



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Conditional Use

HEARING DATE: NOVEMBER 18, 2010

Date: November 10, 2010
Case No.: **2009.0646C**
Project Address: **524 HOWARD STREET**
Zoning: C-3-0(SD) (Downtown Office, Special Development) District
450-S Height and Bulk District
Block/Lot: 3721/013
Project Sponsor: American West Parking
680 Mission Street #L
San Francisco, CA 94105
Staff Contact: Kevin Guy – (415) 558-6163
kevin.guy@sfgov.org
Recommendation: **Approval with Conditions**

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

PROJECT DESCRIPTION

The project sponsor proposes to continue the operation of the existing surface parking lot for an additional two years, which is the maximum length of entitlement for a temporary surface parking lot in the C-3-O District, as regulated by Section 156(h). An attendant staffs the lot Monday through Friday from 7:00AM-6:00PM, and on Saturday from 7:00PM to 2:00AM. No attendant is present on Sunday. Customers who park outside of the attended hours utilize a payment kiosk on-site. The lot is presently striped to accommodate 33 vehicles in a non-tandem configuration, but can accommodate up to 60 vehicles in a valet or tandem parking configuration.

SITE DESCRIPTION AND PRESENT USE

The project site is located on the north side of Howard Street, between First and Second Streets, Block 3721, Lot 013. The property is located within the C-3-0(SD) (Downtown Office, Special Development) District and the 450-S Height and Bulk District. The property is developed with a surface parking lot which was originally entitled in 2005. The surface parking facility includes an attendant's shed, a payment kiosk, and ancillary landscaping.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The project site is located within the Downtown Core, an area which consists of a wide variety of office, retail, hotel, and residential uses. The Foundry Square project is located to the east of the property, and is comprised of three buildings at the intersection of Howard and First Streets that are ten stories in height. The Transbay Terminal is located one block north of the project site. A number of bar, restaurant, and other entertainment uses are located on the subject block and in the immediate vicinity. High density residential uses are located further to the south along First Street, within the Rincon Hill area. Older

buildings in the area are typically four stories in height, while recent residential and office buildings are generally mid- to high-rise.

ENVIRONMENTAL REVIEW

The project is exempt from the California Environmental Quality Act as a Class 1 categorical exemption.

HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Classified News Ad	20 days	October 29, 2010	October 29, 2010	20 days
Posted Notice	20 days	October 29, 2010	October 29, 2010	20 days
Mailed Notice	10 days	November 8, 2010	October 29, 2010	20 days

PUBLIC COMMENT

- The subject property is located within the Transbay Redevelopment Area. Staff from the San Francisco Redevelopment Agency have indicated that they have no objection to the requested Conditional Use Authorization. To date, the Department has received no correspondence from the public regarding the proposed project.

ISSUES AND OTHER CONSIDERATIONS

- In 1999, the Planning Commission granted approvals to construct a 23-story building on the subject property, containing approximately 202,000 square feet of office space. Construction of the project has not begun due to economic conditions. The requested authorization to extend operation of a temporary surface parking lot will not affect the status of these previous entitlements.
- Conditional Use Authorization for the surface parking lot was first granted on September 1, 2005. This authorization was valid for a period of two years, and expired on September 1, 2007. However, the parking lot has been in continuous operation past this expiration date, and is the subject of an active code enforcement case. Approval of the requested Conditional Use Authorization would allow the parking lot to operate for an additional two years, and would resolve the code enforcement issue.
- Recently, the lot has been acquired by a new operator, who has installed upgraded landscaping on the project site. This landscaping is located in islands along the Howard and Natoma Street frontages of the parking lot, and will serve to screen and soften the appearance of the parking lot operation. In addition, the operator has installed two street trees within planters along the Howard Street frontage of the property. This landscaping slightly modifies the landscape plan that was approved with the previous Conditional Use authorization by deleting two small bench seating areas within planter islands in favor of additional plantings, and by installing the street trees in planters rather than in basins within the sidewalk. Conditions of approval have been

added to the draft motion to require the installation and ongoing maintenance of the site landscaping and street trees.

REQUIRED COMMISSION ACTION

In order for the project to proceed, the Commission must grant Conditional Use Authorization to allow the continued operation of a temporary surface parking lot within the C-3-O(SD) District, for a period not to exceed two years.

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 will provide off-street parking in a relatively small facility that should not draw substantial traffic to the area or impact traffic movements on adjacent streets.
- The pricing for the parking lot is structured to favor short-term parking and discourage daily commuter parking.
- The parking lot will bolster the viability of the retail, restaurant, bar, and entertainment establishments in the area.
- 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
- Zoning Map
- Previously-Approved Landscaping Plan
- Current Striping Configuration Plan
- Project Sponsor Submittal, including Site Photos

Attachment Checklist

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

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

Planner's Initials

KG: G:\Documents\Projects\524 Howard\2009.0646C - 524 Howard - Exec Sum.doc



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- | | |
|--|--|
| <input type="checkbox"/> Affordable Housing (Sec. 415) | <input type="checkbox"/> First Source Hiring (Admin. Code) |
| <input type="checkbox"/> Jobs Housing Linkage Program (Sec. 413) | <input type="checkbox"/> Child Care Requirement (Sec. 414) |
| <input type="checkbox"/> Downtown Park Fee (Sec. 412) | <input type="checkbox"/> Other |

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Planning Commission Draft Motion

HEARING DATE: NOVEMBER 18, 2010

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Project Address: **524 HOWARD STREET**
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680 Mission Street #L
San Francisco, CA 94105
Staff Contact: Kevin Guy – (415) 558-6163
kevin.guy@sfgov.org

ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 156 AND 303 OF THE PLANNING CODE TO ALLOW THE CONTINUED OPERATION OF A TEMPORARY SURFACE PARKING LOT WITHIN THE C-3-O(SD) (DOWNTOWN OFFICE, SPECIAL DEVELOPMENT) DISTRICT AND THE 450-S HEIGHT AND BULK DISTRICT.

PREAMBLE

On July 15, 2009 Henry Park on behalf of 524 Howard Street, LLC filed an application with the Planning Department ("Department") for Conditional Use Authorization under Planning Code Section ("Section") 156 and 303 to allow the continued operation of an existing temporary surface parking lot within the C-3-0(SD) (Downtown Office, Special Development) District and the 450-S Height and Bulk District (collectively, "Project", Case Number 2009.0646C). Subsequent to the initial application, Tahir Zira with American West Parking ("Project Sponsor") was authorized to act on behalf of the property owner for the Project.

On November 18, 2010, the San Francisco Planning Commission ("Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2009.0646C.

The Project is exempt from the California Environmental Quality Act ("CEQA") as a Class 1 categorical exemption.

The Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of the applicant, Department staff, and other interested parties.

MOVED, that the Commission hereby authorizes the Conditional Use requested in Application No. 2009.0646C, 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 north side of Howard Street, between First and Second Streets, Block 3721, Lot 013. The property is located within the C-3-0(SD) (Downtown Office, Special Development) District and the 450-S Height and Bulk District. The property is developed with a surface parking lot which was originally entitled in 2005. The surface parking facility includes an attendant's shed, a payment kiosk, and ancillary landscaping.
3. **Surrounding Properties and Neighborhood.** The Project Site is located within the Downtown Core, an area which consists of a wide variety of office, retail, hotel, and residential uses. The Foundry Square project is located to the east of the property, and is comprised of three buildings at the intersection of Howard and First Streets that are ten stories in height. The Transbay Terminal is located one block north of the project site. A number of bar, restaurant, and other entertainment uses are located on the subject block and in the vicinity. High density residential uses are located further to the south along First Street, within the Rincon Hill area. Older buildings in the area are typically four stories in height, while recent residential and office buildings are generally mid- to high-rise.
4. **Project Description.** The Project Sponsor proposes to continue the operation of the existing surface parking lot for an additional two years, which is the maximum length of entitlement for a temporary surface parking lot in the C-3-O District, as regulated by Section 156(h). An attendant staffs the lot Monday through Friday from 7:00AM-6:00PM, and on Saturday from 7:00PM to 2:00AM. No attendant is present on Sunday. Customers who park outside of the attended hours utilize a payment kiosk on-site. The lot is presently striped to accommodate 33 vehicles in a non-tandem configuration, but can accommodate up to 60 vehicles in a valet or tandem parking configuration.
5. **Public Comment.** The subject property is located within the Transbay Redevelopment Area. Staff from the San Francisco Redevelopment Agency have indicated that they have no objection to the requested Conditional Use Authorization. To date, the Department has received no correspondence from the public regarding the proposed project.

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

- A. **Use.** Section 156(h) allows for temporary parking lots within C-3-O Districts through Conditional Use Authorization, for a period not to exceed two years from the date of approval.

The Project Sponsor is requesting Conditional Use Authorization to continue operation of the existing surface parking lot. Conditions have been added to the draft motion limiting the operation of the lot to a maximum duration of two years from the date of approval.

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

The screening requirements of Section 142 are only triggered instances where an existing parking lot is resurfaced or increased in intensity. However, the Project Sponsor has recently upgraded the landscaping at the site within islands along the Howard and Natoma Street frontages. Conditions of approval have been added that this landscaping shall be maintained, and replaced as necessary, to screen the parking lot from adjacent public rights-of-way.

- C. **Rate Structure.** Section 155(g) requires that off-street parking spaces within C-3 Districts be priced in a manner that discourages long term commuter parking.

Rates for the parking lot are presently structured such that the rate for four hours of parking is no greater than four times the rate for the first hour, and the rate for eight or more hours of parking is no less than ten times the amount of the rate for the first hour. This pricing structure complies with Section 155(g), and the maintenance of this pricing structure has been added as a condition of approval.

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 use, 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 would allow the continued, temporary operation of a relatively small-scale surface parking lot, which will provide parking for the retail, office, and entertainment uses in the vicinity. The parking lot will serve as a suitable interim use, pending the return of favorable economic conditions which could enable development of the property.

B. The proposed project will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity. There are no features of the project that could be detrimental to the health, safety or convenience of those residing or working the area, in that:

- i. Nature of proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;

The Project Site can be accessed by vehicles via existing curb cuts on Howard and Natoma Streets. The lot is presently striped to accommodate 33 vehicles in a non-tandem configuration, but can accommodate up to 60 vehicles in a valet- or tandem parking configuration. However, the lot is not excessively sized in a manner that would draw substantial automobile traffic to the area or conflict with surrounding traffic movements.

- ii. The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed off-street parking and loading;

The Project Site is accessible from both Howard and Natoma Streets, which are one-way streets. Therefore, the movement of vehicles to and from the lot should not cause substantial disruption of traffic flow.

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

There are no structures on the site that would cause excessive glare. The parking lot is paved, and therefore does not generate dust from vehicular movements. Some noise and odor may be generated by the operation of vehicles on the site, however, these impacts will be relatively minor given the small size and intensity of the lot.

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

Landscaping has been recently upgraded for the lot, with plantings in islands along both the Howard and Natoma Street frontages, and street trees in planters along the Howard Street frontage of the property. Conditions of approval have been added that these plantings shall be maintained for the duration of this approval in a manner that is attractive and screens the parking from surrounding public rights-of-way. Lighting is provided from a total of four ornamental light standards within the planter islands.

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

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

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

TRANSPORTATION

Objectives and Policies

OBJECTIVE 31:

ESTABLISH PARKING RATES AND OFF-STREET PARKING FARE STRUCTURES TO REFLECT THE FULL COSTS, MONETARY AND ENVIRONMENTAL, OF PARKING IN THE CITY.

Policy 31.1:

Set rates to encourage short-term over long term automobile parking.

While policies within the General Plan generally discourage the provision of additional parking within Downtown, the proposed parking lot would be operated as a temporary, interim use pending future development of the Project Site. The pricing for parking at the lot has been structured in a manner that discourages long-term commuter parking, in favor of short-term use by shoppers or visitors to the area.

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

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

The Project will not displace any existing retail uses. The pricing for the parking lot as been structured in a manner that favors short-term parking over long-term commuter parking. Therefore, the availability of parking for patrons of retail and restaurant uses in the vicinity may help to bolster the viability of these establishments.

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

The Project would allow the continued operation of an existing temporary surface parking lot. Such lots can be found in the vicinity, on properties that could be developed with future permanent uses. The temporary presence of this surface parking lot is not detrimental to the character of the neighborhood.

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

No housing is removed for this Project.

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

The parking lot is a relatively small, low-intensity operation that is not expected to draw substantial volumes of traffic to the area. The presence of the off-street parking spaces should alleviate pressure on the use of on-street parking spaces in the neighborhood.

- E. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced.

The Project will not displace any service or industry establishment. The project will not affect industrial or service sector uses or related employment opportunities.

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

The Project Site is not occupied by structures, with the exception of a small attendant's shed. The Project will not have an impact on seismic safety.

- G. That landmarks and historic buildings be preserved.

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

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

The Project will have no negative 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. 2009.0646C** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans dated November 18, 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. 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 November 18, 2010.

Linda D. Avery
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: November 18, 2010

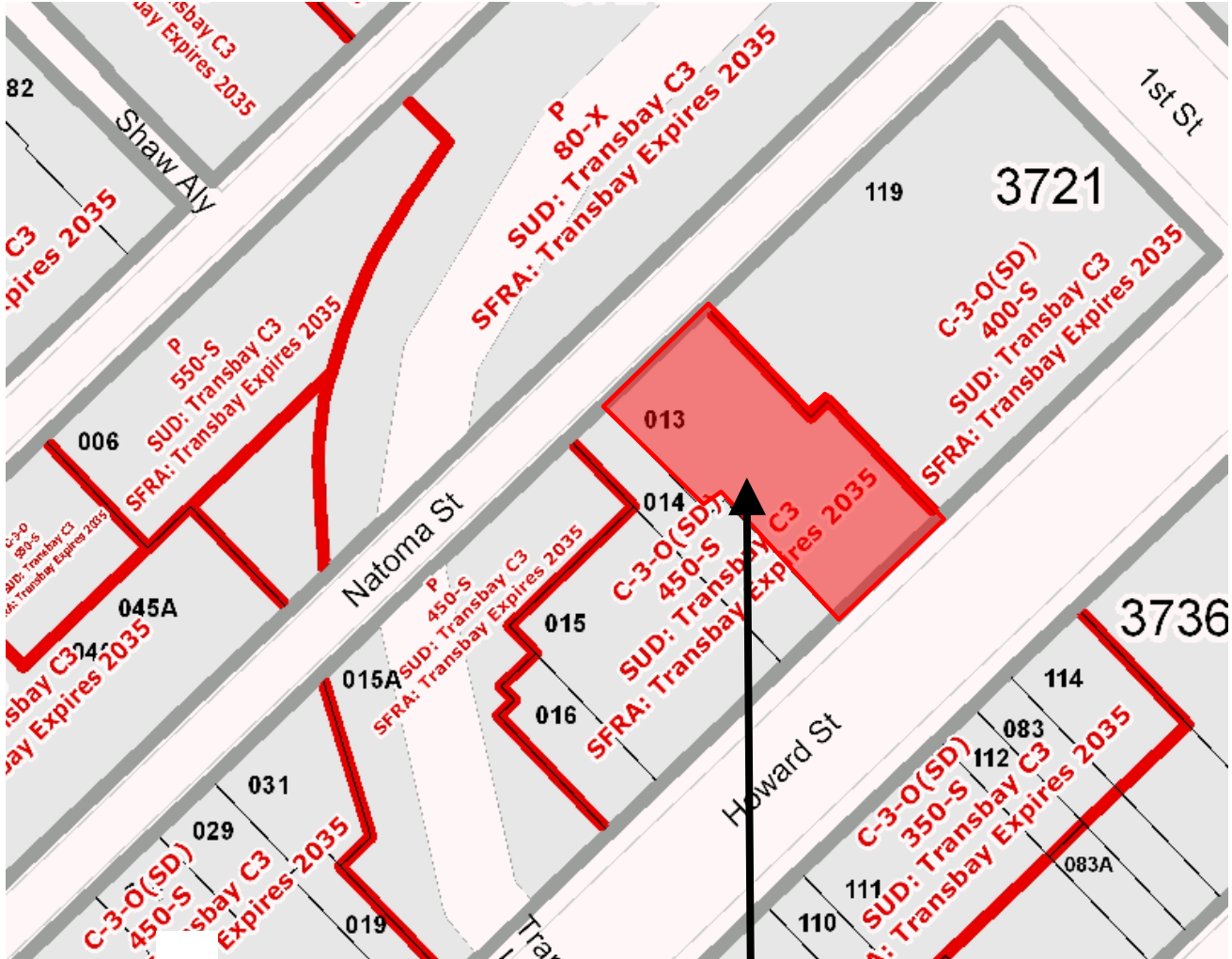
Exhibit A

Conditions of Approval

1. This authorization is for a Conditional Use Authorization under Planning Code Sections 156 and 303 to allow the continued operation of an existing temporary surface parking lot within the C-3-0(SD) (Downtown Office, Special Development) District and the 450-S Height and Bulk District (collectively, "Project", Case Number 2009.0646C), in general conformance with plans dated November 18, 2010 and stamped "EXHIBIT B" included in the docket for **Case No. 2009.0646C**, reviewed and approved by the Commission on November 18, 2010.
2. The authorization granted herein shall be valid for a period of two years from the date of the adoption of this Motion No. _____. A new Conditional Use Authorization would be required in order to continue operating the parking lot beyond this expiration period.
3. The authorization granted herein shall not supersede the approvals granted under Motions No. 14800 and 14801 by the Planning Commission on March 11, 1999. These motions related to the approval of a 23-story office building containing approximately 202,000 square feet of office space (Case No. 1998.843BKX).
4. 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 3721, Lot 013), 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.
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 parking lot 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 property and abutting sidewalks at least once each week.
8. Any new signs and exterior lighting for the parking lot operation 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 Project Sponsor shall report the name and telephone number of this Officer to the Zoning Administrator and the neighborhood for reference. The Applicant will keep the above parties apprised should a different staff liaison be designated.
10. Refuse containers shall be provided on the property for use by patrons of the parking lot.
11. Pursuant to Section 156(g), the parking lot shall not be used for the dead storage or dismantling of vehicles or the repair and servicing of vehicles other than of an emergency nature.
12. The landscaping on the subject property shall be maintained in an attractive manner, and any dead plant material shall be promptly replaced and maintained by the Project Sponsor. The landscaping shall be maintained in such a manner that the parking lot is screened from view from adjacent streets, except at driveways necessary for ingress and egress.
13. Two street trees in planters shall be located adjacent to the curb on the Howard Street frontage of the subject property. These trees shall be maintained in an attractive manner, and any dead trees shall be promptly replaced and maintained by the Project Sponsor. The Project Sponsor shall coordinate precise placement of the planters with the Department of Public Works and the Bureau of Urban Forestry.
14. The parking lot shall be for short-term users only. The rate or fee structure for the parking spaces shall be such that the rate charge for four hours of parking duration is no more than four times the rate charge for the first hour, and the rate charge for eight or more hours of parking duration is no less than 10 times the rate charge for the first hour. Additionally, no discounted parking rate shall be permitted for weekly, monthly, or similar time-specific periods.

Parcel Map

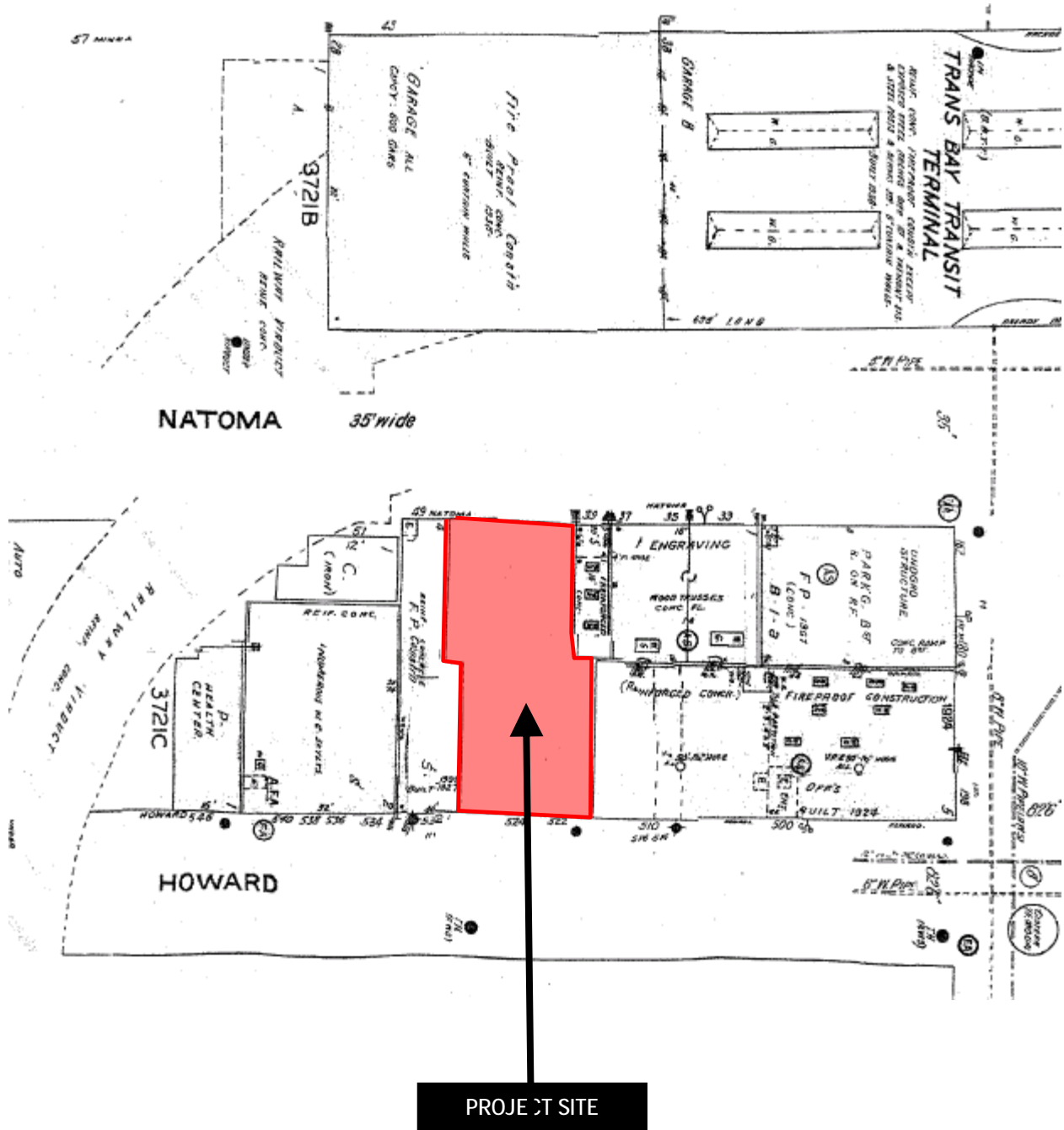


PROJECT SITE



Conditional Use Hearing
Case Number 2009.0646C
524 Howard Street

Sanborn Map*

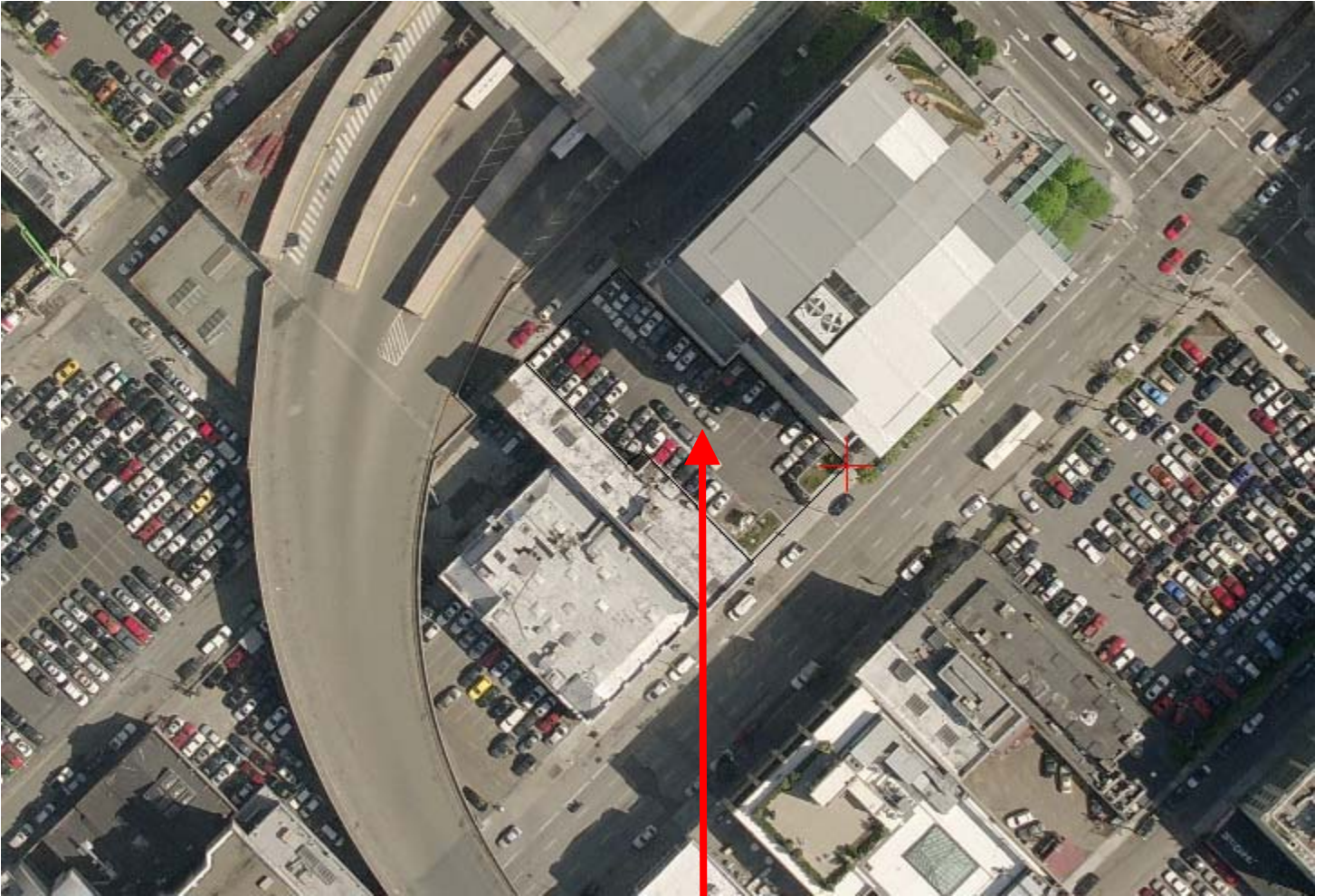


*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.



Conditional Use Hearing
Case Number 2009.0646C
524 Howard Street

Aerial Photo



PROJECT SITE



Conditional Use Hearing
Case Number 2009.0646C
524 Howard Street

Aerial Photo

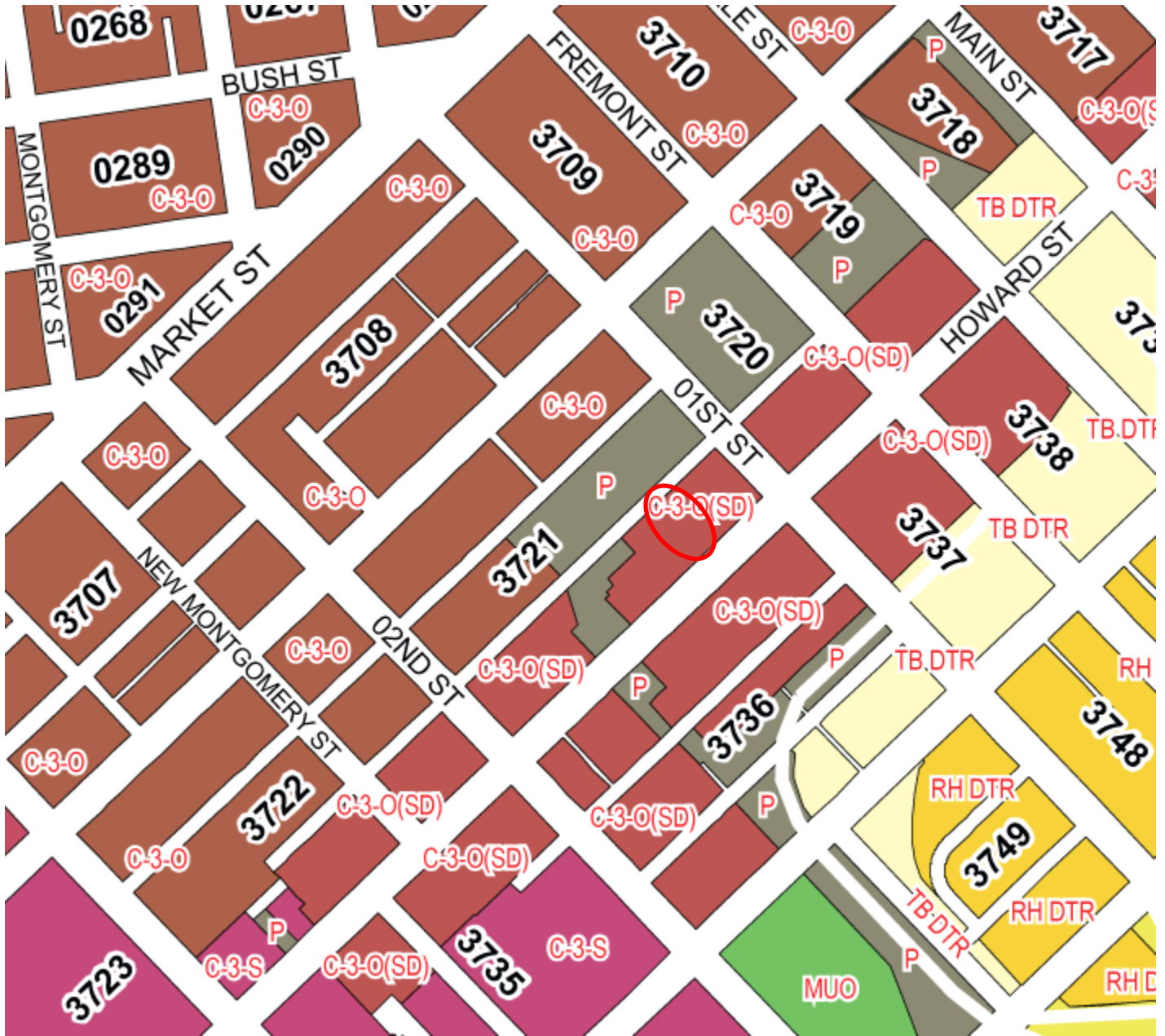


Looking North

PROJECT SITE

Conditional Use Hearing
Case Number 2009.0646C
524 Howard Street

Zoning Map



Conditional Use Hearing
Case Number 2009.0646C
524 Howard Street

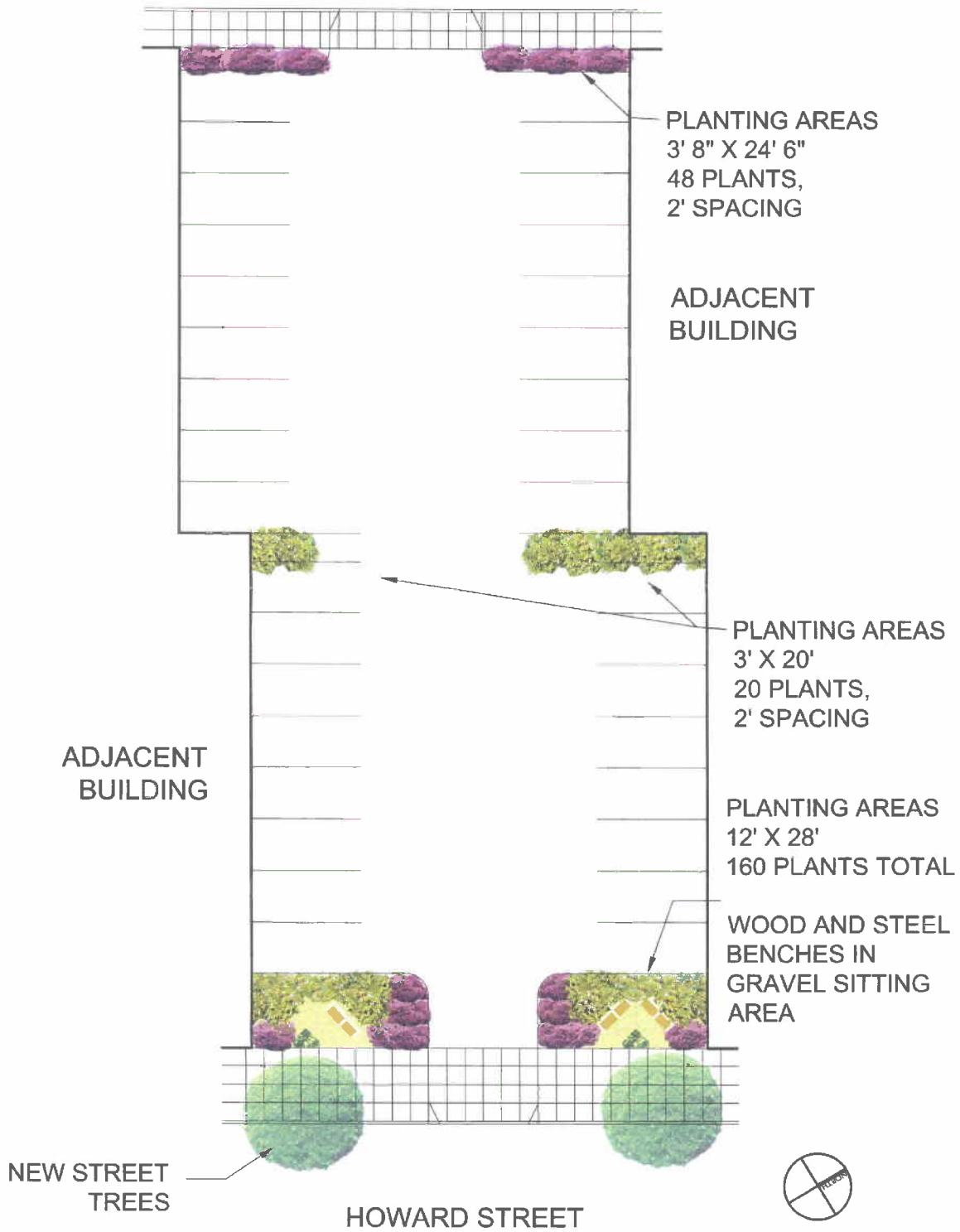
Previously-Approved Landscape Plan

524 Howard Street
Conditional Use Authorization
Case No. 2009.0646C

524 Howard St - Revised Plantings
Cliff Lowe Associates

8-23-05

NATOMA STREET

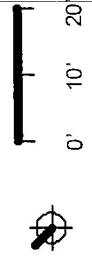
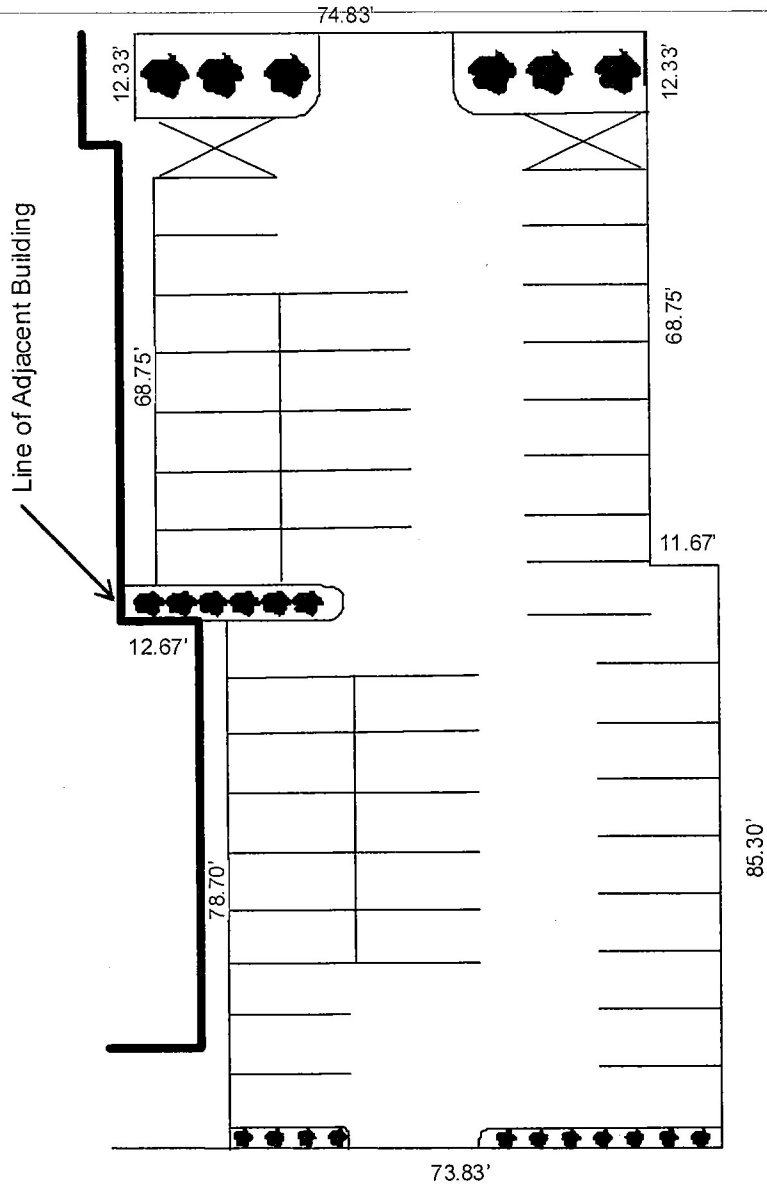


1 / 16" = 1' 0"

Current Striping Configuration Plan

524 Howard Street
Conditional Use Authorization
Case No. 2009.0646C

Howard Street



FEASIBILITY STUDY: 524 Howard Street

Natoma Street

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

November 9, 2010

President Miguel and Commissioners
Planning Commission
1650 Mission Street, Suite 400
San Francisco, CA 94103

Re: 524 Howard Street
Conditional Use Case No. 2009.0646C

Dear President Miguel and Commissioners:

We represent America West Parking, the operator of the parking lot on the above - referenced property. The cross streets are First and Second Streets. In conjunction with the property owner, America West is seeking to extend the conditional use approval for a temporary parking lot for a term of two years under Planning Code Section 156(h). A photo of the lot is attached at Exhibit A.

The owner received approval from the Planning Commission in 1999 for the construction of an office building on the property. The office project contains plans for a 23-story tower containing approximately 201,989 square feet of office, retail, open space and off-street parking (Case No. 98.843BEX). Construction of the office project has been delayed by the downturn in the market.

In 2005, the owner obtained a conditional use authorization for a temporary parking lot under Planning Code Section 156(h). Such approval did not have an effect on the office entitlement, which remains valid.

America West replaced the previous parking lot operator in March of this year. It was advised that the 2005 approval for the temporary parking lot had expired and that the landscaping plan required as a condition of approval had not been implemented. America West is seeking a new two year approval for the parking lot. It has now installed landscaping and lighting as shown in the photographs attached as Exhibit B.

The landscaping has been slightly changed from the original plan. With the approval of the Planning Department, a bench and gravel path have been replaced with shrubbery. The two street trees have been installed, but instead of being planted in the sidewalk, the trees are in

GLADSTONE & ASSOCIATES
ATTORNEYS AT LAW

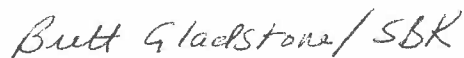
Planning Commission
November 9, 2010
Page Two

planters on the sidewalk. The concern about installing the trees within the sidewalk was that the trees will have to be removed during construction of the office building. Uprooting the trees would be harmful to the trees. The Department of Urban Forestry Public Works has reviewed and approved this arrangement. (See email attached as Exhibit C.)

The parking lot would meet the criteria for conditional use approval as detailed in the Conditional Use application. The parking lot is well lit and provides landscaping that will screen the parking lot from the public's view. The parking lot helps meet the high parking demand, which is the result of its proximity to downtown, the recent development of nearby office buildings and retail uses, as well as the removal of surface lots for such construction. Revenue from this parking lot provides the City with tens of thousands of dollars in taxes each year. If the temporary parking lot were not approved, the site would be vacant and subject to loitering and vandalism. The parking rates are in compliance with the Planning Code, which is designed to discourage commuter parking. (See photo of rates attached as Exhibit D.) The parking lot allows for the beneficial use of a site until the office building's construction begins during which time the property will be maintained in a safe and attractive manner.

For the foregoing reasons, we respectfully request that you approve the conditional use application for the temporary parking lot. We appreciate your consideration of this matter.

Very truly yours,



M. Brett Gladstone

Enclosures

cc: Medet Zira
Tahir Zira



VIEW FROM HOWARD STREET



VIEW FROM NATOMA STREET





**PUBLIC
PARKING**
DAILY PARKING AVAILABLE
* RATE AS POSTED
American West
Parking Services
415.596.8743
**Enter
Here** ←

SHINE

UNIVERSITY







From: Buck, Chris [<mailto:Chris.Buck@sfdpw.org>]

Sent: Tuesday, August 24, 2010 3:13 PM

To: Rip Malloy

Subject: RE: 524 Howard

Hi Rip,

The needs of our department will be met with the planting of two trees in planters within the sidewalk (public Right of Way). When the project gets going again, we will require that a tree removal application be filed so that we can post the required 30-day removal notice on the tree planters before we grant permission for them to be removed, to make way for construction and eventually, the new, permanent street trees.

Our department is fine with your effort to move forward.

Thanks,

Chris Buck

Urban Forestry Inspector

DPW Urban Forestry Permits & Policy

(415) 641-2677 phone

(415) 695-2147 fax

Chris.Buck@sfdpw.org

1 Hr.	or Less	\$2.50
2Hrs.	or Less	\$5.00
3Hrs.	or Less	\$7.50
4Hrs.	or Less	\$10.00
5Hrs.	or Less	\$12.50
6Hrs.	or Less	\$15.00
7Hrs.	or Less	\$17.50

MAXIMUM up to 10 Hrs **\$25.00**