



EXECUTIVE SUMMARY CONDITIONAL USE

HEARING DATE: MARCH 18, 2021

CONSENT CALENDAR

Record No.: 2012.0506CUA-02
Project Address: 950 Gough Street
Zoning: RM-4 (Residential, Mixed, High Density) Zoning
80-B Height and Bulk District
Block/Lot: 0744/023 (formerly Lot 021)
Project Sponsor: St. Paulus Lutheran Church
c/o Simon Yip
The Pollard Group
1541 Polk Street
San Francisco, CA 94109
Property Owner: 10-950 Gough Owner, LLC
c/o Brad Dickason
7121 Fairway Drive, Suite 410
Palm Beach Gardens, Florida 33418
Staff Contact: Gretel Gunther – (628) 652-7607
gretel.gunther@sfgov.org
Recommendation: Approval with Conditions

Project Description

The Project seeks to modify the Conditional Use Authorization under Commission Motion No. 19547 for Case No. 2012.0506CEKV that was approved on January 7, 2016 for a mixed-use development of a church (St. Paulus Lutheran Church) and 95 residential units. The previous approval consisted of an open two-story church sanctuary, with use of the sanctuary at the basement level that is visually open to the first/ground floor level. This Project proposes to enclose the void at the first/ground floor level and relocate the church sanctuary from the basement level to the first/ground floor level. The Project will increase the Institutional Use by approximately 2,200 gross square feet from 10,537 gross square feet to 12,696 gross square feet, within the building envelope. The

Project would increase the gross square footage of the first/ground floor level by 1,822 gross square feet and the gross square footage of the basement level by 377 gross square feet.

Required Commission Action

In order for the Project to proceed, the Commission must grant a Conditional Use Authorization, pursuant to Planning Code Sections 209.2 and 303 to allow an increase of approximately 2,200 gross square feet in Institutional Use within an RM-4 Zoning District.

Issues and Other Considerations

- **Public Comment & Outreach.**
 - **Support/Opposition:** The Department has received no letters in support or in opposition to the Project.
- **Design Review Comments:** The project has changed in the following significant ways since the original submittal to the Department:
 - Enclosure of the previously approved opening on the first/ground floor level for the Institutional Use.
- **Project Updates:** Since the Commission's approval on January 7, 2016, the Project Sponsor has updated the Project as follows:
 - **Increase in Institutional Use:** The Project Sponsor has added approximately 2,200 gross square feet of additional Institutional Use at first floor level. The Project Site currently has 10,537 gross square feet of Institutional Use. The Project proposes to increase the total Institutional Use to 12,696 gross square feet.

Environmental Review

In 2016, the originally proposed Project (Case No. 2012.0506CEKV) underwent preliminary review pursuant to California Environmental Quality Act for the previously proposed eight-story mixed-use building containing 95 dwelling units, 10,537 gross square feet of Institutional Use, 61 parking spaces (including 1 car share space), and 104 bicycle spaces. At that time, a Mitigated Negative Declaration (for Case No. 2012.0506CEKV) was prepared and adopted by the Planning Commission on January 7, 2016. A new Conditional Use Authorization Application, the subject of this public hearing, was submitted in May 2020 for environmental review¹. The Department's Environmental Review Officer deemed the Revised Project would qualify for a Memo to File to the Mitigated Negative Declaration. The Memo to File to Mitigated Negative Declaration, contained in "EXHIBIT D," was issued on March 4, 2021.

¹ On January 7, 2016, the Planning Department/Planning Commission reviewed and considered the Final Mitigated Negative Declaration (FMND) for Case No. 2012.0506CEKV 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")

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

Basis for Recommendation

The Department finds that the Project is, on balance, consistent with the Objectives and Policies of the General Plan. Due to the steep slope along Gough Street, views and natural light at the basement level are impeded by the sidewalk and automobile traffic. By elevating the church sanctuary space from the basement to the first/ground floor level, it will receive increased natural light and views of the Jefferson Square Park. In doing so, the Project proposes to relocate the church administrative offices and restrooms to the basement level; utilize the side entrance on Gough Street to improve the interior circulation of the overall space and avoid any unnecessary disruptions to the use of the sanctuary. Further, the Project will not expand the previously approved building envelope of this Project Site. The Project will add approximately 2,200 gross square feet by filling in a void at the first/ground floor level. The Department finds the Project to be necessary, desirable, and compatible with the surrounding neighborhood, and not to be detrimental to persons or adjacent properties in the vicinity.

Attachments:

Draft Motion – Conditional Use Authorization with Conditions of Approval

Exhibit B – Plans and Renderings

Exhibit C – Planning Commission Motion Number 19547 for Case Number 2012.0506CEKV

Exhibit D – Memo to File to the Mitigated Negative Declaration for Case Number 2012.0506E

Exhibit E – Mitigated Monitoring and Reporting Program for Case Number 2012.0506E

Exhibit F – Land Use Data

Exhibit G – Maps and Context Photos



PLANNING COMMISSION DRAFT MOTION

HEARING DATE: MARCH 18, 2021

Record No.: 2012.0506CUA-02
Project Address: 950 Gough Street
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80-B Height and Bulk District
Block/Lot: 0744/023 (formerly Lot 021)
Project Sponsor: St. Paulus Lutheran Church
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Staff Contact: Gretel Gunther – (628) 652-7607
gretel.gunther@sfgov.org
Recommendation: Approval with Conditions

ADOPTING FINDINGS RELATING TO THE MODIFICATION OF CONDITIONAL USE AUTHORIZATION UNDER COMMISSION MOTION NO. 19547 FOR CASE NO. 2012.0506CEKV, PURSUANT TO PLANNING CODE SECTIONS 209.2 AND 303. THE NEW CONDITIONAL USE WOULD INCREASE THE INSTITUTIONAL USE OF ST. PAULUS LUTHERAN CHURCH FROM 10,537 GROSS SQUARE FEET BY APPROXIMATELY 2,200 GROSS SQUARE FEET TO 12,696 GROSS SQUARE FEET WITHIN THE EXISTING BUILDING ENVELOPE, LOCATED AT 950 GOUGH STREET, LOT 023, IN ASSESSOR'S BLOCK 0744, WITHIN AN RM-4 (RESIDENTIAL, MIXED, HIGH-DENSITY) ZONING DISTRICT AND AN 80-B HEIGHT AND BULK DISTRICT, AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

PREAMBLE

On May 14, 2020, The Pollard Group on behalf of the St. Paulus Lutheran Church (hereinafter "Project Sponsor") filed Application No. 2012.0506CUA-02 (hereinafter "Application") with the Planning Department (hereinafter "Department") for a Conditional Use Authorization to modify the Conditional Use Authorization under Commission Motion No. 19547 for Case No. 2012.0506CEKV that was approved on January 7, 2016 for a mixed-use development of a church (St. Paulus Lutheran Church) and residential units. The previous approval consisted of a two-story open church sanctuary, with use of the sanctuary at the basement level, open to first/ground floor level. This Project (hereinafter "Project") proposes to enclose the void at the first/ground floor level and relocate the sanctuary from the basement to the first/ground floor level. The Project would increase the Institutional Use by approximately 2,200 gross square feet within the building envelope, pursuant to Planning Code Sections 209.2 and 303, at 950 Gough Street, Block 0744, Lot 023 (hereinafter "Project Site").

In 2016, the originally proposed Project (Case No. 2012.0506CEKV) underwent preliminary review pursuant to California Environmental Quality Act for the previously proposed eight-story mixed-use building containing 95 dwelling units, 10,537 gross square feet of Institutional Use, 61 parking spaces (including 1 car share space), and 104 bicycle spaces. At that time, a Mitigated Negative Declaration (for Case No. 2012.0506CEKV) was prepared and adopted by the Planning Commission on January 7, 2016. A new Conditional Use Authorization Application, the subject of this public hearing, was submitted in May 2020 for environmental review. The Department's Environmental Review Officer deemed the Revised Project would qualify for a Memo to File to the Mitigated Negative Declaration. The Memo to File to Mitigated Negative Declaration, contained in "EXHIBIT D," was issued on March 4, 2021; and

On January 7, 2016, the Planning Department/Planning Commission reviewed and considered the Final Mitigated Negative Declaration (FMND) for Case No. 2012.0506CEKV 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 required no significant revisions to the Draft MND, and approved the FMND for the Project in compliance with CEQA, the CEQA Guidelines and Chapter 31.

On March 18, 2021, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2012.0506CUA-02.

The Planning Department Commission Secretary is the custodian of records; the File for Record No. 2012.0506CUA-02 is located at 49 South Van Ness Avenue, Suite 1400, San Francisco, California.

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 Authorization as requested in Application No. 2012.0506CUA-02, 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. Project Description.** The Project seeks to modify the Conditional Use Authorization under Commission Motion No. 19547 for Case No. 2012.0506CEKV that was approved on January 7, 2016 for a mixed-use development of a church (St. Paulus Lutheran Church) and 95 residential units. The previous approval consisted of an open two-story church sanctuary, with use of the sanctuary at the basement level that is visually open to the first/ground floor level. This Project proposes to enclose the void at the first/ground floor level and relocate the church sanctuary from the basement level to the first/ground floor level. The Project will increase the Institutional Use by approximately 2,200 gross square feet from 10,537 gross square feet to 12,696 gross square feet, within the building envelope. The Project would increase the gross square footage of the first/ground floor level by 1,822 gross square feet and the gross square footage of the basement level by 377 gross square feet.
- 3. Site Description and Present Use.** The Project is located on an approximately 18,906 square foot lot at 950 Gough Street, on the southeast corner of Gough and Eddy Streets. The Project Site has 137.5 feet of frontage along Gough Street and 137.5 feet of frontage along Eddy Street on Assessor's Block 0744, Lot 023. The Gough Street frontage slopes laterally downward to the south, towards Turk Street, with a grade change of approximately 21 feet between the front and rear lot lines. The Eddy Street frontage has a slight downward slope of approximately 6 feet to the east, toward Franklin Street. The Project Site was previously approved under Commission Motion No. 19547 to construct a new, 124,000 square foot, eight-story mixed-use building with 95 residential units, a 10,000 square foot church at the first/ground floor and basement levels, and one subterranean parking level, totaling 124,000 gross square feet. At present, the residential units are not yet occupied, and the church is not yet in use. The Project Site was previously occupied by the St. Paulus Lutheran Church, built between 1892 and 1899. In 1999, however, the building was damaged in a fire and subsequently demolished.
- 4. Surrounding Properties and Neighborhood.** The Project Site is located within the Western Addition neighborhood, at the western edge of the Downtown/Civic Center neighborhood. The neighborhood is comprised primarily of governmental offices, civic institutions, commercial uses, financial institutions, and high-density apartment buildings. City Hall is four blocks southeast of the Project site. The Hayes Valley shopping district is six blocks southwest of the site. Jefferson Square Park is immediately west of the site on Gough Street. Four to eight-story tall governmental and residential apartment buildings are south of the site on Turk Street. A Shell gasoline station is located at the northwest corner of Turk and Franklin Streets. Many buildings on the subject and adjacent blocks have no front yard setbacks thereby creating a continuous street wall. Transit lines are nearby and within walking distance of the site. Other zoning districts in the vicinity of the project site include: P (Public), RM-3 (Residential, Mixed, Medium Density), NCT-3 (Moderate Scale Neighborhood Commercial Transit District), and RC-4 (Residential-Commercial, High Density) Zoning Districts.
- 5. Public Outreach and Comments.** The Department has received no correspondence regarding the

proposed project.

6. Planning Code Compliance. The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:

- A. **Institutional Use.** Planning Code Section 209.2 states that a Conditional Use Authorization is required for religious institutions in RM zoning districts.

The Project proposes to intensify the Institutional Use at the Project Site by increasing the Institutional Use by approximately 2,200 gross square feet from 10,537 gross square feet to 12,696 gross square feet within the existing building envelope. The intensification of an Institutional Use in an RM-4 Zoning District requires a Conditional Use Authorization.

- B. **Basic Floor Area Ratio (FAR).** Planning Code Section 124 limits the building square footage to 4.8 square feet of building area for every 1 square foot of lot area.

The Project would total approximately 36,200 gross square feet, equivalent to a 1.9:1 FAR for non-residential uses.

- C. **Shower Facilities and Lockers.** Planning Code Section 155.4 requires one shower and six clothes lockers where the Occupied Floor Area exceeds 10,000 square feet but is no greater than 20,000 square feet.

The Project will include one shower and six clothes lockers for exceeding an Occupied Floor Area of 10,000 square feet of Institutional Use.

- D. **Transportation Sustainability Fee (TSF).** Planning Code Section 411A authorizes the imposition of certain development impact fees on new non-residential development projects to offset impacts on the transit system. Land use categories for all impact fees are defined in Section 401.

The Project includes the addition of at least 800 gross square feet of a non-residential use and is therefore subject to the Transportation Sustainability Impact Fee. The Project Sponsor will comply with the requirements of this section prior to the issuance of a Site Permit.

7. Conditional Use Findings. Planning Code Section 303 establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use authorization. On balance, the project complies with said criteria in that:

- A. The proposed new uses and building, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable, and compatible with, the neighborhood or the community.

The proposed increase of approximately 2,200 gross square feet of Institutional Use within the existing building envelope will provide a reconfigured sanctuary space for St. Paulus Lutheran Church that is both desirable and compatible with the neighborhood. The Project Site was previously occupied by St.

Paulus Lutheran Church from 1899 to 1999. After a fire damaged the building, it was demolished in 1999. Expanding the gross square footage of the total Institutional Use of the site is consistent and compatible with the historic use of the site and is also in keeping with the approved Institutional Use under Commission Motion No. 19547 for Case No. 2012.0506CEKV.

- 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:

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

The height and bulk of the existing building will remain the same and will not alter the existing appearance or character of the project vicinity. Due to the steep slope along Gough Street, views and natural light at the basement level are impeded by the sidewalk and automobile traffic. By elevating the church sanctuary space from the basement to the first/ground floor level, it will receive increased natural light and views of the Jefferson Square Park. In doing so, the Project proposes to relocate the church administrative offices and restrooms to the basement level, utilize the side entrance on Gough Street to improve the interior circulation of the overall space and avoid any unnecessary disruptions to the use of the sanctuary. The expansion of the previously approved Institutional Use by approximately 2,200 gross square feet (from 10,537 gross square feet to 12,696 gross square feet) will not be detrimental to the health, safety, convenience or general welfare of persons or adjacent neighbor properties in the vicinity of the site because it will not alter the existing building envelope, and will not affect the previously approved size, shape, and arrangement of structures under Commission Motion No. 19547 for Case No. 2012.0506CEKV.

- (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 Planning Code does not require off-street parking or loading for an Institutional Use. The proposed increase in Institutional Use will not affect 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. Under Commission Motion No. 19547 for Case No. 2012.0506CEKV, the church will provide three off-street parking spaces for employees and five Class 1 and four Class 2 bicycle parking spaces for church employees and attendees. Further, transit lines that are nearby and within walking distance of the site include the following four MUNI lines: 31 Balboa, 47 Van Ness, 49 Van Ness/Mission, and 5 Fulton.

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

The Project will not produce noxious or offensive emissions related to noise, glare, dust, and odor.

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

The proposed intensification of the Institutional Use will not impact the previously approved landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs approved under Commission Motion No. 19547 for Case No. 2012.0506CEKV nor will it require new treatment as the expansion will occur within the building envelope.

- C. That the use as proposed will comply with the applicable provisions of the Planning Code and will not adversely affect the General Plan.

The Project complies with all relevant requirements and standards of the Planning Code and is consistent with objectives and policies of the General Plan as detailed below.

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

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

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

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 2.4

Preserve notable landmarks and areas of historic, architectural or aesthetic value, and promote the preservation of other buildings and features that provide continuity with past development.

The Project proposes to expand the gross square footage of the Institutional Use for St. Paulus Lutheran Church by approximately 2,200 gross square feet from 10,537 gross square feet to 12,696 gross square feet, within the building envelope. As currently built and as approved under Commission Motion No. 19547 for case no. 2012.0506CEKV, the first/ground floor level contains an entry area, church administrative offices, and restrooms, while the basement level contains the primary sanctuary space and ceremonial area of the church. Due to the steep slope along Gough Street, views and natural light at the basement level are impeded by the sidewalk and automobile traffic.

As proposed, the sanctuary and ceremonial area would move to the first/ground floor level, in order to receive increased natural light and views of the Jefferson Square Park. As proposed, the church administrative offices and restrooms would move to the basement level and utilize the side entrance on

Gough Street. The proposed change would avoid any unnecessary disruptions when the sanctuary is in use and would improve the overall interior circulation. The first/ground floor level currently contains a floor opening against the west wall of the building.

The Project seeks to modify previously approved Conditional Use Authorization 2012.0506C under Commission Motion No. 19547 by enclosing the current floor opening. Though Institutional Uses require a Conditional Use authorization in an RM-4 Zoning District today, the Project Site had been used for Institutional Use for over 100 years before a fire damaged the church in 1999. The increase in Institutional Use by 2,200 gross square feet within the building envelope is consistent with the historical use of the Site and the Objectives and Policies of the General Plan.

9. Planning Code Section 101.1(b) establishes eight priority-planning policies and requires review of permits for consistency with said policies. On balance, the project complies 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 Site does not possess any neighborhood-serving retail uses. Existing neighborhood-serving retail use, ownership, and employment will not be affected by the Project. The church will enhance the nearby retail uses by providing additional foot traffic that may patronize these businesses.

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

The scope of the Project proposal is limited to the Institutional Use portion of the Project Site and will have no effect on the Project Site's approved Residential Use. This Project does not propose exterior changes. The Project would serve as a gathering place for church members and is compatible with the historic and cultural character of the neighborhood. Further, the Project relates well to the scale and form of the surrounding neighborhood. For these reasons, the Project would protect and preserve the cultural and economic diversity of the neighborhood.

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

The Project does not currently possess any existing affordable housing. The Project will not impact the City's supply of affordable housing.

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

The Project Site is served by nearby public transportation options, including MUNI lines 31 Balboa, 47 Van Ness, 49 Van Ness/Mission, and 5 Fulton. The Project is located within one mile of the BART Station at Civic Center / UN Plaza. Attendees of the church would be afforded proximity to a bus line. Under Commission Motion No. 19547, the church will provide three off-street parking spaces

for employees and five Class 1 bicycle parking for church employees and attendees.

- 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 does not include commercial office development and will therefore not displace any existing industrial or service sector businesses. Further, this Project will not have any effect on future opportunities for employment or ownership in these sectors.

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

The Project will be designed and constructed to conform to the structural and seismic safety requirements of the Building Code. This proposal will not impact the property's ability to withstand an earthquake.

- G. That landmarks and historic buildings be preserved.

The Project will not impact any City Landmarks or historic buildings. The Project will be compatible with the historic use of the site as a church. Until a fire damaged the church in 1995, St. Paulus Lutheran Church, City Landmark No. 116, was located at the Project Site. After the fire, however, the church lost its City Landmark status and was demolished. Upon completion of the Project, St. Paulus Lutheran Church's congregation will return to the Project Site to continue the site's historic use as a church.

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

The Project will not impact any park, including Jefferson Square Park, or open space, and their access to sunlight and vistas.

10. The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would contribute to the character and stability of the neighborhood and would constitute a beneficial development.
11. The Commission hereby finds that approval of the Conditional Use would promote the health, safety and welfare of the City.

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Application No. 2012.0506CUA-02** subject to the following conditions attached hereto as “EXHIBIT A” in general conformance with plans on file, dated February 10, 2021, and labeled “EXHIBIT B”, 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. 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 18, 2021.

Jonas P. Ionin
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: March 18, 2021

EXHIBIT A

Authorization

This authorization is for a Conditional Use to expand an Institutional Use (St. Paulus Lutheran Church) located at 950 Gough Street, Block 0744, and Lot 023 pursuant to Planning Code Sections 209.2 and 303 within an RM-4 Zoning District and an 80-B Height and Bulk District; in general conformance with plans, dated **February 10, 2021**, and labeled “EXHIBIT B” included in the docket for Record No. **2012.0506CUA-02** and subject to conditions of approval reviewed and approved by the Commission on **March 18, 2021** under Motion No **XXXXXX**. 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

The conditions of approval under the 'EXHIBIT A' of this Planning Commission Motion No. **XXXXXX** 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.

Printing of Conditions of Approval on Plans

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. **XXXXXX** shall be reproduced on the Index Sheet of construction plans submitted with the site or building permit application for the Project. The Index Sheet of the construction plans shall reference to the Conditional Use authorization and any subsequent amendments or modifications.

Severability

The Project shall comply with all applicable City codes and requirements. If any clause, sentence, section or any part of these conditions of approval is for any reason held to be invalid, such invalidity shall not affect or impair other remaining clauses, sentences, or sections of these conditions. This decision conveys no right to construct, or to receive a Building Permit. “Project Sponsor” shall include any subsequent responsible party.

Changes and Modifications

Changes to the approved plans may be approved administratively by the Zoning Administrator. Significant changes and modifications of conditions shall require Planning Commission approval of a new Conditional Use authorization.

CONDITIONS OF APPROVAL, COMPLIANCE, MONITORING, AND REPORTING

Performance

1. **Validity.** The authorization and right vested by virtue of this action is valid for three (3) years from the effective date of the Motion. The Department of Building Inspection shall have issued a Building Permit or Site Permit to construct the Project and/or commence the approved use within this three-year period.

For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, www.sfplanning.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 628.652.7463, www.sfplanning.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 628.652.7463, www.sfplanning.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 628.652.7463, www.sfplanning.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 628.652.7463,
www.sfplanning.org*

Parking and Traffic

- 6. Bicycle Parking.** The Project shall provide no fewer than **nine (9)** bicycle parking spaces (**five (5)** Class 1 spaces and **four (4)** Class 2 spaces) for the Institutional Use of the Project as required by Planning Code Sections 155.1 and 155.2 and per Commission Motion Number 19547. SFMTA has final authority on the type, placement and number of Class 2 bicycle racks within the public ROW. Prior to issuance of first architectural addenda, the Project Sponsor shall contact the SFMTA Bike Parking Program at bikeparking@sfmta.com to coordinate the installation of on-street bicycle racks and ensure that the proposed bicycle racks meet the SFMTA's bicycle parking guidelines. Depending on local site conditions and anticipated demand, SFMTA may request the Project Sponsor pay an in-lieu fee for Class 2 bike racks required by the Planning Code.

*For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463,
www.sfplanning.org*

- 7. Showers and Clothes Lockers.** The Project shall provide no fewer than **one (1)** shower and **six (6)** clothes lockers for the Institutional Use of the Project, pursuant to Planning Code Section 155.3 and per Commission Motion Number 19547.

*For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463,
www.sfplanning.org*

- 8. 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 628.652.7463,
www.sfplanning.org*

Provisions

- 9. Transportation Sustainability Fee.** The Project is subject to the Transportation Sustainability Fee (TSF), as applicable, pursuant to Planning Code Section 411A, for a non-residential addition greater than 800 gross square feet.

*For information about compliance, contact the Case Planner, Planning Department at 628.652.7607,
www.sfplanning.org*

Monitoring - After Entitlement

- 10. 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 628.652.7463, www.sfplanning.org

- 11. 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 628.652.7463, www.sfplanning.org

- 12. 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 628.652.7463, www.sfplanning.org

- 13. 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, 628.271.2000, www.sfpublishworks.org

- 14. 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 and all registered neighborhood groups for the area with written notice of the name, business address, and telephone number of the community liaison. Should the contact information change, the Zoning Administrator and registered neighborhood groups 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 628.652.7463,
www.sfplanning.org*

PROJECT DATA

ZONING:	RM-4 RESIDENTIAL-MIXED, HIGH DENSITY
HEIGHT:	80-B
OCCUPANCY:	A, R-2, S-2, B
CONSTRUCTION TYPE:	1-B
STORIES:	8
BUILDING USE:	CHURCH, RESIDENTIAL, PARKING

AREA CALCULATIONS (PROPOSED TO ADD FOR CURRENT C.U.A.)

- LOWER LEVEL (BASEMENT): 1,822 G.S.F.
- SANCTUARY LEVEL (GROUND FLOOR): 337 G.S.F.

TOTAL	2,159 G.S.F.
-------	--------------

AREA CALCULATIONS (FOR PREVIOUS PROJECT DESCRIPTION, APPROVED UNDER COMMISSION MOTION NO. 19547)

- SANCTUARY LEVEL (GROUND FLOOR) FLOOR OPENING: 2,303 G.S.F.

- LOWER LEVEL (BASEMENT): 5,930 G.S.F.
- SANCTUARY LEVEL (GROUND FLOOR): 4,113 G.S.F.

TOTAL	10,043 G.S.F.
-------	---------------

PROJECT DESCRIPTION (FOR CURRENT PROJECT)

THE PROJECT PROPOSES TO MODIFY THE CONDITIONAL USE AUTHORIZATION UNDER COMMISSION MOTION NO. 19547 FOR CASE NO. 2012.0506CEKV, THAT WAS APPROVED ON JANUARY 7, 2016 FOR A MIXED-USE DEVELOPMENT OF A CHURCH AND RESIDENTIAL UNITS. THE PREVIOUS APPROVED PROJECT DESCRIPTION CONSISTED OF A 2-LEVEL CHURCH/SANCTUARY FOR ST. PAULUS LUTHERAN CHURCH, WITH USE OF THE SANCTUARY LOCATED ON THE LOWER LEVEL (BASEMENT). THE CURRENT PROPOSAL IS TO FILL-IN THE OPENING IN THE FLOOR (2,303 GROSS SQUARE FEET) IN THE SANCTUARY LEVEL (GROUND FLOOR) AND RELOCATE THE MAIN SANCTUARY SPACE FROM THE LOWER LEVEL (BASEMENT) TO THE SANCTUARY (GROUND FLOOR LEVEL).

OTHER MODIFICATIONS TO THE PREVIOUS CONDITIONAL USE AUTHORIZATION, APPROVED UNDER COMMISSION MOTION NO. 19547 INCLUDE: THE EXIT CORRIDOR (FOR THE CONDOMINIUM UNITS ABOVE), WHICH DIVIDES THE CHURCH AND PARKING GARAGE, HAS BEEN RELOCATED AND RECONFIGURED. MOREOVER, THE EDDY STREET CHURCH ENTRANCE HAS BEEN RECONFIGURED, A NEW FLOOR OPENING HAS BEEN CREATED IN THE NORTHWEST CORNER OF THE NARTHEX ON THE GROUND FLOOR LEVEL AND GRID LINES HAVE BEEN CHANGED. THESE MODIFICATIONS, IN ADDITION TO THE FILLING-IN OF THE LARGE OPENING VOID (2,303 G.S.F.), ACCOUNT FOR THE **CHANGE** IN GROSS SQUARE FOOTAGE.

IN SUMMATION, THE PROJECT SEEKS TO ADD 2,159 GROSS SQUARE FEET (IN TOTAL) TO THE CHURCH AREA.

SHEET INDEX

ARCHITECTURAL DRAWINGS

G-1.0	PROJECT INFORMATION, GENERAL NOTES
G-1.1	SITE PLAN
A-2.0	EXISTING & PROPOSED LOWER LEVEL (BASEMENT) FLOOR PLANS (SIDE BY SIDE)
A-2.1	EXISTING & PROPOSED SANCTUARY LEVEL (GROUND) FLOOR PLANS (SIDE BY SIDE)
A-2.2	EXISTING & PROPOSED SANCTUARY LEVEL (GROUND) FLOOR OPENING PLANS (SIDE BY SIDE)
A-3.0	FULL BUILDING SECTION (NORTH - SOUTH)
A-3.1	BUILDING SECTION (NORTH - SOUTH)
A-3.2	BUILDING SECTION (EAST - WEST)

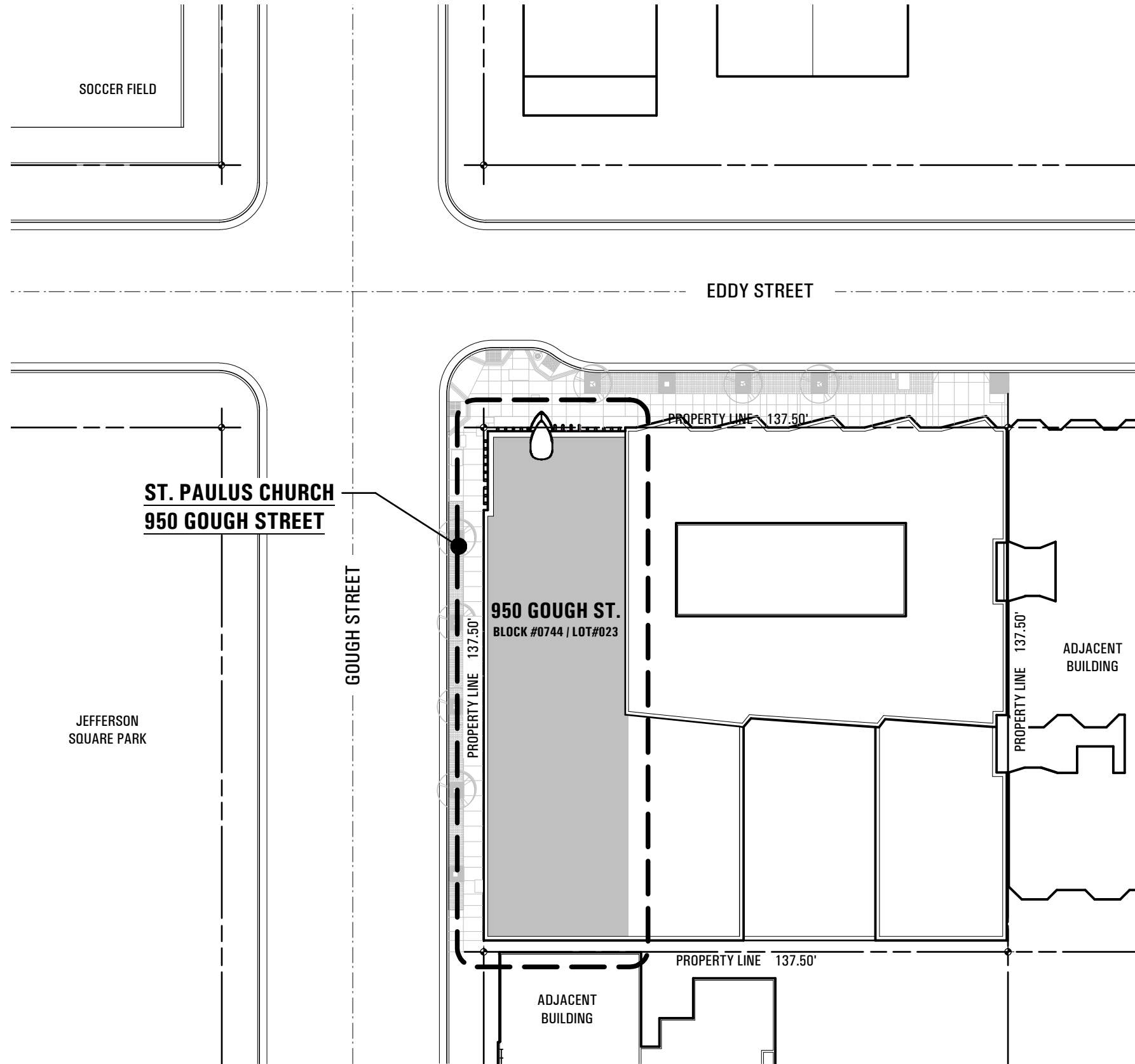
PERMIT APPL. # (CHURCH INTERIOR BUILD-OUT)

2019 10 08 3860

REFERENCE PERMIT APPL. # (BASE BUILDING)

2015 1028 1089

EXHIBIT B



**SAINT PAULUS
LUTHERAN CHURCH**

950 GOUGH STREET
SAN FRANCISCO, CA 94102

BLOCK # 0744 / LOT # 023
CASE # 2012.0506CUA-02
REVISION DATE: FEBRUARY 10, 2021

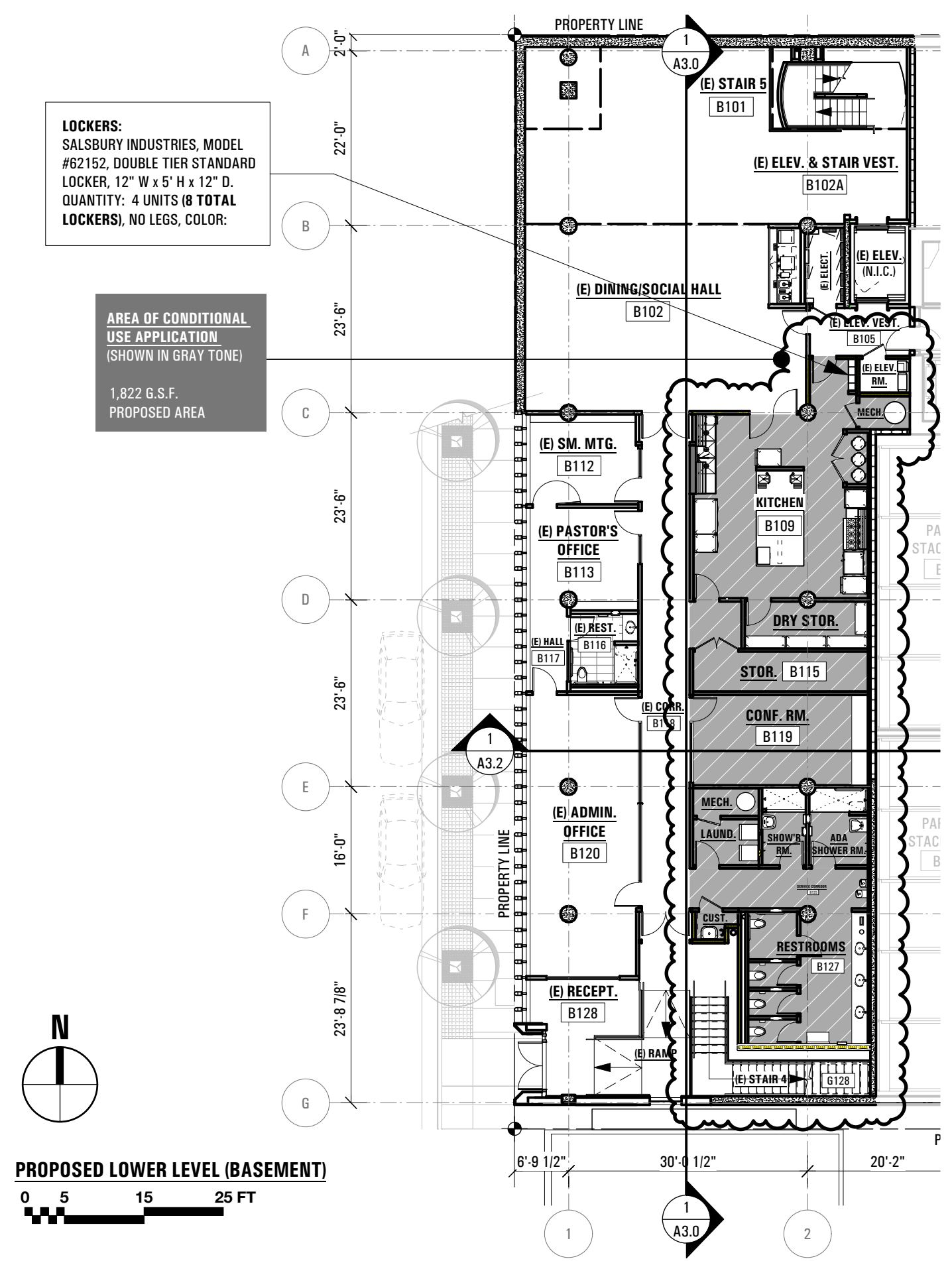
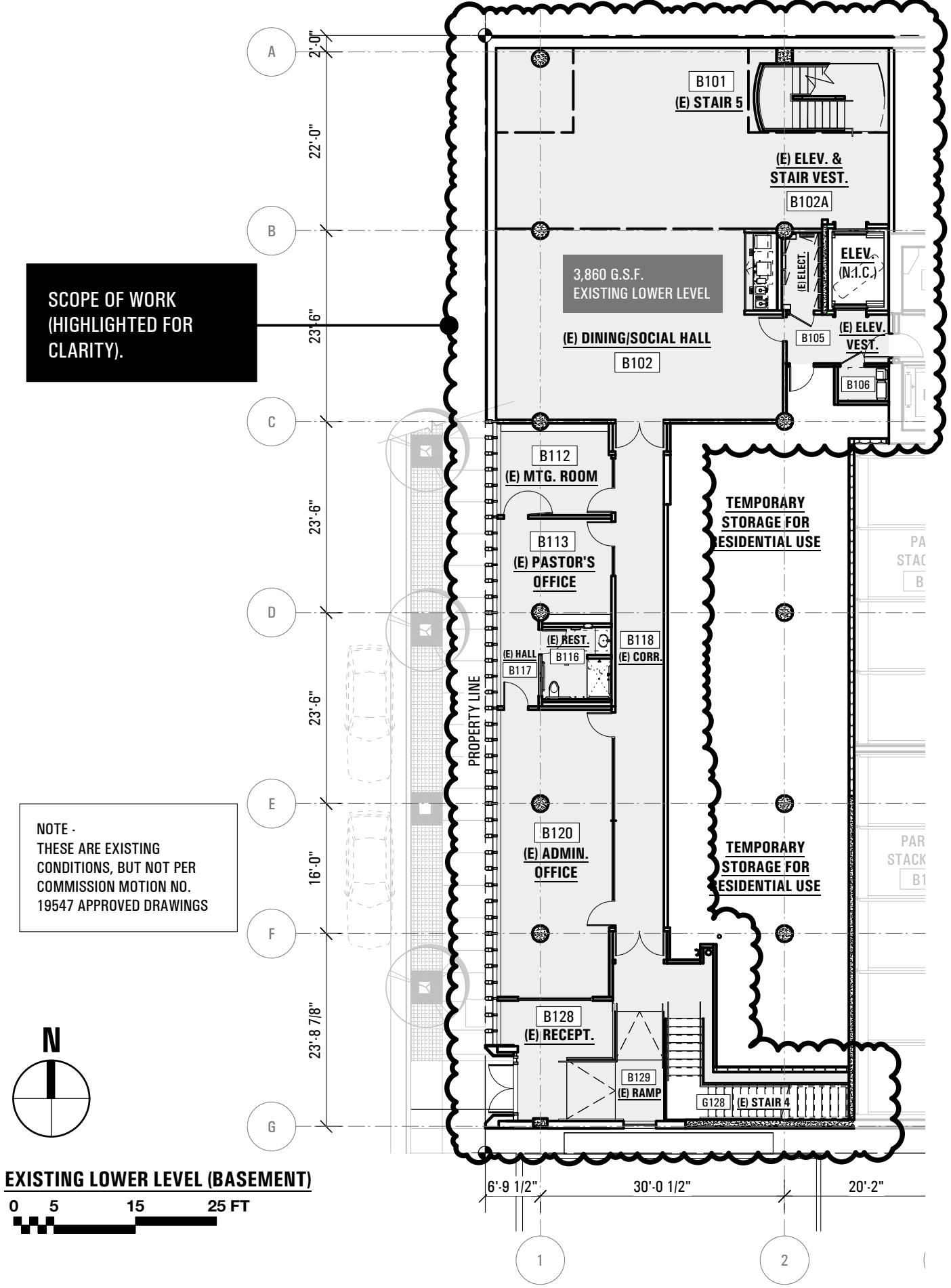
SITE PLAN (No Change)
SCALE - 1/32" = 1'-0"

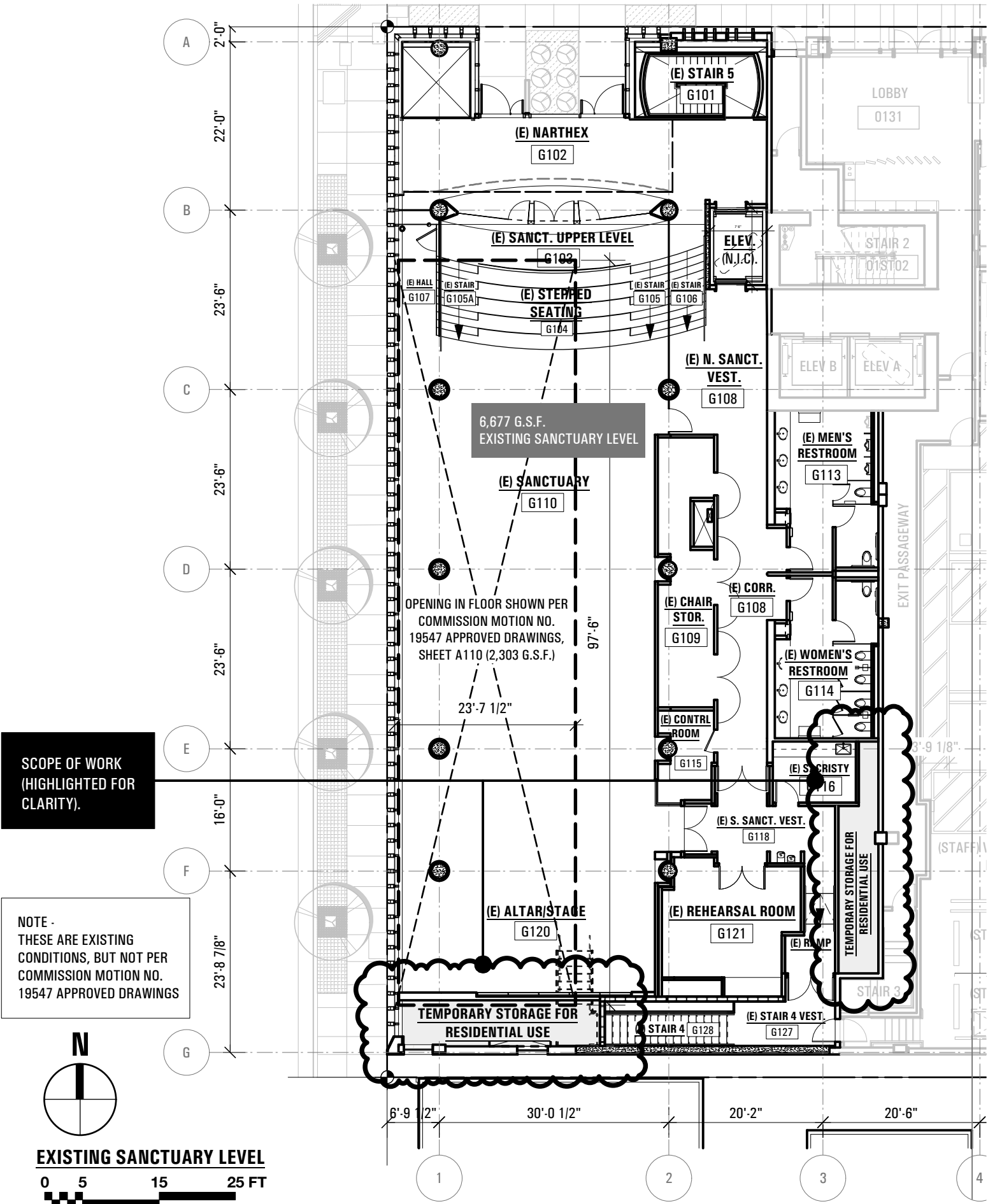
MERKER ARCHITECTS
MERKER ARCHITECTURAL GROUP, INC.

P.O. BOX 77725
SAN FRANCISCO, CALIFORNIA 94107
T 415.536.3200

G-1.1

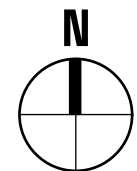
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SCOPE OF WORK
(HIGHLIGHTED FOR CLARITY).

NOTE -
THESE ARE EXISTING
CONDITIONS, BUT NOT PER
COMMISSION MOTION NO.
19547 APPROVED DRAWINGS

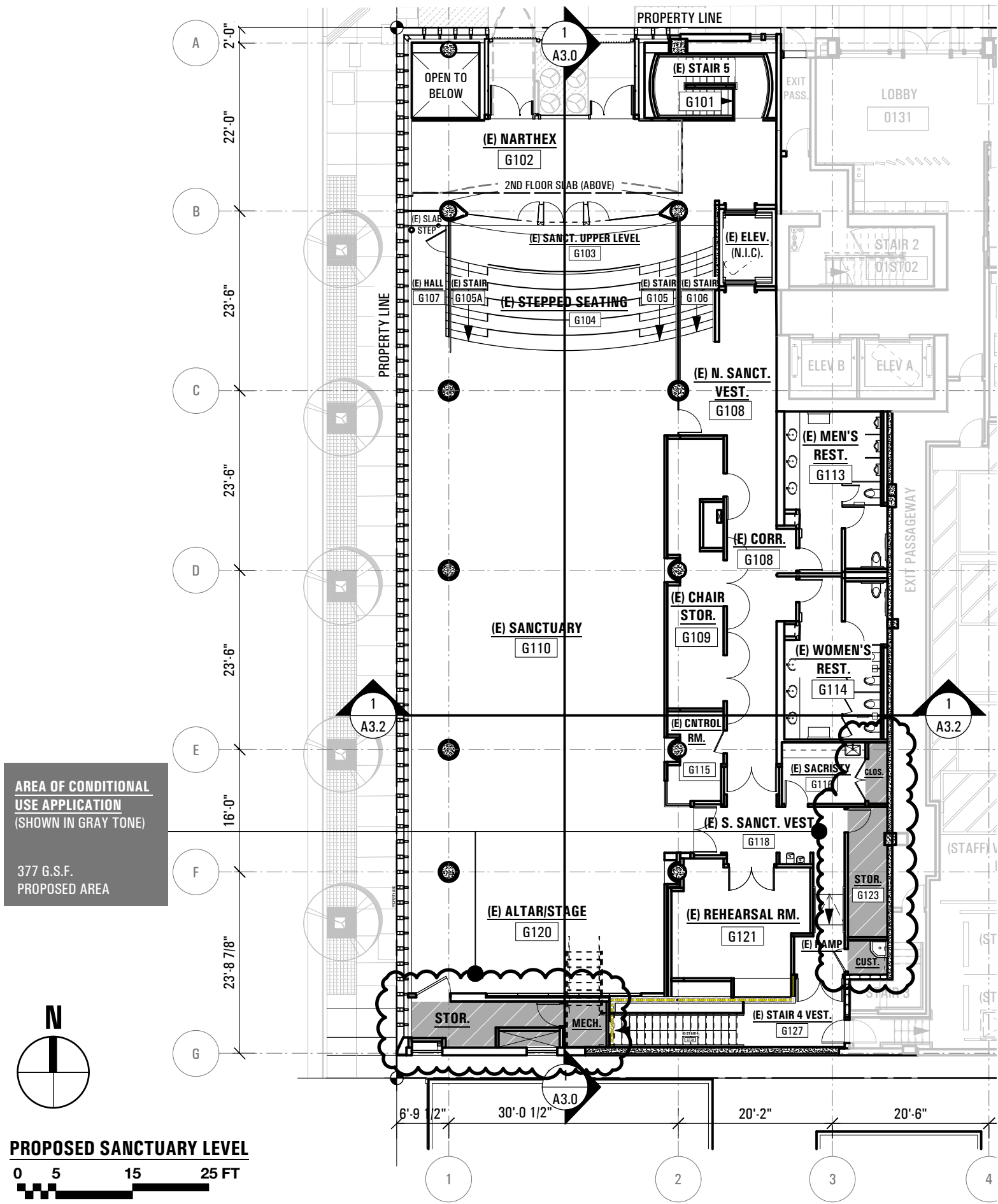


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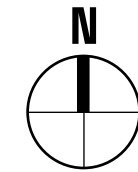
950 GOUGH STREET
SAN FRANCISCO, CA 94102
BLOCK # 0744 / LOT # 023
CASE # 2012.0506CUA-02
REVISION DATE: FEBRUARY 10, 2021

EXISTING & PROPOSED SANCTUARY LEVEL (GROUND) FLOOR PLANS (SIDE BY SIDE)
SCALE - 1/16" = 1'-0"



AREA OF CONDITIONAL
USE APPLICATION
(SHOWN IN GRAY TONE)

377 G.S.F.
PROPOSED AREA

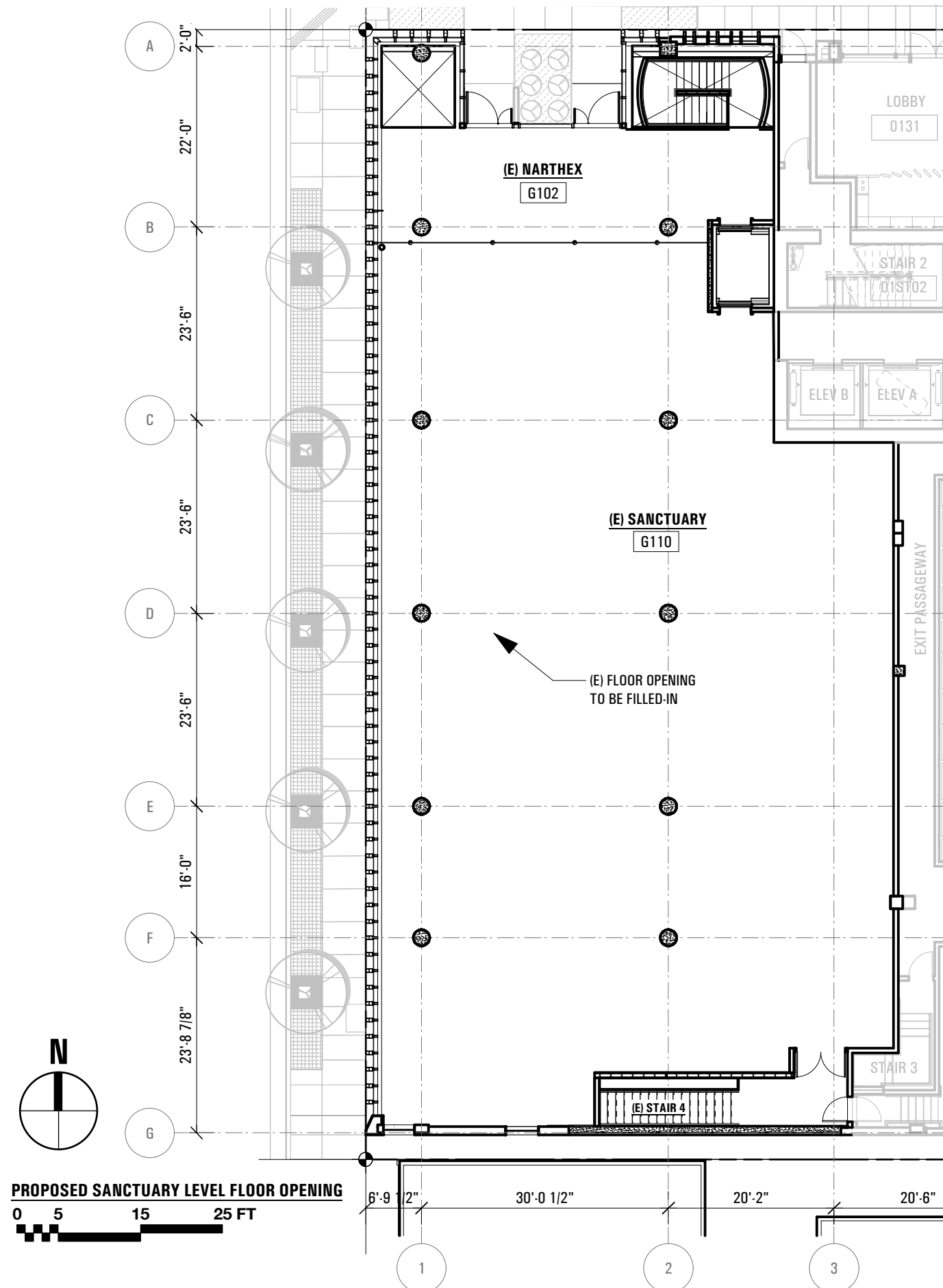
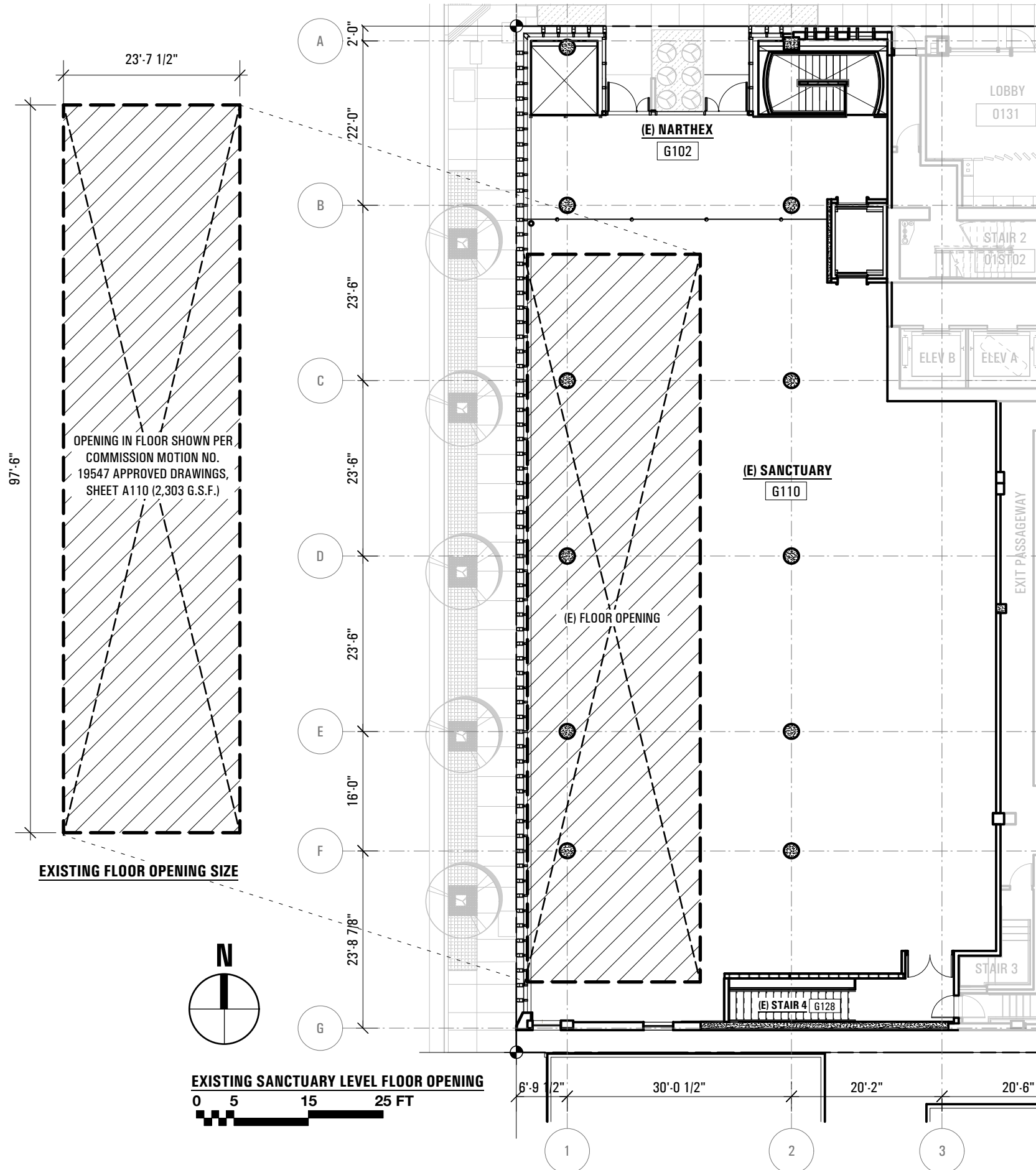


0 5 15 25 FT

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SAINT PAULUS
LUTHERAN CHURCH

950 GOUGH STREET
SAN FRANCISCO, CA 94102

BLOCK # 0744 / LOT # 023
CASE # 2012.0506CUA-02
REVISION DATE: FEBRUARY 10, 2021

EXISTING & PROPOSED SANCTUARY LEVEL (GROUND) FLOOR OPENING (SIDE BY SIDE)
SCALE - 1/16" = 1'-0"

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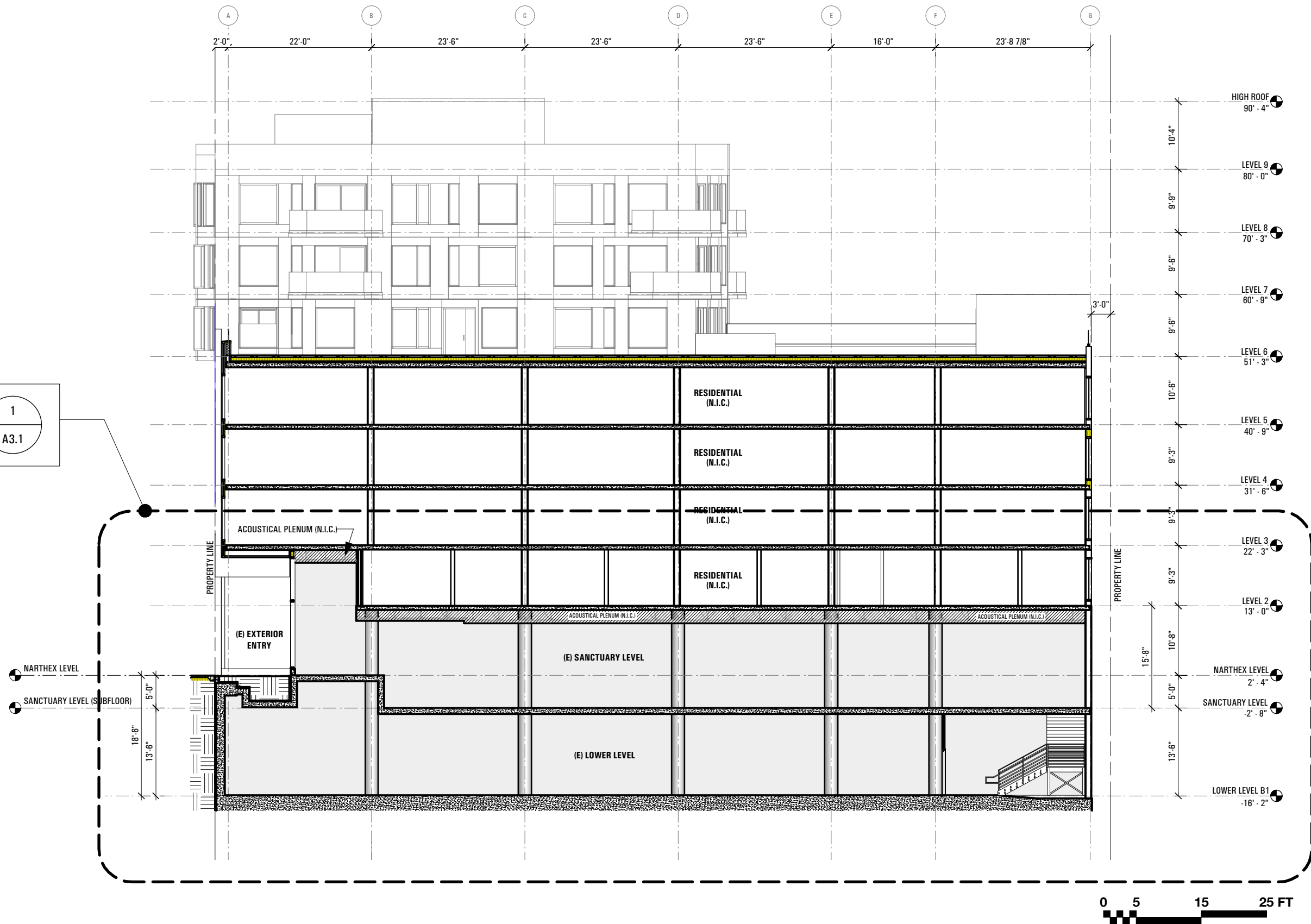
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FOR ENLARGED
SECTION, SEE

1
A3.1



SAINT PAULUS
LUTHERAN CHURCH

950 GOUGH STREET
SAN FRANCISCO, CA 94102

BLOCK # 0744 / LOT # 023
CASE # 2012.0506CUA-02
REVISION DATE: FEBRUARY 10, 2021

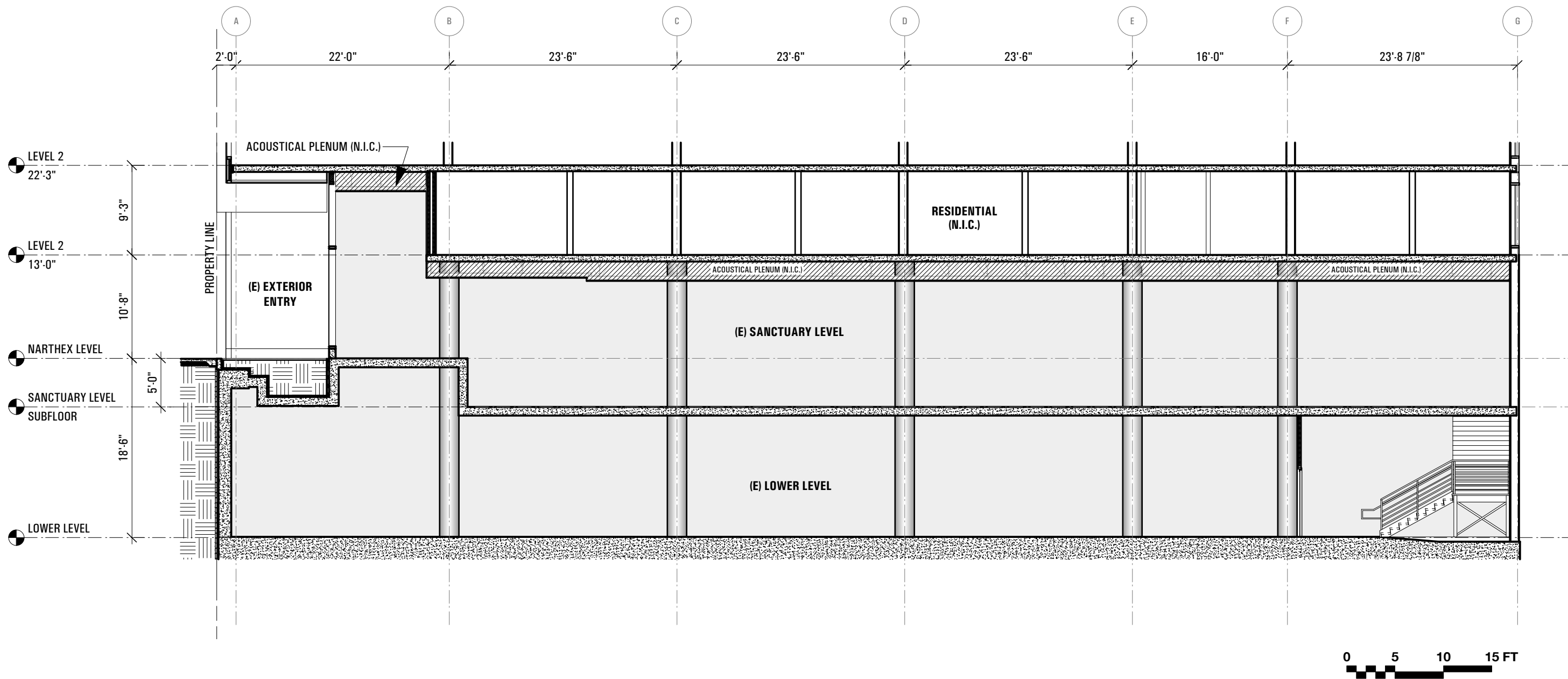
FULL EXISTING (AS-BUILT) CONDITION BUILDING SECTION (NORTH - SOUTH)
SCALE - 1/16" = 1'-0"

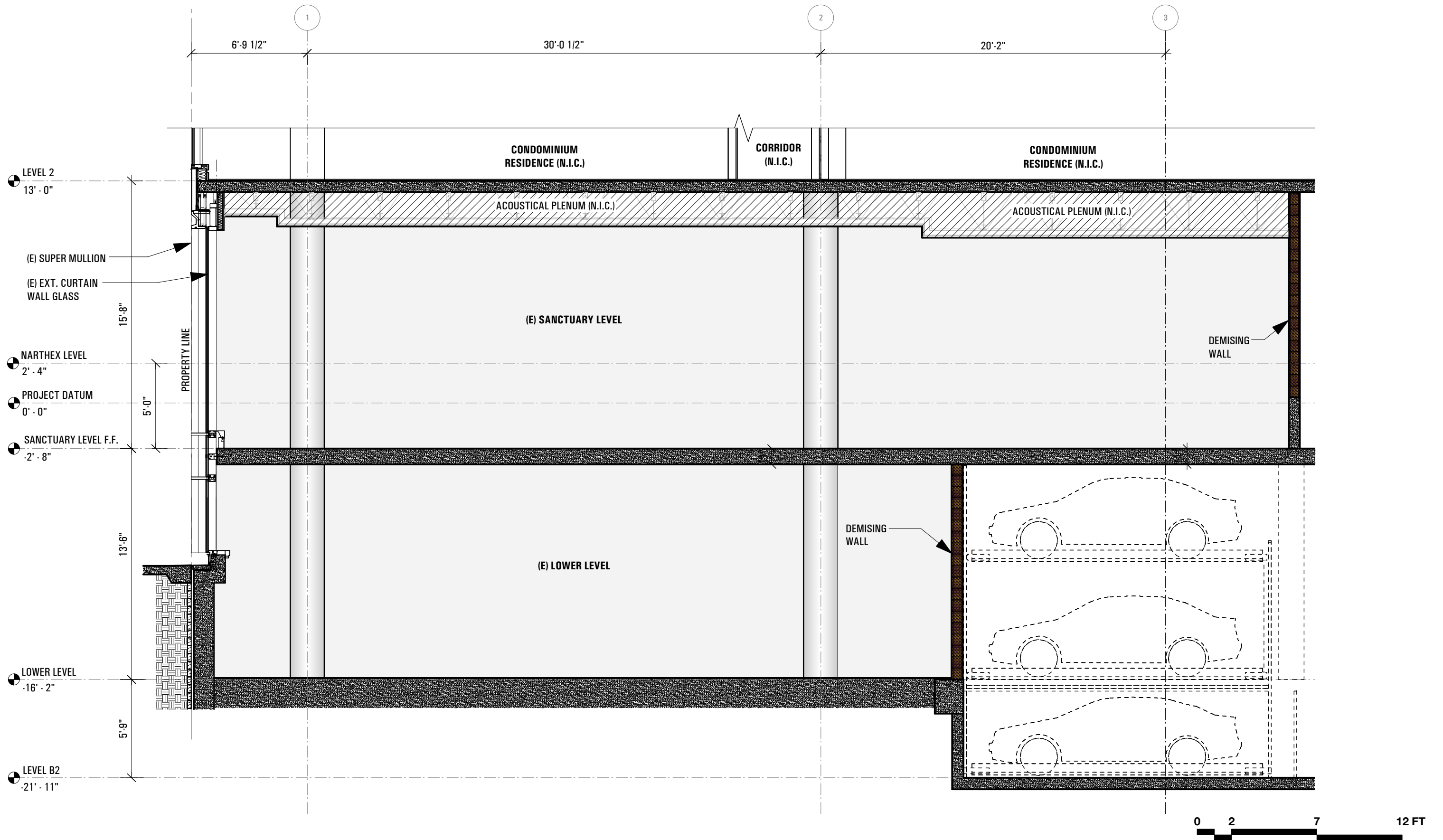
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**SAINT PAULUS
LUTHERAN CHURCH**

950 GOUGH STREET
SAN FRANCISCO, CA 94102

BLOCK # 0744 / LOT # 023
CASE # 2012.0506CUA-02
REVISION DATE: FEBRUARY 10, 2021

EXISTING (AS-BUILT) CONDITION BUILDING SECTION (EAST - WEST)
SCALE - 1/16" = 1'-0"

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SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- ☒ Affordable Housing (Sec. 415)
☐ Jobs Housing Linkage Program (Sec. 413)
☐ Downtown Park Fee (Sec. 412)

- ☒ First Source Hiring (Admin. Code)
☐ Child Care Requirement (Sec. 414)
☒ Other: Transit Impact Development Fee

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6378

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

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

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

PREAMBLE

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

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

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

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

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

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

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

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

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

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

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

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

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

MOVED, that the Commission hereby authorizes the Conditional Use requested in Application No. 2012.0506C, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

FINDINGS

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

1. The above recitals are accurate and constitute findings of this Commission.
1. **Site Description and Present Use.** The Project is located on three vacant lots at 950 Gough Street, southeast corner at Eddy Street. The development site contains approximately 137 feet of frontage along Gough Street and 137 feet of frontage along Eddy Street in Assessor's Block 0744, Lots 010, 010A and 011 within an RM-4 (Residential, Mixed, High Density) District and an 80-B Height and Bulk District. The Gough Street frontage slopes laterally downward to the south, toward Turk Street with a grade change of approximately 21 feet between the front and rear lot lines. The Eddy Street frontage has a slight downward slope (of approximately 6 feet) to the east, toward Franklin Street.

The Project site is approximately 19,000 square feet in total area. All three lots are currently vacant. The site was previously occupied by the St. Paulus Lutheran Church, built between 1892 and 1899. However, after a fire had damaged the building, it was demolished in 1999.
2. **Surrounding Properties and Neighborhood.** The Project site is located at the western edge of the Downtown/Civic Center neighborhood. The neighborhood is comprised primarily of governmental offices, civic institutions, commercial uses, financial institutions, and high density apartment buildings. City Hall is four blocks southeast of the Project site. The Hayes Valley shopping district is six blocks southwest of the site. Jefferson Square Park is immediately west of the site on Gough Street. Four to eight-story tall governmental and residential apartment buildings are south of the site on Turk Street. A Shell gasoline station is located at the northwest corner of Turk and Franklin Streets. Many buildings on the subject and adjacent blocks have no front yard setbacks thereby creating a continuous street wall. Transit lines are nearby and are within walking distance of the site.
3. **Project Description.** The Project proposes to merge three vacant lots and construct an eight-story, 80-foot tall mixed-use building, containing approximately 124,000 square feet. The building would include 95 dwelling units, including 11 on-site affordable housing units reflecting the unit mix of studios, one- and two-bedroom units. A two-level church/sanctuary for the St. Paulus Lutheran Church would be rebuilt on the Gough Street frontage, containing approximately 10,000 square feet. Two levels of parking would be provided (one on the ground level and one below grade), containing up to 61 stacked parking spaces, 100 Class One secured bicycle parking spaces,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The Project meets the standards for bird-safe buildings.

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

All of the units in the Project meet this requirement.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7. **Planning Code Section 303** establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use approval. On balance, the project does comply with said criteria in that:

- A. The proposed new uses and building, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable, and compatible with, the neighborhood or the community.

The proposed Project is necessary as it adds 95 new dwelling units to the City's housing stock, including 11 affordable/below-market rate (BMR) units reflecting the unit mix of studios, one- and two-bedroom units. The Project is desirable, as the BMR units are provided on-site. The Project is also desirable in that it is well-designed and in keeping with the scale and density of the immediate neighborhood. It will revitalize an underutilized site as a vibrant mixed-use development by filling the current "hole" in the streetscape created by the three vacant lots.

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

- B. The proposed project will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity. There are no features of the project that could be detrimental to the health, safety or convenience of those residing or working the area, in that:
- i. Nature of proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;

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

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

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

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

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

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

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

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

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

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

- C. That the use as proposed will comply with the applicable provisions of the Planning Code and will not adversely affect the General Plan.

The Project complies with all relevant requirements and standards of the Planning Code and is consistent with objectives and policies of the General Plan as detailed below.

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

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

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

HOUSING ELEMENT

OBJECTIVE 1:

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

Policy 1.1:

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

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

OBJECTIVE 4:

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

Policy 4.1:

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

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

OBJECTIVE 11:

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

Policy 11.1:

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

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

Policy 11.4:

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

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

Policy 11.6:

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

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

URBAN DESIGN

OBJECTIVE 1:

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

Policy 1.2:

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

Policy 1.3:

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

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

OBJECTIVE 4:

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

Policy 4.10:

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

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

Policy 10:

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

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

TRANSPORTATION ELEMENT

OBJECTIVE 2:

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

OBJECTIVE 11:

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

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

OBJECTIVE 28:

PROVIDE SECURE AND CONVENIENT PARKING FACILITIES FOR BICYCLES.

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

9. **Planning Code Section 101.1(b)** establishes eight priority-planning policies and requires review of permits for consistency with said policies. On balance, the project does comply with said policies in that:
 - A. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses be enhanced.

The Project would not affect neighborhood-serving retail uses, as there is currently no neighborhood-serving retail use at the Site. All three lots are currently vacant.
 - B. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods.

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

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

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

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

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

- E. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced.

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

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

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

- G. That landmarks and historic buildings be preserved.

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

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

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

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

10. The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would contribute to the character and stability of the neighborhood and would constitute a beneficial development.
11. The Commission hereby finds that approval of the Conditional Use authorization would promote the health, safety and welfare of the City.

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Application No. 2012.0506C** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated December 22, 2015, and labeled "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

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

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

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

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion No. 19547. The effective date of this Motion shall be the date of this Motion if not appealed (After the 30-day period has expired) OR the date of the decision of the Board of Supervisors if appealed to the Board of Supervisors. For further information, please contact the Board of Supervisors at (415) 554-5184, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

Protest of Fee or Exaction: You may protest any fee or exaction subject to Government Code Section 66000 that is imposed as a condition of approval by following the procedures set forth in Government Code Section 66020. The protest must satisfy the requirements of Government Code Section 66020(a) and must be filed within 90 days of the date of the first approval or conditional approval of the development referencing the challenged fee or exaction. For purposes of Government Code Section 66020, the date of imposition of the fee shall be the date of the earliest discretionary approval by the City of the subject development.

If the City has not previously given Notice of an earlier discretionary approval of the Project, the Planning Commission's adoption of this Motion, Resolution, Discretionary Review Action or the Zoning Administrator's Variance Decision Letter constitutes the approval or conditional approval of the development and the City hereby gives **NOTICE** that the 90-day protest period under Government Code

Section 66020 has begun. If the City has already given Notice that the 90-day approval period has begun for the subject development, then this document does not re-commence the 90-day approval period.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on January 7, 2016.



Christine L. Silva
Acting Commission Secretary

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

NAYS: None

ABSENT: Wu

ADOPTED: January 7, 2016

EXHIBIT A

AUTHORIZATION

This authorization is for a Conditional Use to merge three lots, and construct an eight-story, 80-foot tall, approximately 124,000 square-foot mixed-use building over one subterranean parking level, containing 95 dwelling units, including 11 on-site affordable housing/below-market rate (BMR) units, an approximately 10,000 square-foot church/sanctuary for the St. Paulus Lutheran Church, 61 off-street parking spaces, 109 bicycle parking spaces, and four motorcycle parking spaces, located at 950 Gough Street, Block 0744, Lots 010, 010A and 011, pursuant to Planning Code Sections 209.2, 253 and 303. The Project is also seeking Variances to the rear yard and off-street parking requirements pursuant to Planning Code Sections 134 and 151; within an **RM-4 (Residential, Mixed, High Density) District** and an **80-B Height and Bulk District**; in general conformance with plans, dated **December 22, 2015**, and labeled "EXHIBIT B" included in the docket for Case No. 2012.0506CEKV and subject to conditions of approval reviewed and approved by the Commission on **January 7, 2016** under Motion No. 19547. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

RECORDATION OF CONDITIONS OF APPROVAL

Prior to the issuance of the Building Permit or commencement of use for the Project, the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the Project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on **January 7, 2016** under Motion No. 19547.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the "EXHIBIT A" of this Planning Commission Motion No. 19547 shall be reproduced on the Index Sheet of construction plans submitted with the Site or Building permit application for the Project. The Index Sheet of the construction plans shall reference to the Conditional Use Authorization and any subsequent amendments or modifications.

SEVERABILITY

The Project shall comply with all applicable City codes and requirements. If any clause, sentence, section or any part of these conditions of approval is for any reason held to be invalid, such invalidity shall not affect or impair other remaining clauses, sentences, or sections of these conditions. This decision conveys no right to construct, or to receive a Building Permit. "Project Sponsor" shall include any subsequent responsible party.

CHANGES AND MODIFICATIONS

Changes to the approved plans may be approved administratively by the Zoning Administrator. Significant changes and modifications of conditions shall require Planning Commission approval of a new Conditional Use Authorization.

Conditions of Approval, Compliance, Monitoring, and Reporting

PERFORMANCE

1. **Validity.** The authorization and right vested by virtue of this action is valid for three (3) years from the effective date of the Motion. The Department of Building Inspection shall have issued a Building Permit or Site Permit to construct the Project and/or commence the approved use within this three-year period.

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

2. **Expiration and Renewal.** Should a Building or Site Permit be sought after the three (3) year period has lapsed, the Project Sponsor must seek a renewal of this Authorization by filing an application for an amendment to the original Authorization or a new application for Authorization. Should the Project Sponsor decline to so file, and decline to withdraw the permit application, the Commission shall conduct a public hearing in order to consider the revocation of the Authorization. Should the Commission not revoke the Authorization following the closure of the public hearing, the Commission shall determine the extension of time for the continued validity of the Authorization.

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

3. **Diligent pursuit.** Once a Site or Building Permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. Failure to do so shall be grounds for the Commission to consider revoking the approval if more than three (3) years have passed since this Authorization was approved.

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

4. **Extension.** All time limits in the preceding three paragraphs may be extended at the discretion of the Zoning Administrator where implementation of the project is delayed by a public agency, an appeal or a legal challenge and only by the length of time for which such public agency, appeal or challenge has caused delay.

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

5. **Conformity with Current Law.** No application for Building Permit, Site Permit, or other entitlement shall be approved unless it complies with all applicable provisions of City Codes in effect at the time of such approval.

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

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

DESIGN

8. **Final Materials.** Final materials, glazing, color, texture, landscaping, and detailing shall be subject to Department staff review and approval. The architectural addenda shall be reviewed and approved by the Planning Department prior to issuance.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org.
9. **Glazing.** Final glazing selection shall be subject to Department staff review and approval in order to ensure maximum transparency and minimal reflectivity.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org.
10. **Garbage, composting and recycling storage.** Space for the collection and storage of garbage, composting, and recycling shall be provided within enclosed areas on the property and clearly labeled and illustrated on the building permit plans. Space for the collection and storage of recyclable and compostable materials that meets the size, location, accessibility and other standards specified by the San Francisco Recycling Program shall be provided at the ground level of the buildings.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org.
11. **Lighting Plan.** The Project Sponsor shall submit an exterior lighting plan to the Planning Department prior to Planning Department approval of the Building/Site Permit Application.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org
12. **Street Trees.** The Project shall comply with the requirements of Planning Code Section 138.1.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org.

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

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

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

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

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

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

AFFORDABLE UNITS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SIGNAGE

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

PARKING AND TRAFFIC

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

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

- 23. **Bicycle Parking.** Pursuant to Planning Code Section 155.1, the Zoning Administrator has determined that the Project shall provide no fewer than one hundred (100) Class 1 and nine (9) Class 2 bicycle parking spaces.

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

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

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

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

PROVISIONS

26. **First Source Hiring.** The Project shall adhere –at a minimum – to the requirements of the First Source Hiring Construction and End-Use Employment Program approved by the First Source Hiring Administrator, pursuant to Section 83.4(m) of the Administrative Code. The Project Sponsor shall comply with the requirements of this Program regarding construction work and on-going employment required for the Project. For information about compliance, contact the First Source Hiring Manager at 415-581-2335, www.onestopSF.org.
27. **Transit Impact Development Fee.** Pursuant to Planning Code Section 411, the Project Sponsor shall pay the Transit Impact Development Fee (TIDF) as required by and based on drawings submitted with the Building Permit Application. Prior to the issuance of a temporary certificate of occupancy, the Project Sponsor shall provide the Planning Director with certification that the fee has been paid. For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

MONITORING

28. **Enforcement.** Violation of any of the Planning Department conditions of approval contained in this Motion or of any other provisions of Planning Code applicable to this Project shall be subject to the enforcement procedures and administrative penalties set forth under Planning Code Section 176 or Section 176.1. The Planning Department may also refer the violation complaints to other city departments and agencies for appropriate enforcement action under their jurisdiction. For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
29. **Revocation due to Violation of Conditions.** Should implementation of this Project result in complaints from interested property owners, residents, or commercial lessees which are not resolved by the Project Sponsor and found to be in violation of the Planning Code and/or the specific conditions of approval for the Project as set forth in Exhibit A of this Motion, the Zoning Administrator shall refer such complaints to the Commission, after which it may hold a public hearing on the matter to consider revocation of this authorization.

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

OPERATION

30. **Sidewalk Maintenance.** The Project Sponsor shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean and sanitary condition in compliance with the Department of Public Works Streets and Sidewalk Maintenance Standards.

For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works, 415-695-2017, <http://sfdpw.org>.

31. **Community Liaison.** Prior to issuance of a building permit to construct the project and implement the approved use, the Project Sponsor shall appoint a community liaison officer to deal with the issues of concern to owners and occupants of nearby properties. The Project Sponsor shall provide the Zoning Administrator with written notice of the name, business address, and telephone number of the community liaison. Should the contact information change, the Zoning Administrator shall be made aware of such change. The community liaison shall report to the Zoning Administrator what issues, if any, are of concern to the community and what issues have not been resolved by the Project Sponsor.

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



MEMORANDUM TO FILE

Date: March 4, 2021
To: **File 2012.0506E**
From: Environmental Planner
Re: 950 Gough - 2012.0506E

Introduction

A final mitigated negative declaration, file number 2012.0506E, for the subject project was adopted and issued on June 15, 2015. The project analyzed in the final mitigated negative declaration included the construction of an 8-story, 80-foot tall mixed use building over one subterranean parking level on a vacant lot. The building would include 95 dwelling units, including 11 on-site affordable units, an approximately 10,100 square-foot church/sanctuary for St. Paulus Lutheran Church on the ground floor, 61 off-street parking spaces, and 110 bicycle parking spaces. The project site is located in the RM-4 (Residential, Mixed, High Density) District, and 80-B Height and Bulk District.

The project was approved by the San Francisco Planning Commission on January 7, 2016.

Proposed Revisions to the Project

The project sponsor now proposes to enclose the existing void at the first floor/ground level and relocate the church sanctuary from the basement up to the ground floor level. The modified project would increase the church use to approximately 12,696 square feet, within the building envelope

As described below, the revised project would not cause new significant impacts or result in a substantial increase in the severity of the impacts identified in the mitigated negative declaration, and no new or revised mitigation measures would be required.

The proposed changes would convert interior space and would not expand the previously analyzed building envelope. The Final Negative Declaration for the project determined that mitigation measures related to Air Quality and Noise impacts would apply to the project; these measures would continue to apply to the overall revised project. The minimal square footage expansion would be accommodated

within the existing building space and would not change the environmental analysis completed for the project.

Conclusion

San Francisco Administrative Code Section 31.19(c)(1) states that a revised project must be reevaluated and that, "If, on the basis of such reevaluation, the Environmental Review Officer determines, based on the requirements of CEQA, that no additional environmental review is necessary, this determination and the reasons therefore shall be noted in writing in the case record, and no further evaluation shall be required by this Chapter." Thus, for the reasons outlined above, this note to file provides sufficient documentation that the revised project does not warrant additional environmental review.

cc Sponsor: Simon Yip - The Pollard Group
 Current Planner: Gretel Gunther



SAN FRANCISCO PLANNING DEPARTMENT

Agreement to Implement Mitigation Measure(s)

Case No.: 2012.0506E
Project Title: 950 Gough Street
Zoning: RM-4 (Residential-Mixed, High Density) Use District
80-B Height and Bulk District
Block/Lot: 0744/010, 0744/010a, 0744/011
Lot Size: 18,900 Square Feet
Project Sponsor: Maracor Development
Brad Dickason, (415) 295-4501
Lead Agency: San Francisco Planning Department
Staff Contact: Laura Lynch (415) 575-9045
Laura.lynch@sfgov.org

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

MITIGATION MEASURES

Project Mitigation Measure NO-2 Construction Noise

1. Conduct noise monitoring at the beginning of major construction phases (e.g., grading, excavation) to determine the need and the effectiveness of noise attenuation measures.
2. Erect temporary plywood noise barriers around the construction site where the site adjoins noise sensitive receivers, such as the Chinese American International School along Gough Street and the elderly residency along Eddy Street.
3. Utilize noise control blankets on the building structure adjacent to the Chinese American International School and the elderly residency– and possibly other noise sensitive receivers – as the building is erected to reduce noise emission from the site.
4. Post signs on site pertaining to permitted construction days and hours, complaint procedures, and who to notify in the event of a problem, with telephone numbers listed.
5. Notify the Department of Building Inspection and neighbors in advance of the schedule for each major phase of construction and expected loud activities.
6. When feasible, select "quiet" construction methods and equipment (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures and acoustically attenuating shields or shrouds).
7. Require that all construction equipment be in good working order and that mufflers are inspected to be functioning properly. Avoid unnecessary idling of equipment and engines.
8. Mobile noise generating equipment (e.g., dozers, backhoes, and excavators) shall be required to prepare the entire site. However, the developer will endeavor to avoid placing stationary noise generating equipment (e.g., generators, compressors) within noise sensitive buffer areas (measured at linear 20 feet) between immediately adjacent neighbors.
9. The project sponsor shall require the general contractor to use impact tools (e.g., jack hammers, pavement breakers, and rock drills) that are hydraulically or electrically

powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. Where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used, along with external noise jackets on the tools.

Project Mitigation Measure M-AQ-2 Construction Air Quality

The project sponsor or the project sponsor's Contractor shall comply with the following

A. Engine Requirements.

1. All off-road equipment greater than 25 hp and operating for more than 20 total hours over the entire duration of construction activities shall have engines that meet or exceed either U.S. Environmental Protection Agency (USEPA) or California Air Resources Board (ARB) Tier 2 off-road emission standards, and have been retrofitted with an ARB Level 3 Verified Diesel Emissions Control Strategy. Equipment with engines meeting Tier 4 Interim or Tier 4 Final off-road emission standards automatically meet this requirement.
2. Where access to alternative sources of power are available, portable diesel engines shall be prohibited.
3. Diesel engines, whether for off-road or on-road equipment, shall not be left idling for more than two minutes, at any location, except as provided in exceptions to the applicable state regulations regarding idling for off-road and on-road equipment (e.g., traffic conditions, safe operating conditions). The Contractor shall post legible and visible signs in English, Spanish, and Chinese, in designated queuing areas and at the construction site to remind operators of the two minute idling limit.
4. The Contractor shall instruct construction workers and equipment operators on the maintenance and tuning of construction equipment, and require that such workers and operators properly maintain and tune equipment in accordance with manufacturer specifications.

B. Waivers.

1. The Planning Department's Environmental Review Officer or designee (ERO) may waive the alternative source of power requirement of Subsection (A)(2) if an alternative source of power is limited or infeasible at the project site. If the ERO grants the waiver, the Contractor must submit documentation that the equipment used for onsite power generation meets the requirements of Subsection (A)(1).

The ERO may waive the equipment requirements of Subsection (A)(1) if: a

particular piece of off-road equipment with an ARB Level 3 VDECS is technically not feasible; the equipment would not produce desired emissions reduction due to expected operating modes; installation of the equipment would create a safety hazard or impaired visibility for the operator; or, there is a compelling emergency need to use off-road equipment that is not retrofitted with an ARB Level 3 VDECS. If the ERO grants the waiver, the Contractor must use the next cleanest piece of off-road equipment, according to Table below.

Table – Off-Road Equipment Compliance Step-down Schedule

Compliance Alternative	Engine Emission Standard	Emissions Control
1	Tier 2	ARB Level 2 VDECS
2	Tier 2	ARB Level 1 VDECS
3	Tier 2	Alternative Fuel*

How to use the table: If the ERO determines that the equipment requirements cannot be met, then the project sponsor would need to meet Compliance Alternative 1. If the ERO determines that the Contractor cannot supply off-road equipment meeting Compliance Alternative 1, then the Contractor must meet Compliance Alternative 2. If the ERO determines that the Contractor cannot supply off-road equipment meeting Compliance Alternative 2, then the Contractor must meet Compliance Alternative 3.

** Alternative fuels are not a VDECS.

C. Construction Emissions Minimization Plan. Before starting on-site construction activities, the Contractor shall submit a Construction Emissions Minimization Plan (Plan) to the ERO for review and approval. The Plan shall state, in reasonable detail, how the Contractor will meet the requirements of Section A.

1. The Plan shall include estimates of the construction timeline by phase, with a description of each piece of off-road equipment required for every construction phase. The description may include, but is not limited to: equipment type, equipment manufacturer, equipment identification number, engine model year, engine certification (Tier rating), horsepower, engine serial number, and expected fuel usage and hours of operation. For VDECS installed, the description may include: technology type, serial number, make, model, manufacturer, ARB verification number level, and installation date and hour meter reading on installation date. For off-road equipment using alternative fuels, the description shall also specify the type of alternative fuel being used.
2. The ERO shall ensure that all applicable requirements of the Plan have been incorporated into the contract specifications. The Plan shall include a certification statement that the Contractor agrees to comply fully with the Plan.
3. The Contractor shall make the Plan available to the public for review on-site during working hours. The Contractor shall post at the construction site a legible and visible sign summarizing the Plan. The sign shall also state that the public may ask to inspect the Plan for the project at any time during working

hours and shall explain how to request to inspect the Plan. The Contractor shall post at least one copy of the sign in a visible location on each side of the construction site facing a public right-of-way.

- D. Monitoring.** After start of Construction Activities, the Contractor shall submit quarterly reports to the ERO documenting compliance with the Plan. After completion of construction activities and prior to receiving a final certificate of occupancy, the project sponsor shall submit to the ERO a final report summarizing construction activities, including the start and end dates and duration of each construction phase, and the specific information required in the Plan.

Project Mitigation Measure M-AQ-4: Best Available Control Technology for Diesel Generators

The project sponsor shall ensure that the backup diesel generator meet or exceed one of the following emission standards for particulate matter: (1) Tier 4 certified engine, or (2) Tier 2 or Tier 3 certified engine that is equipped with a California Air Resources Board (ARB) Level 3 Verified Diesel Emissions Control Strategy (VDECS). A non-verified diesel emission control strategy may be used if the filter has the same particulate matter reduction as the identical ARB verified model and if the Bay Area Air Quality Management District (BAAQMD) approves of its use. The project sponsor shall submit documentation of compliance with the BAAQMD New Source Review permitting process (Regulation 2, Rule 2, and Regulation 2, Rule 5) and the emission standard requirement of this mitigation measure to the Planning Department for review and approval prior to issuance of a permit for a backup diesel generator from any City agency.

_____ I agree to implement the above mitigation measure(s) as a condition of project approval.



Property Owner or Legal Agent Signature

Date

**EXHIBIT 1:
 MITIGATION MONITORING AND REPORTING PROGRAM**

MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Mitigation Schedule	Monitoring/Report Responsibility	Status/Date Completed
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- 1 -

Noise				
<p><i>Project Mitigation Measure NO-2 Construction Noise</i></p> <ol style="list-style-type: none"> 1. Conduct noise monitoring at the beginning of major construction phases (e.g., grading, excavation) to determine the need and the effectiveness of noise-attenuation measures. 2. Erect temporary plywood noise barriers around the construction site where the site adjoins noise-sensitive receivers, such as the Chinese American International School along Gough Street and the elderly residency along Eddy Street. 3. Utilize noise control blankets on the building structure adjacent to the Chinese American International School and the elderly residency– and possibly other noise-sensitive receivers – as the building is erected to reduce noise emission from the site. 4. Post signs on-site pertaining to permitted construction days and hours, complaint procedures, and who to notify in the event of a problem, with telephone numbers listed. 5. Notify the Department of Building Inspection and neighbors in advance of the schedule for each major phase of construction and expected loud activities. 6. When feasible, select "quiet" construction methods and equipment (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures and acoustically attenuating shields or shrouds). 7. Require that all construction equipment be in good working 	<p>Project sponsor's qualified acoustical consultant and construction contractor</p>	<p>Prior to the issuance of building and construction permits</p>	<p>Planning Department and Department of Building Inspection</p>	<p>Considered complete after construction activities are completed.</p>

**EXHIBIT 1:
 MITIGATION MONITORING AND REPORTING PROGRAM**

MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Mitigation Schedule	Monitoring/Report Responsibility	Status/Date Completed
<p>order and that mufflers are inspected to be functioning properly. Avoid unnecessary idling of equipment and engines.</p> <p>8. Mobile noise- generating equipment (e.g., dozers, backhoes, and excavators) shall be required to prepare the entire site. However, the developer will endeavor to avoid placing stationary noise generating equipment (e.g., generators, compressors) within noise- sensitive buffer areas (measured at linear 20 feet) between immediately adjacent neighbors.</p> <p>9. The project sponsor shall require the general contractor to use impact tools (e.g., jack hammers, pavement breakers, and rock drills) that are hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. Where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used, along with external noise jackets on the tools.</p>				
G. Air Quality				
<p><i>M-AQ-2: Construction Air Quality.</i></p> <p>The project sponsor or the project sponsor's Contractor shall comply with the following:</p> <p><i>A. Engine Requirements.</i></p> <p>1. All off-road equipment greater than 25 hp and operating for more than 20 total hours over the entire duration of construction activities shall have engines that meet or exceed either U.S. Environmental Protection Agency (USEPA) or California Air Resources Board (ARB) Tier 2 off-road emission standards, and have been retrofitted with an ARB Level 3 Verified Diesel Emissions Control Strategy. Equipment with engines meeting</p>	<p>Project sponsor and/or Construction Contractor.</p>	<p>Prior to construction activities requiring the use of off-road equipment.</p>	<p>Submit certification statement.</p>	<p>Considered complete on submittal of certification statement.</p>

**EXHIBIT 1:
 MITIGATION MONITORING AND REPORTING PROGRAM**

MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Mitigation Schedule	Monitoring/Report Responsibility	Status/Date Completed
<p>Tier 4 Interim or Tier 4 Final off-road emission standards automatically meet this requirement.</p> <p>2. Where access to alternative sources of power are available, portable diesel engines shall be prohibited.</p> <p>3. Diesel engines, whether for off-road or on-road equipment, shall not be left idling for more than two minutes, at any location, except as provided in exceptions to the applicable state regulations regarding idling for off-road and on-road equipment (e.g., traffic conditions, safe operating conditions). The Contractor shall post legible and visible signs in English, Spanish, and Chinese, in designated queuing areas and at the construction site to remind operators of the two minute idling limit.</p> <p>4. The Contractor shall instruct construction workers and equipment operators on the maintenance and tuning of construction equipment, and require that such workers and operators properly maintain and tune equipment in accordance with manufacturer specifications.</p> <p>B. Waivers.</p> <p>1. The Planning Department's Environmental Review Officer or designee (ERO) may waive the alternative source of power requirement of Subsection (A)(2) if an alternative source of power is limited or infeasible at the project site. If the ERO grants the waiver, the Contractor must submit documentation that the equipment used for onsite power generation meets the requirements of Subsection (A)(1).</p> <p>2. The ERO may waive the equipment requirements of Subsection (A)(1) if: a particular piece of off-road equipment with an ARB Level 3 VDECS is technically not feasible; the equipment would not produce desired emissions reduction due to expected operating modes; installation of the equipment would create a safety hazard or impaired visibility for the operator; or, there is a compelling emergency need to use off-road equipment that is not retrofitted with an ARB Level 3 VDECS. If the ERO grants the</p>				

**EXHIBIT 1:
 MITIGATION MONITORING AND REPORTING PROGRAM**

MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Mitigation Schedule	Monitoring/Report Responsibility	Status/Date Completed												
- 4 -																
<p>waiver, the Contractor must use the next cleanest piece of off-road equipment, according to Table below.</p> <p>Table – Off-Road Equipment Compliance Step-down Schedule</p> <table><tr><th>Compliance Alternative</th><th>Engine Emission Standard</th><th>Emissions Control</th></tr><tr><td>1</td><td>Tier 2</td><td>ARB Level 2 VDECS</td></tr><tr><td>2</td><td>Tier 2</td><td>ARB Level 1 VDECS</td></tr><tr><td>3</td><td>Tier 2</td><td>Alternative Fuel*</td></tr></table> <p>How to use the table: If the ERO determines that the equipment requirements cannot be met, then the project sponsor would need to meet Compliance Alternative 1. If the ERO determines that the Contractor cannot supply off-road equipment meeting Compliance Alternative 1, then the Contractor must meet Compliance Alternative 2. If the ERO determines that the Contractor cannot supply off-road equipment meeting Compliance Alternative 2, then the Contractor must meet Compliance Alternative 3.</p> <p>** Alternative fuels are not a VDECS.</p>	Compliance Alternative	Engine Emission Standard	Emissions Control	1	Tier 2	ARB Level 2 VDECS	2	Tier 2	ARB Level 1 VDECS	3	Tier 2	Alternative Fuel*				
Compliance Alternative	Engine Emission Standard	Emissions Control														
1	Tier 2	ARB Level 2 VDECS														
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<p>C. Construction Emissions Minimization Plan. Before starting on-site construction activities, the Contractor shall submit a Construction Emissions Minimization Plan (Plan) to the ERO for review and approval. The Plan shall state, in reasonable detail, how the Contractor will meet the requirements of Section A.</p> <p>1. The Plan shall include estimates of the construction timeline by phase, with a description of each piece of off-road equipment required for every construction phase. The description may include, but is not limited to: equipment type, equipment manufacturer, equipment identification number, engine model year, engine certification (Tier rating), horsepower, engine serial number, and expected fuel usage and hours of operation. For VDECS installed, the description may include: technology type, serial number, make, model, manufacturer, ARB verification number level, and installation date and hour meter reading on</p>	Project sponsor/ contractor(s).	Prior to issuance of a permit specified in Section 106A.3.2.6 of the Francisco Building Code.	Prepare and submit a Plan.	Considered complete on findings by ERO that Plan is complete.												

**EXHIBIT 1:
 MITIGATION MONITORING AND REPORTING PROGRAM**

MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Mitigation Schedule	Monitoring/Report Responsibility	Status/Date Completed
<p>installation date. For off-road equipment using alternative fuels, the description shall also specify the type of alternative fuel being used.</p> <p>2. The ERO shall ensure that all applicable requirements of the Plan have been incorporated into the contract specifications. The Plan shall include a certification statement that the Contractor agrees to comply fully with the Plan.</p> <p>3. The Contractor shall make the Plan available to the public for review on-site during working hours. The Contractor shall post at the construction site a legible and visible sign summarizing the Plan. The sign shall also state that the public may ask to inspect the Plan for the project at any time during working hours and shall explain how to request to inspect the Plan. The Contractor shall post at least one copy of the sign in a visible location on each side of the construction site facing a public right-of-way.</p> <p>D. Monitoring. After start of Construction Activities, the Contractor shall submit quarterly reports to the ERO documenting compliance with the Plan. After completion of construction activities and prior to receiving a final certificate of occupancy, the project sponsor shall submit to the ERO a final report summarizing construction activities, including the start and end dates and duration of each construction phase, and the specific information required in the Plan.</p>				
<p><i>Project Mitigation Measure M-AQ-4: Best Available Control Technology for Diesel Generators</i></p> <p>The project sponsor shall ensure that the backup diesel generator meet or exceed one of the following emission standards for particulate matter: (1) Tier 4 certified engine, or (2) Tier 2 or Tier 3 certified engine that is equipped with a California Air Resources Board (ARB) Level 3 Verified Diesel Emissions Control Strategy (VDECS). A non-verified diesel emission control strategy may be used if the filter has the same particulate matter reduction as the identical ARB verified model and if the Bay Area Air Quality</p>	Project sponsor.	Prior to issuance of permit for backup diesel generator from City agency.	Submittal of plans detailing compliance and documentation of compliance with BAAQMD Regulation 2, Rules 2 and 5.	Considered complete approval of plans detailing compliance.

**EXHIBIT 1:
 MITIGATION MONITORING AND REPORTING PROGRAM**

MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Mitigation Schedule	Monitoring/Report Responsibility	Status/Date Completed
Management District (BAAQMD) approves of its use. The project sponsor shall submit documentation of compliance with the BAAQMD New Source Review permitting process (Regulation 2, Rule 2, and Regulation 2, Rule 5) and the emission standard requirement of this mitigation measure to the Planning Department for review and approval prior to issuance of a permit for a backup diesel generator from any City agency.				

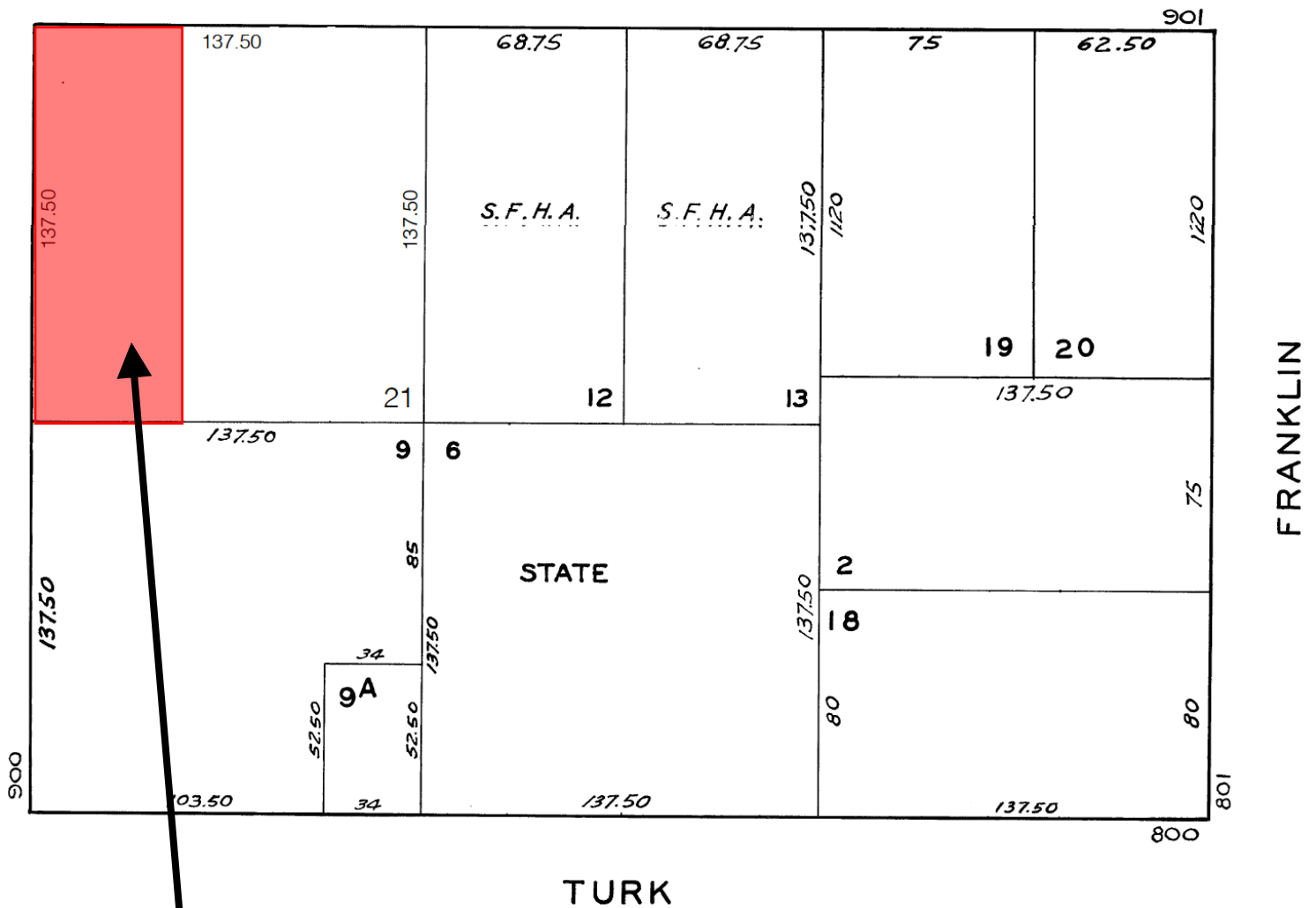
Land Use Information

Project Address: 950 Gough St
Record No.: 2012.0506CUA-02

	EXISTING	PROPOSED	NET NEW
GROSS SQUARE FOOTAGE (GSF)			
Parking GSF	15,705	15,705	0
Residential GSF	0	0	0
Retail/Commercial GSF	0	0	0
Office GSF	0	0	0
Industrial/PDR GSF <i>Production, Distribution, & Repair</i>	0	0	0
Medical GSF	0	0	0
Visitor GSF	0	0	0
CIE GSF	0	0	0
Usable Open Space	0	0	0
Public Open Space	0	0	0
Other (Institutional Use)	10,537	12,696	2,159
TOTAL GSF	15,705	12,696	2,159
	EXISTING	NET NEW	TOTALS
PROJECT FEATURES (Units or Amounts)			
Dwelling Units - Affordable	0	0	0
Dwelling Units - Market Rate	0	0	0
Dwelling Units - Total	0	0	0
Hotel Rooms	0	0	0
Number of Buildings	1	0	1
Number of Stories	2	0	2
Parking Spaces	3	0	3
Loading Spaces	0	0	0
Bicycle Spaces	9	0	9
Car Share Spaces	0	0	0
Other (Institutional Use)	10,537 GSF	2,159 GSF	12,696 GSF

Parcel Map

EDDY

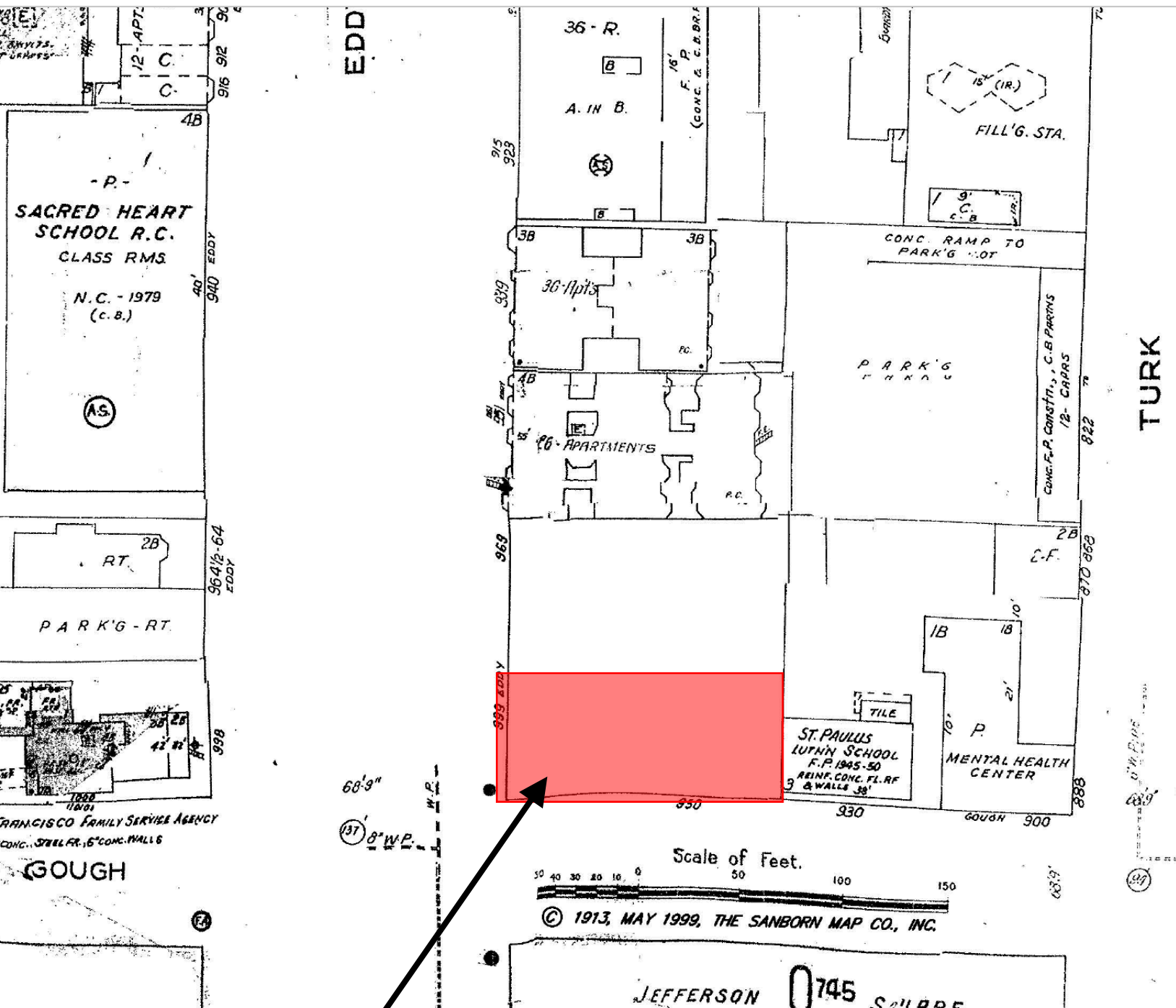


SUBJECT PROPERTY



Planning Commission Hearing
Case Number 2012.0506CUA-02
 Increase in Institutional Use CUA
 950 Gough Street

Sanborn Map*

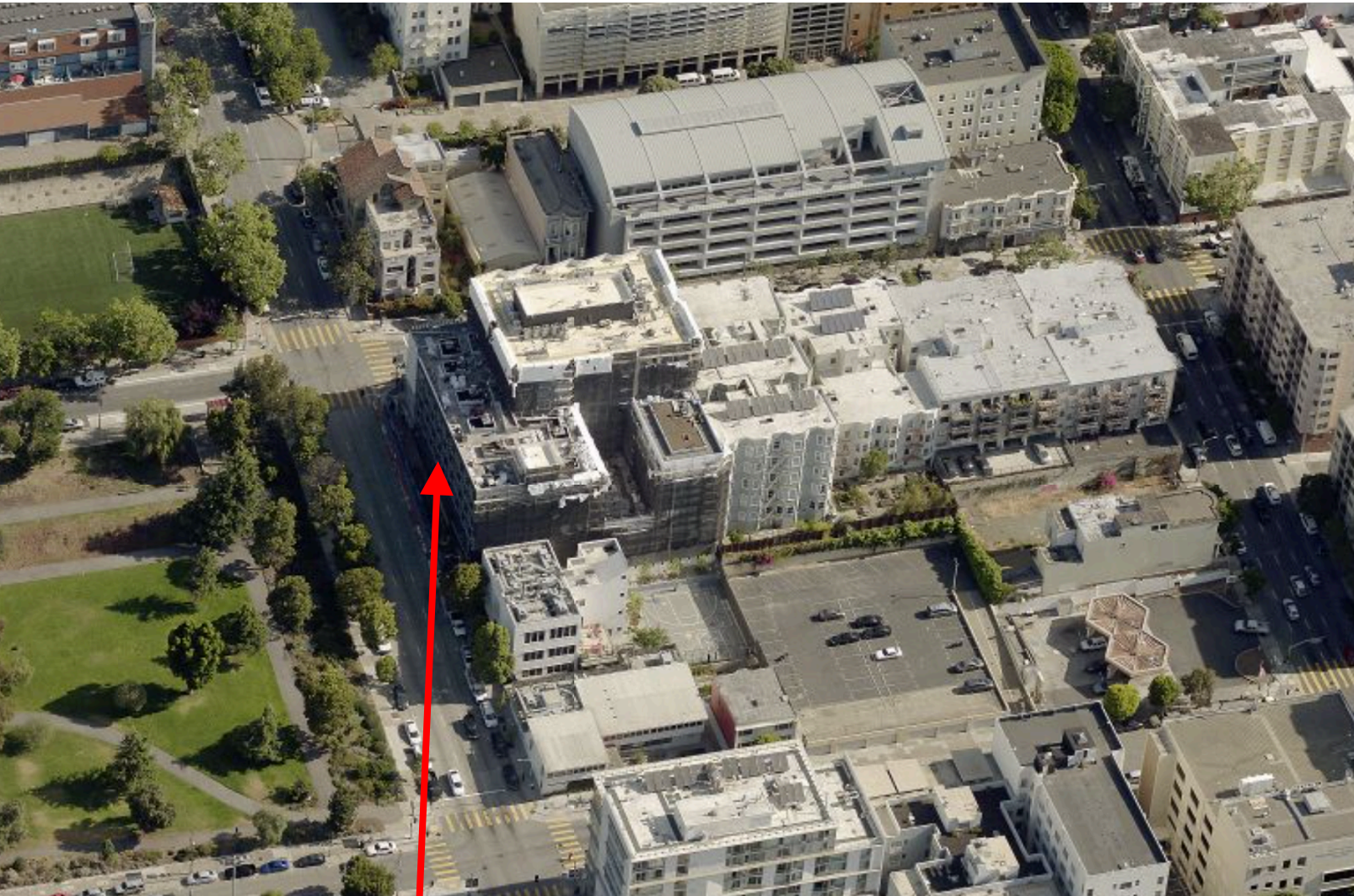


SUBJECT PROPERTY



Planning Commission Hearing
Case Number 2012.0506CUA-02
Increase in Institutional Use CUA
950 Gough Street

Aerial Photo – View 1

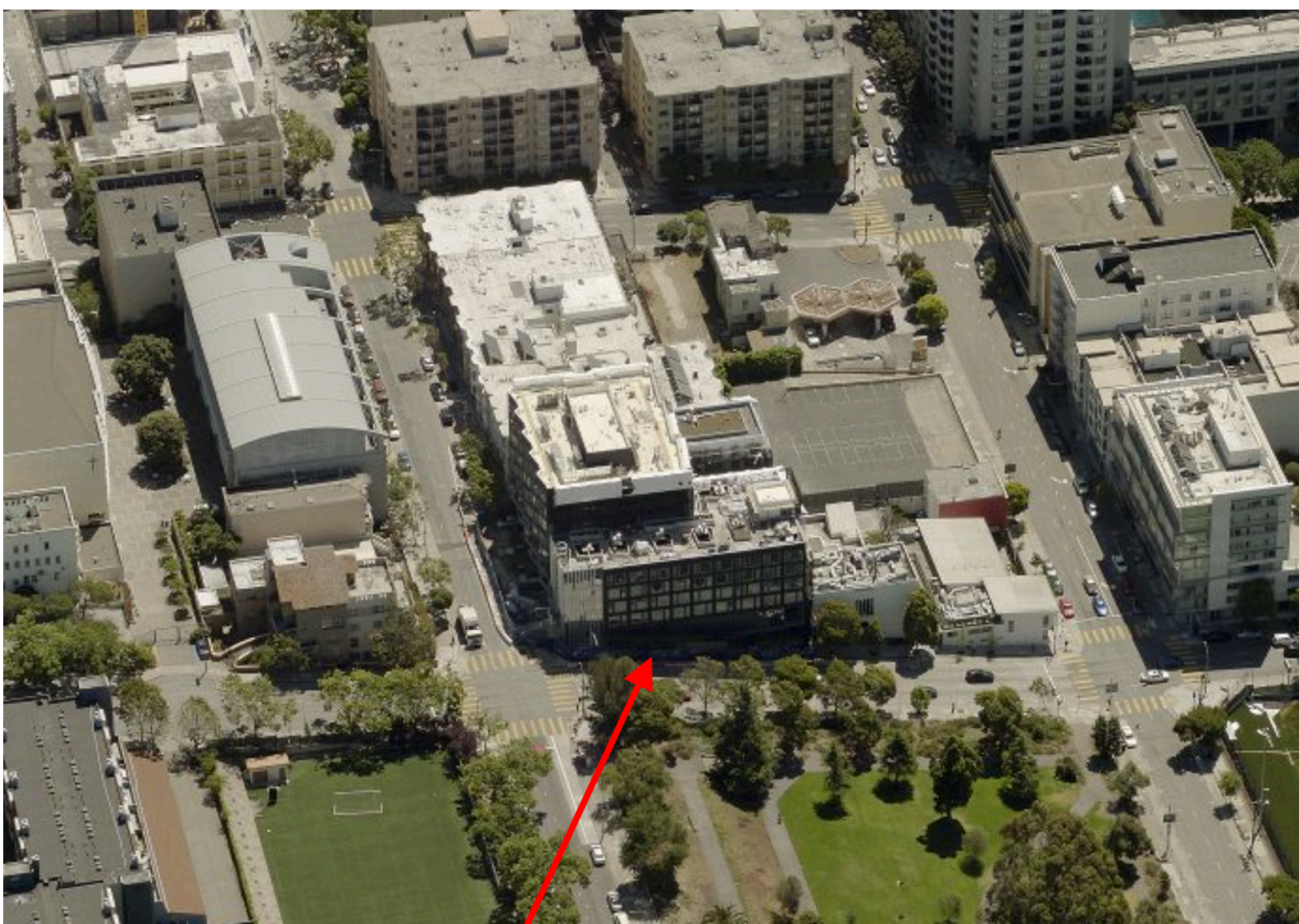


SUBJECT PROPERTY



Planning Commission Hearing
Case Number 2012.0506CUA-02
Increase in Institutional Use CUA
950 Gough Street

Aerial Photo – View 2

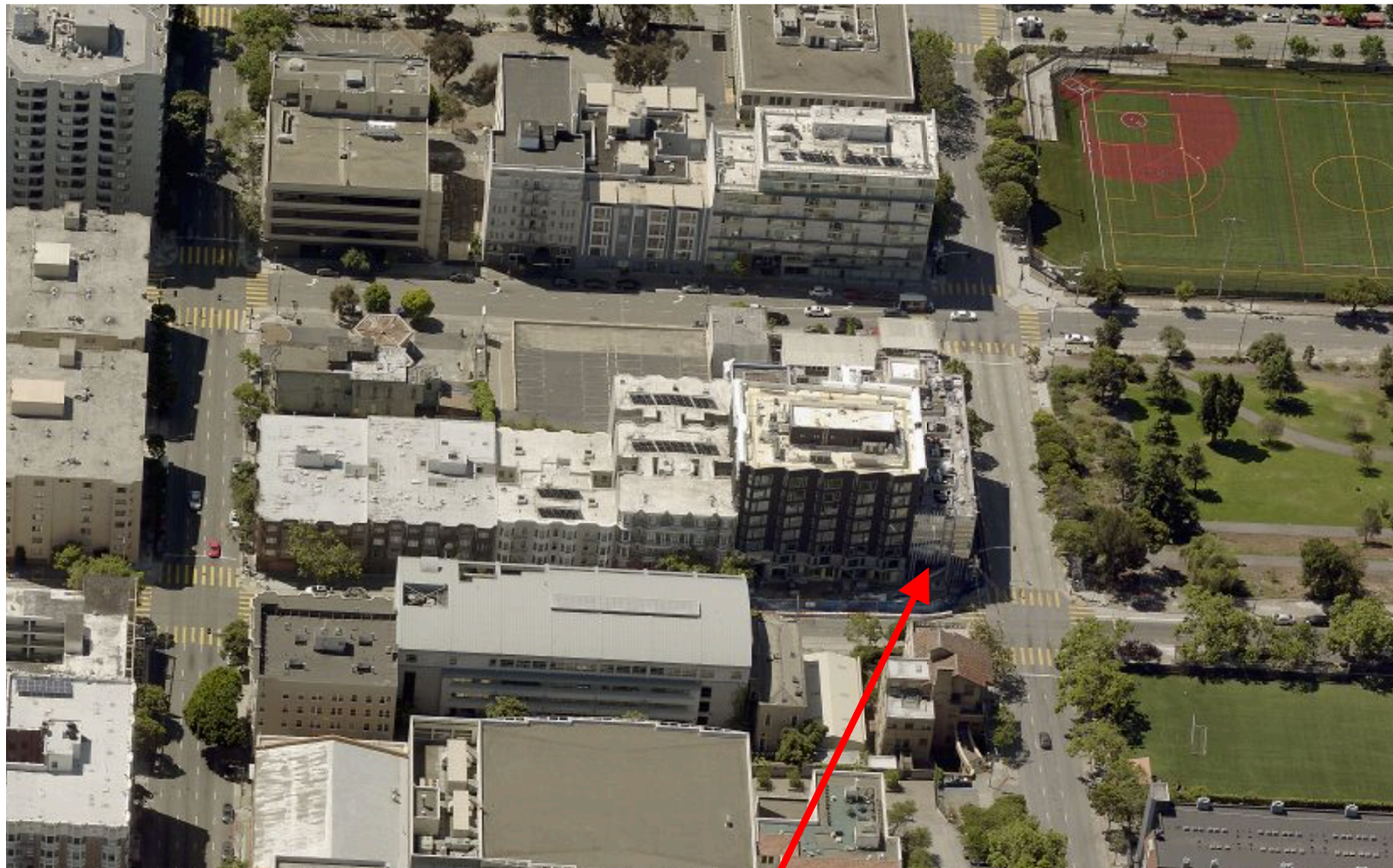


SUBJECT PROPERTY



Planning Commission Hearing
Case Number 2012.0506CUA-02
Increase in Institutional Use CUA
950 Gough Street

Aerial Photo – View 3

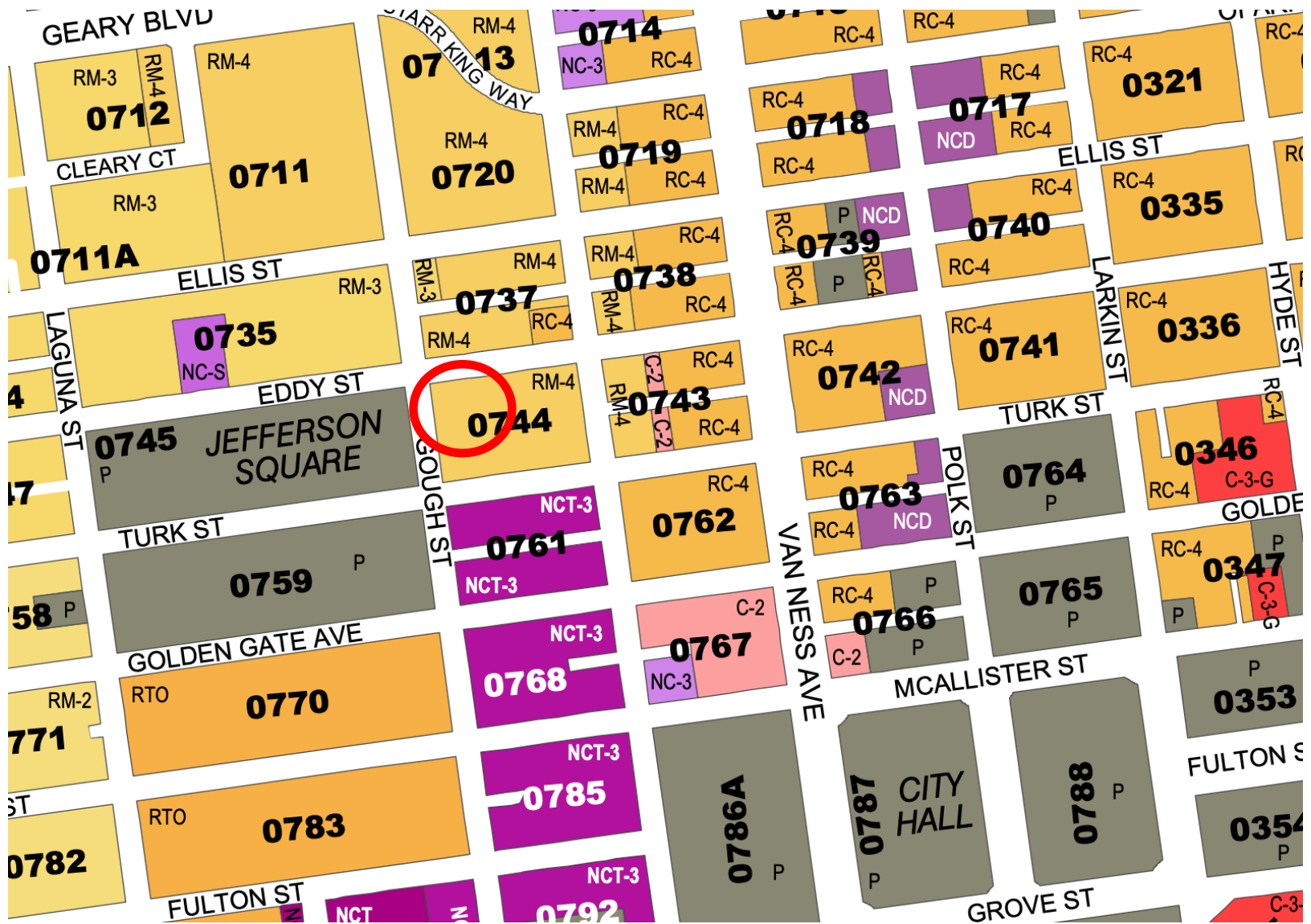


SUBJECT PROPERTY



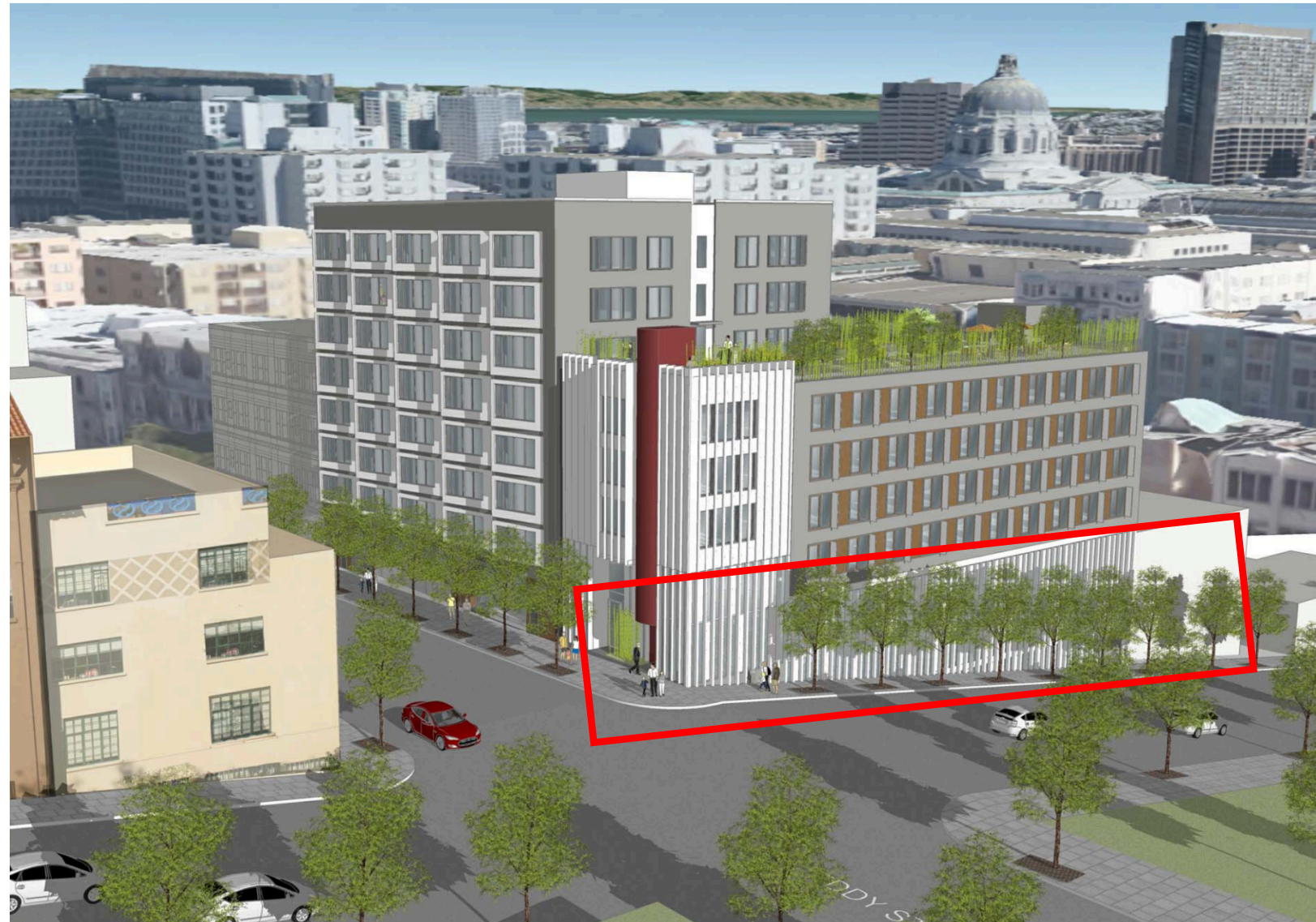
Planning Commission Hearing
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Zoning Map



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Site Photo



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950 Gough Street