



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Conditional Use Authorization

HEARING DATE: 04/26/2018
CONSENT

Record No.: **2017-011152CUA**
Project Address: **1222 HARRISON ST**
Zoning: WMUG (Western SoMa Mixed Use-General District) Zoning District
55/65-X Height and Bulk District
Western SoMa Special Use District
Block/Lot: 3756/003
Applicant: Lucia Macdonald
4 Embarcadero Center, Suite 1400, San Francisco, Ca 94111
Staff Contact: Michael Christensen – (415) 575-8742
michael.christensen@sfgov.org
Recommendation: **Approval with Conditions**

1650 Mission St.
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Planning
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PROJECT DESCRIPTION

The proposed project would establish a paid public parking garage, staffed by an attendant, in an existing parking garage currently used as accessory parking spaces for the mixed-use development at the site. The proposal includes the use of a maximum of 45 of the existing parking spaces which are designated for the retail uses on the site and does not include any spaces currently used as accessory parking for the residential units on the site.

REQUIRED COMMISSION ACTION

In order for the Project to proceed, the Commission must grant a Conditional Use Authorization to allow the establishment of a public parking garage within the WMUG Zoning District, pursuant to Planning Code Sections 303 and 844.41.

ISSUES AND OTHER CONSIDERATIONS

- **Public Comment & Outreach.** The Department has received one letter of support for the project.
- **Parking Lot Screening And Greening.** The existing garage is subterranean and wrapped by active uses at the ground floor in compliance with the parking lot screening requirements of the Planning Code.
- **Environmental Review.** The environmental review of the project included an analysis of potential traffic and circulation impact, which was determined to not be significant.

BASIS FOR RECOMMENDATION

The Department finds that the Project is, on balance, consistent with the requirements of the Planning Code and the Objectives and Policies of the General Plan. The project converts existing free public parking spaces for uses on the site into paid spaces, thus having no change to the function or utility of those spaces. The Department also 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
Exhibit A – Conditions of Approval
Exhibit B – Plans and Renderings



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Draft Motion

HEARING DATE: APRIL 26, 2018

Record No.: **2017-011152CUA**
Project Address: **1222 HARRISON ST**
Zoning: WMUG (Western SoMa Mixed Use-General District) Zoning District
55/65-X Height and Bulk District
Western SoMa Special Use District
Block/Garage: 3756/003
Applicant: Lucia Macdonald
4 Embarcadero Center, Suite 1400, San Francisco, Ca 94111
Property Owner: AERC 8th and Harrison LLC, c/o Tony Duplisse
5510 Morehouse Drive, Suite 200, San Diego, CA 92121
Staff Contact: Michael Christensen – (415) 575-8742
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ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO PLANNING CODE SECTIONS 303 AND 844.41 TO ALLOW THE TEMPORARY CONVERSION OF A PORTION OF AN ACCESSORY PARKING GARAGE TO A COMMERCIAL AUTOMOBILE PARKING GARAGE FOR A PERIOD OF THREE YEARS WITHIN THE WESTERN SOMA MIXED USE GENERAL (WMUG) ZONING DISTRICT, 55/65-X HEIGHT AND BULK DISTRICT, AND THE WESTERN SOMA SPECIAL USE DISTRICT, AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

PREAMBLE

On August 30, 2017, Lucia Macdonald of COMB Parking (hereinafter "Project Sponsor") filed Application No. 2017-011152CUA (hereinafter "Application") with the Planning Department (hereinafter "Department") for a Conditional Use Authorization to establish a public pay parking garage (hereinafter "Project") at 1222 Harrison Street, Block 3756 Garage 003 (hereinafter "Project Site").

The Planning Department Commission Secretary is the custodian of records; the File for Case No. 2017-011152CUA is located at 1650 Mission Street, Suite 400, San Francisco, California.

On April 26, 2018, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Authorization Application No. 2017-011152CUA.

On January 29, 2018, the Project was determined to be exempt from the California Environmental Quality Act ("CEQA") as a Class 1 Categorical Exemption under CEQA as described in the determination contained in the Planning Department files for this Project.

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. 2017-011152CUA, 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 includes the establishment of a paid public parking garage, staffed by an attendant, in an existing subterranean parking garage currently used as accessory parking spaces for the retail establishments and residential units at the site. The public, paid parking spaces would total 46 of the existing spaces in the garage. The Project includes the provision of one car share parking space at the site and payment of in-lieu fees to satisfy the Class 2 bicycle parking requirements of the Planning Code.
3. **Site Description and Present Use.** The Project is located on an approximately 3.3 acre site which is currently developed with a seven-story mixed-use structure containing 433 dwelling units over a retail ground floor and 372 automobile parking spaces in a subterranean garage, approved under Planning Case No. 2007.1035C.
4. **Surrounding Properties and Neighborhood.** The Project Site is located within the WMUG Zoning District in the Western SoMa Area Plan. The immediate context is mixed in character with residential, industrial, entertainment, and retail uses. Other zoning districts in the vicinity of the project site include: SALI (Service, Arts, Light Industrial), RCD (Regional Commercial) and RED-MX (Residential Enclave District, Mixed).
5. **Public Outreach and Comments.** The Department has received one letter in support of the 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. **Use (Automobile Parking).** Per Planning Code Section 844.41, an automobile parking garage is conditionally permitted within the WMUG District.

The Project is requesting a Conditional Use Authorization to establish a commercial parking garage. This zoning district does not limit the number of off-street parking spaces. Currently, the Project would establish 46 paid parking spaces within the existing parking garage. The Commission would limit this use and the Conditional Use Authorization to a maximum of three years.

- B. **Parking Garage Screening and Greening.** Per Planning Code Section 142, off-street parking and vehicle use areas must be screened at the perimeter and landscaping must be provided per the Section.

The Project utilizes an existing subterranean parking garage which wraps the automobile parking spaces with active uses, meeting the requirements of this Section.

- C. **Bicycle Parking.** Per Planning Code Section 155.2, the project is required to provide a total of six (6) Class 2 Bicycle Parking Spaces.

The project sponsor consulted with SFMTA staff regarding the location of new Class 2 bicycle parking spaces to be provided as part of the project, and based on the availability of such spaces and the impact that providing additional spaces would have on pedestrian movement, payment of an in-lieu fee was requested. The project sponsor will pay an in-lieu fee for the provision of six (6) Class 2 bicycle parking spaces as part of the project.

- D. **Car Share.** Per Planning Code Section 160, the project is required to provide a total of one (1) Car Share Space.

The project will provide one car share space in addition to the existing car share spaces within the garage, which were required as part of the approval of the development project at the site.

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 temporary use is desirable as a use of this existing parking garage which is underutilized by the existing retail uses on the site. The commercial parking garage will provide supplemental parking for patrons of the nearby retail and entertainment venue establishments. The underutilized spaces will provide a temporary use that is necessary and desirable for the neighborhood, and the existing parking garage will not be enlarged or altered to accommodate this temporary use.

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

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

The proposed garage is large enough to provide on-site circulation, reducing the likelihood of queuing in the street. The Project does not include any physical improvements. No physical changes are proposed within the subject property as the proposed use utilizes an existing parking garage. The Project will not add any new curb cuts that would interfere with pedestrian, vehicular or MUNI traffic. The Project will benefit the surrounding neighborhood by providing needed parking for the retail, industrial, and entertainment uses within the vicinity.

- 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 proposed commercial parking garage is large enough to provide on-site circulation, reducing the likelihood of queuing in the street. Traffic conditions will remain substantially unaltered by this project because the proposed use provides 46 existing spaces for patrons of nearby retail, restaurants and entertainment venues. The Project could potentially alleviate traffic as the existing on-street demand for parking will be reduced by providing unused spaces for the public to park their vehicles.

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

The Project utilizes existing parking spaces and will therefore not create any additional noxious or offensive emissions such as glare, dust or odors.

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

The Project is not proposing any alterations to the landscaping, screening, open spaces, parking areas nor lighting and signs.

- C. Such use or feature as proposed will comply with the applicable provisions of this 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. Such use or feature as proposed will provide development that is in conformity with the stated purpose of the applicable Use District.

The Project is consistent with the stated purpose of the WMUG Zoning District, which is designed to maintain and facilitate the growth and expansion of small-scale light industrial, wholesale distribution, arts production and performance/exhibition activities, general commercial and neighborhood-serving retail and personal service activities while protecting existing housing and encouraging the development of housing at a scale and density compatible with the existing neighborhood. The conversion of the subject accessory parking garage to a commercial parking garage

provides relief to existing industrial and retail uses in the area which may depend on the availability of parking for the handling of large or bulky items.

8. **Planning Code Section 303(t)(2)** establishes criteria, considerations and procedures for non-accessory parking facilities in transit-oriented neighborhoods. On balance, the Project does comply with said criteria in that:

- A. Such facility shall meet all the design requirements for setbacks from facades and wrapping with active uses at all levels per the requirements of Section 145.1; and

The parking garage utilizes existing spaces in an existing subterranean garage which meets all design requirements for setbacks from facades and wrapping with active uses. The frontages of the project site at the pedestrian level are wrapped with retail uses.

- B. Such parking shall not be accessed from any protected Transit or Pedestrian Street described in Section 155(r); and

Harrison Street is not a protected Transit or Pedestrian Street described in Section 155(r), and the Project does not propose any new or modified vehicular curb cuts.

- C. Such parking garage shall be located in a building where the ratio of gross square footage of parking uses to other uses that are permitted or Conditionally permitted in that district is not more than 1 to 1; and

The site is developed with a seven-story, mixed use structure that meets the requirements of this Section. Additionally, no modification or expansion of the existing parking garage is proposed as part of this project.

- D. Such parking shall be available for use by the general public on equal terms and shall not be deeded or made available exclusively to tenants, residents, owners, or users of any particular use or building except in cases that such parking meets the criteria of subsection (C) or (D) below; and

The proposed parking would be available to the general public on equal terms at all times.

- E. Such facility shall provide spaces for car sharing vehicles per the requirements of Section 166 and bicycle parking per the requirements of Sections 155.1 and 155.2; and

One car share space is provided as part of the Project, as required by Section 166. In lieu of providing Class 2 bicycle parking spaces, the project sponsor has elected to pay an in-lieu fee, as approved by SFMTA staff based on the availability of such spaces at the project site.

- F. Such facility, to the extent open to the public per subsection (iv) above, shall meet the pricing requirements of Section 155(g) and shall generally limit the proposed parking to short-term occupancy rather than long-term occupancy; and

The proposed garage is required to comply with the pricing requirements of Section 155(g) to limit the proposed parking to short-term occupancy and discourage long term use of the spaces by downtown workers.

- G. Vehicle movement on or around the facility does not unduly impact pedestrian spaces or movement, transit service, bicycle movement, or the overall traffic movement in the district; and

As no changes are proposed to the existing garage, there is no possibility for impact to pedestrian spaces or movement, transit service, bicycle movement, or the overall traffic movement in the district.

- H. Such facility and its access does not diminish the quality and viability of existing or planned streetscape enhancements.

The project does not propose any modification to the existing curb access to the existing garage, so no impact to the quality or viability of existing or planned streetscape enhancements is possible.

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

COMMERCE AND INDUSTRY ELEMENT

Objectives and Policies

OBJECTIVE 2:

MAINTAIN AND ENHANCE A SOUND AND DIVERSE ECONOMIC BASE AND FISCAL STRUCTURE FOR THE CITY.

Policy 2.1:

Seek to retain existing commercial and industrial activity and to attract new such activity to the City.

The availability of existing unused parking at the subject site for use as a temporary parking garage offers relief in parking demand, thereby contributing to the economic vitality of the area.

OBJECTIVE 6:

MAINTAIN AND STRENGTHEN VIABLE NEIGHBORHOOD COMMERCIAL AREAS EASILY ACCESSIBLE TO CITY RESIDENTS.

Policy 6.1:

Ensure and encourage the retention and provision of neighborhood-serving goods and services in the city's neighborhood commercial districts, while recognizing and encouraging diversity among the districts.

The Project makes use of an existing underutilized parking garage and would not displace any existing commercial activity. By limiting the approval to three years, the proposed temporary use would not preclude other future potential uses.

TRANSPORTATION ELEMENT

Citywide Parking

Objectives and Policies

OBJECTIVE 32:

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

Policy 32.1

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

- There is a demonstrated demand for additional parking space in the surrounding area in relation to the supply provided or resulting from a specific development.
- This demand cannot be met by existing available facilities or more efficient use of existing facilities.
- In the case of desired accessory parking (i.e. parking customarily provided incidental to a permitted use and directly related to the activities conducted on the site of the use) its need is clearly established and not presumed.
- The location is appropriate in terms of adjacent land uses.
- Conflict between pedestrian and bicycle movements and driveways or ramps is minimized and additional auto traffic through areas of heavy pedestrian concentration is avoided.
- The design and operating policy of the facility is such that vehicles can be admitted rapidly, to avoid the use of the street as a waiting area for entrance into the facility and to avoid the situation of automobiles idling for a long period of time.
- Adequate provisions are made to accommodate parking and egress for people with mobility impairments.

The Project would provide more utility to the existing parking spaces on the site, reducing the general need for parking in the immediate area and the need for other sites to accommodate additional parking by creating new vehicle parking areas. As no enlargement or modification of the site is proposed, there is no potential for impact to pedestrian or vehicle movements.

Policy 30.6:

Make existing and new accessory parking available to nearby residents and the general public for use as short-term or evening parking when not being utilized by the business or institution to which it is accessory.

The Project will use existing, underutilized parking spaces to provide convenient parking for nearby residents and the general public, in addition to alleviating parking demand in order to maintain the high quality living environment of the City.

WESTERN SOMA AREA PLAN

LAND USE

Objectives and Policies

OBJECTIVE 2.2:

PROMOTE APPROPRIATE NEW NEIGHBORHOOD BUSINESS OPPORTUNITIES THAT CREATIVELY RESPOND TO NEIGHBORHOOD, CITYWIDE AND REGIONAL ECONOMIC NEEDS AND TRENDS.

Policy 2.2.14

Provide adequate customer parking and goods loading areas in a manner that minimizes negative impacts on transit, bike and pedestrian movements on neighborhood commercial streets.

By providing additional parking to the general public and visitors to the adjacent neighborhood commercial district using an existing parking garage, the project would meet this goal of the Western SoMa Area Plan while minimizing any potential impact to transit, bike, and pedestrian movements in the area.

10. **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 proposal will alleviate on-street parking demand and therefore support the retail and industrial uses within the district.

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

The proposal utilizes an existing parking garage and proposes no alterations; therefore, the Project will not have any effect on the cultural or economic diversity of the neighborhood.

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

The Project would not have any effect on 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 will not impede MUNI services or overburden streets or neighborhood parking. Rather, the Project will reduce the neighborhood's parking scarcity by using existing, underutilized parking spaces.

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

The Project will not displace any service or industry establishment. The Project will not affect industrial or service sector uses or related employment opportunities. Ownership of industrial or service sector businesses will not be affected by this project.

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

This proposal will not affect the property's ability to withstand an earthquake.

- G. That landmarks and historic buildings be preserved.

The Project does propose any alterations nor is the subject property historic.

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

The Project will have no negative effect on existing parks and open spaces.

- I. 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 proposal will contribute to the overall economic vitality of the district, thereby preserving and enhancing future opportunities for resident employment and business ownership.

11. 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.

12. 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 Authorization Application No. 2017-011152CUA** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated March 3, 2018, and stamped "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 April 26, 2018.

Jonas P. Ionin
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: April 26, 2018

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to allow an automobile parking garage located at 1222 Harrison Street pursuant to Planning Code Sections 303 and 844.41 within the WMUG District, a 55/65-X Height and Bulk District, and the Western SoMa Special Use District; in general conformance with plans, dated March 3, 2018, and stamped "EXHIBIT B" included in the docket for Case No. 2017-011152CUA and subject to conditions of approval reviewed and approved by the Commission on April 26, 2018 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

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 April 26, 2018 under Motion No XXXXXX.

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 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

PARKING AND TRAFFIC

6. **Car Share.** Pursuant to Planning Code Section 166, no fewer than **one (1)** car share space shall be made available, at no cost, to a certified car share organization for the purposes of providing car share services for its service subscribers. This space shall be provided in addition to the **five (5)** car share spaces that are required for the existing development project at the site.

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

7. **Bicycle Parking.** Pursuant to Planning Code Sections 155.1 and 155.4, the Project is required to provide no fewer than **6** Class 2 bicycle parking spaces. 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 II bike racks required by the Planning Code. If payment of an in-lieu fee is requested to satisfy the Class II bicycle parking space requirement, the project sponsor shall pay the subject in-lieu fee pursuant to Planning Code Section 430.

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

MONITORING - AFTER ENTITLEMENT

8. **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

9. **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

10. **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

11. **Temporary Parking Garage.** The authorization to operate this temporary automobile parking garage is limited to the 46 existing spaces identified on the plans for the project, and is valid for a period not to exceed three years from the date of approval of this Conditional Use.

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