



SAN FRANCISCO PLANNING DEPARTMENT

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 18948

HEARING DATE: AUGUST 15, 2013

Date: August 8, 2013
Case No.: **2013.0211C**
Project Address: **524 HOWARD STREET**
Zoning: C-3-0(SD) (Downtown Office, Special Development) District
Transbay C-3 Special Use District
Transit Center C-3-O(SD) Commercial Special Use District
450-S Height and Bulk District
Block/Lot: 3721/013
Project Sponsor: Brett Gladstone
Hanson Bridgett LLP
425 Market Street, 26th Floor
San Francisco, CA 94105
Staff Contact: Kevin Guy – (415) 558-6163
kevin.guy@sfgov.org

ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 156 AND 303 OF THE PLANNING CODE TO ALLOW THE CONTINUED OPERATION OF A TEMPORARY SURFACE PARKING LOT WITHIN THE C-3-O(SD) (DOWNTOWN OFFICE, SPECIAL DEVELOPMENT) DISTRICT, THE TRANSBAY C-3 SPECIAL USE DISTRICT, THE TRANSIT CENTER C-3-O(SD) COMMERCIAL SPECIAL USE DISTRICT, AND THE 450-S HEIGHT AND BULK DISTRICT.

PREAMBLE

On February 27, 2013, Brett Gladstone, acting on behalf of American West Parking Services, Inc. ("Project Sponsor") filed an application with the Planning Department ("Department") for Conditional Use Authorization under Planning Code Section ("Section") 156 and 303 to allow the continued operation of an existing temporary surface parking lot within the C-3-0(SD) (Downtown Office, Special Development) District, the Transbay C-3 Special Use District, the Transit Center C-3-O(SD) Commercial Special Use District, and the 450-S Height and Bulk District (collectively, "Project", Case Number 2013.0211C).

On August 15, 2013, the San Francisco Planning Commission ("Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on the Project.

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

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

MOVED, that the Commission hereby authorizes the Conditional Use requested in Application No. 2013.0211C, 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 Project Site is located on the north side of Howard Street, between First and Second Streets, Block 3721, Lot 013. The property is located within the C-3-0(SD) (Downtown Office, Special Development) District, the Transbay C-3 Special Use District, the Transit Center C-3-O(SD) Commercial Special Use District, and the 450-S Height and Bulk District. The property is developed with a surface parking lot which was originally approved in 2005. The Conditional Use authorization was last extended in 2011. The surface parking facility includes an attendant's shed, a payment kiosk, and ancillary landscaping.
3. **Surrounding Properties and Neighborhood.** The Project Site is located within the Downtown Core, and more specifically, within the Transit Center District Plan area. This area consists of a wide variety of office, retail, hotel, and residential uses. The Foundry Square project is located to the east of the property, and is comprised of three buildings at the intersection of Howard and First Streets that are ten stories in height, with the fourth and final building nearing completion. The Transit Center is under construction to the north of the project site, and the future Transbay Tower would be constructed beyond the Terminal further to the north. A number of bar, restaurant, and other entertainment uses are located on the subject block and in the vicinity. High density residential uses are located further to the south along First Street, within the Rincon Hill area.
4. **Project Description.** The Project Sponsor proposes to continue the operation of the existing surface parking lot for an additional two years, which is the maximum length of entitlement for a temporary surface parking lot within the C-3-O(SD) District, as regulated by Section 156(h). An attendant staffs the lot Monday through Friday from 7:00AM-6:00PM, and on Saturday from 7:00PM to 2:00AM. No attendant is present on Sunday. Customers who park outside of the attended hours utilize a payment kiosk on-site. The lot is presently striped to accommodate 33

vehicles in a non-tandem configuration, but can accommodate up to 60 vehicles in a valet or tandem parking configuration.

5. **Public Comment.** To date, the Department has received no correspondence from the public regarding the proposed project.
6. **Planning Code Compliance:** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:

- A. **Use.** Pursuant to Section 156(h), no new surface parking lots may be approved within the C-3-O(SD) District. However, existing temporary parking lots within the C-3-O(SD) District may be extended for a two-year term through Conditional Use Authorization.

The Project Sponsor is requesting Conditional Use Authorization to continue operation of the existing surface parking lot.

- B. **Screening.** Section 156(e) requires parking lots with parking for 10 or more automobiles to be screened in accordance with Section 142 ("Screening and Greening of Parking and Vehicle Use Areas").

The screening requirements of Section 142 are only triggered instances where an existing parking lot is resurfaced or increased in intensity. However, prior to the previous request for extension of the Conditional Use authorization, the Project Sponsor upgraded the landscaping at the site within islands along the Howard and Natoma Street frontages. Conditions of approval have been added that this landscaping shall be maintained, and replaced as necessary, to screen the parking lot from adjacent public rights-of-way.

- C. **Car Share Spaces.** Section 156(l)(A) requires that one parking space for car sharing vehicle be provided for every 20 spaces in a surface parking lot within the C-3-O(SD) District.

Conditions of approval have been added to require the continued provision of two parking spaces for car share vehicles, which currently exist on the lot.

- D. **Bicycle Parking.** Section 156(l)(A) requires that one Class 2 bicycle parking space be installed for every 50 linear feet of frontage of the parking lot, either adjacent to the public sidewalk, or within the public sidewalk upon approval by appropriate City agencies.

Conditions of approval have been added to require the continued provision of Class 2 bicycle parking spaces, which currently exist on the lot.

- E. **Interior Landscaping.** Section 156(l)(A) requires the planting of one tree for each five parking spaces within the interior of the parking lot, in order to provide canopy coverage of the hardscape in the lot.

Conditions of approval have been added to require the planting and ongoing maintenance of five trees within the interior landscape planters within the lot.

- F. **Rate Structure.** Section 155(g) requires that off-street parking spaces within C-3 Districts be priced in a manner that discourages long term commuter parking.

Rates for the parking lot are presently structured such that the rate for four hours of parking is no greater than four times the rate for the first hour, and the rate for eight or more hours of parking is no less than ten times the amount of the rate for the first hour. This pricing structure complies with Section 155(g), and the maintenance of this pricing structure has been added as a condition of approval.

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 use, 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 Project would allow the continued, temporary operation of a relatively small-scale surface parking lot, which will provide parking for the retail, office, and entertainment uses in the vicinity. The parking lot will serve as a suitable interim use, pending the future development of the property.

- 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 Site can be accessed by vehicles via an existing curb cut on Howard Street, with the existing curb cut on Natoma Street presently blocked by construction of the Transit Center. The lot is presently striped to accommodate 33 vehicles in a non-tandem configuration, but can accommodate up to 60 vehicles in a valet- or tandem parking configuration. However, the lot is not excessively sized in a manner that would draw substantial automobile traffic to the area or conflict with surrounding traffic movements.

- 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;

The Project Site is accessible from Howard Street, which is a one-way street. Therefore, the movement of vehicles to and from the lot should not cause substantial disruption of traffic flow.

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

There are no structures on the site that would cause excessive glare. The parking lot is paved, and therefore does not generate dust from vehicular movements. Some noise and odor may be generated by the operation of vehicles on the site, however, these impacts will be relatively minor given the small size and intensity of the lot.

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

The parking lot is currently landscaped with plantings in islands along both the Howard and Natoma Street frontages, and street trees in planters along the Howard Street frontage of the property. Conditions of approval have been added to also require the planting of five trees within these planters to provide canopy screening as the trees mature. The Conditions require that these plantings shall be maintained for the duration of this approval in a manner that is attractive and screens the parking from surrounding public rights-of-way. Lighting is provided from a total of four ornamental light standards within the planter islands.

- 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.

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

TRANSPORTATION

Objectives and Policies

OBJECTIVE 31:

ESTABLISH PARKING RATES AND OFF-STREET PARKING FARE STRUCTURES TO REFLECT THE FULL COSTS, MONETARY AND ENVIRONMENTAL, OF PARKING IN THE CITY.

Policy 31.1:

Set rates to encourage short-term over long term automobile parking.

While policies within the General Plan generally discourage the provision of additional parking within Downtown, the proposed parking lot would be operated as a temporary, interim use pending future development of the Project Site. The pricing for parking at the lot has been structured in a manner that discourages long-term commuter parking, in favor of short-term use by shoppers or visitors to the area.

TRANSIT CENTER DISTRICT PLAN

Objectives and Policies

OBJECTIVE 4.43:

LIMIT THE CONTINUANCE OF SURFACE PARKING LOTS AND ENSURE THAT LOTS CONTRIBUTE TO THE PUBLIC REALM.

Policy 4.54:

Do not permit any new surface parking lots in the district, including as temporary uses.

Policy 4.56:

Require that temporary surface parking lots, as a condition of any re-authorization, include facilities for other non-private auto modes, including parking for car sharing vehicles and bicycles.

The Project involves the continuation of an existing surface parking lot, and would not create any new surface parking area. The lot includes parking for bicycles and car-share vehicles, and additional trees will be required as a condition of approval to upgrade the appearance of the lot and provide canopy coverage of hardscape.

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 Project will not displace any existing retail uses. The pricing for the parking lot as been structured in a manner that favors short-term parking over long-term commuter parking. Therefore, the availability of parking for patrons of retail and restaurant uses in the vicinity may help to bolster the viability of these establishments.

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

The Project would allow the continued operation of an existing temporary surface parking lot. Such lots can be found in the vicinity, on properties that could be developed with future permanent uses. The temporary presence of this surface parking lot is not detrimental to the character of the neighborhood.

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

No housing is removed for this Project.

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

The parking lot is a relatively small, low-intensity operation that is not expected to draw substantial volumes of traffic to the area. The presence of the off-street parking spaces should alleviate pressure on the use of on-street parking spaces in the neighborhood.

- 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 service or industry establishment. The project will not affect industrial or service sector uses or related employment opportunities.

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

The Project Site is not occupied by structures, with the exception of a small attendant's shed. The Project will not have an impact on seismic safety.

- G. That landmarks and historic buildings be preserved.

A landmark or historic building does not occupy the Project site.

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

The Project 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. 2013.0211C** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans dated August 15, 2013, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion No. 18948. 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 August 15, 2013.

Jonas P. Ionin
Acting Commission Secretary

AYES: Fong, Antonini, Moore, Sugaya, Wu

NAYS:

ABSENT: Borden, Hillis

ADOPTED: August 15, 2013

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to allow the continued operation of a temporary surface parking lot located at 524 Howard Street, Lot 013 of Assessor's 3721, pursuant to Planning Code Sections 156 and 303, within the C-3-O(SD) District, the Transbay C-3 Special Use District, the Transit Center C-3-O(SD) Commercial Special Use District, and the 450-S Height and Bulk District; in general conformance with plans, dated August 15, 2013, and stamped "EXHIBIT B" included in the docket for Case No. 2013.0211C and subject to conditions of approval reviewed and approved by the Commission on August 15, 2013 under Motion No 18948. 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 August 15, 2013 under Motion No 18948.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. 18948 shall be reproduced on the Index Sheet of construction plans submitted with the site or building permit application for the Project. The Index Sheet of the construction plans shall reference to the Conditional Use authorization and any subsequent amendments or modifications.

SEVERABILITY

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

CHANGES AND MODIFICATIONS

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

Conditions of Approval, Compliance, Monitoring, and Reporting

PERFORMANCE

Validity. The authorization and right vested by virtue of this action is valid for two (2) years from the effective date of the Motion.

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

Expiration and Renewal. Prior to the expiration of the two-year term of this approval, the project sponsor must seek a renewal of this Authorization by filing an application for an amendment to the original Authorization or a new application for Authorization. Should the project sponsor decline to so file, and decline to withdraw the permit application, the Commission shall conduct a public hearing in order to consider the revocation of the Authorization. Should the Commission not revoke the Authorization following the closure of the public hearing, the Commission shall determine the extension of time for the continued validity of the Authorization.

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

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

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

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

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

DESIGN – COMPLIANCE AT PLAN STAGE

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

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

Interior Trees. Pursuant to Planning Code Section 156(l)(C), the Project Sponsor shall plant a minimum of five (5) trees within the landscape planters within the interior of the lot. The trees shall be evenly distributed throughout the planters, with the intent of achieving a minimum canopy coverage of 50% of

the parking lots' hardscape within 15 years of the installation of these trees. *For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org*

Landscape Maintenance. The landscaping on the subject property, as well as the two street trees in planters along the Howard Street frontage, shall be maintained in an attractive manner, and any dead plant material shall be promptly replaced and maintained by the Project Sponsor. The landscaping shall be maintained in such a manner that the parking lot is screened from view from adjacent streets, except at driveways necessary for ingress and egress.

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

PARKING AND TRAFFIC

Car Share. Pursuant to Planning Code Section 156(l)(A), 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 415-575-6863, www.sf-planning.org

Bicycle Parking. Pursuant to Planning Code Section 156(l)(B), the Project shall provide no fewer than two (2) Class 2 bicycle parking spaces.

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

Rate Structure. Pursuant to Planning Code Section 155(g), the parking lot shall be for short-term users only. The rate or fee structure for the parking spaces shall be such that the rate charge for four hours of parking duration is no more than four times the rate charge for the first hour, and the rate charge for eight or more hours of parking duration is no less than 10 times the rate charge for the first hour. Additionally, no discounted parking rate shall be permitted for weekly, monthly, or similar time-specific periods.

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

MONITORING - AFTER ENTITLEMENT

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

Revocation due to Violation of Conditions. Should implementation of this Project result in complaints from interested property owners, residents, or commercial lessees which are not resolved by the Project Sponsor and found to be in violation of the Planning Code and/or the specific conditions of approval for

the Project as set forth in Exhibit A of this Motion, the Zoning Administrator shall refer such complaints to the Commission, after which it may hold a public hearing on the matter to consider revocation of this authorization.

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

OPERATION

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>

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 with written notice of the name, business address, and telephone number of the community liaison. 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