



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- Affordable Housing (Sec. 415)
- Jobs Housing Linkage Program (Sec. 413)
- Downtown Park Fee (Sec. 412)
- First Source Hiring (Admin. Code)
- Child Care Requirement (Sec. 414)
- Other

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Planning Commission Motion No. 19183 HEARING DATE: JUNE 26, 2014

Date: June 19, 2014
Case No.: **2012.0435CE**
Project Address: **2322 LOMBARD STREET**
Zoning: NC-3 (Moderate-Scale Neighborhood Commercial) District
 40-X Height and Bulk District
Block/Lot: 0489/010
Project Sponsor: America’s Best Value Inn and Suites Golden Gate
 c/o Brett Gladstone, Partner
 Hanson Bridgett, LLP
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 San Francisco, CA 94105
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ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 121.2, 303(C), 303(G), 307(I), 317, 712.21 AND 712.55 OF THE PLANNING CODE TO ALLOW THE CONVERSION OF USE FROM A MOTEL TO A TOURIST HOTEL (D.B.A. AMERICA’S BEST VALUE INN AND SUITES GOLDEN GATE), TO ALLOW A USE SIZE EXCEEDING 6,000 SQUARE FEET, TO LEGALIZE THE CONVERSION OF TWO DWELLING UNITS TO GUEST ROOMS, AND TO REDUCE THE OFF-STREET PARKING REQUIREMENT WITHIN THE NC-3 (MODERATE-SCALE NEIGHBORHOOD COMMERCIAL) DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On March 30, 2012, America’s Best Value Inn and Suites Golden Gate (hereinafter “Project Sponsor”) filed an application with the Planning Department (hereinafter “Department”) for Conditional Use Authorization under Planning Code Sections 121.2, 303(c), 303(g), 307(i), 317, 712.21 and 712.55 to allow the conversion of use from a motel to a tourist hotel (d.b.a. America’s Best Value Inn and Suites Golden Gate) for a use size exceeding 6,000 square feet, to legalize the conversion of two dwelling units to guest rooms, and to reduce the off-street parking requirement within the NC-3 (Moderate-Scale neighborhood Commercial) District and a 40-X Height and Bulk District.

On June 26, 2014, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2012.0435CE.

On August 31, 2012, the project was determined to be exempt from the California Environmental Quality Act ("CEQA") as a Class One Categorical Exemption under CEQA as described in the determination contained in the Planning Department files for this project

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. 2012.0435CE, 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 north side of Lombard Street, between Pierce and Scott Streets, Block 0489, Lot 010. The property is located within the NC-3 (Moderate-Scale Neighborhood Commercial) District and a 40-X Height and Bulk District. The lot is irregularly-shaped with approximately 82 feet of frontage on Lombard Street, and ranges in depth from 100 feet to 137 feet. The property is developed with a circa 1954 three-story motel with a small café on the ground floor.
3. **Surrounding Properties and Neighborhood.** The project site is located in the heart of the Marina neighborhood. Land uses in the project vicinity are varied, but consist primarily of two- and three-story tourist-oriented lodging facilities, multiple-unit residential buildings, restaurants, and neighborhood-serving retail businesses. Buildings on the subject block and facing blocks range from one to three stories tall. An automobile repair shop is located immediately to the west and a pet hospital is located immediately to the east of the property.

Lombard Street (also serves as Highway 101) is a major vehicular and pedestrian thoroughfare, the City's primary link to the North Bay via the Golden Gate Bridge. Transit lines serving San Francisco and Marin County are nearby and are within walking distance of the site.

The Chestnut Street NC-2 (Small-Scale Neighborhood Commercial) District is one block north of the project site while the Union Street Neighborhood Commercial District is three blocks south of the project site. Six blocks west of the project site is the Golden Gate National Recreation Area,

the Presidio, and the Golden Gate Bridge. Northwest of the site are the Palace of Fine Arts and Crissy Field; to the northeast is Fisherman's Wharf and Pier 39.

Land use controls in the neighborhood commercial districts are designed to promote development compatible with the surrounding neighborhood and maintain a harmony of uses that supports the district's vitality. NC-3 Districts are intended in most cases to offer a wide variety of comparison and specialty goods and services to a population greater than the immediate neighborhood, additionally providing convenience goods and services to the surrounding neighborhoods. NC-3 Districts are linear districts located along heavily trafficked thoroughfares which also serve as major transit routes.

NC-3 Districts include some of the longest linear commercial streets in the City, some of which have continuous retail development for many blocks. Large-scale lots and buildings and wide streets distinguish the districts from smaller-scaled commercial streets, although the districts may include small as well as moderately scaled lots. Buildings typically range in height from two to four stories with occasional taller structures. NC-3 building standards permit moderately large commercial uses and buildings.

4. **Project Description.** The proposed project involves the conversion of use from a motel to a tourist hotel (d.b.a. America's Best Value Inn and Suites Golden Gate). The proposal includes horizontal and vertical additions to the existing three-story building. The proposal would also include legalizing the conversion of two dwelling units to guest rooms by a prior ownership. The gross floor area would increase from approximately 17,800 square feet to 26,800 square feet. The number of guest rooms would increase from 36 to 60 rooms. The existing site provides approximately 19 off-street parking spaces on the ground level. With valet service, the project would provide up to 42 parking spaces while a total of 48 spaces are required. The project is also seeking to reduce the off-street parking requirement within the NC-3 District.

The proposal requires a Conditional Use authorization for change of use, use size, dwelling unit conversion and off-street parking reduction. Section 312-neighborhood notification was conducted in conjunction with the Conditional Use authorization process.

5. **Public Comment.** The Department has received two e-mails in support of the proposed project and one e-mail in opposition to the 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. **Tourist Hotel Use.** Planning Code Sections 303(c), 303(g) and 712.55 state that a Conditional Use authorization is required for a Tourist Hotel, as defined by Planning Code Section 790.46.

The project sponsor intends to convert the existing tourist motel, built in 1954, to a tourist hotel, rebranded as America's Best Value Inn and Suites Golden Gate.

- B. **Non-Residential Use Size.** Planning Code Sections 121.2 and 712.21 state that a Conditional Use authorization is required for non-residential use size exceeding 5,999 square feet in Neighborhood Commercial Districts.

The existing motel building contains approximately 17,800 gross square feet of non-residential uses. The project proposes to add an additional 9,000 square feet of non-residential uses, totaling approximately 26,800 gross square feet. The number of guest rooms would increase from 36 to 60 rooms.

- C. **Dwelling Unit Conversion.** Planning Code Section 317 requires that findings be made for any loss of dwelling units.

The subject property's authorized use includes two dwelling units and one manager's unit, in addition to the motel use. According to the project sponsor, the two dwelling units were removed and converted to guest rooms by a prior owner without the benefit of permits. The proposed project would maintain the manager's unit and seek to legalize the conversion of the two dwelling units to guest rooms.

- D. **Basic Floor Area Ratio.** Planning Code Section 124 limits the building square footage to 3.6 square feet of building area for every 1 square feet of lot area, or approximately 33,400 square feet of building area for the subject site. However, in NC Districts, the FAR limits do not apply to dwellings or to other residential uses per Section 124(b).

The proposed project would total approximately 26,800 gross square feet, of which, approximately 700 square feet is related to maintaining an existing dwelling unit for the motel manager.

- E. **Better Streets Plan.** Planning Code Section 138.1 establishes requirements for the improvement of the public right-of-way associated with development projects, such that the public right-of-way may be safe, accessible, convenient and attractive to pedestrian use and travel by all modes of transportation.

The project proposes to reduce the existing curb cut width from 40.6 feet to 15 feet. Streetscape improvements include a new street tree, four new Class 2 bicycle spaces, a new low decorative wall, and planter boxes along Lombard Street.

- F. **Parking.** Planning Code Section 151 requires one off-street parking space for each dwelling unit; 0.8 off-street parking space for each guest bedroom, and one off-street parking space for each 200 square feet of occupied floor area where the occupied floor area exceeds 5,000 square feet for restaurants. Section 152 requires one off-street freight loading space for hotels where the gross floor area of structure or use is over 100,000 square feet but less than 200,000 square feet. Section 155(i) requires one handicapped parking space for each 25 off-street parking spaces provided. Section 155.2(b) requires one Class 1 bicycle space for every dwelling unit, and a minimum of two Class 2 spaces for the retail use. Section 155.4(f) requires that new and existing commercial buildings must provide adequate signs or notices

to advertise the availability of bicycle parking. Section 166 requires one car sharing space for the first 50 spaces plus one for every additional 50 spaces.

The proposed project, with valet service, will accommodate up to 42 off-street parking spaces (including one handicapped parking space and one for the manager's dwelling unit) while a total of 48 spaces are required. Thus, the project is seeking to reduce the off-street parking requirement in an NC District pursuant to Planning Code Section 307(i).

The project would not be required to have off-street freight loading spaces because the project proposes approximately 26,800 gross square feet of hotel use.

The project would be required to provide two Class 1 bicycle spaces and three Class 2 spaces. The existing site contains no bicycle parking spaces. The project would add two new Class 1 bicycle spaces, and four Class 2 bicycle spaces. Adequate signs or notices of the availability of bicycle parking will be provided at the project site.

- G. Off-Street Parking Reduction.** Planning Code Section 307(i) allows a reduction in the parking requirement in NC districts if certain criteria are met.

The proposed project, with valet service, could accommodate up to 42 off-street parking spaces while a total of 48 spaces are required.

- H. Street Frontage in Neighborhood Commercial Districts.** Planning Code Section 145.1 requires in NC Districts containing specific uses, including commercial uses, that off-street parking at street grade on a development lot be set back at least 25 feet on the ground floor from any facade facing a street at least 30 feet in width, that parking entrances are no more than 17 feet wide, that active uses be provided within the first 25 feet of building depth on the ground floor, that ground floors have a minimum 10-foot ceiling height, that street-fronting interior spaces for non-residential active uses and lobbies be as close as possible to the sidewalk, and that the ground floor street frontage be at least 60% transparent in order to 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 decorated grille work, other than wire mesh, which is placed in front or behind ground floor windows, shall be at least 75 percent open to perpendicular view.

The proposed project is consistent with the relevant provisions under Section 145.1. The proposed curb cut width is being reduced from 40.6 feet to 15 feet. The existing ground floor lobby area, abutting the sidewalk, would be increased from approximately 300 square feet to 600 square feet. The proposed project would also include design improvements of the existing building façade in order to create a distinctive center element that would attract pedestrian interest rather than the existing blank wall in the middle of the building. Along the 80-foot wide Lombard Street frontage, approximately 50 feet are designated as active use, fenestrated with transparent windows and doorways, which is equivalent to approximately 61 percent transparency.

- I. **Signage.** Any proposed signage will be subject to the review and approval of the Planning Department.
7. **Planning Code Section 303(c)** 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 existing three-story motel, built in 1954, is a legal non-conforming use since the current NC-3 zoning district no longer permits such a use. The proposed increase in guest rooms is necessary to fund the cost of renovating and modernizing the existing building. The proposal would change the use from a motel to a tourist hotel and bring the 60-year old building into compliance with current building code standards. The project is also desirable because it would allow for a higher density of hotel rooms in an area well-served by public transit. Within a two-block radius, there are five transit lines available to visitors for their city travels.

The proposal includes horizontal and vertical additions to the existing three-story building, and legalizing the conversion of two dwelling units to guest rooms by a prior owner. The gross floor area would increase from approximately 17,800 square feet to 26,800 square feet. The number of guest rooms would increase from 36 to 60 rooms. The proposal would also include transforming the existing motel with fully exterior walkways to a hotel with mostly enclosed hallways by partly enclosing the central courtyard area and reconfiguring the lobby with an expanded reception area. The existing coffee shop will be retained with an added amenity for outdoor seating.

The property has been owned and operated as an independent motel by the project sponsor's family for nearly 30 years. The motel was formerly known as the Sea Captain Motel. It has been rebranded as the America's Best Value Inn and Suites Golden Gate. While still family-owned and operated, with the rebranding, it is now part of a nationwide and worldwide advertising and recognition program.

The project would provide additional Transit Occupancy Taxes to the City, estimated at approximately \$100,000 annually. The project would also provide much needed tourist revenue to the surrounding business establishments on Chestnut Street, Lombard Street, Union Street as well as nearby tourist destinations, such as the Ghirardelli Square, Fisherman's Wharf, and Pier 39. The project would compliment the mix of goods and services currently available in the district and contribute to the economic vitality of the neighborhood.

- (1) In Neighborhood Commercial Districts, if the proposed use is to be located at a location in which the square footage exceeds the limitation (5,999 square feet) found in Planning Code Section 121.2(a), the following shall be considered:

- i. The intensity of activity in the district is not such that allowing the larger use will be likely to foreclose the location of other needed neighborhood-serving uses in the area; and

The project area consists of a wide variety of neighborhood-serving uses. No uses would be foreclosed by the project. The existing motel provides stays of less than 30 days. With the change of use from a motel to a tourist hotel, guest would likewise have stays of less than 30 days.

- ii. The proposed use will serve the neighborhood, in whole or in significant part, and the nature of the use requires a larger size in order to function; and

With the increase in guestrooms, nearby businesses would benefit from the additional foot traffic from tourists. The existing motel was built 60 years ago. The proposed renovations involve full ADA compliance, fire sprinklers and seismic upgrade of the existing building.

- iii. The building in which the use is to be located is designed in discrete elements which respect the scale of development in the district; and

The vertical addition would be largely set back from the street wall. The new building façade design, with its varied materials, windows and balconies, will add pedestrian interest and be an asset to the neighborhood.

- 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 existing building footprint will remain the same. The proposal involves adding a new fourth floor level and enclosing portions of the interior open courtyard. The building height would change from 27 feet to 37 feet tall. The new level would be set back approximately 12 feet from the front property line except for a small portion related to an egress staircase exiting to the sidewalk. The new addition would be minimally visible from the street. However, the enhanced building façade design will add pedestrian interest and be an asset to the neighborhood.

- 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 would enhance accessibility and traffic patterns for both persons and vehicles. With the current lobby configuration, visitors must cross the parking area to access the elevator leading

to the rooms. With the proposed renovations, an elevator would be provided within the lobby area for easy access to rooms, and parking would be provided in a secured and covered garage area. With the change in guest room count from 36 to 60 rooms, the project would be required to provide 48 parking spaces. The site could accommodate 17 independently accessible parking spaces; however, with valet service, the site could provide up to 42 of the required 48 spaces. Thus, the project is seeking to reduce the off-street parking requirement in an NC District. The valet service would be available during the hours of 6 a.m. to midnight daily. According to the project sponsor, a majority of the guests arrive at the site by taxis or airport shuttle buses. With the narrowing of the curb cut, the project sponsor will seek two additional white zone spaces, for a total of four white zone spaces available in front of the building for loading purposes.

The project site is well-served by public transit. Several MUNI transit lines run directly in front of or near the site. The existing site contains no bicycle parking spaces. The project would add two new Class 1 bicycle spaces, and four Class 2 bicycle spaces.

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

No noxious or offensive emissions will be associated with the project. The project sponsor will encourage "green feature" practices for housekeeping, maintenance, gardening and refuse services.

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

Streetscape improvements include a new street tree (two already existing on site), four new Class 2 bicycle spaces, a new low decorative wall, and planter boxes along Lombard Street. The project would also add new roof top terraces, totaling approximately 1,400 square feet. The project proposes to reduce the existing curb cut width from 40.6 feet to 15 feet.

- 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 stated purpose of the applicable Neighborhood Commercial District.

The proposed project is consistent with the stated purpose of NC-3 (Moderate-Scale Neighborhood Commercial) Districts in that the intended use is to renovate an existing motel building. The existing motel use is considered a legal, non-conforming use under the current zoning district. The project would renovate the property to be in character with a tourist hotel use. The larger use size is required due to the irregularly-shaped lot. The new fourth floor level would be consistent with the height and bulk limits of the zoning district.

8. **Planning Code Section 303(g)** establishes criteria for the Planning Commission to consider when reviewing applications for tourist hotels. On balance, the project does comply with said criteria in that:

- A. The impact of the employees of the hotel or motel on the demand in the City for housing, public transit, childcare, and other social services. To the extent relevant, the Commission shall also consider the seasonal and part-time nature of employment in the hotel or motel;

The existing motel has five part-time and three full-time employees. Upon completion of the project, it is anticipated that two new full-time and two part-time positions would be added. The project sponsor intends to hire local residents in order to minimize any effects on the demand for new housing, public transit, childcare and other social services. The project site is well-served by public transit. Several MUNI transit lines run directly in front of or near the site. The existing site contains no bicycle parking spaces. The project would add two new Class 1 bicycle spaces, and four Class 2 bicycle spaces.

The project site's proximity to the Presidio will attract business visitors throughout the year. The Presidio contains approximately half a million square feet of office spaces. Thus, according to the project sponsor, the hotel will not have the seasonal occupancy swings of hotels primarily serving tourists. As a result, the hotel will have a steady number of employees that will not vary by the season.

The project would provide 10 to 15 full-time construction jobs for six to seven months. The project sponsor intends to hire local construction workers; thus, any demands on City services will be minimal and temporary.

- B. The measures that will be taken by the project sponsor to employ residents of San Francisco in order to minimize increased demand for regional transportation; and

The project sponsor intends to hire local residents for the operation of the hotel and construction work.

- C. The market demand for a hotel or motel of the type proposed.

The project's close proximity to the Presidio and the Golden Gate National Recreation Area make it a desirable attraction for tourists traveling to the City. According to the project sponsor, the average occupancy rate at the site is 81 percent for the year 2012, of which, 80 percent are tourists and 20 percent are business travelers. The project site is also near several other tourist attractions, including Palace of Fine Arts, Fort Point, Golden Gate Bridge, Ghirardelli Square and Fisherman's Wharf.

9. **Planning Code Section 307(i)** establishes criteria for the Zoning Administrator or the Planning Commission to consider in approving a reduction of off-street parking requirements for tourist hotels. On balance, the project does comply with said criteria in that:

- A. The reduction in the parking requirement is justified by the reasonably anticipated automobile usage by residents of and visitors to the project; and

The property is located on Lombard Street near many tourist attractions and within two blocks of five MUNI lines: 22 Fillmore, 30 Stockton, 30X Stockton Express, 41 Nineteenth Avenue, and 43 Masonic. Although the project would add 24 new guest rooms, it would not generate a significant increase in visitors to the site. The project would provide up to 42 valet accessible parking spaces to offset any additional vehicular trips. In advance of arrival, the hotel management will inform guests as how best to reach the site via public transportation, taxis and airport shuttle buses.

- B. The reduction in the parking requirement will not be detrimental to the health, safety, convenience or general welfare of persons residing in or working in the vicinity; and

The project proposes several improvements to the site, including narrowing the driveway, screening of the parking area, additional lighting in the parking area, and providing valet service for vehicles as required. With the current lobby configuration, visitors must cross the parking area to access the elevator leading to the rooms. The proposed renovations would provide an elevator within the lobby area for easy access to rooms, and parking would be provided in a secured and covered garage area.

- C. The minimization of conflict of vehicular and pedestrian movements; and

As part of the proposed project, the existing curb cut width would be narrowed from over 40 feet to 15 feet, resulting in less interaction between vehicles and pedestrians. It would also allow the expansion of the hotel lobby area, allowing guests direct access to an elevator from within the lobby, in lieu of crossing the parking area to access an elevator.

- D. The availability of transportation modes other than the automobile; and

The property is located on Lombard Street (also serves as Highway 101). Lombard Street is a major vehicular and pedestrian thoroughfare, the City's primary link to the North Bay via the Golden Gate Bridge. Transit lines serving San Francisco and Marin County are nearby and are within walking distance of the site. Within two blocks, there are five MUNI lines available: 22 Fillmore, 30 Stockton, 30X Stockton Express, 41 Nineteenth Avenue, and 43 Masonic.

- E. The pattern of land use and character of development in the vicinity; and

The project site is located in the heart of the Marina neighborhood. Land uses in the project vicinity are varied, but consist primarily of two- and three-story tourist-oriented lodging facilities, multiple-unit residential buildings, restaurants, and neighborhood serving retail businesses. Buildings on the subject block and facing blocks range from one to three stories tall. An automobile repair shop is located immediately to the west and a pet hospital is located immediately to the east of the property.

- F. Such other criteria as the Zoning Administrator or the Planning Commission deems appropriate in the circumstances of the particular case.

The Planning Commission determined that no additional criteria are required for consideration in the circumstances of the particular case.

10. **Planning Code Section 317** establishes criteria for the Planning Commission to consider when reviewing applications for loss of dwelling unit due to conversion of use. On balance, the project does comply with said criteria in that:

A. Will the conversion of the units eliminate only owner-occupied housing?

No. The property's authorized use is a motel with an accessory manager's unit and two dwelling units. Prior to the current owner acquiring the property, the two dwelling units were converted to guest rooms. Therefore, the conversion would not eliminate owner-occupied housing.

B. Will the conversion of the units provide desirable new non-residential use(s) appropriate for the neighborhood and adjoining district(s)?

Yes. The units were converted to guest rooms by a prior owner. The project would allow for the guestrooms to continue to be used as guest rooms. Visitors to the hotel would frequent nearby business establishments thereby contributing to the economic viability of the neighborhood.

C. Is the property located in a district where Residential Uses are not permitted?

No. The project is located in an NC-3 (Moderate-Scale Neighborhood Commercial) District where residential uses are permitted.

D. Will the conversion of the units be detrimental to the City's housing stock?

No. The two dwelling units were converted to guest rooms by a prior ownership. Therefore, the conversion would not result in the actual loss of existing housing units or displacement of tenants. It is likely that the units were used by tourists who wished to cook in their hotel rooms.

E. Is the conversion of the units necessary to eliminate design, functional or habitability deficiencies that cannot otherwise be corrected?

Yes. The project would correct the functional deficiency of having two dwelling units surrounded by hotel guest rooms. Even if the two dwelling units were to be restored, it is unlikely that residential tenants would feel comfortable living in a building of mostly transient overnight guests. They may not offer the quiet enjoyment, privacy, safety and security that a long term residential tenant would expect in a residential building.

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

COMMERCE AND INDUSTRY ELEMENT

GENERAL/CITYWIDE

Objectives and Policies

OBJECTIVE 1:

MANAGE ECONOMIC GROWTH AND CHANGE TO ENSURE ENHANCEMENT OF THE TOTAL CITY LIVING AND WORKING ENVIRONMENT.

OBJECTIVE 3:

PROVIDE EXPANDED EMPLOYMENT OPPORTUNITIES FOR CITY RESIDENTS, PARTICULARLY THE UNEMPLOYED AND ECONOMICALLY DISADVANTAGED.

Policy 3.1:

Promote the attraction, retention and expansion of commercial and industrial firms which provide employment improvement opportunities for unskilled and semi-skilled workers. Sectors of the local economy which typically hire numbers of unskilled or non-technically trained persons are the tourist and service related industries such as hotels and restaurants.

The project is expected to create four new employment opportunities: two full-time and two part-time positions. During the construction phase, the project is expected to employ 10 to 15 full-time construction jobs for six to seven months.

NEIGHBORHOOD COMMERCE

Objectives and Policies

OBJECTIVE 6:

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

Policy 6.1:

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

No commercial tenant would be displaced and the project would not prevent the district from achieving optimal diversity in the types of goods and services available in the neighborhood.

The following guidelines, in addition to others in this objective for neighborhood commercial districts, should be employed in the development of overall district zoning controls as well as in the review of individual permit applications, which require case-by-case review and City Planning Commission approval. Pertinent guidelines may be applied as conditions of approval of

individual permit applications. In general, uses should be encouraged which meet the guidelines; conversely, uses should be discouraged which do not.

Hotel Establishments

- Hotels should be discouraged if they displace existing retail sales and services which are necessary and desirable for the surrounding neighborhoods.
- Districts with an overconcentration of hotels and similar accommodations, it is preferable that new hotels be located at least 300 feet from any existing hotel, motel or bed and breakfast establishment unless there are factors such as traffic circulation, parking, or land use distribution which make clustering appropriate.
- New hotels should contribute to an active retail frontage by providing stores, coffee shops, or convenience retail on the ground story of the major street frontage.
- Hotel development should be compatible in scale and design with the overall district character and especially with buildings on the same block.
- Access to required hotel parking should be designed to minimize interruption of the active retail frontage and disturbance to adjacent residences

The Commerce and Industry Element of the General Plan contains Guidelines for Specific Uses. For hotel establishments, the Guidelines state, "The use should fully utilize available floor area. Uses which require a limited amount of ground story frontage, such as limited financial services and hotel lobbies, should provide access to remaining space for use by other establishments."

The project seeks to modernize a 60-year old building. It would enhance accessibility and traffic patterns for both persons and vehicles. With the current lobby configuration, visitors must cross the parking area to access the elevator leading to the rooms. With the proposed renovations, an elevator would be provided within the lobby area for easy access to rooms, and parking would be provided in a secured and covered garage area. With the change in guest room count from 36 to 60 rooms, the project would be required to provide 48 parking spaces. The site could accommodate 17 independently accessible parking spaces. With valet service, the site could provide up to 42 of the required 48 spaces.

The project will maintain the existing coffee shop that is to the east of the hotel lobby. A portion of the reconfigured ground floor area would also be designated for outdoor seating.

VISITOR TRADE

Objectives and Policies

OBJECTIVE 8:

ENHANCE SAN FRANCISCO'S POSITION AS A NATIONAL CENTER FOR CONVENTIONS AND VISITOR TRADE.

Policy 8.2:

Support locally initiated efforts to improve the visitor trade appeal of neighborhood commercial districts.

The project seeks to modernize a 60-year old building and bring it into compliance with current building code standards. The proposal would change the use from a motel to a tourist hotel. The project would further enhance the visitor trade by upgrading to a higher density of hotel rooms in an area well-served by public transit. Within a two-block radius, there are five transit lines available to visitors for their city travels.

12. **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 existing coffee shop with an added amenity of outdoor seating would enhance the district as well as the economic viability of this small business by generating additional foot traffic and revenue.

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

The existing housing units in the surrounding neighborhood would not be adversely affected. The proposal seeks to legalize the conversion by a prior owner of two dwelling units to guest rooms. According to the project sponsor, the units did not house tenants; rather they were used by hotel guests who wanted the convenience of a cooking facility.

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

The proposal seeks to legalize the conversion by a prior owner of two dwelling units to guest rooms without the benefits of permits, so the administrative records could be properly documented.

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

The site is located on Lombard Street (also serves as Highway 101). Lombard Street is a major vehicular and pedestrian thoroughfare, the City's primary link to the North Bay via the Golden Gate Bridge. Transit lines serving San Francisco and Marin County are nearby and are within walking distance of the site. Within two blocks, there are five MUNI lines available: 22 Fillmore, 30 Stockton, 30X Stockton Express, 41 Nineteenth Avenue, and 43 Masonic.

- 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. 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 is designed and will be constructed to conform to the structural and seismic safety requirements of the City Building Code.

- 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 not affect existing parks and open spaces.

13. 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.
14. 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. 2012.0435CE** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated June 13, 2014, and labeled "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. 19183. The effective date of this Motion shall be the date of this Motion if not appealed (After the 30-day period has expired) OR the date of the decision of the Board of Supervisors if appealed to the Board of Supervisors. For further information, please contact the Board of Supervisors at (415) 554-5184, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

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

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

I hereby certify that the Planning Commission **ADOPTED** the foregoing Motion on June 26, 2014.

Jonas P. Ionin
Commission Secretary

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

NAYS: None

ABSENT: None

ADOPTED: June 26, 2014

EXHIBIT A

AUTHORIZATION

This authorization is for a Conditional Use to allow the conversion of use from a motel to a tourist hotel (d.b.a. America's Best Value Inn and Suites Golden Gate) for a use size exceeding 6,000 square feet, to legalize the conversion of two dwelling units to guest rooms, and to reduce the off-street parking requirement, located at 2322 Lombard Street, Assessor's Block 0489, Lot 010 pursuant to Planning Code Sections 121.2, 303(c), 303(g), 307(i), 317, 712.21 and 712.55 within the NC-3 (Moderate-Scale neighborhood Commercial) District and a 40-X Height and Bulk District; in general conformance with plans, dated June 13, 2014, and labeled "EXHIBIT B" included in the docket for Case No. 2012.0435CE and subject to conditions of approval reviewed and approved by the Commission on June 26, 2014 under Motion No. 19183. 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 June 26, 2014 under Motion No. 19183.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. 19183 shall be reproduced on the Index Sheet of construction plans submitted with the Site or Building permit application for the project. The Index Sheet of the construction plans shall reference to the Conditional Use authorization and any subsequent amendments or modifications.

SEVERABILITY

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

CHANGES AND MODIFICATIONS

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

Conditions of Approval, Compliance, Monitoring, and Reporting

PERFORMANCE

1. **Validity.** The authorization and right vested by virtue of this action is valid for three (3) years from the effective date of the Motion. The Department of Building Inspection shall have issued a Building Permit or Site Permit to construct the project and/or commence the approved use within this three-year period.

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

2. **Expiration and Renewal.** Should a Building or Site Permit be sought after the three (3) year period has lapsed, the project sponsor must seek a renewal of this Authorization by filing an application for an amendment to the original Authorization or a new application for Authorization. Should the project sponsor decline to so file, and decline to withdraw the permit application, the Commission shall conduct a public hearing in order to consider the revocation of the Authorization. Should the Commission not revoke the Authorization following the closure of the public hearing, the Commission shall determine the extension of time for the continued validity of the Authorization.

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

3. **Diligent pursuit.** Once a site or Building Permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. Failure to do so shall be grounds for the Commission to consider revoking the approval if more than three (3) years have passed since this Authorization was approved.

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

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

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

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

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

DESIGN – COMPLIANCE AT PLAN STAGE

6. **Final Materials.** The Project Sponsor shall continue to work with Planning Department staff and the neighborhood on the design of the ground floor. Final materials, glazing, color, texture, landscaping, and detailing shall be subject to Planning Department staff review and approval. The Building/Site Permit Application and/or the Architectural Addenda shall be reviewed and approved by the Planning Department prior to issuance.

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

MONITORING - AFTER ENTITLEMENT

7. **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

8. **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

PARKING

9. **Parking.** The project shall provide up to 42 of the required 48 spaces with valet service.

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

OPERATION

10. **Garbage, Recycling, and Composting Receptacles.** Garbage, recycling, and compost containers shall be kept within the premises and hidden from public view, and placed outside only when being serviced by the disposal company. Trash shall be contained and disposed of pursuant to garbage and recycling receptacles guidelines set forth by the Department of Public Works.

For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works at 415-554-.5810, <http://sfdpw.org>

11. **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>

12. **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