



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Conditional Use Authorization

HEARING DATE: FEBRUARY 9, 2017

CONTINUED FROM: DECEMBER 8, 2016, NOVEMBER 10, 2016 & SEPTEMBER 8, 2016
REGULAR CALENDAR

Date: January 30, 2017
Case No.: **2016-005713CUA**
Project Address: **224 Townsend Street**
Zoning: SLI (SoMa Service – Light Industrial District)
65-X Height and Bulk District
Block/Lot: 3787/013
Project Sponsor: Susanne Kelly
Hanson Bridgett LLP
425 Market Street, 26th Floor
Staff Contact: Christy Alexander – (415) 575-8724
christy.alexander@sfgov.org
Recommendation: **Approval with Conditions**

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PROJECT DESCRIPTION

The Project Sponsor proposes to establish a permanent status of the existing temporary public parking garage in order to continue the operation of the parking use on a permanent basis. The Project Sponsor would like the Planning Commission to approve the entire building to continue as a public parking garage with 34 independently accessible off-street spaces and up to 60 off-street spaces with tandem parking attended by valet staff. The proposed hours of operation would generally be from 6:00 am to 7:00 pm and would close one hour after the end of AT&T Park special events. After-hours auto ingress or egress are not offered nor permitted.

The Project does not propose physical changes to the exterior of the existing building. The subject building already contains three large garage doors (one is non-operational) which provide ingress and egress for the operation. Ingress and egress of vehicles occurs on Ritch Street, a lightly transited one-way street. No new curb cuts are proposed.

Planning Staff, however, would like the Commission to approve the Project on the condition that the first 25 feet at the front of the building along Townsend Street be mandated to be separated from the parking use with a demising wall to allow for a separate commercial active use that is transparent to the street front, allowing the public parking in the rear of the building. At the Planning Commission hearing on March 10, 2011, which ultimately authorized the temporary parking use, the Commission debated whether an active use was appropriate at this site. The determination was made that the Commissioner's would like to see an active use at this location, however due to the downturn in the economy at the time the Commission allowed a five year temporary parking use for the entire building but stated that in five

years' time they desired to see an active use along the Townsend Street frontage. Furthermore, the existing building is historic, and has transparent storefront windows situated along Townsend Street, which is a Mixed-Use street and Transit-Oriented preferential street according to the General Plan. The property has been identified as eligible for Article 10 listing, and is currently listed on the Historic Preservation Commission's Landmark Designation Work Program.

SITE DESCRIPTION AND PRESENT USE

The Project Site is located on the north side of Townsend Street, between Ritch and Clyde Streets, Block 3787, Lot 013. The property is located within the SLI (SoMa Service-Light Industrial) District, the 65-X Height and Bulk District, and the South End Historic District Addition. The property is developed with an existing one story concrete building with mezzanine level (approximately 10,959 square feet and 32 feet tall) which was originally built in 1935 as a pump warehouse. 224 Townsend Street is an Art Deco industrial building that is currently used as a public parking garage accessed off of Ritch Street with approximately 34 off-street parking spaces and two loading spaces. An auto detailing/glass shop last occupied the building before it was converted to the present public parking facility dba America West Parking. The Conditional Use authorization for the five year approval of the temporary use of the building as a public parking garage was approved in 2011 as Motion #18295 and through a change of use building permit that authorized a change from an industrial uses to a public parking facility on the ground floor. In 2015, a Preliminary Project Assessment (PPA) was filed that proposed a new hotel (six story addition setback 21 feet from the existing building) on this property, assuming the adoption of the Central SoMa plan. That proposal raised significant concerns about the appropriateness of the addition and alterations given the historic status of the building, as well as other design and environmental concerns. No further submittals have occurred since that PPA letter was issued in January of 2016.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The Project Site is located within the SoMa/South Beach neighborhood and more specifically, within the East of SoMa (EN), South of Market, and Central SoMa planning areas. This area consists of a wide variety of retail, restaurant, grocery, hotel, office, PDR, and residential uses on the subject block and in the vicinity that serve both neighborhood residents and visitors to AT&T Park, which is located less than two blocks to the west. Various restaurant and retail shops are situated immediately adjacent to the Project Site along Townsend Street with a high density residential building and public parking garage across the street to the southwest.

ENVIRONMENTAL REVIEW

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

HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Classified News Ad	20 days	August 19, 2016	August 19, 2016	20 days
Posted Notice	20 days	August 19, 2016	November 17, 2016	20 days

Mailed Notice	10 days	August 29, 2016	August 29, 2016	10 days
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PUBLIC COMMENT/COMMUNITY OUTREACH

As of the publication date of this packet, the Department has received a few phone calls and emails with questions from the public regarding the Project; most of the correspondence has been positive regarding continued use of the building as a public parking garage. Two individuals expressed interest in seeing an active or PDR use in the building instead of parking. No letters have been submitted in direct support or opposition towards the Project.

REQUIRED COMMISSION ACTION

In order for the Project to proceed, the Commission must grant Conditional Use Authorization pursuant to Sections 303, 817.30 and 890.12 of the Planning Code to establish the permanent status of an existing temporary public parking garage use within the SLI (SOMA Service-Light Industrial) Zoning District and 65-X Height and Bulk District, with conditions as set forth in the attached Draft Motion.

BASIS FOR RECOMMENDATION

The Department believes this Project is necessary or desirable for, and compatible with, the neighborhood or the community under Section 303 of the Planning Code for the following reasons:

- The Project will continue to provide off-street parking in a relatively small facility that is not anticipated to draw substantial traffic to the area or adversely affect traffic movements on adjacent streets.
- The pricing for the public parking garage is structured to favor short-term parking and discourage daily commuter parking.
- The public parking garage will bolster the viability of the retail, restaurant, bar, and entertainment establishments in the area and will not affect the overall design of the existing building.
- Providing an active use for the first 25 feet of storefront along Townsend Street will bolster the pedestrian experience of the streetscape and provide commercial services to the surrounding neighborhood.
- Requiring an active use within the first 25 feet of the storefront along Townsend Street is in-keeping with and supports the historic character of the building, which has storefront windows and a pedestrian entrance directly off of Townsend Street.
- The Project meets all applicable requirements of the Planning Code, including required findings stipulated in Planning Code Section 303.

RECOMMENDATION:	Approval with Conditions
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Attachments:

Draft Motion
Block Book Map
Sanborn Map
Zoning Map
Aerial Photographs

Context Photographs

Project Sponsor Submittal:

- Letter (dated January 25, 2017)
- Letter (dated January 6, 2017)
- Letter (dated November 14, 2016)
- Floor Plan Diagram
- Site Photographs

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 type="checkbox"/> Height & Bulk Map | <input checked="" type="checkbox"/> Check for legibility |
| <input checked="" type="checkbox"/> Parcel Map | 3-D Renderings (new construction or significant addition) |
| <input checked="" type="checkbox"/> Sanborn Map | <input type="checkbox"/> Check for legibility |
| <input checked="" type="checkbox"/> Aerial Photo | <input type="checkbox"/> Wireless Telecommunications Materials |
| <input type="checkbox"/> Context Photos | <input type="checkbox"/> Health Dept. review of RF levels |
| <input checked="" type="checkbox"/> Site Photos | <input type="checkbox"/> RF Report |
| | <input type="checkbox"/> Community Meeting Notice |
| | <input type="checkbox"/> Housing Documents |
| | <input type="checkbox"/> Inclusionary Affordable Housing Program: Affidavit for Compliance |

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

CA
Planner's Initials



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: FEBRUARY 9, 2017

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ADOPTING FINDINGS RELATING TO THE APPROVAL OF A CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 303, 817.30, AND 890.12 OF THE PLANNING CODE TO ESTABLISH THE PERMANENT STATUS OF AN EXISTING TEMPORARY PUBLIC PARKING GARAGE USE WITHIN THE SLI (SOMA SERVICE-LIGHT INDUSTRIAL) ZONING DISTRICT AND THE 65-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On May 3, 2016, Susanne Kelly, acting on behalf of American West Parking Services, Inc. ("Project Sponsor") filed an application with the Planning Department ("Department") for Conditional Use Authorization under Planning Code Sections ("Section") 303 and 817.30 to establish the permanent status of an existing temporary public parking garage use within the SLI (SoMa Service – Light Industrial) Zoning District and the 65-X Height and Bulk District (collectively, "Project", Case Number 2016-005713CUA).

On September 8, 2016, the San Francisco Planning Commission ("Commission") continued the item to the November 10, 2016 Commission agenda.

On November 10, 2016, the Commission continued the item to the December 8, 2016 Commission agenda.

On December 8, 2016, the Commission continued the item to the February 9, 2017 Commission agenda.

On February 9, 2017, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on the Project.

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. 2016-005713CUA, 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 Townsend Street, between Ritch and Clyde Streets, Block 3787, Lot 013. The property is located within the SLI (SoMa Service-Light Industrial) Zoning District, the 65-X Height and Bulk District, and the South End Historic District Addition. The property is developed with an existing one story concrete building with mezzanine level (approximately 10,959 square feet and 32 feet tall) which was originally built in 1935 as a pump warehouse. The property has been identified as eligible for Article 10 listing, and is currently listed on the Historic Preservation Commission's Landmark Designation Work Program.

The subject property is developed with an Art Deco industrial building that is currently used as a public parking garage accessed off of Ritch Street with approximately 34 off-street parking spaces and two loading spaces. An auto detailing/glass shop last occupied the building before it was converted to the present public parking facility dba America West Parking. The Conditional Use Authorization for the five year approval of the temporary use of the building as a public parking garage was approved in 2011 as Motion #18295 and through a change of use building permit that authorized a change from an industrial uses to a public parking facility on the ground floor. In

2015, a Preliminary Project Assessment (PPA) was filed that proposed a new hotel (six story addition setback 21 feet from the front of the existing building) on this property, assuming the adoption of the Central SoMa plan. That proposal raised significant concerns about the appropriateness of the addition and alterations given the historic status of the building, as well as other design and environmental concerns. No further submittals have occurred since that PPA letter was issued in January of 2016.

3. **Surrounding Properties and Neighborhood.** The Project Site is located within the SoMa/South Beach neighborhood and more specifically, within the East of SoMa (EN), South of Market, and Central SoMa planning areas. This area consists of a wide variety of retail, restaurant, grocery, hotel, office, PDR, and residential uses on the subject block and in the vicinity that serve both neighborhood residents and visitors to AT&T Park, which is located less than two blocks to the west. Various restaurant and retail shops are situated immediately adjacent to the Project Site along Townsend Street with a high density residential building and public parking garage across the street to the southwest.
4. **Project Description.** The Project Sponsor proposes to establish a permanent status of the existing temporary public parking garage in order to continue the operation of the parking use on a permanent basis. The Project Sponsor would like the Planning Commission to approve the entire building to continue as a public parking garage with 34 independently accessible off-street spaces and up to 60 off-street spaces with tandem parking attended by valet staff. The proposed hours of operation would generally be from 6:00 am to 7:00 pm and would close one hour after the end of AT&T Park special events. After-hours auto ingress or egress are not offered nor permitted.

The Project does not propose physical changes to the exterior of the existing building. The subject building already contains three large garage doors (one is non-operational) which provide ingress and egress for the operation. Ingress and egress of vehicles occur on Ritch Street, a lightly transited one-way street. No new curb cuts are proposed.

5. **Public Comment.** To date, the Department has received a few phone calls and emails with questions from the public regarding the Project, most of the correspondence has been positive regarding continued use of the building as a public parking garage. Two individuals expressed interest in seeing an active or PDR use in the building instead of parking. No letters have been submitted in direct support or opposition towards the 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.** Planning Code Sections 817.30 and 890.12 state that a Conditional Use Authorization is required to establish a new public automobile parking garage. Pursuant to Planning Code Section 890.12, a public automobile parking garage is defined as a use which provides

temporary parking accommodations for automobiles, trucks, vans, bicycles or motorcycles in a garage open to the general public, without parking of recreational vehicles, mobile homes, boats or other vehicles, or storage of vehicles, goods or equipment.

The Project proposes to establish the permanent status of a public automobile parking garage within the SLI use district, which is permitted with a Conditional Use Authorization. Although a public parking garage is supported at this site, as detailed in the findings outlined in Section 7 below, it is conditioned upon the inclusion of a separate, active use within the first 25 feet from Townsend Street.

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 is consistent with the City's policy to encourage small businesses in the area and active uses along transit preferential streets. Many of the parking spaces will be for patrons and customers of adjacent business owners. In particular, many of the restaurants and other small businesses serving nighttime and weekend ballpark games also rely on these spaces for their employees. Although, public transit options do exist, many of the nearby venues operate at night when transit service is intermittent.

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

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

The existing building is a historic building constructed in 1935 and is proposed to become a part of the South End Historic District (Article 10) upon adoption of the Central SoMa Plan. The proposal will not alter the exterior of the existing building. The proposed uses can be accommodated with minor interior alterations to meet Building Code requirements. Condition No. 9, which requires a demised active use within the front 25 feet of the building further supports the historic characteristics of the building, since the building includes large transparent storefront windows and pedestrian entrance off of Townsend Street that are currently obstructed and not in use.

- 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 existing building already contains three large garage doors (one is non-operational) which provide safe ingress and egress for the operation. Ingress and egress of vehicles occurs on Ritch Street, a lightly transited one-way street, thereby preventing disruption to traffic on Townsend Street. No new curb cuts are proposed. The parking garage will provide off-street parking for surrounding businesses as well as attendees of events at AT&T ballpark. The parking garage will also include compact and motorcycle parking spaces to encourage alternative means of travel.

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

The parking garage will not generate significant amounts of noxious or offensive emissions that would cause noise, glare, dust and odor. The parking garage will contain adequate ventilation systems to minimize potential odors or fumes that may be generated by the parking.

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

The Project will not alter the exterior of the existing building and will allow for the adaptive reuse of a historic building. The building already is improved with safe and adequate ingress and egress access for vehicular traffic. Parked vehicles will be screened from public view by locating them within the garage. The existing front façade provides ingress and egress into the new active use, and the ingress and egress of parking will occur on the side on Ritch Street. No signage other than project identification and required informational or directional signage will be provided.

- 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. **Planning Code Section 157.1** establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use approval for non-accessory parking in Mixed Use Districts. On balance, the Project does comply with said criteria in that:

- A. Such facility shall meet all the design requirements for setbacks from facades and wrapping with active uses at all levels per the requirements of Section 145.1; and

Although the Project is was not required under Code to establish an active use within the first 25 feet of the building when it first went to the Commission for a five year temporary Conditional Use

Authorization (since it legally changed to a temporary public parking garage before Section 145.1 became effective), the Commission, through Condition of Approval No. 9, has required the Project to include an active use within the first 25 feet at the front of the building along Townsend Street. Providing adequate space in the existing building for an active use along Townsend Street will further facilitate the addition of neighborhood-serving active uses to the area.

- B. Such parking shall not be accessed from any protected Transit or Pedestrian Street described in Section 155(r); and

Ingress and egress will be from Ritch Street, which is not a protected Transit or Pedestrian Street.

- C. Such parking garage shall be located in a building where the ratio of gross square footage of parking uses to other uses that are permitted or Conditionally permitted in that district is not more than 1 to 1; and

The Project will continue to provide a public parking garage on the ground floor of the existing building. Although the project does not propose any changes to the existing building, the Commission has conditioned that the first 25 feet of the building along Townsend Street be mandated to be separated from the parking use with a demising wall to allow for a separate commercial active use. The parking in the rear of the building would remain a public parking garage and not privatized for the active use in the front of the building.

- D. Such parking shall be available for use by the general public on equal terms and shall not be deeded or made available exclusively to tenants, residents, owners or users of any particular use or building except in cases that such parking meets the criteria of subsection (d) or (e) below; and

The parking will be available for use by the general public on equal terms and shall not be deeded or made available exclusively to tenants, residents, owners or users of any particular use or building.

- E. Such facility shall provide spaces for car sharing vehicles per the requirements of Section 166 and bicycle parking per the requirements of Sections 155.1 and 155.2; and

The Project will provide car sharing and bicycle spaces in the amount required by the Planning Code.

- F. Such facility, to the extent open to the public per subsection (4) above, shall meet the pricing requirements of Section 155(g) and shall generally limit the proposed parking to short-term occupancy rather than long-term occupancy; and

The Project will meet any applicable pricing requirements of the Planning Code and has set hours of operations and a pricing structure so as to limit the parking to short-term occupancy.

- G. Vehicle movement on or around the facility does not unduly impact pedestrian spaces or movement, transit service, bicycle movement, or the overall traffic movement in the district; and

Ingress and egress will be from Ritch Street so as to avoid conflicts with movement on Townsend Street.

- H. Such facility and its access does not diminish the quality and viability of existing or planned streetscape enhancements.

Ingress and egress will be from Ritch Street so as to avoid conflicts with existing and planned streetscape enhancements on Townsend Street.

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

SOUTH OF MARKET AREA PLAN Objectives and Policies

OBJECTIVE 5:

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

Policy 5.4:

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

While policies within the General Plan generally discourage the provision of additional parking within Downtown core, the proposed parking garage is located within SoMa and the pricing for 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.

OBJECTIVE 8:

IMPROVE AREA LIVABILITY BY PROVIDING ESSENTIAL COMMUNITY SERVICES AND FACILITIES.

Policy 8.2:

Encourage the location of neighborhood-serving retail and community service activities throughout the South of Market.

Although neighborhood-serving retail activities have been permitted as a principal use throughout SoMa under present zoning controls, the area remains conspicuously deficient in convenience retail and personal

service activities such as laundromats, small neighborhood markets, late hour and weekend low-cost restaurants, automatic teller machines, shoe repair and the like. The City should actively encourage the location of these activities throughout SoMa and particularly within the densely residential areas near the Project Site. The Commission has conditioned this Project such that the first 25 feet at the front of the building along Townsend Street be mandated to be separated from the parking use with a demising wall to allow for a separate commercial active use that is transparent to the street front, allowing the public parking in the rear of the building. Providing adequate space in the existing building for an active use along Townsend Street will further facilitate the addition of neighborhood-serving retail to the area.

EAST SOMA AREA PLAN

Objectives and Policies

OBJECTIVE 3.2:

PROMOTE AN URBAN FORM AND ARCHITECTURAL CHARACTER THAT SUPPORTS WALKING AND SUSTAINS A DIVERSE, ACTIVE AND SAFE PUBLIC REALM.

Policy 3.2.3:

Minimize the visual impact of parking.

At grade parking is strongly discouraged in the East SoMa area. Where at-grade parking is necessary, it should be wrapped with a minimum of 15 feet of active use, such as residential, retail, or PDR on both the primary and secondary street frontages. The Commission has approved the Project on the condition that the first 25 feet at the front of the building along Townsend Street be separated from the parking use with a demising wall to allow for a separate commercial active use that is transparent to the street front, allowing the public parking in the rear of the building. At a previous Planning Commission hearing on March 10, 2011, which ultimately authorized the temporary parking use, the Commission debated whether an active use was appropriate at this site. The determination was made that the Commissioner's would like to see an active use at this location, however due to the downturn in the economy at the time, the Commission allowed a five year temporary parking use for the entire building but stated that in five years' time they desired to see an active use along the Townsend Street frontage. Furthermore, the existing building is historic, and has transparent storefront windows situated along Townsend Street, which is a Mixed-Use street and Transit-Oriented preferential street according to the General Plan.

TRANSPORTATION ELEMENT

Objectives and Policies

OBJECTIVE 30:

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

Policy 30.1:

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

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

- *An equity program for patrons and employees who do not use auto parking facilities is offered at establishments where private auto parking is validated or subsidized, such as the provision of transit fare validations or "cash-out".*
- *All relevant provisions of the Traffic Code and the ADA are met.*

The Project is located in an area that generates a demand for off-street parking by nearby businesses and residents and attendees of events at the AT&T Ballpark. With the new development in the area, many parking lots and garages have been removed. The parking garage is in close proximity to freeway access. Conflict with pedestrians, vehicles and bicycles will be reduced with the ingress and egress from Ritch Street. The Project will not alter the exterior of the existing building in any way and already is improved with adequate ingress and egress access for vehicular traffic. Spaces will be reserved for compact cars and motorcycles as well as people with disabilities. The parking garage will provide a desirable use and service to the immediate neighborhood and will provide employment opportunities to lower-skilled persons. The Project Site is convertible to other uses, pending the rezoning of the Central SoMa Area Plan. As conditioned, the Project will provide an active use within the the first 25 feet of the building along Townsend Street. This would meet the requirement that the structure must include commercial frontage in order to avoid blank street level facades.

URBAN DESIGN ELEMENT

Objectives and Policies

OBJECTIVE 4:

IMPROVEMENT OF THE NEIGHBORHOOD ENVIRONMENT TO INCREASE PERSONAL SAFETY, COMFORT, PRIDE AND OPPORTUNITY.

Policy 4.6:

Emphasize the importance of local centers providing commercial and government services.

Along shopping streets, pedestrian interest should be maintained by continuous store frontages. The inclusion of stores at ground level maintains continuity of pedestrian activity on what would otherwise be a sterile street frontage of parking garages in a commercial area. As conditioned, the Project would provide an active commercial use within the first 25 feet of the building along Townsend Street. This would meet the requirement that the structure must include continuous store frontage in order to avoid a sterile street frontage of a parking garage.

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

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

The Project will not displace any existing retail uses, and as conditioned, the Project will enhance future opportunities for resident employment in and ownership of neighborhood-serving retail by having an active commercial use within the first 25 feet of the building along Townsend Street. The pricing for the parking lot has 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 will allow the continued operation of an existing public parking garage to serve surrounding uses. The housing supply will not be affected by the Project. No changes are proposed to the existing building, thereby preserving the neighborhood character.

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

No housing will be removed as part of this Project.

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

The Project will accommodate 34 independently accessible spaces and up to 60 spaces by valet, which will improve neighborhood parking conditions. Ingress and egress of automobiles occurs on Ritch Street, an alley way which is free from public transit routes.

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

The Project will not 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 will comply with any applicable structural and seismic safety requirements of the City Building Code.

- G. That landmarks and historic buildings be preserved.

The Project will not alter the existing building other than interior tenant improvements for an active use at the front of the building along Townsend Street.

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

The Project will have no adverse effect on existing parks or open spaces.

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

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Application No. 2016-005713CUA** under Planning Code Sections 303, 817.30, and 890.12 to establish the permanent status of an existing temporary public parking garage use with an active use within the first 25-feet of the building along Townsend Street within the SLI (SoMa Service-Light Industrial) zoning district and the 65-X height and bulk district. The Project is subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated May 1, 2009 (and as subsequently revised to reflect the conditioned active use space along Townsend Street), 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.

Protest of Fee or Exaction: You may protest any fee or exaction subject to Government Code Section 66000 that is imposed as a condition of approval by following the procedures set forth in Government Code Section 66020. The protest must satisfy the requirements of Government Code Section 66020(a) and must be filed within 90 days of the date of the first approval or conditional approval of the development referencing the challenged fee or exaction. For purposes of Government Code Section 66020, the date of imposition of the fee shall be the date of the earliest discretionary approval by the City of the subject development.

If the City has not previously given Notice of an earlier discretionary approval of the Project, the Planning Commission's adoption of this Motion, Resolution, Discretionary Review Action or the Zoning Administrator's Variance Decision Letter constitutes the approval or conditional approval of the development and the City hereby gives **NOTICE** that the 90-day protest period under Government Code Section 66020 has begun. If the City has already given Notice that the 90-day approval period has begun for the subject development, then this document does not re-commence the 90-day approval period.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on February 9, 2017.

Jonas P. Ionin
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: February 9, 2017

EXHIBIT A

AUTHORIZATION

This authorization is for a Conditional Use to establish the permanent status of an existing temporary public parking garage (d.b.a. **American West Parking**) with a separate, active use within the first 25-feet along Townsend Street, located at 224 Townsend St, Block 3787, and Lot 013 pursuant to Planning Code Sections **303, 817.30 and 890.12** within the **SLI (SoMa Service – Light Industrial)** Zoning District and **65-X** Height and Bulk District; in general conformance with plans, dated **May 1, 2009**, and stamped “EXHIBIT B” included in the docket for Case No. **2016-005713CUA** and subject to conditions of approval reviewed and approved by the Commission on **February 9, 2017** under Motion No. **XXXXXX**. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

RECORDATION OF CONDITIONS OF APPROVAL

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on **February 9, 2017** under Motion No **XXXXXX**.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. **XXXXXX** shall be reproduced on the Index Sheet of construction plans submitted with the site or building permit application for the Project. The Index Sheet of the construction plans shall reference to the Conditional Use authorization and any subsequent amendments or modifications.

SEVERABILITY

The Project shall comply with all applicable City codes and requirements. If any clause, sentence, section or any part of these conditions of approval is for any reason held to be invalid, such invalidity shall not affect or impair other remaining clauses, sentences, or sections of these conditions. This decision conveys no right to construct, or to receive a building permit. “Project Sponsor” shall include any subsequent responsible party.

CHANGES AND MODIFICATIONS

Changes to the approved plans may be approved administratively by the Zoning Administrator. Significant changes and modifications of conditions shall require Planning Commission approval of a new Conditional Use authorization.

Conditions of Approval, Compliance, Monitoring, and Reporting

PERFORMANCE

1. **Validity.** The authorization and right vested by virtue of this action is valid for three (3) years from the effective date of the Motion. The Department of Building Inspection shall have issued a Building Permit or Site Permit to construct the project and/or commence the approved use within this three-year period.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

2. **Expiration and Renewal.** Should a Building or Site Permit be sought after the three (3) year period has lapsed, the project sponsor must seek a renewal of this Authorization by filing an application for an amendment to the original Authorization or a new application for Authorization. Should the project sponsor decline to so file, and decline to withdraw the permit application, the Commission shall conduct a public hearing in order to consider the revocation of the Authorization. Should the Commission not revoke the Authorization following the closure of the public hearing, the Commission shall determine the extension of time for the continued validity of the Authorization.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

3. **Diligent pursuit.** Once a site or Building Permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. Failure to do so shall be grounds for the Commission to consider revoking the approval if more than three (3) years have passed since this Authorization was approved.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

4. **Extension.** All time limits in the preceding three paragraphs may be extended at the discretion of the Zoning Administrator where implementation of the project is delayed by a public agency, an appeal or a legal challenge and only by the length of time for which such public agency, appeal or challenge has caused delay.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

5. **Conformity with Current Law.** No application for Building Permit, Site Permit, or other entitlement shall be approved unless it complies with all applicable provisions of City Codes in effect at the time of such approval.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

DESIGN – COMPLIANCE AT PLAN STAGE

6. **Garbage, composting and recycling storage.** Space for the collection and storage of garbage, composting, and recycling shall be provided within enclosed areas on the property and clearly labeled and illustrated on the building permit plans. Space for the collection and storage of recyclable and compostable materials that meets the size, location, accessibility and other standards specified by the San Francisco Recycling Program shall be provided at the ground level of the buildings.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

7. **Lighting Plan.** The Project Sponsor shall submit an exterior lighting plan to the Planning Department prior to Planning Department approval of the building / site permit application.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

8. **Signage.** The Project Sponsor shall develop a signage program for the Project which shall be subject to review and approval by Planning Department staff before submitting any building permits for construction of the Project. All subsequent sign permits shall conform to the approved signage program. Once approved by the Department, the signage program/plan information shall be submitted and approved as part of the site permit for the Project. All exterior signage shall be designed to complement, not compete with, the existing architectural character and architectural features of the building.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

9. **Active Use Requirement.** Space for an active use shall be provided on the ground level within the first 25 feet at the front of the building along Townsend Street and clearly labeled and illustrated on the building permit plans. The space shall be separated from the parking use with a demising wall to allow for a separate commercial active use that is transparent to the street front, allowing the public parking in the rear of the building. Furthermore, the Project Sponsor or the subsequent responsible parties for the Project shall obtain a Building Permit to establish the separate active use within the first 25 feet of the building within 90 days of this Conditional Use Authorization. Failure to do so will result in the temporary closure of the parking use until such

permit for the active use has been issued, the demised space has been completed, and permit has been finalized by the Department of Building Inspection.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

10. **Clyde Street Garage Door.** The existing doorway opening onto Clyde Street shall not be used for ingress or egress of vehicles or pedestrians except pedestrian use shall be permitted in an emergency to satisfy the requirements of the Building Code.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

MONITORING - AFTER ENTITLEMENT

11. **Enforcement.** Violation of any of the Planning Department conditions of approval contained in this Motion or of any other provisions of Planning Code applicable to this Project shall be subject to the enforcement procedures and administrative penalties set forth under Planning Code Section 176 or Section 176.1. The Planning Department may also refer the violation complaints to other city departments and agencies for appropriate enforcement action under their jurisdiction.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

12. **Monitoring.** The Project requires monitoring of the conditions of approval in this Motion. The Project Sponsor or the subsequent responsible parties for the Project shall pay fees as established under Planning Code Section 351(e) (1) and work with the Planning Department for information about compliance.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

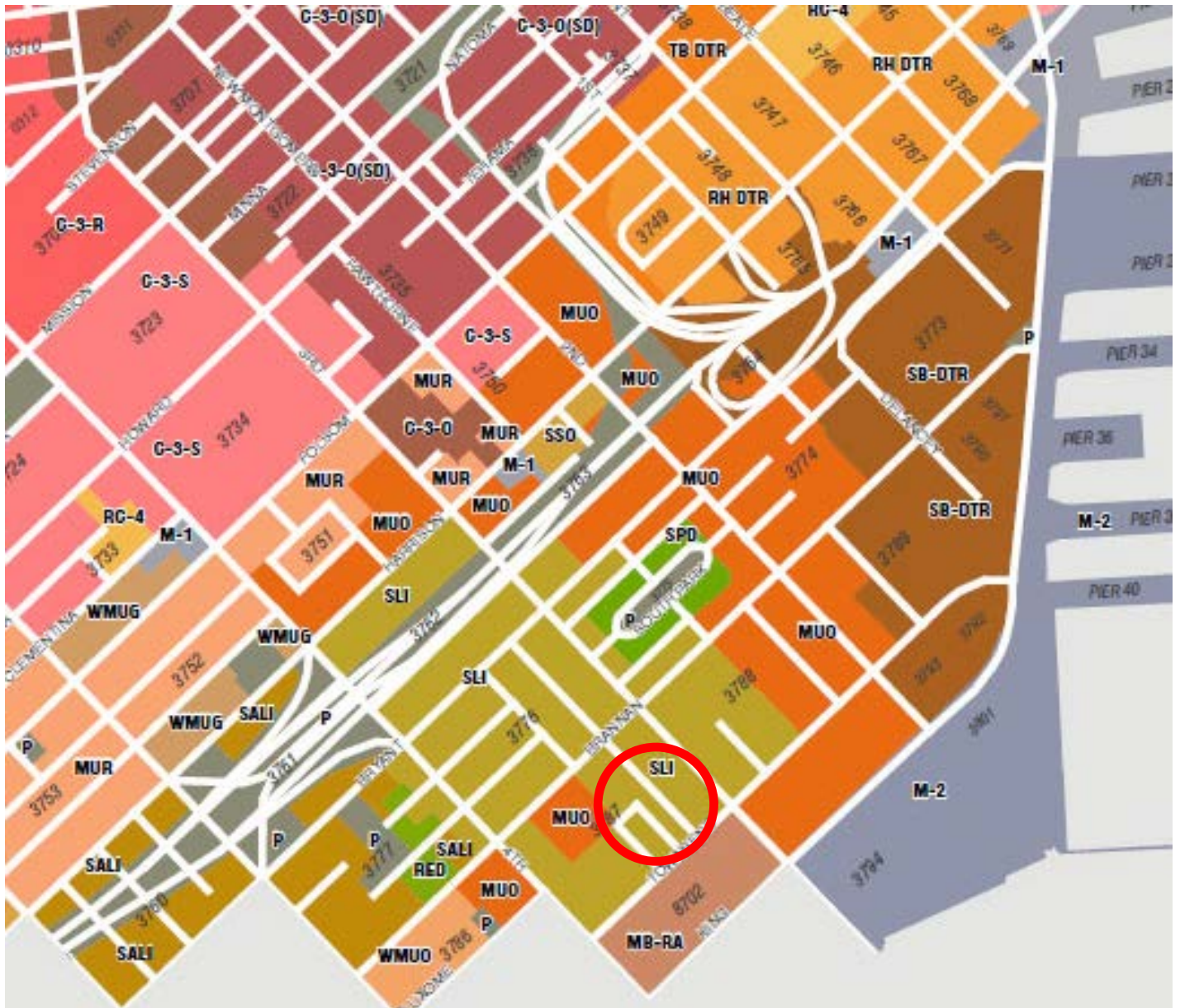
13. **Revocation due to Violation of Conditions.** Should implementation of this Project result in complaints from interested property owners, residents, or commercial lessees which are not resolved by the Project Sponsor and found to be in violation of the Planning Code and/or the specific conditions of approval for the Project as set forth in Exhibit A of this Motion, the Zoning Administrator shall refer such complaints to the Commission, after which it may hold a public hearing on the matter to consider revocation of this authorization.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

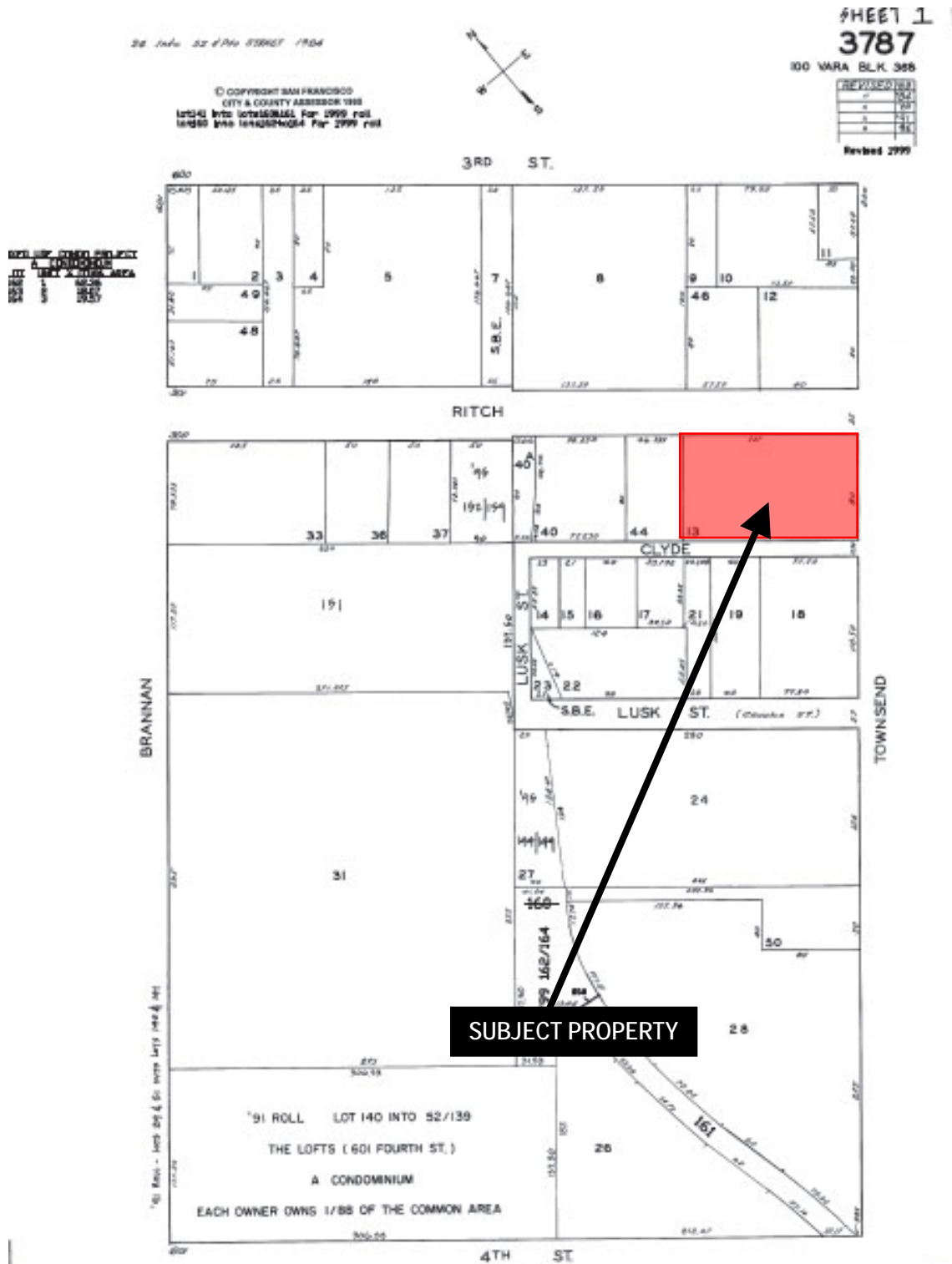
OPERATION

14. **Garbage, Recycling, and Composting Receptacles.** Garbage, recycling, and compost containers shall be kept within the premises and hidden from public view, and placed outside only when being serviced by the disposal company. Trash shall be contained and disposed of pursuant to garbage and recycling receptacles guidelines set forth by the Department of Public Works.
For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works at 415-554-.5810, <http://sfdpw.org>
15. **Sidewalk Maintenance.** The Project Sponsor shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean and sanitary condition in compliance with the Department of Public Works Streets and Sidewalk Maintenance Standards.
For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works, 415-695-2017, <http://sfdpw.org>
16. **Community Liaison.** Prior to issuance of a building permit to construct the project and implement the approved use, the Project Sponsor shall appoint a community liaison officer to deal with the issues of concern to owners and occupants of nearby properties. The Project Sponsor shall provide the Zoning Administrator with written notice of the name, business address, and telephone number of the community liaison. Should the contact information change, the Zoning Administrator shall be made aware of such change. The community liaison shall report to the Zoning Administrator what issues, if any, are of concern to the community and what issues have not been resolved by the Project Sponsor.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
17. **Lighting.** All Project lighting shall be directed onto the Project site and immediately surrounding sidewalk area only, and designed and managed so as not to be a nuisance to adjacent residents. Nighttime lighting shall be the minimum necessary to ensure safety, but shall in no case be directed so as to constitute a nuisance to any surrounding property.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
18. **Hours of Operation.** The subject establishment is limited to the following hours of operation: Sunday through Saturday from 6:00 am to 7:00 pm and will close one hour after the end of AT&T Park special events.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

Zoning Map

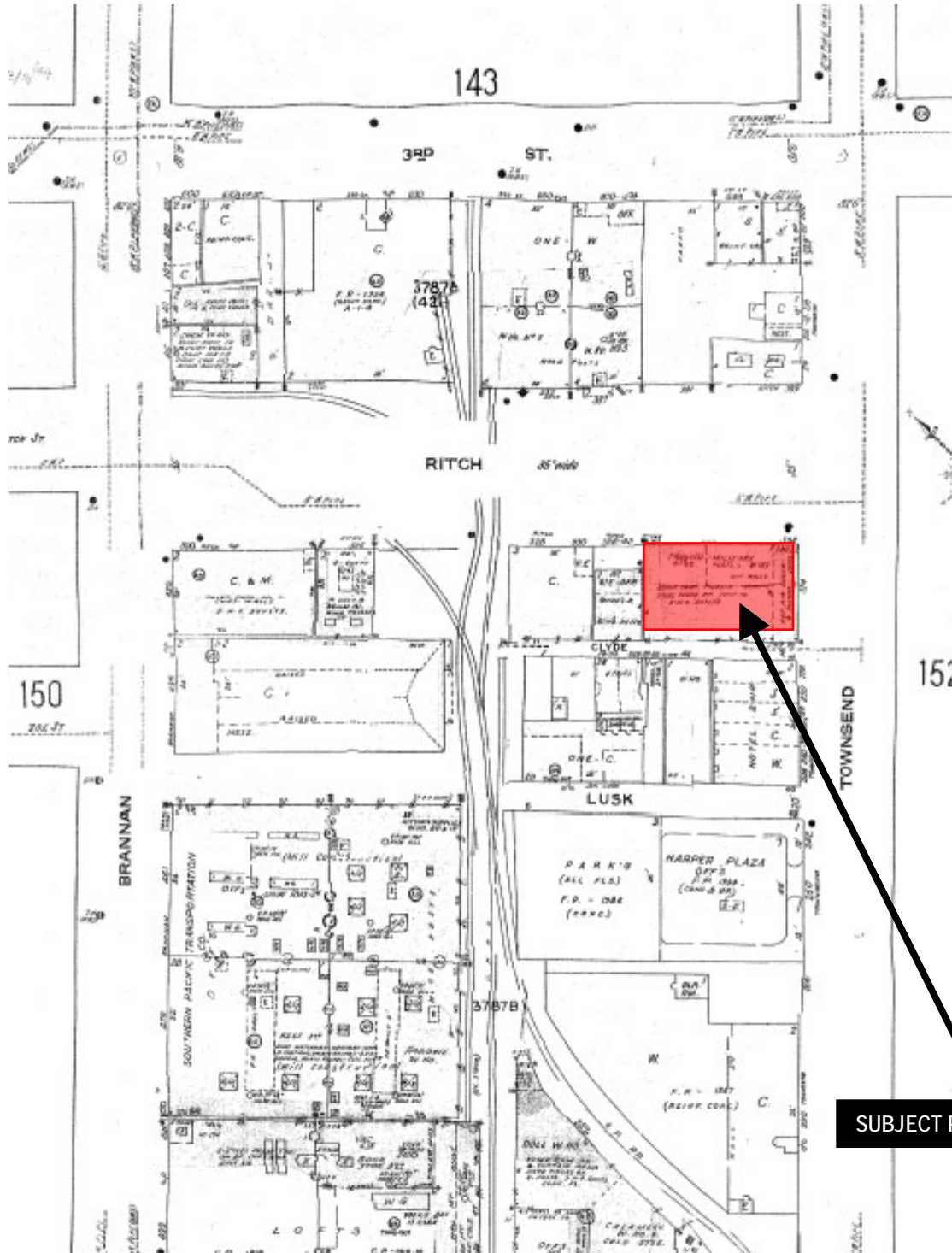


Parcel Map



Conditional Use Authorization Hearing
Case Number 2016-005713CUA
American West Parking
224 Townsend Street

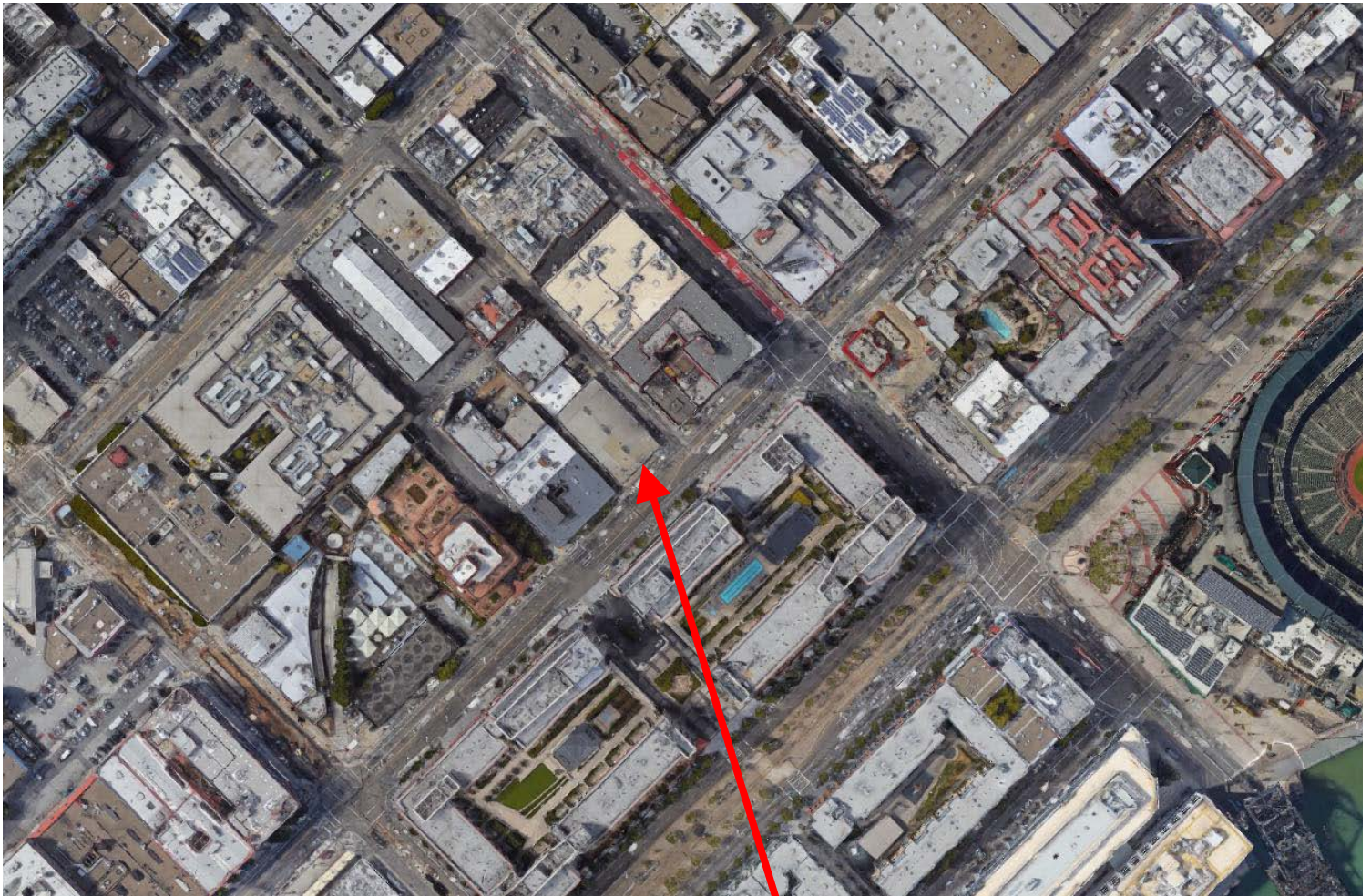
Sanborn Map*



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



Aerial Photo

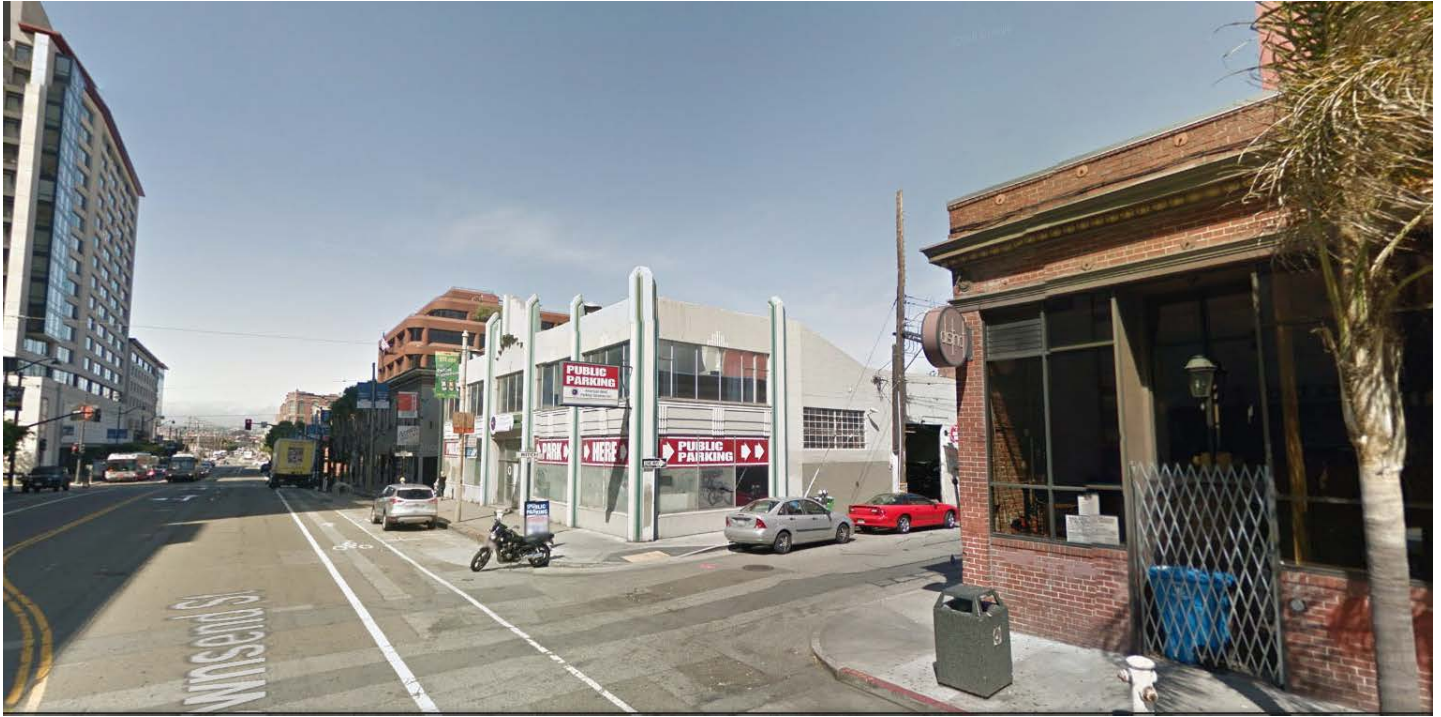


SUBJECT PROPERTY



Conditional Use Authorization Hearing
Case Number 2016-005713CUA
American West Parking
224 Townsend Street

Site Photos



Corner of Townsend St and Ritch St



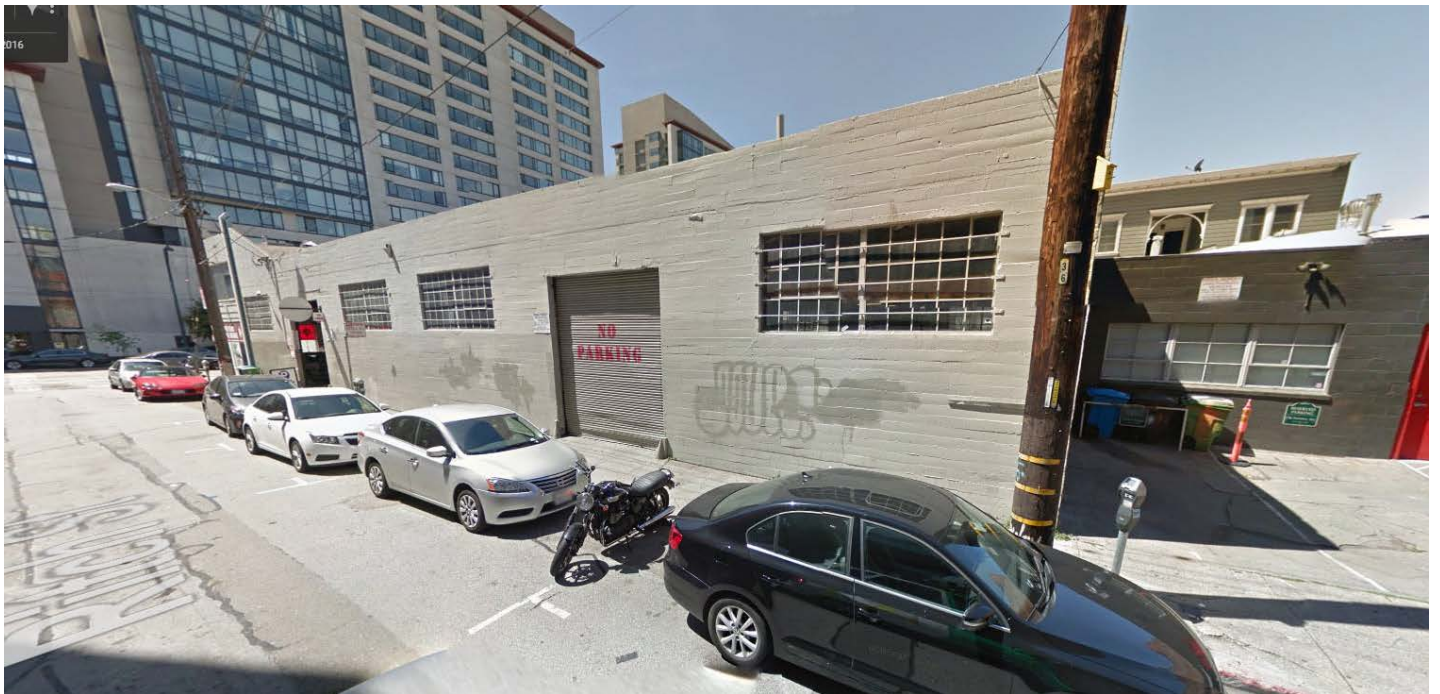
Corner of Townsend St and Clyde St

Conditional Use Authorization Hearing
Case Number 2016-005713CUA
American West Parking
224 Townsend Street

Site Photos



Corner of Townsend St and Ritch St



Ritch St looking toward Townsend St

Conditional Use Authorization Hearing
Case Number 2016-005713CUA
American West Parking
224 Townsend Street

BRETT GLADSTONE
PARTNER
DIRECT DIAL (415) 995-5065
DIRECT FAX (415) 995-3517
E-MAIL B.Gladstone@hansonbridgett.com



January 25, 2017

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

Re: Hearing of February 9, 2017; 224 Townsend Street
Conditional Use Application

Dear President Hillis and Planning Commissioners:

We represent American West, the operator of the public parking garage at 224 Townsend Street. Our client is seeking a renewal of a previously issued Conditional Use Permit to continue to operate the parking garage on the property.

On March 10, 2011, the Planning Commission approved the use of the property as a public parking garage for a term of five years. This approval expired in 2016 and a new Conditional Use Application was filed to continue the parking garage use before the expiration of the 2011 approval.

I. PROJECT DESCRIPTION.

The project site is located within the SLI District and 65-X Height and Bulk District. The site contains a one-story building with a mezzanine. (See photo at Exhibit A.) The ground floor contains 34 independently accessible parking spaces and up to 60 spaces with tandem parking. Ingress and egress is from Ritch Street so as to avoid conflicts with traffic on Townsend Street. The hours of operation are 6:00 A.M. to 7:00 P.M. and the garage closes one hour after the end of Giants games, a couple of blocks away. Prior to the March 2011 approval by your Commission, the Giants expressed the important role of the parking for its patrons. With the construction due to take place on the Giants surface parking just south of the Ballpark, this parking in question in this building becomes even more important. The project does not propose physical changes. (See photo at Exhibit A.) Offices and businesses and their guests use the garage during most days.

II. PLANNING DEPARTMENT RECOMMENDATION.

The Planning Department is recommending approval of the Conditional Use Application on the condition that a wall is installed separating the front 25 feet of the building from the rear. It is requiring that this front 25 feet shall no longer be used for parking. The Planning Department's intent is to leave the first 25 feet available for a potential use (most likely retail) that is considered an "active" street use. If this active use is not provided, the Department asks the entire garage operation be shut down.

Our client objects to this recommendation for the following reasons.

1. The idea of creating space for a potential active use would actually undermine the policy of making interior activities in the building visible to pedestrians. Pedestrians can now see people going into and out of cars, and can see moving cars, through much of the facade today. If a wall were placed between the facade windows and the garage activities, the public would see just a blank white wall. It would be otherwise were an active use tenant to be found for the front 25 feet, but for reasons below, this will not happen before the entire building is redeveloped, an event which is not too far away.

2. At the last Planning Commission hearing on this matter five years ago, we reported that the Planning Department staff had turned down the building owner's request to put a restaurant in the front forty feet of the building. Staff stated it would rather see a proposal for the entire building since it wanted what it believed to be an historic building to be rehabilitated completely; and not in part. Staff also felt that the neighborhood around the Giants stadium is already fully saturated with restaurants. Except for that Staff position, a restaurant (an active use) would now occupy the front forty feet. The owner had tried without success to lease the front area for something other than parking.

3. Several developers have provided serious offers to purchase the entire building, but have held off since the Planning Department's rezoning of Central Soma (needed to make the new proposed uses allowable) is almost two years behind. As a result of this, and the Planning Department's concern about a restaurant use five years ago, it is not the fault of the property owner that the front of the *building is not an active use today*.

4. The City and property owner should not want to discourage these developers since their proposals will rejuvenate this site and the three streets that abut it. Of course, none propose the building be a parking only use as it is today. Developers who are now considering the building for hotel, housing and/or office have other plans for the first 25 feet. No developer wants to take over a building with an obligation to keep a tenant that is using the key front 25 feet for a use that may be incompatible with the developers' proposed use of the first 25 feet of the building, the most valuable of all ground floor space.

5. Moreover, an active street use would not be created by keeping the first 25 feet available, for many reasons:

a. To avoid creating a long term tenant in the first 25 feet, the building ownership would certainly give a new tenant in the front a very short lease, perhaps a six to 12 month lease. And since no tenant would want that short term of a lease (for many reasons -- such as those in the paragraph immediately below) this space would just remain a vacant space with a wall twenty five feet back from the facade, a worse condition than today's condition since the activity one sees today would be blocked off.

b. A new tenant in the front or the property owner would be responsible for a huge amount of improvements in connection with putting an active use in the front 25 feet today, as it consists of a shell with building systems in view and no finishes. Attached at Exhibit B is a letter from Mark Bucciarelli, the architect for the building for many years, estimating the cost to construct the wall alone is approximately \$32,000 based on a similar project he is working on. This cost does not include other expenses, such as architectural fees, permit fees, Building Code upgrades, and relocation of handicap and bicycle parking spaces.

The wall would cover 75% of the width of the building because the lobby and stairs behind it interfere with extending the wall the full length of the building. As a result of a lobby existing today behind about a third of the façade the new wall will create two spaces that each have only about a third of square footage in the first 25 feet, something which will not generate that much income. Neither the property owner nor a small tenant would pay the extremely costly Building Code upgrades, including extremely expensive facade repair to a very old building, given the very small income that could be derived from such a small space, and given that improvements would be removed at the end of a short lease.

c. The parking operator has advised that it may not wish to stay in the space because the cost of building the wall is so high. If the parking operator is no longer present in the building between now and the time the property is developed, it means that this very old building will not remain maintained in the same fashion, which is not in the City's or neighborhood's best interest.

Exhibit C contains the reasons we believe the conditional use findings can be made by the Commission.

III. IF A NEW WALL IN THE FIRST 25 FEET IS NOT REQUIRED BY THE CITY, APPLICANT WILL AGREE TO LIMIT THE CONDITIONAL USE PERMIT TO A TEMPORARY FIVE-YEAR TERM.

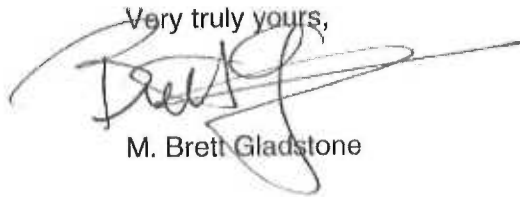
We believe that the most logical way to make sure there is an active space behind the façade is to create a situation where the garage operator's use would not go on indefinitely. The parking operator is proposing that its use of the garage would be for a temporary, five year term. This would be consistent with the timetable for a new owner to start construction of a higher and better use of the building and of the first 25 feet of the ground floor. This would also be consistent with your last conditional use approval, which was for five years only. Once the Central SOMA Area Plan finally is adopted and the property's development potential becomes certain, there will be several months or years before a development project would be designed and approved and four to five years before construction starts. If this Conditional Use approval before you is not approved, the operator will be shut down, and the building will likely remain vacant and deteriorate until many years after the Central Soma rezoning. Therefore, we are proposing to maintain the property's current use during this rezoning period.

CONCLUSION. The Planning Department and Commission will have another opportunity to make sure there is active use space on the ground floor of a multi-story new development at this location, since any such development would come before the Planning Commission given the size of the new development. *That would be the time for Staff and the Commission to plan for the best use, use size and square footage for one or more active use spaces.*

"If you build it, he will come" was the theme of a popular baseball film several years ago in which the building of a baseball stadium lead to the appearance of a long deceased legendary baseball player. That is a great concept for a film, but in reality, when person constructs a wall behind the façade windows of a building, it does not suddenly create a "active use" tenancy. A tenant must be found. The tenant has to be able to make his or her use feasible in that narrow area, and deal with the large costs to improve a façade and a shell condition space. The landlord would not logically put in tenant improvement money for a very short term tenant.

Based on the foregoing, we respectfully request that you approve the Conditional Use Application with no wall requirement.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Brett Gladstone', with a long horizontal flourish extending to the right.

M. Brett Gladstone

Enclosures

cc: Tahir Zira
Mark Bucciarelli, architect
Christy Alexander
Elizabeth Watty
John Rahaim

Exhibit A
Photo of Façade



Exhibit B

BAUKUNST

Mark Bucciarelli, AIA
58 Fairlawn Ave.,
Daly City, CA 94015
T: 650.455.1207
E: baukunst2000@yahoo.com
www.baukunstarchitecture.com

MEMO

Date: 1/24/17

To: SF Planning Commissioners
1660 Mission Street, San Francisco, CA
94102
From: Mark Bucciarelli, AIA

Subject: 224 Townsend Use Permit Continuation

Dear Planning Commissioners,

I have been the architect for this building for over 6 years, and helped create the space for the parking garage operator who is currently in the space.

I understand the Planning Department is requiring a new wall which is to be built across the full width of the building 25 feet in from the Townsend Street façade. For a different use such as retail to be created there, a wall of one hour occupancy separation would be required. The wall would be in 2 segments, butting into the centralized stair lobby, and totaling approximately 60 linear feet. The wall can only be placed in about 75 percent of the width of the building because otherwise the wall would interfere with the stairs to the mezzanine above and the area would be very small and not provide any visibility to the front.

The cost to construct the wall has been estimated at \$32,000 by Peak Construction, a reputable San Francisco general contracting business. This figure is based on a recent, similar project in the Mission. The estimate of \$32,000 is for the construction cost alone does not account for additional costs that would include, but not be limited to:

1. permit fees;
2. architectural design fees;
3. relocation of handicap parking now in the front 25 feet;
4. relocation of bicycle parking;

5. 20% of wall cost to be applied to any outstanding accessibility upgrades estimated to be approximately \$6400; and
6. impact on building services, such as mechanical, electrical, lighting, etc....

Thank you very much for your attention and consideration regarding this matter.

Sincerely,

Mark Bucciarelli, AIA

cc: Yacko Baeza, Peak Construction
Tahir Zira, American West Parking

120664143

Exhibit C

A. THE CONDITIONAL USE APPLICATION IS JUSTIFIED FOR THE FOLLOWING REASONS:

- The parking garage would not add new spaces. Thus, the Commission approved spaces would not cause any change in parking, traffic or congestion circumstances in the immediate area and no curb cuts are required. The area has long ago accommodated around this use. There are no complaints we know of.
- The garage only provides 34 independently accessible spaces and up to 60 spaces with valet parking. Given the few spaces it will provide, the impact to the surrounding neighborhood would be minimal compared to impacts typically associated with large garages, such as conflicts with traffic and congestion.
- The parking garage supports small, local and independent office and PDR businesses as well as Giants patrons.
- Rather than become vacant, the parking garage would allow for an old building to continue to be used while prospective developers are waiting for the Central SOMA Area Plan to be approved. Very few economically feasible uses are allowed by the current zoning and the historic designation of the building makes renovation so expensive that a higher and better use is needed, but it has to be for the entire building.

If the City were to disapprove continuation of the existing use, it is most likely that the building would become vacant. With vacancy, buildings tend to be less maintained, attract graffiti, and create other problems.

- The actual use closely resembles a Commercial Community Garage, which is permitted as a matter of right (not with a Conditional Use Permit), because it primarily serves the surrounding businesses.

B. SMALL BUSINESSES IN THE AREA HAVE A DEMAND FOR PARKING.

The supply of parking in the area has been greatly diminished as a result of the revitalization that has occurred after construction of the Giants stadium. The Giants stadium is located 1 ½ blocks from the site. Many tall new developments (including the large Beacon Condominiums across the street) have been constructed in recent years resulting in a demand for off-street parking spaces for customers of new nearby businesses. Many of these small businesses include retailers. New projects of thousands of units have already been built. As a result, there are few parking spaces available to serve these nearby businesses.

Public transit is important; however, it is unrealistic to expect public transit to be the sole provider of transportation for Giants games and other events. There are many visitors to Giants games who come from outside the City where there is poor public transportation, or inside the

City in districts where nighttime service by MUNI is rare. SOMA bus lines are far and few, and new ones are planned but not to be delivered for five or so years. The restaurant and entertainment venues often operate at night, when public transit is least available to patrons, owners and employees.

While this may not mean new parking structures should be built, providing an interim parking use in an existing (and hard to lease) structure for a period of only five years should not be considered a direct violation of our City's Transit First Policy. It is only a temporary measure, after all. And this interim use will provide the income to properly maintain this very old building.

If there was a permitted use that was economically feasible and could pay for the entire building to be restored, it would have occurred by now. Prior to the current parking garage, the property was used for automotive glass installation for many years. That company eventually moved out of the South of Market area because it was difficult to access.

C. PROCEDURAL HISTORY.

The previous Conditional Use approval required the parking operator to obtain a building permit for the conversion to the parking garage under the Building Code once the Commission approved it. The parking operator mistakenly understood that the permit had been obtained. A permit was submitted for processing at the Building Department but it was held up and the garage operator had assumed that contractor had obtained it, though it was never finally issued. The operator became aware of the non-issuance when the current Conditional Use Application was filed and this mistake was caught. He immediately re-filed for the building permit. As a showing of good faith that he would obtain the permit after the new Conditional Use was approved, the garage operator agreed to process the permit through the various departments while waiting for the Planning Commission hearing. The permit's issuance was not sought until your Commission approved the continued use through the upcoming hearing. However, it turns out that the Building Department erroneously issued the permit before the upcoming February 2017 Planning Commission hearing.

We believe the Building Department thought the Planning Department had signed off on the permit because the tracking sheet references the old 2011 approval. The permit since has been suspended awaiting Planning Commission approval.

BRETT GLADSTONE
PARTNER
DIRECT DIAL (415) 995-5065
DIRECT FAX (415) 995-3517
E-MAIL BGLadstone@hansonbridgett.com



January 6, 2016

VIA EMAIL and BY HAND

Elizabeth Watty
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103

Re: Time Sensitive: Hearing of February 9, 2017; 224 Townsend Street
Conditional Use Application

Dear Liz:

We understand that the Planning Department is recommending approval of the Conditional Use Application to continue the use of 224 Townsend Street as a public parking garage with the condition that a demising wall is installed separating the front 25 feet of the building from the rear and this 25 feet shall not be converted to public parking. The Planning Department's intent is to leave the first 25 feet available for a potential use that is considered an active street use. We further understand that the Planning Code's active street frontage requirements are not legally required but the Planning Department is making this recommendation nonetheless.

Our client objects to the Planning Department's position for the reasons stated below. Therefore, we will ask the Planning Commission to approve the entire building to continue as public parking. *As a compromise, if the City will not require the parking use to be removed from the first twenty five feet, the owner will agree to a Condition of Approval that will give a Conditional Use Authorization for a period of five years only, after which the applicant would have to come back to the Commission for an extension should the property not be redeveloped by some of the developers who are seeking to purchase the building.*

1. The idea of creating space for a potential active use would actually undermine the policy of making interior activities in the building visible to pedestrians. Pedestrians can now see people going into and out of cars, and moving cars, through much of the façade today. If a wall were placed between the facade windows and the garage activities, the public would see just a blank white wall. It would be otherwise were an active use to be placed into the front 25 feet, but for reasons below, this will not happen before the entire building is redeveloped.

2. At the last Planning Commission hearing on this matter a couple of years ago, we reported that the Planning Department staff had turned down the building owner's request to put a restaurant in the front thirty to forty feet of the building, on the basis that Staff wanted to see a proposal for the entire space since it wanted what it believed to be an historic building to be rehabilitated completely; and not in part; and because it felt that the neighborhood around the Giants stadium is

already fully saturated with restaurants. But for that Staff position, a restaurant (an active use would now occupy the front thirty to forty feet. The owner has tried without success to lease the front area for something other than parking, as parking does not provide the kind of income that is ideal. He has been quite motivated as a result, but had no success.

3. Several developers have provided serious offers to purchase the entire building, but have held off since the Planning Department's rezoning of Central Soma (needed to make the new proposed uses allowable) is well over a year behind, and continues to be delayed. As a result, it is not the fault of the property owner that the front of the building is not an active use today.

4. The City and property owner should not want to discourage buyers who would replace the non conforming parking use and do a façade renovation. The City would do that unintentionally because the developers now considering the building for hotel, housing and/or office have other plans for the first 25 feet. If the owner is required to provide a different tenant in the first twenty five feet, it means that the developer would have to live with a tenant in the front 25 feet which may not be consistent with what the developer proposes there to make his or her new project economically feasible.

5. An active street use would not be created by keeping the first twenty five feet available, for many reasons:

a. If the potential developers object to our client's placing an active use tenant in the front twenty five feet today, our client would certainly give a retail tenant a short lease. Perhaps a year to year and half term. And since no tenant would want that short term of a lease (for many reasons including the reason in point b. below), this space would just remain a vacant space with a wall twenty five feet back from the façade, a worse condition than today's condition.

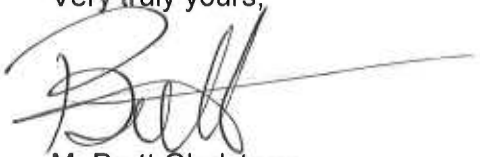
b. The property owner would be responsible for a huge amount of improvements in connection with putting an active use in the front 25 feet today, as it consists of space unimproved for any use other than parking. It is basically a shell with building systems in view and no finishes. Also given the small amount of square footage in the first 25 feet, the space does not generate that much income. Neither the property owner nor a small tenant would pay the extremely costly Building Code upgrades, including extremely expensive façade repair to a very old building, given the very small income that could be derived from such a small space.

c. The parking operator would want the lease terminated because the operator would be paying for space that it cannot use. If the parking operator is not present in the building between now and until the property is developed, it means that this very old building will not remain properly maintained, which is not in the City's or neighborhood's best interest.

The Planning Department and Commission will have another opportunity to make sure there is active use space on the ground floor of a multi-story new development at this location, since any such development would come before the Planning Commission given the triggers for such a hearing in the Code.

That would be the time for Staff and the Commission to plan for the best use, use size and square footage for one or more active use spaces. That opportunity will likely be coming up in the next year to two when a conditional use permit should be filed by a developer of the entire property.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Brett", with a long horizontal line extending to the right.

M. Brett Gladstone

cc: Tahir Zira
Christy Alexander

BRETT GLADSTONE
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November 14, 2016

VIA EMAIL

Christy Alexander
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103

Re: 224 Townsend Street
Conditional Use Application

Dear Ms. Alexander:

We represent the tenant in this building, the permit applicant, which operates the parking garage. We understand that the Planning Department is recommending approval of the Conditional Use Application to continue the use of 224 Townsend Street as a public parking garage with the condition that the owner create a demising wall separating the front 25 feet of the inside of the building from the rest of the building.

A ground floor use without this separation was approved by the Planning Commission twice in the last ten years, through Conditional Use Permits. And your Department's input is sought yearly when the Police Department does its annual certification of the parking use. Each year your Department approves it again when the Police Department does a referral to your department. The Department is now asking for a change never requested before, one not required by land use regulations in the City.

We do not understand why the Department has now changed its mind. Also, we feel that parking cars by valet, which requires people entering and exhibit vehicles all the time, is in fact an active use, and has been for over ten years, notwithstanding how the code defined "active use". I should also mention that the code's listing what is active use is not supposed to be an exclusive list..

Finally, when the Commission approved the parking before, it found that the parking was necessary for retailers and for the Giants ballpark so close by. The proposal to limit parking use in the first twenty five feet will reduce parking and is contrary to the Findings of previous Commission decisions..

We ask that Staff remove this suggestion as a condition of approval, for these other reasons:

1. Leaving space vacant at the front does not guarantee the owner will place a tenant there at all and for the reasons stated below, the owner would not want to do so. What this means is that a space where there is activity today (people entering cars and moving them around) will likely have absolutely no use at all, active or not. This would defeat the Planning Department's intent to have active use in the first 25 feet of the ground floor.

2. The Owner has received numerous offers in the last year from developers wishing to reconfigure the building and build higher. The property owner would not seek a new tenant in the first twenty five feet, despite a restriction requiring an active use there, for several reasons:

a. The owner would have to disclose to any new tenant in the front 25 feet that there are developers seeking to purchase and develop the building. Because of that no tenant could be given a lease for more than a year. A new tenant would not move into such a space and do the required interior improvements if they would be forced out in a year.

b. The property owner would be responsible for a huge amount of improvements in connection with putting an active use in the front 25 feet today, as it consists of unimproved space with only building shell features. And given the space in the first twenty five feet is very short, it would not generate enough income to a tenant such that the tenant would pay for improvements to operate. Those improvements would include extremely expensive façade repair to make the space look attractive. It would be different if the owner was leasing at least half the ground floor to a new tenant, but it cannot do so because it has an existing lease with my client the garage operator.

c. Pedestrians can now see people going into and out of cars, and can see cars moving in and out when the valet parking causes moving cars all day long. If a wall were placed between the facade windows and the garage activities, and since it is extremely unlikely there will be a tenant that would go in there in the next couple of years, the public would see just a blank white wall for many years.

d. There are offers being made by developers to purchase the building and turn it into other uses with one or more additional floors. All such plans will likely have active uses for the first twenty five feet inside the building. If that is not a part of the plans, your Staff and the Commission will have another opportunity to make sure there is an active use by making it a condition of that future approval. That future opportunity for Planning Department input will give Staff and the Commission the time to best determine size, location and dimensions of one or more active use spaces in a redeveloped building.

Very truly yours,

M. Brett Gladstone

cc: America West Parking
John Rahaim
Dan Sider
Joshua Switsky

