



Department of Public Works
Office of the City and County Surveyor

1155 Market Street, 3rd Floor
San Francisco, CA 94103

Bruce R. Storrs, City and County Surveyor

RECEIVED
13 OCT -9 PM 2:56

Edwin M. Lee, Mayor
Mohammed Nuru, Director

Fuad S. Sweiss, PE, PLS,
City Engineer & Deputy Director of Engineering

TENTATIVE MAP DECISION

2013.1198Q

Date: August 20, 2013

Department of City Planning
1650 Mission Street, Suite 400
San Francisco, CA 94103

Project ID: 7573			
Project Type: 4 Lot Air Space Subdivision and 656 Residential and 5 Commercial New Construction Condominium Units.			
Address#	StreetName	Block	Lot
201	FOLSOM ST	3746	003
Tentative Map Referral			

Attention: Mr. Scott F. Sanchez

The subject Tentative Map has been reviewed by the Planning Department and does comply with applicable provisions of the Planning Code. On balance, the Tentative Map is consistent with the General Plan and the Priority Policies of Planning Code Section 101.1 based on the attached findings. The subject referral is exempt from environmental review per Class 1 California Environmental Quality Act Guidelines.

X

The subject Tentative Map has been reviewed by the Planning Department and does comply with applicable provisions of the Planning Code subject to the following conditions (Any requested documents should be sent in with a copy of this letter to Scott F. Sanchez at the above address):

SEE ATTACHED CONDITIONS OF APPROVAL.

The subject Tentative Map has been reviewed by the Planning Department and does not comply with applicable provisions of the Planning Code. Due to the following reasons (Any requested documents should be sent in with a copy of this letter to Scott F. Sanchez at the above address):

Enclosures:

- Application
- Print of Tentative Map

Sincerely,

Bruce R. Storrs, P.L.S.
City and County Surveyor

PLANNING DEPARTMENT

DATE 10-07-13

C. LANDRENA
FOR Mr. Scott F. Sanchez, Zoning Administrator

NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

RECORDING REQUESTED BY:)
)
And When Recorded Mail To:)
)
Name: John Kevin)
)
Address: 1 Bush St, Suite 600)
)
City: San Francisco, CA 94104)
)
California)

CONFORMED COPY of document recorded on,
10/28/2009, 20091866395
as No. _____ at _____
This document has not been compared with the original
SAN FRANCISCO ASSESSOR RECORDER

) Space Above This Line For Recorder's Use

I (We) 201 Folsom Realty Partners, L.P. the owner(s) of that certain real property situated in the City and County of San Francisco, State of California, more particularly described as follows (or see attached sheet marked Exhibit A on which property is more fully described):

See Exhibit A.

Being Assessor's Block 3746, Lot 003, commonly known as 201 Folsom Street (aka 314 Main Street), hereby give notice that there are special restrictions on the use of said property under Part II, Chapter II of the San Francisco Municipal Code (Planning Code).

Said restrictions consist of conditions attached to **Conditional Use Application No. 2008.1354C** authorized by the Planning Commission of the City and County of San Francisco on **September 3, 2009** as set forth in **Planning Commission Motion No. 17945**, permitting to allow an extension of the performance period for the construction of a mixed use project consisting of two residential towers of heights of 350 feet and 400 feet, above an approximately 80-foot podium with full lot coverage and would include up to 725 dwelling units, up to 38,000 square feet of commercial and retail uses and up to 753 off-street parking spaces for residential and retail use, and about 272 parking spaces to replace existing usps parking within an RC-4 District (Residential Commercial combined Districts, High Density) District and the Folsom and Main Residential/Commercial Special Use District.

NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

The restrictions and conditions of which notice is hereby given are:

Whenever "Project Sponsor" is used in the following conditions, the conditions shall also bind any successor to the Project or other persons having an interest in the Project or underlying property.

This approval is pursuant to Sections 303(e) to modify Condition No. 7 of Motion No. 16647 to extend the performance period for a period of 3 years from the approval date of this Motion. The original proposal was to construct a new mixed use project (predominately residential) that would consist of two residential towers of heights of 350 and 400 feet, above an 80 foot podium with full lot coverage and would include up to 725 dwelling units, between 15,500 and 38,000 square feet of retail and commercial space and 753 off-street parking spaces for residential and retail uses and 272 parking spaces to replace existing parking for the United States Postal Service ("Project"). Conditional use authorization was required pursuant to San Francisco Planning Code Sections 303(c) and 253 to allow construction of buildings taller than 40 feet in an R (Residential) District. All previously granted exceptions and Conditions of Approval would remain and are attached as Exhibit B. The amendment extends the approval to September 3, 2012.

GENERAL CONDITIONS

1. Performance. This extension is valid for a period of 3 years after the date of approval of this Motion, which ends on September 3, 2012.
2. Recordation. Prior to the issuance of any building or site permit for the construction of 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, which notice shall state that construction of the Project has been authorized by and is subject to the conditions of this Motion. From time to time after the recordation of such notice, at the request of the Project Sponsor, the Zoning Administrator shall affirm in writing the extent to which the conditions of this Motion have been satisfied, and record said writing if requested.

NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

The use of said property contrary to these special restrictions shall constitute a violation of the Planning Code, and no release, modification or elimination of these restrictions shall be valid unless notice thereof is recorded on the Land Records by the Zoning Administrator of the City and County of San Francisco; except that in the event that the zoning standards above are modified so as to be less restrictive and the uses therein restricted are thereby permitted and in conformity with the provisions of the Planning Code, this document would no longer be in effect and would be null and void.

Dated: _____ at San Francisco, California

201 FOLSOM REALTY Partners, L.P.
By: TST 201 FOLSOM GP, L.L.C., its general partner
By: Michael B. Benner AM

(Owner's Signature)

Michael B. Benner
Vice President and Secretary

(Agent's Signature)

This signature(s) must be acknowledged by a notary public before recordation; add Notary Public Certification and Official Notarial Seal.

NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

11/11/2011
11/11/2011

TF:gwf

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of ~~California~~ New York
 County of New York }
 On October 2, 2009 before me, Kerri A. Garrett
Date Here Insert Name and Title of the Officer
 personally appeared Michael B. Benner
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

KERRI A. GARRETT
 Notary Public, State of New York
 No. 01GA6022001
 Qualified in Queens County
 Certificate Filed in New York County
 Commission Expires March 23, 2011

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Kerri A. Garrett
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____

RIGHT THUMBPRINT OF SIGNER
 Top of thumb here

Signer Is Representing: _____

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____

RIGHT THUMBPRINT OF SIGNER
 Top of thumb here

Signer Is Representing: _____

EXHIBIT A

LEGAL DESCRIPTIONS

ALL THAT REAL PROPERTY SITUATED IN THE CITY AND COUNTY OF SAN FRANCISCO, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

PARCEL 1:

BEGINNING AT A POINT ON THE SOUTHWESTERLY LINE OF MAIN STREET, DISTANT THEREON 137.50 FEET SOUTHEASTERLY FROM THE SOUTHEASTERLY LINE OF FOLSOM STREET; THENCE SOUTHEASTERLY ALONG SAID SOUTHWESTERLY LINE OF MAIN STREET 55.00 FEET; THENCE AT A RIGHT ANGLE SOUTHWESTERLY 137.50 FEET; THENCE AT A RIGHT ANGLE NORTHWESTERLY 55.00 FEET; THENCE AT A RIGHT ANGLE NORTHEASTERLY 137.50 FEET TO THE POINT OF BEGINNING.

BEING PORTION OF 100 VARA BLOCK NO. 332.

PARCEL 2:

BEGINNING AT A POINT ON THE SOUTHWESTERLY LINE OF MAIN STREET, DISTANT THEREON 192.50 FEET SOUTHEASTERLY FROM THE SOUTHEASTERLY LINE OF FOLSOM STREET; THENCE SOUTHEASTERLY ALONG SAID SOUTHWESTERLY LINE OF MAIN STREET 27.50 FEET; THENCE AT A RIGHT ANGLE SOUTHWESTERLY 137.50 FEET; THENCE AT A RIGHT ANGLE NORTHWESTERLY 27.50 FEET; THENCE AT A RIGHT ANGLE NORTHEASTERLY 137.50 FEET TO THE POINT OF BEGINNING.

BEING PORTION OF 100 VARA BLOCK NO. 332.

PARCEL 3:

BEGINNING AT A POINT ON THE SOUTHWESTERLY LINE OF MAIN STREET, DISTANT THEREON 248.00 FEET NORTHWESTERLY FROM THE NORTHWESTERLY LINE OF HARRISON STREET; THENCE NORTHWESTERLY ALONG SAID SOUTHWESTERLY LINE OF MAIN STREET 20.00 FEET TO A POINT DISTANT THEREON 282.32 FEET SOUTHEASTERLY FROM THE SOUTHEASTERLY LINE OF FOLSOM STREET; THENCE AT A RIGHT ANGLE SOUTHWESTERLY 137.50 FEET; THENCE AT A RIGHT ANGLE SOUTHEASTERLY 20.00 FEET; THENCE AT A RIGHT ANGLE NORTHEASTERLY 137.50 FEET TO THE POINT OF BEGINNING.

BEING FORMER ELKHART STREET, ALSO KNOWN AS RINCON COURT, NOW CLOSED, PER RESOLUTION NO. 3642, ADOPTED OCTOBER 25, 1943, BY THE BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF SAN FRANCISCO, STATE OF CALIFORNIA.

BEING PORTION OF 100 VARA BLOCK NO. 332.

PARCEL 4:

COMMENCING AT A POINT ON THE SOUTHWESTERLY LINE OF MAIN STREET, DISTANT THEREON 268.00 NORTHWESTERLY FROM THE NORTHWESTERLY LINE OF HARRISON STREET; THENCE AT A RIGHT ANGLE SOUTHWESTERLY 137.50 FEET; THENCE AT A RIGHT ANGLE NORTHWESTERLY 32.00 FEET TO THE TRUE POINT OF BEGINNING; THENCE AT A RIGHT ANGLE NORTHEASTERLY 22.50 FEET; THENCE AT A RIGHT ANGLE NORTHWESTERLY 0.32 FEET TO A POINT PERPENDICULARLY DISTANT 250.00 FEET SOUTHEASTERLY FROM THE SOUTHEASTERLY LINE OF FOLSOM STREET; THENCE AT A RIGHT ANGLE SOUTHWESTERLY 22.50 FEET; THENCE AT A RIGHT ANGLE SOUTHEASTERLY 0.32 TO THE TRUE POINT OF BEGINNING.

BEING PORTION OF 100 VARA BLOCK NO. 332.

PARCEL 5:

BEGINNING AT A POINT ON THE NORTHEASTERLY LINE OF BEALE STREET, DISTANT THEREON 87.50 FEET NORTHWESTERLY FROM THE NORTHWESTERLY LINE OF HARRISON STREET; THENCE NORTHWESTERLY ALONG SAID NORTHEASTERLY LINE OF BEALE STREET 0.32 FEET TO A POINT DISTANT THEREON 462.50 FEET SOUTHEASTERLY FROM THE SOUTHEASTERLY LINE OF FOLSOM STREET; THENCE AT A RIGHT ANGLE NORTHEASTERLY 50.00 FEET; THENCE AT A RIGHT ANGLE SOUTHEASTERLY 0.32 FEET; THENCE AT A RIGHT ANGLE SOUTHWESTERLY 50.00 FEET TO THE POINT OF BEGINNING.

BEING PORTION OF 100 VARA BLOCK NO. 332.

ALL OF THE ABOVE PARCELS BEING A PORTION OF ASSESSOR'S LOT 001,
BLOCK 3746.



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- Affordable Housing (Sec. 415)
- Jobs Housing Linkage Program (Sec. 413)
- Downtown Park Fee (Sec. 412)
- First Source Hiring (Admin. Code)
- Child Care Requirement (Sec. 414)
- Other

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. 18719

HEARING DATE: OCTOBER 18, 2012

Date: October 11, 2012
Case No.: 2012.1097 C
Project Address: 201 FOLSOM STREET (aka 314 MAIN STREET)
Zoning: RC-4 (Residential-Commercial Combined Districts, High Density)
 Folsom and Main Residential/Commercial Special Use District
 400-W Height and Bulk District
Block/Lot: 3746/003
Project Sponsor: TST Folsom, LLC
 c/o John Kevlin
 Reuben & Junius, LLP
 1 Bush Street, Suite 600
Staff Contact: Corey Teague – (415) 575-9081
corey.teague@sfgov.org

ADOPTING FINDINGS RELATING TO THE MODIFICATION OF CONDITIONS OF A CONDITIONAL USE AUTHORIZATION APPROVED BY PLANNING COMMISSION MOTION NO. 16647 TO ALLOW AN EXTENSION OF THE PERFORMANCE PERIOD FOR THE CONSTRUCTION OF A MIXED USE PROJECT CONSISTING OF TWO RESIDENTIAL TOWERS OF HEIGHTS OF 350 FEET AND 400 FEET, ABOVE AN APPROXIMATELY 80-FOOT PODIUM WITH FULL LOT COVERAGE AND WOULD INCLUDE UP TO 725 DWELLING UNITS, UP TO 38,000 SQUARE FEET OF COMMERCIAL AND RETAIL USES AND UP TO 753 OFF-STREET PARKING SPACES FOR RESIDENTIAL AND RETAIL USES, AND ABOUT 272 PARKING SPACES TO REPLACE EXISTING USPS PARKING WITHIN AN RC-4 DISTRICT (RESIDENTIAL COMMERCIAL COMBINED DISTRICTS, HIGH DENSITY) DISTRICT AND THE FOLSOM AND MAIN RESIDENTIAL/COMMERCIAL SPECIAL USE DISTRICT.

PREAMBLE

On August 23, 2012, John Kevlin, on behalf of TST Folsom, LLC (hereinafter "Project Sponsor") filed Application No. 2012.1097C (hereinafter "Application") with the Planning Department (hereinafter "Department") for the modification of condition No. 7 of Motion No. 16647 per Planning Code Section 303(e) to add an additional 12 months to the 36-month performance period extension granted in 2009 (Case No. 2008.1354C, Motion No. 17945). The project approved in Motion No. 16647 included

construction of a mixed use project (predominately residential) that would consist of two residential towers of heights of 350 and 400 feet, above an 80 foot podium with full lot coverage and would include up to 725 dwelling units, between 15,500 and 38,000 square feet of retail and commercial space and 753 off-street parking spaces for residential and retail uses and 272 parking spaces to replace existing parking for the United States Postal Service ("Project"). Conditional Use authorization was required pursuant to San Francisco Planning Code Sections 303(c) and 253 to allow construction of buildings taller than 40 feet in an R (Residential) District.

On October 18, 2012, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2012.1097C and adopted CEQA findings in its Motion No. 18719.

The original Project and associated Rezoning Application were reviewed pursuant to the California Environmental Quality Act ("CEQA"), Public Resources Code Sections 21000, et. seq.

On July 24, 2003, the Commission held a duly noticed public hearing and heard public testimony on the project EIR, the proposed rezoning of the project site and associated actions, and the Project's conditional use application.

On September 4, 2003, the San Francisco Planning Commission, having reviewed the Final EIR at a duly noticed and scheduled public meeting, heard additional testimony and certified the Final EIR for the Project in Planning Commission Motion No. 16647.

The file for this project, including the 2003 Final EIR and Motion No. 16647, is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, California.

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

MOVED, that the Commission hereby authorizes the Conditional Use requested in Application No. 2012.1097C, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

FINDINGS

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

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The Project will be constructed on the north half of Block 3746, Lot 1, and will front on Folsom Street, Main Street and Beale Street. The site is 75,625 square feet in area, and is currently used as a surface parking lot (previously by the USPS). There are no existing structures on the site. A USPS facility previously occupied the building on the south half

of Block 3746, directly adjacent to the project site at 390 Main Street. The USPS vacated in 2010 and the MTC recently purchased the building to house their headquarters and lease additional space to other public agencies and private companies.

3. **Surrounding Properties and Neighborhood.** The subject property is in San Francisco's Rincon Hill area, three blocks southeast of Market Street. The Embarcadero and San Francisco Bay are two to three blocks east of the Project site. The anchorage of the San Francisco–Oakland Bay Bridge is one block to the south. The South of Market neighborhood is to the west and south of the Project site, beyond the Rincon Hill area. The downtown office district begins immediately north across Folsom Street. The site of the recently demolished Transbay Terminal is to the northwest at Fremont and Mission Streets. The 300 Spear Street ("Infinity") project site is located just to the east, across Main Street.
4. **Past Actions and Project Description.** The Planning Commission adopted Motion No. 16647 on September 4, 2003 to approve the original project. The Planning Commission adopted Motion No. 17945 on September 3, 2009 to extend the performance period an additional 36 months. The original approval motion also detailed a scenario and process for updating the project's design in the future. This was primarily a response to the fact that the adjacent United States Postal Service (USPS) facility may vacate the adjacent building, and the 272 replacement parking spaces may no longer be necessary. The USPS vacated the building in 2010, and the Planning Commission was presented an updated design at an informational hearing in February 2012.

The originally approved project meets the following description:

- An 80 foot podium of full lot coverage;
- Up to 15,000 square feet of commercial space;
- Two residential towers with heights of 350 and 400 feet;
- Up to 725 dwelling units;
- Up to 33,440 square feet of residential open space;
- Up to 753 off-street parking spaces for the residential and commercial uses; and
- Up to 272 additional off-street parking spaces to replace the existing parking for the adjacent USPS facility.

The updated design presented to the Planning Commission in February 2012 meets the following description:

- An 85 foot podium of full lot coverage;
- Up to 38,000 square feet of commercial space;
- Two residential towers with heights of 350 and 400 feet;
- Up to 671 dwelling units;
- Up to 56,503 square feet of residential open space;
- Up to 701 off-street parking spaces for the residential and commercial uses; and
- No additional off-street parking for the now vacated USPS facility.

5. **Proposal.** The project proposes to extend the performance period an additional 12 months beyond the 36-month performance period extension granted in 2009 (Case No. 2008.1354C, Motion No. 17945).
6. **Public Comment.** The Department received no public comment for this performance period extension request.
7. **Planning Code Section 303** establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use approval, which the Commission also considers when modifying conditions to the Conditional Use approval. On balance, the proposal to extend the performance period does comply 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 extension of the performance period is necessary and desirable because it will grant additional time for financing and construction of a project that is necessary and desirable—per Motion No. 16647—during an extremely challenging economic period in the city, state, and nation. The project will provide a significant amount of high-density housing in an area of the city that is planned for such development and is extremely close to transit and job centers. It will also provide a significant amount of off-site affordable housing in the SoMa area.

- 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:

- i. Nature of proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;

The original approval found the project to be well suited for the project site and general location, and to not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity. This finding is unchanged by the proposed one-year extension.

- ii. 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 original approval found the project to not be detrimental to the health, safety or convenience of those residing or working the area in terms of accessibility, traffic patterns, traffic volume, and off-street parking. This finding is unchanged by the proposed one-year extension.

- iii. The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor;

The original approval found that the project will be residential in character and therefore not involve any noxious or offensive emissions. The project sponsor will be required to manage the construction site according to City standards. This finding is unchanged by the proposed one-year extension.

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

The original approval found that the project design gave appropriate treatment to landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs. This finding is unchanged by the proposed one-year extension.

- 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 proposed performance period extension complies with all relevant requirements and standards of the Planning Code and is consistent with objectives and policies of the General Plan.

- 8. **Findings Under the California Environmental Quality Act (CEQA).** After considering the 2003 FEIR and other information in the record, the Commission hereby makes the following findings:

- A. The Commission has independently reviewed and analyzed the 2003 FEIR, the findings contained in Motion No. 16647, and the other information in the record and has considered the information contained therein and hereby finds that no additional environmental review is required for the Project for the following reasons:

- (1) No changes have been made to the Project that constitute substantial changes requiring major revisions in the 2003 FEIR due to the involvement of new significant environmental effects or a substantial increase of the severity of previously identified effects;

- (2) Substantial changes have not occurred with respect to the circumstances under which the Project will be undertaken which require major revisions to the 2003 FEIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and

- (3) There is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the 2003 FEIR was certified, which shows (a) that the Project will have one or more significant effects not discussed in the 2003 FEIR; (b) that significant effects previously examined will be substantially more severe than shown in the 2003 FEIR; or (c) that mitigation measures or alternatives previously found to be feasible would in fact be feasible and would substantially reduce one or more significant effects on the environment, but the project proponent declines to adopt the mitigation measure or alternative.

Based on the foregoing, the Commission finds that none of the conditions described in Section 15162 or 15164 of the CEQA Guidelines calling for the preparation of a subsequent or supplemental EIR or addendum have occurred and that therefore no further environmental review is required for the Project.

- B. The Commission has reviewed and considered the Final EIR and record as a whole, finds that the Final EIR is adequate for its use as the decision-making body for the action taken herein and incorporates the CEQA findings contained in Motion No.16647, including the Statement of Overriding Considerations and adoption of a Mitigation Monitoring and Reporting Program, by this reference thereto as though set forth in this Motion.
 - C. Mitigation Monitoring and Reporting Program. The Mitigation Monitoring and Reporting Program for the Project, adopted as Exhibit C to Commission Motion No. 16647, continues to apply to the Modified Project.
9. The findings of the original approval, as established in Motion No. 16647, are hereby incorporated by reference.
 10. The proposed performance period extension is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would contribute to the character and stability of the neighborhood and would constitute a beneficial development.
 11. The Commission hereby finds that approval of the request for extension 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 Application No. 2012.1097C** subject to the following conditions attached hereto as "EXHIBIT A" 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 No. 18719. 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.

I hereby certify that the Planning Commission **ADOPTED** the foregoing Motion on October 18, 2012.

Linda D. Avery
Commission Secretary

AYES: Commissioners Hillis, Sugaya, Fong, Antonini, Moore, and Wu

NAYES: None

ABSENT: Borden

ADOPTED: October 18, 2012

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to modify condition No. 7 of Motion No. 16647 to add an additional 12 months to the 36-month performance period extension granted in 2009 (Case No. 2008.1354C, Motion No. 17945) to the project located at 201 Folsom Street, Block 3746, and Lot 1, pursuant to Planning Code Section(s) 303(e) within the **RC-4 (Residential-Commercial Combined Districts, High Density)**, the **Folsom and Main Residential/Commercial Special Use District**, and a **400-W Height and Bulk District**, and subject to conditions of approval reviewed and approved by the Commission on **October 18, 2012** under Motion No. 18719. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

RECORDATION OF CONDITIONS OF APPROVAL

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on **October 18, 2012** under Motion No. 18719.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of Planning Commission Motion No. 16647 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 and Expiration.** The authorization and right vested by virtue of this action is valid for one year from September 3, 2012. A building permit from the Department of Building Inspection to construct the project and/or commence the approved use must be issued as this Conditional Use authorization is only an approval of the proposed project and conveys no independent right to construct the project or to commence the approved use. The Planning Commission may, in a public hearing, consider the revocation of the approvals granted if a site or building permit has not been obtained within one (1) year of September 3, 2012. 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. The Commission may also consider revoking the approvals if a permit for the Project has been issued but is allowed to expire and more than three (3) years have passed since the Motion was approved.

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

2. **Extension.** This authorization may be extended at the discretion of the Zoning Administrator only where failure to issue a permit by the Department of Building Inspection to perform said tenant improvements is caused by a delay by a local, State or Federal agency or by any appeal of the issuance of such permit(s).

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

