



SAN FRANCISCO PLANNING DEPARTMENT

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| <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 |

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Planning Commission Motion 18008

HEARING DATE: JANUARY 14, 2010

Date: January 7, 2010
Case No.: **2009.0423C**
Project Address: **672 SACRAMENTO STREET**
Zoning: Chinatown Community Business District
50-N Height and Bulk District
Block/Lot: 0227/016
Project Sponsor: Carolyn Liu
543 Somerset Street
San Francisco, CA 94134
Staff Contact: Rick Crawford – (415) 558-6358
rick.crawford@sfgov.org

ADOPTING FINDINGS RELATING TO CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 303, 810.55 AND 317 OF THE PLANNING CODE TO LEGALIZE A TOURIST HOTEL (D.B.A. PACIFIC TRADEWINDS SAN FRANCISCO BACKPACKER HOSTEL) AND A CONVERSION OF A RESIDENTIAL DWELLING UNIT TO A NONRESIDENTIAL USE WITHIN THE CHINATOWN COMMUNITY BUSINESS DISTRICT AND A 50-N HEIGHT AND BULK DISTRICT.

PREAMBLE

On May 27, 2009 Carolyn Liu (Project Sponsor) filed an application with the San Francisco Planning Department (“Department”) for Conditional Use Authorization under Planning Code Sections 810.55 and 317 to legalize a Tourist Hotel (d.b.a. Pacific Tradewinds San Francisco Backpacker Hostel) operating for approximately 18 years on the third and fourth floors and conversion of a portion of a dwelling unit to nonresidential use within the Chinatown Community Business District and a 50-N Height and Bulk District.

On January 14, 2010, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2009.0423C.

The Project was determined by the Department to be categorically exempt from environmental review under class 1(a). 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. 2009.0423C, 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 Sacramento Street between Kearny and Montgomery Streets in the Chinatown Community Business District (CCB) and a 50-N height and bulk district. The lot is approximately 21.5 wide and 55.5 feet deep and located in the middle of the block. The property is developed with a five-story commercial building occupied by a restaurant on the first and second floors, offices on the third floor and one residential dwelling unit occupying both the fourth and fifth floors. The building covers the entire lot.
3. **Surrounding Properties and Neighborhood.** The subject property is near the boundary between Chinatown and the Financial District. The surrounding neighborhood reflects this location with large office buildings dominating the landscape near the Sacramento Street intersections with Kearny and Montgomery Streets and south toward California Street and smaller 3 to 5 story mixed use buildings to the north and west in Chinatown. The properties to the north and west feature commercial uses on the lower floor and residential uses on upper floors. Some of these buildings are occupied entirely by nonresidential uses. The surrounding properties are located within CCB (Chinatown Community Business) and C-3-O (Downtown Office) Districts. The CVR (Chinatown Visitor Retail) District is located one and one half blocks west of the property.
4. **Project Description.** The applicant proposes to legalize a Tourist Hotel (d.b.a. Pacific Tradewinds San Francisco Backpacker Hostel) that has been operating on the third and fourth floors of the existing building for approximately 18 years and would relocate one residential dwelling unit currently occupying both the fourth and fifth floors to the fifth floor only. The hotel would include 7 sleeping rooms, a common kitchen, and dining area on the fourth floor, common bathrooms on each floor and business office space for the use on the fourth floor. The existing residential dwelling unit in the building occupies the entire fourth and fifth floors and is approximately 1,493 square feet in area with 4 bedrooms. The proposed residential dwelling unit would be 501 square feet in area with 2 bedrooms and would occupy the entire fifth floor.
5. **Public Comment.** The Department has not received any comment from the public on this project.

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

A. **Tourist Hotel.** Planning Code Section 810.55 states that a Conditional Use Authorization is required for a Tourist Hotel, as defined by Planning Code Section 890.46 and that such uses are permitted on any floor of a building.

The Project Sponsor intends to legalize the conversion of the third and fourth floors of the subject building to a Tourist Hotel use, in particular for backpackers. The hotel includes 7 sleeping rooms a common kitchen and dining area on the fourth floor, common bathrooms on each floor and business office space for the use on the fourth floor. This matter came to the attention of the Planning Department when the sponsor applied for a building permit to correct Building Code violations in the building.

B. **Conversion Of Residential Dwelling Unit.** Planning Code Section 317 regulates the loss of Dwelling Units through merger, conversion and demolition. The Section defines conversion of residential unit as the removal of cooking facilities or the change of use of a residential unit to a non-residential use. The Section further establishes criteria for the Planning Commission to consider in their review of conversion requests.

The fourth and fifth floors of the subject building are occupied by a single residential dwelling unit approximately 1,493 square feet in area with 4 bedrooms. The project would convert the fourth floor to Tourist Hotel use and a kitchen would be developed on the fifth floor creating a 501 square feet residential dwelling unit with 2 bedrooms.

i. Whether conversion of the unit(s) would eliminate only owner occupied housing, and if so, for how long the unit(s) proposed to be removed were owner occupied;

Criteria met. The dwelling unit was an occupied rental unit when the upper floors were originally converted to the hotel 18 years ago. The tenant voluntarily moved out of the building. Since that time the dwelling unit has been occupied by either the owner of the building or as a manager's unit for the hotel.

ii. Whether conversion of the unit(s) would provide desirable new non-residential use(s) appropriate for the neighborhood and adjoining district(s);

Criteria met. The conversion will allow a Tourist Hotel use to continue in the space. The hotel is a desirable use in this location as it is close to transit and many points of interest to visitors to the City. The Chinatown Visitor Retail District is located one and one half blocks west of the property.

iii. Whether conversion of the unit(s) will bring the building closer into conformance with the prevailing character of its immediate area and in the same zoning district;

Criteria not met. The conversion of the dwelling unit to non-residential use will not affect the status of the property under the Planning Code. The Chinatown Community Business District permits dwelling units at a density of one unit per each 200 square feet of lot area. The size of the unit will be reduced but the unit will remain.

- iv. Whether conversion of the unit(s) will be detrimental to the City's housing stock;

Criteria met. The conversion will reduce the size of the dwelling unit from approximately 1,493 square feet in area with 4 bedrooms to 501 square feet in area with 2 bedrooms but will not be otherwise detrimental to the City's housing stock.

- v. Whether conversion of the unit(s) is necessary to eliminate design, functional, or habitability deficiencies that cannot otherwise be corrected.

Criteria not met. The conversion is not necessary to eliminate design, functional, or habitability deficiencies that cannot otherwise be corrected

- C. **Parking.** Planning Section 151 of the Planning Code requires one off-street parking space for every 16 guest rooms in a hotel or hostel.

The subject hotel has 7 guest rooms and no parking is required for the use. The property is well located for transit use and very few of the guests at the hotel are expected to have private automobiles.

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

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

The Project will legalize a desirable tourist hotel use in a neighborhood that is a major tourist destination in the City. The tourist Hotel provides a desirable service to the neighborhood and supports other area uses designed to cater to the tourist trade.

- 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 exterior of the existing building will be not be changed as a result of this project.

- 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 Planning Code does not require parking or loading for a hotel of this size. The proposed use is designed to meet the needs of backpacking tourists who are not expected to arrive with private automobiles and should not generate a significant amount of new vehicular trips. The property is well served by transit.

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

The hotel use is not expected to generate nuisance levels of odor, noise, glare, dust or vibrations. The Department has not received any complaints regarding the operations of the existing restaurant on the site.

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

Legalization of the hotel use does not entail any alteration of the exterior of the building or the lot. The building occupies the entire lot leaving no room for landscaping.

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

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

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

The proposed project is not located within a Neighborhood Commercial District.

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

NEIGHBORHOOD COMMERCE

Objectives and Policies

OBJECTIVE 1:

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

Policy 1.1:

Encourage development which provides substantial net benefits and minimizes undesirable consequences. Discourage development that has substantial undesirable consequences that cannot be mitigated.

Policy 1.2:

Assure that all commercial and industrial uses meet minimum, reasonable performance standards.

Policy 1.3:

Locate commercial and industrial activities according to a generalized commercial and industrial land use plan.

Legalizing the Hotel will provide desirable visitor services to the neighborhood and will continue to provide resident employment opportunities to those in the community. The Hotel is well located to provide desirable services to visitors and tourists to the Chinatown area.

OBJECTIVE 2:

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

Policy 2.1:

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

The Project will retain an existing commercial activity that serves a vital service to the tourists and visitors that are essential to the economic vitality of the Chinatown area.

OBJECTIVE 8:

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

Policy 8.1:

Guide the location of additional tourist related activities to minimize their adverse impacts on existing residential, commercial, and industrial activities.

Policy 8.2:

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

The project will retain an existing locally initiated, tourist oriented business located within the Chinatown area, a major visitor destination in the City. The location of the use in Chinatown, within a block of the CVR (Chinatown Visitor Retail) District designed to cater to the needs of tourists, is well suited to serving tourists and will not place additional strain on public transit or other public services.

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

- A. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses be enhanced.

The proposed use promotes the tourist trade in the Chinatown neighborhood. While tourist hotels cater to people from outside the neighborhood the guests at the hotel would support visitor oriented retail and service businesses in the area.

- 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 dwelling unit in the building will be reduced in size but the residential use will continue. Residential uses in the surrounding neighborhood would not be adversely affected.

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

The project will reduce the size of the existing dwelling unit from 4 bedrooms to 2 bedrooms. The unit will provide housing for the manager of the hotel. Were the hotel use to be terminated the smaller dwelling unit would be more affordable than the current 4 bedroom unit.

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

The property is well served by public transit. The MUNI 1, 8, 10, 12, 30, 41 and 45 lines all operate within ¼ mile of the subject property.

- 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 or ownership opportunities.

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

The Project will not alter the exterior of the building. The project will include seismic upgrade of the building under contemporary Building Codes.

- G. That landmarks and historic buildings be preserved.

The building has been surveyed and would warrant additional evaluation if its exterior were to be significantly altered. The proposed use will not change the exterior of the building and will not effect the building's consideration as a potential historic resource in the future.

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

The project will have no negative impact on existing parks and open spaces

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

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. 2007.0423C** subject to the following conditions attached hereto as "EXHIBIT A" which is incorporated herein by reference as though fully set forth.

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion No. 18008. 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 January 14, 2010.

Linda D. Avery
Commission Secretary

AYES: Antonini, Bordon, Lee, Miguel, Moore, Olague, Sugaya

NAYS: none

ABSENT: none

ADOPTED: January 14, 2010

Exhibit A

Conditions of Approval

1. This authorization is for a Conditional Use Authorization under Planning Code Sections 810.55, and 317 of the Planning Code to allow a Tourist Hotel (d.b.a. Pacific Tradewinds San Francisco Backpacker Hostel), and conversion of a residential dwelling unit to a nonresidential use at 672 Sacramento Street within the Chinatown Community Business District and within the 50-N Height and Bulk District, in general conformance with plans filed with the Application as received on May 27, 2009 and stamped "EXHIBIT B" included in the docket for **Case No. 2009.0423C**, reviewed and approved by the Commission on January 14, 2010.
2. Prior to the issuance of the Building Permit 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 premises (Assessor's 0249, Lot 007), which notice shall state that construction has been authorized by and is subject to the conditions of this Motion. From time to time after the recordation of such notice, at the request of the Project Sponsor, the Zoning Administrator shall affirm in writing the extent to which the conditions of this Motion have been satisfied.
3. Violation of the conditions contained in this Motion or of any other provisions of the Planning Code may be subject to abatement procedures and fines in accordance with Planning Code Section 176.
4. Should monitoring of the Conditions of Approval contained in Exhibit A of this Motion be required, the Project Sponsor or successors shall pay fees as established in Planning Code Section 351(e)(1).
5. The property owner shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean condition. Such maintenance shall include, at a minimum, daily litter pickup and disposal, and washing or steam cleaning of the main entrance and abutting sidewalks at least once each week.
6. Signs and exterior lighting for the business shall be reviewed and approved by the Planning Department before any changes.
7. The project sponsor shall operate the proposed hotel such that noise is kept at reasonable levels so as not to unduly disturb neighboring businesses and residents.
8. An enclosed garbage area shall be provided within the establishment. All garbage containers shall be kept within the building until pick-up by the disposal company.
9. The facilities in the hotel portion of the project are designed and intended to be used for transient visitors intending to occupy the room for less than 32 consecutive days only. The use of hotel

facilities for residential or residential hotel use as defined in Planning Code Section 890.47 is prohibited.

10. The authorization and right vested by virtue of this action shall be deemed void and canceled if, within 3 years of the date of this Motion, a site permit or building permit for the Project has not been secured by Project Sponsor. This authorization may be extended at the discretion of the Zoning Administrator only if the failure to issue a permit by the Department of Building Inspection is delayed by a city, state, or federal agency or by appeal of the issuance of such permit.