

September 2, 2016

Hon. London Breed, President  
San Francisco Board of Supervisors  
City Hall Room 244  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102

Re: 2000-2070 Bryant Street  
File Nos. 160773 and 160777 (CEQA Appeal and Conditional Use Appeal)  
Hearing Date: September 13, 2016

Dear President Breed and Supervisors:

I am writing on behalf of the Nick Podell Company (“Podell”), the project sponsor of the 2000-2070 Bryant Street project (the “Project”). This letter responds in detail to appellant Peter Papadopoulos’s conditional use appeal; the Planning Department is preparing a detailed response to the CEQA appeal of the Project’s Community Plan Exemption (“CPE”). In addition, Mr. Papadopoulos’s appeal of the Project’s Large Project Authorization (“LPA”) will be heard by the Board of Appeals on September 14.

The Project is located on the block bound by 18<sup>th</sup>, Florida, 19<sup>th</sup> and Bryant Streets in an Urban Mixed Use (UMU) zoning district and 68-X height and bulk district in the Mission Area Plan, an area plan of the 2009 Eastern Neighborhoods rezoning. On June 2, 2016, the Planning Commission approved the Project with the following features:

- Subdivision of the 65,000 square foot parcel into a market rate site, an affordable housing site, and a mid-block pedestrian mews.
- The dedication by Podell of 19,000 square feet of land to the Mayor’s Office of Housing and Community Development (“MOHCD”) at no cost, a land area equivalent to 46% of the market rate site. The dedicated land has full CEQA clearance for a 136-unit affordable development (assuming this Board upholds the CPE in the CEQA appeal) and

will be delivered by Podell in a shovel-ready condition including demolition of the existing building and soil remediation.

- Two separate buildings, one to be developed by Podell with 191 market rate units and three BMR units to replace three existing units to be demolished, and the other a 100% affordable building on the dedicated land with about 136 BMR units.
- A total of approximately 330 rental dwelling units (depending on the final design of the MOHCD building), of which approximately 139 will be permanently affordable BMR units – a *42% affordable percentage*. MOHCD has identified the gap financing necessary to construct its building as soon as this appeal is resolved and it selects a non-profit affordable housing development partner.
- 12,000 square feet of ground floor PDR and arts space in the market rate building, plus another 7,000 square feet in the MOHCD project, for a total of 19,000 square feet of PDR and arts space.
- A 25-foot wide mid-block mews running between Bryant and Florida Streets between the two buildings to be developed and maintained by Podell
- A small fully enclosed garage reduced to only 85 parking spaces, including one car share space. Three additional car share spaces are proposed in the MOHCD building.

Attached as Exhibit A are drawings, plans and renderings of the approved Project, including the concept plan for the MOHCD building. This drawing packages includes the revisions required by the Planning Commission at its June 2 hearing, including increasing the PDR/arts space from 11,000 square feet to 19,000 square feet, which eliminated five market rate units.

The Project as approved by the Commission is vastly different than what was proposed by Podell in 2014 and continued by the Commission in 2015. The original proposal included 274 dwelling units with 47 BMR units (a 17% on-site affordable units), no PDR or arts space and a somewhat monolithic single building design. The new configuration and partnership with MOHCD more than meets the “Community Building Alternative” presented by Mission housing

advocates to Podell in June 2015, calling for dedication of 36% of the site to MOHCD and the preservation of 10,000 square feet of ground floor PDR/arts space (see Exhibit B). It is disappointing that Mr. Papadopoulos and his allies have not declared victory after the Planning Commission accepted their 2015 alternative vision for the site, but instead continue to oppose the Project and disparage MOHCD's participation.

**The Project CPE's Reliance on the Eastern Neighborhoods EIR Was Appropriate and the Appeal of CPE Should be Rejected.**

The Project's CPE incorporated technical reports prepared at the City's direction on the topics of Transportation, Historic Resources, Noise, Air Quality, Hazardous Materials and Wind, all of which found the Project would have no peculiar impacts not already contemplated in the 2008 Eastern Neighborhoods Program EIR and fully mitigated by that EIR's Mitigation Measures. On that basis and on the basis of the Project's compliance with the development density established by the UMU zoning, 68-foot height limit and the Mission Area Plan, the Planning Department issued the CPE on May 11, 2016. In doing so, the Department complied with CEQA. CEQA Section 21083.3 and CEQA Guidelines Section 15183 *mandate* that projects that are consistent with the development density established by existing zoning, community plan or general plan policies for which an EIR was certified, *shall* not require additional environmental review except as might be necessary to examine whether there are project-specific effects which are peculiar to the project or its site and that were not disclosed as significant effects in the prior Program EIR.

Mr. Papadopoulos's appeal of the CPE is based almost entirely on his assertion that the Eastern Neighborhoods Program EIR is stale and that individual projects can no longer rely on it, as the Planning Department did here in issuing the Project's CPE. There is no merit to his claim, given that the number of units completed to date in the Eastern Neighborhoods, including the Mission District, is well below the projections of the Plan EIR. As previously noted, the Planning Department has prepared a detailed response to the points raised in the appeal, and we incorporate the Department's response, with the following additional points.

1. This Board on July 26, 2016, rejected a similar appeal attacking the Eastern Neighborhoods EIR when it upheld on a 9-1 vote the focused EIR for the 901 16<sup>th</sup> Street project that relied,

like this Project's CPE, on the Eastern Neighborhoods EIR. The Board should not reverse itself in an almost identical challenge less than two months later.

2. There are several 100% affordable developments in the Mission that have or will rely on the Eastern Neighborhoods EIR as the basis of their CEQA exemptions, just as the Project's CPE does. Those projects include:

- 2060 Folsom Street, 136 units of affordable housing proposed by MEDA and CCDC. CPE issued on June 10, 2016 (Case No. 2015-014715ENV)
- 1950 Mission Street, 157 units of affordable housing proposed by Mission Housing Development Corporation and BRIDGE Housing. CPE pending (Case No. 2016-001514ENV).
- 1296 Shotwell Street, 96 units of affordable senior housing proposed by MEDA and CCDC. CPE pending (Case No. 2015-018056ENV).
- 490 South Van Ness. CPE relying on Eastern Neighborhoods EIR for previously approved 84-unit market rate project issued in June 24, 2014 (Case No. 2010.0043E); CPE for revised affordable project pending (Case No. 2015-010406ENV).
- 2070 Bryant Street, approximately 136 units of affordable housing. The CPE that is the subject of this appeal (Case No. 2013.0677E).

Were the Board to sustain Mr. Papadopoulos's appeal and determine the Eastern Neighborhoods EIR is stale, the CEQA clearance for each of these pending affordable projects, as well as for hundreds of additional affordable and mixed income projects throughout SOMA, Showplace Square/Potrero, Dogpatch and the Mission would be threatened and/or significantly delayed. Development of the affordable housing that Papadopoulos claims he favors would be undermined, not advanced, were his CEQA appeal sustained.

**The Planning Commission's Section 317 Conditional Use Authorization Should Be Upheld.**

Mr. Papadopoulos's conditional use appeal is solely of the Planning Commission's decision to permit the demolition of three existing vacant dwelling units on site to permit the

development of 139 affordable units and 191 market-rate units, pursuant to Planning Code Section 317. Two of the three vacant units (2028-2030 Bryant Street) were owner-occupied by members of the Handa family, who vacated after selling the property to Podell. The third, a single unit above the café at 2008 Bryant Street, was vacant when Podell purchased the site. The Project requires conditional use approval only for this demolition and replacement; no other element of the Project requires conditional use approval or is the subject of this appeal. Rather, the principal Planning Commission approval for the Project itself was the LPA, an appeal of which is pending at the Board of Appeals.

Apparently, Mr. Papadopoulos is so convinced that new housing development is the primary cause of gentrification in the Mission that he believes it is better for the City not to obtain 139 units of permanently affordable housing than for three vacant existing units (that are subject to rent control but are not permanently affordable) to be replaced because there will also be 191 additional market-rate units on site. The Commission rightly rejected that position, determining that a mixed income rental development with 42% affordable housing addresses the demand for housing in the Mission for both low income and middle income households.

Planning Code Section 317 requires the Commission to approve a conditional use authorization for the demolition of more than two dwelling units, regardless of the number or affordability of replacement units in the project, and sets forth 18 criteria the Commission must consider in determining whether the proposed demolition is in the public interest. Here, the Project proposes to replace the three vacant units with three permanently affordable BMR units, in addition to the land dedication plan that will facilitate 136 additional BMR units. The Commission determined that replacing three units with 330 units, 139 of which will be permanently affordable, met 15 of the 18 criteria set forth in Section 317(g)(5), as set forth on pages 6 to 9 of its Motion No. 19657 (Exhibit C):

1. The property is free of a history of serious, continuing Code violations;
2. The housing has been maintained in a decent, safe, and sanitary condition;
3. The property was determined not to be an "historical resource" under CEQA;
4. Pursuant to the CPE, removal of the buildings will not have a substantial adverse impact under CEQA;

5. The project will not convert rental housing to other forms of tenure or occupancy because all 330 units are proposed as rental units
6. The project conserves neighborhood character by dedicating land for an 100% affordable housing project.
7. The existing housing, although subject to rent control, is not permanently affordable;
8. The project increases the number of permanently affordable units from 0 to 139;
9. The project locates in-fill housing on an appropriate site in an established neighborhood;
10. The project increases the number of family-sized units on-site;
11. The project is of superb architectural and urban design, meeting all relevant design guidelines, to enhance existing neighborhood character;
12. The project increases the number of on-site dwelling units from 3 to 330;
13. The project increases the number of on-site bedrooms from 5 to several hundred;
14. The replacement project maximizes density on the subject lot; and
15. The project replaces the demolished units with units of similar size and bedroom mix.

By applying these criteria and finding the vast majority were met, the Planning Commission correctly determined a conditional use authorization was necessary and desirable to permit the three existing dwelling units to be demolished and replaced with three on-site BMR units, in addition to the dedication to MOHCD of 19,000 square feet of land for another 136 affordable units. The Commission also made standard conditional use findings that the Project, at a 42% affordable percentage, is necessary and desirable and meets the generalized conditional use criteria of Planning Code Section 303 (see pages 4 -6 of Exhibit C). The Board should uphold the Commission's conditional use decision.

In his brief to the Board dated July 22, 2016, Mr. Papadopoulos makes no attempt to address the 18 criteria or establish that most are not met. Rather, he calls into question MOHCD's decision to accept the 19,000 square foot land dedication site, asserts that only about 70 affordable units can be built on the dedicated land, and then claims that 73 new permanently affordable units do not justify the demolition of three rent controlled units. Mr. Papadopoulos is

wrong on both counts: MOHCD's evaluation of the site's unit yield of approximately 136 units is accurate, and even if the yield were to be somewhat lower in the final design, these new permanently affordable units would still meet Section 317's criteria for the demolition of three existing units.

Attached as Exhibit D is MOHCD's letter to the Planning Commission, dated May 12, 2016. The letter references 11 separate documents that MOHCD reviewed in making its determination that the land dedication offer meets the criteria of Planning Code Section 419.5(a)(2) and that MOHCD would be able to develop approximately 136 units on the dedicated land. Those documents include a land use memo, density study, cost study, infrastructure study and appraisal.

In her testimony to the Planning Commission, Kate Hartley, the Deputy Director of MOHCD, stated that MOHCD has identified the gap financing needed to construct an 8-story building with approximately 136 units; that upon final approval of the Project MOHCD would immediately issue an RFP to choose a non-profit developer to finalize the design and funding package; and that the affordable units should be under construction by late 2017 or early 2018, after Podell had cleared the site, undertaken soil remediation and deeded the land to MOHCD. Under new Planning Code Section 315, the affordable project may be administratively approved without the need for another Planning Commission hearing provided the Board upholds the CPE, further reducing the time MOHCD and its non-profit developer will require to break ground. Thus, the affordable units on the MOHCD parcel will be completed very shortly after the market-rate units, provided these appeals are rejected.

Mr. Papadopoulos fails to acknowledge MOHCD's diligence in evaluating the dedicated land's potential. He also fails to acknowledge MOHCD's public commitment to fund construction of its 100% affordable development in the near term. And, he claims that only a 6-story building can be constructed on the dedicated land (rather than the 8-story building MOHCD proposes) because he asserts the state density bonus law does not apply, such that the 68-foot height limit cannot be exceeded. Again, he is simply wrong. The state density bonus law (Cal. Gov't Code Section 65915 et seq.) applies in San Francisco and includes mandatory height concessions for projects with on-site affordable units. And, in any event, this Board in

July enacted the City's own affordable housing density bonus (new Planning Code Sections 206-206.4) that provides for up to three floors of additional height above the applicable height limit for 100% affordable developments. Under either program, MOHCD and its non-profit developer will be able to construct an 8-story building able to yield about 136 units.

Mr. Papadopoulos also asserts that the proposed demolition of one of the existing buildings where 10,000 square feet was occupied by CELLSpace until it closed in 2012 (before Podell acquired the site) and then housed InnerMission from 2012 to 2015 violates the General Plan, such that the Commission should not have approved the conditional use. However, in approving the Project, the Commission directly addressed this issue by requiring 19,000 square feet of replacement PDR/arts space on site and by finding that the project, on balance, meets many other objectives of the General Plan and Mission Area Plan (see pages 17-24 of Planning Commission Motion No. 19658). Nick Podell is currently in discussion with several non-profit arts organizations to potentially house them in the Project, and MOHCD has committed to a similar community process for the arts space in its development.

Finally, Mr. Papadopoulos claims that there are actually eight residential units on site, not three. This assertion is based on a group of individuals that unlawfully took up residence in a portion of the InnerMission space. That space was located in a strictly commercial building with no record of any building permits authorizing residential occupancy, and there was no indication of residential occupancy when Podell acquired the site. Planning Code Section 317 explicitly regulates the demolition only of *legal* residential units. Section 317(b)(12) states that a "Residential Unit" [subject to Section 317] "shall mean a *legal* conforming or *legal* nonconforming Dwelling Unit, a *legal* nonconforming Live/Work Unit or Group Housing." Those illegally occupying the InnerMission space vacated in 2015 pursuant to a settlement they reached with Podell after the Superior Court determined the space was not a lawful residential unit or subject to the rent control ordinance. Accordingly, no conditional use authorization was required for the demolition of this commercial space, a portion of which was being unlawfully occupied, because that space was never a legal dwelling unit, live/work unit or group housing.



**The Dedication by Podell of 19,000 Square Feet of Land to MOHCD and MOHCD's Commitment to Fund Approximately 136 Affordable Rental Units on the Dedicated Land Is in the Public Interest.**

Although the project's Large Project Authorization approval, which includes the proposed land dedication, is on appeal to the Board of Appeals, not the Board of Supervisors, we briefly address below Mr. Papadopoulos's attack on the LPA.

As the Mission Action Plan 2020 has confirmed, the greatest impediment to the construction of affordable housing in the Mission District is MOHCD's lack of land. The land dedication here directly addresses that issue by providing land at no cost to the City for development of approximately 136 affordable units, in addition to three on-site BMR units being provided in the market rate building to replace the three units proposed for demolition. This is more units than the 136 units that were provided via the City's inclusionary housing policy in all of the Mission District in the years from 2000 to 2013, according to the University of California at Berkeley's Center for Community Innovation's July 2015 Mission District Case Study.

Consistent with the UMU zoning's heightened affordable housing requirement and Prop. C, the project will dedicate land equivalent to 46% of the market rate site to MOHCD (valued at over \$22 million), plus provide three additional on-site BMR units available to households earning up to 55% of AMI, representing an over \$23 million subsidy from the project to the City's affordable housing efforts. In addition, the sponsor will pay more than \$2,500,000 to the Eastern Neighborhood Public Benefit Fund, the Transportation Sustainability Fund and the Child Care Fund to support open space, streetscape, transportation, and child care improvements in the neighborhood and nearly \$400,000 in school fees. The 191 market-rate rental units will help satisfy the high demand for rental housing in the Mission.

The primary concern that has been expressed about the project is the demolition of the 2044-2070 Bryant industrial building, about 1/5 of which was occupied by InnerMission. InnerMission was a community arts and performance space that in 2013 took over the space formerly occupied by CELLSpace, an arts collective that had ceased operations in 2012, before Podell acquired the site. Over the last three years, the seller and sponsor granted nearly \$200,000 in rent credits to InnerMission and attempted to assist InnerMission to relocate in the

Mission District. Despite Podell's best efforts, InnerMission ceased operations in 2015 and vacated the property. The Project and MOHCD building will collectively provide 19,000 square feet of replacement ground floor PDR and arts space, nearly double the size of the former InnerMission space, that will be available for arts and PDR tenants. For all of these reasons, the Planning Commission did not abuse its discretion in approving the LPA.

**Code-compliant projects consistent with the Mission Area Plan warrant approval.**

As the Board knows, there is a vocal group that opposes all market rate housing in the Mission, including Mr. Papadopoulos, who lives on 10<sup>th</sup> Avenue in the Sunset district. They sought a moratorium on all housing in the neighborhood, but were rebuffed by the Board in June 2015 and by the electorate in the November 2015 election. In addition, the land dedication alternative the sponsor has elected matches exactly the Community Building Alternative presented by community advocates in June 2015. Accordingly, we ask that you review this project as you would any other principally permitted development.

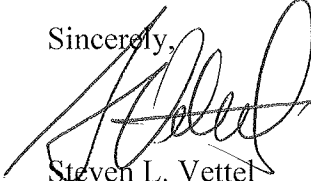
The Mission Area Plan was created after 10 years of study and is only 7 years old. The Mission Area Plan contemplates a modest level of new market-rate housing in the Northeast Mission, with heightened affordable housing requirements, including the land dedication alternative. Mixed-income housing is needed to help accommodate the high demand for housing by those desiring to live in the neighborhood. Failing to approve and build new housing will only increase competition for existing housing and encourage displacement of lower income residents less able to compete for existing units. MOHCD will develop 136 units of affordable housing on land dedicated by the sponsor, an opportunity that will not materialize if the CPE or conditional use are not upheld.

In response to the State of California's chronic housing shortage, the legislature has enacted the Housing Accountability Act (Cal. Govt. Code Section 65589.5). It directs cities not to disapprove housing projects consistent with objective general plan policies and zoning unless the project will cause significant impacts to public health or safety. Here, there are no public health or safety impacts associated with the Project, and, in fact, the CPE establishes otherwise. A desire by some to stop all new housing in the Mission does not provide valid grounds for disapproving this development, which has been in the Planning pipeline for almost four years.

Accordingly, consistent with the Mission Area Plan, the UMU zoning, Section 419.5 land dedication requirements, the City's Housing Element and other General Plan policies, and with the mandate of the Housing Accountability Act, we request that the Board reject the CPE and conditional use appeals so that the project as currently proposed, including the dedication of land to MOHCD for a major affordable housing development, may proceed.

Please contact me prior to the September 13 hearing if we can provide any additional information.

Sincerely,



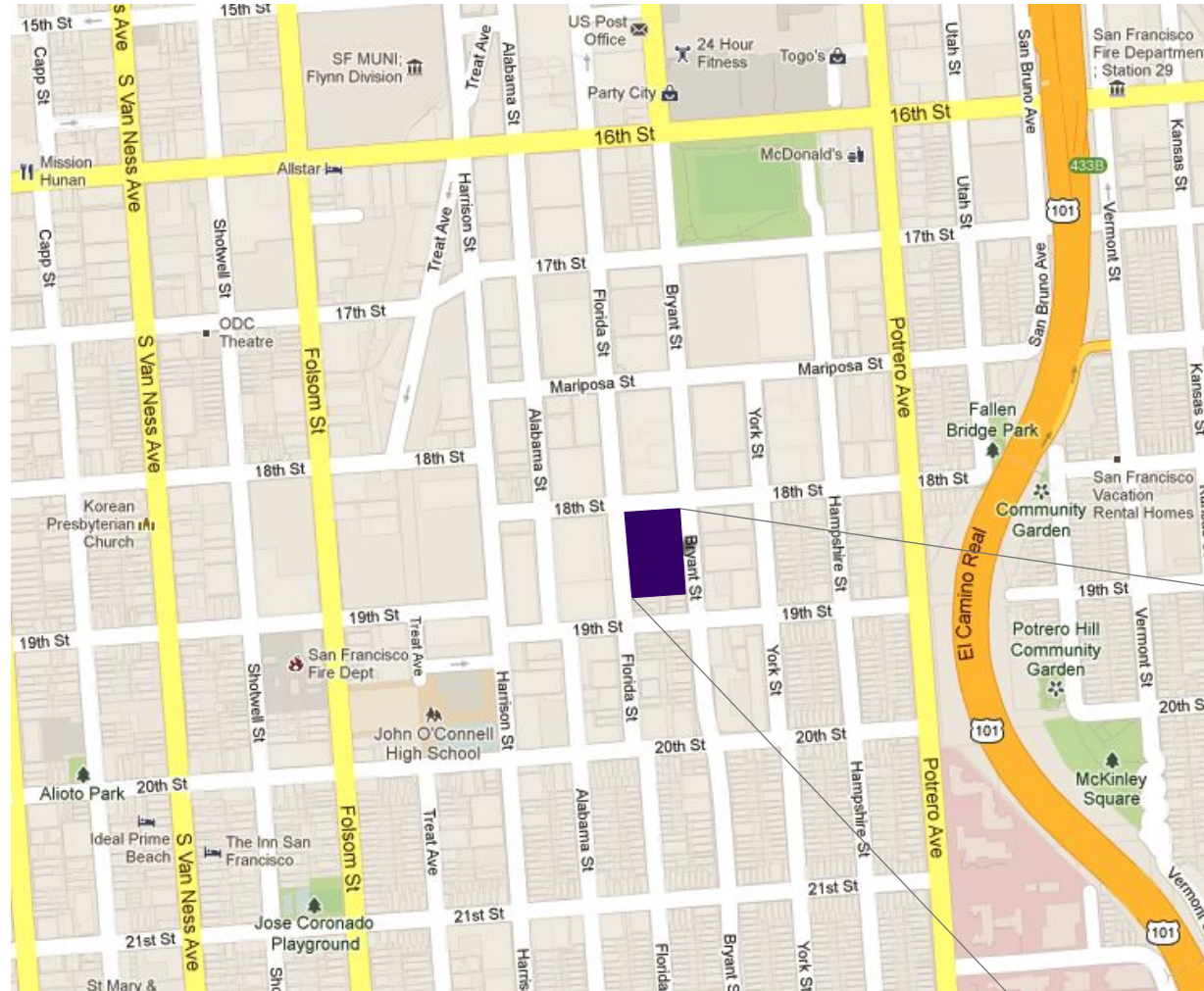
Steven L. Vettel

cc: Nick Podell  
Peter Papadopoulos

# **EXHIBIT A**

# 2000-2070 BRYANT STREET

## MIXED-USE DEVELOPMENT BOARD OF APPEALS PACKAGE



### PROJECT DESCRIPTION

(1) SIX-STORY MULTIFAMILY, MARKET RATE BUILDING WITH NEIGHBORHOOD SERVING RETAIL, CAFE, TRADE/SHOP, AND FLEX-ACCESSORY USE APARTMENTS. THE BUILDING HAS PARKING FOR 85 CARS PROVIDED IN AN ENCLOSED GARAGE. 144 MIN. BICYCLE PARKING SPACES IN CLASS I & CLASS II BICYCLE PARKING FACILITIES. PROJECT IS 194 RENTAL UNITS WITH (3) BMR ON SITE AND 11,974SF OF PDR.

(BY REFERENCE): (1) EIGHT-STORY MULTI-FAMILY, AFFORDABLE (SUBSIDIZED) PROJECT WITH NEIGHBORHOOD SERVING ART SPACE. BUILDING HAS 121 MIN. BICYCLE PARKING SPACES IN CLASS I & CLASS II BICYCLE PARKING FACILITIES. PROJECT IS 136 AFFORDABLE RENTAL UNITS. PROJECT WOULD REQUIRE A STATE DENSITY BONUS FOR HEIGHT.

THE BUILDINGS ARE SEPARATED BY A PUBLICLY ACCESSIBLE ALLEY BETWEEN BRYANT AND FLORIDA STREET.



### PROJECT TEAM

#### OWNER:

NICK PODELL COMPANY  
22 BATTERY STREET, #404  
SAN FRANCISCO, CA 94111  
P: 415.296.8800  
CONTACT: LINSEY PERLOV

#### DESIGN CONSULTANT:

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SAN FRANCISCO, CA 94107  
P: 415.458.2600  
CONTACT: RICHARD BEARD

#### PROJECT ARCHITECT:

BDE ARCHITECTURE  
950 HOWARD STREET  
SAN FRANCISCO, CA 94103  
P: 415.677.0966  
CONTACT: JON ENNIS

#### CIVIL:

LANGAN TREADWELL & ROLLO  
555 MONTGOMERY STREET, SUITE 1300  
SAN FRANCISCO 94111  
P: 415.955.5200  
CONTACT: PAMELA SALAS

#### LANDSCAPE:

LUTSKO ASSOCIATES  
2815 18TH STREET  
SAN FRANCISCO, CA 94110  
P: 415.920.2800  
CONTACT: RON LUTSKO

### REQUIRED APPROVALS

- LARGE PROJECT AUTHORIZATION
- CONDITIONAL USE APPLICATION:
  - REMOVAL OF (3) DWELLING UNITS
- COMMUNITY PLAN EXEMPTION FOR CEQA REVIEW



CONSTRUCTION TYPE:			TYPE IIIA OVER TYPE IA									
FLOORS:			5 WOOD OVER 1 CONCRETE									
UNIT TYPE	Unit Rentable SF	Floor Levels	Floor Levels						Unit Total	Rentable Area by Type		
			1ST	2ND	3RD	4TH	5TH	6TH				
STUDIO	A1.0	STUDIO	452	0	4	4	4	4	4	20	9,040	
	A2.0	STUDIO	665	0	0	0	0	0	2	2	1,330	
										22	11.3%	
1 BEDROOM	B1.0	1BED/1BATH	424	0	5	5	5	5	5	25	10,600	
	B1.1	1BED/1BATH	484	0	4	4	4	4	4	20	9,680	
	B1.2	1BED/1BATH	453	0	2	2	2	2	2	10	4,530	
	B2.0	1BED/1BATH	622	0	3	1	1	1	1	7	4,354	
	B2.1	1BED/1BATH	608	0	2	2	2	2	2	10	6,080	
	B3.0	1BED/1BATH	557	0	2	2	2	2	2	10	5,570	
	B4.0	1BED/1BATH	568	0	1	1	1	1	1	5	2,840	
	B5.0	1BED/1BATH	630	0	1	1	1	1	1	5	3,150	
	B7.0	1BED/1BATH-STOOP	530	2	0	0	0	0	0	2	1,060	
										94	48.5%	
2 BEDROOM	C1.1	2BED/2BATH	919	0	0	2	2	2	2	8	7,352	
	C1.2	2BED/2BATH	826	0	4	4	4	4	4	20	16,520	
	C2.1	2BED/2BATH	813	0	3	3	3	3	3	15	12,195	
	C3.1	2BED/2BATH	908	0	4	4	4	4	4	20	18,160	
	C4.0	2BED/2BATH	948	0	2	0	0	0	0	2	1,896	
	C4.1	2BED/2BATH	1,015	0	0	2	2	2	0	6	6,090	
	C6.0	2BED/2BATH	855	0	1	1	1	1	1	5	4,275	
	C7.1	2BED/1BATH-STOOP	648	2	0	0	0	0	0	2	1,296	
										78	40.2%	
<b>TOTAL UNITS</b>			650	4	38	38	38	38	38	194	100%	126,018

Rentable Residential by floor (not incl. decks)	2,356	24,290	25,018	25,018	25,018	24,318	126,018
Gross Residential (lobby, corridors, stairs, etc...) (not incl. decks)	5,718	7,308	6,841	6,841	6,841	6,841	40,390
Retail Total (Including auxiliary)	5,454	-	-	-	-	-	5,454
PDR Space	11,974	-	-	-	-	-	11,974
Amenity Spaces (Interior Only)	7,153	-	-	-	-	-	7,153
Leasing (Counted as Amenity)	-	-	-	-	-	-	0
Garage (Incl. storage, utilities, ...)	11,965	-	-	-	-	-	11,965
<b>Total Gross</b>	39,913	32,304	31,859	31,859	31,859	31,159	198,953

PARKING	FIRST FLOOR	80 *
	CAR SHARE	1 *
	ADA	2
	<b>Total</b>	<b>83</b>
	ratio	0.43
	ALLOWED	TBD
	* Parking is 2 & 3 High Klaus tandem Parking Stackers	

BIKE PARKING	
<b>CLASS 1 (RESIDENTIAL) BIKE PARKING REQUIRED</b>	
1 : 1 STALLS FOR 1ST 100 UNITS	100
1 : 4 STALLS FOR 99 UNITS	25
2 STALL FOR PDR	2
1 STALL FOR RETAIL	1
<b>Total</b>	<b>128</b>
<b>CLASS 2 (SIDEWALK) BIKE PARKING REQUIRED</b>	
1 : 20 STALLS FOR UNITS	10
2 FOR PDR	2
6 FOR RETAIL	6
<b>Total</b>	<b>18</b>

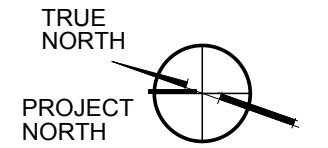
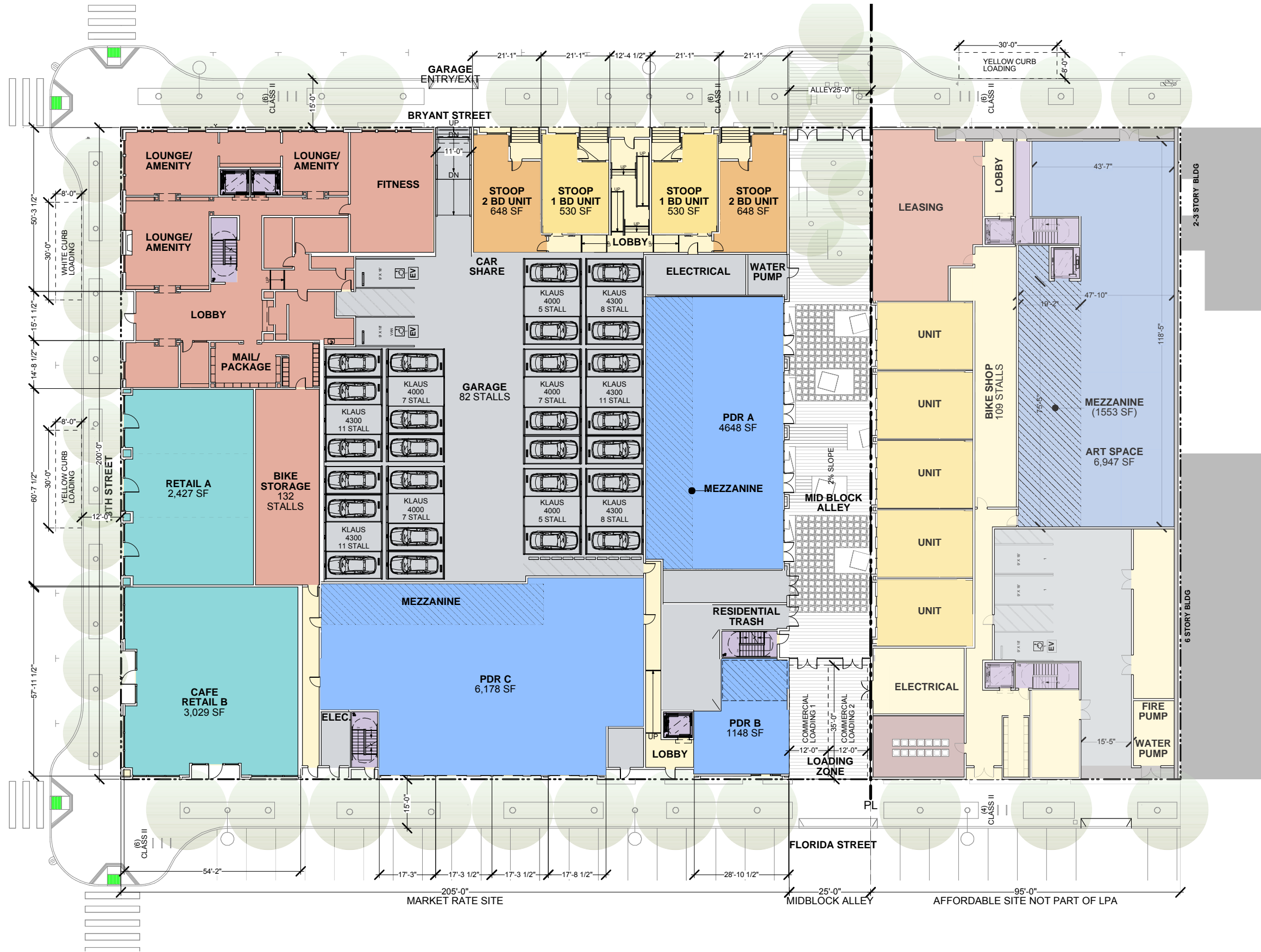
**OPEN SPACE\*** For each rentable unit 80 sq ft of private open space is required.  
 When private open space is not provided, the 80 sq ft may be common open space  
 Example 1Rental Unit/Private OS x 80 sq ft/Private OS = 80 sq ft Common OS  
 When private open space is provided for a unit but the required 80 sq ft is not met, the remaining open space must be provided as common open space  
 Example 80 sq ft [1Rental Unit/Private OS x 60 sq ft/Private OS]= 20 sq ft Common OS  
 When a rental unit's private open space exceeds the required 80 sq ft, the excess area can not be counted towards units that do not meet the required 80 sq ft

REQUIRED OPEN SPACE  
 194 DU 80 SF/DU = 194 X 80 15,520

ALL OPEN SPACE	
ALLEY	4,125
COURTYARD	9,322
ROOF TERRACE	2,073
<b>Total</b>	<b>15,520</b>

MIN. REQ.

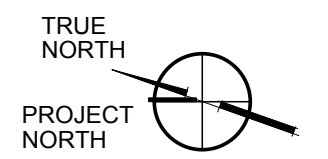
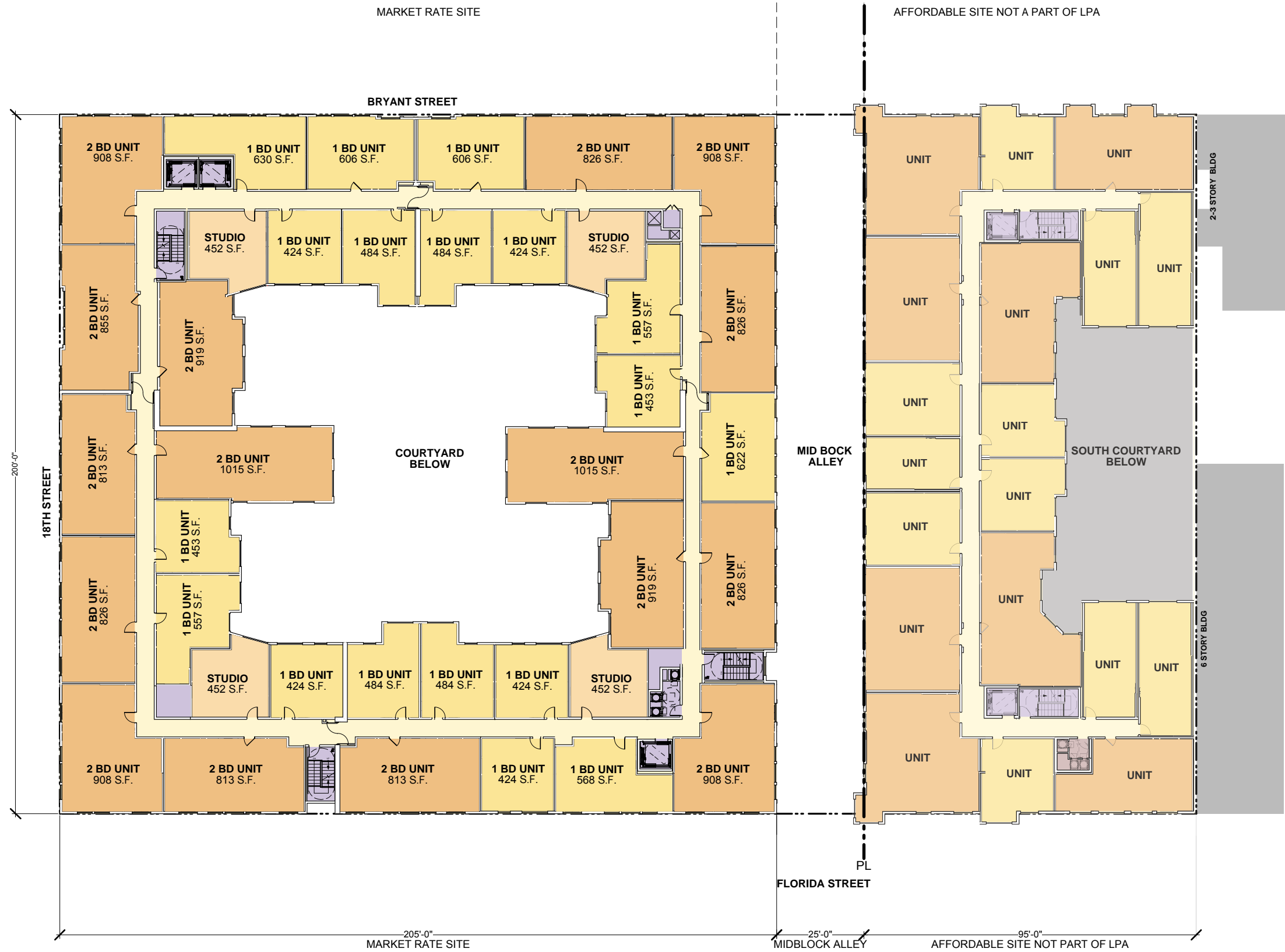
DU= Deck Units  
 OS= Open space  
 \* All calculations for open space per Section 843.11



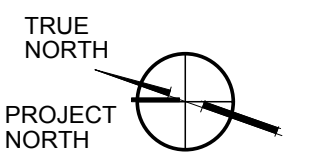


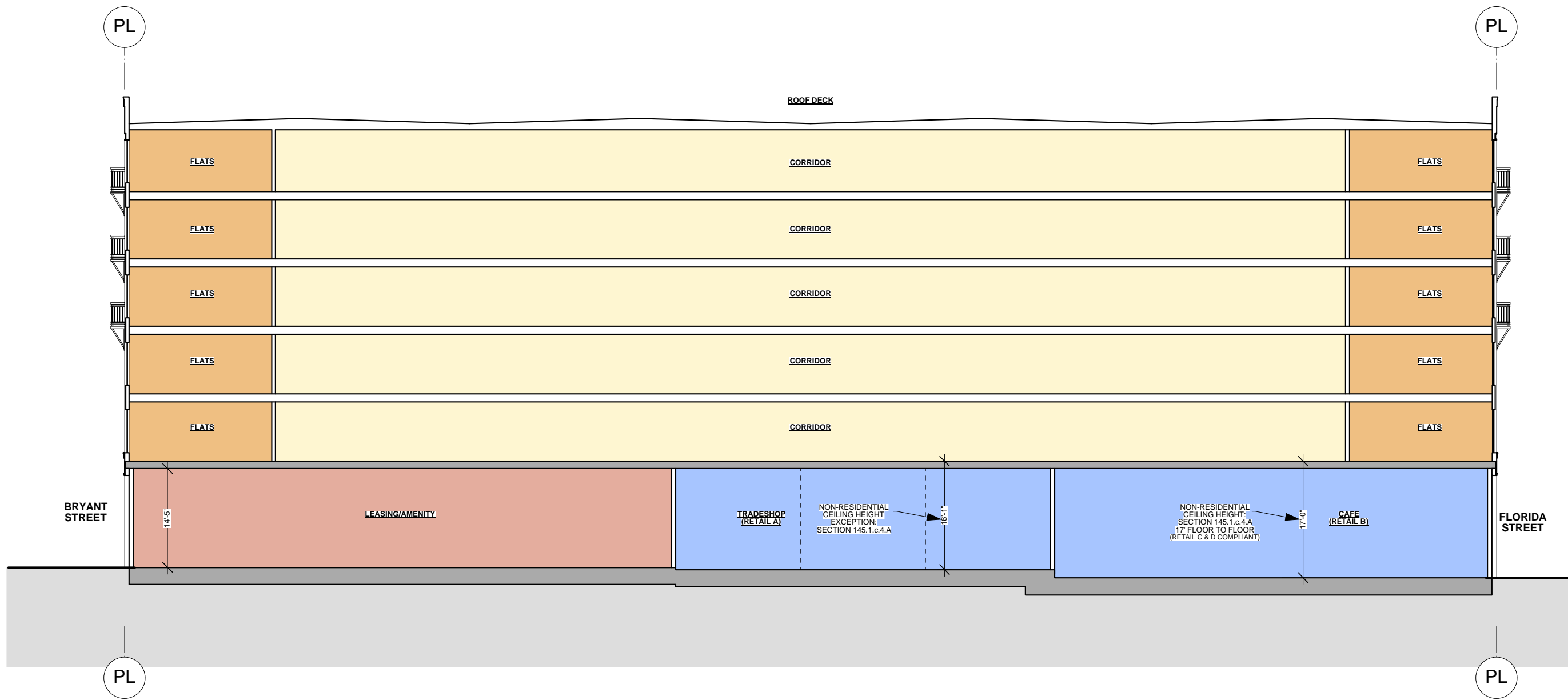
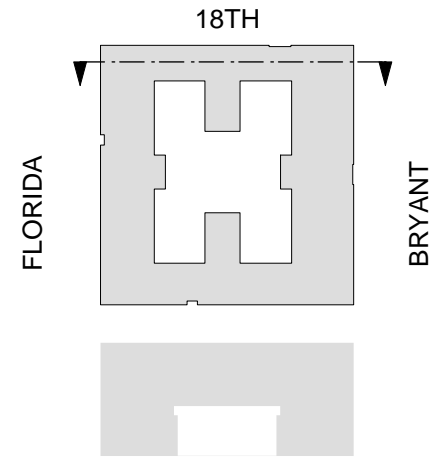








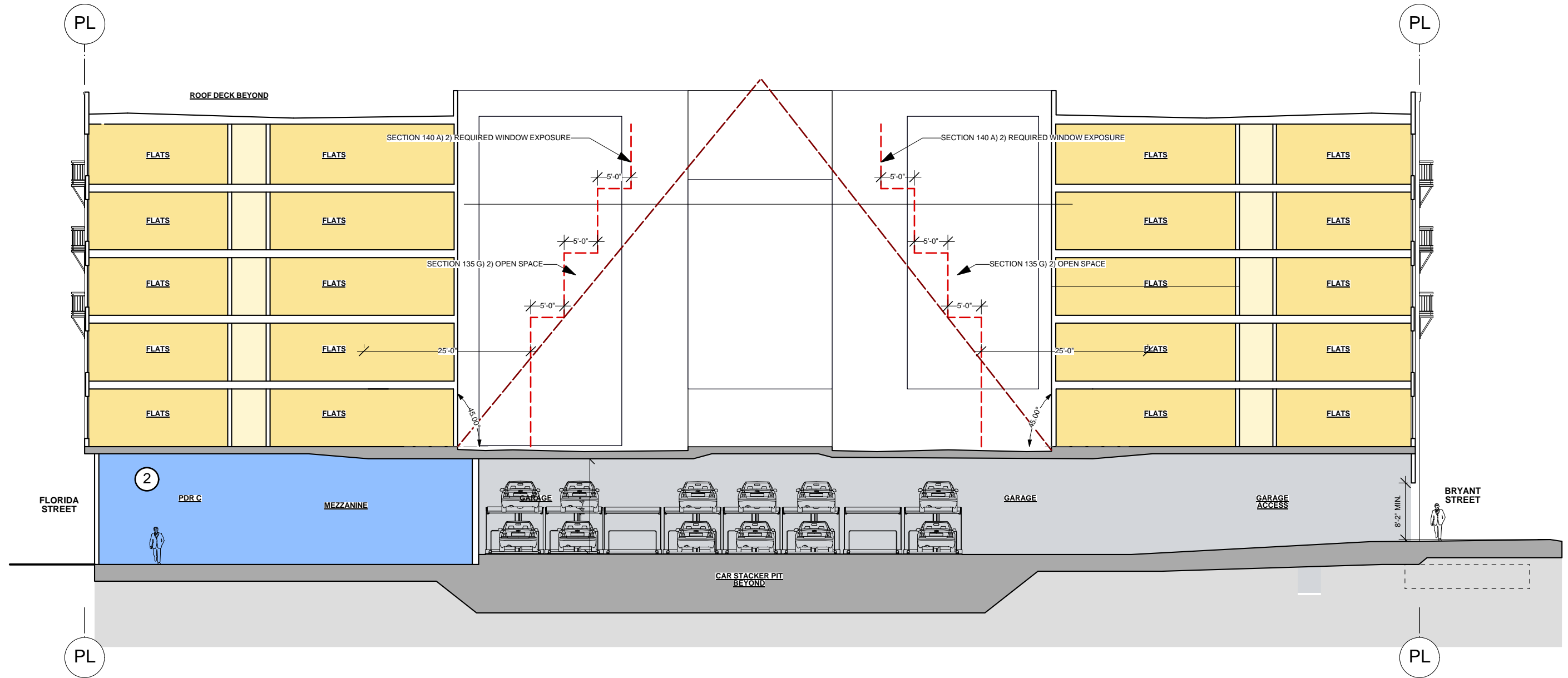
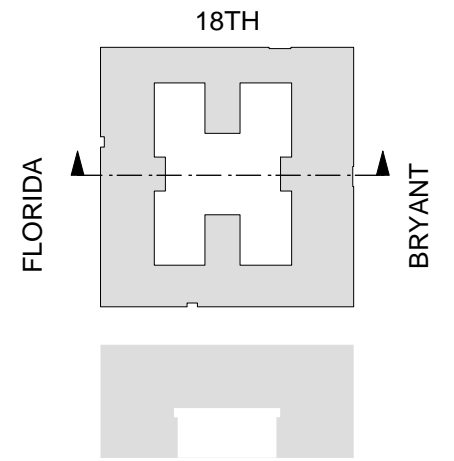


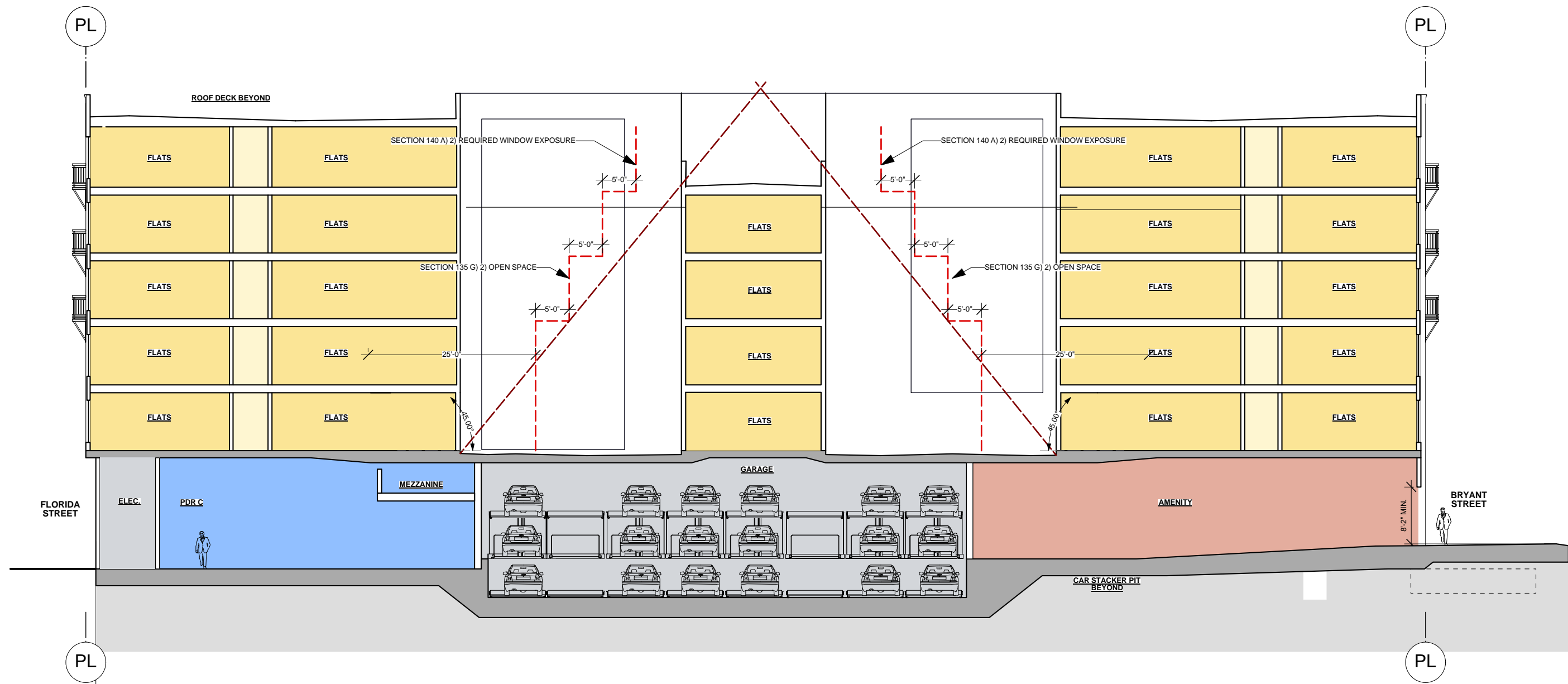
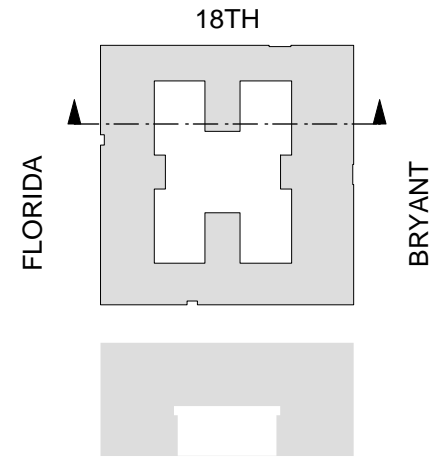


**NON-RESIDENTIAL CEILING HEIGHT DIAGRAM  
BUILDING SECTION**

1/16" = 1'-0"







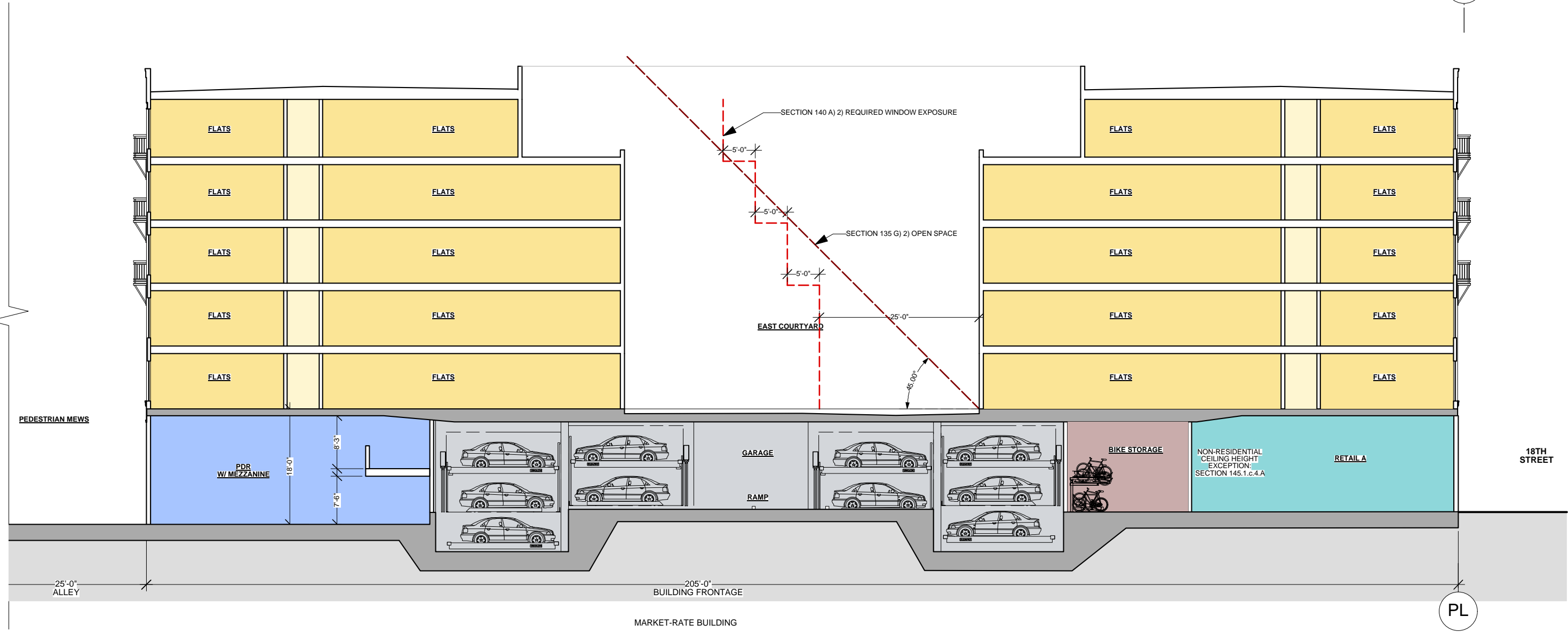
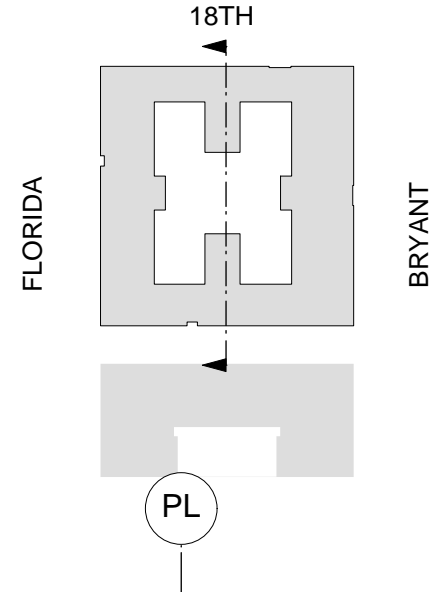
**WINDOW EXPOSURE / OPEN SPACE / PROJECTION OVERHANG  
BUILDING SECTION**

1/16" = 1'-0" **11**

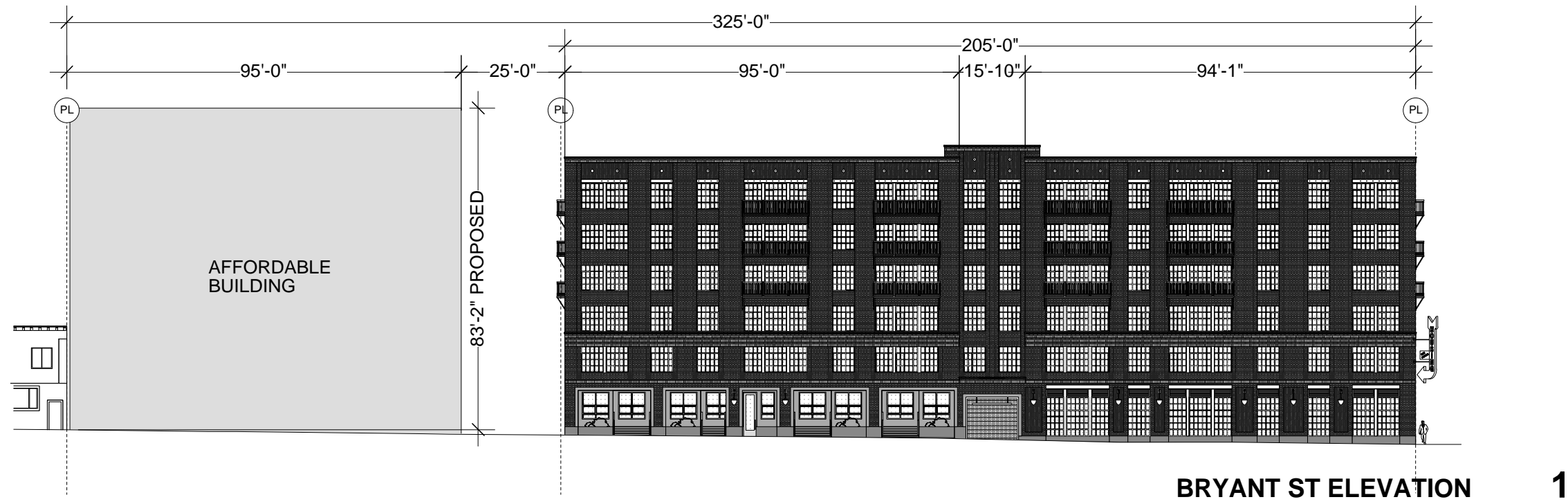
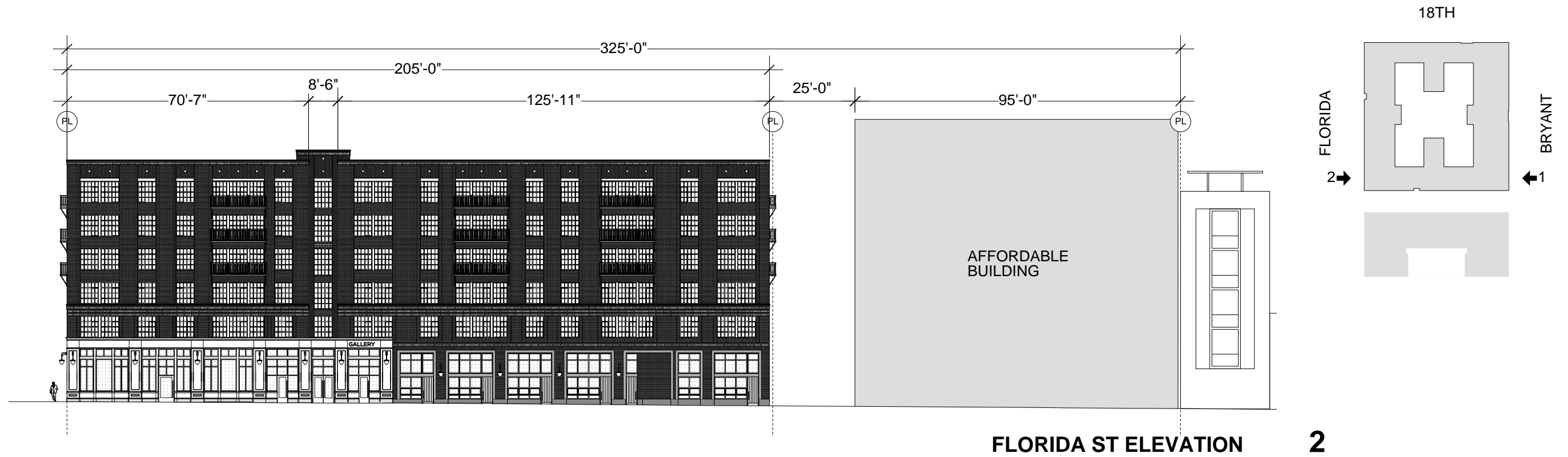


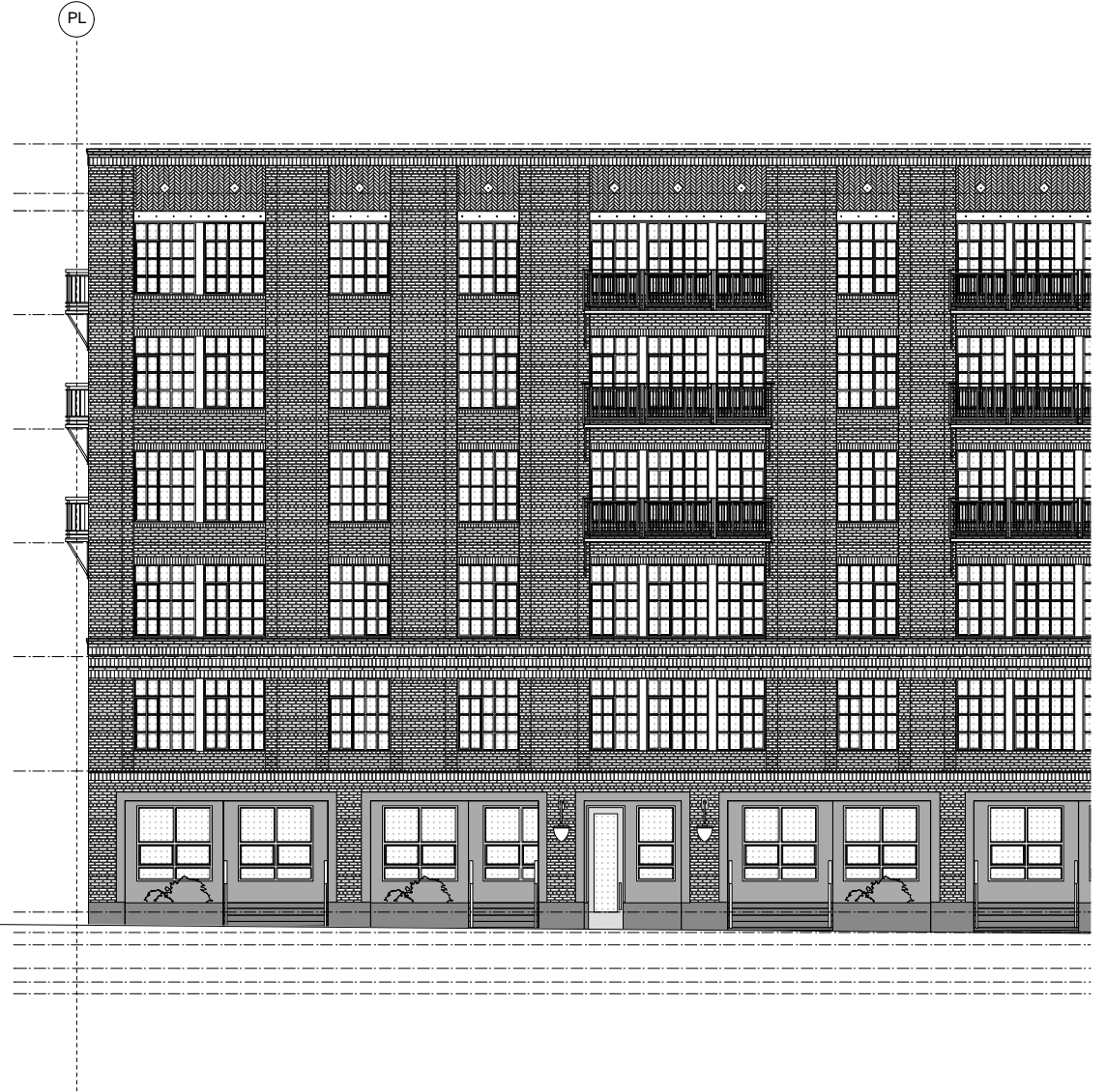
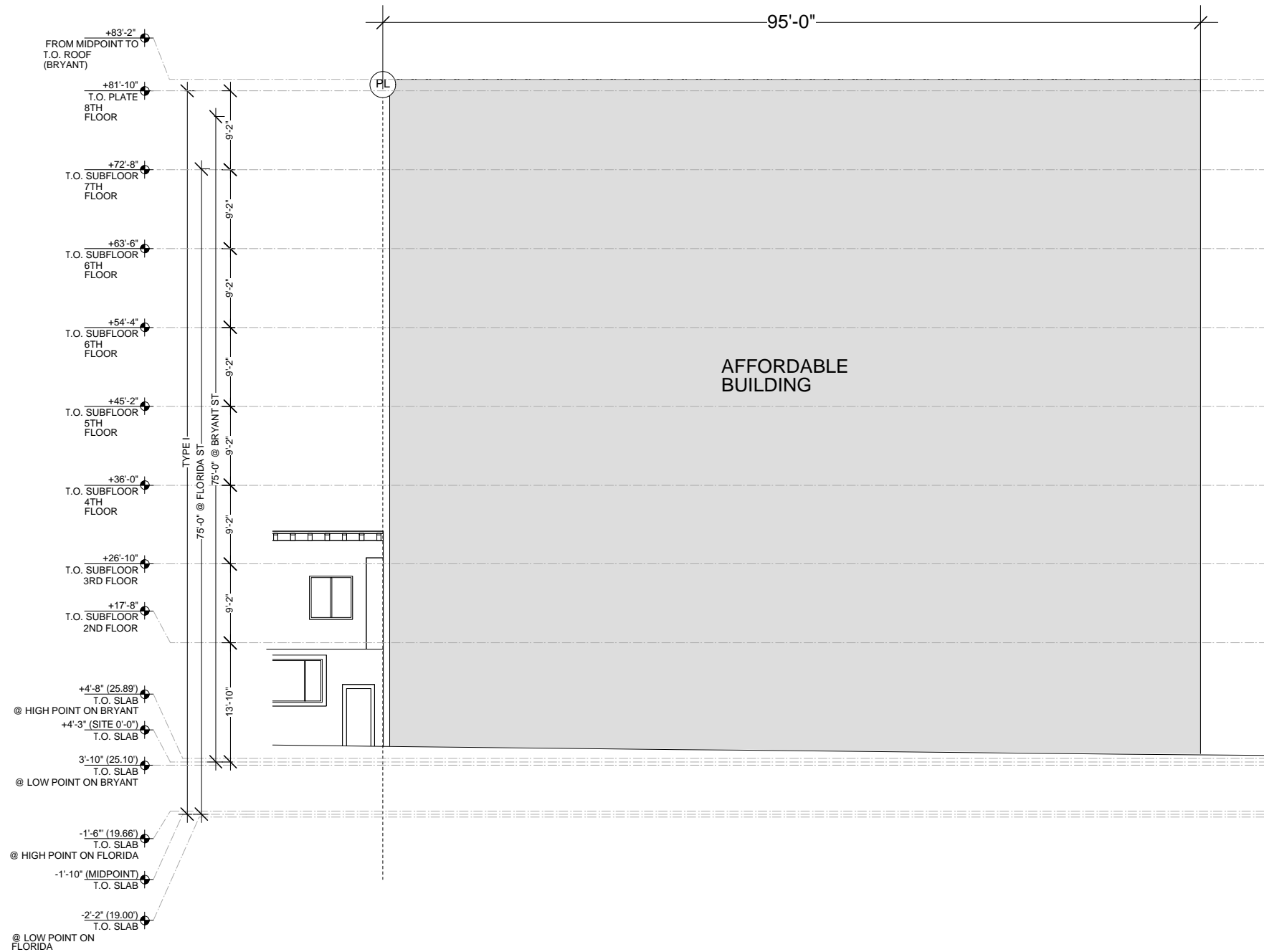
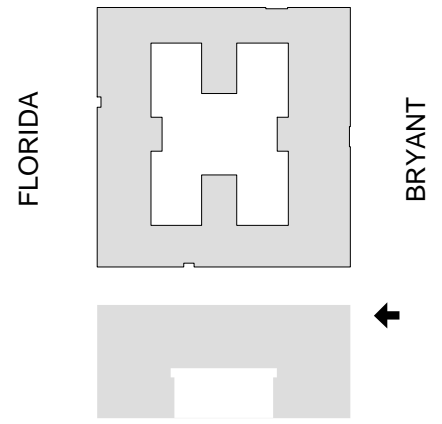






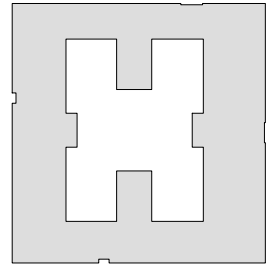
**OPEN SPACE/ EXPOSURE/ HORIZOTNAL MASS BREAK  
 BUILDING SECTION - PARTIAL**



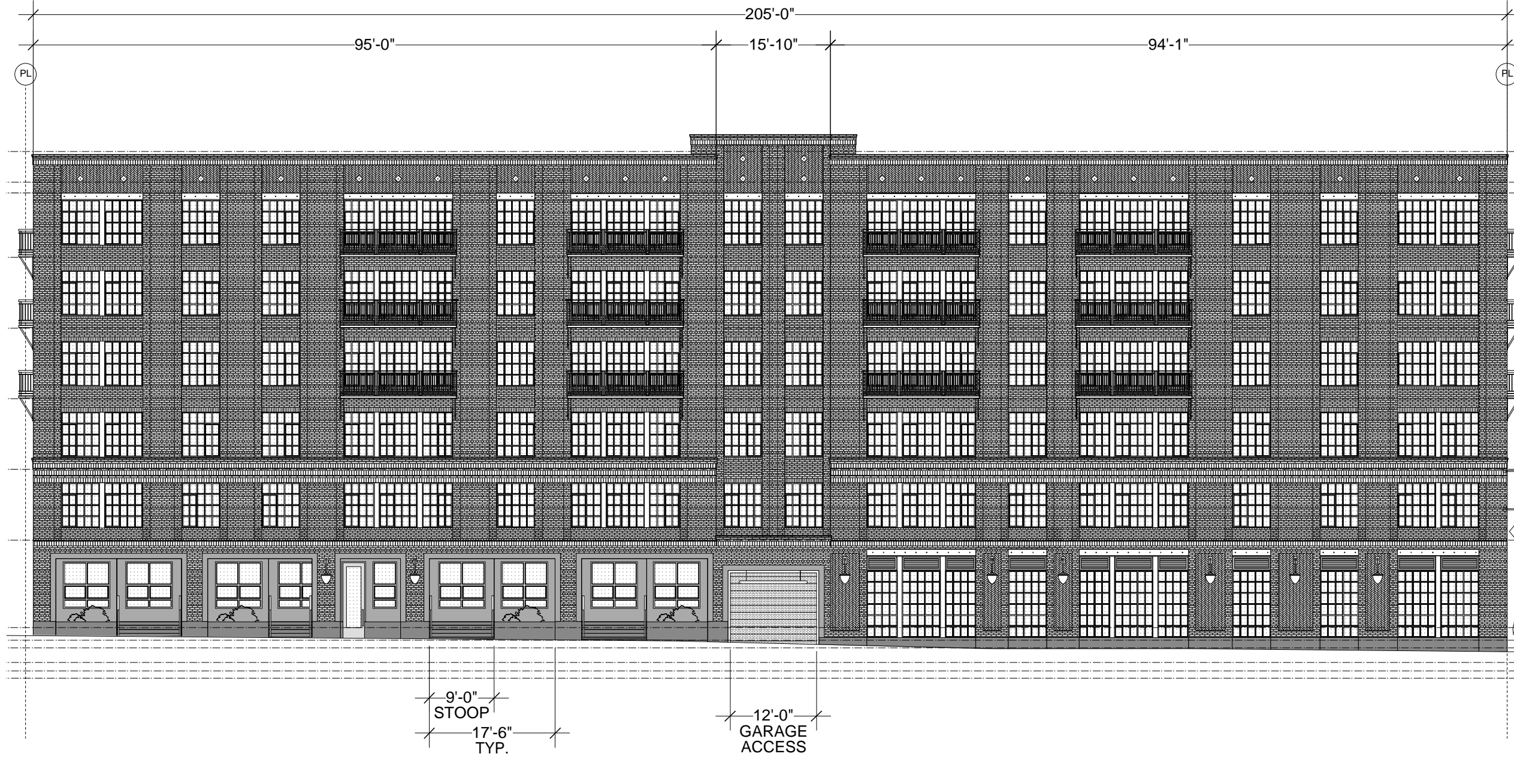


18TH

FLORIDA



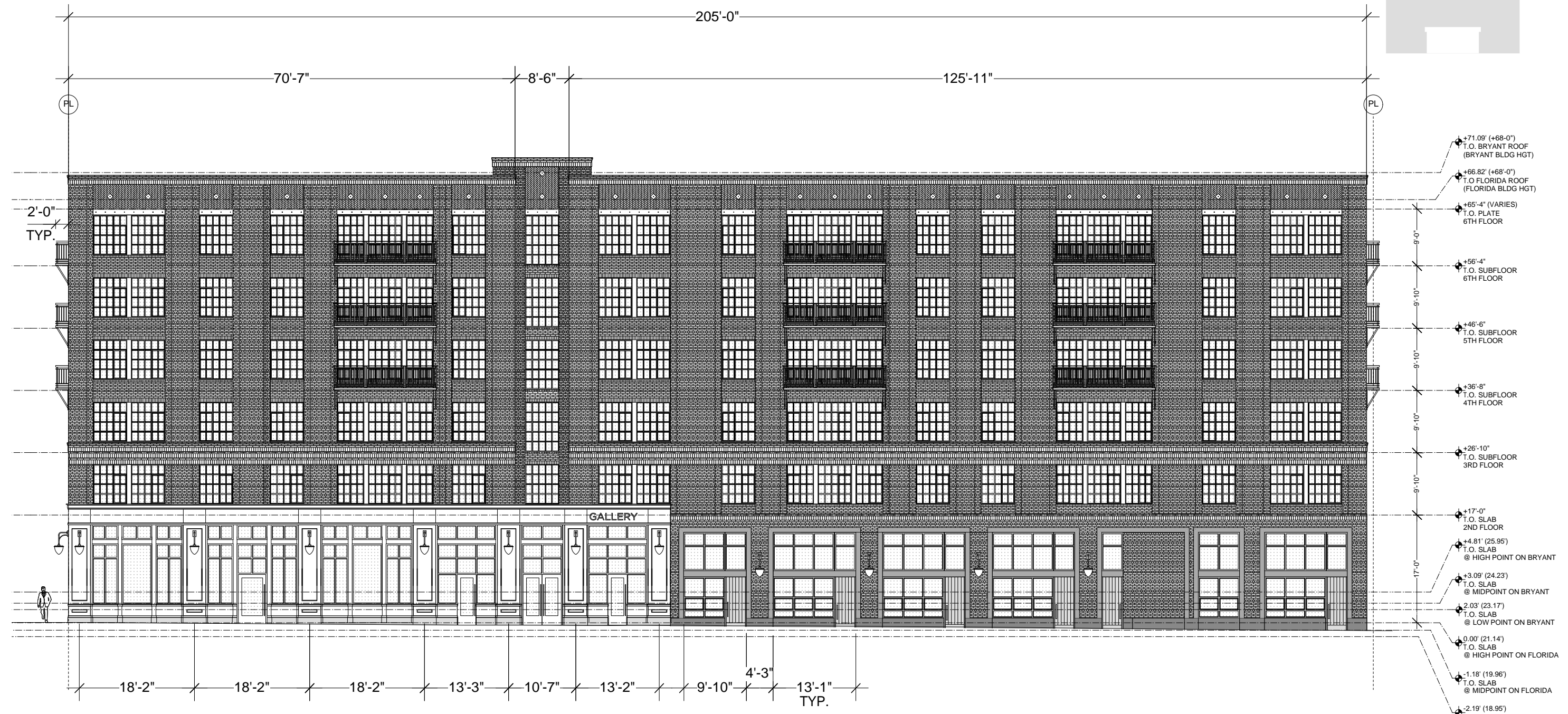
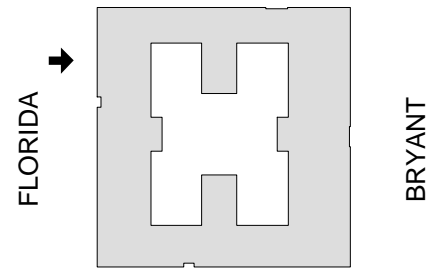
BRYANT



- +71.09' (+68'-0") T.O. BRYANT ROOF (BRYANT BLDG HGT)
- +66.82' (+68'-0") T.O. FLORIDA ROOF (FLORIDA BLDG HGT)
- +65'-4" (VARIES) T.O. PLATE 6TH FLOOR
- +56'-4" T.O. SUBFLOOR 6TH FLOOR
- +46'-6" T.O. SUBFLOOR 5TH FLOOR
- +36'-8" T.O. SUBFLOOR 4TH FLOOR
- +26'-10" T.O. SUBFLOOR 3RD FLOOR
- +17'-0" T.O. SLAB 2ND FLOOR
- +4.81' (25.95') T.O. SLAB @ HIGH POINT ON BRYANT
- +3.09' (24.23') T.O. SLAB @ MIDPOINT ON BRYANT
- 2.03' (23.17) T.O. SLAB @ LOW POINT ON BRYANT
- 0.00' (21.14) T.O. SLAB @ HIGH POINT ON FLORIDA
- 1.18' (19.96') T.O. SLAB @ MIDPOINT ON FLORIDA
- 2.19' (18.95') T.O. SLAB @ LOW POINT ON FLORIDA



18TH



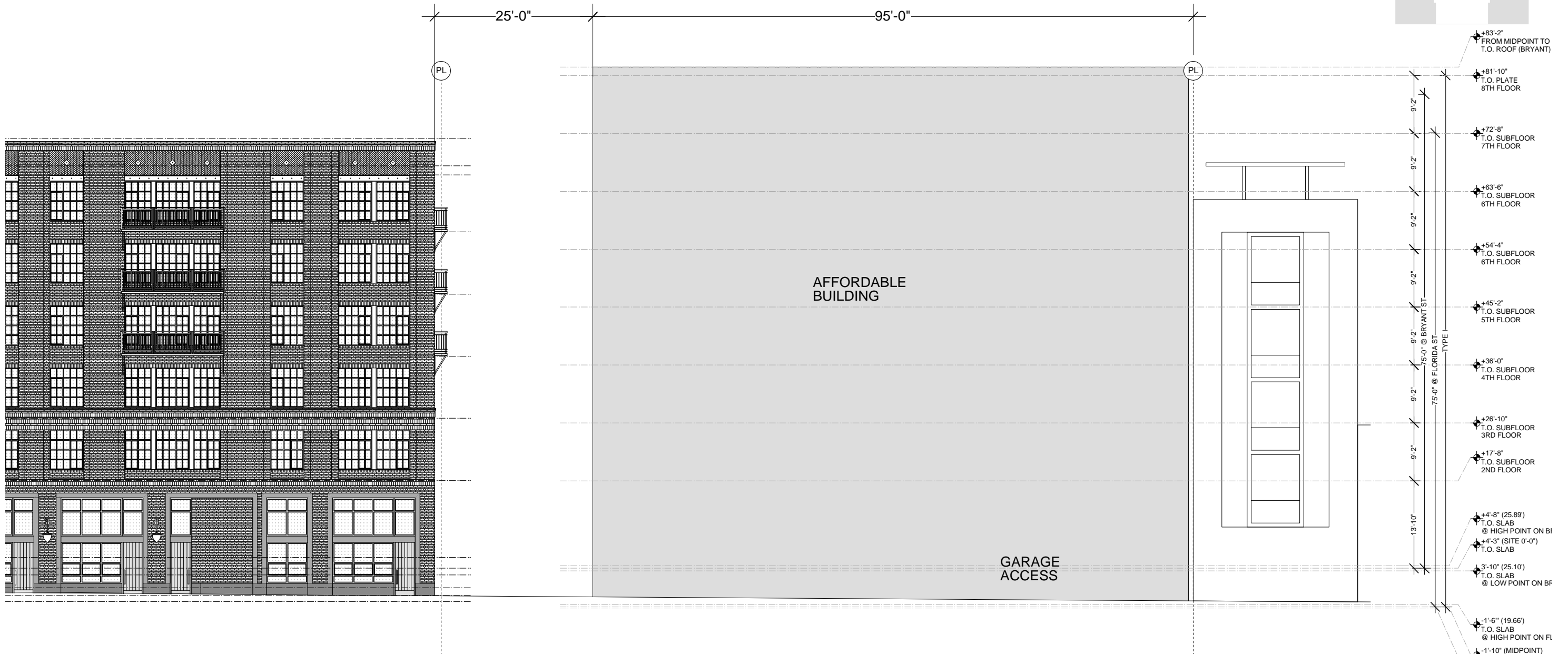
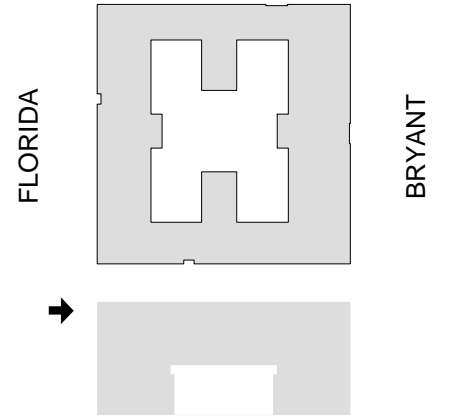
NICK PODELL COMPANY  
**BDE**  
 ARCHITECTURE



**MARKET RATE**  
**FLORIDA PARTIAL ELEVATION** 1/16" = 1'-0" **17**

2000-2070 BRYANT ST | SAN FRANCISCO SEPTEMBER 2, 2016

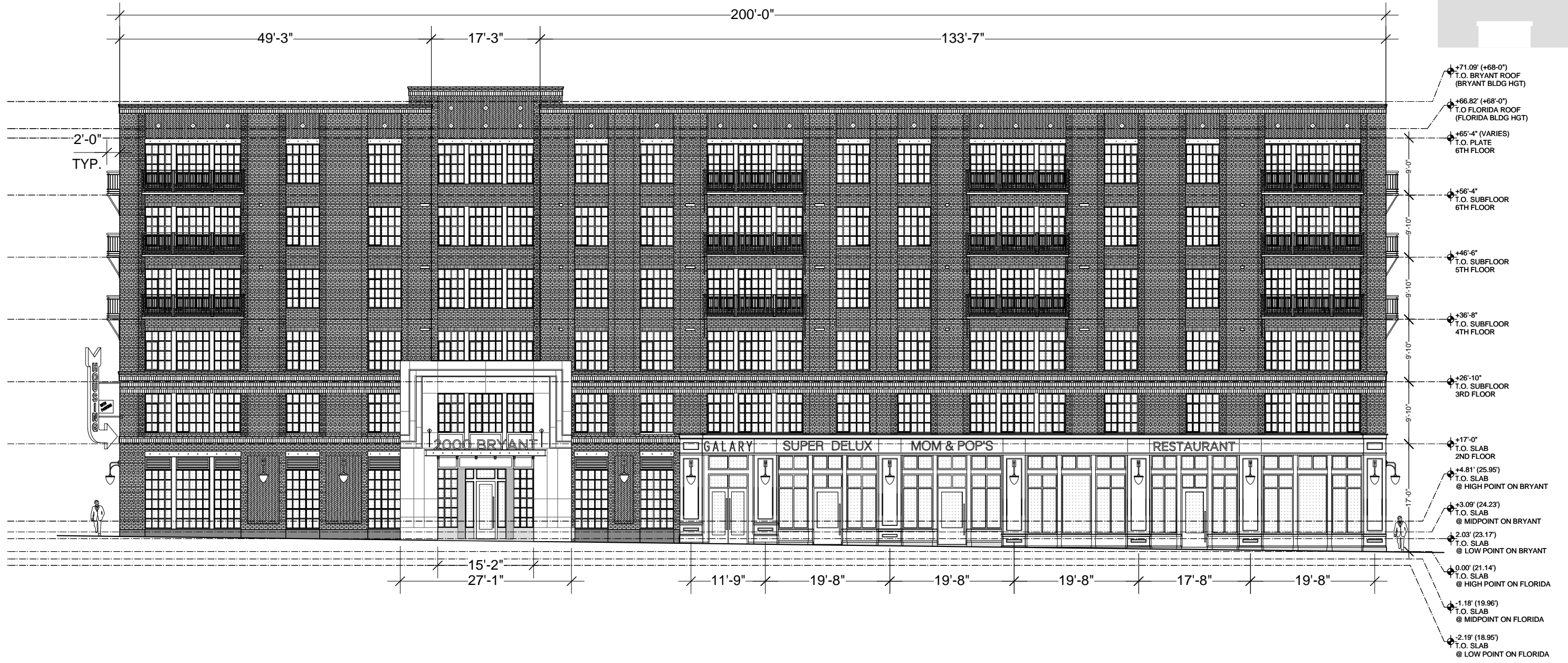
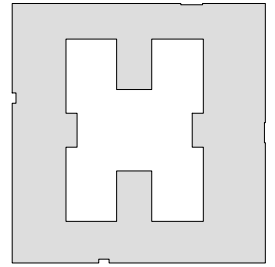
ALL DRAWINGS AND WRITTEN MATERIAL APPEARING HEREIN CONSTITUTE ORIGINAL, AND UNPUBLISHED WORK OF THE ARCHITECT AND MAY NOT BE DUPLICATED, USED OR DISCLOSED WITHOUT THE WRITTEN CONSENT OF THE ARCHITECT.

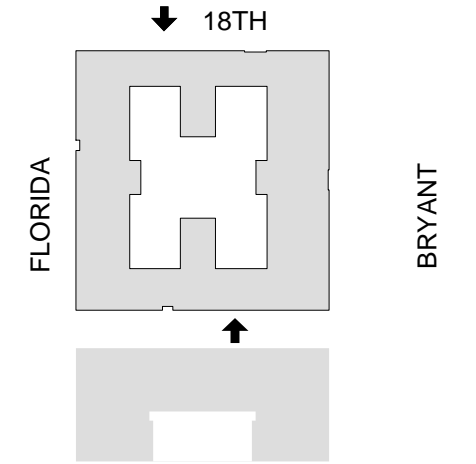


↓ 18TH

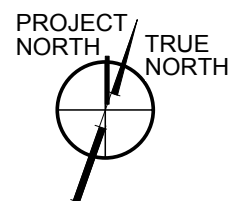
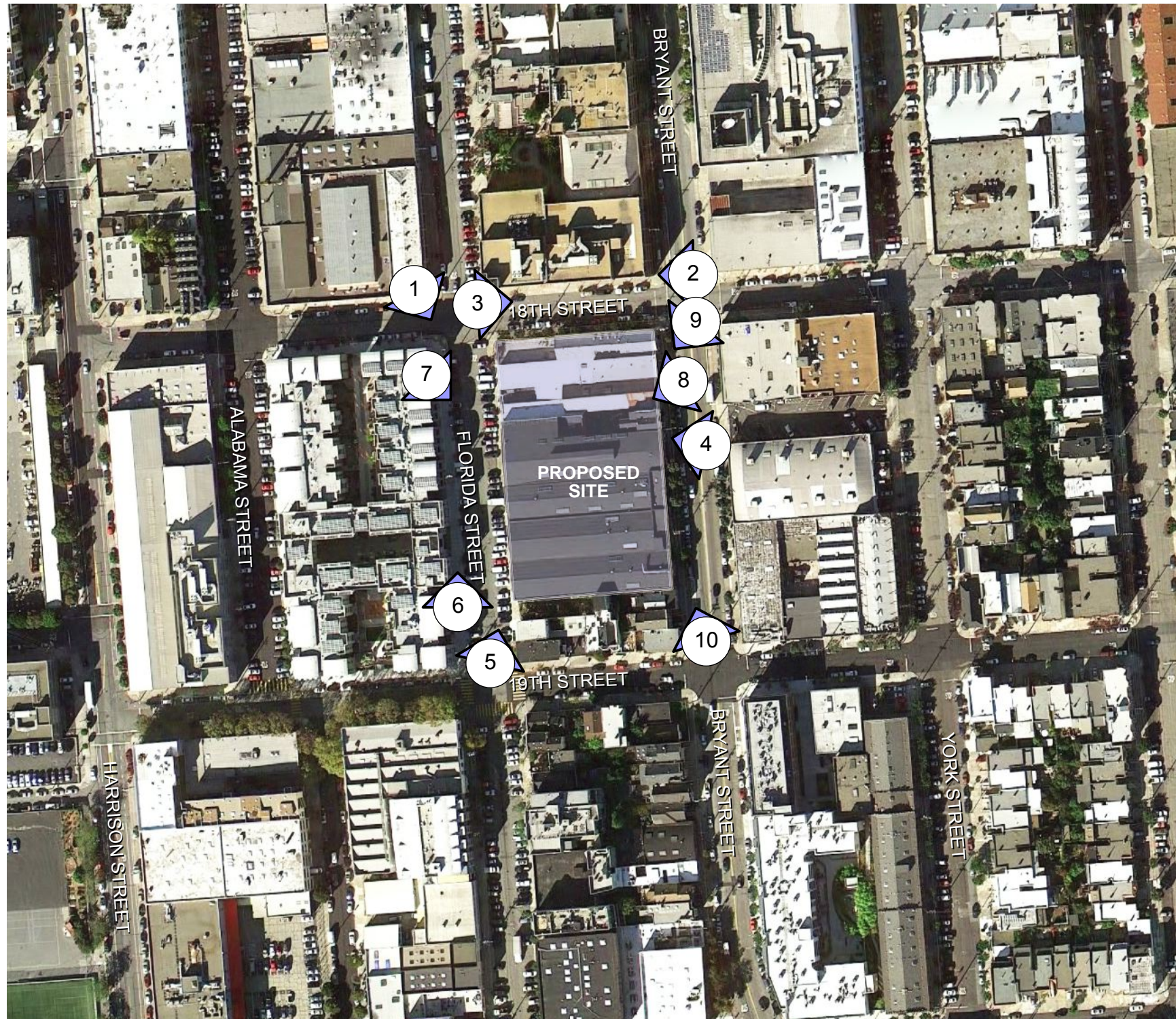
FLORIDA

BRYANT









PLOT PLAN: N.T.S.

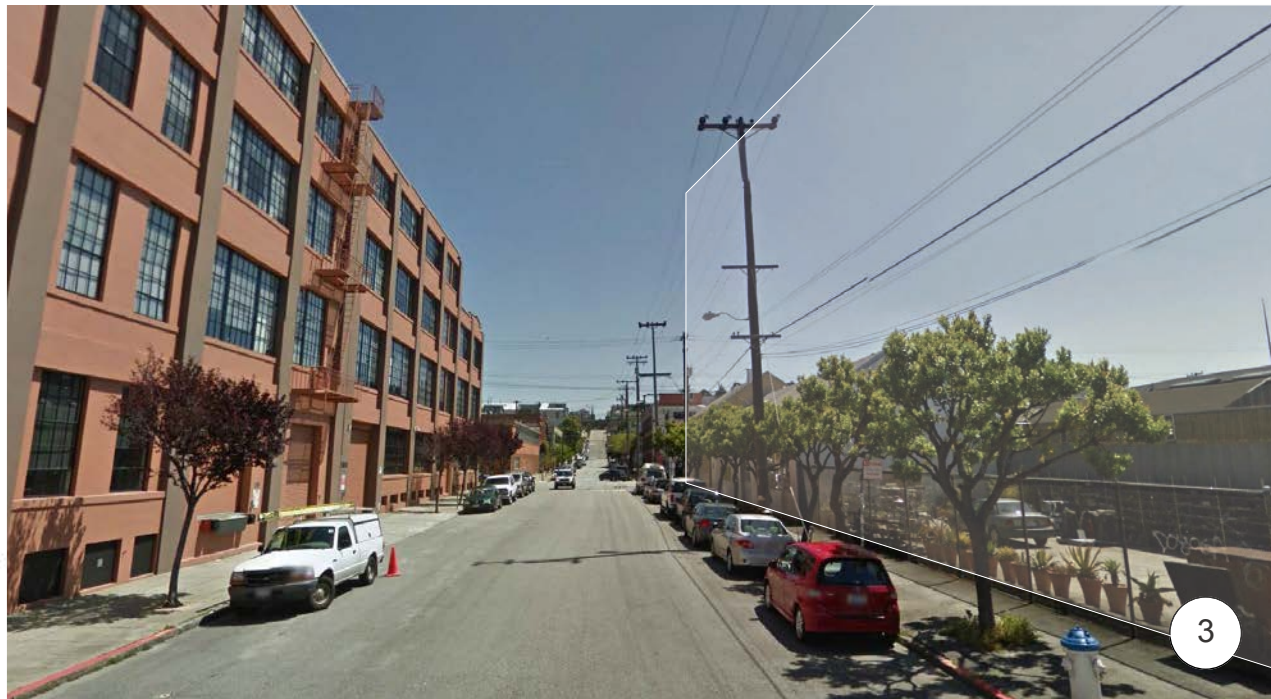




BRYANT STREET: VIEW NORTH TOWARDS 18TH STREET



18TH STREET: VIEW WEST DOWN 18TH



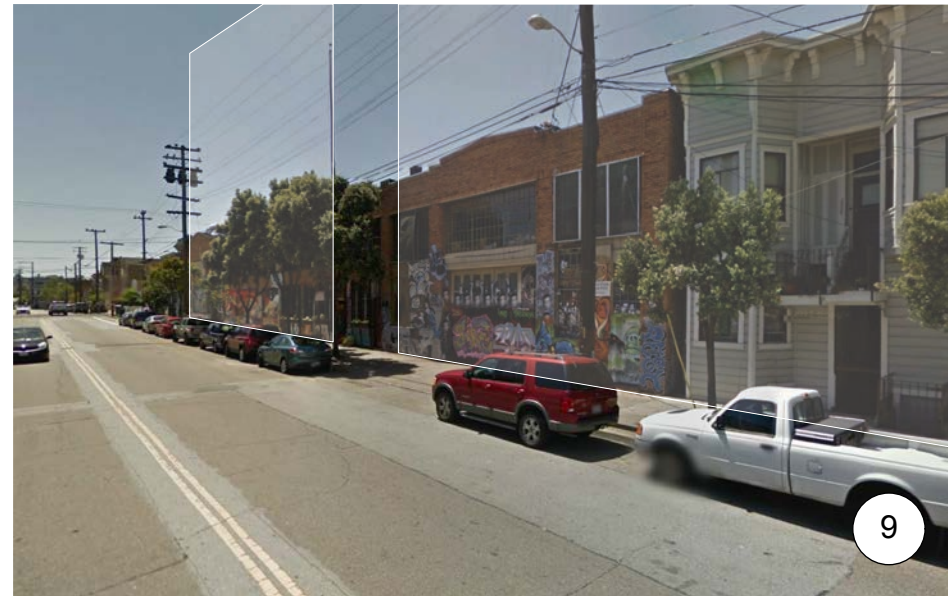
18TH STREET: VIEW EAST DOWN 18TH



18TH STREET: VIEW SOUTH TOWARDS FLORIDA STREET



**BRYANT STREET: VIEW NORTH TOWARDS 18TH STREET**



**BRYANT STREET: VIEW SOUTH TOWARDS 19TH STREET**



**BRYANT STREET: VIEW SOUTH TOWARDS 19TH STREET**



**FLORIDA STREET: VIEW SOUTH TOWARDS 19TH STREET**



**FLORIDA STREET: VIEW NORTH TOWARDS 18TH STREET**



**FLORIDA STREET: VIEW NORTH TOWARDS 18TH STREET**



*Bougainvillea sp.*



*Podranea ricasoliana*



*Pandorea jasminoides*



*Euphorbia myrsinites*



*Senecio cylindricus*



*Mahonia eurybracteata* 'Soft Caress'



*Agave attenuata*



*Choisya* 'Aztec Pearl'



*Dianella* 'Baby bliss'



*Salvia cacaliifolia*



*Helleborus foetidus*



*Huechera maxima*



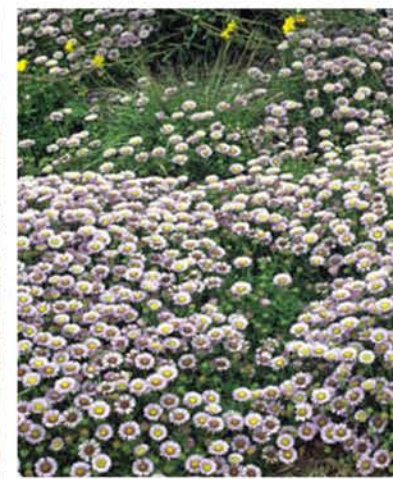
*Pelargonium tomentosum*



*Lomandra confertifolia* 'Seascape'



*Persicaria capitata*

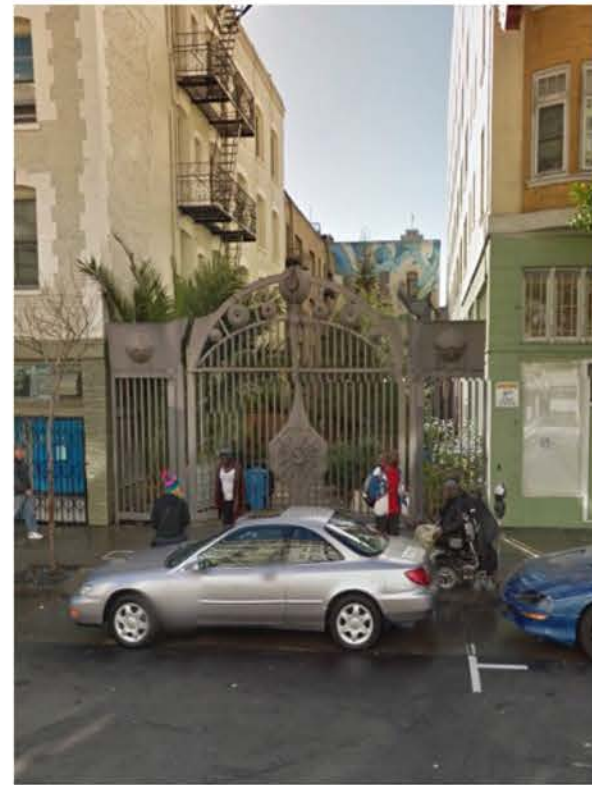


*Erigeron x moerheimii*



*Correa pulchella*



















**EXHIBIT B**

## 2050 Bryant Street Development:

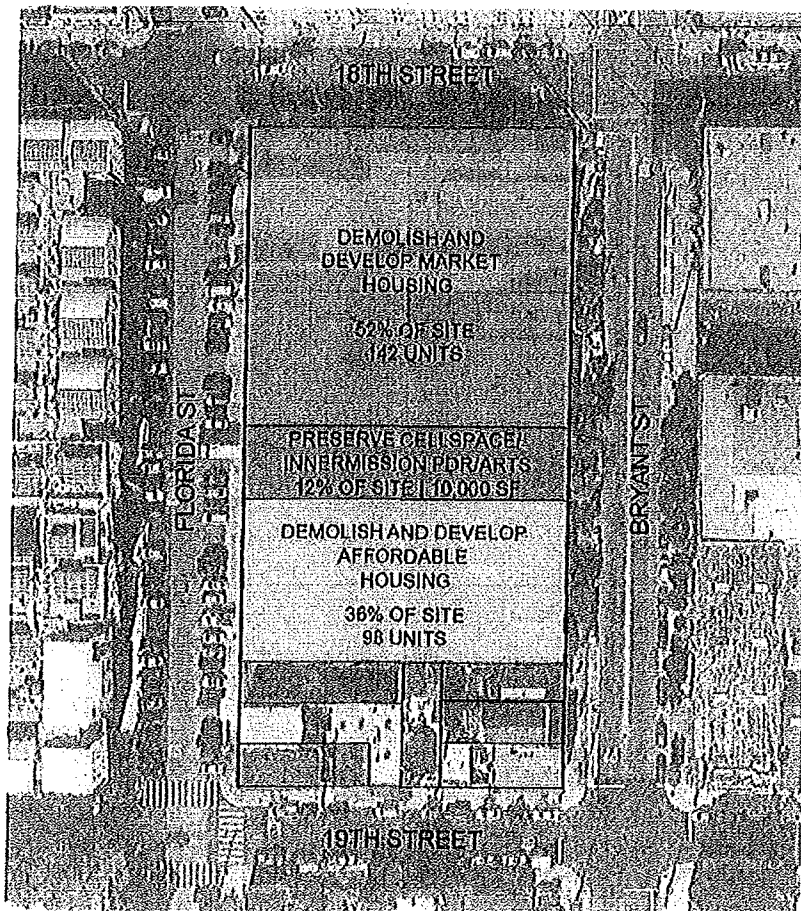
### The Podell Company's Luxury Housing Proposal Versus A Genuine Community Building Alternative

#### Podell Company Proposal:

274 Total Housing Units  
230 Market Rate Units  
44 (16%) Affordable Housing Units (Within Project)  
10,000 sq ft Cell Space PDR/Arts Complete Demolition and Displacement

#### Community Building Alternative:

240 Total Housing Units  
142 Market Rate Units  
98 (41%) Affordable Housing Units (Site Dedication to City at Reduced Price)  
10,000 sq ft Cell Space PDR/Arts Preserved (Donation to Nonprofit Trust)



# **EXHIBIT C**



# 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 (EN Impact Fees)

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

Reception:  
415.558.6378

Fax:  
415.558.6409

Planning  
Information:  
415.558.6377

## Planning Commission Motion No. 19657

HEARING DATE: JUNE 2, 2016

Case No: 2013.0677CUA  
 Project Address: 2000-2070 BRYANT STREET  
 Zoning: UMU (Urban Mixed Use) Zoning District  
 68-X Height and Bulk District  
 Block/Lot: 4022/001 and 002  
 Project Sponsor: Nick Podell, Nick Podell Company  
 22 Battery Street, Ste. 404  
 San Francisco, CA 94111  
 Staff Contact: Richard Sucre – (415) 575-9108  
[richard.sucre@sfgov.org](mailto:richard.sucre@sfgov.org)

**ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO PLANNING CODE SECTIONS 303 AND 317 REQUIRING CONDITIONAL USE AUTHORIZATION FOR THE REMOVAL OF THREE RESIDENTIAL UNITS.**

### PREAMBLE

On February 9, 2015, Linsey Perlov of Nick Podell Company (hereinafter "Project Sponsor") filed an application with the Planning Department (hereinafter "Department") for Conditional Use Authorization under Planning Code Sections 303 and 317 to demolish one residential unit at 2000 Bryant Street and two residential units at 2028 Bryant Street on Assessor's Block 4022 Lots 001 and 002 within the UMU (Urban Mixed-Use) Zoning District and a 68-X Height and Bulk District.

The environmental effects of the Project were determined by the San Francisco Planning Department to have been fully reviewed under the Eastern Neighborhoods Area Plan Environmental Impact Report (hereinafter "EIR"). The EIR was prepared, circulated for public review and comment, and, at a public hearing on August 7, 2008, by Motion No. 17661, certified by the Commission as complying with the California Environmental Quality Act (Cal. Pub. Res. Code Section 21000 et seq., hereinafter "CEQA"). The Commission has reviewed the Final EIR, which has been available for this Commission's review as well as public review.

The Eastern Neighborhoods EIR is a Program EIR. Pursuant to CEQA Guideline 15168(c)(2), if the lead agency finds that no new effects could occur or no new mitigation measures would be required of a proposed project, the agency may approve the project as being within the scope of the project covered by

the program EIR, and no additional or new environmental review is required. In approving the Eastern Neighborhoods Plan, the Commission adopted CEQA Findings in its Motion No. 17661 and hereby incorporates such Findings by reference.

Additionally, State CEQA Guidelines Section 15183 provides a streamlined environmental review for projects that are consistent with the development density established by existing zoning, community plan or general plan policies for which an EIR was certified, except as might be necessary to examine whether there are project-specific effects which are peculiar to the project or its site. Section 15183 specifies that examination of environmental effects shall be limited to those effects that (a) are peculiar to the project or parcel on which the project would be located, (b) were not analyzed as significant effects in a prior EIR on the zoning action, general plan or community plan with which the project is consistent, (c) are potentially significant off-site and cumulative impacts which were not discussed in the underlying EIR, or (d) are previously identified in the EIR, but which are determined to have a more severe adverse impact than that discussed in the underlying EIR. Section 15183(c) specifies that if an impact is not peculiar to the parcel or to the proposed project, then an EIR need not be prepared for that project solely on the basis of that impact.

On May 11, 2016, the Department determined that the proposed application did not require further environmental review under Section 15183 of the CEQA Guidelines and Public Resources Code Section 21083.3. The Project is consistent with the adopted zoning controls in the Eastern Neighborhoods Area Plan and was encompassed within the analysis contained in the Eastern Neighborhoods Final EIR. Since the Eastern Neighborhoods Final EIR was finalized, there have been no substantial changes to the Eastern Neighborhoods Area Plan and no substantial changes in circumstances that would require major revisions to the Final EIR due to the involvement of new significant environmental effects or an increase in the severity of previously identified significant impacts, and there is no new information of substantial importance that would change the conclusions set forth in the Final EIR. The file for this project, including the Eastern Neighborhoods Final EIR and the Community Plan Exemption certificate, is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, California.

Planning Department staff prepared a Mitigation Monitoring and Reporting Program (MMRP) setting forth mitigation measures that were identified in the Eastern Neighborhoods Plan EIR that are applicable to the project. These mitigation measures are set forth in their entirety in the MMRP attached to the draft Motion as Exhibit C.

The Planning Department, Jonas P. Ionin, is the custodian of records, located in the File for Case No. 2013.0677CUA at 1650 Mission Street, Fourth Floor, San Francisco, California.

On June 2, 2016, the Commission adopted Motion No. 19658, approving a Large Project Authorization for the Proposed Project (Large Project Authorization Application No. 2013.0677X). Findings contained within said motion are incorporated herein by this reference thereto as if fully set forth in this Motion.



On May 19, 2016, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2013.0677CUA. At this hearing, the Commission continued this project to June 2, 2016.

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. 2013.0677CUA, 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 three lots (with a lot area of 65,000± square feet), which are bounded by Florida, 18<sup>th</sup> and Bryant Streets, which have approximately 325-ft of frontage along Florida Street, 325-ft of frontage along Bryant Street, and 200-ft of frontage along 18<sup>th</sup> Street. The proposed project occupies the majority of the block bounded by 18<sup>th</sup>, Bryant, 19<sup>th</sup> and Florida Streets. Currently, the subject lot contains six buildings, including: 2000 Bryant Street, a two-story mixed-use building with a ground floor commercial space and a dwelling unit on the second floor; 2010-2012 Bryant Street, a two-story arts activity building; 2028 Bryant Street, a two-story residential building with two dwelling units; 2815 18<sup>th</sup> Street, a two-story office building; 611 Florida Street, a one-to-two-story warehouse and automotive repair building; and 2044-2070 Bryant Street, a one-to-two-story warehouse/light industrial/arts activity building.
3. **Surrounding Properties and Neighborhood.** The project site is located within the UMU Zoning Districts in the Mission Area Plan. The immediate context is mixed in character with mixed residential, commercial and industrial development along 18<sup>th</sup>, Bryant and Florida Streets. The immediate neighborhood includes a three-to-four-story former industrial building, two-story commercial properties, and a four-to-five-story larger-scale residential development. To the south of the project site on the same block, the adjacent buildings include two-to-three-story multi-family dwellings. The project site has three street frontages: 18<sup>th</sup> Street, which is 66-ft wide with parallel parking on either side of the street; Bryant Street, which is 80-ft wide with parallel parking on either side of the street and Florida Street, which is also 80-ft wide with perpendicular parking on the east side of the street bordering the project site. Other zoning districts in the vicinity of the project site include: RH-2 (Residential, House, Two-Family) and PDR-1-G (Production, Distribution, Repair-General).

4. **Project Description.** The Project includes demolition of the six existing buildings on the project site (collectively measuring approximately 68,690 square feet), which include two dwelling units at 2028 Bryant Street and one dwelling unit at 2000 Bryant Street. The Project includes new construction of a six-story, 68-ft tall, mixed-use building (approximately 203,656 square feet) with 199 dwelling units, ground floor retail/trade shop spaces along 18<sup>th</sup> Street and Florida Street (up to 7,007 square feet), 12,000 square feet of ground floor PDR space, 1 car-share parking space, 84 off-street parking spaces, 128 Class 1 bicycle parking spaces, and 18 Class 2 bicycle parking spaces. The Project includes a dwelling unit mix consisting of 80 two-bedroom units, 89 one-bedroom units, and 30 studio units. The Project also incorporates two off-street freight loading spaces within the private mid-block alley. The Project includes common open space via two interior courtyards and a roof terrace (approximately 15,920 square feet). The Project would also include a lot merger and subdivision of Lots 001, 002 and 021 on Block 4022.
5. **Public Comment.** The Department has numerous public correspondences regarding the proposed project. Much of this public correspondence has expressed opposition to the proposed project; however, the Department has also received letters in support of the Project.
6. **Planning Code Compliance:** The Planning Code Compliance Findings set forth in Motion No. 19658, Case No. 2013.0677X (Large Project Authorization, pursuant to Planning Code Section 329) apply to this Motion, and are incorporated herein as though fully set forth.
7. **Planning Code Section 303** establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use approval. On balance, the project does comply with said criteria in that:
  1. The proposed use 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 use and size of the Project is compatible with the immediate neighborhood and the goals of the City. Although the Project would demolish three residential units, the Project, as a whole, would construct 199 dwelling units for rent (inclusive of 3 on-site affordable housing units for rent), which is more desirable in terms of compatibility with the surrounding housing density and the UMU Zoning District. The replacement building is designed to be consistent with the larger mixed-use neighborhood. The construction of new housing with affordable housing units is a goal supported by the City. Further, the Project will provide land dedicated to the City for construction of up to approximately 136 units of affordable housing.*

2. 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:

- a) The nature of proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;

*The Project is located on a larger corner site bounded by Bryant, 18<sup>th</sup> and Florida Streets. The Project is designed as a large-scale, six-story, 68-ft tall, brick warehouse, which encompasses the full block on 18<sup>th</sup> Street between Bryant and Florida Street. This large-scale massing is appropriate given the larger neighborhood context, which includes larger-scale, four-story reinforced concrete industrial buildings. The surrounding neighborhood is extremely varied with many examples of smaller-scale residential properties and larger-scale industrial properties—both of which range in height from one-to-six-stories in height. The Project's overall mass and scale are further broken down by the fine detail evident in the choice of exterior materials (brick), ground floor storefronts and accentuated cornices. In addition, the Project incorporates a 25-ft wide private alley, which provides separation from the adjacent land dedication site. Overall, these features provide variety in the building design and scale, while providing for features that strongly relates to the varied neighborhood context. The proposed size, shape and arrangement of the Project are in keeping with the development patterns of the larger neighborhood.*

- b) 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 and of proposed alternatives to off-street parking, including provisions of car-share parking spaces, as defined in Section 166 of this Code;

*For the 199 dwelling units, the Project is allowed to have a maximum of 149 off-street parking spaces. Currently, the Project provides 84 off-street parking spaces via mechanical lifts. Of these 85 off-street parking spaces, two handicap parking spaces have been identified, as well as one car-share parking spaces. Further, the Project incorporates only one garage entrances consisting of a 11-ft wide entrance on Bryant Street. The Project complies with the requirements for off-street parking, bicycle parking and car-share.*

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

*The Project is primarily residential in nature with 199 dwelling units. The Project does incorporate up to 7,007 square feet of ground floor retail/trade shop use and 12,000 square feet of PDR use. The proposed residential density and commercial intensity are not anticipated to produce noxious or offensive emissions.*

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

*In compliance with Planning Code Section 138.1, the Project includes the required street trees, as specified by the Department of Public Works. In addition, the Project includes streetscape elements, including new concrete sidewalks, linear planters along the street edge, new street trees,*

*bicycle parking spaces, and corner bulb-outs. The Department finds that these improvements would improve the public realm.*

3. Such use or feature as proposed will comply with the applicable provisions of the Planning Code and will not adversely affect the General Plan.

*The Project complies with all relevant requirements and standards of the Planning Code, and is seeking exceptions under the Large Project Authorization to address the Planning Code requirements for: 1) rear yard (Planning Code Section 134); 2) ground floor ceiling height for non-residential uses (Planning Code Section 145.1); 3) off-street freight loading (Planning Code Section 152.1); 4) horizontal mass reduction (Planning Code Section 270.1); and, 5) flexible units-accessory use provisions for dwelling units (Planning Code Sections 329(d)(10) and 803.3(b)(1)(c). Overall, the Project is consistent with objectives and policies of the General Plan (See Below).*

4. Such use or feature as proposed will provide development that is in conformity with the stated purpose of the applicable Use District.

*The Project is consistent with the intent and requirements of the UMU (Urban Mixed-Use) Zoning District. The Project includes new residential units, ground floor commercial space, and PDR use, which are principally permitted within the UMU Zoning District.*

8. **Planning Code Section 317** establishes criteria for the Planning Commission to consider when reviewing applications to demolish or convert Residential Buildings. On balance, the Project does comply with said criteria in that:

- i. whether the property is free of a history of serious, continuing Code violations;

***Project Meets Criterion.***

*Based upon a review of records with the Department of Building Inspection (DBI) and the San Francisco Planning Department, no active code violations are on file for any of the three existing properties.*

- ii. whether the housing has been maintained in a decent, safe, and sanitary condition;

***Project Meets Criterion.***

*The existing three residences have been maintained in a decent, safe and sanitary condition.*

- iii. whether the property is an "historical resource" under CEQA;

***Project Meets Criterion.***

*The existing buildings are not considered to be historic resource under CEQA. See Case No. 2013.0677E for additional information on the project's historic status.*

- iv. whether the removal of the resource will have a substantial adverse impact under CEQA;

***Project Meets Criterion.***

*The removal of the three residences would not result in a substantial adverse impact under CEQA.*

- v. whether the project converts rental housing to other forms of tenure or occupancy;

***Project Meets Criterion.***

*The Project removes two owner-occupied dwelling units and one rental unit, and replaces them with 199 dwelling units for rent. At 2000 Bryant Street, only one rental dwelling units exists on the project site.*

- vi. whether the project removes rental units subject to the Residential Rent Stabilization and Arbitration Ordinance or affordable housing;

***Project Does Not Meet Criterion.***

*The Project removes 2028 Bryant Street, which currently has two dwelling units, and 2000 Bryant Street, which has one dwelling unit. These three units are subject to the Residential Rent Stabilization and Arbitration Ordinance. Three of the 199 replacement units would be on-site affordable dwelling units for rent.*

- vii. whether the project conserves existing housing to preserve cultural and economic neighborhood diversity;

***Project Does Not Meet Criterion.***

*Although the Project would demolish three existing housing units, the Project would provide 199 new dwelling units, thus resulting in an overall increase in the neighborhood housing stock. Further, the Project would provide 3 on-site affordable housing units for rent and will dedicate a portion of the project site to MOHCD, who will develop the land with affordable housing. The Project is expressive in design, and relates well to the scale and form of the surrounding neighborhood. For these reasons, the Project would protect and preserve the cultural and economic diversity of the neighborhood.*

- viii. whether the project conserves neighborhood character to preserve neighborhood cultural and economic diversity;

***Project Meets Criterion.***

*The Project does conserve neighborhood character, since the new design is expressive and evokes the area's industrial heritage. The Project relates well to the scale and form of the surrounding neighborhood. For these reasons, the Project would protect and preserve the cultural and economic diversity of the neighborhood.*

- ix. whether the project protects the relative affordability of existing housing;

***Project Does Not Meet Criterion.***

*The Project demolishes three existing vacant residences on the project site, and constructs 199 new dwelling units, including 3 on-site affordable units; therefore, the existing housing would be removed from the project site.*

- x. whether the project increases the number of permanently affordable units as governed by Section 415;

***Project Meets Criterion.***

*The Project includes 3 on-site BMR units and would dedicate land to MOHCD for the purpose of constructing new affordable housing. Based upon initial feasibility studies, up to 136 new affordable units could be constructed on the dedicated land.*

- xi. whether the project locates in-fill housing on appropriate sites in established neighborhoods;

***Project Meets Criterion.***

*The Project provides infill new construction of 199 dwelling units on the project site.*

- xii. whether the project increases the number of family-sized units on-site;

***Project Meets Criterion.***

*The Project increases the number of family-sized units on the project site. The Project incorporates 80 two-bedroom units.*

- xiii. whether the project creates new supportive housing;

***Project Does Not Meet Criterion.***

*The Project does not include new supportive housing.*

- xiv. whether the project is of superb architectural and urban design, meeting all relevant design guidelines, to enhance existing neighborhood character;

***Project Meets Criterion.***

*The Project successfully draws from these older industrial properties in a contemporary manner, and provides a design, which incorporates finer detailing on the exterior, as evident in the material palette, cornice, window surrounds and storefront. The Project provides for a unique and contemporary expression along the street, which draws from the mixed-industrial character within the surrounding area, while also referencing older architectural styles. The Project evokes a 19<sup>th</sup> century brick warehouse with a red brick exterior, terracotta tile, and wood storefront. Overall, the Project offers a high quality architectural treatment, which provides for unique and expressive architectural design that is consistent and compatible with the surrounding neighborhood.*

- xv. whether the project increases the number of on-site Dwelling Units;

***Project Meets Criterion.***

*The Project increases the number of on-site dwelling units from three to 199.*

- xvi. whether the project increases the number of on-site bedrooms;

***Project Meets Criterion.***

*The Project increases the number of on-site bedrooms.*

- xvii. whether or not the replacement project would maximize density on the subject lot; and

***Project Meets Criterion.***

*The Project maximizes the density on the subject lot.*

- xviii. if replacing a building not subject to the Residential Rent Stabilization and Arbitration Ordinance, whether the new project replaces all of the existing units with new Dwelling Units of a similar size and with the same number of bedrooms.

***Project Meets Criterion.***

*The Project does replace the existing units with new dwelling units of a similar size with the same number of bedrooms.*

9. **General Plan Compliance.** The General Plan Compliance Findings set forth in Motion No. 19658, Case No. 2013.0677X (Large Project Authorization, pursuant to Planning Code Section 329), apply to this Motion, and are incorporated herein as though fully set forth.
10. **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.

*Although the project site currently contains existing neighborhood-serving uses, including a restaurant and auto repair shop, the Project would assist in enhancing the larger neighborhood by providing new space for new neighborhood-serving uses and other retail opportunities. The Project improves the urban form of the neighborhood by constructing new ground floor retail and PDR uses. These new retail spaces will provide goods and services to area workers, residents and visitors, while creating new ownership and employment opportunities for residents. The Project would add new residents, visitors, and employees to the neighborhood, which would assist in strengthening nearby retail uses.*

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

*Although the Project would demolish three existing housing units, the Project would provide 199 new dwelling units, thus resulting in an overall increase in the neighborhood housing stock. Further, the Project would provide 3 on-site affordable housing units for rent and will dedicate a portion of the project site to MOHCD, who will develop the land with affordable housing. The Project is expressive in design, and relates well to the scale and form of the surrounding neighborhood. For these reasons, the Project would protect and preserve the cultural and economic diversity of the neighborhood.*

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

*The Project will not displace any identified affordable housing units. The three existing units are vacant and not identified as affordable housing units. The Project will comply with the City's Inclusionary Housing Program, therefore increasing the stock of affordable housing units in the City.*

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

*The project site is served by nearby public transportation options. The Project is located within one block of bus lines for the 27-Bryant & within three blocks of the bus lines for the 22-Fillmore and 33-Stanyan. Future residents would be afforded proximity to bus line. The Project also provides off-street parking at the principally permitted amounts and sufficient bicycle parking for residents and their guests.*

- 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. The Project provides new ground floor retail/trade shop use, PDR use and housing, which is a top priority in the City. The new retail/trade shop use will provide new opportunity for the service sector.*

- 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.

*Currently, the project site does not contain any City Landmarks or historic buildings.*

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

*The Project will not affect the City's parks or open space or their access to sunlight and vistas. A shadow study was completed and concluded that the Project will not cast shadows on any property under the jurisdiction of, or designated for acquisition by, the Recreation and Park Commission.*



11. 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.
12. The Commission hereby finds that approval of the Conditional Use authorization would promote the health, safety and welfare of the City.

## DECISION

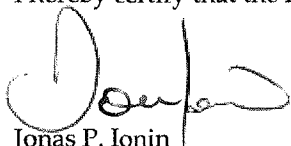
That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Application No. 2013.0677CUA**, under Planning Code Sections 303 and 317, to demolish three residential units at the project site associated with 2000-2070 Bryant Street, subject to the following conditions attached hereto as "EXHIBIT A" 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. 17820. 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 94012.

**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 June 2, 2016.



Jonas P. Ionin  
Commission Secretary

AYES: Antonini, Fong, Hillis, Johnson and Richards

NAYS: Moore and Wu

ABSENT: None

ADOPTED: June 2, 2016

## EXHIBIT A

### AUTHORIZATION

This authorization is for a conditional use to allow the demolition of three residential units located at 2000 & 2028 Bryant Streets, pursuant to Planning Code Sections 303 and 317, within the UMU Zoning District and a 68-X Height and Bulk District; in general conformance with plans, dated April 29, 2016, and stamped "EXHIBIT B" included in the docket for Case No. 2013.0677CUA and subject to conditions of approval reviewed and approved by the Commission on June 2, 2016 under Motion No. 19657. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

### COMPLIANCE WITH OTHER REQUIREMENTS

The Conditions of Approval set forth in Exhibit A of Motion No. 19658, Case No. 2013.0677X (Large Project Authorization under Planning Code Section 329) apply to this approval, and are incorporated herein as though fully set forth, except as modified herein.

### 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 June 2, 2016 under Motion No. 19657.

### PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. 19657 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 Office Development 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 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](http://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](http://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](http://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](http://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](http://www.sf-planning.org)*

**Additional Project Authorization.** The Project Sponsor must obtain a project authorization under Planning Code Section 329 for a Large Project Authorization with modifications to the requirements for rear yard, open space, permitted obstructions over the street, ground floor ceiling height, off-street loading and accessory use provisions for dwelling units, and satisfy all the conditions thereof. The

conditions set forth below are additional conditions required in connection with the Project. If these conditions overlap with any other requirement imposed on the Project, the more restrictive or protective condition or requirement, as determined by the Zoning Administrator, shall apply.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

**Mitigation Measures.** Mitigation measures described in the MMRP for the Eastern Neighborhoods Plan EIR (Case No. 2013.0986E) attached as Exhibit C are necessary to avoid potential significant effects of the proposed project and have been agreed to by the project sponsor.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

# **EXHIBIT D**

Mayor's Office of Housing and Community Development  
City and County of San Francisco



Edwin M. Lee  
Mayor

Olson Lee  
Director

May 12, 2016

Mr. Nick Podell  
Nick Podell Company  
22 Battery Street, Ste. 404  
San Francisco, CA 94111

Re: 2070 Bryant Street Land Dedication

Dear Mr. Podell:

Pursuant to San Francisco Planning Code Section 419.5(a)(2), the Mayor's Office of Housing and Community Development (MOHCD) conditionally accepts the dedication of 2070 Bryant Street (Site) for affordable housing development from 2070 Bryant Street, JV LLC, an affiliate of the Nick Podell Company (Sponsor), as satisfaction of inclusionary housing obligations generated by the Sponsor's principal development project at 2000 Bryant Street.

As required by Section 419.5(a)(2) and MOHCD's Inclusionary Housing Procedures Manual, MOHCD is in receipt of the following documents and information related to 2070 Bryant:

- 1) Preliminary title report
- 2) Site survey
- 3) Geotechnical Report
- 4) Phase 1 Report
- 5) Phase 2 Report
- 6) Cost Estimate for Mitigation of Hazardous Materials
- 7) Land Use Memo re: Existing Zoning, Occupancy and Use Restrictions
- 8) Fair market Value Appraisal
- 9) Infrastructure Study
- 10) Density Studies
- 11) Cost Studies

Based upon our review of the materials provided, the Site is suitable for affordable housing development and meets the City's threshold regulatory requirements for a land dedication.

Conditions related to the land dedication include the following:

- 1) Fee title interest to the Site must be conveyed clear of all title exceptions except those that MOHCD in its sole discretion accepts.
- 2) The Sponsor shall secure CEQA clearance for the land dedication and proposed affordable housing development at the Site.
- 3) The Sponsor shall establish an escrow account to pay for hazardous materials mitigation at a cost to be confirmed by MOHCD and the Sponsor prior to Site conveyance. The current estimated cost of the Site's remediation is \$584,954.00.
- 4) The Sponsor shall demolish any existing structures on the Site at its own expense and deliver the parcel vacant.

As authorized in MOHCD's Inclusionary Procedures Manual, the conditions stated above are not intended to be exhaustive, and MOHCD and the Sponsor shall further refine the terms of the Site transfer in a purchase and sale agreement after Sponsor succeeds in fully entitling the Site and 2000 Bryant Street.

We look forward to working with you on this development.

Sincerely yours,



Olson Lee

cc: John Rahaim, Department of City Planning  
Rich Sucre, Department of City Planning