



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Conditional Use Authorization

HEARING DATE: DECEMBER 12, 2019

CONSENT CALENDAR

Record No.: 2019-012018CUA
Project Address: 251 Clement Street
Zoning: Inner Clement Neighborhood Commercial District (NCD) Zoning District
40-X Height and Bulk District
Block/Lot: 1435/037
Project Sponsor: Lee Hsu
Property Owner: The Coder School San Francisco
251 Clement Street
San Francisco, CA
Staff Contact: Katie Wilborn – (415) 575-9114
Katherine.Wilborn@sfgov.org
Recommendation: **Approval with Conditions**

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

PROJECT DESCRIPTION

The Project seeks to establish a Formula Retail Establishment for an Instructional Service use (d.b.a "The Coder School") for educating children ages 8-18 on coding within an existing 1,100 square foot vacant storefront at 251 Clement Street, a two-story, residential-over-commercial building in the Inner Clement Neighborhood Commercial District (NCD). The Coder School has approximately 30 locations globally and one other location in San Francisco, in the West Portal neighborhood.

REQUIRED COMMISSION ACTION

In order for the Project to proceed, the Commission must grant a Conditional Use Authorization, pursuant to Planning Code Sections 716 and 303.1 to allow a Formula Retail Establishment within the Inner Clement NCD Zoning District.

ISSUES AND OTHER CONSIDERATIONS

- **Public Comment & Outreach.**
 - **Support/Opposition:** The Project Sponsor provided a letter of support from the Clement Street Merchants Association with its application. The Department has not received any public correspondence regarding this application at the time of writing this report.
 - **Outreach:** The Sponsor hosted one Pre-Applications meeting within the community, on March 11th, 2019, where 5 members of the public attended.

ENVIRONMENTAL REVIEW

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

BASIS FOR RECOMMENDATION

The Department finds that the Project is, on balance, consistent with the intent of the Inner Clement Neighborhood Commercial District’s intent and the Objectives and Policies of the General Plan. The Project provides a diverse service to the immediate neighborhood, where no other educational services are located within a 300-foot radius of the Subject Property. 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 – Environmental Determination
- Exhibit D – Land Use Data
- Exhibit E – Maps and Context Photos



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Draft Motion

HEARING DATE: DECEMBER 12, 2019

CONSENT CALENDAR

Record No.: 2019-012018CUA
Project Address: 251 Clement Street
Zoning: Inner Clement Neighborhood Commercial Zoning District
40-X Height and Bulk District
Block/Lot: 1435 / 037
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ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO PLANNING CODE SECTIONS 303, 303.1, AND 716 TO ESTABLISH A FORMULA RETAIL, INSTRUCTIONAL SERVICE USE AT 251 CLEMENT STREET, LOT 037 IN ASSESSOR'S BLOCK 1435, WITHIN THE INNER CLEMENT NCD (NEIGHBORHOOD COMMERCIAL DISTRICT) ZONING DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On March 12, 2019, Lee Hsu (hereinafter "Project Sponsor") filed Application No. 2019-012018CUA (hereinafter "Application") with the Planning Department (hereinafter "Department") for a Conditional use Authorization to establish a Formula Retail Establishment (hereinafter "Project") for an Instructional Service Use (d.b.a "The Coder School") for children ages 8-18 within an existing 1,100 square foot vacant storefront at 251 Clement Street, Block 1435 Lot 037 (hereinafter "Project Site").

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

On December 12, 2019, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2019-012018CUA.

The Planning Department Commission Secretary is the custodian of records; the File for Record No. 2019-012018CUA 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. 2019-012018CUA, 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 the establishment of a Formula Retail use (d.b.a. “The Coder School”, a children’s instructional service for ages 8-18 to teach coding) in a vacant retail space at the corner of Clement Street and 4th Avenue within the Inner Clement NCD District. The establishment would apply to an existing 1,100 square foot space on the ground floor of the subject property, previously occupied by City and County Bicycle Company, which vacated the premises in 2018. The Coder School currently operates approximately 30 centers worldwide, with one of those locations being in San Francisco (231 West Portal). No expansion of the existing tenant space or building envelope of the subject property is proposed. Windows will remain clear and unobstructed and a single wall sign on Clement Street is proposed.
3. **Site Description and Present Use.** The Project Site is located on the southeastern corner of Clement and 4th Avenues, on Assessor’s Block 1435, Lot 037; within the Inner Clement NCD and a 40-X Height and Bulk District in a residential-over-commercial, two-story structure. There are two residential units and two commercial units at the subject property (the other commercial tenant is a hair salon). The Project does not propose any change or impact to the residential structures above.
4. **Surrounding Properties and Neighborhood.** The Subject Property is within the Inner Clement NCD District in the Inner Richmond Neighborhood, situated between two RM-1 (Residential-Mixed, Low Density) Zoning Districts. The intent of the Inner Clement NCD district is to offer a wide array of convenient goods and services to the surrounding areas. The Inner Clement NCD district has one of the greatest concentrations of restaurants in any commercial street in San Francisco, so The Coder School’s Instructional Services will provide retail diversity within the area. In addition to The Coder School, there are 6 Formula Retail Establishments within a 300-foot radius of the Subject Property, which composes approximately 14% of the Lot Frontage in the area. At the time of the Retail Survey, there were 7 vacant commercial storefronts within a 300-foot radius of the proposed project.
5. **Public Outreach and Comments.** The Department has not received any correspondence regarding the proposed project. This Project Sponsor conducted a Pre-Application meeting on March 11, 2019, which was attended by 5 members of the public. Additionally, the Project Sponsor received a support letter from the Clement Merchants Association.

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. **Formula Retail Use.** A *Formula Retail* use is defined under Planning Code Section 303.1 as a type of retail sales or service activity that has eleven or more other retail sales establishments in operation, or with local land use permit entitlements already approved anywhere in the world. In addition to the eleven establishments either in operation or with local land use or permit entitlements approved for operation, the business maintains two or more of the following features: a standardized array of merchandise, a standardized façade, a standardized décor and color scheme, uniform apparel, standardized signage, and a trademark or service-mark.

Within the Inner Clement NCD Zoning District, Formula Retail uses require Conditional Use Authorization under Planning Code Section 716. Planning Code Section 303.1 provides additional criteria for the Planning Commission to consider when considering any Conditional Use pursuant to Section 303.1 (Formula Retail Uses).

The Project would allow for an Instructional Service, Formula Retail Use (d.b.a. "The Coder School", a service for children ages 8-18 to learn coding) at the vacant, approximately 1,100 square-foot, ground floor commercial space on the project site. A Formula Retail Use may be conditionally permitted per Planning Code Section 303, 303.1, and 716.

- B. **Retail Sales and Services Use within a NC-3 Zoning District.** Section 716 of the Planning Code permits "Retail Sales and Services Uses," which encompasses "Service, Instructional" uses, as defined under Planning Code Section 102 and 202.2, on the first story.

The Project would allow for a new Instructional Service Retail Sales and Services use, which Formula Retail is conditionally encompassed within, at the ground floor of a two-story, residential-over-commercial building.

- C. **Hours of Operation.** Planning Code Section 716 states that facilitates may principally operate between 6am and 2am, with Conditional Use Authorization to operate from 2am-6am.

The hours of operation for The Coder School coincide with other after-school instructional uses and are 3:00pm to 7:00pm Tuesday through Thursday, and 9:00am-2:00pm on Sundays (closed on Mondays, Fridays, and Saturdays).

- D. **Street Frontage in Neighborhood Commercial Districts.** Planning Code Section 145.1 requires that within NC Districts space for active uses shall be provided within the first 25 feet of building depth on the ground floor and 15 feet on floors above from any facade facing a street at least 30 feet in width. In addition, the floors of street-fronting interior spaces housing non-

residential active uses and lobbies shall be as close as possible to the level of the adjacent sidewalk at the principal entrance to these spaces. Frontages with active uses that must be fenestrated with transparent windows and doorways for no less than 60 percent of the street frontage at the ground level and allow visibility to the inside of the building. The use of dark or mirrored glass shall not count towards the required transparent area. Any decorative railings or grillwork, other than wire mesh, which is placed in front of or behind ground floor windows, shall be at least 75 percent open to perpendicular view. Rolling or sliding security gates shall consist of open grillwork rather than solid material, so as to provide visual interest to pedestrians when the gates are closed, and to permit light to pass through mostly unobstructed. Gates, when both open and folded or rolled as well as the gate mechanism, shall be recessed within, or laid flush with, the building facade.

The first 25 feet of building depth along the Clement Street frontage is proposed for use as a Formula Retail, Instructional Services use, which is considered "active." The windows will be clear, un-tinted, and unobstructed. There are no proposed changes to the exterior nor to the windows.

- E. **Use Size.** Planning Code Section 712 principally permits non-residential uses up to 5,999 square feet. Uses 6,000 square feet or larger require Conditional Use Authorization.

The Project proposes a total use size of approximately 1,100 square feet which is within the principally permitted use size.

- F. **Signage.** Any proposed signage will be subject to the review and approval of the Planning Department and must comply with Article 6 of the Planning Code.

The project proposes one wall sign, unilluminated with pin-mounted construction.

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 size of the use will remain as is existing and is in keeping with other storefronts on the block-face. The proposed establishment of the Formula Retail use will not affect traffic or parking in the District, as the business serves only a moderate number of customers at any one time, with sufficient off-street parking available. This will not impact the mix of goods and services currently available in the District, and it will contribute to economic vitality of the neighborhood by occupying a vacant storefront on a highly trafficked corner lot.

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 and the Project will not alter the existing appearance or character of the surrounding vicinity. The proposed work will not affect the building envelope.

- (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 off-street parking, and there is sufficient street parking for student pick-up and drop-off. It is unlikely that the use will generate significant vehicular trips citywide, though it will generate moderate trips from the neighborhood due to its close proximity to many other neighborhood-serving sales and services uses.

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

The proposed use will not generate significant noise, glare, dust, or odor.

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

The Project would not alter the site's landscaping, open space, or lighting. New signage has been reviewed for compliance with the Planning Code and Formula Retail Guidelines.

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 Neighborhood Commercial District.

The proposed project is consistent with the stated purposes of the Inner Clement NCD District, in that the intended use is located at the ground floor, will provide a compatible but diverse service for the immediate neighborhood and broader population, during after-school hours.

8. **Formula Retail.** Planning Code Section 303.1 provides additional criteria for the Planning Commission to consider when considering any Conditional Use pursuant to Planning Code Section 303.1, Formula Retail uses:

- a. The existing concentration of Formula Retail uses within the District.

There are 5 existing Formula Retail uses out of approximately 51 commercial establishments within 300 feet of the Project Site, which accounts for approximately 10% of the retail services in the area. The existing intensity of Formula Retail uses accounts for approximately 329 linear feet of lot frontage, which is 16% of the total linear frontage in a 300-foot radius of the Subject Property. Approximately half of the 300-foot radius is within the Inner Clement Neighborhood Commercial District, where the Project Site is located; the other half is within a RM-1 district.

- b. The availability of other similar retail uses within the District.

Of the 51 retail businesses surveyed within a 300-foot radius of the Project Site, 5 (10%) are Formula Retail uses. All similar businesses provide a different array of goods and services and none within a 300' radius of the Subject Property offer instructional services as their primary use, per the Formula Retail Survey provided by the Project Sponsor.

- c. The compatibility of the proposed Formula Retail use with the existing architectural and aesthetic character of the District.

The Project would minimally alter the existing exterior details of the subject building with a single, pin-mounted, unilluminated wall sign on the bulkhead above the main entrance. Therefore, the Project is compatible within, and will have no adverse effect on, the architectural and aesthetic characters of the District.

- d. The existing retail vacancy rates within the District.

The Project will lessen the retail vacancy rate within a 300-foot radius, as the proposed Formula Retail use will occupy a vacant storefront. According to the 300-foot radius survey provided, there are 7 (14%) vacancies, including the Subject Property, within the area.

- e. The existing mix of Citywide-serving retail uses, and neighborhood-serving retail uses within the District.

The Project Site's Inner Clement NCD Zoning District is of medium size, with a focus on neighborhood-serving, convenient retail and service uses. NCD Districts are intended to be located within neighborhoods where larger, more commercialized areas are sparse. The intent and diverse nature of convenient goods and services will not be impacted, as the Project aims to provide a new specialty, family-serving use that will occupy a vacant storefront.

- f. Additional data and analysis set forth in the Performance-Based Design Guidelines adopted by the Planning Commission.

The proposed use is consistent with the existing character of the district, which is comprised of a variety of service activities, mostly eating establishments. The subject property would provide a nominal change in the number of existing Formula retail commercial frontage within the district and would contribute to providing a new, diverse use to the district.

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

COMMERCE AND INDUSTRY

Objectives and Policies

OBJECTIVE 1:

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

Policy 1.1:

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

The Project will provide a new commercial benefit to the district and enhances the diverse economic base of the area.

Policy 1.2:

Assure that all commercial and industrial uses meet minimum, reasonable performance standards.

The Conditions of Approval will ensure that the use meets minimum, reasonable performance standards.

Policy 1.3:

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

The Project to establish a new Formula Retail Instructional Service use would allow the establishment (dba "Mathnasium") to provide convenient math tutoring services to the surrounding neighborhood and specialty service to the larger trade area, as well as providing resident employment opportunities to those in the community.

OBJECTIVE 2:

MAINTAIN AND ENHANCE A SOUND AND DIVERSE ECONOMIC BASE AND FISCAL STRUCTURE FOR THE CITY.

Policy 2.1:

Seek to retain existing commercial and industrial activity and to attract new such activity to the City.

The Project will allow the establishment of a new Formula Retail use (which has no other locations in San Francisco), and would retain an existing commercial business and diverse economic base.

OBJECTIVE 3:

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

Policy 3.4:

Assist newly emerging economic activities.

The Project will allow the establishment of a Formula Retail use that would employ 5 employees, which will enhance the diverse economic base of the City.

NEIGHBORHOOD COMMERCE

Objectives and Policies

OBJECTIVE 6:

MAINTAIN AND STRENGTHEN VIABLE NEIGHBORHOOD COMMERCIAL AREAS EASILY ACCESSIBLE TO CITY RESIDENTS.

Policy 6.1:

Ensure and encourage the retention and provision of neighborhood-serving goods and services in the city's neighborhood commercial districts, while recognizing and encouraging diversity among the districts.

The Project will not displace any other neighborhood-serving goods and/or service uses in the District, as the Subject Property is currently vacant. The Project will provide the neighborhood with a new Instructional Service use, which is encompassed within the broader Retail and Sales Service use category. This use, for coding instruction, is currently not offered within a 300-foot radius, per the Formula Retail Survey provided by the Project Sponsor.

Policy 6.3:

Preserve and promote the mixed commercial-residential character in neighborhood commercial districts. Strike a balance between the preservation of existing affordable housing and needed expansion of commercial activity.

The Project will not prevent the District from achieving optimal diversity in the types of goods and services available in the neighborhood. The Project will provide the neighborhood with a Formula Retail service for Instructional Services that provides math tutoring services.

10. **Planning Code Section 101.1(b)** establishes eight priority-planning policies and requires review of permits for consistency with said policies. On balance, the project 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 Project is not anticipated to significantly affect the existing mix of neighborhood-serving retail uses and provides opportunities for resident employment. The Project would retain the current mix of retail and would occupy a vacant storefront. The Project provides desirable services and contributes to the diverse economic base of the Inner Clement NCD Zoning District.

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

The Project is not anticipated to adversely affect the character or diversity of the neighborhood. No changes to the façade are proposed except for signage, which complies with the provisions of Article 6 of the Planning Code.

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

The Project would not have any adverse effect on the City's supply of 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 nearby public transportation options. The Project is located along numerous Muni bus lines (1, 2, and 38) and sited within the Inner Clement Street NCD, whereas the use is consistent with activities allowed in the commercial land use plan. The Project also provides off-street parking at the principally permitted amounts.

- E. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced.

The Project will not displace or adversely affect any service sector or industrial businesses as the Project is already occupying a commercial space.

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

The Project will not adversely affect the property's ability to withstand an earthquake. The Project will comply with the requirements of the San Francisco Building Code.

- G. That landmarks and historic buildings be preserved.

The Project is not located in a landmark or historic building and will not adversely impact the City's stock of such buildings.

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

The Project will have no negative effect on existing parks and open spaces, and will not adversely affect their access to sunlight, or vistas.

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

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Authorization Application No. 2019-012018CUA** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated May 10, 2019, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

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

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.

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Section 329/309 Large/Downtown Project Authorization to the Board of Appeals within fifteen (15) days after the date of this Motion. The effective date of this Motion shall be the date of adoption of this Motion if not appealed (after the 15-day period has expired) OR the date of the decision of the Board of Appeals if appealed to the Board of Appeals. For further information, please contact the Board of Appeals at (415) 575-6880, 1660 Mission, Room 3036, San Francisco, CA 94103.

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Section 329/309 Large/Downtown Project Authorization to the Board of Appeals within fifteen (15) days after the date of this Motion. The effective date of this Motion shall be the date of adoption of this Motion if not appealed (after the 15-day period has expired) OR the date of the decision of the Board of Appeals if appealed to the Board of Appeals. Any appeal shall be made to the Board of Appeals, unless an associated entitlement is appealed to the Board of Supervisors, in which case the appeal of this Motion shall also be made to the Board of Supervisors (see Charter Section 4.135). For further information, please contact the Board of Appeals at (415) 575-6880, 1660 Mission, Room 3036, San Francisco, CA 94103, or 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 December 12, 2019.

Jonas P. Ionin
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: December 12, 2019

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to allow a Formula Retail Instructional Service use (d.b.a. “**The Coder School**”) located at 251 Clement Street, Block 1435 and Lot 037, pursuant to Planning Code Section(s) **303, 303.1, and 716** within the **Inner Clement Neighborhood Commercial District** and a **40-X** Height and Bulk District; in general conformance with plans, dated **May 10, 2019**, and stamped “EXHIBIT B” included in the docket for Record No. **2019-012018CUA** and subject to conditions of approval reviewed and approved by the Commission on **December 12, 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 **December 12, 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.

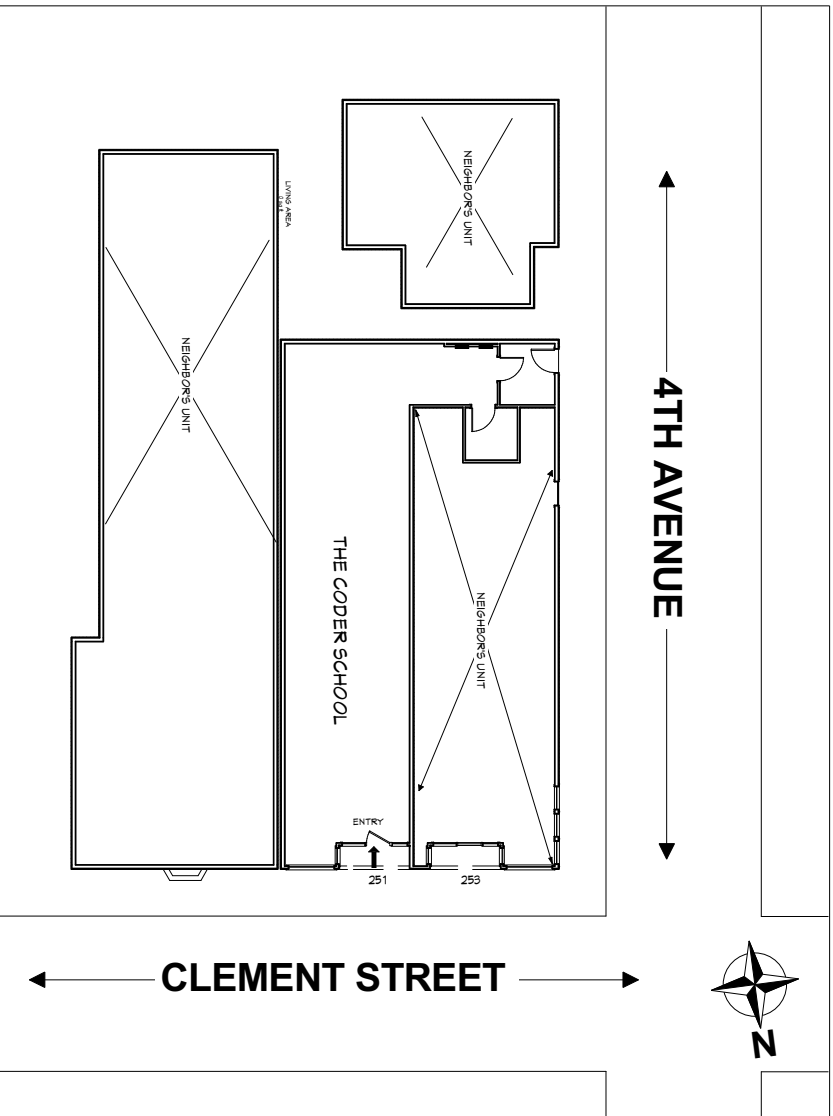
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

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.

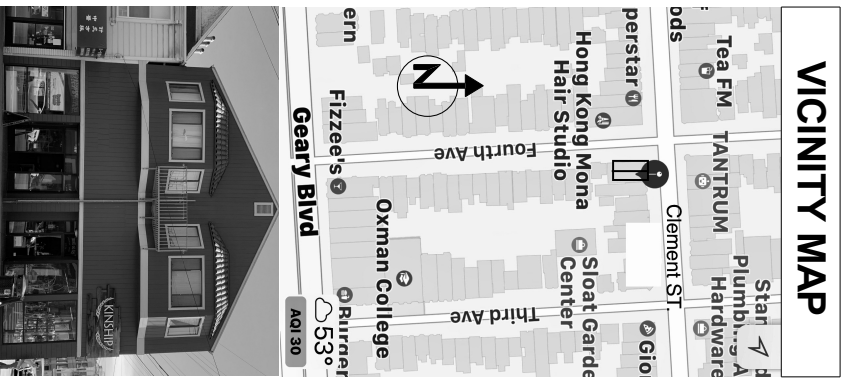
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

MONITORING - AFTER ENTITLEMENT

6. **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
7. **Monitoring.** The Project requires monitoring of the conditions of approval in this Motion. The Project Sponsor or the subsequent responsible parties for the Project shall pay fees as established under Planning Code Section 351(e) (1) and work with the Planning Department for information about compliance.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
8. **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
9. **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
10. **Hours of Operation.** The subject establishment is limited to the following hours of operation:
Any day from 6:00a.m. to 2:00am, are the principally permitted hours for the Inner Clement Neighborhood Commercial District
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org



SITE PLAN



DATE: 05/10/2019
 SCALE: 1/16" = 1'
 DRAWN: JOHN CHEN
 CHENS CONSTRUCTION

A-1

SIGNED: _____

REVISION DATE:
1st
2nd
3rd
4th

THE CODER SCHOOL

JIM SHEN
 251 CLEMENT STREET
 SAN FRANCISCO, CA. 94118
 (408)406-9167 Shen102@gmail.com

INDEX:

A-1 SITE PLAN
 A-2 (E) FLOOR PLAN

Project Address: 251 Clement Street, S. F., CA. 94118

Project name: The Coder School

School Area: 1,100 Sq. Ft.

A. P. N.: 1435/037 (Block/Lot)

Zoning: NCD - Inner Clement St. Neighborhood Commercial

Occupancy Group: M

Type Of Construction: V

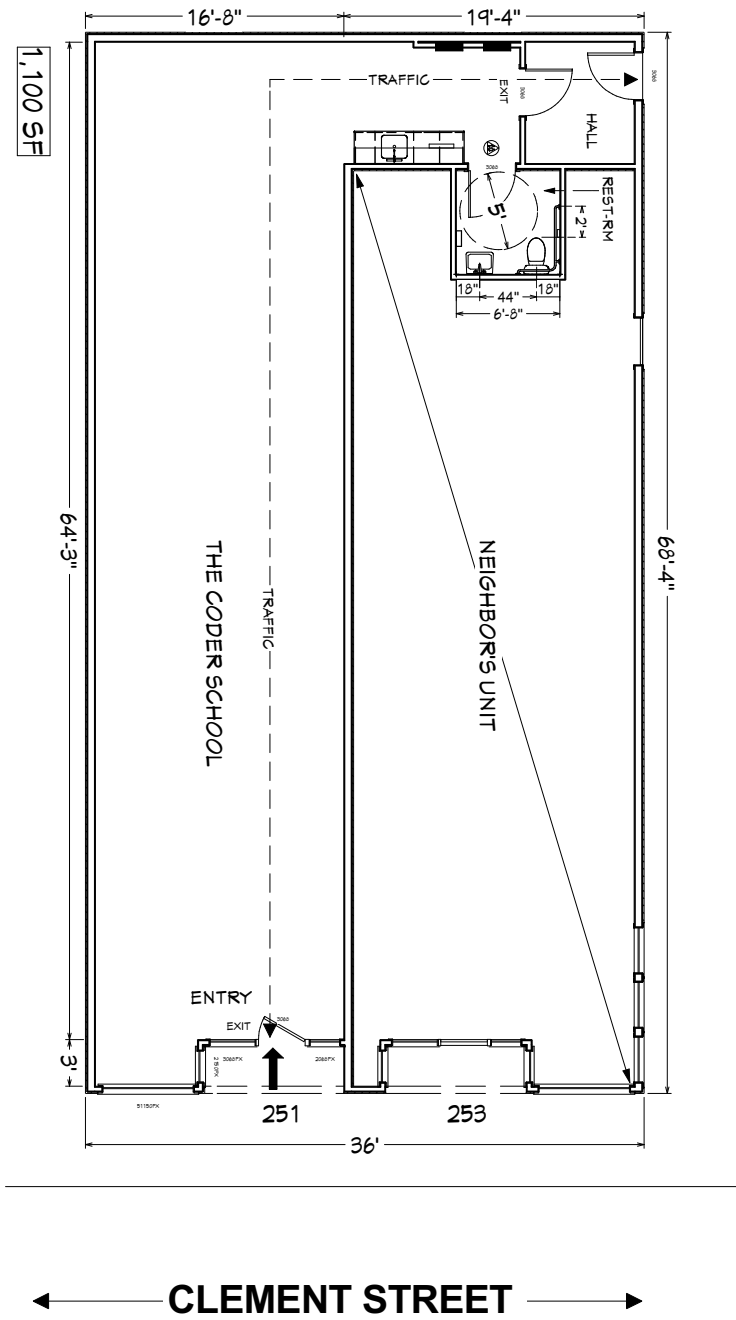
Existing Use: Vacant

Proposed Use: Coder School

DESCRIPTION OF WORK: A (N) CODER SCHOOL, S. F. TENANT'S PERMIT

GENERAL NOTES:
 CONFORM TO THE 2016 CBC, 2016 CPC, 2010 CMC, 2016 CEC, 2016 ENERGY AND CA. GREEN BUILDING STANDARDS CODES.

(E) & PROPOSED FLOOR PLAN



4TH AVENUE



CLEMENT STREET

DATE: 05/10/2019
 SCALE: 1/8" = 1'
 DRAWN: JOHN CHEN
 CHENS CONSTRUCTION

A-2

SIGNED: _____

REVISION DATE:	
1st	
2nd	
3rd	
4th	

THE CODER SCHOOL
 JIM SHEN
 251 CLEMENT STREET
 SAN FRANCISCO, CA. 94118
 (408)406-9167 Shen102@gmail.com



structure
Since 1988
針灸
中醫
方脈

KINSHIP



The CoderSchool

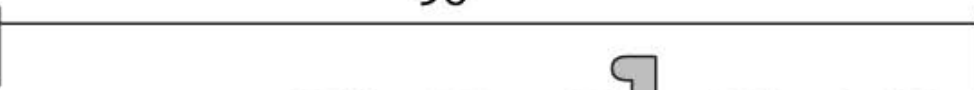
251 Clement street, San Francisco, CA

FRONTAGE WALL SIGN LETTERS Feb 2019



Sign copy:

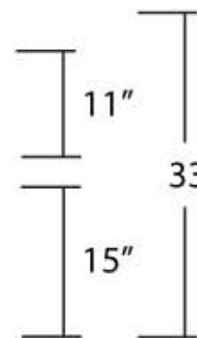
96"



11"

33-1/2"

15"



For proposed exterior signage at 251 Clement Street:

- The wall sign (“the coder SCHOOL”, dimensioned 96 x 33”) shall not be illuminated in any way.
- The wall sign shall be individually-cut aluminum letters, which are pin-mounted to the building façade (with no box frame).
- There is no other signage proposed on the Clement or 4th Avenue facades.
- The windows shall be free of any decals, film, or advertisement and maintain full transparency into at least 25’-0” of the establishment’s interior.



SAN FRANCISCO PLANNING DEPARTMENT

CEQA Categorical Exemption Determination

PROPERTY INFORMATION/PROJECT DESCRIPTION

Project Address		Block/Lot(s)
251 CLEMENT ST		1435037
Case No.		Permit No.
2019-012018PRJ		
<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.</p> <p>The proposal is to open a new coding school for kids ages 8-18 within the vacated storefront space at 251 Clement Street. This location would be the second for the Coder School San Francisco and allow us to reach more families and students for whom our first location in West Portal is inconvenient. We will provide after-school coding lessons during the school year and weeklong day camps during the summer.</p> <p>Coding education fills an valuable need for San Francisco's school-aged children. Because we operate as a locally-owned franchisee of the CoderSchool, which by now has over 11 locations nationwide, we are applying for Conditional Use authorization as required by the Formula Retail provisions, Planning Code Sections 3.03.1. Our school falls under the category Service, Instructional, as defined in Section 102.</p> <p>No change of use is proposed as part of this approval as the space is currently classified as retail. There will be no expansion of the exiting building envelope and no exterior alterations other than adding a sign. The exterior sign will comply with the requirements of the Planning Code and design guidelines for formula retail signage.</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): Katherine Wilborn</p>	

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

PROPERTY IS ONE OF THE FOLLOWING: (refer to Property Information Map)	
<input type="checkbox"/>	Category A: Known Historical Resource. GO TO STEP 5.
<input checked="" 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 type="checkbox"/>	1. Change of use and new construction. Tenant improvements not included.
<input checked="" 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 checked="" 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): tenant improvement
<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: Katherine Wilborn	

**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: Building Permit	Signature: Katherine Wilborn
	If Discretionary Review before the Planning Commission is requested, the Discretionary Review hearing is the Approval Action for the project.	11/13/2019
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)
251 CLEMENT ST		1435/037
Case No.	Previous Building Permit No.	New Building Permit No.
2019-012018PRJ		
Plans Dated	Previous Approval Action	New Approval Action
	Building Permit	
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: 251 CLEMENT STREET
RECORD NO.: 2019-012018CUA

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

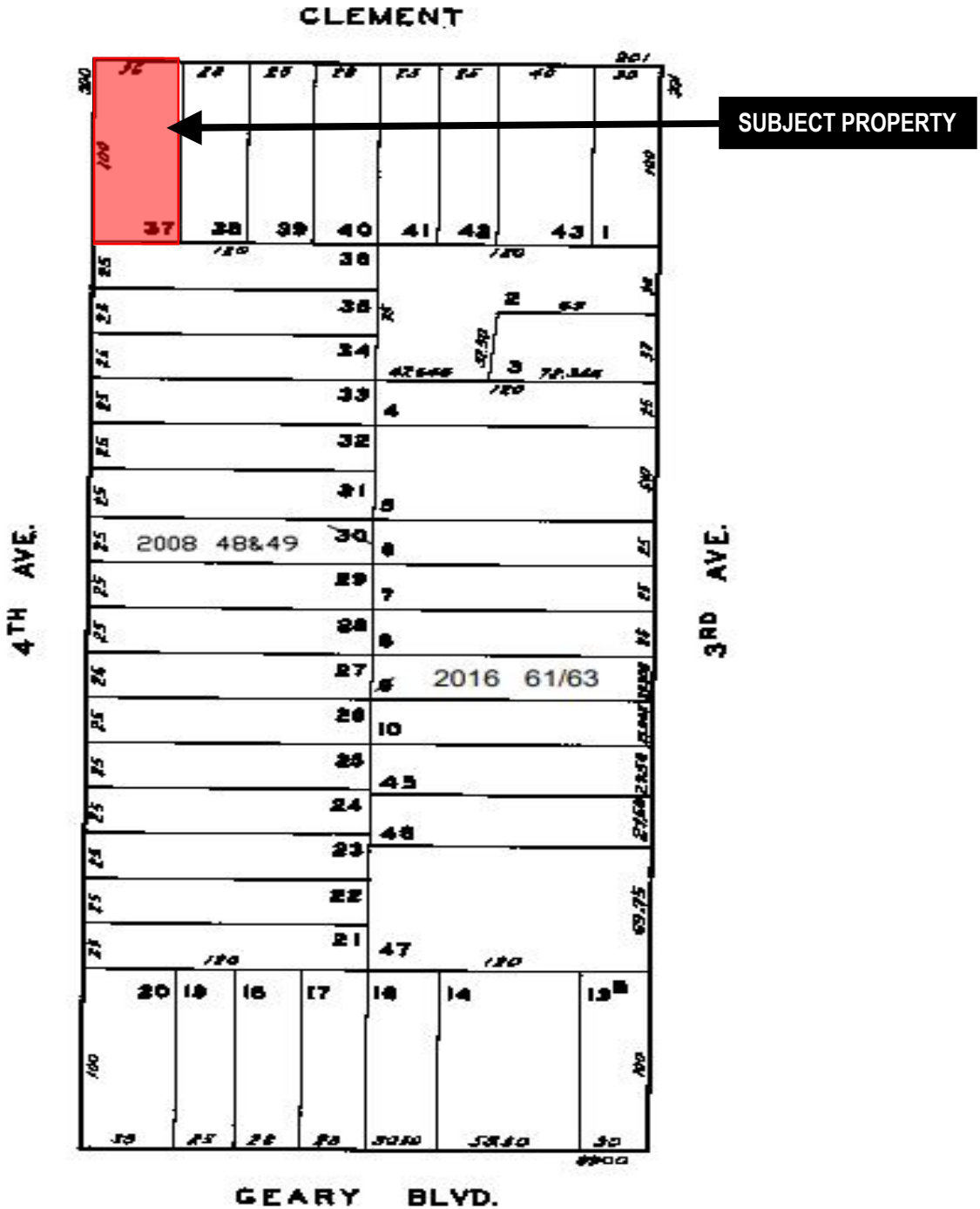
Reception:
415.558.6378

Fax:
415.558.6409

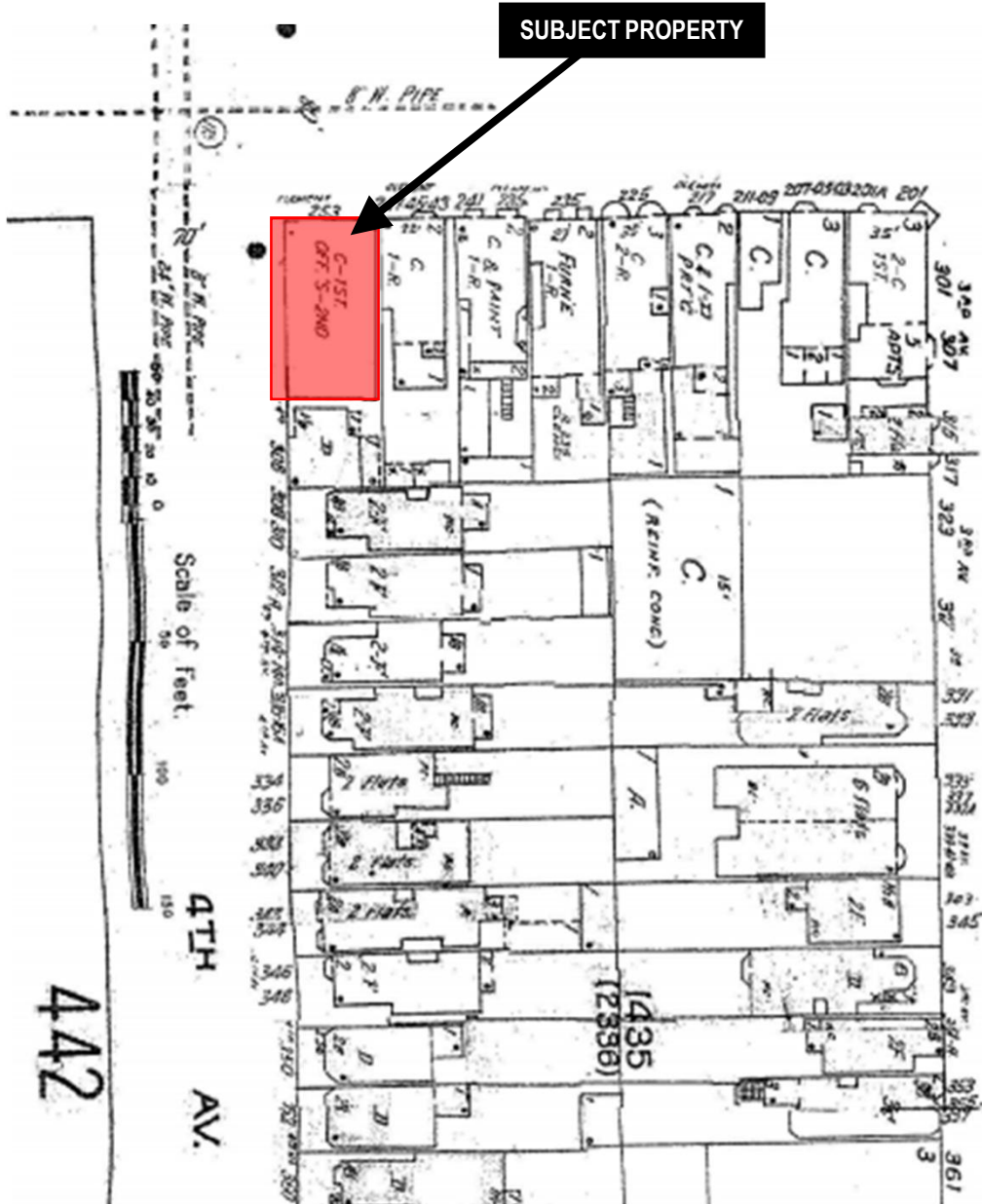
Planning
Information:
415.558.6377

	EXISTING	PROPOSED	NET NEW
GROSS SQUARE FOOTAGE (GSF)			
Parking GSF	N/A	N/A	N/A
Residential GSF	N/A	N/A	N/A
Retail/Commercial GSF	1,100	NO CHANGE	1,100
Office GSF	N/A	N/A	N/A
Industrial/PDR GSF <small>Production, Distribution, & Repair</small>	N/A	N/A	N/A
Medical GSF	N/A	N/A	N/A
Visitor GSF	N/A	N/A	N/A
CIE GSF	N/A	N/A	N/A
Usable Open Space	N/A	N/A	N/A
Public Open Space	N/A	N/A	N/A
Other	N/A	N/A	N/A
TOTAL GSF	1,100	0	1,100
	EXISTING	NET NEW	TOTALS
PROJECT FEATURES (Units or Amounts)			
Dwelling Units - Affordable	N/A	N/A	N/A
Dwelling Units - Market Rate	N/A	N/A	N/A
Dwelling Units - Total	N/A	N/A	N/A
Hotel Rooms	N/A	N/A	N/A
Number of Buildings	N/A	N/A	N/A
Number of Stories	N/A	N/A	N/A
Parking Spaces	N/A	N/A	N/A
Loading Spaces	N/A	N/A	N/A
Bicycle Spaces	N/A	N/A	N/A
Car Share Spaces	N/A	N/A	N/A
Other	N/A	N/A	N/A

Parcel Map



Sanborn Map*



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



Conditional Use Authorization
Case Number 2019-012018CUA
251 Clement Street
The Coder School

Aerial Photo

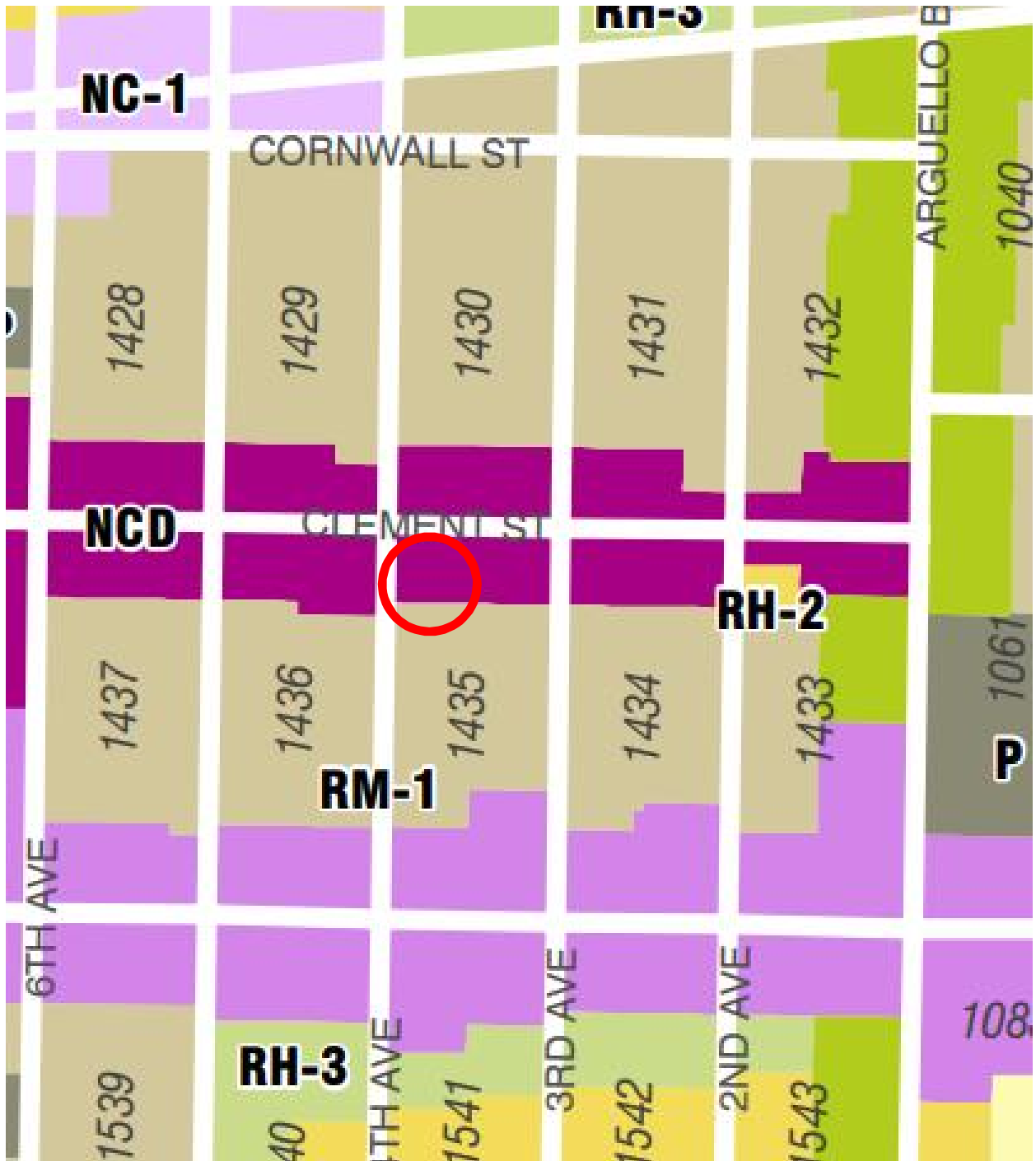


SUBJECT PROPERTY



Conditional Use Authorization
Case Number 2019-012018CUA
251 Clement Street
The Coder School

Zoning Map



Site Photo



PROJECT LOCATION



Conditional Use Authorization
Case Number 2019-012018CUA
251 Clement Street
The Coder School