



# SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

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- Jobs Housing Linkage Program (Sec. 413)
- Downtown Park Fee (Sec. 412)
- First Source Hiring (Admin. Code)
- Child Care Requirement (Sec. 414)
- Other

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## Planning Commission Motion No. 18930 HEARING DATE: JULY 18, 2013

*Date:* July 11, 2013  
*Case No.:* **2013.0259CV**  
*Project Address:* **3771 and 3781 CESAR CHAVEZ STREET**  
*Zoning:* RH-2 (Residential, House, Two-Family) District  
 40-X Height and Bulk District  
*Block/Lot:* 6577/ 030 and 045  
*Project Sponsor:* Leah Potash  
 3771 Cesar Chavez Street  
 San Francisco, CA 94110  
*Staff Contact:* Michael Smith – (415) 558-6322  
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**ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 209.3(F), 209.3(J), 317, AND 303 OF THE PLANNING CODE TO INCREASE ENROLLMENT AT AN EXISTING PRE-SCHOOL (D.B.A. GAN NOE PRESCHOOL) OPERATING AT 3771 AND 3781 CESAR CHAVEZ STREET AND ESTABLISH A RELIGIOUS FACILITY. ENROLLMENT AT THE PRE-SCHOOL WOULD INCREASE FROM 22 CHILDREN TO 42 CHILDREN AND THE PROJECT WOULD RESULT IN THE REMOVAL OF THE DWELLING UNIT AT 3781 CESAR CHAVEZ STREET. THE SUBJECT PROPERTY IS LOCATED IN A RH-2 (RESIDENTIAL, HOUSE, TWO-FAMILY) DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT.**

### PREAMBLE

On March 8, 2013, Jeremy Paul of Quickdraw Permit Consulting, on behalf of Leah Potash (hereinafter “Project Sponsor”) filed an application with the Planning Department (hereinafter “Department”) for Conditional Use Authorization under Planning Code Sections 209.3(f), 209.3(j), 317, and 303 to allow an increase in enrollment at a preschool (d.b.a. Gan Noe Preschool) and allow for an accessory religious facility within the preschool, located within a RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.

On July 18, 2013, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2013.0259C.

The Department determined the Project to be 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. 2013.0259C, 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 Sites, 3771 and 3781 Cesar Chavez Street are adjacent properties (Assessor's Block 6577, Lots 030 and 045) located on the south side of Cesar Chavez Street, between Dolores and Guerrero Streets at the eastern boundary of the Noe Valley neighborhood. 3771 Cesar Chavez Street is developed with a one and a half story over basement single-family dwelling that was constructed circa 1898. The building is set back towards the rear of the lot with large enclosed landscaped yard at the front and two off-street, surface parking spaces at the front of the lot. The lot is flag shaped with a small yard located to the west of the building. Total building area is approximately 4,064 gross square-feet. A portion of the building is currently used as a preschool/home daycare that is licensed for 14 children. The owners of the preschool also live at the property. 3781 Cesar Chavez Street is the adjacent property to the west of 3771 Cesar Chavez Street. The property is developed with a one-story over garage, single-family dwelling that was constructed in 1942. The property is also used as a preschool/home daycare that is licensed for 8 children. The rear yard is the primary children's play area.
3. **Surrounding Properties and Neighborhood.** The Project sites are located on the south side of the two-lane portion of Cesar Chavez Street which serves as the primary arterial for access to the 101 Freeway from Noe Valley. The immediate neighborhood is primarily residential, however, there are two churches and a large surface parking lot located on the north side of the street. There is a three-way signal light at both the east and west ends of the block. The adjacent properties to the west of the project sites are key lots that are much shorter than the average lot within this neighborhood. As a result of the smaller lots these properties also have smaller rear yards.

4. **Project Description.** The project sponsor is seeking Conditional Use authorization pursuant to Sections 209.3(f), 209.3(j), 317, and 303 to increase enrollment at an existing pre-school (d.b.a. Gan Noe Preschool) operating at 3771 and 3781 Cesar Chavez Street and establish a religious facility. Enrollment at the pre-school would increase from a combined enrollment of 22 children to 42 children and the project would result in the removal of the dwelling unit and the existing parking at 3781 Cesar Chavez Street. The proposal does not include any significant alteration or modification to the exteriors of the existing buildings with the exception of minor changes to signage and fencing. The space would also function as a religious facility when the preschool is not in session. The project also requires a parking variance as two parking spaces are required for the use and the existing parking space at 3781 Cesar Chavez Street would be removed. The subject property is located in RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.
5. **Project Background.** Gan Noe Preschool has been operating at 3771 Cesar Chavez Street since 2005 as a home daycare/preschool for 14 or fewer children. In 2010, Gan Noe Preschool purchased 3781 Cesar Chavez Street and began operating a home daycare/preschool for 14 or fewer children at this location as well. The two properties were licensed for a total of 28 children. In 2011, an enforcement case was opened on 3781 Cesar Chavez Street for the alleged operation of a childcare facility with more than 40 children operating without proper approvals. The Project Sponsor was notified of the enforcement case but it was never investigated by the Department and remains active.

The Project Sponsor also operated a preschool within a single-family dwelling at 107 Justin Drive in Bernal Heights at the same time she was operating a preschool at 3771 Cesar Chavez Street. Conditional use authorization was sought for this location to expand its enrollment to 19 children but the application was cancelled in 2009 and the preschool was closed in 2010.

6. **Public Comment.** The Department received correspondence in opposition to the project from 20 neighbors including adjacent neighbors Richard and Ashley Rochman and Bill Sommer. These neighbors are concerned about parking and traffic, pedestrian safety, noise, driveway blockage related to the project.

The Project Sponsor submitted a petition signed by 34 people who have no objections to the project and staff received 32 pieces of public correspondence in support of the project including a letter of support from the Upper Noe Neighbors neighborhood group.

7. **Planning Code Compliance:** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:
  - A. **Institutions – Child-Care Facility.** Planning Code Section 209.3(f) requires Conditional Use authorization for child-care facilities providing less than 24 hour care for 15 or more children by licensed personnel and meeting the open space and other requirements of the State of California within the RH-2 Zoning District.

*The Project Sponsor seeks Conditional Use authorization to establish a child-care facility providing less than 24-hour care for 15 or more and up to a maximum of 42 children within the RH-2 Zoning District.*

- B. **Institutions – Religious Facility.** Planning Code Section 209.3(j) requires Conditional Use authorization for a church or religious facility which has a tax-exempt status as a religious institution granted by the United States Government, and which institution is used primarily for collective worship or ritual or observance of common religious beliefs within the RH-2 Zoning District.

*The Project Sponsor seeks Conditional Use authorization to establish a religious facility. The facility would operate a number of weekly programs with 12 or fewer attendees at any given time. Weekly events include: Saturday morning services, Wednesday night Torah, Bar and Bat Mitzvah lessons and tutoring, and weekly Hebrew classes. Large gatherings would include Rosh Hashana (Fall), Yom Kippur (Fall), Purim Party (Spring), and Passover dinner (Spring).*

- C. **Off-Street Parking.** Planning Code Section 151 requires one off-street parking space for each 25 children to be accommodated at any one time, where the number of such children exceeds 24.

*The proposed child-care facility for a maximum of 42 children would be required to provide a minimum of two off-street parking spaces for the use, pursuant to Planning Code Sections 151 and 153. The Project would not include any required off-street parking space, which would be subject to an off-street parking variance. The Project Sponsor has submitted a Variance Application No. 2013.0259CV. The Zoning Administrator will hold a public hearing on Variance Application while the Planning Commission will consider Conditional Use Application.*

- D. **Loss of Dwellings through Conversion.** Conversion of Residential Units shall be prohibited, unless the Planning Commission approves the conversion at a public hearing.

The Planning Commission shall consider these criteria in the review of applications for Conversion of Residential Units;

- (i) Whether conversion of the unit(s) would eliminate only owner occupied housing, and if so, for how long the unit(s) proposed to be removed were owner occupied;

*The dwelling to be converted at 3781 Cesar Chavez Street is not owner occupied. The owners of 3781 purchased the property in 2010 and live next door at 3771 Cesar Chavez Street.*

- (ii) Whether conversion of the unit(s) would provide desirable new non-residential use(s) appropriate for the neighborhood and adjoining district(s);

*The conversion of the dwelling unit at 3781 Cesar Chavez Street would support an existing preschool use. Desirable preschools are important in retaining young families in San*

*Francisco and those that exist often have long waiting lists for open spaces which is often discouraging. The proposed preschool would serve families that want a preschool that favors Jewish values. There are few preschools in San Francisco that offer similar services and those that do offer it are located outside the neighborhoods that Gan Noe Preschool is trying to service. Therefore, the conversion would provide a desirable new non-residential use.*

- (iii) Whether conversion of the unit(s) will bring the building closer into conformance with the prevailing character of its immediate area and in the same zoning district;

*The immediate neighborhood is within a RH District. Though there are two religious facilities located on the north side of Cesar Chavez Street however, the immediate neighborhood is primarily residential. Therefore, the conversion will not bring the property into closer conformance with the prevailing character.*

- (iv) Whether conversion of the unit(s) will be detrimental to the City's housing stock;

*The conversion of the dwelling unit would be detrimental to the City's housing stock because it would result in the loss of a habitable dwelling unit.*

- (v) Whether conversion of the unit(s) is necessary to eliminate design, functional, or habitability deficiencies that cannot otherwise be corrected.

*The existing dwelling unit is approximately 990 square-feet and contains one-bedroom and one bath. Other than being relatively small, the dwelling has no known design, functional, or habitable deficiencies.*

*Preschool/child care services are difficult to find in the City and those that operate often have long waiting lists. The ability of the City to provide these services will help its ability to attract and retain families in the City. Housing is also a scarce resource in the City. On balance, the need to help preschool/childcare services flourish in the City outweigh the benefit of retaining the existing dwelling unit.*

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 Project would retain the existing buildings on the site and their present configuration. The proposed use is necessary and desirable for the neighborhood because the presence of preschools in San Francisco helps to retain families in the city. At present, preschools are few and far between with desirable preschools experiencing long wait lists for open spaces which discourages some families from attempting to raise their children within the city. Gan Noe is a unique preschool because it offers*

*preschool services with Jewish values. Every year the school must reject dozens of requests for placement from families due to lack of capacity. Similar preschools are located north of Market Street or on Brotherhood Way, leaving the heart of the city without such services. The proposed expansion would allow Gan Noe to better serve the neighborhoods of Noe Valley, Bernal Heights, Glen Park, and the Mission*

*Activities related to the proposed religious facility would take place after preschool hours within the same space and according the Sponsor would involve no more than 12 people at a time.*

- 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 be detrimental to the health, safety or convenience of those residing or working in the area, in that:

- i. Nature of proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;

*The Project would not alter the existing site configuration of the buildings on the site. The children's play area would be located within the rear yard where it is currently located. Neighbors to the west of the subject property who share the same mid-block have expressed concerns about potential noise impacts from the additional children. In response, the Project Sponsor has stated that outdoor playtime will be staggered such that all children would never be in the play area at the same time. By law, the younger children cannot be within the play area at the same time as the older children.*

- 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 Subject Property is in an established residential neighborhood that is well served by public transit, including 24<sup>th</sup> Street and the J-Church Muni Metro Line and J-Streetcar within two blocks of the Subject Property. Additionally, the proposed preschool facility is intended to meet the needs of the residents in the immediate neighborhood and should not generate significant amounts of vehicular trips citywide.*

*The Planning Code requires two off-street parking spaces for the proposed facility; however, the sponsor is seeking a variance from this requirement and would remove the existing garage parking space at 3781 Cesar Chavez Street. The project site is located on a street that is the primary arterial to and from Highway 101. Furthermore, there are signaled intersections at the east and west ends of the block. These factors often lead to traffic congestion within the subject block during commute hours. Neighbors have expressed concern that the proposed increase in enrollment would exacerbate the traffic situation within the block and that current parents park on sidewalks and block adjacent driveways during drop off. In response, the Project Sponsor has The Project Sponsor has agreed to apply for a white passenger loading zone, accommodating two parking spaces, on Sanchez Street in front of the facility's entrance and has agreed to institute a*

*staggered pick up and drop off that is supervised by staff to reduce traffic congestion during commute hours.*

*No additional off-street parking is required for the proposed religious facility. Programs related to the facility would include weekly Saturday morning services, weekly Wednesday night Torah study, Bar and Bat Mitzvah lessons and tutoring, and weekly Hebrew classes. Larger religious gatherings include Rosh Hashana (Sept.), Yom Kippur (Sept.), Purim Party (March), and Passover Dinner (April). Many attendees do not drive on the Sabbath or Jewish holidays in accordance with strict Jewish Law which reduces vehicular traffic.*

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

*The project would not emit noxious or offensive emissions such noise, glare, dust or odor.*

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

*No additional landscaping is proposed for the site. The Department shall review all lighting and signs proposed for the property in accordance with the Conditions of Approval contained in Exhibit A.*

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

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

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

## **COMMERCE AND INDUSTRY ELEMENT**

### **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.

*The Project would enhance the living and working environment in the City by providing a unique needed preschool service for residents and workers within the Noe Valley, Bernal Height, Glen Park, and Mission*

*neighborhoods. The Project would also need to comply with State licensing requirements for childcare/preschool facilities further minimizing possible undesirable consequences from such a use.*

**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.

**Policy 3:**

Maintain a favorable social cultural climate in the city in order to enhance its attractiveness as a firm location. .

*The Project will enhance an existing preschool facility that has served the surrounding community since 2005 by extending it services to a greater number of people.*

**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.

*The Project will provide employment opportunities for nine semi-skilled San Francisco residents.*

**GOVERNMENT, HEALTH AND EDUCATION SERVICES**

**Objectives and Policies**

**OBJECTIVE 7:**

ENHANCE SAN FRANCISCO'S POSITION AS A NATIONAL AND REGINAL CENTER FOR GOVERNMENT, HEALTH, AND EDUCATIONAL SERVICES.

**Policy 7.2:**

Encourage the extension of needed health and educational services, but manage expansion to avoid or minimize disruption of adjacent residential areas.

*The proposed child-care facility will offer educational services to pre-school children of San Francisco residents. No exterior alteration will be proposed to the existing buildings. The proposed child-care facility's activities will take place either indoors or within the rear yard. The proposed conditions of approval would help reduce affects on parking and traffic within the neighborhood and ease noise levels during hours of operation.*

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 proposal would strengthen an existing neighborhood-serving use that has served the neighborhood since 2005 and provide employment for up to nine people.*

- 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 use will retain the existing buildings on the site and the interior alterations to 3781 Cesar Chavez Street are such that they could be easily reversed and the property converted back to residential use.*

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

*The Project would not affect the City's existing supply of affordable housing.*

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

*The proposed use is well served by public transit but it is located a few blocks away. The proposed preschool is not expected to be a destination use that attracts families from outside the immediate neighborhoods. The Sponsor has agreed to seek a passenger loading space in front of the property and implement a pick up and drop off program for families that choose to drive. The loading zone and the program have been included as conditions of approval for the Project.*

- 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 achieves the greatest possible preparedness to protect against injury and loss of life in an earthquake.

*The Project will not affect the Subject Property's ability to withstand an earthquake.*

- G. That landmarks and historic buildings be preserved.

*The Project would not alter the exterior appearance of the buildings in question.*

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

*The project will have no negative affect on 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 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. 2013.0259CV pursuant to Sections 209.3(f), 209.3(j), 317, and 303 of the Planning Code** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file 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. 18930. 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 18, 2013.

Jonas P. Ionin  
Acting Commission Secretary

AYES: Commissioners Wu, Sugava, Antonini, Moore, Borden, and Fong

NAYES: None

ABSENT: Commissioner Hillis

ADOPTED: July 18, 2013

## EXHIBIT A

### AUTHORIZATION

This authorization is for a conditional use to increase enrollment at preschool (d.b.a. Gan Noe Preschool) from 22 to 42 children and establish a religious facility (d.b.a Chabad of Noe Valley) for the properties at 3771 and 3781 Cesar Chavez Street, Block 6577, Lots 030 and 045, pursuant to Planning Code Sections 209.3(f), 209.3(j), 317, and 303 within a RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District; in general conformance with plans stamped "EXHIBIT B" included in the docket for Case No. 2013.0259CV and subject to conditions of approval reviewed and approved by the Commission on July 18, 2013 under Motion No. 18930. 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 18, 2013 under Motion No. 18930.

### PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. 18930 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

### 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. **Signage Program.** 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. The plans for signage that have been presented to the Commission are for informational purposes only and have not been reviewed for Code compliance. Once submitted staff will share the final signage plan with the Commission as an informational item prior to approval.

*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.

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

## OPERATION

5. **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).*

6. **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/>*

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.

The following conditions were taken from the environmental noise study that was prepared by Charles M. Salter Associates for Gan Noe Preschool. The recommendations were presented by the Project Sponsor at the hearing and hence adopted by the Planning Commission.

- a. The Project Sponsor will work with both the neighbors and Department staff on replacing the existing fence around the play area with taller sound-isolating fence.
- b. The new fence shall be acoustically treated on the play yard side of the fence with sound absorptive material (2-inch thick P.E.P.P.).
- c. Landscape alternative play spaces within the garden at 3771 Cesar Chavez.
- d. Cover the entire hardscape play area with rubber matting.
- e. The Project Sponsor shall conduct quarterly teacher trainings on “good neighbor” policies.
- f. Signage shall be posted for instructing adults on “good neighbor” policies.
- g. Replace the fiberglass basketball backboard with heavier constructed materials such as dense polycarbonate.
- h. Give neighbors a 14-day advance notice of pending holiday celebrations.

*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 415-553-1012 or 415-5530123, [www.sf-police.org](http://www.sf-police.org)*

8. **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*

10. **Traffic Plan.** Prior to permit approval, the Project Sponsor shall provide the Department with a morning drop-off and afternoon pick-up plan that will include a white passenger loading zone on Cesar Chavez Street in front of the entrance to the proposed preschool. Additionally, the Sponsor shall monitor the white zone for passenger loading and unloading during morning pick-up and afternoon drop-off hours.

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

11. **Hours of Operation.** Daycare/preschool hours of operation shall be limited to 7a.m. to 6 p.m.
12. **Attendance.** The childcare/ preschool facility shall be limited to a total of 42 children.
13. **One-Year Follow-up Report.** The project Sponsor shall coordinate with staff to provide a report to the Commission after approximately one-year of operation.