



SAN FRANCISCO PLANNING DEPARTMENT

Memo to the Planning Commission

HEARING DATE: JUNE 6, 2013
Continued from the February 7, 2013 Hearing

Date: May 30, 2013
Case No.: **2012.0822C**
Project Address: **1865 POST STREET**
Zoning: NC-3 (Neighborhood Commercial, Moderate-Scale)
Japantown Special Use District
50-X Height and Bulk District
Block/Lot: 0701/002
Project Sponsor: Jim Cheng (Business Owner)
1865 Post Street
San Francisco, CA 94115
Jeremy Schaub (Applicant)
Gabriel Ng & Associates
1360 9th Avenue, Suite 210
San Francisco, CA 94122
Staff Contact: Christine Lamorena – (415) 575-9085
christine.lamorena@sfgov.org
Recommendation: **Approval with Conditions**

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

BACKGROUND

The proposal is to add an "Other Entertainment" use to an existing restaurant (d.b.a. Pa'ina Lounge and Restaurant) of approximately 5,900 square feet located on the ground floor of the two-story commercial building (Kinokuniya Mall). The project would add live and amplified music during the restaurant's evening operating hours as permitted with a Place of Entertainment (POE) Permit issued by the Entertainment Commission. The existing restaurant is open Tuesday to Thursday from 3:00 pm to 11:00 pm, Friday from 3:00 pm to 1:00 am, Saturday from 1:00 pm to 1:00 am, and Sunday from 1:00 pm to 11:00 pm.

The Project Sponsor was granted a Limited Live Performance (LLP) Permit by the Entertainment Commission on July 25, 2012 (Exhibit 1). The LLP Permit allows for live performances as accessory uses in establishments whose primary use is not entertainment. Standard conditions require that the performances end by 10:00 p.m., limit the performer's occupied space to less than 200 square feet, and require conformance with Police Code Sections 49, 1060, and 2900 in addition to the Entertainment Commission Good Neighbor Policy. Additional conditions were added to the LLP Permit for the subject business that limit amplified sound levels and sound system operation.

CURRENT PROPOSAL

At the August 16, 2012 hearing, the Planning Commission continued the case to September 13, 2012 to allow the Project Sponsor time to address sound concerns from adjacent neighboring businesses and to request additional sound information. The case was continued three more times, most recently from February 7, 2013 to June 6, 2013. At the February 7, 2013 hearing, the Planning Commission continued the case and directed the Project Sponsor and neighboring opposition to mutually agree upon a sound engineer to determine the maximum level of noise that would create no disturbance for Kabuki Spa & Springs and Sundance Cinemas, with the costs being shared proportionally.

The following events have taken place since the February 7th hearing:

- The Project Sponsor received a third citation from the Entertainment Commission (Exhibit 1). The citation was issued on March 25, 2013 for playing music past 10:00 p.m. This citation has been paid and abated.
- The Project Sponsor was issued a building permit application for soundproofing, and this work was completed at the site (Exhibit 2). Work included relocating the stage area away from an adjoining wall to Sundance Cinemas and installing acoustic ceiling panels throughout the main dining area, stage area, rear bar, and restrooms.
- A sound consultant, Charles M. Salter Associates Inc., was agreed upon by all parties. The consultant conducted a sound study to determine the maximum allowable noise level that would not disrupt the noise-sensitive operations of the neighboring businesses (Exhibit 3). The study determined that with the recent soundproofing enhancements, the maximum noise level should not exceed 83 dBA and recommended the use of a sound limiter for all amplified music and the installation and use of a sound level meter with an alarm alert. Condition #11 in the Conditions of Approval has since been modified to include these recommendations (Exhibit 4).

REQUIRED COMMISSION ACTION

In order for the project to proceed, the Commission must grant Conditional Use Authorization to add a new use in excess of 4,000 square feet as an "Other Entertainment" use to an existing restaurant of approximately 5,900 square feet within the NC-3 Zoning District and Japantown Special Use District, pursuant to Planning Code Sections 249.31 and 712.48.

BASIS FOR RECOMMENDATION

- The project would enhance an existing independently-owned, neighborhood-serving restaurant and would help further ensure the restaurant's success at its current location by attracting customers seeking an entertainment venue.
- The project meets all applicable requirements of the Planning Code.
- The project would enhance the economic diversity of the neighborhood by allowing a new entertainment use in the area.

- The project is a neighborhood-serving use, which local residents can access by walking or taking public transit.
- The project is consistent with the mixed commercial-residential character of this portion of the NC-3 Zoning District and Japantown Special Use District.
- The project is desirable for, and compatible with the surrounding neighborhood.
- The business is not a Formula Retail use and would serve the immediate neighborhood.
- Soundproofing improvements were made to the space and a sound study was completed to determine a maximum allowable noise level.

RECOMMENDATION: Approve with Conditions

Attachments:

Exhibit 1 – Citation 3

Exhibit 2 – Building Permit Application and Plans

Exhibit 3 – Sound Study dated May 16, 2013

Exhibit 4 – Modified Conditions of Approval

Exhibit 1 – Citation 3

San Francisco Entertainment Commission

1 Dr. Carlton B Goodlett Place
San Francisco, CA 94102-4603
(415) 554-5793

ADMINISTRATIVE CITATION

Police Code Sections 1060.26(b) and 1070.24(b)
Administrative Code Chapter 100

Citation No.: 21664 Date Issued: 3-25-13 Time Issued: 3 PM
 Name of Violator: Samantha Cheng
 Business Name: Pai'ing Permit No.: 1119 LLP
 Business Mailing Address: 1865 Post St SF CA 94115
 Location of Violation: inside the venue.

By service of this CITATION, you are hereby notified that you are in violation of a permit condition under Police Code Article 1060 and 1070 as noted below:

1. Noise Abatement (MPC §§ 1060.12, 1070)	\$ _____	6. Good Neighbor Violation	\$ <u>100.00</u>
2. Signs (MPC § 1060.14 & 1060.15)	\$ _____	7. OTHER <u>Permit Condition</u>	\$ <u>100.00</u>
3. Private Club Violation (MPC §§ 1060.6, 1070.6)	\$ _____	<u>1060 MPC</u>	\$ _____
4. Security Plan Violation	\$ _____	_____	\$ _____
5. Minors (MPC §§ 1060.13, 1070.16)	\$ _____	_____	\$ _____

Description of Violation/Corrective Action Required: 3-23-13 10:30 PM Venue Violated
the condition of their EC LLP permit. They had band
playing of music 10 pm.

YOU ARE HEREBY BEING ASSESSED AN ADMINISTRATIVE PENALTY IN THE TOTAL AMOUNT OF \$ 200.00 FOR THE ABOVE LISTED VIOLATIONS.

THE PENALTY MUST BE PAID WITHIN 30 DAYS OF THE ISSUANCE OF THIS CITATION. All fines and late payment fees are payable by check to :

 Entertainment Commission
1 Dr. Carlton B. Goodlett Place #453
San Francisco, CA. 94102

Your permit may be subject to suspension or in some cases revocation for violation of permit conditions, or any applicable provisions of the San Francisco Municipal Code (i.e., Police Code, Fire Code, etc.).

YOU HAVE THE RIGHT TO APPEAL THIS CITATION.

Please see reverse for the appeals form AND further information regarding the appeals process.

I acknowledge receipt of this citation:

Signature of Violator: _____ Print Name: _____

DETERMINATION OF THE AMOUNT OF FINES: The amount of the fine is determined by the following schedules under Admin Code § 100.5: 1. Up to \$100 for the first violation; 2. Up to \$200 for the second violation within one year of the date of the first violation; 3. Up to \$500 for each additional violation within one year of the date of the second or subsequent violation. In determining the amount of the fine, the charging official may take various into consideration. For more information on factors the charging official may consider, see Admin Code § 100.5(a)(4)(A)-(J).

LATE PENALTIES:

Fines that remain unpaid 30 days after the due date shall be subject to a late payment penalty of 10% plus interest at the rate of 1% percent per month on the outstanding balance, which shall be added to the penalty amount from the date that payment is due. Admin Code § 100.6(c). The City and County of San Francisco may file a civil action or pursue any other legal remedy to collect such money. Admin Code § 100.7(a). Where there is a nexus between the violation and real property located in the City as defined in S.F. Admin Code § 100.4(c), the charging official may initiate proceedings to make the payment amount due, and all additional costs and charges, including attorneys' fees, a lien on the property. Admin Code § 100.7(b).

SERVICE INFORMATION: I declare under penalty of perjury that on (Month, Day) 3-13 of (Year) 2013, I served (in person OR by mail) Mail, (Name of Violator) S. Cheng with this citation.
 Name of Server: Garamelli Signature: _____ Date Signed: 3-25-13



Entertainment Commission



City and County of San Francisco

1 Dr. Carlton B. Goodlett Place Room 453 San Francisco CA 94102

No. 37313

NOTICE OF VIOLATION

Address 1865 Post St SF CA 94115 Date 3-23-13
 Name (Person / Business) Samatha Cheng Time 10:30 PM
 Issued by Caramelli Badge # 101 District NO1

The address / business listed above have been inspected today by the Entertainment Commission for compliance to the San Francisco Municipal Police code, the San Francisco Fire Code and the Entertainment Commission's Good Neighbor Policy. The following citable violation(s) was observed:

- Good Neighbor Policy** – violation of the Entertainment Commission's Good Neighbor Policy.
- Permit Conditions** – violation of the conditions on the issued POE (Place of Entertainment) permit from the Entertainment Commission.
- 49 MPC- Unnecessary Noises.** Between the hours 2200 – 0700 any device amplifying sound in such a manner to be plainly audible 50 feet or more from where produced (POE club/bar/venue with doors or windows open and sound is audible 50 feet from club/bar/venue.
- 1060.1 MPC –Permit Required.** Operating with out a POE (Place of Entertainment) from the city.
- 1070.1 MPC –Extended hours.** Operating 0200 - 0600 with out a permit. (Has food or beverage or entertainment) Permit Required.
- 22 (a) MPC / 63 (a) MPC – (22) Substantially Obstructing the Sidewalk.(63) Obstructions on the street and sidewalks.**
- 34 MPC – Accumulation of litter on the sidewalk.**
- SFFC 2501.16.1– Occupant load sign shall be posted. V181**
- SFFC 2501.16.3. - Overcrowding. Admittance beyond the approved posted capacity. V190.**
- SFFC 1202.1- Exits required. 50 to 500 people = 2 exits, 501 to 1000 people=3 exits, 1001 people = 4 exits. V283**
- SFFC 1203. – Obstructions in exits and exit corridors. V681**
- SFFC 105.8- Permit required for occupancies 50 or more people. V705.**
- 25632 B&P – To allow consumption of alcohol after 0200.**
- 25658 (a) B&P- Selling / Furnish to a Minor.**
- 5665 (a) B&P- Minor on Premises.** Any person under the age of 21 allowed to enter or remain on a licensed premise.
- Other** Violation of EC LLP Permit Conditions

Unless this condition is corrected you may be cited and fined for every violation. Your permit may be subject to suspension or in some cases revocation for continued violation. A copy of this notice will be retained by the Entertainment Commission for future reference.

If assistance is needed, you are advised to call the EC at 415-554-6678 or _____

Exhibit 2 – Building Permit Application and Plans

OFFICIAL COPY



APPROVED Dept. of Building Insp.

APR 19 2013

Tom C. Hui TOM C. HUI, S.E. ACTING DIRECTOR DEPT. OF BUILDING INSPECTION



SFFD INSP. FEES REQ.

APR 19 2013 APPROVED FOR ISSUANCE

BLDG. FORM 3/8

APPLICATION NUMBER 2013-0417-4788

APPROVAL NUMBER: []

N/V

APPLICATION FOR BUILDING PERMIT ADDITIONS, ALTERATIONS OR REPAIRS

CITY AND COUNTY OF SAN FRANCISCO DEPARTMENT OF BUILDING INSPECTION

FORM 3 [] OTHER AGENCIES REVIEW REQUIRED FORM 8 [X] OVER-THE COUNTER ISSUANCE 2 NUMBER OF PLAN SETS

APPLICATION IS HEREBY MADE TO THE DEPARTMENT OF BUILDING INSPECTION OF SAN FRANCISCO FOR PERMISSION TO BUILD IN ACCORDANCE WITH THE PLANS AND SPECIFICATIONS SUBMITTED HERewith AND ACCORDING TO THE DESCRIPTION AND FOR THE PURPOSE HEREINAFTER SET FORTH.

Table with columns: DATE FILED, FILING FEE RECEIPT NO., (1) STREET ADDRESS OF JOB, BLOCK & LOT, PERMIT NO., ISSUED, (2A) ESTIMATED COST OF JOB, (2B) REVISED COST, DATE.

INFORMATION TO BE FURNISHED BY ALL APPLICANTS

LEGAL DESCRIPTION OF EXISTING BUILDING, DESCRIPTION OF BUILDING AFTER PROPOSED ALTERATION, (14) GENERAL CONTRACTOR, (15) OWNER, (16) WRITE IN DESCRIPTION OF ALL WORK TO BE PERFORMED UNDER THIS APPLICATION, (17) DOES THIS ALTERATION CREATE ADDITIONAL HEIGHT OR STORY TO BUILDING?, (18) DOES THIS ALTERATION CREATE DECK OR HORIZ. EXTENSION TO BUILDING?, (19) DOES THIS ALTERATION CONSTITUTE A CHANGE OF OCCUPANCY?, (20) ARCHITECT OR ENGINEER, (21) CONSTRUCTION LEADER.

IMPORTANT NOTICES

No change shall be made in the character of the occupancy or use without first obtaining a Building Permit authorizing such change. No portion of building or structure or scaffolding used during construction, to be closer than 6' to any side containing more than 750 volts. Pursuant to San Francisco Building Code, the building permit shall be posted on the job. Grade lines as shown on drawings accompanying this application are assumed to be correct. ANY STIPULATION REQUIRED HEREIN OR BY CODE MAY BE APPEALED. BUILDING NOT TO BE OCCUPIED UNTIL CERTIFICATE OF FINAL COMPLETION IS POSTED ON THE BUILDING OR PERMIT OF OCCUPANCY GRANTED, WHEN REQUIRED. APPROVAL OF THIS APPLICATION DOES NOT CONSTITUTE AN APPROVAL FOR THE ELECTRICAL WIRING OR PLUMBING INSTALLATIONS. THIS IS NOT A BUILDING PERMIT. NO WORK SHALL BE STARTED UNTIL A BUILDING PERMIT IS ISSUED. In dwellings all insulating materials must have a clearance of not less than two inches from all electrical wires or equipment. CHECK APPROPRIATE BOX: OWNER, ARCHITECT, LICENSEE, AGENT, CONTRACTOR, ENGINEER.

NOTICE TO APPLICANT

HOLD HARMLESS CLAUSE. The permittee(s) by acceptance of the permit, agrees to indemnify and hold harmless the City and County of San Francisco from and against any and all claim, demands and actions for damages resulting from operations under this permit, regardless of negligence of the City and County of San Francisco, and to assume the defense of the City or County of San Francisco against all such claims, demands or actions. In conformity with the provisions of Section 3800 of the Labor Code of the State of California, the applicant shall have coverage under (i), or (ii) designated below or shall indicate item (iii), or (iv), or (v), whichever is applicable. I hereby affirm under penalty of perjury one of the following declarations: () I have and will maintain a certificate of consent to self-insure for worker's compensation, as provided by Section 3700 of the Labor Code, for the performance the work for which this permit is issued. () II. I have and will maintain workers' compensation insurance, as required by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued. My workers' compensation insurance carrier and policy number are: Carrier: Policy Number: () III. The cost of the work to be done is \$100 or less. () IV. I certify that in the performance of the work for which this permit is issued, I shall not employ any person in any manner so as to become subject to the workers' compensation laws of California. I further acknowledge that I understand that in the event that I should become subject to the workers' compensation provisions of the Labor Code of California and fail to comply herewith with the provisions of Section 3800 of the Labor Code, that the permit herein applied for shall be deemed rescinded. () V. I certify as the owner (or the agent for the owner) that in the performance of the work for which this permit is issued, I will employ a contractor who complies with the workers' compensation laws of California and who, prior to the commencement of any work, will file a completed copy of this form with the Central Permit Bureau.

APPLICANT'S CERTIFICATION

I HEREBY CERTIFY AND AGREE THAT IF A PERMIT IS ISSUED FOR THE CONSTRUCTION DESCRIBED IN THIS APPLICATION, ALL THE PROVISIONS OF THE PERMIT AND ALL LAWS AND ORDINANCES THERETO WILL BE COMPLIED WITH.

APR 19 2013

OFFICIAL COPY

SAN FRANCISCO

DEPARTMENT OF BUILDING INSPECTION

CONDITIONS AND STIPULATIONS

REFER TO: APPROVED: By AL SMITH, DBI

APPROVED: [Signature] AL SMITH, DBI

APR 17 2013

Call 415-231-4676 to schedule inspection to verify structural steel / or masonry. This application is approved without site inspection, provided planning is completed prior to start of work. See conditions for approval of the building. Work must be completed prior to other construction. All work shall require appropriate permits.

BUILDING INSPECTOR, DEPT. OF BLDG. INSP.

DATE: REASON:

NOTIFIED MR.

APPROVED: Per plans & application INTERIOR SOUND PROOFING AND BOUNDARY STAFFS

SAN FRANCISCO DEPARTMENT OF CITY PLANNING MECHANICALLY EXEMPT FROM ENVIRONMENTAL REVIEW

DEPARTMENT OF CITY PLANNING

[Signature] 4/17/13

DATE: REASON:

NOTIFIED MR.

APPROVED: CLASS

PLEASE NOTIFY FIRE INSPECTOR AT THE START OF WORK 8:00-11:00

BUREAU OF FIRE PREVENTION & PUBLIC SAFETY

DATE: REASON:

NOTIFIED MR.

APPROVED:

NA 425

MECHANICAL ENGINEER, DEPT OF BLDG. INSPECTION

DATE: REASON:

NOTIFIED MR.

APPROVED:

CIVIL ENGINEER, DEPT. OF BLDG INSPECTION

DATE: REASON:

NOTIFIED MR.

APPROVED:

BUREAU OF ENGINEERING

DATE: REASON:

NOTIFIED MR.

APPROVED:

As noted on approved plans APR 18 2013

[Signature] Catherine Wong

DEPARTMENT OF PUBLIC HEALTH

DATE: REASON:

NOTIFIED MR.

APPROVED:

NA 425

REDEVELOPMENT AGENCY

DATE: REASON:

NOTIFIED MR.

APPROVED:

HOUSING INSPECTION DIVISION

DATE: REASON:

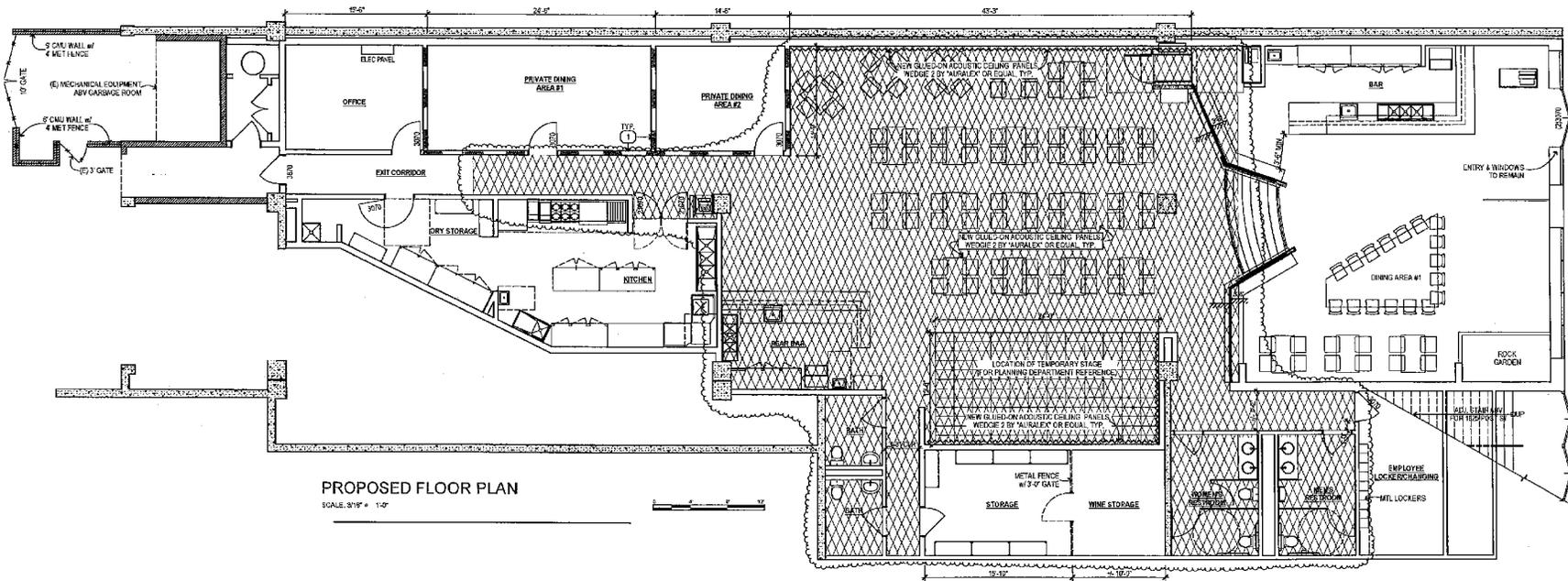
NOTIFIED MR.

I agree to comply with all conditions or stipulations of the various bureaus or department noted on this application, and attached statements of conditions or stipulations, which are hereby made a part of this application.

Number of attachments

OWNER'S AUTHORIZED AGENT

HOLD SECTION - NOTE DATES AND NAMES OF ALL PERSONS NOTIFIED DURING PROCESSING



PROPOSED FLOOR PLAN

SCALE: 3/8" = 1'-0"

RIVERBANK ACOUSTICAL LABORATORIES

1512 BATAVIA AVENUE
GENEVA ILLINOIS 60134

OF
BY RESEARCH INSTITUTE
FOUNDED 1932 BY
WALLACE CLEMENT BARKER

REPORT

FOR: D&P
Acustic®
2" Wedgies

SOUND ACOUSTICS DEPT
RAC-155-57

Date: 1 of 1

CONDUCTED: 24 February 1995

TEST METHOD

The test method conformed explicitly with the requirements of the ASTM Standard Test Method for Sound Absorption and Sound Absorption Coefficients by the Reverberation Room Method: ASTM E123-90a and E795-91. Riverbank Acoustical Laboratories has been accredited by the U. S. Department of Commerce, National Institute of Standards and Technology (NIST) under the National Voluntary Laboratory Accreditation Program (NVLAP) for this test procedure. A description of the measuring technique is available separately. The microphone used was a Scaul & Kiser serial number 792723.

DESCRIPTION OF THE SPECIMEN

The test specimen was designated by the manufacturer as MEDIOS sound absorbent wedges. The overall dimensions of the specimen as measured were 1.64 m (54 in.) wide by 1.43 m (47 in.) long and 51 mm (2.0 in.) thick. The specimen consisted of forty-eight pieces. Each piece as measured was 305 mm (12 in.) wide by 305 mm (12 in.) long by 51 mm (2 in.) thick. The specimen was tested in the laboratory's 292 m³ (10,311 ft³) test chamber. The manufacturer's description of the specimen was as follows: MEDIOS was formulated of flame-retardant high density (1.5-1.7 g/cc) open cell polyurethane foam rubber that was cut in an acoustic wedge design. The thickness was 51 mm (2 in.) at the peak and 13 mm (0.5 in.) at the base. A visual inspection verified the manufacturer's description of the specimen. The weight of the specimen as measured was 3.7 kg (8.25 lbs) or average of 5.83 kg/m² (0.37 lbs/ft²). The area used in the calculations was 4.5 m² (48 ft²). The room temperature at the time of the test was 21.0 (70°F) and 60% relative-humidity.

NOTATIONS

The test specimen was laid directly against the test surface.

NAC = 0.75

RIVERBANK ACOUSTICAL LABORATORIES

1512 BATAVIA AVENUE
GENEVA ILLINOIS 60134

OF
BY RESEARCH INSTITUTE
FOUNDED 1932 BY
WALLACE CLEMENT BARKER

REPORT

FOR: D&P
Acustic®
2" Wedgies

SOUND ACOUSTICS DEPT
RAC-155-57

Date: 2 of 4

CONDUCTED: 24 February 1995

TEST RESULTS

1/3 Octave Center Frequency (Hz)	Absorption Coefficient	Total Absorption in Sabins	% of Uncertainty With 95% Confidence Limit With Specimen
100	0.15	7.06	3.17
125	0.15	6.38	2.27
160	0.10	5.04	2.38
200	0.13	6.55	1.58
250	0.21	10.19	1.32
315	0.24	17.15	1.18
400	0.45	23.75	1.28
500	0.70	33.54	1.94
630	0.90	43.18	2.84
800	0.59	27.42	0.79
1000	0.59	27.31	0.70
1250	1.05	50.50	0.74
1600	1.05	50.25	0.53
2000	1.05	50.45	0.50
2500	1.01	48.38	0.55
3150	1.07	49.57	0.42
4000	1.05	50.30	0.48
5000	1.08	51.98	0.49

Studiofoam® Wedgies™

Product Information

Studiofoam Wedgies are 1" square of 2" thick Studiofoam and are a great solution for controlling sound diffusion. These listening rooms, rehearsal rooms, and more. With highly porous wedges per square foot than 2" acoustic Studiofoam, Wedgies feature maximum surface area for greater exposure to sound waves. Studiofoam Wedgies are a great solution for small spaces with ambient sound and, when spaced apart, yield beneficial sound diffusion off their angled edges.

A famous designer used Wedgies and called to tell us they were even more effective than he'd hoped they'd be, so you know you can trust them to drive your space!

Wedgies are available in Charcoal Gray only!

MSD-714, 2000 by 1000, 20mm, 24 in. x 12 in. x 2 in., Made in America
Formed in "Studiofoam" 100% polyurethane
Foam with 2" thickness - 10, 100, 200

- PLAN NOTES:**
- 3-1/2" SOUND ATTENUATION BLANKET TYPICAL AT OFFICE & PRIVATE DINING ROOMS.

GABRIEL NG + ARCHITECTS INC.
1360 9th AVENUE, SUITE 210
SAN FRANCISCO CA 94102
415-882-8800 FAX 415-882-1359
www.gabrielngarchitects.com

(E) RESTAURANT PLANNING REVISIONS
1865 POST STREET
BLOCK 0701 / LOT 002
SAN FRANCISCO, CA 94115

FLOOR PLAN, DETAILS & NOTES

Date	By
10/20/11	JS
5/21/12	JS
6/15/12	JS
10/25/12	JS
1/26/13	JS
5/28/13	JS

Job 110917
Sheet
A-2
Of 5 sheets

Exhibit 3 – Sound Study
dated May 16, 2013

Acoustics
Audiovisual
Telecommunications
Security

16 May 2013

Lynsey Grayson
Veritas Property Management
1700 Soscol Avenue, Suite 1
Napa, CA 94559
lynsey@veritasprm.com

Subject: **Pa'ina Lounge Acoustical Measurement Summary**
CSA Project: 13-0131

Dear Lynsey:

On 19 and 20 April 2013, we visited the Pa'ina Lounge to perform acoustical measurements to quantify noise transfer to the adjacent Kabuki Theater and Kabuki Spa. We understand that acoustical mitigation has been incorporated since the Entertainment Commission established the initial noise limits for the lounge. The purpose of our measurements is to define maximum allowable noise levels in Pa'ina Lounge that will not disrupt the noise-sensitive operations of the neighboring businesses. This letter summarizes our measurements and analysis.

EXECUTIVE SUMMARY

Based on our measurements of both live music and pre-recorded deejay playback, we determined that the noise levels in Pa'ina Lounge should not exceed:

- Pre-recorded music: 83 dBA¹ and 88 dBC²
- Live music: 84 dBA and 89 dBC

MEASUREMENT SUMMARY

On 19 April 2013, we visited the site to measure pre-recorded music in the Pa'ina Lounge and in the adjacent commercial spaces. The type of music selected for the analysis included drums, electronic instruments, and vocals. On 20 April, we re-visited the site to measure a live rock band, incorporating drums, amplified electric guitars, and amplified vocals. To perform our measurements, we used Type 1 high-precision sound level meters with solid-state recorders operating simultaneously in the "source" location, i.e., the Pa'ina Lounge, and in the "receive" locations, i.e., the Kabuki Theater and Kabuki Spa.

¹ dBA – A-weighted sound pressure level (or noise level) represents the noisiness or loudness of a sound by weighting the amplitudes of various acoustical frequencies to correspond more closely with human hearing. A 10-dB (decibel) increase in noise level is perceived to be twice as loud.

² dBC – C-weighted sound pressure level (or noise level) represents the noisiness or loudness of a sound by weighting the amplitudes of various acoustical frequencies, generally used for evaluating entertainment noise.

Charles M. Salter, PE
David R. Schwind, FAES
Robert P. Alvarado
Eric L. Broadhurst, PE
Philip N. Sanders, LEED AP
Thomas A. Schindler, PE
Anthony P. Nash, PE
Cristina L. Miyar
Jason R. Duty, PE
Durand R. Begault, PhD, FAES
Joseph G. D'Angelo
Thomas J. Corbett, CTS
Eric A. Yee
Joshua M. Roper, PE, LEED AP
Peter K. Hoist, PE, LEED AP
Christopher A. Felter, PE
Ethan C. Salter, PE, LEED AP
Thomas D. Keller, CDT
Craig L. Gilian, RCDD
Lloyd B. Ranola
Alexander K. Salter, PE
Jeremy I. Decker, PE
Rob Hammond, PSP, NICET III
Michael S. Chae
Dylan B. Mills, CTS
Davis H. Keith, CTS-D
Paul R. Billings
Erika A. Frederick
Travis R. Lawrence
Benjamin D. Piper
Elizabeth S. Nelson
Noel J. Bacani
Joshua J. Harrison
Brian C. Wourms
Valerie C. Smith
Shanna M. Sullivan
Amanda G. Higbie
Ryan G. Raskop
Brian J. Good
Heather A. Salter
Dee E. Garcia
Catherine F. Spurlock
Marva De Year - Noordzee
Elizabeth F. Trucker
Jennifer G. Palmer
Jodessa G. Cortez
Susan E. Lanergan
Heather D. Heise
Courtney H. Vineys
Erin D. Gorton

In the Kabuki Theater, we measured in Theater #2, which is the most impacted by noise from Pa'ina Lounge. In the Kabuki Spa, we measured in the nearest Massage Room and in the Vanity Room. Measurements in the Pa'ina Lounge were performed in the seating area in front of the stage.

Our first measurements quantified the ambient noise levels in the receive locations with no contribution from Pa'ina Lounge. Conditions were considered typical, with HVAC systems operating in the Theater and a water fountain operating near the massage table in the Spa. Table 1 summarizes the measured average dBA and dBC levels.

Table 1: Ambient Noise Levels

Location	Ambient Noise Level	
	dBA	dBC
Theater #2	35	65
Spa Massage Room	36	64
Spa Vanity Room	40	61

With the music playing in the Pa'ina Lounge, we measured the noise levels for various volume settings. Management for the theater and spa were present for the measurements to provide a subjective perceived response. Since the goal was to identify the noise level in Pa'ina Lounge that would not disturb the neighboring businesses, the noise level in the lounge was incrementally reduced to reach an acceptable level in the receive locations. Table 2 summarizes our quantitative and qualitative results. The text in bold indicates the measurements that were used to define the limits for Pa'ina Lounge.

Table 2: Received Average Noise Levels (L_{eq}^3) and Perceptions

Source	Receive Location	Source Level		Receive Level		Perceived Response
		dBA	dBC	dBA	dBC	
Pre-recorded Music	Theater #2	90	95	36	67	Objectionable
		83	88	35	67	Not objectionable
	Spa Massage Room	79	84	37	63	Inaudible
		89	95	-	-	Barely audible
Spa Vanity Room	79	84	40	63	Not objectionable	
Live Music	Theater #2	88	91	35	66	Objectionable
		84	89	35	67	Not objectionable
	Spa Massage Room	87	91	36	63	Not objectionable
Spa Vanity Room	87	91	40	64	Not objectionable	

³ L_{eq} – The equivalent steady-state A-weighted sound level that, in a stated period of time, would contain the same acoustic energy as the time-varying sound level during the same time period. For these tests, each measurement was approximately 30 seconds to one minute.

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 www.cmsalter.com

RECOMMENDATIONS

As described above, we recommend that 83 dBA and 88 dBC be used as maximum allowable noise levels for Pa'ina Lounge. Certain types of noise might still be audible in the adjacent spaces, such as drumstick impact and live steel drums. If these types of noises cause complaints in the neighboring businesses, limitations on the types of instruments might additionally be needed.

The noise limits can be set by the Pa'ina Lounge's existing limiter installed in their sound system. All amplified music would need to be processed by the limiter for it to be effective. In addition, we recommend that a permanent sound level meter be installed in the lounge with an alert read-out for noise levels exceeding the limit. Extech Instruments SL130G is an example of a sound level meter with an alarm alert.

*

*

*

This concludes our current comments. Should you have any questions, please give us a call.

Sincerely,

CHARLES M. SALTER ASSOCIATES, INC.



Peter K. Holst, PE, LEED AP
Principal Consultant



Valerie Smith
Consultant

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Exhibit 4 – Modified Conditions of Approval



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- | | |
|--|--|
| <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 Draft Motion

HEARING DATE: JUNE 6, 2013

Date: May 30, 2013
Case No.: **2012.0822C**
Project Address: **1865 POST STREET**
Zoning: NC-3 (Neighborhood Commercial, Moderate-Scale)
Japantown Special Use District
50-X Height and Bulk District
Block/Lot: 0701/002
Project Sponsor: Jeremy Schaub
Gabriel Ng & Associates
1360 9th Avenue, Suite 210
San Francisco, CA 94122
Staff Contact: Christine Lamorena – (415) 575-9085
christine.lamorena@sfgov.org

ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO PLANNING CODE SECTIONS 249.31, 303, AND 712.48 TO ADD A NEW USE IN EXCESS OF 4,000 SQUARE FEET AS AN “OTHER ENTERTAINMENT” USE TO AN EXISTING RESTAURANT (D.B.A. PA’INA LOUNGE AND RESTAURANT) OF APPROXIMATELY 5,900 SQUARE FEET WITHIN THE NC-3 (NEIGHBORHOOD COMMERCIAL, MODERATE-SCALE) ZONING DISTRICT, JAPANTOWN SPECIAL USE DISTRICT, AND 50-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On June 28, 2012 Jeremy Schaub representing Gabriel Ng & Associates (hereinafter “Project Sponsor”) filed an application with the Planning Department (hereinafter “Department”) for Conditional Use Authorization under Planning Code Sections 249.31 and 712.48 to add a new use in excess of 4,000 square feet as an “Other Entertainment” use to an existing restaurant (d.b.a. Pa’ina Lounge and Restaurant) within the NC-3 (Neighborhood Commercial, Moderate-Scale) Zoning District, Japantown Special Use District (SUD), and 50-X Height and Bulk District.

On August 16, 2012, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2012.0822C.

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. 2012.0822C, 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 on the south side of Post Street, between Fillmore and Webster Streets; Lot 002 in Assessor's Block 0701. The subject property is approximately 8,000 square feet in size and is within the NC-3 Zoning District, Japantown SUD, and a 50-X Height and Bulk District. The property is occupied on the second level by the Kinokuniya Mall. The existing restaurant is accessed from Post Street on the ground floor.
3. **Surrounding Properties and Neighborhood.** The project site is located in the Western Addition neighborhood and the southwest corner of the Japantown SUD. The surrounding development consists of a variety of commercial and mixed-use buildings featuring ground floor commercial units with residential units above. The scale of development in the area is primarily two- to five-story structures. Commercial areas contain a variety of small-scale businesses which include a mix of cafes, restaurants, specialty stores, variety merchandise stores, and financial institutions.

The site is bounded by the Sundance Kabuki Cinemas to the west and Japan Center Kinokuniya Mall to the east, three-story multi-family housing to the north, and Geary Boulevard to the south. The site north of Post Street is zoned RM-3 (Residential, Mixed, Medium Density). A variety of establishments are located nearby and include the Kintetsu Mall, Miyako Mall, Peace Plaza, Hotel Kabuki, and the JPOP Center.

4. **Project Description.** The proposal is to add a new use in excess of 4,000 square feet as an "Other Entertainment" use to an existing restaurant (d.b.a. Pa'ina Lounge and Restaurant) of approximately 5,900 square feet located on the ground floor of the two-story commercial building. The project would add live and amplified music during the restaurant's evening

operating hours. The existing restaurant is open Tuesday to Thursday from 3:00 pm to 11:00 pm, Friday from 3:00 pm to 1:00 am, Saturday from 1:00 pm to 1:00 am, and Sunday from 1:00 pm to 11:00 pm.

The restaurant size would not change. Tenant improvements to the restaurant were completed under Building Permit Application 2011.10.27.7767. Prior to that, the tenant space was vacant for approximately one year after being occupied by a restaurant d.b.a. Sundance Kitchen.

5. **Public Comment.** To date, Department has received three letters in support of the project. There is no known opposition to the project.
6. **Planning Code Compliance:** The Commission finds that the project is consistent with the relevant provisions of the Planning Code in the following manner:

- A. **Japantown SUD – Use Size.** Planning Code Section 249.31(b)(1)(i) states that in the Japantown SUD, Conditional Use Authorization is required for the establishment of a new use or any change in use in excess of 4,000 gross square feet.

The project would add an “Other Entertainment” use to the existing restaurant. The restaurant is approximately 5,900 square feet. Conditional Use Authorization is required to add this new use to a restaurant of this size.

- B. **Japantown SUD – Findings.** Planning Code Section 249.31(b)(2) states that for any use subject to Conditional Use Authorization, the Planning Commission shall make the following additional findings: (1) The use is not incompatible with the cultural and historic integrity, neighborhood character, development pattern, and design aesthetic of the Japantown SUD; and (2) the use supports one of more of the purposes for establishing the Japantown SUD.

The project is compatible with the Japantown SUD in that it supports and strengthens the cultural identity of the neighborhood. The Hawaiian culture, including the food and music, are significant to Japanese American history and culture dating back over 100 years when Japanese immigrants migrated to the Hawaiian Islands to find work on the islands’ plantations. Furthermore, the existing restaurant currently enhances the economic diversity of the neighborhood, is complimentary to other commercial tenants in the immediate adjacent areas with no apparent adverse effect on the cultural and historic integrity, neighborhood character, development pattern, and design aesthetic of the Japantown SUD.

- C. **Hours of Operation.** Planning Code Section 712.27 states that there is no limit to hours of operation in the NC-3 Zoning District.

The project would add live and amplified music during the restaurant’s evening operating hours. The existing restaurant is open Tuesday to Thursday from 3:00 pm to 11:00 pm, Friday from 3:00 pm to 1:00 am, Saturday from 1:00 pm to 1:00 am, and Sunday from 1:00 pm to 11:00 pm.

- D. **Other Entertainment Use.** Planning Code Section 712.48 states that Other Entertainment, as defined by Planning Code Section 790.38, is principally permitted in the NC-3 Zoning District.

The project would include live and amplified music, such as live Hawaiian, jazz, and cover bands as well as DJs, to enhance the existing restaurant use. The music would be restricted to the inside area and the sound equipment must be inspected and permitted by the Entertainment Commission prior to operation.

- E. **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.

The subject commercial space has approximately 34 feet of frontage on Post Street with approximately 26 feet devoted to either the restaurant entrance or window space. The windows are clear and unobstructed. There are no changes proposed to the commercial frontage.

- F. **Signage.** Currently, there is not a proposed sign program on file with the Planning Department. Any proposed signage will be subject to the review and approval of the Planning Department.
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 project would provide a use that would be compatible with the mix of goods and services currently available in Japantown and contribute to the economic vitality of the neighborhood by enhancing the existing restaurant with entertainment.

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 would remain the same and would not alter the existing appearance or character of the project vicinity. There would be no physical expansion to the existing building.

- 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;

Existing traffic patterns would not be significantly affected by the proposed project. There is on-street metered parking in front of the subject property as well as in the surrounding neighborhood and a parking garage less than one block away beneath the Kintetsu Mall. In addition, the project site is well served by transit. There are nearby stops for MUNI bus lines 2-Clement, 3-Jackson, 22-Fillmore, 38-Geary, and 38L-Geary Limited.

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

The Conditions of Approval, attached as Exhibit A, will require the Project Sponsor to ensure that noise is contained within the premises so as not to be a nuisance to nearby businesses or residents.

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

Since the project does not propose the physical expansion of the existing restaurant, no additional landscaping is required. There would be no addition of parking spaces, loading facilities, open space or service areas. All signage and projections would be consistent with the controls of 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 project is consistent with the stated purposes of NC-3 Districts in that the intended use is a neighborhood-serving business.

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.

Policy 1.3:

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

The project would provide an entertainment venue to the neighborhood and would provide resident employment opportunities to those in the community. Further, the project site is located within a Neighborhood Commercial District and is consistent with activities in the commercial land use plan.

OBJECTIVE 2:

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

Policy 2.1:

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

The project would enhance the existing restaurant, an existing neighborhood-serving use, by attracting customers seeking an entertainment venue.

OBJECTIVE 6:

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

Policy 6.1:

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

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

Policy 6.2:

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

The existing restaurant is independently owned.

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.

The project would provide a small-business owner an opportunity to enhance an existing business that currently provides job opportunities to the City.

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

The project would preserve and enhance the cultural and economic diversity of the neighborhood by helping to retain an existing business in the area. Existing housing would not be affected by this project.

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

The project would not displace any affordable housing.

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

The project would not significantly increase traffic congestion or the availability of parking in the neighborhood. There is on-street metered parking in front of the subject property as well as in the surrounding neighborhood and a parking garage less than one block away beneath the Kintetsu Mall.

In addition, the project site is well served by transit. There are nearby stops for MUNI bus lines 2-Clement, 3-Jackson, 22-Fillmore, 38-Geary, and 38L-Geary Limited.

- 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 would not displace or affect any service or industry establishment. Ownership of industrial or service sector businesses would not be affected by this project.

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

The project site was recently remodeled and all alterations conformed to the structural and seismic safety requirements of the 2010 City Building Code.

- G. That landmarks and historic buildings be preserved.

A landmark or historic building does not occupy the project site.

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

The project would not affect any city-owned parks or open space.

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. 2012.0822C** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated March 26, 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. XXXXX. 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 June 26, 2013.

Linda D. Avery
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: June 6, 2013

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to allow an "Other Entertainment" use at the existing restaurant (d.b.a. Pa'ina Lounge and Restaurant) located at 1865 Post Street; Lot 002 in Assessor's Block 0701, pursuant to Planning Code Sections 249.31, 303, and 712.48 within the NC-3 (Neighborhood Commercial, Moderate-Scale) Zoning District, Japantown Special Use District, and a 50-X Height and Bulk District; in general conformance with plans, dated March 26, 2013, and stamped "EXHIBIT B" included in the docket for Case No. 2012.0822C and subject to conditions of approval reviewed and approved by the Commission on August 16, 2012 under Motion No XXXXXX. 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 August 16, 2012 under Motion No XXXXXX.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

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

2. **Extension.** This authorization may be extended at the discretion of the Zoning Administrator only where failure to issue a permit by the Department of Building Inspection to perform said tenant improvements is caused by a delay by a local, State or Federal agency or by any appeal of the issuance of such permit(s).

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

DESIGN

3. **Garbage, composting and recycling storage.** Space for the collection and storage of garbage, composting, and recycling shall be provided within enclosed areas on the property and clearly labeled and illustrated on the architectural addenda. Space for the collection and storage of recyclable and compostable materials that meets the size, location, accessibility and other standards specified by the San Francisco Recycling Program shall be provided at the ground level of the buildings.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org.

MONITORING

4. **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

5. **Monitoring.** The Project requires monitoring of the conditions of approval in this Motion. The Project Sponsor or the subsequent responsible parties for the Project shall pay fees as established under Planning Code Section 351(e) (1) and work with the Planning Department for information about compliance.

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

6. **Revocation due to Violation of Conditions.** Should implementation of this Project result in complaints from interested property owners, residents, or commercial lessees which are not resolved by the Project Sponsor and found to be in violation of the Planning Code and/or the specific conditions of approval for the Project as set forth in Exhibit A of this Motion, the Zoning Administrator shall refer such complaints to the Commission, after which it may hold a public hearing on the matter to consider revocation of this authorization.

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

OPERATION

7. **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>

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

10. **Notices Posted at Bars and Entertainment Venues.** Notices urging patrons to leave the establishment and neighborhood in a quiet, peaceful, and orderly fashion and to not litter or block driveways in the neighborhood, shall be well-lit and prominently displayed at all entrances to and exits from the establishment.

For information about compliance, contact the Entertainment Commission, at 415 554-6678, www.sfgov.org/entertainment

11. **Other Entertainment.** The Other Entertainment shall be performed within the enclosed building only. The building 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 maximum allowable noise shall not exceed 83 dBA. The noise limit shall be set by the existing sound limiter and all amplified music shall be processed through the limiter. A permanent sound level meter with an alarm alert shall be installed and used so as not to exceed the noise limit. The Project Sponsor shall obtain all necessary approvals from the Entertainment Commission prior to operation. The authorized entertainment use shall also comply with all of the conditions imposed by the Entertainment Commission.

For information about compliance, contact the Entertainment Commission, at 415 554-6678, www.sfgov.org/entertainment