



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Office Development Authorization

HEARING DATE: JULY 10, 2014

Date: July 2, 2014
Case No.: **2013.0992B**
Project Address: **3130 20th Street**
Zoning: UMU (Urban Mixed Use) District
58-X Height and Bulk District
Block/Lot: 4083/002
Project Sponsor: J. Gregg Miller, Jr.
Coblentz Patch Duffy & Bass, LLP
One Ferry Building, Suite 200
San Francisco, CA 94111-4213
Staff Contact: Brittany Bendix – (415) 575-9114
brittany.bendix@sfgov.org
Recommendation: **Approval with Conditions**

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

PROJECT DESCRIPTION

The proposal is to convert the entire second floor consisting of approximately 18,274 gross square feet (gsf), and a portion of the third floor consisting of approximately 12,758 gsf, to a legal office use. The total office use would consist of 32,081 gsf, which includes a common area load factor of 1,049 gsf. The proposal also includes the installation of two Class 2 bicycle parking spaces. No alterations are proposed for the exterior of the building.

SITE DESCRIPTION AND PRESENT USE

The project site, commonly known as 3130 20th Street, is located on the southern side of a block bounded by 19th, Alabama, 20th and Harrison Streets in San Francisco's Mission neighborhood. The subject lot is approximately 41,600 square feet and has 208 feet of frontage on Harrison and Alabama Streets and 200 feet of frontage on 20th Street. Constructed in 1949, 3130 20th Street is three-story industrial building with approximately 55,415 square feet. At present, the building's tenants include the following: a moving company on the ground floor; a combination of institutional and office uses on the second floor; and, a combination of PDR and offices for the University of California, San Francisco on the third floor.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The project site is within the center of the Mission neighborhood and falls within a cluster of UMU (Urban Mixed Use) zoned properties that serve to transition between the Northeast Mission Industrial Zone and the South Mission residential area. Accordingly, the surrounding properties are characterized by a combination of light industrial, commercial, institutional and high- to moderate-density residential uses. Directly west of the subject property is John O'Connell High School.

ENVIRONMENTAL REVIEW

The Project is exempt from the California Environmental Quality Act (“CEQA”) as a Class 1 Categorical Exemption.

HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Classified News Ad	20 days	June 20, 2014	June 18, 2014	22 days
Posted Notice	20 days	June 20, 2014	June 20, 2014	20 days
Mailed Notice	20 days	June 20, 2014	June 20, 2014	20 days

The proposal requires a Section 312-neighborhood notification, which was conducted in conjunction with the office development authorization.

PUBLIC COMMENT

- The Department has received one letter in support of the project from an existing tenant (d.b.a. Making Waves). The Department has also received one phone call in opposition to the project because the proposal does not include modifications to the existing sidewalk conditions that would eliminate under-utilized curb cuts.

ISSUES AND OTHER CONSIDERATIONS

- The Zoning Administrator determined that 12,758 square feet of the existing building’s third story is eligible for the legitimization process afforded under Planning Code Section 179.1. Because of the subject building’s historical office occupancy, the legitimization process allows those portions of the existing building to be approved for office use now even though the office use is not otherwise permitted in that portion of the building.
- The project designates the second story as an office use pursuant to the vertical office controls established in Planning Code Section 803.9(h).
- Currently, there is more than 1.27 million square feet of Small Cap office space available under the Section 321 office allocation program.
- The Project would be subject to the following development impact fees, which are estimated as follows:

FEE TYPE	PLANNING CODE SECTION/FEE	AMOUNT
Transit Impact Development Fee (12,758 sq ft - Legitimized Office Development)	411 (@ \$2.00)	\$ 25,516.00
Transit Impact Development Fee (19,323 sq ft - New Office Development – No Prior Use Credit)	411 (@ \$13.21)	\$ 255,256.83
Jobs-Housing Linkage (12,758 sq ft - Legitimized Office Development)	413 (@ \$8.50)	\$108,443.00

FEE TYPE	PLANNING CODE SECTION/FEE	AMOUNT
Jobs-Housing Linkage (19,323 sq ft – PDR to Office Space Conversion)	413 (@ \$7.02)	\$135,647.46
Eastern Neighborhoods Impact Fee (19,323 sq ft – Tier 1, PDR to Non-Residential)	423 (@ \$3.47)	\$67,050.81
Open Space Fee (386.5 sf ft – required useable open space)	426 (@ \$87.84)	\$33,950.16
	TOTAL	\$625,864.26

Please note that these fees are subject to change between Planning Commission approval and approval of the associated Building Permit Application, as based upon the annual updates managed by the Development Impact Fee Unit of the Department of Building Inspection.

REQUIRED COMMISSION ACTION

In order for the project to proceed, the Commission must authorize the allocation of office space for the proposed 32,081 gross square foot office project per Planning Code Sections 179.1, 321, 322, 803.9(h), and 843.66.

BASIS FOR RECOMMENDATION

The Department believes this project is approvable for the following reasons:

- The office space on the third floor was determined to be eligible for legitimization pursuant to Planning Code Section 179.1.
- The office space on the second floor is permitted as of right under the Planning Code.
- The Project represents an allocation of less than 2.5 percent of the small cap office currently available for allocation.
- The office space conversion will retain existing employment opportunities and will help stabilize economic activities within the neighborhood.
- The project maintains existing PDR uses within the building.
- At current rates, the project will produce approximately \$625,864.26 in fees that will benefit the community and City.
- The Project is consistent with the objectives and policies of the General Plan.

RECOMMENDATION: Approval with Conditions
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Attachments:

- Parcel Map
- Sanborn Map
- Aerial Photograph
- Zoning Map

Executive Summary
Hearing Date: July 10, 2014

CASE NO. 2013.0992B
3130 20th Street

Draft Motion
Categorical Exemption Checklist
Public Correspondence
Architectural Drawings
Project Sponsor Brief

Attachment Checklist

- | | |
|---|--|
| <input checked="" type="checkbox"/> Executive Summary | <input checked="" type="checkbox"/> Project sponsor submittal |
| <input checked="" type="checkbox"/> Draft Motion | Drawings: <u>Existing Conditions</u> |
| <input checked="" type="checkbox"/> Environmental Determination | <input checked="" type="checkbox"/> Check for legibility |
| <input checked="" type="checkbox"/> Zoning District Map | Drawings: <u>Proposed Project</u> |
| <input checked="" type="checkbox"/> Height & Bulk Map | <input checked="" type="checkbox"/> Check for legibility |
| <input checked="" type="checkbox"/> Parcel Map | 3-D Renderings (new construction or significant addition) |
| <input checked="" type="checkbox"/> Sanborn Map | <input type="checkbox"/> Check for legibility |
| <input checked="" type="checkbox"/> Aerial Photo | <input type="checkbox"/> Wireless Telecommunications Materials |
| <input checked="" type="checkbox"/> Context Photos | <input type="checkbox"/> Health Dept. review of RF levels |
| <input checked="" type="checkbox"/> Site Photos | <input type="checkbox"/> RF Report |
| | <input type="checkbox"/> Community Meeting Notice |
| | <input type="checkbox"/> Housing Documents |
| | <input type="checkbox"/> Inclusionary Affordable Housing Program: Affidavit for Compliance |
| | <input type="checkbox"/> Residential Pipeline |

Exhibits above marked with an "X" are included in this packet

BB
Planner's Initials

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SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- Affordable Housing (Sec. 415)
- Jobs Housing Linkage Program (Sec. 413)
- Downtown Park Fee (Sec. 412)
- Transit Impact Development Fee (Sec. 411)
- First Source Hiring (Admin. Code)
- Child Care Requirement (Sec. 414)
- Other (Eastern Neighborhoods – Sec. 423 & 426)

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Planning Commission Draft Motion

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ADOPTING FINDINGS RELATING TO AN ALLOCATION OF OFFICE SQUARE FOOTAGE UNDER THE 2013 – 2014 ANNUAL OFFICE DEVELOPMENT LIMITATION FOR THE PROPOSED PROJECT LOCATED AT 3130 20TH STREET THAT WOULD AUTHORIZE THE CONVERSION OF APPROXIMATELY 32,081 GROSS SQUARE FEET OF THE EXISTING 55,415 SQUARE FOOT BUILDING TO OFFICE USE PURSUANT TO PLANNING CODE SECTIONS 179.1, 321, 322, 803.9(H), AND 843.66, ON ASSESSOR’S BLOCK 4083, LOT 002, IN THE UMU (URBAN MIXED USE) ZONING DISTRICT AND A 58-X HEIGHT AND BULK DISTRICT, AND ADOPT FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

PREAMBLE

On July 29, 2013, J. Gregg Miller, Jr., on behalf of Twentieth Street Associates, LP (hereinafter “Project Sponsor”) filed Application No. 2013.0992B (hereinafter “Application”) with the Planning Department (hereinafter “Department”) for an Office Development Authorization to convert 32,081 gross square feet of the existing 55,415 square foot building at 3130 20th Street to an office use.

The Project is exempt from the California Environmental Quality Act (“CEQA”) as a Class 1 Categorical Exemption.

On July 10, 2014, the Planning Commission ("Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Office Allocation Application No. 2013.0992B.

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 Office Development Authorization requested in Application No. 2013.0992B, 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 site, commonly known as 3130 20th Street, is located on the southern side of a block bounded by 19th, Alabama, 20th and Harrison Streets in San Francisco's Mission neighborhood. The subject lot is approximately 41,600 square feet and has 208 feet of frontage on Harrison and Alabama Streets and 200 feet of frontage on 20th Street. Constructed in 1949, 3130 20th Street is three-story industrial building with approximately 55,415 square feet. At present, the building's tenants include the following: a moving company on the ground floor; a combination of institutional and office uses on the second floor; and, a combination of PDR and offices for the University of California, San Francisco on the third floor.
3. **Surrounding Properties and Neighborhood.** The project site is within the center of the Mission neighborhood and falls within a cluster of UMU (Urban Mixed Use) zoned properties that serve to transition between the Northeast Mission Industrial Zone and the South Mission residential area. Accordingly, the surrounding properties are characterized by a combination of light industrial, commercial, institutional and high- to moderate-density residential uses. Directly west of the subject property is John O'Connell High School.
4. **Project Description.** The proposal is to convert the entire second floor consisting of approximately 18,274 gross square feet (gsf), and a portion of the third floor consisting of approximately 12,758 gsf, to a legal office use. The total office use would consist of 32,081 gsf, which includes a common area load factor of 1,049 gsf. The proposal also includes the installation of two Class 2 bicycle parking spaces. No alterations are proposed for the exterior of the building.
5. **Public Comment.** The Department has received one letter in support of the project from an existing tenant (d.b.a. Making Waves). The Department has also received one phone call in opposition to the project because the proposal does not include modifications to the existing sidewalk conditions that would eliminate underused curb cuts.

6. **Planning Code Compliance.** The Commission finds and determines that the Project is consistent with the relevant provisions of the Code in the following manner:

- A. **Office Use in the UMU Zoning District.** Planning Code Section 843.66 principally permits office space in the UMU Zoning District if the proposed office space complies with the vertical office controls of Planning Code Section 803.9(h).

The proposal includes converting the entire second story, approximately 18,274 gross square feet, to office space. As discussed below, the 2nd floor will be designated for office use per Planning Code Section 803.9(h).

- B. **Legitimization of Office Space.** Planning Code Section 179.1 established a time-limited program wherein existing uses in the Eastern Neighborhoods plan area that have operated without the benefit of required permits may seek those permits. Uses that could be “legitimized” under this Section are those uses which, under the current provisions of this Code and without the Section, could not otherwise seek the required permits.

The Zoning Administrator issued a Letter of Legitimization on February 10, 2014, for this project stating that because 12,758 gross square feet on the third floor of the building could not be permitted under the current Planning Code, and because the project had met all the eligibility requirements of Section 179.1, that portion of the third floor is eligible to be approved as office space pursuant to the Legitimization program.

- C. **Vertical Office Controls.** Planning Code Section 803.9(h) limits office use in the UMU Zoning District based on a building’s number of stories. A building with 2 to 4 stories may have only one floor designated for office use. A building with 5 to 7 stories may have up to two floors designated for office use.

The existing three-story building at 3130 20th Street is permitted to have one floor of office space, and that floor may not be the ground floor. Therefore, the project will designate the second floor as the single floor of office space permitted under this Section.

- D. **Open Space.** Planning Code Section 135.3 requires conversions to new office space in Eastern Neighborhoods Mixed Use Districts to provide and maintain usable open space for that new office space at a ratio of one square foot per 50 square feet of new office space, and/or pay an in-lieu fee, as outlined in Planning Code Section 426. The project proposes 32,081 square feet of new office space. However, 12,758 gross square feet of office space on the third floor is being established under Section 179.1, which states that such office space will be deemed nonconforming and thus not subject to current open space controls. Therefore, the total amount of new office space subject to current open space controls equals 19,323 gross square feet and requires at least 386.5 square feet of open space to be provided.

Under Planning Code Section 426, the open space requirement may be satisfied through payment of a fee for each square foot of usable open space not provided. Under Planning Code Section 307(h), the Zoning Administrator has authorized the payment of an in-lieu fee for the open space requirements.

- E. **Parking.** Planning Code Section 151.1 does not require any off-street parking, and provides maximum parking amounts based on land use type.

The existing project site includes approximately 52 off-street parking; the proposal will not alter the existing off-street parking provided on-site.

- F. **Loading.** Planning Code Section 152.1 requires certain amounts of off-street freight loading spaces based on the type and size of uses in a project. The proposed project does not require a loading space.

The existing building contains one loading space.

- G. **Bicycle Parking.** Planning Code Section 155.2 requires that the project provide at least two Class 1 and two Class 2 bicycle parking spaces to accommodate the new office use.

The site includes seven existing Class 1 bicycle parking spaces. The Project proposes adding two Class 2 bicycle parking spaces.

- H. **Shower Facility and Clothes Locker Requirement.** Planning Code Section 155.4 requires at least two showers and twelve clothes lockers when gross square footage exceeds 20,000 square feet but is no greater than 50,000 square feet of the office use floor area.

The Project Sponsor shall construct two showers and twelve clothes lockers on the ground floor.

However, the Project Sponsor may seek an exemption from the Zoning Administrator to provide arrangements for shower and locker facilities at a health club or other facility within three blocks of the building, as outlined within Planning Code Section 155.4(d). This arrangement would be available to tenants at no cost to the building employees; therefore, the proposed project would also comply with Planning Code Section 155.3.

- I. **Development Fees.** The Project is subject to the Transit Impact Development Fee per Planning Code Sections 179.1(g) and 411, the Jobs-Housing Linkage Fee per Planning Code Sections 179.1(g) and 413, and the Eastern Neighborhoods Community Impact Fee per Planning Code Section 423.

The Project Sponsor shall pay the appropriate Transit Impact Development, Jobs-Housing Linkage and Eastern Neighborhoods Community Impact fees, pursuant to Planning Code Section 179.1(g), 411, 413 and 423, at the appropriate stage of the building permit application process.

7. **Office Development Authorization.** Planning Code Section 321 establishes standards for San Francisco's Office Development Annual Limit. In determining if the proposed Project would promote the public welfare, convenience and necessity, the Commission considered the seven criteria established by Code Section 321(b)(3), and finds as follows:

I. APPORTIONMENT OF OFFICE SPACE OVER THE COURSE OF THE APPROVAL PERIOD IN ORDER TO MAINTAIN A BALANCE BETWEEN ECONOMIC GROWTH ON THE ONE HAND, AND HOUSING, TRANSPORTATION AND PUBLIC SERVICES, ON THE OTHER.

The area proposed for conversion has functioned as office or institutional space for more than a decade. There is currently more than 1.27 million gross square feet of available "Small Cap" office space in the City. Additionally, the Project is subject to various development fees that will benefit the surrounding community. Therefore, the Project will help maintain the balance between economic growth, housing, transportation and public services.

II. THE CONTRIBUTION OF THE OFFICE DEVELOPMENT TO, AND ITS EFFECTS ON, THE OBJECTIVES AND POLICIES OF THE GENERAL PLAN.

The proposed project is consistent with the General Plan, as outlined in Section 9 below.

III. THE QUALITY OF THE DESIGN OF THE PROPOSED OFFICE DEVELOPMENT.

The proposed office space is within an existing building. The proposed conversion of use includes no exterior additions to the existing building.

IV. THE SUITABILITY OF THE PROPOSED OFFICE DEVELOPMENT FOR ITS LOCATION, AND ANY EFFECTS OF THE PROPOSED OFFICE DEVELOPMENT SPECIFIC TO THAT LOCATION.

- a) Use. *The Project is within the UMU (Urban Mixed Use) Zoning District, which permits office use only on certain floors, and in relation to the number of stories in the building. Planning Code Section 843 states that the UMU Zoning District promotes "a vibrant mix of uses while maintaining the characteristics of this formerly industrially-zoned area." It also states that office uses are permitted, but limited to the upper floors of buildings.*

Additionally, Planning Code Section 179.1 permits office uses in the portion of the building where it is otherwise prohibited in the UMU Zoning District. The Zoning Administrator issued a Letter of Legitimization on February 10, 2014, for this project stating the proposal met all the eligibility requirements of Section 179.1, and thus 12,758 gross square feet of the third floor is eligible to be approved as office space.

- b) Transit Accessibility. *The area is served by a variety of transit options. The project site is within a quarter-mile of various Muni routes, including the 9-San Bruno, 12-Folsom/Pacific, 27-Bryant, and 33-Stanyan. The project site is within .8-miles of the 16th Street and 24th Street BART stations.*

- c) Open Space Accessibility. *The existing building does not contain any open space. However, the project is located in the Mission neighborhood and is situated within three blocks of the Mission Recreation Center and the Jose Coronado Playground. The site is also .5-miles from Franklin Square. As the proposal does not include any new open space; the project will be subject to an open space in-lieu fees per Planning Code Section 426 to help support the creation of new open space in the area.*
- d) Urban Design. *The proposed office space is in an existing building. The building was constructed in 1949 and has been minimally altered since that time. The proposal will not alter the existing building.*
- e) Seismic Safety. *The Project includes limited tenant improvements within the interior of the existing buildings. All tenant improvement work will meet current seismic safety standards, as they apply.*

V. THE ANTICIPATED USES OF THE PROPOSED OFFICE DEVELOPMENT IN LIGHT OF EMPLOYMENT OPPORTUNITIES TO BE PROVIDED, NEEDS OF EXISTING BUSINESSES, AND THE AVAILABLE SUPPLY OF SPACE SUITABLE FOR SUCH ANTICIPATED USES.

- a) Anticipated Employment Opportunities. *The Project includes a total of 32,081 gross square feet of office space. Based on the Project Sponsor's analysis, the total office space can employ up to 300 people at full occupancy.*
- b) Needs of Existing Businesses. *The Project will supply office space in the Northeast Mission, which limits office space, depending on the zoning district. In contrast to the downtown area, office rents in this neighborhood are generally lower and provide valuable space for smaller and/or younger businesses. The proximity to neighborhood serving businesses and light industrial uses can also help foster entrepreneurship among local residents and employers. Since office space is limited in this area, an overconcentration is unlikely, and the area will continue to provide a vibrant mix of uses.*
- c) Availability of Space Suitable for Anticipated Uses. *The Project will provide quality office space that is suitable for a variety of office uses and sizes.*

VI. THE EXTENT TO WHICH THE PROPOSED DEVELOPMENT WILL BE OWNED OR OCCUPIED BY A SINGLE ENTITY.

The building will not be owner-occupied. The Project Sponsor intends to continue leasing the first and third stories to existing PDR and office tenants, and replace the second story tenant upon their gradual relocation.

VII. THE USE, IF ANY, OF TRANSFERABLE DEVELOPMENT RIGHTS ("TDR's") BY THE PROJECT SPONSOR.

The Project does not include any Transfer of Development Rights.

- 8. **Section 101.1 Priority Policy Findings.** Section 101.1(b)(1-8) establishes eight priority planning Policies and requires review of permits for consistency with said policies.

The Commission finds and determines that the Project is consistent with the eight priority policies, for the reasons set forth below.

- A. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced.

The existing building contains no neighborhood-serving retail uses, nor does the proposal include any retail. However, the conversion of this building to office space will increase the demand for neighborhood-serving retail use in the surrounding neighborhood.

- 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 includes no exterior additions to the existing building and will not remove or add any housing. The Project is within the Mission Plan area, which limits or prohibits office use, depending on the Zoning District. As such, an overconcentration is unlikely, and the area will continue to provide a vibrant mix of users.

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

There is no existing affordable or market-rate housing on the Project Site. The development will contribute fees to the Jobs-Housing Linkage Program. Therefore, the Project is in compliance with this priority policy.

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

The area is served by a variety of transit options, including MUNI and BART. It is also near several streets that are part of the City's growing bicycle network. It is not anticipated that commuter traffic will impede MUNI transit or overburden streets or neighborhood parking as the project is not required to, and does not, provide off-street parking given its proximity to transit alternatives.

- 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.

Converting a portion of the existing building to office space on the upper stories will help support and maintain the PDR activities on the ground floor. The conversion to office space will help increase local resident employment and demand for new neighborhood-serving businesses in the area, which can also lead to new opportunities for local resident employment. Additionally, this integration of mixed uses has existed in the building since 1998.

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

The Project will not create any new space that does not meet current seismic safety standards.

- G. That landmarks and historic buildings be preserved.

The existing building is not a Landmark or otherwise historic building. The proposal will not impact Landmarks or historic buildings in the vicinity.

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

The proposed project would not affect nearby parks or open space.

9. **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 minimizes undesirable consequences. Discourage development that has substantial undesirable consequences that cannot be mitigated.

Policy 1.3:

Locate commercial and industrial activities according to a generalized commercial and industrial land use plan.

The proposed office development will provide net benefits to the City and the community by allowing for one or more small to medium sized office tenants to sign a long-term lease, which will increase economic vibrancy in the area. Authorization of the office space will also result in the collection of significant development fees that will benefit the community and that would otherwise not be required.

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 proposed office development will help retain existing commercial tenants and generate stable employment opportunities and demand for neighborhood serving businesses.

TRANSPORTATION ELEMENT

Objectives and Policies

OBJECTIVE 28:

PROVIDE SECURE AND CONVENIENT PARKING FACILITIES FOR BICYCLES.

Policy 28.1:

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

Policy 28.3:

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

The project includes seven existing Class 1 bicycle parking spaces in a secure, convenient location, and will provide two new Class 2 bicycle parking spaces.

MISSION AREA PLAN

Objectives and Policies

OBJECTIVE 1.1:

STRENGTHEN THE MISSION'S EXISTING MIXED USE CHARACTER, WHILE MAINTAINING THE NEIGHBORHOOD AS A PLACE TO LIVE AND WORK.

Policy 1.1.2:

Revise land use controls in portions of the Northeast Mission Industrial Zone outside the core industrial area to create new mixed use areas, allowing mixed income housing as a principal use, as well as limited amounts of retail, office, and research and development uses, while protecting against the wholesale displacement of PDR uses.

The Project is located in the Northeast Mission Industrial Zone and in a UMU Zoning District that serves as a transition between residential uses and more intense industrial activities. The mix of commercial and industrial activities within the proposal is an appropriate balance of uses given the location of the site. Further, the authorization of office space at this site will support any PDR activities on the ground floor level.

OBJECTIVE 6.1:

SUPPORT THE ECONOMIC WELLBEING OF A VARIETY OF BUSINESSES IN THE EASTERN NEIGHBORHOODS

The increased economic viability of the building provided by the proposed office space conversion will result in higher demand in the area for neighborhood-serving businesses.

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 Office Development 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 Office Development Application No. 2013.0992B** subject to the conditions attached hereto as Exhibit A, which is incorporated herein by reference as though fully set forth, in general conformance with the plans stamped Exhibit B and dated June 27, 2014, on file in Case Docket No. 2013.0992B.

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Section 321 Office-Space Allocation to the Board of Appeals within fifteen (15) days after the date of this Motion. The effective date of this Motion shall be the date of adoption of this Motion if not appealed (after the 15-day period has expired) OR the date of the decision of the Board of Appeals if appealed to the Board of Appeals. For further information, please contact the Board of Appeals at (415) 575-6880, 1660 Mission, Room 3036, San Francisco, CA 94103.

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 July 10, 2014.

Jonas P. Ionin
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: July 10, 2014

EXHIBIT A

AUTHORIZATION

This authorization is for an Office Development Authorization to authorize 32,081 gross square feet of office use located at 3130 20th Street, Lot 002 in Assessor's Block 4083 pursuant to Planning Code Section(s) 179.1, 321, 322, 803.9(h), and 843.66 within the UMU (Urban Mixed Use) Zoning District and a 58-X Height and Bulk District; in general conformance with plans, dated June 27, 2014, and stamped "EXHIBIT B" included in the docket for Case No. 2013.0992B and subject to conditions of approval reviewed and approved by the Commission on **July 10, 2014** under Motion No. **XXXXX**. 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 July 10, 2014 under Motion No. **XXXXX**.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. 19089 shall be reproduced on the Index Sheet of construction plans submitted with the Site or Building permit application for the Project. The Index Sheet of the construction plans shall reference to the Office Development Authorization and any subsequent amendments or modifications.

SEVERABILITY

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

CHANGES AND MODIFICATIONS

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

Conditions of Approval, Compliance, Monitoring, and Reporting PERFORMANCE

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

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

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

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

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

6. **Development Timeline - Office.** Pursuant to Planning Code Section 321(d)(2), construction of an office development shall commence within 18 months of the date of this Motion approving this Project becomes effective. Failure to begin work within that period or to carry out the development diligently thereafter to completion, shall be grounds to revoke approval of the office development under this Office Allocation authorization.

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

PARKING AND TRAFFIC

7. **Bicycle Parking.** Pursuant to Planning Code Section 155.2, the Project shall provide no fewer than 6 Class 1 bicycle parking spaces and 2 Class 2 bicycle parking spaces for the 32,081 gross square feet of office use.

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

8. **Showers and Lockers.** Pursuant to Planning Code Section 155.4(d), the Project shall either construct two new showers and twelve clothes lockers on the ground floor or seek an exemption from the Zoning Administrator to provide arrangements for shower and locker facilities at a health club or other facility within three blocks of the building, which will be available to tenants at no cost to the building employees.

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

PROVISIONS

9. **Transit Impact Development Fee.** Pursuant to Planning Code Sections 411 (formerly Chapter 38 of the Administrative Code), the Project Sponsor shall pay the Transit Impact Development Fee (TIDF) as required by and based on drawings submitted with the Building Permit Application. Prior to the issuance of a temporary certificate of occupancy, the Project Sponsor shall provide the Planning Department with certification of fee payment.

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

10. **Jobs Housing Linkage.** Pursuant to Planning Code Sections 413 (formerly 313), the Project Sponsor shall contribute to the Jobs-Housing Linkage Program (JHLP). The calculation shall be based on the net addition of gross square feet of each type of space to be constructed as set forth in the permit plans. The Project Sponsor shall provide evidence that this requirement has been satisfied to the Planning Department prior to the issuance of the first site or building permit by the Department of Building Inspection.

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

11. **Eastern Neighborhoods Infrastructure Impact Fee.** Pursuant to Planning Code Section 423 (formerly 327), the Project Sponsor shall comply with the Eastern Neighborhoods Public Benefit Fund provisions through payment of an Impact Fee pursuant to Article 4 of the Planning Code.

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

MONITORING - AFTER ENTITLEMENT

12. **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

13. **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

14. **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>

15. **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.

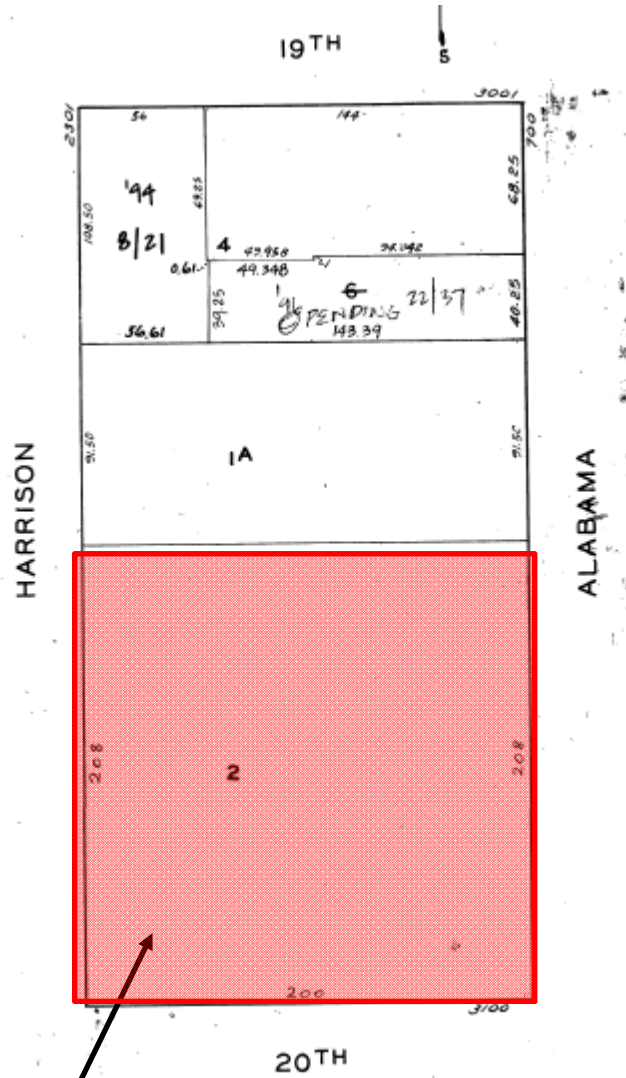
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863,

Draft Motion
July 10, 2014

CASE NO. 2013.0992B
3130 20th Street

www.sf-planning.org

Parcel Map

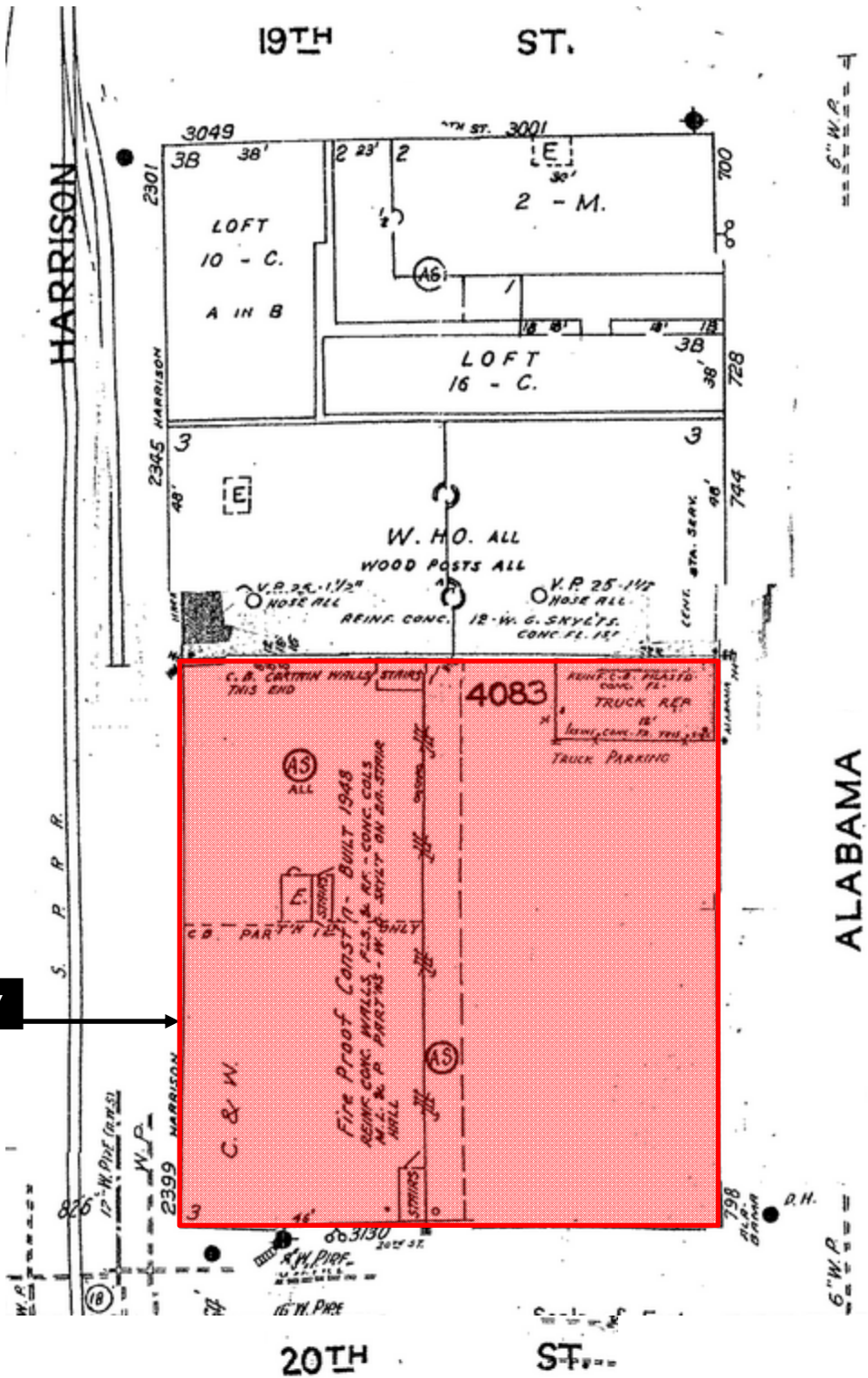


SUBJECT PROPERTY



Office Development Authorization
Case Number 2013.0992B
3130 20th Street

Sanborn Map*



*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.

Office Development Authorization
 Case Number 2013.0992B
 3130 20th Street

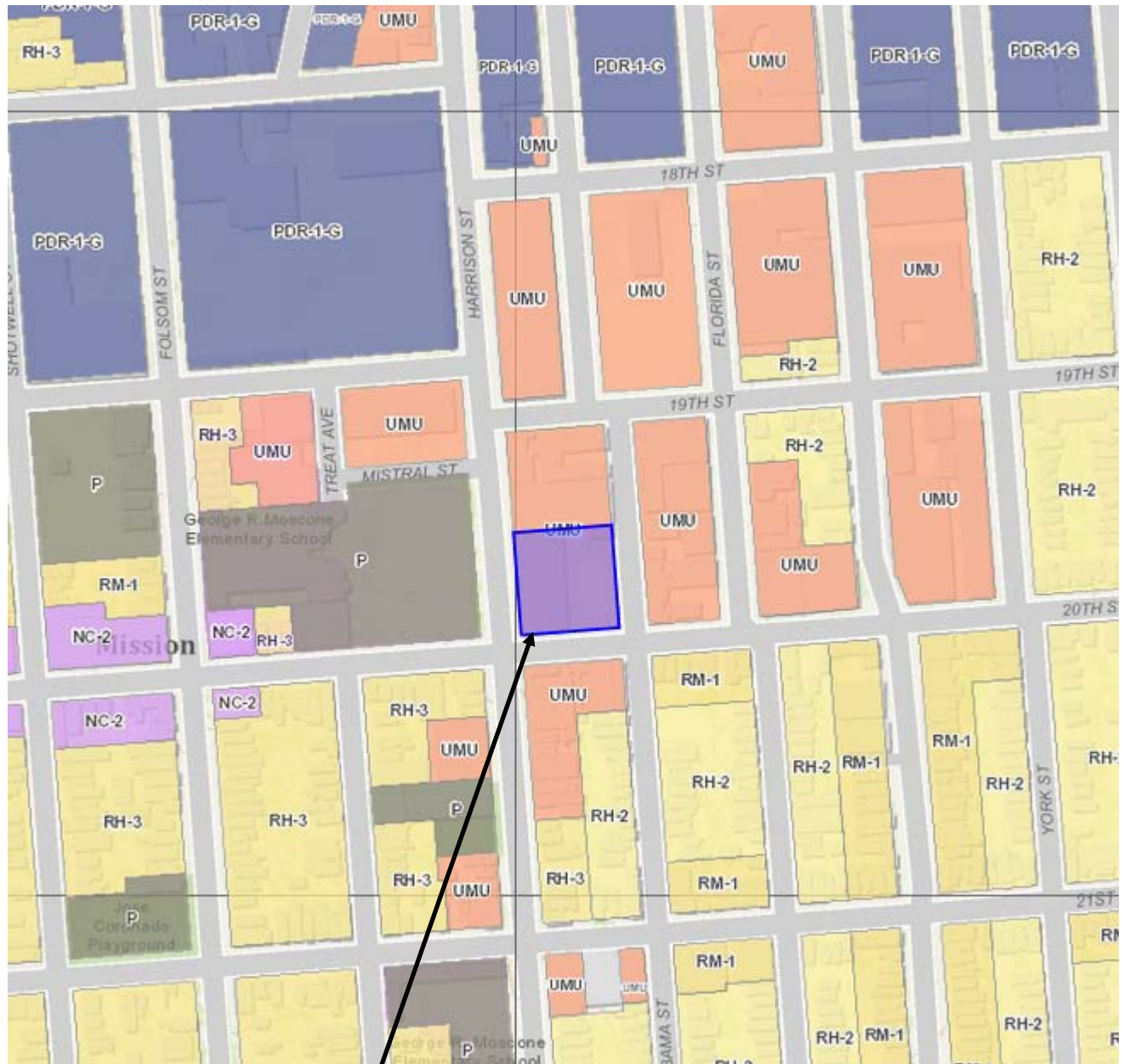
Aerial Photo



SUBJECT PROPERTY

Office Development Authorization
Case Number 2013.0992B
3130 20th Street

Zoning Map



SUBJECT PROPERTY



Office Development Authorization
Case Number 2013.0992B
3130 20th Street

Site Photo



Office Development Authorization
Case Number 2013.0992B
3130 20th Street



SAN FRANCISCO PLANNING DEPARTMENT

CEQA Categorical Exemption Determination

PROPERTY INFORMATION/PROJECT DESCRIPTION

Project Address		Block/Lot(s)	
3130 20th Street		4083/002	
Case No.	Permit No.	Plans Dated	
2013.0992B		Received 07/01/14	
<input type="checkbox"/> Addition/ Alteration	<input type="checkbox"/> Demolition (requires HRER if over 50 years old)	<input type="checkbox"/> New Construction	<input type="checkbox"/> Project Modification (GO TO STEP 7)
Project description for Planning Department approval. Change in Use to establish 32,081 gsf of office use. No exterior alterations.			

STEP 1: EXEMPTION CLASS

TO BE COMPLETED BY PROJECT PLANNER

Note: If neither class applies, an <i>Environmental Evaluation Application</i> is required.	
<input checked="" type="checkbox"/>	Class 1 – Existing Facilities. Interior and exterior alterations; additions under 10,000 sq. ft.; change of use if principally permitted or with a CU.
<input type="checkbox"/>	Class 3 – New Construction. Up to three (3) new single-family residences or six (6) dwelling units in one building; commercial/office structures; utility extensions.
<input type="checkbox"/>	Class__

STEP 2: CEQA IMPACTS

TO BE COMPLETED BY PROJECT PLANNER

If any box is checked below, an <i>Environmental Evaluation Application</i> is required.	
<input type="checkbox"/>	Transportation: Does the project create six (6) or more net new parking spaces or residential units? Does the project have the potential to adversely affect transit, pedestrian and/or bicycle safety (hazards) or the adequacy of nearby transit, pedestrian and/or bicycle facilities?
<input type="checkbox"/>	Air Quality: Would the project add new sensitive receptors (specifically, schools, day care facilities, hospitals, residential dwellings, and senior-care facilities) within an air pollution hot spot? (refer to EP_ArcMap > CEQA Catex Determination Layers > Air Pollution Hot Spots)
<input type="checkbox"/>	Hazardous Materials: Any project site that is located on the Maher map or is suspected of containing hazardous materials (based on a previous use such as gas station, auto repair, dry cleaners, or heavy manufacturing, or a site with underground storage tanks): Would the project involve soil disturbance of any amount or a change of use from industrial to commercial/residential? If yes, should the applicant present documentation of a completed Maher Application that has been submitted to the San Francisco Department of Public Health (DPH), this box does not need to be checked, but such documentation must be appended to this form. In all other circumstances, this box must be checked and the project applicant must submit an Environmental Application with a Phase I Environmental Site Assessment and/or file a Maher Application with DPH. (refer to EP_ArcMap > Maher layer.)

<input type="checkbox"/>	Soil Disturbance/Modification: Would the project result in soil disturbance/modification greater than two (2) feet below grade in an archeological sensitive area or eight (8) feet in a non-archeological sensitive area? (refer to EP_ArcMap > CEQA Catex Determination Layers > Archeological Sensitive Area)
<input type="checkbox"/>	Noise: Does the project include new noise-sensitive receptors (schools, day care facilities, hospitals, residential dwellings, and senior-care facilities) fronting roadways located in the noise mitigation area? (refer to EP_ArcMap > CEQA Catex Determination Layers > Noise Mitigation Area)
<input type="checkbox"/>	Subdivision/Lot Line Adjustment: Does the project site involve a subdivision or on a lot with a slope average of 20% or more? (refer to EP_ArcMap > CEQA Catex Determination Layers > Topography)
<input type="checkbox"/>	Slope = or > 20%: Does the project involve excavation of 50 cubic yards of soil or more, square footage expansion greater than 1,000 sq. ft., shoring, underpinning, retaining wall work, or grading on a lot with a slope average of 20% or more? <i>Exceptions: do not check box for work performed on a previously developed portion of site, stairs, patio, deck, or fence work.</i> (refer to EP_ArcMap > CEQA Catex Determination Layers > Topography) If box is checked, a geotechnical report is required and a Certificate or higher level CEQA document required
<input type="checkbox"/>	Seismic: Landslide Zone: Does the project involve excavation of 50 cubic yards of soil or more, square footage expansion greater than 1,000 sq. ft., shoring, underpinning, retaining wall work, grading –including excavation and fill on a landslide zone – as identified in the San Francisco General Plan? <i>Exceptions: do not check box for work performed on a previously developed portion of the site, stairs, patio, deck, or fence work.</i> (refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones) If box is checked, a geotechnical report is required and a Certificate or higher level CEQA document required
<input type="checkbox"/>	Seismic: Liquefaction Zone: Does the project involve excavation of 50 cubic yards of soil or more, square footage expansion greater than 1000 sq ft, shoring, underpinning, retaining wall work, or grading on a lot in a liquefaction zone? <i>Exceptions: do not check box for work performed on a previously developed portion of the site, stairs, patio, deck, or fence work.</i> (refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones) If box is checked, a geotechnical report will likely be required
<input type="checkbox"/>	Serpentine Rock: Does the project involve any excavation on a property containing serpentine rock? <i>Exceptions: do not check box for stairs, patio, deck, retaining walls, or fence work.</i> (refer to EP_ArcMap > CEQA Catex Determination Layers > Serpentine)
If no boxes are checked above, GO TO STEP 3. If one or more boxes are checked above, an <u>Environmental Evaluation Application</u> is required.	
<input checked="" type="checkbox"/>	Project can proceed with categorical exemption review. The project does not trigger any of the CEQA impacts listed above.
Comments and Planner Signature (optional):	

**STEP 3: PROPERTY STATUS – HISTORIC RESOURCE
TO BE COMPLETED BY PROJECT PLANNER**

PROPERTY IS ONE OF THE FOLLOWING: (refer to Parcel Information Map)	
<input type="checkbox"/>	Category A: Known Historical Resource. GO TO STEP 5.
<input type="checkbox"/>	Category B: Potential Historical Resource (over 50 years of age). GO TO STEP 4.
<input checked="" type="checkbox"/>	Category C: Not a Historical Resource or Not Age Eligible (under 50 years of age). GO TO STEP 6.

**STEP 4: PROPOSED WORK CHECKLIST
TO BE COMPLETED BY PROJECT PLANNER**

Check all that apply to the project.	
<input type="checkbox"/>	1. Change of use and new construction. Tenant improvements not included.
<input type="checkbox"/>	3. Regular maintenance or repair to correct or repair deterioration, decay, or damage to building.
<input type="checkbox"/>	4. Window replacement that meets the Department's <i>Window Replacement Standards</i> . Does not include storefront window alterations.
<input type="checkbox"/>	5. Garage work. A new opening that meets the <i>Guidelines for Adding Garages and Curb Cuts</i> , and/or replacement of a garage door in an existing opening that meets the Residential Design Guidelines.
<input type="checkbox"/>	6. Deck, terrace construction, or fences not visible from any immediately adjacent public right-of-way.
<input type="checkbox"/>	7. Mechanical equipment installation that is not visible from any immediately adjacent public right-of-way.
<input type="checkbox"/>	8. Dormer installation that meets the requirements for exemption from public notification under <i>Zoning Administrator Bulletin No. 3: Dormer Windows</i> .
<input type="checkbox"/>	9. Addition(s) that are not visible from any immediately adjacent public right-of-way for 150 feet in each direction; does not extend vertically beyond the floor level of the top story of the structure or is only a single story in height; does not have a footprint that is more than 50% larger than that of the original building; and does not cause the removal of architectural significant roofing features.
Note: Project Planner must check box below before proceeding.	
<input type="checkbox"/>	Project is not listed. GO TO STEP 5.
<input type="checkbox"/>	Project does not conform to the scopes of work. GO TO STEP 5.
<input type="checkbox"/>	Project involves four or more work descriptions. GO TO STEP 5.
<input type="checkbox"/>	Project involves less than four work descriptions. GO TO STEP 6.

**STEP 5: CEQA IMPACTS – ADVANCED HISTORICAL REVIEW
TO BE COMPLETED BY PRESERVATION PLANNER**

Check all that apply to the project.	
<input type="checkbox"/>	1. Project involves a known historical resource (CEQA Category A) as determined by Step 3 and conforms entirely to proposed work checklist in Step 4.
<input type="checkbox"/>	2. Interior alterations to publicly accessible spaces.
<input type="checkbox"/>	3. Window replacement of original/historic windows that are not “in-kind” but are consistent with existing historic character.
<input type="checkbox"/>	4. Façade/storefront alterations that do not remove, alter, or obscure character-defining features.
<input type="checkbox"/>	5. Raising the building in a manner that does not remove, alter, or obscure character-defining features.
<input type="checkbox"/>	6. Restoration based upon documented evidence of a building’s historic condition, such as historic photographs, plans, physical evidence, or similar buildings.
<input type="checkbox"/>	7. Addition(s) , including mechanical equipment that are minimally visible from a public right-of-way and meet the <i>Secretary of the Interior’s Standards for Rehabilitation</i> .

<input type="checkbox"/>	8. Other work consistent with the <i>Secretary of the Interior Standards for the Treatment of Historic Properties</i> (specify or add comments):
<input type="checkbox"/>	9. Reclassification of property status to Category C. (Requires approval by Senior Preservation Planner/Preservation Coordinator) a. Per HRER dated: _____ (attach HRER) b. Other (specify):
Note: If ANY box in STEP 5 above is checked, a Preservation Planner MUST check one box below.	
<input type="checkbox"/>	Further environmental review required. Based on the information provided, the project requires an <i>Environmental Evaluation Application</i> to be submitted. GO TO STEP 6.
<input type="checkbox"/>	Project can proceed with categorical exemption review. The project has been reviewed by the Preservation Planner and can proceed with categorical exemption review. GO TO STEP 6.
Comments (optional):	
Preservation Planner Signature:	

**STEP 6: CATEGORICAL EXEMPTION DETERMINATION
TO BE COMPLETED BY PROJECT PLANNER**

<input type="checkbox"/>	Further environmental review required. Proposed project does not meet scopes of work in either (check all that apply): <input type="checkbox"/> Step 2 – CEQA Impacts <input type="checkbox"/> Step 5 – Advanced Historical Review STOP! Must file an <i>Environmental Evaluation Application</i>.	
<input checked="" type="checkbox"/>	No further environmental review is required. The project is categorically exempt under CEQA.	
	Planner Name: Rich Sucre Project Approval Action: Planning Commission Hearing <small>*If Discretionary Review before the Planning Commission is requested, the Discretionary Review hearing is the Approval Action for the project.</small>	Signature or Stamp: <div style="display: flex; align-items: center;"> <div style="font-size: 2em; font-weight: bold; margin-right: 10px;">Richard Sucre</div> <div style="font-size: 0.8em; line-height: 1;"> <small>Digitally signed by Richard Sucre DN: dc=org, dc=sfgov, dc=cityplanning, ou=CityPlanning, ou=Current Planning, cn=Richard Sucre, email=Richard.Sucre@sfgov.org Date: 2014.07.02 10:30:53 -07'00'</small> </div> </div>
Once signed or stamped and dated, this document constitutes a categorical exemption pursuant to CEQA Guidelines and Chapter 31 of the Administrative Code. In accordance with Chapter 31 of the San Francisco Administrative Code, an appeal of an exemption determination can only be filed within 30 days of the project receiving the first approval action.		

**STEP 7: MODIFICATION OF A CEQA EXEMPT PROJECT
TO BE COMPLETED BY PROJECT PLANNER**

In accordance with Chapter 31 of the San Francisco Administrative Code, when a California Environmental Quality Act (CEQA) exempt project changes after the Approval Action and requires a subsequent approval, the Environmental Review Officer (or his or her designee) must determine whether the proposed change constitutes a substantial modification of that project. This checklist shall be used to determine whether the proposed changes to the approved project would constitute a “substantial modification” and, therefore, be subject to additional environmental review pursuant to CEQA.

PROPERTY INFORMATION/PROJECT DESCRIPTION

Project Address (If different than front page)		Block/Lot(s) (If different than front page)
Case No.	Previous Building Permit No.	New Building Permit No.
Plans Dated	Previous Approval Action	New Approval Action
Modified Project Description:		

DETERMINATION IF PROJECT CONSTITUTES SUBSTANTIAL MODIFICATION

Compared to the approved project, would the modified project:	
<input type="checkbox"/>	Result in expansion of the building envelope, as defined in the Planning Code;
<input type="checkbox"/>	Result in the change of use that would require public notice under Planning Code Sections 311 or 312;
<input type="checkbox"/>	Result in demolition as defined under Planning Code Section 317 or 19005(f)?
<input type="checkbox"/>	Is any information being presented that was not known and could not have been known at the time of the original determination, that shows the originally approved project may no longer qualify for the exemption?

If at least one of the above boxes is checked, further environmental review is required CATEX FORM

DETERMINATION OF NO SUBSTANTIAL MODIFICATION

<input type="checkbox"/>	The proposed modification would not result in any of the above changes.
If this box is checked, the proposed modifications are categorically exempt under CEQA, in accordance with prior project approval and no additional environmental review is required. This determination shall be posted on the Planning Department website and office and mailed to the applicant, City approving entities, and anyone requesting written notice.	
Planner Name:	Signature or Stamp:



MAKING WAVES EDUCATION PROGRAM
3130 20TH STREET, STE 200 ~ SAN FRANCISCO, CA 94110
415.567.8304 ~ 415.567.8314 FAX
www.making-waves.org

June 17, 2014

Brittany Bendix
Planner, Southeast Quadrant, Current Planning
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103

**BOARD OF
DIRECTORS**

John H. Scully
Founder & Chair

Re: 3130 – 20th Street

Ronald A. Cohan

Dear Ms. Bendix:

Suzanne Duca

Philip Gordon

Esther Hugo

Alicia Malet Klein

Gally Mayer

Ian McGuire

Hamid Moghadam

Ronald Nahas

Henry A.J. Ramos

Rebeca Rangel

Regina K. Scully

Eli J. Weinberg

Mike Yuen

I am writing to express my support for Twentieth Street Associates' application under the Planning Code to designate the second floor of the building as office space and to receive an allocation of office space. Making Waves has decided to focus its efforts on the East Bay and will be leaving the premises. Mr. Koch has been very accommodating in agreeing to allow Making Waves to terminate its lease early as part of Making Waves' plan to consolidate our programs. I hope that the Planning Department and the Planning Commission will approve the application.

Sincerely,

Ms. Melissa Fries
Director of College and Alumni Programs
Making Waves Foundation
3045 Research Drive
Richmond, CA 94806

Alton B. Nelson, Jr.
CEO, MWA

Sherry A. Smith
*Managing Director,
MWF*

Glenn W. Holsclaw
Director Emeritus

J. Gregg Miller, Jr.
D (415) 772-5736
gmiller@coblentzlaw.com

July 1, 2014

The San Francisco Planning Commission
c/o The San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, California 94103

Re: 3130 – 20th Street Case No 2013.0992B

Dear President Wu and Honorable Commissioners:

We submit this letter on behalf of the project sponsor, Twentieth Street Associates, LP (“Project Sponsor”), and ask that, at the July 10, 2014 hearing before the Planning Commission (the “Commission”), you authorize the allocation of office space for the proposed 32,081 gross square foot office conversion project located at 3130-20th Street pursuant to Planning Code (the “Code”) Sections 179.1, 321, 322, 803.9(h), and 843.66.

I. Project Summary.

The project site, commonly known as 3130 20th Street, is located on the southern side of a block bounded by 19th, Alabama, 20th and Harrison Streets in San Francisco’s Mission neighborhood. The existing building is approximately 55,415 square feet, and was constructed in 1949 as a three story industrial building (the “Building”). The Building is located in the UMU (Urban Mixed Use) zoning district. Prior to the Eastern Neighborhoods re-zoning, the Building was zoned M-1. The proposal is to convert the entire second floor, of approximately 18,274 gross square feet, and a portion of the third floor, of approximately 12,758 gross square feet, to legal office use, for a total of 32,081 gross square feet of office space.¹

Project Sponsor’s request for an office allocation is the culmination of a process that began on January 13, 2012 when Project Sponsor filed a request for a letter of legitimization under Section 179.1 of the Code. Project Sponsor amended its request on July 19, 2013 to limit the subject of the request to a portion of the third floor. On July 29, 2013, Project Sponsor filed its office allocation request pursuant to Section 321 of the Code in which Project Sponsor requested an office allocation from the so called “small office cap” pool (i) for the space on the third floor that was the subject of the legitimization request and (ii) for the second floor of the building under the office floor designation provisions of the UMU zoning (Section 803.9(h)). On

¹ The 32,081 gross square feet consists of 18,274 gross square feet on the Second Floor, plus 12,758 gross square feet on the Third Floor plus a common area load factor of 1,049 gross square feet (18,274 + 12,758 + 1,049 = 32,081).

The San Francisco Planning Commission
July 1, 2014
Page 2

December 19, 2013, the Zoning Administrator issued a 30-day public notice and draft letter of legitimization for public review and comment. On February 10, 2014, the Zoning Administrator issued the final Letter of Legitimization. The Project now requires an allocation from the available pool of office space for small office projects.

II. Approval Requested.

- a. **Authorization for an Allocation of Office Space for 32,081 Gross Square Feet of Space for the Conversion Space on the 2nd Floor and the Legitimized Space on the 3rd Floor.**

Project Sponsor requests an authorization for an allocation of 32,081 gross square feet of space from the small office project cap. According to the Department's June 13, 2014 Office Development Annual Limitation Program summary, there are 1,274,628 gross square feet ("gsf") of office allocation space available for smaller buildings (those between 25,000 and 50,000 gsf). Of the 1,274,628 gsf of available space, there are 174,238² gsf that have been requested for pending projects, which leaves 1,039,190 gsf available for future small building allocations. Project Sponsor's request for 32,081 gsf of allocation constitutes approximately 3.08% of the 1,039,190 gsf that is available and unrequested for allocation to small buildings.

III. Reasons to Authorize the Small Cap Office Project Allocation.

- a. **The Planning Commission's Approval of Project Sponsor's 321 Authorization Request is Necessary Under Sections 179.1(f) and 803.9(h) of the Code in order to allow Project Sponsor to Legally Convert the Applicable Portions of the Building to Office Space.**

Having obtained the Zoning Administrator's determination that the applicable portions of the Third Floor are legitimate office space pursuant to Section 179.1 and having designated the Second Floor as the office floor pursuant to Section 803.9(h), Project Sponsor must now obtain approval from the Planning Commission for an allocation of Office Space pursuant to Section 321 of the Code. Section 179.1(f)(1) of the Code provides that, upon the Zoning Administrator determining that a project contains legitimate office space, the project sponsor may then seek authorization under Section 321(b)(4) for allocation of office space of less than 50,000 square feet. As such, although the Zoning Administrator has determined that the applicable portion of the Third Floor is legitimate office space, the space on the Third Floor cannot be converted to office space until the Commission approves an allocation of small cap office space. In addition, the Project Sponsor has designated the Second Floor as the designated office story in the

² According to the June 13 Annual Limit summary, two other projects, totaling 61,200 gsf, have filed pre-applications with the Department.

The San Francisco Planning Commission
July 1, 2014
Page 3

Building pursuant to Section 803.9(h)(4)(A). Therefore, Project Sponsor needs an authorization under Section 321(b)(4) for allocation of office space for the Second Floor.

b. Approval of Project Sponsor's 321 Application is Consistent with Several Key Mission Area Plan Policies and Objectives.

As part of the Eastern Neighborhoods re-zoning, several Area Plans were created. Among those plans is one for the Mission. The Mission Area Plan sets forth several policies and objectives. Approval of Project Sponsor's 321 application is consistent with several of the key policies and objectives of the Mission Area Plan, as follows:

Objective 1.1: *Strengthen the Mission's Existing Mixed Use Character, While Maintaining the Neighborhood as a Place to Live and Work.*

The neighborhood in which the Building is located consists of a variety of uses, including retail, residential, light industrial, office, and creative arts uses. By approving an allocation of office space for the Building, the Commission would be affirming the mixed use nature of the neighborhood and mixed used zoning (UMU) and providing space for jobs that is close to residences.

Objective 1.3: *Institute Flexible "Legal Non-Conforming Use" Provisions to Ensure a Continued Mix of Uses in the Mission.*

Policy 1.3.3: *Recognize desirable existing uses in the former industrial areas which would no longer be permitted by the new zoning, and afford them appropriate opportunities to establish a continuing legal presence.*

The inclusion of the office legitimization provision at Section 179.1 and the office designation provision at Section 803.9(h) in the Eastern Neighborhoods legislation reflects Objective 1.3 and Policy 1.3.3. Section 179.1 provides property owners with an opportunity to establish the legality of an office use in parts of the Mission where the new zoning resulted in an outright ban or severe limitation on the right to have an office use. Section 803.9(h) allows an owner of property in the UMU zoning district to designate a floor for office use. As such, approving Project Sponsor's request for an office allocation under Section 321 and pursuant to Sections 179.1(f)(1) and 803.9(h)(4)(A) is entirely consistent with the City's stated goals of allowing a desirable existing use to clearly establish its legal right to remain at the building.

Objective 1.4: *Support a Role for "Knowledge Sector" Businesses in Appropriate Portions of the Mission.*

Policy 1.4.2: *Allow Knowledge Sector office-type uses in portions of the Mission where it is appropriate.*

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By granting the requested office allocation under Section 321, the Commission will be showing its support for office-type uses in the Mission consistent with Objective 1.4 and Policy 1.4.2. The Building's location at 20th and Harrison is an appropriate location for a knowledge-sector, office-type use. There are several MUNI lines near the Building and a BART station (16th Street) within 8/10 of a mile from the Building.

Objective 1.5: *Minimize the Impact of Noise on Affected Areas and Ensure General Plan Noise Requirements are Met.*

Policy 1.5.2: *Reduce potential land use conflicts by carefully considering the location and design of both noise generating uses and sensitive uses in the Mission.*

Allowing an office use to exist at the Building is consistent with Objective 1.5 and Policy 1.5.2. An office use is harmonious with other uses in the area.

Objective 6.1: *Support the Economic Well Being of a Variety of Businesses in the Eastern Neighborhoods.*

By approving the Section 321 office space allocation, the Commission will be showing its support for knowledge sector businesses in the Mission consistent with Objective 6.1. As the Mission Area Plan states at Objective 6.1 "the Knowledge Sector provides the majority of San Francisco's high-wage jobs and can provide above-average paying jobs for workers without a four-year degree". Therefore, it is important the Commission approve the office space allocation in order to foster knowledge sector jobs in the Mission consistent with Objective 6.1 and provide an alternative location of office users that is less expensive than traditional downtown office space.

c. **Approval of Project Sponsor's 321 Application is Consistent with the Seven Criteria under Section 321(b)(3).**

Section 321(b)(1) of the Code states that the Commission may only approve those office developments which promote the public welfare, convenience and necessity. In determining which office developments best promote the public welfare, convenience and necessity, Section 321(b)(3) of the Code compels the Commission to consider seven criteria. Below are the criteria and the reasons the proposed request for a small building office allocation satisfies those criteria:

1. *Apportionment of office space over the course of the approval period in order to maintain a balance between economic growth, on the one hand, and housing, transportation and public services on the other.*

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There are currently 1,274,628 square feet available for authorization under the small office allocation. Approval of the requested allocation would reduce the amount available for authorization by 32,081 square feet, leaving over 1.2 million square feet available. As of the hearing date, there are three other small office projects with pending applications and two other projects that have filed pre-applications.³ Even if the other five projects were approved in addition to Project Sponsor's project, there would still be well over one million square feet available. On October 17 of every year, an additional 75,000 square feet is added to the available pool.

Approval of the allocation would provide 32,081 square feet of office supply to the existing supply in the Northeast Mission. There are several MUNI lines within 1/2 mile of the Building. The 16th Street BART station is 8/10 mile away.

In addition, approval of the allocation will not result in the displacement of any existing businesses or housing. The Building for which the allocation is sought already exists.

Approval of the allocation will allow existing knowledge sector businesses to remain and new businesses to enter the Building in the future, thereby preserving existing economic activity in the area and encouraging its continued existence into the future. Approval of the allocation will also help to maintain the mixed use balance in the Northeast Mission of PDR, residential, office, and retail uses.

2. The contribution of the office development to, and its effects on, the objectives of the General Plan.

Approval of the requested office allocation promotes the objectives and policies of the General Plan, including the following policies and objectives.

Commerce and Industry Element

OBJECTIVE 1: MANAGE ECONOMIC GROWTH AND CHANGE TO ENSURE ENHANCEMENT OF THE TOTAL CITY LIVING AND WORKING ENVIRONMENT.

Policy 1.1: Encourage development which provides substantial net benefits and minimizes undesirable consequences. Discourage development which has substantial undesirable consequences that cannot be mitigated.

³ According to the Planning Department, the amount of small building square footage available for allocation has increased every year since 2002.

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The project will provide legalized office space in the Northeast Mission that will allow existing uses to remain and new businesses to enter the area. These businesses will provide new employment opportunities and will contribute to the economic vitality of the area. The Building has already been constructed and the portions of the building for which the Project Sponsor is requesting an office space allocation are currently used as office space. Therefore, approval of the project will not result in any significant negative changes to the neighborhood. Finally, approval of the project will result in a net benefit to the City in the form of a payment of an impact fee.

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.

Existing office-type uses at the Building will be allowed to continue if the Commission approves the office allocation. Project Sponsor and existing and future tenants will be given certainty about their ability to use the Building, thereby helping to retain existing businesses in the Building and attract new businesses to the Building.

Policy 2.2: Seek revenue measures which will spread the cost burden equitably to all users of city services.

Approval of the project will result in payment to the City of impact fees totaling more than \$609,000.00.

OBJECTIVE 3: PROVIDE EXPANDED EMPLOYMENT OPPORTUNITIES FOR CITY RESIDENTS, PARTICULARLY THE UNEMPLOYED AND ECONOMICALLY DISADVANTAGED.

Policy 3.4: Assist newly emerging economic activities.

Approval of the allocation will provide employment opportunities for City residents in a less traditional office setting. Many City residents without previous experience in office work may find such an office setting more comfortable than traditional office settings Downtown. In addition, the Building's proximity to the Mission and its residents will provide Mission residents with employment opportunities outside of the retail and industrial jobs so often associated with the Mission.

OBJECTIVE 4: IMPROVE THE VIABILITY OF EXISTING INDUSTRY IN THE CITY AND THE ATTRACTIVENESS OF THE CITY AS A LOCATION FOR NEW INDUSTRY.

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Policy 4.1: *Maintain and enhance a favorable business climate in the City.*

Policy 4.2: *Promote and attract those economic activities with potential benefit to the City.*

Policy 4.3: *Carefully consider public actions that displace existing viable industrial firms.*

Policy 4.11: *Maintain an adequate supply of space appropriate to the needs of incubator industries.*

The Building already exists and no displacement of an existing industrial use will result from the approval of the allocation. Approval of the allocation of office space to the Building will allow an existing use to continue in the Building. Approval will also encourage start-up, knowledge sector uses to grow and thrive in the City by making available less expensive but nevertheless highly suitable office space.

Environmental Protection Element

OBJECTIVE 11: PROMOTE LAND USES THAT ARE COMPATIBLE WITH VARIOUS TRANSPORTATION NOISE LEVELS.

Approval of the allocation will allow an office use to continue at the Building. Such use will generate little noise and is entirely compatible with other projects located near the Building.

Transportation Element

OBJECTIVE 11: ESTABLISH PUBLIC TRANSIT AS THE PRIMARY MODE OF TRANSPORTATION IN SAN FRANCISCO AND AS A MEANS THROUGH WHICH TO GUIDE FUTURE DEVELOPMENT AND IMPROVE REGIONAL MOBILITY AND AIR QUALITY.

There are multiple MUNI lines near the Building and a BART station (16th Street) within 8/10 of a mile from the Building.

Urban Design Element

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

Policy 1.3: *Recognize that buildings, when seen together, produce a total effect that characterizes the city and its districts.*

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The Building's design and scale is harmonious with the design of other existing buildings in the neighborhood.

OBJECTIVE 6: IMPROVEMENT OF THE NEIGHBORHOOD ENVIRONMENT TO INCREASE PERSONAL SAFETY, COMFORT, PRIDE AND OPPORTUNITY

Approval of the requested allocation will allow the Building to remain occupied and will improve the desirability of the Building in the future, thereby helping to ensure that the Building remains a vibrant addition to the neighborhood. Without the allocation, the future of the Building is quite uncertain, with prolonged periods of vacancy, leading to blight and an increased likelihood of vandalism and other crime in the neighborhood.

3. The quality of the design of the proposed office development.

The Building has already been constructed and will not be altered as part of the allocation of office space. The existing design is compatible with the surrounding neighborhood and integrates well with existing buildings in the area and the patterns of development in the area.

4. The suitability of the proposed office development for its location, and any effects of the proposed office development specific to that location.

The Building is located in the UMU zoning district. Office use is prohibited on the ground floor buildings in the UMU zoning district. However, depending on the number of stories in a building, an upper floor or upper floors may be designated as office use floors under Section 803.9(h). In addition, under Section 179.1 of the Code, certain existing office uses can be retained. Because the Building has been used for office-type uses for many years prior to approval of the allocation, there will be no new adverse effects on the neighborhood by legalizing such use through the allocation of office space.

5. The anticipated uses of the proposed office development, in light of employment opportunities to be provided, needs of existing businesses, and the available supply of space suitable for such anticipated uses.

The Building will provide high quality space at rental rates that are lower than traditional downtown office space. Start-up businesses and knowledge sector businesses that require more space than traditional office users will find the space highly desirable. The availability of such space that is well served by public transit and within close proximity to a wide variety of neighborhood amenities is limited.

6. The extent to which the proposed development will be owned or occupied by a single entity.

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The project is currently owned by a single entity and occupied by several businesses.

7. *The use, if any, of TDR by the project sponsor.*

No TDR are required as part of the requested allocation of small building office space.

- d. **Approval of the Office Allocation will Result in a Significant Payment to the City in the form of a Development Impact Fee.**

Pursuant to the Eastern Neighborhoods Legislation and pursuant to the Letter of Legitimization for the applicable portions of the Building, if the allocation is granted and the Project Sponsor obtains a building permit from the City for office use, then the Project Sponsor would be obligated to pay impact fees totaling more than \$609,000.

IV. Conclusion.

For the reasons set forth above, we respectfully request that the Commission authorize an allocation of 32,081 gross square feet of office space from the small office project cap pursuant to Section 321.

Very truly yours,



J. Gregg Miller, Jr.

