



# SAN FRANCISCO PLANNING DEPARTMENT

PDF

## Letter of Determination

August 11, 2009

Mr. James Suh  
Wilson Meany Sullivan  
Four Embarcadero Center, Suite 3330  
San Francisco, CA 94111

**RE: Request for Off-street Parking Exemption  
Exploratorium Relocation Project, Piers 15-17  
Block: 9900 Lots: 015, 015H, 017**

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Dear Mr. Suh:

This letter is in response to your request for a determination, dated May 14, 2009, for the property at Piers 15 and 17, as to whether the proposed Exploratorium Relocation Project (the "Exploratorium") would qualify for an exemption from off-street parking pursuant to San Francisco *Planning Code* Sections 161(f) and 240.1(f). I have reviewed the analysis presented in your letter. Based upon my examination and analysis of the circumstances as presented by you and within the report prepared by transportation planning consultants under direction of the Planning Department for the Exploratorium's Final Environmental Impact Report (Case No. 2006.1073E), I have made the determinations discussed below.

The Exploratorium will be located at Piers 15 and 17, east side of the Embarcadero opposite the intersection with Green Street, within a M-1 (Light Industrial) Zoning District, Waterfront Special Use District No. 1, and a 40-X Height and Bulk District. The Exploratorium proposes to relocate from the Palace of Fine Arts (3601 Lyon Street) to Piers 15 and 17 along The Embarcadero. The project site is currently developed with approximately 260,112 sq. ft. of building area divided among the various buildings, and a 98,350 square-foot paved parking area within the "Valley" between the pier sheds. Under the Project, the Exploratorium would occupy Pier 15 and the Valley and construct and occupy a new Bridge Building to replace the existing Connector Building. Much of the Valley paving would be removed to expose the water and would feature outdoor exhibit areas and public access to the Bay shoreline. Under the Expanded Project, the Exploratorium would expand the museum into Pier 17 in the future. Until then, the Exploratorium would sublease Pier 17 to commercial and light industrial users and may use approximately 5,000 gsf within Pier 17 for restaurant or other retail use. According to the information provided in your letter, the Project would add a total of 65,929 gross square feet to the building area by adding a mezzanine level within the Pier 15 shed. The total post-construction floor area, including the Expanded Project, would be 326,041 gross square feet. Between the Project and Expanded Project, the site would eliminate 128 existing off-street parking spaces at the project site. For the purposes of this determination, the Expanded Project is the subject of the analysis as it represents the completed project and worse-case scenario in terms of effects to parking demand, pedestrian conflicts, and planning policies.

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Per Section 151 of the *Planning Code*, the Exploratorium's Expanded Project would require 264 off-street parking spaces (85 spaces for restaurant use, 12 spaces for retail use, and 167 spaces for museum use). However, Section 240.1(f) allows the off-street parking requirements to be modified within the Waterfront Special Use District No. 1, as provided in Section 161(f). As described in Section 161(f), the Planning Department, in the case of a principally permitted use, may determine appropriate reductions in the off-street parking requirement of the *Planning Code*, taking into consideration the seven criteria set forth below:

*(1) The anticipated parking demand to be generated by the particular use contemplated;*

Although the *Planning Code* requires 264 off-street parking spaces, according to the *Transportation Impact Analysis Guidelines for Environmental Review (San Francisco Guidelines)*, the Expanded Project would generate a total parking demand of 331 spaces (201 short-term and 130 long-term) during the weekday midday, 61 spaces (all short term) during the weekend evening, and 245 spaces (198 short-term and 47 long-term) during the weekend midday.<sup>1</sup>

The Project site will not provide any on-site parking; however, under a proposed 16-year parking agreement with the Port, the Exploratorium would be granted a non-exclusive right to use approximately 200 parking spaces located at Seawall Lot 321 (The Embarcadero at Green Street). Thirty of the 200 spaces at Seawall Lot 321 would be available for monthly employee parking for the Exploratorium.

Although Seawall Lot 321 would be available, the parking demand generated by the Expanded Project would exceed the parking supply by 131 spaces on weekdays and by 45 spaces on weekends. Given that there is currently a surplus of available parking at other nearby facilities based on analysis, it is anticipated that any shortfalls in parking availability at Seawall Lot 321 would be accommodated in these facilities, which is further discussed in Criterion (5) below.

*(2) Accessibility to the proposed site from freeway ramps or major thoroughfares;*

Interstate 80 (I-80) and U.S. Highway 101 (U.S. 101) are the two primary freeways that provide regional access to the Project Site. The closest ramps providing access to and from the Project Site are the on-ramps at the intersections of Fourth Street/Harrison Street, First Street/Harrison Street, Essex Street/Harrison Street and Sterling Street/Bryant Street and the off-ramps at the intersections of Fremont Street/Harrison Street and Fourth Street/Bryant Street. Interstate 280 (I-280) provides regional access also; the closest ramps providing access to and from the Project Site are the on- and off-ramps located at the intersections of Fifth Street/King Street and Sixth Street/Brannan Street. Additionally, the Project site is directly accessible from The Embarcadero, on which the Project site fronts. The *San Francisco General Plan* identifies The Embarcadero as a major thoroughfare that runs between King Street (in the South Beach

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<sup>1</sup> Wilbur Smith Associates and Post, Buckley, Schuh & Jernigan, Exploratorium Relocation Project Transportation Report, January 2009, as cited in the Final Environmental Impact Report (FEIR), pages III. E-30-33. A copy of the FEIR is on file as part of Case No. 2006.1073E and available for public review by appointment at the Planning Department, 1650 Mission Street, Suite 400.

area near AT&T Park) and Taylor Street (near Fisherman's Wharf). The Embarcadero has two northbound and two southbound lanes with Class II bicycle lanes located on both sides of the street and separated by a divider that provides a right-of-way for the MUNI F streetcar line. The Embarcadero provides additional connections to other major thoroughfares, such as Broadway that connects to points west and Battery Street that provides direct southbound access to San Francisco-Oakland Bay Bridge via the First Street/Harrison Street on-ramp. In the vicinity, Green Street connects The Embarcadero and Sansome Street and provides direct access to the Project Site. The proximity to the freeway ramps and major thoroughfares is determined to be adequate to relieve impacts to levels of service at nearby local street intersections.

*(3) Minimization of conflict of vehicular and pedestrian movements;*

In front of Piers 15 and 17, the pedestrian promenade (Herb Caen Way, part of the Bay Trail) that runs approximately 3.2 miles along the waterfront from King Street at the AT&T Ballpark to Fisherman's Wharf is approximately 33 feet wide to the north in front of Pier 17 and approximately 25 feet wide to the south in front of Pier 15. The sidewalk area in front of Pier 15 would also remain similar to its current configuration, with a minimum width of approximately 25 feet. The existing 33 foot-wide sidewalk area in front of Pier 17 would be modified as part of the Expanded Project. The promenade between the curb edge and the raised portions of the Art Ribbon would be narrowed by approximately nine feet to provide a 225-foot length curb indent for bus passenger loading and unloading. The curb indent would accommodate four buses at a time. The promenade between the curb edge and the entrance to Pier 17, currently occupied by a parking lot, would be opened to the public as an extension to the promenade, resulting in a combined sidewalk width of approximately 70 feet.

No buses will cross the promenade into Pier 17, thus avoiding vehicular and pedestrian conflicts. Additionally, the loading and unloading of bus passengers in front of Pier 17 is not anticipated to create impedances to pedestrians on the promenade. The curb cut located directly in front of the Pier 17 main rolling door would be used for truck access to the loading docks inside Pier 17. In light of the anticipated small number of deliveries utilizing these access lanes and the Project Sponsor's plan to schedule such deliveries during times outside of peak promenade use, loading activities would not create hazardous conditions for pedestrians.<sup>2</sup>

Conversely, if the Project/Expanded Project were to be required to provide on-site parking, significant numbers of automobiles would be required to cross the promenade to enter and exit the Project site, increasing the potential for vehicular and pedestrian conflicts. Conditions for pedestrians walking along the promenade in front of the Project Site would likely improve due to the planned elimination of the on-site parking located in the Valley between Piers 15 and 17 as part of the Project/Expanded Project. There would be fewer vehicles crossing the promenade and, therefore, there would be less opportunity for conflicts between pedestrians and vehicles. By not providing on-site parking, the Project/Expanded Project will further the City's "Transit First" policy, reduce conflicts with public transportation, and will enhance the pedestrian promenade and use of public access areas.

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<sup>2</sup> Ibid. FEIR, page III. E-40.

*(4) The service patterns of forms of transportation other than the automobile;*

The Project Site is well served by public transit, with both local and regional service provided in the nearby vicinity. The San Francisco Municipal Railway (Muni) provides local transit service. Service to and from the East Bay is provided by Bay Area Rapid Transit (BART), Alameda County Transit (AC Transit) and ferries; service to and from the South Bay/Peninsula is provided by BART, SamTrans, and Caltrain; service to and from the North Bay is provided by Golden Gate Transit (GGT) buses and ferries. Muni operates five lines in the Project vicinity, including the 10-Townsend, the 12-Folsom, the 30X-Stockton Express, the 82X-Presidio and Wharves Express bus lines and the F-Market & Wharves historic streetcar line. Additional Muni service is provided in the area, including the Muni Metro subway beneath Market Street. The closest station location to the Project Site is the Embarcadero Station, which is located approximately one-half mile from Piers 15/17 where all six Metro lines can be accessed, as well as BART. The Caltrain San Francisco terminal is located at 4th and King Streets, in the South of Market area (about two miles south of the Project Site). SamTrans and AC Transit both provide service to downtown San Francisco terminating at the Transbay Terminal, less than a mile south of the Project Site on Mission Street. GGT bus service operates on Battery Street and Sansome Street corridors serving the Financial District, with its closest stop within three blocks of the Project Site. Lastly, GGT ferry service and other ferry services operate out of the Ferry Building (about one-half mile south of the Project Site) and Pier 41 (approximately 0.9 miles from the Project Site).<sup>3</sup>

*(5) The pattern of land uses and the availability of parking in the vicinity;*

The pattern of land uses in the vicinity is mixed, largely dependent on whether properties are located bay side or land side of The Embarcadero. Many of the properties located bay side, occupied by pier structures, have been redeveloped from heavy industrial uses to light industrial, retail, office uses, eating and drinking establishments, and as boat docks for recreational boaters and water taxi service. The piers along the waterfront are separated by expanses of water and are bordered on the west by Herb Caen Way and the Embarcadero. Projects since the removal of the elevated Embarcadero Freeway have largely accommodated the growing interests in public open space and access to the San Francisco Bay that was not previously available. As a result, projects have excluded on-site parking in lieu of more public recreational amenities as opposed to public parking facilities. Landside, properties consist of urban, medium-scale office and residential structures and of surface parking lots.

The existing parking conditions were examined within the parking study area, which is bounded by Sacramento and Market Streets to the south, Sansome Street to the west, and Lombard Street to the north, and the Bay to the north and east; and a small northern section bounded by the Bay, Lombard Street, and Kearny Street. There are approximately 826 on-street parking spaces (regulated by meters or posted time limit signs and residential parking permits) within the parking study area. The highest occupancy of on-street parking spaces was observed at 66 percent, leaving approximately 280 spaces or more available. There are 16 off-street parking facilities that were observed for parking occupancies in the parking study

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<sup>3</sup> Ibid. FEIR, pages III. E-7-12.

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area with a total capacity in excess of 6,800 parking spaces, whereupon the majority of facilities at peak time have an average occupancy of 32 percent.<sup>4</sup>

The Expanded Project parking demand would exceed the parking supply available to at Seawall Lot 321. Given that there is currently a surplus of available parking at other nearby facilities for all evaluated time periods, it is anticipated that any shortfalls in parking availability at Seawall Lot 321 would be accommodated in these facilities. The Expanded Project occupancies would be 83 percent or less under weekday or weekend conditions.<sup>5</sup>

*(6) The policies set forth in the Northeastern Waterfront Plan, including policies concerning the relative emphasis that should be given to pedestrian and vehicular movement;*

The Expanded Project is consistent with all relevant Objectives and Policies of the Northeastern Waterfront Plan, as follows:

**LAND USE:  
Objectives and Policies**

**OBJECTIVE 2:**

TO DIVERSIFY USES IN THE NORTHEASTERN WATERFRONT, TO EXPAND THE PERIOD OF USE OF EACH SUBAREA AND TO PROMOTE MAXIMUM PUBLIC USE OF THE WATERFRONT WHILE ENHANCING ITS ENVIRONMENTAL QUALITY.

**Policy 2.2:**

Diversify activities to encourage the use of the Northeastern Waterfront by a broad spectrum of the population.

**Policy 2.4:**

Promote the development of new maritime activities, public open space and public access improvements as part of major new development on piers.

**Policy 2.5:**

Emphasize water-related recreation, Bay-oriented commercial recreation and Bay-oriented public assembly uses in non-maritime development adjacent to, or over, the water.

**OBJECTIVE 5:**

TO DEVELOP LIMITED ADDITIONAL OFFICE AND COMMERCIAL SPACE IN ORDER TO SERVE THE CITY'S ECONOMIC NEEDS AND TO ENCOURAGE A MIXTURE OF USES AND ACTIVITIES ALONG THE NORTHEASTERN WATERFRONT.

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<sup>4</sup> Ibid. FEIR, page III. E-17.

<sup>5</sup> Ibid. FEIR, pages III. E-31-32.

**Policy 5.5:**

Encourage Bay-oriented commercial recreation and public assembly uses on piers, which include public access and complementary maritime activities (e.g. cruises, excursions, ferries, historic ships), and maritime support services.

**OBJECTIVE 7:**

TO STRENGTHEN AND EXPAND THE RECREATION CHARACTER OF THE NORTHEASTERN WATERFRONT AND TO DEVELOP A SYSTEM OF PUBLIC OPEN SPACES AND RECREATION FACILITIES THAT RECOGNIZES ITS RECREATIONAL POTENTIAL, PROVIDES UNITY AND IDENTITY TO THE URBAN AREA, AND ESTABLISHES AN OVERALL WATERFRONT CHARACTER OF OPENNESS OF VIEWS, WATER AND SKY AND PUBLIC ACCESSIBILITY TO THE WATER'S EDGE.

**Policy 7.1:**

Develop recreation facilities attractive to residents and visitors of all ages and income groups.

**Policy 7.4:**

Encourage and provide open space and public recreation facilities as part of any development, to provide facilities for people residing and working in the Northeastern Waterfront and in adjoining neighborhoods.

**Policy 7.6:**

With new development, create new views between buildings and/or physical access to (1) the Bay, (2) water-dependent maritime activities or (3) open space or other public attractions that invite the public onto pier areas and provide access to the Bay.

**TRANSPORTATION:**

**Objectives and Policies**

**OBJECTIVE 8:**

TO FACILITATE THE MOVEMENT OF PEOPLE AND GOODS WITHIN THE NORTHEASTERN WATERFRONT IN SUCH A WAY AS TO MINIMIZE THE ADVERSE IMPACT OF THIS MOVEMENT.

**Policy 8.1:**

Intercept and divert as much automobile traffic as feasible away from the water's edge and areas of intense pedestrian activity in order to make conditions more pleasurable, safe, and interesting for the pedestrian, and in order to facilitate the commercial and recreational development of the area.

**Policy 8.2:**

Limit additional parking facilities in the Northeastern Waterfront and minimize the impact of this

parking. Discourage long-term parking for work trips which could be accommodated by transit. Restrict additional parking to: (a) Short-term (less than four hour) parking facilities to meet needs of additional business, retail, restaurant, marina, and entertainment activities; (b) Long-term parking facilities for maritime activities, hotel and residential uses. To the extent possible, locate parking away from areas of intense pedestrian activity. Encourage shared parking at adjacent or nearby facilities.

**Policy 8.4:**

Prohibit parking over the water for marinas in the Fisherman's Wharf through Ferry Building areas. In other areas, allow parking for marinas over water only if: (a) no alternative upland location is feasible; (b) the total fill for a marina does not exceed a land-water ratio of 1/2:1; and (c) it is the minimum necessary. Encourage loading and unloading areas adjacent to marinas to minimize the need for parking over the water.

**Policy 8.5:**

Base the determination of the amount of parking allowed for permitted uses on the desirability of reducing automobiles along the waterfront and, to the maximum extent feasible, consider the use of existing public transit and inland parking, as well as public transit and inland parking which could reasonably be provided in the future.

**Policy 8.6:**

Remove or relocate inland those existing parking facilities on or near the water's edge or within areas of intense pedestrian activity.

**URBAN DESIGN:**

**Objectives and Policies**

**OBJECTIVE 10:**

TO DEVELOP THE FULL POTENTIAL OF THE NORTHEASTERN WATERFRONT IN ACCORD WITH THE UNUSUAL OPPORTUNITIES PRESENTED BY ITS RELATION TO THE BAY, TO THE OPERATING PORT, FISHING INDUSTRY, AND DOWNTOWN; AND TO ENHANCE ITS UNIQUE AESTHETIC QUALITIES OFFERED BY WATER, TOPOGRAPHY, VIEWS OF THE CITY AND BAY, AND ITS HISTORIC MARITIME CHARACTER.

**Policy 10.2:**

Preserve and create view corridors which can link the City and the Bay.

**Policy 10.5:**

Permit non-maritime development bayward of the sea wall only if the following qualifications are met:

- a. Maximum feasible public access is provided to the water's edge.
- b. Important Bay and waterfront views along The Embarcadero and level inland streets are

preserved and improved. Minor encroachment into the view corridors from level inland streets may be permitted: (1) Where the encroaching element has a distinct maritime character and adds variety to the views along the waterfront; (2) Where minor structures (such as kiosks) are desirable to provide public amenities contributing to a continuity of interest and activity along the waterfront; (3) Where essential maritime facilities cannot reasonably be located and designed to avoid view blockage; and (4) Where the public enjoyment of the Bay will be enhanced by providing a place of public assembly and recreation which allows unique vistas and overviews that include portions that are publicly accessible during daytime and evenings consistent with ensuring public safety.

**Policy 10.6:**

Retain older buildings of architectural merit or historical significance to preserve the architectural and historical character of the waterfront and ensure the compatibility of new development.

**Policy 10.13:**

Remove exposed surface parking from over water, and along the Embarcadero roadway to improve shoreline appearance and access to the Bay.

**BASE OF TELEGRAPH HILL SUBAREA:**

**Objectives and Policies**

**OBJECTIVE 18:**

TO DEVELOP A DIVERSITY OF ADDITIONAL ACTIVITIES WHICH WOULD STRENGTHEN THE EXISTING PREDOMINANT USES IN THE BASE OF TELEGRAPH HILL SUBAREA AND ACTIVITIES WHICH WOULD EXPAND THE PERIOD OF USE, BUT OF AN INTENSITY WHICH WOULD PROVIDE A RELIEF FROM THE ADJACENT DOWNTOWN AND FISHERMAN'S WHARF AREAS.

**Policy 18.6:**

Minimize the intensity of automobile activity by promoting mass transit as a primary transportation mode. Maximize efficient use of existing parking facilities in order to limit the amount of new parking necessary as part of new development.

The Project/Expanded Project will support the goals and policies of the Northeastern Waterfront Plan by rehabilitating two decaying and underutilized piers and by bringing to the waterfront a new cultural, educational, and recreational facility that will provide significant new public access and help revitalize the northeast waterfront. The Project/Expanded Project will support the transportation policies, specifically, by directing automobile traffic away from the piers and to the seawall lots or parking garages in the vicinity, by eliminating existing on-site parking for employees and visitors, minimizing pedestrian and automobile conflicts, and by enabling visitors to use multiple means of public transportation.

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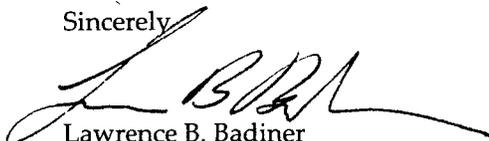
*(7) Such other criteria as may be deemed appropriate in the circumstances of the particular case.*

The plans and policies of the City through its General Plan, the Port through its Waterfront Land Use Plan, San Francisco Bay Conservation and Development Commission (BCDC) through its Bay Plan and Waterfront Special Area Plan, are intended to guide development along the waterfront in a way that will preserve, protect and enhance the architectural and historic integrity of the area while providing opportunities for public access to and enjoyment of the waterfront. A consistent theme among the several plans that affect the waterfront and the Project/Expanded Project in particular, is the removal of parking on the piers over water and to provide parking in commercial area west of the Embarcadero. The Project/Expanded Project would eliminate existing on-site parking for employees and visitors and would direct automobile traffic away from the piers and to the seawall lots or parking garages in the vicinity, thus creating opportunities for new access to the waterfront by the Exploratorium project.

In summary, the Exploratorium Relocation Project at Piers 15 and 17 meets each of the seven (7) criteria provided in *Planning Code* Section 161(f), in that the property's location presents exceptional and extraordinary opportunities for required parking spaces to be met in off-site parking facilities. Thus, the Exploratorium would qualify for an exemption from off-street parking requirements pursuant to *Planning Code* Section 240.1(f).

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,



Lawrence B. Badiner  
Zoning Administrator

cc: Jennifer Sobol, Port Project Manager  
Laura Zander, COO, Exploratorium  
Tay Via, Coblenz Patch Duffy Bass, LLP  
Angela Threadgill, Planner

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