



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- Affordable Housing (Sec. 415)
- Jobs Housing Linkage Program (Sec. 413)
- Downtown Park Fee (Sec. 412)
- First Source Hiring (Admin. Code)
- Child Care Requirement (Sec. 414)
- Other (TIDF, Sec. 411)

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Planning Commission Motion No. 19441

HEARING DATE: SEPTEMBER 3, 2015

Case No.: **2014.0954C**
 Project Address: **1314 Fitzgerald Avenue & 1409 Egbert Avenue**
 Zoning: PDR-1-B (Production, Distribution & Repair-Light Industrial Buffer) & PDR-2 (Core Production, Distribution, and Repair-Bayview) District 40-X Height and Bulk District
 Block/Lot: 4912/001, 002 and 016
 Project Sponsor: Alice Barkley, Duane Morris
 1 Market Plaza, Spear Tower, Ste. 2200
 San Francisco, CA 94105
 Staff Contact: Richard Sucre – (415) 575-9108
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 Recommendation: **Approval with Conditions**

ADOPT FINDINGS RELATING TO THE APPROVAL OF A CONDITIONAL USE AUTHORIZATION FOR A PLANNED UNIT DEVELOPMENT TO SUBDIVIDE LARGE LOTS IN A PDR DISTRICT, DEMOLISH SIX INDUSTRIAL BUILDINGS, AND CONSTRUCT TWO NEW INDUSTRIAL BUILDINGS (COLLECTIVELY MEASURING APPROXIMATELY 28,200 SQUARE FEET) PURSUANT TO SECTIONS 121.9, 151, 303 AND 304 OF THE PLANNING CODE WITH A MODIFICATION TO THE REQUIREMENTS FOR OFF-STREET PARKING (PLANNING CODE SECTION 151) WITHIN THE PDR-1-B (PRODUCTION, DISTRIBUTION AND REPAIR-LIGHT INDUSTRIAL BUFFER) AND PDR-2 (CORE PRODUCTION, DISTRIBUTION, AND REPAIR-BAYVIEW) ZONING DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT, AND TO ADOPT FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND PLANNING CODE SECTION 101.1.

PREAMBLE

On August 14, 2014, Alice Barkley of Duane Morris on behalf of 1357-1359 Masonic LLC (hereinafter “Project Sponsor”) filed an application with the Planning Department (hereinafter “Department”) for a Planned Unit Development and Conditional Use Authorization under Planning Code Sections 121.9, 151, 303 and 304 to allow the subdivision of large lots in a PDR District, demolish six industrial buildings and construct two new industrial buildings (collectively measuring 28,200 square feet) with a modification to the off-street parking requirements within the PDR-1-B (Production, Distribution and Repair-Light Industrial Buffer) and PDR-2 (Core Production, Distribution and Repair-Bayview) Zoning District and a 40-X Height and Bulk District.

On March 26, 2015, the Project was determined to be exempt from the California Environmental Quality Act ("CEQA") as a Class 15302(b) Categorical Exemption under CEQA as described in the determination contained in the Planning Department files for this Project.

On September 3, 2015, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2014.0954C.

The Planning Department, Jonas P. Ionin, is the custodian of records, located in the File for Case No. 2014.0954C at 1650 Mission Street, Fourth Floor, San Francisco, California.

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

MOVED, that the Commission hereby authorizes the Conditional Use requested in Application No. 2014.0954C, 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 proposed project is located on the east side of the block bounded by Fitzgerald Avenue, Jennings Street and Egbert Avenue, on Block 4912, Lots 001, 002 and 016. Collectively, the project site has approximately 300-ft of frontage along Egbert Avenue, 300-ft of frontage along Fitzgerald Avenue, and 200-ft of frontage along Jennings Street. The subject lots collectively measure 60,000 square feet. Currently, the project site is developed with ten (10) buildings, including:
 - 1401 Egbert Avenue/2814-2822 Jennings Street (Block 4912, Lot 001) – a two-story mixed-use building located at the southeast corner of Egbert Avenue and Jennings Street with ground floor commercial use, and a second floor residential use (approximately 5,586 square feet);
 - 1405 Egbert Avenue (Block 4912, Lot 001) – a one-story industrial building (approximately 18-ft tall) fronting onto Egbert Avenue (approximately 2,680 square feet);
 - 2824-2836 Jennings Street (Block 4912, Lot 002) – a two-story mixed-use building with frontage onto Jennings Street with ground floor commercial use and a second floor residential use (approximately 3,920 square feet);
 - 1300-1306 Fitzgerald Avenue (Block 4912, Lot 002) – a two-story mixed-use building (approximately 19- to 21-ft tall) at the northwest corner of Fitzgerald Avenue and Jennings

- Street with residential and commercial uses on the ground floor, and residential use on the second floor (approximately 2,806 square feet);
- 1314-1318 Fitzgerald Avenue (Block 4912, Lot 002) – a double-height one-story industrial building (approximately 18-ft tall) with frontage onto Fitzgerald Avenue (approximately 4,971 square feet) that reads contiguously with 1318-1320 Fitzgerald Avenue and 1322 Fitzgerald Avenue;
 - 1324 Fitzgerald Avenue/1439 Egbert Avenue (Block 4912, Lot 016) – a double-height one-story industrial building (approximately 18-ft tall) with frontage onto Fitzgerald Avenue and Egbert Avenue (approximately 27,170 square feet);
 - 1425-1427 Egbert Avenue (Block 4912, Lot 016) – a two-story barn-like industrial building (approximately 35-ft tall) with corrugated metal siding with frontage onto Egbert Avenue (approximately 5,530 square feet);
 - 1419 Egbert Avenue (Block 4912, Lot 016) – a one-story industrial building with a gable roof (approximately 18-ft) with frontage onto Egbert Avenue (approximately 4,312 square feet);
 - 1322 Fitzgerald Avenue (Block 4912, Lot 016) – a one-story industrial building (approximately 21-ft tall) with frontage onto both Fitzgerald Avenue and Egbert Avenue that reads contiguously with 1314-1318 Fitzgerald Avenue and 1318-1320 Fitzgerald Avenue (approximately 4,724 square feet);
 - 1318-1320 Fitzgerald Avenue (Block 4912, Lot 016) – a one-story irregularly-shaped industrial building (approximately 18-ft tall) with frontage on Fitzgerald Avenue that reads contiguously with 1314-1318 Fitzgerald Avenue and 1322 Fitzgerald Avenue (approximately 4,953 square feet); and,
 - Building 10 (Block 4912, Lot 016; no address) – a rectangular car port/shed with no walls and no street frontage constructed between Buildings 6, 8 and 9 (approximately 502 square feet).
3. **Surrounding Properties and Neighborhood.** The area surrounding the project site is industrial in character to the north, and residential in character to the south and east. Adjacent to the project site to the west is a larger-scale, two-story industrial property. Directly south of the project site across Fitzgerald Avenue are several two-story single-family residences. To the north of the project site are several one-to-two-story industrial properties with large-scale roll-up doors and wide curb cuts. The project site is located across two zoning districts: PDR-2 to the north, and PDR-1-B to the south. Nearby zoning districts include: RM-1 (Residential, Mixed, Low Density), RH-1 (Residential, House, One-Family), M-1 (Light Industrial) and NC-3 (Moderate-Scale Neighborhood Commercial).
4. **Project Description.** The proposed project would subdivide the existing three lots on the project site into four new lots, demolish six smaller-scale industrial buildings (collectively measuring approximately 27,170 square feet) and construct two new, larger-scale industrial buildings (each measuring 14,100 square feet; collectively measuring 28,200 square feet). The two new industrial buildings would be used for light manufacturing, and would be approximately 30-ft tall in height with a clear interior ceiling height of 25-ft 8-in. The two new industrial buildings would be subdivided into smaller commercial units, each measuring approximately 3,525 square feet. The

project would retain an existing one-and-one-half-story industrial building (1324 Fitzgerald Street/1439 Egbert Avenue; measuring approximately 22,000 square feet) and the three, two-story, mixed-use buildings with ground floor retail (collectively measuring 2,425 square feet) and approximately five dwelling units (1401 Egbert Avenue/2814-2822 Jennings Street; 2824-2836 Jennings Street; 1300-1306 Fitzgerald Avenue) located along Jennings Street between Egbert and Fitzgerald Avenues. As part of the lot line subdivision, the project would provide for a rear yard for the adjacent mixed-use buildings, which front onto Jennings Street. The four new lots would be subdivided to align to the existing and proposed buildings on the project site.

5. **Public Comment.** The Department has received two inquiries about the project. These inquiries have not expressed either support or opposition to the project. On August 5, 2015, the Bayview Hunters Point Citizens Advisory Committee recommended approval of the project with a condition that the Project Sponsor explore perpendicular on-street parking along Fitzgerald Avenue.
6. **Planning Code Compliance:** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:

- A. **Use.** Planning Code Section 210.3 outlines the permitted uses within PDR Districts.

The Project proposes new light industrial use, which is a permitted use in the PDR-1-B and PDR-2 Zoning Districts. The individual tenant spaces are approximately 3,535 square feet in size.

- B. **Subdivision of Large Lots in PDR Districts.** Planning Code Section 121.9 requires Conditional Use Authorization for proposals, which subdivide, resubdivide or perform a lot line adjustment to a parcel that is equal to or greater than 10,000 square feet into one or more smaller parcels.

On Block 4912, the project site currently includes: Lot 001, which measures 75-ft by 100-ft or 7,500 square feet; Lot 002, which measures 75-ft by 100-ft or 7,500 square feet; and, Lot 016, which measures 200-ft by 225-ft or 45,000 square feet. The Project would reconfigure the three existing lots into four new lots, which would align with the configuration of the existing and proposed buildings. The four new lots would measure: 47-ft by 200-ft (2814-2812 and 2824-2836 Jennings Streets); 100-ft by 141-ft (1314 Fitzgerald Avenue); 100-ft by 141-ft (1409 Egbert Avenue); and 112-ft by 200-ft (1324 Fitzgerald Avenue/1439 Egbert Avenue). Since the project would subdivide the existing large lot into smaller lots, the Project requires Conditional Use Authorization from the Planning Commission (See Below).

- C. **Floor Area Ratio.** Planning Code Section 124 establishes a FAR (Floor Area Ratio) of 3.0 to 1 for properties within the PDR-1-B and PDR-2 Zoning District and a 40-X Height and Bulk District. The project site is approximately 60,000 square feet; therefore, a maximum 18,000 square feet is permitted.

The Project would construct approximately 28,200 gsf of new square feet, thus resulting in a total non-residential square footage of 57,795 gsf on the project site. Therefore, the Project complies with Planning Code Section 124.

- D. **Street Trees/Streetscape Plan.** Planning Code Section 138.1 requires one new street tree for every 20 feet of street frontage for projects proposing new construction, as well as a streetscape plan, which includes elements from the Better Streets Plan. Therefore, the project is required to provide seven new street trees along Fitzgerald Avenue and seven new street trees along Egbert Avenue.

In front of the new construction, the Project would install seven new street trees along Egbert Avenue and seven new street trees along Fitzgerald Avenue. Therefore, the Project complies with Planning Code Section 138.1.

- E. **Bird Safety.** Planning Code Section 139 outlines the standards for bird-safe buildings, including the requirements for location-related and feature-related hazards.

The subject lot is not located in close proximity to an Urban Bird Refuge. The proposed project meets the requirements of feature-related standards and does not include any unbroken glazed segments 24-sq ft and larger in size; therefore, the Project complies with Planning Code Section 139.

- F. **Ground Floor Standards.** Planning Code Section 145.5 requires a ground floor space with a minimum floor-to-floor height of 17-ft for new construction in Industrial Districts.

The Project proposes a ground floor ceiling height of 25-ft 8-in; therefore, the Project complies with Planning Code Section 145.5.

- G. **Off-Street Parking.** Planning Code Section 151 requires one off-street parking space for every 1,500 square feet of occupied floor area where the occupied floor area exceeds 7,500 square feet for manufacturing and industrial uses in the PDR-1-B and PDR-2 Zoning Districts. Therefore, the project is required to provide a total of 19 off-street parking spaces.

The Project provides one off-street parking space for each of the eight tenant spaces, thus resulting in a total of 8 off-street parking spaces. Therefore, the Project is seeking a modification of the off-street parking requirement as part of the Planned Unit Development.

- H. **Off-Street Freight Loading.** Planning Code Section 152 requires one freight loading parking space for new gross floor area between 10,001 and 60,000 square feet for retail stores, wholesaling and manufacturing in newly constructed structures and all other uses primarily engaged in the handling of goods. Therefore, the project is required to provide one off-street freight loading parking spaces.

The Project would provide one off-street freight loading parking spaces for each of the eight tenant spaces, thus resulting in a total of eight off-street freight loading parking spaces. Therefore, the Project complies with Planning Code Section 152.

- I. **Bicycle Parking.** Planning Code Section 155.2 requires one Class 1 bicycle parking spaces for every 12,000 square feet of occupied floor area for light manufacturing uses, and a minimum of two Class 2 bicycle parking spaces. Therefore, the Project is required to provide 2 Class 1 bicycle parking spaces and 2 Class 2 bicycle parking spaces.

The Project would provide 8 Class 1 bicycle parking spaces and 8 Class 2 bicycle parking spaces. Therefore, the Project complies with Planning Code Section 155.2.

- J. **Demolition of Industrial Buildings.** Planning Code Section 202.7 requires the replacement of an industrial building with at least one square foot of industrial use for each square foot of industrial use being demolished, if the demolition represents greater than .4 FAR.

Since the demolition represents greater than .4 FAR, the Project proposes a one for one replacement of the industrial uses. Currently, the existing buildings contain a total of 27,120 square feet of industrial use. The Project would construct a total of 28,200 square feet of industrial use; thus, exceeding the requirement. Therefore, the Project complies with Planning Code Section 202.7.

- K. **Transit Impact Development Fees.** Planning Code Section 411 is applicable to new industrial development over 800 sq ft.

The Project includes 28,200 sq ft of new industrial use. However, the existing site contains approximately 27,120 sq ft of existing industrial use. Therefore, the Project will receive a prior use credit, as outlined in Planning Code Section 411.3(d), and will pay the appropriate development impact fees for new construction.

7. **Planning Code Section 121.9** establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use Authorization to subdivide a large lot in a PDR Zoning District. On balance, the project does comply with said criteria in that:

- A. The proposed parcelization will support light industrial activities in the district.

The proposed parcelization is supportive of light industrial activities on the project site. The parcelization assists in aligning the parcels to the existing and proposed buildings.

- B. If the resulting parcelization will require demolition of a structure, the demolition of the structure complies with the replacement requirement per Section 230.

The Project complies with Planning Code Section 202.7 (formerly Planning Code Section 230). The Project includes a one square foot for one square foot replacement of industrial use. The Project removes a series of smaller-scale industrial buildings, in lieu of two, larger-scale industrial buildings, which are subdivided to accommodate up to eight, individual tenants.

- C. The uses proposed for the parcels, if any, comply with the cumulative use size limits detailed in the PDR Zoning Control Table.

The Project complies with the cumulative use size limits defined in Planning Code Section 210.3. The Project proposed light industrial uses, and does not include retail or office uses.

8. **Planning Code Section 303** establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use Authorization. On balance, the project does comply with said criteria in that:

- A. The proposed new uses or feature, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable for, and compatible with, the neighborhood or the community.

The project site is located in an area of the City that has maintained a mix of industrial, commercial and residential uses. As part of the adoption of the Bayview Hunters Point Area Plan in 2006, the project site was rezoned to PDR-1-B, which provides a buffer between light industrial and residential uses, and PDR-2, which is a district that allows and encourages light to moderate industrial uses. The PDR-1-B Zoning District allows for less intensive production, distribution and repair activities, that do not compromise the quality of life of nearby residents. The PDR-2 Zoning District encourages the introduction, intensification, and protection of a wide range of light and contemporary industrial activities. As part of their daily operations, PDR activities in these areas may emit noises, vibrations, odors, and other emissions, as permitted by law.

The Project is necessary and desirable for, and compatible with, the neighborhood. This Project would replace a series of dilapidated and unused PDR buildings with newer PDR structures, which are better suited to contemporary PDR use, as evidenced by the tall ground floor ceiling heights, garage entrances and contemporary construction. Therefore, the Project is not only desirable for the neighborhood, but also for the City as a whole and the Bay Area, because of the need for newer contemporary PDR space, which is appropriately scaled, in order to accommodate a wide range of potential tenants. Finally, the light industrial nature of the Project is compatible with the two PDR zoning districts, since an appropriate buffer is provided to the adjacent residential neighbor to the south, while also maintaining the area's strong industrial character.

- B. Such use or feature as proposed will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity, or injurious to property, improvements or potential development in the vicinity, with respect to aspects including but not limited to the following:

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

The Project would construct two new industrial buildings, each measuring 14,100 square feet (total 28,200 square feet). In total, the two buildings will be sub-divided into eight tenant spaces, which would each measure 3,525 square feet and contain one off-street freight loading parking space and one off-street parking space. The overall floor to ceiling height would measure 25-ft 8-inches. The Project appears to be appropriately scaled for a

contemporary light industrial use, and is arranged in a manner to allow for a rear yard for the nearby residential properties along Jennings Street. The proposed parcelization of the existing site supports the PDR use, while also improving the character of the existing mixed-use buildings.

- ii. The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed off-street parking and loading;

The Project will have minimal impact on traffic. The project site is located in close proximity to the Third St. light rail station and 29-Baker Beach and 91-West Portal Station bus lines. In support of the City's transit-first policies, the project provides a reduced number of off-street parking spaces as well as the required number of Class 1 and Class 2 bicycle parking spaces. Each of the tenant spaces also accommodates an off-street freight loading space, thus adequate parking/loading is provided by the Project.

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

As noted by the Project Sponsor, all exterior lighting will be cast downward. Relative to the existing industrial buildings, there will be no increase in noise, glare, dust or odor. The new buildings will comply with the City's Noise Ordinance and Title 24 requirements to ensure that the nearby residents along Fitzgerald Avenue are not adversely impacted.

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

The Project will provide new street trees on Egbert and Fitzgerald Avenues, which currently do not possess any street trees. There is no exterior parking or loading as part of the Project. Therefore, the Project greatly improves the public realm.

- C. That the use as proposed will comply with the applicable provisions of the Planning Code and will not adversely affect the General Plan.

The proposed development complies with the goals of the Bayview Hunters Point Area Plan, which encourages light industrial uses. Further, the Project complies with the PDR-1-B and PDR-2 Zoning Districts, and complies with and promotes many of the Objectives and Policies of the General Plan (See Below).

- 9. **Planning Code Section 304** establishes procedures for Planned Unit Developments, which are intended for projects on sites of considerable size, including an area of not less than half-acre, developed as integrated units and designed to produce an environment of stable and desirable character, which will benefit the occupants, the neighborhood and the City as a whole. In the cases of outstanding overall design, complementary to the design and values of the surrounding area, such a project may merit a well-reasoned modification of certain provisions contained elsewhere in the Planning Code.

A. **Criteria and Limitations.** Section 304(d) establishes criteria and limitations for the authorization of PUDs over and above those applicable to Conditional Uses in general and contained in Section 303 and elsewhere in the Code. On balance, the Project complies with said criteria in that it:

- 1) Affirmatively promotes applicable objectives and policies of the General Plan;

The Project complies with the objectives and policies of the General Plan (See Below).

- 2) Provides off-street parking adequate for the occupancy proposes.

As discussed above, Planning Code Section 151 requires 19 off-street parking spaces for the Project. The Project Sponsor requests approval to provide no fewer than 8 parking spaces. Therefore, the Project would provide one off-street parking space for each of the eight tenant spaces. In support of the City's transit first policies and to maximize the area dedicated to the proposed PDR uses, the Project Sponsor is requesting a modification of the off-street parking requirements as part of the PUD.

- 3) Provide open space usable by the occupants and, where appropriate, by the general public, at least equal to the open spaces required by this Code;

The Project is not required to provide any on-site open space.

- 4) Be limited in dwelling unit density to less than the density that would be allowed by Article 2 of this Code for a district permitting a greater density, so that the Planned Unit Development will not be substantially equivalent to a reclassification of property;

No dwelling units are proposed.

- 5) In R Districts, include commercial uses only to the extent that such uses are necessary to serve residents of the immediate vicinity, subject to the limitations for NC-1 Districts under this Code, and in RTO Districts include commercial uses only according to the provisions of Section 230 of this Code;

The Project is not located in an R District.

- 6) Under no circumstances be excepted from any height limit established by Article 2.5 of this Code, unless such exception is explicitly authorized by the terms of this Code. In the absence of such an explicit authorization, exceptions from the provisions of this Code with respect to height shall be confined to minor deviations from the provisions for measurement of height in Sections 260 and 261 of this Code, and no such deviation shall depart from the purposes or intent of those sections.

The Project is not requesting any exceptions to the height limits. The Project proposes new construction, which is approximately 30-ft tall, which complies with the 40-X Height and Bulk District.

- 7) In NC Districts, be limited in gross floor area to that allowed under the floor area ratio limit permitted for the district in Section 124 and Article 7 of this Code;

The Project is not located in an NC District.

- 8) In NC Districts, not violate the use limitations by story set forth in Article 7 of this Code; and

The Project is not located in an NC District.

- 9) In RTO and NCT Districts, include the extension of adjacent alleys or streets onto or through the site, and/or the creation of new publicly-accessible streets or alleys through the site as appropriate, in order to break down the scale of the site, continue the surrounding existing pattern of block size, streets and alleys, and foster beneficial pedestrian and vehicular circulation.

The Project is not located in a RTO or NC District.

- 10) Provide street trees as per the requirements of Section 138.1 of the Code.

The Project meets the requirements of Planning Code Section 138.1, and incorporates seven new street trees along Egbert Avenue and seven new street trees along Fitzgerald Avenue.

- 11) Provide landscaping and permeable surfaces in any required setbacks in accordance with Section 132 (g) and (h).

The Project is not subject to the requirements of Planning Code Section 132(g) and (h); however, the Project will incorporate new street trees, new sidewalk paving and new curb cuts.

B. Modifications. The Project Sponsor requests the following modification from the requirements of the Planning Code. These modifications are listed below, along with a reference to the relevant discussion for each modification.

- 1) Planning Code Section 151 requires one off-street parking space for every 1,500 square feet of occupied floor area where the occupied floor area exceeds 7,500 square feet for manufacturing and industrial uses in the PDR-1-B and PDR-2 Zoning Districts. Therefore, the project is required to provide a total of 19 off-street parking spaces.

In support of the City's transit first policies and to maximize the area dedicated to the proposed PDR uses, the Project would provide a total of 8 off-street parking spaces. The Project Sponsor finds that the provided number of parking spaces will adequately serve the proposed uses. Further, the Project is located within close proximity to frequent bus and light rail lights. Therefore, the Commission supports the modification for reduced off-street parking.

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

COMMERCE AND INDUSTRY ELEMENT

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 3:

PROVIDE EXPANDED EMPLOYMENT OPPORTUNITIES FOR CITY RESIDENTS, PARTICULARLY THE UNEMPLOYED AND ECONOMICALLY DISADVANTAGED.

Policy 3.1

Promote the attraction, retention and expansion of commercial and industrial firms which provide employment improvement opportunities for unskilled and semi-skilled workers.

The Project will provide substantial net benefits to the City by providing new contemporary PDR space. This Project would accommodate new light industrial uses and will provide new opportunity for employment. The project site is located in the PDR-1-B and PDR-2 Zoning Districts, and is located in an area that currently possesses industrial uses adjacent to residential uses. The Project is consistent with both zoning districts and will enhance the light industrial capabilities of the site. The Project will provide new PDR space and will attract, retain and expand an existing PDR use, which will result in new opportunities for employment of unskilled or semi-skilled workers.

AIR QUALITY ELEMENT

OBJECTIVE 3:

DECREASE THE AIR QUALITY IMPACTS OF DEVELOPMENT BY COORDINATION OF LAND USE AND TRANSPORTATION DECISIONS.

Policy 3.9:

Encourage and require planting of trees in conjunction with new development to enhance pedestrian environment and select species of trees that optimize achievement of air quality goals.

TRANSPORTATION ELEMENT

Objectives and Policies

OBJECTIVE 24:

IMPROVE THE AMBIENCE OF THE PEDESTRIAN ENVIRONMENT.

Policy 24.2:

Maintain and expand the planting of street trees and the infrastructure to support them.

The Project will plant new street trees along Egbert Avenue and Fitzgerald Avenue. Currently, these streets do not contain any street trees; therefore, the planting of new street trees will support the City's public realm and air quality goals.

OBJECTIVE 28:

PROVIDE SECURE AND CONVENIENT PARKING FACILITIES FOR BICYCLES.

Policy 28.1:

Provide secure bicycle parking in new governmental, commercial, and residential developments.

Policy 28.3:

Provide parking facilities which are safe, secure, and convenient.

The Project includes 8 Class 1 bicycle parking spaces and 8 Class 2 bicycle parking spaces in secure, convenient locations.

BAYVIEW HUNTERS POINT AREA PLAN

Objectives and Policies

OBJECTIVE 1:

STIMULATE BUSINESS, EMPLOYMENT, AND HOUSING GROWTH WITHIN THE EXISTING GENERAL LAND USE PATTERN BY RESOLVING CONFLICTS BETWEEN ADJACENT INDUSTRIAL AND RESIDENTIAL AREAS.

Policy 1.3:

Maintain buffer zones where housing and industry occur in close proximity to each other to better define the configuration of residential neighborhoods and areas reserved for industrial activity.

Policy 1.5:

Encourage a wider variety of light industrial uses throughout the Bayview by maintaining the newly established Production, Distribution and Repair zoning, by more efficient use of industrial space, and by more attractive building design.

OBJECTIVE 8:

STRENGTHEN THE ROLE OF BAYVIEW'S INDUSTRIAL SECTOR IN THE ECONOMY OF THE DISTRICT, THE CITY, AND THE REGION.

Policy 8.1:

Maintain industrial zones for production, distribution, and repair activities in the Northern Gateway, South Basin, Oakinba, and India Basin Industrial Park subdistricts.

The Project is consistent with the PDR-1-B and PDR-2 zoning districts, and appropriate maintains the buffer between the industrial and residential areas by providing for a compatible new light industrial use. The Project remains consistent with site's past history and continues the light industrial activities that were once present at the site. The Project replaces an older, dilapidated industrial building with a newer structure. The Project assists in strengthen the area's industrial sector by providing for contemporary space for light industrial uses, which meets the needs of today's tenants.

11. **Planning Code Section 101.1(b)** establishes eight priority-planning policies and requires review of permits for consistency with said policies. On balance, the project does comply with said policies in that:
 - A. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses be enhanced.

No neighborhood-serving retail uses exist on the site. The project will provide new industrial use, thus satisfying an existing demand of new industrial space within the City.

- B. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods.

No housing exists on the site. The neighborhood contains a mix of residential and industrial uses that will be minimally impacted by the construction of a new industrial building.

- C. That the City's supply of affordable housing be preserved and enhanced,

No housing is created or removed as part of this project.

- D. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking.

The Project will not impede Muni transit service in the area. The site contains sufficient off-street parking for the employees and visitors and will not overburden neighborhood streets or parking. The project site is within proximity to the 3rd Street, which is well-served by the T-Line (3rd Street) light rail, and 29-Baker Beach and 91 –West Portal Station bus lines.

- 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 does not include commercial office development. Rather, the Project provides a new industrial use, which is compatible with the area's mixed character. The Project provides new opportunities for employment, thus contributing to the City's diverse economic base.

- F. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake.

The project will be designed and will be constructed to conform to the structural and seismic safety requirements of the Building Code. This proposal will not impact the property's ability to withstand an earthquake.

- G. That landmarks and historic buildings be preserved.

No landmarks or historic buildings are located on the project site.

- H. That our parks and open space and their access to sunlight and vistas be protected from development.

The Project will have no negative impact on existing parks and open spaces. The Project does not have an impact on open spaces.

12. 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.
13. The Commission hereby finds that approval of the Conditional Use Authorization would promote the health, safety and welfare of the City.

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Application No. 2014.0954C** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated May 20, 2015, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion No. 19441. The effective date of this Motion shall be the date of this Motion if not appealed (After the 30-day period has expired) OR the date of the decision of the Board of Supervisors if appealed to the Board of Supervisors. For further information, please contact the Board of Supervisors at (415) 554-5184, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

Protest of Fee or Exaction: You may protest any fee or exaction subject to Government Code Section 66000 that is imposed as a condition of approval by following the procedures set forth in Government Code Section 66020. The protest must satisfy the requirements of Government Code Section 66020(a) and must be filed within 90 days of the date of the first approval or conditional approval of the development referencing the challenged fee or exaction. For purposes of Government Code Section 66020, the date of imposition of the fee shall be the date of the earliest discretionary approval by the City of the subject development.

If the City has not previously given Notice of an earlier discretionary approval of the project, the Planning Commission's adoption of this Motion, Resolution, Discretionary Review Action or the Zoning Administrator's Variance Decision Letter constitutes the approval or conditional approval of the development and the City hereby gives **NOTICE** that the 90-day protest period under Government Code Section 66020 has begun. If the City has already given Notice that the 90-day approval period has begun for the subject development, then this document does not re-commence the 90-day approval period.

I hereby certify that the Planning Commission **ADOPTED** the foregoing Motion on September 3, 2015.

Jonas P. Ionin
Commission Secretary

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

NAYS:

ABSENT: Wu

ADOPTED: September 3, 2015

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to subdivide large lots in PDR Districts, demolish six industrial buildings and construct two new industrial buildings (collectively measuring approximately 28,200 square feet) with modifications to the requirements for off-street parking, located at 1314 Fitzgerald Avenue and 1409 Egbert Avenue on Assessor's Block 4912 Lots 001, 002 and 016, pursuant to Planning Code Section(s) 121.9, 151, 303 and 304 within the PDR-1-B and PDR-2 Zoning Districts and a 40-X Height and Bulk District; in general conformance with plans, dated September 11, 2014, and stamped "EXHIBIT B" included in the docket for Case No. 2014.0954C and subject to conditions of approval reviewed and approved by the Commission on September 3, 2015 under Motion No. 19441. 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 September 3, 2015 under Motion No. 19441.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. 19441 shall be reproduced on the Index Sheet of construction plans submitted with the Site or Building permit application for the Project. The Index Sheet of the construction plans shall reference to the Conditional Use authorization and any subsequent amendments or modifications.

SEVERABILITY

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

CHANGES AND MODIFICATIONS

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

Conditions of Approval, Compliance, Monitoring, and Reporting

PERFORMANCE

Validity. The authorization and right vested by virtue of this action is valid for three (3) years from the effective date of the Motion. The Department of Building Inspection shall have issued a Building Permit or Site Permit to construct the project and/or commence the approved use within this three-year period.

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

Expiration and Renewal. Should a Building or Site Permit be sought after the three (3) year period has lapsed, the project sponsor must seek a renewal of this Authorization by filing an application for an amendment to the original Authorization or a new application for Authorization. Should the project sponsor decline to so file, and decline to withdraw the permit application, the Commission shall conduct a public hearing in order to consider the revocation of the Authorization. Should the Commission not revoke the Authorization following the closure of the public hearing, the Commission shall determine the extension of time for the continued validity of the Authorization.

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

Diligent Pursuit. Once a site or Building Permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. Failure to do so shall be grounds for the Commission to consider revoking the approval if more than three (3) years have passed since this Authorization was approved.

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

Extension. All time limits in the preceding three paragraphs may be extended at the discretion of the Zoning Administrator where implementation of the project is delayed by a public agency, an appeal or a legal challenge and only by the length of time for which such public agency, appeal or challenge has caused delay.

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

Conformity with Current Law. No application for Building Permit, Site Permit, or other entitlement shall be approved unless it complies with all applicable provisions of City Codes in effect at the time of such approval.

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

DESIGN

Final Materials. The Project Sponsor shall continue to work with Planning Department on the building design. Final materials, glazing, color, texture, landscaping, and detailing shall be subject to Department

staff review and approval. The architectural addenda shall be reviewed and approved by the Planning Department prior to issuance.

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

Garbage, Composting and Recycling Storage. Space for the collection and storage of garbage, composting, and recycling shall be provided within enclosed areas on the property and clearly labeled and illustrated on the architectural addenda. Space for the collection and storage of recyclable and compostable materials that meets the size, location, accessibility and other standards specified by the San Francisco Recycling Program shall be provided at the ground level of the buildings.

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

Rooftop Mechanical Equipment. Pursuant to Planning Code 141, the Project Sponsor shall submit a roof plan to the Planning Department prior to Planning approval of the building permit application. Rooftop mechanical equipment, if any is proposed as part of the Project, is required to be screened so as not to be visible from any point at or below the roof level of the subject building.

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

Noise. Plans submitted with the building permit application for the approved project shall incorporate acoustical insulation and other sound proofing measures to control noise.

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

Street Trees. Pursuant to Planning Code Section 138.1 (formerly 143), the Project Sponsor shall submit a site plan to the Planning Department prior to Planning approval of the building permit application indicating that street trees, at a ratio of one street tree of an approved species for every 20 feet of street frontage along public or private streets bounding the Project, with any remaining fraction of 10 feet or more of frontage requiring an extra tree, shall be provided. The street trees shall be evenly spaced along the street frontage except where proposed driveways or other street obstructions do not permit. The exact location, size and species of tree shall be as approved by the Department of Public Works (DPW). In any case in which DPW cannot grant approval for installation of a tree in the public right-of-way, on the basis of inadequate sidewalk width, interference with utilities or other reasons regarding the public welfare, and where installation of such tree on the lot itself is also impractical, the requirements of this Section 428 may be modified or waived by the Zoning Administrator to the extent necessary.

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

PARKING AND TRAFFIC

Bicycle Parking. Pursuant to Planning Code Sections 155.2, the Project shall provide no fewer than 4 bicycle parking spaces (2 Class 1 spaces and 2 Class 1 or 2 spaces).

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

Parking Requirement. Pursuant to Planning Code Section 151, the Project shall provide a minimum of eight (8) independently accessible off-street parking spaces, as permitted by the Commission.

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

Off-Street Loading. Pursuant to Planning Code Section 152, the Project shall provide one (1) off-street loading spaces.

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

Managing Traffic During Construction. The Project Sponsor and construction contractor(s) shall coordinate with the Traffic Engineering and Transit Divisions of the San Francisco Municipal Transportation Agency (SFMTA), the Police Department, the Fire Department, the Planning Department, and other construction contractor(s) for any concurrent nearby Projects to manage traffic congestion and pedestrian circulation effects during construction of the Project.

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

PROVISIONS

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

MONITORING

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.sf-planning.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.sf-planning.org

OPERATION

Community Liaison. Prior to issuance of a building permit to construct the project and implement the approved use, the Project Sponsor shall appoint a community liaison officer to deal with the issues of concern to owners and occupants of nearby properties. The Project Sponsor shall provide the Zoning Administrator with written notice of the name, business address, and telephone number of the community liaison. Should the contact information change, the Zoning Administrator shall be made aware of such change. The community liaison shall report to the Zoning Administrator what issues, if any, are of concern to the community and what issues have not been resolved by the Project Sponsor.

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

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>

Noise Control. The premises shall be adequately soundproofed or insulated for noise and operated so that incidental noise shall not be audible beyond the premises or in other sections of the building and fixed-source equipment noise shall not exceed the decibel levels specified in the San Francisco Noise Control Ordinance.

For information about compliance with the fixed mechanical objects such as rooftop air conditioning, restaurant ventilation systems, and motors and compressors with acceptable noise levels, contact the Environmental Health Section, Department of Public Health at (415) 252-3800, www.sfdph.org

For information about compliance with the construction noise, contact the Department of Building Inspection, 415-558-6570, www.sfdbi.org

For information about compliance with the amplified sound including music and television contact the Police Department at 415-553-0123, www.sf-police.org