



# SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- Inclusionary Housing (Sec. 315)
- Jobs Housing Linkage Program (Sec. 313)
- Downtown Park Fee (Sec. 139)
- First Source Hiring (Admin. Code)
- Child Care Requirement (Sec. 314)
- 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 No. 18093

HEARING DATE: MAY 27, 2010

*Date:* May 20, 2010  
*Case No.:* **2010.0168 C**  
*Project Address:* **502 7th STREET**  
*Zoning:* UMU (Urban Mixed Use) District  
 The South of Market Special Hall of Justice Legal Services District  
 48-X Height and Bulk District  
*Block/Lot:* 3780/001  
*Project Sponsor:* David Bockholt  
 P.O. Box 4633  
 Foster City, CA 94404  
*Staff Contact:* Edgar Oropeza – (415) 558-6381  
[edgar.oropeza@sfgov.org](mailto:edgar.oropeza@sfgov.org)

**ADOPTING FINDINGS RELATING TO CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 303, 843.47 AND 890.2 OF THE PLANNING CODE TO ALLOW AN AMBULANCE SERVICE USE (DBA BAYSHORE AMBULANCE) WITHIN THE UMU (URBAN MIXED USE) DISTRICT THE SOUTH OF MARKET SPECIAL HALL OF JUSTICE LEGAL SERVICES DISTRICT, AND A 48-X HEIGHT AND BULK DISTRICT.**

### PREAMBLE

On March 11, 2010 David Bockholt (Project Sponsor) filed an application with the Planning Department (hereinafter "Department") for Conditional Use Authorization under Planning Code Sections 303, 843.47 and 890.2 to establish an Ambulance Service use (dba Bayshore Ambulance) within the UMU (Urban Mixed Use) District, the South of Market Special Hall of Justice Legal Services District, and a 48-X Height and Bulk District.

On May 27, 2010, the Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2010.0168 C.

The Project was determined by the Department to be Categorically Exempt from the California Environmental Quality Act ("CEQA") as a Class 1a 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. 2010.0168 C, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

### **FINDINGS**

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The project site is located on the southeast corner of 7<sup>th</sup> and Bryant Streets. The subject lot measures 50 feet by 80 feet for a total square footage of 4000 square feet. No rear yard or usable open space of any type is present on the lot. The lot is improved with a 2 story office building (formerly used for associated San Francisco Police Operations, California Community Dispute Services and Court Accountability Case Management). Office uses / space are present on the first and second stories. Approximately 1/3 of the existing ground floor is improved solely for off-street parking.

The subject building's 7<sup>th</sup> street façade is the building's main pedestrian entrance and vehicle access / loading area. A significant portion of the building's main building wall is recessed from the street. Within this general area, there is an existing curb cut of approximately 33 feet in width immediately adjacent to the building's loading dock / car port.

3. **Surrounding Properties and Neighborhood.** The immediate neighborhood is chiefly anchored by 850 Bryant Street (The Hall of Justice), a public building housing the State's Jury Services division, Police Department, District Attorney, Superior Court, Sherriff Department and the City's jail. Several buildings on the south side of Bryant Street (800 Block) and located to the north of the project site, support the day to day activities of 850 Bryant Street including but not limited to the offices of bail bondsmen and attorneys, retail uses including restaurants and industrial buildings along with open unimproved lots used as public parking garages.

The 7<sup>th</sup> Street corridor exhibits primarily commercial and industrial buildings ranging from 1 to 3 stories in height. Uses range widely from office, industrial and retail uses

including bars and restaurant uses, supporting office uses related to Superior Court, trade shops related to construction and food processing.

The site is near the I-80 Freeway and access ramps are located within one block of the site.

4. **Project Description.** The project proposes to change the use of the existing office building formerly housing San Francisco Police Operations, the California Community Dispute Services and the Court Accountability Case Management into an Ambulance Service use, dba "Bayshore Ambulance." Bayshore Ambulance is a private ambulance company. The primary focus is non-emergency ambulance and wheelchair transportation services, also providing Critical Care Transport inter-facility transports for ICU level patients with a Registered Nurse. Primary service areas consist of San Francisco, San Mateo, Santa Clara and Alameda Counties.

Bayshore Ambulance intends to move its Brisbane Station into San Francisco to better serve its customers in the City. The proposal would place one ambulance and a crew of two EMT's for 24-hour coverage at the proposed site. The unit would respond to calls in San Francisco, Alameda and San Mateo County as part of the transport operations of the company. Drivers are professionally trained and monitored by onboard cameras.

5. **Public Comment.** The Department has not received public comment in regards to the subject proposal.
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. **Ambulance Service Use.** Planning Code Section 843.47 states that a Conditional Use Authorization is required to establish a new Ambulance Service use, as defined by Section 890.2 within the UMU (Urban Mixed Use) District.

*The Project Sponsor has applied for a Conditional Use in order to establish a new ambulance service use within the UMU District. The project scope does not include construction of any type as the existing building already contains the space to facilitate the needs of ambulance crews. Its location, in close proximity to the Hall of Justice, and major street and freeway access, assures easy deployment anywhere in the City for a 9-1-1 unit, and to the central Bay Area counties for a transport unit.*

- B. **Ambulance Service Defined.** Planning Code Section 890.2 defines an Ambulance Service use as a retail use which provides medically related transportation services.

*The operation of "Bayshore Ambulance" fits within the definition of an ambulance use as defined in Section 890.2.*

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 proposes to reuse the existing office building and requires no major construction to establish the new use. At two stories tall the size of the existing building is in keeping with the scale of other buildings located within the immediate and greater area. Maintaining the existing building will ensure compatibility with the neighborhood.*

*Establishing an ambulance station at the subject site would help to further support the area in a major disaster since off duty paramedics and EMT's would report to the station, which would have extra medical supplies if needed during the first critical 72 hours following a disaster.*

*Bayshore Ambulance intends to station one Paramedic Ambulance at the 502 7<sup>th</sup> Street location. This location would be an asset to the Emergency Medical Services of San Francisco, which could be deployed anywhere in the City, and not limited to the area of the station.*

- 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 height and bulk of the existing building will remain the same. No construction is proposed. The change of use request will not alter the existing appearance or character of the project vicinity.*

- 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 any use within the Eastern Neighborhoods Mixed Use Districts. The proposed use is designed to meet the needs of the immediate and the greater neighborhood. Bayshore Ambulance intends to station one Paramedic Ambulance at the 502 7<sup>th</sup> Street location which should not generate significant amounts of vehicular trips.*

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

*Not all calls for paramedics require red lights and sirens, and the ambulance sirens are usually used discretely when traffic warrants it. The site is in an area where emergency and police vehicles are already located. Therefore, cumulative impacts to noise are not expected to be severe.*

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

*The proposed ambulance service use does not require any additional tenant improvements to the existing building. However, pursuant to Section 142, every off-street parking space not within a building, where not enclosed by solid building walls, shall be screened from view from all streets and alleys through use of garage doors or by some other means. Therefore, as a condition of approval the Department shall require that all ambulances are stored within the interior of the building.*

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

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

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

## COMMERCE ELEMENT

### 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.

*The proposed development will provide a necessary and desirable service to both the immediate and greater neighborhood. Establishing an ambulance station at the subject site would help to further support the South of Market area in a major disaster during the first critical 72 hours of the disaster.*

*The station is located in an environment where land uses support emergency vehicles. The project is consistent with this pattern. Further, the proposed project is consistent with the stated purposes of UMU (Urban Mixed Use) district in that the intended use maintains all characteristics of the existing building and preserves commercial and industrial nature of the 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 reuse and retain the existing commercial building and use, thereby enhancing the diverse economic base of the City.*

**OBJECTIVE 7:**

ENHANCE SAN FRANCISCO'S POSITION AS A NATIONAL AND REGIONAL CENTER FOR GOVERNMENTAL, HEALTH, AND EDUCATIONAL SERVICES.

**Policy 7.2:**

Encourage the extension of needed health and educational services, but manage expansion to avoid or minimize disruption of adjacent residential areas.

*Bayshore Ambulance intends to station one Paramedic Ambulance at the 502 7<sup>th</sup> Street location and thereby should not generate significant amounts of vehicular trips from the immediate neighborhood or citywide. Not all calls for ambulances require Red lights and Sirens. Ambulance sirens are usually used discretely when traffic warrants it. They are not as loud as the mechanical sirens used on fire trucks. Due to the one-way streets located at 7<sup>th</sup> & Bryant, if an ambulance were sent on an emergency call from the station, they would be pointed north toward downtown/I-80 or east toward the Embarcadero, away from the immediate surrounding residential units in the neighborhood.*

**Policy 7.2:**

Promote the provision of adequate health and educational services to all geographical districts and cultural groups in the city.

*Establishing an ambulance station at the subject site would help to further support the South of Market area in a major disaster since off duty paramedics and EMT's would report to the station, which would have extra medical supplies available to help that specific section of town during the first critical 72 hours of the disaster. The project would further the City's preparedness to provide adequate health 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 project site has historically housed office uses related to the Hall of Justice located one block east of the subject site. Therefore, the project does not displace any neighborhood serving retail uses.*

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

*The proposed project is consistent with the stated purpose of the UMU (Urban Mixed Use) district in that the intended use maintains and preserves all characteristics of the existing building. Moreover the subject zoning district is located in an area serving as a buffer between residential districts and PDR districts in the Eastern Neighborhoods.*

- 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 Planning Code does not require parking or loading for any use within the Eastern Neighborhoods mixed use districts. Bayshore Ambulance intends to station one Paramedic Ambulance at the 502 7<sup>th</sup> Street location and should not generate significant amounts of vehicular trips.*

- 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 and ownership opportunities.*

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

*No construction is proposed. However, future improvements shall conform to the structural and seismic safety requirements of the City Building Code.*

- G. That landmarks and historic buildings be preserved.

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

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

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

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



**DECISION**

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Application No. 2010.0168C** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans filed with the Application as received on May 20, 2010 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.18093. 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 May 27, 2010.

Linda D. Avery  
Commission Secretary

AYES: Commissioners Antonini, Lee, Miguel, and Sugaya

NAYS: None

ABSENT: Commissioners Borden, Moore and Olague

ADOPTED: May 27, 2010

## Exhibit A

# Conditions of Approval

1. This authorization is for a Conditional Use Authorization under Planning Code Section 303, 843.47 and 890.2 of the Planning Code to establish an Ambulance Service use within the UMU (Urban Mixed Use) District, the South of Market Special Hall of Justice Legal Services District, and a 48-X Height and Bulk District, in general conformance with plans filed with the Application as received on May 20, 2007 and stamped "EXHIBIT B" included in the docket for **Case No. 2010.0168C**, reviewed and approved by the Commission on May 27, 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 3780, Lot 001), which notice shall state that construction has been authorized by and is subject to the conditions of this Motion.
3. Regarding the garage entrance located at the 7<sup>th</sup> Street façade, the Project sponsor shall install an audio and visual pedestrian awareness system including mirrors to address potential pedestrian / vehicle conflicts. This system shall be reviewed and approved by the Planning Department before it's installed.
4. Pursuant to Planning Code Section 143 a total of six new street trees are required for the subject property. The street trees installed shall be a minimum of one 24-inch box tree for each 20 feet of frontage of the property along each street or alley. Within the Eastern Neighborhoods Mixed Use Districts, street trees shall be installed along all street frontages in the public right of way.
5. 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 up to \$250 a day in accordance with Planning Code Section 176.
6. 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).
7. The property owner shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean condition.
8. Signs and exterior lighting for the business shall be reviewed and approved by the Planning Department before they are installed.

9. The Project shall appoint a Community Liaison Officer to address issues of concern to neighbors related to the operation of this Project. The Applicant will keep the above parties apprised should a different staff liaison be designated.
  
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.