



# SAN FRANCISCO PLANNING DEPARTMENT

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*Subject to: (Select only if applicable)*

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|--|--|
| <input type="checkbox"/> Affordable Housing (Sec. 415)           | <input type="checkbox"/> First Source Hiring (Admin. Code) |
| <input type="checkbox"/> Jobs Housing Linkage Program (Sec. 413) | <input type="checkbox"/> Child Care Requirement (Sec. 414) |
| <input type="checkbox"/> Downtown Park Fee (Sec. 412)            | <input type="checkbox"/> Other                             |

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## Planning Commission Motion No. 18796

HEARING DATE: FEBRUARY 7, 2013

*Date:* January 31, 2013  
*Case No.:* **2012.0255C**  
*Project Address:* **2222 MARKET STREET**  
*Zoning:* Upper Market Street Neighborhood Commercial Transit District  
40-50-X Height and Bulk District  
*Block/Lot:* 3560/031  
*Project Sponsor:* Brittney Beck  
527 Eureka Street  
San Francisco, CA 94114  
*Staff Contact:* Doug Vu – (415) 575-9120  
[Doug.Vu@sfgov.org](mailto:Doug.Vu@sfgov.org)

**ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 303 AND 733.56 OF THE PLANNING CODE, TO ALLOW TEMPORARY AUTOMOBILE PARKING ON A PORTION OF THE ACCESSORY PARKING FOR A MOTEL (D.B.A. BECK'S MOTOR LODGE), LOCATED WITHIN THE UPPER MARKET STREET NEIGHBORHOOD COMMERCIAL TRANSIT (NCT) DISTRICT AND 40-50-X HEIGHT AND BULK DISTRICT.**

### **PREAMBLE**

On March 8, 2012, Brittney Beck (hereinafter "Project Sponsor") filed an application (hereinafter "Application") with the Planning Department (hereinafter "Department") for Conditional Use authorization pursuant to Planning Code Sections 303 and 733.56, on the property located at 2222 Market Street, Assessor's Lot 031 in Block 3560 (hereinafter "Property"), to allow temporary automobile parking on a portion of the accessory parking for a motel (d.b.a. Beck's Motor Lodge), per the application dated February 22, 2012 and labeled "EXHIBIT B" (hereinafter "Project"), within the Upper Market Street Neighborhood Commercial Transit District (hereinafter "Upper Market Street NCT") and 40-50-X Height and Bulk District.

On February 7, 2013, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Case No. 2012.0255C.

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

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 Sponsor, Department staff, and other interested parties.

**MOVED**, that the Commission hereby authorizes the Conditional Use requested in Application No. 2012.0255C, 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. **Site Description and Present Use.** The Subject Property is located on the north side of Market Street between Noe and Sanchez Streets within the Upper Market Street Neighborhood Commercial Transit District and 40-50-X Height and Bulk District. The 18,457 sq. ft. polygonal lot measures approximately 125' x 115' x 81' x 95' x 115' and is developed with a 20,456 sq. ft., three-story motel. The Property has 125 feet of primary frontage along Market Street and 95 feet of secondary frontage along 15<sup>th</sup> Street, with two driveways on each frontage. The Subject Property is located.

Beck's Motor Lodge was originally constructed in 1958 with a central courtyard that was paved to provide 38 accessory parking spaces. A rear addition to the courtyard motel was constructed in 1972 that also provided an additional 19 parking spaces, 10 at the lower level and nine at the upper level, for a current total of 57 spaces. The nine spaces at the upper level are accessed solely off 15<sup>th</sup> Street.

Beck's Motor Lodge was one of several automobile-oriented businesses constructed on Upper Market Street in the 1950s, including the former Burke's Drive-In at 2100 Market Street (ca. 1955), and the former Arnest's Drive-In at 2200 Market Street (ca. 1950). It is eligible for listing on the California Register as a well-preserved example of a Googie-style courtyard motel and displays many of the defining characteristics of a courtyard motel, including a U-shaped plan with a central courtyard area for parking, rooms arranged along exterior circulation paths, and a prominent office near the roadway with a large porte-cochere. The property is also associated with the historic commercial development along Upper Market Street and has been identified as a contributing property to the potential Upper Market Street Commercial Historic District

3. **Surrounding Properties and Neighborhood.** Land uses located within the subject block of Market Street include predominantly two- and three-story buildings that contain multi-purpose

commercial uses on the ground and upper floors, which provide limited convenience goods to adjacent neighborhoods but also serves as a shopping street for a broader trade area. In addition, several buildings within the block contain multi-family dwelling units above the ground floor. The Subject Property is a through lot that also has frontage along 15<sup>th</sup> Street that predominantly contains single- and multi-family dwellings, along with a lot located at the corner of 15<sup>th</sup> and Sanchez Streets that is also within the Upper Market Street NCT. This area of the Upper Market Street NCT bounds the Upper Market Street Neighborhood Commercial District (NCD) to the southwest, and the width of Market Street and its use as a major arterial diminishes the perception of this Transit District as a single commercial district. This Upper Market Street corridor is surrounded throughout by residential neighborhoods consisting of multi-family homes and apartment buildings.

This district is well served by transit and is anchored by the Market Street subway (with stations Church Street and Castro Street) and the F-Market historic streetcar line. All light-rail lines in the City traverse the district, including the F, J, K, L, M, N and T, and additional key cross-town transit service crosses Market Street at Fillmore and Castro Streets. Additionally, Market Street is a primary bicycle corridor. Housing density is limited not by lot area, but by the regulations on the built envelope of buildings, including height, bulk, setbacks, and lot coverage, and standards for residential uses, including open space and exposure, and urban design guidelines. Residential parking is not required and generally limited. Commercial establishments are discouraged or prohibited from building accessory off-street parking in order to preserve the pedestrian-oriented character of the district and prevent attracting auto traffic. There are prohibitions on access (i.e. driveways, garage entries) to off-street parking and loading on Market and Church Streets to preserve and enhance the pedestrian-oriented character and transit function.

The Upper Market Street NCT controls are designed to promote moderate-scale development which contributes to the definition of Market Street's design and character. They are also intended to preserve the existing mix of commercial uses and maintain the livability of the district and its surrounding residential areas. Large-lot and use development is reviewed for consistency with existing development patterns. To promote mixed-use buildings, most commercial uses are permitted with some limitations above the second story. In order to maintain continuous retail frontage and preserve a balanced mix of commercial uses, ground-story neighborhood-serving uses are encouraged, and eating and drinking, entertainment, and financial service uses are limited. Ground floor-commercial space is required along Market and Church Streets, and most automobile and drive-up uses are prohibited or conditional.

4. **Project Description.** The Project necessitates a Conditional Use Authorization, pursuant to Planning Code Sections 303 and 733.56, to allow temporary automobile parking on a portion of the accessory parking for a motel (d.b.a. Beck's Motor Lodge). The granting of this Conditional Use Authorization will allow Beck's Motor Lodge to rent nine off-street parking spaces on a monthly basis for up to two years. The parking spaces are located at the rear of the motel that are accessed solely off 15<sup>th</sup> Street, and will be used by car share programs and nearby residents that lack off-street parking.

5. **Public Comment.** The Department has not received any opposition to this Project.
6. **Planning Code Compliance:** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:

- A. **Screening of Parking.** Planning Code Section 156(d) requires any parking lot for two or more automobiles which adjoins a lot in any other Residential (R) District, or which faces a lot in any R District across a street or alley, to be screened from view except at driveways necessary for ingress and egress, by solid fence, a solid wall, or a compact evergreen hedge not less than four feet in height.

*The frontage on 15<sup>th</sup> Street is adjacent to, and faces an R District. The existing parking lot already meets this requirement as five of the nine parking spaces are located within the soft story of the building above which minimizes their view, and the remaining four spaces are screened from view by two planter beds that contain evergreen plants.*

- B. **Lighting.** Planning Code Section 156(f) requires that all lighting used to illuminate a parking lot for any number of automobiles shall be so arranged that all direct rays from such lighting fall entirely within the parking lot.

*The subject parking lot is not illuminated, and the Project Sponsor does not intend to install any lighting system.*

- C. **Permanent Parking Lots.** Planning Code Section 156(h) prohibits permanent parking lots in NCT Districts, and stipulates that temporary parking lots may be approved as conditional uses, pursuant to the provisions of Section 303 for a period not to exceed two years from the date of approval.

*This requirement is met because the Project Sponsor has acknowledged, and will be required to apply for, and receive Conditional Use Authorization two years from the date of this approval to continue the use of the nine spaces as a temporary parking lot.*

- D. **Automobile Parking.** Planning Code Section 733.56 states that a Conditional Use authorization is required for automobile parking in the Upper Market Street Neighborhood Commercial Transit (NCT) District, as defined by Planning Code Section 790.8.

*The Project Sponsor proposes to provide parking for car share programs and nearby residents on a monthly basis. This Conditional Use authorization will allow the Sponsor to rent the nine spaces at the Site on a monthly basis for up to two years.*

7. **Planning Code Section 303** establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use approval. On balance, the project does comply with said criteria in that:

- A. The proposed new uses and building, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable, and compatible with, the neighborhood or the community.

*The Subject Property contains a motel that has 56 guest rooms and 57 accessory parking spaces. Since not all of the motel's patrons require parking, the Project Sponsor proposes to utilize nine spaces that are located at the rear of the motel and accessed solely off 15<sup>th</sup> Street as parking for car share programs and nearby residents on a monthly basis. This additional off-street parking will provide needed parking for popular car share programs and nearby residents that lack sufficient off-street parking. The under-utilized spaces will provide a temporary use that is necessary and desirable for the neighborhood. The existing parking lot will not be enlarged or altered in to accommodate this temporary use.*

- B. The proposed project will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity. There are no features of the project that could be detrimental to the health, safety or convenience of those residing or working the area, in that:

- i. Nature of proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;

*The Project does not include any physical improvements to the Site since the proposed use is an existing surface parking lot. The Project will not add any new curb cuts that would interfere with pedestrian, vehicular or MUNI traffic. The Project will benefit the surrounding neighborhood by providing needed parking for car share programs and off-street parking for neighboring residents.*

- ii. The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed off-street parking and loading;

*Traffic conditions will remain substantially unaltered by this Project because the proposed use provides nine parking spaces for car share programs and neighboring residents. The Project may even alleviate traffic since car share programs reduce the need for parking and the existing on-street demand for parking will be reduced by providing unused spaces for residents to park their cars.*

- iii. The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor;

*The Project includes the utilization of parking spaces that have existed for over 40 years, and will therefore not create any additional noxious or offensive emissions such as glare, dust or odors.*

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

*The existing parking lot complies with the landscaping, screening and lighting requirements of the Planning Code, and the Project does not propose any additional improvements.*

- C. That the use as proposed will comply with the applicable provisions of the Planning Code and will not adversely affect the General Plan.

*The Project complies with all relevant requirements and standards of the Planning Code and is consistent with objectives and policies of the General Plan as detailed below.*

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

*The Project is consistent with the stated purposes of the Upper Market Street NCT because it utilizes existing facilities and does not propose any new driveways or access points along Market Street that will adversely impact the District's pedestrian-oriented character or transit function, and attract additional auto traffic. Furthermore, the livability of the District and its surrounding residential areas will be maintained by providing the convenience associated with car share programs and off-street parking for neighboring residents.*

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

## **COMMERCE AND INDUSTRY ELEMENT**

### **Objectives and Policies**

#### **OBJECTIVE 2:**

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

#### **Policy 2.1:**

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

*The availability of existing unused parking at the Site for use as a temporary parking lot for car share programs and neighboring residents offers relief in parking demand, thereby contributing to the economic vitality of the area.*

#### **OBJECTIVE 6:**

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

#### **Policy 6.1:**

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

*Allowing the Project Sponsor to utilize the existing unused parking spaces as a temporary parking lot will allow for a more equitable business, thereby ensuring the retention of this integral neighborhood-serving business that has operated since 1958. Furthermore, the use of a small amount of the existing accessory off-street parking as a temporary parking lot will not prevent the Upper Market Street NCT from achieving optimal diversity in the types of goods and services available throughout the neighborhood.*

**Policy 6.2:**

Promote economically vital neighborhood commercial districts which foster small business enterprises and entrepreneurship and which are responsive to the economic and technological innovation in the marketplace and society.

*The Project Sponsor is an independent San Francisco entrepreneur and has responded to the demand for additional off-street parking by car share programs and neighboring residents.*

**TRANSPORATION ELEMENT**

**General**

**Objectives and Policies**

**OBJECTIVE 1:**

MEET THE NEEDS OF ALL RESIDENTS AND VISITORS FOR SAFE, CONVENIENT AND INEXPENSIVE TRAVEL WITHIN SAN FRANCISCO AND BETWEEN THE CITY AND OTHER PARTS OF THE REGION WHILE MAINTAINING THE HIGH QUALITY LIVING ENVIRONMENT OF THE BAY AREA.

**Policy 1.2:**

Ensure the safety and comfort of pedestrians throughout the City.

**Citywide Parking**

**Objectives and Policies**

**OBJECTIVE 30:**

ENSURE THAT THE PROVISION OF NEW OR ENLARGED PARKING FACILITIES DOES NOT ADVERSELY AFFECT THE LIVABILITY AND DESIRABILITY OF THE CITY AND ITS VARIOUS NEIGHBORHOODS

**Policy 30.6:**

Make existing and new accessory parking available to nearby residents and the general public for use as short-term or evening parking when not being utilized by the business or institution to which it is accessory.

*The Project will utilize existing unused parking spaces to provide convenient and cost-effective parking for car share programs and nearby residents, in addition to alleviating parking demand in order to maintain the high quality living environment of the Castro/Upper Market Street Neighborhood.*

9. **Planning Code Section 101.1(b)** establishes eight priority-planning policies and requires review of permits for consistency with said policies. On balance, the project does comply 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 granting of this Conditional Use Authorization will alleviate on-street parking demand and therefore support the neighborhood-serving retail uses along Market Street and nearby secondary streets including Noe, Sanchez and Church Streets.*

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

*The immediate vicinity is characterized by commercial and mixed-use buildings along Market Street, and the surrounding neighborhoods contain multi-family homes and apartment buildings. No changes are proposed to the existing parking lot and no existing housing will be removed. The Project will utilize an existing facility to alleviate parking demand, and will preserve and enhance the cultural and economic diversity of the neighborhood.*

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

*No housing will be removed for this Project.*

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

*The Project will not impede MUNI service or overburden streets or neighborhood parking. Rather, the Project will mitigate the neighborhood's parking scarcity by utilizing existing unused parking spaces.*

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

*The Project will not displace any industrial and service sector uses or related employment opportunities. Ownership of industrial or service sector businesses will not be affected by this Project.*

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

*The Project does not involve any physical or structural improvements to the Site.*

- G. That landmarks and historic buildings be preserved.

*The Project does not propose any alterations or improvements to this potentially historic building.*

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

*The Project does not include any alterations to the existing building and will have no negative impact on existing parks and open spaces.*

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

**DECISION**

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Application No. 2012.0255C** subject to the following conditions attached hereto as "EXHIBIT A" which is incorporated herein by reference as though fully set forth.

**APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion No. 18796. The effective date of this Motion shall be the date of this Motion if not appealed (After the 30-day period has expired) OR the date of the decision of the Board of Supervisors if appealed to the Board of Supervisors. For further information, please contact the Board of Supervisors at (415) 554-5184, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.**

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on February 7, 2013.

Jonas P. Ionin  
Acting Commission Secretary

AYES: Commissioners Hillis, Sugaya, Fong, Antonini, Borden, Moore, and Wu

NAYES: None

ABSENT: None

ADOPTED: February 7, 2013

## EXHIBIT A

### AUTHORIZATION

This authorization is for a Conditional Use, pursuant to Planning Code Sections 303 and 733.56, to allow temporary automobile parking on a portion of the accessory parking that consists of nine spaces located at the rear of the building on the upper level of a motel (d.b.a. Beck's Motor Lodge), for the use located at 2222 Market Street (Block 3560, Lot 031) within the Upper Market Street NCT and 40-50-X Height and Bulk District, subject to Conditions of Approval reviewed and approved by the Commission on February 7, 2013 under Motion No. 18796. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

### RECORDATION OF CONDITIONS OF APPROVAL

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the Conditions of Approval contained herein and reviewed and approved by the Planning Commission on February 7, 2013 under Motion No. 18796.

### SEVERABILITY

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

### CHANGES AND MODIFICATIONS

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

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

#### PERFORMANCE

1. **Validity and Expiration.** The authorization and right vested by virtue of this action is valid for three years from the effective date of the Motion. A building permit from the Department of Building Inspection to construct the project and/or commence the approved use must be issued as this Conditional Use authorization is only an approval of the proposed project and conveys no independent right to construct the project or to commence the approved use. The Planning Commission may, in a public hearing, consider the revocation of the approvals granted if a site or building permit has not been obtained within three (3) years of the date of the Motion approving the Project. 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. The Commission may also consider revoking the approvals if a permit for the Project has been issued but is allowed to expire and more than three (3) years have passed since the Motion was approved.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

2. **Extension.** This authorization may be extended at the discretion of the Zoning Administrator only where failure to issue a permit by the Department of Building Inspection to perform said tenant improvements is caused by a delay by a local, State or Federal agency or by any appeal of the issuance of such permit(s).

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

## DESIGN

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

## MONITORING

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

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

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

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

## OPERATION

6. **Temporary Parking Lot.** The authorization to operate this temporary automobile parking lot is valid for a period not to exceed two years from the date of approval of this Conditional Use, pursuant to Planning Code Section 156(h).
7. **Sidewalk Maintenance.** The Project Sponsor shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean and sanitary condition in compliance with the Department of Public Works Streets and Sidewalk Maintenance Standards.

*For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works, 415-695-2017, <http://sfdpw.org>*

8. **Community Liaison.** Prior to the implementation of 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 community liaison officer will be James Robinson, who can be contacted at (415) 350-1136, or via email at [james@vindebut.com](mailto:james@vindebut.com). Should the contact information change, the Zoning Administrator shall be made aware of such change. The community liaison shall report to the Zoning Administrator what issues, if any, are of concern to the community and what issues have not been resolved by the Project Sponsor.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*