



# SAN FRANCISCO PLANNING DEPARTMENT

## Letter of Determination

February 27, 2017

Sarah Price  
One S. Van Ness Ave., 5<sup>th</sup> Floor  
San Francisco CA 94103

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

Site Address: Assessor's Block / Lot	Right-of-Way Parcels Adjacent to Clementina and First Street	
	Zoning	Height & Bulk
3736 / 007	P - Public	200-S, 80-X
3736 / 018	TB DTR - Transbay Downtown Residential, P - Public	50/165/400-TB 80-X
3749/052	P - Public	130-E
<b>Special Use District:</b>	<b>Transbay C3</b>	
<b>Staff Contact:</b>	<b>Tina Chang, (415) 575.9197 or <a href="mailto:tina.chang@sfgov.org">tina.chang@sfgov.org</a></b>	
<b>Record No.:</b>	<b>2017-001985ZAD</b>	

Dear Ms. Price,

This letter is in response to your request for a Letter of Determination regarding the right-of-way parcels adjacent to Clementina and First Street, Assessor's Block and Lots 3736/007 (aka 250 First Street), 3736/018 (no address) and 3749/052 (no address). The parcels are all located within the P (Public) Zoning District and Transbay C3 Special Use District, with a portion of Assessor's Block and Lot 3736/018 being located within the TB DTR (Transbay - Downtown Residential) Zoning District. The Height and Bulk Districts vary from 80-X to 200-S as outlined in the table above. The request is to determine whether at-grade parking lots and open storage lots are permitted uses on the subject parcels as clarified in an email sent by you on February 16, 2017.

Parcels within the Public Zoning District are permitted to contain uses outlined in Planning Code Sections 211.1 and Section 211.2. However, uses outlined in Section 211.2 are Conditionally Permitted, requiring a public hearing for the Planning Commission to approve a Conditional Use Authorization pursuant to Planning Code Section 303. Further, accessory nonpublic uses within the Public Zoning District shall not occupy more than 1/3 of the total occupied floor area of the principle use.

Parcels within the Public Zoning District may also contain nonpublic accessory uses permitted in the closest non-Residential District. The closest non-Residential Districts are C-3-O(SD) (Downtown Office Special Development) and MUO (Mixed Use Office) as shown in the enclosed map. Automobile Parking Lots, Open Vehicle Storage Lots, and Storage Yards (defined as the storage of building materials, equipment, livestock feed within an area enclosed by a wall or fence not less than 6 feet high), are not permitted uses in the C-3-O(SD) or MUO Zoning Districts. Therefore, they are also not permitted as accessory uses on the three subject parcels.

However, Section 211.2 conditionally permits a parking lot or garage uses within the Public Zoning District on parcels located within the right-of-way of any State or Federal Highway when adjacent to any Eastern Neighborhoods Mixed Use District. Since Assessor’s Block and Lot 3749/052 is within the right-of-way of a State or Federal Highway and adjacent to an MUO Zoning District (which is an Eastern Neighborhoods Mixed Use District), a parking lot may be permitted by Conditional Use Authorization from the Planning Commission on that specific parcel. Parking or Open Storage uses are not permitted Assessor’s Blocks and Lots 3736/007 and 3736/018.

Parcels within the TB-DTR Zoning District are governed by the Transbay Redevelopment Plan, specifically the Development Controls and Design Guidelines. The Development Controls and Design Guidelines do not identify parcels by Block and Lot. However, it appears that the portion of Assessor’s Block and Lot 3736/018 which is within the TB-DTR Zoning District is planned as “Mixed-Use”, seemingly permitting a mix of residential, office and commercial uses, but not explicitly permitting Parking or Open Storage uses.

The table below summarizes the Zoning, Height and Bulk, and the adjacent non-Residential District for the parcel in question with the uses specified in this request and the associated controls:

Assessor’s Block / Lot	Zoning	Height & Bulk	Adjacent Non-Residential District	Use	Controls	Planning Code Section
3736 / 007	P – Public	200-S, 80-X	C-3-O(SD)	Automobile Parking Lots	NP	210.2
				Open Vehicle Storage Lots	NP	
				Storage Yards	NP	
3736 / 018	TB DTR – Transbay Downtown Residential, P - Public	50/165/400-TB 80-X	C-3-O(SD)	Automobile Parking Lots	NP	
				Open Vehicle Storage Lots	NP	
				Storage Yards	NP	
3749 / 052	P - Public	130-E	MUO	Automobile Parking Lots	C	211.2 (NP per 842.40)
				Open Vehicle Storage Lots	NP	842.70
				Storage Yards	NP	842

NP – Not Permitted; C – Conditionally Permitted

In conclusion, Parking and Open Storage lots are not principally permitted on any of the three subject parcels; however, Parking may be conditionally permitted on Assessor’s Block and Lot 3749/052.

It should be noted that any use receiving Conditional Use Authorization must be found by the Planning Commission to be necessary and desirable, pursuant to Planning Code Section 303. Generally, land uses that bolster private automobile use are not encouraged because they tend to conflict with other City and Planning Department policies and programs, including Vision Zero which aspires to eliminate all traffic related deaths and the Transportation Demand Management program, intended to reduce vehicle miles traveled by

Sarah Price  
One South Van Ness Avenue  
San Francisco CA 94103

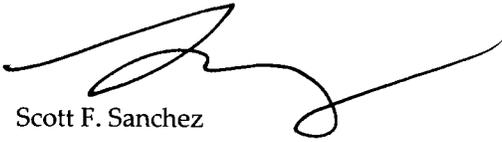
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Right-of Way Parcels

providing amenities to discourage driving, such as bicycle amenities, subsidized transit passes and delivery services.

**Please note that a Letter of Determination is a determination regarding the classification of uses and interpretation and applicability of the provisions of the Planning Code. This Letter of Determination is not a permit to commence any work or change occupancy. Permits from appropriate Departments must be secured before work is started or occupancy is changed.**

**APPEAL:** If you believe this determination represents an error in interpretation of the Planning Code or abuse in discretion by the Zoning Administrator, an appeal may be filed with the Board of Appeals within 15 days of the date of this letter. For information regarding the appeals process, please contact the Board of Appeals located at 1650 Mission Street, Room 304, San Francisco, or call (415) 575-6880.

Sincerely,



Scott F. Sanchez  
Zoning Administrator

Attachments: Zoning Map for Assessor's Blocks and Lot 3736/007, 3736/018, and 3749/052

cc: Tina Chang, Planner  
Property Owner  
Neighborhood Groups





office of  
COMMUNITY INVESTMENT  
and INFRASTRUCTURE

R # 2017-001985ZAD  
JE + RTII 17000018 \$ 664. -  
TINA CHIANG (NE)

February 15, 2017

Office of the Zoning Administrator  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

Re: Letter of Determination for Right of Way Parcels Adjacent to Clementina Street and First Street

250 1ST ST (3736/007); ALSO

Dear Mr. Sanchez,

3736/018 + 3749/052

The Office of Community Investment and Infrastructure (OCII) seeks a Letter of Determination regarding usage of several Right of Way parcels along Clementina Street or at-grade parking lots or open storage facilities. The Right of Way covers several parcels in and around the intersection of Clementina Street and First Street (see attached), including APN #s 3736-018, 3736-007 and 3749-052. The zoning for all lots is "P" and the Redevelopment Plan and Transit Center District Plans call out the parcels as open space.

The lots have served as construction staging for the Transbay Transit Center building since July 1, 2014.

Thank you for your assistance.

Sincerely,

Edwin M. Lee  
MAYOR

Nadia Sesay  
INTERIM  
EXECUTIVE DIRECTOR

Mara Rosales  
CHAIR

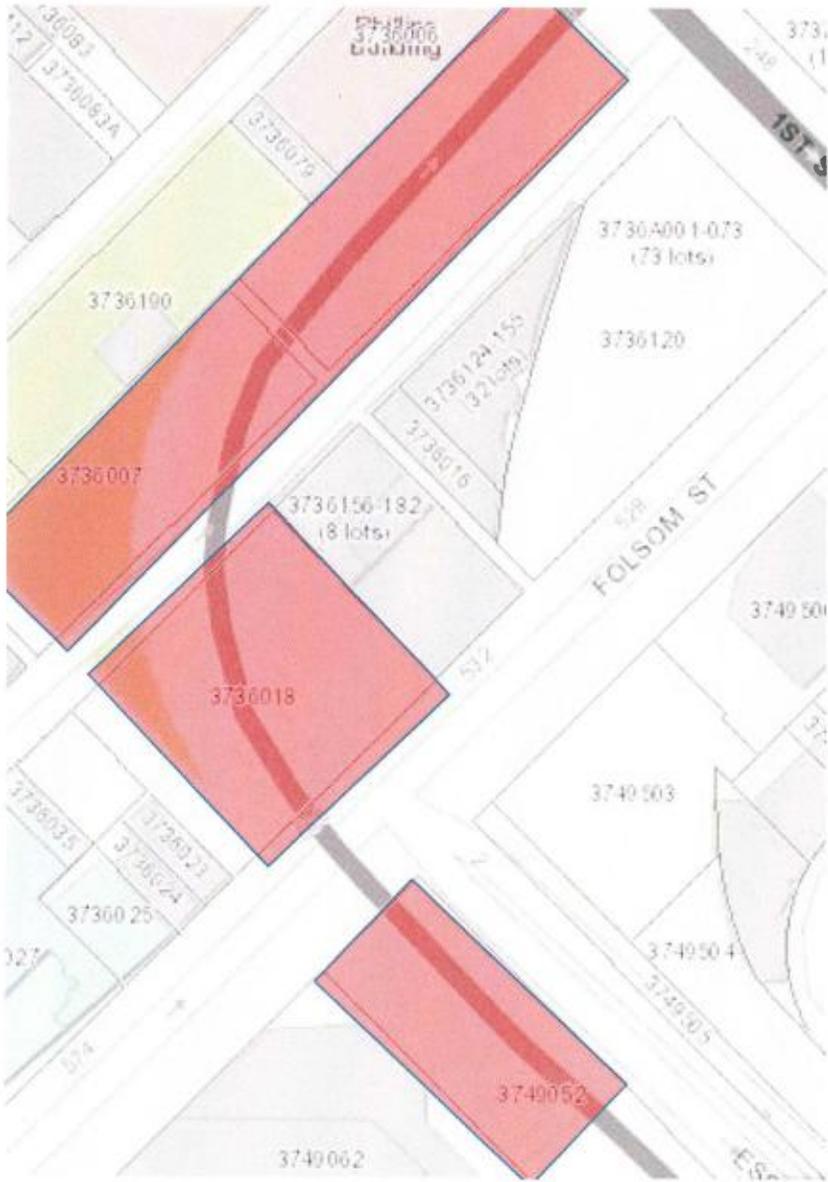
Miguel Bustos  
Marily Mondejar  
Leah Pimentel  
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COMMISSIONERS

Sarah Price  
Development Specialist

One S. Van Ness Ave.  
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Parcels in question