



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- | | |
|--|--|
| <input type="checkbox"/> Affordable Housing (Sec. 415) | <input type="checkbox"/> First Source Hiring (Admin. Code) |
| <input type="checkbox"/> Jobs Housing Linkage Program (Sec. 413) | <input type="checkbox"/> Child Care Requirement (Sec. 414) |
| <input type="checkbox"/> Downtown Park Fee (Sec. 412) | <input type="checkbox"/> Other |

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Planning Commission Motion No. 18800

HEARING DATE: FEBRUARY 7, 2013

Date: January 31, 2013
Case No.: **2012.0765C**
Project Address: **1441 Stockton Street**
Zoning: North Beach NCD (Neighborhood Commercial District)
North Beach SUD (Special Use District)
North Beach Limited Financial SUD
40-X Height and Bulk District
Block/Lot: 0130/002
Project Sponsor: Santo Esposito
1441 Stockton Street
San Francisco, CA 94133
Staff Contact: Elizabeth Watty – (415) 558-6620
Elizabeth.Watty@sfgov.org

ADOPTING FINDINGS RELATING TO THE APPROVAL OF A CONDITIONAL USE AUTHORIZATION PURSUANT TO PLANNING CODE SECTIONS 303, 722.43, AND 790.90 TO MODIFY THE CONDITIONS ON APPROVAL IN MOTION NO. 17403, IN ORDER TO ALLOW AN EXPANSION OF AN EXISTING LIMITED-RESTAURANT AND ELIMINATION OF THE EXISTING RETAIL BOOKSTORE (D.B.A. "A. CAVALLI & CO.") WITHIN THE NORTH BEACH NCD (NEIGHBORHOOD COMMERCIAL DISTRICT), NORTH BEACH SUD (SPECIAL USE DISTRICT), NORTH BEACH LIMITED FINANCIAL SUD, AND THE 40-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On June 20, 2012, Santo Esposito (hereinafter "Project Sponsor") filed an application with the Planning Department (hereinafter "Department") for Conditional Use Authorization under Planning Code Sections 303, 722.43, and 790.90, to modify the Conditions of Approval in Motion No. 17403 in order to allow an expansion of the existing Limited-Restaurant and elimination of the existing retail bookstore on the ground floor of the existing tenant space, within the North Beach Neighborhood Commercial District (NCD), North Beach Special Use District (SUD), North Beach Limited Financial SUD and a 40-X Height and Bulk District.

On February 7, 2013, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2012.0765C.

On January 28, 2013, 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 requested in Application No. 2012.0765C, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

FINDINGS

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

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The Project Site is located at the west side of Stockton Street between Green and Vallejo Streets, Assessor's Block 0130, Lot 002. It is located within the North Beach NCD, the North Beach Special Use District, North Beach Limited Financial SUD and the 40-X Height and Bulk District.

The Project Site is occupied by a two-story commercial building, known as the "Cavalli Building", with retail uses on the ground floor and mezzanine, and offices on the second floor. Ground floor uses include a Limited Restaurant and bookstore in the subject tenant space (d.b.a. "A. Cavalli & Co.") and a men's clothier (d.b.a. "Italian House"), and a bank (d.b.a. "U.S. Bank") in adjacent tenant spaces. The subject tenant space occupies 755 square feet on the ground floor and 476-square-foot on the mezzanine floor.

The existing business – A. Cavalli & Co. – was approved as a "Retail Coffee Shop" within the existing ground-floor bookstore in 2007 through Motion No. 17403. This approval stated that the existing bookstore was allowed to include a 350 square foot Retail Coffee Shop, consisting of beverage service area and limited seating areas on the ground and second floors. Specifically, the approval allowed 150 square feet of retail coffee store space on the ground floor and 200 square feet on the second floor. The Retail Coffee Shop use was required to be operated in conjunction with the existing bookstore business, and was required to be owned and controlled by a single party. The Conditions of Approval stated that if the bookstore was to no longer operate, a Conditional Use Authorization would be required for a small self-service restaurant.

Ordinance 0047-12, commonly known as the “Restaurant Legislation” consolidated the Planning Code’s eating and drinking categories. What was once considered a Retail Coffee Shop, Accessory Grocery Deli, Self-Service Specialty Food Store or a Takeout Food establishment is now a Limited-Restaurant. The new uses are categorized by what type of liquor license they are allowed to have. Limited-Restaurants are not allowed to have on-site alcohol consumption, but may provide off-site beer or wine sales for consumption off the premises (with ABC licenses 20).

A. Cavalli & Co., which was approved in 2007 to operate a Retail Coffee Shop in conjunction with a retail bookstore, is now, with the passage of this legislation, considered a Limited-Restaurant operating in conjunction with a retail bookstore.

3. **Surrounding Properties and Neighborhood.** The North Beach NCD is a nonlinear district centered on Columbus Avenue, located in the valley between Telegraph Hill and Russian Hill north of Broadway. North Beach functions as a neighborhood-serving marketplace, citywide specialty shopping, and dining district; a tourist attraction; and as an apartment and residential hotel zone. Traditionally, the district has provided most convenience goods and services for residents of North Beach and portions of Telegraph and Russian Hills.

The surrounding development is a variety of multi-story, mixed-use buildings featuring residential uses above ground-floor commercial establishments. Columbus Avenue is home to some of the most popular dining establishments in San Francisco. Washington Square is two blocks north of the Project Site. Other uses in the area include the Saint Francis of Assisi Church and the Church of Saints Peter and Paul. The scale of development in the area consists of low- and mid-rise buildings (one- to four-story structures). The height limit in the area is 40 feet.

4. **Project Description.** The Project Sponsor wishes to modify the conditions of approval outlined in Motion No. 17403, in order to eliminate the retail bookstore component of A. Cavalli & Co. and expand the existing Limited Restaurant component of the business. According to the Sponsor, the retail bookstore component of the business has been unsuccessful financially, and he wishes to modify his business model and focus more on food service. The Limited-Restaurant would not offer on-site consumption of beer or wine. There would be no physical expansion of the building, and no changes to the interior or exterior of the tenant space. The proposed use is an independent use and has been locally-owned for approximately 130 years; the proposed use is not a Formula Retail use.
5. **Public Comment.** The Department has received 3 letters of support – including one letter from the North Beach Neighbors – as well as a petition in support of the Project with 378 signatures. The Department has also received one phone call in opposition to the Project from Nancy Shanahan, with the Telegraph Hill Dwellers.
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.** Planning Code Section 722.43 states that within the North Beach NCD, Conditional Use Authorization is required for a Limited-Restaurant Use, as defined by Planning Code Section 790.90 to be located on the ground floor. Pursuant to Planning Code Section 780.3 (the North Beach SUD), Limited Restaurants are permitted to be located in spaces that are currently occupied by Basic Neighborhood Sale or Service uses, as defined in Planning Code Section 780.3(b).

The Project Sponsor is requesting Conditional Use Authorization in order to expand the size of the existing Limited-Restaurant Use within the tenant space by eliminating the existing bookstore component of the business, which is considered a Basic Neighborhood Sale or Service Use (Other, Retail). The existing Limited-Restaurant use is only allowed to occupy a total of 350 square feet within the tenant space (200 sf on the mezzanine; 150 sf on the ground floor); the Conditional Use Authorization would allow it to occupy the previously approved 200sf on the mezzanine, and the entire ground floor.

- B. **Use Size.** Planning Code Section 121.2(a) establishes size limits on nonresidential uses in all NCDs. In the North Beach NCD Conditional Use Authorization is required for any nonresidential use that exceeds 1,999 square feet.

At 1,231 square feet, the Project does not require Conditional Use Authorization for use size. Furthermore, there is no physical expansion proposed as part of this Project.

- C. **Floor Area Ratio.** Planning Code Section 124 establishes basic floor area ratios (FAR) for all zoning districts. FAR is the ratio of the gross floor area of all the buildings on a lot to the total area of the lot. Under Section 124(a), the FAR for the North Beach NCD is 1.8-to-1. Under Section 124(b), in NCDs, the floor area ratio limits listed in Subsection (a) do not apply to dwellings or other residential units.

With a lot area of 4,792 square feet, 8,626 nonresidential gross square feet can be developed on the Project Site. Since the Project will not include the physical expansion of the commercial space, there will be no increase in nonresidential gross floor area.

- D. **Street Frontage in Neighborhood Commercial Districts.** Section 145.1 of the Planning Code requires that businesses within NC Districts provide the following: 1) "active uses" within the first 25 feet of building depth on the ground floor from any facade facing a street at least 30 feet in width; 2) street-facing ground-level spaces that open directly onto the street; and 3) frontages that are fenestrated with transparent windows and doorways for no less than 60 percent of the street frontage at the ground level and that allow visibility to the inside of the building.

The subject tenant space has approximately 14'-6" of frontage along Stockton Street. This entire space will be occupied by the "active use" of A. Cavalli & Co., which is a "Limited Restaurant" use. Nearly the entire façade is dedicated to clear glazing with unobstructed views into the interior of the tenant space, and the business includes an entrance that opens directly onto the sidewalk.

- E. **Loading.** Section 152 requires off-street freight loading for uses above a certain size. Retail establishments and uses primarily engaged in the handling of goods (such as the proposed Limited Restaurant) are not required to provide off-street freight loading if they measure less than 10,000 square feet in gross floor area.

With a gross floor area of under 10,000 square feet, the Project is not required to provide any off-street loading.

- F. **Hours of Operation.** Planning Code Section 722.27 allows hours of operation from 6:00 a.m. until 2:00 a.m. as-of-right in the North Beach NCD, and requires Conditional Use authorization to operate between the hours of 2:00 a.m. and 6:00 a.m.

The Project Sponsor will operate within the principally-permitted hours of operation.

- G. **Parking.** Planning Section 151 of the Planning Code requires one off-street parking for every 200 square-feet of occupied floor area, where the occupied floor area exceeds 5,000 square-feet.

The occupied floor area of the subject tenant space measures less than 5,000 osf and thus does not require – and is not providing – any off-street parking.

- H. **Formula Retail.** Section 703.3(e) prohibits formula retail uses in the North Beach NCD.

The Project is not considered to be a formula retail use as defined by Section 703.3 of the Planning Code; A. Cavalli & Co. is an independent, locally-owned business that has operated of approximately 130 years.

- I. **Signage.** Any proposed signage will be subject to the review and approval of the Planning Department.

7. **Planning Code Section 303(c)** 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 Project has been found to be desirable as it would promote the continued operation of a locally-owned business. The Limited Restaurant will not be dramatically different than how the business is currently operated, since the bookstore does not currently attract much business. The Project will complement the mix of goods and services currently available in the immediate vicinity by offering

neighborhood residents and employees and additional food/beverage option, and will enable the retention of a business that has existed in North Beach for approximately 130 years.

- 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 size and shape of the site and the size, shape, and arrangement of the building on the site are adequate for the Project. The Project would not physically expand the existing building or tenant space, and therefore would not alter the existing appearance or character of the Project 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 Project will not adversely impact public transit or overburden the existing supply of parking in the neighborhood. The use is relatively small, and the area is well-served by ample public transportation. Off-street parking and loading are not required for the Project. The proposed use is designed to meet the needs of the immediate neighborhood and should not generate significant amounts of vehicular trips from the immediate neighborhood or citywide.

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

The business is not expected to generate excessive noise or odors; however, the proposed use is subject to the standard Conditions of Approval for restaurants as outlined in Exhibit A. Condition No.'s 8 and 9 specifically obligate the Project Sponsor to address any odor or noise generated by the Limited-Restaurant use.

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

The Project Site is completely built-out at the ground-floor level to all street-facing property lines, thus no landscaping will need to be provided. Any future changes in lighting and signage would be reviewed by the Planning Department, in accordance with Conditions of Approval contained in Exhibit A.

- 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 North Beach NCD functions as a neighborhood-serving marketplace, citywide specialty shopping and dining district, and tourist attraction. The NCD provides convenience specialty goods and services to residents in the Telegraph Hill and Russian Hill areas. The proposed Limited-Restaurant use would provide a convenience to residents and employees of the area.

The proposed elimination of the existing bookstore function, which – similar to other brick and mortar bookstores – has not been financially successful over the last several years, will enable the continued operation of an independently-owned business that has operating in the community for approximately 130 years. The Limited-Restaurant use is considered to be a neighborhood-serving use, and its expansion will continue to be compatible with the mixed-use character of the neighborhood and the North Beach NCD.

8. **Planning Code Section 303(p)** establishes criteria with regard to a Conditional Use Authorization application for a Restaurant, Limited-Restaurant and Bar uses in Neighborhood Commercial Districts or Mixed Use Districts. Section 303(p) requires the Planning Commission to consider, in addition to the criteria set forth in Code Section 303(c), the existing concentration of eating and drinking uses in the area. Such concentration should not exceed 25% of the total commercial frontage as measured in linear feet within the immediate area of the subject site. For the purposes of Code Section 303(p), the immediate area shall be defined as all properties located within 300 feet of the Subject Property and also located within the same zoning district.

Based on a land use survey of the North Beach NCD that was completed by Department staff, the total commercial frontage dedicated to eating and drinking establishments located within 300 feet of the Project Site within the North Beach NCD is 28%, including the subject property, which has a Limited-Restaurant occupying a portion of the commercial space. With the expansion of the existing Limited-Restaurant use and elimination of the retail bookstore, the total aforementioned commercial frontage dedicated to eating and drinking establishments would remain at 28% and would not increase the amount of frontage dedicated to eating and drinking establishments.

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 1:

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

Policy 1.1:

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

Policy 1.2:

Assure that all commercial and industrial uses meet minimum, reasonable performance standards.

Policy 1.3:

Locate commercial and industrial activities according to a generalized commercial and industrial land use plan.

The Project will provide desirable goods and services, as well as employment opportunities to those in the community. Further, the Project Site is located within a Neighborhood Commercial District and is thus consistent with activities in the commercial land use plan.

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 Project will enable the retention of an existing business that has existed within the community for approximately 130 years.

Neighborhood Commerce

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.

No commercial tenant would be displaced as a result of this project; rather, this change in business model would enable the retention of an existing neighborhood-serving business. The Project would not prevent the District from achieving optimal diversity in the types of goods and services available throughout the neighborhood.

The following guidelines, in addition to others in this objective for neighborhood commercial districts, should be employed in the development of overall district zoning controls as well as in the review of individual permit applications, which require case-by-case review and City Planning Commission approval. Pertinent guidelines may be applied as conditions of approval of individual permit applications. In general, uses should be encouraged which meet the guidelines; conversely, uses should be discouraged which do not.

Eating and Drinking Establishments

Eating and drinking establishments include bars, sit-down restaurants, fast food restaurants, self-service restaurants, and take-out food. Associated uses, which can serve similar functions and create similar land use impacts, include ice cream stores, bakeries and cookie stores. Guidelines for eating and drinking establishments are needed to achieve the following purposes:

- Regulate the distribution and proliferation of eating and drinking establishments, especially in districts experiencing increased commercial activity;
- Control nuisances associated with their proliferation;
- Preserve storefronts for other types of local-serving businesses; and
- Maintain a balanced mix of commercial goods and services.

The regulation of eating and drinking establishments should consider the following:

- Balance of retail sales and services;
- Current inventory and composition of eating and drinking establishments;
- Total occupied commercial linear frontage, relative to the total district frontage;
- Uses on surrounding properties;
- Available parking facilities, both existing and proposed;
- Existing traffic and parking congestion; and
- Potential impacts on the surrounding community.

Overall, the North Beach NCD does have a high concentration of eating and drinking establishments as evidenced by a Department survey of the North Beach NCD (conducted in Summer 2012) that revealed approximately 38% of the linear commercial frontage in the North Beach NCD is devoted to eating and drinking uses. For eating and drinking establishments, the Guidelines state that the balance of commercial uses may be threatened in districts with an established pattern of service to a broad market, such as North Beach, when such establishments occupy more than 25% of the total commercially-occupied frontage in a district.

Although the overall concentration of eating and drinking establishments is high in the North Beach NCD, Section 303(p) of the Code only requires the analysis of the total commercial linear frontage dedicated to eating and drinking establishments located within 300 feet of the Project Site in the NCD. Within 300 feet of the Project Site in the North Beach NCD, the total commercial frontage dedicated to eating and drinking establishments is currently 28%. The Project will not affect the percentage of commercial frontage dedicated to eating and drinking establishments, since the existing facility is counted as an eating

establishment, since a small portion of the facility is permitted as a Limited-Restaurant. For this reason, the Project would not disrupt the balance of uses.

Policy 6.2:

Promote economically vital neighborhood commercial districts which foster small business enterprises and entrepreneurship and which are responsive to economic and technological innovation in the marketplace and society.

The Project is desirable because it will enable an established North Beach business to continue serving the community, focusing on food-service rather than a business model that combines food-service and retail, which has been unsuccessful for the past six years. Retaining an independently-owned business contributes to the overall vitality of the North Beach NCD.

Policy 6.9:

Regulate uses so that traffic impacts and parking problems are minimized.

The Project is not expected to be a heavy vehicle trip generator, as many of their customers live or work in North Beach, and will travel to the Limited-Restaurant by foot or public transit.

Visitor Trade

OBJECTIVE 8:

ENHANCE SAN FRANCISCO'S POSITION AS A NATIONAL CENTER FOR CONVENTIONS AND VISITOR TRADE.

Policy 8.1:

Support locally initiated efforts to improve the visitor trade appeal of neighborhood commercial districts.

North Beach is a tourist destination for several reasons, one in particular being its tradition of European-style cafés. The retention and expansion of a European-style café within North Beach helps to retain the visitor trade appeal of the North Beach NCD.

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 Project will enable the retention of an existing neighborhood-serving and locally-owned business within the North Beach community, which would create employment opportunities for the community.

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

The business will occupy an existing ground-floor tenant space, used as a bookstore and Limited-Restaurant. The Project will not adversely affect the character of the building, while it will strengthen the neighborhood character by enabling the retention and expansion of a neighborhood-serving business within North Beach.

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

The Project will not affect 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 adversely affect public transit or place a burden on the existing supply of parking in the neighborhood. The area is well-served by public transportation and many of the business' customers walk to the café from their homes or work.

- 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.

There is no commercial office development associated with the Project. No industrial or service sector uses will be displaced; rather, the Project enables the continued and expanded operation of a service sector business within the North Beach community.

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

The Project does not involve any construction activities that will compromise the structural integrity of the existing building. The tenant improvements associated with this Project will conform to the structural and seismic safety requirements of the City's Building Code.

- G. That landmarks and historic buildings be preserved.

No exterior changes are proposed for the Project. Any future storefront alterations and signage will be required to comply with applicable historic preservation standards.

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

The Project, which does not include any physical expansion of the building envelope, will not affect any parks or open spaces, or their access to sunlight.

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 Application No. 2012.0765C** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with floor plans on file, dated May 21, 2007, 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 No. 18800. 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.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on February 7, 2013.

Jonas P. Ionin
Acting Commission Secretary

AYES: Commissioners Fong, Antonini, Borden, Hillis, Wu

NAYS: Commissioners Moore, Sugaya

ABSENT: None

ADOPTED: February 7, 2013

EXHIBIT A

AUTHORIZATION

This authorization is for a Conditional Use Authorization to allow a Limited-Restaurant (d.b.a. “**A. Cavalli & Co.**”) to occupy the entire ground floor and 200 square feet of the mezzanine space, and the conditions herein supersede those Conditions of Approval outlined in Motion No. 17403 for the property located at 1441 Stockton Street, Block 0130 in Assessor’s Lot 002, pursuant to Planning Code Sections **303, 722.43, and 790.90** within the North Beach NCD (Neighborhood Commercial District), North Beach SUD (Special Use District), North Beach Limited Financial SUD and a 40-X Height and Bulk District; in general conformance with plans, dated **May 21, 2007**, and stamped “EXHIBIT B” included in the docket for Case No. **2012.0765C** and subject to conditions of approval reviewed and approved by the Commission on **February 7, 2013** under Motion No. 18800. 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 **February 7, 2013** under Motion No. 18800.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. 18800 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 and Expiration.** The authorization and right vested by virtue of this action is valid for eighteen (18) months from the effective date of the Motion. A building permit from the Department of Building Inspection to construct the Project and/or commence the approved use must be issued as this Conditional Use Authorization is only an approval of the proposed Project and conveys no independent right to construct the Project or to commence the approved use. The Planning Commission may, in a public hearing, consider the revocation of the approvals granted if a site or building permit has not been obtained within eighteen months (18 mo.) 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 diligently to completion. The Commission may also consider revoking the approvals if a permit for the Project has been issued but is allowed to expire and more than 18 months have passed since the Motion was approved.

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

2. **Extension.** This authorization may be extended at the discretion of the Zoning Administrator only where failure to issue a permit by the Department of Building Inspection to perform said tenant improvements is caused by a delay by a local, State or Federal agency or by any appeal of the issuance of such permit(s).

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

DESIGN – COMPLIANCE AT PLAN STAGE

3. **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

MONITORING - AFTER ENTITLEMENT

4. **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

5. **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

6. **Garbage, Recycling, and Composting Receptacles.** Garbage, recycling, and compost containers shall be kept within the premises and hidden from public view, and placed outside only when being serviced by the disposal company. Trash shall be contained and disposed of pursuant to garbage and recycling receptacles guidelines set forth by the Department of Public Works.

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

7. **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. In addition, the operator shall be responsible for daily monitoring of the sidewalk within a one-block radius of the subject business to maintain the sidewalk free of paper or other litter associated with the business during business hours, in accordance with Article 1, Section 34 of the San Francisco Police Code.

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

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

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

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

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

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

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

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