



President Aaron Peskin
 San Francisco Board of Supervisors
 # 1 Dr Carlton B Goodlett Place
 San Francisco, CA 94102

December 1st, 2008

Re: Briefing on the appeal of San Francisco Planning Commission Motion No. 17739, conditional use for parking at 299 Valencia Street (case 2006.0432 CV)

Cc: David Silverman, attorney for project sponsor; Corey Teague, staff planner

Dear President Peskin,

On Nov 6th 2008, the Planning Commission approved Motion No. 17739 granting conditional use (CU) for excess parking at 299 Valencia Street, within the Market and Octavia Better Neighborhoods Plan area and over the objections of the Hayes Valley Neighborhood Association (HVNA), the Duboce Triangle Neighborhood Association, Livable City, and land use attorney Sue Hestor. The HVNA appeals this CU for excess parking, and is joined in this appeal by DTNA, Livable City, Sue Hestor, the Mission Anti-Displacement Coalition, and the San Francisco Bicycle Coalition.

Under the Market and Octavia Plan, without a CU the maximum allowed residential off-street parking for 299 Valencia is one space for every two units (0.5:1). A CU for parking should be a very rare exception to the norm and should only be approved with a high litmus test and compelling arguments. We ask that the Board overturn the CU for excessive parking. There are four arguments for why the Board of Supervisors should do this:

- 1) Motion 17739 does not provide adequate findings under **Section 303 (c) (1)** of the Planning Code. Section 303 (c) (1) of the planning code states that a CU should be necessary, desirable, and compatible with the neighborhood and that a CU should not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity. As outlined in this brief, the CU for excess parking at 299 Valencia violates all of these criteria.
- 2) Motion 17739 does not make adequate findings under **Section 151.1 (f)** of the Planning Code. Section 151.1 (f) (1) (A), requires findings that show that additional parking will not unduly impact pedestrians, bicycles, and transit. Neither Motion 17739, nor the project sponsor's CU application, provides evidence that the access and egress of additional automobiles will not unduly impact pedestrians, bicyclists, or transit.
- 3) Motion 17739 ignores **nine years of community planning** for the Market and Octavia Better Neighborhoods Plan.
- 4) Motion 17739 will do nothing to alleviate parking for Sunday Church goers in the North Mission, contrary to a suggestion made by one member of the Planning Commission.

The following are detailed summaries of the four main arguments to overturn the CU for excess parking at 299 Valencia:

1 **Motion 17739 does not provide adequate findings under Section 303 (c) (1) of the Planning Code.**

Section 303(c) (1) states that "...the City Planning Commission shall approve the application and authorize a conditional use if the facts presented are such to establish:

(1) That the proposed use or feature, at the size and intensity contemplated and at the proposed location, will provide a development that is **necessary or desirable** for, and **compatible with**, the neighborhood or the community.

Motion 17739 does NOT make any findings that the CU for excess parking is necessary and desirable. Instead, Motion 17739 makes these findings for the *use*, i.e. the entire project, which is not relevant when the issue at hand is the *feature*, i.e. the excess parking granted via CU.

Moreover, the onus of the project proponent should be to demonstrate that the CU is necessary or desirable for, and compatible with the neighborhood or the community. The project sponsor's application for the CU makes the following arguments, which can be rebutted as follows:

(i) *"Most equity investors and lenders will not finance a project that does not provide adequate parking....in order to obtain financing for the Project...the requested parking is a prerequisite."*

No evidence is provided to support this assertion. The claim is also contradicted by numerous recent projects that have proceeded with 0.5 spaces per unit or less, including 401 Grove St (in the Market and Octavia Plan area, with 0.5 spaces per unit) and 410 Jessie (52 for-sale units with 15 parking spaces).

(ii) *"The Proposed Parking Will Not Affect the City's Transit First Policy...[which] is intended to prevent bringing additional cars from outside the City into the City by encouraging the use of public transit. That policy does not apply to this site. The cars owned by the occupants will not contribute to traffic during the commute hours because they do not need to be used for commuting to work."*

This is patently false. The Transit First policy (San Francisco City Charter, Section 8A.115) does not mention cars from "outside the City" - it applies equally to residents within the city. It states: "Parking policies for areas well served by public transit shall be designed to encourage travel by public transit and alternative transportation." The developer's assertion that the cars owned by the occupants will not be used to commuting to work has no basis or logic.

(iii) *"The Project Site Can Accommodate 30 Parking Spaces."*

This has no relevance. Demonstrating that the project **can** accommodate 30 spaces does not demonstrate that it is **necessary and desirable** to do so.

Neither planning staff nor the project sponsor provided evidence that the CU is necessary, desirable, or compatible. Instead, the project sponsor explicitly stated at the Nov 6th 2008 Planning Commission hearing that the request for a CU for increased parking was necessary to market the new housing units to higher-end buyers. If the Board of Supervisors upholds the CU, the Board is stating that more upscale market rate housing, as opposed to the same amount of housing provided at a more affordable price, is **necessary and desirable** in the North Mission even if incompatible with other goals. The official policy of the Market and Octavia Plan and the Board of Supervisors is that more affordable housing, and not more upscale market-rate housing, is needed in the area, and that reduced parking requirements can help achieve that goal. By denying the CU, the Board of Supervisors would explicitly support its goals of more affordable housing.

Furthermore, this CU is **not compatible** with existing neighborhood character including the demographic of low rates of car ownership. In section 3 of the motion "findings," the characteristics of car ownership or parking in the immediate area are not described. In fact, US census data shows that 73% of households in the 299 Valencia census block group are car-free. Even among owners, 45% are car-free. Thus, there is a current demand for ownership housing with no parking, and increasing the amount of parking via the CU would be out of character with the existing neighborhood.

Section 303(c) (1) also states that in granting a CU, the Planning Commission must find that *"such use or feature as proposed will **not be detrimental to the health, safety, convenience or general welfare** of persons residing or working in the vicinity, or injurious to property, improvements or potential development in the vicinity, with respect to aspects including but not limited to the following:*

Motion 17739 does not specifically find that the CU increment for parking will not be detrimental to the "health, safety, convenience or general welfare of persons residing or working in the vicinity," or impact accessibility by pedestrians or vehicles.

The project sponsor's application for the CU also finds that:

(iv) *"The Parking Will Not Have Any Detrimental Effect on the Surrounding Area."*

No evidence is provided to support this assertion.

2 Motion 17739 does not make adequate findings under Section 151.1 (f).

Section 151.1 (f) (1) (A), requires findings that: *"Vehicle movement on or around the project does not unduly impact pedestrian spaces or movement, transit service, bicycle movement, or the overall traffic movement in the district."*

Neither Motion 17739, nor the project sponsor's CU application, provides evidence that the access and egress of additional automobiles will not unduly impact pedestrians, bicyclists, or transit. Without this evidence, the Planning Commission should not have granted the conditional use for increased parking. Existing EIR's for the plan area, including both the EIR for the Market and Octavia Plan and the Eastern Neighborhoods Plan do show that more parking brings more

automobile trips, which does have a negative impact on pedestrians, bicycling, and transit users – particularly on Valencia Street and 14th Street – important segments of the citywide bicycle network. The immediate area also has heavy pedestrian activity, and is on or near three bus lines that will be negatively impacted by more automobile trips generated by the provision of more parking.

Motion 17739 also suggests that the traffic generated from the project parking will not affect pedestrian spaces, bicycle movement or transit service because the access is via Stevenson Street. Yet traffic does not vanish into thin air once it leaves Stevenson Street; all traffic must exit onto 14th Street, and a substantial portion will use Valencia Street, where impacts on pedestrians, transit, and bicycles can be expected. Moreover, ALL cars entering the project will have to pass through the 14th & Valencia intersection.

3 Motion 17739 ignores nine years of community planning

This CU sets a very bad precedent for a democratic planning process. If the planning commission can grant a CU for no compelling reason here, what is to stop them from granting CU's anywhere else in the plan area? The HVNA is concerned that this precedent will bring unduly harm to nine years of community input. We fear this CU will lead to CU's for parking granted in our immediate neighborhood. Developers will use the CU for 299 Valencia as evidence that they too should get a CU, even if they too have no compelling reason other than a desire to attract affluent buyers. As an example, a proposed residential development at 1960 Market Street (at Buchanan) plans to apply for a CU to provide excessive parking. While the number of spaces in this particular project may seem insignificant, **it amounts to a precedent that will increase allowable parking in the Market and Octavia Plan area by 50%.**

Granting the CU conflicts with numerous goals in the Market and Octavia Plan, specifically:

- (i) Reducing residential parking in order to “Maximize the provision of housing” and “Maximize the affordability of that housing consistent with creating a healthy, mixed income neighborhood” (Policy 2.2.3). The developer’s rationale for providing excess parking directly contradicts this policy.
- (ii) Reducing residential parking in order to “Minimize the disruptive effect of traffic, particularly peak-period commuter traffic.” The proposed project lies four blocks from the I-80 on-ramp at South Van Ness, and other developments in the neighborhood are specifically marketed for easy freeway access.
- (iii) Ensure that “residential parking ratios average 0.5 spaces per unit across projects to roughly mirror the existing neighborhood character” (Policy 5.4.8). This goal will be impossible to achieve if CUs for excess parking are granted routinely and without justification.

4 Sunday church parking

At the November 6th, 2008 public hearing on 299 Valencia, one planning commissioner stated that her argument for approving the CU for excessive parking was that it might help alleviate parking problems related to Church services on Sundays. This is not a rationale for allowing the CU for excess parking, as the parking will be restricted to residents only. Rather,

the planned City project to introduce a raised median on Valencia St is already addressing this issue.

In sum, the HVNA welcomes increased housing and density in the Market and Octavia Plan Area and at this particular site. The logic of the Market and Octavia Plan is to encourage **transit first** – walking, biking, and transit – in this dense mixed-use neighborhood that has incredible traffic problems. The plan calls for no parking minimums and a parking maximum of 0.5:1 as a way to allow new housing while minimizing additional traffic. **Excess parking undermines the city's official transit first policy, affordable housing goals, and the goals of the Market & Octavia Plan.** For that reason HVNA, DTNA, Livable City, Sue Hestor, the Mission Anti-Displacement Coalition, and the San Francisco Bicycle Coalition oppose the CU for excess parking. We ask that the Board of Supervisors overturn the CU for excess parking at 299 Valencia and allow the project to move forward with 0.5:1 parking.

Sincerely,

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