



# CONDITIONAL USE AUTHORIZATION

## INFORMATIONAL AND SUPPLEMENTAL APPLICATION PACKET

**ATTENTION: A Project Application must be completed and/or attached prior to submitting this Supplemental Application. See the [Project Application](#) for instructions.**

Pursuant to Planning Code Section 303, the Planning Commission shall hear and make determinations regarding Conditional Use Authorization applications.

For questions, call 415.558.6377, email [pic@sfgov.org](mailto:pic@sfgov.org), or visit the Planning Information Center (PIC) at 1660 Mission Street, First Floor, San Francisco, where planners are available to assist you.

**Español:** Si desea ayuda sobre cómo llenar esta solicitud en español, por favor llame al 415.575.9010. Tenga en cuenta que el Departamento de Planificación requerirá al menos un día hábil para responder

**中文:** 如果您希望獲得使用中文填寫這份申請表的幫助，請致電415.575.9010。請注意，規劃部門需要至少一個工作日來回應。

**Tagalog:** Kung gusto mo ng tulong sa pagkumpleto ng application na ito sa Filipino, paki tawagan ang 415.575.9120. Paki tandaan na mangangailangan ang Planning Department ng hindi kukulangin sa isang araw na pantrabaho para makasagot.

### WHAT IS A CONDITIONAL USE AUTHORIZATION?

A Conditional Use refers to a use that is not principally permitted in a particular Zoning District. Conditional Uses require a Planning Commission hearing in order to determine if the proposed use is necessary or desirable to the neighborhood, whether it may potentially have a negative effect on the surrounding neighborhood, and whether the use complies with the San Francisco General Plan. During this public hearing the Planning Commission will “condition” the use by applying operational conditions that may minimize neighborhood concerns as well as other conditions that may be required by the Department and the Planning Code. Conditional Use Authorizations are entitlements that run with the property, not the operator.

### WHEN IS A CONDITIONAL USE AUTHORIZATION NECESSARY?

For each Zoning District, the Planning Code contains use charts that list types of uses and whether each is permitted as of right (P), conditionally permitted (C), or not permitted (NP or blank). In addition to those particular uses, the Conditional Use Authorization process is utilized for various other applications included but not limited to dwelling unit removal, Planned Unit Developments (PUD's), and for off-street parking in certain Zoning Districts. Please consult a planner at the Planning Information Counter (PIC) for additional information regarding these applications.

### Fees

Please refer to the [Planning Department Fee Schedule](#) available at [www.sfplanning.org](http://www.sfplanning.org) or at the Planning Information Center (PIC) located at 1660 Mission Street, First Floor, San Francisco. For questions related to the Fee Schedule, please call the PIC at 415.558.6377.

Fees will be determined based on the estimated construction costs. Should the cost of staff time exceed the initial fee paid, an additional fee for time and materials may be billed upon completion of the hearing process or permit approval. Additional fees may also be collected for preparation and recordation of any documents with the San Francisco Assessor-Recorder's office and for monitoring compliance with any conditions of approval.



# San Francisco Planning

## CONDITIONAL USE AUTHORIZATION

### SUPPLEMENTAL APPLICATION

#### Property Information

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Project Address: See attached

Block/Lot(s): See attached

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#### Action(s) Requested

Action(s) Requested (Including Planning Code Section(s) which authorizes action)

Master conditional use authorization pursuant to Development Agreement between the City and County of San Francisco and The Stephens Institute, dba Academy of Art University and the LLC Parties, with respect to the Academy's Properties and Affordable Housing Public Benefits.

#### Conditional Use Findings

Pursuant to Planning Code Section 303(c), before approving a conditional use authorization, the Planning Commission needs to find that the facts presented are such to establish the findings stated below. In the space below and on separate paper, if necessary, please present facts sufficient to establish each finding.

1. That the proposed use or feature, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable for, and compatible with, the neighborhood or the community. If the proposed use exceeds the non-residential use size limitations for the zoning district, additional findings must be provided per Planning Code Section 303(c)(1)(A-C).

See attached.

2. That such use or feature as proposed will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity, or injurious to property, improvements or potential development in the vicinity, with respect to aspects including but not limited to the following:
  - a. The nature of the proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;
  - b. 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;
  - c. The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor;
  - d. Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs.

See attached.

3. That such use or feature as proposed will comply with the applicable provisions of this Code and will not adversely affect the General Plan.

See attached.

4. The use or feature satisfies any criteria specific to the use of features listed in Planning Code Section 303(g), et seq.

See attached.

# APPLICANT'S AFFIDAVIT

Under penalty of perjury the following declarations are made:

- a) The undersigned is the owner or authorized agent of the owner of this property.
- b) The information presented is true and correct to the best of my knowledge.
- c) Other information or applications may be required.
- d) I hereby authorize City and County of San Francisco Planning staff to conduct a site visit of this property as part of the City's review of this application, making all portions of the interior and exterior accessible through completion of construction and in response to the monitoring of any condition of approval.
- e) I attest that personally identifiable information (PII) - i.e. social security numbers, driver's license numbers, bank accounts - have not been provided as part of this application. Furthermore, where supplemental information is required by this application, PII has been redacted prior to submittal to the Planning Department. I understand that any information provided to the Planning Department becomes part of the public record and can be made available to the public for review and/or posted to Department websites.



Signature

October 10, 2019

Date

Authorized Applicant

415-999-4402

Jim Abrams

Name (Printed)

[jabrams@jabramslaw.com](mailto:jabrams@jabramslaw.com)

Relationship to Project  
(i.e. Owner, Architect, etc.)

Phone

Email

For Department Use Only

Application received by Planning Department:

By: \_\_\_\_\_

Date: \_\_\_\_\_

**Attachment to Master Conditional Use Authorization Application Supplement  
October 10, 2019**

*Filed pursuant to Development Agreement between the City and County of San Francisco and  
The Stephens Institute, dba Academy of Art University and the LLC Parties, with respect to the  
Academy's Properties and Affordable Housing Public Benefits.*

**Properties Subject to this Application**

The following properties are subject to Master Conditional Use Authorization under the above-described Development Agreement and are listed by common address and Assessor's Block and Lot. Included with this submission are plan sets describing existing conditions and proposed improvements as authorized and/or required by the Development Agreement.

- 1) 410 Bush Street (Block 0270, Lot 007)
- 2) 540 Powell Street (Block 0285, Lot 009)
- 3) 625 Sutter Street (Block 0297, Lot 014)
- 4) 560 Powell Street (Block 0285, Lot 010)
- 5) 620 Sutter Street (Block 0283, Lot 004A)
- 6) 655 Sutter Street (Block 0297, Lot 012)
- 7) 680 Sutter Street (Block 0283, Lot 007)
- 8) 736 Jones Street (Block 0298, Lot 027)
- 9) 825 Sutter Street (Block 0299, Lot 021)
- 10) 860 Sutter Street (Block 0281, Lot 006)
- 11) 1080 Bush Street (Block 0276, Lot 015)
- 12) 1153 Bush Street (Block 0280, Lot 026)
- 13) 740 Taylor Street (Block 0283, Lot 012)
- 14) 491 Post Street (Block 0307, Lot 009)
- 15) 601 Brannan Street (Block 3785, Lot 132)
- 16) 58 Federal Street (Block 3774, Lot 074)
- 17) 79 New Montgomery Street (Block 3707, Lot 014)
- 18) 180 New Montgomery Street (Block 3722, Lot 022)
- 19) 466 Townsend Street (Block 3785, Lot 005)
- 20) 575 Harrison Street (Block 3764, Lots 198 - 230)
- 21) 1900 Jackson Street (Block 0592, Lot 004A)
- 22) 1727 Lombard Street (Block 0506, Lot 036)
- 23) 1916 Octavia Street (Block 0640, Lot 011)
- 24) 2550 Van Ness Avenue (Block 0526, Lot 021)
- 25) 2211 Van Ness Avenue (Block 0570, Lot 005)
- 26) 2209 Van Ness Avenue (Block 0570, Lot 029)
- 27) 2151 Van Ness Avenue (Block 0575, Lot 015)
- 28) 1946 Van Ness Avenue (Block 0598, Lot 010A)
- 29) 1849 Van Ness Avenue (Block 0618, Lots 001 and 001B)
- 30) 1142 Van Ness Avenue (Block 0694, Lot 011)
- 31) 950 Van Ness Avenue (Block 0718, Lots 021 & 017)
- 32) 625 Polk Street (Block 0742, Lot 002)
- 33) 2801 Leavenworth Street (Block 0010, Lot 001)
- 34) 2225 Jerrold Avenue (Block 5286A, Lot 020)

Owner/Applicant Information

Project Sponsor: The Stephens Institute dba the Academy of Art University &  
“LLC Parties” listed on Letter of Authorization on file with  
Planning Department for above-listed Case Number 2008.0586  
79 New Montgomery Street  
San Francisco, CA 94105  
Phone: 415-618-6537  
Attn: Gordon North

Applicant/Project Contact: J. Abrams Law, P.C.  
1 Maritime Plaza, Suite 1900  
San Francisco, CA 94111  
Phone: 415-999-4402  
Attn: Jim Abrams

Architect: TEF Design  
1420 Sutter Street  
San Francisco, CA 94109  
Phone: 415-391-7819  
Attn: Paul Cooper

Proposed Project-Wide Conditional Use Findings

Pursuant to the Development Agreement, the Academy of Art University and the LLC Parties (the “**Academy**”) propose the following across-property master conditional use findings:

- 1) *That the proposed use or feature, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable for, and compatible with, the neighborhood or the community. If the proposed use exceeds the non-residential use size limitations for the zoning district, additional findings must be provided per Planning Code Section 303(c)(1)(A-C).*

The Master Conditional Use Authorization is requested in a manner consistent with the Academy’s July 5, 2019 Institutional Master Plan (“IMP”), which was accepted by the Planning Commission on July 25, 2019 and reflects the efforts of the Academy, following years of coordination with the City, to accommodate the space and operational needs of a sizable post-secondary educational institution in an urban setting. As more fully set forth in the IMP, the Academy’s proposed uses at 34 properties largely consolidates the Academy’s uses into clusters in the South of Market, Financial District, North of Market-Union Square and Van Ness Avenue Corridor, where post-secondary educational institution uses and associated student housing integrate well with the surrounding neighborhood.

- 2) *That such use or feature as proposed will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity, or injurious to property, improvements or potential development in the vicinity, with respect to aspects including but not limited to the following:*
  - a. *The nature of the proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;*
  - b. *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;*
  - c. *The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor;*
  - d. *Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking and loading areas, services areas, lighting and signs.*

The Academy’s proposed uses at 34 properties will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity, nor will they be injurious to property, improvements or potential development. All of the Academy’s proposed uses are in existing structures requiring only minor Code upgrades and other renovations for the Academy’s use. As described with regards to proposed non-accessory parking uses, the Academy strives to be a car-free campus and its policy is to not provide any off-street parking for its students. The Academy respectfully submits that parking demand generated by the Academy’s uses (primarily faculty, staff and visitor parking) will be adequately provided at the eight Academy sites containing off-street parking, which are 601 Brannan Street, 58 Federal Street, 2225 Jerrold Avenue (containing parking both for the Academy and the proposed

Community Facility use), 575 Harrison, 1727 Lombard Street, 1900 Jackson Street, 410 Bush Street and 2550 Van Ness Avenue. The proposed plans included with this submission reflect the Academy's proposal to landscape and/or screen at-grade parking uses.

The proposed plans also reflect the Academy's efforts to provide new open space, where feasible, and reflect lighting and signage packages either previously legalized or conforming to applicable City standards. It is not anticipated that any of the Academy's uses will create noxious or offensive emissions such as noise, glare, dust or odor.

- 3) *That such use or feature as proposed will comply with the applicable provisions of this Code and will not adversely affect the General Plan.*

The Academy set forth proposed consistency findings with the General Plan in its IMP. Plan set submissions to the Planning Department for each property are intended to demonstrate that the Academy's proposed uses will comply with the Planning Code or otherwise identify instances where a Code exception or legislative amendment is necessary to bring the Academy's uses into compliance.

- 4) *The use or feature satisfies any criteria specific to the use of features listed in Planning Code Section 303(g), et seq.*

See proposed findings for non-accessory parking, pursuant to the requirements of Planning Code Section 303(t).

#### Proposed Findings for Non-Accessory Private Parking Uses

- (1) *In all zoning districts, the Planning Commission shall apply the following criteria:*
  - (A) *Demonstration that trips to the use or uses to be served, and the apparent demand for additional parking, cannot be satisfied by the amount of parking classified by this Code as accessory, by transit service which exists or is likely to be provided in the foreseeable future, by car pool arrangements, by more efficient use of existing on-street and off-street parking available in the area, and by other means;*
  - (B) *Demonstration that the apparent demand for additional parking cannot be satisfied by the provision by the applicant of one or more car-share parking spaces in addition to those that may already be required by Section 166 of this Code;*
  - (C) *The absence of potential detrimental effects of the proposed parking upon the surrounding area, especially through unnecessary demolition of sound structures, contribution to traffic congestion, or disruption of or conflict with transit services, walking, and cycling;*
  - (D) *In the case of uses other than housing, limitation of the proposed parking to short-term occupancy by visitors rather than long-term occupancy by employees; and*
  - (E) *Availability of the proposed parking to the general public at times when such parking is not needed to serve the use or uses for which it is primarily intended.*



The Academy strives to be a car-free campus and its policy is to not provide any off-street parking for its students. Across its urban campus, the Academy proposes off-street parking spaces at only eight of 34 sites, to be used by faculty, staff and visitors, which are 601 Brannan Street, 58 Federal Street, 2225 Jerrold Avenue, 575 Harrison, 1727 Lombard Street, 1900 Jackson Street, 410 Bush Street and 2550 Van Ness Avenue. Of those properties, four sites (575 Harrison Street, 1727 Lombard Street, 1900 Jackson Street and 2550 Van Ness Avenue) are student housing sites, where last-legal accessory parking is proposed for conversion to off-street parking available to faculty and staff who work at nearby Academy properties or are visiting the site for short-term visits, as opposed to students residing at those properties. The proposed conversion of these existing parking uses at these four properties is therefor considered non-accessory under the Planning Code; however, the Academy respectfully submits that is reasonable component of an urban post-secondary educational institution, if not technically accessory under the Planning Code.

As reflected in the plan sets for the four properties proposed to contain non-accessory parking, existing off-street parking will be cumulatively decreased from a total of 132 spaces to 100, reflecting an effort by the Academy to provide an appropriate amount of parking commensurate with reasonably anticipated faculty and staff parking demand. As the off-street parking uses are existing, no detrimental effect of the use is foreseeable. As the parking is available to faculty and staff for both normal school hours, as well as off-peak hours, the spaces are proposed for the exclusive use of the Academy.

*(2) For Non-Accessory Parking in Mixed Use Districts:*

*(A) A non-accessory garage permitted with Conditional Use may not be permitted under any condition to provide additional accessory parking for specific residential or non-residential uses if the number of spaces in the garage, in addition to the accessory parking permitted in the subject project or building, would exceed those amounts permitted as-of-right or as a Conditional Use by Section 151.1.*

A total of 20 non-accessory parking spaces and 0 accessory parking spaces are proposed at 575 Harrison (MUO zoning district), meaning this criteria is not applicable.

*(B) Criteria.*

*(i) Such facility shall meet all the design requirements for setbacks from facades and wrapping with active uses at all levels per the requirements of Section 145.1; and*

*(ii) Such parking shall not be accessed from any protected Transit or Pedestrian Street described in Section 155(r); and*

*(iii) Such parking garage shall be located in a building where the ratio of gross square footage of parking uses to other uses that are permitted or Conditionally permitted in that district is not more than 1 to 1; and*

*(iv) Such parking shall be available for use by the general public on equal terms and shall not be deeded or made available exclusively to tenants, residents, owners, or users of any particular use or building except in cases that such parking meets the criteria of subsection (C) or (D) below; and*

(v) *Such facility shall provide spaces for car sharing vehicles per the requirements of Section 166 and bicycle parking per the requirements of Sections 155.1 and 155.2; and*

(vi) *Such facility, to the extent open to the public per subsection (iv) above, shall meet the pricing requirements of Section 155(g) and shall generally limit the proposed parking to short-term occupancy rather than long-term occupancy; and*

(vii) *Vehicle movement on or around the facility does not unduly impact pedestrian spaces or movement, transit service, bicycle movement, or the overall traffic movement in the district; and*

(viii) *Such facility and its access does not diminish the quality and viability of existing or planned streetscape enhancements.*

The Academy respectfully submits that the proposed conversion of 20 existing accessory spaces at 575 Harrison to non-accessory private parking for use by Academy faculty and staff (as conditionally permitted in the MUO district) meets the intent of these criteria. The Academy's proposal for 575 Harrison includes Code-compliant bicycle parking and is not subject to a car share requirement.

*(C) Parking of Fleet Vehicles. Parking of fleet of commercial or governmental vehicles intended for work-related use by employees and not used for parking of employees' personal vehicles may be permitted with Conditional Use provided that the Commission affirmatively finds all of the above criteria except criteria (iv) and (vi).*

Academy shuttle bus and van parking storage is proposed at 2225 Jerrold. Because the shuttles are an integral component of the Academy's transportation demand management strategy, the Academy respectfully submits that the buses and vans are not fleet vehicles as contemplated by the Planning Code. Access to the existing garage is provided at a single point of entry on Harrison Street.

*(3) For Non-Accessory Parking in C-3, RC, NCT, and RTO Districts:*

*(A) The rate structure of Section 155(g) shall apply;*

*(B) The project sponsor has produced a survey of the supply and utilization of all existing publicly-accessible parking facilities, both publicly and privately owned, within one-half mile of the subject site, and has demonstrated that such facilities do not contain excess capacity, including via more efficient space management or extended operations;*

*(C) In the case of expansion of existing facilities, the facility to be expanded has already maximized capacity through use of all feasible space efficient techniques, including valet operation or mechanical stackers;*

*(D) The proposed facility meets or exceeds all relevant urban design requirements and policies of this Code and the General Plan regarding wrapping with active uses and architectural screening, and such parking is not accessed from any frontages protected in Section 155(r);*

*(E) Non-accessory parking facilities shall be permitted in new construction only if the ratio between the amount of Occupied Floor Area of principally or conditionally-permitted non-parking uses to the amount of Occupied Floor Area of parking is at least two to one;*

*(F) The proposed facility shall dedicate no less than 5% of its spaces for short-term, transient use by car share vehicles as defined in Section 166, vanpool, rideshare, or other co-operative auto programs, and shall locate these vehicles in a convenient and priority location. These spaces shall not be used for long-term storage or to satisfy the requirement of Section 166, but rather are intended for use by short-term visitors and customers. Parking facilities intended for sole and dedicated use as long-term storage for company or government fleet vehicles, and not to be available to the public nor to any employees for commute purposes, are not subject to this requirement;*

*(G) For new or expanding publicly owned non-accessory parking facilities in the C-3, RC, NCT, and RTO Districts, the following shall also apply:*

*(i) Expansion or implementation of techniques to increase utilization of existing public parking facilities in the vicinity has been explored in preference to creation of new facilities, and has been demonstrated to be infeasible;*

*(ii) The City has demonstrated that all major institutions (cultural, educational, government) and employers in the area intended to be served by the proposed facility have Transportation Demand Management programs in place to encourage and facilitate use of public transit, carpooling, car sharing, bicycling, walking, and taxis;*

*(iii) The City has demonstrated that conflicts with pedestrian, cycling, and transit movement resulting from the placement of driveways and ramps, the breaking of continuity of shopping facilities along sidewalks, and the drawing of traffic through areas of heavy pedestrian concentration, have been minimized, and such impacts have been mitigated to the fullest extent possible; and*

*(iv) The proposed parking conforms to the objectives and policies of the General Plan and any applicable area plans, and is consistent with the City's transportation management, sustainability, and climate protection goals.*

Approximately four of 43 accessory parking spaces at 2550 Van Ness Avenue (RC-3 and RM-3 zoning districts) proposed for conversion to non-accessory parking for faculty and staff is located within the RC-3 district; however, one of the four spaces is proposed for car-share programming in compliance with Code Section 166. Further, six other existing off-street spaces in the RC-3 portion of the property are being eliminated to provide Class I bicycle parking, with commensurate curb cut fills proposed. The Academy respectfully submits that the proposal fits within the intent of the criteria for non-accessory parking in RC districts.