



# SAN FRANCISCO PLANNING DEPARTMENT

North Subject to: (Select only if applicable)

- Inclusionary Housing
- Childcare Requirement
- Jobs Housing Linkage Program
- Downtown Park Fee
- Public Art
- Public Open Space
- First Source Hiring (Admin. Code)
- Transit Impact Development Fee
- Other – Development Agreement

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

## Planning Commission Motion No. 19471

HEARING DATE: SEPTEMBER 17, 2015

*Date:* September 3, 2015  
*Case No.:* 2011.0409ENV/CUA/DVA/OFA/MAP/PCA/SHD  
*Project Address:* **925 Mission Street and various parcels (aka "5M")**  
*Existing Site Zoning:* C-3-S (Downtown Support) District  
 160-F Height and Bulk Districts  
*Block/Lots:* Lot 097 of Assessor's Block 3725 ("New Examiner" Site)  
*Project Sponsor:* Audrey Tendell  
 5M Project, LLC  
 875 Howard Street, Suite 330  
 San Francisco, CA 94103  
*Staff Contact:* Kevin Guy – (415) 558-6163  
[Kevin.Guy@sfgov.org](mailto:Kevin.Guy@sfgov.org)

ADOPTING FINDINGS RELATING TO THE APPROVAL OF A CONDITIONAL USE AUTHORIZATION PURSUANT TO THE PROPOSED PLANNING CODE SECTION 249.74(e), FIFTH AND MISSION SPECIAL USE DISTRICT (5M SUD) AND SECTION 303 TO PARTIALLY DEMOLISH AN APPROXIMATELY 106,900 GROSS SQUARE FOOT OFFICE BUILDING TO CREATE A BUILDING WITH APPROXIMATELY 21,800 SQUARE FEET OF OFFICE USES (INCLUDING 7,000 SQUARE FEET IN THE REMAINING ABOVE-GROUND CONNECTOR), UP TO 11,800 SF RETAIL AND 1,300 SF LOBBY/CORE USES WITHIN THE EXISTING 110 FIFTH STREET (THE EXAMINER BUILDING AND ASSOCIATED CONNECTING STRUCTURE) BUILDING AND TO ACCOMMODATE REPLACEMENT OF BUILDING OPERATIONAL SYSTEMS AND CIRCULATION MODIFICATIONS, BEING A PORTION OF THE 5M DEVELOPMENT PROJECT REFERRED TO AS THE "NEW EXAMINER" BUILDING; ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, INCLUDING ADOPTION OF A MITIGATION AND MONITORING AND REPORTING PROGRAM; AND ADOPTING FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN AND THE EIGHT PRIORITY POLICIES OF PLANNING CODE SECTION 101(b).

**PREAMBLE**

1. On August 19, 2014, May 15, 2015, and August 7, 2015, 5M Project, LLC (“Project Sponsor”) filed entitlement applications with the San Francisco Planning Department for the development of a mixed-use commercial, residential and retail/educational/cultural development project known as the 5M Project (“5M Project”), including a request for Conditional Use Authorizations for a development application under the proposed “Fifth and Mission Special Use District (“5M SUD”), Planning Code Section (“Section”) 249.74(e) to partially demolish an approximately 106,900 gross square foot office building to create a building with approximately 28,800 square feet of office uses (including 7,000 square feet below the ground floor), up to 11,800 sf retail and 1,300 sf lobby/core uses within the existing 110 Fifth Street (the Examiner building and associated connecting structure) building and to accommodate replacement of building operational systems and circulation modifications, being a portion of the 5m Development Project referred to as the “New Examiner” Building located at 110 Fifth Street, on Lot 097 of Assessor's Block 3725, within the 5M SUD and generally referred to as the "New Examiner Site."
2. The 5M Project is located on approximately four acres of land under single ownership, bounded by Mission, Fifth and Howard Streets. The site is generally bounded by Mission Street to the north, Fifth Street to the east, Howard Street to the south, and Mary Street to the west, along with several additional parcels further to the west along Mary Street. It is currently occupied by eight buildings with approximately 318,000 square feet of office and cultural uses, and several surface parking lots. Buildings on the site include the San Francisco Chronicle Building, Dempster Printing Building and Camelline Building, as well as five low-rise office/warehouse/commercial workshop buildings and several surface parking lots. The site consists of Assessor's Block 3725, Lots 005, 006, 008, 009, 012, 042-047, 076, 077, 089-091, 093, 094, and 097-100.
3. The Planning Department began conversations with the Project Sponsor in 2008 identifying the subject property as an opportunity site that should both reference the lower-scaled environment to the west by emphasizing the existing historic buildings on the site and adding much needed open space to this part of SOMA, with the potential for density and a mix of uses that relate to the high-rise environment to the east. The proposed 5M Project pre-dates the Central SOMA Plan, but supports many of the goals of the Plan, such as supporting transit oriented growth, providing extensive open space, and shaping the area's urban form with recognition of both the City and neighborhood context.
4. The 5M Project proposes to demolish surface parking lots and several existing buildings (926 Howard Street, 912 Howard Street, 409-411 Natoma Street, and 190 Fifth Street), retain the Dempster, Camelline, Chronicle, and Examiner (portion) buildings, and construct three new towers on the 5M Project site, with occupied building heights ranging from approximately 200 feet to 450 feet. The 5M Project includes approximately 821,300 square feet of residential uses (approximately 690 units), 807,600 square feet of office uses (including active office uses at or below the ground floor), and 68,700 square feet of other active ground floor uses (a mix of retail establishments, recreational and arts facilities, restaurants, workshops, and educational uses).

5. The 5M Project would also include vehicular parking, bicycle parking, and loading facilities, an extensive program of private- and publicly accessible open space, and streetscape and public-realm improvements. The northerly portion of Mary Street between Minna and Mission Streets would be converted into a pedestrian alley lined with active uses and enhanced with seating, landscaping, and pedestrian-scaled lighting. Public open space will be provided at the center of the 5M Project, providing active and passive space incorporating artwork, landscape treatments, and furnishings. Another significant open space would be situated on the rooftop of the Chronicle building, including amenities such as a deck, lawn space, seating, and opportunities for urban agriculture and outdoor gardens.
6. On November 20, 2014, the Planning Commission held an informational hearing regarding the 5M Project, which included a broad overview of the design and regulatory approach being proposed for the site. On July 23, 2015, the Planning Commission held a second informational hearing for the 5M Project, which focused on the Design for Development document proposed as part of the overall project entitlements. On August 6, 2015, the Planning Commission held a third informational hearing for the 5M Project, focusing on public benefits, wind and shadow effect, circulation design and transportation, and street improvements. On September 3, 2015, the Planning Commission held a final informational hearing on the 5M Project, focusing on various issues raised at the third informational hearing.
7. In order for the 5M Project to proceed and be developed with the proposed mix of uses and development controls, various General Plan amendments, height reclassifications and amendments to the Planning Code and Zoning Maps, together with additional entitlements and approvals, are required.
8. On July 9, 2015, Mayor Lee introduced draft Ordinances with respect to the 5M Project 1) approving a Development Agreement for the 5M Project, and 2) amending the Planning Code to add Section 249.74 to create the 5M Special Use District, and amending Sectional Maps ZN01, SU01, and HT01 of the Zoning Map to reflect the 5M Special Use District and height reclassifications associated therewith. In order for the 5M Project to proceed and be developed with the proposed mix of uses and development controls, various General Plan amendments, height reclassifications and amendments to the Planning Code and Zoning Maps, together with additional entitlements and approvals, are required, including this conditional use authorization for design review of development applications under the 5M SUD. The 5M SUD is described in Commission Resolution No. 19464 and 5M Design for Development described in Commission Motion No. 19465 which together form the basic regulatory scheme for the 5M Project in lieu of Planning Code Section 309
9. On August 6, 2015, the Planning Commission held a duly noticed public hearing to consider initiation of General Plan Amendments associated with the Project, and adopted Resolution No. 19429 initiating such General Plan Amendments.
10. On October 15, 2014, the Department published a Draft Environmental Impact Report (EIR) for the 5M Project for public review. The Draft EIR public comment period was originally proposed to end on December 1, 2014, and was subsequently extended by the Environmental Review Officer to

January 7, 2015. On November 20, 2014, the Planning Commission conducted a duly noticed public hearing at a regularly scheduled meeting to solicit comments regarding the Draft EIR. On August 13, 2015, the Department published a Comments and Responses document, responding to comments made regarding the Draft EIR prepared for the 5M Project. The Draft EIR and the Comments and Responses document constitute the Final EIR. On September 17, 2015, the Commission reviewed and considered the Final EIR at a duly noticed public hearing and found that the contents of said report and the procedures through which the Final EIR was prepared, publicized, and reviewed complied with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.) ("CEQA"), 14 California Code of Regulations Sections 15000 et seq. ("the CEQA Guidelines"), and Chapter 31 of the San Francisco Administrative Code ("Chapter 31"). The Commission found the Final EIR was adequate, accurate and objective, reflected the independent analysis and judgment of the Department and the Commission, and that the summary of comments and responses contained no significant revisions to the Draft EIR, and approved the Final EIR for the 5M Project in compliance with CEQA, the CEQA Guidelines and Chapter 31. The Planning Department, Jonas Ionin, is the custodian of records, located in the File for Case No. 2011.0409ENV/Planning Department staff prepared a Mitigation and Monitoring and Report Program (MMRP), which material was made available to the public and the Commission for the Commission's review and consideration and action.

11. On September 17, 2015, at a duly noticed public hearing at a regularly scheduled meeting, by Motion No. 19459, the Commission adopted findings, including a statement of overriding considerations and a Mitigation Monitoring and Reporting Program pursuant to CEQA, the CEQA Guidelines and Chapter 31. In accordance with the actions contemplated herein, the Commission has reviewed the Final EIR for the 5M Project and adopts and incorporates by reference as though fully set forth herein the findings, including a statement of overriding considerations, pursuant to CEQA, adopted by the Commission by Motion No. 19459.
12. Also on September 17, 2015, at a duly noticed public hearing at a regularly scheduled meeting, by Resolution Nos. 19464 and 19463, the Commission recommended that the Board of Supervisors approve the 5M SUD and various General Plan amendments required for the 5M Project, and adopted findings in connection therewith.
13. Also on September 17, 2015, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting regarding Conditional Use Application No. 19471. The Commission heard and considered the testimony presented to it at the public hearing and further considered written materials and testimony presented on behalf of the applicant, the Department and the Mayor's Office of Economic and Workforce Development staff, other City departments and interested parties and the record as a whole.

**MOVED** the Commission hereby authorizes the Conditional Use requested in Application No. 2011.0409CUA subject to the conditions contained in "Exhibit A" hereto of this Motion and in general conformance with the plans attached as "Exhibit B", which are incorporated herein by reference as though fully set forth herein, based on the following findings:

## FINDINGS:

Having reviewed all the materials identified in the Preamble above, and having heard all testimony and arguments, this Commission finds, concludes and determines as follows:

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The 5M Project Site is located on approximately four acres of land under single ownership, bounded by Mission, Fifth and Howard Streets. The site is generally bounded by Mission Street to the north, Fifth Street to the east, Howard Street to the south, and Mary Street to the west, along with several additional parcels further to the west along Mary Street. It is currently occupied by eight buildings with approximately 318,000 square feet of office and cultural uses, and several surface parking lots. Buildings on the site include the San Francisco Chronicle Building, Dempster Printing Building and Camelline Building, as well as five low-rise office/warehouse/commercial workshop buildings and several surface parking lots. The site consists of Assessor's Block 3725, Lots 005, 006, 008, 009, 012, 042-047, 076, 077, 089-091, 093, 094, and 097-100. The Examiner Site presently includes the 106,900 gsf Examiner Building and connector building consisting almost entirely of office uses (approximately 92,100 in the Examiner Building and 14,800 in the connection between the Examiner and the Chronicle Building).
3. **Surrounding Properties and Neighborhood.** The 5M Project site is located at the nexus of the Downtown, SOMA, and Mid-Market areas, within a context characterized by intense urban development and a diverse mix of uses. The Westfield San Francisco Centre located at the southeast corner of Market and Fifth Streets, which defines the entry into the major retail shopping district around Union Square. The Fifth and Mission Parking Garage and the University of the Pacific School of Dentistry are located immediately to the east across Fifth Street, with the Metreon shopping center, Yerba Buena Gardens, and Moscone Center situated further to the east. The 340-foot Intercontinental Hotel is immediately to the east of the site, while the Pickwick Hotel and the Hotel Zetta are located along the Fifth Street corridor. The Old Mint is situated immediately to the north of the site across Mission Street. Existing buildings to the west and the south of the site tend to be lower in scale, and contain a wide variety of uses, including residential hotels, older and newly-constructed residential buildings, offices, retail establishments, and automotive repair. The transit spine of Market Street is situated one block to the north, while the alignment of the future Central Subway is located one block to the east along Fourth Street.

The Planning Department began conversations with the project sponsor in 2008, identifying the subject property as an opportunity site that should both (1) reference the lower-scaled environment to the west by emphasizing the existing historic buildings on the site and adding much needed open space to this part of SOMA, and (2) should add density and a mix of uses that relate to the high-rise environment to the east. The proposed 5M Project pre-dates the draft Central SOMA Plan, but supports many of the goals of the Plan, such as supporting transit oriented growth, providing extensive open space, and shaping the area's urban form with recognition of both the City and neighborhood context.

4. **New Examiner Site and Project Description.** The New Examiner Building Project contemplates concurrent, conforming amendments to the Planning Code, adoption of design standards and guidelines (the D4D), and a Development Agreement for the entire 5M Project area. The proposed project (the "New Examiner Building" or "Project") is a renovated 34,900 square foot office building with mixed-use ground floor and basement located on Minna Street between Fifth and Mary Streets. It would constitute roughly the western third portion of the existing 92,100 square-foot San Francisco Examiner office building (the eastern two-thirds of which would be demolished for construction of the adjacent residential N-1, residential building which is subject to separate Conditional Use Authorization). The New Examiner Building would remain three stories and 50 feet tall. In addition to demolition of about two-thirds of the building (the Examiner Building and the remaining connector are referred to collectively as the New Examiner Building and their square footage combined), it would be renovated as follows: (a) to accommodate changes to building systems and building circulation necessitated by the demolition of approximately the eastern two-thirds of the existing building and the above ground connector between it and Building M-1 (the adjacent building, San Francisco Chronicle Building also being renovated subject to separate Conditional Use Authorization); and (b) changes to the interior layout and circulating of the building. The New Examiner Building would contain 21,800 square feet of office use above the ground floor, including 7,000 gsf of office within the remaining above-ground connector, up to 11,800 square feet of ground floor and basement retail space (including conversion of up to 9,600 sf of basement space to retail space) and 1,300 square feet of lobby/core space.

Construction of the New Examiner Building would include streetscape improvements on the building's Minna Street frontage in accordance with design standards and guidelines for the 5M Project.

5. **Public Comment.** The Planning Department has received extensive written and verbal comments from members of the public regarding the proposed 5M Project. In general, communications in support of the project praise the development of a relatively underutilized site with housing, employment, and retail opportunities, the public benefits package outlined in the Development Agreement for the project (including contributions toward affordable housing, youth, workforce, and arts programs, and transportation), enhancement of streetscapes and the provision of new open spaces. Communications in opposition to the project express concerns regarding displacement and changes in neighborhood character, traffic, incompatibility in the scale of the new buildings, and changes to existing height and zoning controls necessary to allow the project to proceed.
6. **Planning Code Compliance/Zoning and Entitlement Structure.** The 5M Project regulatory program is a comprehensive planning approach and entitlement structure for the entire site. The proposed 5M SUD sets a unique set of zoning regulations and approval processes for project implementation. The entire site would be unified under the C-3-S Zoning District, which currently applies to the majority of the site, and height reclassifications are proposed to reflect the building heights shown in the D4D. The 5M D4D as described in Resolution No. 19465 articulates a vision for the character of the overall project, and provides specificity on aspects of architecture and

massing, streetscape improvements, landscaping and greening, lighting, circulation and transportation facilities, public art, open space programming and design, activation and enhancement of the pedestrian realm, and sustainability features. The scope of the D4D is expansive, and the guidelines and regulations within each topic area are detailed. As with the entire 5M Project, the New Examiner Building Project is governed by the proposed 5M SUD, D4D, and the Development Agreement. The Commission finds that the New Examiner Building Project is consistent with the Planning Code overall, and the proposed 5M SUD and D4D in the following manner:

- A. **Use and Density.** The Examiner Building complies C-3-S District and 5M SUD use and density controls of the Planning Code. The office space uses and other modifications to the existing building are permitted uses.
- B. **Height and Bulk.** The SUD and D4D describe unique height and bulk regulations for buildings proposed for the 5M Project site. Other than reduction in total massing, there is no change in the height or bulk of the existing Examiner Building.
- C. **Floor Area Ratio.** The Examiner Building complies with 5M SUD Section 3(D) which provides the permitted Gross Floor Area for the 5M Project shall not exceed 11:1. The New Examiner Building is consistent with the allowable FAR proposed for the development.
- D. **Rear Yard Setback.** The provisions of Planning Code Sections 134 and 140 do not apply to the 5M Project, and the provisions of the 5M SUD apply in lieu of those provisions. The Examiner Building modifications do not trigger any new set back requirements and the basic building footprint does not change.
- E. **Usable Open Space, Streetscape and Pedestrian Improvements, Active Street Frontages, Off-Street Parking and Car Sharing and Off-Street Loading provisions of the Planning Code and the 5M SUD generally do not apply to the Examiner Building improvements to the existing Chronicle Building.** The New Examiner Building streetscape improvements are consistent with the overall 5M SUD regulatory structure.
- F. **Inclusionary Affordable Housing Program.** As set forth in the 5M Development Agreement Affordable Housing and Community Benefit Program, the 5M Project exceeds the Planning Code's Affordable Housing requirements by providing an anticipated 33% of the market rate dwelling units as affordable housing. The New Examiner Building alone does not involve improvements to which the Planning Code Inclusionary Affordable Housing or Jobs Housing Linkage Programs apply.
7. **Planning Code Section 303** establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use Authorization. The 5M SUD provides in Section 249.74(e) that within the District, the provisions of Section 249.74(e), the 5M D4D and Section 303 apply in lieu of the Section 309 process. The New Examiner Building Project development application authorization process must meet these criteria. On balance, the New Examiner Building Project complies with the criteria of Section 303, in that:

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

The New Examiner Building is a 34,900 square-foot mixed-use building, with 21,800 square feet of office and up to 11,800 square feet of retail use. Its proposed location is currently developed with office use. It is within the Downtown Plan area and C-3-S (Commercial Support) Zoning District, at the northern edge of the South of Market (SoMa) neighborhood.

Under the Downtown Plan, office uses are encouraged and they are principally permitted uses within the C-3-S District. The Downtown Plan encourages prime downtown office activities to grow so long as negative effects can be controlled, including the displacement of other uses. The New Examiner Building would not displace existing uses and would not otherwise have detrimental effects because it is replacing a current use.

The project is consistent and compatible with existing land uses in the immediate vicinity, which display a variability that reflects the intersection of Downtown and SoMa neighborhoods. High-rise hotel, major retail, convention center, midrise office and residential development are found within one block of the Project site. The office and proposed at the New Examiner Building are reflected in, and compatible with, the surrounding community.

Furthermore, the project's location, close to the major Powell Street transit hub and transit corridors on Market Street and Mission Street, and the Central Subway alignment on Fourth Street. Locating office uses in proximity to transit is consistent with Downtown Plan goals of promoting additional transit usage and ensuring that the number of private vehicle trips to Downtown are not detrimental to the area, because users will be within convenient walking distance of many transit options.

Thus, the location of the Examiner Building, within the Downtown Plan and C-3-S District, is an appropriate location for office use with active ground floor office uses.

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

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

The New Examiner Building would continue office uses that are currently present on the site, in lesser amount. The reduced size and shape of the building is consistent with, and would not be detrimental to existing uses in the vicinity.

Thus, the proposed site and proposed size and location of the New Examiner Building would not be detrimental to the health, safety, convenience or general welfare of persons living or working in the vicinity of the building, or injurious to surrounding property.

*(b) 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 New Examiner Building would be expected to reduce traffic patterns from those it currently generates comparative to its reduction in size. It would continue to be located in close proximity to major transit hubs at Powell Street BART/Muni station, other regional transit services that serve the SoMa area, and two blocks from the forthcoming Central Subway station at Folsom and Fourth Street. Loading for the New Examiner Building will be on-street loading on Minna Street. Thus, traffic patterns for persons and vehicles, including the type and volume of such traffic at the Examiner Building, is appropriately addressed so as to not be detrimental to the health, safety, convenience or general welfare of persons living or working in the vicinity of the building, or injurious to surrounding property.

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

No materials or activities that result in noxious or offensive emissions will be used or engaged in within the New Examiner Building. The Final Environmental Impact Report for the 5M Project ("FEIR") analyzed impacts related to noise and dust during both the construction and operational phases of the 5M Project, and concluded that the Project would not result in significant impacts related to either, by including, where feasible, mitigation measures to be implemented as part of the project. The New Examiner Building will not use reflective or glare-producing materials, and will use insulated glass and materials to mitigate sound transmission.

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

The 5M D4D standards and guidelines to be established for the 5M Project, applicable to the New Examiner Building direct treatment of streetscape, landscape, open spaces, lighting and signage. Adjacent to the New Examiner Building, sidewalk treatments, signage, lighting and landscaping will be added to the Minna Street sidewalk. Loading areas serving the New Examiner Building are primarily on-street adjacent to the building to minimize impacts to streetscape and conflicts with pedestrians and private vehicles. Thus, although the New Examiner Building is a renovation of an existing building, it would contribute streetscape improvements on adjacent Minna Street, that would be beneficial for, and not detrimental to the health, safety, convenience or general welfare of persons living or working in the vicinity of the building, or injurious to surrounding property.

3. *That such a use or feature as proposed will comply with the applicable provisions of this Code and will not adversely affect the Master (General) Plan:*

The New Examiner Building Project will comply with the provisions of the Planning Code, as contemplated to be amended, and will otherwise be consistent with key objectives of the Downtown Plan as discussed above. The New Examiner Building Project would affirmatively promote, be consistent with, and would not adversely affect the General Plan as it is proposed to be amended, for the reasons set forth set forth in Motion No. 19460, Case No. 2011.0409ENV/CUA/DVA/OFA/MAP/PCA/SHD, which are incorporated herein as though fully set forth.

The M-2 Project complies with the eight priority policies of Planning Code Section 101.1, for the reasons set forth set forth in Motion No. 19460, Case No. 2011.0409ENV/CUA/DVA/OFA/MAP/PCA/SHD, which are incorporated herein as though fully set forth.

### 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 Application No. 2011.0409CUA** subject to the conditions attached hereto as "EXHIBIT A" and in general conformance with design graphic materials attached as "EXHIBIT B." The Commission agrees that if the Board of Supervisors proposes any amendment to the Development Agreement that benefits the City and does not alter the City's General Plan, the Planning Code, or the applicable zoning maps affecting the New Examiner Building Project, then such amendments shall not be deemed a "material modification" to the Development Agreement under Administrative Code Section 56.14, and any such amendment to the Development Agreement may be approved by the Board of Supervisors without referring the proposed amendment back to the Commission.

The Planning Commission hereby adopts the CEQA findings contained in Planning Commission Motion No. 19459, incorporated herein as part of this motion, by this reference thereto, and the MMRP attached to Motion 19459 as Exhibit 1 to Attachment A and incorporated herein as part of this Motion by this reference thereto. All required mitigation measures identified in the Final EIR and contained in the MMRP are included as conditions of approval.

**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 No. 19471. The effective date of this Motion shall be the date of this Motion if not appealed (after the 30-days period has expired) OR the date of the decision of the Board of Supervisors if this Motion is 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.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on September 17, 2015.

Jonas P. Ionin  
Commission Secretary

AYES: Antonini, Fong, Hillis, Johnson, Richards

NOES: Moore, Wu

ABSENT: None

ADOPTED: September 17, 2015

## EXHIBIT A

### AUTHORIZATION

This authorization is for a Conditional Use for a development application under the proposed “Fifth and Mission Special Use District (“5M SUD”), Planning Code Section (“Section”) 249.74 to partially demolish an approximately 106,900 gross square foot office building to create a building with approximately 28,800 square feet of office uses (including 7,000 square feet below the ground floor), up to 11,800 sf retail and 1,300 sf lobby/core uses within the existing 110 Fifth Street (the Examiner building and associated connecting structure) building and to accommodate replacement of building operational systems and circulation modifications, being a portion of the 5M Development Project referred to as the “New Examiner” Building located at 110 Fifth Street, on Lot 097 of Assessor's Block 3725, within the 5M SUD and generally referred to as the "New Examiner Site." The subject property is currently located within the C-3-S District, and 160-F Height and Bulk District. Such Authorization is for a Project as described therein and in general conformance with plans, dated September 17, 2015 and attached hereto and stamped “EXHIBIT B”, included in the docket for Case No. **2011.0409CUA** and subject to these conditions of approval reviewed and approved by the Commission on September 17, 2015 under Motion No **19471**. 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 for new construction 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 September 17, 2015 under Motion No.19471.

### PRINTING OF CONDITIONS OF APPROVAL ON PLANS

These conditions of approval of this Planning Commission Motion No. **19471** 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, except as provided in and subject to the applicable provisions of the Development Agreement between 5M Project, LLC and the City and County of San Francisco for the 5M Project (the "DA"), 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 or modifications to the Project approved pursuant to this authorization or the conditions thereof, that are consistent with the Fifth and Mission Special Use District and 5M Design for Development, may be approved administratively by the Planning Director in accordance with Planning Code Section 249.74(e), as provided below. Other 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

**Validity.** Except as otherwise permitted by the DA, this authorization and rights vested by virtue of this action is valid for three (3) years from the date that the Planning Code text amendment(s) and/or Zoning Map amendment(s) become effective. The Department of Building Inspection shall have issued a Building Permit or Site Permit to construct the project and/or commence the approved use within this three-year period.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

**Expiration and Renewal.** Except as otherwise permitted by the DA, should a Building or Site Permit be sought after the above referenced period has lapsed, the project sponsor must seek a renewal of this Authorization by filing an application for an amendment to the original Authorization or a new application for Authorization. Should the project sponsor decline to so file, and decline to withdraw the permit application, the Commission shall conduct a public hearing in order to consider the revocation of the Authorization. Should the Commission not revoke the Authorization following the closure of the public hearing, the Commission shall determine the extension of time for the continued validity of the Authorization.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

**Diligent Pursuit.** Except as otherwise permitted by the DA, 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 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

**Extension.** All time limits in the preceding three paragraphs may be extended as provided in the DA in connection with a Litigation Extension or Excusable Delay, each as defined therein.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

**Conformity with Current Law.** Except as provided in the DA with respect to Applicable Laws and Future Changes to Existing Standards, no application for Building Permit, Site Permit, or other

entitlement shall be approved unless it complies with all applicable provisions of City Codes in effect at the time of such approval.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

**Additional Project Authorization.** In order to implement the overall 5M Project, the 5M Project Sponsor must obtain 1) Findings under Section 295 as to whether the shadow cast by the 5M Project on Boeddeker Park would have an adverse impact, 2) Height Reclassifications to reflect the building heights identified in the Design for Development Document for the Project, 3) Planning Code Amendments and Zoning Map Amendment to adopt the “Fifth and Mission Special Use District” associated with the 5M Project, 5) General Plan Amendments to maps and exhibits in the Downtown Plan, Urban Design Element, and South of Market Area Plan associated with the Project for the subject property, and 6) Approval of the Design for Development document associated with the 5M Project. 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 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

**Mitigation Measures.** Mitigation measures described in the MMRP attached as Exhibit 1 to Attachment A to Motion No. 19459 are necessary to avoid potential significant effects of the proposed project and have been agreed to by the project sponsor. Their implementation is a condition of project approval.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

## DESIGN – COMPLIANCE AT PLAN STAGE

**Design.** Final design, site, building or other implementing permits, addenda or other approvals (Applications), including without limitation materials, glazing, color, texture, landscaping, detailing, streetscape, lighting, street tree plantings, rooftop mechanical equipment location, garbage, composting and recycling storage location shall be reviewed by the Department staff and the Planning Director in accordance with the Planning Code Section 249.74(e) for consistency with the 5M Special Use District and the Design for Development. Applications consistent with the Special Use District and the Design for Development may be approved administratively by the Planning Director as therein provided.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

**Open Space Plaques – C-3 Districts.** As applicable, and pursuant to Planning Code Section 138, the Project Sponsor shall install the required public open space plaques at each building entrance including the standard City logo identifying, it; the hours open to the public and contact information for building management. The plaques shall be plainly visible from the public sidewalks on Mission, Fifth, Howard, Mary, Natoma, and Minna Streets, in locations determined in consultation with the Planning Department. The plaques shall indicate that the open space is accessible to the public. Design of the plaques shall utilize the standard templates provided by the Planning Department, as available, and shall be approved by the Department staff prior to installation.

*For information about compliance, contact the Case Planner, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

**Transformer Vault.** The location of individual project PG&E Transformer Vault installations has significant effects to San Francisco streetscapes when improperly located. However, they may not have any impact if they are installed in preferred locations. Therefore, the Planning Department recommends the following preference schedule in locating new transformer vaults, in order of most to least desirable:

1. On-site, in a basement area accessed via a garage or other access point without use of separate doors on a ground floor façade facing a public right-of-way;
2. On-site, in a driveway, underground;
3. On-site, above ground, screened from view, other than a ground floor façade facing a public right-of-way;
4. Public right-of-way, underground, under sidewalks with a minimum width of 12 feet, avoiding effects on streetscape elements, such as street trees; and based on Better Streets Plan guidelines;
5. Public right-of-way, underground; and based on Better Streets Plan guidelines;
6. Public right-of-way, above ground, screened from view; and based on Better Streets Plan guidelines;
7. On-site, in a ground floor façade (the least desirable location).

Unless otherwise specified by the Planning Department, Department of Public Work's Bureau of Street Use and Mapping (DPW BSM) should use this preference schedule for all new transformer vault installation requests.

*For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works at 415-554-5810, <http://sfdpw.org>*

**Overhead Wiring.** The Property owner will allow MUNI to install eyebolts in the building adjacent to its electric streetcar line to support its overhead wire system if requested by MUNI or MTA.

*For information about compliance, contact San Francisco Municipal Railway (Muni), San Francisco Municipal Transit Agency (SFMTA), at 415-701-4500, [www.sfmta.org](http://www.sfmta.org)*

**Noise, Ambient.** Interior occupiable spaces shall be insulated from ambient noise levels. Specifically, in areas identified by the Environmental Protection Element, Map 1, "Background Noise Levels," of the General Plan that exceed the thresholds of Article 29 in the Police Code, new developments shall install and maintain glazing rated to a level that insulate interior occupiable areas from Background Noise and comply with Title 24.

*For information about compliance, contact the Environmental Health Section, Department of Public Health at (415) 252-3800, [www.sfdph.org](http://www.sfdph.org)*

**Street Trees.** In accordance with this Conditional Use Authorization, the Design for Development and the 5M SUD, the Project Sponsor shall submit a site plan to the Planning Department prior to Planning approval of the building permit application indicating that street trees are in conformity with the Design for Development. The exact location, size and species of tree shall be as approved by the Director of the Department of Public Works (DPW). In any case in which DPW cannot grant approval for installation of a tree in the public right-of-way, on the basis of inadequate sidewalk width, interference with utilities or other reasons regarding the public welfare, and where installation of such tree on the lot itself is also

impractical, the requirements of this Section 428 may be modified or waived by the Zoning Administrator to the extent necessary.

*For information about compliance, contact the Case Planner, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

**Streetscape Plan.** The Project Sponsor shall continue to work with Planning Department staff, in consultation with other City agencies, to refine the design and programming of the streetscape plan for the project frontage, so that the plan generally meets the standards of the D4D and all applicable City standards. The Project Sponsor shall complete advanced schematic drawings suitable for construction costing of all required street improvements, and shall have filed applications for relevant City permits, prior to issuance of first architectural addenda, and shall complete construction of all required street improvements prior to issuance of first temporary certificate of occupancy.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

## PARKING AND TRAFFIC

**Car Share.** Car share spaces shall be made available, at no cost, to a certified car share organization for the purposes of providing car share services for its service subscribers, in accordance with the Design for Development document for the Project.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

**Bicycle Parking** Pursuant to the 5M SUD, the Project shall provide Class 1 and Class 2 bicycle parking spaces in the amounts and locations specified in the D4D for the Project.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

**Showers and Clothes Lockers.** Pursuant to the 5M SUD, the Project shall provide shower and clothes lockers in accordance with the D4D for the Project

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

**Parking Maximum.** The Project shall provide off-street parking spaces that comply with the maximum ratios specified in the D4D for the Project.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

**Off-street Loading.** The Project will provide off-street loading spaces in accordance with the D4D for the Project.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

**Managing Traffic During Construction.** In accordance with the Mitigation Monitoring and Reporting Program, the Project Sponsor and construction contractor(s) shall coordinate with the Traffic Engineering

and Transit Divisions of the San Francisco Municipal Transportation Agency (SFMTA), the Police Department, the Fire Department, the Planning Department, and other construction contractor(s) for any concurrent nearby Projects to manage traffic congestion and pedestrian circulation effects during construction of the Project.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

## PROVISIONS

**Workforce Program.** The Project Sponsor shall comply with the applicable requirements of the Workforce Agreement, Exhibit F to the DA.

*For information about compliance, contact the First Source Hiring Manager at 415-581-2335, [www.onestopSF.org](http://www.onestopSF.org)*

**Transportation Program.** The Project Sponsor comply with all the applicable requirements of the Transportation Program, Exhibit G to the DA, including without limitation, and to the extent applicable, the provisions regarding implementation and monitoring of a TDM program.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378 [www.sf-planning.org](http://www.sf-planning.org)*

**Employment Brokerage Services - C-3 District.** The Project Sponsor shall comply with the applicable requirements of the Workforce Program, Exhibit F to the DA.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

**Transit Impact Development Fee.** Pursuant to Planning Code Section 411, and subject to the provisions of the Development Agreement, the Project Sponsor shall pay the Transit Impact Development Fee (TIDF) as required by and based on drawings submitted with the Building Permit Application. Prior to the issuance of a temporary certificate of occupancy, the Project Sponsor shall provide the Planning Director with certification that the fee has been paid.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

**Public Art.** The Project Sponsor shall comply with the applicable provisions of the Art Program, Exhibit H to the DA, including with respect to the payment and allocation of fees for capital and programming purposes.

*For information about compliance, contact the Case Planner, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

## MONITORING - AFTER ENTITLEMENT

**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 in the Development Agreement and administrative penalties set forth under Planning Code Section 176 or Section 176.1. The Planning Department may also refer the violation



complaints to other city departments and agencies for appropriate enforcement action under their jurisdiction.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

**Revocation due to Violation of Conditions.** Subject to the review and other applicable provisions of the DA, should implementation of this Project result in complaints from interested property owners, residents, or commercial lessees which are not resolved by the Project Sponsor and found to be in violation of the Planning Code and/or the specific conditions of approval for the Project as set forth in Exhibit A of this Motion, the Zoning Administrator shall refer such complaints to the Commission, after which it may hold a public hearing on the matter to consider revocation of this authorization.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

## OPERATION

**Garbage, Recycling, and Composting Receptacles.** Garbage, recycling, and compost containers shall be kept within the premises and hidden from public view, and placed outside only when being serviced by the disposal company. Trash shall be contained and disposed of pursuant to garbage and recycling receptacles guidelines set forth by the Department of Public Works.

*For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works at 415-554-5810, <http://sfdpw.org>*

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

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

**Community Liaison.** Prior to issuance of a building permit to construct the project and implement the approved use, the Project Sponsor shall appoint a community liaison officer to deal with the issues of concern to owners and occupants of nearby properties. The Project Sponsor shall provide the Zoning Administrator with written notice of the name, business address, and telephone number of the community liaison. Should the contact information change, the Zoning Administrator shall be made aware of such change. The community liaison shall report to the Zoning Administrator what issues, if any, are of concern to the community and what issues have not been resolved by the Project Sponsor.

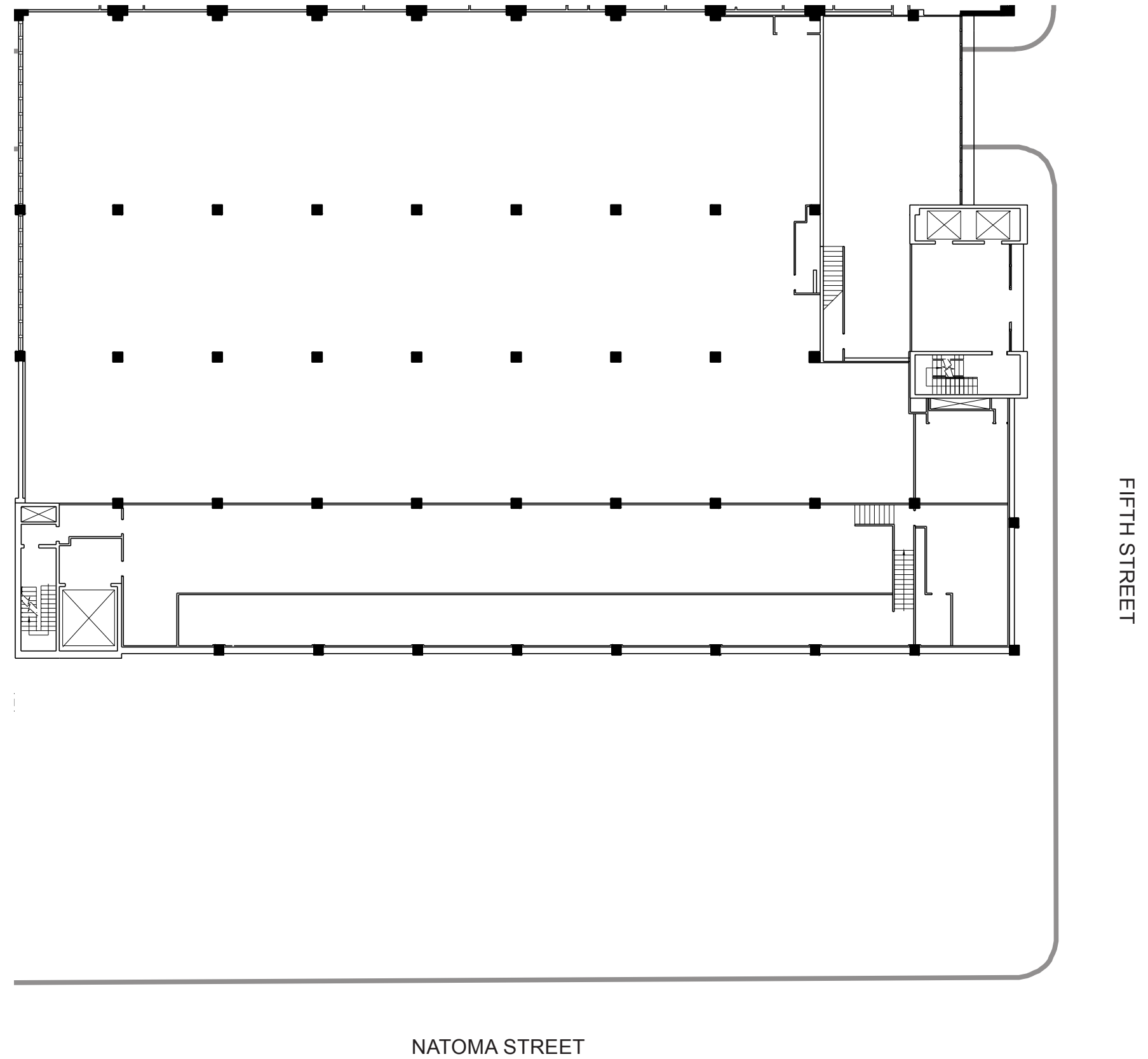
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

**EXHIBIT B**

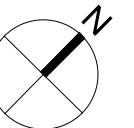
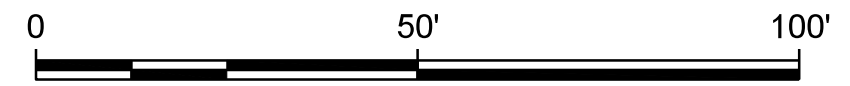
**NEW EXAMINER BUILDING \_ PROJECT CONDITIONAL USE APPLICATION**

SELECTED PAGES

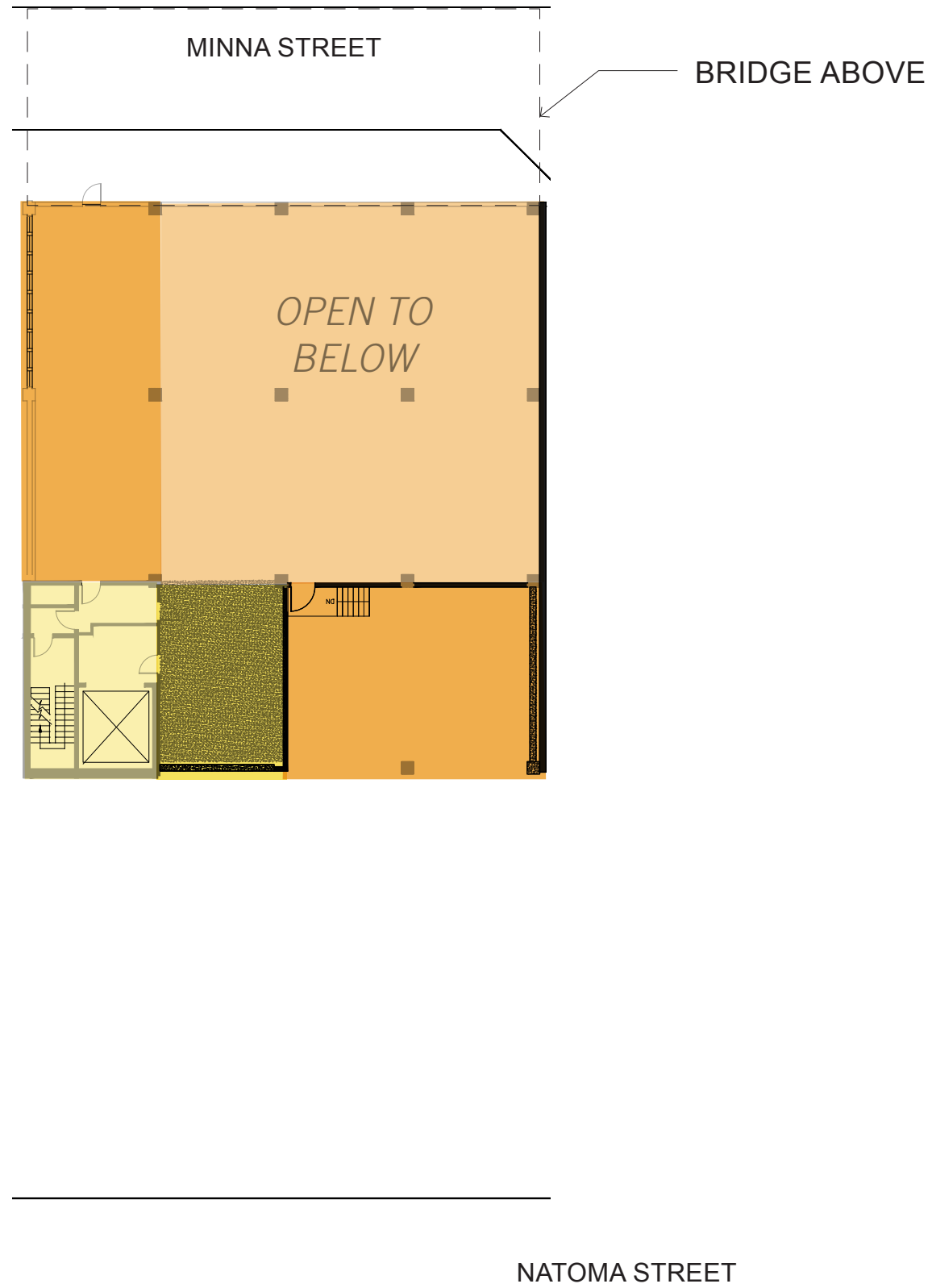
**FIGURE 4A: TYPICAL PLANS**  
EXAMINER BUILDING (EXISTING)



Ground Plan



**FIGURE 4C: TYPICAL PLANS**  
EXAMINER BUILDING (PROPOSED)

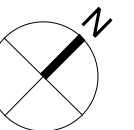
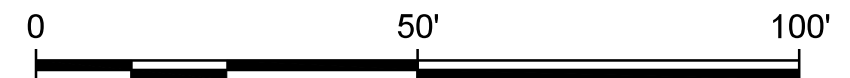


**Uses Legend**

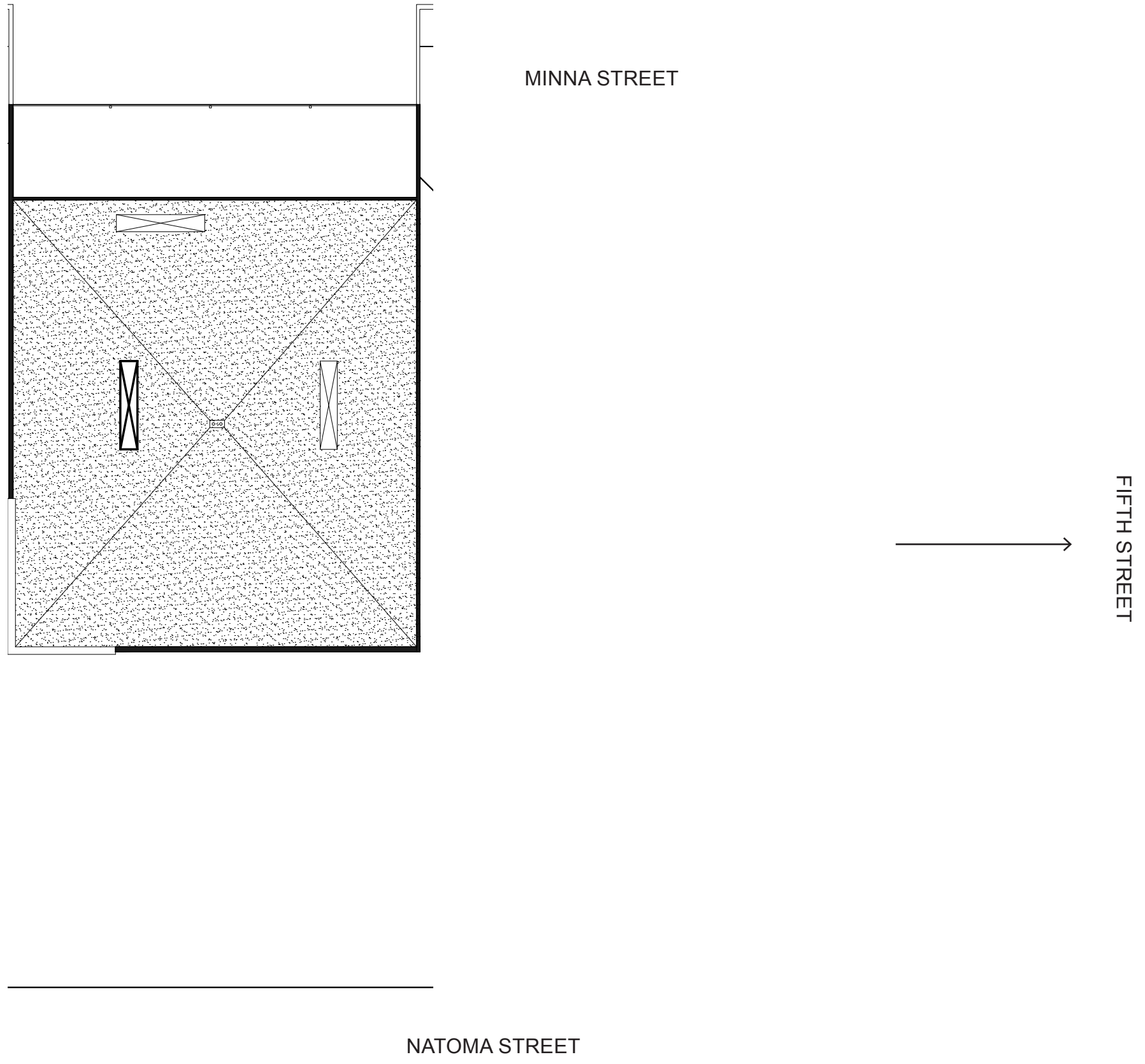
- Neighborhood Retail
- Lobby / Core
- Building Services
- Bicycle Parking
- Vehicular Parking Access
- Vehicular Loading
- Child Care
- Non-profit Space
- Co-work / Office

NOTE: EXAMPLE  
PROGRAM LAYOUTS  
SHOWN

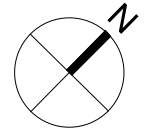
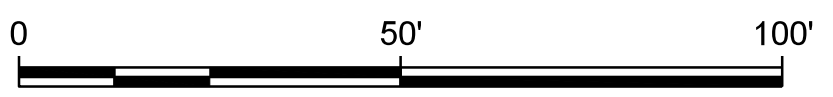
Ground Plan



**FIGURE 4D: TYPICAL PLANS**  
EXAMINER BUILDING (PROPOSED)



Roof Plan



# FIGURE 5A: TYPICAL ELEVATIONS

## EXAMINER BUILDING (PROPOSED)



- 1. CHRONICLE BUILDING
- 2. EXAMINER BUILDING
- 3. CAMELLINE BUILDING
- 4. DEMPSTER PRINTING BUILDING



- 1. CHRONICLE BUILDING
- 2. EXAMINER BUILDING
- 3. CAMELLINE BUILDING
- 4. DEMPSTER PRINTING BUILDING



South Elevation (view from Minna St)



West Elevation (view from Mary St)

NOTE: NOT TO SCALE

# FIGURE 5B: TYPICAL ELEVATIONS

## EXAMINER BUILDING (PROPOSED)



- 1. CHRONICLE BUILDING
- 2. EXAMINER BUILDING
- 3. CAMELLINE BUILDING
- 4. DEMPSTER PRINTING BUILDING



East Elevation (view from 5th St)

NOTE: NOT TO SCALE