

PLANNING COMMISSION
December 4, 2003

Inclusionary housing
Case No. 2002.0628CEKVX!
1160 Mission Street
Assessor's Block 3702
Lots 37, 38 and 56
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SAN FRANCISCO
PLANNING COMMISSION
MOTION NO. 16693

12/4/2003

ADOPTING FINDINGS RELATING TO THE AUTHORIZATION OF A CONDITIONAL USE PURSUANT TO APPLICATION NO. 2002.0628CEKVX FOR A COMMERCIAL PUBLIC PARKING GARAGE WITH UP TO 381 PARKING SPACES IN A C-3 DISTRICT AND FOR RESIDENTIAL-SERVING OFF-STREET PARKING IN EXCESS OF ACCESSORY AMOUNTS, IN CONJUNCTION WITH THE CONSTRUCTION OF A 23-STORY APARTMENT BUILDING WITH UP TO 246 DWELLING UNITS, IN A C-3-G (DOWNTOWN GENERAL COMMERCIAL) DISTRICT AND 150-S AND 240-S HEIGHT AND BULK DISTRICTS.

Preamble

On November 13, 2003, the Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing on Conditional Use Application No. 2002.0628CEKVX! at which time the Commission reviewed and discussed the findings prepared for its review by the staff of the Planning Department of the City and County of San Francisco (hereinafter "Department").

It was determined by the San Francisco Planning Department (hereinafter "Department"), in accordance with the provisions of the California Environmental Quality Act (hereinafter "CEQA"), the State Guidelines for the Implementation of CEQA and Chapter 31 of the San Francisco Administrative Code, that the proposed Project could have no significant impact on the environment and that an environmental impact report would be not required. A Final Negative Declaration (hereinafter "FND") of Environmental Impact (Case No. 2002.0628CEKVX!) was adopted and issued for the project on September 22, 2003. This Commission has reviewed and considered the information contained in this Negative Declaration of Environmental Impact and concurs with the findings made therein. Such concurrence is reflected in the adoption by the Commission, on December 4, 2003, of CEQA findings as described in the FND as Motion No. 16691.

The Commission has reviewed and considered reports, studies, plans and other documents pertaining to this proposed Project.

The Commission has heard and considered the testimony presented to it at the public hearing and has further considered the written materials and oral testimony presented on behalf of the applicant, the Department Staff and other interested parties.

MOVED, That the Commission hereby authorizes the Conditional Use requested in Application No.

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2002.0628CEKVX! subject to the conditions contained in Exhibit A, attached hereto and incorporated herein by reference thereto, based on the following findings:

Findings

Having reviewed all the materials identified in the recitals above, and having heard oral testimony and arguments, this Commission finds, concludes and determines as follows:

1. The statements in the preamble are accurate and also constitute findings of this Commission.
2. On, March 5, 2003, Alexis Wong, President, AGI , LLC, owner, (hereinafter "Applicant") filed Application No. 2002.0628CEKVX! (hereinafter "Application") requesting authorization of a Conditional Use to construct a parking garage with space for 504 cars in conjunction with the construction of a 23-story apartment building containing up to 246 dwelling units. Within this garage, the Applicant proposes to provide 185 spaces to serve the 246 proposed dwelling units (three spaces for each four units) and the remainder (319 spaces) as short-term public parking. This project is proposed to be constructed on three lots currently used as long-term (all-day) surface parking lots (hereinafter "Project"), at 1160 Mission Street, with additional frontage on Stevenson Street, northwest side between Seventh and Eighth Streets, Lots 37, 38 and 56 in Assessor's Block 3702 (hereinafter "Subject Property"), in a C-3-G (Downtown General Commercial) District, and in 150-S and 240-S Height and Bulk Districts.
3. The Project site is in the Mid-Market area southeasterly of the Civic Center. Adjacent to the northeast is the site of the new GSA Building being built by the Federal government. It will be a "slab" building approximately 280 feet in height and fronted by a large public plaza at the corner of Seventh and Mission Streets. Immediately to the southwest is the site (approximately three acres, a through property from Market to Mission Streets) of the Trinity Properties' proposed 1,410-unit residential redevelopment project (with 1,350 proposed off-street parking spaces) which is proposed for phased construction over the next ten years. At present, this site houses the Trinity Plaza Apartments, 377 residential rental units with approximately 450 off-street parking spaces. The new development would feature five slab buildings (similar in form to the subject Project) from 12 to 24 stories in height. To the north lie two recently-constructed office buildings of 12 and 14 stories. Also to the north, across Stevenson Street, is the site of a proposed new hotel of approximately ten stories and 100 guest rooms. The area also has a number of mixed-use buildings, hotels and theatres. The Civic Center BART station is one half block to the north. The project site is well served by transit of all varieties.
4. The Project site is within the proposed Mid-Market Redevelopment Plan area. This area is proposed for designation as a redevelopment area by the San Francisco Redevelopment Agency. A Draft Mid-Market Redevelopment Plan has been prepared and an Environmental

Impact Report ("EIR") has been completed for this project. The subject proposal is generally consistent with this draft Plan and EIR.

5. The Subject Property is a nearly-rectangular site with 124 feet of frontage on Mission Street, 125.114 feet of frontage along Stevenson Street and a depth of 350.135 feet. It contains 43,640 square feet. This property includes a vacated portion of the former Jessie Street right-of-way. It is currently used as a surface parking lot catering to long-term (all-day) parkers. Building Permit Application No. 2002-12-20-3957-S / R-1 for the construction of the proposed new building is on hold at the Planning Department awaiting the outcome of the Planning Commission's action on the review under Planning Code (hereinafter "Code") **Section 309** (Case No. 2002.0628CEKVX!), the requested Conditional Use authorization (Case No. 2002.0628CEKVX!) for the public parking garage and the provision of residential-serving off-street parking in excess of accessory amounts, and the requested Variance (Case No. 2002.0628CEKVX!) of the Code Section 140 dwelling-unit-exposure standards associated with the Project.
6. The Project site comprises Lots 37, 38 and 56 in Assessor's Block 3702. It is in a C-3-G (Downtown Commercial, General) District and 150-S and 240-S Height and Bulk Districts. The property is also within the San Francisco Redevelopment Agency's proposed Mid-Market Redevelopment Area.
7. In addition to its 246 dwelling units and 504-space garage, the Project would have a small amount of ground-floor retail space (approximately 5,356 square feet) fronting on Mission Street. The garage would have five above-grade levels (no underground levels) and would cover the entire site. The Applicant proposes that 185 of the off-street parking spaces (three spaces for each four dwelling units) be to serve the residential portion of the building. The remainder (319 spaces) is proposed to be short-term parking available to users of businesses in the area. The Director's recommendation is for 123 spaces (one space per two dwelling units) be assigned to the residential portion of the Project and that the remainder (381 spaces) be made available for commercial short-term use. The Applicant has entered into a Memorandum of Understanding ("MOU") with "City Car Share". This MOU agrees that two "car share" spaces would be reserved in the commercial part of the proposed garage with two more spaces being reserved to be devoted to future expansion of the car-share use (if and when such expansion proves to be warranted). The proposed parking structure would be a sort of podium above which the apartment tower would rise. The remainder of the podium surface would be developed with outdoor usable open space (including a swimming pool) for the occupants of the residential units.
8. **Section 151** contains the schedule of required off-street parking spaces. In the C-3 districts, no use other than dwelling units is required to provide off-street parking. In relation to dwelling units in a the C-3-G District, this Section requires one off-street parking space for each four newly-created dwelling units. Consequently, the Project would be required to provide 62 such spaces to serve the 246 dwelling units proposed. The Code permits up to

The proposed Project complies with the criteria of Section 303(c) of the Code in that:

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

The development of a short-term parking reservoir in the vicinity is a goal of the Mid-Market Plan that the San Francisco Redevelopment Agency is preparing for the area including the Subject Property. Some 2,000 such spaces have been identified as needed in this area. These spaces would be made available to the users of the surrounding businesses and nighttime entertainment uses. The ready availability of transit of all varieties dictates that commuter (long-term) parking should not be provided nearby. As such, the Project proposal would help to implement the Plan goals as so described. Also, in light of the readily available transit resources in the area, three residential-serving off-street parking spaces for each four dwelling units would provide for the parking needs of residents but would permit some of the residential travel needs to be diverted to means other than the automobile. The remainder of the spaces (319, in this case) be devoted to short-term use only.

- B. That such use or feature as proposed will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity, or injurious to property, improvements or potential developments in the vicinity, with respect to aspects including but not limited to the following:

- (1) The nature of the proposed site, including its size and shape, and the proposed size shape and arrangement of structures;

The Project would not exceed the dwelling-unit density permitted in the subject C-3 District which district permits a density of up to one dwelling unit for each 125 square feet of lot area (or 349 dwelling units on the 43,600-square-foot Subject Property). The Project Sponsor proposes to develop up to 246 dwelling units. All of these units are one- to three-bedroom units, many large enough to house families. The garage proposed would cover the entire site for five levels. This type of "podium" would blend well with the massive Federal building being constructed immediately to the northeast, which building has a similar element alongside the Subject Property. Atop this podium would be elevated outdoor open space to serve the residents of the proposed 246 dwelling units.

Additionally, the Project's proposes a small retail space on the Mission Street frontage of the Subject Property in keeping with the existing commercial nature of that street. This new commercial use would be limited

to the ground floor providing an interesting pedestrian streetscape without impacting the residential nature of the Project.

- (2) The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed off-street parking and loading;

The Subject Property is well-served by public transit of all varieties. For this reason, and pursuant to the City's "Transit First" policy, the Director has recommended that there be one off-street parking space provided in conjunction with each two dwelling units (123 spaces for 246 units). A traffic study performed as part of the EIR for the Project, determined that Project-generated transit trips would not have an adverse impact on transit. It also determined that demand for off-street parking would exceed the number of spaces proposed to be supplied by the Project. The EIR goes on to state that "extra residential parking demand generated by the proposed (P)roject is not anticipated to create a substantial parking impact." Should there be a need for additional spaces, the parking deficiency could be met at other parking facilities in the project vicinity or by on-street parking. Accordingly, as a compromise, the Commission hereby authorizes three residential-serving off-street parking spaces for each four dwelling units (185 such spaces)

In order not to draw undue commuter automobiles to this part of the City (and thereby interfering with the efficient operation of public transit), the commercial spaces to be provided in the proposed garage would be limited to short-term use only.

The Project proposes two off-street loading spaces in compliance with the standards of Code Section 152.1.

- (3) The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor;

The Project does not propose any uses likely to generate offensive emissions, such as noise, glare, dust, or odor. The Project's predominant use is residential with supporting services.

- (4) Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking and loading areas, service area, lighting and signs;

The Project would be appropriately landscaped and open space (especially,

a large outdoor podium area (with a swimming pool) would be provided for the use of the residents of the proposed dwelling units. Appropriate off-street loading would be provided. The entrance to the residential-serving parking would be off Stevenson Street, a minor street that carries no transit lines. The proposal calls for a Mission Street commercial parking entrance that would be replaced by a lateral entrance to a shared driveway (should such an arrangement be finalized, in due time) proposed as part of the adjoining "Trinity Properties" residential project. This would permit a small amount of additional retail space to replace the presently-proposed driveway onto Mission Street (and it would enhance pedestrian, traffic and transit flow by reducing the number of entrances / exits to and from Mission Street. Street trees would be installed in compliance with the standards set forth in Code Section 143.

- C. That such use or feature as proposed will comply with the applicable provisions of the Code and will not adversely affect the General Plan as elaborated herein below.

The **Transportation Element** contains the following relevant policies and objectives:

OBJECTIVE 2: USE THE TRANSPORTATION SYSTEM AS A MEANS FOR GUIDING DEVELOPMENT AND IMPROVING THE ENVIRONMENT.

Policy 2.1: Use rapid transit and other transportation improvements in the City and region as the catalyst for desirable development, and coordinate new facilities with public and private development.

The Subject Property is an excellent site for a dense housing development as it has easily-accessible transit of all varieties in the immediate vicinity. This justifies the provision, in conjunction with the residential component of the Project, of three off-street parking space for each four dwelling units.

OBJECTIVE 11: MAINTAIN PUBLIC TRANSIT AS THE PRIMARY MODE OF TRANSPORTATION IN SAN FRANCISCO AND AS A MEANS THROUGH WHICH TO GUIDE FUTURE DEVELOPMENT AND IMPROVE REGIONAL MOBILITY AND AIR QUALITY.

Policy 11.3: Encourage development that efficiently coordinates land use with transit service, requiring that developers address transit concerns as well as mitigate traffic problems.

As stated herein, the Subject Property is very well served by public transit of all varieties. The commercial parking component of the proposed Project would be limited to short-term parking to serve the needs of the surrounding commercial

establishments as well as the emerging nighttime entertainment uses in the vicinity. The Project would not provide long-term (all-day) parking. Such trips should be diverted to transit. The high-density nature of the surrounding area dictates that off-street parking should be provided for residential use in reduced amounts. Therefore, it is appropriate that there be three such spaces for each four dwelling units in the Project.

OBJECTIVE 24: IMPROVE THE AMBIANCE OF THE PEDESTRIAN ENVIRONMENT.

Policy 24.4: Preserve pedestrian-oriented building frontages.

The Project, as originally proposed, would have a driveway across the Mission Street sidewalk. In the future, this driveway is proposed for diversion to a to-be-built driveway on the adjoining Trinity Properties' site (with the site of the original driveway to be converted to retail space fronting on Mission Street). This eventuality would help to preserve the pedestrian orientation of this portion of Mission Street.

OBJECTIVE 28: PROVIDE SECURE AND CONVENIENT PARKING FACILITIES FOR BICYCLES.

Policy 28.1: Provide secure bicycle parking in new governmental, commercial, and residential developments.

The proposed new garage would have racks for the parking of 25 bicycles and designated spaces for the parking of 20 motorcycles.

OBJECTIVE 30: ENSURE THAT THE PROVISION OF NEW OR ENLARGED PARKING FACILITIES DOES NOT ADVERSELY AFFECT THE LIVABILITY AND DESIRABILITY OF THE CITY AND ITS VARIOUS NEIGHBORHOODS.

Policy 30.1: Assure that new or enlarged parking facilities meet need, locational and design criteria.

The proposed parking for the commercial component of the Project is designed to minimize traffic conflicts and provide adequate parking for customers and clients of nearby businesses as well as entertainment uses. There is a single driveway proposed for access to and from Mission Street. This driveway is intended to be a temporary solution to the access needs of the commercial parking facility until such time as a shared driveway can be constructed on the adjoining Trinity Properties site. The intention is that, at that future time, the commercial parking in the Project would be accessed off that driveway (with the temporary Mission Street driveway being closed and replaced by retail space).

The proposed Mid-Market Redevelopment Plan calls for the provision of reservoirs of short-term parking in the vicinity of the Subject Property for the purpose of serving the recurring needs of the businesses and entertainment uses in the area. The

proposed commercial parking proposal has the support of the Mid-Market PAC as well as the staff of the San Francisco Redevelopment Agency.

OBJECTIVE 34: RELATE THE AMOUNT OF PARKING IN RESIDENTIAL AREAS AND NEIGHBORHOOD COMMERCIAL DISTRICTS TO THE CAPACITY OF THE CITY'S STREET SYSTEM AND LAND USE PATTERNS.

Policy 34.1: Regulate off-street parking in new housing so as to guarantee needed spaces without requiring excesses and to encourage low auto ownership in neighborhoods that are well served by transit and are convenient to neighborhood shopping.

Proposed parking for the residential component of the Project would be in a ratio of three off-street spaces for each four dwelling units. However, with the likelihood of reduced rates of car ownership due to the high-density, nature of the proposed building and of the surrounding transit-rich area, parking, as proposed, would be sufficient to serve the expected need. The developer has entered into a Memorandum of Understanding (hereinafter "MOU") with City Car Share to provide two "car share" parking spaces and to reserve two more such spaces for future growth of that use.

The **Downtown Area Plan** contains the following relevant objectives and policies:

Moving About -- Moving to and from Downtown

OBJECTIVE 18: ENSURE THAT THE NUMBER OF AUTO TRIPS TO AND FROM DOWNTOWN WILL NOT BE DETRIMENTAL TO THE GROWTH OR AMENITY OF DOWNTOWN.

Policy 2: The Project will further provide incentives for the use of transit, carpools, and vanpools, to reduce the need for new or expanded automobile parking facilities.

The commercial parking to be provided as part of the Project is to be all short-term. Redevelopment Agency. The residential-serving parking, at three spaces per four dwelling units, is an incentive the use of transit thereby reducing the need for its provision as a reservoir of parking for neighborhood uses as been supported by the Mid-Market Plan Area PAC as well as the staff of the San Francisco parking facilities. The Project site is in an area that is well-served by public transit.

Moving Around Downtown

OBJECTIVE 20: PROVIDE FOR THE EFFICIENT, CONVENIENT AND COMFORTABLE MOVEMENT OF PEOPLE AND GOODS, TRANSIT VEHICLES AND AUTOMOBILES WITHIN THE DOWNTOWN.

The Project Site is located on a transit preferential street and a pedestrian oriented street or alley. The minimal amount of loading and delivery activities for the Project

would not cause any conflict between loading activities and transit or pedestrian movements. As stated herein, All commercial parking would be short-term and future plans call for closing the Mission Street driveway (if feasible) further enhancing the flow of traffic as well as pedestrians and transit vehicles.

OBJECTIVE 21: IMPROVE FACILITIES FOR FREIGHT DELIVERIES AND BUSINESS SERVICES.

Policy 2: Discourage access to off-street freight loading and service vehicle facilities from transit preferential streets, or pedestrian oriented streets and alleys.

The Project Site is located on a transit preferential street (Mission Street). As such, the freight loading for the Project (primarily the move-in and move-out needs of the up to 246 dwelling units therein) will take place off Stevenson Street. The minimal amount of loading and delivery activities for the Project would not cause any conflict between loading activities and transit or pedestrian movements.

OBJECTIVE 22: IMPROVE THE DOWNTOWN PEDESTRIAN CIRCULATION SYSTEM, ESPECIALLY WITHIN THE CORE, TO PROVIDE FOR EFFICIENT, COMFORTABLE, AND SAFE MOVEMENT.

Policy 1: Provide sufficient pedestrian movement space.

Policy 5: Improve the ambience of the pedestrian environment.

The Project Site allows for sufficient pedestrian movement. The Project involves the construction of a new building including off-street parking and 246 dwelling units. The new activity resulting from these changes would not have a negative effect on the ambience of the pedestrian environment.

Section 101.1(b)(1-8) establishes Eight Priority Planning Policies and requires review of permits for consistency with said policies. They are included in the preamble to the Master Plan and are the basis upon which inconsistencies in the General Plan are resolved:

(1) That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced;

The proposed project would not remove or otherwise negatively impact any existing neighborhood-serving retail uses. The project would enhance neighborhood-serving retail uses because it would provide approximately 6,000 square feet of ground-floor retail use fronting on Mission Street; more retail space than currently exists at the site. The short-term parking proposed as part of the project would enhance other retail and neighborhood-serving commercial and entertainment uses in the vicinity. These uses would create employment opportunities. The project would add new residents, visitors and employees to the neighborhood, which may strengthen nearby neighborhood retail uses by

broadening the consumer base and the demand for such retail services.

- (2) That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods;

The proposed project design is articulated in such a way as to fit in well with the evolving neighborhood character of large slab buildings set in large open areas. The Project would add economic diversity by providing some retail space.

- (3) That the City's supply of affordable housing be preserved and enhanced;

The project would enhance the City's supply of housing by adding up to 246 new dwelling units in an emerging mixed-use area, with either 12 percent (if on site – 30 units) or 17 percent (if off site – 43 units), or a mixture thereof) would be affordable for either rental or sale per terms of the City's Inclusionary Affordable Housing Program. Alternately, the Applicant may select to pay an "in lieu" fee.

- (4) That commuter traffic not impede Muni transit service or overburden our streets or neighborhood parking;

Traffic generated by the project would not impede MUNI transit service or local streets or neighborhood parking. The Project site is well served by transit. The proposed residential parking would be accessed from Stevenson Street. The commercial parking would be accessed from Mission Street, through a single driveway, with the proviso that the project sponsor work with the project sponsors of the adjoining Trinity Properties project to effect a sharing of the proposed driveway on that property. Ostensibly, at that future time, the Mission-Street driveway to the subject project would be closed and replaced with retail space. In this manner, the goal of reduced or eliminated driveway entrances on the downtown portion of Mission Street would be enhanced. The project would provide parking greater than Code-complying off-street parking spaces. By including more parking than is required, and limiting that parking to short-term, the Project would help implement the Mid-Market plan goals, one of which is to provide short-term parking in an organized manner in the Plan area (against which businesses in the area could draw rather than providing parking on their own sites).

- (5) 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 would not remove any industrial or service uses, as no such uses are currently operating on the site. The project would generate employment opportunities available to a diverse socio-economic range of city residents in its construction phase and, later, in its retail and parking components.

- (6) That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake;

The project will be constructed according to current local building codes to insure a high level of seismic safety.

- (7) That landmarks and historic buildings be preserved; and,

The subject site is a parking lot containing no structures. No landmarks or historic buildings would be affected by the project.

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

The project would have no impact on public parks, open space, or vistas. It was analyzed for its potential for shadow impacts on the City Hall Plaza and was found not to create any.

In summary, the proposed 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 provide needed market rate and affordable housing and it would contribute to the character and stability of the neighborhood.

16. The Commission, after carefully balancing the competing public and private interests, hereby finds that authorization of the requested Conditional Uses 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 hearing, and all other written materials submitted by all parties, the Commission hereby APPROVES Conditional Use Application No. 2002.0628CEKVX! (for both a downtown commercial parking garage and for residential-serving off-street parking in excess of accessory amounts) subject to the following conditions attached hereto as Exhibit A which is incorporated herein by reference as though fully set forth.

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. 16693. 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 94012.

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I hereby certify that the foregoing Motion was adopted by the Planning Commission on December 4, 2003.

Linda Avery
Commission Secretary

AYES: Commissioners Antonini, Hughes, S. Lee and W. Lee

NAYES: Commissioners Bradford Bell and Feldstein

ABSENT: Commissioner Boyd

ADOPTED: December 4, 2003

EXHIBIT A

CONDITIONS OF APPROVAL

- (1) The authorization herein is of a Conditional Use for a new mixed-use building containing up to 246 dwelling units and up to 504 off-street parking spaces representing residential-serving parking in excess of accessory amounts (**Section 204.5** of the Code) and a public parking garage for passenger vehicles in a C-3 District (**Code Section 223(m)**). 185 of these parking spaces are to serve the residential component of the building (being a ratio of three parking spaces for each four dwelling units), and the remaining 319 spaces are to be used in a short-term configuration per standards of **Code Section 155(g)**. As such, in order to discourage long-term commuter parking, any off-street parking spaces provided for a structure or use other than residential or hotel in a C-3 District, whether classified as an accessory or Conditional Use, which are otherwise available for use for long-term parking by downtown workers must maintain a rate or fee structure for their use such that the rate charge for four hours of parking duration is no more than four times the rate charge for the first hour, and the rate charge for eight or more hours of parking duration is no less than 10 times the rate charge for the first hour. Additionally, no discounted parking rate shall be permitted for weekly, monthly or similar time-specific periods.

Final plans shall be reviewed and approved by the Staff of the Department prior to the issuance of the building permit.

- (2) Construction of the herein-authorized Project shall commence within three years of the date of this action and shall be, thenceforth pursued diligently to completion or the said authorization shall become null and void.

Environmental

- (3) The mitigation measures identified in the Final Negative Declaration (Case No. 2002.0628CEKVX!) adopted and issued (as amended) for the Project shall be required of the Project.

Recordation

- (4) The Applicant shall cause this "Exhibit A" to be recorded against the title of the Subject Property as a Notice of Special Restrictions under the City Planning Code.

Design

- (5) The Project architect shall continue to work with the Planning Department to further develop and refine the design with special attention paid to the eventual replacement of the Mission Street driveway to the Project's parking garage (as outlined in the text of the Motion), commercial

spaces and garage entrances cornice lines, windows, trim, and treatment of exposed exterior walls. The final design shall be reviewed and approved by the Planning Department prior to approval of any Building Permit Applications.

- (6) Decisions on final materials, glazing, color, texture, landscaping, and detailing shall be subject to Department staff review and approval.

Landscaping

- (7) A final landscaping plan, which plan shall include the installation of street trees around of the Project site, shall be developed and approved by the staff of the Planning Department prior to the issuance of any Building Permit(s) for the Project.

Performance

- (8) The Applicant shall appoint a person or persons to act as a neighborhood liaison. The function of said liaison shall be to consult with residents of the Project and neighbors in the surrounding neighborhood to resolve problems or complaints arising from operation of the Project. The Applicant shall report the name and telephone number of said community liaison to the Zoning Administrator for reference.
- (9) Should implementation of this Project result in complaints from interested property owners, residents or commercial lessees, which complaints are not resolved by the Applicant, (and/or the appointed community liaison for the Project), and are subsequently reported to the Zoning Administrator and found to be in violation of the Code and/or the specific conditions of approval for the Project as set forth in this Exhibit A, pursuant to **Section 174** of the Code, the Zoning Administrator shall take appropriate violation abatement action and the Commission, after holding a public hearing on the matter in accordance with the hearing notification and conduct procedures as set forth in **Section 174**, pursuant to **Section 306.3** and **306.4** of the Code, may revoke the subject Conditional Use authorization.