



# SAN FRANCISCO PLANNING DEPARTMENT

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Subject to: (Select only if applicable)

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|--|--|
| <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                             |

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## Planning Commission Motion No. 18802

HEARING DATE: FEBRUARY 7, 2013

*Date:* January 31, 2013  
*Case No.:* **2012.1113C**  
*Project Address:* **3015 GEARY BOULEVARD**  
*Zoning:* NC-3 (Neighborhood Commercial, Moderate-Scale)  
40-X Height and Bulk District  
*Block/Lot:* 1089/032  
*Project Sponsor:* Ahmad Larizadeh  
71 Blake Street  
San Francisco, CA 94118  
*Staff Contact:* Christine Lamorena – (415) 575-9085  
[christine.lamorena@sfgov.org](mailto:christine.lamorena@sfgov.org)

**ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 303, 703.3, AND 703.4 OF THE PLANNING CODE TO ESTABLISH A FORMULA RETAIL, LIMITED-RESTAURANT USE (D.B.A. DOMINO'S PIZZA) AT THE GROUND FLOOR OF THE EXISTING TWO-STORY, COMMERCIAL BUILDING WITHIN THE NC-3 (NEIGHBORHOOD COMMERCIAL, MODERATE-SCALE) ZONING DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT.**

### PREAMBLE

On August 28, 2012, Ahmad Larizadeh (hereinafter "Project Sponsor") filed an application with the Planning Department (hereinafter "Department") for Conditional Use Authorization under Planning Code Section(s) 303, 703.3, and 703.4 to establish a Formula Retail, Limited-Restaurant (d.b.a. Domino's Pizza) at the ground floor of the existing two-story, commercial building within the NC-3 (Neighborhood Commercial, Moderate-Scale) Zoning District 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. 2012.1113C.

The Project is exempt from the California Environmental Quality Act ("CEQA") as a Class 1 categorical exemption.

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 requested in Application No. 2011.1113C, 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 is located on the ground floor of a two-story commercial building on the south side of Geary Boulevard between Cook and Blake Streets, Assessor's Block 1089, Lot 032. The property is located within a NC-3 (Neighborhood Commercial, Moderate-Scale) Zoning District and a 40-X Height and Bulk District. The subject property contains two buildings, a two-story commercial structure at the front of the property and a single-family dwelling at the rear of the property. The commercial unit on the 2nd level of the subject building is occupied by an acupuncture office. The subject building has approximately 15 feet of frontage on Geary Boulevard.
3. **Surrounding Properties and Neighborhood.** The project site is located within the Inner Richmond neighborhood in the eastern portion of the NC-3 Zoning District along Geary Boulevard, a three mile commercial corridor that stretches from the Western Addition to the Outer Richmond, covering four neighborhoods. The corridor is comprised of a mix of neighborhood-serving and citywide-serving retail uses. The surrounding development along Geary Boulevard consists of a variety of commercial and mixed-use buildings featuring ground floor commercial units with residential units above. The scale of development in the area consists primarily of two- to four- story structures. Commercial uses include beauty shops, print shops, pet stores, coffee shops, restaurants, bars, dry cleaners, liquor stores, office supply stores, medical offices and other professional offices. The commercial corridor is surrounded by residential dwellings and residentially zoned districts in the adjacent blocks. The immediately adjacent properties to the east and west are each two-story commercial buildings.
4. **Project Description.** The proposal is to establish a new Formula Retail, Limited-Restaurant at the ground floor of the two-story commercial building. The commercial space is currently vacant but was last occupied by a Restaurant (d.b.a. Red Wings). The project includes interior tenant improvements and a minor storefront alteration, but the existing commercial space would not be enlarged. The existing commercial space is approximately 950 square feet in size.

The proposed Limited-Restaurant use (d.b.a. Domino's Pizza) is a formula retail use per Planning Code Section 703.3. It is a franchise formula retail business that is locally owned and operated. The proposed Formula Retail use will be primarily a take-out and delivery establishment with two seats available for on-site dining. The proposed operation will consist of up to five employees. The proposed hours of operation are 11 a.m. to 12 a.m. Sunday through Thursday and 11 a.m. to 2 a.m. Friday and Saturday. Section 312 Neighborhood Notification is required for establishing a new Formula Retail use and was conducted in conjunction with the Conditional Use Authorization process.

There is currently a Domino's Pizza location at 1408 Fillmore Street that is proposed to be relocated by a pending proposal to 1109 Fillmore Street. Both sites are approximately 1 mile away. The next closest Domino's Pizza location is at 5200 Geary Boulevard, approximately 1.3 miles away.

5. **Public Comment.** The Department has not received any public comment.
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 Size.** Planning Code Sections 121.2, 712.21, and 790.130 establish size limits on non-residential use sized in the NC-3 Zoning District. With the NC District, Conditional Use Authorization is required for any non-residential use that meets or exceeds 6,000 square feet of floor area.

*The proposed use size, at approximately 950 square feet, is within the principally permitted use size limitations.*

- B. **Hours of Operation.** Planning Code Section 710.27 states that in NC-3 Zoning Districts, there are no limits to the hours of operation, as defined by Planning Code Section 790.48.

*The proposed hours of operation are 11 a.m. to 12 a.m. Sunday through Thursday and 11 a.m. to 2 a.m. Friday and Saturday, which are within the permitted hours of operation.*

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

*The subject tenant space contains approximately 950 square of occupied floor area and does not require any off-street parking.*

- D. **Loading.** Planning Code Section 152 requires off-street freight loading for uses in NC-3 Zoning Districts over 10,000 square feet.

*The proposed use contains approximately 950 square feet of floor area and does not require any off-street freight loading.*

- E. **Street Frontage in Neighborhood Commercial Districts.** Section 145.1 of the Planning Code requires that within NC Districts space for active uses shall be provided within the first 25 feet of building depth on the ground floor and 15 feet on floors above from any facade facing a street at least 30 feet in width. In addition, the floors of street-fronting interior spaces housing non-residential active uses and lobbies shall be as close as possible to the level of the adjacent sidewalk at the principal entrance to these spaces. Frontages with active uses that must be fenestrated with transparent windows and doorways for no less than 60 percent of the street frontage at the ground level and allow visibility to the inside of the building. The use of dark or mirrored glass shall not count towards the required transparent area. Any decorative railings or grillwork, other than wire mesh, which is placed in front of or behind ground floor windows, shall be at least 75 percent open to perpendicular view. Rolling or sliding security gates shall consist of open grillwork rather than solid material, so as to provide visual interest to pedestrians when the gates are closed, and to permit light to pass through mostly unobstructed. Gates, when both open and folded or rolled as well as the gate mechanism, shall be recessed within, or laid flush with, the building facade.

*The subject commercial space has approximately 15 feet of frontage on Geary Boulevard with approximately 11 feet devoted to either the entrance or window space. The windows are clear and unobstructed.*

- F. **Formula Retail.** Planning Code Section 703.3 defines Formula Retail as a type of retail sales activity or retail sales establishment which, along with eleven or more other retail sales established located in the United States, maintains two or more of the following features: a standardized array of merchandise, a standardized façade, a standardized décor and color scheme, a uniform apparel, standardized signage, a trademark or a servicemark.

*The proposed Formula Retail, Limited-Restaurant would share a standardized array of merchandise, a standardized décor and color scheme, standardized signage and trademark with approximately 5,000 other existing Domino's Pizza establishments.*

Planning Code Section 703.3(h) further states that the Planning Commission in considering a Formula Retail request shall include but are not limited to consideration of the following factors:

1. The Existing concentrations of formula retail uses within the Neighborhood Commercial District.

*There is a mix of independent and formula retail uses within the NC-3 District along the Geary Boulevard commercial corridor. A windshield and online survey conducted along a 10-block stretch between Arguello Boulevard and Masonic Avenue found 18 formula retail establishments. These establishments include Wells Fargo Bank, Round Table Pizza, AT&T Wireless, Pier 1 Imports, BevMo!, Mancini's Sleepworld, Big-O-Tires, Sprint Store, Abbey*

*Carpet & Floor, Toyota, Verizon Wireless, Lumber Liquidators, Radio Shack, Sleep Train Mattress Centers, Firestone, Public Storage, and Bank of America.*

2. The availability of other similar retail uses within the Neighborhood Commercial District.

*A windshield survey conducted on Geary Boulevard along a 10-block stretch between Arguello Boulevard and Masonic Avenue found one formula retail pizza delivery use (d.b.a Round Table Pizza) located five blocks west of the subject site, at 3567 Geary Boulevard.*

3. The compatibility of the proposed formula retail use with the existing architectural and aesthetic character of the Neighborhood Commercial District.

*The project includes interior improvements with minor changes to the storefront entry. The proposed work will not affect the architectural or aesthetic character of the Neighborhood Commercial District.*

4. The existing retail vacancy rates within the Neighborhood Commercial District.

*The existing ground floor commercial space was vacated in mid-2012. A windshield survey found that there are 10 vacant storefronts on Geary Boulevard along a 10-block stretch between Arguello Boulevard and Masonic Avenue.*

5. The existing mix of Citywide-serving retail uses and neighborhood-serving retail uses within the Neighborhood Commercial District.

*The proposed project is located on Geary Boulevard, along a three-mile commercial corridor that stretches from the Western Addition to the Outer Richmond neighborhoods. The corridor is comprised of a mix of neighborhood-serving and Citywide-serving retail uses. Commercial uses include beauty shops, print shops, pet stores, coffee shops, restaurants, bars, dry cleaners, liquor stores, office supply stores, post offices, medical offices and other professional offices. It is surrounded by residential dwellings and residentially zoned districts in the adjacent blocks.*

- G. **Limited Restaurant.** Planning Code Section 712.43 permits the establishment of a Limited-Restaurant as-of-right.

*The proposed Limited-Restaurant is permitted as-of-right; however, it is a Formula Retail use and requires Conditional Use Authorization per Planning Code Section 703.4.*

Planning Code Section 790.90 defines a Limited-Restaurant as:

- (a) A retail eating and/or drinking use which serves ready-to-eat foods and/or drinks to customers for consumption on or off the premises, that may or may not have seating. It may

include wholesaling, manufacturing, or processing of foods, goods, or commodities on the premises as an accessory use as set forth in Section 703.2(b)(1)(C)(v).

(b) It includes, but is not limited to, specialty foods provided by bakeries, delicatessens, and confectioneries meeting the above characteristics, but it is distinct from a Restaurant, as defined in Section 790.91, and a Bar, as defined in Section 790.22. It may also operate as a Take-Out Food use as defined in Section 790.122.

(c) It shall not provide on-site beer and/or wine sales for consumption on the premises, but may provide off-site beer and/or wine sales for consumption off the premises with a California Alcoholic Beverage Control Board License type 20 (off-sale beer and wine) within the accessory use limits as set forth in Section 703.2(b)(1)(C)(vi).

*The proposed Domino's Pizza contains approximately 950 square feet of floor area and is classified as a Limited-Restaurant use. The change of use from a vacant Restaurant to a Limited-Restaurant use which is also a Formula Retail use is permitted with Conditional Use Authorization and requires Section 312 Neighborhood Notification. Section 312 Notification was conducted in conjunction with the Conditional Use Notification.*

H. **Signage.** The proposed signage and awning meets Planning Code Section 136.1. Any proposed signage will be subject to the review and approval of the Planning Department.

I. **Operating Conditions.** Planning Code Section 703.5 sets forth operating conditions addressing entrances, noise, odor and garbage for all eating and drinking establishments. The subject establishment will be required to comply.

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 project is to establish a Limited-Restaurant use in a vacant commercial space previously occupied by a Restaurant that will not alter the size and intensity of the existing condition. The proposed use is in keeping with other storefronts on the block face and the Limited-Restaurant use is compatible with the other goods and services provided along the subject NC-3 corridor. The use will preserve the location as an eating establishment and will maintain an active storefront, which will contribute to the economic vitality of the neighborhood.*

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 commercial building will not be altered as part of this project. The overall massing and scale of the building would be unaltered and compatible with the surrounding tenant spaces as well as the ground floor commercial development.*

- 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 Planning Code does not require parking or loading for a 950 square foot, Limited-Restaurant. The proposed use is designed to meet the needs of the immediate neighborhood and should not generate a significant amount of vehicular trips from the immediate neighborhood or citywide. The majority of vehicular trips will be conducted by the delivery drivers as this will be a predominantly take-out use; therefore, trips from customers are not anticipated to affect the parking demand. Public transportation is available for customers along Geary Boulevard as the subject corridor is served by several major bus lines.*

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

*The proposed use is subject to the standard conditions of approval for restaurants and outlined in Exhibit A. Condition Nos. 2, 5, and 6 specifically obligate the Project Sponsor to address odor and noise generated by the 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 proposed Limited-Restaurant does not require any exterior tenant improvements and the Department shall review all lighting and signs proposed for the new business in accordance with Article 6 of the Planning Code.*

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

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

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

*The proposed project is consistent with the stated purpose of NC-3 Zoning Districts in that the intended use is located at the ground floor and will provide a compatible convenience service for the immediately surrounding neighborhoods during daytime hours.*

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

## **NEIGHBORHOOD COMMERCE**

### **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 to the neighborhood and will provide resident employment opportunities to those who live in the community. The project will replace a vacant storefront with a Limited-Restaurant. This use will serve the immediate neighborhood as well as a population greater than the immediate neighborhood. The project site is located within a Neighborhood Commercial District and is thus consistent with activities in the commercial land use plan. In addition, the project's close walking proximity to offices and nearby residences, the availability of public transit on Geary Boulevard, and on-street parking will address any traffic and parking effects in the area.*

#### **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 replace a vacant storefront with a neighborhood-serving use, thereby enhancing the diverse economic base of the City.*

**OBJECTIVE 3:**

PROVIDE EXPANDED EMPLOYMENT OPPORTUNITIES FOR CITY RESIDENTS, PARTICULARLY THE UNEMPLOYED AND ECONOMICALLY DISADVANTAGED.

**Policy 3.1:**

Promote the attraction, retention, and expansion of commercial and industrial firms which provide employment improvement opportunities for unskilled and semi-skilled workers.

**Policy 3.2:**

Promote measures designed to increase the number of San Francisco jobs held by San Francisco residents.

*Domino's Pizza will provide employment opportunities for unskilled and semi-skilled workers.*

**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 and the project would not prevent the district from achieving optimal diversity in the types of goods and services available in 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.

*There is not a concern with the potential over-concentration of food-service establishments in this NC-3 Zoning District. The Commerce and Industry Element of the General Plan contains Guidelines for Specific Uses. For eating and drinking establishments, the Guidelines state, "the balance of commercial uses may be threatened when eating and drinking establishments occupy more than 20% of the total occupied commercial frontage." Planning staff has performed a site survey of Geary Boulevard along a 10-block stretch between Arguello Boulevard and Masonic Avenue which contains the proposed project and found an existing eating and drinking establishment concentration of 19%.*

*This establishment is neighborhood-serving and will not attract a high volume of customers who arrive by automobile. The use also provides adequate space for walk-in patrons and two seats will be provided for customers who wish to dine in. The conditions of approval help to ensure that the area around the business is kept clean. The owner wishes to operate within the NC-3 Zoning District's permitted hours of operation.*

9. **Planning Code Section 101.1(b)** establishes eight priority-planning policies and requires review of permits for consistency with said policies. On balance, the project does comply with said policies in that:

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

*The project would preserve and enhance the existing neighborhood-serving uses by occupying a vacant commercial space and by employing up to five employees. Although Domino's Pizza is a franchise formula retail business, the business would be locally owned and operated, and will provide additional employment opportunities.*

- B. 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 not affect the character and diversity of the neighborhood.*

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

*No housing would be removed for this Project.*

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

*The site is on Geary Boulevard and is well served by transit. It is presumable that employees would commute by transit thereby addressing possible demand on street parking. Geary Boulevard has five MUNI bus lines (38-Geary, 43-Masonic, 38BX-Geary Express, 38L-Geary Limited, and 31BX-Balboa Express) that run in front of the property.*

- 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.

*The project is designed and will be constructed to conform to the structural and seismic safety requirements of the City Building Code. This proposal will not affect the property's ability to withstand an earthquake.*

- G. That landmarks and historic buildings be preserved.

*A landmark or historic building does not occupy the project site.*

- 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. The project does not have an effect on open spaces.*

10. The project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would contribute to the character and stability of the neighborhood and would constitute a beneficial development.

11. The Commission hereby finds that approval of the Conditional Use authorization would promote the health, safety and welfare of the City.

**DECISION**

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Application No. 2012.1113C** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated November 14, 2012, 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. 18802. 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: Wu, Anotonini, Borden, Hillis, Moore, Sugaya

NAYS: None

ABSENT: Fong

ADOPTED: February 7, 2013

## **EXHIBIT A**

### **AUTHORIZATION**

This authorization is for a conditional use to establish a Formula Retail, Limited-Restaurant (d.b.a. Domino's Pizza) at the ground floor of the existing two-story, commercial building located at 3015 Geary Boulevard, Block 1089, and Lot032 pursuant to Planning Code Section(s) 303, 703.3, and 703.4 within the NC-3 (Neighborhood Commercial, Moderate-Scale) Zoning District and a 40-X Height and Bulk District; in general conformance with plans, dated November 14, 2012, and stamped "EXHIBIT B" included in the docket for Case No. 2012.1113C and subject to conditions of approval reviewed and approved by the Commission on February 7, 2013 under Motion No 18802. 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 18802.

### **PRINTING OF CONDITIONS OF APPROVAL ON PLANS**

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. 18802 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 three years 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 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 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 three (3) years have passed since the Motion was approved.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org).*

### DESIGN

2. **Odor Control Unit.** In order to ensure any significant noxious or offensive odors are prevented from escaping the premises once the project is operational, the building permit application to implement the project shall include air cleaning or odor control equipment details and manufacturer specifications on the plans. Odor control ducting shall not be applied to the primary façade of the building.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

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 architectural addenda. 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](http://www.sf-planning.org) .*

### MONITORING

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.

5. *For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

## OPERATION

6. **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](http://www.baaqmd.gov) and Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*
7. **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](http://www.sfdph.org)*  
*For information about compliance with the construction noise, contact the Department of Building Inspection, 415-558-6570, [www.sfdbi.org](http://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](http://www.sf-police.org)*
8. **Sidewalk Maintenance.** The Project Sponsor shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean and sanitary condition in compliance with the Department of Public Works Streets and Sidewalk Maintenance Standards. *For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works, 415-695-2017, <http://sfdpw.org/>*