



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Office Development Authorization

HEARING DATE: MAY 3, 2012

Date: April 16, 2012
Case No.: **2011.0468B**
Project Address: **208 Utah Street, aka 201 Potrero Avenue**
Zoning: PDR-1-G (Production, Distribution, Repair – General)
40/58-X Height and Bulk District
Block/Lot: 3932/017
Project Sponsor: Adam Chall, TMG Partners
100 Bush Street, 26th Floor
San Francisco, CA 94104
Staff Contact: Tara Sullivan – (415) 558-6257
tara.sullivan@sfgov.org
Recommendation: **Approval with Conditions**

1650 Mission St.
Suite 400
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Reception:
415.558.6378

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Planning
Information:
415.558.6377

PROJECT DESCRIPTION

The proposal is to authorize 48,732 gross square feet on the second, third, and fourth floors of the existing building at 208 Utah Street (aka 201 Potrero Avenue) as legal office use. The building currently houses a combination of Projection, Distribution, and Repair (“PDR”) and Office uses. There are no interior or exterior alterations proposed with this application.

SITE DESCRIPTION AND PRESENT USE

The subject property is located on the south side of 15th Street and encompasses the entire block between Utah Street and Potrero Avenue in the northeast portion of the Mission neighborhood. Commonly known as 208 Utah Street, the subject building is a four-story warehouse structure that was constructed in 1911, and was identified in the Showplace Square Historic Resource Survey as being eligible as a contributor to the California Register of Historical Resources as a part of the “Showplace Square Heavy Timber and Steel Frame Brick Warehouse Historic District”. The building is currently occupied with PDR uses on the ground/first floor and office uses on the second, third, and fourth floors.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The project site is located at the northeast corner of the Mission neighborhood, but it located in an area which transitions from residential to commercial and industrial uses. The immediate neighborhood consists largely of old warehouse structures that have been converted into office and commercial space. The Potrero Hill Shopping Center is located directly across the street and Interstate 280 is one block to the east of the subject property which serves as the border between the Mission, South of Market, and Potrero neighborhoods.

ENVIRONMENTAL REVIEW

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

HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Classified News Ad	20 days	April 13, 2012	April 13, 2012	20 days
Posted Notice	20 days	April 13, 2012	April 13, 2012	20 days
Mailed Notice	N/A	N/A	April 20, 2012	13 days

The proposal requires a Section 312-neighborhood notification, which was conducted in conjunction with the office allocation process.

PUBLIC COMMENT

- To date, the Department received no public comment on this project.

ISSUES AND OTHER CONSIDERATIONS

- 208 Utah Street has a total of 75,037 gross square feet of usable space. There is 16,659 gross square feet of PDR space on the first floor, which is a principally permitted use in the PDR-1-G Zoning District. The remaining 58,378 gross square feet is office use, which is not permitted in the PDR-1-G Zoning District.
- On July 1, 2011, the Zoning Administrator issued a Letter of Determination stating that 9,646 gross square feet of office space on the second floor of the subject building has been a legal principal office use since 1947. This space is classified as a 'legal nonconforming' use under Planning Code Section 180 and is not subject to this office authorization application.
- On December 12, 2011, the Zoning Administrator determined that the remaining 48,732 gross square feet of office space on the second, third, and fourth floors was eligible for the Eastern Neighborhoods Legitimization Program pursuant to Planning Code Section 179.1. This process allows those portions of the building to be approved for office use which have been operating without benefit of permit, even though the PDR-1-G Zoning District does not permit this use.
- Pursuant to Section 179.1(g), the Project is subject to the Jobs-Housing Linkage and Transit Impact Development fees. The table below shows the estimated amount of each fee due for 48,732 gross square feet of office space proposed for authorization in this Project as of the date of this report. Please note that these fees are subject to change between Planning Commission approval and approval of the associated Building Permit Application.

FEE TYPE	AMOUNT DUE
Transit Impact Development	\$97,464
Jobs-Housing Linkage	\$414,222
TOTAL	\$511,686

- To date, there is currently 1,355,969 square feet of Small Cap office space available under the Section 321 office allocation program.

REQUIRED COMMISSION ACTION

In order for the project to proceed, the Commission must authorize the allocation of office space for the 48,732 gross square feet on the second, third, and fourth floors pursuant to Planning Code Sections 179.1, 321, and 322.

BASIS FOR RECOMMENDATION

The Department believes this project is necessary and/or desirable for the following reasons:

- The 48,732 gross square feet of office space on the second, third, and fourth floors were determined to be eligible for legitimization pursuant to Planning Code Section 179.1.
- The Project represents an allocation of less than four percent of the small cap office space currently available for allocation.
- The authorization of the office space will allow the existing businesses to remain in the building, which will continue to contribute to the economic activity in the neighborhood.
- At current rates, the project will produce approximately \$511,686 in fees that will benefit the community and City.
- The Project is consistent with the Planning Code and General Plan.

RECOMMENDATION: Approval with Conditions
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Attachments:

- Parcel Map
- Draft Motion
- Sanborn Map
- Zoning Map
- Property Photographs
- Zoning Administrator Letter of Determination, July 1, 2011
- Zoning Administrator Letter of Legitimization, December 12, 2011
- 208 Utah Street Building Plans and Elevations

Attachment Checklist

- | | |
|---|---|
| <input type="checkbox"/> Executive Summary | <input checked="" type="checkbox"/> Project sponsor submittal |
| <input checked="" type="checkbox"/> Draft Motion | Drawings: <u>Existing Conditions</u> |
| <input type="checkbox"/> Environmental Determination | <input checked="" type="checkbox"/> Check for legibility |
| <input checked="" type="checkbox"/> Zoning District Map | Drawings: <u>Proposed Project</u> |
| <input type="checkbox"/> Height & Bulk Map | <input checked="" type="checkbox"/> Check for legibility |
| <input checked="" type="checkbox"/> Parcel Map | <input type="checkbox"/> Health Dept. review of RF levels |
| <input checked="" type="checkbox"/> Sanborn Map | <input type="checkbox"/> RF Report |
| <input checked="" type="checkbox"/> Aerial Photo | <input type="checkbox"/> Community Meeting Notice |
| <input type="checkbox"/> Context Photos | <input type="checkbox"/> Inclusionary Affordable Housing Program:
Affidavit for Compliance |
| <input type="checkbox"/> Site Photos | <input checked="" type="checkbox"/> Zoning Administrator Action Memo |

Exhibits above marked with an "X" are included in this packet

Planner's Initials



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- | | |
|---|---|
| <input type="checkbox"/> Inclusionary Housing (Sec. 315) | <input type="checkbox"/> First Source Hiring (Admin. Code) |
| <input checked="" type="checkbox"/> Jobs Housing Linkage Program (Sec. 313) | <input type="checkbox"/> Child Care Requirement (Sec. 314) |
| <input type="checkbox"/> Downtown Park Fee (Sec. 139) | <input type="checkbox"/> Other (Eastern Neighborhoods-Sec. 423 & 426) |
| <input checked="" type="checkbox"/> Transit Impact Development Fee (Admin Code) | |

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Planning Commission Draft Motion

HEARING DATE: MAY 3, 2012

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ADOPTING FINDINGS APPROVING ALLOCATION OF OFFICE SQUARE FOOTAGE UNDER THE 2011-2012 ANNUAL OFFICE-DEVELOPMENT LIMITATION PROGRAM FOR A PROPOSED PROJECT LOCATED AT 208 UTAH STREET, AKA 201 POTRERO AVENUE, THAT WOULD AUTHORIZE THE CONVERSION OF THE SECOND, THIRD, AND FOURTH FLOORS OF THE EXISTING BUILDING FOR A TOTAL OF 48,732 GROSS SQUARE FEET OF OFFICE USE PURSUANT TO PLANNING CODE SECTIONS 179.1, 321, 322 ON ASSESSOR'S BLOCK 3932, LOT 017, IN THE PDR-1-G (PRODUCTION, DISTRIBUTION, REPAIR - GENERAL) DISTRICT AND WITHIN THE 40/58-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On May 5, 2011, Adam Chall, on behalf of 208 Utah Associates, LLC (hereinafter "Project Sponsor") filed Application No. 2011.0468B (hereinafter "Application") with the Planning Department (hereinafter "Department") for an Office Development Authorization to establish a portion of the existing building at 208 Utah Street, aka 201 Potrero Avenue – specifically, the second, third, and fourth floors – to 48,732 gross square feet of legal office use.

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

On May 3, 2012, the Planning Commission ("Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Office Allocation Application No. 2011.0468B.

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

MOVED, that the Commission hereby authorizes the Office Development requested in Application No. 2011.0468B, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

FINDINGS

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

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The subject property is located on the south side of 15th Street and encompasses the entire block between Utah Street and Potrero Avenue in the northeast portion of the Mission neighborhood. Commonly known as 208 Utah Street, the subject building is a four-story warehouse structure that was constructed in 1911, and was identified in the Showplace Square Historic Resource Survey as being eligible as a contributor to the California Register of Historical Resources as a part of the "Showplace Square Heavy Timber and Steel Frame Brick Warehouse Historic District". The building is currently occupied with PDR uses on the ground/first floor and office uses on the second, third, and fourth floors.
3. **Surrounding Properties and Neighborhood.** The project site is located at the northeast corner of the Mission neighborhood, but it is located in an area which transitions from residential to commercial and industrial uses. The immediate neighborhood consists largely of old warehouse structures that have been converted into office and commercial space. The Potrero Hill Shopping Center is located directly across the street and Interstate 280 is one block to the east of the subject property which serves as the border between the Mission, South of Market, and Potrero neighborhoods.
4. **Project Description.** The proposal is to authorize 48,732 gross square feet on the second, third, and fourth floors of the existing building at 208 Utah Street (aka 201 Potrero Avenue) to legal office use. The building currently consists of a combination of Projection, Distribution, and Repair ("PDR") and Office uses. There are no interior or exterior alterations proposed with this application.
5. **Public Comment.** The Department received no public comment on this project.

6. **Planning Code Compliance.** The Commission finds and determines that the Project is consistent with the relevant provisions of the Code in the following manner:

- A. **Legitimization of Office Space.** Planning Code Section 179.1 established a time-limited program wherein existing uses in the Eastern Neighborhoods plan area that have operated without the benefit of required permits may seek those permits. Uses that could be "legitimized" under this Section are those uses which, under the current provisions of this Code and without this Section, could not otherwise seek the required permits.

The Zoning Administrator issued a Letter of Legitimization on December 11, 2011 for this Project stating that because office use on the second, third, and fourth floors of the existing building is not permitted under the current Planning Code, and because the project had met all the eligibility requirements of Section 179.1, 48,732 gross square feet is eligible to be approved as office space pursuant to the Legitimization program.

- B. **Development Fees.** The Project is subject to the Transit Impact Development Fees per Planning Code Sections 179.1(g) and 411, the Jobs-Housing Linkage Fee per Planning Code Sections 179.1(g) and 413, and the Eastern Neighborhoods Community Impact Fee per Planning Code Section 423.

The Project Sponsor shall pay the appropriate Transit Impact Development and Jobs-Housing Linkage fees, pursuant to Planning Code Sections 179.1(g), at the appropriate stage of the building permit application process.

- C. **Office Allocation.** Section 321 establishes standards for San Francisco's Office Development Annual Limit. In determining if the proposed Project would promote the public welfare, convenience and necessity, the Commission considered the seven criteria established by Code Section 321(b)(3), and finds as follows:

I. APPORTIONMENT OF OFFICE SPACE OVER THE COURSE OF THE APPROVAL PERIOD IN ORDER TO MAINTAIN A BALANCE BETWEEN ECONOMIC GROWTH ON THE ONE HAND, AND HOUSING, TRANSPORTATION AND PUBLIC SERVICES, ON THE OTHER.

A portion of the existing building has been used as office space for more than a decade. There is currently more than 1.35 million gross square feet of available "Small Cap" office space in the City. Additionally, the Project is subject to various development fees that will benefit the surrounding community. The Project is located in close proximity to many public transportation options, including a number of Muni and transit lines. Therefore, the Project will help maintain the balance between economic growth, housing, transportation and public services.

II. THE CONTRIBUTION OF THE OFFICE DEVELOPMENT TO, AND ITS EFFECTS ON, THE OBJECTIVES AND POLICIES OF THE GENERAL PLAN.

The Project is consistent with the General Plan, as outlined in Section 8 below.

III. THE QUALITY OF THE DESIGN OF THE PROPOSED OFFICE DEVELOPMENT.

The proposed office space is within an existing building. The proposed authorization of the office use includes no interior or exterior alterations to the existing building.

IV. THE SUITABILITY OF THE PROPOSED OFFICE DEVELOPMENT FOR ITS LOCATION, AND ANY EFFECTS OF THE PROPOSED OFFICE DEVELOPMENT SPECIFIC TO THAT LOCATION.

- a) Use. *The Project is within the PDR-1-G (Production, Distribution, Repair – General) Zoning District, which does not permit office use. However, the subject site is located in an area of San Francisco that transitions from mixed use development to the north, office and PDR uses to the east, and commercial and residential uses to the south. There are several office use buildings on the subject block and on blocks to the north and east of the Project.*

The Zoning Administrator issued a Letter of Legitimization on December 1, 2011 for 48,732 gross square feet of office use on the second, third, and fourth floors, and thus these portions of the building are eligible to be approved as office space.

- b) Transit Accessibility. *The area is served by a variety of transit options. The Project site is within a quarter-mile of various Muni and SamTrans routes. The 9-San Bruno Muni bus line is located at 15th Street and Potrero Avenue. Multiple Muni bus lines stop at 16th Street and Potrero Avenue including the 9L-San Bruno Limited, 22-Fillmore, and the 33-Stanyan. The SamTrans #292 – Hillside Shopping Center, San Mateo, also stops at 16th Street and Potrero Avenue.*
- c) Open Space Accessibility. *The Project is located one block from Franklin Square.*
- d) Urban Design. *The proposed office space is in an existing structure. The building was constructed in 1911 and was identified in the Showplace Square Historic Resource Survey as being eligible as a contributor to the California Register of Historical Resources as a part of the “Showplace Square Heavy Timber and Steel Frame Brick Warehouse Historic District”. It has been minimally altered over the years, remains in good condition, and is an excellent example of the low, industrial character of the built environment in the area.*
- e) Seismic Safety. *The Project does not include any interior or exterior renovations.*

V. THE ANTICIPATED USES OF THE PROPOSED OFFICE DEVELOPMENT IN LIGHT OF EMPLOYMENT OPPORTUNITIES TO BE PROVIDED, NEEDS OF EXISTING BUSINESSES, AND THE AVAILABLE SUPPLY OF SPACE SUITABLE FOR SUCH ANTICIPATED USES.

- a) Anticipated Employment Opportunities. *The Project includes a total of 48,723 gross square feet of office space. Based on the Project Sponsor's analysis, the building can employ nearly 275 people at full occupancy, of which 50 are PDR employees and 225 are office employees.*
- b) Needs of Existing Businesses. *The Project will supply office space in the northern Mission area, which limits or prohibits office use, depending on the Zoning District. In contrast to the downtown area, office rents in this area are generally lower and provide valuable space for smaller and/or start-up businesses. Based on the Project Sponsor's analysis, the total office space can employ nearly 275 employees at full occupancy. Since office space is limited in this area, an overconcentration is unlikely, and the area will continue to provide a vibrant mix of uses.*

- c) Availability of Space Suitable for Anticipated Uses.

The project will provide quality office space that is suitable for a variety of office uses and sizes.

VI. THE EXTENT TO WHICH THE PROPOSED DEVELOPMENT WILL BE OWNED OR OCCUPIED BY A SINGLE ENTITY.

The building will not be owner-occupied. The owner will lease the PDR and office space to multiple tenants.

VII. THE USE, IF ANY, OF TRANSFERABLE DEVELOPMENT RIGHTS ("TDR's") BY THE PROJECT SPONSOR.

The Project does not include any Transfer of Development Rights.

7. **Section 101.1 Priority Policy Findings.** Section 101.1(b)(1-8) establishes Eight Priority Planning Policies and requires review of permits for consistency with said policies.

The Commission finds and determines that the Project is consistent with the eight priority policies, for the reasons set forth below.

- a) That Existing Neighborhood-Serving Retail Uses be Preserved and Enhanced and Future Opportunities for Resident Employment in and Ownership of Such Businesses Enhanced.

The existing building contains no neighborhood-serving retail uses, nor does the proposal include any retail. Additionally, the building is currently leased and has operated as PDR and office space for more than a decade, and these tenants create and sustain a demand for neighborhood-serving retail use in the surrounding neighborhood.

- b) That Existing Housing and Neighborhood Character be Conserved and Protected in Order to Preserve the Cultural and Economic Diversity of Our Neighborhoods.

The Project includes no exterior additions to the existing building and will not remove or add any housing. The Project is located in the northern Mission neighborhood, which limits or prohibits office use, depending on the Zoning District. As such, an overconcentration is unlikely, and the area will continue to provide a vibrant mix of uses.

- c) The City's Supply of Affordable Housing be Preserved and Enhanced.

The development will contribute fees to the Jobs-Housing Linkage Program. Therefore, the Project is consistent with this priority policy.

- d) That Commuter Traffic not Impede Muni Transit Service or Overburden our Streets or Neighborhood Parking.

The area is served by a variety of transit options, including MUNI, BART. It is also near to several streets that are part of the City's growing bicycle network. The existing building has never included any off-street parking, and the proposal includes no new off-street parking spaces. Therefore, the Project should have no significant impact on transit or neighborhood parking.

- e) That a Diverse Economic Base be Maintained by Protecting our Industrial and Service Sectors from Displacement due to Commercial Office Development, and that Future Opportunities for Resident Employment and Ownership in these Sectors be Enhanced.

The Project will continue to provide quality office space that is suitable for a variety of office uses and sizes, which is currently occupied with tenants. Legalizing this office space will help maintain the local resident employment and demand for neighborhood-serving businesses in the area.

- f) That the City Achieve the Greatest Possible Preparedness to Protect Against Injury and Loss of Life in an Earthquake.

The Project will not create any new space that does not meet current seismic safety standards.

- g) That Landmarks and Historic Buildings be Preserved.

The building was constructed in 1911 and was identified in the Showplace Square Historic Resource Survey as being eligible as a contributor to the California Register of Historical Resources as a part of the "Showplace Square Heavy Timber and Steel Frame Brick Warehouse Historic District". Legalizing the subject office space will help keep the historic building viable and well-maintained.

- h) That our Parks and Open Space and their Access to Sunlight and Vistas be Protected from Development.

The proposed Project does not include any exterior additions to the existing buildings, and there will be no impact to parks, open space, access to sunlight, or vista views.

8. **General Plan Compliance.** The Project is, on balance, consistent with the following Objectives and Policies of the General Plan:

COMMERCE AND INDUSTRY

Objectives and Policies

OBJECTIVE 1:

MANAGE ECONOMIC GROWTH AND CHANGE TO ENSURE ENHANCEMENT OF THE TOTAL CITY LIVING AND WORKING ENVIRONMENT.

Policy 1.1:

Encourage development which provides substantial net benefits and minimizes undesirable consequences. Discourage development which has substantial undesirable consequences that cannot be mitigated.

Policy 1.3:

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

OBJECTIVE 2:

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

Policy 1.1:

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

The Project will preserve a building that is a historic resource and that has been used a PDR and office space for over a decade. This authorization of office space will allow the existing office tenants to continue to support the economic vibrancy of the area. Authorization of the office space will also result in the collection of significant development fees that will benefit the community and would not otherwise be required.

MISSION AREA PLAN

Objectives and Policies

OBJECTIVE 1.1:

STRENGTHEN THE MISSION'S EXISTING MIXED USE CHARACTER, WHILE MAINTAINING THE NEIGHBORHOOD AS A PLACE TO LIVE AND WORK.

OBJECTIVE 1.3:

INSTITUTE FLEXIBLE "LEGAL NONCONFORMING USE" PROVISIONS TO ENSURE A CONTINUED MIX OF USES IN THE MISSION.

Policy 1.2:

Continue existing, legal nonconforming rules, which permit pre-existing establishments to remain legally even if they no longer conform to new zoning provisions, as long as the use was legally established in the first place.

The Zoning Administrator determined that 48,732 gross square feet of office space was eligible for the Eastern Neighborhoods "Legitimization" Program under Planning Code Section 179.1, which was established specifically to address the Objective 1.3 above.

9. The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would contribute to the character and stability of the neighborhood and would constitute a beneficial development.
10. The Commission finds that granting the Project Authorization in this case would promote the public welfare, convenience and necessity of the City for the reasons set forth above.

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Office Development Application No. 2011.0468B** subject to the conditions attached hereto as Exhibit A, which is incorporated herein by reference as though fully set forth, in general conformance with the plans stamped Exhibit B and dated February 13, 2012, on file in Case Docket No. 2011.0468B.

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Section 321 and 322 Office-Space Allocation to the Board of Appeals within fifteen (15) days after the date of this Motion. The effective date of this Motion shall be the date of adoption of this Motion if not appealed (after the 15-day period has expired) OR the date of the decision of the Board of Appeals if appealed to the Board of Appeals. For further information, please contact the Board of Appeals at (415) 575-6880, 1660 Mission, Room 3036, San Francisco, CA 94103.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on May 3, 2012.

Linda D. Avery
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: May 3, 2012

EXHIBIT A

AUTHORIZATION

This authorization is for an office allocation to establish 48,732 gross square feet on the second, third, and fourth floors to legal office use at 208 Utah Street, aka 201 Potrero Avenue, located at Block 3932, Lot 017, pursuant to Planning Code Section(s) 179.1, 321, and 322 within the PDR-1-G District and a 40/58-X Height and Bulk District; in general conformance with plans, dated February 13, 2012, and stamped "EXHIBIT B" included in the docket for Case No. 2011.0468B and subject to conditions of approval reviewed and approved by the Commission on May 3, 2012 under Motion No XXXXXX. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

RECORDATION OF CONDITIONS OF APPROVAL

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on May 3, 2012 under Motion No XXXXXX.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. XXXXXX shall be reproduced on the Index Sheet of construction plans submitted with the site or building permit application for the Project. The Index Sheet of the construction plans shall reference to the Conditional Use authorization and any subsequent amendments or modifications.

SEVERABILITY

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

CHANGES AND MODIFICATIONS

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

Conditions of approval, Compliance, Monitoring, and Reporting

PERFORMANCE

Validity and Expiration. The authorization and right vested by virtue of this action is valid for three years from the effective date of the Motion. A building permit from the Department of Building Inspection to construct the project and/or commence the approved use must be issued as this Office Development is only an approval of the proposed project and conveys no independent right to construct the project or to commence the approved use. The Planning Commission may, in a public hearing, consider the revocation of the approvals granted if a site or building permit has not been obtained within eighteen months of the date of the Motion approving the Project. Once a site or building permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. The Commission may also consider revoking the approvals if a permit for the Project has been issued but is allowed to expire and more than three (3) years have passed since the Motion was approved.

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

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

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

Development Timeline - Office. Pursuant to Planning Code Section 321(d) (2), construction of an office development shall commence within 18 months of the date of this Motion approving this Project becomes effective. Failure to begin work within that period or to carry out the development diligently thereafter to completion, shall be grounds to revoke approval of the office development under this Office Allocation Authorization.

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

PROVISIONS

Transit Impact Development Fee. Pursuant to Planning Code Sections 411 (formerly Chapter 38 of the Administrative Code) and 179.1(g), 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

Jobs Housing Linkage. Pursuant to Planning Code Sections 413 (formerly 313) and 179.1(g), 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 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.sfplanning.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 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.sfplanning.org

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

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

OPERATION

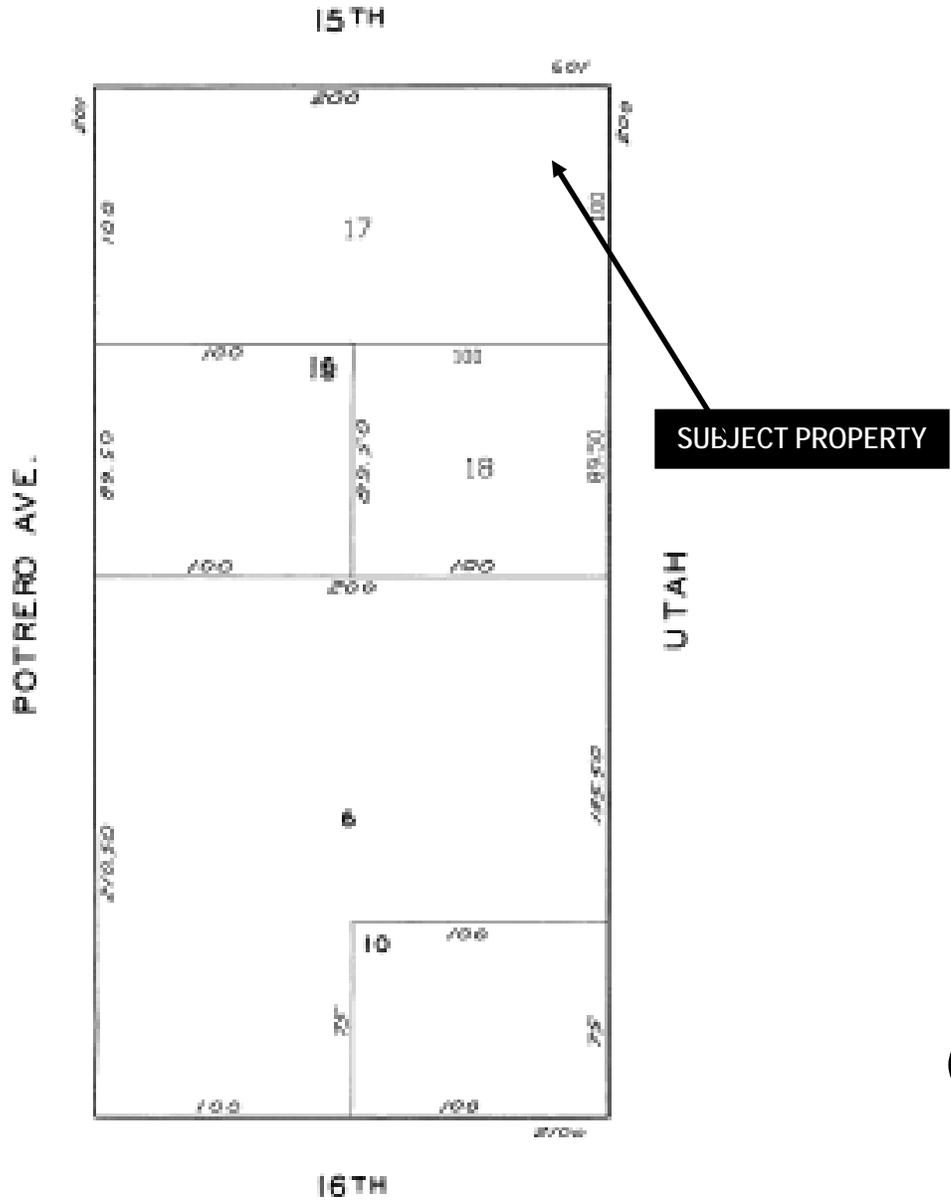
Sidewalk Maintenance. The Project Sponsor shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean and sanitary condition in compliance with the Department of Public Works Streets and Sidewalk Maintenance Standards.

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.

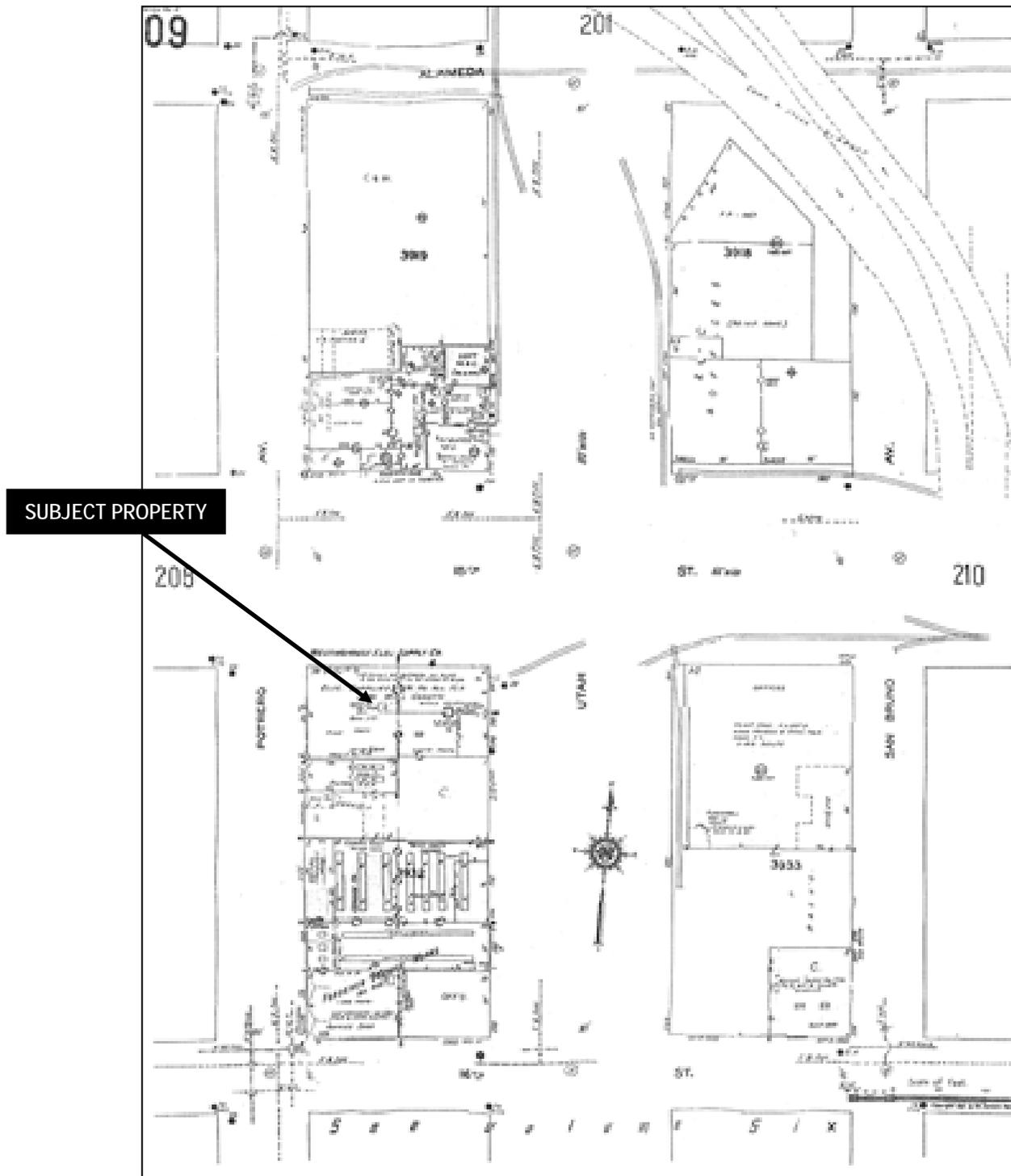
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sfplanning.org

Parcel Map



Office Allocation Authorization
Case Number 2011.0468B
208 Utah Street, aka 201 Potrero Avenue

Sanborn Map*



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

Office Allocation Authorization
Case Number 2011.0468B
208 Utah Street, aka 201 Potrero Avenue

Site Photo



Office Allocation Authorization
Case Number 2011.0468B
208 Utah Street, aka 201 Potrero Avenue

Site Photo



Office Allocation Authorization
Case Number 2011.0468B
208 Utah Street, aka 201 Potrero Avenue

Site Photo



Office Allocation Authorization
Case Number 2011.0468B
208 Utah Street, aka 201 Potrero Avenue



SAN FRANCISCO PLANNING DEPARTMENT

Letter of Determination

July 1, 2011

Harry O'Brien
Coblentz, Patch, Duffy & Bass LLP
One Ferry Building, Suite 200
San Francisco, CA 94111-4213

Site Address:	208 Utah Street (a.k.a. 201 Potrero Ave)
Assessor's Block/Lot:	3932/017
Zoning District:	PDR-1-G Zoning District 40-X Height and Bulk District
Staff Contact:	Kimberly Durandet, (415) 575-6816 or kimberly.durandet@sfgov.org

Dear Mr. O'Brien:

This letter is in response to your request for a Letter of Determination regarding the property at 208 Utah Street. This parcel is located on the southwest corner of Utah and 15th Streets in the PDR-1-G (Production, Distribution, and Repair-General) Zoning District and a 40-X Height and Bulk District. The request is to determine whether the approximately 9,646 gross square feet on the second floor of the building is a legal office use and has been a principle use since 1947.

A permit to construct a three-story brick warehouse building was issued in 1911. In 1916, a permit was issued to add accessory offices in the existing building. Subsequently, the property owner was issued a permit in 1917 to add two more floors to the building.

In 1947, the Planning Commission approved a change of use from "warehouse" to "warehouse and office" as indicated on Building Permit Application Number 98009 issued for installation of office partitions. Plans show approximately one-half of the second floor to be used by Westinghouse Electric as general office for district management of the company (9,646 gross square feet). As such, this portion of the floor plan would be considered legally existing office as a principle use. Other areas of the first and second floor occupied by office-type uses are considered accessory to an industrial use.

In summary, based on the evidence provided, 9,646 gross square feet of the second floor has been legal principle office use since 1947.

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

Reception:
415.558.6378

Fax:
415.558.6409

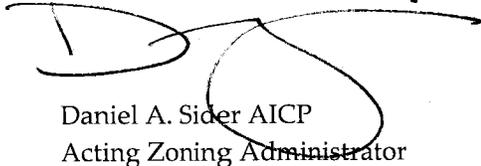
Planning
Information:
415.558.6377

Harry O'Brien
Coblentz, Patch, Duffy & Bass LLP
One Ferry Building, Suite 200
San Francisco, CA 94111-4213

Date July 1, 2011
Letter of Determination
208 Utah Street (aka 201 Potrero)

APPEAL: If you believe this determination represents an error in interpretation of the Planning Code or abuse in discretion by the Zoning Administrator, an appeal may be filed with the Board of Appeals within 15 days of the date of this letter. For information regarding the appeals process, please contact the Board of Appeals located at 1650 Mission Street, Room 304, San Francisco, or call (415) 575-6880.

Sincerely,



Daniel A. Sider AICP
Acting Zoning Administrator

cc: Kimberly Durandet, Planner

I:\Neighborhood Planning\SE Team\KDurandet\Letters of Determination Drafts\208_Utah\3932017_208_Utah_LOD.doc

Harry O'Brien
Direct: 415.772.5723
Email: hobrien@coblentzlaw.com

ID # 9372 SE J. BANALES
CK # 1083 \$ 577.-

January 26, 2011

HAND DELIVERED

RECEIVED

Scott Sanchez
Zoning Administrator
Department of City Planning
1650 Mission Street, 4th Floor
San Francisco, CA 94103

JAN 27 2011

CITY & COUNTY OF S.F.
PLANNING DEPARTMENT

Re: Request for Zoning Administrator Determination of Legal Office Use;
201 Potrero Avenue/208 Utah Street, Assessor's Block 3932, Lot 017

Dear Administrator Sanchez:

This firm represents 208 Utah Associates, LLC, an affiliate of TMG Partners and the owner of the above referenced property. We write to request a Zoning Administrator Determination that 9,646 square feet of the second floor level is, and has been, in legal office use since 1947.

The subject building (the "Building") is a four story brick structure constructed in stages beginning in 1911. The Building has entrances on both Potrero Avenue (201 Potrero) and Utah Street (208 Utah), and is located in a PDR-1-G Zoning district and a 40-X Height/Bulk district. The Building consists of approximately 75,036 gross square feet of floor space. Included with this letter at Attachment A is a summary of all of the building permits that have been located for the Property and copies of all the referenced permits.

The Building was originally constructed in 1911 as a two story warehouse, but there is considerable evidence that the building has been in office use since shortly after it was constructed. In 1916, a permit was issued for "offices to be installed in Loft". This permit also shows the use of the building to be "offices warehouse". In 1917, a permit was issued to construct two (2) additional stories to the brick warehouse. This permit indicates that the building would be occupied as "Lofts".

At some point prior to 1947, Westinghouse Electric acquired the Property to use as both its district administrative offices and as a sales and distribution center. In 1947, a building permit was issued to Westinghouse "to install new office partitions. . ." in a portion of the building. A copy of that permit and the plans approved with the permit are attached as Attachment B. This permit indicates the present use as "Warehouse", and the proposed use as "Warehouse and Office". The permit was approved by the Department of City Planning.

Scott Sanchez
January 26, 2011
Page 2

The plans that were submitted with the 1947 permit indicate that the ground floor of the Building was intended for warehouse, storage and shipping functions, but also make clear that at least fifty percent or a minimum of 9,646 gross square feet, on the second floor of the Building would be devoted to office use. The approved plans indicate not only the office layout, but are also marked with the job titles of the employees of each office. It is clear from these job titles that the employees had district wide functions (including a District Manager, District Credit Manager, District Auditor, and many others) that were **not** accessory to the distribution functions conducted elsewhere in the Building. Thus the 1947 permit provides unequivocal evidence that legal office use of approximately 9,646 gross square feet of space was established with the specific approval of the Department of City Planning.

Subsequent to 1947, **all** building permits for work on the second floor, as well as the third and fourth floors of the Building, indicate the use of that space as Office. (Permits for work on the first floor, roof and parapet of the Building and sign permits variously indicate the use as "Commercial," "Warehouse/Office" or "Warehouse", but these permits are not inconsistent with legal Office use of the upper floors.) While it is not entirely clear when the top two floors were converted to office use, it is clear that all but the first floor of the Building was at some point entirely converted to Office use, as defined by Planning Code Sections 219 and 890.70, and that the Building has a long and recognized history as being used for office purposes.

Clearly, the Planning Department recognized the office use of the Building when, in 1999, it signed off on a permit (Application No. 09923720) for tenant improvements, seismic upgrades, and related work in preparation for the separation of the Building and an adjacent building at 212 Utah Street into separate lots. Both the permit and plans submitted with it, as well as related subsequent permits and plans, identify the Building as an office building and the improvements as an Office use.

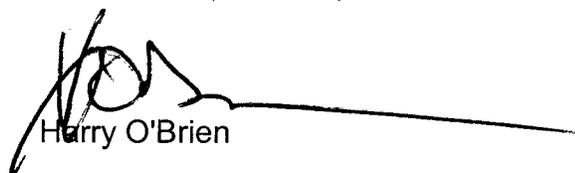
We therefore ask for your written determination that, as evidenced by the permit history described above, approximately 9,646 gross square feet on the second floor of the Building, as shown in Attachment C, is in legal Office Use as defined by Planning Code Sections 219 and 890.70, and has been in legal office use since at least 1947. While there is considerable evidence that all but the first floor of the Building is in legal office use, the historic evidence regarding the use of other space is not as definitive as it is with respect to the 9,646 gross square feet on the second floor. For this reason, based on our conversations with the Department, the owner is limiting this request to the use of 9,646 gross square feet on the second floor of the Building. The owner intends to seek legitimization of the balance of the upper three floors of the Building pursuant to Planning Code Section 179.1.

Scott Sanchez
January 26, 2011
Page 3

Thank you in advance for your consideration. We enclose our check payable to the Planning Department in the amount of \$577.00 in payment of the fee for a Zoning Administrator Determination. Do not hesitate to contact us if we can provide you with any additional information or answer any questions.

Very truly yours,

COBLENTZ, PATCH, DUFFY & BASS LLP


Harry O'Brien

HOB

cc: Corey Teague
Matt Field
Adam Chall

Scott Sanchez
January 26, 2011
Page 4

bcc: Charles Gibson
Dennis Purcell



SAN FRANCISCO PLANNING DEPARTMENT

Letter of Legitimization

December 12, 2011

Harry O'Brien
Coblentz, Patch, Duffy & Bass LLP
One Ferry Building, Suite 200
San Francisco, CA 94111-4213

Site Address:	208 Utah Street (a.k.a. 201 Potrero Ave)
Assessor's Block/Lot:	3932/017
Zoning District:	PDR-1-G Zoning District 40-X Height and Bulk District
Staff Contact:	Kimberly Durandet, (415) 575-6816 or kimberly.durandet@sfgov.org

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Dear Mr. O'Brien,

This letter is in response to your request for a Letter of Legitimization per Planning Code Section 179.1 regarding the property at 208 Utah Street (a.k.a. 201 Potrero Ave). This parcel is located on the southwest corner of Utah and 15th Streets in the PDR-1-G (Production Distribution and Repair - General) Zoning District and 40-X Height and Bulk District. The request is to legitimize 48,732 gross square feet of existing office on the second, third and fourth floors of the subject building.

Procedural Background

The Department received the request for legitimation of office space at 208 Utah Street (a.k.a. 201 Potrero Ave) on January 26, 2011. Staff reviewed the request and associated materials and the Zoning Administrator issued a 30-day public notice of the intent to issue the Letter of Legitimization on October 17, 2011, 2011. The public notice also included a draft letter for review, and was sent to 1) all owners of property within 300 feet of the subject property, 2) all current tenants of the subject property, and 3) all individuals and neighborhood associations that had requested to receive such notice. Additionally, notice was posted on the site during the notification period. The notification period expired on November 16, 2011.

Eligibility

The land use proposed for legitimation is deemed eligible if it meets the following criteria:

- i. The land use existed as of the date of the application;

The following documentation indicates the office use existed as of January 26, 2011:

- Suite 200:
 - A lease agreement and holdover request for "rentable square feet" for 2,200 square feet in the subject building between LUI SF 208 Utah, L.P. (Lessor) and Trulia, Inc. (Lessee) from November 1, 2009 through October 15, 2010.
 - The space was vacant and actively marketed from October 16, 2010 through July 17, 2011.
 - Data Connection Limited (d.b.a. Metaswitch Technology) is the current leaseholder as of July 18, 2011 for Suites 200 and 250 totaling "15,995 square feet of rentable area" through February 28, 2019. Suites 200 and 250 are currently occupied by Metaswitch Technology.
- Suite 210:
 - A lease agreement for approximately 4,280 rentable square feet of space located on the second floor and known as suite 210 in the subject building between LUI SF 208 Utah L.P. (Lessor) and Senior Educators Limited (Lessee) from June 22, 2009 through September 30, 2011. Topspin Media, Inc. has subleased the space from Senior Educators Limited from November 1, 2010 through September 29, 2011. Suite 210 is currently occupied by Topspin Media.
- Suite 250:
 - A lease agreement for "approximately 12,586 rentable square feet" in the subject building between Potrero Hill Investors (Lessor) and The San Francisco Chronicle (Lessee) from February 1, 2001 through December 2010.
 - December 2010 through July 2011 tenant improvement were made pursuant to Building Permit Application No. 201103152070.
 - Data Connection Limited (d.b.a. Metaswitch Technology) is the current leaseholder as of July 18, 2011 for Suite 200 and 250 totaling "15,995 square feet of rentable area" through February 28, 2019. Suites 200 and 250 are currently occupied by Metaswitch Technology.
- Suite 310:
 - A lease agreement for "9,695 rentable square feet on the third (3rd) floor" in the subject building between LUI SF 208 Utah, L.P. (Lessor) and Trulia, Inc. (Lessee) from April 1, 2007 through March 31, 2011.
 - Suite 310 has been vacant since April 1, 2011 and is currently actively marketed by Grubb and Ellis, Co-Star commercial listing database, and tours are conducted on a regular basis.
- Suite 350:
 - A lease agreement for "a portion of the third floor...which area contains approximately 10,266 rentable square feet" in the subject building between Potrero Hill Investors (Lessor) and Workshare Technology (Lessee) from February 1, 2001 through January 31,

2012 (per sixth and seventh amendments to the original lease). Suite 350 is currently occupied by Workshare Technology.

- Suite 400:
 - A lease agreement between Potrero Hill Investors (Lessor) and Workshare Technology (Lessee) was amended to add "5,546 rental square feet on the fourth floor" from September 1, 2007 through January 31, 2011 (per sixth and seventh amendments to the original lease dated February 1, 2001).
 - Suite 400 has been vacant since February 1, 2011 and is currently actively marketed by Grubb and Ellis, Co-Star commercial listing database, and tours are conducted on a regular basis.
 - Suite 410:
 - A fourth amendment to a lease agreement for "approximately 5,751 rentable square feet of space located on the fourth (4th) floor" in the subject building between 208 Utah Associates (Lessor) and Randall/Lamb Associates. (Lessee) from May 1, 2004 through April 30, 2012. Suite 410 is currently occupied by Randall/Lamb Associates.
 - Suite 450:
 - A second amendment to a lease agreement for "approximately 4,720 rentable square feet of space located on the fourth (4th) floor" in the subject building between LUI SF 208 Utah, L.P. (Lessor) and Flixster Inc. (Lessee) from January 1, 2007 through May 31, 2012. Suite 450 is currently occupied by Flixster Inc.
 - Suite 460:
 - Declaration of Gery Gomez stating that the lease agreement for "approximately 3,000 rentable square feet" of space located on the southwest side of the fourth floor in the subject building between Potrero Hill Investors (Lessor) and San Francisco Development Inc. (Lessee) from June 1, 1997 continued month to month through December 31, 2008.
 - Suite 460 has been vacant since January 2009 and is currently actively marketed by Grubb and Ellis, Co-Star commercial listing database, and tours are conducted on a regular basis.
- ii. The land use would have been principally permitted or permitted with conditional use authorization under provisions of the Planning Code that were effective on April 17, 2008;

Prior to the Eastern Neighborhoods rezoning, the subject property was located in the M-1 Zoning District, which principally permitted office uses.

- iii. The land use would not be permitted under current provisions of the Planning Code;

The subject property is located in the PDR-1-G Zoning District, which does not permit office use.

- iv. The land use either has been (1) regularly operating for functioning on a continuous basis for no less than 2 years prior to the effective date of Planning Code Section 179.1, or (2) functioning in the space since at least April 17, 2008, and is associated with an organization, entity or enterprise which has been located in this space on a continuous basis for no less than 2 years prior to the effective date of Planning Code Section 179.1;

The following documentation indicates the office use has been regularly operating for no less than 2 years prior to January 19, 2009:

- Suite 200:
 - A lease agreement for "approximately 2,200 rentable square feet of space located on the second floor" in the subject building between Potrero Hill Investors (Lessor) and Lunamira, Inc. (Lessee) from November 1, 2006 through November 30, 2007.
 - A lease agreement for "approximately 2,200 rentable square feet of space located on the second floor" in the subject building between Potrero Hill Investors (Lessor) and Lunamira, Inc. (Lessee) from January 1, 2008 through December 31, 2008.
 - A sub-lease agreement for "approximately 2,200 of office space known as Suite 200" in the subject building between Lunamira, Inc. (Lessor) and Proximic, Inc. (Lessee) from July 31, 2008 through December 31, 2008.
 - A lease agreement for "Rentable Square Footage of the Premises" for 2,200 square feet in the subject building between LUI SF 208 Utah, L.P. (Lessor) and Proximic, Inc. (Lessee) from January 1, 2009 through August 31, 2009.
- Suite 210:
 - A lease agreement for "approximately 4,280 rentable square feet of space located on the second floor" in the subject building between Potrero Hill Investors (Lessor) and RAZZ, Inc. (Lessee) from November 15, 2006 through November 14, 2008.
 - The subject space was vacant from November 14, 2008 through June 22, 2009 but was actively marketed.
- Suite 250:
 - Suite 250 consists of approximately 12,586 square feet. 9,646 square feet of space has been determined by the Zoning Administrator to be legally existing office use. The remaining portion is approximately 2,940 square feet and is subject to legitimization.
 - A lease agreement for "approximately 12,586 rentable square feet" in the subject building between Potrero Hill Investors (Lessor) and The San Francisco Chronicle (Lessee) from February 1, 2001 through December 2010.
 - A sublease and second amendment to the lease agreement for 12,586 rentable square feet in the subject building between The San Francisco Chronicle (Lessor) and Edusoft Inc. (Lessee) from April 1, 2004 through January 31, 2009.

- Suite 310:
 - A lease agreement was entered into in February 2007 for "9,695 rentable square feet on the third (3rd) floor" in the subject building between LUI SF 208 Utah, L.P. (Lessor) and Trulia, Inc. (Lessee) for occupancy from April 1, 2007 through March 31, 2011.
 - Suite 350:
 - A lease agreement for "a portion of the third floor...which area contains approximately 10,266 rentable square feet" in the subject building between Potrero Hill Investors (Lessor) and Workshare Technology (Lessee) from February 1, 2001 through January 31, 2012 (per sixth and seventh amendments to the original lease).
 - Suite 400:
 - A lease agreement for "approximately 5,546 rentable square feet of space located on the fourth floor" in the subject building between Potrero Hill Investors (Lessor) and Vamoose, Inc. (Lessee) from May 1, 2005 through April 30, 2007.
 - A lease agreement between Potrero Hill Investors (Lessor) and Workshare Technology (Lessee) was amended to add "5,546 rental square feet on the fourth floor" from September 1, 2007 through January 31, 2011 (per sixth and seventh amendments to the original lease dated February 1, 2001)).
 - Suite 410:
 - A fourth amendment to a lease agreement for "approximately 5,751 rentable square feet of space located on the fourth (4th) floor" in the subject building between 208 Utah Associates (Lessor) and Randall/Lamb Associates. (Lessee) from May 1, 2004 through April 30, 2012.
 - Suite 450:
 - A second amendment to a lease agreement for "approximately 4,720 rentable square feet of space located on the fourth (4th) floor" in the subject building between LUI SF 208 Utah, L.P. (Lessor) and Flixster Inc. (Lessee) from January 1, 2007 through May 31, 2012.
 - Suite 460:
 - A lease agreement for "approximately 3,000 rentable square feet" of space located on the southwest side of the fourth floor in the subject building between Potrero Hill Investors (Lessor) and San Francisco Development Inc. (Lessee) from June 1, 1997.
 - Declaration of Gery Gomez stating that the above lease agreement continued month to month through December 31, 2008.
- v. The land use is not accessory to any other use;

The subject office use occupies 9 separate units within the subject building and all are principal uses within those units.

Harry O'Brien
Coblentz, Patch, Duffy & Bass LLP
One Ferry Building, Suite 200
San Francisco, CA 94111-4213

December 12, 2011
Land Use Legitimization Letter
208 Utah Street (a.k.a. 201 Potrero Ave)

- vi. The land use is not discontinued and abandoned pursuant to the provisions of Planning Code Section 183 that would otherwise apply to nonconforming uses.

The documentation and site inspection indicate the office use has not been discontinued or abandoned.

Determination

It is my determination that the request for legitimization of the existing 48,732 gross square feet of office use on the second, third and fourth floors of the subject building per the attached plans, meets all the required criteria of Planning Code Section 179.1. Therefore, the subject gross floor area is deemed legitimate office space as defined in Planning Code 870.90. A Notice of Special Restrictions shall be filed on the subject property documenting the specific building area legitimized as office space as listed in this letter and documented on the proposed plans, attached as Exhibit A, prior to the approval of a site or building permit establishing such office space. This determination is **not** a project approval, or in any way a substitute for a Building Permit Application for the change of use to office space.

Please note that before a Building Permit Application may be approved to legally convert the subject gross floor area to office, this project must obtain Planning Commission approval for Office Allocation pursuant to Planning Code Section 321 and 322 and must pay the applicable legitimization fee of \$10.50 per gross square foot (TIDF and Jobs-Housing Linkage Fees).

APPEAL: If you believe this determination represents an error in interpretation of the Planning Code or abuse in discretion by the Zoning Administrator, an appeal may be filed with the Board of Appeals within 15 days of the date of the Letter of Legitimization. For information regarding the appeals process, please contact the Board of Appeals located at 1650 Mission Street, Room 304, San Francisco, or call (415) 575-6880.

Sincerely,

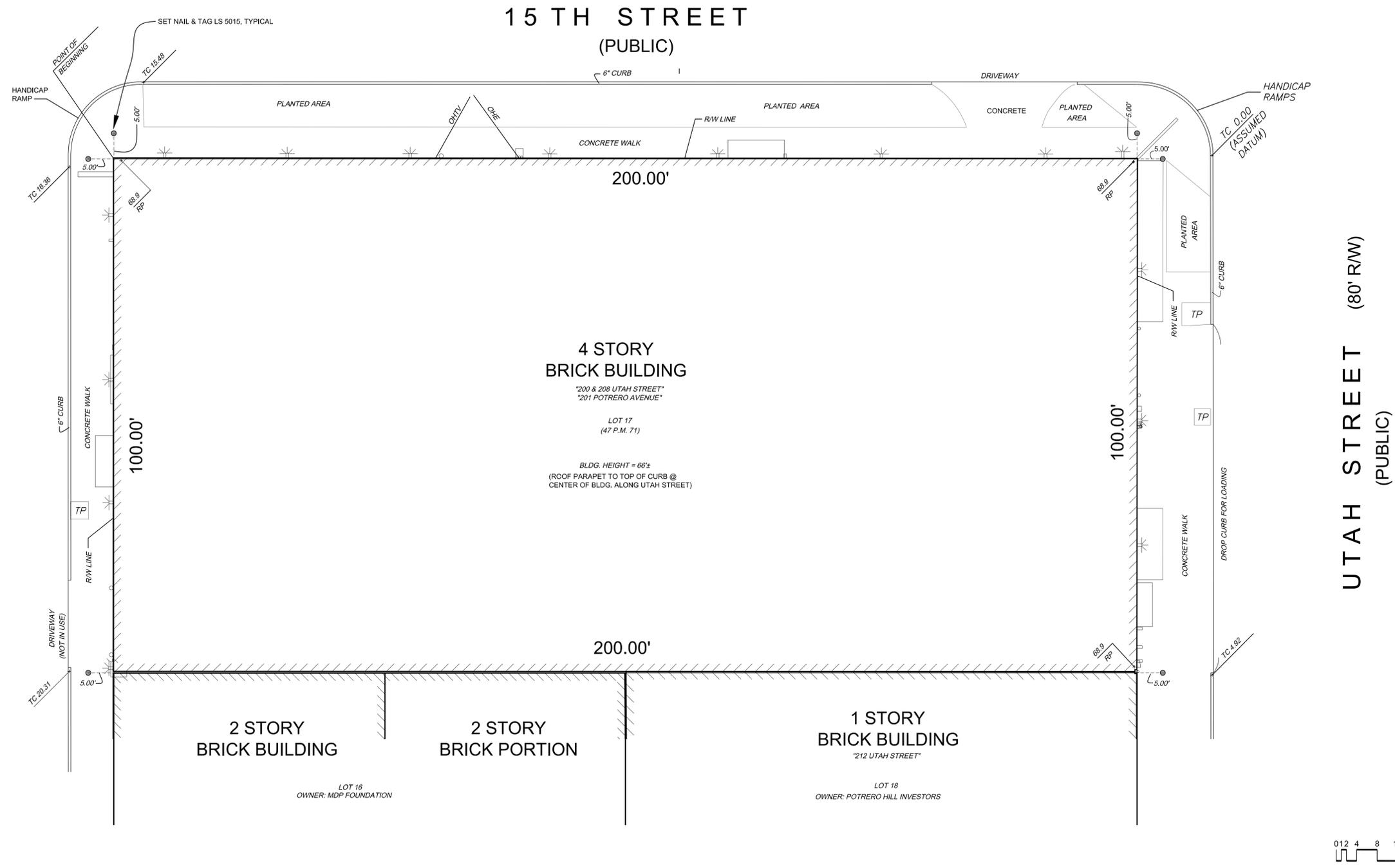


Scott F. Sanchez
Zoning Administrator

cc: Kimberly Durandet, Planner
Steve Wertheim, Planner
Planning Commissioners
208 Utah and Associates (Property Owner)
All Parties on the Notification Request List

I:\Current Planning\SE Team\KDurandet\Letters of Determination Drafts\208_Utah\3932017_208_Utah_DRAFT_LOL.doc

POTRERO AVENUE (100' RW)
(PUBLIC)



208 UTAH STREET
SAN FRANCISCO

APN: 001/3932



100 BUSH STREET, SUITE 2600
SAN FRANCISCO, CA 94104

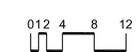


planning / architecture / interiors

4131 Los Arabis Drive
Lafayette, CA 94549
Tel: 925.385.1950
Fax: 925.299.8821

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Issues	Date
ISSUE FOR PLANNING REVIEW	02.13.12



SITE PLAN
SCALE: 3/32"=1'-0"

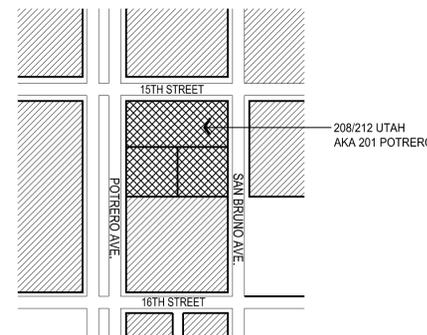


PROJECT ADDRESS: 208 UTAH STREET
SAN FRANCISCO, CA

NUMBER OF STORIES: 4 FLOORS

BLOCK/LOT: 017/3932

TYPE OF CONSTRUCTION: TYPE III - A



- A-0 COVER SHEET: PROJECT DATA, SITE PLAN
- A-1 VICINITY MAP
- A-2 FIRST FLOOR PLAN
- A-3 SECOND FLOOR PLAN
- A-4 THIRD FLOOR PLAN
- A-5 FOURTH FLOOR PLAN
- A-6 EXTERIOR ELEVATIONS
- A-7 EXTERIOR ELEVATIONS
- A-8 PHOTOGRAPHS

Sheet Title
COVER SHEET

Produced on AutoCAD 2009

Project No.	
Scale	AS NOTED
Drawn	KAP
Checked	WCM
Sheet No.	

A-0

LOCATION MAP

N.T.S.

BUILDING INFORMATION

AREA PLAN

DRAWING INDEX

**208 UTAH STREET
SAN FRANCISCO**

APN: 001/3932



100 BUSH STREET, SUITE 2600
SAN FRANCISCO, CA 94104

studio
TMT

planning / architecture / interiors

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ISSUE FOR PLANNING REVIEW	02.13.12

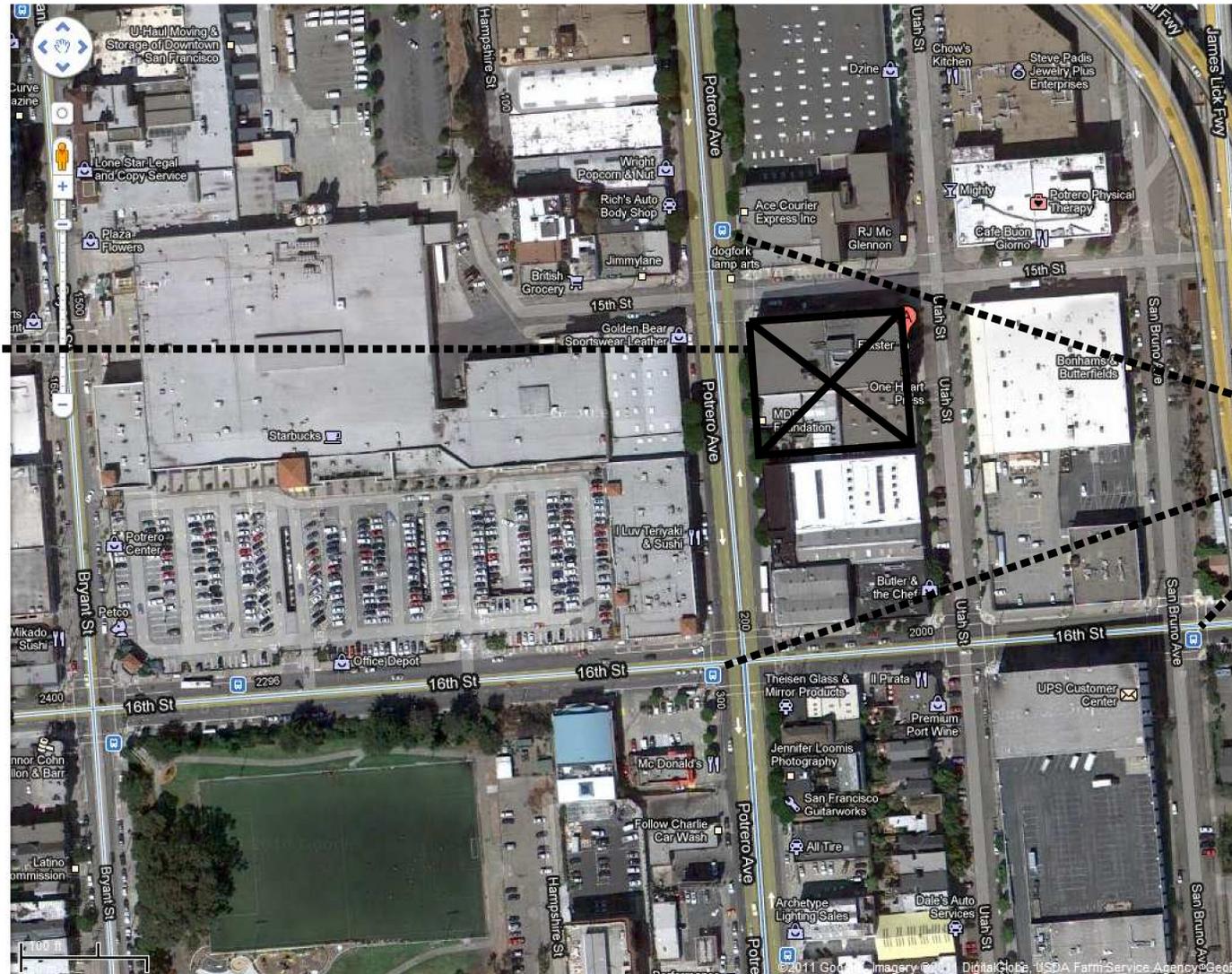
Sheet Title

VICINITY MAP

Produced on AutoCAD 2009
Project No.
Scale AS NOTED
Drawn KAP
Checked WCM
Sheet No.

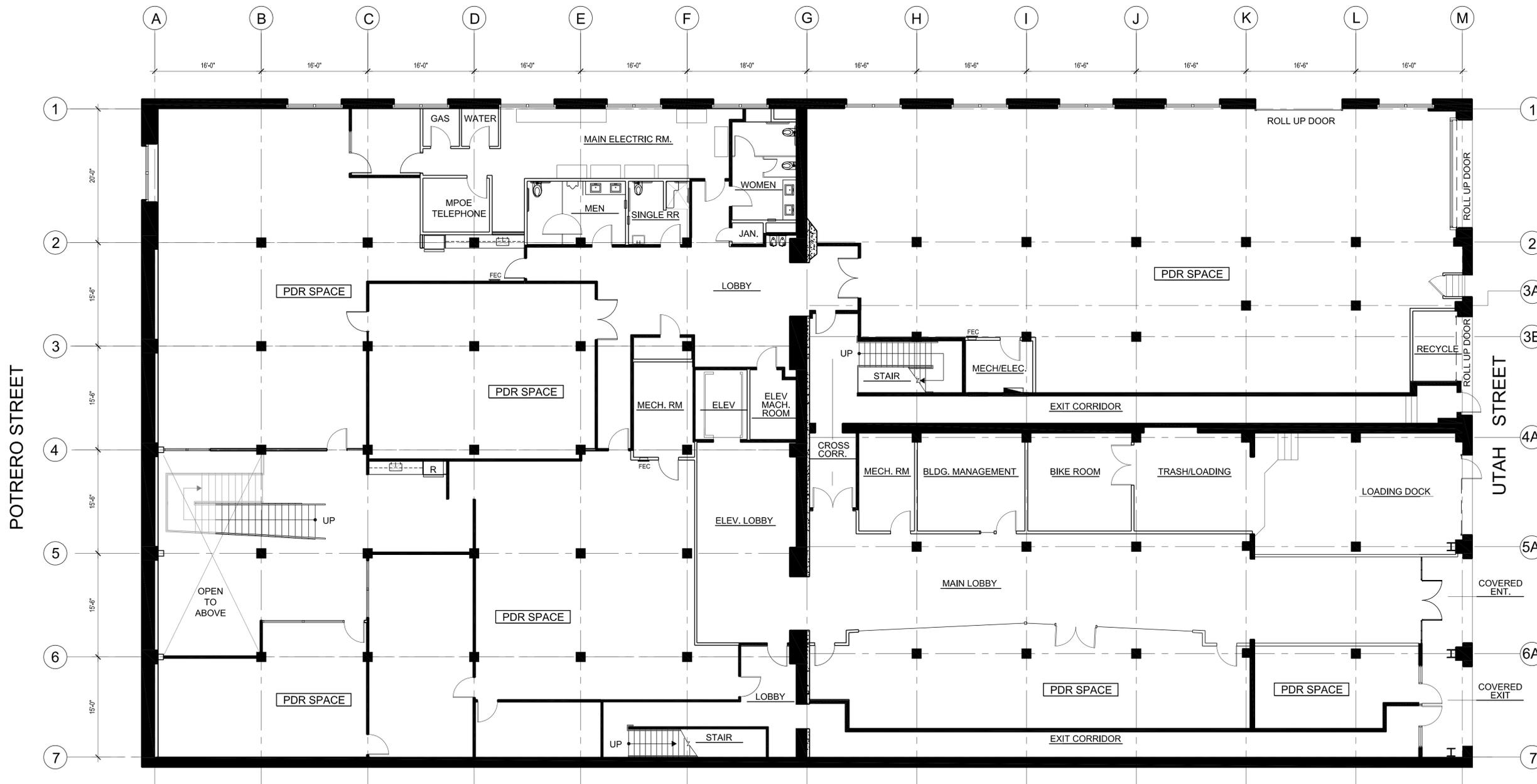
A-1

LOCATION OF
EXISTING BUILDING



MUNI
BUS STOPS

15th STREET



FLOOR SUMMARY
 EXISTING PDR SPACE TO REMAIN PDR SPACE = 16,659 G.S.F.

Area Summary / Occupancy			
Ground Floor PDR to Remain PDR (Occupancy F-1)			
Tenant Space		Approx.	13,127 Sq ft
Common Area		+ Approx.	3,532 Sq ft
Total Gross Floor Area		= Approx.	16,659 Sq ft
2nd Floor Area			
Office Space (Occupancy B)	Gross Floor Area Per San Francisco Planning Code 102.9		
Tenant Space - Existing Legal Office Per Zoning Administrator Letter of Determination dated July 1, 2011		= Approx.	9,646 Sq ft
Tenant Space - Legitimate Office Space Per Zoning Administrator Letter of Determination dated December 12, 2011		+ Approx.	9,646 Sq ft
		= Approx.	19,292 Sq ft
3rd Floor Area			
Office Space (Occupancy B)	Gross Floor Area Per San Francisco Planning Code 102.9		
Tenant Space - Legitimate Office Space Per Zoning Administrator Letter of Determination dated December 12, 2011		= Approx.	19,485 Sq ft
4th Floor Area			
Office Space (Occupancy B)	Gross Floor Area Per San Francisco Planning Code 102.9		
Tenant Space - Legitimate Office Space Per Zoning Administrator Letter of Determination dated December 12, 2011		= Approx.	19,601 Sq ft
TOTAL AREA:	Gross Floor Area Per San Francisco Planning Code 102.9	= Approx.	75,037 Sq ft
Ground Floor PDR to Remain PDR Subtracted from Gross Area	PDR (c)		16,659 Sq ft
Second Floor Existing Legal Office Subtracted from Gross Area	Legal Office (c)		9,646 Sq ft
TOTAL AREA - OFFICE ALLOCATION REQUIRED:		Approx.	48,732 Sq ft

208 UTAH STREET
SAN FRANCISCO

APN: 001/3932



100 BUSH STREET, SUITE 2600
 SAN FRANCISCO, CA 94104



planning / architecture / interiors

4131 Los Arabis Drive
 Lafayette, CA 94549
 Tel: 925.385.1950
 Fax: 925.299.8821

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Issues	Date
ISSUE FOR PLANNING REVIEW	02.13.12

Sheet Title
FIRST FLOOR PLAN

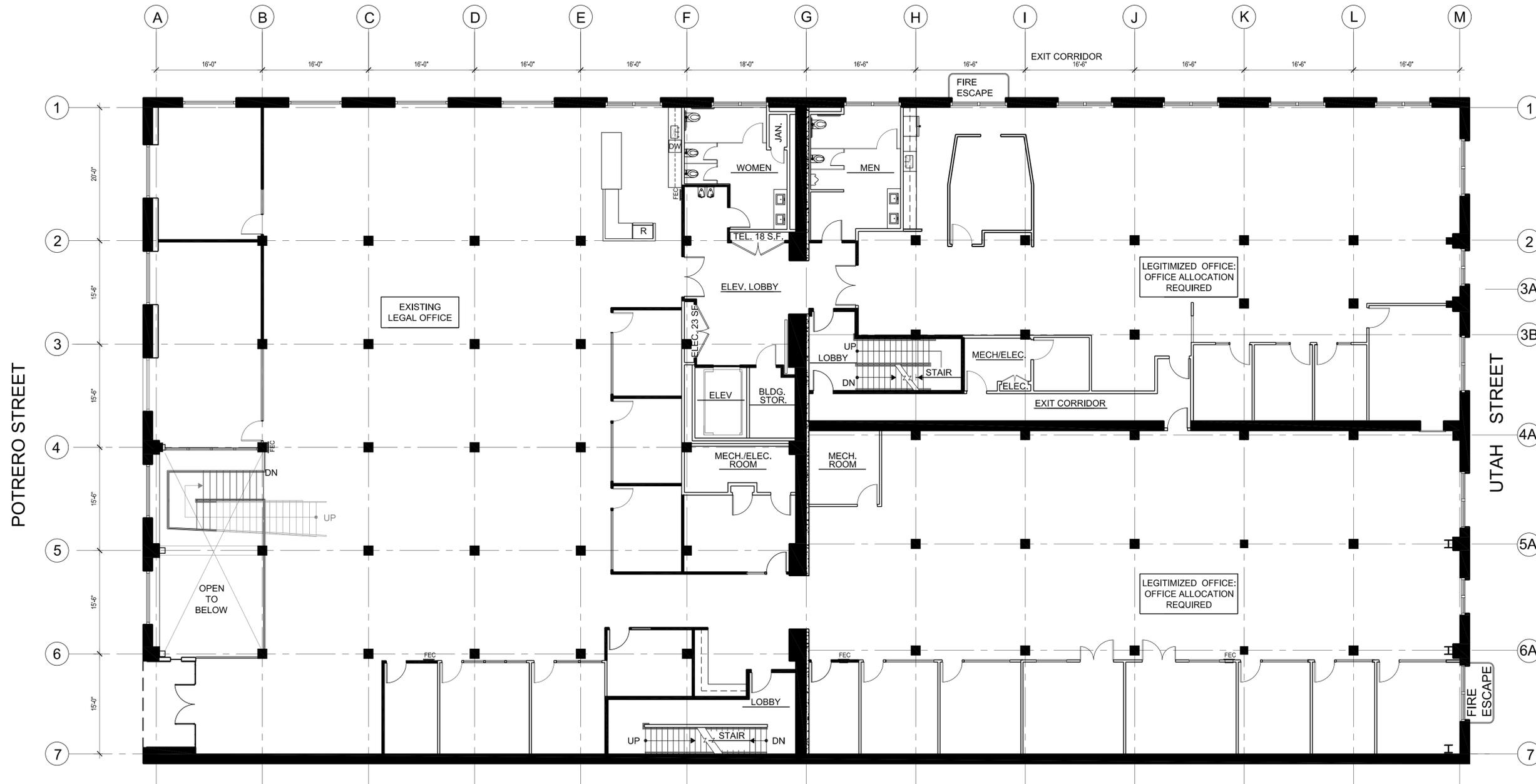
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Project No.
 Scale AS NOTED
 Drawn KAP
 Checked WCM
 Sheet No.



FIRST FLOOR PLAN
 SCALE: 1/8" = 1'-0"

15th STREET



FLOOR SUMMARY	
EXISTING LEGAL OFFICE USE =	9,646 G.S.F.
OFFICE ALLOCATION REQUIRED =	9,646 G.S.F.

Area Summary / Occupancy			
Ground Floor PDR to Remain PDR (Occupancy F-1)			
Tenant Space		Approx.	13,127 Sq ft
Common Area		+ Approx.	3,532 Sq ft
Total Gross Floor Area		= Approx.	16,659 Sq ft
2nd Floor Area			
Office Space	Gross Floor Area Per San Francisco Planning Code 102.9		
Tenant Space - Existing Legal Office Per Zoning Administrator Letter of Determination dated July 1, 2011		= Approx.	9,646 Sq ft
Tenant Space - Legitimate Office Space Per Zoning Administrator Letter of Determination dated December 12, 2011		+ Approx.	9,646 Sq ft
		= Approx.	19,292 Sq ft
3rd Floor Area			
Office Space	Gross Floor Area Per San Francisco Planning Code 102.9		
Tenant Space - Legitimate Office Space Per Zoning Administrator Letter of Determination dated December 12, 2011		= Approx.	19,485 Sq ft
4th Floor Area			
Office Space	Gross Floor Area Per San Francisco Planning Code 102.9		
Tenant Space - Legitimate Office Space Per Zoning Administrator Letter of Determination dated December 12, 2011		= Approx.	19,601 Sq ft
TOTAL AREA:	Gross Floor Area Per San Francisco Planning Code 102.9	= Approx.	75,037 Sq ft
Ground Floor PDR to Remain PDR Subtracted from Gross Area	PDR (-)		16,659 Sq ft
Second Floor Existing Legal Office Subtracted from Gross Area	Legal Office (-)		9,646 Sq ft
TOTAL AREA - OFFICE ALLOCATION REQUIRED:		Approx.	48,732 Sq ft

208 UTAH STREET
SAN FRANCISCO

APN: 0013932



100 BUSH STREET, SUITE 2600
SAN FRANCISCO, CA 94104



4131 Los Arabis Drive
Lafayette, CA 94549
Tel: 925.385.1950
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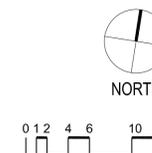
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SECOND FLOOR PLAN

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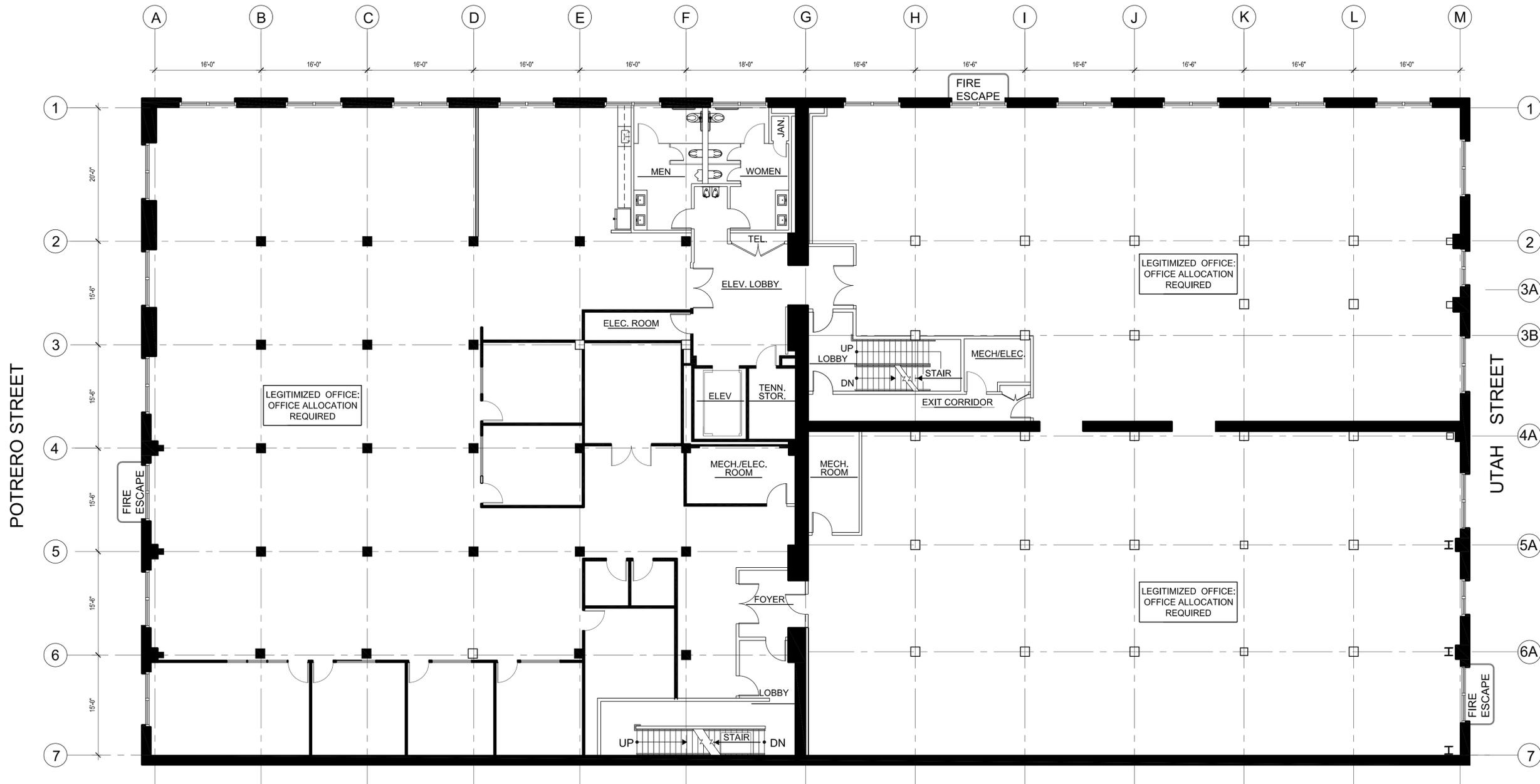
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SECOND FLOOR PLAN
SCALE: 1/8" = 1'-0"

A-3

15th STREET



FLOOR SUMMARY
OFFICE ALLOCATION REQUIRED = 19,485 G.S.F.

Area Summary / Occupancy			
Ground Floor PDR to Remain PDR (Occupancy F-1)			
Tenant Space		Approx.	13,127 Sq ft
Common Area		+ Approx.	3,532 Sq ft
Total Gross Floor Area		= Approx.	16,659 Sq ft
2nd Floor Area			
Office Space (Occupancy B)	Gross Floor Area Per San Francisco Planning Code 102.9		
Tenant Space - Existing Legal Office Per Zoning Administrator Letter of Determination dated July 1, 2011		= Approx.	9,646 Sq ft
Tenant Space - Legitimate Office Space Per Zoning Administrator Letter of Determination dated December 12, 2011		+ Approx.	9,646 Sq ft
		= Approx.	19,292 Sq Ft
3rd Floor Area			
Office Space (Occupancy B)	Gross Floor Area Per San Francisco Planning Code 102.9		
Tenant Space - Legitimate Office Space Per Zoning Administrator Letter of Determination dated December 12, 2011		= Approx.	19,485 Sq ft
4th Floor Area			
Office Space (Occupancy B)	Gross Floor Area Per San Francisco Planning Code 102.9		
Tenant Space - Legitimate Office Space Per Zoning Administrator Letter of Determination dated December 12, 2011		= Approx.	19,601 Sq ft
TOTAL AREA:	Gross Floor Area Per San Francisco Planning Code 102.9	= Approx.	75,037 Sq ft
Ground Floor PDR to Remain PDR Subtracted from Gross Area	PDR (-)		16,659 Sq ft
Second Floor Existing Legal Office Subtracted from Gross Area	Legal Office (-)		9,646 Sq ft
TOTAL AREA - OFFICE ALLOCATION REQUIRED:		Approx.	48,732 Sq ft

208 UTAH STREET
SAN FRANCISCO

APN: 001/3932



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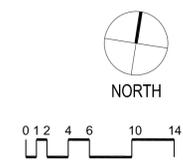
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Sheet Title

THIRD FLOOR PLAN

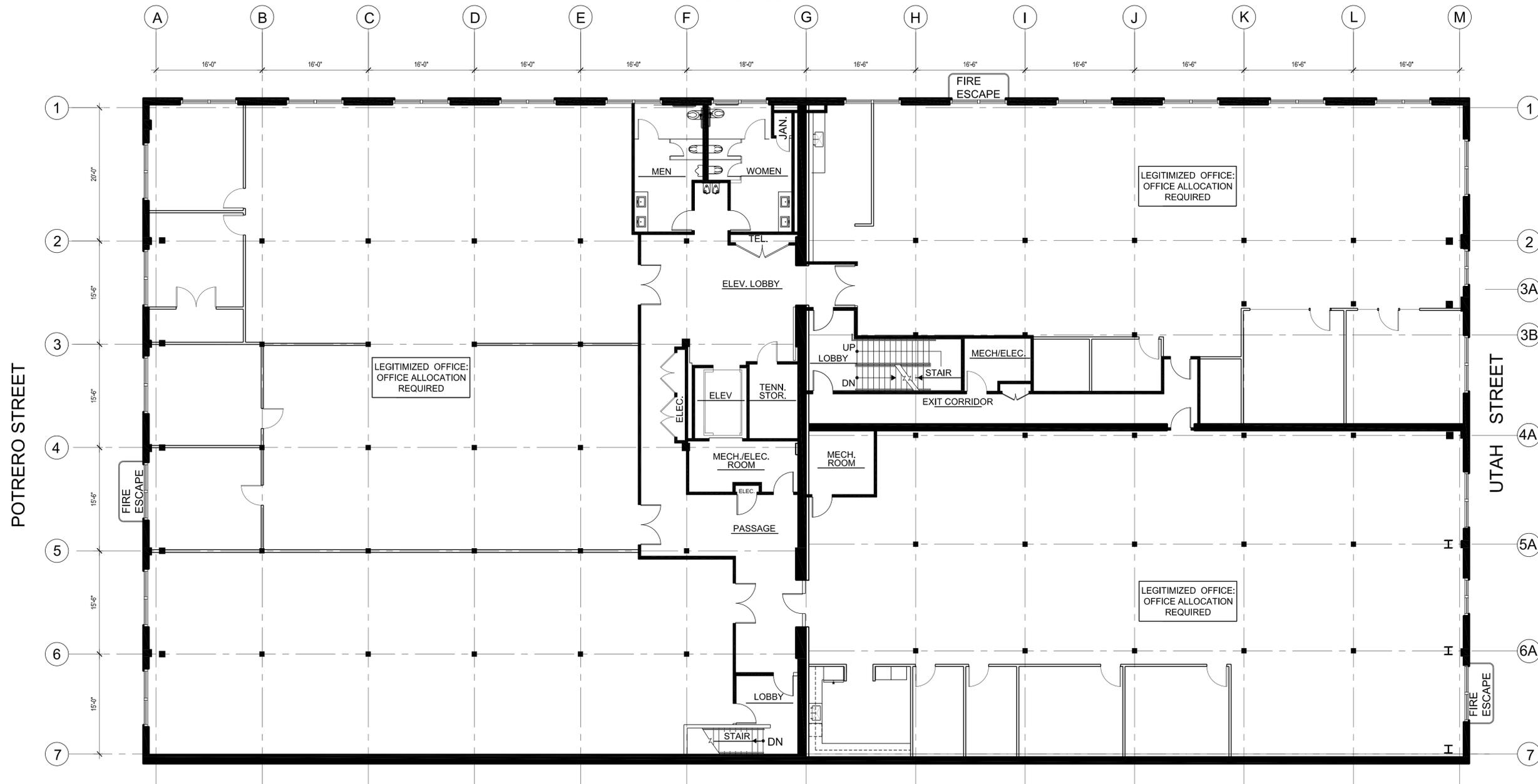
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THIRD FLOOR PLAN
SCALE: 1/8" = 1'-0"

15th STREET



FLOOR SUMMARY
OFFICE ALLOCATION REQUIRED = 19, 601 G.S.F.

Area Summary / Occupancy			
Ground Floor PDR to Remain PDR (Occupancy F-1)			
Tenant Space		Approx.	13,127 Sq ft
Common Area		+ Approx.	3,532 Sq ft
Total Gross Floor Area		= Approx.	16,659 Sq ft
2nd Floor Area			
Office Space (Occupancy B)	Gross Floor Area Per San Francisco Planning Code 102.9		
Tenant Space - Existing Legal Office Per Zoning Administrator	Letter of Determination dated July 1, 2011	= Approx.	9,646 Sq ft
Tenant Space - Legitimate Office Space Per Zoning Administrator	Letter of Determination dated December 12, 2011	+ Approx.	9,646 Sq ft
		= Approx.	19,292 Sq ft
3rd Floor Area			
Office Space (Occupancy B)	Gross Floor Area Per San Francisco Planning Code 102.9		
Tenant Space - Legitimate Office Space Per Zoning Administrator	Letter of Determination dated December 12, 2011	= Approx.	19,485 Sq ft
4th Floor Area			
Office Space (Occupancy B)	Gross Floor Area Per San Francisco Planning Code 102.9		
Tenant Space - Legitimate Office Space Per Zoning Administrator	Letter of Determination dated December 12, 2011	= Approx.	19,601 Sq ft
TOTAL AREA:	Gross Floor Area Per San Francisco Planning Code 102.9	= Approx.	75,037 Sq ft
Ground Floor PDR to Remain PDR Subtracted from Gross Area	PDR (-)		16,659 Sq ft
Second Floor Existing Legal Office Subtracted from Gross Area	Legal Office (-)		9,646 Sq ft
TOTAL AREA - OFFICE ALLOCATION REQUIRED:		Approx.	48,732 Sq ft

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SAN FRANCISCO
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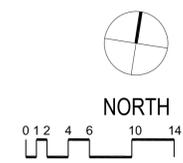
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FOURTH FLOOR PLAN

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FIFTEENTH STREET ELEVATION

SCALE: 1/8" = 1'-0"



UTAH STREET



POTRERO STREET

UTAH AND POTRERO STREET ELEVATION

SCALE: 1/8" = 1'-0"

Sheet Title

EXTERIOR ELEVATIONS

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