



# SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

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|--|--|
| <input type="checkbox"/> Affordable Housing (Sec. 415)           | <input type="checkbox"/> First Source Hiring (Admin. Code) |
| <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                             |

1650 Mission St.  
Suite 400  
San Francisco,  
CA 94103-2479

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

## Planning Commission Motion No. 19180

HEARING DATE: June 26, 2014

*Date:* June 5, 2014  
*Case No.:* **2014.0225C**  
*Project Address:* **1998 Polk Street**  
*Zoning:* Polk Street Neighborhood Commercial District  
65-A Height and Bulk District  
*Block/Lot:* 0596/024  
*Project Sponsor:* Talia Dillman  
65 Webster Street  
Oakland, CA 94607  
*Staff Contact:* Carly Grob – (415) 558-6372  
[carly.grob@sfgov.org](mailto:carly.grob@sfgov.org)  
*Recommendation:* **Approval with Conditions**

**ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 303 AND 723.44 OF THE PLANNING CODE FOR A CHANGE OF USE FROM A LIMITED RESTAURANT TO A RESTAURANT (D.B.A. BELCAMPO) WITHIN THE POLK STREET NEIGHBORHOOD COMMERCIAL DISTRICT AND A 65-A HEIGHT AND BULK DISTRICT.**

### PREAMBLE

On February 12, 2014, Talia Dillman (hereinafter “Project Sponsor”) filed an application with the Planning Department (hereinafter “Department”) for Conditional Use Authorization under Planning Code Sections 303 and 723 for a change of use from a Limited Restaurant with accessory Specialty Grocery to a Restaurant with accessory Specialty Grocery within the Polk Street Neighborhood Commercial District and a 65-A Height and Bulk District.

On June 12, 2014 the San Francisco Planning Commission (hereinafter “Commission”) conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2014.0225C.

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

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. 2014.0225C, 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 site is located at 1998 Polk Street, on the ground floor of a five-story mixed use building with 41 dwelling units on the southeast corner of the intersection of Pacific Avenue and Polk Street. The property is located at Assessor's Block 0596, Lot 024 within the Polk Street Neighborhood Commercial District (NCD), 65-A Height and Bulk District. Belcampo Meat Co. was approved to operate as a Limited Restaurant in one of two commercial tenant spaces at the ground floor of the building while pursuing Conditional Use Authorization to operate as a Restaurant. Belcampo Meat Co. also operates a butcher counter within the tenant space, which is considered an accessory Specialty Grocery use and is principally permitted in the Polk Street NCD. This accessory use would continue if Restaurant use is conditionally authorized. The adjacent tenant space fronting Polk Street remains vacant.
3. **Surrounding Properties and Neighborhood.** The Project site is located in the Nob Hill neighborhood, where surrounding development contains a variety of residential, commercial, and mixed use buildings, many of which feature residential uses above ground floor commercial establishments. Several buildings in the immediate vicinity of the Project site serve single retail uses that occupy large portions of the block, such as Lombardi Sports and The Jug Shop. However, many of the commercial spaces that characterize Middle Polk Street include a more fine-grained mix of personal service establishments, restaurants, cafes, galleries, shops, and specialty groceries. The scale of development consists of a mix of two to four story buildings built between the Victorian era and present day. The surrounding zoning is primarily the Polk and Pacific Neighborhood Commercial Districts with an RC-4 District to the west of the Project site.

Some 23,700 people live within a one-quarter mile radius of the Middle Polk Street neighborhood commercial corridor. Its population is younger than San Francisco's overall, with most of the population between 18 and 59 years old; children make up just 7% of the population. The Middle Polk commercial corridor is largely white, with less than a third Asians and very few black residents; Latinos make up 8% of the population, which is smaller than the City overall. There are about 5,340 housing units in the area surrounding Middle Polk, predominantly in multi-family structures with 10 units or more; residential density in the Middle Polk area is twice that of the City's. Most of the households in Middle Polk are renters; only 14% are homeowners. Household sizes are smaller; single-person households make up 60% of all households and families, 27%.

Middle Polk household incomes are lower than citywide averages but per capita incomes are higher.<sup>1</sup>

4. **Project Description.** The proposal is a request for Conditional Use Authorization pursuant to Planning Code Sections 303 and 723.44 for a change of use from Limited Restaurant with accessory Specialty Grocery use to a Restaurant with accessory Specialty Grocery use (d.b.a. Belcampo Meat Co.). The Project is proposed on the ground floor of a five-story mixed-use building within the Polk Street Neighborhood Commercial District and 65-A Height and Bulk District. The applicant plans to open and operate in the 2,470 square foot storefront as a Limited Restaurant and butcher while pursuing Conditional Use Authorization. The tenant space is comprised of a butcher preparation and service area, dining room, kitchen cook line, kitchen preparation space, walk in cooler, office, restroom, and dry storage on the mezzanine. No exterior modifications or expansion to the existing building envelope are proposed.

The sponsor plans to open daily, operating between the hours of Noon and 10:00 p.m. Monday-Thursday and from 8:00 a.m. to 1:00 a.m. on Friday and Saturday with up to 75 clients per day. Belcampo Meat Co. currently operates six stores in California. Three of these locations are in the Bay Area, but the Polk Street location is the only Belcampo in the city of San Francisco. Belcampo Meat Company is committed to selling and serving meat from humanely raised animals. The menu is made up primarily of entrees, sandwiches, salads, and side dishes that showcase the meats they currently have available to purchase from the butcher counter that is also located in the same tenant space.

5. **Public Comment.** To date, the Department has received no public comment regarding this Conditional Use Application.
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. **Change of Use.** Restaurants are conditionally permitted in the Polk Street Neighborhood Commercial District per Section 723.44, and may only add ABC license Types 47, 49, or 75 at the ground floor if the restaurant is operating as a bona fide eating place.

*The operation is currently permitted to operate as a Limited Restaurant and Project sponsors are applying for a Conditional Use Authorization to convert the business to a Restaurant, which is conditionally permitted on the ground floor in the Polk Street NCD. Restaurants are defined by Planning Code Section 790.91 as retail eating or drinking uses that serve food to customers for consumption on or off the premises and which has seating. It may provide on-site beer, wine, and/or liquor sales for drinking on the premises. However, if alcohol is offered, the business must operate as a Bona Fide Eating Place per Section 790.142. The Project sponsors have applied for an ABC license Type 41, on-sale beer and wine for a bona fide eating place.*

- b. **Accessory Use.** An accessory uses are defined by Planning Code Section 204 as a related minor use which is either (a) necessary to the operation and enjoyment of

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<sup>1</sup> Middle Polk Street Invest in Neighborhoods San Francisco Neighborhood Profile, prepared by the Mayor's Office of Economic and Workforce Development and the Planning Department and included in the Exhibits of this document.

a lawful principal use or conditional use, or (b) appropriate, incidental and subordinate to any such use.

*A specialty grocery is principally permitted in the Polk NCD, and butcher service is an appropriate and incidental subordinate use to both the approved Limited Restaurant and proposed Restaurant.*

- c. **Hours of Operation.** Planning Code Section 723.27 states that the principally permitted hours of operation for the Polk Street Neighborhood Commercial District are from 6:00 a.m. to 2:00 a.m. Hours of operation are defined by Planning Code Section 790.48 as the permitted hours during which any commercial establishment may be open.

*The proposed Restaurant would operate from 11:00 a.m. to 10:00 p.m. Sunday thru Thursday, and from 11:00 a.m. to 11:00 p.m. on Friday and Saturday. The Project would operate within the principally permitted hours of operation.*

- d. **Use Size.** Planning Code Sections 121.2 limits nonresidential uses in the Polk Street Neighborhood Commercial District to 2,500 square feet of gross floor area.

*The proposed Project would occupy 1,998 square feet on the ground floor with 472 square feet of storage on the mezzanine. The total gross area, 2,470 square feet, is within the principally permitted use size.*

- e. **Signage.** Belcampo Meat Co. has been permitted to erect an electrified wall sign at the entry per building permit no. 2014.05.23.6671. The approved signage complies with requirements described in Planning Code Section 607.1. The change of use from Limited Restaurant to Restaurant would not have an effect on the approved signage, and any newly proposed signage will be subject to review by the Planning Department.

- f. **Street Frontage.** Planning Code Section 145.1 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 façade 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 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 façade.

*The subject commercial tenant space has approximately 73 feet of linear street frontage along Polk Street and 30.5 feet of frontage along Pacific Street for a total of 103.5 feet. Approximately 54 feet is currently devoted to either transparent windows or doorways, which amounts to 52% percent of the total street frontage. Since the Project involves a*

*change of use in an existing commercial space approved by motion no. 17813 for Planning Commission Case 2006.0826CV, and the deficit in transparent windows and doorways will not be increased, additional fenestration will not be required.*

7. **Planning Code Section 303** establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use Authorization. The Project complies 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 community.

*The proposed use would not increase the size or intensity of the existing commercial space, and there would be no exterior alterations to the building. The Project would convert the existing Limited Restaurant to a Restaurant to expand the selection of food and drink, while also continuing butcher services through accessory use as a Specialty Grocery. Offering an expanded selection of food and drink for onsite consumption will strengthen the diversity of goods offered within the area, contribute to a more active street frontage throughout the day, and enhance 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 limited size and shape of the proposed Restaurant is compatible with the pattern of development in the area, and the Project does not include any alterations that will modify the existing 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 a 2,470 square-foot Restaurant. The proposed change of use is intended to extend service to existing patrons from within the neighborhood and to attract pedestrian foot traffic from the areas immediately surrounding the Polk Street Corridor. Traffic patterns will remain unaltered by the Project because patrons would have ample walking, bicycling, taxi and public transit options. Polk Street is well served by MUNI, as there are eight lines within one block of the intersection of Polk and Pacific, including express routes.*

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

*The Project would not create substantial emissions and Conditions of Approval would require compliance with applicable City codes to control noise, dust and odor associated with butchery and food and beverage preparation activities.*

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

*The Project does not require any additional landscaping or screening. One electrified wall sign was reviewed by staff at the Planning Information Counter and approved per building permit no. 2014.05.23.6671.*

- 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 Polk Street NCD functions as a neighborhood serving marketplace, providing convenience and specialty goods and services to residents in the Polk Gulch, Nob Hill, Russian Hill, and Pacific Heights areas. Further described in Section 723.1, commercial uses include many apparel and specialty stores, broader serving automobile uses, and offices, as well as commercial establishments like bars and restaurants that “keep the district active into the evening.” The Polk Street district controls are designed to encourage neighborhood serving businesses while limiting additional parking congestion or other nuisances.*

*Belcampo is a neighborhood serving Limited Restaurant and accessory Specialty Grocery. Operating as a Restaurant and providing an expanded selection of food and drink would activate the intersection of Polk Street and Pacific Avenue into the evening. The area is well served by MUNI and bicycle infrastructure, and the change of use from Limited Restaurant to Restaurant will have little effect on traffic patterns.*

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

## NEIGHBORHOOD COMMERCE

### Objectives and Policies

#### **OBJECTIVE 1:**

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

#### **Policy 1.1:**

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

#### **Policy 1.2:**

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

*The Project would convert an existing Limited Restaurant to Restaurant with continued accessory use as a Specialty Grocery that would provide desirable goods and services to the neighborhood as well as resident employment to those in the community. The proposed Restaurant would adhere to and operate under the standards set forth by the Department of Public Health, Department of Building Inspection, City Planning Department, and other regulatory agencies.*

**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 convert the existing Limited Restaurant and accessory Specialty Grocery to a Restaurant with accessory Specialty Grocery, which could generate additional pedestrian activity in the immediate neighborhood throughout the day and into the evening. The expanded selection of food and drink would improve the viability of the business and contribute to the diverse economic base of the City.*

**OBJECTIVE 3:**

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

**Policy 3.1:**

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

*The change of use from a Limited Restaurant to a Restaurant and continuation of accessory Specialty Grocery would improve the viability of the business and help retain the employment opportunities currently provided by the business owner.*

**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 enhancing the diversity in the types of goods and services available in the neighborhood. The proposed change of use would enhance meal service at Belcampo Meat Co., and the continuation of accessory specialty grocery use as a butcher would complement nearby retailers.*

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.

*In order to prevent oversaturation of eating and drinking uses within the Neighborhood Commercial District, Section 303 of the Planning Code limits the concentration of such businesses to 25% of the total commercial frontage as within 300 linear feet of the subject site and within the same zoning district. Planning staff have performed a site survey of the Polk Street NC District. There are three eating and drinking establishments nearby that make up 14% of the commercial street frontage within 300 linear feet of the property.*

### **Policy 6.2:**

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

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

9. **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.

*This Project enhances the neighborhood-serving retail by expanding the existing Limited Restaurant and accessory Specialty Grocery, which currently provides butcher services and meal service to their patrons, to include a selection of beer and wine. A Restaurant use compliments the existing surrounding retail uses, and would promote activity at the intersection by instigating more foot traffic from the surrounding areas.*

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

*The change in use from Limited Restaurant to Restaurant and continued accessory Specialty Grocery use would not have a significant impact on the existing neighborhood character.*

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

*The proposed change in use would not affect affordable housing.*

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

*The Project includes a change of use for an existing commercial use that does not include any expansion and therefore would not result in a significant increase in any type of traffic or parking associated with the use. The intersection of Polk and Pacific is also well-served by MUNI.*

- 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.

*This Project does not involve any commercial office development, and would have no effect on the industrial sector. The restaurant would continue to provide opportunities for employment in the food service sector.*

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

*The existing Limited Restaurant and accessory Specialty Grocery occupy a storefront that was completed in 2013 and was built in compliance with current building codes. The proposed change of use to a Restaurant and continuation of the accessory butcher service does not include any exterior or structural alterations.*

- g. That landmarks and historic buildings be preserved.

*The Project occupies an existing tenant space in a non-historic building. No alterations are proposed.*

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

*The Project does not include any changes to the existing building envelope and will have no negative impact on existing parks and open spaces.*

- 10. 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.
- 11. 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. 2014.0225C** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated January 22, 2014, 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. 19180. 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.

**Protest of Fee or Exaction:** You may protest any fee or exaction subject to Government Code Section 66000 that is imposed as a condition of approval by following the procedures set forth in Government Code Section 66020. The protest must satisfy the requirements of Government Code Section 66020(a) and must be filed within 90 days of the date of the first approval or conditional approval of the development referencing the challenged fee or exaction. For purposes of Government Code Section 66020, the date of imposition of the fee shall be the date of the earliest discretionary approval by the City of the subject development.

If the City has not previously given Notice of an earlier discretionary approval of the project, the Planning Commission's adoption of this Motion, Resolution, Discretionary Review Action or the Zoning Administrator's Variance Decision Letter constitutes the approval or conditional approval of the development and the City hereby gives **NOTICE** that the 90-day protest period under Government Code Section 66020 has begun. If the City has already given Notice that the 90-day approval period has begun for the subject development, then this document does not recommence the 90-day approval period.

I hereby certify that the Planning Commission **ADOPTED** the foregoing Motion on June 12, 2014.

Jonas P. Ionin  
Commission Secretary

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

NAYS: None

ABSENT: Sugaya

ADOPTED: June 26, 2014

## **EXHIBIT A**

### **AUTHORIZATION**

This authorization is for a conditional use to allow the change of use from a Limited Restaurant to a restaurant (d.b.a. Belcampo Meat Company) located at 1998 Polk Street, Lot 024 in Assessor's Block 0596 pursuant to Planning Code Section(s) 303 and 723 within the Polk Street Neighborhood Commercial District and a 65-A Height and Bulk District; in general conformance with plans, dated January 22, 2014, and stamped "EXHIBIT B" included in the docket for Case No. 2014.0225C and subject to conditions of approval reviewed and approved by the Commission on June 12, 2014 under **Motion No. 19180**. 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 June 26, 2014 under **Motion No. 19180**.

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

The conditions of approval under the 'Exhibit A' of this Planning Commission **Motion No. 19180** 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)*

## MONITORING - AFTER ENTITLEMENT

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

*For information about compliance with the construction noise, contact the Department of Building Inspection, 415-558-6570, [www.sfdbi.org](http://www.sfdbi.org)*

*For information about compliance with the amplified sound including music and television contact the Police Department at 415-553-0123, [www.sf-police.org](http://www.sf-police.org)*

11. **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)*