



EXECUTIVE SUMMARY

CONDITIONAL USE AUTHORIZATION

HEARING DATE: MAY 13, 2021

CONSENT AGENDA

Record No.: 2019-021247CUA
Project Address: 1537 MISSION STREET
Zoning: C-3-G (Downtown - General) Zoning District
85-X Height and Bulk District
Van Ness and Market Residential Special Use District
Block/Lot: 3511/082
Project Sponsor: Justin A. Zucker, Reuben, Junius & Rose, LLP
One Bush Street, Suite 600 San Francisco, CA 94104
Property Owner: Martin C. Levin Investment Co., LLC
P.O. Box 148
Burlingame, CA 94011
Staff Contact: Nicholas Foster, AICP, LEED GA – (628) 652-7330
nicholas.foster@sfgov.org

Recommendation: Approval with Conditions

Project Description

The proposed project (“Project”) would permit a five-year extension of an existing, temporary Public Parking Lot use within the C-3-G Zoning District.

Required Commission Action

In order for the Project to proceed, the Commission must grant a Conditional Use Authorization, pursuant to Planning Code Sections 156(f) and 303 to permit a five-year extension of an existing, temporary Public Parking Lot use at the Site.

Issues and Other Considerations

- **Parking Lots in the C-3 Zoning Districts.**
 - While policies within the General Plan generally discourage the provision of additional parking within Downtown Zoning Districts, the proposed parking lot would be operated as a temporary, interim use

pending future development of the Project Site. The pricing for parking at the lot has been structured in a manner that discourages long-term commuter parking, in favor of short-term use by shoppers or visitors to the area.

- Due to the ongoing global pandemic caused by the coronavirus disease 2019 (COVID-19), the need for single occupancy vehicle trips has increased. As such, temporary Public Parking Lots provide off-street parking for essential workers, commuters, and other users of the immediate vicinity. A five-year extension of the temporary use of the parking lot would increase the utility of the Project Site during COVID-19 and the anticipated economic recovery period.
- Public Comment & Outreach.
 - **Support/Opposition:** The Department received one (1) letter expressing general concerns related to site maintenance, requesting the parking lot operator maintain the property in clean and orderly manner (e.g. trash removal).

Environmental Review

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

Basis for Recommendation

The Department finds that the Project is, on balance, consistent with the Objectives and Policies of the General Plan. The Project would permit the continued, temporary operation of a relatively small-scale Public Parking Lot, which will provide parking for the retail, office, and entertainment uses in the vicinity. The Department finds the project to be necessary, desirable, and compatible with the surrounding neighborhood, and not to be detrimental to persons or adjacent properties in the vicinity.

Attachments:

- Draft Motion – Conditional Use Authorization with Conditions of Approval
- Exhibit B - Plans
- Exhibit C – Environmental Determination
- Exhibit D – Land Use Data
- Exhibit E – Maps and Context Photos
- Exhibit F – Public Correspondence
- Exhibit G - Project Sponsor Brief

DRAFT MOTION:
CONDITIONAL USE AUTHORIZATION AND EXHIBIT A:
CONDITIONS OF APPROVAL



PLANNING COMMISSION DRAFT MOTION

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ADOPTING FINDINGS TO APPROVE CONDITIONAL USE AUTHORIZATION PURSUANT TO PLANNING CODE SECTIONS 156 AND 303 TO PERMIT A FIVE-YEAR EXTENSION OF AN EXISTING, TEMPORARY PUBLIC PARKING LOT, LOCATED AT 1537 MISSION STREET, LOT 082, IN ASSESSOR'S BLOCK 3511, WITHIN THE C-3-G ZONING DISTRICT, THE VAN NESS AND MARKET RESIDENTIAL SPECIAL USE DISTRICT, AND 85-X HEIGHT AND BULK DISTRICT, AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

PREAMBLE

On November 13, 2019, Justin A. Zucker from Reuben, Junius & Rose, LLP (hereinafter “Project Sponsor”) filed Application No. 2019-021247CUA (hereinafter “Application”) with the Planning Department (hereinafter “Department”) for a Conditional Use Authorization to establish a five-year temporary extension of an existing parking lot use for 18 standard parking spaces and 1 accessible parking space.

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

On May 13, 2021, the San Francisco Planning Commission (hereinafter “Commission”) conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2019-021247CUA.

The Planning Department Commission Secretary is the custodian of records; the File for Record No. 2019-021247CUA is located at 49 South Van Ness Avenue, Suite 1400, San Francisco, California.

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 Authorization as requested in Application No. 2019-021247CUA, 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. **Project Description.** The proposed project (“Project”) would permit a five-year extension of an existing, temporary Public Parking Lot use within the C-3-G Zoning District.
3. **Site Description and Present Use.** The Project Site (“Site”) is located on Lot 082 of Assessor’s Block 3511, an approximate 4,138 square foot mid-block lot, fronting Mission Street between Lafayette and 11th Streets. The Site is developed with asphalt surface paving and is used as a surface parking lot for vehicles, with striping for 20 off-street, standard-sized parking spaces. The use, defined as a Public Parking Lot under Planning Code Section 102, is considered an existing, nonconforming use.
4. **Surrounding Properties and Neighborhood.** The Site is located within the C-3-G Zoning District in the Downtown Area Plan and the Van Ness and Market Residential Special Use District. The immediate context is mixed in character with a wide variety of office, retail, and multi-family residential uses. The immediate neighborhood includes predominately low- to mid-rise office buildings and construction staging for larger development, mixed-use projects planned in the vicinity. Across Mission Street to the north is new City permitting center with Planning Department at 49 South Van Ness Avenue. Other zoning districts in the vicinity of the project site include RED and WMUG Zoning Districts.
5. **Public Outreach and Comments.** The Department received one (1) letter expressing general concerns related to site maintenance, requesting the parking lot operator maintain the property in clean and orderly manner (e.g. trash removal).
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 Section 210.2 lists the use controls for both residential and non-residential uses within the C-3-G Zoning District.

The Project would permit a five-year extension of an existing, temporary Public Parking Lot use located at the Site. Pursuant to Section 210.2, the establishment of a new Public Parking Lots is prohibited within the C-3-G Zoning District. However, existing Public Parking Lots may be approved as temporary uses for up to a five-year term with benefit of Conditional Use Authorization, pursuant to Section 156(f). The existing parking lot became a nonconforming use due to a legislative amendment to the Planning Code that took effect on December 26, 2014. Pursuant to Section 184, the existing parking lot operations are permitted to continue for a period of five (5) years and ninety (90) days from the effective date of an amendment to the Planning Code making such permanent uses nonconforming thereafter, until March 26, 2020. On November 13, 2019, the Project Sponsor submitted a Conditional Use Authorization request for a five-year extension of the existing, temporary parking lot.

- B. **Screening.** Planning Code Section 156 requires parking lots with parking for ten (10) or more vehicles

be screened in accordance with Section 142.

The screening requirements of Section 142 are only triggered in instances where an existing parking lot is resurfaced or increased in intensity. The Project reduces intensity by reducing the number of vehicle parking spaces from 20 standard vehicle spaces to 18 standard vehicle spaces and 1 accessible space, and does not include resurfacing in the Project's scope of work.

- C. Artificial Lighting.** Planning Code Section 156 requires that direct rays from site lighting fall entirely within the parking lot.

The project proposal includes three (3) existing interior light fixtures at the western property line. The project replaces the three (3) fixtures with new LED light fixtures that are oriented to ensure no light trespass onto public right-of-way.

- D. Dead Storage, Dismantling, or Repair.** Planning Code Section 156 requires that no dead storage or vehicle repair be permitted.

The Project proposal does not include dead storage, nor does it propose any vehicle maintenance on site.

- E. Interior Landscaping and Trees.** Planning Code Section 156 requires all parking lots meet the street tree requirements specified in Section 138.1(c)(1) of the Planning Code.

The Project is subject to the street tree requirements of Planning Code Section 156(g)(2) and will install two (2) street trees along the Mission Street frontage, subject to approval by San Francisco Public Works (Bureau of Urban Forestry).

- F. Car Share Spaces.** Planning Code Sections 156 and 166 require a minimum of one parking space for car sharing vehicles be provided for every 20 spaces in parking lots within the C-3-O(SD) District.

The existing Public Parking Lot is striped for 20 independent parking spaces. The Project reduces the total number of vehicle spaces to 19, thereby eliminating the requirement to provide a car share space.

- 7. Conditional Use Findings.** Planning Code Section 303 establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use authorization. On balance, the project complies 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 would permit the continued, temporary operation of a relatively small-scale Public Parking Lot, which will provide parking for the retail, office, and entertainment uses in the vicinity. The parking lot will serve as a suitable interim use, pending the future development of the property.

- B. The proposed project will not be detrimental to the health, safety, convenience or general welfare of

persons residing or working in the vicinity. There are no features of the project that could be detrimental to the health, safety or convenience of those residing or working the area, in that:

- (1) Nature of proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;

The Site is accessible to vehicles via existing curb cut along Mission Street to the north. The existing Public Parking Lot is presently striped to accommodate 20 vehicles and is proposed to accommodate 19 vehicles in a non-tandem configuration. There is no change proposed to the existing configuration.

- (2) 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 Site is accessible from one access point: Mission Street to the north. There is no change proposed to the existing configuration.

- (3) The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor;

There are no structures on Site that would cause excessive glare. The existing Public Parking Lot is paved, and therefore does not generate dust from vehicular movements. Some noise and odor may be generated by the operation of vehicles on the Site; however, these impacts would be incidental or relatively minor given the small size of the lot. No accessory uses have been proposed as part of this Project.

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

The Project provides two (2) street trees along the property's Mission Street frontage.

- 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 in Section 8.

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

The Project conforms to all relevant goals and policies of the Downtown Plan as detailed in Section 8.

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

TRANSPORTATION ELEMENT

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 OF LIVING ENVIRONMENT OF THE BAY AREA.

Policy 1.6

Ensure choices among modes of travel and accommodate each mode when and where it is most appropriate.

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.

OBJECTIVE 31:

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

Policy 31.1:

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

The Project would permit a five-year extension of an existing, temporary parking lot within the C-3-G Zoning District. The proposal includes minor site improvements—such as street trees—in addition to the de-intensification of the parking use by removing one (1) existing vehicle parking space. The site improvements contribute to the public realm by improving the pedestrian experience along the Mission Street frontage. The rate structure encourages short-term retail user parking over long-term commuter parking.

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 complies with said policies in that:
 - A. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses be enhanced.

The Project will not displace any existing retail uses. The pricing for the Public 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, restaurant, and entertainment uses in the vicinity may help to bolster the viability of these establishments.

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

The Project would allow the continued operation of an existing Public Parking Lot on a temporary

basis. Such parking lots can be found in the vicinity, on properties that could be developed with future permanent uses. The temporary presence of this parking lot is not detrimental to the character of the neighborhood.

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

The Project would not displace any housing given the Site contains only non-residential uses.

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

The existing Public Parking Lot is a relatively small, low-intensity operation that is not expected to draw substantial volumes of traffic to the area. The presence of the off-street parking spaces should alleviate pressure on the use of on-street parking spaces in the neighborhood especially in light of the ongoing global pandemic caused by coronavirus disease 2019 (COVID-19), which has increased single-occupancy vehicle trips.

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

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

- 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 interior tenant improvements. The Project will not impact the property's ability to withstand an earthquake.

- G. That landmarks and historic buildings be preserved.

Currently, the Site does not contain any City 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 have no negative impact on existing parks and open spaces. The Project does not have an impact on 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 Authorization Application No. 2019-021247CUA** subject to the following conditions attached hereto as “EXHIBIT A” in general conformance with plans on file, dated September 28, 2020, 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. 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 May 13, 2021.

Jonas P. Ionin
Commission Secretary

AYES:

NAYS:

ABSENT:

RECUSE:

ADOPTED: May 13, 2021

EXHIBIT A

Authorization

This authorization is for a conditional use to allow permit a five-year extension of an existing temporary Public Parking Lot use within the C-3 Zoning District, pursuant to Planning Code Sections 156(f) and 303, at the subject property located at 1537 Mission Street, Lot 3511/082, within the C-3-G Zoning District and the 85-X Height and Bulk District; in general conformance with plans, dated September 28, 2020, and stamped “EXHIBIT B” included in the docket for Record No. 2019-021247CUA and subject to conditions of approval reviewed and approved by the Commission on **May 13, 2021** 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 **May 13, 2021** 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 **five (5) 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 628.652.7463, www.sfplanning.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 628.652.7463, www.sfplanning.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 628.652.7463, www.sfplanning.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 628.652.7463, www.sfplanning.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 628.652.7463,

www.sfplanning.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 628.652.7330, www.sfplanning.org

- 7. Street Trees.** Pursuant to Planning Code Section 156(g)(2), the Project Sponsor shall maintain a minimum of two (2) street trees on Site. The street trees shall be placed along the Mission Street frontage, shall be maintained in an attractive manner, and any dead plant material shall be promptly replaced and maintained by the Project Sponsor.

For information about compliance, contact the Case Planner, Planning Department at 628.652.7330, www.sfplanning.org

Monitoring - After Entitlement

- 8. 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 628.652.7463, www.sfplanning.org

- 9. 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 628.652.7463, www.sfplanning.org

Operation

- 10. Sidewalk Maintenance.** The Project Sponsor shall maintain the property, including 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, 628.271.2000, www.sfpublishworks.org

- 11. 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 and all registered neighborhood groups for the area with written notice of the name, business address, and telephone number of the community liaison. Should the contact information change, the Zoning Administrator and registered neighborhood groups 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 628.652.7463, www.sfplanning.org

- 12. 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 628.652.7463, www.sfplanning.org

EXHIBIT C:
ENVIRONMENTAL DETERMINATION



CEQA Exemption Determination

PROPERTY INFORMATION/PROJECT DESCRIPTION

Project Address		Block/Lot(s)
1537 MISSION ST		3511082
Case No.		Permit No.
2019-021247PRJ		
<input checked="" type="checkbox"/> Addition/Alteration	<input type="checkbox"/> Demolition (requires HRE for Category B Building)	<input type="checkbox"/> New Construction
<p>Project description for Planning Department approval. Conditional Use authorization for temporary commercial, 20-space parking lot for a period of time not to exceed five (5) years.</p>		

STEP 1: EXEMPTION TYPE

The project has been determined to be exempt under the California Environmental Quality Act (CEQA).	
<input checked="" type="checkbox"/>	Class 1 - Existing Facilities. Interior and exterior alterations; additions under 10,000 sq. ft.
<input type="checkbox"/>	Class 3 - New Construction. Up to three new single-family residences or six dwelling units in one building; commercial/office structures; utility extensions; change of use under 10,000 sq. ft. if principally permitted or with a CU.
<input type="checkbox"/>	<p>Class 32 - In-Fill Development. New Construction of seven or more units or additions greater than 10,000 sq. ft. and meets the conditions described below:</p> <p>(a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.</p> <p>(b) The proposed development occurs within city limits on a project site of no more than 5 acres substantially surrounded by urban uses.</p> <p>(c) The project site has no value as habitat for endangered rare or threatened species.</p> <p>(d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.</p> <p>(e) The site can be adequately served by all required utilities and public services.</p> <p>FOR ENVIRONMENTAL PLANNING USE ONLY</p>
<input type="checkbox"/>	Other _____
<input type="checkbox"/>	Common Sense Exemption (CEQA Guidelines section 15061(b)(3)). It can be seen with certainty that there is no possibility of a significant effect on the environment. FOR ENVIRONMENTAL PLANNING USE ONLY

**STEP 3: PROPERTY STATUS - HISTORIC RESOURCE
TO BE COMPLETED BY PROJECT PLANNER**

PROPERTY IS ONE OF THE FOLLOWING: <i>(refer to Property Information Map)</i>	
<input checked="" type="checkbox"/>	Category A: Known Historical Resource. GO TO STEP 5.
<input type="checkbox"/>	Category B: Potential Historical Resource (over 45 years of age). GO TO STEP 4.
<input type="checkbox"/>	Category C: Not a Historical Resource or Not Age Eligible (under 45 years of age). GO TO STEP 6.

**STEP 4: PROPOSED WORK CHECKLIST
TO BE COMPLETED BY PROJECT PLANNER**

Check all that apply to the project.	
<input type="checkbox"/>	1. Change of use and new construction. Tenant improvements not included.
<input type="checkbox"/>	2. Regular maintenance or repair to correct or repair deterioration, decay, or damage to building.
<input type="checkbox"/>	3. Window replacement that meets the Department's <i>Window Replacement Standards</i> . Does not include storefront window alterations.
<input type="checkbox"/>	4. Garage work. A new opening that meets the <i>Guidelines for Adding Garages and Curb Cuts</i> , and/or replacement of a garage door in an existing opening that meets the Residential Design Guidelines.
<input type="checkbox"/>	5. Deck, terrace construction, or fences not visible from any immediately adjacent public right-of-way.
<input type="checkbox"/>	6. Mechanical equipment installation that is not visible from any immediately adjacent public right-of-way.
<input type="checkbox"/>	7. Dormer installation that meets the requirements for exemption from public notification under <i>Zoning Administrator Bulletin No. 3: Dormer Windows</i> .
<input type="checkbox"/>	8. Addition(s) that are not visible from any immediately adjacent public right-of-way for 150 feet in each direction; does not extend vertically beyond the floor level of the top story of the structure or is only a single story in height; does not have a footprint that is more than 50% larger than that of the original building; and does not cause the removal of architectural significant roofing features.
Note: Project Planner must check box below before proceeding.	
<input checked="" type="checkbox"/>	Project is not listed. GO TO STEP 5.
<input type="checkbox"/>	Project does not conform to the scopes of work. GO TO STEP 5.
<input type="checkbox"/>	Project involves four or more work descriptions. GO TO STEP 5.
<input type="checkbox"/>	Project involves less than four work descriptions. GO TO STEP 6.

**STEP 5: ADVANCED HISTORICAL REVIEW
TO BE COMPLETED BY PRESERVATION PLANNER**

Check all that apply to the project.	
<input type="checkbox"/>	1. Reclassification of property status. <i>(Attach HRER Part I)</i> <input type="checkbox"/> Reclassify to Category A a. Per HRER b. Other <i>(specify)</i> : <input type="checkbox"/> Reclassify to Category C <i>(No further historic review)</i>
<input type="checkbox"/>	2. Project involves a known historical resource (CEQA Category A) as determined by Step 3 and conforms entirely to proposed work checklist in Step 4.
<input type="checkbox"/>	3. Interior alterations to publicly accessible spaces that do not remove, alter, or obscure character defining features.
<input type="checkbox"/>	4. Window replacement of original/historic windows that are not "in-kind" but are consistent with existing historic character.
<input type="checkbox"/>	5. Façade/storefront alterations that do not remove, alter, or obscure character-defining features.

<input type="checkbox"/>	6. Raising the building in a manner that does not remove, alter, or obscure character-defining features.
<input type="checkbox"/>	7. Restoration based upon documented evidence of a building's historic condition, such as historic photographs, plans, physical evidence, or similar buildings.
<input checked="" type="checkbox"/>	8. Work consistent with the <i>Secretary of the Interior Standards for the Treatment of Historic Properties (Analysis required)</i> : Proposed project will not result in any physical changes to the existing surface parking lot, and will not further detract from the Western SoMa Light Industrial and Residential District.
<input type="checkbox"/>	9. Work compatible with a historic district (Analysis required):
<input type="checkbox"/>	10. Work that would not materially impair a historic resource (Attach HRER Part II).
Note: If ANY box in STEP 5 above is checked, a Preservation Planner MUST sign below.	
<input checked="" type="checkbox"/>	Project can proceed with exemption review. The project has been reviewed by the Preservation Planner and can proceed with exemption review. GO TO STEP 6.
Comments (optional):	
Preservation Planner Signature: Rebecca Salgado	

**STEP 6: EXEMPTION DETERMINATION
TO BE COMPLETED BY PROJECT PLANNER**

<input checked="" type="checkbox"/>	No further environmental review is required. The project is exempt under CEQA. There are no unusual circumstances that would result in a reasonable possibility of a significant effect.	
	Project Approval Action: Planning Commission Hearing	Signature: Nicholas Foster
		04/30/2021
<p>Once signed or stamped and dated, this document constitutes a n exemption pursuant to CEQA Guidelines and Chapter 31of the Administrative Code. In accordance with Chapter 31 of the San Francisco Administrative Code, an appeal of an exemption determination to the Board of Supervisors can only be filed within 30 days of the project receiving the approval action. Please note that other approval actions may be required for the project. Please contact the assigned planner for these approvals.</p>		

STEP 7: MODIFICATION OF A CEQA EXEMPT PROJECT

TO BE COMPLETED BY PROJECT PLANNER

In accordance with Chapter 31 of the San Francisco Administrative Code, when a California Environmental Quality Act (CEQA) exempt project changes after the Approval Action and requires a subsequent approval, the Environmental Review Officer (or his or her designee) must determine whether the proposed change constitutes a substantial modification of that project. This checklist shall be used to determine whether the proposed changes to the approved project would constitute a "substantial modification" and, therefore, be subject to additional environmental review pursuant to CEQA.

MODIFIED PROJECT DESCRIPTION

Modified Project Description:

DETERMINATION IF PROJECT CONSTITUTES SUBSTANTIAL MODIFICATION

Compared to the approved project, would the modified project:

- | | |
|--------------------------|--|
| <input type="checkbox"/> | Result in expansion of the building envelope, as defined in the Planning Code; |
| <input type="checkbox"/> | Result in the change of use that would require public notice under Planning Code Sections 311 or 312; |
| <input type="checkbox"/> | Result in demolition as defined under Planning Code Section 317 or 19005(f)? |
| <input type="checkbox"/> | Is any information being presented that was not known and could not have been known at the time of the original determination, that shows the originally approved project may no longer qualify for the exemption? |

If at least one of the above boxes is checked, further environmental review is required.

DETERMINATION OF NO SUBSTANTIAL MODIFICATION

- | | |
|--------------------------|---|
| <input type="checkbox"/> | The proposed modification would not result in any of the above changes. |
|--------------------------|---|

If this box is checked, the proposed modifications are exempt under CEQA, in accordance with prior project approval and no additional environmental review is required. This determination shall be posted on the Planning Department website and office and mailed to the applicant, City approving entities, and anyone requesting written notice. In accordance with Chapter 31, Sec 31.08j of the San Francisco Administrative Code, an appeal of this determination can be filed to the Environmental Review Officer within 10 days of posting of this determination.

Planner Name:

Date:

EXHIBIT D:
LAND USE DATA



LAND USE INFORMATION

PROJECT ADDRESS: 1537 MISSION STREET
RECORD NO. 2019-021247CUA

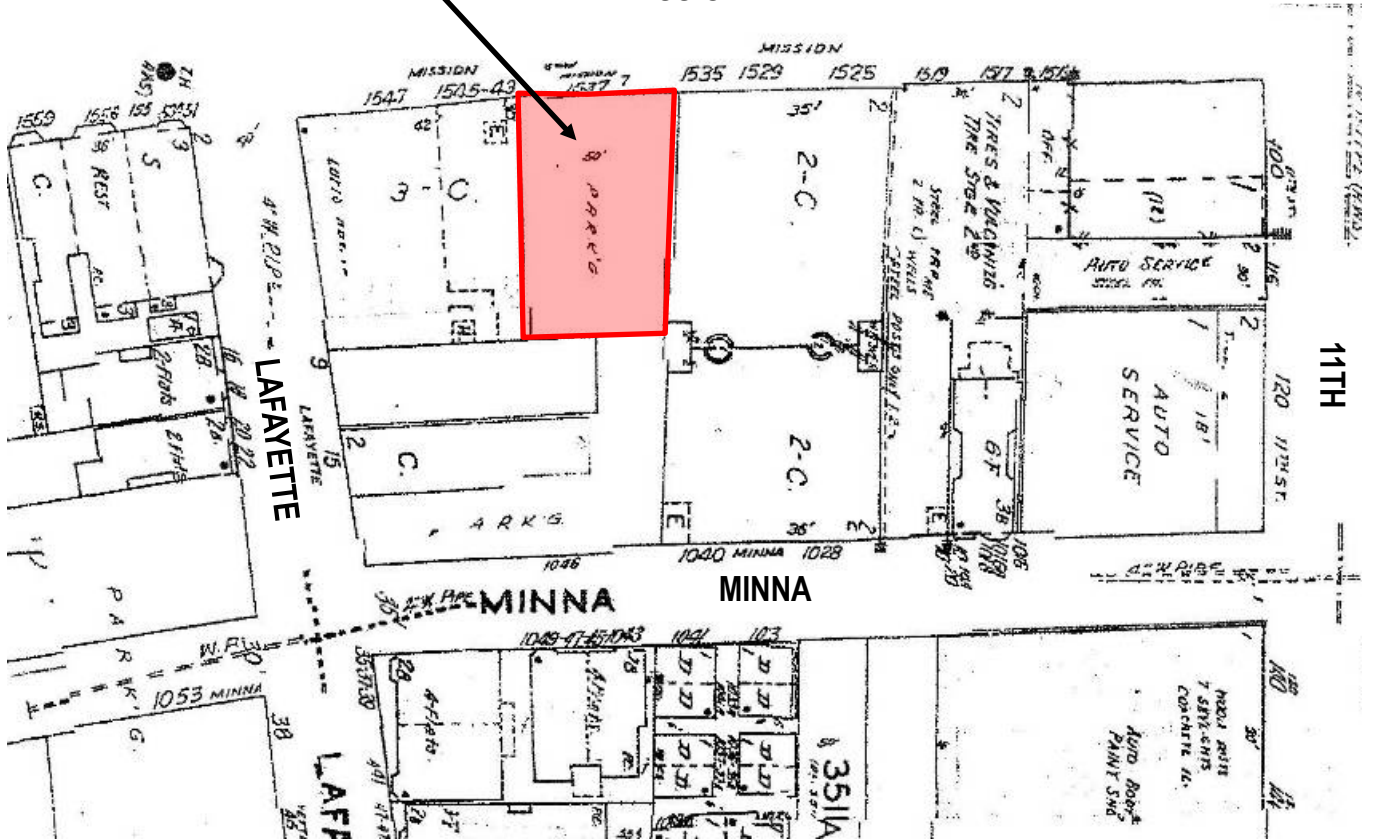
	EXISTING	PROPOSED	NET NEW
GROSS SQUARE FOOTAGE (GSF)			
Parking (lot area) GSF	4,139	4,139	0
Residential GSF	N/A	N/A	N/A
Retail/Commercial GSF	N/A	N/A	N/A
Office GSF	N/A	N/A	N/A
Hotel GSF	N/A	N/A	N/A
Usable Open Space (Residential)	N/A	N/A	N/A
Privately-Owned Public Open Space (POPOS)	N/A	N/A	N/A
Other (MECH, BOH, CIRCULATION, GROUND FLOOR OPEN SPACE)	N/A	N/A	N/A
TOTAL GSF (excluding All Open Space)	4,139	4,139	0
	EXISTING	NET NEW	TOTALS
PROJECT FEATURES (Units or Amounts)			
Dwelling Units - Affordable	N/A	N/A	N/A
Dwelling Units - Market Rate	N/A	N/A	N/A
Dwelling Units - Total	N/A	N/A	N/A
Hotel Rooms	N/A	N/A	N/A
Number of Buildings	N/A	N/A	N/A
Number of Stories	N/A	N/A	N/A
Parking Spaces	20	-1	19
Loading Spaces	0	0	0
Class 2 Bicycle Spaces	0	0	0
Car Share Spaces	0	0	0
Other ()			

EXHIBIT E:
MAPS AND CONTEXT PHOTOS

Sanborn Map*

SUBJECT PROPERTY

MISSION



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

Conditional Use Authorization
Case Number 2019-021247CUA
1537 Mission Street

Zoning Map

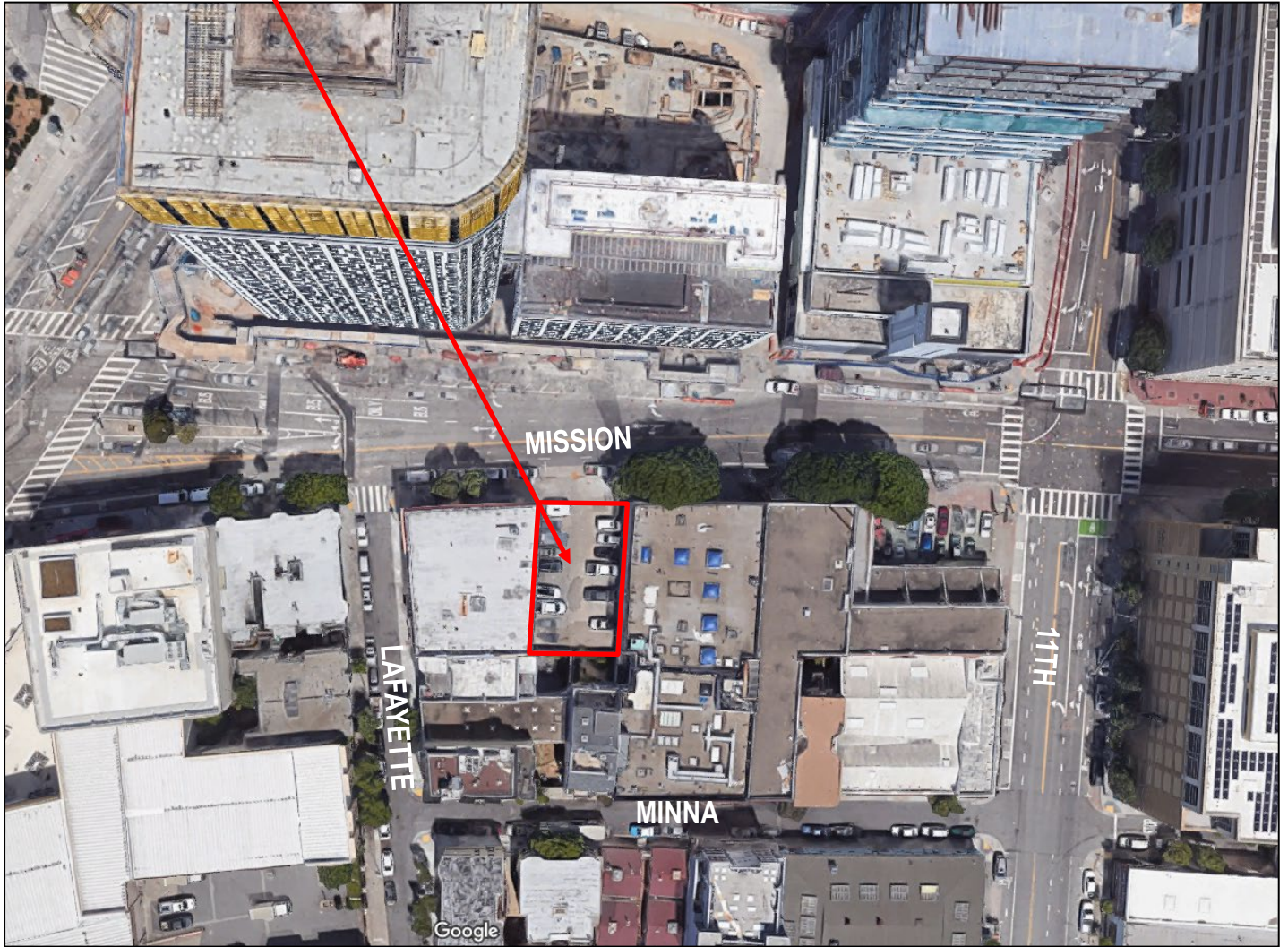
SUBJECT PROPERTY



Conditional Use Authorization
Case Number 2019-021247CUA
1537 Mission Street

Aerial Photo

SUBJECT PROPERTY



Aerial View of 1537 Mission Street.



Conditional Use Authorization
Case Number 2019-021247CUA
1537 Mission Street

Site Photo

SUBJECT PROPERTY



Street View of 1537 Mission Street (from Mission Street)

Conditional Use Authorization
Case Number 2019-021247CUA
1537 Mission Street

EXHIBIT F:
PUBLIC CORRESPONDENCE

From: [Ryan](#)
To: [Foster, Nicholas \(CPC\)](#)
Cc: [Haneystaff \(BOS\)](#); [Ryan sanfran](#)
Subject: Conditional Use, 1537 Mission Street, Impark Parking Lot
Date: Wednesday, April 28, 2021 11:21:43 AM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Mr Foster,

Per your request, I have sent these questions and comments regarding the subject topic for the May 13 Planning Commission meeting. This concerns the maintenance of this parking lot.

Basically for the past decade the maintenance has been subpar, to put it mildly. The neighbors have routinely had to go in and clean up trash, discarded furniture, paint out tags. In particular it is a bad scene where there's human waste and needles on the lot, which happens seemingly daily. Also, increasingly, people are camping on the lot. We would like Impark to contact the SFPD as this lot has been designated for parking, not camping. There are two Navigation Centers within 3 blocks of this site, which our neighborhood supported, it seems fitting that those resources should serve campers as this site has no facilities necessary to live.

Contacting Impark, the parking company, is a real hassle particularly for the last year because of covid. We can never speak to a real person. So my question is can a condition be put on their continued use that on a weekly basis (daily would be more the need, but we know it won't happen) they come through clean up the human waste, the needles, garbage that is dumped there and that they contact the police if there are people camping there which happens frequently.

I'd be more than happy to call you on the phone if you need to discuss this further please contact me so we know what the neighborhood can do to get the word out to the company to maintain this property going forward, thank you.

Robert Rhine
1025 Minna Street.

EXHIBIT G:
PROJECT SPONSOR BRIEF

REUBEN, JUNIUS & ROSE, LLP

Justin A. Zucker
jzucker@reubenlaw.com

April 30, 2021

Delivered Via E-Mail (Nicholas.foster@sfgov.org)

Joel Koppel, Commission President
San Francisco Planning Commission
49 South Van Ness Ave., Suite 1400
San Francisco, CA 94103

Re:

Planning Case Number: 2019-021247CUA
Hearing Date: May 13, 2021
Our File No.: 8807.04

Dear President Koppel and Commissioners:

This office is working with Martin C. Levin Investment Co., LLC (“**Project Sponsor**”), the owner of a small 4,138 square foot lot at 1537 Mission Street (the “**Property**”) used as a surface parking lot. The Property is across from the new Permit Center on Mission Street between Lafayette and 11th Streets, and in the Downtown-General (C-3-G) zoning district and Van Ness and Market Residential Special Use District. Conditional Use Authorization is required to continue operation of a temporary surface parking lot for five (5) years. To keep this small Property activated, Project Sponsor seeks to continue the existing surface parking lot operation on a temporary basis, else it would sit vacant while its next use is determined and then permitted. We urge the Commission to approve the present request for Conditional Use Authorization to permit this temporary use.

The existing public surface parking lot contains twenty (20) off-street standard parking spaces. The Project would not create any new surface parking area and there will be no intensification of the use. Rather, two (2) standard spaces will be eliminated to accommodate the addition of an accessible parking space, for a total of nineteen (19) spaces. No construction or extension of hours are proposed by the Project. The parking lot is accessed from one (1) existing curb cut on Mission Street. No new curb cuts are proposed.

This small parking lot provides parking spaces for employees and customers of nearby establishments, including neighborhood restaurants, retail stores, office buildings, entertainment uses. Approval of the five- (5) year temporary operation

President Joel Koppel
San Francisco Planning Commission
April 30, 2021
Page 2 of 2

period will continue to reduce demand for on-street parking in the area, a part of San Francisco that is traditionally heavily trafficked by cars and over-packed, which is likely to increase as the Permit Center across the street expands its in-person activities. Off-street parking is in high demand and likely to continue for some time in light of the increase in single-occupancy vehicle trips due to the ongoing global pandemic caused by COVID-19.

The Project is necessary and desirable in that it will keep a small mid-block lot in a burgeoning neighborhood activated with a temporary surface parking lot while its future development potential is explored. Therefore, we respectfully request that this Commission approve the Conditional Use permit. If you have any questions, please do not hesitate to contact me at (415) 567-9000 or jzucker@reubenlaw.com. Thank you.

Very truly yours,

REUBEN, JUNIUS & ROSE, LLP



Justin A. Zucker

cc:

Kathrin Moore, Vice President
Deland Chan, Commissioner
Sue Diamond, Commissioner
Frank S. Fung, Commissioner
Theresa Imperial, Commissioner
Rachel Tanner, Commissioner

EXHIBIT B:
PLANS

