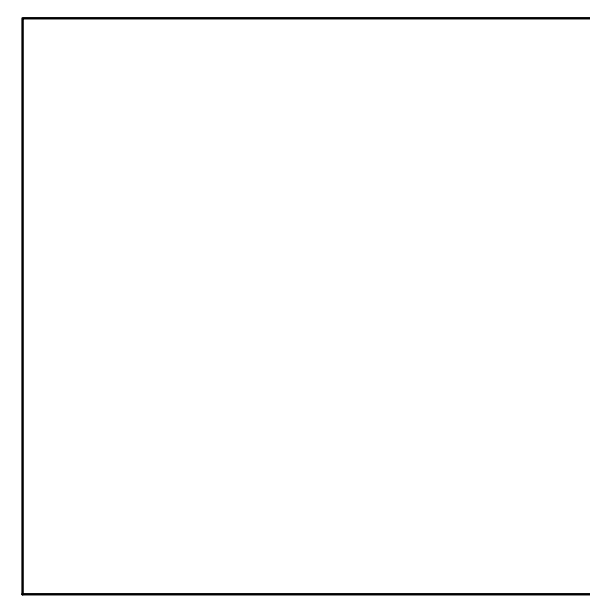
Project No:
Drawing Title:
**EXISTING FLOOR PLAN -
FOURTH FLOOR**

Sheet No:
E1.04



34 MAIDEN LANE
SAN FRANCISCO, CA 94108

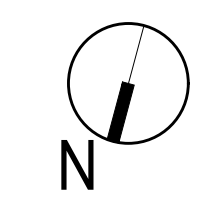
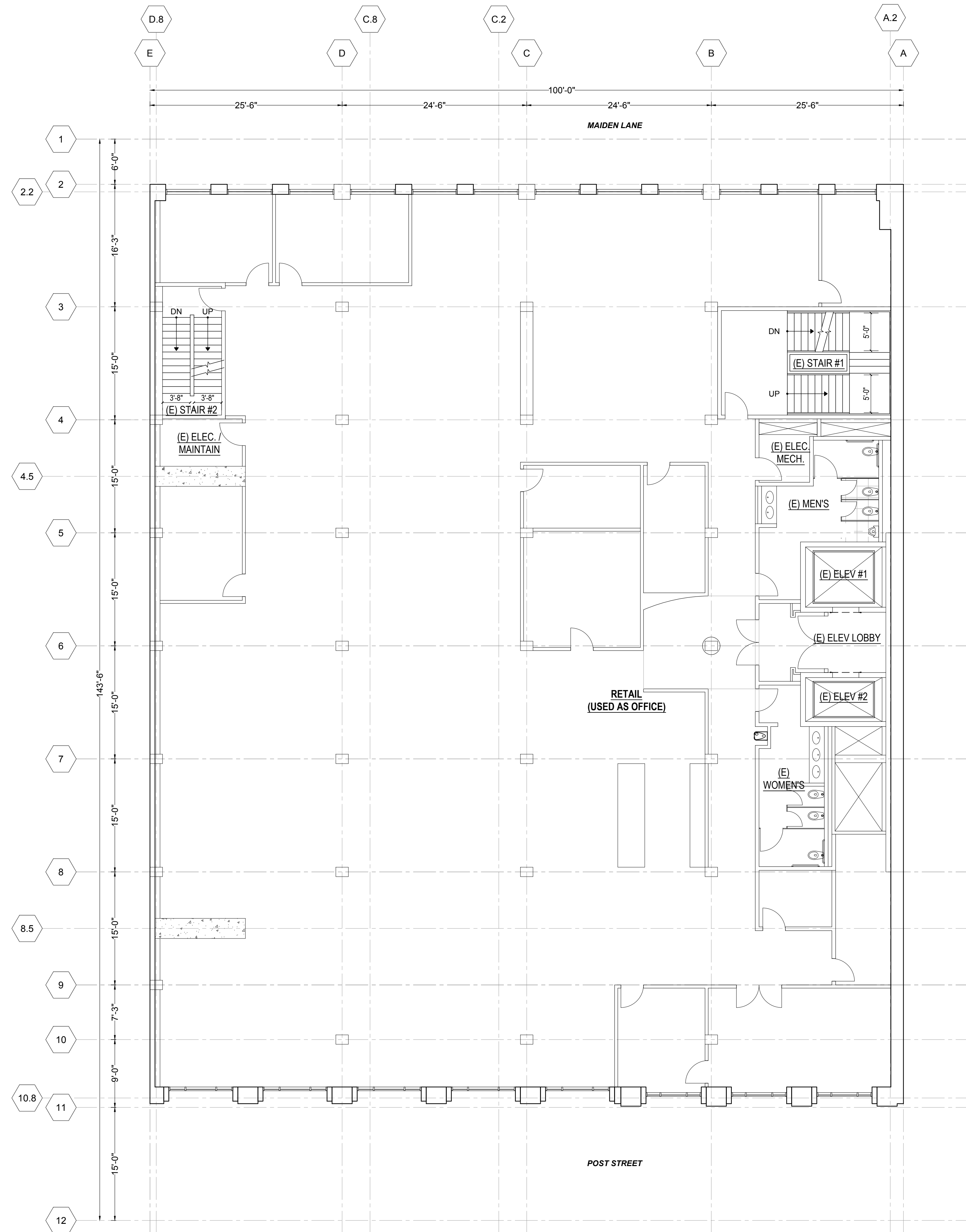
Rev.	Date	Remarks
	12/23/2020	CHANGE OF USE APPLICATION



NOTE: If this drawing is not 24"x36" it has been revised from its original size. Scale noted on drawings/details are no longer applicable.
© 2012 WZ Architecture Inc.

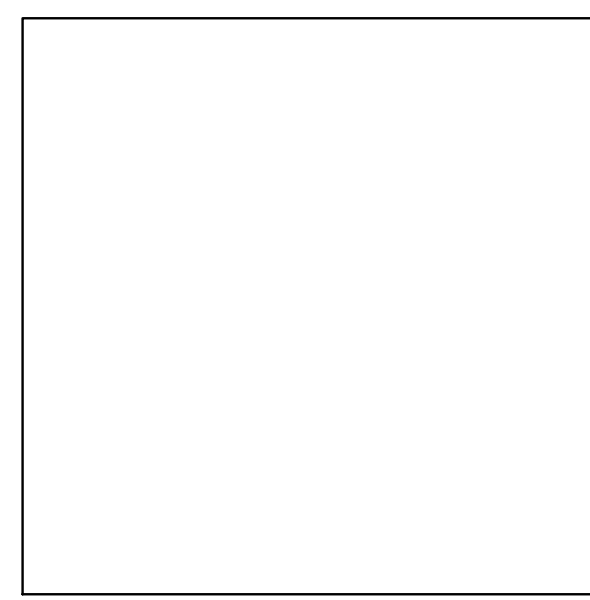
Project No:
Drawing Title:
EXISTING FLOOR PLAN - FIFTH FLOOR

Sheet No:
E1.05



34 MAIDEN LANE
SAN FRANCISCO, CA 94108

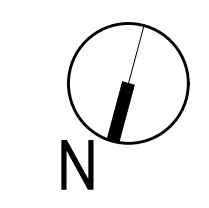
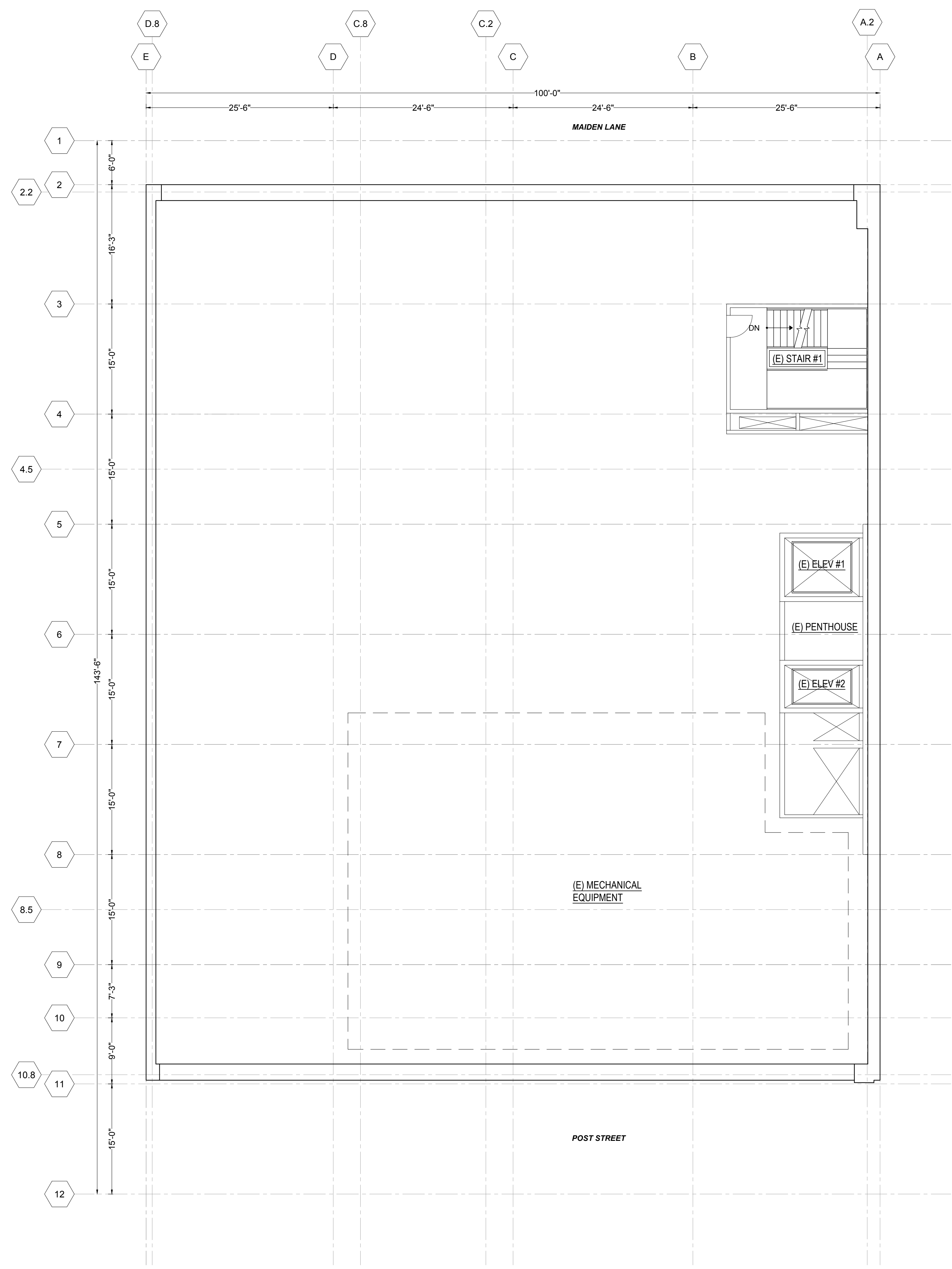
Rev.	Date	Remarks
	12/23/2020	CHANGE OF USE APPLICATION



NOTE: If this drawing is not 24"x36" it has been revised from its original size. Scale noted on drawings/details are no longer applicable.
© 2012 WZ Architecture Inc.

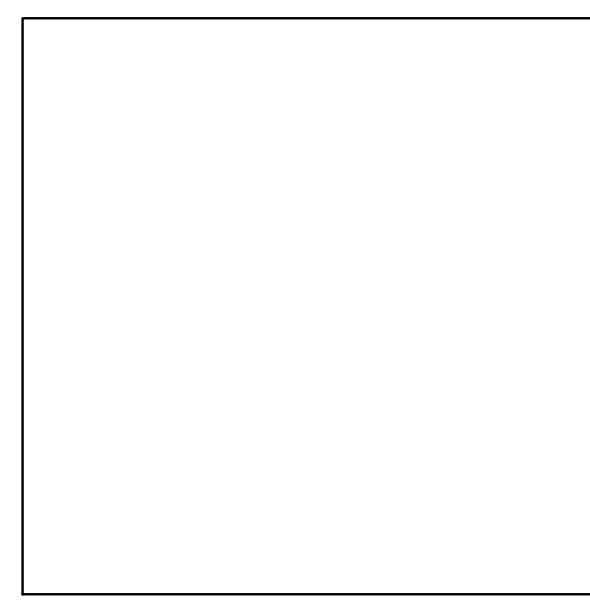
Project No:
Drawing Title:
EXISTING FLOOR PLAN - SIXTH FLOOR

Sheet No:
E1.06



34 MAIDEN LANE
SAN FRANCISCO, CA 94108

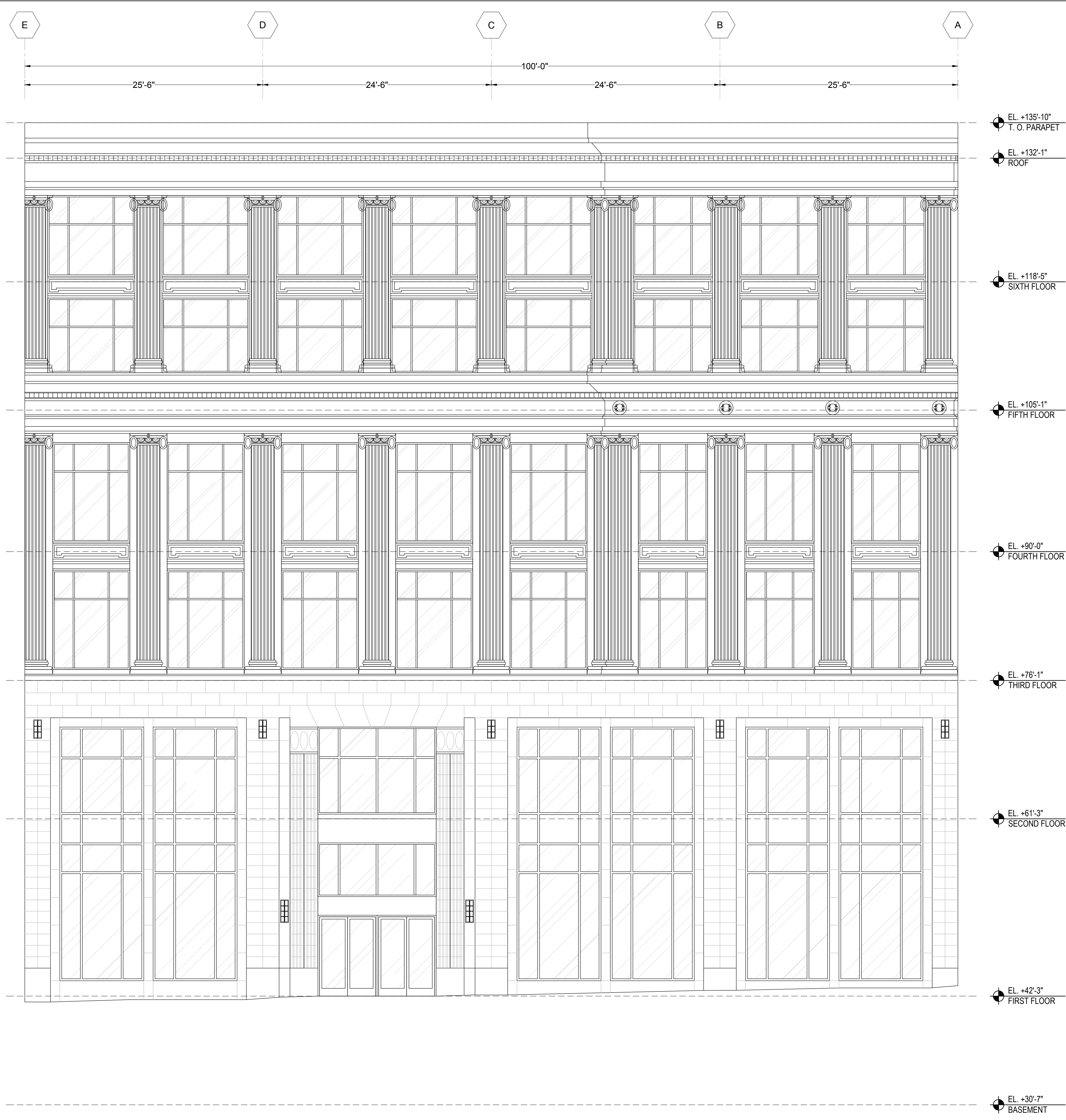
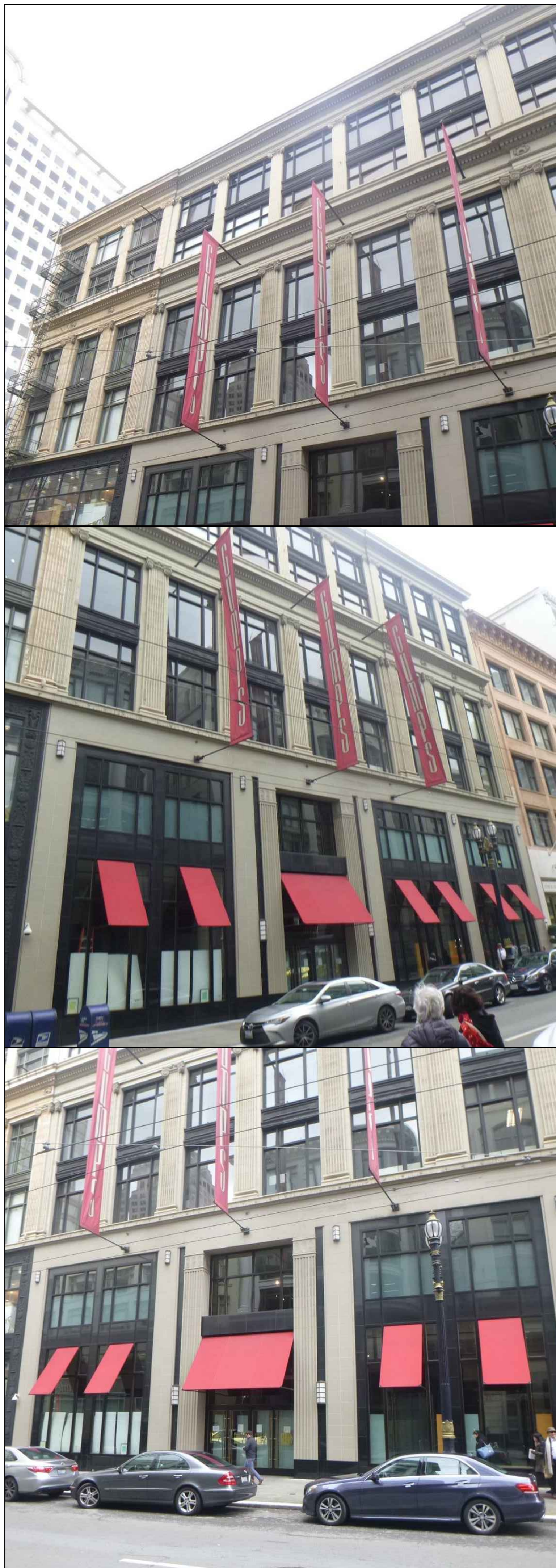
Rev.	Date	Remarks
	12/23/2020	CHANGE OF USE APPLICATION



NOTE: If this drawing is not 24"x36" it has been revised from its original size. Scale noted on drawings/details are no longer applicable.
© 2012 WZ Architecture Inc.

Project No:
Drawing Title:
EXISTING FLOOR PLAN - ROOF

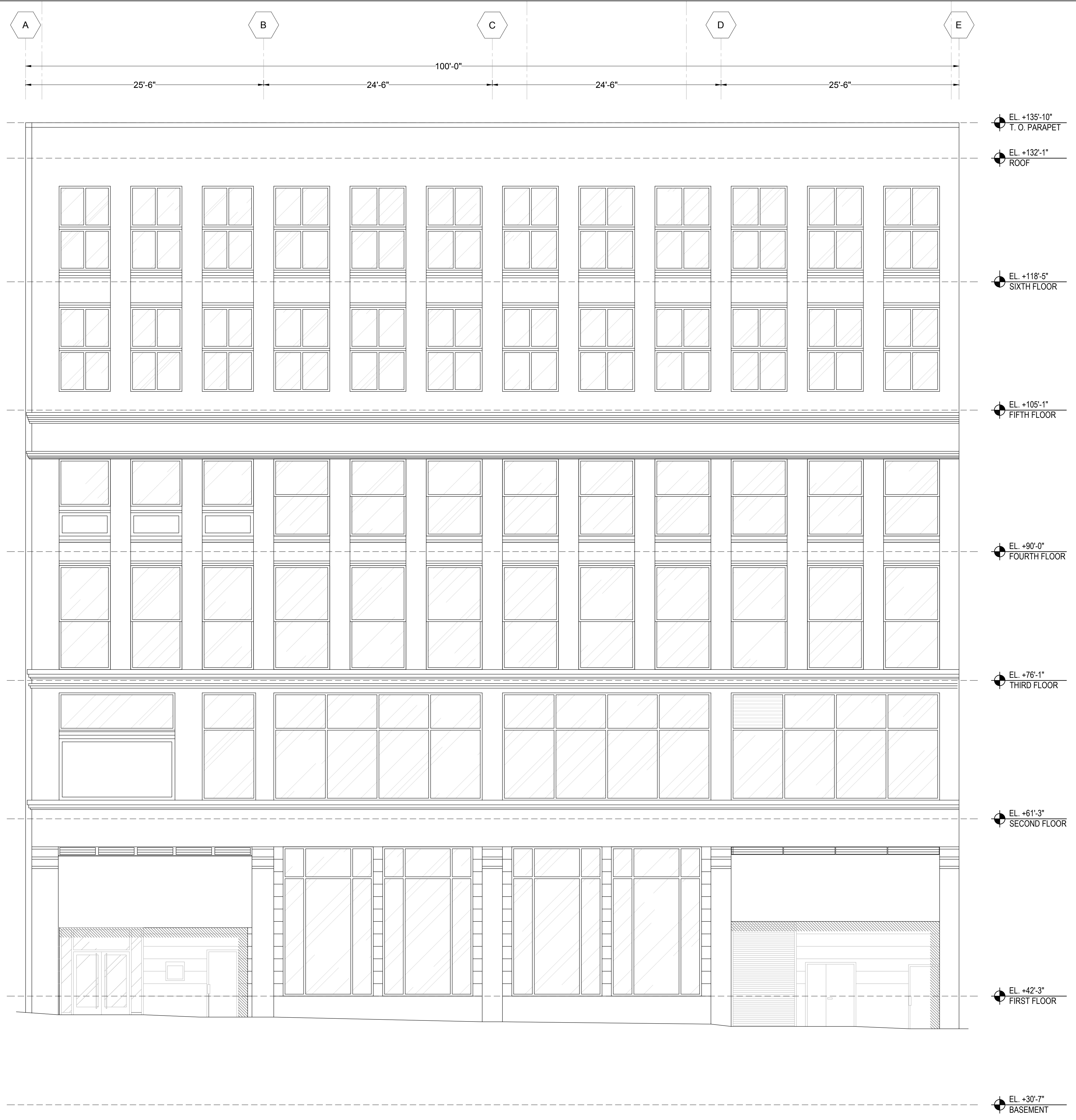
Sheet No:
E1.07



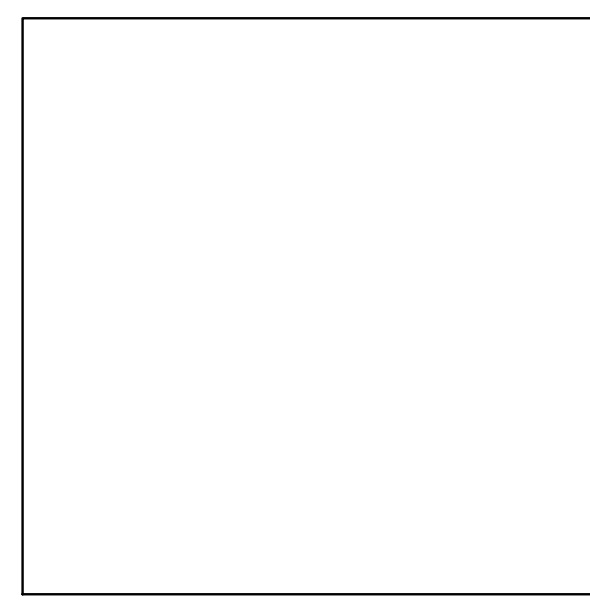
Rev.	Date	Remarks
	12/23/2020	CHANGE OF USE APPLICATION

NOTE: If this drawing is not 24"x36" it has been revised from its original size. Scale noted on drawings/details are no longer applicable. © 2012 WZ Architecture Inc.

Project No:
Drawing Title:
**EXISTING
NORTH ELEVATION -
POST STREET**
Sheet No:
E2.00



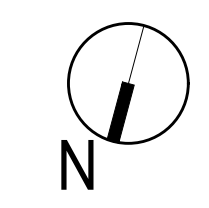
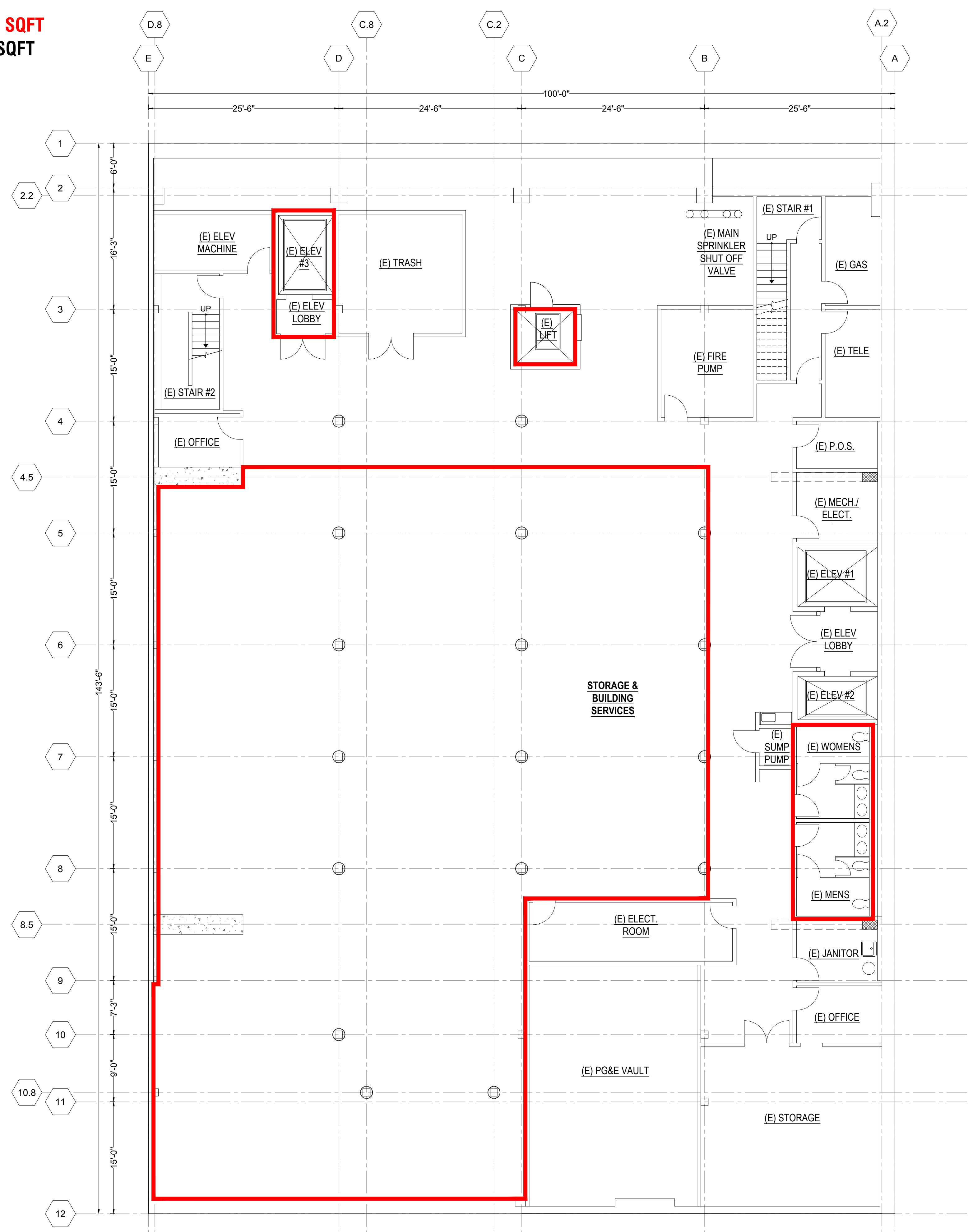
Rev.	Date	Remarks
	12/23/2020	CHANGE OF USE APPLICATION



NOTE: If this drawing is not 24"x36" it has been revised from its original size. Scale noted on drawings/details are no longer applicable. © 2012 WZ Architecture Inc.

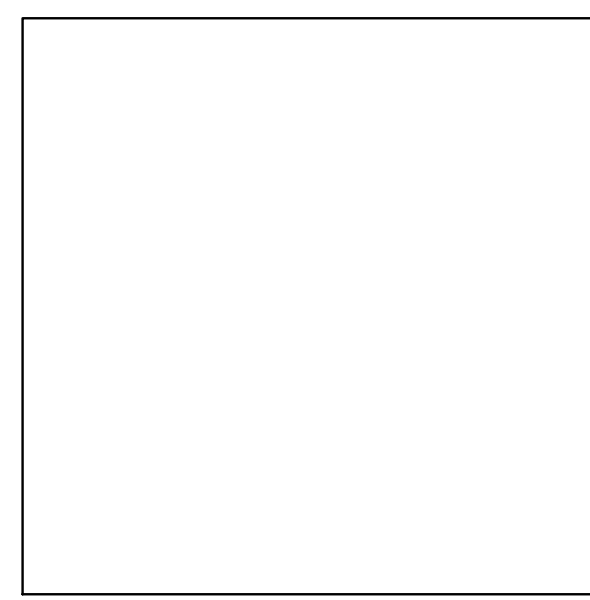
Project No:
Drawing Title:
EXISTING SOUTH ELEVATION - MAIDEN LANE
Sheet No:
E2.01

GROSS AREA - 14,350 SQFT
RETAIL RENTABLE AREA (SINGLE TENANT) - 6,680 SQFT
RETAIL USEABLE AREA (SINGLE TENANT) - 6,200 SQFT



34 MAIDEN LANE
SAN FRANCISCO, CA 94108

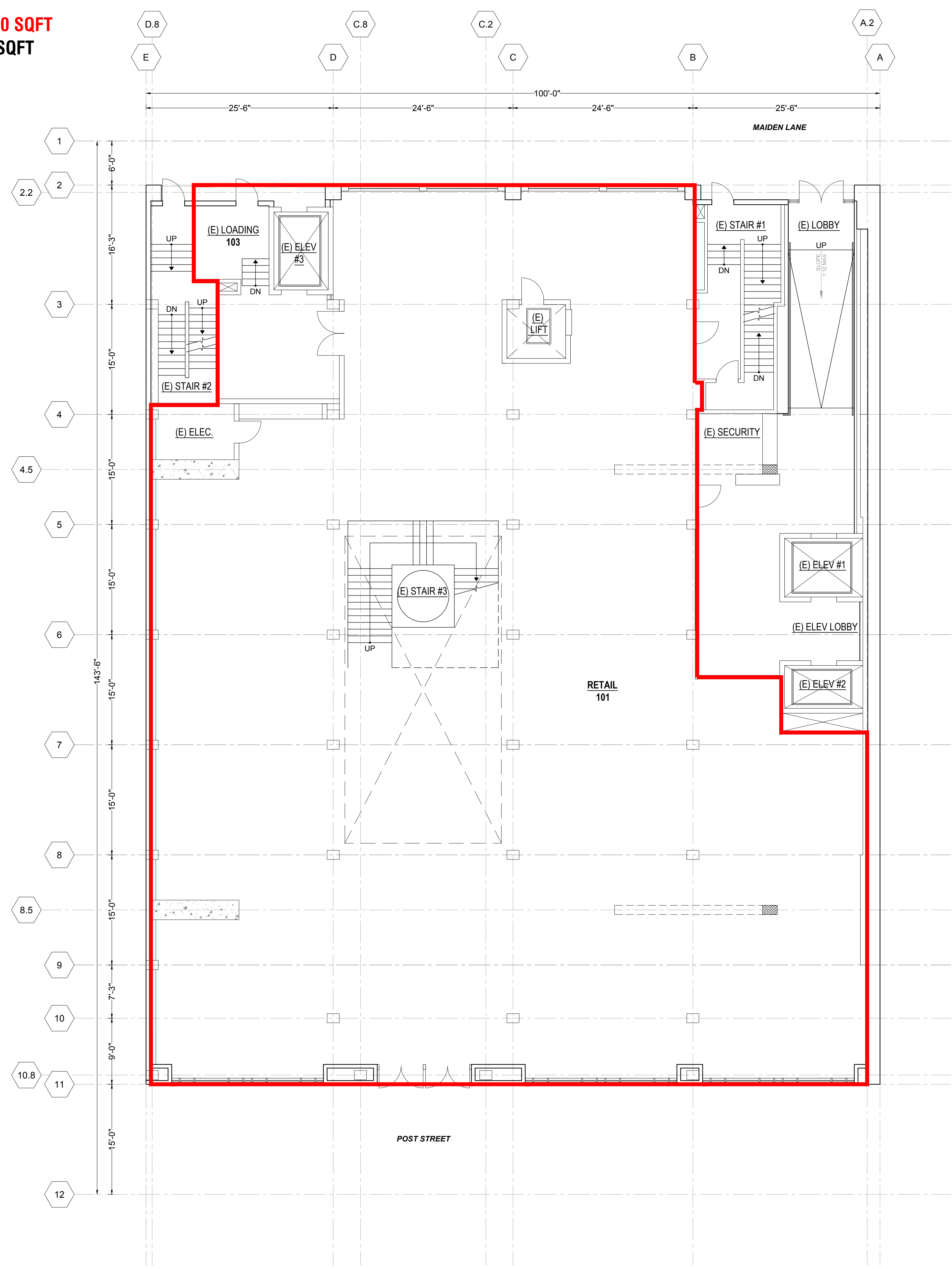
Rev.	Date	Remarks
	12/23/2020	CHANGE OF USE APPLICATION



NOTE: If this drawing is not 24"x36" it has been revised from its original size. Scale noted on drawings/details are no longer applicable. © 2012 WZ Architecture Inc.

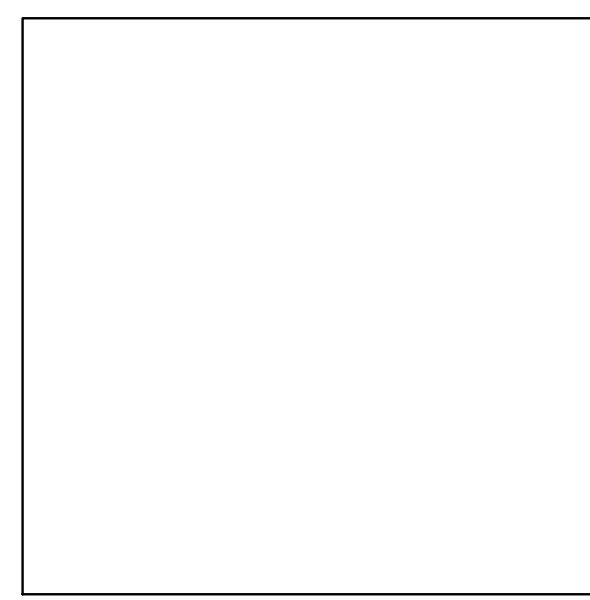
Project No:
Drawing Title:
PROPOSED FLOOR PLAN - BASEMENT
Sheet No:
A1.00

GROSS AREA - 12,250 SQFT
RETAIL RENTABLE AREA (SINGLE TENANT) - 10,000 SQFT
RETAIL USEABLE AREA (SINGLE TENANT) - 8,600 SQFT



34 MAIDEN LANE
SAN FRANCISCO, CA 94108

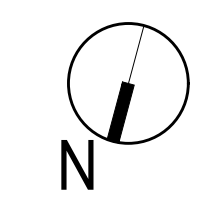
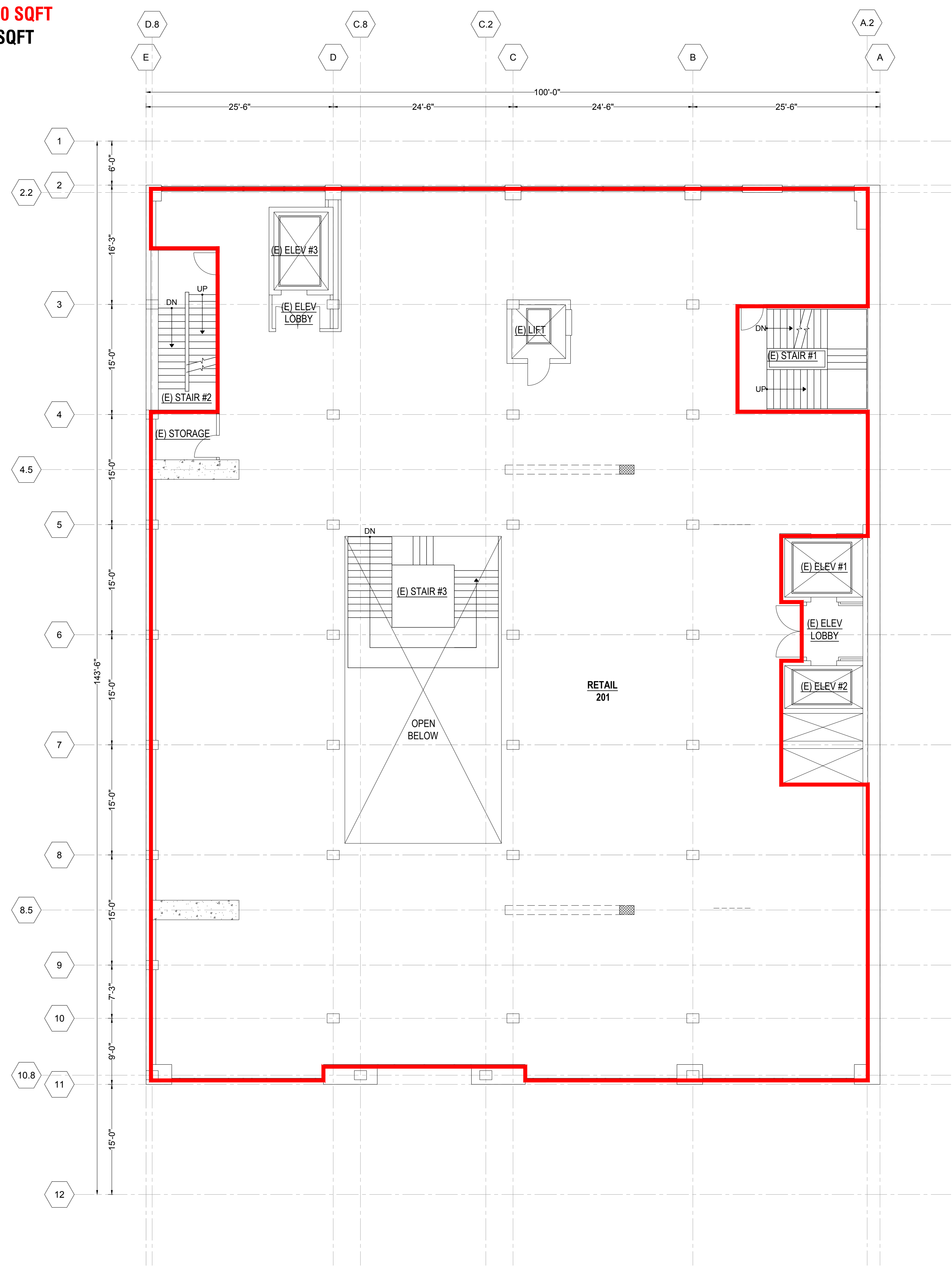
Rev.	Date	Remarks
	12/23/2020	CHANGE OF USE APPLICATION



NOTE: If this drawing is not 24"x36" it has been revised from its original size. Scale noted on drawings/details are no longer applicable. © 2012 WZ Architecture Inc.

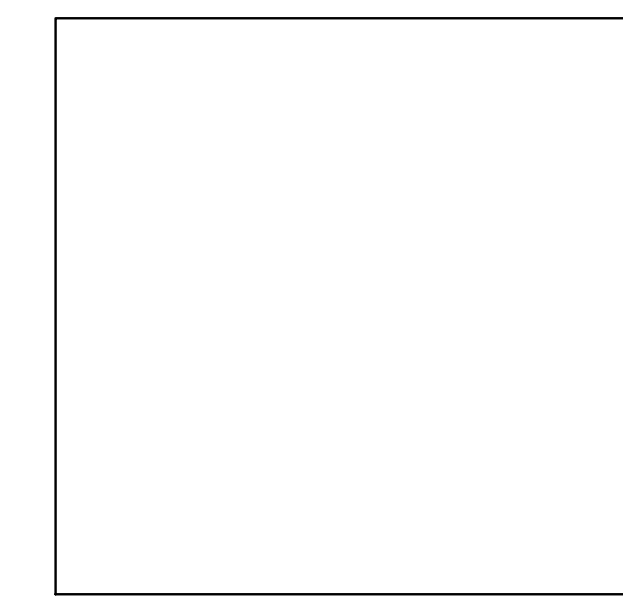
Project No:
Drawing Title:
PROPOSED FLOOR PLAN - FIRST FLOOR
Sheet No:
A1.01

GROSS AREA - 12,250 SQFT
RETAIL RENTABLE AREA (SINGLE TENANT) - 11,000 SQFT
RETAIL USEABLE AREA (SINGLE TENANT) - 9,600 SQFT
ATRIUM OPENING AREA - 890 SQFT



34 MAIDEN LANE
SAN FRANCISCO, CA 94108

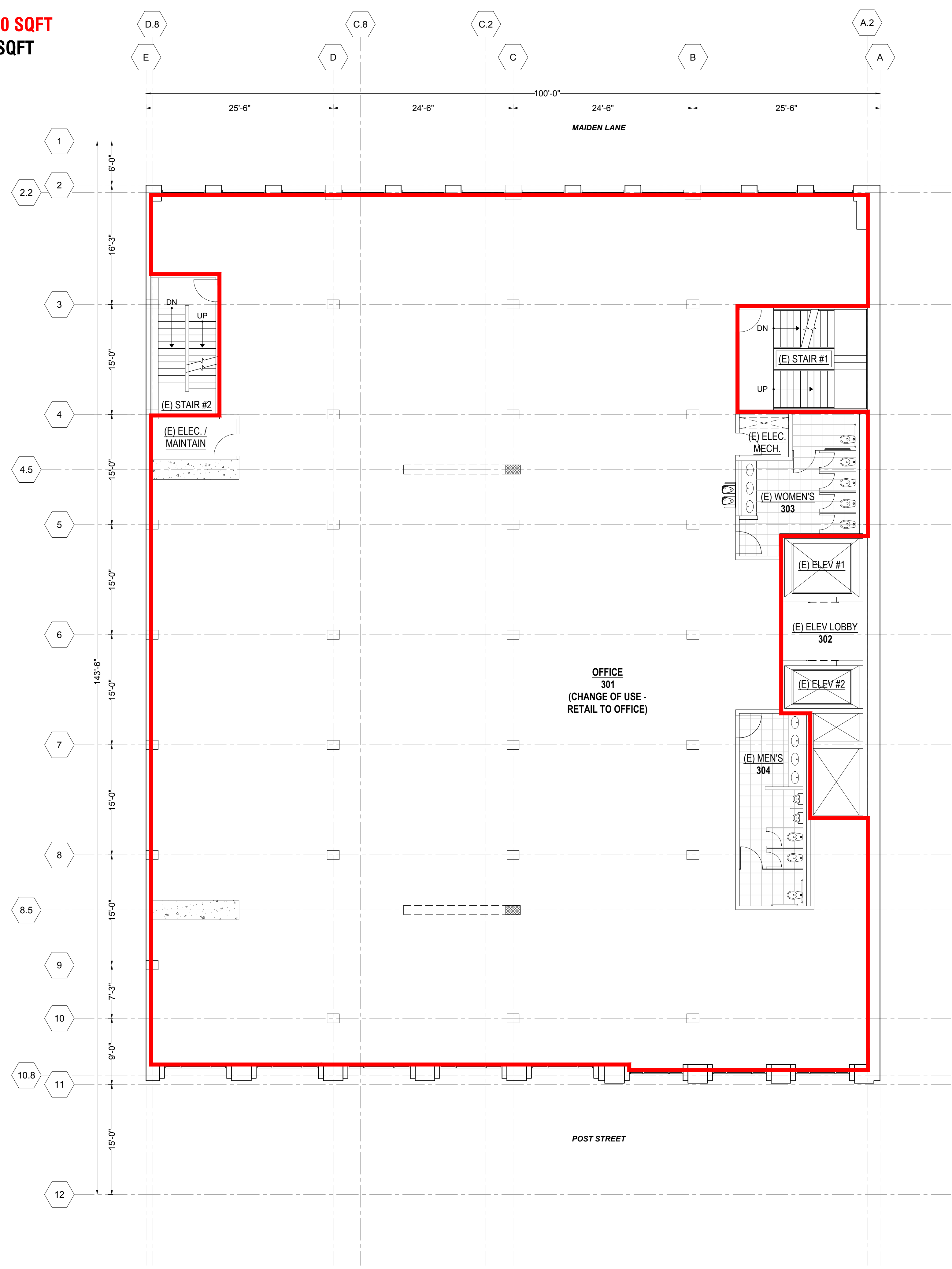
Rev.	Date	Remarks
	12/23/2020	CHANGE OF USE APPLICATION



NOTE: If this drawing is not 24"x36" it has been revised from its original size. Scale noted on drawings/details are no longer applicable. © 2012 WZ Architecture Inc.

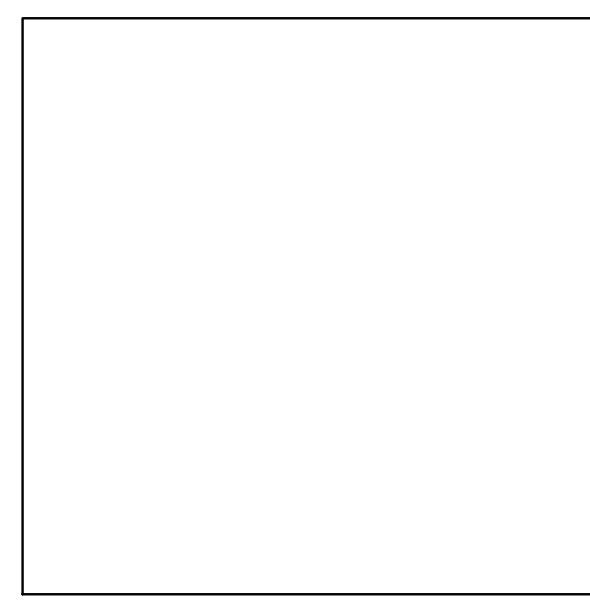
Project No:
Drawing Title:
PROPOSED FLOOR PLAN - SECOND FLOOR
Sheet No:
A1.02

GROSS AREA - 12,250 SQFT
RETAIL RENTABLE AREA (SINGLE TENANT) - 10,760 SQFT
RETAIL USEABLE AREA (SINGLE TENANT) - 9,940 SQFT



34 MAIDEN LANE
SAN FRANCISCO, CA 94108

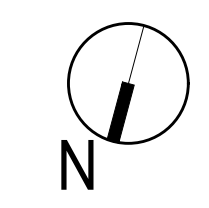
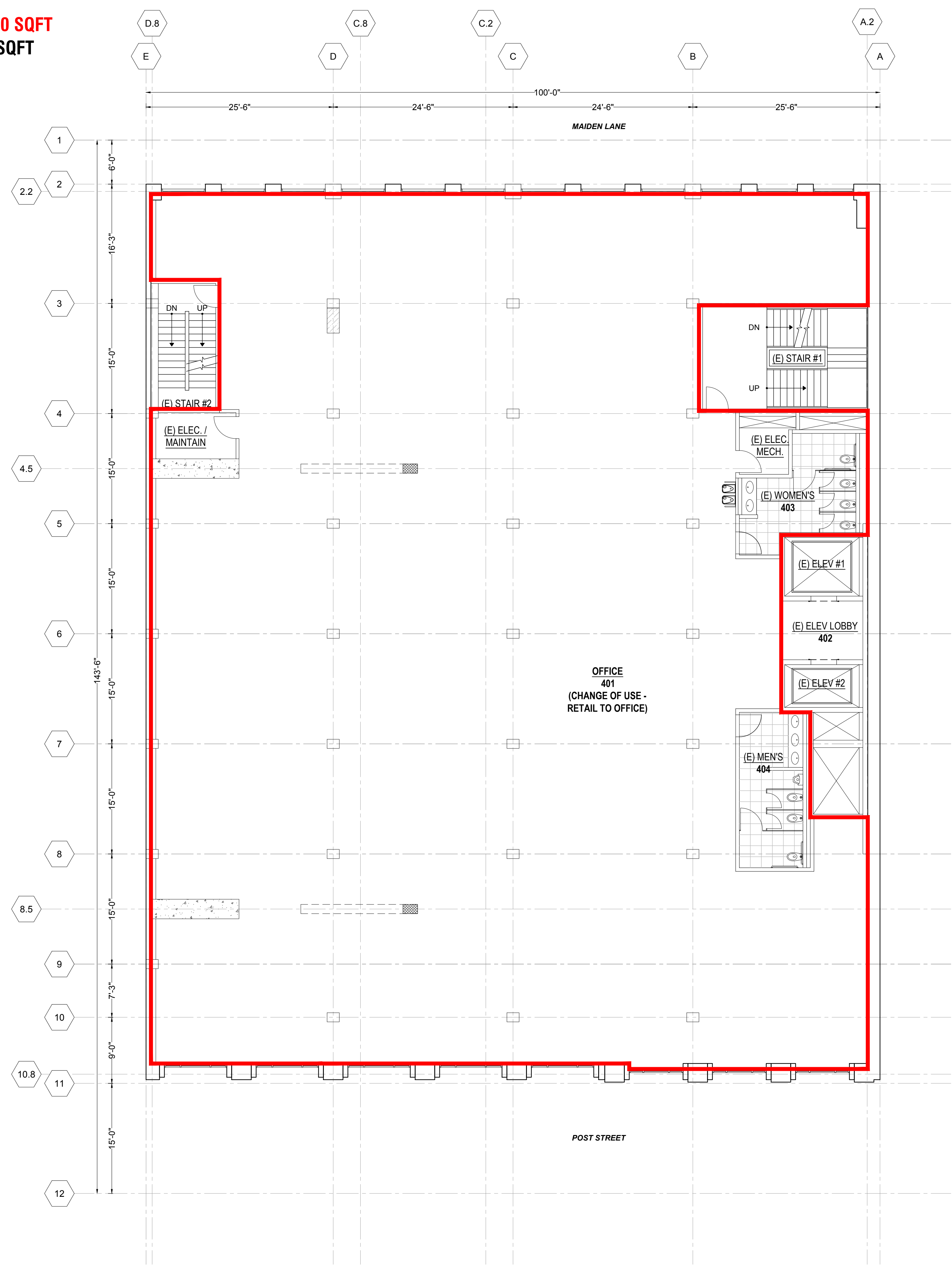
Rev.	Date	Remarks
	12/23/2020	CHANGE OF USE APPLICATION



NOTE: If this drawing is not 24"x36" it has been revised from its original size. Scale noted on drawings/details are no longer applicable. © 2012 WZ Architecture Inc.

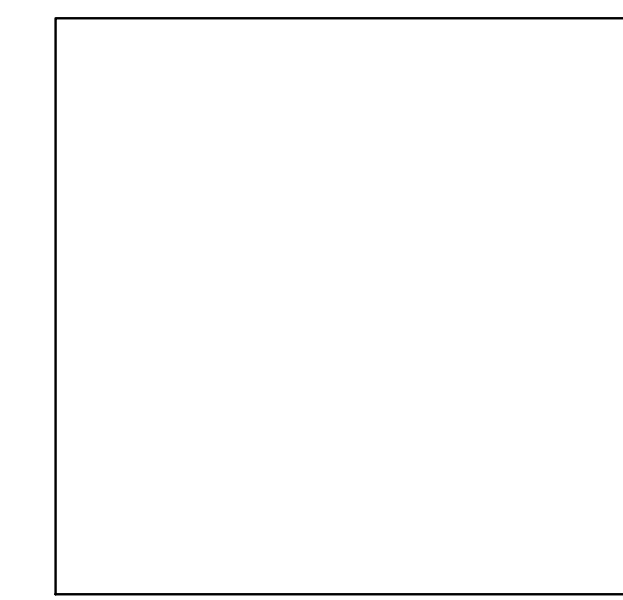
Project No:
Drawing Title:
PROPOSED FLOOR PLAN - THIRD FLOOR
Sheet No:
A1.03

GROSS AREA - 12,250 SQFT
RETAIL RENTABLE AREA (SINGLE TENANT) - 10,760 SQFT
RETAIL USEABLE AREA (SINGLE TENANT) - 9,940 SQFT



34 MAIDEN LANE
SAN FRANCISCO, CA 94108

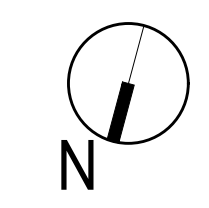
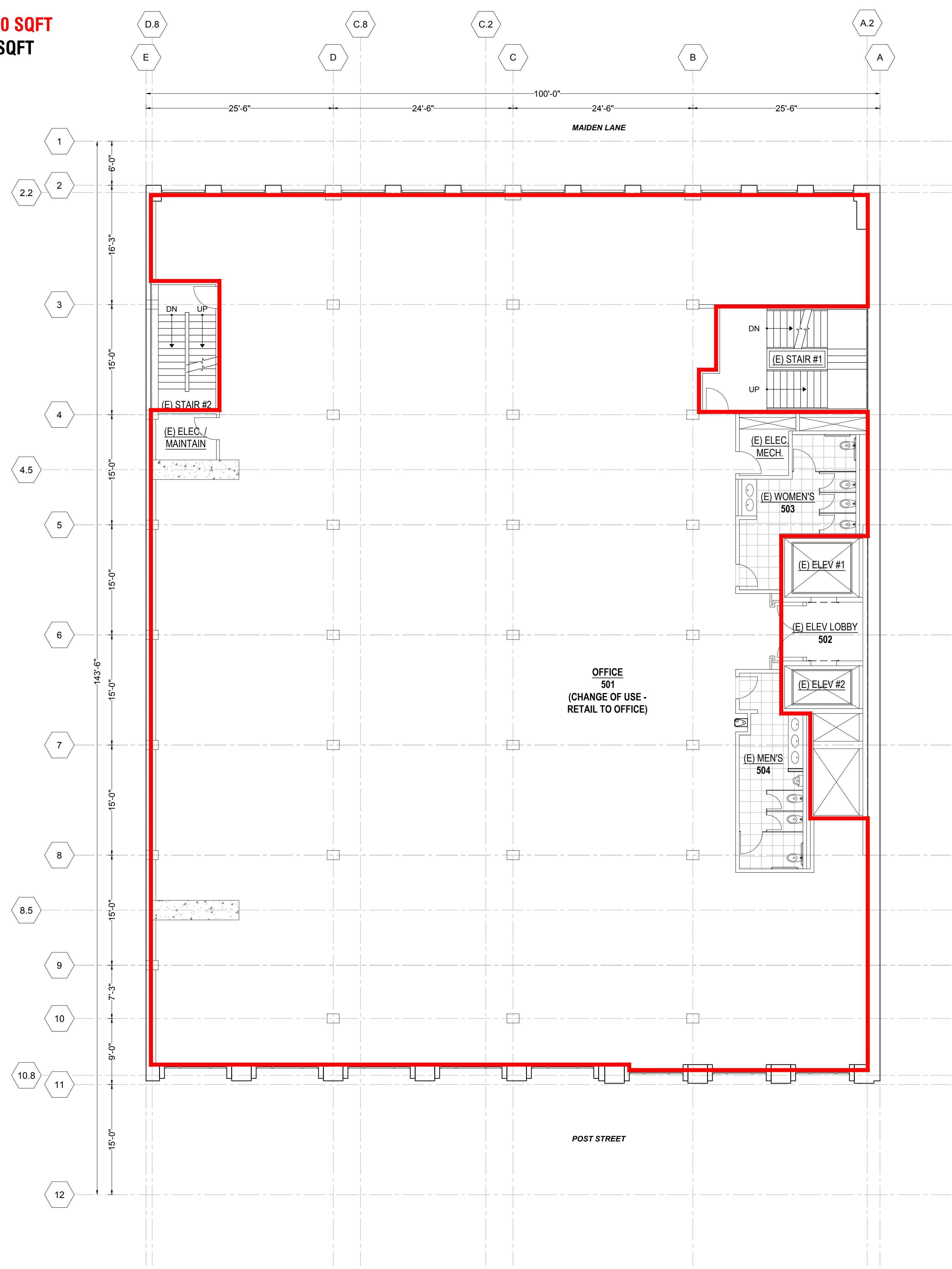
Rev.	Date	Remarks
	12/23/2020	CHANGE OF USE APPLICATION



NOTE: If this drawing is not 24"x36" it has been revised from its original size. Scale noted on drawings/details are no longer applicable.
© 2012 WZ Architecture Inc.

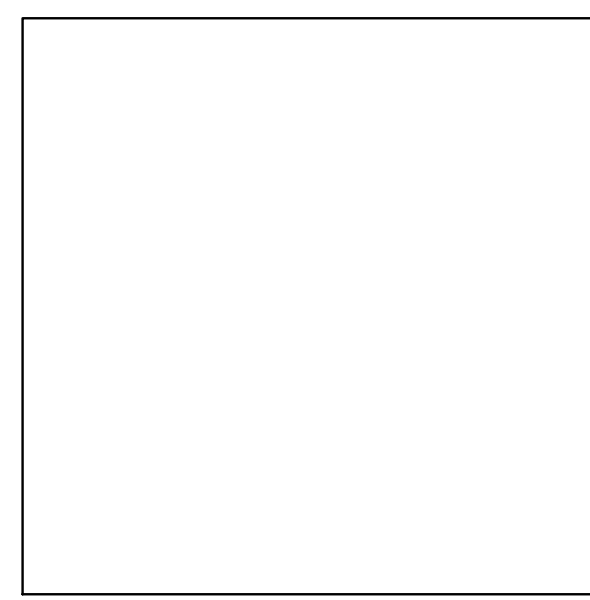
Project No:
Drawing Title:
PROPOSED FLOOR PLAN - FOURTH FLOOR
Sheet No:
A1.04

GROSS AREA - 12,250 SQFT
RETAIL RENTABLE AREA (SINGLE TENANT) - 10,760 SQFT
RETAIL USEABLE AREA (SINGLE TENANT) - 9,900 SQFT



34 MAIDEN LANE
SAN FRANCISCO, CA 94108

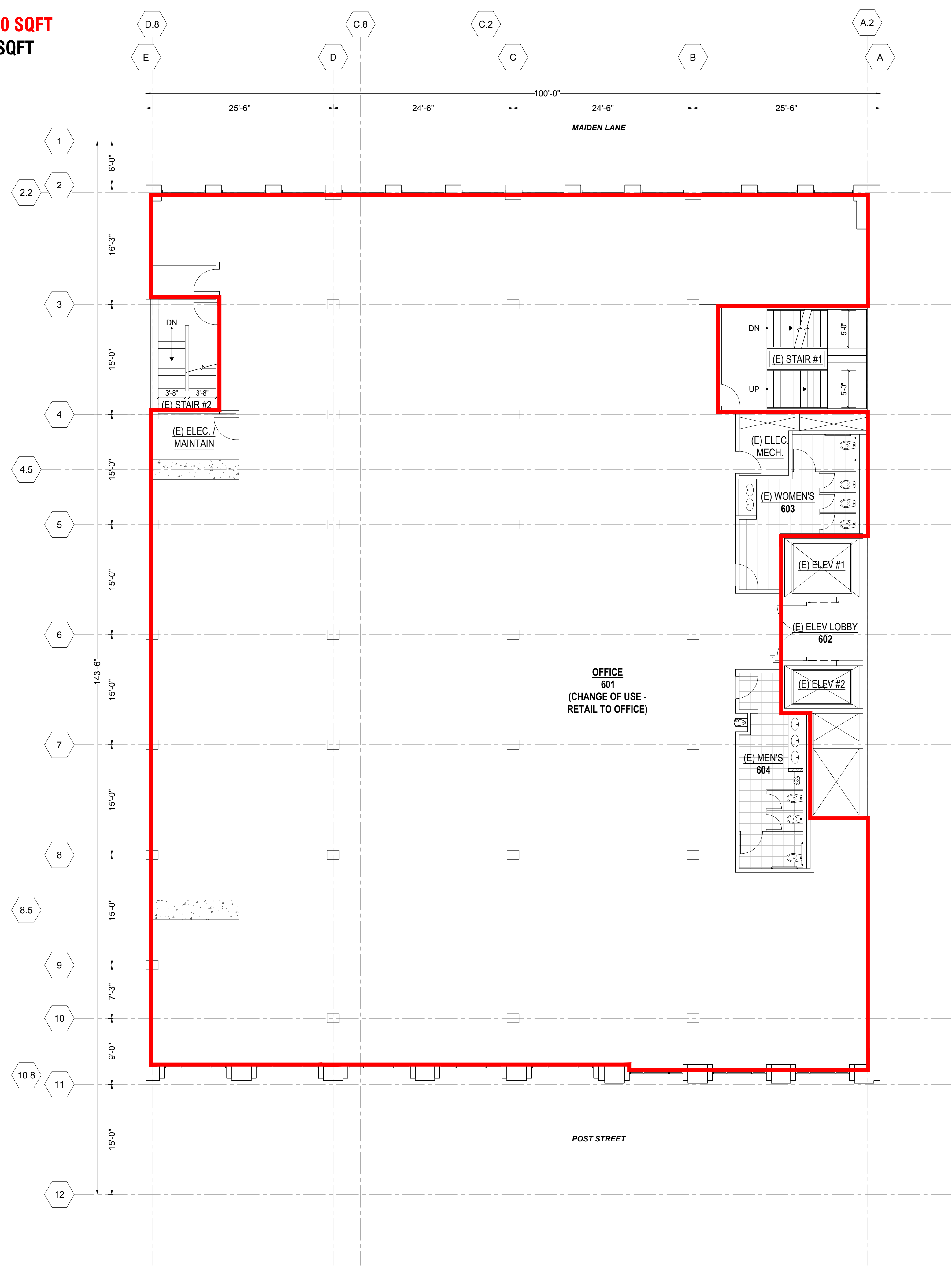
Rev.	Date	Remarks
	12/23/2020	CHANGE OF USE APPLICATION



NOTE: If this drawing is not 24"x36" it has been revised from its original size. Scale noted on drawings/details are no longer applicable. © 2012 WZ Architecture Inc.

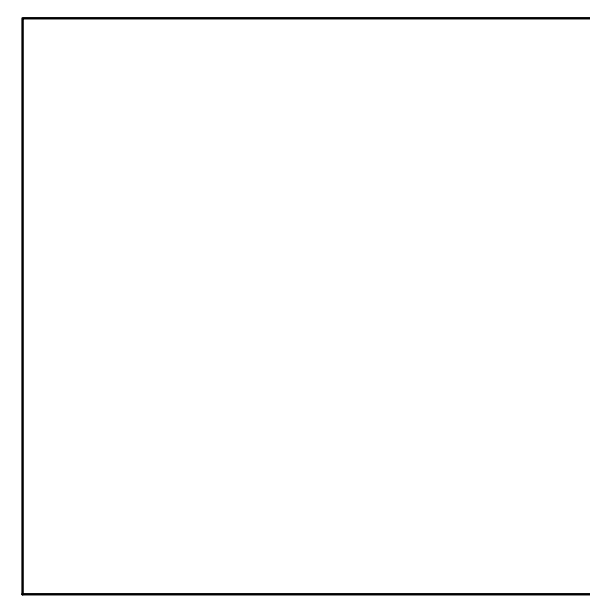
Project No:
Drawing Title:
PROPOSED FLOOR PLAN - FIFTH FLOOR
Sheet No:

GROSS AREA - 12,250 SQFT
RETAIL RENTABLE AREA (SINGLE TENANT) - 10,760 SQFT
RETAIL USEABLE AREA (SINGLE TENANT) - 9,930 SQFT



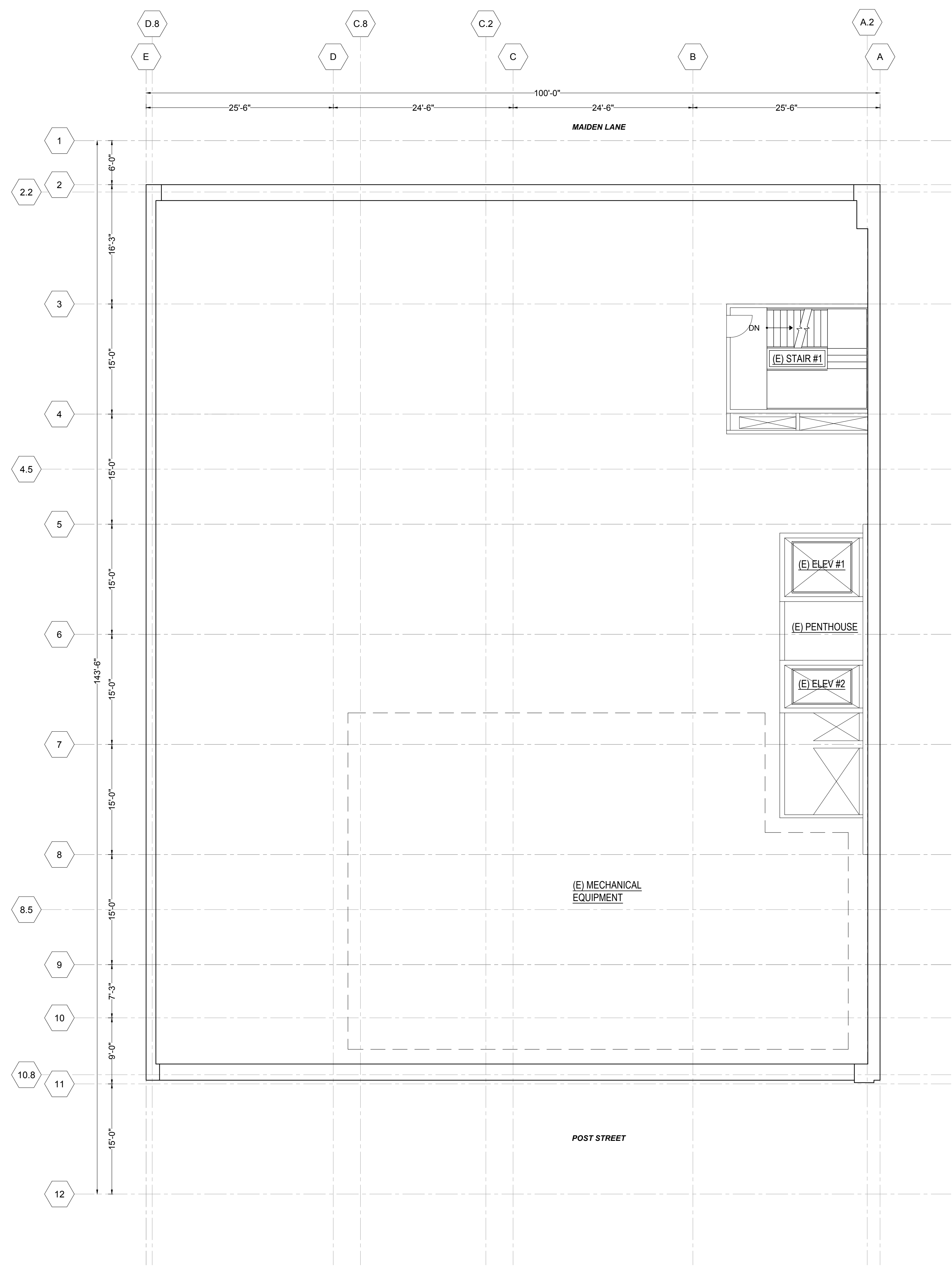
34 MAIDEN LANE
SAN FRANCISCO, CA 94108

Rev.	Date	Remarks
	12/23/2020	CHANGE OF USE APPLICATION



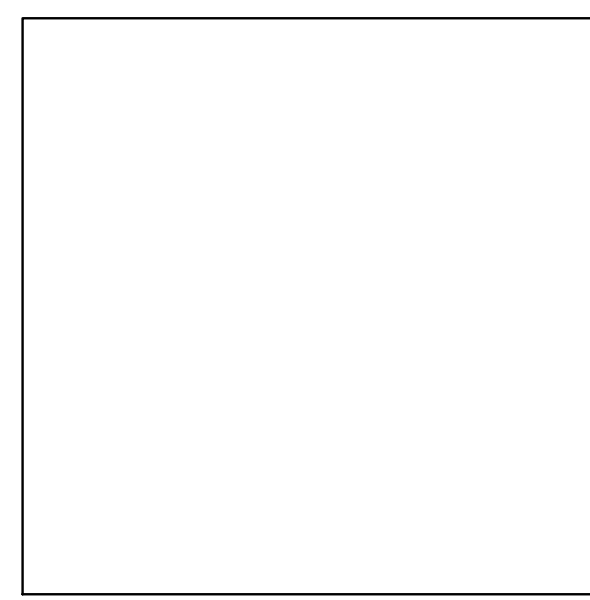
NOTE: If this drawing is not 24"x36" it has been revised from its original size. Scale noted on drawings/details are no longer applicable. © 2012 WZ Architecture Inc.

Project No:
Drawing Title:
PROPOSED FLOOR PLAN - SIXTH FLOOR
Sheet No:
A1.06



34 MAIDEN LANE
SAN FRANCISCO, CA 94108

Rev.	Date	Remarks
	12/23/2020	CHANGE OF USE APPLICATION



NOTE: If this drawing is not 24"x36" it has been revised from its original size. Scale noted on drawings/details are no longer applicable.
© 2012 WZ Architecture Inc.

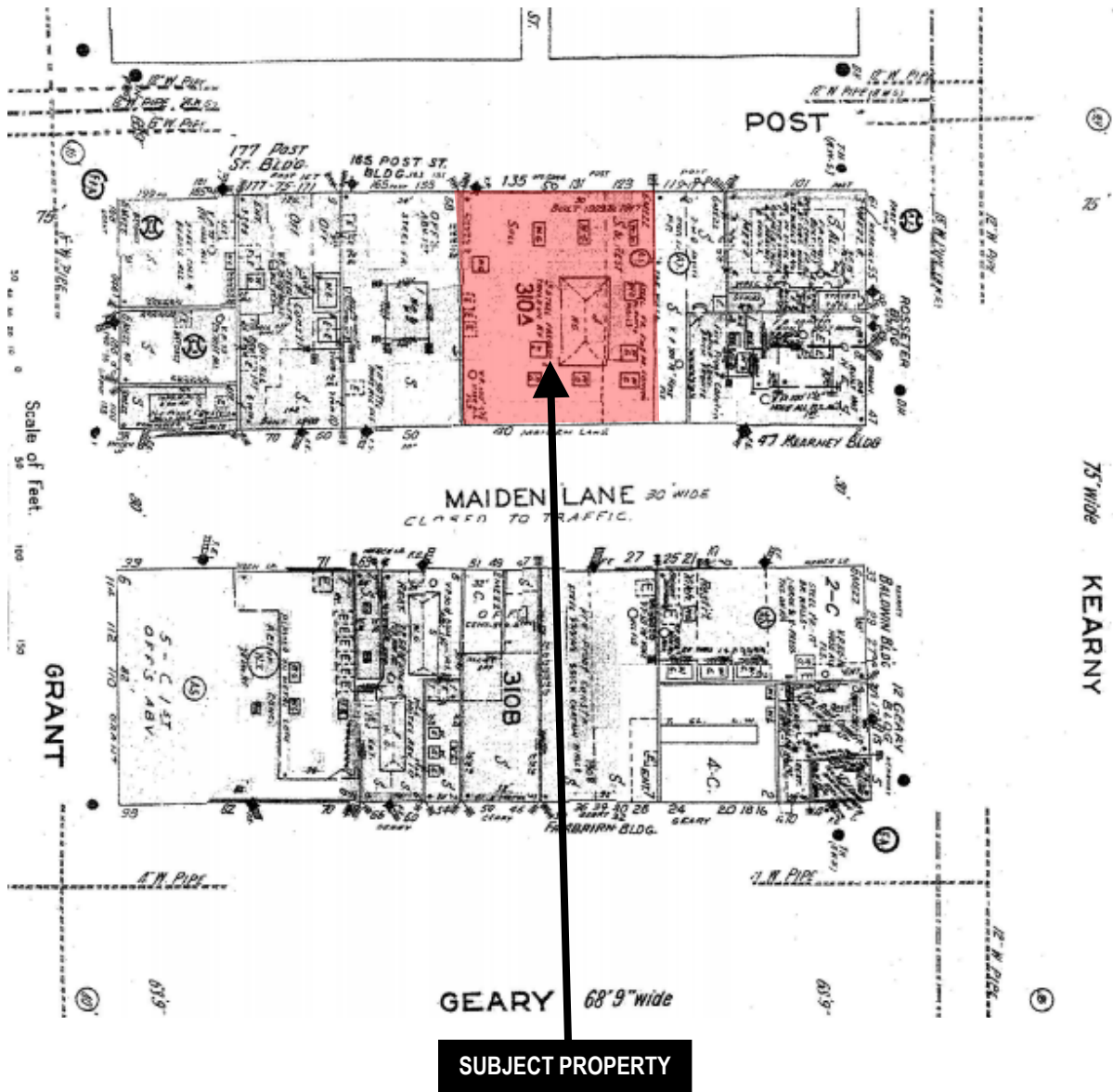
Project No:
Drawing Title:
**PROPOSED FLOOR
PLAN -
ROOF**
Sheet No:
A1.07

Parcel Map



Conditional Use Authorization
 Case Number 2015-009163CUA
 77 Geary Street

Sanborn Map*

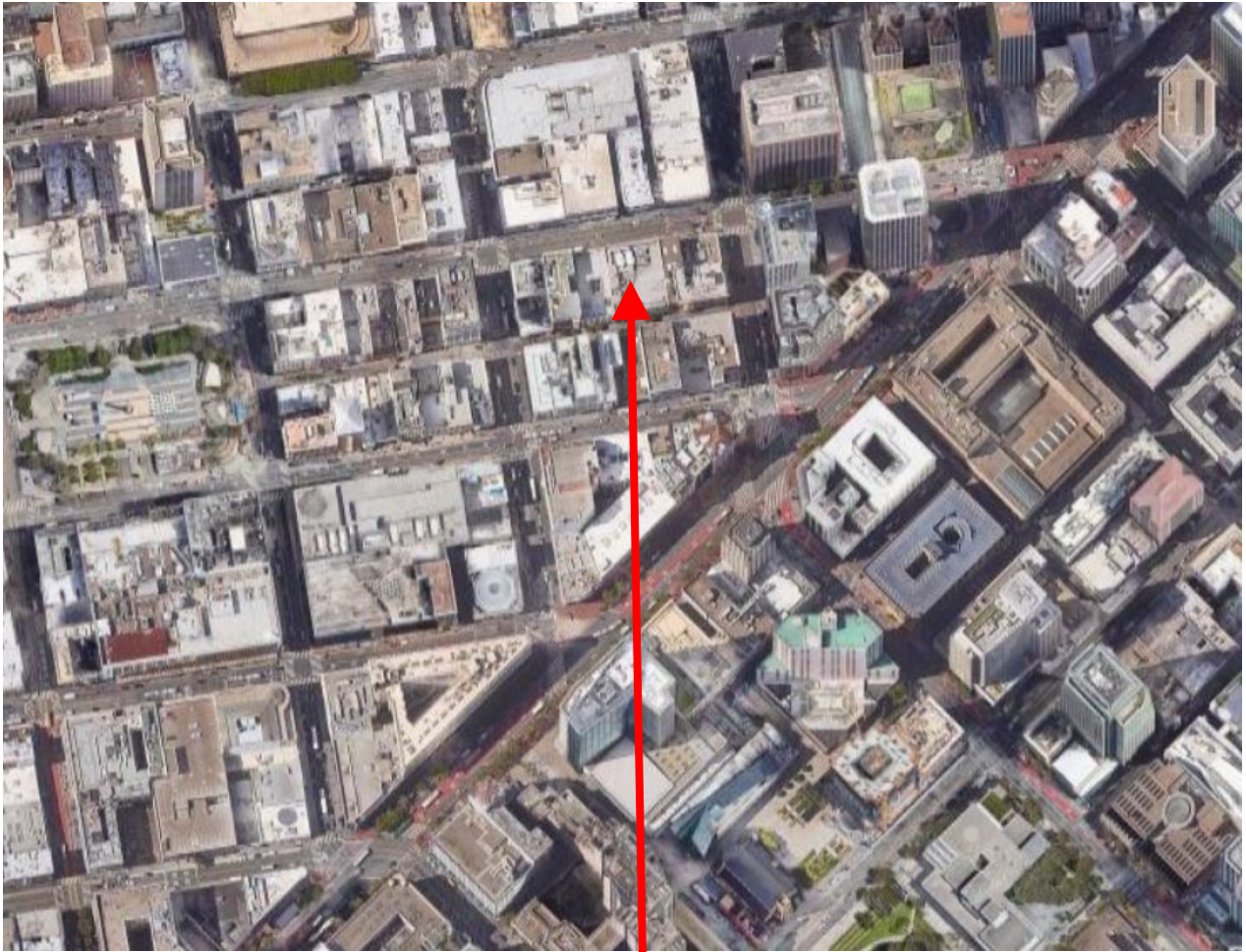


*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.



Conditional Use/Office Allocation
Case Number 2021-000444CUA/OFA
135 Post Street

Aerial Photo

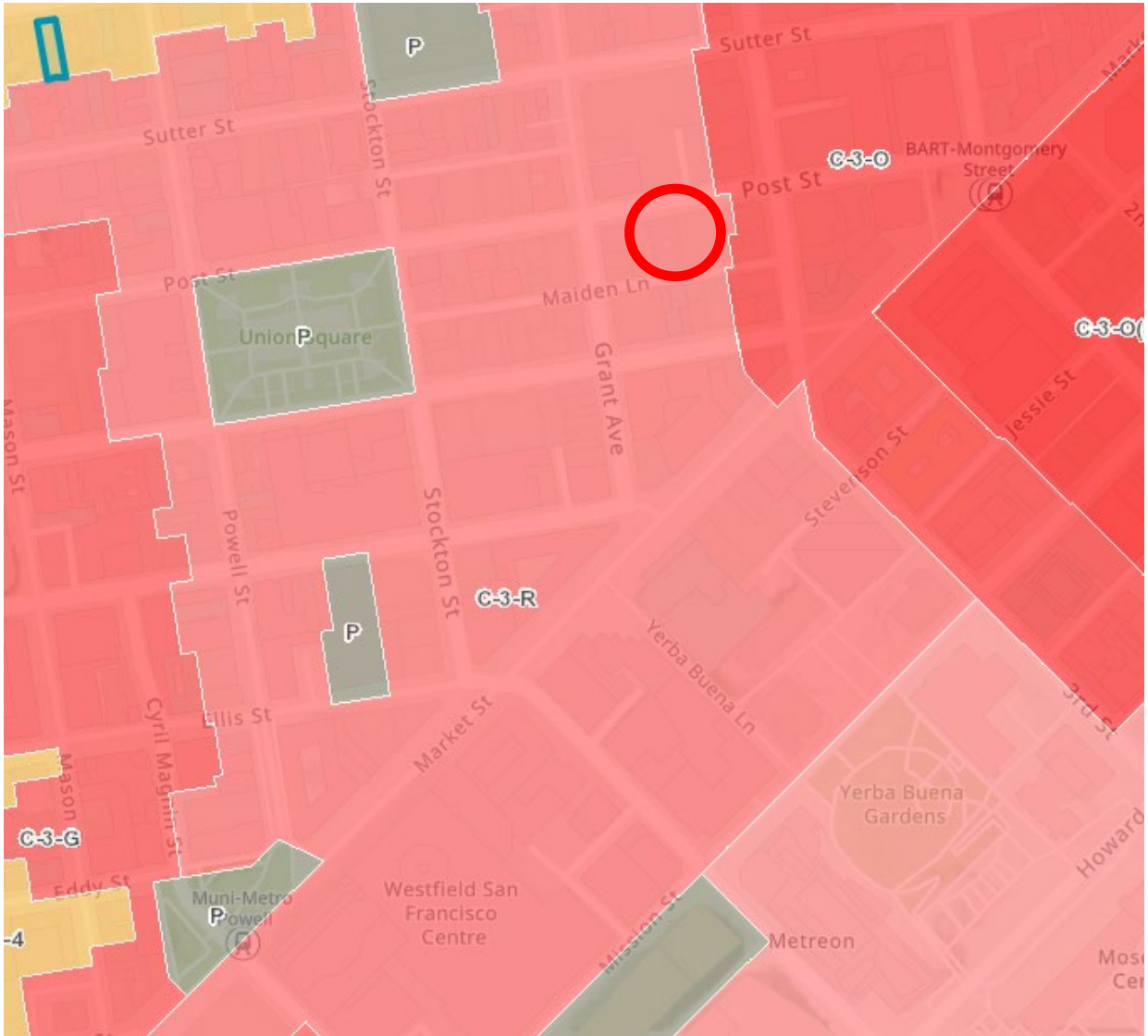


SUBJECT PROPERTY



Conditional Use/Office Allocation
Case Number 2021-000444CUA/OFA
135 Post Street

Zoning Map



Conditional Use/Office Allocation
Case Number 2021-000444CUA/OFA
135 Post Street

REUBEN, JUNIUS & ROSE, LLP

Daniel A. Frattin
dfrattin@reubenlaw.com

May 19, 2021

Delivered Via Email

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

**Re: 135 Post Street
Planning Case Number: 2021-000444
Our File: 11137.01**

Dear President Koppel and Commissioners:

Seaker & Sons (the “Owner”) is proposing to formally convert the longstanding use on the upper floors of the historic building that once functioned as the Gump’s Department store (“Gumps”) and headquarters at 135 Post Street (the “Property”) to office use. The 6-story building, located in the Union Square District, has remained mostly vacant since Gump’s relocated to 250 Post Street in 2018. The proposal before the Planning Commission is for the authorization of 49,000 square feet of office space on the third through sixth floors (the “Project”). Under the C-3-R zoning, this requires both an Office Allocation Authorization and a Conditional Use Authorization.

Given the escalating difficulties of leasing retail space on the third floor and above, and the existing office spaces on the upper floors of the building, approving the Project will allow for much needed flexibility at the property and activate the surrounding area, especially as the tenant market accelerates in the coming year.

1. Project Benefits

The Project provides significant public benefits. Among its contributions to the neighborhood and the City are the following:

1. **Reuse of Historic Building.** This building was constructed in 1908 and is included in the Kearny-Market-Mason-Sutter (“KMMS”) Conservation District, one of the nation’s preeminent assemblages of Beaux Arts buildings. Office use in this building will provide a benefit for this part of the KMMS Conservation District, as it will enable this large iconic building to be occupied and become an active presence in Union Square. For many years, the entire Union Square Business Improvement District (“BID”) has been in transition with

San Francisco Office
One Bush Street, Suite 600, San Francisco, CA 94104
tel: 415-567-9000 | fax: 415-399-9480

Oakland Office
492 9th Street, Suite 200, Oakland, CA 94607
tel: 510-527-5589

www.reubenlaw.com

vacancy rates for retail stores on the rise.¹ The building was designed with large open floor plates of approximately 12,250 square feet per floor, which was conducive to major department stores. However, as department stores have been closing or reducing the size of their stores, it has become more difficult to find appropriate tenants for buildings with larger floorplates – especially on upper floors where there is little to no visibility to shoppers. Even if offered at a discounted rate, these large upper floors are also inappropriate for smaller retailers, particularly now because ample ground floor retail space with high visibility to shoppers is available. The Project will allow the upper floors to be used for office use, while retaining the lower floors for retail, supporting an active use of the historic building into the future.

2. Retail Use Will be Retained. The lower two floors of the building will remain as large retail space in keeping with the Union Square District. As discussed above, retail use is not feasible on the upper floors of the building due to its low visibility and large footprints. However, the two lower floors will remain available to retailers, providing an active storefront(s) for pedestrians and consumers in the area.
3. Existing Office Leases. Office users currently lease the entire third, fourth, and a portion of the fifth floor of the building. Approving the Project will facilitate occupancy of the building.
4. Reduce Vacancy in the Neighborhood. Allowing for office use in the building will reduce vacancies in the Union Square neighborhood. The space, as-is, is well suited and desirable for office use, as evidenced by the long history of office tenants in the building. Additionally, the Property is located relatively far from the heart of the Union Square retail area and is located directly adjacent to the C-3-O zoning district. The building is more akin to buildings located in the C-3-O zoning district given its historic office use on upper floors and location.
5. Office Use Supports Union Square Retail. Upper floor office uses bring regular patrons to the building and site vicinity, and those patrons support lower-level retail uses, including restaurants, by providing a retail customer base. Work-at-home orders combined with a precipitous decline in tourist and business travel caused a sharp drop in foot-traffic and retail sales in Union Square and the Financial District. Office use in the building will contribute to economic recovery efforts as office workers return— with businesses and

¹See: *Union Square Struggles with Retail Challenges*, SF Business Journal, 06/22/17:
<https://www.bizjournals.com/sanfrancisco/news/2017/06/22/sf-strux-2017-unionsquare-retailing-real-estate.html>

offices beginning to safely reopen this year. Beyond much needed economic recovery, office use on the upper floors of the building will steadily bring office workers— potential customers— to Union Square.

6. Provide Funding. Significant fees are required when uses are converted. The Project, if approved, would provide significant funds to the City, financially supporting important undertakings such as affordable housing.
7. Jobs for San Francisco residents. Office use will provide quality well-paying jobs to San Francisco residents, drawing new employers to the City with available attractive office space.

2. The Building is Particularly Well-Suited for Office Use

As discussed above, the upper levels of the building are particularly well suited for office use given the building's location directly adjacent to the C-3-O zoning district, the long history of office uses on the upper floors of the building, and the large floorplates of the building. Authorization of the upper floors for office use will additionally serve the surrounding neighborhood, bringing all of the benefits discussed above.

1. The Building has a History of Office Uses on the Upper Floors

This proposal will confirm the long history of office uses on upper floors of the building. Dating all the way back to 1955, permits have referenced existing office use within the building. Since 1979, permits have regularly noted office use in the building, up until as recent as 2020. Beginning in the 90's, Gump's occupied the building with both retail space and as its corporate office headquarters until it closed and vacated the building in 2018. Plans from 1994 show extensive office areas on both the third and fourth floors while plans in 1995 show an office located on the fifth floor of the building (see attached affidavit from a longstanding Gumps manager who can confirm the upper floors were office use). Likewise, by 1996, Levi's moved into the building with plans showing office areas occupying the sixth floor. Currently, a tenant leases space on both the third and fourth floors of the building. However, tenant improvement permits have been held pending Commission approval. The longstanding office uses show that office is an economically viable and desirable option for leasing upper floor space that is no longer suitable for retail in the building.

2. Flexibility for Office Use is Essential for the Economic Viability of the Building

The Union Square area has been in transition for the past several years, even before the effects of the current pandemic were felt. Accordingly, the Owners have needed to rethink spaces

as upper levels of buildings become less and less desirable for retailers. For this particular building, office uses have proved to be an economically viable alternative to retail uses on the upper levels, particularly as the Property is adjacent to the Financial District. Moving forward, the flexibility to continue leasing space for office use will be essential for the continued economic viability of building. Allowing for office use will support flexibility in leasing, encouraging continued active use of the historic building in the future.

3. Other Uses Have Been Considered

After considering other uses, allowing for office use is the only economically viable solution for the building. As outlined above, retail use on the upper floors of the building is not an economically viable solution for the building. The highly desirable ground-floor has been vacant since 2018 when Gump's relocated. Additionally, for this particular building, converting upper floors to residential use is a less desirable option than confirming a longstanding use that the floors are already designed for. Because the building is 122 feet deep with full lot coverage and windows on two exposures, design options of units would be very limited to allow for required light, air, and open space. There is also no parking available on-site. Extensive approvals, permits, and construction would be required to transform the upper levels into livable dwelling space. The already mostly vacant building would be forced to stay vacant for years if the upper floors were converted to residential dwelling units. Alternatively, appropriate office space exists that is well-suited for many tenants in its current form. Allowing for the continued longstanding office use at the building is the only economically viable option for the building.

3. **Conclusion**

In conclusion, approval of office use on the upper floors of this historic building will allow for much needed flexibility in leasing and provide many benefits to the City and surrounding area. Retail space will remain on the lower floors in keeping with Union Square District. Further, approval of office use on the upper floors will result in significant fees put towards affordable housing and Union Square. We respectfully request your support for the project.

Very truly yours,

REUBEN, JUNIUS & ROSE, LLP



Daniel A. Frattin

President Joel Koppel
San Francisco Planning Commission
May 19, 2021
Page 5

Enclosure:

- Affidavit of Jed Pogram

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

Affidavit of Jed Pogram

**THIRD AND FOURTH FLOOR OFFICE USE AFFIDAVIT
GUMP'S OF SAN FRANCISCO
135 Post Street**

I, Jed Pogran, the undersigned, hereby certify to the San Francisco Planning Department (the “**Department**”) that, to my current actual knowledge, the following statements are within my own knowledge and true with respect to the real property (the “**Property**”) at 135 Post Street (Block 0310, Lot 021).

1. Gump’s San Francisco (“Gump’s”) was a luxury retailer headquartered in San Francisco that operated in multiple locations from 1861 until it’s closure in 2019.

2. I was employed as a Manager for Gump’s from September 1987 to February 2007.

3. The first two floors of the six-story building located on the Property (the “**Building**”) consisted of formal retail spaces that were open to the public.

4. With the exception of public restrooms and a credit window, the third and fourth floors of the Building consisted of office uses and served as the headquarters of Gump’s. Starting in 1994 a portion of the fourth floor was sublet to Adventures Unlimited, which similarly used the space as office.

5. Beginning in March 1994, portions of the 3rd and 4th floors of the building were used for Gump’s direct marketing offices.

6. During Gump’s occupation of the building, the third and fourth floors were occasionally open to the general public on a retail basis.

Under penalty of perjury, I declare the information presented is true and correct to the best of my knowledge.

This declaration is executed as of May 17, 2021.



Signature

Jed Pogran

