



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- ☐ Inclusionary Housing (Sec. 315)
- ☐ Jobs Housing Linkage Program (Sec. 313)
- ☐ Downtown Park Fee (Sec. 139)

- ☐ First Source Hiring (Admin. Code)
- ☐ Child Care Requirement (Sec. 314)
- ☐ Other

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Motion No. 17563

HEARING DATE, FEBRUARY 28, 2008
(CONTINUED FROM JANUARY 31, 2008)

Date: February 20, 2008
Case No.: **2007.1218 C**
Project Address: **955 GENEVA AVENUE (aka 951 GENEVA AVENUE)**
Zoning: NC-3 (Neighborhood Commercial, Moderate Scale)
65-A Height and Bulk District
Block/Lot: 6409/012
Project Sponsor: David J. Elliott
17800 Cunha Lane
Salinas, CA 93907
Staff Contact: Adrian C. Putra – (415) 575-9079
adrian.putra@sfgov.org

ADOPTING FINDINGS RELATING TO THE APPROVAL OF A CONDITIONAL USE AUTHORIZATION PURSUANT TO PLANNING CODE SECTIONS 712.43, 703.3, AND 703.4, TO ALLOW A LARGE FAST FOOD RESTAURANT AND FORMULA RETAIL USE (D.B.A. "LITTLE CAESARS PIZZA") TO BE LOCATED WITHIN THE NC-3 (MODERATE-SCALE, NEIGHBORHOOD COMMERCIAL) DISTRICT AND A 65-A HEIGHT AND BULK DISTRICT.

PREAMBLE

On October 18, 2007 David J. Elliott (hereinafter "Project Sponsor") filed an application (hereinafter "Application") with the Department for Conditional Use Authorization on the property at 955 Geneva Avenue (aka 951 Geneva Avenue), Lot 012 in Assessor's Block 6409 (hereinafter "Property") to allow a "Formula Retail Use," (doing business as "Little Caesars Pizza"), in the NC-3 (Neighborhood Commercial, Moderate-Scale) Zoning District and 65-A Height and Bulk District, in general conformity with plans filed with the Application and labeled "Exhibit B" (hereinafter "Project").

On February 28, 2008, the San Francisco Planning Commission (Hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2007.1218C. Conditional Use Authorization is required for the establishment of a Large Fast Food Restaurant in the NC-3 Zoning District as defined in Planning Code Section 712.43 and for a Formula

Retail Use as defined in Planning Code Section 703.3 in any Neighborhood Commercial District identified in Article 7 of the Planning Code.

Pursuant to the Guidelines of the State Secretary of Resources for the implementation of the California Environmental Quality Act (hereinafter "CEQA"), the Planning Department of the City and County of San Francisco (hereinafter "Department") determined that the proposed Conditional Use Application was categorically exempt from the environmental review process under Class 1(a) of the State CEQA Guidelines, Section 15332, pursuant to Title 14 of the California Administrative Code. The Commission has reviewed and concurs with said determination.

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. 2007.1218C, subject to the conditions contained in EXHIBIT A, attached hereto and incorporated herein by reference thereto, based on the following findings:

FINDINGS

1. **Site Description.** The project is located on the north side of Geneva Avenue, between London and Paris Streets. The subject lot is a relatively flat, measuring approximately 2,495 square-feet in lot area with a lot width of 25 feet and a lot depth of 100 feet. The subject property contains a portion of a two-story, approximately 8,700 square foot, mixed-use building that contains four residential apartments over three ground floor commercial spaces, and has approximately 75 feet of street frontage on Geneva Avenue. In addition to the subject lot, this building is built over Lot 11 and Lot 13 on the subject block, as well.

The commercial space is approximately 1,500 square-feet and contains 25-feet of commercial frontage. According to the owner, this commercial space has been vacant as of July 1, 2007, and was previously occupied by a printing and copy store (doing business as "On Time Printing").

Surrounding Neighborhood. The immediate neighborhood, located along Geneva Avenue between Alemany Boulevard and Lisbon Street and along Mission Street between Silver and Niagara Avenues is predominantly formed by two to four-story mixed-use buildings. Alemany Boulevard and Lisbon Street form the western and eastern borders, respectively, of the NC-3 zoned portion of Geneva Avenue. Additionally, Silver and Niagara Avenues form the northern and southern borders, of the NC-3 zoned portion of Mission Street. Uses include but are not limited to bakeries, upholsterers, dry cleaners, medical offices, business and professional services, personal services, restaurants, retail stores, and grocery stores. The food service establishments are primarily full service restaurants and large fast-food restaurants. Dwelling-units are typically found above the commercial ground-floor tenants. The neighboring

properties located off of Geneva Avenue and Mission Street are primarily zoned for one- and two-family dwellings.

The span of Geneva Avenue between Alemany Boulevard and Lisbon Street is approximately 830 feet in length and contains two vacant commercial spaces (including the subject parcel) and two businesses that would be classified as formula retail uses under Planning Code Section 703.3, one of which is a large fast food restaurant (dba "Popeye's"). A majority of the businesses in the immediate area are independent businesses. The Subject Property is located in the NC-3 District, which is defined in Section 712.1 of the Planning Code.

NC-3 Districts include some of the longest linear commercial streets in the City, some of which have continuous retail development for many blocks. Large-scale lots and buildings and wide streets distinguish the districts from smaller-scaled commercial streets, although the districts may include small as well as moderately scaled lots. Buildings typically range in height from two to four stories with occasionally taller structures.

A diversified commercial environment is encouraged for the NC-3 District, and a wide variety of uses are permitted with special emphasis on neighborhood-serving businesses. Eating and drinking establishments, entertainment uses, financial services, and certain auto uses are generally permitted within certain limitations at the first and second stories. Other retail businesses, personal services and offices are permitted at all stories of new buildings. Limited storage and administrative service activities are permitted with some restrictions.

2. **Project Description.** The Project is for interior and commercial façade tenant improvements to a subject commercial space to establish a large fast food restaurant and formula retail use (dba "Little Caesars Pizza") in an NC-3 (Neighborhood Commercial, Moderate-Scale) District. According to the owner of the building, the 1,500 square-foot commercial space has been vacant as July 1, 2007, and was previously occupied by a printing and copy store (dba "On Time Printing"). Little Caesars Pizza will operate as a take-out only, fast-food restaurant with a menu of ready to eat and made to order items. The majority of the subject commercial space's gross floor area will be utilized as a food preparation area, and approximately 211.5 square feet will be devoted to the customer cueing area for orders and pick-ups. There will be no seating area for on-site consumption of items, nor will delivery services be offered at this location.

Little Caesars Pizza will have the following hours of operation: Sunday through Thursday from 11:00 am to 10:00 pm, and Friday and Saturday from 11:00 am to 11:00 pm.

The proposal requires Conditional Use authorization to allow a new large fast food restaurant and a formula retail use at this subject commercial space within the NC-3 District. Section 312 notification was conducted in conjunction with the notification for the Conditional Use.

3. **Public Comment.** The Department has not received any correspondence in support or opposition to this Conditional Use request.

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

- A. **Large Fast Food Restaurant.** Planning Code Section 712.43 allows large fast food restaurants within the NC-3 District with Conditional Use authorization from the Planning Commission.

The proposed Little Caesars Pizza restaurant contains approximately 1,500 square-feet of gross floor area and is classified as a large fast food restaurant use. In addition, the proposed use will provide ready to eat, and made to order menu items, and will operate solely as a carry out restaurant with no customer seating located within the establishment. The proposed use is a change of use from a printing and copy store (retail sales and services use). Section 312 notification required for the change of use was conducted in conjunction with the Conditional Use notification.

Planning Code Section 790.90 defines a large fast food restaurant as a retail eating or drinking use that provides ready-to-eat food to a high volume of customers at a high turnover rate for consumption on or off the premises, which may or may not provide seating. Such use has a gross floor area of 1,000 square feet or more. A limited menu of ready-to-eat food prepared in advance of customer orders, or food which is able to be quickly prepared for consumption on or off the premises. Food is served in disposable wrappers or containers. Food is ordered and served at a customer service counter, is paid for prior to consumption, and is available upon a short waiting time. In addition, such use has a public food service area, including queuing areas and service counters without fixed seats, which counters are designed specifically for the sale and distribution of food and beverages.

- B. **Formula Retail Use.** Planning Code Sections 703.3 and 703.4 defines a formula retail use and requires Conditional Use authorization from the Planning Commission for all new formula retail uses within all Neighborhood Commercial Districts.

The proposed Little Caesars Pizza has been identified as a formula retail use. Currently, there are no Little Caesars Pizza restaurants located in San Francisco; however there are ten Little Caesars Pizza locations within an 18-mile radius from San Francisco. Little Caesars Pizza is a Detroit based take-out pizza chain with several hundred locations within the United States, and they all contain standardized array of menu items, facades, décor and color schemes, apparel, signage, and trademarks.

- C. **Street Frontage in Neighborhood Commercial Districts.** Section 145.1 of the Planning Code requires that NC Districts containing specific uses – including large fast food restaurants – have at least ½ the total width of the new or altered structure at the commercial street frontage devoted to entrances to commercially used space, windows or display space at the pedestrian eye-level. Such windows shall use clear, un-tinted glass, except for decorative or architectural accent. Any decorative railings or decorated grille work, other than wire mesh, which is placed in front or behind such windows, shall be at least 75 percent open to perpendicular view and no more than six feet in height above grade.

The subject commercial space has approximately 25-feet of frontage on Geneva Avenue with approximately 22.5-feet devoted to either the restaurant entrance or window space. The windows are un-tinted clear glass, and there is an unobstructed view into the establishment at the pedestrian eye-level.

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

The subject commercial space contains approximately 1,500 square-feet of gross floor area and thus does not require any off-street parking.

- E. **Signage.** Any proposed signage will be subject to the review and approval of the Planning Department.

5. **Conditional Use Findings.**

- a. **Section 303 (c).** Under the provisions of Planning Code Section 303(c), the Commission may authorize a Conditional Use after finding that the proposed use will provide a development that is necessary or desirable for and compatible with the neighborhood or the community, that such use will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity, or injurious to property, improvements or potential development in the vicinity and that such use will not adversely affect the General Plan. The Project is found to be consistent with the criteria of Planning Code Section 303(c) in that:

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

The size of the proposed use is in keeping with other storefronts in the subject building, and on the block. A large fast food restaurant is desirable at this location, because it will occupy an existing commercial building that has been vacant since July 1, 2007. The new tenant will make improvements to the existing commercial space and façade. The intent of the NC-3 District is to allow with Conditional approval such uses as the proposed large fast food restaurant, that are both neighborhood-serving as well as serving a population greater than the immediate neighborhood.

- ii. 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:

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

The size and shape of the subject commercial site is compatible with the pattern of development in the area, and the Project does not include exterior alterations that will affect the size, shape or arrangement of structures on the lot.

2. 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 large fast food restaurant containing approximately 1,500 square-feet of occupied floor area. The proposed use is designed to meet the needs of the surrounding neighborhood and is well served by public transit, minimizing the need for private automobiles. In addition, the size of the commercial space is not expected to generate a high volume of traffic.

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

The establishment of a large fast food restaurant at 955 Geneva Avenue will not generate any noxious or offensive emissions, noise or glare.

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

The establishment of a large fast food restaurant will not impact the existing street landscape. Parking and loading areas are not required for the proposed use because the commercial use contains less than 5,000 square-feet of occupied floor area. No landscaping is proposed, as the building has no front setback. Any new Signs for the proposed use shall meet all provisions set forth in Article 6 of the Planning Code.

- iii. 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.

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

The proposed project is consistent with the stated purposes of NC-3 Districts in that the intended use is located at the ground floor, will provide a compatible convenience service for the immediately surrounding neighborhoods, and create entry level job opportunities.

- b. **Section 303 (i).** With respect to an application for a formula retail use as defined in Planning Code Section 703.3, whenever a conditional use permit is required, the Planning Commission shall consider the following criteria, in addition to the criteria set forth in Section 303(c). The Project is found to be consistent with the criteria of Planning Code Section 303(i) in that:

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

Geneva Avenue, between Alemany Boulevard and Lisbon Street, contains two existing formula retail uses, a Walgreens (retail sales and services use), and a Popeye's (large fast food restaurant). In comparison there are 20 independently-owned establishments within the NC-3 zoned portion of Geneva Avenue.

In addition, along the NC-3 zoned portion of Mission Street bounded between Silver and Niagara Avenues, there are ten formula retail use establishments, including but not limited to Safeway, Burger King, Martha Brothers Coffee, Roundtable Pizza, Radio Shack, Kragen Auto, Payless Shoes, Goldilocks, Gamestop, and a recently approved Subway Sandwiches. Independently-owned establishments within this NC-3 zoned portion of Mission Street significantly outnumber formula retail uses.

As a result it can be concluded that Independently-owned establishments within this NC-3 zoned portion of Geneva Avenue and Mission Street significantly outnumbers the amount of existing formula retail uses.

- ii. The availability of other similar retail uses within the Neighborhood Commercial Districts;

There is only one pizza establishment located along the NC-3 zoned portion of Geneva Avenue, and a total of four pizza establishments located within approximately 600 feet of the subject site. These pizza establishments offer a similar product as the proposed formula retail Little Caesars Pizza restaurant; however these establishments operate as full service restaurants that also offer pizza delivery services as well. These are services not being offered by Little Caesars Pizza, and as a result a new Little Caesars Pizza restaurant at the subject site should not significantly impact the business of the four existing pizza establishments located within 600 feet of it. Additionally, there are currently no Little Caesars Pizza restaurants located within San Francisco.

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

The Project was designed to preserve and enhance the building's architectural and aesthetic character by providing the necessary maintenance to the store's façade that has been deferred for many years. Only minor alterations to the subject commercial space are proposed under this Application.

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

A site visit of Geneva Avenue retail storefronts was conducted on December 31, 2007. The boundaries of the survey were Alemany Boulevard and Lisbon Street, since these streets are the boundaries for the NC-3 zoned portion of Geneva Avenue. A total of two vacancies were discovered (including the subject commercial space) along this portion of Geneva Avenue.

Furthermore, a survey of Mission Street retail storefronts was conducted on October 23rd, 2007. The boundaries of this survey were Silver and Niagara Avenues, seeing as these streets are the boundaries for the NC-3 zoned portion of Mission Street. A total of 14 vacancies were discovered along this portion of Mission Street.

A revitalization of the Project Site by Little Caesars Pizza is expected to generate pedestrian traffic that will benefit local merchants while providing goods and services to a population greater than the immediate neighborhood.

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

The portions of Geneva Avenue between Alemany Boulevard and Lisbon Street, and Mission Street between Silver and Niagara Avenues contains a wide variety of neighborhood-serving retail uses, such as restaurants, bakeries, retail stores, grocery stores, coffee shops, bars, dry cleaners, launder mats, professional offices, and personal service uses.

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

NEIGHBORHOOD COMMERCE

Objectives and Policies

OBJECTIVE 1:

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

Policy 1.1:

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

Policy 1.2:

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

Policy 1.3:

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

The proposed development will provide desirable goods and services to the neighborhood and will provide resident employment opportunities to those in the community. The Project will provide net benefits by improving 1,500 gross square-feet of vacant commercial space to serve the immediate neighborhood as well as to a population greater than the immediate neighborhood with a large fast food restaurant. The subject commercial space is located within a Neighborhood Commercial District and is thus consistent with activities in the commercial land use plan. In addition, the subject commercial space's close proximity to public transit will mitigate any traffic and parking effects on the area.

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 attracts new commercial activity to a vacant commercial space. This will enhance 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.

A large fast food restaurant at the subject commercial space will create new entry-level employment opportunities for local unskilled and semi-skilled workers. According to the owner of the proposed large fast food restaurant, at least three to four employees will be needed on-site at any time.

Policy 3.2:

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

OBJECTIVE 6: MAINTAIN AND STRENGTHEN VIABLE NEIGHBORHOOD COMMERCIAL AREAS EASILY ACCESSIBLE TO CITY RESIDENTS.

Policy 6.1:

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

The Project brings a new commercial tenant into an existing vacant storefront. The new tenant will provide neighborhood-serving goods and services and will help to attract pedestrian traffic along this portion of the Neighborhood Commercial District. No commercial tenant will be displaced and the Project will not prevent the district from achieving optimal diversity in the types of goods and services available in the neighborhood.

TRANSPORTATION ELEMENT

Objectives and Policies

OBJECTIVE 1:

MEET THE NEEDS OF ALL RESIDENTS AND VISITORS FOR SAFE, CONVENIENT AND INEXPENSIVE TRAVEL WITHIN SAN FRANCISCO AND BETWEEN THE CITY AND OTHER PARTS OF THE REGION WHILE MAINTAINING THE HIGH QUALITY LIVING ENVIRONMENT OF THE BAY AREA.

Policy 1.3:

Give priority to public transit and other alternatives to the private automobile as the means of meeting San Francisco's transportation needs, particularly those of commuters.

The Project is located in an area well served by public transit, minimizing the need for private automobiles. The availability of transit, combined with the small scale of the use, will mitigate impacts.

OBJECTIVE 11:

ESTABLISH PUBLIC TRANSIT AS THE PRIMARY MODE OF TRANSPORTATION IN SAN FRANCISCO AND AS A MEANS THROUGH WHICH TO GUIDE FUTURE DEVELOPMENT AND IMPROVE REGIONAL MOBILITY AND AIR QUALITY.

Policy 11.3:

Encourage development that efficiently coordinates land use with transit service, requiring that developers address transit concerns as well as mitigate traffic problems.

The Project will not interfere with transit service operations. The Project site is well served by transit and the use is not expected to generate high levels of vehicle traffic.

7. **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 will not displace any existing neighborhood-serving use, as the commercial space is currently vacant. Further, the Project Sponsor is committed to employing local residents.

- 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 will not adversely affect the existing dwelling-units on the Subject Property, and the neighborhood character will be improved by bringing in a new tenant who will attract pedestrian traffic. The Project will fill a vacant storefront, which is an improvement to the neighborhood character.

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

No housing will be removed for this Project.

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

The Project Site is on Geneva Avenue and is well served by public transit. Multiple bus routes have stops nearby, including the 9AX-San Bruno 'A' Express, 9BX-San Bruno 'B' Express, 9X-San Bruno Express, and 29-Sunset, 43-Masonic, and 54-Felton. As a take-out only, fast food restaurant where customers will quickly move in and out of the establishment, this project should not detrimentally impact the existing traffic pattern.

- E. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced.

The Project will not displace any service or industry establishment; rather, this Project will create new service-sector employment opportunities for local residents. The previous tenant was a printing and copy store (retail sales and services use) that vacated the subject commercial space on July 1, 2007.

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

The Project is designed and will be constructed to conform to the structural and seismic safety requirements of the San Francisco Building Code; therefore, this Project will not impact the existing structure's ability to withstand an earthquake.

- G. That landmarks and historic buildings be preserved.

The Project Site is not a historic building, nor is located in a conservation district. As a result, no landmarks or historic buildings will be adversely affected by the proposed change of use.

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

This Project will not affect any parks or open space because there is no change to the existing building footprint.

8. 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.
9. 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. 2007.1218C** subject to the following conditions attached hereto as "EXHIBIT A" which is incorporated herein by reference as though fully set forth.

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion No. 17511. 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 1,50012.

I hereby certify that the Planning Commission **ADOPTED** the foregoing Motion on February 28, 2008.

Linda Avery
Commission Secretary

AYES: Commissioners Michael J. Antonini, William L. Lee, Kathrin Moore, Bill Sugaya, Sue Lee, Ryan Brooks

NAYS: Commissioners Kathrin Moore, Christina Olague

ABSENT: None

ADOPTED: February 28, 2008

Exhibit A

Conditions of Approval

1. This authorization is for a Conditional Use under Planning Code Sections 712.43, 703.3, and 703.4 to allow a large fast food restaurant and formula retail use (dba "Little Caesars Pizza") to operate within the NC-3 (Moderate-Scale, Neighborhood Commercial) District and a 65-A Height and Bulk District, in general conformance with plans filed with the Application as received on October 18, 2007 and stamped "EXHIBIT B" included in the docket for **Case No. 2007.1218C**, reviewed and approved by the Commission on February 28, 2008.
2. Prior to the issuance of the Building Permit for the Project the Zoning Administrator shall approve and order the recordation of a Notice of Special Restrictions with the Office of the Recorder of the City and County of San Francisco for the premises (Assessor's 6409, Lot 012), which notice shall state that construction has been authorized by and is subject to the conditions of this Motion. From time to time after the recordation of such notice, at the request of the Project Sponsor, the Zoning Administrator shall affirm in writing the extent to which the conditions of this Motion have been satisfied.
3. Violation of the conditions contained in this Motion or of any other provisions of the Planning Code may be subject to abatement procedures and fines of no less than \$200 a day in accordance with Planning Code Section 176.
4. Should monitoring of the Conditions of Approval contained in Exhibit A of this Motion be required, the Project Sponsor or successors shall pay fees as established in Planning Code Section 351(e)(1).
5. The operator shall be responsible for cleaning the sidewalk within a one-block radius daily to maintain the sidewalk free of paper or other litter during its business hours, in accordance with Article 1, Section 34 of the San Francisco Police Code.
6. Signs and exterior lighting for the business shall be reviewed and approved by the Planning Department before they are installed.
7. The Project Sponsor shall maintain an attractive storefront providing visibility of the restaurant interior through the storefront windows. Street-facing windows shall not be blocked by displays or other obstacles in order to allow for visual connection between the street and the store interior. Highly reflective glass, tinted glass, or mirror glass shall not be applied on any area of the façade.
8. Any decorative railings or decorative grille work-including security gates-that are placed in front of or behind such windows, shall be at least 75 percent open to perpendicular view and no more than six feet in height above grade, in accordance with Planning Code Section 145.1(a).

9. The Project Sponsor shall maintain appropriate odor control equipment to prevent any significant noxious or offensive kitchen odors from escaping the premises.
10. The Project Sponsor shall operate the proposed restaurant such that noise is kept at reasonable levels so as not to unduly disturb neighboring businesses and residents.
11. The exterior of the business must be kept clean, graffiti-free and well-maintained, including regular sweeping and washing of the curb outside of the storefront. Project sponsor agrees to paint out and/or remove graffiti within 48 hours.
12. Refuse containers shall be provided both inside and outside the establishment for use by patrons of the restaurant.
13. An enclosed garbage area shall be provided within the establishment. All garbage containers shall be kept within the building until pick-up by the disposal company.
14. The Project Sponsor shall in good effort to work with the Department of Parking and Traffic in applying for a Parking Meter Time Limit Change to change two of the parking meters located in front of the project site to 30 minute meters.
15. That the business will have hours of operation limited to the hours of 10 a.m. to 10 p.m. Sunday through Thursday, and from 10 a.m. to 12 a.m. Friday and Saturday.
16. The Planning Commission may, in a public hearing, consider the revocation of this conditional use authorization if a site or building permit has not been issued 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 thenceforth diligently to completion. The Commission may also consider revoking this conditional use authorization 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. This authorization may be extended at the discretion of the Zoning Administrator only if the failure to issue a permit by the Department of Building Inspection is delayed by a City, state or federal agency or by appeal of the issuance of such permit.

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