



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Conditional Use Authorization

HEARING DATE: OCTOBER 24, 2019

Record No.: 2016-012773CUA
Project Address: 146 Geary Street
Zoning: C-3-R (Downtown-Retail) Zoning District
80-130-F Height and Bulk District
Block/Lot: 0309/007
Project Sponsor: Tuija Catalano
Reuben, Junius & Rose, LLP
One Bush Street, Ste 600
San Francisco, CA 94104
Property Owner: 146 Geary LLC
170 Grant Avenue, 6th Floor
San Francisco, CA 94108
Staff Contact: Nancy Tran – (415) 575-9174
nancy.h.tran@sfgov.org
Recommendation: **Approval with Conditions**

1650 Mission St.
Suite 400
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Information:
415.558.6377

PROJECT DESCRIPTION

The project would change the use of approximately 5,500 square feet of retail to a general office use on the third and fourth floors of the subject property at the former Britex location. Approximately 5,500 square feet of retail use on the first and second floors with 3,205 square feet for back of house storage at the basement level would be maintained. The Project includes interior tenant improvements and storefront changes on both Geary Street and Maiden Lane, the latter of which will provide entry to the proposed upper floor office use. The building is considered a category IV building within the Kearny-Market-Mason-Sutter Conservation District.

REQUIRED COMMISSION ACTION

In order for the Project to proceed, the Commission must grant a Conditional Use Authorization, pursuant to Planning Code Sections 210.2 and 303 to establish office use at the third and fourth floors that exceeds 5,000 square feet within the C-3-R Zoning District.

ISSUES AND OTHER CONSIDERATIONS

- **Public Comment.** As of the date of this report, the Department has not received any public correspondence concerning the Project.
- **Office Conversion.** Effective March 17, 2019, the Planning Code was amended through Board of Supervisors Ordinance No. 23-19 to require Conditional Use Authorization and additional findings

for proposed non-retail uses on the third floor and that aggregately exceed 5,000 square feet on floors three through six.

ENVIRONMENTAL REVIEW

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

BASIS FOR RECOMMENDATION

Although the Project results in a loss of retail space, the Project would convert less than 50% gross square feet of the building to office use would not displace an existing tenant and rehabilitates a vacant building.

The remaining retail use will maintain an active storefront presence that is visible along Geary Street and Maiden Lane to support active, pedestrian-oriented commercial uses in the commercial neighborhood. The proposed office use is compatible with the existing mix of uses in the neighborhood and will provide quality well-paying jobs, bringing office employees to the building, who are expected to patronize nearby retail uses, including restaurants, on a regular basis thereby contributing to the District's retail sector. Overall, the Project features an appropriate use encouraged by the Downtown Plan Area for this location. On balance, the Project is consistent with the Objectives and Policies of the General Plan. The Department also finds the project to be necessary, desirable, and compatible with the surrounding neighborhood, and not to be detrimental to persons or adjacent properties in the vicinity.

ATTACHMENTS:

- Draft Motion – Conditional Use Authorization with Conditions of Approval
- Exhibit B – Plans and Renderings
- Exhibit C – Maps and Context Photos
- Exhibit D – Environmental Determination
- Exhibit E – Land Use Data
- Exhibit F – Project Sponsor Brief



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Draft Motion

HEARING DATE: OCTOBER 24, 2019

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ADOPTING FINDINGS TO APPROVE A CONDITIONAL USE AUTHORIZATION, PURSUANT TO PLANNING CODE SECTIONS 210.2 AND 303, TO ESTABLISH GENERAL OFFICE USE AT THE THIRD AND FOURTH FLOORS THAT EXCEEDS 5,000 SQUARE FEET AT 146 GEARY STREET, LOT 007 IN ASSESSOR'S BLOCK 0309, WITHIN THE C-3-R (DOWNTOWN-RETAIL) ZONING DISTRICT AND 80-130-F HEIGHT AND BULK DISTRICT.

PREAMBLE

On October 4, 2016, Tuija Catalano of Reuben, Junius & Rose, LLP (hereinafter "Project Sponsor") filed Application No. 2016-012773CUA (hereinafter "Application") with the Planning Department (hereinafter "Department") for a Conditional Use Authorization for change of use of approximately 5,500 square feet of retail use to office use on the third and fourth floors (hereinafter "Project") at 146 Geary Street, Block 0309 Lot 007 (hereinafter "Project Site").

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

On October 24, 2019, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Authorization Application No. 2016-012773CUA.

The Planning Department Commission Secretary is the custodian of records; the File for Record No. 2016-012773CUA is located at 1650 Mission Street, Suite 400, San Francisco, California.

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 Authorization as requested in Application No. 2016-012773CUA, 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. **Project Description.** The Project includes a change of use of approximately 5,500 square feet of retail use to office use on the third and fourth floors. Approximately 5,500 square feet on the first and second floors with 3,205 square feet for back of house storage at the basement level would be maintained for retail use. The Project includes interior tenant improvements and storefront changes on both Geary Street and Maiden Lane, the latter of which will provide entry to the proposed upper floor office use. Exterior work for storefront alterations was approved by the Historic Preservation Commission through a Minor Permit to Alter under Case Number 2018-001071PTA.
3. **Site Description and Present Use.** The Project is located on a 2,750 square-foot though-lot on the north side of Geary Street between Stockton Street and Grant Avenue, Block 0309 Lot 007. The property has approximately 23 feet of frontage along both Stockton Street and Maiden Lane. The structure was constructed in 1907 and is considered a Category IV (Contributory Building) and Historic Resource under Article 11 of the Planning Code in the Kearny-Market-Mason-Sutter Conservation District.
4. **Surrounding Properties and Neighborhood.** The Project Site is located within the C-3-R Zoning District in the Downtown Area Plan and within the Kearny-Market-Mason-Sutter Conservation District. The property directly abuts the V.C. Morris Building designed by Frank Lloyd Wright and Sachs Building to the east, as well as several retail buildings ranging from three-to-16 stories. The Project Site is well served by transit; the Montgomery and Powell BART and MUNI stations are within walking distance, with several MUNI bus lines within close proximity on Market Street. Other zoning districts in the vicinity of the Project site include: P (Public) and C-3-O (Downtown-Office) Zoning Districts.
5. **Public Outreach and Comments.** As of the date of this report, the Department has not received any public correspondence concerning the Project.

6. **Planning Code Compliance.** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:

- A. **Use.** Planning Code Section 210.2 states that a Conditional Use Authorization is required for office use on the third floor or on floors four through six if aggregately greater than 5,000 gross square feet in size.

The Project proposes office use on the third and fourth floors totaling 5,500 square feet, thus a Conditional Use Authorization is required. Please see Section 7 for additional findings.

- B. **Street Frontage.** Planning Code Section 145.1 requires commercial uses that promote attractive, clearly define street frontages through controls such as: active uses, street-facing ground-level spaces, as well as transparency and fenestration.

The subject property will provide active retail along both Geary Street and Maiden Lane with fenestration allowing visibility into the building. The building will provide storefront access on both frontages to support active, pedestrian-oriented commercial uses.

- C. **Street Frontage, Required Ground Floor Commercial.** Planning Code Section 145.4 requires active commercial uses for properties with street frontages in certain areas including those within the C-3-R District that face a street 40 feet or more in width and with frontages facing Destination Alleyways.

The subject property is a through lot located within the C-3-R District fronting Geary Street (greater than 40 feet in width) and Maiden Lane (Destination Alleyway). The building will provide retail storefront access on both frontages to support active, pedestrian-oriented commercial uses.

7. **Conditional Use Findings.** Planning Code Section 303 establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use authorization. On balance, the project complies 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 building envelope will not be modified. The size and intensity of sales and service on site will be unchanged. Office use is proposed on the third and fourth floors of the five-level building (basement, first and second floors will remain retail). The conversion to office use in this contributory building will allow this building to be preserved without compromising the architectural integrity of the building. Office use is compatible with the existing mix of uses in the neighborhood, which commonly contains office space at upper stories of small retail buildings. The office use will provide quality well-paying jobs,

bringing office employees to the building, who are expected to patronize nearby retail uses, including restaurants, on a regular basis thereby contributing to the District's retail sector.

- 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:

- (1) Nature of proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;

The height and bulk of the existing building will remain the same. Exterior work for storefront alterations was approved by the Historic Preservation Commission through a Minor Permit to Alter as the building is located within the Kearny-Market-Mason-Sutter Conservation District. The conversion to office use will allow the building to be preserved without requiring extensive exterior alterations while maintaining the retail character of the neighborhood at the basement, first and second floors.

- (2) 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;

The Planning Code does not require parking or loading. The proposed use change will not significantly affect traffic patterns, the type and volume of traffic generated, or the demand for off-street parking and loading. The property is located near BART and other public transit facilities including MUNI, enabling employees and visitors to the Building to walk, bicycle, and use public transit rather than automobiles.

- (3) The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor;

No significant emissions of noise, glare, dust or odor would be produced by offices.

- (4) Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs;

No landscaping, screening, open spaces, parking or loading areas exist. The building covers the entire lot.

- 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.

- D. That the use as proposed would provide development that is in conformity with the purpose of the applicable Use District.

The proposed project is consistent with the stated purposes of C-3-R Districts in that the intended use is located at the third and fourth floors. The proposed conversion will allow the building to be preserved as a contributory building while maintaining the retail character of the neighborhood and providing a compatible convenience service for the immediately surrounding neighborhoods during daytime hours.

8. **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 3:

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

Policy 3.2: Promote measures designed to increase the number of San Francisco jobs held by San Francisco residents.

Policy 3.4: Assist newly emerging economic activities.

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.

Policy 4.2: Promote and attract those economic activities with potential benefit to the City.

Policy 4.11: Maintain an adequate supply of space appropriate to the needs of incubator industries.

DOWNTOWN AREA PLAN

DTN.OFS-OFFICE SPACE

OBJECTIVE 2:

MAINTAIN AND IMPROVE SAN FRANCISCO'S POSITION AS A PRIME LOCATION FOR FINANCIAL ADMINISTRATIVE, CORPORATE, AND PROFESSIONAL ACTIVITY.

URBAN DESIGN ELEMENT

Objectives and Policies

OBJECTIVE 1:

EMPHASIS OF THE CHARACTERISTIC PATTERN WHICH GIVES TO THE CITY AND ITS NEIGHBORHOODS AN IMAGE, A SENSE OF PURPOSE, AND A MEANS OF ORIENTATION.

The Project would convert less than 50% gross square feet of retail to office use. The remaining retail use will maintain an active storefront presence that is visible along Geary Street and Maiden Lane to support active, pedestrian-oriented commercial uses in the commercial neighborhood. The proposed office use at the upper floors would be minimally visible and would allow the contributory historic building to be preserved without compromising the architectural integrity of the building. The proposed office use is compatible with the existing mix of uses in the neighborhood and will provide quality well-paying jobs, bringing office employees to the building, who are expected to patronize nearby retail uses, including restaurants, on a regular basis thereby contributing to the District's retail sector. Overall, the Project features an appropriate use encouraged by the Area Plan for this location. On balance, the Project is consistent with the Objectives and Policies of the General Plan.

9. **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 complies 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 building is currently vacant. The proposed use change will maintain retail uses at the basement, ground and second floors. The proposed office use at the third and fourth floors will provide opportunities for resident employment.

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

The neighborhood is primarily retail and commercial in nature. No existing tenants will be displaced for this use. Preservation of the contributory building will preserve the existing character of the building.

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

The Project Site does not possess any existing housing and the Project will not have effects on affordable housing.

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

The Project Site is well served by transit; the Montgomery and Powell BART and MUNI stations are within walking distance, with several MUNI bus lines within close proximity on Market Street. The Project will not alter existing commuter traffic patterns. The location of the site will enable employees and visitors to the building to walk, bicycle, and use public transit as no parking exists on site.

- 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 industrial or service businesses will be displaced by the Project. Opportunities for resident employment will be enhanced with approval of the Conditional Use Authorization.

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

This proposal will not impact the property's ability to withstand an earthquake.

- G. That landmarks and historic buildings be preserved.

The Project Site contains an historic building that is considered a Category IV (Contributory Building) and Historic Resource under Article 11 of the Planning Code in the Kearny-Market-Mason-Sutter Conservation District that will be preserved as part of the Project.

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

The height and bulk of the existing building will remain the same, thus there will be no impacts to park/open space sunlight and vista access.

10. 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.
11. 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 Authorization Application No. 2016-012773CUA** subject to the following conditions attached hereto as “EXHIBIT A” in general conformance with plans on file, dated September 10, 2019, 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. 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 October 24, 2019.

Jonas P. Ionin
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: October 24, 2019

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to allow the change of use from retail and to establish office use at the third and fourth floors exceeding 5,000 square feet located at 146 Geary Street, Block 0309, Lot 007 pursuant to Planning Code Sections 210.2 and 303 within the C-3-R District and a 80-130-F Height and Bulk District; in general conformance with plans, dated XXXXXX, and stamped "EXHIBIT B" included in the docket for Record No. 2016-012773CUA and subject to conditions of approval reviewed and approved by the Commission on October 24, 2019 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 October 24, 2019 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, 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

PROVISIONS

6. **Transportation Sustainability Fee.** The Project is subject to the Transportation Sustainability Fee (TSF), as applicable, pursuant to Planning Code Section 411A.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org
7. **Downtown Park Fee - C-3 District.** The Project is subject to the Downtown Park Fee, as applicable, pursuant to Planning Code Section 412.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

OPERATION

8. **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>
9. **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
For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works
10. **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 and all registered neighborhood groups for the area with written notice of the name, business address, and telephone number of the community liaison. Should the contact information change, the Zoning Administrator and registered neighborhood groups 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

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, www.sf-planning.org

EXHIBIT B



privatos

ST. VINCENT

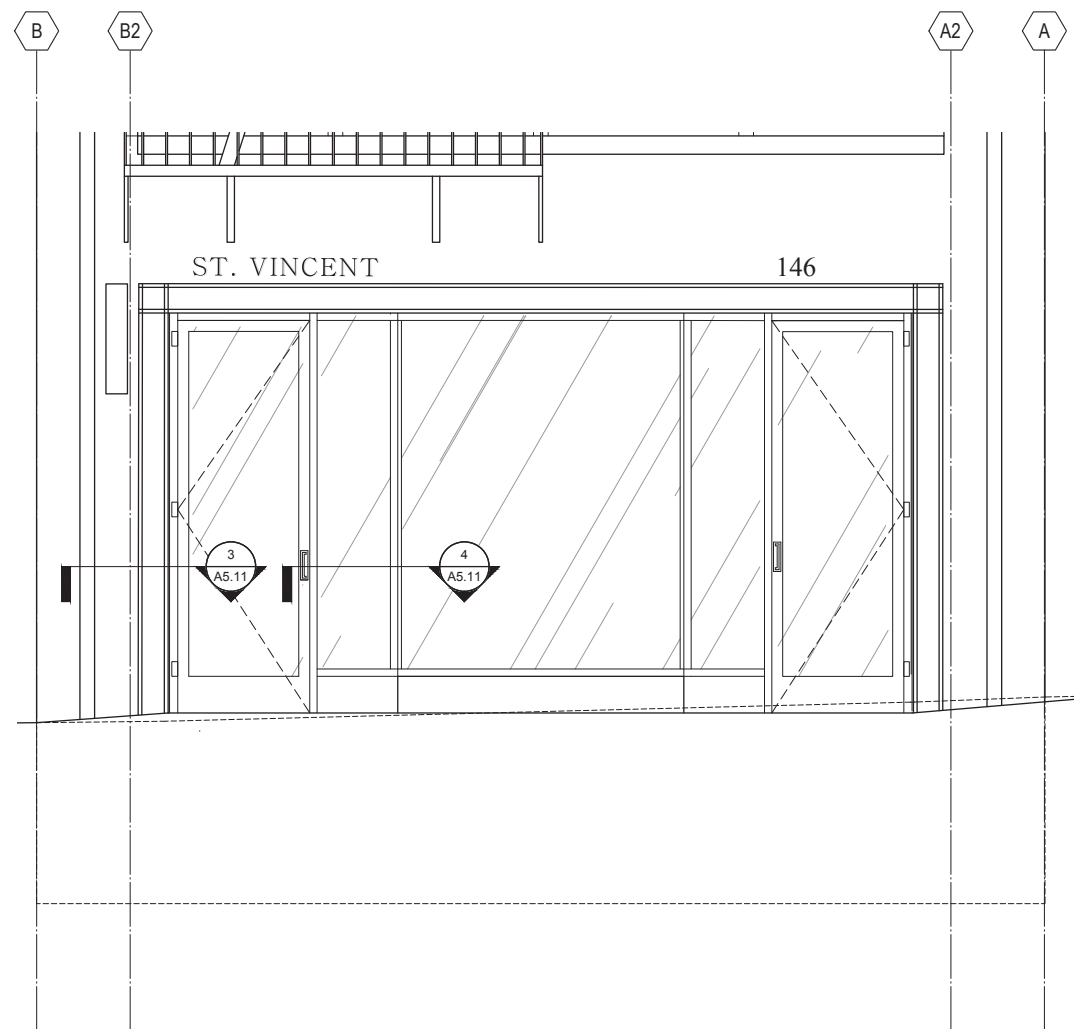
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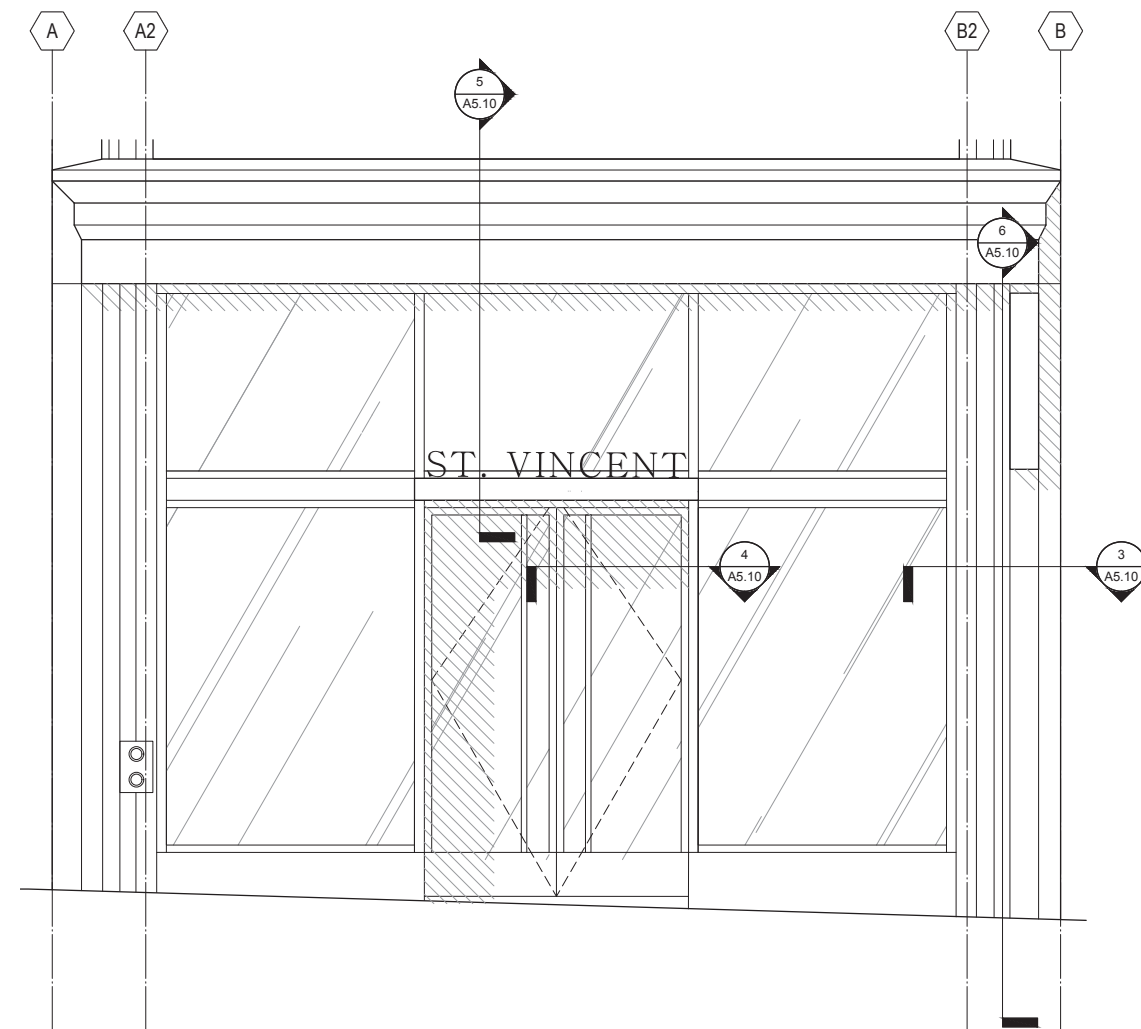
146 GEARY | MAIDEN LANE ENTRANCE

KEY NOTES NO SCALE 3

GRAPHIC LEGEND NO SCALE 2



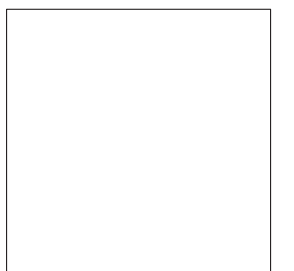
MAIDEN LANE STOREFRONT ENLARGED ELEVATION SCALE: 1/2" = 1'-0" 2



GEARY BLVD STOREFRONT ENLARGED ELEVATION SCALE: 1/2" = 1'-0" 1

146 GEARY STREET
SAN FRANCISCO CA 94108

Rev. Date Remarks

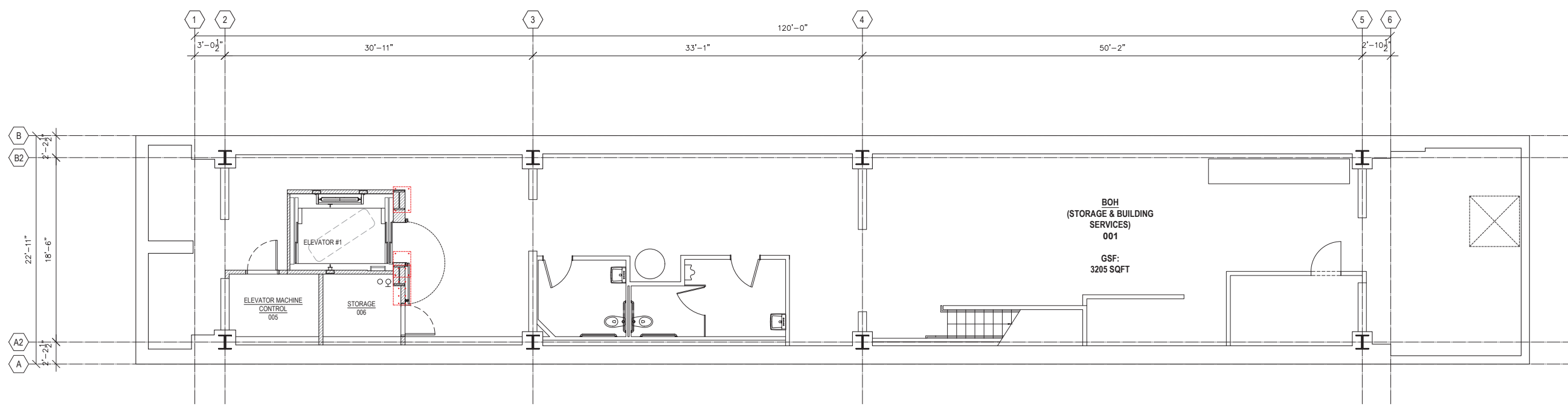


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Project No:

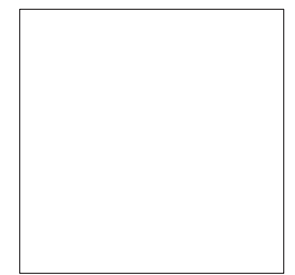
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STOREFRONT ENLG
ELEVATIONS

Sheet No:
A 4.11



146 GEARY STREET
SAN FRANCISCO CA 94108

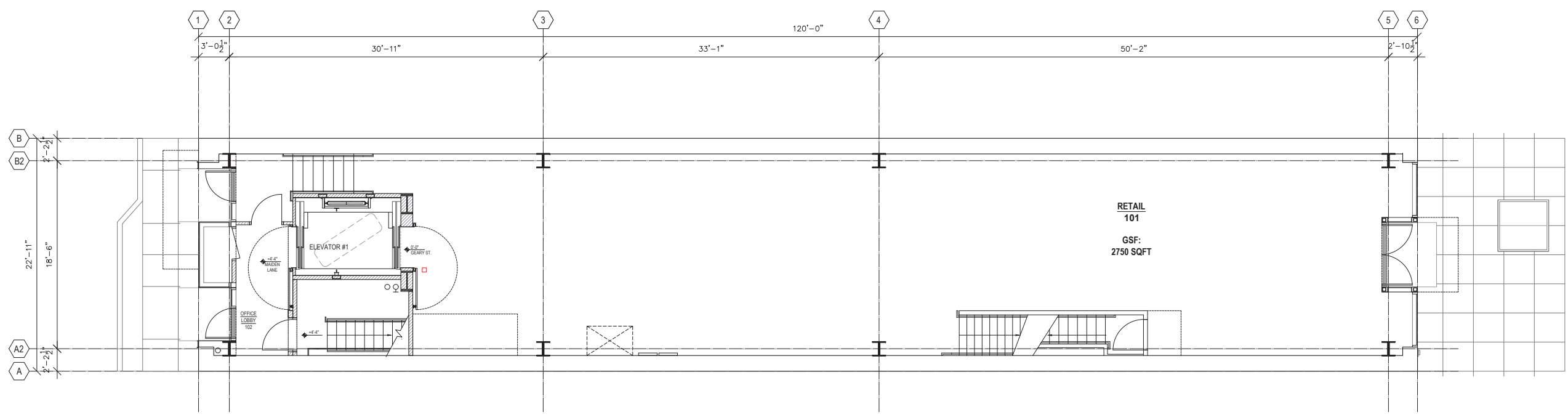
Rev.	Date	Remarks
	09/10/2019	PERMIT APPLICATION



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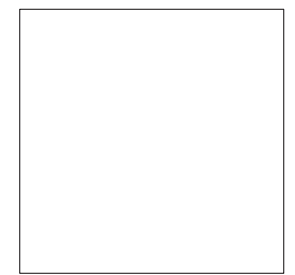
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Drawing Title:
**PROPOSED PARTITION
PLAN - BASEMENT**

Sheet No:
A1.00



146 GEARY STREET
SAN FRANCISCO CA 94108

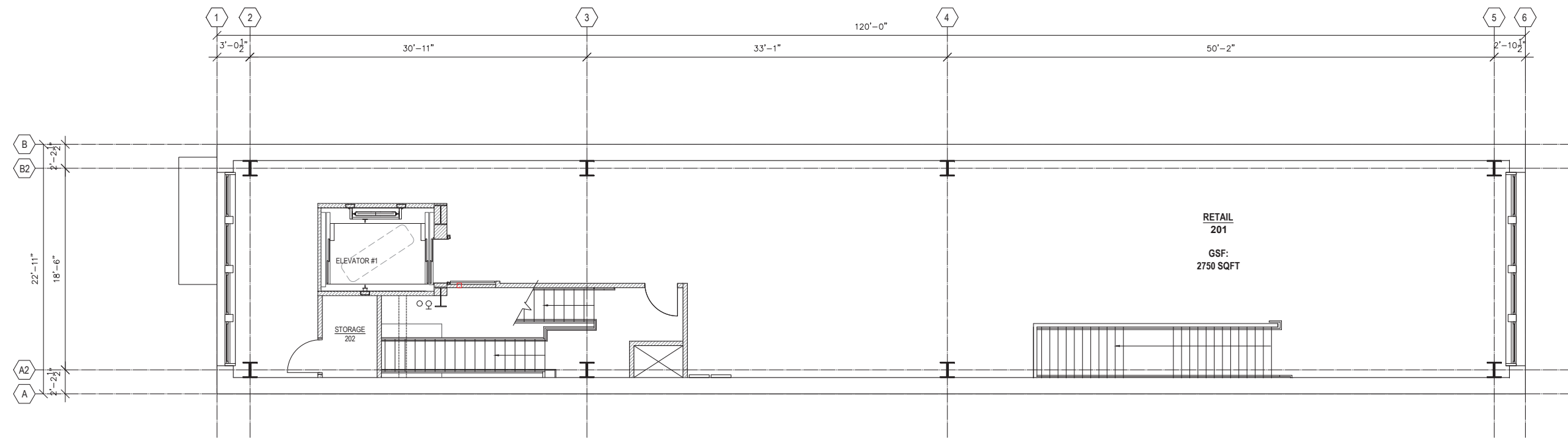
Rev.	Date	Remarks
	09/10/2019	PERMIT APPLICATION



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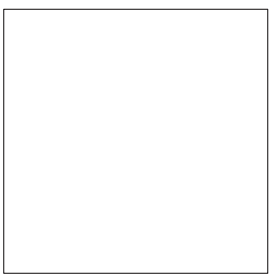
Project No:
Drawing Title:
**PROPOSED PARTITION
PLAN - LEVEL 1**

Sheet No:
A1.01



146 GEARY STREET
SAN FRANCISCO CA 94108

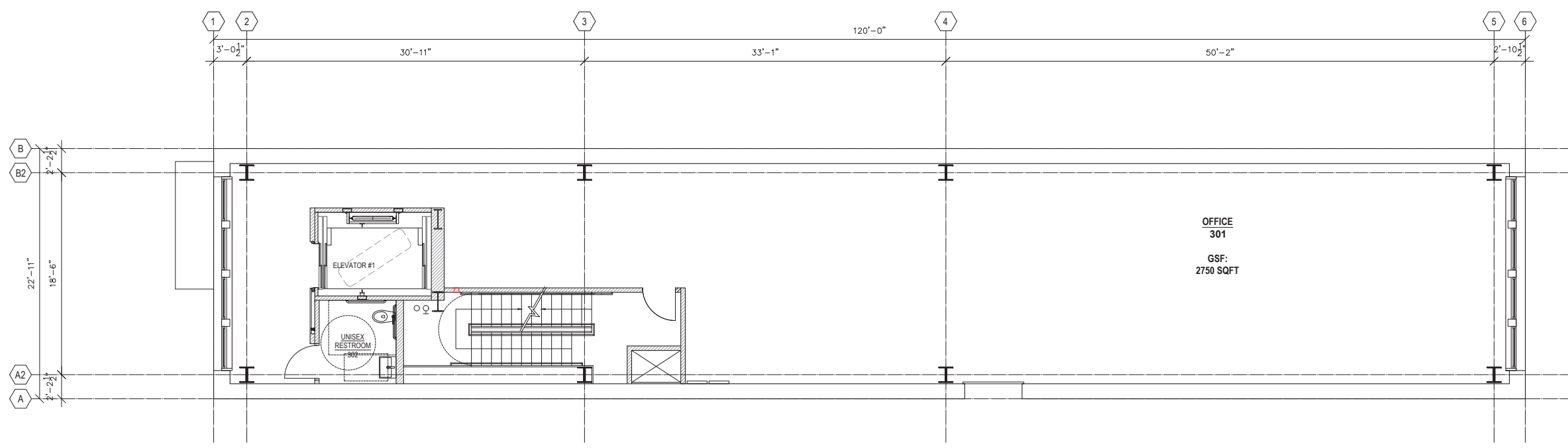
Rev.	Date	Remarks
	09/10/2019	PERMIT APPLICATION



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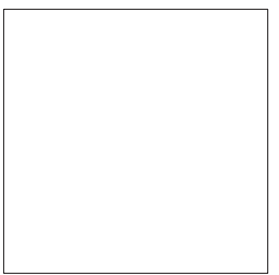
Project No:
Drawing Title:
**PROPOSED PARTITION
PLAN - LEVEL 2**

Sheet No:
A1.02



146 GEARY STREET
SAN FRANCISCO CA 94108

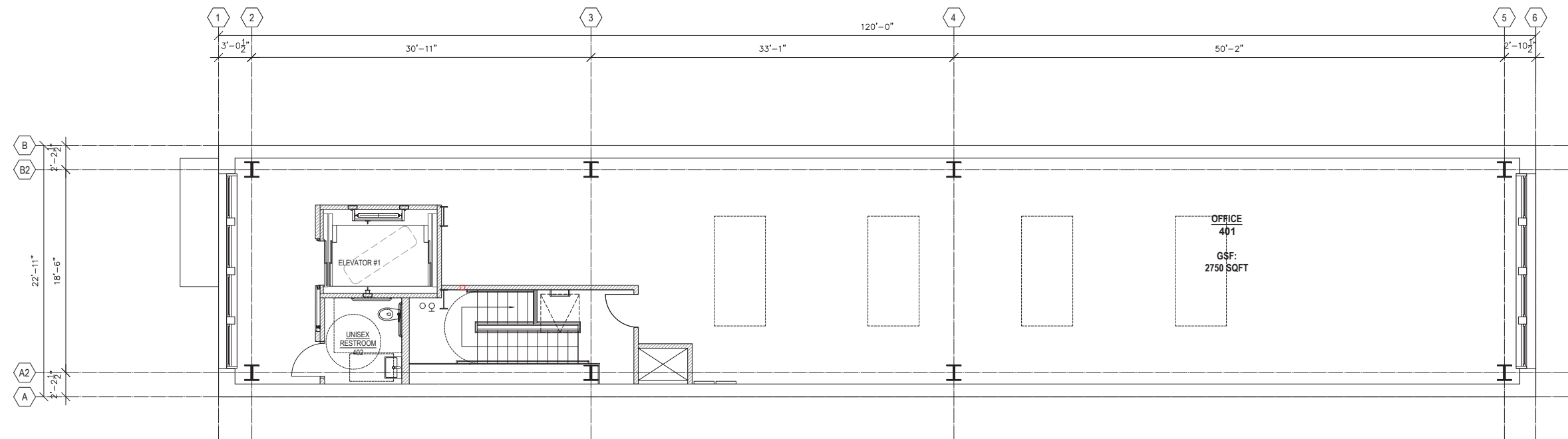
Rev.	Date	Remarks
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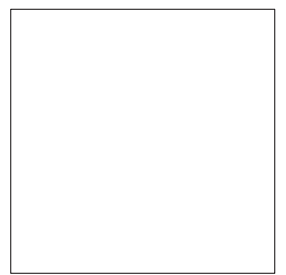
Project No:
Drawing Title:
**PROPOSED PARTITION
PLAN - LEVEL 3**

Sheet No:
A1.03



146 GEARY STREET
SAN FRANCISCO CA 94108

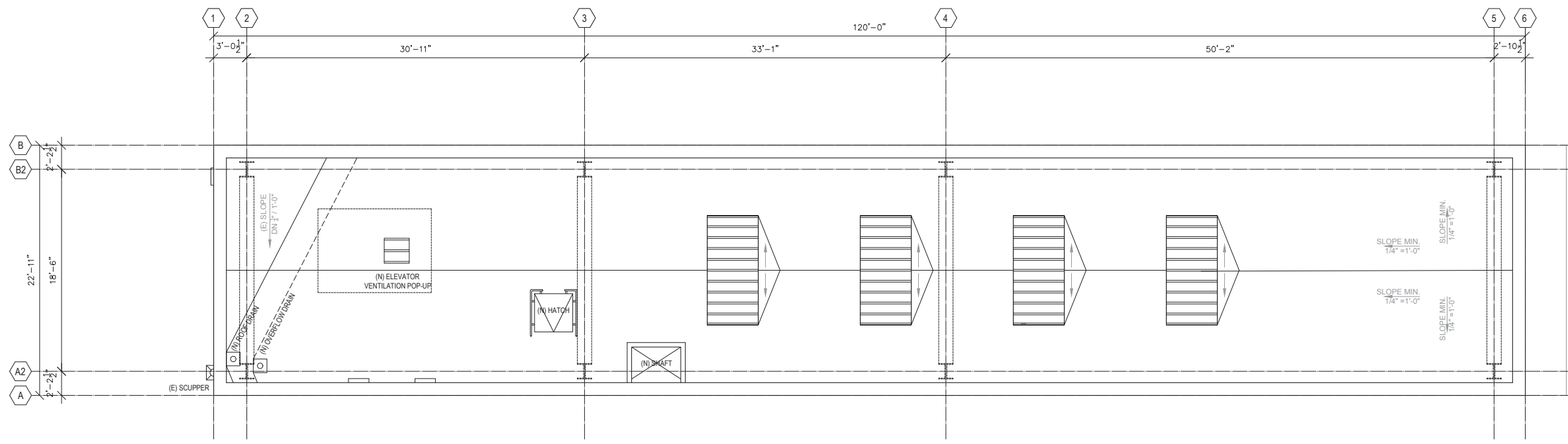
Rev.	Date	Remarks
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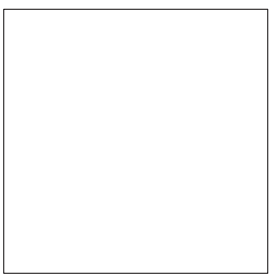
Project No:
Drawing Title:
**PROPOSED PARTITION
PLAN - LEVEL 4**

Sheet No:
A1.04



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Project No:
Drawing Title:
PROPOSED PLAN - ROOF

Sheet No:
A1.07

1. ALL INTERIOR PARTITIONS IN THE RETAIL & OFFICE SPACES WILL HAVE AN L4 FINISH.
2. ALL INTERIOR PARTITIONS IN THE STAIRWELL AND BACK OF HOUSE SPACES WILL HAVE AN L3 FINISH.
3. PROVIDE TEMPORARY SHORING OF FLOOR JOISTS AS REQUIRED FOR THE CONSTRUCTION OF ELEVATOR #2 AND STAIR #2.
4. PROVIDE ONE SUBMETER EACH FOR LEVELS THREE AND FOUR AND ONE SUBMETER FOR BASEMENT, LEVELS ONE AND TWO.
5. STUB ALL UTILITY LINES TO PREMISE ON EACH FLOOR.

14 FLOOR OF REMOVED (E) ELEVATOR SHAFT AND (E)HVAC SHAFT TO BE INFILL TO MATCH ADJACENT FLOOR ASSEMBLY. SSD.

- 1 EXISTING ELEVATOR AND SHAFT TO BE REMOVED
- 2 (N) SOFFIT ABOVE
- 3 (N) ELECTRICAL PANEL, PROPOSED LOCATION
- 4 (N) SPRINKLER RISER, PROPOSED LOCATION
- 7A MAINTAIN (E) STAIRCASE BETWEEN 1 AND 2, FOR BASE PRICING.
PROVIDE ALTERNATE PRICING FOR DEMOLITION AND REPLACEMENT OF STAIR AND WALL FROM FLOOR 1 TO 2. REPLACE WITH CONCRETE FILL, STEEL-PAN STAIRCASE WITH TUBE STEEL STRINGERS.
- 7B IN CASE OF ALTERNATE, PLEASE PROVIDE PRICING FOR NEW WALL, NEW BASEMENT DOOR AND RE-MOUNTING OF HANDRAIL FOR STAIR TO BASEMENT. NEW DOOR TO SWING IN THE DIRECTION OF EGRESS.

FL04 CONCRETE, SEALED+POLISHED
FL01 PLYWOOD SUBFLOOR

- G NR UNRATED FURRING DETAIL
- F NR UNRATED METAL STUD PARTITION
- F 1 1-HOUR RATED METAL STUD PARTITION (3 3/8" STUD)
- E 2 2-HOUR RATED METAL STUD PARTITION (1 3/8" STUD)
- D 2 2-HOUR RATED METAL STUD PARTITION (2 1/2" STUD)
- C 2 CONCRETE SHEAR WALL. REFER SSD.
- B 2 2-HOUR RATED ELEVATOR SHAFT PARTITION (2 1/2" STUD)
- A 2 2-HOUR RATED ELEVATOR SHAFT PARTITION (4" STUD)

- DEMO EXISTING
- ABOVE
- ===== EXISTING CONSTRUCTION TO REMAIN
- //// NEW CONSTRUCTION

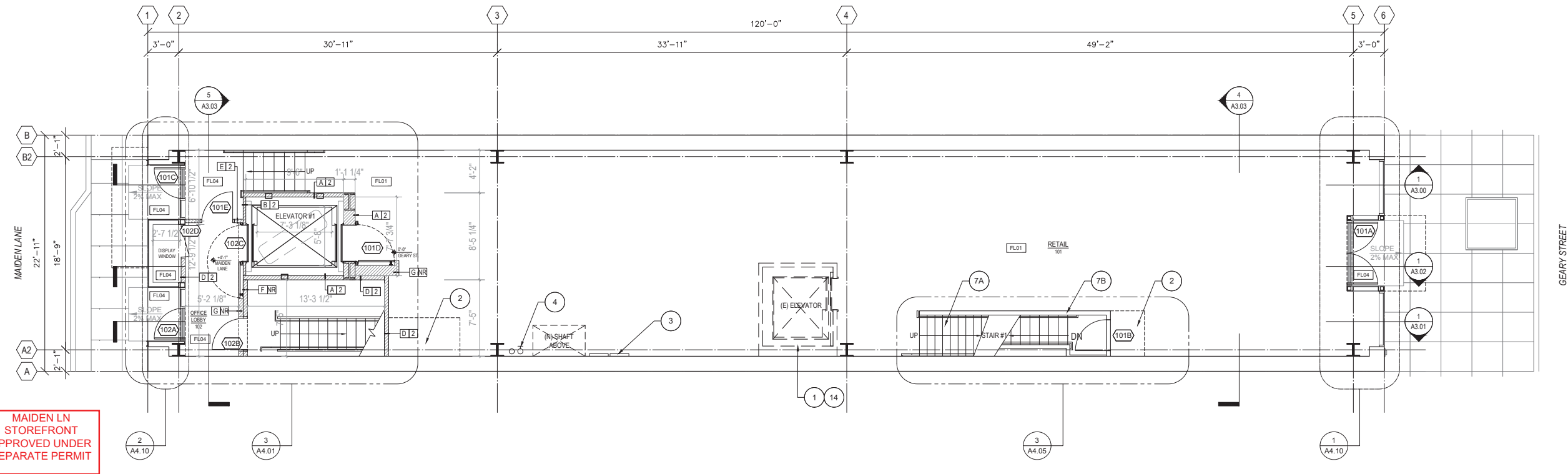
NOTES NO SCALE 6

KEYNOTES NO SCALE 5

FINISH TYPE NO SCALE 4

WALL TYPE NO SCALE 3

GRAPHIC LEGEND NO SCALE 2



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SAN FRANCISCO CA 94108

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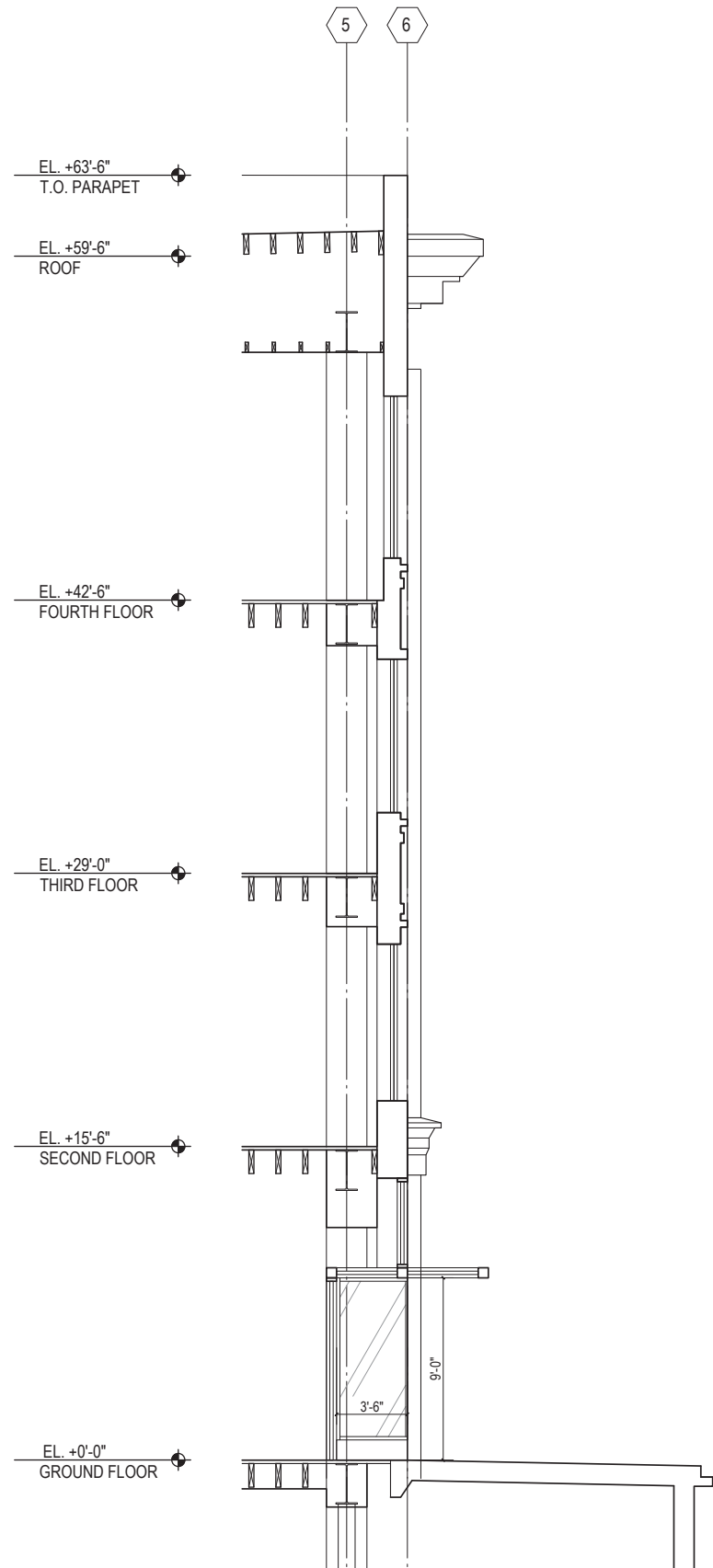
NOTE: If this drawing is not 24"x36" it has been revised from its original size. Scale noted on drawings/details are no longer applicable.

Project No:
Drawing Title:
FLOOR PLAN - LEVEL 1

Sheet No:
A1.01

FLOOR PLAN - LEVEL 1 SCALE: 3/16" = 1'-0" 1

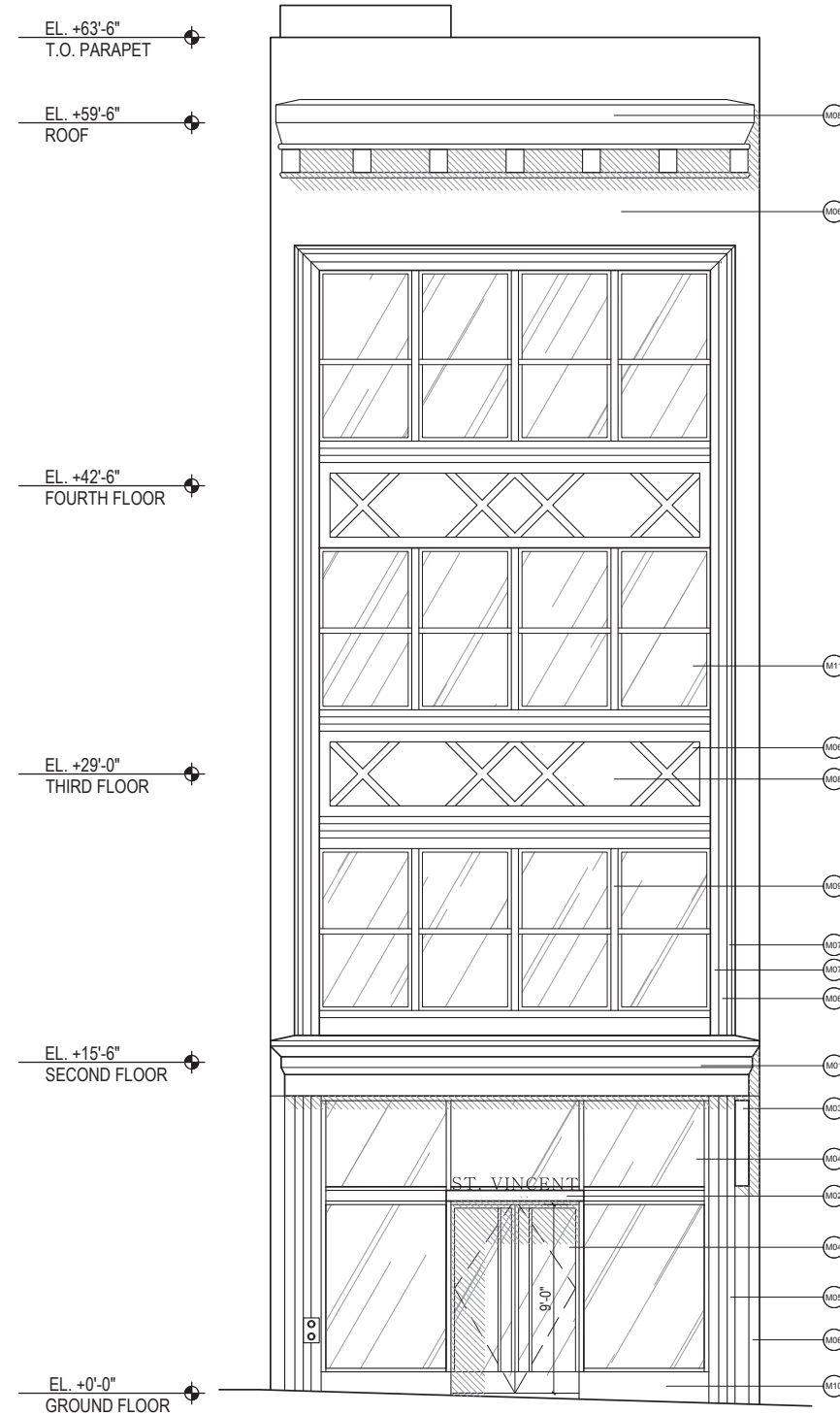
Rev.	Date	Remarks
	09/10/2019	PERMIT APPLICATION



PROPOSED BUILDING SIDE ELEVATION

SCALE: 1/4" = 1'-0"

4



PROPOSED BUILDING FRONT ELEVATION

SCALE: 1/4" = 1'-0"

3

- NOTE:
STRIP EXISTING PAINT FROM NORTH & SOUTH FACADES, AND WEST FACING PARTY WALL. PATCH, PRIME AND PAINT TO MATCH ARCHITECT'S COLOUR SAMPLE.
- (M11) REFURBISH (E) WINDOWS. STRIP (E) PAINT. PRIME AND PAINT TO MATCH SAMPLE
 - (M10) BULKHEAD AS PER PLAN - DARK NEUTRAL TONE
 - (M09) PAINTED DETAIL - DARK NEUTRAL TONE
 - (M08) PAINTED DETAIL - LIGHT NEUTRAL TONE
 - (M07) PAINTED DETAIL - LIGHT GRAY TONE
 - (M06) PAINTED CONCRETE - OFF WHITE TONE
 - (M05) 1-3/4" STONE CLADDING - LIGHT GRAY TONE HONED FINISH
 - (M04) 9/16" LAMINATED CLEAR GLASS
 - (M03) POWDER COATED METAL FINISH W/ HALO ILLUMINATED LOGOS
 - (M02) (N) STOREFRONT - POWDER COATED METAL
 - (M01) PAINTED CONCRETE - DARK TONE

KEY NOTES

NO SCALE

2

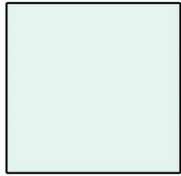






GRAPHIC LEGEND

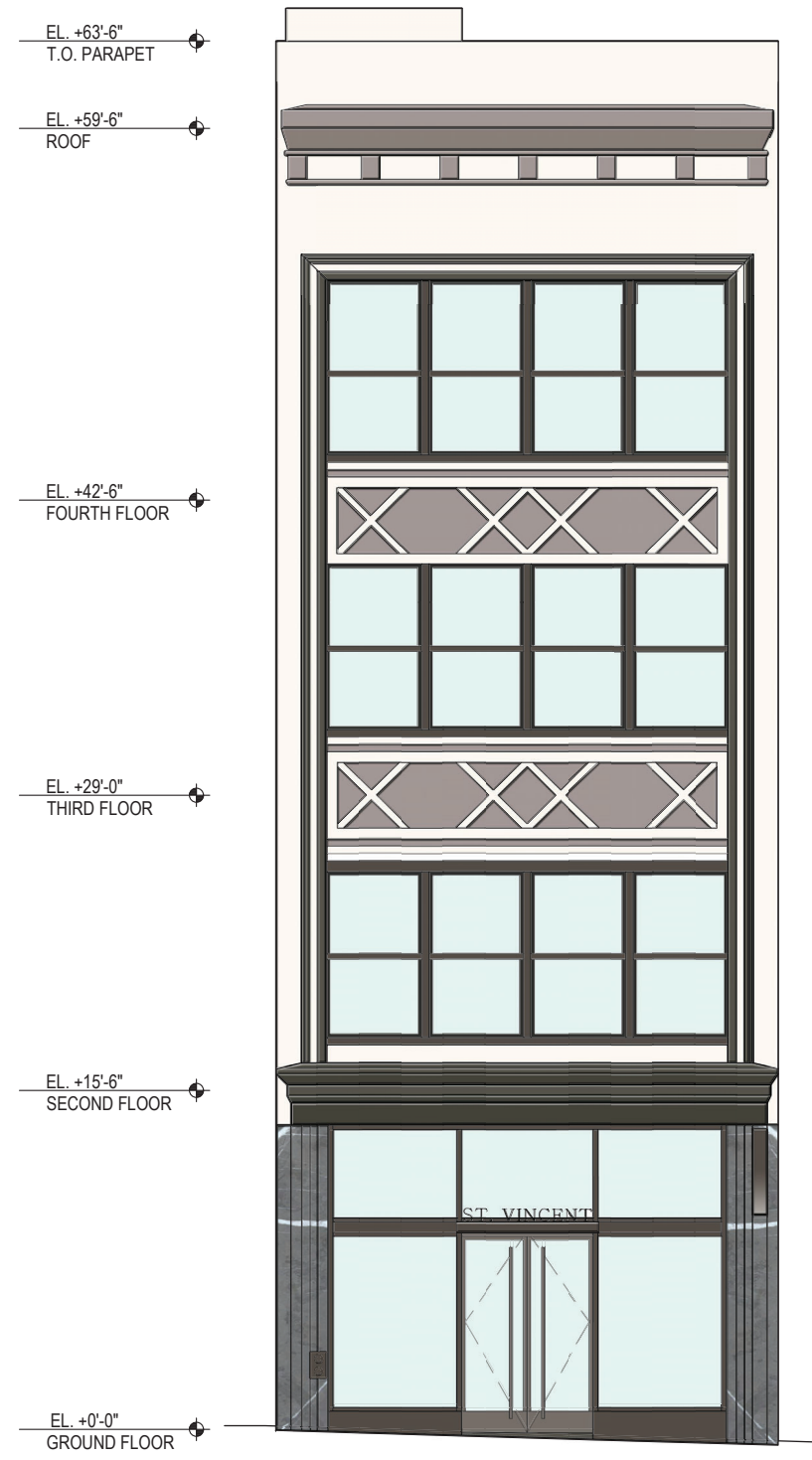
NO SCALE

1

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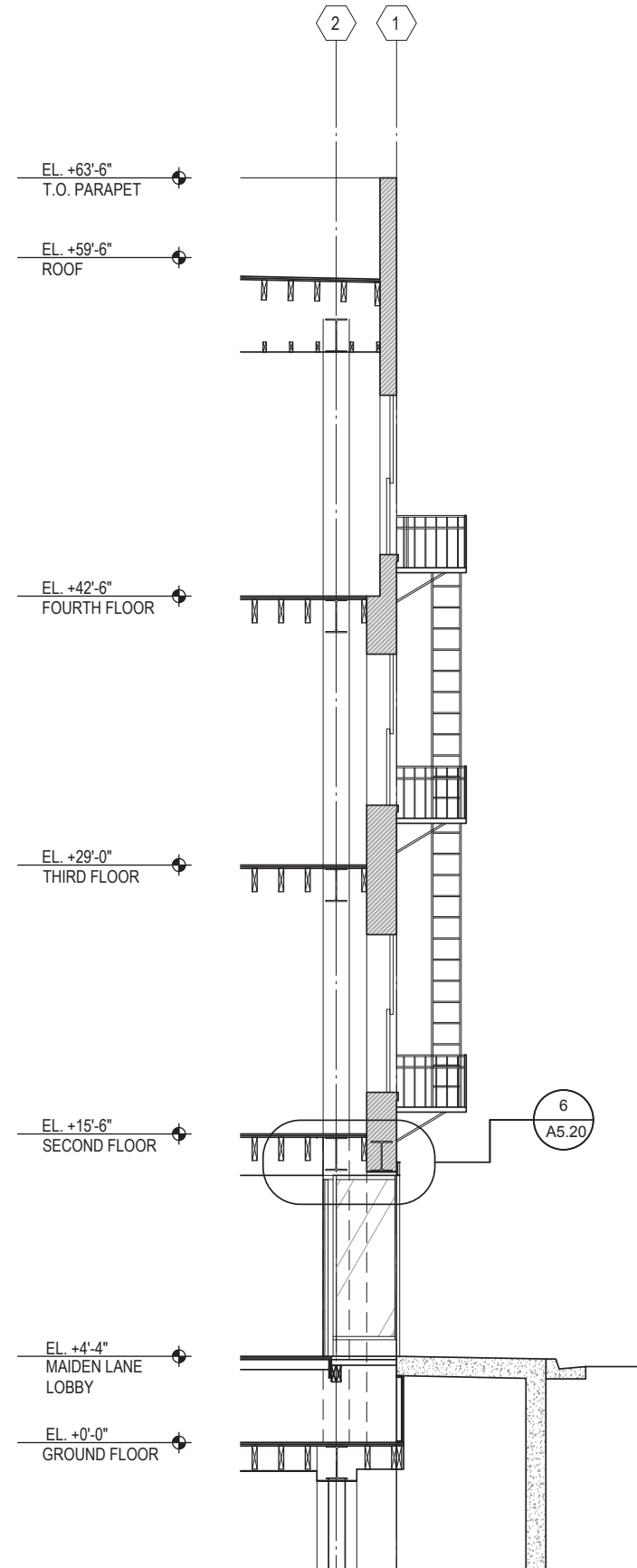
Rev.	Date	Remarks
	09/10/2019	PERMIT APPLICATION

	GLASS
	PAINT 1 (WARM WHITE/OFF-WHITE TONE)
	PAINT 2 (LIGHT NEUTRAL TONE)
	PAINT 3 (DARK NEUTRAL TONE)
	PAINT 4 (LIGHT GRAY TONE)
	POWDER COATED METAL STOREFRONT (OIL RUBBED BRONZE)
	HONED STONE (LIGHT GRAY WITH TEXTURE/GRAIN)



KEY NOTES	NO SCALE	2
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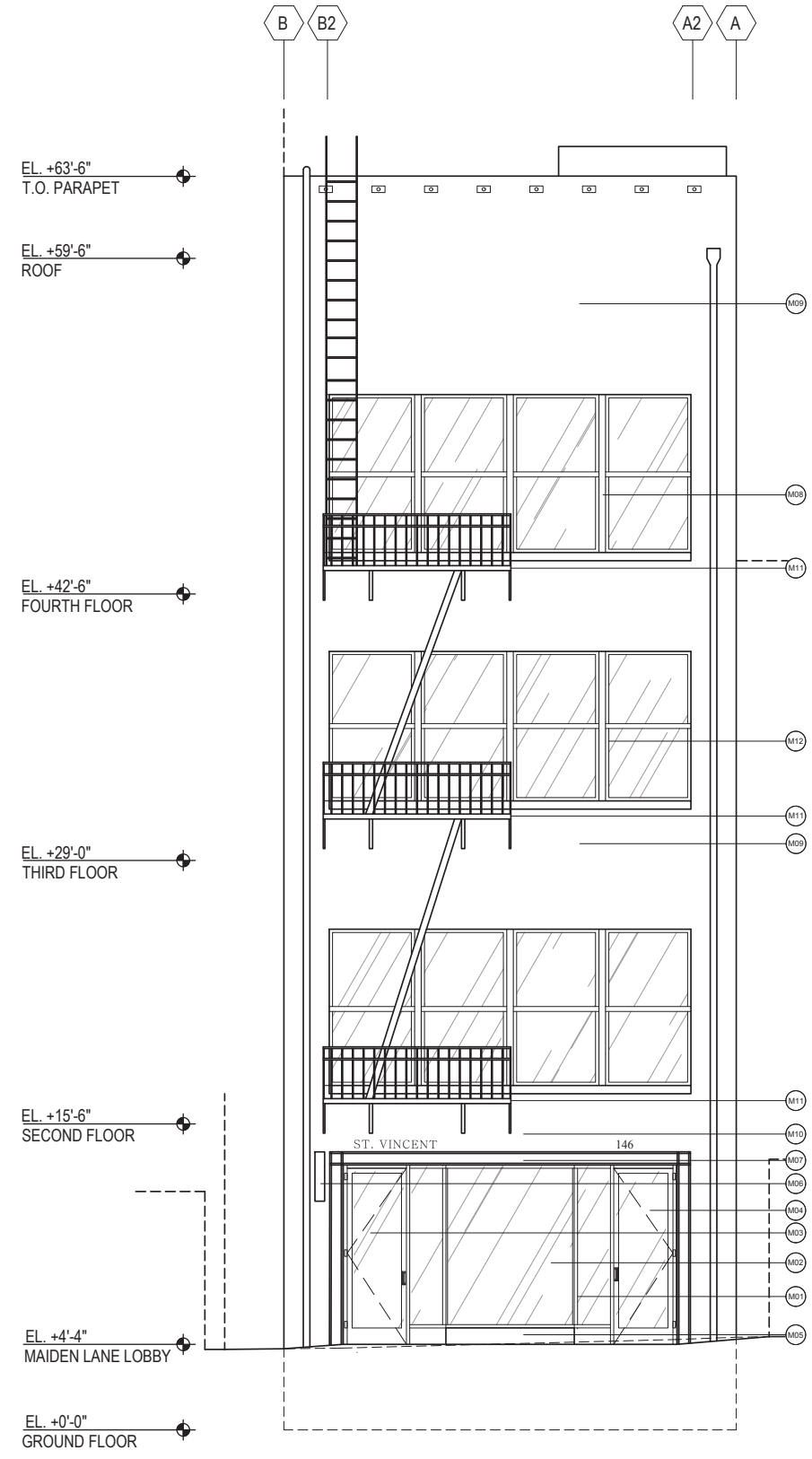
Rev.	Date	Remarks
	09/10/2019	PERMIT APPLICATION



PROPOSED BUILDING SIDE ELEVATION

SCALE: 1/4" = 1'-0"

4



PROPOSED BUILDING FRONT ELEVATION

SCALE: 1/4" = 1'-0"

3

MAIDEN LN
STOREFRONT
APPROVED UNDER
SEPARATE PERMIT

NOTE:
STRIP EXISTING PAINT FROM NORTH & SOUTH
FACADES, AND WEST FACING PARTY WALL.
PATCH, PRIME AND PAINT TO MATCH
ARCHITECT'S COLOUR SAMPLE.

- (M12) REFURBISH (E) WINDOWS. STRIP (E) PAINT. PRIME AND PAINT TO MATCH SAMPLE
- (M11) INSPECT, SERVICE FIRE ESCAPE SYSTEM. STRIP (E) PAINT. PRIME AND PAINT TO MATCH SAMPLE.
- (M10) REMOVE ALL (E) METAL TRIMS AND ANCHORS. PATCH EXISTING STUCCO. PRIME AND PAINT.
- (M09) (E) PAINTED CONCRETE - OFF WHITE TONE
- (M08) (E) PAINTED CONCRETE - LIGHT NEUTRAL TONE
- (M07) (N) METAL POWDER COAT TRIM - WALL SIGNAGE
- (M06) (N) BLADE SIGN - POWDER COATED METAL W/ HALO ILLUMINATED LOGOS
- (M05) (N) BULKHEAD AS PER PLAN - DARK NEUTRAL TONE
- (M04) (N) DOOR TO OFFICE LOBBY
- (M03) (N) DOOR TO RETAIL
- (M02) (N) 9/16" LAMINATED CLEAR GLASS
- (M01) (N) STOREFRONT - POWDER COATED METAL

KEY NOTES

NO SCALE

2



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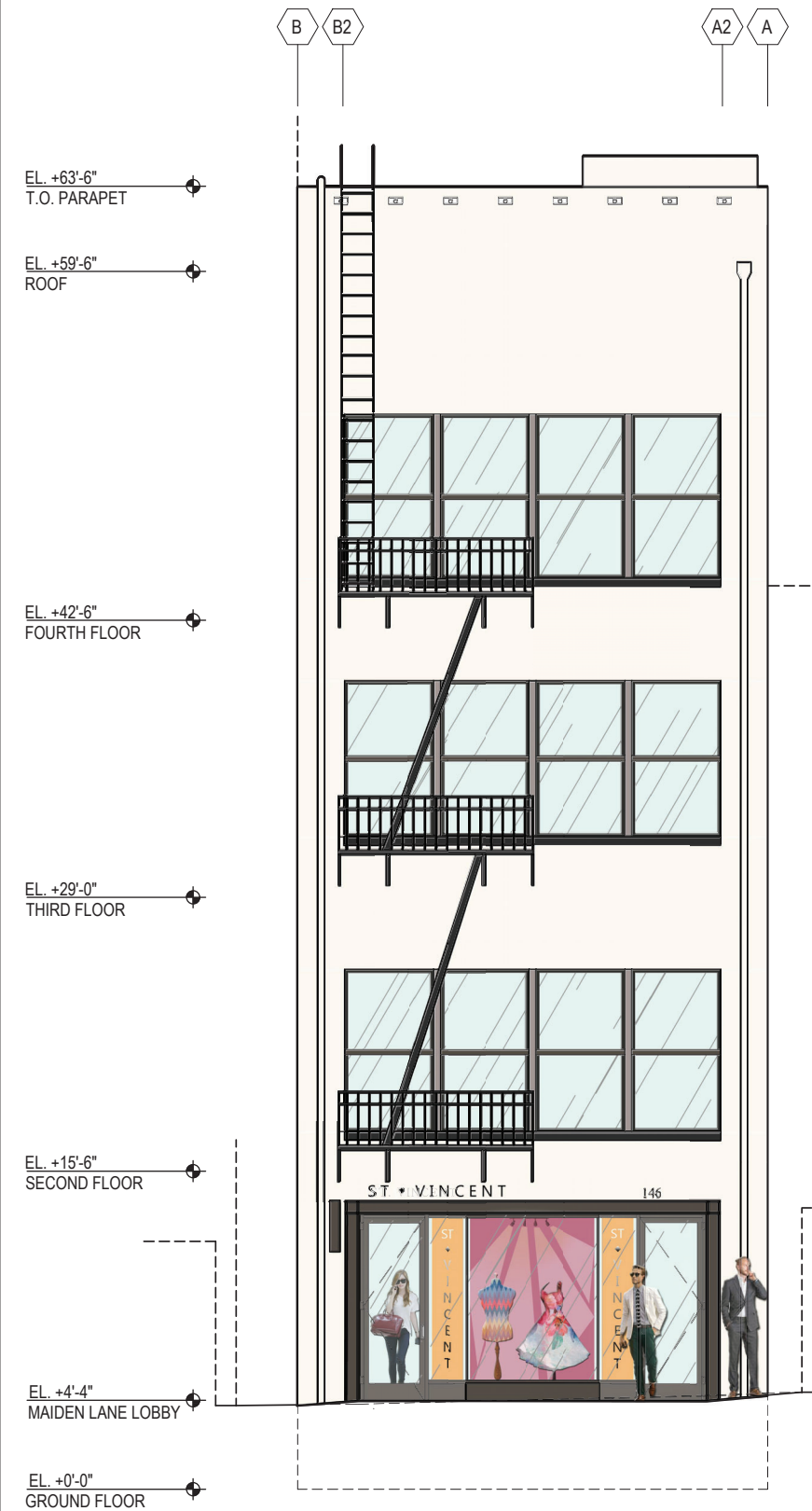
GRAPHIC LEGEND

NO SCALE

1

Rev.	Date	Remarks
	09/10/2019	PERMIT APPLICATION

	GLASS
	PAINT 1 (WARM WHITE/OFF-WHITE TONE)
	PAINT 2 (LIGHT NEUTRAL TONE)
	PAINT 3 (DARK NEUTRAL TONE)
	PAINT 4 (LIGHT GRAY TONE)
	POWDER COATED METAL STOREFRONT (OIL RUBBED BRONZE)



MAIDEN LN
STOREFRONT
APPROVED UNDER
SEPARATE PERMIT

KEY NOTES NO SCALE 2

MATERIAL SWATCH/LEGEND NO SCALE 4

PROPOSED BUILDING FRONT ELEVATION - COLORED SCALE: 1/4" = 1'-0" 3

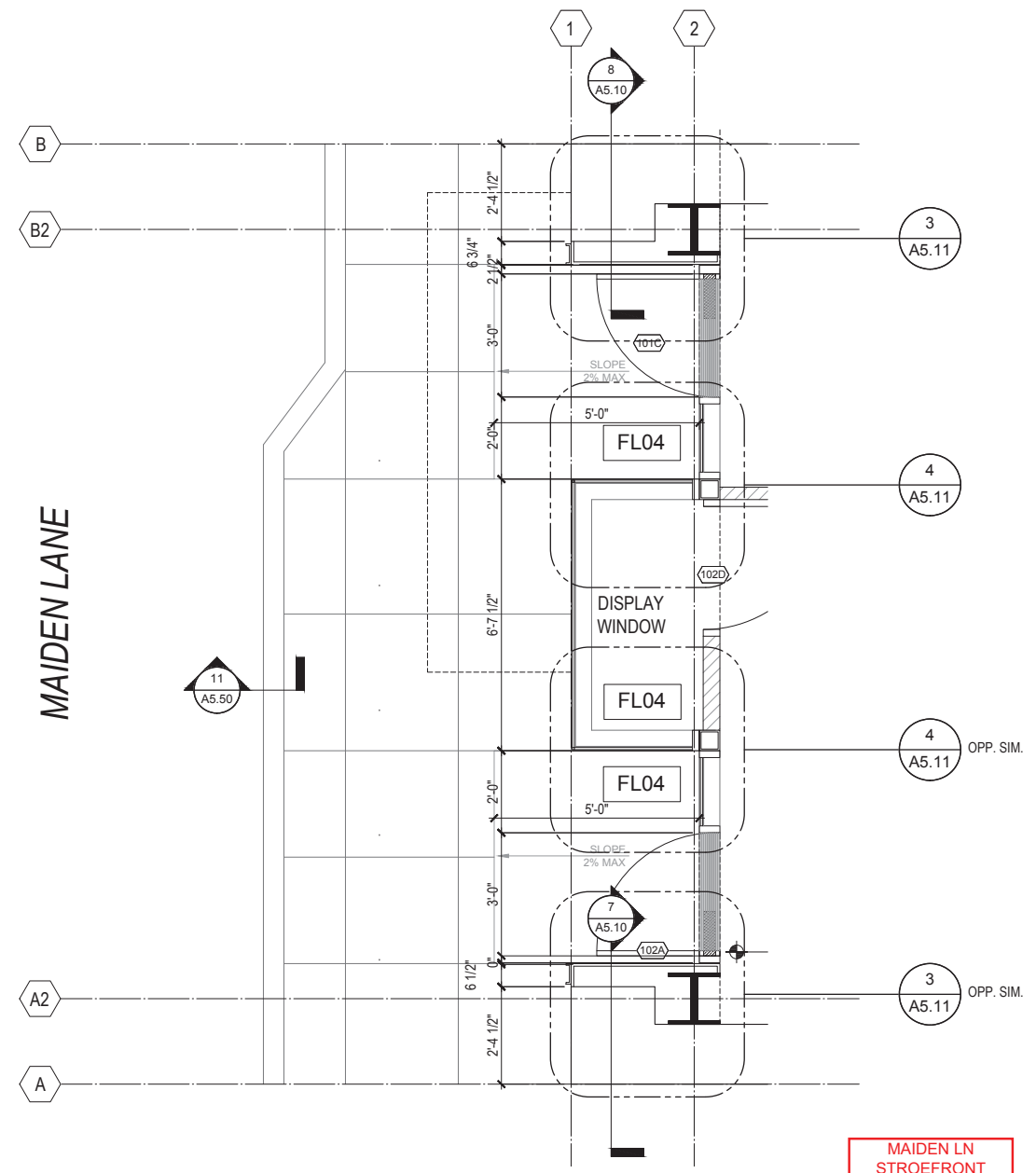
GRAPHIC LEGEND NO SCALE 1

NOTE: If this drawing is not 24"x36" it has been revised from its original size. Scale noted on drawings/details are no longer applicable.

Project No:
Drawing Title:
**BUILDING ELEVATION -
MAIDEN LANE
COLORED**
Sheet No:
A2.03

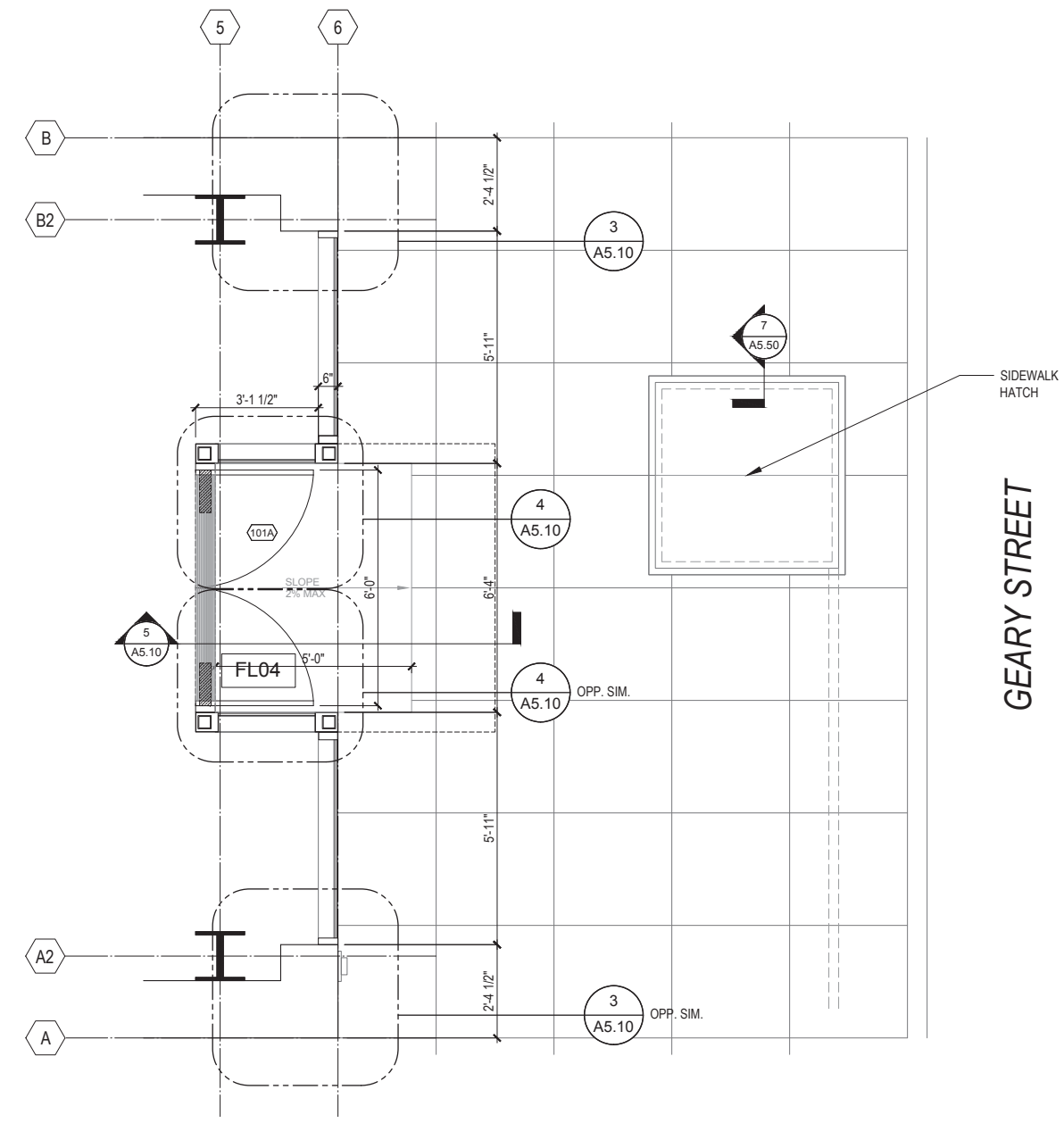
KEY NOTES NO SCALE 4

GRAPHIC LEGEND NO SCALE 3



MAIDEN LN
STOREFRONT
APPROVED UNDER
SEPARATE PERMIT

MAIDEN LANE STOREFRONT PLAN SCALE: 1/2" = 1'-0" 2



GEARY BLVD STOREFRONT PLAN SCALE: 1/2" = 1'-0" 1

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SAN FRANCISCO CA 94108

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	09/10/2019	PERMIT APPLICATION

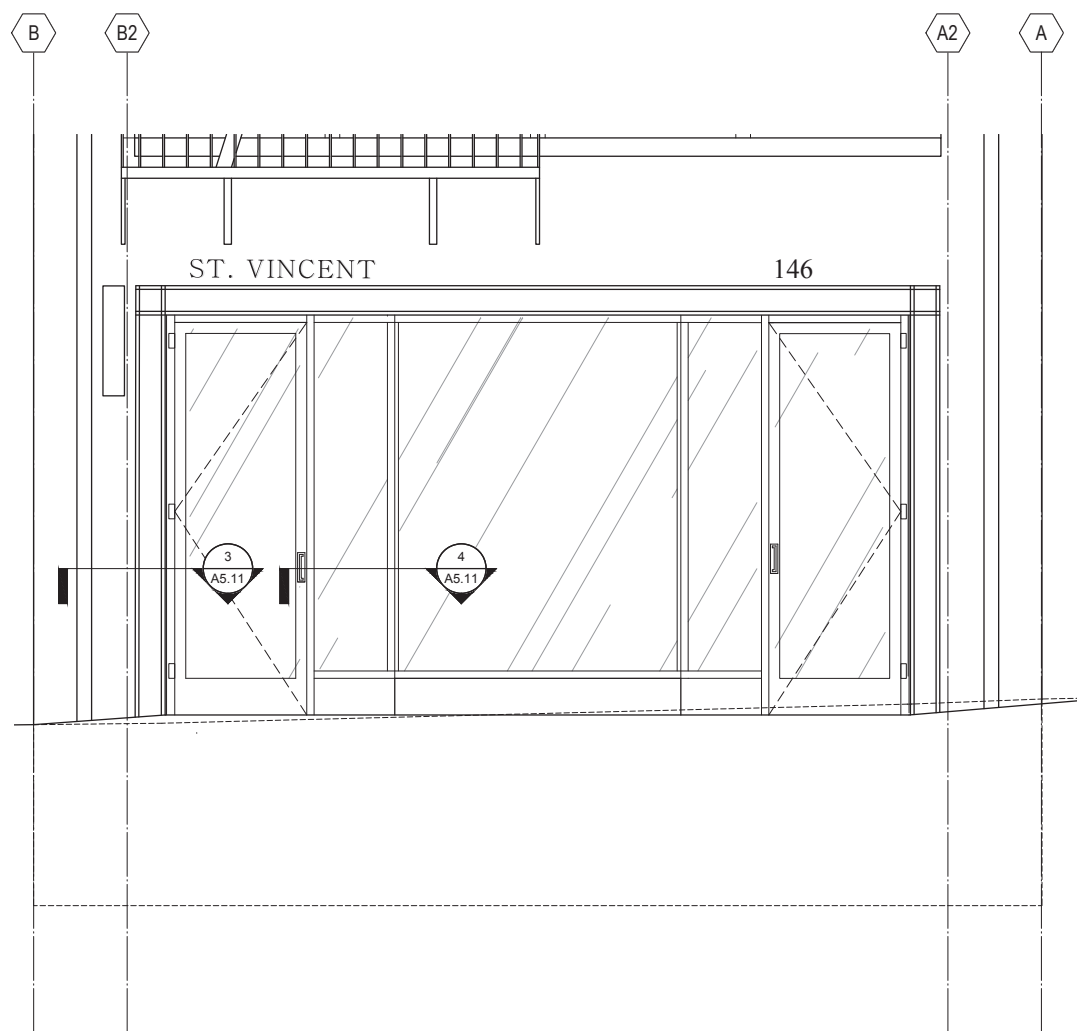
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Project No:
Drawing Title:
STOREFRONT SYSTEMS

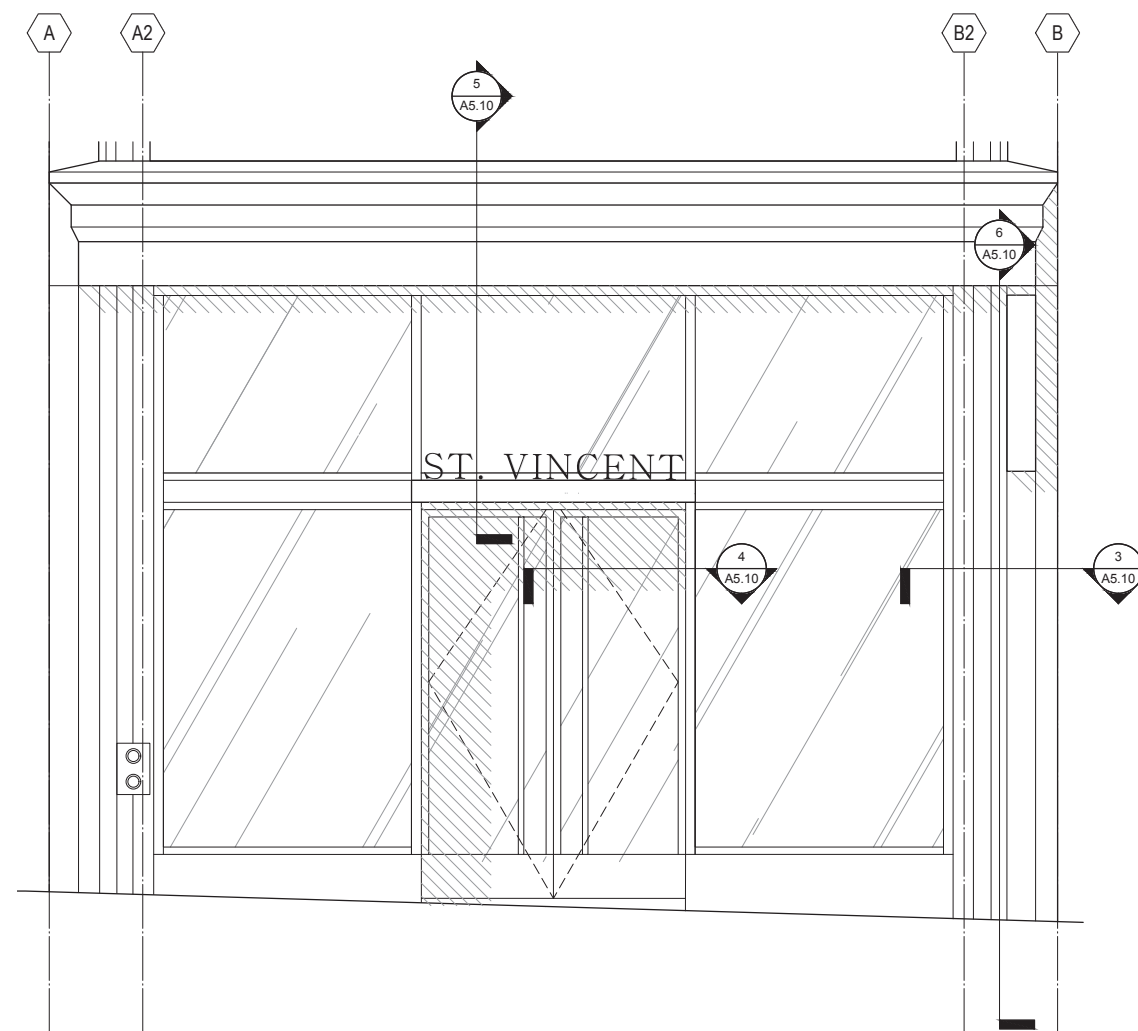
Sheet No:
A 4.10

KEY NOTES NO SCALE 3

GRAPHIC LEGEND NO SCALE 2



MAIDEN LANE STOREFRONT ENLARGED ELEVATION SCALE: 1/2" = 1'-0" 2



GEARY BLVD STOREFRONT ENLARGED ELEVATION SCALE: 1/2" = 1'-0" 1

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SAN FRANCISCO CA 94108

Rev. Date Remarks

09/10/2019 PERMIT APPLICATION

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Project No:

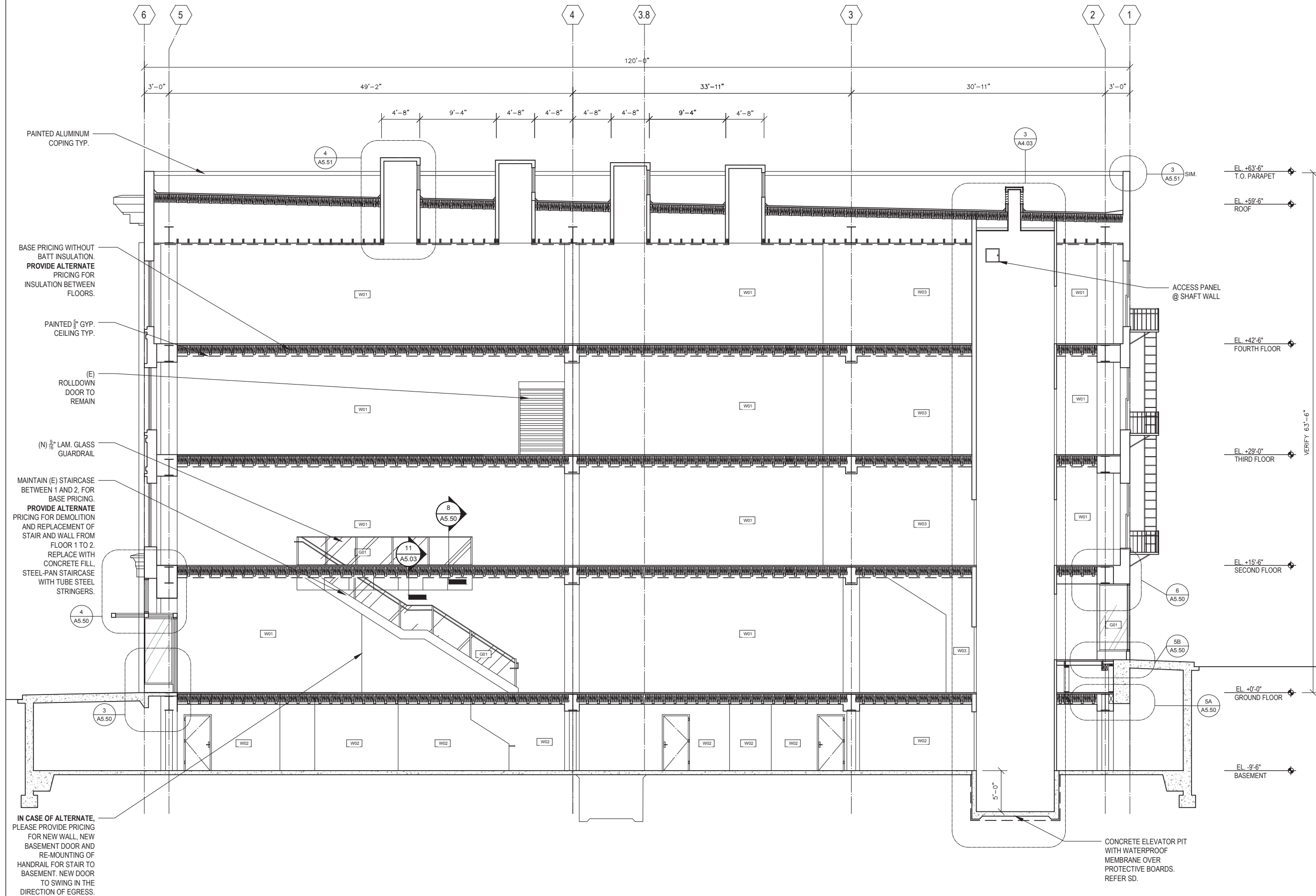
Drawing Title:

STOREFRONT ENLG
ELEVATIONS

Sheet No:

A 4.11

Rev.	Date	Remarks
	09/10/2019	PERMIT APPLICATION



IN CASE OF ALTERNATE, PLEASE PROVIDE PRICING FOR NEW WALL, NEW BASEMENT DOOR AND RE-MOUNTING OF HANDRAIL FOR STAIR TO BASEMENT. NEW DOOR TO SWING IN THE DIRECTION OF EGRESS.

CONCRETE ELEVATOR PIT WITH WATERPROOF MEMBRANE OVER PROTECTIVE BOARDS. REFER SD.

SECTION C LOOKING EAST

SCALE: 3/16" = 1'-0"

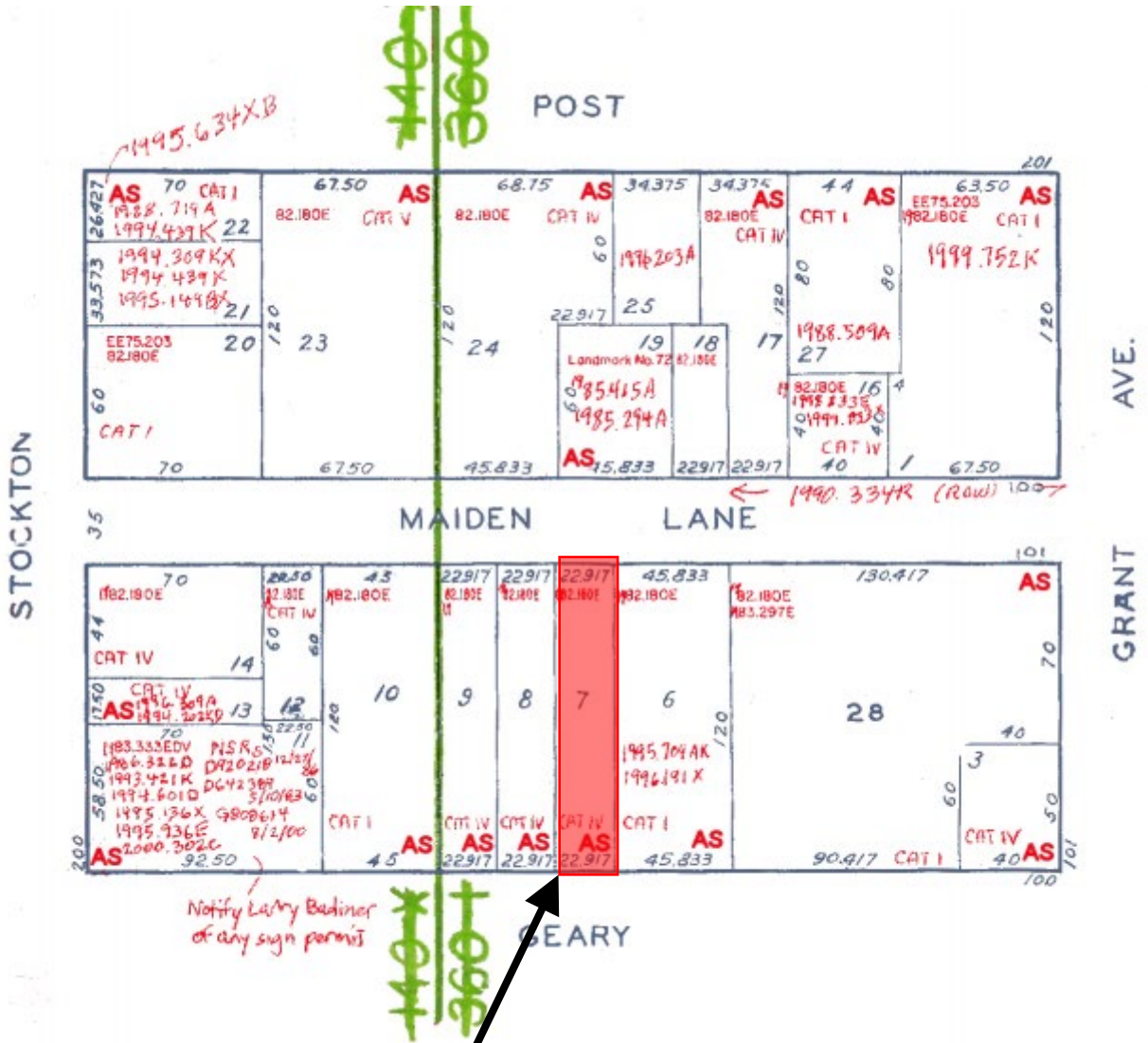
1

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Project No:
Drawing Title:
SECTION C

Sheet No:
A3.02

Block Book Map

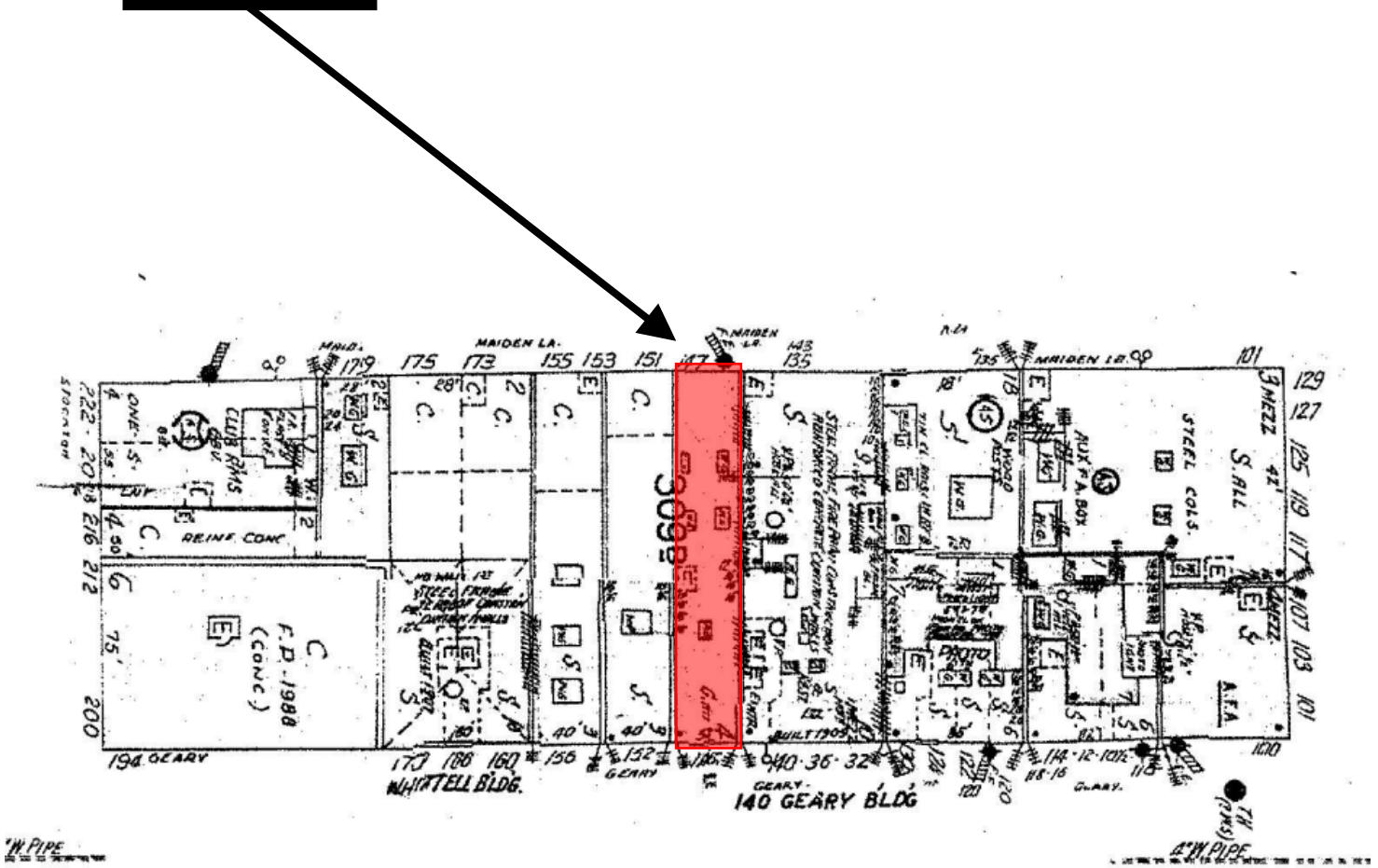


SUBJECT PROPERTY

Conditional Use Authorization Hearing
 Case Number 2016-012773CUA
 146 Geary Street

Sanborn Map*

SUBJECT PROPERTY



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



Conditional Use Authorization Hearing
Case Number 2016-012773CUA
146 Geary Street

Context Photos



Storefront along Geary St



Storefront along Maiden Ln

Conditional Use Authorization Hearing
Case Number 2016-012773CUA
146 Geary Street



SAN FRANCISCO PLANNING DEPARTMENT

CEQA Categorical Exemption Determination

PROPERTY INFORMATION/PROJECT DESCRIPTION

Project Address		Block/Lot(s)
146 GEARY ST		0309007
Case No.		Permit No.
2016-012773PRJ		
<input checked="" type="checkbox"/> Addition/ Alteration	<input type="checkbox"/> Demolition (requires HRE for Category B Building)	<input type="checkbox"/> New Construction
<p>Project description for Planning Department approval. Change of Use of from retail sales to office on floors 3 and 4.</p>		

STEP 1: EXEMPTION CLASS

The project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA).	
<input checked="" type="checkbox"/>	Class 1 - Existing Facilities. Interior and exterior alterations; additions under 10,000 sq. ft.
<input type="checkbox"/>	Class 3 - New Construction. Up to three new single-family residences or six dwelling units in one building; commercial/office structures; utility extensions; change of use under 10,000 sq. ft. if principally permitted or with a CU.
<input type="checkbox"/>	<p>Class 32 - In-Fill Development. New Construction of seven or more units or additions greater than 10,000 sq. ft. and meets the conditions described below:</p> <p>(a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.</p> <p>(b) The proposed development occurs within city limits on a project site of no more than 5 acres substantially surrounded by urban uses.</p> <p>(c) The project site has no value as habitat for endangered rare or threatened species.</p> <p>(d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.</p> <p>(e) The site can be adequately served by all required utilities and public services.</p> <p>FOR ENVIRONMENTAL PLANNING USE ONLY</p>
<input type="checkbox"/>	Class ____

STEP 2: CEQA IMPACTS

TO BE COMPLETED BY PROJECT PLANNER

<input type="checkbox"/>	<p>Air Quality: Would the project add new sensitive receptors (specifically, schools, day care facilities, hospitals, residential dwellings, and senior-care facilities within an Air Pollution Exposure Zone? Does the project have the potential to emit substantial pollutant concentrations (e.g., backup diesel generators, heavy industry, diesel trucks, etc.)? (refer to EP_ArcMap > CEQA Catex Determination Layers > Air Pollution Exposure Zone)</p>
<input type="checkbox"/>	<p>Hazardous Materials: If the project site is located on the Maher map or is suspected of containing hazardous materials (based on a previous use such as gas station, auto repair, dry cleaners, or heavy manufacturing, or a site with underground storage tanks): Would the project involve 50 cubic yards or more of soil disturbance - or a change of use from industrial to residential?</p> <p><i>if the applicant presents documentation of enrollment in the San Francisco Department of Public Health (DPH) Maher program, a DPH waiver from the Maher program, or other documentation from Environmental Planning staff that hazardous material effects would be less than significant (refer to EP_ArcMap > Maher layer).</i></p>
<input type="checkbox"/>	<p>Transportation: Does the project involve a child care facility or school with 30 or more students, or a location 1,500 sq. ft. or greater? Does the project have the potential to adversely affect transit, pedestrian and/or bicycle safety (hazards) or the adequacy of nearby transit, pedestrian and/or bicycle facilities?</p>
<input type="checkbox"/>	<p>Archeological Resources: Would the project result in soil disturbance/modification greater than two (2) feet below grade in an archeological sensitive area or eight (8) feet in a non -archeological sensitive area? If yes, archeo review is required (refer to EP_ArcMap > CEQA Catex Determination Layers > Archeological Sensitive Area)</p>
<input type="checkbox"/>	<p>Subdivision/Lot Line Adjustment: Does the project site involve a subdivision or lot line adjustment on a lot with a slope average of 20% or more? (refer to EP_ArcMap > CEQA Catex Determination Layers > Topography). If yes, Environmental Planning must issue the exemption.</p>
<input type="checkbox"/>	<p>Slope = or > 25%: Does the project involve any of the following: (1) square footage expansion greater than 500 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? (refer to EP_ArcMap > CEQA Catex Determination Layers > Topography) If box is checked, a geotechnical report is required and Environmental Planning must issue the exemption.</p>
<input type="checkbox"/>	<p>Seismic: Landslide Zone: Does the project involve any of the following: (1) square footage expansion greater than 500 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? (refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones) If box is checked, a geotechnical report is required and Environmental Planning must issue the exemption.</p>
<input type="checkbox"/>	<p>Seismic: Liquefaction Zone: Does the project involve any of the following: (1) square footage expansion greater than 500 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? (refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones) If box is checked, a geotechnical report will likely be required and Environmental Planning must issue the exemption.</p>
<p>Comments and Planner Signature (optional): Jonathan Vimr</p>	

STEP 3: PROPERTY STATUS - HISTORIC RESOURCE
TO BE COMPLETED BY PROJECT PLANNER

PROPERTY IS ONE OF THE FOLLOWING: (refer to <i>Property Information Map</i>)	
<input checked="" type="checkbox"/>	Category A: Known Historical Resource. GO TO STEP 5.
<input type="checkbox"/>	Category B: Potential Historical Resource (over 45 years of age). GO TO STEP 4.
<input type="checkbox"/>	Category C: Not a Historical Resource or Not Age Eligible (under 45 years of age). GO TO STEP 6.

STEP 4: PROPOSED WORK CHECKLIST
TO BE COMPLETED BY PROJECT PLANNER

Check all that apply to the project.	
<input checked="" type="checkbox"/>	1. Change of use and new construction. Tenant improvements not included.
<input type="checkbox"/>	2. Regular maintenance or repair to correct or repair deterioration, decay, or damage to building.
<input type="checkbox"/>	3. Window replacement that meets the Department's <i>Window Replacement Standards</i> . Does not include storefront window alterations.
<input type="checkbox"/>	4. Garage work. A new opening that meets the <i>Guidelines for Adding Garages and Curb Cuts</i> , and/or replacement of a garage door in an existing opening that meets the Residential Design Guidelines.
<input type="checkbox"/>	5. Deck, terrace construction, or fences not visible from any immediately adjacent public right-of-way.
<input type="checkbox"/>	6. Mechanical equipment installation that is not visible from any immediately adjacent public right-of-way.
<input type="checkbox"/>	7. Dormer installation that meets the requirements for exemption from public notification under <i>Zoning Administrator Bulletin No. 3: Dormer Windows</i> .
<input type="checkbox"/>	8. Addition(s) that are not visible from any immediately adjacent public right-of-way for 150 feet in each direction; does not extend vertically beyond the floor level of the top story of the structure or is only a single story in height; does not have a footprint that is more than 50% larger than that of the original building; and does not cause the removal of architectural significant roofing features.
Note: Project Planner must check box below before proceeding.	
<input type="checkbox"/>	Project is not listed. GO TO STEP 5.
<input type="checkbox"/>	Project does not conform to the scopes of work. GO TO STEP 5.
<input type="checkbox"/>	Project involves four or more work descriptions. GO TO STEP 5.
<input checked="" type="checkbox"/>	Project involves less than four work descriptions. GO TO STEP 6.

STEP 5: CEQA IMPACTS - ADVANCED HISTORICAL REVIEW
TO BE COMPLETED BY PROJECT PLANNER

Check all that apply to the project.	
<input type="checkbox"/>	1. Project involves a known historical resource (CEQA Category A) as determined by Step 3 and conforms entirely to proposed work checklist in Step 4.
<input type="checkbox"/>	2. Interior alterations to publicly accessible spaces.
<input type="checkbox"/>	3. Window replacement of original/historic windows that are not "in-kind" but are consistent with existing historic character.
<input type="checkbox"/>	4. Façade/storefront alterations that do not remove, alter, or obscure character-defining features.
<input type="checkbox"/>	5. Raising the building in a manner that does not remove, alter, or obscure character-defining features.
<input type="checkbox"/>	6. Restoration based upon documented evidence of a building's historic condition, such as historic photographs, plans, physical evidence, or similar buildings.

<input type="checkbox"/>	7. Addition(s) , including mechanical equipment that are minimally visible from a public right-of-way and meet the <i>Secretary of the Interior's Standards for Rehabilitation</i> .
<input type="checkbox"/>	8. Other work consistent with the <i>Secretary of the Interior Standards for the Treatment of Historic Properties</i> (specify or add comments):
<input type="checkbox"/>	9. Other work that would not materially impair a historic district (specify or add comments): (Requires approval by Senior Preservation Planner/Preservation Coordinator)
<input type="checkbox"/>	10. Reclassification of property status. (Requires approval by Senior Preservation Planner/Preservation <input type="checkbox"/> Reclassify to Category A a. Per HRER or PTR dated <input type="checkbox"/> Reclassify to Category C (attach HRER or PTR) b. Other (specify):
Note: If ANY box in STEP 5 above is checked, a Preservation Planner MUST sign below.	
<input checked="" type="checkbox"/>	Project can proceed with categorical exemption review. The project has been reviewed by the Preservation Planner and can proceed with categorical exemption review. GO TO STEP 6.
Comments (optional):	
Preservation Planner Signature: Jonathan Vimr	

**STEP 6: CATEGORICAL EXEMPTION DETERMINATION
TO BE COMPLETED BY PROJECT PLANNER**

<input checked="" type="checkbox"/>	No further environmental review is required. The project is categorically exempt under CEQA. There are no unusual circumstances that would result in a reasonable possibility of a significant effect.	
	Project Approval Action: Planning Commission Hearing	Signature: Jonathan Vimr
	If Discretionary Review before the Planning Commission is requested, the Discretionary Review hearing is the Approval Action for the project.	10/11/2019
Once signed or stamped and dated, this document constitutes a categorical exemption pursuant to CEQA Guidelines and Chapter 31 of the Administrative Code. In accordance with Chapter 31 of the San Francisco Administrative Code, an appeal of an exemption determination can only be filed within 30 days of the project receiving the approval action. Please note that other approval actions may be required for the project. Please contact the assigned planner for these approvals.		

STEP 7: MODIFICATION OF A CEQA EXEMPT PROJECT

TO BE COMPLETED BY PROJECT PLANNER

In accordance with Chapter 31 of the San Francisco Administrative Code, when a California Environmental Quality Act (CEQA) exempt project changes after the Approval Action and requires a subsequent approval, the Environmental Review Officer (or his or her designee) must determine whether the proposed change constitutes a substantial modification of that project. This checklist shall be used to determine whether the proposed changes to the approved project would constitute a "substantial modification" and, therefore, be subject to additional environmental review pursuant to CEQA.

PROPERTY INFORMATION/PROJECT DESCRIPTION

Project Address (If different than front page)		Block/Lot(s) (If different than front page)
146 GEARY ST		0309/007
Case No.	Previous Building Permit No.	New Building Permit No.
2016-012773PRJ		
Plans Dated	Previous Approval Action	New Approval Action
	Planning Commission Hearing	
Modified Project Description:		

DETERMINATION IF PROJECT CONSTITUTES SUBSTANTIAL MODIFICATION

Compared to the approved project, would the modified project:	
<input type="checkbox"/>	Result in expansion of the building envelope, as defined in the Planning Code;
<input type="checkbox"/>	Result in the change of use that would require public notice under Planning Code Sections 311 or 312;
<input type="checkbox"/>	Result in demolition as defined under Planning Code Section 317 or 19005(f)?
<input type="checkbox"/>	Is any information being presented that was not known and could not have been known at the time of the original determination, that shows the originally approved project may no longer qualify for the exemption?
If at least one of the above boxes is checked, further environmental review is required.	

DETERMINATION OF NO SUBSTANTIAL MODIFICATION

<input type="checkbox"/>	The proposed modification would not result in any of the above changes.
If this box is checked, the proposed modifications are categorically exempt under CEQA, in accordance with prior project approval and no additional environmental review is required. This determination shall be posted on the Planning Department website and office and mailed to the applicant, City approving entities, and anyone requesting written notice. In accordance with Chapter 31, Sec 31.08j of the San Francisco Administrative Code, an appeal of this determination can be filed within 10 days of posting of this determination.	
Planner Name:	Date:



SAN FRANCISCO PLANNING DEPARTMENT

Land Use Information

PROJECT ADDRESS: 146 GEARY ST
RECORD NO.: 2016-012773CUA

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

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	EXISTING	PROPOSED	NET NEW
GROSS SQUARE FOOTAGE (GSF)			
Parking GSF	-	-	-
Residential GSF	-	-	-
Retail/Commercial GSF	11,000 (floors 1-4) 3,205 (basement)*	5,500 (floors 1-2) 3,205 (basement)	-5,500
Office GSF	0	5,500	5,500
Industrial/PDR GSF <i>Production, Distribution, & Repair</i>	-	-	-
Medical GSF	-	-	-
Visitor GSF	-	-	-
CIE GSF	-	-	-
Usable Open Space	-	-	-
Public Open Space	-	-	-
TOTAL GSF	11,000 (floors 1-4) 3,205 (basement)	11,000 (floors 1-4) 3,205 (basement)	5,500 (floors 1-2 retail) 3,205 (basement retail) 5,550 floors 3-4 office)
	EXISTING	NET NEW	TOTALS
PROJECT FEATURES (Units or Amounts)			
Dwelling Units - Affordable	-	-	-
Dwelling Units - Market Rate	-	-	-
Dwelling Units - Total	-	-	-
Hotel Rooms	-	-	-
Number of Buildings	1	0	1
Number of Stories	4 + basement	-	4 + basement
Parking Spaces	-	-	-
Loading Spaces	-	-	-
Bicycle Spaces	-	-	-
Car Share Spaces	-	-	-

*Basement used for retail back of house/storage

REUBEN, JUNIUS & ROSE, LLP

Tuija Catalano
tcatalano@reubenlaw.com

October 11, 2019

Delivered Via Messenger

President Myrna Melgar
Planning Commission
1650 Mission Street, Suite 400
San Francisco, CA 94103

**Re: 146 Geary – CU for Change of Use
Planning Dept. Case No. 2016-012773CUA
Brief in Support of the Project
Hearing Date: October 24, 2019
Our File No.: 10133.01**

Dear President Melgar and Commissioners:

Our office represents 146 Geary, LLC, the owner City Center Realty Partners, LLC as authorized representative (“**Project Sponsor**”) of 146 Geary Street, Assessor’s Block 0309, Lot 007 (“**Property**”). The Project Sponsor proposes to convert the existing upper floors (at 3rd and 4th levels) from retail to office use (“**Project**”). The CU is required for the 3rd floor conversion only, with the 4th floor conversion being principally permitted.

A. PROJECT BENEFITS

- Conversion of upper floors helps re-activate the entire building and eliminate existing vacancies;
- Conversion results with a compatible mix of lower level retail and upper floor office uses;
- Office occupancy at the 3rd and 4th floors brings office tenants to the building and neighborhood, resulting in regular patrons and additional foot-traffic for existing retail and restaurant uses; and
- Payment of the (new) \$6/sf Union Square Park, Recreation and Open Space fee, along with other impact fees.

B. UPPER FLOOR RETAIL-TO-OFFICE LEGISLATION

The Project’s CU application was filed three (3) years ago, in October 2016, but has been on hold during the pendency of the City’s re-evaluation and implementation of policies and controls applicable to upper floor uses in Union Square. Conversion of retail uses in the C-3-R zoning district (encompassing primarily the Union Square neighborhood) have been subject to the

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CU requirement since the 1985 adoption of the Downtown Plan. Starting in March 2017, approx. 6 months after the Project's CU application was filed, the Planning Commission held a hearing re retail trends in the C-3-R district and discussed the appropriateness of the then-existing retail-to-office requirements.

In May 2018, the Board of Supervisors ("BOS") adopted interim controls that effectively paused all pending retail-to-office applications from proceeding until permanent controls were adopted. Many property owners and other stakeholders worked closely and cooperatively with (District) Supervisor Peskin on the permanent controls, which were approved by the BOS in early 2019, and became effective on March 15, 2019.

In summary, the permanent controls, per BOS Ordinance No. 23-19, provide as follows:

Building Floor	Office Permissibility and Controls
Floors 1-2	Not Permitted; Office uses (and other Non-Retail Sales and Service uses) are <u>not</u> permitted unless the use offers on-site services to the <u>general public</u> .
Floor 3	CU required; Office uses require a CU, and are subject to consideration of newly-adopted factors.
Floor 4-6, with <5,000 sf	Principally permitted.
Floor 4-6, with >5,000 sf	CU required; Office uses require a CU, but are subject only to standard CU criteria only.
Floor 7 & above	All office uses are principally permitted.

Prior to the BOS' adoption of the permanent controls, the Planning Commission also held a hearing, on October 18, 2018. All but one of the Commissioners spoke in favor of allowing flexibility on the 3rd floor uses, and the Commission recommended allowing office uses on the 3rd floor with a CU.

C. PROJECT DESCRIPTION

The existing building is a 4-story, approx. 11,000 sf building with retail on all levels. The Project proposes to convert the two upper floors, floors 3 and 4, from retail to office uses. The lower floors, floors 1 and 2, will remain as retail uses. The building is relatively small, with approx. 2,750 sf floor plates. Due to the small size, the 4th floor retail-to-office conversion is principally permitted and not subject to this CU request. The CU request applies to the 3rd floor conversion.

The existing building at the Property has been vacant since December 15, 2017. The Project Sponsor has taken extensive efforts to lease all four levels to a retail tenant, such as Alo Yoga, Ralph Lauren, Shinola, Balenciaga and Prada, Lululemon, Aduemar Piquet, Richard Mille, Tom Ford, Club Monaco, James Perse, Tory Burch, Massimo Dutti and Versace.

D. PROJECT'S COMPLIANCE WITH CU CRITERIA AND CONSIDERATIONS

The Project is consistent with the general CU criteria by being a necessary and desirable use that is compatible with the context. The retail industry has changed and continues to evolve. The large department store models are disappearing and retail is becoming more experiential shopping, reducing the need for stores to carry large inventories on-site. Retailers of every size and product category have decreased their footprint due to the competition of the internet. Street visibility and pedestrian access remain key factors to making retail successful. The difficulty with upper floor retail is that it is often not visible and easily accessible and rarely, if ever, would a retailer choose to occupy upper floor space without also having ground level presence. Requiring retailers to take 3rd or higher floor area in conjunction with ground and 2nd floor space severely inhibits overall leasability and results in increased vacancies due to the fact that retailers are taking ever smaller foot-prints. Increasingly, retailers simply do not want retail space on the 3rd or higher levels, regardless of whether the space is stand-alone space or in conjunction with lower level space.

Allowing 3rd and upper floors to be converted to office or other non-retail uses directly helps in the leasability of lower levels. Office uses bring tenants to the building and Union Square on a regular basis, creating patrons to nearby retail services, including restaurants and cafes, thus helping maintain Union Square as the City's premier retail destination. Upper floor office uses also help keep buildings fully leased, allowing property owners to maintain their buildings and increasing the pool of feasible retail tenants who are interested in the ground and 2nd floor areas only. In sum, the mix of retail and office uses in buildings is an ideal mix of uses that decreases vacancies and promotes overall vibrancy and successfulness of Union Square.

Section 210.3, footnote 2 criteria and factors for the Commission to evaluate:

- (a) *The proposed use would not require modification of the location that would negatively impact existing architectural, historic and aesthetic features, or otherwise inhibit the conversion back to a principally-permitted use in the future;*

RESPONSE: The Project complies with this requirement. No changes are proposed at the primary Geary Street façade, which will remain occupied and improved with retail uses at the ground level. The secondary façade, at Maiden Lane, will provide a retail lobby and retail display taking up majority of the ground floor façade. As shown below, a narrow, approx. 5' wide opening to the office lobby will be provided at Maiden Lane, which could easily be converted into another retail entrance or display if the upper floor was converted back into a principally permitted use. In sum, the Project will have no impact on existing architectural, historic or aesthetic features, and does not in any way inhibit future conversion back to a principally permitted use.



Maiden Lane façade

Retail lobby/display

Office entrance

(b) *The proposed use would not have an actual or potential adverse impact on adjacent zoning districts in which non-retail sales and services uses are not permitted; and*

RESPONSE: The Project complies with this requirement. As shown below, the Property is located less than a block from Union Square, surrounded by other C-3-R zoned properties. The closest non-C-3-R zoning district in the C-3-O (Downtown Office) district approx. 1.5 blocks east of the Property. C-3-O is primarily intended for office uses, and principally permits and contain office uses. Thus, the Project will have absolutely no adverse impact on adjacent zoning districts where office uses are not permitted.



- (c) *The proposed use will not result in the development of non-retail sales and service uses such that the District's primary function is no longer an area for comparison shopper retailing and direct consumer services.*

RESPONSE: The Project complies with this requirement. The Project proposes a very minimal amount of new office uses, with 2,500 sf each on two upper levels, and thus will have no negative impact on the District's primary retail function. On the opposite, by proposing office uses on the upper floors at a location and building levels that have proven to be unleaseable for retail uses, the Project is expected to help facilitate full building occupancy by retail and office tenants, resulting in new patrons to nearby retail uses, thus activating both Geary and Maiden Lane. Additionally, the primary ground floor façade, at Geary, remains entirely as a retail façade. The secondary ground floor façade, at Maiden Lane, will contain a small office lobby entrance, leaving the remaining façade devoted to retail entrance and display. In sum, the Project is entirely supportive of maintaining the District's primary function as a retail area.

Additionally, the Commission is to consider the following:

- (1) *Whether the proposed use would complement or support principally-permitted uses in the District, and*

RESPONSE: Providing office uses on the building's two upper floors will bring office tenants to the building and the neighborhood on a daily basis, resulting in new patrons to the nearby retail businesses. Due to the Property's small size, it is not possible to include any internal cafeteria uses for the office tenants within the building, and thus the office tenants are, at minimum, expected to frequent nearby cafes and restaurants, helping support them. Additionally, the subject block along Maiden Lane includes several buildings that do not currently provide very active ground floor uses. With the creation of an office and retail entrance along Maiden Lane for the proposed upper floor office uses the Project helps increase foot traffic and security for nearby businesses by bringing additional people down Maiden Lane.

- (2) *Whether the site of the proposed use is not conducive to any principally-permitted uses in the District by virtue of physical limitations, including but not limited to the size and orientation of the floor plate and the nature of independent access to the third floor.*

RESPONSE: The subject building is not conducive to retail sales and service uses on the 3rd and 4th levels for several reasons. Due to the building design and the upper floor location of the 3rd and 4th levels, the proposed office floors have minimal street visibility from pedestrian perspective. The building is also a mid-block building, further limiting the upper floor visibility which is critical for the success of retail uses. The building does not provide an internal escalator with easy and transparent accessibility to the upper floors, and none can be added due to the limited size of the building. The upper floors are accessible via an elevator located along the secondary, Maiden Lane, façade. An addition of a separate lobby and elevator at the primary, Geary, façade would significantly reduce the already narrow 23' street frontage, and would detract from the viability of ground floor

retail uses. The Project Sponsor has actively marketed the upper floors for lease to retail uses over the last 4 years and have failed to find an interested tenant. With the changes in retail industry, combined with the physical size and location of the 3rd and 4th floors, the demand and desirability for retail uses is simply non-existent.

E. COMMUNITY OUTREACH

The proposed Project is overwhelmingly supported by the Project's neighbors. Attached you will find support letters that collectively include 17 signatures in support of the Project. The support letters include a letter from the tenants and stakeholders at The Shreve Building at 210 Post, with 16 signatures representing 10 different businesses, and a letter from the General Manager of Taj Campton Place, at 340 Stockton Street.

F. CONCLUSION

The proposed Project has been pending for several years, in part delayed by the consideration and implementation of new C-3-R retail-to-office conversion policies and controls. With the permanent controls now in place, the Project seeks to convert two upper floors to office use, in full compliance with the permanent controls. We respectfully ask for the Commission's approval for the Project on October 24th. Thank you for your consideration.

Very truly yours,

REUBEN, JUNIUS & ROSE, LLP

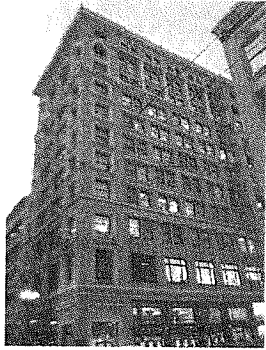


Tuija I. Catalano

cc: Vice President Joel Koppel
Commissioner Frank Fung
Commissioner Milicent Johnson
Commissioner Kathryn Moore
Commissioner Dennis Richards
Jonas P. Ionin, Commission Secretary
John Rahaim, Planning Director
Claudine Asbagh, Team Manager
Nancy Tran, Project Planner
Mark Stefan, Project Sponsor
Koonshing Wong, WZ Architects

Enclosures:

Exh. A-1 – Support letter from Tenants/Stakeholders at The Shreve Building, 210 Post, 17 signatures
Exh. A-2 – Support letter from Corinna Luebbe, General Manager at Taj Campton Place, 340 Stockton



September 29, 2019

San Francisco Planning Commission
Attn: Claudine Asbagh
1650 Mission Street #400
San Francisco, CA 94103

RE: Planning Dept Case: **146 Geary St** / Planning /Commission Hearing Date; October 24, 2019

Collectively, we are tenants and stakeholders at 210 Post, The Shreve Building and are supporters of the conversion of the upper floors of 146 Geary to office use with access on Maiden Lane.

With retail's noticeably shrinking footprint, we have observed a growing number of vacancies in Union Square, meanwhile demand for office in San Francisco remains high. We are supportive of plans to convert 146 Geary Street's floors 3 and 4 to office and urge the Commission to approve this CUP.

We are confident that the change in zoning will result in a fully occupied building, adding more vibrancy to the surrounding neighborhood. A reduction in vacancies increases visits, tax revenue and will add to the overall environment of Union Square. Additionally, office employees will bring extra life to the area, shoppers to our retail and patrons to our restaurants.

Prolonged vacancies add to blight and ultimately create an environment that is antithetical to a safe, thriving and healthful San Francisco.

We see no downside to converting vacancies to office. We fully support and applaud the renovation of 146 Geary with an additional entrance at Maiden Lane and the sooner the space is leased the better for the business owners and visitors of Union Square.

Signatures on the following pages (s)

Respectfully from The Shreve Building

Name

Business Name

Signature

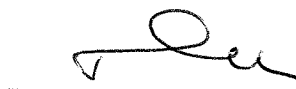
Imran Anwar

PROTECH



Rachel Lee

Cushman Wakefield



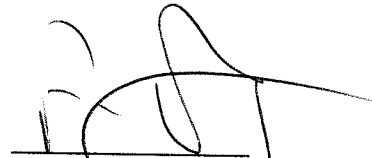
Donna Witt

Protech



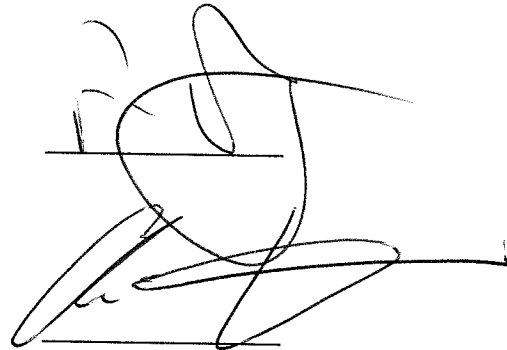
Fritz Bonberg

Kiton

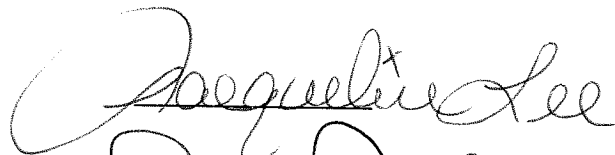


Arian Khatibi

Kiton



Jacqueline Lee Protech



GIOVANNI PASSALACQUA INDIP.



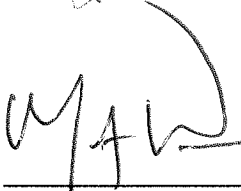

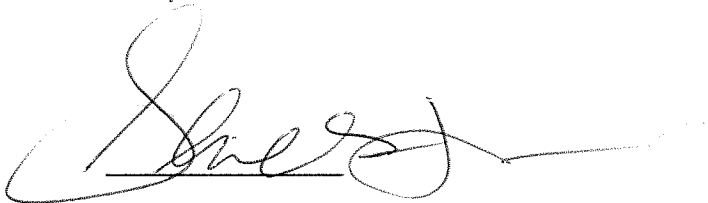





DAVID DIBELKA

INDEPENDENT



Respectfully from The Shreve Building

Name	Business Name	Signature
<u>LUCY ASUBAR</u>	<u>INDEPENDENT</u>	<u></u>
<u>Dino Vicencio</u>	<u>_____</u>	<u></u>
<u>MARK WATSON</u>	<u>WATSON + SIGN WATSON</u>	<u></u>
<u>AKH</u>	<u>AKH UPS</u>	<u></u>
<u>Shalamar Jones</u>	<u>Protech</u>	<u></u>
<u>Nicholas Joy</u>	<u>Law Office</u>	<u></u>
<u>Marsha Kibuchi</u>	<u>Gushman & Preper/Warefield</u>	<u></u>
<u>NIC</u>	<u>FDX</u>	<u></u>



Date: 10/03/19

San Francisco Planning Commission
Attn: Claudine Asbagh
1650 Mission St #400
San Francisco, CA 94103

Re: Planning Dept. Case No. 2016-012773CUA
Planning Commission Hearing Date: October 24, 2019

We own Taj Campton Place at 340 Stockton Street and we support the conversion of the upper floors of 146 Geary Street to office use.

With retail's noticeably shrinking footprint, we have observed a growing number of vacancies in Union Square, meanwhile demand for office in San Francisco remains high. We are supportive of plans to convert 146 Geary Street's floors 3 and 4 to office and urge the Commission to approve this CUP.

We are confident that the change in zoning will result in a fully occupied building, adding more vibrancy to the surrounding neighborhood. A reduction in vacancies increases visits, tax revenue and will add to the overall environment of Union Square. Additionally, office employees will bring extra life to the area, shoppers to our retail and patrons to our restaurants.

Prolonged vacancies add to blight and ultimately create an environment that is antithetical to a safe, thriving and healthful San Francisco.

We fully support and applaud the renovation of 146 Geary with an additional entrance at Maiden Lane and the sooner the space is leased the better for the business owners and visitors of Union Square.

Respectfully,

A handwritten signature in black ink that reads "Corinna Luebbe". The signature is written in a cursive style and is positioned above a horizontal line.

Corinna Luebbe, General Manager