



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- | | |
|--|--|
| ☒ Inclusionary Housing | ☐ Public Open Space |
| ☐ Childcare Requirement | ☐ First Source Hiring (Admin. Code) |
| ☐ Jobs Housing Linkage Program | ☐ Transit Impact Development Fee |
| ☐ Downtown Park Fee | ☐ Other |
| ☐ Public Art | |

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Planning Commission Motion **No. 17597**

Hearing Date: May 22, 2008
Case No.: **2007.1267X**
Project Address: **631 FOLSOM STREET**
Zoning: C-3-S (Downtown Support)
200-S Height and Bulk District
Block/Lot: 3750/090
Project Sponsor: Folsom Ventures, LLC
92 Natoma Street
San Francisco, CA 94105
Staff Contact: Amnon Ben-Pazi – (415) 575-9077
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ADOPTING FINDINGS RELATED TO THE APPROVAL OF A SECTION 309 REQUEST FOR EXCEPTION TO ALLOW THE ADDITION OF 52 OFF-STREET PARKING SPACES TO THE PREVIOUSLY APPROVED 64 OFF-STREET PARKING SPACES AT 631 FOLSOM STREET (ASSESSOR'S BLOCK 3750, LOT 090), LOCATED WITHIN THE C-3-S (DOWNTOWN SUPPORT) DISTRICT AND 200-S HEIGHT AND BULK DISTRICT AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

RECITALS

1. On April 28, 2005, the Planning Commission adopted Motion No. 16997, permitting the construction of a 21-story mixed use building with up to 120 dwelling units (114 of which are under construction) and 64 off-street parking spaces at 631 Folsom Street, Lot 090 in Assessor's block 3750.
2. On November 1, 2007, Folsom Ventures, LLC (Project Sponsor) filed an application requesting an exception pursuant to Section 309 of the Planning Code, to add 52 off-street parking spaces to the previously approved 64 off-street parking spaces, for a total of 116 off-street parking spaces. The project would reconfigure the approved garage component of the building to accommodate 108 of the 116 proposed off-street parking spaces in mechanical stackers. The Project would also add 23 secure bicycle parking spaces in the basement of the building at the Project Site.

3. On March 19, 2005, the Planning Department (Department) determined that the proposed Project could not have a significant effect on the environment and published a Preliminary Mitigated Negative Declaration (PMND) in compliance with the California Environmental Quality Act (CEQA), the State CEQA Guidelines and Chapter 31 of the San Francisco Administrative Code (Chapter 31).
4. A Final Mitigated Negative Declaration was adopted by the Commission on April 28, 2005 by Motion No. 16997, which is incorporated by reference as though fully set forth herein.
5. On April 30, 2008, an addendum was issued to the adopted Negative Declaration for the Project.
6. On May 8, 2008, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on the Section 309 application, and took a motion of intent to approve the proposed Project with conditions.
7. On May 22, 2008, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on the Section 309 application
8. **MOVED**, that the Commission hereby **APPROVES** the Section 309 Request for Exceptions as described in Application No. 2007.1267X for the Project based on the following findings:

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FINDINGS

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

1. The above recitals are accurate and also constitute findings of this Commission.
2. **Project Site:** The subject site is a rectangular parcel with a total area of approximately 33,550 square feet. It is located on the south side of Folsom Street between 2nd and Hawthorne Streets. A dead-end alley, Dow Place, abuts the south side of the site. The site is within the C-3-S District and a 200-S Height and Bulk District.

The subject lot currently contains a building under construction, approved under Planning Commission Motion No. 16997. It was most recently used as a 138-space surface parking facility.
3. **Surrounding Area:** The C-3-S (Downtown, Support) Zoning District covers the southern portions of downtown San Francisco and is composed of a variety of uses: hotels, offices, places of entertainment, residential buildings, and retail establishments. Many of these uses serve a citywide or regional clientele, but the intensity of development is lower than in the downtown core. Residential uses are principally permitted within the C-3-S District.
4. **Proposed Project:** The Project proposes to add 52 off-street parking spaces to the previously approved 64 off-street parking spaces, for a total of 116 off-street parking spaces. The approved parking at the Project Site includes 36 independently accessible parking spaces and 28 tandem parking spaces. The project would reconfigure the approved garage component of the building to add 52 parking spaces, and accommodate 108 of the resulting 116 spaces in mechanical stackers. The remaining 8 spaces would be independently accessible and would include two car-share spaces, four ADA-compliant spaces, one ADA-compliant van space and one regular parking space. The Project would also add 23 secure bicycle parking spaces in the basement of the building at the Project Site.

5. The Project requires the authorization of a Section 309 Determination of Compliance and Request for Exceptions for parking exceeding the ratio of one to four allowed by Section 151 of the Planning Code.

6. **Environmental Findings:** On April 30, 2008, an addendum was issued to the adopted Negative Declaration for the Project.

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a. The Planning Commission hereby adopts and incorporates by reference the CEQA findings for the proposed Project as set forth in Planning Commission Motion No. 16997, a copy of which is on file with the Commission Secretary.

b. In accordance with the provisions of CEQA, the State CEQA Guidelines and Chapter 31, the Department and the Planning Commission have reviewed and considered the information contained in the FMND, the Addendum thereto, and all information pertaining to the project in the Department's case file.

c. Any and all documents referenced in this Motion are either attached to this Motion or may be found in the files of the City Planning Department, as the custodian of records, at 1660 Mission Street in San Francisco.

d. The proposed Project as reflected in Application No. 2007.1267X is consistent with the project as described in the FMND and Addendum and would not result in any significant impacts not identified in the FMND nor cause significant effects identified in the FMND to be substantially more severe.

e. The Planning Commission further finds that since the issuance of the FMND and Addendum there have been no substantial project changes and no substantial changes in project circumstances that would require major revisions to the FMND due to the involvement of new significant environmental effects or a substantial increase in the severity of previous identified significant impacts, and no new information of substantial importance that would change the conclusions set forth in the FMND.

7. **Mitigation Measures.** Pursuant to CEQA, the Commission has considered the mitigation measures as described in the FMND and has included these measures as conditions of project approval as set forth in Motion No. 16997 and Exhibit A to that Motion, which is incorporated by reference herein. No new mitigation measures are required by the Addendum.

8. **Potential Environmental Impacts Mitigated To Less Than Significant.** With the implementation of the mitigation measures set forth in the FMND and required as conditions of approval in Exhibit A to Motion No. 16997, environmental impacts resulting from the Project would be reduced to a less than significant level as described in the FMND and Addendum.

9. **Planning Code Compliance.** The Commission finds that the Project meets the provisions of the Planning Code as follows:

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- a. **Section 151.1: Parking.** Pursuant to Section 151.1, residential uses in C-3 Districts are not required to provide off-street parking, but up to one space for every four dwelling units may be provided as-of-right. Residential parking that exceeds one space for every four dwelling units, up to a maximum of three spaces for every four dwelling units and one space for every dwelling unit with at least two bedrooms and at least 1,000 square feet of occupied floor area, may be provided with the granting of an exception pursuant to Section 309.

The building currently under construction at the Project Site contains 114 dwelling units and 64 residential off-street parking spaces, as approved in Planning Commission Motion No. 16997. Under the current Planning Code, 29 off-street parking spaces could be provided without an exception being required.

The Project proposes an increase of 52 parking spaces, for a total of 116. Two of these 116 spaces are to be dedicated to car sharing vehicles and thus, pursuant to Code Section 166, do not count against the number of spaces allowed by the Code. The Project thus proposes a total of 114 parking spaces accessory to the residential uses at the site. All 114 dwelling units in the subject building have at least two bedrooms and 1,000 square feet of occupied floor area, and thus the Commission may approve up to 114 parking spaces at the project site pursuant to Section 309.

Pursuant to Section 151.1(e), in C-3 Districts, any request for residential parking in excess of what is permitted by right in Table 151.1 shall be reviewed on a case-by-case basis by the Planning Commission subject to the procedures set forth in Section 309. In granting approval for residential parking above that permitted by right in Table 151.1, the Commission shall make the following affirmative findings:

- (1) For projects with 50 or more units, all residential accessory parking in excess of 0.5 spaces for each dwelling unit shall be stored and accessed by mechanical stackers or lifts, valet, or other space-efficient means that allows more space above grade for housing, maximizes space efficiency, and discourages use of vehicles for commuting or daily errands. The Commission may authorize the request for additional parking notwithstanding that the project sponsor cannot fully satisfy this requirement provided that the project sponsor demonstrates hardship or practical infeasibility (such as for retrofit of existing buildings) in the use of space-efficient parking given the configuration of the parking floors within the building and the number of independently accessible spaces above 0.5 spaces per dwelling unit is *de minimis* and subsequent valet operation or other form of parking space management could not significantly increase the capacity of the parking spaces above the maximum limits in Table 151.1.

The approved building at the project site contains 114 dwelling units. The Project proposes a total of 114 accessory residential parking spaces, 57 parking spaces in excess of 0.5 spaces for each dwelling unit. All 57 of these parking spaces are to be stored and accessed by mechanical stackers, thus meeting this requirement.

- (2) For any project with residential accessory parking in excess of 0.375 spaces per dwelling unit, the project complies with the housing requirements of Sections 315 through 315.9 except as follows: the inclusionary housing requirements that apply to projects seeking conditional use authorization as designated in Section 315.3(a)(2) shall apply to the project.

The Project proposes residential accessory parking in excess of 0.375 spaces per dwelling unit and thus must comply with Sections 315 through 315.9.

The Project Sponsor submitted the first application for this Project (additional residential accessory parking) in 2007, but the first application for the housing project associated with this Project was submitted in 2004. The inclusionary housing requirements then in effect were as follows: for projects not requiring Conditional Use Authorization, 10

percent if provided on-site, 15 percent if provided off-site, or the payment of an in-lieu fee based on the off-site percentage; for projects requiring Conditional Use Authorization, 12 percent if provided on-site, 17 percent if provided off-site, or the payment of an in-lieu fee based on the off-site percentage.

The housing project at the Project Site did not require Conditional Use Authorization in 2004, and thus was required to provide inclusionary housing at the lower off-site percentage. Had the Project Sponsor requested 1-1 parking in 2004 as part of the original approved housing project, the Project Sponsor would have been required to seek Conditional Use Authorization and thus the higher inclusionary housing off-site percentage would have applied.

In the interest of discouraging project sponsors from avoiding City requirements by having projects approved under less onerous requirements and later changing the project without complying with those higher requirements, the Commission believes, and the Project Sponsor has agreed, that the building at the Project Site shall be subject to the required inclusionary housing percentage that was applicable to a project requiring a CU at the time the original housing project submitted applications: 12% if provided on-site, 17% if provided off-site, or the payment of an in-lieu fee based on the off-site percentage.

The Project Sponsor will comply with the inclusionary housing requirement by paying an in-lieu fee, to be calculated by the Inclusionary Housing Program Manager at the Mayor's Office of Housing based on the difference between the 15% in-lieu fee which has been paid and the 17% in-lieu fee which is required.

- (3) The findings of Sections 151.1(d)(2), 151.1(d)(3), and 151.1(d)(5) are satisfied.

Section 151.1(d)(2). Vehicle movement on or around the project site associated with the excess accessory parking does not unduly impact pedestrian spaces or movement, transit service, bicycle movement, or the overall traffic movement in the district.

The April 30, 2008 addendum to the adopted Negative Declaration for the building at the Project Site concluded that all vehicular queuing related to the additional accessory parking would be accommodated within the existing parking garage and driveway. Given the Project configuration and number of mechanical stacker devices, the Project would thus have no undue impact on pedestrian, bicycle or overall traffic movement, nor any undue impact on transit service in the district.

Section 151.1(d)(3). Accommodating excess accessory parking does not degrade the overall urban design quality of the project proposal.

The additional accessory parking would be accommodated within the approved structure and thus would have no impact on the external appearance of the approved building.

Section 151.1(d)(5). Excess accessory parking does not diminish the quality and viability of existing or planned streetscape improvements.

The Project does not propose any changes to the existing approved curb cut on Hawthorne Street, nor any changes to existing or proposed street improvements.

- (4) All parking meets the active use and screening requirements in Sections 155(s)(1)(B) and 155(s)(1)(C) and the project sponsor is not requesting any exceptions or variances requiring such treatments elsewhere in the Code.

Section 155(s)(1)(B). Parking at the ground level to the full height of the ground-level parking shall be lined with active uses, as defined by Section 145.4(e) to a depth of at least 25 feet along all street frontages, except for space allowed for parking and loading access, building egress, and access to mechanical systems. So as not to preclude conversion of parking space to other uses in the future, parking at the ground level shall not be sloped and shall have a minimum clear ceiling height of nine feet.

The proposed additional parking is at the ground level and is lined with retail spaces and the principal residential entrance along the street facade, to a depth exceeding 25 feet.

Section 155(s)(1)(C). Parking allowed above the ground level in accordance with an exception under Section 309 or a conditional use in accordance with Section 303 as authorized by Sections 155(s)(2) or 155(s)(3) shall be entirely screened from public rights-of-way in a manner that accentuates ground-floor retail and other uses, minimizes louvers and other mechanical features, and shall be in keeping with the overall massing and architectural vocabulary of the building's lower floors. So as not to preclude conversion of parking space to other uses in the future, parking allowed above the ground level shall not be sloped and shall have a minimum clear ceiling height of nine feet.

The Project would not provide parking above the ground level.

- b. **Section 155.5: Bicycle Parking.** Under current Code, residential uses containing four or more dwelling units are required to provide bicycle parking at no cost or fee to the building occupants or tenants. For projects containing 50 or more dwelling units, the requirement is as follows: 25 Class 1 spaces plus one Class 1 space for every four dwelling units over 50, with a maximum requirement of 400 spaces.

The Planning Code requires 41 Class 1 bicycle parking spaces for the 114 dwelling units at the Project Site. The building under construction currently provides 18 secure bicycle parking spaces. (The building was approved prior to the current bicycle parking requirements.) The Project would add 23 Class 1 bicycle parking spaces in the basement of the building, bringing the building into compliance with the current Planning Code.

- c. **Section 166: Car Sharing.** Residential uses that provide parking must also provide car-share parking. For projects containing 50 to 200 dwelling units, one car-share space is required.

With 114 dwelling units, the current Planning Code requires one car-share space at the Project Site. The Project would provide two car-share spaces as defined in Section 166, bringing the building into compliance with the current Planning Code.

The conditions of approval in Motion 16997 require the Project Sponsor to purchase two vehicles for the 631 Folsom Street homeowners' association, for use by the residents as part of a private car-share program. The private car-share requirement of Motion 16997 is hereby replaced with the provision of two car-share spaces as defined in Section 166, to be made available to certified car

share organizations and their members, and otherwise follow all relevant requirements set forth in the Planning Code.

10. **General Plan Conformity.** The Project would affirmatively promote the following objectives and policies of the General Plan:

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

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

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

The building under construction at the Project Site contains 114 dwelling units, all exceeding 1,000 square feet in area and all having two or more bedrooms. The dwelling units at the Project Site are thus more suitable for families with children. The Project Sponsor has presented census statistics showing an increase in the number of children in the South of Market area, where the Project is located. The Project Sponsor in part justifies the request for additional parking by asserting that it is needed in order to accommodate the increased number of families with children in the South of Market area. Current Code acknowledges that families with children have a greater need for residential parking, and permits parking at a ratio of one space per dwelling unit for units of this size, provided certain conditions are met as discussed in section 7 (a) above. The Project would thus be consistent with the policy of providing needed residential parking spaces and would not add an excessive amount of parking to the transit-rich location.

11. **Priority Policy Findings.** Section 101.1(b) establishes eight priority planning policies and requires the review of permits for consistency with said policies:

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

The Project would have no effect on neighborhood-serving retail uses.

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

The Project would have no effect on existing housing. Since all additional parking would be accommodated in approved building at the Project Site, the Project would have no effect on neighborhood character.

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

The Project would increase the inclusionary housing in-lieu fee associated with the Project Site from the previously required 15% to 17%. The Project thus would enhance the city's supply of affordable housing.

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

The April 30, 2008 addendum to the adopted Negative Declaration for the building at the Project Site concluded that, given the specific configuration and number of mechanical stacker devices proposed by the Project, all vehicular queuing related to the additional accessory parking would be accommodated within the existing parking garage and driveway. The Project would thus have no undue impact on neighboring streets and MUNI transit service. The Project would increase the number of off-street parking spaces available to residents at the Project Site, thus decreasing these residents' need for on-street parking spaces in the neighborhood.

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

The Project would have no effect on the industrial and service sectors.

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

The Project would comply with all current seismic safety standards.

- (7) That landmarks and historic buildings be preserved.

The Project Site is not within an existing historic district and does not contain historic or landmark buildings.

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

The Project does not alter the building envelope and thus will have no impact on parks and open spaces.

12. The Commission hereby finds that approval of the Section 309 Determination of Compliance and Request for Exceptions would promote the health, safety, and welfare of the City.

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DECISION

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Based upon the whole record, the submissions by the Project Sponsor, the staff of the Department, and other interested parties, the oral testimony presented to the Commission at the public hearing, and all other written materials submitted by all parties, the Commission hereby APPROVES Section 309 Application No. 2007.1267X for the Project.

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Section 309 Determination of Compliance and Request for Exceptions to the Board of Appeals within fifteen (15) days after the date of this Motion. The effective date of this Motion shall be the date of this Motion if not appealed OR the date of the decision of the Board of Appeals if appealed to the Board of Appeals. For further information, please contact the Board of Appeals in person at 1660 Mission Street, Room 3036 or call (415) 575-6880.

I hereby certify that the foregoing Motion was ADOPTED by the Planning Commission at its regular meeting on May 22, 2007.

Linda D. Avery
Commission Secretary

AYES: Antonini, Lee, Miguel, Moore, Olague, Sugaya

NOES: None

ABSENT: None

ADOPTED: May 22, 2008

Exhibit A

Conditions of Approval

Wherever "Project Sponsor" is used in the following conditions, the conditions shall also bind any successor to the Project or other persons having an interest in the Project or underlying property.

This ~~Planning Code Section 309 Authorization~~ is for the addition of 52 off-street parking spaces to the housing project previously approved in Motion No. 16997 on April 28, 2005, located at 631 Folsom Street, Lot 090 in Assessor's Block 3750, in the C-3-S (Downtown Support) Zoning District and a 200-S Height and Bulk District, in general conformance with the plans dated March 17, 2008 and marked "Exhibit B." The 52 additional off-street parking spaces shall include 50 accessory residential parking spaces and two car-sharing spaces. Since 64 off-street accessory residential parking spaces were approved in Motion No. 16997, there shall be a total of 114 off-street accessory residential parking spaces at the Project Site, 108 of which shall be accommodated in mechanical stackers in the garage component of the building previously approved in Motion No. 16997.

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1. COMPLIANCE WITH OTHER REQUIREMENTS

This decision conveys no right to construct. 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. The conditions set forth below shall remain in effect for the life of the Project, unless specifically noted otherwise

2. INCORPORATION OF CONDITIONS OF APPROVAL OF PLANNING ~~COMMISSION~~ MOTION NUMBER 16997

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All Conditions of Approval contained in Planning Commission Motion No. 16997, adopted April 28, 2005, are incorporated herein by reference, except as modified below.

3. GENERAL CONDITIONS

A. Community Liaison

The Project Sponsor shall appoint a community liaison officer to deal with issues of concern to the owners and occupants of nearby properties at all times during Project construction. Prior to the commencement of Project construction, the Project Sponsor shall give the Zoning Administrator and the owners of properties within 300 feet of the Project site boundaries written notice of the name, business address and telephone number of the community liaison.

B. Recordation

Prior to the issuance of any building permit for the construction of 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, which notice shall state that construction of the Project has been authorized by and is subject to the conditions of this Motion. From time to time after the recordation of such notice, at the request of the Project Sponsor, the Zoning Administrator shall affirm in writing the extent to which the conditions of this Motion have been satisfied, and record said writing if requested.

C. Reporting

The Project Sponsor shall submit to the Zoning Administrator two copies of a written report describing the status of compliance with the conditions of approval contained within this Motion every six months from the date of this approval through the issuance of the first temporary certificate of occupancy.

D. Construction

- (1). The Project Sponsor shall ensure the construction contractor will coordinate with the City and other construction contractor(s) for any concurrent nearby Projects that are planned for construction so as to minimize, to the extent possible, negative impacts on traffic and nearby properties caused by construction activities.
- (2). The contractor(s) shall arrange for off-street parking for construction workers until workers can park at the proposed Project's parking garage.
- (3). The Project sponsor and construction contractor(s) shall meet with the Traffic Engineering Division of the Department of Parking and Traffic, the Fire Department, MUNI, and the Planning Department to determine feasible traffic mitigation measures to reduce traffic congestion and pedestrian circulation impacts during construction of the proposed Project.

E. Performance

- (1). A site permit or building permit for the herein-authorized Project shall be obtained within three years of the date of this action, and construction, once commenced, shall be thenceforth pursued diligently to completion or the said authorization may become null and void
- (2). This authorization may be extended at the discretion of the Zoning Administrator only if the failure to issue a permit by the Department of Building Inspection to construct the proposed building is delayed by a City, state or federal agency or by appeal of issuance of such permit. Failure to begin work within that period, or thereafter to carry the development diligently to completion, shall be grounds to revoke approval of the authorized development.

F. Severability

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 of the remaining provisions, clauses, sentences, or sections of these conditions. It is hereby declared to be the intent of the Commission

that these conditions of approval would have been adopted had such invalid sentence, clause, or section or part thereof not been included herein.

4. INCLUSIONARY HOUSING

- A. In accordance with Finding No. ~~9~~(a)(2) of Motion No. ~~17597~~, the building at the Project Site shall be subject to the Inclusionary Requirement that was applicable to a project requiring a CU at the time the original housing project submitted applications: 12% if provided on-site, 17% if provided off-site, or the payment of an in-lieu fee based on the off-site percentage.
- B. The Project Sponsor shall comply with the Inclusionary Requirement by paying an in-lieu fee, to be calculated by the Inclusionary Housing Program Manager at the Mayor's Office of Housing based on the difference between the 15% in-lieu fee which has been paid and the 17% in-lieu fee which is required, and according to the in-lieu fee schedule in effect at the time of payment.
- C. Prior to issuance of any building permit for the Project (including any building permit issued for any partial phase of the Project), Planning Department Staff shall confirm with the Mayor's Office of Housing or its successor that payment was made in accordance with Items A and B above.

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5. CAR-SHARING

- A. The Project Sponsor shall provide two car-sharing space, as defined in Section 166 of the Planning Code, at the Project Site. These car-sharing spaces shall be made available, at no cost, to certified car-share organizations for purposes of providing car-share services for the organization's car-share service subscribers, as defined in Section 166 and following procedures set forth in Section 166.
- B. Condition A above shall replace Condition of Approval No. 11 of Motion No. 16997, which requires the Project Sponsor to purchase two vehicles for the 631 Folsom Street homeowners' association for use by the residents as part of a private car-sharing program. The Commission hereby revokes Condition of Approval No. 11 of Motion No. 16997, adopted on April 28, 2005.

6. OTHER CONDITIONS

- A. The Project is subject to the requirements of the First Source Hiring Program (Chapter 83 of the Administrative Code) and the Project Sponsor shall comply with the requirements of this Program.
- B. Two years after initial occupancy, the Project Sponsor shall report to the Planning Department the number of dwelling units sold and the following data in summary form: (1) the number of children per household at the Project Site; (2) zip codes of places of employment of residents; (3) means of transportation to place of employment; (4) number automobiles owned per household at the Project Site. The Project Sponsor shall thereafter update this information every six months until the Project Sponsor has sold all dwelling units in the building.

C. Violation of the conditions contained in this Motion or of any other provisions of the Planning Code may be subject to abatement procedures and fines up to \$500 a day in accordance with Planning Code Section 176.

D. Should monitoring of the Conditions of Approval contained in Exhibit A of this Motion be required, the Project Sponsor or successors shall pay fees as established in Planning Code Section 351(e)(1).

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E. The Planning Commission may, in a public hearing, consider the revocation of this Planning Code Section 309 Authorization if a site or building permit has not been issued within three (3) years of the date of the Motion approving the Project. 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 thenceforth diligently to completion. The Commission may also consider revoking this Planning Code Section 309 Authorization if a permit for the Project has been issued but is allowed to expire and more than three (3) years have passed since the Motion was approved. This authorization may be extended at the discretion of the Zoning Administrator only if the failure to issue a permit by the Department of Building Inspection is delayed by a City, state or federal agency or by appeal of the issuance of such permit.

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