



# 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 checked="" type="checkbox"/> Other: Street Tree In-Lieu Fee |

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## Planning Commission Motion No. 18696

HEARING DATE: SEPTEMBER 06, 2012

**CORRECTED**

*Date:* August 30, 2012  
*Case No.:* **2012.0548C**  
*Project Address:* **38 – 8<sup>TH</sup> STREET**  
*Zoning:* C-3-G (Downtown General Commercial) District  
180-S Height and Bulk District  
*Block/Lot:* 3701/005  
*Project Sponsor:* Sameena Sitabkhan  
PLUM Architects  
212 Sutter Street, 4<sup>th</sup> Floor  
San Francisco, CA 94108  
*Staff Contact:* Elizabeth Watty – (415) 558-6620  
[Elizabeth.Watty@sfgov.org](mailto:Elizabeth.Watty@sfgov.org)

**ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO PLANNING CODE SECTIONS 156 AND 303, TO ALLOW THE ESTABLISHMENT OF A TEMPORARY SURFACE PARKING LOT, NOT TO EXCEED A DURATION OF TWO YEARS, WITHIN THE C-3-G (DOWNTOWN GENERAL COMMERCIAL) DISTRICT AND A 180-S HEIGHT AND BULK DISTRICT.**

### **PREAMBLE**

On April 25, 2012 Sameena Sitabkhan of PLUM Architects (hereinafter "Project Sponsor") filed an application with the Planning Department (hereinafter "Department") for Conditional Use Authorization under Planning Code Sections 156(h) and 303 to allow the establishment of a temporary surface parking lot, not to exceed a duration of more than two years, within the C-3-G (Downtown General Commercial) District and a 180-S Height and Bulk District.

On September 6, 2012, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2012.0548C.

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 through Application No. 2012.0548C, 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 is located on the west side of 8th Street, between Market and Mission Streets, Block 3701, Lot 005. The subject property is located within the C-3-G (Downtown General Commercial) District and the 180-S Height and Bulk District. The property measures approximately 8,400 sqft, and is developed with a surface parking lot that was never entitled, but operated for approximately 21 years. The lot ceased to operate around February 2012, when it was brought to the property owner’s attention that the lot was not authorized to operate as a parking lot.
3. **Surrounding Properties and Neighborhood.** The area surrounding the project site is mixed-use in character, and is adjacent to the Holiday Inn Hotel and a separate surface parking lot, and is around the corner from the Chase Bank on 8th and Market Street. This district covers the western portions of downtown and is composed of a variety of uses: Retail, offices, hotels, entertainment, clubs and institutions, and high-density residential. Many of these uses have a Citywide or regional function, although the intensity of development is lower here than in the downtown core area.
4. **Project Description.** The project sponsor proposes to establish a temporary surface parking lot for a period of time not to exceed two years, which is the maximum length of entitlement for a temporary surface parking lot in the C-3-G District, as regulated by Section 156(h). The lot is presently striped to accommodate 24 vehicles in a non-tandem configuration, and customers will pay through a solar self-pay kiosk on-site. As part of the Project, the lot will be improved to include landscaping and ornamental fencing along the street facing property lines, renovation of the storm drain, a new partial sidewalk on 8th Street as part of an accessible path of travel, installation of new street trees (and payment of in-lieu fees where installation is infeasible), and elimination of the existing curb cut along 8<sup>th</sup> Street.

5. **Public Comment.** The Department has not received any opposition or support for 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. **Use.** Section 156(h) allows for temporary parking lots within the C-3-G Districts through Conditional Use Authorization, for a period not to exceed two years from the date of approval.

*The Project Sponsor is requesting Conditional Use Authorization to allow the establishment of a 24-space surface parking lot, which had been operating without authorization for approximately 21 years. Conditions have been added to the motion limiting the operation of the lot to a maximum duration of two years from the date of approval.*

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

*The Project Sponsor will install a five-foot deep permeable surface with landscaping along the Stevenson and 8<sup>th</sup> Street frontages, and will screen the property with new Ornamental Fencing, in conformity with Planning Code Sections 142 and 102.32. Conditions have been added to require this landscaping to be maintained, and replaced as necessary, in order to adequately screen the parking lot from adjacent public rights-of-way.*

- C. **Lighting.** Pursuant to Section 156(f), all artificial lighting used to illuminate the parking is required to be arranged such that all direct rays from the lighting fall entirely within the parking lot. All lights are required to be focused downward to reduce light intrusion.

*The parking lot will maintain the existing lighting, which is located along the southern portion of the lot, along the adjacent building. This lighting is downward-directed, keeping all direct rays within the parking lot. Conditions have been added to ensure that all lighting maintains the standards of Section 156(f).*

- D. **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 will be 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. Additionally, no discounted parking rate shall be permitted for weekly, monthly or similar time-specific periods. This pricing structure complies with Section 155(g); the maintenance of this pricing structure has been added as a condition of approval.*

- E. **Street Trees.** Section 138.1 requires street trees to be installed when any additional parking is provided on a property. Trees must be planted for each 20 feet of frontage along each street

or alley, with any remaining fraction of 10 feet or more of frontage requiring an additional tree.

*The subject property has 70 feet of frontage along 8<sup>th</sup> Street and 120 feet of frontage along Stevenson Street, for a total of 190 feet of street frontage. This results in a requirement of 10 street trees. The Project Sponsor will install three new street trees along 8<sup>th</sup> Street, but has received a recommendation from the Department of Public Works to pay an in-lieu fee for the remaining trees, due to several site constraints, such as the narrow sidewalk along Stevenson Street. The Zoning Administrator authorized the Project Sponsor to proceed with payment of an in-lieu fee for seven (7) trees, on August 20, 2012.*

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

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

*The Project would allow the temporary operation of a relatively small-scale surface parking lot, which will provide parking for retail, banking, hotel, and entertainment uses in the vicinity. This property has been used as a parking lot for most of the past 21 years, although there is no evidence of the lot being permitted to operate as such. Through this authorization, the surface parking lot will be improved to include landscaping, Ornamental Fencing, and street trees; the Project Sponsors will also eliminate the curb cut on 8<sup>th</sup> Street. The parking lot will serve as a suitable interim use, pending the return of favorable economic conditions, which could enable 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 will not alter the existing development on the property; it will continue to operate as a surface parking lot. The lot will be striped to accommodate 24 vehicles in a non-tandem configuration, and will include landscaping and Ornamental Fencing along the 8<sup>th</sup> and Stevenson Street frontages.*

- 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 can be accessed by vehicles through an existing curb cut located on Stevenson Street, which dead-ends near the end of the subject property. The movement of vehicles to and from*

*the lot should not cause substantial disruption of traffic flow. The existing curb cut on 8<sup>th</sup> Street that is currently unused will be eliminated as part of this Project, improving the on-street parking and continued safety of the bicyclists utilizing the bicycle lane along 8<sup>th</sup> Street, which is part of the City's existing Bicycle Route Network. Furthermore, the temporary parking lot will be accessible and brought in-line with current ADAAG and Title 24 requirements, which include sidewalk upgrades along 8<sup>th</sup> Street, surface re-grading, a new self-pay station, striping and ADA signage.*

- 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, any noise or odor generated by the Project 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 Project includes new drought tolerant plants, landscaping and Ornamental Fencing along 8<sup>th</sup> and Stevenson Streets, and three street trees along 8<sup>th</sup> Street to help screen the vehicles. Conditions have been added to ensure that these plantings will be maintained for the duration of this approval, in a manner that is attractive and that screens the parking from surrounding public rights-of-way. The parking lot will maintain the existing lighting, which is located along the southern portion of the lot.*

- 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 24:**

**IMPROVE THE AMBIENCE OF THE PEDESTRIAN ENVIRONMENT.**

#### **Policy 24.2:**

Maintain and expand the planting of street trees and the infrastructure to support them.

*The Project includes three new street trees, consistent with the requirements of Section 138.1, and the Project Sponsor will pay an in-lieu fee for seven (7) additional street trees.*

**OBJECTIVE 27:**

ENSURE THAT BICYCLES CAN BE USED SAFELY AND CONVENIENTLY AS A PRIMARY MEANS OF TRANSPORTATION, AS WELL AS FOR RECREATIONAL PURPOSES

**Policy 27.3:**

Remove conflicts to bicyclists on all city streets.

*The Project includes the elimination of an existing curb cut on 8<sup>th</sup> Street, thus removing potential conflicts with bicyclists using the bicycle lane along 8<sup>th</sup> Street.*

**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 of the area.*

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 has been structured in a manner that favors short-term parking over long-term commuter parking. Therefore, the availability of parking for patrons of retail, entertainment, 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 a surface parking lot that has existing in the neighborhood for approximately 21 years, albeit with no proof of permits. This temporary authorization enables future development of a higher and better use at this property. 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 property will be priced for short-term rather than long-term commuter parking. The presence of the off-street parking spaces should also 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, nor will it adversely 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 will not be occupied by structures, with the exception of a small payment kiosk. The Project will not have any adverse effect 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 effect 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. 2012.0548C** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated August 13, 2012, 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. 18696. 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 September 06, 2012.

Linda D. Avery  
Commission Secretary

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

NAYS:

ABSENT:

ADOPTED: September 06, 2012



## EXHIBIT A

### AUTHORIZATION

This authorization is for a Conditional Use to allow a 24-space temporary surface parking located at 38 – 8<sup>th</sup> Street, Block 3701, and Lot 005, pursuant to Planning Code Sections **156 and 303** within the **C-3-G** District and a **180-S** Height and Bulk District; in general conformance with plans, dated **August 13, 2012**, and stamped “EXHIBIT B” included in the docket for Case No. **2012.0548C** and subject to conditions of approval reviewed and approved by the Commission on **September 06, 2012**, under Motion No. **18696**. 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 **September 06, 2012** under Motion No **18696**.

### PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. **18696** 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 and Expiration.** The authorization and right vested by virtue of this action is valid for two 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 Project and conveys no independent right to construct the Project or to commence the approved use. A new Conditional Use Authorization would be required in order to continue operating the temporary surface parking lot beyond this expiration period.

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

**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 – COMPLIANCE AT PLAN STAGE

**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, in accordance with Section 156(f).

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

**Street Trees.** Pursuant to Planning Code Section 138.1, the Project Sponsor shall submit a site plan to the Planning Department prior to Planning approval of the building permit application indicating the installation of three new street trees along the 8<sup>th</sup> Street frontage, in accordance with Tree Schedule B from the Planning Department's Checklist for Tree Planting and Protection. The Project Sponsor and will pay an in-lieu fee to satisfy the requirement for the additional seven (7) street trees, pursuant to Section 428. This waiver has been authorized by the Zoning Administrator, based on a recommendation from the Department of Public Works.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

**Landscaping, Screening of Parking and Vehicular Use Areas.** Pursuant to Planning Code Section 142, the Project Sponsor shall submit a site plan to the Planning Department prior to the Department's approval of the building permit application indicating the screening of parking. The design and location of the screening and design of any fencing shall be as approved by the Planning Department, consistent with the requirements of Section 142 and the Ornamental Fencing Section 102.32. The size and specie of plant materials shall be as approved by the Department of Public Works.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

## PROVISIONS

**Street Trees.** Pursuant to Planning Code Section 138.1, the Project Sponsor shall install three new street trees along the 8<sup>th</sup> Street frontage, in accordance with Tree Schedule B from the Planning Department's Checklist for Tree Planting and Protection, and will pay an in-lieu fee to satisfy the requirement for the additional seven (7) required street trees, pursuant to Section 428. This waiver has been authorized by the Zoning Administrator, based on a recommendation from the Department of Public Works.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://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](http://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](http://www.sf-planning.org)*

## OPERATION

**Parking Rate Structure.** The temporary surface 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 the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

**Sidewalk Maintenance.** The Project Sponsor shall maintain the main entrance to the parking lot 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](http://www.sf-planning.org)*

**Lighting.** All Project lighting shall be downward-directed, lighting the Project Site only, and shall be designed and managed so as not to be a nuisance to adjacent residents, pursuant to Planning Code Section 156(f). Nighttime lighting shall be the minimum necessary to ensure safety, but shall in no case be directed so as to constitute a nuisance to any surrounding property.

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

**Landscaping Maintenance.** The landscaping on the Project Site shall be maintained in an attractive manner, and any dead plant material shall be promptly replaced and maintained by the Project Sponsor.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*