



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

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| <input type="checkbox"/> Affordable Housing (Sec. 415) | <input type="checkbox"/> First Source Hiring (Admin. Code) |
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Planning Commission Motion No. 18507

HEARING DATE: DECEMBER 15, 2011

Date: December 15, 2011
Case No.: **2011.0841C**
Project Address: **180 TOWNSEND STREET**
Zoning: SLI (Service/Light Industrial) Zoning District
65-X Height and Bulk District
Block/Lot: 3788/013
Project Sponsor: David Silverman
Rueben & Junius
1 Bush Street, Ste. 600
San Francisco, CA 94104
Staff Contact: Richard Sucre – (415) 575-9108
richard.sucre@sfgov.org

ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 303, 316 AND 803.9(a) OF THE PLANNING CODE TO CONVERT 15,001 SF OF RETAIL SPACE TO OFFICE USE (D.B.A. SAY MEDIA) WITHIN THE SLI (SERVICE/LIGHT INDUSTRIAL) DISTRICT AND A 65-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On August 4, 2011 David Silverman of Reuben & Junius (hereinafter "Project Sponsor"), on behalf of the Katie Petrucela Trust (Property Owner) filed an application with the Planning Department (hereinafter "Department") for Conditional Use Authorization under Planning Code Section 803.9(a) of the Planning Code to convert 15,000 sf of retail space to office use (d.b.a. Say Media) within the SLI (Service/Light Industrial) Zoning District and a 65-X Height and Bulk District.

On December 7, 2011, the San Francisco Historic Preservation Commission conducted a duly notice public hearing at a regularly scheduled meeting on Conditional Use Application No. 2011.0841C, in order to provide a recommendation to the San Francisco Planning Commission on the project's feasibility to preserve the subject building.

On December 15, 2011, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2011.0841C.

The project is exempt from the California Environmental Quality Act ("CEQA") as a Class 1 Categorical Exemption. The Commission has reviewed and concurs with said determination. The categorical exemption and all pertinent documents may be found in the files of the Planning Department (hereinafter "Department"), as the custodian of records, at 1650 Mission Street, San Francisco.

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. 2011.0841C, 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 project is located on the northwest corner of Townsend Street and Clarence Place, Block 3788, Lot 013. The subject property is located within the SLI (Service/Light Industrial) Zoning District, the South End Historic District, and a 65-X Height and Bulk District. The property is developed with a three-story light industrial building containing approximately 40,000 total sq ft, which is primarily occupied by an office tenant (d.b.a. Say Media) on the second and third floors. The property is a contributing resource to the South End Historic District, which is listed in Article 10 of the San Francisco Planning Code.
3. **Surrounding Properties and Neighborhood.** The area surrounding the project site is mixed-use in character. A variety of residential uses and commercial establishments are located within the surrounding area, including several mid-size, multi-story residential complexes, a fast food restaurant, a small-scale retail grocery store, and several full-service restaurants. On the north side of Townsend Street, buildings in the immediate vicinity typically range from one to three stories in height, and contain commercial or light industrial uses, including office, automotive repair, full service restaurant, and retail. On the south side of Townsend Street, buildings in the immediate vicinity typically range from three to seven-stories in height, and primarily contain office uses or mid-size residential uses. The subject building is within a couple of blocks of AT&T Park and 2nd Street, which primarily contains ground floor full service restaurants with residential or office uses above between King Street and Bryant Streets. The surrounding zoning districts include: SLI (Service/Light Industrial) to the west and north, and MUO (Mixed Use Office) and MB-RA (Mission Bay Redevelopment Area) to the east and south.

4. **Project Description.** The proposed project entails a change in use of 15,001 sf of retail use to office use (d.b.a. Say Media). Currently, the building contains office use on the second and third floors, which constitute approximately 24,999 sf. The proposed project would convert the remaining square footage into office use, pursuant to Planning Code Section 803.9(a). No construction is proposed other than upgrades that may be required by the Department of Building Inspection (DBI), to support the change of use. To further support the preservation of the subject building, the Project Sponsor has submitted a Historic Building Maintenance Plan, which outlines a program for regular maintenance and repair of the roof, skylight, windows, brick exterior, exterior fascia (lower level), exterior ledges, and Clarence Place façade.
5. **Public Comment.** The Department has received no public comment on the project.
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. **Commercial Uses in Mixed Use Districts.** Planning Code Section 803.9(a) states that any use which is permitted as a principal or conditional use within the SSO (Service/Secondary Office) Zoning District, excluding nighttime entertainment, may be permitted as a conditional use in “a contributory building which is proposed for conversion to office use of an aggregate gross square footage of 25,000 or more per building and which is located outside the SSO District yet within a designated historic district.” For all such buildings the following conditions shall apply:
 - (1) the provisions of Sections 316 through 318 of this Code must be met;
 - (2) in addition to the conditional use criteria set out in Sections 303(c)(6) and 316 through 316.8, it must be determined that allowing the use will enhance the feasibility of preserving the landmark, significant or contributory building; and
 - (3) the landmark, significant or contributory building will be made to conform with the San Francisco Building Code standards for seismic loads and forces which are in effect at the time of the application for conversion of use.

The subject building is a contributing resource to the South End Historic District, which is listed in Article 10 of the San Francisco Planning Code. It is located within the SLI Zoning District, which is outside of the SSO (Service/Secondary Office) Zoning District, and includes a proposal, which will result in a conversion to office use of an aggregate gross floor area in excess of 25,000 sf.

Further, the proposal has been reviewed by the Historic Preservation Commission on December 7, 2011, and was determined to enhance the feasibility of preserving the subject building, as documented in HPC Resolution No. 0669.

In 2000, the subject building underwent a seismic retrofit, which upgraded the existing building's structural system to San Francisco Building Code standards for seismic loads.

- B. **Open Space.** Planning Code Section 135.3 states that 1 sq. ft. per 90 sq. ft. of occupied floor area of new, converted or added square footage will be required for office uses, as defined in Planning Code Section 890.70, in South of Market Mixed Use Districts.

Pursuant to Planning Code Section 425, the proposed project will apply for a waiver authorized by the Zoning Administrator, and will provide a payment to the Open Space Fund at a fee of \$.80 for each square foot of required open space.

- C. **Parking.** Planning Code Section 151 states that one off-street parking space is required for each 500 sq. ft. of occupied floor area where the occupied floor area exceeds 5,000 sq. ft for business office use.

As a contributing resource to a designated local historic district listed in Article 10 of the San Francisco Planning Code, there is no minimum off-street parking requirement for the subject building, per Planning Code Section 161(k).

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 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 size of the proposed use is in keeping with other uses on the block face. The immediate block along Townsend Street features a variety of uses, including light industrial, general commercial, and multi-story residential, as well as professional office. This expanded office use will complement the mix of goods and services currently available in the surrounding district and will contribute to the economic vitality of the neighborhood by expanding office square footage at this location. The project will support the continued maintenance of the historic resource, which is a positive contribution to the neighborhood.

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

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

The height and bulk of the existing building will remain the same and the proposal will not alter the existing appearance or character of the project vicinity. The proposed work does not include exterior alterations and will not affect the building envelope.

- 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 Planning Code does not require parking for the proposed use. The proposed use should not generate significant amounts of vehicular trips from the immediate neighborhood or citywide.

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

The proposed project will comply with the City's requirements to minimize noise, glare, odors, or other harmful emissions. Conditions of approval are included to address potential issues.

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

The proposed change of use does not require any additional exterior tenant improvements. The proposal will not include loading or service areas, unusual lighting or signage. The Project Sponsor will not alter the existing neighborhood landscape, screening or open space.

- (3) 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.

- (4) That the use as proposed would provide development that is in conformity with the purpose of the applicable Neighborhood Commercial District.

The proposed project is not located within a Neighborhood Commercial District.

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

COMMERCE AND INDUSTRY

Objectives and Policies

OBJECTIVE 2:

MAINTAIN AND ENHANCE A SOUND AND DIVERSE ECONOMIC BASE AND FISCAL STRUCTURE FOR THE CITY.

Policy 2.1:

Seek to retain existing commercial and industrial activity and to attract new such activity to the City.

The Project will enhance an existing commercial use and will enhance the diverse economic base of the City.

URBAN DESIGN

Objectives and Policies

OBJECTIVE 2:

CONSERVATION OF RESOURCES WHICH PROVIDE A SENSE OF NATURE, CONTINUITY WITH THE PAST, AND FREEDOM FROM OVERCROWING.

Policy 2.4:

Preserve notable landmarks and areas of historic, architectural or aesthetic value, and promote the preservation of other buildings and features that provide continuity with past development.

Policy 2.5:

Use care in remodeling of older buildings, in order to enhance rather than weaken the original character of such buildings.

The Project will preserve and reuse a contributing resource to a designated historic district.

EAST SOMA AREA PLAN

LAND USE

Objectives and Policies

OBJECTIVE 1.1:

ENCOURAGE PRODUCTION OF HOUSING AND OTHER MIXED-USE DEVELOPMENT IN EAST SOMA WHILE MAINTAINING ITS EXISTING SPECIAL MIXED-USE CHARACTER.

Policy 1.1.2:

Encourage small flexible, office space throughout East SoMa and encourage larger office in the 2nd Street Corridor.

OBJECTIVE 1.4:

SUPPORT A ROLE FOR "KNOWLEDGE SECTOR" BUSINESSES IN EAST SOMA.

Policy 1.4.1:

Permit limited office space throughout East SoMa to support a flexible space for all types of office users.

HISTORIC RESOURCES

Objectives and Policies

OBJECTIVE 8.2:

PROTECT, PRESERVE, AND REUSE HISTORIC RESOURCES WITHIN THE EAST SOMA AREA PLAN.

Policy 8.2.3:

Promote and offer incentives for the rehabilitation and adaptive reuse of historic buildings in the East SoMa area plan.

Generally, the East SoMa Area Plan encourages the reuse of the historic buildings and the production of small, flexible office space. The proposed project is consistent with the policies and objectives of the East SoMa Area Plan. The proposed project will contribute to the economic diversity and mixed-use character of the neighborhood and will reuse a contributing building in a designated historic district.

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 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.

The proposal would not significantly affect any neighborhood serving retail uses, as numerous retail uses would still be present in the area.

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

The proposal will not impact the existing housing or neighborhood character. The surrounding neighborhood has a mixed character composed of residential, commercial, office, and light industrial uses.

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

The proposal will not impact any of the existing housing.

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

The proposal will not alter the existing commuter traffic patterns. The existing building is well-served by public transportation options. The location of the site will enable employees and visitors to the building to walk or use public transit. Parking is not required per Planning Code Section 161(k).

- 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 proposed project will assist in maintaining a diverse economic base by enhancing a commercial use.

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

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

- G. That landmarks and historic buildings be preserved.

The existing building is located in the South End Historic District, and the proposal would enhance the feasibility to preserve the existing building by allowing office use at the ground floor level and below.

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

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

10. 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.
11. 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. 2011.0841C** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plan on file, dated November 18, 1998 (annotated December 6, 2011), and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion No. 18507. The effective date of this Motion shall be the date of this Motion if not appealed (After the 30-day period has expired) OR the date of the decision of the Board of Supervisors if appealed to the Board of Supervisors. For further information, please contact the Board of Supervisors at (415) 554-5184, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on December 15, 2011.

Linda D. Avery
Commission Secretary

AYES: Borden, Fong, Miguel, Moore, Olague and Sugaya

NAYS:

ABSENT: Antonini

ADOPTED: December 15, 2011

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to convert 15,001 sq. ft. from retail to office (d.b.a. Say Media) located at 180 Townsend Street, Block 3788 and Lot 013 pursuant to Planning Code Section(s) 803.9(a) within the SLI Zoning District, the South End Historic District, and a 65-X Height and Bulk District; in general conformance with information stamped "EXHIBIT B" included in the docket for Case No. 2011.0841C and subject to conditions of approval reviewed and approved by the Commission on December 15, 2011 under Motion No. 18507. 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 December 15, 2011 under Motion No. 18507.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. 18507 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 and Expiration.** The authorization and right vested by virtue of this action is valid for three years from the effective date of the Motion. A building permit from the Department of

Building Inspection to construct the project and/or commence the approved use must be issued as this Conditional Use authorization is only an approval of the proposed project and conveys no independent right to construct the project or to commence the approved use. The Planning Commission may, in a public hearing, consider the revocation of the approvals granted if a site or building permit has not been obtained within three (3) years of the date of the Motion approving the Project. 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. The Commission may also consider revoking the approvals if a permit for the Project has been issued but is allowed to expire and more than three (3) years have passed since the Motion was approved.

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

2. **Extension.** This authorization may be extended at the discretion of the Zoning Administrator only where failure to issue a permit by the Department of Building Inspection to perform said tenant improvements is caused by a delay by a local, State or Federal agency or by any appeal of the issuance of such permit(s).

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

MONITORING

3. **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.

4. **Revocation Due to Violation of Conditions.** Should implementation of this Project result in complaints from interested property owners, residents, or commercial lessees which are not resolved by the Project Sponsor and found to be in violation of the Planning Code and/or the specific conditions of approval for the Project as set forth in Exhibit A of this Motion, the Zoning Administrator shall refer such complaints to the Commission, after which it may hold a public hearing on the matter to consider revocation of this authorization.

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

OPERATION

5. **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/>

6. **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