

**NOTICE TO BOARD OF SUPERVISORS OF APPEAL  
FROM ACTION OF THE CITY PLANNING COMMISSION**

2017 JUL -3 PM 2:12

BJ

Notice is hereby given of an appeal to the Board of Supervisors from the following action of the City Planning Commission.

The property is located at 1850 Bryant Street, SF.

June 1, 2017

Date of City Planning Commission Action

(Attach a Copy of Planning Commission's Decision)

July 3, 2017

Appeal Filing Date

The Planning Commission disapproved in whole or in part an application for reclassification of property, Case No. \_\_\_\_\_.

The Planning Commission disapproved in whole or in part an application for establishment, abolition or modification of a set-back line, Case No. \_\_\_\_\_.

The Planning Commission approved in whole or in part an application for conditional use authorization, Case No. 2015-011211-CUA.

The Planning Commission disapproved in whole or in part an application for conditional use authorization, Case No. \_\_\_\_\_.

Statement of Appeal:

a) Set forth the part(s) of the decision the appeal is taken from:

*See Attached*

b) Set forth the reasons in support of your appeal:

*See Attached*

Person to Whom  
Notices Shall Be Mailed

Name and Address of Person Filing Appeal:

*Franklin Square Owner's Association,  
Mike Cogan, President*  
\_\_\_\_\_  
Name

*Same*  
\_\_\_\_\_  
Name

*1800 Bryant Street*  
\_\_\_\_\_  
Address

*Same*  
\_\_\_\_\_  
Address

*415-447-4282*  
\_\_\_\_\_  
Telephone Number

*Same*  
\_\_\_\_\_  
Telephone Number

*Mike Cogan*  
\_\_\_\_\_  
Signature of Appellant or  
Authorized Agent

BOARD OF SUPERVISORS  
SAN FRANCISCO  
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BJ

**STATEMENT OF APPEAL: CUA**

(a) By way of Planning Commission's Motion No. 19933, the Commission approved a Conditional Use Authorization for the proposed project at 1850 Bryant Street ("Project"). We appeal the Commission's finding set forth in Section 7(b) of said Motion, which states in part:

*"The proposed project will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity. There are no features of the project that could be detrimental to the health, safety or convenience of those residing or working in the area..."*

(b) Contrary to staff's determination, the design, size and shape of the proposed building would be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity or be injurious to property, improvements or potential development in the vicinity for the following reasons:

(1) The Project creates a shadow on virtually all of 1800 Bryant Street, including its common area open space. This wide cast shadow will dramatically change the use and enjoyment of the occupants of 1800 Bryant Street, and this shadow can be easily reduced with minimal design changes.

(2) The Project will force the functional elimination of windows on various units in this building. The appellants understand that the windows cannot be saved as they are not afforded view protection under the law. However, due to valid concerns about drainage impacts that will be caused by the new building, they seek the Project proponent to assist in filling in these windows so as to avoid future drainage issues.

(3) In addition to #2, the Project will create significant ventilation and drainage impacts for 1800 Bryant Street due to impacts to the building's waterproofing treatment and stairwells on the southerly property boundary. These impacts can be mitigated easily by the Project proponent.

(4) The new project will cause additional security issues in the neighborhood. Most of the proposed building will be used by Social Service Agencies, as defined in the Planning Code. No specific information has been provided by the Project sponsor regarding the types of social service agencies that will operate from the building, including the type of activities that these agencies will conduct, who their constituents/guests will be, and what their hours of operation will be. This new building would potentially create a large amount of space that will be unoccupied at night. To mitigate this existing neighborhood security issue, the Project should be required to provide adequate nighttime security (such as through the use of retired SF Police officers that carry SFPD radios and carry a gun).

(5) The buildings adjacent to the Project are live/work and artist spaces. There has been no information provided by the applicant about the specific occupants that will use the new building, and these occupants could significantly impact the use and enjoyment of the surrounding buildings. Planning Condition of Approval #19 needs to be modified to expressly require that a Letter of Determination, made available for a public comment period, will be required for each proposed occupant instead of solely for those deemed necessary by the Zoning

Administrator to protect the character of the neighborhood.

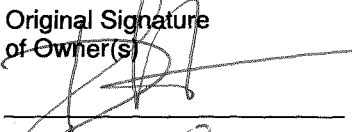
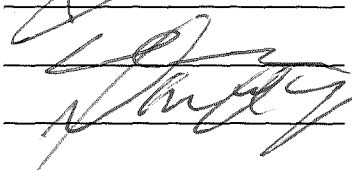
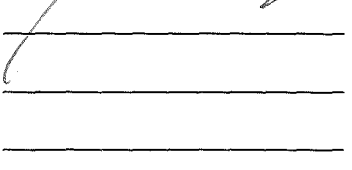
(6) The Project proposes to use shoring and underpinning for its construction, yet no condition has been added to require the Project sponsors to negotiate such an agreement with the appellants. The potential impacts to the structural integrity of the adjacent buildings has not been analyzed or discussed. Further, the proposed construction method cannot be implemented without the use of appellants' property and such use will cause direct impacts that have not been analyzed.

2017 JUL -3 PM 2:13

City Planning Commission  
 Case No. 2015-01121PCUA

The undersigned <sup>BJ</sup> declare that they are hereby subscribers to this Notice of Appeal and are owners of property affected by the proposed amendment or conditional use (that is, owners of property within the area that is the subject of the application for amendment or conditional use, or within a radius of 300 feet of the exterior boundaries of the property.

If ownership has changed and assessment roll has not been amended, we attach proof of ownership change. If signing for a firm or corporation, proof of authorization to sign on behalf of the organization is attached.

	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	<u>1800 BRYANT #214</u>	<u>3970/039</u>	<u>Duke Hoffman</u>	
2.	<u>1800 Bryant Ct, C2</u>	<u>3970/009<sup>0082</sup></u>	<u>Kuo chih Chen</u>	
3.	<u>1800 BRYANT #34</u>	<u>3970/055</u>	<u>JASON LEAL</u>	
4.	_____	_____	_____	_____
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2017 JUL -3 PM 2:13

City Planning Commission  
Case No. 2015-011211 GUA

The undersigned BJ declare that they are hereby subscribers to this Notice of Appeal and are owners of property affected by the proposed amendment or conditional use (that is, owners of property within the area that is the subject of the application for amendment or conditional use, or within a radius of 300 feet of the exterior boundaries of the property.

If ownership has changed and assessment roll has not been amended, we attach proof of ownership change. If signing for a firm or corporation, proof of authorization to sign on behalf of the organization is attached.

	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	1800 Bryant #215	3970/040	Karen Kiniser	
2.	1800 BRYANT # 216	3970/041	MICHAEL MONTERO	
3.	1800 Bryant #210	3970/035	Adam Perl	
4.	1800 Bryant #210	3970/035	Katherine Perl	
5.	1800 Bryant #207	3970/032	Jocelyn Koo	
6.	1800 Bryant #203	3970/028	Marianne Budin	
7.	1800 Bryant #202	3970/027	AMELIA MICANI	
8.	1800 Bryant #302	3970/043	Alexand CRALB	
9.	1800 Bryant #309	3970/050	Balabhadra Gravetey	
10.	1800 Bryant #310	3970/051	Patrick BLAMEY	
11.	1800 Bryant #111	3970/020	Mia Mazza	
12.	1800 BRYANT #211	3970/036	ANDREW GUTTA	
13.	1800 Bryant #315	3970/056	JEFFREY BENEDEDES	
14.	1800 BRYANT #308	3970/049	Joanne B. Campbell	
15.	1800 BRYANT #101	3970/010	Meagan Lewis	
16.	1800 BRYANT #101	3970/010	Ron Lewis	
17.	1800 Bryant ST #104	3970/013	Brodie Weitz	
18.	1800 BRYANT #107	3970/016	MARTIN LION	
19.	1800 Bryant #115	3970/024	Louis Stephen	
20.	1800 Bryant #109	3970/018	Yichel Chan	
21.	1800 Bryant #103	3970/017	John Chua	
22.	1800 BRYANT 110	3970/019	MARVIN LEE	

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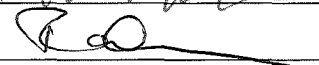
	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	<del>1800 Bryant St #111</del>	<del>3970/020</del>	<del>Mia Muzen</del>	<del>Mia Muzen (dupl. case)</del>
2.	1800 Bryant St #103	3970/012	HARVEY VUONG	Harvey Vuong
3.	1800 BRYANT #102	3970/011	JOSEPH MUCHA	Joseph Mucha
4.	1800 BRYANT #316	3970/057	Joseph Fireman	Joseph Fireman
5.	1800 BRYANT #100	3970/015	TRAVIS X LOVINRAN	Travis X Lovinran
6.	1800 BRYANT #106	3970/015	DEBBIE LOUGHREAN	Debbie Loughrean
7.	1800 Bryant #116	3970/025	SHU-KONG HSU	Shu-Kong Hsu
8.	1800 BRYANT #209	3970/034	LEILA YEE	Leila Yee
9.	1800 BRYANT #201	3970/022	RAYMOND TREWEL MARTH	Raymond Trewel Mart
10.	1800 BRYANT #311	3970/052	SAMSON KOLETAR	Samson Koletar
11.	1800 Bryant #305	3970/046	Derek Robert	Derek Robert
12.	1800 Bryant #305	3970/046	Quang Tue Nguyen	Quang Tue Nguyen
13.	2425 16th St.	3965/034	Derek Robert	Derek Robert
14.	2425 16th St	3965/034	Quang Tue Nguyen	Quang Tue Nguyen
15.	1800 Bryant #304	3970/045	Kelley W Berg	Kelley W Berg
16.	1800 BRYANT 113	<del>3970/045</del> 3970/022	DAVID BOCIAN	David Bocian
17.	1800 BRYANT 108	3970/017	JOHN CHUA	John Chua
18.	1800 Bryant 203	3970/028	Marianne Budin	Marianne Budin
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2017 JUL -3 PM 2:13

City Planning Commission  
Case No. 2015-04211E

The undersigned declare that they ~~are~~<sup>BE</sup> hereby subscribers to this Notice of Appeal and are owners of property affected by the proposed amendment or conditional use (that is, owners of property within the area that is the subject of the application for amendment or conditional use, or within a radius of 300 feet of the exterior boundaries of the property.

If ownership has changed and assessment roll has not been amended, we attach proof of ownership change. If signing for a firm or corporation, proof of authorization to sign on behalf of the organization is attached.

	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	<del>1800 Bryant St #411</del>	<del>3970-020</del>	<del>Mia Maczen</del>	<del>Mia Maczen</del> (duplicate)
2.	1746 Bryant St	3965-009	RAHUL AWASTHY	
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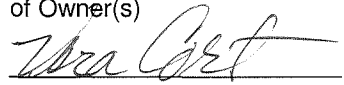


2017 JUL -3 PM 2:13

City Planning Commission  
Case No. 2015-011211E

The undersigned declare that ~~they~~<sup>BT</sup> are hereby subscribers to this Notice of Appeal and are owners of property affected by the proposed amendment or conditional use (that is, owners of property within the area that is the subject of the application for amendment or conditional use, or within a radius of 300 feet of the exterior boundaries of the property.

If ownership has changed and assessment roll has not been amended, we attach proof of ownership change. If signing for a firm or corporation, proof of authorization to sign on behalf of the organization is attached.

	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	<u>2772 Mariposa Street</u>	<u>3970-004</u>	<u>Vera Cort Revoc Living Trust</u>	<u></u>
2.	_____	_____	_____	_____
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# SAN FRANCISCO PLANNING DEPARTMENT

BOARD OF SUPERVISORS  
SAN FRANCISCO

2017 JUL -3 PM 2:13

BJ

Subject to: (Select only if applicable)

- Affordable Housing (Sec. 415)
- Transportation Sustainability Fee (Sec. 411A)
- Eastern Neighborhoods Impact Fee (Sec. 423)
- First Source Hiring (Admin. Code)
- Residential Child Care Fee (Sec. 414A)
- Other

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

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415.558.6378

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415.558.6409

Planning  
Information:  
415.558.6377

## Planning Commission Motion No. 19933

HEARING DATE: JUNE 1, 2017

Case No.: 2015-011211CUA  
 Project Address: 1850 Bryant Street  
 Zoning: PDR-1-G (Production, Distribution & Repair -1-General) District  
 68-X Height and Bulk District  
 Block/Lot: 3970/006  
 Project Sponsor: Thor Kaslofsky, 1850 Bryant Land, LLC  
 1161 Mission Street  
 San Francisco, CA 94103  
 Staff Contact: Linda Ajello Hoagland – (415) 575-6823  
[linda.ajellohaoagland@sfgov.org](mailto:linda.ajellohaoagland@sfgov.org)

ADOPTING FINDINGS RELATING TO A CONDITIONAL USE AUTHORIZATION, PURSUANT TO PLANNING CODE SECTION 329 AND PLANNING COMMISSION RESOLUTION NO. 19865-MISSION 2016 INTERIM ZONING CONTROLS, TO DEMOLISH AN APPROXIMATELY 13,800 SQUARE FOOT, TWO-STORY INDUSTRIAL BUILDING, AND TO CONSTRUCT A FIVE-STORY, 68-FOOT-TALL, 187,416 GROSS SQUARE FOOT BUILDING WITH APPROXIMATELY 2,281 SQUARE FEET OF GROUND FLOOR RETAIL, 18,652 SQUARE FEET OF PDR (PRODUCTION, DISTRIBUTION AND REPAIR), 166,483 SQUARE FEET OF SOCIAL SERVICE/PHILANTHROPIC USE, 89 OFF-STREET PARKING SPACES, 2 CAR SHARE SPACES, 4 SERVICE VEHICLE PARKING SPACES AND 1 OFF-STREET TRUCK LOADING SPACE FOR THE PROJECT AT 1850 BRYANT STREET WITHIN THE PDR-1-G (PRODUCTION, DISTRIBUTION AND REPAIR – 1 GENERAL) ZONING DISTRICT AND A 68-X HEIGHT AND BULK DISTRICT, AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

### PREAMBLE

On January 19, 2016, 1850 Bryant LLC (hereinafter "Project Sponsor"), on behalf of Abbett Electrical Corp. (Property Owner), filed an application with the Planning Department (hereinafter "Department") for a Conditional Use Authorization for the proposed project at 1850 Bryant, Lot 006, Block 3970 (hereinafter "subject property"), pursuant to Planning Code Section 329 and the Mission 2016 Interim Zoning Controls, to demolish an approximately 13,800 square-foot (sq. ft.), two-story, industrial building and to construct a five-story, 68-foot-tall 187,416 gross sq. ft. building with 2,281 sq. ft. of ground floor retail, 18,652 sq. ft. of PDR (Production Distribution and Repair), 166,483 sq. ft. of Social Service/Philanthropic

Use, 89 below off-street parking spaces, 2 car share spaces 4 service vehicle parking spaces and 1 off-street truck loading space within the PDR-1-G (Production, Distribution and Repair - 1, General) Zoning District, and 68-X Height and Bulk District.

On June 1, 2017, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Authorization Application No. 2015-011211CUA.

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 Commissions 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 10, 2017, 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 Commission Secretary is the custodian of records; the file for Case No. 2015-011211CUA is located at 1650 Mission Street, Suite 400, 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 Authorization requested in Application No. 2015-011211CUA, 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 site ("Project Site"), Lot 006 in the Assessor's Block 3970, is a through lot located on the west side of Bryant Street and east side of Florida Street between 17<sup>th</sup> and Mariposa Streets in the PDR-1-G Zoning District. The subject property is 36,500 square feet and developed with a two-story building containing 9,200 square feet of warehouse on the ground floor and 4,600 square feet of office on the second floor. The Project Site has 182-feet, 7-inches of frontage along Bryant Street and 182-feet, 7-inches of frontage along Florida Street. The remainder of the site is used as an outdoor storage yard. The subject property slopes down from Bryant Street to Florida Street.
3. **Surrounding Properties and Neighborhood.** The project site is adjacent to a 48 unit live-work building to the north and a commercial office/art studio building to the south. To the west, across Florida Street is an art gallery/performing arts building, and to the west, across Bryant Street is a muni bus storage yards. Other existing development in the area consists primarily of light industrial and commercial uses, with some residential uses existing a block away on Bryant Street between 16<sup>th</sup> and 17<sup>th</sup> Street. Franklin Square is immediately to the east of these residential uses, approximately a half-block from the project site. No other open space, community gardens or other types of outdoor community-serving facilities are located in the immediate project vicinity.

Zoning Districts surrounding the Project Site are UMU (Urban Mixed-Use) to the north and west, PDR-1-G to the south and P (Public) to the east.

4. **Project Description.** The project proposes to demolish an existing two-story building and construct new five-story, 68-foot-tall, 187,416 gross square feet (gsf) building to be used as a PDR (Production, Distribution and Repair), social service/community facility and ground-floor retail, and 89 off-street parking spaces, two car-share spaces, four service vehicle parking spaces and one truck loading space. A garage entry would be provided on Florida Street. The three existing curb cuts would be removed and two new curb cuts would be installed on Florida Street. The Project would provide a total of 30 Class 1 bike spaces within the garage and 15 Class 2 bike spaces (7 on the Florida Street sidewalk and 8 on the Bryant Street sidewalk). Usable open space for the tenants would be provided in the form of a first floor courtyard and a roof deck.
5. **Public Comment.** The Department has received three letters from residents and property owners at 1800 and 1880 Bryant Street, expressing concerns about loss of light and property line windows. One letter of support and 25 signatures in support have been received and an additional 227 signatures in support have been collected via an on-line petition.
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. **Permitted Uses in PDR-1-G Zoning Districts.** Planning Code Section 210.3 states that Social Service and Philanthropic Facilities greater than 5,000 square feet required Conditional Use Authorization. PDR and retail uses are principally, conditionally or not permitted .

*The Project would construct new Retail and Social Service and Philanthropic space and retain PDR uses within the PDR-1-G Zoning District; therefore, the Project complies with Planning Code Sections 210.3. Depending on the specific PDR and Retail tenants, they will be required to comply with the principally-permitted PDR uses or seek a Conditional Use, as required by the Planning Code 210.3.*

- B. **Floor Area Ratio.** Planning Code Section 210.3 establishes a FAR (Floor Area Ratio) of 5:1 for properties within the PDR-1-G Zoning District and a 68-X Height and Bulk District.

*The subject lot is 36,500 sq. ft. in total, thus resulting in a maximum allowable floor area of 182,500 sq. ft. for non-residential uses. However, the project is eligible for an FAR premium pursuant to Planning Code Section 125(b), which provides that certain zoning districts (including PDR District), an interior lot which abuts along its rear lot line upon a street or alley may add an FAR premium by increasing the lot depth "for the purposes of floor area ratio computation, by one-half the width of such street or alley or 10 feet, whichever is the lesser." Thus, for purposes of FAR calculation, the project site's lot depth would be 210 feet (rather than 200 feet), bringing the lot total to 38,325 square feet, thus allowing a maximum FAR of 191,625 gross square feet. The Project would construct approximately 187,416 sq. ft. of PDR, Retail and Social Services and Philanthropic facility space, and would comply with Planning Code Sections 125(b) and 210.3.*

- C. **Rear Yard.** Pursuant to Planning Code Section 210.3, no rear yard setback is required.

*The Project site is a through lot with frontage on Bryant and Florida Streets. The Project will have zero setbacks on both frontages as allowed per Planning Code Section 210.3.*

- D. **Usable Open Space.** Pursuant to Planning Code Sections 135 and 210.3, there is no open space requirement in the PRR-1-G Zoning District.

*Although open space is not required in the PDR-1-G Zoning District, the Project provides a 2,281 square foot courtyard on the first floor and a 216,934 square foot roof deck to be used as common open space for the tenants of the building.*

- 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 located in close proximity to an Franklin Square Park, which is an Urban Bird Refuge as defined in Section 139. The Project meets the requirements of feature-related standards by not including any unbroken glazed segments 24 sq. ft. and larger in size. Therefore, the Project complies with Planning Code Section 139*

- F. **Ground Floor Standards in Industrial Districts.** Planning Code Section 145.5 requires that all new buildings constructed in Industrial Districts have a minimum floor-to-floor height of 17 feet on the ground floor.

*The Project proposes a ground floor ceiling height of site of 14 feet, and does not comply with Planning Code Section 145.5. The Project is seeking a variance from the Zoning Administrator to address Planning Code Section 145.5, and the requirements for ground floor ceiling height in PDR Districts (See Case No. 2015-011211VAR)*

- G. **Off-Street Parking.** Planning Section 151.1 of the Planning Code allows off-street parking at a maximum ratio of:

- one space for every 500 gsf up to 20,000 gsf for retail;
- one space for each 1,500 square feet of occupied floor area for the PDR; and
- One space for each 1,500 square feet of occupied floor area for the Social Service and Philanthropic Uses.

*The Project is allowed to have a maximum of 4 off-street parking spaces for the Retail Use and a maximum of 103 off-street parking spaces, two car share spaces and four service vehicle parking spaces for the PDR and Social Service and Philanthropic Uses. The Project includes 89 off-street parking spaces, two car-share spaces and four service vehicle parking. Therefore the Project complies with Planning Code Section 151.1.*

- H. **Off- Street Loading Spaces.** Planning Code Section 152 of the Planning Code requires two (2) off-street loading spaces for uses between 200,001 – 500,000 square feet.

*The Project is proposing one off-street loading space and does not comply with Planning Code Section 152. The Project is seeking a variance from the Zoning Administrator to address Planning Code Section 152, and the requirements for off-street loading in PDR Districts (See Case No. 2015-011211VAR).*

- I. **Bicycle Parking.** Planning Section 155.2 of the Planning Code requires one Class 1 bicycle parking space for every 12,000 square feet of occupied floor area for PDR uses and a minimum of two Class 2 spaces for any use greater than 5,000 square feet, plus one additional space for each additional 50,000 square feet. ; one Class 1 space for every 7,500 square feet of occupied floor area for retail uses and one Class 2 space for every 750 square feet of occupied floor area; one Class 1 space for every 5,000 square feet of Social Service or Philanthropic Facilities and a minimum of two Class 2 spaces for any use greater than 5,000 square feet, plus one additional space for each additional 50,000 square feet.

*The Project includes 2,281 sq. ft. of ground floor retail, 18,407 sq. ft. of PDR (Production Distribution and Repair), 166,728 sq. ft. of Social Service/Philanthropic Use; therefore, the Project is required to provide a total of twenty-nine Class 1 bicycle parking spaces and fifteen Class 2 bicycle parking spaces. The Project will provide thirty Class 1 bicycle parking spaces and fifteen Class 2 bicycle parking spaces, which exceeds the requirement. Therefore, the Project complies with Planning Code Section 155.2.*

- J. **Transportation Demand Management (TDM) Plan.** Pursuant to Planning Code Section 169 and the TDM Program Standards, the Project shall finalize a TDM Plan prior to Planning Department approval of the first Building Permit or Site Permit. As currently proposed, the Project must achieve a target of 14 points.

*The Project submitted a completed Environmental evaluation Application prior to September 4, 2016. Therefore, the Project must only achieve 50% of the point target established in the TDM Program Standards, resulting in a target of 11 points. As currently proposed, the Project will achieve its required 11 points through the following TDM measures:*

- *Improve Walking Conditions (Option A)*
- *Bicycle Parking (Option A)*
- *Showers and Lockers*
- *Car-share Parking and Membership (Option A)*
- *Delivery Support Amenities*

- K. **Shadow.** Planning Code Sections 147 and 295 restricts net new shadow, cast by structures exceeding a height of 40 feet, upon property under the jurisdiction of the Recreation and Park Commission. Any project in excess of 40 feet in height and found to cast net new shadow must be found by the Planning Commission, with comment from the General Manager of the Recreation and Parks Department, in consultation with the Recreation and Park Commission, to have no adverse impact upon the property under the jurisdiction of the Recreation and Park Commission.

*Based upon a detail shadow analysis, the Project would cast new shadow upon Franklin Square Park, which is a property under the jurisdiction of the Recreation and Parks Commission. Based upon the recommendation of the General Manager of the Recreation and Parks Department, in consultation with Recreation and Park Commission, the net new shadow would not be adverse to the use of Espirit Park. The Commission has adopted findings regarding the impact of shadow on Franklin Square Park, as documented in Motion No. 19932.*

- L. Demolition of Industrial Buildings in PDR Districts/Replacement Requirements.** Planning Code Section 202.7 states that any industrial building that is not unsound and is proposed for demolition must provide replacement industrial space at a ratio of 2:1 for projects that represent a FAR of 0.4 or less.

*The Project results in the loss of 9,200 square feet of industrial space and, as Section 202.7, is required to provide 18,400 sq. ft. (2:1 ratio) of replacement industrial space based. The Project includes 18,652 sq. ft. of industrial space, and therefore complies with Planning Code Section 202.7.*

- M. Transportation Sustainability Fee.** Planning Code Section 411A establishes the Transportation Sustainability Fee (TSF) and is applicable to project that are the following: (1) More than twenty new dwelling units; (2) New group housing facilities, or additions of 800 gross square feet or more to an existing group housing facility; (3) New construction of a Non-Residential use in excess of 800 gross square feet, or additions of 800 gross square feet or more to an existing Non-Residential use; or (4) New construction of a PDR use in excess of 1,500 gross square feet, or additions of 1,500 gross square feet or more to an existing PDR use; or (5) Change or Replacement of Use, such that the rate charged for the new use is higher than the rate charged for the existing use, regardless of whether the existing use previously paid the TSF or TIDF; (6) Change or Replacement of Use from a Hospital or a Health Service to any other use.

*The Project includes the new construction of 800 or more gross square feet and new construction of PDR space in excess of 1,500 gross square feet; therefore, the TSF, as outlined in Planning Code Section 411A, applies.*

- N. Eastern Neighborhood Infrastructure Impact Fee.** Planning Code Section 423 is applicable to any development project within the PDR-1-G(Production, Distribution and Repair – 1 General) Zoning District that results in the new construction of a non-residential use.

*The Project includes approximately 187,416 gross square feet of new development consisting of approximately 2,281 sq. ft. of retail use, 18,652 sq. ft. of PDR use and 166,483 sq. ft. of Social Service and Philanthropic use. These uses are subject to Eastern Neighborhood Infrastructure Impact Fees Tier 2 for non-residential, as outlined in Planning Code Section 423.*

- 7. Conditional Use Authorization.** Planning Code Section 303(c) 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:



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

*The Project site is located on Bryant Street between 17<sup>th</sup> Street and Mariposa Street, a few blocks from Potrero Avenue, a major arterial roadways, and also close to 16<sup>th</sup> Street, a secondary arterial roadway. The size and scale of the Project is appropriate given its proximity to these roadways, and the surrounding industrial buildings. The surrounding neighborhood consists primarily of commercial buildings with a mix of commercial, PDR, arts, and other uses. To the direct south is a commercial office/art studio building; to the direct north is a 48 unit live-work residential building; to the west, across Florida Street is an art gallery/performing arts building, and to the east, across Bryant Street is a Muni bus storage yard. There are also limited residential uses one block north of the site.*

*The primarily social service/philanthropic use of the Project is consistent with the goals and objectives of the Mission Area Plan of the Eastern Neighborhoods Planning Area and is compatible with the surrounding nature of the neighborhood and community. In addition, the proposed commercial ground floor retail would activate the street level and serve the neighborhood. All frontages will include improved pedestrian amenities such as landscaping and sidewalk improvements to create a pedestrian scale that is compatible with the surrounding neighborhood. Overall, the Project is necessary and desirable, and compatible with the surrounding neighborhood.*

- b. The proposed project will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity. There are no features of the project that could be detrimental to the health, safety or convenience of those residing or working the area, in that:

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

*The Project site is a rectangular, 36,500 square foot lot with frontages along Bryant and Florida Streets. A two-story 13,800 foot structure and associated storage yard currently exists on the Project site and would be demolished as part of the Project. The Project proposes a single structure that creates a street wall along all frontages, matching the height and general development intensity of the two adjacent structures on the block. The Project would include a first floor courtyard, providing light and air to the live-work building to the north. Therefore, the design, size and shape of the proposed building would not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity or be injurious to property, improvements or potential development in the vicinity.*

- 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 site is located within the vicinity of a major arterial roadway (Potrero Avenue) and a minor arterial roadway (16<sup>th</sup> Street), providing vehicular and transit access throughout the City. The Project proposes 89 off-street parking spaces plus 2 car share spaces in a two-level,*

*underground garage, accessed via a drive aisle off Florida Street. The Project includes one off-street loading space, and also includes 30 Class 1 bicycle parking spaces and 15 Class 2 bicycle parking spaces. Pedestrian access to the Project will be via the main lobby along Bryant Street. Therefore, the Project will not impact the accessibility or traffic patterns in the surrounding roadways nor will the Project result in parking or traffic that would 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.*

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

*The Project would not create any noxious or offensive emissions such as noise, glare, dust and odor during construction or operation. All construction will comply with the San Francisco Building Code requirements for construction, which includes compliance with air quality control measures for dust and odor. The design of the façade will include non-reflective materials and will not result in or create glare. Operation of the Project site as a primarily social service facility will not generate noxious or offensive emissions such as noise or odor.*

- 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 comply with all applicable requirements of the City's Better Streets and Neighborhood Requirements. The Project will include active ground floor uses and all required landscaping and streetscape improvements. Furthermore, the Project includes a 2,281 square foot ground floor landscaped courtyard adjacent to the neighboring building to the north, as well as a 16,934 square foot landscaped roof deck.*

*All parking facilities are located off-street and screened, as applicable, with adjacent landscaping enhancements. Additional lighting is also provided adjacent to these areas for pedestrian safety and to indicate the location of vehicular ingress and egress. New signage will require a permit and must comply with Article 6 of the Planning Code.*

- 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 Project complies with all relevant requirements and standards of the Planning Code and is consistent with objectives and policies of the General Plan as detailed below.*

- d. That the use as proposed would provide development that is in conformity with the stated purpose of the District.

*The Project is consistent with the stated purposes of the PDR-1-G Zoning District in that it will provide space for social service and philanthropic uses while providing a greater amount of replacement PDR space from what currently exists on-site. Additionally, the Project will provide*

*ground floor retail to activate the Bryant Street frontage. As noted in Planning Code Section 210.3, PDR-1-G is described as:*

*The intention of this District is to retain and encourage existing production, distribution, and repair activities and promote new business formation. Thus, this District prohibits Residential and Office uses, and limits Retail and Institutional uses. Additionally, this District allows for more intensive production, distribution, and repair activities than PDR-1-B and PDR-1-D but less intensive than PDR-2. Generally, all other uses are permitted. In considering any new land use not contemplated in this District, the Zoning Administrator shall take into account the intent of this District as expressed in this Section and in the General Plan.*

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

## **COMMERCE AND INDUSTRY ELEMENT**

### **Objectives and Policies**

#### **OBJECTIVE 1:**

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

#### **Policy 1.1:**

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

*The Project meets the planning objectives and poses no significant adverse environmental effects and will result in positive fiscal and employment benefits for residents by providing space for social service and philanthropic facilities.*

## **RECREATION AND OPEN SPACE ELEMENT**

### **Objectives and Policies**

#### **OBJECTIVE 1:**

**ENSURE A WELL-MAINTAINED, HIGHLY UTILIZED, AND INTEGRATED OPEN SPACE SYSTEM**

#### **Policy 1.9:**

Preserve sunlight in public open spaces.

*A detailed shadow analysis was prepared for the Project as it relates to the potential shadow impact on Franklin Square Park. This analysis concluded that the increase in shadow to the park was negligible, and*

*would not be adverse to the use and enjoyment of the public park. On May 19, 2017, the Recreation and Parks Commission reviewed the Project, and found that it would not be adverse to the use and enjoyment of Franklin Square Park.*

**OBJECTIVE 3:  
IMPROVE ACCESS AND CONNECTIVITY TO OPEN SPACE**

**Policy 3.6:**  
Maintain, restore, expand and fund the urban forest.

*The Project will add to the urban forest with the addition of street trees on Bryant and Florida Streets.*

**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.

**Policy 24.4:**  
Preserve pedestrian-oriented building frontages.

*The Project will install new street trees along Bryant and Florida Streets. Frontages are designed with transparent glass and intended for active spaces oriented at the pedestrian level.*

**OBJECTIVE 28:  
PROVIDE SECURE AND CONVENIENT PARKING FACILITIES FOR BICYCLES.**

**Policy 28.3:**  
Provide parking facilities which are safe, secure, and convenient.

*The Project includes 30 Class 1 bicycle parking spaces in secure and convenient location.*

**URBAN DESIGN ELEMENT**

**Objectives and Policies**

**OBJECTIVE 1:  
EMPHASIS OF THE CHARACTERISTIC PATTERN, WHICH GIVES THE CITY AND NEIGHBORHOODS AN IMAGE, A SENSE OF PURPOSE, AND A MEANS OF ORIENTATION.**

**Policy 1.3:**

Recognize that building, when seen together, produce a total effect that characterizes the City and its districts.

**Policy 1.7:**

Recognize the natural boundaries of districts, and propose connections between districts.

**OBJECTIVE 3: MODERATION OF MAJOR NEW DEVELOPMENT TO CMPLEMENT THE CITY PATTERN, THE RESOURCES TO BE CONSERVED, AND THE NEIGHBORHOOD ENVIRONMENT.**

**Policy 3.1:**

Promote harmony in the visual relationships and transitions between new and older buildings.

**Policy 3.5:**

Relate the height of buildings to important attributes of the City pattern and to the heights and character of existing development.

**OBJECTIVE 4:**

**IMPROVEMENT OF THE NEIGHBORHOOD ENVIRONEMENT TO INCREASE PERSONAL SAFETY, COMFORT, PRIDE AND OPPORTUNITY.**

**Policy 4.4:**

Design walkways and parking facilities to minimize danger to pedestrians.

**Policy 4.12:**

Install, promote and maintain landscaping in public and private areas.

**Policy 4.13:**

Improve pedestrian areas by providing human scale and interest.

*The Project has been designed in an archectural style reminiscent of a historic brick industrial building and provides a richness of character, texture and human scale. The design a includes brick veneer exterior finish, aluminum sash divided-light windows, stone window sills, a wooden storefront system and a steel and glass canopy, all of which are consistent with historic brick industrial buildings Additionally, the traditional design is consistent with the charater of the existing buildings that characterize the neighborhood.*

**MISSION AREA PLAN**

**Objectives and Policies**

**Land Use**

**OBJECTIVE 7.2**

**ENSURE CONTINUED SUPPORT FOR HUMAN SERVICE PROVIDERS THROUGHOUT THE NEIGHBORHOODS.**

**Policy 7.2.1**

Promote the continued operation of existing human and health services that serve low-income and immigrant communities in the Eastern Neighborhoods.

**Policy 7.2.2**

Encourage new facilities and spaces for providers of services such as English as a Second Language, employment training services, art education and youth programming.

**Policy 7.2.3**

Explore a range of revenue-generating tools to support the ongoing operations and maintenance of public health and community facilities, including public funds and grants, as well as private funding sources.

*The Project will provide 166,728 square feet of new social service and philanthropic facility space for non-profit organizations. The space will consist of commercial condominiums which will provide the opportunity for social-service non-profits to purchase their space to avoid rising rental rates and/or displacement.*

9. **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 complies 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.

*The project site is currently occupied by a two-story, approximately 13,800 square foot, industrial building. Although the Project would remove this use, the Project will provide for new PDR space of 18,652 square feet. Additionally, the Project will include 2,281 square feet of ground floor retail and 166,483 square feet of social service and philanthropic facility space. The Project improves the urban form of the neighborhood by adding new employees and visitors 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.

*The project site does not possess any residential use. The Project site is located within a primarily industrial and commercial area with limited residential uses in the vicinity and thus, would not impact existing housing. The Project offers an architectural style that is contextual and reminiscent of historic brick industrial building that is consistent and compatible with 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 affordable housing because there is currently no housing on the site.*

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

*The Project Site is served by Muni transit lines along Bryant Street, 16<sup>th</sup> Street and Potrero Avenue, and is within 0.5 miles to the 16<sup>th</sup> Street Bart Station. Future residents would be afforded close proximity to bus or rail transit. The Project also provides sufficient off-street parking (92 off-street parking spaces), and sufficient bicycle parking for employees and visitors.*

- E. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced.

*The Project will demolish an existing industrial building, but shall replace it with PDR space of greater square footage. The Project does not involve the creation of commercial office development. Although similar in character to some types of office development, the Project will only cater to non-profit and/or social service uses. The Project would enhance opportunities for resident employment and ownership opportunities for non-profit organizations by providing for-sale social service and philanthropic facilities space, retail and PDR space, which will provide new potential neighborhood and community-serving uses and employment opportunities.*

- 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 adversely affect the property's ability to withstand an earthquake.*

- G. That landmarks and historic buildings be preserved.

*There are no landmarks or historic buildings 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 cast additional shadow on the nearby Franklin Square Park and will have an effect on a property managed and owned by the Recreation and Parks Commission. As noted in Planning Commission Motion No. 19932, the additional shadow cast by the Project would not be adverse to the usability of Franklin Square Park.*

10. **First Source Hiring.** The Project is subject to the requirements of the First Source Hiring Program as they apply to permits for residential development (Section 83.4(m) of the Administrative Code), and the Project Sponsor shall comply with the requirements of this Program as to all

construction work and on-going employment required for the Project. Prior to the issuance of any building permit to construct or a First Addendum to the Site Permit, the Project Sponsor shall have a First Source Hiring Construction and Employment Program approved by the First Source Hiring Administrator, and evidenced in writing. In the event that both the Director of Planning and the First Source Hiring Administrator agree, the approval of the Employment Program may be delayed as needed.

*The Project Sponsor submitted a First Source Hiring Affidavit and prior to issuance of a building permit will execute a First Source Hiring Memorandum of Understanding and a First Source Hiring Agreement with the City's First Source Hiring Administration.*

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 Authorization Application No. 2015-011211CUA** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated April 25, 2017, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

The Planning Commission hereby adopts the MMRP attached hereto as Exhibit C and incorporated herein as part of this Motion by this reference thereto. All required mitigation measures identified in the Eastern Neighborhoods Plan EIR and contained in the MMRP are included as conditions of approval.

**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. 19933. 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 1, 2017.



Jonas P. Ionin  
Commission Secretary

AYES: Fong, Hillis, Johnson, Koppel, Melgar, Moore and Richards

ADOPTED: June 1, 2017

## EXHIBIT A

### AUTHORIZATION

This authorization is for a Conditional Use Authorization to allow the demolition of an existing two-story industrial building and new construction of a five-story, 68-foot-tall 187,416 gross sq. ft. building with 2,281 sq. ft. of ground floor retail, 18,652 sq. ft. of PDR (Production Distribution and Repair), 166,483 sq. ft. of Social Service/Philanthropic Use located at 1850 Bryant Street, Lot 006, Block 3970, pursuant to Planning Code Sections 210.3 and 303 and Planning Commission Resolution No. 19865 (Mission 2016 Interim Zoning Controls), within the PDR-1-G Zoning District and a 68-X Height and Bulk District; in general conformance with plans, dated April 25, 2017, and stamped "EXHIBIT B" included in the docket for Record No. 2015-011211CUA and subject to conditions of approval reviewed and approved by the Commission on June 1, 2017 under Motion No. 19933. 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 June 1, 2017 under Motion No. 19933.

### PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. 19933 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

1. **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)*
2. **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)*
3. **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)*
4. **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)*
5. **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)*
6. **Mitigation Measures.** Mitigation measures described in the MMRP for the Eastern Neighborhoods Plan EIR (Case No. 2015-011211ENV) 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)*

7. **Additional Project Authorization.** The Project Sponsor must obtain Variances from the Zoning Administrator to address the Planning Code requirements for off-street loading (Planning Code Section 152), and street frontage (Planning Code Section 145.5). Lastly, per Planning Code Section 295, authorization is required to allow the project to cast shade or shadow upon Franklin Square Park, which is under the jurisdiction of the Recreation and Park Commission. 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)*

## DESIGN

8. **Upper-Story Massing/Design.** The Project Sponsor shall refine the upper-story massing/design between the Project and adjacent building at 1890 Bryant Street. In particular, to the extent feasible, the Project Sponsor shall attempt to mitigate impacts to light on the fourth floor of the artists studios where the building is setback 7 feet from the property line.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

9. **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](http://www.sf-planning.org)*

10. **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 building permit plans. 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](http://www.sf-planning.org)*

11. **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](http://www.sf-planning.org)*

12. **Lighting Plan.** The Project Sponsor shall submit an exterior lighting plan to the Planning Department prior to Planning Department approval of the building / site permit application.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

13. **Transformer Vault.** The location of individual project PG&E Transformer Vault installations has significant effects to San Francisco streetscapes when improperly located. However, they may not have any impact if they are installed in preferred locations. Therefore, the Planning Department recommends the following preference schedule in locating new transformer vaults, in order of most to least desirable:

- a. On-site, in a basement area accessed via a garage or other access point without use of separate doors on a ground floor façade facing a public right-of-way;
- b. On-site, in a driveway, underground;
- c. On-site, above ground, screened from view, other than a ground floor façade facing a public right-of-way;
- d. Public right-of-way, underground, under sidewalks with a minimum width of 12 feet, avoiding effects on streetscape elements, such as street trees; and based on Better Streets Plan guidelines;
- e. Public right-of-way, underground; and based on Better Streets Plan guidelines;
- f. Public right-of-way, above ground, screened from view; and based on Better Streets Plan guidelines;
- g. On-site, in a ground floor façade (the least desirable location).

Unless otherwise specified by the Planning Department, Department of Public Work's Bureau of Street Use and Mapping (DPW BSM) should use this preference schedule for all new transformer vault installation requests.

*For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works at 415-554-5810, <http://sfdpw.org>*

## **PARKING AND TRAFFIC**

14. **Parking Maximum.** Pursuant to Planning Code Section 151.1, the Project shall provide no more than 103 off-street parking spaces for the proposed 2,281sq. ft of retail use, 18,652 sq. ft of PDR use, and 166,483 sq. ft of social service/philanthropic use. Per the Project Description, the Project Sponsor has specified that they will provide no more than 89 off-street parking spaces, 2 car share spaces and 4 service vehicle loading spaces.

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

15. **Bicycle Parking.** Pursuant to Planning Code Sections 155.1, 155.4, and 155.5, the Project shall provide no fewer than 45 bicycle parking spaces (30 Class 1 spaces and 15 Class 2 spaces).  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*
16. **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](http://www.sf-planning.org)*

## PROVISIONS

17. **First Source Hiring.** The Project shall adhere to the requirements of the First Source Hiring Construction and End-Use Employment Program approved by the First Source Hiring Administrator, pursuant to Section 83.4(m) of the Administrative Code. The Project Sponsor shall comply with the requirements of this Program regarding construction work and on-going employment required for the Project.  
*For information about compliance, contact the First Source Hiring Manager at 415-581-2335, [www.onestopSF.org](http://www.onestopSF.org)*
18. **Transportation Sustainability Fee.** The Project is subject to the Transportation Sustainability Fee (TSF), as applicable, pursuant to Planning Code Section 411A.  
*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*
19. **Eastern Neighborhoods Infrastructure Impact Fee.** The Project is subject to the Eastern Neighborhoods Infrastructure Impact Fee, as applicable, pursuant to Planning Code Section 423.  
*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

## MONITORING

20. **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](http://www.sf-planning.org)*

## OPERATION

21. **Informational Hearing.** The Project sponsor shall return to the Planning Commission for an informational hearing on future tenancy after the approval of the tax credit application.  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*
22. **Use/Future Tenants.** All tenants within the areas defined for PDR or Social Service/Philanthropic use must demonstrate compliance with the respective use definitions for PDR (Production, Distribution and Repair) or Social Service/Philanthropic uses. If necessary, as required by Department staff, proposed tenants must submit a "Letter of Determination" to the Zoning Administrator to determine the appropriate use category for a subject business.  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*
23. **Garbage, Recycling, and Composting Receptacles.** Garbage, recycling, and compost containers shall be kept within the premises and hidden from public view, and placed outside only when being serviced by the disposal company. Trash shall be contained and disposed of pursuant to garbage and recycling receptacles guidelines set forth by the Department of Public Works.  
*For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works at 415-554-5810, <http://sfdpw.org>*
24. **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/>*
25. **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](http://www.sf-planning.org)*
26. **Lighting.** All Project lighting shall be directed onto the Project site and immediately surrounding sidewalk area only, and designed and managed so as not to be a nuisance to adjacent residents. Nighttime lighting shall be the minimum necessary to ensure safety, but shall in no case be directed so as to constitute a nuisance to any surrounding property.  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

BOARD OF SUPERVISORS  
SAN FRANCISCO

2017 JUL -3 PM 2:13

BY BJ

THIS DOCUMENT HAS A COLORED SECURITY BACKGROUND. DO NOT CASH IF THE WORD "VOID" IS VISIBLE. THIS PAPER HAS AN ARTIFICIAL WATERMARK ON REVERSE SIDE AND IS ALTERATION PROTECTED.

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**Franklin Square Owners Assoc.**

1849

c/o CFM, Inc. (925) 566-6800  
60 Mayhew Way  
Walnut Creek CA 94597

Community Association Banc  
1665 W. Alameda Drive  
Tempe AZ 85282

43923/1222

**\*\*FIVE HUNDRED SEVENTY-EIGHT DOLLARS and 00 CENTS\*\***

CHECK AMOUNT
\$*****578.00

PAY TO THE ORDER OF San Francisco Planning Dept. \*\*\*\*\*  
1650 Mission St. Suite 400  
San Francisco CA 94103

*De. Lawrence*