



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) |
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Planning Commission Motion No. 18983

HEARING DATE: SEPTEMBER 26, 2013

Date: September 19, 2013
Case No.: **2013.0823C**
Project Address: **242 COLUMBUS AVENUE**
Zoning: Broadway NCD (Broadway Neighborhood Commercial District),
Broadway Special Sign District
65-A-1 Height and Bulk District
Block/Lot: 0162/002
Project Sponsor: Jamie Seet
916 Kearny Street
San Francisco, CA 94133
Staff Contact: Kate Conner – (415) 575-6914
kate.conner@sfgov.org

ADOPTING FINDINGS RELATING TO THE APPROVAL OF A CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 303, 714.44, 790.142, 790.91 OF THE PLANNING CODE TO ESTABLISH A RESTAURANT (D.B.A. TOSCA CAFE) WITHIN THE BROADWAY NCD (NEIGHBORHOOD COMMERCIAL DISTRICT), THE BROADWAY SPECIAL SIGN DISTRICT, AND A 65-A-1 HEIGHT AND BULK DISTRICT.

PREAMBLE

On June 19, 2013, Jamie Seet (hereinafter “Project Sponsor”) filed an application with the Planning Department (hereinafter “Department”) for a Conditional Use Authorization under Planning Code Sections 303, 714.44, 790.142, 790.91 to establish a 2,500 square foot restaurant (d.b.a. Tosca Café). Previously, Tosca was solely a bar use. The proposal is to convert it to a bona-fide eating establishment within the Broadway NCD (Neighborhood Commercial District), the Broadway Special Sign District, and 65-A-1 Height and Bulk District.

On September 26, 2013, the San Francisco Planning Commission (hereinafter “Commission”) conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2013.0823C.

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

The Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of the applicant, Department staff, and other interested parties.

MOVED, that the Commission hereby authorizes the Conditional Use requested in Application No. 2013.0823C, 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 eastern side of Columbus Avenue, south of the intersection with Broadway and just south of Adler Alley. The subject property is an irregularly shaped 8,354 square-foot through lot that has approximately 52 feet of frontage on Columbus Avenue and 89 feet of frontage on Kearny Street. The subject building was constructed circa 1909 and contains Tosca Café, a secondary entrance to Larry Flynt's Hustler Club, and a vacant storefront on the Columbus Avenue frontage. The Kearny Street frontage contains a ground floor commercial entry, Palm Beach Digital Arcade, a vacant storefront which used to be occupied by the Lusty Lady, and the primary entrance to Larry Flynt's Hustler Club. The property is zoned Broadway NCD and has full lot coverage.
3. **Surrounding Properties and Neighborhood.** The subject block is triangular-shaped and contains office, eating and drinking, and adult entertainment uses. To the west of the subject property is City Lights Bookstore and Jack Kerouac Alley. Further west is Chinatown. To the north is Broadway which is developed with eating and drinking uses, but also large entertainment and adult entertainment uses. The area is a destination neighborhood for nighttime entertainment. Further north is the North Beach neighborhood and Telegraph Hill. To the south is the terminus of Columbus Avenue and further south is the Financial District. To the east is the Jackson Square Historic District.

The subject property is centrally located and is situated at the convergence of many neighborhoods and therefore many different zoning districts. Within 300 feet of the subject property, across Columbus Avenue, are the following zoning districts: C-2 (General Commercial), North Beach Neighborhood Commercial District, RM-4 (Residential Mixed High-Density) District, Chinatown Community Business District, Chinatown Residential Neighborhood Commercial District, and the RM-2 (Residential Mixed Moderate-Density) District.

The Broadway Neighborhood Commercial District, located in the northeast quadrant of San Francisco, extends along Broadway from east of Columbus Avenue to Osgood Place. It is part of a larger commercial area which includes North Beach to the north, Chinatown to the south and west, and Jackson Square to the southeast. Broadway's fame and popularity as a Citywide and regional entertainment district is derived from a concentration of nightclubs, music halls, adult theaters, bars, and restaurants between Grant Avenue and Montgomery Street. These places attract locals and visitors alike, mainly in the evening and late-night hours. In addition to the entertainment and some retail businesses, Broadway contains many upper-story residential hotels. Due to its proximity to downtown, there is strong pressure to develop upper-story offices.

The Broadway District controls are designed to encourage development that is compatible with the existing moderate building scale and mixed-use character, and maintain the district's balance of entertainment uses, restaurants, and small-scale retail stores. Neighborhood-serving businesses are strongly encouraged. In order to protect the livability of the area, limitations apply to new fast-food restaurants and adult entertainment uses at the first and second stories, as well as late-night activity. Financial services are allowed on the ground story subject to certain limitations. Nonretail offices are prohibited in order to prevent encroachment of the adjoining downtown office uses. Due to the high traffic volume on Broadway, most automobile and drive-up uses are prohibited in order to prevent further traffic congestion. Parking garages are permitted if their ingress and egress do not disrupt the traffic flow on Broadway. Housing development in new buildings is encouraged above the second story. Existing housing is protected by limitations on demolitions and upper-story conversions.

4. **Project Description.** The applicant proposes to establish an independently owned 2,500 square foot restaurant (d.b.a. Tosca Café). Previously, Tosca was solely a bar use. The proposal is to convert it to a bona-fide eating establishment within the Broadway NCD (Neighborhood Commercial District), the Broadway Special Sign District, and 65-A-1 Height and Bulk District.

Tosca has been operating at this location for 94 years. Originally established as a bar in 1919, it was converted to a restaurant only weeks later in response to Prohibition. It is estimated that food was last served to the public in the 1950's. The kitchen remained operational but was not used for food preparation for the public. The proposal includes minor tenant improvements to the existing kitchen area but the existing commercial space would not be enlarged. The existing commercial space is 2,500 gross square feet in size.

The proposal requires a change of use and Neighborhood Notification, pursuant to Planning Code Section 312, which was conducted in conjunction with the Conditional Use Authorization process. The proposed use is a neighborhood-serving use. By converting the Bar to a bona-fide Restaurant, the establishment is able to serve a greater population by allowing families to dine at Tosca Café.

The proposed operation consists of approximately 40 employees from the San Francisco Bay Area. The majority of employees live in San Francisco and will commute to work by using public transit, bicycle, or walking. The subject site is well served by public transit.

Trash will be picked up every other day. Trash containers are kept inside and brought outside only for pick-up. There is no change in services to Tosca Café due to the new classification as a bona-fide restaurant. The Project Sponsor does not anticipate that Tosca Café will have take-out dining.

5. **Public Comment.** The Department has not received any opposition to the proposal. The Department has received eight letters in support of the proposal.
6. **Planning Code Compliance:** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:

- A. **Use.** Planning Code Section 714.44 states that a Conditional Use Authorization is required for a Restaurant use, as defined by Planning Code Section 790.91. In addition, a Restaurant Use may only add Alcoholic Beverage Control (ABC) license types 47, 49 or 75 as a Conditional Use on the ground level if, in addition to the criteria set forth in Section 303, the Planning Commission finds that the restaurant is operating as a Bona Fide Eating Place, as defined in Section 790.142 of this Code. Should a restaurant fail to operate as a Bona Fide Eating Place for any length of time, the Conditional Use Authorization shall be subject to immediate revocation.

The Project Sponsor is requesting a Conditional Use Authorization in order to allow a Restaurant to be established on the ground level in the existing tenant space, which is currently approved as a Bar. Currently, Tosca Café maintains a Type 48 (On-sale General – Public Premises) Alcoholic Beverage Control (ABC) license in conjunction with the Bar use. The Project Sponsor is seeking to operate with a Type 47 license: On-sale General – Eating Place. The Project Sponsor intends to operate as Bona Fide Eating Place.

- B. **Bona Fide Restaurant.** Planning Code Section 790.142 defines a bona fide restaurant as “a place which is regularly and in a bona fide manner used and kept open for the service of meals to guests for compensation and which has suitable kitchen facilities connected therewith, containing conveniences for cooking of an assortment of foods which may be required for ordinary meals.” In addition, a minimum of 51 percent of the restaurant's gross receipts shall be from food sales prepared and sold to guests on the premises. Records of the restaurant's gross receipts shall be provided to the Department upon request.

The Project Sponsor is requesting a Conditional Use Authorization to operate a Restaurant which will meet the Bona Fide Restaurant requirements listed in Planning Code Section 790.142.

- C. **Use Size.** Planning Code Section 714.21 established size limits on nonresidential uses in the Broadway NCD. Use sizes up to 2,999 square feet are permitted as of right.

The tenant space for Tosca Café is 2,500 square feet in size, meeting this requirement; the change of use does not result in any increase in floor area.

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

The occupied floor area of the subject tenant space is approximately 2,350 square feet (restrooms are not included in the occupied floor area calculation), which is under the 5,000 occupied square footage parking threshold, and thus does not require – and is not providing – any off-street parking.

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

With a gross floor area of under 10,000 square feet, the Project is not required to provide any off-street loading. All loading for this business is required to be conducted in such a way as to avoid undue interference with sidewalks, crosswalks, bus stops, hydrants and other public features.

- F. **Street Frontage in Neighborhood Commercial Districts.** Section 145.1 of the Planning Code requires that within NC Districts space for active uses shall be provided within the first 25 feet of building depth on the ground floor and 15 feet on floors above from any facade facing a street at least 30 feet in width. Frontages with active uses must be fenestrated with transparent windows and doorways for no less than 60 percent of the street frontage at the ground level and allow visibility to the inside of the building.

Although the building does not meet the 60% transparency and fenestration requirement, or the active use requirement, it represents the building's existing condition, and the Project does not include any exterior alterations. The building is thus considered legal noncomplying, and the change of use to a Restaurant does not require exterior alterations to bring the building into compliance with this Section. There are no changes proposed to the commercial frontage. Tosca Café is a known historic resource. Any proposed changes to the exterior of the building would require additional review by Preservation staff.

- G. **Signage.** Any proposed signage on the property shall comply with the requirements of Planning Code Section 607.1 for signage in Neighborhood Commercial Districts and will be subject to the review and approval of the Planning Department.

Tosca Café has two existing signs on the property. As of this writing, the Project Sponsor intends to use the existing signage considering that business name has not changed.

- H. **Hours of Operation.** Planning Code Section 714.27 limits the hours that businesses may be open to the public to the period between 6:00 a.m. and 2:00 a.m.

Tosca Café will operate within the principally permitted hours of operation, in conformity with Planning Code Section 714.27.

7. **Planning Code Section 303 (p) Additional Findings for Eating and Drinking Uses.** With regard to a Conditional Use Authorization application for a Restaurant, Limited-Restaurant and Bar uses in Neighborhood Commercial Districts or Mixed Use Districts, the Planning Commission shall consider:

- A. The existing concentration of eating and drinking uses in the area should not exceed 25% of the total commercial frontage as measured in linear feet within the immediate area of the subject site. The immediate area shall be defined as all properties located within 300' of the subject property and also located within the same zoning district.

Planning staff surveyed the properties within 300' of the subject property which are located within the Broadway NCD. The total amount of commercial frontage of the properties within 300' of Tosca Café and within the Broadway NCD is 3,409 linear feet and the total amount of frontage devoted to eating and drinking uses is 1,394 linear feet, or 41%. Although this exceeds the 25% maximum, it should be noted that the Broadway NCD is known as a regional entertainment district which is derived from a concentration of nightclubs, music halls, adult theaters, bars, and restaurants. Also, the change from a Bar to a Restaurant use does not affect the concentration levels of eating and drinking establishments since both uses are counted toward the concentration. The conversion of Tosca Café to a Restaurant will not result in a greater concentration of eating and drinking 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 of the proposed use is in keeping with other storefronts on the block face. Operation of the Restaurant will not be dramatically different than what is currently permitted on the site, which is a Bar. This will compliment the mix of goods and services currently available in the district and contribute to the economic vitality of the neighborhood. By converting the Bar use to a Restaurant use, Tosca Café will be able to accommodate families since minors will now be allowed to enter the premises. Small neighborhood-oriented establishments such as the proposed business provide convenience goods and services to meet the frequent and recurring needs of neighborhood residents.

- B. The proposed Project will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity. There are no features of the project that could be detrimental to the health, safety or convenience of those residing or working the area, in that:

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

The size and shape of the site and the size, shape, and arrangement of the building on the site are adequate for the Project. The Project will not physically expand the existing building or tenant space, and therefore would not alter the existing appearance of character of the Project site.

- ii. The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed off-street parking and loading;

The Planning Code does not require parking or loading for a 2,500 square foot Restaurant. The proposed use is designed to meet the needs of the immediate neighborhood and should not generate significant amounts of vehicular trips from the immediate neighborhood or citywide. The area is well-served by ample public transportation.

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

The Project is subject to the standard conditions of approval for Restaurants, as outlined in Exhibit A. Conditions 11 and 12 specifically obligates the project sponsor to address and odor and noise generated by the Restaurant use.

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

The proposed Restaurant does not require any exterior alterations. The Project Site is completely built out to all street facing property lines, thus no landscaping is required. Any future changes to signage would be reviewed under a separate permit by the Planning Department in accordance with the Conditions of Approval 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:

NEIGHBORHOOD COMMERCE

Objectives and Policies

OBJECTIVE 1:

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

Policy 1.1:

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

Policy 1.2:

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

Policy 1.3:

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

The Project will provide desirable goods and services to the neighborhood and will provide resident employment opportunities to those in the community. The conversion of a Bar to a Restaurant will not result in undesirable consequences. Further, the Project Site is located within a Neighborhood Commercial District and is thus consistent with activities in the commercial land use plan.

OBJECTIVE 2:

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

Policy 2.1:

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

The Project will retain an existing commercial activity and will enhance the diverse economic base of the City.

OBJECTIVE 6:

MAINTAIN AND STRENGTHEN VIABLE NEIGHBORHOOD COMMERCIAL AREAS EASILY ACCESSIBLE TO CITY RESIDENTS.

Policy 6.1:

Ensure and encourage the retention and provision of neighborhood-serving goods and services in the city's neighborhood commercial districts, while recognizing and encouraging diversity among the districts.

No commercial tenant would be displaced and the project would not prevent the district from achieving optimal diversity in the types of goods and services available in the neighborhood.

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

Eating and Drinking Establishments

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

- Regulate the distribution and proliferation of eating and drinking establishments, especially in districts experiencing increased commercial activity;
- Control nuisances associated with their proliferation;
- Preserve storefronts for other types of local-serving businesses; and
- Maintain a balanced mix of commercial goods and services.
- The regulation of eating and drinking establishments should consider the following:
 - Balance of retail sales and services;
 - Current inventory and composition of eating and drinking establishments;
 - Total occupied commercial linear frontage, relative to the total district frontage;
 - Uses on surrounding properties;
 - Available parking facilities, both existing and proposed;
 - Existing traffic and parking congestion; and
 - Potential impacts on the surrounding community.

There is a concern with the potential over-concentration of food-service establishments. The Commerce and Industry Element of the General Plan contains Guidelines for Specific Uses. For eating and drinking establishments, the Guidelines state, "the balance of commercial uses may be threatened when eating and drinking establishments occupy more than 20% of the total occupied commercial frontage." Planning staff has performed a site survey of properties within the Broadway NCD which are within 300 feet of the Project. With the proposed Restaurant use, approximately 41 % of the frontage of this Broadway NCD is attributed to eating and drinking establishments; however, the conversion from a Bar to a Restaurant does not affect the concentration level because both uses are considered eating and drinking establishments.

Policy 6.2:

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

An independent entrepreneur is sponsoring the proposal. The proposed use is a neighborhood serving use. This is not a Formula Retail use.

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 enhance the district by providing a Restaurant where a Bar was previously located. A Restaurant use can be frequented by adults and families with children. The business creates 40 more employment opportunities for the community. The proposed alterations are within the existing building footprint.

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

The existing units in the surrounding neighborhood would not be adversely affected. Tosca Café is a known historic resource; retaining the subject tenant space preserves a piece of San Francisco history.

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

The Project will not affect the City's supply of affordable housing.

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

The Project will not adversely affect public transit or place a burden on the existing supply of parking in the neighborhood. The area is well-served by public transportation.

- 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 does not involve any construction activities that will compromise the structural integrity of the existing building. The Project is designed and will be constructed to conform to the structural and seismic safety requirements of the City Building Code

- G. That landmarks and historic buildings be preserved.

The Project does not involve any exterior modifications. The subject building is a known historic resource and the Project seeks to preserve the building.

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

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

11. The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would contribute to the character and stability of the neighborhood and would constitute a beneficial development.
12. The Commission hereby finds that approval of the Conditional Use Authorization would promote the health, safety and welfare of the City.

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Application No. 2013.0823C** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated June 10, 2013, 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. 18983. 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 September 26, 2013.

Jonas P. Ionin
Acting Commission Secretary

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

NAYS: None

ABSENT: None

ADOPTED: September 26, 2013

EXHIBIT A

AUTHORIZATION

This authorization is for a Conditional Use to establish a Restaurant (d.b.a. Tosca Café) located at 242 Columbus Avenue, Lot 002 in Assessor's Block 0162, pursuant to Planning Code Sections 303, 714.44, 790.142, 790.91 within the Broadway NCD (Neighborhood Commercial District), the Broadway Special Sign District, and 65-A-1 Height and Bulk District; in general conformance with plans, dated June 10, 2013, and stamped "EXHIBIT B" included in the docket for Case No. 2013.0823C and subject to conditions of approval reviewed and approved by the Commission on September 26, 2013 under Motion No. 18983. 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 September 26, 2013 under Motion No: 18983.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. 18983 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. **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.

MONITORING

7. **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

8. **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

9. **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/>*

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

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

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