



SAN FRANCISCO PLANNING DEPARTMENT

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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. 19030

HEARING DATE: DECEMBER 5, 2013

Date: November 26, 2013
Case No.: **2013.0994C**
Project Address: **2848 23rd Street**
Zoning: RM-1 (Residential, Mixed, Low Density) Zoning District
Mission Alcoholic Beverage Special Use District
40-X Height and Bulk District
Block/Lot: 4151/018
Project Sponsor: Phil Lesser
555 Laurel Avenue, Suite 501
San Mateo, CA 94401
Staff Contact: Brittany Bendix – (415) 575-9114
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ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 182, 303 AND 727.44 OF THE PLANNING CODE TO CONVERT A SELF-SERVICE LAUNDRY (D.B.A. SUPER LAVAR) TO A RESTAURANT (D.B.A. SOMOS CAFÉ) WITHIN AN RM-1 (RESIDENTIAL, MIXED, LOW-DENSITY) ZONING DISTRICT, THE MISSION ALCOHOLIC BEVERAGE SPECIAL USE DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On July 29, 2013, Phil Lesser (hereinafter “Project Sponsor”) filed an application with the Planning Department (hereinafter “Department”) for Conditional Use Authorization under Planning Code Section(s) 182, 303 and 727.44 to convert the existing self-service laundry into a restaurant (d.b.a. Somos Café) within an RM-1 (Residential, Mixed, Low-Density) Zoning District, the Mission Alcoholic Beverage Special Use District and a 40-X Height and Bulk District.

On December 5, 2013, the San Francisco Planning Commission (hereinafter “Commission”) conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2013.0994C.

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. 2013.0944, 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 northeast corner of the intersection of Bryant and 23rd Streets, Lot 018 of Assessor's Block 4151. The subject property is located within an RM-1 (Residential, Mixed, Low Density) Zoning District, the Mission Alcoholic Beverage Special Use District, and a 40-X Height and Bulk District. The subject property has 25-feet of frontage on 23rd Street and 90-feet on Bryant Street. Two buildings occupy the subject property. A two-story mixed-use building occupies the first 61-feet of the Bryant Street frontage and a two-story dwelling occupies the last 25-feet of the Bryant Street frontage. Between the two structures is an open walkway 3-feet wide. The ground floor is a nonconforming use currently operating as a self-service laundry (d.b.a. Super Lavar). The unit above is residential.
3. **Surrounding Properties and Neighborhood.** The project site is located at the intersection of 23rd and Bryant Streets in an RM-1 (Residential, Mixed, Low Density) Zoning District. The surrounding properties are located within the RM-1 and RH-2 (Residential House, Two-Family) Districts and consist of single, two-, and three-family residential buildings. The adjacent corners also consist of Limited Commercial or Nonconforming Uses at the ground floor including a vacant retail space formerly occupied by an art gallery (d.b.a. Million Fishes) and a restaurant (d.b.a. Local's Corner). Approximately one half-mile to the west is the Mission NCT (Neighborhood Commercial Transit) Zoning District where restaurants are principally permitted. Approximately one block to the south is the 24th Mission NCT where restaurants are permitted with Conditional Use Authorization by the Planning Commission. Both of these districts contain a mixture of food and beverage establishments, personal services, and small retail establishments. At present, there are 11 self-service laundry facilities within three blocks of the subject property.

The site is well served by local and regional public transit. The following transit lines and stops are within a half mile of the project site: the 9-San Bruno, 10-Townsend, 12-Folsom, 27-Bryant, 33-Stanyan, and 48-Quintara/24th Street MUNI bus routes; SamTrans and the 24th Street BART Station.

4. **Project Description.** The Project Sponsor is seeking a Conditional Use authorization to convert a 1,308 square-foot self-service laundry (d.b.a. Super Lavar) to a restaurant (d.b.a. Somos Café). The proposed restaurant is an independent use, locally owned and operated, and it is not identified as a Formula Retail use. No other changes to the site are included in the present proposal.
5. **Public Comment.** The Department has not received any public comment regarding this project.
6. **Planning Code Compliance:** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:
 - A. **Nonconforming Use.** Planning Code Section 182 allows changes of uses for nonconforming uses in RM Districts. However, such parcels must conform to the zoning controls of an NC-1 (Neighborhood Commercial Cluster) District or the controls of a more restrictive named NC (Neighborhood Commercial) District when the site is within ¼ mile of that district. Additionally, as a nonconforming use in a residential district, the Planning Commission finds the following conditions are appropriate as outlined in the Planning Code:
 1. The building shall be maintained in a sound and attractive condition, consistent with the general appearance of the neighborhood;
 2. Any signs on the property shall be made to comply with the requirements of Article 6 of the Planning Code applying to nonconforming uses;
 3. The hours during which the use is open to the public shall be limited to the period between 6:00 a.m. and 10:00 p.m.;
 4. Public sidewalk space may be occupied in connection with the use provided that it is only occupied with tables and chairs as permitted by the Municipal Code;
 5. Truck loading shall be limited in such a way as to avoid undue interference with sidewalks, or crosswalks, bus stops, hydrants and other public features;
 6. Noise, odors and other nuisance factors shall be adequately controlled; and,
 7. All other applicable provisions of the Planning Code shall be complied with.

The site is within ¼ mile of the 24th Street – Mission NCT (Neighborhood Commercial Transit) District which requires Conditional Use authorization to establish a new restaurant. Therefore, the Project Sponsor is seeking Conditional Use authorization. The Conditions of Approval as cited in Exhibit A of this Motion serve to ensure that the conditions within this section are met.

- B. **Restaurant Use.** Planning Code Section 727.44 states that Conditional Use Authorization is required for a full-service restaurant, as defined by Section 790.19.

The proposal is to establish a restaurant use on the corner of the property. The Project Sponsor intends to provide an eating establishment that can also serve to keep the neighborhood corner active and clean. The Project Sponsor estimates that this change in use will result in the addition of five employment opportunities. The intended hours of operation are 8AM to 10PM daily.

- C. **Formula Retail Use.** Planning Code Section 703.4 requires Conditional Use authorization from the Planning Commission to establish a formula retail use, as defined in Section 703.3, in any Neighborhood Commercial District.

The proposed restaurant use (d.b.a. Somos Café) is not identified as a formula retail use.

- D. **The Mission Alcoholic Beverage Special Use Sub-District.** Planning Code Section 249.60 prohibits new establishments where alcoholic beverages are sold, served or given away for on-site or off-site consumption such as bars and liquor stores.

The Planning Code does permit beer and wine liquor licenses (Type 41) within the Mission Alcoholic Beverage Special Use District as an accessory use to a bona fide eating establishment. The proposed restaurant is a bona fide eating establishment per Planning Code Section 790.142. The Project Sponsor intends to submit an application for a Type 41 liquor license.

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

The subject property contains less than 5,000 square-feet of non-residential floor area and thus does not require any off-street parking. Any existing parking will not be altered. The proposal does not include any off-street parking spaces. Additionally, the area is well-served by public transit.

7. **Planning Code Section 303** establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use approval. On balance, the project does comply with said criteria in that:

- A. The proposed new uses and building, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable, and compatible with, the neighborhood or the community.

The size of the proposed use is in keeping with other nonconforming commercial establishments. The proposed conversion to a restaurant will not impact traffic or parking in the District because it is not a destination venue. Furthermore, the restaurant will compliment the mix of goods and services currently available in the district and will contribute to the economic vitality of the neighborhood.

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

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

The height and bulk of the existing building will remain the same and will not alter the existing appearance or character of the project vicinity. There is no work proposed that would alter the building envelope.

- 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 this size of project. 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.

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

The proposed use is subject to the standard conditions of approval for a nonconforming use and restaurant as outlined in Exhibit A. Conditions 10 and 11 specifically obligate the Project Sponsor to mitigate 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 use does not require any additional tenant improvements. The Department shall review all lighting and signs when proposed.

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

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

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

The proposed project is consistent with the stated purpose of the 24th Street – Mission Neighborhood Commercial Transit District in that the intended use is located at the ground floor, and will provide a compatible convenience service for the immediately surrounding neighborhoods. Additionally, the development conforms with the general description of the RM-1 district in that a nonresidential use is present to provide for the needs of residents.

- 8. **Planning Code Section 303(p)** establishes criteria with regard to a Conditional Use Authorization application for a Restaurant use in a Neighborhood Commercial District. Section 303(p) requires the Planning Commission to consider, in addition to the criteria set forth in Code Section 303(c), the existing concentration of eating and drinking uses in the area. Such concentration should not exceed 25% of the total commercial frontage as measured in linear feet

within the immediate area of the subject site. For the purposes of Code Section 303(p), the immediate area shall be defined as all properties located within 300 feet of the subject property and also located within the same zoning district.

Although the proposal is subject to the use controls of the 24th Street Mission Neighborhood Commercial Transit Zoning District, the project site is not within a Neighborhood Commercial District. However, based on a land use survey completed by Department staff, the total commercial frontage dedicated to eating and drinking establishments located within 300 feet of the Project Site is 7.7%. With the addition of the subject Restaurant use, the total aforementioned commercial frontage dedicated to eating and drinking establishments increases to 24.5% and would be in compliance with the requirements of Code Section 303(p). The substantial increase in the proportion of eating and drinking uses is attributed to the limited number of commercial spaces in the broader residential area. There is only one other eating and drinking establishment within the 300-foot radius.

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

MISSION AREA PLAN

Objectives and Policies

OBJECTIVE 6.1:

SUPPORT THE ECONOMIC WELLBEING OF A VARIETY OF BUSINESSES IN THE EASTERN NEIGHBORHOODS

Policy 6.1.3:

Provide business assistance for new and existing small businesses in the Eastern Neighborhoods.

The owner of the self-service laundry use has operated that use at the subject site for nearly 20 years, yet no longer finds that service economically viable within the neighborhood and has chosen to convert the space into a restaurant. Conditional Use authorization enables to the owner to explore new business alternatives that are consistent with the 24th Street Neighborhood Commercial Transit District land use controls.

COMMERCE AND INDUSTRY ELEMENT

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 proposed development will provide desirable goods and services to the neighborhood and will provide resident employment opportunities to those in the community. Additionally, the Project Site is an existing nonconforming commercial use and is 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 locally owned and operated commercial space and will enhance the diverse economic base of the City and immediate neighborhood.

OBJECTIVE 3: PROVIDE EXPANDED EMPLOYMENT OPPORTUNITIES FOR CITY RESIDENTS, PARTICULARLY THE UNEMPLOYED AND ECONOMICALLY DISADVANTAGED.

Policy 3.1:

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

Policy 3.2:

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

The commercial space will continue to be locally owned and will increase the number of jobs from one part-time employee at the self-service laundry to approximately six employees at the restaurant.

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.

The Commerce and Industry Element of the General Plan includes Guidelines for Specific Uses that provide Department Staff with direction for evaluating the compatibility of a proposed eating and drinking establishment within a neighborhood commercial district. The Guidelines indicate that "the balance of commercial uses may be threatened when eating and drinking establishments occupy more than 20% of the total occupied commercial frontage...(and that) districts with an established pattern of service to a broad market... should not occupy more than 25% of the total commercially-occupied frontage in a district." Furthermore, the Guidelines state that "eating and drinking uses should generally be at least 100-feet apart from each other, unless there are factors making clustering of uses appropriate."

Although the proposal is subject to the use controls of the 24th Street Mission Neighborhood Commercial Transit Zoning District, the project site is not within a Neighborhood Commercial District. Therefore the

percentage of eating and drinking establishments within the "district" is not applicable. However, the site is within 100-feet of another restaurant (d.b.a. Local's Corner), which is located diagonally across from the subject site on the southwest corner of the Bryant and 23rd Street intersection. As noted previously, Local's Corner is the only eating and drinking establishment within 300-feet of the subject site. With the addition of the proposed restaurant, these two eating and drinking establishments will account for 24.5% of the total commercial frontage within 300-feet. This concentration complies with the threshold of 25% set by Planning Code Section 303(p).

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.

The owner of the restaurant is an independent and local entrepreneur who is opening his first restaurant after having owned and operated the existing self-service laundry facility for the past 20 years. The proposed use is a neighborhood serving use and will provide a locally based cuisine not readily available in the immediate vicinity. This is the first Somos Café and it 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 business would be locally owned and would generate employment opportunities for the community. The proposed alterations will not expand 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 subject building and within the surrounding neighborhood will not be adversely affected. The proposal will contribute to a more active and neighborhood engaging environment at the intersection of 23rd and Bryant Streets. Hours of operation are limited to 6:00AM to 10:00PM daily.

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

No housing is altered for this Project.

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

The site is well served by transit and most employees and patrons live in the area and will commute by walking, biking or transit. Therefore, parking and traffic will not be affected.

- 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 proposed project will not include any commercial office development and will not displace any industrial establishments. The proposal replaces one service establishment with another. The previous use, a self-service laundry, provided a service that is readily available and found within ¼ mile of the subject site.

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

The proposed project will comply with the City Codes to achieve the proper preparedness in the event of an earthquake.

- G. That landmarks and historic buildings be preserved.

The project as proposed does not include any alterations to the façade and thereby maintains the historic character.

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

The proposed project will not have a negative effect on existing parks and open space.

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. 2013.0994C** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated November 25, 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. 19030. 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 December 5, 2013.

Jonas P. Ionin
Commission Secretary

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

NAYES:

ABSENT: Commissioner Hillis

ADOPTED: December 5, 2013

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to convert a self-service laundry (d.b.a. Super Lavar) into a restaurant (d.b.a. Somos Café) at 2848 23rd Street, Block 4154, and Lot 018, pursuant to Planning Code Section(s) 182, 303, and 727.44 within the RM-1 (Residential, Mixed, Low Density) Zoning District and a 40-X Height and Bulk District; in general conformance with plans, dated **November 25, 2013**, and stamped "EXHIBIT B" included in the docket for Case No. 2013.0994C and subject to conditions of approval reviewed and approved by the Commission on December 5, 2013, under Motion No. **19030**. 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 December 5, 2013 under Motion No. **19030**.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. **19030** 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

MONITORING

6. **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
7. **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

8. **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>
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. **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*

11. **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

12. **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

13. **Hours of Operation.** The subject establishment is limited to the following hours of operation: from 6:00a.m. to 10:00p.m. daily.

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