



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Conditional Use Authorization

HEARING DATE: JANUARY 30, 2020

Record No.: 2019-013168CUA
Project Address: 153 Kearny Street
Zoning: Commercial-3-Office (C-3-O) Zoning District
80-130F Height and Bulk District
Kearny Market Mason Sutter Conservation District

Block/Lot: 0293/010-013
Project Sponsor: Bruce Albert
One Maritime Plaza, Suite 1900
San Francisco, CA 94111

Property Owner: MPC Kearny Capital, LLC
220 Montgomery Street, Suite 1920
San Francisco, CA 94104

Staff Contact: Samantha Updegrave – (415) 558-6612
samantha.updegrave@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 consists of the conversion of approximately 8,775 s.f. of retail storage and vacant retail space on the basement level to general office. The office space will be accessed from an existing elevator lobby on Kearny Street with new exit stairs from the basement to Sutter Street.

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 allow a Non-Retail Sales and Services Office Use below the ground floor within the C-3-O Zoning District.

ISSUES AND OTHER CONSIDERATIONS

- **Public Comment & Outreach.**
 - **Support/Opposition:** As of the writing of this report, the Department has received no public comment.
- **Historic Resource – Storefront Modifications**
 - The exit stair requires a new egress door in the Sutter Street storefront. This work was previously reviewed and approved as part of a full storefront alterations under Minor Permit to Alter Case No. 2017-00789PTA and Department of Building and Inspections

(DBI) Permit No. 201706018094, but the DBI permit has not been issued. Since the previous retail tenant has moved out of the space, the scope of the proposed exterior work has been reduced, and the Project Sponsor is pursuing a new Minor Permit to Alter under Case No. 2019-013168PTA and DBI Permit No. 202001172281 Both will need to be approved and issued prior to Planning approval of the building permit to establish the Office Use.

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 Downtown Area Plan and the Objectives and Policies of the General Plan. Although the project replaces some retail below the ground floor, the Project provides office space in a historic office building and does not displace ground-floor retail, which is consistent with the purpose of the C-3-O Zoning District. 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

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ADOPTING FINDINGS TO APPROVE A CONDITIONAL USE AUTHORIZATION, PURSUANT TO PLANNING CODE SECTIONS 210.2 AND 303, TO ALLOW CONVERSION OF APPROXIMATELY 8,775 SQ. FT. OF RETAIL STORAGE AND VACANT RETAIL SPACE ON THE BASEMENT LEVEL TO GENERAL OFFICE (NON-RETAIL SALES AND SERVICES USE) LOCATED AT 153 KEARNY STREET, LOTS 010, 011, 012, AND 013 IN ASSESSOR'S BLOCK 0293, WITHIN THE C-3-O (DOWNTOWN, OFFICE) ZONING DISTRICT AND A 80-130F HEIGHT AND BULK DISTRICT AND DOWNTOWN PLAN AREA.

PREAMBLE

On July 3, 2019, Bruce Albert of The Albert Group, LLC (hereinafter "Project Sponsor") filed Application No. 2019-013168CUA (hereinafter "Application") with the Planning Department (hereinafter "Department") for a Conditional Use Authorization to convert approximately 8,775 s.f. of retail storage and vacant retail space on the basement level to general office (hereinafter "Project") at 153 Kearny Street, Block 0293 Lots 010, 011, 012, and 013 (hereinafter "Project Site").

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

On January 30, 2020, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on the Conditional Use Authorization Application No. 2019-013168CUA.

The Planning Department Commission Secretary is the custodian of records; the File for Record No. 2019-013168CUA 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. 2019-013168CUA, 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 consists of the conversion of approximately 8,775 s.f. of retail storage and vacant retail space on the basement level to general office. The office space will be accessed from an existing elevator lobby on Kearny Street with new exit stairs from the basement to Sutter Street.
3. **Site Description and Present Use.** The Project is located on four lots totaling 11,325 sq. ft. that comprise an L-shaped interior lot located on the west side of Kearny Street between Sutter and Post Streets, with 85-feet of frontage on Kearny Street and 41-feet of frontage on Sutter Street. The Site is developed with an approximately 66,402 sq. ft., 7-story over a basement building. The existing basement is occupied by retail storage and vacant retail spaces, with Walgreens on the ground-level and mezzanine. Most recently, 7-11 occupied the ground-floor tenant space that fronts on Sutter Streets but has closed its operation at this location. Floors 2-7 contain Office Uses.
4. **Surrounding Properties and Neighborhood.** The Project Site is located within the Downtown Commercial Office (C-3-O) Zoning Districts in the Downtown Planning Area. The Downtown Commercial Retail (C-3-R) Zoning Districts abuts along the rear lot line of the Project Site and the Downtown Commercial Office Special Development (C-3-O(SD)) begins two blocks south, on the other side of Market Street. The immediate context is mixed in character with ground-level retail and office and some residential on the upper floors. The immediate vicinity includes a mix of historic buildings and recently built towers. There are four to eleven-story office buildings along the west-side of Kearny, and a nine-story hotel and thirty-eight story office (Post Montgomery Tower) on the eastern side of Kearny.
5. **Public Outreach and Comments.** As of the writing of this report, the Department has received no correspondence from the public regarding the proposed 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.** In the Downtown Commercial Office District (C-3-O), General Office Uses (Non-Retail Sales and Service Use) are principally permitted above the first story and are permitted by Conditional Use at or below ground-level. See item 7 for Conditional Use Authorization analyses.
 - B. **Minor Permit to Alter.** The exit stair requires a new egress door in the Sutter Street storefront. This work was previously reviewed and approved as part of a full storefront alterations under Minor Permit to Alter Case No. 2017-00789PTA and Department of Building and Inspections (DBI) Permit No. 201706018094, but the DBI permit has not been issued. Since the previous retail tenant has moved out of the space, the scope of the proposed exterior work has been reduced, and the Project Sponsor is pursuing a new Minor Permit to Alter under Case No.2019-013168PTA and DBI Permit No. 202001172281. Both will need to be issued prior to Planning approval of the building permit.
 - C. **Bicycle Parking.** The Project will add two Class 1 bicycle parking spaces in the basement adjacent to the proposed office and two Class 2 spaces. SFMTA has final authority on the type, placement and number of Class 2 bicycle racks within the public ROW.
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 use or feature, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable for, and compatible with, the neighborhood or the community.

The proposed Office Use in the basement would activate a space that is currently vacant or being used for storage and is in keeping with the other uses in the building and the District. The scope of the Project does not include any exterior changes to the building except for the addition of an egress door on Sutter Street, which was previously approved as part of a full storefront alteration and is being revised to include only the exit door. The Office Use would occupy almost the entirety of the basement level and allow access to common areas that are necessary to the operation and maintenance of the building, such as the existing boiler room. The proposal will not impact traffic or parking in the District because it is well served by established City and Regional Transit, and the compactness of the District allows for face-to-face business contacts to be made by travel on foot. This District serves as an employment center for the region, and many other uses are limited to conserve and encourage Office Use. Retail Use will remain along both Kearny and Sutter Streets frontages, maintaining the existing pattern of ground-floor retail along these corridors.

B. Such use or feature as proposed will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity, or injurious to property, improvements or potential development 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, or injurious to property, improvements, or potential development in the vicinity in that:

- (1) The 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 will not alter the existing character of the project vicinity. The proposed Office Use would not affect the building envelop.

- (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 in the C-3-O Zoning District and loading is not required for an 8,775 sq. ft. office, and none is proposed. The Project Site is well connected to public transportation and should not generate significant amounts of vehicular trips from the immediate vicinity or citywide.

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

No noxious or offensive fumes would be associated with the Office Use at this site.

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

No new parking, loading or service areas, landscaping, or lighting is proposed.

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 not located in a Neighborhood Commercial District.

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 1

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

POLICY 1.3

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

DOWNTOWN AREA PLAN

SPACE FOR COMMERCE

Objectives and Policies

OBJECTIVE 2

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

POLICY 2.1

Encourage prime downtown office activities to grow as long as undesirable consequences of such growth can be controlled.

POLICY 2.2

Guide location of office development to maintain a compact downtown core and minimize displacement of other uses.

The Project would maintain the ground-level retail uses and adding Office Use in an area where office is generally encouraged, providing regional jobs with ease of access by public transportation and assisting to diversify the neighborhood economy. Reactivating the building by adding office without retail space is in keeping with the general land use patterns of the Downtown area.

The Project does not propose a large Office Use such that it would trigger an Office Allocation entitlement. Rather the Project proposes to further activate and maintain an historic building. In doing so, the Project ensures that historic buildings are well-maintained, occupied and activated.

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 Project will not displace the existing ground-level Retail Uses; the Retail facing Kearny Street (Walgreens) would be maintained and the Retail space facing Sutter Street would remain available to be re-occupied by a new retail tenant. A new office would provide new customers for existing Retail in the building and surrounding area.

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

The Project would not affect housing or change the neighborhood because the Project Site does not contain any housing and is located in a neighborhood characterized by Office Uses. The exterior changes to the Sutter Street frontage for the egress door would be minor in nature and comply with all preservation requirements for the structure and District. Ground-level Retail will not be impacted.

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

The Project does not currently possess any existing affordable housing. The Project is exempt from the City's Jobs Housing Linkage Program due its small size.

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

The Project Site is served by nearby public transportation options. It is within walking distance of the Montgomery BART and MUNI station (0.2 miles), and is served by multiple MUNI bus lines that run on nearby Market Street.

- 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 would not impact existing industrial or service sector uses.

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

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

- G. That landmarks and historic buildings be preserved.

The Project would not have any impact on the Kearny Street frontage and would require minimal changes to the Sutter Street frontage for the egress door. Changes to Sutter Street frontage are subject to the Minor Permit to Alter currently under review under Case No. 2019-013168PTA and DBI Permit No. 202001172281.

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

The Project is located in the basement of an existing building and would not impact parks or open space.

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. 2019-013168CUA** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated December 06, 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 January 30, 2020.

Jonas P. Ionin
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: January 30, 2020

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to allow an Office Use located at 153 Kearny Street, Block 0293, Lots 010-013 pursuant to Planning Code Section(s) 210.2 and 303 within the C-3-O Zoning District and an 80-130F Height and Bulk District; in general conformance with plans, dated December 06, 2019 and stamped "EXHIBIT B" included in the docket for Record No. 2019-013168CUA and subject to conditions of approval reviewed and approved by the Commission on 30 January, 2020, under Motion No. _____. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

RECORDATION OF CONDITIONS OF APPROVAL

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on January 30, 2020 under Motion No. _____.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. _____ shall be reproduced on the Index Sheet of construction plans submitted with the site or building permit application for the Project. The Index Sheet of the construction plans shall reference to the Conditional Use authorization and any subsequent amendments or modifications.

SEVERABILITY

The Project shall comply with all applicable City codes and requirements. If any clause, sentence, section or any part of these conditions of approval is for any reason held to be invalid, such invalidity shall not affect or impair other remaining clauses, sentences, or sections of these conditions. This decision conveys no right to construct, or to receive a building permit. "Project Sponsor" shall include any subsequent responsible party.

CHANGES AND MODIFICATIONS

Changes to the approved plans may be approved administratively by the Zoning Administrator. Significant changes and modifications of conditions shall require Planning Commission approval of a new Conditional Use authorization.

Conditions of Approval, Compliance, Monitoring, and Reporting

PERFORMANCE

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

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

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

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

3. **Diligent Pursuit.** Once a site or Building Permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. Failure to do so shall be grounds for the Commission to consider revoking the approval if more than three (3) years have passed since this Authorization was approved.

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

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

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

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

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

DESIGN – COMPLIANCE AT PLAN STAGE

6. **Minor Permit to Alter.** The Project Sponsor shall obtain approval for the Minor Permit to Alter under Case No. 2019-013168PTA and the DBI Permit No. 202001172281 must be approved and issued prior to Planning's approval of the building permit to establish the Office Use.
7. **Garbage, Composting and Recycling Storage.** Space for the collection and storage of garbage, composting, and recycling shall be provided within enclosed areas on the property and clearly labeled and illustrated on the building permit plans. Space for the collection and storage of recyclable and compostable materials that meets the size, location, accessibility and other standards specified by the San Francisco Recycling Program shall be provided at the ground level of the buildings.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

PARKING AND TRAFFIC

8. **Bicycle Parking.** Pursuant to Planning Code Sections 155.1 and 155.4, the Project shall provide no fewer than two Class 1 and two Class 2 bicycle parking spaces. SFMTA has final authority on the type, placement and number of Class 2 bicycle racks within the public ROW. Prior to issuance of first architectural addenda, the project sponsor shall contact the SFMTA Bike Parking Program at bikeparking@sfmta.com to coordinate the installation of on-street bicycle racks and ensure that the proposed bicycle racks meet the SFMTA's bicycle parking guidelines. Depending on local site conditions and anticipated demand, SFMTA may request the project sponsor pay an in-lieu fee for Class II bike racks required by the Planning Code.

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

PROVISIONS

9. **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

MONITORING - AFTER ENTITLEMENT

10. **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

11. **Revocation due to Violation of Conditions.** Should implementation of this Project result in complaints from interested property owners, residents, or commercial lessees which are not resolved by the Project Sponsor and found to be in violation of the Planning Code and/or the specific conditions of approval for the Project as set forth in Exhibit A of this Motion, the Zoning Administrator shall refer such complaints to the Commission, after which it may hold a public hearing on the matter to consider revocation of this authorization.

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

OPERATION

12. **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>

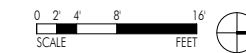
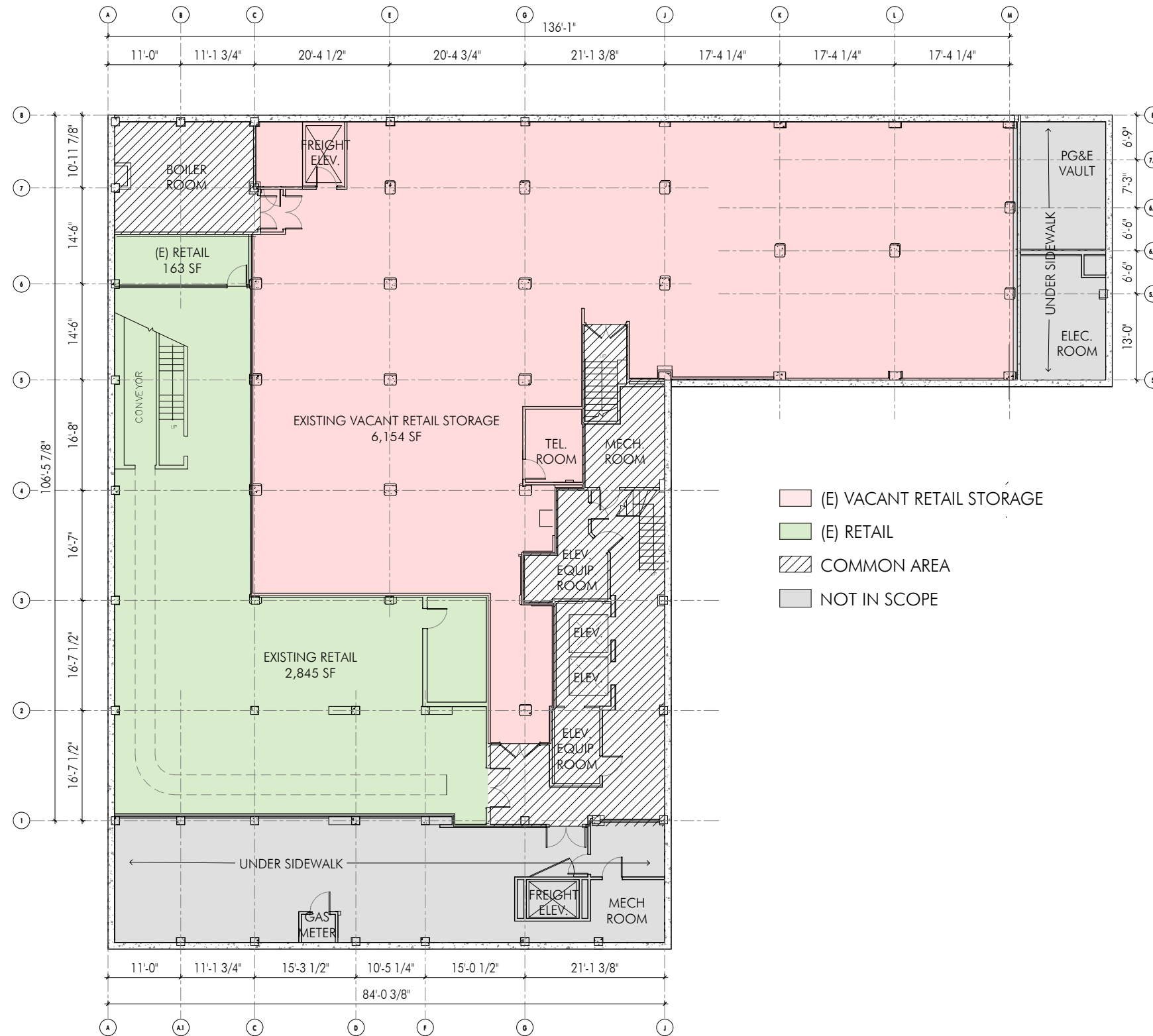
13. **Community Liaison.** Prior to issuance of a building permit to construct the project and implement the approved use, the Project Sponsor shall appoint a community liaison officer to deal with the issues of concern to owners and occupants of nearby properties. The Project Sponsor shall provide the 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.

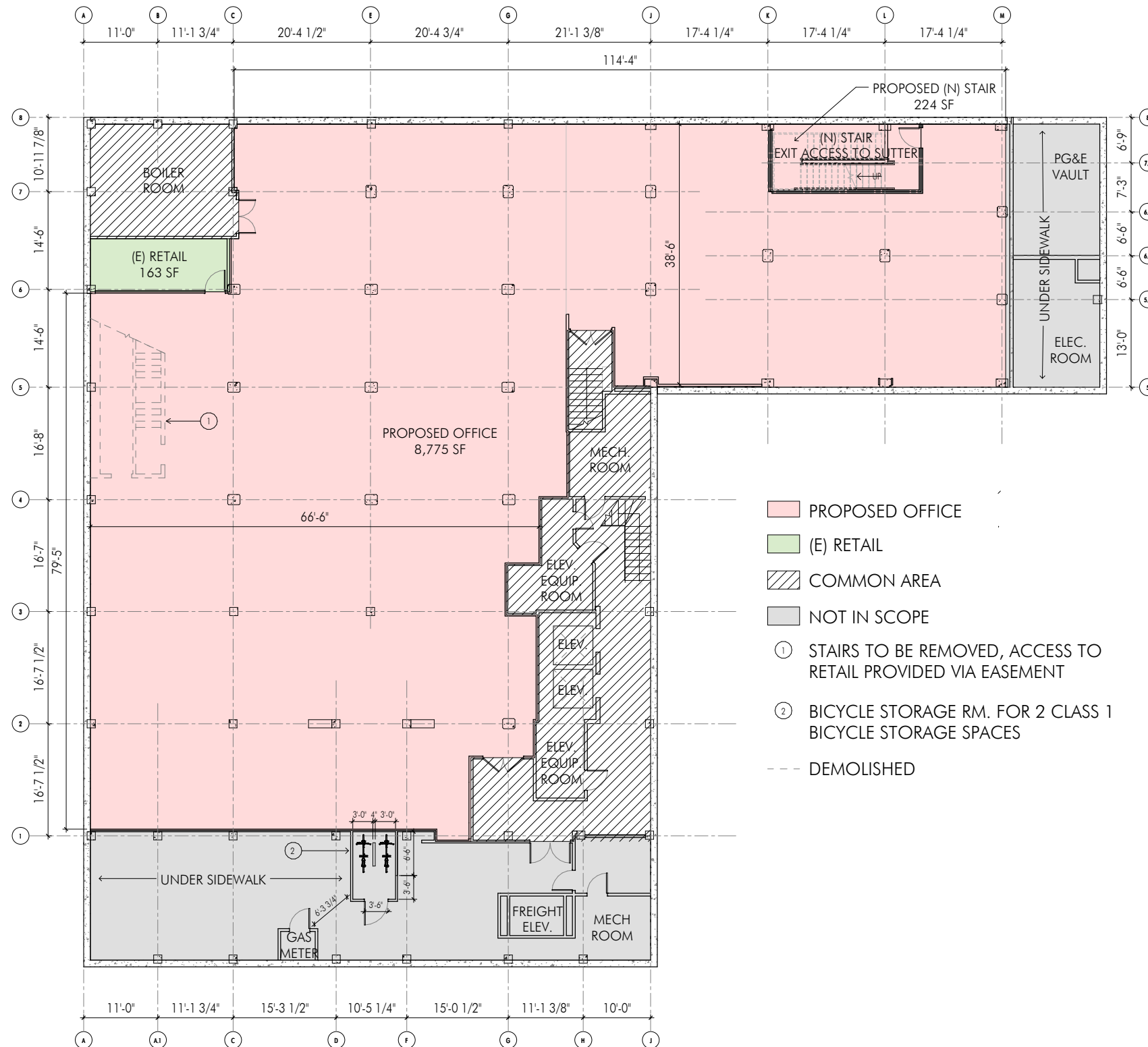
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

Appendix B:

Plans and Renderings

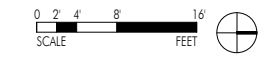
Conditional Use Authorization
Case Number 2019-013168CUA
153 Kearny Street

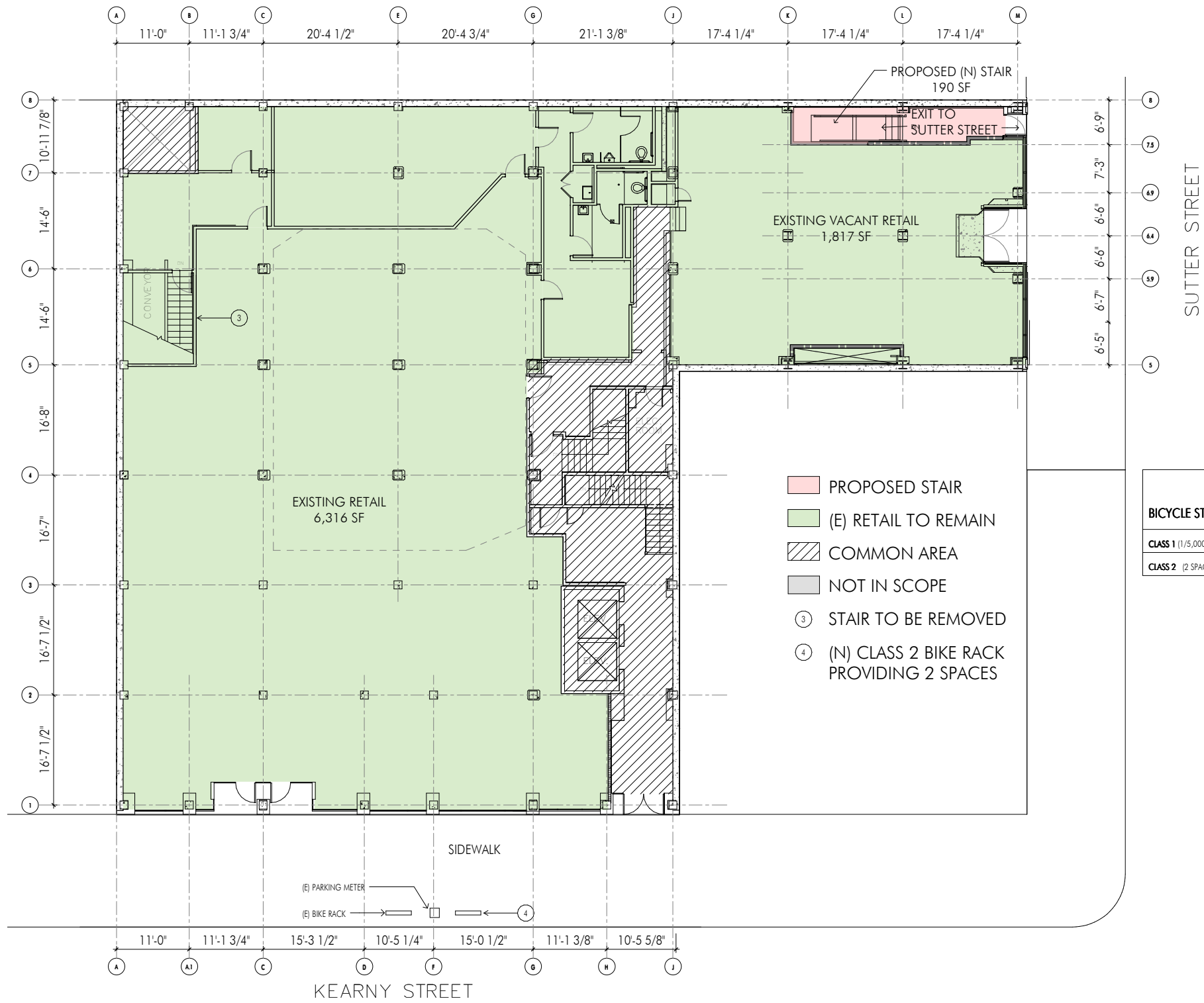




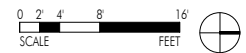
- PROPOSED OFFICE
- (E) RETAIL
- COMMON AREA
- NOT IN SCOPE
- ① STAIRS TO BE REMOVED, ACCESS TO RETAIL PROVIDED VIA EASEMENT
- ② BICYCLE STORAGE RM. FOR 2 CLASS 1 BICYCLE STORAGE SPACES
- DEMOLISHED

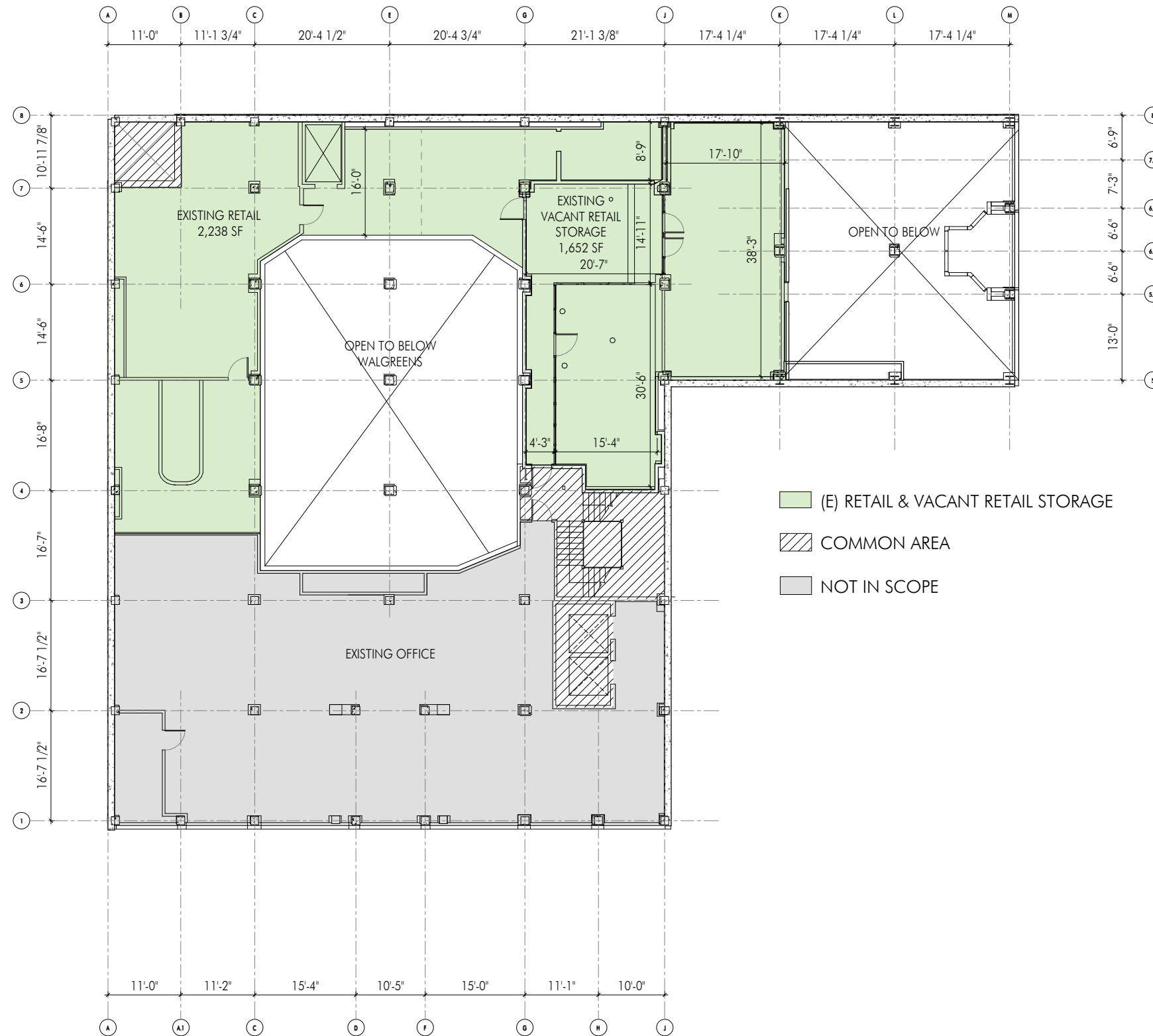
BICYCLE STORAGE CALCULATIONS	
CLASS 1 (1/5,000 SF OF OCCUPIED FL. AREA)	2 SPACES
CLASS 2 (2 SPACES MIN FOR OFFICES OVER 5,000 SF)	2 SPACES





BICYCLE STORAGE CALCULATIONS	
CLASS 1 (1/5,000 SF OF OCCUPIED FL. AREA)	2 SPACES
CLASS 2 (2 SPACES MIN FOR OFFICES OVER 5,000 SF)	2 SPACES





Appendix C:

Environmental Determination

Conditional Use Authorization
Case Number 2019-013168CUA
153 Kearny Street



SAN FRANCISCO PLANNING DEPARTMENT

CEQA Categorical Exemption Determination

PROPERTY INFORMATION/PROJECT DESCRIPTION

Project Address		Block/Lot(s)
153 KEARNY ST		0293011
Case No.		Permit No.
2019-013168PRJ		
<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. The Project consists of the conversion of approximately 8,775 sf of space on the basement level to office space. Basement space currently is retail storage space or vacant formerly retail space. Office space would be accessed from existing elevator lobby on Kearny Street frontage with new exit stairs from basement to Sutter Street.</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): Samantha Updegrave</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 <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="width: 45%;"> <input type="checkbox"/> Reclassify to Category A a. Per HRER or PTR dated b. Other (specify): </div> <div style="width: 45%;"> <input type="checkbox"/> Reclassify to Category C (attach HRER or PTR) </div> </div>
Note: If ANY box in STEP 5 above is checked, a Preservation Planner MUST sign below.	
<input 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:	

**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: Samantha Updegrave
	If Discretionary Review before the Planning Commission is requested, the Discretionary Review hearing is the Approval Action for the project.	12/17/2019
<p>Once signed or stamped and dated, this document constitutes a categorical exemption pursuant to CEQA Guidelines and Chapter 31 of the Administrative Code.</p> <p>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.</p> <p>Please note that other approval actions may be required for the project. Please contact the assigned planner for these approvals.</p>		

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)
153 KEARNY ST		0293/011
Case No.	Previous Building Permit No.	New Building Permit No.
2019-013168PRJ		
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:

Appendix D:

Land Use Data

Conditional Use Authorization
Case Number 2019-013168CUA
153 Kearny Street



SAN FRANCISCO PLANNING DEPARTMENT

Land Use Information

PROJECT ADDRESS: 153 KEARNY STREET
RECORD NO.: 2019-013168CUA

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

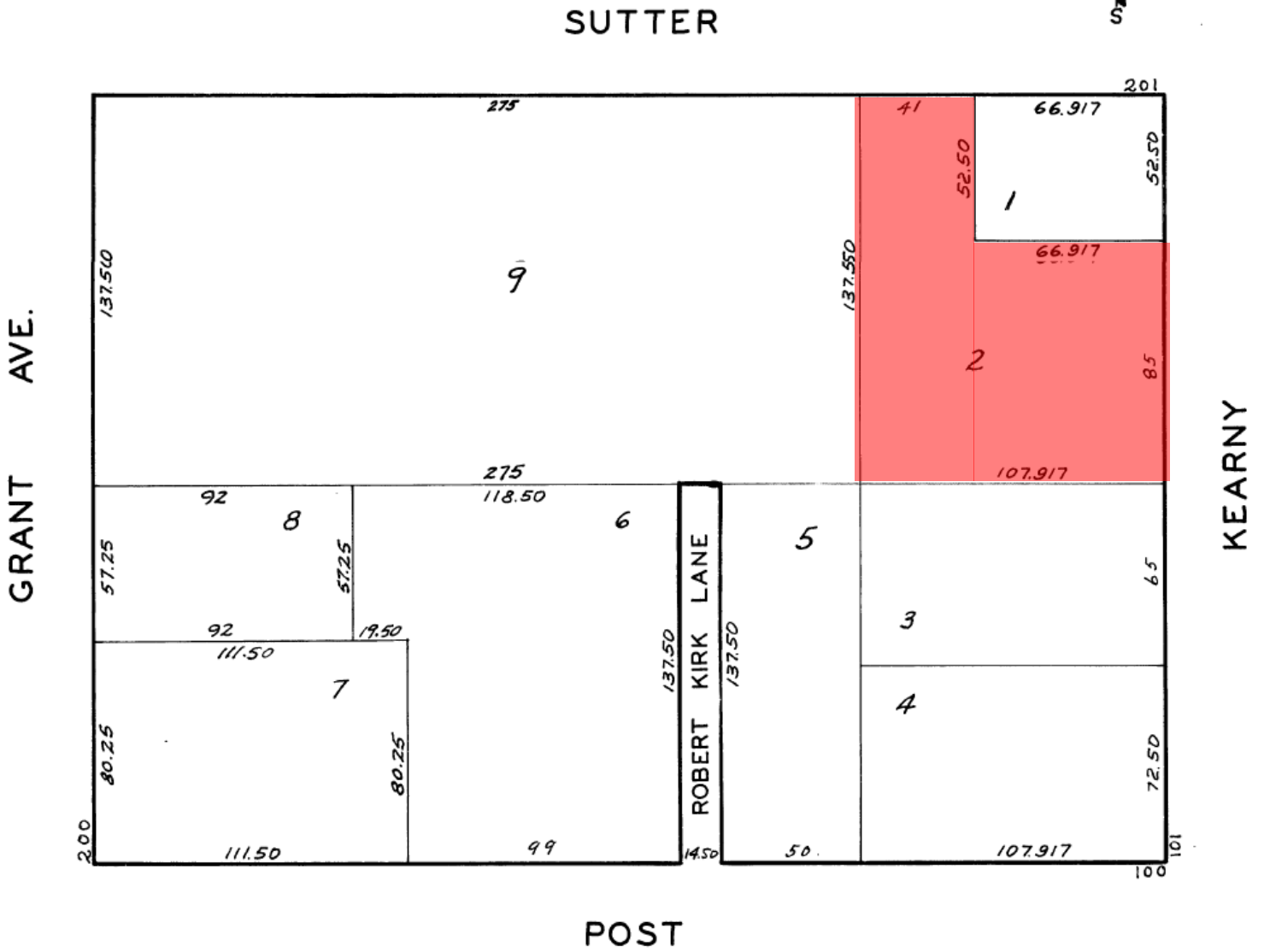
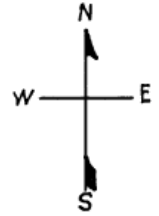
	EXISTING	PROPOSED	NET NEW
GROSS SQUARE FOOTAGE (GSF)			
Parking GSF	0	0	0
Residential GSF	0	0	0
Retail/Commercial GSF	21,185	12,023	-9,162
Office GSF	0	8,775	8,775
TOTAL GSF	21,185	21,185	0
	EXISTING	NET NEW	TOTALS
PROJECT FEATURES (Units or Amounts)			
Bicycle Spaces	0	4	4

Appendix E:

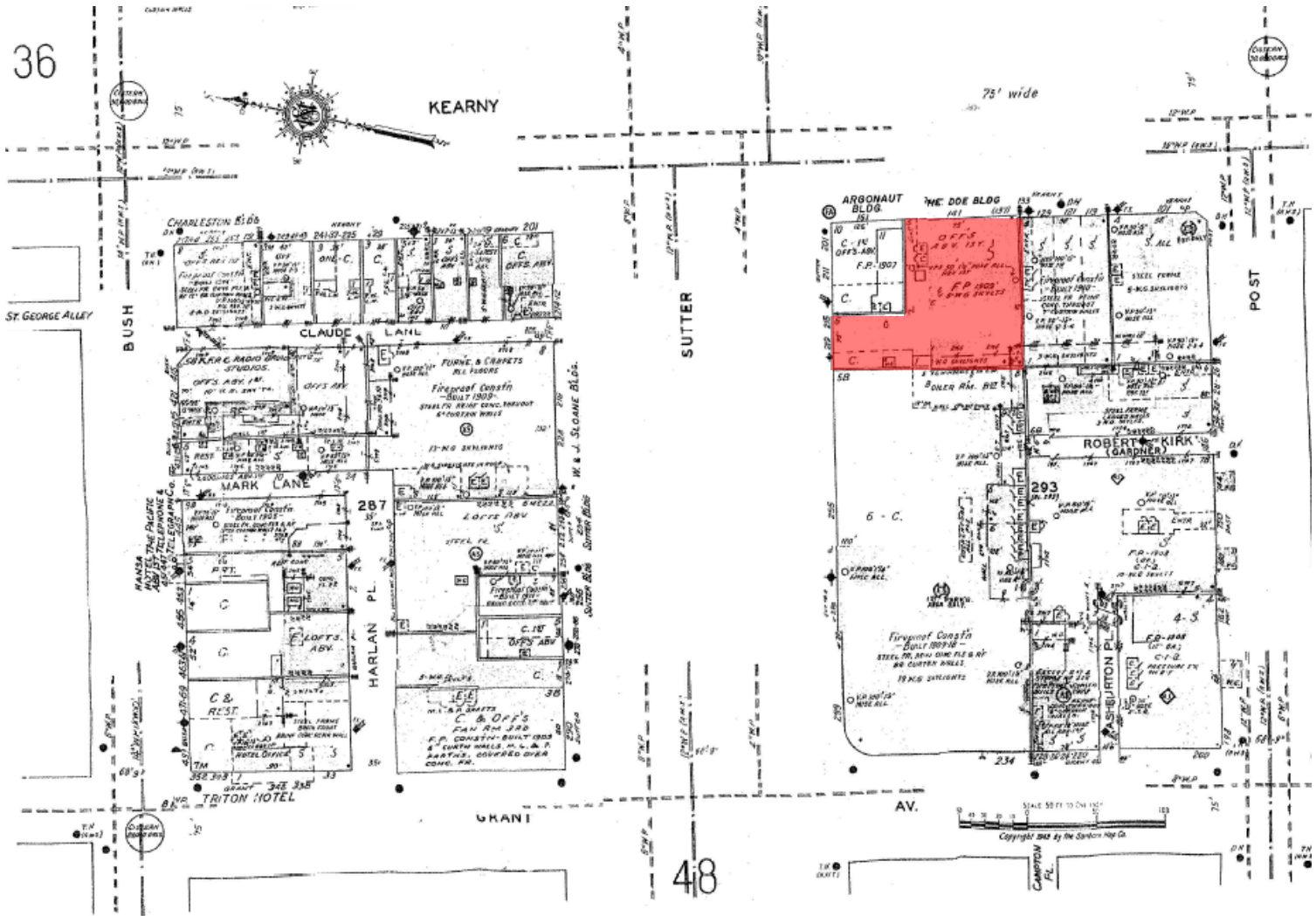
Maps and Context Photos

Conditional Use Authorization
Case Number 2019-013168CUA
153 Kearny Street

Parcel Map



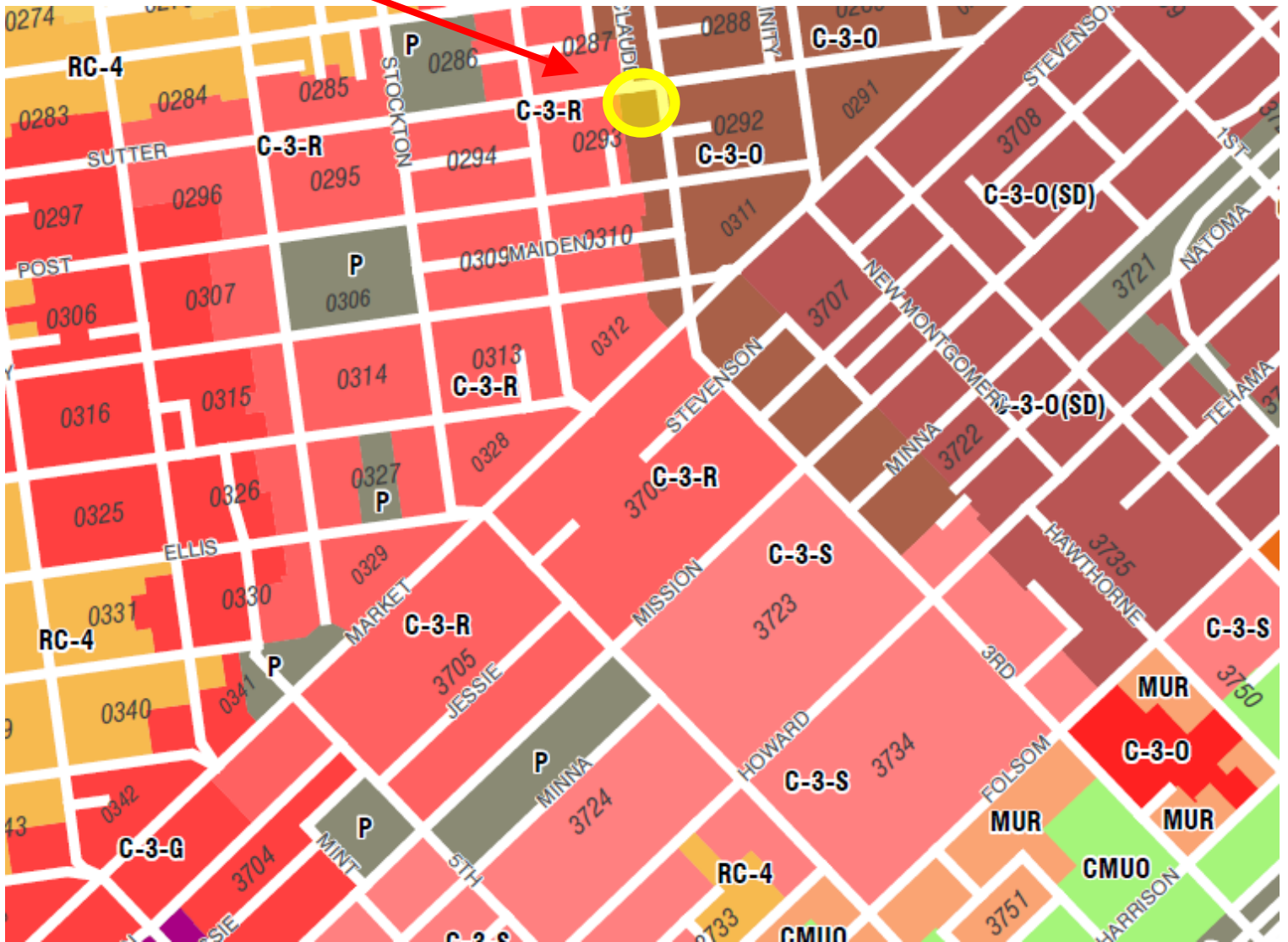
Sanborn Map*



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

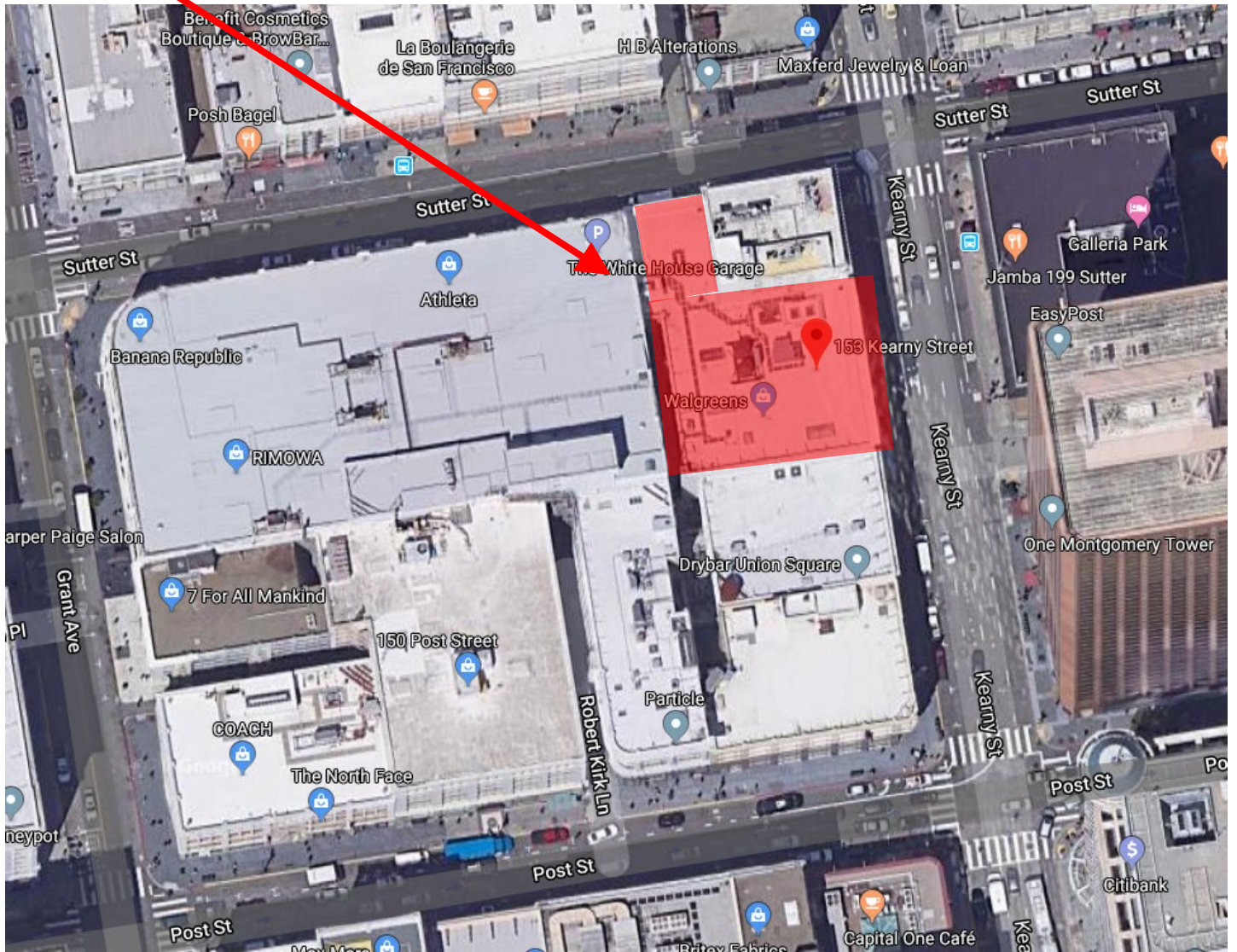
Zoning Map

SUBJECT PROPERTY



Aerial Photograph

SUBJECT PROPERTY



Site Photo*

SUBJECT PROPERTY



*East (Kearny Street) façade.

Site Photo*

SUBJECT PROPERTY



**North (Sutter Street) façade.*