



# PLANNING DEPARTMENT

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January 21, 2005

Eric Tao  
AGI Capital Group, Inc.  
1375 Sutter Street, Suite 300  
San Francisco, CA 94109

**RE:** Request for Written Determination  
**ADDRESS:** 1160 Mission Street  
**BLOCK/LOT:** 3702 / 037 & 038  
**ZONING:** C-3-G / 240-S  
**PROJECT:** Case No. 2002.0628EKQXV  
**SUBJECT:** Parking Requirements under Current Entitlements

Dear Mr. Tao:

I have received your request for a determination whether the parking spaces approved for the project at 1160 Mission Street must be independently accessible as required by Section 155(c) of the Planning Code. You believe that this requirement was waived by the actions of the Board of Supervisors, and that mechanical parking lifts or valet parking may be used at the project.

On December 4, 2003, the Planning Commission authorized a Conditional Use for a mixed-use, residential development and a public parking garage at 1160 Mission Street. The authorization is for 246 dwelling units, and "up to 504 off-street parking spaces representing residential-serving parking in excess of accessory amounts (Section 204.5 of the Code) and a public parking garage for passenger vehicles in a C-3 District (Code Section 223(m))."<sup>1</sup>

On January 27, 2004, the Board of Supervisors disapproved the Planning Commission's authorization, and then acted to authorize the issuance of a Conditional Use Application. The Board's Conditional Use Approval reincorporated by reference all the terms of the Planning Commission approval ("subject to all of the conditions imposed by the Planning Commission in its Motion No. 16693, dated December 4, 2003"). The Board then added that the approval was subject to three additional conditions. Two of the conditions related to increasing the number of bicycle stalls to 40, and to mitigating impacts of the commercial garage entry. The third of these conditions stated: "The commercial parking garage and the residential-serving off-street parking approved by this Conditional Use Application shall be contained in Four (4) floors instead of Five (5) floors without change to the height and bulk of the Garage Podium and Residential Tower."

It is my determination that, without the Planning Commission or Board of Supervisors having granted an exception under Section 309(a)(4), all parking spaces required by the Planning Code must be independently accessible. The required parking for this project in this

<sup>1</sup> Planning Commission Conditions of Approval, "Exhibit A" to Motion No. 16693.

zoning district is a number of independently accessible parking spaces devoted exclusively to residential use, equal to 25% of the number of dwelling units, or 62 spaces for 246 dwelling units. The remaining spaces (up to 442<sup>2</sup>) may be, at the discretion of the project sponsor, independently accessible, tandem, stacked, valet-parked, or otherwise configured within the four floors and approved building volume for the parking uses.

Any person, who believes that this determination represents an error in interpretation of the Planning Code or abuse in discretion by the Zoning Administrator, may appeal this decision to the Board of Appeals within 15 days of the date hereof. For further information, please contact the Board of Appeals in person at 1660 Mission Street, Room 3036, or by telephone at (415) 575-6880.

Please direct questions regarding this letter to Senior Planner Craig Nikitas at (415) 558-6306, or via e-mail at [craig.nikitas@sfgov.org](mailto:craig.nikitas@sfgov.org).

Sincerely,

Lawrence B. Badiner  
Zoning Administrator

cc. The Hon. Chris Daly, San Francisco Board of Supervisors  
Ms Alexis Wong, AGI Capital Group, Inc.  
Mr. Jeremy Nelson, Transportation for a Livable City  
Ms Mary Murphy, Esq., Farella Brown + Martell  
Ms Hope Whitney, Esq., Farella Brown + Martell  
Mr. Angelo Sangiacomo, Trinity Properties  
Mr. Jim Reuben, Esq., Reuben & Junius

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<sup>2</sup> Of the 442 spaces not required to be independently accessible, up to 381 are approved for commercial parking use, subject to the short-term rates and other requirements of Sections 155(g), *et seq.*