



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- Affordable Housing (Sec. 415)
- Jobs Housing Linkage Program (Sec. 413)
- Downtown Park Fee (Sec. 412)
- First Source Hiring (Admin. Code)
- Child Care Requirement (Sec. 414)
- Other: Transit Impact Development Fee

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Planning Commission Motion No. 19547 HEARING DATE: JANUARY 7, 2016

Date: January 7, 2016
Case No.: 2012.0506 CEKV
Project Address: 950 Gough Street
Zoning: RM-4 (Residential, Mixed, High Density)
 80-B Height and Bulk Districts
Block/Lots: 0744/010, 010A, 011
Project Sponsor: Brad Dickason
 Maracor Development, Inc.
 268 Bush Street, Suite 2927
 San Francisco, CA 94104
Staff Contact: Mary Woods – (415) 558-6315
mary.woods@sfgov.org

ADOPTING FINDINGS RELATING TO THE APPROVAL OF A CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 209.2, 253 AND 303 OF THE PLANNING CODE TO MERGE THREE VACANT LOTS CONTAINING APPROXIMATELY 19,000 SQUARE FEET, AND CONSTRUCT AN 8-STORY, 80-FOOT TALL, APPROXIMATELY 124,000 SQUARE-FOOT MIXED-USE BUILDING OVER ONE SUBTERRANEAN PARKING LEVEL. THE BUILDING WOULD INCLUDE 95 DWELLING UNITS, INCLUDING 11 ON-SITE AFFORDABLE UNITS, AN APPROXIMATELY 10,000 SQUARE-FOOT CHURCH/SANCTUARY FOR ST. PAULUS LUTHERAN CHURCH ON THE GROUND FLOOR, 61 OFF-STREET PARKING SPACES, 109 BICYCLE PARKING SPACES, AND FOUR MOTORCYCLE PARKING SPACES, WITHIN AN RM-4 (RESIDENTIAL, MIXED, HIGH DENSITY) DISTRICT AND AN 80-B HEIGHT AND BULK DISTRICT AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

PREAMBLE

On November 26, 2013, Maracor Development, Inc. (hereinafter "Project Sponsor") filed an application with the Planning Department (hereinafter "Department") for Conditional Use Authorization under Planning Code Sections 209.2, 253 and 303 to merge three vacant lots, containing approximately 19,000 square feet, and construct an eight-story, 80-foot tall, approximately 124,000 square-foot mixed-use building over one subterranean parking level. The building would include 95 dwelling units, including eleven (11) on-site affordable housing/below-market rate (BMR) units, an approximately 10,000 square-

foot church/sanctuary for the St. Paulus Lutheran Church, 61 off-street parking spaces, 109 bicycle parking spaces, and four motorcycle parking spaces. The Project is also seeking Variances to the rear yard and off-street parking requirements pursuant to Planning Code Sections 134 and 151 (hereinafter "Project"), within an RM-4 (Residential, Mixed, High Density) District and an 80-B Height and Bulk District.

On May 11, 2015, the Project Sponsor filed a Variance Application with the Zoning Administrator to allow development within the required rear yard, pursuant to Planning Code Section 134, and to provide less than the required off-street parking for the residential component, pursuant to Planning Code Section 151.

On May 20, 2015, the Draft Mitigated Negative Declaration (MND) for the Project was prepared and published for public review; and

The Draft MND was available for public comment until June 9, 2015; and

On May 20, 2015, the Finalized Mitigated Negative Declaration for the Project was published and was amended on June 15, 2015.

On January 7, 2016, the Planning Department/Planning Commission reviewed and considered the Final Mitigated Negative Declaration (FMND) and found that the contents of said report and the procedures through which the FMND was prepared, publicized, and reviewed complied with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.) (CEQA), Title 14 California Code of Regulations Sections 15000 et seq. (the "CEQA Guidelines") and Chapter 31 of the San Francisco Administrative Code ("Chapter 31"); and

The Planning Department/Planning Commission found the FMND was adequate, accurate and objective, reflected the independent analysis and judgment of the Department of City Planning and the Planning Commission, [and that the summary of comments and responses contained no significant revisions to the Draft MND,] and approved the FMND for the Project in compliance with CEQA, the CEQA Guidelines and Chapter 31.

The Planning Department, Jonas Ionin, is the custodian of records, located in the File for Case No. 2012.0506E, at 1650 Mission Street, Fourth Floor, San Francisco, California.

Planning Department staff prepared a Mitigation Monitoring and Reporting Program (MMRP), contained in "EXHIBIT C," which material was made available to the public and this Commission for this Commission's review, consideration and action.

On January 7, 2016, the Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2012.0506CEKV.

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.

As determined by the Planning Department, nothing about the proposed Project as revised or its surrounding circumstances have changed in a way to require additional environmental review.

MOVED, that the Commission hereby authorizes the Conditional Use requested in Application No. 2012.0506C, 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.
1. **Site Description and Present Use.** The Project is located on three vacant lots at 950 Gough Street, southeast corner at Eddy Street. The development site contains approximately 137 feet of frontage along Gough Street and 137 feet of frontage along Eddy Street in Assessor's Block 0744, Lots 010, 010A and 011 within an RM-4 (Residential, Mixed, High Density) District and an 80-B Height and Bulk District. The Gough Street frontage slopes laterally downward to the south, toward Turk Street with a grade change of approximately 21 feet between the front and rear lot lines. The Eddy Street frontage has a slight downward slope (of approximately 6 feet) to the east, toward Franklin Street.

The Project site is approximately 19,000 square feet in total area. All three lots are currently vacant. The site was previously occupied by the St. Paulus Lutheran Church, built between 1892 and 1899. However, after a fire had damaged the building, it was demolished in 1999.

2. **Surrounding Properties and Neighborhood.** The Project site is located at the western edge of the Downtown/Civic Center neighborhood. The neighborhood is comprised primarily of governmental offices, civic institutions, commercial uses, financial institutions, and high density apartment buildings. City Hall is four blocks southeast of the Project site. The Hayes Valley shopping district is six blocks southwest of the site. Jefferson Square Park is immediately west of the site on Gough Street. Four to eight-story tall governmental and residential apartment buildings are south of the site on Turk Street. A Shell gasoline station is located at the northwest corner of Turk and Franklin Streets. Many buildings on the subject and adjacent blocks have no front yard setbacks thereby creating a continuous street wall. Transit lines are nearby and are within walking distance of the site.
3. **Project Description.** The Project proposes to merge three vacant lots and construct an eight-story, 80-foot tall mixed-use building, containing approximately 124,000 square feet. The building would include 95 dwelling units, including 11 on-site affordable housing units reflecting the unit mix of studios, one- and two-bedroom units. A two-level church/sanctuary for the St. Paulus Lutheran Church would be rebuilt on the Gough Street frontage, containing approximately 10,000 square feet. Two levels of parking would be provided (one on the ground level and one below grade), containing up to 61 stacked parking spaces, 100 Class One secured bicycle parking spaces,

as well as four secured motorcycle parking spaces (not required by code). The Project will provide nine Class Two bicycle parking spaces. The main church/sanctuary entrance is located at the western edge of the Eddy Street frontage, while the garage entry is located at the eastern edge on Eddy Street. The main residential entry and lobby is located near the center on Eddy Street, along with dedicated car share and bicycle access. Open space is provided through a mix of common usable open spaces at terraces, roof decks and a court yard. The Project will also provide two green/living roofs.

The Project is also seeking Variances to the rear yard and off-street parking requirements pursuant to Planning Code Sections 134 and 151. The Zoning Administrator will consider the Variance requests following the Commission's consideration of the Conditional Use request.

4. **Public Comment.** The Department has received six letters in support of the Project. The Department has not received any correspondence in opposition to the Project; however, a letter was received from a property owner expressing concerns about traffic, circulation, and the potential effect of the Project on adjacent historic buildings.
5. **Planning Code Compliance:** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:

- A. **Institutional Use.** Planning Code Section 209.2 requires a Conditional Use authorization for religious institutions in the RM Districts.

The Project proposes to incorporate into the Project's ground floor the St. Paulus Lutheran Church that was demolished in 1999 after a fire had damaged the circa 1892 building.

- B. **Height.** Planning Code Section 253 requires a Conditional Use authorization for review of any new building or structure exceeding 40 feet in height in a RM District with more than 50 feet street frontage, and any building or structure exceeding 50 feet in height in the RM Districts, and Section 252 of the Planning Code limits the height of development at the site to 80 feet.

The proposed 80-foot tall building is situated on a corner with both street frontages (Gough and Eddy Streets) at 137 feet wide, thereby requiring a Conditional Use authorization pursuant to Planning Code Section 253. The building has been sculpted and provides setbacks at upper levels so as to be compatible with the scale and massing of the surrounding neighborhood.

- C. **Bulk.** Planning Code Section 270 states that the "B" Bulk District shall have a maximum length of 110 feet and a maximum diagonal dimension of 125 feet, above 50 feet in height.

The Project complies with the bulk limits by providing a maximum length of approximately 100 feet and a maximum diagonal dimension of approximately 124 feet for the portion of the building exceeding 50 feet in height.

- D. **Basic Floor Area Ratio (FAR).** Planning Code Section 124 limits the building square footage to 4.8 square feet of building area for every 1 square foot of lot area, or approximately 90,749 square feet of building area for the subject Site. However, in RM Districts, the FAR limits do not apply to dwellings or to other residential uses per Section 124(b).

The Project would total approximately 34,000 square feet, equivalent to a 1.8:1 FAR for non-residential uses.

- E. **Rear Yard.** Planning Code Section 134 requires that in RM-4 Districts a 25 percent rear yard be provided. An approximately 34-foot deep rear yard from the rear lot line would need to be provided for the Project. However, the Project is seeking a Variance from the rear yard requirement pursuant to Planning Code Section 134.

The Project does not meet the rear yard depth per Planning Code Section 134; however, the Project is seeking a Variance to the rear yard requirement as part of the related Case No. 2012.0506V. The Project is required to provide a rear yard of approximately 4,700 square feet. The Project proposes to provide an open, interior court yard on the second level totaling approximately 2,000 square feet (35 feet wide by 59 feet deep).

- F. **Open Space.** Planning Code Section 135 requires 48 square feet of common usable open space or 36 square feet of private usable open space per dwelling unit.

The Project meets the common usable open space requirement of 4,560 square feet by providing a combination of terraces, a roof deck, and a court yard, totaling approximately 6,100 square feet. The Project exceeds the amount of open space area required by Code and meets the minimum dimensions and areas prescribed by Code.

- G. **Street Trees.** Planning Code Section 138.1 requires the installation of street trees in the case of the construction of a new building. One 24-inch box tree is required for every 20 feet of property frontage along each street or alley, with any remaining fraction of ten feet or more of frontage requiring an additional tree. The species and locations of trees installed in the public right-of-way shall be subject to approval by the Department of Public Works (DPW). The requirements of Section 138.1 may be waived or modified by the Zoning Administrator, pursuant to Section 428, where DPW cannot grant approval due to practical difficulties.

The site contains 137 feet of street frontage along both Gough and Eddy Streets and would require seven street trees along each frontage. The Project will provide 14 new street trees where none currently exists.

- H. **Standards for Bird-Safe Buildings.** Planning Code Section 139 establishes the Bird-Safe Standards for new building construction to reduce bird mortality from circumstances that are known to pose a high risk to birds and are considered to be "bird hazards." The two circumstances regulated by this Section are (1) location-related hazards, where the siting of a structure creates increased risk to birds, and (2) feature-related hazards, which may create

increased risk to birds regardless of where the structure is located. Location-related hazards are created by structures that are located inside of, or within a clear flight path of less than 300 feet from an Urban Bird Refuge. The subject property is within 300 feet of the Jefferson Square Park. The buildings must be treated according to the standards established in the code provisions and the Department's adopted Standards for Bird-Safe Buildings. Bird-Safe Glazing Treatment is required such that the Bird Collision Zone – meaning the portion of building façade beginning at grade and extending upwards for 60 feet or glass facades directly adjacent to landscaped roofs two acres or larger and extending upwards 60 feet from the level of the subject roof – facing the Urban Bird Refuge consists of no more than 10% untreated glazing.

The Project meets the standards for bird-safe buildings.

- I. **Dwelling Unit Exposure.** Planning Code Section 140 requires that all dwelling-unit face a public street or side yard at least 25 feet in width, a required rear yard, or an open area of 25 feet in width.

All of the units in the Project meet this requirement.

- J. **Street Frontages in RM Districts.** Planning Code Section 144 requires that entrances to off-street parking on any lot shall be wider than 20 feet, and that in the case of every dwelling in such districts, no less than one-third of the width of the ground story along the front lot line, along a street side lot line, and along a building wall that is set back from any such lot line, shall be devoted to windows, entrances for dwelling units, landscaping, and other architectural features that provide visual relief and interest for the street frontage.

The Project proposes a 12-foot wide garage entrance on Eddy Street and more than one-third of the ground story is devoted to windows, an entrance for dwelling units, and landscaping.

- K. **Off-Street Parking, Institutional.** Planning Code Section 151 requires one automobile parking space for every 20 seats by which the number of seats in the main auditorium exceeds 200.

The Project proposes 200 seats in the church; therefore, it is not required to provide any parking spaces for the church use. However, three spaces will be provided at the site.

- L. **Off-Street Parking, Residential.** Planning Code Section 151 requires one automobile parking space per dwelling unit. The Project is seeking a Variance to the parking requirement for the residential component.

The Project is required to provide 95 parking spaces for the residential use and 58 are proposed. The Project is seeking a Variance to the off-street parking requirement as part of the related Case No. 2012.0506V.

- M. **Off-Street Freight Loading.** Planning Code Section 152 requires one freight loading space if the gross floor area is greater than 100,000 square feet.

The Project proposes approximately 111,000 gross square feet, and one off-street loading space is provided on the ground level. One on-street loading space is also proposed and would be subject to MTA approval.

- N. **Bicycle Parking.** Planning Code Section 155.2 requires one Class 1 bicycle parking space per unit up to 100 units. In addition, one Class 2 bicycle parking space is required per 20 units. With 95 dwelling units, five Class 2 bicycle parking spaces are required to serve the residential units. The church use is required to provide five Class 1 spaces for less than 500 guests, and one Class 2 space for every 50 seats.

The Project meets the bicycle parking requirements for both Class 1 and Class 2 bicycle parking spaces. Additionally, the Project is providing four secured motorcycle parking spaces (not required by Code). As the Project proposes 95 dwelling-units, 95 Class 1 bicycle parking spaces are required and provided. With 95 dwelling units, five Class 2 bicycle parking spaces are required to serve the residential units. For the 10,000 square feet of church use containing 200 seats, five Class 1 and four Class 2 bicycle parking spaces are required.

- O. **Car Share Parking.** Planning Code Section 166 requires no fewer than one car share parking space for every 50-200 residential units.

The Project proposes one car share space located at the ground level on Eddy Street. The car share space shall be designed to comply with the Zoning Administrator Bulletin for Car Share spaces.

- P. **Baby Diaper-Changing Accommodations.** Planning Code Section 168 requires that "public-serving establishments", such as a religious institution, over 5,000 square feet provide on-site diaper-changing stations.

The Project meets the requirements related to diaper-changing accommodations.

- Q. **Dwelling Unit Density.** Planning Code Section 209.2 states that the permitted ratio of dwelling units in the RM-4 district is one dwelling unit per 200 square feet of lot area.

Based on a lot area of approximately 18,906 square feet, 95 dwelling units are permitted. The Project is proposing the maximum density allowed by Code.

- R. **Shadows on Parks.** Planning Code Section 295 requires any project proposing a structure exceeding a height of 40 feet to undergo a shadow analysis in order to determine if the project will result in the net addition of shadow to properties under the jurisdiction of the Recreation and Park Department.

The Department conducted a shadow fan analysis, under Case No. 2012.0506K, and determined that the Project has the potential to cast new shadow on the Jefferson Square Park and the Margaret S.

Hayward Playground, located across from the project site, on the west side of Gough Street. Subsequently, shadow studies were prepared by the Project Sponsor's shadow consultant, PreVision Design. The shadow cast on Jefferson Square Park by 950 Gough was discussed by the Recreation and Park Commission in its public hearing meeting held on August 20, 2015. At the meeting, the Recreation and Park Commission made a recommendation to the Planning Commission that there would not be any adverse shadow impacts on Jefferson Square Park. Since that time, the Project was revised in its design. The new design has a slightly smaller shadow in a similar, yet slightly modified area of the Park. The Recreation and Park Department staff's recommendation to its Commission was that the revised Project and shadow analysis are not substantively different from the Project reviewed in August 2015 (see attached staff report from the Recreation and Park Department).

- S. **Transit Impact Development Fee.** Sections 411 through 411.9 authorize the imposition of certain development impact fees on new non-residential development projects to offset impacts on the transit system. Land use categories for all impact fees are defined in Section 401.

The Project Sponsor will comply with the requirements of this section prior to the issuance of a Site Permit.

- T. **Affordable Housing.** Planning Code Section 415 states that all projects that include ten or more units must participate in the Inclusionary Affordable Housing Program. Of the total number of proposed dwelling units, the project shall provide 12 percent on-site affordable units.

The Project proposes 11 on-site affordable housing/BMR units, which equals 12 percent of the 95 dwelling units proposed at the site (see Inclusionary Affordable Housing Program Findings below).

- U. **Signage.** Any proposed signage will be subject to the review and approval of the Planning Department and must comply with Article 6 of the Planning Code.

6. **Inclusionary Affordable Housing Program Findings.** Planning Code Section 415 sets forth the requirements and procedures for the Inclusionary Affordable Housing Program. Under Planning Code Section 415.3, these requirements would apply to projects that consist of 10 or more units, where the first application (EE or BPA) was applied for on or after July 18, 2006. Pursuant to Planning Code Section 415.5 and 415.6, the Inclusionary Affordable Housing Program requirement for the On-site Affordable Housing Alternative is to provide 15% of the proposed dwelling units as affordable. Pursuant to San Francisco Charter Section 16.110 (g), adopted by the voters in November, 2012, beginning on January 1, 2013, the City shall reduce by 20% the on-site inclusionary housing obligation for all on-site projects subject to the Inclusionary Affordable Housing, but in no case below 12%. Thus, under Charter Section 16.110 (g) all the on-site requirements here are reduced by 3% (20% of 15%) to 12%.

The Project Sponsor has demonstrated that it is eligible for the On-Site Affordable Housing Alternative under Planning Code Section 415.5 and 415.6, and has submitted a 'Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415,' to satisfy the requirements of the

Inclusionary Affordable Housing Program by providing the affordable housing on-site instead of through payment of the Affordable Housing Fee. In order for the Project Sponsor to be eligible for the On-Site Affordable Housing Alternative, the Project Sponsor must submit an 'Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415,' to the Planning Department stating that any affordable units designated as on-site units shall be sold as ownership units and will remain as ownership units for the life of the project. The Project Sponsor submitted such Affidavit on February 16, 2015. The EE application was submitted on February 8, 2013. Pursuant to San Francisco Charter Section 16.110 (g) the 15% on-site requirement stipulated in Planning Code Section 415.6, is reduced by 3% (20% of 15%) to 12%. Eleven (11) units (two studios, seven one-bedroom, and two two-bedroom units) of the 95 units provided will be affordable units. If the Project becomes ineligible to meet its Inclusionary Affordable Housing Program obligation through the On-site Affordable Housing Alternative, it must pay the Affordable Housing Fee with interest, if applicable.

7. **Planning Code Section 303** establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use approval. On balance, the project does comply 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 proposed Project is necessary as it adds 95 new dwelling units to the City's housing stock, including 11 affordable/below-market rate (BMR) units reflecting the unit mix of studios, one- and two-bedroom units. The Project is desirable, as the BMR units are provided on-site. The Project is also desirable in that it is well-designed and in keeping with the scale and density of the immediate neighborhood. It will revitalize an underutilized site as a vibrant mixed-use development by filling the current "hole" in the streetscape created by the three vacant lots.

The Project site is approximately 19,000 square feet in total area. All three lots are currently vacant. The site was previously occupied by the St. Paulus Lutheran Church, built between 1892 and 1899. However, after a fire had damaged the building, it was demolished in 1999. Since that time, the Church has not had a permanent "home" and the Project would provide that home and return the congregation to its historic location in the City. The Project proposes to rebuild the Church, containing a sanctuary with up to 200 seats, totaling approximately 10,000 square feet.

- 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:

- i. Nature of proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;

The Project has been designed to comply with the respective zoning, height and bulk limitations. The design of the Project also reinforces the uphill topography and accentuates the corner location.

The Project's height is broken up into two masses. Along the Gough Street frontage, the Project rises to a height of 50 feet while along the Eddy Street frontage, the height rises to 80 feet, the maximum allowed per Code. The Project provides a setback along Gough Street to minimize shadow on the adjacent Jefferson Square Park, and the installations of two green/living roofs as an extension of that natural habitat. The Project proposes to achieve a LEED (Leadership in Energy and Environmental Design) Gold rating for homes.

- ii. 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 reduced parking proposed at the Project is reasonable and in keeping with the City's Transit First Policy. However, the residential component of the Project is proposing 58 off-street parking spaces when 95 spaces are required. The Project, is therefore seeking a Variance from the off-street parking requirement. While there is no off-street parking required for the institutional/church use, the Project will provide three spaces for that use. The Project will provide one Code-compliant freight loading space and one carshare space as required. The Project's garage access is proposed via one access point on Eddy Street, thus limiting the potential for pedestrian and vehicular conflicts to ensure that it will not interfere with the one-way, three-lane south-bound traffic along Gough Street.

The Project will also provide 100 Class 1 bicycle parking spaces, located in the ground level garage, and nine Class 2 bicycle racks that will be located on the sidewalk, for a total of 109 bicycle parking spaces. The site is also well-served by public transit. It is located two blocks west of Van Ness Avenue, a transit rich corridor with transit lines serving San Francisco and Marin County. Local transit lines are also nearby and are within walking distance of the site.

Transit lines that are nearby and within walking distance of the site include the following four MUNI lines: 31-Balboa, 47-Van Ness, 49-Van Ness/Mission, and 5-Fulton.

- iii. The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor;

As the Project is primarily residential, it is not considered to have the potential to produce noxious or offensive emissions.

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

The Project proposes common usable open spaces in the form of terraces, a roof deck, and a courtyard. New street trees are proposed along Gough and Eddy Streets. The required parking is screened from view by a garage door, and parking is proposed within the basement and ground levels.

- 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 below.

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

The Project site is not within a Neighborhood Commercial District. However, the Project is consistent with the stated purposes of the RM-4 (Residential, Mixed, High Density) District.

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

HOUSING ELEMENT

OBJECTIVE 1:

IDENTIFY AND MAKE AVAILABLE FOR DEVELOPMENT ADEQUATE SITES TO MEET THE CITY'S HOUSING NEEDS, ESPECIALLY PERMANENTLY AFFORDABLE HOUSING.

Policy 1.1:

Plan for the full range of housing needs in the City and County of San Francisco, especially affordable housing.

The Project proposes a range of studios, one-, and two-bedroom units. The requirements of the Inclusionary Affordable Housing Program are proposed to be met by providing 11 affordable/below-market rate (BMR) dwelling units (12 percent of the total unit count) reflecting the mix of the proposed market rate units.

OBJECTIVE 4:

FOSTER A HOUSING STOCK THAT MEETS THE NEEDS OF ALL RESIDENTS ACROSS LIFECYCLES.

Policy 4.1:

Develop new housing, and encourage the remodeling of existing housing, for families with children.

This Project will create 95 new dwelling units; of which, 19 are studios, 57 one-bedroom units and 19 two-bedroom units. The Project will also include 11 on-site affordable/BMR units reflecting the unit mix of studios, one- and two-bedroom units.

OBJECTIVE 11:

SUPPORT AND RESPECT THE DIVERSE AND DISTINCT CHARACTER OF SAN FRANCISCO'S NEIGHBORHOODS.

Policy 11.1:

Promote the construction and rehabilitation of well-designed housing that emphasizes beauty, flexibility, and innovative design, and respects existing neighborhood character.

This new construction Project will conform to the scale and character of the district, respecting the neighborhood character in design and use.

Policy 11.4:

Continue to utilize zoning districts which conform to a generalized residential land use and density plan and the General Plan.

The Project conforms to the zoning and height districts for the RM-4 District. The residential density is comparable to other large apartment/condominium buildings found in the vicinity.

Policy 11.6:

Foster a sense of community through architectural design, using features that promote community interaction.

The Project design is of a contemporary style, but in keeping with the building patterns, scale and massing of the existing neighborhood character. The Project provides appropriate window proportions, variation of facade planes and the selection of exterior materials to produce a building that is harmonious with its surrounding context.

URBAN DESIGN

OBJECTIVE 1:

EMPHASIS OF THE CHARACTERISTIC PATTERN WHICH GIVES TO THE CITY AND ITS NEIGHBORHOODS AN IMAGE, A SENSE OF PURPOSE, AND A MEANS OF ORIENTATION.

Policy 1.2:

Recognize, protect and reinforce the existing street pattern, especially as it is related to topography.

Policy 1.3:

Recognize that buildings, when seen together, produce a total effect that characterizes the city and its districts.

The development follows and reconciles the natural lateral slope of the site by introducing appropriate height changes and modulations of the building massing.

OBJECTIVE 4:

IMPROVEMENT OF THE NEIGHBORHOOD ENVIRONMENT TO INCREASE PERSONAL SAFETY, COMFORT, PRIDE AND OPPORTUNITY.

Policy 4.10:

Encourage or require the provisions of recreation space in private development.

The Project will include several areas of common usable open space in the form of a court yard and a roof deck for the residents.

Policy 10:

Install, promote and maintain landscaping in public and private areas.

The required street trees are proposed to be planted as approved by the Department of Public Works.

TRANSPORTATION ELEMENT

OBJECTIVE 2:

USE THE TRANSPORTATION SYSTEM AS A MEANS FOR GUIDING DEVELOPMENT AND IMPROVING THE ENVIRONMENT.

OBJECTIVE 11:

MAINTAIN PUBLIC TRANSIT AS THE PRIMARY MODE OF TRANSPORTATION IN SAN FRANCISCO AND AS A MEANS THROUGH WHICH TO GUIDE FUTURE DEVELOPMENT AND IMPROVE REGIONAL MOBILITY AND AIR QUALITY.

The Project site is easily accessible by public transit. Transit lines are nearby and are within walking distance of the site. There are four MUNI lines available: 31-Balboa, 47-Van Ness, 49-Van Ness/Mission, and 5-Fulton.

OBJECTIVE 28:

PROVIDE SECURE AND CONVENIENT PARKING FACILITIES FOR BICYCLES.

The Project will provide 100 secured bicycle parking spaces (Class 1) at the street level as required, as well as four secured motorcycle parking spaces not required by Code.

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 does comply 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 would not affect neighborhood-serving retail uses, as there is currently no neighborhood-serving retail use at the Site. All three lots are currently vacant.

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

There are no existing dwelling units on the site. The neighborhood character will not be impaired and the residential component of the Project will add economic diversity to the neighborhood including a mix of affordable units on-site.

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

There are no existing dwelling units on the site. The Project will create 95 new dwelling units, including 11 on-site affordable housing units.

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

The Project will provide less off-street parking than required for the residential component; as such, it would help in reducing commuter traffic by way of private vehicles.

- 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.

Industrial or service sector businesses are not permitted in the prescribed zoning districts.

- F. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake.

The Project is designed and will be constructed to conform to the structural and seismic safety requirements of the City Building Code.

- G. That landmarks and historic buildings be preserved.

The Project site contains no buildings. All three lots are currently vacant.

- H. That our parks and open space and their access to sunlight and vistas be protected from development.

The Project proposes a building up to 80 feet in height. The Department conducted a shadow fan analysis, under Case No. 2012.0506K, and determined that the Project has the potential to cast new shadow on the Jefferson Square Park and the Margaret S. Hayward Playground, located across from the project site, on the west side of Gough Street. Subsequently, shadow studies were prepared by the Project Sponsor's shadow consultant, PreVision Design. The shadow cast on Jefferson Square Park by 950 Gough was discussed by the Recreation and Park Commission in its public hearing meeting held on August 20, 2015. At the meeting, the Recreation and Park Commission made a recommendation to the Planning Commission that there would not be any adverse shadow impacts on Jefferson Square Park. Since that time, the Project was revised in its design. The new design has a slightly smaller shadow in a similar, yet slightly modified area of the Park. The Recreation and Park Department staff's

recommendation to its Commission was that the revised Project and shadow analysis are not substantively different from the Project reviewed in August 2015 (see attached staff report from the Recreation and Park Department).

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 Application No. 2012.0506C** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated December 22, 2015, and labeled "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

The Planning Commission has reviewed and considered the MND and the record as a whole and finds that there is no substantial evidence that the Project will have a significant effect on the environment with the adoption of the mitigation measures contained in the MMRP to avoid potentially significant environmental effects associated with the Project, and hereby adopts the FMND.

The Planning Commission hereby adopts the MND and the MMRP attached hereto as "EXHIBIT C" and incorporated herein as part of this Motion by this reference thereto. All required mitigation measures identified in the MND and contained in the MMRP are included as conditions of approval.

The Planning Commission further finds that since the MND was finalized, there have been no substantial project changes and no substantial changes in project circumstances that would require major revisions to the MND due to the involvement of new significant environmental effects or an increase in the severity of previously identified significant impacts, and there is no new information of substantial importance that would change the conclusions set forth in the MND.

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 No. 19547. 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 January 7, 2016.



Christine L. Silva
Acting Commission Secretary

AYES: Fong, Antonini, Hillis, Johnson, Moore, Richards

NAYS: None

ABSENT: Wu

ADOPTED: January 7, 2016

EXHIBIT A

AUTHORIZATION

This authorization is for a Conditional Use to merge three lots, and construct an eight-story, 80-foot tall, approximately 124,000 square-foot mixed-use building over one subterranean parking level, containing 95 dwelling units, including 11 on-site affordable housing/below-market rate (BMR) units, an approximately 10,000 square-foot church/sanctuary for the St. Paulus Lutheran Church, 61 off-street parking spaces, 109 bicycle parking spaces, and four motorcycle parking spaces, located at 950 Gough Street, Block 0744, Lots 010, 010A and 011, pursuant to Planning Code Sections 209.2, 253 and 303. The Project is also seeking Variances to the rear yard and off-street parking requirements pursuant to Planning Code Sections 134 and 151; within an **RM-4 (Residential, Mixed, High Density) District** and an **80-B Height and Bulk District**; in general conformance with plans, dated **December 22, 2015**, and labeled "EXHIBIT B" included in the docket for Case No. 2012.0506CEKV and subject to conditions of approval reviewed and approved by the Commission on **January 7, 2016** under Motion No. 19547. 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 **January 7, 2016** under Motion No. 19547.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the "EXHIBIT A" of this Planning Commission Motion No. 19547 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 three (3) 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 415-575-6863, www.sf-planning.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 415-575-6863, www.sf-planning.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 415-575-6863, www.sf-planning.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 415-575-6863, www.sf-planning.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 415-575-6863, www.sf-planning.org

6. **Mitigation Measures.** Mitigation measures described in the MMRP attached as "EXHIBIT C" are necessary to avoid potential effects of proposed Project and have been agreed to by the Project Sponsor. Their implementation is a condition of Project approval.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863 www.sf-planning.org
7. **Additional Project Authorization.** The Project Sponsor must obtain a Variance under Sections 134 and 151 to allow modifications of the rear yard and off-street parking requirements. The conditions set forth below are additional conditions required in connection with the Project. If these conditions overlap with any other requirement imposed on the Project, the more restrictive or protective condition or requirement, as determined by the Zoning Administrator, shall apply.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org.

DESIGN

8. **Final Materials.** Final materials, glazing, color, texture, landscaping, and detailing shall be subject to Department staff review and approval. The architectural addenda shall be reviewed and approved by the Planning Department prior to issuance.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org.
9. **Glazing.** Final glazing selection shall be subject to Department staff review and approval in order to ensure maximum transparency and minimal reflectivity.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org.
10. **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 415-558-6378, www.sf-planning.org.
11. **Lighting Plan.** The Project Sponsor shall submit an exterior lighting plan to the Planning Department prior to Planning Department approval of the Building/Site Permit Application.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org
12. **Street Trees.** The Project shall comply with the requirements of Planning Code Section 138.1.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org.

13. **Rooftop Mechanical Equipment.** Pursuant to Planning Code Section 141, the Project Sponsor shall submit a roof plan to the Planning Department prior to Planning approval of the Building Permit Application. Rooftop mechanical equipment, if any is proposed as part of the Project, is required to be screened so as not to be visible from any point at or below the roof level of the subject building.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org.

14. **Transformer Vault.** The location of individual project PG&E Transformer Vault installations has significant effects to San Francisco streetscapes when improperly located. However, they may not have any impact if they are installed in preferred locations. Therefore, the Planning Department recommends the following preference schedule in locating new transformer vaults, in order of most to least desirable:

1. On-site, in a basement area accessed via a garage or other access point without use of separate doors on a ground floor façade facing a public right-of-way;
2. On-site, in a driveway, underground;
3. On-site, above ground, screened from view, other than a ground floor façade facing a public right-of-way;
4. Public right-of-way, underground, under sidewalks with a minimum width of 12 feet, avoiding effects on streetscape elements, such as street trees; and based on Better Streets Plan guidelines;
5. Public right-of-way, underground; and based on Better Streets Plan guidelines;
6. Public right-of-way, above ground, screened from view; and based on Better Streets Plan guidelines;
7. On-site, in a ground floor façade (the least desirable location).

Unless otherwise specified by the Planning Department, Department of Public Work's Bureau of Street Use and Mapping (DPW BSM) should use this preference schedule for all new transformer vault installation requests.

For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works at 415-554-5810, <http://sfdpw.org>

AFFORDABLE UNITS

15. **Number of Required Units.** Pursuant to Planning Code Section 415.6, the Project is required to provide 12% of the proposed dwelling units as affordable to qualifying households. The Project contains 95 units; therefore, eleven (11) affordable units are required. The Project Sponsor will fulfill this requirement by providing the eleven affordable units On-Site. If the number of market-rate units change, the number of required affordable units shall be modified accordingly with written approval from Planning Department staff in consultation with the Mayor's Office of Housing and Community Development ("MOHCD").

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org or the Mayor's Office of Housing and Community Development at 415-701-5500, www.sf-moh.org.

16. **Unit Mix.** The Project contains 19 studios, 57 one-bedroom, and 19 two-bedroom units; therefore, the required affordable unit mix is two (2) studios, seven (7) one-bedroom units, and two (2) two-bedroom units. If the market-rate unit mix changes, the affordable unit mix will be modified accordingly with written approval from Planning Department staff in consultation with MOHCD.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org or the Mayor's Office of Housing and Community Development at 415-701-5500, www.sf-moh.org.

17. **Unit Location.** The affordable units shall be designated on a reduced set of plans recorded as a Notice of Special Restrictions on the property prior to the issuance of the first construction permit.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org or the Mayor's Office of Housing and Community Development at 415-701-5500, www.sf-moh.org.

18. **Phasing.** If any Building Permit is issued for partial phasing of the Project, the Project Sponsor shall have designated not less than twelve percent (12%) of the each phase's total number of dwelling units as On-Site affordable units.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org or the Mayor's Office of Housing and Community Development at 415-701-5500, www.sf-moh.org.

19. **Duration.** Under Planning Code Section 415.8, all units constructed pursuant to Section 415.6, must remain affordable to qualifying households for the life of the Project.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org or the Mayor's Office of Housing and Community Development at 415-701-5500, www.sf-moh.org.

20. **Other Conditions.** The Project is subject to the requirements of the Inclusionary Affordable Housing Program under Section 415 et seq. of the Planning Code and City and County of San Francisco Inclusionary Affordable Housing Program Monitoring and Procedures Manual ("Procedures Manual"). The Procedures Manual, as amended from time to time, is incorporated herein by reference, as published and adopted by the Planning Commission, and as required by Planning Code Section 415. Terms used in these conditions of approval and not otherwise defined shall have the meanings set forth in the Procedures Manual. A copy of the Procedures Manual can be obtained at the MOHCD at 1 South Van Ness Avenue or on the Planning Department or MOHCD websites, including on the internet at:

<http://sf-planning.org/Modules/ShowDocument.aspx?documentid=4451>. As provided in the Inclusionary Affordable Housing Program, the applicable Procedures Manual is the manual in effect at the time the subject units are made available for sale.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org or the Mayor's Office of Housing and Community Development at 415-701-5500, www.sf-moh.org.

- a. The affordable unit(s) shall be designated on the building plans prior to the issuance of the first construction permit by the Department of Building Inspection ("DBI"). The affordable unit(s) shall (1) reflect the unit size mix in number of bedrooms of the market rate units, (2) be constructed, completed, ready for occupancy and marketed no later than the market rate units, and (3) be evenly distributed throughout the building; and (4) be of comparable overall quality, construction and exterior appearance as the market rate units in the principal Project. The interior features in affordable units should be generally the same as those of the market units in the principal Project, but need not be the same make, model or type of such item as long they are of good and new quality and are consistent with then-current standards for new housing. Other specific standards for on-site units are outlined in the Procedures Manual.
- b. If the units in the building are offered for sale, the affordable unit(s) shall be sold to first time home buyer households, as defined in the Procedures Manual, whose gross annual income, adjusted for household size, does not exceed an average of ninety (90) percent of Area Median Income under the income table called "Maximum Income by Household Size derived from the Unadjusted Area Median Income for HUD Metro Fair Market Rent Area that contains San Francisco." The initial sales price of such units shall be calculated according to the Procedures Manual. Limitations on (i) reselling; (ii) renting; (iii) recouping capital improvements; (iv) refinancing; and (v) procedures for inheritance apply and are set forth in the Inclusionary Affordable Housing Program and the Procedures Manual.
- c. The Project Sponsor is responsible for following the marketing, reporting, and monitoring requirements and procedures as set forth in the Procedures Manual. MOHCD shall be responsible for overseeing and monitoring the marketing of affordable units. The Project Sponsor must contact MOHCD at least six months prior to the beginning of marketing for any unit in the building.
- d. Required parking spaces shall be made available to initial buyers or renters of affordable units according to the Procedures Manual.
- e. Prior to the issuance of the first construction permit by DBI for the Project, the Project Sponsor shall record a Notice of Special Restriction on the property that contains these conditions of approval and a reduced set of plans that identify the affordable units satisfying the requirements of this approval. The Project Sponsor shall promptly provide a copy of the recorded Notice of Special Restrictions to the Department and to MOHCD or its successor.
- f. The Project Sponsor has demonstrated that it is eligible for the On-site Affordable Housing Alternative under Planning Code Section 415.6 instead of payment of the Affordable Housing Fee, and has submitted the *Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415* to the Planning Department stating that any affordable units designated as on-site units shall be sold as ownership units and will remain as ownership units for the life of the Project.

- g. If the Project Sponsor fails to comply with the Inclusionary Affordable Housing Program requirement, the Director of DBI shall deny any and all Site or Building Permits or Certificates of Occupancy for the development project until the Planning Department notifies the Director of compliance. A Project Sponsor's failure to comply with the requirements of Planning Code Section 415 et seq. shall constitute cause for the City to record a lien against the development Project and to pursue any and all available remedies at law.
- h. If the Project becomes ineligible at any time for the On-site Affordable Housing Alternative, the Project Sponsor or its successor shall pay the Affordable Housing Fee prior to issuance of the first construction permit or may seek a fee deferral as permitted under Ordinances 0107-10 and 0108-10. If the Project becomes ineligible after issuance of its first construction permit, the Project Sponsor shall notify the Department and MOHCD and pay interest on the Affordable Housing Fee and penalties, if applicable.

SIGNAGE

- 21. **Signage.** Any signs on the property shall be made to comply with the requirements of Article 6 of the Planning Code.

PARKING AND TRAFFIC

- 22. **Parking for Affordable Units.** All off-street parking spaces shall be made available to Project residents only as a separate "add-on" option for purchase or rent and shall not be bundled with any Project dwelling unit for the life of the dwelling units. The required parking spaces may be made available to residents within a quarter mile of the project. All affordable dwelling units pursuant to Planning Code Section 415 shall have equal access to use of the parking as the market rate units, with parking spaces priced commensurate with the affordability of the dwelling unit. Each unit within the Project shall have the first right of refusal to rent or purchase a parking space until the number of residential parking spaces are no longer available. No conditions may be placed on the purchase or rental of dwelling units, nor may homeowner's rules be established, which prevent or preclude the separation of parking spaces from dwelling units.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org.

- 23. **Bicycle Parking.** Pursuant to Planning Code Section 155.1, the Zoning Administrator has determined that the Project shall provide no fewer than one hundred (100) Class 1 and nine (9) Class 2 bicycle parking spaces.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

- 24. **Car Share.** Pursuant to Planning Code Section 166, no less than one car share space shall be made available, at no cost, to a certified car share organization for the purposes of providing car share services for its service subscribers. Car share facilities must be designed to meet the requirements of the Department.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org.

25. **Managing Traffic During Construction.** The Project Sponsor and construction contractor(s) shall coordinate with the Traffic Engineering and Transit Divisions of the San Francisco Municipal Transportation Agency (SFMTA), the Police Department, the Fire Department, the Planning Department, and other construction contractor(s) for any concurrent nearby Projects to manage traffic congestion and pedestrian circulation effects during construction of the Project. For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org.

PROVISIONS

26. **First Source Hiring.** The Project shall adhere –at a minimum – to the requirements of the First Source Hiring Construction and End-Use Employment Program approved by the First Source Hiring Administrator, pursuant to Section 83.4(m) of the Administrative Code. The Project Sponsor shall comply with the requirements of this Program regarding construction work and on-going employment required for the Project. For information about compliance, contact the First Source Hiring Manager at 415-581-2335, www.onestopSF.org.

27. **Transit Impact Development Fee.** Pursuant to Planning Code Section 411, the Project Sponsor shall pay the Transit Impact Development Fee (TIDF) as required by and based on drawings submitted with the Building Permit Application. Prior to the issuance of a temporary certificate of occupancy, the Project Sponsor shall provide the Planning Director with certification that the fee has been paid.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

MONITORING

28. **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 415-575-6863, www.sf-planning.org

29. **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 415-575-6863, www.sf-planning.org

OPERATION

30. **Sidewalk Maintenance.** The Project Sponsor shall maintain the main entrance to the building and 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, 415-695-2017, <http://sfdpw.org>.

31. **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 with written notice of the name, business address, and telephone number of the community liaison. Should the contact information change, the Zoning Administrator 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 415-575-6863, www.sf-planning.org