



# SAN FRANCISCO PLANNING DEPARTMENT

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*Subject to: (Select only if applicable)*

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|--|--|
| <input type="checkbox"/> Affordable Housing (Sec. 415)           | <input type="checkbox"/> First Source Hiring (Admin. Code) |
| <input type="checkbox"/> Jobs Housing Linkage Program (Sec. 413) | <input type="checkbox"/> Child Care Requirement (Sec. 414) |
| <input type="checkbox"/> Downtown Park Fee (Sec. 412)            | <input type="checkbox"/> Other                             |

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## Planning Commission Motion No. 19064

HEARING DATE: JANUARY 16, 2014

*Date:* January 16, 2014  
*Case No.:* **2013.1329C**  
*Project Address:* **1320 SUTTER STREET**  
*Zoning:* RC-4 (Neighborhood Commercial, Cluster)  
130-V Height and Bulk District  
*Block/Lot:* 0671/002  
*Project Sponsor:* David Cincotta  
Jeffer Mangels Butler & Mitchell LLP  
2 Embarcadero Center, 5<sup>th</sup> Floor  
San Francisco, CA 94111  
*Staff Contact:* Sharon Lai – (415) 575-9087  
[sharon.w.lai@sfgov.org](mailto:sharon.w.lai@sfgov.org)

**ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 303, 703.3 and 703.4 OF THE PLANNING CODE TO ESTABLISH A NEW FORMULA RETAIL USE (D.B.A. CORT) WITHIN THE RC-4 (RESIDENTIAL-COMMERCIAL COMBINED, HIGH DENSITY) DISTRICT, THE 130-V HEIGHT AND BULK DISTRICT, AND VAN NESS SPECIAL USE DISTRICT..**

### PREAMBLE

On SEPTEMBER 17, 2013, David Cincotta (hereinafter “Project Sponsor”) filed an application with the Planning Department (hereinafter “Department”) for Conditional Use Authorization under Planning Code Sections 303, 703.3 and 703.4 to allow the establishment of a new formula retail use (d.b.a. CORT) within the RC-4 (Residential-Commercial Combined, High Density) District and a 130-V Height and Bulk District.

On January 16, 2014, the San Francisco Planning Commission (hereinafter “Commission”) conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2013.1329C.

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. 2013.1329C, 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 a steeply sloping peninsular lot that occupies the width of the block, on the west side of Van Ness Avenue, between Fern and Sutter Streets, Block 0671, Lot 002. The property is located within the RC-4 (Residential-Commercial Combined, High Density) District and the 130-V Height and Bulk District and the Van Ness SUD (Special Use District). The property is developed with a two-story commercial building, containing ground floor commercial tenant spaces (1301 and 1305 Van Ness Avenue and 1320 Sutter Street) and a second floor parking garage. The tenant space fronting along Van Ness Avenue (1301 and 1305 Van Ness Avenue) is currently occupied by a formula retail liquor store (d.b.a. BevMo!) and the subject tenant space at 1320 Sutter Street is approximately half a story higher in elevation than the Van Ness Avenue frontage, and has been vacant since 2011. The last known use at 1320 Sutter Street was an antique retail store (d.b.a. Tenenbaum Emporium), which also occupied the commercial space at 1305 Van Ness Avenue. The existing building was constructed circa 1912 and is a known historic resource.
3. **Surrounding Properties and Neighborhood.** The project site is located within the former Western Addition A-2 Redevelopment Area, which expired in 2009. It is on the eastern fringe of the Western Addition neighborhood and is adjacent to the Downtown/Civic Center as well as the Lower Nob Hill and Pacific Heights neighborhoods to the east. The subject property is also located in the Van Ness Special Use District and is part of the Van Ness Area Plan, which is predominantly a RC-4 and RC-3 zoning district. The corridor contains a number of architecturally and historically significant and contributory buildings. Van Ness Avenue is also known as the U.S. Highway 101, which is a wide vehicular arterial that consists of a variety of residential, commercial, and mixed-use buildings featuring residential uses above ground-floor commercial establishments. Generally, the commercial establishments characterizing this portion of Van Ness Avenue include a mixture of retail stores, office buildings, restaurants, and automobile dealership/repair shops.

Nearby land uses include residential, office, retail, restaurant and bar, auto service, church, hotel, and parking. The other lots on the subject block are zoned NC-3 (Neighborhood Commercial, Moderate-Scale) and contain multi-unit residential buildings with small ground floor retail uses. The lot to the south across from the subject tenant space, across Sutter Street, is a two-story mixed-use building with ground floor retail and residential units on the second floor. There is a four-story entertainment building (d.b.a. The Regency Ballroom) located immediately east of the site, across Van Ness Avenue. Other buildings on the east side of Van Ness Avenue range from one to five stories in height, and are occupied by residential and retail uses. The CPMC Cathedral Hill site is located three blocks south of the subject site.

4. **Project Description.** The applicant proposes to establish a new formula retail use in the approximately 8,000 square foot vacant commercial space. The subject use will be a furniture store (d.b.a. CORT), specializing in the sales of used merchandise from CORT's furniture rental enterprise. The proposed formula retail use will contain approximately 6,000 square feet of retail sales floor area.

The proposed hours of operation are Monday through Friday from 10 AM to 7 PM, Saturday from 11 AM to 6 PM, and Sunday from 12 PM to 5 PM. The operation intends to employ four part-time and full-time employees. The subject formula retailer has 91 retail locations and 47 warehouse locations nationwide. There is currently one San Francisco CORT furniture rental location at 447 Battery Street (2.2 miles away). The proposed site will be one of five CORT locations dedicated for furniture sales. There are 42 parking spaces in the second floor garage that is shared with the other commercial tenant in the building (BevMo! – 1301 and 1305 Van Ness Avenue).

5. **Public Comment.** The Department has not received any comments to date.
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. **Street Frontage in Residential-Commercial Districts.** Section 145.1 of the Planning Code requires the following:

1. Off-street parking at street grade on a development lot must be set back at least 25 feet on the ground floor and at least 15 feet on floors above, from any facade facing a street at least 30 feet in width. Parking above the ground level shall be entirely screened from all public rights-of-way in a manner that accentuates ground floor uses, minimizes mechanical features and is in keeping with the overall massing and architectural vocabulary of the building.
2. No more than one-third of the width or 20 feet, whichever is less, of any given street frontage of a new or altered structure parallel to and facing a street shall be devoted to parking and loading ingress or egress. Street-facing garage structures and garage doors may not extend closer to the street than a primary building facade unless the garage structure and garage door are consistent with the features listed in Section [136](#) of this

Code. The total street frontage dedicated to parking and loading access should be minimized, and combining entrances for off-street parking with those for off-street loading is encouraged. The placement of parking and loading entrances should minimize interference with street-fronting active uses and with the movement of pedestrians, cyclists, public transit, and autos. Entrances to off-street parking shall be located at least six feet from a lot corner located at the intersection of two public rights-of-way. Off-street parking and loading entrances should minimize the loss of on-street parking and loading spaces. Off-street parking and loading are also subject to the provisions of Section [155](#) of this Code.

3. With the exception of space allowed for parking and loading access, building egress, and access to mechanical systems, space for active uses as defined in Subsection (b) (2) and permitted by the specific district in which it is located 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.
4. Ground floor non-residential uses in all RC districts, shall have a minimum floor-to-floor height of 14 feet.
5. 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. Street-facing ground-level spaces housing non-residential active uses in hotels, office buildings, shopping centers, and other large buildings shall open directly onto the street, rather than solely into lobbies and interior spaces of the buildings. Such required street-facing entrances shall remain open to the public during business hours.
6. Frontages with active uses that are not residential or PDR 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. Buildings located inside of, or within an unobstructed line of less than 300 feet of an Urban Bird Refuge, as defined in Section [139\(c\)\(1\)](#), shall follow glazing requirements within Section [139\(c\)](#) of this Code.
7. 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.

*The subject commercial space has approximately 69 feet of frontage on Sutter Street and 92 feet of frontage on Fern Street, which is used as a secondary façade dedicated to a loading and service entrance. Approximately 143 feet of total frontage is devoted to either the store entrances or windows. The windows are clear and unobstructed, and meet the active use and minimum ceiling height requirements. The parking setback at the second floor is an existing legal non-conforming condition. The parking is screened from the street.*

- B. **Parking.** Planning Code Section 161 of the Planning Code exempts off-street parking for any principal use in an RC-4 District for which the form of measurement is occupied floor area, where the occupied floor area of such use does not exceed 10,000 square feet.

*The proposed principle use as a retail store dedicated to the handling of bulky merchandise per Planning Code Section 151 is approximately 8,000 square feet of area and will not require any parking.*

- C. **Use Size.** Planning Code Sections 121.2 and 209.8(f), requires Conditional Use (CU) authorization for non-residential use exceeding 6,000 square feet in the RC-4 zoning district.

*The existing 8,000 square foot retail space is a legal non-conforming condition and does not propose to expand. Therefore, no Conditional Use authorization is required.*

- D. **Formula Retail.** Planning Code Section 703.3 defines Formula Retail 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 façade, a standardized décor and color scheme, a uniform apparel, standardized signage, a trademark or a servicemark. Planning Code Section 209.8(d) requires Conditional Use authorization for Formula Retail Use, as defined in Section [703.3\(b\)](#) of this Code.

*The proposed Formula Retail establishment features uniform apparel, and trademark or service mark with approximately 138 facilities in the continental United States, of which 91 are retail locations.*

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

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 proposed use will occupy an existing vacant retail space and does not involve an exterior expansion. The proposed establishment is consistent with the historic use of the subject site as a furniture sales location. The relatively large size of the retail space is appropriate for the proposed establishment involving bulky merchandise. The proposed formula retail use complements the mix of goods and services currently available in the district.*

- 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 the project will not alter the existing exterior appearance or character of the project vicinity. No external expansion is proposed.*

- 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 existing traffic pattern will not be significantly affected by the proposed project. There is an abundance of public transit available within ¼ mile from the Subject Site including seven Muni lines (2, 3, 19, 38, 47, 49, and 90), and seven Golden Gate Transit lines (101X, 10, 54, 70, 80, 93, and 101). There is off-street parking in the subject building and on-street parking along frontages of the subject site and in the surrounding neighborhood.*

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

*The project is not anticipated to emit noxious or offensive noise, flare, dust or odor.*

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

*The proposed project will involve interior alterations and the Department will review all lighting and signs proposed for the expansion in accordance with the Planning Code.*

- 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 Neighborhood Commercial District.

*The proposed project is not located within a Neighborhood Commercial District.*

8. **Planning Code Sections 303(i), 703.3(h) 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):

- a. The existing concentrations of formula retail uses within the Neighborhood Commercial District.

*The subject site is not in a Neighborhood Commercial District. Based on staff's survey, there are approximately 232 ground floor retail establishments along the Van Ness Avenue SUD within the RC-4 zoning district and approximately 44 (19%) of these businesses appear to qualify as formula retail uses. These formula retail uses are primarily financial institutions, car dealerships, restaurants and Limited-Restaurants.*

*Planning Department staff found seven existing formula retail uses (d.b.a. Mattress Discounters, Starbucks, Peet's, Nissan/Infinity, BevMo!, Verizon, and Fed-Ex/Kinkos) within the immediate two block radius. An eighth formula retail (d.b.a. CVS) use was approved on September 26, 2013.*

- b. The availability of other similar retail uses within the Neighborhood Commercial District.

*The subject site is not in a Neighborhood Commercial District and is an expansion of an existing retail use. There are approximately four other furniture retailers within the subject district (excluding specialty mattress retailers). The nearest used furniture retailer is located two blocks north of the subject site, (d.b.a. Leftovers) which is not a formula retailer.*

- c. The compatibility of the proposed formula retail use with the existing architectural and aesthetic character of the Neighborhood Commercial District.

*The subject site is not in a Neighborhood Commercial District; however, 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.*

- d. The existing retail vacancy rates within the Neighborhood Commercial District.

*The subject site is not in a Neighborhood Commercial District; however, there are approximately 23 retail vacancies out of approximately 232 retail spaces within the RC-4 zoned portion of the Van Ness SUD, which is approximately 10%. There are approximately seven vacancies within the immediate two block radius, including the subject tenant space.*

- e. The existing mix of Citywide-serving retail uses and neighborhood-serving retail uses within the Neighborhood Commercial District.

*The subject site is not in a Neighborhood Commercial District. The only other CORT location within the City is approximately 2 miles from the subject site and is not a furniture sales location. Hence, the proposed location will serve as a complementary use to the mix of goods and services along the Van Ness SUD. The proposed establishment will replace a previous furniture retailer location and will not significantly affect the character of the district.*

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

## VAN NESS AVENUE AREA PLAN

### Objectives and Policies

**OBJECTIVE 1:**

CONTINUE EXISTING OF THE AVENUE AND ADD A SIGNIFICANT INCREMENT OF NEW HOUSING.

**Policy 1.2:**

Allow existing structures to remain in non-residential use.

*The proposed development will preserve the existing commercial use in a building intended for commercial usage.*

**OBJECTIVE 5:**

ENCOURAGE DEVELOPMENT WHICH REINFORCES TOPOGRAPHY AND URBAN PATTERN, AND DEFINES AND GIVES VARIETY TO THE AVENUE.

**Policy 5.4:**

Preserve existing view corridors.

*No exterior expansions of the two-story building are proposed, thereby preserving existing view corridors.*

**OBJECTIVE 6:**

ENCOURAGE DISTINGUISHED ARCHITECTURE WHOSE SCALE, COMPOSITION AND DETAILING ENHANCES THE OVERALL DESIGN STRUCTURE OF THE AVENUE AND RELATES TO HUMAN SCALE.

**Policy 6.1:**

Design exterior facades which complement and enhance significant works of architecture along the Avenue.

*The proposed formula retail will preserve the historic resource by limiting modifications within existing openings.*

**OBJECTIVE 8:**

CREATE AN ATTRACTIVE STREET AND SIDEWALK SPACE WHICH CONTRIBUTES TO THE TRANSFORMATION OF VAN NESS AVENUE INTO A RESIDENTIAL BOULEVARD.

**Policy 8.2:**

Where there are no trees, plant trees within the sidewalk space and the median strip. Maintain existing healthy trees and replace unhealthy ones.

*The project sponsor will maintain the existing street trees along Sutter and Fern Streets.*

**OBJECTIVE 9:**

PROVIDE SAFE AND EFFICIENT MOVEMENT AMONG ALL USERS ON VAN NESS AVENUE.

**Policy 9.13:**

Discourage access to freight loading facilities from Van Ness Avenue.

*The proposed establishment does not front along Van Ness Avenue. The loading areas are accessed from Fern and Sutter Streets.*

**OBJECTIVE 11:**

PRESERVE THE FINE ARCHITECTURAL RESOURCES OF VAN NESS AVENUE.

**Policy 11.1:**

Avoid demolition or inappropriate alteration of historically and architecturally significant buildings.

*No modifications are proposed on the exterior, thereby preserving this known historic resource.*

## **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 proposed development will provide desirable goods and services to the neighborhood and will provide resident employment opportunities to those in the community.*

**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 replace a vacant storefront with a commercial activity that is consistent with the past use of the subject space.*

**NEIGHBORHOOD COMMERCE**

**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.

*The proposed use is neighborhood-serving in that it will provide affordable furniture options for the residents of the area. The project would not prevent the district from achieving optimal diversity in the types of goods and services available in the neighborhood.*

**Policy 6.4:**

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 Formula Retail use will sell goods as its principal use, which will enhance the variety of complementary uses for this diverse area.*

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 preserve and enhance the district by replacing a vacant storefront. 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 residential units in the surrounding neighborhood would not be adversely affected. The subject building is a known historic resource and will be preserved.*

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

*No housing is removed for this project.*

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

*The project site is in the Van Ness corridor and is well served by 14 lines of bus transit, and both on- and off-street parking is available.*

- 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. The project proposes to replace a storefront that has been vacant since 2011.*

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

*The project is designed and will be constructed to conform to the structural and seismic safety requirements of the City Building Code. This proposal will not affect the property's ability to withstand an earthquake.*

- G. That landmarks and historic buildings be preserved.

*The project will not alter any character defining features for this building.*

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

*The project will have no negative affect on existing parks and open spaces.*

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

**DECISION**

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Application No. 2013.1329C** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated September 17, 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. 19064. 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 August 8, 2013.

Jonas P. Ionin  
Acting Commission Secretary

AYES: Commissioners Fong, Moore, Borden and Wu

NAYS: N/A

ABSENT: Commissioners Sugaya, Hillis and Anotninni

ADOPTED: January 16, 2014

## **EXHIBIT A**

### **AUTHORIZATION**

This authorization is for a conditional use to allow the establishment of a new formula retail use (d.b.a. **CORT**) at 1320 Sutter Street, Block 0671, and Lot 002 pursuant to Planning Code Sections 303, 703.3 and 703.4 within the RC-4 (Residential-Commercial Combined, High Density) District, a 130-V Height and Bulk District, and the Van Ness Special Use District; in general conformance with plans, dated **September 17, 2013**, and stamped "EXHIBIT B" included in the docket for Case No. **2013.1329C** and subject to conditions of approval reviewed and approved by the Commission on **January 16, 2014**, under Motion No. **19064**. 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 16, 2014** under Motion No. **19064**.

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

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. **19064** 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](http://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](http://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](http://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](http://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](http://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](http://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](http://www.sf-planning.org)*

## OPERATION

8. **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/>*
9. **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](http://www.sf-planning.org)*