



# PLANNING DEPARTMENT

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January 25, 2007

Andrew J. Junius  
Reuben & Junius, LLP  
235 Pine Street, Suite 1600  
San Francisco, CA 94104

Steve Atkinson  
Steefel, Levitt & Weiss  
One Embarcadero Center, 30<sup>th</sup> Floor  
San Francisco, CA 94111

RE: Determination Regarding Office Entitlement Status  
524 Howard Street  
Assessor's Block 3721, Lot 013  
Zoning District: C-3-O (SD)  
Height and Bulk District: 450-S  
Case Nos. 1998.843BX and 2005.0425C

Dear Mr. Junius and Mr. Atkinson:

Planning Department staff has reviewed your December 21, 2006 and December 28, 2006 letters requesting a determination of the status of the office entitlements for 524 Howard Street. I hereby determine that the approvals under Planning Commission Motion Nos. 14800 and 14801 have not been revoked, amended or rescinded and remain in full force and effect. Additionally, I find that issuance of Permit Application No. 2006.12.20.0242 (for renewal of the original Site Permit Application No. 2000.03.08.3752) is consistent with the Planning Commission's policy under Resolution No. 16418, and that the property owner may proceed with construction without further Planning Department review, except as may be specified in the Conditions of Approval under Motion Nos. 14800 and 14801. However, given that some time has passed since the project was originally approved, the Planning Department will seek to review design details of the project to ensure that they are consistent with current Department policies. Presumably, this could be done at a Staff level.

The basis for this determination is as follows:

1. The Conditions of Approval for Motion 14801 state, "The authorization and right vested by virtue of this action shall be deemed void and canceled, if within one year of this motion a site permit has not been secured by Project Sponsor and if within eighteen months of this motion, site work has not begun on the project". This project was approved on March 11, 1999 and under these conditions of approval, the site permit should have been issued by March 11, 2000 and site work should have begun

- by September 11, 2001. The site permit for the project was actually issued on May 6, 2000 and site work has not started. This site permit was recently renewed by the Department of Building Inspection under Permit Application No. 2006.12.20.0242
2. Under Planning Commission Resolution 16418, adopted on May 30, 2002, the Commission adopted a policy to monitor projects, but not to seek revocation of project approvals that had exceeded the construction commencement date. The Project at 524 Howard Street has exceeded the construction commencement date, and under Planning Commission Resolution 16418, the Commission will continue to monitor this project, but will not seek to revoke the approval. However the project is still subject to Planning Code section 321(d)(2), where failure to carry the development diligently to completion shall be grounds to revoke approval of the office development.
  3. The Conditions of Approval under Motion No. 17081 for temporary surface parking clearly state, “the authorization granted herein shall not supersede the approvals granted under Motions No. 14800 and 14801 by the Commission on March 11, 1999”. Furthermore, findings for this Case reaffirm the Commission’s Policy to not revoke office entitlements, in response to changing economic conditions that prevented many entitled office projects from moving forward.
  4. The issuance of Permit Application No. 2006.12.20.0242 (for renewal of the original Site Permit Application No. 2000.03.08.3752) is consistent with the Planning Commission’s policy under Resolution No. 16418, in that projects with specific construction commencement dates are encouraged to consider applying for extensions.

Should you have any questions about the contents of this letter, please contact Isolde Wilson at (415) 558-6163 or [Isolde.Wilson@sfgov.org](mailto:Isolde.Wilson@sfgov.org). If you believe that this determination represents an error in interpretation of the Planning Code or abuse of 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 1660 Mission Street, Room 3036, San Francisco, or call (415) 575-6880.

Sincerely,

Lawrence B. Badiner  
Zoning Administrator