



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Project Summary and DRAFT MOTION

COMMUNITY BUSINESS PRIORITY PROCESSING PROGRAM

HEARING DATE: JANUARY 7, 2016

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San Francisco,
CA 94103-2479

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Date Prepared: December 29, 2015
Case No.: **2015-013731CUA**
Project Address: **981 Mission Street**
Zoning: C-3-S (Downtown Support - Commercial District)
160-F Height and Bulk District
Block/Lot: 3725 / 078
Project Sponsor: Warner H. Schmalz, AIA w.schmalz@forumdesign.com
1014 Howard Street
San Francisco, CA 94103
Staff Contact: Colin Clarke at (415) 575-9184 or Colin.Clarke@sfgov.org

PROJECT DESCRIPTION

This is a **Conditional Use Authorization** request pursuant to Planning Code Sections [303](#), [210.2](#) and [102](#), for a change of use from a vacant 18,741 square foot tenant space (previously occupied by a copy center d.b.a. Ford Graphics) to an Office use, d.b.a. [Covo](#), on the basement and mezzanine levels, with Retail on the ground floor, within the C-3-S (Downtown Support - Commercial) Zoning District, [Central SoMa](#) and [Downtown](#) Area Plans, and 160-F Height and Bulk District. This project has been reviewed under the Community Business Priority Processing Program ([CB3P](#)).

REQUIRED COMMISSION ACTION

In the C-3-S (Downtown Support - Commercial) Zoning District, a Conditional Use Authorization is required by Planning Code Section [210.2](#) for a Non-Retail Sales and Service (Office) use if at or below the ground floor.

DECISION

Based on information set forth in application materials submitted by the project sponsor and available in the case file (which is incorporated herein by reference as though fully set forth) and based upon the CB3P Checklist and findings below, the Commission hereby **APPROVES Conditional Use Application No. 2015-013731CUA** subject to conditions contained in the attached "EXHIBIT A" and in general conformance with plans on file, dated December 11, 2015, and stamped "EXHIBIT B."

CB3P CHECKLIST

	Required Criteria			Comments (if any)
	Complete & adequate	Incomplete and / or inadequate	Not required and / or not applicable	
Project Sponsor's application	X			
CB3P eligibility checklist	X			
Planning Code §101.1 findings	X			
Planning Code §303(c) findings	X			
Planning Code §303(o) findings for Eating and Drinking Uses				
Any additional Planning Code findings e.g. §303(k) findings for movie theater removals or §303(m) findings for grocery store removals				
Photographs of the site and/or context	X			
Scaled and/or dimensioned plans	X			
Clearance under California Environmental Quality Act ("CEQA")	X			Categorical Exemption (CatEx) published 12/15/2015

Additional Information	
Notification Period	12/18/2015 – 1/7/2016 (20 days newspaper; 20 days posted). 12/28/2015 – 1/7/2016 (10 days mailing).
Number and nature of public comments received	The Department has received 7 letters of support for the project (attached).
Number of days between filing and hearing	86 days.

Generalized Basis for Approval
<i>The project is necessary and desirable for, and compatible with the neighborhood as it activates a vacant 18,741 square foot space with neighborhood-serving ground floor retail and publicly accessible workspace (hourly with no membership required), with monthly and annual membership-only workspace on the mezzanine and basement levels. The space has been vacant for 1.5 years and was previously occupied by a copy center. Covo plans to offer ground floor café services, display local artwork, provide office resources to local small businesses and nonprofits, and provide space for seminars, networking events, and professional education. Small and medium-sized design and architecture firms, being priced out of SF, are targeted as potential users of this space. Covo plans to offer a scholarship and mentorship program with volunteers experienced in opening, operating, and growing small businesses, and plans to give free or discounted space to nonprofits, students, and those who cannot afford the fees. Staff recommends approval with conditions.</i>

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on January 7, 2016.

AYES:

NAYS:

ABSENT:

ADOPTED: January 7, 2016

Jonas P. Ionin
Commission Secretary

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. 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.

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.

EXHIBIT A

AUTHORIZATION

This authorization is for a **Conditional Use Authorization** pursuant to Planning Code Sections [303](#), [210.2](#) and [102](#), for a change of use from a vacant 18,741 square foot tenant space (previously occupied by a copy center d.b.a. Ford Graphics) to an Office use, d.b.a. [Covo](#), on the basement and mezzanine levels, with Retail on the ground floor, within the C-3-S (Downtown Support - Commercial) Zoning District, [Central SoMa](#) and [Downtown](#) Area Plans, and 160-F Height and Bulk District; in general conformance with plans, dated December 11, 2015, and stamped "EXHIBIT B" included in the docket for Record No. 2015-003049CUA and subject to conditions of approval reviewed and approved by the Commission on January 7, 2016 under Motion No. XXXXX. 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 January 7, 2016 under Motion No. XXXXX.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. XXXXX 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, www.sf-planning.org

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, www.sf-planning.org

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, www.sf-planning.org

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, www.sf-planning.org

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, www.sf-planning.org

DESIGN – COMPLIANCE AT PLAN STAGE

6. **Final Materials.** The Project Sponsor shall continue to work with Planning Department on the building design. Final materials, glazing, color, texture, landscaping, and detailing shall be subject to Department staff review and approval.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org
7. **Garbage, composting and recycling storage.** Space for the collection and storage of garbage, composting, and recycling shall be provided within enclosed areas on the property and clearly labeled and illustrated on the Building Permit plans. Space for the collection and storage of recyclable and compostable materials that meets the size, location, accessibility and other standards specified by the San Francisco Recycling Program shall be provided at the ground level of the buildings.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org
8. **Rooftop Mechanical Equipment.** Pursuant to Planning Code 141, the Project Sponsor shall submit a roof plan to the Planning Department prior to Planning approval of the Building Permit Application if any rooftop mechanical equipment is proposed as part of the Project. Any such equipment is required to be screened so as not to be visible from any point at or below the roof level of the subject building.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org
9. **Odor Control Unit.** In order to ensure any significant noxious or offensive odors are prevented from escaping the premises once the project is operational, the Building Permit Application to implement the project shall include air cleaning or odor control equipment details and manufacturer specifications on the plans. Odor control ducting shall not be applied to the primary façade of the building.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org
10. **Signs.** Any signs on the property must have a sign permit and shall comply with the requirements of Article 6 of the Planning Code.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

MONITORING - AFTER ENTITLEMENT

11. **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*
12. **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

13. **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>*
14. **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>*
15. **Noise Control.** The premises shall be adequately soundproofed or insulated for noise and operated so that incidental noise shall not be audible beyond the premises or in other sections of the building and fixed-source equipment noise shall not exceed the decibel levels specified in the San Francisco Noise Control Ordinance. *For information about compliance with the fixed mechanical objects such as rooftop air conditioning, restaurant ventilation systems, and motors and compressors with acceptable noise levels, contact the Environmental Health Section, Department of Public Health at (415) 252-3800, www.sfdph.org*
For information about compliance with the construction noise, contact the Department of Building Inspection, 415-558-6570, www.sfdbi.org
For information about compliance with the amplified sound including music and television contact the Police Department at 415-553-0123, www.sf-police.org

16. **Odor Control.** While it is inevitable that some low level of odor may be detectable to nearby residents and passersby, appropriate odor control equipment shall be installed in conformance with the approved plans and maintained to prevent any significant noxious or offensive odors from escaping the premises.

For information about compliance with odor or other chemical air pollutants standards, contact the Bay Area Air Quality Management District, (BAAQMD), 1-800-334-ODOR (6367), www.baaqmd.gov and Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

17. **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

18. **Use.** This authorization limits the Alcoholic Beverage Control license to Type 41 (On-Sale Beer and Wine for Bona Fide Public Eating Place) only. No dedicated Point of Sale shall be provided for the exclusive purchase of beer and wine for consumption off the premises.

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

19. **Lighting.** All Project lighting shall be directed onto the Project site and immediately surrounding sidewalk area only, and designed and managed so as not to be a nuisance to adjacent residents. Nighttime lighting shall be the minimum necessary to ensure safety, but shall in no case be directed so as to constitute a nuisance to any surrounding property.

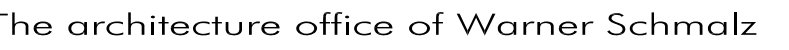
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

SAN FRANCISCO, CA 94102

A0.0

NOTE: SOME OF THE ABOVE ABBREVIATIONS MAY NOT HAVE BEEN USED FOR THIS PROJECT

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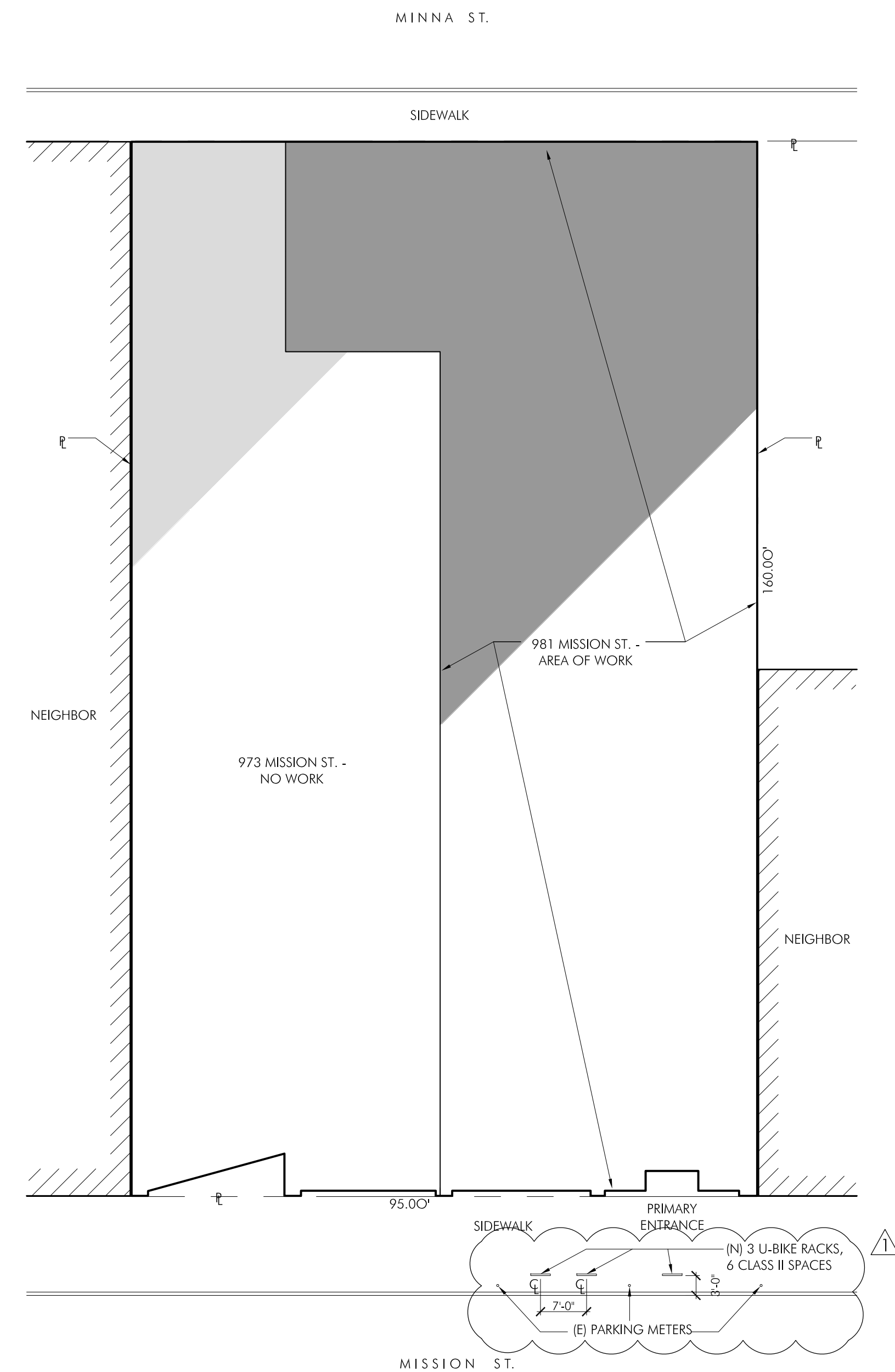
CHANGE OF USE

JOB NUMBER:	DRAWN BY:
	F.R.
DATE:	CHECKED BY:
3.2015	W.S.
SCALE:	
AS NOTED	

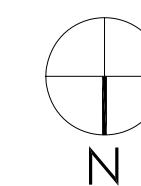
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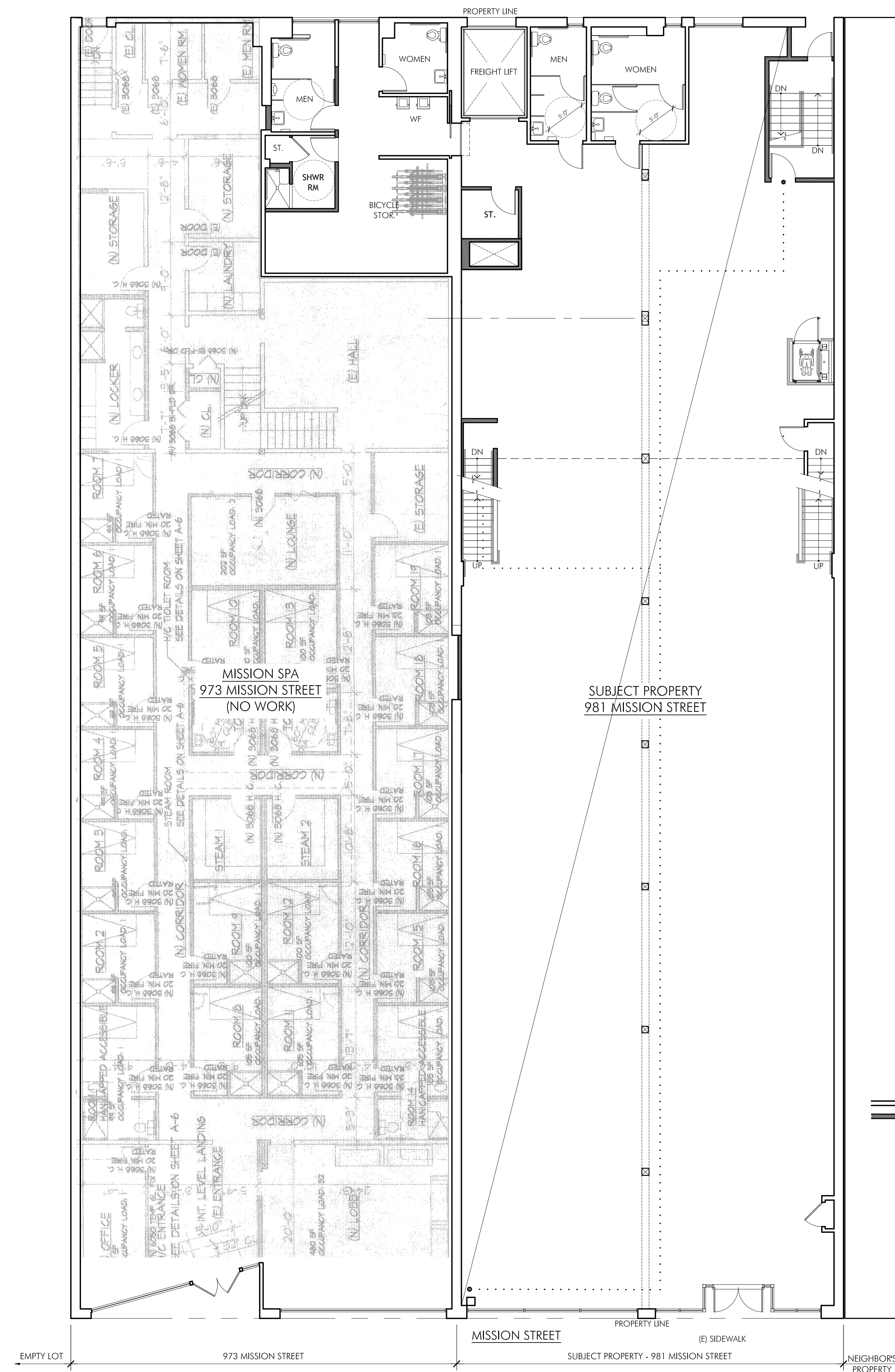
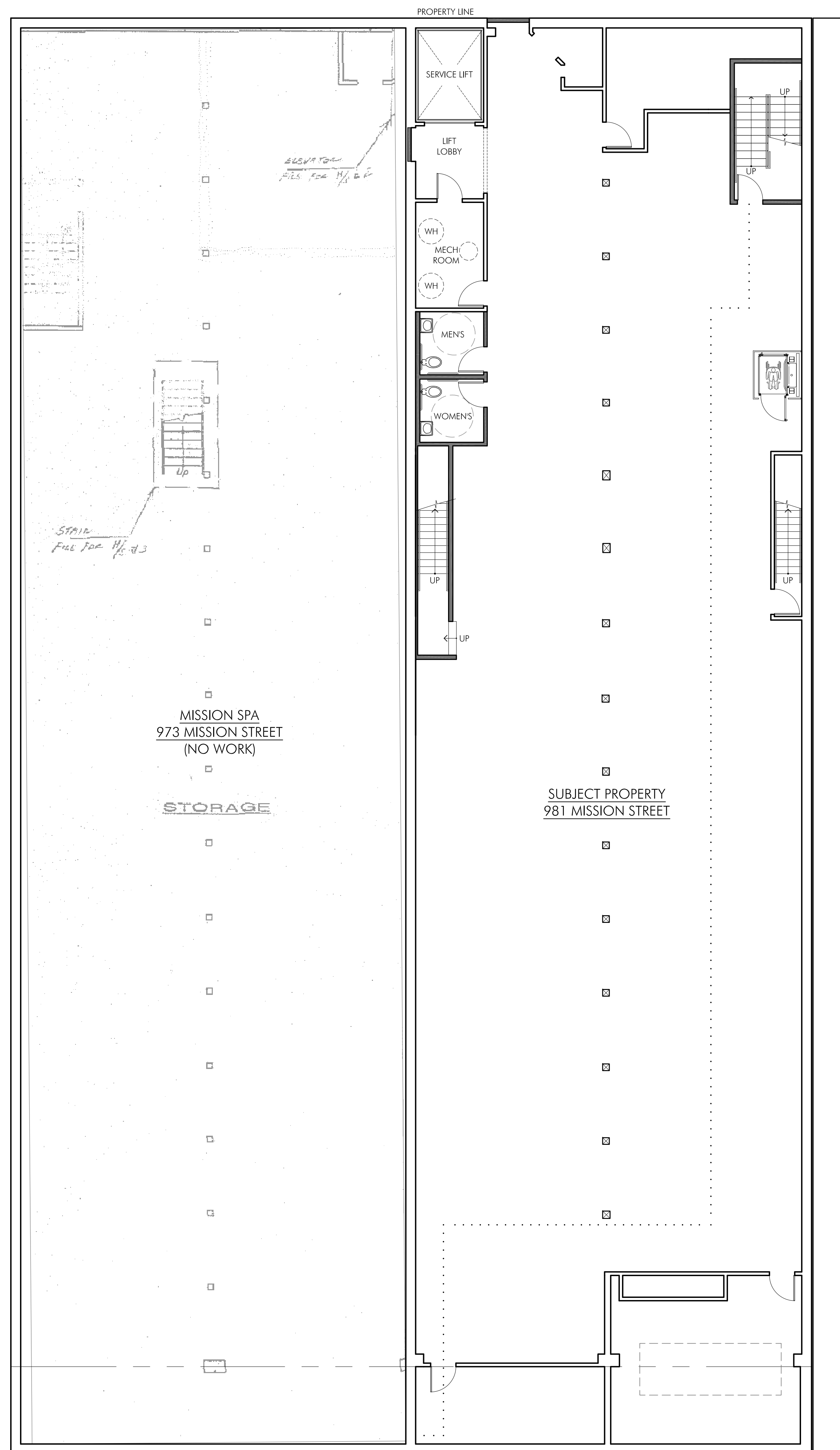
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A1.0



1 | SITE PLAN
1/16" = 1'-0"





981 MISSION

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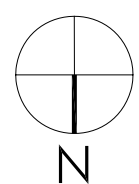
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CONDITIONAL USE FOR CHANGE OF USE

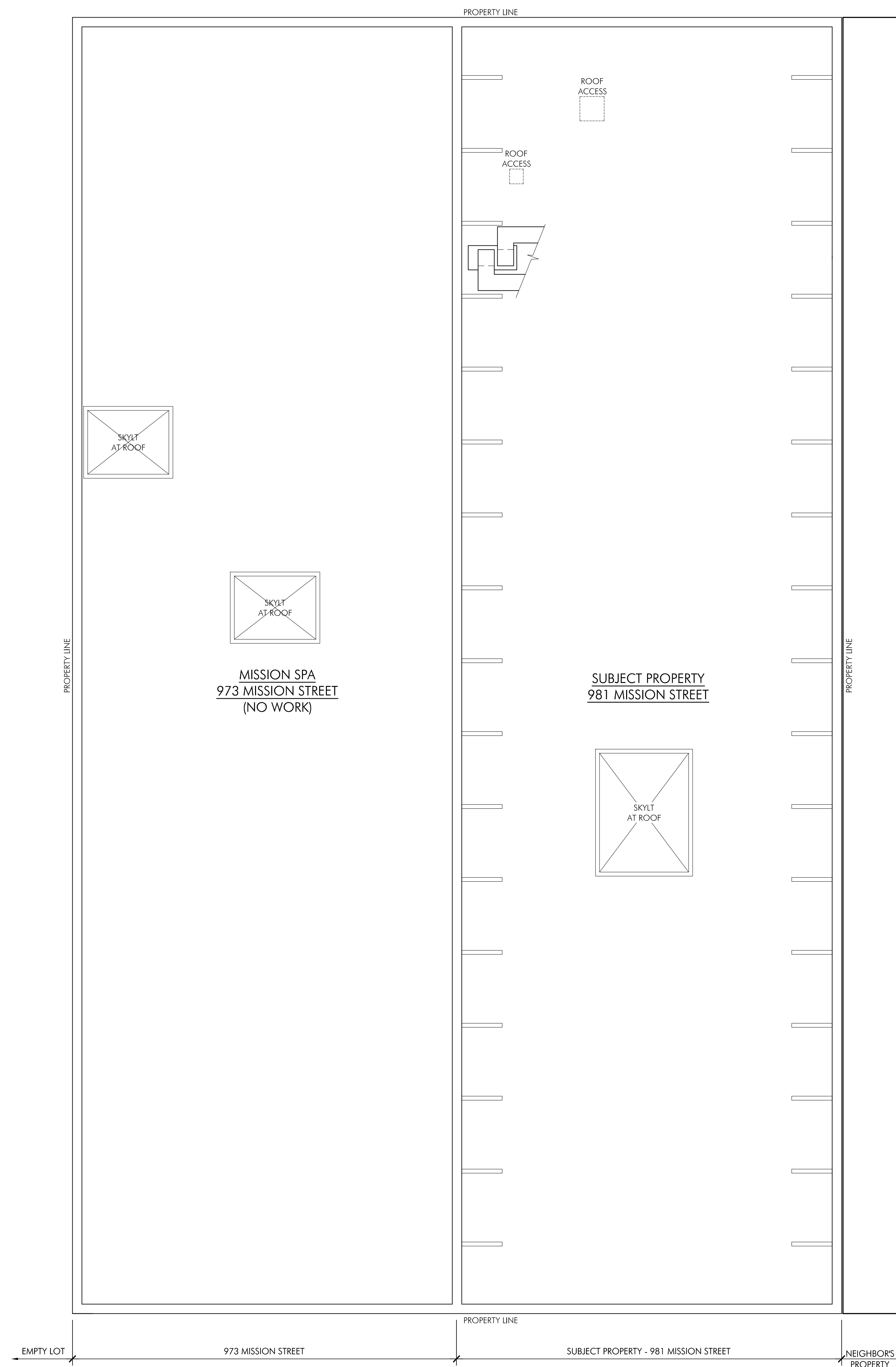
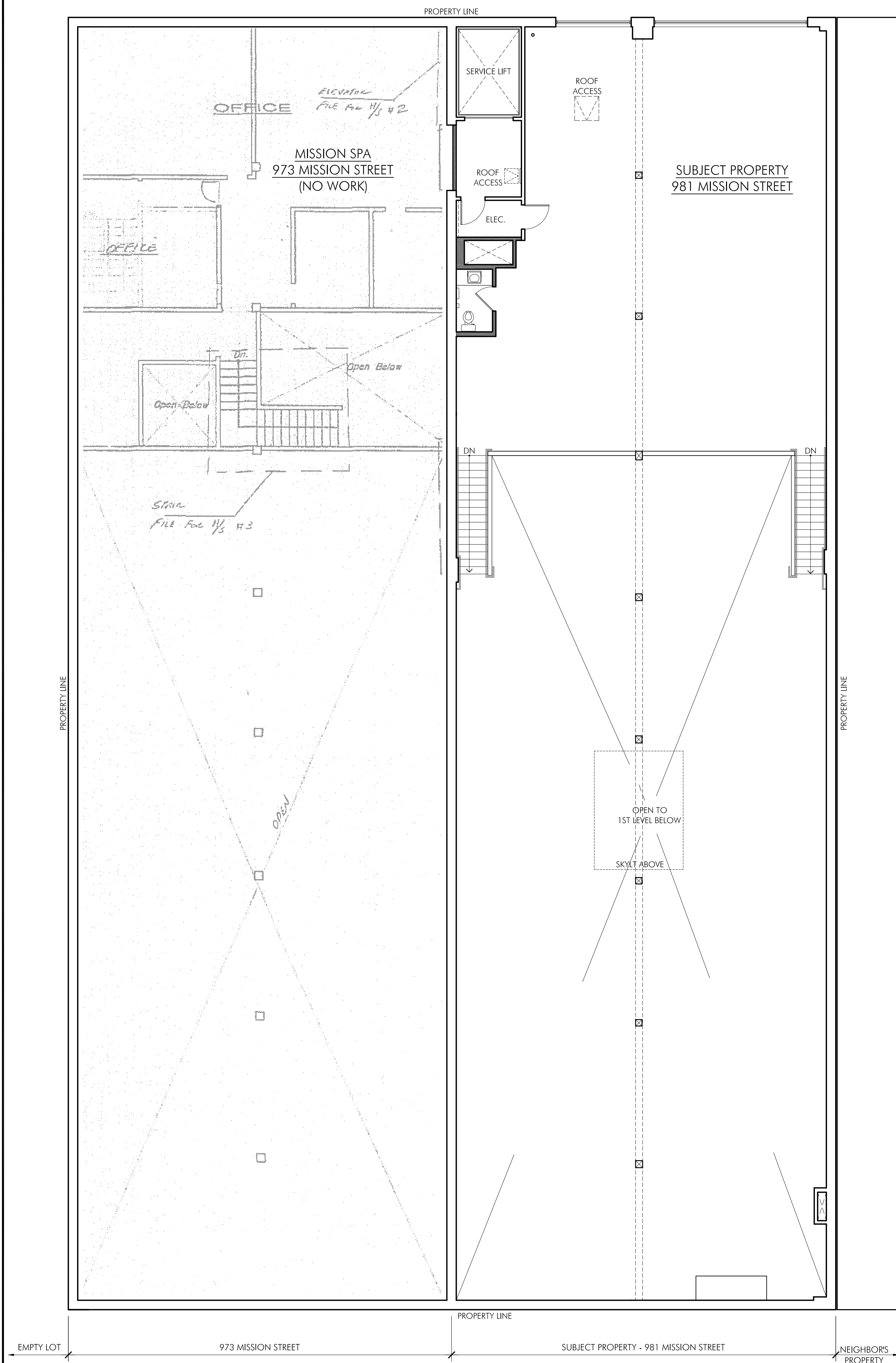
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		F.R.	
DATE:		CHECKED BY:	
8.3.2015		W.S.	
SCALE:			
AS NOTED			



SHEET TITLE:
EXISTING BASEMENT
AND 1ST FLOOR PLANS

SHEET NUMBER: _____

E1.1



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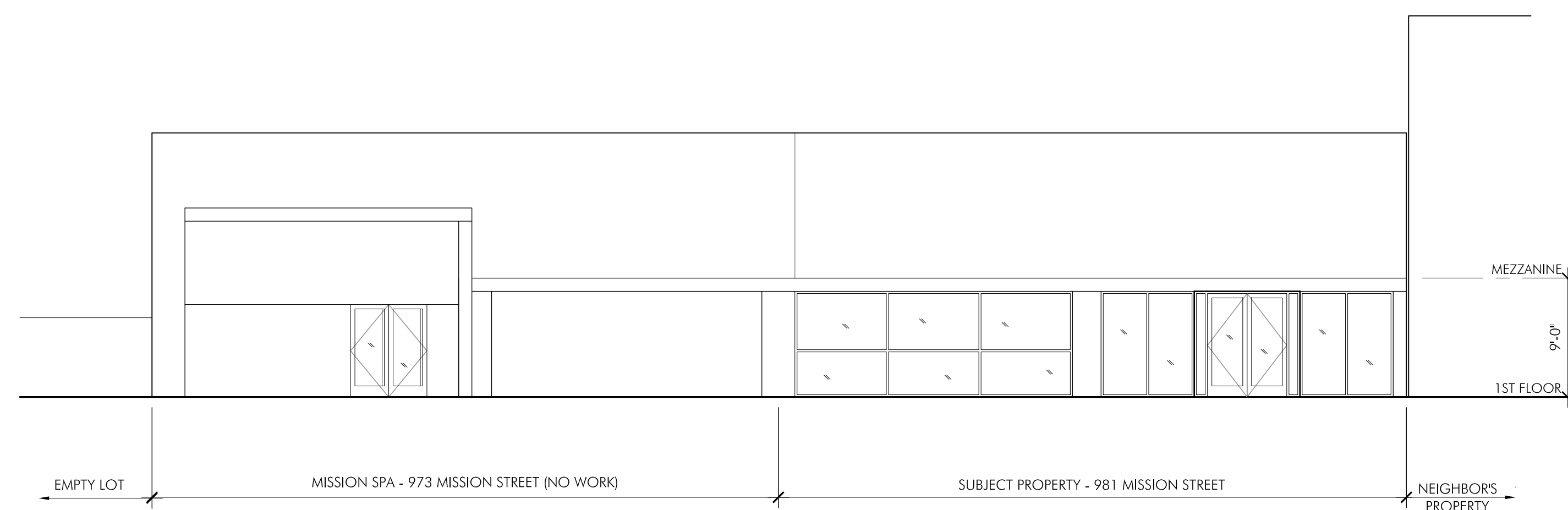
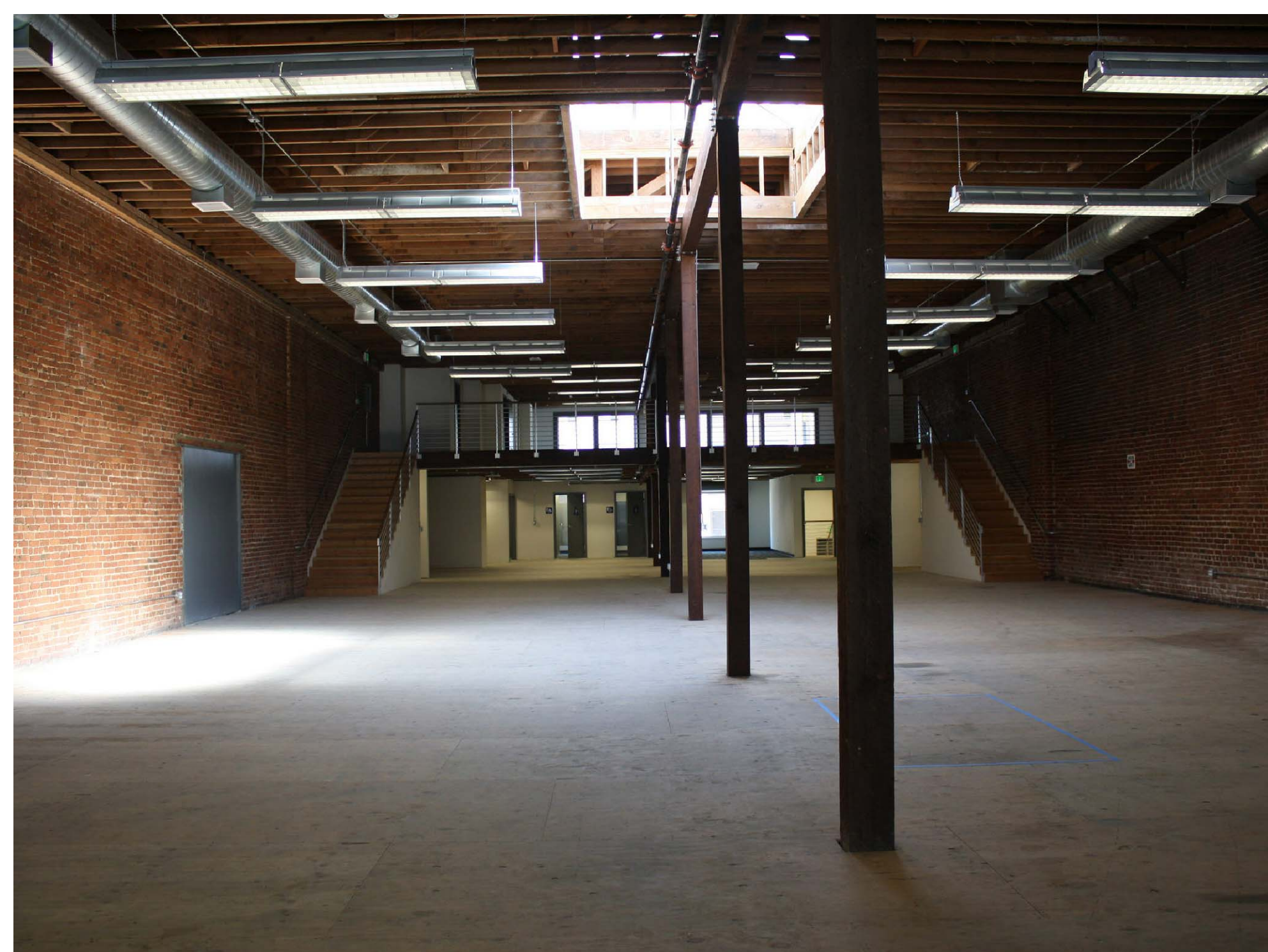
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		F.R.	
DATE:		CHECKED BY:	
8.3.2015		W.S.	
SCALE:			
AS NOTED			

SHEET TITLE:

EXISTING MEZZANINE
AND ROOF PLANS

SHEET NUMBER: _____

E1.2



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[illegible]

CONDITIONAL USE FOR CHANGE OF USE

JOB NUMBER: _____ DRAWN BY: _____
F.R.

DATE: 8.3.2015

CHECKED BY: W.S.

SCALE:
AS NOTED

SHEET TITLE:
EXISTING EXTERIOR
ELEVATIONS & PHOTOS

SHEET NUMBER: _____

E2.0