

BOARD OF APPEALS, CITY & COUNTY OF SAN FRANCISCO

Appeal of
THE DOGPATCH NEIGHBORHOOD ASSOCIATION and)
POTRERO BOOSTERS NEIGHBORHOOD ASSOCIATION,)
Appellant(s))
vs.)
PLANNING COMMISSION,)
Respondent

Appeal No. **24-040**

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN THAT on June 28, 2024, the above named appellant(s) filed an appeal with the Board of Appeals of the City and County of San Francisco from the decision or order of the above named department(s), commission, or officer.

The substance or effect of the decision or order appealed from is the ISSUANCE on June 13, 2024 to MBC BioLabs @ 700, of Planning Commission Motion No. 21576 (adopting findings relating to a Large Project Authorization pursuant to Planning Code Section 329, to allow the construction of more than 25,000 gross square feet in the Urban Mixed Use District and to allow for an exception from horizontal mass reduction requirements for large lots of Planning Code as part of a project that would demolish a 15,068-square-foot, one-story commercial building and construct a new 70,650 gross-square-foot, three-story, 48-foot tall, non-life science laboratory building) at 700 Indiana Street.

Record No. 2023-001074ENX/SHD (Motion No. 21576)

FOR HEARING ON October 30, 2024

Address of Appellant(s):

Address of Other Parties:

<p>The Dogpatch Neighborhood Association and Potrero Boosters Neighborhood Association, Appellant(s) c/o Alison Heath, Agent for Appellant(s) c/o Donovan Lacy, Agent for Appellant(s) c/o Katherine Doumani, Agent for Appellant(s)</p>	<p>MBC BioLabs @ 700, Determination Holder(s) c/o John Kevlin, Attorney for Determination Holder(s) Reuben, Junius & Rose, LLP One Bush Street, Suite 600 San Francisco, CA 94104</p>
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Date Filed: June 28, 2024

**CITY & COUNTY OF SAN FRANCISCO
BOARD OF APPEALS**

PRELIMINARY STATEMENT FOR APPEAL NO. 24-040

I / We, **The Dogpatch Neighborhood Association and Potrero Boosters Neighborhood Association**, hereby appeal the following departmental action: **ISSUANCE of P.C. Sec. 329 Large Project Authorization; Motion No. 21576** by the **Planning Commission** which was issued or became effective on: **June 13, 2024**, to: **MBC BioLabs @ 700**, for the property located at: **700 Indiana Street**.

BRIEFING SCHEDULE:

Appellant's Brief is due on or before: 4:30 p.m. on **August 8, 2024**, (no later than three Thursdays prior to the hearing date). The brief may be up to 12 pages in length with unlimited exhibits. It shall be double-spaced with a minimum 12-point font. An electronic copy shall be emailed to: boardofappeals@sfgov.org, julie.rosenberg@sfgov.org, corey.teague@sfgov.org, tina.tam@sfgov.org and jkevin@reubenlaw.com

Respondent's and Other Parties' Briefs are due on or before: 4:30 p.m. on **August 22, 2024**, (no later than one Thursday prior to hearing date). The brief may be up to 12 pages in length with unlimited exhibits. It shall be double-spaced with a minimum 12-point font. An electronic copy shall be emailed to: boardofappeals@sfgov.org, julie.rosenberg@sfgov.org, corey.teague@sfgov.org, tina.tam@sfgov.org and alisonlheath@gmail.com

Hard copies of the briefs do NOT need to be submitted to the Board Office or to the other parties.

Hearing Date: **Wednesday, August 28, 2024, 5:00 p.m., Room 416 San Francisco City Hall, 1 Dr. Carlton B. Goodlett Place**. The parties may also attend remotely via Zoom. Information for access to the hearing will be provided before the hearing date.

All parties to this appeal must adhere to the briefing schedule above, however if the hearing date is changed, the briefing schedule MAY also be changed. Written notice will be provided of any changes to the briefing schedule.

In order to have their documents sent to the Board members prior to hearing, **members of the public** should email all documents of support/opposition no later than one Thursday prior to hearing date by 4:30 p.m. to boardofappeals@sfgov.org. Please note that names and contact information included in submittals from members of the public will become part of the public record. Submittals from members of the public may be made anonymously.

Please note that in addition to the parties' briefs, any materials that the Board receives relevant to this appeal, including letters of support/opposition from members of the public, are distributed to Board members prior to hearing. All such materials are available for inspection on the Board's website at www.sfgov.org/boa. You may also request a hard copy of the hearing materials that are provided to Board members at a cost of 10 cents per page, per S.F. Admin. Code Ch. 67.28.

The reasons for this appeal are as follows:

See attachment to the preliminary Statement of Appeal.

Appellant or Agent:

Signature: Via Email

Print Name: Alison Heath, agent for appellants

Appeal of Large Project Authorization, Planning Commission Motion No. 21576

The Dogpatch Neighborhood Association and Potrero Boosters Neighborhood Association (the “Appellants”) jointly appeal the Large Project Authorization set forth in Planning Commission (the “Commission”) Motion No. 21576, regarding the construction of a 70,650 square foot laboratory building at 700 Indiana Street (the “Project”).

The Appellants argue that the Commission erred in interpreting the Planning Code, specifically Section 890.53, Life Science, and abused its discretion in determining that the Project was not a Life Science laboratory. The project is located in the Urban Mixed Use zoning district, where life science uses, including Life Science laboratories, are not permitted. As a result of its error and abuse of discretion, the Commission approved a project not permitted at 700 Indiana Street.



PLANNING COMMISSION MOTION NO. 21576

HEARING DATE: JUNE 13, 2024

Record No.: 2023-001074ENX/SHD
Project Address: 700 Indiana Street
Zoning: UMU (Urban Mixed Use) Zoning District
58-X Height and Bulk District
Fringe Financial Service Special Use District
Block/Lot: 4062/007
Project Sponsor: John Kevlin
Reuben, Junius & Rose
1 Bush Street
San Francisco, CA 94104
Property Owner: MBC BioLabs @ 700
Burlingame, CA 94010
Staff Contact: Charles Enchill – (628) 652-7551
Charles.Enchill@sfgov.org

ADOPTING FINDINGS RELATING TO A LARGE PROJECT AUTHORIZATION PURSUANT TO PLANNING CODE SECTIONS 329, TO ALLOW THE CONSTRUCTION OF MORE THAN 25,000 GROSS SQUARE FEET IN THE URBAN MIXED USE DISTRICT AND TO ALLOW FOR AN EXCEPTION FROM HORIZONTAL MASS REDUCTION REQUIREMENTS FOR LARGE LOTS OF PLANNING CODE AS PART OF A PROJECT THAT WOULD DEMOLISH A 15,068-SQUARE-FOOT, ONE-STORY COMMERCIAL BUILDING AND CONSTRUCT A NEW 70,650 GROSS-SQUARE-FOOT, THREE-STORY, 48-FOOT TALL NON-LIFE SCIENCE LABORATORY BUILDING LOCATED AT 700 INDIANA STREET, BLOCK 4062 LOT 007 WITHIN THE UMU (URBAN MIXED USE) ZONING DISTRICT, FRINGE FINANCIAL SERVICE RESTRICTED USE DISTRICT AND A 58-X HEIGHT AND BULK DISTRICT, AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

PREAMBLE

On February 8, 2023, Edward Hall, AIA of MBH Architects (hereinafter "Project Sponsor") filed Application No. 2023-001074ENX (hereinafter "Application") with the Planning Department (hereinafter "Department") for a Large Project Authorization to construct a new three-story, 48-ft tall, non-life science laboratory building containing 51 off-street parking spaces and 2 car-share spaces below grade, one off-street loading space, 15 bicycle parking spaces and approximately 8,000 sq. ft. of non-residential open space at rooftop level (hereinafter "Project") at 700 Indiana Street, Block 4062 Lot 007 (hereinafter "Project Site").

Pursuant to the Guidelines of the State Secretary of Resources for the implementation of the California Environmental Quality Act (CEQA), on April 5, 2024, the Planning Department of the City and County of San Francisco determined that the proposed application was exempt from further environmental review under Section 15183 of the CEQA Guidelines and California Public Resources Code Section 21083.3. The Project is consistent with the adopted zoning controls in the Central Waterfront Area Plan and was encompassed within the analysis contained in the Central Waterfront Area Plan Final EIR. Since the Final EIR was finalized, there have been no substantial changes to the Central Waterfront Area Plan and no substantial changes in circumstances that would require major revisions to the Final EIR due to the involvement of new significant environmental effects or an increase in the severity of previously identified significant impacts, and there is no new information of substantial importance that would change the conclusions set forth in the Final EIR. The file for this project, including the Central Waterfront Area Plan Final EIR, and the General Plan Evaluation certificate is available for review at the San Francisco Planning Department, 49 South Van Ness Avenue, Suite 1400, San Francisco, California.

Planning Department staff prepared a Mitigation Monitoring and Reporting Program (MMRP) setting forth mitigation measures that were identified in the Eastern Neighborhoods FEIR that are applicable to the Project. These mitigation measures are set forth in their entirety in the MMRP attached to the draft Motion as Exhibit C.

On June 13, 2024, the San Francisco Planning Commission (hereinafter “Commission”) conducted a duly noticed public hearing at a regularly scheduled meeting on Large Project Authorization Application No. 2023-001074ENX and Shadow Analysis Application No. 2023-001074SHD.

The Planning Department Commission Secretary is the Custodian of Records; the File for Record No. 2023-001074ENX is located at 49 South Van Ness Avenue, Suite 1400, San Francisco, California.

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

MOVED, that the Commission hereby authorizes the Large Project Authorization as requested in Application No. 2023-001074ENX, 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 demolition of the one-story vacant industrial warehouse building and new construction of a three-story, 48-foot tall, non-life science laboratory building containing 51 off-street parking spaces and two car-share spaces below grade, one off-street loading space, 15 bicycle parking spaces consisting of six Class One bicycle spaces, five Class One bicycle fleet spaces, four Class Two bicycle spaces; four showers, private bike repair station, 24 lockers, and approximately 8,000 square feet of non-residential open space at rooftop level.

- 3. Site Description and Present Use.** The Project is located on one lot (with a lot area of approximately 31,090 square feet), which has approximately 400 feet of frontage along Indiana Street, 76 feet of frontage adjacent to the Dogpatch Arts Plaza and 78 feet adjacent to the Avalon Dog Park. The Project Site contains one existing building: a one-story vacant industrial warehouse building approximately 15,060 square feet in size and a storage yard.
- 4. Surrounding Properties and Neighborhood.** The Project site is abutted by the Dogpatch Arts Plaza to the north, 20th Street overpass to the south, and Interstate 280 to the west. Esprit Park confronts the project site across Indiana Street to the east. The immediate context is mixed in character with mixed-use, public, and residential uses. The immediate neighborhood includes two-to-five-story buildings with the west and south sides of Esprit Park consisting of five-story residential and mixed-use buildings. The Project Site is located within the UMU Zoning District in the Central Waterfront Plan Area. Other zoning districts in the vicinity of the project site include: Residential House (Two-Family) (RH-2), Residential House (Three-Family) (RH-3), Neighborhood Commercial Transit-2 (NCT-2) and Production, Distribution & Repair-1-General (PDR-1-G) zoning districts also exist in the project vicinity
- 5. Public Outreach and Comments.** The Department has received 49 letters in support of the project and correspondence in opposition of the Project from the Dogpatch Neighborhood Association (DNA) neighborhood group. The opposition to the Project is centered on the project's shadow on Esprit Park; the project sponsor's notification being inconsistent with DNA's Development Review Process and Guidelines; proposed Arts Plaza improvements being incorrectly attributed as a DNA request; shadowing of Esprit Park; and neighborhood incompatibility with life science use. The support to the Project is centered on MBC BioLabs offering local incubator facilities and equipment for start-up businesses in the biotech field that would otherwise be cost prohibitive to create as individual businesses.

The Project Sponsor hosted a community meeting in December 2023, invited residents and property owners within 300 feet of the project site. Attendees at the December meeting indicated support for the project. In January 2024, the Project Sponsor met with DNA and the Potrero Boosters Development Committee. Attendees indicated opposition to the project and offered design suggestions. In response, the Project Sponsor adjusted the project by incorporating 15 additional bike parking spaces and a dog wash shower at the south-abutting Avalon Dogpatch Dog Park. In March 2024, the Project Sponsor engaged neighbors and landscape architectural firm, Fletcher Studios, who is the designer of the Esprit Park renovation project. They discussed Arts Plaza improvements that would address neighbor suggestions. Any improvements to the plaza are not part of the subject Large Project Authorization request and would require Department of Public Works approval. In June 2024, the Project Sponsor held a second community meeting. Attendees discussed whether there is ability to better engage pedestrians at the street level and adjacent to the Dogpatch Artz Plaza, have some creative seating in front of the building, and potential for a crosswalk from the center of the building to Esprit Park. The Project Sponsor team is in conversation with Fletcher Studios and the community about these additional streetscape improvements.

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

 - A. Use.** Planning Code Section 838 permits non-life science laboratory use, within the UMU District.

The project proposes a new three-story non-life science laboratory building (non-retail sales and service) which is principally permitted in the District.

- B. **Front Setback.** Planning Code Section 132 states there is no front setback for non-residential uses.

The Project's zero front setback complies with this requirement.

- C. **Rear Yard.** Planning Code Section 134 requires a minimum rear yard depth equal to 25% at the lowest story containing a dwelling unit.

The Project is limited to a commercial use (laboratory) and does not include dwelling units. There is no rear yard requirement for commercial uses in the UMU. Therefore, the project complies with this requirement.

- D. **Useable Open Space.** In the UMU Zoning District, Planning Code Section 135.3 requires 1 square foot of useable open space for each 250 square feet of Occupied Floor Area (OFA).

The Project includes 64,793 sq. ft. of proposed laboratory OFA; thus, the Project requires 259 square feet of usable open space. The Project provides approximately 8,000 square feet of usable open space via second floor roof deck, therefore complies with this requirement.

- E. **Off-Street Freight Loading.** Planning Section 152.1 of the Planning Code requires 0.1 off-street freight loading space for every 10,000 sq. ft. of Occupied Floor Area.

The Project includes 64,793 sq. ft. of proposed laboratory OFA; thus, the Project requires one off-street freight loading space. The Project is proposing one off-street loading space along Indiana Street. Therefore, the Project complies with this requirement.

- F. **Street Frontage in Mixed Use Districts.** Planning Code Section 145.1 requires that within Mixed Use 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 ground floor laboratory space has approximately 387 feet of frontage with approximately 302 feet devoted to either window space or lobby windows. All laboratory use at the upper floors consist of building depths at least 15 with architectural window screens at least 75% open to perpendicular view.

- G. **Off-Street Freight Off-Street Parking.** Planning Code Section 151 does not require a minimum number of off-street parking spaces and permits a maximum of 50% greater than the indicated use. Laboratory Use (Non-Retail Sales and Service) permits up to one car per 1,500 square feet of Occupied Floor Area.

The 64,793 sq. ft. of proposed laboratory OFA may provide a maximum of 65 off-street parking spaces. The Project will provide 51 off-street parking spaces below grade. Therefore, the project complies with this requirement.

- H. **Bicycle Parking.** Planning Code Section 155.2 requires Laboratory use (non-retail sales and service) to provide one Class 1 space for every 12,000 square feet of Occupied Floor Area and minimum Four Class 2 spaces for any use larger than 50,000 gross square feet.

The 64,793 sq. ft. of proposed laboratory OFA is subject to five Class 1 spaces and four Class 2 spaces. The Project proposes 15 bicycle parking spaces consisting of: six Class One bicycle spaces, five Class One bicycle fleet spaces, and four Class 2 bicycle spaces, therefore complies with this requirement.

- I. **Height.** Planning Code Section 260 requires that all structures be no taller than the height prescribed in the subject height and bulk district. The proposed Project is located in a 58-X Height and Bulk District, with a 58-foot height limit.

The building has a proposed ultimate height of 48 feet where 58 feet is permitted. Therefore, the Project complies with the maximum height permitted.

- J. **Transportation Demand Management (TDM) Plan.** Pursuant to Planning Code Section 169 and the TDM Program Standards, the Project shall finalize a TDM Plan prior Planning Department approval of the first Building Permit or Site Permit. As currently proposed, the Project must achieve a target of 16 points.

As currently proposed, the Project will achieve its required 16 points through the following TDM measures:

- Improve Walking Conditions (Option B) —1 point
- Bicycle Parking (Option A) —1 point
- Showers and Lockers—1 point
- Bike Share Membership (Location B) —2 points
- Bicycle Repair Station—1 point
- Bicycle Maintenance Services—1 point
- Fleet of Bicycles—1 point
- Car-share Parking and Membership (Option A) —1 point
- Delivery Supportive Amenities—1 point
- Multimodal Wayfinding Signage—1 point
- Real Time Transportation Information Displays—1 point
- Tailored Transportation Marketing Services (Option B)—2 points
- Parking Pricing—2 points

- K. **Horizontal Mass Reduction.** Planning Code Section 270.1 outlines the requirements for horizontal

mass reduction on large lots within the Eastern Neighborhoods Mixed Use Districts. For projects with street frontage greater than 200 feet in length, one or more mass reduction breaks must be incorporated to reduce the horizontal scale of the building into discrete sections not more than 200 feet in length. Specifically, the mass reduction must 1) be not less than 30 feet in width; 2) be not less than 60 feet in depth from the street-facing building façade; 3) extend up to the sky from a level not higher than 25 feet above grade or the third story, whichever is lower; and, 4) result in discrete building sections with a maximum plan length along the street frontage not greater than 200-ft.

Since the overall building frontage is 387 feet along Indiana Street, the Project is required to provide a single horizontal mass break along Indiana Street, which is not less than 30 feet wide by 60 feet deep, and extends from the third story up to the sky. Per the Planning Code, this mass break must result in discrete building sections along the street frontage of not greater than 200 feet.

The Project incorporates a mass break, which measures between 30 and 34 feet wide by 18 feet deep at the ground floor and extending upward on all levels. Since the provided horizontal mass reduction does not meet the dimensional requirements of the Planning Code, the Project is seeking an exception to the horizontal mass reduction requirements as part of the Large Project Authorization which is discussed below in Section 8.

- 7. Large Project Authorization Design Review in Eastern Neighborhoods Mixed Use District.** Planning Code Section 329(c) lists nine aspects of design review in which a project must comply; the Planning Commission finds that the project is compliant with these nine aspects as follows:
- A. **Overall building mass and scale.** *The Project is designed as a three-story, 48-foot tall, laboratory development, which incorporates a recessed horizontal break at the main entry, lower height massing at the southern half of the building (33 feet). This massing is appropriate given the larger neighborhood context, which includes two- to five-story commercial, residential, and mixed-use buildings surrounding Esprit Park. The Project's overall mass and scale are further refined by the building modulation, which incorporates projecting floor plates and stairwell transparency. Thus, the Project is appropriate and consistent with the mass and scale of the surrounding neighborhood.*
 - B. **Architectural treatments, facade design and building materials.** *The Project's architectural treatments, façade design and building materials include smooth concrete, textured concrete, white aluminum composite siding, perforated bronze aluminum panel window screens; roll-up loading and parking doors with 75% transparency, and transformer room gates matching aluminum screens. Overall, the Project offers a high-quality architectural treatment, which provides for unique and expressive architectural design that is consistent and compatible with the surrounding neighborhood.*
 - C. **The design of lower floors, including building setback areas, commercial space, townhouses, entries, utilities, and the design and siting of rear yards, parking and loading access.** *Along the lower floors, the Project provides a prominent recessed entry lobby 18 feet in depth and up to 37 feet wide. The Project minimizes the impact to pedestrians by providing off-street parking below grade with only one screened off-street loading space at grade level. The aluminum window screens to the laboratory use and meeting rooms, as well as roll-up loading and parking doors, have a 75% transparency as to allow visibility into the building and a visual connection with the street. The transformer room adjacent to*

Indiana Street provides the same aluminum screening as provided throughout the windows for a cohesive ground floor design.

- D. The provision of required open space, both on- and off-site. In the case of off-site publicly accessible open space, the design, location, access, size, and equivalence in quality with that otherwise required on-site. *The Project exceeds the open space requirement by constructing a rooftop deck approximately 8,000 square feet in size.*
- E. The provision of mid-block alleys and pathways on frontages between 200 and 300 linear feet per the criteria of Section 270, and the design of mid-block alleys and pathways as required by and pursuant to the criteria set forth in Section 270.2. *The Project is not subject to the mid-block alley requirement of Planning Code Section 270.2.*
- F. Streetscape and other public improvements, including tree planting, street furniture, and lighting. *In compliance with Planning Code Section 138.1, the Project includes new streetscape elements, such as new concrete sidewalks, linear planters along the street edge, and new street trees. These improvements would vastly improve the public realm and surrounding streetscape.*
- G. Circulation, including streets, alleys and mid-block pedestrian pathways. *The Project provides ample circulation in and around the project site through the streetscape improvements and planters adjacent to the front property line. Off-street parking access is limited to the one entry/exit on Indiana Street, near 20th Street. One off-street loading space is also accessed from Indiana Street, near 20th Street.*
- H. **Bulk limits.** *The Project is within an 'X' Bulk District, which does not restrict bulk. However, Planning Code Section 270.1 also requires special bulk limitations for horizontal mass reduction when located on frontages exceeding 200 feet in eastern neighborhood mixed use districts. The required mass reduction break shall be (1) be not less than 30 feet in width; (2) be not less than 60 feet in depth from the street-facing building facade; (3) extend up to the sky from a level not higher than 25 feet above grade or the third story, whichever is lower; and (4) result in discrete building sections with a maximum plan length along the street frontage not greater than 200 feet. The Project seeks a break between 26 feet 6 inches and 37 feet with a depth of 18 feet with discrete building sections not exceeding 200 feet.*
- I. Other changes necessary to bring a project into conformance with any relevant design guidelines, Area Plan or Element of the General Plan. *The Project, on balance, meets the Objectives and Policies of the General Plan. See Below.*

8. Large Project Authorization Exceptions. Planning Code Section 329 allows exceptions for Large Projects in the Eastern Neighborhoods Mixed Use Districts:

- A. **Special Bulk Limitations.** The special bulk limitations in Eastern Neighborhoods Mixed Use Districts may be modified or waived by the Planning Commission, provided that:

- (1) No more than 50% of the required mass is reduced unless special circumstances are evident;

The Project provides for a horizontal mass reduction of 18 feet where the Planning Commission

may typically reduce the required depth of 60 feet by 50 percent (30 feet). While the proposed reduction of mass is greater than 50%, the Project overall does not maximize building mass as the proposed building is 10 feet lower than the UMU district's 58 height limit. A horizontal mass reduction no less than 30 feet would require loss of covered corridor area at the ground floor and the laboratory floor area at the second floor. Therefore, the increase of mass reduction would result in taller building heights at the northern and/or southern halves of the building. The Project's proximity to Esprit Park is a special circumstance, where strict application of Planning Code may result in additional shading to Esprit Park. For this reason, the Project seeks a 70% reduction (42 feet) to the special bulk control depth requirement.

- (2) The depth of any mass reduction breaks provided is not less than 15 feet from the front facade, unless special circumstances are evident; and

The depth of the proposed mass reduction is 18 feet which exceeds 15 feet from the front face.

- (3) The proposed building envelope can be demonstrated to achieve a distinctly superior effect of reducing the apparent horizontal dimension of the building;

The project currently results in two distinct building volumes on either side of the recessed entry/mass reduction break, with approximately 176 feet for the building's southern half and 188 feet at the building's northern half, by differentiating the facade treatment and height of the two portions of the proposed building and improving the streetscape experience for pedestrians and users of Esprit Park.

- (4) The proposed building achieves unique and superior architectural design

Given the overall quality of the Project design, the Commission supports the exception to the special bulk limitations requirement. The project minimizes its massing through a lower two-story portion (25 feet below the height limit) and taller three-story portion (10 feet below the height limit) near Esprit Park. The Project also features architectural treatments, facade design and building materials such as smooth concrete, textured concrete, white aluminum composite siding, perforated bronze aluminum panel window screens; roll-up loading and parking doors with 75% transparency, and transformer room gates matching aluminum screens.

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

HOUSING ELEMENT

Objectives and Policies

OBJECTIVE 5.A

CONNECT PEOPLE TO JOBS AND THEIR NEIGHBORHOOD WITH NUMEROUS, EQUITABLE, AND HEALTHY TRANSPORTATION AND MOBILITY OPTIONS.

Policy 37

Facilitate neighborhoods where proximity to daily needs and high-quality community services and amenities promotes social connections, supports caregivers, reduces the need for private auto travel, and advances healthy activities.

URBAN DESIGN ELEMENT

Objectives and Policies

OBJECTIVE 1

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

Policy 1.3

Recognize that buildings, when seen together, produce a total effect that characterizes the city and its districts.

OBJECTIVE 3

MODERATION OF MAJOR NEW DEVELOPMENT TO COMPLEMENT THE CITY PATTERN, THE RESOURCES TO BE CONSERVED, AND THE NEIGHBORHOOD ENVIRONMENT.

Policy 3.4

Promote building forms that will respect and improve the integrity of open spaces and other public areas.

Policy 3.6

Relate the bulk of buildings to the prevailing scale of development to avoid an overwhelming or dominating appearance in new construction.

CENTRAL WATERFRONT AREA PLAN

Land Use

Objectives and Policies

OBJECTIVE 1.4

SUPPORT A ROLE FOR “KNOWLEDGE SECTOR” BUSINESSES IN APPROPRIATE PORTIONS OF THE CENTRAL WATERFRONT

Policy 1.4.2

Allow other Knowledge Sector office uses in portions of the Central Waterfront where it is appropriate.

OBJECTIVE 3.1

PROMOTE AN URBAN FORM THAT REINFORCES THE CENTRAL WATERFRONT’S DISTINCTIVE PLACE IN THE CITY’S LARGER FORM AND STRENGTHENS ITS PHYSICAL FABRIC AND CHARACTER

Policy 3.1.8

Where an existing pattern of rear yard open space does not exist, new development on mixed-use-zoned parcels should have greater flexibility as to where open space can be located.

OBJECTIVE 5.1

ENSURE THAT NEW DEVELOPMENT INCLUDES HIGH QUALITY PRIVATE OPEN SPACE

Policy 5.2.1

Require new residential and mixed-use residential development to provide on-site private open space designed to meet the needs of residents.

Policy 5.2.5

New development will respect existing patterns of rear yard open space. Where an existing pattern of rear yard open space does not exist, new development on mixed-use-zoned parcels has flexibility as to where open space can be located.

The Project will replace a vacant industrial warehouse with a three-story laboratory (non-life science) development that is compatible with the mix of uses within the Urban Mixed Use Zoning District as well as the Central Waterfront Area Plan, as it is likely to fulfill a “Knowledge Sector” that consists of businesses that create economic value through the knowledge they generate and provide for their customers. This includes, but is not limited to, environmental technologies and research and development. The Project introduces a contemporary architectural vocabulary that is sensitive to the prevailing scale and neighborhood fabric. The Project provides ample outdoor space and full lot coverage where the building abuts the freeway to create a lower scale building. Notably, the Project will be 10 feet lower than the permitted zoning district height limit, two stories lower than the mixed-use development at 660 Indiana Street (to the north) and two stories lower than the housing development at 800 Indiana Street (to the south). The Project provides a high-quality exterior, which features a variety of materials, colors, and textures, including smooth concrete, textured concrete, white aluminum composite siding, and perforated bronze aluminum panel window screens. The Project is also in proximity to ample public transportation located nearby on 20th Street as well as 3rd Street. On balance, the Project is consistent with the Objectives and Policies of the General Plan and the Central Waterfront Area Plan.

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 site does not possess any neighborhood-serving retail uses. The Project provides a three-story laboratory building which will not provide any neighborhood-serving retail uses, however, would enhance the nearby retail uses by providing new workers, who may patronize these businesses.

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

The subject site does not possess any existing housing. The Project will demolish an existing vacant industrial building and construct a new laboratory (nonlife-science) building. The Project is consistent with the Urban Design Element and Central Area Waterfront Plan. For these reasons, the Project would protect and preserve the economic and cultural diversity of the neighborhood.

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

The Project does not currently possess any existing affordable housing nor are dwelling units proposed as part of the new laboratory building. Therefore, the Project will have no impact to affordable housing units in the City.

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

The Project Site is served by nearby public transportation options. The Project is located three blocks from the Muni bus line (55-20th Street/3rd Street) and three blocks from the 20th Street Muni rail line. Future residents would be afforded proximity to a bus line and light rail line. The Project also provides off-street parking at the principally permitted amounts and sufficient bicycle parking for their employees.

- 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 does not include commercial office development. The last registered industrial business for storage yard use vacated the subject property in 2020. Although the Project would replace an industrial property, the property is presently underutilized and vacant. The Project incorporates new laboratory use (non-life science), thus assisting in diversifying the mix of permitted district uses and allowing for employment in these sectors.

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

The Project will be designed and constructed to conform to the structural and seismic safety requirements of the Building Code. As such, this Project will improve the property's ability to withstand an earthquake.

- G. That landmarks and historic buildings be preserved.

Currently, the Project Site does not contain any City Landmarks or historic buildings.

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

The Project will cast new shadow on the adjacent Esprit Park under the jurisdiction of Recreation and Park Department. However, the amount of net new shadow cast onto Esprit Park as a result of

the Project will not be significant or adverse to the enjoyment of this park.

- 11. First Source Hiring.** The Project is subject to the requirements of the First Source Hiring Program as they apply to permits for residential development (Administrative Code Section 83.11), and the Project Sponsor shall comply with the requirements of this Program as to all construction work and on-going employment required for the Project. Prior to the issuance of any building permit to construct or a First Addendum to the Site Permit, the Project Sponsor shall have a First Source Hiring Construction and Employment Program approved by the First Source Hiring Administrator, and evidenced in writing. In the event that both the Director of Planning and the First Source Hiring Administrator agree, the approval of the Employment Program may be delayed as needed.

The Project Sponsor submitted a First Source Hiring Affidavit and prior to issuance of a building permit will execute a First Source Hiring Memorandum of Understanding and a First Source Hiring Agreement with the City's First Source Hiring Administration.

- 12.** 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 constitute a beneficial development.
- 13.** The Commission hereby finds that approval of the Large Project Authorization would promote the health, safety and welfare of the City.

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Large Project Authorization Application No. 2023-001074ENX** subject to the following conditions attached hereto as “EXHIBIT A” in general conformance with plans on file, dated August 30, 2023, and stamped “EXHIBIT B”, which is incorporated herein by reference as though fully set forth.

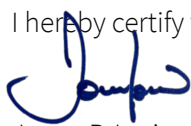
The Project is consistent with the development density and adopted zoning controls for the project site located in the Eastern Neighborhoods – Central Waterfront Plan area, a programmatic community plan for which there is a certified EIR (PEIR). On April 5, 2024, the Department determined that the Project qualified for streamlined environmental review under Public Resources Code Section 21083.3 and Section 15183 of the CEQA Guidelines. Accordingly, the Department issued a community plan evaluation (GPE) for the project. The GPE identified the mitigation measures from the PEIR that are applicable to the Project. With the applicable mitigation measures incorporated, the Project would not result in a significant environmental effect. The mitigation measures are provided in a project specific mitigation monitoring and reporting program (MMRP) that has been agreed to by the project sponsor. The GPE is attached as Exhibit K and MMRP is attached in Exhibit C.

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Section 329/309 Large/Downtown Project Authorization to the Board of Appeals within fifteen (15) days after the date of this Motion. The effective date of this Motion shall be the date of adoption of this Motion if not appealed (after the 15-day period has expired) OR the date of the decision of the Board of Appeals if appealed to the Board of Appeals. Any appeal shall be made to the Board of Appeals, unless an associated entitlement is appealed to the Board of Supervisors, in which case the appeal of this Motion shall also be made to the Board of Supervisors (see Charter Section 4.135). For further information, please contact the Board of Appeals at (628) 652-1150, 49 South Van Ness Avenue, Suite 1475, San Francisco, CA 94103, or the Board of Supervisors at (415) 554-5184, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

Protest of Fee or Exaction: You may protest any fee or exaction subject to Government Code Section 66000 that is imposed as a condition of approval by following the procedures set forth in Government Code Section 66020. The protest must satisfy the requirements of Government Code Section 66020(a) and must be filed within 90 days of the date of the first approval or conditional approval of the development referencing the challenged fee or exaction. For purposes of Government Code Section 66020, the date of imposition of the fee shall be the date of the earliest discretionary approval by the City of the subject development.

If the City has not previously given Notice of an earlier discretionary approval of the project, the Planning Commission’s adoption of this Motion, Resolution, Discretionary Review Action or the Zoning Administrator’s Variance Decision Letter constitutes the approval or conditional approval of the development and the City hereby gives **NOTICE** that the 90-day protest period under Government Code Section 66020 has begun. If the City has already given Notice that the 90-day approval period has begun for the subject development, then this document does not re-commence the 90-day approval period.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on June 13, 2024.



Jonas P. Ionin
Commission Secretary

AYES: So, Williams, Braun, Imperial, Koppel, Moore, Diamond

NAYS: None

ABSENT: None

ADOPTED: June 13, 2024

EXHIBIT A

Authorization

This authorization is for a Large Project Authorization to allow construction of a three-story commercial building for non-life science laboratory building (d.b.a. **MBC Bio Labs**) containing 51 off-street parking spaces and 2 car-share spaces below grade, one off-street loading space, 15 bicycle parking spaces consisting of 6 Class One bicycle spaces, 5 Class One bicycle fleet spaces, 4 Class Two bicycle spaces; 4 showers, private bike repair station, 24 lockers, and approximately 8,000 sq. ft. of non-residential open space at rooftop level located at 700 Indiana Street Block 4062, and Lot 007 pursuant to Planning Code Section(s) **329 and 838** within the **UMU (Urban Mixed Use)** Zoning District and a **58-X** Height and Bulk District; in general conformance with plans, dated **August 30, 2023**, and stamped “EXHIBIT B” included in the docket for Record No. **2023-001074ENX** and subject to conditions of approval reviewed and approved by the Commission on **June 13, 2024** under Motion No. **21576**. 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 Planning approval of the building permit or commencement of use for the Project, the property owner must record a Notice of Special Restrictions prepared by the Planning Department with 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 **June 13, 2024** under Motion No. **21576**.

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 Large Project 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 628.652.7463, www.sfplanning.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 628.652.7463, www.sfplanning.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 628.652.7463, www.sfplanning.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 628.652.7463, www.sfplanning.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 628.652.7463, www.sfplanning.org

6. **Additional Project Authorization.** The Project Sponsor must obtain a Project authorization under Sections 329 to allow construction of more than 25,000 square feet and findings for shadow effects to properties protected by Section 295, and satisfy all the conditions thereof. The conditions set forth below are additional conditions required in connection with the Project. If these conditions overlap with any other requirement imposed on the Project, the more restrictive or protective condition or requirement, as determined by the Zoning Administrator, shall apply.

For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, www.sfplanning.org

7. **Mitigation Measures.** Feasible mitigation measures from the programmatic EIR for the Eastern Neighborhoods Area Plan where the project site is located that are applicable to the project will be undertaken. These mitigation measures are necessary to avoid potential significant effects of the proposed project and are described in the project specific MMRP attached as Exhibit C. The measures have been agreed to by the project sponsor. Their implementation are conditions of project approval.

For information about compliance, contact Code Enforcement, Planning Department at 628-652-7463, www.sfplanning.org

Design – Compliance at Plan Stage

8. **Final Materials.** The Project Sponsor shall continue to work with Planning Department on the building design. Final materials, glazing, color, texture, landscaping, and detailing shall be subject to Department staff review and approval. The architectural addenda shall be reviewed and approved by the Planning Department prior to issuance. Bike parking – including for e-bikes and cargo bikes, will continue to be refined during the building permit application stage.

For information about compliance, contact the Case Planner, Planning Department at 628.652.7551, www.sfplanning.org

9. **Garbage, Composting and Recycling Storage.** Space for the collection and storage of garbage, composting, and recycling shall be provided within enclosed areas on the property and clearly labeled and illustrated on the building permit plans. Space for the collection and storage of recyclable and compostable materials that meets the size, location, accessibility and other standards specified by the San Francisco Recycling Program shall be provided at the ground level of the buildings.

For information about compliance, contact the Case Planner, Planning Department at 628.652.7551, www.sfplanning.org

10. **Rooftop Mechanical Equipment.** Pursuant to Planning Code 141, the Project Sponsor shall submit a roof plan to the Planning Department prior to Planning approval of the building permit application. Rooftop mechanical equipment, if any is proposed as part of the Project, is required to be screened so as not to be visible from any point at or below the roof level of the subject building.

For information about compliance, contact the Case Planner, Planning Department at 628.652.7551, www.sfplanning.org

11. **Lighting Plan.** The Project Sponsor shall submit an exterior lighting plan to the Planning Department prior to Planning Department approval of the building / site permit application.

For information about compliance, contact the Case Planner, Planning Department at 628.652.7551, www.sfplanning.org

12. **Streetscape Plan.** Pursuant to Planning Code Section 138.1, the Project Sponsor shall continue to work with Planning Department staff, in consultation with other City agencies, to refine the design and programming of the Streetscape Plan so that the plan generally meets the standards of the Better Streets Plan and all applicable City standards. The Project Sponsor shall complete final design of all required street improvements, including procurement of relevant City permits, prior to issuance of first architectural addenda, and shall complete construction of all required street improvements prior to issuance of first temporary certificate of occupancy.

For information about compliance, contact the Case Planner, Planning Department at 628.652.7551, www.sfplanning.org

13. **Transformer Vault Location.** The location of individual project PG&E Transformer Vault installations has significant effects to San Francisco streetscapes when improperly located. However, they may not have any impact if they are installed in preferred locations. Therefore, the Planning Department in consultation with Public Works shall require the following location(s) for transformer vault(s) for this project: building frontage or private site area at the Indiana Street frontage. The above requirement shall adhere to the Memorandum of Understanding regarding Electrical Transformer Locations for Private Development Projects between Public Works and the Planning Department dated January 2, 2019.

For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works at 628.271.2000, www.sfpbpublicworks.org

14. **Overhead Wiring.** The Property owner will allow MUNI to install eyebolts in the building adjacent to its electric streetcar line to support its overhead wire system if requested by MUNI or MTA.

For information about compliance, contact San Francisco Municipal Railway (Muni), San Francisco Municipal Transit Agency (SFMTA), at 415.701.4500, www.sfmta.org

15. **Odor Control Unit.** In order to ensure any significant noxious or offensive odors are prevented from escaping the premises once the project is operational, the building permit application to implement the project shall include air cleaning or odor control equipment details and manufacturer specifications on the plans if applicable as determined by the project planner. Odor control ducting shall not be applied to the primary façade of the building.

For information about compliance, contact the Case Planner, Planning Department at 628.652.7551, www.sfplanning.org

Parking and Traffic

16. **Transportation Demand Management (TDM) Program.** Pursuant to Planning Code Section 169, the Project

shall finalize a TDM Plan prior to the issuance of the first Building Permit or Site Permit to construct the project and/or commence the approved uses. The Property Owner, and all successors, shall ensure ongoing compliance with the TDM Program for the life of the Project, which may include providing a TDM Coordinator, providing access to City staff for site inspections, submitting appropriate documentation, paying application fees associated with required monitoring and reporting, and other actions.

Prior to the issuance of the first Building Permit or Site Permit, 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 to document compliance with the TDM Program. This Notice shall provide the finalized TDM Plan for the Project, including the relevant details associated with each TDM measure included in the Plan, as well as associated monitoring, reporting, and compliance requirements.

For information about compliance, contact the TDM Performance Manager at tdm@sfgov.org or 628.652.7340, www.sfplanning.org

17. **Car Share.** Pursuant to Planning Code Section 166, no fewer than **two (2)** car share space shall be made available, at no cost, to a certified car share organization for the purposes of providing car share services for its service subscribers.

For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, www.sfplanning.org

18. **Bicycle Parking.** Pursuant to Planning Code Sections 155.1 and 155.4, the Project shall provide no fewer than 5 Class 1 and 4 Class 2 bicycle parking spaces. SFMTA has final authority on the type, placement and number of Class 2 bicycle racks within the public ROW. Prior to issuance of first architectural addenda, the project sponsor shall contact the SFMTA Bike Parking Program at bikeparking@sfmta.com to coordinate the installation of on-street bicycle racks and ensure that the proposed bicycle racks meet the SFMTA's bicycle parking guidelines. Depending on local site conditions and anticipated demand, SFMTA may request the project sponsor pay an in-lieu fee for Class II bike racks required by the Planning Code.

For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, www.sfplanning.org

19. **Showers and Clothes Lockers.** Pursuant to Planning Code Section 155.4, the Project shall provide no fewer than 4 showers and 24 clothes lockers.

For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, www.sfplanning.org

20. **Parking Maximum.** Pursuant to Planning Code Section 151.1, the Project shall provide no more than **fifty-three (53)** off-street parking spaces.

For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, www.sfplanning.org

21. **Off-Street Loading.** Pursuant to Planning Code Section 152, the Project will provide **one (1)** off-street loading

space.

For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, www.sfplanning.org

22. **Managing Traffic During Construction.** The Project Sponsor and construction contractor(s) shall coordinate with the Traffic Engineering and Transit Divisions of the San Francisco Municipal Transportation Agency (SFMTA), the Police Department, the Fire Department, the Planning Department, and other construction contractor(s) for any concurrent nearby Projects to manage traffic congestion and pedestrian circulation effects during construction of the Project.

For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, www.sfplanning.org

Provisions

23. **First Source Hiring.** The Project shall adhere to the requirements of the First Source Hiring Construction and End-Use Employment Program approved by the First Source Hiring Administrator, pursuant to Section 83.4(m) of the Administrative Code. The Project Sponsor shall comply with the requirements of this Program regarding construction work and on-going employment required for the Project.

For information about compliance, contact the First Source Hiring Manager at 415.581.2335, www.onestopSF.org

24. **Transportation Sustainability Fee.** The Project is subject to the Transportation Sustainability Fee (TSF), as applicable, pursuant to Planning Code Section 411A.

For information about compliance, contact the Case Planner, Planning Department at 628.652.7551, www.sfplanning.org

25. **Jobs-Housing Linkage.** The Project is subject to the Jobs Housing Linkage Fee, as applicable, pursuant to Planning Code Section 413.

For information about compliance, contact the Case Planner, Planning Department at 628.652.7551, www.sfplanning.org

26. **Eastern Neighborhoods Infrastructure Impact Fee.** The Project is subject to the Eastern Neighborhoods Infrastructure Impact Fee, as applicable, pursuant to Planning Code Section 423.

For information about compliance, contact the Case Planner, Planning Department at 628.652.7551, www.sfplanning.org

27. **Art Fee.** The Project is subject to the Public Art Fee, as applicable, pursuant to Planning Code Section 429.

For information about compliance, contact the Case Planner, Planning Department at 628.652.7551, www.sfplanning.org

Monitoring - After Entitlement

28. **Enforcement.** Violation of any of the Planning Department conditions of approval contained in this Motion or of any other provisions of Planning Code applicable to this Project shall be subject to the enforcement procedures and administrative penalties set forth under Planning Code Section 176 or Section 176.1. The Planning Department may also refer the violation complaints to other city departments and agencies for appropriate enforcement action under their jurisdiction.

For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, www.sfplanning.org

29. **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 350 and work with the Planning Department for information about compliance.

For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, www.sfplanning.org

30. **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 628.652.7463, www.sfplanning.org

Operation

31. **Sidewalk Maintenance.** The Project Sponsor shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean and sanitary condition in compliance with the Department of Public Works Streets and Sidewalk Maintenance Standards.

For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works, 628.271.2000, www.sfpublishworks.org

32. **Community Liaison.** Prior to issuance of a building permit to construct the project and implement the approved use, the Project Sponsor shall appoint a community liaison officer to deal with the issues of concern to owners and occupants of nearby properties. The Project Sponsor shall provide the Zoning Administrator and all registered neighborhood groups for the area with written notice of the name, business address, and telephone number of the community liaison. Should the contact information change, the Zoning Administrator and registered neighborhood groups shall be made aware of such change. The community liaison shall report to the Zoning Administrator what issues, if any, are of concern to the community and what issues have not been resolved by the Project Sponsor.

For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463,

www.sfplanning.org

33. **Laboratory Use.** Any future occupant must comply with the definition of laboratory as currently defined through the Zoning Administrator's Letter of Determination dated November 6, 2020, at the following link:

<https://citypln-m-extnl.sfgov.org/SharedLinks.aspx?accesskey=c91ac44292c0a5619398a5fdbb01f86fd3fe7a3913dff349b3a392476c12ef6d&VaultGUID=A4A7DACD-B0DC-4322-BD29-F6F07103C6E0>



EXHIBIT B:
August 30, 2023

SHEET INDEX	
SHEET NUMBER	SHEET NAME
ARCHITECTURE	
A0.0	COVER SHEET
A0.1	CODE AND LOCATION INFORMATION
A0.2	SITE SURVEY
A0.3	SITE CONTEXT PHOTOGRAPHY
A0.4	EXISTING SITE, DEMOLITION, AND EASEMENT PLAN
A0.5	PROPOSED SITE PLAN
A0.6	FINISH MATERIALS
A0.7	STREETSCAPE PLANS & SECTIONS
A1.0	AREA PLANS
A2.0	OVERALL BASEMENT AND GROUND FLOOR PLAN
A2.1	OVERALL MEZZANINE AND SECOND FLOOR PLANS
A2.2	OVERALL THIRD FLOOR AND ROOF PLAN
A3.0	BUILDING ELEVATIONS
A3.1	BUILDING ELEVATIONS
A3.2	BUILDING ELEVATIONS
A3.3	BUILDING SECTIONS
A3.4	SCREEN FACADE AT INDIANA STREET
A3.5	RENDERINGS
A4.3	SCREEN DETAILS

COVER SHEET

A0.0

700 INDIANA STREET

SAN FRANCISCO, CA 94107

APN: 4062-007

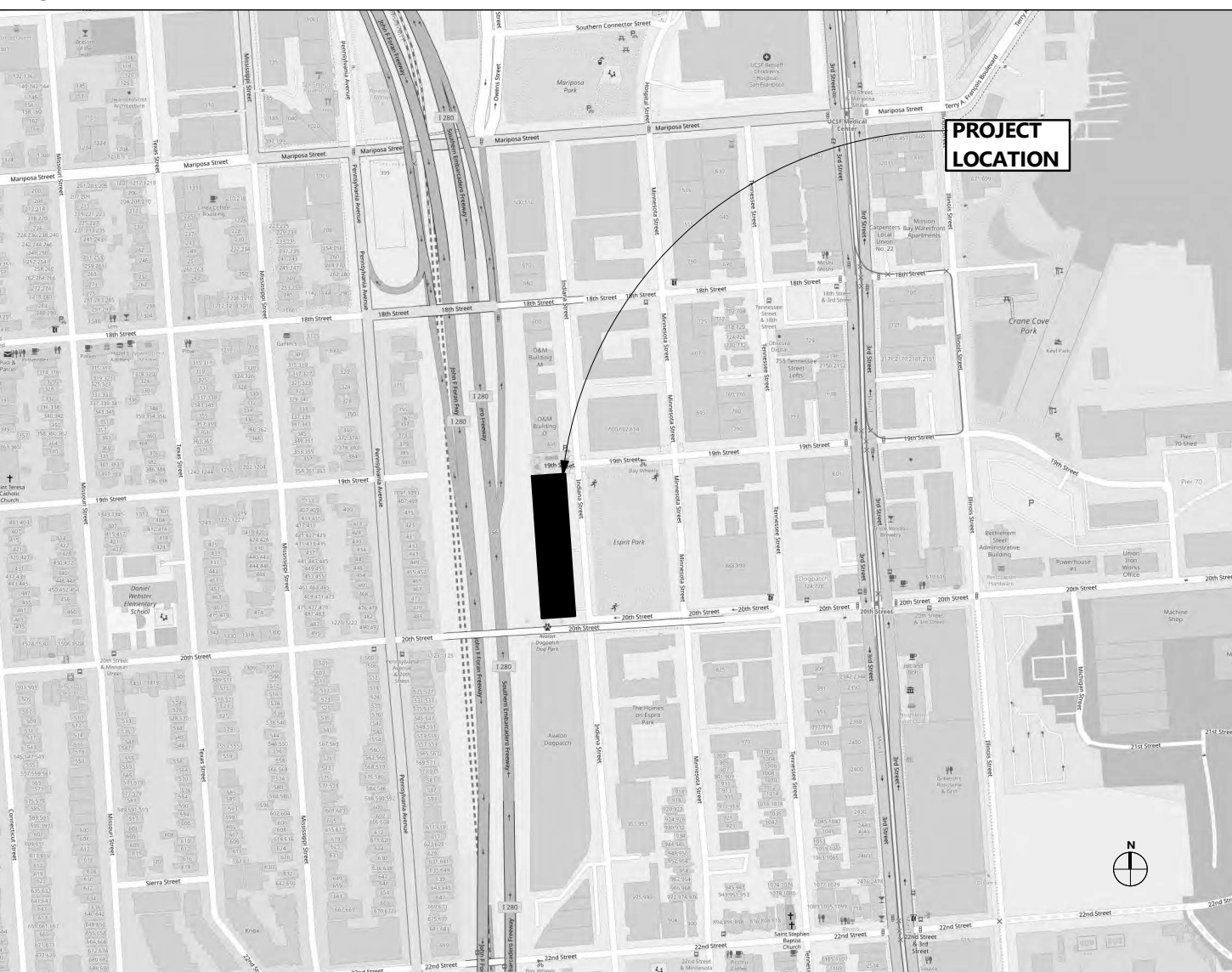
MBC BIOLABS @700

08/09/2023
PROJECT NUMBER: 56504

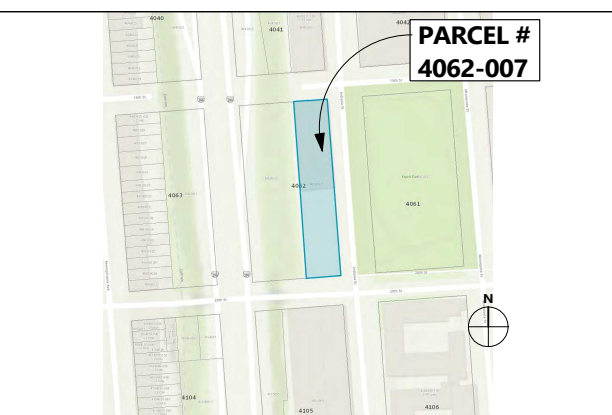
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960 ATLANTIC AVE
ALAMEDA, CA 94501
TEL 510.865.8663
FAX 510.865.1611



VICINITY MAP



PLAT MAP



SITE ZONING ANALYSIS

APN:	4062-007
SIZE OF PROPERTY:	31,090 SF
GENERAL PLAN / SITE ZONING:	UMU
SETBACKS:	
FRONT	0'-0"
SIDE	0'-0"
REAR	0'-0"
FLOOR AREA RATIO (FAR):	N/A
PROJECT FOOTPRINT AREA	31,090 SF
SITE AREA	31,090 SF
GROUND FLOOR BUILDING AREA	27,005 SF
PERCENTAGE OF LOT COVERAGE	86.8%
OPEN AREA	
TOTAL SITE AREA (LOT SIZE)	31,090 SF
TOTAL PROJECT FOOTPRINT AREA	28,261 SF
TOTAL OPEN AREA	2,829 SF
PARKING	
UP TO ONE CAR FOR EACH 1,500 SQUARE FEET OF OCCUPIED FLOOR AREA.	
PROJECT TOTAL OCCUPIED FLOOR AREA = 64,793 SF	
NON-RESIDENTIAL, NON-OFFICE USES IN THE UMU DISTRICT ARE PERMITTED UP TO 50% MORE THAN THE TABLE PROVIDED WITHIN THIS CODE SECTION.	
64,793 SF / 1500 = 43.20 + 50% = 65 MAXIMUM ALLOWABLE SPACES (OFF-STREET)	
ACCESSIBLE SPACES REQUIRED = 6	
PARKING SPACES PROVIDED:	
OFF-STREET	
STANDARD SPACES	47 SPACES
ACCESSIBLE SPACES	6 SPACES
COMPACT SPACES	0 SPACES
B1 LEVEL GARAGE TOTAL	53 SPACES
MINUS RIDESHARE SPACES (2)	51 SPACES
ON-STREET	
GROUND LEVEL	14 SPACES
TOTAL	65 SPACES

OCCUPIABLE AREA SCHEDULE

LEVEL	AREA USE	AREA	COMMENTS
GROUND FLOOR	LABORATORY	23,170 SF	SEE AREA PLANS ON A1.0
MEZZANINE	LABORATORY	2,756 SF	
SECOND FLOOR	LABORATORY	26,139 SF	
THIRD FLOOR	LABORATORY	12,728 SF	
		64,793 SF	

SF PLANNING METHODOLOGY

*FOR PURPOSES OF COMPUTATION, "OCCUPIED FLOOR AREA" SHALL CONSIST OF THE GROSS FLOOR AREA, AS DEFINED IN THIS CODE, MINUS THE FOLLOWING:

- ACCESSORY PARKING AND LOADING SPACES AND DRIVEWAYS, AND MANEUVERING AREAS INCIDENTAL THERETO;
- EXTERIOR WALLS OF THE BUILDING;
- MECHANICAL EQUIPMENT, APPURTENANCES, AND AREAS NECESSARY TO THE OPERATION OR MAINTENANCE OF THE BUILDING ITSELF, WHEREVER LOCATED IN THE BUILDING;
- RESTROOMS AND SPACE FOR STORAGE AND SERVICES NECESSARY TO THE OPERATION AND MAINTENANCE OF THE BUILDING ITSELF, WHEREVER LOCATED IN THE BUILDING;
- SPACE IN A RETAIL STORE FOR STORE MANAGEMENT, SHOW WINDOWS, AND DRESSING ROOMS, AND FOR INCIDENTAL REPAIRS, PROCESSING, PACKAGING, AND STOCKROOM STORAGE OF MERCHANDISE FOR SALE ON THE PREMISES; AND
- INCIDENTAL STORAGE SPACE FOR THE CONVENIENCE OF TENANTS

DEFERRED SUBMITTALS

DEFERRED SUBMITTALS (SHOP DRAWINGS) SHALL FIRST BE SUBMITTED TO THE PROJECT ARCHITECT AND/OR ENGINEER OF RECORD FOR REVIEW AND COORDINATION. FOLLOWING THE COMPLETION OF THE REVIEW AND COORDINATION BY THE ARCHITECT AND/OR ENGINEER OF RECORD, A SUBMITTAL MAY THEN BE MADE TO THE CITY OF BURLINGAME BUILDING DEPARTMENT FOR REVIEW AND APPROVAL, WHICH SHALL INCLUDE A LETTER STATING THIS REVIEW AND COORDINATION HAS BEEN PERFORMED AND COMPLETED AND PLANS AND CALCULATIONS FOR THE DEFERRED ITEMS ARE FOUND TO BE ACCEPTABLE (E.G. WITH REGARD TO GEOMETRY, LOAD CALCULATIONS, ETC.) WITH NO EXCEPTIONS.

- DEFERRED SUBMITTALS:
- EXCAVATION/SHORING
 - FIRE SPRINKLER
 - SIGNAGE
 - FIRE UNDERGROUND
 - FIRE ALARM
 - EMERGENCY RESPONSE RADIO COVERAGE SYSTEM
 - COMMISSIONING, IF ACCEPTABLE TO AHJ

APPLICABLE CODES

- ALL NEW CONSTRUCTION SHALL COMPLY WITH THE FOLLOWING CODES:**
- 2022 CALIFORNIA BUILDING CODE
 - 2022 CALIFORNIA MECHANICAL CODE
 - 2022 CALIFORNIA ELECTRICAL CODE
 - 2022 CALIFORNIA PLUMBING CODE
 - 2022 CALIFORNIA ENERGY EFFICIENCY STANDARDS
 - 2022 CALIFORNIA GREEN BUILDING STANDARDS
 - 2022 CALIFORNIA FIRE CODE
 - CALIFORNIA DISABLED ACCESS REQUIREMENTS
 - 2016 ADA STANDARDS FOR ACCESSIBLE DESIGN
 - SAN FRANCISCO MUNICIPAL CODES AND ALL AMMENDMENTS TO THE 2022 MODEL CODES

PROJECT DESCRIPTION

THE ADDRESS FOR THIS PROJECT IS AS STATED BELOW:
700 INDIANA STREET
SAN FRANCISCO, CA 94107
APN: 4062/007

THE PROJECT DESCRIBED BY THESE DRAWINGS INCLUDES:

- NON-LIFE SCIENCE LABORATORY PROJECT. PROJECT WILL INCLUDE ON SITE PARKING (BELOW GROUND) AND 72,349 GROSS SF OF LAB SPACE CLASSIFIED AS OCCUPANCY 'B'.
- CONSTRUCTION OF A NEW 3 STORY ABOVE, 1 STORY BELOW GROUND, TYPE I-A BUILDING. AS DESCRIBED BELOW:
 - NEW ABOVE GRADE STRUCTURE, ENVELOPE, AND INTERIORS
 - NEW ELEVATORS, SHAFTWAYS, STAIRS, & ROOFTOP EQUIPMENT PLATFORMS.
 - NEW MECHANICAL, ELECTRICAL & PLUMBING WORK ABOVE OR AT FOUNDATION LEVEL.
 - NEW ABOVE GRADE ENVELOPE, WATERPROOFING, FINISH WORK, & ROOF TERRACES.
 - GRADING, SITEWORK, HARDSCAPE, LANDSCAPE, SITE LIGHTING, & IMPROVEMENTS.
- THIS PROJECT FEATURES A REDUCED FOOTPRINT ON 3RD FLOOR, INCLUDES A ROOF DECK. ALL BUILDING HEIGHTS ARE BELOW THE ALLOWED FOR ZONING.

PROJECT DIRECTORY

OWNER MBC BIOLABS AT 700 CONTACT: RYAN GUIBARA ADDRESS: 240 LORTON AVE, 4TH FLOOR BURLINGAME, CA 94010 PHONE: (650) 430-5900 E-MAIL: rguibara@mbcbiolabs.com	ARCHITECT MBH ARCHITECTS CONTACT: EDWARD HALL ADDRESS: 960 ATLANTIC AVE ALAMEDA, CA 94501 PHONE: (415) 269-3805 E-MAIL: eddieh@mbharch.com
---	---

PROJECT INFORMATION

BUILDING ADDRESS:	700 INDIANA STREET SAN FRANCISCO CA
EXISTING LAND USE:	WAREHOUSE AND EXISTING PARKING
PROPOSED LAND USE:	LABORATORY (NON-LIFE SCIENCE)
ZONING:	UMU (URBAN MIXED-USE)
SPECIAL USE DISTRICT:	LIFE SCIENCE & MEDICAL
LOT SIZE:	31,090 SF (0.714 ACRES)
OCCUPANCY TYPE:	BUSINESS GROUP B (OFFICES & LABORATORIES) ASSEMBLY GROUP A-3 (ROOF TERRACES & BREAK AREA) STORAGE GROUP S-2 (PARKING GARAGE)
CONSTRUCTION TYPE:	TYPE 1-A
BUILDING STORIES:	(3) THREE STORIES PLUS 1 BASEMENT
HEIGHT/BULK DISTRICT:	58-X
BUILDING HEIGHT:	58'-0" ALLOWED - 49'-9" PROPOSED MEASURED FROM GRADE LEVEL TO THE AVERAGE HEIGHT OF THE HIGHEST ROOF SURFACE, (AS DEFINED IN SFCB 508.2.2)
HIGHEST OCCUPIED FLOOR:	33'-0" (FROM GRADE LEVEL - TO THIRD FLOOR)
BUILDING AREA:	70,650 SF GROSS (NOT INCLUDING PARKING LEVEL)
PARKING:	BASEMENT LEVEL 29,336 SF

2022 CA BUILDING CODE ANALYSIS OF BUILDING & PROPOSED SITE IMPROVEMENTS

STORAGE: GROUP S-2		OFFICE: GROUP B	
CONSTRUCTION	TYPE I-A	CONSTRUCTION	TYPE I-A
BEARING WALLS:	2-HR	BEARING WALLS:	3-HR
EXTERIOR NON-BEARING WALLS:	0-HR	EXTERIOR NON-BEARING WALLS:	0-HR
INTERIOR NON-BEARING WALLS:	0-HR	INTERIOR NON-BEARING WALLS:	0-HR
STRUCTURAL FRAME:	2-HR; ≥ 4 STORIES PER 2022 CBC SECTION 713.4	STRUCTURAL FRAME:	2-HR; ≥ 4 STORIES PER 2022 CBC SECTION 713.4
SHAFT ENCLOSURES:	0-HR	SHAFT ENCLOSURES:	0-HR
FLOOR/CEILING ASSEMBLIES:	NA	FLOOR/CEILING ASSEMBLIES:	2-HR
ROOF/CEILING ASSEMBLIES:	0-HR; WITH SPRINKLER SYSTEM PER 2022 CBC TABLE 2020.1	ROOF/CEILING ASSEMBLIES:	1.5-HR; WITH SPRINKLER SYSTEM PER 2022 CBC TABLE 2020.1
CORRIDORS:	0-HR	CORRIDORS:	0-HR
STAIR ENCLOSURES:	2-HR; ≥ 4 STORIES PER 2022 CBC SECTION 713.4	STAIR ENCLOSURES:	2-HR; ≥ 4 STORIES PER 2022 CBC SECTION 713.4

CODE AND LOCATION INFORMATION

A0.1

700 INDIANA STREET

SAN FRANCISCO, CA 94107

08/09/2023
PROJECT NUMBER: 56504
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960 ATLANTIC AVE
ALAMEDA, CA 94501
TEL 510.865.8643
FAX 510.865.1611



TITLE REPORT

THE TITLE REPORT USED IN THIS SURVEY WAS ISSUED BY FIRST AMERICAN TITLE INSURANCE COMPANY, ORDER NO. NCS-1110239-SC, DATED DECEMBER 30, 2021, AT 7:30 AM, REFERRED TO HEREON AS THE "PTR".

TITLE TO SAID ESTATE IS VESTED IN:

ROBERT E. BORRMANN, TRUSTEE UNDER THE TERMS OF DECLARATION OF TRUST, DATED MAY 25, 1983, AS TO A UNDIVIDED ONE-HALF (1/2) INTEREST AND DOROTHY R. BORRMANN, TRUSTEE, AS TRUSTEE UNDER THE TERMS OF DECLARATION OF TRUST, DATED JULY 10, 1990, AS TO A UNDIVIDED ONE-HALF (1/2) INTEREST.

THE ESTATE OR INTEREST IN THE LAND IS:
 FEE

LEGAL DESCRIPTION

REAL PROPERTY IN THE CITY OF SAN FRANCISCO, COUNTY OF SAN FRANCISCO, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

PARCEL ONE:

LOT 7, IN BLOCK 4062, AS SHOWN ON THE MAP ENTITLED, "PARCEL MAP OF ASSESSOR'S LOTS 3, 5 & 6, BLOCK 4062, ALSO BEING A PORTION OF A NEW POTRERO BLOCK 339, SAN FRANCISCO, CALIFORNIA," RECORDED OCTOBER 10, 1979, IN THE RECORDS OF THE CITY AND COUNTY OF SAN FRANCISCO, STATE OF CALIFORNIA, IN BOOK 12 OF PARCEL MAPS AT PAGE 24.

EXCEPTING THEREFROM THAT PORTION SHOWN ON SAID PARCEL MAP AS LOT 5.

PARCEL TWO:

A PARCEL OF LAND BEING THAT PORTION OF THE ATCHSON, TOPEKA, AND SANTA FE RAILWAY COMPANY'S PROPERTY SHOWN AS A PORTION OF LOT NO. 7, IN BLOCK 4062, AS SAID LOT AND BLOCK ARE SHOWN ON MAP ENTITLED "PARCEL MAP OF ASSESSOR'S BLOCK 4062 ALSO BEING A PORTION OF NEW POTRERO BLOCK 339 SAN FRANCISCO, CALIFORNIA," RECORDED IN BOOK 12 OF PARCEL MAPS, PAGE 24, RECORDS OF SAID COUNTY, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE SOUTHERLY LINE OF NINETEENTH STREET WITH THE WESTERLY LINE OF INDIANA STREET; THENCE SOUTH 37°02'24" EAST (BEARING ASSUMED FOR THE PURPOSE OF THE DESCRIPTION) ALONG SAID WESTERLY LINE, 384.90 FEET; THENCE NORTH 14°43'05" WEST, 45.65 FEET TO A POINT IN A LINE PARALLEL WITH AND DISTANT WESTERLY 13 FEET AT RIGHT ANGLES FROM SAID WESTERLY LINE; THENCE NORTH 37°02'24" WEST ALONG SAID PARALLEL LINE, 341.14 FEET TO A POINT IN SAID SOUTHERLY LINE; THENCE EASTERLY ALONG SAID SOUTHERLY LINE, 13 FEET TO THE POINT OF BEGINNING.

APN: LOT: 007 BLOCK: 4062

EXCEPTIONS

1. A DOCUMENT ENTITLED "RESOLUTION TO ESTABLISH THE DOOPATCH & NORTHWEST POTRERO HILL GREEN BENEFIT DISTRICT" RECORDED AUGUST 11, 2015 AS INSTRUMENT NO. 2015-K108224 OF OFFICIAL RECORDS.
2. WATER RIGHTS, CLAIMS OR TITLE TO WATER, WHETHER OR NOT SHOWN BY THE PUBLIC RECORDS, (EXC. 6 - NOT PLOTTABLE).

TABLE A NOTES

1. FOUND MONUMENTS ARE SHOWN ON THIS SHEET OF THE SURVEY.
2. THE PROPERTY ADDRESS IS: 700 INDIANA STREET, SAN FRANCISCO, CA 94107
3. FLOOD ZONE: ACCORDING TO SAN FRANCISCO'S PRELIMINARY FLOODPLANS MAP, DATED NOVEMBER 12, 2015, THE PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA. SOURCE: [HTTPS://SFSGA.ORG/SAN-FRANCISCO-FLOODPLAIN-MANAGEMENT-PROGRAM](https://sfsga.org/san-francisco-floodplain-management-program)
4. THE TOTAL GROSS LAND AREA 30,963 SQUARE FEET +/- OR 0.711 ACRES MORE OR LESS
5. THE PROJECT IS NOT LOCATED WITHIN THE FLOOD ZONE ON THE SFSPUC'S 100 YEAR-STORM FLOOD ZONE MAP, WHICH SHOWS PROPERTIES IN SAN FRANCISCO THAT ARE SUBJECT TO DEEP AND CONTIGUOUS FLOODING DURING A 100-YEAR STORM, DATED JULY 2019. SOURCE: WWW.SFWATER.ORG/FLOODMAPS
6. (A/B) ZONING REQUIREMENTS: PER THE CITY OF SAN FRANCISCO PLANNING AND DEVELOPMENT, THE PROPERTY IS ZONED UMO "URBAN MIXED USE"
7. (A/B1/C) EXTERIOR DIMENSIONS AND SQUARE FOOTAGE OF BUILDINGS AT GROUND LEVEL, AND NUMBER OF STORES ARE SHOWN ON THIS SHEET.
8. SUBSTANTIAL IMPROVEMENTS OBSERVED IN THE PROCESS OF CONDUCTING THE SURVEY ARE SHOWN.
9. THERE ARE NO PARKING SPACES LOCATED ON THE SUBJECT PROPERTY.
10. THERE ARE NO DIVISION OR PARTY WALLS WITH RESPECT TO ADJOINING PROPERTIES.
11. (A) LOCATION OF UTILITIES EXISTING ON OR SERVING THE SURVEYED PROPERTY AS DETERMINED BY OBSERVED EVIDENCE TOGETHER WITH EVIDENCE FROM PLAN OBTAINED FROM UTILITY COMPANIES OR PROVIDED BY CLIENT ARE SHOWN ON THIS SHEET.
12. NAMES OF ADJOINING OWNERS OF PLATTED LANDS ARE SHOWN ON THIS SHEET OF THE SURVEY.
13. DISTANCE TO THE NEAREST INTERSECTING STREET IS SHOWN ON THIS SHEET OF THE SURVEY.
14. THERE IS NO OBSERVABLE EVIDENCE OF CURRENT EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS.
15. THERE IS NO OBSERVED EVIDENCE OF RECENT STREET OR SIDEWALK CONSTRUCTION OR REPAIRS.
16. THERE ARE NO OFFSITE EASEMENTS TO THE SUBJECT PROPERTY.
17. THERE IS NO OBSERVED EVIDENCE OF RECENT STREET OR SIDEWALK CONSTRUCTION OR REPAIRS.
18. THERE ARE NO OFFSITE EASEMENTS TO THE SUBJECT PROPERTY.
19. PROFESSIONAL LIABILITY INSURANCE IN THE AMOUNT OF \$2,000,000 IS HELD BY THE SURVEYOR.

NOTES

1. DATE OF FIELD SURVEY: JANUARY 28, 2022 AS TO THE BOUNDARY AND TOPOGRAPHIC SURVEY OF THE SUBJECT PROPERTY.
2. THE UTILITIES SHOWN HEREON ARE BY SURFACE OBSERVATION AND RECORD INFORMATION ONLY AND NO WARRANTY IS GIVEN HEREIN AS TO THEIR EXACT LOCATION. IT IS THE RESPONSIBILITY OF THE DEVELOPER AND/OR CONTRACTOR TO VERIFY THE EXACT LOCATION OF THE UTILITIES WITH THE APPROPRIATE UTILITY COMPANY OR AGENCY.
3. UTILITY JURISDICTIONS / PROVIDERS ARE AS FOLLOWS:
 STORM DRAINS: CITY AND COUNTY OF SAN FRANCISCO
 SANITARY SEWER: CITY AND COUNTY OF SAN FRANCISCO
 WATER: CITY AND COUNTY OF SAN FRANCISCO
 ELECTRICITY: PACIFIC GAS & ELECTRIC COMPANY
 NATURAL GAS: PACIFIC GAS & ELECTRIC COMPANY
4. THERE ARE NO CEMETERIES ON OR WITHIN 100 FEET OF THE SUBJECT PROPERTY
5. THE SURVEYED PROPERTY IS THE SAME PROPERTY DESCRIBED IN THE TITLE REPORT.
6. THERE ARE NO WETLAND AREAS IN THE SUBJECT PROPERTY.
7. THERE IS NO EVIDENCE OF SITE USE AS A SOLID WASTE DUMP, SUMP OR SANITARY LANDFILL.
8. ALL DISTANCES AND DIMENSIONS WITHIN THIS DRAWING ARE BASED ON THE U.S. SURVEY FOOT AND DECIMALS THEREOF.

BENCHMARK

BEING A LETTER "O" IN "OPEN" TOP HPFS HYDRANT AT SOUTHWEST CORNER OF THE INTERSECTION INDIANA STREET AND 20TH STREET. BOOK 486, PAGE 30, BOX 9. ELEVATION = 38.099 FEET, OLD HISTORIC SAN FRANCISCO CITY DATUM (SFCD).

BASIS OF SURVEY

FOUND MONUMENTS ON MINNESOTA STREET BETWEEN 19TH AND 22ND STREET AS SHOWN ON MONUMENT MAP NO. 324 ON FILE IN THE OFFICE OF THE CITY AND COUNTY SURVEYOR.

RECORD REFERENCES

- (1) MONUMENT MAP NO. 324 ON FILE IN THE OFFICE OF THE CITY AND COUNTY SURVEYOR
- (2) MONUMENT MAP NO. 326 ON FILE IN THE OFFICE OF THE CITY AND COUNTY SURVEYOR
- (3) PARCEL MAP OF ASSESSOR'S LOTS 3, 5 & 6, BLOCK 4062, RECORDED OCTOBER 10, 1979 IN BOOK 12 OF PARCEL MAPS, PAGE 24, OFFICIAL RECORDS OF THE CITY & COUNTY OF SAN FRANCISCO.

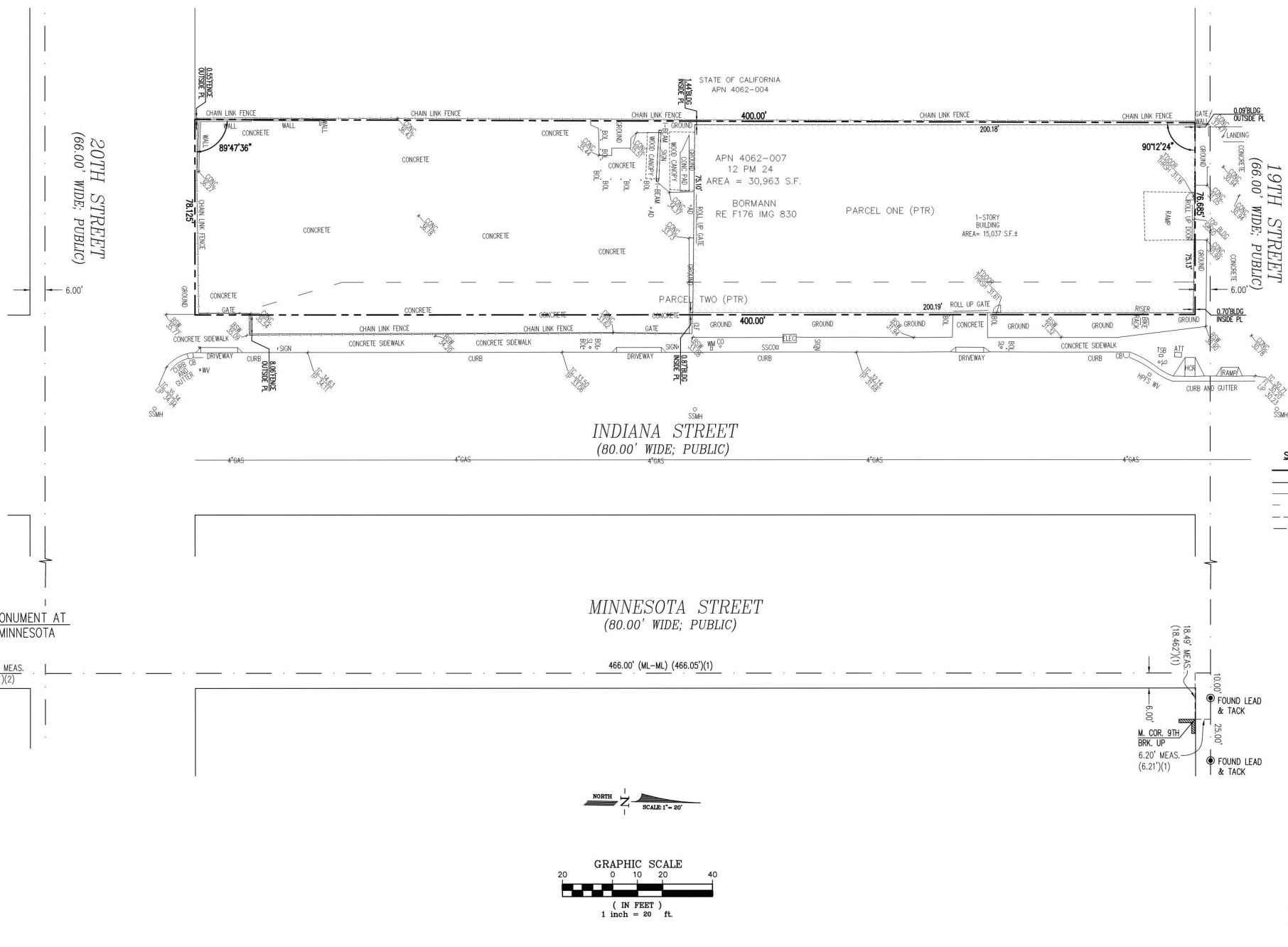
SURVEYOR'S CERTIFICATE

TO ROBERT E. BORRMANN, TRUSTEE UNDER THE TERMS OF DECLARATION OF TRUST, DATED MAY 25, 1983, AS TO A UNDIVIDED ONE-HALF (1/2) INTEREST AND DOROTHY R. BORRMANN, TRUSTEE, AS TRUSTEE UNDER THE TERMS OF DECLARATION OF TRUST, DATED JULY 10, 1990, AS TO A UNDIVIDED ONE-HALF (1/2) INTEREST; AND FIRST AMERICAN TITLE INSURANCE COMPANY;

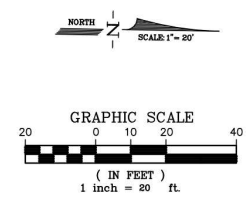
THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 6(A/B), 7(A), 7(B1), 7(C), 8, 9, 10, 11(A), 13, 14, 16, 17, 18, AND 19 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON JANUARY 28, 2022.

JACQUELINE LUK P.L.S. 8934
 FOR LUK & ASSOCIATES, INC.

DATE: FEBRUARY 8, 2022



LEGEND	
SYMBOLS	DESCRIPTION
---	BOUNDARY - SUBJECT PROPERTY
---	RIGHT-OF-WAY LINE
---	ADJOINER'S PROPERTY LINE
---	INTERIOR LOT LINE
---	THE LINE
---	MONUMENT LINE
S.F.	SQUARE FEET
#	MORE OR LESS
APN	ASSESSOR'S PARCEL NUMBER
R/W	RIGHT OF WAY
COR.	CORNER
BRK	BRICK
STY	STORY
MK	MARK
APN	ASSESSOR'S PARCEL NUMBER
PTR	PRELIMINARY TITLE REPORT
(T)	TOTAL
DOC. NO.	DOCUMENT NUMBER
M.M.	MONUMENT TO MONUMENT
MEAS.	MEASURED
CB	CATCH BASIN
WL	WATER VALVE
SL	STREET LIGHT
SSMH	SANITARY SEWER MAN HOLE
HCR	HANDICAP RAMP
SSCO	SANITARY SEWER CLEAN OUT
ATT	AT&T BOX
TSB	TRAFFIC SIGNAL BOX
ELEC	ELECTRIC BOX
BOL	BOLLARD
WM	WATER METER
HPFS WV	HIGH PRESSURE FIRE SYSTEM WATER VALVE
CO	CLEAN OUT
AD	AREA DRAIN
CONC PAD	CONCRETE PAD
CLF	CHAIN LINK FENCE
CONC	TOP OF CONCRETE ELEVATION
LIP	LIP OF GUTTER ELEVATION
TC	TOP OF CURB ELEVATION
TP	TOP OF PAVEMENT ELEVATION
FL	FLOW LINE ELEVATION
THRESH	THRESHOLD ELEVATION



**ALTA/NSPS
 LAND TITLE SURVEY**
 OF
 700 INDIANA STREET
 CITY AND COUNTY OF SAN FRANCISCO, CALIFORNIA
 FEBRUARY 2022
 PREPARED BY
LUK AND ASSOCIATES
 CIVIL ENGINEER - LAND PLANNERS - LAND SURVEYORS
 738 ALFRED NOBEL DRIVE
 HERCULES, CALIFORNIA 94547
 (510) 724-3388

SITE SURVEY

A0.2

700 INDIANA STREET
 SAN FRANCISCO, CA 94107

08/09/2023
 PROJECT NUMBER: 54504
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960 ATLANTIC AVE
 ALAMEDA, CA 94501
 TEL 510.865.8663
 FAX 510.865.1611





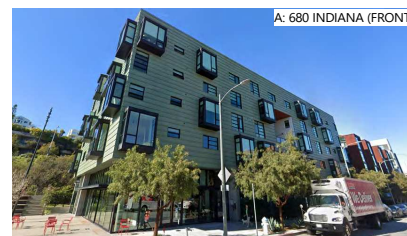
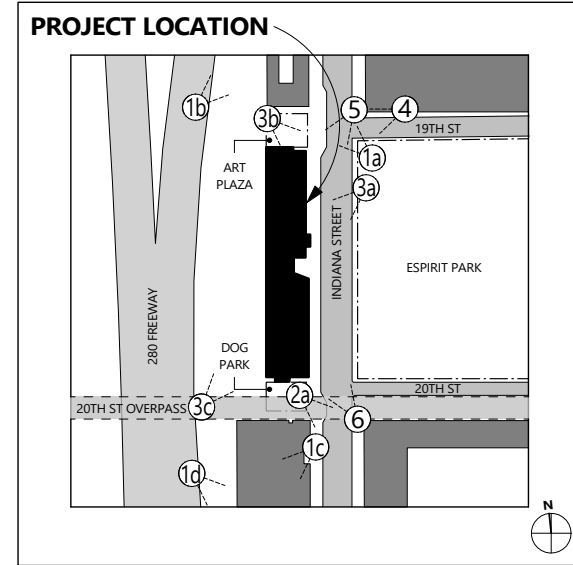
4 ARTS PLAZA FROM 19TH STREET



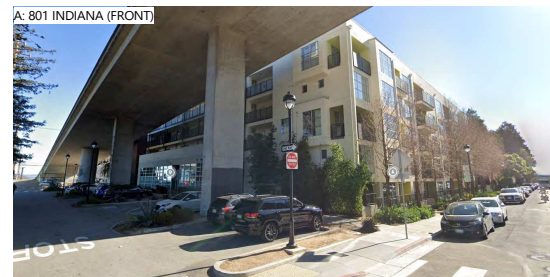
5 NE CORNER AT 19TH AND INDIANA



6 SE CORNER AT 19TH AND INDIANA



1 BUILDINGS ON SAME SIDE OF STREET



2 BUILDINGS ON OPPOSITE SIDE OF STREET



3 PHOTOGRAPHS OF SUBJECT PROPERTY

SITE CONTEXT PHOTOGRAPHY

A0.3

As indicated

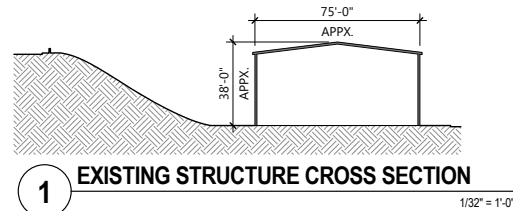
700 INDIANA STREET

SAN FRANCISCO, CA 94107

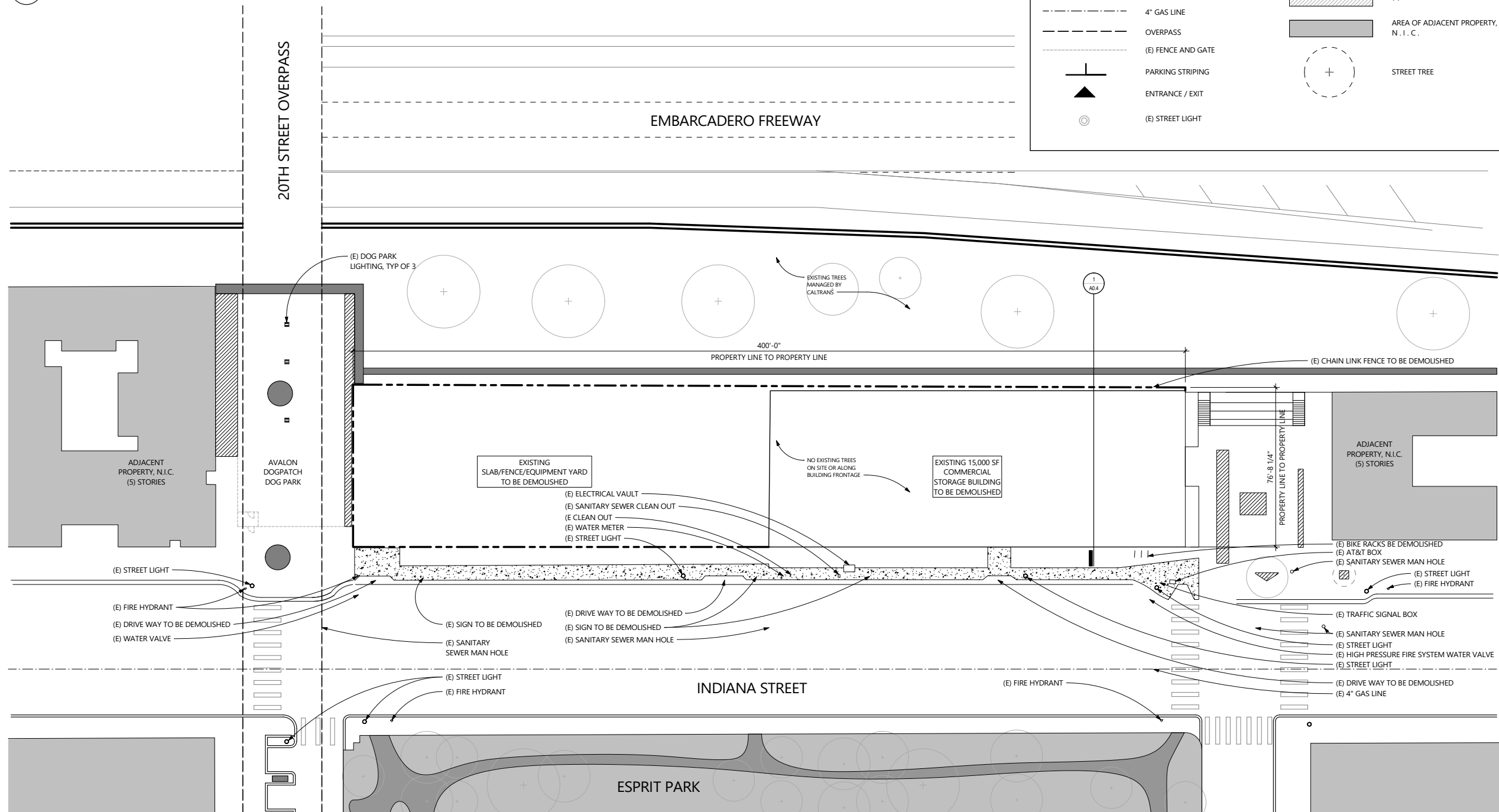
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SITE PLAN LEGEND			
	PROPERTY LINE		NEW SIDEWALK
	WORK LIMIT		NEW PLANTING AREA
	INGRESS/EGRESS EASEMENT		(E) LANDSCAPING AREA
	ACCESSIBLE PATH OF TRAVEL		AREA OF ADJACENT PROPERTY, N.I.C.
	4" GAS LINE		STREET TREE
	OVERPASS		
	(E) FENCE AND GATE		
	PARKING STRIPING		
	ENTRANCE / EXIT		
	(E) STREET LIGHT		



EXISTING SITE, DEMOLITION, AND EASEMENT PLAN

A0.4
As indicated

700 INDIANA STREET

SAN FRANCISCO, CA 94107

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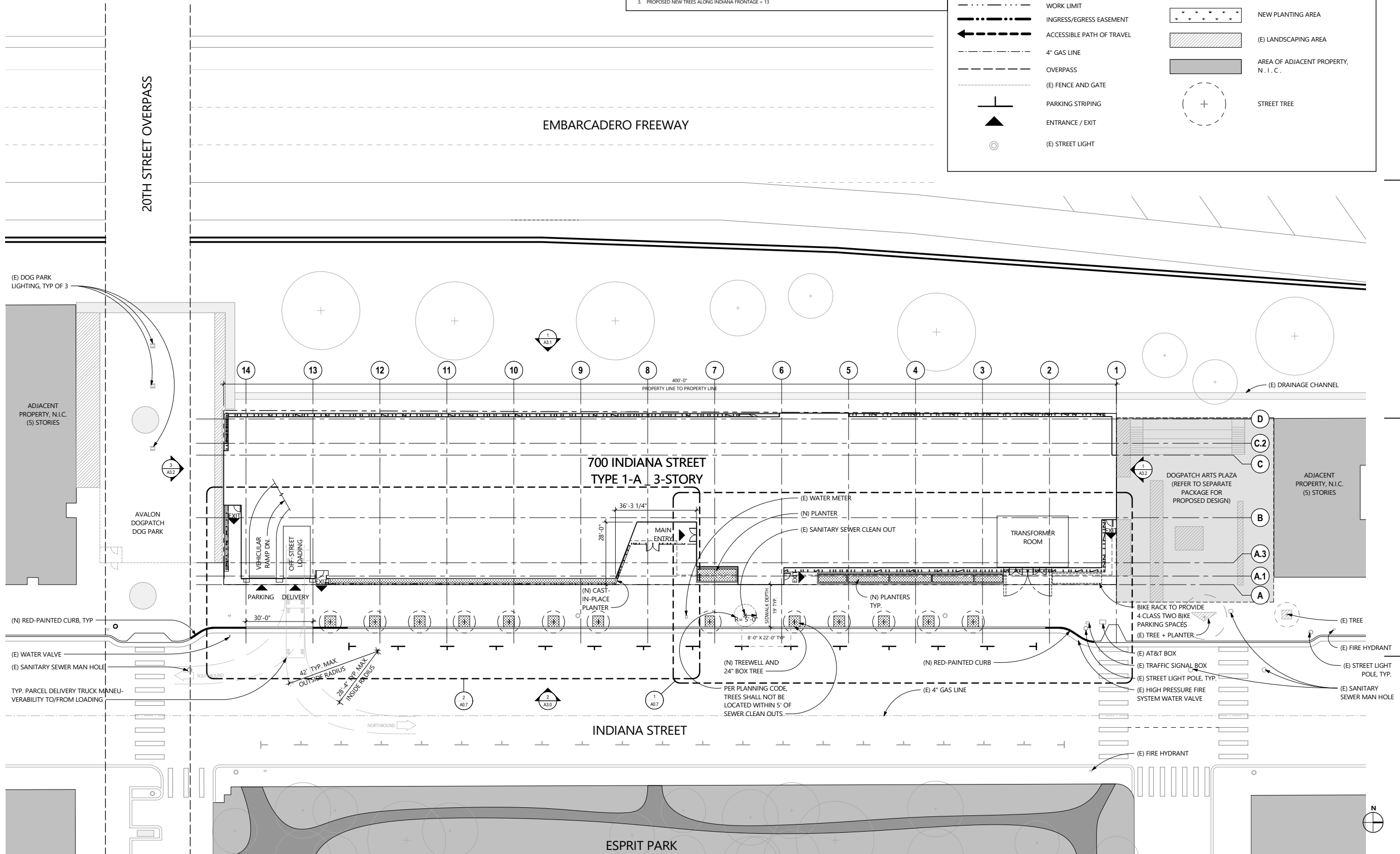


TREE COUNT

- 1. NO TREES ON EXISTING SITE
- 2. CALTRANS RIGHT OF WAY (BEYOND PROPERTY AT REAR OF SITE) - APPROXIMATELY 8 TREES
- 3. PROPOSED NEW TREES ALONG INDIANA FRONTAGE = 13

SITE PLAN LEGEND

- PROPERTY LINE
- WORK LIMIT
- INGRESS/EGRESS EASEMENT
- ACCESSIBLE PATH OF TRAVEL
- 4" GAS LINE
- OVERPASS
- (E) FENCE AND GATE
- PARKING STRIPING
- ENTRANCE / EXIT
- (E) STREET LIGHT
- NEW SIDEWALK
- NEW PLANTING AREA
- (E) LANDSCAPING AREA
- AREA OF ADJACENT PROPERTY, N.I.C.
- STREET TREE



PROPOSED SITE PLAN

A0.5
As indicated

700 INDIANA STREET

SAN FRANCISCO, CA 94107

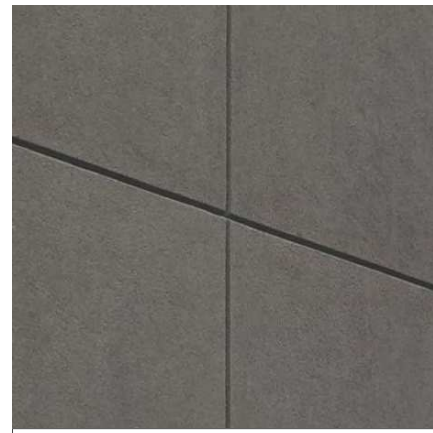
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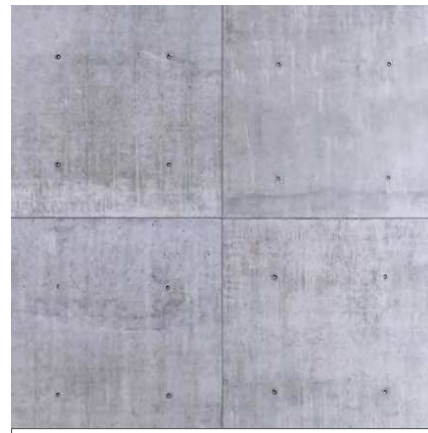
1. PERFORATED METAL

"BRONZE" COLOR, CUSTOM CUT ALUMINUM

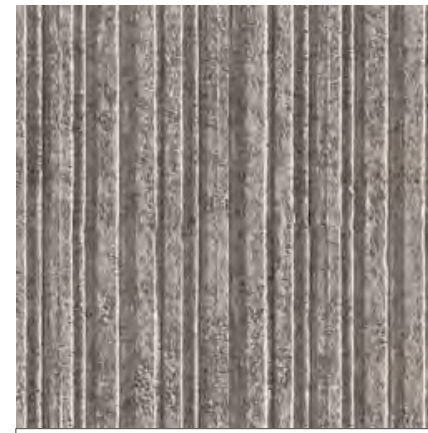


2. STUCCO

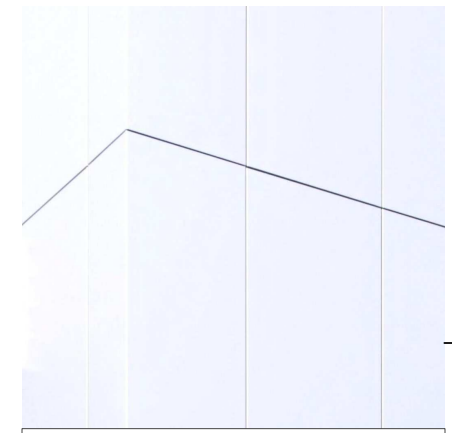
"SLATE GRAY" COLOR



3. SMOOTH CONCRETE



4. TEXTURIZED CONCRETE



5. WHITE ALUCABOND



6. CORRUGATED METAL SCREEN

"GRAY VELVET" COLOR



7. PAINT ACCENT COLOR

INTERIOR WALL AT STAIR TOWERS



FINISH MATERIALS

A0.6
12" = 1'-0"

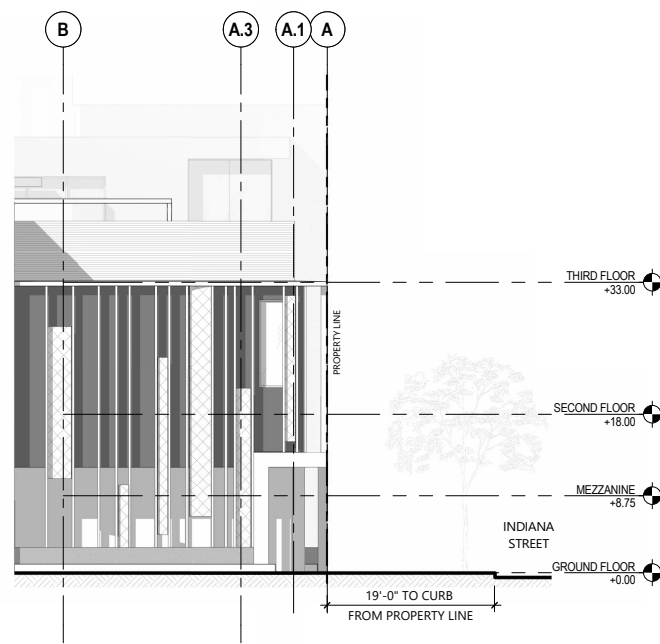
700 INDIANA STREET

SAN FRANCISCO, CA 94107

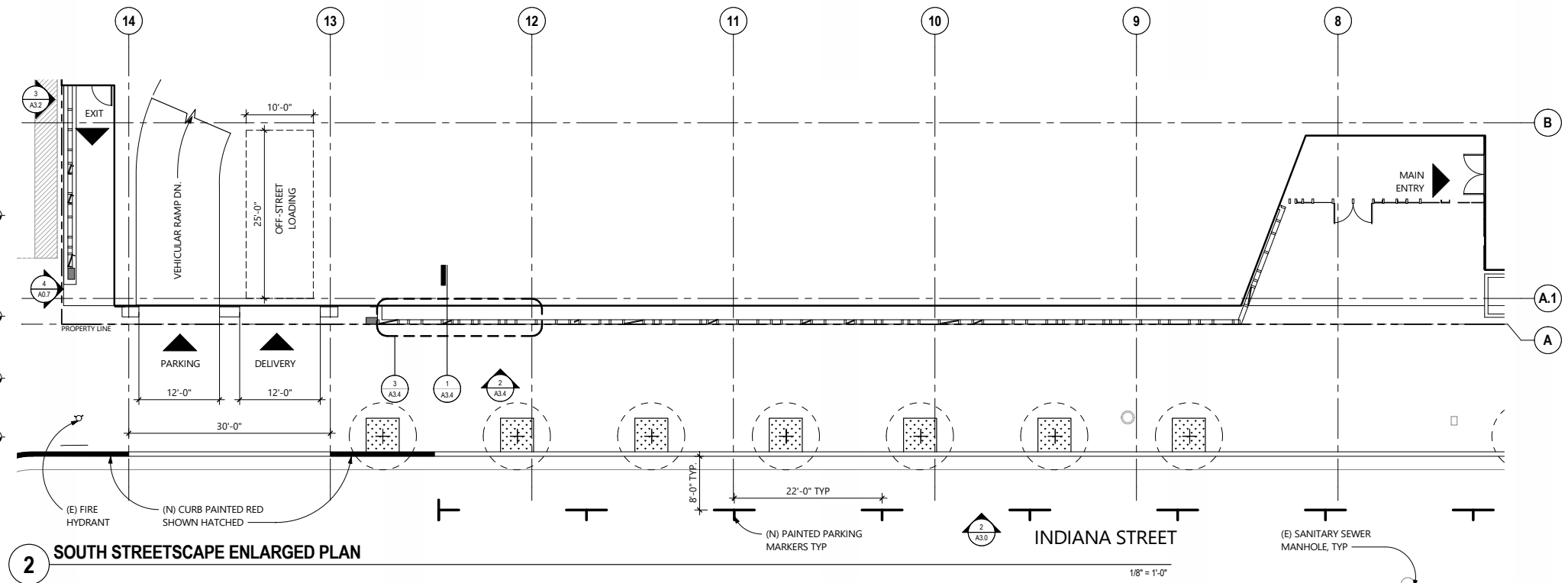
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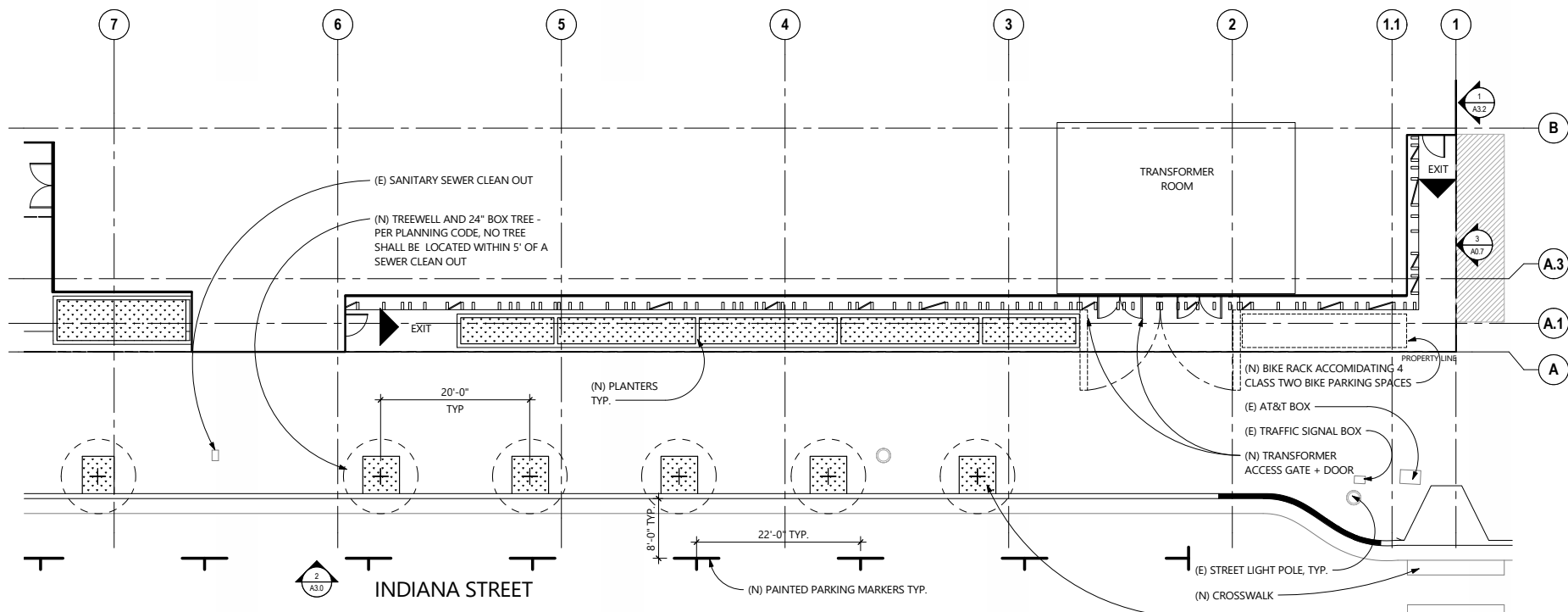




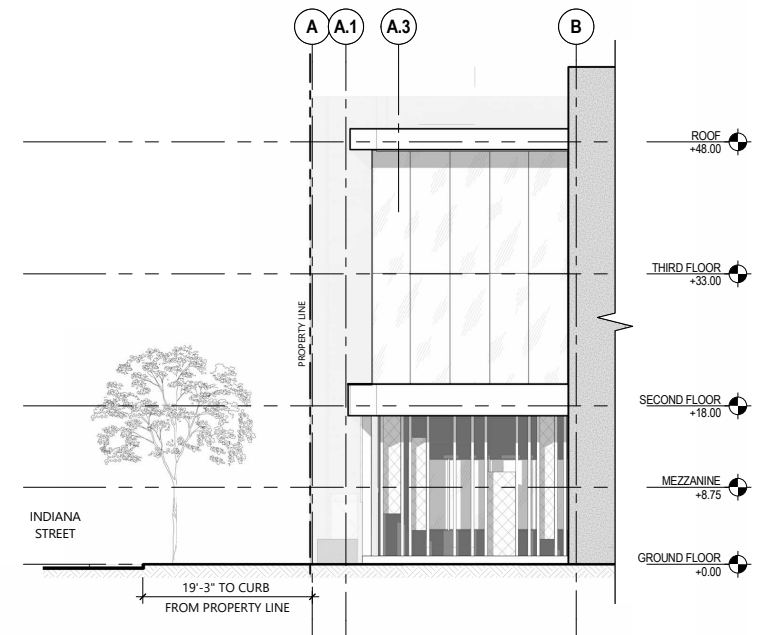
4 STREETScape SECTION DOG PARK
1/8" = 1'-0"



2 SOUTH STREETScape ENLARGED PLAN
1/8" = 1'-0"



1 NORTH STREETScape ENLARGED PLAN
1/8" = 1'-0"



3 STREETScape SECTION DOGPATCH ARTS PLAZA
1/8" = 1'-0"

STREETScape PLANS & SECTIONS

A0.7

1/8" = 1'-0"

700 INDIANA STREET

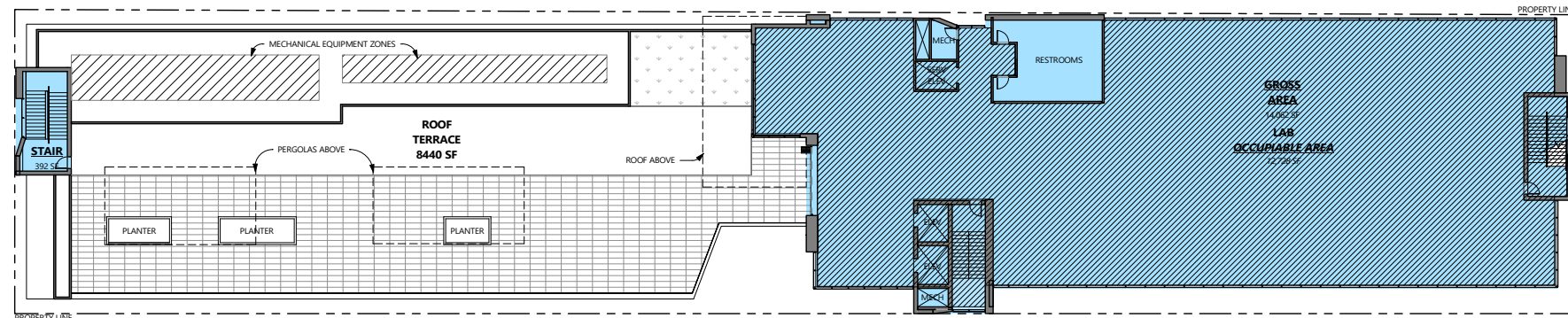
SAN FRANCISCO, CA 94107

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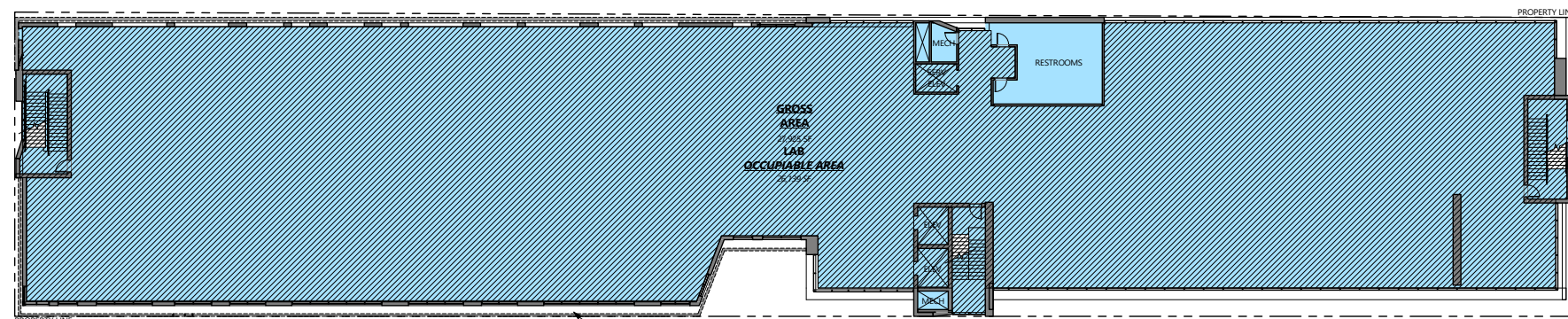
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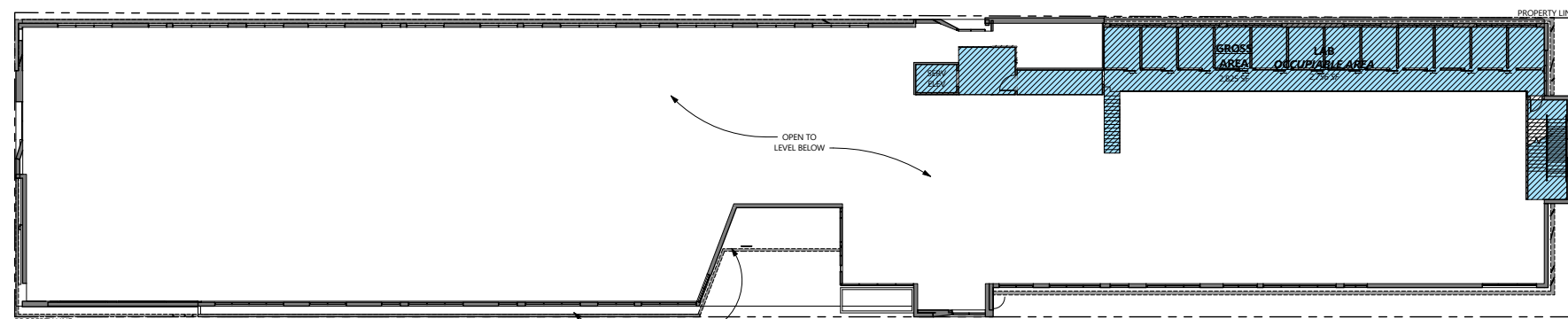
4 THIRD FLOOR PLANNING AREA

1/16" = 1'-0"



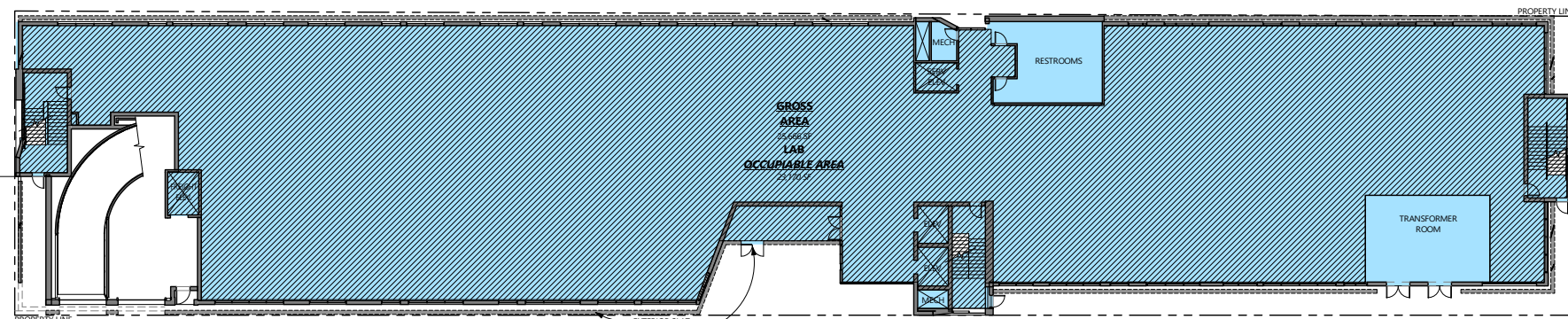
3 SECOND FLOOR PLANNING AREA

1/16" = 1'-0"



2 MEZZANINE FLOOR PLANNING AREA

1/16" = 1'-0"



1 GROUND FLOOR PLANNING AREA

1/16" = 1'-0"

PLANNING GROSS AREA SCHEDULE			
LEVEL	OCCUPANCY GROUP	AREA	COMMENTS
BASEMENT	STORAGE GROUP S-2	28,890 SF	BELOW GRADE PARKING NOT INCLUDED IN PLANNING AREA
GROUND FLOOR	LABORATORIES GROUP L	25,566 SF	
MEZZANINE	LABORATORIES GROUP L	2,825 SF	
SECOND FLOOR	LABORATORIES GROUP L	27,925 SF	
THIRD FLOOR	LABORATORIES GROUP L	14,454 SF	INCLUDING SOUTH STAIR
		70,871 SF	

OCCUPIABLE AREA SCHEDULE			
LEVEL	AREA USE	AREA	COMMENTS
GROUND FLOOR	LABORATORY	23,170 SF	
MEZZANINE	LABORATORY	2,756 SF	
SECOND FLOOR	LABORATORY	26,139 SF	
THIRD FLOOR	LABORATORY	12,728 SF	
		64,793 SF	

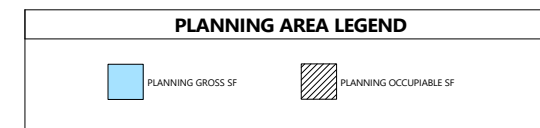
SF PLANNING METHODOLOGY

FOR PURPOSES OF COMPUTATION, "OCCUPIED FLOOR AREA" SHALL CONSIST OF THE GROSS FLOOR AREA, AS DEFINED IN THIS CODE, MINUS THE FOLLOWING:

- (A) ACCESSORY PARKING AND LOADING SPACES AND DRIVEWAYS, AND MANEUVERING AREAS INCIDENTAL THERETO;
- (B) EXTERIOR WALLS OF THE BUILDING;
- (C) MECHANICAL EQUIPMENT, APPURTENANCES, AND AREAS NECESSARY TO THE OPERATION OR MAINTENANCE OF THE BUILDING ITSELF, WHEREVER LOCATED IN THE BUILDING;
- (D) RESTROOMS AND SPACE FOR STORAGE AND SERVICES NECESSARY TO THE OPERATION AND MAINTENANCE OF THE BUILDING ITSELF, WHEREVER LOCATED IN THE BUILDING;
- (E) SPACE IN A RETAIL STORE FOR STORE MANAGEMENT, SHOW WINDOWS, AND DRESSING ROOMS, AND FOR INCIDENTAL REPAIRS, PROCESSING, PACKAGING, AND STOCKROOM STORAGE OF MERCHANDISE FOR SALE ON THE PREMISES; AND
- (F) INCIDENTAL STORAGE SPACE FOR THE CONVENIENCE OF TENANTS

OPEN SPACE REQUIREMENT CALCULATIONS

OCCUPIABLE AREA = 64,793 / 250 SQUARE FEET PER SFPC 135.3 = 259 SQUARE FEET REQUIRED.
8,440 SF OPEN SPACE PROVIDED AT ROOF DECK.



AREA PLANS

A1.0

As indicated

700 INDIANA STREET

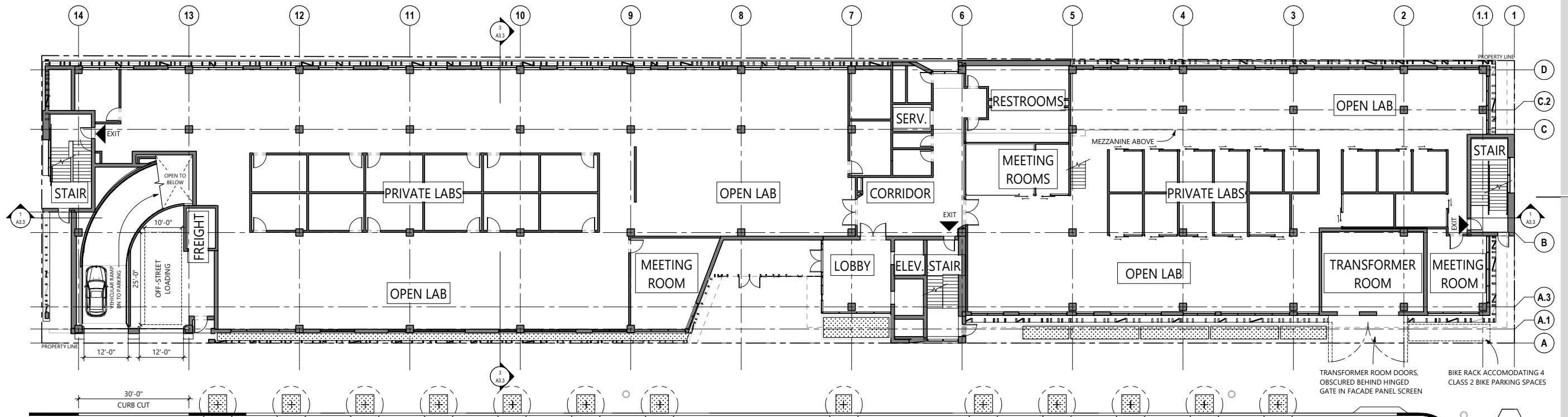
SAN FRANCISCO, CA 94107

08/09/2023
PROJECT NUMBER: 56504

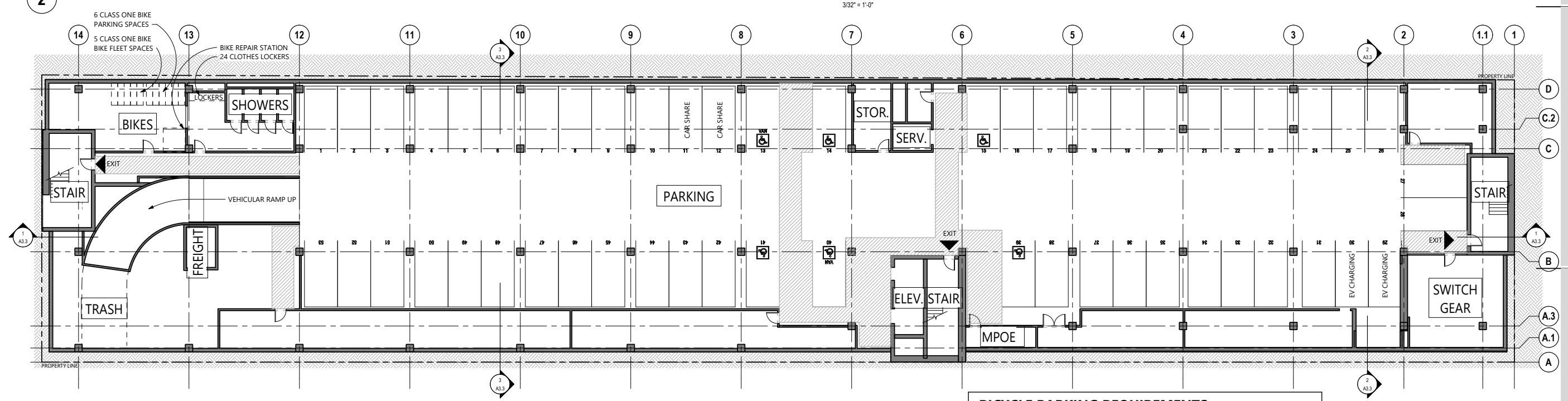
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FAX 510.865.1611





2 OVERALL GROUND FLOOR PLAN



1 OVERALL BASEMENT FLOOR PLAN

BICYCLE PARKING REQUIREMENTS

BICYCLE STORAGE - CLASS 1 REQUIREMENTS PER SFPC 155.2
 64,793 OCCUPIED SF/12,000 sq. ft. = 5.39 = SIX CLASS ONE SPACES REQUIRED
 4 CLASS TWO SPACES REQUIRED
 4 SHOWERS REQUIRED
 BIKE MAINTENANCE AREA PER TDM REQUIREMENTS
 24 LOCKERS

OVERALL BASEMENT AND GROUND FLOOR PLAN

A2.0

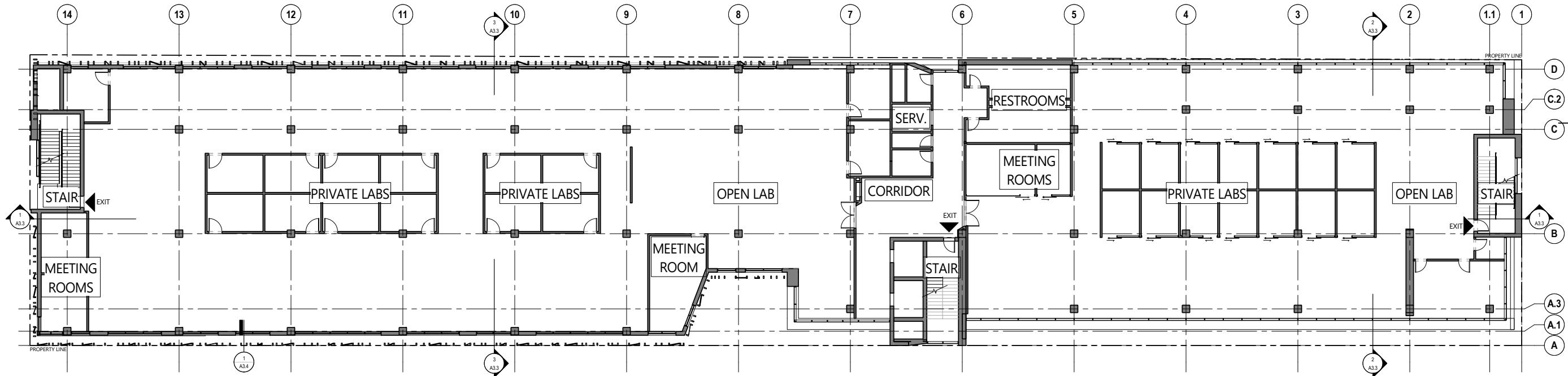
3/32" = 1'-0"

700 INDIANA STREET

SAN FRANCISCO, CA 94107

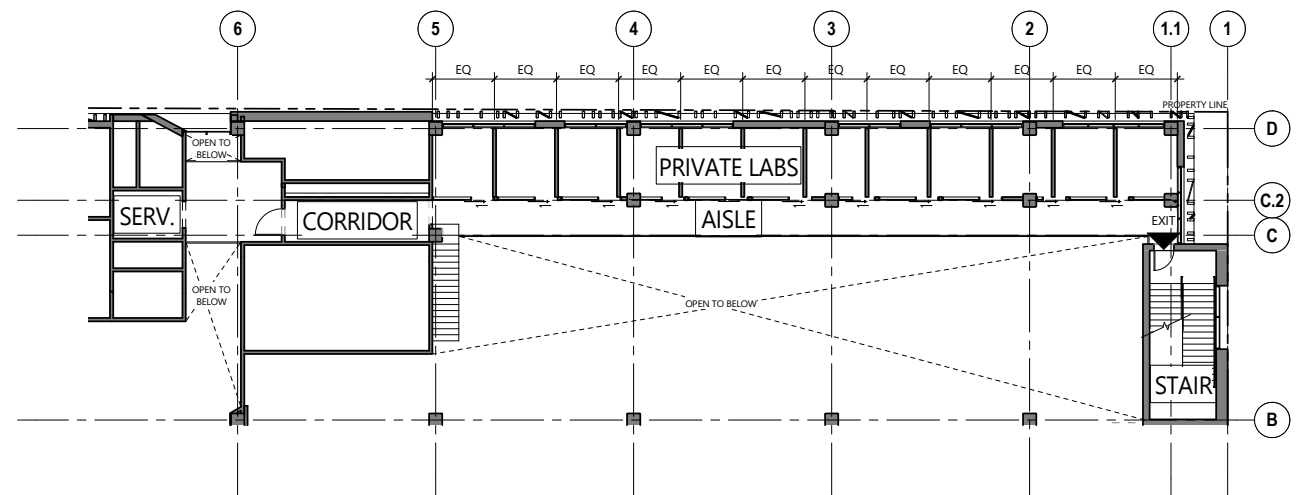
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2 OVERALL SECOND FLOOR PLAN

3/32" = 1'-0"



1 MEZZANINE FLOOR PLAN

3/32" = 1'-0"



OVERALL MEZZANINE AND SECOND FLOOR PLANS

A2.1

3/32" = 1'-0"

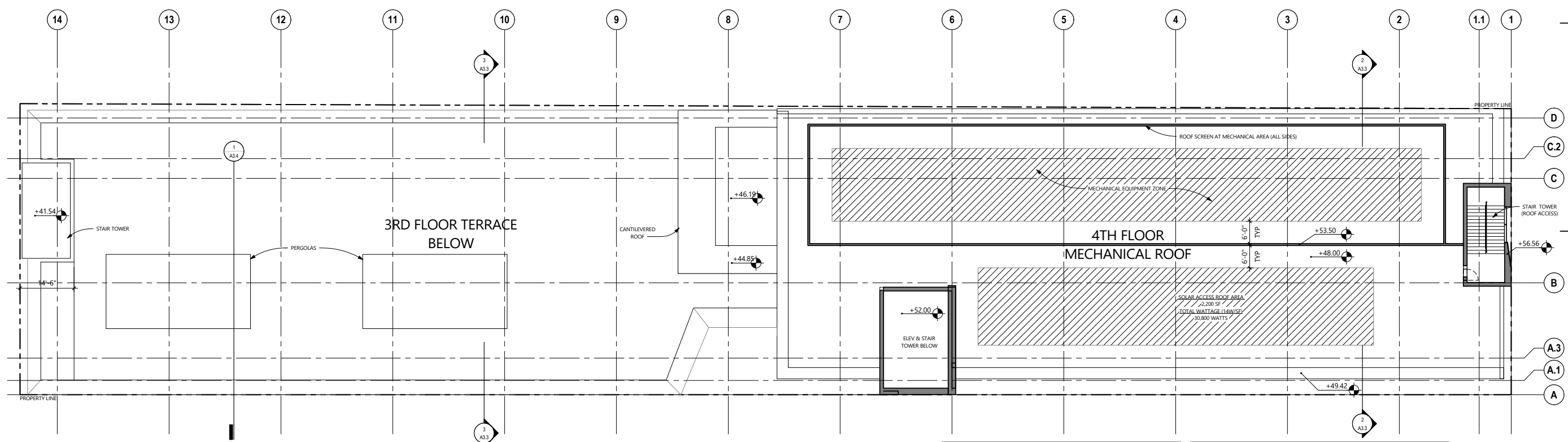
700 INDIANA STREET

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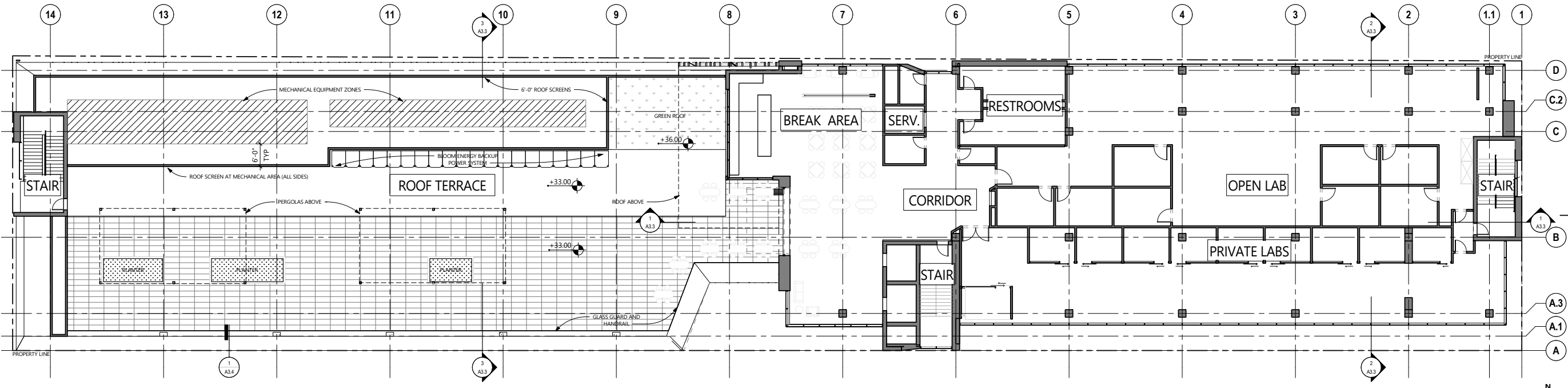




2 OVERALL ROOF PLAN

SARA CALCULATION
 TOTAL ROOF AREA (UNOCCUPIED, AS SPECIFIED IN SFMC SECTION 140.10(2)(B)) = 14,062 SF
 SOLAR ACCESS ROOF AREA TO BE 15% MINIMUM = 2,109.3 SF
 PROVIDED = 2,200 SF

MECHANICAL UNIT INFORMATION
 ANTICIPATED MECHANICAL UNIT REQUIREMENTS - ALL EQUIPMENT LOCATED WITH IN EQUIPMENT ZONES INDICATED ON PLANS.
 2 AIR HANDLING UNITS 103DB AT EQUIPMENT EXHAUST FREE OUTLET
 1 CHILLER 98DB AT EQUIPMENT EXHAUST FREE OUTLET
 1 BOILER SKID MINIMAL NOISE (BELOW 50DB)
 2 EXHAUST FANS 90 DB AT AT EQUIPMENT EXHAUST FREE OUTLET
 BACKUP POWER MINIMAL NOISE (BELOW 50DB)



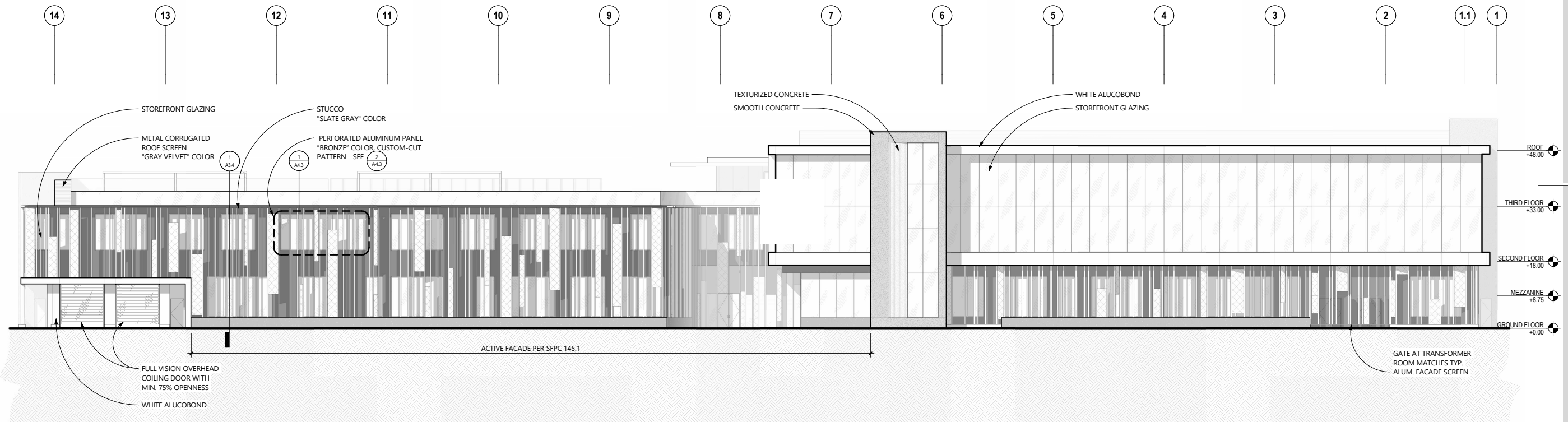
1 OVERALL THIRD FLOOR PLAN

OVERALL THIRD FLOOR AND ROOF PLAN

A2.2
 3/32" = 1'-0"

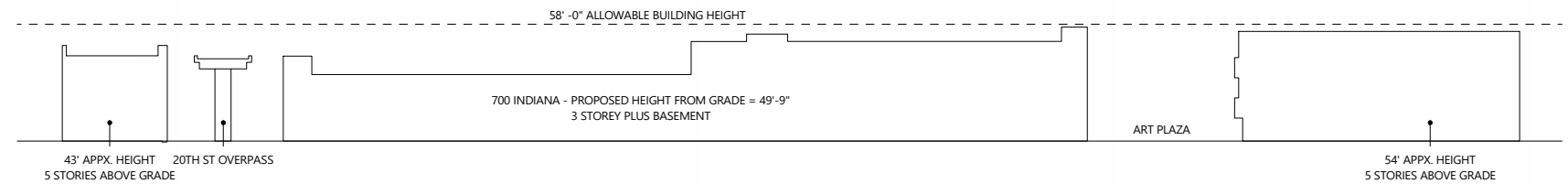


INDIANA STREET RENDERED ELEVATION 3



INDIANA STREET ELEVATION 2

GLAZING AREA AT ACTIVE USE CALCULATIONS
BUILDING FACADE AT STREET FRONTAGE EXCLUDING LOADING AND EGRESS AREAS = 4,073 SF
REQUIRED GLAZING AT STREET FRONTAGE = 2,444 SF (CALCULATION: 4073 SF * 0.6)
PROVIDED GLAZING AT STREET FRONTAGE = 2,501 SF



CONTEXT ELEVATION ALONG INDIANA STREET 1

BUILDING ELEVATIONS

A3.0
As indicated

700 INDIANA STREET

SAN FRANCISCO, CA 94107

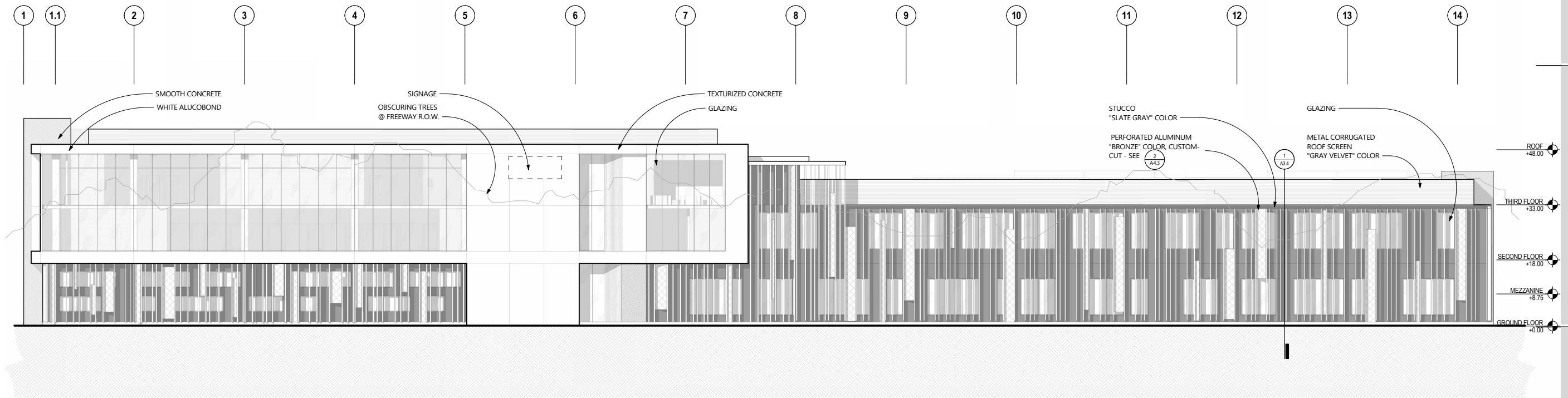
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FREEWAY RENDERED ELEVATION 2



FREEWAY ELEVATION 1

BUILDING ELEVATIONS

A3.1
3/32" = 1'-0"

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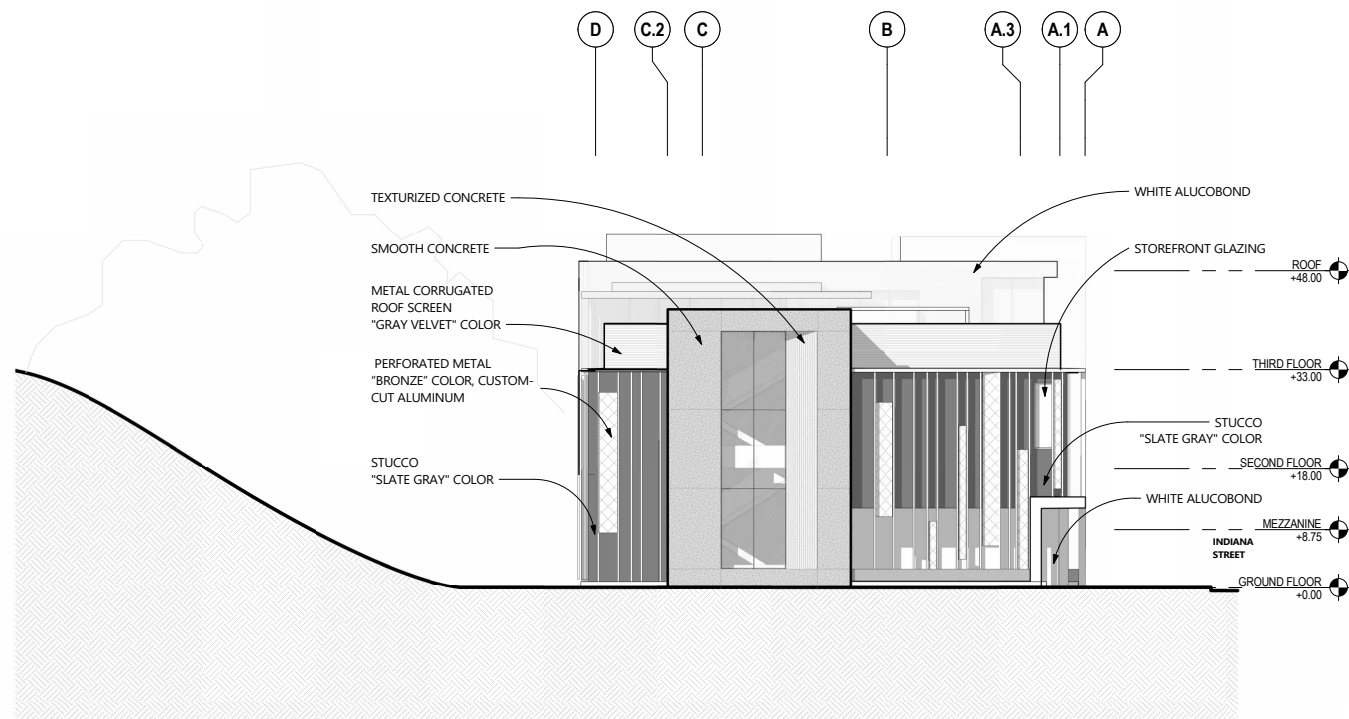
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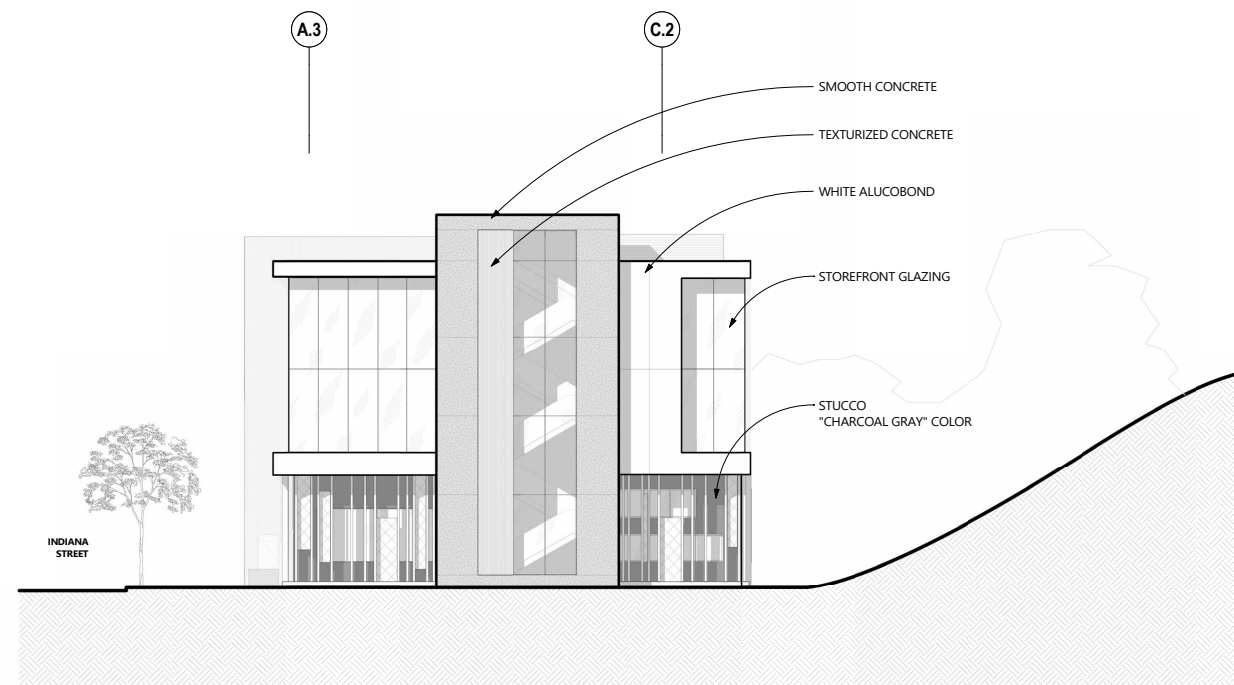
AVALON DOG PARK RENDERED ELEVATION | 4



DOGPATCH ARTS PLAZA RENDERED ELEVATION | 2



AVALON DOG PARK ELEVATION | 3



DOGPATCH ARTS PLAZA ELEVATION | 1

BUILDING ELEVATIONS

A3.2
3/32" = 1'-0"

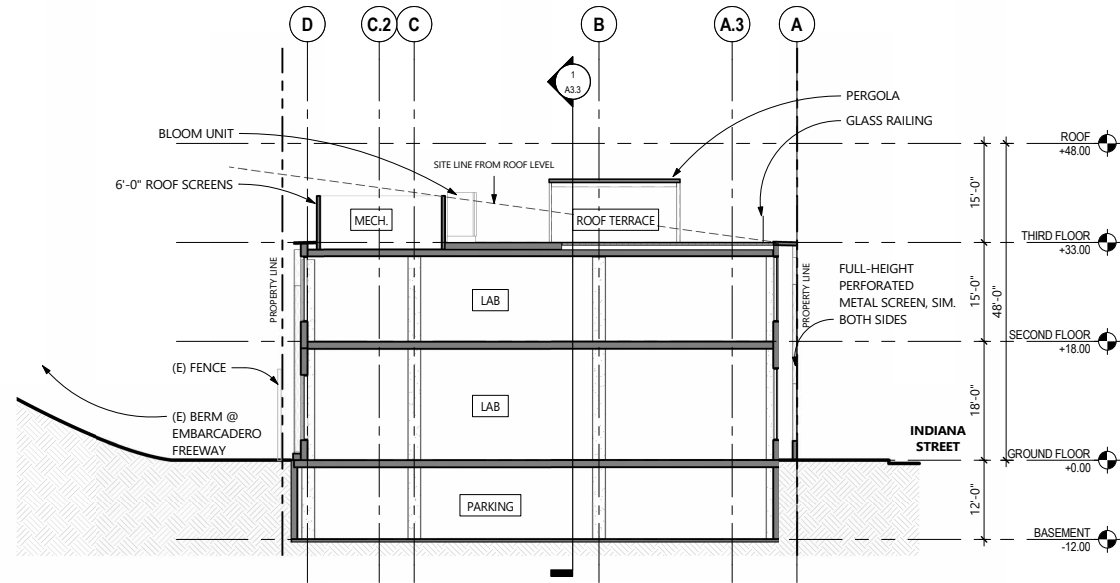
700 INDIANA STREET

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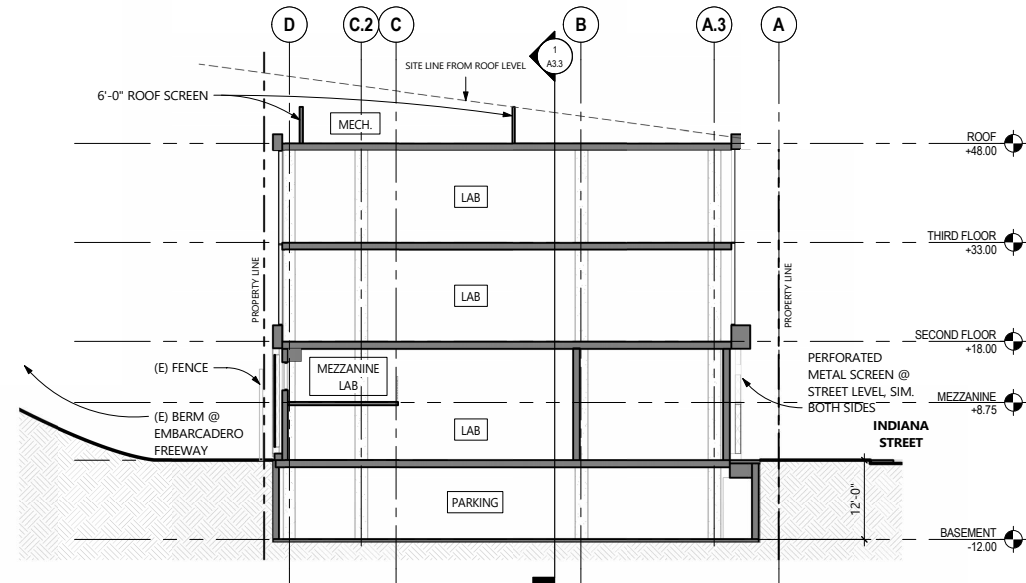
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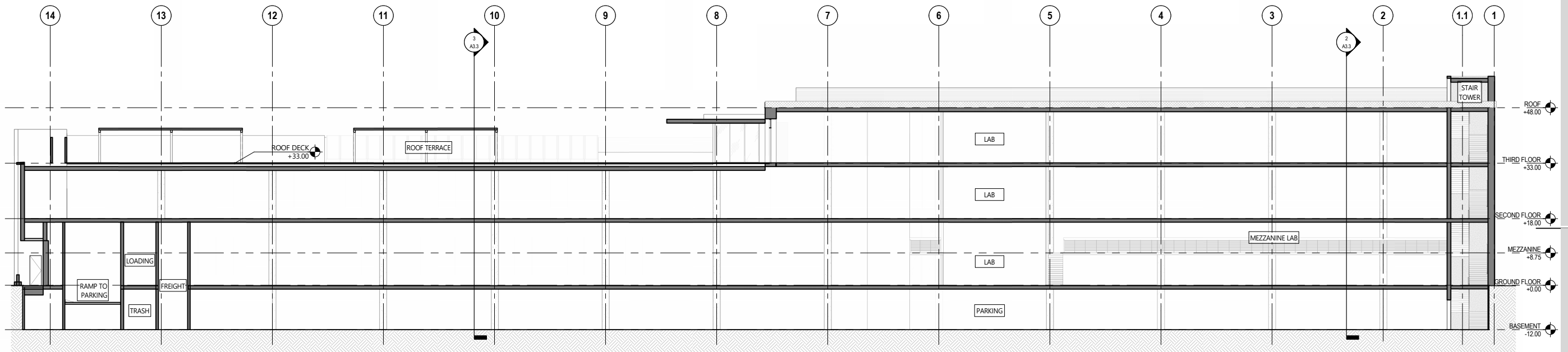




3 SOUTHERN TRANSVERSE SECTION
3/32" = 1'-0"



2 NORTHERN TRANSVERSE SECTION
3/32" = 1'-0"



1 LONGITUDINAL BUILDING SECTION LOOKING NORTH AT LOBBY
3/32" = 1'-0"

BUILDING SECTIONS

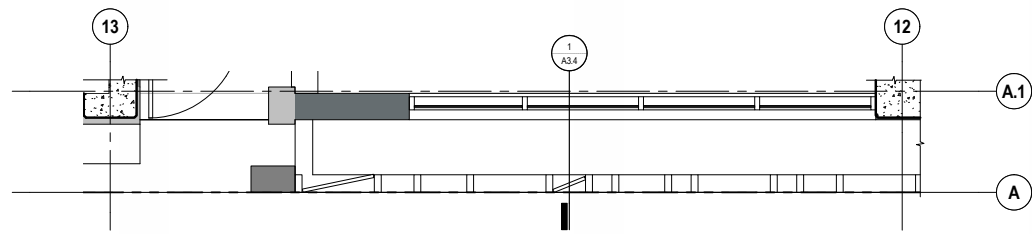
A3.3
3/32" = 1'-0"

700 INDIANA STREET

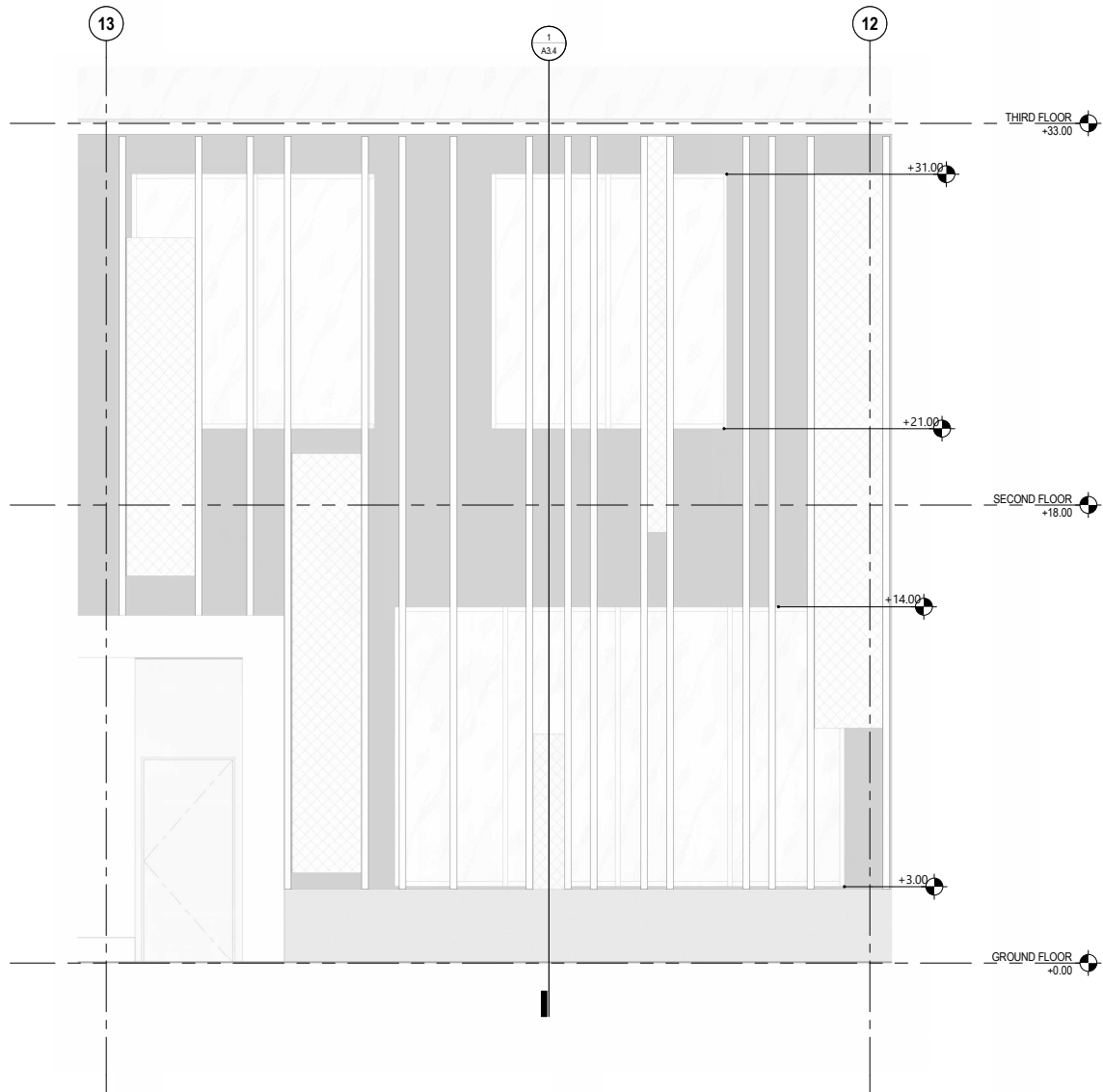
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PROJECT NUMBER: 56504

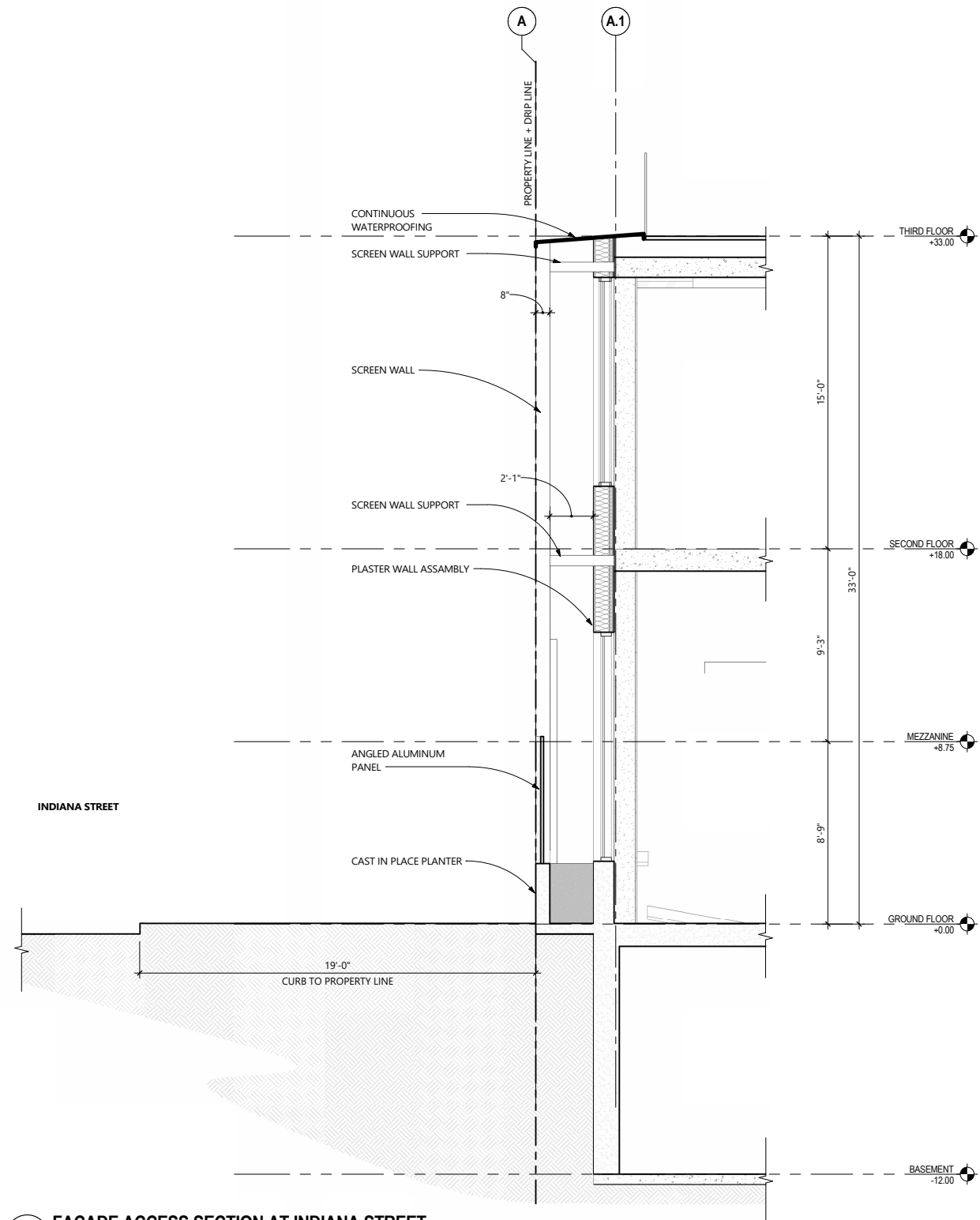
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3 PLAN VIEW AT GROUND LEVEL SCREEN WALL
3/8" = 1'-0"



2 FACADE ACCESS AT INDIANA STREET
3/8" = 1'-0"



1 FACADE ACCESS SECTION AT INDIANA STREET
3/8" = 1'-0"
SCREEN FACADE AT INDIANA STREET

A3.4
3/8" = 1'-0"

700 INDIANA STREET

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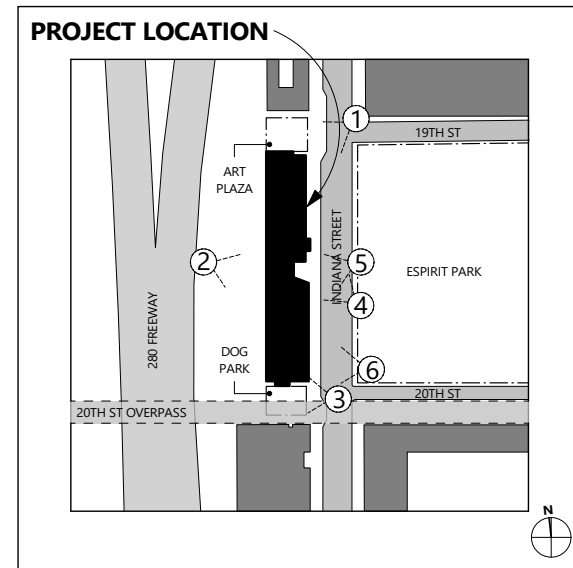




④



①



⑤



②



⑥



③

RENDERINGS

A3.5
As indicated

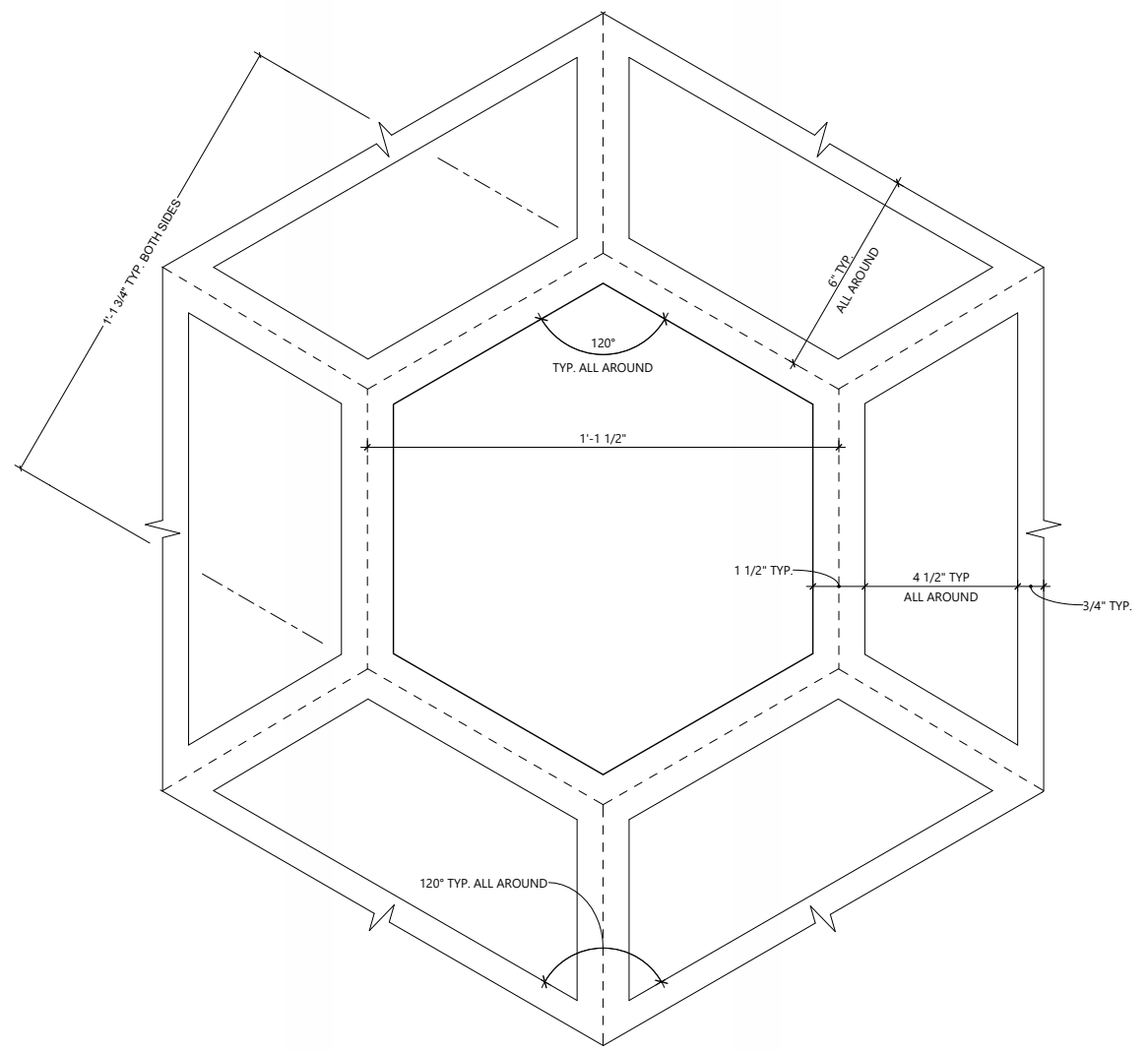
700 INDIANA STREET

SAN FRANCISCO, CA 94107

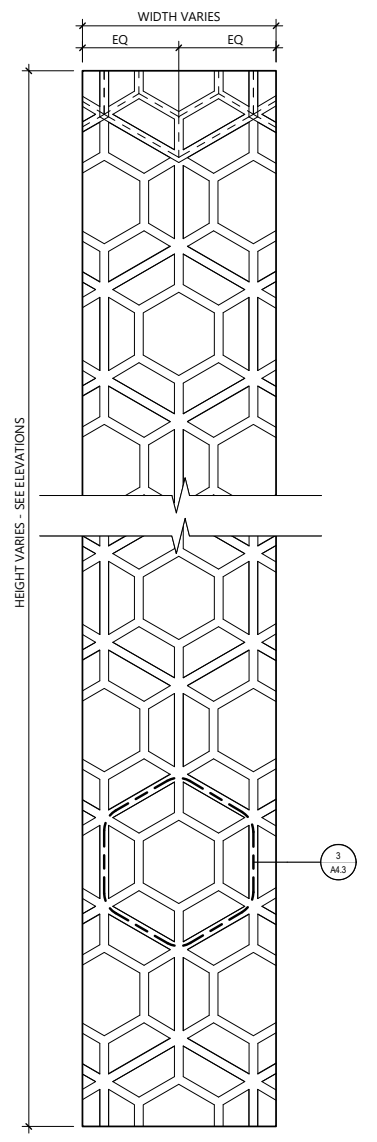
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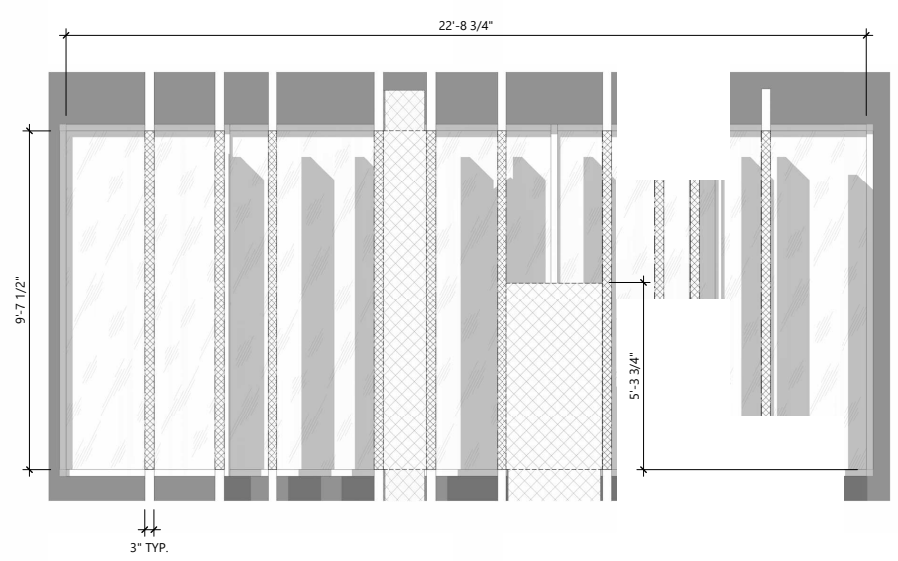




3 SCREEN WALL PATTERN
6" = 1'-0"



2 ALUMINUM SCREEN TESSELATION
1" = 1'-0"



OPENNESS @ WINDOW CALCULATION

	OPEN AREA = 24,056 SQUARE INCHES
	SCREENED AREA = 3,803 SQUARE INCHES (AT 63% OPENNESS)
	SOLID AREA = 3,648 SQUARE INCHES
TOTAL AREA = 31,507 SQUARE INCHES	
$((3803 \cdot .27) + 3648) / 31507 = 14.83\% \text{ CLOSED} = \mathbf{85.17\% \text{ OPEN}}$	
WINDOW AVERAGES 85% OPENNESS	

1 TYPICAL GLAZING OBSTRUCTION STUDY
1/2" = 1'-0"

SCREEN DETAILS

A4.3
As indicated

ATTACHMENT B

AGREEMENT TO IMPLEMENT MITIGATION MONITORING AND REPORTING PROGRAM

<i>Record No.:</i>	2023-001074ENV	<i>Block/Lot:</i>	4062/007
<i>Project Title:</i>	700 Indiana Street	<i>Lot Size:</i>	31,090 square feet
<i>BPA Nos:</i>	n/a	<i>Project Sponsor:</i>	Ryan Guibara, rguibara@mbcbiolabs.com
<i>Zoning:</i>	UMU-Urban Mixed Use District 58-X Height and Bulk District	<i>Lead Agency:</i>	San Francisco Planning Department
		<i>Staff Contact:</i>	Ryan Shum, ryan.shum@sfgov.org, 628-652-7542

The table below indicates when compliance with each mitigation measure must occur. Some mitigation measures span multiple phases. Substantive descriptions of each mitigation measure’s requirements are provided on the following pages in the Mitigation Monitoring and Reporting Program.

Adopted Mitigation Measure	Period of Compliance			Compliance with Mitigation Measure Completed?
	Prior to the Start of Construction*	During Construction**	Post-construction or Operational	
Project Mitigation Measure 1: Accidental Discovery	X	X		
Project Mitigation Measure 2: Construction Noise	X	X		
Project Mitigation Measure 3: Construction Air Quality	X	X		
Project Mitigation Measure 4: Siting of Uses that Emit Other TACs			X	

NOTES:
 * Prior to any ground disturbing activities at the project site.
 ** Construction is broadly defined to include any physical activities associated with construction of a development project including, but not limited to: site preparation, clearing, demolition, excavation, shoring, foundation installation, and building construction.

_____ I agree to implement the attached mitigation measure(s) as a condition of project approval.

Property Owner or Legal Agent Printed Name Property Owner or Legal Agent Printed Name Signature Date

Note to sponsor: Please contact CPC.EnvironmentalMonitoring@sfgov.org to begin the environmental monitoring process prior to the submittal of your building permits to the San Francisco Department Building Inspection.

MITIGATION MONITORING AND REPORTING PROGRAM

Adopted Mitigation Measure	Monitoring and Reporting Program ^a			
	Implementation Responsibility	Mitigation Schedule	Monitoring/Reporting Responsibility	Monitoring Actions/Completion Criteria
MITIGATION MEASURES AGREED TO BY PROJECT SPONSOR				
HISTORIC ARCHITECTURAL/CULTURAL RESOURCES				
<p>Project Mitigation Measure 1: Accidental Discovery</p> <p>The following mitigation measure is required to avoid any potential adverse effect from the proposed project on accidentally discovered buried or submerged historical resources as defined in CEQA Guidelines Section 15064.5(a) and (c).</p>				
<p><u>Alert Sheet.</u> The project sponsor shall distribute the Planning Department archeological resource “ALERT” sheet to the project prime contractor; to any project subcontractor (including demolition, excavation, grading, foundation, pile driving, etc. firms); or utilities firm involved in soils-disturbing activities within the project site. Prior to any soils-disturbing activities being undertaken, each contractor is responsible for ensuring that the “ALERT” sheet is circulated to all field personnel, including machine operators, field crew, pile drivers, supervisory personnel, etc. The project sponsor shall provide the Environmental Review Officer (ERO) with a signed affidavit from the responsible parties (prime contractor, subcontractor(s), and utilities firm) confirming that all field personnel have received copies of the Alert Sheet.</p>	Project sponsor	Prior to any soils-disturbing activities	Project sponsor shall distribute Alert sheet and shall submit a signed affidavit confirming the distribution to the ERO.	Considered complete when ERO receives signed affidavit.
<p><u>Stop Work and Notification Upon Discovery.</u> Should any indication of an archeological resource be encountered during any soils-disturbing activity of the project, the project Head Foreman and/or project sponsor shall immediately notify the ERO and shall immediately suspend any soils-disturbing activities in the vicinity of the discovery until the ERO has determined what additional measures should be undertaken.</p>	Project Head Foreman and/or project sponsor	During soils disturbing activity	Project Head Foreman or sponsor shall contact the ERO.	Considered complete when ERO has been notified and resource is protected

Adopted Mitigation Measure	Monitoring and Reporting Program ^a			
	Implementation Responsibility	Mitigation Schedule	Monitoring/Reporting Responsibility	Monitoring Actions/Completion Criteria
<p><u>Discovery Identification, Evaluation, and Treatment Determination.</u> If the ERO determines that an archeological resource may be present within the project site, the project sponsor shall retain the services of an archeological consultant from the Qualified Archeological Consultant List maintained by the Planning Department. The archeological consultant shall advise the ERO as to whether the discovery is an archeological resource as well as if it retains sufficient integrity and is of potential scientific/historical/cultural significance. If an archeological resource is present, the archeological consultant shall identify, document, and evaluate the archeological resource. The archeological consultant shall make a recommendation as to what action, if any, is warranted. Based on this information, the ERO may require, if warranted, specific additional measures to be implemented by the project sponsor.</p> <p>Measures might include preservation <i>in situ</i> of the archeological resource; an archeological monitoring program; an archeological testing program; and/or an archeological interpretation program. If an archeological interpretive, monitoring, and/or testing program is required, it shall be consistent with the Environmental Planning Division guidelines for such programs and shall be implemented immediately. The ERO may also require that the project sponsor immediately implement a site security program if the archeological resource is at risk from vandalism, looting, or other damaging actions.</p>	Archaeological consultant and ERO	After discovery of possible resource	The sponsor shall retain a qualified archeological consultant at the direction of the ERO. The archeological consultant shall identify and evaluate the archeological resources and recommend actions for review and approval by the ERO. The archeological consultant shall undertake additional treatment if needed.	Considered complete when treatment determination has been approved by the ERO.

Adopted Mitigation Measure	Monitoring and Reporting Program ^a			
	Implementation Responsibility	Mitigation Schedule	Monitoring/Reporting Responsibility	Monitoring Actions/Completion Criteria
<p><u>Consultation with Descendant Communities.</u> On discovery of an archeological site associated with descendant Native Americans, the Overseas Chinese, or other potentially interested descendant group an appropriate representative of the descendant group and the ERO shall be contacted. The representative of the descendant group shall be given the opportunity to monitor archeological field investigations of the site and to offer recommendations to the ERO regarding appropriate archeological treatment of the site, of recovered data from the site, and, if applicable, any interpretative treatment of the associated archeological site. The ERO and project sponsor shall work with the tribal representative or other representatives of descendant communities to identify the scope of work to fulfill the requirements of this mitigation measure, which may include participation in preparation and review of deliverables (e.g., plans, interpretive materials, artwork). Representatives shall be compensated for their work as identified in the agreed upon scope of work. A copy of the Archeological Resources Report (ARR) shall be provided to the representative of the descendant group.</p>	<p>Archaeological consultant, descendant group, project sponsor, and ERO</p>	<p>After discovery of significant resource associated with a descendant group</p>	<p>Archaeological consultant contacts descendant group(s). Archaeological consultant, ERO, and project sponsor, and representative(s) determine scope of work for deliverables. Project sponsor is responsible for compensating descendant(s) for work in preparation and review of deliverables. Archaeological consultant sends ARR to descendant(s).</p>	<p>Considered completed after descendant group has received ARR and been compensated for work on deliverables.</p>

<p><u>Archeological Data Recovery Plan.</u> An archeological data recovery program shall be conducted in accordance with an Archeological Data Recovery Plan (ADRP) if all three of the following apply: 1) a resource has potential to be significant, 2) preservation in place is not feasible, and 3) the ERO determines that an archeological data recovery program is warranted. The project archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the ADRP. The archeological consultant shall prepare a draft ADRP that shall be submitted to the ERO for review and approval.</p> <p>The ADRP shall identify how the proposed data recovery program will preserve the significant information the archeological resource is expected to contain. That is, the ADRP will identify what scientific/historical research questions are applicable to the expected resource, what data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. Data recovery, in general, should be limited to the portions of the historical property that could be adversely affected by the proposed project. Destructive data recovery methods shall not be applied to portions of the archeological resources if nondestructive methods are practical.</p> <p>The scope of the ADRP shall include the following elements:</p> <ul style="list-style-type: none"> § <i>Field Methods and Procedures.</i> Descriptions of proposed field strategies, procedures, and operations.! § <i>Cataloguing and Laboratory Analysis.</i> Description of selected cataloguing system and artifact analysis procedures.! § <i>Discard and Deaccession Policy.</i> Description of and rationale for field and post-field discard and deaccession policies.! § <i>Security Measures.</i> Recommended security measures to protect the archeological resource from vandalism, looting, and non-intentionally damaging activities.! § <i>Final Report.</i> Description of proposed report format and distribution of results.! § <i>Curation.</i> Description of the procedures and recommendations for the curation of any recovered data having potential research value, identification of appropriate curation facilities, and a summary of the accession policies of the curation facilities.! 	<p>ERO, archeological consultant, and Project Sponsor.</p>	<p>After determination by ERO that an archeological data recovery program is required</p>	<p>Archeological consultant to prepare an ADRP in consultation with ERO</p>	<p>Considered complete upon approval of ADRP by ERO.</p>
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<p><u>Human Remains and Funerary Objects.</u> The treatment of human remains and funerary objects discovered during any soil-disturbing activity shall comply with applicable State and federal laws. This shall include immediate notification of the Medical Examiner of the City and County of San Francisco. The ERO also shall be notified immediately upon the discovery of human remains. In the event of the Medical Examiner's determination that the human remains are Native American remains, the Medical Examiner shall notify the California State Native American Heritage Commission, which will appoint a Most Likely Descendant (MLD). The MLD will complete his or her inspection of the remains and make recommendations or preferences for treatment within 48 hours of being granted access to the site (Public Resources Code section 5097.98(a)).</p> <p>The landowner may consult with the project archeologist and project sponsor and shall consult with the MLD and CEQA lead agency on preservation in place or recovery of the remains and any scientific treatment alternatives. The landowner shall then make all reasonable efforts to develop an Agreement with the MLD, as expeditiously as possible, for the treatment and disposition, with appropriate dignity, of human remains and funerary objects (as detailed in CEQA Guidelines section 15064.5(d)). Per PRC 5097.98 (b)(1), the Agreement shall address and take into consideration, as applicable and to the degree consistent with the wishes of the MLD, the appropriate excavation, removal, recordation, scientific analysis, custodianship prior to reinterment or curation, and final disposition of the human remains and funerary objects. If the MLD agrees to scientific analyses of the remains and/or funerary objects, the archeological consultant shall retain possession of the remains and funerary objects until completion of any such analyses, after which the remains and funerary objects shall be reinterred or curated as specified in the Agreement.</p> <p>Both parties are expected to make a concerted and good faith effort to arrive at an Agreement, consistent with the provisions of PRC 5097.98. However, if the landowner and the MLD are unable to reach an Agreement, the landowner, ERO, and project sponsor shall ensure that the remains and/or mortuary materials are stored securely and respectfully until they can be reinterred on the property, with appropriate dignity, in a location not subject to further or future subsurface disturbance, consistent with state law.</p> <p>Treatment of historic-period human remains and of associated or unassociated funerary objects discovered during any soil-disturbing activity, additionally, shall follow protocols laid out in the project's Archeological treatment documents, and</p>	<p>Archeological consultant or medical examiner</p>	<p>Discovery of human remains</p>	<p>Notification of County/City Coroner and, as warranted, notification of NAHC.</p>	<p>Considered complete on finding by ERO that all State laws regarding human remains/burial objects have been adhered to, consultation with MLD is completed as warranted, approval of Archeological Results Report, and disposition of human remains has occurred as specified in Agreement.</p>
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Adopted Mitigation Measure	Monitoring and Reporting Program ^a			
	Implementation Responsibility	Mitigation Schedule	Monitoring/Reporting Responsibility	Monitoring Actions/Completion Criteria
in any related agreement established between the project sponsor, Medical Examiner and the ERO.				
<u>Cultural Resources Public Interpretation Plan</u> . The project archeological consultant shall submit a Cultural Resources Public Interpretation Plan (CRPIP) if a significant archeological resource is discovered during a project. As directed by the ERO, a qualified design professional with demonstrated experience in displaying information and graphics to the public in a visually interesting manner, local artists, or community group may also be required to assist the project archeological consultant in preparation of the CRPIP. If the resource to be interpreted is a tribal cultural resource, the CRPIP shall be prepared in consultation with and developed with the participation of Ohlone tribal representatives. The CRPIP shall describe the interpretive product(s), locations or distribution of interpretive materials or displays, the proposed content and materials, the producers or artists of the displays or installation, and a long-term maintenance program. The CRPIP shall be sent to the ERO for review and approval. The CRPIP shall be implemented prior to occupancy of the project.	Archeological consultant at the direction of the ERO will prepare CRPIP. Measure laid out in CRPIP are implemented by sponsor and consultant.	Following completion of treatment and analysis of significant archeological resource by archeological consultant.	Archeological consultant submits draft CRPIP to ERO for review and approval.	CRPIP is complete on review and approval of ERO. Interpretive program is complete on notification to ERO from the project sponsor that program has been implemented.

Adopted Mitigation Measure	Monitoring and Reporting Program ^a			
	Implementation Responsibility	Mitigation Schedule	Monitoring/Reporting Responsibility	Monitoring Actions/Completion Criteria
<p><u>Archeological Resources Report.</u> The project archeological consultant shall submit a confidential draft Archeological Resources Report (ARR) to the ERO that evaluates the historical significance of any discovered archeological resource, describes the archeological and historical research methods employed in the archeological monitoring/data recovery program(s) undertaken, and discusses curation arrangements.</p> <p>Once approved by the ERO, copies of the approved ARR shall be distributed as follows: California Archeological Site Survey Northwest Information Center (NWIC) shall receive one (1) copy, and the ERO shall receive a copy of the transmittal of the ARR to the NWIC. The environmental planning division of the planning department shall receive one (1) bound hardcopy of the ARR. Digital files that shall be submitted to the environmental division include an unlocked, searchable PDF version of the ARR, GIS shapefiles of the site and feature locations, any formal site recordation forms (CA DPR 523 series), and/or documentation for nomination to the National Register of Historic Places/California Register of Historical Resources. The PDF ARR, GIS files, recordation forms, and/or nomination documentation should be submitted via USB or other stable storage device. If a descendant group was consulted during archeological treatment, a PDF of the ARR shall be provided to the representative of the descendant group.</p>	Archeological consultant at the direction of the ERO.	Following completion of treatment by archeological consultant as determined by the ERO.	Planning Department / project sponsor	Complete on certification to ERO that copies of the approved ARR have been distributed
<p><u>Curation.</u> Significant archeological collections and paleoenvironmental samples of future research value shall be permanently curated at an established curatorial facility. The facility shall be selected in consultation with the ERO. Upon submittal of the collection for curation the sponsor or archeologist shall provide a copy of the signed curatorial agreement to the ERO.</p>	Project archeologist prepares collection for curation and project sponsor pays for curation costs.	In the event a significant archeological resource is discovered and upon acceptance by the ERO of the ARR	Planning Department / project sponsor	Considered complete upon acceptance of the collection by the curatorial facility

Adopted Mitigation Measure	Monitoring and Reporting Program ^a			
	Implementation Responsibility	Mitigation Schedule	Monitoring/Reporting Responsibility	Monitoring Actions/Completion Criteria
NOISE				
<p>Project Mitigation Measure 2: Construction Noise</p> <p>The project sponsor shall develop a set of site-specific noise attenuation measures under the supervision of a qualified acoustical consultant. Prior to commencing construction, a plan for such measures shall be submitted to the Planning Department to ensure that maximum feasible construction noise attenuation is achieved. Attenuation measures shall include as many of the following control strategies as follows, or other equivalent strategies that reduce construction noise:</p> <ul style="list-style-type: none"> • Erect temporary plywood noise barriers around a construction site, particularly where a site adjoins noise-sensitive uses; • Use noise control blankets on a building structure as the building is being erected to reduce noise emission from the site; • Evaluate the feasibility of noise control at the receivers by temporarily improving the noise reduction capability of adjacent buildings housing sensitive uses; • Monitor the effectiveness of noise attenuation measures by taking noise measurements; and <p>Post signs on-site pertaining to permitted construction days and hours and complaint procedures and who to notify in the event of a problem, with telephone numbers listed.</p>	Project sponsor's qualified acoustical consultant and construction contractor	Prior to the issuance of construction permits	Planning Department	Considered complete after approval construction noise control plan and construction activities completed.

Adopted Mitigation Measure	Monitoring and Reporting Program ^a			
	Implementation Responsibility	Mitigation Schedule	Monitoring/Reporting Responsibility	Monitoring Actions/Completion Criteria
AIR QUALITY				
<p>Project Mitigation Measure 3: Construction Air Quality</p> <p>The project sponsor shall comply with the following:</p> <p>A. Engine Requirements</p> <ol style="list-style-type: none"> 1. All off-road equipment greater than 25 hp and operating for more than 20 total hours over the entire duration of construction activities shall have engines that meet or exceed either U.S. Environmental Protection Agency (EPA) or California Air Resources Board (air board) Tier 4 Interim or Tier 4 Final off-road emission standards. 2. Where access to alternative sources of power are available, portable diesel engines (e.g., generators) shall be prohibited. 3. Diesel engines, whether for off-road or on-road equipment, shall not be left idling for more than two minutes, at any location, except as provided in exceptions to the applicable state regulations regarding idling for off-road and on-road equipment (e.g., traffic conditions, safe operating conditions). The contractor shall post legible and visible signs in English, Spanish, and Chinese, in designated queuing areas and at the construction site to remind operators of the two-minute idling limit. 4. The project sponsor shall instruct construction workers and equipment operators on the maintenance and tuning of construction equipment and require that such workers and operators properly maintain and tune equipment in accordance with manufacturer specifications. <p>B. Waivers</p> <p>The Planning Department's environmental review officer or designee (ERO) may waive the alternative source of power requirement of Subsection (A)(2) if an alternative source of power is limited or infeasible at the project site. If the ERO grants the waiver, the contractor must use the next cleanest piece of off-road equipment, or another alternative that results in comparable reductions of diesel particulate matter.</p>	Project sponsor and construction contractor	<p>Prior to issuance of construction permits project sponsor to submit:</p> <ol style="list-style-type: none"> 1. Construction emissions minimization plan for review and approval, and <p>Signed certification statement</p>	Planning Department	<p>Considered complete upon planning department review and acceptance of construction emissions minimization plan, implementation of the plan, and submittal of final report summarizing use of construction equipment pursuant to the plan.</p>

Adopted Mitigation Measure	Monitoring and Reporting Program ^a			
	Implementation Responsibility	Mitigation Schedule	Monitoring/Reporting Responsibility	Monitoring Actions/Completion Criteria
<p><i>C. Construction Emissions Minimization Plan:</i> Before starting on-site construction activities, the contractor shall submit a construction emissions minimization plan (plan) to the ERO for review and approval. The plan shall state, in reasonable detail, how the contractor will meet the engine requirements of Section A.</p> <ol style="list-style-type: none"> 1. The Plan shall include estimates of the construction timeline by phase, with a description of each piece of off-road equipment required for every construction phase. The description may include, but is not limited to: equipment type, equipment manufacturer, equipment identification number, engine model year, engine certification (Tier rating), horsepower, engine serial number, and expected fuel use and hours of operation. For off-road equipment using alternative fuels, the description shall also specify the type of alternative fuel being used. 2. The project sponsor shall ensure that all applicable requirements of the plan have been incorporated into the contract specifications. The plan shall include a certification statement that the project sponsor agrees to comply fully with the plan. 3. The project sponsor shall make the plan available to the public for review on-site during working hours. The project sponsor shall post at the construction site a legible and visible sign summarizing the plan. The sign shall also state that the public may ask to inspect the plan for the project at any time during working hours and shall explain how to request to inspect the plan. The project sponsor shall post at least one copy of the sign in a visible location on each side of the construction site facing a public right-of-way. <p><i>D. Monitoring:</i> After start of construction activities, the contractor shall submit reports every six months to the ERO documenting compliance with the plan. After completion of construction activities and prior to receiving a final certificate of occupancy, the project sponsor shall submit to the ERO a final report summarizing construction activities, including the start and end dates and duration of each construction phase, and the specific information required in the plan.</p>				

Adopted Mitigation Measure	Monitoring and Reporting Program ^a			
	Implementation Responsibility	Mitigation Schedule	Monitoring/Reporting Responsibility	Monitoring Actions/Completion Criteria
<p>Project Mitigation Measure 4: Siting of Uses that Emit Other TACs</p> <p>Prior to the beginning of operations, the project sponsor shall ensure that all laboratory uses prepare an analysis that includes, at a minimum, a site survey identifying all residential or other sensitive receptors within 1,000 feet of the project site, as well as all potential toxic air contaminants (TACs) emissions from equipment associated with the laboratory operations. The sponsor must demonstrate efforts taken to reduce TAC emissions including incorporating best available control technology and that all relevant regulations, such as from the Bay Area Air Quality Management District (Air District) are met.</p>	Project sponsor	<p>Prior to the beginning of operations for each building operator or manager, provided that the building operator can demonstrate that tenants would not have the potential to emit TACs from laboratory operations.</p> <p>If building tenants have the potential to emit TACs, then this mitigation would apply prior to the beginning of operations for each laboratory use.</p>	Project sponsor to submit TAC emissions analysis to planning department	Considered complete upon planning department approval of analysis

NOTES:

^a Definitions of MMRP Column Headings:

Adopted Mitigation and Improvements Measures: Full text of the mitigation measure(s) copied verbatim from the final CEQA document.

Implementation Responsibility: Entity who is responsible for implementing the mitigation measure. In most cases this is the project sponsor and/or project's sponsor's contractor/consultant and at times under the direction of the planning department.

Mitigation Schedule: Identifies milestones for when the actions in the mitigation measure need to be implemented.

Monitoring/Reporting Responsibility: Identifies who is responsible for monitoring compliance with the mitigation measure and any reporting responsibilities. In most cases it is the Planning Department who is responsible for monitoring compliance with the mitigation measure. If a department or agency other than the planning department is identified as responsible for monitoring, there should be an expressed agreement between the planning department and that other department/agency. In most cases the project sponsor, their contractor, or consultant are responsible for any reporting requirements.

Monitoring Actions/Completion Criteria: Identifies the milestone at which the mitigation measure is considered complete. This may also identify requirements for verifying compliance.

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BRIEF SUBMITTED BY THE APPELLANT(S)

Appeal No. 24-040—700 Indiana Street: Appellant’s Brief in Opposition of Section 329 Large Project Authorization, Planning Commission Motion No. 21576

The San Francisco Planning Code prohibits Life Science uses in the Urban Mixed Use district.¹ 700 Indiana Street is zoned as Urban Mixed Use. MBC BioLabs (“MBC”), an operator of a Life Science use at 953 Indiana and an affiliate of Mission Bay Capital and Mission BioCapital, both Life Science investors, sought entitlements to expand its business incubating Life Science start-ups by building 70,065 square feet of Laboratory space at 700 Indiana. The Planning Commission granted a Large Project Authorization and granted these entitlements on the Planning Department’s insistence that the facility is a “non-life science” Laboratory. In granting this authorization, the Commission erred, misapplying the Planning Code. And in the clear record of the planning documents and legislation for the Eastern Neighborhoods, that error amounts to an abuse of discretion.

As a result, the Dogpatch Neighborhood Association and Potrero Boosters Neighborhood Association (the “Appellants”) jointly appeal the Large Project Authorization (the “LPA”) set forth in Planning Commission (the “Commission”) Motion No. 21576, to allow the construction of a 70,650 square foot laboratory building at 700 Indiana Street (the “Project”).²

In this brief, the Appellants will show that the Commission erred by not finding that the services provided by the operator of the Project—MBC—are a Life Science use consistent with past Planning Department (the “Department”) determinations. The Appellants will further show that the Commission erred in determining that the tenants of the Project—the start-ups—would not be engaged in Life Science uses. The Appellants conclude by demonstrating that the Commission’s errors

¹ Planning Code Sec.838, at Table 838, attached as Exhibit A

² Attached as Exhibit B.

in interpreting the San Francisco Planning Code (the “Planning Code”) are unreasonable and arbitrary in light of the clear intent of the Eastern Neighborhoods Plan and recent legislation, constituting an abuse of discretion by the Commission. As a result, the Board of Appeals should revoke the LPA.

1. MBC provides capital goods and services related to life science to its incubating start-ups as operator of the Project, which is an impermissible Life Science use.

In all senses of the phrase except for that argued by the Department and accepted by the Commission, MBC is in the “life science” business. Their incubators are “changing the approach to life science research.”³ They connect their start-ups with “leading life science companies” for partnering opportunities. They acknowledge their incubating start-ups are in the life science industry, and provide them with the right tools, because “in life sciences, having access to cutting-edge equipment is a huge research advantage.” And they are “life science investors” via their affiliates Mission Bay Capital and Mission BioCapital. These entities all intend to “provide life science entrepreneurs with everything their company needs to succeed.” The three entities share an address at 953 Indiana Street, the site of an MBC Life Science incubator.

This appeal, however, must show that MBC is in the Life Science business as described in the Planning Code. It is. “Life Science” is defined as follows (*emphasis added*):

A Non-Retail Sales and Service Use that involves the integration of natural and engineering sciences and advanced biological techniques using organisms, cells, and parts thereof for products and services. *This includes* the creation of products and services used to analyze and detect various illnesses, the design of products that cure

³ See *Screenshots from MBC Related Websites*, attached as Exhibit C.

illnesses, and/or *the provision of capital goods and services, machinery, instruments, software, and reagents related to research and production. Life Science uses may utilize office, laboratory, light manufacturing, or other types of space.* As a subset of Life Science uses, *Life Science laboratories typically include biological laboratories and animal facilities or vivaria, as described in the Laboratory definition Subsections (d) and (e).*⁴

The first sentence indicates that if a use for products or services “involves” integrating engineering sciences and biological techniques, then it is a Life Science use. The second sentence provides more concrete examples of what is a Life Science use. Specifically, “the provision of capital goods and services, machinery, instruments, software and reagents related to research and production” that involves the integration of engineering sciences and biological techniques is a Life Science Use.

MBC is clearly providing capital goods and services, machinery, instruments, related to research and production involving the integration of engineering sciences and biological techniques as its incubator services. At the Commission hearing held on June 13, 2024 (the “Hearing”), the Department and the Project sponsor confirmed that the Project’s operations would be consistent with MBC’s operations at its other facilities and as generally advertised online and described above.⁵ That is, MBC will be incubating “biotech” start-ups and providing them with the resources to facilitate the research and production of start-up goods and services. The list of capital goods, machines and instruments provided by MBC is extensive.⁶ In addition to the strategic network of industry contacts

⁴ Planning Code Sec. 102.

⁵ *Hearing recording*, available at https://sanfrancisco.granicus.com/player/clip/46365?view_id=20&redirect=true.

⁶ *Equipment Library at 953 Indiana*, attached as Exhibit D.

provided by MBC, it provides environmental, health and safety services and “help with chemical reporting, safety training, medical waste disposal, shipping and more.”⁷ In exchange for these capital goods and services, start-ups pay \$1,750 per month per bench. MBC Capital and Mission BioCapital then invest in promising start-ups and receive financial rewards from their continued success. By providing incubating start-ups at the Project with the capital goods and services, machinery, equipment and resources to facilitate their research and production, MBC engages in a Life Science use.

The argument that start-up incubation as a Life Science use is not novel, as the Department itself determined that the incubator located at 953 Indiana Street, a laboratory-based incubator that operated (and continues to operate) identically to the incubator MBC plans for the Project, was a Life Science use. The Zoning Administrator made this ruling in a Letter of Determination dated November 26, 2012,⁸ in response to a request by Ryan Guibara on behalf of QB3.⁹ At that time, Mr. Guibara sought a determination that QB3’s use of the building as “a general bioscience and laboratory use” to “provide basic laboratory space and incidental office space” to tenants for the purpose of “promoting research and development” was consistent with the definition of Life Science—at the time Life Science was principally permitted in the Central Waterfront’s Urban Mixed Use zoning district under

⁷ See Exhibit C.

⁸ The *2012 Letter*, attached as Exhibit E.

⁹ Note that Mr. Guibara is also MBC BioLab’s representative for the Project in the case before you. Mission Bay Capital is a spinoff of QB3 and succeeded QB3 as the operator of the incubator at 953 Indiana. See <https://qb3.org/about/>, last accessed Sept. 18, 2024.

the Life Science and Medical Special Use District (the “SUD”).¹⁰ In seeking the determination that 953 Indiana was a Life Science use, QB3 used descriptive language interchangeable with the language used by MBC to avoid the Life Science designation for the Project.¹¹ Indeed, both the QB3 incubator and the Project are designed as Biosafety level 2 laboratory facilities. As QB3’s incubator was deemed a Life Science use in 2012, MBC BioLab’s incubator should be deemed a Life Science use now.

At the Hearing, the Department responded to the 2012 Letter, stating that the Zoning Administrator overruled by the 2012 Letter through issuance of a subsequent Reissued Letter of Determination dated November 6, 2020.¹² Appellants disagree. The 2020 Letter does not explicitly overrule any prior determinations. The Zoning Administrator further acknowledges that the 2020 Letter responds to a request that “does not seek a determination about a specific use (or user) or whether the use would be allowed at a specific property or in a specific zoning district,” and as a result, the Zoning Administrator refrains from making any such specific determinations. Because the 2020 Letter did not explicitly overrule the determination made in 953 Indiana Determination Letter or make any specific findings related to incubator use at any location, the determinations of the 2012 Letter remain valid unless they can be shown to be contrary to the Planning Code, and any entitlement of

¹⁰ See the 2012 Letter. The SUD was later repealed by Ordinance No. 202.21. The *SUD Repeal Ordinance* is attached as Exhibit F.

¹¹ MBC has substituted “biotech” for “life science” to describe its start-up tenants. In common parlance, including the MBC website, the two are interchangeable, and “biotech” is not a defined term in the Planning Code. The “life science tenants” of 2012 are identical to the “biotech” tenants of today.

¹² The 2020 Letter, attached as Exhibit G.

the Project based on the presumption the 2012 Letter is overruled is in error.

But even if the 2020 Letter had implicitly overruled the 2012 Letter, the argument that MBC's provision of capital goods and services gives rise to a Life Science use is consistent with the 2020 Letter's explicit determination. The 2020 Letter determines that an operator must "involve the production of final, commercial products *or the provision of commercial services on-site* to be classified as a Life Science use" (*emphasis added*). The Zoning Administrator thus acknowledges that Life Science can be either products or services. After Applying the Planning Code definition of "commercial," that is "with the sole or chief emphasis on making financial gain,"¹³ the argument above still holds; MBC provides its services for a monthly fee and the opportunity to make investments that generate large returns. MBC's chief emphasis is on making financial gain.

MBC's incubator use at the Project is a Life Science use because it commercially provides the capital and services, equipment, machinery and other support explicitly set forth in the Planning Code definition of Life Science. Further, MBC's incubator is identical in use to separate incubator that the Zoning Administrator previously determined to be a Life Science use, although MBC now operates that incubator, as well. MBC's provision of these commercial services to its start-ups is also consistent with the generalized determinations of the Zoning Administrator in the 2020 Letter. By not finding a Life Science use at the Project arising from MBC's own commercial operations, the Planning Commission erred in its application of the Planning Code and the Board of Appeals should therefor revoke the LPA.

¹³ Planning Code Section 102.

2. The start-ups incubated at the project will be engaged in impermissible life science uses.

In the prior section, the argument focused on the Commission’s misapplication of the law with respect to the “services” component of Life Science. The Commission’s finding that the start-ups use of the Project will constitute Life Science, and thus that the Project is merely a “non-life science laboratory,” hinges instead on the “products” component of the Life Science definition, and in particular, the 2020 Letter’s finding that in the absence of any on-site activities involving “the production of final, commercial” products, a use is not a Life Science use. By over-relying on the 2020 Letter and ignoring the plain language of the Planning Code, the Commission erred in determining that there would be no Life Science use by the start-ups renting space at the Project and thus erred in approving the LPA.

As shown above, the definition of Life Science starts with a general statement and then provides specific examples of activities qualifying as a Life Science use. The Life Science use explicitly “includes the *creation of products* and services used to analyze and detect various illnesses [and] *the design of products* that cure illnesses.” Note, neither of these phrases include “manufacture.” Creation is “the act of making, inventing or producing”¹⁴ while the design of something is to “a preliminary sketch or outline showing the main features of something to be executed.”¹⁵ That is, the definition of Life Science explicitly contemplates that the use may be satisfied by the work of inventing a new product or the early process of developing the initial idea of what that new product may be.

The variety of uses that Life Science may utilize supports this interpretation. Life Science explicitly may utilize office, laboratory and light manufacturing in addition to other types of space.

¹⁴ See <https://www.merriam-webster.com/dictionary/creation>, last accessed Sept. 18, 2024.

¹⁵ See <https://www.merriam-webster.com/dictionary/design>, last accessed Sept, 18, 2024.

The only type of space from this list that specifically contemplates the production of final goods is Light Manufacturing, which “provides for the fabrication *or production* of goods, by hand or machinery, for distribution to retailers or wholesalers for resale off the premises.”¹⁶ If the production of final goods is the determining factor for Life Science, then a Manufacturing space, Light or otherwise, would be required. It is not.

In contrast, Laboratory is a space “intended or primarily suitable for scientific research.” This is the type of space where the act of product creation or the design of products may occur, but it does not lend itself to the production of final goods. If a Life Science use does require the production of final goods, then the Planning Code would not provide for a Life Science laboratory use, where research is the principal activity. Further, the Code would not elaborate on the concept of Life Science laboratories, which “typically include biological laboratories and animal facilities or vivaria, as described in the Laboratory definition Subsections (d) and (e).” Or put more simply, the Code would not say that Life Science laboratories typically include Biohazard level 2 facilities like the Project.

This is not intended as a criticism of the Zoning Administrator. The 2020 Letter includes caveats stating that the Planning Code “does not specify to what extent the production of products. . . must occur on site.” The Letter further responds to the request for a determination that “exclusive research and development operations” be classified as non-life science laboratories with an acknowledgement that “research and development” is undefined under the Planning Code, the term does not specify the full activities that may be undertaken as research and development, and that the distinction between what is Life Science and is not Life Science must be undertaken on a “case-by-

¹⁶ Planning Code Sec. 102.

case basis.¹⁷ The 2020 Zoning Administrator letter can only offer a general response to a broad and vague request for determination.¹⁸

As described above, MBC incubates early-stage start-ups engaged in the development of a commercial product or service. At the Hearing, MBC and the Department admitted as much, indicating that under the Department's reading of the 2020 Letter, its incubating start-ups would one day have to leave the Project site and move to a space permitting Life Science use because the start-ups would mature into on-site production of "final, commercial products." Or put another way, this would require constant monitoring of MBC Biotech's incubating start-ups if one were concerned about impermissible Life Science use at the Project, as the start-ups would be moving ever towards actions that would constitute a Life Science use.

An accurate reading of the Planning Code saves the Department from such a costly endeavor. The definition of Life Science explicitly states that the creation or design of products involving the integration of natural and engineering sciences to analyze, detect or cure illnesses is a Life Science use, and that such activities may take place in a Laboratory such as the Project. The record indicates that such creation or design of such products is the precise reason MBC seeks to develop the Project. The creation of such products is the first step towards the production of final, commercial products. The application of the Planning Code is clear in this case; to the extent the 2020 Letter is inconsistent with

¹⁷ The 2020 Letter of Determination may be read to make a distinction between Life Science and Laboratory uses; this is an inaccurate reading. Life Science laboratories are subset of Laboratory uses, and there are Laboratories that are not Life Science.

¹⁸ Unfortunately, the request giving rise to the 2020 Letter of Determination is not available with the Letter itself.

the Planning Code, it should be disregarded.

Because the Commission misapplied the Planning Code with respect to the operations of the start-up tenants participating in the Project's incubator, it erred in its finding that there would be no impermissible Life Science use at the Project. As a result, the Board of Appeals should revoke the LPA.

3. If the Planning Code is ambiguous, the intent of the Eastern Neighborhoods Plan and recent legislation is clear, making any erroneous interpretation by the Commission an abuse of discretion.

The Project provides for a large, intensive Life Science laboratory building in UMU Zoning. The Planning Code, General Plan and recent legislation explain the intent behind the creation of UMU zoning, showing that such uses are not intended for the UMU district. Shoehorning the Project into the UMU district unreasonably and arbitrarily ignores the Code and these intentions, giving rise to an abuse of discretion.

The Eastern Neighborhoods Plan rezoned 700 Indiana for Urban Mixed Use ("UMU") in 2008. The Planning Code states that UMU is intended to "promote a mix of vibrant uses while maintaining the characteristics of the formerly industrially-zoned area."¹⁹ UMU Zoning further serves "as a buffer between residential districts and PDR [that is, Production, Distribution and Repair] districts in the Eastern Neighborhoods." Several uses, including light manufacturing, retail, and housing with family-sized dwelling units are permitted. Office uses are restricted to upper floors in multi-story buildings, if allowed at all. The Zoning Administrator must consider the intent of Section

¹⁹ Planning Code Sec. 838.

838 and the General Plan when considering new land uses.

Section 838 reflects the intent of General Plan, specifically the intent of the Central Waterfront Area Plan and the neighboring Showplace Square/Potrero Hill Areal Plan. The Central Waterfront Area Plan recognized the potential demand for “life science” use due to the area’s proximity to UCSF and Mission Bay, where such use was encouraged. To balance this demand, the plan made it policy to “create a buffer around the Dogpatch neighborhood to protect against encroachment of larger office and life science research uses.”²⁰ “Knowledge Sector” industries such as “life sciences (including biotechnology)” could be allowed “where it is appropriate.”²¹ The Showplace Square/Potrero Hill Area Plan intended to “restrict the development of life science (or “biotech”)-related establishments in Showplace-Potrero.” If permitted at all, these establishments should be “buffered from existing residential areas of Potrero Hill.”²² These buffers became known as the Urban Mixed Use district.²³

The 2021 legislation repealing the SUD further restates this intent. The SUD was created to balance the tension around Knowledge Sector development expressed in the Central Waterfront Area

²⁰ Central Waterfront Area Plan, Policy 1.1.3, available at

https://generalplan.sfplanning.org/Central_Waterfront.htm, last accessed on September 18, 2024.

²¹ Id. at Objective 1.4 and Policy 1.4.2.

²² Showplace Square/Potrero Hill Area Plan, Policy 1.4.4, available at

https://generalplan.sfplanning.org/Showplace_Square_Potrero.htm, last accessed September 18, 2024.

²³ See the *Excerpt from the Zoning Map* attached as Exhibit H, showing the UMU buffer between PDR and RH zoned parcels.

Plan.²⁴ In repealing the SUD, the Board of Supervisors (the “Board”) unanimously found that the SUD did not serve the neighborhood and was not consistent with the policy to buffer the Dogpatch neighborhood “against encroachment of larger office and life science research use.”²⁵ The Board found that there are “office and life science uses that have located in the Special Use District that do not serve or contribute in a positive way to the neighborhood,” and that uses have displaced and could continue to displace, diverse businesses and opportunities to build needed housing.

Few projects availed themselves of the SUD; the incubator at 953 Indiana was one of the few. The uses intended at the Project are among those the Board intended to disallow. If it were to proceed, the Project would be located adjacent to two mixed-use residential buildings and to Esprit Park, the sole Recreation and Park property located in Dogpatch.²⁶ The repeal of the SUD recognized the heavily residential pattern of development in the Central Waterfront Urban Mixed Use district and expands the buffer from large, intensive uses. Entitling the Project, without a change to underlying law, flies in the face of this intent, would be a usurpation of the Board’s legislative role and would constitute an unreasonable and arbitrary abuse of discretion. Thus, the Board should revoke the LPA

4. Conclusion

For the reasons set forth above, the Appellants request that you revoke the Large Project Authorization approved on Planning Commission Motion No. 21576.

²⁴ See the SUD Repeal Ordinance at Sec. 2, showing the “Purpose” language struck from the Code.

²⁵ *Id.* at Sec. 1(d).

²⁶ See the *Use Map* attached as Exhibit I.

EXHIBIT A

Planning Code Sec. 838

(See attached)

SEC. 838. UMU – URBAN MIXED USE DISTRICT.

The Urban Mixed Use (UMU) District is intended to promote a vibrant mix of uses while maintaining the characteristics of this formerly industrially-zoned area. It is also intended to serve as a buffer between residential districts and PDR districts in the Eastern Neighborhoods. Within the UMU, allowed uses include production, distribution, and repair uses such as light manufacturing, home and business services, arts activities, warehouse, and wholesaling. Additional permitted uses include retail, educational facilities, and nighttime entertainment. Housing is also permitted, but is subject to higher affordability requirements. Family-sized dwelling units are encouraged. Within the UMU, office uses are generally prohibited in the Mission Area Plan and elsewhere are restricted to the upper floors of multiple story buildings. In considering any new land use not contemplated in this District, the Zoning Administrator shall take into account the intent of this District as expressed in this Section 843¹ and in the General Plan. Accessory Dwelling Units are permitted within the district pursuant to Sections 207.1 and (c)(6) of this Code.

Table 838

UMU – URBAN MIXED USE DISTRICT ZONING CONTROL TABLE

Zoning Category	§ References	Urban Mixed Use District Controls
BUILDING STANDARDS		

Table 838

UMU – URBAN MIXED USE DISTRICT ZONING CONTROL TABLE

Zoning Category	§ References	Urban Mixed Use District Controls
BUILDING STANDARDS		
Massing and Setbacks		
Height and Bulk Limits	§§ 261, 261.1, 263.21, 270, 270.1, 270.2, 271	Varies; see also Height and Bulk District Maps. Non-habitable vertical projections permitted as set forth in § 263.21. Height sculpting required on Alleys as set forth in § 261.1. Horizontal mass reduction required as set forth in §270.1. Mid-block alleys required as set forth in §270.2.
Rear Yards	§§ 130, 134, 136	Minimum rear yard depth shall be equal to 25% of the total depth of the lot on which the building is situated, but in no case less than 15 feet.
Front Setback and Side Yards	§§ 130, 132, 133	Front setbacks for residential uses are governed by the Ground Floor Residential Guidelines. Otherwise, front setbacks are not required.
Street Frontage and Public Realm		
Streetscape and Pedestrian Improvements	§ 138.1	Required as set forth in Section 138.1

Street Frontage Requirements	§ 145.1	Required as set forth in Sections 145.1; controls apply to above-grade parking setbacks, parking and loading entrances, active uses, street-facing ground-level spaces, ground-floor ceiling heights, transparency and fenestration, and gates, railings, and grillwork. Exceptions permitted for historic buildings.
Active street-facing ground-floor uses	§ 145.4	Third Street, in the UMU districts for parcel frontages wholly contained within 100 linear feet north or south of Mariposa Street or 100 linear feet north or south of 20th Street.
Parking and Loading Access Restrictions	§ 155(r)	As required by Section 155(r).
Usable Open Space for Non-Residential Uses	§§ 135.3, 426	As required by §§135.3 and 426; may also pay in-lieu fee.
Artworks and Recognition of Artists and Architects	§ 429.	Required for new buildings and building additions of 25,000 square feet or more.
Miscellaneous		
Design Guidelines	General Plan Commerce and Industry Element.	Subject to the Urban Design Guidelines
Large Project Review	§ 329	As required by § 329.
Planned Unit Development	§ 304	NP
Awning or Canopy	§ 136, 136.1	P
Marquee	§ 136, 136.1	NP
Signs	§ 607.2	As permitted by Section § 607.2 . ¹
General Advertising Signs	§§ 262, 602, 604, 608, 609, 610, 611	NP

Zoning Category	§ References	Urban Mixed Use District Controls
RESIDENTIAL STANDARDS AND USES		
Zoning Category	§ References	Urban Mixed Use District Controls
RESIDENTIAL STANDARDS AND USES		
Development Standards		
Usable Open Space [Per Dwelling Unit or Group Housing Room]	§§ 135, 136	80 square feet if private, 54 square feet if publicly accessible.

Off-Street Parking Requirements	§§ 150-151.1, 153 - 156, 166, 167, 204.5	No car parking required. Maximum permitted as set forth in § 151. Bike parking required by § 155.2. If car parking is provided, car share spaces are required when a project has 50 units or more as set forth in § 166.
Off-Street Freight Loading	§§ 150, 152, 153 - 155, 204.5	None required if Occupied Floor Area is less than 100,000 square feet.
Residential Conversion, Demolition, or Merger	§ 317	C for Removal of one or more Residential Units or Unauthorized Units.
Dwelling Unit Mix	§ 207.6	At least 40% of all Dwelling Units must contain two or more bedrooms or 30% of all Dwelling Units must contain three or more bedrooms.
Use Characteristics		
Intermediate Length Occupancy	§§ 102, 202.10	P(1)
Single Room Occupancy	§ 102	NP
Student Housing	§ 102	P
Residential Uses		
Dwelling Units	§ 102	P
Group Housing	§ 102	P
Homeless Shelter	§ 102	P
Dwelling Unit and Group Housing Density	§ 207	No density limit. Density is regulated by the permitted height and bulk, and required setbacks, exposure, and open space of each development lot.
Homeless Shelter Density	§§ 102, 208	Density limits regulated by the Administrative Code.

Zoning Category	§ References	Urban Mixed Use District Controls
NON-RESIDENTIAL STANDARDS AND USES		
Zoning Category	§ References	Urban Mixed Use District Controls
NON-RESIDENTIAL STANDARDS AND USES		
Development Standards		
Floor Area Ratio	§§ 123, 124	Section 124 sets forth Basic FAR based on height.
Off-Street Parking Requirements	§§ 150-151.1, 153 - 156, 166, 204.5	No car parking required. Maximum permitted as set forth in § 151. Bike parking required per § 155.2. If car parking is provided, car share spaces are required when a project has 25 units or more per § 166.

Off-Street Freight	§§ 150, 152, 153 - 155, 204.5	None required if Occupied Floor Area is less than 10,000 square feet.
Use Size Controls		As indicated in this table by end notes (2) and (3), certain Uses have size limits.
Ground Floor Ceiling Height	§ 145.1(c)(4)	Required minimum floor-to-floor height of 17 feet, as measured from grade.
Commercial Use Characteristics		
Drive-up Facility	§ 102	NP
Formula Retail	§§ 102, 303.1	C
Hours of Operation	§ 102	No limit
Maritime Use	§ 102	NP
Open Air Sales	§ 102	P
Outdoor Activity Area	§ 102	P
Walk-up Facility	§ 102	P
Agricultural Use Category		
Agricultural Uses	§§ 102, 202.2(c)	P
Automotive Use Category		
Automotive Uses*	§ 102	P
Ambulance Service	§ 102	C(5)
Automobile Sale or Rental	§ 102	P if in an enclosed building; otherwise NP(2)
Automotive Wash	§ 102	C(5)
Motor Vehicle Tow Service	§ 102	C(5)
Private Parking Garage	§ 102	C(5)
Private Parking Lot	§ 102	NP
Public Parking Garage	§ 102	C(5)
Public Parking Lot	§ 102	NP
Service, Parcel Delivery	§§ 102, 303(cc)	C
Vehicle Storage Garage	§ 102	C(5)
Vehicle Storage Lot	§ 102	NP
Entertainment, Arts and Recreation Use Category		
Entertainment, Arts and Recreation Uses*	§ 102, 803.9(b)	P
Movie Theater	§ 102	P, up to three screens
Livery Stable	§ 102	NP(5)
Outdoor Entertainment	§ 102	NP
Sports Stadium	§ 102	NP(5)
Industrial Use Category		
Industrial Uses	§ 102	NP(5)
Light Manufacturing	§ 102	P

Institutional Use Category		
Institutional Uses	§§ 202.2(e), 803.9(b)	P
Hospital	§ 102	NP(5)
Post-Secondary Educational Institution	§ 102	C(5)
Sales and Service Category		
Retail Sales and Service Uses*	§§ 102, 202.2(a)	P(2)
Adult Business	§ 102	C(5)
Adult Sex Venue	§ 102	C
Gym	§§ 102; 803.9(g)	P(3)
Hotel	§ 102	NP(5)
Massage Establishment	§ 102	NP(5)
Mortuary	§ 102	NP(5)
Self Storage	§ 102	NP(5)
Trade Shop	§ 102	P
Non-Retail Sales and Service*	§ 102	P
Life Science	§ 102	NP(5)
Office Uses	§§ 102; 803.9(f)	P(4)
Professional Services, Non-Retail	§§ 102	P(4)
Utility and Infrastructure Use Category		
Utility and Infrastructure uses*	§ 102	NP(5)
Public Transportation Facility	§ 102	P
Wireless Telecommunications Services Facility	§ 102	C(5)

* Not listed below

- (1) NP for buildings with three or fewer Dwelling Units. C for buildings with 10 or more Dwelling Units.
- (2) P up to 3,999 gross sq. ft. per Use and requires C for 4,000 gross sq. ft. or greater per Use; P to 25,000 Gross Square Feet per Lot; above 25,000 gross sq. ft. permitted only if the ratio of other permitted uses to retail on the Lot is at least 3:1.
- (3) P up to 3,999 gross sq. ft. per use; C for 4,000 gross sq. ft. or greater per use. Not subject to 3:1 ratio.
- (4) Unless located within a historic building per §803.9(c), uses subject to vertical control of § 803.9(f).
- (5) P in historic buildings per §803.9(c).

(Added as Sec. 843 by Ord. 298-08, File No. 081153, App. 12/19/2008; amended by Ord. [66-11](#), File No. 101537, App. 4/20/2011, Eff. 5/20/2011; Ord. [196-11](#), File No. 110786, App. 10/4/2011, Eff. 11/3/2011; Ord. [188-12](#), File No. 111374, App. 9/11/2012, Eff. 10/11/2012; Ord. [71-14](#), File No. 131205, App. 5/23/2014, Eff. 6/22/2014; Ord. [235-14](#), File No. 140844, App. 11/26/2014, Eff. 12/26/2014; Ord. [14-15](#), File No. 141210, App. 2/13/2015, Eff. 3/15/2015; Ord. [20-15](#), File No. 110548, App. 2/20/2015, Eff. 3/22/2015; Ord. [162-16](#), File No. 160657, App. 8/4/2016, Eff. 9/3/2016; Ord. [166-16](#), File No. 160477, App. 8/11/2016, Eff. 9/10/2016; Ord. [99-17](#), File No. 170206, App. 5/19/2017, Eff. 6/18/2017; Ord. [189-17](#), File No. 170693, App. 9/15/2017, Eff. 10/15/2017; Ord. [229-17](#), File No. 171041, App. 12/6/2017, Eff. 1/5/2018; Ord. [296-18](#), File No. 180184, App. 12/12/2018, Eff. 1/12/2019; Ord. [133-20](#), File No. 200143, App. 8/21/2020, Eff. 9/21/2020; Ord. [75-22](#), File No.

220264, App. 5/13/2022, Eff. 6/13/2022; Ord. [190-22](#), File No. 220036, App. 9/16/2022, Eff. 10/17/2022; redesignated and amended by Ord. [70-23](#), File No. 220340, App. 5/3/2023, Eff. 6/3/2023; Ord. [47-24](#), File No. 231223, App. 3/15/2024, Eff. 4/15/2024; Ord. [54-24](#), File No. 240169, App. 3/22/2024, Eff. 4/22/2024, Retro. 3/30/2024; Ord. [62-24](#), File No. 230310, App. 3/28/2024, Eff. 4/28/2024; Ord. [68-24](#), File No. 240070, App. 4/4/2024, Eff. 5/5/2024; Ord. [113-24](#), File No. 240193, App. 6/13/2024, Eff. 7/14/2024, Retro. 3/30/2024)

AMENDMENT HISTORY

Zoning Control Table: former category 843.97 redesignated as 843.97A and amended; 843.97B and 843.97C added; Ord. [66-11](#), Eff. 5/20/2011. Zoning Control Table: 843.04 and 843.45 amended; former category 843.50 deleted; 843.62 and 843.65 amended; 843.65A added; 843.85 and 843.86 amended; Ord. [196-11](#), Eff. 11/3/2011. Zoning Control Table: former category 843.23 deleted; Ord. [188-12](#), Eff. 10/11/2012. Zoning Control Table: former category 843.88 deleted; Ord. [71-14](#), Eff. 6/22/2014. Zoning Control Table: 843.46 amended; Ord. [235-14](#), Eff. 12/26/2014. Zoning Control Table: 843.23 added; Ord. [14-15](#), Eff. 3/15/2015. Zoning Control Table: 843.05 amended; Ord. [20-15](#), Eff. 3/22/2015. Introductory material amended; Zoning Control Table: 843.24 amended; Specific Provisions: 843.24 added; Ord. [162-16](#), Eff. 9/3/2016. Zoning Control Table: 843.92 amended; former category 843.93 deleted; 843.99 added; Ord. [166-16](#), Eff. 9/10/2016. Zoning Control Table: 843.10, 843.41, and 843.71 amended; Ord. [99-17](#), Eff. 9-17. Zoning Control Table: 843.35 amended; Ord. [189-17](#), Eff. 10/15/2017. Zoning Control Table: 843.36, 843.87, 843.97B, and 843.97C amended; Ord. [229-17](#), Eff. 1/5/2018. Zoning Control Table: 843.09, 843.45, 843.51, 843.65A, 843.66, 843.96, and 843.98 amended; Ord. [296-18](#), Eff. 1/12/2019. Introductory material amended; Zoning Control Table: 843.65A and 843.66 amended; Table Notes (1) and (2) added; Ord. [133-20](#), Eff. 9/21/2020. Zoning Control Table: 842.50 added; Ord. [75-22](#), Eff. 6/13/2022. Zoning Control Table: 843.68 and 843.69 added; Ord. [190-22](#), Eff. 10/17/2022. Section redesignated as Sec. 838; Zoning Control Table 843 and Specific Provisions deleted; Table 838 and Notes * and (1)-(5) added; Ord. [70-23](#), Eff. 6/3/2023. Table 838 amended; Ord. [47-24](#), Eff. 4/15/2024; and Ord. [54-24](#), Retro. 3/30/2024. Introductory material amended; Ord. [62-24](#), Eff. 4/28/2024. Table 838 amended; Ord. [68-24](#), Eff. 5/5/2024. Table 838 amended; Ord. [113-24](#), Eff. 7/14/2024, Retro. 3/30/2024.

CODIFICATION NOTE

1. So in Ord. [70-23](#).

EXHIBIT B

Large Project Authorization

Planning Commission Motion No. 21576

(See attached)



PLANNING COMMISSION MOTION NO. 21576

HEARING DATE: JUNE 13, 2024

Record No.: 2023-001074ENX/SHD
Project Address: 700 Indiana Street
Zoning: UMU (Urban Mixed Use) Zoning District
58-X Height and Bulk District
Fringe Financial Service Special Use District
Block/Lot: 4062/007
Project Sponsor: John Kevlin
Reuben, Junius & Rose
1 Bush Street
San Francisco, CA 94104
Property Owner: MBC BioLabs @ 700
Burlingame, CA 94010
Staff Contact: Charles Enchill – (628) 652-7551
Charles.Enchill@sfgov.org

ADOPTING FINDINGS RELATING TO A LARGE PROJECT AUTHORIZATION PURSUANT TO PLANNING CODE SECTIONS 329, TO ALLOW THE CONSTRUCTION OF MORE THAN 25,000 GROSS SQUARE FEET IN THE URBAN MIXED USE DISTRICT AND TO ALLOW FOR AN EXCEPTION FROM HORIZONTAL MASS REDUCTION REQUIREMENTS FOR LARGE LOTS OF PLANNING CODE AS PART OF A PROJECT THAT WOULD DEMOLISH A 15,068-SQUARE-FOOT, ONE-STORY COMMERCIAL BUILDING AND CONSTRUCT A NEW 70,650 GROSS-SQUARE-FOOT, THREE-STORY, 48-FOOT TALL NON-LIFE SCIENCE LABORATORY BUILDING LOCATED AT 700 INDIANA STREET, BLOCK 4062 LOT 007 WITHIN THE UMU (URBAN MIXED USE) ZONING DISTRICT, FRINGE FINANCIAL SERVICE RESTRICTED USE DISTRICT AND A 58-X HEIGHT AND BULK DISTRICT, AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

PREAMBLE

On February 8, 2023, Edward Hall, AIA of MBH Architects (hereinafter "Project Sponsor") filed Application No. 2023-001074ENX (hereinafter "Application") with the Planning Department (hereinafter "Department") for a Large Project Authorization to construct a new three-story, 48-ft tall, non-life science laboratory building containing 51 off-street parking spaces and 2 car-share spaces below grade, one off-street loading space, 15 bicycle parking spaces and approximately 8,000 sq. ft. of non-residential open space at rooftop level (hereinafter "Project") at 700 Indiana Street, Block 4062 Lot 007 (hereinafter "Project Site").

Pursuant to the Guidelines of the State Secretary of Resources for the implementation of the California Environmental Quality Act (CEQA), on April 5, 2024, the Planning Department of the City and County of San Francisco determined that the proposed application was exempt from further environmental review under Section 15183 of the CEQA Guidelines and California Public Resources Code Section 21083.3. The Project is consistent with the adopted zoning controls in the Central Waterfront Area Plan and was encompassed within the analysis contained in the Central Waterfront Area Plan Final EIR. Since the Final EIR was finalized, there have been no substantial changes to the Central Waterfront Area Plan and no substantial changes in circumstances that would require major revisions to the Final EIR due to the involvement of new significant environmental effects or an increase in the severity of previously identified significant impacts, and there is no new information of substantial importance that would change the conclusions set forth in the Final EIR. The file for this project, including the Central Waterfront Area Plan Final EIR, and the General Plan Evaluation certificate is available for review at the San Francisco Planning Department, 49 South Van Ness Avenue, Suite 1400, San Francisco, California.

Planning Department staff prepared a Mitigation Monitoring and Reporting Program (MMRP) setting forth mitigation measures that were identified in the Eastern Neighborhoods FEIR that are applicable to the Project. These mitigation measures are set forth in their entirety in the MMRP attached to the draft Motion as Exhibit C.

On June 13, 2024, the San Francisco Planning Commission (hereinafter “Commission”) conducted a duly noticed public hearing at a regularly scheduled meeting on Large Project Authorization Application No. 2023-001074ENX and Shadow Analysis Application No. 2023-001074SHD.

The Planning Department Commission Secretary is the Custodian of Records; the File for Record No. 2023-001074ENX is located at 49 South Van Ness Avenue, Suite 1400, San Francisco, California.

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

MOVED, that the Commission hereby authorizes the Large Project Authorization as requested in Application No. 2023-001074ENX, 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 demolition of the one-story vacant industrial warehouse building and new construction of a three-story, 48-foot tall, non-life science laboratory building containing 51 off-street parking spaces and two car-share spaces below grade, one off-street loading space, 15 bicycle parking spaces consisting of six Class One bicycle spaces, five Class One bicycle fleet spaces, four Class Two bicycle spaces; four showers, private bike repair station, 24 lockers, and approximately 8,000 square feet of non-residential open space at rooftop level.

3. **Site Description and Present Use.** The Project is located on one lot (with a lot area of approximately 31,090 square feet), which has approximately 400 feet of frontage along Indiana Street, 76 feet of frontage adjacent to the Dogpatch Arts Plaza and 78 feet adjacent to the Avalon Dog Park. The Project Site contains one existing building: a one-story vacant industrial warehouse building approximately 15,060 square feet in size and a storage yard.
4. **Surrounding Properties and Neighborhood.** The Project site is abutted by the Dogpatch Arts Plaza to the north, 20th Street overpass to the south, and Interstate 280 to the west. Esprit Park confronts the project site across Indiana Street to the east. The immediate context is mixed in character with mixed-use, public, and residential uses. The immediate neighborhood includes two-to-five-story buildings with the west and south sides of Esprit Park consisting of five-story residential and mixed-use buildings. The Project Site is located within the UMU Zoning District in the Central Waterfront Plan Area. Other zoning districts in the vicinity of the project site include: Residential House (Two-Family) (RH-2), Residential House (Three-Family) (RH-3), Neighborhood Commercial Transit-2 (NCT-2) and Production, Distribution & Repair-1-General (PDR-1-G) zoning districts also exist in the project vicinity
5. **Public Outreach and Comments.** The Department has received 49 letters in support of the project and correspondence in opposition of the Project from the Dogpatch Neighborhood Association (DNA) neighborhood group. The opposition to the Project is centered on the project's shadow on Esprit Park; the project sponsor's notification being inconsistent with DNA's Development Review Process and Guidelines; proposed Arts Plaza improvements being incorrectly attributed as a DNA request; shadowing of Esprit Park; and neighborhood incompatibility with life science use. The support to the Project is centered on MBC BioLabs offering local incubator facilities and equipment for start-up businesses in the biotech field that would otherwise be cost prohibitive to create as individual businesses.

The Project Sponsor hosted a community meeting in December 2023, invited residents and property owners within 300 feet of the project site. Attendees at the December meeting indicated support for the project. In January 2024, the Project Sponsor met with DNA and the Potrero Boosters Development Committee. Attendees indicated opposition to the project and offered design suggestions. In response, the Project Sponsor adjusted the project by incorporating 15 additional bike parking spaces and a dog wash shower at the south-abutting Avalon Dogpatch Dog Park. In March 2024, the Project Sponsor engaged neighbors and landscape architectural firm, Fletcher Studios, who is the designer of the Esprit Park renovation project. They discussed Arts Plaza improvements that would address neighbor suggestions. Any improvements to the plaza are not part of the subject Large Project Authorization request and would require Department of Public Works approval. In June 2024, the Project Sponsor held a second community meeting. Attendees discussed whether there is ability to better engage pedestrians at the street level and adjacent to the Dogpatch Artz Plaza, have some creative seating in front of the building, and potential for a crosswalk from the center of the building to Esprit Park. The Project Sponsor team is in conversation with Fletcher Studios and the community about these additional streetscape improvements.

6. **Planning Code Compliance.** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:
 - A. **Use.** Planning Code Section 838 permits non-life science laboratory use, within the UMU District.

The project proposes a new three-story non-life science laboratory building (non-retail sales and service) which is principally permitted in the District.

- B. Front Setback.** Planning Code Section 132 states there is no front setback for non-residential uses.

The Project's zero front setback complies with this requirement.

- C. Rear Yard.** Planning Code Section 134 requires a minimum rear yard depth equal to 25% at the lowest story containing a dwelling unit.

The Project is limited to a commercial use (laboratory) and does not include dwelling units. There is no rear yard requirement for commercial uses in the UMU. Therefore, the project complies with this requirement.

- D. Useable Open Space.** In the UMU Zoning District, Planning Code Section 135.3 requires 1 square foot of useable open space for each 250 square feet of Occupied Floor Area (OFA).

The Project includes 64,793 sq. ft. of proposed laboratory OFA; thus, the Project requires 259 square feet of usable open space. The Project provides approximately 8,000 square feet of usable open space via second floor roof deck, therefore complies with this requirement.

- E. Off-Street Freight Loading.** Planning Section 152.1 of the Planning Code requires 0.1 off-street freight loading space for every 10,000 sq. ft. of Occupied Floor Area.

The Project includes 64,793 sq. ft. of proposed laboratory OFA; thus, the Project requires one off-street freight loading space. The Project is proposing one off-street loading space along Indiana Street. Therefore, the Project complies with this requirement.

- F. Street Frontage in Mixed Use Districts.** Planning Code Section 145.1 requires that within Mixed Use 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 ground floor laboratory space has approximately 387 feet of frontage with approximately 302 feet devoted to either window space or lobby windows. All laboratory use at the upper floors consist of building depths at least 15 with architectural window screens at least 75% open to perpendicular view.

- G. **Off-Street Freight Off-Street Parking.** Planning Code Section 151 does not require a minimum number of off-street parking spaces and permits a maximum of 50% greater than the indicated use. Laboratory Use (Non-Retail Sales and Service) permits up to one car per 1,500 square feet of Occupied Floor Area.

The 64,793 sq. ft. of proposed laboratory OFA may provide a maximum of 65 off-street parking spaces. The Project will provide 51 off-street parking spaces below grade. Therefore, the project complies with this requirement.

- H. **Bicycle Parking.** Planning Code Section 155.2 requires Laboratory use (non-retail sales and service) to provide one Class 1 space for every 12,000 square feet of Occupied Floor Area and minimum Four Class 2 spaces for any use larger than 50,000 gross square feet.

The 64,793 sq. ft. of proposed laboratory OFA is subject to five Class 1 spaces and four Class 2 spaces. The Project proposes 15 bicycle parking spaces consisting of: six Class One bicycle spaces, five Class One bicycle fleet spaces, and four Class 2 bicycle spaces, therefore complies with this requirement.

- I. **Height.** Planning Code Section 260 requires that all structures be no taller than the height prescribed in the subject height and bulk district. The proposed Project is located in a 58-X Height and Bulk District, with a 58-foot height limit.

The building has a proposed ultimate height of 48 feet where 58 feet is permitted. Therefore, the Project complies with the maximum height permitted.

- J. **Transportation Demand Management (TDM) Plan.** Pursuant to Planning Code Section 169 and the TDM Program Standards, the Project shall finalize a TDM Plan prior Planning Department approval of the first Building Permit or Site Permit. As currently proposed, the Project must achieve a target of 16 points.

As currently proposed, the Project will achieve its required 16 points through the following TDM measures:

- Improve Walking Conditions (Option B) —1 point
- Bicycle Parking (Option A) —1 point
- Showers and Lockers—1 point
- Bike Share Membership (Location B) —2 points
- Bicycle Repair Station—1 point
- Bicycle Maintenance Services—1 point
- Fleet of Bicycles—1 point
- Car-share Parking and Membership (Option A) —1 point
- Delivery Supportive Amenities—1 point
- Multimodal Wayfinding Signage—1 point
- Real Time Transportation Information Displays—1 point
- Tailored Transportation Marketing Services (Option B)—2 points
- Parking Pricing—2 points

- K. **Horizontal Mass Reduction.** Planning Code Section 270.1 outlines the requirements for horizontal

mass reduction on large lots within the Eastern Neighborhoods Mixed Use Districts. For projects with street frontage greater than 200 feet in length, one or more mass reduction breaks must be incorporated to reduce the horizontal scale of the building into discrete sections not more than 200 feet in length. Specifically, the mass reduction must 1) be not less than 30 feet in width; 2) be not less than 60 feet in depth from the street-facing building façade; 3) extend up to the sky from a level not higher than 25 feet above grade or the third story, whichever is lower; and, 4) result in discrete building sections with a maximum plan length along the street frontage not greater than 200-ft.

Since the overall building frontage is 387 feet along Indiana Street, the Project is required to provide a single horizontal mass break along Indiana Street, which is not less than 30 feet wide by 60 feet deep, and extends from the third story up to the sky. Per the Planning Code, this mass break must result in discrete building sections along the street frontage of not greater than 200 feet.

The Project incorporates a mass break, which measures between 30 and 34 feet wide by 18 feet deep at the ground floor and extending upward on all levels. Since the provided horizontal mass reduction does not meet the dimensional requirements of the Planning Code, the Project is seeking an exception to the horizontal mass reduction requirements as part of the Large Project Authorization which is discussed below in Section 8.

- 7. Large Project Authorization Design Review in Eastern Neighborhoods Mixed Use District.** Planning Code Section 329(c) lists nine aspects of design review in which a project must comply; the Planning Commission finds that the project is compliant with these nine aspects as follows:
- A. **Overall building mass and scale.** *The Project is designed as a three-story, 48-foot tall, laboratory development, which incorporates a recessed horizontal break at the main entry, lower height massing at the southern half of the building (33 feet). This massing is appropriate given the larger neighborhood context, which includes two- to five-story commercial, residential, and mixed-use buildings surrounding Esprit Park. The Project's overall mass and scale are further refined by the building modulation, which incorporates projecting floor plates and stairwell transparency. Thus, the Project is appropriate and consistent with the mass and scale of the surrounding neighborhood.*
 - B. **Architectural treatments, facade design and building materials.** *The Project's architectural treatments, façade design and building materials include smooth concrete, textured concrete, white aluminum composite siding, perforated bronze aluminum panel window screens; roll-up loading and parking doors with 75% transparency, and transformer room gates matching aluminum screens. Overall, the Project offers a high-quality architectural treatment, which provides for unique and expressive architectural design that is consistent and compatible with the surrounding neighborhood.*
 - C. **The design of lower floors, including building setback areas, commercial space, townhouses, entries, utilities, and the design and siting of rear yards, parking and loading access.** *Along the lower floors, the Project provides a prominent recessed entry lobby 18 feet in depth and up to 37 feet wide. The Project minimizes the impact to pedestrians by providing off-street parking below grade with only one screened off-street loading space at grade level. The aluminum window screens to the laboratory use and meeting rooms, as well as roll-up loading and parking doors, have a 75% transparency as to allow visibility into the building and a visual connection with the street. The transformer room adjacent to*

Indiana Street provides the same aluminum screening as provided throughout the windows for a cohesive ground floor design.

- D. The provision of required open space, both on- and off-site. In the case of off-site publicly accessible open space, the design, location, access, size, and equivalence in quality with that otherwise required on-site. *The Project exceeds the open space requirement by constructing a rooftop deck approximately 8,000 square feet in size.*
- E. The provision of mid-block alleys and pathways on frontages between 200 and 300 linear feet per the criteria of Section 270, and the design of mid-block alleys and pathways as required by and pursuant to the criteria set forth in Section 270.2. *The Project is not subject to the mid-block alley requirement of Planning Code Section 270.2.*
- F. Streetscape and other public improvements, including tree planting, street furniture, and lighting. *In compliance with Planning Code Section 138.1, the Project includes new streetscape elements, such as new concrete sidewalks, linear planters along the street edge, and new street trees. These improvements would vastly improve the public realm and surrounding streetscape.*
- G. Circulation, including streets, alleys and mid-block pedestrian pathways. *The Project provides ample circulation in and around the project site through the streetscape improvements and planters adjacent to the front property line. Off-street parking access is limited to the one entry/exit on Indiana Street, near 20th Street. One off-street loading space is also accessed from Indiana Street, near 20th Street.*
- H. **Bulk limits.** *The Project is within an 'X' Bulk District, which does not restrict bulk. However, Planning Code Section 270.1 also requires special bulk limitations for horizontal mass reduction when located on frontages exceeding 200 feet in eastern neighborhood mixed use districts. The required mass reduction break shall be (1) be not less than 30 feet in width; (2) be not less than 60 feet in depth from the street-facing building facade; (3) extend up to the sky from a level not higher than 25 feet above grade or the third story, whichever is lower; and (4) result in discrete building sections with a maximum plan length along the street frontage not greater than 200 feet. The Project seeks a break between 26 feet 6 inches and 37 feet with a depth of 18 feet with discrete building sections not exceeding 200 feet.*
- I. Other changes necessary to bring a project into conformance with any relevant design guidelines, Area Plan or Element of the General Plan. *The Project, on balance, meets the Objectives and Policies of the General Plan. See Below.*

8. Large Project Authorization Exceptions. Planning Code Section 329 allows exceptions for Large Projects in the Eastern Neighborhoods Mixed Use Districts:

- A. **Special Bulk Limitations.** The special bulk limitations in Eastern Neighborhoods Mixed Use Districts may be modified or waived by the Planning Commission, provided that:

- (1) No more than 50% of the required mass is reduced unless special circumstances are evident;

The Project provides for a horizontal mass reduction of 18 feet where the Planning Commission

may typically reduce the required depth of 60 feet by 50 percent (30 feet). While the proposed reduction of mass is greater than 50%, the Project overall does not maximize building mass as the proposed building is 10 feet lower than the UMU district's 58 height limit. A horizontal mass reduction no less than 30 feet would require loss of covered corridor area at the ground floor and the laboratory floor area at the second floor. Therefore, the increase of mass reduction would result in taller building heights at the northern and/or southern halves of the building. The Project's proximity to Esprit Park is a special circumstance, where strict application of Planning Code may result in additional shading to Esprit Park. For this reason, the Project seeks a 70% reduction (42 feet) to the special bulk control depth requirement.

- (2) The depth of any mass reduction breaks provided is not less than 15 feet from the front facade, unless special circumstances are evident; and

The depth of the proposed mass reduction is 18 feet which exceeds 15 feet from the front face.

- (3) The proposed building envelope can be demonstrated to achieve a distinctly superior effect of reducing the apparent horizontal dimension of the building;

The project currently results in two distinct building volumes on either side of the recessed entry/mass reduction break, with approximately 176 feet for the building's southern half and 188 feet at the building's northern half, by differentiating the facade treatment and height of the two portions of the proposed building and improving the streetscape experience for pedestrians and users of Esprit Park.

- (4) The proposed building achieves unique and superior architectural design

Given the overall quality of the Project design, the Commission supports the exception to the special bulk limitations requirement. The project minimizes its massing through a lower two-story portion (25 feet below the height limit) and taller three-story portion (10 feet below the height limit) near Esprit Park. The Project also features architectural treatments, facade design and building materials such as smooth concrete, textured concrete, white aluminum composite siding, perforated bronze aluminum panel window screens; roll-up loading and parking doors with 75% transparency, and transformer room gates matching aluminum screens.

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

HOUSING ELEMENT

Objectives and Policies

OBJECTIVE 5.A

CONNECT PEOPLE TO JOBS AND THEIR NEIGHBORHOOD WITH NUMEROUS, EQUITABLE, AND HEALTHY TRANSPORTATION AND MOBILITY OPTIONS.

Policy 37

Facilitate neighborhoods where proximity to daily needs and high-quality community services and amenities promotes social connections, supports caregivers, reduces the need for private auto travel, and advances healthy activities.

URBAN DESIGN ELEMENT

Objectives and Policies

OBJECTIVE 1

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

Policy 1.3

Recognize that buildings, when seen together, produce a total effect that characterizes the city and its districts.

OBJECTIVE 3

MODERATION OF MAJOR NEW DEVELOPMENT TO COMPLEMENT THE CITY PATTERN, THE RESOURCES TO BE CONSERVED, AND THE NEIGHBORHOOD ENVIRONMENT.

Policy 3.4

Promote building forms that will respect and improve the integrity of open spaces and other public areas.

Policy 3.6

Relate the bulk of buildings to the prevailing scale of development to avoid an overwhelming or dominating appearance in new construction.

CENTRAL WATERFRONT AREA PLAN

Land Use

Objectives and Policies

OBJECTIVE 1.4

SUPPORT A ROLE FOR “KNOWLEDGE SECTOR” BUSINESSES IN APPROPRIATE PORTIONS OF THE CENTRAL WATERFRONT

Policy 1.4.2

Allow other Knowledge Sector office uses in portions of the Central Waterfront where it is appropriate.

OBJECTIVE 3.1

PROMOTE AN URBAN FORM THAT REINFORCES THE CENTRAL WATERFRONT’S DISTINCTIVE PLACE IN THE CITY’S LARGER FORM AND STRENGTHENS ITS PHYSICAL FABRIC AND CHARACTER

Policy 3.1.8

Where an existing pattern of rear yard open space does not exist, new development on mixed-use-zoned parcels should have greater flexibility as to where open space can be located.

OBJECTIVE 5.1

ENSURE THAT NEW DEVELOPMENT INCLUDES HIGH QUALITY PRIVATE OPEN SPACE

Policy 5.2.1

Require new residential and mixed-use residential development to provide on-site private open space designed to meet the needs of residents.

Policy 5.2.5

New development will respect existing patterns of rear yard open space. Where an existing pattern of rear yard open space does not exist, new development on mixed-use-zoned parcels has flexibility as to where open space can be located.

The Project will replace a vacant industrial warehouse with a three-story laboratory (non-life science) development that is compatible with the mix of uses within the Urban Mixed Use Zoning District as well as the Central Waterfront Area Plan, as it is likely to fulfill a “Knowledge Sector” that consists of businesses that create economic value through the knowledge they generate and provide for their customers. This includes, but is not limited to, environmental technologies and research and development. The Project introduces a contemporary architectural vocabulary that is sensitive to the prevailing scale and neighborhood fabric. The Project provides ample outdoor space and full lot coverage where the building abuts the freeway to create a lower scale building. Notably, the Project will be 10 feet lower than the permitted zoning district height limit, two stories lower than the mixed-use development at 660 Indiana Street (to the north) and two stories lower than the housing development at 800 Indiana Street (to the south). The Project provides a high-quality exterior, which features a variety of materials, colors, and textures, including smooth concrete, textured concrete, white aluminum composite siding, and perforated bronze aluminum panel window screens. The Project is also in proximity to ample public transportation located nearby on 20th Street as well as 3rd Street. On balance, the Project is consistent with the Objectives and Policies of the General Plan and the Central Waterfront Area Plan.

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 site does not possess any neighborhood-serving retail uses. The Project provides a three-story laboratory building which will not provide any neighborhood-serving retail uses, however, would enhance the nearby retail uses by providing new workers, who may patronize these businesses.

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

The subject site does not possess any existing housing. The Project will demolish an existing vacant industrial building and construct a new laboratory (nonlife-science) building. The Project is consistent with the Urban Design Element and Central Area Waterfront Plan. For these reasons, the Project would protect and preserve the economic and cultural diversity of the neighborhood.

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

The Project does not currently possess any existing affordable housing nor are dwelling units proposed as part of the new laboratory building. Therefore, the Project will have no impact to affordable housing units in the City.

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

The Project Site is served by nearby public transportation options. The Project is located three blocks from the Muni bus line (55-20th Street/3rd Street) and three blocks from the 20th Street Muni rail line. Future residents would be afforded proximity to a bus line and light rail line. The Project also provides off-street parking at the principally permitted amounts and sufficient bicycle parking for their employees.

- 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 does not include commercial office development. The last registered industrial business for storage yard use vacated the subject property in 2020. Although the Project would replace an industrial property, the property is presently underutilized and vacant. The Project incorporates new laboratory use (non-life science), thus assisting in diversifying the mix of permitted district uses and allowing for employment in these sectors.

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

The Project will be designed and constructed to conform to the structural and seismic safety requirements of the Building Code. As such, this Project will improve the property's ability to withstand an earthquake.

- G. That landmarks and historic buildings be preserved.

Currently, the Project Site does not contain any City Landmarks or historic buildings.

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

The Project will cast new shadow on the adjacent Esprit Park under the jurisdiction of Recreation and Park Department. However, the amount of net new shadow cast onto Esprit Park as a result of

the Project will not be significant or adverse to the enjoyment of this park.

- 11. First Source Hiring.** The Project is subject to the requirements of the First Source Hiring Program as they apply to permits for residential development (Administrative Code Section 83.11), and the Project Sponsor shall comply with the requirements of this Program as to all construction work and on-going employment required for the Project. Prior to the issuance of any building permit to construct or a First Addendum to the Site Permit, the Project Sponsor shall have a First Source Hiring Construction and Employment Program approved by the First Source Hiring Administrator, and evidenced in writing. In the event that both the Director of Planning and the First Source Hiring Administrator agree, the approval of the Employment Program may be delayed as needed.

The Project Sponsor submitted a First Source Hiring Affidavit and prior to issuance of a building permit will execute a First Source Hiring Memorandum of Understanding and a First Source Hiring Agreement with the City's First Source Hiring Administration.

- 12.** 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 constitute a beneficial development.
- 13.** The Commission hereby finds that approval of the Large Project Authorization would promote the health, safety and welfare of the City.

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Large Project Authorization Application No. 2023-001074ENX** subject to the following conditions attached hereto as “EXHIBIT A” in general conformance with plans on file, dated August 30, 2023, and stamped “EXHIBIT B”, which is incorporated herein by reference as though fully set forth.

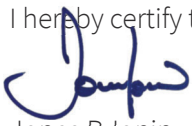
The Project is consistent with the development density and adopted zoning controls for the project site located in the Eastern Neighborhoods – Central Waterfront Plan area, a programmatic community plan for which there is a certified EIR (PEIR). On April 5, 2024, the Department determined that the Project qualified for streamlined environmental review under Public Resources Code Section 21083.3 and Section 15183 of the CEQA Guidelines. Accordingly, the Department issued a community plan evaluation (GPE) for the project. The GPE identified the mitigation measures from the PEIR that are applicable to the Project. With the applicable mitigation measures incorporated, the Project would not result in a significant environmental effect. The mitigation measures are provided in a project specific mitigation monitoring and reporting program (MMRP) that has been agreed to by the project sponsor. The GPE is attached as Exhibit K and MMRP is attached in Exhibit C.

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Section 329/309 Large/Downtown Project Authorization to the Board of Appeals within fifteen (15) days after the date of this Motion. The effective date of this Motion shall be the date of adoption of this Motion if not appealed (after the 15-day period has expired) OR the date of the decision of the Board of Appeals if appealed to the Board of Appeals. Any appeal shall be made to the Board of Appeals, unless an associated entitlement is appealed to the Board of Supervisors, in which case the appeal of this Motion shall also be made to the Board of Supervisors (see Charter Section 4.135). For further information, please contact the Board of Appeals at (628) 652-1150, 49 South Van Ness Avenue, Suite 1475, San Francisco, CA 94103, or the Board of Supervisors at (415) 554-5184, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

Protest of Fee or Exaction: You may protest any fee or exaction subject to Government Code Section 66000 that is imposed as a condition of approval by following the procedures set forth in Government Code Section 66020. The protest must satisfy the requirements of Government Code Section 66020(a) and must be filed within 90 days of the date of the first approval or conditional approval of the development referencing the challenged fee or exaction. For purposes of Government Code Section 66020, the date of imposition of the fee shall be the date of the earliest discretionary approval by the City of the subject development.

If the City has not previously given Notice of an earlier discretionary approval of the project, the Planning Commission’s adoption of this Motion, Resolution, Discretionary Review Action or the Zoning Administrator’s Variance Decision Letter constitutes the approval or conditional approval of the development and the City hereby gives **NOTICE** that the 90-day protest period under Government Code Section 66020 has begun. If the City has already given Notice that the 90-day approval period has begun for the subject development, then this document does not re-commence the 90-day approval period.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on June 13, 2024.



Jonas P. Ionin
Commission Secretary

Jonas P Ionin

Digitally signed by Jonas P Ionin
Date: 2024.06.24 12:40:18 -07'00'

AYES: So, Williams, Braun, Imperial, Koppel, Moore, Diamond

NAYS: None

ABSENT: None

ADOPTED: June 13, 2024

EXHIBIT A

Authorization

This authorization is for a Large Project Authorization to allow construction of a three-story commercial building for non-life science laboratory building (d.b.a. **MBC Bio Labs**) containing 51 off-street parking spaces and 2 car-share spaces below grade, one off-street loading space, 15 bicycle parking spaces consisting of 6 Class One bicycle spaces, 5 Class One bicycle fleet spaces, 4 Class Two bicycle spaces; 4 showers, private bike repair station, 24 lockers, and approximately 8,000 sq. ft. of non-residential open space at rooftop level located at 700 Indiana Street Block 4062, and Lot 007 pursuant to Planning Code Section(s) **329 and 838** within the **UMU (Urban Mixed Use)** Zoning District and a **58-X** Height and Bulk District; in general conformance with plans, dated **August 30, 2023**, and stamped “EXHIBIT B” included in the docket for Record No. **2023-001074ENX** and subject to conditions of approval reviewed and approved by the Commission on **June 13, 2024** under Motion No. **21576**. 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 Planning approval of the building permit or commencement of use for the Project, the property owner must record a Notice of Special Restrictions prepared by the Planning Department with 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 **June 13, 2024** under Motion No. **21576**.

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 Large Project 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 628.652.7463, www.sfplanning.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 628.652.7463, www.sfplanning.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 628.652.7463, www.sfplanning.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 628.652.7463, www.sfplanning.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 628.652.7463, www.sfplanning.org

6. **Additional Project Authorization.** The Project Sponsor must obtain a Project authorization under Sections 329 to allow construction of more than 25,000 square feet and findings for shadow effects to properties protected by Section 295, and satisfy all the conditions thereof. The conditions set forth below are additional conditions required in connection with the Project. If these conditions overlap with any other requirement imposed on the Project, the more restrictive or protective condition or requirement, as determined by the Zoning Administrator, shall apply.

For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, www.sfplanning.org

7. **Mitigation Measures.** Feasible mitigation measures from the programmatic EIR for the Eastern Neighborhoods Area Plan where the project site is located that are applicable to the project will be undertaken. These mitigation measures are necessary to avoid potential significant effects of the proposed project and are described in the project specific MMRP attached as Exhibit C. The measures have been agreed to by the project sponsor. Their implementation are conditions of project approval.

For information about compliance, contact Code Enforcement, Planning Department at 628-652-7463, www.sfplanning.org

Design – Compliance at Plan Stage

8. **Final Materials.** The Project Sponsor shall continue to work with Planning Department on the building design. Final materials, glazing, color, texture, landscaping, and detailing shall be subject to Department staff review and approval. The architectural addenda shall be reviewed and approved by the Planning Department prior to issuance. Bike parking – including for e-bikes and cargo bikes, will continue to be refined during the building permit application stage.

For information about compliance, contact the Case Planner, Planning Department at 628.652.7551, www.sfplanning.org

9. **Garbage, Composting and Recycling Storage.** Space for the collection and storage of garbage, composting, and recycling shall be provided within enclosed areas on the property and clearly labeled and illustrated on the building permit plans. Space for the collection and storage of recyclable and compostable materials that meets the size, location, accessibility and other standards specified by the San Francisco Recycling Program shall be provided at the ground level of the buildings.

For information about compliance, contact the Case Planner, Planning Department at 628.652.7551, www.sfplanning.org

10. **Roof Mechanical Equipment.** Pursuant to Planning Code 141, the Project Sponsor shall submit a roof plan to the Planning Department prior to Planning approval of the building permit application. Rooftop mechanical equipment, if any is proposed as part of the Project, is required to be screened so as not to be visible from any point at or below the roof level of the subject building.

For information about compliance, contact the Case Planner, Planning Department at 628.652.7551, www.sfplanning.org

11. **Lighting Plan.** The Project Sponsor shall submit an exterior lighting plan to the Planning Department prior to Planning Department approval of the building / site permit application.

For information about compliance, contact the Case Planner, Planning Department at 628.652.7551, www.sfplanning.org

12. **Streetscape Plan.** Pursuant to Planning Code Section 138.1, the Project Sponsor shall continue to work with Planning Department staff, in consultation with other City agencies, to refine the design and programming of the Streetscape Plan so that the plan generally meets the standards of the Better Streets Plan and all applicable City standards. The Project Sponsor shall complete final design of all required street improvements, including procurement of relevant City permits, prior to issuance of first architectural addenda, and shall complete construction of all required street improvements prior to issuance of first temporary certificate of occupancy.

For information about compliance, contact the Case Planner, Planning Department at 628.652.7551, www.sfplanning.org

13. **Transformer Vault Location.** The location of individual project PG&E Transformer Vault installations has significant effects to San Francisco streetscapes when improperly located. However, they may not have any impact if they are installed in preferred locations. Therefore, the Planning Department in consultation with Public Works shall require the following location(s) for transformer vault(s) for this project: building frontage or private site area at the Indiana Street frontage. The above requirement shall adhere to the Memorandum of Understanding regarding Electrical Transformer Locations for Private Development Projects between Public Works and the Planning Department dated January 2, 2019.

For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works at 628.271.2000, www.sfpbpublicworks.org

14. **Overhead Wiring.** The Property owner will allow MUNI to install eyebolts in the building adjacent to its electric streetcar line to support its overhead wire system if requested by MUNI or MTA.

For information about compliance, contact San Francisco Municipal Railway (Muni), San Francisco Municipal Transit Agency (SFMTA), at 415.701.4500, www.sfmta.org

15. **Odor Control Unit.** In order to ensure any significant noxious or offensive odors are prevented from escaping the premises once the project is operational, the building permit application to implement the project shall include air cleaning or odor control equipment details and manufacturer specifications on the plans if applicable as determined by the project planner. Odor control ducting shall not be applied to the primary façade of the building.

For information about compliance, contact the Case Planner, Planning Department at 628.652.7551, www.sfplanning.org

Parking and Traffic

16. **Transportation Demand Management (TDM) Program.** Pursuant to Planning Code Section 169, the Project

shall finalize a TDM Plan prior to the issuance of the first Building Permit or Site Permit to construct the project and/or commence the approved uses. The Property Owner, and all successors, shall ensure ongoing compliance with the TDM Program for the life of the Project, which may include providing a TDM Coordinator, providing access to City staff for site inspections, submitting appropriate documentation, paying application fees associated with required monitoring and reporting, and other actions.

Prior to the issuance of the first Building Permit or Site Permit, 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 to document compliance with the TDM Program. This Notice shall provide the finalized TDM Plan for the Project, including the relevant details associated with each TDM measure included in the Plan, as well as associated monitoring, reporting, and compliance requirements.

For information about compliance, contact the TDM Performance Manager at tdm@sfgov.org or 628.652.7340, www.sfplanning.org

17. **Car Share.** Pursuant to Planning Code Section 166, no fewer than **two (2)** car share space shall be made available, at no cost, to a certified car share organization for the purposes of providing car share services for its service subscribers.

For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, www.sfplanning.org

18. **Bicycle Parking.** Pursuant to Planning Code Sections 155.1 and 155.4, the Project shall provide no fewer than 5 Class 1 and 4 Class 2 bicycle parking spaces. SFMTA has final authority on the type, placement and number of Class 2 bicycle racks within the public ROW. Prior to issuance of first architectural addenda, the project sponsor shall contact the SFMTA Bike Parking Program at bikeparking@sfmta.com to coordinate the installation of on-street bicycle racks and ensure that the proposed bicycle racks meet the SFMTA's bicycle parking guidelines. Depending on local site conditions and anticipated demand, SFMTA may request the project sponsor pay an in-lieu fee for Class II bike racks required by the Planning Code.

For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, www.sfplanning.org

19. **Showers and Clothes Lockers.** Pursuant to Planning Code Section 155.4, the Project shall provide no fewer than 4 showers and 24 clothes lockers.

For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, www.sfplanning.org

20. **Parking Maximum.** Pursuant to Planning Code Section 151.1, the Project shall provide no more than **fifty-three (53)** off-street parking spaces.

For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, www.sfplanning.org

21. **Off-Street Loading.** Pursuant to Planning Code Section 152, the Project will provide **one (1)** off-street loading

space.

For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, www.sfplanning.org

22. **Managing Traffic During Construction.** The Project Sponsor and construction contractor(s) shall coordinate with the Traffic Engineering and Transit Divisions of the San Francisco Municipal Transportation Agency (SFMTA), the Police Department, the Fire Department, the Planning Department, and other construction contractor(s) for any concurrent nearby Projects to manage traffic congestion and pedestrian circulation effects during construction of the Project.

For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, www.sfplanning.org

Provisions

23. **First Source Hiring.** The Project shall adhere to the requirements of the First Source Hiring Construction and End-Use Employment Program approved by the First Source Hiring Administrator, pursuant to Section 83.4(m) of the Administrative Code. The Project Sponsor shall comply with the requirements of this Program regarding construction work and on-going employment required for the Project.

For information about compliance, contact the First Source Hiring Manager at 415.581.2335, www.onestopSF.org

24. **Transportation Sustainability Fee.** The Project is subject to the Transportation Sustainability Fee (TSF), as applicable, pursuant to Planning Code Section 411A.

For information about compliance, contact the Case Planner, Planning Department at 628.652.7551, www.sfplanning.org

25. **Jobs-Housing Linkage.** The Project is subject to the Jobs Housing Linkage Fee, as applicable, pursuant to Planning Code Section 413.

For information about compliance, contact the Case Planner, Planning Department at 628.652.7551, www.sfplanning.org

26. **Eastern Neighborhoods Infrastructure Impact Fee.** The Project is subject to the Eastern Neighborhoods Infrastructure Impact Fee, as applicable, pursuant to Planning Code Section 423.

For information about compliance, contact the Case Planner, Planning Department at 628.652.7551, www.sfplanning.org

27. **Art Fee.** The Project is subject to the Public Art Fee, as applicable, pursuant to Planning Code Section 429.

For information about compliance, contact the Case Planner, Planning Department at 628.652.7551, www.sfplanning.org

Monitoring - After Entitlement

28. **Enforcement.** Violation of any of the Planning Department conditions of approval contained in this Motion or of any other provisions of Planning Code applicable to this Project shall be subject to the enforcement procedures and administrative penalties set forth under Planning Code Section 176 or Section 176.1. The Planning Department may also refer the violation complaints to other city departments and agencies for appropriate enforcement action under their jurisdiction.

For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, www.sfplanning.org

29. **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 350 and work with the Planning Department for information about compliance.

For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, www.sfplanning.org

30. **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 628.652.7463, www.sfplanning.org

Operation

31. **Sidewalk Maintenance.** The Project Sponsor shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean and sanitary condition in compliance with the Department of Public Works Streets and Sidewalk Maintenance Standards.

For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works, 628.271.2000, www.sfpublishworks.org

32. **Community Liaison.** Prior to issuance of a building permit to construct the project and implement the approved use, the Project Sponsor shall appoint a community liaison officer to deal with the issues of concern to owners and occupants of nearby properties. The Project Sponsor shall provide the Zoning Administrator and all registered neighborhood groups for the area with written notice of the name, business address, and telephone number of the community liaison. Should the contact information change, the Zoning Administrator and registered neighborhood groups shall be made aware of such change. The community liaison shall report to the Zoning Administrator what issues, if any, are of concern to the community and what issues have not been resolved by the Project Sponsor.

For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463,

www.sfplanning.org

33. **Laboratory Use.** Any future occupant must comply with the definition of laboratory as currently defined through the Zoning Administrator's Letter of Determination dated November 6, 2020, at the following link:

<https://citypln-m-extnl.sfgov.org/SharedLinks.aspx?accesskey=c91ac44292c0a5619398a5fdbb01f86fd3fe7a3913dff349b3a392476c12ef6d&VaultGUID=A4A7DACD-B0DC-4322-BD29-F6F07103C6E0>



EXHIBIT B:
August 30, 2023

SHEET INDEX

SHEET NUMBER	SHEET NAME
ARCHITECTURE	
A00	COVER SHEET
A01	CODE AND LOCATION INFORMATION
A02	GENERAL NOTES
A03	SITE CONTEXT PHOTOGRAPHY
A04	EXISTING SITE, DEMOLITION, AND BASEMENT PLAN
A05	PROPOSED SITE PLAN
A06	FINISH MATERIALS
A07	UTILITIES, PIPES & SECTIONS
AREA PLANS	
A10	AREA PLANS
A15	OVERALL BASEMENT AND GROUND FLOOR PLAN
A21	OVERALL MEZZANINE AND SECOND FLOOR PLANS
A22	OVERALL THIRD FLOOR AND ROOF PLAN
BUILDING ELEVATIONS	
A30	BUILDING ELEVATIONS
A31	BUILDING ELEVATIONS
A32	BUILDING ELEVATIONS
A33	BUILDING SECTIONS
A34	SCREEN FACADE AT INDIANA STREET
A35	RISINGS
A43	SCREEN DETAILS

A0.0

COVER SHEET

700 INDIANA STREET

SAN FRANCISCO, CA 94107

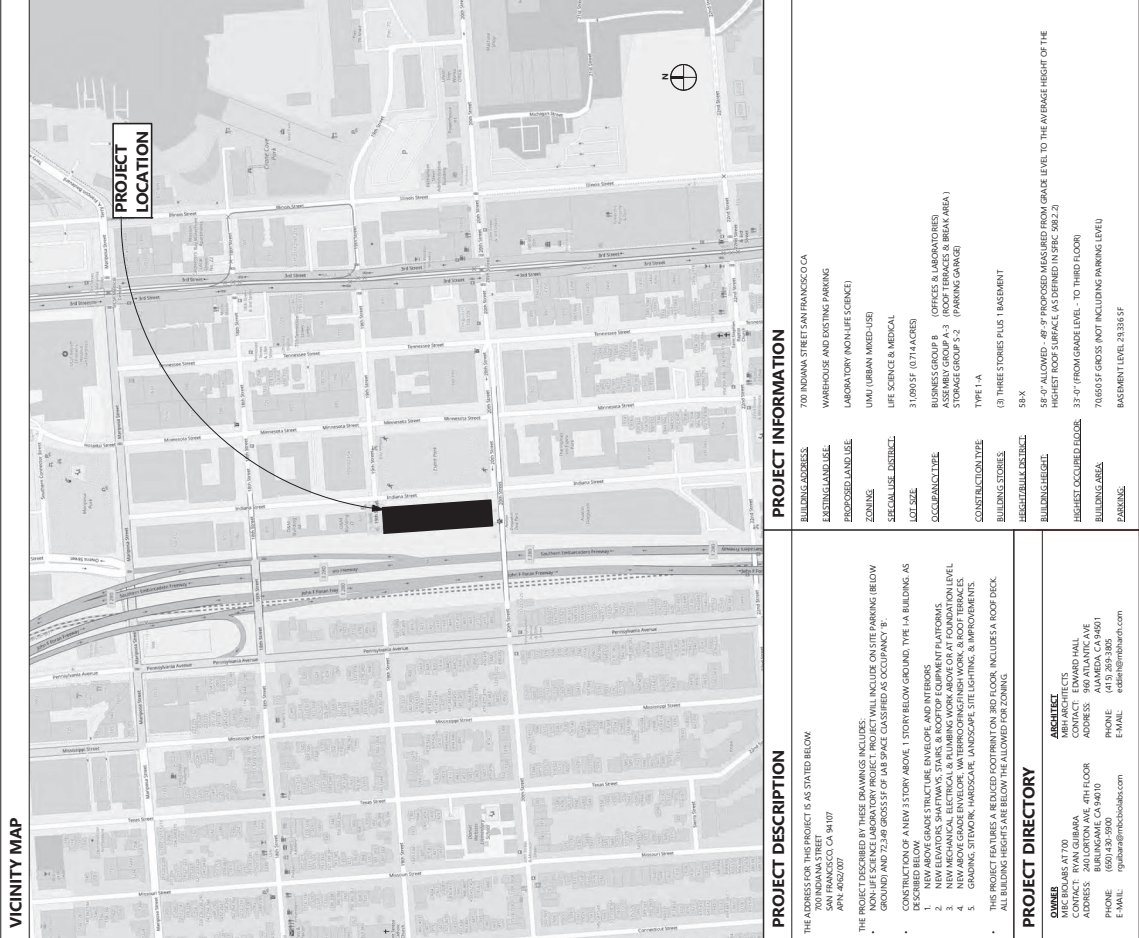
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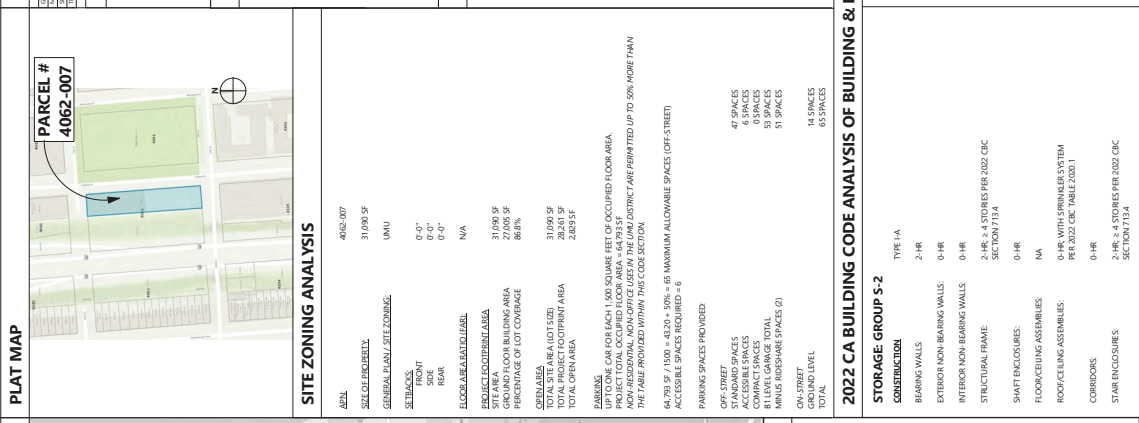
08/09/2023
PROJECT: 700 INDIANA ST

960 ATLANTIC AVE
ALAMEDA, CA 94601
TEL: 510.888.9883
WWW.MBHARCH.COM

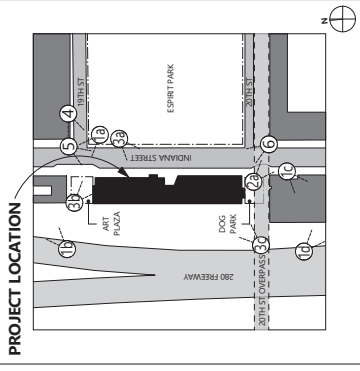




VICINITY MAP			PROJECT LOCATION		
<p>PROJECT DESCRIPTION</p> <p>THE ADDRESS FOR THIS PROJECT IS AS STATED BELOW:</p> <p>700 INDIANA STREET SAN FRANCISCO CA 94107 APN: 4062-007</p> <p>NON-LIFE SCIENCE LABORATORY PROJECT</p> <ul style="list-style-type: none"> NON-LIFE SCIENCE LABORATORY PROJECT GROUND AND 75th GROSS SF OF JAB SPACE CLASSIFIED AS OCCUPANT B. CONSTRUCTION OF ANEW 3 STORY ABOVE, 1 STORY BELOW GROUND, TYPE I/A BUILDING, AS DESCRIBED BY THESE DRAWINGS INCLUDES: <ol style="list-style-type: none"> NEW ABOVE GRADE STRUCTURE, ENVELOPE, AND INTERIORS NEW ELEVATORS, SHAFTWAYS, STAIRS, & ROOFTOP EQUIPMENT PLATFORMS NEW ABOVE GRADE ENVELOPE, WATERPROOFING, FINISH WORK, & ROOF TERRACES NEW ABOVE GRADE ENVELOPE, LANDSCAPE, SITE LIGHTING, & IMPROVEMENTS GRADING, SITEWORK, HARDWARE, AND SCULPTURE THIS PROJECT INCLUDES A RE-DEVELOPMENT OF 3RD FLOOR, INCLUDES A ROOF DECK ALL BUILDING HEIGHTS ARE BELOW THE ALLOWED FOR ZONING. 			<p>PROJECT INFORMATION</p> <p>BUILDING ADDRESS: 700 INDIANA STREET SAN FRANCISCO CA</p> <p>EXISTING LAND USE: WAREHOUSE AND EXISTING PARKING</p> <p>PROPOSED LAND USE: LABORATORY (NON-LIFE SCIENCE)</p> <p>ZONING: URM (URBAN MEDIUM-DENSITY)</p> <p>SPECIAL USE: LIFE SCIENCE & MEDICAL</p> <p>LOT SIZE: 31,000 SF (0.714 ACRES)</p> <p>OCCUPANCY: OFFICES & LABORATORIES (WITH A SUBPORTION OF JAB SPACE)</p> <p>CONSTRUCTION TYPE: STORAGE GROUP S-2 (PARKING GARAGE)</p> <p>BUILDING STORES: TYPE I/A (3) THREE STORES PLUS 1 BASEMENT</p> <p>HIGHEST BUILDING HEIGHT: 58'-8"</p> <p>BUILDING HEIGHT: 58'-8" (AS PROPOSED MEASURED FROM GRADE LEVEL TO THE AVERAGE HEIGHT OF THE HIGHEST ROOF SURFACE AS DEFINED IN SEC. 50B.2.2)</p> <p>HIGHEST OCCUPIED FLOOR: 3RD FLOOR (FROM GRADE LEVEL TO THIRD FLOOR)</p> <p>BUILDING LEVEL: 70,000 SF GROSS (NOT INCLUDING PARKING LEVEL)</p> <p>PARKING: BASEMENT LEVEL - 28,385 SF</p>		
<p>OWNER</p> <p>MBC HOLDINGS AT 700 ARCHITECTS 240 CORTONA AVE, 2ND FLOOR BURLINGAME, CA 94010 PHONE: 925.924.8310 E-MAIL: owner@mbcholdings.com</p>			<p>PROJECT DIRECTORY</p> <p>ARCHITECT: MBH ARCHITECTS 950 ATLANTIC AVE ALAMEDA, CA 94601 PHONE: 925.762.7147 E-MAIL: owner@mbharch.com</p>		



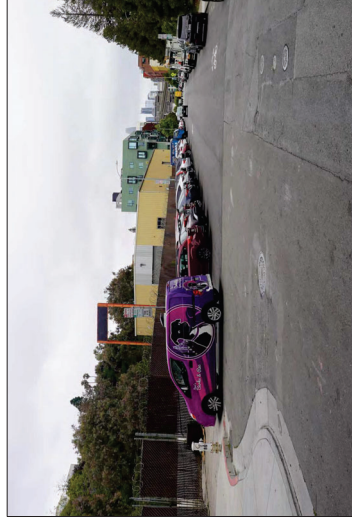
PLAT MAP			SCHEDULE																																
<p>SITE ZONING ANALYSIS</p> <p>APN: 4062-007</p> <p>SIZE (APPROXIMATELY): 31,000 SF</p> <p>GENERAL BULK/SETBACKS: URM</p> <p>SETBACKS: FRONT: 0'-0", SIDE: 0'-0", REAR: 0'-0"</p> <p>FLOOR AREA (APPROXIMATE): N/A</p> <p>SURFACE TO EXISTING DATA: 31,000 SF</p> <p>GROUND FLOOR BUILDING AREA: 27,000 SF</p> <p>PERCENTAGE OF LOT COVERAGE: 86.8%</p> <p>OPEN AREA: 11,000 SF</p> <p>TOTAL BUILT-UP FLOOR AREA: 38,000 SF</p> <p>TOTAL OPEN AREA: 2,833 SF</p> <p>PARKING:</p> <p>UP TO ONE CAR FOR EACH 1,500 SQUARE FEET OF OCCUPIED FLOOR AREA.</p> <p>UP TO TOTAL OCCUPIED FLOOR AREA = 64,793 SF</p> <p>APPROXIMATELY 24% OF UP TO ONE CAR PER 1,500 SQUARE FEET OF OCCUPIED FLOOR AREA PERMITTED UP TO 50% MORE THAN THE VALUE PROVIDED WITHIN THIS CODE SECTION.</p> <p>64,793 SF / 1500 = 43.20 = 50% = 65 MAXIMUM ALLOWABLE SPACES (OFF-STREET)</p> <p>ACCESSIBLE SPACES REQUIRED = 6</p> <p>PARKING SPACES PROVIDED:</p> <p>OFF-STREET:</p> <p>STANDARD SPACES: 47 SPACES</p> <p>ACCESSIBLE SPACES: 6 SPACES</p> <p>MINIMUM GARAGE TOTAL: 53 SPACES</p> <p>MINUS BIKESHARE SPACES (2): 51 SPACES</p> <p>ON-STREET: 14 SPACES</p> <p>TOTAL: 65 SPACES</p>			<p>APPLICABLE AREA SCHEDULE</p> <p>COVERAGE: SEE AREA PARTICULARS</p> <table border="1"> <thead> <tr> <th>CATEGORY</th> <th>AREA</th> <th>AREA</th> </tr> </thead> <tbody> <tr> <td>EXISTING FLOOR</td> <td>27,000 SF</td> <td>100%</td> </tr> <tr> <td>NEW FLOOR</td> <td>11,000 SF</td> <td>100%</td> </tr> <tr> <td>TOTAL</td> <td>38,000 SF</td> <td>100%</td> </tr> </tbody> </table>			CATEGORY	AREA	AREA	EXISTING FLOOR	27,000 SF	100%	NEW FLOOR	11,000 SF	100%	TOTAL	38,000 SF	100%																		
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4 ARTS PLAZA FROM 19TH STREET



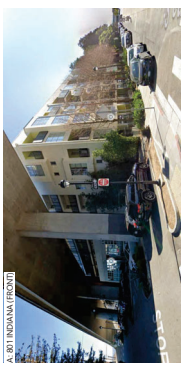
5 NE CORNER AT 19TH AND INDIANA



6 SE CORNER AT 19TH AND INDIANA



1 BUILDINGS ON SAME SIDE OF STREET



2 BUILDINGS ON OPPOSITE SIDE OF STREET



3 PHOTOGRAPHS OF SUBJECT PROPERTY

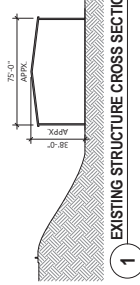
SITE CONTEXT PHOTOGRAPHY **A0.3**
As indicated

700 INDIANA STREET

SAN FRANCISCO, CA 94107

08/09/2023
PROJECT: 700 INDIANA STREET
SHEETS: 08/09/2023

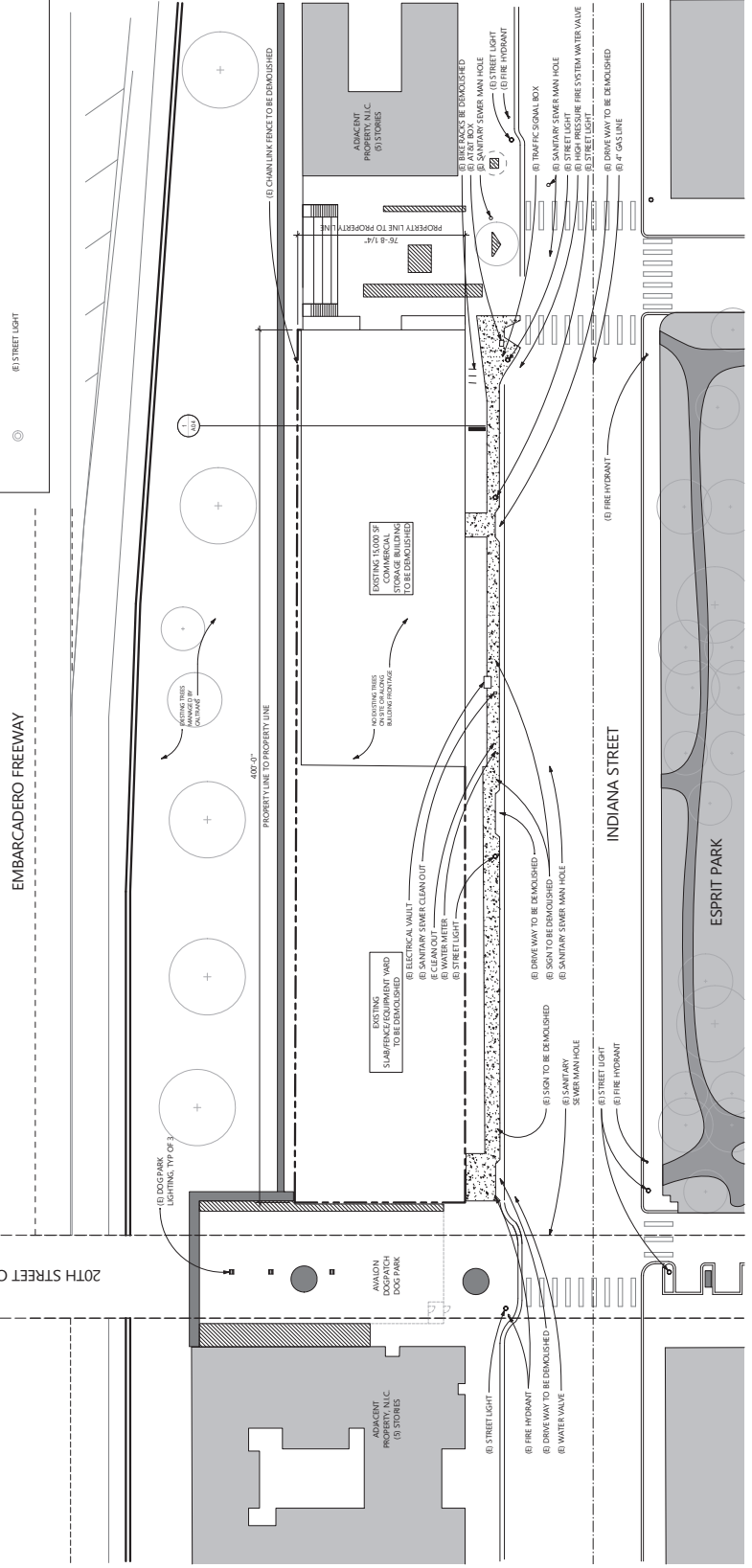
165 ATLANTIC AVE
ALAMEDA, CA 94601
TEL: 510.883.5683
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SITE PLAN LEGEND

- PROPERTY LINE
- WORK LIMIT
- INGRESS/EGRESS EASEMENT
- ACCESSIBLE PATH OF TRAVEL
- 4" GAS LINE
- OVERPASS
- PROPERTY LINE TO PROPERTY LINE
- INGRESS/EGRESS EASEMENT
- ACCESSIBLE PATH OF TRAVEL
- 4" GAS LINE
- OVERPASS
- FENCE AND GATE
- PARKING STRIPING
- ENTRANCE / FOOT
- STREET LIGHT

- NEW SIDEWALK
- NEW PLANTING AREA
- LANDSCAPING AREA
- AREA OF ADJACENT PROPERTY, N.Y.C.
- STREET TREE



A0.4
As indicated

EXISTING SITE, DEMOLITION, AND EASEMENT PLAN

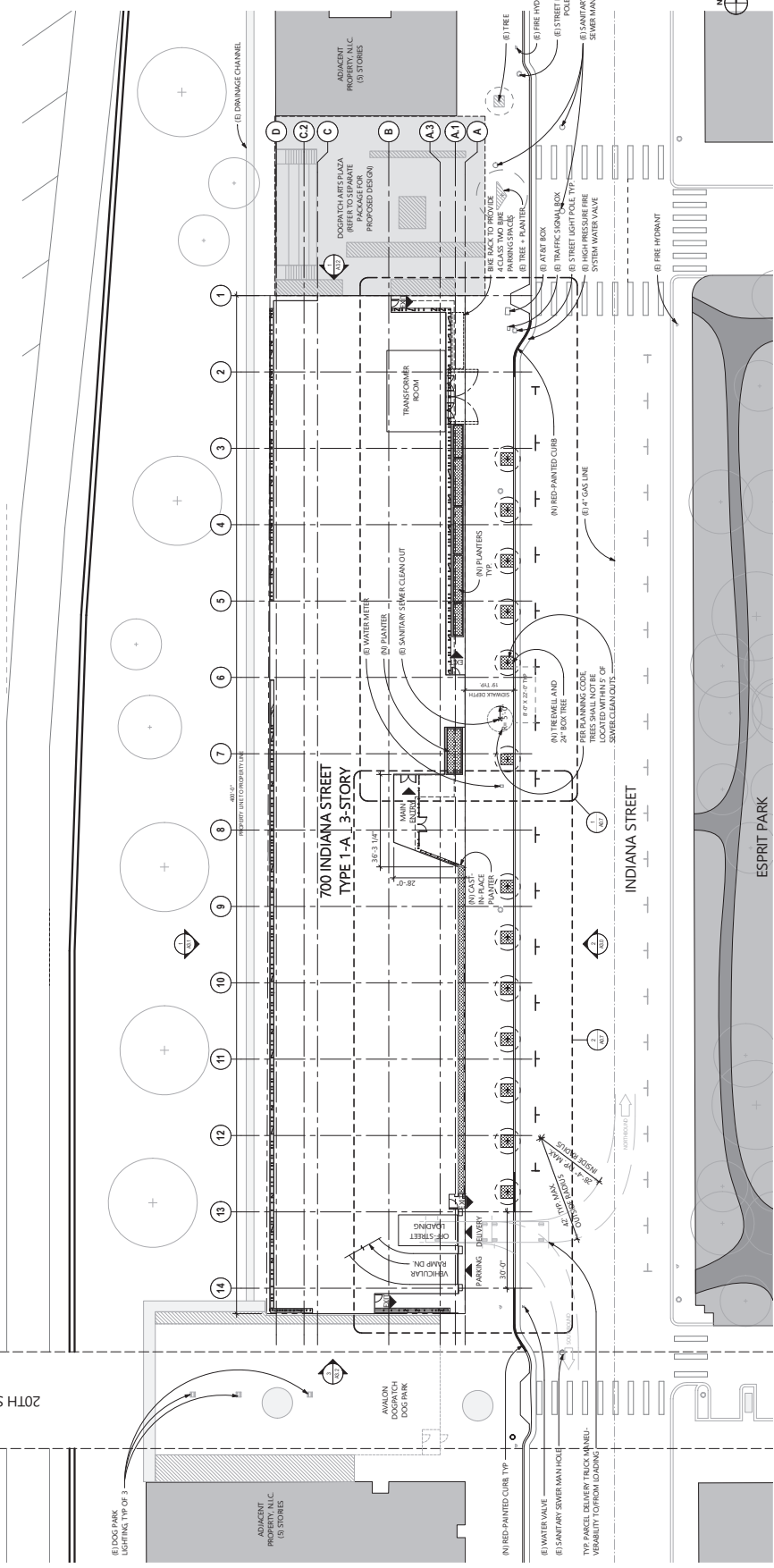
700 INDIANA STREET

SAN FRANCISCO, CA 94107

08/09/2023
PROJECT: 2023 0133
150 ATLANTIC AVE
ALAMEDA, CA 94601
TEL: 510.883.5883
FAX: 510.883.5111

TREE COUNT	
1	NO OVERHANGING BRANCHES
2	PROPOSED TO BE REMOVED
3	PROPOSED TO BE PRESERVED

SITE PLAN LEGEND	
	PROPERTY LINE
	WORK LIMIT
	INGRESS/EGRESS EASEMENT
	ACCESSIBLE PATH OF TRAVEL
	4" GAS LINE
	OVERPASS
	(B) FENCE/LAND GATE
	PARKING STRIPING
	ENTRANCE/EXIT
	(B) STREET LIGHT
	NEW SIDEWALK
	NEW PLANTING AREA
	(B) LANDSCAPING AREA
	AREA OF ADJACENT PROPERTY, N.T.C.
	STREET TREE

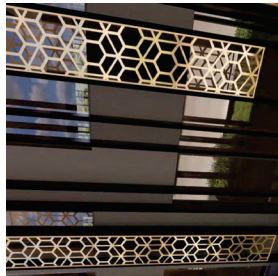


A0.5
As Shown

PROPOSED SITE PLAN

08/09/2023
PROJECT: 700 INDIANA STREET, S.F.
156 ATLANTIC AVE
ALAMEDA, CA 94601
TEL: 510.883.5883
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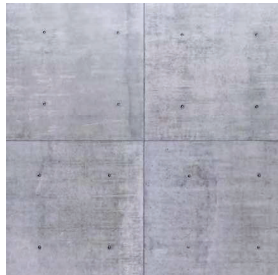
700 INDIANA STREET
SAN FRANCISCO, CA 94107



1. PERFORATED METAL
BRONZE COLOR, CUSTOM CUT ALUMINUM



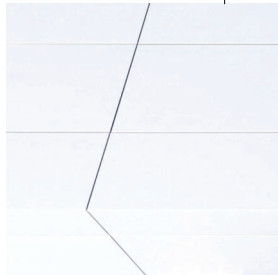
2. STUCCO
SLATE GRAY COLOR



3. SMOOTH CONCRETE



4. TEXTURIZED CONCRETE



5. WHITE ALUCABOND



6. CORRUGATED METAL SCREEN
DARK GRAY VELVET COLOR



7. PAINT ACCENT COLOR
INTERIOR WALL AT STAIR TOWERS



FINISH MATERIALS

A0.6
1/2" = 1'-0"

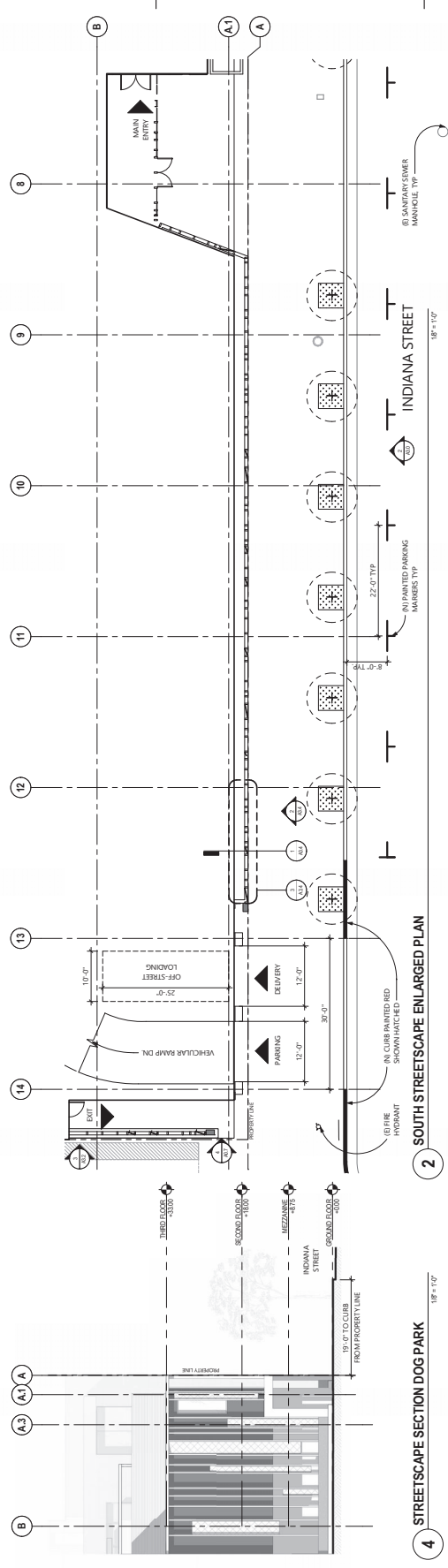
700 INDIANA STREET

SAN FRANCISCO, CA 94107

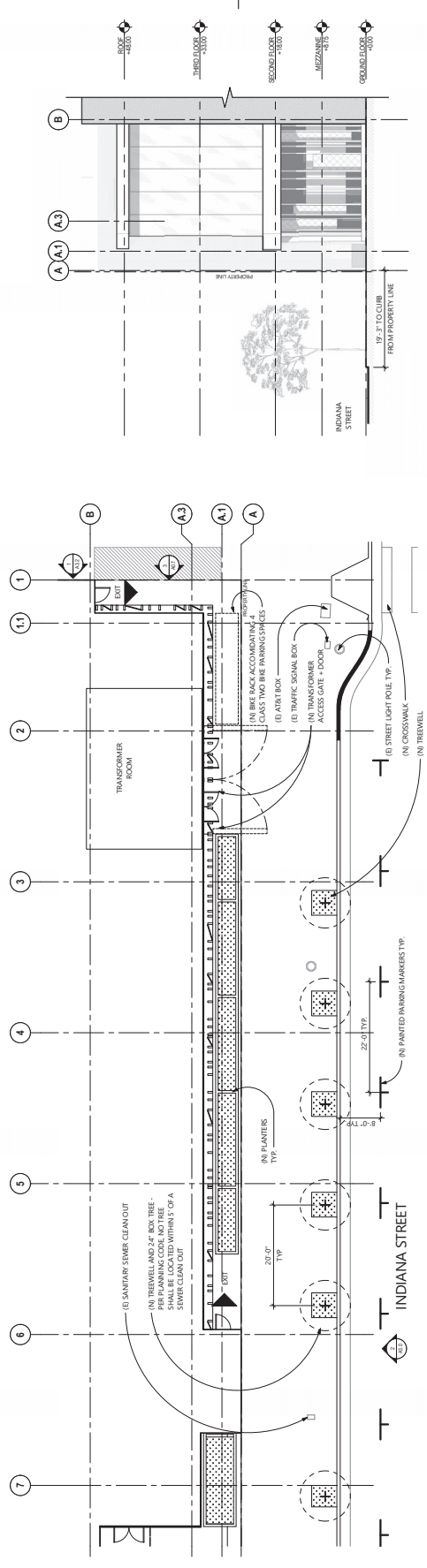
08/09/2023
PROJECT
944-INDIANA - 2023

180 ATLANTIC AVE
ALAMEDA, CA 94601
TEL: 510.883.5883
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2 SOUTH STREETScape ENLARGED PLAN
1/8" = 1'-0"



1 NORTH STREETScape ENLARGED PLAN
1/8" = 1'-0"

3 STREETScape SECTION DOGPATCH ARTS PLAZA
1/8" = 1'-0"

A0.7

STREETScape PLANS & SECTIONS

700 INDIANA STREET

SAN FRANCISCO, CA 94107

08/09/2023
PROJECT: 700 INDIANA STREET
SHEET: A0.7

165 ATLANTIC AVE
ALAMEDA, CA 94601
TEL: 510.883.5883
WWW.MBHARCH.COM

LEVEL	OCCUPIABLE GROSS SF	PLANNING GROSS SF	COMMENTS
GROUND FLOOR	10,000 SF	10,000 SF	MECHANICAL EQUIPMENT ROOMS
FIRST FLOOR	10,000 SF	10,000 SF	MECHANICAL EQUIPMENT ROOMS
SECOND FLOOR	10,000 SF	10,000 SF	MECHANICAL EQUIPMENT ROOMS
THIRD FLOOR	10,000 SF	10,000 SF	MECHANICAL EQUIPMENT ROOMS
MEZZANINE	10,000 SF	10,000 SF	MECHANICAL EQUIPMENT ROOMS
ROOF	10,000 SF	10,000 SF	MECHANICAL EQUIPMENT ROOMS
TOTAL	50,000 SF	50,000 SF	

LEVEL	OCCUPIABLE GROSS SF	PLANNING GROSS SF	COMMENTS
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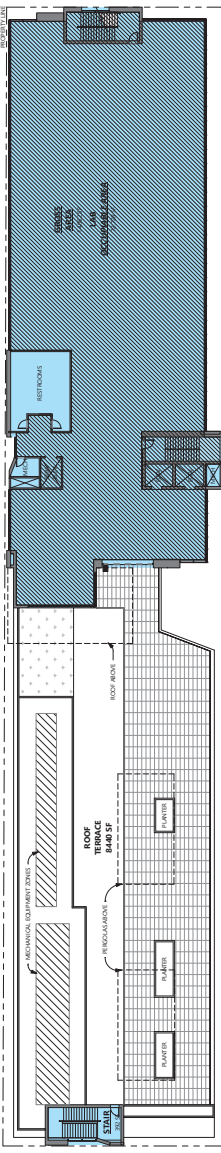
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SF PLANNING METHODOLOGY

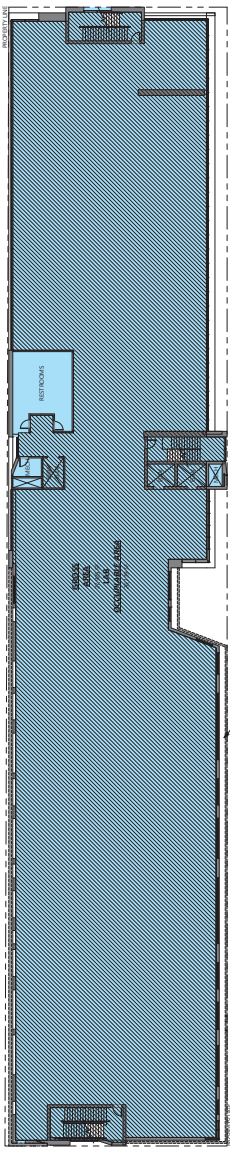
THIS PURPOSE OF DOCUMENTATION, OCCURRED TO DETERMINE THE GROSS FLOOR AREA AS SHOWN ON THE ARCHITECTURAL DRAWINGS AND TO PROVIDE A BASIS FOR THE PLANNING METHODOLOGY. THE METHODOLOGY IS BASED ON THE ASSUMPTIONS AND COMMENTS LISTED BELOW. THE METHODOLOGY IS BASED ON THE ASSUMPTIONS AND COMMENTS LISTED BELOW. THE METHODOLOGY IS BASED ON THE ASSUMPTIONS AND COMMENTS LISTED BELOW.

OPEN SPACE REQUIREMENT CALCULATIONS

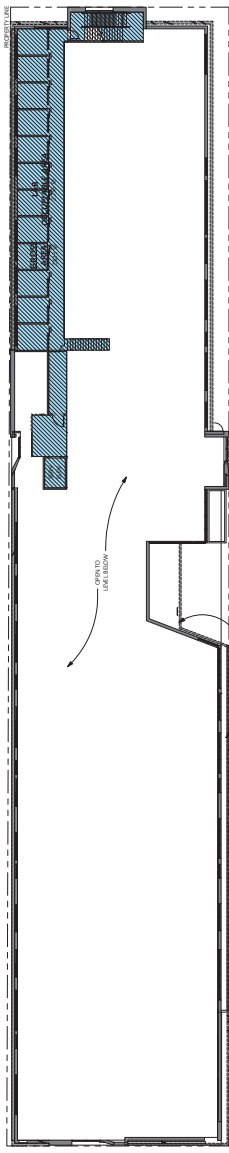
OCCUPIABLE AREA: 4,171 / 200 SQUARE FEET PER PERSON (SFP) = 20.85 SQUARE FEET PER PERSON. THIS IS THE MINIMUM REQUIREMENT FOR OPEN SPACE PER PERSON AT FLOOR LEVEL.



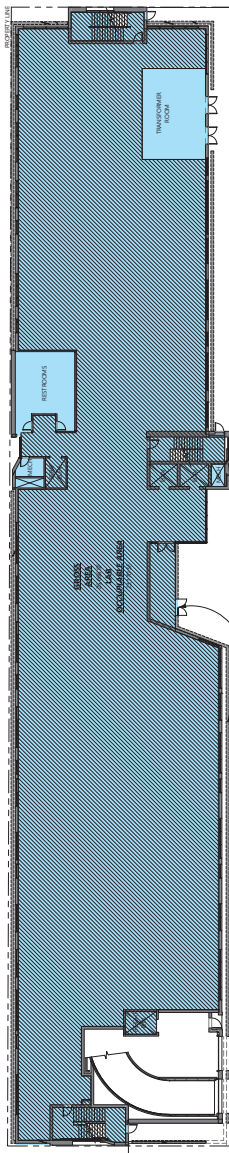
4 THIRD FLOOR PLANNING AREA



3 SECOND FLOOR PLANNING AREA



2 MEZZANINE FLOOR PLANNING AREA



1 GROUND FLOOR PLANNING AREA



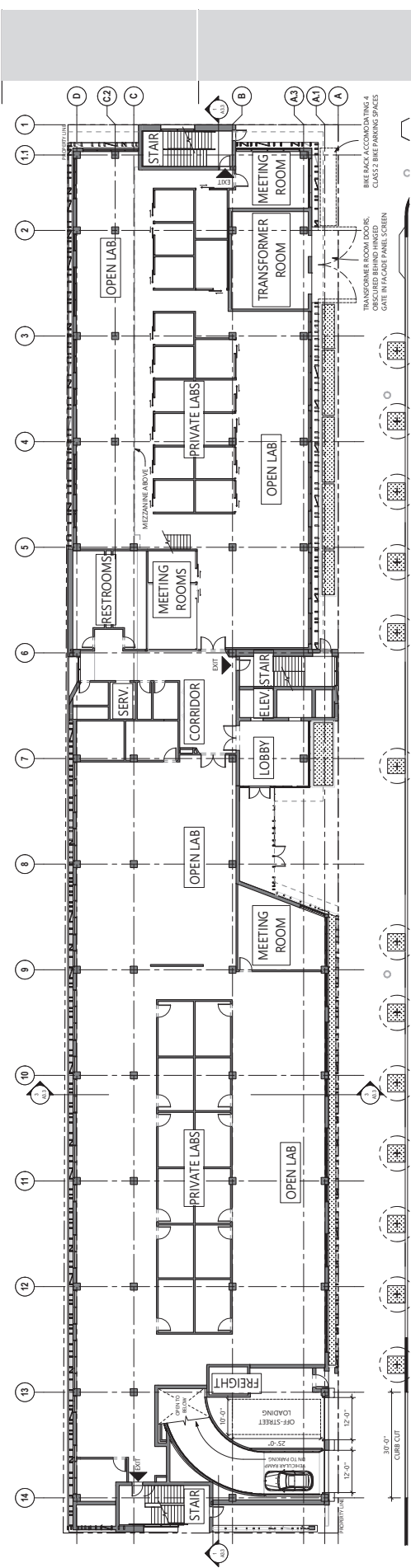
A1.0
As Indicated

AREA PLANS

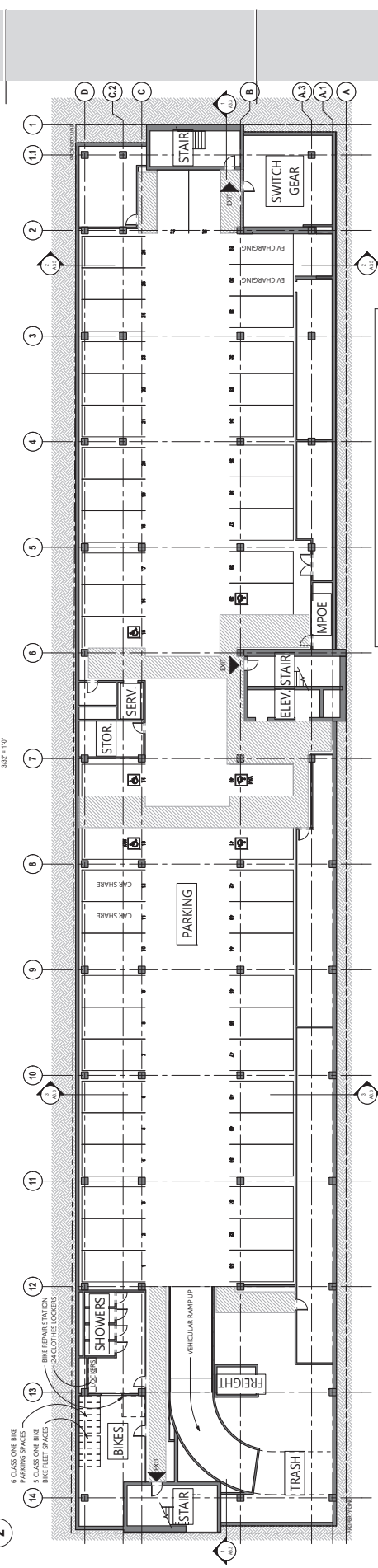
700 INDIANA STREET
SAN FRANCISCO, CA 94107

08/09/2023
PROJECT: 700 INDIANA STREET
94107 SAN FRANCISCO, CA 94107
183 ATLANTIC AVE
SAN FRANCISCO, CA 94107
TEL: 415.774.5883
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2 OVERALL GROUND FLOOR PLAN
3/32" = 1'0"



BICYCLE PARKING REQUIREMENTS

BICYCLE STORAGE: CLASS 2 (BICYCLE REPAIR STATION) 100
 CLASS 1 (BICYCLE REPAIR STATION) 100
 CLASS 2 (BICYCLE REPAIR STATION) 100
 CLASS 3 (BICYCLE REPAIR STATION) 100
 CLASS 4 (BICYCLE REPAIR STATION) 100
 CLASS 5 (BICYCLE REPAIR STATION) 100
 CLASS 6 (BICYCLE REPAIR STATION) 100
 CLASS 7 (BICYCLE REPAIR STATION) 100
 CLASS 8 (BICYCLE REPAIR STATION) 100
 CLASS 9 (BICYCLE REPAIR STATION) 100
 CLASS 10 (BICYCLE REPAIR STATION) 100
 CLASS 11 (BICYCLE REPAIR STATION) 100
 CLASS 12 (BICYCLE REPAIR STATION) 100
 CLASS 13 (BICYCLE REPAIR STATION) 100
 CLASS 14 (BICYCLE REPAIR STATION) 100

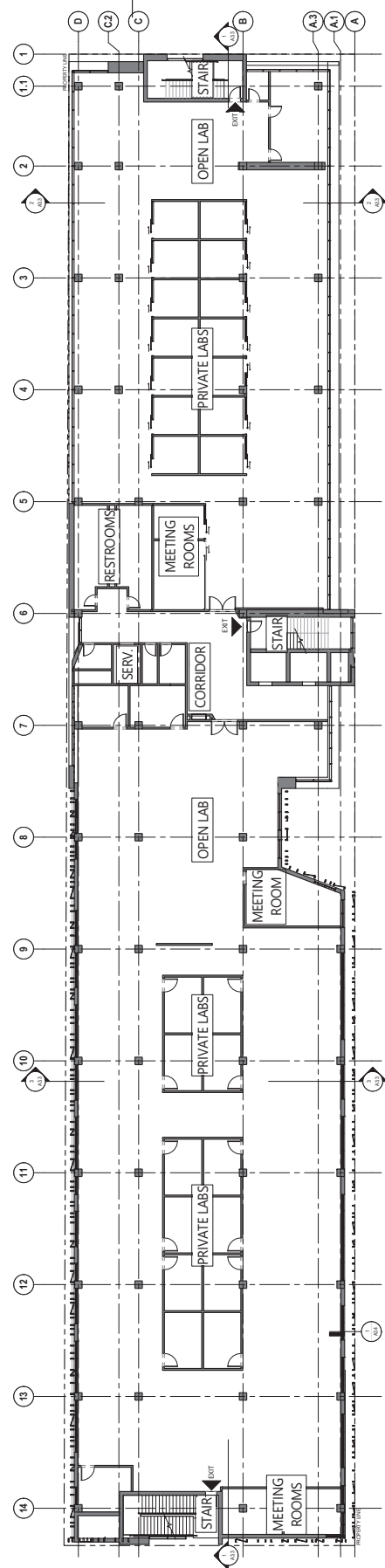
1 OVERALL BASEMENT FLOOR PLAN
3/32" = 1'0"

A2.0
3/32" = 1'0"

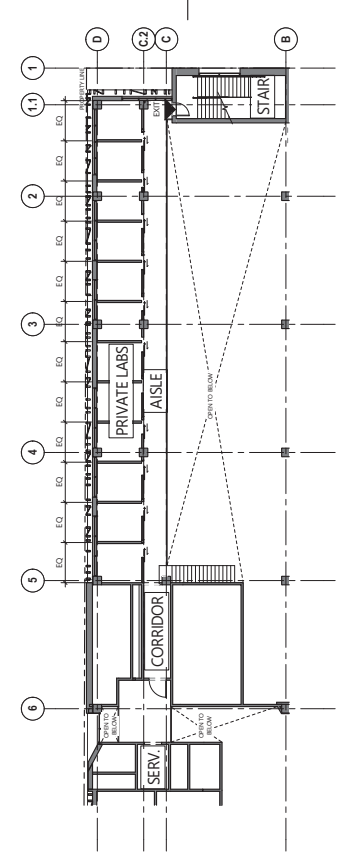
OVERALL BASEMENT AND GROUND FLOOR PLAN

700 INDIANA STREET
SAN FRANCISCO, CA 94107

08/09/2023
PROJECT: 19-000000000
19-000000000
19-000000000
19-000000000



2 OVERALL SECOND FLOOR PLAN
3/32" = 1'-0"



1 MEZZANINE FLOOR PLAN
3/32" = 1'-0"

A2.1

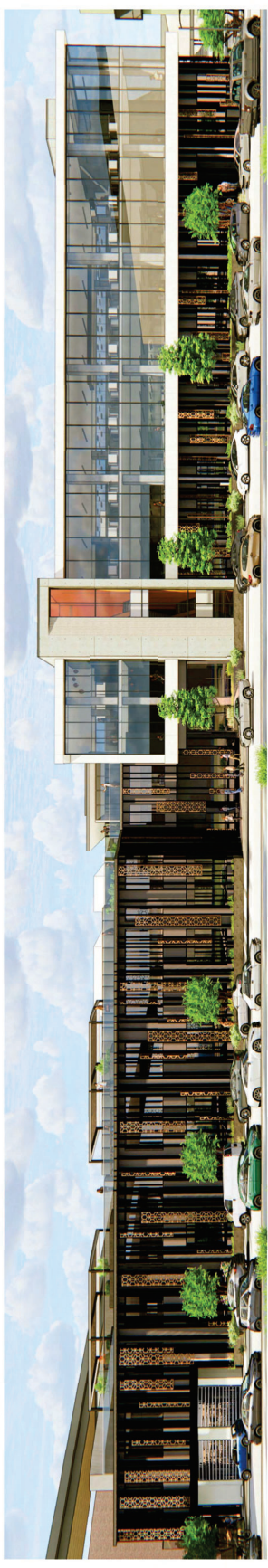
OVERALL MEZZANINE AND SECOND FLOOR PLANS

700 INDIANA STREET

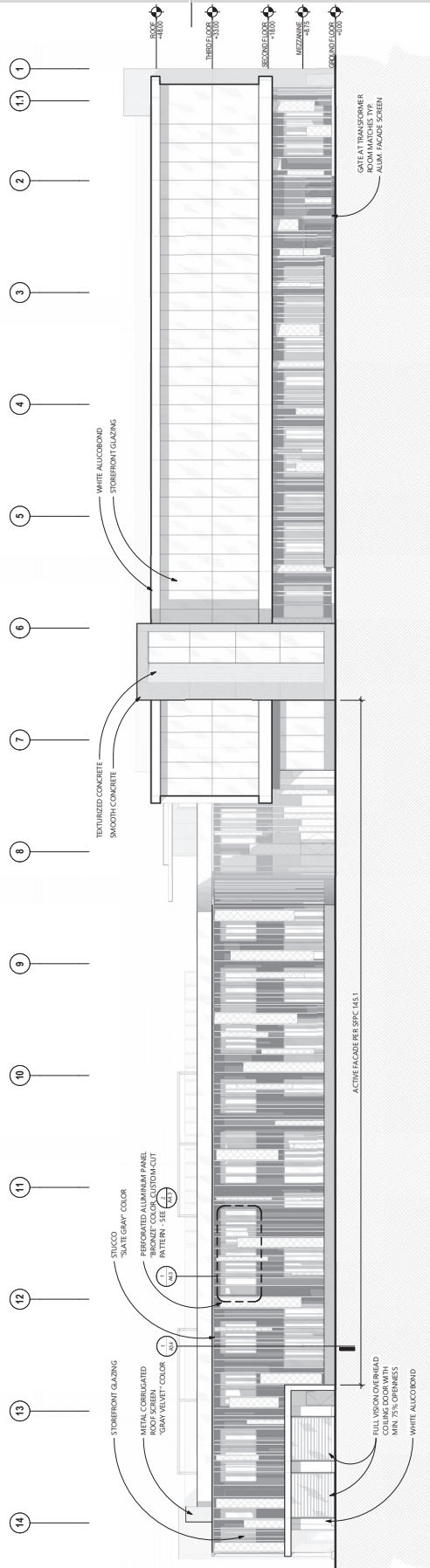
SAN FRANCISCO, CA 94107

08/09/2023
PROJECT: 700 INDIANA STREET

160 ATLANTIC AVE
ALAMEDA, CA 94601
TEL: 510.883.5883
FAX: 510.883.6141



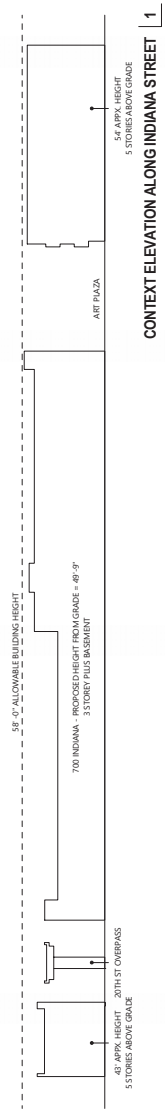
INDIANA STREET RENDERED ELEVATION 3



INDIANA STREET ELEVATION 2

GLAZING AREA AT ACTIVE USE CALCULATIONS

TOTAL GLAZING AREA AT STREET FRONTAGE = 2,448 SF
 GLAZING AREA AT STREET FRONTAGE = 2,448 SF
 PROPOSED GLAZING AT STREET FRONTAGE = 2,501 SF



CONTEXT ELEVATION ALONG INDIANA STREET 1

BUILDING ELEVATIONS

A3.0
As indicated

700 INDIANA STREET

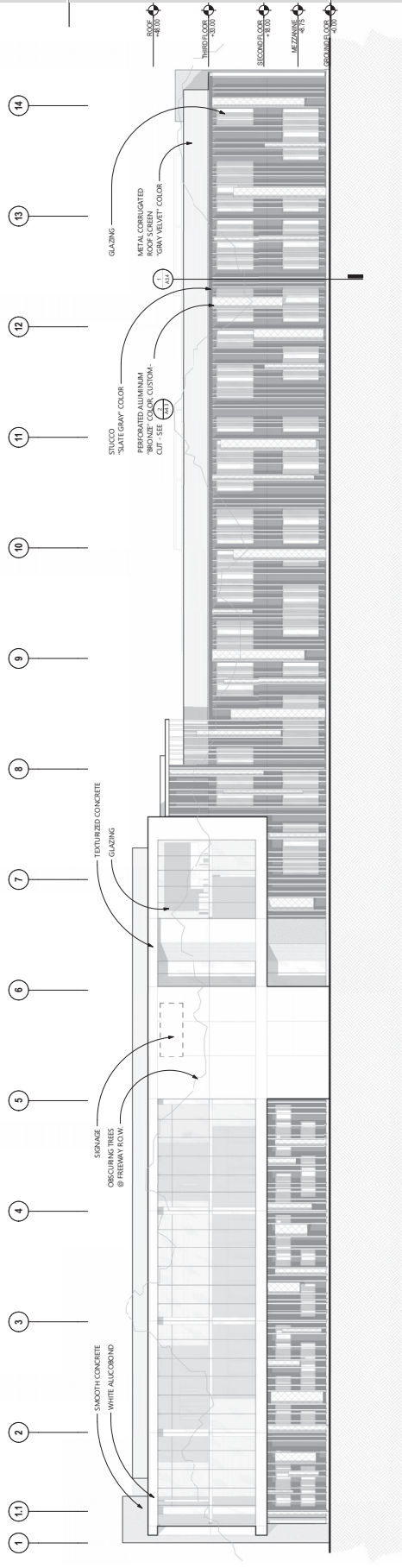
SAN FRANCISCO, CA 94107

08/09/2023
PROJECT: 700 INDIANA ST
94107 SAN FRANCISCO, CA 94107

163 PLANTIC AVE
ALAMEDA, CA 94601
TEL: 510.883.5883
WWW.MBHARCH.COM



FREEWAY RENDERED ELEVATION 2



FREEWAY ELEVATION 1

BUILDING ELEVATIONS

A3.1
3/02" = 1'-0"

700 INDIANA STREET

SAN FRANCISCO, CA 94107

08/09/2023
PROJECT: 23-000000000

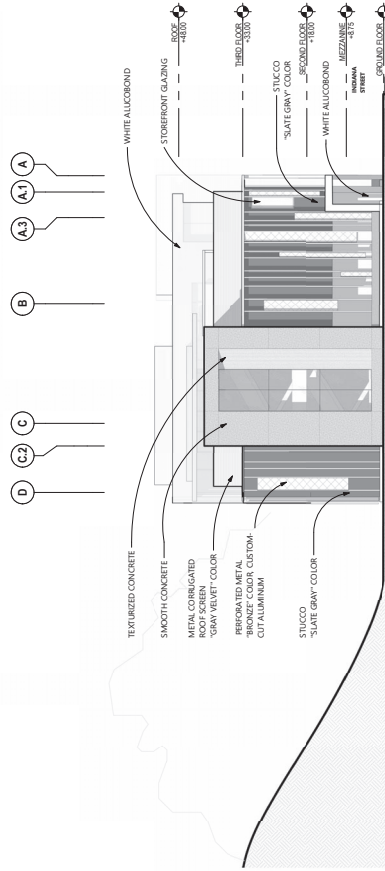
160 ATLANTIC AVE
ALAMEDA, CA 94601
TEL: 510.883.5883
WWW.MBHARCH.COM



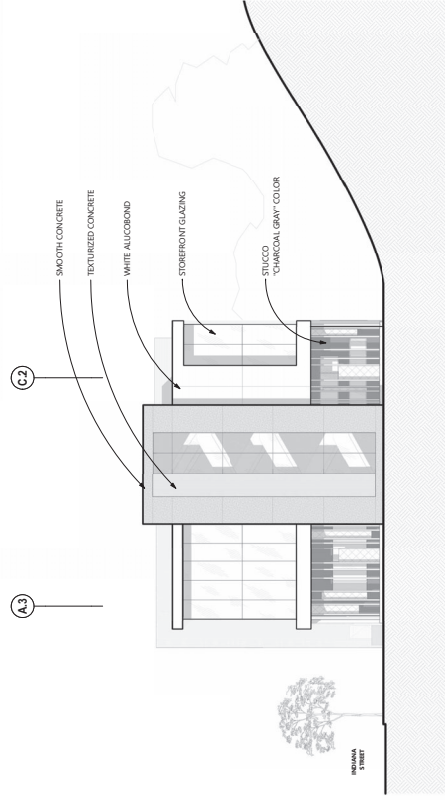
DOGPATCH ARTS PLAZA RENDERED ELEVATION | 2



AVALON DOG PARK RENDERED ELEVATION | 4



AVALON DOG PARK ELEVATION | 3



DOGPATCH ARTS PLAZA ELEVATION | 1

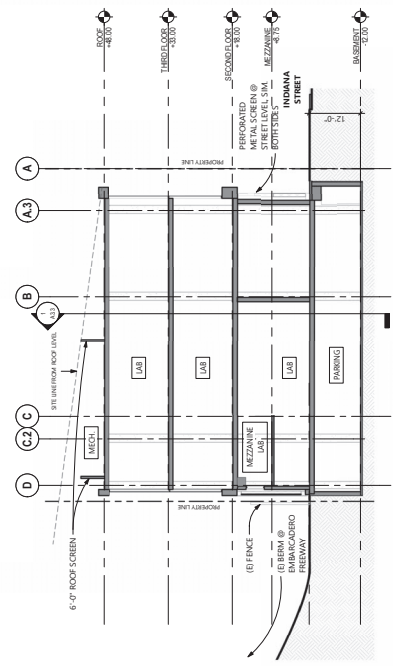
BUILDING ELEVATIONS

A3.2

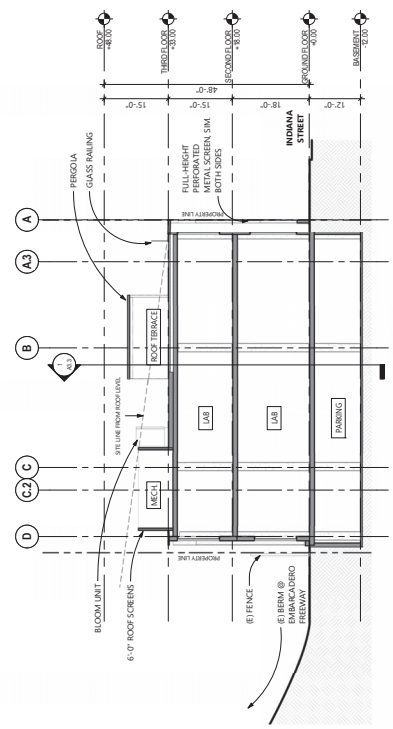
3/22 = 1/4"

700 INDIANA STREET
SAN FRANCISCO, CA 94107

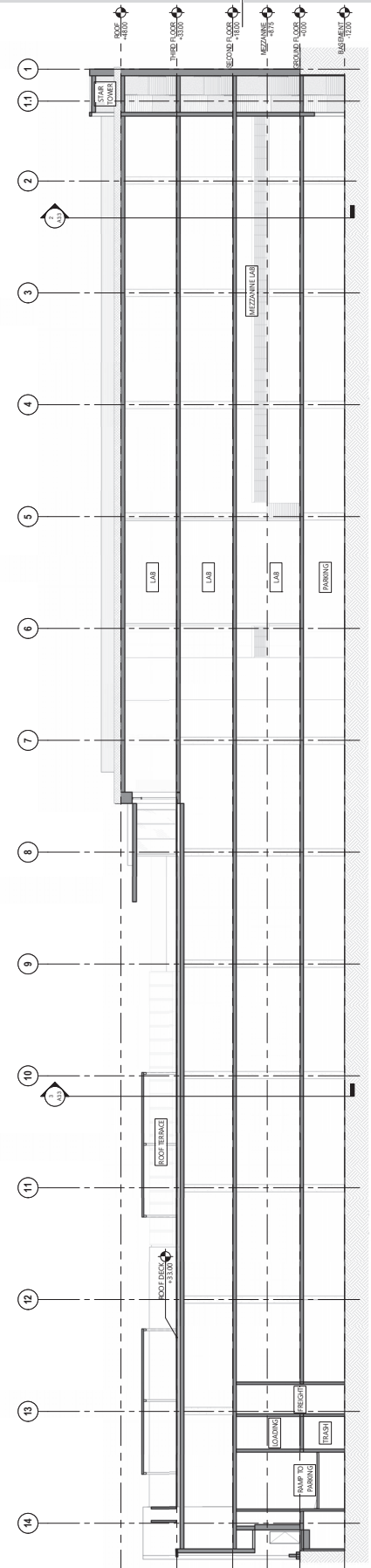
08/09/2023
PROJECT: AVALON DOG PARK
180 ALVANTIC AVE
ALAMEDA, CA 94601
TEL: 510.883.9883
WWW.MBHARCH.COM



2 NORTHERN TRANSVERSE SECTION
3/32" = 1'-0"



3 SOUTHERN TRANSVERSE SECTION
3/32" = 1'-0"



1 LONGITUDINAL BUILDING SECTION LOOKING NORTH AT LOBBY
3/32" = 1'-0"

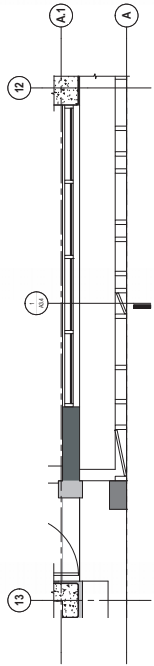
A3.3

BUILDING SECTIONS

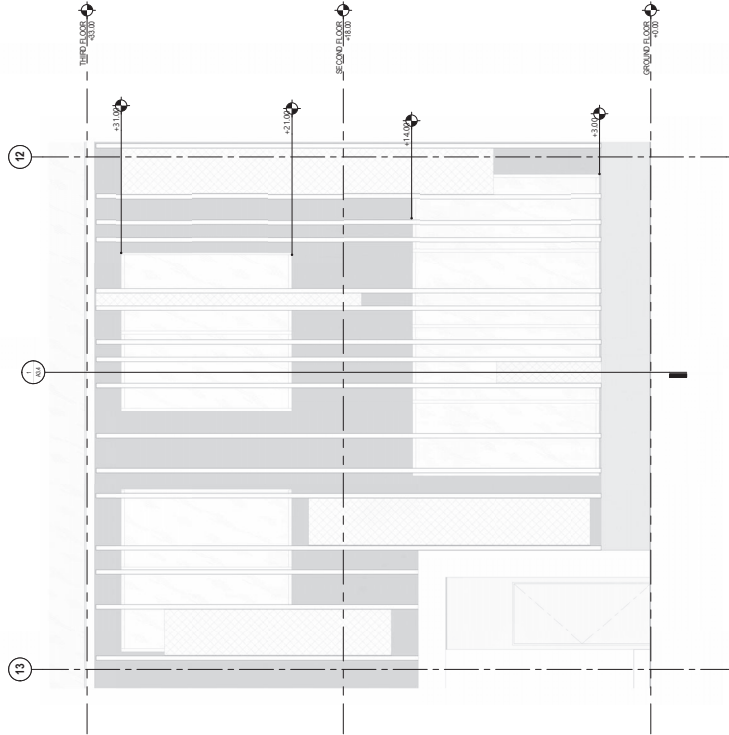
700 INDIANA STREET
SAN FRANCISCO, CA 94107

08/09/2023
PROJECT: 700 INDIANA STREET
94107 SAN FRANCISCO, CA 94107

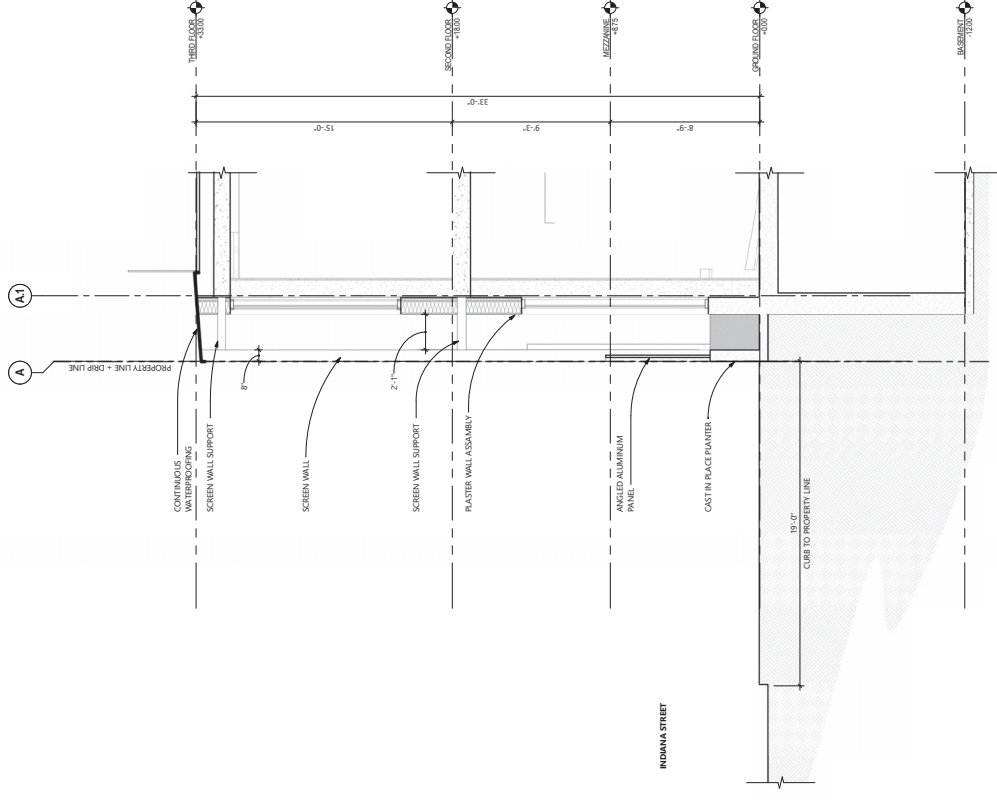
160 ATLANTIC AVE
ALAMEDA, CA 94601
TEL: 510.883.5883
WWW.MBHARCH.COM



3 PLAN VIEW AT GROUND LEVEL SCREEN WALL
3/8" = 1'-0"



2 FACADE ACCESS AT INDIANA STREET
3/8" = 1'-0"



1 FACADE ACCESS SECTION AT INDIANA STREET
3/8" = 1'-0"
SCREEN FACADE AT INDIANA STREET

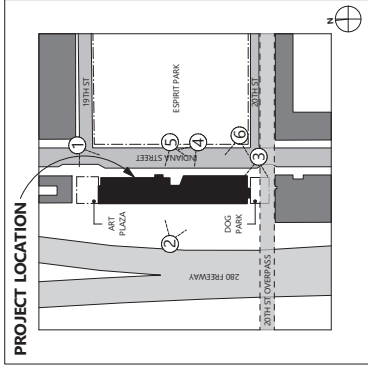
A3.4
3/8" = 1'-0"

700 INDIANA STREET

SAN FRANCISCO, CA 94107

08/09/2023
PROJECT NUMBER: 5404
BY: M. POWERS - 200

700 INDIANA AVE
SAN FRANCISCO, CA 94107
TEL: 415.261.8649
FAX: 415.261.8611



1



4



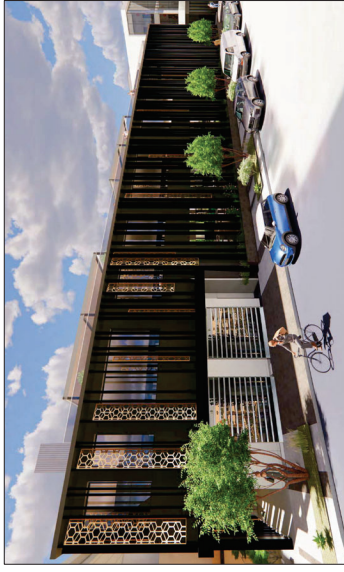
2



5



3



6

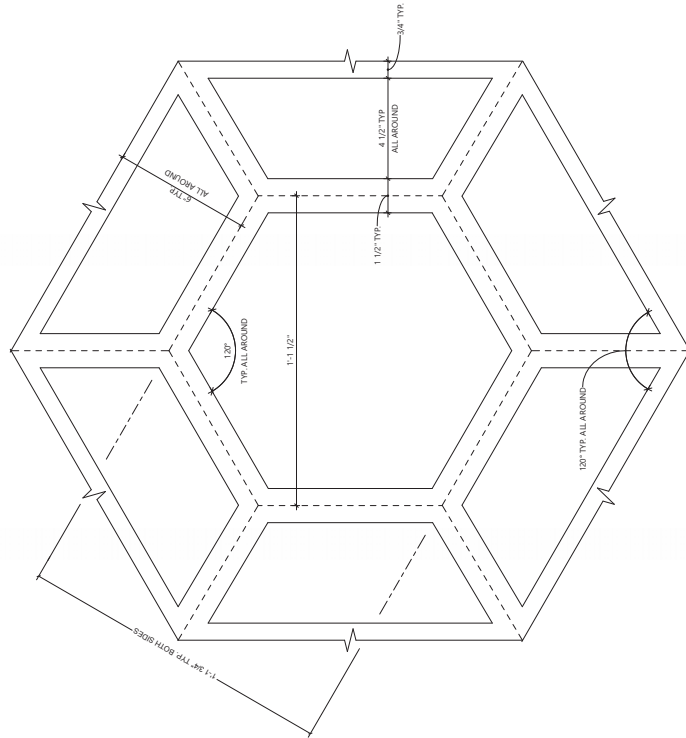
A3.5

RENDERINGS

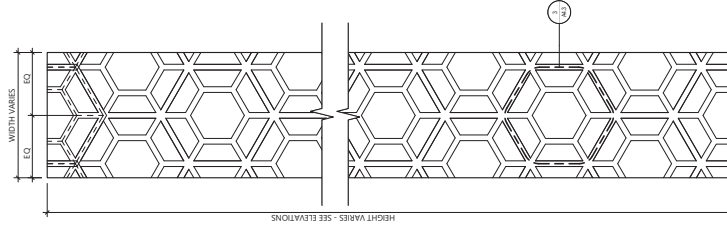
As indicated

08/09/2023
 PROJECT NO. 23-0000000000
 180 ATLANTIC AVE
 ALAMEDA, CA 94601
 TEL: 510.883.5983
 FAX: 510.883.6141

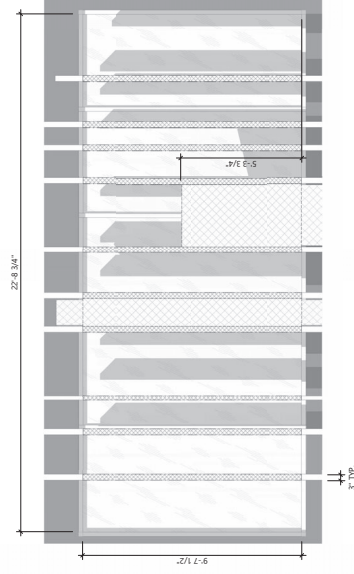
700 INDIANA STREET
 SAN FRANCISCO, CA 94107



3 SCREEN WALL PATTERN 6" = 1'-0"



2 ALUMINUM SCREEN TESSELLATION 1" = 1'-0"



OPENNESS @ WINDOW CALCULATION

	OPTIMAX = 24066 SQUARE INCHES
	SCREEN = 3474 SQUARE INCHES AT 63% OPENNESS
	SOLID AREA = 3083 SQUARE INCHES
	WINDOW AREA = 31480 SQUARE INCHES
	SCREEN AREA = 20282 SQUARE INCHES
	(20282 / 31480) x 100 = 64.51% OPEN
	(3083 / 31480) x 100 = 9.79% CLOSED = 85.17% OPEN

WINDOW AVERAGES 85% OPENNESS

1 TYPICAL GLAZING OBSTRUCTION STUDY 1/2" = 1'-0"

SCREEN DETAILS

A4.3

As indicated

700 INDIANA STREET

SAN FRANCISCO, CA 94107

08/09/2023
PROJECT NUMBER: 5404
DRAWING NUMBER: 200

700 INDIANA ST
SAN FRANCISCO, CA 94107
TEL: 510.568.8648
FAX: 510.568.8611

AGREEMENT TO IMPLEMENT MITIGATION MONITORING AND REPORTING PROGRAM

Record No.: 2023-001074ENV **Block/Lot:** 4062/007
Project Title: 700 Indiana Street **Lot Size:** 31,090 square feet
BPA Nos: n/a **Project Sponsor:** Ryan Guibara, rguibara@mbcbiolabs.com
Zoning: UMU-Urban Mixed Use District **Lead Agency:** San Francisco Planning Department
 58-X Height and Bulk District **Staff Contact:** Ryan Shum, ryan.shum@sfgov.org, 628-652-7542

The table below indicates when compliance with each mitigation measure must occur. Some mitigation measures span multiple phases. Substantive descriptions of each mitigation measure’s requirements are provided on the following pages in the Mitigation Monitoring and Reporting Program.

Adopted Mitigation Measure	Period of Compliance			Compliance with Mitigation Measure Completed?
	Prior to the Start of Construction*	During Construction**	Post-construction or Operational	
Project Mitigation Measure 1: Accidental Discovery	X	X		
Project Mitigation Measure 2: Construction Noise	X	X		
Project Mitigation Measure 3: Construction Air Quality	X	X		
Project Mitigation Measure 4: Siting of Uses that Emit Other TACs			X	

NOTES:

* Prior to any ground disturbing activities at the project site.

** Construction is broadly defined to include any physical activities associated with construction of a development project including, but not limited to: site preparation, clearing, demolition, excavation, shoring, foundation installation, and building construction.

x _____ I agree to implement the attached mitigation measure(s) as a condition of project approval.

Ryan Guibara, Agent for Owner

5/17/24

Property Owner or Legal Agent Printed Name _____ Property Owner or Legal Agent Printed Name Signature _____ Date _____

Note to sponsor: Please contact CPC.EnvironmentalMonitoring@sfgov.org to begin the environmental monitoring process prior to the submittal of your building permits to the San Francisco Department Building Inspection.

MITIGATION MONITORING AND REPORTING PROGRAM

Adopted Mitigation Measure	Monitoring and Reporting Program ^a			Monitoring Actions/ Completion Criteria
	Implementation Responsibility	Mitigation Schedule	Monitoring/Reporting Responsibility	
MITIGATION MEASURES AGREED TO BY PROJECT SPONSOR				
HISTORIC ARCHITECTURAL/CULTURAL RESOURCES				
<p>Project Mitigation Measure 1: Accidental Discovery</p> <p>The following mitigation measure is required to avoid any potential adverse effect from the proposed project on accidentally discovered buried or submerged historical resources as defined in CEQA Guidelines Section 15064.5(a) and (c).</p> <p><u>Alert Sheet.</u> The project sponsor shall distribute the Planning Department archeological resource “ALERT” sheet to the project prime contractor; to any project subcontractor (including demolition, excavation, grading, foundation, pile driving, etc. firms); or utilities firm involved in soils-disturbing activities within the project site. Prior to any soils-disturbing activities being undertaken, each contractor is responsible for ensuring that the “ALERT” sheet is circulated to all field personnel, including machine operators, field crew, pile drivers, supervisory personnel, etc. The project sponsor shall provide the Environmental Review Officer (ERO) with a signed affidavit from the responsible parties (prime contractor, subcontractor(s), and utilities firm) confirming that all field personnel have received copies of the Alert Sheet.</p>	Project sponsor	Prior to any soils-disturbing activities	Project sponsor shall distribute Alert sheet and shall submit a signed affidavit confirming the distribution to the ERO.	Considered complete when ERO receives signed affidavit.
<p><u>Stop Work and Notification Upon Discovery.</u> Should any indication of an archeological resource be encountered during any soils-disturbing activity of the project, the project Head Foreman and/or project sponsor shall immediately notify the ERO and shall immediately suspend any soils-disturbing activities in the vicinity of the discovery until the ERO has determined what additional measures should be undertaken.</p>	Project Head Foreman and/or project sponsor	During soils disturbing activity	Project Head Foreman or sponsor shall contact the ERO.	Considered complete when ERO has been notified and resource is protected

Monitoring and Reporting Program ³			
Adopted Mitigation Measure	Implementation Responsibility	Mitigation Schedule	Monitoring/Reporting Responsibility
<p><u>Discovery Identification, Evaluation, and Treatment Determination.</u> If the ERO determines that an archeological resource may be present within the project site, the project sponsor shall retain the services of an archeological consultant from the Qualified Archeological Consultant List maintained by the Planning Department. The archeological consultant shall advise the ERO as to whether the discovery is an archeological resource as well as if it retains sufficient integrity and is of potential scientific/historical/cultural significance. If an archeological resource is present, the archeological consultant shall identify, document, and evaluate the archeological resource. The archeological consultant shall make a recommendation as to what action, if any, is warranted. Based on this information, the ERO may require, if warranted, specific additional measures to be implemented by the project sponsor.</p> <p>Measures might include preservation <i>in situ</i> of the archeological resource; an archeological monitoring program; an archeological testing program; and/or an archeological interpretation program. If an archeological interpretive, monitoring, and/or testing program is required, it shall be consistent with the Environmental Planning Division guidelines for such programs and shall be implemented immediately. The ERO may also require that the project sponsor immediately implement a site security program if the archeological resource is at risk from vandalism, looting, or other damaging actions.</p>	<p>Archaeological consultant and ERO</p>	<p>After discovery of possible resource</p>	<p>The sponsor shall retain a qualified archeological consultant at the direction of the ERO. The archeological consultant shall identify and evaluate the archeological resources and recommend actions for review and approval by the ERO. The archeological consultant shall undertake additional treatment if needed.</p>
			<p>Monitoring Actions/Completion Criteria</p> <p>Considered complete when treatment determination has been approved by the ERO.</p>

Monitoring and Reporting Program ³			
Adopted Mitigation Measure	Implementation Responsibility	Mitigation Schedule	Monitoring/Reporting Responsibility
<p><u>Consultation with Descendant Communities</u>. On discovery of an archeological site associated with descendant Native Americans, the Overseas Chinese, or other potentially interested descendant group an appropriate representative of the descendant group and the ERO shall be contacted. The representative of the descendant group shall be given the opportunity to monitor archeological field investigations of the site and to offer recommendations to the ERO regarding appropriate archeological treatment of the site, of recovered data from the site, and, if applicable, any interpretative treatment of the associated archeological site. The ERO and project sponsor shall work with the tribal representative or other representatives of descendant communities to identify the scope of work to fulfill the requirements of this mitigation measure, which may include participation in preparation and review of deliverables (e.g., plans, interpretive materials, artwork). Representatives shall be compensated for their work as identified in the agreed upon scope of work. A copy of the Archeological Resources Report (ARR) shall be provided to the representative of the descendant group.</p>	<p>Archaeological consultant, descendant group, project sponsor, and ERO</p>	<p>After discovery of significant resource associated with a descendant group</p>	<p>Archaeological consultant contacts descendant group(s). Archaeological consultant, ERO, and project sponsor, and representative(s) determine scope of work for deliverables. Project sponsor is responsible for compensating descendant(s) for work in preparation and review of deliverables. Archaeological consultant sends ARR to descendant(s).</p>
			<p>Monitoring Actions/Completion Criteria</p> <p>Considered completed after descendant group has received ARR and been compensated for work on deliverables.</p>

<p>Archeological Data Recovery Plan. An archeological data recovery program shall be conducted in accordance with an Archeological Data Recovery Plan (ADRP) if all three of the following apply: 1) a resource has potential to be significant, 2) preservation in place is not feasible, and 3) the ERO determines that an archeological data recovery program is warranted. The project archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the ADRP. The archeological consultant shall prepare a draft ADRP that shall be submitted to the ERO for review and approval.</p> <p>The ADRP shall identify how the proposed data recovery program will preserve the significant information the archeological resource is expected to contain. That is, the ADRP will identify what scientific/historical research questions are applicable to the expected resource, what data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. Data recovery, in general, should be limited to the portions of the historical property that could be adversely affected by the proposed project. Destructive data recovery methods shall not be applied to portions of the archeological resources if nondestructive methods are practical.</p> <p>The scope of the ADRP shall include the following elements:</p> <ul style="list-style-type: none"> ▪ <i>Field Methods and Procedures.</i> Descriptions of proposed field strategies, procedures, and operations. ▪ <i>Cataloguing and Laboratory Analysis.</i> Description of selected cataloguing system and artifact analysis procedures. ▪ <i>Discard and Deaccession Policy.</i> Description of and rationale for field and post-field discard and deaccession policies. ▪ <i>Security Measures.</i> Recommended security measures to protect the archeological resource from vandalism, looting, and non-intentionally damaging activities. ▪ <i>Final Report.</i> Description of proposed report format and distribution of results. ▪ <i>Curation.</i> Description of the procedures and recommendations for the curation of any recovered data having potential research value, identification of appropriate curation facilities, and a summary of the accession policies of the curation facilities. 	<p>ERO, archeological consultant, and Project Sponsor.</p>	<p>After determination by ERO that an archeological data recovery program is required</p>	<p>Archeological consultant to prepare an ADRP in consultation with ERO</p>	<p>Considered complete upon approval of ADRP by ERO.</p>
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<p><u>Human Remains and Funerary Objects.</u> The treatment of human remains and funerary objects discovered during any soil-disturbing activity shall comply with applicable State and federal laws. This shall include immediate notification of the Medical Examiner of the City and County of San Francisco. The ERO also shall be notified immediately upon the discovery of human remains. In the event of the Medical Examiner's determination that the human remains are Native American remains, the Medical Examiner shall notify the California State Native American Heritage Commission, which will appoint a Most Likely Descendant (MLD). The MLD will complete his or her inspection of the remains and make recommendations or preferences for treatment within 48 hours of being granted access to the site (Public Resources Code section 5097.98(a)).</p> <p>The landowner may consult with the project archeologist and project sponsor and shall consult with the MLD and CEQA lead agency on preservation in place or recovery of the remains and any scientific treatment alternatives. The landowner shall then make all reasonable efforts to develop an Agreement with the MLD, as expeditiously as possible, for the treatment and disposition, with appropriate dignity, of human remains and funerary objects (as detailed in CEQA Guidelines section 15064.5(d)). Per PRC 5097.98 (b)(1), the Agreement shall address and take into consideration, as applicable and to the degree consistent with the wishes of the MLD, the appropriate excavation, removal, recordation, scientific analysis, custodianship prior to reinterment or curation, and final disposition of the human remains and funerary objects. If the MLD agrees to scientific analyses of the remains and/or funerary objects, the archeological consultant shall retain possession of the remains and funerary objects until completion of any such analyses, after which the remains and funerary objects shall be reinterred or curated as specified in the Agreement.</p> <p>Both parties are expected to make a concerted and good faith effort to arrive at an Agreement, consistent with the provisions of PRC 5097.98. However, if the landowner and the MLD are unable to reach an Agreement, the landowner, ERO, and project sponsor shall ensure that the remains and/or mortuary materials are stored securely and respectfully until they can be reinterred on the property, with appropriate dignity, in a location not subject to further or future subsurface disturbance, consistent with state law.</p> <p>Treatment of historic-period human remains and of associated or unassociated funerary objects discovered during any soil-disturbing activity, additionally, shall follow protocols laid out in the project's Archeological treatment documents, and</p>	<p>Archeological consultant or medical examiner</p>	<p>Discovery of human remains</p>	<p>Notification of County/City Coroner and, as warranted, notification of NAHC.</p>	<p>Considered complete on finding by ERO that all State laws regarding human remains/burial objects have been adhered to, consultation with MLD is completed as warranted, approval of Archeological Results Report, and disposition of human remains has occurred as specified in Agreement.</p>
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Monitoring and Reporting Program ³			
Adopted Mitigation Measure	Implementation Responsibility	Mitigation Schedule	Monitoring/Reporting Responsibility
<p>in any related agreement established between the project sponsor, Medical Examiner and the ERO.</p> <p><u>Cultural Resources Public Interpretation Plan</u>. The project archeological consultant shall submit a Cultural Resources Public Interpretation Plan (CRPIP) if a significant archeological resource is discovered during a project. As directed by the ERO, a qualified design professional with demonstrated experience in displaying information and graphics to the public in a visually interesting manner, local artists, or community group may also be required to assist the project archeological consultant in preparation of the CRPIP. If the resource to be interpreted is a tribal cultural resource, the CRPIP shall be prepared in consultation with and developed with the participation of Ohlone tribal representatives. The CRPIP shall describe the interpretive product(s), locations or distribution of interpretive materials or displays, the proposed content and materials, the producers or artists of the displays or installation, and a long-term maintenance program. The CRPIP shall be sent to the ERO for review and approval. The CRPIP shall be implemented prior to occupancy of the project.</p>	Archeological consultant at the direction of the ERO will prepare CRPIP. Measure laid out in CRPIP are implemented by sponsor and consultant.	Following completion of treatment and analysis of significant archeological resource by archeological consultant.	Archeological consultant submits draft CRPIP to ERO for review and approval. CRPIP is complete on review and approval of ERO. Interpretive program is complete on notification to ERO from the project sponsor that program has been implemented.

Monitoring and Reporting Program ³			
Adopted Mitigation Measure	Implementation Responsibility	Mitigation Schedule	Monitoring/Reporting Responsibility
<p><u>Archeological Resources Report.</u> The project archeological consultant shall submit a confidential draft Archeological Resources Report (ARR) to the ERO that evaluates the historical significance of any discovered archeological resource, describes the archeological and historical research methods employed in the archeological monitoring/data recovery program(s) undertaken, and discusses curation arrangements.</p> <p>Once approved by the ERO, copies of the approved ARR shall be distributed as follows: California Archeological Site Survey Northwest Information Center (NWIC) shall receive one (1) copy, and the ERO shall receive a copy of the transmittal of the ARR to the NWIC. The environmental planning division of the planning department shall receive one (1) bound hardcopy of the ARR. Digital files that shall be submitted to the environmental division include an unlocked, searchable PDF version of the ARR, GIS shapefiles of the site and feature locations, any formal site recordation forms (CA DPR 523 series), and/or documentation for nomination to the National Register of Historic Places/California Register of Historical Resources. The PDF ARR, GIS files, recordation forms, and/or nomination documentation should be submitted via USB or other stable storage device. If a descendant group was consulted during archeological treatment, a PDF of the ARR shall be provided to the representative of the descendant group.</p>	Archeological consultant at the direction of the ERO.	Following completion of treatment by archeological consultant as determined by the ERO.	Planning Department / project sponsor
<p><u>Curation.</u> Significant archeological collections and paleoenvironmental samples of future research value shall be permanently curated at an established curatorial facility. The facility shall be selected in consultation with the ERO. Upon submittal of the collection for curation the sponsor or archeologist shall provide a copy of the signed curatorial agreement to the ERO.</p>	Project archeologist prepares collection for curation and project sponsor pays for curation costs.	In the event a significant archeological resource is discovered and upon acceptance by the ERO of the ARR	Planning Department / project sponsor
			Monitoring Actions/ Completion Criteria
			Complete on certification to ERO that copies of the approved ARR have been distributed
			Considered complete upon acceptance of the collection by the curatorial facility

Monitoring and Reporting Program ³				Monitoring Actions/ Completion Criteria
Adopted Mitigation Measure	Implementation Responsibility	Mitigation Schedule	Monitoring/Reporting Responsibility	
NOISE				
<p>Project Mitigation Measure 2: Construction Noise</p> <p>The project sponsor shall develop a set of site-specific noise attenuation measures under the supervision of a qualified acoustical consultant. Prior to commencing construction, a plan for such measures shall be submitted to the Planning Department to ensure that maximum feasible construction noise attenuation is achieved. Attenuation measures shall include as many of the following control strategies as follows, or other equivalent strategies that reduce construction noise:</p> <ul style="list-style-type: none"> • Erect temporary plywood noise barriers around a construction site, particularly where a site adjoins noise-sensitive uses; • Use noise control blankets on a building structure as the building is being erected to reduce noise emission from the site; • Evaluate the feasibility of noise control at the receivers by temporarily improving the noise reduction capability of adjacent buildings housing sensitive uses; • Monitor the effectiveness of noise attenuation measures by taking noise measurements; and <p>Post signs on-site pertaining to permitted construction days and hours and complaint procedures and who to notify in the event of a problem, with telephone numbers listed.</p>	Project sponsor's qualified acoustical consultant and construction contractor	Prior to the issuance of construction permits	Planning Department	Considered complete after approval construction noise control plan and construction activities completed.

Monitoring and Reporting Program ³				
Adopted Mitigation Measure	Implementation Responsibility	Mitigation Schedule	Monitoring/Reporting Responsibility	
AIR QUALITY				
<p>Project Mitigation Measure 3: Construction Air Quality</p> <p>The project sponsor shall comply with the following:</p> <p>A. Engine Requirements</p> <ol style="list-style-type: none"> All off-road equipment greater than 25 hp and operating for more than 20 total hours over the entire duration of construction activities shall have engines that meet or exceed either U.S. Environmental Protection Agency (EPA) or California Air Resources Board (air board) Tier 4 Interim or Tier 4 Final off-road emission standards. Where access to alternative sources of power are available, portable diesel engines (e.g., generators) shall be prohibited. Diesel engines, whether for off-road or on-road equipment, shall not be left idling for more than two minutes, at any location, except as provided in exceptions to the applicable state regulations regarding idling for off-road and on-road equipment (e.g., traffic conditions, safe operating conditions). The contractor shall post legible and visible signs in English, Spanish, and Chinese, in designated queuing areas and at the construction site to remind operators of the two-minute idling limit. The project sponsor shall instruct construction workers and equipment operators on the maintenance and tuning of construction equipment and require that such workers and operators properly maintain and tune equipment in accordance with manufacturer specifications. <p>B. Waivers</p> <p>The Planning Department's environmental review officer or designee (ERO) may waive the alternative source of power requirement of Subsection (A)(2) if an alternative source of power is limited or infeasible at the project site. If the ERO grants the waiver, the contractor must use the next cleanest piece of off-road equipment, or another alternative that results in comparable reductions of diesel particulate matter.</p>	Project sponsor and construction contractor	<p>Prior to issuance of construction permits project sponsor to submit:</p> <ol style="list-style-type: none"> Construction emissions minimization plan for review and approval, and <p>Signed certification statement</p>	Planning Department	<p>Considered complete upon planning department review and acceptance of construction emissions minimization plan, implementation of the plan, and submittal of final report summarizing use of construction equipment pursuant to the plan.</p>

Adopted Mitigation Measure	Monitoring and Reporting Program ³			Monitoring Actions/ Completion Criteria
	Implementation Responsibility	Mitigation Schedule	Monitoring/Reporting Responsibility	
<p>C. Construction Emissions Minimization Plan: Before starting on-site construction activities, the contractor shall submit a construction emissions minimization plan (plan) to the ERO for review and approval. The plan shall state, in reasonable detail, how the contractor will meet the engine requirements of Section A.</p> <ol style="list-style-type: none"> The Plan shall include estimates of the construction timeline by phase, with a description of each piece of off-road equipment required for every construction phase. The description may include, but is not limited to: equipment type, equipment manufacturer, equipment identification number, engine model year, engine certification (Tier rating), horsepower, engine serial number, and expected fuel use and hours of operation. For off-road equipment using alternative fuels, the description shall also specify the type of alternative fuel being used. The project sponsor shall ensure that all applicable requirements of the plan have been incorporated into the contract specifications. The plan shall include a certification statement that the project sponsor agrees to comply fully with the plan. The project sponsor shall make the plan available to the public for review on-site during working hours. The project sponsor shall post at the construction site a legible and visible sign summarizing the plan. The sign shall also state that the public may ask to inspect the plan for the project at any time during working hours and shall explain how to request to inspect the plan. The project sponsor shall post at least one copy of the sign in a visible location on each side of the construction site facing a public right-of-way. <p>D. Monitoring: After start of construction activities, the contractor shall submit reports every six months to the ERO documenting compliance with the plan. After completion of construction activities and prior to receiving a final certificate of occupancy, the project sponsor shall submit to the ERO a final report summarizing construction activities, including the start and end dates and duration of each construction phase, and the specific information required in the plan.</p>				

Monitoring and Reporting Program ^a			
Adopted Mitigation Measure	Implementation Responsibility	Mitigation Schedule	Monitoring/Reporting Responsibility
<p>Project Mitigation Measure 4: Siting of Uses that Emit Other TACs</p> <p>Prior to the beginning of operations, the project sponsor shall ensure that all laboratory uses prepare an analysis that includes, at a minimum, a site survey identifying all residential or other sensitive receptors within 1,000 feet of the project site, as well as all potential toxic air contaminants (TACs) emissions from equipment associated with the laboratory operations. The sponsor must demonstrate efforts taken to reduce TAC emissions including incorporating best available control technology and that all relevant regulations, such as from the Bay Area Air Quality Management District (Air District) are met.</p>	Project sponsor	<p>Prior to the beginning of operations for each building operator or manager, provided that the building operator can demonstrate that tenants would not have the potential to emit TACs from laboratory operations.</p> <p>If building tenants have the potential to emit TACs, then this mitigation would apply prior to the beginning of operations for each laboratory use.</p>	<p>Project sponsor to submit TAC emissions analysis to planning department</p> <p>Considered complete upon planning department approval of analysis</p>

NOTES:

^a Definitions of MMRP Column Headings:

Adopted Mitigation and Improvements Measures: Full text of the mitigation measure(s) copied verbatim from the final CEQA document.

Implementation Responsibility: Entity who is responsible for implementing the mitigation measure. In most cases this is the project sponsor and/or project's sponsor's contractor/consultant and at times under the direction of the planning department.

Mitigation Schedule: Identifies milestones for when the actions in the mitigation measure need to be implemented.

Monitoring/Reporting Responsibility: Identifies who is responsible for monitoring compliance with the mitigation measure and any reporting responsibilities. In most cases it is the Planning Department who is responsible for monitoring compliance with the mitigation measure. If a department or agency other than the planning department is identified as responsible for monitoring, there should be an expressed agreement between the planning department and that other department/agency. In most cases the project sponsor, their contractor, or consultant are responsible for any reporting requirements.

Monitoring Actions/Completion Criteria: Identifies the milestone at which the mitigation measure is considered complete. This may also identify requirements for verifying compliance.

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EXHIBIT C

Screenshots from MBC Related Websites

(See attached)

Giving entrepreneurs the space to soar



By fundamentally changing the approach to **life science** research, we give entrepreneurs the playground to be creative. We lower the barriers to entry, minimize the start-up hurdles and provide a launchpad to take theories from hypothesis to data. Because we believe their success will not only change their business, it will impact the lives of many.

Available at <https://mbcbiolabs.com/our-team/>, last accessed Sept. 18, 2024.

Dedicated Partners

Catalyze with connections.

MBC BioLabs facilitates game-changing relationships and opportunities for both entrepreneurs and corporate partners. Our mutually beneficial alliances provide resident entrepreneurs with financial support and leading **life sciences** companies access to partnering opportunities with early-stage companies.

From sponsoring Golden Ticket competitions that award winning entrepreneurs a year of bench space and the opportunity to forge beneficial relationships with corporate sponsors, to company acquisition opportunities for larger companies, our ecosystem fosters faster, earlier, and better partnerships—driving much more trust and value for everyone involved.

In addition, we have a built-in venture capital firm, Mission BioCapital, a close community of investors, and a roster of distinguished corporate partners who actively engage with resident entrepreneurs to help with R&D consulting and business mentorship.

Founding Partners

- Johnson & Johnson INNOVATION | JLABS
- Nitto Innovation for Customers
- abbvie

Platinum Partners

- astellas
- Bristol Myers Squibb
- eii elira! INNOVATION INC.
- ONO ONO PHARMACEUTICAL CO., LTD.

Gold Partners

- Agilent
- ALTA LIFE TECH
- BECKMAN COULTER
- Benchling
- BIO-RAD
- chemometec
- CDV VULT
- CODEX DNA
- creoptix
- cytiva
- ependorf
- isoplexis
- LABII
- Leica MICROSYSTEMS
- LI-COR
- Lilly
- MILLIPORE SIGMA
- Miltenyi Biotec
- ONO PHARMACEUTICAL CO., LTD.
- Promega
- revvity
- SARTORIUS
- SHIMADZU
- SONY
- Thermo Fisher SCIENTIFIC
- TORAY Innovation by Chemistry
- TOSOH
- YOKOGAWA Co-Innovating tomorrow

Available at <https://mbcbiolabs.com/>, last accessed Sept. 18, 2024.

What do you get?



Space

From bench space to freezer storage to lab supplies, we set you up with everything you need to succeed. Beyond the lab, you'll find meeting rooms, a kitchen and a la carte services that make this feel like home.

EXPLORE OUR AMENITIES →



Equipment

In **life sciences**, having access to cutting-edge equipment is a huge research advantage. We want to ensure that no matter what you're working on, you've got the very best tools at your fingertips.

EXPLORE OUR EQUIPMENT →



Partnerships

A unique part of our offering is narrowing the gap between adventurous innovators and seasoned industry pros. Our distinguished roster of corporate partners are actively engaged and keen to help — whether it's consulting on data, providing valuable customer insight, or sharing go-to market strategies.

EXPLORE PARTNERS →

Available at <https://mbcbiolabs.com/our-offerings/>, last accessed Sept. 18, 2024

We're here to help

Reducing startup friction isn't just about providing the right space to thrive but about providing the right tools to get started and grow. That's why we provide business support in specialized areas, so you can devote your energy to what really matters — innovation.



Lab Services

We have a knowledgeable and experienced team that knows the ins and outs of being EH&S compliant. They can help with chemical reporting, safety training, medical waste disposal, shipping and more.



Access to Capital

We're also **life science** investors. Our firm, Mission Bay Capital, looks for the people tackling the toughest challenges right here at MBC BioLabs.

[LEARN MORE](#) →

Available at <https://mbcbiolabs.com/our-offerings/>, last accessed Sept. 18, 2024

The screenshot shows the Mission Bay Capital website. The header includes the logo and navigation links: Welcome, Home, About, Our Team, Portfolio, News, Contact. The main content is divided into three columns:

- WHO WE ARE:** Mission Bay Capital (MBC) is a venture firm focused on making pivotal, early-stage investments in bioscience companies. Founded in 2009, Mission Bay Capital is managed by Douglas Crawford PhD and includes a world-class investment advisory committee including Brook Byers and Jack Wadsworth. A "Read More" button is at the bottom.
- WHAT WE DO:** Our portfolio companies are made up of dynamic and innovative entrepreneurs who come with game-changing ideas and scientific breakthroughs. From therapeutics through diagnostics, our companies are making significant changes to human health and society at large. A "Read More" button is at the bottom.
- MBC BIOLABS:** MBC BioLabs provides fully equipped **life-science** incubator lab spaces in Bay Area cities, San Francisco and San Carlos, within a vibrant entrepreneurial community. They enable bio-entrepreneurs to quickly achieve key milestones with affordable turnkey labs. MBC BioLabs has helped launch and grow 169 since opening in October of 2013, and these companies have gone on to bring 53 programs to the clinic and raise over \$4B! A "Read More" button is at the bottom.

Available at <https://www.missionbaycapital.com/home2>, last accessed Sept. 18, 2024.

Enabling Awesome.

The journey from discovery to medical breakthrough demands imagination, speed, and focus. At Mission BioCapital, we provide early-stage capital to the next generation of awesome **life science** entrepreneurs and the platform where they can realize their visions. This approach has revolutionized the way **life science** start-ups progress from idea to key data through a model that champions collaboration at the center of everything we do.

Our team has a deep-rooted commitment to empowering exceptional **life science** entrepreneurs from all walks of life.

From your first experiment in our shared lab space through to the clinic, we want to be your partner in accelerating development of scientific solutions – faster, focused and more efficiently – to individuals and communities in most need.

Available at <https://www.missionbiocapital.com/>, last accessed Sept. 18, 2024.



Shared Labs Innovation. Everyday.

Our lab network was designed from the ground up to provide **life science** entrepreneurs with everything their company needs to succeed. This network covers many of the leading biotech ecosystems in the US, with a concentration in the two dominant biotech geographies: the San Francisco Bay Area and Boston/Cambridge.

We can accommodate everything from the smallest company with a single lab bench all the way to teams with upwards of 30 employees. This offering of flexible lab space with top-of-the-line equipment allows entrepreneurs to streamline their infrastructure, focus on their science, and bring their novel treatments one step closer to patients.

Available at <https://www.missionbiocapital.com/shared-labs/>, last accessed Sept. 18, 2024

Contact us



953 Indiana St
San Francisco, CA 94107



135 Mississippi St
San Francisco, CA 94107



733 Industrial Road
San Carlos, CA 94070



930 Brittan Avenue
San Carlos, CA 94070

Available at <https://mbcbiolabs.com/contact/>, last accessed Sept. 18, 2024

CONTACT US

953 Indiana Street, San Francisco, CA 4107
info@missionbaycapital.com
Tel: (415)-347-8287

Available at <https://www.missionbaycapital.com/home2>, last accessed Sept. 18, 2024

mission
BIOCAPITAL

About **Shared Labs** Team Portfolio
NEW 2024 European Platinum Program News **Contact**

San Francisco, CA Office
Mission BioCapital
953 Indiana Street
San Francisco CA 94107

Cambridge, MA Office
Mission BioCapital
139 Main Street Suite 401
Cambridge, MA 02142

Best ways to say Hello:

- 1 Connect through the Shared Labs: [MBC BioLabs](#), [LabCentral](#) or [BioLabs](#)
- 2 Meet us at Events
- 3 Get introduced through our portfolio companies

Need to contact us? Email to info@missionbiocapital.com

Available at <https://www.missionbiocapital.com/>, last accessed Sept. 18, 2024

Who should apply?



Who should apply?

We look for the rare combination of great people, big problems, and novel approaches. We're not interested in incremental improvements, we're passionate about supporting the people tackling the toughest challenges and striving for the greatest impact.

APPLY NOW →



How much does it cost?

Getting the right space to launch your company is easier than you might think. Benches are only \$1,750/month including tips, tubes, and gloves, and we don't require any equity up front. With these modest investments, MBC BioLabs companies average 17 million in funding.

Available at <https://mbcbiolabs.com/our-offerings/>, last accessed Sept. 18, 2024

EXHIBIT D

Equipment Library at 953 Indiana

(See attached)

Our equipment library.

From refrigerator space to a Biacore, entrepreneurs can access a wide variety of equipment. Reserve time by the hour in our tissue culture rooms. Rent freezer space by the rack. Pay for glasswash and autoclave services as you need them. We make it flexible and accessible so you can focus on the important stuff.

Choose a location and search our Fast-Track Core Equipment by Category

? What is the Fast-Track Core program?

The Fast Track Core program is like a gym membership.

For a monthly per person fee, each scientist can have access to all our shared equipment across all our sites.



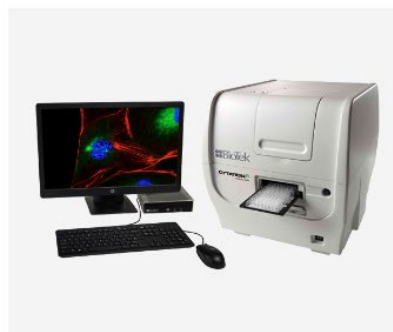
↓
953 Indiana St
San Francisco, CA 94107

↓
135 Mississippi Street
San Francisco, CA 94107

↓
733 Industrial Road
San Carlos, CA 94070

↓
930 Brittan Avenue
San Carlos, CA 94070

- All Equipment
- Analytic
- Biosensors
- Cell Culture
- Centrifuge
- Chromatography
- Electrophoresis
- Flow Cytometry
- Microscope
- PCR
- General Equipment



Agilent BioTek Cytation 5



Agilent BioTek Synergy H1





Agilent BioTek Epoch plate reader



Agilent BioTek 405 TS Plate Washer



ALIT Countstar Castor



Amersham ImageQuant 800



Analytic Scales



Avanti J-26XPI floor centrifuge



Axygen Maxygene II PCR machine



CBS V 1500-AB Series





ChemoMetec NucleoCounter NC-200



Cytiva ÄKTA Avant



Cytiva Biacore™ 1S+ SPR



Echo Revolve



Elemental Machines Platform



Eppendorf BioSpectrometer Fluorescence



Eppendorf Incubators



Eppendorf™ Mastercycler™ Nexus Gradient





Eppendorf New Brunswick Innova 42



Leica DMi1 inverted microscope



LI-COR Odyssey® CLx Imaging System



Miltenyi autoMACS Pro Separator



Miltenyi gentleMACS™ Octo Dissociato...



Miltenyi MACSQuant Analyzer 10



MSD MESO QuickPlex SQ120



Oven





Promega GloMax Discover



Revvity Cellaca MX-FL5 High-Through...



Revvity Cellometer K2 Fluorescent Cell ...



Revvity Celigo Image Cytometer



Sartorius Intellicyt iQue3



Sony SH800S Cell Sorter



Thermo Fisher Countess II Automated ...



Thermo Fisher EVOS M7000 Cell Imagin...





Thermo Fisher Nano DropOne



Thermo Fisher Neon Transfection System



Thermo Fisher QuantStudio 6 Flex Real...



VWR Floor Model Shaking Incubator



Available at <https://mbcbiolabs.com/equipment/>, last accessed Sept. 18, 2024

EXHIBIT E

Letter of Determination dated November 26, 2012

(See attached)



SAN FRANCISCO PLANNING DEPARTMENT

Letter of Determination

November 26, 2012

Mr. Ryan Guibara
Director of Real Estate
Dewey Land Company, Inc.
999 Baker Way, Suite 300
San Mateo CA 94404

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Site Address:	953 Indiana Street
Assessor's Block/Lot:	4106/024
Zoning District:	Urban Mixed Use Zoning District / Life Science & Medical SUD
Staff Contact:	Daniel A. Sider, (415) 558-6697 or dan.sider@sfgov.org

Dear Mr. Guibara:

This letter is in response to your request for a Letter of Determination regarding the property at 953 Indiana Street. This parcel is located in the Urban Mixed Use (UMU) Zoning District and the Life Science and Medical Special Use District with a 40-X Height and Bulk District. Your request seeks a determination that "QB3," a proposed lessee of the property, would be a principally permitted use at the subject property.

Your letter states that QB3 is a "life science incubator" that will "provide basic laboratory space and incidental office space... to various life science tenants." You further indicate that QB3 would use the building as a general bioscience and laboratory use and would have a Biosafety Level 2. Floor plans submitted along with your request suggest tenant improvements commensurate with a life science occupancy.

Planning Code Section 890.53 defines "Life Science" as the following:

Life Science is an industry that involves the integration of natural and engineering sciences and advanced biological techniques using organisms, cells, and parts thereof for products and services. This includes the creation of products and services used to analyze and detect various illnesses, the design of products that cure illnesses, and/or the provision of capital goods and services, machinery, instruments, software, and reagents related to research and production. Life Science uses may utilize office, laboratory, light manufacturing, or other types of space. As a subset of Life Science uses. Life Science laboratories typically include biological laboratories and animal facilities or vivaria, as described in Section 890.52(d) and (e).

Planning Code Section 890.52 defines a Laboratory use as the following:

Laboratory shall mean space within any structure intended or primarily suitable for scientific research. The space requirements of uses within this category include specialized facilities and/or built accommodations that distinguish the space from office uses (as defined in Section 890.70), light manufacturing (as defined in Section 890.54(a)), or heavy manufacturing (including uses listed in 226(g) through 226(w)). Examples of laboratories include the following:

- (a) *Chemistry, biochemistry, or analytical laboratory;*
- (b) *Engineering laboratory;*
- (c) *Development laboratory;*
- (d) *Biological laboratories including those classified by the Centers for Disease Control (CDC) and National Institutes of Health (NIH) as Biosafety level 1, Biosafety level 2, or Biosafety level 3;*
- (e) *Animal facility or vivarium, including laboratories classified by the CDC/NIH as Animal Biosafety level 1, Animal Biosafety level 2, or Animal Biosafety level 3;*
- (f) *Support laboratory;*
- (g) *Quality assurance/Quality control laboratory;*
- (h) *Core laboratory.*

While Planning Code Section 843.85 would otherwise prohibit a Life Science Laboratory in the UMU Zoning District, Planning Code Section 249.36 allows both Life Science Laboratories and Life Science Offices as principally permitted uses within the Life Science and Medical Special Use District. **Accordingly, QB3's use of the subject property as described in your request would be principally permitted under the Planning Code.**

Please note that - as with any proposal - all other applicable regulations of the Planning and Administrative Codes will apply, including but not limited to development impact fees, neighborhood notification for change of use under Planning Code Section 312, and review under the California Environmental Quality Act (CEQA).

APPEAL: If you believe this determination represents an error in interpretation of the Planning Code or abuse in discretion by the Zoning Administrator, an appeal may be filed with the Board of Appeals within 15 days of the date of this letter. For information regarding the appeals process, please contact the Board of Appeals located at 1650 Mission Street, Room 304, San Francisco, or call (415) 575-6880.

Sincerely,



Scott F. Sanchez
Zoning Administrator

cc: D. Sider, Planning Department Staff



November 14, 2012

HAND DELIVERED

Mr. Scott Sanchez
Zoning Administrator
San Francisco Planning Department
1650 Mission Street, 4th Floor
San Francisco, CA 94103

ID # 10789 (SE) D SIDER
CR # 6412 \$ 601. -

Re: Request for Letter of Determination Property
Address: 953 Indiana Street – APN: 4106-024

Dear Mr. Sanchez:

Dewey Land Company, Inc. (“DLC”) is currently in contract to purchase 953 Indiana Street, San Francisco APN: 4106-024 (the “Property”). DLC has further reached a tentative agreement to lease the Property to QB3, an affiliate of UCSF in Mission Bay. QB3 intends to use the Property as a life science incubator, promoting research and development in the life science community (the “Project”). QB3 will provide basic laboratory space and incidental office space at the Property to various life science tenants. Pursuant to San Francisco Planning Code Section 307(a), we respectfully request a Letter of Determination that the proposed Project is principally permitted under the Planning Code.

A. Property Description

The Property is a 23,600 sq.ft. parcel located along Indiana Street, between 20th Street and 22nd Street. The Property is improved with a concrete tilt building, asphalt paving, a truck loading ramp, and landscaping. The Property is currently owned by Forman Properties, a private landowner based in Ross, CA. DLC is currently under contract to purchase the Property from the current owner.

B. Site Summary

953 Indiana Street is located near the intersection of Indiana Street and 22nd Street in the Dogpatch neighborhood of San Francisco. The property is flanked on its north by a residential complex, to its east by single-family residences, and to its south by a union plumbing facility. Across the street is a commercial staging area for the San Francisco Ballet. The Property consists of one (1) legal parcel:

APN: 4106-024

Mr. Scott Sanchez
Zoning Administrator
San Francisco Planning Department
November 14, 2012
Page 2 of 3

The Property is zoned Urban Mixed Use (Planning Code Section 843), and contains Special Use District of both Life Science and Medical (Section 249.36) and within a ¼ mile of an Existing Fringe Financial Service (Section 249.35).

C. Prior Uses

Hoefler, Inc. was the most recent tenant at the Property dating back until at least 2004. Hoefler utilized the Property as a laboratory space, in addition to some incidental office, ship/receive, and manufacturing. Hoefler, Inc. is a biotech company that makes electrophoresis gel, commonly used for separating DNA and RNA.

Prior to Hoefler's occupancy of the Property, it was occupied by Esprit, which owned a large tract of land in this neighborhood in San Francisco. Esprit used the Property as a data center.

D. Current Use

Hoefler, Inc vacated the Property on December 31, 2011 and it has not been released or occupied since that time.

E. Proposed Use

In keeping with the use at the Property since at least 2004 and in addition to the consistency of the special use district of Life Science and Medical overlay, the Property would continue to be used for life science research and laboratory use. DLC would invest more than One Million Dollars (\$1,000,000.00) in improvements in order to modernize the facility. The interior of the building would be rebuilt to accommodate QB3's need to have general bioscience and laboratory use. The building would be a Biosafety level 2 building, consistent with the definition of a permitted laboratory use in the Life Science and Medical overlay (see Planning Code section 890.52 for the laboratory definition).

QB3's proposed use at the Property is consistent with both the Life Science and the Laboratory definitions in section 890.52 & 890.53 of the Planning Code.

Though detailed architectural and space planning drawings have not been completed, the building would be used in general conformity with the floor plan attached to this letter.

Mr. Scott Sanchez
Zoning Administrator
San Francisco Planning Department
November 14, 2012
Page 3 of 3

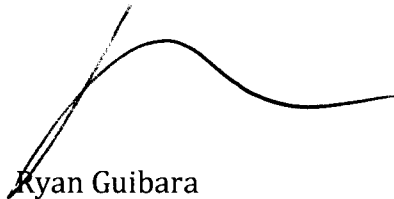
F. Conclusion

The Property currently has a Special Use designation of Life Science and Medical, which is "intended to support uses that benefit from proximity to the University of California, San Francisco (UCSF) campus at Mission Bay. These uses include medical office and life science (biotechnology) uses." The tenant that will be utilizing this Property, QB3, is directly affiliated with UCSF, and benefits from this Property's proximity to UCSF. Further, life science overlay zoning is precisely the use that QB3 will fall under at this site.

Should you have any questions, please do not hesitate to call.

Very Truly Yours,

DEWEY LAND COMPANY, INC.
a California corporation

A handwritten signature in black ink, appearing to read "Ryan Guibara". The signature is fluid and cursive, starting with a sharp upward stroke on the left and ending with a long, sweeping horizontal line on the right.

Ryan Guibara
Director of Real Estate

Enclosure

EXHIBIT F

SUD Repeal Ordinance

(See attached)

1 [Planning Code and Zoning Map - Delete Life Science and Medical Special Use District]

2
3 **Ordinance amending the Planning Code and Zoning Map to eliminate the Life Science**
4 **and Medical Special Use District; affirming the Planning Department's determination**
5 **under the California Environmental Quality Act; making findings of consistency with**
6 **the General Plan, and the eight priority policies of Planning Code, Section 101.1; and**
7 **adopting findings of public necessity, convenience, and welfare under Planning Code,**
8 **Section 302.**

9 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
10 **Additions to Codes** are in *single-underline italics Times New Roman font*.
11 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
12 **Board amendment additions** are in double-underlined Arial font.
13 **Board amendment deletions** are in ~~strikethrough Arial font~~.
14 **Asterisks (* * * *)** indicate the omission of unchanged Code
15 subsections or parts of tables.

16 Be it ordained by the People of the City and County of San Francisco:

17 Section 1. Findings.

18 (a) The Planning Department has determined that the actions contemplated in this
19 ordinance comply with the California Environmental Quality Act (California Public Resources
20 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of
21 Supervisors in File No. 210497 and is incorporated herein by reference. The Board affirms
22 this determination.

23 (b) On July 22, 2021, the Planning Commission, in Resolution No. 20943, adopted
24 findings that the actions contemplated in this ordinance are consistent, on balance, with the
25 City's General Plan and eight priority policies of Planning Code Section 101.1. The Board

1 adopts these findings as its own. A copy of said Resolution is on file with the Clerk of the
2 Board of Supervisors in File No. 210497, and is incorporated herein by reference.

3 (c) This Board finds that this ordinance will serve the public necessity, convenience,
4 and welfare, pursuant to Planning Code Section 302, for the reasons set forth in Planning
5 Commission Resolution No. 20943 and the Board incorporates such reasons herein by
6 reference. A copy of said Resolution is on file with the Clerk of the Board of Supervisors in
7 File No. 210497.

8 (d) The Life Science and Medical Special Use District does not serve the
9 neighborhood and is not consistent with the policy of the Eastern Neighborhoods Plan,
10 specifically Policy 1.1.5, to create a buffer around the Dogpatch Neighborhood to protect
11 against encroachment of larger office and life science research uses. There are office and life
12 science uses that have located in this Special Use District that do not serve or contribute in a
13 positive way to the neighborhood. These businesses also locate in spaces that may
14 otherwise be available as PDR and maker spaces, resulting in a less diverse set of uses in an
15 eclectic and vibrant community that has included car repair, artists, fish mongers, metal
16 smiths, and yoga studios, to name a few. The neighborhood would like to encourage more
17 neighborhood-serving uses such as a grocery store, dry cleaner, or a pharmacy open to the
18 neighborhood. The Dogpatch community seeks to reduce the loss of its historical integrity
19 and the destruction of the character of the neighborhood. Uses related to the UCSF campus
20 nearby have displaced - and could continue to displace - some of the more diverse
21 businesses, opportunities for these uses, as well as housing opportunities, in this area.

22
23 Section 2. The Planning Code is hereby amended by deleting Section 249.36, as
24 follows:

25 ~~**SEC. 249.36. LIFE SCIENCE AND MEDICAL SPECIAL USE DISTRICT.**~~

1 ~~(a) Purpose. The Life Science and Medical Special Use District is intended to support uses~~
2 ~~that benefit from proximity to the University of California, San Francisco (UCSF) campus at Mission~~
3 ~~Bay. These uses include medical office and life science (biotechnology) uses.~~

4 ~~(b) Geography. The boundaries of the Life Science and Medical Special Use District are~~
5 ~~shown on Sectional Map No. 8SU of the Zoning Map. Generally, the area borders Mariposa St. on the~~
6 ~~north, 23rd St. on the south, I 280 to the west, and 3rd St. to the east. Within this area, the Dogpatch~~
7 ~~Historic District is generally excluded.~~

8 ~~(c) Controls. All provisions of the Planning Code currently applicable shall continue to apply,~~
9 ~~except as otherwise provided in this Section 249.36:~~

10 ~~—— (1) Medical Services. Medical services, including medical offices and clinics, as~~
11 ~~defined in Section 890.114, are a Principally Permitted Use and are exempted from use size limitations,~~
12 ~~PDR replacement requirements (Sec. 202.7), and vertical (floor by floor) zoning controls (Sec.~~
13 ~~803.9(f)). For the purposes of this Section, a medical service use may be affiliated with a hospital or~~
14 ~~medical center as defined in 890.44.~~

15 ~~—— (2) Life Science Offices. Office uses that contain Life Science facilities, as defined in~~
16 ~~Section 890.53, are a Principally Permitted Use and are exempted from use size limitations, PDR~~
17 ~~replacement requirements (Sec. 202.7), and vertical (floor by floor) zoning controls (Sec. 210.3C and~~
18 ~~803.9(f)).~~

19 ~~—— (3) Life Science Laboratories. Laboratories that engage in life science research and~~
20 ~~development, as defined in Section 890.52, are a Principally Permitted Use and are exempted from use~~
21 ~~size limitations, PDR replacement requirements (Sec. 202.7), and vertical (floor by floor) zoning~~
22 ~~controls (Sec. 210.3C and 803.9(f)).~~

23
24 Section 2. The San Francisco Zoning Map, Sheet SU 08, is hereby amended by
25 deleting the “Life Science and Medical SUD” from Zoning Map Sheet SU 08.

1
2 Section 3. Effective Date. This ordinance shall become effective 30 days after
3 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
4 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
5 of Supervisors overrides the Mayor's veto of the ordinance.
6

7 Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
8 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
9 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
10 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
11 additions, and Board amendment deletions in accordance with the "Note" that appears under
12 the official title of the ordinance.
13

14 APPROVED AS TO FORM:
15 DENNIS J. HERRERA, City Attorney

16 By: /s/
17 KATE H. STACY
18 Deputy City Attorney

19
20 n:\leganalas2021\2100384\01529791.docx
21
22
23
24
25



City and County of San Francisco

Tails
Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 210497

Date Passed: November 02, 2021

Ordinance amending the Planning Code and Zoning Map to eliminate the Life Science and Medical Special Use District; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and adopting findings of public necessity, convenience, and welfare under Planning Code, Section 302.

October 18, 2021 Land Use and Transportation Committee - RECOMMENDED

October 26, 2021 Board of Supervisors - PASSED ON FIRST READING


Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton


November 02, 2021 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton

File No. 210497

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 11/2/2021 by the Board of Supervisors of the City and County of San Francisco.


Angela Calvillo
Clerk of the Board


London N. Breed
Mayor

11/12/21
Date Approved

EXHIBIT G

Reissued Letter of Determination dated November 6, 2020

(See attached)



REISSUED LETTER OF DETERMINATION

November 6, 2020

John Kevlin
Reuben, Junius & Rose, LLP
One Bush Street, Suite 600
San Francisco, CA 94104

Record No.: **2020-006020ZAD**
Site Address: **None**
Subject: **Life Science Use**
Staff Contact: **Scott F. Sanchez, (415) 558-6326 or scott.sanchez@sfgov.org**

Dear John Kevlin:

This letter replaces the response letter issued to you on October 9, 2020. The substance of the determination was not changed. However, the final determination language was slightly revised to correct errant grammar and to provide additional clarification.

This letter is in response to your request for a Letter of Determination seeking a clarification of the characteristics of, and distinctions between, Life Science and Laboratory uses as defined in Planning Code Section 102. The request expressly does not seek a determination about a specific use (or user) or whether the use would be allowed at a specific property or in a specific zoning district.

Background

As described in your request, you seek a written determination that “(1) to qualify as a Life Science use, an operator must involve the manufacture of products or the provision of services on-site for commercial use, and (2) that exclusive research and development operations are classified as laboratory use.”

Planning Code Section 102 defines “Life Science” as follows:

A Non-Retail Sales and Service Use that involves the integration of natural and engineering sciences and advanced biological techniques using organisms, cells, and parts thereof for products and services. This includes the creation of products and services used to analyze and detect various illnesses, the design of products that cure illnesses, and/or the provision of capital goods and services, machinery, instruments, software, and reagents related to research and production. Life Science uses may utilize office, laboratory,

light manufacturing, or other types of space. As a subset of Life Science uses, Life Science laboratories typically include biological laboratories and animal facilities or vivaria, as described in the Laboratory definition Subsections (d) and (e).

As noted in your request, in order for a use to meet the definition of Life Science, it must use “the integration of natural and engineering sciences and advanced biological techniques using organisms, cells, and parts thereof for products and services” (emphasis added). While the definition doesn’t specify to what extent the creation of products or provision of services must occur on site, it has generally been interpreted that such activities are integral to the definition of Life Science.

Planning Code Section 102 defines “Laboratory” as follows:

A Non-Retail Sales and Services Use intended or primarily suitable for scientific research. The space requirements of uses within this category include specialized facilities and/or built accommodations that distinguish the space from Office uses, Light Manufacturing, or Heavy Manufacturing. Examples of laboratories include the following:

- (a) Chemistry, biochemistry, or analytical laboratory;*
- (b) Engineering laboratory;*
- (c) Development laboratory;*
- (d) Biological laboratories including those classified by the Centers for Disease Control (CDC) and National Institutes of Health (NIH) as Biosafety level 1, Biosafety level 2, or Biosafety level 3;*
- (e) Animal facility or vivarium, including laboratories classified by the CDC/NIH as Animal Biosafety level 1, Animal Biosafety level 2, or Animal Biosafety level 3;*
- (f) Support laboratory;*
- (g) Quality assurance/Quality control laboratory;*
- (h) Core laboratory; and*
- (i) Cannabis testing facility (any use requiring License Type 8—Testing Laboratory, as defined in California Business and Professions Code, Division 10).*

A key component of Laboratory use is that it is “intended or primarily suitable for scientific research” (emphasis added). Please note that the Planning Code does not contain a definition for “research and development” uses and that no such use category exists under the Planning Code. A previous Zoning Bulletin from April 26, 1988 provides a list of “research and development facilities permitted in C-3, C-M, M-1 and M-2 Zoning Districts.” While the bulletin used Planning Code references and controls that are no longer in effect, it did note that the primary purpose of research and development is scientific or technical research and development activities. Many of the examples cited in the bulletin are now contained in the definition of Laboratory. Given that this bulletin contains outdated information and inoperative provisions, it is no longer effective and will be removed from the interpretations as part of a future update process.

Determination

In response to your request regarding Life Science use, an operator must involve the production of final, commercial products or the provision of commercial services on-site to be classified as a Life Science use. However, the Planning Code does not specify to what extent the production of products or provision of services must occur on site. As noted above, it has generally been interpreted that such on-site activities are integral to the definition of Life Science. In the case where a laboratory use involves “the integration of natural and engineering


sciences and advanced biological techniques using organisms, cells, and parts thereof” but does not include such on-site activities, it would be classified as a Laboratory, not a Life Science use. Given the nuanced nature of the definition, such review has typically occurred on a case-by-case basis as the Planning Department reviews specific proposals for compliance with the Planning Code. This case-by-case review will continue going forward.

In response to your request for confirmation that exclusive research and development operations are classified as Laboratory use, the Planning Code does not contain a definition of “research and development operations.” As noted above, the definition of Laboratory captures uses that are intended or primarily suitable for scientific research. It also specifies types of laboratories that may be associated with the development of products, such as Development Laboratory and Quality Assurance/Quality Control Laboratory. However, while the Laboratory may be synonymous with common perceptions of “research and development,” it may not capture the full universe of uses or activities one may consider to be “research and development.” Therefore, while a Laboratory use includes many forms of what is commonly considered to be “research and development,” such review will occur on a case-by-case basis as the Planning Department reviews specific proposals for compliance with the Planning Code.

Please note that a Letter of Determination is a determination regarding the classification of uses and interpretation and applicability of the provisions of the Planning Code. This Letter of Determination is not a permit to commence any work or change occupancy. Permits from appropriate Departments must be secured before work is started or occupancy is changed.

APPEAL: An appeal may be filed with the Board of Appeals within 15 days of the date of this letter if you believe this determination represents an error in interpretation of the Planning Code or abuse in discretion by the Zoning Administrator. Please contact the Board of Appeals in person at 49 South Van Ness Ave, Suite 1475, call (628) 652-1150, or visit www.sfgov.org/bdappeal.

Sincerely,



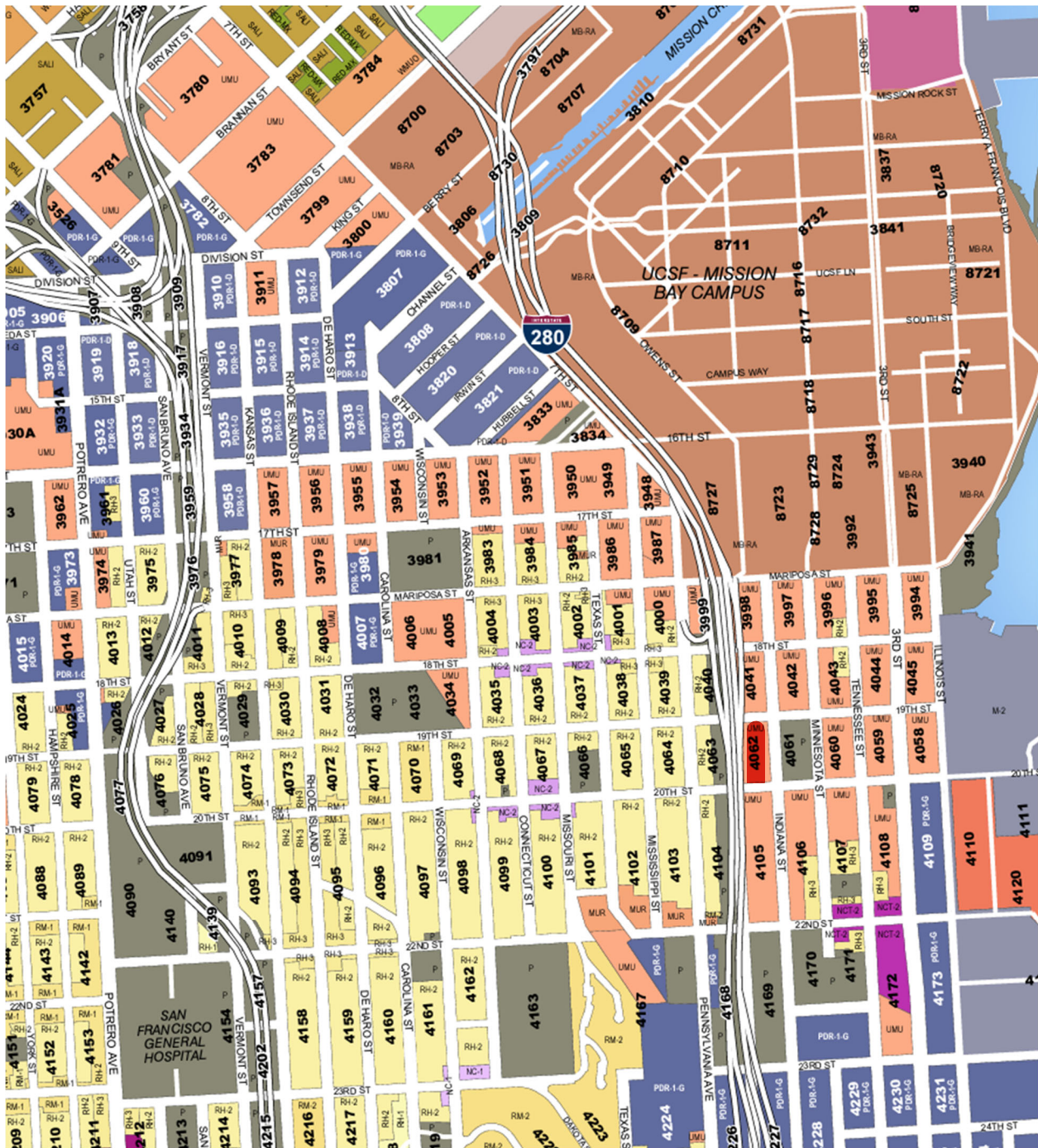
Corey A. Teague, AICP
Zoning Administrator

cc: Citywide Neighborhood Groups
Scott Sanchez, Deputy Zoning Administrator

EXHIBIT H

Excerpt from the Zoning Map

(See attached)



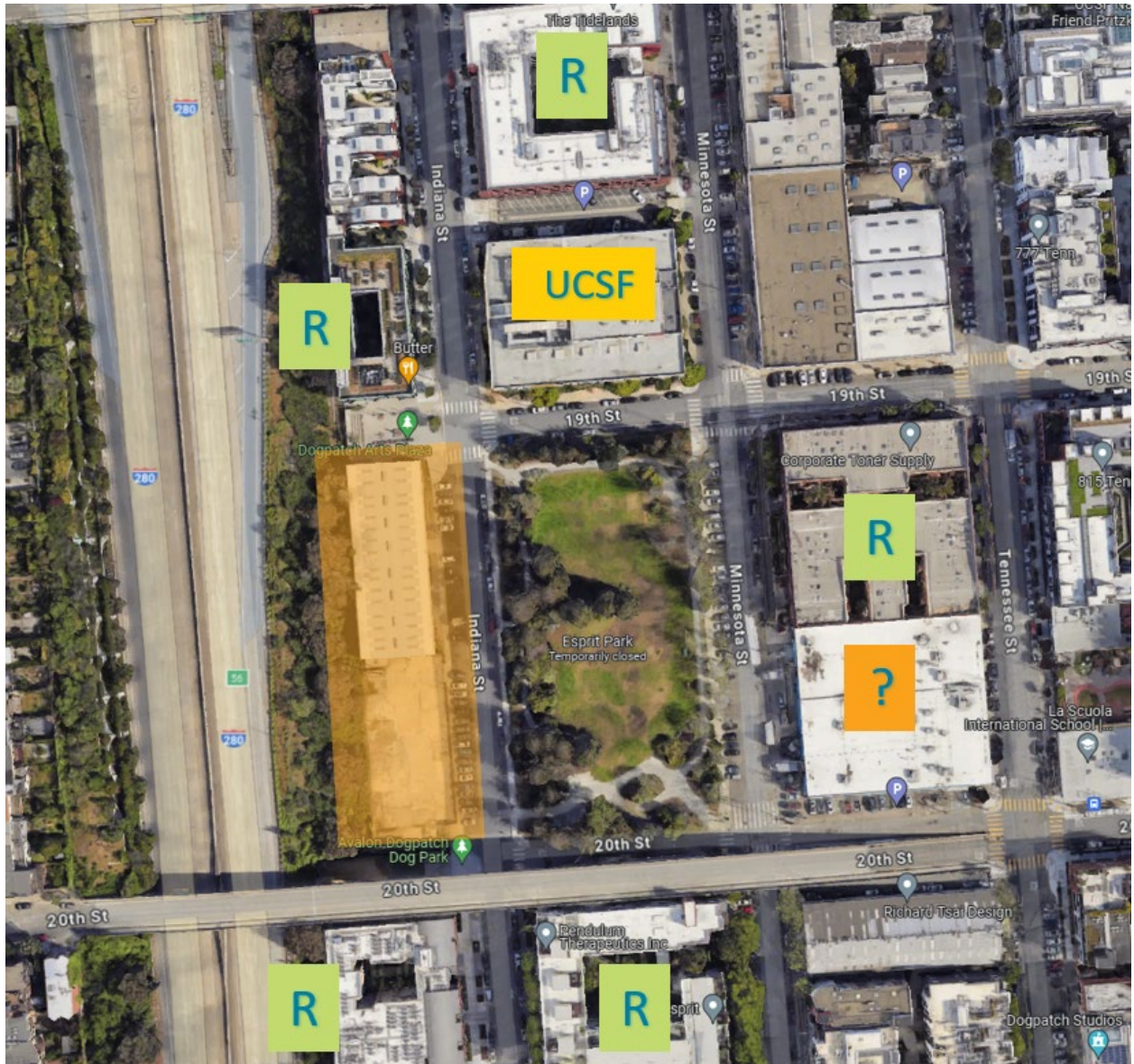
Full map available at https://sfplanning.org/sites/default/files/resources/2019-02/zoning_use_districts.pdf, last accessed September 19, 2024.

700 Indiana is highlighted in red at Block 4062.

EXHIBIT I

Use Map

(See attached)



Map of surrounding uses.

R = Mixed-use residential.

UCSF = UCSF Police building.

? = Currently unused.

700 Indiana highlighted in orange.

BRIEF SUBMITTED BY THE DETERMINATION HOLDER

REUBEN, JUNIUS & ROSE, LLP

John Kevlin
jkevin@reubenlaw.com

October 24, 2024

Delivered Via Messenger and E-Mail

President Jose Lopez
San Francisco Board of Appeals
49 South Van Ness, Suite 1475 (14th Floor)
San Francisco, CA 94103

**Re: Project Sponsor Brief in Opposition to Appeal No. 24-040
700 Indiana Street - Large Project Authorization
BOA Hearing Date: October 30, 2024
Our File No.: 7139.04**

Dear President Lopez and Board Members:

Our office represents MBC Biolabs, the sponsor (“**Sponsor**”) of a project to construct a new Non-Life Science laboratory at 700 Indiana Street in San Francisco’s Dogpatch/Potrero Hill Neighborhood (the “**Project**”).

We submit this brief in opposition to the Dogpatch Neighborhood Association and Potrero Boosters Neighborhood Association (“**Appellants**”) appeal of the Planning Commission’s June 13, 2024, unanimous approval of a Large Project Authorization (“**LPA**”) for the Project.

The Board should uphold the LPA because it appropriately authorizes the development of *Non-Life Science Laboratory* that will be compatible with the scale and character of development in the surrounding neighborhood and UMU zoning district. The LPA is supported by clear findings and conditions of approval confirming that the Project will not include a Life Science use, as defined by the Planning Code and binding interpretations of the Zoning Administrator.

A. PROJECT DESCRIPTION

The Project will construct a 70,650 gross square foot Non-Life Science Laboratory building, ranging in height from two- to three stories and up to 48 feet. It will contain a range of start-up Laboratory uses, which are principally permitted in the UMU zoning district.

MBC BioLabs was founded in San Francisco 11 years ago and offers flexible and affordable laboratory space for startups. Since then, they have successfully cut the cost to start such companies by 95%, making lab space accessible to any entrepreneur and allowing them to turn their ideas and dreams into a company.

In addition to flexible and cost-effective lab space, MBC provides comprehensive operational support and access to millions of dollars' worth of state-of-the-art equipment and instrumentation. They also provide an invaluable network of strategic partners and a dynamic, vibrant community of peers tackling some of the world's biggest challenges. To date, MBC has helped launch over 300 companies and currently supports 130 startups. MBC's companies have conducted over 150 clinical trials on new therapeutics and developed over 70 new medical devices, providing patients with potentially lifesaving treatments and improving their quality of life.

Innovations being developed by MBC's resident startups include: the first potentially disease-modifying treatment for Parkinson's disease; a curative therapy for a fatal pediatric genetic disorder with no other treatment options; the first preventative therapy for allergic diseases and asthma in infants; a novel therapeutic to prevent skin aging; a vaccine for cows to reduce methane emissions and help address climate change; a new, non-toxic hair dye; a technology for delivering therapeutics to the brain via a nasal spray; and a universal treatment for any solid tumor cancer.

Many of MBC's entrepreneurs and scientists reside in San Francisco. They value being able to work close to where they live: walking or biking to work, enjoying the local green spaces, supporting local businesses, and being an integral part of the community.

B. LPA STANDARD OF REVIEW

Pursuant to Planning Code Section 329(f)(5), on an appeal of an LPA, the Board of Appeals considers two issues: (1) if the Planning Commission incorrectly interpreted any provision of the Planning Code; or (2) if the Planning Commission abused its discretion in unanimously approving the project. An abuse of discretion occurs when the decision is not supported by findings, if findings are not supported by evidence in the record, or if they are without reasonable or rational basis as a matter of law.¹

C. THE PLANNING COMMISSION DID NOT INCORRECTLY INTERPRET THE CODE OR ABUSE ITS DISCRETION IN APPROVING THE LARGE PROJECT AUTHORIZATION.

On June 13, 2024, following a public hearing, the Planning Commission approved the Project's LPA by a unanimous vote in Motion No. 21576. At this hearing the Commission was presented with clear information in the written record and staff commentary supporting its decision to approve the Project's as a Non-Life Science Laboratory use. Appellants' claims to the contrary disregard the established definition of Life Science Laboratory use under the Planning Code, including the Zoning Administrator's binding interpretation, and unreasonably conflate MBC Biolabs ownership of the Project with the on-site laboratory operations.

¹ *San Franciscans Upholding the Downtown Plan v. City and County of San Francisco* (2002) 102 Cal. App.4th 656, 673-74.

1. LPA Approves a Building and Use, Not a Tenant

While MBC Biolabs is the project sponsor of the Laboratory project, the LPA doesn't approve its operation of the building. The LPA approves the construction of a new non-life-science laboratory building. No one argues that non-life-science laboratory use is principally permitted in the UMU zoning district, and the future building must be operated consistent with the non-life-science laboratory use definition, whether that be MBC Biolabs or another operator.

To this point, the Planning Commission imposed a condition of approval on the LPA requiring that the "future occupant must comply with the definition of laboratory as currently defined through the Zoning Administrator's Letter of Determination dated November 6, 2020." As noted by Director of Current Planning Elizabeth Watty at the Planning Commission hearing, the Project's LPA approves Non-Life Science Laboratory use. If the site is ever operated in a way that would violate that use definition (i.e. by including a Laboratory use that entails on-site production of commercial goods or services) that would be considered a violation of the Planning Code and subject to Department enforcement.

2. Definition of Life Science Laboratory Use

Despite the LPA's approval of a building and use, and not a tenant, MBC Biolab's use has been properly classified as a non-life-science laboratory. Under the property's UMU zoning, Laboratory uses are principally permitted while Life Science Laboratory is not permitted.

The San Francisco Planning Code Section 102 contains specific definitions of land use categories. Life Science use is defined as follows:

"A Non-Retail Sales and Service Use that involves the integration of natural and engineering sciences and advanced biological techniques using organisms, cells, and parts thereof **for products and services**. This includes the creation of products and services used to analyze and detect various illnesses, the design of products that cure illnesses, and/or the provision of capital goods and services, machinery, instruments, software, and reagents related to research and production.

Life Science uses may utilize office, laboratory, light manufacturing, or other types of space. As a subset of Life Science uses, Life Science laboratories typically include biological laboratories and animal facilities or vivaria, as described in the Laboratory definition Subsections (d) and (e).”

The first sentence of the definition clearly requires (1) “integration of natural and engineering sciences and advanced biological techniques” to create (2) “products and services.”

On November 6, 2020, the San Francisco Zoning Administrator issued a Letter of Determination (“Life Science Laboratory LOD,” **Exhibit A**) which further clarified and confirmed the definition, finding:

“. . . [A]n operator must involve **the production of final commercial products or the provision of commercial services on-site** to be classified as a Life Science use. However, the Planning Code does not specify to what extent the production of products or provision of services must occur on site. . . it has generally been interpreted that such on-site activities are integral to the definition of Life Science. In the case where laboratory use involves ‘the integration of natural and engineering sciences and advanced biological techniques using organisms, cells, and parts thereof’ but does not include such on-site activities, it would be classified as Laboratory, not a Life Science use. . . .”

Under this interpretation, *the fundamental distinction between Life Science and Non-Life Science Laboratory uses is whether an operation involves the production of final commercial products or the provision of commercial services on-site.*

Planning Code Section 307, which vests the Zoning Administrator with power to “[I]ssue and adopt such rules, regulations and interpretations as are in the Zoning Administrator's opinion necessary to administer and enforce the provisions of this Code. . . .” and provides that “Such rules and regulations, and any such interpretations that *will be of general application in future cases*, shall be made a part of the permanent public records of the Planning Department.”

Accordingly, the 2020 Life Science Laboratory LOD modifies the Planning Code definition of Life Science use and is applicable to all subsequent land use applications including

the Project. The Life Science Laboratory LOD was issued in November 2020 and is a final and binding interpretation, with the same force of law as the Planning Code.

3. The Planning Department Correctly Determined that the Project is a Non-Life Science Laboratory Use.

There is ample evidence in the public record to support the Planning Department's accurate interpretation that the use of the building will be limited to research and development, and no "production of final commercial products or provision of commercial services on-site" will occur.

MBC Biolabs owns and operates facilities that host companies working on the early stages of research and development in the fields of therapeutics, medical devices, and diagnostics. Its laboratory spaces are optimally designed for research involving advanced biological processes, including work with tissues, cells, proteins and nucleic acids. However, MBC Biolabs facilities are neither intended for nor designed to accommodate on-site commercial production of goods or services. The Food and Drug Administration tightly regulates manufacturing standards, and MBC Biolabs facilities are not compliant with these manufacturing standards. More specifically, MBC Biolabs facilities are not equipped with cleanrooms, appropriate air purity controls, or manufacturing equipment that would be necessary to support on-site commercial production activities. The same limitations also apply to medical device and diagnostic companies.

While individual Laboratory operators may research and design initial prototypes within MBC Biolabs facilities, the on-site operations are purely research-driven. Companies would need to subsequently collaborate with off-site contract manufacturing organizations for commercial production. Such external organizations must meet all relevant Good Manufacturing Practices (GMP) standards and have the equipment and infrastructure necessary to support production of final commercial products.

Laboratory uses in the Project will not engage in on-site production of commercial goods or services. As such, the Planning Commission properly interpreted the Project to contain Non-Life Science Laboratory Use.

4. MBC Biolabs Commercial Provision of Goods or Services to On-Site Laboratory Tenants Does Not Constitute Life Science Laboratory Use.

Appellants incorrectly allege that MBC Biolabs is a Life Science Laboratory use because it will provide capital goods and services to its on-site laboratory start-up tenants. MBC Biolabs' role as landlord to startup companies does not characterize the use of the site – what those tenants do on the site does. The facilities are not designed to manufacture final, commercial products, nor are tenants able to provide commercial services on-site. Whether a company doing biotech research and development owns and operates or leases and operates at a site makes no difference to its Planning Code use classification.

Appellants claim that because 2012 Letter of Determination found that a similar MBC Biolabs project at 953 Indiana was a Life Science laboratory under the Planning Code definitions in place at that time, the same determination must apply to the current Project. However, that interpretation was related to an entirely different definitional scheme than the current Planning Code. The then-applicable Life Science and Medical Special Use District (“SUD”) included specific definitions that only applied within the SUD, including a definition of Life Science Laboratory that expressly included “[laboratories] that are engaged in Life Science research and development.” The SUD was repealed by legislation in 2021 and is no longer in effect. Such letter has no bearing on the use classification at the Property today.

In unanimously approving the LPA, the Planning Commission appropriately interpreted the Project to contain Non-Life Science Laboratory Use based on the existing Planning Code Definition for such use, as Modified by the 2020 LOD.

D. CONCLUSION

The Planning Commission did not err or abuse its discretion in approving the Project's LPA. The Planning Commission unanimously approved a non-life-science building, not MBC Biolabs' use. Regardless, MBC Biolabs' operation falls squarely within the definition of non-life science laboratory use as defined by the Planning Code and modified through a binding Zoning Administrator determination. We urge you to confirm the Planning Commission's determination, which was based on substantial evidence in the record, and deny this appeal.

Very truly yours,

REUBEN, JUNIUS & ROSE, LLP



John Kevlin

cc: John Trasnvina, Vice President
Rick Swig, Commissioner
J.R. Eppler, Commissioner
Julie Rosenberg, Executive Director



REISSUED LETTER OF DETERMINATION

November 6, 2020

John Kevlin
Reuben, Junius & Rose, LLP
One Bush Street, Suite 600
San Francisco, CA 94104

Record No.: **2020-006020ZAD**
Site Address: **None**
Subject: **Life Science Use**
Staff Contact: **Scott F. Sanchez, (415) 558-6326 or scott.sanchez@sfgov.org**

Dear John Kevlin:

This letter replaces the response letter issued to you on October 9, 2020. The substance of the determination was not changed. However, the final determination language was slightly revised to correct errant grammar and to provide additional clarification.

This letter is in response to your request for a Letter of Determination seeking a clarification of the characteristics of, and distinctions between, Life Science and Laboratory uses as defined in Planning Code Section 102. The request expressly does not seek a determination about a specific use (or user) or whether the use would be allowed at a specific property or in a specific zoning district.

Background

As described in your request, you seek a written determination that “(1) to qualify as a Life Science use, an operator must involve the manufacture of products or the provision of services on-site for commercial use, and (2) that exclusive research and development operations are classified as laboratory use.”

Planning Code Section 102 defines “Life Science” as follows:

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light manufacturing, or other types of space. As a subset of Life Science uses, Life Science laboratories typically include biological laboratories and animal facilities or vivaria, as described in the Laboratory definition Subsections (d) and (e).

As noted in your request, in order for a use to meet the definition of Life Science, it must use “the integration of natural and engineering sciences and advanced biological techniques using organisms, cells, and parts thereof for products and services” (emphasis added). While the definition doesn’t specify to what extent the creation of products or provision of services must occur on site, it has generally been interpreted that such activities are integral to the definition of Life Science.

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A key component of Laboratory use is that it is “intended or primarily suitable for scientific research” (emphasis added). Please note that the Planning Code does not contain a definition for “research and development” uses and that no such use category exists under the Planning Code. A previous Zoning Bulletin from April 26, 1988 provides a list of “research and development facilities permitted in C-3, C-M, M-1 and M-2 Zoning Districts.” While the bulletin used Planning Code references and controls that are no longer in effect, it did note that the primary purpose of research and development is scientific or technical research and development activities. Many of the examples cited in the bulletin are now contained in the definition of Laboratory. Given that this bulletin contains outdated information and inoperative provisions, it is no longer effective and will be removed from the interpretations as part of a future update process.

Determination

In response to your request regarding Life Science use, an operator must involve the production of final, commercial products or the provision of commercial services on-site to be classified as a Life Science use. However, the Planning Code does not specify to what extent the production of products or provision of services must occur on site. As noted above, it has generally been interpreted that such on-site activities are integral to the definition of Life Science. In the case where a laboratory use involves “the integration of natural and engineering


sciences and advanced biological techniques using organisms, cells, and parts thereof” but does not include such on-site activities, it would be classified as a Laboratory, not a Life Science use. Given the nuanced nature of the definition, such review has typically occurred on a case-by-case basis as the Planning Department reviews specific proposals for compliance with the Planning Code. This case-by-case review will continue going forward.

In response to your request for confirmation that exclusive research and development operations are classified as Laboratory use, the Planning Code does not contain a definition of “research and development operations.” As noted above, the definition of Laboratory captures uses that are intended or primarily suitable for scientific research. It also specifies types of laboratories that may be associated with the development of products, such as Development Laboratory and Quality Assurance/Quality Control Laboratory. However, while the Laboratory may be synonymous with common perceptions of “research and development,” it may not capture the full universe of uses or activities one may consider to be “research and development.” Therefore, while a Laboratory use includes many forms of what is commonly considered to be “research and development,” such review will occur on a case-by-case basis as the Planning Department reviews specific proposals for compliance with the Planning Code.

Please note that a Letter of Determination is a determination regarding the classification of uses and interpretation and applicability of the provisions of the Planning Code. This Letter of Determination is not a permit to commence any work or change occupancy. Permits from appropriate Departments must be secured before work is started or occupancy is changed.

APPEAL: An appeal may be filed with the Board of Appeals within 15 days of the date of this letter if you believe this determination represents an error in interpretation of the Planning Code or abuse in discretion by the Zoning Administrator. Please contact the Board of Appeals in person at 49 South Van Ness Ave, Suite 1475, call (628) 652-1150, or visit www.sfgov.org/bdappeal.

Sincerely,



Corey A. Teague, AICP
Zoning Administrator

cc: Citywide Neighborhood Groups
Scott Sanchez, Deputy Zoning Administrator

BRIEF(S) SUBMITTED BY RESPONDENT DEPARTMENT(S)



BOARD OF APPEALS BRIEF

HEARING DATE: October 30, 2024

October 24, 2024

Appeal Nos.: 24-040
Project Address: 700 Indiana Street
Case No.: Large Project Authorization Case No. 2023-001074ENX
Block/Lot: 4062/007
Zoning District: UMU (Urban Mixed Use)
Height District: 58-X
Staff Contact: Corey A. Teague, Zoning Administrator – (628) 652-7328
corey.teague@sfgov.org

The approval before the Board in this case is a Large Project Approval (LPA) pursuant to Planning Code Section 329. Planning Commission approval Motion No. 21576 and project plans are provided as Exhibit B of the Appellant’s brief. While this approval was required due only because of the project’s physical size, the Appellant’s issues are instead related to the proposed land use within the project. More specifically, the project is intended to be occupied by Laboratory uses, whereas the Appellants feel the proposed use is a Life Science use.

More specifically, the Appellant’s claim that the Planning Commission erred in their interpretation and application of the Planning Code. However, that claim is misguided because the Planning Commission did not actually interpret the Planning Code in their LPA approval. Instead, the project sponsor, Planning Department staff, and Planning Commission all relied on an issued interpretation by the Zoning Administrator from November 6, 2020 (Exhibit G of the Appellant’s Brief). While the Appellants have the right to disagree with that 4-

year-old interpretation, it would be unfair for the Board to determine that the Planning Commission acted inappropriately when it relied on such an interpretation.

The Appellant's concerns are very specifically related to the project sponsor, MBC BioLabs (MBC). However, it's important to note that the Planning Commission's LPA approval is not specific to MBC. The Planning Commission approval does not, and could not, require that MBC be the owner, operator, or tenant of the project. Once a land use is established, such as Laboratory in this case, any tenant/business may occupy such space over time as long as they are operating in a manner consistent with the authorized use.

Because it is the Department's position that the details and nuance of the 2020 interpretation of Life Science is not relevant to whether or not the LPA was appropriately approved by the Planning Commission, and that the Commission reasonably relied on such interpretation in good faith, there is hesitation to specifically address the interpretation itself. However, there are a few points that should be addressed.

First, there is no question that the various terms and definitions created around Life Science during the Eastern Neighborhoods rezoning process were confusing. The definition of Life Science was confusing and difficult to distinguish from Laboratory. It also didn't help that those terms were often used interchangeably within the business and real estate communities, which added further confusion. Additionally, the Life Science and Medical Use Special Use District was created in the Dogpatch neighborhood, and it included entirely separate definitions for Life Science Office use and Life Science Laboratory use, which were distinct and separate from the standard Life Science use. This added additional confusion around the various Life Science definitions, although that SUD and associated definitions were rescinded in 2021.

Because of the confusion around these definitions, numerous Zoning Administrator determinations were issued for various individual businesses over the years. Notably, due to the nuances of the Life Science definition, that vast majority of these determinations found the businesses to not be a Life Science use, and instead a Laboratory or some other use. After years of such determinations, a request was made in 2020 for the

Zoning Administrator to issue a more comprehensive interpretation to better distinguish Life Science and Laboratory uses. As noted, that determination was issued in late 2020 and has been used for that purpose since that time.

The Appellant's claim that the Zoning Administrator issued a determination in 2012 for 953 Indiana Street that found the same type of activities proposed by MBC to be a Life Science use (Exhibit E of Appellant's Brief). However, that is not entirely accurate. Instead, that determination stated that the property was within the Life Science and Medical Use SUD and the proposed use was consistent with the definition of Laboratory (per Section 890.52), Life Science Office (per the SUD definition), and Life Science Laboratory (per the SUD definition). This determination made no reference to the standard Life Science definition found in Section 890.53. As such, the Appellant's claim that the 2020 Zoning Administrator determination was inconsistent with the 2012 determination is incorrect. While the scenarios are not quite apples to oranges, they are at least apples to pears.

Finally, it is also important to note that the Board of Supervisors has the ability and authority to amend the Planning Code to revise and clarify the definitions for Laboratory and Life Science uses, as well as where and how such uses are permitted, if they determine the existing interpretations to be inaccurate or undesirable.

Conclusion

To conclude, the Planning Commission approved an LPA for a project that is completely Code-complying and proposes to include a Laboratory use that is consistent with the interpretations issued by the Zoning Administrator in their 2020 determination. That determination was purposefully issued to provide more clarity regarding the distinction between Laboratory and Life Science uses, it was consistent with how the uses had been interpreted up to that point, it was not appealed, and it has been relied upon by the Department, project sponsors, and the Planning Commission in good faith. As such, the Department respectfully requests that the Board deny the appeal and uphold the Planning Commission's approval of this project.

700 Indiana Street - Board of Appeals Brief
Appeal No. 24-040
Hearing Date: October 30, 2024

cc: Donovan Lacy, President, Dogpatch Neighborhood Association (Appellant)
John Kevlin (Applicant)