



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Conditional Use

HEARING DATE: DECEMBER 9, 2010

Date: December 2, 2010
Case No.: **2007.1079 C**
Project Address: **2295 TAYLOR STREET (AKA 701 CHESTNUT STREET)**
Zoning: North Beach Neighborhood Commercial District
40-X Height and Bulk District
Block/Lot: 0066/001
Project Sponsor: Academy of Art University
79 New Montgomery Street
San Francisco, CA 94105
Staff Contact: Rick Crawford – (415) 558-6358
rick.crawford@sfgov.org
Recommendation: **Disapproval**

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 Project Sponsor (Academy of Art University - AAU) proposes to modify a prior Conditional Use Authorization under Case No. 92.400C (Motion No. 13457), approved by the Planning Commission on January 28, 1993 to allow a large institution/educational service (San Francisco Art Institute - SFAI) at the subject property, by removing a requirement to provide 13 parking spaces at the SFAI facility at 800 Chestnut Street.

SITE DESCRIPTION AND PRESENT USE

The project is located on the southwest corner of Taylor and Chestnut Streets, Block 0066, Lot 001. The property is located within the North Beach Neighborhood Commercial District, the North Beach Special Use District and the 40-X height and bulk district. The property is a rectangular parcel approximately 10,440 square feet in area developed with a two story approximately 20,675 square foot commercial building constructed circa 1919 that covers the entire lot. The second floor of the building was once used for parking and the ramp runs up from Chestnut Street to the second floor.

In 1993, the Planning Commission (Commission) authorized a Condition Use (Case No. 92.400C – Motion No. 13457) to add a third story to the building and to convert the building to a large institution/educational service for the San Francisco Art Institute (SFAI). This proposal included a use size of approximately 25,000 square feet. While SFAI appears to have occupied the ground floor of the subject building after the Planning Commission's decision, a search of Department of Building Inspection (DBI) records indicates that they did not submit a building permit application to authorize either the third floor addition or the building conversion. As a result, the previous Conditional Use Authorization

expired after three years and the present project does not have any nonconforming use rights under Planning Code Section 180.

In 2003, AAU acquired the building and converted the second floor parking garage into classroom space. The entire building is currently being used by AAU as a large institution/educational use without benefit of building permits or conditional use authorization. The Planning Department (Department) has active enforcement cases on the subject property for AAU's failure to submit a complete Institutional Master Plan (IMP), unauthorized change of use and unauthorized signage.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The North Beach NCD is located in between Telegraph Hill and Nob Hill north of Broadway, roughly centered on Columbus Avenue. The North Beach NCD functions as a neighborhood-serving marketplace, citywide specialty shopping and dining district, and tourist attraction, as well as an apartment and residential hotel zone. Traditionally, the district has provided most convenience goods and services for residents of North Beach and portions of Telegraph and Russian Hills. More recently, neighbor-serving convenience stores and citywide specialty businesses have been replaced by bakeries, bars and restaurants.

The surrounding development is a variety of multi-story, mixed-use buildings. Nearby ground-floor uses include eating and drinking establishments, small-scale retail stores, and nighttime entertainment. The upper stories are generally occupied by apartments, and residential hotels. Bimbo's 365 Club and the Columbus Motor Inn are located nearby on the western side of Columbus Avenue, while North Beach Housing – Hope IV Development (affordable and senior housing) is located north of the project site. The scale of development throughout the area consists of low- and mid-rise buildings (one- to four-story structures). The height limit in the area is 40 feet.

ENVIRONMENTAL REVIEW

On May 19, 2008, the Project Sponsor submitted an application for Environmental Evaluation (Case No. 2008.0586E); however, the Project Sponsor has not completed the required environmental review. Note: While the project cannot be approved by the Commission without environmental review, Section 15270 of the California Environmental Quality Act (CEQA) Guidelines states that CEQA does not apply "to projects which a public agency rejects or disapproves."

HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Classified News Ad	20 days	November 19, 2010	November 17, 2010	22 days
Posted Notice	20 days	November 19, 2010	November 18, 2010	21 days
Mailed Notice	20 days	November 19, 2010	November 19, 2010	20 days

PUBLIC COMMENT

- The Department has not received any public comment on this request.

ISSUES AND OTHER CONSIDERATIONS

- AAU claims that the Conditional Use Authorization granted under Case No. 92.400C authorized a large institution/educational service for SFAI at the subject property and that this authorization remains valid. This is incorrect. The SFAI project proposed a third floor addition and conversion of the building to a large institution/educational service; however, SFAI failed to obtain the proper building permits to authorize the either the third floor addition or the change of use.
- Planning Code Section 121.2(a) establishes size limits on nonresidential uses in all NCDs. In the North Beach NCD, conditional use authorization is required for any nonresidential use that exceeds 1,999 square feet. Section 121.2(b) prohibits nonresidential uses exceeding 4,000 square feet within the North Beach NCD. The subject project proposes legalization of a large institution/educational service with a use size of approximately 21,000 square feet; therefore, the subject project does not comply with the use size requirements of the Planning Code.
- Planning Code Section 151 requires approximately 16 off-street parking spaces for the subject project. The Project Sponsor is not proposing any off-street parking spaces for the subject use; therefore, the subject project does not comply with the parking requirements of the Planning Code. Furthermore, the Project Sponsor is attempting to remove a condition of approval from Motion No. 13457 requiring 13 off-street parking spaces at the SFIA property at 800 Chestnut Street. It should be noted that a variance is required to waive the parking requirements of Section 151 and that this cannot be achieved through the conditional use process.
- The proposed approximately 21,000 square foot use is out of scale with the character of development in the district.
- The proposed use is city-wide or regional in character and is not a neighborhood serving use.
- AAU does not have a current Institutional Master Plan on file with the Planning Department.

REQUIRED COMMISSION ACTION

In order for the project to proceed, the Commission must grant conditional use authorization to allow severing the use of the property at 2295 Taylor Street from that at 800 Chestnut Street and to establish a large institutional use, (dba Academy of Art University), a post-secondary educational institution, and allow use of the building exceeding 1,999 square feet in area for artist studio space for graduate students of the university within an existing building.

BASIS FOR RECOMMENDATION

The Department believes this project is neither necessary nor desirable under Section 303 of the Planning Code for the following reasons:

- The proposed project does not meet all applicable requirements of the Planning Code.

- The proposed project is not compatible with the General Plan.
- The project has not been reviewed for compliance with CEQA.
- The project is out of scale with the character of development in the district.
- The project is not a neighborhood serving use.
- The Academy of Art University does not have a current Institutional Master Plan on file with the Planning Department.

RECOMMENDATION: Disapproval

Attachments:

Draft Motion
Application
Motion No. 13457 (Case No. 92.400C)
Block Book Map
Sanborn Map
Aerial Photographs
Photographs
Reduced Plans

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 type="checkbox"/> Environmental Determination | <input checked="" type="checkbox"/> Check for legibility |
| <input checked="" type="checkbox"/> Zoning District Map | Drawings: <u>Proposed Project</u> |
| <input type="checkbox"/> Height & Bulk Map | <input checked="" type="checkbox"/> Check for legibility |
| <input checked="" type="checkbox"/> Parcel Map | <input type="checkbox"/> Health Dept. review of RF levels |
| <input checked="" type="checkbox"/> Sanborn Map | <input type="checkbox"/> RF Report |
| <input checked="" type="checkbox"/> Aerial Photo | <input type="checkbox"/> Community Meeting Notice |
| <input checked="" type="checkbox"/> Context Photo | <input type="checkbox"/> Environmental Determination |
| <input checked="" type="checkbox"/> Site Photo | |

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

_____ RC
Planner's Initials

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SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- | | |
|--|--|
| <input type="checkbox"/> Affordable Housing (Sec. 415) | <input type="checkbox"/> First Source Hiring (Admin. Code) |
| <input type="checkbox"/> Jobs Housing Linkage Program (Sec. 413) | <input type="checkbox"/> Child Care Requirement (Sec. 414) |
| <input type="checkbox"/> Downtown Park Fee (Sec. 412) | <input type="checkbox"/> Other |

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

Reception:
415.558.6378

Fax:
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Planning Commission Draft Motion

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79 New Montgomery Street
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ADOPTING FINDINGS RELATED TO THE DISAPPROVAL OF A CONDITIONAL USE AUTHORIZATION TO MODIFY PLANNING COMMISSION MOTION NUMBER 13457 (CASE NUMBER 92.400IECV) BY REMOVING A REQUIREMENT TO PROVIDE 13 OFF-STREET PARKING SPACES AT 800 CHESTNUT STREET FOR THE PROPERTY AT 2295 TAYLOR STREET (AKA 701 CHESTNUT STREET) AT ASSESSOR'S BLOCK 0066, LOT 001, LOCATED WITHIN THE NORTH BEACH NEIGHBORHOOD COMMERCIAL DISTRICT, NORTH BEACH SPECIAL USE DISTRICT AND, THE 40-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On September 14, 2007 Elisa Stephens representing the Academy of Art University (hereinafter "Project Sponsor") filed an application with the Planning Department (hereinafter "Department") for Conditional Use Authorization to modify Planning Commission Motion 13457 (Case No. 92.400IECV) by removing a requirement to provide 13 off-street parking spaces at 800 Chestnut Street for the property at 2295 Taylor Street within the North Beach Neighborhood Commercial District and 40-X Height and Bulk District.

On December 9, 2010, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2007.0386C.

On May 19, 2008, the Project Sponsor submitted an application for Environmental Evaluation (Case No. 2008.0586E); however, the Project Sponsor has not completed the required environmental review. While the project cannot be approved by the Commission without environmental review, Section 15270 of the California Environmental Quality Act (CEQA) Guidelines states that CEQA does not apply “to projects which a public agency rejects or disapproves.”

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 disapproves the Conditional Use requested in Application No. 2007.1079C, based on the following findings:

FINDINGS

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The project is located on the southwest corner of Taylor and Chestnut Streets, Block 0066, Lot 001. The property is located within the North Beach Neighborhood Commercial District, the North Beach Special Use District and the 40-X height and bulk district. The property is a rectangular parcel approximately 10,440 square feet in area developed with a two story approximately 20,675 square foot commercial building constructed circa 1919 that covers the entire lot. The second floor of the building was once used for parking and the ramp runs up from Chestnut Street to the second floor.

In 1993, the Planning Commission (Commission) authorized a Condition Use (Case No. 92.400C – Motion No. 13457) to add a third story to the building and to convert the building to a large institution/educational service for the San Francisco Art Institute (SFAI). While SFAI appears to have occupied the ground floor of the subject building after the Planning Commission’s decision, a search of Department of Building Inspection (DBI) records indicates that they did not submit a building permit application to authorize either the third floor addition or the building conversion. As a result, the previous Conditional Use Authorization expired.

In 2003, AAU acquired the building and converted the second floor parking garage into classroom space. The entire building is currently being used by AAU as a large institution/educational use without benefit of building permits or conditional use authorization. The Planning Department (Department) has active enforcement cases on the subject property for AAU’s failure to submit a complete Institutional Master Plan (IMP), unauthorized change of use and unauthorized signage.

3. **Surrounding Properties and Neighborhood.** The North Beach NCD is located in between Telegraph Hill and Nob Hill north of Broadway, roughly centered on Columbus Avenue. The

North Beach NCD functions as a neighborhood-serving marketplace, citywide specialty shopping and dining district and tourist attraction, as well as an apartment and residential hotel zone. Traditionally, the district has provided most convenience goods and services for residents of North Beach and portions of Telegraph and Russian Hills. More recently, neighbor-serving convenience stores and citywide specialty businesses have been replaced by bakeries, bars and restaurants.

The surrounding development is a variety of multi-story, mixed-use buildings. Nearby ground-floor uses include eating and drinking establishments, small-scale retail stores, and nighttime entertainment. The upper stories are generally occupied by apartments, and residential hotels. Bimbo's 365 Club and the Columbus Motor Inn are located nearby on the western side of Columbus Avenue, while North Beach Housing – Hope IV Development (affordable and senior housing) is located north of the project site. The scale of development throughout the area consists of low- and mid-rise buildings (one- to four-story structures). The height limit in the area is 40 feet.

4. **Project Description.** The applicant proposes to modify Planning Commission Motion 13457 (Case No. 92.400IECV) by removing a requirement to provide 13 off-street parking spaces at 800 Chestnut Street for the property at 2295 Taylor Street within the North Beach Neighborhood Commercial District and 40-X Height and Bulk District.
5. **Public Comment.** The Department has not received any public comment on this request.
6. **Planning Code Compliance:** The Commission finds that the Project is not consistent with the relevant provisions of the Planning Code in the following manner:
 - A. **Nonresidential Use Size.** Section 121.2(a) establishes size limits on nonresidential uses in all NCDs. In the North Beach NCD, conditional use authorization is required for any nonresidential use that exceeds 1,999 square feet. Section 121.2(b) prohibits nonresidential uses exceeding 4,000 square feet within the North Beach NCD. Section 121.2 provides additional criteria for the Planning Commission to consider when reviewing a request for such a use size.

Proposed project includes a non-residential use, a post-secondary educational institution, with use size of approximately 20,675 square feet. The maximum permitted use size for non-residential use in the North Beach NCD is 4,000 square feet. A non-residential use of the size proposed by the Project Sponsor is not permitted in this district.

In 1993, the Planning Commission (Commission) authorized a Condition Use (Case No. 92.400C – Motion No. 13457) to add a third story to the building and to convert the building to a large institution/educational service for the San Francisco Art Institute (SFAI). This proposal included a use size of approximately 25,000 square feet. While SFAI appears to have occupied the ground floor of the subject building after the Planning Commission's decision, a search of Department of Building Inspection (DBI) records indicates that they did not submit a building permit application to authorize either the third floor addition or the building conversion. As a result, the previous Conditional Use

Authorization expired after three years and the present project does not have any nonconforming use rights under Planning Code Section 180.

1. The intensity of the activity in the district is not such that allowing the larger use will likely foreclose the location of other needed neighborhood-serving uses in the area.

The proposed use will occupy a 20,000 square foot building. A building this size could be remodeled to provide space for many neighborhood serving uses. The ground floor could support over 5 or more separate uses if divided into individual commercial spaces and the upper floor could support a similar number of new smaller uses. The development of the building as proposed would foreclose the potential development of any neighborhood serving use on this property.

2. The proposed use will serve the neighborhood in whole or in significant part and the nature of the use requires a larger size in order to function.

The proposed post-secondary educational institution is not neighborhood serving. Academy of Art University has facilities in many locations around the City and serves students from around the world. The project is designed to accommodate students from the entire AAU community and is not oriented to students who may live in the neighborhood. The scale of the use is significantly greater than what would be appropriate for an institution intended to primarily serve the neighborhood.

3. The building in which the use is to be located is designed in discrete elements which respect the scale of the development in the district.

The building in which the use would be located is not designed in discrete elements which respect the scale of the district. The building is a large building of over 20,000 square feet covering the entire lot and extending 72 feet along Chestnut Street and 140 feet along Taylor Street. The proposed use would not break the building into discrete elements as the use occupies the entire building

- B. Institutional Master Plan.** Planning Code Section 304.5 states that each post-secondary educational institution in San Francisco, including group housing affiliated with and operated by any such institution shall have on file with the Planning Department a current institutional master plan describing the existing and anticipated future development of that institution.

The Project Sponsor, AAU, does not have a current Institutional Master Plan on file with the Department. AAU has occupied and modified a number of buildings without benefit of permits or prior planning approval. The Department has been working with the Sponsor to bring these buildings into conformity with the Planning Code and other City Codes and develop an Institutional Master Plan for the University's programs and activities. The Sponsor has not vigorously pursued the preparation and approval of an Institutional Master Plan and no accepted plan exists at this time.

- C. **Other Institutions, Large.** Planning Code Section 722.81 states that a Conditional Use Authorization is required for a Large Institutional use, as defined by Planning Code Section 790.50 to be developed on the second floor of a building in the North Beach NCD.

Planning Code Section 790.50 defines Other Institutions, Large to include educational services defined further as a use certified by the Western Association of Schools and Colleges which provides educational services, such as a school, college or university. It may include, on the same premises, employee or student dormitories and other housing operated by and affiliated with the institution. Academy of Art University meets this definition. Use of the subject building by AAU requires conditional use authorization.

- D. **Rear Yard Requirement in the North Beach NCD.** Planning Code Section 134(a) states that the minimum rear yard depth equal to 25 percent of the total depth of a lot shall be required at the second story and at each succeeding story of the building, and at the first story if it contains a dwelling unit.

The subject building was constructed circa 1919 without a rear yard. Under Planning Code Section 188 the building is considered a legal noncomplying structure and can be used as constructed provided there is no increase in the degree of noncompliance. The project does not include any expansion of the building.

- E. **Parking.** Planning Section 151 of the Planning Code requires one off-street parking for uses in the City.

On January 28, 1993, the Planning Commission granted conditional use authorization to San Francisco Art Institute (SFAI) to use the subject building for a post-secondary educational institution in Motion No. 13457. In that motion, the Commission determined that the parking demand for such a use was more similar to that of offices for a design studio than a typical post-secondary educational institution that taught students in conventional classrooms and the motion required that 13 off-street parking spaces be provided on the SFAI property at 800 Chestnut Street.

The Zoning Administrator has determined that, in this case, the characteristics of the use, particularly the lack of conventional classroom space, cause parking demand to be more similar to a design studio than a school. Planning Code Section 151 requires a minimum of one off-street parking space for each 1,000 square feet of use exceeding 5,000 square feet for offices or studios of architects, and other design professionals. The project is approximately 21,000 square feet in area requiring approximately 16 off street parking spaces. The sponsor is not proposing any off street parking spaces and in addition requests that the Commission remove the parking requirement imposed in Motion 13457.

Eliminating the off-site parking requirement for the subject property would leave the 21,000 square foot building without any off street parking facilities and could only be achieved with a variance from the parking requirement. This would be contrary to the requirements of Section 151 and cause significant parking problems in the area. The project does not provide any parking for students and staff placing an undue burden on existing on street parking facilities. The potential exists for interference with MUNI transit operation as people circle the neighborhood searching for parking.

7. **Planning Code Section 303** establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use approval. On balance, the project does comply with said criteria in that:

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

The size of the proposed use is significantly greater than other non-residential uses in the District. The proposed use exceeds the maximum use size for a non-residential use in the District. A non-residential use of the proposed size would overwhelm the neighborhood and would not be considered a neighborhood-serving use. A non-residential use of the size proposed is not necessary or desirable in this District.

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

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

The height and bulk of the existing building will remain the same and the project will not alter the existing appearance of the building. The proposed use greatly exceeds the use limitations of the District and is not of an appropriate size and scale for this neighborhood commercial area.

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 use greatly exceeds the use limitations of the District. Traffic generation and parking demand have not been analyzed. While the area is well served by public transit the impact of the use on transit operations cannot be determined without environmental analysis of the project. The Sponsor has not completed environmental analysis.

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

The proposed use has not completed environmental analysis. Without environmental analysis it is not possible to predict the safeguards that may be necessary to prevent noxious or offensive emissions such as noise, glare, dust and odor from emanating from the use. Artist studios have the potential to generate a variety of noxious or offensive emissions such as noise, glare, dust and odor and the Sponsor has not provided the environmental analysis necessary to make a finding on this factor.

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

The project is not proposing any landscaping but would be required to plant two street trees on both Chestnut and Taylor Streets.

- C. That the use as proposed will comply with the applicable provisions of the Planning Code and will not adversely affect the General Plan.

The Project does not comply with all relevant requirements and standards of the Planning Code and is inconsistent with objectives and policies of the General Plan as detailed below.

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

The proposed project is not consistent with the stated purpose of North Beach NCD in that the intended use is out of scale with the surrounding development, is not in character with the nature of the uses in the District and is not neighborhood serving.

- 8. **General Plan Compliance.** The Project is, on balance, not consistent with the following Objectives and Policies of the General Plan:

NEIGHBORHOOD COMMERCE

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 1.2:

Assure that all commercial and industrial uses meet minimum, reasonable performance standards.

Policy 1.3:

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

The proposed post-secondary educational institution, as proposed in the present application, would not comply with the Planning Code as described above and would eliminate development opportunities for uses

that would be in conformity with the purpose of the North Beach Neighborhood Commercial District. The proposed development does not provide substantial net benefits to the neighborhood and forecloses the opportunity to develop such uses on the property. The proposed use is out of scale with the character of development in this NCD.

OBJECTIVE 2:

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

Policy 2.1:

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

The project will occupy a large commercial building with one use that is not neighborhood serving foreclosing the opportunity to develop the site with several uses that might better serve the North Beach area. Alternate development options for the property could allow the establishment of several smaller commercial uses more consistent with the purpose of the NCD and providing more diversity of economic activity.

OBJECTIVE 6:

MAINTAIN AND STRENGTHEN VIABLE NEIGHBORHOOD COMMERCIAL AREAS EASILY ACCESSIBLE TO CITY RESIDENTS.

Policy 6.1:

Ensure and encourage the retention and provision of neighborhood-serving goods and services in the city's neighborhood commercial districts, while recognizing and encouraging diversity among the districts.

Policy 6.2:

Promote economically vital neighborhood commercial districts which foster small business enterprises and entrepreneurship and which are responsive to the economic and technological innovation in the marketplace and society.

The proposed post-secondary educational institution, as proposed in the present application, would not comply with the Planning Code as described above and would eliminate development opportunities for uses that would be in conformity with the purpose of the North Beach Neighborhood Commercial District. The proposed development does not provide substantial net benefits to the neighborhood and forecloses the opportunity to develop such uses on the property. The proposed use is out of scale with the character of development in this NCD. The project will occupy a large commercial building with one use that is not neighborhood serving foreclosing the opportunity to develop the site with several uses that might better serve the North Beach area. Alternate development options for the property could allow the establishment of several smaller commercial uses more consistent with the purpose of the NCD and providing more diversity of economic activity.

9. **Planning Code Section 101.1(b)** establishes eight priority-planning policies and requires review of permits for consistency with said policies. On balance, the project does not 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 is not a neighborhood serving use and the development of the project in this large building would foreclose the development of alternative, neighborhood serving uses in the building.

- 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 would be detrimental to the cultural and economic diversity of the neighborhood in that the proposed use is out of scale with the character of development in the district and the use of this large building for the proposed single use would foreclose the development of alternative neighborhood serving uses that would better preserve the cultural and economic diversity of our neighborhood.

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

No housing is removed for this Project.

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

The project does not provide any off-street parking for students and staff placing an undue burden on existing on street parking facilities. The potential exists for interference with MUNI transit operation as people circle the neighborhood searching for parking.

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

The Project will not displace any service or industry establishment. The project will not affect industrial or service sector uses or related employment opportunities.

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

The Project would be required to comply with contemporary codes for seismic safety.

- G. That landmarks and historic buildings be preserved.

The project building has been identified as a potential historic resource. The sponsor has not applied for a Historic Resource Evaluation Report and no analysis of the impact of the use on the potential resource has been conducted.

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

The project will have no negative impact on existing parks and open spaces.

10. The Project is not consistent with and would not promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would not contribute to the character and stability of the neighborhood and would not constitute a beneficial development. To the contrary the project does not comply with the Planning Code and is out of scale with the character of the North Beach NCD and larger neighborhood.
11. The Commission hereby finds that disapproval of the Conditional Use authorization would promote the health, safety and welfare of the City as the project is neither necessary nor desirable.

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 **DISAPPROVES Conditional Use Application No. 2007.1079C.**

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. XXXXX. The effective date of this Motion shall be the date of this Motion if not appealed (After the 30-day period has expired) OR the date of the decision of the Board of Supervisors if appealed to the Board of Supervisors. For further information, please contact the Board of Supervisors at (415) 554-5184, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on December 09, 2010.

Linda D. Avery
Commission Secretary

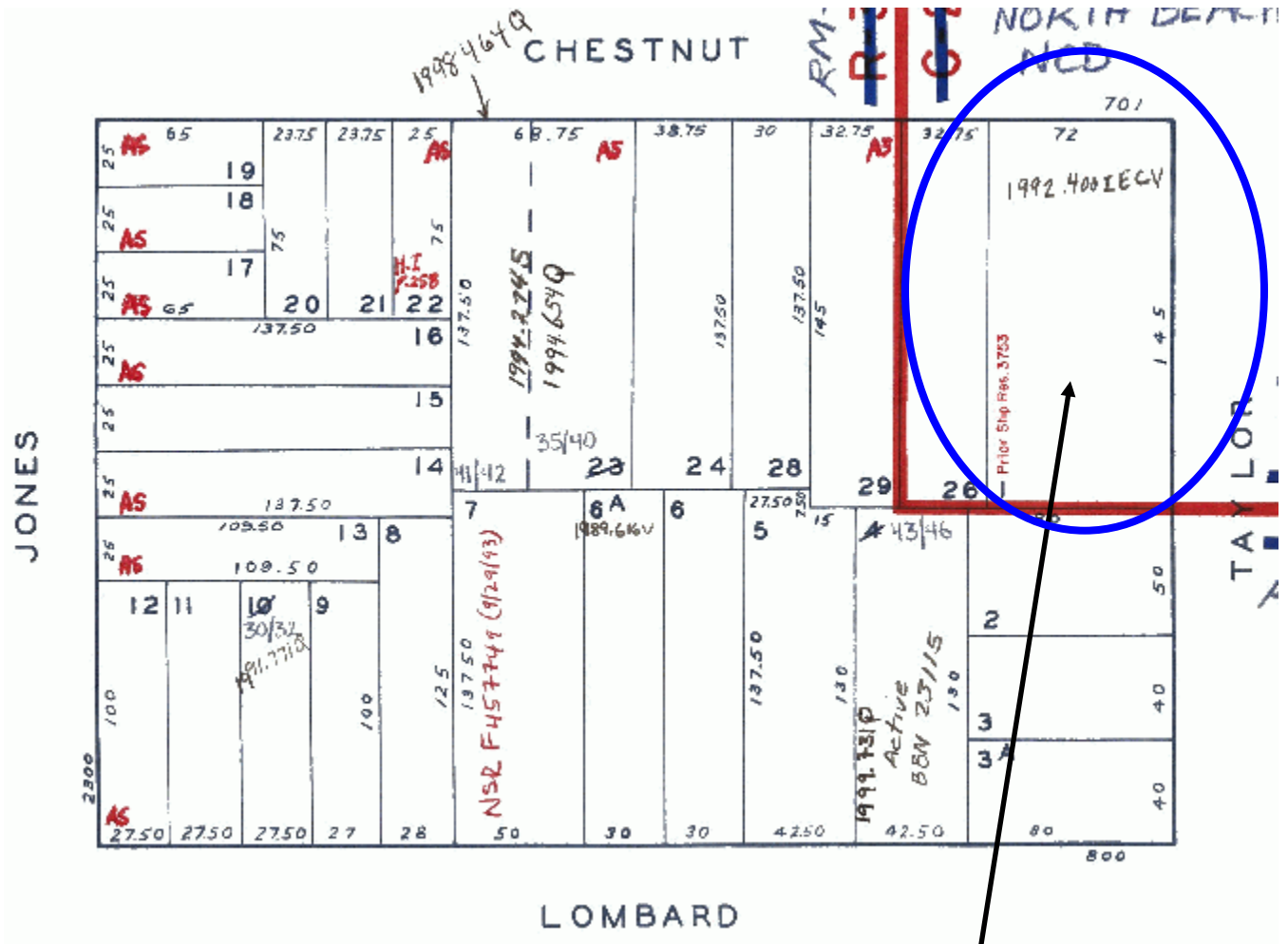
AYES:

NAYS:

ABSENT:

ADOPTED: December 09, 2010

Parcel Map

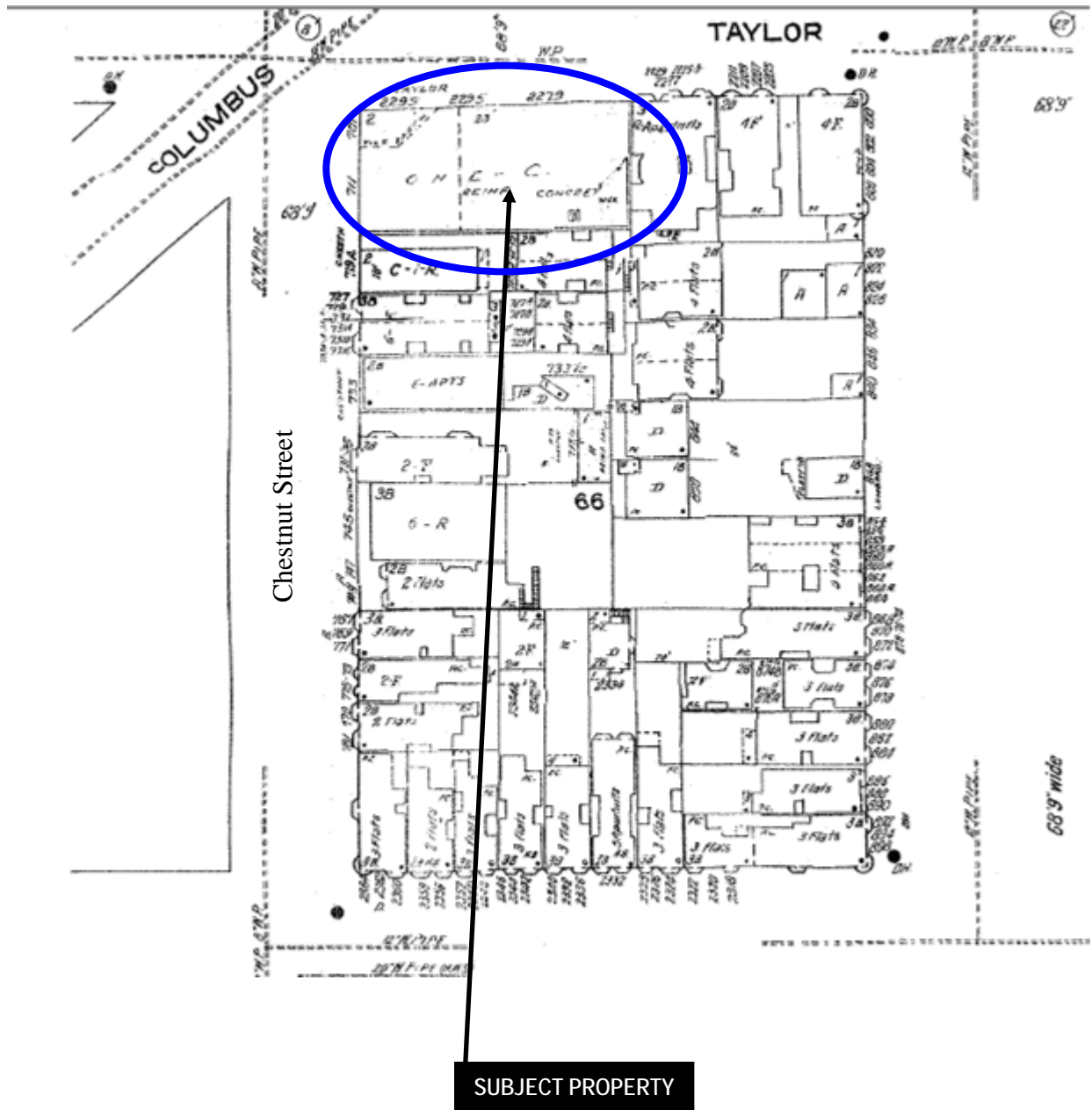


SUBJECT PROPERTY



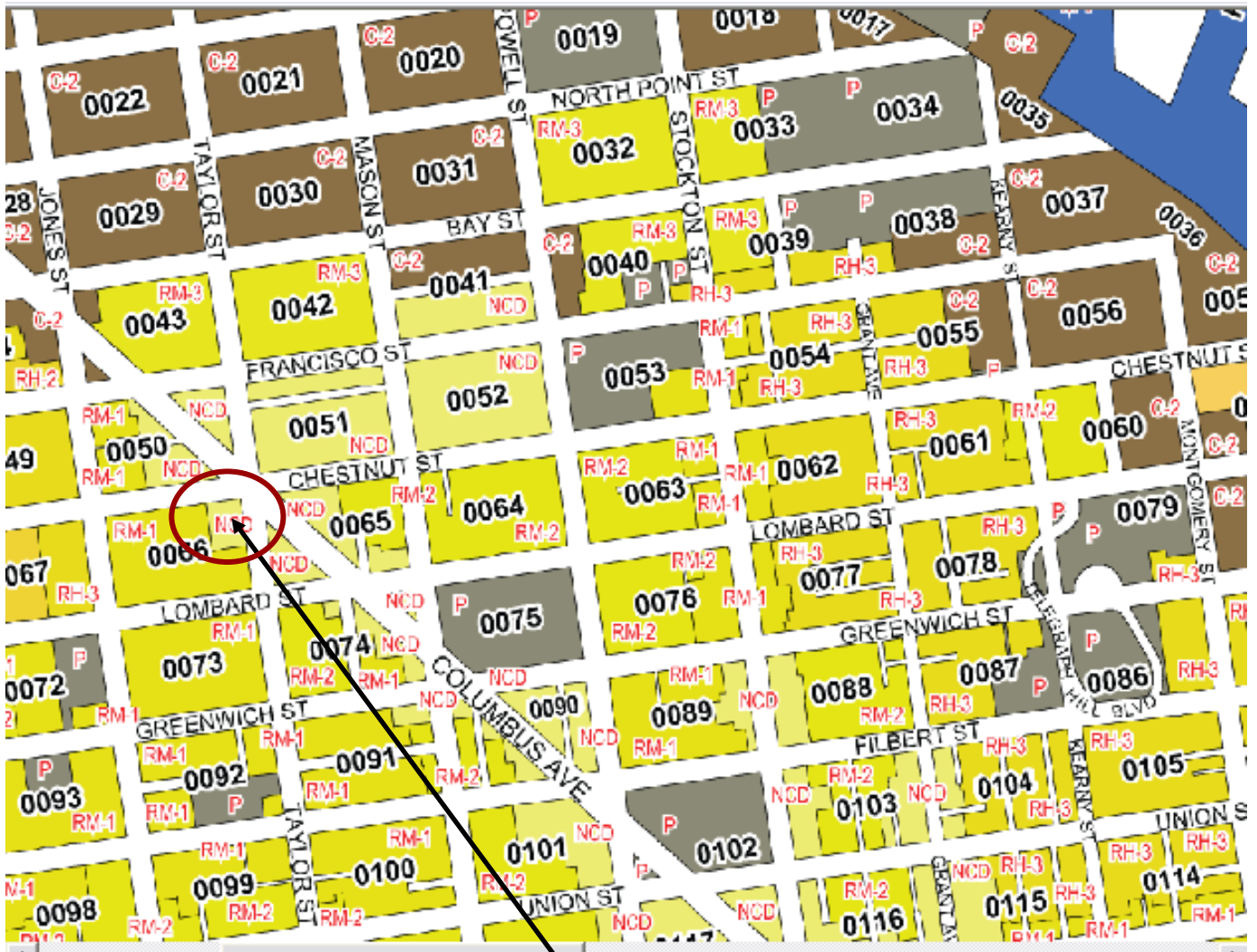
Conditional Use Hearing
 Case Number 2007.1079C
 2295 Taylor Street

Sanborn Map*



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

Zoning Map



ZONING USE DISTRICTS

RESIDENTIAL, HOUSE DISTRICTS					
RH-1(D)	RH-1	RH-1(S)	RH-2	RH-3	
RESIDENTIAL, MIXED (APARTMENTS & HOUSES) DISTRICTS					
RM-1	RM-2	RM-3	RM-4		
NEIGHBORHOOD COMMERCIAL DISTRICTS					
NC-1	NC-2	NC-3	NCD	NC-S	
SOUTH OF MARKET MIXED USE DISTRICTS					
SPD	RED	RSD	SLR	SLI	SSO
COMMERCIAL DISTRICTS					
C-2	C-3-S	C-3-G	C-3-R	C-3-O	C-3-OISD
INDUSTRIAL DISTRICTS					
C-M	M-1	M-2			

SUBJECT PROPERTY



Conditional Use Hearing
Case Number 2007.1079C
2295 Taylor Street

Aerial Photo



SUBJECT PROPERTY

Conditional Use Hearing
Case Number 2007.1079C
2295 Taylor Street

Context Photo



SUBJECT PROPERTY



Conditional Use Hearing
Case Number 2007.1079C
2295 Taylor Street

Site Photo



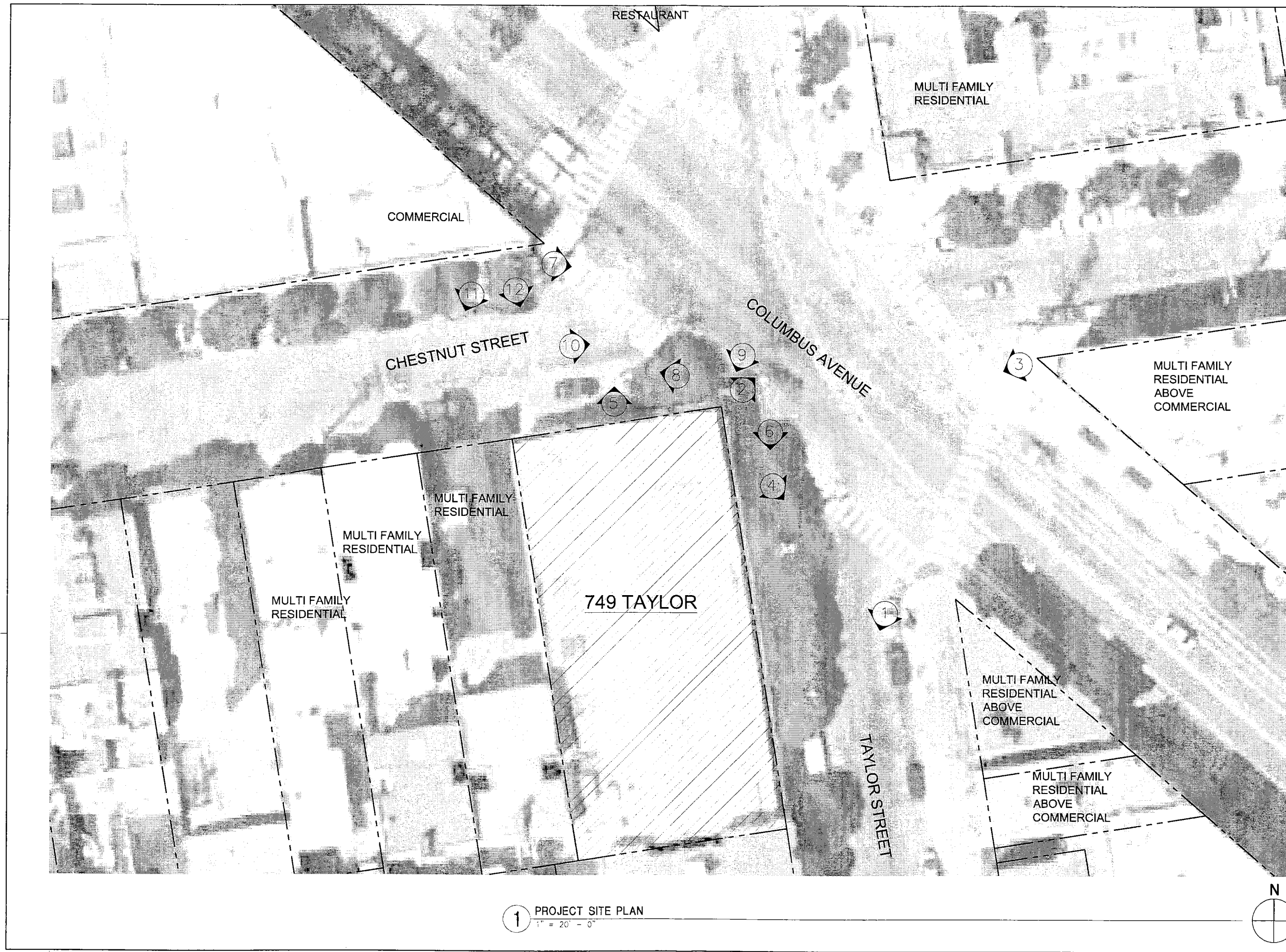
Conditional Use Hearing
Case Number 2007.1079C
2295 Taylor Street

ABBREVIATIONS

&	And	F.A.	Fire Alarm	PH.	Phase
>	Greater Than	F.D.	Flame Drain	PL	Plate
<	Less Than	F.D.K.	Fundamental	P.L.A.M.	Plastic Laminated
	Channel	F.E.	Fire Extinguisher	P.L.A.E.	Plaster
—	Properly Line	F.E.C.	Fire Extinguisher Cab.	P.L.W.D.	Plywood
∠	Angle	F.H.C.	Fire Hose Cabinet	P.C.P.	Portland Cement Plaster
∩	Parabol	F.H.	Flag Head	PR.	Pipe
∩	Perpendicular	F.N.	Finish	PT.	Paint or Paint
∩	Centerline	FL.	Floor	PT.C.B.	Particle Board
∩	Diameter	FLUOR.	Fluorescent	PTD.	Pointed
∩	At	F.O.C.	Face of Concrete	P.T.D.F.	Pressure Treated Douglas Fir
∩	Found or Number	F.O.F.	Face of Finish	P.T.N.	Partition
(E)	Existing	F.O.S.	Face of Studs	RAD.	Radius
(N)	New	F.P.R.F.	Fireproof	R.C.P.	Reflected Ceiling Plan
(R)	Remove	F.S.	Full Size	R.D.	Roof Drain
ABV	Above	FT.	Foot or Feet	REF.	Reference
A.C.B.	Acoustical Board	FTG.	Footing	REFR.	Refrigerator
A.C.S.	Acoustical Panel	FUT.	Future	REIN.	Reinforced
ACOUS.	Acoustical	G.A.	Gauge	REC./ROD.	Required
A.C.T.	Acoustical Tile	CAV.	Galvanized	RESIL.	Resilient
A.D.	Area Drain	C.L.	Grid Line	RM.	Room
ADJ.	Adjustable	C.B.	Grab Bar	R.O.	Rough Opening
A.F.	Access Flooring	CND.	Ground	RWD.	Rapwood
AGCR.	Aggregate	CYP.	Gypsum	R.W.L.	Rain Water Leader
ALUM.	Aluminum	G.W.B.	Gypsum Wall Board	REFL.	Reflected
APPROX.	Approximate	H.B.	House Bldg.	RE.	Refer To
ARCH.	Architectural	H.C.	Hollow Core	REV.	Reversed
ASPH.	Asphalt	HDCP.	Handicapped	S.	South
A.F.F.	Above Finished Floor	HDWD.	Hardwood	S.C.	See Civil Drawings
B.D.	Board	H.M.	Hard Metal	S.C.C.	Solid Core
BLUM.	Bluminous	HRZ.	Horizontal	SCHED.	Schedule
BKP.	Backing Plate	H.P.	High Point	SECT.	Section
BLDG.	Building	HR.	Hour	SHR.	Shower
BM.	Beam	HCT./HT.	Height	SHF.	Shelf
BOI./B.O.	Bottom/ Bottom of	I.D.	Inside Diameter (Dim)	SM.	Similar
CAB.	Cabinet	I.E.	Invert elevation	S.J.	Score Joint
C.B.	Catch Basin	INFO.	Information	S.L.D.	See Landscaping Drawing
C.C.M.	Cement	INSUL.	Insulation	S.M.	Sheet Metal
CER.	Ceramic	INT.	Interior	S.M.D.	See Mechanical Drawings
C.C.	Corner Guard	INV.	Invert	SPEC.	Specification
C.I.	Cast Iron	JAN.	Janitor	SC.	Score
C.J.	Control Joint	J.B.	Junction Box	S.S.D.	See Structural Drawings
C.C.G.	Caulking	J.O.H.	Jamb Opening Height	S.S.T.	Stainless Steel
CLKG.	Caulking	J.O.W.	Jamb Width	STD.	Standard
CLO.	Closet	JT.	Joint	STL.	Steel
CLR.	Clear	KIT.	Kitchen	STR.	Structural
C.M.U.	Concrete Masonry Unit	LAM.	Laminate	S.T.S.	Self Tapping Screw
C.O.	Concrete Opening	LAV.	Lavatory	SUSP.	Suspended
DDL.	Column	L.F.	Low Point	SYM.	Symmetrical
CONC.	Concrete	LT.	Light	TRD.	Tread
CONF.	Conference	MAX.	Maximum	T.E.	Towel Bar
CONN.	Connection	M.C.	Medicine Cabinet	T.C.	Top of Curb
CONSTR.	Construction	M.D.F.	Medium Density Fiber Board	TEL.	Telephone
CONT.	Continuous	M.D.O.	Medium Density Overlay	T&G	Tongue and Groove
CORR.	Corridor	MECH.	Mechanical	THK.	Thick
CPT.	Carpet	MEMB.	Membrane	T.P.	Top of Pavement
C.S.K.	Countersink	MET.	Metal	T.V.	Television
CNTL.	Counter	MFR.	Manufacturer	T.W.	Top of Wall
C.T.	Ceramic Tile	M.H.	Manhole	TYF.	Typical
CTR.	Center	MIN.	Minimum	UNF.	Unfinished
DBL.	Double	MIR.	Mirror	U.O.N.	Unless Otherwise Noted
DEPT.	Department	MISC.	Miscellaneous	VERT.	Vertical
D.F.	Drinking Fountain	N.O.	Masonry Opening	VEST.	Vestibule
DIT.	Detail	M.P.	Midpoint	V.I.F.	Verify in Field
DN.	Down	M.S.	Machine Screw	V.T.R.	Vent Through Roof
DISP.	Dispenser	MTO.	Moulted	W.	West
DN.	Down	MUL.	Mulch	W/	With
DR.	Door	MFL.	Metal	W.C.	Water Closet
DRR.	Drawer	N.	North	WD.	Wood
D.S.	Downspout	N.A.	Not Applicable	W.O.	Window Opening
D.S.P.	Dry Standpipe	N.I.C.	Not in Contact	W/O	Without
DWC.	Drinking Water	NOM.	Nominal	WP	Waterproof
E.	East	N.T.S.	Not to Scale	WS.	Wood Screw
E.A.	East	OBSC.	Obscure	WT.	Weight
E.J.	Expansion Joint	O.C.	On Corner		
EL.	Elevation	O.C.D.	Overhead Ceiling Door		
ELEC.	Electrical	O.C.G.	Overhead Ceiling Grille		
ELEV.	Elevator	O.D.	Outside Diameter (Dim.)		
EMER.	Emergency	O.F.C.I.	Owner Furnished, Contractor Installed		
ENCL.	Enclosure	O.F.D.	Overflow Drain		
EQ.	Equal	OFF.	Office		
EQPT.	Equipment	O.F.O.I.	Owner Furnished, Owner Installed		
EXPO.	Exposure	OH.	Opposite Hand		
EXT.	Exterior	OPNG.	Opening		
		OPP.	Opposite		

ARCHITECTURAL SYMBOLS

	REFERENCE ONLY		DETAIL DRAWING REFERENCE SYMBOL		KEY NOTE SYMBOL - SEE KEY NOTE LEGEND ON PLAN SHEET
	DETAIL NUMBER TO BE REFERENCED		KEY NOTE SYMBOL - SEE KEY NOTE LEGEND ON PLAN SHEET		KEY NOTE SYMBOL - SEE KEY NOTE LEGEND ON PLAN SHEET
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	LARGEST SCALE PLAN ON ENLARGED SECTION DETAIL		KEY NOTE SYMBOL - SEE KEY NOTE LEGEND ON PLAN SHEET		KEY NOTE SYMBOL - SEE KEY NOTE LEGEND ON PLAN SHEET
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1 PROJECT SITE PLAN
1" = 20' - 0"

**T O M
E L I O T
F I S C H**

201 Post Street 7th Floor
San Francisco CA 94108
tel 415 3917918
fax 415 3917309
www.tomeliotfisch.com

CONDITIONAL USE PERMIT
for
**Institutional Use
Educational
Services**
School of Fine Art Studios

2295 Taylor Street
San Francisco, CA 94609
(AKA: 701 Chestnut Street)



Architect
Tom Eliot Fisch
201 Post Street 7th Floor
San Francisco CA 94108
Roger Shyne, Project Architect
Doug Tom, Principal

Owners Representative
Halfway Driveway Construction Co.
275 Battery Street, Suite 300
San Francisco CA 94111-3330
tel 415 966278
fax 415 9565869
Lakshmi Khanna, Project Engineer
Ed Conlon

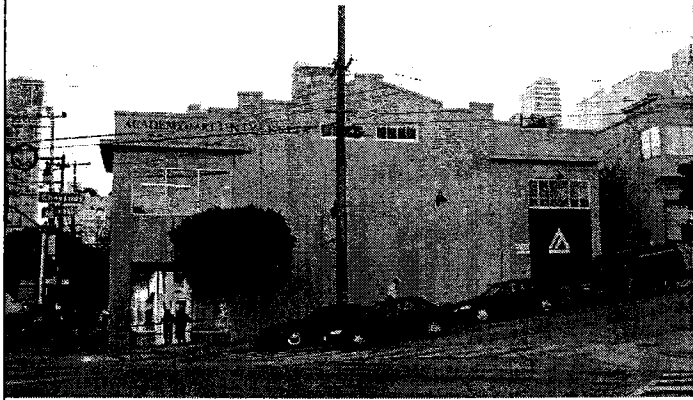
Owner's Counsel
Simon Burke Hoffman & Johnson, PC
601 California Street, 18th Floor
San Francisco, CA 94108-2824
tel 415 771-2727
fax 415 477-9099
Elizabeth L. Bridges



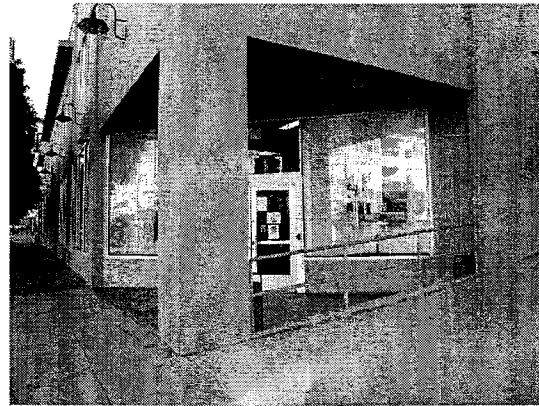
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Drawn By	JP/AS/RS	Approved By	
Scale		Issue	<input type="checkbox"/> Revision <input type="checkbox"/>
Num.	Date	Description	
1	1/30/08	CONDITIONAL USE PERMIT	

PROJECT SITE PLAN

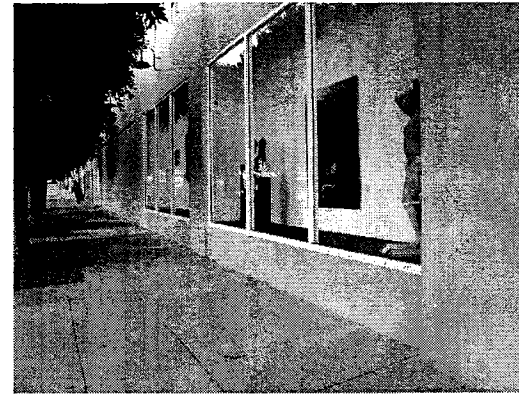
A1.0



12 NORTH WALL EXTERIOR ELEVATION
NO SCALE



9 NORTHEAST ENTRANCE TO 2295 TAYLOR
NO SCALE



6 EAST FACADE OF 2295 TAYLOR LOOKING SOUTH
NO SCALE



3 EAST WALL EXTERIOR ELEVATION
NO SCALE



11 WEST VIEW LOOKING UP CHESTNUT ST.
NO SCALE



8 NORTHWEST VIEW ACROSS CHESTNUT ST.
NO SCALE



5 NORTH VIEW OF TAYLOR AND COLUMBUS CORNER
NO SCALE



2 NORTHEAST VIEW ACROSS COLUMBUS
NO SCALE



10 VIEW EAST LOOKING DOWN CHESTNUT
NO SCALE



7 SOUTHEAST VIEW LOOKING UP COLUMBUS
NO SCALE



4 SOUTH VIEW OF TAYLOR AND COLUMBUS CORNER
NO SCALE



1 SOUTHWEST VIEW UP TAYLOR
NO SCALE

TOM ELIOT FISCH

201 Post Street 7th Floor
San Francisco CA 94108
tel 415 391.7818
fax 415 391.7309
www.tomeliotfish.com

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San Francisco CA 94108
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Owners Representative
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San Francisco CA 94111-2330
tel 415 956.2718
fax 415 956.5689
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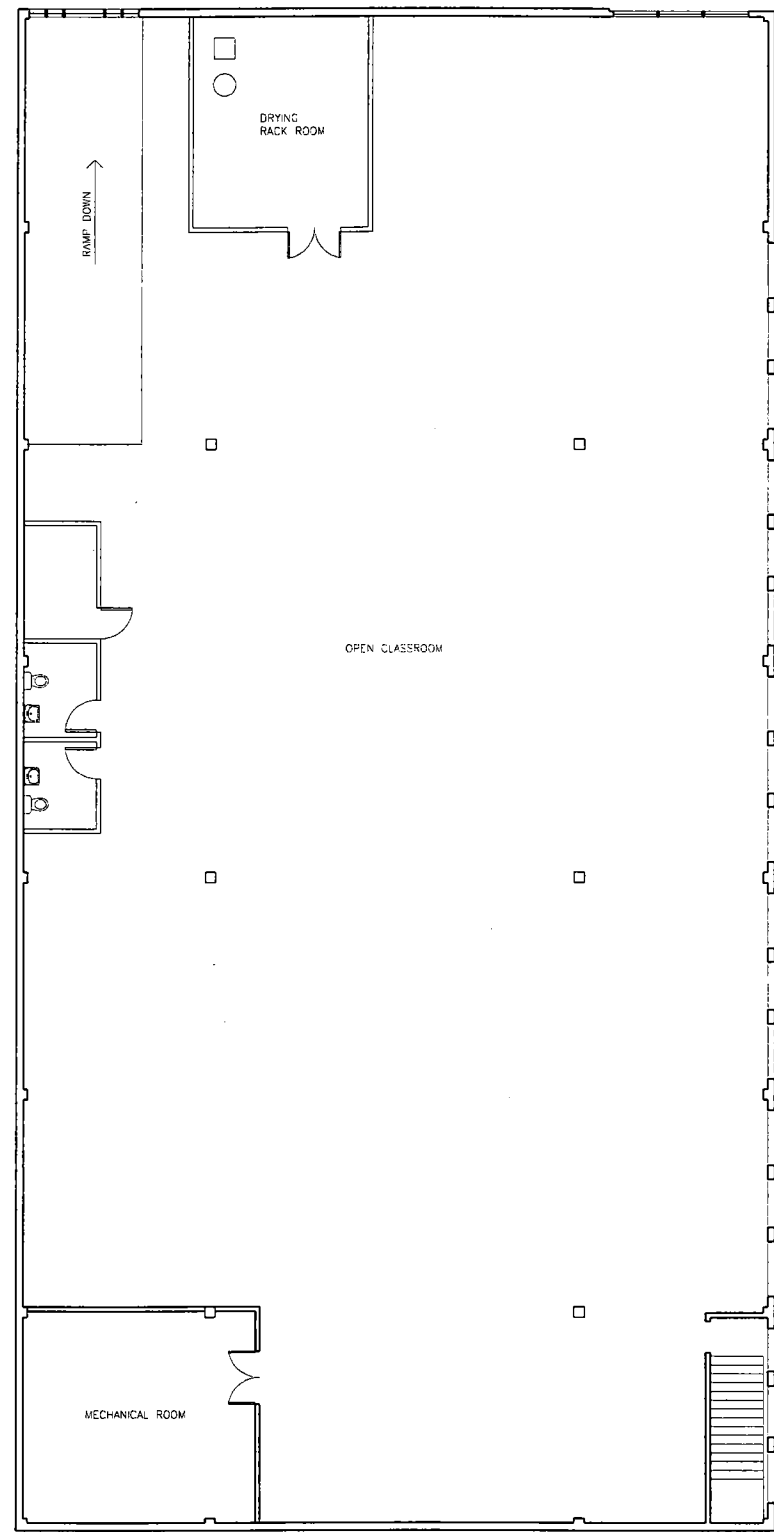
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San Francisco CA 94105-2824
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Euzabee L. Bridges



Job #	20780.10	Print Date	1/30/08
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Scale		Issue	<input type="checkbox"/> Revision <input type="checkbox"/>
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1	1/30/08	CONDITIONAL USE PERMIT	

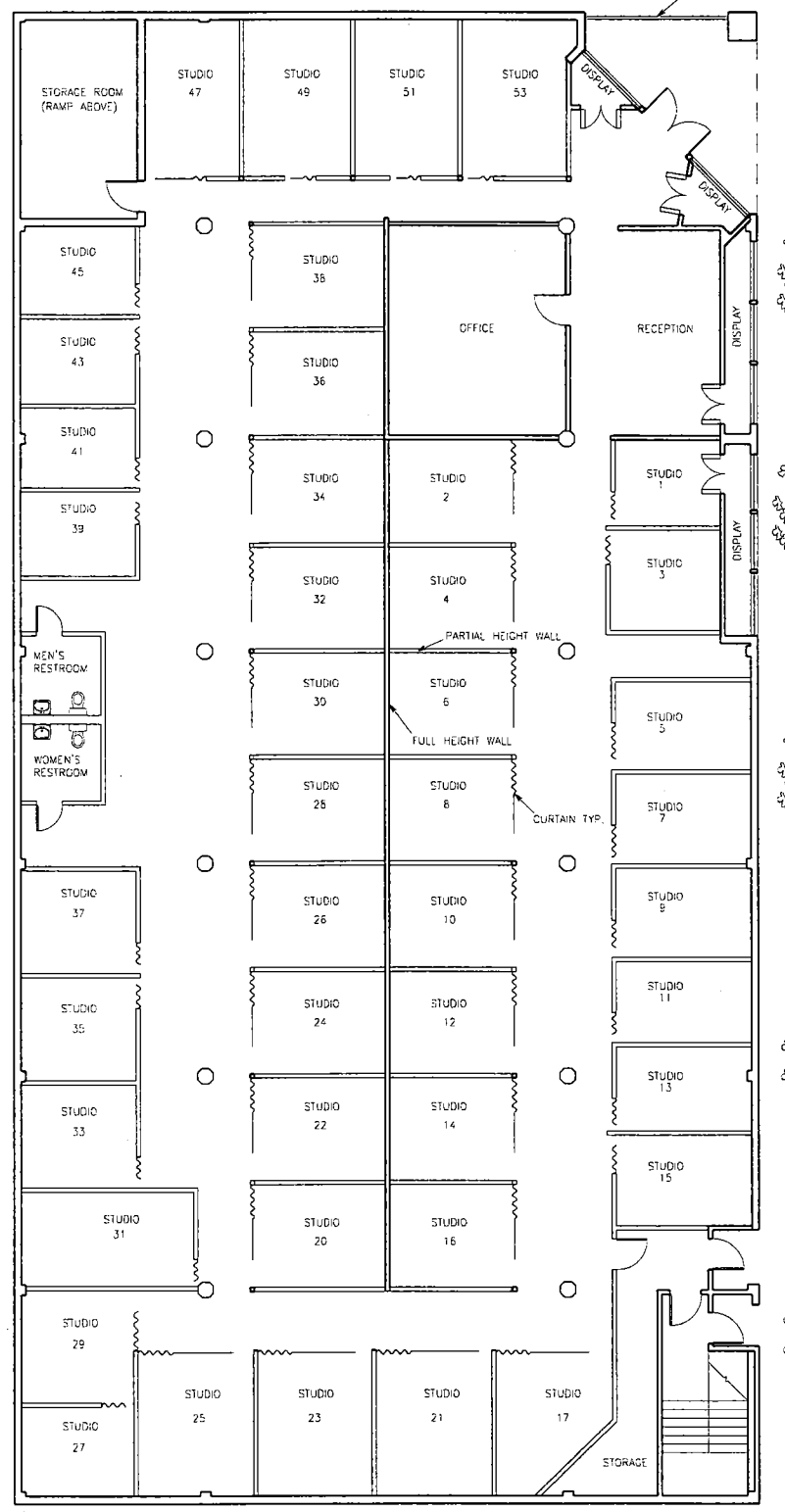
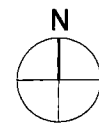
PROJECT SITE PHOTOS

A1.01



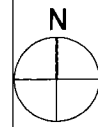
1 SECOND FLOOR PLAN
1/8" = 1' - 0"

TOTAL SQUARE FOOTAGE: 10,239

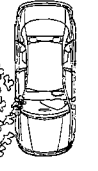
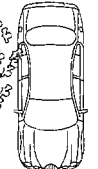
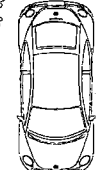


1 FIRST FLOOR PLAN
1/8" = 1' - 0"

TOTAL SQUARE FOOTAGE: 10,436



CHESTNUT STREET



**T O M
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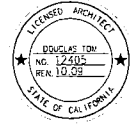
2295 Taylor Street
San Francisco, CA 94609
(AKA: 701 Chestnut Street)



Architect
Tom Eliot Fisch
201 Post Street, 7th Floor
San Francisco, CA 94108
Roger Sayre, Project Architect
Doug Tom, Principal

Owners Representative
Hainaway Drive Construction Co.
275 Battery Street, Suite 300
San Francisco, CA 94111-3333
tel 415 956.2715
fax 415 956.5669
Lakshmi Khanna, Project Engineer
Ed Conlon

Owner's Counsel
Elman Burke Hallinan & Johnson, PC
601 California Street, 18th Floor
San Francisco, CA 94108-2824
tel 415 777-2727
fax 415 471-8089
Elizabeth L. Bridges



Job #	20780.10	Print Date	1/30/06
Drawn By	JF/AS/RS	Approved By	
Scale		Issue	<input type="checkbox"/> Revision <input type="checkbox"/>
Num.	Date	Description	
1	1/30/06	CONDITIONAL USE PERMIT	

FIRST AND SECOND
FLOOR PLANS

A2.01

All drawings and written material appearing herein constitute original and unpublished work of the Architect and may not be duplicated, used or disclosed without the consent of the Architect.
If this drawing is not 24x36" the drawing has been reduced from its original size. Notes scales, and dimensions shall be based on the drawing.

SAN FRANCISCO
CITY PLANNING COMMISSION
MOTION NO. 13457

ADOPTING FINDINGS RELATED TO THE AUTHORIZATION OF A CONDITIONAL USE PURSUANT TO APPLICATION NO. 92.400IECV BY THE CITY PLANNING COMMISSION FOR A PLANNED UNIT DEVELOPMENT TO PERMIT, WITHIN THE OTHERWISE-REQUIRED REAR-YARD AREA, A 20-SPACE PARKING LOT TO SERVE AN OFF-SITE ARTS STUDENT STUDIO BUILDING AND TO MODIFY CONDITIONS OF PRIOR CONDITIONAL USE APPROVALS FOR THE SAN FRANCISCO ART INSTITUTE, IN AN RH-3 (HOUSE, THREE-FAMILY) DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT (800 CHESTNUT STREET); AND, A CONDITIONAL USE TO ESTABLISH A LARGE INSTITUTION/EDUCATIONAL SERVICE ON THE SECOND FLOOR AND ABOVE; TO ENLARGE A BUILDING ON A LOT IN EXCESS OF 5,000 SQUARE FEET IN AREA; TO ALLOW A SINGLE USE IN EXCESS OF 2,500 SQUARE FEET; TO PERMIT THE PROPOSED USE TO OPERATE 24 HOURS A DAY; AND, TO REMOVE PRIOR STIPULATIONS IMPOSED BY CITY PLANNING COMMISSION RESOLUTION NO. 3753, WITHIN THE NORTH BEACH NEIGHBORHOOD COMMERCIAL DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT, ALSO REQUIRING A VARIANCE OF THE FLOOR AREA RATIO STANDARDS OF THE CITY PLANNING CODE (2299 TAYLOR STREET).

Preamble

On January 28, 1993, the City Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing on Conditional Use Application No. 92.400IECV at which time the Commission reviewed and discussed the findings prepared for its review by the staff of the Department of City Planning (hereinafter "Department").

Pursuant to the Guidelines of the State Secretary of Resources for the implementation of the California Environmental Quality Act, Barbara W. Sahm, Environmental Review Officer, on January 8, 1993, issued, under Case No. 93.400IECV, a Certificate of Determination of Exemption From Environmental Review, Categorical Exemption (State Guidelines, §15300-15329; Public Resources Code, §21085), State Classes Numbers 1(a), 1(e) and 11(b), for the proposed project. 92.400IECV and 92.400IECV. The Commission has read and considered the information contained in said document in its decision on the subject Conditional Use application.

This Commission has reviewed and considered reports, studies, plans and other documents pertaining to this proposed project.

This Commission has heard and considered the testimony presented to it at the public hearing and has further considered the written materials and oral testimony presented on behalf of the applicant, the Department Staff and other interested parties.

MOVED, That the Commission hereby authorizes the Conditional Use requested in Application No. 92.400IECV subject to the conditions contained in Exhibit A, attached hereto and incorporated herein by reference thereto, based on the following findings:

Findings

Having reviewed all the materials identified in the recitals above, and having heard oral testimony and arguments, this Commission finds, concludes and determines as follows:

1. On October 28, 1992, Sandee L. Blechman, Vice President for Administration, San Francisco Art Institute (hereinafter "SFAI"), authorized agent of the Regents of the University of California, owners of 800 Chestnut Street, and of the Marion B. Gross Trust and the Carol B. Berger Trust, Richard P. Gross and Carol B. Berger, Trustees, owners of 2299 Taylor Street, filed Application No. 92.400IECV to the Department requesting authorization of a Conditional Use for a Planned Unit Development (hereinafter "PUD") to permit, within the otherwise-required rear-yard area, a 20-space parking lot to serve an off-site arts student studio building and to modify conditions of prior Conditional Use approvals for the SFAI, in an RH-3 (House, Three-Family) District and a 40-X Height and Bulk District at 800 Chestnut Street, north side between Jones and Leavenworth Streets, with additional frontage on Jones and Francisco Streets, Lot 1 in Assessor's Block 49 (hereinafter "Subject Property"); and, a Conditional Use to establish a Large Institution/Educational Service on the second floor and above; to enlarge a building on a lot in excess of 5,000 square feet in area; to allow a single use in excess of 2,500 square feet; to permit the proposed use to operate 24 hours a day; and, to remove prior stipulations imposed by Commission Resolution No. 3753, within the North Beach Neighborhood Commercial District ("North Beach NCD") and a 40-X Height and Bulk District, also requiring a Variance of the Floor Area Ratio (hereinafter "FAR") standards of the City Planning Code (hereinafter "Code") at 2299 Taylor Street, southwest corner at Chestnut Street, Lot 1 in Assessor's Block 66 (hereinafter also "Subject Property")(hereinafter altogether "Project").

2. The Subject Property at 800 Chestnut Street is the main campus of the SFAI. The campus contains two interconnected buildings. One is a 43,000-gross-square-foot building designed by the architectural firm of Bakewell and Brown and constructed in 1926. This building is City Landmark No. 85 (effective July 9, 1977). The other building contains approximately 48,000 gross square feet, was designed by Paffard Keating Clay Architects, and was constructed in 1966. Thus, the total square footage of the SFAI buildings is approximately 91,000 square feet. Accordingly, the FAR on this site is approximately 1.12 to 1. Together, these structures cover about 65% of the total site. There are two existing parking lots on site which contain a total of 34 off-street parking spaces which spaces are reserved for faculty and staff. The SFAI employs

80 staff year-round and 45 regular faculty members with approximately 35 temporary (visiting) faculty each semester.

The regular degree program of the SFAI enrolls approximately 750 students (575 undergraduates, 120 graduate students, and 55 non-degree students). There are two 15-week semesters each year with class in three-hour blocks beginning at 9:00 A.M. and ending at 10:30 P.M. on weekdays. SFAI runs two four- to six-week summer sessions with approximately 100 students each. Additionally, the SFAI's extension/continuing education program enrolls approximately 150 adults and high school students from the community in non-degree classes which run mostly on Saturdays.

As a complement to its academic programs, the SFAI organizes public exhibitions, lectures and symposia which invite participation and attendance by the broader Bay Area community.

In 1988, the SFAI secured a 10-year lease on an entire floor (13,500 square feet) of an office building at 731 Market Street (between Third and Fourth Streets. This space is used for seminar rooms and as studios for graduate students in Painting and Sculpture. It is this space that the SFAI wishes to replace at 2299 Taylor Street.

3. The Subject Property at 2299 Taylor Street is, at present, developed with a two-story building containing ground-floor commercial space which is occupied by "The Gap", a jeans retailer. The upper floor of this building is designed for and used as parking with its entrance at the westerly end of the steeply up-sloping Chestnut street frontage of the subject lot. This structure covers 100% of its lot.

4. More specifically, the proposed Project would be the addition of approximately 8,910 square feet of floor area to the existing building on the 2299 Taylor Street Subject Property and the conversion of that structure to artists' studio space for use by graduate students at the SFAI. This proposed building addition would be in the form of a partial third floor/mezzanine which would cover the front 75% of the depth of the lot.

In 1988, the SFAI contracted a facilities needs study which resulted in a recommendation that approximately 145,000 gross square feet would be needed to accommodate the SFAI's programs assuming a constant enrollment of 750. This represents an increase of approximately 40,500 gross square feet over the existing total space available (including the 13,500 square feet of leased space at 731 Market Street). The 2299 Taylor Street portion of the Project would result in an addition of approximately 25,000 usable square feet of floor space to the SFAI's total. A portion of this gain would be offset, however, by the need to replace the Market Street leased space.

The parking space in the existing 2299 Taylor Street building would be converted to studio space and 20 replacement parking spaces would be created in a surface parking lot on the main campus at 800 Chestnut Street in a portion of that lot that was reserved by the Commission in 1966 for possible future parking should the 29 Commission-required spaces

have proved to be too few. Ultimately, additional parking was never required to be provided. The proposed new parking lot would cause the removal of approximately nine trees, one of which is a redwood tree with a trunk of 14 inches in diameter.

5. The Zoning Administrator has determined that the frontage (for zoning purposes) of the 800 Chestnut Street Subject Property is the Chestnut Street frontage thereof. Therefore, a portion of the proposed parking lot thereon would be within the Code-required rear-yard area. This portion of the Project is being brought before the Commission as a PUD to obviate the Variance that otherwise would have to be sought to excuse this requirement, and to modify conditions of 1966 and 1968 Commission approvals reserving said space for parking in conjunction with the existing SFAI facility.

6. Code Section 101.1 requires that the Master Plan must be an integrated, internally consistent and compatible statement of policies for San Francisco. Code Section 101.1(b) establishes eight Priority Policies which are intended to be the basis upon which inconsistencies in the Master Plan are resolved.

1. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced;
2. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods;
3. That the City's supply of affordable housing be preserved and enhanced;
4. That commuter traffic not impede Muni transit service or overburden our streets or neighborhood parking;
5. 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;
6. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake.
7. That landmarks and historic buildings be preserved; and,
8. That our parks and open space and their access to sunlight and vistas be protected from development.

7. The proposed Project is consistent with the criteria of Section 101.1 of the Code in that:

1. While one neighborhood-serving retail use would cease to exist and space currently devoted to retail use would be converted to institutional use as a result of the Project, the retail use in question is marginal, as evidenced by the lack of desire of the present tenant to renew its expiring lease and by the length of time that the 2299 Taylor Street building has been on the market for sale. On balance, the advantages to the nearby Russian Hill neighborhood and to the San Francisco community at large of approving the Project, with the condition that some ground-floor space in

- the 2299 Taylor Street building be reserved for a small retail use or some other use (such as gallery or display space generating pedestrian interest), outweigh the loss of neighborhood-serving retail space;
2. The existing housing and neighborhood character will be enhanced by the Project in that gross floor area to be devoted to SFAI use would be transferred to the commercial strip along Columbus Avenue instead of being added to the existing SFAI campus which is surrounded by residential use. This transfer would have the effect of minimizing the non-residential presence of the campus in the midst of residential uses. No housing will be removed by the Project;
 3. The supply of affordable housing will not be affected by the Project;
 4. The proposed use of the 2299 Taylor Street portion of the Subject Property would bring a segment of the existing SFAI campus population back to the vicinity of the main campus from its present off-site temporary quarters at 731 Market Street. The Project includes the provision of 20 new off-street parking spaces as well as off-street loading to accommodate the expected demand for parking and loading which would be associated with this transfer. Thus, this Project would reduce Muni and parking demand downtown. The 2299 Taylor Street site is well served by transit. It is unlikely that commuter traffic would be generated by the Project in that the student population involved would not change and the available Muni service as well as the new off-street parking proposed would be sufficient to safeguard the surrounding neighborhood from parking and traffic problems;
 5. The Project is not a commercial office project and will not displace or alter any elements of the City's industrial or service sectors;
 6. All work to be done in conjunction with the Project will meet the seismic-safety standards of the San Francisco Building Code;
 7. The Project would have a potentially ameliorative effect on the Landmark 1926 SFAI main building in that development pressure generated by increased space needs of the institution, which is surrounded by a built out residential neighborhood, would be transferred to a nearby site thereby retaining the character of said Landmark structure;
 8. The Project will not decrease City park space or open space nor will it alter access to sunlight or vistas from City parks or open space.
8. Code Section 123 establishes maxima for FAR's. Code Section 123(a) thereunder states that the maximum FAR for any building or development is equal to the sum of the basic floor area ratio for the district, as set forth in Code Section 124 plus any premia and floor area transfers which are applicable to such building or development under Sections 125 and 127 of the Code, and as restricted by the provisions of Code Section 124(b).
9. Section 123(b) of the Code permits no building or structure or part thereof to exceed, except as stated in Code Sections 172 ("Compliance of Structures, Open Spaces and Off-Street Parking and Loading Required") and 188 ("Noncomplying Structures: Enlargements, Alterations and Reconstruction") of the Code, the FAR limits therein set forth for the District in which it is located. The Zoning Administrator has determined that FAR is a variable Code standard.

10. Code Section 124 sets forth standards for basic FAR. Code Section 124(a) thereunder states that, except as provided in Code Section 124(b), the basic FAR limits specified in Table 124 apply to each building or development in the districts indicated. Table 124 indicates that the basic FAR limit for both the North Beach NCD and an RH-3 District is 1.8 to 1. Accordingly, the base floor area permissible for the 800 Chestnut Street property is 136,125 square feet (the 75,625-square-foot site size X 1.8). The base floor area available for the 2299 Taylor Street property is 18,792 square feet (although the existing building thereon represents an FAR or approximately "2" as it has 20,880 gross square feet of floor area (the 10,440-square-foot site size X two full floors of coverage).

11. Under the provisions of Code Section 124(b), the FAR limits set forth in Table 124 do not apply to dwellings or to other residential uses in "R", "NC" and Mixed Use districts. In "NC" Districts, the these Table 124 FAR limits also do not apply to nonaccessory off-street parking.

12. Section 125 of the Code sets forth floor area premia in districts other than "NC", C-3 and Mixed Use. In any district other than a C-3 or "NC" district in which a FAR limit applies, the following premia, where applicable, may be added to the basic FAR limit to determine the maximum FAR for a building or development.

13. Under Code Section 125(a), on a lot or portion thereof which is defined by the Code as a corner lot, a floor area premium may be added by increasing the area of the lot or portion, for purposes of floor area computation, by 25 percent.

Code Section 102.15 defines a corner lot as a lot bounded on two or more adjoining sides by streets that intersect adjacent to such lot, provided that the angle of intersection of such streets along such lot does not exceed 135 degrees. For the purposes of the Code no corner lot may be considered wider or deeper than 125 feet, and the remainder of any lot involved is considered to be an interior lot.

14. Accordingly, the lot at 800 Chestnut Street may be enlarged by 7,812.5 square feet for purposes of FAR computation resulting in 14,062.5 additional gross square feet of floor area. Under Code Section 125(b), on a lot or portion thereof which is defined by the Code as an interior lot, and which abuts along its rear lot line upon a street or alley, a floor area premium may be added by increasing the depth of the lot or portion along such street or alley, for purposes of FAR computation, by one-half the width of such street or alley or ten feet, whichever is the lesser.

Code Section 102.16 describes an interior lot as a lot other than a corner lot.

Accordingly, the lot at 800 Chestnut Street may be enlarged by 1,500 square feet for FAR computation purposes. The total lot-size enlargement permitted with the corner and interior lot premia taken together is 9,312.5 for a total of 16,762.6 additional square feet of floor area resulting in a total of 152,887.5 gross square feet of floor area at this site.

15. Under Code Section 127, et seq., the maximum permitted gross floor area for any building or development on a lot may be increased by transfer to such lot of basic gross floor area that is permitted under Code Section 124 but unbuilt upon an adjacent lot which is occupied by a historical, architectural or aesthetic landmark that has been so designated by the Board of Supervisors pursuant to Article 10 of the Code. Such an "adjacent lot" is one which either abuts for a distance not less than 25 feet along a side or rear lot line of the lot to which the basic gross floor area transfer is made or would so abut for such a distance if not separated solely by a street or an alley. No transfer of permitted gross floor area may serve to increase the total gross floor area permitted under the Code on the adjacent lot and the transferee lot taken together, either presently or prospectively. No building permit application may be approved by the Department at any time, nor may any building permit be issued by any City department at any time, if the result of such approval or issuance would be to increase the total permitted gross floor area of both such lots taken together above such total as calculated on the basis of the floor area ratio limits prevailing at that time for such lots. Although this Code Section does not apply directly to the subject situation (due to the fact that the 800 Chestnut Street and 2299 Taylor Street properties are too far apart to qualify as "adjacent lots" therein), it is included herein to illustrate the concept of transfer of gross floor area under the Code.

16. Code Section 134 establishes rear yard requirements which apply to every building in "R" districts. These requirements are intended to assure the protection and continuation of established mid-block, landscaped open spaces, and maintenance of a scale of development appropriate to each district, consistent with the location of adjacent buildings. In an RH-3 District, the basic requirement is for a rear yard equal to 45% of the lot depth to be provided for all structures. This rear yard may be reduced (and the buildable area increased) to a line on the subject property which represents the average of the depth of coverage of the structures on the two adjoining lots. In the case of 800 Chestnut Street, no potential additional buildable area beyond the basic front 55% of the lot is gained through the averaging method (as the structures on the adjoining lots either do not have sufficient depth to justify it or they front on other streets and are, thereby, disqualified from consideration). In the North Beach NCD, a 25% rear yard requirement applies (under Code Section 722.12) at the second story and above and at all residential levels. The proposed addition to the building at 2299 Taylor Street would comply with this standard.

17. Code Section 151 contains the schedule of required off-street parking spaces. In post-secondary educational institution, it requires one off-street parking space for each two classrooms. In conjunction with offices or studios of architects, engineers, interior designers and other design professionals and studios of graphic artists, it requires one space for each 1,000 square feet of occupied floor area, where the occupied floor area exceeds 5,000 square feet. The Commission, in authorizing Conditional Uses for Planned Unit Developments for the Art Institute (800 Chestnut Street), both in 1966 and in 1968, established (by condition of approval) the off-street parking requirement for this institution as 29 spaces. In conjunction with the proposed use of 2299 Taylor Street, 20 off-street parking spaces would be required, which spaces are proposed to be provided at the 800 Chestnut Street site.

18. Section 152, et seq., of the Code contains the schedule of required off-street freight loading spaces in Districts other than C-3 or South of Market. The proposed use at 2299 Taylor Street, at under 100,000 gross square feet of floor area, is smaller in size than that for which Table 152 requires the provision of off-street loading. Therefore, the Project does not require an off-street loading dock under this Section, however, an off-street loading area is proposed at the second level of that structure making use of the driveway entrance to the existing parking level.

19. Code Section 159 establishes standards for required off-street parking not on the same lot as the structure or use served. Code Section 159(c) requires that off-street parking spaces for all uses other than dwellings must be located on the same lot as the use served, as an accessory use; or within a walking distance of 800 feet, as either a Principal or a Conditional Use, depending upon the use provisions applicable to the district in which such parking is located. The two subject properties are within the specified 800 feet of walking distances from each other. (See discussion of Code Section 209.7(c) below.)

20. Under Code Section 159(e), in order to be credited toward the requirements of the Code, any off-street parking space located as above on a lot other than the lot on which the structure or use to be served is located must be available for the actual lifetime of the structure or use to be served. Such availability must be assured either by ownership of both the lot containing the structure or use to be served and the lot containing the off-street parking space by at least one common owner, or by a lease or other instrument providing for the availability of the parking space for not less than the actual lifetime of the structure or use to be served. A document in a form approved by the City Attorney must be executed by the parties concerned, and by the Zoning Administrator, and recorded in the office of the County Recorder, serving as a notice of the restrictions under the Code applying to both the lot containing the structure or use to be served and to the lot containing the off-street parking space, by virtue of this arrangement for provision of required off-street parking.

21. Code Section 204.5 establishes standards for parking and loading as accessory uses. In order to be classified as an accessory use, off-street parking and loading must meet all of the following conditions:

- (a) Such parking or loading facilities must be located on the same lot as the structure or use served by them.
- (b) Such parking or loading facilities must be for use by the occupants, patrons, employees or services of the structure or use to which they are accessory.
- (c) Accessory parking facilities shall include only those facilities which do not exceed 150% of the required number of spaces where three or more spaces are required by the Code.

In the subject case, the parking proposed for the 800 Chestnut Street site is not classified by the Code as "accessory parking" in that it is not on the same lot as the use served (which is at 2299 Taylor Street).

22. Section 209 of the Code sets forth the permitted uses in "R" districts. Code Section 209.3(i) thereunder permits, as a Conditional Use in all "R" districts, a post-secondary educational institution for the purposes of academic, professional, business or fine arts education, which institution has met the applicable provisions of Section 304.5 of the Code concerning institutional master plans. The SFAI is such an institution.

23. Code Section 209.7 permits, as a Conditional Use in all "R" districts, an off-street parking facility to serve a use permitted in any "R" district, when such parking is not classified as accessory parking for such use, under the provisions of Section 204.5 of this Code, in terms of its location and amount. Such parking must meet, where applicable, the requirements of Code Section 156 for parking lots, Code Section 159 for parking not on the same lot as the building or use served, and the other provisions of Article 1.5 of the Code. (See discussion of Code Section 159, et seq. above.)

24. Under the provisions of Code Section 303, et seq., the Commission may authorize a Conditional Use only after holding a duly noticed public hearing and making findings that the proposed use will provide a development that is necessary or desirable for and compatible with the neighborhood or the community, that such use 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 and that such use will comply with the applicable provisions of the Code, and will not adversely affect the Master Plan.

25. The proposed Project complies with the criteria of Section 303(c) of the Code in that:

A. The Project would be in keeping with the character and scale of the surrounding neighborhood in that it would involve the provision of needed new arts space constituting, in effect, a transfer of some of the permissible gross floor area from the 800 Chestnut Street main campus, which is surrounded by residential uses, to the relatively less congested 2299 Taylor Street site thereby lessening the transportation demand occasioned by having satellite studio space on Market Street and retaining the existing relatively low density of development on the 800 Chestnut Street site. The proposed addition to the 2299 Taylor Street structure is rather modest in size and can be accommodated within the applicable height limit and rear yard requirement. The Project would provide a desirable service to the Russian Hill and San Francisco communities and, subject to the imposition of appropriate conditions, would not have any negative impacts on the surrounding area. Therefore, the Project would be compatible with and desirable for the neighborhood and the community.

B. The Project proposes the addition of sufficient off-street parking to serve the uses proposed. Subject to the imposition of appropriate conditions governing landscaping, tree replacement, and the location, arrangement and screening of parking, the Project would not be detrimental to the health, safety or general welfare of the residents of the area.

C. The proposed Project would implement the policies of the City's Master Plan which in its Residence Element seeks to provide a quality living environment, to minimize disruption caused by expansion of institutions into residential areas, and to relate land use to controls to the appropriate scale for new and existing residential areas.

The proposed Project would implement the policies of the Urban Design Element of the City's Master Plan which Element seeks to moderate major new development to complement the City pattern and the neighborhood environment, to promote harmony in the visual relationships and transition between new and older buildings, to avoid extreme contrasts which will cause new buildings to stand out in excess of their public importance, to relate the height of buildings to important attributes of the city pattern and to the height and character of existing development, and to relate the bulk of buildings to the prevailing scale of development to avoid an overwhelming or dominating appearance in new construction. The Project would also further other policies of said Urban Design Element to design parking facilities to minimize danger to pedestrians, and to protect the livability and character of residential properties from the intrusion of incompatible new buildings.

D. Subject to the granting by the Zoning Administrator of a Variance for the proposed FAR at 2299 Taylor Street, the proposed Project complies with the applicable provisions of the Code.

26. Code Section 303(e) states that authorization of a change in any condition previously imposed in the authorization of a Conditional Use shall be subject to the same procedures as a new Conditional Use.

27. Code Section 304 permits the Commission to authorize, as a Conditional Use, a Planned Unit Developments ("PUD"). PUD's are intended for projects on sites of half an acre or larger, 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 over-all 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 the Code.

Code Section 304(d) establishes criteria and limitations for the authorization of PUD's over and above those applicable to Conditional Uses in general and contained in Code Section 303(c) and elsewhere in the Code. PUD's must:

1. Affirmatively promote applicable objectives and policies of the Master Plan;
2. Provide off-street parking adequate for the occupancy proposed;
3. Provide open space usable by the occupants and, where appropriate, by the general public, at least equal to the open spaces required by the Code;

4. Be limited in dwelling unit density to less than the density that would be allowed by the Code for a district permitting a greater density, so that the PUD will not be substantially equivalent to a reclassification of property;
 5. 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 (Neighborhood Commercial Cluster) districts under the Code; and
 6. Under no circumstances be excepted from any height limit established by the Code, unless such exception is explicitly authorized by the terms of the Code. In the absence of such an explicit authorization, exceptions from the provisions of this Code with respect to height are confined to minor deviations from the Code provisions for measurement of height, and no such deviation may depart from the purposes or intent of the Code;
 7. In "NC" Districts, be limited in gross floor area to that allowed under the Floor Area Ratio limit permitted for the district in Code Section 124 and Article 7 of the Code; and
 8. In "NC" Districts, not violate the use limitations by story set forth in Article 7 of the Code.
28. The proposed Project complies with the criteria of Section 304(d) of the Code in that:
1. It complies with and affirmatively promotes applicable objectives and policies of the Master Plan as recited above;
 2. It provides the minimum required amounts of off-street parking under the Code which is adequate for the occupancy proposed;
 3. Subject to the imposition of appropriate conditions governing landscaping, tree replacement, and the location, arrangement and screening of parking, it would provide appropriate amounts of open space usable by the occupants and, where appropriate, by the general public, at least equaling open spaces required by the Code (although provided in an alternative manner as a PUD);
 4. It does not involve dwelling units;
 5. It does not include commercial uses; and
 6. It does not seek exception from any height limit established by the Code.
 7. It is not in an "NC" District, however, the idea of transfer of gross floor area from the PUD site (800 Chestnut Street) to the 2299 Taylor Street site (which is within an "NC" District) could be accomplished, as is provided for (conceptually) in Code Section 127, et, seq., by the granting by the Zoning Administrator of the companion Variance request (92.400IECV); and
 8. It is not in an "NC" District, nor is it violative of the use limitations by story set forth in Article 7 of the Code.
29. Since December 31, 1976, Code Section 304.5 has required each medical institution and each post-secondary educational institution in the City and County of San Francisco to have on file with the Department a current Institutional Master Plan ("IMP") describing the existing and anticipated future development of that institution. The SFAI's existence predates the IMP Code

requirement, therefore, this institution had not, before July 8, 1992, filed an IMP as it had (and has) made no substantial changes in its operation since before 1976. The principal purposes of the requirements for IMP's are:

1. To provide notice and information to the Commission, community and neighborhood organizations, other public and private agencies and the general public as to the plans of each affected institution at an early stage, and to give an opportunity for early and meaningful involvement of these groups in such plans prior to substantial investment in property acquisition or building design by the institution;
2. To enable the institution to make modifications to its master plan in response to comments made in public hearings prior to its more detailed planning and prior to any request for authorization by the City of new development proposed in the master plan; and
3. To provide the Commission, community and neighborhood organizations, other public and private agencies, the general public, and other institutions with information that may help guide their decisions with regard to use of, and investment in, land in the vicinity of the institution, provision of public services, and particularly the planning of similar institutions in order to insure that costly duplication of facilities does not occur.

In the case of an institution occupying a site area of one or more acres (as is the case with the SFAI), the plan submitted must be a full IMP and must at a minimum contain textual and graphic descriptions of:

1. The nature of the institution, its history of growth, physical changes in the neighborhood.
2. The present physical plant of the institution.
3. The development plans of the institution for a future period of not less than 10 years, and the physical changes in the institution projected to be needed to achieve those plans.
4. A projection of related services and physical development by others.
5. Any other items as may be reasonably required by the Department or the Commission.

In a case, such as the subject case, in which a full IMP has been filed in accordance with Code requirements, the Commission must hold a public hearing on such plan or revisions. The public hearing conducted by the Commission on any IMP, or revisions thereto, is to be for the receipt of public testimony only, and does not constitute an approval or disapproval of the IMP or revision, or of any facility described therein, by the Commission. On July 8, 1992, the SFAI filed a draft IMP (Case No. 92.400IECV) with the Department. On July 30, 1992, the Commission held the Code-required public hearing on that IMP.

In the case of any institution subject to the IMP requirements of the Code, no Conditional Use required for development by the institution may be authorized by the Commission unless such

development is as described in the IMP, or revisions thereto, filed with the Department and heard by the Commission as provided in the Code, and no hearing may be held or consent calendar item approved by the Commission on any such application for a Conditional Use until six months have elapsed after the date on which the public hearing is commenced on the IMP, or on the revisions thereto that relate to the proposed development.

The Project is in keeping with that which was set forth in the SFAI's IMP. It is also before the Commission in a timely manner consistent with the Code-required six-month waiting period for such Commission action.

30. Code Section 722.11 establishes lot size standards (per development) whereby a development on a lot of up to 4,999 square feet in area is a Principal Permitted Use and a development on a lot of 5,000 or more square feet is a Conditional Use in the North Beach NCD. The 10,440-square-foot size of the subject lot, plus the fact that net new floor area is to be added to the building thereon, trigger this Conditional Use review requirement.

31. Code Section 722.12 requires a rear yard equal to 25% of the lot depth at the second story and above in the North Beach NCD. The proposed third-floor addition to 2299 Taylor Street is stepped back from the rear (westerly) property line in order to comply with this provision.

32. Section 722.17 of the Code requires street trees in conjunction with projects in the North Beach NCD. Final landscaping plans for the Project will include street trees alongside the 2299 Taylor Street property.

33. Code Section 722.21 permits a non-residential use to occupy up to 2,499 square feet of building space as a Principal Permitted Use and 2,500 square feet or more as a Conditional Use in the North Beach NCD. The proposed use of 2299 Taylor Street, at over 25,000 gross square feet of floor area, some of which is net new space, triggers this Conditional Use review requirement.

34. Code Section 722.27 permits commercial establishments to remain open between the hours of 6:00 A.M. and 2:00 A.M. as a Principal Permitted Use and between the hours of 2:00 A.M. and 6:00 A.M. as a Conditional Use in the North Beach NCD. In that the proposed use of the building at 2299 Taylor Street is artists' studio space to be available 24 hours per day, this Conditional Use review requirement is triggered.

35. Code Section 722.81 permits "Other Institutions, Large", as defined in Code Section 790.50, as a Principal Permitted Use at or below the ground story of as building and as a Conditional Use at the second story or above in the North Beach NCD.

Code Section 790.50 defines "Institutions, Other, Large" as a public or private, non- profit or profit-making use which provides services to the community excluding hospitals and medical centers and including, under Subsection 790.50(c), an "Educational Service"; a use certified by the State Educational Agency which provides educational services, such as a school, college or

university. It may include, on the same premises, employee or student dormitories and other housing operated by and affiliated with the institution. The SFAI is such an institution.

36. On April 27, 1950, the Commission adopted Resolution No. 3753 approving Proposal No. Z-50.20, an application to change the Use District Classification of Lot 1 in Assessor's Block 66 (2299 Taylor Street) from a Commercial District to a Light Industrial District, subject to the condition "(t)hat those walls situated on the south and west side of the building shall have no openings or vents for the exhaust of steam or air."

In light of the controls in place under the provisions of the Code relating to the North Beach NCD, it is appropriate that this stipulation be removed from said property. Therefore, said stipulation is hereby eliminated.

37. On March 3, 1966, the Commission adopted Resolution No. 5966 pursuant to Application No. CU66.11 authorizing a Conditional Use for a Planned Unit Development to permit expansion of the SFAI in an R-3 District. Conditions of that approval include a minimum set-back of 15 feet from the Francisco Street lot frontage, the provision of 29 off-street parking spaces and a reservation of the Commission's right to require the addition of 17 more off-street parking spaces at such time as it (the Commission) deemed the 29 required spaces to be insufficient, and a requirement that final plans be reviewed by the Commission.

In the 25 years since the imposition of the aforementioned condition reserving the right to require up to 17 additional parking spaces on the 800 Chestnut Street site, said requirement has never been imposed by the Commission. It is appropriate to conclude that said additional off-street parking was never needed badly enough for such Commission action to have taken place. Therefore, the Commission hereby finds that the Code parking requirement for said 800 Chestnut Street property has been met in its entirety by the provision of said 29 off-street parking spaces and that the right to require up to 17 additional such spaces as described in said Resolution No. 5966 and as iterated in Commission Resolution No. 6255 (see below) is hereby extinguished.

38. On December 8, 1966, the Commission adopted Resolution No. 6072 approving, without further condition(s), final plans for the construction authorized by its Resolution No. 5966. One of the three "WHEREAS" clauses in Resolution No. 6072 states that "(t)he City Planning Commission in reviewing said final plans determined additionally that it would be preferable to retain landscaping on the site rather than devote it to a parking area, and that only in an extreme case of traffic congestion likely only far in the future would it be desirable to supply additional off-street parking in connection with the existing and proposed expanded Art Institute."

39. On August 22, 1968, the Commission adopted Resolution No. 6255 pursuant to Application No. CU68.20 authorizing (with six conditions) a Conditional Use for a Planned Unit Development for expansion of the SFAI in an R-3 District. Said expansion was to consist of "a cafeteria, addition of administrative offices, a 90-seat lecture hall, and an expansion of the

gallery through addition of a covered walkway" and was intended to be additional expansion to that which was permitted under Resolution No. 5966. Condition No. 2 of Resolution No. 6255 iterates the requirement contained in Resolution No. 5966 in stating "(i)f in the future, the City Planning Commission should find the 29 parking spaces shown in the aforementioned plans to be insufficient, then the Planning Commission may require the addition of 17 more off-street parking spaces at that time." (See Finding 37. above.)

40. On January 10, 1990, the SFAI filed Application No. 90.026C requesting authorization of a Conditional Use to permit entertainment activities on its campus at 800 Chestnut Street which activities require "Dance Hall Keeper" and "Place of Entertainment" permits under the Police Code. Subsequently, after Department review of documentation presented by the SFAI, it was determined that the activities in question had been ongoing for some time and that the SFPD's permit requirement was remedial in nature. Thence, the Zoning Administrator obviated the Conditional Use requirement and allowed the SFPD permits to issue. On November 27, 1991, the Conditional Use application was withdrawn by the applicant.

The Commission, after carefully balancing the competing public and private interests, hereby finds that authorization of the requested Conditional Use promotes the health, safety and welfare of the City.

DECISION

That based upon the Record, the submissions by the Applicant, the Staff of the Department of City Planning and other interested parties, the oral testimony presented to this Commission at the public hearing, and all other written materials submitted by all parties, the City Planning Commission hereby APPROVES Conditional Use Application No. 92.400IECV subject to the conditions contained in Exhibit A appended hereto and incorporated herein by reference thereto as though fully set forth.

I hereby certify that the foregoing Motion was ADOPTED by the City Planning Commission on January 28, 1993.

Linda Avery
Commission Secretary

AYES: Commissioners Fung, Boldridge, Levine, Lowenberg, and Prowler

NOES: None

ABSENT: Commissioners Smith and Unobskey

ADOPTED: January 28, 1993

CITY PLANNING COMMISSION

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EXHIBIT A

CONDITIONS OF APPROVAL

1. The authorization contained herein is for the establishment of an artists' studio facility to serve students of the SFAI at 2299 Taylor Street and to place an off-street parking facility to accommodate up to 20 cars on the main SFAI campus property at 800 Chestnut Street generally as shown on plans labeled Exhibit B on file with Application No. 92.400IECV and as described in the text of Motion No. _____ and in said Application. Said Exhibit B shall include a landscaping plan showing retention of the two redwood trees (with seven- and 14-inch trunk diameters) shown on Exhibit B and for replacement trees for those to be removed from the 800 Chestnut Street site, screening of the herein-authorized new off-street parking facility, and street trees along both frontages of the 2299 Taylor Street property. Final plans in general conformity with Exhibit B shall be reviewed and approved by the staff of the Department prior to the issuance of a building permit.
2. Exhibit B plans shall be modified, before they become final plans, to show a retail space or, alternately, an arts-related display space of some kind on or near the corner of Chestnut and Taylor Streets so as to provide a tie-in to the linear retail strip along Columbus Avenue and to provide some sort of street-level visual interest to passers by.
3. The total number of off-street parking spaces required for the Subject Property (both sites together) shall be 49; the 29 spaces required by previous Commission Action and the 20 spaces herein authorized for the 2299 Taylor Street portion of the Project.
4. Final design, layout, landscaping and screening of the 20-space parking lot approved as part of the Project shall be subject to the discretion of the Zoning Administrator who shall also determine the number of spaces needed therein.
5. The SFAI shall have a maximum student body of 750 students as represented in the Application.
6. The SFAI shall appoint a community liaison officer to deal with such issues as neighborhood parking and other matters of concern to nearby residents. The school administration shall report the name and telephone number of this officer to the Zoning Administrator for reference.

Case No. 92.400IECV
2299 Taylor Street and
800 Chestnut Street

SAN FRANCISCO

CITY PLANNING COMMISSION

MOTION NO. 13457

ADOPTING FINDINGS RELATED TO THE AUTHORIZATION OF A CONDITIONAL USE PURSUANT TO APPLICATION NO. 92.400IECV BY THE CITY PLANNING COMMISSION FOR A PLANNED UNIT DEVELOPMENT TO PERMIT, WITHIN THE OTHERWISE-REQUIRED REAR-YARD AREA, A 20-SPACE PARKING LOT TO SERVE AN OFF-SITE ARTS STUDENT STUDIO BUILDING AND TO MODIFY CONDITIONS OF PRIOR CONDITIONAL USE APPROVALS FOR THE SAN FRANCISCO ART INSTITUTE, IN AN RH-3 (HOUSE, THREE-FAMILY) DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT (800 CHESTNUT STREET); AND, A CONDITIONAL USE TO ESTABLISH A LARGE INSTITUTION/EDUCATIONAL SERVICE ON THE SECOND FLOOR AND ABOVE; TO ENLARGE A BUILDING ON A LOT IN EXCESS OF 5,000 SQUARE FEET IN AREA; TO ALLOW A SINGLE USE IN EXCESS OF 2,500 SQUARE FEET; TO PERMIT THE PROPOSED USE TO OPERATE 24 HOURS A DAY; AND, TO REMOVE PRIOR STIPULATIONS IMPOSED BY CITY PLANNING COMMISSION RESOLUTION NO. 3753, WITHIN THE NORTH BEACH NEIGHBORHOOD COMMERCIAL DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT, ALSO REQUIRING A VARIANCE OF THE FLOOR AREA RATIO STANDARDS OF THE CITY PLANNING CODE (2299 TAYLOR STREET).

Preamble

On January 28, 1993, the City Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing on Conditional Use Application No. 92.400IECV at which time the Commission reviewed and discussed the findings prepared for its review by the staff of the Department of City Planning (hereinafter "Department").

Pursuant to the Guidelines of the State Secretary of Resources for the implementation of the California Environmental Quality Act, Barbara W. Sahm, Environmental Review Officer, on January 8, 1993, issued, under Case No. 93.400IECV, a Certificate of Determination of Exemption From Environmental Review, Categorical Exemption (State Guidelines, §15300-15329; Public Resources Code, §21085), State Classes Numbers 1(a), 1(e) and 11(b), for the proposed project. 92.400IECV and 92.400IECV. The Commission has read and considered the information contained in said document in its decision on the subject Conditional Use application.

This Commission has reviewed and considered reports, studies, plans and other documents pertaining to this proposed project.

This Commission has heard and considered the testimony presented to it at the public hearing and has further considered the written materials and oral testimony presented on behalf of the applicant, the Department Staff and other interested parties.

MOVED, That the Commission hereby authorizes the Conditional Use requested in Application No. 92.400IECV subject to the conditions contained in Exhibit A, attached hereto and incorporated herein by reference thereto, based on the following findings:

Findings

Having reviewed all the materials identified in the recitals above, and having heard oral testimony and arguments, this Commission finds, concludes and determines as follows:

1. On October 28, 1992, Sandee L. Blechman, Vice President for Administration, San Francisco Art Institute (hereinafter "SFAI"), authorized agent of the Regents of the University of California, owners of 800 Chestnut Street, and of the Marion B. Gross Trust and the Carol B. Berger Trust, Richard P. Gross and Carol B. Berger, Trustees, owners of 2299 Taylor Street, filed Application No. 92.400IECV to the Department requesting authorization of a Conditional Use for a Planned Unit Development (hereinafter "PUD") to permit, within the otherwise-required rear-yard area, a 20-space parking lot to serve an off-site arts student studio building and to modify conditions of prior Conditional Use approvals for the SFAI, in an RH-3 (House, Three-Family) District and a 40-X Height and Bulk District at 800 Chestnut Street, north side between Jones and Leavenworth Streets, with additional frontage on Jones and Francisco Streets, Lot 1 in Assessor's Block 49 (hereinafter "Subject Property"); and, a Conditional Use to establish a Large Institution/Educational Service on the second floor and above; to enlarge a building on a lot in excess of 5,000 square feet in area; to allow a single use in excess of 2,500 square feet; to permit the proposed use to operate 24 hours a day; and, to remove prior stipulations imposed by Commission Resolution No. 3753, within the North Beach Neighborhood Commercial District ("North Beach NCD") and a 40-X Height and Bulk District, also requiring a Variance of the Floor Area Ratio (hereinafter "FAR") standards of the City Planning Code (hereinafter "Code") at 2299 Taylor Street, southwest corner at Chestnut Street, Lot 1 in Assessor's Block 66 (hereinafter also "Subject Property")(hereinafter altogether "Project").

2. The Subject Property at 800 Chestnut Street is the main campus of the SFAI. The campus contains two interconnected buildings. One is a 43,000-gross-square-foot building designed by the architectural firm of Bakewell and Brown and constructed in 1926. This building is City Landmark No. 85 (effective July 9, 1977). The other building contains approximately 48,000 gross square feet, was designed by Paffard Keating Clay Architects, and was constructed in 1966. Thus, the total square footage of the SFAI buildings is approximately 91,000 square feet. Accordingly, the FAR on this site is approximately 1.12 to 1. Together, these structures cover about 65% of the total site. There are two existing parking lots on site which contain a total of 34 off-street parking spaces (some of which are tandem spaces) which spaces are reserved for

faculty and staff. The SFAI employs 80 staff year-round and 45 regular faculty members with approximately 35 temporary (visiting) faculty each semester.

The regular degree program of the SFAI enrolls approximately 750 students (575 undergraduates, 120 graduate students, and 55 non-degree students). There are two 15-week semesters each year with class in three-hour blocks beginning at 9:00 A.M. and ending at 10:30 P.M. on weekdays. SFAI runs two four- to six-week summer sessions with approximately 100 students each. Additionally, the SFAI's extension/continuing education program enrolls approximately 150 adults and high school students from the community in non-degree classes which run mostly on Saturdays.

As a complement to its academic programs, the SFAI organizes public exhibitions, lectures and symposia which invite participation and attendance by the broader Bay Area community.

In 1988, the SFAI secured a 10-year lease on an entire floor (13,500 square feet) of an office building at 731 Market Street (between Third and Fourth Streets. This space is used for seminar rooms and as studios for graduate students in Painting and Sculpture. It is this space that the SFAI wishes to replace (and expand upon) at 2299 Taylor Street.

3. The Subject Property at 2299 Taylor Street is, at present, developed with a two-story building containing ground-floor commercial space which is occupied by "The Gap", a jeans retailer. The upper floor of this building is designed for and used as parking with its entrance at the westerly end of the steeply up-sloping Chestnut street frontage of the subject lot. This structure covers 100% of its lot.

4. More specifically, the proposed Project would be the addition of approximately 8,910 gross square feet of floor area to the existing building on the 2299 Taylor Street Subject Property and the conversion of that structure to artists' studio space for use by graduate students at the SFAI. This proposed building addition would be in the form of a partial third floor/mezzanine which would cover the front 75% of the depth of the lot.

In 1988, the SFAI contracted a facilities needs study which resulted in a recommendation that approximately 145,000 gross square feet would be needed to accommodate the SFAI's programs assuming a constant enrollment of 750. This represents an increase of approximately 40,500 gross square feet over the existing total space available (including the 13,500 square feet of leased space at 731 Market Street). The 2299 Taylor Street portion of the Project would result in an addition of approximately 25,000 usable square feet of floor space to the SFAI's total. A portion of this gain would be offset, however, by the need to replace the Market Street leased space.

The parking space in the existing 2299 Taylor Street building would be converted to studio space and up to 20 replacement parking spaces would be created in a surface parking lot on the main campus at 800 Chestnut Street in a portion of that lot that was reserved by the Commission in 1966 for possible future parking should the 29 Commission-required spaces have proved to be

too few. Ultimately, additional parking was never required to be provided. The proposed new parking lot would cause the removal of approximately nine trees, two of which are redwood trees with trunks of 14 and seven inches in diameter respectively. The space upon which this new parking lot would be placed is "reserve" space which ultimately may be the site of a (distant) future addition to the SFAI main campus pursuant to the Institutional Master Plan prepared for this institution.

5. The Zoning Administrator has determined that the frontage (for zoning purposes) of the 800 Chestnut Street Subject Property is the Chestnut Street frontage thereof. Therefore, a portion of the proposed parking lot thereon would be within the Code-required rear-yard area. This portion of the Project is being brought before the Commission as a PUD to obviate the Variance that otherwise would have to be sought to excuse this requirement, and to modify conditions of 1966 and 1968 Commission approvals reserving said space for parking in conjunction with the existing SFAI facility.

6. Code Section 101.1 requires that the Master Plan must be an integrated, internally consistent and compatible statement of policies for San Francisco. Code Section 101.1(b) establishes eight Priority Policies which are intended to be the basis upon which inconsistencies in the Master Plan are resolved.

1. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced;
2. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods;
3. That the City's supply of affordable housing be preserved and enhanced;
4. That commuter traffic not impede Muni transit service or overburden our streets or neighborhood parking;
5. 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;
6. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake.
7. That landmarks and historic buildings be preserved; and,
8. That our parks and open space and their access to sunlight and vistas be protected from development.

7. The proposed Project is consistent with the criteria of Section 101.1 of the Code in that:

1. While one neighborhood-serving retail use would cease to exist and space currently devoted to retail use would be converted to institutional use as a result of the Project, the retail use in question is marginal, as evidenced by the lack of desire of the present tenant to renew its expiring lease and by the length of time that the 2299 Taylor Street building has been on the market for sale. On balance, the advantages to the nearby

Russian Hill neighborhood and to the San Francisco community at large of approving the Project, with the condition that some ground-floor space in the 2299 Taylor Street building be reserved for a small retail use or some other use (such as gallery or display space generating pedestrian interest), outweigh the loss of neighborhood-serving retail space;

2. The existing housing and neighborhood character will be enhanced by the Project in that space to be devoted to SFAI use would be transferred to the commercial strip along Columbus Avenue instead of being added to the existing SFAI campus which is surrounded by residential use. This transfer would have the effect of minimizing the non-residential presence of the campus in the midst of residential uses. No housing would be removed by the Project;
3. The supply of affordable housing would not be affected by the Project;
4. The proposed use of the 2299 Taylor Street portion of the Subject Property would bring a segment of the existing SFAI campus population back to the vicinity of the main campus from its present off-site temporary quarters at 731 Market Street. The Project includes the provision of 20 new off-street parking spaces as well as off-street loading to accommodate the expected demand for parking and loading which would be associated with this relocation and expansion of studio space. Thus, this Project would reduce Muni and parking demand downtown. The 2299 Taylor Street site is well served by transit. It is unlikely that commuter traffic would be generated by the Project in that the student population involved would not change and the available Muni service as well as the new off-street parking proposed would be sufficient to safeguard the surrounding neighborhood from parking and traffic problems;
5. The Project is not a commercial office project and would not displace or alter any elements of the City's industrial or service sectors;
6. All work to be done in conjunction with the Project would meet the seismic-safety standards of the San Francisco Building Code;
7. The Project would have a potentially ameliorative effect on the Landmark 1926 SFAI main building in that development pressure generated by increased space needs of the institution, which is surrounded by a built out residential neighborhood, would be addressed on a nearby site (2299 Taylor Street), thereby retaining the character of said Landmark structure;
8. The Project would not decrease City park space or open space nor will it alter access to sunlight or vistas from City parks or open space.

8. Code Section 124 sets forth standards for basic FAR. Code Section 124(a) thereunder states that, except as provided in Code Section 124(b), the basic FAR limits specified in Table 124 apply to each building or development in the districts indicated. Table 124 indicates that the basic FAR limit for both the North Beach NCD and an RH-3 District is 1.8 to 1. Accordingly, the base floor area permissible for the 800 Chestnut Street property is 136,125 square feet (the 75,625-square-foot site size X 1.8). The base floor area available for the 2299 Taylor Street property is 18,792 square feet (although the existing building thereon represents an FAR or approximately "2" as it has 20,880 gross square feet of floor area (the 10,440-square-foot site size X two full floors of coverage). Accordingly, the Applicant has filed Variance Application No. 92.400IECV which seeks to increase the permitted FAR at 2299 Taylor Street to 2.8 to 1.

9. Code Section 134 establishes rear yard requirements which apply to every building in "R" districts. These requirements are intended to assure the protection and continuation of established mid-block, landscaped open spaces, and maintenance of a scale of development appropriate to each district, consistent with the location of adjacent buildings. In an RH-3 District, the basic requirement is for a rear yard equal to 45% of the lot depth to be provided for all structures. This rear yard may be reduced (and the buildable area increased) to a line on the subject property which represents the average of the depth of coverage of the structures on the two adjoining lots. In the case of 800 Chestnut Street, no potential additional buildable area beyond the basic front 55% of the lot is gained through the averaging method (as the structures on the adjoining lots either do not have sufficient depth to justify it or they front on other streets and are, thereby, disqualified from consideration). In the North Beach NCD, a 25% rear yard requirement applies (under Code Section 722.12) at the second story and above and at all residential levels. The proposed addition to the building at 2299 Taylor Street would comply with this standard.

10. Code Section 151 contains the schedule of required off-street parking spaces. In post-secondary educational institution, it requires one off-street parking space for each two classrooms. In conjunction with arts activities and spaces except theater or auditorium spaces, it requires one space for each 2,000 square feet of occupied floor area, where the occupied floor area exceeds 7,500 square feet. The Commission, in authorizing Conditional Uses for Planned Unit Developments for the Art Institute (800 Chestnut Street), both in 1966 and in 1968, established (by condition of approval) the off-street parking requirement for this institution as 29 spaces. In conjunction with the proposed use of 2299 Taylor Street, 13 off-street parking spaces would be required, which spaces are proposed to be provided at the 800 Chestnut Street site.

11. Section 152, et seq., of the Code contains the schedule of required off-street freight loading spaces in Districts other than C-3 or South of Market. The proposed use at 2299 Taylor Street, at under 100,000 gross square feet of floor area, is smaller in size than that for which Table 152 requires the provision of off-street loading. Therefore, the Project does not require an off-street loading dock under this Section, however, an off-street loading area is proposed at the second level of that structure making use of the driveway entrance to the existing parking level.

12. Code Section 159 establishes standards for required off-street parking not on the same lot as the structure or use served. Code Section 159(c) requires that off-street parking spaces for all uses other than dwellings must be located on the same lot as the use served, as an accessory use; or within a walking distance of 800 feet, as either a Principal or a Conditional Use, depending upon the use provisions applicable to the district in which such parking is located. The two subject properties are within the specified 800 feet of walking distances from each other. (See discussion of Code Section 209.7(c) below.)

13. Under Code Section 159(e), in order to be credited toward the requirements of the Code, any off-street parking space located as above on a lot other than the lot on which the structure or use to be served is located must be available for the actual lifetime of the structure or use to be served. Such availability must be assured either by ownership of both the lot containing the structure or use to be served and the lot containing the off-street parking space by at least one common owner, or by a lease or other instrument providing for the availability of the parking

space for not less than the actual lifetime of the structure or use to be served. A document in a form approved by the City Attorney must be executed by the parties concerned, and by the Zoning Administrator, and recorded in the office of the County Recorder, serving as a notice of the restrictions under the Code applying to both the lot containing the structure or use to be served and to the lot containing the off-street parking space, by virtue of this arrangement for provision of required off-street parking.

14. Code Section 204.5 establishes standards for parking and loading as accessory uses. In order to be classified as an accessory use, off-street parking and loading must meet all of the following conditions:

- (a) Such parking or loading facilities must be located on the same lot as the structure or use served by them.
- (b) Such parking or loading facilities must be for use by the occupants, patrons, employees or services of the structure or use to which they are accessory.
- (c) Accessory parking facilities shall include only those facilities which do not exceed 150% of the required number of spaces where three or more spaces are required by the Code.

In the subject case, the parking proposed for the 800 Chestnut Street site is not classified by the Code as "accessory parking" in that it is not on the same lot as the use served (which is at 2299 Taylor Street).

15. Section 209 of the Code sets forth the permitted uses in "R" districts. Code Section 209.3(i) thereunder permits, as a Conditional Use in all "R" districts, a post-secondary educational institution for the purposes of academic, professional, business or fine arts education, which institution has met the applicable provisions of Section 304.5 of the Code concerning institutional master plans. The SFAI is such an institution.

16. Code Section 209.7 permits, as a Conditional Use in all "R" districts, an off-street parking facility to serve a use permitted in any "R" district, when such parking is not classified as accessory parking for such use, under the provisions of Section 204.5 of this Code, in terms of its location and amount. Such parking must meet, where applicable, the requirements of Code Section 156 for parking lots, Code Section 159 for parking not on the same lot as the building or use served, and the other provisions of Article 1.5 of the Code. (See discussion of Code Section 159, et seq. above.)

17. Under the provisions of Code Section 303, et seq., the Commission may authorize a Conditional Use only after holding a duly noticed public hearing and making findings that the proposed use will provide a development that is necessary or desirable for and compatible with the neighborhood or the community, that such use 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 and that such use will comply with the applicable provisions of the Code, and will not adversely affect the Master Plan.

18. The proposed Project complies with the criteria of Section 303(c) of the Code in that:

A. The Project would be in keeping with the character and scale of the surrounding neighborhood in that it would involve the provision of needed new arts space without affecting the 800 Chestnut Street main campus, which is surrounded by residential uses, at the relatively less congested 2299 Taylor Street site thereby, lessening the transportation demand occasioned by having satellite studio space on Market Street and retaining the existing relatively low density of development on the 800 Chestnut Street site. The proposed addition to the 2299 Taylor Street structure is rather modest in size and can be accommodated within the applicable height limit and rear yard requirement. The Project would provide a desirable service to the Russian Hill and San Francisco communities and, subject to the imposition of appropriate conditions, would not have any negative impacts on the surrounding area. Therefore, the Project would be compatible with and desirable for the neighborhood and the community.

B. The Project proposes the addition of sufficient off-street parking to serve the uses proposed. Subject to the imposition of appropriate conditions governing landscaping, tree replacement, and the location, arrangement and screening of parking, the Project would not be detrimental to the health, safety or general welfare of the residents of the area.

C. The proposed Project would implement the policies of the City's Master Plan which in its Residence Element seeks to provide a quality living environment, to minimize disruption caused by expansion of institutions into residential areas, and to relate land use to controls to the appropriate scale for new and existing residential areas.

The proposed Project would implement the policies of the Urban Design Element of the City's Master Plan which Element seeks to moderate major new development to complement the City pattern and the neighborhood environment, to promote harmony in the visual relationships and transition between new and older buildings, to avoid extreme contrasts which will cause new buildings to stand out in excess of their public importance, to relate the height of buildings to important attributes of the city pattern and to the height and character of existing development, and to relate the bulk of buildings to the prevailing scale of development to avoid an overwhelming or dominating appearance in new construction. The Project would also further other policies of said Urban Design Element to design parking facilities to minimize danger to pedestrians, and to protect the livability and character of residential properties from the intrusion of incompatible new buildings.

D. Subject to the granting by the Zoning Administrator of a Variance for the proposed FAR at 2299 Taylor Street, the proposed Project complies with the applicable provisions of the Code. A smaller Project (at the 2299 Taylor Street site) not requiring the requested FAR Variance would also be in compliance with the provisions of the Code.

19. Code Section 303(e) states that authorization of a change in any condition previously imposed in the authorization of a Conditional Use shall be subject to the same procedures as a new Conditional Use.

20. Code Section 304 permits the Commission to authorize, as a Conditional Use, a Planned Unit Developments ("PUD"). PUD's are intended for projects on sites of half an acre or larger, 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 over-all 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 the Code.

Code Section 304(d) establishes criteria and limitations for the authorization of PUD's over and above those applicable to Conditional Uses in general and contained in Code Section 303(c) and elsewhere in the Code. PUD's must:

1. Affirmatively promote applicable objectives and policies of the Master Plan;
2. Provide off-street parking adequate for the occupancy proposed;
3. Provide open space usable by the occupants and, where appropriate, by the general public, at least equal to the open spaces required by the Code;
4. Be limited in dwelling unit density to less than the density that would be allowed by the Code for a district permitting a greater density, so that the PUD will not be substantially equivalent to a reclassification of property;
5. 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 (Neighborhood Commercial Cluster) districts under the Code; and
6. Under no circumstances be excepted from any height limit established by the Code, unless such exception is explicitly authorized by the terms of the Code. In the absence of such an explicit authorization, exceptions from the provisions of this Code with respect to height are confined to minor deviations from the Code provisions for measurement of height, and no such deviation may depart from the purposes or intent of the Code;
7. In "NC" Districts, be limited in gross floor area to that allowed under the Floor Area Ratio limit permitted for the district in Code Section 124 and Article 7 of the Code; and
8. In "NC" Districts, not violate the use limitations by story set forth in Article 7 of the Code.

21. The proposed Project complies with the criteria of Section 304(d) of the Code in that:

1. It complies with and affirmatively promotes applicable objectives and policies of the Master Plan as recited above;
2. It provides the minimum required amounts of off-street parking under the Code which is adequate for the occupancy proposed;
3. Subject to the imposition of appropriate conditions governing landscaping, tree replacement, and the location, arrangement and screening of parking, it would provide appropriate amounts of open space usable by the occupants and, where

appropriate, by the general public, at least equaling open spaces required by the Code (although provided in an alternative manner as a PUD);

4. It does not involve dwelling units;
5. It does not include commercial uses; and
6. It does not seek exception from any height limit established by the Code.
7. The PUD portion of the overall Project is not in an "NC" District; and
8. The PUD portion of the overall Project is not in an "NC" District, nor is it violative of the use limitations by story set forth in Article 7 of the Code.

22. Since December 31, 1976, Code Section 304.5 has required each medical institution and each post-secondary educational institution in the City and County of San Francisco to have on file with the Department a current Institutional Master Plan ("IMP") describing the existing and anticipated future development of that institution. The SFAI's existence predates the IMP Code requirement, therefore, this institution had not, before July 8, 1992, filed an IMP as it had (and has) made no substantial changes in its operation since before 1976.

After the first filing of an IMP, at intervals of two years, each affected institution must file a report with the Department describing the current status of its IMP. In addition, any substantial revisions to the IMP already on file with the Department must be filed with the Department as soon as such revisions have been formalized by the management of the institution.

At the Commission's public hearing on Application No. 92.400IECV, there was substantial testimony regarding parking problems in the vicinity of the Subject Property. In response to this testimony, the SFAI, will include a parking study in its next two-year IMP update.

The principal purposes of the requirements for IMP's are:

1. To provide notice and information to the Commission, community and neighborhood organizations, other public and private agencies and the general public as to the plans of each affected institution at an early stage, and to give an opportunity for early and meaningful involvement of these groups in such plans prior to substantial investment in property acquisition or building design by the institution;
2. To enable the institution to make modifications to its master plan in response to comments made in public hearings prior to its more detailed planning and prior to any request for authorization by the City of new development proposed in the master plan; and
3. To provide the Commission, community and neighborhood organizations, other public and private agencies, the general public, and other institutions with information that may help guide their decisions with regard to use of, and investment in, land in the vicinity of the institution, provision of public services, and particularly the planning of similar institutions in order to insure that costly duplication of facilities does not occur.

In the case of an institution occupying a site area of one or more acres (as is the case with the SFAI), the plan submitted must be a full IMP and must at a minimum contain textual and graphic descriptions of:

1. The nature of the institution, its history of growth, physical changes in the neighborhood.
2. The present physical plant of the institution.
3. The development plans of the institution for a future period of not less than 10 years, and the physical changes in the institution projected to be needed to achieve those plans.
4. A projection of related services and physical development by others.
5. Any other items as may be reasonably required by the Department or the Commission.

In a case, such as the subject case, in which a full IMP has been filed in accordance with Code requirements, the Commission must hold a public hearing on such plan or revisions. The public hearing conducted by the Commission on any IMP, or revisions thereto, is to be for the receipt of public testimony only, and does not constitute an approval or disapproval of the IMP or revision, or of any facility described therein, by the Commission. On July 8, 1992, the SFAI filed a draft IMP (Case No. 92.400IECV) with the Department. On July 30, 1992, the Commission held the Code-required public hearing on that IMP.

In the case of any institution subject to the IMP requirements of the Code, no Conditional Use required for development by the institution may be authorized by the Commission unless such development is as described in the IMP, or revisions thereto, filed with the Department and heard by the Commission as provided in the Code, and no hearing may be held or consent calendar item approved by the Commission on any such application for a Conditional Use until six months have elapsed after the date on which the public hearing is commenced on the IMP, or on the revisions thereto that relate to the proposed development.

The Project is in keeping with that which was set forth in the SFAI's IMP. It is also before the Commission in a timely manner consistent with the Code-required six-month waiting period for such Commission action.

23. Code Section 722.11 establishes lot size standards (per development) whereby a development on a lot of up to 4,999 square feet in area is a Principal Permitted Use and a development on a lot of 5,000 or more square feet is a Conditional Use in the North Beach NCD. The 10,440-square-foot size of the subject lot, plus the fact that net new floor area is to be added to the building thereon, trigger this Conditional Use review requirement.

24. Code Section 722.12 requires a rear yard equal to 25% of the lot depth at the second story and above in the North Beach NCD. The proposed third-floor addition to 2299 Taylor Street is stepped back from the rear (westerly) property line in order to comply with this provision.

25. Section 722.17 of the Code requires street trees in conjunction with projects in the North Beach NCD. Final landscaping plans for the Project will include street trees alongside the 2299 Taylor Street property.

26. Code Section 722.21 permits a non-residential use to occupy up to 2,499 square feet of building space as a Principal Permitted Use and 2,500 square feet or more as a Conditional Use

in the North Beach NCD. The proposed use of 2299 Taylor Street, at over 25,000 square feet of occupied floor area, some of which is net new space, triggers this Conditional Use review requirement.

27. Code Section 722.27 permits commercial establishments to remain open between the hours of 6:00 A.M. and 2:00 A.M. as a Principal Permitted Use and between the hours of 2:00 A.M. and 6:00 A.M. as a Conditional Use in the North Beach NCD. In that the proposed use of the building at 2299 Taylor Street, artists' studio space, is not technically "commercial" space, this review requirement is not in effect, however, this Section is noted in that the proposed use is to be available 24 hours per day.

28. Code Section 722.81 permits "Other Institutions, Large", as defined in Code Section 790.50, as a Principal Permitted Use at or below the ground story of as building and as a Conditional Use at the second story or above in the North Beach NCD.

Code Section 790.50 defines "Institutions, Other, Large" as a public or private, non-profit or profit-making use which provides services to the community excluding hospitals and medical centers and including, under Subsection 790.50(c), an "Educational Service"; a use certified by the State Educational Agency which provides educational services, such as a school, college or university. It may include, on the same premises, employee or student dormitories and other housing operated by and affiliated with the institution. The SFAI is such an institution.

29. On April 27, 1950, the Commission adopted Resolution No. 3753 approving Proposal No. Z-50.20, an application to change the Use District Classification of Lot 1 in Assessor's Block 66 (2299 Taylor Street) from a Commercial District to a Light Industrial District, subject to the condition "(t)hat those walls situated on the south and west side of the building shall have no openings or vents for the exhaust of steam or air."

In light of the controls in place under the provisions of the Code relating to the North Beach NCD, it is appropriate that this stipulation be removed from said property. Therefore, said stipulation is hereby eliminated.

30. On March 3, 1966, the Commission adopted Resolution No. 5966 pursuant to Application No. CU66.11 authorizing a Conditional Use for a Planned Unit Development to permit expansion of the SFAI in an R-3 District. Conditions of that approval include a minimum set-back of 15 feet from the Francisco Street lot frontage, the provision of 29 off-street parking spaces and a reservation of the Commission's right to require the addition of 17 more off-street parking spaces at such time as it (the Commission) deemed the 29 required spaces to be insufficient, and a requirement that final plans be reviewed by the Commission.

In the 25 years since the imposition of the aforementioned condition reserving the right to require up to 17 additional parking spaces on the 800 Chestnut Street site, said requirement has never been imposed by the Commission. It is appropriate to conclude that said additional off-street parking was never needed badly enough for such Commission action to have taken place. Therefore, the Commission hereby finds that the Code parking requirement for said 800 Chestnut Street property has been met in its entirety by the provision of said 29 off-street parking

spaces and that the right to require up to 17 additional such spaces as described in said Resolution No. 5966 and as iterated in Commission Resolution No. 6255 (see below) is hereby extinguished.

31. On December 8, 1966, the Commission adopted Resolution No. 6072 approving, without further condition(s), final plans for the construction authorized by its Resolution No. 5966. One of the three "WHEREAS" clauses in Resolution No. 6072 states that "(t)he City Planning Commission in reviewing said final plans determined additionally that it would be preferable to retain landscaping on the site rather than devote it to a parking area, and that only in an extreme case of traffic congestion likely only far in the future would it be desirable to supply additional off-street parking in connection with the existing and proposed expanded Art Institute."

32. On August 22, 1968, the Commission adopted Resolution No. 6255 pursuant to Application No. CU68.20 authorizing (with six conditions) a Conditional Use for a Planned Unit Development for expansion of the SFAI in an R-3 District. Said expansion was to consist of "a cafeteria, addition of administrative offices, a 90-seat lecture hall, and an expansion of the gallery through addition of a covered walkway" and was intended to be additional expansion to that which was permitted under Resolution No. 5966. Condition No. 2 of Resolution No. 6255 iterates the requirement contained in Resolution No. 5966 in stating "(i)f in the future, the City Planning Commission should find the 29 parking spaces shown in the aforementioned plans to be insufficient, then the Planning Commission may require the addition of 17 more off-street parking spaces at that time." (See Finding 30. above.)

33. On January 10, 1990, the SFAI filed Application No. 90.026C requesting authorization of a Conditional Use to permit entertainment activities on its campus at 800 Chestnut Street which activities require "Dance Hall Keeper" and "Place of Entertainment" permits under the Police Code. Subsequently, after Department review of documentation presented by the SFAI, it was determined that the activities in question had been ongoing for some time and that the SFPD's permit requirement was being applied retroactively. In light of this new information, the Zoning Administrator reversed his ruling on the Conditional Use requirement and allowed the SFPD permits to issue. On November 27, 1991, the Conditional Use application was withdrawn by the applicant.

The Commission, after carefully balancing the competing public and private interests, hereby finds that authorization of the requested Conditional Use promotes the health, safety and welfare of the City.

DECISION

That based upon the Record, the submissions by the Applicant, the Staff of the Department of City Planning and other interested parties, the oral testimony presented to this Commission at the public hearing, and all other written materials submitted by all parties, the City Planning Commission hereby APPROVES Conditional Use Application No. 92.400IECV subject to the conditions contained in Exhibit A appended hereto and incorporated herein by reference thereto as though fully set forth.

I hereby certify that the foregoing Motion was ADOPTED by the City Planning Commission on January 28, 1993.

Linda Avery
Secretary

AYES: Commissioners Fung, Boldridge, Levine, Lowenberg and Prowler

NOES: None

ABSENT: Commissioners Smith and Unobskey

ADOPTED: January 28, 1993

LJM/685
CITY PLANNING COMMISSION

File No. 92.400IECV
2299 Taylor Street and
800 Chestnut Street
Motion No. 13457

EXHIBIT A

CONDITIONS OF APPROVAL

1. The authorization contained herein is for the establishment of an artists' studio facility to serve students of the SFAI at 2299 Taylor Street and to place an off-street parking facility to accommodate up to 20 cars on the main SFAI campus property at 800 Chestnut Street generally as shown on plans labeled Exhibit B on file with Application No. 92.400IECV and as described in the text of Motion No. 13457 and in said Application. Said Exhibit B shall include a landscaping plan showing retention of the two redwood trees (with seven- and 14-inch trunk diameters) shown on Exhibit B and for replacement trees for those to be removed from the 800 Chestnut Street site, screening of the herein-authorized new off-street parking facility, and street trees along both frontages of the 2299 Taylor Street property. Final plans in general conformity with Exhibit B shall be reviewed and approved by the staff of the Department prior to the issuance of a building permit.
2. Exhibit B plans shall be modified, before they become final plans, to show a retail space or, alternately, an arts-related display space of some kind on or near the corner of Chestnut and Taylor Streets so as to provide a tie-in to the linear retail strip along Columbus Avenue and to provide some sort of street-level visual interest to passers by.
3. The total number of off-street parking spaces required for the Subject Property (both sites together) shall be 48; the 29 spaces required by previous Commission Action and 19 spaces herein authorized for the 2299 Taylor Street portion of the Project (13 spaces to

satisfy the Code off-street parking requirement for the proposed use of the 2299 Taylor Street building and six additional accessory spaces to meet the parking of the SFAI).

4. Final design, layout, landscaping and screening of the 20-space parking lot approved as part of the Project shall be subject to the discretion of the Zoning Administrator who shall also determine the number of spaces needed therein.
5. The SFAI shall have a maximum student body of approximately 750 students as set forth in the IMP.
6. The SFAI shall appoint a community liaison officer to deal with such issues as neighborhood parking and other matters of concern to nearby residents. The school administration shall report the name and telephone number of this officer to the Zoning Administrator for reference.

7. The outdoor roof deck shown on the Exhibit B plans shall include a screening element along its south and west sides to provide visual and noise insulation with respect to adjacent properties. Use of said outdoor roof deck shall not be permitted between the hours of 8:30 P.M. and 8:30 A.M. The design of said screening element shall accommodate to the extent feasible continued passage of light and air to nearby windows in the building to the south.

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