

File No. 201358

Committee Item No. _____

Board Item No. 62

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: _____

Date: _____

Board of Supervisors Meeting

Date: December 15, 2020

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- Tentative Map Decision - 8/27/20
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- Planning Commission Motion 19458 - Final EIR 091715
- Planning Department Findings 032519
- Board of Supervisors File No. 150788
- Tax Certificates
- Final Maps

Prepared by: Jocelyn Wong

Date: December 11, 2020

Prepared by: _____

Date: _____

1 [Final Map No. 10569 - 5M Project]

2

3 **Motion approving Final Map No. 10569, 5M Project, for development purposes,**
4 **resulting in a two lot vertical subdivision, a 211 residential unit and eight commercial**
5 **unit condominium project within vertical Lot 1 and Lot 2 being a vertical lot, as shown**
6 **on this map, being a subdivision of Lot 1 as said lot is shown on Final Map 10101,**
7 **subject to specified conditions (also referred to as Assessor’s Parcel Block No. 3725,**
8 **Lots 124 through 132); and acknowledging findings pursuant to the General Plan, and**
9 **the eight priority policies of Planning Code, Section 101.1.**

10

11 WHEREAS, The 5M site is a nearly four-acre area generally between Mission, Fifth
12 and Howard Streets, Assessor’s Parcel Block No. 3725, Lots 124 through 132; and

13 WHEREAS, The 5M Project is a mixed-use development including office, residential,
14 retail, cultural, educational, open space, parking, and related uses; and

15 WHEREAS, The 5M Project includes up to 807,600 gross square feet of office uses
16 (including ground floor uses), up to 821,300 gross square feet of residential uses (including
17 both rental and ownership units), approximately 68,600 gross square feet of other active
18 ground floor uses, and collectively up to 1,697,600 gross square feet of new construction and
19 renovated existing building space, with approximately 331 subterranean vehicle parking
20 spaces, plus bicycle parking spaces, and approximately 59,500 square feet of public and
21 private open space; and

22 WHEREAS, The Board of Supervisors acknowledges the Planning Department findings
23 contained in a letter, dated August 27, 2020, that the tentative map complies with the
24 applicable provisions of the Planning Code and is subject to the conditions contained in
25 Planning Commission Motion Nos. 19467-19473, and Board of Supervisors Ordinance No.

1 206-15, copies of which are on file with the Clerk of the Board of Supervisors in File No.
2 150788; and

3 WHEREAS, This Planning Department letter also found that none of the conditions in
4 California Government Code, Section 66474(a)-(g), exist, and that the proposed subdivision,
5 on balance, is consistent with the objectives and policies of the General Plan, and the eight
6 priority policies of Section 101.1 of the Planning Code; and

7 WHEREAS, A copy of the Planning Department letter is on file with the Clerk of the
8 Board of Supervisors in File No. 201358; and

9 WHEREAS, In Public Works Order No. 203950, dated December 3, 2020, the Public
10 Works Director recommended approval of this final subdivision and that it be conditioned on
11 completion of the public improvements identified in the Public Improvement Agreement
12 associated with the underlying Final Map No. 10101 that the Board of Supervisors approved
13 in Motion No. M19-192, a copy of which is on file with the Clerk of the Board of Supervisors in
14 File No. 191244; and

15 WHEREAS, A copy of the Public Works Order No. 203950 is on file with the Clerk of
16 the Board of Supervisors in File No. 201358; now therefore, be it

17 MOVED, That the certain map entitled "FINAL MAP 10569", 5M Project, a 2 lot vertical
18 subdivision, a 211 residential unit and 8 commercial unit condominium project within vertical
19 Lot 1 and lot 2 being a vertical lot as shown on this map, being a subdivision of lot 1 as said
20 lot is shown on "Final Map 10101", as described on said Map, comprising ten sheets, as
21 approved December 3, 2020, by Department of Public Works Order No. 203950, is hereby
22 approved, subject to the conditions specified in this motion, and said map is adopted as an
23 Official Final Map No.10569; and, be it

24 FURTHER MOVED, That the approval of this Final Map also is conditioned upon
25 completion of the public improvements identified in the Public Improvement Agreement

1 associated with the underlying Final Map No. 10101 and compliance by subdivider with all
2 applicable provisions of the California Subdivision Map Act, California Government Code
3 Sections 66410 et seq., and the San Francisco Subdivision Code and amendments thereto;
4 and, be it


5 FURTHER MOVED, That the Board of Supervisors hereby authorizes the Director of
6 Public Works to enter all necessary recording information on the Final Map and authorizes the
7 Clerk of the Board of Supervisors to execute the Clerk's statement as set forth herein.

8 DESCRIPTION APPROVED:

9 

10 _____
11 James M. Ryan, PLS
12 Acting City and County Surveyor

RECOMMENDED:

13 

14 _____
15 Alaric Degrafinreid
16 Acting Director of Public Works



San Francisco Public Works
General – Director's Office
City Hall, Room 348
1 Dr. Carlton B. Goodlett Place, S.F., CA 94102
(415) 554-6920 www.SFPublicWorks.org

Public Works Order No: 203950

**CITY AND COUNTY OF SAN FRANCISCO
PUBLIC WORKS**

RECOMMENDING APPROVAL OF FINAL MAP 10569, 5M PROJECT, A 2 LOT VERTICAL SUBDIVISION, A 211 RESIDENTIAL UNIT AND 8 COMMERCIAL UNIT CONDOMINIUM PROJECT WITHIN VERTICAL LOT 1 AND LOT 2 BEING A VERTICAL LOT AS SHOWN ON THIS MAP, BEING A SUBDIVISION OF LOT 1 AS SAID LOT IS SHOWN ON "FINAL MAP 10101," RECORDED DECEMBER 23, 2019 IN BOOK 138 OF CONDOMINIUM MAPS, PAGES 27-29, OFFICIAL RECORDS. BEING A PORTION OF 100 VARA BLOCK 381, CITY AND COUNTY OF SAN FRANCISCO, STATE OF CALIFORNIA.

1. The 5M site is a nearly four acre area generally between Mission, Fifth and Howard Streets, Assessor's Block 3725, Lots 124 through 132. The 5M Project is a mixed use development including office, residential, retail, cultural, educational, open space parking and related uses. Specifically at build-out the 5M Project would include up to 807,600 gross square feet of office uses (including ground floor uses), up to 821,300 gross square feet of residential uses (including both rental and ownership units), approximately 68,600 gross square feet of other active ground floor uses, and collectively up to 1,697,600 gross square feet of new construction and renovated existing building space, with approximately 331 subterranean vehicle parking spaces, plus bicycle parking spaces and approximately 59,500 square feet of public and private open space.
2. On October 30, 2020, the Director of Public Works ("Director") adopted Public Works ("PW") Order No. 203765 approving Tentative Map Application 10569, submitted on June 1, 2020, and revised on October 15, 2020, for a 2 lot subdivision, a 211 residential unit and 8 commercial unit condominium project within a vertical Lot 1 and Lot 2 being a vertical lot as shown on Final Map No. 10101 (the "Tentative Map").
3. In PW Order No. 203765, the Director determined that the Planning Department, in a letter dated August 27, 2020, found that the Tentative Map was consistent with and within the scope of the Project analyzed in the Final Environmental Impact Report ("FEIR") for the 5M Project, prepared pursuant to the California Environmental Quality Act (California Public Resources Code §§ 21000 et seq.). Since the FEIR, the Planning Department has determined there have been: a) no substantial changes to the Project; b) no substantial changes with respect to the surrounding circumstances; and c) no new information of substantial importance, that would result in new or more severe significant impacts than were addressed in the FEIR. Accordingly, no supplemental or subsequent EIR or other environmental review is required.
4. In its August 27, 2020 letter, the Planning Department also found that the subdivision, on balance, is consistent with the General Plan and the priority policies of Planning

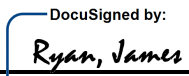
Code Section 101.1, consistent with the Project as defined in the Development Agreement (adopted per Ordinance No. 206-15) and related project approvals, that the Tentative Map complies with the applicable provisions of the Planning Code and is subject to the conditions contained in Planning Commission Motions No. 19467-19473, Board of Supervisors Ordinance No. 206-15 (clerk of the Board of Supervisors File No. 150788, and that none of the conditions in Government Code Section 66474(a)-(g) exist.

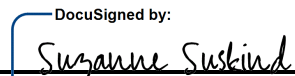
5. The PW Director and County Surveyor find that the Final Map is consistent with the requirements and conditions imposed by the Subdivision Map Act, California Government Code Sections 66410 et seq., the San Francisco Subdivision Code, and the Tentative Map, and substantially conforms to the Tentative Map.
6. The PW Director, City Engineer, and County Surveyor recommend that the Board of Supervisors approve the Final Map subject to the conditions specified herein. These conditions include that this Final Map be subject to completion of the public improvements identified in the Public Improvement Agreement associated with the underlying Final Map No. 10101.

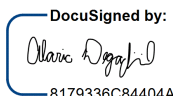
It is recommended that the Board of Supervisors adopt this legislation.

RECOMMENDED:

APPROVED:

X 
Ryan, James 368042466DEB4E8...
Acting City & County Surveyor

X 
Suskind, Suzanne 919FDB7F6564EA...
Acting City Engineer

X 
Degrafinried, Alaric 8179336C84404A5...
Acting Director



TENTATIVE MAP DECISION

Date: July 2, 2020

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

Project ID: 10569			
Project Type: 2 Lot Vertical Subdivision, 302 Residential and 8 Commercial mixed-use New Condominium			
Address#	StreetName	Block	Lot
434	MINNA ST	3725	132
Tentative Map Referral			

Attention: Mr. Corey Teague.

Please review* and respond to this referral within 30 days in accordance with the Subdivision Map Act.

(*In the course of review by City agencies, any discovered items of concern should be brought to the attention of Public Works for consideration.)

Sincerely,

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

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 California Environmental Quality Act (CEQA) environmental review as categorically exempt Class _____, CEQA Determination Date _____, based on the attached checklist.

The subject Tentative Map has been reviewed by the Planning Department and does comply with applicable provisions of the Planning Code subject to the attached conditions.

- Conditions of Approval contained in Motions No: 19467, 19468, 19469, 19470, 19471, 19472 & 19473
- And all applicable conditions set forth in Board File 150788 found here: <https://sfgov.legistar.com/LegislationDetail.aspx?ID=2385513&GUID=6393DE7D-56C0-45E6-BC27-9BFD724A53E2>
- The Final EIR Certification Motion
- Subdivision Map Act Findings

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 reason(s):

PLANNING DEPARTMENT

Signed _____

Date _____

Planner's Name _____
 for, Corey Teague, Zoning Administrator

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 construct a new building reaching a roof height of approximately 200 feet and measuring approximately 264,300 square feet , containing approximately 288 dwelling units including 6,800 gsf of retail and other ground floor uses at approximately 939, 941-45, and 947-49 Mission Street located on Lots 089-091 of Assessor's Block 3725, within the 5M SUD and generally referred to as the "M-2 Project." The M-2 Project is one of three new buildings in the larger 5M Project. The subject property is currently located within the C-3-S District, and the 90-X and 160-F Height and Bulk Districts. 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 **19473**. 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 **19473**.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

These conditions of approval of this Planning Commission Motion No. **19473** 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

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

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

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

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

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

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

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

Notification to Planning Commission of Permit Application. The Director of Planning shall provide notice to the Planning Commission as soon as feasible upon the filing of a building permit application to construct the H-1 building. In furtherance of this, the sponsor shall notify the Director of Planning as soon as feasible upon submittal of this application to the Department of Building Inspection.

Open Space Provision – C-3 Districts. Pursuant to Planning Code Section 138, and in accordance with the D4D for the Project, the Project Sponsor shall continue to work with Planning Department staff to refine the design and programming of the public open space, and shall complete the development of

Mary Court East and the development of a publicly-accessible pedestrian improvement adjacent to the North Mary Pedestrian Alley, as described in this motion and in the D4D, prior to the issuance of a first temporary certificate of occupancy for the project for the M-2 project which is the subject of this conditional use authorization. The open spaces shall be maintained in perpetuity for the life of the project.

For information about compliance, contact the Case Planner, Planning Department at 415-575-6863, 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

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

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

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.sfplanning.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, including the pedestrian improvements to North Mary Street, 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.sfplanning.org

PARKING AND TRAFFIC

Parking for Affordable Units. All off-street parking spaces shall be made available to Project residents only as a separate “add-on” option for purchase or rent and shall not be bundled with any Project dwelling unit for the life of the dwelling units. The permitted parking spaces may be made available to residents within a quarter mile of the project. All affordable dwelling units pursuant to Planning Code Section 415 shall have equal access to use of the parking as the market rate units, with parking spaces priced commensurate with the affordability of the dwelling unit. Each unit within the Project shall have the first right of refusal to rent or purchase a parking space until the number of residential parking spaces are no longer available. No conditions may be placed on the purchase or rental of dwelling units, nor may homeowner’s rules be established, which prevent or preclude the separation of parking spaces from dwelling units.

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

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

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

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

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

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

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

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

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

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

Affordable Units. The Project Sponsor shall to the extent applicable, pay all applicable fees with respect to the provision of affordable housing and comply with all other applicable requirements of the Affordable Housing Program, Exhibit E to the DA. The M-2 Building shall provide on-site affordable dwelling units as specified below.

1. **Number of Required Units.** Pursuant to the Development Agreement, the Project is required to provide 20% of the proposed dwelling units as affordable to qualifying households. The Project contains 288 units; therefore, 58 affordable units are required. The Project Sponsor will fulfill this requirement by providing the 58 affordable units on-site. If the number of market-rate units change, the number of required affordable units shall be modified accordingly with written approval from Planning Department staff in consultation with the Mayor's Office of Housing and Community Development ("MOHCD").

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org or the Mayor's Office of Housing and Community Development at 415-701-5500, www.sf-moh.org.

2. **Unit Mix.** The bedroom mix of the affordable dwelling unit shall reflect the bedroom mix of the market rate dwelling units in the Project. *For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org or the Mayor's Office of Housing and Community Development at 415-701-5500, www.sf-moh.org.*

3. **Unit Location.** The affordable units shall be designated on a reduced set of plans recorded as a Notice of Special Restrictions on the property prior to the issuance of the first construction permit.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org or the Mayor's Office of Housing and Community Development at 415-701-5500, www.sf-moh.org.

4. **Phasing.** If any building permit is issued for partial phasing of the Project, the Project Sponsor shall have designated not less than twenty percent (20%) of the each phase's total number of dwelling units as on-site affordable units.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org or the Mayor's Office of Housing and Community Development at 415-701-5500, www.sf-moh.org.

5. **Duration.** Under Planning Code Section 415.8, all units constructed pursuant to Section 415.6, must remain affordable to qualifying households for the life of the project.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org or the Mayor's Office of Housing and Community Development at 415-701-5500, www.sf-moh.org.

6. **Other Conditions.** The Project is subject to the requirements of the Inclusionary Affordable Housing Program under Section 415 et seq. of the Planning Code and City and County of San Francisco Inclusionary Affordable Housing Program Monitoring and Procedures Manual ("Procedures Manual"), except as may otherwise be provided in the Development Agreement. The Procedures Manual, as amended from time to time, is incorporated herein by reference, as published and adopted by the Planning Commission, and as required by Planning Code Section 415. Terms used in these conditions of approval and not otherwise defined shall have the meanings set forth in the Procedures Manual. A copy of the Procedures Manual can be obtained at the MOHCD at 1 South Van Ness Avenue or on the Planning Department or MOHCD websites, including on the internet at:

<http://sf-planning.org/Modules/ShowDocument.aspx?documentid=4451>. As provided in the Inclusionary Affordable Housing Program, the applicable Procedures Manual is the manual in effect at the time the subject units are made available for sale.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org or the Mayor's Office of Housing and Community Development at 415-701-5500, www.sf-moh.org.

- a. The affordable unit(s) shall be designated on the building plans prior to the issuance of the first construction permit by the Department of Building Inspection ("DBI"). The affordable unit(s) shall (1) reflect the unit size mix in number of bedrooms of the market rate units, (2) be constructed, completed, ready for occupancy and marketed no later than the market rate units, and (3) be evenly distributed throughout the building; and (4) be of comparable overall quality, construction and exterior appearance as the market rate units in the principal project. The interior features in affordable units should be generally the same as those of the market units in the principal project, but need not be the same make, model or type of such item as long they are of good and new quality and are consistent with then-current standards for new housing. Other specific standards for on-site units are outlined in the Procedures Manual.
- b. If the units in the building are offered for sale, the affordable unit(s) shall be sold to first time home buyer households, as defined in the Procedures Manual, whose gross annual income, adjusted for household size, does not exceed an average of ninety (90) percent of Area Median Income under the income table called "Maximum Income by Household Size derived from the Unadjusted Area Median Income for HUD Metro Fair Market Rent Area that

- contains San Francisco.” The initial sales price of such units shall be calculated according to the Procedures Manual. Limitations on (i) reselling; (ii) renting; (iii) recouping capital improvements; (iv) refinancing; and (v) procedures for inheritance apply and are set forth in the Inclusionary Affordable Housing Program and the Procedures Manual.
- c. The Project Sponsor is responsible for following the marketing, reporting, and monitoring requirements and procedures as set forth in the Procedures Manual. MOHCD shall be responsible for overseeing and monitoring the marketing of affordable units. The Project Sponsor must contact MOHCD at least six months prior to the beginning of marketing for any unit in the building.
 - d. Required parking spaces shall be made available to initial buyers or renters of affordable units according to the Procedures Manual.
 - e. Prior to the issuance of the first construction permit by DBI for the Project, the Project Sponsor shall record a Notice of Special Restriction on the property that contains these conditions of approval and a reduced set of plans that identify the affordable units satisfying the requirements of this approval. The Project Sponsor shall promptly provide a copy of the recorded Notice of Special Restriction to the Department and to MOHCD or its successor.
 - f. If the Project Sponsor fails to comply with the Inclusionary Affordable Housing Program requirement, the Director of DBI shall deny any and all site or building permits or certificates of occupancy for the development project until the Planning Department notifies the Director of compliance. A Project Sponsor’s failure to comply with the requirements of Planning Code Section 415 et seq. shall constitute cause for the City to record a lien against the development project and to pursue any and all available remedies at law.
 - g. If the Project becomes ineligible at any time for the On-site Affordable Housing Alternative, the Project Sponsor or its successor shall pay the Affordable Housing Fee prior to issuance of the first construction permit or may seek a fee deferral as permitted under Ordinances 0107-10 and 0108-10. If the Project becomes ineligible after issuance of its first construction permit, the Project Sponsor shall notify the Department and MOHCD and pay interest on the Affordable Housing Fee and penalties, if applicable.

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

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

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

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

EXHIBIT A

AUTHORIZATION

This authorization is for an allocation of office space under the Annual Office Development Limitation Program for a development application under the proposed "Fifth and Mission Special Use District ("5M SUD"), Planning Code Section ("Section") 249.74 for a project to construct a new 25-story building reaching a maximum height of approximately 362 feet, with an approximately 30 foot architectural screen, for a total height of approximately 395 feet, containing approximately 593,500 square feet of office uses, approximately 33,000 square feet of active ground floor and mezzanine space (including 7,100 square feet of retail), and up to three subterranean levels with vehicle and bicycle parking, loading, and mechanical space, located at 172,190 Fifth Street; 910, 912, 914 918 and 924 926 Howard Streets, on Lots 005, 006, 008, 009, 012 and 098 of Assessors Block 3725 ("H-1 Site") within the proposed "Fifth and Mission Special Use District" ("5M SUD") and generally referred to as the "H-1 Project." The subject property is currently located within the RSD District, and the 40/85-X Height and Bulk District. Such Authorization is for a Project as described therein and subject to these conditions of approval reviewed and approved by the Commission on September 17, 2015 under Motion No 19467, and in general conformance with plans, dated September 17, 2015 and attached to Motion No. 19472 and stamped "EXHIBIT B" for Case No. 2011.0409CUA, 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 19467.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

These conditions of approval of this Planning Commission Motion No. 19467 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

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. In addition, in order to implement the M-1 Project, the Project Sponsor must obtain a Conditional Use Authorization for the H-1 Site, and the conditions of approval for Case No. **2011.0409CUA**, attached as Exhibit B to Motion No. **19472** are incorporated by reference as though fully set forth herein. 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

Mitigation Measures. Mitigation measures described in the MMRP attached as Exhibit 1 of 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

EXHIBIT A

AUTHORIZATION

This authorization is for an allocation of office space under the Annual Office Development Limitation Program for a development application under the proposed "Fifth and Mission Special Use District ("5M SUD"), Planning Code Section ("Section") 249.74 to convert approximately 40,000 square feet of basement storage space to office uses, within an existing building containing approximately 133,400 square feet office uses, 43,300 square feet of basement storage space, 1,000 square feet of retail space and 1,500 square feet of assembly space, located at 925 Mission Street, Lot 093 of Assessor's Block 3725, within the proposed "Fifth and Mission Special Use District" ("5M SUD") and generally referred to as the "M-1 Project." The subject property is currently located within the C-3-S District, and the 90-X and 160-F Height and Bulk Districts. Such Authorization is for a Project as described therein and subject to these conditions of approval reviewed and approved by the Commission on September 17, 2015 under Motion No. **19468**, and in general conformance with plans, dated September 17, 2015 and attached to Motion No. **19470** and stamped "EXHIBIT B" for Case No. **2011.0409CUA**, 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. **19468**.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

These conditions of approval of this Planning Commission Motion No. **19468** 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

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, 4) 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 5) Approval of the Design for Development document associated with the 5M Project. In addition, in order to implement the M-1 Project, the Project Sponsor must obtain a Conditional Use Authorization for the M-1 Site, and the conditions of approval for Case No. **2011.0409CUA**, attached as Exhibit B to Motion No. 19470 are incorporated by reference as though fully set forth herein. 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

Mitigation Measures. Mitigation measures described in the MMRP attached as Exhibit 1 of 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

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 demolish a portion of an existing building and construct a new building reaching a roof height of approximately 450 feet, containing approximately 400 residential units in an approximately 583,700 gross square foot (gsf) building, including retail uses of approximately 7,300 gsf and lobby/building core uses of approximately 5,900 gsf, located on Lot 097 of Assessor's Block 3725, within the 5M SUD and generally referred to as the "N-1 Project." The N-1 Project is one of three new buildings in the larger 5M Project. The subject property is currently located within the C-3-S District, and the 90-X and 160-F Height and Bulk Districts. 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 **19469**. 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. **19469**.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

These conditions of approval of this Planning Commission Motion No. **19469** 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

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

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

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

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

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

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

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

Notification to Planning Commission of Permit Application. The Director of Planning shall provide notice to the Planning Commission as soon as feasible upon the filing of a building permit application to construct the N-1 building. In furtherance of this, the sponsor shall notify the Director of Planning as soon as feasible upon submittal of this application to the Department of Building Inspection.

Open Space Provision – C-3 Districts. Pursuant to Planning Code Section 138, and in accordance with the D4D for the Project, the Project Sponsor shall continue to work with Planning Department staff to refine the design and programming of the public open space located on the rooftop of the Chronicle

Building (the “M-1” site, Case No. 2011.0409CUA), and shall complete the design of this open space as described in this motion and in the D4D, prior to the issuance of a first temporary certificate of occupancy for the N-1 project which is the subject of this conditional use authorization. The open spaces shall be maintained in perpetuity for the life of the project.

For information about compliance, contact the Case Planner, Planning Department at 415-575-6863, 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 via elevators which are publicly accessible, as applicable. 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

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

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

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

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

PARKING AND TRAFFIC

Parking for Affordable Units. All off-street parking spaces shall be made available to Project residents only as a separate “add-on” option for purchase or rent and shall not be bundled with any Project dwelling unit for the life of the dwelling units. The permitted parking spaces may be made available to residents within a quarter mile of the project. All affordable dwelling units pursuant to Planning Code Section 415 shall have equal access to use of the parking as the market rate units, with parking spaces priced commensurate with the affordability of the dwelling unit. Each unit within the Project shall have the first right of refusal to rent or purchase a parking space until the number of residential parking spaces are no longer available. No conditions may be placed on the purchase or rental of dwelling units, nor may homeowner’s rules be established, which prevent or preclude the separation of parking spaces from dwelling units.

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

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

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

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

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

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

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

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

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

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

Affordable Units. The Project Sponsor shall to the extent applicable, pay all applicable fees with respect to the provision of affordable housing and comply with all other applicable requirements of the Affordable Housing Program, Exhibit E to the DA. The N-1 Building shall pay the affordable housing fee as specified below:

1. **Requirement.** Pursuant to Planning Code 415.5, the Project Sponsor must pay an Affordable Housing Fee at a rate equivalent to the applicable percentage of the number of units in an off-site project needed to satisfy the Inclusionary Affordable Housing Program Requirement for the principal project. The applicable percentage for this project is twenty percent (20%).

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org or the Mayor's Office of Housing and Community Development at 415-701-5500, www.sf-moh.org.

2. **Other Conditions.** The Project is subject to the requirements of the Inclusionary Affordable Housing Program under Section 415 et seq. of the Planning Code and the terms of the City and County of San Francisco Inclusionary Affordable Housing Program Monitoring and Procedures Manual ("Procedures Manual"), except as may otherwise be provided in the DA. The Procedures Manual, as amended from time to time, is incorporated herein by reference, as published and adopted by the Planning Commission, and as required by Planning Code Section 415. Terms used in these conditions of approval and not otherwise defined shall have the meanings set forth in the Procedures Manual. A copy of the Procedures Manual can be obtained at the Mayor's Office of Housing and Community Development ("MOHCD") at 1 South Van Ness Avenue or on the Planning Department or Mayor's Office of Housing and Community Development's websites, including on the internet at:

<http://sf-planning.org/Modules/ShowDocument.aspx?documentid=4451>.

As provided in the Inclusionary Affordable Housing Program, the applicable Procedures Manual is the manual in effect at the time the subject units are made available for sale or rent.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org or the Mayor's Office of Housing and Community Development at 415-701-5500, www.sf-moh.org.

- a. Subject to the provisions of the DA, the Project Sponsor must pay the Fee in full sum to the Development Fee Collection Unit at the DBI for use by MOHCD prior to the issuance of the first construction document, with an option for the Project Sponsor to defer a portion of the payment prior to issuance of the first certificate of occupancy upon agreeing to pay a deferral surcharge that would be deposited into the Citywide Inclusionary Affordable Housing Fund in accordance with Section 107A.13.3 of the San Francisco Building Code.
- b. Prior to the issuance of the first construction permit by the DBI for the Project, the Project Sponsor shall record a Notice of Special Restriction on the property that records a copy of this approval. The Project Sponsor shall promptly provide a copy of the recorded Notice of Special Restriction to the Department and to MOHCD or its successor.
- c. If project applicant fails to comply with the Inclusionary Affordable Housing Program requirement, the Director of DBI shall deny any and all site or building permits or certificates of occupancy for the development project until the Planning Department notifies the Director of compliance. A Project Sponsor's failure to comply with the requirements of Planning Code Sections 415 et seq. shall constitute cause for the City to record a lien against the development project and to pursue any and all other remedies at law.

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

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

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

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

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 74 to convert approximately 40,000 square feet of basement storage space to office uses, within an existing building containing approximately 133,400 square feet office uses, 43,300 square feet of basement storage space, 1,000 square feet of retail space and 1,500 square feet of assembly space, located at 925 Mission Street, Lot 093 of Assessor's Block 3725, within the proposed "Fifth and Mission Special Use District" ("5M SUD") and generally referred to as the "M-1 Project." The subject property is currently located within the C-3-S District, and the 90-X and 160-F Height and Bulk Districts. 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 **19470**. 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 **19470**.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

These conditions of approval of this Planning Commission Motion No. **19470** 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

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

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

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

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

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. In addition, in order to implement the M-1 Project, the Project Sponsor must obtain an Office Allocation for the M-1 Site, and the conditions of approval for Case No. **2011.0409CUA**, attached as Exhibit A to Motion No. **19468** are incorporated by reference as though fully set forth herein. 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

Mitigation Measures. Mitigation measures described in the MMRP attached as Exhibit 1 to Attachment A of 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

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

Open Space Provision – C-3 Districts. Pursuant to Planning Code Section 138, and in accordance with the D4D for the Project, the Project Sponsor shall maintain in perpetuity for the life of the project the rooftop open space as described in this motion and in the D4D, which was construction as a condition of approval for the “N-1” Site (Case No. 2001.0409CUA).

For information about compliance, contact the Case Planner, Planning Department at 415-575-6863, 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

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

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

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

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

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

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

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

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

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

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

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

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

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

Child Care Brokerage Services - C-3 District. Pursuant to Planning Code Section 165, the Project Sponsor shall provide on-site child-care brokerage services for the actual lifetime of the project. Prior to the issuance of any certificate of occupancy, the Project Sponsor shall execute an agreement with the Planning Department documenting the project's child-care program, subject to the approval of the Planning Director.

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

Transit Impact Development Fee. Pursuant to Planning Code Section 411, the Project Sponsor shall pay the Transit Impact Development Fee (TIDF) as required by and based on drawings submitted with the Building Permit Application. Subject to the provisions of the DA, 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

Downtown Park Fee - C-3 District. Pursuant to Planning Code Section 412, the Project Sponsor shall pay the Downtown Park Fee. The fee shall be based on drawings of the net addition of gross floor area of office to be constructed as set forth in the building permit and subject to the provisions of the DA, shall be paid prior to the issuance of a temporary certificate of occupancy.

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

Jobs Housing Linkage. Pursuant to Planning Code Section 413, the Project Sponsor shall contribute to the Jobs-Housing Linkage Program (JHLP). The calculation shall be based on the net addition of gross square feet of each type of space to be constructed as set forth in the permit plans. The Project Sponsor shall provide evidence that this requirement has been satisfied to the Planning Department subject to the provisions of the DA, prior to the issuance of the first site or building permit by the Department of Building Inspection.

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

Childcare Requirements for Office and Hotel Development Projects. Pursuant to Section 414, the Project Sponsor shall pay the in-lieu fee as required. The net addition of gross floor area subject to the fee shall be determined based on drawings submitted with the Building Permit Application.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, 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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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 demolish four existing buildings and construct a new 25-story building reaching a maximum height of approximately 362 feet, with an approximately 30-foot architectural screen, for a total height of approximately 395 feet, containing approximately 593,500 gsf of office uses, including 33,000 gsf of ground floor uses, anticipated to be allocated as 8,600 gsf of active ground floor office space (including mezzanine space), 7,100 gsf of neighborhood-serving retail space (including mezzanine space), and 17,300 gsf of lobby/core and banking services, at the northwest corner of Fifth and Howard Streets, Assessor's Block 3725, Lots 005, 006, 008, 009, 012 and 098 ("H-1 Site") within the 5M SUD and generally referred to as the "H-1 Project." The H-1 Project is one of three new buildings in the larger 5M Project. The subject property is currently located within the RSD District, the 40/85-X Height and Bulk District, and the SOMA Youth and Family Special Use 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 **19472**. 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 **19472**.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

These conditions of approval of this Planning Commission Motion No. 19472 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

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

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

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

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

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

Mitigation Measures. Mitigation measures described in the MMRP attached as Exhibit 1 to Attachment A of 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

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

Notification to Planning Commission of Permit Application. The Director of Planning shall provide notice to the Planning Commission as soon as feasible upon the filing of a building permit application to construct the H-1 building. In furtherance of this, the sponsor shall notify the Director of Planning as soon as feasible upon submittal of this application to the Department of Building Inspection.

Open Space Provision – C-3 Districts. Pursuant to Planning Code Section 138, and in accordance with the D4D for the Project, the Project Sponsor shall continue to work with Planning Department staff to refine the design and programming of the public open space, and shall complete the development of Mary Court West, as described in this motion and in the D4D, prior to the issuance of a first temporary certificate of occupancy for the H-1 project which is the subject of this conditional use authorization. The open spaces shall be maintained in perpetuity for the life of the project.

For information about compliance, contact the Case Planner, Planning Department at 415-575-6863, 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

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

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

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

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

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

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

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

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

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

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

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

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

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

Child Care Brokerage Services - C-3 District. Pursuant to Planning Code Section 165, the Project Sponsor shall provide on-site child-care brokerage services for the actual lifetime of the project. Prior to

the issuance of any certificate of occupancy, the Project Sponsor shall execute an agreement with the Planning Department documenting the project's child-care program, subject to the approval of the Planning Director.

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

Transit Impact Development Fee. Pursuant to Planning Code Section 411, and subject to the provisions of the DA, 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

Downtown Park Fee - C-3 District. Pursuant to Planning Code Section 412, the Project Sponsor shall pay the Downtown Park Fee. The fee shall be based on drawings of the net addition of gross floor area of office to be constructed as set forth in the building permit and, subject to the provisions of the DA, shall be paid prior to the issuance of a temporary certificate of occupancy.

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

Jobs Housing Linkage. Pursuant to Planning Code Section 413, the Project Sponsor shall contribute to the Jobs-Housing Linkage Program (JHLP). The calculation shall be based on the net addition of gross square feet of each type of space to be constructed as set forth in the permit plans. Subject to the provisions of the DA, the Project Sponsor shall provide evidence that this requirement has been satisfied to the Planning Department prior to the issuance of the first site or building permit by the Department of Building Inspection.

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

Childcare Requirements for Office and Hotel Development Projects. Pursuant to Section 414, the Project Sponsor shall pay the in-lieu fee as required. The net addition of gross floor area subject to the fee shall be determined based on drawings submitted with the Building Permit Application.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, 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

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

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

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

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 construct a new building reaching a roof height of approximately 200 feet and measuring approximately 264,300 square feet , containing approximately 288 dwelling units including 6,800 gsf of retail and other ground floor uses at approximately 939, 941-45, and 947-49 Mission Street located on Lots 089-091 of Assessor's Block 3725, within the 5M SUD and generally referred to as the "M-2 Project." The M-2 Project is one of three new buildings in the larger 5M Project. The subject property is currently located within the C-3-S District, and the 90-X and 160-F Height and Bulk Districts. 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 **19473**. 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 **19473**.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

These conditions of approval of this Planning Commission Motion No. **19473** 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

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

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

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

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

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

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

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

Notification to Planning Commission of Permit Application. The Director of Planning shall provide notice to the Planning Commission as soon as feasible upon the filing of a building permit application to construct the H-1 building. In furtherance of this, the sponsor shall notify the Director of Planning as soon as feasible upon submittal of this application to the Department of Building Inspection.

Open Space Provision – C-3 Districts. Pursuant to Planning Code Section 138, and in accordance with the D4D for the Project, the Project Sponsor shall continue to work with Planning Department staff to refine the design and programming of the public open space, and shall complete the development of

Mary Court East and the development of a publicly-accessible pedestrian improvement adjacent to the North Mary Pedestrian Alley, as described in this motion and in the D4D, prior to the issuance of a first temporary certificate of occupancy for the project for the M-2 project which is the subject of this conditional use authorization. The open spaces shall be maintained in perpetuity for the life of the project.

For information about compliance, contact the Case Planner, Planning Department at 415-575-6863, 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

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

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

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.sfplanning.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, including the pedestrian improvements to North Mary Street, 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.sfplanning.org

PARKING AND TRAFFIC

Parking for Affordable Units. All off-street parking spaces shall be made available to Project residents only as a separate “add-on” option for purchase or rent and shall not be bundled with any Project dwelling unit for the life of the dwelling units. The permitted parking spaces may be made available to residents within a quarter mile of the project. All affordable dwelling units pursuant to Planning Code Section 415 shall have equal access to use of the parking as the market rate units, with parking spaces priced commensurate with the affordability of the dwelling unit. Each unit within the Project shall have the first right of refusal to rent or purchase a parking space until the number of residential parking spaces are no longer available. No conditions may be placed on the purchase or rental of dwelling units, nor may homeowner’s rules be established, which prevent or preclude the separation of parking spaces from dwelling units.

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

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

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

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

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

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

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

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

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

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

Affordable Units. The Project Sponsor shall to the extent applicable, pay all applicable fees with respect to the provision of affordable housing and comply with all other applicable requirements of the Affordable Housing Program, Exhibit E to the DA. The M-2 Building shall provide on-site affordable dwelling units as specified below.

1. **Number of Required Units.** Pursuant to the Development Agreement, the Project is required to provide 20% of the proposed dwelling units as affordable to qualifying households. The Project contains 288 units; therefore, 58 affordable units are required. The Project Sponsor will fulfill this requirement by providing the 58 affordable units on-site. If the number of market-rate units change, the number of required affordable units shall be modified accordingly with written approval from Planning Department staff in consultation with the Mayor's Office of Housing and Community Development ("MOHCD").

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org or the Mayor's Office of Housing and Community Development at 415-701-5500, www.sf-moh.org.

2. **Unit Mix.** The bedroom mix of the affordable dwelling unit shall reflect the bedroom mix of the market rate dwelling units in the Project. *For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org or the Mayor's Office of Housing and Community Development at 415-701-5500, www.sf-moh.org.*

3. **Unit Location.** The affordable units shall be designated on a reduced set of plans recorded as a Notice of Special Restrictions on the property prior to the issuance of the first construction permit.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org or the Mayor's Office of Housing and Community Development at 415-701-5500, www.sf-moh.org.

4. **Phasing.** If any building permit is issued for partial phasing of the Project, the Project Sponsor shall have designated not less than twenty percent (20%) of the each phase's total number of dwelling units as on-site affordable units.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org or the Mayor's Office of Housing and Community Development at 415-701-5500, www.sf-moh.org.

5. **Duration.** Under Planning Code Section 415.8, all units constructed pursuant to Section 415.6, must remain affordable to qualifying households for the life of the project.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org or the Mayor's Office of Housing and Community Development at 415-701-5500, www.sf-moh.org.

6. **Other Conditions.** The Project is subject to the requirements of the Inclusionary Affordable Housing Program under Section 415 et seq. of the Planning Code and City and County of San Francisco Inclusionary Affordable Housing Program Monitoring and Procedures Manual ("Procedures Manual"), except as may otherwise be provided in the Development Agreement. The Procedures Manual, as amended from time to time, is incorporated herein by reference, as published and adopted by the Planning Commission, and as required by Planning Code Section 415. Terms used in these conditions of approval and not otherwise defined shall have the meanings set forth in the Procedures Manual. A copy of the Procedures Manual can be obtained at the MOHCD at 1 South Van Ness Avenue or on the Planning Department or MOHCD websites, including on the internet at:

<http://sf-planning.org/Modules/ShowDocument.aspx?documentid=4451>. As provided in the Inclusionary Affordable Housing Program, the applicable Procedures Manual is the manual in effect at the time the subject units are made available for sale.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org or the Mayor's Office of Housing and Community Development at 415-701-5500, www.sf-moh.org.

- a. The affordable unit(s) shall be designated on the building plans prior to the issuance of the first construction permit by the Department of Building Inspection ("DBI"). The affordable unit(s) shall (1) reflect the unit size mix in number of bedrooms of the market rate units, (2) be constructed, completed, ready for occupancy and marketed no later than the market rate units, and (3) be evenly distributed throughout the building; and (4) be of comparable overall quality, construction and exterior appearance as the market rate units in the principal project. The interior features in affordable units should be generally the same as those of the market units in the principal project, but need not be the same make, model or type of such item as long they are of good and new quality and are consistent with then-current standards for new housing. Other specific standards for on-site units are outlined in the Procedures Manual.
- b. If the units in the building are offered for sale, the affordable unit(s) shall be sold to first time home buyer households, as defined in the Procedures Manual, whose gross annual income, adjusted for household size, does not exceed an average of ninety (90) percent of Area Median Income under the income table called "Maximum Income by Household Size derived from the Unadjusted Area Median Income for HUD Metro Fair Market Rent Area that

- contains San Francisco.” The initial sales price of such units shall be calculated according to the Procedures Manual. Limitations on (i) reselling; (ii) renting; (iii) recouping capital improvements; (iv) refinancing; and (v) procedures for inheritance apply and are set forth in the Inclusionary Affordable Housing Program and the Procedures Manual.
- c. The Project Sponsor is responsible for following the marketing, reporting, and monitoring requirements and procedures as set forth in the Procedures Manual. MOHCD shall be responsible for overseeing and monitoring the marketing of affordable units. The Project Sponsor must contact MOHCD at least six months prior to the beginning of marketing for any unit in the building.
 - d. Required parking spaces shall be made available to initial buyers or renters of affordable units according to the Procedures Manual.
 - e. Prior to the issuance of the first construction permit by DBI for the Project, the Project Sponsor shall record a Notice of Special Restriction on the property that contains these conditions of approval and a reduced set of plans that identify the affordable units satisfying the requirements of this approval. The Project Sponsor shall promptly provide a copy of the recorded Notice of Special Restriction to the Department and to MOHCD or its successor.
 - f. If the Project Sponsor fails to comply with the Inclusionary Affordable Housing Program requirement, the Director of DBI shall deny any and all site or building permits or certificates of occupancy for the development project until the Planning Department notifies the Director of compliance. A Project Sponsor’s failure to comply with the requirements of Planning Code Section 415 et seq. shall constitute cause for the City to record a lien against the development project and to pursue any and all available remedies at law.
 - g. If the Project becomes ineligible at any time for the On-site Affordable Housing Alternative, the Project Sponsor or its successor shall pay the Affordable Housing Fee prior to issuance of the first construction permit or may seek a fee deferral as permitted under Ordinances 0107-10 and 0108-10. If the Project becomes ineligible after issuance of its first construction permit, the Project Sponsor shall notify the Department and MOHCD and pay interest on the Affordable Housing Fee and penalties, if applicable.

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

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

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

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



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Motion No. 19458 FEIR Certification

HEARING DATE: SEPTEMBER 17, 2015

Hearing Date: September 17, 2015
Case No.: 2011.0409ENV/CUA/DVA/OFA/MAP/PCA/SHD
Project Address: **925 Mission Street and various parcels (aka "5M")**
Zoning: C-3-S (Downtown Support) and Residential Service District (RSD)
160-F, 90-X and 40-X/85-B Height and Bulk District
Soma Youth and Family Special Use District
Block/Lot: Block 3725, Lots: 005, 006, 008, 009, 012, 042, 043, 044, 045, 046, 047, 076,
077, 089, 090, 091, 093, 097, 098 and air rights parcels 094, 099, and 100
Project Sponsor: Audrey Tendell
5M Project, LLC
875 Howard Street, Suite 330
San Francisco, CA 94103
Staff Contact: Michael Jacinto – (415) 575-9033
michael.jacinto@sfgov.org

1650 Mission St.
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415.558.6409

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415.558.6377

ADOPTING FINDINGS RELATED TO THE CERTIFICATION OF A FINAL ENVIRONMENTAL IMPACT REPORT FOR A PROPOSED MIXED-USE PROJECT THAT INCLUDES APPROXIMATELY 821,300 SQUARE FEET OF RESIDENTIAL USES (APPROXIMATELY 690 UNITS), 807,600 SQUARE FEET OF OFFICE USES, 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). THE PROJECT WOULD ALSO INCLUDE VEHICULAR PARKING, BICYCLE PARKING, AND LOADING FACILITIES, PRIVATE- AND PUBLICLY-ACCESSIBLE OPEN SPACE, AND STREETScape AND PUBLIC-REALM IMPROVEMENTS.

MOVED, that the San Francisco Planning Commission (hereinafter "Commission") hereby CERTIFIES the final Environmental Impact Report identified as Case No. 2011.0409E, the "5M Project" at 925 Mission Street and various other parcels, above (hereinafter "Project"), based upon the following findings:

1. The City and County of San Francisco, acting through the Planning Department (hereinafter "Department") fulfilled all procedural requirements of the California Environmental Quality Act (Cal. Pub. Res. Code Section 21000 *et seq.*, hereinafter "CEQA"), the State CEQA Guidelines (Cal. Admin. Code Title 14, Section 15000 *et seq.*, hereinafter "CEQA Guidelines") and Chapter 31 of the San Francisco Administrative Code (hereinafter "Chapter 31").

- A. The Department determined that an Environmental Impact Report (hereinafter “EIR”) was required and provided public notice of that determination by publication in a newspaper of general circulation on January 30, 2013.
 - B. The Department held a public scoping meeting on February 20, 2013 in order to solicit public comment on the scope of the 5M Project’s environmental review.
 - C. On October 15, 2014, the Department published the Draft Environmental Impact Report (hereinafter “DEIR”) and provided public notice in a newspaper of general circulation of the availability of the DEIR for public review and comment and of the date and time of the Planning Commission public hearing on the DEIR; this notice was mailed to the Department’s list of persons requesting such notice.
 - D. Notices of availability of the DEIR and of the date and time of the public hearing were posted near the project site by Department staff on October 15, 2014.
 - E. On October 15, 2014, copies of the DEIR were mailed or otherwise delivered to a list of persons requesting it, to those noted on the distribution list in the DEIR, to adjacent property owners, and to government agencies, the latter both directly and through the State Clearinghouse.
 - F. Notice of Completion was filed with the State Secretary of Resources via the State Clearinghouse on October 15, 2014.
2. The Commission held a duly advertised public hearing on said DEIR on November 20, 2014 at which opportunity for public comment was given, and public comment was received on the DEIR. The period for acceptance of written comments ended on January 7, 2015.
 3. The Department prepared responses to comments on environmental issues received at the public hearing and in writing during the 83-day public review period for the DEIR, prepared revisions to the text of the DEIR in response to comments received or based on additional information that became available during the public review period, and corrected errors in the DEIR. This material was presented in a Comments and Responses document, published on August 13, 2015, distributed to the Commission and all parties who commented on the DEIR, and made available to others upon request at the Department.
 4. A Final Environmental Impact Report (hereinafter “FEIR”) has been prepared by the Department, consisting of the DEIR, any consultations and comments received during the review process, any additional information that became available, and the Comments and Responses document all as required by law.
 5. Project EIR files have been made available for review by the Commission and the public. These files are available for public review at the Department at 1650 Mission Street, Suite 400, and are part of the record before the Commission.
 6. On September 17, 2015, the Commission reviewed and considered the information considered in the FEIR and hereby does find that the contents of said report and the procedures through which the

FEIR was prepared, publicized, and reviewed comply with the provisions of CEQA, the CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code.

7. The project sponsor has indicated that the presently preferred alternative is the Revised Project, analyzed in the Comments and Responses document, and as further refined as described in the various proposed approvals for the 5M Project, and which closely resembles the Preservation Alternative described in the FEIR.
8. The Planning Commission hereby does find that the FEIR concerning File No. 2011.0409E reflects the independent judgment and analysis of the City and County of San Francisco, is adequate, accurate and objective, and that the Comments and Responses document contains no significant revisions to the DEIR, and hereby does CERTIFY THE COMPLETION of said FEIR in compliance with CEQA and the CEQA Guidelines.
9. The Commission, in certifying the completion of said FEIR, hereby does find that the project described in the FEIR:
 - A. Will have significant, project-specific effects on the environment by degrading the Level of Service to LOS E or F, or contributing considerably to existing LOS E or F conditions at four study intersections (i.e., Fourth/Howard; Sixth/Folsom; Sixth/Brannan; and Sixth/Bryant);
 - B. Will have significant, project-specific construction-period transportation impacts;
 - C. Will have significant cumulative effects on the environment by contributing to substantial delays at six study intersections (i.e., Fourth/Howard; Fourth/Folsom; Fifth/Howard; Sixth/Folsom; Sixth/Brannan; Sixth/Bryant); and,
 - D. Will have significant cumulative construction-period transportation impacts.
10. The Planning Commission reviewed and considered the information contained in the FEIR prior to approving the Project.

I hereby certify that the foregoing Motion was ADOPTED by the Planning Commission at its regular meeting of September 17, 2015.

Jonas P. Ionin
Commission Secretary

AYES: Antonini, Fong, Hillis, Johnson, Moore, Richards, Wu

NOES: None

ABSENT: None

ADOPTED: September 17, 2015



SAN FRANCISCO PLANNING DEPARTMENT

March 25, 2019

Subdivision and Mapping
Bureau of Street Use and Mapping
San Francisco Public Works
1155 Market Street
San Francisco, CA 94103

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Record Number: 2011.0409SUB, 2011.0409CND (DPW Project ID#8731 Re-Referral)
Project Address:

172 5th St	(3725/005)	440 Natoma St	(3725/047)
190 5th St	(3725/006)	441 Minna St	3725/077)
910 Howard St	(3725/008)	949 Mission St	(3725/089)
912 Howard St	(3725/009)	941-945 Mission St	(3725/090)
926-930 Howard St	(3725/012)	939 Mission St	(3725/091)
435 Minna St	(3725/043)	901-933 Mission St	(3725/093)
44 Mary St	(3725/044)	110-160 5th St	(3725/097)
50 Mary St	(3725/045)	918-920 Howard	(3725/098)
432-438 Natoma St	(3725/046)		

BACKGROUND

On September 17, 2015, at a duly noticed public hearing, the Planning Commission adopted Motion No. 19459, approving CEQA findings and certified the FEIR under Motion No. 19458. At the same hearing, the Commission adopted General Plan findings under Resolution No. 19460 and recommend approval of General Plan, Zoning Map and Text Amendments under Resolution No. 19463. The Commission also approved the Fifth and Mission Special Use District Design for Development under Motion No. 19465 and adopted a recommendation for approval of the 5M Project Development Agreement under Resolution No. 19466.

On December 1, 2015, at a duly noticed public hearing, the San Francisco Board of Supervisors adopted Ordinance No. 206-15 approving a Development Agreement for the 5M Project and authorizing the Planning Director to execute this Agreement on behalf of the City. The following land use approvals relating to the Project were approved by the Board of Supervisors concurrently with the Development Agreement: the General Plan Amendment (Board of Supervisors Ord. No. 207-15), the Planning Code Text Amendment, and the Zoning Map amendments (Board of Supervisors Ord. No. 205-15).

ACTION

The Planning Department approves the proposed Tentative Final Map 8731 Re-Referral for the 5M Project as submitted.

March 25, 2019

5M

FINDINGS

The Planning Department hereby finds that the proposed Tentative Subdivision Map is consistent with the Project as defined in the Development Agreement. The Planning Commission adopted CEQA Findings and a General Plan Referral for the Project under Planning Commission Motion No. 19459 and Motion No. 19463.

The Department has also considered the entire record to determine, pursuant to Subdivision Map Act, Gov't Code § 66474(a)-(g), whether any of the criteria exist that would require denial of the Tentative Subdivision Map, and finds that none of the criteria exist.

The San Francisco Planning Department makes the findings below pursuant to Subdivision Map Act, Gov't Code § 66474(a)-(g):

- (a) That the proposed map is not consistent with applicable general and specific plans as specified in Section 65451.

The Tentative Subdivision Map is consistent with the General Plan and East South of Market Plan Area for the reasons set forth in Planning Commission Resolution No. 19460.

- (b) That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.

The Tentative Subdivision Map, together with the provisions for its design and improvement, is consistent with the San Francisco General Plan and East South of Market Plan Area for the reasons set forth in Planning Commission Resolution No. 19460.

- (c) That the site is not physically suitable for the type of development.

The site is physically suitable for the type of development. The FEIR evaluated potential environmental impacts associated with the development, which development is consistent with the Fifth and Mission Special Use District (SUD). All required mitigation measures identified in the Mitigation Monitoring and Reporting Program will be applied to the Project.

- (d) That the site is not physically suitable for the proposed density of development.

The site is physically suitable for the proposed density of development. The density of development, including the 720 proposed residential condominium units and 20 commercial condominium units, is consistent with the SUD as evaluated in the FEIR.

March 25, 2019

5M

- (e) That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

Neither the design of the subdivision nor the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. The FEIR incorporates a comprehensive evaluation of biological resources, including fish and wildlife and their habitat. All feasible and applicable mitigation measures identified in the MMRP will be applied to the Tentative Subdivision Map.

- (f) That the design of the subdivision or type of improvements is likely to cause serious public health problems.

Neither the design of the subdivision nor the type of improvements are likely to cause serious public health problems. Issues of public health, including, for example, geotechnical and soils stability, hazards and hazardous materials, and air quality impacts, were evaluated in the FEIR. All feasible and applicable mitigation measures identified in the MMRP will be applied to the Tentative Subdivision Map.

- (g) That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.

Neither the design of the subdivision nor the type of improvements will conflict with easements acquired by the public at large for access through or use of, property within the proposed subdivision. No such public easements for use or public access would be adversely affected by the proposed subdivision, and the Subdivider will be required to provide new easements as a condition of approval of the map as necessary for public access and use.

1 [Development Agreement - 5M Project, LLC - Fifth and Mission Project]

2

3 **Ordinance approving a Development Agreement between the City and County of San**
 4 **Francisco and 5M Project, LLC, a Delaware limited liability company, for the Fifth and**
 5 **Mission Project at the approximately 4-acre site located at Fifth Street between Mission**
 6 **and Howard Streets; making findings under the California Environmental Quality Act,**
 7 **findings of conformity with the City's General Plan, and with the eight priority policies**
 8 **of Planning Code, Section 101.1(b); approving the use of Impact Fees and Exactions for**
 9 **affordable housing and other community benefits, as set forth in the Development**
 10 **Agreement, and waiving any conflicting provision in Planning Code, Article 4, or**
 11 **Administrative Code, Article 10; authorizing the acquisition of real property at 967**
 12 **Mission Street for affordable housing; and confirming compliance with or waiving**
 13 **certain provisions of Administrative Code, Chapters 14B and 56, and ratifying certain**
 14 **actions taken in connection therewith.**

15 NOTE: Additions are *single-underline italics Times New Roman*;
 16 deletions are ~~*strike-through italics Times New Roman*~~.
 17 Board amendment additions are double-underlined;
 18 Board amendment deletions are ~~strike-through normal~~.

18

19 Be it ordained by the People of the City and County of San Francisco:

20 Section 1. Project Findings. The Board of Supervisors makes the following findings:

21 (a) California Government Code Section 65864 et seq. authorizes any city, county,
 22 or city and county to enter into an agreement for the development of real property within the
 23 jurisdiction of the city, county, or city and county.

24

25

1 (b) Chapter 56 of the San Francisco Administrative Code ("Chapter 56") sets forth
2 certain procedures for the processing and approval of development agreements in the City
3 and County of San Francisco (the "City").

4 (c) 5M Project, LLC, a Delaware limited liability company ("Developer") owns and
5 operates the nearly 4-acre area generally between Mission, Fifth and Howard Streets
6 composed of 8 buildings and 7 surface parking lots on 22 parcels, containing approximately
7 317,700 gross square feet of existing office and commercial uses and approximately 219
8 parking spaces, including the historic Dempster Printing Building and Chronicle Building (the
9 "Project Site").

10 (d) Developer filed an application with the City's Planning Department for approval
11 of a development agreement relating to the Project Site (the "Development Agreement")
12 under Chapter 56. A copy of the Development Agreement is on file with the Clerk of the
13 Board in File No. 150788. Developer also filed applications with the Department for certain
14 activities described in Exhibit B to the Development Agreement (together with the
15 Development Agreement, the "Project").

16 (e) The Project is a mixed use development that recognizes the transit-rich location
17 for housing and employment on the Project Site, including office, residential, retail, cultural,
18 educational, open space, parking and related uses. Specifically, the Project includes up to
19 807,600 gross square feet of office uses (including ground floor uses), up to 821,300 gross
20 square feet of residential uses (including both rental and ownership units), approximately
21 68,700 gross square feet of other active ground floor uses, and collectively up to 1,697,600
22 gross square feet of new construction and renovated existing building space, with
23 approximately 463 associated vehicle parking spaces in three subterranean levels,
24 approximately 429 Class 1 bicycle parking spaces, approximately 66 Class 2 bicycle parking
25

1 spaces, and approximately 59,500 square feet of public and private open space, all as more
2 particularly described in the Development Agreement.

3 (f) Concurrently with this Ordinance, the Board is taking a number of actions in
4 furtherance of the Project, as generally described in the Development Agreement, including
5 Exhibit I to the Development Agreement.

6 (g) The Project is anticipated to generate an annual average of approximately 1,200
7 construction jobs and, upon completion, approximately 3,150 net new permanent jobs and an
8 approximately \$12,100,000 annual increase in general fund revenues to the City. In addition
9 to the significant housing, jobs, urban revitalization, and economic benefits to the City from the
10 Project, the City has determined that development of the Project under the Development
11 Agreement will provide additional benefits to the public that could not be obtained through
12 application of existing City ordinances, regulations, and policies. Additional public benefits to
13 the City from the Project include: the creation of affordable housing units anticipated to equal
14 to thirty three percent (33%) of the total market rate housing units for the Project; a workforce
15 program; community benefits fees; the rehabilitation of the Chronicle and Dempster Printing
16 Buildings; and the retention of the Camelline Building, all as further described in the
17 Development Agreement. The Development Agreement will eliminate uncertainty in the City's
18 land use planning for the Project and secure orderly development of the Project Sites.

19 Section 2. CEQA Findings.

20 On September 17, 2015, by Motion No. 19458, the Planning Commission certified as
21 adequate, accurate and complete the Final Environmental Impact Report ("FEIR") for the
22 Project pursuant to the California Environmental Quality Act (California Public Resources
23 Code Section 21000 et seq.) ("CEQA"). A copy of Planning Commission Motion No. 19458 is
24 on file with the Clerk of the Board of Supervisors in File No. 150788. Also on September 17,
25 2015, by Motion No. 19459, the Planning Commission adopted findings, including a statement

1 of overriding considerations (the “CEQA Findings”) and a Mitigation Monitoring and Reporting
2 Program (“MMRP”). Said Motion is on file with the Clerk of the Board of Supervisors in File
3 No. 150788. In accordance with the actions contemplated herein, this Board has reviewed
4 the FEIR and related documents, and adopts and incorporates by reference as though fully
5 set forth herein the CEQA Findings, including the statement of overriding considerations, and
6 the MMRP.

7 Section 3. General Plan and Planning Code Section 101.1(b) Findings.

8 (a) The Board of Supervisors finds that the Development Agreement will serve the
9 public necessity, convenience and general welfare for the reasons set forth in Planning
10 Commission Resolution No. 19466 and incorporates those reasons herein by reference.

11 (b) The Board of Supervisors finds that the Development Agreement is in conformity
12 with the General Plan, as proposed to be amended and when effective, and the eight priority
13 policies of Planning Code Section 101.1 for the reasons set forth in Planning Commission
14 Resolution No. 19466. The Board hereby adopts the findings set forth in Planning
15 Commission Resolution No. 19466 and incorporates those findings herein by reference.

16 Section 4. Development Agreement.

17 (a) The Board of Supervisors approves all of the terms and conditions of the
18 Development Agreement, in substantially the form on file with the Clerk of the Board of
19 Supervisors in File No. 150788.

20 (b) The Board of Supervisors approves and authorizes the execution, delivery and
21 performance by the City of the Development Agreement as follows: (i) the Director of
22 Planning and (other City officials listed thereon) are authorized to execute and deliver the
23 Development Agreement and consents thereto, and (ii) the Director of Planning and other
24 applicable City officials are authorized to take all actions reasonably necessary or prudent to
25 perform the City's obligations under the Development Agreement in accordance with the

1 terms of the Development Agreement. Without limiting the foregoing, the Director of the
2 Mayor’s Office of Housing and Community Development is authorized to execute and perform
3 all City obligations under the Transfer Agreement attached to the Development Agreement for
4 the potential acquisition of certain real property located at 967 Mission Street, or, in the
5 alternative, to accept funds to be used for affordable housing as set forth in the Transfer
6 Agreement. The Director of Planning, at his or her discretion and in consultation with the City
7 Attorney, is authorized to enter into any additions, amendments or other modifications to the
8 Development Agreement that the Director of Planning determines are in the best interests of
9 the City and that do not materially increase the obligations or liabilities of the City or materially
10 decrease the benefits to the City as provided in the Development Agreement.

11 Section 5. Board Authorization and Appropriation.

12 By approving the Development Agreement, including its Exhibits, the Board of
13 Supervisors authorizes the Controller and City Departments to accept the funds paid by
14 Developer as set forth therein, to maintain separate accounts or subaccounts as
15 contemplated therein, and to appropriate and use the funds for the purposes described
16 therein. The Board expressly approves the use of the Impact Fees and Exactions for
17 affordable housing, art and other community benefits, as set forth in Exhibits D and H to the
18 Development Agreement, and waives or overrides any provision in Article 4 of the City
19 Planning Code and Article 10 of the City Administrative Code that would conflict with the uses
20 of these funds as described in the Development Agreement, including without limitation City
21 Planning Code Sections 411.6, 413.10, 415.5, 429.3, 429.5 and City Administrative Code
22 Section 10.100-29. The Board further authorizes the acquisition of the real property at 967
23 Mission Street in accordance with the Transfer Agreement.

24
25

1 Section 6. City Administrative Code Conformity.

2 The Development Agreement shall prevail in the event of any conflict between the
3 Development Agreement and City Administrative Code Chapters 14B and 56, and without
4 limiting the generality of the foregoing clause, for purposes of the Development Agreement
5 only, the provisions of City Administrative Code Chapters 14B and 56 are waived or its
6 provisions deemed satisfied as follows:

7 (a) The Project comprises nearly four acres and is the type of large multi-phase and/or
8 mixed-use development contemplated by the City Administrative Code and therefore is
9 hereby deemed to satisfy the provisions of Chapter 56, Section 56.3(g).

10 (b) The provisions of Development Agreement Section 4.4 and the Workforce
11 Agreement attached to the Development Agreement as Exhibit F shall apply in lieu of the
12 provisions of City Administrative Code Chapter 14B, Section 14B.20 and Chapter 56,
13 Section 56.7(c).

14 (c) The provisions of the Development Agreement regarding any amendment or
15 termination, including those relating to "Material Change," shall apply in lieu of the provisions
16 of Chapter 56, Section 56.15.

17 (e) The provisions of Chapter 56, Section 56.20 have been satisfied by the
18 Memorandum of Understanding between Developer and the Mayor's Office of Economic and
19 Workforce Development for the reimbursement of City costs, a copy of which is on file with the
20 Clerk of the Board of Supervisors in File No. 150788.

21 Section 7. Chapter 56 Waiver; Ratification.

22 (a) In connection with the Development Agreement, the Board of Supervisors finds
23 that the requirements of Chapter 56, as modified hereby, have been substantially complied
24 with and waives any procedural or other requirements of Chapter 56 if and to the extent that
25 they have not been strictly complied with.

1 (b) All actions taken by City officials in preparing and submitting the Development
2 Agreement to the Board of Supervisors for review and consideration are hereby ratified and
3 confirmed, and the Board of Supervisors hereby authorizes all subsequent action to be taken
4 by City officials consistent with this Ordinance.

5 Section 8. Effective and Operative Date.

6 This ordinance shall become effective 30 days from the date of passage. This
7 Ordinance shall become operative only on (and no rights or duties are affected until) the later
8 of (a) 30 days from the date of its passage, or (b) the date that Ordinance _____,
9 Ordinance _____, and Ordinance _____ have become effective. Copies of said
10 Ordinances are on file with the Clerk of the Board of Supervisors in File Nos. 150787 and
11 150932.

12
13 APPROVED AS TO FORM:
14 DENNIS J. HERRERA, City Attorney

15
16 By: _____
17 Charles Sullivan
18 Deputy City Attorney
19 n:\finan\as2015\1400039\01032592.doc



TAX CERTIFICATE

I, David Augustine, Tax Collector of the City and County of San Francisco, State of California, do hereby certify, pursuant to the provisions of California Government Code Section 66492 et. seq., that according to the records of my office regarding the subdivision identified below:

There are no liens for unpaid City & County property taxes or special assessments collected as taxes, except taxes or assessments not yet payable.

The City and County property taxes and special assessments which are a lien, but not yet due, including estimated taxes, have been paid.

Block: **3725**

Lot: **132**

Address: **434 MINNA ST**

David Augustine, Tax Collector

Dated **November 13, 2020** this certificate is valid for the earlier of 60 days from **November 13, 2020** or **December 31, 2020**. If this certificate is no longer valid please contact the Office of Treasurer and Tax Collector at tax.certificate@sfgov.org to obtain another certificate.

BOARD OF SUPERVISOR'S APPROVAL:

ON _____, 2020, THE BOARD OF SUPERVISOR'S OF THE CITY AND COUNTY OF SAN FRANCISCO, STATE OF CALIFORNIA APPROVED AND PASSED MOTION

NO. _____, A COPY OF WHICH IS ON FILE IN THE OFFICE OF THE

BOARD OF SUPERVISOR'S IN FILE NO. _____

CLERK'S STATEMENT:

I, ANGELA CALVILLO, CLERK OF THE BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF SAN FRANCISCO, STATE OF CALIFORNIA, HEREBY STATE THAT SAID BOARD OF SUPERVISORS BY

ITS MOTION NO. _____, ADOPTED _____, 2020, APPROVED THIS MAP ENTITLED "FINAL MAP 10569".

IN TESTIMONY WHEREOF, I HAVE HEREUNTO SUBSCRIBED MY HAND AND CAUSED THE SEAL OF THE OFFICE TO BE AFFIXED.

BY: _____ DATE: _____
CLERK OF THE BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO
STATE OF CALIFORNIA

APPROVALS:

THIS MAP IS APPROVED THIS 3rd DAY OF December, 2020

BY ORDER NO. 203950

BY: Alaric Degrafinried DATE: December 4, 2020

ALARIC DEGRAFINRIED
ACTING DIRECTOR OF PUBLIC WORKS
CITY AND COUNTY OF SAN FRANCISCO
STATE OF CALIFORNIA

APPROVED AS TO FORM:

DENNIS J. HERRERA, CITY ATTORNEY

BY: [Signature]

DEPUTY CITY ATTORNEY
CITY AND COUNTY OF SAN FRANCISCO

TAX STATEMENT:

I, ANGELA CALVILLO, CLERK OF THE BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF SAN FRANCISCO, STATE OF CALIFORNIA, DO HEREBY STATE THAT THE SUBDIVIDER HAS FILED A STATEMENT FROM THE TREASURER AND TAX COLLECTOR OF THE CITY AND COUNTY OF SAN FRANCISCO, SHOWING THAT ACCORDING TO THE RECORDS OF HIS OR HER OFFICE THERE ARE NO LIENS AGAINST THIS SUBDIVISION OR ANY PART THEREOF FOR UNPAID STATE, COUNTY, MUNICIPAL OR LOCAL TAXES, OR SPECIAL ASSESSMENTS COLLECTED AS TAXES.

DATED _____ DAY OF _____, 2020.

CLERK OF THE BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO
STATE OF CALIFORNIA

CERTIFICATE OF PUBLIC IMPROVEMENT AGREEMENT:

THIS CERTIFICATE EVIDENCES THAT A PUBLIC IMPROVEMENT AGREEMENT HAS BEEN EXECUTED ON THE 26TH DAY OF DECEMBER, 2019, FC 5M M2 EXCHANGE, LLC, A DELAWARE LIMITED LIABILITY COMPANY, AND THE CITY AND COUNTY OF SAN FRANCISCO.

BY: _____

ALARIC DEGRAFINRIED
ACTING DIRECTOR OF PUBLIC WORKS
CITY AND COUNTY OF SAN FRANCISCO
STATE OF CALIFORNIA

CITY AND COUNTY SURVEYOR'S STATEMENT:

I HEREBY STATE THAT I HAVE EXAMINED THIS MAP; THAT THE SUBDIVISION AS SHOWN IS SUBSTANTIALLY THE SAME AS IT APPEARED ON THE TENTATIVE MAP, AND ANY APPROVED ALTERATIONS THEREOF; THAT ALL PROVISIONS OF THE CALIFORNIA SUBDIVISION MAP ACT AND ANY LOCAL ORDINANCES APPLICABLE AT THE TIME OF APPROVAL OF THE TENTATIVE MAP HAVE BEEN COMPLIED WITH; AND THAT I AM SATISFIED THIS MAP IS TECHNICALLY CORRECT.

JAMES M. RYAN, ACTING CITY AND COUNTY SURVEYOR

BY: [Signature] DATE: 12-2-20
JAMES M. RYAN PLS 8630



SURVEYOR'S STATEMENT:

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF FC 5M M2 EXCHANGE, LLC, ON MARCH 10, 2020. I HEREBY STATE THAT ALL THE MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED AND THAT THE MONUMENTS ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED, AND THAT THIS FINAL MAP SUBSTANTIALLY CONFORMS TO THE CONDITIONALLY APPROVED TENTATIVE MAP.

BY: [Signature] DATE: 12/2/2020

DAVID B. RON
PLS No. 8954



RECORDER'S STATEMENT:

FILED THIS _____ DAY OF _____, 2020,

AT _____ M. IN BOOK _____ OF FINAL MAPS, AT PAGES _____, AT THE REQUEST OF MARTIN M. RON ASSOCIATES.

SIGNED: _____

COUNTY RECORDER
CITY AND COUNTY OF SAN FRANCISCO
STATE OF CALIFORNIA

FINAL MAP 10569

A 2 LOT VERTICAL SUBDIVISION
A 211 RESIDENTIAL UNIT AND 8 COMMERCIAL UNIT CONDOMINIUM PROJECT
WITHIN VERTICAL LOT 1 AND LOT 2 BEING A VERTICAL LOT AS SHOWN ON
THIS MAP, BEING A SUBDIVISION OF LOT 1 AS SAID LOT IS SHOWN ON "FINAL
MAP 10101" RECORDED DECEMBER 23, 2019 IN BOOK 138 OF CONDOMINIUM
MAPS, PAGES 27-29, OFFICIAL RECORDS.

BEING A PORTION OF 100 VARA BLOCK 381

CITY AND COUNTY OF SAN FRANCISCO, STATE OF CALIFORNIA

MARTIN M. RON ASSOCIATES, INC.
Land Surveyors

859 Harrison Street, Suite 200
San Francisco California

NOVEMBER 2020

SHEET 1 OF 10

APN 3725-132

434 MINNA STREET

OWNER'S STATEMENT:

WE HEREBY STATE THAT WE ARE THE ONLY OWNERS OF AND HOLDERS OF RECORD TITLE INTEREST IN THE REAL PROPERTY SUBDIVIDED AND SHOWN UPON THIS MAP, AND DO HEREBY CONSENT TO THE PREPARATION AND RECORDATION OF SAID MAP.

IN WITNESS THEREOF, WE, THE UNDERSIGNED, HAVE CAUSED THIS STATEMENT TO BE EXECUTED.

FC 5M M2 EXCHANGE, LLC, A DELAWARE LIMITED LIABILITY COMPANY

OWNER:

BY: James M. Ostrom

NAME: JAMES M. OSTROM
TITLE: AUTHORIZED SIGNATORY

OWNER'S ACKNOWLEDGMENT:

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF CALIFORNIA

COUNTY OF SAN FRANCISCO

ON NOVEMBER 20, 2020 BEFORE ME, Julie Garduno

PERSONALLY APPEARED JAMES OSTROM
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.

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: Julie Garduno

NOTARY PUBLIC, STATE OF CALIFORNIA COMMISSION NO.: 2255706

MY COMMISSION EXPIRES: AUG. 25, 2022

COUNTY OF PRINCIPAL PLACE OF BUSINESS: SAN FRANCISCO

BENEFICIARY: UNITED OVERSEAS BANK LIMITED,
NEW YORK AGENCY

BY: [Signature]

NAME: ERIBERTO DE GUZMAN

TITLE: MANAGING DIRECTOR

BY: [Signature]

NAME: Daniel Chang

TITLE: First Vice President

BENEFICIARY'S ACKNOWLEDGMENT:

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF New York

COUNTY OF New York

ON December 1, 2020 BEFORE ME, Wen Chean

PERSONALLY APPEARED Eriberto De Guzman
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.

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: Wen Chean

NOTARY PUBLIC, STATE OF New York COMMISSION NO.: 01CH6335423

MY COMMISSION EXPIRES: Jan. 11, 2024

COUNTY OF PRINCIPAL PLACE OF BUSINESS: New York

BENEFICIARY'S ACKNOWLEDGMENT:

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF New York

COUNTY OF New York

ON December 1, 2020 BEFORE ME, Wen Chean

PERSONALLY APPEARED Daniel Chang
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.

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: Wen Chean

NOTARY PUBLIC, STATE OF New York COMMISSION NO.: 01CH6335423

MY COMMISSION EXPIRES: Jan. 11, 2024

COUNTY OF PRINCIPAL PLACE OF BUSINESS: New York

FINAL MAP 10569

A 2 LOT VERTICAL SUBDIVISION
A 211 RESIDENTIAL UNIT AND 8 COMMERCIAL UNIT CONDOMINIUM PROJECT
WITHIN VERTICAL LOT 1 AND LOT 2 BEING A VERTICAL LOT AS SHOWN ON
THIS MAP, BEING A SUBDIVISION OF LOT 1 AS SAID LOT IS SHOWN ON "FINAL
MAP 10101" RECORDED DECEMBER 23, 2019 IN BOOK 138 OF CONDOMINIUM
MAPS, PAGES 27-29, OFFICIAL RECORDS.

BEING A PORTION OF 100 VARA BLOCK 381

CITY AND COUNTY OF SAN FRANCISCO, STATE OF CALIFORNIA

MARTIN M. RON ASSOCIATES, INC.
Land Surveyors

859 Harrison Street, Suite 200
San Francisco California

NOVEMBER 2020

SHEET 2 OF 10

APN 3725-132

434 MINNA STREET

MISSION STREET (82.50' WIDE)

MINNA STREET (39.08' WIDE MEAS. [2] & [11] (40'[1]))

NATOMA STREET (35.33' WIDE MEAS. [2] & [11] (35'[1]))

HOWARD STREET (82.50' WIDE)

MAP REFERENCES:

- [1] CITY OF SAN FRANCISCO MONUMENT MAP NO. 314 ON FILE IN THE OFFICE OF THE CITY AND COUNTY SURVEYOR.
- [2] BLOCK DIAGRAM OF 100 VARA BLOCK 318 DATED JULY, 1909 ON FILE AS 3725b.TIF IN THE OFFICE OF THE CITY AND COUNTY SURVEYOR.
- [3] UNRECORDED SURVEY BY DONEGAN DATED NOVEMBER 15, 1922, ON FILE IN THE OFFICE OF MARTIN M. RON ASSOCIATES, INC.
- [4] UNRECORDED SURVEY BY DONEGAN DATED SEPTEMBER 27, 1916, ON FILE IN THE OFFICE OF MARTIN M. RON ASSOCIATES, INC.
- [5] UNRECORDED SURVEY BY DONEGAN DATED SEPTEMBER 15, 1923, ON FILE IN THE OFFICE OF MARTIN M. RON ASSOCIATES, INC.
- [6] UNRECORDED SURVEY BY DONEGAN DATED JULY 29, 1920, ON FILE IN THE OFFICE OF MARTIN M. RON ASSOCIATES, INC.
- [7] UNRECORDED SURVEY BY DONEGAN DATED DECEMBER 8, 1924, ON FILE IN THE OFFICE OF MARTIN M. RON ASSOCIATES, INC.
- [8] UNRECORDED SURVEY BY DONEGAN DATED SEPTEMBER 2, 1922, ON FILE IN THE OFFICE OF MARTIN M. RON ASSOCIATES, INC.
- [9] THAT CERTAIN PARCEL MAP RECORDED OCTOBER 26, 1995 IN BOOK 42 OF PARCEL MAPS, PAGE 110, SAN FRANCISCO COUNTY RECORDS.
- [10] THAT CERTAIN MAP RECORDED JULY 18, 2000 IN BOOK 63 OF CONDOMINIUM MAPS, PAGES 146-151, SAN FRANCISCO COUNTY RECORDS.
- [11] HISTORIC CITY AND COUNTY OF SAN FRANCISCO FIELD NOTES DATED 6-20-1917 ON FILE AS 3725_2912M_06-20-17.PDF IN THE OFFICE OF THE CITY AND COUNTY SURVEYOR.

NOTE: ALL MONUMENT POINTS SET ON MAP REFERENCE [1] WITHIN THE SUBJECT BLOCK NOT PLOTTED HEREON WERE SEARCHED FOR AND NOT FOUND WHILE PERFORMING THE FIELD WORK. ALL SET SURVEY POINTS SHOWN ON MAP REFERENCES [3]-[10] NOT PLOTTED HEREON WERE SEARCHED FOR AND NOT FOUND WHILE PERFORMING THE FIELD WORK.

BENCHMARK:

CITY OF SAN FRANCISCO BENCHMARK NO. 10102 (2 1/2" DOMED BRASS STAMPED DISK) LOCATED AT THE NORTHEAST CORNER OF MARKET AND CYRIL MAGNIN STREETS, ELEVATION = 35.47 FEET CCSF 2013 NAVD88 VERTICAL DATUM.

NOTE: CCSF 2013 NAVD88 VERTICAL DATUM SUPERSEDES THE OLD CITY DATUM. THE DIFFERENCE BETWEEN CCSF 2013 NAVD88 VERTICAL DATUM AND THE OLD CITY DATUM VARIES ACROSS THE CITY. THE CONVERSION APPROVED BY THE CITY & COUNTY SURVEYOR TO ESTIMATE THE OLD CITY DATUM FOLLOWS: CCSF 2013 NAVD88 VERTICAL DATUM (FEET) - 11.35 FEET = OLD CITY DATUM IN FEET. THE ACTUAL DIFFERENCES ON OLD CITY DATUM BENCHMARKS ARE FOUND TO VARY BETWEEN 11.2' AND 11.5' OR GREATER DUE TO SUBSIDENCE AND LACK OF MAINTENANCE. OLD CITY DATUM BENCHMARKS ARE NOT ACCEPTABLE FOR CONVERTING TO CCSF 2013 NAVD88 VERTICAL DATUM.

FINAL MAP 10569

A 2 LOT VERTICAL SUBDIVISION
A 211 RESIDENTIAL UNIT AND 8 COMMERCIAL UNIT CONDOMINIUM PROJECT WITHIN VERTICAL LOT 1 AND LOT 2 BEING A VERTICAL LOT AS SHOWN ON THIS MAP, BEING A SUBDIVISION OF LOT 1 AS SAID LOT IS SHOWN ON "FINAL MAP 10101" RECORDED DECEMBER 23, 2019 IN BOOK 138 OF CONDOMINIUM MAPS, PAGES 27-29, OFFICIAL RECORDS.

BEING A PORTION OF 100 VARA BLOCK 381

CITY AND COUNTY OF SAN FRANCISCO, STATE OF CALIFORNIA

MARTIN M. RON ASSOCIATES, INC.

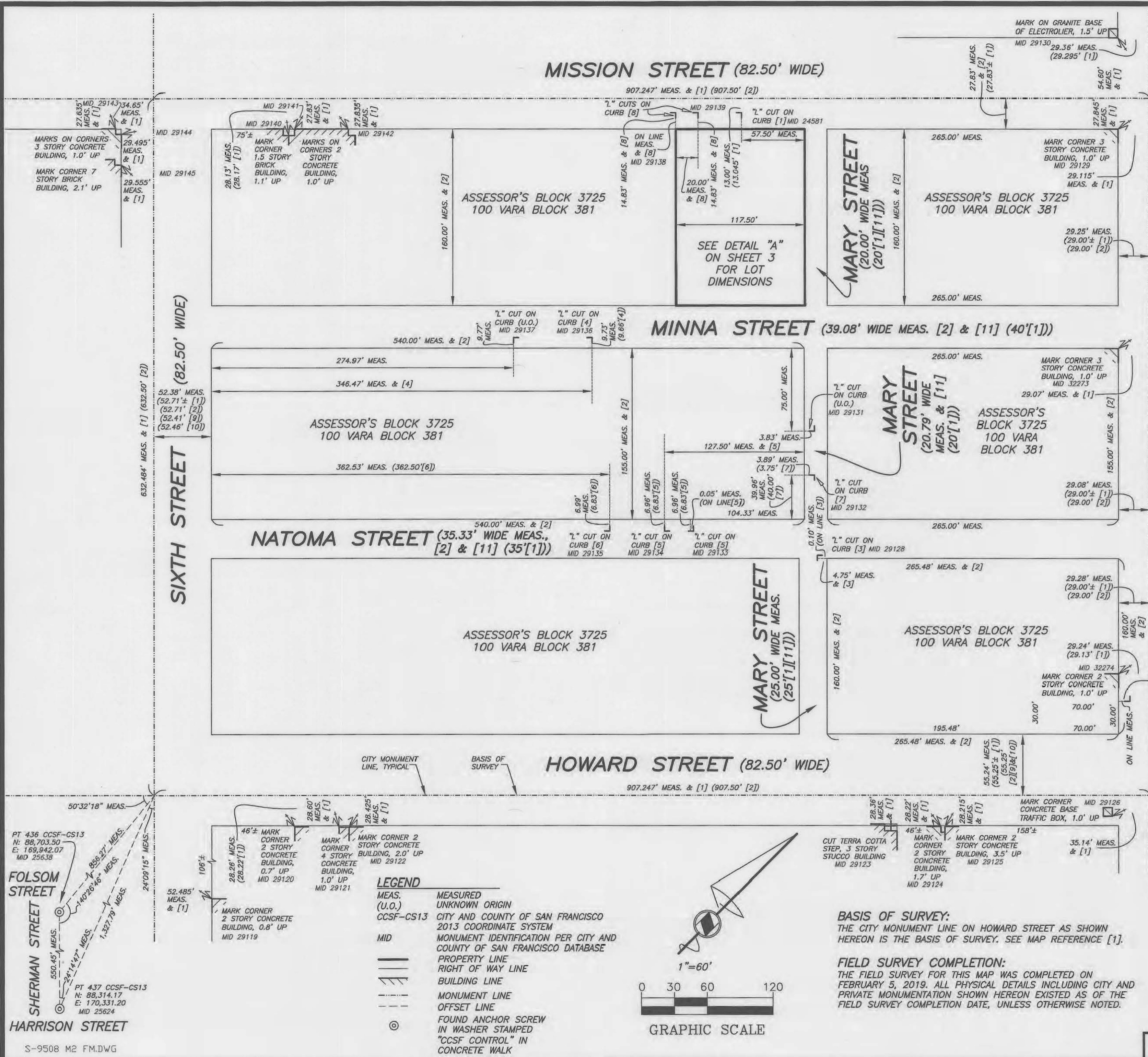
Land Surveyors
859 Harrison Street, Suite 200
San Francisco California

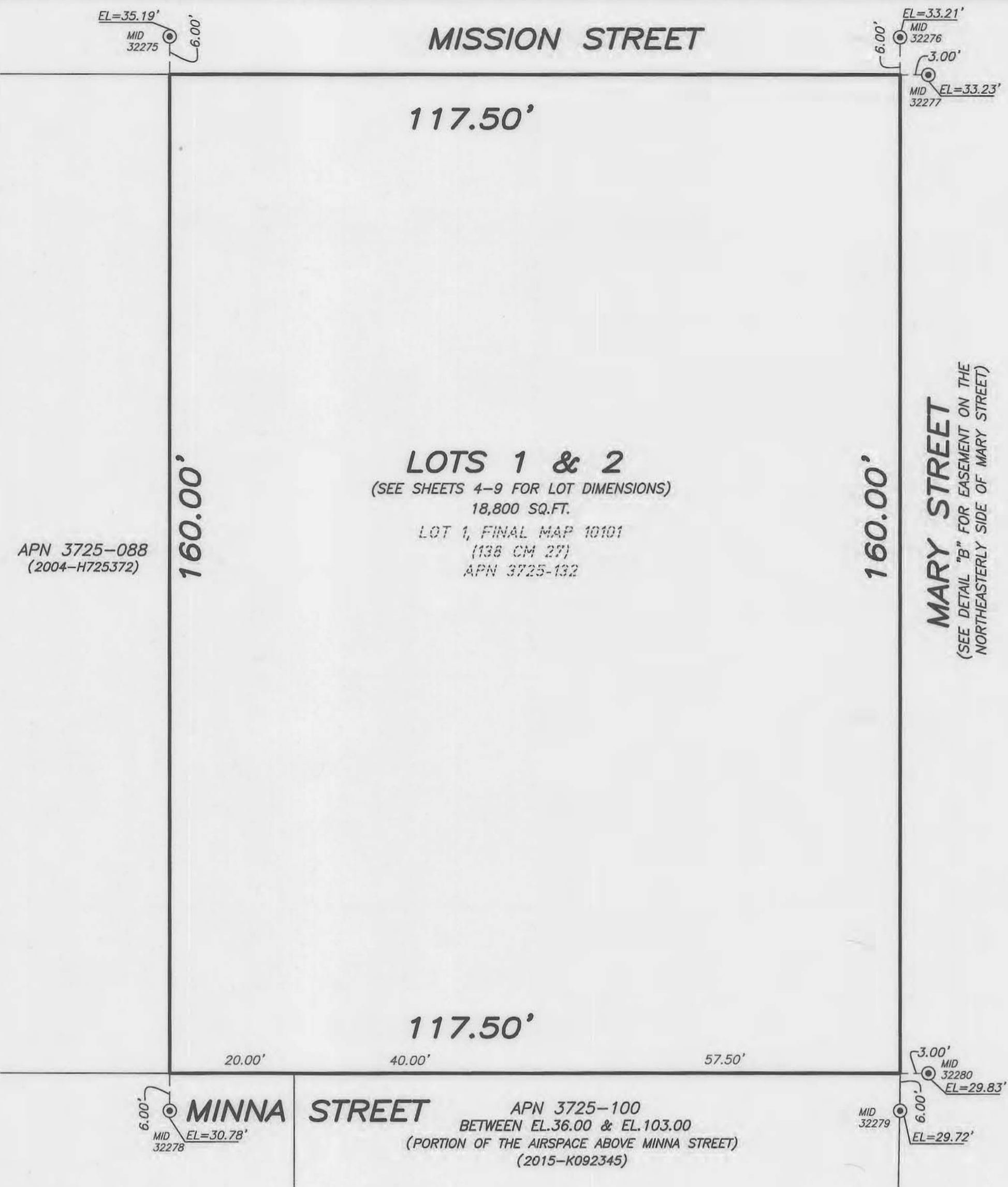
NOVEMBER 2020

APN 3725-132

SHEET 3 OF 10

434 MINNA STREET

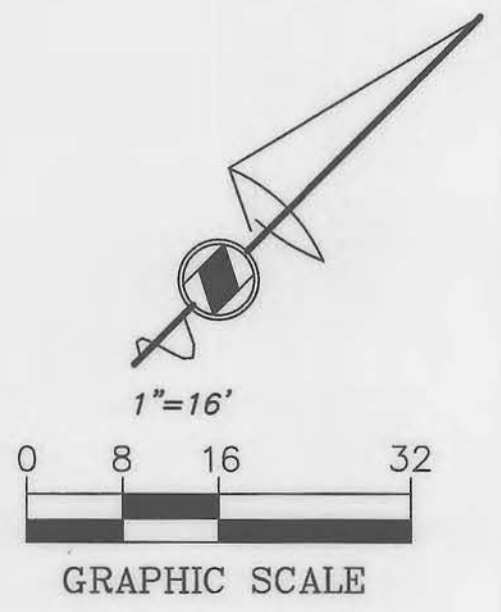




DETAIL "A"

LEGEND

APN	ASSESSOR'S PARCEL NUMBER
EL.	ELEVATION
CM	CONDOMINIUM MAPS
MID	MONUMENT IDENTIFICATION PER CITY AND COUNTY OF SAN FRANCISCO DATABASE
⊙	FOUND NAIL & 3/4" BRASS TAG IN SIDEWALK STAMPED PLS 8954 AS SHOWN ON "FINAL MAP 10101-5M PROJECT, PID 8731-PHASE NO. 2" (138 CM 27)
—	PROPERTY LINE
—	RIGHT OF WAY LINE



GENERAL NOTES:

a) THIS MAP IS THE SURVEY MAP PORTION OF THE CONDOMINIUM PLAN AS DESCRIBED IN CALIFORNIA CIVIL CODE SECTIONS 4120 AND 4285. THIS CONDOMINIUM PROJECT IS LIMITED TO A MAXIMUM NUMBER OF 211 DWELLING UNITS AND 8 COMMERCIAL UNITS WITHIN LOT 1.

b) ALL INGRESS(ES), EGRESS(ES), PATH(S) OF TRAVEL, FIRE/EMERGENCY EXIT(S) AND EXITING COMPONENTS, EXIT PATHWAY(S) AND PASSAGEWAY(S), STAIRWAY(S), CORRIDOR(S), ELEVATOR(S), AND COMMON USE ACCESSIBLE FEATURE(S) AND FACILITIES SUCH AS RESTROOMS THAT THE BUILDING CODE REQUIRES FOR COMMON USE SHALL BE HELD IN COMMON UNDIVIDED INTEREST.

c) UNLESS SPECIFIED OTHERWISE IN THE GOVERNING DOCUMENTS OF A CONDOMINIUM HOMEOWNERS' ASSOCIATION, INCLUDING ITS CONDITIONS, COVENANTS AND RESTRICTIONS, THE HOMEOWNERS ASSOCIATION SHALL BE RESPONSIBLE, IN PERPETUITY, FOR THE MAINTENANCE, REPAIR, AND REPLACEMENT OF:

(i) ALL GENERAL USE COMMON AREA IMPROVEMENTS; AND

(ii) ALL FRONTING SIDEWALKS, ALL PERMITTED OR UNPERMITTED PRIVATE ENCROACHMENTS AND PRIVATELY MAINTAINED STREET TREES FRONTING THE PROPERTY, AND ANY OTHER OBLIGATION IMPOSED ON PROPERTY OWNERS FRONTING A PUBLIC RIGHT-OF-WAY PURSUANT TO THE PUBLIC WORKS CODE OR OTHER APPLICABLE MUNICIPAL CODES

d) IN THE EVENT THE AREAS IDENTIFIED IN (c) (ii) ARE NOT PROPERLY MAINTAINED, REPAIRED, AND REPLACED ACCORDING TO THE CITY REQUIREMENTS, EACH HOMEOWNER SHALL BE RESPONSIBLE TO THE EXTENT OF HIS/HER PROPORTIONATE OBLIGATION TO THE HOMEOWNERS' ASSOCIATION FOR THE MAINTENANCE, REPAIR, AND REPLACEMENT OF THOSE AREAS. FAILURE TO UNDERTAKE SUCH MAINTENANCE, REPAIR, AND REPLACEMENT MAY RESULT IN CITY ENFORCEMENT AND ABATEMENT ACTIONS AGAINST THE HOMEOWNERS' ASSOCIATION AND/OR THE INDIVIDUAL HOMEOWNERS, WHICH MAY INCLUDE, BUT NOT BE LIMITED TO IMPOSITION OF A LIEN AGAINST THE HOMEOWNER'S PROPERTY.

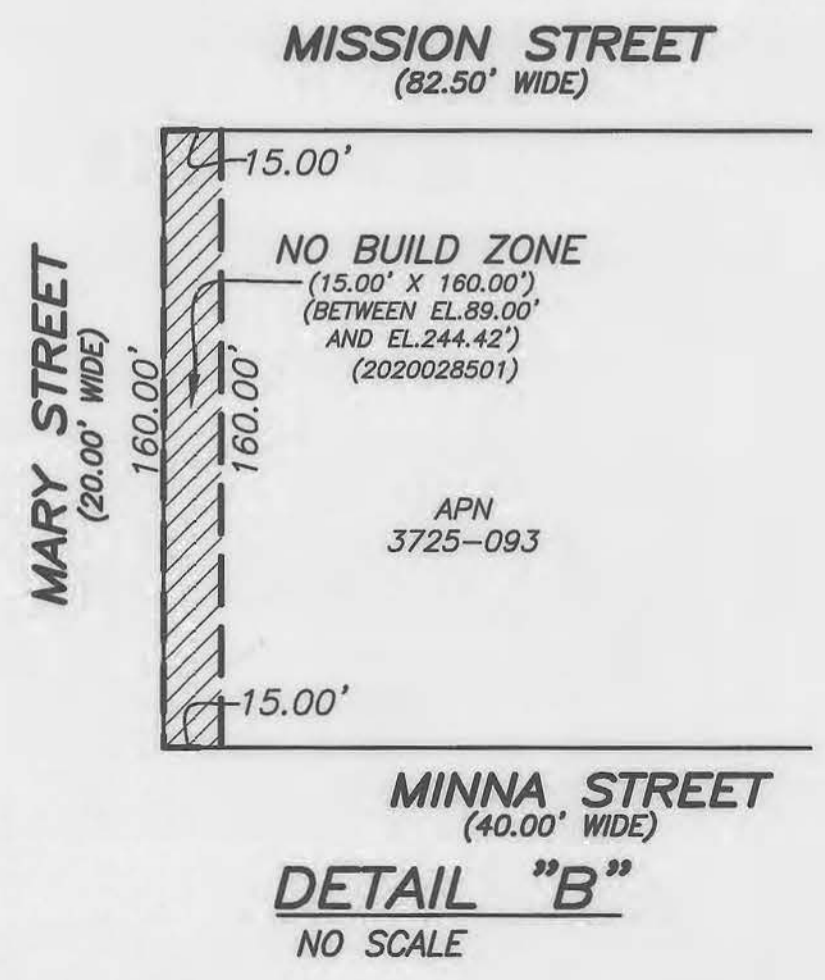
e) APPROVAL OF THIS MAP SHALL NOT BE DEEMED APPROVAL OF THE DESIGN, LOCATION, SIZE, DENSITY OR USE OF ANY STRUCTURE(S) OR ANCILLARY AREAS OF THE PROPERTY ASSOCIATED WITH STRUCTURES, NEW OR EXISTING, WHICH HAVE NOT BEEN REVIEWED OR APPROVED BY APPROPRIATE CITY AGENCIES NOR SHALL SUCH APPROVAL CONSTITUTE A WAIVER OF THE SUBDIVIDER'S OBLIGATION TO ABATE ANY OUTSTANDING MUNICIPAL CODE VIOLATIONS. ANY STRUCTURES CONSTRUCTED SUBSEQUENT TO APPROVAL OF THIS FINAL MAP SHALL COMPLY WITH ALL RELEVANT MUNICIPAL CODES, INCLUDING BUT NOT LIMITED TO THE PLANNING, HOUSING AND BUILDING CODES, IN EFFECT AT THE TIME OF ANY APPLICATION FOR REQUIRED PERMITS.

f) BAY WINDOWS, FIRE ESCAPES AND OTHER ENCROACHMENTS (IF ANY SHOWN HEREON, THAT EXIST, OR THAT MAY BE CONSTRUCTED) ONTO OR OVER MISSION, MARY AND MINNA STREETS, ARE PERMITTED THROUGH AND ARE SUBJECT TO THE RESTRICTIONS SET FORTH IN THE BUILDING CODE AND PLANNING CODE OF THE CITY AND COUNTY OF SAN FRANCISCO. THIS MAP DOES NOT CONVEY ANY OWNERSHIP INTEREST IN SUCH ENCROACHMENT AREAS TO THE CONDOMINIUM UNIT OWNER(S).

g) SIGNIFICANT ENCROACHMENTS, TO THE EXTENT THEY WERE VISIBLE AND OBSERVED, ARE NOTED HEREON. HOWEVER, IT IS ACKNOWLEDGED THAT OTHER ENCROACHMENTS FROM/ONTO ADJOINING PROPERTIES MAY EXIST OR BE CONSTRUCTED. IT SHALL BE THE RESPONSIBILITY SOLELY OF THE PROPERTY OWNERS INVOLVED TO RESOLVE ANY ISSUES THAT MAY ARISE FROM ANY ENCROACHMENTS WHETHER DEPICTED HEREON OR NOT. THIS MAP DOES NOT PURPORT TO CONVEY ANY OWNERSHIP INTEREST IN AN ENCROACHMENT AREA TO ANY PROPERTY OWNER.

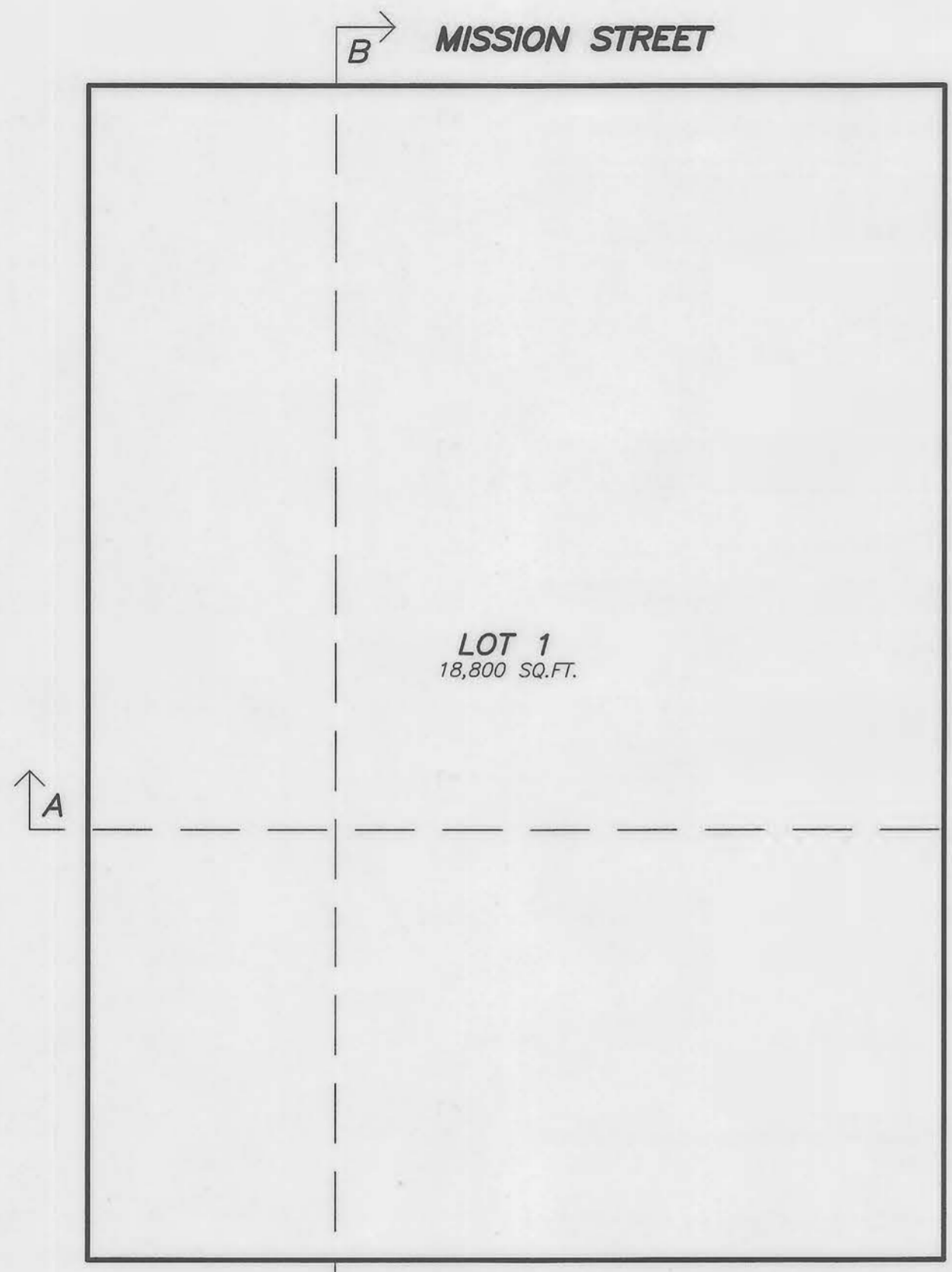
- NOTES:**
1. DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.
 2. ALL ANGLES ARE 90 DEGREES UNLESS NOTED OTHERWISE.
 3. DETAILS NEAR PROPERTY LINES MAY NOT BE TO SCALE.
 4. THE SUBDIVISION SHOWN HEREON IS SUBJECT TO THE TERMS AND CONDITIONS OF THE FOLLOWING DOCUMENTS:
 - a. "DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY AND COUNTY OF SAN FRANCISCO AND 5M PROJECT, LLC" RECORDED JANUARY 4, 2016, DOCUMENT NO. 2016-K183795, OFFICIAL RECORDS.
 - b. "DECLARATION OF COVENANTS AND EASEMENTS" RECORDED DECEMBER 4, 2017, DOCUMENT NO. 2017-K544769, OFFICIAL RECORDS,
 - c. "AMENDMENT NO. 1 TO DECLARATION OF COVENANTS AND EASEMENTS" RECORDED JUNE 17, 2019, DOCUMENT NO. 2019-K782692, OFFICIAL RECORDS AND
 - d. THAT CERTAIN DOCUMENT RECORDED JULY 23, 2019, DOCUMENT NO. 2019-K796862, OFFICIAL RECORDS.
 - e. "CONSTRUCTION EASEMENT AGREEMENT" RECORDED OCTOBER 17, 2019, DOCUMENT NO. 2019-K844335, OFFICIAL RECORDS.
 - f. "PUBLIC IMPROVEMENT AGREEMENT 5M PROJECT BLOCK M-2 (PHASE 2)" RECORDED DECEMBER 23, 2019, DOCUMENT NO. 2019-K880628, OFFICIAL RECORDS.
 - g. "MEMORANDUM OF MINOR MODIFICATION OF DEVELOPMENT AGREEMENT (AMENDMENT NO.1)" RECORDED FEBRUARY 27, 2020, DOCUMENT NO. 2020-K909409, OFFICIAL RECORDS.
 - h. "AMENDMENT NO. 2 TO DECLARATION OF COVENANTS AND EASEMENTS" RECORDED MAY 28, 2020, DOCUMENT NO. 2020-K935485, OFFICIAL RECORDS.
 - i. "DECLARATION OF COVENANTS AND EASEMENTS RELATING TO OPEN SPACE CONSTRUCTION" RECORDED JUNE 11, 2020, DOCUMENT NO. 2020-K939942, OFFICIAL RECORDS.
 - j. "DECLARATION OF COVENANTS AND RESTRICTIONS" RECORDED JUNE 11, 2020, DOCUMENT NO. 2020-K939943, OFFICIAL RECORDS.
 - k. "DECLARATION OF COVENANTS AND EASEMENTS RELATING TO OPEN SPACE CONSTRUCTION" RECORDED JUNE 12, 2020, DOCUMENT NO. 2020-K940257, OFFICIAL RECORDS.
 - l. "NOTICE OF COMPLETION OF COMMUNITY BENEFITS (PUBLIC ART FEE)" RECORDED SEPTEMBER 10, 2020, DOCUMENT NO. 2020015663, OFFICIAL RECORDS.
 - m. "NO-BUILD AGEEMENT" RECORDED OCTOBER 9, 2020, DOCUMENT NO. 2020028501, OFFICIAL RECORDS.

NOTE:
 THIS SUBDIVISION OF LAND CONTAINS A VERTICAL SUBDIVISION OF AIRSPACE. AIRSPACE SUBDIVISIONS OFTEN NECESSITATE RECIPROCAL EASEMENT AGREEMENTS SUCH AS BUT NOT LIMITED TO ACCESS, MAINTENANCE, UTILITIES, SUPPORT, ENCROACHMENTS, EMERGENCY INGRESS AND EGRESS, PERMITTED USES, NO BUILD ZONES, ENVIRONMENTAL HAZARDS, ETC. SOME OF THESE REQUIREMENTS MAY HAVE A PUBLIC NATURE TO WHICH THE CITY AND COUNTY OF SAN FRANCISCO IS OR SHOULD BE A BENEFICIARY. THESE MAY NOT BE DISCLOSED GRAPHICALLY ON A SURVEY MAP. USERS OF THIS MAP ARE THEREFORE ADVISED TO CONSULT THEIR TITLE COMPANY AND LEGAL COUNSEL TO DETERMINE WHETHER ADEQUATE PROVISIONS EXIST AND ARE SUFFICIENT AND ENFORCEABLE.

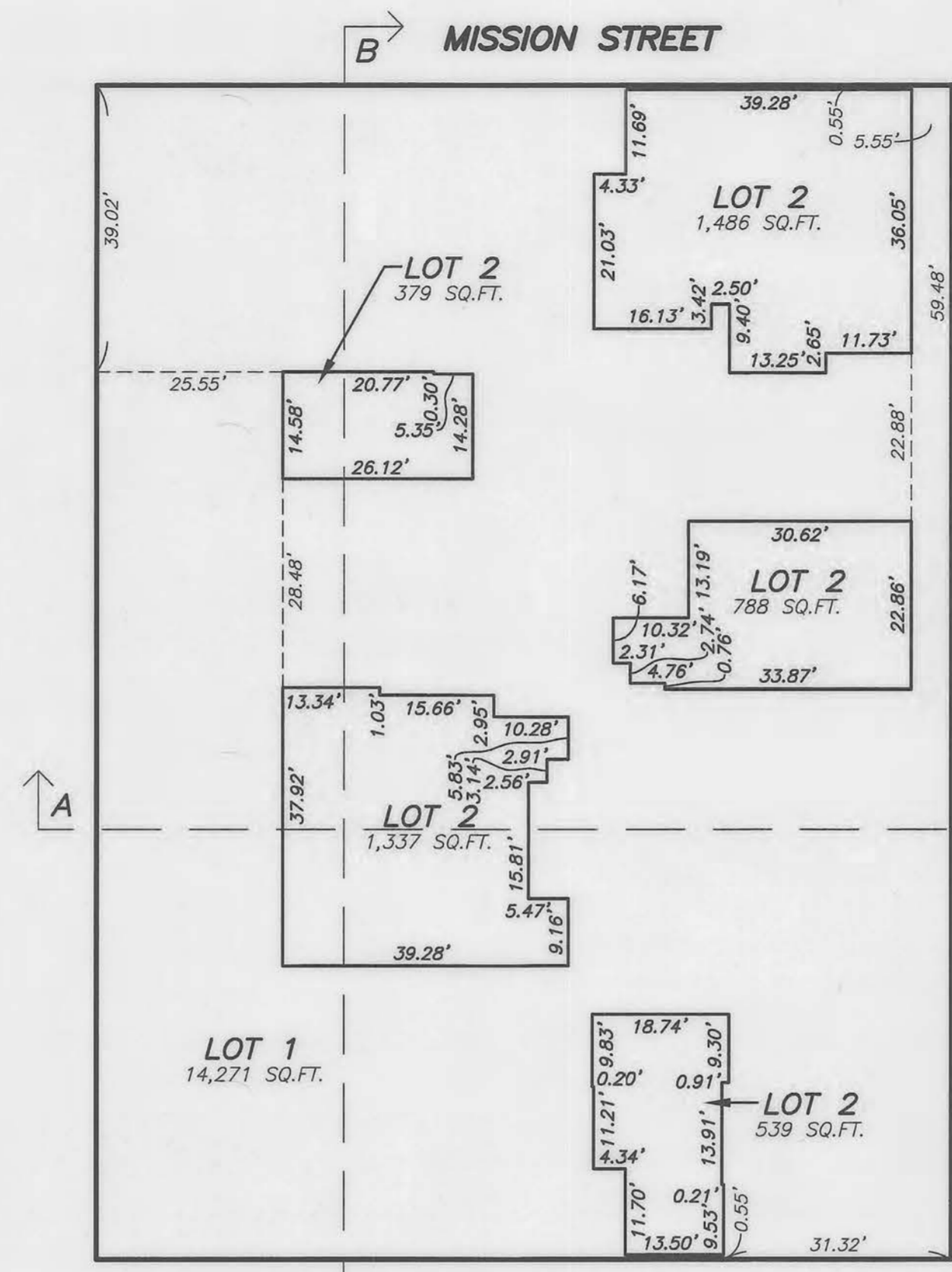


FINAL MAP 10569
 A 2 LOT VERTICAL SUBDIVISION
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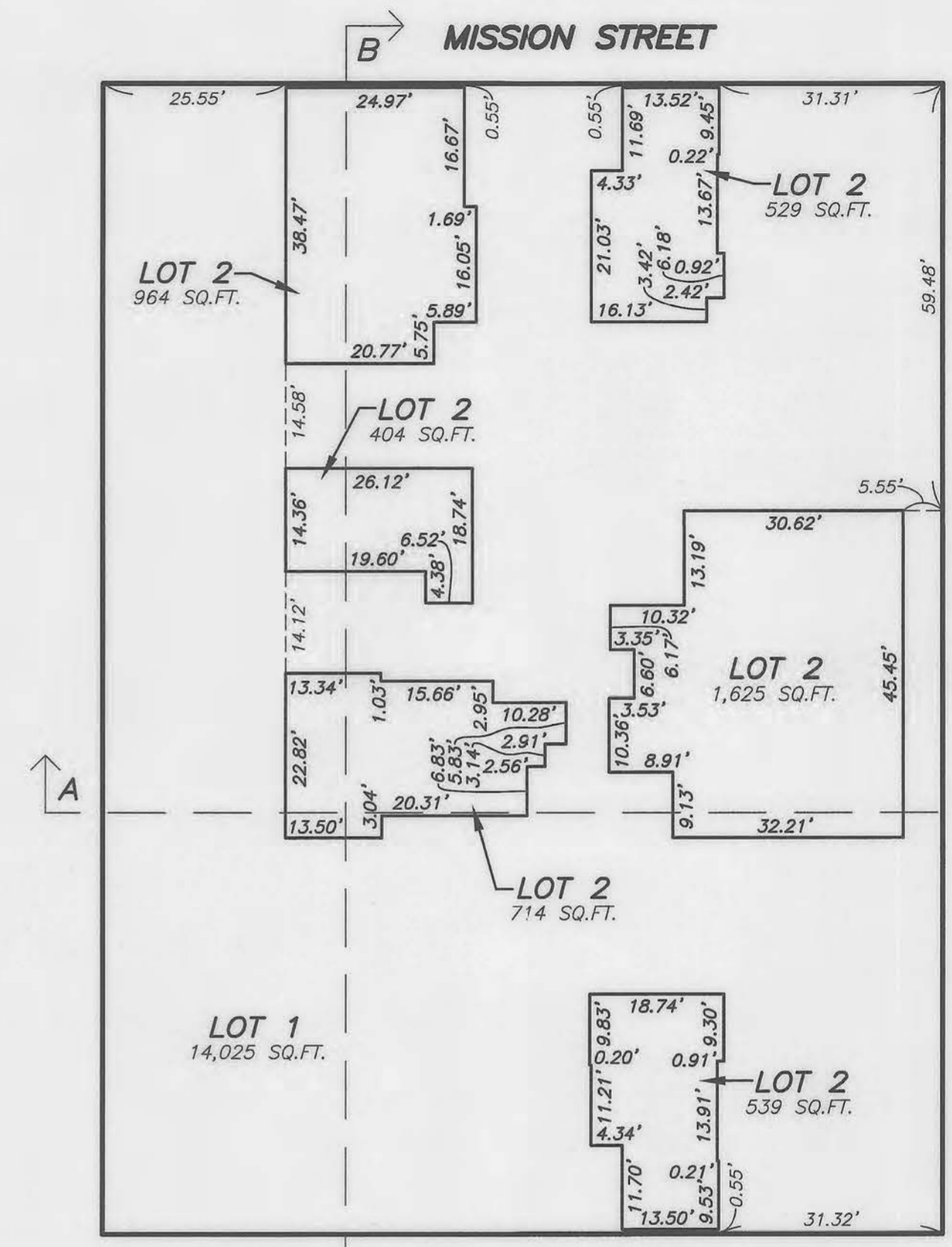
BEING A PORTION OF 100 VARA BLOCK 381
 CITY AND COUNTY OF SAN FRANCISCO, STATE OF CALIFORNIA
MARTIN M. RON ASSOCIATES, INC.
 Land Surveyors
 859 Harrison Street, Suite 200
 San Francisco California



LEVEL A
 (BELOW ϕ SECOND FLOOR SLAB)
 UPPER ELEVATION = 51.31
 LOWER ELEVATION = CENTER OF THE EARTH

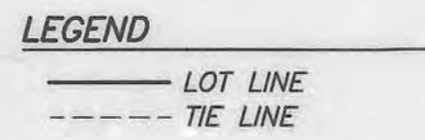


LEVEL B
 (ABOVE ϕ SECOND FLOOR SLAB)
 UPPER ELEVATION = 59.81 (EXCEPT AS SHOWN)
 LOWER ELEVATION = 51.31

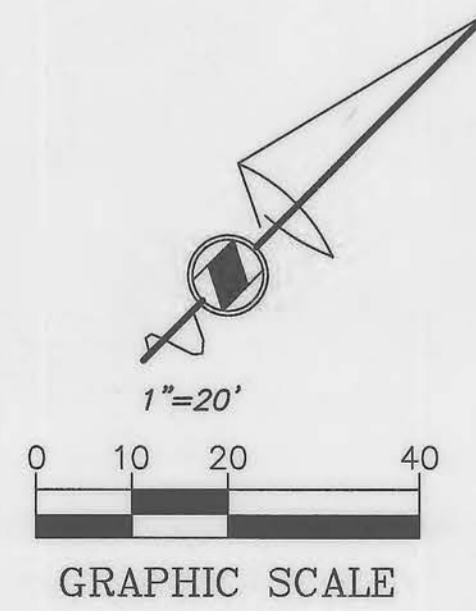


LEVEL C
 (ABOVE ϕ THIRD FLOOR SLAB)
 UPPER ELEVATION = 70.31 (EXCEPT AS SHOWN)
 LOWER ELEVATION = 59.81

SEE SECTIONS ON SHEET 4 OF 4



NOTE: LOT 2 IS A SINGLE PARCEL THAT IS WHOLLY CONTAINED WITHIN THE EXTERIOR BOUNDARY OF THE PROJECT.



FINAL MAP 10569

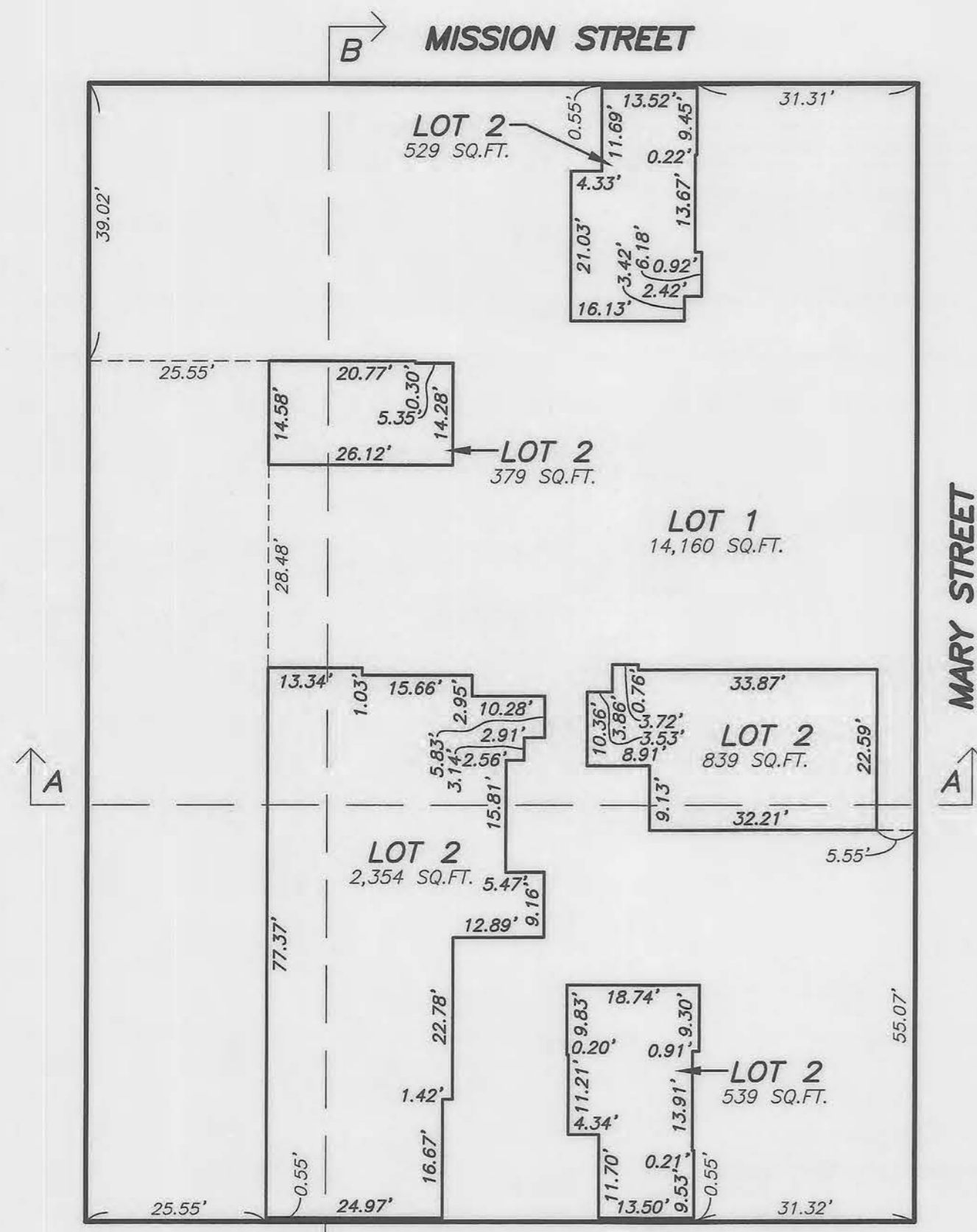
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BEING A PORTION OF 100 VARA BLOCK 381
 CITY AND COUNTY OF SAN FRANCISCO, STATE OF CALIFORNIA

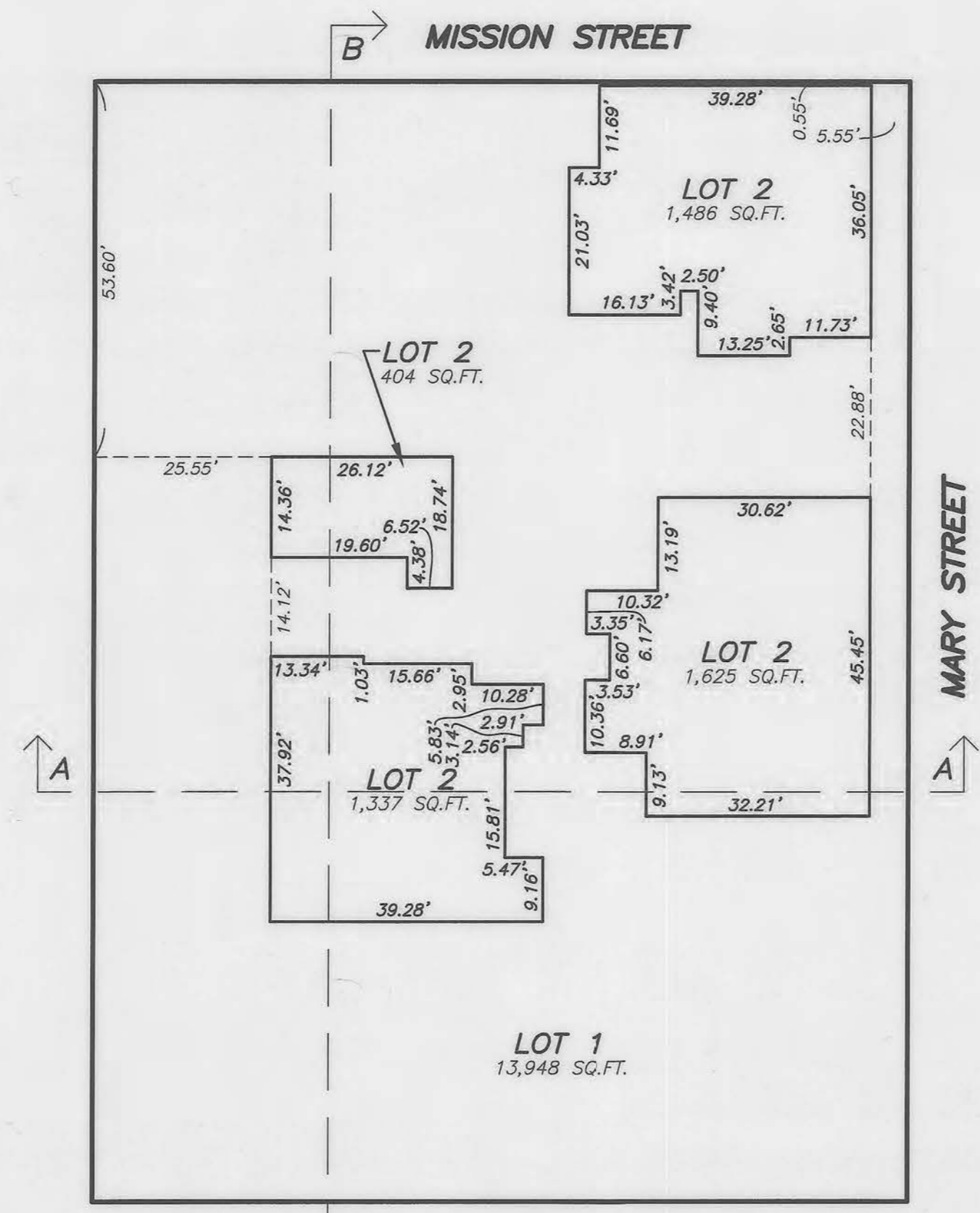
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NOVEMBER 2020

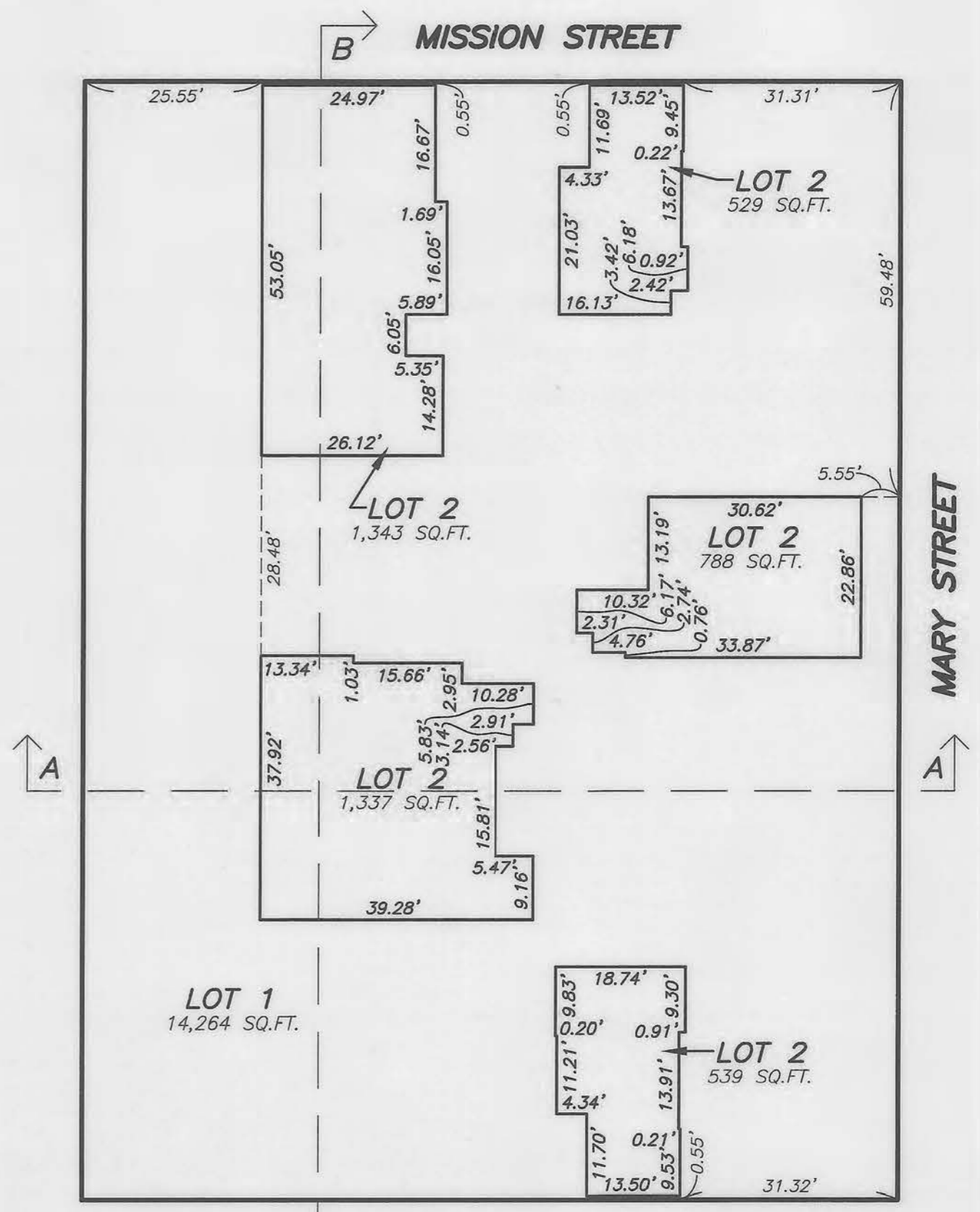
SHEET 5 OF 10



LEVEL D
 (ABOVE ϕ FOURTH FLOOR SLAB)
 UPPER ELEVATION = 79.81 (EXCEPT AS SHOWN)
 LOWER ELEVATION = 70.31



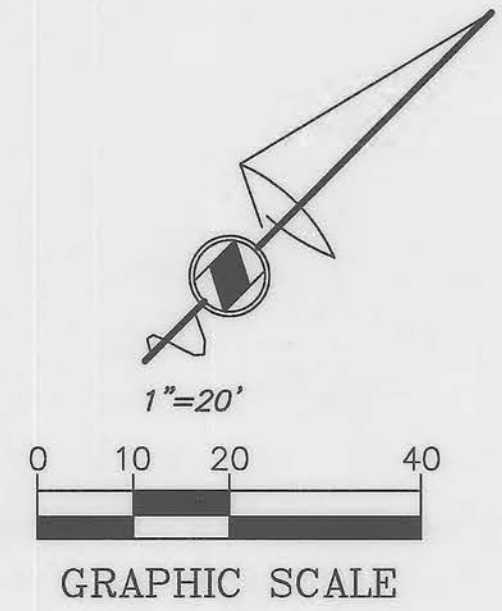
LEVEL E
 (ABOVE ϕ FIFTH FLOOR SLAB)
 UPPER ELEVATION = 89.31 (EXCEPT AS SHOWN)
 LOWER ELEVATION = 79.81



LEVEL F
 (ABOVE ϕ SIXTH FLOOR SLAB)
 UPPER ELEVATION = 98.81 (EXCEPT AS SHOWN)
 LOWER ELEVATION = 89.31

SEE SECTIONS ON SHEET 4 OF 4

LEGEND
 — LOT LINE
 - - - TIE LINE



NOTE: LOT 2 IS A SINGLE PARCEL THAT IS WHOLLY CONTAINED WITHIN THE EXTERIOR BOUNDARY OF THE PROJECT.

FINAL MAP 10569

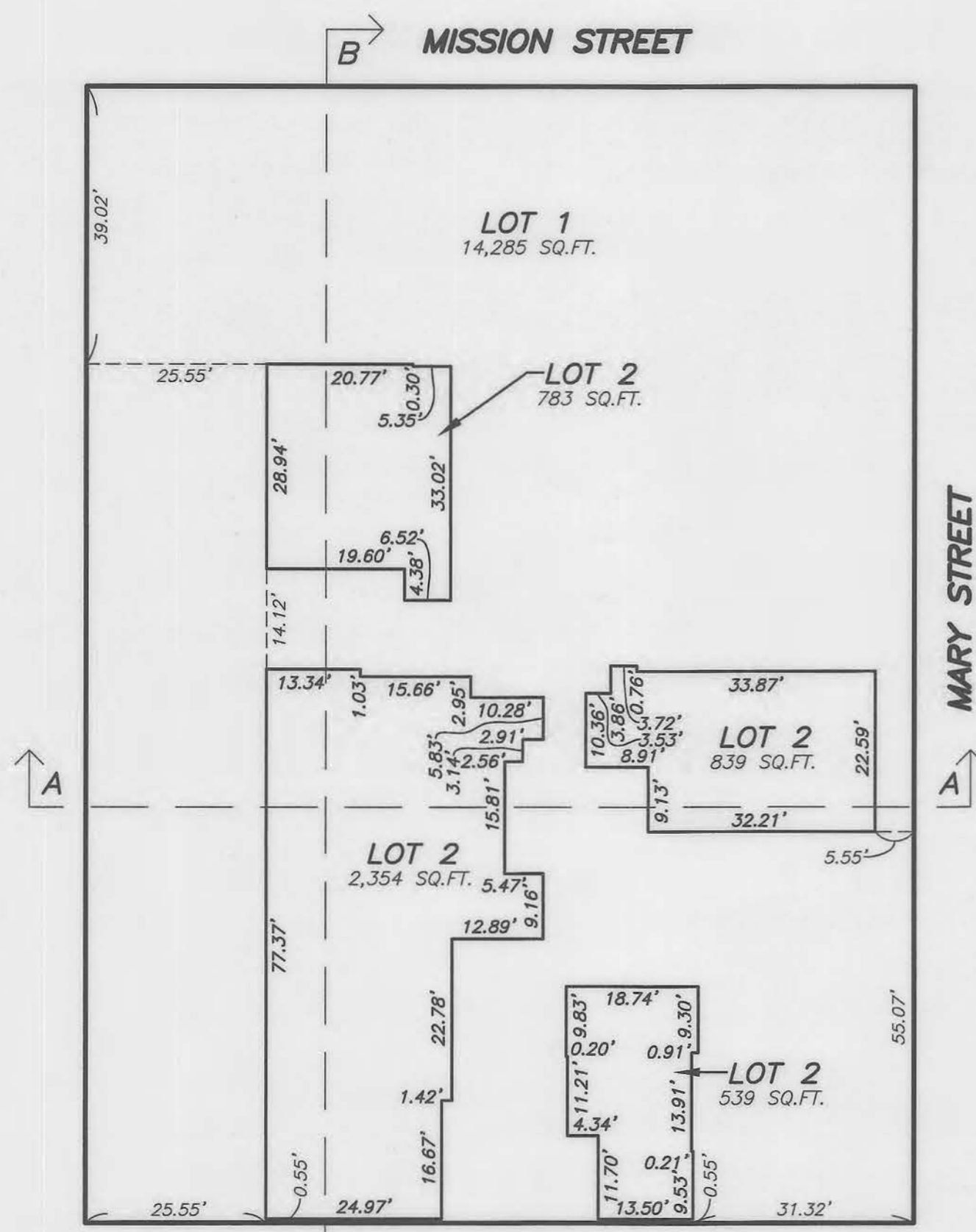
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 CITY AND COUNTY OF SAN FRANCISCO, STATE OF CALIFORNIA

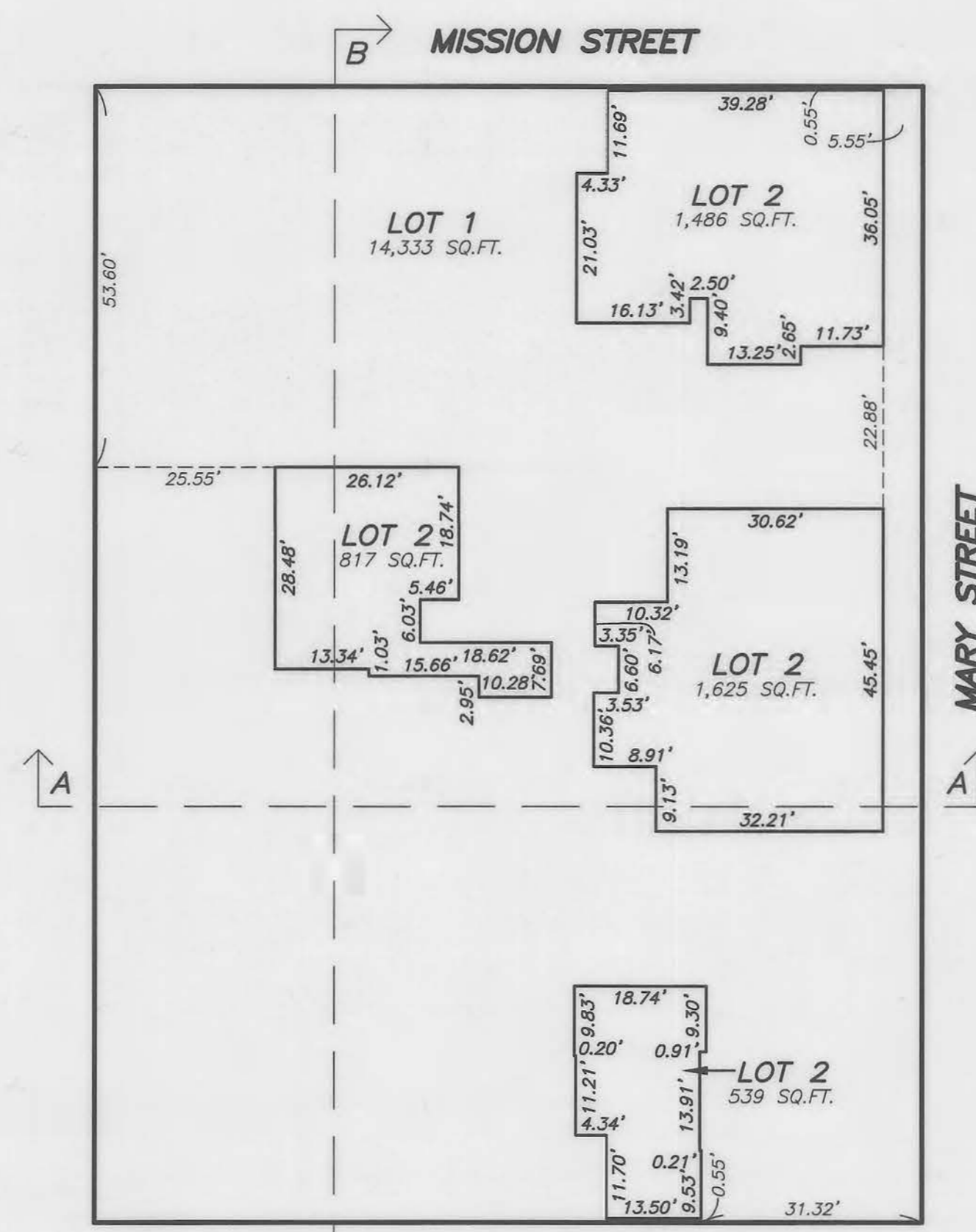
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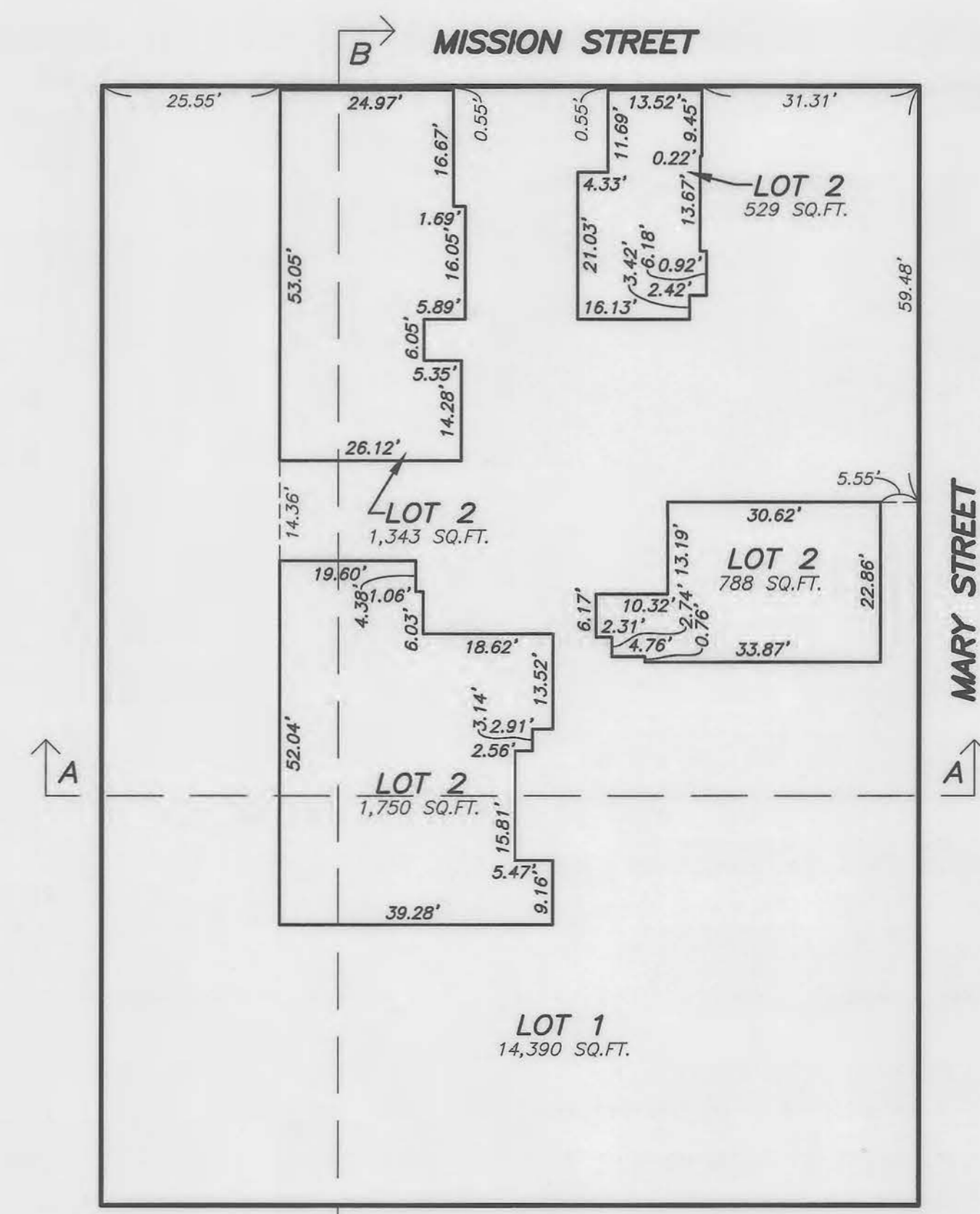
SHEET 6 OF 10



LEVEL G
 (ABOVE \bar{C} SEVENTH FLOOR SLAB)
 UPPER ELEVATION = 108.31 (EXCEPT AS SHOWN)
 LOWER ELEVATION = 98.81



LEVEL H
 (ABOVE \bar{C} EIGHTH FLOOR SLAB)
 UPPER ELEVATION = 117.81 (EXCEPT AS SHOWN)
 LOWER ELEVATION = 108.31

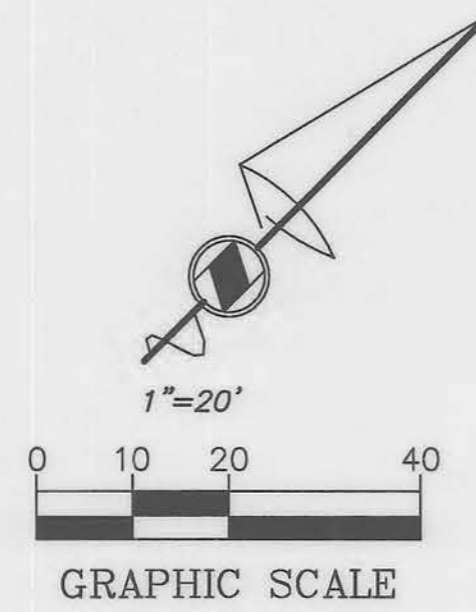


LEVEL I
 (ABOVE \bar{C} NINTH FLOOR SLAB)
 UPPER ELEVATION = 127.31 (EXCEPT AS SHOWN)
 LOWER ELEVATION = 117.81

SEE SECTIONS ON SHEET 4 OF 4

LEGEND
 ——— LOT LINE
 - - - - - TIE LINE

NOTE: LOT 2 IS A SINGLE PARCEL THAT IS WHOLLY CONTAINED WITHIN THE EXTERIOR BOUNDARY OF THE PROJECT.



FINAL MAP 10569

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BEING A PORTION OF 100 VARA BLOCK 381

CITY AND COUNTY OF SAN FRANCISCO, STATE OF CALIFORNIA

MARTIN M. RON ASSOCIATES, INC.
 Land Surveyors

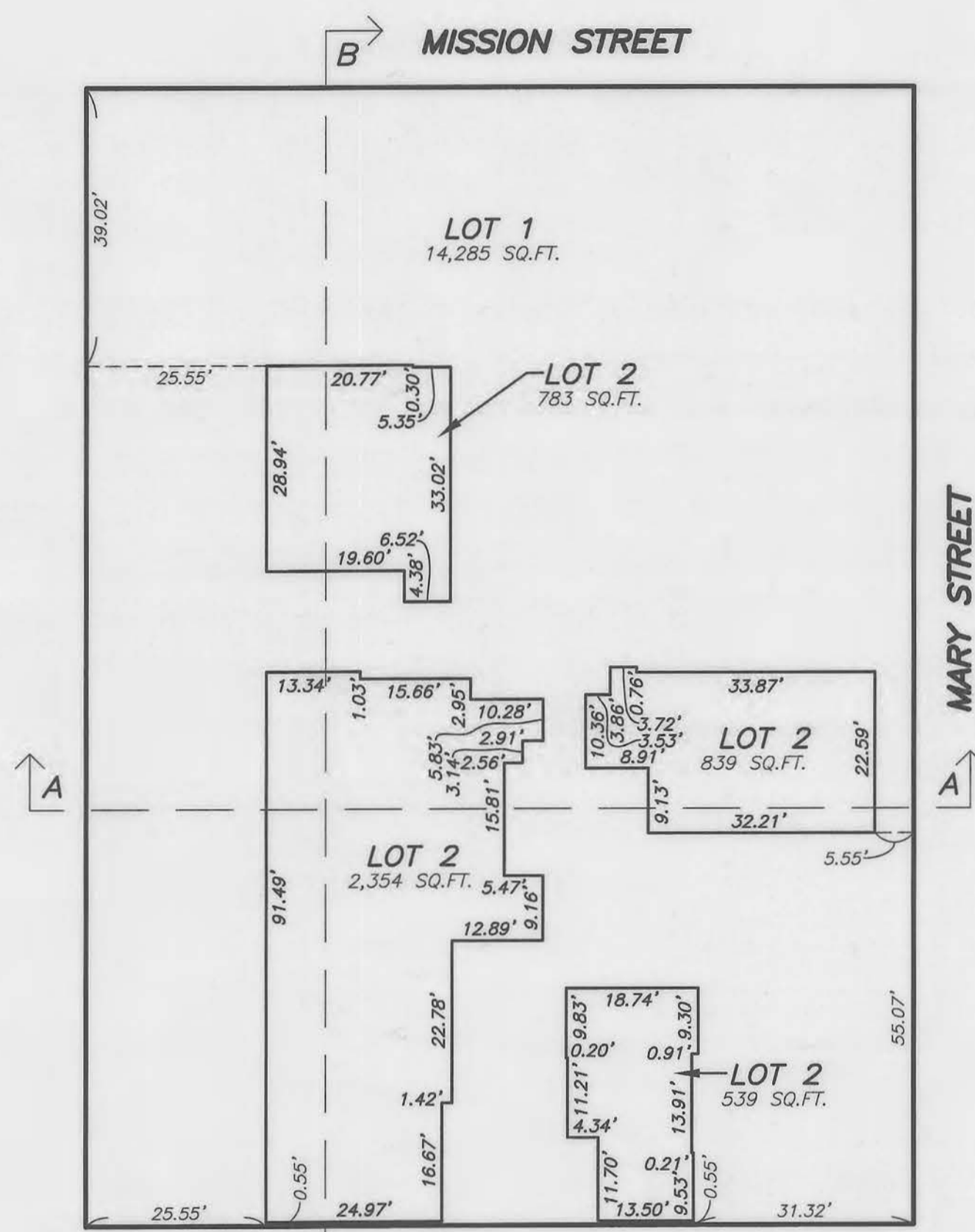
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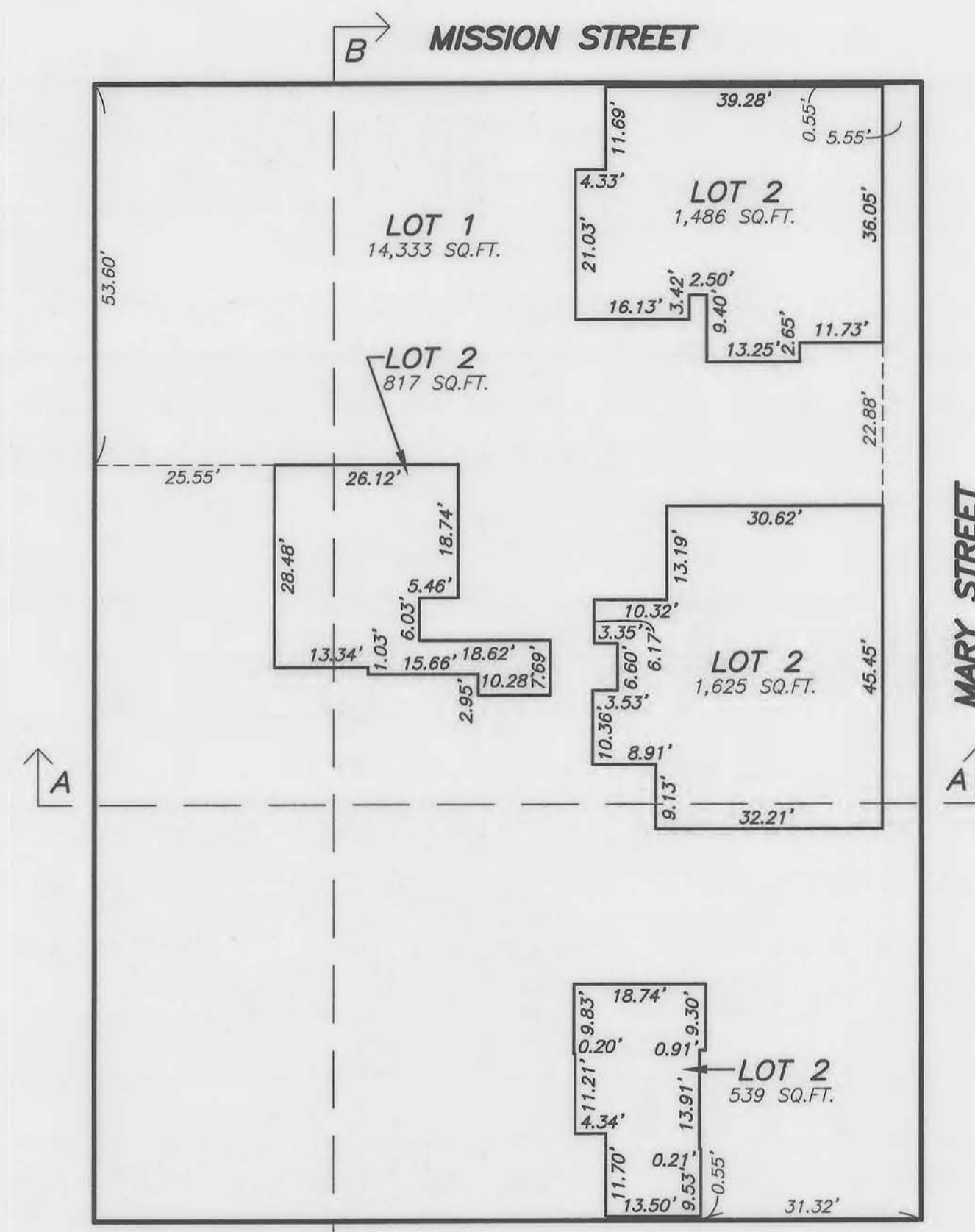
SHEET 7 OF 10

APN 3725-132

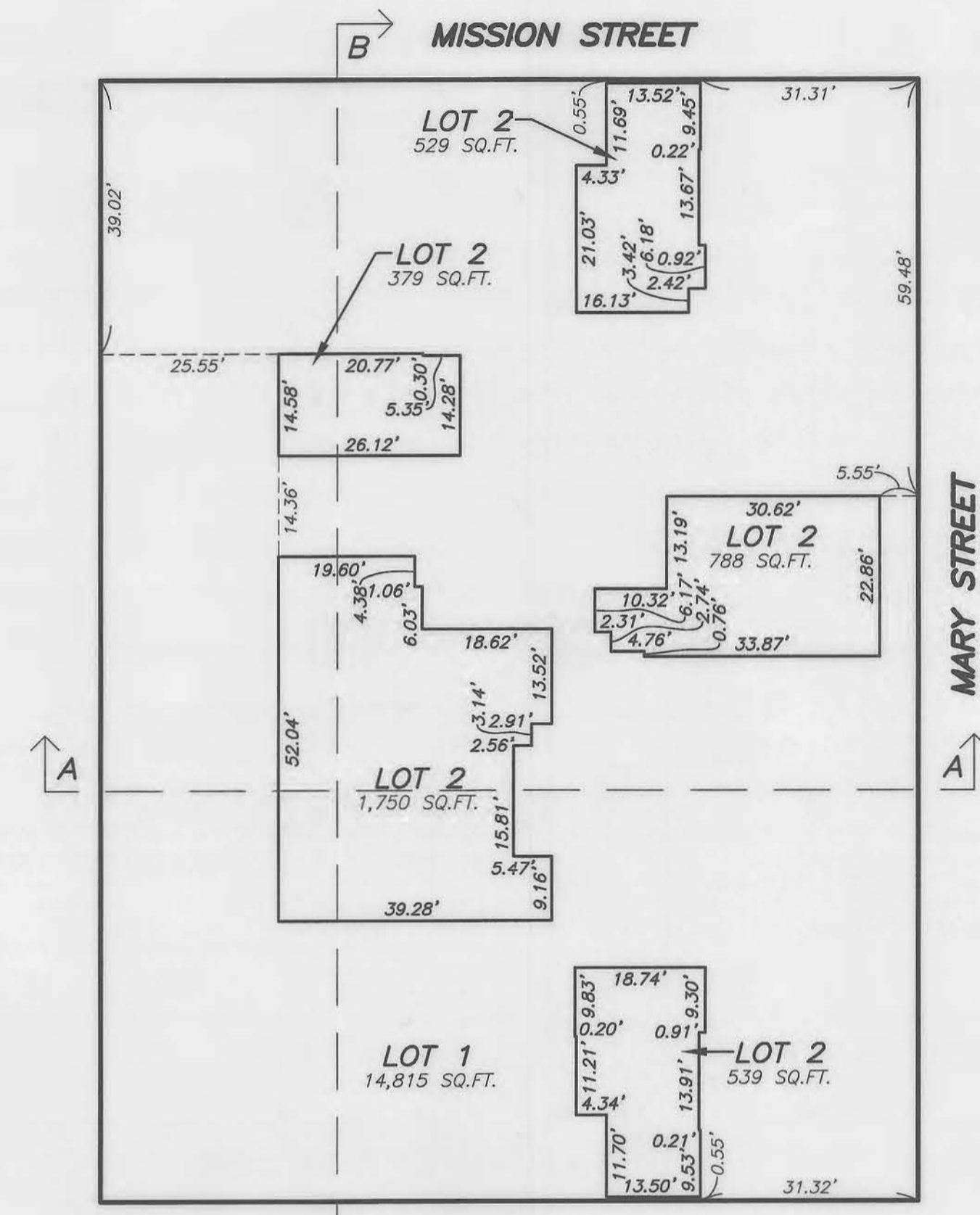
434 MINNA STREET



LEVEL J
 (ABOVE ϕ TENTH FLOOR SLAB)
 UPPER ELEVATION = 136.81 (EXCEPT AS SHOWN)
 LOWER ELEVATION = 127.31



LEVEL K
 (ABOVE ϕ ELEVENTH FLOOR SLAB)
 UPPER ELEVATION = 146.31 (EXCEPT AS SHOWN)
 LOWER ELEVATION = 136.81

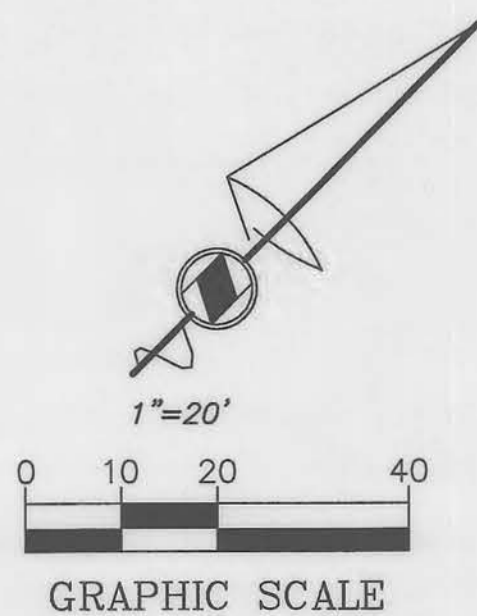


LEVEL L
 (ABOVE ϕ TWELFTH FLOOR SLAB)
 UPPER ELEVATION = 155.81 (EXCEPT AS SHOWN)
 LOWER ELEVATION = 146.31

SEE SECTIONS ON SHEET 4 OF 4

LEGEND
 ——— LOT LINE
 - - - - - TIE LINE

NOTE: LOT 2 IS A SINGLE PARCEL THAT IS WHOLLY CONTAINED WITHIN THE EXTERIOR BOUNDARY OF THE PROJECT.



FINAL MAP 10569

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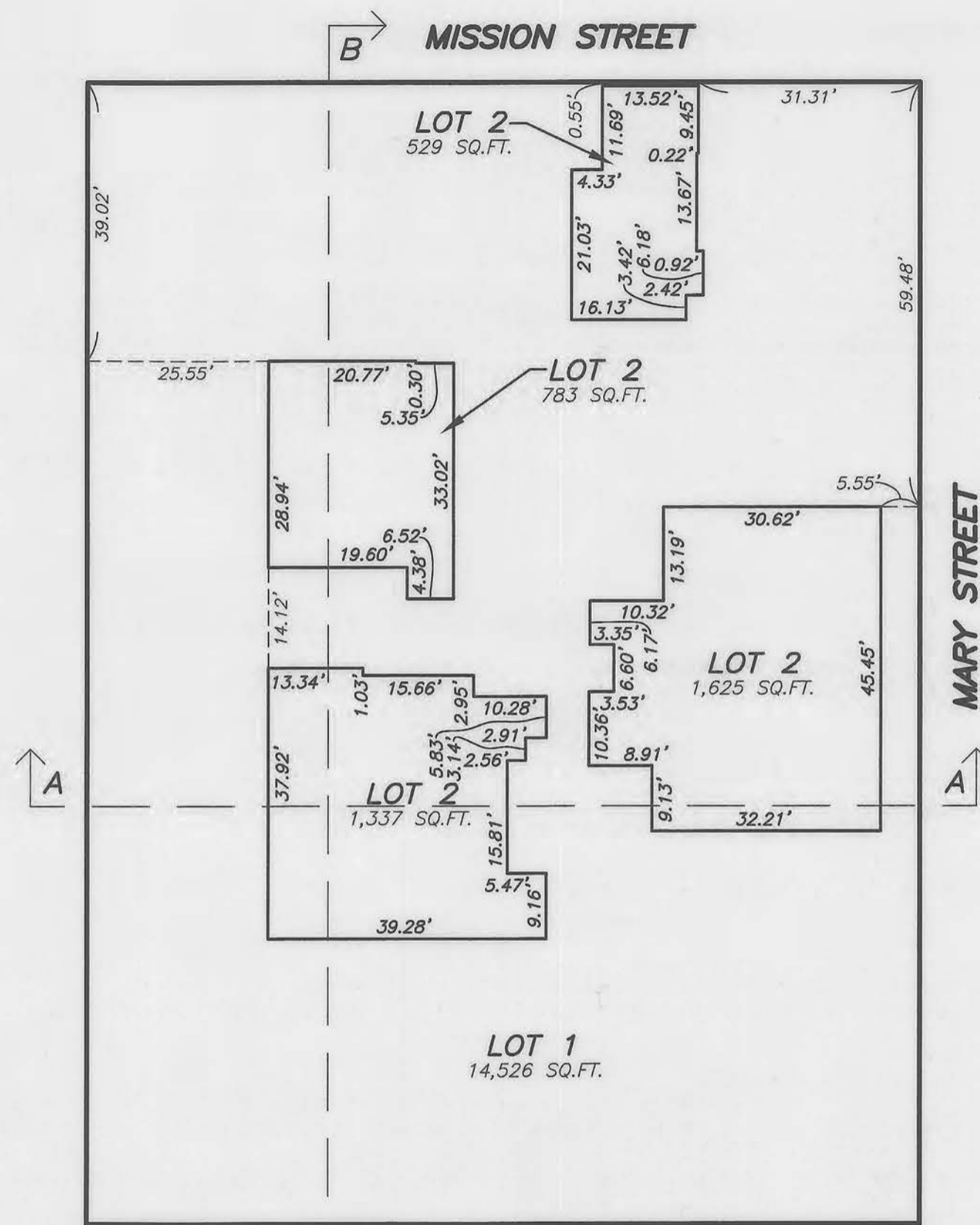
San Francisco California

NOVEMBER 2020

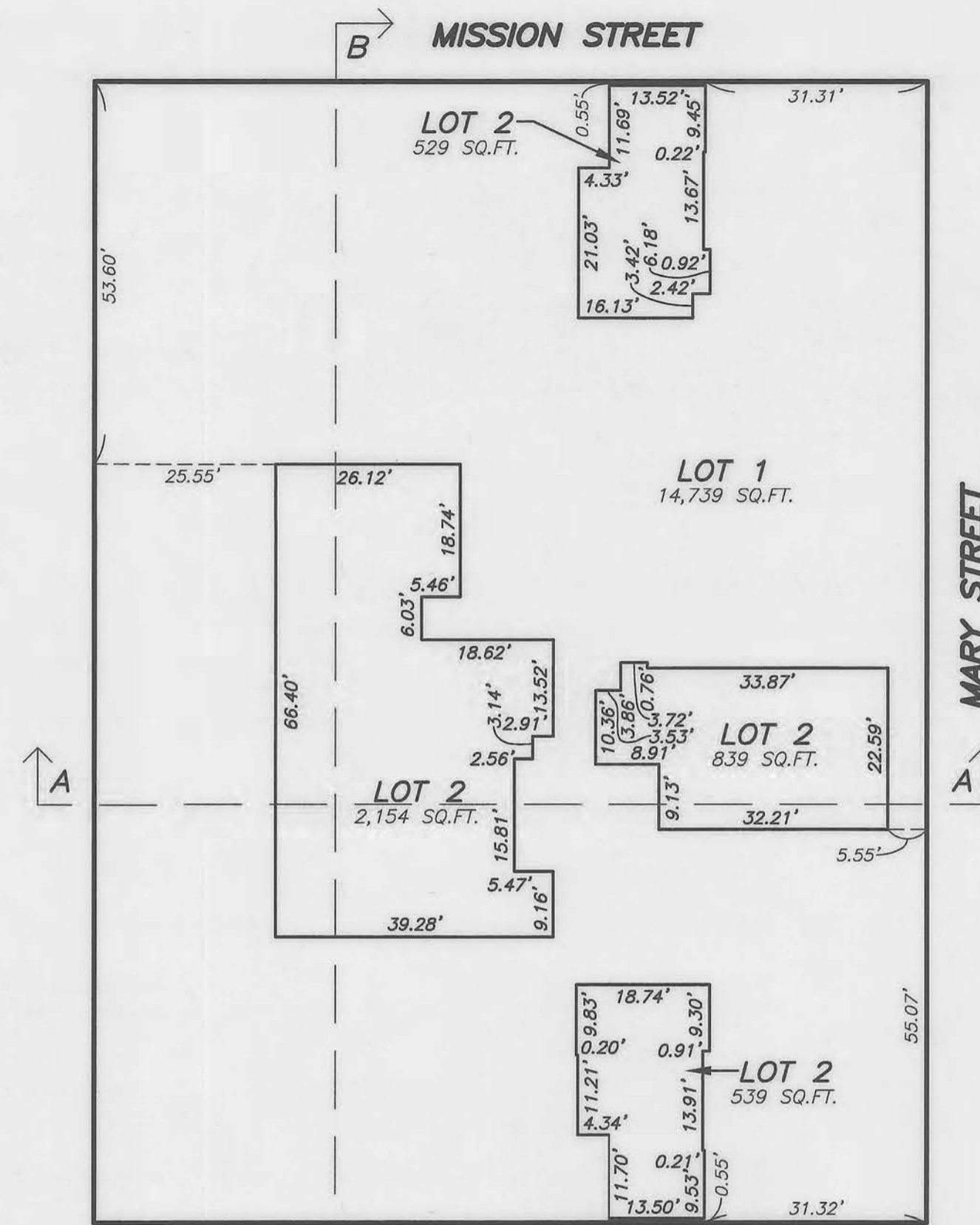
SHEET 8 OF 10

APN 3725-132

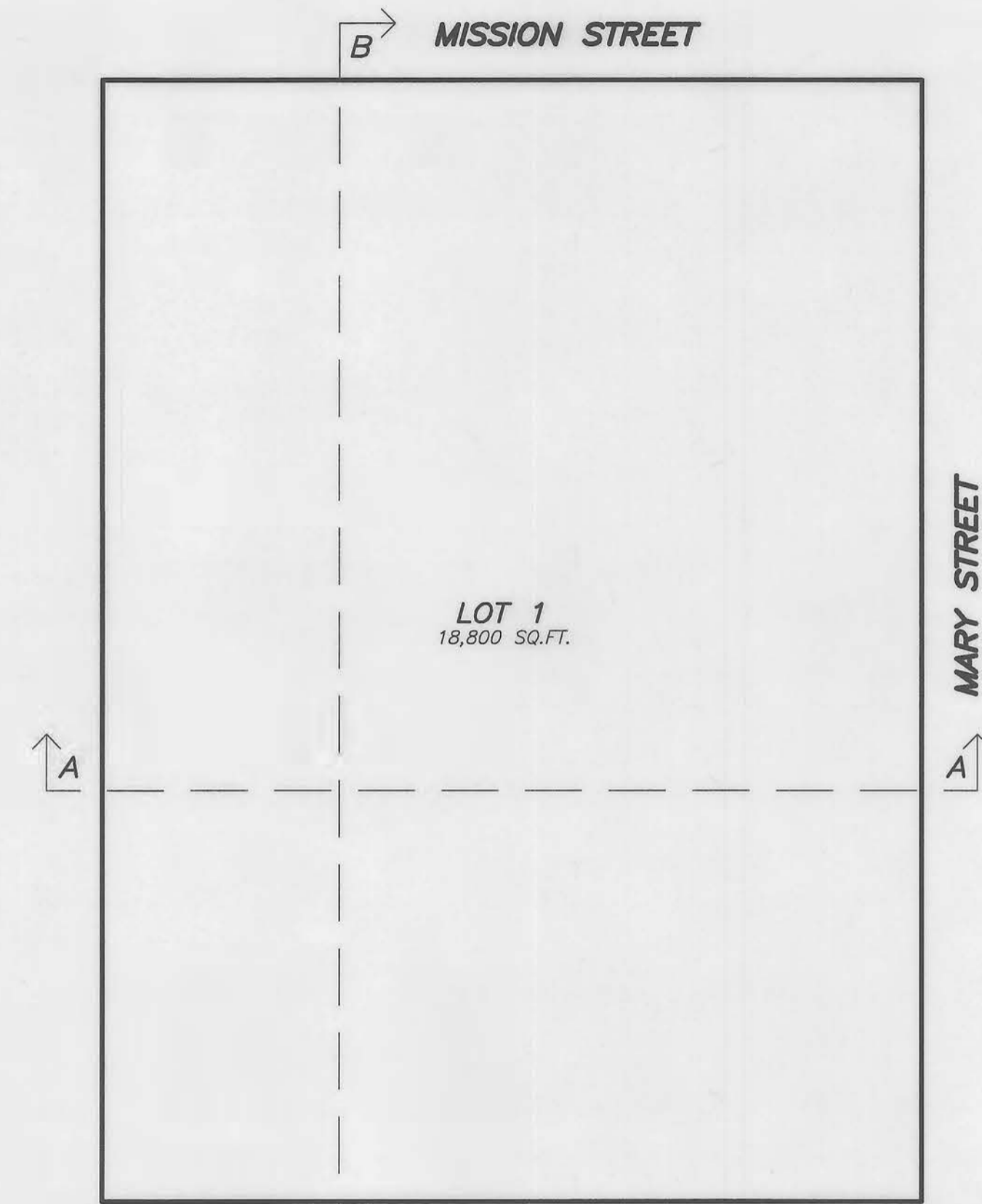
434 MINNA STREET



LEVEL M
 (ABOVE \bar{C} THIRTEENTH FLOOR SLAB)
 UPPER ELEVATION = 165.31
 LOWER ELEVATION = 155.81



LEVEL N
 (ABOVE \bar{C} FOURTEENTH FLOOR SLAB)
 UPPER ELEVATION = 174.81 (EXCEPT AS SHOWN)
 LOWER ELEVATION = 165.31

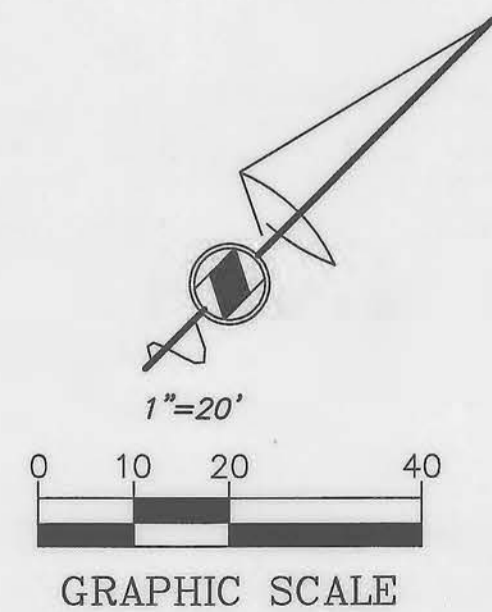


LEVEL O
 (ABOVE \bar{C} FIFTEENTH FLOOR SLAB)
 UPPER ELEVATION = INFINITY
 LOWER ELEVATION = 174.81

SEE SECTIONS ON SHEET 4 OF 4

LEGEND
 — LOT LINE
 - - - TIE LINE

NOTE: LOT 2 IS A SINGLE PARCEL THAT IS WHOLLY CONTAINED WITHIN THE EXTERIOR BOUNDARY OF THE PROJECT.



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 MAPS, PAGES 27-29, OFFICIAL RECORDS.

BEING A PORTION OF 100 VARA BLOCK 381

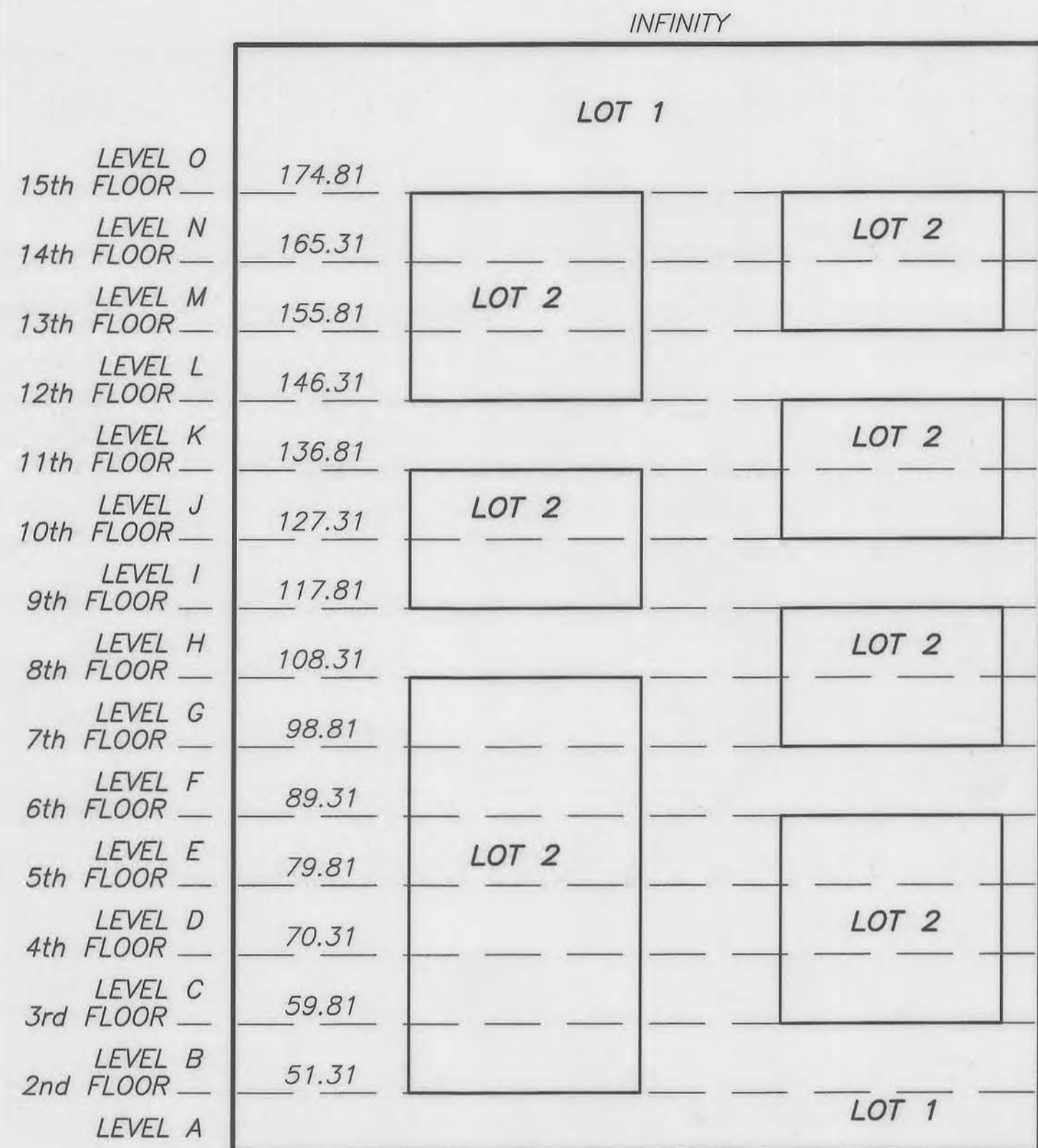
CITY AND COUNTY OF SAN FRANCISCO, STATE OF CALIFORNIA

MARTIN M. RON ASSOCIATES, INC.

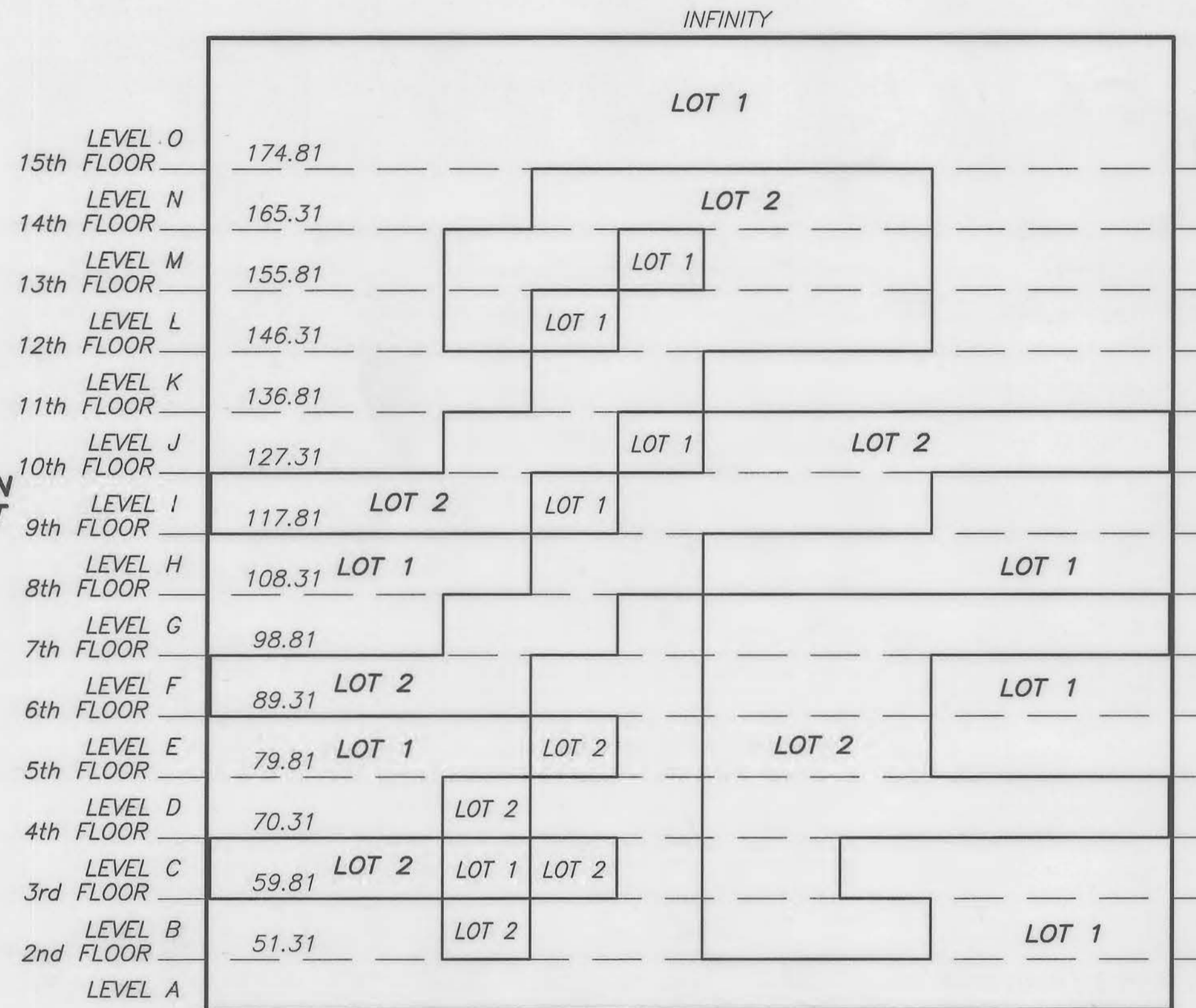
Land Surveyors
 859 Harrison Street, Suite 200
 San Francisco California

NOVEMBER 2020

SHEET 9 OF 10



SECTION A-A CENTER OF THE EARTH



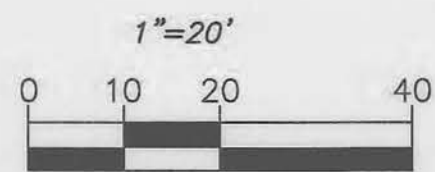
SECTION B-B CENTER OF THE EARTH

ASSESSOR'S PARCEL NUMBERS FOR PROPOSED CONDOMINIUM UNITS

LOT NO.	CONDOMINIUM UNIT NO.	PROPOSED ASSESSOR'S PARCEL NUMBER
LOT 1	1 THRU 219	APN 3525-135 THRU 3525-353

NOTE:
THE PROPOSED ASSESSOR'S PARCEL NUMBERS SHOWN HEREON ARE FOR INFORMATIONAL USE ONLY AND SHOULD NOT BE RELIED UPON FOR ANY OTHER PURPOSE.

NOTE: LOT 2 IS A SINGLE PARCEL THAT IS WHOLLY CONTAINED WITHIN THE EXTERIOR BOUNDARY OF THE PROJECT.



GRAPHIC SCALE

MAP LEVEL	FLOOR	LOT 1	LOT 2
		APN 3725-133	APN 3725-134
A	1 and below	18,800	0
B	2	14,271	4,529
C	3	14,025	4,775
D	4	14,160	4,640
E	5	13,948	4,852
F	6	14,264	4,536
G	7	14,285	4,515
H	8	14,333	4,467
I	9	14,390	4,410
J	10	14,285	4,515
K	11	14,333	4,467
L	12	14,815	3,985
M	13	14,526	4,274
N	14	14,739	4,061
O	15 and above	18,800	0
TOTAL:		223,974	58,026

FINAL MAP 10569

A 2 LOT VERTICAL SUBDIVISION
A 211 RESIDENTIAL UNIT AND 8 COMMERCIAL UNIT CONDOMINIUM PROJECT WITHIN VERTICAL LOT 1 AND LOT 2 BEING A VERTICAL LOT AS SHOWN ON THIS MAP, BEING A SUBDIVISION OF LOT 1 AS SAID LOT IS SHOWN ON "FINAL MAP 10101" RECORDED DECEMBER 23, 2019 IN BOOK 138 OF CONDOMINIUM MAPS, PAGES 27-29, OFFICIAL RECORDS.

BEING A PORTION OF 100 VARA BLOCK 381

CITY AND COUNTY OF SAN FRANCISCO, STATE OF CALIFORNIA

MARTIN M. RON ASSOCIATES, INC.
Land Surveyors

859 Harrison Street, Suite 200
San Francisco California

NOVEMBER 2020

SHEET 10 OF 10

APN 3725-132

434 MINNA STREET

From: [Mapping, Subdivision \(DPW\)](#)
To: [BOS Legislation, \(BOS\)](#)
Cc: [Spitz, Jeremy \(DPW\)](#); [TOM, CHRISTOPHER \(CAT\)](#); [MARQUEZ, JENINE \(CAT\)](#); [SKELLEN, LAUREN \(CAT\)](#); [PETERSON, ERIN \(CAT\)](#); [Suskind, Suzanne \(DPW\)](#); [Ryan, James \(DPW\)](#)
Subject: PID:10569 BOS Final Map Submittal
Date: Friday, December 4, 2020 4:08:58 PM
Attachments: [Order203950.docx.pdf](#)
[Summary.pdf](#)
[10569_Motion_20201203.docx](#)
[10569_SIGNED_MOTION_20201204.pdf](#)
[10569_DCP Referral_20200702_JMR \(ID 1190525\) \(ID 1197141\).pdf](#)
[M-19473.pdf](#)
[PC Motion 19458_Final EIR.pdf](#)
[8731_PC_Motions_19467THRU19473.pdf](#)
[BOS File No. 150788.pdf](#)
[8731_SMA_FINDINGS_20190325.pdf](#)
[10569_TAX_CERT_20201113.pdf](#)
[10569_SIGNED_MYLAR_20201204.pdf](#)

To: Board of Supervisors,

The following map is being forwarded to you for your information, as this map will be in front of you for approval at the December 15, 2020 meeting.

Please view link below which hold the documents for review:

RE: Final Map signature for 434 Minna Street, PID: 10569

Regarding: BOS Approval for Final Map
APN: 3725/132
Project Type: 310 Units Vertical New Condominium

See attached documents:

- PDF of signed DPW Order and DocuSign Summary
- Word document of Motion and signed Motion
- PDF of DCP conditional approval and conditions
- PDF of current Tax Certificate
- PDF of signed Mylar map

If you have any questions regarding this submittal please feel free to contact James Ryan at 628.271.2132 or by email at James.Ryan@sfdpw.org.

Kind regards,

Jessica Mendoza | Subdivision and Mapping
Bureau of Street Use & Mapping | San Francisco Public Works
49 South Van Ness Avenue, 9th Floor | San Francisco, CA 94103
Jessica.Mendoza@sfdpw.org