



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- Affordable Housing (Sec. 415)
- Jobs Housing Linkage Program (Sec. 413)
- Downtown Park Fee (Sec. 412)
- First Source Hiring (Admin. Code)
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- Other (EN Impact Fees)

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. 19000 HEARING DATE: OCTOBER 10, 2013

Date: October 3, 2013
Case No.: **2007.0385 EBKX**
Project Address: **345 BRANNAN STREET**
Zoning: MUO (Mixed Use Office)
 65-X Height and Bulk District
Block/Lot: 3788/039
Project Sponsor: Charles F. Bloszies
 228 Grant Avenue, 6th Floor
 San Francisco, CA 94108
Staff Contact: Diego R Sánchez – (415) 575-9082
diego.sanchez@sfgov.org

ADOPTING FINDINGS RELATING TO AN ALLOCATION OF OFFICE SQUARE FOOTAGE UNDER THE 2012 – 2013 ANNUAL OFFICE DEVELOPMENT LIMITATION PROGRAM PURSUANT TO PLANNING CODE SECTIONS 321 AND 322 THAT WOULD AUTHORIZE THE NEW CONSTRUCTION OF UP TO 102,285 GROSS SQUARE FEET OF OFFICE USE AND 7,167 SQUARE FEET OF OFF-STREET PARKING AND TO ADOPT FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT FOR A PROPOSED PROJECT LOCATED AT 345 BRANNAN STREET, LOT 039 IN ASSESSOR’S BLOCK 3788, WITHIN THE MUO (MIXED USE OFFICE) ZONING DISTRICT AND A 65-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On September 18, 2008 Charles F. Bloszies (hereinafter “Project Sponsor”) filed an application with the Planning Department (hereinafter “Department”) for a Large Project Authorization under Planning Code Section 329 to allow exceptions for allowable permitted obstructions pursuant to Planning Code Section 136 and an Office Development Authorization to construct a new 116,615 gross square foot, five story office building with off-street parking on the property at 345 Brannan Street, south side of Brannan Street between 3rd Street and Stanford Street; Lot 039 in Assessor’s Block 3788, (hereinafter “Subject Property”). The project is located within an MUO (Mixed Use Office) Zoning District a 65-X Height and Bulk District.

On March 20, 2013 Draft Initial Study/Mitigated Negative Declaration (IS/MND) for the Project was prepared and published for public review; and

The Draft IS/MND was available for public comment until April 9, 2013 and

On October 10, 2013, the Planning Department/Planning Commission reviewed and considered the Final Mitigated Negative Declaration (FMND) and found that the contents of said report and the procedures through which the FMND was prepared, publicized, and reviewed complied with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.) (CEQA), Title 14 California Code of Regulations Sections 15000 et seq. (the "CEQA Guidelines") and Chapter 31 of the San Francisco Administrative Code ("Chapter 31"): and

The Planning Department/Planning Commission found the FMND was adequate, accurate and objective, reflected the independent analysis and judgment of the Planning Department and the Planning Commission, and that the summary of comments and responses contained no significant revisions to the MND, and approved the FMND for the Project in compliance with CEQA, the CEQA Guidelines and Chapter 31.

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

The Planning Department, Jonas P. Ionin, is the custodian of records, located in the File for Case No. 2007.0385 EBKX at 1650 Mission Street, Fourth Floor, San Francisco, California.

On October 10, 2013, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on a Large Project Authorization, Application No. 2007.0385 EBKX.

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 Large Project Authorization requested in Application No. 2007.0385 EBKX, 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 is located on the south side of Brannan Street, between 3rd and Stanford Streets. The lot, approximately 24,000 square feet in area, is a flag lot with a 20 foot wide portion at the rear of the lot that stretches approximately 140 feet toward the

east and provides frontage on Stanford Street. The lot also provides 75 feet of frontage along Brannan Street. The property is currently used as a surface parking lot.

3. **Surrounding Properties and Neighborhood.** The project is located within the South of Market Area neighborhood and is approximately one block south of South Park. Properties in the area are commercial and light industrial in nature with residential uses found further away from the site. Immediately to the east and west of the project site are one- and two-story light industrial buildings. To the north of the project site is a four-story commercial building. To the south of site are one-, two- and three-story light industrial buildings that front Townsend Street. Properties in the surrounding area are in the MUO (Mixed Use Office) and SLI (Service Light Industrial) Zoning Districts.
4. **Project Description.** The applicant proposes to construct a new five-story commercial building that will house approximately 102,285 square feet of office use and approximately 7,167 square feet of off-street parking on a site with a surface parking lot. Automobile access into an excavated basement level will be provided from Stanford Street, a minor street located to the east of the project site. Open space for the office tenants is provided at a west-facing deck on the second floor and a 4,300 square foot roof deck.
5. **Public Comment.** The Project Sponsor received input from and worked with South Park stakeholders to alter the project and to collaborate on improvements to South Park. In addition Planning Department staff received one letter requesting additional changes to the project.
6. **Office Allocation.** Planning Code Section 321 establishes standards for San Francisco's Office Development Annual Limit. In determining if the proposed Project would promote the public welfare, convenience and necessity, the Commission considered the seven criteria established by Code Section 321(b)(3), and finds as follows
 - A. Apportionment of office space over the course of the approval period in order to maintain a balance between economic growth on the one hand, and housing, transportation and public services, on the other.

The proposed office development will maintain a balance between office space growth and housing, transportation and public services as it is located within the Eastern Neighborhoods Plan Area and will be assessed the Eastern Neighborhood Infrastructure Impact Fee (Planning Code Section 423) to address these concerns. In addition, given the quantity of office space proposed, the project will also be assessed fees in accordance with the Transit Impact Development Fee Program (Planning Code Section 411), the Jobs-Housing Linkage Program (Planning Code Section 413) and the Child-Care Requirement for Office Development Projects (Planning Code Section 414). Cumulatively, the fees assessed will help assure that the growth in office space is accompanied by an increase in available resources for social and public goods.
 - B. The contribution of the office development to, and its effects on, the objectives and policies of the General Plan;

The proposed project is, on balance, consistent with the General Plan, as outlined in Section 8 below.

C. The quality of the design of the proposed office development;

The design of the proposed project is appropriate for the existing context of light industrial buildings. The terra cotta rain screen, the principal element on the Brannan Street façade, is a feature that complements the current context of masonry buildings and the rhythm created by the window bays and rain screen meshes well with the prevailing character of the area. The storefront is heavily glazed which will activate the Brannan Street frontage. Automobile and freight loading access is located on the secondary, minor Stanford Street façade. This location eliminates any potential automobile conflicts with pedestrian use of the principal façade. Taken together, the design is of high quality and will prove to be an asset to the area.

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

The office is located within the MUO (Mixed Use Office) Zoning District, a zoning district with the stated intent to encourage office development. No adverse effects specific to the location are anticipated.

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

The proposed office development will provide hundreds of employment opportunities for potentially a variety of office tenants. The floor plans are sufficiently flexible so as to meet the needs of a number of different office tenants with varying needs in terms of floor area.

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

The proposed project will be owned by one entity, but will likely offer spaces to multiple tenants.

G. The use, if any, of Transferable Development Rights ("TDRs) by the Project Sponsor;

The proposed project will not use TDRs.

7. **General Plan Compliance.** The General Plan Consistency Findings set forth in Motion No. 19000, Case No. 2007.0385EBKX (Large Project Authorization, pursuant to Planning Code Section 329) apply to this Motion, and are incorporated herein as though fully set forth.

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

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

The proposal would enhance the neighborhood-serving retail district by introducing a large number of new employees and potential patrons to the retail uses in the area.

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

The existing neighborhood character will be preserved as the design of the proposal is in harmony with the building scale, massing and form found in the vicinity.

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

The proposed development will not add or remove housing.

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

It is not anticipated that commuter traffic will impede MUNI transit or overburden streets or neighborhood parking as the sole automobile entrance is on a minor side street and the excavated basement provides the maximum allowable off-street 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.

No existing industrial and service sector establishments will be displaced as a result of the office development.

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

The project is designed and will be constructed to conform to the structural and seismic safety requirements of the Building Code.

- G. That landmarks and historic buildings be preserved.

The Historic Resource Evaluation Report indicates the absence of an historic resource on the subject property.

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

The Planning Commission found that the net new shadow cast by the project upon South Park will not be adverse to the park.

9. The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would contribute to the character and stability of the neighborhood and would constitute a beneficial development.
10. The Commission hereby finds that approval of the Office Development Authorization would promote the health, safety and welfare of the City.

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Office Allocation Application No. 2007.0385EBKX** under Planning Code Sections 321 and 322 to allow the new construction of a five-story commercial building with 102,285 square feet of office use within the MUO (Mixed Use Office) Zoning District and a 65-X Height and Bulk District. The project is subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated August 5, 2013, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

The Planning Commission has reviewed and considered the MND 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 MMRP to avoid potentially significant environmental effects associated with the Project, and hereby adopts the FMND.

The Planning Commission hereby adopts the MND and 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 MND and contained in the MMRP are included as conditions of approval.

The Planning Commission further finds that since the MND was finalized, there have been no substantial project changes and no substantial changes in project circumstances that would require major revisions to the MND 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 MND.

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Large Project Authorization and/or Office Allocation to the Board of Supervisors within thirty (30) days after the date of this Motion No. 19000. 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 October 10, 2013.

Jonas P. Ionin
Acting Commission Secretary

AYES: Commissioners Hillis, Sugaya, Fong, Antonini, Borden, Moore, and Wu

NAYES: None

ABSENT: None

ADOPTED: October 10, 2013

EXHIBIT A

AUTHORIZATION

This authorization is for an Office Development Authorization to allow the new construction of a five-story commercial building with up to 102,285 square feet of office use located at 345 Brannan Street, Lot 039 in Assessor's Block 3788 pursuant to Planning Code Section(s) 321 and 322 within the MUO (Mixed Use Office) Zoning District and a 65-X Height and Bulk District; in general conformance with plans, dated August 5, 2013, and stamped "EXHIBIT B" included in the docket for Case No. 2007.0385EBKX and subject to conditions of approval reviewed and approved by the Commission on **October 10, 2013** under Motion No. **19000**. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

COMPLIANCE WITH OTHER REQUIREMENTS

The Conditions of Approval set forth in Exhibit B of Motion No. **19000**, Case No. 2007.0385EBKX (Large Project Authorization Under Section 329), and the Mitigation, Monitoring, and Reporting Program adopted as Exhibit C to Planning Commission Motion No. **19000**, Case No. 2007.0385EBKX apply to this approval, and are incorporated herein as though fully set forth, except as modified herein.

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 **October 10, 2013** under Motion No. **19000**.

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

1. **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
2. **Development Timeline - Office.** Pursuant to Planning Code Section 321(d) (2), construction of the office development project shall commence within 18 months of the effective 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 development authorization.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org