

File No. 181100

Committee Item No. _____

Board Item No. 42

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: _____

Date: _____

Board of Supervisors Meeting

Date: December 11, 2018

Cmte Board

- Motion
- Resolution
- Ordinance
- Legislative Digest
- Budget and Legislative Analyst Report
- Youth Commission Report
- Introduction Form
- Department/Agency Cover Letter and/or Report
- MOU
- Grant Information Form
- Grant Budget
- Subcontract Budget
- Contract/Agreement
- Form 126 – Ethics Commission
- Award Letter
- Application
- Public Correspondence

OTHER

- Appeal Letter - 10/31/18
- Planning Department Appeal Response - 12/03/18
- Supplemental Appeal Letter - 12/05/18
- Hearing Notice - 11/30/18
- Clerical Documents
- _____
- _____
- _____
- _____

Prepared by: Lisa Lew

Date: December 7, 2018

Prepared by: _____

Date: _____

Coblentz
Patch Duffy
& Bass LLP

One Montgomery Street, Suite 3000
San Francisco, CA 94104-5500
T 415 391 4800
coblentzlaw.com

CoB
Leg Clerks
Deputies

Daniel Barsky
D (415) 772-5770
dbarsky@coblentzlaw.com

October 31, 2018

VIA MESSENGER & EMAIL

Board of Supervisors
City and County of San Francisco
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102

Re: University of San Francisco Request for Waiver or Reduction of Childcare Impact Fee

Dear Board of Supervisors:

Our office represents the University of San Francisco ("USF"). We file this appeal on behalf of USF in objection to the application of the City and County of San Francisco ("City") Planning Code Section 414A Residential Childcare Fee (the "Fee") to the recently approved USF Student Residence Hall project (Site Permit Nos. 201611303815 and 20161 1303820), which will be located on the USF Lone Mountain Campus (the "Project"). City Planning Code Section 406(a) provides that this appeal may be filed with the Board of Supervisors "for a reduction, adjustment or waiver of the requirement based upon the absence of any reasonable relationship or nexus between the impact of the development and . . . the amount of the fee charged."

There is No Reasonable Relationship or Nexus Between the Purpose of the Fee and the Project

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2018 OCT 31 PM 4:41
BY *[Signature]*

October 31, 2018
Page 2

Pursuant to the California Mitigation Fee Act¹ and related case law, the City must identify a reasonable relationship or nexus between the Fee and the Project, and between the amount of the Fee and the cost of the public facility attributable to the Project.² Here, the City's stated purpose for imposing the Fee is to address the need for childcare facilities for infants and toddlers (ages 0-5) by constructing capital improvements to childcare facilities.³ According to the nexus study prepared for the Fee, residential development attracts new residents and workers who have young children and thus generates the need for childcare facilities.⁴

That will not be the case for the Project. The Project will provide short-term on-campus housing for USF undergraduate students between the ages of 18 and 22 years, rather than students with families. To be sure, pursuant to USF policy, children are not permitted to live in on-campus residential facilities unless they live with benefits-eligible faculty members, which, for the Project, could only theoretically include the five on-site Resident Ministers and Resident Directors.

The Fee Calculation is Incorrect

The Fee is intended to be calculated based on future childcare demand estimates, and, as applied to the Project, incorrectly assumes that the standard per-square-foot calculation of demand associated with the average residential development in the City accurately estimates the demand generated by the Project. It clearly does not. If the Fee is applied at all to the

¹ California Government Code section 66000 *et. seq.*

² *Ehrlich v. City of Culver City*, 12 Cal. 4th 854, 865-66 (2001).

³ San Francisco Citywide Nexus Analysis, March 2014, AECOM, pp. 19-20.

⁴ *Id.*

October 31, 2018
Page 3

Project, we urge that it must only be applied to the five total dwelling units for Resident Ministers, Assistant Resident Directors, and Resident Directors (a total of about 2,500 square feet), rather than the entire Project square footage.

USF's existing childcare subsidy should also be taken into account, which is provided to all eligible full-time faculty and staff on a per child basis across all income levels, up to 36% above the Area Median Income ("AMI") for a four-person household in the City.⁵ It is estimated that USF will provide a total of approximately \$269,000 in City childcare subsidies by the end of 2018, and USF is committed to continuing to provide this annual subsidy in the future.

Conclusion

There is no reasonable relationship or nexus between the Fee and the Project's in-existent demand for childcare facilities. USF respectfully requests a Fee waiver, as authorized under City Planning Code Section 406(a)(1). If the Fee is applied to the Project, we urge that it must only be applied to the square footage to be occupied by Resident Ministers, Assistant Resident Directors, and Resident Directors (about 2,500 square feet). Even then, USF would be required to contribute more than that required to address USF's impact because as explained above, USF already contributes a substantial amount to childcare subsidies for eligible faculty and staff living in the City on an annual basis.

⁵ AMI is calculated by MOHCD.

Coblentz
Patch Duffy
& Bass LLP

October 31, 2018
Page 4

Regards,

A handwritten signature in black ink, appearing to read 'D. Barsky', with a horizontal line extending to the right from the end of the signature.

Daniel Barsky
For COBLENTZ PATCH DUFFY & BASS LLP



DEVELOPMENT IMPACT FEE REPORT
PRELIMINARY
AS OF 10/12/2018

PERMIT APPLICATION: 201611303815

DATE REVIEW OF ESTIMATE COMPLETED BY DEVELOPMENT FEE COLLECTION UNIT: 10/12/2018

PROJECT DESCRIPTION: (EAST BUILDING) TO ERECT 4 STORIES WITH 1 BASEMENT, TYPE VA BUILDING, 84 UNITS STUDENT RESIDENCE HALL WITH AMENITY OFFICE. (R-2,B,A-3,S-2)

PROJECT SPONSOR: UNIVERSITY OF S F, 2130 FULTON STREET, SAN FRANCISCO, CA 94117 (415) 422-6464

IS SITE PERMIT: Y

FIRST PAYMENT OF IMPACT FEES DUE AT 1ST CONSTRUCTION DOCUMENT ISSUANCE

JOB ADDRESS: BLOCK 1107 LOT 008 2500 TURK BL

Controlling Entity	Applicable (Yes/No)	Impact Fee	Compliance Options (example = payment, in lieu, development)	Criteria Used in Calculation (example = # square fee X \$)	Estimated Amount	Reviewers Name	Reviewer's Phone Number
Planning Department and Department of Children Youth and Their Families	YES	Child Care Fee (Planning Code Section 414)	Payment	\$2.03 per gsf x 234,450 gsf	\$475,933.50	MARY WOODS	(415) 558-6315
Planning Department	YES	Street Trees, in lieu fee (Planning Code Section 428)	Payment	in-lieu fee for 11 trees @ \$2,031/tree	\$22,341.00	MARY WOODS	(415) 558-6315
Metropolitan Transportation Agency		Transit Impact Development Fee (TIDF) (Planning Code Section 411)		Fee waiver granted under Charitable Exemption per Planning Code Section 411.8.		MARY WOODS	(415) 558-6315
Unified School District *	YES	School Impact Fee (State Ed. Code Section 17620)	Payment		\$464,800.42	SFUSD REAL ESTATE & ASSET MGMT OFFICE	(415) 241-6090
Public Utilities Commission *	YES	Wastewater Capacity Charge (PUC Resolution No. 07-0100)	Payment	Contact SFPUC	\$114,580.00	TOM BILL or MONICA SZU-WHITNEY	(415) 575-6941
Public Utilities Commission *	YES	Water Capacity Charge (PUC Resolution No. 07-0099)	Payment	Contact SFPUC	\$33,673.00	TOM BILL or MONICA SZU-WHITNEY	(415) 575-6941
Planning Department		Transportation Sustainability Fee - General (Planning Code Section 411)		Fee waiver granted under Charitable Exemption per Planning Code Section 411.8.	\$0.00	MARY WOODS	(415) 558-6315

148253

Fees collected at site permit issuance.

Note: Per San Francisco Admin Code Section 83.4, a First Source Hiring Agreement (FSHA) is required on a permit for 25,000 square feet of commercial space or ten (10) or more new residential units. The proposed development is to (east building) to erect 4 stories with 1 basement, type va building, 84 units student residence hall with amenity office. (r-2,b,a-3,s-2) and is subject to First Source Hiring Agreement (FSHA). Notify the CityBuild at www.oewd.org/CityBuild for questions.



Department of Building Inspection
 Development Fee Collection Unit
 City and County of San Francisco
 1660 Mission Street, San Francisco, CA 94103-2414



DEVELOPMENT IMPACT FEE REPORT
PRELIMINARY
AS OF 10/12/2018

PERMIT APPLICATION: 201611303815
 JOB ADDRESS: 2500 TURK BL

TOTAL Development Impact Fees: \$498,274.50

Protest of Fee or Exaction: You may protest any fee or exaction subject to Government Code Section 66000 imposed as a condition of approval in accordance with 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 a 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, this Development Impact Fee Report issued under Section 107A.13.7 of the San Francisco Building Code and Planning Code Section serves as NOTICE of the imposition of fees or exactions and 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 report does not re-commence the 90-day approval period.

The City's Development Impact Fees will be adjusted annually in accordance with San Francisco Planning Code Article 4, Section 409(b) based on the Annual Infrastructure Construction Cost Inflation Estimate (AICIE) published by Office of the City Administrator's Capital Planning Group and approved by the Capital Planning Committee. The new fee schedule will be posted December 1st each year and effective on January 1st. To obtain a list of the fees and their adjusted rates, go to the Planning website (www.sfplanning.org). Fees associated with other departments also may be adjusted annually on this same schedule, effective July 1 of each year, or adjusted at other times in accordance with applicable legislation. The adjusted fee rates apply to development impact fees paid on or after the effective date of any such fee adjustments, regardless of the date of permit filing or issuance of the preliminary fee assessment rate as shown on DBI's Citywide Development Fee Register for the particular project.



DEVELOPMENT IMPACT FEE REPORT
PRELIMINARY
AS OF 10/12/2018

PERMIT APPLICATION: 201611303820

DATE REVIEW OF ESTIMATE COMPLETED BY DEVELOPMENT FEE COLLECTION UNIT: 10/12/2018

PROJECT DESCRIPTION: (WEST BUILDING) TO ERECT 5 STORIES, NO BASEMENT WITH 1 LEVEL TYPE I-A OVER 4 LEVELS TYPE 5-A, 71 UNITS STUDENT RESIDENCE HALL WITH AMENITY OFFICE. (R-2,B,A-3,S-2)

PROJECT SPONSOR: UNIVERSITY OF S F, 2130 FULTON STREET, SAN FRANCISCO, CA 94117 (415) 422-6464

TYPE PERMIT: Y

FIRST PAYMENT OF IMPACT FEES DUE AT 1ST CONSTRUCTION DOCUMENT ISSUANCE

JOB ADDRESS: BLOCK 1107 LOT 008 2500 TURK BL

Controlling Entity	Applicable (Yes/No)	Impact Fee	Compliance Options (example = payment, in lieu, development)	Criteria Used in Calculation (example = # square feet X \$)	Estimated Amount	Reviewers Name	Reviewer's Phone Number
Planning Department and Department of Children Youth and Their Families		Child Care Fee (Planning Code Section 414)	414 A (2015, 2016)	see BPA 201611303815 for fee payment of \$475,933.50.	\$0.00	MARY WOODS	(415) 558-6315
Planning Department		Street Trees, in lieu fee (Planning Code Section 428)	406 (-) 1	see BPA 201611303815 for fee payment of \$22,341 for 11 trees.	\$0.00	MARY WOODS	(415) 558-6315
Metropolitan Transportation Agency		Transit Impact Development Fee (TIDF) (Planning Code Section 411)		Fee waiver granted under Charitable Exemption per Planning Code Section 411.8.		MARY WOODS	(415) 558-6315
Unified School District *	YES	School Impact Fee (State Ed. Code Section 17620)	Payment		\$412,183.52	SFUSD REAL ESTATE & ASSET MGMT OFFICE	(415) 241-6090
Planning Department		Transportation Sustainability Fee - General (Planning Code Section 411)		Fee waiver granted under Charitable Exemption per Planning Code Section 411.8.	\$0.00	MARY WOODS	(415) 558-6315

Fee collected at site permit issuance.

Note: Per San Francisco Admin Code Section 83.4, a First Source Hiring Agreement (FSHA) is required on a permit for 25,000 square feet of commercial space or ten (10) or more new residential units. The proposed development is to (west building) to erect 5 stories, no basement with 1 level type i-a over 4 levels type 5-a, 71 units student residence hall with amenity office. (r-2,b,a-3,s-2) and is subject to First Source Hiring Agreement (FSHA). Notify the CityBuild at www.oewd.org/CityBuild for questions.



DEVELOPMENT IMPACT FEE REPORT
 PRELIMINARY
 AS OF 10/12/2018

PERMIT APPLICATION: 201611303820
 JOB ADDRESS: 2500 TURK BL

TOTAL Development Impact Fees: \$0.00

Protest of Fee or Exaction: You may protest any fee or exaction subject to Government Code Section 66000 imposed as a condition of approval in accordance with 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, this Development Impact Fee Report issued under Section 107A.13.7 of the San Francisco Building Code and Planning Code Section serves as NOTICE of the imposition of fees or exactions and 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 report does not re-commence the 90-day approval period.

The City's Development Impact Fees will be adjusted annually in accordance with San Francisco Planning Code Article 4, Section 409(b) based on the Annual Infrastructure Construction Cost Inflation Estimate (AICCIE) published by Office of the City Administrator's Capital Planning Group and approved by the Capital Planning Committee. The new fee schedule will be posted December 1st each year and effective on January 1st. To obtain a list of the fees and their adjusted rates, go to the Planning website (www.sfplanning.org). Fees associated with other departments also may be adjusted annually on this same schedule, effective July 1 of each year, or adjusted at other times in accordance with applicable legislation. The adjusted fee rates apply to development impact fees paid on or after the effective date of any such fee adjustments, regardless of the date of permit filing or issuance of the preliminary fee assessment rate as shown on DBI's Citywide Development Fee Register for the particular project.

Permit Details Report

Report Date: 11/1/2018 10:40:35 AM

Application Number: 201611303815

Form Number: 2

Address(es): 1107 / 008 / 0 2500 TURK BL
1107 / 008 / 0 2698 TURK BL

Description: (EAST BUILDING) TO ERECT 4 STORIES WITH 1 BASEMENT, TYPE VA BUILDING, 84 UNITS STUDENT RESIDENCE HALL WITH AMENITY OFFICE. (R-2,B,A-3,S-2)

Cost: \$50,000,000.00

Occupancy Code: R-2,B,A-3,S-2

Building Use: 24 - APARTMENTS

Disposition / Stage:

Action Date	Stage	Comments
11/30/2016	TRIAGE	
11/30/2016	FILING	
11/30/2016	FILED	
10/3/2018	PLANCHECK	
10/9/2018	APPROVED	
10/16/2018	ISSUED	

Contact Details:

Contractor Details:

License Number: 399163
 Name: DEVCON CONSTRUCTION
 Company Name: DEVCON CONSTRUCTION
 Address: 690 GIBRALTAR DR * MILPITAS CA 95035
 Phone: 4158822170

Addenda Details:

Description: SITE.

Step	Station	Arrive	Start	In Hold	Out Hold	Finish	Checked By	Hold Description
1	CPB	12/1/16	12/1/16			12/1/16	CHAN AMARIS	42 PAGES. PLANS SHARE WITH PA# 2016/11/30/3815-S & PA# 2016/11/30/3520 S.
2	CP-ZOC	12/1/16	12/22/16	12/22/16	1/16/18	1/16/18	WOODS MARY	to be routed back to Planning.
3	BLDG	1/17/18	1/22/18			1/22/18	KWOK STEPHEN	01/22/2018: Reassigned to Stephen Kwok
3	BLDG	1/17/18	2/14/18	3/16/18	8/27/18	8/27/18	KWOK STEPHEN	
4	SFFD	1/19/18	1/19/18	1/19/18	8/23/18	8/23/18	DEBELLA AL	OT REQUEST. AE ccomments emailed to Bruce Baumann, VARIUUS MEETING AND EMAILS TO AGREE ON CORRECTIONS.- PLANS back on building plan checkers desk 08/22/2018- SFFD APPROVED PLANS AKDB
6	DPW-BSM	3/19/18	3/20/18			3/21/18	CHOY CLINTON	Approved SITE permit only. 3/21/18: No alteration or reconstruction of City Right-of-Way under this permit. New construction is setback far from property line. Street space can be filed by contractor for staging. -CC
7	SFPUC	3/22/18	3/29/18	3/29/18	4/4/18	4/4/18	TOM BILL	RELEASED HOLD - 4/4/18 ON HOLD until PDFs of the requested drawings are received Send front cover, site plan, existing/proposed floor plans to Bill Tom, btom@swater.org Reviewed & assessed for capacity charges. DI will collect charges. See invoice and meter upgrade letter attached to application. Route submittal to PPC 3/29/18.
8	CP-ZOC	8/27/18	8/30/18	8/30/18	9/24/18	9/24/18	WOODS MARY	8/28/18 routed plans to planner MW (WS'
9	DFCU	9/25/18	9/25/18			9/25/18	BLACKSHEAR JOHN	9/25/18: Planning has entered a Street Trelieu fee on this project. It will be collected at the issuance of addenda #1 by the CPB. 7/19/18: The First Source Hiring MOU has been executed. The DFCU will prepare impact fees for collection if/when entered by Planning.

10	DPW-BSM	9/25/18	9/28/18		9/28/18	GONZAGA JANALEE	09/28/18 Approved SITE permit only. No alteration or reconstruction of City Right-of-Way under this permit. New construction is setback far from property line. Street space can be filed by contractor for staging. -JG
11	SFPUC	10/1/18	10/2/18		10/2/18	TOM BILL	Restamped. Route to PPC 10/2/18
12	PPC	10/2/18	10/2/18		10/2/18	CHAN EDDIE MAN WAI	10/2/18: to CPB (w/ 3820); EC. 10/1/18: to PUC to review and restamp the revised sets; EC. 9/25/18: to BSM to review and restamp the revised sets (then to PUC w/ 3820); EC. 8/27/18: To DCP (w/3820); HP 3/29/18: to HOLD bin #15 w/ -3820; dc 3/22/18: To SFPUC (w/ 3820); HP 3/19/18: to BSM w/ -3820; dc 1/17/18: to BLDG w/ -3820; dc 1/9/18: R1 to DCP w/201611303820; cp 201611303820, 201611303815 traveled together.
13	CPB	10/2/18	10/9/18		10/16/18	GUTIERREZ NANCY	10/16/2018: ISSUED BY NG SFUSD REQ; PLANS SHARE WITH PA# 2016/11/30/381 & PA# 2016/11/30/3820. 79 PAGES. APPRC BY AMARIS. 10/3/18: pending approval, waiting for school fee calc. gs 06/23/17: PREMIUM PLAN CHECK PAID. ST

This permit has been issued. For information pertaining to this permit, please call 415-558-6096.

Appointments:

Appointment Date	Appointment AM/PM	Appointment Code	Appointment Type	Description	Time Slots
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Inspections:

Activity Date	Inspector	Inspection Description	Inspection Status
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Special Inspections:

Addenda No.	Completed Date	Inspected By	Inspection Code	Description	Remarks
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For information, or to schedule an inspection, call 558-6570 between 8:30 am and 3:00 pm.

[Station Code Descriptions and Phone Numbers](#)

[Online Permit and Complaint Tracking home page.](#)

Technical Support for Online Services

If you need help or have a question about this service, please visit our FAQ area.

Permit Details Report

Report Date: 11/1/2018 10:44:10 AM

Application Number: 201611303820

Form Number: 2

Address(es): 1107 /008 /0 2500 TURK BL
1107 /008 /0 2698 TURK BL

Description: (WEST BUILDING) TO ERECT 5 STORIES, NO BASEMENT WITH 1 LEVEL TYPE I-A OVER 4 LEVELS TYPE 5-A, 71 UNITS STUDENT RESIDENCE HALL WITH AMENITY OFFICE. (R 2,B,A-3,S-2)

Cost: \$45,000,000.00

Occupancy Code: R-2,B,A-3,S-2

Building Use: 24 - APARTMENTS

Disposition / Stage:

Action Date	Stage	Comments
11/30/2016	TRIAGE	
11/30/2016	FILING	
11/30/2016	FILED	
10/3/2018	PLANCHECK	
10/9/2018	APPROVED	
10/16/2018	ISSUED	

Contact Details:

Contractor Details:

License Number: OWN

Name: OWNER OWNER

Company Name: OWNER

Address: OWNER * OWNER CA 00000-0000

Phone:

Addenda Details:

Description: SITE

Step	Station	Arrive	Start	In Hold	Out Hold	Finish	Checked By	Hold Description
1	CPB	12/1/16	12/1/16			12/1/16	CHAN AMARIS	42 PAGES. PLANS SHARE WITH PA# 2016/11/30/3815-S & PA# 2016/11/30/352C S.
2	CP-ZOC	12/1/16	12/22/16	12/22/16	1/16/18	1/16/18	WOODS MARY	to be routed back to Planning.
3	BLDG	1/17/18	1/22/18			1/22/18	KWOK STEPHEN	01/22/2018: Reassigned to Stephen Kwok
3	BLDG	1/17/18	2/14/18	3/16/18	8/27/18	8/27/18	KWOK STEPHEN	
4	SFFD	1/19/18	1/19/18	1/19/18		8/23/18	DEBELLA AL.	OT REQUEST. AE- Cooments emailed to Bruce Baumann-PLANS IN 5TH FLOOR CUBICLE
6	DPW-BSM	3/19/18	3/20/18			3/21/18	CHOY CLINTON	Approved SITE permit only. 3/21/18: No alteration or reconstruction of City Right-of-Way under this permit. New construction is setback far from property line. Street space can be filed by contractor for staging. -CC
7	SFPUC	3/22/18	3/29/18			3/29/18	TOM BILL	Not Applicable - For capacity charges, refer East Building, permit 201611303815. Route to PPC 3/29/18.
8	CP-ZOC	8/27/18	8/30/18	8/30/18	9/24/18	9/24/18	WOODS MARY	8/28/18 routed plans to planner MW (WS)
9	DFCU	9/25/18	9/25/18			9/25/18	BLACKSHEAR JOHN	9/25/18: Planning did not enter impact fees on this project. It was entered on PA: 201611303815. 7/19/18: The First source hiring MOU has been executed. The DFCU will prepare impact fees for collection if/when entered by Planning.
10	DPW-BSM	9/25/18	9/28/18			9/28/18	GONZAGA JANALEE	09/28/18 Approved SITE permit only. No alteration or reconstruction of City Right-of-Way under this permit. New construction is setback far from property line. Street space can be filed by contractor for staging. -JG
11	SFPUC	10/2/18	10/2/18			10/2/18	TOM BILL	Restamped. Route to PPC 10/2/18.
								10/2/18: to CPB (w. 3815); EC. 9/25/18: to BSM to review and restamp the revised sets.

12	PPC	10/2/18	10/2/18		10/2/18	CHAN EDDIE MAN WAI	PERM TO REVIEW and Restamp the REVISED SCS (then to PUC w/ 3815); EC. 8/27/18: To DCP (w/3815); HP 3/29/18: to HOLD bin #15 w/ -3815; dc 3/22/18: To SFPUC (w/ 3815); HP 3/19/18: to BSM w/ -3815; dc 1/17/18: to BLDG w/ -3815; dc 1/9/18: R1 to Planning;c
13	CPB	10/2/18	10/9/18		10/16/18	GUTIERREZ NANCY	SFUSD REQ; PLANS SHARE WITH PA# 2016/11/30/3815 & PA# 2016/11/30/3820. PAGES. APPROV BY AMARIS. 10/3/18: pending approval, waiting for school fee calc gs 06/23/17: PREMIUM PLAN CHECK PAI ST

This permit has been issued. For information pertaining to this permit, please call 415-558-6096.

Appointments:

Appointment Date	Appointment AM/PM	Appointment Code	Appointment Type	Description	Time Slots
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Inspections:

Activity Date	Inspector	Inspection Description	Inspection Status
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Special Inspections:

Addenda No.	Completed Date	Inspected By	Inspection Code	Description	Remarks
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For information, or to schedule an inspection, call 558-6570 between 8:30 am and 3:00 pm.

Station Code Descriptions and Phone Numbers

Online Permit and Complaint Tracking home page.

Technical Support for Online Services

If you need help or have a question about this service, please visit our FAQ area.

Lew, Lisa (BOS)

From: BOS Legislation, (BOS)
Sent: Monday, December 3, 2018 12:37 PM
To: Barsky, Daniel
Cc: GIVNER, JON (CAT); STACY, KATE (CAT); JENSEN, KRISTEN (CAT); Rahaim, John (CPC); Su, Maria (CHF); Sanchez, Scott (CPC); Gibson, Lisa (CPC); Jain, Devyani (CPC); Navarrete, Joy (CPC); Lynch, Laura (CPC); Sider, Dan (CPC); Rodgers, AnMarie (CPC); Starr, Aaron (CPC); Woods, Mary (CPC); Calvillo, Angela (BOS); Somera, Alisa (BOS); BOS-Supervisors; BOS-Legislative Aides; BOS Legislation, (BOS)
Subject: APPEAL RESPONSE: Appeal of Adjustment, Reduction, or Waiver of Development Project Requirements - Residential Childcare Fee - University of San Francisco - Student Residence Hall Project, Lone Mountain Campus - Appeal Hearing on December 11, 2018
Categories: 181100

Good afternoon

Please find linked below an appeal response received by the Office of the Clerk of the Board from the Planning Department, regarding the appeal of the application of Residential Childcare Fee, per Planning Code, Section 414A, for the proposed Student Residence Hall Project at the Lone Mountain Campus of the University of San Francisco.

[Planning Department Appeal Response - December 3, 2018](#)

The hearing for this matter is scheduled for a 3:00 p.m. special order before the Board on December 11, 2018.

I invite you to review the entire matter on our [Legislative Research Center](#) by following the link below:

[Board of Supervisors File No. 181100](#)

Regards,

Brent Jalipa

Legislative Clerk

Board of Supervisors - Clerk's Office

1 Dr. Carlton B. Goodlett Place, Room 244

San Francisco, CA 94102

(415) 554-7712 | Fax: (415) 554-5163

brent.jalipa@sfgov.org | www.sfbos.org



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SAN FRANCISCO PLANNING DEPARTMENT

Memorandum to the Board of Supervisors

HEARING DATE: DECEMBER 11, 2018

Subject: Request for Waiver from Child Care Impact Fee
Planning Case No.: 2015-000058APL
BOS File No.: 181100
Project Address: University of San Francisco Lone Mountain Campus
2500 Turk Boulevard
Existing Zoning: RH-2 (Residential, House, Two-Family) Zoning District
40-X Height and Bulk District
Block/Lot: 1107/008
Project Sponsor: Daniel Barsky of Coblentz Patch Duffy & Bass on behalf of the
University of San Francisco
Staff Contact: Mathew Snyder – (415) 575-6891
mathew.snyder@sfgov.org
Recommendation: Deny the Request for Fee Waiver

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The Board of Supervisors ("Board") received a request from the University of San Francisco ("USF") that it be relieved from paying the Child Care Impact Fee required under Planning Code Section 414A for a recently approved housing project. The Planning Department and Department of Children, Youth and Their Families are jointly submitting this brief in response.

BACKGROUND

The Planning Commission ("Commission") approved the construction of two student housing buildings that would include 155 dwelling units (606 beds) for a total of 208,000 gross square feet. The Commission approved these two new buildings as a part of a Planned Unit Development in Commission Motion 20138 on March 15, 2018 (Case No. 2015-000058CUA).

As required by Planning Code Section 414A.3(a)(c)(1)(C), the Commission approval was conditioned on the Project Sponsor paying the Child Care Impact Fee for the addition of new dwelling units. It should be noted that while Student Housing has its own definition within the Planning Code, it is described as being either in the form of dwelling units or group housing, both of which are subject to the Child Care Impact Fee. While the Planning Code provides a list of types of projects that are explicitly exempt from the fee, student housing is not one of them. Several other student housing projects have recently paid the fee including California College of Arts at 75 Arkansas and 188 Hooper; San Francisco Conservatory of Music at 200 Van Ness Avenue; and the San Francisco Arts Institute and Golden Gate University at 333 12th Street.

The Sponsor submitted two site permit applications for the new student housing on November 16, 2016 and was assessed a total of \$475,933 for the Child Care Fee upon issuance on October 16, 2018.

On October 31, 2018, Daniel Barsky of Coblenz Patch Duffy & Bass LLP submitted a letter to the Board requesting that the Child Care fee be waived under Planning Code Section 406(a), which provides that a request for a waiver may be filed "for a reduction, adjustment or waiver of the requirement based upon the absence of any reasonable relationship or nexus between the impact of the development and...the amount of the fee charged." The Project Sponsor contends that there is no reasonable nexus between the student housing project and the need to provide child care, since the student housing is meant for "undergraduate students between the ages of 18 and 22 years, rather than students with families and that USF policy is to not allow children to live on-campus residential facilities unless they live with the benefits-eligible faculty members..."

PLANNING DEPARTMENT RESPONSE

The Planning Department ("Department") recommends that the Board reject the request for a waiver for two reasons. First, there is a reasonable nexus between student housing and the child care fee requirement, even where children might not actually reside in a unit. Second, there is no assurance that USF's current policy prohibiting children living in these buildings will remain in effect.

1. **Nexus Study.** The Department conducts analyses for the City's development impact fees, including for child care, on a regular basis, as required by the California Mitigation Fee Act. The most recent nexus analysis for the child care fee was completed March 2014 under both the San Francisco Infrastructure Level of Service Analysis and San Francisco Citywide Nexus Analysis.

The studies conclude that "as new development occurs, it attracts residents and employees, some of whom have children who require non-parent child care. This relationship between new development, an influx of residents and workers, and a demand for child care facilities provides a nexus for an impact fee.

(Page 15, Citywide Nexus Analysis, March, 2014)

In studying the relationship between growth and the increased demand for child care, the Nexus Study (1) analyzed the demand for child care caused by new development through the year 2020, (2) analyzed and apportioned that demand between residential and commercial uses, and (3) for the portion of the increase in demand created by residential growth, divided the cost of delivering the needed child care among all expected residential development, without excluding student housing, to the year 2020.

The Nexus Study does not differentiate among housing types and assign different child care needs and related nexuses based on those types. Rather, the Nexus Study simply relates the increased demand for child care to expected residential growth and its related development. The Board considered the Nexus Study when it adopted the child care and other development impact fees. The Board specifically adopted the findings and conclusions of the Nexus Study and two related studies, including the sections of those studies establishing levels of service for and a nexus between new development and child care. As required by California Government Code Section 66001, the Board found that, for each infrastructure category analyzed, the Nexus Study and related studies: identified the purpose of the fee; identified the use or uses to which the fees are to be put; determined how there is a reasonable relationship between the fee's use and the type of development project on which the fee is imposed; determined how there is a reasonable relationship between the need for the public facility and the type of development project on which the fee

is imposed; and determined how there is a reasonable relationship between the amount of the fee and the cost of the public facility or portion of the facility attributable to the development. (Planning Code Section 401A(b).)

The Board made findings about the Child Care Impact Fee specifically, finding that the fee will support the provision of child care facility needs resulting from an increase in San Francisco's residential and employment population. The child care impact fee would be used to fund capital projects related to infant, toddler, and preschool-age child care. Funds will pay for the expansion of child care slots for infant, toddler, and preschool children. The Board found a reasonable relationship between the fee and the new development, because new residential and commercial development in San Francisco will increase the demand for infant, toddler and preschool-age child care. Fee revenue will be used to fund the capital investment needed for these child care facilities. Residential developments will result in an increase in the residential population, which results in growth in the number of children requiring child care. Improvements considered in this study are estimated to be necessary to maintain the City's provision of child care at its effective service standard. (*See* Planning Code Section 401A(b)(2).)

The Board did not require a new child care spot be available for every child in every residential development. Rather, the new facilities and costs allocated to new development were based on the existing service ratio of the total number of infants, toddler, and preschoolers needing care in San Francisco to the number of spaces available to serve them. The scale of the capital facilities and associated costs are directly proportional to the expected levels of new development and the corresponding increase in child care demands. (*See* Planning Code Section 401A(b)(2).)

The Nexus Study identified the maximum child care fee that could be assessed on all residential development; it did not assume that children would be present in every single residential unit and adjusted its assumptions accordingly. The child care fee also was not calculated to pay for 100% of demand for child care accommodations in the City. The Nexus Study calculated the fee based on a capacity for 37% of infant and toddler child care demand and capacity for 99.6% of preschooler child care demand. Subsequent to this Nexus Study update, the Board set the child care fee at approximately 90% of the maximum fee established in the Study, and did not distinguish among types of housing required to pay the fee; rather, the Board assessed the fee on a gross square footage basis for all new residential uses – Section 414A.3(a) requires each net new unit of a group housing facility or net new residential unit pay the fee. At the time the residential Child Care fee was established, the fee was set at \$0.91 per gross square foot for one to nine units, and at \$1.83 per gross square foot for ten units or more. As with all San Francisco development impact fees, Planning Code Section 409(b) provides that the fee can be adjusted annually to address inflation. This kind of legislative action to enact a generally applicable fee, to be calculated according to a legislatively set formula, must bear a reasonable relationship between the fee and the deleterious impacts it attempts to mitigate. This legislatively enacted, generally applicable, child care fee meets that standard.

2. **Prohibition on Children in the Dwelling Units.** While the Project Sponsor states that, according to its internal policy, children are not allowed to live in the facilities, except for those units intended for faculty, the City has never conditioned payment of the child care fee on whether children were actually present in the particular residential units being charged the fee. Furthermore, there is no assurance here that the

school's policy would not change, or that occupancy of the units would not change, so that children would be allowed to live in the units.

CONCLUSION

The Department recommends that the Board reject the request for a waiver. The fee specifically applies to housing units, has never been contingent on whether children are present in each unit, and has been applied consistently on all residential units through the Planning Code – including similar student housing projects, in reliance on the Nexus Study. If the fee were to be waived, it would create inconsistency with the ongoing application of the fee, particularly in regard to housing types that don't typically house children (*e.g.* group housing, student housing, senior housing, micro units, studios.).

If, however, the Board elects to grant the fee waiver due to USF's restriction against children within the student units, the Department would recommend that the Board specifically condition the waiver on that restriction. Specifically, we would recommend that (1) the Project Sponsor provide ongoing reporting on the occupancy of the student units through the updates to USF's Institutional Master Plan required under Planning Code Section 304.5, (2) should USF's restriction change at any point in the future, full payment of the child care fee in effect at the time be immediately required, (3) the waiver be limited to the student units only and not extend to units for faculty or staff, and (4) that a Notice of Special Restriction ("NSR") be recorded to memorialize the foregoing on the subject property.

Attachments:

Appeal Letter from Daniel Barsky, Coblenz Patch Duffy & Bass LLP on behalf of San Francisco University,
October 31, 2018
Planning Commission Motion No. 20138

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October 31, 2018

VIA MESSENGER & EMAIL

Board of Supervisors
City and County of San Francisco
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102

Re: University of San Francisco Request for Waiver or Reduction of Childcare Impact Fee

Dear Board of Supervisors:

Our office represents the University of San Francisco ("USF"). We file this appeal on behalf of USF in objection to the application of the City and County of San Francisco ("City") Planning Code Section 414A Residential Childcare Fee (the "Fee") to the recently approved USF Student Residence Hall project (Site Permit Nos. 201611303815 and 20161 1303820), which will be located on the USF Lone Mountain Campus (the "Project"). City Planning Code Section 406(a) provides that this appeal may be filed with the Board of Supervisors "for a reduction, adjustment or waiver of the requirement based upon the absence of any reasonable relationship or nexus between the impact of the development and . . . the amount of the fee charged."

There is No Reasonable Relationship or Nexus Between the Purpose of the Fee and the Project

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October 31, 2018
Page 2

Pursuant to the California Mitigation Fee Act¹ and related case law, the City must identify a reasonable relationship or nexus between the Fee and the Project, and between the amount of the Fee and the cost of the public facility attributable to the Project.² Here, the City's stated purpose for imposing the Fee is to address the need for childcare facilities for infants and toddlers (ages 0-5) by constructing capital improvements to childcare facilities.³ According to the nexus study prepared for the Fee, residential development attracts new residents and workers who have young children and thus generates the need for childcare facilities.⁴

That will not be the case for the Project. The Project will provide short-term on-campus housing for USF undergraduate students between the ages of 18 and 22 years, rather than students with families. To be sure, pursuant to USF policy, children are not permitted to live in on-campus residential facilities unless they live with benefits-eligible faculty members, which, for the Project, could only theoretically include the five on-site Resident Ministers and Resident Directors.

The Fee Calculation is Incorrect

The Fee is intended to be calculated based on future childcare demand estimates, and, as applied to the Project, incorrectly assumes that the standard per-square-foot calculation of demand associated with the average residential development in the City accurately estimates the demand generated by the Project. It clearly does not. If the Fee is applied at all to the

¹ California Government Code section 66000 *et. seq.*

² *Ehrlich v. City of Culver City*, 12 Cal. 4th 854, 865-66 (2001).

³ San Francisco Citywide Nexus Analysis, March 2014, AECOM, pp. 19-20.

⁴ *Id.*

October 31, 2018
Page 3

Project, we urge that it must only be applied to the five total dwelling units for Resident Ministers, Assistant Resident Directors, and Resident Directors (a total of about 2,500 square feet), rather than the entire Project square footage.

USF's existing childcare subsidy should also be taken into account, which is provided to all eligible full-time faculty and staff on a per child basis across all income levels, up to 36% above the Area Median Income ("AMI") for a four-person household in the City.⁵ It is estimated that USF will provide a total of approximately \$269,000 in City childcare subsidies by the end of 2018, and USF is committed to continuing to provide this annual subsidy in the future.

Conclusion

There is no reasonable relationship or nexus between the Fee and the Project's in-existent demand for childcare facilities. USF respectfully requests a Fee waiver, as authorized under City Planning Code Section 406(a)(1). If the Fee is applied to the Project, we urge that it must only be applied to the square footage to be occupied by Resident Ministers, Assistant Resident Directors, and Resident Directors (about 2,500 square feet). Even then, USF would be required to contribute more than that required to address USF's impact because as explained above, USF already contributes a substantial amount to childcare subsidies for eligible faculty and staff living in the City on an annual basis.

⁵ AMI is calculated by MOHCD.

Coblentz
Patch Duffy
& Bass LLP

October 31, 2018
Page 4

Regards,

A handwritten signature in black ink, appearing to read 'D. Barsky', with a horizontal line extending to the right from the end of the signature.

Daniel Barsky
For COBLENTZ PATCH DUFFY & BASS LLP



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: Transportation Sustainability Fee

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Planning Commission Motion No. 20138

HEARING DATE: MARCH 15, 2018

Case No.: 2015-000058CUAENVSUBTDM
 Project Address: 2500-2698 TURK STREET AND 222 STANYAN STREET
 Zoning: RH-2 (Residential, House, Two-Family)
 40-X Height and Bulk District
 Area Plan: N/A
 Block/Lots: 1107/008 and 1144/001B
 Project Sponsor: University of San Francisco
 Elizabeth Miles
 2130 Fulton Street
 San Francisco, CA 94117
 Staff Contact: Mary Woods – (415) 558-6315
mary.woods@sfgov.org

ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO PLANNING CODE SECTIONS 134, 155, 209.1, 260, 303 AND 304 TO ALLOW POST-SECONDARY EDUCATIONAL INSTITUTIONAL USES AND A PLANNED UNIT DEVELOPMENT (PUD) FOR THE CONSTRUCTION OF A NEW 606-BED STUDENT RESIDENCE HALL, EXPANSION AND RENOVATION OF THE DINING HALL FACILITIES, RELOCATION AND REPLACEMENT OF THE RECYCLING AND WASTE FACILITY, AND RELOCATION OF THE RESERVE OFFICER'S TRAINING CORPS PROGRAM AT THE UNIVERSITY OF SAN FRANCISCO (USF). THE PROPOSAL INCLUDES PUD MODIFICATIONS TO PLANNING CODE PROVISIONS RELATED TO THE REAR YARD (SECTION 134), OFF-STREET FREIGHT LOADING (SECTION 155), DWELLING UNIT DENSITY (SECTION 209.1), AND A MINOR DEVIATION FROM THE PROVISIONS FOR MEASUREMENT OF LATERAL HEIGHT (SECTION 260). THE PROJECT SITE IS LOCATED IN AN RH-2 (RESIDENTIAL, HOUSE, TWO-FAMILY) ZONING DISTRICT AND AN 40-X HEIGHT AND BULK DISTRICT, AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

PREAMBLE

On October 1, 2015, the University of San Francisco (hereinafter "Project Sponsor") filed an application with the Planning Department (hereinafter "Department") for Conditional Use (CU) Authorization under Planning Code Sections 134, 155, 209.1, 260, 303 and 304 to allow a Planned Unit Development (PUD) for

four Project components, including (i) the construction of a new two- to four-story (up to 40-foot tall), approximately 234,500 gross square-foot student residence hall, containing 155 dwelling units (totaling 606 beds), 156 off-street parking spaces in the below-ground garage; 194 bicycle parking spaces; USF program space (anticipated to be used for two classrooms), and a natural gas powered microturbine cogeneration facility in the below-ground garage; (ii) expansion and renovation of the existing dining hall facilities on the Upper Campus; (iii) relocation and replacement of the recycling and waste facility to a new location on the interior of the Upper Campus, and (iv) relocation of the Reserve Officer's Training Corps (ROTC) program from the existing one-story building at the Underhill site on the Upper Campus to a one- to two-story addition to the Koret Health and Recreation Center. The proposal includes PUD modifications to Planning Code provisions related to the rear yard (Section 134), off-street freight loading (Section 155), dwelling unit density (Section 209.1), and a minor deviation from the provisions for measurement of lateral height (Section 260). The Project would also include a lot subdivision of Lot 008 on Block 1107 for the creation of a single parcel at the Underhill site for the new student residence hall separate from the rest of the Upper Campus. The Project site is located in an RH-2 (Residential, House, Two-Family) Zoning District and an 40-X Height and Bulk District.

On December 6, 2016, the Project Sponsor, filed a subdivision application for Case No. 2015-000058SUB proposing to subdivide the Underhill site separate from the rest of the Upper Campus to create a single parcel for the new student residence hall. The subdivision application is not subject to a Conditional Use Authorization.

On March 6, 2018, the Project Sponsor filed an application (Case No. 2015-000058TDM) with the Department relating to the Transportation Demand Management (TDM) Plan.

On March 15, 2018, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2015-000058CUA.

On January 31, 2018, the Draft Initial Study/Mitigated Negative Declaration (IS/MND) for the Project was prepared and published for public review; and

The Draft IS/MND was available for public comment until February 20, 2018. No appeal of the Draft IS/MND was filed with the Department. The Finalized Mitigated Negative Declaration was published on March 7, 2018; and

On March 15, 2018, 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 IS/MND, and approved the FMND for the Project in compliance with CEQA, the CEQA Guidelines and Chapter 31.

The Planning Department, Jonas P. Ionin, is the custodian of records, located in the File for Case No. 2015-000058ENV, 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.

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.

MOVED, that the Commission hereby authorizes the Conditional Use requested in Application No. 2015-000058CUAENVSUBTDM, 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.
2. **Site Description and Present Use.** The Project site is located at 2500 - 2698 Turk Street and 222 Stanyan Street, Lot 008 in Assessor's Block 1107 and Lot 001B in Assessor's Block 1144, within the University of San Francisco's (USF) Hilltop Campus. The USF Hilltop Campus is in the eastern portion of the Inner Richmond District, three blocks north of the Panhandle. The area is bounded by Masonic, Golden Gate, and Parker Avenues and Turk Street.

The University's primary campus is the 52-acre Hilltop Campus, located one block east of Golden Gate Park and three blocks north of the Panhandle. The USF Hilltop Campus comprises two primary components: (1) an Upper Campus (also known as Lone Mountain) and (2) a Lower Campus. The Upper Campus (Lot 8 in Assessor's Block 1107) is located north of Turk Street and south of Anza Street, between Parker and Masonic Avenues. The Lower Campus is located north of Fulton Street and south of Golden Gate Avenue, between Parker and Masonic Avenues. The Lower Campus also occupies a partial block north of McAllister Street and south of Turk Street, between Stanyan Street and Parker Avenue (Lot 1B in Assessor's Block 1144), at the site of the Koret Health and Recreation Center and Negoesco Field.

The Upper Campus contains steep vegetated slopes on the west, north, and east sides of the property. The site elevations vary from about 324 feet San Francisco Datum at the eastern boundary to 364 feet San Francisco Datum at the northwest corner. The south side of the Upper Campus property, bordered by Turk Street, is characterized by a gentle grassy slope. The Lower Campus is generally flat with elevations at the Koret Health and Recreation Center ranging from

300 to 326 feet. Because the block is slightly lower on the west side than the east side, the east entrance of the Koret Health and Recreation Center leads to the second floor, and the emergency exit doors on the west side lead to the ground-floor level.

The Project site is located within the RH-2 (residential house, two-family) District and the 40-X Height and Bulk District.

3. **Surrounding Properties and Neighborhood.** The Project site is located in the eastern portion of the Inner Richmond District at the USF Hilltop Campus, in a primarily residential area, in close proximity to the Panhandle. Two residential neighborhoods are located near the USF Hilltop Campus: the University Terrace neighborhood that is between the Upper and Lower campuses and the Ewing Terrace neighborhood immediately east, below a hillside of the Upper Campus.

Land uses immediately surrounding the Upper Campus Project site are primarily post-secondary educational institutional buildings owned by USF and single or multi-family residential buildings. The nearest student residences are downhill to the north at Loyola Village on Anza Street, and adjacent to the Lone Mountain Main Building. The east side of the Upper Campus is bordered by Ewing Terrace. A shopping center (City Center) anchored by Target is located at the corner of Geary Boulevard and Masonic Avenue, to the northeast of the Upper Campus.

The Lower Campus is bordered by McAllister Street and Fulton Street to the south, Stanyan Street and Parker Avenue to the west, Turk Street and Golden Gate Avenue to the north, and Masonic Avenue to the east. Land uses surrounding the Lower Campus Project site include one- to three-story single-family residential buildings to the south and west with post-secondary educational institutional buildings owned by USF to the north and east.

4. **Project Description.** The proposal is to demolish (i) the existing one-story, 8-foot tall buildings (four interconnected buildings in the shape of a rectangle), 78 parking spaces in the surface parking lot, and two tennis courts, all at the Underhill site on the Upper Campus. The ROTC program is currently located within the existing one-story, 8-foot tall buildings and the outdoor unenclosed waste facility is nearby. In the same general location, the proposal is to construct two new buildings (East Building and West Building), for use as the new student residence hall.

The proposed student residence hall, dining commons, and recycling and waste facility would be located on the Upper Campus, while the proposed ROTC program relocation addition would be sited on the Lower Campus.

Each of the four Project components are discussed below.

Upper Campus (a.k.a. Lone Mountain) Renovations:

- (i) The new **Student Residence Hall** would be located east of the Lone Mountain Main Building and north of Lone Mountain Drive. The proposed student residence hall Project would demolish the existing one-story, 8-foot tall buildings, located on the Underhill site of the Upper Campus (a.k.a. the site of the existing non-historic Underhill Building), and

construct two new student housing buildings (East Building and West Building), two to four stories, up to 40 feet tall with 155 dwelling units providing a total of 606 beds (600 beds for students and six beds for resident ministers and resident staff), as well as community common spaces for students and academic program space for approximately two classrooms. The student residence hall buildings would total approximately 308,200 square feet, including the approximately 74,000 square-foot below-ground garage. The below-ground garage would contain 171 class 1 bicycle parking spaces, and 156 vehicle parking spaces, resulting in an increase of 78 net new vehicle parking spaces. The buildings would front on Turk Street with vehicular and pedestrian access provided primarily via Lone Mountain Drive, a private road near the Underhill site accessible from Turk Street.

The new student residence hall would serve the existing student population and would not increase the student population. In total, the proposed Project would result in an increase of the on-campus student residential population from approximately 2,138 existing on-campus students to approximately 2,738 proposed on-campus students.

The Project Sponsor filed a subdivision application (Case No. 2015-000058SUB) proposing to subdivide the Underhill site separate from the rest of the Upper Campus to create a single parcel for the new student residence hall. The subdivision application is not subject to a Conditional Use authorization.

- (ii) The proposed renovations to the **Dining Commons** facility would include the existing approximately 11,000 square-foot café (Wolf and Kettle Café) within the Lone Mountain Main Building and a new structure on the lawn area adjacent to the café. The new freestanding structure at approximately 4,000 square-foot would create the dining commons. The proposed dining commons would offer a variety of dining options for the student residence hall residents and the Upper Campus community.
- (iii) The **Recycling and Waste Facility** would be relocated west of the existing Lone Mountain North Residence Hall on the Upper Campus in an approximately 1,600 square-foot enclosed facility accessed by Lo Schiavo Drive, a private road on the Upper Campus accessible from Parker Avenue and Anza Street.

Lower Campus Renovations:

- (iv) The ROTC program, currently housed in the Underhill Building, would be relocated to the Koret Health and Recreation Center building on the portion of the Lower Campus that is bordered by Stanyan Street to the west, and the Negoesco Field (a soccer field) to the east. The new one- to two-story, approximately 4,000 square-foot, ROTC addition would front Negoesco Field, with pedestrian access from Parker Avenue.

The Project would require a Conditional Use (CU) authorization from the Commission for the four Project components and a Planned Unit Development (PUD) for the student residence hall

that would include PUD modifications to provisions related to dwelling unit density, rear yard, off-street freight loading, and lateral height measurement.

The proposal requires a Conditional Use authorization and Section 311-neighborhood notification, which was conducted in conjunction with the Conditional Use authorization process.

The Project Sponsor, on December 6, 2016, filed a subdivision application for Case No. 2015-000058SUB proposing to subdivide the Underhill site separate from the rest of the Upper Campus to create a single parcel for the new student residence hall. The subdivision application is not subject to a Conditional Use authorization.

5. **Public Comment.** For the last five years, beginning with the IMP (Institutional Master Plan) process, USF has been meeting and coordinating with its neighbors and neighborhood organizations, including the Ewing Terrace neighborhood immediately east of the new student residence hall and the University Terrace neighborhood that is between the Upper and Lower Campuses. USF has responded to issues and concerns raised by the Ewing Terrace neighborhood by reducing the height and massing of the new student residence hall, increasing the building setback, and adding a landscaped buffer adjacent to Ewing Terrace. Because of this community outreach effort by USF, very few comments were received by the Department during the 20-day CU hearing noticing period. As of March 8, 2018, the Department has received one e-mail requesting information about the Project, one letter expressing both support and concerns about the Project, and one e-mail in support of the proposed Project.
6. **First Source Hiring Program.** The Project is subject to the requirements of the First Source Hiring Program (Chapter 83 of the Administrative Code) for projects creating ten (10) or more new residential units. The Project Sponsor will comply with the requirements of this Program. Prior to the issuance of any Building Permit or a First Addendum to a Site Permit, the Project Sponsor will have an approved and signed First Source Hiring Memorandum of Understanding (MOU) from the First Source Hiring Administrator, which will be evidenced in writing. This MOU will include Exhibit A, Construction First Source Hiring Agreement, and Exhibit B, End-Use First Source Hiring Agreement. Before the Commission can act on the Project, the Project Sponsor must complete the "Affidavit for First Source Hiring Program".

The Project Sponsor has submitted a complete Affidavit for First Source Hiring Program, a copy of which is attached to the Draft Motion.

7. **Planning Code Compliance:** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:
 - A. **Use: Educational Institution and Residential Dwelling Unit Density.** Planning Code Section 209 sets forth the permitted uses in "R" Districts. Section 209.1 establishes that student housing is principally permitted in all residential districts. Section 209.1 establishes that post-secondary educational institutions are conditionally permitted uses in all residential districts. Section 209.1 also permits a Planned Unit Development (Section 304) as a Conditional Use in all residential districts. Section 304 (see below items 9 and 10 on pages 17

through 21) permits the Commission to authorize, as a Conditional Use, a Planned Unit Development (PUD). The applicant is requesting modification from Planning Code standards under Section 304, the PUD process, for residential density requirements (Section 209.1).

The Project would maintain the existing post-secondary educational institution use and provide new on-campus student housing. USF is the City's oldest University, founded more than 150 years ago. Within the RH-2 District, residential uses, including student housing, are principally permitted, while institutional uses, such as USF, require a CU authorization from the Commission.

CU authorization for a PUD modification is required for the dwelling unit density proposed for the student residence hall, which would exceed the conditionally permitted density of one dwelling unit per 1,500 square feet of lot area under Section 209.1. Additional dwelling unit density may be permitted by the Commission as a PUD modification under Section 304 if the proposed dwelling unit density would be less than the density allowed in the next higher level residential district. In this case, the applicable residential zoning district would be the RH-3 (Residential, House, Three-Family) District. In the RH-3 District, one dwelling unit per 1,000 square feet of lot area is conditionally permitted under Section 209.1. Accordingly, 155 dwelling units may be allowed through the PUD process based on a proposed lot area of approximately 155,514 square feet (Case No. 2015-00058SUB). This additional density would allow for the provision of much-needed student housing on the USF campus, which would in turn help alleviate pressure on the City's housing stock. As such, the proposal is seeking a PUD modification through the CU authorization process pursuant to Section 304 relating to dwelling unit density. Findings under Section 304 are set forth below.

Post-secondary educational institutions and programs and services affiliated with the institutions, such as the USF academic space within the new student residence hall, the dining commons addition, the recycling and waste facility, and the ROTC program addition, taken together, also require CU authorization from the Commission per Section 209.1.

- B. **Height and Bulk.** Planning Code Section 250 established height and bulk districts. Planning Code Sections 102 and 260 state that the data point used to calculate height is to be taken at curb level and at every other cross-section of the building. Planning Code Section 304 allows minor deviations from the provisions for measurement of height in Section 260 through the PUD process. The applicant is requesting modification from Planning Code standards under Section 304, the PUD process, for height measurement requirements (Section 260).

The Project site is located within a 40-X Height and Bulk District. This district allows a maximum building height of 40 feet, as measured per Section 260, and has no bulk limit per Section 250. The prescribed method of height measurement for an up-sloping lot is defined by Section 260. This measurement is taken by averaging the ground elevations at either side of the building or building step and using this average elevations at every other cross-section of the building and then taking points at right angles to the centerline of the building for the measurement of height. The general method of height measurement under Section 260 is not variable; however, PUD modification may be sought for certain provisions under Section 260(a)(3), which applies when the ground slopes laterally on a lot that also slopes upward from the street.

The proposed student residence hall would be 40 feet tall as measured per Section 260, including a minor deviation from the provisions for height measurement on lateral slopes. Section 260(a)(3) states that in cases where the height limit is 65 feet or less and a street from which height measurements are made slopes laterally along the lot, or the ground slopes laterally on a lot that also slopes upward from the street, there shall be a maximum width for the portion of the building or structure that may be measured from a single point at curb or ground level. Table 260 in Section 260(a)(3) states that, where the average slope of ground from which height is measured, as applicable here, is more than 5% but less than 15%, the maximum width for portion of building that may be measured from a single point is 65 feet. The proposed West Building of the residence hall has a width dimension of approximately 160 feet at an average slope of 11.8%. A portion of the West Building height measurement complies with the 65-foot maximum lateral dimension; however, the remaining 95-foot portion of the building does not meet the 65-foot requirement. If literal adherence were required, the West Building would need to be redesigned, which would in turn reduce the number of student beds. As such, the proposal is seeking a PUD modification through the CU authorization process pursuant to Section 304 relating to how height is measured on a Project site where the ground slopes laterally on a lot that also slopes upward from the street. Findings under Section 304 are set forth below.

The maximum building height of the 20-foot ornamental tower in the West Building would be approximately 60 feet to the top of the roof, which is exempt from the measurement of building height under Section 260.

The proposed dining commons would be at maximum 40 feet tall measured from the average slope of the ground to the average height of the rise for a pitched roof. The proposed recycling and waste facility would be approximately 37 feet tall measured from the average slope of the ground to the average height of the rise for a pitched roof. The proposed ROTC program addition would be approximately 39 feet tall as measured from the ground level to the top of the flat roof of the Koret Health and Recreation Center building.

- C. **Front Setback.** Planning Code Section 132 states that in RH-2 Zoning Districts the front setback is not required to be greater than 15 feet.

The proposed student residence hall Project is set back approximately 200 to 250 feet from Turk Street. The dining commons, the recycling and waste facility are both located internally within the Upper Campus. The ROTC addition is situated in the existing Koret Health and Recreation Center building. The Project therefore complies with Section 132.

- D. **Rear Yard.** Planning Code Section 134(a)(2) requires that in RH-2 Districts a 45% rear yard be provided. For the proposed student residence hall, an approximately 157-foot deep rear yard from the rear lot line (of the proposed lot subdivision) would need to be provided. Planning Code Section 304 allows modification from Code requirements through the PUD process. The applicant is requesting modification from Planning Code standards under Section 304, the PUD process, for rear yard requirements (Section 134).

The proposed student residence hall does not meet the 45% rear yard depth since the East and West buildings' setbacks are reduced to 10% and 19% respectively. The Project is required to provide a rear

yard of approximately 70,000 square feet in area. The Project proposes to provide open spaces totaling approximately 76,000 square feet. These open spaces would include interior courtyards (16,000 square feet), the interior paseo (17,000 square feet), and other open space areas along the sides of the buildings, including landscaped areas (43,000 square feet), for a total of approximately 76,000 square feet of open space. While the student residence hall would not strictly comply with the applicable 45% lot depth requirement, the Project is proposing more open space than would be provided by the 45% rear yard requirement. As such, the proposal is seeking a PUD modification through the Conditional Use authorization process pursuant to Section 304 relating to rear yard setback requirements. Findings under Section 304 are set forth below.

- E. **Open Space.** Planning Code Section 135 requires 166 square feet of common usable open space or 125 square feet of private usable open space per dwelling unit.

The proposed student residence hall will provide common usable open space for 155 units through a combination of courtyards and a shared paseo between the two residential buildings, totaling approximately 26,400 square feet of Code-compliant common usable open space. The Code requires approximately 25,800 square feet of common usable open space be provided.

- F. **Better Streets Plan.** Planning Code Section 138.1 establishes requirements for the improvement of the public right-of-way associated with development projects, such that the public right-of-way may be safe, accessible, convenient and attractive to pedestrian use and travel by all modes of transportation.

The Project site is located within an established pedestrian network with continuous sidewalks, curb-ramps, and painted crosswalks at most area intersections. The Project proposes streetscape elements along Turk Street as part of a streetscape plan designed by the Project's landscape architect. Features include street trees and a planted park strip, the details of which will be refined during the Site or Building Permit process.

- 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 proposed student residence hall, dining commons, and the recycling and waste facility located on the Upper Campus would include 456 feet of property frontage along Turk Street. A total of 23 street trees would be required (one street tree for every 20 linear feet of frontage). Because there are three existing street trees along Turk Street, 20 net new street trees would be required. The landscape architect for the Project has determined that nine out of the 20 net new required street trees could be located along Turk Street. Not all required trees can be accommodated due to tree spacing requirements and existing utilities and street uses (water meters, Muni poles, street lights, crosswalks, and a bus stop). Public Works Code section 806(d)(4), administered by the Bureau of Urban Forestry

within the Department of Public Works, provides a waiver option for the street tree requirement under these circumstances. If a waiver is obtained, USF would pay an in-lieu fee for the 11 street trees not provided. The ROTC program relocation addition located at the Koret Health and Recreation Center includes 35 feet of property frontage along Stanyan Street. There are two existing street trees on Stanyan Street. Construction would not remove the existing street trees.

- 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 Panhandle open space. 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 proposed student residence hall is exempt from the standards for bird-safe buildings because it is less than 45 feet in height and has an exposed façade of less than 50% glass (40% is proposed). Treatments of glass facades would apply to non-residential buildings, such as the dining commons addition and the ROTC addition.

- 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.

The proposed student residence hall Project meets this requirement.

- J. **Off-Street Parking.** Planning Code Section 151 requires one off-street parking space for each dwelling unit, and one space for each two classrooms proposed for a post-secondary educational institution. Planning Code Section 150 allows replacing vehicle parking spaces with bicycle parking spaces.

The required off-street parking for the Project would be 155 spaces for the new dwelling units and one space for the proposed two classrooms in the new student residence hall.

Section 150(e) allows off-street parking spaces be replaced by bicycle parking spaces. For the dwelling units occupied by students, the proposal is to replace the required 155 vehicle parking spaces with 171 Class 1 bicycle parking spaces for the students. USF provides all full-time undergraduates a MUNI

pass every year. For this reason, USF's parking policy prohibits students living in campus residence halls from bringing vehicles to campus.

Because the proposed student residence hall would remove 78 existing surface parking spaces, the proposal is to provide 156 off-street parking spaces located in two garages in the new student residence hall, for a total of approximately 78 net new parking spaces. These parking spaces in the student residence hall's underground garage would only be available to faculty and staff in order to minimize the demand for on-campus and neighborhood parking.

- K. Off-Street Freight Loading.** Planning Code Section 152 requires two freight loading space for the residential and institutional uses where the occupied floor area of structure or use is over 200,001 square feet but less than 500,000 square feet in newly constructed structures. The Project is seeking a PUD modification pursuant to Section 304; findings for which are set forth below.

The institutional components of the Project (dining commons, ROTC, recycling and waste facility, and the USF program space (two classrooms) in the new student residence hall) would total approximately 9,250 net new square feet of occupied floor area. The new student residence hall would total approximately 232,600 square feet, not including the USF program space. Taken together, the Project would total approximately 242,000 square feet, requiring that two off-street freight loading spaces be provided.

The two required off-street freight loading spaces would be provided; however, Section 155(a) requires that off-street freight loading spaces be on the same lot as the use served. The proposed two loading spaces would technically be on a separate lot once a new lot is created for the student residence hall. The loading spaces would be provided on the north side of Lone Mountain Drive, interior to the Upper Campus and within close proximity to the garage entrances and paseo walkway at the proposed student residence hall. As such, the proposal is seeking a PUD modification through the CU authorization process pursuant to Section 304 relating to off-street freight loading requirements. Findings under Section 304 are set forth below.

- L. Handicapped Parking.** Planning Code Section 155(i) requires one handicapped parking space for each 25 off-street parking spaces provided.

The Project proposes a total of 156 off-street parking spaces. The required handicapped parking would be six spaces. Six spaces are proposed for the Project.

- M. Bicycle Parking - Class 1.** Planning Section 155.2 requires one Class 1 space for every Dwelling Unit. For buildings containing more than 100 Dwelling Units, 100 Class 1 spaces plus one Class 1 space for every four Dwelling Units over 100. Dwelling Units that are also considered Student Housing shall provide 50% more spaces than would otherwise be required. For institutional uses, one Class 1 space for every 20,000 square feet of occupied floor area. All bicycle parking must meet the standards set forth under Section 155.1.

The proposed student residence hall would be required to provide 171 Class 1 bicycle parking spaces for the proposed 155 dwelling units. Since the proposed institutional use is less than 20,000 square feet of occupied floor area (9,250 net new square feet proposed), Class 1 bicycle parking spaces are not required. The Class 1 bicycle parking spaces for the student residence hall would be located in a secure storage area located in the East Building (93 spaces) accessible by a bike ramp next to the garage entrance and in another area in the West Building (78 spaces).

- N. **Bicycle Parking - Class 2.** Planning Code Section 155.2 requires one per 20 dwelling units. Dwelling units that are also considered Student Housing shall provide 50% more spaces than would otherwise be required. For institutional uses, minimum two spaces are required and one Class 2 space for every 10,000 square feet of occupied floor area. All bicycle parking must meet the standards set forth under Section 155.1.

The proposed student residence hall would be required to provide 12 Class 2 bicycle parking spaces for the proposed 155 dwelling units. Since the proposed institutional use is less than 10,000 square feet of occupied floor area (9,250 net new square feet proposed), only two Class 2 bicycle parking spaces would be required. While 14 Class 2 bicycle parking spaces are required, the Project will provide a total of 23 Class 2 bicycle parking spaces. The Class 2 bicycle parking spaces would be provided in the central paseo between the East Building and the West Building.

- O. **Car-Share Parking Spaces.** Planning Code Section 166 requires one car sharing space in newly constructed buildings with 50 to 200 dwelling units.

The proposed student residence hall containing 155 dwelling units is required to provide one on-site car sharing space, which would be provided.

- P. **Institutional Master Plan.** Planning Code Section 304.5 requires post-secondary institutions and medical institutions to file an Institutional Master Plan (IMP) every 10 years detailing current facilities and operations, and outlining development plans and other information. An IMP needs to be on file with the Department prior to the issuance of any building permit in connection with the creation of a student housing project as described in Section 415.3(f)(5). Additionally, the Mayor's Office of Housing and Community Development (MOHCD) is authorized to monitor this housing program whereby MOHCD would develop a monitoring form and annual monitoring fee to be paid by the owner of the real property or the educational institution as well as other annual reporting as required in Section 415.3(f)(5). The purpose of the IMP is to provide this information to the Planning Commission and the public and receive comments at a public hearing. This enables the institution to modify its master plan before seeking entitlements for any development projects. The IMP is an informational document only; it does not approve or authorize development projects referenced in the IMP.

The proposed Project is consistent with the IMP that is on file with the Department. USF submitted its IMP to the Department in August, 2013. It was accepted by the Commission at its regularly scheduled public hearing on March 13, 2014. The proposed Project components are described in the IMP.

- Q. **Inclusionary Affordable Housing Program.** Planning Code Section 415 sets forth the requirements and procedures for the Inclusionary Affordable Housing Program.

As currently proposed, the Project will be 100% student housing, meeting the project criteria set forth under Section 415.3(f)(5). In the event that the Project changes and some or all of the units become market-rate, the Project shall comply with the inclusionary housing requirements set forth in Section 415 of the Code. 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 the Project is exempt from the requirements of Planning Code Section 415 because it is a 100% student housing Project.

- R. **Child Care and Transportation Sustainability Impact Fees.** Sections 411 and 414 authorize the imposition of certain development impact fees on new 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 the first construction document.

- S. **Transportation Demand Management (TDM) Plan.** Pursuant to Planning Code Section 169 and the TDM Program Standards, the Project is required to finalize a TDM Plan prior to Planning Department approval of the first Building Permit or Site Permit. Projects with a completed Environmental Evaluation Application prior to September 4, 2016, must only achieve 50% of the point target established in the TDM Program Standards.

The Project submitted a completed Environmental Evaluation Application on August 28, 2015. Therefore, the Project must only achieve 50% of the point target established in the TDM Program Standards, resulting in a required target of 14 points. As currently proposed, the Project will achieve 23 points through the following TDM measures:

- *"Last Mile" Shuttle service via Chariot*
- *Discounted MUNI passes for students*
- *Zimride - car pooling ride match*
- *Commuter subsidy for faculty and staff*
- *Guaranteed Ride Home for commuters who use public transit*
- *Expanded TDM marketing effort via campus webpages*
- *Car Sharing*
- *Bicycle Parking*

- T. **Signage.** Any proposed signage will be subject to the review and approval of the Planning Department pursuant to Article 6 of the Planning Code.

8. **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 Project is necessary and desirable for and compatible with the neighborhood and community. The 600 new student housing beds proposed as part of the student residence hall component of the Project would provide needed housing for students on campus, which would in turn help relieve pressure on the City's strained rental housing stock, including family-sized units that are often shared by students. The Project is also an important element in the pursuit of USF's mission to promote learning in the Jesuit Catholic tradition by offering students a demanding, integrated and holistic education. The integration of academic support and student life is a high priority for USF and is achieved in large part through the programs offered through student housing.

The dining commons component would further promote this integrated experience by allowing students to stay on Upper Campus for meals and interact with fellow students and faculty members. The dining commons would also reduce the number of student and faculty trips through the neighborhood between Upper and Lower Campus.

The recycling and waste facility relocation is necessary to accommodate the proposed student residence hall. Relocation of the facility from its current unenclosed location immediately adjacent to Ewing Terrace to an enclosed interior campus location is desirable in that it would allow for an improved modern facility in a location that would benefit USF's neighbors.

The ROTC relocation is necessary to accommodate the proposed student residence hall. The proposed relocation to a space created by a minor addition to an existing building on the USF campus would help minimize the impact on USF and its neighbors.

The Project in its entirety has been designed to be compatible with the character and scale of the neighborhood, including the surrounding campus buildings. For the student residence hall, building mass has been reduced by breaking up the Project into two components: the East Building and the West Building, which are in turn comprised of visually distinct components ranging from two to four stories. The proposed scale is consistent with the scale of the Upper Campus, the surrounding neighborhood, and the existing 40-foot height district. The student residence hall buildings would step down the slope, fitting within the land form and offering an articulated façade, in keeping with the massing of residential buildings across Turk Street. The aesthetic style of the Student Residence Hall buildings would complement the southern European style of the other Upper Campus buildings. USF has worked closely with Page & Turnbull and the Department's historic preservation staff to ensure that the student residence hall buildings would also be distinguishable from yet compatible with the historic buildings on the Upper Campus. The dining commons building and recycling and waste facilities would also complement the other buildings on Upper Campus. The ROTC program relocation would be compatible with the character and scale of the surrounding neighborhood, as a minor addition to the existing Koret Health and Recreation Center.

- 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 would not be detrimental to the public's health, safety, convenience or general welfare or otherwise injurious. The Project would maintain the existing post-secondary educational institution use and provide much needed student housing. USF is the City's oldest University, founded more than 150 years ago.

The student residence hall would be appropriately sited on the Underhill site on the Upper Campus (on the slope east of the Rossi Wing), which has been identified for new development in USF's IMP since 1993. The site roughly covers the area currently occupied by the non-historic Underhill building (one-story, 8-foot tall), a surface parking lot, and two tennis courts. Placing the student residence hall on this sloped site would allow for a building design that would be subservient to the historic buildings on the Upper Campus. The design of the student residence hall has been broken down into two visually distinct components: the East Building and the West Building, which range from two to four stories. The proposed scale is consistent with the scale of the Upper Campus, the surrounding neighborhood and the existing 40-foot height district.

The dining commons addition would be appropriately located on an underutilized portion of the Upper Campus adjacent to the existing Wolfe & Kettle Café on the northern (back) side of the Lone Mountain Main Building. A dining facility on the Upper Campus would eliminate the need for new residents of the student residence hall to travel to Lower Campus for dining services.

The recycling and waste facility would be appropriately located in the northwest quadrant of the Upper Campus approximately 250 feet away from off-campus neighbors on the other side of Anza Street. The recycling and waste facility has similar design characteristics to the surrounding campus buildings and is placed along an existing private road viaduct to facilitate easy truck access.

The ROTC addition would appropriately utilize an existing void in the existing footprint of the Koret Health and Recreation Center building and would be accessed from the interior of campus only.

- 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;

All Project components are intended to serve existing students and faculty and are not expected to increase the number of individuals accessing the campus, with the exception of a small number of additional food service staff that would work at the dining commons as compared to the existing Wolfe and Kettle Café. According to the Project Sponsor, overall, the Project is expected to reduce the total number of trips to campus as the students that would be living on-campus once the Project is constructed would have otherwise lived in other areas of the City, and would therefore

have arrived to campus via car, public transit or other means. This shift is expected to reduce impacts on the surrounding roadway and transit lines.

The existing one-way, clockwise driveway (Lone Mountain Drive) currently serving the Upper Campus would provide principal access to the student residence hall and dining commons components of the Project. Lone Mountain Drive is accessible from Turk Street. The existing service driveway providing access to the current waste facility adjacent to Ewing Terrace would be removed, and access to the proposed recycling and waste facility would be from the existing viaduct road off of Lo Schiavo Drive (an interior private campus road), accessible from Parker Avenue and Anza Street.

The Project would replace the existing 78 surface parking spaces on the Project site with approximately 156 parking spaces in an underground garage for faculty and staff, beneath the student residence hall. Based on feedback from the community, the Project Sponsor believes that this increase in off-street parking would help relieve some of the parking demand on neighborhood streets. This parking would not be available to students, consistent with USF's parking policy, which prohibits students living in campus residence halls from bringing vehicles to campus.

Loading for the dining commons would be provided by the existing loading facilities adjacent to the Lone Mountain Main Building, which currently serve the Wolfe and Kettle Café. The two off-street freight loading spaces required for the student residence hall would be provided on the north side of Lone Mountain Drive, interior to the Upper Campus and within close proximity to the garage entrances and paseo walkway at the proposed student residence hall.

The Project will provide 171 Class 1 bicycle parking spaces, and 23 Class 2 bicycle spaces, for a total of 194 bicycle parking spaces. The site is also well-served by public transit with transit stops are located near the site and are within walking distance of the site.

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

The Project is predominantly residential in nature and no materials or activities that result in noxious or offensive emissions, dust or odor would be used or engaged in within the Project. During construction, USF and its contractors would take appropriate precautions to reduce dust, noise and emissions. During construction, the Project Sponsor would take appropriate measures to minimize dust and noise as required by the Building Code and any measures set forth in the Project's CEQA documentation.

The Project would be subject to the conditions of approval for noise related to the garage exhaust fans, mechanical equipment, and the nighttime ambient noise levels as outlined in Exhibit A, Conditions 13 through 16 and 32 through 36.

The Project would also be subject to the condition of approval for odor related to the operation of the dining commons as outlined in Exhibit A, Conditions 17 and 37.

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

The student residence hall would include a total of approximately 32,500 square feet of common usable open space; however, only approximately 26,400 square feet of which would strictly comply with Planning Code horizontal dimensional requirements. The common usable open space would be provided in four internal courtyard spaces, which would create approximately 16,000 square feet of protected open space areas for students. The remaining common usable open space would be provided in the central paseo between the East and the West Buildings. Open space amenities for students could include a bocce court, outdoor fountain, outdoor grill, benches and walking lap/fitness loop. In addition to this open space, the Upper Campus includes multiple acres of existing open space in the form of paths, landscaped and wooded areas.

The waste and recycling areas for the Student Residence Hall would be located in the underground garage. Existing waste and recycling areas would be utilized for the dining commons and the relocated ROTC program.

Off-street parking for the student residence hall would be located in the underground parking garage and would only be available to USF staff and faculty. USF policy prohibits students living on campus from bringing cars to campus.

Loading for the student residence hall would be provided in two designated pull-out spaces adjacent to the existing one-way private driveway in front of the student residence hall. Loading for the dining commons would be provided by the existing loading facilities adjacent to the Lone Mountain Main Building, which currently serve the Wolfe and Kettle Café.

All proposed lighting and signage would comply with the requirements of the Planning Code.

- 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.

Not applicable; the proposed Project is in an RH District.

9. Planning Code Section 304(a)/Planned Unit Development (PUD) Objectives require that a CU application for a PUD include such pertinent information as may be necessary to a determination that the objectives of Section 304 are met, and that the proposed development warrants the modification of provisions otherwise applicable under the Code. The proposed Project will meet the following PUD objectives under Section 304(a):

- A. The procedures for PUDs are intended for projects on sites of considerable size, developed as integrated units and designed to produce an environment of stable and desirable character which will benefit the occupants, the neighborhood and the City as a whole.

The proposed Project is of a size and scale specifically anticipated by the provisions of Section 304. The Project is seeking PUD modifications for additional dwelling unit density, rear yard requirements, loading and minor deviations from the provisions for lateral height measurement, each of which is described in more detail below.

- B. In cases of outstanding overall design, complementary to the design and values of the surrounding area, such a project may merit a well-reasoned modification of certain provisions contained elsewhere in the Planning Code.

The Project in its entirety has been designed to be compatible with the character and scale of the neighborhood, including the surrounding campus buildings. For the student residence hall, building mass has been reduced by breaking up the Project into two components: the East Building and the West Building, which are in turn comprised of visually distinct components ranging from two to four stories. The proposed scale is consistent with the scale of the Upper Campus, the surrounding neighborhood, and the existing 40-foot height district. The student residence hall buildings would step down the slope, fitting within the land form and offering an articulated façade, in keeping with the massing of residential buildings across Turk Street. The aesthetic style of the student residence hall buildings would complement the southern European style of the other Upper Campus buildings. USF has worked closely with Page & Turnbull and the Department's historic preservation staff to ensure that the student residence hall buildings would also be distinguishable from yet compatible with the historic buildings on the Upper Campus. The dining commons building and recycling and waste facilities would also complement the other buildings on Upper Campus. The ROTC program relocation would be compatible with the character and scale of the surrounding neighborhood, as a minor addition to the existing Koret Health and Recreation Center.

Through this PUD authorization, the Commission approves the following modifications to otherwise applicable provisions of the Planning Code:

1. Dwelling Unit Density – relief from the residential density limit under Section 209.1;

The PUD modification is requested to allow for a dwelling unit density of less than one unit per 1,000 square feet of lot area, which is the dwelling unit density permitted with Conditional Use authorization in the RH-3 zoning district (the zoning district permitting a greater density). The dwelling unit density for the student residence hall would be less than that permitted in the RH-3 zoning district based on a proposed lot area of 155,514 square feet (a new legal parcel would be created for the student residence hall). This additional density would allow for the provision of much-needed student housing on the USF campus, which would in turn help alleviate pressure on the City's housing stock.

2. Rear Yard Setback – relief from the provisions of rear yard requirements for the residential units as required in the RH District under Section 134(a)(2).

The proposed student residence hall does not meet the 45% rear yard depth since the East and West buildings' setbacks are reduced to 10% and 19% respectively. The Project is required to provide a rear yard of approximately 70,000 square feet. The Project proposes to provide open spaces totaling approximately 76,000 square feet. These open spaces would include interior courtyards (16,000 square feet), the interior paseo (17,000 square feet), and other open space areas along the sides of the buildings, including landscaped areas (43,000 square feet), for a total of approximately 76,000 square feet of open space. While the student residence hall would not strictly comply with the applicable 45% lot depth requirement, the Project is proposing more open space than would be required by the 45% rear yard requirement. As such, the proposal is seeking a PUD modification through the Conditional Use authorization process pursuant to Section 304 relating to rear yard setback requirements.

3. Freight Loading Space for Residential Use – relief from the provision that freight loading space must be located on the same lot as the use under Section 155(a);

The two required off-street freight loading spaces would be provided; however, Section 155(a) requires that off-street freight loading spaces to be on the same lot as the use served. The proposed two loading spaces would technically be on a separate lot once a new lot is created for the student residence hall. The loading spaces would be provided on the north side of Lone Mountain Drive, interior to the Upper Campus and within close proximity to the garage entrances and paseo walkway at the proposed student residence hall. As such, the proposal is seeking a PUD modification relating to off-street freight loading requirements.

4. Lateral Height Measurement – relief from the provisions of lateral height measurement requirements for the new student residence hall in the RH District under Section 260(a)(3).

Section 260(a)(3) provides, as applicable here, that where the height limit is 65 feet or less and the ground slopes laterally on a lot that also slopes upward from the street, the maximum width for the portion of the building that may be measured from a single point at curb or ground level is 65 feet. The requested modification would alter the maximum width for that measurement from a width of 65 feet to 95 feet. If literal adherence were required, the West Building would need to be redesigned, which would in turn reduce the number of student beds.

10. **Planning Code Section 304(d) Findings Relating to Planned Unit Developments.** Planning Code Section 304(d) sets forth criteria, which must be met before the Commission may authorize a Conditional Use for a Planned Unit Development. On balance, the Project generally complies with all applicable criteria:

- (1) Affirmatively promote applicable objectives and policies of the General Plan.

Findings for "General Plan Compliance" are discussed below under item 11.

- (2) Provide off-street parking adequate for the occupancy proposed.

The required off-street parking would be 155 spaces for the new dwelling units and one space for the proposed two classrooms in the new student residence hall. The 156 off-street parking spaces would be provided in the below-ground garage at the proposed student residence hall.

Section 150(e) allows off-street parking spaces be replaced by bicycle parking spaces. For the dwelling units occupied by students, the proposal is to replace the required 155 vehicle parking spaces with 171 Class 1 bicycle parking spaces for the students. USF provides all full-time undergraduates a MUNI pass every year. For this reason, USF's parking policy prohibits students living in campus residence halls from bringing vehicles to campus.

Because the proposed student residence hall would remove 78 existing surface parking spaces, the proposal is to provide 156 off-street parking spaces located in two garages in the new student residence hall, for a total of approximately 78 net new parking spaces. These parking spaces in the student residence hall's underground garage would only be available to faculty and staff in order to minimize the demand for on-campus and neighborhood parking.

- (3) Provide open space usable by the occupants and, where appropriate, by the general public, at least equal to the open space required by the Planning Code;

The proposed student residence hall will provide common usable open space for 155 units through a combination of courtyards and a shared paseo between the two residential buildings, totaling approximately 26,400 square feet of Code-compliant common usable open space. The Code requires approximately 25,800 square feet of common usable open space to be provided.

- (4) Be limited in dwelling unit density to less than the density that would be allowed by Article 2 of this Code for a district permitting a greater density, so that the PUD will not be substantially equivalent to a reclassification of property;

CU authorization for a PUD modification is required for the dwelling unit density proposed for the student residence hall, which would exceed the conditionally permitted density of one dwelling unit per 1,500 square feet of lot area under Section 209.1. Additional dwelling unit density may be permitted by the Commission as a PUD modification under Section 304 if the proposed dwelling unit density would be less than the density allowed in the next higher level residential district. In this case, the applicable residential zoning district would be the RH-3 (Residential, House, Three-Family) District. In the RH-3 District, one dwelling unit per 1,000 square feet of lot area is conditionally permitted under Section 209.1. Accordingly, 155 dwelling units may be allowed through the PUD process based on a proposed lot area of approximately 155,514 square feet (Case No. 2015-00058SUB). This additional density would allow for the provision of much-needed student housing on the USF campus, which would in turn help alleviate pressure on the City's housing stock.

- (5) In R Districts, include commercial uses only to the extent that such uses are necessary to serve residents of the immediate vicinity, subject to the limitations for NC-1 Districts under this Code, and in RTO Districts include commercial uses only according to the provisions of Section 231 of this Code;

No commercial uses are proposed as part of the Project. The dining commons would be accessory to the post-secondary educational institutional use.

- (6) Under no circumstances be excepted from any height limit established by Article 2.5 of this Code, unless such exception is explicitly authorized by the terms of this Code. In the absence of such an explicit authorization, exceptions from the provisions of this Code with respect to height shall be confined to minor deviations from the provisions for measurement of height in Sections 260 and 261 of this Code, and no such deviation shall depart from the purposes or intent of those sections;

The proposed student residence hall would be 40 feet tall as measured per Section 260, including a minor deviation from the provisions for height measurement on lateral slopes. Section 260(a)(3) states that in cases where the height limit is 65 feet or less and a street from which height measurements are made slopes laterally along the lot, or the ground slopes laterally on a lot that also slopes upward from the street, there shall be a maximum width for the portion of the building or structure that may be measured from a single point at curb or ground level. Table 260 in Section 260(a)(3) states that, where the average slope of ground from which height is measured is more than 5% but less than 15%, the maximum width for the portion of building that may be measured from a single point is 65 feet. The proposed West Building of the student residence hall has a width dimension of approximately 160 feet at an average slope of 11.8%. A portion of the West Building height measurement complies with the 65-foot maximum lateral dimension; however, the remaining 95-foot portion of the building does not meet the 65-foot requirement. If literal adherence were required, the West Building would need to be redesigned, which would in turn reduce the number of student beds.

- (7) In NC Districts, be limited in gross floor area to that allowed under the floor area ratio limit permitted for the district in Section 124 and Article 7 of this Code.

Not applicable, the Project is not located in an NC District.

- (8) In NC Districts, not violate the use limitations by story set forth in Article 7 of this Code;

Not applicable, the Project is not located in an NC District.

- (9) In RTO and NC Districts, include the extension of adjacent alleys or streets onto or through the site, and/or the creation of new publicly-accessible streets or alleys through the site as appropriate, in order to break down the scale of the site, continue the surrounding existing pattern of block size, streets and alleys, and foster beneficial pedestrian and vehicular circulation;

Not applicable, the Project is not located in an RTO or an NC District.

- (10) Provide street trees as per the requirement of Section 138.1 of the Code;

The proposed student residence hall, dining commons, and the recycling and waste facility located on the Upper Campus would include 456 feet of property frontage along Turk Street. A total of 23 street

trees would be required (one street tree for every 20 linear feet of frontage). Because there are three existing street trees along Turk Street, 20 net new street trees would be required. The landscape architect for the Project has determined that nine out of the 20 net new required street trees could be located along Turk Street. Not all required trees can be accommodated due to tree spacing requirements and existing utilities and street uses (water meters, Muni poles, street lights, crosswalks, and a bus stop). Public Works Code section 806(d)(4), administered by the Bureau of Urban Forestry within the Department of Public Works, provides a waiver option for the street tree requirement under these circumstances. If a waiver is obtained, USF would pay an in-lieu fee for the 11 street trees not provided. The ROTC program relocation addition located at the Koret Health and Recreation Center includes 35 feet of property frontage along Stanyan Street. There are two existing street trees on Stanyan Street. Construction would not remove the existing street trees.

- (11) Provide landscaping and permeable surfaces in any required setbacks in accordance with Section 132 (g) and (h).

The proposed student residence hall project is set back approximately 200 to 250 feet from Turk Street. The dining commons, the recycling and waste facility are both located internally within the Hilltop Campus. The ROTC addition is situated in the existing Koret Health and Recreation Center building. The Project complies with Section 132.

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

HOUSING ELEMENT

Objectives and Policies

OBJECTIVE 1:

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

Policy 1.9:

Require new commercial developments and higher educational institutions to meet the housing demand they generate, particularly the need for affordable housing for lower income workers and students.

The proposed student residence hall would add new student housing on-site, totaling approximately 600 new student beds provided in 155 dwelling units. The Project would help meet the citywide demand for more student housing and reduce pressure on the City's rental housing stock. This would be especially beneficial in alleviating pressure on family-sized rental units, which students often share.

Policy 1.10:

Support new housing projects, especially affordable housing, where households can easily rely on public transportation, walking and bicycling for the majority of daily trips.

Approximately 200 new bicycle parking spaces would be provided as part of the Project, which would encourage bicycle use. The related dining commons component of the Project would strengthen USF's pedestrian-oriented environment by providing additional dining options on campus for students, faculty and staff within walking distance of both existing USF facilities and the proposed student residence hall.

COMMERCE AND INDUSTRY ELEMENT

Objectives and Policies

OBJECTIVE 1:

MANAGE ECONOMIC GROWTH AND CHANGE TO ENSURE ENHANCEMENT OF THE TOTAL CITY LIVING AND WORKING ENVIRONMENT.

Policy 1.1:

Encourage development which provides substantial net benefits and minimizes undesirable consequences. Discourage development which has substantial undesirable consequences that cannot be mitigated.

The new student residence hall would provide substantial net benefits, including the provision of much-needed on-campus student housing, which would in turn reduce pressure on the City's rental housing stock, particularly family-sized units, which students often share. The additional on-campus student housing would also improve USF's ability to compete with similar institutions that provide a higher ratio of student housing.

The related dining commons component of the Project would provide additional dining options for students, faculty and staff, including students living in the proposed student residence hall, in a convenient location on the interior of the USF campus. The relocation of the ROTC program would create a state-of-the-art facility for the ROTC. The recycling and waste facility component of the Project would replace the existing outdoor unenclosed facility to the interior of the Upper Campus.

OBJECTIVE 7:

ENHANCE SAN FRANCISCO'S POSITION AS A NATIONAL AND REGIONAL CENTER FOR GOVERNMENTAL, HEALTH, AND EDUCATIONAL SERVICES.

Policy 7.2:

Encourage the extension of needed health and educational services, but manage expansion to avoid or minimize disruption of adjacent residential areas.

Policy 7.3:

Promote the provision of adequate health and educational services to all geographic districts and cultural groups in the city.

The Project would promote the provision of adequate educational services in the City. The new student residence hall and related Project components would help ensure that USF remains competitive and viable

over the long-term and thus able to continue to provide educational services to all geographic districts and cultural groups in the City.

COMMUNITY FACILITIES ELEMENT

Objectives and Policies

OBJECTIVE 9:

ASSURE THAT INSTITUTIONAL USES ARE LOCATED IN A MANNER THAT WILL ENHANCE THEIR EFFICIENT AND EFFECTIVE USE.

Policy 9.1:

Locate institutional uses according to the Institutional Facilities Plan.

USF is represented on the Institutional Facilities Plan of the General Plan and the proposed Project is within the boundaries of USF as indicated on the Plan.

URBAN DESIGN ELEMENT

Objectives and Policies

OBJECTIVE 2:

CONSERVATION OF RESOURCES WHICH PROVIDE A SENSE OF NATURE, CONTINUITY WITH THE PAST, AND FREEDOM FROM OVERCROWDING.

Policy 2.6:

Respect the character of older development nearby in the design of new buildings.

The new student residence hall and related Project components have been designed, in consultation with Page & Turnbull, to be compatible with yet distinguishable from nearby historic buildings, pursuant to the Secretary of the Interior's Standards.

Specifically, the student residence hall has been designed to be compatible with the character and scale of the neighborhood, including the surrounding Upper Campus buildings. Building mass has been reduced by breaking up the student residence hall into two components: the East and West buildings, which are in turn comprised of visually distinct components, ranging from two to four stories in height. That scale is consistent with the scale of the Upper Campus and surrounding neighborhood, and the existing 40-foot height limit. The new buildings would step down the slope, fitting within the land form and offering an articulated facade, in keeping with the massing of residential buildings across Turk Street. The aesthetic style of the buildings would complement the southern European style of the other Upper Campus buildings.

The dining commons addition and recycling and waste facility would also be compatible with yet distinguishable from nearby historic buildings through their simplistic design. The ROTC component would involve a minor addition to the existing non-historic Koret Health and Recreation Center located on Stanyan Street.

OBJECTIVE 3:

MODERATION OF MAJOR NEW DEVELOPMENT TO COMPLEMENT THE CITY PATTERN, THE RESOURCES TO BE CONSERVED, AND THE NEIGHBORHOOD ENVIRONMENT.

Policy 3.1:

Promote harmony in the visual relationships and transitions between new and older buildings

Policy 3.3:

Promote efforts to achieve high quality of design for buildings to be constructed at prominent locations.

Policy 3.5:

Relate the height of buildings to important attributes of the city pattern and to the height and character of existing development

Policy 3.7:

Recognize the special urban design problems posed in development of large properties

The Project would promote harmony in the visual relationships and transitions between new and older buildings and relate to the height and character of nearby existing buildings.

OBJECTIVE 4:

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

Policy 4.12:

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

The student residence hall would include approximately 75,000 square feet of open areas comprised of interior courtyards (16,000 square feet), the interior paseo (16,600 square feet) and other open space areas along the sides of the buildings, including landscaped areas (43,000 square feet). A landscaped area would be provided adjacent to Ewing Terrace, serving as a buffer between the student residence hall and Ewing Terrace.

The Project would provide 20 net new street trees along Turk Street and pay an in-lieu fee for eleven street trees not provided due to tree spacing requirements and existing utilities and street uses (i.e., water meters, MUNI poles, street lights, crosswalks, and a bus stop).

TRANSPORTATION ELEMENT

Objectives and Policies

OBJECTIVE 1:

MEET THE NEEDS OF ALL RESIDENTS AND VISITORS FOR SAFE, CONVENIENT AND INEXPENSIVE TRAVEL WITHIN SAN FRANCISCO AND BETWEEN THE CITY AND OTHER

PARTS OF THE REGION WHILE MAINTAINING THE HIGH QUALITY LIVING ENVIRONMENT OF THE BAY AREA.

Policy 1.3:

Give priority to public transit and other alternatives to the private automobile as the means of meeting San Francisco's transportation needs, particularly those of commuters.

According to the Project Sponsor, the on-campus student housing proposed as part of the Project is expected to reduce total trips to campus made by students who would otherwise commute to campus from elsewhere in the City. The proposal is expected to reduce private automobile use and encourage bicycling and walking, in part because of USF's policy prohibiting on-campus parking for on-campus students. The Project would also provide approximately 200 new on-campus bicycle parking spaces (171 Class 1 and at least 29 Class 2 spaces), which would encourage bicycle use.

OBJECTIVE 2:

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

Policy 2.2:

Reduce pollution, noise and energy consumption.

The Project is expected to reduce private automobile use and encourage bicycling and walking, which would in turn reduce pollution, noise and energy consumption. USF's parking policy prohibits students living in campus residence halls from bringing vehicles to campus and USF provides all full-time undergraduates a MUNI pass every year.

OBJECTIVE 30:

PROVIDE SECURE AND CONVENIENT PARKING FACILITIES FOR BICYCLES.

Policy 30.3:

Provide parking facilities which are safe, secure, and convenient.

The bicycle parking facilities proposed as part of the Project would be safe, secure and conveniently located. Approximately 200 new on-campus bicycle parking space (171 Class 1 and at least 29 Class 2 spaces) would be provided. The Class 1 spaces would be located in a secured underground parking garage in the student residence hall buildings. Twenty three of the Class 2 spaces would be located in the paseo between the student residence hall buildings and six to ten would be located at the Lone Mountain Main building near the dining commons.

ENVIRONMENTAL PROTECTION ELEMENT

Objectives and Policies

OBJECTIVE 13:

ENHANCE THE ENERGY EFFICIENCY OF HOUSING IN SAN FRANCISCO.

Policy 13.3:

Expand the environmental review process to encourage the use of additional measures to save energy in new housing.

The Project would include installation of a natural gas powered microturbine cogeneration facility in the underground garage at the student residence hall. This facility would provide supplemental electrical power and a source for heating water for the student residence hall, thereby reducing the Project's carbon footprint.

OBJECTIVE 15:

INCREASE THE ENERGY EFFICIENCY OF TRANSPORTATION AND ENCOURAGE LAND USE PATTERNS AND METHODS OF TRANSPORTATION WHICH USE LESS ENERGY.

Policy 15.1:

Increase the use of transportation alternatives to the automobile.

Policy 15.3:

Encourage an urban design pattern that will minimize travel requirements among working, shopping, recreation, school and childcare areas.

The Project is expected to reduce private automobile use and encourage bicycling and walking. The proposed dining commons component of the Project would strengthen USF's pedestrian-oriented environment by providing additional dining options on campus for students, faculty and staff within walking distance of both existing USF facilities and the proposed Student Residence Hall.

12. **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 displace any existing neighborhood-serving retail businesses. The Project, with its proposed 606-bed student residence hall, would help support nearby neighborhood-serving retail businesses.

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

No existing housing would be removed as part of the Project. The proposed new student residence hall would add 155 dwelling units (totaling 606 beds) to the City's housing stock. The new student residence hall would provide needed housing for students on campus, which would in turn help relieve pressure on the City's strained rental housing stock, including family-sized units that are often shared by students.

The Project in its entirety would be designed to be compatible with the character and scale of the neighborhood. The building mass of the student residence hall has been reduced by breaking up the Project into two components: the East Building and the West Building, which are in turn comprised of visually distinct components ranging from two to four stories. The student residence hall buildings would step down the slope, fitting within the land form and offering an articulated façade, in keeping with the massing of residential buildings across Turk Street. The aesthetic style of the student residence hall buildings would complement the southern European style of the other Upper Campus buildings. USF has worked closely with Page & Turnbull and Department staff to ensure that the student residence hall buildings would be distinguishable from yet compatible with the historic buildings on the Upper Campus.

The dining commons addition and the recycling and waste facility would be located on the interior of the Upper Campus and would also complement the existing buildings on the Upper Campus through their simplistic design.

The proposed ROTC addition would construct a second floor on a section of low roof between the existing Koret Health and Recreation Center and the Hagan Gymnasium. The proposed addition would be comparable to the height of the existing Hagan Gymnasium and would not affect neighborhood character.

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

The Project would not remove any existing affordable housing units. The new student residence hall would increase the availability of student housing for USF students. The proposal would enhance the City's housing stock by relieving some pressure on family-sized and lower-income housing stock in the neighborhood and elsewhere in the City.

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

The transportation study prepared for the Project concluded that the Project will not have any significant effect on the streets, neighborhood parking and MUNI services. Project is intended to serve existing students and faculty and is not expected to measurably increase the number of individuals accessing the campus. The Project would replace the existing 78 surface parking spaces with approximately 156 parking spaces for faculty and staff in an underground garage. This increase in off-street parking would help relieve some of the parking demand on neighborhood streets.

- 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.

The Project will not displace any service or industrial establishment and is not a commercial office development. The Project will not affect industrial or service sector uses or related employment opportunities. Ownership of industrial or service sector businesses will not be affected by this Project.

The Project could potentially provide additional service sector resident employment opportunities as an estimated 21 new jobs would be created with the establishment of the dining commons.

- 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 would not result in the removal or alteration of, or otherwise adversely affect, any landmarks or historic structures. While some existing buildings have historic merit, there are no designated landmarks or listed historic structures on the Project site. The Project components have been designed to be compatible with, yet distinguishable, from nearby historic buildings, as identified through the CEQA review process. Department staff has concluded that the Project would not have a significant impact on any historical architectural resources on the Upper Campus and no historical architectural resources have been identified on the applicable portion of the Lower Campus.

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

The Project will not affect sunlight access to any public parks or open space.

13. 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.
14. 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. 2015-000058CUAENVSUBTDM** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated March 5, 2018, and labeled "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

The Planning Commission has reviewed and considered the IS/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 Resolution/Motion by this reference thereto. All required mitigation measures identified in the IS/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.

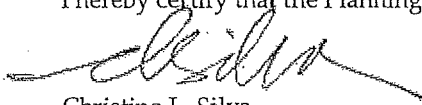
Motion No. 20138
March 15, 2018

CASE NO. 2015-000058CUAENVSUBTDM
2500-2698 Turk Street & 222 Stanyan Street

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. 20138. 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 March 15, 2018.



Christine L. Silva
Acting Commission Secretary

AYES: Hillis, Melgar, Fong, Johnson, Koppel, Moore, Richards

NAYS: None

ABSENT: None

ADOPTED: March 15, 2018

EXHIBIT A

AUTHORIZATION

This authorization is for a Conditional Use to allow a Planned Unit Development (PUD) for four Project components, including (i) the construction of a new two- to four-story (up to 40-foot tall), approximately 234,500 square-foot student residence hall, containing 155 dwelling units (totaling 606 beds), 156 off-street parking spaces in the below-ground garage, 194 bicycle parking spaces, USF program space (anticipated to be used for two classrooms), and a natural gas powered microturbine cogeneration facility in the below-ground garage; (ii) expansion and renovation of the existing dining hall facilities on the Upper Campus; (iii) relocation and replacement of the recycling and waste facility to a new location on the interior of the Upper Campus, and (iv) relocation of the Reserve Officer's Training Corps (ROTC) program from the existing one-story building at the Underhill site on the Upper Campus to a one- and two-story addition to the Koret Health and Recreation Center. The Project includes PUD modifications to Planning Code provisions related to the rear yard, off-street freight loading, dwelling unit density, and a minor deviation from the provisions for measurement of lateral height. The Project would also include a lot subdivision of Lot 008 on Block 1107 for the creation of a single parcel at the Underhill site for the new student residence hall separate from the rest of the Upper Campus. The Project site is located at 2500 - 2698 Turk Street and 222 Stanyan Street, Block 1107, Lot 008 and Block 1144, Lot 001B, pursuant to Planning Code Sections 134, 155, 209.1, 260, 303 and 304 in an RH-2 (Residential, House, Two-Family) Zoning District and an 40-X Height and Bulk District; in general conformance with plans, dated March 5, 2018, and labeled "EXHIBIT B" included in the docket for Case No. 2015-000058CUA and subject to conditions of approval reviewed and approved by the Commission on March 15, 2018 under Motion No. 20138. 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 March 15, 2018 under Motion No. 20138.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the "EXHIBIT A" of this Planning Commission Motion No. 20138 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

Motion No. 20138
March 15, 2018

CASE NO. 2015-000058CUAENVSUBTDM
2500-2698 Turk Street & 222 Stanya Street

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 Mitigation Monitoring and Reporting Program (MMRP) attached as "EXHIBIT C" are necessary to avoid potential significant

effects of the 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

DESIGN – COMPLIANCE AT PLAN STAGE

7. **Final Materials.** The Project Sponsor shall continue to work with Planning Department on the building design. 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

8. **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

9. **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

10. **Streetscape Plan.** Pursuant to Planning Code Section 138.1, the Project Sponsor shall continue to work with Planning Department staff, in consultation with other City agencies, to refine the design and programming of the Streetscape Plan so that the plan generally meets the standards of the Better Streets Plan and all applicable City standards. The Project Sponsor shall complete final design of all required street improvements, including procurement of relevant City permits, prior to issuance of first architectural addenda, and shall complete construction of all required street improvements prior to issuance of first temporary certificate of occupancy.

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

11. **Signage.** The Project shall comply with the provisions of Article 6 of the Planning Code related to any new signage.

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

12. **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:
- a. 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;
 - b. On-site, in a driveway, underground;
 - c. On-site, above ground, screened from view, other than a ground floor façade facing a public right-of-way;
 - d. 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;
 - e. Public right-of-way, underground; and based on Better Streets Plan guidelines;
 - f. Public right-of-way, above ground, screened from view; and based on Better Streets Plan guidelines;
 - g. 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>

13. **Noise, Ambient.** Interior occupiable spaces shall be insulated from ambient noise levels. Specifically, in areas identified by the Environmental Protection Element, Map1, "Background Noise Levels," of the General Plan that exceed the thresholds of Article 29 in the Police Code, new developments shall install and maintain glazing rated to a level that insulate interior occupiable areas from Background Noise and comply with Title 24.

For information about compliance, contact the Environmental Health Section, Department of Public Health at (415) 252-3800, www.sfdph.org

14. **Noise, Garage Exhaust Fan.** To further reduce garage exhaust fan noise, the Project Sponsor shall limit property line noise from the garage exhaust fans to 40 dBA by employing a combination of measures from those listed in Mitigation Measure M-NO-1a. A detailed analysis of noise reduction measures will be needed during the design phase to ensure that the combination of noise reduction measures meet a noise level of 40 dBA at the property line.

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

15. **Noise, Mechanical Equipment.** To further reduce noise from the proposed mechanical equipment, the Project Sponsor shall limit property line noise from the garage exhaust fans to 40 dBA by employing additional acoustical reduction measures. A detailed analysis of noise

reduction measures shall be required during the design phase to ensure that the combination of noise reduction measures meet a noise level of 40 dBA at the property line.

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

16. **Noise, Nighttime Ambient.** Further reduce amplified noise. At 50 dBA, amplified music noise would be above the 35 dBA existing nighttime ambient noise levels at the surrounding residences. To reduce noise to no more than 5 dB over the ambient noise level, the following, further noise improvement measures shall be incorporated:

- Limit amplified noise levels via administrative restrictions. The USF Neighborhood Relations website currently has existing policies and procedures to regulate noise and enforce compliance.
- Establish maximum noise level limits for amplified music for residents of the student residence hall as follows:
 - 90 dB indoors, with windows closed
 - 80 dB indoors, with windows open
 - 64 dB outdoors (at 3 feet from the source) from 7 a.m. to 10 p.m.
 - Do not allow outdoor amplified sounds between 10 p.m. and 7 a.m.

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

17. **Odor Control Unit.** In order to ensure any significant noxious or offensive odors are prevented from escaping the premises once the Project is operational, the building permit application to implement the Project shall include air cleaning or odor control equipment details and manufacturer specifications on the plans if applicable as determined by the project planner. Odor control ducting shall not be applied to the primary façade of the building.

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

PARKING AND TRAFFIC

18. **Car Share.** Pursuant to Planning Code Section 166, no fewer than one (1) 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.

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

19. **Bicycle Parking (Institutional Use).** Pursuant to Planning Code Section 155.2, the Project shall provide no fewer than two (2) Class 2 bicycle parking spaces. No Class 1 bicycle parking spaces are required.

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

20. **Bicycle Parking (Residential Use).** Pursuant to Planning Code Section 155.2, the Project shall provide no fewer than 194 bicycle parking spaces (171 Class 1 spaces and 23 Class 2 spaces).
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
21. **Off-Street Parking.** Pursuant to Planning Code Sections 151, the Project shall provide no more than 157 off-street parking spaces (including one car share space).
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
22. **Off-Street Freight Loading.** Pursuant to Planning Code Section 152, the Project shall provide two off-street loading spaces.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
23. **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

24. **First Source Hiring.** The Project shall adhere 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
25. **Transportation Sustainability Fee.** The Project is subject to the Transportation Sustainability Fee (TSF), as applicable, pursuant to Planning Code Section 411A.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org
26. **Child Care Fee - Residential.** The Project is subject to the Residential Child Care Fee, as applicable, pursuant to Planning Code Section 414A.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org
27. **Affordable Units.** As currently proposed, the Project will be 100 percent student housing, meeting the project criteria set forth under Section 415.3(f)(5). In the event that the Project changes and some or all of the units become market-rate, the Project shall comply with the inclusionary housing requirements set forth in Section 415 of the Code. This condition of

approval shall constitute the written determination and notice of the inclusionary housing requirement pursuant to the procedures set forth in Section 415.

MONITORING - AFTER ENTITLEMENT

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. **Monitoring.** The Project requires monitoring of the conditions of approval in this Motion. The Project Sponsor or the subsequent responsible parties for the Project shall pay fees as established under Planning Code Section 351(e) (1) and work with the Planning Department for information about compliance.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
30. **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

31. **Garbage, Recycling, and Composting Receptacles.** Garbage, recycling, and compost containers shall be kept within the premises and hidden from public view, and placed outside only when being serviced by the disposal company. Trash shall be contained and disposed of pursuant to garbage and recycling receptacles guidelines set forth by the Department of Public Works.
For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works at 415-554-5810, <http://sfdpw.org>
32. **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>

33. **Noise, Ambient.** Interior occupiable spaces shall be insulated from ambient noise levels. Specifically, in areas identified by the Environmental Protection Element, Map1, "Background Noise Levels," of the General Plan that exceed the thresholds of Article 29 in the Police Code, new developments shall install and maintain glazing rated to a level that insulate interior occupiable areas from Background Noise and comply with Title 24.

For information about compliance, contact the Environmental Health Section, Department of Public Health at (415) 252-3800, www.sfdph.org

34. **Noise, Garage Exhaust Fan.** Further Reduce Garage Exhaust Fan Noise. To further reduce garage exhaust fan noise, the Project Sponsor shall limit property line noise from the garage exhaust fans to 40 dBA by employing a combination of measures from those listed in Mitigation Measure M-NO-1a. A detailed analysis of noise reduction measures will be needed during the design phase to ensure that the combination of noise reduction measures meet a noise level of 40 dBA at the property line.

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

35. **Noise, Mechanical Equipment.** Further Reduce Mechanical Noise. To further reduce noise from the proposed mechanical equipment, the Project Sponsor shall limit property line noise from the garage exhaust fans to 40 dBA by employing additional acoustical reduction measures. A detailed analysis of noise reduction measures shall be required during the design phase to ensure that the combination of noise reduction measures meet a noise level of 40 dBA at the property line.

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

36. **Noise, Nighttime Ambient.** Further Reduce Amplified Noise. At 50 dBA, amplified music noise would be above the 35 dBA existing nighttime ambient noise levels at the surrounding residences. To reduce noise to no more than 5 dB over the ambient noise level, the following, further noise improvement measures shall be incorporated:

- Limit amplified noise levels via administrative restrictions. The USF Neighborhood Relations website currently has existing policies and procedures to regulate noise and enforce compliance.
- Establish maximum noise level limits for amplified music for residents of the student residence hall as follows:
 - 90 dB indoors, with windows closed
 - 80 dB indoors, with windows open
 - 64 dB outdoors (at 3 feet from the source) from 7 a.m. to 10 p.m.
 - Do not allow outdoor amplified sounds between 10 p.m. and 7 a.m.

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

37. **Noise Control.** The premises shall be adequately soundproofed or insulated for noise and operated so that incidental noise shall not be audible beyond the premises or in other sections of the building and fixed-source equipment noise shall not exceed the decibel levels specified in the San Francisco Noise Control Ordinance.

For information about compliance with the fixed mechanical objects such as rooftop air conditioning, restaurant ventilation systems, and motors and compressors with acceptable noise levels, contact the Environmental Health Section, Department of Public Health at (415) 252-3800, www.sfdph.org

For information about compliance with the construction noise, contact the Department of Building Inspection, 415-558-6570, www.sfdbi.org

For information about compliance with the amplified sound including music and television contact the Police Department at 415-553-0123, www.sf-police.org

38. **Odor Control.** While it is inevitable that some low level of odor may be detectable to nearby residents and passersby, appropriate odor control equipment shall be installed in conformance with the approved plans and maintained to prevent any significant noxious or offensive odors from escaping the premises.

For information about compliance with odor or other chemical air pollutants standards, contact the Bay Area Air Quality Management District, (BAAQMD), 1-800-334-ODOR (6367), www.baaqmd.gov and Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

39. **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

40. **Lighting.** All Project lighting shall be directed onto the Project site and immediately surrounding sidewalk area only, and designed and managed so as not to be a nuisance to adjacent residents. Nighttime lighting shall be the minimum necessary to ensure safety, but shall in no case be directed so as to constitute a nuisance to any surrounding property.

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

Lew, Lisa (BOS)

From: BOS Legislation, (BOS)
Sent: Wednesday, December 5, 2018 4:41 PM
To: Barsky, Daniel
Cc: GIVNER, JON (CAT); STACY, KATE (CAT); JENSEN, KRISTEN (CAT); Rahaim, John (CPC); Su, Maria (CHF); Sanchez, Scott (CPC); Gibson, Lisa (CPC); Jain, Devyani (CPC); Navarrete, Joy (CPC); Lynch, Laura (CPC); Sider, Dan (CPC); Rodgers, AnMarie (CPC); Starr, Aaron (CPC); Woods, Mary (CPC); Snyder, Mathew (CPC); Calvillo, Angela (BOS); Somera, Alisa (BOS); BOS-Supervisors; BOS-Legislative Aides; BOS Legislation, (BOS)
Subject: SUPPLEMENTAL APPEAL LTR: Appeal of Adjustment, Reduction, or Waiver of Development Project Requirements - Residential Childcare Fee - University of San Francisco - Student Residence Hall Project, Lone Mountain Campus - Appeal Hearing on December 11, 2018
Categories: 181100

Good afternoon

Please find linked below a supplemental appeal letter received by the Office of the Clerk of the Board from Daniel Barsky of Coblentz Patch Duffy & Bass, LLP, representing the appellant, regarding the appeal of the application of Residential Childcare Fee, per Planning Code, Section 414A, for the proposed Student Residence Hall Project at the Lone Mountain Campus of the University of San Francisco.

[Supplemental Appeal Letter - December 5, 2018](#)

The hearing for this matter is scheduled for a 3:00 p.m. special order before the Board on December 11, 2018.

I invite you to review the entire matter on our [Legislative Research Center](#) by following the link below:

[Board of Supervisors File No. 181100](#)

Regards,

Brent Jalipa

Legislative Clerk

Board of Supervisors - Clerk's Office

1 Dr. Carlton B. Goodlett Place, Room 244

San Francisco, CA 94102

(415) 554-7712 | Fax: (415) 554-5163

brent.jalipa@sfgov.org | www.sfbos.org



Click [here](#) to complete a Board of Supervisors Customer Service Satisfaction form

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Coblentz
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BOS-11
File No.
181100

Daniel Barsky
D (415) 772-5770
dbarsky@coblentzlaw.com

December 5, 2018

VIA MESSENGER & EMAIL

The San Francisco Board of Supervisors
Office of the Clerk
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102

Re: University of San Francisco Request for Waiver or Reduction of Child Care Impact Fee
Board of Supervisors File No. 181100

Dear Board of Supervisors:

Our office represents the University of San Francisco ("USF"). We respectfully submit this letter in furtherance of USF's appeal of the application of the Residential Child Care Impact Fee (the "Fee") to the recently approved Student Residence Hall project, which will provide 606 much-needed Student Housing beds to help address the existing demand for on-campus housing (the "Project").

The Planning Department and DCYF submitted a joint letter to the Board of Supervisors for the upcoming hearing on December 11, 2018. This letter briefly responds to the two flawed arguments advanced therein.

Absence of Reasonable Relationship or Nexus

Planning Code Section 406 provides that a project sponsor may appeal the imposition of any City development impact fee to the Board of Supervisors "based upon the absence of any reasonable relationship or nexus between the impact of development and either the amount of the fee charged or the on-site requirement." As explained in more detail in our appeal letter dated October 31, 2018, USF challenges the Fee as applied to the Project because there is no reasonable relationship or nexus between the purpose of the Fee and the Student Housing component of the Project. To be sure, children are not permitted to live in on-campus residence halls unless they live with an eligible faculty member. Please see the enclosed student residential policies for on-campus residence halls.

Planning Department staff argues that "there is a reasonable nexus between student housing and the child care fee requirement, even where children might not actually reside in a unit." We respectfully disagree and no supporting evidence has been provided by staff other than references to a potentially flawed nexus study and the fact that the " Board [previously] found a reasonable relationship between the fee and [] new development, because new residential and commercial development in San Francisco will increase the demand for infant, toddler and

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SAN FRANCISCO

Coblentz
Patch Duffy
& Bass LLP

December 5, 2018

Page 2

preschool age child care." We don't dispute that general conclusion. Rather, we dispute that conclusion as applied to the Project, which is exactly why Planning Code Section 406 provides an avenue for appeal, consistent with the California Mitigation Fee Act (Cal Gov't Code § 66000 *et seq.*), where there is an absence of a reasonable relationship or nexus between the Fee and a particular project.

USF Policy

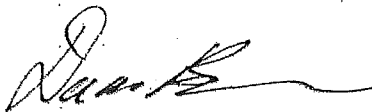
The Planning Department seemingly argues that because the "City has never conditioned payment of the child care fee on whether children were actually present in the particular residential units being charged the fee" the Board of Supervisors should deny the appeal. To the contrary, the Board of Supervisors should certainly consider whether children would actually live in the subject units when presented with an as-applied appeal supported by related evidence. Furthermore, USF should not be penalized just because this may be the first appeal of this nature.

We understand that Planning Department staff is concerned that USF's policy could change, or that occupancy of the units could change. As recommended by staff, USF is willing to (1) provide ongoing reporting on the occupancy of the Student Housing units in the Project via required Institutional Master Plan updates, (2) pay the Fee if and when children are allowed to occupy the Student Housing component of the Project, (3) limit the waiver to the Student Housing component (meaning that the Fee would be paid for the on-site faculty units), and (4) record a Notice of Special Restrictions ("NSR") to memorialize these requirements.

Conclusion

Based on the foregoing and the more detailed arguments in our appeal letter dated October 31, 2018, we urge that the Fee should only be applied to the dwelling units for on-site faculty, which is the only portion of the Project that could theoretically create a demand for child care. To conclude otherwise would be contrary to state and local law and general principals of reasonableness.

Respectfully Submitted,



Daniel Barsky
For Coblentz Patch Duffy & Bass LLP

Enclosure

Student Residential Policies

Note: This section addresses the services, regulations, resources, and operations associated with all University housing and residence halls. Behavioral expectations and standards of conduct apply to all students residing in University operated housing as well as their guests.

Residence Halls and University Operated Housing

Student Housing and Residential Education (SHaRE) welcomes students to the academic year at the University of San Francisco.

One of the most exciting advantages of living on campus is the opportunity to establish relationships with people from many different backgrounds and parts of the world. Through living with others, students can learn more about themselves and gain the skills necessary to live successfully in a multicultural world.

Students' experiences on campus will be enhanced by their energy and enthusiasm. Living with others can be a difficult task. It takes consideration, patience, and a level of responsibility to keep a residence hall community functioning at its optimum level. An understanding of and respect for the rights and interests of others is key to making the residential experience meaningful for all who live in the halls.

SHaRE staff is available to make students' on-campus experiences as comfortable and enjoyable as possible. The following live-in staff provide direct service and support to residents.

Residence Directors (RDs)

Full-time staff members with advanced degrees who are responsible for creating a safe, supportive, and educational environment for residence hall students.

Assistant Residence Directors (ARDs)

Graduate students who assist the RDs in their responsibilities and in building community within the hall.

Resident Advisors (RAs)

Undergraduate student leaders who reside on the floor and are trained to assist in creating a positive floor community. RAs are supervised by the RDs and ARDs.

Resident Ministry Interns (RMs)

Staff members of many faiths who also live on residence hall floors and provide spiritual direction for the residents.

Community Assistants (CAs) and Community Office Managers (COMs) are responsible for the operation of the Front Desk in each building.

The Central Office staff members are responsible for ensuring that residence hall facilities and programs meet the needs of the residents. Much of this is accomplished through the supervision and training of hall, apartment, and office staff. Central staff includes the Senior Director; the Director of Residential Education; the Area Coordinators; the Associate Director for Facilities and Operations; the Manager of Service Operations; the Assistant Director of Occupancy and Data Systems; the Assignment Coordinators; and the Program Assistant. The Central Office is located on the 5th floor of the University Center.

Many leadership opportunities exist for students in the residence halls. The chance to learn and develop leadership skills as a member of various residence hall committees and councils can be a valuable experience. Residents may choose to become part of the Esther Madriz Diversity Scholars, the Erasmus Community, the Martin-Baro Scholars Community, and the St. Ignatius Institute. In addition, residents may choose to serve as a member of their Residence Hall Council or the Residence Hall Association or pursue a position as a Resident Advisor or Community Assistant.

BEHAVIORAL EXPECTATIONS

The University's Student Conduct Code and other University policies and procedures apply to all students. In addition, the following standards, policies, and procedures apply to students living in University-operated housing.

SHaRE policies reflect the belief that everyone living in University housing plays a role in maintaining a living environment conducive to academic and personal growth.

Living in University-operated housing requires all individuals to be responsible and respectful of the standards, policies, and procedures that have been established to protect each student, ensure personal and University property is well-maintained and protected, and to maintain a reasonable sense of order and structure. These policies assist SHaRE in providing a safe and clean academic environment. These policies are based on the concept of responsible freedom and reflect the importance of consideration for others' rights to a healthy living and learning environment.

The process outlined in the University Student Conduct Code will be utilized for all allegations of misconduct by residential students. Students found responsible for repeated violations of the Student Conduct Code (including SHaRE policies) may be removed, either temporarily or permanently, from University-operated housing. Please refer to the Student Conduct Code for more information about the conduct process.

STUDENT HOUSING AND RESIDENTIAL EDUCATION (SHARE) POLICIES

Animals

For the health and safety of the community, animals are not permitted in University operated housing with the exception of freshwater fish with a 10-gallon tank (1 per room). Service and assistance animals must be approved by the Student Disability Services (SDS) office prior to their arrival in the residence hall. Students must also maintain compliance with the SDS Service Animal Policy.

Bicycles, Hoverboards, Electric Scooters and Motorcycles

Bicycles can only be stored in private, assigned rooms, or designated bike lock areas on campus. The University reserves the right to remove bicycles blocking the entry or exit of any building and to impound motorcycles found in any University operated housing facility. Motorcycles or any other gas or electric-powered vehicle or machine may not be taken inside any University-operated housing facility because of fire regulations. The University provides on-campus parking for motorcycles. Motorcycles must have a permit to park on campus. Contact Public Safety at x4222 for information. Hoverboards, electric scooters and similar battery-charged transportation devices are banned from all USF campus locations. The use, possession, or storage of these devices anywhere on campus is prohibited.

Cleaning and Waste Removal

Residents are responsible for regularly cleaning their rooms/units and removing waste materials, and for maintaining reasonable sanitation and safety standards. Residence hall room trash cans are to be emptied into the large garbage receptacles located in the community restrooms or trash rooms on each floor/building or into the Dumpsters located outside the building or in the building garage. Garbage, recycling, and composting areas are to be kept neat at all times and should not be overflowing. All recyclable materials (e.g. cardboard [not including pizza boxes or to-go containers from Bon Appétit], cans, bottles, and paper) are to be placed in the recycling bins only. If available, all compostable materials should go into green waste bins only (e.g., waste food, pizza boxes, and paper food containers). Under no circumstances are trashcans to be left in the hallways outside student rooms. Residents who leave trash outside of their rooms or are found to use recycling receptacles inappropriately are subject to a monetary fine and further conduct sanctions. Residents are required to turn in dead batteries and empty toner cartridges to the front desk of their building for proper disposal. All electronic waste must be properly removed. Please contact Facilities Management by using the online request form at <https://myusf.usfca.edu/facfst> for proper disposal of all electronic waste items including but not limited to computer parts, televisions, DVDs, microwaves, broken clock radios, hair dryers, curling irons, etc. Trashcan liners are available for checkout at the front desk.

Damage Charges

Residents must take responsibility for causing damages to University property. Whenever it is not possible to assign charges for damage or theft of University property to specific individuals, those charges will be divided equally among the members of the hall or apartment floor or community. In those instances of damage to a student room where the responsible individual(s) is not identified, the residents of the room will share the charge. At the beginning of each semester, and periodically throughout the semester, damage assessment checks of shared public spaces (e.g. hallways, lounges, etc.) of the floor will be made by the Resident Advisor. Residents are encouraged to participate in the damage assessment process, and each resident will receive a bill for their own share of damage to a public area at the end of the semester.

Decorating

Residents may choose to personalize their room or unit. We encourage creativity with items such as bedspreads, posters, lamps, and plants. The basic guideline is to avoid doing things that will damage the room, doors, walls, furnishings, ceiling, or floors. Residents are not allowed to paint their room or apartment. Residents are responsible for any damage to their units, rooms, walls, floor, ceiling, and room door. Damage includes but is not limited to nail holes, stickers, holes or gouges, and graffiti. No items may be attached to the ceiling, light fixtures or pipes. Additionally, no items may hang from windows or on the outside of the building from patios or window ledges or fire safety devices.

Electric Appliances

To assist with energy conservation efforts and to alleviate the frequency of blown circuits, the University recommends using Energy Star Products. Electrical appliances with exposed heating elements, including but not limited to space heaters, sun-lamps, torchiere halogen lamps, ceiling fans, air conditioners, and hot plates, afford undue safety risks and are prohibited in rooms and apartments. Woks, rice cookers, toaster ovens, and similar cooking appliances may not be used in any room other than a kitchen or kitchenette. Coffee makers with a hot plate are not permitted, however Keurigs and hot water heaters with internal heating elements only are permitted. Due to power and facilities risks other large electrical items are not permitted in rooms or independent living units, including but not limited to exercise machines and portable washers, dryers, or dishwashers. Those found in violation will be held accountable and will be asked to remove items from the residence hall or have them confiscated.

Students are limited to one small room-size refrigerator (no larger than 3.8 cubic feet) and microwave (no larger than 1.4 cubic feet) per residence hall room. Loyola Village units are equipped with full-size refrigerators and microwaves; therefore, residents are not permitted to bring additional refrigerators or microwaves.

Facilities and Property Use

Residents and their guests are expected to be respectful of University-operated housing facilities at all times. Use by a resident or guest of any bathroom facility except that which is designated for their gender is prohibited. Removal, without proper authorization, of residence hall property including, but not limited to, signs, lounge and bedroom furniture, and trashcans, is also prohibited. Those found in violation of property use are subject to cleaning, repair or replacement costs for the item(s). Because of safety concerns, as well as damage risks, roofs and ledges are strictly off limits to residents or other unauthorized persons. Hanging on balconies and scaling walls are also prohibited. In addition, potted plants may not be placed on balcony or patio railings. All potted plants must have a protective saucer under them. In Loyola Village, storage on balconies and patios is strictly forbidden. Those found in violation of the above facilities usage policies are subject to a \$250 fine. Due to safety hazards, residents may not affix anything to the walls or the buildings, including but not limited to TVs, shelving units, satellite dishes, banners, etc.

Fire Safety Equipment and Procedures

Tampering with fire safety equipment is prohibited. This includes, but is not limited to: fire extinguishers, pull stations, smoke detectors, sprinklers, exit maps and fire exit signs. Smoke detectors must not be covered at or altered for decorating. Students are not permitted to tamper with, disable, or destroy smoke detectors or other fire safety devices and equipment. Fire safety equipment should only be used in the event of a real fire emergency. Students should remember that fire exits are for emergency use only. Those found in violation may be subject to a \$250 fine. In the event of a fire alarm, residents who do not immediately evacuate the building will be fined \$250 and are subject to civil prosecution as well as University conduct action.

Guest and Visitation Policy

The University's policies on guests and visitation are based on a concern for residence hall security, the privacy rights of roommates and the community, and the maintenance of an atmosphere conducive to academic achievement. SHaRE relies on the integrity of the community to help staff uphold this policy.

Guests are welcome in all USF residential communities. Hosting guests is a privilege, not a right. Violations of the guest policy will result in student conduct sanctions including, but not limited to, suspension of guest privileges, probation, or removal from University housing. All members of the residential community share the responsibility of helping to secure their community's welfare by communicating to guests the expectations established through these regulations:

1. Resident hosts must be present to check-in their guest(s).
- 2.

Resident hosts are responsible for the actions of their guest(s) for the duration of their visit and will be held responsible for policy violations of their guests.

3. Guests must check out at the front desk every time they leave the building and will need to sign back in with their host present if/when they return.
4. Guests may be asked to leave the building at any time by residence hall or Public Safety staff.
5. All guests, including non-resident guests, are expected to abide by the terms of this policy.
6. Guests are required to show a photo ID at the front desk. USF student IDs, driver's licenses, passports, and other forms of valid government issued IDs are suitable.

Occupancy in the residence halls is limited to:

- No more than five (5) people in a single room.
- No more than ten (10) people in a double or triple room.

Occupancy in Loyola Village units is limited to:

- No more than six (6) people in a one-bedroom or studio unit.
- No more than ten (10) people in a two-bedroom unit.
- No more than fifteen (15) people in a three-bedroom unit.

These guidelines have been developed in consultation with the Fire Marshal.

Special restrictions for Overnight Guests:

Overnight guests are defined as guests who are checked into a residential community between 3 and 8 AM.

Residents must formally give consent for their room or apartment mates to host overnight guests via the Roommate Agreement form.

Residents may not permit a guest to remain in or use the facilities of a residential building (including a residence room, lounge or common area) for more than three (3) consecutive days and/or nights during any given month, and for more than four (4) days and/or nights total per month, without the written permission of the Residence Director.

Students found in violation of the overnight guest limitations may face sanctions including loss of guest privileges and/or housing probation/expulsion.

Children and Minors in the Residence Halls

The University of San Francisco does not provide housing accommodations for married students or student families, and does not allow infants, children, or other dependents of students to reside on campus.

In order to protect the safety of young children, childcare/babysitting by students is prohibited in all residence halls and apartments.

Children under the age of 13 may not be signed in as a guest to the residence halls unless prior approval has been established in writing by the Senior Director for Student Housing and Residential Education. Otherwise, children under the age of 13 may only visit students briefly in the lobby and/or informal lounge areas.

Teenagers (age 13-18) may register as a guest provided they meet all the other guest criteria outlined in the Guest Policy, including possessing state/government issued identification card or passport and abide by all other regulations regarding guests. Teenagers without a proper identification must obtain approval by the Senior Director for Student Housing and Residential Education. As with all guests, the USF resident host is solely responsible for any person under the age of 18 whom they register as a guest. The University is not responsible and/or liable for the safety/welfare or care of visiting minors in the residence halls.

Identification Cards

Student ID cards are produced by the OneCard Office, located in Lone Mountain Main, room 130. They serve as a student's residence hall ID, meal card, Gleeson Library Card, Koret Health and Recreation Center Card, Career Services Center Card, Health Services Card and ID. Students are expected to carry their ID cards with them at all times, and IDs must be presented upon entry to all residence halls and upon staff request. All residents must have a current residence hall sticker affixed to their ID. Students should never provide their ID card to other individuals for use. Students found in violation of this policy are subject to disciplinary action, including a \$50 fine. Temp cards are available for checkout at the front desk for emergency lockout use and if a temp card is not returned within one business day, the resident will be charged \$30 for card replacement. After four uses of a resident's temp card per semester, the resident's student account will be charged \$30 for each subsequent use during the remainder of the academic year. Each staff-assisted entry is considered a lockout key use. In addition, a meeting to discuss the abuse of the lockout key policy will be held with the Residence Director or designee.

Incendiary Objects

Candles (including unburned, decorative candles), incense, and other objects with open flames are considered extremely dangerous due to the potential for fire and are prohibited in both private and public living spaces. Candles found in the

residence halls or apartments will be confiscated and destroyed, and students found in possession of candles are subject to a \$250 fine and other disciplinary sanctions.

Indoor Athletic Activities

The playing of athletic games is prohibited within the residence halls and independent living areas because of the potential for personal injury and damage to the facilities. Prohibited activities include but are not limited to rollerblading/skating, bicycle riding, elevator surfing, tag, Frisbee, football, basketball, hockey, golf, baseball, etc.

Posting

SHaRE is responsible for monitoring all literature distributed or posted in the public areas of residence halls and independent living units. All literature to be distributed or posted needs to be approved in advance and distributed by Student Leadership and Engagement, located in University Center 4th Floor. Information is approved and posted based on the following criteria:

1. USF departmental information, academic information, student services, and activities information.
2. SHaRE reserves the right to refuse to post fliers attempting to sell goods, furniture, or services.
3. Fliers that advertise or imply alcohol-related events or which violate the University's Publicity Regulations will not be accepted or approved for posting or distributing in the residence halls or apartment buildings.

Posting of materials is permitted only on designated bulletin boards by SHaRE staff and Residence Hall Council members. Any materials posted by students will be removed, unless permission has been granted by the Residence Director. Students or student groups found responsible for violating this policy are subject to a monetary fine and the loss of the privilege of posting materials in University-operated housing.

Quiet Hours

Residents are expected to be considerate and respectful of other residents at all times. Unreasonable noise and other distractions that interfere with the legitimate rights of others will not be tolerated. Students that create or contribute to unreasonable noise in residence halls, independent living units, or surrounding neighborhoods during non-quiet hour times, otherwise known as courtesy hours, will be subject to disciplinary action. Quiet hours are set in each University operated housing facility between 10:00 pm and 8:00 am Sunday through Thursday, and between 12:00 am and 8:00 am on Friday and Saturday evenings. During the quiet-hour period, sound from a room should not be audible outside the room door or in surrounding rooms. Please note that excessive noise from Loyola Village residents will not be tolerated and may lead to removal from Loyola Village.

Twenty-four hour quiet hours are enforced during exam periods beginning at 10:00 pm on the final day of classes of the semester.

Reserving Public Lounge Space

Lounges and other public areas are for the exclusive use of the residence hall students and their invited guests. For special occasions these areas may be reserved through the Residence Director or Assistant Residence Director. Overall responsibility for the condition of the room rests with the sponsoring individual or group, and furniture must be returned to its original order after the event. Use of a public lounge space for commercial activity is prohibited, and all University policies apply when the rooms are in use.

Room Changes

Room changes must be approved by the Assignments Coordinator through an official offer and acceptance of a new space. Guidelines are distributed to all residents each semester explaining the room change process and residents may contact their Residence Director for more information if needed. All residents involved in the room change must be in agreement before the change is approved by SHaRE and residents move. Unauthorized room changes are not permitted and may result in termination of a resident's agreement, assessment of a \$150 fine, or other conduct sanctions.

Room Occupancy

Residents assigned to a double or triple room are only contracted for one space within that room. If a resident of a shared space does not have a roommate, they are not permitted, at any time, to assume, occupy, or use the other open space or furnishings in the room. The room must be ready for a new resident to occupy the space at any time. Violations of this policy may result in conduct sanctions and/or monetary fines.

Smoking

Smoking of any nature (including, but not limited to cigarettes, e-cigarettes, pipes, cigars, hookahs and water pipes) is prohibited in all rooms and common areas of all university operated housing. Smoking is not permitted anywhere within the boundaries of University-owned or leased property and vehicles. Those found in violation may be subject to a \$250 fine and other disciplinary action.

Solicitation

The University does not allow door-to-door solicitation of products or services in any University operated housing facility. Printed material may not be distributed beyond a residence hall's front desk by any individual or group.

SHARE OPERATIONS AND SERVICES

Cable Television

All residence hall rooms, floor lounges, and apartments are equipped with cable television hook-ups (local network only). Residents are not permitted to purchase or install additional

upgrades or other services or tamper with current cable connections. Please report problems in the residence halls to ITS at (415) 422-6668 or itshelp@usfca.edu. Please report problems in Loyola Village to the Loyola Village front desk.

Custodial Service

Custodial service for the residence halls is provided by ABLE Building Maintenance, a private company contracted by the University. The custodial staff is responsible for the daily maintenance of all common bathrooms, facilities, lounges, kitchenettes, and corridor areas. Residents are responsible for cleaning their own rooms and ensuring the cleanliness of public areas (hallways, lounges, and bathrooms). ABLE is not responsible for the removal of individual trashcans from residence hall rooms. Note: Custodial Services in Loyola Village are limited to corridors and public areas.

Damage and Property Loss

The University does not assume liability directly or indirectly for loss of or damage to personal property caused by fire, theft, water damage, or by any other means except to the extent provided by law. Additionally, the University is not responsible for personal property left behind by students upon checkout. Personal property insurance is recommended and information is available from SHaRE.

Keys/ID Cards

1. **Lost/misplaced OneCard:** temp cards are available for checkout at the front desk for emergency lockout use and if a temp card is not returned within one business day, the resident will be charged \$30 for card replacement. After four uses of a resident's temp card per semester, the resident's student account will be charged \$30 for each subsequent use during the remainder of the academic year. Each staff-assisted entry is considered a lockout key use. In addition, a meeting to discuss the abuse of the lockout key policy will be held with the Residence Director or designee.
2. **Lost Mail Keys:** In buildings where mailboxes are opened by key, the cost to the resident is \$30 per replacement mailbox key if their key is lost or stolen. (Only applies to Loyola Village)
3. **Stolen Keys or OneCard:** If a resident's keys/OneCard are stolen, immediately contact the front desk, Residence Director, and Public Safety.
4. **Duplicated Keys:** Any person found to have duplicated a University key will be subject to a monetary fine and will be subject to conduct action.

Kitchens

Kitchens or kitchenettes are available in each of the residence halls and apartments. Keys to the residence hall kitchen may be signed out through the front desk with a student ID. Because of fire safety and health restrictions, kitchens are the only areas in the residence halls and apartments where

cooking is permitted; students are not permitted to cook in residence hall rooms or apartment bedrooms. Students are expected to clean up the kitchen after use.

Laundry Facilities

Laundry rooms are located on the lower levels of all University operated housing and include both coin- and Don's Dollar card-operated machines for washing and drying clothes. Residents provide their own detergent and should not leave their laundry unattended. If a machine is out of order, students should report it to the front desk of the building. As an added convenience, residents may make use of the online monitoring system, LaundryAlert, through the University's laundry vendor, WASH Laundry, by navigating to the website www.laundryalert.com and using the password: usf596. To add money to a Don Dollars account, please contact the One Card Office, located in Lone Mountain 130; call (415) 422-7663; visit pay stations located throughout campus; or go to the Web site at www.usfca.edu/onecard.

Light Bulbs

Replacement light bulbs for University-provided desk lamps or the Loyola Village tall standing lamps are available at the front desk. Facilities Management will replace vanity or overhead lights in student rooms/units upon request. Call (415) 422-6464 to reach Facilities Management and place a work order.

Mail

U.S. mail and intercampus mail addressed to residence hall addresses will arrive daily directly from the U.S. Postal Service to each residence hall's front desk and will be distributed into mailboxes by a mail clerk. Residents will receive a package slip in their box, notification on a package board at the front desk or e-mail from the front desk when an oversized package or package requiring a signature arrives in their name.

University intercampus mail does not go to Loyola Village or Pedro Arrupe Hall. All mail intended for residents of Loyola Village or Pedro Arrupe must be fully addressed, stamped, and sent through U.S. Mail. The Loyola Village front desk does not distribute mail into mailboxes. Each Loyola Village unit has a mailbox dedicated to it. Keys to the mailboxes in Loyola Village are distributed to residents at check-in. Resident of Loyola Village who receive packages or mail requiring signatures will be contacted by the front desk. Occasionally, SHaRE will receive intercampus mail for residents of Loyola Village and Pedro Arrupe; the mail will either be registered at the front desk for student pick-up, with package slips or e-mail notifications left for residents under their front door, or the student will be contacted via phone by the front desk.

Urgent, hand-delivered mail from a University official that requires a signature of receipt will be registered at the front desk of all residence halls and independent-living units as a package for pickup.

As the University communicates with residents via mail, residents are responsible for checking their mailboxes regularly and will be held responsible for all information, including policy and procedure information, placed in student mailboxes.

Maintenance

If a resident's room is in need of repairs during the course of the year, the resident should contact Facilities Management at (415) 422-6464 in order to file a Maintenance Work Order. The Facilities Management Office is open 8:00 a.m. to 4:30 p.m. Monday through Friday and is on-call for emergencies. Work requests are usually completed within two working days, depending on availability of materials and the nature of the work. Students should request a follow-up if the work has not been completed within a reasonable amount of time. Residents should be aware that maintenance and SHaRE personnel might need to enter a room to fulfill requests (see Student Privacy in the Residence Halls).

For requests concerning furniture, please contact the Facilities Management department through the online service request form found at https://myusf.usfca.edu/fac_fst. Residents are responsible for any damage to their room beyond normal wear and tear. Maintenance repairs or clean-up costs that result from vandalism, misuse, or pranks will be charged to the responsible parties or floor community as appropriate.

Newspapers

Newspaper subscriptions will be delivered to the front desk. Residents should pick up their paper daily. Unclaimed papers will be disposed of at the end of the day, as determined by each desk. Students should remember to recycle newspapers when they are finished reading them.

Pest Control

The residence halls/independent-living units are serviced by a private pest control service. Pest problems in a room/independent-living unit should be immediately reported to Facilities Management at (415) 422-6464. Adequate cleanliness in a student's room/independent-living unit will reduce the likelihood of having pests.

Recreation Equipment

Recreation equipment, such as cue sticks, pool balls, and ping-pong paddles, is available for use with pool and ping-pong tables located in some of the residence halls. Residents must sign-out the equipment from the front desk and will be held responsible for any damage to the equipment.

USF Recycles Program

USF is committed to developing environmentally responsible practices, both in energy conservation and solid waste management. The USF Recycles Program recycles aluminum cans; brown, green and clear bottles; paper cardboard; and plastics. Over 200 bins are placed around campus, including in the residence halls and independent-living units, to collect approximately seven tons of material each month. Students

are required to help the efforts of recycling by placing materials in the proper bins. All cans and bottles must be free of food and should be rinsed out prior to placing in the bins. It is the responsibility of the entire floor to keep recycling rooms/areas clean. In situations where clean-up costs or vandalism charges are assessed, such costs or charges will be divided equally among the members of the floor. Students found responsible for improper use of the recycling/trash areas will be subject to a monetary fine and further conduct sanctions. USF Recycles can be reached at (415) 422-2705.

Refrigerators and Microwaves

Approved refrigerators and microwaves are available for rent through a non-University vendor. Students are limited to one mini-refrigerator and one microwave per residence hall room. Because Loyola Village units are equipped with full-size refrigerators and microwaves, residents are not permitted to bring their own refrigerators or microwaves.

Residence Hall Front Desks

Residence hall front desks serve as resource centers for each building in the delivery of a variety of services. The front desk provides 24-hour security, emergency assistance, and hall and campus information. It is also the place to check out lockout cards and hall equipment.

Storage

Because of limited space, SHaRE is not able to provide storage facilities for residents. Storage companies are listed in the local Yellow Pages.

Ethernet Cords, Courtesy Phone and Emergency Phones

Ethernet cords are available from ITS. Emergency phones are located on each floor and outside each campus building. Please direct phone issues and ethernet cord requests to ITS at (415) 422-6668.

Vending Machine Refunds

Vending machines are located in each residence hall. If a resident loses money in one of the machines, the University will not be able to refund their money. Students are encouraged to load Dons Dollars to their OneCard. In the event of a machine malfunction when using a OneCard, the student can request a refund from the OneCard office located in LM130.

EMERGENCY PROCEDURES

Emergencies

In case of emergency, dial x2911 for Public Safety, fire or ambulance response. Refer to the last page of this Handbook for additional information about non-residential Emergency Procedures.

Fire Regulations

1. Fire alarm systems: All residence halls and Loyola Village have fire alarm systems consisting of pull stations and bells. Activation of the pull station will ring the bells in the

hall. Activation of the smoke detectors within the room will sound in the individual unit only. Please call (415) 422-2911 to report the fire and summon the fire department.

2. Smoke detectors: All student rooms have single station smoke detectors. Activation sounds a local alarm in the room only. Students are not permitted to tamper with, disable, or destroy smoke detectors or other fire safety devices. Students found in violation of the fire regulation procedures will be charged a \$250 fine and will face University disciplinary action.
3. Fire lanes: It is essential that fire lanes be clear of vehicles and obstructions at all times. Vehicles in violation will be cited and are subject to towing at the owner's expense.

General Fire Evacuation Procedures

All students should be familiar with the fire evacuation route in their building. The University asks all students to read the evacuation procedures for people with disabilities (below) in case they need to assist a person with a disability in an emergency.

1. When the building alarm sounds, residents should roll out of bed to the floor, get down on hands and knees, and crawl to the door and touch it. No one should stop for clothes, papers, or jewelry.
2. If heat is detected after a few seconds, residents should not open the door. They should immediately call (415) 422-2911 to report their location and hang a sheet or towel out the window to attract attention. If residents feel no heat from the door, they should open it just a crack to check for smoke. If no smoke is detected, they should exit and proceed out of the building. Residents should keep low to the floor if smoke is present.
3. Residents should exit the building quickly and calmly, using the designated stairwells.
4. Once outside, residents should move away from the building and to the designated evacuation area to allow the fire and police personnel to respond to the alarm. Residents should follow all instructions of University personnel.
5. SHaRE staff members or Public Safety will notify residents when it is safe to return to the building. Evacuation procedures for every hall are posted and Resident Advisors will help familiarize residents with them. Students should remember that fire exits are for emergency use only. Residents who do not immediately evacuate the building during a fire alarm will be fined \$250 and are subject to civil prosecution as well as University conduct action.

Fire Evacuation Procedures for Persons with Disabilities

The most important factor in emergency safety for people with disabilities is advanced planning. Student Disability Services (SDS) may assist in planning specific evacuation strategies. For this or for detailed information on Evacuation Procedures for Students with Disabilities, students should contact SDS at (415) 422-2613 or the SHaRE at (415) 422-6824.

1. Mobility Impairment (please read the General Fire Evacuation Procedures above for additional instructions):
2. Do not use elevators when a building alarm is sounding, unless authorized to do so by police or fire personnel.
3. Get to the door and feel for heat. If heat is not detected, open the door just a crack and check for smoke.
4. If there is no detected smoke, students are advised to close the door and call Public Safety at (415) 422-2911 immediately. Once on the phone with Public Safety Dispatch, the caller should inform the dispatcher that the fire alarm is going off in the building. Students should give their name and exact location and mention that they are a person with a disability with limited mobility.
5. Students are advised to ask officials if they have any information on the alarm at that time, and that with no sign of immediate danger, they will be remaining in their rooms with the door closed. If the dispatcher knows that it is a true fire, they will instruct residents to the nearest fire exit stairwell to wait on the landing for emergency personnel to assist in evacuation.
6. If during the time in the room students begin to detect smoke or feel the door and it has become hot, they should call Public Safety again and get to the window. Students are advised to tell them what has changed and that they are near the window. If unable to contact Public Safety, students should again attempt to gain the attention of someone below. If possible, they should grab towels or clothing, get them wet with water, and shove them around the door to seal the cracks.

Blindness or Visual Impairment (Please read the General Fire Evacuation Procedures above for additional instructions)

USF encourages visually impaired students to practice escape routes ahead of time in case they are alone during an emergency evacuation. The University recommends that students with vision impairments learn where the nearest telephone and alarm boxes are in order to call for help, how to describe their exact location in the building, and how to best let others know where they are in the event of an emergency. It is important to be comfortable with the options for self-protection, including procedures to follow if a fire is between a student and all escape routes.

Students with a person with a visual impairment when a building fire alarm sounds should offer to lead him out of the building to safety by offering an elbow.

Residents should give verbal instructions about the safest route or direction using compass directions, estimated distances, and specific directional terms.

When students reach safety, they are advised to orient the person to where they are and ask if any further assistance is needed.

Deafness or Hearing Impairment (Please read the General Fire Evacuation Procedures above for additional instructions)

Many campus buildings are equipped with visual signal lights in the event of a fire alarm. If the person is unaware that the alarm is sounding, get their attention by using eye contact, and if necessary, touch. Clearly state the problem. Gestures and pointing may be helpful, but students should be prepared to write a brief statement if the person does not read lips.

Offer visual instructions to advise of safest route or direction pointing toward exits or evacuation maps.

Power Outages/Elevators Down

If a power outage occurs during daylight hours, all residents (including residents with mobility impairments), are encouraged to remain in the building. University operated housing facilities are equipped with emergency lighting in all stairwells and hallways. During the hours of 8:30 a.m. to 4:30 p.m., Monday through Friday, students can call Facilities Management at (415) 422-6464 to report the power outage. For power outages that occur outside the above noted hours, students can call Public Safety at (415) 422-4201 to report the outage. Students should wait for instructions from Public Safety or University personnel if an evacuation is necessary. If they are inside an elevator when a power outage occurs, or if the elevator stops working, they are asked to use the emergency phone located inside the elevator to notify Public Safety. Remember that not all cell phones are operational inside of elevator cars. Students should not attempt to get out of the elevator; this could result in severe harm. Residents with mobility impairment should notify Public Safety that they are in the building where a power outage or downed elevators has occurred. If it becomes necessary for students to get out of the building, students are advised to call Public Safety and let them know where they are and that they are need of assistance. If the power outage or downed elevators are anticipated to last overnight, SHaRE will make every effort to reasonably accommodate residents and relocate them to another space in University Operated Housing.

Earthquake Procedures

Inside a building, students should:

1. Stay inside.
- 2.

Take cover underneath a desk or table against an inside wall, protecting their head and neck.

3. Stay away from windows (or where glass can shatter) and from objects that could fall on them.
4. Do not use elevators.
5. Outdoors, students should:
6. Stay in an open area away from trees, buildings, walls, and power lines. Students are advised not enter any building.
7. Drop to their knees and get into the fetal position, close their eyes, and cross their arms over the back of your neck for protection.
8. Stay in the fetal position until the shaking stops.
9. If students are in a moving vehicle, they should pull over, stop the vehicle, and stay in the vehicle. Once the shaking has stopped, they can proceed with caution.
10. After the shaking stops, students should:
11. Be prepared to evacuate if instructed to do so. The decision to evacuate campus will be based on the severity of the earthquake and the damage to the buildings.
12. Facilities Management will go building by building to inspect the structures and deem them safe or not. If they deem a building unsafe, they will pull the fire alarm to evacuate the building, post notices, and lock down the building. Students should follow evacuation procedures and help where necessary.

Personal Preparedness

Students should:

1. Keep enough emergency supplies in their room/unit (medication, flashlight, comfortable clothes and shoes, bottled water, food, batteries, portable radio) for up to seventy-two hours in case of serious emergency.
2. Post the emergency procedures information in a visible location in their room/unit.
3. Become familiar with the quickest exit routes from their building.
4. Locate the nearest fire extinguisher and pull station and register for a fire extinguisher training course.
5. Register for CPR, first aid, crime prevention, or other safety training courses.
6. Prepare a plan for themselves by specifying what to do, where to go, and how to cope. Designate an out-of-state relative or friend to act as a contact for separated family members.
7. Communicate their personal preparedness plan with family and loved ones.

PRIVACY IN UNIVERSITY OPERATED HOUSING UNITS

Room Entry

The University balances the right to privacy of residential students with the responsibility to maintain a safe environment for all students and staff in the residence halls and apartments. The University will take all reasonable steps to ensure the residents receive adequate notice prior to entry by University personnel for the purposes of verifying occupancy, repair, inventory, construction, and/or inspection.

The University also reserves the right to enter any University operated housing facility without notice for responding to real or reasonably perceived health and safety emergencies, and/or to ensure evacuation during fire alarms, during vacation period, and/or to respond to situations where there is a reasonable suspicion that a violation of the law or University policies is occurring or has occurred inside a particular room. Under such circumstances, it is not necessary that the room's resident(s) be present; nor will a resident's refusal, either verbal or physical, prevent an entry or inspection. By entering into the University Housing Contract, the student consents to room entry and inspection under those circumstances indicated.

Administrative Search Warrants

The Administrative Search Warrant authorizes University officials to search a room or apartment. Any search by local police or other civic officials must be conducted with a search warrant issued through a court having competent jurisdiction. An Administrative Search Warrant will include the following information:

1. The violation(s) suspected
2. The basis for suspicion and the particular item(s) for which the search is being conducted
3. The room or unit number to be searched and the occupant(s) name(s)
4. The date and time of the search

When, based on probable cause, Public Safety officers believe there is a need, even if the student has voluntarily surrendered drug(s), paraphernalia, other contraband or other prohibited items, an Administrative Search Warrant will be requested to determine that all prohibited items have been removed from the room.

The Administrative Search Warrant must be authorized by the Vice Provost for Student Life or designee.



UNIVERSITY OF
SAN FRANCISCO

CHANGE THE WORLD FROM HERE

Facilities Management
2130 Fulton Street
San Francisco, CA 94117-1080
Tel 415.422.6464
Fax 415.752.0888

Date: December 5, 2018

From: University of San Francisco

To: San Francisco Board of Supervisors

Re: University of San Francisco Request for Waiver or Reduction of Child Care Impact Fee
Board of Supervisors File No. 181100

Dear Board of Supervisors:

I write this letter on behalf of the University of San Francisco ("USF") in support of its request for a waiver or reduction of the Residential Child Care Impact Fee. The following is a brief overview of the community benefit programs already sponsored by USF that pertain to children and child care.

USF provides a robust child care subsidy for the provision of child care services for eligible faculty and staff with children under the age of five. It is estimated that USF will provide a total of approximately \$270,000 in San Francisco child care subsidies by the end of 2018 and USF is committed to continuing to provide this annual subsidy in the future.

USF also takes great pride in its alliance with the San Francisco Unified School District ("SFUSD") and provides the equivalent of over \$2.8 million in programming to support school counselors, marriage and family therapists, and low-income resident teachers. Another important part of USF's partnership with SFUSD is our commitment to serving the Department of Education's Talent Search Program, which identifies low-income students from historically marginalized backgrounds to promote access to higher education. This year, 339 students are enrolled in the program, 213 of whom will represent the first generation within their families to attend college.

It is also worth noting that over 75 percent of USF undergraduate students receive an average of \$35,564 in financial aid. Approximately 90 percent of USF's non-profit operating budget is from tuition, but that does not deter USF's unwavering commitment to the San Francisco community at large.

Thank you for your consideration.

Sincerely,

Elizabeth Miles
For The University of San Francisco

Lew, Lisa (BOS)

From: BOS Legislation, (BOS)
Sent: Friday, November 30, 2018 8:46 AM
To: Barsky, Daniel
Cc: GIVNER, JON (CAT); STACY, KATE (CAT); JENSEN, KRISTEN (CAT); Rahaim, John (CPC); Su, Maria (CHF); Sanchez, Scott (CPC); Gibson, Lisa (CPC); Jain, Devyani (CPC); Navarrete, Joy (CPC); Lynch, Laura (CPC); Sider, Dan (CPC); Rodgers, AnMarie (CPC); Starr, Aaron (CPC); Woods, Mary (CPC); Calvillo, Angela (BOS); Somera, Alisa (BOS); BOS-Supervisors; BOS-Legislative Aides; BOS Legislation, (BOS)
Subject: HEARING NOTICE: Appeal of Adjustment, Reduction, or Waiver of Development Project Requirements - Residential Childcare Fee - University of San Francisco - Student Residence Hall Project, Lone Mountain Campus - Appeal Hearing on December 11, 2018

Good morning,

The Office of the Clerk of the Board has scheduled a hearing for a Special Order before the Board of Supervisors on **December 11, 2018, at 3:00 p.m.**, to hear an appeal of Adjustment, Reduction, or Waiver of Development Project Requirements - Residential Childcare Fee for the University of San Francisco - Student Residence Hall Project, Lone Mountain Campus.

Please find the following link to the hearing notice for the matter.

[Hearing Notice - November 30, 2018.](#)

I invite you to review the entire matter on our [Legislative Research Center](#) by following the link below:

[Board of Supervisors File No. 181100](#)

Regards,

Lisa Lew

San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102
T 415-554-7718 | F 415-554-5163
lisa.lew@sfgov.org | www.sfbos.org



Click [here](#) to complete a Board of Supervisors Customer Service Satisfaction form

The [Legislative Research Center](#) provides 24-hour access to Board of Supervisors legislation, and archived matters since August 1998.

Disclosures: Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors' website or in other public documents that members of the public may inspect or copy.

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

NOTICE OF PUBLIC HEARING

BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF SAN FRANCISCO

NOTICE IS HEREBY GIVEN THAT the Board of Supervisors of the City and County of San Francisco will hold a public hearing to consider the following appeal and said public hearing will be held as follows, at which time all interested parties may attend and be heard:


Date: Tuesday, December 11, 2018

Time: 3:00 p.m.

Location: Legislative Chamber, City Hall, Room 250
1 Dr. Carlton B. Goodlett, Place, San Francisco, CA 94102

Subject: File No. 181100. Hearing of persons interested in or objecting to the application of the Residential Child Care Fee per Planning Code, Section 414, for the Student Residence Hall Project at the University of San Francisco - Lone Mountain Campus located at 2500 Turk Street, Assessor's Parcel Block No. 1107, Lot No. 008. (District 1) (Appellant: Daniel Barsky of Coblenz Patch Duffy and Bass, LLP, on behalf of the University of San Francisco) (Filed October 31, 2018).

In accordance with Administrative Code, Section 67.7-1, persons who are unable to attend the hearing on this matter may submit written comments prior to the time the hearing begins. These comments will be made as part of the official public record in this matter and shall be brought to the attention of the Board of Supervisors. Written comments should be addressed to Angela Calvillo, Clerk of the Board, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA, 94102. Information relating to this matter is available in the Office of the Clerk of the Board. Agenda information relating to this matter will be available for public review on Friday, December 7, 2018.


Angela Calvillo
Clerk of the Board

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

PROOF OF MAILING

Legislative File No. 181100

Description of Items: Hearing - Appeal of Adjustment, Reduction, or Waiver of Development Project Requirements - Residential Childcare Fee - University of San Francisco - Student Residence Hall Project, Lone Mountain Campus - 1 Notice Mailed

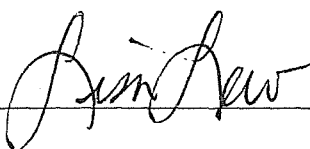
I, Lisa Lew, an employee of the City and County of San Francisco, mailed the above described document(s) by depositing the sealed items with the United States Postal Service (USPS) with the postage fully prepaid as follows:

Date: November 30, 2018

Time: 8:33 a.m.

USPS Location: Repro Pick-up Box in the Clerk of the Board's Office (Rm 244)

Mailbox/Mailslot Pick-Up Times (if applicable): N/A

Signature: 

Instructions: Upon completion, original must be filed in the above referenced file.

Lew, Lisa (BOS)

From: BOS Legislation, (BOS)
Sent: Friday, November 16, 2018 12:05 PM
To: 'Barsky, Daniel'
Cc: GIVNER, JON (CAT); STACY, KATE (CAT); JENSEN, KRISTEN (CAT); Rahaim, John (CPC); Su, Maria (CHF); Sanchez, Scott (CPC); Gibson, Lisa (CPC); Jain, Devyani (CPC); Navarrete, Joy (CPC); Lynch, Laura (CPC); Sider, Dan (CPC); Rodgers, AnMarie (CPC); Starr, Aaron (CPC); Woods, Mary (CPC); Calvillo, Angela (BOS); Somera, Alisa (BOS); BOS-Supervisors; BOS-Legislative Aides; BOS Legislation, (BOS)
Subject: Appeal of Adjustment, Reduction, or Waiver of Development Project Requirements - Residential Childcare Fee - University of San Francisco - Student Residence Hall Project, Lone Mountain Campus - Appeal Hearing on December 11, 2018

Greetings,

The Office of the Clerk of the Board has scheduled an appeal hearing for Special Order before the Board of Supervisors on **December 11, 2018, at 3:00 p.m.** Please find linked below the letter of appeal filed concerning the application of the Residential Childcare Fee for the Student Residence Hall Project at the University of San Francisco - Lone Mountain Campus located at 2500 Turk Street, as well as direct links to the Planning Department's and Department of Children, Youth and Their Families' timely filing determinations, and an informational letter from the Clerk of the Board.

[Appeal Letter - October 31, 2018](#)

[Planning Department Email - November 8, 2018](#)

[Department of Children, Youth and Their Families Email - November 14, 2018](#)

[Clerk of the Board Letter - November 15, 2018](#)

I invite you to review the entire matter on our [Legislative Research Center](#) by following the link below:

[Board of Supervisors File No. 181100](#)

Regards,

Lisa Lew

San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102
T 415-554-7718 | F 415-554-5163
lisa.lew@sfgov.org | www.sfbos.org



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Disclosures: Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
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TDD/TTY No. 554-5227

November 15, 2018

Daniel Barsky
Coblentz Patch Duffy & Bass, LLP
One Montgomery Street, Suite 3000
San Francisco, CA 94104-5500

Subject: File No. 181100 - Appeal of Adjustment, Reduction, or Waiver of Development Project Requirements - Residential Childcare Fee - University of San Francisco - Student Residence Hall Project, Lone Mountain Campus

Dear Mr. Barsky:

Pursuant to Planning Code, Section 406(3), the Office of the Clerk of the Board has scheduled an appeal hearing on **Tuesday, December 11, 2018, at 3:00 p.m.**, at the Board of Supervisors meeting to be held in City Hall, 1 Dr. Carlton B. Goodlett Place, Legislative Chamber, Room 250, San Francisco, CA 94102, concerning the application of the Residential Childcare Fee for the Student Residence Hall Project at the University of San Francisco - Lone Mountain Campus located at:

2500 Turk Street, Assessor's Parcel Block No. 1107, Lot No. 008

Please provide to the Clerk's Office by noon:


- 20 days prior to the hearing:** names and addresses of interested parties to be notified of the hearing, in spreadsheet format; and
- 11 days prior to the hearing:** any documentation which you want available to the Board members prior to the hearing in accordance with Planning Code, Section 406(3); the appellant shall bear the burden of presenting substantial evidence to support the appeal, including comparable technical information to support appellant's position.

For the above, the Clerk's office requests one electronic file (sent to bos.legislation@sfgov.org) and two copies of the documentation for distribution.

NOTE: If electronic versions of the documentation are not available, please submit 18 hard copies of the materials to the Clerk's Office for distribution. If you are unable to make the deadlines prescribed above, it is your responsibility to ensure that all parties receive copies of the materials.

If you have any questions, please feel free to contact Legislative Clerks Brent Jalipa at (415) 554 7712, Lisa Lew at (415) 554-7718, or Jocelyn Wong at (415) 554-7702.

Very truly yours,


Angela Calvillo
Clerk of the Board

- c: Jon Givner, Deputy City Attorney
- Kate Stacy, Deputy City Attorney
- Kristen Jensen, Deputy City Attorney
- John Rahaim, Director of Planning, Planning Department
- Maria Su, Director of the Department of Children, Youth and Their Families
- Scott Sanchez, Zoning Administrator, Planning Department
- Lisa Gibson, Environmental Review Officer, Planning Department
- Devayani Jain, Deputy Environmental Review Officer, Planning Department
- Joy Navarrete, Environmental Planning, Planning Department
- Laura Lynch, Environmental Planning, Planning Department
- Dan Sider, Director of Executive Programs
- AnMarie Rodgers, Director of Citywide Planning, Planning Department
- Aaron Starr, Manager of Legislative Affairs, Planning Department
- Mary Woods, Staff Contact, Planning Department

Vong, Jocelyn (BOS)

From: Sider, Dan (CPC)
Sent: Thursday, November 8, 2018 4:31 PM
To: BOS Legislation, (BOS); Rahaim, John (CPC); Su, Maria (CHF)
Cc: GIVNER, JON (CAT); Rahaim, John (CPC); Sanchez, Scott (CPC); Gibson, Lisa (CPC); Jain, Devyani (CPC); Navarrete, Joy (CPC); Lynch, Laura (CPC); Rodgers, AnMarie (CPC); Starr, Aaron (CPC); Woods, Mary (CPC); BOS-Supervisors; BOS-Legislative Aides; Calvillo, Angela (BOS); Somera, Alisa (BOS); BOS Legislation, (BOS); Lew, Lisa (BOS)
Subject: Re: Appeal of Adjustment, Reduction, or Waiver of Development Project Requirements - Residential Childcare Fee - Student Residence Hall Project: University of San Francisco Lone Mountain Campus

Dear Mr. Jalipah

Apologies for the delay in responding to your email. We have determined that this appeal was filed in a timely fashion and that, at least for the purposes of the Planning Department, the materials submitted by the appellant are sufficient to proceed.

All the best.

Dan

Daniel A. Sider, AICP
Director of Executive Programs
Planning Department, City and County of San Francisco
1650 Mission Street, Suite 400, San Francisco, CA 94103
Direct: 415-558-6697
Email: dan.sider@sfgov.org
Web: www.sfplanning.org

From: BOS Legislation, (BOS) <bos.legislation@sfgov.org>
Sent: Friday, November 2, 2018 1:33 PM
To: Rahaim, John (CPC); Su, Maria (CHF)
Cc: GIVNER, JON (CAT); Rahaim, John (CPC); Sanchez, Scott (CPC); Gibson, Lisa (CPC); Jain, Devyani (CPC); Navarrete, Joy (CPC); Lynch, Laura (CPC); Sider, Dan (CPC); Rodgers, AnMarie (CPC); Starr, Aaron (CPC); Woods, Mary (CPC); BOS-Supervisors; BOS-Legislative Aides; Calvillo, Angela (BOS); Somera, Alisa (BOS); BOS Legislation, (BOS)
Subject: Appeal of Adjustment, Reduction, or Waiver of Development Project Requirements - Residential Childcare Fee - Student Residence Hall Project: University of San Francisco Lone Mountain Campus

Dear Directors Rahaim and Su,

The Office of the Clerk of the Board is in receipt of an appeal of Adjustment, Reduction, or Waiver of Development Project Requirements, regarding the Residential Childcare Fee (Planning Code, Section 414) for a proposed Student Residence Hall project at the University of San Francisco Lone Mountain Campus. The appeal was filed by Daniel Barsky of Coblenz Patch Duffy & Bass, on behalf of the University of San Francisco.

This is the first filing invoking the appeal right, pursuant to Planning Code, Section 406, received by the Office of the Clerk of the Board. The attached includes:

- Statement of appeal from Daniel Barsky of Coblenz Patch Duffy & Bass, LLP, received 10/31/18
- Development Impact Fee Reports as of 10/12/18 for Permit Application Nos. 201611303815 and 201611303820
- Permit Detail Reports as of 11/1/18 Permit Application Nos. 201611303815 and 201611303820 showing permits issued as of 10/16/18

We are requesting a determination of not only the timeliness of the filing but also whether the documents submitted are sufficient for this appeal.

Best regards,

Brent Jalipa

Legislative Clerk

Board of Supervisors - Clerk's Office

1 Dr. Carlton B. Goodlett Place, Room 244

San Francisco, CA 94102

(415) 554-7712 | Fax: (415) 554-5163

brent.jalipa@sfgov.org | www.sfbos.org

Lew, Lisa (BOS)

From: Su, Maria (CHF)
Sent: Friday, November 16, 2018 11:23 AM
To: Lew, Lisa (BOS)
Subject: RE: Appeal of Adjustment, Reduction, or Waiver of Development Project Requirements - Residential Childcare Fee - Student Residence Hall Project: University of San Francisco Lone Mountain Campus

Importance: High

Categories: 181100

Dear Alisa,

I apologize for my delay in responding to this request. I had assumed that the Planning Department's response to your last communication was sufficient for both departments.

Upon review, DCYF has determined that the appeal filed by the University of San Francisco Lone Mountain Campus for the Student Residence Hall Project was done in a timely manner and that the materials submitted are sufficient to proceed.

Thanks,
-Maria



Maria Su, PsyD

Director

SF Department of Children, Youth and Their Families

1390 Market Street, Suite 900 | San Francisco | CA 94102

P: 415-554-3547 | F: 415-554-8965 | maria.su@dcyf.org | www.dcyf.org



Rebecca Corteza, Executive Assistant

P: 415-554-3510 | rebecca.corteza@dcyf.org |

From: BOS Legislation, (BOS)

Sent: Friday, November 2, 2018 1:33 PM

To: Rahaim, John (CPC) <john.rahaim@sfgov.org>; Su, Maria (CHF) <maria.su@dcyf.org>

Cc: GIVNER, JON (CAT) <Jon.Givner@sfcityattly.org>; Rahaim, John (CPC) <john.rahaim@sfgov.org>; Sanchez, Scott (CPC) <scott.sanchez@sfgov.org>; Gibson, Lisa (CPC) <lisa.gibson@sfgov.org>; Jain, Devyani (CPC) <devyani.jain@sfgov.org>; Navarrete, Joy (CPC) <joy.navarrete@sfgov.org>; Lynch, Laura (CPC) <laura.lynch@sfgov.org>; Sider, Dan (CPC) <dan.sider@sfgov.org>; Rodgers, AnMarie (CPC) <anmarie.rodgers@sfgov.org>; Starr, Aaron (CPC) <aaron.starr@sfgov.org>; Woods, Mary (CPC) <mary.woods@sfgov.org>; BOS-Supervisors <bos-supervisors@sfgov.org>; BOS-Legislative Aides <bos-legislative_aides@sfgov.org>; Calvillo, Angela (BOS) <angela.calvillo@sfgov.org>; Somera, Alisa (BOS) <alisa.somera@sfgov.org>; BOS Legislation, (BOS) <bos.legislation@sfgov.org>

Subject: Appeal of Adjustment, Reduction, or Waiver of Development Project Requirements - Residential Childcare Fee - Student Residence Hall Project: University of San Francisco Lone Mountain Campus

2269

Dear Directors Rahaim and Su,

The Office of the Clerk of the Board is in receipt of an appeal of Adjustment, Reduction, or Waiver of Development Project Requirements, regarding the Residential Childcare Fee (Planning Code, Section 414) for a proposed Student Residence Hall project at the University of San Francisco Lone Mountain Campus. The appeal was filed by Daniel Barsky of Coblenz Patch Duffy & Bass, on behalf of the University of San Francisco.

This is the first filing invoking the appeal right, pursuant to Planning Code, Section 406, received by the Office of the Clerk of the Board. The attached includes:

- Statement of appeal from Daniel Barsky of Coblenz Patch Duffy & Bass, LLP, received 10/31/18
- Development Impact Fee Reports as of 10/12/18 for Permit Application Nos. 201611303815 and 201611303820
- Permit Detail Reports as of 11/1/18 Permit Application Nos. 201611303815 and 201611303820 showing permits issued as of 10/16/18

We are requesting a determination of not only the timeliness of the filing but also whether the documents submitted are sufficient for this appeal.

Best regards,

Brent Jalipa

Legislative Clerk

Board of Supervisors - Clerk's Office

1 Dr. Carlton B. Goodlett Place, Room 244

San Francisco, CA 94102

(415) 554-7712 | Fax: (415) 554-5163

brent.jalipa@sfgov.org | www.sfbos.org

alipa, Brent (BOS)

From: BOS Legislation, (BOS)
To: Rahaim, John (CPC); Su, Maria (CHF)
Cc: GIVNER, JON (CAT); Rahaim, John (CPC); Sanchez, Scott (CPC); Gibson, Lisa (CPC); Jain, Devyani (CPC); Navarrete, Joy (CPC); Lynch, Laura (CPC); Sider, Dan (CPC); Rodgers, AnMarie (CPC); Starr, Aaron (CPC); Woods, Mary (CPC); BOS-Supervisors; BOS-Legislative Aides; Calvillo, Angela (BOS); Somera, Alisa (BOS); BOS Legislation, (BOS)
Subject: Appeal of Adjustment, Reduction, or Waiver of Development Project Requirements - Residential Childcare Fee - Student Residence Hall Project: University of San Francisco Lone Mountain Campus

Dear Directors Rahaim and Su,

The Office of the Clerk of the Board is in receipt of an appeal of Adjustment, Reduction, or Waiver of Development Project Requirements, regarding the Residential Childcare Fee ([Planning Code, Section 414](#)) for a proposed Student Residence Hall project at the University of San Francisco Lone Mountain Campus. The appeal was filed by Daniel Barsky of Coblenz Patch Duffy & Bass, on behalf of the University of San Francisco.

This is the first filing invoking the appeal right, pursuant to [Planning Code, Section 406](#), received by the Office of the Clerk of the Board. The attached includes:

- Statement of appeal from Daniel Barsky of Coblenz Patch Duffy & Bass, LLP, received 10/31/18
- Development Impact Fee Reports as of 10/12/18 for Permit Application Nos. 201611303815 and 201611303820
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We are requesting a determination of not only the timeliness of the filing but also whether the documents submitted are sufficient for this appeal.

Best regards,

Brent Jalipa

Legislative Clerk

Board of Supervisors - Clerk's Office

1 Dr. Carlton B. Goodlett Place, Room 244

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BOARD of SUPERVISORS



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Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

November 1, 2018

To: John Rahaim
Planning Director

Maria Su
Director of the Department of Children, Youth and Their Families

From: *ACC* Angela Calvillo
Clerk of the Board of Supervisors

Subject: Appeal of Adjustment, Reduction, or Waiver of Development Project Requirements - Residential Childcare Fee - University of San Francisco - Student Residence Hall Project, Lone Mountain Campus

An appeal of Adjustment, Reduction, or Waiver of Development Project Requirements regarding the Residential Childcare Fee (Planning Code, Section 414) for a proposed Student Residence Hall project at the University of San Francisco Lone Mountain Campus was filed with the Office of the Clerk of the Board on October 31, 2018, by Daniel Barsky of Coblenz Patch Duffy & Bass, on behalf of the University of San Francisco.

Pursuant to Planning Code, Section 406, a sponsor of any development project subject to a development fee or development impact requirement imposed by Planning Code, Article 4, may appeal to the Board of Supervisors for a reduction, adjustment, or waiver of the requirement based upon the absence of any reasonable relationship or nexus between the impact of development and either the amount of the fee charged or the on-site requirement. Such filing shall be made in writing no later than 15 days after the date the Department or Commission takes final action on the project approval that assesses the requirement,

I am forwarding the appeal, with attached documents, to the Planning Department and the Department of Children, Youth, and Their Families, to determine if the documents are sufficient for filing and that the appeal has been filed in a timely manner. The determination should be made within three (3) working days of receipt of this request.

If you have any questions, please feel free to contact Brent Jalipa, Legislative Clerk, at (415) 554-7712 or, Lisa Lew, Legislative Clerk, at (415) 554-7718 or Jocelyn Wong, Legislative Clerk, at (415) 554-7702.

- c: Jon Givner, Deputy City Attorney
- Scott Sanchez, Zoning Administrator, Planning Department
- Lisa Gibson, Environmental Review Officer, Planning Department
- Devyani Jain, Deputy Environmental Review Officer, Planning Department
- Joy Navarrete, Environmental Planning, Planning Department
- Laura Lynch, Environmental Planning, Planning Department
- Dan Sider, Director of Executive Programs
- AnMarie Rodgers, Director of Citywide Planning, Planning Department
- Aaron Starr, Manager of Legislative Affairs, Planning Department
- Mary Woods, Staff Contact, Planning Department

Print Form

Introduction Form

By a Member of the Board of Supervisors or Mayor

Time stamp
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning : "Supervisor [] inquiries"
- 5. City Attorney Request.
- 6. Call File No. [] from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No. []
- 9. Reactivate File No. []
- 10. Question(s) submitted for Mayoral Appearance before the BOS on []

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative Form.

Sponsor(s):

Clerk of the Board

Subject:

Hearing - Appeal of Adjustment, Reduction, or Waiver of Development Project Requirements - Residential Childcare Fee - University of San Francisco - Student Residence Hall Project, Lone Mountain Campus - 2500 Turk Street

The text is listed:

Hearing of persons interested in or objecting to the application of the Residential Child Care Fee per Planning Code, Section 414A, for the Student Residence Hall Project at the University of San Francisco - Lone Mountain Campus located at 2500 Turk Street, Assessor's Parcel Block No. 1107, Lot No. 008. (District 1) (Appellant: Daniel Barsky of Coblentz Patch Duffy and Bass, LLP, on behalf of the University of San Francisco) (Filed October 31, 2018).

Signature of Sponsoring Supervisor: *Alisa Gomez*

For Clerk's Use Only