



SAN FRANCISCO PLANNING DEPARTMENT

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. 18917

HEARING DATE: JULY 11, 2013

Date: July 3, 2013
Case No.: **2012.1446C**
Project Address: **1023 MISSION STREET**
Zoning: MUG (Mixed Use, General)
45-X/85-X Height and Bulk District
Block/Lot: 3726/110
Project Sponsor: Yigit Gurbuzer
AY Parking Management and Operation Services
1023 Mission Street
San Francisco, CA 94103
Staff Contact: Brittany Bendix – (415) 575-9114
Brittany.Bendix@sfgov.org

ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 157.1 AND 303 OF THE PLANNING CODE TO LEGALIZE A COMMERCIAL PARKING GARAGE WITH 39 OFF-STREET PARKING SPACES (D.B.A. AY PARKING) WITHIN THE MUG (MIXED USE, GENERAL) ZONING DISTRICT AND A 45-X/85-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On November 26, 2012, Yigit Gurbuzer (hereinafter “Project Sponsor”) filed an application with the Planning Department (hereinafter “Department”) for Conditional Use Authorization under Planning Code Section(s) 157.1 and 303 to legalize a commercial parking garage with 39 off-street parking spaces (d.b.a. AY Parking) within the MUG (Mixed Use, General) Zoning District and a 45-X/85-X Height and Bulk District.

On July 11, 2013, the San Francisco Planning Commission (hereinafter “Commission”) conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2012.1446C.

The legalization of the parking garage is not a project in accordance to CEQA Section 15378 and therefore does not require environmental review.

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. 2012.1446C, 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 southern side of Mission Street, between Sixth and Seventh Streets, Lot 110 of Assessor's Block 3726. The subject property is located within an MUG (Mixed Use, General) Zoning District and a 45-X/85-X Height and Bulk District. The 16,000 square-foot lot is a through-lot with frontage on Mission and Minna Streets and is completely developed with a single-story over basement industrial building. An auto repair facility (d.b.a. Big-O-Tires) occupies the ground floor. The basement level includes storage area for the auto repair facility and a second motor vehicle service use (d.b.a. the Detail Factory).

The Project Sponsor and Property Owner claim that the basement has historically been used as a commercial parking garage and reference the 1920 Crocker-Langley San Francisco Directory which includes a listing for a "garage" at this site. While this indicates automotive uses at this location pre-date the Planning Code, the directorial listing of "garages" historically characterized both commercial parking and automotive services, and did not distinguish between the two uses. As a result, Staff required additional information. All available city records have indicated the site was industrial in nature and no previous commercial parking permits have been provided to the Department. The lack of a supportive permit history and the historical generalization of "garages" make the present use of the basement indiscernible as an existing commercial parking facility. Therefore, the Project Sponsor, who has leased the space since 2012, has submitted a Conditional Use application to legalize the use.

3. **Surrounding Properties and Neighborhood.** The project site is situated on the southern side of the 1000 block of Mission Street, and is closest to the Sixth Street intersection. To the north of the subject property is the San Francisco Federal Building, the U.S. Court of Appeals, a commercial parking lot (also operated by the Project Sponsor), three- to five- story mixed-use buildings and the Bayanihan Community Center. Buildings located on the south side of Mission Street are also mixed-use with commercial or light-industrial uses on the ground floor and residential uses above. However, many of the ground floor retail spaces situated near the Mission Street and Seventh Street intersection are vacant.

The broader neighborhood is characterized by varied zoning which includes P (Public), C-3-G (Downtown, General Commercial), RSD (Residential/Service Mixed Use), SOMA NCT (South of Market Neighborhood Commercial Transit), and RED (Residential Enclave) districts. The intent of the MUG (Mixed Use, General) district is to facilitate the land use demands that result from the conversion of these diverse districts. The general area is well served by local and regional public transit. The ambiguity of the existing use's commercial parking nature, but clear automotive history suggests that the proposal will not alter the existing relationship between the subject property and alternative transit options.

4. **Project Description.** The applicant proposes to legalize a commercial parking facility in the basement of the existing building. The below-grade parking garage will accommodate 39 off-street parking spaces and will occupy approximately 9,660 square-feet of the basement. The remaining area will be dedicated to the site's two automotive service uses. The proposal does not include any structural changes to the building and will make use of existing curb cuts and driveways on Mission Street (for ingress) and Minna Street (for egress).

The hours of operation for the garage will range from 8:00 A.M. to 7:00 P.M. Monday through Friday; 9:00 A.M. to 6:00 P.M. on Saturdays, and will be closed on Sunday. Existing peak periods of use are generally during the week's commute hours. However, daily traffic flow through the garage is approximately 20-25 vehicles, as the other vehicles are left in the garage for longer periods of time. The Project Sponsor operates the garage with a flat hourly-rate structure which encourages short term parking. Spaces occupied beyond 24-hours generally accommodate the residents and workers of the block and fluctuate based on demand.

5. **Public Comment.** The Department has received 21 letters in support of the project and has not received any public comment in opposition.
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. **Automobile Parking Garage.** Planning Code Section 840.41 requires Conditional Use Authorization to establish a public automobile parking garage, subject to the criteria listed in Planning Code Section 157.1. A public automobile parking garage is defined in Planning Code Section 890.12 as a use which provides temporary parking accommodations for automobiles, trucks, vans, bicycles or motorcycles in a garage open to the general public, without parking of recreational vehicles, mobile homes, boats or other vehicles, or storage of vehicles, goods or equipment.

The subject parking facility is located in the basement of an existing auto-repair use (d.b.a. Big-O-Tires). This property has a well-documented history of industrial auto-repair use; however, the Planning Department has no permit documentation to support the legality of the commercial parking facility. Therefore, the Project Sponsor seeks to legalize the use as a public automobile parking garage, defined in Planning Code Section 890.12, through the Conditional Use Authorization process.

Additional criteria for non-accessory parking garages in Eastern Neighborhoods Mixed Use Districts, set forth in Planning Code Section 157.1, are discussed below.

- B. Street Trees.** Planning Code Section 138.1 requires projects which add off-street parking spaces to provide one street tree for every 20 feet of street frontage.

The subject property requires a total of 10 street trees – five trees on Minna Street and five trees on Mission Street. The Project Sponsor will seek authorization from the Department of Public Works to install the five street trees on Mission Street or seek an appropriate alternative given existing sidewalk conditions. Street trees have already been planted on Minna Street as part of an alleyway improvement project.

- C. Street Frontage and Ground Floor Uses.** Planning Code Section 145.1 requires street facing and active uses within the first 25-feet of building depth on the ground floor. Additionally, no more than 20-feet of the street frontage shall be devoted to parking and loading ingress and egress, and street facing garage structures and doors may not extend closer to the street than the primary building façade. Finally, off-street parking and loading entrances should minimize the loss of on-street parking and loading spaces.

The subject property complies with this requirement as the existing automotive repair use is considered a street-facing active use on the ground floor, which will not be compromised by the operation of a commercial parking garage below grade. Additionally, the proposal will make use of the building's existing vehicular access and does not include any structural alterations.

- D. Access.** Planning Code Section 155(c) requires that every off-street parking space shall have adequate means of ingress from and egress to a street or alley. This Section also requires that adequate reservoir space be provided on private property for entrance of vehicles to off-street parking and loading spaces.

The subject parking facility makes use of an existing entrance ramp on Mission Street and an exit ramp onto Minna Street. The through lot nature of the property enables circulation through the garage and the layout of the parking accommodates reservoir space within the facility.

- E. Pricing Requirements.** Planning Code Section 155(g) requires that off-street parking available for long-term parking by downtown workers shall maintain a rate or fee structure for their use such that the rate charge for four hours of parking duration is no more than four times the rate charge for the first hour, and the rate charge for eight or more hours of parking duration is no less than 10 times the rate charge for the first hour. Additionally, no discounted parking rate shall be permitted for weekly, monthly or similar time-specific periods.

The proposed parking facility offers rates consistent with these controls and does not provide a discounted parking rate for weekly, monthly or similar time-specific periods.

- F. **Layout.** Planning Code Section 155(h) requires that the internal layout of off-street parking spaces, driveways, aisles, and maneuvering areas shall be according to acceptable standards, and all spaces shall be clearly marked.

The parking garage incorporates acceptable parking standards by proposing a layout that meets the size requirements for off-street parking spaces and maneuvering areas, while also enabling circulation within the facility.

- G. **Parking for persons with disabilities.** Planning Code Section 155(i) requires that for each 25 off-street parking spaces provided, one such space shall be designed and designated for persons with disabilities.

The parking garage includes 39 parking spaces and therefore requires one parking space to accommodate persons with disabilities. The proposal includes one space designated accordingly.

- H. **Parking and Loading Arrangement.** Planning Code Section 155 (k) requires that off-street parking and loading facilities be arranged, designed and operated so as to prevent encroachments upon sidewalk areas, bicycle lanes, transit-only lanes and adjacent properties, in the maneuvering, standing, queuing and storage of vehicles, by means of the layout and operation of facilities and by use of bumper or wheel guards or such other devices as are necessary.

The entrance to the parking facility is on Mission Street which has a sidewalk width of 15-feet and a dedicated transit-only lane. The exit from the parking facility is on Minna Street which is an alley with traffic calming improvements. The proposed parking facility is located below grade in an automobile oriented building and does not propose any alterations to the building's vehicular access or new encroachments into the public realm. The basement area will accommodate 39 off-street parking spaces while maintaining area for circulation and queuing of cars.

- I. **Driveway.** Planning Code Section 155(l) requires that driveways crossing sidewalks be no wider than necessary for ingress and egress, and shall be arranged, to the extent practical, so as to minimize the width and frequency of curb cuts, to maximize the number and size of on-street parking spaces available to the public, and to minimize conflicts with pedestrian and transit movements.

The Project Sponsor does not intend to modify the existing curb cuts or driveways.

- J. **Protected Street Frontages.** Planning Code 155(r) requires Conditional Use Authorization for vehicular access to off-street parking or loading for projects on a "development lot" on Mission Street. A "development lot" is defined by Section 155(r)(6) as "new construction, building alterations which would increase the gross square footage of a structure by 20 percent or more, or change of use of more than 50 percent of the gross floor area of a structure containing parking."

The proposed parking facility is not considered a "development lot" per Section 155(r) because it does not structurally alter the building and converts less than 50 percent of the gross floor area of the building. Additionally, the proposal makes use of the building's existing vehicular access.

- K. Bicycle Parking.** Planning Code Section 155.2 requires commercial parking facilities to provide six Class 1, Class 2, or a combination of Class 1 and 2 bicycle parking spaces.

The proposal provides six Code-complying bicycle spaces. This requirement has been incorporated as a condition of approval.

7. **Additional Criteria Non-Accessory Parking Garages in Eastern Neighborhoods Mixed Use Districts.** Planning Code Section 157.1 establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use authorization to establish a non-accessory parking garage in an Eastern Neighborhoods Mixed Use District.

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

As previously discussed, the Project complies with Section 145.1 as it maintains a code-complying active use at the ground level and only alters the use below grade.

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

The proposed Project makes use of existing curb cuts on Mission Street which is a protected street listed in Section 155(r). New vehicular access points may be established on this portion of Mission Street so long as they receive Conditional Use Authorization by the Planning Commission. This project, however, does not propose new vehicular access points, nor does it alter more than 50 percent of the existing uses within the building and would therefore not require Conditional Use Authorization under Planning Code Section 155(r).

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

Upon conversion of the basement level to an automobile parking garage the ratio of uses would be 0.3 commercial parking to 1.0 automotive services/repair. This is below the 1 to 1 threshold.

- D. Such parking shall be available for use by the general public on equal terms and shall not be deeded or made available exclusively to tenants, residents, owners or users of any particular use or building except in cases that such parking is for fleet vehicles (Section 157.1(d) or is considered pooled residential parking 157.1(e);

The proposed parking garage will be a public automobile parking facility as defined in Planning Code Section 890.12 and will primarily serve the general public.

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

Because the proposed parking is not part of a newly constructed building, Planning Code Section 166 does not require the project to provide car sharing spaces. However, the project is required to provide six bicycle parking spaces per Planning Code Section 155.2. The proposal includes bicycle parking spaces consistent with the requirement.

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

The proposed parking garage will be operated in a manner that financially discourages long-term occupancy by meeting the pricing requirements of Section 155(g).

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

The peak periods of use are generally during the week's commute hours. However, the daily traffic flow through the garage is approximately 20-25 vehicles. Given the building's history of vehicular activity, the anticipated flow of vehicles on- and off-site will not alter the building's relationship with the public realm.

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

The proposed facility will not alter the existing streetscape. The use is below grade and the site has been used for automotive uses since its development in 1919. Intensification of the automobile use resulting from the establishment of a commercial parking garage will be constrained by the size of the facility and the presence of surrounding mixed uses.

- 8. **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 size and intensity of the proposed parking facility is necessary and desirable because it facilitates the viability of the existing industrial uses on-site and increases the accessibility to businesses and residences in the vicinity. Furthermore, the subject property is listed in the Mayor's Office of Economic and Workforce Development's "Invest in Neighborhoods" program. This indicates that the proposed use will contribute to the development of a neighborhood in need of greater social and economic activity.

- 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 building will remain the same and will 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 provide 39 off-street parking spaces in the basement of a building historically dedicated to automotive uses. This parking area also includes reservoir space for cars that queue during peak hours. Changes to existing traffic conditions are not anticipated given the similarities and nature of the existing and proposed uses.

- 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 which control noxious or offensive emissions.

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

The proposal will not change the existing screening for the site's vehicular access points.

- 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.

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

EASTERN SOMA AREA PLAN

Objectives and Policies

OBJECTIVE 4.7:

IMPROVE AND EXPAND INFRASTRUCTURE FOR BICYCLING AS AN IMPORTANT MODE OF TRANSPORTATION.

Policy 4.7.2:

Provide secure, accessible and abundant bicycle parking, particularly at transit stations, within shopping areas and at concentrations of employment.

The proposal will include six bicycle parking spaces that are available for short-term storage in a secure parking garage. The availability of these spaces will be advertised in addition to the vehicular parking.

COMMERCE AND INDUSTRY ELEMENT

Objectives and Policies

OBJECTIVE 2:

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

Policy 2.1:

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

The proposal is to legalize a commercial parking garage in the basement of an industrial building. By doing so, the project retains the viability of the existing industrial automotive uses which could otherwise under-utilize the basement area as vehicular storage.

TRANSPORTATION ELEMENT

Objectives and Policies

OBJECTIVE 28:

PROVIDE SECURE AND CONVENIENT PARKING FACILITIES FOR BICYCLES.

Policy 28.2:

Provide secure bicycle parking at existing city buildings and facilities and encourage it in existing commercial and residential buildings.

Policy 28.3:

Provide parking facilities which are safe, secure and convenient.

The Project will add six bicycle parking spaces that are available for short-term storage within the parking garage.

OBJECTIVE 30:

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

Policy 30.1:

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

Policy 30.2:

Discourage the proliferation of surface parking as an interim land use, particularly where sound residential, commercial or industrial buildings would be demolished pending other development.

The proposed parking facility results from the conversion of a space historically used for automobile service and storage. The garage is below grade and screened from the street. Furthermore, the parking garage facilitates the continuity of other on-site automotive repair uses.

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 project has the potential to enhance neighborhood-serving retail uses by providing off-street parking on a block that is struggling with commercial/retail vacancies.

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 does not include residential uses. Additionally, the project will not alter the neighborhood streetscape as it maintains existing vehicular access points.

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 is not anticipated to change the nature of the relationship between the subject site, commuter traffic and MUNI transit services.

- 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 proposal will protect the viability of the existing industrial land uses on-site by occupying an under-utilized storage area in the basement.

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

The Project does not include any structural changes and will not impact 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 impact on existing parks and open spaces. The Project does not have an impact on 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 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. 2012.1446C** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated November 2, 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. 18917. 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 July 11, 2013.

Jonas P. Ionin
Acting Commission Secretary

AYES: Commissioners Sugaya, Borden, Antonini, Moore, and Wu

NAYES: None

ABSENT: Commissioners Fong, Hillis

ADOPTED: July 11, 2013

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to legalize a commercial parking garage containing 39 off-street parking spaces (d.b.a. AY Parking) located at 1023 Mission Street, Lot 110 in Assessor's Block 3726, pursuant to Planning Code Sections 157.1, 303, and 840.41 within the MUG (Mixed Use, General) Zoning District and a 45-X/85-X Height and Bulk District; in general conformance with plans, dated November 2, 2012, and stamped "EXHIBIT B" included in the docket for Case No. 2012.1446C and subject to conditions of approval reviewed and approved by the Commission on July 11, 2013, under Motion No. **18917**. 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 July 11, 2013 under Motion No. **18917**.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. **18917** shall be reproduced on the Index Sheet of construction plans submitted with the Site or Building permit application for the Project. The Index Sheet of the construction plans shall reference to the Conditional Use authorization and any subsequent amendments or modifications.

SEVERABILITY

The Project shall comply with all applicable City codes and requirements. If any clause, sentence, section or any part of these conditions of approval is for any reason held to be invalid, such invalidity shall not affect or impair other remaining clauses, sentences, or sections of these conditions. This decision conveys no right to construct, or to receive a building permit. "Project Sponsor" shall include any subsequent responsible party.

CHANGES AND MODIFICATIONS

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

Conditions of Approval, Compliance, Monitoring, and Reporting

PERFORMANCE

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

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

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

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

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

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

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

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

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

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

DESIGN

6. **Street Trees.** Pursuant to Planning Code Section 138.1 (formerly 143), the Project Sponsor shall submit a site plan to the Planning Department prior to Planning approval of the building 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). In any case in which DPW cannot grant approval for installation of a tree in the public right-of-way, on the basis of inadequate sidewalk width, interference with utilities or other reasons regarding the public welfare, and where installation of such tree on the lot itself is also impractical, the requirements of this Section 428 may be modified or waived by the Zoning Administrator to the extent necessary.

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

PARKING AND TRAFFIC

7. **Bicycle Parking.** Pursuant to Planning Code Sections 155.1 and 155.4., the Project shall provide no fewer than 6 Class 1 or Class 2 bicycle parking spaces.

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

MONITORING - AFTER ENTITLEMENT

8. **Enforcement.** Violation of any of the Planning Department conditions of approval contained in this Motion or of any other provisions of Planning Code applicable to this Project shall be subject to the enforcement procedures and administrative penalties set forth under Planning Code Section 176 or Section 176.1. The Planning Department may also refer the violation complaints to other city departments and agencies for appropriate enforcement action under their jurisdiction.

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

9. **Revocation due to Violation of Conditions.** Should implementation of this Project result in complaints from interested property owners, residents, or commercial lessees which are not resolved by the Project Sponsor and found to be in violation of the Planning Code and/or the specific conditions of approval for the Project as set forth in Exhibit A of this Motion, the Zoning Administrator shall refer such complaints to the Commission, after which it may hold a public hearing on the matter to consider revocation of this authorization.

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

OPERATION

- 10. 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>

- 11. 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

- 12. 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

- 13. 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