



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- Inclusionary Housing (Sec. 315)
- First Source Hiring (Admin. Code)
- Jobs Housing Linkage Program (Sec. 313)
- Child Care Requirement (Sec. 314)
- Downtown Park Fee (Sec. 139)
- Other (Eastern Neighborhoods-Sec. 423 & 426)
- Transit Impact Development Fee (Admin Code)

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Planning Commission Motion No. 18685 HEARING DATE: AUGUST 9, 2012

Date: July 24, 2012
Case No.: **2011.0895B**
Project Address: **460-462 Bryant Street**
Zoning: MUO (Mixed Use Office)
 45-X Height and Bulk District
Block/Lot: 3763/015A (460 Bryant) & 015C (462 Bryant)
Project Sponsor: Reuben & Junius LLP
 One Bush Street, Suite 600
 San Francisco, CA 94104
Staff Contact: Tara Sullivan – (415) 558-6257
 tara.sullivan@sfgov.org
Recommendation: **Approval with Conditions**

ADOPTING FINDINGS APPROVING ALLOCATION OF OFFICE SQUARE FOOTAGE UNDER THE 2011-2012 ANNUAL OFFICE-DEVELOPMENT LIMITATION PROGRAM FOR A PROPOSED PROJECT LOCATED AT 460-462 BRYANT STREET, WHICH WILL BE COMBINED INTO ONE BUILDING, THAT WOULD AUTHORIZE OF 59,475 GROSS SQUARE FEET OF OFFICE USE AT THE SITE, PURSUANT TO PLANNING CODE SECTIONS 321, 322, AND 842.66 ON ASSESSOR'S BLOCK 3763, LOTS 015A & 015C IN THE MUO (MIXED USE OFFICE) DISTRICT AND THE 45-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On August 18, Reuben & Junius LLP, on behalf of Sierra Maestra Properties (hereinafter "Project Sponsor") filed Application No. 2011.0895B (hereinafter "Application") with the Planning Department (hereinafter "Department") for an Office Allocation Authorization to establish 59,475 gross square feet of office use at 460-462 Bryant Street, which will be combined into one building. The proposal also calls for the installation of eleven off-street parking spaces and two loading spaces, to be accessed through a new garage opening on Stillman Street, and façade alterations on both the Bryant and Stillman Street facades. There is no expansion proposed to the exterior of the buildings.

The environmental effects of the Project were determined by the San Francisco Planning Department to have been fully reviewed under the Eastern Neighborhoods Area Plan Environmental Impact Report (hereinafter "EIR"). The EIR was prepared, circulated for public review and comment, and, at a public hearing on April 5, 2007, by Motion No. 17406, certified by the Commission as complying with the California Environmental Quality Act (Cal. Pub. Res. Code Section 21000 et seq., (hereinafter "CEQA"). The certification of the EIR was upheld on appeal to the Board of Supervisors at a public hearing on June 19, 2007. The Commission has reviewed the Final EIR, which has been available for this Commission's review as well as public review.

The Eastern Neighborhoods EIR is a Program EIR. Pursuant to CEQA Guideline 15168(c)(2), if the lead agency finds that no new effects could occur or no new mitigation measures would be required of a proposed project, the agency may approve the project as being within the scope of the project covered by the program EIR, and no additional or new environmental review is required. In approving the Eastern Neighborhoods Plan, the Commission adopted CEQA Findings in its Motion No. 17661 and hereby incorporates such Findings by reference.

Additionally, State CEQA Guidelines Section 15183 provides an exemption from environmental review for projects that are consistent with the development density established by existing zoning, community plan or general plan policies for which an EIR was certified, except as might be necessary to examine whether there are project-specific effects which are peculiar to the project or its site. Section 15183 specifies that examination of environmental effects shall be limited to those effects that (a) are peculiar to the project or parcel on which the project would be located, (b) were not analyzed as significant effects in a prior EIR on the zoning action, general plan or community plan with which the project is consistent, (c) are potentially significant off-site and cumulative impacts which were not discussed in the underlying EIR, and (d) are previously identified in the EIR, but which are determined to have a more severe adverse impact than that discussed in the underlying EIR. Section 15183(c) specifies that if an impact is not peculiar to the parcel or to the proposed project, then an EIR need not be prepared for that project solely on the basis of that impact.

Pursuant to the Guidelines of the State Secretary of Resources for the implementation of CEQA, on June 14, 2012, the Department determined that the proposed application was exempt from the environmental review process per Section 15183 of the CEQA Guidelines and California Public Resources Code Section 21083.3. The Project is consistent with the adopted zoning controls in the Eastern Neighborhoods Area Plan and was encompassed within the analysis contained in the Eastern Neighborhoods Final EIR. Since the Eastern Neighborhoods Final EIR was finalized, there have been no substantial changes to the Eastern Neighborhoods Area Plan and no substantial changes in circumstances that would require major revisions to the Final EIR due to the involvement of new significant environmental effects or an increase in the severity of previously identified significant impacts, and there is no new information of substantial importance that would change the conclusions set forth in the Final EIR. The file for this project, including the Eastern Neighborhoods Final EIR and the Community Plan Exemption certificate, is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, California.

Planning Department staff prepared a Mitigation Monitoring and Reporting Program (MMRP) setting forth mitigation measures that were identified in the Eastern Neighborhoods Plan EIR that are applicable

to the project. These mitigation measures reduce all potential significant impacts to less than significant levels, and are set forth in their entirety in the MMRP attached to the draft Motion as Exhibit C.

On August 9, 2012, the Planning Commission ("Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Office Allocation Application No. 2011.0895B.

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

MOVED, that the Commission hereby authorizes the Office Allocation requested in Application No. 2011.0895B, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

FINDINGS

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

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The project site consists of two legal lots and addresses: 460 Bryant Street (lot 015A) and 462 Bryant Street (015C). Both properties are through lots with facades on Stillman Street and are located on the north side of Bryant Street between 2nd and 3rd Streets. Stillman Street is directly adjacent to the elevated Highway 80, and the site is one block north of South Park. The property zoned MOU (Mixed-Use Office) with a 45-X height and bulk limit.

460 Bryant Street is a three-story masonry building constructed in 1907 and was historically known as the Flieshmann Company Wholesale Liquor Building. The building has been included in the *South of Market Area Plan Survey* and given a rating of 5S3 ("Appears to be individually eligible for local listing or designation through survey evaluation"). 462 Bryant Street is a one-story masonry building constructed in 1907 and was historically known as the Hooper & Jennings Wholesale Grocery Building. The building has been included in the *South of Market Area Plan Survey* and was given a rating of 6L ("Determined ineligible for local listing through local government review process; may warrant special consideration in local planning").

Both buildings have generally served as warehouse uses but have been vacant for several years.

A two-sided general advertising sign is located on the roof of 460 Bryant Street, under separate ownership from the buildings. This sign is in compliance with the City's General Advertising Sign Rules and Regulations as outlined in the Planning Code.

3. **Surrounding Properties and Neighborhood.** 460-462 Bryant Street is in the northwest portion of the South of Market neighborhood, directly to the south of the elevated Highway 80. South Park

is one block to the south of the site, and AT&T Park is two blocks to the south of the site. Stillman Street is a service alley that directly faces Highway 80. The neighborhood is characterized by low-scale former warehouse structures with accessory alleys, and the predominant building heights range from two-to-three stories. Many of the buildings have been converted to office use, and there are several small residential buildings interspersed throughout. A variety of uses from office, light industrial, eating and drinking establishments, and residential are located in the vicinity. The area has undergone considerable new development in the past decade, which is reflected in the building styles and uses.

4. **Project Description.** The proposal is to authorize 59,475 gross square feet of office space pursuant to Planning Code Sections 321, 322, and 842.66, at 460 – 426 Bryant Street, which will be combined into one office building. The proposal also calls for the installation of eleven off-street parking spaces and two loading spaces, to be accessed through a new garage opening on Stillman Street, and façade alterations on both the Bryant and Stillman Street facades. There is no expansion proposed to the exterior of the buildings.
5. **Public Comment.** The Department received no public comment on this project.
6. **Planning Code Compliance.** The Commission finds and determines that the Project is consistent with the relevant provisions of the Code in the following manner:
 - A. **Open Space.** Section 135.3 requires conversions to new office space in Eastern Neighborhoods Mixed Use Districts to provide and maintain usable open space for that new office space at a ratio of one square foot per 50 square feet of new office space, and/or pay an in-lieu fee. The project proposes 59,475 square feet of new office space and is required to have 1,190 square feet of open space.

The proposed project is required to have 1,190 square feet of open space. Under Planning Code Section 307(h) the Zoning Administrator has waived the non-residential open space requirement. Accordingly, the proposed project will meet the open space requirement through the payment of an in lieu fee.
 - B. **Street Trees.** Section 138.1 requires conversions to new office space in Eastern Neighborhoods provide street trees at a ratio of one street tree for every 20 feet of street frontage.

The proposed project is required to install street trees along the Bryant and Stillman Street property lines. The proposal calls for a total of sixteen street trees, with eight trees on each façade.
 - C. **Parking.** Section 151 does not require any off-street parking in the MUO District, and provides maximum parking amounts based on land use type. Section 151.1 permits up to seven percent of gross floor area for off-street parking.

460-462 Bryant Street is permitted to have up to 4,163 square feet devoted to off-street parking. The project will create 3,951 square feet of parking, or approximately 11 individual spaces, in a new below-ground parking area which will be accessed through Stillman Street.

- D. **Loading.** Section 152.1 requires certain amounts of off-street freight loading spaces based on the type and size of uses in a project. The proposed project is required to provide one loading space.

The proposed project is proposing two off-street loading spaces in the new below-ground parking area which will be accessed through Stillman Street.

- E. **Bicycle Parking, Showers & Lockers.** Planning Code Section 155.4 states that commercial buildings with major alterations must install twelve spaces devoted to bicycle parking. In addition, Planning Code Section 155.3 requires that there be four showers and eight lockers provided on site for employees and/or tenants.

460-462 Bryant Street will provide twelve bicycle spaces, forty-eight wall-mounted bicycle racks, four showers and eight locker spaces.

- F. **Transportation Management Program.** Projects that have the addition/conversion of 25,000 square feet of space in MUO Zoning Districts are required to meet the Transportation Management Program. This program must be executed with the Planning Department prior to the issuance of the first Temporary Certificate of Occupancy.

460-462 Bryant Street will provide their Transportation Management Program to the Planning Department for review and both parties will enter into an agreement and record this Program prior to the issuance of the first Temporary Certificate of Occupancy.

- G. **Development Fees.** The Project is subject to the following four fees: 1) Transit Impact Development Fees per Planning Code Section 411; 2) Jobs-Housing Linkage Fee per Planning Code Section 413; 3) Child Care Fee per Section 414; and 4) Eastern Neighborhoods Community Impact Fee per Planning Code Section 423.

The Project Sponsor shall pay the appropriate Transit Impact Development, Jobs-Housing Linkage, Child Care, and Eastern Neighborhoods Community Impact fees, pursuant to Planning Code Sections 411, 413, 414, and 423, at the appropriate stage of the building permit application process.

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

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

460-462 Bryant Street has been vacant for many years. Previous uses at these buildings have been warehouse and light-industrial uses. The allocation of 59,475 square feet for office use will allow these two buildings to be combined and rehabilitated. Office space is currently in high demand in this portion of San Francisco and there is insufficient supply, thus causing many businesses to locate elsewhere in the City or in the surrounding region. The project will not impact public transportation; rather, the increase of office tenants and employees will promote the use of public transportation and increase ridership. There is currently more than 3.7 million gross square feet of available "Large Cap" office space in the San Francisco, thus the allocation of 59,475 square feet will not deplete the amount available. Additionally, the Project is subject to various development fees that will benefit the surrounding community. Therefore, the Project will help maintain the balance between economic growth, housing, transportation and public services.

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

The Project is consistent with the General Plan, as outlined in Section 8 below.

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

The proposal calls for the allocation of 59,475 square feet of office space to 460-462 Bryant Street. 460 Bryant Street was constructed in 1907 and given a rating of 5S3 in the South of Market Area Plan Survey ("Appears to be individually eligible for local listing or designation through survey evaluation"). 462 Bryant Street was constructed in 1907 and given a rating of 6L in the South of Market Area Plan Survey ("Determined ineligible for local listing through local government review process; may warrant special consideration in local planning"). Currently the buildings are in a deteriorated condition and the proposed project will rehabilitate these two structures, including removing accumulated exterior fixtures such as electrical conduits, signage mounting, and non-historic fire escapes. The historic masonry will be cleaned and repaired and the historic multi-pane wood windows will be replaced in-kind (same material, configuration, operation, profiles, and details). There are minimal changes to the historic structure at 460 Bryant Street and the project has been designed so that both the main building entrance and the off-street parking entrance is located on the non-historic structure at 462 Bryant Street. In sum, the proposed project meets the Secretary of the Interior's Standards for the Treatment of Historic Properties and is designed in a manner that is compatible with the surrounding neighborhood.

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

- a) Use. *The Project is within the MUO (Mixed Use Office) Zoning District, which permits office uses as-of-right. The surrounding neighborhood consists of a variety of uses but office uses are prevalent. This portion of San Francisco has a low supply of office space and a high demand for this use. The allocation of 59,475 square feet of office space is compatible with the adjacent neighborhood.*
- b) Transit Accessibility. *460-462 Bryant Street is well served by public transportation. The CalTrain station is located three blocks to the south at Fourth Street, and the MUNI T-Third Street line runs along King Street two blocks to the south of the site, and the Montgomery Street BART Station is five blocks to the north of the site. In addition, the Central Subway is proposed along Fourth Street, one block to the west. Further, as a part of this approval, the Project Sponsor will have a Transportation Management Program which will further assist with service to regional transit facilities in San Francisco.*
- c) Open Space Accessibility. *The Planning Code requires 1,190 square feet of open space at 460-462 Bryant Street. However, because 460 Bryant has been identified as a historic resource in the South of Market Area Plan survey and due to the small scale of the adjacent 462 Bryant Street, it is not feasible to provide the required open space on-site. The Project Sponsor will pay the in-lieu open space fees to the City. In addition, open space is located close to the site, as South Park is located one block to the south and the Embarcadero is three blocks to the east.*
- d) Urban Design. *Currently both 460-462 Bryant Street are in a deteriorated condition and the proposed project will rehabilitate these two structures as detailed above. The project will improve this portion of Bryant Street by updating and revitalizing the two buildings. The project is well designed and is compatible with the surrounding warehouse structures. The proposed project meets the Secretary of the Interior's Standards for the Treatment of Historic Properties and is designed in a manner that is compatible with the surrounding neighborhood.*
- e) Seismic Safety. *The proposed project will include seismic upgrades that will meet the requirements outlined by the Building Code, thus bringing these two buildings into seismic compliance.*

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

- a) Anticipated Employment Opportunities. *The Project includes a total of 59,475 gross square feet of new office space. This new office use will attract a variety of tenants ranging from technology and telecommunication companies, and other general office uses. Office space is currently in high demand in this portion of San Francisco and there is insufficient supply, thus causing many businesses to locate elsewhere in the City or in the surrounding*

region. The allocation of 59,475 square feet of office space at 460-462 Bryant Street will provide the needed space and will provide employment opportunities in San Francisco.

- b) Needs of Existing Businesses. 460-462 Bryant Street will supply 59,475 square feet of office space in the northern SoMa neighborhood. This area has become a popular location for technology companies and emerging businesses. 460-462 Bryant will be able to provide office space to smaller companies looking to locate in San Francisco. The allocation of office space at 460-462 Bryant Street will allow for the maximum use of the site and attract additional like-minded businesses to the neighborhood. In contrast to Downtown, office rents in this area are generally lower and provide valuable space for smaller and/or younger businesses. Since office space is relatively limited in this neighborhood, due to its mixed use character, an overconcentration of office use is unlikely, and the area will continue to provide a vibrant mix of uses.

- c) Availability of Space Suitable for Anticipated Uses.

460-462 Bryant Street has the ability to provide a modest amount of office space for emerging businesses. This area has become a popular location for technology companies and emerging businesses. The allocation of office space will allow for the maximum use of the site and attract additional like-minded businesses to the neighborhood. The project will provide quality office space that is suitable for a variety of office uses.

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

The building will not be owner-occupied. The owner will lease the office space to one or more office tenants.

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

The Project does not include any Transfer of Development Rights.

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

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

- a) That Existing Neighborhood-Serving Retail Uses be Preserved and Enhanced and Future Opportunities for Resident Employment in and Ownership of Such Businesses Enhanced.

The proposed project at 460-462 Bryant Street does not include any retail uses. However, the immediate neighborhood is well served by neighborhood-serving uses, which serves the adjacent

residential and mixed uses. The addition of 59,475 square feet of office space will increase the demand for neighborhood-serving retail use in the surrounding neighborhood.

- b) That Existing Housing and Neighborhood Character be Conserved and Protected in Order to Preserve the Cultural and Economic Diversity of Our Neighborhoods.

The Project falls in the Eastern Neighborhoods Plan Area, which was implemented in 2009. As a result, the neighborhood has seen the development of residential units mingled with retail, eating and drinking, and office uses. South Park, AT&T Park, and the CalTrans Station are all in close proximity to 460-462 Bryant Street. All of these uses provide a diverse cultural and economic base for the neighborhood and San Francisco. As such, an overconcentration of office use is unlikely, and the area will continue to provide a vibrant mix of uses.

- c) The City's Supply of Affordable Housing be Preserved and Enhanced.

There is no existing affordable or market-rate housing at 460-462 Bryant Street. The applicant will contribute fees to the Jobs-Housing Linkage Program. Therefore, the Project is consistent with this priority policy.

- d) That Commuter Traffic not Impede Muni Transit Service or Overburden our Streets or Neighborhood Parking.

460-462 Bryant Street is well served by public transit. The CalTrain station is located three blocks to the south at Fourth Street, and the MUNI T-Third Street line runs along King Street two blocks to the south of the site, and the Montgomery Street BART Station is five blocks to the north of the site. In addition, the Central Subway is proposed to be located one block to the west of the site, along Fourth Street. Further, as a part of this approval, the Project Sponsor will have a Transportation Management Program which will further assist with service to regional transit facilities in San Francisco.

- 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 proposal to authorize 59,475 square feet of office space at 460-462 Bryant Street will not demolish any industrial or service sector uses. Further, this allocation will provide or an increase local resident employment and demand for new neighborhood-serving businesses in the area.

- f) That the City Achieve the Greatest Possible Preparedness to Protect Against Injury and Loss of Life in an Earthquake.

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

- g) That Landmarks and Historic Buildings be Preserved.

460 Bryant Street was constructed in 1907 and given a rating of 5S3 in the South of Market Area Plan Survey ("Appears to be individually eligible for local listing or designation through survey

evaluation”). 462 Bryant Street was constructed in 1907 and given a rating of 6L in the South of Market Area Plan Survey (“Determined ineligible for local listing through local government review process; may warrant special consideration in local planning”). Currently the buildings are in a deteriorated condition and the proposed project will rehabilitate these two structures. There are minimal changes proposed for the historic structure at 460 Bryant Street and the project has been designed so that both the main building entrance and the off-street parking entrance is located on the non-historic structure at 462 Bryant Street. In sum, the proposed project meets the Secretary of the Interior’s Standards for the Treatment of Historic Properties and is designed in a manner that is compatible with the surrounding neighborhood. Lastly, the proposed project will not impact any Landmarks or historic buildings in the vicinity.

- h) That our Parks and Open Space and their Access to Sunlight and Vistas be Protected from Development.

The proposed Project does not include any expansion of the buildings, and there will be no impact to parks, open space, access to sunlight, or vista views.

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

COMMERCE AND INDUSTRY
Objectives and Policies

OBJECTIVE 1:

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

Policy 1.1:

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

Policy 1.3:

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

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.

OBJECTIVE 3:

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

Policy 3.1:

Promote the attraction, retention and expansion of commercial and industrial firms which provide employment improvement opportunities for unskilled and semi-skilled workers.

Policy 3.4:

Assist newly emerging economic activities.

The proposal to authorize 59,475 square feet of office space at 460-462 Bryant Street meets the goals of the Commerce & Industry Element. It will allow for new office tenants to locate to this area and will serve San Francisco's needs for providing new office space. In addition, this portion of the City has been a focus of new plan areas and development, and the proposal to authorize office space at 460-462 Bryant Street is in keeping with these area plans while promoting new economic activity and businesses. It will enable the site and the neighborhood to retain and attract new office tenants. Lastly, authorization of the office space will result in the collection of significant development fees that will benefit the community and would not otherwise be required.

EAST SOMA AREA PLAN

Objectives and Policies

OBJECTIVE 1.1:

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

Policy 1.1.2:

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

OBJECTIVE 1.4:

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

Policy 1.4.3:

Continue to allow larger research and development office-type uses that support the Knowledge Sector in the 2nd Street Corridor.

The authorization of 59,475 square feet of office space at 460-462 Bryant Street is in keeping with the East SoMa Area Plan. It will continue to contribute to the mixed use character of this portion of San Francisco, and is close to the Second Street Corridor, which is a focus of high-tech office development. Further, the authorization of office use will allow additional 'knowledge sector' businesses to locate in the neighborhood. Lastly, authorization of the office space will result in the collection of significant development fees that will benefit the community and would not otherwise be required.

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

10. The Commission finds that granting the Office Authorization in this case would promote the public welfare, convenience and necessity of the City for the reasons set forth above.

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Office Development Application No. 2011.0895B** subject to the conditions attached hereto as Exhibit A, which is incorporated herein by reference as though fully set forth, in general conformance with the plans stamped Exhibit B and dated August 9, 2012, on file in Case Docket No. 2011.0895B.

The Planning Commission has reviewed and considered the Certificate of Exemption ("CPE") issued under Section 15183 of the CEQA Guidelines and California Public Resources Code Section 21083.3, and the record as a whole and finds that there is no substantial evidence that the Project will have a significant effect on the environment with the adoption of the mitigation measures contained in the CPE to avoid potentially significant environmental effects associated with the Project, and hereby adopts the CPE.

The Planning Commission hereby adopts the MMRP attached hereto as Exhibit C and incorporated herein as part of this Resolution/Motion by this reference thereto. All required mitigation measures identified in the MMRP are included as conditions of approval.

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Section 321 and 322 Office-Space Allocation to the Board of Appeals within fifteen (15) days after the date of this Motion. The effective date of this Motion shall be the date of adoption of this Motion if not appealed (after the 15-day period has expired) OR the date of the decision of the Board of Appeals if appealed to the Board of Appeals. For further information, please contact the Board of Appeals at (415) 575-6880, 1660 Mission, Room 3036, San Francisco, CA 94103.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on August 9, 2012.

Linda D. Avery
Commission Secretary

AYES: Fong, Wu, Moore, Sugaya, Antonini

NAYS:

ABSENT: Borden, Hillis

ADOPTED: August 9, 2012

EXHIBIT A

AUTHORIZATION

This authorization is for and Office Allocation Authorization to establish 59,475 gross square feet of office use at 460-462 Bryant Street, located at Block 3763, Lots 015A (460 Bryant) & 015C (462 Bryant), pursuant to Planning Code Section(s) 321, 322, and 842.66 within the MUO District and a 45-X Height and Bulk District; in general conformance with plans, dated August 9, 2012, and stamped "EXHIBIT B" included in the docket for Case No. 2011.0895B and subject to conditions of approval reviewed and approved by the Commission on August 9, 2012 under Motion No. 18685. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

RECORDATION OF CONDITIONS OF APPROVAL

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on August 9, 2012 under Motion No. 18685.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. 18685 shall be reproduced on the Index Sheet of construction plans submitted with the site or building permit application for the Project. The Index Sheet of the construction plans shall reference to the Conditional Use authorization and any subsequent amendments or modifications.

SEVERABILITY

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

CHANGES AND MODIFICATIONS

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

Conditions of approval, Compliance, Monitoring, and Reporting

PERFORMANCE

Validity and Expiration. The authorization and right vested by virtue of this action is valid for three years from the effective date of the Motion. A building permit from the Department of Building Inspection to construct the project and/or commence the approved use must be issued as this Office Development is only an approval of the proposed project and conveys no independent right to construct the project or to commence the approved use. The Planning Commission may, in a public hearing, consider the revocation of the approvals granted if a site or building permit has not been obtained within eighteen months of the date of the Motion approving the Project. Once a site or building permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. The Commission may also consider revoking the approvals if a permit for the Project has been issued but is allowed to expire and more than three (3) years have passed since the Motion was approved.

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

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

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

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

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

Mitigation Measures. Mitigation measures described in the MMRP attached as Exhibit C are necessary to avoid potential significant effects of the proposed project and have been agreed to by the Project Sponsor. Their implementation is a condition of project approval.

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

PROVISIONS

Transportation Management Program. Pursuant to Planning Code Section 163, the Project Sponsor shall provide on-site transportation brokerage services for the actual lifetime of the project. The Project Sponsor will provide their Transportation Management Program to the Planning Department for review and both parties will enter into an agreement and record this Program prior to the issuance of the first Temporary Certificate of Occupancy.

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

Eastern Neighborhoods Payment in case of variance or exception. Pursuant to Planning Code Section 426 (formerly Section 135.3), in the Eastern Neighborhoods Mixed Use Districts, should an exception from non-residential usable open space requirements be granted by the Zoning Administrator pursuant to Section 307(h), the Project Sponsor shall pay a fee in accordance with Article 4.

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

Transit Impact Development Fee. Pursuant to Planning Code Sections 411 (formerly Chapter 38 of the Administrative Code) and 179.1(g), the Project Sponsor shall pay the Transit Impact Development Fee (TIDF) as required by and based on drawings submitted with the Building Permit Application. Prior to the issuance of a temporary certificate of occupancy, the Project Sponsor shall provide the Planning Director with certification that the fee has been paid.

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

Jobs Housing Linkage. Pursuant to Planning Code Sections 413 (formerly 313) and 179.1(g), the Project Sponsor shall contribute to the Jobs-Housing Linkage Program (JHLP). The calculation shall be based on the net addition of gross square feet of each type of space to be constructed as set forth in the permit plans. The Project Sponsor shall provide evidence that this requirement has been satisfied to the Planning Department prior to the issuance of the first site or building permit by the Department of Building Inspection.

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

Childcare Requirements for Office and Hotel Development Projects. Pursuant to Section 414 (formerly 314), the Project Sponsor shall pay the in-lieu fee as required. The net addition of gross floor area subject to the fee shall be determined based on drawings submitted with the Building Permit Application.

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

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

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

Street Trees. Pursuant to Planning Code Section 138, the Project Sponsor shall submit a site plan to the Planning Department prior to Planning approval of the building permit application indicating that street trees, at a ratio of one street tree of an approved species for every 20 feet of street frontage along public or private streets bounding the Project, with any remaining fraction of 10 feet or more of frontage requiring an extra tree, shall be provided. The street trees shall be evenly spaced along the street frontage except

where proposed driveways or other street obstructions do not permit. The exact location, size and species of tree shall be as approved by the Department of Public Works (DPW). In any case in which DPW cannot grant approval for installation of a tree in the public right-of-way, on the basis of inadequate sidewalk width, interference with utilities or other reasons regarding the public welfare, and where installation of such tree on the lot itself is also impractical, the requirements of this Section 428 may be modified or waived by the Zoning Administrator to the extent necessary.

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

Bicycle Parking. Pursuant to Planning Code Sections 155.1 and 155.4., the Project shall provide no fewer than 12 Class 1 or Class 2 bicycle parking spaces.

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

Showers and Clothes Lockers. Pursuant to Planning Code Section 155.3, the Project shall provide no fewer than 4 showers and 8 clothes lockers.

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

Parking Maximum. Pursuant to Planning Code Section 151.1, the Project shall provide no more than 4,163 square feet dedicated to off-street parking.

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

Off-street Loading. Pursuant to Planning Code Section 152, the Project will provide no fewer than one off-street loading space.

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

Managing Traffic During Construction. The Project Sponsor and construction contractor(s) shall coordinate with the Traffic Engineering and Transit Divisions of the San Francisco Municipal Transportation Agency (SFMTA), the Police Department, the Fire Department, the Planning Department, and other construction contractor(s) for any concurrent nearby Projects to manage traffic congestion and pedestrian circulation effects during construction of the Project.

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

MONITORING - AFTER ENTITLEMENT

Enforcement. Violation of any of the Planning Department conditions of approval contained in this Motion or of any other provisions of Planning Code applicable to this Project shall be subject to the enforcement procedures and administrative penalties set forth under Planning Code Section 176 or Section 176.1. The Planning Department may also refer the violation complaints to other city departments and agencies for appropriate enforcement action under their jurisdiction.

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

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

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

OPERATION

Sidewalk Maintenance. The Project Sponsor shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean and sanitary condition in compliance with the Department of Public Works Streets and Sidewalk Maintenance Standards.

For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works, 415-695-2017, <http://sfdpw.org>

Community Liaison. Prior to issuance of a building permit to construct the project and implement the approved use, the Project Sponsor shall appoint a community liaison officer to deal with the issues of concern to owners and occupants of nearby properties. The Project Sponsor shall provide the Zoning Administrator with written notice of the name, business address, and telephone number of the community liaison. Should the contact information change, the Zoning Administrator shall be made aware of such change. The community liaison shall report to the Zoning Administrator what issues, if any, are of concern to the community and what issues have not been resolved by the Project Sponsor.

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