



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

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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 |

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Planning Commission Final Motion No. 17581

HEARING DATE: APRIL 17, 2008

Date: April 17, 2008
Case No.: 2007.0430C
Project Address: 400 DIVISADERO STREET
Zoning: NC-2 (Neighborhood Commercial, Small-Scale) and
RH-2 (Residential House, Two-Family);
65-A and 40-X Height and Bulk District
Block/Lots: 1216/017, 018 and 019
Project Sponsor: ABC Parking
c/o Matthew Brennan, Esq.
425 Divisadero Street, Suite 302
San Francisco, CA 94117
Staff Contact: Mary Woods – (415) 558-6315
mary.woods@sfgov.org

ADOPTING FINDINGS RELATING TO CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 209.7(C), 303(C) AND 711.56 OF THE PLANNING CODE TO ALLOW FOR THE AFTER-HOURS TEMPORARY PARKING OF APPROXIMATELY 36 CARS AT THE TOUCHLESS CAR WASH SITE, IN AN NC-2 (SMALL-SCALE NEIGHBORHOOD COMMERCIAL) DISTRICT WITH A 65-A HEIGHT AND BULK DISTRICT, AND AN RH-3 (RESIDENTIAL, HOUSE, THREE-FAMILY) DISTRICT WITH A 40-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On May 1, 2007, ABC Parking (Project Sponsor) filed an application with the Department for Conditional Use Authorization under Sections 209.7(c), 303(c) and 711.56 of the Planning Code to allow for the after-hours (from 7:00 p.m. to 2:00 a.m.) temporary parking of approximately 36 cars at the Touchless Car Wash site, in an NC-2 (Small-Scale Neighborhood Commercial) District with a 65-A Height and Bulk District, and an RH-3 (Residential, House, Three-Family) District with a 40-x Height and Bulk District.

On April 17, 2008, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2007.0430C.

The Project was determined by the San Francisco Planning Department (hereinafter "Department") to be exempt from environmental review under Class 1 - Change of Use of the CEQA Guidelines.

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. 2007.0430C, 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 northeast corner of Divisadero and Oak Streets, in Assessor's Block 1216, Lots 17, 18 and 19, an area of approximately 34,234 square feet. The site is in the NC-2 Zoning District, except for the rear approximately 10,685 square feet of Lot 19 (a flag-shaped lot) which is currently zoned RH-3 District. The site is in an 65-A and an 40-X Height-Bulk Districts. The subject property is a corner lot, with approximately 123 feet of frontage on Divisadero Street and 150 feet of frontage on Oak Street with two driveways on each frontage.

The existing Touchless Car Wash building is located on Lot 18, to the north of the Shell service station (Lot 17) at the corner of Oak and Divisadero Streets. The existing two-story building houses the car wash machinery and a cashier/gift shop in approximately 3,700 square feet on the ground floor, and 3,500 square feet of offices on the second floor, for a total of approximately 7,200 square feet. A portion of this site is used as a drying area for cars exiting the car wash.

Vehicular access to the existing car wash takes place to the west of 1052-62 Oak Streets on portions of Lots 17, 18 and 19. Cars enter the car wash's three queuing lanes from Oak Street or by crossing through the Shell station from Divisadero Street. Cars exit the car wash by proceeding to eastbound Oak Street or northbound Divisadero Street.

The upper, RH-3 zoned, portion of the flag-shaped Lot 19, is currently an open paved area with some landscaping along the perimeter.

3. **Surrounding Properties and Neighborhood.** Divisadero Street, north and south of the car wash, is a mixed-use residential and retail neighborhood with a variety of neighborhood-serving uses, including food establishments, personal services, and small retail establishments. Buildings are typically two to four stories and include 19th and early 20th century, as well as more recent structures. Oak Street and Fell Street are an east-west one-way pair, connecting the Upper

Market and Civic Center area with Golden Gate Park. East of Divisadero Street, Oak and Fell Streets also serve uses such as the Falletti Market complex, a large Bank of America branch and the Department of Motor Vehicles office at Fell and Baker Streets. An ARCO service station is adjacent to the north of the car wash, at the southeast corner of Fell and Divisadero Streets.

4. **Project Description.** The applicant proposes to use a portion of the site that is designated for circulation and drying area for the car wash for after-hours temporary parking for approximately 36 cars.

The proposal requires a change of use and neighborhood notification was conducted in conjunction with the Conditional Use Authorization process. The proposed use is a neighborhood-serving use.

5. **Public Comment.** The Department has received one letter from the North of Panhandle Neighborhood Association in support of the proposed nighttime parking at the Project Site.
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. **Screening of Parking.** Planning Code Section 156(d) requires any parking lot for two or more automobiles which adjoins a lot in any other Residential (R) District, or which faces a lot in any R District across a street or alley, to be screened from view, except at driveways necessary for ingress and egress, by solid fence, a solid wall, or a compact evergreen hedge, not less than four feet in height.

The frontage on Oak Street faces an R District and a portion of the Project Site is in an R District. As part of the proposed Project, improvements to existing site landscaping will be made along the perimeter, such as adding four new street trees (two on Oak Street and two on Divisadero Street), and new planter hedges on Oak and Divisadero Streets. The property owners of the Project Site have met with staff of the Department of Public Works and the Planning Department regarding the required landscaping at the Site's perimeter and the public right-of-way.

- B. **Lighting.** Section 156(f) requires that all lighting used to illuminate a parking lot for any number of automobiles shall be so arranged that all direct rays from such lighting fall entirely within such parking lot.

The existing lighting system at the Site already meets this requirement. The Project will maintain all existing lighting.

- C. **Vehicle Storage and Access.** Planning Code Section 209 sets forth uses permitted in R Districts. Section 209.7(c) states that a Conditional Use authorization is required for off-street parking facility to serve a use permitted in any R District, when such parking is not classified as accessory parking for such use.

The Project Sponsor proposes to utilize the site as a parking lot for approximately 36 cars from 7:00 p.m. to 2:00 a.m. when the car wash is closed for business.

- D. **Automobile Parking.** Planning Code Section 711.56 states that a Conditional Use authorization is required for automobile parking, as defined by Planning Code Section 790.8.

The Project Sponsor proposes to provide parking for patrons of nearby retail establishments in the evening hours when the car wash business is closed. This Conditional Use authorization will allow the Sponsor to use the Site as a parking lot in the evening from 7:00 p.m. to 2:00 a.m.

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 Site contains a car wash and a 24-hour gasoline station. The proposal is to use the car wash circulation area for parking from 7:00 p.m. to 2:00 a.m. when the car wash is not open for business. This additional parking will ease demand for parking among patrons of the retail/commercial establishments on Divisadero Street and residents of the neighborhood. The Project Sponsor will maintain a parking attendant at the Site, which will not only help to lessen any potential impact on traffic, but will also provide added security to what now stands as an empty lot in the evening hours.

The proposed Project will provide approximately 36 parking spaces at the Site. Ingress and egress to the Site will be provided on both Divisadero and Oak Streets by utilizing all four driveways (two on each frontage) so as to avoid vehicles queuing on either street.

Improvements to the Site include the installation of a freestanding valet station, perimeter landscaping, and tree plantings.

- 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 does not involve any physical improvements to the Site since the proposed work is related to a surface parking lot. The Project will not add any new curb cuts that would interfere with traffic, both vehicular and pedestrian, and/or MUNI. Rather, the proposal will greatly benefit the surrounding merchants by providing greater access to their shops, restaurants, and

nightclubs, as well as visitors to residents of the neighborhood by meeting the parking demand of such uses.

- 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;

Existing traffic patterns will not be significantly affected by the Project since the proposed use in the evening would be less intensive than how it is used during the day as a busy car wash and gasoline station. It would not interfere with MUNI traffic since bus services are reduced in the evening and infrequent due to lower travel demands. The Project may even alleviate or mitigate some of the existing on-street parking demand by providing a place for people to park their cars off-street.

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

The Project includes additional landscaping and tree planting along both Divisadero and Oak Streets so as to lessen noise, glare and dust impacts.

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

The existing Site, used as a car wash and gasoline station, complies with the lighting requirements of the Planning Code. As part of the proposed Project, improvements to existing site landscaping will be made along the site perimeter, such as adding four new street trees (two on Oak Street and two on Divisadero Street), and new planter hedges on Oak and Divisadero Streets. Any proposed signage will be consistent with the controls of the Planning Code.

- 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 consistent with the stated purpose of NC-2 Districts in that the intended use will provide a compatible convenience service for the immediately surrounding neighborhoods during the evening hours.

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

COMMERCE AND INDUSTRY ELEMENT

General/Citywide

Objectives and Policies

OBJECTIVE 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.

OBJECTIVE 3:

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

Policy 3.2:

Promote measures designed to increase the number of San Francisco jobs held by San Francisco residents.

The availability of the Site for use as a parking lot to the general public at times when the car wash is not open for business offers great relief in evening parking demand to the nearby residents and merchants, thereby contributing to the economic vitality of the area. The Project will enhance existing commercial activities and possibly attract other businesses that might consider locating on the Divisadero Street commercial corridor.

TRANSPORTATION ELEMENT

General

Objectives and Policies

OBJECTIVE 1:

MEET THE NEEDS OF ALL RESIDENTS AND VISITORS FOR SAFE, CONVENIENT AND INEXPENSIVE TRAVEL WITHIN SAN FRANCISCO AND BETWEEN THE CITY AND OTHER PARTS OF THE REGION WHILE MAINTAINING THE HIGH QUALITY LIVING ENVIRONMENT OF THE BAY AREA.

Policy 1.2:

Ensure the safety and comfort of pedestrians throughout the City.

Citywide Parking

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, locational and design criteria.

Policy 30.6:

Make existing and new accessory parking available to nearby residents and the general public for use as short-term or evening parking when not being utilized by the business or institution to which it is accessory.

The Project will improve the neighborhood environment by encouraging more pedestrian activity in the evenings through the provision of parking for patrons of businesses along the Divisadero Street commercial corridor. It will also alleviate the parking demand around the Project Site. Improvements to existing landscaping will be made along the site perimeter, such as adding four new street trees (two on Oak Street and two on Divisadero Street), and new planter hedges on Oak and Divisadero Streets.

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 provide much needed off-street parking in the evenings to support the neighborhood-serving retail uses along the Divisadero Street commercial corridor and visitors to residential dwellings. A professional parking company will operate the parking lot.

- 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 will preserve and enhance the cultural and economic diversity of the neighborhood by alleviating some of the parking burdens in the area. Existing housing will not be affected by the Project.

- 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 Project will not impede MUNI service or overburden streets or neighborhood parking. Rather, it will mitigate the neighborhood's parking scarcity by allowing public parking when the car wash is not open for business.

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

The Project will not displace any service or industry establishment. The Project will not affect industrial or service sector uses or related employment opportunities. Ownership of industrial or service sector businesses will not be affected by this Project.

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

The Project does not involve any physical or structural improvements to the Site.

- G. That landmarks and historic buildings be preserved.

The Project will not affect any landmarks or historic buildings.

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

The Project will not affect any existing parks or 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. 2007.0430C** 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. 17581. 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 April 17, 2008.

Linda Avery
Commission Secretary

AYES: Commissioners Antonini, S. Lee, W. Lee, Olague and Sugaya

NAYS: None

ABSENT: Commissioner Moore

ADOPTED: April 17, 2008

Exhibit A

Conditions of Approval

1. This authorization is for a Conditional Use Authorization under Planning Code Section 209.7(c), 303(c) and 711.56 of the Planning Code to allow for after-hours temporary parking of approximately 36 cars at the Touchless Car Wash site, in an NC-2 (Small-Scale Neighborhood Commercial) District with a 65-A Height and Bulk District, and an RH-3 (Residential, House, Three-Family) District with a 40-x Height and Bulk District, in general conformance with plans filed with the Application as received on March 3, 2008 and stamped "EXHIBIT B" included in the docket for **Case No. 2007.0430C**, reviewed and approved by the Commission on April 17, 2008.
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 Block 1216, Lots 017, 018 and 019), which notice shall state that the nighttime parking use has been authorized by and is subject to the conditions of this Motion.
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 up to \$500 a day 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 owners of the Project Site shall install and maintain the required landscaping pursuant to Planning Code Section 156(d) as per agreement with the staff of the Department of Public Works.
6. All Project landscaping shall be maintained in an attractive manner, and the parking lot shall be kept clean and free of litter.
7. All Project lighting shall be directed onto the project Site and immediately surrounding sidewalk area only, so as not to be a nuisance to surrounding residents and businesses. 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.
8. The valet booth shall be located as close as practical to the street and away from residences. The valet booth shall have a sign requesting that patrons be respectful of the residential neighborhood and limit loud disturbances.
9. All Project signage shall be consistent with the controls of Article 6 of the Planning Code.

10. The Applicant shall appoint a community liaison officer to deal with issues of concern to neighbors related to the operation of this Project. The name and telephone number of the community liaison shall be reported to the Zoning Administrator.
11. The Project Sponsor shall assure the execution and recordation of the specified conditions as a Notice of Special Restrictions at the Office of the County Recorder / County Clerk.
12. The Planning Commission may, in a public hearing, consider the revocation of this conditional use authorization if a site or building permit has not been issued 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 thenceforth diligently to completion. The Commission may also consider revoking this conditional use authorization 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. 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.