Letter of Determination

September 9, 2016

Dan Gershwin
Coblentz Patch Duffy & Bass LLP
One Montgomery Street, Suite 3000
San Francisco, CA 94104

Name: Rainbeau Building Associates, LLC
Site Address: 149 Bluxome Street
Assessor's Block/Lot: 3785 / 022
Zoning District: WMUO (Western SoMa Mixed Use – Office)
Staff Contact: Ming Yeung, (415) 575-9183 or ming.yeung@sfgov.org
Record No.: 2016-009336ZAD

Dear Mr. Gershwin:

This letter is in response to your request for a Letter of Determination regarding the property at 149 Bluxome Street. The subject property is located in the WMUO (Western SoMa Mixed Use – Office) Zoning District and 65-X Height and Bulk District. The request seeks a determination as to whether the property was legally converted in 2000 from a Light Manufacturing use to an Office/Business Service use to allow a new prospective office tenant to obtain building permits for interior tenant improvements without additional change of use approvals.

Background and History
As noted in your letter, prior to 1999 the property was in Light Manufacturing use for garment assembly and production. At that time, the property was zoned SLI (Service/Light Industrial) which prohibited office uses, as then defined under the Planning Code. In late 1999, the owner of the property (Rainbeau Building Associates) sought to lease the property to the Transilluminant Corporation (doing business as Encirq) for multimedia use. Encirq was an internet startup company that provided products turning standard reports, bills and statements into interactive portals that are published online. On February 17, 2000, a Letter of Determination was issued by the Planning Department determining that the Encirq multimedia use was permitted in the SLI district as a Business Service use under the then-existing definition in Planning Code Section 890.111. On August 23, 2000, Building Permit No. 2000.05.01.8664 was issued to Encirq for tenant improvements at the property for the Business Service use and for the change in use from Light Manufacturing to Business Service. The permit was approved by the Planning Department with the following note: “As per plans & application, tenant improvements. Letter of Determination dated 17 Feb 2000 permits office use in SLI district...” According to your submittal, the tenant improvements were completed on December 27, 2000, however, the permit did not receive a Final Inspection from the Department of Building Inspections (DBI).

www.sfplanning.org
In 2002, Encirq broke its five-year lease and moved out of the property after two years. The owner put the building on the market and master leased it to J.J.’s Mae, who then subleased the building to Norton LLC (dba Wolfgang’s Vault). Wolfgang’s Vault is an electronic commerce company that maintains a website for streaming recordings from Bill Graham’s collection, and for online sale of memorabilia such as concert clothing and posters. Wolfgang’s Vault leased the building from 2002 to 2012 and did not perform any tenant improvements during its occupancy, using the space in a manner consistent with that of Encirq.

In 2008, the Eastern Neighborhoods Plan was adopted revising the Planning Code definitions for Office and Business Service uses. Office use was re-defined to also include “multimedia, software development, web design, electronic commerce, and information technology” uses which were previously determined to fall under the Business Service use category and which describe the operation of Encirq and Wolfgang’s Vault.

On November 2, 2012, Rainbeau and AVG Technologies (the current tenant), executed a lease for the property with a commencement date of December 1, 2012. AVG creates and offers anti-virus software. AVG took possession immediately and sought multiple building permits for tenant improvements. The work modified the previous tenant improvement work performed for the Encirq occupancy, and work under these permits received Final Inspections from DBI in 2013.

In 2013, the Western SoMa Area Plan was adopted, rezoning the property from SLI to WMUO. Per Planning Code Sections 845.66 and 845.83, both Office and Business Service uses are principally permitted uses in the WMUO Zoning District. Section 890.70 defines Office as including, but not limited to, “multimedia, software development, web design, electronic commerce, and information technology.”

Determination
Based upon the information provided in your request, it is my determination that the property was converted in 2000 from a Light Manufacturing use to a Business Service use as per the Letter of Determination. In consideration of the permit and tenant history, as well as the subsequent amendments to the Planning Code through the Eastern Neighborhood and Western SoMa Plans, I have determined that the building contains a legal Office use and no further change of use authorization is required. To ensure that the City’s records accurately reflect the legal use of the property, please contact DBI to finalize Building Permit Application No. 2000.05.01.8664.

Please note that a Letter of Determination is a determination regarding the classification of uses and interpretation and applicability of the provisions of the Planning Code. This Letter of Determination is not a permit to commence any work or change occupancy. Permits from appropriate Departments must be secured before work is started or occupancy is changed.
September 9, 2016
Letter of Determination
Rainbeau Building Associates, LLC

Dan Gershwin
Coblentz Patch Duffy & Bass LLP
One Montgomery Street
San Francisco, CA 94104

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,

Scott F. Sanchez
Zoning Administrator

cc: Property Owner
    Neighborhood Groups
    Ming Yeung, Planner
July 1, 2016

VIA HAND DELIVERY

Scott Sanchez
Zoning Administrator
Department of City Planning
1650 Mission Street, Suite 400
San Francisco, CA 94103

Re: Request for Zoning Administrator Determination
149 Bluxome Street
Assessor’s Block/Lot: 3785/022

Dear Administrator Sanchez:

This firm represents Rainbeau Building Associates, LLC ("Rainbeau"), the owner of the two-story building located at 149 Bluxome Street (the "Property"). We write to request a Zoning Administrator Determination confirming that the Property was legally converted in 2000 from a Light Manufacturing use to an Office/Business Service use with the knowledge, review, and approval of the Planning Department, as evidenced by: (1) the February 17, 2000 Letter of Determination approving the conversion, (2) the October 7, 1999 CEQA Certificate of Determination issued for the conversion, and (3) Building Permit Application 2000-05-01-8664, which contains Planning Department notations referencing and relying upon the Letter of Determination, and referencing the Planning Department file containing the CEQA Certificate of Determination. We also request confirmation that, as a result of this legal conversion, no additional change of use approvals are required for a new prospective office tenant to obtain building permits for interior tenant improvements.

Conversion History

Prior to 1999, the Property was in Light Manufacturing use, for garment assembly and production. At that time, the Property was zoned Service/Light Industrial (SLI), which prohibited office uses as then defined under the Planning Code. Rainbeau sought to lease the Property to tenant Transilluminant Corporation (doing business as Encirq) for multimedia use. Before entering into the lease, in late 1999 Rainbeau and Encirq submitted written requests for a Zoning Administrator Determination that the Encirq multimedia use was permitted in the SLI district as a Business Service use under the then-existing definition in Planning Code Section 890.111. Acting Zoning Administrator Gerald G. Green agreed and determined, in a letter dated February 17, 2000, that
Encirq's multimedia use was a permitted Business Service use. (See Letter of Determination and related correspondence attached as Exhibit A.)

Rainbeau and Encirq also filed an Environmental Review Application form for the conversion to allow the Planning Department to perform environmental review. On October 7, 1999, the Environmental Review Officer issued a Certificate of Determination concluding that pursuant to CEQA Guidelines Section 15061(b)(3), it could "be seen with certainty that the proposed project could not have a significant effect on the environment and is appropriately exempt from environmental review." (See Certificate of Determination and Environmental Review Application attached as Exhibit B.) The Planning Department file number for the conversion is 1999.586.

Rainbeau and Encirq entered into a lease, and Encirq filed Building Permit Application 2000-05-01-8664 on April 28, 2000 for construction of tenant improvements in the space. The Letter of Determination was attached to the application, and on April 28, 2000 the Planning Department approved the building permit with the following notations: "As per plans & application, tenant improvements. Letter of Determination dated 17 Feb 2000 permits office use in SLI district. CP 1999.586." (Emphasis added. See Building Permit Application 2000-05-01-8664, particularly Planning Department approval on row 2 of Page 2, attached as Exhibit C.) These notations demonstrate that the Planning Department relied upon the Letter of Determination, and that the Building Permit Application was linked to the Planning Department file containing the CEQA Certificate of Determination.

**Completion of Tenant Improvements, Occupancy by Encirq, and 2013 Building Permit**

The tenant improvement building permit was issued on August 23, 2000, and Encirq's contractor Roberts & Sons Builders completed the tenant improvements work on December 27, 2000. (See Notice of Completion recorded March 22, 2001 attached as Exhibit D.) For reasons unknown, there are no inspections noted on the Building Permit Inspection Record, which indicates that the Building Permit expired in 2002 due to the lack of a documented final inspection. The Planning Department's approval of the Building Permit and the associated change of use, and the fact that the new use was actually established pursuant to that permit, established the legal conversion of the space for Planning Code purposes.

Though no final inspection was documented for the 2000 permit, DBI has subsequently approved and inspected building permits for office use. Notably, in 2013 the Department of Building Inspection issued Building Permit 2013-01-14-7903 for current office tenant, AVG Technologies, to perform interior tenant improvements. That work modified the previous tenant improvements work performed for the Encirq occupancy, and the Department of Building Inspection signed the building permit and confirmed completion.
on April 12, 2013. (See Building Permit Application 2013-01-14-7903, attached as Exhibit E.) There is no indication that the lack of a documented final inspection for the 2000 Encirq tenant improvement building permit presented any concern for the Department of Building Inspection, and all work associated with that building permit still in place at the Property has effectively been inspected and approved as a result of the 2013 tenant improvements for AVG Technologies.

Planning Code Analysis

Office uses are principally permitted in the WSoMa Mixed-Use Office (WMUO) district under the Planning Code, as are Business Service uses. (See Planning Code Section 845 and Table 845.) The Property was previously zoned Service/Light Industrial (SLI), which prohibits General Office uses, but was rezoned to WMUO as a result of the 2013 Western South of Market Area Plan. (See Ordinance No. 43-13, Page 50, Row 8 [entry for Block/Lot 3785/022], an excerpt of which is attached as Exhibit F.)

The appropriate use characterization for multimedia, Internet-related businesses was generally considered on a case-by-case basis until 2008, as demonstrated by the 2000 Letter of Determination. In 2008, the Board of Supervisors adopted the Eastern Neighborhoods Area Plans and made corresponding revisions to Planning Code Sections 890.70 (definition of Office Use) and 890.111 (definition of Business Service Use), clarifying that multimedia, software development, web design, electronic commerce, and information technology businesses are now considered office uses under the Planning Code. (See Ordinance No. 298-08, Pages 796-798, an excerpt of which is attached as Exhibit G.)

The Encirq use for which the Property was converted from Light Manufacturing to Business Service was redefined by the 2008 Planning Code amendments for the Eastern Neighborhoods Area Plans. Under the existing definition of office, AVG Technologies, which creates and offers anti-virus software, is an office use. The legal use—and the actual existing use of the Property—is therefore office, and no change of use is required for the prospective office tenant.¹

Conclusion

We respectfully request that the Zoning Administrator confirm that: (1) the Property was legally converted in 2000 from a Light Manufacturing use to an Office/Business Service use, and (2) as a result of this legal conversion, no additional change of use approvals

¹ Like Encirq, and current office tenant AVG Technologies, the prospective office tenant is a multimedia, Internet-related business.
are required for a new prospective office tenant. Thank you in advance for your consideration. We enclose our check payable to the Planning Department in the amount of $645 in payment of the fee for a Zoning Administrator Determination. Please do not hesitate to contact me if I can provide you with any additional information or answer any questions.

Respectfully submitted,

Dan Gershwin

Enclosures

cc: Marc Bussin
    Ming Yeung
Mr. David Thompson  
Crosby, Heafey, Roach and May  
Four Embarcadero Center, Suite 1900  
San Francisco, CA 94111-4106

Re: TransIlluminant Corp.  
149 Bluxome Street  
Multi-media/Internet Technology Zoning Determination

Dear Mr. Thompson:

This responds to your written inquiry of December 22, 1999 as well as Mr. Bill McCluskey's written inquiry of October 26, 1999. In both letters, the key question asked was whether TransIlluminant Corp. qualifies as a business service use as defined under Planning Code Section 890.111, and is therefore a permitted use in the SLI (Service Light Industrial) zoning district.

In your December 22 letter you describe TransIlluminant as an internet startup that provides products which turn standard reports, bills and statements into interactive portals which are published entirely online. I find that this use very much resembles uses currently listed under the definition of Business Service as defined in Section 890.111, such as radio and television stations; magazine and trade publishing; and desktop publishing. Indeed, had internet services been as omnipresent a decade ago, when the South of Market zoning controls were adopted, as they are today, I believe services such as those TransIlluminant provides would have been specifically listed in Code Section 890.111. Therefore, I find that TransIlluminant Corp., as a use, falls under the use category of Business Service and is therefore a permitted use in the SLI zoning district.

Any aggrieved person may appeal this decision to the Board of Appeals within 15 days of the date hereof. For further information, please contact the Board of Appeals in person at 1660 Mission Street, Room 3036, or by telephone at (415) 575-6880.

Sincerely,

Gerald G. Green  
Director of Planning  
Acting Zoning Administrator

cc: Sue Hestor
December 22, 1999

Ms. Mary Gallagher
Zoning Administrator
Department of City Planning
1660 Mission Street, Fifth Floor
San Francisco, CA 94103

Re: Transluminant Corporation (www.transluminant.com)—149 Bluxome Street

Dear Ms. Gallagher:

Our office represents Transluminant Corporation ("Transluminant" or the "Company"). We are writing on behalf of Transluminant to request a written determination whether occupancy of the real property and improvements located at 149 Bluxome Street, Block 3785, Lot 22 ("Property"), in the Service/Light Industrial ("SLI") Zoning District by a multimedia company, Transluminant, is permitted as a principal use within that Zoning District.

Transluminant is an Internet startup that provides services to businesses that are primarily in the consumer retailing and service sectors. These include financial services companies, major retailers, airlines, hotels and oil companies. Transluminant's products turn standard reports, bills and statements into interactive portals which are published entirely online through the use of sophisticated computers, servers and networks. The end-users access these portals by use of their own computers through a combination of Transluminant’s and its clients' websites. Portals are considered media companies because they provide business services and have functional operations and economic models akin to traditional broadcast and print media.

Transluminant is currently located in the South of Market "Multimedia Gulch" area of the City and needs new quarters to expand its business. Because the building...
selected as its new premises is located within an SLI Zoning District, the Company is seeking a determination that it qualifies under San Francisco Zoning regulations as a "Business Service."

At its San Francisco location, the Company currently employs approximately 40 employees, the majority of whom are information designers, web designers, database administrators, system architects, web producers, graphics designers, quality engineers, Unix administrators, information systems engineers and desktop support engineers. The Company expects its staff to grow dramatically over the next several years with skill sets substantially similar to its current staff.

The Company currently operates in an open space configuration with no private offices. Its space includes a development data center housing its network interfaces and servers. At its new premises, the Company intends to occupy approximately 19,000 square feet in a similar open space configuration of which approximately 25% will serve as its data operation center. The operation of its business can be analogized to a broadcast media or publishing company using the Internet instead of the airwaves and computers instead of printing presses.

Translluminant's operations fall within the "Business Service" use classification permitted as a primary use in the SLI Zoning District. The "Business Service" category of the Planning Code Sections 816.47 and 890.111 include a use such as Translluminant's. The examples of "Business Services" listed in Section 890.111 include radio and television stations, magazine and trade publications and desktop publishing. Like television and radio stations, Translluminant packages information with advertising and will distribute it to the public through a public access network, the Internet. The fact that this network transmits data in addition to video and audio signals and that computer monitors are used instead of television sets is immaterial. In fact, many of Translluminant's potential customers are participating in ventures that will lead to Translluminant's products being distributed through television set-top boxes and viewed on regular television screens.

Like magazine and trade publishing, Translluminant packages information with advertising, publishes it under its clients' private labels and disseminates it to businesses and individuals; only the medium is different (the Internet versus hard copy). Like desktop publishing, Translluminant uses computers to produce its published materials; only the method of delivery to the end user is different. In sum, there is no valid distinction in the type of intensity of use between Translluminant's operations and those of other media publishers for purpose of the broad definition set forth in Section 890.111.

Although "multimedia" is not specifically defined in the current Planning Code, it would appear that Translluminant's operations should also qualify for this classification. According to the Planning Department's publication entitled "Multimedia in San Francisco" (San Francisco Planning Department, August 1997), the multimedia
industry "facilitates access to and distribution of information through new communications tools and processes. Multimedia firms develop products or provide services integrating sound, image, video or text into a form that allows the user to interact with that information." (page 3) This description exactly fits Transilluminant's business since its business is based on the creation and distribution of computer-accessible information that integrates sounds, video, text and/or graphics.

Thank you for your prompt attention to this matter. Please feel free to contact the undersigned with any questions you have.

Sincerely,

David A. Thompson

cc: Mr. Mark B. Vogel, President and Chief Executive Officer
    Ms. Cheryl A. Sorokin, Vice President
Re: 149 Bluxome Street, Multi-Media Tenancy

Dear Mary and Julian:

McCluskey and Associates is the architect of record for base building improvements at the existing 149 Bluxome Street property. This property consists of one below grade level and two additional full floors at grade and above constituting an overall project of approximately 24,340 gross square feet. Since a portion of this below grade level accommodates onsite parking, the remaining gross square footage of the project accommodating multi-media occupancy constitutes approximately 18,633 gross square feet.

This base building upgrade constitutes a legal change of occupancy from light manufacturing to multi-media use.

We have prepared and submitted an environmental review application and an environmental General Rule Exception has been granted for this project.

Given the Planning Department's October 14, 1999 information flyer addressing internet technology and multi-media occupancy, we respectfully request that multi-media occupancy be approved as the sole tenancy for this property. Please consider this correspondence our request related to this letter of determination by the Department prior to submitting a building permit application.

In support of this multi-media occupancy, we have included a copy of the environmental review application, individual floor plans and a letter from the prospective tenant, Translluminant Corporation, dated October 22, 1999. This correspondence outlines Translluminant's services and appears to substantiate their use as a multi-media tenant.

We trust this information is sufficient for you to make this determination and remain available to respond to any questions or concerns you may have associated with this proposed multi-media occupancy.

Very truly yours,

Bill McCluskey

cc: Mr. Marc Bussin
    Mr. David Thompson

enc.
December 8, 1999

Mary Gallagher
Zoning Administrator
Department of City Planning
1660 Mission Street
5th Floor
San Francisco, CA 94103

Re: Request for Written Determination Pursuant to Planning Code Section 307(a)
149 Bluxome Street

Dear Ms. Gallagher:

I am the Chief Executive Officer of TransIlluminant Corporation. TransIlluminant is an Internet startup that provides services to businesses that are primarily in the consumer retailing and service sectors. These include financial services companies, major retailers, airlines, hotels and oil companies. TransIlluminant’s products turn standard reports, bills and statements into interactive portals which are published entirely online through the use of sophisticated computers, servers and networks. The end-users access these portals by use of their own computers through a combination of TransIlluminant’s and our clients’ websites. Portals are considered media companies because they provide business services and have functional operations and economic models akin to traditional broadcast and print media.

We are currently located in the South of Market “Multimedia Gulch” area of the City and need new quarters to expand our business. Because the building we have selected as our new premises is located within an SLI Zoning District, we are seeking a determination that we qualify under San Francisco Zoning regulations as a “Business Service”.

At our San Francisco location, TransIlluminant currently employs approximately 40 employees, the majority of whom are information designers, web designers, database administrators, system architects, web producers, graphics designers, quality engineers, Unix administrators, information systems engineers and desktop support engineers. We expect our staff to grow dramatically over the next several years with skill sets substantially similar to our current staff.

Mark B. Vogel
President
Chief Executive Officer
The Company currently operates in an open space configuration with no private offices. Its space includes a development data center housing its network interfaces and servers. At our new premises, the Company intends to occupy approximately 19,000 square feet in a similar open space configuration of which approximately 25% will serve as its data operation center. The operation of our business can be analogized to a broadcast media or publishing company using the Internet instead of the airwaves and computers instead of printing presses.

TransIlluminant’s operations fall within the “Business Service” use classification permitted as a primary use in the SLI Zoning District. The “Business Service” category of the Planning Code sections 816.47 and 890.111 include a use such as TransIlluminant. The examples of “Business Services” listed in 890.111 include radio and television stations, magazine and trade publications and desktop publishing. Like television and radio stations, TransIlluminant packages information with advertising and will distribute it to the public through a public access network, the Internet. The fact that this network transmits data in addition to video and audio signal and that computer monitors are used instead of television sets is immaterial. In fact, many of TransIlluminant’s potential customers are participating in ventures that will lead to TransIlluminant’s products being distributed through television set-top boxes and viewed on regular television screens.

Like magazine and trade publishing, TransIlluminant packages information with advertising, publishes it under its clients’ private labels and disseminates it to businesses and individuals; only the medium is different (the Internet versus hard copy). Like desktop publishing, TransIlluminant uses computers to produce its published materials; only the method of delivery to the end user is different. In sum, there is no valid distinction in the type of intensity of use between TransIlluminant’s operations and those of other media publishers for purpose of the broad definition set forth in section 890.111.

Although “multimedia” is not specifically defined in the current Planning Code, it would appear that TransIlluminant’s operations should also qualify for this classification. According to the Planning Department’s publication entitled Multimedia in San Francisco (San Francisco Planning Department, August 1997), the multimedia industry “facilitates access to and distribution of information through new communications tools and processes. Multimedia firms develop products or provide services integrating sound, image, video or text into a form...
that allows the user to interact with that information.” (p.3). This description exactly fits Transluminant’s business since our business is based on the creation and distribution of computer-accessible information that integrates sounds, video, text and/or graphics.

Thank you for your prompt attention to this matter. Please feel free to call with any questions. We are represented by David Thompson of Crosby, Heafey Roach & May (415-659-5968).

Sincerely,

Mark B. Vogel
President and Chief Executive Officer
CERTIFICATE OF DETERMINATION
OF
EXEMPTION/EXCLUSION FROM ENVIRONMENTAL REVIEW

Project Title: 99.586E - 149 Bluxome Street. Building conversion.

Location: 149 Bluxome Street, between Fifth Street and Sixth Street; Assessor's Bock 3785, Lot 022.

City and County: San Francisco

Description of Nature and Purpose of Project: The proposal includes the conversion of approximately 24,339 square feet of an existing light manufacturing/warehouse use (garment assembly/production) into multi-media use. The building contains three levels, including a basement. The structure would not be enlarged, however, five on-site, indoor parking spaces would be added within the building. The proposal includes the addition of a window, storefront door and garage entryway along the front facade and five windows along the west facade. The site is centrally located within the block, is 80 feet by 125 feet and has street frontage on Bluxome Street to the northwest. The project site is located within an SLI (Service/Light Industrial) District, where Business Service uses are permitted, is also within an IPZ (Industrial Protection Zone) and is within a 65-X height and bulk district, which permits construction to a height of 65 feet.

Name of Person, Board, Commission or Department Proposing to Carry Out Project: Siu Yuen Chung, requiring a building permit from the Department of Building Inspection.

EXEMPT STATUS: General Rule Exclusion (State Guidelines, Section 15061(b)(3)).

REMARKS: The existing structure would not be expanded, although building permits are required for the replacement of windows, doors, the installation of a new garage entryway and minor modifications to the interior for indoor parking spaces. The surrounding parcels are utilized as light industrial, retail, commercial and office space and the proposed remodel and change of use of the existing structure is consistent with the size, character and uses of the structures in the general area.

(continued on next page)

Contact Person: Cecilia M. Jaroslawsky
Telephone: (415) 558-6386

Date of Determination: 10/4/99

I do hereby certify that the above determination has been made pursuant to State and Local requirements.

Hillary Forman
Environmental Review Officer

cc: Angelica Chiong
Sponsor, Bulletin Board
M.D.F., Exemption/Exclusion File

g:\cmj\wp51\gre99.586\104/99
The project would convert light manufacturing/warehouse use to multi-media use. The Planning Code does not include a definition of multi-media use. Whether classified as business services, office or other use, the impacts of the multi-media employment would be similar to those associated with office employment.

As the site is presently in use for garment assembly, the conversion of the existing building would not result in an intensification of use on the site and the level of activity would be concentrated during the morning and evening, Monday through Friday only. Further, the level of activity would not exceed amounts associated with other uses within the area. Due to the relatively small size of the project, the change in area traffic as a result of the project would be undetectable to most drivers. The increase in parking demand attributable to the project would not substantially alter the existing parking conditions in the area.

CEQA State Guidelines Section 15061(b)(3) provides an exemption from environmental review where it can be seen with certainty that the proposed project would not have a significant effect on the environment. The conversion of 24,339 square feet from light manufacturing/warehouse use to multi-media service use would have minimal physical impacts on the environment. Based upon the above information and analysis, it can be seen with certainty that the proposed project could not have a significant effect on the environment and is appropriately exempt from environmental review.
ENVIRONMENTAL REVIEW APPLICATION

Owner/Applicant Information

Property Owner’s Name: Rainbeau Building Associated
Address: 120 Mission Street, San Francisco, CA
Telephone: (415) 255-7047
Zip: 94107

Applicant’s Name: McCluskey and Associates
Address: 735 Montgomery Street, 3rd Floor, San Francisco, CA
Telephone: (415) 391-5000
Zip: 94111

Project Contact Person: Bill McCluskey
Address: 735 Montgomery Street, 3rd Floor, San Francisco, CA
Telephone: (415) 391-5000
Zip: 94111

Site Information

Street Address(es) of Project: 149 Bluxome Street, San Francisco
Cross Street: Fifth and Sixth Streets
Assessors Block(s)/Lot(s): 3785/22
Zone District: SL
Site Size (Square Feet): 10,000 sq. ft.
Height/Bulk District: 40X

Project Description

Please Check All That Apply:

Additions Change of Use X New Construction Lot Split/Subdivision
Alterations Demolition Zoning Change Other

Please Provide the Following Information:

Present or Previous Use of the Site: Light Manufacturing
Please Describe Proposed Use: Business Services and Support/Onsite Parking

Building Permit Application No. N/A Date Filed: N/A
What Other Approvals Does Project Require? Building Permit Only
Estimated Construction Cost: $620,000.

Please Describe Your Proposed Project:

(Include existing uses on the site, changes proposed, and all proposed uses. Attach additional sheets if necessary.)

See Attachment A for building description, parking derivation and occupancy derivation

FILE NO: (For Staff Use Only)

Project Summary Table:

99.586E

CV on BR for end. Val demo.
(Please provide information on existing site conditions and proposed uses. You may round numbers. If you are not sure of the eventual size of the project, provide MAXIMUM estimates.)

<table>
<thead>
<tr>
<th>Category</th>
<th>Existing Uses</th>
<th>Existing Uses To Be Retained</th>
<th>Existing Space Converted to Other Use</th>
<th>New Construction</th>
<th>Project Totals</th>
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<tr>
<td>Office Gross Square Footage (GSF)</td>
<td>___</td>
<td>___</td>
<td>___</td>
<td>___</td>
<td>0</td>
</tr>
<tr>
<td>Retail GSF</td>
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<td>___</td>
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<td>___</td>
<td>___</td>
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<td>0</td>
</tr>
<tr>
<td>Other GSF Specify Use</td>
<td>21,418sq.ft. Light Industrial</td>
<td>___</td>
<td>18,633 sq. ft. Business Service</td>
<td>0</td>
<td>18,633 sq. ft. Business Services</td>
</tr>
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<td>24,339sq. ft.</td>
<td>0</td>
<td>18,633 sq. ft.</td>
<td>0</td>
<td>18,633 sq. ft.</td>
</tr>
</tbody>
</table>

|                |               |                              |                                      |                  |               |
| Dwelling Units | ___           | ___                          | ___                                  | ___              | 0             |
| Hotel Rooms    | ___           | ___                          | ___                                  | ___              | 0             |
| Parking Spaces | ___           | ___                          | ___                                  | ___              | 0             |
| Loading Spaces | 1             | ___                          | ___                                  | ___              | 0             |
| Height of Buildings | 32' - 8" | 32' - 8"                       | ___                                  | ___              | 32' - 8"       |
| Number of Stories | 2       | 2                            | ___                                  | ___              | 2             |
| Number of Buildings | 1       | 1                            | ___                                  | ___              | 1             |

If there are features of your project not included in this table, please describe:

N/A

If your project involves demolition, please describe the use and size (square footage) of each building to be demolished:

There will be not demolition as a result of this project.
Environmental Issues

(Please Respond to all questions below. If not applicable to your project, please answer "not applicable." For lengthy responses attach separate sheets.)

a) If you have received permits for any other projects in this vicinity within the last two years, please give permit numbers.

N/A

b) If your project proposes any one, or a combination of the following uses, a transportation study may be required, and you should submit a check for $160, along with a brief description of your project, to the Department's Transportation Section c/o Bill Wycko. The Transportation Section will determine whether an independent consultant-prepared transportation study is required, and if so, will consult with you regarding the scope of the study.

- Residential (multi-family, multi-bedroom): N/A 30 dwelling units or more
- General office space: N/A 25,000 sq. ft. or more
- General convenience retail: N/A 5,000 sq. ft. or more

c) If any trees greater than 4 inches in trunk diameter or taller than 20 feet would be removed, please submit a plot plan showing the location, size and common or botanic name(s) of each.

N/A

d) If, to your knowledge, any hazardous materials may have ever been present on the site, please attach a Phase I Site Assessment and any additional reports that are available.

No hazardous materials, to my knowledge

e) Is the site (a) level or has only a slight grade, (b) steeply sloped. Please explain and, if steeply sloped, provide a geotechnical or soils report.

The entire site is level.

f) If pile driving is proposed, please explain, If excavation is proposed, please describe the maximum depth anticipated, and provide an estimate of the amount of soil to be removed.

Pile driving is not proposed. Excavation is not proposed

g) If there are any designated landmarks or rated buildings on the site, please describe.

The building is not a designated landmark, a rated building no is it located within any historic districts

h) If the project would exceed 40 feet in height (via new construction or additions), please submit a Shadow Study Application at the Planning Information Counter.

The Project will not exceed 40 feet in height
Environmental Review Application Checklist

Please submit all materials shown below. The staff person assigned to the project will contact you if additional information is required in order for environmental review to proceed. All submittals should be labeled "For Environmental Review"

<table>
<thead>
<tr>
<th>SUBMIT THESE MATERIALS WITH APPLICATION</th>
<th>INDICATE THAT MATERIALS ARE PROVIDED</th>
<th>IF NOT SUBMITTED, PLEASE EXPLAIN</th>
</tr>
</thead>
<tbody>
<tr>
<td>Application with all blanks filled in</td>
<td>X</td>
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<tr>
<td>Map showing adjacent properties and those directly across the street</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Two sets of original address labels for adjacent properties (owner &amp; occupants) and those located across the street</td>
<td>REQUIRED?</td>
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<td>Photocopy of address labels</td>
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<tr>
<td>Site Plan and floor plan</td>
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<tr>
<td>8 ½ X 11 reduction of site plan</td>
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<tr>
<td>Elevations</td>
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<td>Photographs</td>
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<tr>
<td>Application signed by owner or agent</td>
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<tr>
<td>Letter authorizing agent to sign application</td>
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<tr>
<td>Special Studies (See cover sheet and p. 3 of the application.) Examples include Site Assessments for Hazardous Materials (required for gas station, auto repair, and dry cleaner sites), Soils Reports, etc. Please submit all available materials.</td>
<td>N/A</td>
<td></td>
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</tbody>
</table>

Applicant's Affidavit: I certify the accuracy of the following declarations.

a: The undersigned is the owner or authorized agent of the owner of this property.
b: The information presented is true and correct to the best of my knowledge.
c: I understand that other applications may be required.

Signed: [Signature]  Date: August 17, 1999

 Applicant or Owner

Bill McCluskey

(Print name of applicant in full)
PROPERTY DESCRIPTION

149 Bluxome is designated as Block 3785, Lot 22 with an overall site footprint is 125'-0" in the northsouth direction and 80' - 0" in the eastwest direction. This property consists of two levels at grade and above and one full below grade footprint, all floors covering the entire nominal site size. The building is flanked on the eastern side by a public way dimensioning 20'-1" from building face to building face across a through block right of way.

Located within the SLI (Service, Light Industrial) zoning designation, this building has no national or local historic rating.

The property abuts an existing building of similar height to the south, and to the west is an adjacent masonry building similar in height. The northern facade of the building faces on Bluxome and sidewalks at either street side are not provided. The clear dimension from the Bluxome Street facade to the opposite building on Bluxome Street dimensions 50'-2".

The Bluxome Street exterior facade consists of exterior red masonry in a conventional running bond. Four distinct exterior bays are recessed by a brick height, and these recesses contain cuplets of double hung, wood sash casement windows. These window sets are approximately 8'-0" wide by 7'-4" high.

The Bluxome Street facade is banded at the base with a concrete band of approximately 4'-5" in height and the upper parapet wall of the building evidences steel plate restraints indicating parapet ordinance upgrading. This upper portion of the building within the approximate upper 6' consists of a projecting masonry decorative belt coursing with corbeled masonry and a plastered effect. Exterior gutters and a rain water leaders occur at the northeast building corner.

The eastern facade exterior wall is not as decorative as the Bluxome Street elevation, however, the upper masonry units are corbeled. Wood sash double hung casement windows as the Bluxome Street facade are deeply recessed in the masonry and this facade is also provided with two sets of wood delivery doors.

The eastern facade consists of ten individual windows at the second level, and nine openings generally aligned with openings at the ground floor level.

Exit doors at the eastern facade have been updated and consist of metal doors in metal frames with the addition of above door transom lights approximately 8' high consisting of metal surrounds with wire patterned glass inserts.

Gauged k-lath has been installed at the shallow eastern elevation below grade windows to provide ventilation.
Bluxome Street is provided with two distinct existing railway track sets, one approximately five feet from the Bluxome Street facade.

Typical column spacing in eastwest direction results in four equal bays with nine equal bays in northsouth direction. Structural columns at the second floor consist of unprotected 8' x 8' timber supporting the roof beams consisting of 8' x 12' timber carrying the roof.

The roof joists consist of 2 x 8's at 24" on center in the eastwest direction and roof sheathing consists of straight nailed 1 x 6 with plywood above. Roof joist blocking occurs approximately 4' on center.

Heating and air movement at the property level appears to be provided by gas fired localized heaters with fans and operable exterior windows at the north and east facades.

The roof is crowned in the center providing drainage of the roof at the northeast location.

At the second floor, the north, east, and partial west facades are provided with wood double hung operable casement windows in wood sash. Most window openings are trimmed in wood sash.

**PARKING DERIVATION**

The existing below grade, ground and second levels are currently used for Light Manufacturing occupancies consisting of garment assembly and production. These existing three levels constitute 24,339 gross square feet. This gross square footage represents 21,418 occupied square feet. The parking credit for this property consists of 15 vehicular stalls based on occupied square footage based on the parking credit of one vehicle stall for each 1500 square feet.

The proposed occupancy, Business Services, requires parking at a ratio of 1 vehicular stall per each 1,000 square feet of occupied area or 20 stalls. The required parking deficit is resolved by our inclusion of developed onsite parking accommodating 5 self parked vehicles.

**OCCUPANCY DERIVATION**

Based on the total number of workers currently occupying the space, we conclude that 221 individuals occupy the premises during normal working hours. Photographs are included of existing interior conditions. Based on an area allocation of 175 square feet per occupant, a reasonable allocation per Business Service occupancy, we conclude that the proposed occupancy at the building will constitute 115 individuals. Accordingly, this change of occupancy neither constitutes a significant change in individuals at the property or development of new onsite areas.
August 17, 1999

Dear Bill,

Bill, this letter is to confirm that you represent my interests in the Bluxome St. project. Please feel free to have anyone call me to confirm this if you need to.

Again, thank you for time and help.

Best Always,

Marc Hussin
APPLICATION FOR BUILDING PERMIT
ADDITIONS, ALTERATIONS OR REPAIRS

FORM 3 □ OTHER AGENCIES REVIEW REQUIRED

FORM 8 □ OVER-THE-COUNTER ISSUANCE

NUMBER OF PLAN SETS

APPLICATION FOR BUILDING PERMIT
ADDITIONS, ALTERATIONS OR REPAIRS
DEPARTMENT OF BUILDING INSPECTION
APPLICATION 151 OF FORM 3 OTHER AGENCIES REVIEW REQUIRED
ADDITIONS, ALTERATIONS OR REPAIRS
DEPARTMENT OF BUILDING INSPECTION
APPLICATION 151 OF FORM 3 OTHER AGENCIES REVIEW REQUIRED

INFORMATION TO BE FURNISHED BY ALL APPLICANTS

LEGAL DESCRIPTION OF EXISTING BUILDING

UNIT OF CONSTRUCTION

DESCRIPTION OF ALTERATION AFTER PROPOSED ALTERATION

DESCRIPTION OF BLDG

ADDITIONAL INFORMATION

NOTICE TO APPLICANT

APPLICANT'S CERTIFICATION

DESCRIPTIVE STATEMENT

REPLACEMENT OF ALTERATION WITHIN THE PLAN AND SPECIFICATIONS SUBMITTED HEREWITH AND ACCORDING TO THE DESCRIPTION AND FOR THE PURPOSE HEREAFTER SET FORTH.

APPLICATION FOR BUILDING PERMIT
ADDITIONS, ALTERATIONS OR REPAIRS
DEPARTMENT OF BUILDING INSPECTION
APPLICATION 151 OF FORM 3 OTHER AGENCIES REVIEW REQUIRED
ADDITIONS, ALTERATIONS OR REPAIRS
DEPARTMENT OF BUILDING INSPECTION
APPLICATION 151 OF FORM 3 OTHER AGENCIES REVIEW REQUIRED

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REPLACEMENT OF ALTERATION WITHIN THE PLAN AND SPECIFICATIONS SUBMITTED HEREWITH AND ACCORDING TO THE DESCRIPTION AND FOR THE PURPOSE HEREAFTER SET FORTH.
### CONDITIONS AND STIPULATIONS

Contact the district building inspector at the start of work or call 558-6303 for plumbing inspection and scheduling at 558-6000. For electrical inspection scheduling call 558-6034. The final written report of the site inspection, detailed for repairs, must be submitted for a building permit within 30 days of the issuance of the final inspection report. Any electrical or plumbing work done in violation of code may result in cancellation of the permit and may be subject to penalties.

**Preparation of Pits and Decks**

- Any electrical or plumbing work done in violation of code may result in cancellation of the permit and may be subject to penalties.

**Approvals**

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<tr>
<th>Date</th>
<th>Name</th>
<th>Agency</th>
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<td>J. Duffy</td>
<td>BUREAU OF FIRE PREVENTION &amp; PUBLIC SAFETY</td>
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<td>JUN 09 2000</td>
<td>T. Hu</td>
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**Notified**

- MR.

**Reason**

- NA (Not Applicable)

**Approved**

- As noted on plans.
### Application Filing Fee

**Plan Checking Receipt**

**Date:** 5/1/00

**Received Of:** Eichler Corp.

**Building Application Numbers:** 000/05/01/82/04

<table>
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#### Fee for Application Filing and Checking Plans, Prescribed by San Francisco Building Code

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**Total:** $4,571.04

**By:** [Signature]

**Department of Building Inspection Central Permit Bureau**
Mr. David Thompson  
Crosby, Heafey, Roach and May  
Four Embarcadero Center, Suite 1900  
San Francisco, CA 94111-4106  

Re: Transilluminant Corp.  
149 Bluxome Street  
Multi-media/Internet Technology Zoning Determination

Dear Mr. Thompson:

This responds to your written inquiry of December 22, 1999 as well as Mr. Bill McCluskey's written inquiry of October 26, 1999. In both letters, the key question asked was whether Transilluminant Corp. qualifies as a business service use as defined under Planning Code Section 890.111, and is therefore a permitted use in the SLI (Service Light Industrial) zoning district.

In your December 22 letter you describe Transilluminant as an internet startup that provides products which turn standard reports, bills and statements into interactive portals which are published entirely online. I find that this use very much resembles uses currently listed under the definition of Business Service as defined in Section 890.111, such as radio and television stations; magazine and trade publishing; and desktop publishing. Indeed, had internet services been as omnipresent a decade ago, when the South of Market zoning controls were adopted, as they are today, I believe services such as those Transilluminant provides would have been specifically listed in Code Section 890.111. Therefore, I find that Transilluminant Corp., as a use, falls under the use category of Business Service and is therefore a permitted use in the SLI zoning district.

Any aggrieved person may appeal this decision to the Board of Appeals within 15 days of the date hereof. For further information, please contact the Board of Appeals in person at 1660 Mission Street, Room 3036, or by telephone at (415) 575-5880.

Sincerely,

Gerald G. Green  
Director of Planning  
Acting Zoning Administrator

cc: San Francisco Planning Commission  
San Francisco, CA 94103-2414  
(415) 558-4378  
PLANNING COMMISSION ADMINISTRATION  
CURRENT PLANNING/ZONING  
LONG RANGE PLANNING  
FAX: 436-4308  
February 17, 2000
LICENSED CONTRACTOR'S STATEMENT

Licensed Contractor's Declaration

Pursuant to the Business and Professions Code Sec. 7031.5, I hereby affirm under penalty of perjury that I am licensed under the provisions of Chapter 9 (commencing with Sec. 7000) of Division 3 of the Business and Professions Code, and that my license is in full force and effect.

License Number __________________________ License Class __________________________
Expiration Date __________________________ Contractor __________________________

Owner-Builder Declaration

I hereby affirm under penalty of perjury that I am exempt from the Contractor's License Law, Business and Professions Code (Sec. 7031.5). (Mark the appropriate box below.)

_____ I, as owner of the property, or my employees with wages as their sole compensation, will do the work, and the structure is not intended or offered for sale (Sec. 7044). I further acknowledge that I understand and agree that in the event that any work is commenced contrary to the representations contained herein, that the Permit herein applied for shall be deemed suspended.

X I, as owner of the property, am exclusively contracting with licensed contractors to construct this project (Sec. 7044). I certify that at the time such contractors are selected, I will have them file a copy of this form (Licensed Contractor's Declaration) prior to the commencement of any work. I further acknowledge that I understand and agree that, in the event that said contractors fail to file a copy of the Declaration with the Central Permit Bureau, that the Permit herein applied for shall be deemed suspended.

I am exempt under Business and Professions Code Sec. __________________________

Reason __________________________

Architect (PRINT) __________________________
Agent (PRINT) __________________________
Owner (PRINT) __________________________

(SIGNATURE) __________________________

NOTICE: "Any violation of the Bus. & Prof. Code Sec. 7031.5 by any permit applicant shall be subject to a civil penalty of not more than five hundred dollars ($500)." Bus. & Prof. Code Sec. 7031.5.

REV. CPI-1/95
CERTIFICATION OF AUTHORIZED AGENT

I hereby certify that for the purpose of filing an application for a building or other permit with the Central Permit Bureau, or completion of any form related to the S.F. building Code, or to City and County ordinances and regulations, or to state laws and codes, I am the agent of the owner and am authorized to sign all documents connected with this application or permit.

I declare under penalty of perjury that the foregoing is true and correct.

[Signature]
Applicant’s Signature

[Type or Print Name]

[Identification (DriversLic. No., etc.)]

[Owner/Lessee]

[Date]
LICENSED CONTRACTOR'S STATEMENT

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Reason ____________________________________________

Architect (PRINT) ____________________________
Date ____________
Agent (PRINT) Anne Marie Burger
Owner (PRINT) ____________________________
(SIGNATURE) ______________

NOTICE: "Any violation of the Bus. & Prof. Code Sec. 7031.5 by any permit applicant shall be subject to a civil penalty of not more than five hundred dollars ($500)." Bus. & Prof. Code Sec. 7031.5.
CERTIFICATION OF AUTHORIZED AGENT

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I declare under penalty of perjury that the foregoing is true and correct.

[Signature]
Applicant's Signature

[Print Name]
Anne-Mari Burger

[Identification]
(02) A1903303

[Driver's License Number, etc.]

[Signature]
Encour

Property Owner/Lessee

[Date]
8/23/00

CPB-37/85
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NOTES:

PERMIT INSPECTION RECORD
DEPARTMENT OF PUBLIC WORKS
CITY AND COUNTY OF SAN FRANCISCO
BUILDING INSPECTION JOB CARD
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<th>BUILDING INSPECTORS JOB RECORD</th>
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<td>By Edward Fang, DBI</td>
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WORK COMPLETED - FIRE CERTIFICATE POSTED

APP. NO. 200005018664 BUILDING INSPECTOR
NOTICE OF COMPLETION

NOTICE IS HEREBY GIVEN THAT:

1. The undersigned is the owner of the interest or estate stated below in the property described below.

2. The name of the undersigned is ENCIRQ CORPORATION.

3. The address of the undersigned is 149 Bluoxe Street, San Francisco, CA 94107.

4. The nature of interest or estate of the undersigned is a leasehold.

5. The full names and full addresses of all persons, if any, who hold title with the undersigned as joint tenants or as tenants in common are: N/A

6. The names of the predecessors in interest of the undersigned, if the property was transferred subsequent to the commencement of the work of improvement herein referred to are: N/A

7. A work of improvement on the property hereinafter described was completed on December 27, 2000.

8. The name of the original contractor, if any, for the work of improvement was Roberts & Sons Builders.

9. The kind or work done or material furnished was tenant improvements, including walls, electrical, glazing, etc.

10. The street address of the said property is 149 Bluoxe Street, San Francisco, California.


ENCIRQ CORPORATION

By: ____________________________
Name: Mark Goldman
Title: President

This instrument is delivered to the Recorder's office as an accommodation, by Chicago Title Insurance Company, for physical convenience only. It has not been examined as to its validity, condition or its effect upon title, if any.
VERIFICATION

I, the undersigned, say:

I am the person who signed the foregoing notice. I have read the above notice and know its contents, and the facts stated therein are true of my own knowledge.

I declare under penalty of perjury that the foregoing is true and correct.

Executed at San Francisco, California, this 20th day of March, 2001.

By: Mark Goldman
APPLICATION FOR BUILDING PERMIT
ADDITIONS, ALTERATIONS OR REPAIRS

CITY AND COUNTY OF SAN FRANCISCO
DEPARTMENT OF BUILDING INSPECTION
APPLICATION IS HEREBY MADE TO THE DEPARTMENT OF BUILDING INSPECTION OF SAN FRANCISCO FOR PERMIT TO BUILD IN ACCORDANCE WITH THE PLANS AND SPECIFICATIONS SUBMITTED HERETO AND ACCORDING TO THE DESCRIPTION AND FOR THE PURPOSE HEREFORSEP.

INFORMATION TO BE FURNISHED BY ALL APPLICANTS
LEGAL DESCRIPTION OF EXISTING BUILDING

B) USE OR OCCUPANCY

I. Office

DESCRIPTION OF BUILDING AFTER PROPOSED ALTERATION

II. Office

NOTE TO APPLICANT

HOLD HARMLESS CLAUSE. The undersigned, by execution of the permit, assume all liability and hold harmless the City and County of San Francisco from and against any and all claims, demands and losses for damages hereunder and cause to be indemnified any and all parties of the City and County of San Francisco against such claims, demands and losses.

In subscribing with the assent of Section 3014 of the Labor Code of the State of California, the applicant shall sign as a party to and shall include the permit issued to him, or if the same is applicable, the certificate of compliance issued to him, on the proper form, whether the same is to be applicable or not.

I certify that the work to be done is to be done by my own hands and returns.
LICENSED CONTRACTOR'S STATEMENT

Application #: 201301147903 Address: 149 Bluxome St.

Licensed Contractor's Declaration

Pursuant to the Business and Professions Code Sec. 7031.5, I hereby affirm under penalty of perjury that I am licensed under the provisions of Chapter 9 (commencing with Sec. 7000) of Division 3 of the Business and Professions Code, and that my license is in full force and effect.

<table>
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<th>License Number</th>
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Expiration Date 3/2013

Owner-Builder Declaration

I hereby affirm under penalty of perjury that I am exempt from the Contractor's License Law, Business and Professions Code (Sec. 7031.5). Mark the appropriate box below.

I, as owner of the property, or my employees with wages as their sole compensation, will do the work, and the structure is not intended or offered for sale (Sec. 7044). I further acknowledge that I understand and agree that in the event that any work is commenced contrary to the representations contained herein, that the Permit herein applied for shall be deemed suspended.

Architect, Agent

I, as owner of the property, am exclusively contracting with licensed contractors to construct this project (Sec. 7044). I certify that at the time such contractors are selected, I will have them file a copy of this form (Licensed Contractor's Declaration) prior to the commencement of any work. I further acknowledge that I understand and agree that, in the event that said contractors fail to file a copy of the Declaration with the Central Permit Bureau, that the Permit herein applied for shall be deemed suspended.

I am exempt under Business and Professions Code Section: _________________________________

Reason: _________________________________

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<th>Architect (PRINT)</th>
<th>Agent (PRINT)</th>
<th>Owner (PRINT)</th>
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Date: _________________________________

(SIGNATURE) _________________________________

NOTE: "Any violation of the Business and Professions Code Sec. 731.5 by any permit applicant shall be subject to a civil penalty of not more than five hundred dollars ($500)" Business and Professions Code Sec. 7031.5. Revised 04/30/2010.

1860 Mission Street – San Francisco CA 94103
Office (415) 658-6088 – Fax (415) 658-8401
Website: www.sfdbi.org
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BUILDING INSPECTORS JOB RECORD

DATE
12/13

BUILDING INSPECTOR

FINAL

EXPRESS

By

Edward Greene, DBI

WORK COMPLETED. FINAL CERTIFICATE ISSUED

APP. NO.
215 0147203

BUILDING INSPECTOR
Ordinance amending Zoning Map Sheets ZN01, ZN07, ZN08, HT01, HT07, and HT08 to revise use districts and height and bulk districts within the Western South of Market Plan Area; and making environmental findings, Planning Code, Section 302, findings, and findings of consistency with the General Plan and Planning Code, Section 101.1.

NOTE: Additions are single-underline italics Times New Roman; deletions are strike-through italics Times New Roman. Board amendment additions are double-underlined; Board amendment deletions are strikethrough-normal.

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

Section 1. Findings.

(a) California Environmental Quality Act.

In accordance with the actions contemplated herein, this Board adopted Ordinance No. , concerning findings pursuant to the California Environmental Quality Act (California Public Resources Code sections 21000 et seq.) A copy of said Ordinance is on file with the Clerk of the Board of Supervisors in File No. 130001 and is incorporated herein by reference.

(b) General Plan Consistency and Other Findings.

(1) Pursuant to Planning Code Section 302, this Board of Supervisors finds that this Ordinance will serve the public necessity, convenience, and welfare for the reasons set forth in Planning Commission Resolution No. 18760, and incorporates those reasons herein by

Supervisor Kim
BOARD OF SUPERVISORS
A copy of Planning Commission Resolution No. 18760 is on file with the Clerk of the Board of Supervisors in File No. 130003.

(2) This Board of Supervisors finds that this Ordinance is, on balance, consistent with the General Plan and the Priority Policies of Planning Code Section 101.1(b) for the reasons set forth in Planning Commission Resolution No. 18760, and incorporates those reasons herein by reference.

Section 2. Under Sections 106 and 302(c) of the Planning Code, the following zoning use designation amendments to Sheets ZN01, ZN02, ZN07, and ZN08 are hereby approved:

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Amendment of the Whole
In Board
11/25/08

FILE NO. 081153

ORDINANCE NO. 298-08

1 [Planning Code amendments for the Eastern Neighborhoods Area Plans.]

2

3 Ordinance amending the San Francisco Planning Code by adding and
4 amending various sections to implement the four Eastern Neighborhood
5 Area Plans comprised of the East SoMa, the Mission, the Showplace
6 Square/Potrero Hill, and the Central Waterfront Area Plans; adopting in-lieu
7 fees for on-site open space, trees, and affordable housing; adopting the
8 Eastern Neighborhoods impact fee subject to certain restrictions; and
9 making various findings, including environmental findings and findings of
10 consistency with the General Plan and priority policies of Planning Code
11 Section 101.1.

12 Note: Additions are single-underline italics Times New Roman;
deletions are strikethrough italics Times New Roman.
Board amendment additions are double underlined.
Board amendment deletions are strikethrough normal.

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

14 Section 1. Findings. The Board of Supervisors of the City and County of
15 San Francisco hereby finds and determines that:

16 (a) Under Planning Code Section 302, the Board of Supervisors finds
17 that this ordinance will serve the public necessity, convenience and welfare for
18 the reasons set forth in Planning Commission Resolution No. 17663
19 recommending the approval of this Planning Code Amendment and incorporates
20 such reasons by this reference thereto. A copy of said resolution is on file with
21 the Clerk of the Board of Supervisors in File No. 081153 and is incorporated
22 here by reference.
or highly combustible materials, and wholesale goods or commodities. This use shall include retail self-storage facilities for household goods.

(d) Self-Storage. Retail facilities for the storage of household and personal goods.

SEC. 890.70. OFFICE USE.

As used in this Article an office use is space within a structure intended or primarily suitable for occupancy by persons or entities which perform for their own benefit or provide to others at that location administrative services, design services, professional services, financial services or medical services as defined in Sections 890.28, 890.106, 890.108, 890.110 and 890.114. It does not include business services as defined in Section 890.111 or the office functions which are permitted by this Code as uses which are necessary to another permitted use.

(a) "Office use" shall mean space within a structure or portion thereof intended or primarily suitable for occupancy by persons or entities which perform, provide for their own benefit, or provide to others at that location services including, but not limited to, the following: Professional; banking; insurance; management; consulting; technical; sales; and design; and the non-accessory office functions of manufacturing and warehousing businesses; all uses encompassed within the definition of "office" in Section 219 of this Code; multimedia, software development, web design, electronic commerce, and information technology; all uses encompassed within the definition of "administrative services" in Section 890.106 of this Code; and all "professional services" as proscribed in Section 890.108 of this Code excepting only those uses which are limited to the Chinatown Mixed Use District.

(b) "Office use" shall exclude: retail uses; repair; any business characterized by the physical transfer of tangible goods to customers on the premises; wholesale shipping.
receiving and storage; and design showrooms or any other space intended and primarily suitable for display of goods.

SEC. 890.88. RESIDENTIAL USE.

A use which provides housing for San Francisco residents, rather than visitors, including a dwelling unit or group housing, as defined in Subsections (a) and (b) below, or a residential hotel, as defined in Section 890.47 of this Code and in Chapter 41 of the San Francisco Administrative Code.

(a) Dwelling Unit. A residential use which consists of a suite of two or more rooms and includes sleeping, bathing, cooking, and eating facilities, and has only one kitchen.

(b) Group Housing. A residential use which provides lodging or both meals and lodging without individual cooking facilities for a week or more at a time in a space not defined as a dwelling unit. Group housing includes, but is not limited to, a roominghouse, boarding house, guest house, lodging house, residence club, commune, fraternity and sorority house, monastery, nunnery, convent, and ashram. It also includes group housing operated by a medical or educational institution when not located on the same lot as such institution.

(c) Single Room Occupancy (SRO) Unit. A dwelling unit or group housing room consisting of no more than one occupied room with a maximum gross floor area of 350 square feet and meeting the Housing Code's minimum floor area standards. The unit may have a bathroom in addition to the occupied room. As a dwelling unit, it would have a cooking facility and bathroom. As a group housing room, it would share a kitchen with one or more other single room occupancy unit/s in the same building and may also share a bathroom. A single room
occupancy building (or "SRO" building) is one that contains only SRO units and non nonaccessory living space.

SEC. 890.111. SERVICE, BUSINESS.

A use which provides the following kinds of services to businesses and/or to the general public and does not fall under the definition of "office" pursuant to Section 890.70: radio and television stations; newspaper bureaus; magazine and trade publication publishing; desktop-publishing; product-testing laboratories; microfilm recording; slide duplicating; bulk mail services; parcel shipping services; parcel labeling and packaging services; messenger delivery/courier services; uniform-security services; sign painting and lettering services; building maintenance services; interior-decorating services.

Article 10.0 – Preservation of Buildings and Districts of Architectural, Historical, and Aesthetic Importance in the C-3 Districts

APPENDIX I TO ARTICLE 10 SOUTH END HISTORIC DISTRICT

SEC. 10. ADDITIONS.

Additions to existing buildings and new infill construction proposed within the South End Historic District must reflect an understanding of the relationship of the proposal with the contributing buildings within the district. Additions shall be reviewed for compatibility with the historic building and the district while infill construction shall be reviewed for compatibility with the overall district. Neither should directly imitate nor replicate existing features. For additions, every effort should be made to minimize the visibility of the new structure within the district. Infill construction should reflect the character of the district, including the prevailing heights of contributing buildings without creating a false sense of history. Property owners should consult early in the