



# SAN FRANCISCO PLANNING DEPARTMENT

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## Executive Summary Conditional Use

HEARING DATE: JANUARY 30, 2020

*Record No.:* 2019-016568CUA  
*Project Address:* 2255 Judah Street  
*Zoning:* NC-1 (Neighborhood Commercial, Cluster) Zoning District  
40-X Height and Bulk District  
*Block/Lot:* 1826 / 036  
*Project Sponsor:* Justin A. Zucker  
Reuben, Junius & Rose, LLP  
One Bush Street, Suite 600  
San Francisco, CA 94104  
*Staff Contact:* Jeff Horn – (415) 575-6925  
[jeffrey.horn@sfgov.org](mailto:jeffrey.horn@sfgov.org)  
*Recommendation:* **Approval with Conditions**

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### PROJECT DESCRIPTION

The Project is a request for Conditional Use Authorization pursuant to Planning Code Sections 303, 303.1, 703.4, and 710 to establish a Formula Retail use (dba "Mathnasium", a children's mathematical instructional service) in a vacant 1,540 square foot commercial space at 2255 Judah Street. The project proposes interior improvements to the existing tenant space, but there is no expansion of the building envelope or alterations to the exterior façade. The Project would accommodate up to 18 students and 5 tutors at any time during peak hours after school. The hours of operation would be Sunday from 11 a.m. to 5 p.m. and Monday through Friday from 3:00 p.m. to 7:00 p.m.

### REQUIRED COMMISSION ACTION

In order for the Project to process, the Commission must grant a Conditional Use Authorization to establish the proposed Formula Retail use within a NC-1 (Neighborhood Commercial, Cluster) Zoning District and a 40-X Height and Bulk District pursuant to Planning Code Sections 303, 303.1, 703.4, and 710.

### ISSUES AND OTHER CONSIDERATIONS

- **Public Comment & Outreach. Opposition:** Two letters of opposition were received from Hanson Bridgett LLP. The submittal package also included a petition in opposition to the project was submitted with signatures from 125 of the Outer Sunset and surrounding neighborhoods. The concerns are related to the appropriateness of a Formula Retail Use, of an additional tutoring service to the district, and traffic impacts. Eight additional letters in opposition were received from residents of the surrounding neighborhood and one was received from the owner of an independent tutoring service (OutaBox Education located at 2655 Judah Street).

- **Support:** The Project Sponsor submitted a petition in support of the project with 12 signatures from surrounding businesses and merchants and a petition in support with 30 signatures from residents of the surrounding neighborhood. The Department received one letter in support from a resident in the vicinity of the project.
- The Project Sponsor conducted a Pre-Application Meeting on August 28, 2019, which was attended by 12 members of the public. The Sponsor continued this project from the December 19, 2019 Planning Commission hearing to conduct additional community outreach. During that time the Sponsor canvassed the neighborhood to discuss the proposed project and spoke with the three individuals known to have submitted opposition letters to the project to discuss their concerns.
- **Drop-off/Pick-up.** The project is a Retail Sales and Services use (Instructional), and therefore is not required to complete the Department's *School and Child Care Drop-Off & Pick-Up Management Plan*, which is for Institutional uses. However, the Project Sponsor's submittal includes the projects proposed traffic mitigation and Pick-Up/Drop-Off Guidelines.
- **Signage.** Project includes one wall-mounted sign on the Judah Street façade, which will be filed for under a separate permit.

## **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 Objectives and Policies of the General Plan. The Project will establish a Formula Retail use (a mathematical instructional service, dba "Mathnasium") at vacant retail space within a one-story commercial building on Judah Street. The Department finds the project to be necessary, desirable, and compatible with the surrounding neighborhood, and not to be a detriment to persons or adjacent properties in the vicinity.

## **ATTACHMENTS:**

- Draft Motion – Conditional Use Authorization
- Exhibit A – Conditions of Approval
- Exhibit B – Plans
- Exhibit C – Environmental Determination
- Exhibit D – Land Use Data
- Exhibit E – Maps and Context Photos
- Exhibit F – Project Sponsor's materials
- Exhibit G – Oppositions materials



# SAN FRANCISCO PLANNING DEPARTMENT

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## Planning Commission Motion No. XXXXX

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**ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO PLANNING CODE SECTIONS 303, 303.1, 703.4, AND 710 TO ESTABLISH A FORMULA RETAIL USE (D.B.A. "MATHNASIUM") WITHIN A VACANT 1,540 SQUARE FOOT COMMERCIAL SPACE AT 2255 JUDAH STREET, LOT 036 IN ASSESSOR'S BLOCK 1826, WITHIN A NC-1 (NEIGHBORHOOD COMMERCIAL, CLUSTER) ZONING DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT.**

### PREAMBLE

On September 10, 2019, Justin A. Zucker of Reuben, Junius & Rose, LLP (hereinafter "Project Sponsor") filed Application No. 2019-016568CUA (hereinafter "Application") with the Planning Department (hereinafter "Department") for Conditional Use Authorization to establish a Formula Retail Use (d.b.a. "Mathnasium") within a vacant 1,540 square foot commercial space at 2255 Judah Street (hereinafter "Project"), Lot 019 within Assessor's Block 7226 (hereinafter "Project Site") in a NC-1 (Neighborhood Commercial, Cluster) District.

The Planning Department Commission Secretary is the custodian of records; the File for Case No. 2019-016568CUA is located at 1650 Mission Street, Suite 400, San Francisco, California.

On January 30, 2020, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on the Application.

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

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

**MOVED**, that the Commission hereby authorizes the Conditional Use Authorization as requested in Application No. 2019-016568CUA, 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 (a Retail Sales and Services - Instructional use, d.b.a. *Mathnasium*, a children's instructional service for pre-kindergarten to 12<sup>th</sup> grade math) in a vacant commercial retail space on the south side of Judah Street within a NC-1 Zoning District. The establishment would apply to an existing 1,540 square foot space, formerly occupied by One More Cup Cafe (a non-Formula Retail Limited Restaurant). *Mathnasium* currently operates over 1,000 stores worldwide, with over 150 locations in California. The project proposes internal renovations and no expansion or alteration of the existing tenant space, building envelope or building façade is proposed. The Project would accommodate up to 18 students and 5 tutors at any time during peak hours after school. The hours of operation would be Sunday from 11 a.m. to 5 p.m. and Monday through Friday from 3:00 p.m. to 7:00 p.m.
3. **Site Description and Present use.** The Project Site is located on the southeast corner of the intersection of Judah Street and 28<sup>th</sup> Avenue, on Assessor's Block 1826, Lot 036; within a NC-1 (Neighborhood Commercial, Cluster) Zoning District; and 40-X Height and Bulk District in a one-story commercial structure. The subject parcel has a width of 35 feet and a depth of 80 feet and is developed with a one-story structure that contains two commercial units fronting on Judah Street. The building was constructed circa 1933 and is an Age Eligible/Unknown (Category B) historic building.
4. **Surrounding Properties and Neighborhood.** The Subject Property is within a NC-1 District in the Outer Sunset neighborhood. The commercial cluster extends on Judah Street from 27<sup>th</sup> Avenue to 29<sup>th</sup> Avenue. The commercial district is comprised of one-, two-, and three-story commercial, residential and mixed-use buildings of mixed-character. The area surrounding commercial district are zoned RH-1 and RH-3 consisting of single-family and multi-family homes. Not considering the proposed project, *Mathnasium*, there is one existing Formula Retail use within a 300' foot radius, an instructional services use.
5. **Public Outreach and Comments.** To date, the Department has received public comments in opposition and support of the Project.

Opposition: Two letters of opposition were received by Hanson Bridgett LLP. The submittal package also included a petition in opposition to the project was submitted with signatures from



125 of the Outer Sunset and surrounding neighborhoods. The concerns are related to the appropriateness of a Formula Retail Use, of an additional tutoring service to the district, and traffic impacts. Eight additional letters in opposition were received from residents of the surrounding neighborhood and one was received from the owner of an independent tutoring service (OutaBox Education located at 2655 Judah Street).

Support: The Project Sponsor submitted a petition in support of the project with 12 signatures from surrounding businesses and merchants and a petition in support with 30 signatures from residents of the surrounding neighborhood. The Department received one letter in support from a resident in the vicinity of the project.

The Project Sponsor conducted a Pre-Application Meeting on August 28, 2019, which was attended by 12 members of the public. The Sponsor continued this project from the December 19, 2019 Planning Commission hearing to conduct additional community outreach. During that time the Sponsor canvassed the neighborhood to discuss the proposed project and spoke with the three individuals known to have submitted opposition letters to the project to discuss their concerns.

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 NC-1 Zoning District, Formula Retail uses require Conditional Use Authorization under Planning Code Section 710. 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. "Mathnasium") at the vacant, approximately 1,540 square-foot, one-story commercial space on the project site. A Formula Retail Use may be conditionally permitted per Planning Code Section 303, 303.1, and 710.*

- b. **Retail Sales and Services Use within a NC-1 Zoning District.** Section 710 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 only.

*The Project would allow for a new Retail Sales and Services, Instructional, use which is principally permitted within the District. The commercial is currently permitted for a Limited Restaurant, which is also a Retail Sales and Services use.*

- c. **Hours of Operation.** Planning Code Section 710 principally permits daily operations from 6 a.m. to 11 p.m.

*The hours of operation for the project are Sunday from 11 a.m. to 5 p.m. and Monday through Friday from 3:00 p.m. to 7:00 p.m.*

- 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 commercial unit has approximately 18 feet of building fronting along the Judah Street, all proposed for use as a Formula Retail establishment, which is considered an active use. The existing storefront 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 710 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 1,540 square feet which is within the principally permitted use size.*

- f. **Off-Street Parking and Loading.** Section 151 requires retail stores to provide one parking space for every 500 square feet of occupied floor area, where the occupied floor area exceeds 5,000 square feet.

*The project does not occupy more than 5,000 square feet of floor area, and therefore does not require the provision of off-street parking.*

- g. **Loading.** Section 152 requires off-street freight loading for uses above a certain size. Retail uses up to 10,000 square feet in gross floor area are not required to provide off-street freight loading.

*The project is less than 10,000 square feet in gross floor area and is therefore not required to provide off-street freight loading.*

- h. **Bicycle Parking.** Section 155 requires retail stores to provide one Class 1 space for every 7,500 square feet of occupied floor area and one Class 2 space for every 2,500 sq. ft. of Occupied Floor Area, with a minimum of two Class 2 spaces.

*The project proposes to occupy 1,540 square feet of floor area, and will provide one Class 1 and two Class 2 bicycle parking spaces.*

- i. **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 includes one wall-mounted sign located on the Judah Street façade, which will be filed for under a separate permit.*

- 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 and a limited staff at any one time, with available off-street parking. 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.*

- 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. It is unlikely that the use will generate significant vehicular trips citywide, though it will generate moderate trips from the neighborhood due to its proximity to many public and private schools and residential neighborhoods.*

*The Project is neighborhood serving. And the site is in an area served by public transit. The Muni light rail N Judah Line runs east-west along Judah Street with a pick-up location directly in front of the Property across Judah Street (outbound) and across 28th Street (inbound). A Muni bus stop for the 29 line is approximately half a mile west of the Property at Sunset Boulevard and Judah Street. Additionally, nonmetered, on-street parking lines both sides of Judah Street and 28th Avenue.*

- (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 NC-1 (Neighborhood Commercial, Cluster) Districts in that the intended use is located at the ground floor, will provide a compatible specialty 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 is one existing Formula Retail use out of 15 commercial storefronts within 300 feet of the Project site, which accounts for 6.67% of the retail services in the area. The existing intensity of Formula Retail uses accounts for approximately 25 linear feet of lot frontage, which is 3.16% of the total linear frontage in a 300-foot radius of the subject Property. The existing formula retail is Kumon of San Francisco – Sunset, an instructional service that provides reading and math tutoring.*

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

*Of the fifteen commercial businesses surveyed within a 300-foot radius of the Project site, there is one other instructional services use, Kumon of San Francisco – Sunset, it focuses on reading and math tutoring. The Project proposes specific instructional services focusing solely on mathematics.*

*The next closest tutoring facilities, located outside of the District, are the Tutoring Club of SF (approximately 1.1 miles away), San Francisco Tutoring Services (approximately 1.4 miles away), UpGrade Learning Center (approximately 0.9 miles away), PACE Academic After School (approximately 1 mile away).*

- 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 one wall-mounted. 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 two (13.34%) 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 NC-1 Zoning District is of medium size, with a focus on both neighborhood- and citywide-serving retail and service uses. NC-1 Districts are intended to be located along heavily trafficked thoroughfares and are developed so the greater population may access specialty goods and services. The intent and diverse nature of convenient- and specialty- Retail will not be impacted, as the Project aims to provide a new specialty 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. The subject property would provide a nominal change in the number of existing Formula retail commercial frontage within 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 occupy a vacant storefront resulting in a benefit to the district and enhancement to 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. The Project proposes no expansion of the existing building envelope, retaining development at an appropriate size and scale for the area. Further, having a leased and operating storefront at the site will ensure it is kept cleaner, will be activated for pedestrian use, improve neighborhood safety by activating the Property, and will increase the overall liveliness of the neighborhood.*

**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 currently has no operating 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 be served by up to 5 employees at peak hours, 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 mathematical instruction, is currently not offered within a 300-foot radius.*

#### **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 NC-1 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.*

- 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 will not overburden Muni transit, streets, or neighborhood parking. The Project will largely serve local residents who are expected to access the location by foot, bus, or the Muni N Judah light rail that runs along Judah Street. There are several local schools within a mile with students that are anticipated to access the site by foot.*

- 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 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 2019-016568CUA** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated September 9, 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 the establishment of a Formula Retail use (d.b.a. **Mathnasium**) located at **2255 Judah Street** (at the corner of Judah Street and 28<sup>th</sup> Avenue), Block 1826, Lot 036, pursuant to Planning Code Sections **710, 303, and 303.1** within a **NC-1 Neighborhood Commercial, Cluster** Zoning District and a **40-X** Height and Bulk District; in general conformance with plans, dated September 9, 2019, and stamped "EXHIBIT B" included in the docket for Case No. **2019-016568CUA** and subject to conditions of approval reviewed and approved by the Commission on **January 30, 2020** under Motion No. XXXXX. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

### RECORDATION OF CONDITIONS OF APPROVAL

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

### PRINTING OF CONDITIONS OF APPROVAL ON PLANS

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

### SEVERABILITY

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

### CHANGES AND MODIFICATIONS

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

## Conditions of Approval, Compliance, Monitoring, and Reporting

### PERFORMANCE

1. **Validity.** The authorization and right vested by virtue of this action is valid for three (3) years from the effective date of the Motion. The Department of Building Inspection shall have issued a Building Permit or Site Permit to construct the project and/or commence the approved use within this three-year period.  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://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](http://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](http://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](http://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](http://www.sf-planning.org)*

### DESIGN

6. **Signage.** Any signs on the property shall be made to comply with the requirements of Article 6 of the Planning Code.

## MONITORING

7. **Enforcement.** Violation of any of the Planning Department conditions of approval contained in this Motion or of any other provisions of the 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 action under their jurisdiction.  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org).*

## OPERATION

8. **Sidewalk Maintenance.** The Project Sponsor shall maintain the main entrance to the tenant space 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, [www.sfdpw.org](http://www.sfdpw.org).*  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org).*

## MONITORING – AFTER ENTITLEMENT

9. **Enforcement.** Violation of any of the Planning Department conditions of approval contained in this Motion or of any other provisions of the 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 action under their jurisdiction.  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org).*
10. **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](http://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](http://www.sf-planning.org).*



Table of abbreviations and their corresponding full names, organized in two columns.

- General Notes: ALL WORK SHALL BE PERFORMED BY LICENSED & INSURED CONTRACTOR. THE CONTRACTOR IS RESPONSIBLE FOR MEANS, METHODS, AND TECHNIQUES FOR CONSTRUCTION.

- Code Notes: A1 DOOR TAG, W1 WINDOW TAG, R1 REVISION, SIM CALLOUT TAG, T1 GENERIC TAG.

Project Directory: OWNER SHRUTI NAIR, ARCHITECT OPENSCOPE STUDIO, INC. PROJECT DESCRIPTION: THE SCOPE OF WORK IS A TENANT IMPROVEMENT OF A LEARNING CENTER REPLACING A GROUND LEVEL CAFE.

Project Information: PROJECT ADDRESS: 2255 JUDAH ST. SAN FRANCISCO, CA 94122. PARCELS (BLOCK / LOT): 1826/036. BUILDING AREA: 2,800 SF.

ABBREVIATIONS

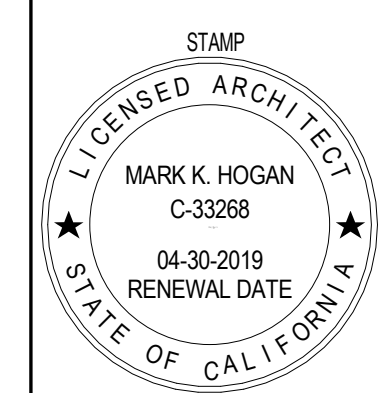
SYMBOLS

VICINITY MAP

SITE PLAN

Vertical sidebar containing: OPENSCOPE ARCHITECTURE | URBANISM | DESIGN, LICENSED ARCHITECT MARK K. HOGAN, PROJECT 1913 2255 JUDAH STREET, ISSUE DATE 09-09-2019 TENANT IMPROVEMENT, SCALE As indicated, TITLE SHEET A000.





CONSULTANTS

PROJECT  
1913  
2255 JUDAH STREET

2255 JUDAH STREET

ISSUE DATE  
09-09-2019  
TENANT IMPROVEMENT  
REVISIONS  
NO. DATE.

SCALE  
As indicated  
CODE REVIEW AND DA CHECKLIST

A002

**D.A. CHECKLIST** (p. 1 of 2): The address of the project is: 2255 JUDAH ST. SAN FRANCISCO, CA 94122

For ALL tenant improvement projects in commercial use spaces, both pages of this checklist are required to be reproduced on the plan set and signed.

- The proposed use of the project is RETAIL SERVICES (EDUCATIONAL) (e.g. Retail, Office, Restaurant, etc.)
- Describe the area of remodel, including which floor: GROUND FLOOR EDUCATION CENTER IN (E) CAFE SPACE
- The construction cost of this project excluding disabled access upgrades to the path of travel is \$ 50,000 which is: (check one)  more than /  less than the 2019 Valuation Threshold of \$186,167.00
- Is this a City project and/or does it receive any form of public funding? Check one:  Yes /  No. Note: If Yes, then see Step 3 on the Instructions page of the Disabled Access Upgrade Compliance Checklist package for additional forms required.

Conditions below must be fully documented by accompanying drawings

5. Read A through D below carefully and check the most applicable boxes. Check one box only:

**A:** All existing conditions serving the area of remodel fully comply with access requirements. No further upgrades are required. Fill out page 2 of D.A. Checklist

**B:** Project Adjusted cost of construction is greater than the current valuation threshold: Fill out and attach page 2 of D.A. Checklist and any other required forms to plans

**C:** Project adjusted cost of construction is less than or equal to the current valuation threshold: List items that will be upgraded on Form C. All other items shall be checked on page 2 of the D.A. Checklist in the "Not required by code" column.

**D:** Proposed project consists entirely of Barrier removal: Fill out and attach Barrier removal form to Plans

**E:** Proposed project is minor revision to previously approved permit drawings only. (Note: This shall NOT be used for new or additional work) Provide previously approved permit application here: \_\_\_\_\_ Description of revision: \_\_\_\_\_

CBC chapter 2 section 202 Definitions:

**Technically infeasible.** An alteration of a building or a facility, that has little likelihood of being accomplished because the existing structural conditions require the removal or alteration of a load-bearing member that is an essential part of the structural frame, or because other existing physical or site constraints prohibit modification or addition of elements, spaces or features that are in full and strict compliance with the minimum requirements for new construction and which are necessary to provide accessibility.

**Unreasonable Hardship.** When the enforcing agency finds that compliance with the building standard would make the specific work of the project affected by the building standard infeasible, based on an overall evaluation of the following factors:

- The cost of providing access.
- The cost of all construction contemplated.
- The impact of proposed improvements on financial feasibility of the project.
- The nature of the accessibility which would be gained or lost.
- The nature of the use of the facility under construction and its availability to persons with disabilities.

The details of any Technical Infeasibility or Unreasonable Hardship shall be recorded and entered into the files of the Department. All Unreasonable Hardships shall be ratified by the AAC.

**D.A. CHECKLIST** (p. 2 of 2): The address of the project is: 2255 JUDAH ST. SAN FRANCISCO, CA 94122

Check all applicable boxes and specify where on the drawings the details are shown:

	Existing Fully Complying	Will be Upgraded to Full Compliance	Equivalent Facilitation will provide full access	Compliance is Technically Infeasible	Approved in situations with immediately preceding code	Not required by Code (and/or none existing)	Not compliant with UHR (and/or none existing)	Location of detail(s)- include detail no. & drawing sheet (do not leave this part blank). Also clarification comments can be written here.
A. One accessible entrance including: approach walk, vertical access, platform (landings), door / gate and hardware for door/gate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	SEE 1/A002
B. An accessible route to the area of remodel including: Parking/access aisles and curb ramps; Curb ramps and walks; Corridors, hallways, floors; Ramps/elevators, lifts	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	CONC RAMP AT BACK HALLWAY TO BE REPLACED WITH LANDING TO PROVIDE CLR FLOOR SPACE AT RESTROOM DOOR; SEE 1/A002, 1/A101
C. At least one accessible restroom for each sex or a single unisex restroom serving the area of remodel.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	NON-ABSORBANT WALL FINISH AND SINK DRAIN PROTECTION TO BE PROVIDED; SEE 1/A003
D. Accessible public pay phone.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	SEE 1/A002
E. Accessible drinking fountains.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	SEE 1/A002
F. Additional accessible elements such as parking, stairways, storage, alarms and signage.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	SIGNAGE TO BE PROVIDED AT RESTROOMS AND STORAGE AREAS; SEE 1/A002
See the requirements for additional forms listed below	1.	2.	3.	4.	5.	6.	7.	SEE SHEET A002

- No additional forms required
- No additional forms required
- Fill out Request for Approval of Equivalent Facilitation form for each item checked and attach to plan.
- Fill out Request for Approval of Technical Infeasibility form for each item checked and attach to plans.
- Provide details from a set of City approved reference drawings, provide its permit application number here: \_\_\_\_\_ and list reference drawing number on plans.
- No additional forms required
- Fill out Request for an Unreasonable Hardship form for each item checked and attach to plan. All UHR must be ratified by the Access Appeals Commission (see UHR form for details)

**Form C: DISABLED ACCESS 20% RULE**

This form is only required for projects equal to or under the valuation threshold when box "C" is checked off on the D.A. Checklist and is for providing an itemized list of the estimated costs for the expenditures used for disabled access upgrades for this project. Reproduce this form along with the D.A. Checklist and any required form(s) on the plans.

Based on CBC Section 11B-202.4 Exception 8, only projects with a construction cost less than or equal to the valuation threshold (current ENR Construction Cost Index Amount) are eligible for the 20% rule. In choosing which accessible elements to provide, priority should be as listed on p. 2 of the D.A. Checklist.

In general, projects valued over the threshold are not eligible for the 20% rule (see CBC 11B-202.4 Exceptions 1 through 8 for other exceptions).

CBC Section 11B-202.4, Exception 9 (abbreviated): In alteration projects involving buildings & facilities previously approved & built without elevators, areas above & below the ground floor are subject to the 20% disproportionality provisions described in Exception 8, even if the value of the project exceeds the valuation threshold in Exception 8. Refer to the Code for the types of buildings & facilities that qualifies for this 20% disproportionality provisions when project valuation is over the threshold.

	Contractor's Estimated Cost	DBI Revised Cost
<b>A) Cost of Construction:</b> (Excluding Alterations to the Path of Travel as required by 11B-202.4)	\$ 50,000	\$
<b>B) 20% of A) :</b>	\$ 10,000	\$
<b>List the Upgrade Expenditures and their respective construction cost below:</b>		
1. CONC RAMP REMOVAL FOR CLR FLOOR SPACE AT RESTROOM DOOR	\$ 9,000	\$
2. REPLACE RESTROOM DOOR TO HANG ON OPPOSITE SIDE	\$ 1,000	\$
3.	\$	\$
4.	\$	\$
5.	\$	\$
6.	\$	\$
7.	\$	\$
8.	\$	\$
9.	\$	\$
10.	\$	\$
11.	\$	\$
12.	\$	\$
<b>Total Upgrade Expenditures</b> Should be approximately equal to, but not to exceed, Line B	\$ 10,000	\$

~ 8 ~

~ 6 ~

**CHAPTER 10 - MEANS OF EGRESS**  
1003.2 THE MEANS OF EGRESS SHALL HAVE A CEILING HEIGHT OF NOT LESS THAN 7'-6".

1003.3 HORIZONTAL PROJECTIONS - OBJECTS WITH LEADING EDGES MORE THAN 27" AND NOT MORE THAN 80" ABOVE THE FLOOR SHALL NOT PROJECT HORIZONTALLY MORE THAN 4" INTO THE CIRCULATION PATH. HANDRAILS ARE PERMITTED TO PROTRUDE 4 1/2" FROM THE WALL.

1004 OCCUPANT LOAD  
O.L.F. = OCCUPANT LOAD FACTOR BASED ON CBC TABLE 1004.1.2

1005.7 DOOR ENCRoACHMENT - DOORS, WHEN FULLY OPENED, AND HANDRAILS SHALL NOT REDUCE THE REQUIRED EGRESS WIDTH BY MORE THAN 7". DOORS IN ANY POSITION SHALL NOT REDUCE THE REQUIRED WIDTH BY MORE THAN ONE-HALF TRIM, AND SIMILAR DECORATIVE ITEMS, SHALL NOT ENCRoACH INTO THE REQUIRED EGRESS WIDTH BY MORE THAN 1-1/2".

1006 SINGLE EXIT - THE MAXIMUM EXIT ACCESS TRAVEL DISTANCE WITH ONE EXIT PER TABLE 1006.2.1 IS 100' FOR NON-SPRINKLERED B-OCCUPANCY WHERE THE OCCUPANCY IS ≤ 30.

1008.1 EXIT ILLUMINATION - THE MEANS OF EGRESS SHALL BE ILLUMINATED AT ALL THE BUILDING SPACES SERVED BY THE MEANS OF EGRESS IS OCCUPIED. THE EXISTING EMERGENCY LIGHT FIXTURES SHALL BE PROTECTED AND MAINTAINED FOR THIS PURPOSE.

1010.1.2 DOOR SWINGS - DOORS SHALL SWING IN THE DIRECTION OF TRAVEL WHERE SERVING AN OCCUPANT LOAD OF 50 OR MORE PERSONS.

1010.1.3 DOOR OPENING FORCE  
INTERIOR SWINGING EGRESS DOORS: 5 LBS MAX. ALL OTHER DOORS (EXTERIOR, SLIDING, ETC.): 15 LBS MAX.

1010.1.7 THRESHOLDS - THRESHOLD PROFILES SHALL COMPLY WITH ACCESSIBILITY REQUIREMENTS OUTLINED ON THE DISABLED ACCESS COMPLIANCE SHEET.

1010.1.9 DOOR OPERATIONS AND HARDWARE - EGRESS DOORS SHALL BE OPERABLE FROM THE EGRESS SIDE WITHOUT THE USE OF A KEY, OR SPECIAL KNOWLEDGE OR EFFORT. DOOR HANDLES, PULLS, LATCHES, LOCKS, ETC. SHALL NOT REQUIRE TIGHT GRASPING, TIGHT PINCHING OR TWISTING OF THE WRIST TO OPERATE. DOOR HANDLES, PULLS, LATCHES, LOCKS, SHALL BE INSTALLED 34" MINIMUM, AND 48" MAXIMUM ABOVE THE FINISHED FLOOR. LOCKS USED ONLY FOR SECURITY PURPOSES, AND NOT USED FOR NORMAL OPERATION ARE PERMITTED AT ANY HEIGHT.

1010.1.9.3 - LOCKS AND LATCHES  
IN BUILDINGS IN OCCUPANCY GROUP A HAVING AN OCCUPANT LOAD OF 300 OR LESS, GROUPS B, F, M AND S, AND IN PLACES OF RELIGIOUS WORSHIP, THE MAIN EXTERIOR DOOR OR DOORS ARE PERMITTED TO BE EQUIPPED WITH KEY-OPERATED LOCKING DEVICES FROM THE EGRESS SIDE PROVIDED:

- THE LOCKING DEVICE IS READILY DISTINGUISHABLE AS LOCKED;
- A READILY VISIBLE DURABLE SIGN IS POSTED ON THE EGRESS SIDE ON OR ADJACENT TO THE DOOR STATING: THIS DOOR TO REMAIN UNLOCKED WHEN BUILDING IS OCCUPIED. THE SIGN SHALL BE IN LETTERS 1" HIGH ON A CONTRASTING BACKGROUND.

1013 EXIT SIGNS - EXISTING EXIT SIGNS SHALL BE PROTECTED AND MAINTAINED.

**CHAPTER 11B - ACCESSIBILITY TO COMMERCIAL BUILDINGS**  
SEE DISABLED ACCESS COMPLIANCE SHEET.

OCCUPANTS			
<input checked="" type="checkbox"/>	CIRCULATION		
<input checked="" type="checkbox"/>	LEARNING CENTER		
<input checked="" type="checkbox"/>	OFFICE		
<input checked="" type="checkbox"/>	RECEPTION		
<input checked="" type="checkbox"/>	RESTROOM		
<input checked="" type="checkbox"/>	STORAGE		
<input checked="" type="checkbox"/>	WAITING AREA		

OCCUPANT LOADS			
	O.L.F.	AREA	OCCUPANT LOAD
LEARNING CENTER	20 SF	344 SF	18
WAITING AREA	7 SF	27 SF	4
OFFICE	100 SF	261 SF	3
RECEPTION	100 SF	125 SF	2
RESTROOM	300 SF	62 SF	1
STORAGE	300 SF	257 SF	2
CIRCULATION	0 SF	465 SF	0
		1541 SF	30

PLUMBING FIXTURE SCHEDULE				
MARK	DESCRIPTION	FEMALE (FIXTURES PER PERSON)	MALE (FIXTURES PER PERSON)	PROVIDED
FT1	BATHROOM FAUCET	1: 1-50	1: 1-75	1
SN1	WALL MOUNTED LAVATORY	1: 1-50	1: 1-75	1
WC1	WALL MOUNTED WATER CLOSET	1: 1-15	1: 1-50	1

**WALL LEGEND**

(E) WALLS

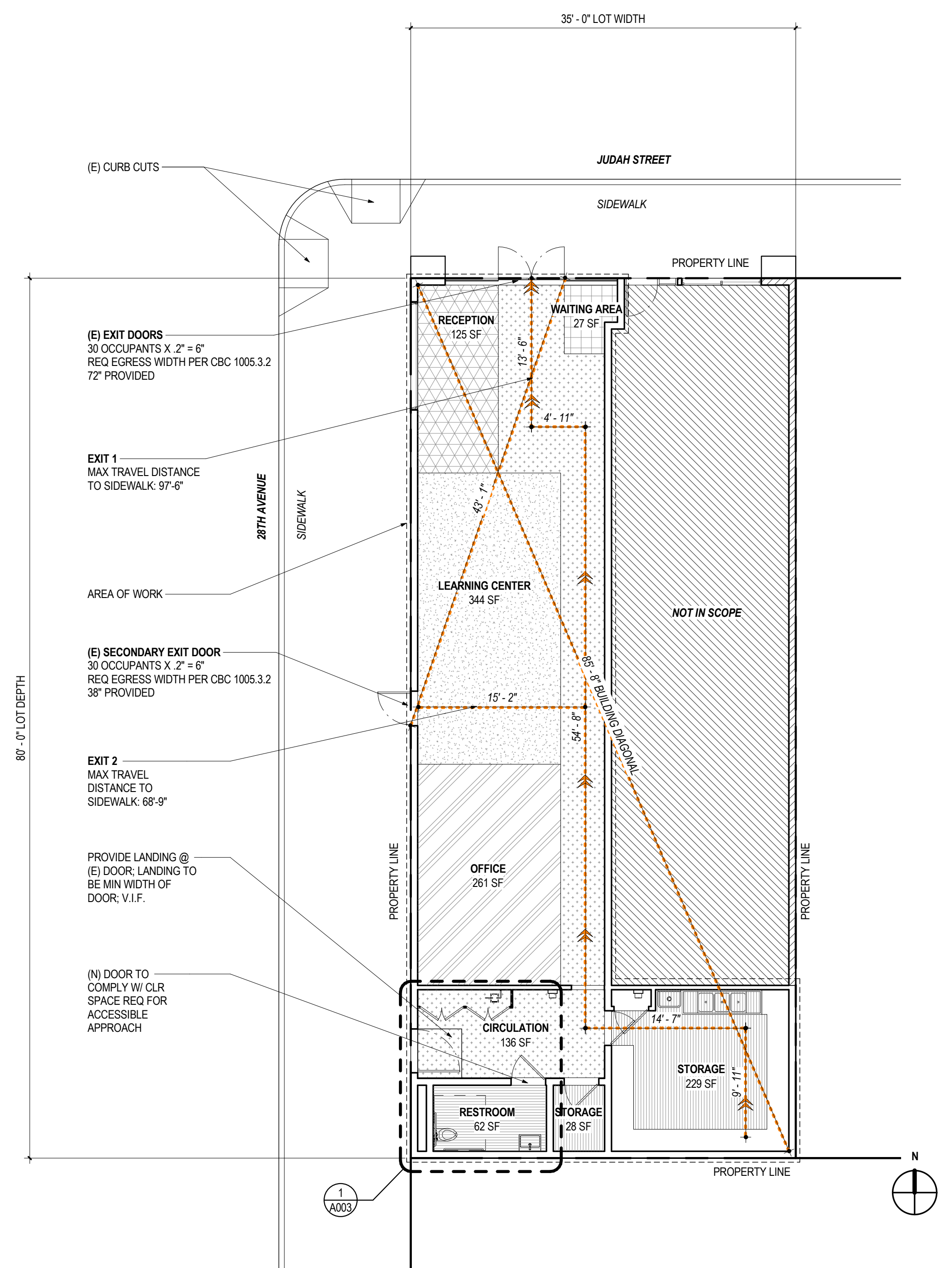
(E) WALLS OF ADJACENT STORE

**LEGEND**

EXIT PATH

ALL DOORS TO BE RATED FOR USE IN FIRE-RATED WALLS WHERE INDICATED



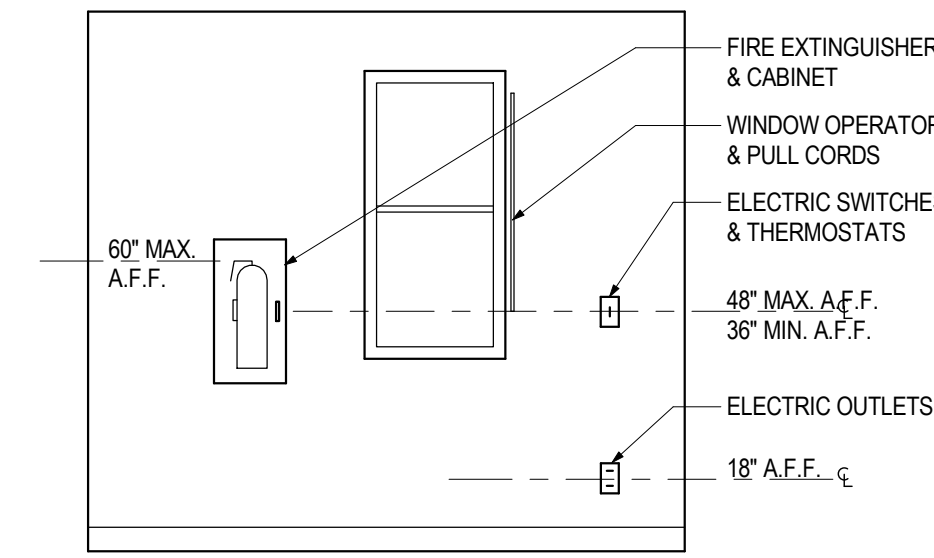
1/8" = 1'-0"

LEVEL 1 - CODE REVIEW 1

**BUILDING CODE NOTES**

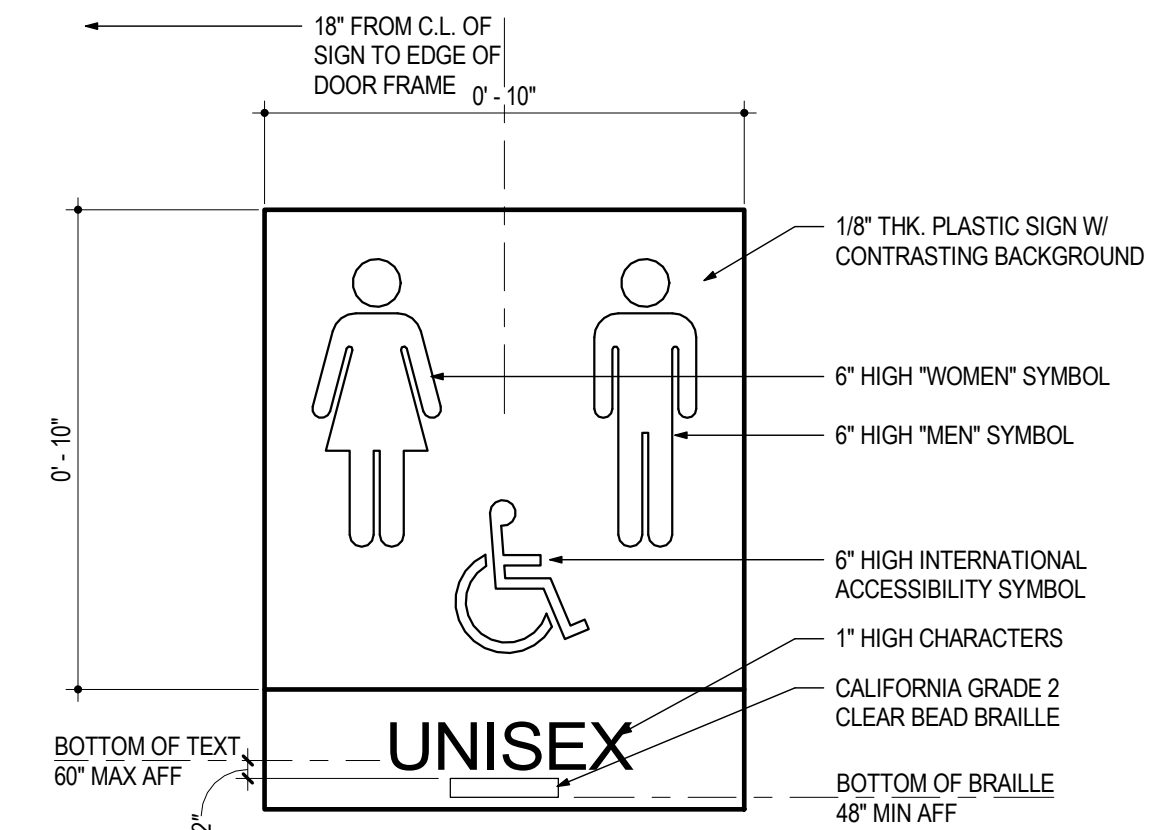
~ 7 ~



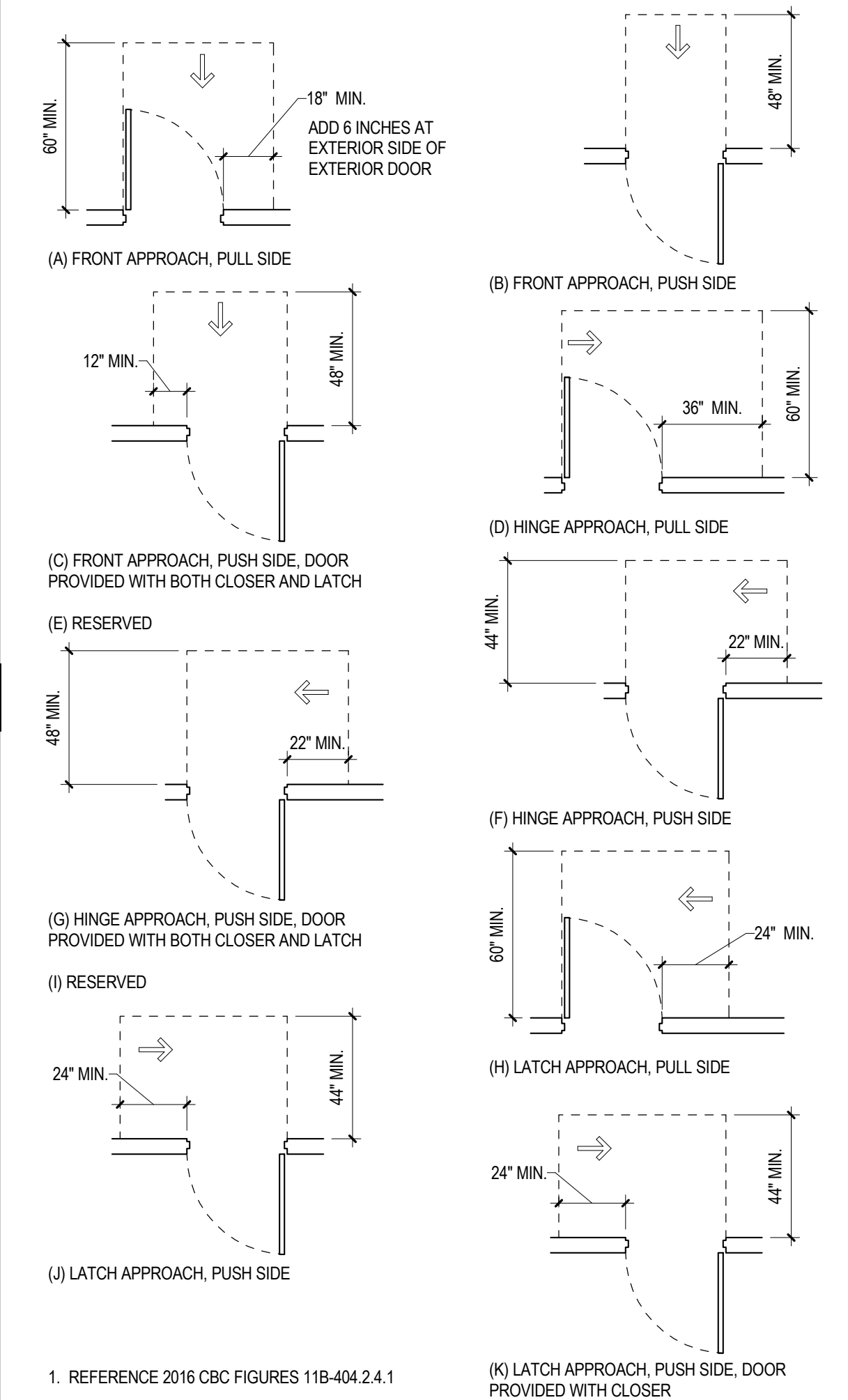


1. MOUNT OUTLETS & SWITCHES THAT ARE ABOVE OBSTACLES (E.G. COUNTERS) AT 44" A.F.F.
2. ENVIRONMENTAL CONTROLS SHALL BE OPERABLE WITHOUT GRASPING OR TWISTING.
3. FIRE EXTINGUISHER CABINETS SHALL BE INSTALLED SO THAT BOTH THE HANDLE OF THE CABINET AND THE HANDLE OF THE EXTINGUISHER ARE LOCATED BETWEEN 36" & 48" A.F.F. PER THE NFPA, FIRE EXTINGUISHER CABINETS SHALL BE INSTALLED SO THAT THE TOP OF THE FIRE EXTINGUISHER IS NO MORE THAN 60" A.F.F.

3/8" = 1'-0" ACCESSIBLE MOUNTING HEIGHTS 12

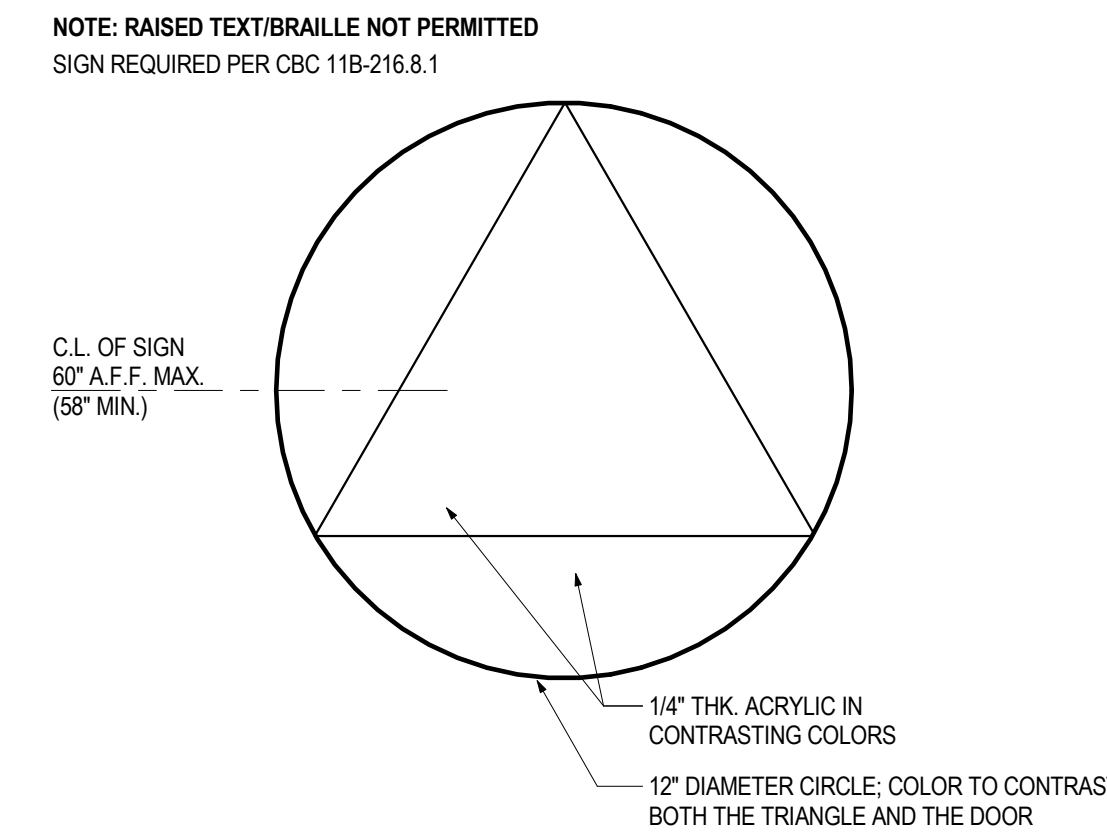


UNISEX RESTROOM WALL SIGN 8

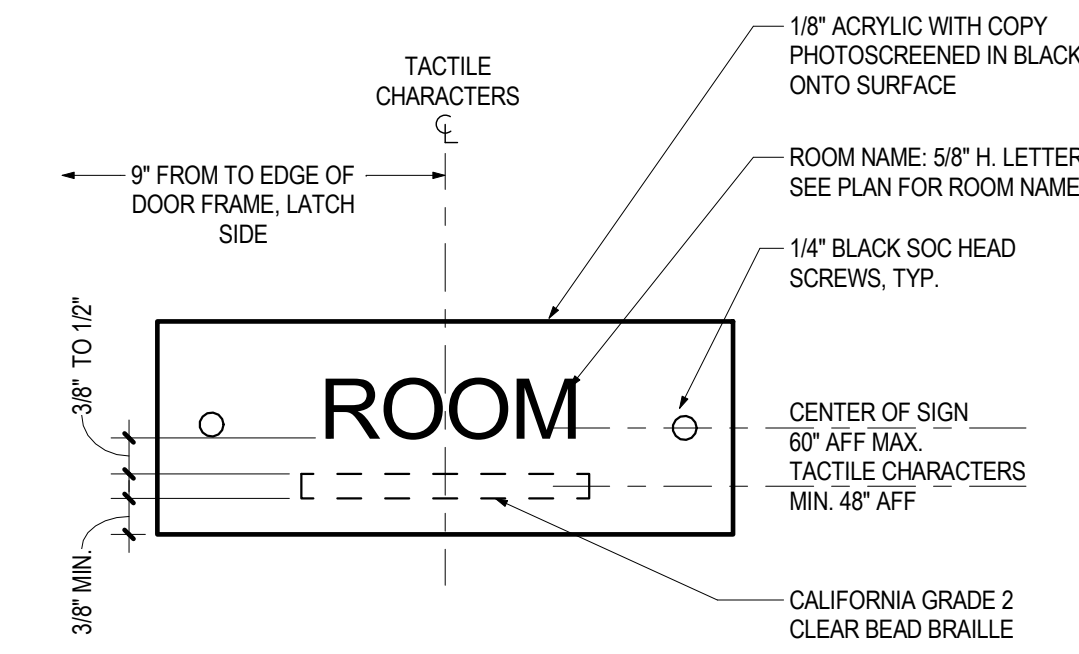


1. REFERENCE 2016 CBC FIGURES 11B-404.2.4.1

1/4" = 1'-0" DOOR CLEARANCE GUIDELINES 3

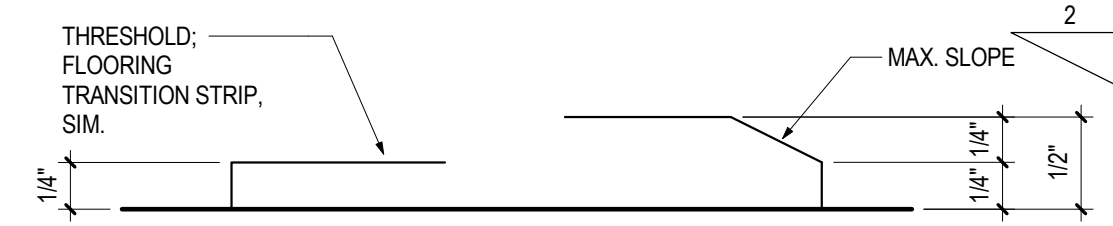


UNISEX RESTROOM DOOR SIGN 11



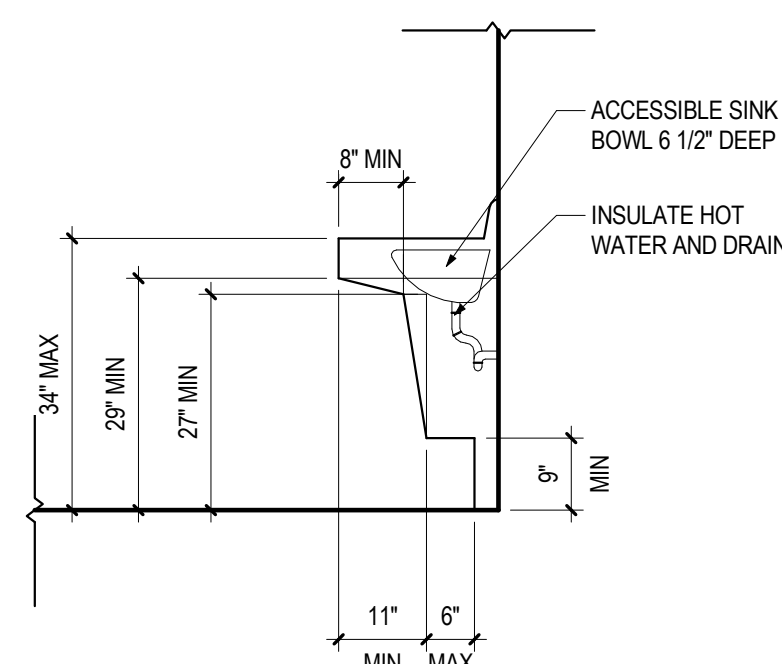
2. ALL SIGNAGE, TEXT, GRAPHICS, LAYOUT, AND LOCATION TO BE APPROVED THROUGH SUBMITTALS TO THE ARCHITECT.

ROOM ID 7

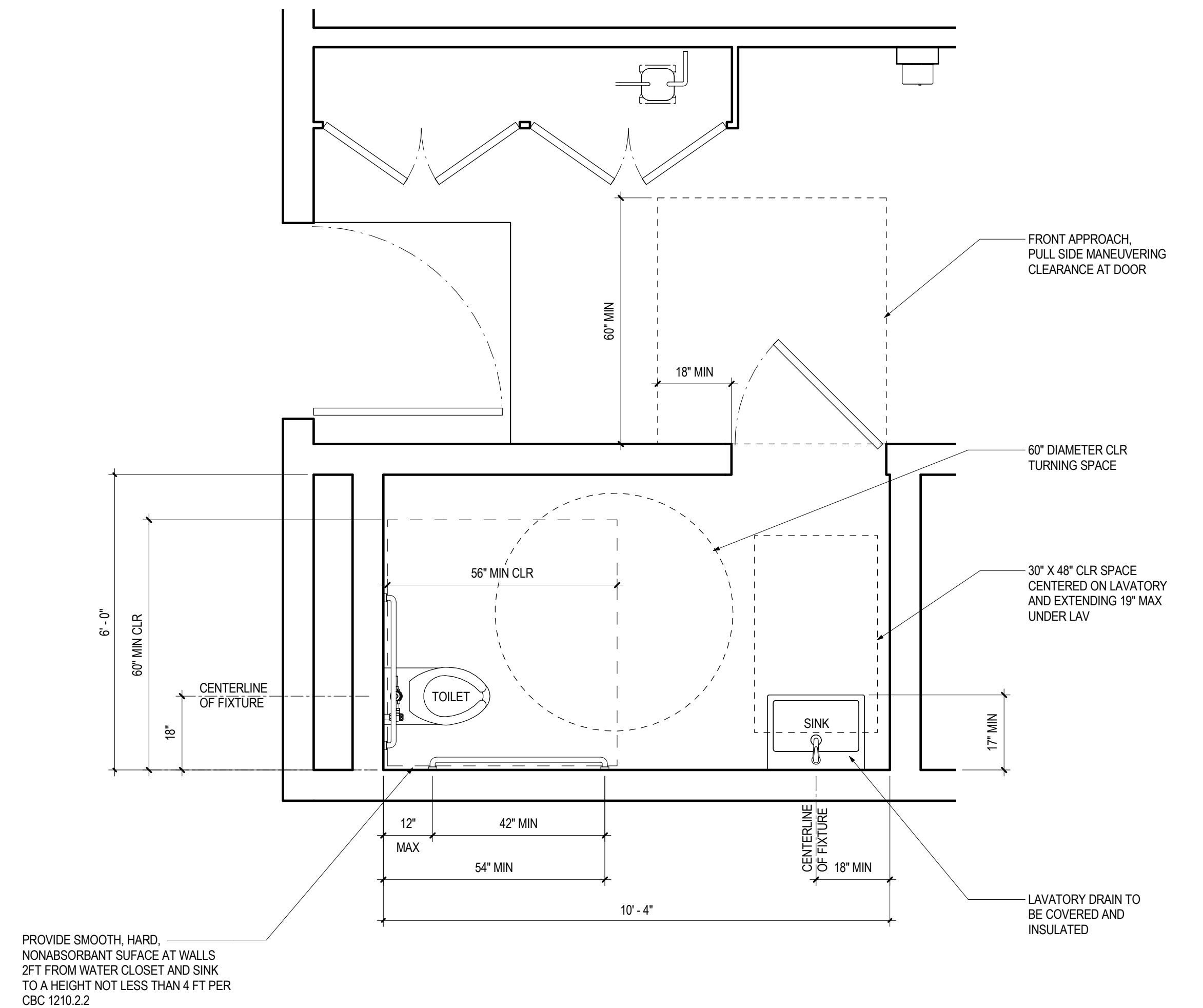


1. REFERENCE 2016 CBC 11B-303 CHANGES IN LEVEL, 11B-303.2, 11B-303.3 AND FIGURES 11B-303.2, 11B-303.3
2. DIMENSIONS SHOWN ARE MAXIMUM ALLOWABLE.

1:1 11B-303.2,3 THRESHOLD / CHANGE IN LEVEL 10



LAVATORY MOUNTING HEIGHTS 9



ENLARGED BATHROOM PLAN 1





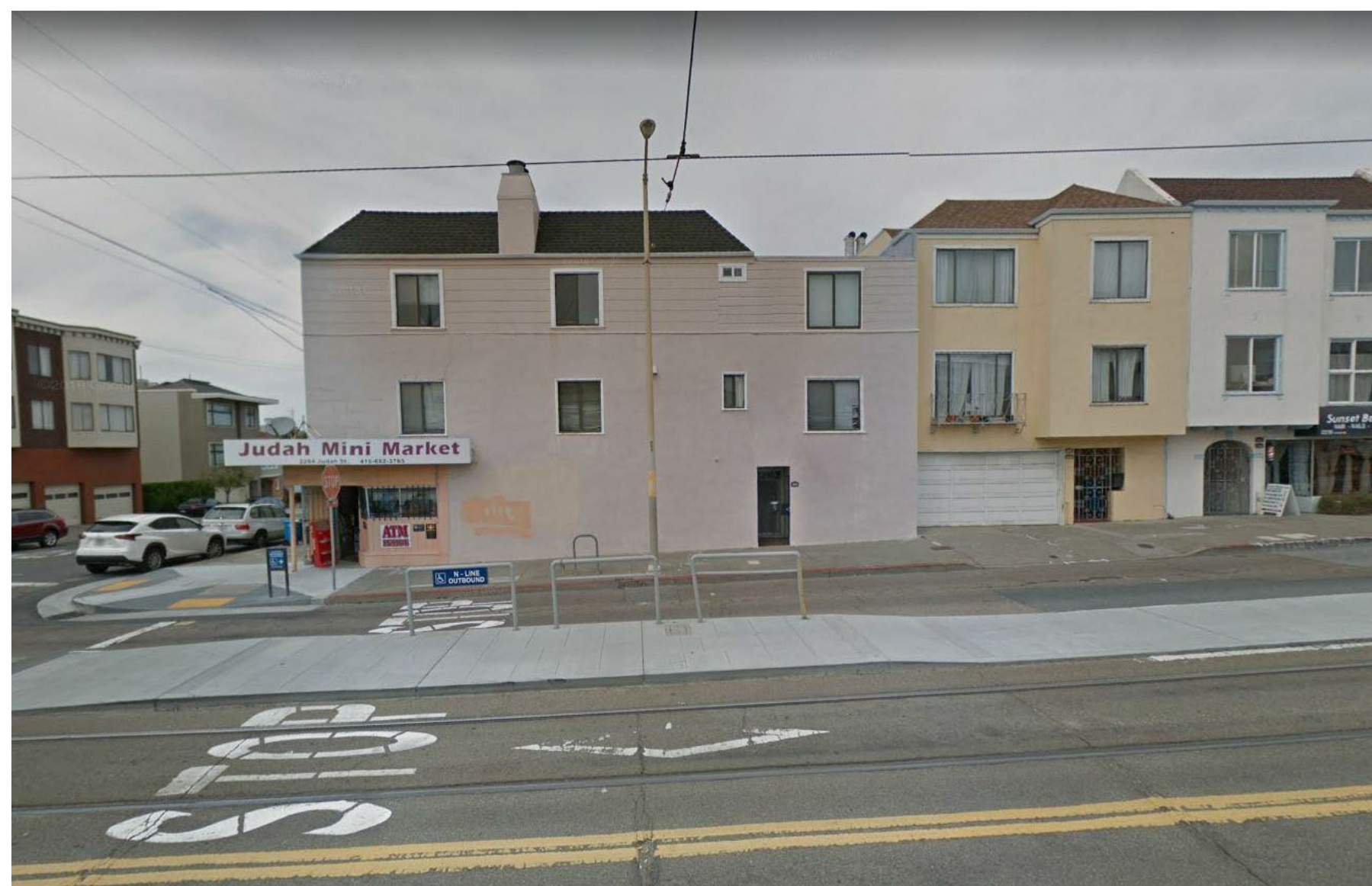
1. BUILDING FRONT



2. ADJACENT RIGHT



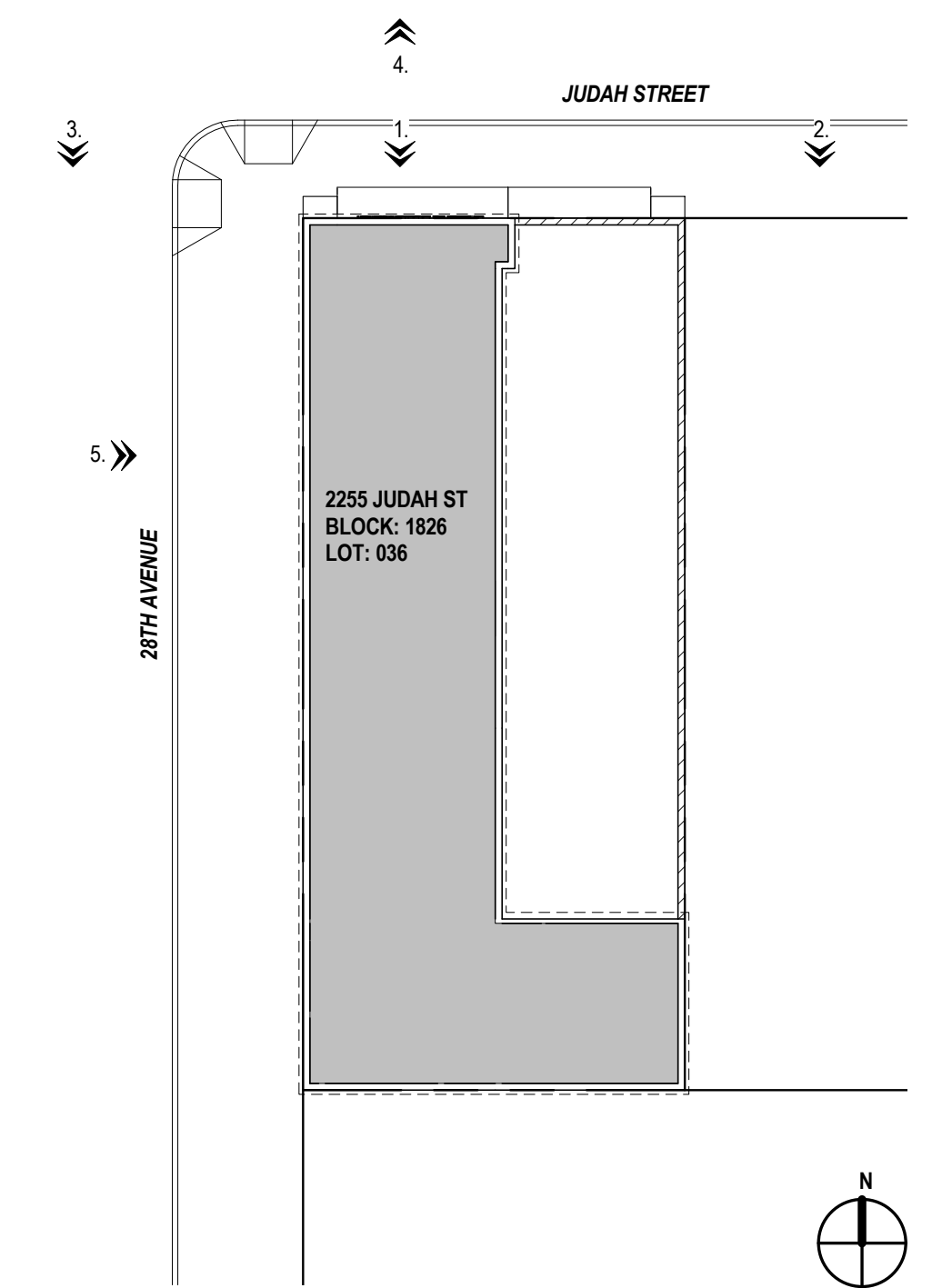
3. ADJACENT LEFT



4. ACROSS JUDAH STREET

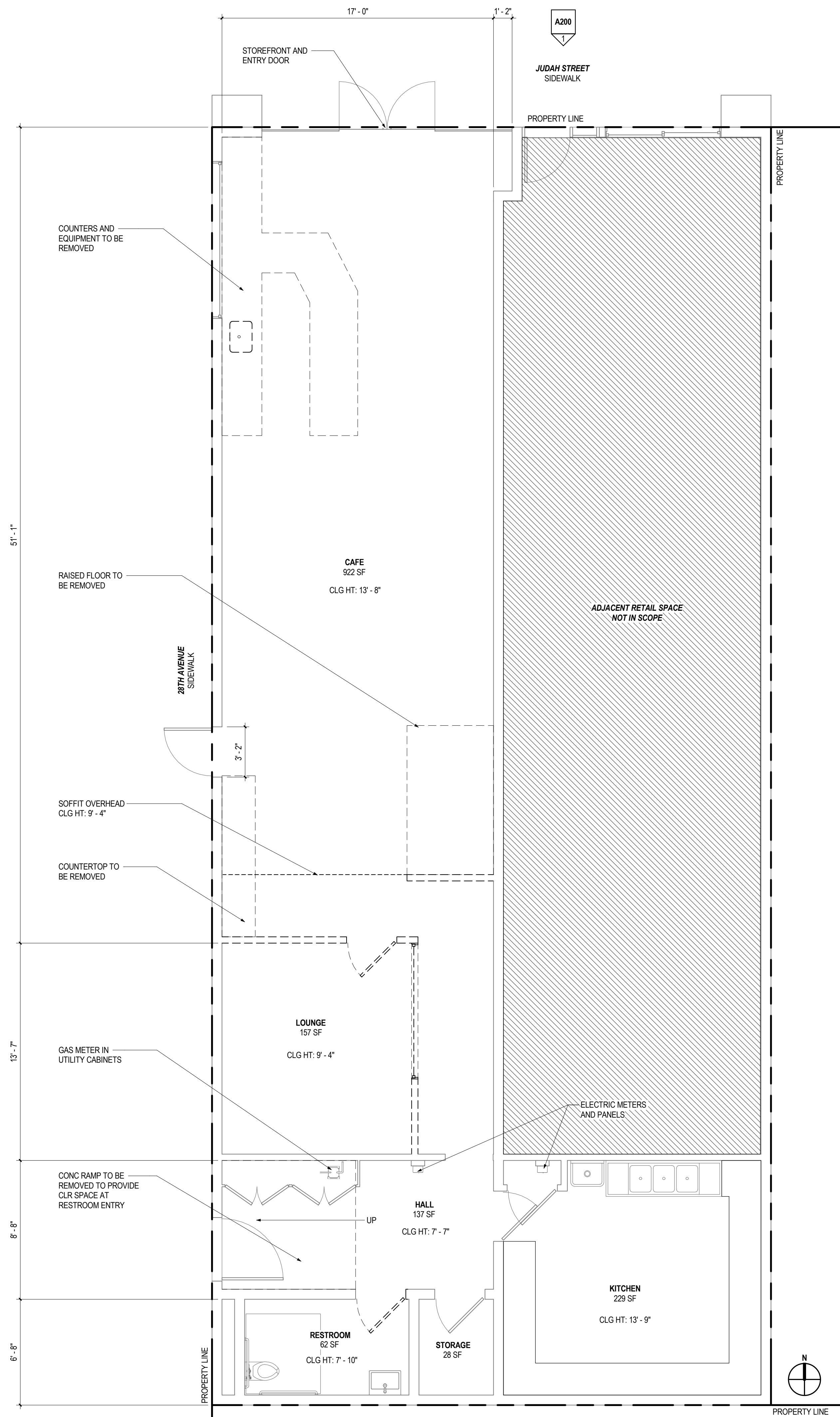


5. SIDE DOORS



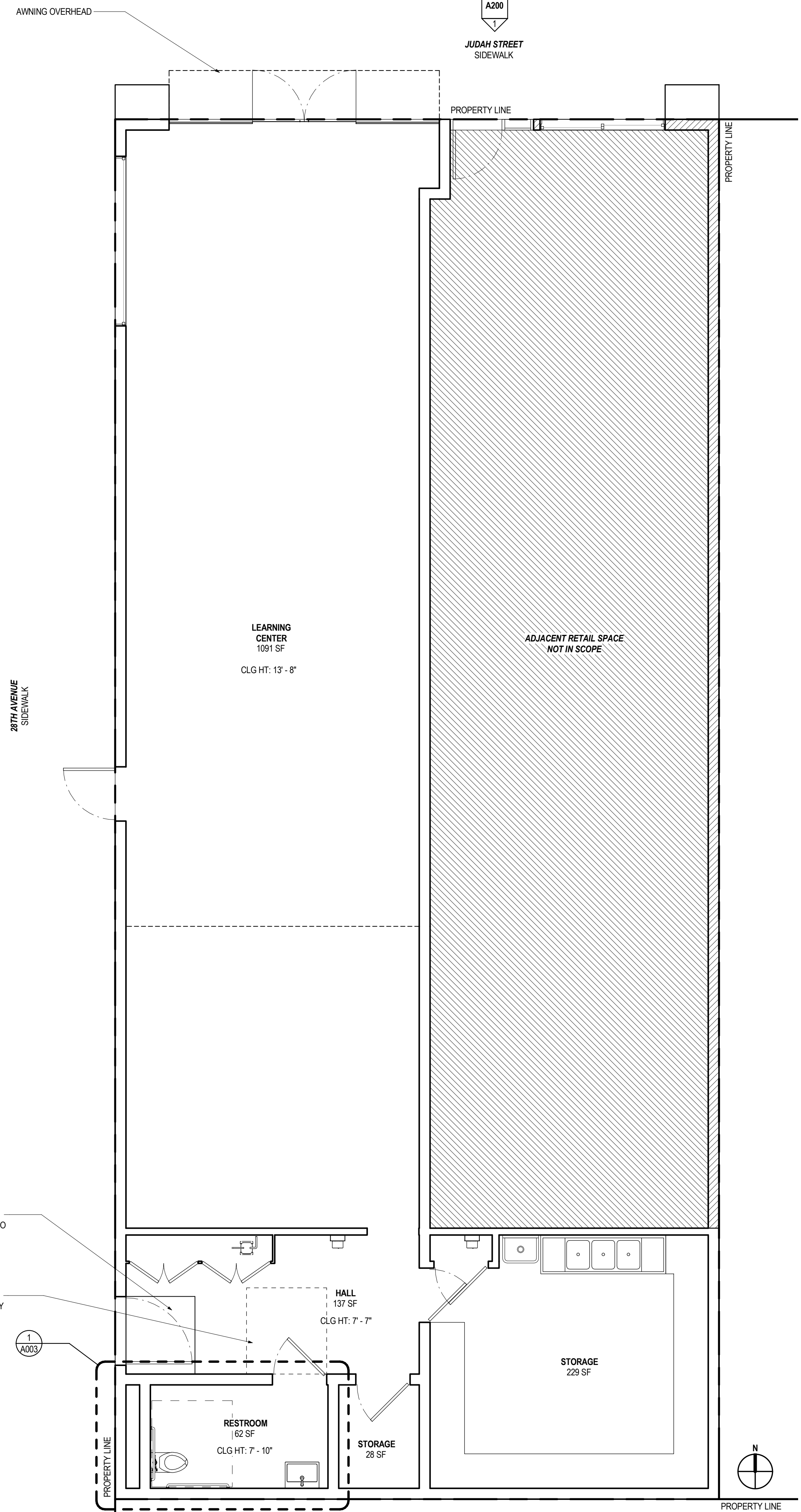
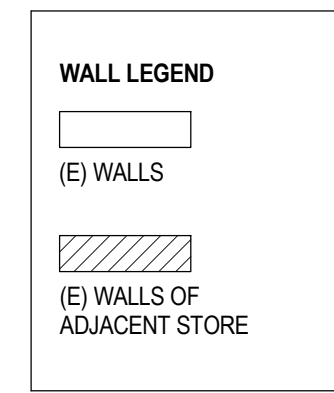
SITE PHOTO KEY





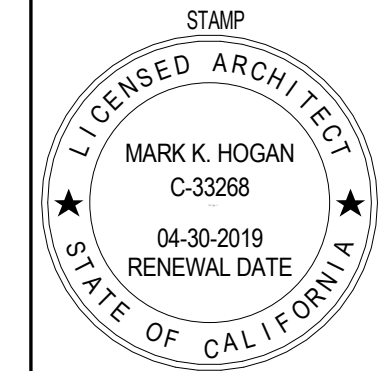
1/4" = 1'-0"

LEVEL 1 - EXISTING & DEMOLITION 1



1/4" = 1'-0"

LEVEL 1 - PROPOSED 2



CONSULTANTS

PROJECT  
1913  
**2255 JUDAH STREET**

2255 JUDAH STREET

ISSUE DATE  
**09-09-2019**  
**TENANT IMPROVEMENT**

REVISIONS  
NO. DATE.

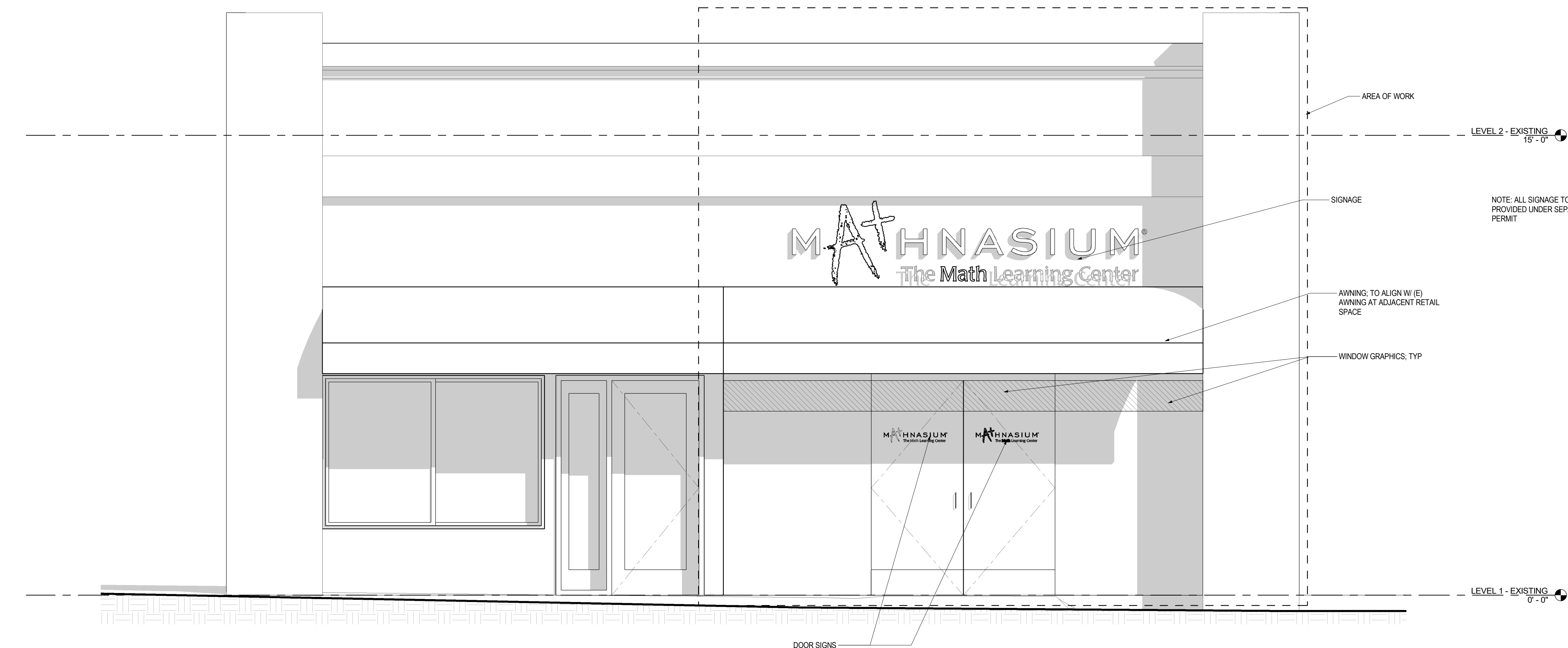
SCALE  
1/4" = 1'-0"

**LEVEL 1 PLANS**

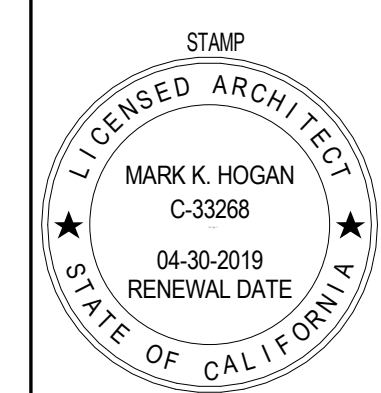
**A101**



FRONT ELEVATION - EXISTING 2



FRONT ELEVATION - PROPOSED 1

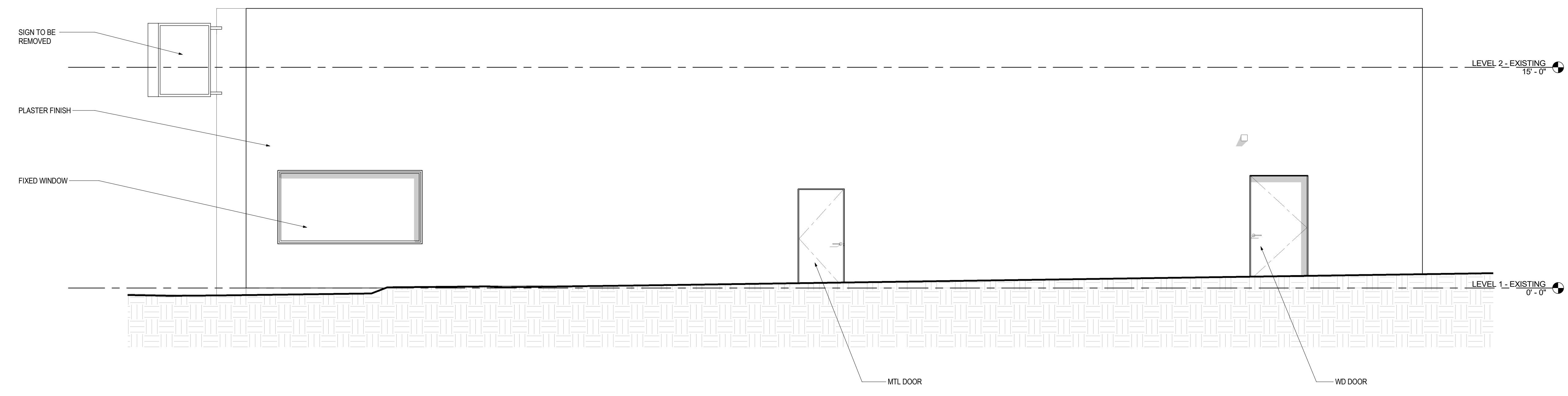


CONSULTANTS

PROJECT  
1913  
**2255 JUDAH STREET**  
  
2255 JUDAH STREET

ISSUE DATE  
**09-09-2019**  
**TENANT IMPROVEMENT**  
REVISIONS  
NO. DATE.

SCALE  
1/4" = 1'-0"  
**ELEVATIONS**  
  
**A201**



PRINTED 9/9/2019 11:21:16 AM

1/4" = 1'-0"

WEST ELEVATION - EXISTING



# SAN FRANCISCO PLANNING DEPARTMENT

## CEQA Categorical Exemption Determination

### PROPERTY INFORMATION/PROJECT DESCRIPTION

<b>Project Address</b>		<b>Block/Lot(s)</b>
2255 JUDAH ST		1826036
<b>Case No.</b>		<b>Permit No.</b>
2019-016568PRJ		
<input checked="" type="checkbox"/> <b>Addition/ Alteration</b>	<input type="checkbox"/> <b>Demolition (requires HRE for Category B Building)</b>	<input type="checkbox"/> <b>New Construction</b>
<p><b>Project description for Planning Department approval.</b>          The project sponsor Shilpi Nair proposes establishing a Mathnasium in an existing vacant commercial store front, formerly a restaurant/cafe, with minor tenant improvements and installation of new signage.</p>		

### STEP 1: EXEMPTION CLASS

<b>The project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA).</b>	
<input checked="" type="checkbox"/>	<b>Class 1 - Existing Facilities.</b> Interior and exterior alterations; additions under 10,000 sq. ft.
<input type="checkbox"/>	<b>Class 3 - New Construction.</b> 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><b>Class 32 - In-Fill Development.</b> 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><b>FOR ENVIRONMENTAL PLANNING USE ONLY</b></p>
<input type="checkbox"/>	<b>Class ____</b>

## STEP 2: CEQA IMPACTS

### TO BE COMPLETED BY PROJECT PLANNER

<input type="checkbox"/>	<p><b>Air Quality:</b> 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 &gt; CEQA Catex Determination Layers &gt; Air Pollution Exposure Zone)</p>
<input type="checkbox"/>	<p><b>Hazardous Materials:</b> 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 &gt; Maher layer).</i></p>
<input type="checkbox"/>	<p><b>Transportation:</b> 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><b>Archeological Resources:</b> 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 &gt; CEQA Catex Determination Layers &gt; Archeological Sensitive Area)</p>
<input type="checkbox"/>	<p><b>Subdivision/Lot Line Adjustment:</b> 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 &gt; CEQA Catex Determination Layers &gt; Topography). If yes, Environmental Planning must issue the exemption.</p>
<input type="checkbox"/>	<p><b>Slope = or &gt; 25%:</b> 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 &gt; CEQA Catex Determination Layers &gt; Topography) <b>If box is checked, a geotechnical report is required and Environmental Planning must issue the exemption.</b></p>
<input type="checkbox"/>	<p><b>Seismic: Landslide Zone:</b> 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 &gt; CEQA Catex Determination Layers &gt; Seismic Hazard Zones) <b>If box is checked, a geotechnical report is required and Environmental Planning must issue the exemption.</b></p>
<input type="checkbox"/>	<p><b>Seismic: Liquefaction Zone:</b> 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 &gt; CEQA Catex Determination Layers &gt; Seismic Hazard Zones) <b>If box is checked, a geotechnical report will likely be required and Environmental Planning must issue the exemption.</b></p>
<p><b>Comments and Planner Signature (optional):</b> Jeffrey Horn</p>	

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

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

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

<b>Check all that apply to the project.</b>	
<input type="checkbox"/>	1. <b>Change of use and new construction.</b> Tenant improvements not included.
<input type="checkbox"/>	2. <b>Regular maintenance or repair</b> to correct or repair deterioration, decay, or damage to building.
<input type="checkbox"/>	3. <b>Window replacement</b> that meets the Department's <i>Window Replacement Standards</i> . Does not include storefront window alterations.
<input type="checkbox"/>	4. <b>Garage work.</b> 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. <b>Deck, terrace construction, or fences</b> not visible from any immediately adjacent public right-of-way.
<input type="checkbox"/>	6. <b>Mechanical equipment installation</b> that is not visible from any immediately adjacent public right-of-way.
<input type="checkbox"/>	7. <b>Dormer installation</b> that meets the requirements for exemption from public notification under <i>Zoning Administrator Bulletin No. 3: Dormer Windows</i> .
<input type="checkbox"/>	8. <b>Addition(s)</b> 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.
<b>Note: Project Planner must check box below before proceeding.</b>	
<input type="checkbox"/>	Project is not listed. <b>GO TO STEP 5.</b>
<input checked="" type="checkbox"/>	Project <b>does not conform</b> to the scopes of work. <b>GO TO STEP 5.</b>
<input type="checkbox"/>	Project involves <b>four or more</b> work descriptions. <b>GO TO STEP 5.</b>
<input type="checkbox"/>	Project involves <b>less than four</b> work descriptions. <b>GO TO STEP 6.</b>

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

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

<input type="checkbox"/>	7. <b>Addition(s)</b> , 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. <b>Other work consistent</b> with the <i>Secretary of the Interior Standards for the Treatment of Historic Properties</i> (specify or add comments):
<input type="checkbox"/>	9. <b>Other work</b> that would not materially impair a historic district (specify or add comments):  (Requires approval by Senior Preservation Planner/Preservation Coordinator)
<input type="checkbox"/>	10. <b>Reclassification of property status.</b> (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>
<b>Note: If ANY box in STEP 5 above is checked, a Preservation Planner MUST sign below.</b>	
<input type="checkbox"/>	<b>Project can proceed with categorical exemption review.</b> The project has been reviewed by the Preservation Planner and can proceed with categorical exemption review. <b>GO TO STEP 6.</b>
<b>Comments (optional):</b>	
<b>Preservation Planner Signature:</b>	

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

<input checked="" type="checkbox"/>	<b>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.</b>	
	<b>Project Approval Action:</b> Building Permit	<b>Signature:</b> Jeffrey Horn
	If Discretionary Review before the Planning Commission is requested, the Discretionary Review hearing is the Approval Action for the project.	12/10/2019
<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)
2255 JUDAH ST		1826/036
Case No.	Previous Building Permit No.	New Building Permit No.
2019-016568PRJ		
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?
<b>If at least one of the above boxes is checked, further environmental review is required.</b>	

### 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 2255 JUDAH STREET  
RECORD NO.: 2019-016568CUA

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
<b>GROSS SQUARE FOOTAGE (GSF)</b>			
Parking GSF			
Residential GSF			
Retail/Commercial GSF	1540	1540	0
Office GSF			
Industrial/PDR GSF <small>Production, Distribution, &amp; Repair</small>			
Medical GSF			
Visitor GSF			
CIE GSF			
Usable Open Space			
Public Open Space			
Other ( )			
<b>TOTAL GSF</b>	<b>1540</b>	<b>1540</b>	<b>0</b>
	<b>EXISTING</b>	<b>NET NEW</b>	<b>TOTALS</b>
<b>PROJECT FEATURES (Units or Amounts)</b>			
Dwelling Units - Affordable			
Dwelling Units - Market Rate			
Dwelling Units - Total			
Hotel Rooms			
Number of Buildings			
Number of Stories			
Parking Spaces			
Loading Spaces			
Bicycle Spaces			
Car Share Spaces			
Other ( )			

	EXISTING	PROPOSED	NET NEW
<b>LAND USE - RESIDENTIAL</b>			
Studio Units			
One Bedroom Units			
Two Bedroom Units			
Three Bedroom (or +) Units			
Group Housing - Rooms			
Group Housing - Beds			
SRO Units			
Micro Units			
Accessory Dwelling Units			

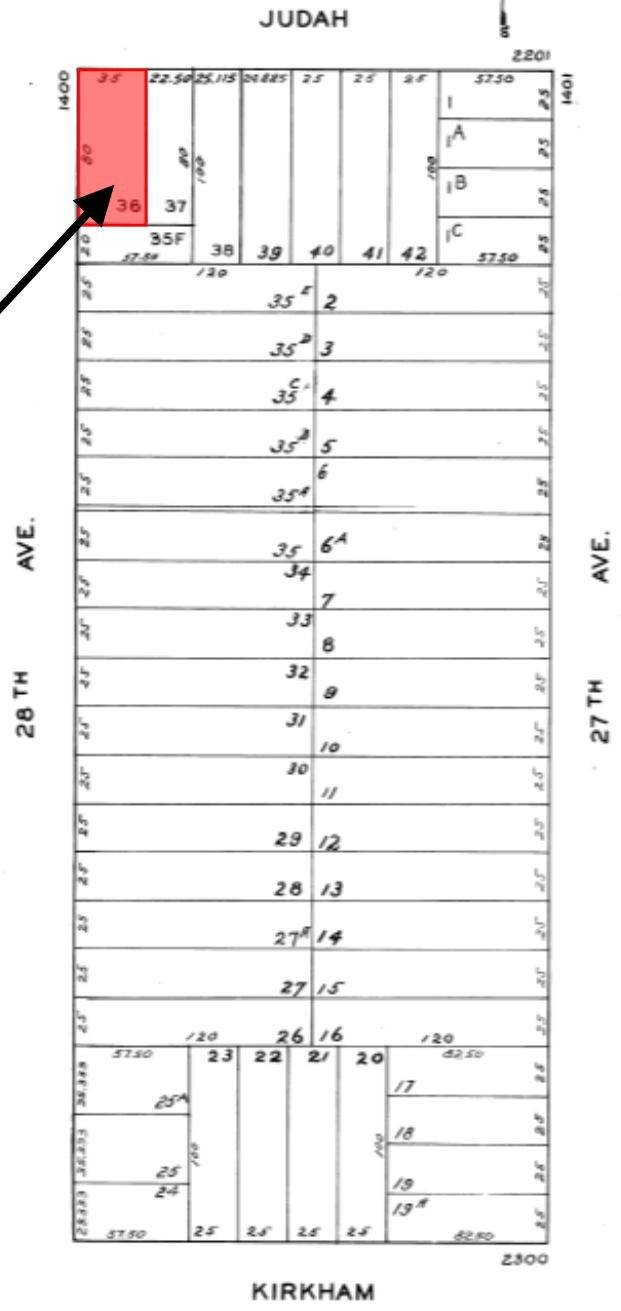
# Parcel Map

© COPYRIGHT SAN FRANCISCO CITY & COUNTY ASSESSOR 1995

1826  
SUNSET BLK. 742



**SUBJECT PROPERTY**

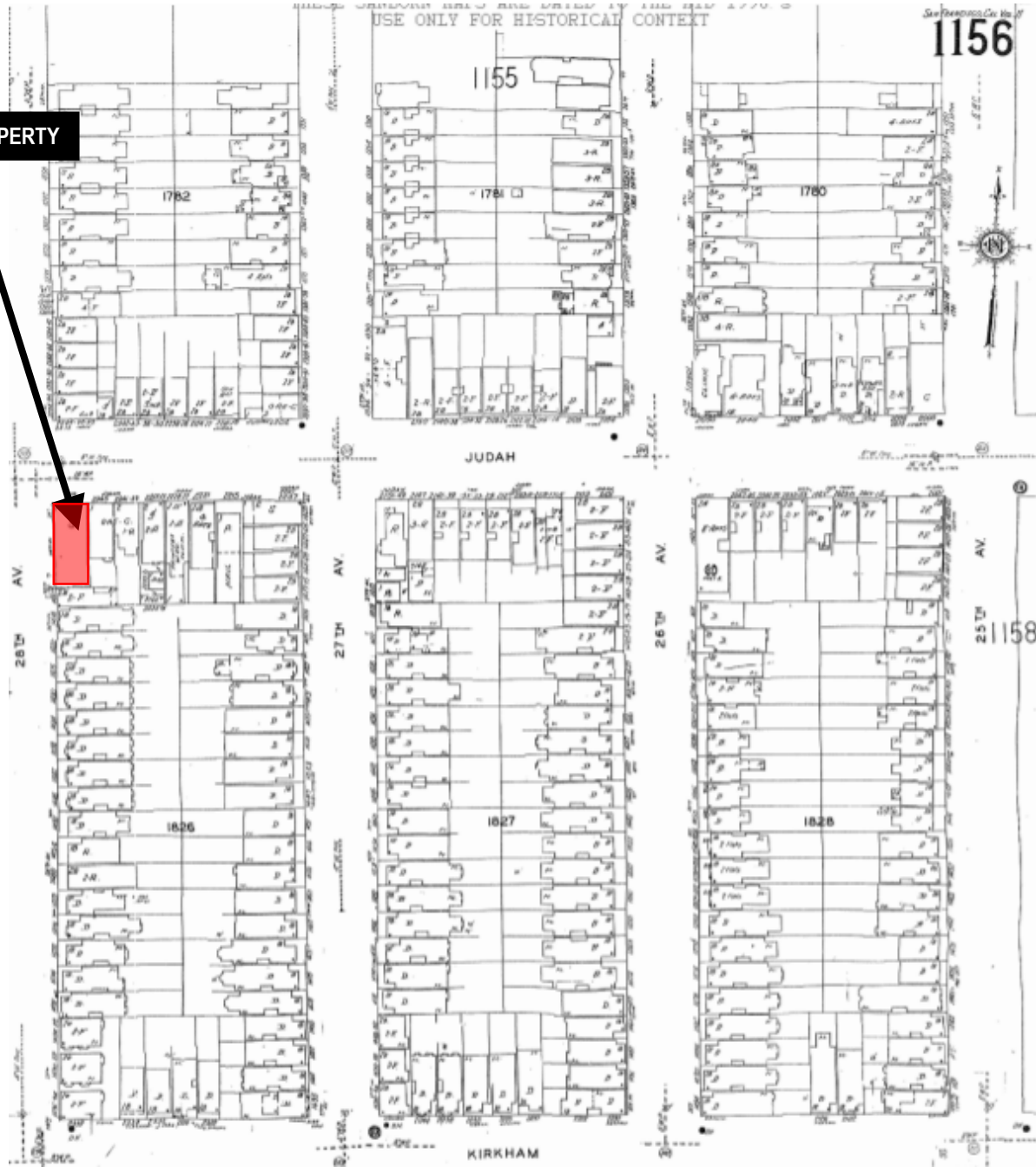


Conditional Use Authorization Hearing  
Case Number 2019-016568CUA  
Formula Retail Use  
2255 Judah Street



# Sanborn Map\*

SUBJECT PROPERTY

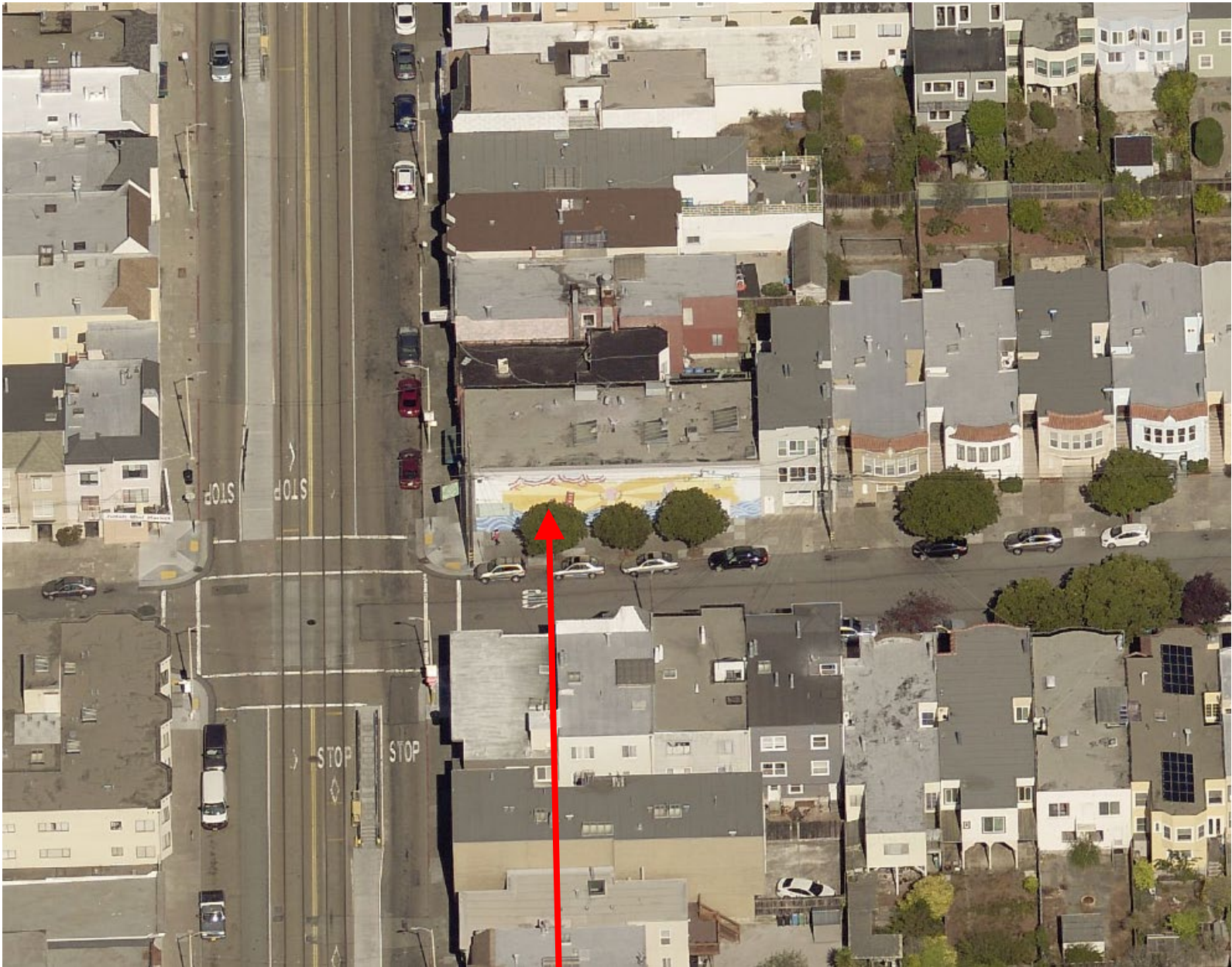


\*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.

Conditional Use Authorization Hearing  
Case Number 2019-016568CUA  
Formula Retail Use  
2255 Judah Street



# Aerial Photo – View 1



**SUBJECT PROPERTY**



Conditional Use Authorization Hearing  
Case Number 2019-016568CUA  
Formula Retail Use  
2255 Judah Street



# Aerial Photo – View 2



**SUBJECT PROPERTY**



Conditional Use Authorization Hearing  
Case Number 2019-016568CUA  
Formula Retail Use  
2255 Judah Street

# Zoning Map



Conditional Use Authorization Hearing  
Case Number 2019-016568CUA  
Formula Retail Use  
2255 Judah Street



# Site Photo



Conditional Use Authorization Hearing  
Case Number 2019-016568CUA  
Formula Retail Use  
2255 Judah Street



# Site Photo



Conditional Use Authorization Hearing  
Case Number 2019-016568CUA  
Formula Retail Use  
2255 Judah Street

# REUBEN, JUNIUS & ROSE, LLP

Justin A. Zucker  
jzucker@reubenlaw.com

January 17, 2020

**Delivered Via Hand Delivery & E-Mail ([jeffrey.horn@sfgov.org](mailto:jeffrey.horn@sfgov.org))**

President Joel Koppel  
San Francisco Planning Commission  
c/o Jeffrey Horn  
San Francisco Planning Division  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

**Re: 2255 Judah Street – Mathnasium  
Planning Case No.: 2019-016568CUA  
Hearing Date: January 30, 2020  
Our File No.: 11396.01**

Dear President Koppel and Commissioners:

Our office is working with Shilpi Nair (“**Ms. Nair**”) who proposes opening a math learning center, Mathnasium (“**Project**”) at the vacant retail space at 2255 Judah Street (the “**Property**”). The Property is a corner storefront within the Neighborhood Commercial Cluster District (“**NC-1**”). Because the Mathnasium franchise qualifies as a formula retail use, the Project requires Conditional Use Authorization.

Approval of a Conditional Use Authorization is appropriate in this instance based on the Project’s substantial benefits:

- **Reactivate Dark Corner Storefront.** The Property has been dark since the end of 2017/2018 when the last tenant, One More Cup Café ceased operations. The Project would re-activate this street corner, improving neighborhood safety by maintaining an upkept site free from refuse and debris.
- **Mathnasium would Cater to Nearby Schools.** The Project proposes to add a use that complements the neighborhood’s fourteen public and private primary education schools within a mile of the Project site.
- **Only a Minor Increase in Formula Retail Frontage.** The math learning center would only nominally increase the percentage of formula retail frontage in the area from 3.16% to 6.32% (or to 9.49% if B & G ChemDry is deemed a formula retail use).

- **Removal of Corner Projecting Blade Sign.** The Project calls for the removal of the corner projecting blade sign, enhancing neighborhood character and compatibility.
- **Bring 5-6 new Employment Opportunities.** The new learning center will offer approximately 5-6 new employment opportunities, providing jobs for new team members, including math tutors, traffic coordinator, and administrative staff.
- **Draw Foot Traffic to the Neighborhood, Supporting other Neighborhood Serving Businesses.** A Mathnasium at this location will draw foot traffic to the neighborhood, boosting the potential customer base for surrounding businesses. Lack of foot traffic was cited as a factor to why the prior cafes were unsuccessful.
- **Neighbor Support.** Twelve residents and merchants within a block, 30 Sunset residents, and the Property Owner have provided their support for the Project. As of the date of this letter, three opposition letters have been received, with one being a form letter from the Kumon learning center's counsel signed by 125 individuals. Two of the opposition letters are from two other tutoring centers' owner/agent primarily concerned with increased competition as well as potential traffic and the third expresses opposition due to potential traffic concerns.

**A. PROJECT DESCRIPTION & BACKGROUND**

Ms. Nair proposes establishing a Mathnasium, a math learning center for first through twelfth grade students. The Project would include renovations to the interior of the space, swap out the business sign above the entryway, and remove the corner projecting blade sign. The new math learning center would occupy a storefront that previously has been the site of several different cafes in the past decade. None of them were able to succeed. During the day there was limited parking available and no foot traffic. (Support letter with tenant history from Property Owner attached as **Exhibit A**.)

The Project will occupy a dark storefront at 2255 Judah Street (Block/Lot: 1826/036). The last tenant was One More Cup Café. They opened in 2015, the space briefly went dark in 2016, and has been dark since approximately the end of 2017/2018, when they ceased operations for renovations and then tried unsuccessfully to sell the business.

The law firm of Hanson Bridgett, counsel for Kumon, argues that the last café operated there from 2007 to 2017. But that is not accurate. In the ten-year period of 2009 – 2019, there were seven different owners of café businesses at the Property. (See **Exhibit A**.) The Property has been the site of three restaurants in the past decade. A copy of Google Streetview images from 2009 through 2017 is attached as **Exhibit B**. The high turnover indicates that a restaurant use at this location does not seem viable.

The Project is necessary and desirable for, and compatible with the neighborhood. Mathnasium's services will be directed to local residents, including students from the several

schools nearby within a mile. As a result, it is anticipated that the majority of the students will access Mathnasium by walking, bicycling, or public transit. Within one mile of the Property, there are fourteen public and private primary education schools, including: (1) Francis Scott Key Elementary School, (2) Holy Name School, (3) West Portal Lutheran School, (4) Sunset Elementary School, (5) A.P. Giannini Middle School, (6) St. Ignatius College Prep., (7) Robert Louis Stevens Elementary, (8) Lawton Alternative School, (9) Cornerstone Academy, (10) Abraham Lincoln High School, (11) Lycee Français de San Francisco – Ortega Campus, (12) Jefferson Elementary School, (13) Woodside International School of San Francisco, and (14) Alice Fong Yu Alternative School. A map of the primary education schools within a mile of the Property is attached as **Exhibit C**. The addition of a learning center in the neighborhood, will help alleviate cross-town traffic from students from these schools going to other neighborhoods for tutoring.

Mathnasium only tutors mathematics, focusing on students in first through tenth grades. Though there are two nearby tutoring centers, OutaBox Education and Kumon, they offer tutoring for a multitude of subjects, including English, mathematics, physics, chemistry, biology, and college preparation. And they offer those services to a wide age range starting from 3 years of age through high school and college prep. Mathnasium does not provide tutoring to children not yet in school and does not provide college preparatory tutoring, e.g., for the SAT or ACT.

## **B. TRAFFIC MITIGATION**

It is anticipated that operations will begin with approximately 18 students and 5-6 instructors and staff. Typically, the instructors will work full shifts, i.e., an entire working day since hours of operation are half days. Thus, the instructors will be arriving to the premises prior to the evening rush hour and leaving after the evening rush hour. Out of the 18 students expected to arrive and depart on an hourly basis, we approximate roughly one-third will arrive by car, with the rest either commuting by foot, bicycle, or public transit. Of those 6 students, we anticipate half will arrive in carpools, resulting in a limited number of cars accessing the site on an hourly basis.

Students receive individual one-on-one instruction and are not taught in a group class format. Students' tutoring sessions start at various times. Meaning students will be coming and leaving the Project site individually at various times, not in large groups all at once.

Due to the significant number of nearby schools and residential nature of the area surrounding the Neighborhood Commercial Cluster District, it is anticipated that the vast majority of students will travel to the Mathnasium by foot, bicycle, or public transit. However, a small portion of the students are likely to arrive by automobile. To stem potential traffic issues, Mathnasium will implement three traffic mitigation measures: (1) add a white curb loading zone (subject to approval from the San Francisco Municipal Transportation Agency); (2) have a curbside traffic coordinator; and (3) distribute Pick-Up/Drop-Off Guidelines to parents. We believe with proper traffic management that the potential traffic impacts of the proposed use will be negligible.

1. White Curb Loading Zone

To alleviate potential traffic congestion that may arise from pick-up and drop-off of students, Ms. Nair will be seeking from the Municipal Transportation Agency a white curb loading zone in front of the storefront on 28<sup>th</sup> Avenue to prevent double parking on Judah Street. The exact location of the loading zone will be selected in conjunction with the Municipal Transportation Agency to optimize efficiency and reduce any potential traffic congestion.

2. Curbside Traffic Coordinator

Project Sponsor will have a traffic coordinator curbside to facilitate streamlined pick-up and drop-off. The traffic coordinator will instruct parents picking up or dropping off children by car how to do such. The coordinator will alert individuals to not double park or block traffic. The traffic coordinator will assist/chaperone students between Mathnasium and their automobile to negate the need for parents to leave their automobile to chaperone their child to/from the center. The traffic coordinator's scope of duties is attached as **Exhibit D**.

3. Pick-Up/Drop-Off Guidelines

Mathnasium has prepared Pick-Up/Drop-Off Guidelines (attached as **Exhibit E**) that it will distribute to all of its parents. The guidelines will apprise parents of the proper procedure for picking up and dropping off their child(ren) for tutoring sessions at Mathnasium by automobile. For example, the guidelines call for parents to arrive at the end of their child's tutoring session and not arrive early; if parents arrive early, they are instructed not to double park, idle on the surrounding block, or obstruct driveways/pathways in the area.

C. **REQUIRED ENTITLEMENT: FORMULA RETAIL USE**

The Project requires Commission approval of a Conditional Use Authorization because it would add a new formula retail use pursuant to Planning Code Section 303.1, within the NC-1 District. Approval of the Conditional Use Authorization is appropriate because the Project meets the Conditional Use criteria set forth in Planning Code Section 303.1.

Though there is another instructional service use within 300 feet of the Property, Kumon, it focuses on reading and math tutoring. Mathnasium only provides math tutoring. Additionally, Mathnasium's proposed hours of operation only overlap with Kumon's three days a week, with Kumon's classes ending 30-60 minutes earlier than Mathnasium's on those days. In comparison, there are fourteen primary education schools within a mile of the Project site. With the limited math tutoring options and large prevalence of primary education schools nearby, the Project is necessary and desirable for the neighborhood.

The Hanson Bridgett law firm argues the submitted formula retail survey is inaccurate and that there is an omitted formula retail storefront, B & G ChemDry. Project Sponsor retained the services of a qualified consultant, Radius Services to perform the formula retail survey. Radius

Services did not determine that B & G ChemDry was a formula retail use. Radius Services' findings were reasonably relied upon.

Based on the Planning Code definition, B & G ChemDry may or may not be a formula retail use. B & G ChemDry is an individual franchise location of a larger franchise establishment. In the immediate Bay Area, there are five ChemDry's all with different names: (1) B & G ChemDry; (2) Luis' ChemDry; (3) Baker's ChemDry; (4) ChemDry of Marin; and (5) A&S ChemDry. All five locations have varying signage that are not consistent. Copies of Google Streetview images of the five ChemDry locations are attached as **Exhibit F**. Given such, it is not surprising that Radius Services may not have accurately identified B&G ChemDry as a formula retail use.

Notwithstanding there is one or possibly two formula retail uses in the area, this is not an overly saturated area with formula retail. Assuming there are two formula retail uses, having the Mathnasium be the third formula retail use would not be detrimental or injurious to the neighborhood. It would result in less than 10% of the retail frontage being formula retail.

**D. CONCLUSION**

The Project will revitalize a vacant corner storefront with a math learning center for primary school-aged children. The Project seeks to improve the aesthetic of the building through activation and updated signage, and to generate foot traffic that will help support the businesses also located in the immediate vicinity of this commercial district. Mathnasium is a community serving business. The Project seeks to provide a service to the area's youth and in doing so strengthen the community as a whole. Mathnasium looks forward to becoming an integral part of the Sunset Neighborhood. For these reasons and those listed in the application, we respectfully urge you to approve the requested Conditional Use application. Thank you for your consideration.

Very truly yours,

**REUBEN, JUNIUS & ROSE, LLP**



**Justin A. Zucker**

Enclosures:

cc: Vice President Kathrin Moore  
Commissioner Frank S. Fung  
Commissioner Milicent A. Johnson  
Commissioner Myrna Melgar  
Commissioner Dennis Richards  
Commissioner Sue Diamond  
Jonas P. Ionin, Commission Secretary  
Shilpi Nair, Client (*via e-mail only*)

## **Exhibit A**

WAI SIM CHAN  
2485 Galway Place  
South San Francisco, CA 94080

January 8, 2020

SF Planning Commission  
1 Dr. Carlton B. Goodlett Place  
Room 400  
San Francisco, CA 94102

**Re: 2255 Judah Street, San Francisco - Mathnasium**

Dear Commissioners:

I am the owner of 2249 and 2255 Judah Street in the Outer Sunset. I am submitting this letter in support of my tenants to operate their business Mathnasium.

Between 2009-2019 there were seven different owners of the café businesses at this location. Nobody was able to succeed and prosper. During the day there was limited parking available and no foot traffic. The last tenant opened in summer 2015. They worked hard, enjoyed good reviews with their unique menu and colorful and friendly ambience. Unfortunately they always seemed to struggle to keep the business afloat. The café closed for some time in 2016 for renovations with a changed use and reopened in 2017. They stopped paying rent in 2018 and hired a real estate broker to sell the business. I agreed to wait for the tenants to sell the business for payment of back rent. The business remained chained up with a lockbox.

In March 2019 I began eviction proceedings to take back possession. I was excited when I was introduced to the Mathnasium tenants and became acquainted with their business plan. They will be a strong addition to the community and the students they serve.

Sincerely,



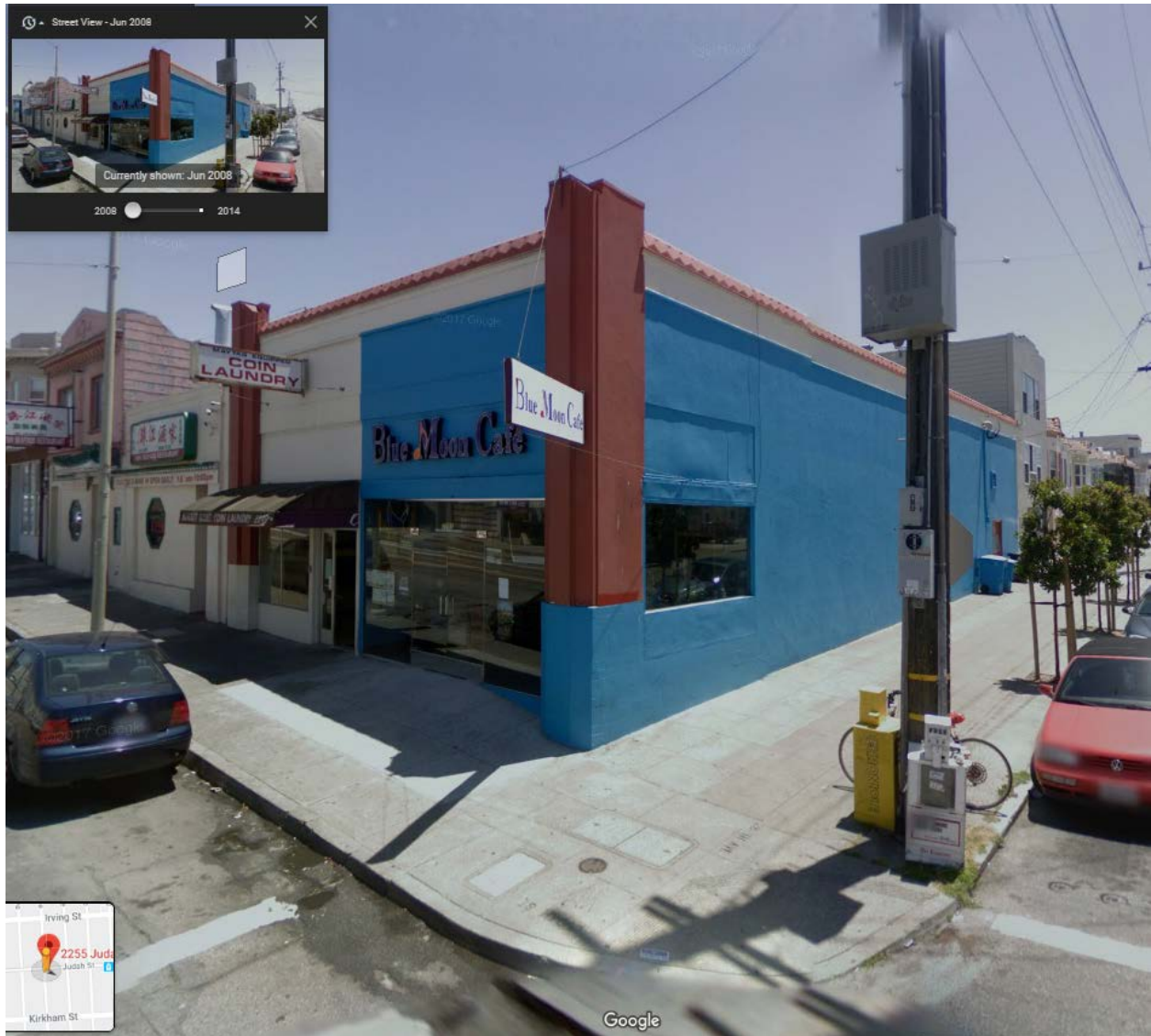
Wai Sim Chan



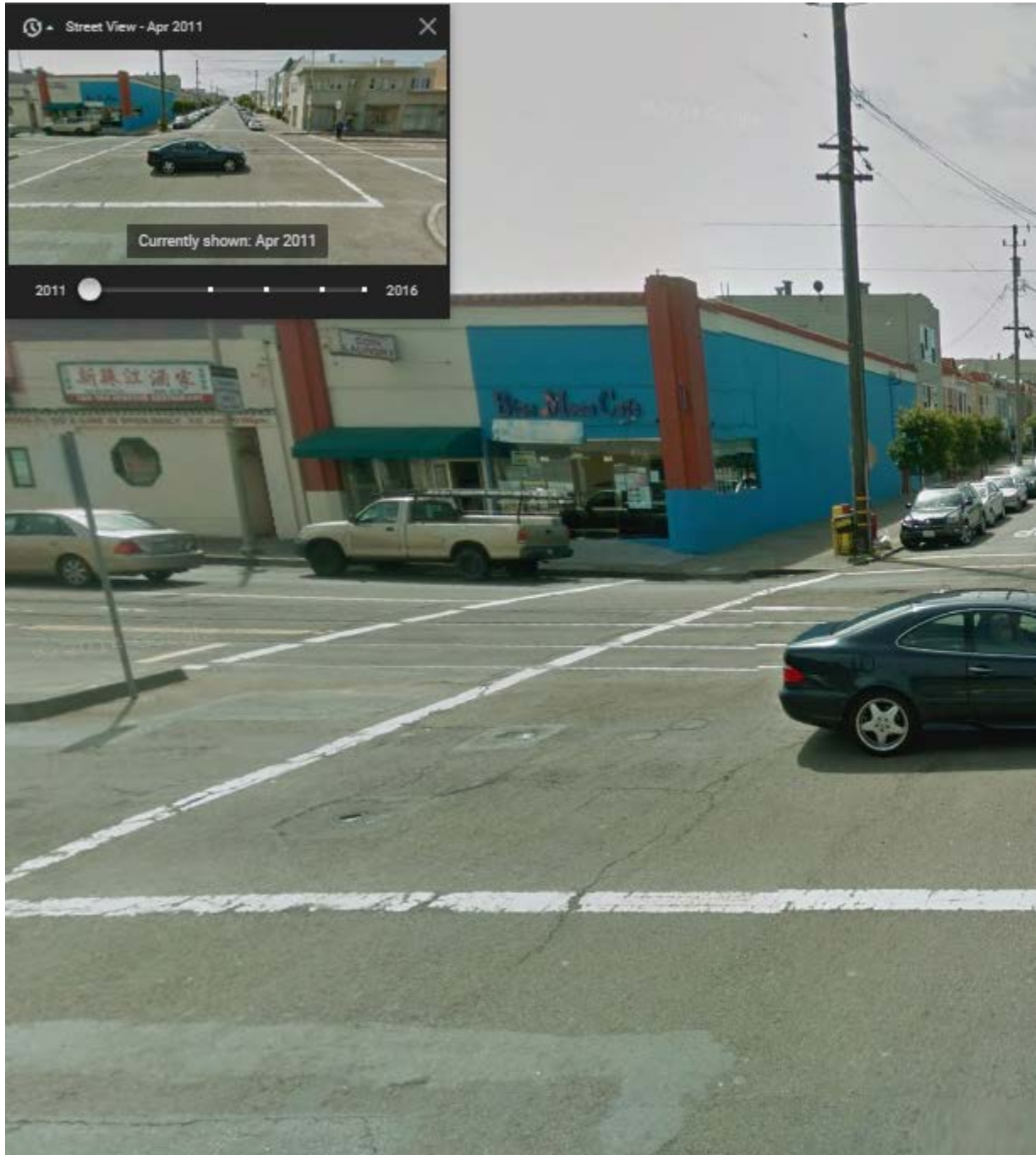
## **Exhibit B**

**EXHIBIT B – GOOGLE STREETVIEW IMAGES OF PROPERTY**

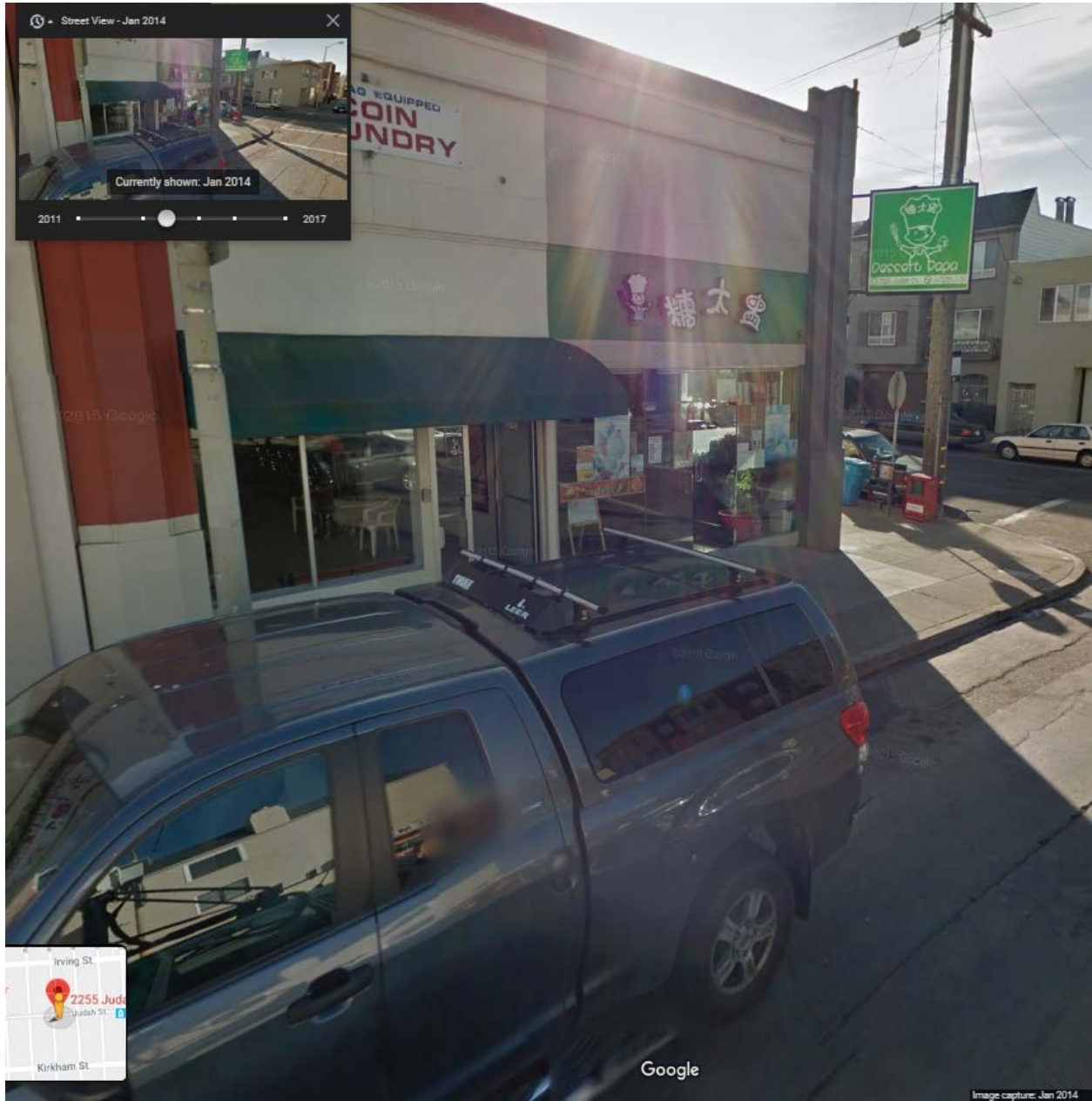
**June 2009**



April 2011



# January 2014

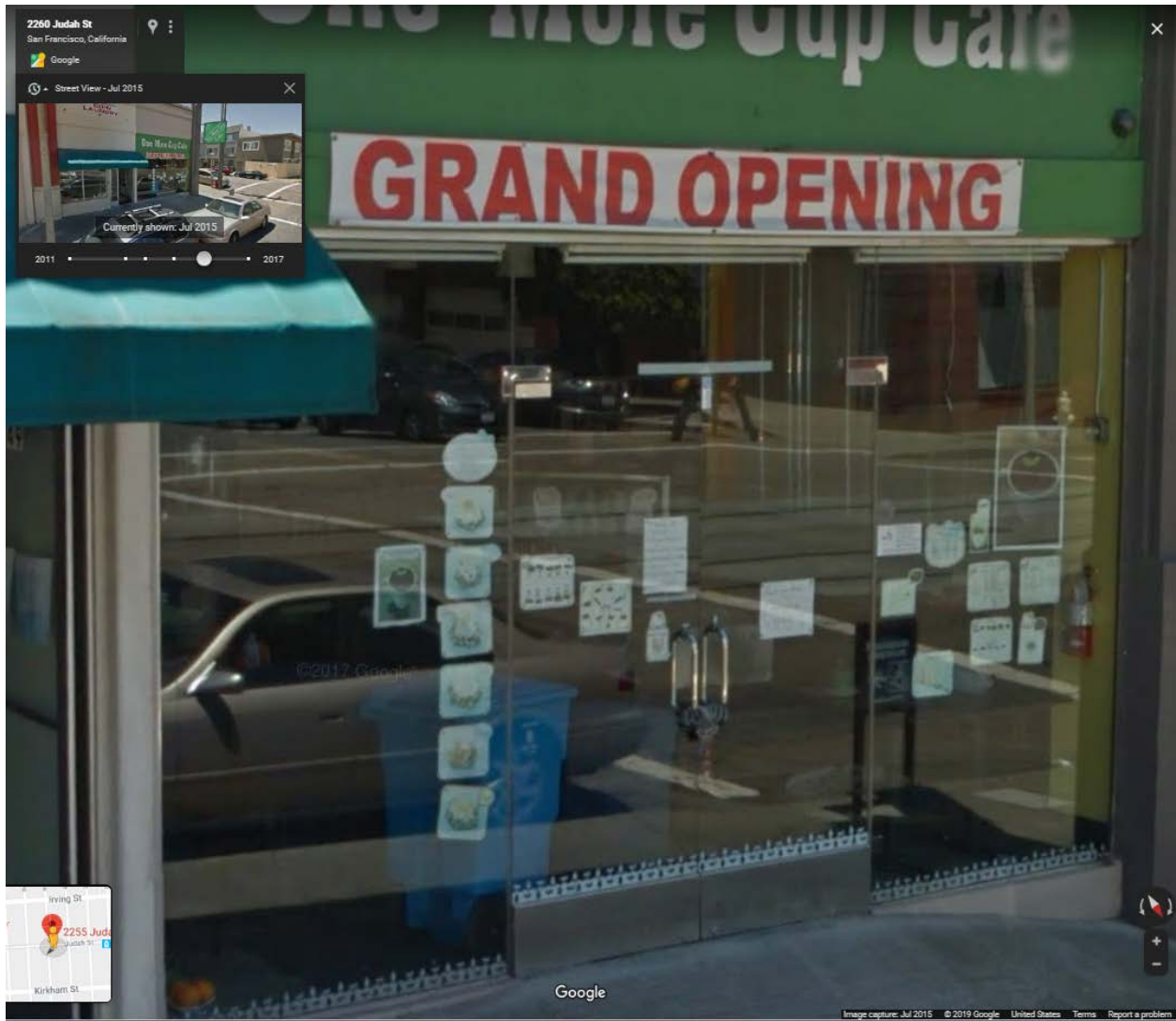




September 2014

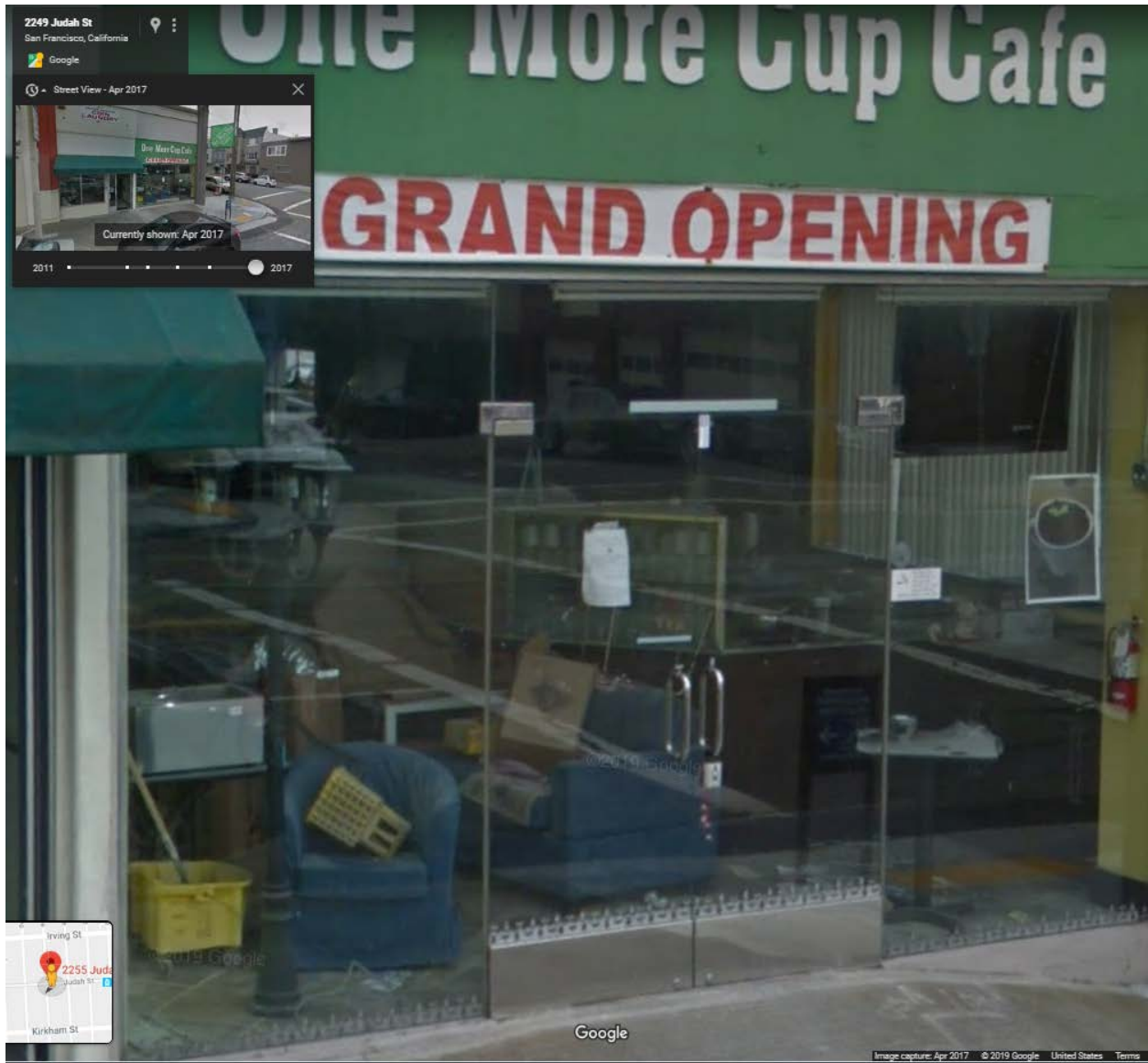


July 2015





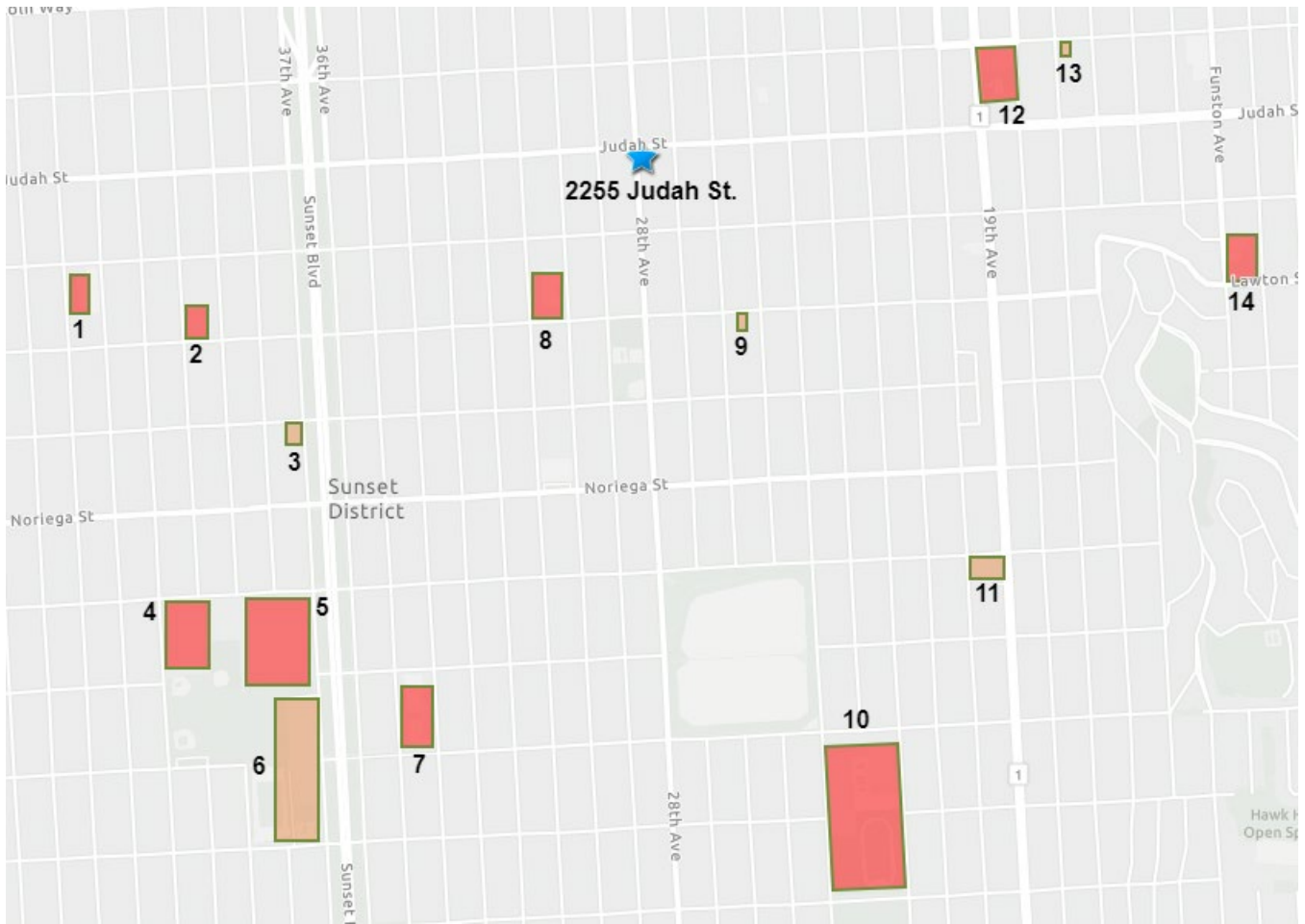
April 2017



## **Exhibit C**

## Exhibit C

Schools within 1 mile of 2255 Judah St.



- |  |   |                 |
|--|---|-----------------|
| 1. Francis Scott Key Elementary                      | - | 1530 43rd Ave.  |
| 2. Holy Name School*                                 | - | 1560 40th Ave.  |
| 3. West Portal Lutheran School*                      | - | 3101 Moraga St. |
| 4. Sunset Elementary School                          | - | 1920 41st St.   |
| 5. A.P. Giannini Middle School                       | - | 3151 Ortega St. |
| 6. St. Ignatius College Prep*                        | - | 2001 37th Ave.  |
| 7. Robert Louis Stevens Elementary                   | - | 2051 34th Ave.  |
| 8. Lawton Alternative School                         | - | 1570 31st Ave.  |
| 9. Cornerstone Academy*                              | - | 1925 Lawton St. |
| 10. Abraham Lincoln High School                      | - | 2162 24th Ave.  |
| 11. Lycee Français de San Francisco – Ortega Campus* | - | 1201 Ortega St. |
| 12. Jefferson Elementary School                      | - | 1725 Irving St. |
| 13. Woodside International School of San Francisco*  | - | 1555 Irving St. |
| 14. Alice Fong Yu Alternative School                 | - | 1541 12th St.   |

\* = Private School

## **Exhibit D**

### **Traffic Coordinator Scope**

Mathnasium, if approved by the Planning Commission, will have on staff a curbside Traffic Coordinator during its hours of operation. The sole responsibility of the Traffic Coordinator will be to minimize any potential traffic disruption from students arriving for or leaving a tutoring session by automobile. The Traffic Coordinator will be on site to ensure the safety of the students and the neighbors alike.

### **Traffic Coordinator Responsibilities:**

- Route automobiles picking up or dropping off students for tutoring sessions to the white curb loading zone (if approved by the city).
- Help the child to disembark from the car parked in the loading zone and take them inside to the facility.
- On completion of the tutoring session, take the student from inside the facility to the loading zone where the parent's car would be waiting.
- Educate, as needed, parents who do not follow the guidelines for pick up and drop off to stimulate future compliance.

## **Exhibit E**

## **Guidelines for Pickup/Drop off (Draft)**

The following guidelines will be shared with parents enrolling their child(ren) in Mathnasium (Sunset District) along with the staff working at Mathnasium of Sunset. In addition, these guidelines will be posted on the Mathnasium of Sunset website. The guidelines will ensure that children are safe during pickup and drop off at all times as well as cause the least amount of disruption to the traffic around 2255 Judah Street.

Mathnasium of Sunset are folks who love the neighborhood and want to be good neighbors! We also want to encourage parents, children, and staff to be good neighbors too.

### **Parents/Children**

Parents and their children are encouraged to use public transportation or attend by walking or bicycling to the center when attending a session at 2255 Judah Street. Should this not be possible, Mathnasium will have (subject to approval by the City) a white curb loading zone for automobiles to pull into to pick up and/or drop off students.

Parents/guardians are encouraged to arrive to pick up their child(ren) from Mathnasium at the end of their tutoring session and no earlier. If a parent/guardian arrives early, they should not park on the surrounding city block (i.e., not just in front of the center on Judah Street but also not on adjacent side streets), obstructing driveways and/or passageways of our neighbors.

Mathnasium will have on staff a curbside Traffic Coordinator. The Traffic Coordinator will escort child(ren) into the center and back to their automobile without the need for the parent/guardian to exit their automobile.

Each student will be provided a name placard that is to be placed in the front dash of the automobile that will be picking up the student. As an automobile approaches the white curb loading zone to pick up the student, the Traffic Coordinator will ascertain from the placard the student being picked up. The Traffic Coordinator will go inside the Mathnasium, retrieve the student being picked up, and escort the student out to the safety of the waiting automobile.

At Mathnasium, students will be awarded points for performing well. In turn, students can redeem earned points for prizes. To encourage compliance with the above Pick-Up/Drop-Off Guidelines, students may be disciplined through the loss of an earned point for every failure to comply with these guidelines.

### **Staff**

Mathnasium staff are encouraged to use public transportation, walk, or bicycle to the center to ensure environment friendliness and cause the least amount of disruption to the areas around 2255 Judah Street. Staff compliance with these guidelines will be covered routinely during team meetings. If these guidelines are adhered to by staff, they will receive a small bonus on a monthly basis to encourage this behavior.



## **Exhibit F**

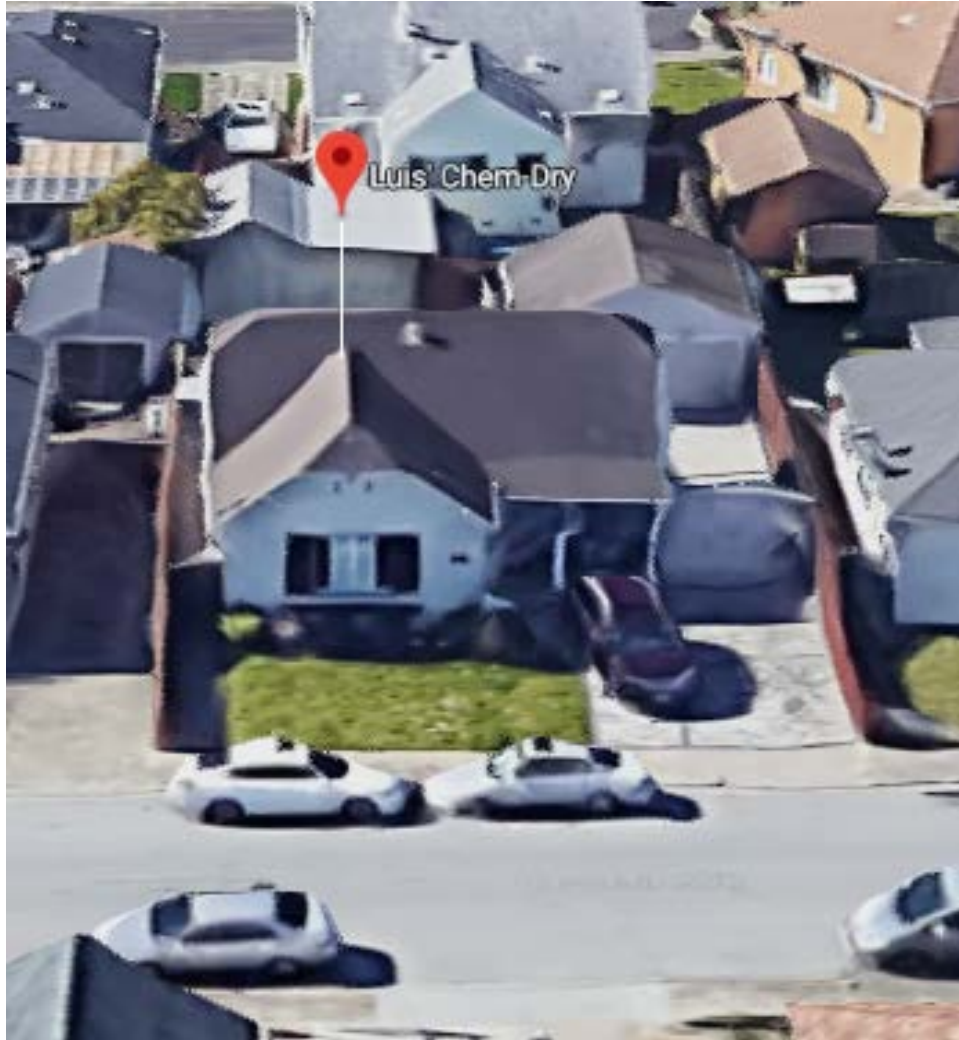
**EXHIBIT D – GOOGLE STREETVIEW IMAGES OF  
5 BAY AREA CHEMDRY LOCATIONS**

**B & G ChemDry**



2202 Judah Street, San Francisco, CA 94122

Luis' ChemDry



627 Mayfair Ave., South San Francisco, CA 94080

**Baker's ChemDry**



71 Glenn Way Suite 4, San Carlos, CA 94070

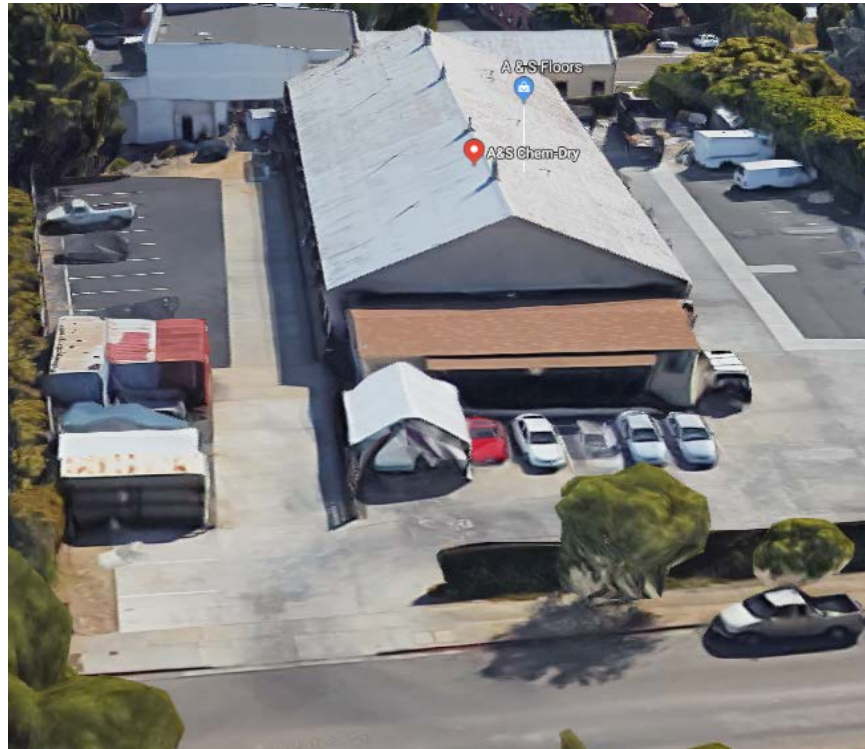
## ChemDry of Marin



22 Commercial Blvd. Suite I, Novato, CA 94949



## A&S ChemDry



938 Adams Street, Benicia, CA 94510



January 15, 2020

San Francisco Planning Commission

**Re: 2255 Judah Street, San Francisco, CA | Case No. 2019-016568CUA**

Dear Planning Commission Officers,

My name is Shilpi Nair and I am the project sponsor for Mathnasium seeking approvals at 2255 Judah St.

My bond with math started when I saw my sister struggling with math. Up until then, I had assumed that math was as easy for others as it is for me. She was struggling with the simple concept that when a number is moved on the other side of an equal sign, the operation next to it has to be reversed. Here she was crying and saying it just does not make sense and here I was struggling to understand, what was she not getting. I had to sit down with my sister and explain math, visually, before she started getting it. That is when I started looking around me and noticed that it was not just my sister but also some of my cousins, and classmates who were going through the same struggle. I tried out some of the visual concepts I had practiced with my sister, with some of my friends, and then it was suddenly easier for them. We even started a math club at school, for fun, as now math was interesting and not just a subject that had to be “learned”.

When my daughter was born, I started taking a serious look at the education systems available in USA and saw that the fear of math because of lack of comprehension was as real today, as it was when I was a child. USA ranks 37th in the math scores in Program for International Student Assessment test amongst other developed nations. Research has shown that 94% of children showed improved math skills when given 1:1 help with math and this in turn showed a 90% improved attitude amongst students.

I started looking into alternate solutions along with my sister and narrowed it down to Mathnasium. Why Mathnasium - because in yearly tests Mathnasium had proven to improve students' confidence in math by over 90%. This is because Mathnasium provides curriculum that is tailored for each student's needs, providing it in a way it is easily ingestible for each student. Their method of teaching uses methods that are similar to the concepts that I used with my sister.

It took us close to one and a half years to find a space that works for our requirements because Sunset does not have many open commercial spots that are available. This is further exacerbated by the fact that landlords are not willing to deal with potential loss of income due to Formula retail laws and permitting requirements. Even with the understanding that though we classify as a Formula retail business, the truth is that we are not one of the big box retail franchises. Our current landlord has been kind enough to work with us on this project and understands that the only common thing we have with those big formula retail businesses has been signage. And we

will be reducing the amount of signage at the property by removing the existing sign hanging at the corner.

We have been aware that San Francisco's laws can be hard on small business owners. But we strongly believe that our passion for math is something that we can help spread. Even with all the upward struggle we have gone through, we continue to persist in the hope that even if we make a difference in the lives of even one child, it will be a hope for our future.

With Regards,  
Shilpi Nair

January 16, 2020

Dear President Koppel and Planning Commissioners,

I am working with my sister, Shilpi Nair on the proposed Mathnasium math tutoring center at 2255 Juda Street. We wanted to introduce ourselves and provide you with some background on why we chose to open a Mathnasium franchise.

Math is a very emotional subject for my sister and me. As a child when I struggled to do well in math, my sister and I bonded over her spending hours teaching me math, something she was always good at and I wasn't back then. My grades were average at best during the initial days. I dreamed about becoming a researcher, a scientist but it remained a secret daydream as I was losing hope. Things changed as my sister sat with me for hours explaining how math really worked. Something clicked in my head when my sister taught me math using visual aids like cards and games. She instinctively knew that she couldn't teach me Math the way she learnt it as I was different. Suddenly, math was a game and no longer the Mount Everest I had to climb without oxygen. I wouldn't have been able to become an Engineer if my math scores weren't good enough. Let alone being able to get into decent schools, my own confidence wouldn't have let me even apply if I had continued the path of fear. Bit by bit, my confidence returned, not just in math, but also overall as I found I could conquer the demon causing fear of failure in me that math induced me during the initial days. I felt I could climb Mount Everest and shout out to the world that I could achieve anything whenever I scored a 100 on my tests! I felt elated as I climbed each hill.

This feeling of having a demon chasing you in the form of an unseen puzzle that cannot be cracked no matter how much effort one puts in was not just within me. It's still shared by millions around the world. The US alone has been slipping in math scores done yearly to 37th (results published by PISA yearly based on scores from developed nations). California, despite being such an educated state, is ranked 41st out of 50 states for education. I passionately believe the power of math can change the world, it can change the city, and it can definitely change one person's life as it did mine.

My sister and I have never opened a business before and we knew we needed help to get started with one. We researched many franchises for almost a year before we found alignment with the philosophies of Mathnasium. For kids, like the one I was, who need additional help and be taught differently, Mathnasium is a holy grail. In the yearly tests that Mathnasium has, its curriculum has been proven to improve confidence in math by over 60% in kids attending the course. This gave us confidence that we were approaching our dream in the right way.

We have spent countless hours in the last 3 years researching and later trying to find a place to start this after-school program. The Sunset district doesn't have a lot of open commercial spots come up and it took us a year and a half to find a space and a landlord who would be supportive of this project. Many of the landlords we approached were not willing to work with us due to potential loss of rent due to Formula Retail laws. While we are classified as Formula

Retail, the only thing we share with big box stores is signage. Our current landlord, thankfully, has been very sympathetic to our cause.

A lot of tears, highs-and-lows, fear of failing have gone into this project. We have only persisted due to our passion for math. Despite knowing that SF laws can be hard on small first-time business owners like my sister and me, we persisted pouring sweat and blood into this dream of ours because we genuinely believe in it. We are not big box stores like Walgreens or Starbucks with deep pockets. Sustaining through the approval, while hoping for approvals from the city has taken every bit of our grit to overcome the hardship of starting something we believe in. There have been days when the mountain has felt unsurmountable and I simply wanted to give up. But how could I? How could I steal the hope that mathematics can give to a child and who's life it can change? I believe that when I die, I will not look at how well I did at work, I will remember the child whose dreams I helped accomplish.

Dear Officers, we are a small mom-and-pop team that just simply believes that we can change the world, one kid at a time.

I hope you approve the required conditional use permit for Mathnasium to allow us to help children in the Sunset who struggle with math, like I did.

Sincerely,  
Shruti Nair



# MATHNASIUM<sup>®</sup>

The Math Learning Center

Local Residents Support Mathnasium!

Yes, I support bringing Mathnasium to the neighborhood.

Mathnasium is a children's math tutorial service and as a local resident, I believe that Mathnasium will provide a desirable use in the neighborhood.

Contact Name	Address	Email
<i>Cheryl Guan</i>	<i>1442 28th Ave</i>	
<i>Ronald Murray</i>	<i>1482 28th Ave</i>	
<i>George Nixon</i>	<i>2337 Judson St.</i>	
<i>LSM</i>	<i>1327 28th Ave</i>	



# MATHNASIUM<sup>®</sup>

The Math Learning Center

Local Residents Support Mathnasium!

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Mathnasium is a children's math tutorial service and as a local resident, I believe that Mathnasium will provide a desirable use in the neighborhood.

Contact Name

Address

Email

Youni H

Yensob hu@yahoo.com

1319 28TH AVE

Carmel's Ramas-fok

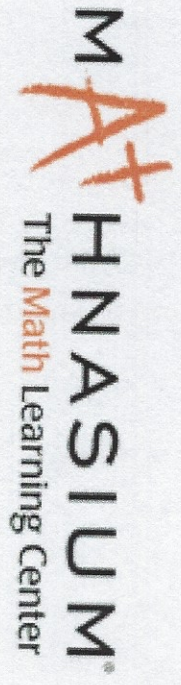
1326 28TH AVE.

Kelly Valentine 1342 28th Ave

kellyvalentine@me.com

MATHNASIUM





Local Merchants Support Mathnasium!

Yes, I support bringing Mathnasium to the neighborhood.

Mathnasium is a children's math tutorial service and as a manager/business owner in the neighborhood, I believe that it will support our local businesses and provide a need for the local community.

Business

Contact Name

Address

Email

Consolidated Property Mgmt

Edward Wong

2315 Judah St

office@cpmbyar.com

Daniel Carest

Paul Williams

2310 Judah St.

Sunset Beauty

Yuki Briggs

2232 Judah St

yuki.briggs@gmail.com



Dear Planning Commissioners,

My name is Thomas Nguyen. On behalf of the project sponsor, I conducted outreach for the proposed Mathnasium at 2255 Judah Street. As a result of my outreach, I was able to collect the following signatures of individuals in the neighborhood that are in support of the proposed Mathnasium.

There is support for the project and we urge you to approve the project.

# Support for Mathnasium

Dear Planning Commission Officers,

We love Mathnasium and would love to get one in Sunset region to send our kids there. We support such businesses which help improve the community as a whole not just in the near term but also long term. We do not want to see empty storefronts causing the depreciation of value of our homes.

Signed by Residents of Sunset



S.No	Name	Address	Signature
1	SUN WOON LAU	1767-37th Ave	
2	LISA TAM	1767-37th Ave	
3	Lawrence Chiu	2767-38 <sup>th</sup> Ave	
4	Sandra Chiu	2767-38 <sup>th</sup> Ave	
5	HANSEN LAU	1767-37 Ave	
6	JASON LAU	1767-37 Ave	
7	SIT SZAFOOD	2588 NORIEGA	
8	HOLAN CHANG	2118 NORIEGA	
9	Anita Yee	2323 Noriega	
10	Sph Chung	2222 27th Ave	
11	PETER HOON	1762 36th Ave	
12	Liu Cheddy Hui	1762 36th Ave	
13	Bailey CHIU	1569 SLIGHT BULL	
14	張利	1764-45	
15	HENRY HUEY	2014 KIRKHAM ST	
16	Natali Chieny	2258 35th Ave	
17	Terrence Leung	2258 35th Ave	
18	VANECIA LIAH	1055 33rd Ave	
19	Kate Lee	2591 38th AVE	
20	Jimmy Lee	2591 38th AVE	
21	Edmond Lee	2591 38th AVE	
22	Emilie Franco	1771 37th Ave.	
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**ROBIA S. CRISP**  
SENIOR COUNSEL  
DIRECT DIAL (415) 995-5806  
DIRECT FAX (415) 995-3455  
E-MAIL rcrisp@hansonbridgett.com



December 6, 2019

**VIA E-MAIL [jeffrey.horn@sfgov.org](mailto:jeffrey.horn@sfgov.org)**

Jeffrey Horn  
Senior Planner  
SF Planning Department  
1650 Mission Street, 4th Floor  
San Francisco, CA 94103

Re: 2255 Judah Street; Conditional Use Authorization Application for Formula Retail Use

Dear Mr. Horn:

We submit this letter in response to the Notice of Public Hearing for the proposed Conditional Use Authorization to establish a Mathnasium learning center, a Formula Retail Service (Instructional) use, within an existing 1,540 square foot retail-commercial ground floor space in the building located at 2255 Judah Street, within the NC-1 (Neighborhood Commercial Cluster District) Zoning District.

As you are aware, this is the third Mathnasium location to be considered by the Planning Commission within the last five months. Unlike the two previously approved locations, however, there is no necessity nor desire for the proposed Project at this location, or in this neighborhood, which is already served by an almost identical Formula Retail Service (Instructional) learning center located on the same block. We have serious concerns regarding the proposed Project and oppose its approval at this time.<sup>1</sup>

As discussed in detail below, the Project application materials do not contain accurate and complete information sufficient to support the findings required to be made by the Planning Commission for conditional use authorization under Planning Code Section 303 and do not demonstrate that the criteria to be considered in approving a Formula Retail use under Planning Code Section 303.1 weigh in favor of Project approval. Moreover, the Project materials include erroneous and misleading information regarding the prior use of the site as well as existing Formula Retail uses in the vicinity of the site.

In summary, the proposed location is not appropriate for the proposed Formula Retail use for the following reasons: (1) the proposed Project is neither necessary nor desirable for the neighborhood; (2) the proposed Project will be detrimental to the general welfare in terms of traffic and parking impacts and pedestrian safety; and (3) the criteria for Formula Retail Uses weigh heavily against approval because, among other factors, the proposed Mathnasium will unduly increase the concentration of formula retail uses in the immediate vicinity, and

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<sup>1</sup> Attached to this letter is a petition signed by concerned residents and business owners in opposition to the proposed Project.

simultaneously eliminate an opportunity for a daily needs-serving retail use within the District such as the coffee shop that previously occupied the site.

We respectfully request that you postpone or continue the public hearing scheduled for December 19, 2019, until such time as the Project Sponsor has provided accurate and complete information to support the requisite findings for conditional use authorization.

**1. Conditional Use Authorization Finding: That the proposed use will provide a development that is necessary or desirable for, and compatible with, the neighborhood.**

In support of this finding, the Project Sponsor generally contends three things. First, it states that the Project will re-activate an existing vacant retail storefront, and by providing a math learning center at the Property, will reduce the need for nearby residents to drive significant distance to obtain tutoring services to assist children obtaining a primary education.

Second, the Project Sponsor summarily states that the “formula retail use proposed is appropriate for the existing building and commercial space, which is currently vacant” without any corresponding factual support, and that “because Mathnasium does not propose to expand the existing building envelope, the Project will have no impact on the existing scale or character of neighborhood development.”

Third, the Project Sponsor then explains that the new learning center will benefit the building and surrounding community because “having a leased and operating building at the site will ensure it is kept cleaner, will be activated for pedestrian use, will improve neighborhood safety by activating a vacant storefront on a corner lot, and will increase the overall liveliness of the neighborhood.”

In fact, none of these statements adequately support the finding. There is no evidence, anecdotal or otherwise, to suggest that there is any need for another learning center at this location, six doors down from an existing Formula Retail learning center. Additionally, the Project, which will include new signage displaying its formula retail trademark, will have an aesthetic impact as well as an impact on the character of neighborhood development, as a third Formula Retail use within 300 feet. In terms of cleanliness, photographs of the site provided in the application materials show the site is extremely clean.

With regard to an increase in the liveliness of the area and a re-activation of the site, it should be noted that the proposed Project will have weekday business hours limited to 3:00 pm-7:00 pm, and Sunday 11 am to 5 pm. The late afternoon to early evening weekday hours of operation and presumed closure of Saturdays will not contribute to residents’ daily pedestrian experience, as it will remain closed nearly every morning and through much of the day, and will not provide any retail goods or food service to activate pedestrian use by users of the center or by residents within walking distance. At the same time, the proposed Project will likely exacerbate peak evening commute and parking issues. The staggered loading and unloading of up to 18 students every late afternoon and evening is not the type of activity typically considered to contribute to desired liveliness in an area.

Based on the information provided by the Project Sponsor at the pre-application meeting, it is apparent that whether the proposed use is necessary or desirable remains somewhat uncertain



even to Mathnasium, as it will have capacity of eighteen students on-site at one time but anticipates “that number will likely be less at first while getting established.” (Reuben & Junius, Pre-Application Meeting Memo (Aug. 29, 2019), p.3.) Further demonstrating the uncertainty of whether there is a need for the use, at the time of the pre-application meeting, Mathnasium had yet to determine basic business terms such as the tuition rate for its services, and had no plan for traffic and parking with no assurance that a dedicated loading space would be approved by the MTA.

**2. Conditional Use Authorization Finding: That the use as proposed will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity, with respect to aspects including 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.**

While the Project application materials accurately describe the site as being in an area served by public transit, and that the Muni light rail N Judah Line runs east-west along Judah Street with a pick-up location directly in front of the Property across Judah Street (outbound) and across 28th Street (inbound), the location of the stop is precisely what gives rise to the safety and traffic concern. The boarding and de-boarding of pedestrians using the N Judah during the simultaneous, staggered loading and unloading students in the proposed dedicated loading space directly in front of the proposed Project location, creates serious safety concerns for transit users and students alike, exacerbated by potential vehicle queueing and double-parking by user of the center.

The Project Sponsor adds that it is anticipated that a significant portion of students will walk from nearby primary education schools, none of which are within a comfortable walking distance typically considered to be a quarter mile. (Lawton Alternative School, a 0.4 mile walk, Cornerstone Academy, a 0.4 mile walk, Jefferson Elementary School, a 0.7 mile walk, and West Portal Lutheran School of San Francisco, a 0.9 mile walk.)

For these same reasons, the General Plan consistency findings also cannot be made.

**3. Formula Retail Use Criteria Weigh Heavily Against Approval**

The information provided by the Project Sponsor in support of the findings required for the approval of a Formula Retail Use is inaccurate and misleading. Planning Code Section 303.1 sets forth the criteria to be considered by the Planning Commission, to evaluate the appropriateness of a proposed Formula Retail Use at a particular location. The criteria are discussed in turn below.

*(1) The existing concentrations of Formula Retail uses within the district and within the vicinity of the proposed project. To determine the existing concentration, the Planning Commission shall consider the percentage of the total linear street frontage within a 300-foot radius or a quarter of a mile radius, at the Planning Department's discretion, from the subject property that is occupied by Formula Retail and non-Formula Retail businesses. The Department's review shall include all parcels that are wholly or partially located within the 300-foot radius or quarter-mile radius.*

At the outset, the Project application materials erroneously state that “[t]here is one existing Formula Retail use out of fifteen commercial storefronts within 300 feet of the Project site, which accounts for 6.67% of the retail services in the area...The existing formula retail is Kumon of San Francisco – Sunset, an instructional service that provides reading and math tutoring.”

In fact, the ChemDry, a carpet cleaning and upholstery cleaning franchise chain located across the street is also a Formula Retail Use, and therefore, existing Formula Retail uses account for 13.3% of the retail services in the area. The addition of the proposed Mathnasium will increase the concentration to 20%.

Including ChemDry, the existing intensity of Formula Retail uses accounts for approximately 50 linear feet (not 25 feet as stated in the revised Project application) of lot frontage, which is 6.32% (not 3.16% as stated in the revised Project application) of the total linear frontage in a 300 foot radius of the subject Property. The proposed Mathnasium would result in roughly 79 linear feet and 8.8% of Formula Retail use lot frontage. While any one formula retail establishment may fit well in a neighborhood, overconcentration of formula retail can degrade the character of a street. (SF Planning Dept. *Commission Guide for Formula Retail* (Aug. 2018), p. 4.)

In a largely residential area with only 15 businesses, a 20% concentration of Formula Retail uses is not desirable.

*(2) The availability of other similar retail uses within the district and within the vicinity of the proposed project.*

The same Instructional, Service Retail Use is available on the same block, six lots over from the proposed site. The Kumon center is a learning center for students in preschool through twelfth grade and provides math and reading tutoring.

There is no meaningful distinction between Mathnasium and Kumon for purposes of evaluating the availability of other similar retail uses within the district and within the vicinity of the proposed project.

*(3) The compatibility of the proposed Formula Retail use with the existing architectural and aesthetic character of the district.*

The addition of a third Formula Retail sign within one block (in addition to the existing Kumon and existing ChemDry signs), will negatively affect the aesthetic character of the district. “Notwithstanding the marketability of a retailer’s goods or services or the visual attractiveness of the storefront, the standardized architecture, color schemes, decor and signage of many Formula Retail businesses can detract from the distinctive character and aesthetics of certain Neighborhood Commercial Districts.” (SFPC 303.1(a)(6).) The prevalence of Formula Retail signs will homogenize the character of the neighborhood and is inconsistent with land use controls and General Plan Policies that value unique community character neighborhood individuality.

*(4) The existing retail vacancy rates within the district and within the vicinity of the proposed project.*

Aside from the proposed Project site, there is only one other vacancy, and the Project Sponsor has provided no information that would suggest there is a vacancy problem in the neighborhood.

*(5) The existing mix of Citywide-serving retail uses and daily needs-serving retail uses within the district and within the vicinity of the proposed project.*

Neighborhood Commercial Districts are intended to serve the daily needs of the neighborhood residents. As such, daily needs service retailers are those that provide goods and services that residents want within walking distance of their residence or workplace. Daily Needs uses include limited restaurant, specialty grocery, household goods and services, pet supply stores, books, music, and sporting goods stores, limited financial service, repair of personal and household items, and tailoring services.

The last permitted use of the space was for a Limited Restaurant coffee shop, which operated in the location for nearly 10 years, from approximately 2007 to 2017. (See SF Building Permit 201511172883.) While the Project Sponsor states there is no change of use involved, the proposed Project will be a change of use from a desired, daily needs Limited Restaurant use, to a niche Formula Retail Instructional Service use that serves a limited demographic only during after-school hours.

At the pre-application meeting, in response to a comment that another café is desired at this location, the Project Sponsor indicated that “[t]here were two cafes in this location before that were unable to stay in business. This space does not appear to be viable for a café.” (Pre-Application Meeting Memo, p.3.) Again, the Project Sponsor provides no evidence to support this conclusion.

Finally, the Project Sponsor indicates that Mathnasium has been “shy” about opening in San Francisco due to the lengthy permitting process and that most landlords do not want to go through the approval process for formula retail establishments due to the risk involved. (Pre-Application Memo, pp. 4-5.) And yet, this is the third location proposed for approval within months, for a national chain without any history of use in San Francisco. Moreover, this third location is proposed under drastically different circumstances as compared to the first two locations.

The first Mathnasium location, approved in July, is located on Fillmore Street in the Marina District, in a space formerly occupied by a Child’s Delight toy store. Marina Middle School is located within 600 feet. There was one member of the public in attendance at the pre-application meeting for the first Mathnasium location and no opposition. A local merchants petition was provided with eleven signatures of support.

The second Mathnasium location, approved on consent in August, and not yet open, is also located in the Sunset District, only 2 1/5 miles away from the proposed new location. Mercy High School and Lakeside Presbyterian Center for Children are located within 600 feet of that location. No one from the public attended the pre-application meeting for the second

Mathnasium location and a local merchants petition was provided with eighteen signatures of support.

Neither of the previously approved Mathnasium locations are within 300 feet of another Formula Retail Instructional Service use and both are within 600 feet of a school.

Here, there is no evidence of neighborhood desire or support for the proposed Project. No schools are located within 600 feet of the site, and there is an identical Formula Retail learning center on the same block as the proposed Project site. Over a dozen members of the public attended the pre-application meeting, with 12 people signed in. These nearby residents raised issues relating to traffic and the safety of students at pick-up and drop-off, expressed doubt that there is a need for the type of learning center, stated their desire for another type of use such as a café or an arts and crafts studio, and suggested alternate locations off the Muni transit line or at local school campuses. There is not a single statement of support documented in the Pre-Application Meeting Memo.

It is clear that Mathnasium has a plan to roll out numerous locations in the City and in doing so, it should work closely with the communities it proposes to serve and meaningfully consider neighbor feedback and address concerns that are raised during the pre-application process.

Based on the foregoing, we respectfully request that at a minimum, the Project Sponsor be required to correct and update its application materials to accurately reflect the number of existing Formula Retail Uses within 300 feet of the Project site, and confirm the last permitted use of the space to determine whether a change of use is required, prior to re-noticing the proposed Project for hearing.<sup>2</sup>

We appreciate your time and consideration. Please do not hesitate to contact me should you have any questions.

Very truly yours,



Robia S. Crisp

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<sup>2</sup> As of the writing of this letter, the pre-application for the Project that is available on the City's website is a blank form. We requested a copy of the completed application on December 5, 2019 and have yet to receive a response.

# **ATTACHMENT 1**


We the undersigned, all residents of the Sunset neighborhood and affected by the current application wish to respectfully express our opposition for the reasons stated below:

1. The City of San Francisco has adopted restrictions on the establishment of "chain" retail operations for several reasons including the desire to preserve small, neighborhood-based retail stores and the also preserve the unique character of the City's neighborhoods.
2. The current application is for a use that clearly fits within the City's definition of a "chain" use, namely a Mathnasium commercial center.
3. As we understand the proposed use, Mathnasium is one of a chain of centers that exist throughout the country. We believe the proposed store does not add to the unique, diverse retail character of the Sunset neighborhood. Rather, as another "chain" store, the appearance would be identical to other Mathnasium locations and would directly conflict with the City's goal of preserving the unique character of our neighbor unencumbered by another chain store.
4. We also believe the proposed use would be open most days of the week and no doubt would seek to attract children from a wide geographic area. If granted, the use would thereby cause traffic in our predominately residential neighborhood to increase as parents deliver and pick up their children. In addition to a safety hazard, the use would increase air pollution as cars idled on our streets.
5. The current parking situation in the neighborhood is severely compromised with parking for neighborhood residents at a premium. To exacerbate a bad situation, we believe as cars arrive at the Mathnasium destination to deliver and pick-up children throughout the day, double parking and significant congestion is certain to be the result.
6. As opposed to other conditional uses, this chain store does nothing to benefit residents in the immediately surrounding neighborhood. Rather, a wide geographic customer base can be anticipated; and while seeking to attract children from a wide area, we foresee parents idling in cars, double parking throughout the neighborhood and increasing air pollution. In addition, this will interfere or delay with Muni Metro N Line, which is a main form of transportation for several residents through several neighborhoods.
7. There is another educational store in the neighborhood. While we are not opposed to competition, there is no demonstrable need for another after-school children's store. As opposed to an "inherently beneficial", such as a medical office, we just don't need the use.
8. There is no demonstration why this educationally related use cannot be located within an existing school. Such a location would militate against the consequences of allowing this commercial use in our neighborhood.



**SIGNATURES:**

1. Print Name: Denny Chan

Signature: 

Address: 2474 18th Ave, S.F.

2. Print Name: Zhiqin Wu ZHI QIN WU

Signature: 

Address: 1266 43rd Ave. S.F. CA 94122

3. Print Name: Irina Elman

Signature: 3111 Vicente St Apt 205, S F, CA 94116

Address: 

4. Print Name: 梁建明

Signature: 

Address: 1722 Noriaga, S.F. CA 94122

121 25. Print Name: Julie Hoan g

Signature: Julie

Address: 1500 25th AVE SF, CA 94122

122 26. Print Name: ka yee lee

Signature: Alyson Chen

Address: 1934 24th Ave 94116

123 27. Print Name: Darvin g Aie

Signature: Darvin

Address: 1430 31th AVE. 94122

124 28. Print Name: Tiffany Zhang

Signature: Tiffany

Address: 2421 Moraga Street SF 94122

~~125~~ Print Name: Julian Aiyi' Ohtan

Signature: 

Address: 2183 28<sup>th</sup> Avenue, SF, CA 94116.

~~126~~ Print Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Address: \_\_\_\_\_

~~127~~ Print Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Address: \_\_\_\_\_

~~128~~ Print Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Address: \_\_\_\_\_

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January 17, 2020

VIA E-MAIL jeffrey.horn@sfgov.org

Jeffrey Horn  
Senior Planner  
SF Planning Department  
1650 Mission Street, 4th Floor  
San Francisco, CA 94103

Re: 2255 Judah Street; Conditional Use Authorization Application for Formula Retail Use and Categorical Exemption Determination

Dear Mr. Horn:

Our office represents Christine Chang and her son, Joseph Chang (the "Changs"), the long-time owners and operators of the Kumon tutoring center located at 2215 Judah Street, five doors down from 2255 Judah Street, a corner building proposed for a Mathnasium learning center, a Formula Retail Service (Instructional) use within the existing 1,540 square foot retail-commercial ground floor space (the "Project").

We write to supplement our letter dated December 6, 2019, expressing our concerns that the proposed Mathnasium learning center (1) is neither necessary nor desirable for the neighborhood, (2) will be detrimental to the general welfare in terms of traffic and parking impacts and pedestrian safety, and (3) will unduly increase the concentration of formula retail uses in the immediate vicinity.

At our request, the hearing that was originally scheduled for December 19, 2019 was continued to January 30, 2020, which afforded us an opportunity to engage with counsel for the Project Sponsor and more closely evaluate the proposed Project. We appreciate the Project Sponsor's outreach efforts and believe that meaningful information was exchanged during this process. However, upon closer examination of the Project, it has become clear that potential impacts on traffic in terms of congestion at this intersection, as well as safety risks and hazards, have not been adequately analyzed, disclosed and mitigated.

Accordingly, we request that prior to the Planning Commission's consideration of the Project, the City conduct environmental review of the Project and disclose and mitigate traffic impacts in an environmental impact report or mitigated negative declaration, pursuant to the California Environmental Quality Act (Public Resources Code Section 21000, *et seq.*; "CEQA"). Due to unusual circumstances, the Class 1 Categorical Exemption for Existing Facilities<sup>1</sup> identified in the City's CEQA Categorical Exemption Determination does not apply.

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<sup>1</sup> Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features,

We understand that the Project Sponsor proposes, among other safety measures, to seek MTA approval of a loading space, employ a traffic coordinator during pick-up and drop-off times, and educate clients on specified guidelines or protocol to be developed by the Project Sponsor for picking up and dropping off students. The implementation of these measures, their effectiveness, and the City's ability to enforce the measures are entirely speculative. Thus, to the extent that the Planning Commission proceeds with its consideration of the Project, we request that any Project approval be conditioned upon the Project Sponsor's obtaining MTA approval of a loading space, and that Project conditions of approval specifically incorporate all of the Project Sponsor's proposed safety measures and provide a cap on the proposed number of students to be enrolled at the center.<sup>2</sup>

As discussed in detail below, the Project's unique location (immediately adjacent to an N-Judah stop) and the unique traffic patterns of the clients that will be served by the proposed Mathnasium (queuing immediately after school) will cause significant adverse impacts to pedestrian safety at the unsignalized intersection of Judah Street and 28th Street. At the very least, a mitigated negative declaration should be prepared so that the City and the Project Sponsor can adequately disclose and mitigate these significant adverse impacts, consistent with their obligations under CEQA.

#### **1. Categorical Exemptions from the California Environmental Quality Act may Only be Granted in Limited Circumstances.**

CEQA was enacted to advance four interrelated objectives: "to (1) inform the government and public about a proposed activity's potential environmental impacts; (2) identify ways to reduce, or avoid, environmental damage; (3) prevent environmental damage by requiring project changes via alternatives or mitigation measures when feasible; and (4) disclose to the public the rationale for governmental approval of a project that may significantly impact the environment." (*California Building Industry Assn. v. Bay Area Air Quality Management Dist.* (2015) 62 Cal.4th 369, 382.) "The foremost principle under CEQA is that the Legislature intended the act 'to be interpreted in such a manner as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language.' (*Friends of Mammoth v. Board of Supervisors* (1972) 8 Cal.3d 247, 259.)" (*Laurel Heights Improvement Assn. v. Regents of the University of California* (1988) 47 Cal.3d376, 390.)

Exemptions from CEQA are only available in a limited range of circumstances. (Pub. Resources Code § 21084; *see also Don't Cell Our Parks v. City of San Diego* (2018) 21 Cal.App.5th 338, 357.) For example, a project is exempt from CEQA if it is subject to a "categorical exemption" listed in sections 15301 to 15333 of the CEQA Guidelines, and the application of the categorical exemption is not barred by an exception set forth in section 15300.2 of the Guidelines. (*Don't Cell Our Parks, supra*, 21 Cal.App.5th at p. 357.) "Categorical exemptions are narrowly

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involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The types of "existing facilities" itemized in the CEQA Guidelines are not intended to be all-inclusive of the types of projects which might fall within Class 1. The key consideration is whether the project involves negligible or no expansion of an existing use. (CEQA Guidelines, § 15301.)

<sup>2</sup> In any event, a lead agency cannot propose mitigation measures (and assume that mitigation measures will be effective) without disclosing the extent and severity of the underlying impacts in an appropriate CEQA document. (*Lotus v. Department of Transportation* (2014) 223 Cal.App.4th 645, 655-656.)

construed, 'to afford the fullest possible environmental protection.' " (*Id.* at p. 358, citing *Save Our Carmel River v. Monterey Peninsula Water Management Dist.* (2006) 141 Cal.App.4th 677, 697, 46 Cal.Rptr.3d 387.) Here, the Project does not fall within a narrow construction of the Class 1 Categorical Exemption proposed to be relied upon.

## **2. The Project Does Not Qualify for a Categorical Exemption.**

Exceptions to the categorical exemptions "include, among other things, where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances." (*Don't Cell Our Parks, supra*, 21 Cal.App.5th at p. 357, citing CEQA Guidelines, § 15300.2(c).) Likewise, projects are not eligible for categorical exceptions when "the cumulative impact of successive projects of the same type in the same place, over time is significant." (Guidelines, § 15300.2, subd. (b).) Both of these exceptions preclude the issuance of a categorical exemption for the proposed Mathnasium Project.

### **a. There is a reasonable possibility that the Project will have a significant effect on the environment due to unusual circumstances.**

There are two alternative methods of assessing whether an "unusual circumstance" exists. (See *Berkeley Hillside Preservation v. City of Berkeley* (2015) 60 Cal.4th 1086.) In the first alternative, unusual circumstances exist where a project causes a significant environmental effect due to unusual circumstances, and "the unusual circumstances relate to some feature of the project that distinguishes the project from other features in the exempt class." (*Citizens for Environmental Responsibility v. State ex rel. 14th Dist. Ag. Assn.* (2015) 242 Cal.App.4th 555, 574.) In the second alternative, unusual circumstances exist when "the project *will have* a significant environmental effect." (*Berkeley Hillside, supra*, 60 Cal.4th at p. 1105, original emphasis.)

In this case, both methods of analysis reveal that unusual circumstances preclude the use of a categorical exemption. The Project's proximity to the N-Judah stops (located at the intersection of Judah Street and 28th Avenue) is a feature that distinguishes this Project from other formula retail projects that re-use existing commercial properties. The type of formula retail (afterschool instruction) is another distinguishing feature, since students and parents travelling to the project site will create temporary bursts of congestion while queuing to drop-off students after school. Both of these factors substantially increase risks for other drivers and pedestrians walking through the adjacent unsignalized intersection to the N-Judah stops, which are located on traffic islands in the middle of Judah Street. (See CEQA Guidelines, Appendix G, § XV(c) & (d); see *also id.* at subd. (d) [lead agency must disclose whether a project will "substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses"].)

These impacts will likely be exacerbated during the planned construction of new N-Judah boarding islands at that intersection, which will be constructed as part of the MUNI's N-Judah Rapid Project.<sup>3</sup> During the construction of the new boarding islands, construction equipment may obscure sight lines and further increase safety risks for vehicles, bicycles, and pedestrians.

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<sup>3</sup> For more information about the N-Judah Rapid Project and other MUNI Forward initiatives, see <https://www.sfmta.com/projects/n-judah-rapid-project> (as of January 14, 2020).

These impacts must be disclosed and mitigated in an environmental impact report or mitigated negative declaration.

**b. Cumulative impacts on pedestrian safety will be significant.**

As noted above, the Project would operate during the N-Judah Rapid Project's construction of new N-Judah boarding islands at the adjacent intersection of Judah Street and 28th Street. That project's construction impacts, in conjunction with the Mathnasium Project's operational impacts, will cause cumulatively significant adverse effects on pedestrian safety. These cumulatively significant impacts preclude the issuance of a categorical exception.

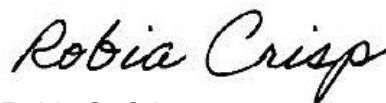
The Project as proposed does not incorporate adequate measures to address the impacts of adding more cars and pedestrians, particularly children, at this intersection, which already suffers from severe traffic congestion during commute hours. It is reasonably foreseeable that the added traffic and pedestrian activity during concentrated periods of time in the late afternoon and evening when there is little to no daylight will increase the risk of accidents.

As a practical matter, the City should not approve projects that jeopardize pedestrian safety. This is especially important in light of the fact that the City has failed to meet its Vision Zero goal of zero traffic fatalities. Indeed, pedestrian fatalities are not uncommon, and many occur at signalized and unsignalized intersections.<sup>4</sup>

For these reasons, we respectfully urge the City to require preparation of an appropriate CEQA document to disclose and mitigate the Project's significant adverse effects on traffic and pedestrian safety.

We appreciate your consideration of these comments, and we look forward to discussing these matters with you further in the weeks ahead.

Very truly yours,



Robia S. Crisp

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<sup>4</sup> For more information about pedestrian fatalities, see San Francisco's Vision Zero Scorecard, available at <https://sfgov.org/scorecards/transportation/traffic-fatalities> (as of January 14, 2020); see also Bialick, *StreetsBlog San Francisco*, "Pedestrian Seriously Injured by N-Judah Train at Judah and 16th Ave" (May 21, 2014), available at <https://sf.streetsblog.org/2014/05/21/pedestrian-seriously-injured-by-n-judah-train-at-judah-and-16th-ave/> (as of January 14, 2020).