



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Conditional Use

HEARING DATE: MARCH 10, 2011

Date: March 3, 2011
Case No.: **2009.0378 C**
Project Address: **224 TOWNSEND STREET**
Zoning: SLI (Service Light Industrial) District
65-X Height and Bulk District
Block/Lot: 3787 / 013
Project Sponsor: Brett Gladstone, Gladstone & Associates
177 Post Street, Penthouse Suite
San Francisco, CA 94108
Staff Contact: Edgar Oropeza – (415) 558-6381
edgar.oropeza@sfgov.org
Recommendation: **Approval for up to Five Years with Conditions**

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PROJECT DESCRIPTION

The project is to establish a public parking garage use for up to five years at the subject site with a maximum capacity of 40 off-street spaces attended by valet staff. The proposed hours of operation shall be 6:00 A.M. to 7:00 P.M. or would close one hour after the end of AT&T Park special events, when they occur. After hours auto ingress and egress are not offered nor permitted.

The project does not propose physical changes to the exterior of the existing building. The subject building already contains three large garage doors (one is non-operational) which provide ingress and egress for the operation. Ingress and egress of vehicles occurs on Ritch Street, a lightly transited one-way street.

SITE DESCRIPTION AND PRESENT USE

Located on Townsend Street, between Clyde and Ritch Streets, 224 Townsend Street was constructed in 1935 as a pump warehouse for Henry Wagreich by engineer A.C. Griewank. 224 Townsend Street is an Art Deco industrial building that is one-story tall with a mezzanine. It measures approximately 13,500 square feet and features fluted pilasters that divide the bays and a three-dimensional, stepped triangular parapet over the primary entrance.

224 Townsend Street was occupied by Worthington Pump and Machinery Corp. (later known as Worthington Corp.) from 1940 to 1965. From 1968 to 1973, the building was occupied by Robinson Harper & Co. manufacturing agents. Consolidated Electrical Distributors West, Inc. was listed at the address in 1978, and Morgan Graphic Supply was listed in 1982. In 1988, it was used for storage and as a

military materials warehouse. An auto detailing / glass shop named "San Francisco MAZ" last occupied the building before it was converted to the present public parking facility dba America West Parking

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The Project site is located in an SLI Zoning District. The area is bounded by a number of adjacent zoning districts including, MUO (Mixed Use-Office), M-2 (Heavy Industrial), and the MB-RA (Mission Bay Redevelopment Area). The immediate area is comprised of high-rise condo residences, food establishments and businesses that serve both neighborhood residents and visitors to AT&T Ballpark. The project is located one block from the CalTrain station.

224 Townsend Street is proposed to be included within the existing South end Historic District (Article 10 Designation). The SEHD Addition is located in the southeastern part of the South of Market (SoMa) Area Plan Historic Resource Survey area in San Francisco's South of Market neighborhood. The SEHD Addition includes nineteen properties, twelve of which are contributing. Non-contributing elements include two properties that are compatible in scale with the contributing resources, but constructed outside the period of significance, and five vacant properties that are used as parking lots. The SEHD Addition is roughly bounded by Brannan Street to the north, Third Street to the east, Townsend Street to the south, and Lusk Street to the west. It is situated just north of a large area of contemporary redevelopment between King and Townsend streets.

This group of resources comprises an addition to the local (Article 10) and National Register-listed South End Historic District. The South End Historic District Addition (SEHD Addition) was surveyed in October 2007 and January and March 2008 by Page & Turnbull as part of the SoMa Area Plan Historic Resource Survey. Based on information presented in the *South End Historic District Case Report* (1990) and Page & Turnbull's *Historic Context Statement, South of Market Area* (2007), the contributing resources included in the appended area appear to be compatible with the "warehouse architectural form" theme of the South End Historic District. The original district also included other building types, such as industrial manufacturing, commercial, and mixed-use residential buildings. The SEHD Addition maintains consistency with the diversity of building types in a primarily industrial area. Likewise, the area is located adjacent to the western boundary of the South End Historic District, and the contributing resources in the appended area coincide with the post- 1906 Earthquake period within the broader period of significance (1867 – 1935) established by the South End Historic District. Thus, the SEHD Addition's period of significance is 1906 – 1935.

ENVIRONMENTAL REVIEW

The project was categorically exempt per Class _1_ issued on July 23rd 2009.

HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Classified News Ad	20 days	February 18, 2011	February 18, 2011	20 days
Posted Notice	20 days	February 18, 2011	February 18, 2011	20 days

Mailed Notice	10 days	February 18, 2011	February 18, 2011	20 days
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PUBLIC COMMENT

At the time of this report The Department received two phone calls in support of the proposal. The callers commented that the proposed use shields the subject building from development pressures that could ultimately alter or demolish it, and that the proposed use meets the intent of the good neighbor policies set forth in Planning Code Section 803.5 by providing an adequate parking reservoir for the popular dining venues and events space in close proximity of the subject site.

The Department received a phone call in opposition from Corrine Woods who opposes the establishment of new auto oriented uses that are contrary to the City's Transit First Policy and additionally citing the close proximity to new transit availability via the Central Subway's 4th and Brannan stop.

ISSUES AND OTHER CONSIDERATIONS

- The proposal is intended to meet Planning Code Section 803.5 (a) (2) which requires that adequate off-street parking is provided for existing eating and drinking uses within the South of Market zoning districts. Many of the existing eating and drinking uses in close proximity of the subject site are located within the South End Historic District, on architectural significant buildings, and either do not or cannot provide off-street parking because doing so would compromise the architectural quality of those buildings.

The subject building compensates for the lack of parking in other structures by providing parking opportunities for patrons of other SOMA venues.

- The proposed use meets both the definition of a public and community commercial garage. While the public garage use is conditionally permitted, community commercial parking is principally permitted. The community garage is consistent with the City's policy to encourage small businesses in the area. The letters from adjacent business owners submitted indicate that many of the parking spaces will be for patrons and customers. In particular, many of the restaurants and other small businesses serving nighttime and weekend ballpark games also rely on these spaces for their employees. Although, public transit options do exist, the garage is proposed as an interim use which does not conflict with potential future development of the site, pending future improvements of light rail transit. Finally, valet parking is proposed, which is space efficient.
- The existing building is a historic building and is proposed to become a part of the South End Historic District (Article 10). The proposal will not alter the exterior of existing building. The proposed use can be accommodated with minor interior to meet Building Code requirements. The project is to establish a public parking garage use at the subject site with a maximum capacity of 40 off-street spaces attended by valet staff.
- New development should not exacerbate existing parking congestion. New commercial and industrial or mixed use developments should provide adequate off-street parking and freight

loading resources. However, in older historic properties the addition of new openings to provide off-street parking is not encouraged and many eating and drinking establishment do not provide their own off-street parking.

- The subject building already contains three large garage doors (one is non-operational) which provide safe ingress and egress for the operation. Ingress and egress of vehicles occurs on Ritch Street, a lightly transited one-way street. Impacts to existing traffic patterns on Townsend Street are not expected.

REQUIRED COMMISSION ACTION

The Commission must grant conditional use authorization to allow for a public parking garage within the SLI (Service / Light Industrial) District.

BASIS FOR RECOMMENDATION

The Department believes this project is necessary and/or desirable under Section 303 of the Planning Code for the following reasons:

- The project promotes small-business ownership.
- The project is a community commercial serving use.
- The subject building compensates for the lack of parking in other structures by providing parking opportunities for patrons of other SOMA venues.
- The project site is convertible to other uses, pending the rezoning of the 4th Street corridor.
- The proposed Project meets all applicable requirements of the Planning Code.

RECOMMENDATION: Approval with Conditions
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Attachments:

Block Book Map
Sanborn Map
Aerial Photographs
CU Application
Photographs
Reduced Plans

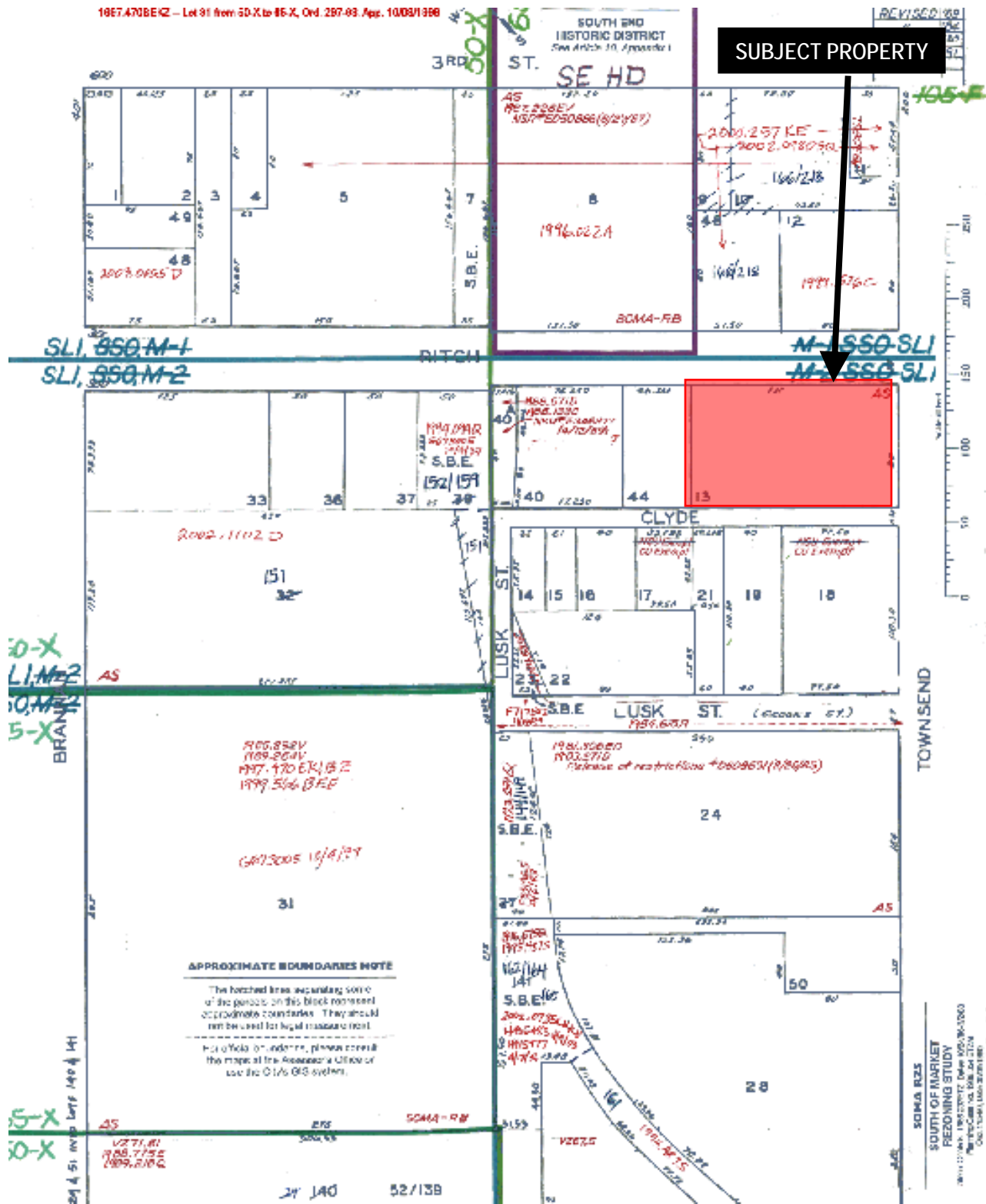
Attachment Checklist

- | | | | |
|--------------------------|-----------------------------|--------------------------|--------------------------------------|
| X | Executive Summary | X | Project sponsor submittal |
| X | Draft Motion | | Drawings: <u>Existing Conditions</u> |
| <input type="checkbox"/> | Environmental Determination | X | Check for legibility |
| X | Zoning District Map | | Drawings: <u>Proposed Project</u> |
| <input type="checkbox"/> | Height & Bulk Map | X | Check for legibility |
| X | Parcel Map | <input type="checkbox"/> | Health Dept. review of RF levels |
| X | Sanborn Map | <input type="checkbox"/> | RF Report |
| X | Aerial Photo | <input type="checkbox"/> | Community Meeting Notice |
| | Context Photos | <input type="checkbox"/> | Environmental Determination |
| X | Site Photos | | |

Exhibits above marked with an "X" are included in this packet

Planner's Initials

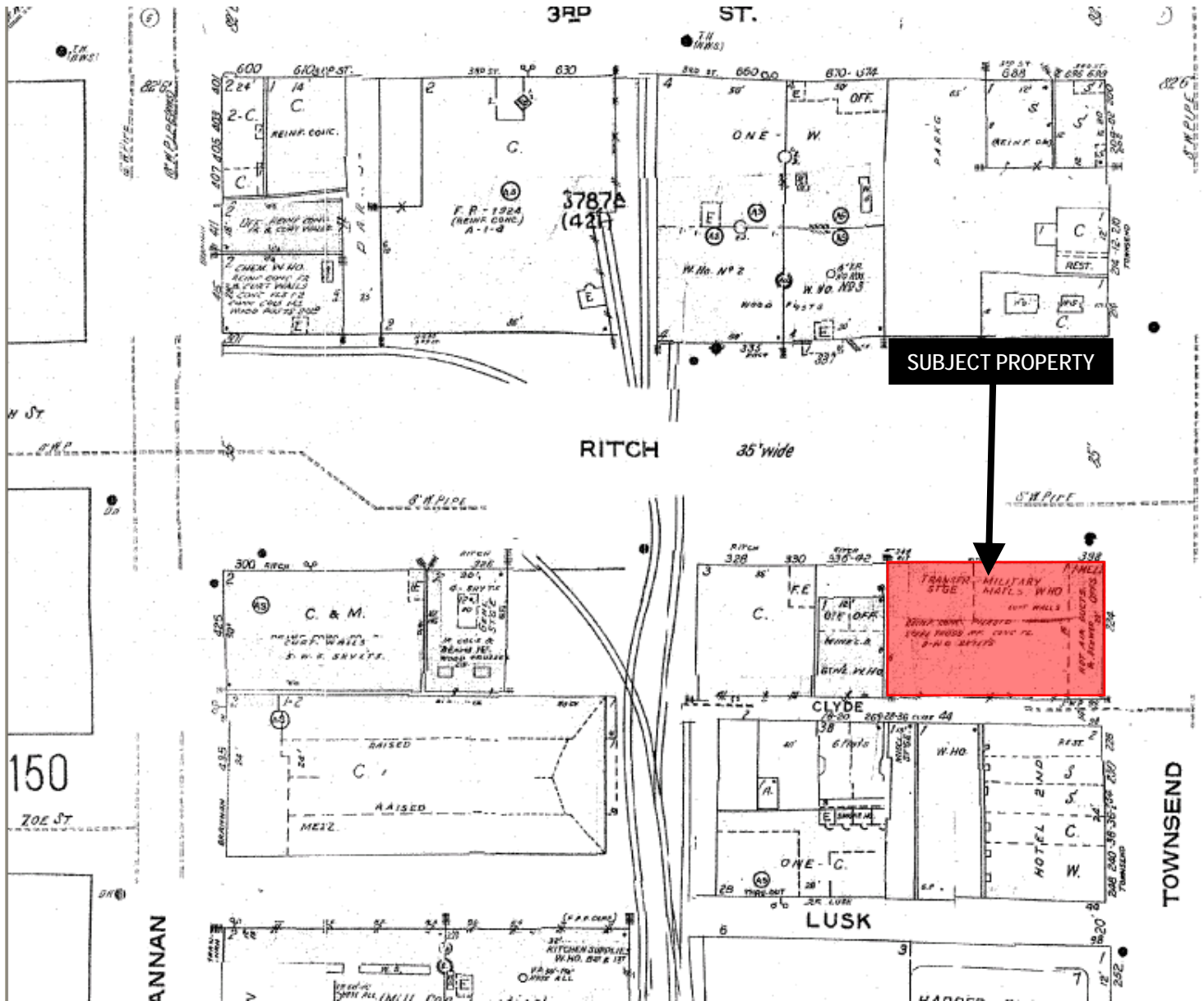
Parcel Map



Conditional Use Hearing
Case Number 2009.0378C
224 Townsend Street



Sanborn Map*

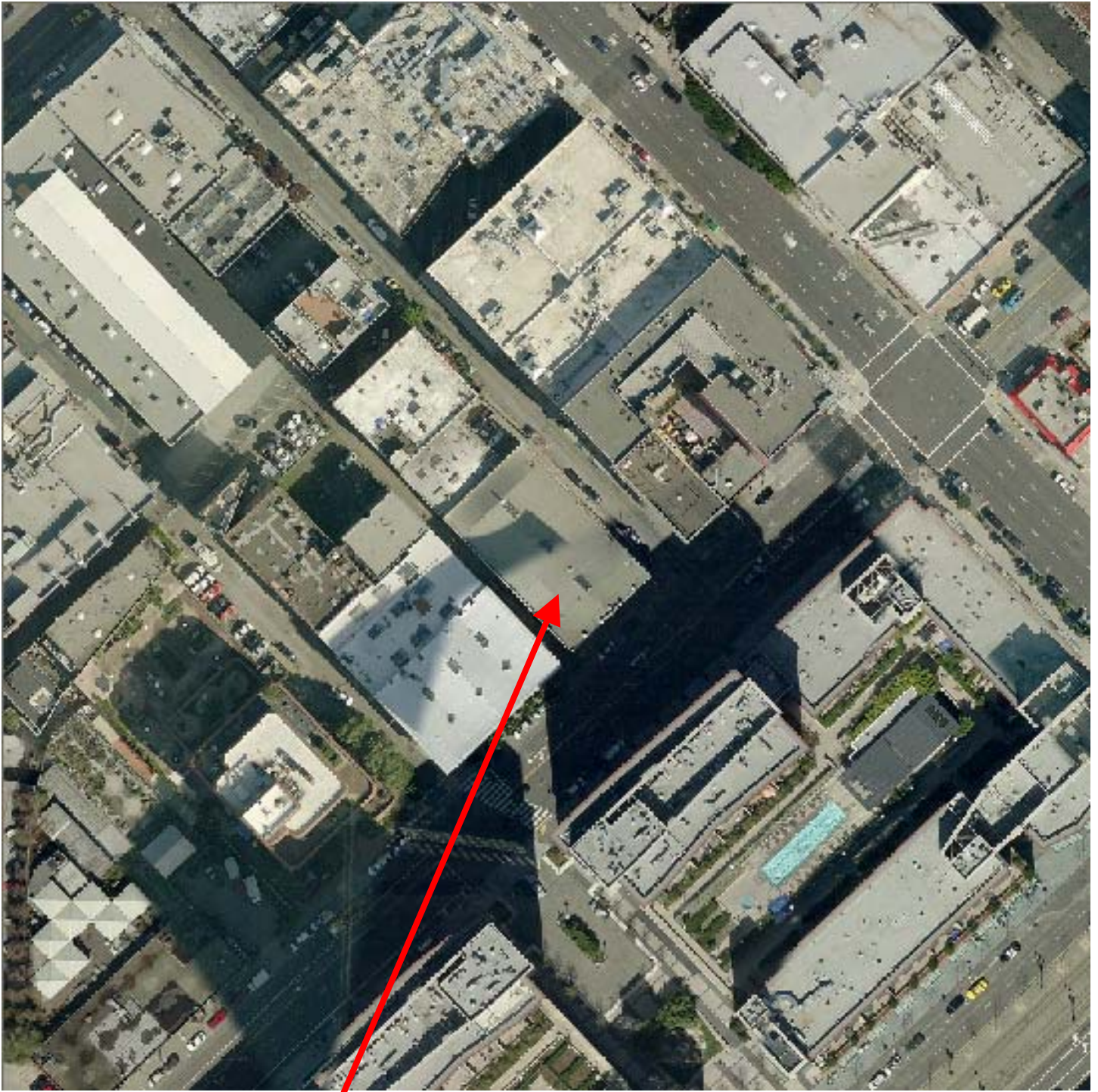


*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.



Conditional Use Hearing
Case Number 2009.0378C
224 Townsend Street

Aerial Photo

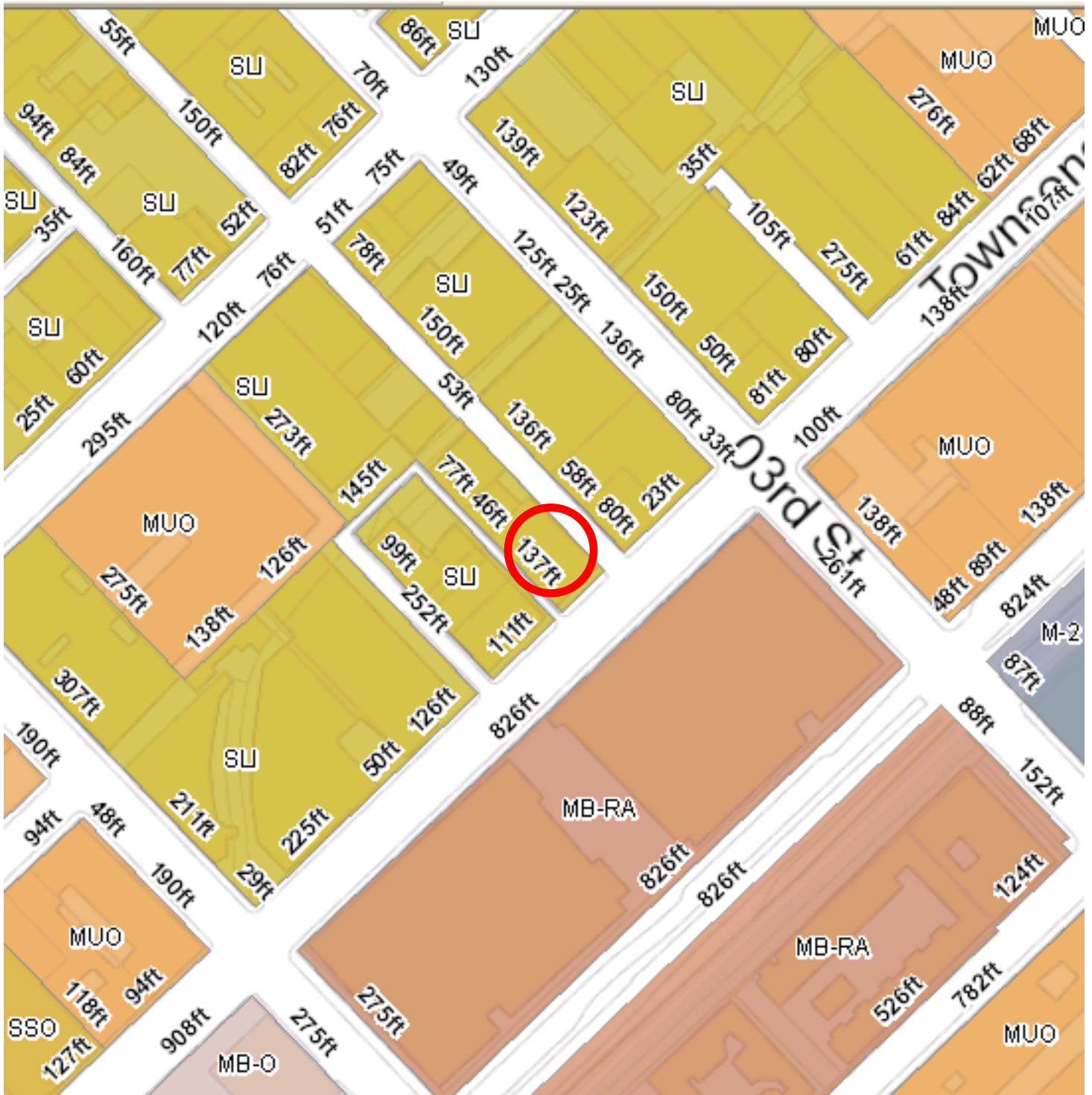


SUBJECT PROPERTY



Conditional Use Hearing
Case Number 2009.0378C
224 Townsend Street

Zoning Map



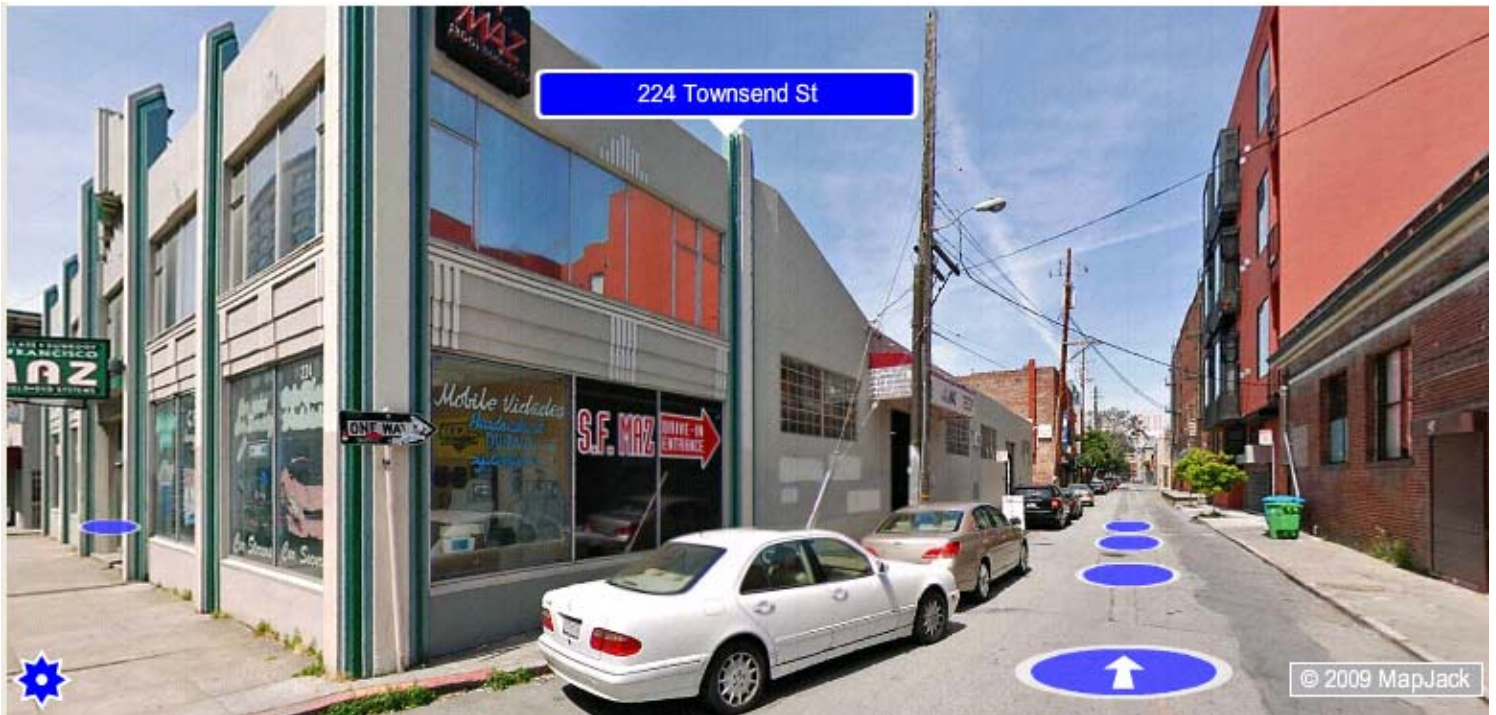
Conditional Use Hearing
Case Number 2009.0378C
224 Townsend Street

Site Photos



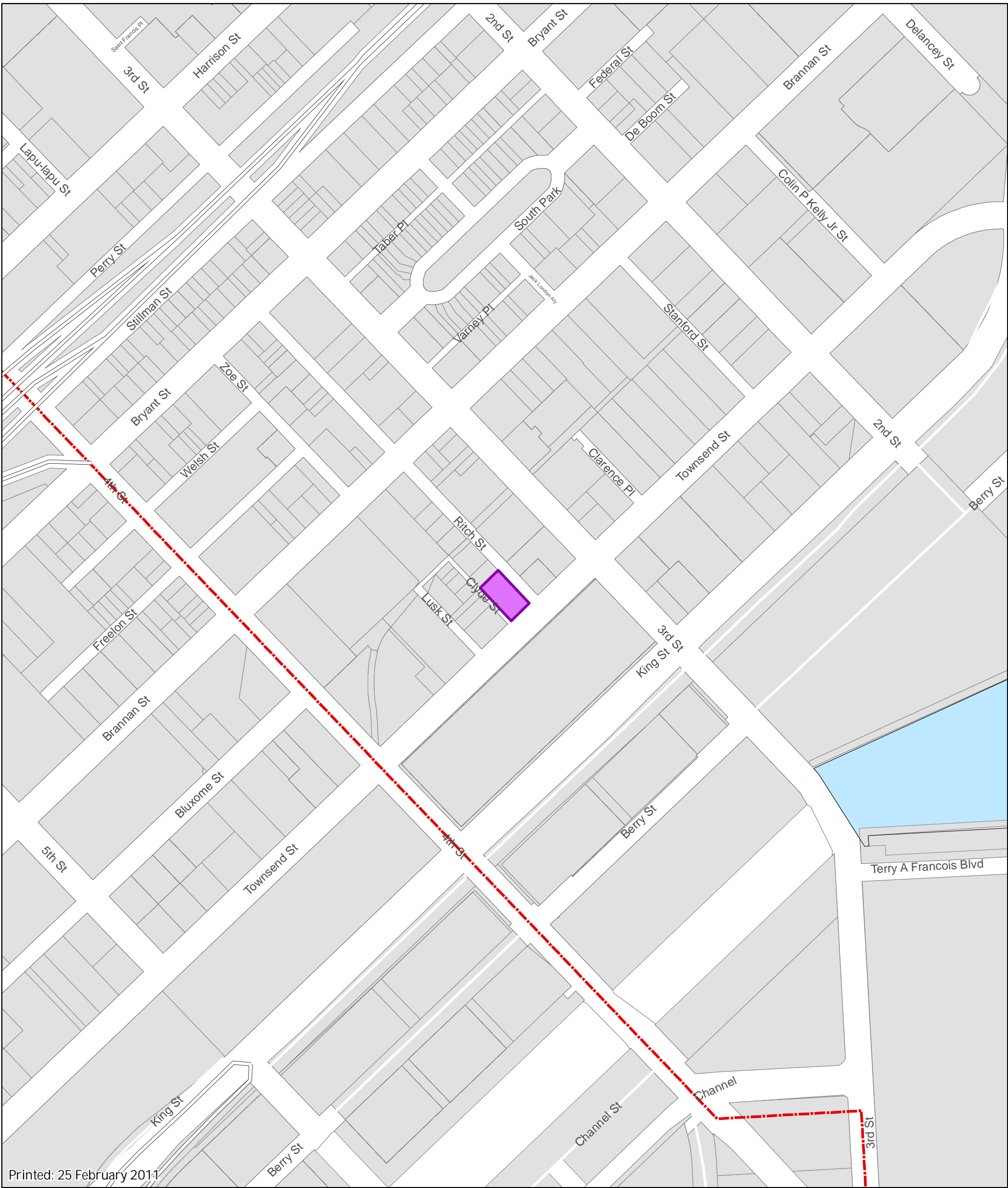
Conditional Use Hearing
Case Number 2009.0378C
224 Townsend Street

Site Photo



Conditional Use Hearing
Case Number 2009.0378C
224 Townsend Street

224 Townsend Street



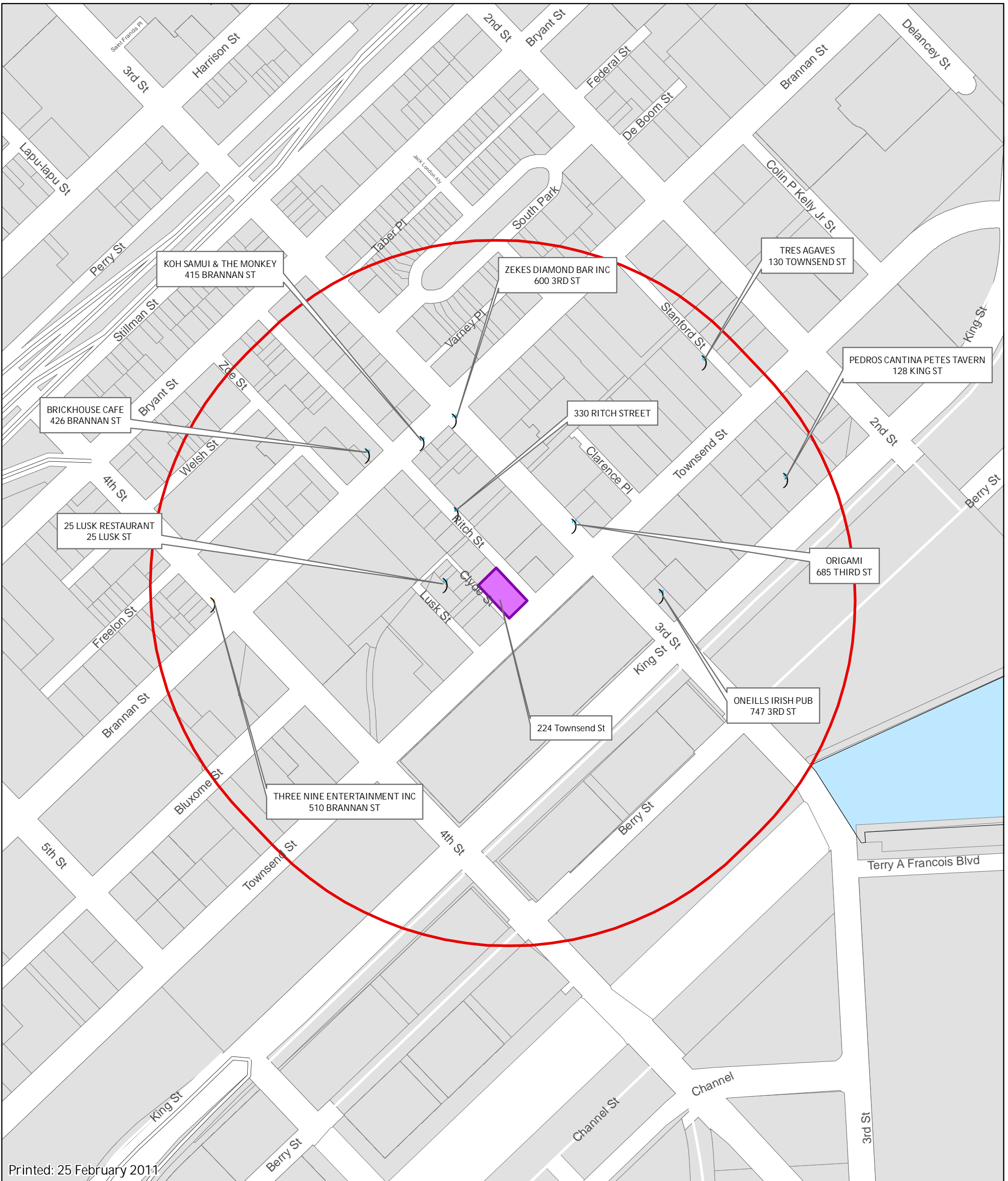
Printed: 25 February 2011

 224 Townsend Street

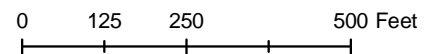
 Central Subway

0 125 250 500 Feet

224 Townsend Street



Printed: 25 February 2011



224 Townsend Street

1,000ft from 224 Townsend

Restaurants & Bars Within 1,000ft of 224 Townsend:



-) On-Sale General Eating Place
-) On-Sale General Public Premises

224 Townsend Street



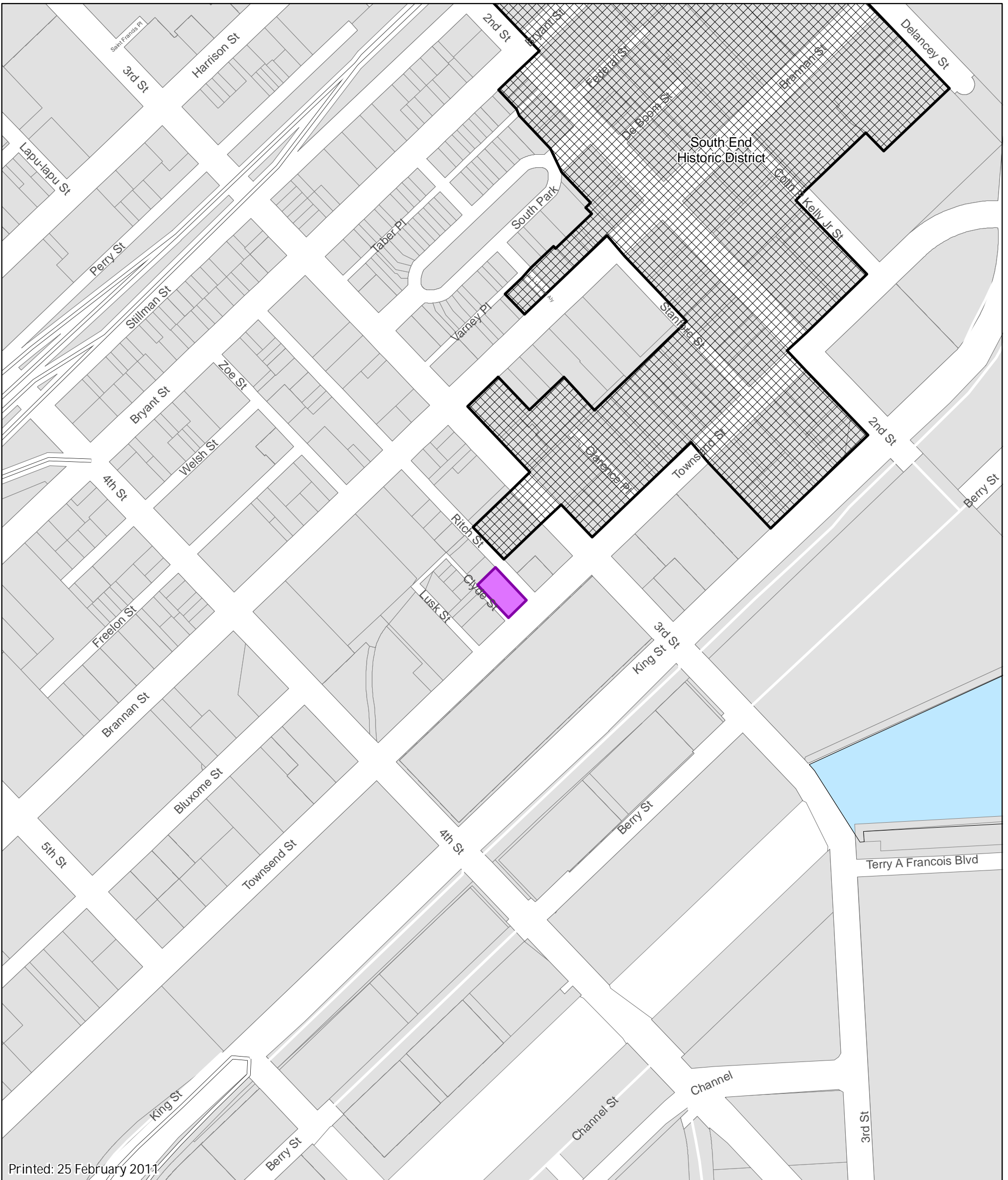
Printed: 25 February 2011

0 250 500 1,000 Feet

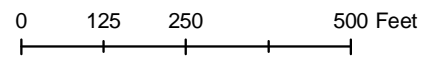
-  224 Townsend Street
-  0.25 miles from 224 Townsend





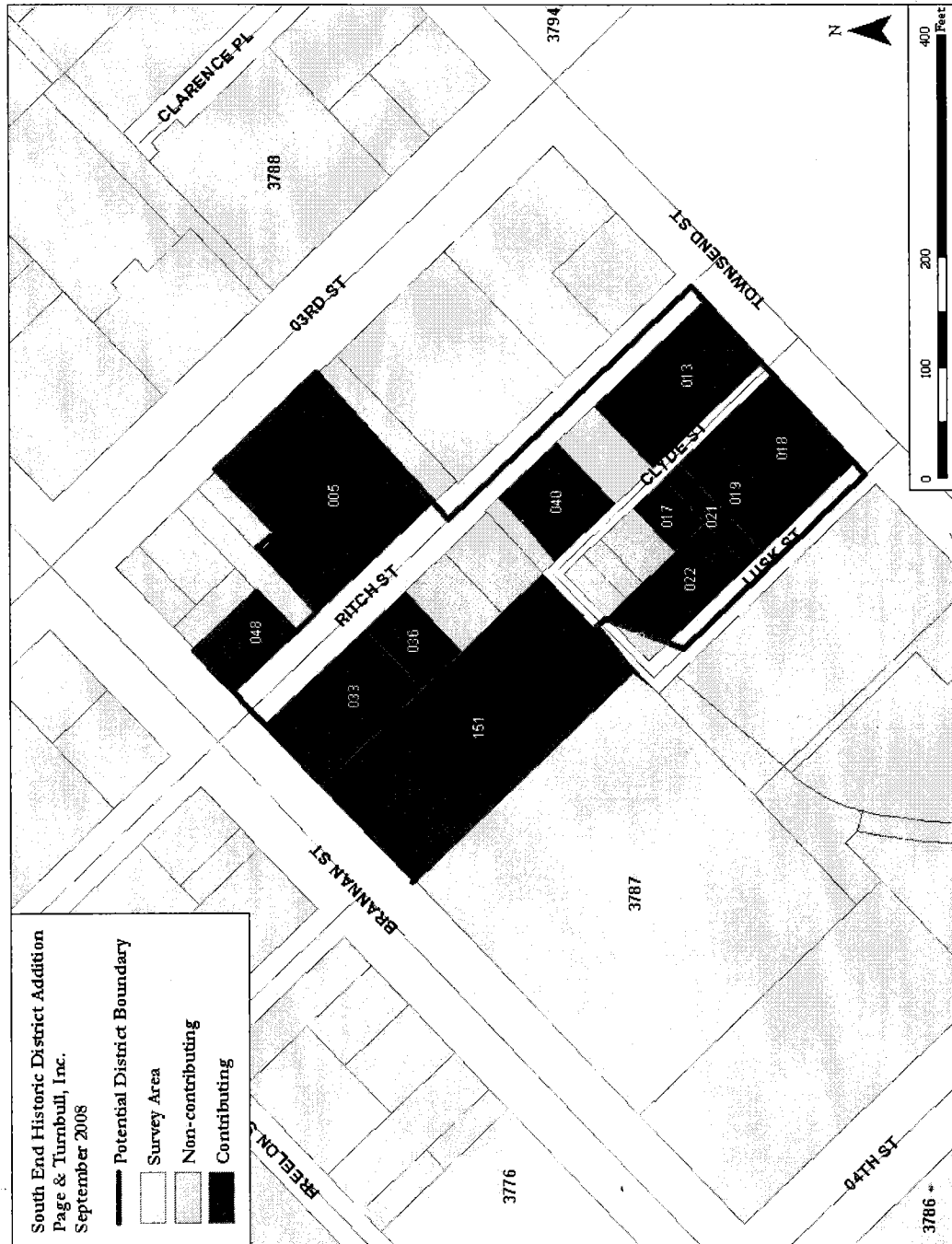
224 Townsend Street



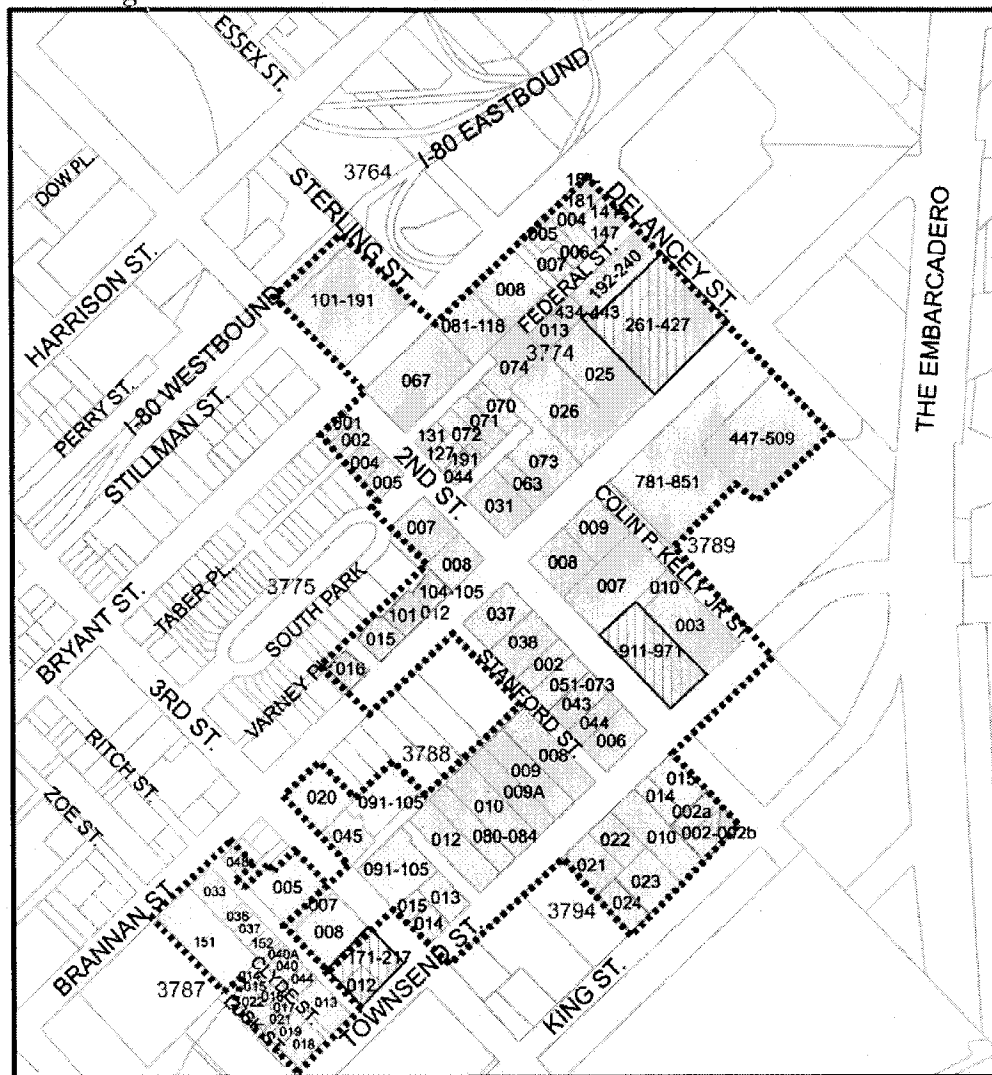
Printed: 25 February 2011



-  South End Historic District
-  224 Townsend Street



2008 South End Historic District Update Map,
 Including South End Historic District Addition



LEGEND

..... Existing South End Historic District Boundaries

----- South End Historic District Addition Boundaries



Contributors to Historic District



Former Contributing Properties that have been demolished (now considered Non-Contributor)



Non-Contributors to Historic District



Properties located in district boundaries not evaluated in 1990; Properties evaluated as part of 2008 NR Certification



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- | | |
|--|--|
| <input type="checkbox"/> Inclusionary Housing (Sec. 315) | <input type="checkbox"/> First Source Hiring (Admin. Code) |
| <input type="checkbox"/> Jobs Housing Linkage Program (Sec. 313) | <input type="checkbox"/> Child Care Requirement (Sec. 314) |
| <input type="checkbox"/> Downtown Park Fee (Sec. 139) | <input type="checkbox"/> Other |

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Planning Commission Draft Motion

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ADOPTING FINDINGS RELATING TO CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 303, 817.30 AND 890.12 OF THE PLANNING CODE TO ESTABLISH A PUBLIC AUTOMOBILE PARKING GARAGE WITHIN THE SLI (SERVICE / LIGHT INDUSTRIAL) DISTRICT AND A 65-X HEIGHT AND BULK DISTRICT. THE PROJECT PROPOSES A TEMPORARY AUTHORIZATION FOR UP TO FIVE YEARS.

PREAMBLE

On May 14, 2009 Mark Bucciarelli on behalf of Gladstone and Associates (Project Sponsor) filed an application with the Department for Conditional Use Authorization under Planning Code Sections 303, 817.30 and 890.12 to establish a public parking garage within the SLI (Service / Light Industrial) District and a 65-X Height and Bulk District.

On March 10, 2011, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2009.0378C.

The Project was determined by the San Francisco Planning Department (hereinafter "Department") to be Categorically Exempt from the California Environmental Quality Act ("CEQA") as a Class 1 exemption under CEQA Guidelines as described in the determination contained in the Planning Department files for this project. The Commission has reviewed and concurs with said determination.

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. 2009.0378C, 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.** Located on Townsend Street, between Clyde and Ritch Streets, 224 Townsend Street was constructed in 1935 as a pump warehouse for Henry Wagreich by engineer A.C. Griewank. 224 Townsend Street is an Art Deco industrial building that is one-story tall with a mezzanine. It measures approximately 13,500 square feet and features fluted pilasters that divide the bays and a three-dimensional, stepped triangular parapet over the primary entrance.

224 Townsend Street was occupied by Worthington Pump and Machinery Corp. (later known as Worthington Corp.) from 1940 to 1965. From 1968 to 1973, the building was occupied by Robinson Harper & Co. manufacturing agents. Consolidated Electrical Distributors West, Inc. was listed at the address in 1978, and Morgan Graphic Supply was listed in 1982. In 1988, it was used for storage and as a military materials warehouse. An auto detailing / glass shop named "San Francisco MAZ" last occupied the building before it was converted to the present public parking facility dba America West Parking.

3. **Surrounding Properties and Neighborhood.** The Project site is located in an SLI Zoning District. The area is bounded by a number of adjacent zoning and special use districts including, MUO (Mixed Use-Office), M-2 (Heavy Industrial), and the MB-RA (Mission Bay Redevelopment Area). The immediate area is comprised of high-rise condo residences, food establishments and businesses that serve both neighborhood residents and visitors to AT&T Ballpark.

224 Townsend Street is proposed to be included within the existing South end Historic District (Article 10 Designation). The SEHD Addition is located in the southeastern part of the South of Market (SoMa) Area Plan Historic Resource Survey area in San Francisco's South of Market neighborhood. The SEHD Addition includes nineteen properties, twelve of which are contributing. Non-contributing elements include two properties that are compatible in scale with the contributing resources, but constructed outside the period of significance, and five vacant properties that are used as parking lots. The SEHD Addition is roughly bounded by Brannan Street to the north, Third Street to the east, Townsend Street to the south, and Lusk Street to the

west. It is situated just north of a large area of contemporary redevelopment between King and Townsend streets.

This group of resources comprises an addition to the local (Article 10) and National Register-listed South End Historic District. The South End Historic District Addition (SEHD Addition) was surveyed in October 2007 and January and March 2008 by Page & Turnbull as part of the SoMa Area Plan Historic Resource Survey. Based on information presented in the *South End Historic District Case Report* (1990) and Page & Turnbull's *Historic Context Statement, South of Market Area* (2007), the contributing resources included in the appended area appear to be compatible with the "warehouse architectural form" theme of the South End Historic District. The original district also included other building types, such as industrial manufacturing, commercial, and mixed-use residential buildings. The SEHD Addition maintains consistency with the diversity of building types in a primarily industrial area. Likewise, the area is located adjacent to the western boundary of the South End Historic District, and the contributing resources in the appended area coincide with the post- 1906 Earthquake period within the broader period of significance (1867 – 1935) established by the South End Historic District. Thus, the SEHD Addition's period of significance is 1906 – 1935.

4. **Project Description.** The project sponsor seeks an authorization for up to five years.

The project is to establish a public parking garage use for up to five years at the subject site with a maximum capacity of 40 off-street spaces attended by valet staff. The proposed hours of operation shall be 6:00 A.M. to 7:00 P.M. and would close one hour after the end of AT&T Park special events. After hours auto ingress and egress are not offered nor permitted.

The project does not propose physical changes to the exterior of the existing building. The subject building already contains three large garage doors (one is non-operational) which provide ingress and egress for the operation. Ingress and egress of vehicles occurs on Ritch Street, a lightly transited one-way street.

5. **Service/Light Industrial (SLI) Zoning District.** Running roughly along Harrison, Brannan, Bryant, Townsend, and King Streets between 3rd and 4th Streets in the SOMA, the SLI zoning district is designed to protect and facilitate the expansion of existing general commercial, manufacturing, home and business service, arts uses, light industrial activities and small design professional office firms. Existing group housing and dwelling units are protected from demolition or conversion and new group housing and low-income affordable dwelling units are permitted as a conditional use. Within the SLI, general office, hotels, movie theaters, nighttime entertainment, and adult entertainment uses are not permitted.
6. **Public Comment.** At the time of this report The Department received two phone calls in support of the proposal. The callers commented that the proposed use shields the subject building from development pressures that could ultimately alter or demolish it, and that the proposed use meets the intent of the good neighbor policies set forth in Planning Code Section 803.5 by

providing an adequate parking reservoir for the popular dining venues and events space in close proximity of the subject site.

The Department received a phone call in opposition from Corrine Woods who opposes the establishment of new auto oriented uses that are contrary to the City's Transit First Policy and additionally citing the close proximity to new transit availability via the Central Subway's 4th and Brannan stop.

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

- A. **Section 803.5 Good Neighbor Policies Governing Uses In Mixed Use Districts.** Planning Code Section 803.5 (a) states that within the South of Market Mixed Use Districts, bars and restaurants, permitted pursuant to Sections 813 through 818, and 840 through 843 of this Code, shall not be allowed except on conditions which, in the judgment of the City agency, board or commission which last exercises jurisdiction to apply this Code to a proposed such use, are reasonably calculated to insure that: (2) adequate off-street parking is provided.

The proposal is intended to meet Planning Code Section 803.5 (a) (2) which requires that adequate off-street parking is provided for existing eating and drinking uses within the South of Market zoning districts. Many of the existing eating and drinking uses in close proximity of the subject site are located within the South End Historic District, on architectural significant buildings, and either do not or cannot provide off-street parking because doing so would compromise the architectural quality of those buildings.

The subject building compensates for the lack of parking in other structures by providing parking opportunities for patrons of other SOMA venues.

- B. **Use.** Planning Code Section 817.30 and 890.12 states that a Conditional Use Authorization is required to establish a new public automobile parking garage. Pursuant to Planning Code Section 890.12 a public automobile parking garage is defined as a use which provides temporary parking accommodations for automobiles, trucks, vans, bicycles or motorcycles in a garage open to the general public, without parking of recreational vehicles, mobile homes, boats or other vehicles, or storage of vehicles, goods or equipment.

The project proposes to establish a new public automobile parking garage within the SLI (Service / Light Industrial) use district and is therefore seeking a Conditional Use Authorization.

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

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

The proposed use meets both the definition of a public and community commercial garage. While the public garage use is conditionally permitted, the community commercial parking definition is principally permitted. The community garage is consistent with the City's policy to encourage small businesses in the area. The letters from adjacent business owners submitted indicate that many of the parking spaces will be for patrons and customers. In particular, many of the restaurants and other small businesses serving nighttime and weekend ballpark games also rely on these spaces for their employees. Although, public transit options do exist, the garage is proposed as an interim use which does not conflict with potential future development of the site, pending future improvements of light rail transit. Finally, valet parking is propose, which is space efficient.

- 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 is a historic building and is proposed to become a part of the South End Historic District (Article 10). The proposal will not alter the exterior of existing building. The proposed use can be accommodated with minor interior to meet Building Code requirements. The project is to establish a public parking garage use at the subject site with a maximum capacity of 40 off-street spaces attended by valet staff.

- 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 subject building already contains three large garage doors (one is non-operational) which provide safe ingress and egress for the operation. Ingress and egress of vehicles occurs on Ritch Street, a lightly transited one-way street. Impacts to existing traffic patterns on Townsend Street are not expected.

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

The proposal will include new interior mechanical equipment (under review by the San Francisco Building Department) thereby preventing noxious or offensive emissions to adjacent properties.

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

The proposed project will not alter the exterior of the existing building and the building already is improved with safe and adequate ingress and egress access for vehicular traffic. Ingress and egress of vehicles occurs on Ritch Street which is not a heavily transited street and therefore will

not impact traffic on Townsend Street. The proposal meets the intent of Planning Code Section 803.5 (a) by providing off-parking for these uses and would be operating in essence as a community commercial garage use which is a principally permit use in the subject zoning district.

- 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.

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

SOUTH OF MARKET

Objectives and Policies

OBJECTIVE 5:

MINIMIZE THE IMPACT ON THE LIVABILITY OF THE AREA OF AUTO TRAFFIC THROUGH AND TO/FROM THE SOUTH OF MARKET.

Policy 5.4

Provide adequate parking and loading resources for new South of Market residential and business development.

TRANSPORTATION ELEMENT

Objectives and Policies

OBJECTIVE 30:

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

Policy 30.1

Assure that new or enlarged parking facilities meet need, location and design criteria. A proposed parking facility should be evaluated as carefully as other proposed additions to the transportation system. Proposed new or enlarged facilities should be reviewed according to Master Plan policies, and Planning Code criteria for parking facilities. The facility should not be developed unless the following criteria are met.

- There is a demonstrated demand for additional parking space in the surrounding area in relation to the supply provided or resulting from a specific development.

- All or part of this demand cannot reasonably be diverted to or served by existing transit service or transit which could reasonably be provided in the near future.
- This demand cannot be met by existing available facilities or more efficient use of existing facilities.
- In the case of desired accessory parking (i.e. parking customarily provided incidental to a permitted use and directly related to the activities conducted on the site of the use) its need is clearly established and not presumed.
- Provision of the facility does not result in the demolition of sound residential, commercial, and industrial buildings.
- The traffic generated by the facility will not create a substantial adverse effect on the surrounding city streets (especially residential streets) and corridors leading into the city.
- The facility, viewed in the local and citywide context of parking supplied and trips generated, will not discourage the possible diversion of current automobile users to transit.
- The location is appropriate in terms of adjacent land uses.
- The proposed site and facility are in close proximity to or readily accessible from freeway ramps or major arterials.
- Conflict between pedestrian and bicycle movements and driveways or ramps is minimized and additional auto traffic through areas of heavy pedestrian concentration is avoided.
- There is not substantial conflict with existing or future patterns of other forms of transportation, especially transit, and access avoids use of transit preferential streets.
- Consideration has been given to the inclusion of other uses in order to maximize use of scarce land resources and integrate the structure into the surrounding neighborhood.
- Access or egress is not primarily from streets or alleys having predominantly residential use.
- When a parking garage is proposed, the structure is in scale with existing structures in the area, and when located in commercial districts includes commercial frontage in order to avoid blank street level facades.
- The design and operating policy of the facility is such that vehicles can be admitted rapidly, to avoid the use of the street as a waiting area for entrance into the facility and to avoid the situation of automobiles idling for a long period of time.

- A portion of spaces is reserved for compact automobiles and motorcycles.
- Adequate provisions are made to accommodate parking and egress for people with mobility impairments.
- Secure, convenient bicycle parking is provided.
- All or portions of the facility are convertible to other uses if demand for parking is reduced in the future.
- An equity program for patrons and employees who do not use auto parking facilities is offered at establishments where private auto parking is validated or subsidized, such as the provision of transit fare validations or "cash-out".
- All relevant provisions of the Traffic Code and the ADA are met.

New development should not exacerbate existing parking congestion. New commercial and industrial or mixed use developments should provide adequate off-street parking and freight loading resources. However, in older historic properties the addition of new openings to provide off-street parking is not encouraged and many eating and drinking establishment do not provide their own off-street parking.

The proposed project will not alter the exterior of the existing building in any way and already is improved with adequate ingress and egress access for vehicular traffic. The proposal meets the intent of Planning Code Section 803.5 (a) by providing off-parking for these uses and would be operating in essence as a community commercial garage use which is a principally permit use in the subject zoning district.

The proposed development will provide a desirable use and service to the immediate neighborhood and will provide employment opportunities to lower-skilled persons. The City should encourage private sector development of joint or congregate parking structures to meet off-street parking requirements of development that would otherwise be provided on-site.

Development of joint parking structures can achieve a better allocation of space available in the SOMA and can reduce curb cuts and thereby better control potential conflicts between autos and pedestrians, transit, and/or delivery/service vehicles.

Finally the project site is convertible to other uses, pending the rezoning of the 4th Street corridor.

10. **Planning Code Section 101.1(b)** establishes eight priority-planning policies and requires review of permits for consistency with said policies. On balance, the project 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.

While the proposed parking garage is not providing or conserving a retail use, it is positively impacting other important neighborhood retail uses by providing an adequate reservoir of off-street parking. Most uses in the immediate area do not provide off street parking and may never be permitted to do so as those properties are located in the South End Historic District, which may limit non garage openings.

The proposal would enhance the district by providing a use that meets Section 803.5, Good Neighbor Policies Governing Uses in Mixed Use Districts. In addition, the approval is only for five years and the proposal does not significantly alter the existing building, therefore a new use would be able to occupy the building without significantly altering its historic exterior fabric.

- 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 proposes to establish a public parking garage use which complies with the requirements of Section 803.5 (a) Good Neighbor Policies Governing Uses In Mixed Use Districts, in that it provides an adequate reservoir of off-street parking for the many popular nearby eating and drinking uses that cannot provide their own off-street parking. The proposed use is particularly important because many of these eating and drinking uses are located in architecturally significant buildings (South End Historic District Article 10) which will never be capable of providing off-street parking without significantly and permanently altering cultural resources important to the immediate neighborhood and City.

These uses, while neighborhood serving, also attract residents from many of the City's other residential neighborhoods as well as regional residents during special events offered at AT&T Park.

- 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 proposed public parking garage accommodates a maximum of 40 vehicles at one time. Site visits demonstrate that the use is virtually unnoticeable and the ingress and egress of automobiles occurs on Ritch Street, an alley way which is free from public transit routes.

- 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 affect industrial or service sector uses or related employment opportunities. The existing building's ability to accommodate a future industrial or service use will not be affected as the subject building will not be significantly altered. As noted on the architectural plans the building's

floor plan will remain the same (open) and could accommodate most uses currently permitted within the SLI South of Market district.

- 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. This proposal will not impact the property's ability to withstand an earthquake.

- G. That landmarks and historic buildings be preserved.

Approving the proposed use will ensure that the subject Historic resource will not be significantly altered or demolished in the near future.

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

The project does not propose to alter the exterior of the existing building. The project will not cast new shadows on existing parks nor will it impede on public views.

11. 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.

12. 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. 2009.0378C** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans filed with the Application as received on May 14, 2009 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. XXXXX. 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 March 10, 2011.

Linda D. Avery
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: March 10, 2011

Exhibit A

Conditions of Approval

AUTHORIZATION

1. This authorization is for a conditional use to establish a public parking garage for up to five years (d.b.a. **American West Parking**) located at 224 Townsend Street, Assessor's Block 3787, and Lot 013 pursuant to Planning Code Section(s) **303, 817.30 and 890.12** within the **SLI (Service / Light Industrial)** District and a **65-X** Height and Bulk District; in general conformance with plans, dated **May 1st 2009**, and stamped "EXHIBIT B" included in the docket for Case No. **2009.0378C** and subject to conditions of approval reviewed and approved by the Commission on **March 10, 2011** under Motion No. **XXXXXX**. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.
2. The existing doorway opening onto Clyde Alley shall not be used for ingress or egress, nor shall the operator use Clyde Alley in any manner to access the said operation.

RECORDATION OF CONDITIONS OF APPROVAL

3. 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 **March 10, 2011** under Motion No **XXXXXX**.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

4. The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. **XXXXXX** 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
5. 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

6. 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.

7. **Signage.** The Project Sponsor shall develop a signage program for the Project which shall be subject to review and approval by Planning Department staff before submitting any building permits for construction of the Project. All subsequent sign permits shall conform to the approved signage program. Once approved by the Department, the signage program/plan information shall be submitted and approved as part of the site permit for the Project. All exterior signage shall be designed to compliment, not compete with, the existing architectural character and architectural features of the building. *For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org.*
8. **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*
9. **Monitoring.** The Project requires monitoring of the conditions of approval in this Motion. The Project Sponsor or the subsequent responsible parties for the Project shall pay fees as established under Planning Code Section 351(e) (1) and work with the Planning Department for information about compliance. *For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org*
10. **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*
11. **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 off 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/>.*
12. **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/>*

13. **Community Liaison.** Prior to issuance of a building permit application 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 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*
14. **Lighting.** All Project lighting shall be directed onto the Project site and immediately surrounding sidewalk area only, and designed and managed so as not to be a nuisance to adjacent residents. 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*
15. **Validity and Expiration.** The authorization and right vested by virtue of this action is valid for three years from the effective date of the Motion. A building permit from the Department of Building Inspection to construct the project and/or commence the approved use must be issued as this Conditional Use authorization is only an approval of the proposed project and conveys no independent right to construct the project or to commence the approved use. The Planning Commission may, in a public hearing, consider the revocation of the approvals granted if a site or building permit has not been obtained within three (3) years of the date of the Motion approving the Project. Once a site or building permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. The Commission may also consider revoking the approvals if a permit for the Project has been issued but is allowed to expire and more than three (3) years have passed since the Motion was approved. *For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org*

M. BRETT GLADSTONE

GLADSTONE & ASSOCIATES
ATTORNEYS AT LAW
PENTHOUSE, 177 POST STREET
SAN FRANCISCO, CALIFORNIA 94108

TELEPHONE (415) 434-9500
FACSIMILE (415) 394-5188
admin@gladstoneassociates.com

March 2, 2011

President Olague and Planning Commissioners
Planning Commission
c/o Edgar Oropeza
1650 Mission Street, Suite 400
San Francisco, CA 94103

Re: Hearing of March 10, 224 Townsend Street
Conditional Use Application

Dear President Olague and Planning Commissioners:

We represent the owner of 224 Townsend Street, a half block from the Ballpark, who is seeking a Conditional Use to operate a public parking garage on the property for a term of five years only. The owner and operator recognize that as a land use, a permanent parking garage does not meet the City's goals of making this block into a long term residential and recreational zone that discourages vehicular use. However, there is currently no demand for a residential use or entertainment or restaurant use in this historic building, due to the economy and financial feasibility problems with a successful renovation of an outdated one story (and unimproved) building.

However, this may change in five years. The owner of the building and operator of this garage are willing to come back five years from now if they decide to continue the use; the owner may find a use by then which is an as of right use in this zone, such as housing, or if he cannot, may seek a short extension of the five year authorization requested here. (See Exhibit A.) The building owner has tried to lease the property for uses other than a parking garage, since a parking garage use is one that does not provide the highest income.

The area has many lots which allow general office space, because they are in the South End Historic District, which allows general office if it can be shown that a historic building (such as this one) would be more likely to be preserved if it is not vacant and if an office use could provide the income to help preserve it. This Historic District stops short of this 224 Townsend Street property, but your staff and the City have a process underway to geographically extend the district to include historic properties such as this one. As a result, it is expected that

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at the end of the five year authorization sought, uses that can help finance a thorough interior and exterior renovation will be allowed.

I. BACKGROUND.

The property contains a one-story building with a mezzanine. Over a decade ago, the warehouse use was converted to other uses, including a business that installed windshields and car stereos, and finally, a privately owned public parking garage. *The windshield installer found cheaper space and space where his trucks and noise would be better tolerated.*

Neither the owner nor the operator (named American West Parking) realized a conditional use authorization was required for the parking garage. They had been obtaining Fire Department authorizations yearly, *and paying all parking taxes and business taxes.* The property was zoned M-1 prior to its rezoning to SLI. The M-1 zoning district permitted a public parking garage as a matter of right, so some owners and tenants in the area were not aware of the zoning change. The Fire Department recently decided to send to the Planning Department the parking operator's routine request for annual renewal of a Fire Department permit. When this occurred a year ago for the first time, the Planning Department advised the Fire Department that it could not approve it, because the zoning had changed to SLI, and it could not find any alteration permit in the past by which the Planning Department has approved a parking garage use. Thus, the Planning Department asked the owner to file a Conditional Use Application to allow the use to continue, and the owner did so right away.

II. PUBLIC PARKING GARAGE VERSUS COMMUNITY BUSINESS GARAGE.

The garage primarily is used by employers, employees and visitors of nearby businesses and the attendees of Giants games. Giants' fans generally use the parking at night or on weekends when nearby businesses are not in operation. (See Exhibit B.) Last year we helped the owner attempt to obtain approval of the garage as Automobile Parking Garage, Community Commercial ("Community Commercial Garage"), which is an as of right use under Planning Code Section 817.28. A Community Commercial Garage is defined as:

"(a) use which provides temporary parking accommodations in a garage, or combination garage and lot, for automobiles, vans, trucks, bicycles and/or motorcycles for operators, employees, clients and/or visitors of a permitted, or approved conditional, nonresidential use in the vicinity, without parking of recreational vehicles, mobile homes, boats or other vehicles or storage of vehicles, goods or equipment."

(Planning Code Section 890.10) (emphasis added). The owner submitted to the Planning Department documents evidencing that employees and owners of nearby businesses use this parking garage. (See Exhibit C.)

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The owner was willing to limit the garage to such users with accessory parking for the public at large, including Giants fans in the evening. (*Even though the language above allows for visitors of a permitted or conditional use such as the Giants Ballpark*). However, the Planning Department disagreed that the use would fit the definition of the Community Commercial Garage. The Department believes that a Community Commercial Garage can only be used when the garage is combined with other uses, such as retail or office, and all of the uses are developed at the same time; and not when the use is part of a larger, unrelated community of users. We believe the current use does not require a conditional use permit, as it is as of right.

Although our client is seeking a conditional use permit, we respectfully disagree with the Department's interpretation. In Exhibit D a recent (and unsolicited) letter from a residential neighbor explains the issue better than we can. The proposed use fits the intent of a Community Commercial Garage, which is permitted as a matter of right. As you can read from the Code quote above, such a use can serve visitors to a legal nearby use such as a baseball stadium. Since it is a principally permitted use, the proposed use cannot be in direct conflict with the General Plan, which is what Staff's has been here.

III. PROJECT DESCRIPTION.

The building contains approximately 10,034 square feet of public parking containing 33 tandem spaces. A mezzanine contains approximately 1,922 square feet of accessory office space used by the management of the parking garage. The Conditional Use Application seeks to approve these existing uses. There is no expansion of the building envelope or internal construction planned in connection with this Planning Commission approval. Areas that promote alternative forms of transportation such as bicycle and motorcycle parking would be provided. Ingress and egress is and will be from Ritch Street so as to avoid conflicts with traffic on Townsend Street. No new curb cuts would be necessary.

IV. SURROUNDING USES AND IMPACT ON SUPPLY OF PARKING.

The supply of parking in the area has been greatly diminished as a result of the revitalization that has occurred after construction of the Giants stadium. The Giants stadium is located 1 ½ blocks from the site. Many tall new developments (including the large Beacon Condominiums across the street) have been constructed in recent years resulting in a demand for off-street parking spaces for guests of new apartment dwellers and for customers of new nearby businesses. Other than Safeway, many of these small businesses include small retailers, and many of them are restaurants that depend on the off-street parking spaces for customers. New projects of thousands of units have already been built. As a result, there are slightly fewer parking spaces currently available than what the Giants' study projected for the year 2015.

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Public transit is important; however, it is unrealistic to expect public transit to be the sole provider of transportation. We have a Transit First Policy and not a Transit Only Policy in the City. And SOMA bus lines are far and few between and new ones are planned for many years from now. The restaurant and entertainment venues often operate at night, when public transit is least available to patrons, owners and employees and nighttime MUNI service has been and will remain cutback for a few years. Moreover, there are many visitors to Giants games who come from outside the City where there is poor public transportation, or inside the City in districts where nighttime service by MUNI is rare (and in many cases, recently cut back). Caltrans has always brought Giants fans to the game; however, steep cutbacks has resulted (and will continue for a couple of years) in more and more fans driving.

We have discovered that currently trains to the Ballpark are so crowded that downtown residents and workers between Powell Street and the Ferry Building now take MUNI underground from Downtown to Civic Center and then backwards from Civic Center to the Ballpark, to make sure they can get on a train (since trains are already full when they head downtown from Powell, Montgomery and Embarcadero Stations). More MUNI lines in SOMA are not expected for many years due to funding issues.

While this may not mean new parking structures should be built (contrary to our City's Transit First Policy), providing an interim parking use in an existing (and hard to lease) structure, for a period of years until the above referenced budget cuts and other problems end and the economy improves to make an expensive building renovation possible here, it does mean it is a bad time to terminate existing parking. This interim use will provide the income to properly maintain this historic building.

If there was a permitted use that was economically feasible (not a conditional use such as proposed), it would have occurred by now. Prior to the current parking garage, the property was used for automotive glass installation for many years. That company eventually moved out of the South of Market area because it was difficult to access. Exhibit E contains materials describing the owner and a lessee's attempts to establish a restaurant on the property, which failed.

If the City were to disapprove continuation of the existing use, it is most likely that the building would become vacant. With vacancy, buildings tend to be less maintained, attract graffiti, and create other problems. This is bad enough, but it is even worse when, as here, the building has some value as an historic building. The building was constructed in 1935 and is listed as historic within the proposed extension area of South End Historic District Addition Survey. That means that at some future time when that extension is adopted, the property will be in an historic district allowing such viable uses as office to be considered, even though not allowed today.

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V. THE CONDITIONAL USE APPLICATION IS JUSTIFIED.

The Conditional Use Application is justified for the following reasons:

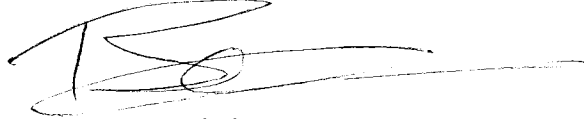
- The garage only would provide 33 tandem spaces or 17 independently accessible spaces. Given the few spaces it will provide, the impact to the surrounding neighborhood would be minimal compared to impacts typically associated with large garages, such as conflicts with traffic and congestion.
- The parking garage supports small, local and independent businesses. As a result, the project has received the support of the San Francisco Chamber of Commerce, many individual small businesses and merchants associations. (See Exhibit C.)
- The parking garage would allow for the adaptive reuse of an old building that resembles its original use. Very few economically feasible uses are allowed by the current zoning. The owner advised us that a potential tenant sought for months to gain approval for a restaurant but eventually gave up after meeting resistance from the Planning Department. It is important that this old building located within a historic district be maintained well in the future, and such maintenance cannot be assured if there is no tenant or uses therein.
- The parking garage would not add new spaces. While the current spaces have always been recognized by the Fire Department and the Tax Collector's Office (but not the Planning Department), these spaces are nonetheless existing spaces, and the continuation would not cause any change in parking, traffic or congestion circumstances in the immediate area and no curb cuts are required.
- Many of the surrounding garages and lots are not permitted and therefore, the spaces that they provide should not be counted in considering whether the existing supply is adequate. The garage would help meet the demand for off-street spaces.
- The actual use closely resembles a Commercial Community Garage, which is permitted as a matter of right.
- The project is consistent with the good neighbor policies of Planning Code Section 803.5. Subsection (a) of this Section states that restaurants and bars in the SOMA area should have adequate off-street parking, *and this area is full of new restaurants and bars.*

GLADSTONE & ASSOCIATES
ATTORNEYS AT LAW

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Based on the foregoing, we respectfully request that you approve the Conditional Use Application for a term of five years.

Very truly yours,

A handwritten signature in black ink, appearing to be 'M. Brett Gladstone', written over a horizontal line.

M. Brett Gladstone

Enclosures

cc: Robert Harms
Mark Bucciarelli, architect
John Rahaim
Scott Sanchez
Julian Banales

During Non-Baseball Season

TYPE OF USER	DAY	NIGHT
GUEST OF RESTAURANT / RETAIL	50%	60%
BALLPARK USER		
INDUSTRIAL USER	30%	
CONDO OWNER	20%	40%
TOTAL	100%	100%

During Baseball Season

TYPE OF USER	DAY	NIGHT
GUEST OF RESTAURANT / RETAIL	30%	50%
BALLPARK USER	30%	30%
INDUSTRIAL USER	20%	
CONDO OWNER	20%	20%
TOTAL	100%	100%



SAN FRANCISCO
CHAMBER OF COMMERCE *Where smart business starts.*

October 15, 2010

Mr. John Rahaim
Planning Director
City Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103

RE: Conditional Use Application for 224 Townsend Street

Dear Mr. Rahaim:

The San Francisco Chamber of Commerce, representing 1,500 businesses from throughout the city, urges the Planning Commission to approve the conditional use application to legalize an off-street parking garage use at 224 Townsend Street.

Normally, the Chamber would not weigh-in on a matter such as this. However, failure to authorize the continued use of this building for parking will have a significant impact on hundreds of adjacent parking spaces, the operation of the ballpark and neighboring retail and commercial businesses.

The Giants' 1997 environmental review document indicated a need for approximately 10,000 parking spaces within a short walk of the ballpark site. As part of the mix of available parking, 3,000 privately owned spaces were identified within a 15 minute walk. Since 2000, this parking demand has been met in part by a variety of off-street facilities. However, after over ten years of use, the Department now feels that many of these private lots, including 224 Townsend, do not have a right as a matter of law to operate as a parking facility and therefore must seek a conditional use permit.

The continued successful operation of the ballpark, local businesses and a much discussed south-of-the channel arena proposal depend on a mix of parking both north and south of the ballpark. While at least 50% of ballpark patrons arrive other than by private auto, there will always be the need for a reasonable number of off-street parking spaces in the neighborhood.

The Chamber urges the Department to approve this conditional use application and other similar requests that may be filed by adjacent property owners.

Please provide a copy of this letter to members of the Commission.

Sincerely,


JIM LAZARUS
Sr. Vice President



TO WHOM IT MAY CONCERN,

AS THE BUILDING OWNER,

AND OFFICE TENANT DOING BUSINESS @ 360 RITCH STREET, SAN FRANCISCO

I HAVE ON A REGULAR BASIS REMINDED MY TENANTS AND VISITING CLIENTS OF THE OPTION TO USE
THE PARKING GARAGE LOCATED AT 224 TOWNSEND STREET.

VERY TRULY YOURS,

Laurance Mathews

Building owner of 360 Ritch Street
360 Ritch Street, Suite 204
San Francisco, CA 94107
415-882-9555

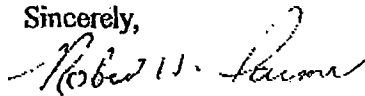
RIGO Industrial Properties
695 De Long Ave.
Suite 260
Novato, CA 94945

January 19, 2010

To Whom It May Concern,

Our company owns several buildings in the South of Market area. We use 224 Townsend St. for parking when working in the vicinity. This very safe facility meets our needs.

Sincerely,



Robert W. Harms, President

Larsen Associates
360 Ritch Street #202
San Francisco, CA 94107
P: 415-957-1205

To Whom it May Concern,

We work at 360 Ritch Street. We do not live in the immediate area. We and our clients use the parking spaces at American West Parking Services for work purposes.

Sincerely,

Karen Larsen
Kydda McKinney
KL
Larsen Associates



THE BEACON
250 – 260 KING STREET
SAN FRANCISCO, CA 94107

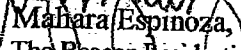
PH: 415.974.1500 Fx: 415.495.2056

December 21, 2009

To Whom It May Concern:

I work at 250/260 King Street. I and fellow colleagues use the parking spaces at American West Parking Services for work purposes.

Sincerely,


Mahara Espinoza, General Manager
The Beacon Residential Community Association
250 King St., SF CA 94107
415-692-1505



January 5, 2010

To whom it may concern:

We work at 660 Third Street, and do not live in the immediate area. Four of Healthline's employees hold monthly parking permits with American West Parking Services located at the corner of Townsend & Ritch St.

As well, several of our other employees, contractors, and clients occasionally park at American West Parking Services.

Sincerely,

A handwritten signature in black ink, appearing to read "Raoul Simpson", written over a horizontal line.

Raoul Simpson
Healthline Networks, Inc.



36 Clyde St.
San Francisco, CA 94107
Office: (415) 786-9457
Fax: (415) 808-0801

To Whom it May Concern,

Justin.tv has two offices, 36 Clyde and 47 Lusk, in the neighborhood of American West Parking Services. We have 4 employees with monthly passes and others who frequently park there on a day-to-day basis. Their location is very convenient for our employees and business visitors as well in terms of proximity and safety of our vehicles.

Thanks for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin Lin". The signature is fluid and cursive, with a long horizontal stroke at the end.

Kevin Lin, COO

Arc
wood & timbers

Arc Wood & Timbers, LLC.
38 Clyde Street, San Francisco, Ca 94107
Phone (415) 441-7776 | Fax (415) 520-5758 | www.arcwoodandtimbers.com

To Whom It May Concern,

Our company, Arc Wood & Timbers, resides at 38 Clyde Street, San Francisco, Ca 94107. We do not live in the immediate area, however our staff commutes and parks at American West Parking Services for work. Our staff utilizes four parking spaces, and our clients use this parking facility for meetings.

Best Regards,



David Ferst
Managing Director
Arc Wood & Timbers
38 Clyde Street
San Francisco, Ca 94122

e-mail edgar.oropeza@sfgov.org
web www.sfgov.org/planning
----- Forwarded by Edgar Oropeza/CTYPLN/SFGOV on 03/01/2011 02:01 PM ---

Richard An
<ran1347372@gmail.com>
To edgar.oropeza@sfgov.org
03/01/2011 01:20
cc
PM
Subject 224 Townsend 2009.0378C

RECENT EMAIL FROM RESIDENTIAL NEIGHBOR, EMAILED TO EDGAR OROPEZA OF PLANNING DEPARTMENT STAFF.

Hi Edgar,

Thanks again for returning my call the other day. I appreciate you taking the time to briefly explain the matter. I was able to do some followup on my own. I read the original application <http://www.sfplanning.org/Modules/ShowDocument.aspx?documentid=7897> and I read the code http://library.municode.com/HTML/14139/level2/ART8MIUSDI_S817SLSELIINDI.html and I reviewed the past transcripts/videos of the Planning Commission meetings in December 2009, January 2010 and April 2010.

Could you please help me understand why if both "Automobile Parking Garage, Community Residential" and "Automobile Parking Garage, Community Commercial" are both Permitted Uses why "Automobile Parking Garage, Public" would be a conditional use? Is the intent to review (and possibly condition or deny) the use of a parking garage by non-vicinity residents and businesses? I don't have experience to draw from but it would seem unlikely that a person would want to park in a garage if it wasn't in the vicinity of either 1. a residence that they live in or visit or 2. a business that they are affiliated with. Hence, the code seems to provide safeguards for scenarios that are unlikely or don't seem to make sense.

Hence, I am in support of the conditional use application and would like for that to be in the public record. I plan on attending the March 10 hearing as well.

C:\Documents and Settings\jason\Local Settings\Temporary Internet Files\OLK668\unsolicited letter from residential neighbor.doc

Thank you very much.

Sincerely,
Richard



FANNY & ALEXANDER
PATIO DINING • BAR • LIVE MUSIC • CORPORATE EVENTS

Bob Harms
695 DeLong Ave, Suite 260
Novato, CA 94945

January 7, 2003

Dear Bob

Jon and I would like to thank you for the opportunity to pursue a location for Fanny & Alexander in San Francisco. We know that 224 Townsend would be an ideal spot. However, the City of San Francisco is making the opening of our concept extremely difficult with respect to necessary permits.

The experience we had working with you and your partners was pleasant. We will continue to look for a more suitable location in San Francisco, outside the Pacific Bell Ballpark zone. We hope that we might come across another building that you own.

If you or your partners are near one of our locations, please do not hesitate to call me.

Thank You.

Sincerely,

Doni P. Malaise



FANNY & ALEXANDER
PATIO DINING • BAR • LIVE MUSIC • CORPORATE EVENTS

December 20, 2002

VIA FAX & FEDEX

Mr. Robert Harms, President
Ares Commercial Properties
695 De Long Avenue, Ste. 260
Novato, CA 94945

Re: 224 Townsend Street, San Francisco, CA Lease

Dear Mr. Harms:

This serves as notice that F&A SF, LLC, the Lessee pursuant to the June 12, 2002 Lease covering the above-described property, has been unable to obtain the necessary building, music and liquor permits from the City of San Francisco for its proposed restaurant and cabaret. Lessee has made numerous reasonable efforts to apply for and obtain the requisite permits; however, the City has repeatedly refused to issue those permits.

As a consequence, Lessee is unable to remove the contingency described in Paragraph 54 of the June 12, 2002 Lease. Pursuant to the terms of said lease contingency, since the Lease Commencement Date has not yet occurred (see our companies' September 20, 2002 Lease Addendum Agreement), Lessee deems the Lease to be terminated effectively immediately and hereby requests the prompt reimbursement of Lessee's security deposit.

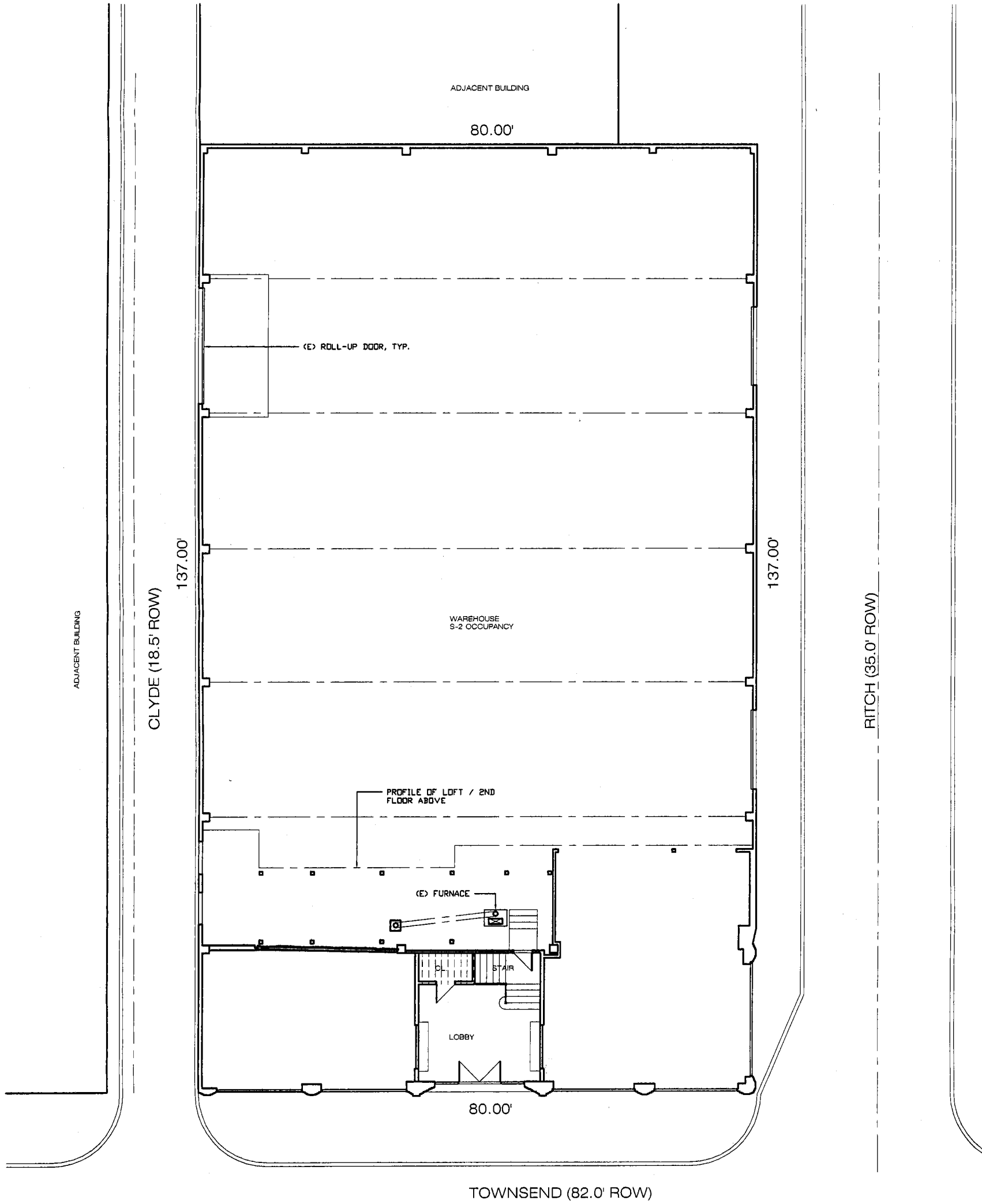
I would ask that you sign at the bottom of this letter confirming that the Lease is terminated and that, with the exception of the reimbursement security deposit by Ares, neither party has any further obligations to the other under the Lease.

Very truly yours,

Doni P. Malaise,
President

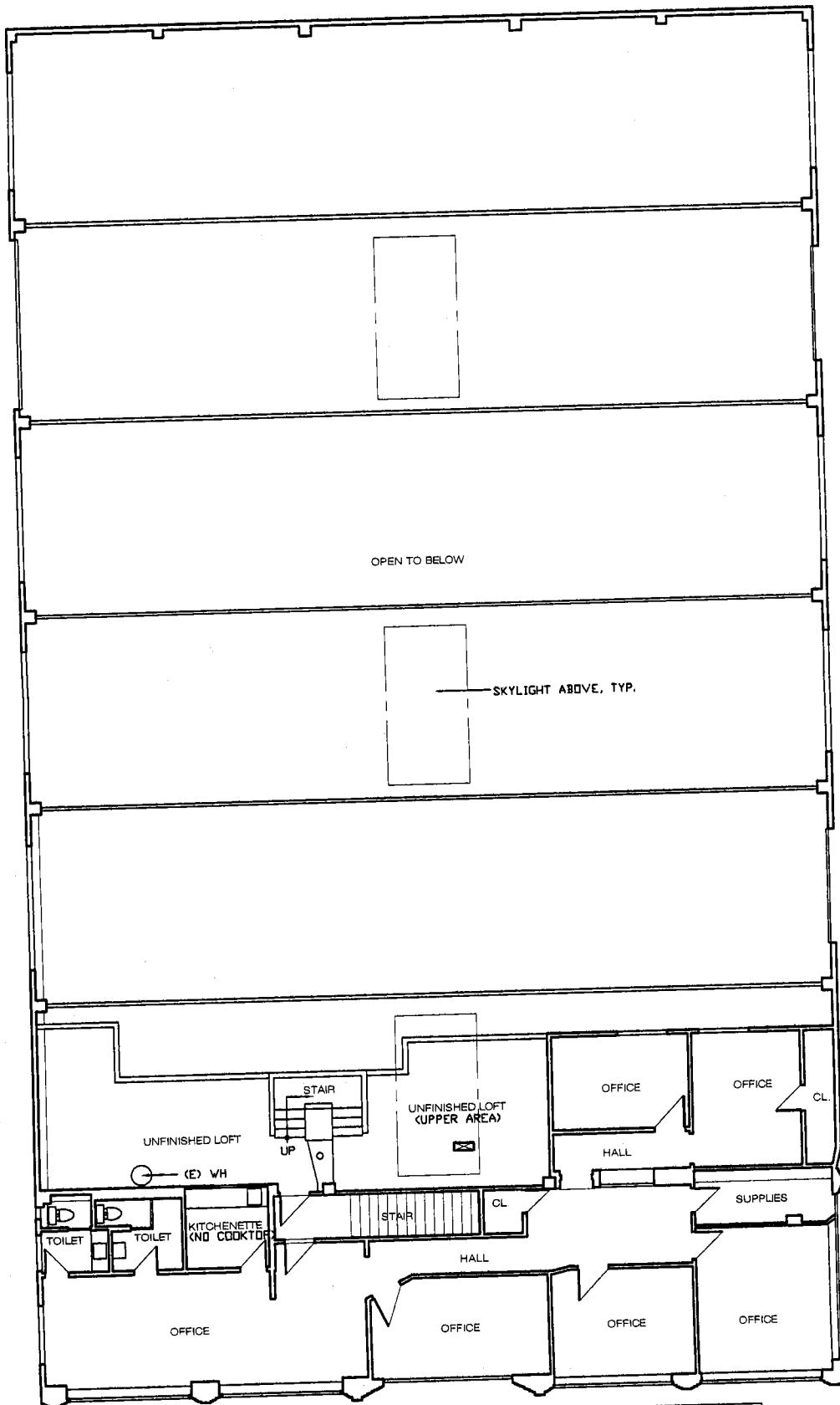
Agreed and Acknowledged:

Robert Harms, President
Ares Commercial Properties



EXISTING 1ST FLOOR PLAN

DATE	
ISSUED FOR	
 <p>BAUKUNST 58 Fairview Avenue, Daly City, CA 94015 T: 650.465.1207 F: 650.755.1093 E: baukunst2000@yahoo.com W: baukunstarchitecture.com</p>	
<p>© Copyright 2005 - Baukunst This drawing is the sole property of the Architect and may not be reproduced or used without the written consent. The right to build only one structure at said project address from this plan is licensed exclusively to the specific project owner.</p>	
<p>AMERICAN WEST PARKING 224 TOWNSEND STREET SAN FRANCISCO, CA 94107 (USE PERMIT APPLICATION)</p>	
1-13-11	1/8" = 1'-0"
<p>A2.1</p>	



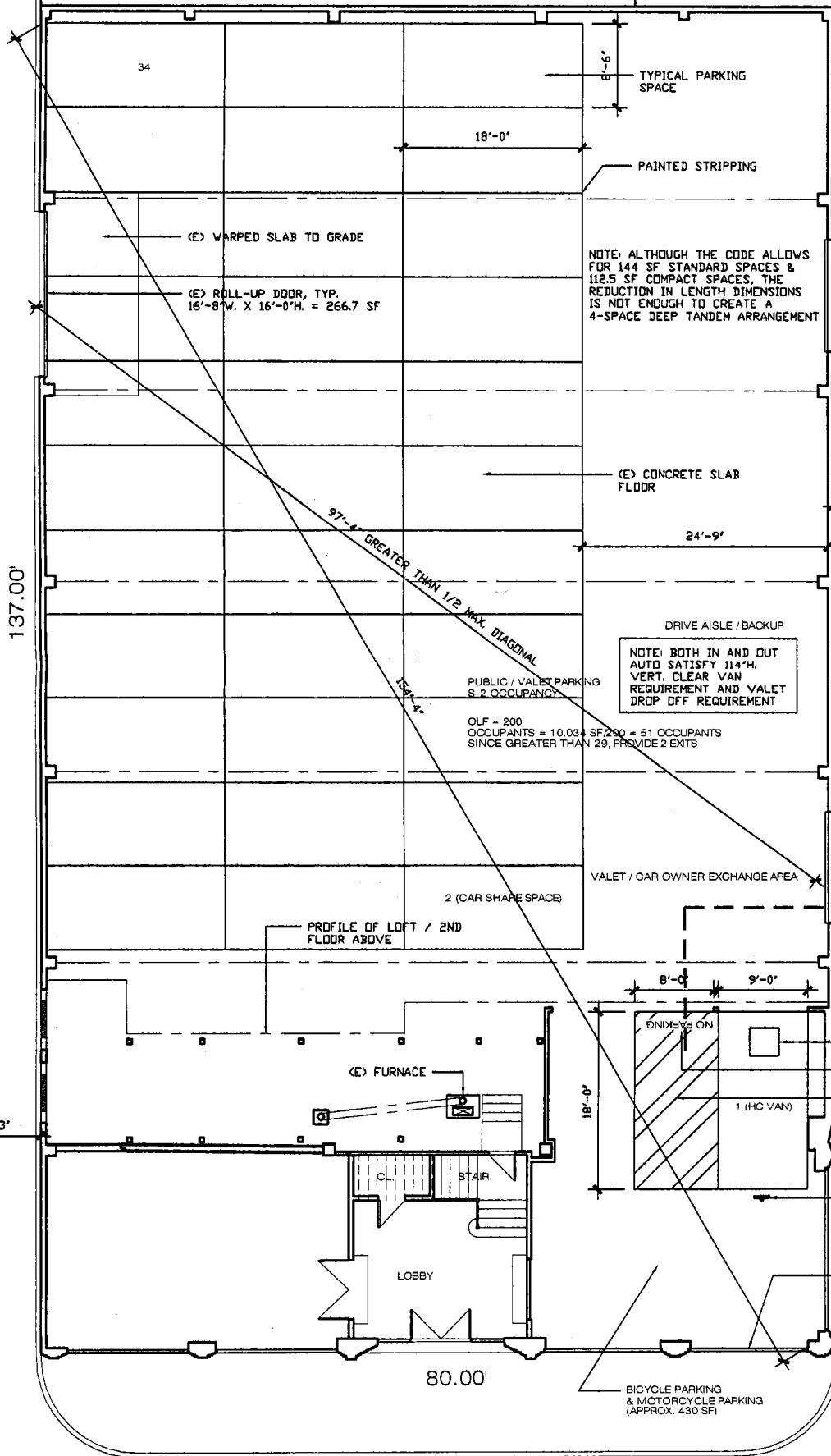
NOTE: OFFICE AREAS ARE AN ADJUNCT, ACCESSORY USE FOR THE PARKING GARAGE TENANT ONLY
 NOT BE LEASED TO ANY THIRD PARTY

EXISTING 2ND FLOOR PLAN

ADJACENT BUILDING

PARKING SUMMARY
1 HC VAN ACCESSIBLE SPACE
1 CAR SHARE SPACE
32 STANDARD, 153 SF, TRIPLE TANDEM SPACES
34 TOTAL

80.00'



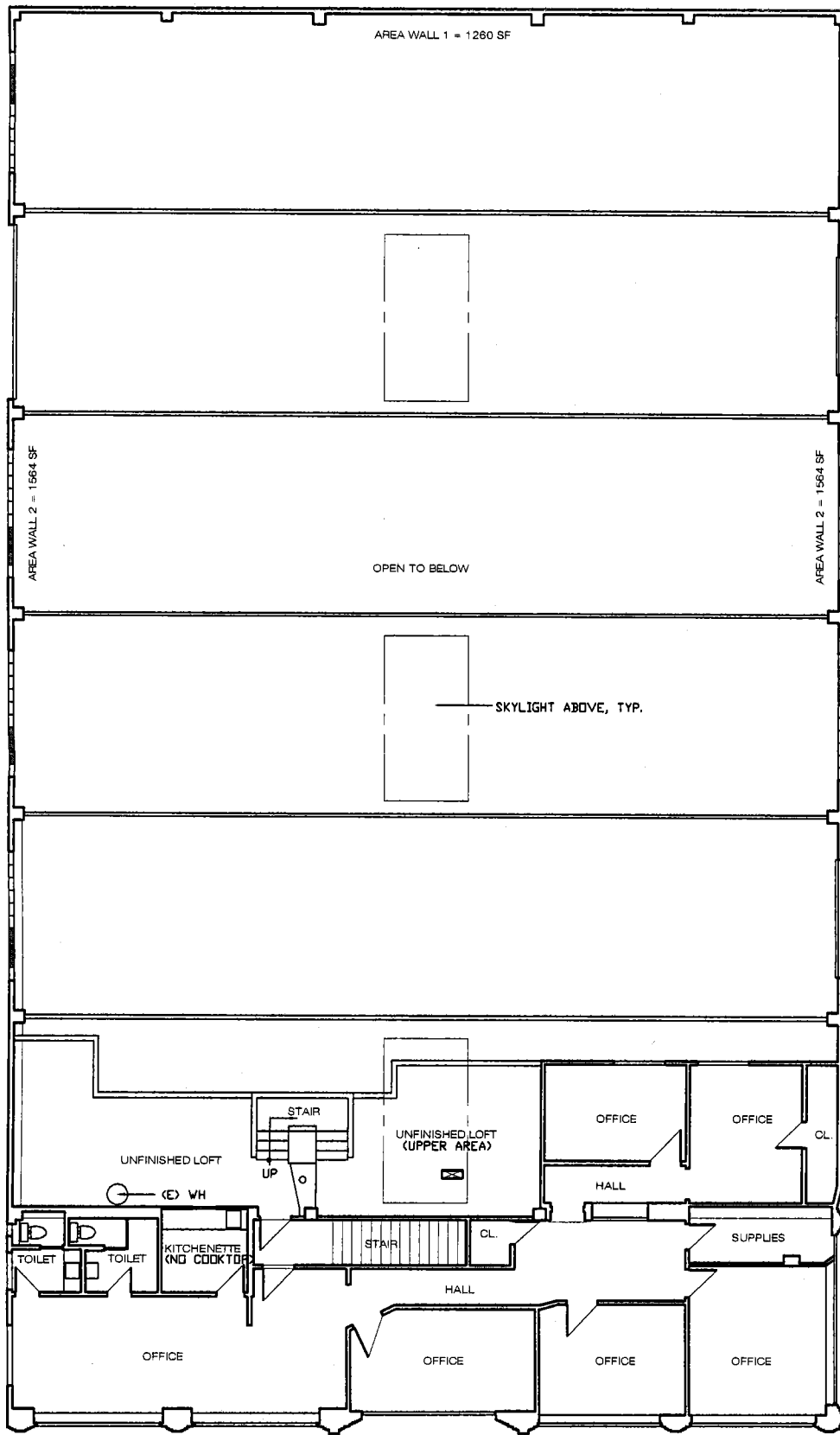
ADJACENT BUILDING

CLYDE (18.5' ROW)
137.00'

RITCH (35.0' ROW)
137.00'

TOWNSEND (82.0' ROW)

PROPOSED 1ST FLOOR PLAN



(C) FIXED & OPERABLE GLAZING-
 12'-4" X 6'-2" = 76 SF
 OPERABLE AREA (SHADED) AWNING
 OPERATION = 15.2 SF

NOTE: OFFICE AREAS ARE AN ADJUNCT, ACCESSORY USE FOR THE PARKING GARAGE TENANT ONLY
 NOT BE LEASED TO ANY THIRD PARTY

PROPOSED 2ND FLOOR PLAN

DATE		ISSUED FOR		
<div style="border: 2px solid black; padding: 5px; display: inline-block;"> <p style="margin: 0;">BAUKUNST</p> <p style="font-size: 8px; margin: 0;">58 Falkwin Avenue, Daly City, CA 94015 T: 650.455.1207 F: 650.755.1093 E: baukunst500@yahoo.com W: baukunstarchitecture.com</p> </div> <p style="font-size: 8px; margin-top: 5px;">© Copyright 2005 - Baukunst This drawing is the sole property of the Architect and may not be reproduced or used without his written consent. The right to build only one structure at said project address from these plans is licensed exclusively to the specific project owner.</p>				
<p style="font-size: 18px; margin: 0;">AMERICAN WEST PARKING</p> <p style="margin: 0;">224 TOWNSEND STREET SAN FRANCISCO, CA 94107 (USE PERMIT APPLICATION)</p>				
1-13-11	1/8" = 1'-0"			
A2.4				