



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- Inclusionary Housing (Sec. 315)
- Jobs Housing Linkage Program (Sec. 313)
- Downtown Park Fee (Sec. 139)
- First Source Hiring (Admin. Code)
- Child Care Requirement (Sec. 314)
- Other

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Planning Commission Final Motion 18123

HEARING DATE: JUNE 24, 2010

Date: June 17, 2010
Case No.: **2008.0395ECK**
Project Address: **2130 FULTON STREET**
Zoning: RH-2 (Residential, House, Two-Family)
 80-D Height and Bulk District
Block/Lot: 1145/003
Project Sponsor: Kristy Vivas Clemmens
 University of San Francisco
 2130 Fulton Street
 San Francisco, CA 94117
Represented by: Harry O'Brien and Caroline Guibert
 Coblentz, Patch, Duffy & Bass, LLP
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ADOPTING FINDINGS RELATING TO CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 101.1, 209.3, 253, 295, 303 AND 304 OF THE PLANNING CODE ALLOWING INTENSIFICATION OF AN EXISTING INSTITUTIONAL USE (THE UNIVERSITY OF SAN FRANCISCO), A BUILDING GREATER THAN 40 FEET IN HEIGHT IN A RESIDENTIAL DISTRICT AND A PLANNED UNIT DEVELOPMENT TO MODIFY THE REAR YARD REQUIREMENT TO CONSTRUCT AN APPROXIMATELY 60,000 SQUARE FOOT ACADEMIC BUILDING OF APPROXIMATELY 50 FEET IN HEIGHT (NOT INCLUDING MECHANICAL STACKS) TO INCLUDE CLASSROOMS, TEACHING LABORATORIES, INSTRUMENTATION ROOMS, AND BUILDING MECHANICAL/SUPPORT SPACES AND RECONFIGURE APPROXIMATELY 20,000 SQUARE FEET OF HARNEY PLAZA AT 2130 FULTON STREET, BETWEEN PARKER AND MASONIC AVENUES, LOT 003 IN BLOCK 1145, WITHIN AN RH-2 (RESIDENTIAL, HOUSE, TWO-FAMILY DISTRICT) AND AN 80-D HEIGHT AND BULK DISTRICT AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

PREAMBLE

On September 16, 2008, Kristy Vivas Clemmens, on behalf of the University of San Francisco (Project Sponsor) filed an application with the Planning Department (hereinafter "Department") for Conditional

Use Authorization under Planning Code Sections 101.1, 209.3, 253, 295, 303 and 304 allowing intensification of an existing institutional use, a building greater than 40 feet in height and a Planned Unit Development to modify the rear yard requirement within an RH-2 (Residential, House, Two-Family) District and an 80-D Height and Bulk District.

On April 2, 2008, pursuant to the provisions of the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.) ("CEQA"), the State CEQA Guidelines (14 California Code of Regulations Sections 15000 et seq.) ("CEQA Guidelines"), and Chapter 31 of the San Francisco Administrative Code ("Chapter 31"), the Department received an Environmental Evaluation Application form for the proposed project, in order that it might conduct an initial evaluation to determine whether the proposed project might have a significant impact on the environment.

On July 29, 2009, the Department determined that the project, as proposed, could not have a significant impact on the environment. On July 29, 2009, a notice of determination that a Mitigated Negative Declaration would be issued for the proposed project was duly published in a newspaper of general circulation in the City, and the Mitigated Negative Declaration posted in the Department offices, and distributed all in accordance with law.

On August 18, 2009, an appeal of the Department's decision to issue a Mitigated Negative Declaration was filed by Kristin Kasper Glickman, then-President of the University Terrace Association (UTA), and Richard Rabbitt, also a member of UTA.

On June 24, 2010, the University Terrace Association withdrew its appeal of the Preliminary Mitigated Negative Declaration prior to the subject hearing.

On June 24, 2010, the Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on the appeal of the Mitigated Negative Declaration, 2008.0395ECK.

On June 24, 2010 the Commission upheld the Mitigated Negative Declaration and approved the issuance of the Final Mitigated Negative Declaration as prepared by the Planning Department and found that the contents of the Final Mitigated Negative Declaration and the procedures through which it was prepared, publicized, and reviewed complied with CEQA, the CEQA Guidelines and Chapter 31.

The Commission found the Final Mitigated Negative Declaration was adequate, accurate and objective, reflected the independent analysis and judgment of the Department of City Planning and the Planning Commission, and approved the Final Mitigated Negative Declaration for the Project in compliance with CEQA, the CEQA Guidelines and Chapter 31.

The Planning Department, Linda Avery, is the custodian of records, located in the File for Case No. 2008.0395ECK, at 1650 Mission Street, Fourth Floor, San Francisco, California.

Planning Department staff prepared a Mitigation Monitoring and Reporting program (MMRP), which material was made available to the public and this Commission for this Commission's review, consideration and action.

On June 24, 2010, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2008.0395ECK.

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. 2008.0395ECK, 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 is within the interior of USF's Main Campus, which is bordered by Fulton Street on the south, Golden Gate Avenue on the north, Masonic Avenue on the east and Parker Avenue on the west. USF encompasses approximately 55 acres at the Main Campus, the Lone Mountain Campus and the Koret Health Recreation Area. The approximately 43,000 square foot building site would occupy the location of the existing Harney Green and Harney Plaza in the campus interior. The building site is bounded by Harney Science Building to the north, University Center to the east, and Cowell Hall to the south. The University of San Francisco, which was established in 1855, has occupied the site since 1910.
3. **Surrounding Properties and Neighborhood.** The site is surrounded by the Western Addition, Haight/Ashbury, Inner Richmond and Presidio Heights neighborhoods. A number of residential neighborhoods are within close proximity to USF, including the University Terrace neighborhood, which is located between USF's Main and Lone Mountain campuses to the north and south, and Parker and Masonic Streets to the west and east. The immediate area around USF is primarily developed with single-family dwellings, and commercial uses are found on Masonic Avenue to the east and Stanyan Street to the west. Non-residential land uses around the project site include campus buildings containing classrooms, a dining hall, a library, open plazas, pedestrian walkways, and landscaped areas. Properties immediately surrounding the site are within RH-1 (Residential House, One-Family) and RH-2 (Residential House, Two-Family) Districts.
4. **Project Description.** The University of San Francisco (USF) proposes to construct an approximately 60,000 square foot science center, which would be called the Center for Science and Innovation (CSI) in the current location of Harney Green and Harney Plaza. The CSI would include two major components: a) a three-story building (Science Building) with a partial basement of up to approximately 50 feet in height (approximately 60 feet including mechanical stacks) and; b) a two-story below-grade structure (Plaza Building) located below Harney Plaza.

While these components are described as two separate structures, the CSI would function as one building (the "CSI Building"). The CSI Building would contain approximately 17 classrooms and teaching laboratories, as well as maintenance, storage, staff meeting rooms and restrooms. The proposed above-grade building would be structurally integrated with Harney Science Building, the existing science building. As currently proposed, approximately seven classrooms would be located below Harney Plaza and ten classrooms would be located within the above-grade building. The below-grade classrooms would be constructed on the east and west side of the plaza adjacent to Harney Science Building and University Plaza. The roofs of these classrooms would be developed with greenery, paths and outdoor furniture. Between the two sets of classrooms is proposed an outdoor "hallway" with bridges above connecting the rooftop plazas. Some below-grade classrooms would be daylighted by skylights and ambient light from the outdoor hallway. The reconfiguration and redesign of Harney Plaza accounts for approximately 20,000 square feet of the project area.

Seventeen of the existing classrooms and teaching laboratories in the Harney Science Building would be relocated to the CSI Building so that the project would not result in a net gain of classrooms or teaching laboratories between the existing and proposed science facility. At this time, USF has not developed a specific reuse plan for Harney Science Building, but it is expected that the 17 relocated classrooms and teaching laboratories will be used to provide more appropriately sized equipment storage, research areas, student work/study areas and office space to accommodate existing faculty and staff.

The project includes up to two new off-street loading spaces to be located in the existing parking lot east of Harney Science Building and accessed from Golden Gate Avenue. The loading spaces would accommodate two 24-foot trucks. The proposed loading spaces and service ramp would displace four off-street parking spaces in the University Center parking lot which would be relocated to the Lone Mountain Campus.

According to the project sponsor, the purpose of the project is to facilitate the modernization of USF's overall science curriculum to better serve students and remain competitive. Harney Science Building was constructed in the 1960s and no longer satisfies the standards for contemporary academic classrooms and teaching laboratories.

5. **Public Comment.** The University Terrace Association (UTA) appealed the Preliminary Mitigated Negative Declaration on August 18, 2009 and has expressed a number of concerns regarding USF in that appeal and in subsequent correspondence with the Department. The Department has received a number of letters of opposition, which have been attached. The Ewing Terrace Neighborhood Association submitted a letter as well.

Specific concerns that UTA has expressed are outlined below, many of which pertain to existing conditions at USF rather than the proposed CSI project. The Department's responses can be found in its Memo to Richard Rabbit and UTA dated April 15, 2010 (attached) and in the PMND Appeal response. The topics generally addressed in the Memo include:

- Compliance with Master Plan/IMP (disclosure of project information, accurate data, compliance with)
- Xavier and Fromm Halls (intensification of institutional use, commercial use);
- Student Enrollment (enrollment has increased more than predicted in 2004 IMP, accuracy and completeness of current enrollment data, establishment of an enrollment cap);
- Off-street Parking (adequacy for use, calculation, reported deficit);
- Center for Science and Innovation (disclosure of future use, appropriateness of PUD process, truck delivery hours);
- Baseball and Soccer Fields (disclosure in IMP, intensification, commercial use, synthetic turf, athletic camps, lighting).

In order to address UTA's concerns, USF and UTA have been meeting since November, 2009 and have been attempting to negotiate a private settlement agreement that would cover topics related to initiating the 2014 IMP ahead of schedule, a transportation and traffic calming study, establishment of scheduled meetings to address UTA concerns, truck delivery hours, construction issues, and the establishment of a mitigation fund to address issues that are of mutual concern to UTA and USF, such as traffic calming. The Department understands that negotiations are on-going.

For informational purposes only, the University Terrace Association (UTA) and the University of San Francisco entered into a private settlement agreement in order to address concerns expressed by UTA. As a result of this agreement, UTA withdrew its appeal of the Preliminary Mitigated Negative Declaration on June 24, 2010 prior to the public hearing for the project. A copy of the agreement is contained in the case docket.

6. **CEQA Findings:** The findings in Commission Motion No. 18123 (Motion affirming the Planning Department's decision to issue a Mitigated Negative Declaration for the proposed project) are hereby incorporated herein by reference and the Planning Commission adopts the Mitigated Negative Declaration.
7. **Planning Code Compliance:** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:

- A. **Land Use:** Planning Code Section 209.3 requires Conditional Use authorization for post-secondary educational institutions in Residential Districts.

USF was constructed on the subject property prior to the development and implementation of Section 209.3. The University is seeking Conditional Use authorization through a Planned Unit Development to construct a new building, the Center for Science and Innovation (CSI), which constitutes a physical expansion of the existing institutional use.

- B. **Off-Street Parking.** Planning Code Section 150(c)2 requires that off-street parking be provided for "major additions" which increase the number of parking spaces required by at least 5 spaces or 15% of the total overall required. Planning Code Section 151 requires one new off-street parking spot for every two new classrooms proposed for an institutional use.

As currently contemplated, 17 classrooms/labs will be decommissioned in Harney Hall and 17 classrooms/labs will be constructed through the CSI project. As set forth in the conditions of project approval, at the time of building permit review, USF will be required to confirm which classroom (including teaching laboratories) will no longer be used for classroom purposes in Harney Science Building to ensure that the number of classrooms (including teaching laboratories) related to the Harney Science Building/CSI project remains constant.

As the proposal does not include a net change in the number of classrooms, additional off-street parking spaces are not required for the project.

In its 2010 IMP Update, USF reports that through approximately 17 parking lots, there are approximately 1,000 off-street parking spaces provided on the USF campus. This number includes approximately 160 off-street parking spaces related to the Loyola Village (apartments) and Loyola House (Jesuit residence). With approximately 135 classrooms (including teaching laboratories and seminar rooms), the overall off-street parking requirement per Planning Code Section 151 for the institutional use is 68 spaces.

- C. **Off-Street Loading.** Planning Code Section 152 requires 3 off-street loading spaces for uses over 100,000 square feet and 1 space for each additional 80,000 gross square feet.

The Main Campus consists of approximately 790,000 square feet of gross floor area. Planning Code Section 152 would require a maximum of 12 off-street loading spaces. Currently, there are seven off-street loading areas on the Main Campus. Planning Code Section 150(c)1 permits parking or loading deficits to be carried forward as long as the requirement for the project is satisfied. At less than 100,000 square feet the proposal does not require additional off-street loading spaces.

USF is proposing to convert four off-street parking spaces to two off-street loading spaces that would accommodate two delivery trucks up to 24 feet long servicing the proposed project via a ramp that would be connected to the service area in the Plaza Building component. These spaces would be located in the parking lot behind University Center. The existing off-street parking places would be relocated to Lone Mountain.

- D. **Floor Area Ratio.** Per Planning Code Section 124, the maximum FAR in an RH-2 district is 1.8:1.

Assessor's Block 1145, Lot 003, has a lot area of approximately 808,000 square feet. The maximum floor area permitted is approximately 1,454,400 square feet. Existing buildings on USF's Main Campus total approximately 786,350 square feet of non-residential uses and with the 60,000 square foot CSI building, a FAR of approximately 1.7:1 is reached.

- E. **Height and Bulk.** The project site is within an 80-D Height and Bulk District. Planning Code Section 253 requires Conditional Use Authorization for buildings over a height of 40 feet in a residential district. Planning Code Section 270 requires maximum plan dimensions of 110 feet (length) and 140 feet (diagonal dimension) above a height of 40 feet.

With floor to ceiling heights of approximately 12 feet for each floor, the height of the third floor brings the height of the CSI building to no more than 40 feet. The mechanical equipment and stairway reaches a height of no more than 50 feet, and mechanical stacks reach a height of no more than 60 feet. The project therefore requires Conditional Use Authorization for a building height over 40 feet in a residential district per Planning Code Section 253. The building's diagonal dimension over 40 feet is approximately 75 feet (to the edge of the mechanical screen), well within the Planning Code requirement.

- F. Rear Yard Requirement in the RH-2 District.** Planning Code Section 134 states that the minimum rear yard depth shall be equal to 45 percent of the total depth of a lot in which it is situated, but in no case less than 15 feet or 25%.

The proposal is situated on a through lot between Fulton Street and Golden Gate Avenue, and between two buildings fronting each of those two streets. Based on the location of the building in the midblock area of the lot in the interior of USF's Main Campus and more than 100 feet from a street frontage, Conditional Use for a Planned Unit Development per Section 304 of the Planning Code is necessary for modification of the rear yard requirement.

- G. Institutional Master Plan.** Planning Code Section 304.5 requires the submittal of an Institutional Master Plan (IMP) describing the nature of the institution, the present physical extent of the institution and the development plans for a future of not less than 10 years. In intervals of two years, each required institution shall file an Update describing the current status of projects identified in its institutional master plan.

USF last submitted a full IMP in 2004 which contemplates development to the year 2015. The subject CSI Building is discussed and identified on pages 40 and 41 of the 2004 IMP. Between publication of the 2004 IMP and submittal of entitlements for the CSI in 2008, USF proposed to relocate the building from the parking lot between Harney Science Building and University Center to the current location within the lot for a number of reasons including the retention of existing trees along Golden Gate Avenue, views of residents to the north of the campus, and better integration into the campus environment. The University's 2008 and 2010 IMP Updates identify the relocation of the CSI Building to the present proposed site on the interior of the Main Campus.

USF initially submitted its 2010 IMP Update in April, 2010. As a result of requests for additional information from the Department, the Update was revised and subsequently submitted on June 10, 2010. The revised IMP Update provides additional information not required under the Planning Code regarding:

- Building permit numbers for completed projects;*
- Enrollment and employment data;*
- Listing of property owned or leased by USF in San Francisco*
- Off-street parking;*
- Fromm Institute.*

- H. **Shadow** Planning Code Section 295 generally does not permit new buildings over 40 feet in height to cast new shadows on a property owned and operated by the Recreation and Park Commission.

A shadow fan analysis conducted for the project pursuant to Case 2008.0395K, concluded that the project would not create new shadow on any Department of Recreation and Park properties protected under Planning Code Section 295.

- I. **Building Exceeding 40 feet in height.** Planning Code Section 253 requires that, for projects exceeding 40 feet in height in an "R" District, the Planning Commission consider the expressed purposes of the applicable "R" district and the general purposes of the height and bulk district in which the property is located. On balance, the Project complies with these purposes, in that:

1. **RH-2 (Residential, House, Two-Family) District.** Section 206.1 describes the RH-2 District as consisting of one and two-family houses, finely scaled structures that do not generally exceed 40 feet in height with varied architectural styles and open space at ground level. Such districts may offer shopping facilities and transit lines with limited institutional or other nonresidential uses.

While USF is located in what is now a residential zoning district, the site has been occupied by USF since 1910, and the institution has since developed the campus with a number of buildings to accommodate its use. The proposed CSI Building does not generally rise above the roofline of adjacent buildings and its design and architecture is of a modern contemporary aesthetic that is compatible with other institutional buildings surrounding it that reflect the architectural styles at the time they were constructed. As the proposed project would be sited within the midblock area of the lot, and surrounded by existing USF buildings that are visible from the street, it would not generally be viewed by residential neighbors, pedestrians or vehicle occupants from surrounding neighborhoods and streets. The proposed project is appropriate within the institutional context in which it would be constructed.

2. **80-D Height and Bulk District.** Section 251 indicates that the general purposes of height and bulk district are to relate the scale of new development to be harmonious with existing development patterns and the overall form of the City, respect and protect public open spaces and neighborhood resources, and to synchronize levels of development intensity with an appropriate land use and transportation pattern.

The entire block on which USF's Main Campus is located is within an 80-D Height and Bulk District, whereas the surrounding blocks, which contain primarily residential buildings and uses, are 40-X Height and Bulk Districts. The Department reasons that the height district for the lot was developed to accommodate future vertical development for the University. The proposed building fits within the general character of the area. The height and volume of the proposed building is consistent with surrounding institutional buildings owned and operated by USF and will not overwhelm or dominate the existing built environment. By locating volume below grade, the building form will maintain the open area of Harney Plaza, and the landscaping and proposed features will increase the visual interest and pedestrian experience of the area. The CSI building

has been designed so as to reflect the existing floor-to-ceiling heights of adjacent buildings, and the transition with Harney Science Building is adequately designed through the use of floor-to-ceiling windows. As the building site is interior to the property, City resources, and those of the neighborhood environment, would not be impacted. Although the building footprint would replace an existing open space; this area is not generally used by the public for active or passive uses, and is privately held by USF. The proposed building is appropriately sited for its use and ownership, and is served by MUNI bus lines 31, 43 and 5.

8. **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:

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

The proposed project will be located on the interior of the Main Campus, which is already developed with various University buildings, including the Harney Science building. This interior location is a logical approach to the need for increased space for USF's science program that minimizes impacts on the surrounding neighborhood. This location will also allow the proposed project to be functionally integrated with the existing Harney Science building and will allow for a sub-grade building component that reduces the footprint of the above-ground building component. The design of the proposed project is compatible with the surrounding area because it reflects the scale of existing buildings on the University's Main Campus. Further, the proposed plaza area will transform the existing Harney Green and Harney Plaza into a dynamic open space environment with a variety of landscaped areas, seating, pedestrian walkways and other sheltered gathering zones for students, faculty, staff and visitors.

The proposed project will improve the University's science program which will enhance the City's position as a national and regional center for educational services. The proposed project will provide needed classroom, teaching laboratory and support space for the University's science program in a state-of-the-art science building. The proposed project is necessary because the existing classrooms and teaching laboratories in the Harney Science building were designed to 1960's standards and do not support modern teaching methods or modern science equipment. Faculty, staff, students and members of the community will benefit from the state-of-the-art classrooms and teaching laboratories proposed as part of the project. All undergraduate students are required to participate in the science program; therefore, not only students majoring in the sciences will benefit from the proposed project.

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

The project site is located within the interior of the Main Campus at the site of Harney Green and Harney Plaza. The project site encompasses an area of approximately 43,000 square feet (including the plaza area) and is bounded by Harney Science building to the north, University Center to the east, and Cowell Hall to the south. The proposed building would be surrounded by existing USF buildings and would not generally be visible from off site locations and would be consistent in size and shape of existing campus buildings.

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

The proposed project would not require any additional off-street parking spaces. The proposal would not increase the overall number of classrooms. The applicant has reported that 17 classrooms/teaching laboratories will be constructed in the CSI, and that 17 of the existing classrooms/teaching laboratories in the Harney Science Building will no longer be used for classroom purposes. As set forth in the conditions of project approval, at the time of building permit review, USF will be required to confirm which classroom (including teaching laboratories) will no longer be used for classroom purposes in Harney Science Building to ensure that the number of classrooms (including teaching laboratories) related to the Harney Science Building/CSI project remains constant.

To provide adequate space for truck deliveries to the CSI Building off of Golden Gate Avenue, two new loading spaces are proposed in the University Center parking lot that will accommodate two delivery trucks up to 24 feet long. The proposed loading spaces and service ramp would displace four off-street parking spaces in the University Center parking lot which would be relocated to Lone Mountain.

As proposed, the CSI building would not impact any existing pedestrian circulation patterns because the building has been designed to accommodate existing pedestrian circulation patterns on campus. The University intends to improve pedestrian amenities and pedestrian circulation in the area of Harney Plaza through repaving and landscaping.

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

No materials or activities that result in noxious or offensive emissions, dust or odor will be used or engaged in within the proposed project. During construction, the Project Sponsor will take appropriate precautions to reduce dust, noise and emissions. The CSI laboratories will include mechanical systems that will adhere to all regulatory standards as well as industry best practices for laboratory design. These mechanical systems will include exhaust fans with an air bypass that mixes outside air into the exhaust air stream in order to control the release of odor. Further, all glass will be insulated which will mitigate sound transmission.

As with the existing Harney Science Building, due to the nature of the proposed building use, it is likely that hazardous materials will be present on site. Regulations pertaining to such materials are not specifically within the purview of the Planning Code. Other local, state and federal agencies would be involved with the regulation of such materials.

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

New landscaping will be provided in the areas surrounding the proposed project including Harney Plaza and the east-west campus connector that extends from the University Center and Phelan Hall to Cowell and Campton Halls. Landscape improvements will include tree, shrub, perennial, ornamental grass and turf plantings. Site improvements will include above-ground planter structures, irrigation systems, site walls below 4 feet in height, site steps and ramps, site unit pavements and site furnishings including bicycle racks, metal handrails, bollards and benches.

- C. That such use or feature as proposed will comply with the applicable provisions of this Code and will not adversely affect the Master 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.

- 9. **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 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.

Construction of the proposed Center for Science and Innovation will ensure that the University of San Francisco remains competitive with similar institutions, which will help maintain existing jobs and a highly educated job force in San Francisco. The location of the building, within the lot's interior, will logically integrate the uses in the new science building with uses in the existing science building. The construction of sub-grade space will minimize the amount of above-grade building volume. Renovation of the plaza would create a more engaging and dynamic atmosphere for students, faculty, staff and visitors.

OBJECTIVE 7:

ENHANCE SAN FRANCISCO'S POSITION AS A NATIONAL AND REGIONAL CENTER FOR GOVERNMENTAL, HEALTH, AND EDUCATIONAL SERVICES.

Policy 7.2:

Encourage the extension of needed health and educational service, but manage expansion to avoid or minimize disruption of adjacent residential areas.

Policy 7.3:

Promote the provision of adequate health and educational services to all geographic districts and cultural groups in the city.

The proposed project will allow USF to provide needed educational services while avoiding or minimizing disruption of residential areas because it will be located on the interior of campus and will generally not be visible from nearby residential neighborhoods

The Harney Science Building was constructed in the 1960s and as such, the classrooms are outdated and the teaching laboratories do not support modern teaching equipment. Construction of a building with contemporary teaching facilities will improve the science curriculum for all students who are required to enroll in the science program, and will keep USF competitive with other universities. The proposed project will enhance the long-term viability of USF, which is a benefit to the City as a whole. The University provides educational services to all geographic districts and cultural groups in the City. USF was named in June, 2010 as one of the top schools in the country for racial and ethnic diversity by U.S. News and World Report (see <http://colleges.usnews.rankingsandreviews.com/best-colleges/national-campus-ethnic-diversity>).

Community Facilities Element

Objectives and Policies

OBJECTIVE 9:

ASSURE THAT INSTITUTIONAL USES ARE LOCATED IN A MANNER THAT WILL ENHANCE THEIR EFFICIENT AND EFFECTIVE USE.

Policy 1.1:

Locate institutional uses according to the Institutional Facilities Plan.

The University of San Francisco is represented on the Institutional Facilities Plan of the General Plan and the proposed CSI is within the boundaries of USF as indicated on the Plan.

Urban Design Element

Objectives and Policies

OBJECTIVE 3:

MODERATION OF MAJOR NEW DEVELOPMENT TO COMPLEMENT THE CITY PATTERN, THE RESOURCES TO BE CONSERVED, AND THE NEIGHBORHOOD ENVIRONMENT.

Policy 3.1

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

Policy 3.2

Avoid extreme contrasts in color, shape and other characteristics which will cause new buildings to stand out in excess of their public importance.

Policy 3.4

Promote building forms that will respect and improve the integrity of open spaces and other public areas.

Policy 3.5:

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

Policy 3.6

Relate the bulk of buildings to the prevailing scale of development to avoid an overwhelming or dominating appearance in new construction.

Policy 3.7

Recognize the special urban design problems posed in development of large properties.

The proposed CSI building has been well designed in terms of height, bulk, style and relationship to surrounding buildings. The design of the CSI Building reflects the scale of USF's Main Campus and will be comparable to the height of the existing Harney Science Building. The CSI building would be "sistered" to Harney Science Building and the transition between these buildings is appropriate as it reflects the floor heights of Harney Science Building and breaks up the bulk through the use of floor-to-ceiling windows. The various materials for the proposed building reflect the current architectural trend of breaking up massing through the use of materials. The materials will add visual interest and detail to the building. The internal lot siting of the proposed CSI building will ensure that potential urban design concerns will be addressed. If the proposed building were sited on Golden Gate Avenue it is possible that the scale of development would be inconsistent with that of the adjacent residential neighborhood.

The proposed project will incorporate various sustainability features, natural lighting in classroom spaces and a visual connection between interior and exterior spaces through the use of transparent and semi-transparent building materials. As described above, the proposed project has been designed to minimize above-grade construction and to create a more dynamic pedestrian plaza at the center of campus. A variety of outdoor open spaces will be created by the project including landscaped areas, seating, pedestrian walkways and other social gathering zones. While these areas are not technically public open space, they will be accessible to students, faculty, staff and visitors. The design of the proposed plaza area was informed by solar and wind studies to ensure that open space areas receive maximum access to sunlight while being sheltered from prevailing winds. This will improve the usability and integrity of the open space areas at the center of campus.

OBJECTIVE 4:

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

Policy 4.12:

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

Policy 4.13

Improve pedestrian areas by providing human scale and interest.

Policy 4.15

Protect the livability and character of residential properties from the intrusion of incompatible new buildings.

Due to the building's siting, the improvements will be made to the lot's interior. The project proposes an innovative and interesting reconfiguration and replanting of Harney Plaza and the area around the CSI. Harney Plaza would be excavated and new classrooms would be constructed below existing grade with pedestrian bridges at-grade above to provide east west access in the plaza area between the CSI building and University Center. The plaza area would be relandscaped with contemporary plantings and furniture that would improve the quality of the area and promote higher use among students, faculty and visitors.

The livability and character of nearby residential properties will be protected as the building will not generally be visible from the residential neighborhood's surrounding USF. The relocation of the proposed building from Golden Gate Avenue to the lot interior helps to reduce the possibility of the intrusion of an incompatible new building.

Transportation Element

Objectives and Policies

OBJECTIVE 40

ENFORCE A PARKING AND LOADING STRATEGY FOR FREIGHT DISTRIBUTION TO REDUCE CONGESTION AFFECTING OTHER VEHICULAR TRAFFIC AND ADVERSE IMPACTS ON PEDESTRIAN CIRCULATION.

Policy 40.1

Provide off-street facilities for freight loading and service vehicles on the site of new buildings sufficient to meet the demands generated by the intended uses. Seek opportunities to create new off-street loading facilities for existing buildings.

Though not required by Planning Code Section 151, USF proposes to create two new loading spaces in the parking lot between University Center and Harney Science Building that will accommodate two trucks up to 24 feet long. The loading spaces would be accessible off of Golden Gate Avenue and deliveries would be made via a ramp which would connect to the proposed service area in the Plaza Building component. The proposed loading area could help reduce the number of delivery trucks that currently stage on the street. The proposed loading spaces and service ramp would displace four off-street parking spaces in the University Center parking lot which would be relocated to Lone Mountain. [Note: the proposed loading area would be used by trucks servicing the CSI which currently deliver to the existing loading dock at Harney Science.]

10. **Planning Code Section 101.1(b)** establishes eight priority-planning policies and requires review of permits for consistency with said policies. On balance, the project does comply with said policies in that:

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

The proposal represents the expansion of an institutional use in a residential district. The proposed project would neither displace nor increase existing neighborhood-serving retail businesses or future opportunities for such businesses.

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

Construction of the proposed CSI building would not demolish or change the number of residential units in San Francisco. The building would be sited on the interior of the subject block behind existing university buildings and would not physically encroach into, or negatively impact the visual quality of San Francisco's neighborhoods. The proposed project would not generally be visible from off site locations and would be consistent in size and shape of existing campus building. It is not expected that construction of an institutional building on the interior of the existing USF campus would negatively impact the cultural or economic diversity of the neighborhood.

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

The proposal represents the expansion of an institutional use on undeveloped land within the University of San Francisco's Main Campus. Thus, the proposed project would not displace any existing residential uses and would not negatively affect the City's supply of affordable housing.

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

As the proposal would not increase the number of classrooms on campus, additional off-street parking for the proposal is not required and the project would not overburden streets or neighborhood parking. The project would not increase commuter traffic or impede MUNI transit service. In order to document that the number of classrooms (including teaching laboratories) will remain constant as a result of the project, as a condition of approval, USF must provide floor plans of Harney Science Building labeling which classrooms (including teaching laboratories) will no longer be used for classroom purposes.

- 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 property is used as an institutional use, which will not change as a result of the project. The proposed project proposes no commercial office development and would not displace any industrial or service sector uses.

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

The Project is designed and will be constructed to 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 proposal represents the construction of a new institutional building on the interior of a lot and will not result in the removal or alteration of, or otherwise adversely affect, any landmarks or historic structures.

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

The proposed project would have no adverse impact on public parks or open space or their access to sunlight and vistas. Public open spaces such as Golden Gate Park, the Panhandle, Buena Vista Park, Alamo Square and the Angelo J. Rossi Playground are all at least a quarter of a mile away. A shadow fan analysis conducted for the project pursuant to Case 2008.0395K, concluded that the Project would not create new shade on any Department of Recreation and Park properties protected under Planning Code Section 295.

- 11. Planning Code Section 304** for Planned Unit Developments is required to modify the required rear yard requirement as the proposed CSI building is located within the lot's mid block area between buildings and does not comply with Planning Code Section 134. Section 304 establishes objectives and criteria by which to evaluate the projects, which are addressed below.

- A. The procedures for Planned Unit Developments are intended for projects on sites of considerable size, developed as integrated units and designed to produce an environment of stable and desirable character which will benefit the occupants, the neighborhood and the City as a whole. In cases of outstanding overall design, complementary to the design and values of the surrounding area, such a project may merit a well reasoned modification of certain of the provisions contained elsewhere in this Code.

The subject lot is approximately 808,000 square feet and has been occupied by the University of San Francisco (USF) since approximately 1910. Since then the property has been developed over time with a number of buildings and other improvements to create an institution of higher education as an integrated unit.

The proposed project will be developed as an "integrated" project designed to produce an environment of stable and desirable character. Overall, the proposed CSI's use, size, and height are compatible with the surrounding built environment of USF buildings. The proposed building has been sited on the

interior of the Main Campus between Harney Science Building and Cowell Hall to the north and south, and between University Center and Gleeson Library & Geschke Learning Center to the east and west. Generally, the proposed building would not be visible from Golden Gate Avenue or the surrounding residential neighborhoods. The proposed building's use as a science teaching building is consistent with the use of other buildings constructed for USF's overall educational purpose. The overall footprint of the CSI specifically is compatible with the footprints of Harney Science Building and University Center. Other USF buildings in the area of the proposed building's site are of similar or larger, overall building footprints. The lot's zoning permits a building height up to 80 feet with bulk reductions over a height of 40 feet. As proposed, the building's primary volume (habitable space) enclosing the classrooms and related spaces reaches a height of approximately 40 feet. A mechanical area and stairway reaches a height of approximately 50 feet, and mechanical stacks reach a height of approximately 60 feet. Surrounding buildings are of a similar height: Harney Hall is four stories, University Center is approximately three stories, Cowell Hall is approximately four stories and the Gleeson Library is approximately four stories.

The areas surrounding the project site are zoned RH-1, RH-2 and RM-1 and are generally residential in use and character. Generally, these areas are developed with single-family and multi-unit residential buildings of two to four stories in height and smaller footprints as a result of the lot sizes. San Francisco Day School is located across Masonic Avenue diagonally from Ulrich Field to the east, and Saint Mary's Medical Center is located to the south west of the main campus on Shrader Street between Fulton Hayes Streets. USF has been an established institutional use in this neighborhood area since approximately 1910. Again, the proposed project would not generally be visible from the surrounding neighborhood.

A modification of the rear yard requirements under the Planning Code is requested because the location of the proposed CSI building deviates from traditional building siting at the street frontage of standard lots of approximately 100 feet deep and 25 feet wide. USF's Main Campus is generally one contiguous through lot with approximately 600 feet between Golden Gate Avenue and Fulton Street. As presently proposed, the CSI building would be set back from both Golden Gate Avenue and Fulton Street by over 100 feet, and in the mid-block area of the lot. The 2008 and 2010 IMP Updates indicate that the CSI was initially proposed to be located in the parking lot immediately north of University Center. USF altered the location of the proposed building to the lot's interior to address concerns regarding visual impacts to the residential neighborhoods, the elimination of trees and off-street parking and technical challenges in constructing a new building to the east facade of Harney Science Building. An internal site also integrates the new building well into the existing campus context. The purpose of rear yard requirements is to provide sufficient light and air to buildings. There is ample open space on the Main Campus which will continue to provide sufficient light and air to campus buildings with the proposed project.

- B. The tract or parcel of land involved must be either in one ownership, or the subject of an application filed jointly by the owners of all the property included or by the Redevelopment Agency of the City. It must constitute all or part of a Redevelopment Project Area, or if not must include an area of not less than 1/2 acre, exclusive of streets, alleys and other public property that will remain undeveloped.

The Assessor's records indicate that Lot 003 in Block 1145 is owned by the University of San Francisco. At over 808,000 square feet, the lot exceeds the minimum size for a PUD.

- C. Application and Plans. The application must describe the proposed development in detail, and must be accompanied by an overall development plan showing, among other things, the use or uses, dimensions and locations of structures, parking spaces, and areas, if any, to be reserved for streets, open spaces and other public purposes. The application must include such pertinent information as may be necessary to a determination that the objectives of this Section are met, and that the proposed development warrants the modification of provisions otherwise applicable under this Code.

The application on file, and drawings and site plans attached to this Motion, provide the necessary details and information to adequately describe the proposal in terms of use, dimensions and locations of structures, parking and their relationship to the uses in the surrounding neighborhood.

The proposed development warrants modifications to the rear yard requirement as the internal siting of the proposed building limits impacts to residential neighborhoods, maintains trees and off-street parking, and will appropriately integrate the new building with the existing campus. Sufficient light and air will also be provided with the proposed project.

- D. Criteria and Limitations. The proposed development must meet the criteria applicable to conditional uses as stated in Section 303(c) and elsewhere in this Code. In addition, it shall meet the following criteria under Section 304(d):

- i. Affirmatively promote applicable objectives and policies of the Master Plan:

See the discussion above under General Plan Compliance.

- ii. Provide off-street parking adequate for the occupancy proposed:

The proposed CSI building will not result in the addition of net new classrooms for which parking would be required.

- iii. Provide open space usable by the occupants and, where appropriate, by the general public, at least equal to the open spaces required by this Code:

Per Planning Code Section 135, open space is not required for an institutional use. The project has been designed to include improved open space areas that will be usable by occupants and by the general public.

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

The proposal does not involve residential uses.

- i. In R Districts, include commercial uses only to the extent that such uses are necessary to serve residents of the immediate vicinity, subject to the limitations for NC-1 Districts under this Code:

The subject property contains an institutional use and no commercial uses are proposed as part of the project.

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

This Motion includes conditional use authorization for a building over 40 feet in height in an R District under Sections 253 and 303, and the project is well below the 80 foot height limit in the 80-D Height and Bulk District which applies to the project site.

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

The property is zoned RH-2.

- viii. In NC Districts, not violate the use limitations by story set forth in Article 7 of this Code.

The property is zoned RH-2

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

The property is zoned RH-2

12. The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would contribute to the character and stability of the neighborhood and would constitute a beneficial development.

See the discussion above under Planning Code Section 101.1(b).

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

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Application No. 2008.0395ECK** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans filed with the Application as received December 9, 2008 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. 18123. 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 June 24, 2010.

Linda D. Avery
Commission Secretary

AYES: Moore, Lee, Antonini, Miguel, Olague, Borden

NAYS:

ABSENT: Sugaya

ADOPTED: June 24, 2010

Exhibit A

Conditions of Approval

Wherever "Project Sponsor" is used in the following conditions, the conditions shall also bind any successor to the Project or other persons having an interest in the Project or underlying property.

This Conditional Use authorization per Sections 101.1, 209.3, 253, 295, 303 and 304 of the Planning Code is to allow the intensification of an existing institutional use (University of San Francisco - USF), a building greater than 40 feet in height in a residential district, and a Planned Unit Development (PUD) to construct an approximately 60,000 square foot academic building of approximately 50 feet in height (excluding stacks) and renovation of Harney Plaza of approximately 20,000 square feet on a site of approximately 43,000 square feet within an RH-2 (Residential, House, Two Family District) and an 80-D Height and Bulk District and the plans dated December 9, 2008.

1. COMPLIANCE WITH OTHER REQUIREMENTS

- A. This decision conveys no right to construct. The conditions set forth below are additional conditions required in connection with the Project. If these conditions overlap with any other requirement imposed on the Project, the more restrictive or protective condition or requirement, as determined by the Zoning Administrator, shall apply. The conditions set forth below shall remain in effect for the life of the Project, unless specifically noted otherwise.

2. MITIGATION MEASURES

- A. Mitigation Measures. The Project Sponsor shall implement the mitigation and improvement measures set forth in and otherwise comply with, the Mitigation Monitoring Program attached as "Exhibit C" and incorporated herein by this reference.

3. GENERAL CONDITIONS

- A. Recordation. Prior to the issuance of any building permit for the construction of 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, which notice shall state that construction of the Project has been authorized by and is subject to the conditions of this Motion. From time to time after the recordation of such notice, at the request of the Project Sponsor, the Zoning Administrator shall affirm in writing the extent to which the conditions of this Motion have been satisfied, and record said writing if requested.
- B. Performance. The Commission may consider revocation of this conditional use authorization if a permit for the project has been issued, but is allowed to expire and more than three years have passed since the Motion was approved. This authorization may be extended at the

discretion of the Zoning Administrator only if the failure to issue a permit by the Department of Building Inspection within three years is delayed by a City, state or federal agency, or by appeal of the issuance of such permit.

- C. Severability. 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 of the remaining provisions, clauses, sentences, or sections of these conditions. It is hereby declared to be the intent of the Commission that these conditions of approval would have been adopted had such invalid sentence, clause, or section or part thereof not been included herein.
 - D. The Project is subject to the requirements of the First Source Hiring Program (Chapter 83 of the Administrative Code) and the Project Sponsor shall comply with the requirements of this Program.
 - E. Violation of the conditions contained in this Motion or of any other provisions of the Planning Code may be subject to abatement procedures and fines up to \$500 a day in accordance with Section 176.
 - F. Should monitoring of the Conditions of Approval contained in Exhibit A of this Motion be required, the Project Sponsor or successors shall pay fees as established in Section 351(e)(1).
 - G. An enclosed garbage area shall be provided within the Project. All garbage containers shall be kept within the building until pick-up by the disposal company.
4. CONDITIONS TO BE MET PRIOR TO THE ISSUANCE OF AN ARCHITECTURAL ADDENDUM TO A BUILDING (OR SITE) PERMIT
- A. Except as otherwise provided in this Motion, the Project shall be completed in compliance with the Planning Code and in general conformity with plans dated December 9, 2008, labeled "Exhibit B".
 - B. Final detailed building plans shall be reviewed and approved by the Planning Department. Detailed building plans shall include a final site plan, elevations, sections, and a landscape plan, and shall specify final architectural and decorative detailing, materials, glazing, color and texture of exterior finishes, and details of construction.
 - C. Highly reflective spandrel glass, mirror glass, or deeply tinted glass shall not be permitted. Only clear glass shall be used at pedestrian levels.
 - D. Pursuant to Planning Code Section 141, rooftop mechanical equipment is required to be screened so as not to be visible from any point at or below the roof level of the subject building.
5. CONDITIONS TO BE MET PRIOR TO ISSUANCE OF ANY CERTIFICATES OF OCCUPANCY FOR THE PROJECT.
- A. An evacuation and emergency response plan shall be developed by the Project Sponsor or building management staff, in consultation with the Mayor's Office of Emergency Services,

to ensure coordination between the City's emergency planning activities and the Project's plan and to provide for building occupants in the event of an emergency. The Project's plan shall be reviewed by the Office of Emergency Services and implemented by the building management insofar as feasible before issuance of the final certificate of occupancy by the Department of Public Works. A copy of the transmittal and the plan submitted to the Office of Emergency Services shall be submitted to the Department. To expedite the implementation of the City's Emergency Response Plan, the Project Sponsor shall post information (with locations noted on the final plans) for building occupants concerning actions to take in the event of a disaster.

6. OTHER CONDITIONS

- A. In order to confirm that the number of classrooms (including teaching laboratories) constructed as a result of the Center for Science and Innovation do not surpass the number of existing classrooms (including teaching laboratories) in Harney Science Building, as part of the building permit submittal, the sponsor will provide floor plans of Harney Science Building labeling all room uses and which classrooms (including teaching laboratories) will no longer be used for classroom purposes. The project sponsor shall ensure that the Harney Science Building plans are microfiched with the building permit should future review be necessary. A copy of the microfiche shall be provided to the Department for the case docket.
- B. Truck deliveries to the University Center loading docks shall be restricted to the hours between 7:00 am and 4:00 pm on weekdays and between 9:00 am and 4:00 pm on weekends. USF, including its food service operation, may use the loading dock for internal loading activities at other hours.