



# SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- Inclusionary Housing (Sec. 315)
- Jobs Housing Linkage Program (Sec. 313)
- Downtown Park Fee (Sec. 139)
- First Source Hiring (Admin. Code)
- Child Care Requirement (Sec. 314)
- Other

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## Planning Commission Motion No. 19059

HEARING DATE: JANUARY 9, 2014

*Date:* January 10, 2014  
*Case No.:* **2013.1464C**  
*Project Address:* **2071 UNION STREET**  
*Zoning:* Union Street Neighborhood Commercial District  
 40-X Height and Bulk District  
*Block/Lot:* 0541/016  
*Project Sponsors:* Nike Retail Services Inc. (applicant) Caroline Guibert (agent)  
 Global Estate Counsel Coblentz Patch Duffy & Bass LLP  
 Contact: Tiffany Evans One Ferry Building, Suite 200  
 One Bowerman Drive, DF-4 San Francisco, CA 94111  
 Beaverton, OR 97005  
 Sandra Servadei & Anne Violet Stranczek (property owners)  
 Cooper, White & Cooper (c/o Beau Simon)  
 2001 California Street  
 San Francisco, CA 94111  
*Staff Contact:* Sharon M. Young – (415) 558-6346  
 sharon.m.young@sfgov.org  
*Recommendation:* **Approval with Conditions**

**ADOPTING FINDINGS RELATING TO THE APPROVAL OF A CONDITIONAL USE AUTHORIZATION PURSUANT TO PLANNING CODE SECTIONS 703.4, 703.3, 303(c), AND 303(i) TO ALLOW THE ESTABLISHMENT OF A FORMULA RETAIL USE (D.B.A. NIKE) AT 2071 UNION STREET WITHIN THE UNION STREET NEIGHBORHOOD COMMERCIAL DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT.**

### PREAMBLE

On October 18, 2013, Caroline Guibert representing Nike Retail Services Inc. (hereinafter “Project Sponsor”) made an application for Conditional Use authorization for the property at **2071 Union Street, Lot 016 in Assessor’s Block 0541** (hereinafter “Subject Property”), to convert a vacant ground floor commercial space with approximately 3,500 gross square feet of floor area (previously occupied by “Rugby”, a Formula Retail apparel store concept of Ralph Lauren) into another Formula Retail Use (d.b.a. Nike) and continuing as a retail apparel store use within the Union Street Neighborhood Commercial District and a 40-X Height and Bulk District, in general conformity with plans submitted October 31, 2013, and labeled “Exhibit B” (hereinafter “Project”).

On **January 9, 2014**, the San Francisco Planning Commission (hereinafter “Commission”) conducted a duly noticed public hearing at a regularly scheduled meeting on **Conditional Use Application No. 2013.1464C**.

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. 2013.1464C, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

## **FINDINGS**

Having reviewed the materials identified in the recitals above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The project site at 2071 Union Street is located on the south side of Union Street between Webster and Buchanan Streets, Assessor's Block 0541, Lot 016. It is located within the Union Street Neighborhood Commercial District (NCD) and a 40-X Height and Bulk District. The subject lot is 3,994 square-feet (approximately 39.94 feet wide by 100 feet deep) in size and is occupied by a one-story commercial building built in 1924. The existing building is not listed in the Planning Department's 1976 Architectural Survey or the National and California Registers as having architectural significance. The subject commercial tenant space with approximately 3,500 gross square feet of floor area was previously occupied by Rugby, a Formula Retail apparel store concept of Ralph Lauren which vacated the premises in January 2013 and occupied the commercial tenant space for approximately 5 years. Prior to Rugby, the commercial tenant space was occupied by Z Gallerie, a Formula Retail home furnishings store which vacated the premises to relocate to its current location at 2154 Union Street.
3. **Surrounding Properties and Neighborhood.** The surrounding development consists of a variety of multi-story residential, commercial and mixed-use buildings. The scale of development in the area consists of a mix of low-and mid-rise buildings (one- to four-story structures), some of which were built in the early 1900s and the 1970s. A mix of food establishments, personal and professional service establishments, and small retail establishments defines the Union Street NCD corridor in the immediate vicinity. The property directly east of the subject property at 2083 Union Street is a Formula Retail cosmetic retail store (d.b.a. Sephora Beauty) and the property directly west of the subject property at 2055 Union Street (formerly a single-screen movie theater d.b.a. Metro Theatre) which is currently under construction to be occupied by a private fitness facility (d.b.a. Equinox Gym). Some of the commercial establishments on the block include Shaw (shoe store), Samsara (jewelry and accessories store), Osha Thai restaurant, and Sephora Beauty. Some of the commercial establishments on the opposite block include Café des Amis restaurant, Betelnut, Red Lantern (clothing store), Nettie's Crab Shack restaurant, Milvali Salon & Cosmetics, Nine West, and Armani Exchange. The surrounding zoning is RM-1 (Residential, Mixed, Low Density) south of Union Street and RH-2 (Residential, House, Two-Family) District north of Union Street between the cross street of Webster and Buchanan Streets.
4. **Project Description.** The proposal is a request for Conditional Use Authorization pursuant to Planning Code Sections 703.4, 703.3, 303(c), and 303(i) to establish a Formula Retail Use within the Union Street

Neighborhood Commercial District and a 40-X Height and Bulk District. The proposal is to convert a vacant ground floor commercial space with approximately 3,500 gross square feet of floor area (previously occupied by "Rugby", a Formula Retail apparel store concept of Ralph Lauren) into another Formula Retail Use (d.b.a. Nike) and continuing as a retail apparel store use. The proposal will involve interior tenant improvements and minor storefront modifications (primarily repainting and new signage) to the ground floor commercial tenant space. There will be no expansion of the existing building envelope.

**5. Issues and Other Considerations.**

- According to the project sponsor, Nike has approximately 31 stores nationwide. The proposed formula retail use will provide for the sale of sportswear products.

**6. Public Comment.** As of January 9, 2014, the Department has received two letters in support from the Union Street Association and a merchant in support of the proposed project. The Planning Department received email correspondence from one resident in opposition to the proposed project. The project sponsor submitted 9 letters from merchants and residents, a petition with 56 signatures from merchants, and letters from the Union Street Association and the Golden Gate Neighborhood Association in support of the proposed project. In addition, the project sponsor engaged in public outreach efforts (which included holding a community outreach meeting "open house" and presenting the project to the Union Street Association and Golden Gate Valley Neighborhood Association).

**7. Use District.** The project site is within the Union Street Neighborhood Commercial District (NCD). The Union Street NCD, located in northern San Francisco between the Marina and Pacific Height neighborhoods, provides convenience goods and services to the residents of the Cow Hollow, Golden Gate Valley, and Pacific Heights neighborhoods. The district has a very active and continuous commercial frontage along Union Street, while the side streets have a greater proportion of residences. The Union Street NCD controls are designed to encourage a wide variety of uses, with special emphasis on eating and drinking establishments and specialty shops whose clientele comes from a wide trade area. This is in addition to a significant number of professional, realty, and business offices. Most commercial development is permitted at the first two stories of new buildings, while retail service uses are monitored at the third story and above. The zoning controls are designed to provide sufficient growth opportunities for commercial development that is in keeping with the existing scale and character, promote continuous retail frontage, and protect adjacent residential livability.

**8. Planning Code Compliance:** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:

**A. Formula Retail Use within the Union Street NCD.** Planning Code Section 703.4 allows for the establishment of formula retail uses within any Neighborhood Commercial District by Conditional Use authorization.

*A Formula Retail Use is defined under Planning Code Section 703.3 as a type of retail sales activity or retail sales establishment which, along with eleven or more other retail sales establishments located in the United States, maintains two or more of the following features: a standardized array of merchandise, a standardized facade, a standardized decor and color scheme, a uniform apparel, standardized signage, a trademark or a servicemark.*

*The current proposal is to allow the establishment of a Formula Retail Use (d.b.a. Nike) in an approximately 3,500 gross square foot vacant ground floor commercial space on the project site.*

- B. **Other Retail Sales and Services Use within the Union Street NCD.** Section 725.40 of the Planning Code permits “other retail sales and services” establishments on the first and second stories.

*The current proposal is to allow the continuation of an ‘other retail sales and service use’ (also formula retail use d.b.a. Nike) on the ground (1<sup>st</sup>) floor of the one-story commercial building.*

- C. **Hours of Operation.** Section 725.27 allows hours of operation from 6 a.m. until 2 a.m. as of right and requires Conditional Use authorization to operate between the hours of 2 a.m. and 6 a.m.

*The project sponsor has indicated that the proposed hours of operation of the proposed formula retail use d.b.a. Nike are 10 a.m. to 8 p.m., seven days a week; if necessary, Nike will modify their hours to be in line with other neighborhood merchants.*

- D. **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. In addition, the floors of street-fronting interior spaces housing non-residential active uses and lobbies shall be as close as possible to the level of the adjacent sidewalk at the principal entrance to these spaces. Frontages with active uses that 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. The use of dark or mirrored glass shall not count towards the required transparent area. Any decorative railings or grillwork, other than wire mesh, which is placed in front of or behind ground floor windows, shall be at least 75 percent open to perpendicular view. Rolling or sliding security gates shall consist of open grillwork rather than solid material, so as to provide visual interest to pedestrians when the gates are closed, and to permit light to pass through mostly unobstructed. Gates, when both open and folded or rolled as well as the gate mechanism, shall be recessed within, or laid flush with, the building facade.

*Approximately 68% (27 feet) of the street frontage at the ground level on Union Street is fenestrated with transparent windows and doorways allowing for visibility to the inside of the building.*

- E. **Off-Street Parking and Loading.** 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. Section 152 requires one off-street loading space for retail stores between 10,001 and 60,000 gross square feet.

*The subject commercial tenant space, with approximately 3,500 gross square feet of floor area, will not require any off-street parking or loading spaces.*

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

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

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

*The proposed project is to allow the establishment of a formula retail use (d.b.a. Nike) to replace another formula retail use selling apparel and accessories (d.b.a. Rugby) which existed on the project site. There will be interior tenant improvements and minor storefront modifications made to the existing commercial tenant space with no expansion of the existing building envelope. The store will be compatible with the existing retail character of the Union Street NCD and will help maintain the continuous retail frontage along Union Street, a defining characteristic of the Union Street NCD. The store will also provide products and training services that will benefit the neighborhood and the community as a whole. Furthermore, the store will service as a hub for athletes by offering an assortment of training, running, and sportswear products and by engaging the community in athletic-related events and training seminars.*

- (2) 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:

- (A) 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 arrangement of the structures on the site are adequate for the proposed project. There will be no physical expansion of the existing building.*

- (B) 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;

*Existing traffic patterns will not be significantly affected by the proposed project. Public transit (Muni Lines 41-Union and 45-Union/Stockton) is located within walking distance of the project site; a bus stop is located at the corner of Union and Buchanan Streets. There is on-street parking in front of the subject property and in the surrounding neighborhood. A parking garage (Union Street Plaza garage) is located on the subject block at 2001 Union Street.*

- (C) The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor;

*No noxious or offensive emissions such as glare, dust, or odor are expected to be produced by the proposed project.*

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

*There will be no addition of off-street parking spaces, loading facilities, open space or service areas. All project signage and projections will be consistent with the controls of the Planning Code.*

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

*The proposed 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.*

- ii. That the use as proposed would provide development that is in conformity with the purpose of the applicable Neighborhood Commercial District.

*The proposed project is consistent with the stated purpose of the Union Street NCD in that the intended use is a neighborhood-serving business.*

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

- (1) The existing concentrations of formula retail uses within the Neighborhood Commercial District;

*There are approximately 288 retail, service, and restaurant businesses within the Union Street NCD. There are approximately 32 businesses (10%) within the Union Street NCD which appear to qualify as formula retail uses (based on the survey conducted for the Sur La Table proposed at 2224 Union Street for the July 11, 2013 Planning Commission hearing under Case No. 2013.0266C). According to the project sponsor, within the immediate area (Union Street between Webster and Buchanan Streets) there are four formula retail uses which include Nine West (women's shoes), Sephora (cosmetics), Comerica Bank, and Lorna Jane (women's athletic apparel); there are approximately 19 other non-formula retail businesses within this immediate area. In addition, some other formula retail uses within the Union Street NCD include Bebe, Armani Exchange, Lulu Lemon, American Apparel, La Boulange, Bank of America, AT&T, Sephora, See's Candy, American Apparel, and Sur La Table.*

- (2) The availability of other similar retail uses within the Neighborhood Commercial District;

*According to the project sponsor, there are approximately six existing athletic apparel stores within the Union Street NCD; two of these stores specialize in selling footwear merchandise*

*designed specifically for cycling. According to the project sponsor, none of these existing athletic apparel stores also carry running shoes and provide athletic apparel and shoes for both genders. Furthermore, the proposed Nike store will be distinguished as a hub for athletes by offering an assortment of training, running, and sportswear products and by engaging the community in athletic-related events and training seminars.*

- (3) The compatibility of the proposed formula retail use with the existing architectural and aesthetic character of the Neighborhood Commercial District;

*The proposed project will not involve significant modifications to the building's existing architectural and aesthetic character. There will be no expansion of the existing building envelope.*

- (4) The existing retail vacancy rates within the Neighborhood Commercial District;

*According to the project sponsor, as of October 2013 the vacancy rate is approximately 5% within the Union Street NCD.*

- (5) The existing mix of City-serving retail uses and neighborhood-serving retail uses within the Neighborhood Commercial District;

*The proposed formula retail use will complement the mix of goods and services currently available within this portion of the Union Street NCD, which include a mixture restaurants, personal and professional service establishments, and small retail establishments*

11. **General Plan Compliance.** The Project is consistent with the Objectives and Policies of the General Plan in that:

## **COMMERCE AND INDUSTRY ELEMENT**

### **GENERAL/CITYWIDE**

#### **OBJECTIVE 1:**

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

#### **Policy 1:**

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

*The proposed project would be compatible with and complimentary to the types of uses characterizing this portion of the Union Street NCD, which includes a mixture of restaurants, personal and professional service establishments, and small retail establishments.*

#### **Policy 3:**

Preserve and promote the mixed commercial-residential character in neighborhood commercial districts. Strike a balance between the preservation of affordable housing and the needed expansion of commercial activity.

*Approval of the proposed project would be consistent with the mixed commercial-residential character of this portion of the Union Street NCD. The proposed project would not adversely affect any affordable housing resources in the neighborhood.*

## **NEIGHBORHOOD COMMERCE**

### **Objectives and Policies**

#### **OBJECTIVE 6:**

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

#### **Policy 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 existing commercial tenant will be displaced. The proposed project will 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.

#### **Policy 3:**

Preserve and promote the mixed commercial-residential character in neighborhood commercial districts. Strike a balance between the preservation of existing affordable housing and needed expansion of commercial activity.

*The proposed project will help maintain the existing commercial-residential character in the neighborhood by occupying a vacant ground floor commercial space in the neighborhood with another retail apparel use.*

#### **Policy 4:**

Encourage the location of neighborhood shopping areas throughout the city so that essential retail goods and personal services are accessible to all residents.

*The proposed project will be accessible to all residents in this portion of the Union Street NCD.*

#### **Policy 8:**

Preserve historically and/or architecturally important buildings or groups of buildings in neighborhood commercial districts.

*The proposed project will primarily involve interior tenant improvements to the commercial space. The proposal will not involve major facade alterations to the exterior of the building or change in building envelope.*

**Policy 9:**

Regulate uses so that traffic impacts and parking problems are minimized.

*The proposed project would not adversely affect public transit or place a burden on the existing supply of parking in the neighborhood since it will replace a retail store use (Rugby) which previously existed on the project site. Many patrons would be able to walk from their residences or places of employment, and the proposed project is well served by public transportation. There is on-street parking in the surrounding neighborhood.*

12. **Section 101.1(b)** establishes eight priority planning policies and requires the review of permits that authorize changes of use for consistency with said policies:

- (1) That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced.

*The proposed project will be complimentary to the existing commercial establishments within the immediate neighborhood. The proposed project will provide job opportunities to the City by employing approximately 12-15 people. The project sponsor has indicated approximately 5 positions will be full-time and efforts will be made to hire locally.*

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

*The proposed project will preserve and enhance the cultural and economic diversity of the neighborhood by helping to retain an existing retail store use in the area. Existing housing will not be affected by the proposed project.*

- (3) That the City's supply of affordable housing be preserved and enhanced.

*The proposed project will not displace any affordable housing.*

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

*The proposed project would not significantly increase the automobile traffic congestion and parking problems in the neighborhood. The proposal is a neighborhood-serving use which residents can access by walking or taking public transit. There is also a parking garage within walking distance of the subject property.*

- (5) 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.

*There is no commercial office development associated with the proposed project and there would be no displacement of any existing industrial or service businesses in the area.*

- (6) That the City achieves the greatest possible preparedness to protect against injury and loss of life in an earthquake.

*The proposed project will comply with all applicable earthquake safety standards and built to the current standards of the California Building Code.*

- (7) That landmark and historic buildings be preserved.

*The proposed project will not significantly affect any landmarks or historic buildings.*

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

*The proposed project will not affect any city-owned park or open space.*

13. 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.

14. 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. 2013.1464C** subject to the following conditions attached hereto as "EXHIBIT A" 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. 19059. 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 January 9, 2014.

Jonas P. Ionin  
Commission Secretary

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

NAYS: None

ABSENT: None

ADOPTED: January 9, 2014

## **EXHIBIT A**

### **AUTHORIZATION**

This authorization is for a conditional use to convert a vacant ground floor commercial space with approximately 3,500 gross square feet (previously occupied by "Rugby", a Formula Retail apparel store concept of Ralph Lauren) into another Formula Retail Use (d.b.a. Nike) at 2071 Union Street in Assessor's Block 0541, Lot 016, pursuant to Planning Code Sections 703.4, 703.3, 303(c), and 303(i) to establish a Formula Retail Use within the Union Street Neighborhood Commercial District and a 40-X Height and Bulk District; in general conformance with plans and stamped "EXHIBIT B" included in the docket for Case No. 2013.1464C and subject to conditions of approval reviewed and approved by the Commission on January 9, 2014, under Motion No. 19059. 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 January 9, 2014 under Motion No. 19059.

### **PRINTING OF CONDITIONS OF APPROVAL ON PLANS**

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. 19059 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 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).*

2. **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](http://www.sf-planning.org).*

## **MONITORING - AFTER ENTITLEMENT**

3. **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).*

4. **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](http://www.sf-planning.org).*

## **OPERATION**

5. **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>.*

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. **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.sfplanning.org](http://www.sfplanning.org)*

8. **Lighting.** All Project lighting shall be directed onto the Project site and immediately surrounding sidewalk area only, and designed and managed so as not to be a nuisance to adjacent residents. Nighttime lighting shall be the minimum necessary to ensure safety, but shall in no case be directed so as to constitute a nuisance to any surrounding property.

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