



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- | | |
|--|--|
| <input type="checkbox"/> Inclusionary Housing (Sec. 315) | <input type="checkbox"/> First Source Hiring (Admin. Code) |
| <input type="checkbox"/> Jobs Housing Linkage Program (Sec. 313) | <input type="checkbox"/> Child Care Requirement (Sec. 314) |
| <input type="checkbox"/> Downtown Park Fee (Sec. 139) | <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. 18900 HEARING DATE: JUNE 6, 2013

Date: May 30, 2013
Case No.: **2013.0020CE**
Project Address: **6333 GEARY BOULEVARD**
Zoning: NC-3 (Moderate-Scale Neighborhood Commercial) District and
RH-2 (Residential, House, Two-Family) District
40-X Height and Bulk District
Block/Lots: 1517/001A and 037
Project Sponsor: Grocery Outlet
c/o Bill Coyle
VP Real Estate
2000 Fifth Street
Berkeley, CA 94710
Staff Contact: Mary Woods – (415) 558-6315
mary.woods@sfgov.org

ADOPTING FINDINGS RELATING TO THE APPROVAL OF A CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 303(C), 303(I) AND 703.4 OF THE PLANNING CODE TO ALLOW A "FORMULA RETAIL USE" (D.B.A. GROCERY OUTLET), IN AN NC-3 (MODERATE-SCALE NEIGHBORHOOD COMMERCIAL) DISTRICT, AND AN RH-2 (RESIDENTIAL, HOUSE, TWO-FAMILY) DISTRICT, AND A 40-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On January 29, 2013, Grocery Outlet Bargain Market (hereinafter "Project Sponsor") filed an application with the Planning Department (hereinafter "Department") for Conditional Use authorization under Planning Code Sections 303(c), 303(i) and 703.4 to allow a Formula Retail Use (d.b.a. Grocery Outlet), in an NC-3 (Moderate-Scale Neighborhood Commercial) District and an RH-2 (Residential, House, Two-Family) District, and a 40-X Height and Bulk District.

On June 6, 2013, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2013.0020CE.

The Department determined that the Project is exempt from the California Environmental Quality Act ("CEQA") as a Class One for existing facilities involving negligible or no expansion of existing uses/facilities.

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 Project Sponsor, Department staff, and other interested parties.

MOVED, that the Commission hereby authorizes the Conditional Use requested in Application No. 2013.0020CE, 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 occupies the entire frontage between 27th and 28th Avenues, on the south side of Geary Boulevard, in Assessor's Block 1517, Lots 001A and 037. The property is located in an NC-3 (Moderate-Scale Neighborhood Commercial) District and an RH-2 (Residential, House, Two-Family) District, and a 40-X Height and Bulk District. The property is developed with a one-story building, containing approximately 13,500 square feet, on the western half of the site, and a 30-car surface parking lot on the eastern half of the site. A small portion of the parking lot situated in Lot 001A is zoned RH-2 with the remaining lot zoned NC-3. The existing vacant building was formerly occupied by Cala Foods.
3. **Surrounding Properties and Neighborhood.** The Project Site is situated at the western edge of the NC-3 District along the three-mile Geary Boulevard commercial corridor that stretches from the Western Addition to the Outer Richmond, through four neighborhoods. This corridor is bounded by Divisadero Street to the east and 28th Avenue to the west. The MUNI line "38-Geary" runs in front of the Project Site linking the Richmond area to Downtown and the Financial District. Other transit lines are also nearby and are within walking distance of the Site. Except for the commercial and institutional uses located on Geary Boulevard, the Project Site is surrounded by predominantly residential dwellings and residentially zoned districts. The Clement Street commercial corridor is one block north of the Project Site. Buildings facing the subject block range from two to three stories tall with several taller buildings interspersed. Commercial uses on the facing blocks include restaurants, dental office, hair salons, and other professional offices.
4. **Project Description.** The proposed Project is to convert the existing vacant retail space to a retail grocery store (d.b.a. Grocery Outlet), which is a "formula retail use" as defined in Planning Code Section 703.3. The proposed Project will consist of approximately 13,500 square feet of retail space. The proposal involves interior remodeling work as well as exterior improvements including entry door replacement, new signage, new metal canopies, and new murals at the west

building facade. The Project will remove two parking spaces from its surface parking lot in order to provide handicapped access and the clearance needed for the metal entrance canopy. The existing parking lot has 30 parking spaces and a small receiving area at the southeast corner of the building. There are several metered loading zones at the corner of Geary Boulevard and 28th Avenue. The Project will provide landscaping and perimeter fencing to screen the parking area where none existed currently. The pedestrian entrance to the Project is provided on Geary Boulevard while vehicular accesses are provided on 27th Avenue.

Section 312 - neighborhood notification was conducted in conjunction with the Conditional Use authorization process.

5. **Public Comment.** To date, the Department has received two letters with regard to the proposed Project, primarily concerned about delivery hours and the reduction in parking spaces. The Project Sponsor held a community meeting (belated Pre-Application meeting) on March 6, 2013 regarding the proposed Project. Staff has received three letters in support of the proposed Project.
6. **Planning Code Compliance:** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:

- A. **Formula Retail Use.** Planning Code Section 703.4 states that a Conditional Use authorization is required for a formula retail use, as defined by Planning Code Section 703.3, in any of the City's Neighborhood Commercial Districts.

Grocery Outlet is a formula retail use as defined in Planning Code Section 703.3. The Project Sponsor intends to occupy existing vacant retail space, formerly occupied by Cala Foods.

- B. **General Merchandise Retail Store.** Planning Code Section 712.40 allows general retail stores offering general groceries, household goods, toys, and gifts under "Other Retail Sales and Services" as defined by Planning Code Section 790.102 in NC-3 Districts.

The proposed Project will occupy the entire one-story building, containing approximately 13,500 square feet. The Project is a discount market offering general groceries, deli, produce, fresh meats, flowers, beer and wine, housewares, toys, and other seasonal products.

- C. **Parking.** Planning Code Section 151 requires one off-street parking for every 500 square feet of occupied floor area up to 20,000 square feet where the occupied floor area exceeds 5,000 square feet. Section 152 requires one off-street freight loading space for retail stores where the gross floor area of structure or use is over 10,000 square feet but less than 60,000 square feet in newly constructed structures. Section 155(i) requires one handicapped parking space for each 25 off-street parking spaces provided. Section 155(j) requires 1 bicycle space for every 20 off-street parking spaces provided. Section 155.4(f) requires that new and existing commercial buildings must provide adequate signs or notices to advertise the availability of bicycle parking.

The proposed Project contains approximately 13,500 square feet, which would require 27 off-street parking spaces. The existing 30-car surface parking lot will be reconfigured to 28 off-street parking spaces. The existing loading/receiving area is situated at the southeastern end of the building, with a secondary loading area at the northwest corner of Geary Boulevard and 28th Avenue. Metered loading zones are currently provided at the corner of Geary Boulevard and 28th Avenue.

The Project will remove two parking spaces in order to provide two handicapped accessible spaces.

The Project is required to provide two bicycle parking spaces. The existing Site does not contain any bicycle parking spaces. The Project proposes to add six bicycle parking spaces in the parking lot. Adequate signs or notices of the availability of bicycle parking will also be provided at the Project Site.

- D. Street Frontage in Neighborhood Commercial Districts.** Planning Code Section 145.1 requires in NC Districts containing specific uses, including retail stores, that the ground floor street frontage be at least 60% transparent in order to allow visibility to the inside of the building. The use of dark or mirrored glass shall not count towards the required transparent area. Such windows shall use clear, un-tinted glass, except for decorative or architectural accent. 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% 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 façade.

The proposed Project will occupy an existing one-story building that was previously occupied by Cala Foods. No expansion or major alteration is proposed for the existing building. The existing building is non-conforming with respect to this Code section, and the Project does not trigger application of the requirement. Currently, approximately 37% of the front façade facing Geary Boulevard is transparent or consists of glazing

- E. Parking Screening and Greening.** Planning Code Section 142 requires off-street parking and vehicle use areas that are greater than 25 linear feet adjacent to the public right-of-way to provide a screening feature around the perimeter of the lot adjacent to the public right-of-way. The screening shall add to the visual diversity of the use and need not be an opaque barrier, such as an ornamental fencing or a solid wall that is four-feet in height, and a 5-foot deep permeable surface with landscaping along the perimeter of the lot that is adjacent to a public right-of-way.

The proposed Project will occupy an existing vacant building and a surface parking lot. No major repaving or alteration is proposed, other than to reconfigure the 30-car parking lot to 28 spaces to accommodate two handicapped accessible spaces. The existing parking lot is therefore non-conforming with respect to this Code section. However, the Project Sponsor proposes to install a 30-inch high green screen fencing linked by 32-inch high masonry pylons accompanied by planting strips along the perimeter of the parking lot. The masonry pylons would be strategically placed to define the entries,

strengthen the street-wall, and protect the fencing elements. As part of the perimeter treatments, the green screen materials would be enhanced with new planting strips, shrubs, and trees. In addition, a total of eight (8) new street trees would be planted along the sidewalks on 27th Avenue, Geary Boulevard, and 28th Avenue.

- F. **Signage.** Any proposed signage will be subject to the review and approval of the Planning Department and must comply with Article 6 of the Planning Code.
7. **Planning Code Section 303(c)** establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use approval. On balance, the project does comply with said criteria in that:
- A. The proposed new uses and building, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable, and compatible with, the neighborhood or the community.

The proposed Project is consistent with past general grocery store use of the Site and is compatible with the neighborhood. The existing one-story building was constructed in 1957 for the purpose of housing a grocery store. Its original tenant was the Littleman Markets. In 1965, Littleman Markets merged with Cala Foods. Cala Foods occupied the Site beginning in 1965. In 1994, Cala Foods was acquired by Ralphs Grocery Company; however, Cala Foods continued to operate as a separate legal entity until it vacated the premises in 2007. DeLano Retail Partners occupied the Site from 2008 until December 10, 2010. Ralphs Grocery Company's lease expired on December 31, 2010, and the Site has been vacant since then. Grocery Outlet offers brand name products at up to 50% off conventional retail prices.

Over the years, the existing building has not been significantly altered. City records show that major alterations and upgrades, such as awning, signage, hood and exhaust fan, fire alarm system and fire sprinkler system, were added in the 1990s.

The current Project will modernize the existing facilities to meet current code standards. Exterior improvements and façade treatments are also proposed to improve visual interest and activate pedestrian interest to the Site. The improvements include new canopies, glazing, murals, and landscaping enhancements to the parking area in order to minimize the presence of cars at the sidewalk and to protect pedestrians on Geary Boulevard.

The proposal would maintain the existing building envelope and height. The existing 30-car surface parking lot will be reconfigured to a 28-car parking lot. No additional parking or loading spaces are proposed. The Site currently does not have any bicycle parking; the Project will add six bicycle parking spaces.

The Project is necessary and desirable because it will serve the needs of the surrounding neighborhoods by providing affordable groceries, and helping to ensure the economic viability of the Geary Boulevard commercial corridor. The Project will employ approximately 40 people.

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 height and bulk of the existing structure will remain the same. The Project proposes to occupy existing retail space vacated by Cala Foods, containing approximately 13,500 square feet. The proposed work will not affect the building envelope or height.

- 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 Site is well-served by public transit. Several MUNI transit lines run directly in front of or near the Site. The Project will maintain the existing surface parking lot for customer parking. The Project Sponsor intends to implement an internal traffic and transportation management plan, in which employees will be encouraged to car pool, to use public transit, and other modes of transportation to and from work. The Project Sponsor has also indicated the potential for utilizing shuttle buses, free of charge, to transport customers from the Site to their residences.

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

No noxious or offensive emissions will be associated with the Project.

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

Deliveries of merchandise to the Project Site will occur at the designated receiving area at the northwest corner and the southeastern corner of the building. Minimal interference with pedestrian or vehicular traffic circulation is expected. Deliveries will occur two to three times per week, on weekdays only, between the hours of 7:00 a.m. and 9:00 p.m.

With regard to landscaping, it is an important element in softening the existing environment. The overall design will include enhancements to the parking area, such as perimeter fencing and landscaping treatments to screen the parking area. Existing blank walls at the parking area and elsewhere will be refurbished with artwork/murals. Other exterior improvements, such as new awnings and glazing, are also proposed to enhance visual interest at the Site.

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 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 the NC-3 (Moderate-Scale Neighborhood Commercial) District in that the intended use is to occupy existing vacant retail space for a grocery store. It will continue to provide a compatible range of goods and services for the immediately surrounding neighborhoods and the City at large.

8. **Planning Code Sections 303(i) and 703.4** require Conditional Use authorization for the establishment of a formula retail use in Neighborhood Commercial Districts. The Planning Commission shall consider the following criteria set forth in **Section 303(i)** in addition to the criteria set forth in Section 303(c):

- A. The existing concentrations of formula retail uses within the Neighborhood Commercial District.

There are many formula retail uses within the NC-3 District along the Geary Boulevard commercial corridor. Within a half-mile radius of the Project Site, there are close to three dozen formula retail uses (see attached Formula Retail Survey map). Formula retail uses currently located in the immediate area include Ace Hardware, Citi Bank, Jiffy Lube, First Republic Bank, and Chevron gas station.

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

The existing one-story building was constructed in 1957 for the purpose of housing a grocery store. The proposed Grocery Outlet store is consistent with past, single tenant general grocery store use. The Project will occupy retail space that was vacated by Cala Foods. In the vicinity of the subject property, it would appear that most other similar retail uses are small, independently-owned markets (see attached Existing Markets/Grocers and Vacancies survey list). They include the Hollywood Market at 6142 Geary Boulevard, Thom's Natural Foods at 5843 Geary Boulevard, the New World Market at 5641 Geary Boulevard, and the Evergreen Market at 5601 Geary Boulevard. However, there does not appear to be another low-cost grocery store that offers up to 50% off conventional retail prices.

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

The height and bulk of the existing building will remain the same. The Project primarily involves interior remodeling work with exterior aesthetic improvements, while maintaining the existing building envelope and height. The proposed work will enhance the architectural and aesthetic character of the District.

- D. The existing retail vacancy rates within the Neighborhood Commercial District.

The existing building proposed to be occupied by Grocery Outlet has been vacant for over two years. According to the Project Sponsor, the existing retail vacancy rate in the Outer Richmond neighborhood is relatively high for San Francisco, at approximately 10%. There are approximately eight vacant storefronts within a half-mile of the Project Site. The establishment of the proposed Project will increase the City's workforce by approximately 40 employees. The revitalization and reuse of the Project Site by Grocery Outlet will generate pedestrian traffic that will benefit businesses located near the Project Site and surrounding areas.

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

The Project Site is located on Geary Boulevard, along a three-mile long commercial corridor that stretches from the Western Addition to the Outer Richmond neighborhood. 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, dental offices, and other professional offices. It is surrounded by residential dwellings and residentially-zoned districts on the subject block and in adjacent blocks.

9. **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 1.3:

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

The proposed Project will provide desirable goods and services to the neighborhood and will provide resident 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. The existing building has in the past continuously housed a formula retail grocery store.

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 retain and continue a formula retail store offering affordable groceries, toys, gifts, and seasonal products.

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.

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 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 proposed Project seeks to re-use existing retail space that has historically been occupied by retail grocery stores that served a neighborhood and citywide clientele. The Project will occupy a retail space that has been vacant for over two years. The Project will employ approximately 40 people as well as dozens of construction jobs during the construction period.

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

The proposed Project is a retail store; therefore, existing housing units in the surrounding neighborhood would not be affected.

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

No housing is removed for this Project.

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

The Project Site is well-served by public transit and existing on-site parking and loading spaces. Several MUNI transit lines run directly in front or near the Site. Six bicycle parking spaces will be added to the Site.

- 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 will conform to the structural and seismic requirements of the City Building Code.

- 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 proposed Project will maintain the existing building's envelope and height, and will not affect existing parks and open spaces.

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 Project Sponsor, 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. 2013.0020CE** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans filed with the Application, dated May 24, 2013 and labeled "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion No. 18900. 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 June 6, 2013.

Jonas P. Ionin
Acting Commission Secretary

AYES: Fong, Wu, Antonini, Borden, Hillis, Moore, Sugaya

NAYS: None

ABSENT: None

ADOPTED: June 6, 2013

Exhibit A

Conditions of Approval

AUTHORIZATION

This authorization is for a Conditional Use Authorization to allow a Formula Retail Use (d.b.a. Grocery Outlet) located at 6333 Geary Boulevard, Assessor's Block 1517, Lots 001A and 037, pursuant to Planning Code Sections 303(c), 303(i) and 703.4 in an NC-3 (Moderate-Scale Neighborhood Commercial) District and an RH-2 (Residential, House, Two-Family) District, and a 40-X Height and Bulk District; in general conformance with plans, dated May 24, 2013, and labeled "EXHIBIT B" included in the docket for **Case No. 2013.0020CE** and subject to conditions of approval reviewed and approved by the Commission on June 6, 2013 under **Motion No. 18900**. 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 June 6, 2013 under **Motion No. 18900**.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the "Exhibit A" of this Planning Commission **Motion No. 18900** 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. The Project Sponsor shall include any subsequent responsible party.

CHANGES AND MODIFICATIONS

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

Conditions of Approval, Compliance, Monitoring, and Reporting

PERFORMANCE

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

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

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

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

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

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

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

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

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

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

6. **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

7. **Final Materials.** The Project Sponsor shall continue to work with the Planning Department on the building design. Final materials, glazing, color, texture, landscaping, and detailing shall be subject to Planning Department staff review and approval. The Building/Site Permit Application and/or the Architectural Addenda shall be reviewed and approved by the Planning Department prior to issuance.

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

8. **Landscaping, Screening of Parking and Vehicular Use Areas.** The Project Sponsor shall submit a site plan to the Planning Department prior to Planning approval of the Building/Site Permit Application indicating the screening of parking and vehicle use areas not within a building. The design and location of the screening and design of any fencing shall be as approved by the Planning Department. The size and specie of plant materials shall be as approved by the Department of Public Works.

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

9. **Street Trees.** The Project Sponsor shall submit a site plan to the Planning Department prior to Planning approval of the Building/Site Permit Application indicating that street trees, at a ratio of one street tree of an approved species for every 20 feet of street frontage along public or private streets bounding the Project, with any remaining fraction of 10 feet or more of frontage requiring an extra tree, shall be provided. The street trees shall be evenly spaced along the street frontage except where proposed driveways or other street obstructions do not permit. The exact location, size and species of tree shall be as approved by the Department of Public Works (DPW).

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

10. **Garbage, composting and recycling storage.** Space for the collection and storage of garbage, composting, and recycling shall be provided within enclosed areas on the property and clearly labeled and illustrated on the Building/Site 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 building.

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

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

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

12. **Noise.** Plans submitted with the building permit application for the approved Project shall incorporate acoustical insulation and other sound proofing measures to control noise.

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

13. **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/Site 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.

14. **Lighting Plan.** The Project Sponsor shall submit an exterior lighting plan to the Planning Department prior to Planning approval of the Building/Site Permit Application.

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

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

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

PARKING, LOADING AND TRAFFIC

16. **Bicycle Parking.** The Project shall provide six (6) on-site Class 2 bicycle parking spaces. Adequate signs or notices of the availability of bicycle parking shall also be provided at the Project Site.

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

17. **Delivery Hours.** The Project shall not have regular night deliveries. All deliveries shall be restricted to the hours of 7:00 a.m. and 9:00 p.m. No double-parking on streets fronting the Project Site shall be allowed.

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

- 18. Managing Traffic During Construction.** The Project Sponsor and construction contractor(s) shall coordinate with the Traffic Engineering and Transit Divisions of the San Francisco Municipal Transportation Agency (SFMTA), the Police Department, the Fire Department, the Planning Department, and other construction contractor(s) for any concurrent nearby Projects to manage traffic congestion and pedestrian circulation impacts during construction of the Project.

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

MONITORING - AFTER ENTITLEMENT

- 19. 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.

- 20. 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

- 21. Garbage, Recycling, and Composting Receptacles.** Garbage, recycling, and compost containers shall be kept within trash enclosures on 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/>.

- 22. 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/>

- 23. 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 415-553-1012 or 415-5530123, www.sf-police.org

- 24. Odor Control.** While it is inevitable that some low level of odor may be detectible to nearby residents and passersby, appropriate odor control equipment shall be installed and maintained to prevent any significant noxious or offensive odors from escaping the premises. The Building/Site Permit Application to implement the Project shall include air cleaning or odor control equipment details and manufacturer specifications on the plans.

For information about compliance with odor or other chemical air pollutants emission standards and air quality regulations 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.

- 25. Community Liaison.** Prior to issuance of a Building/Site Permit Application 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.