

SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Conditional Use

HEARING DATE: MARCH 12, 2015

Date:	March 2, 2015
Case No.:	2014.1225C
Project Address:	1244 SUTTER STREET
Zoning:	RC-4 (Residential Commercial, High Density) District
	Van Ness Special Use District
	130-V Height and Bulk District
Block/Lot:	0670/012
Project Sponsor:	Jody Knight
	Reuben, Junius & Rose LLP
	1 Bush Street, Suite 600
	San Francisco, CA 94104
Staff Contact:	Laura Ajello – (415) 575-9142
	<u>laura.ajello@sfgov.org</u>
Recommendation:	Approval with Conditions

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 seeks Conditional Use Authorization, pursuant to Planning Code Sections 303, 209.8, and 712.70, and 790.106 to establish a 24,979 gross sq. ft. Administrative Service use office use (advertising agency d.b.a. Argonaut) on the first and second floors, mezzanine level and a portion of the basement of an existing three-story commercial building. The building was most recently utilized as an Arts Activity use for filming MTV's "The Real World" television series.

The project was reviewed by the Planning Department's Preservation staff and it was determined that no further Historic Resource Review was required since the proposed project would have no adverse impact on the character-defining features of the historically significant interior. No exterior modifications are proposed other than business signage. The size of the building envelope would not change due to the project. No parking is required or provided.

The Planning Code defines multiple office uses in Sections <u>790.106</u> through <u>790.116</u>. Administrative Service as defined in Section 790.106 consists of "a nonretail use which provides executive, management, administrative, clerical and other services exclusively to the business community and not to the general public. Administrative services may include accessory storage, but not the storage of items, other than samples, for wholesale sale. It does not include services which are available to the general public."

The proposed use is an advertising agency with one existing office located on Folsom Street. The proposed Sutter Street operation consists of approximately 50 employees. Proposed hours of operation are Monday through Friday from 8:30 AM to 6 PM.

SITE DESCRIPTION AND PRESENT USE

The project site is located on the north side of Sutter Street, between Van Ness Avenue and Polk Street, Block 0670, Lot 012. The property is located within the RC-4 (High Density Residential Commercial) District, the Van Ness Special Use District and is within the 130-V Height and Bulk District. The property is developed with a three-story commercial building with no history of residential use. The building consists of 1,530 square feet at the basement level; 9,907 square feet on the ground floor; 3,635 square feet on the mezzanine level; and 9,907 square feet on the second floor for a total of 24,979 gross square feet. The structure has been identified as an eligible historic resource for the purposes of CEQA. The building was constructed in 1911 as a dance studio but is most widely known as a 1960s counterculture concert venue called the Avalon Ballroom, and later as the galleries of Butterfield & Butterfield auction house. The building was most recently utilized as an Arts Activity use for television production and is currently vacant. The subject property is an interior lot, with approximately 83 feet of frontage on Sutter Street.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The project site is situated at the northwestern edge of the Downtown/Civic Center neighborhood; adjacent properties on Sutter Street are also zoned RC-4. These districts provide for a mixture of high-density dwellings with supporting commercial uses. The surrounding properties include the Regency Ballroom, retail stores, restaurants and a 13-story mixed use apartment building.

ENVIRONMENTAL REVIEW

The Project is exempt from the California Environmental Quality Act ("CEQA") as a Class 1 categorical exemption.

ТҮРЕ	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Classified News Ad	20 days	February 20, 2015	February 18, 2015	22 days
Posted Notice	20 days	February 20, 2015	February 20, 2015	20 days
Mailed Notice	10 days	March 2, 2015	March 2, 2015	10 days

HEARING NOTIFICATION

PUBLIC COMMENT

• To date the Department has received no public comment.

ISSUES AND OTHER CONSIDERATIONS

- The project is to allow an Administrative Service office use at the subject property.
- The project involves minimal interior alterations which will not negatively affect the historic resource.
- The project site is very well-served by public transit lines. Metered parking spaces are provided on the streets and there are multiple parking garages in the area.

REQUIRED COMMISSION ACTION

In order for the project to proceed, the Commission must grant Conditional Use authorization to allow an administrative service use (d.b.a. Argonaut) pursuant to Planning Code Sections 303, 209.8(c) 712.70, and 790.106.

BASIS FOR RECOMMENDATION

- The project promotes the continued operation of an established San Francisco business and contributes to the viability of the Van Ness Special Use District.
- The project site is currently vacant and the project would not displace an existing tenant.
- The project meets all applicable requirements of the Planning Code.
- The project is desirable for, and compatible with the surrounding neighborhood.

RECOMMENDATION: Approval with Conditions

Attachments:

Block Book Map Sanborn Map Aerial and Site Photographs Project Sponsor Submittal, including: - Letter to the Commissioners

- Site Photographs
- Reduced Plans

Attachment Checklist

Executive	Summary	\square	Project sponsor submittal
Draft Mo	tion		Drawings: Existing Conditions
Environm	nental Determination		Check for legibility
Zoning D	istrict Map		Drawings: Proposed Project
Height &	Bulk Map		Check for legibility
Parcel Ma	ap		3-D Renderings (new construction or significant addition)
Sanborn 1	Мар		Check for legibility
Aerial Ph	oto		Wireless Telecommunications Materials
Context I	hotos		Health Dept. review of RF levels
Site Photo	DS		RF Report
			Community Meeting Notice
			Housing Documents
			Inclusionary Affordable Housing Program: Affidavit for Compliance

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

Planner's Initials

LMA

KG: G:\Cases\14.1225 C - 1244 Sutter\3-12 PC\2014.1225C 1244 SutterExecSum.doc



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- $\hfill\square$ Affordable Housing (Sec. 415)
- □ Jobs Housing Linkage Program (Sec. 413)
- □ Downtown Park Fee (Sec. 412)
- $\hfill\square$ First Source Hiring (Admin. Code)
- \Box Child Care Requirement (Sec. 414)
- Other

Planning Commission Draft Motion

HEARING DATE: MARCH 12, 2015

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ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 303, 209.8, 712.70, 790.106 OF THE PLANNING CODE TO ESTABLISH AN ADMINISTRATIVE SERVICE USE OFFICE SPACE (ADVERTISING AGENCY D.B.A. ARGONAUT) WITHIN THE RC-4 (HIGH DENSITY RESIDENTIAL COMMERCIAL) DISTRICT, VAN NESS SPECIAL USE DISTRICT AND A 130-V HEIGHT AND BULK DISTRICT.

PREAMBLE

On August 12, 2014, Argonaut Inc. represented by Jody Knight (hereinafter "Project Sponsor") filed an application with the Planning Department (hereinafter "Department") for Conditional Use Authorization under Planning Code Sections 303, 209.8, 712.70, and 790.106 to establish an Administrative Service use office space (advertising agency d.b.a. Argonaut) within the RC-4 (High Density Residential Commercial) District, Van Ness Special Use District and a 130-V Height And Bulk District.

On March 12, 2015, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2014.1125C.

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

Reception: 415.558.6378

Fax: 415.558.6409

Planning Information: 415.558.6377 The Project is exempt from the California Environmental Quality Act ("CEQA") as a Class 1 categorical exemption.

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

MOVED, that the Commission hereby authorizes the Conditional Use requested in Application No. 2014.1125C, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

FINDINGS

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

- 1. The above recitals are accurate and constitute findings of this Commission.
- 2. Site Description and Present Use. The project site is located on the north side of Sutter Street, between Van Ness Avenue and Polk Street, Block 0670, Lot 012. The property is located within the RC-4 (High Density Residential Commercial) District, the Van Ness Special Use District and is within the 130-V Height and Bulk District. The property is developed with a three-story commercial building with no history of residential use. The building consists of 1,530 square feet at the basement level; 9,907 square feet on the ground floor; 3,635 square feet on the mezzanine level; and 9,907 square feet on the second floor for a total of 24,979 gross square feet. The structure has been identified as an eligible historic resource for the purposes of CEQA. The building was constructed in 1911 as a dance studio but is most widely known as a 1960s counterculture concert venue called the Avalon Ballroom, and later as the galleries of Butterfield & Butterfield auction house. The building was most recently utilized as an Arts Activity use for television production and is currently vacant. The subject property is an interior lot, with approximately 83 feet of frontage on Sutter Street.
- 3. **Surrounding Properties and Neighborhood.** The project site is situated at the northwestern edge of the Downtown/Civic Center neighborhood; adjacent properties on Sutter Street are also zoned RC-4. These districts provide for a mixture of high-density dwellings with supporting commercial uses. The surrounding properties include the Regency Ballroom, retail stores, restaurants and a 13-story mixed use apartment building.
- 4. **Project Description.** The project sponsor seeks Conditional Use Authorization, pursuant to Planning Code Sections 303, 209.8, and 712.70, and 790.106 to establish a 24,979 gross sq. ft. Administrative Service use office use (advertising agency d.b.a. Argonaut) on the first and second floors, mezzanine level and a portion of the basement of an existing three-story commercial building. The building was most recently utilized as an Arts Activity use for filming MTV's "The Real World" television series.

The project was reviewed by the Planning Department's Preservation staff and it was determined that no further Historic Resource Review was required since the proposed project would have no adverse impact on the character-defining features of the historically significant interior. No exterior modifications are proposed other than business signage. The size of the building envelope would not change due to the project. No parking is required or provided.

The Planning Code defines multiple office uses in Sections <u>790.106</u> through <u>790.116</u>. Administrative Service as defined in Section 790.106 consists of "a nonretail use which provides executive, management, administrative, clerical and other services exclusively to the business community and not to the general public. Administrative services may include accessory storage, but not the storage of items, other than samples, for wholesale sale. It does not include services which are available to the general public."

The proposed use is an advertising agency with one existing office located on Folsom Street. The proposed Sutter Street operation consists of approximately 50 employees. Proposed hours of operation are Monday through Friday from 8:30 AM to 6 PM.

- 5. **Public Comment**. To date the Department has received no public comment.
- 6. Use District. For the purposes of this action, the project site is within the RC-4 and Van Ness Special Use Districts pursuant to Sections 209 and 243 of the Planning Code. Section 209 provides for a mixture of high-density dwellings with supporting commercial uses within RC-4 Districts. Permitted commercial uses are those permitted in NC-3 (Neighborhood Commercial, Moderate Scale) Districts, located in or below the ground story in most instances. Section 243 sets forth controls within the Van Ness Special Use District to implement the objectives and policies of the Van Ness Avenue Plan which includes (i) creation of a mix of residential and commercial uses on the boulevard, (ii) preservation and enhancement of the pedestrian environment, (iii) encouragement of the retention and appropriate alteration of architecturally and historically significant and contributory buildings (iv) conservation of the existing housing stock, (v) enhancement of the visual and urban design quality of the street , and (vi) the establishment of an area appropriate for a medical center use.
- 7. **Planning Code Compliance:** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:
 - A. **Planning Code Sections 209.8(b) and (c)** allows for retail, personal service or other commercial establishment as permitted as a conditional use in the NC-3 District, which is located in a building on the ground and upper floors in the RC-4 Zoning District with Conditional Use Authorization.

The proposed Project is to allow for the conversion of a vacant Arts Activity space to an Administrative Service use on all floors of the building.

B. **Planning Code Section 712.70** states that a Conditional Use Authorization is required for Administrative Service office use, as defined by Planning Code Section 790.106.

The Administrative Service would consist of an office for an advertising agency. The office use would be restricted to Administrative Service uses only and would not include financial or professional office uses that provide services to the general public.

C. Street Frontage. Planning Code Section 145.1 requires that within RC Districts space for active uses shall be provided within the first four feet of building depth on the ground floor. Frontages with active uses that must be fenestrated with transparent windows and doorways for no less than 60 percent of the street frontage at the ground level and allow visibility to the inside of the building. The use of dark or mirrored glass shall not count towards the required transparent area. Any decorative railings or grillwork, other than wire mesh, which is placed in front of or behind ground floor windows, shall be at least 75 percent open to perpendicular view. Rolling or sliding security gates shall consist of open grillwork rather than solid material, so as to provide visual interest to pedestrians when the gates are closed, and to permit light to pass through mostly unobstructed. Gates, when both open and folded or rolled as well as the gate mechanism, shall be recessed within, or laid flush with, the building facade.

An "active use" is defined as a principal, conditional, or accessory use which by its nature does not require non-transparent walls facing a public street. The Project would occupy an existing commercial space where existing fenestration exceeds 60 percent of the street frontage. The proposed use will provide clear and unobstructed windows to activate the pedestrian realm adjacent to the project site.

D. **Parking**. Planning Section 151.1 of the Planning Code establishes maximum off-street parking requirements in RC zoning districts with no minimum parking requirement for the proposed use.

The Subject Property contains no off-street parking. The existing site does not provide parking and the provision of parking would be very difficult. The former Arts Activity use did not provide parking. The project proposed no off-street parking.

E. **Use Size**. Planning Code Section 209.8(f) allows a non-residential use size up to 6,000 gsf asof-right, and any use size 6,000 gsf and above requires Conditional Use Authorization.

The Project will occupy a vacant tenant space that was previously occupied by an Arts Activity use of equal size. The existing space includes approximately 1,530 gross square feet (gsf) at the basement level; 9,907 gsf on the ground floor; 3,635 gsf on the mezzanine level; and 9,907 square feet on the second floor for a total of 24,979 gsf.

Since there will be no increase to the existing gross square footage as a result of the project, the new Administrative Service tenant is "grandfathered-in" as having a Conditional Use for use size.

- F. **Signage**. Any proposed signage will be subject to the review and approval of the Planning Department.
- 8. **Planning Code Section 303** establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use approval. On balance, the project does comply with said criteria in that:

A. 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 in keeping with other uses on the blockface. The proposed Administrative Service use will not affect traffic or parking in the District because it does not provide services to the general public. The proposed use will contribute to the economic vitality of the neighborhood by utilizing a vacant building.

- 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 size, height and bulk of the existing building will remain the same and the proposed project will not alter the existing appearance or character of the building.

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;

No off-street parking exists and the Project does not propose the addition of parking. There is on-street parking in front of the subject property and in the surrounding neighborhood. The proposed use should not generate significant amounts of vehicular trips from the immediate neighborhood or citywide. The site is well served by public transit.

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

No noxious or offensive emissions such as glare, dust, or odor are expected to be produced by the proposed Project.

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

The proposed advertising agency does not propose any exterior alterations to the building. There will be no addition of parking spaces, loading facilities, open space or service areas. All Project signage and projections will be consistent with the controls of the Planning Code.

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 complies with all relevant requirements and standards of the Planning Code and is consistent with objectives and policies of the General Plan as detailed below.

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

COMMERCE AND INDUSTRY ELEMENT

Objectives and Policies

OBJECTIVE 1:

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

The proposed Administrative Service use would be compatible with and complimentary to the type of uses characterizing this portion of the RC-4 District and Van Ness Special Use District along Van Ness Avenue, which include a mixture of retail, service, and commercial and residential uses.

Policy 1.3:

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

The proposed development will provide desirable business services to the professional community and will provide resident employment opportunities. The proposed use will not result in undesirable consequences.

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 retain an existing San Francisco company and will enhance the diverse economic base of the City.

OBJECTIVE 4:

IMPROVE THE VIABILITY OF EXISTING INDUSTRY IN THE CITY AND THE ATTRACTIVENESS OF THE CITY AS A LOCATION FOR NEW INDUSTRY.

Policy 4.1:

Maintain and enhance a favorable business climate in the City.

No commercial tenant would be displaced and the project would allow an existing business to relocate and expand its current office and remain in the City.

VAN NESS AVENUE AREA PLAN

Land Use: Subarea 1

OBJECTIVE 1:

CONTINUE EXISTING OF THE AVENUE AND ADD A SIGNIFICANT INCREMENT OF NEW HOUSING.

Policy 1.2:

Allow existing structures to remain in non-residential use.

The existing building has never been used for residential use. Approval of this Conditional Use Authorization would allow the existing historic structure to remain in non-residential use.

OBJECTIVE 11:

PRESERVE THE FINE ARCHITECTURAL RESOURCES OF VAN NESS AVENUE.

Policy 11.1:

Avoid demolition or inappropriate alteration of historically and architecturally significant buildings.

The subject building is recognized as a historic resource and is also listed as a significant building in the Van Ness Avenue Area Plan. The proposed Project will not significantly affect the architectural or cultural significance of the building since there will be no alterations to the exterior of the building or expansion of the existing building envelope. Alteration to the interior of the building will be reversible.

- 10. **Planning Code Section 101.1(b)** establishes eight priority-planning policies and requires review of permits for consistency with said policies. On balance, the project does comply with said policies in that:
 - A. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses be enhanced.

The proposal would bring employment opportunities to the area, which would also serve to strengthen the neighborhood retail uses.

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

Existing residential units in the surrounding neighborhood would not be adversely affected by the Project. The proposal does not affect housing or change the character of the historic building.

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

The Project would have no effect on housing. No residential uses exist at the site and none are proposed for this Project.

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

The site is located near Van Ness Avenue and is well served by transit. According to the applicant most employees would commute by transit thereby mitigating possible effects on street parking. Transit lines serving the site area include the 1-California, 2-Clement, 3-Jackson, 19-Polk, 31-Balboa, 38-Geary, 38L-Geary, 38AX-Geary A Express, 38BX-Geary B Express, 47-Van Ness 49-Mission, 76X-Marin Headlands Express, and NX-N Express.

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. Ownership of industrial or service sector businesses will not be affected by this project.

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

The project will conform to the structural and seismic safety requirements of the City Building Code and will not impact the property's ability to withstand an earthquake.

G. That landmarks and historic buildings be preserved.

The proposed Project will not significantly affect the defining interior or exterior features of the historic building. The building is included among the significant buildings in the Van Ness Area Plan; it is noted for its rich architectural styling and cultural importance as the former home of Butterfield & Butterfield and the Avalon Ballroom.

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

The project will have no negative effect on existing parks and open spaces. The Project does not have an effect on open spaces.

- 11. 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.
- 12. The Commission hereby finds that approval of the Conditional Use authorization would promote the health, safety and welfare of the City.

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Application No. 2014.1225C** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated January 12, 2015, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion No. 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.

Protest of Fee or Exaction: You may protest any fee or exaction subject to Government Code Section 66000 that is imposed as a condition of approval by following the procedures set forth in Government Code Section 66020. The protest must satisfy the requirements of Government Code Section 66020(a) and must be filed within 90 days of the date of the first approval or conditional approval of the development referencing the challenged fee or exaction. For purposes of Government Code Section 66020, the date of imposition of the fee shall be the date of the earliest discretionary approval by the City of the subject development.

If the City has not previously given Notice of an earlier discretionary approval of the project, the Planning Commission's adoption of this Motion, Resolution, Discretionary Review Action or the Zoning Administrator's Variance Decision Letter constitutes the approval or conditional approval of the development and the City hereby gives **NOTICE** that the 90-day protest period under Government Code Section 66020 has begun. If the City has already given Notice that the 90-day approval period has begun for the subject development, then this document does not re-commence the 90-day approval period.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on March 12, 2015.

Jonas P. Ionin Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: March 12, 2015

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to allow an Administrative Service use office space (d.b.a. **Argonaut**) on all floors of the building at 1244 Sutter Street pursuant to Planning Code Sections 303, 209.8, 712.70, and 790.106 within the RC-4 District and a 130-V Height and Bulk District; in general conformance with plans, dated **XXXXX**, and stamped "EXHIBIT B" included in the docket for Case No. **2014.1225C** and subject to conditions of approval reviewed and approved by the Commission on **March 12, 2015** under Motion No **XXXXXX**. 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 **March 12, 2015** under Motion No **XXXXXX**.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. **XXXXXX** 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 Conditional Use authorization.

CONDITIONS OF APPROVAL, COMPLIANCE, MONITORING, AND REPORTING PERFORMANCE

1. **Validity.** The authorization and right vested by virtue of this action is valid for three (3) years from the effective date of the Motion. The Department of Building Inspection shall have issued a Building Permit or Site Permit to construct the project and/or commence the approved use within this three-year period.

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

2. Expiration and Renewal. Should a Building or Site Permit be sought after the three (3) year period has lapsed, the project sponsor must seek a renewal of this Authorization by filing an application for an amendment to the original Authorization or a new application for Authorization. Should the project sponsor decline to so file, and decline to withdraw the permit application, the Commission shall conduct a public hearing in order to consider the revocation of the Authorization. Should the Commission not revoke the Authorization following the closure of the public hearing, the Commission shall determine the extension of time for the continued validity of the Authorization.

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

3. **Diligent pursuit.** 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. Failure to do so shall be grounds for the Commission to consider revoking the approval if more than three (3) years have passed since this Authorization was approved.

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

4. **Extension.** All time limits in the preceding three paragraphs may be extended at the discretion of the Zoning Administrator where implementation of the project is delayed by a public agency, an appeal or a legal challenge and only by the length of time for which such public agency, appeal or challenge has caused delay.

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

5. **Conformity with Current Law.** No application for Building Permit, Site Permit, or other entitlement shall be approved unless it complies with all applicable provisions of City Codes in effect at the time of such approval.

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

MONITORING - AFTER ENTITLEMENT

- 1. 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*
- 2. **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, <u>www.sf-planning.org</u>

OPERATION

- 6. **Garbage, Recycling, and Composting Receptacles.** Garbage, recycling, and compost containers shall be kept within the premises and hidden from public view, and placed outside only when being serviced by the disposal company. Trash shall be contained and disposed of pursuant to garbage and recycling receptacles guidelines set forth by the Department of Public Works. *For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works at* 415-554-.5810, http://sfdpw.org
- 7. 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,.<u>http://sfdpw.org/</u>
- 8. **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, <u>www.sf-planning.org</u>

Parcel Map



POLK



Sanborn Map*



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

 $\mathbf{\mathbf{b}}$

Aerial Photo







Zoning Map





Site Photo



REUBEN, JUNIUS & ROSE, LLP

February 17, 2015

<u>By Email</u>

President Rodney Fong and Commissioners San Francisco Planning Commission 1650 Mission Street, Suite 400 San Francisco, CA 94103

Re: Conditional Use Approval for Office Use of 1244 Sutter Street Planning Case Number: 2014.1225 Hearing Date: March 12, 2015 Our File No.: 8554.01

Dear President Fong and Commissioners:

Our office represents ARGONAUT, a local San Francisco advertising agency and the project sponsor, which seeks conditional use approval to add office space to the currently vacant building at 1244 Sutter Street (the "Site"). The Site is located in the RC-4 District, in which office space is permitted above the ground floor with conditional use approval.¹ ARGONAUT respectfully seeks approval under Planning Code Section 303 to add office space to the first floor, second floor, mezzanine and a portion of the basement ("Project").

A. Surrounding Neighborhood

The Site is located on Sutter Street between Van Ness Avenue and Polk Street in the Downtown/Civic Center neighborhood. The building once contained the Avalon Ballroom, Butterfield & Butterfield Auction House, and the Regency 2 Movie Theater. More recently, the first floor and basement have been used for office space and served as the set for MTV's Real World San Francisco. The building is currently vacant. The Site area contains a mix of commercial, residential and office uses.

James A. Reuben | Andrew J. Junius | Kevin H. Rose | Daniel A. Frattin | John Kevlin

Jay F. Drake | Lindsay M. Petrone | Sheryl Reuben¹ | Tuija I. Catalano | Thomas Tunny | David Silverman

Melinda A, Sariapur | Mark H, Loper | Jody Knight | Stephanie L, Haughey | Jared Eigerman^{2,3} | John McInerney III²

One Bush Street, Suite 600 San Francisco, CA 94104

tel: 415-567-9000 fax: 415-399-9480

1. Also admitted in New York 2. Of Counsel 3. Also admitted in Massachusetts

www.reubenlaw.com

¹ In RC-4 Districts, commercial uses are permitted as (1) a principal use on the ground floor or below of a building if permitted as a principal use on the ground floor in an NC-3 District (Planning Code § 209.8(a)); (2) a conditional use on the ground floor or below of a building if permitted as a conditional use on the ground floor in an NC-3 District (Planning Code § 209.8(b)); and (3) a conditional use above the ground floor of a building if permitted as a principal or conditional use on the ground floor in an NC-3 District (Planning Code § 209.8(b)); and (3) a conditional use above the ground floor of a building if permitted as a principal or conditional use on the ground floor in an NC-3 District (Planning Code § 209.8(c)). An "administrative service" is a conditional use on all floors in the NC-3 District (Sections 712.70; 790.106).

President Fong and Commissioners San Francisco Planning Commission February 17, 2015 Page 2

B. Project Description

ARGONAUT proposes to add 24,979 square feet of office to a historic building that is currently vacant. The Project's design does not cover up or alter any of the building's historic features, but instead simply places the proposed office use into the existing ballroom space on the second floor and mezzanine, as well as the first floor and part of the basement which do not contain historic elements. ARGONAUT intends to furnish the building with unique custom workstation furniture and install a stage element that harkens back to the days when the ballroom was a famous rock music venue. No new parking is proposed. The Project allows a local company to grow its business in an area highly accessible by public transit.

C. Summary of Project Benefits

- **Gives New Life to a Historic Building**. The Van Ness Area Plan specifies certain historically and architecturally significant buildings, including the Site. The Plan prioritizes maintaining these buildings for active use rather than demolishing them, and recognizes that flexibility must be shown to encourage re-use of the buildings, including permitting changes of use. The Project will give new life to a historic building, precisely the goal of the Van Ness Area Plan.
- Allows a Vacant Building to be Utilized for Much-Needed Office Space. The Project provides office space in the City without displacing other uses or requiring new construction. The approximately 50 employees expected to work at the site will benefit the area's retail, restaurants and bars.
- Adds Office Use to a Property Highly Accessible by Public Transportation. The Project will utilize the plentiful public transportation in the area, including the Van Ness bus corridor. Most employees are expected to walk, bike or take public transportation to work.
- Supports the Growth of a Vibrant Local Company. The Project would allow a vibrant local company to remain in the City and expand, supporting job creation and the economic growth of the City.

D. Conclusion

The Project allows a growing San Francisco company to expand into new space in a building that is currently vacant and not contributing to the commercial vitality of the City. ARGONAUT is the type of business that San Francisco seeks, a young company born in the City which employs

> One Bush Street, Suite 600 San Francisco, CA 94104

tel: 415-567-9000 fax: 415-399-9480

www.reubenlaw.com

President Fong and Commissioners San Francisco Planning Commission February 17, 2015 Page 3

a highly creative and diverse staff who for the most part are urban dwellers. We look forward to presenting the Project to you on March 12 and respectfully request your support.

Very truly yours,

205 74 UA

REUBEN, JUNIUS & ROSE, LLP Jody Knight

cc: Cindy Wu, Commission Vice-President Michael Antonini, Commissioner Christine Johnson, Commissioner Rich Hillis, Commissioner Christine D. Johnson, Commissioner Kathrin Moore, Commissioner Dennis Richards, Commissioner Jonas Ionin, Commission Secretary John Rahaim, Planning Director Scott Sanchez, Zoning Administrator Laura Ajello, Project Planner Jordan Warren, Project Sponsor

> One Bush Street, Suite 600 San Francisco, CA 94104

tel: 415-567-9000 fax: 415-399-9480

G:\Cases\14.1225 C - 1244 Sutter\3-12 PC\LTR - 1244 Sutter PC Brief 2 17 15. **REUBEN, JUNIUS & ROSE**, цр

1244 SUTTER STREET SAN FRANCISCO, CALIFORNIA

(FORMER AVALON BALLROOM)

SAN FRANCISCO PLANNING DEPARTMENT CONDITIONAL USE PERMIT #2014.1225C

PROJECT DESCRIPTION	PROJECT SCOPE - BASEMENT	PROJECT SCOPE - 1ST FLOOR	PROJECT SCOPE - 2ND FLOOR	PROJECT SCOPE - 3RD FL/MEZZANINE	PROJECT SCOPE - EXTERIOR
244 SUTTER STREET WAS ORIGINALLY BUILT 1911 AS A DANCE SCHOOL OVER THE ARS IT HAS BEEN HOUSED VARIOUS CCUPANTS INCLUDING A DANCE HALL, MOVIE TEATER, AUCTION HOUSE AND MOST RECENTLY AS USED AS A SET FOR MIV'S REAL WORLD EATTY SERIES. REONAUT, AN ADVERTISING AGENCY WOULD KE TO MODIFY THE BUILDING FOR ITS USE S A CREATIVE OFFICE SPACE. HE PROPOSED PROJECT IS TO CREATE A DLABORATIVE OPEN OFFICE ENVIRONMENT R A MAXIMUM OF 175 EMPLOYEES UNILIZING HE EXISTING HIETORICAL BUILD-OLT. D MODIFICATIONS ARE PLANNED FOR ANY RIGINAL AR HIECTURAL DETAILING.	NOTE	 REMOVE ADDED DRYWALL PARTITIONS BUILT AS SET FOR MTV'S REAL WORLD. REMOVE ADDED SUSPENDED CEILING AND REPAIR EXISTING DRYWALL CEILING ABOVE REMOVE DRYWALL ON INTERIOR OF EXTERIOR WALLS TO EXPOSE BRICKWORK. ADDI PARTITIONS FOR NEW MEETING ROOMS. OFFICES AND PANTRY AREA. UP RADED 2ND FLOOR ENTRY VESTIBULE EXPOSE AND REPAIR EXISTING E CALATOR. NEW FLUGRE CENT AND LED LICHTING THROUGHOUT NOTE: NC MODIFICATION PLANNED TO ORIGINAL SUTTER STREET STOREFRONT. 	 REMOVE ADDED IDRYWALL PARTITIONS BETWEEN BALLROOM AND RELEPTION/BREAKROOM EXPOSE AND REPAIR EXISTING ESCALATOR NEW ENLARGED BREAKROOM IN FORMER PANTRY AREA NEW CUSTOM FURNITURE COMPONENTS WITHIN EXISTING BALLROOM – UNITS ARE SELF SUPPORTING AND DO NOT ATTACH TO HISTORIC ELEMENTS. NEW LED COVE LIGHTING AROUND BALLROOM NEW LED COVE LIGHTING AROUND BALLROOM NEW LIGHTING IN RELEPTION & BREAKROOM NOTE: NO MODIFICATION PLANNED TO ORIGINAL BALLROOM ARCH TECTURE. PLASTER DETAILS OR FINISHES. 	 ADD INFILL WALLS TO DIVIDE OFFICE SPACE NEW CABINETRY IN BREAKROOM PANTRY NEW CUSTOM FURNIURE COMPONENTS WITHIN EXISTING BOARDROOM NEW LIGHTING IN BOARDROOM & ANTE AREA NO MODIFICATION PLANNED TO ORIGINAL BOARDROUM ARCHITECTURE, PLASTER DETAILS OR FINISHES. 	1 MODIFICATION OF EXISTING SIGNAGE TO E APPLIED FOR UNDER SEPARATE PERMIT. NOTE 1. NO MODIFICATION PLANNED TO EXTERIOR FACADE OR ENTRIES.
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JORDAN WARREN	RC-4 RESIDENTIAL - COMMERCIAL, HIGH	AUGU 51 1000	Sutter St	2-DEMO 2ND FLOOR / EXISTING-DEMOLTION PLAN	PH-EXT PH. TO - EXTERIOR SOUTH FACADE
HILCO	DENSITY	Bush St (177)		3-DEMO 3RD FLOOR-MEZZANINE / EXISTING-DEMOLITION PLAN	PH=1 PHOTOS - BALLROOM
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NE: 415-39 12:2 1 ACT DAVID //E:+LEY	0691011	Carter Di	Geory S.	3 PART SRD FLOOR-ME ZANINE / PARTITION PLAN	
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(E) SINGLE STORY COMMERCIAL BUILDING	PLOT PLAN 1244 SUTTER STREET SAN FRANCISCO, CA REUBEN, JUNIUS & ROSE LLP 1 BUSH ST 1 BUSH ST SAN FRANCISCO, CA 94104
40.25	
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BASEMENT / EXISTING - DEMOLITION PLAN

ARGONAUT | 1244 SUTTER STREET

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		ייד היהיא אור רו-	$\neg \neg \neg \neg + + $			+ +	

1ST FLOOR / EXISTING - DEMOLITION PLAN

ARGONAUT | 1244 SUTTER STREET







2ND FLOOR / EXISTING - DEMOLITION PLAN

ARGONAUT | 1244 SUTTER STREET

nal Group 50 California Street, Seventh Floor San Franklace, CA 94111 415.394.1212 www.hu











3RD FLOOR - MEZZANINE / EXISTING - DEMOLITION PLAN

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ctural Group 50 California Street, Seventh Floor San Francisco, CA 94111 415.394.1212 www.hunt





PARTITION LEGEND:

GROSS SQUARE FOOT = 1530 USABLE SQUARE FOOT = 1225

CREATED : 01.05.00 PLOTTED : 12.08.14 | 7:28 PM BY : dem

FLE : ...\ARGONAUT 14040\14-1121_CU Plans\00_BMPart.deg

115'-9" 21'-2" 19'-5" 17'-5" 17'-4" 20'-5" 20'-1" BłKE/ ARGONAUT /STØRAGE/ PROJECT 4 NOT PART OF PROJECT NOT/PART/OF GAMEROOM PROJECT EQUIP. 4 47 ÆQ. MENS/ MECHANICAL TOILET ROOM NOT PART OF PROJĘCT A WOMENS/ TOILET NOT PART OF PROJECT

BASEMENT / PARTITION PLAN

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GROSS SQUARE FOOT = 9907 **USABLE SQUARE FOOT = 8873**

CREATED : 01.05.00 PLOTTED : 12.08.14 | 7:31 PM BY : dem

FLE : ...\ARGONAUT 14040\14-1121_CU Pione\00_01port.dwg



1ST FLOOR / PARTITION PLAN

GROSS SQUARE FOOT = 9907 USABLE SQUARE FOOT = 8798

FLE : ...\ARCONAUT 14040\14-1121_CU Plane\00_02Part.deg



2ND FLOOR / PARTITION PLAN

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GROSS SQUARE FOOT = 3635 USABLE SQUARE FOOT = 2954

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3RD FLOOR - MEZZANINE / NEW PARTITION PLAN

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H HUNTSMAN

11.24.14 14.040.00 1/4" = 1'-0"

3-PART

81'-6"





BASEMENT / REFLECTED CEILING PLAN

ARGONAUT | 1244 SUTTER STREET







1ST FLOOR / REFLECTED CEILING PLAN

ARGONAUT | 1244 SUTTER STREET

FLE : ...\ARGONAUT 14040\14-1121_CU Plans\00_01part.dwg

CREATED : 01.05.00 PLOTTED : 12.08.14 | 7:31 PM BY : dem





2ND FLOOR / REFLECTED CEILING PLAN

ARGONAUT | 1244 SUTTER STREET

FLE : ...\ARGONAUT 14040\14-1121_CU Plans\00_02ParLdwg

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3RD FLOOR - MEZZANINE / REFLECTED CEILING PLAN

ARGONAUT | 1244 SUTTER STREET

...\ARGONAUT 14040\14-1121_CU Plane\00_03Port.deg

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EXISTING PARAPET - CLAY TILE AND PAINTED WOOD TRIM TO REMAIN.

EXISTING WINDOWS AND PAINTED WOOD ARCHITECTURAL MOLDINGS TO REMAIN, TYP.

Existing Building Painted Stucco Finish to Remain.

EXISTING PAINTED METAL FIRE ESCAPE TO REMAIN.

EXISTING BUILDING PAINTED STUCCO FINISH TO REMAIN.

SIGNAGE AREA - EXISTING SIGNAGE TO BE REMOVED AND REPLACED WITH NEW OF SIMILAR SIZE AND STYLE TO BE PERMITTED AS A SEPARATE PROJECT.

EXISTING NON-HISTORIC ALUMINUM GLAZING SYSTEM TO REMAIN.



BUILDING SECTION - EAST / WEST

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BALLROOM ELEVATIONS - EAST / WEST

4 BALLROOM WEST ELEVATION



3 BALLROOM EAST ELEVATION



 EXISTING PAINTED PLASTER ARCHITECTURAL MOLDING AND DETAILING TO REMAIN.
 NEW COVE LIGHT SURROUNDING BALLROOM

EXISTING PAINTED PLASTER ENGAGED COLUMNS TO REMAIN, TYP.

EXISTING WINDOWS, AND PANES OF GLASS TO REMAIN, TYP.

EXISTING PAINTED METAL DECORATIVE GRILL TO REMAIN, TYP.

EXISTING PAINTED PLASTER DECORATIVE BALCONIES AND DETAILED TRIM TO REMAIN. EXISTING PAINTED METAL SEISMIC REINFORCEMENT TO REMAIN, TYP.

EXISTING NON-HISTORIC WALL SCONCES TO REMAIN, TYP.

ALL HISTORIC BASE TRIM TO REMAIN, TYP.



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BALLROOM ELEVATIONS - NORTH / SOUTH

(2) BALLROOM NORTH ELEVATION



1 BALLROOM SOUTH ELEVATION





EXISTING PAINTED METAL SEISMIC REINFORCEMENT TO REMAIN, TYP.

EXISTING PAINTED PLASTER ENGAGED COLUMNS TO BE EXTENDED AND RESTORED TO MATCH OTHERS

NEW COVE LIGHT SURROUNDING BALLROOM



BUILDING PHOTO - SUTTER STREET

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08.04.14 14040.00 1/8 = 1'=0



PLOTTED : 10.09.14 | 10:37 AM BY : dem



BALLROOM - VIEW SOUTH



BALLROOM - VIEW NORTH



TYPICAL BALCONY



BOARDROOM BALCONY



BALCONY DETAIL





TYPICAL CORNER

EXISTING ARCHITECTURAL PHOTOGRAPHS - BALLROOM

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DECORATIVE GRILL DETAIL



PLOTTED : 10.09.14 | 10:36 AM BY : dem



1ST FLOOR - VIEW NORTH (MTV REAL WORLD SET)



3RD FLOOR / MEZZANINE - VIEW EAST - BOARDROOM



TYPICAL BASEMENT VIEW



1ST FL - VIEW EAST @ SUTTER ST



1ST FL - VIEW EAST @ FERN ALLEY





3RD/MEZZ - VIEW NORTH

EXISTING ARCHITECTURAL PHOTOGRAPHS - TYPICAL BUILDING AREAS

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3RD/MEZZ - TYPICAL OFFICE

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PH-2

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10.06.14

14040.00

NTS

