



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

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| <input type="checkbox"/> Inclusionary Housing (Sec. 315) | <input type="checkbox"/> First Source Hiring (Admin. Code) |
| <input type="checkbox"/> Jobs Housing Linkage Program (Sec. 313) | <input type="checkbox"/> Child Care Requirement (Sec. 314) |
| <input type="checkbox"/> Downtown Park Fee (Sec. 139) | <input type="checkbox"/> Other |

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Planning Commission Motion No. 18454

HEARING DATE: OCTOBER 6, 2011

Date: October 14, 2011
Case No.: **2011.0539C**
Project Address: **2113 UNION STREET**
Zoning: Union Street Neighborhood Commercial District (NCD)
40-X Height and Bulk District
Block/Lot: 0540/027
Project Sponsors: Michael F. Williams (agent)
1686 Union Street, Suite 214
San Francisco, CA 94123
Abed Rashed (applicant)
Wireless Store, Inc.
1783 Tribute Road, Suite A
Sacramento, CA 95815
Staff Contact: Sharon M. Young – (415) 558-6346
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ADOPTING FINDINGS RELATING TO THE APPROVAL OF A CONDITIONAL USE AUTHORIZATION PURSUANT TO PLANNING CODE SECTIONS 703.4, 303(c), AND 303(i) TO ALLOW THE ESTABLISHMENT OF A FORMULA RETAIL USE (D.B.A. WIRELESS STORE) AT 2113 UNION STREET WITHIN THE UNION STREET NEIGHBORHOOD COMMERCIAL DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On May 24, 2011, Michael Williams acting agent on behalf of Abed Rashed (hereinafter “project sponsor”) made an application for Conditional Use authorization for the property at **2113 Union Street, Lot 027 in Assessor’s Block 0540** (hereinafter “Subject Property”), to establish a Formula Retail Use pursuant to Planning Code Sections 703.4, 303(c), and 303(i) within the Union Street Neighborhood Commercial District and a 40-X Height and Bulk District, in general conformity with plans labeled “Exhibit B” (hereinafter “Project”).

On **October 6, 2011**, the San Francisco Planning Commission (hereinafter “Commission”) conducted a duly noticed public hearing at a regularly scheduled meeting on **Conditional Use Application No. 2011.0539C**. The proposal is to convert a vacant approximately 1,000 square feet commercial space (previously occupied by “Hill & Co. Real Estate”, a real estate office) to a retail sales establishment (d.b.a.

Wireless Store), a retail store specializing in wireless phones, communication devices, and accessories. The proposed retail store is considered a Formula Retail Use under Section 703.3 of the Planning Code. The proposal will involve interior tenant improvements to the existing first story commercial space. There will be no expansion of the existing building envelope.

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. 2011.0539C, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

FINDINGS

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

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description.** The Project Site at 2113 Union Street is located on the south side of Union Street between Fillmore and Webster Streets; Assessor's Block 0540; Lot 027. It is located in the Union Street Neighborhood Commercial Zoning District (NCD) and a 40-X Height and Bulk District. The subject lot is approximately 1,934 square-feet (25 feet wide by 77.50 feet deep) in size and is occupied by a two-story over basement commercial building built in 1974. The existing building is listed in the Planning Department's 1976 Architectural Survey, but is not listed in the National and California Registers as having architectural significance. The subject first floor vacant commercial tenant space was previously occupied by "Hill & Co. Real Estate", a real estate office; however, the real estate office still maintains its business operations in a second floor commercial space located in the subject building and ground floor commercial space located within the abutting building at 2107 Union Street. The basement (partially subterranean) floor of the subject building is occupied by a hair salon d.b.a. Head to Toes.
3. **Surrounding Neighborhood.** The surrounding development consists of a variety of commercial and mixed-use buildings. The scale of development in the area consists of a mix of low-and mid-rise buildings (one- to four-story structures), some of which were built in the early 1900s. A mix of food establishments, personal and professional service establishments, and small retail establishments defines the Union Street NCD corridor in the immediate vicinity. Some of the existing commercial establishments on the subject block include Gallery of Jewels San Francisco, Spa Primadona, Hill & Co. Real Estate, Mimi's, AT&T, Crepes A-Go-Go, Blo, Old & New Estates, San Francisco, Surf Company, Descend, Eyes in Disguise, Coffee Roastery. Some of the commercial establishments on the opposite block include Krimsa Fine Rugs & Décor, American

Apparel, Twig, Union Street Papery, Z Gallery, Brixton, La Cucina Restaurant, Hine Reids, Vino, Dryansky, Lush, Equity One, Cocoa Bella, and See Eyeware. The surrounding zoning is RM-1 (Residential, Mixed, Low-Density) District, RH-2 (Residential, House, Two-Family) District, and RH-3 (Residential, House, Three-Family) District zoning.

4. **Project Description.** The proposal is a request for Conditional Use Authorization pursuant to Planning Code Sections 703.4, 303(c), and 303(i) to establish a Formula Retail Use within the Union Street Neighborhood Commercial District and a 40-X Height and Bulk District. The proposal is to convert a vacant approximately 1,000 square feet commercial space (previously occupied by "Hill & Co. Real Estate", a real estate office) to a retail sales establishment (d.b.a. Wireless Store), a retail store specializing in wireless phones, communication devices, and accessories. (The proposed Wireless Store will be a Verizon Premium Retailer.) The proposed retail store is considered a Formula Retail Use under Section 703.3 of the Planning Code. According to the project sponsor, there are currently 44 Wireless Store locations nationwide which have a standardized facade, décor and color scheme, signage, and trademark or service mark. The proposal will involve interior and exterior tenant improvements to the existing first story commercial space. There will be no expansion of the existing building envelope.

5. **Issues and Other Considerations.**
 - The project sponsor has indicated that the proposed Wireless Store will be a family-owned business operated by four brothers and the intent is to hire 4 to 9 full-time and a number of part-time employees, with firm commitments to providing job opportunities to returning veterans seeking both residency and career opportunities within the Cow Hollow and contiguous neighborhoods.

 - The project sponsor has indicated that the proposed Wireless Store will not sell products that are Verizon Wireless branding. Accessory sales will be branded with the company name "Wireless Store", but sales volume of these products will not equate to more than 50% of total sales revenues. Other merchandise will be represented by multiple vendors such as Body Glove, Otter Box, Case Logic, Apple, Samsung, LG, etc. "Merchandising" or "Branding" will be limited to outdoor signage as a "Verizon Premium Retailer", and interior signage, brochures, posters, and business cards only.

6. **Public Comment.** As of October 6, 2011, the Department has not received any letters or phone calls in opposition to the project. The project sponsor conducted a community outreach meeting on May 11, 2011 as required with the Pre-Application Process for any Formula Retail subject to Conditional Use Authorization and indicated that there were no attendees at the meeting. The project sponsor has indicated that their community liaison has contacted the business owner of Motion Wireless, an independently-owned wireless phone and accessories business located at 3048 Fillmore Street and he had indicated no objections to the project since he specializes in used phone sales and repair of wireless handsets. The project sponsor has submitted a consensus report with approximately 20 letters from merchants and the Union Street Association in support of the project.

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

8. **Planning Code Compliance:** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:
 - A. **Section 101.1(b)** establishes eight priority planning policies and requires the review of permits that authorize changes of use for consistency with said policies:
 - (1) That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced.

The proposed project will preserve and enhance the District's existing commercial uses by establishing a new retail store use (specializing in wireless phones, communication devices, and accessories) that is complimentary to the existing mix of commercial establishments within the immediate neighborhood. The proposed project will provide job opportunities to the City by employing approximately 4 to 9 full-time employees and a number of part-time employees.
 - (2) That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods.

The proposed project will preserve and enhance the cultural and economic diversity of the neighborhood by allowing a new retail sales establishment on the project site. The proposed project will provide for a mix of uses within the existing building with commercial office use on the second floor and personal service use (beauty salon and beauty supplies store) on the basement floor. Existing housing will not be affected by the proposed project.
 - (3) That the City's supply of affordable housing be preserved and enhanced.

No housing exists at the Site.
 - (4) That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking.

The proposed project would not significantly increase the automobile traffic congestion and parking problems in the neighborhood. The proposal is a neighborhood-serving use which residents can access by walking or taking public transit.

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

The proposed project will not displace commercial office development in the area. The proposed retail sales establishment will be occupying a commercial tenant space vacated by "Hill & Co. Real Estate" real estate office which has consolidated its business operations within ground floor commercial space located at 2107 Union Street, directly adjacent to the project site and on the second floor of the subject building. There would be no displacement of any existing industrial or service businesses in the area.

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

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

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

The proposed project does not affect any landmarks or historic buildings.

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

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

- B. **Section 121.2 and 725.21** requires Conditional Use authorization for non-residential use exceeding 2,500 square feet; as defined by Planning Code Section 790.130 in the Union Street NCD.

The proposed project will occupy an existing vacant retail space less than 2,500 square feet. No additional square footage is proposed by the Project.

- C. **Section 145.1** requires that NC Districts containing specific uses, including retail stores, 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 first floor commercial space has approximately 15 feet of frontage on Union Street with the majority of the glass frontage devoted to window space.

- D. **Section 151** requires off-street parking for every 200 square feet of occupied floor area, where the occupied floor area exceeds 5,000 square feet. **Section 152** requires one off-street loading space for retail stores between 10,001 and 60,000 gross square feet.

The subject commercial space, with approximately 1,000 square feet in floor area, does not require any off-street or loading parking spaces.

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

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

The proposed project will occupy a vacant first floor retail space previously occupied by Hill & Co. Real Estate (a real estate office). The proposed project will be compatible with the neighborhood, as it will specialize in wireless phones, communication devices, and accessories which will be complimentary to the existing mix of commercial establishments within the immediate neighborhood. There will be primarily interior modifications and minor exterior modifications to the existing first floor commercial space. Some of the scope of the remodel will include new table fixtures and displays, floor finishes (carpet), new paint, and signage. There will be no changes to the existing building envelope.

- (2) The proposed project will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity. There are no features of the project that could be detrimental to the health, safety or convenience of those residing or working the area, in that:

- (A) Nature of proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;

The size and shape of the site and the size, and the arrangement of the structures on the site are adequate for the proposed project. There will be no physical expansion of the existing building or retail commercial space.

- (B) The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed off-street parking and loading;

Existing traffic patterns will not be significantly affected by the proposed project. Public transit that is in close proximity to the proposed Wireless Store includes Muni Lines 22, 41, and 45 within walking distance of the project site.

There is on-street parking in front of the subject property and in the surrounding neighborhood.

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

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

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

The proposed project will involve interior alterations to the existing first floor commercial tenant space. There will be no addition of parking spaces, loading facilities, open space or service areas. All project signage and projections will be consistent with the controls of the Planning Code.

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

The proposed project complies with all relevant requirements and standards of the Planning Code and is consistent with objectives and policies of the General Plan as detailed below.

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

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

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

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

There are approximately 200 operating retail, service and restaurant businesses within the Union Street NCD and approximately 17 (9%) of these businesses appear to qualify as formula retail uses. The other formula retail uses are dispersed throughout the Union Street NCD and are primarily clothing retailers such as Bebe, Armani Exchange, BCDG, and Nine West.

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

The project sponsor has indicated that similar uses in wireless services include an AT&T store located on Union Street approximately ½ block from the project site and Motion Wireless, a retail store independently-owned at Fillmore & Filbert Streets approximately 2 blocks from the project site, specializing in services and repairs for used phones and small wireless devices.

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

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

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

According to the project sponsor, there are currently 12 vacant ground floor commercial spaces within the Union Street NCD.

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

The proposed Wireless Store will complement the mix of goods and services currently available within the Union Street NCD which include a variety of offerings in retail, fashion, accessories, personal services, eating and drinking establishments, and other neighborhood-serving uses which attracts customers citywide.

- G. **Section 725.1** sets forth provisions applicable in the Union Street Neighborhood Commercial District (NCD). The Union Street NCD is located in northern San Francisco between the Marina and Pacific Heights neighborhoods. The district lies along Union Street between Van Ness Avenue and Steiner, including an arm extending north on Fillmore Street to Lombard. The shopping area provides limited convenience goods for the residents of sections of the Cow Hollow, Golden Gate Valley, and Pacific Heights neighborhoods immediately surrounding the street. Important aspects of Union Street's business activity are eating and drinking establishments and specialty shops whose clientele comes from a wide trade area. There are also a significant number of professional, realty, and business offices. The Union Street District controls are designed to provide sufficient growth opportunities for commercial development that is in keeping with the existing scale and character, promote continuous retail frontage, and protect adjacent residential livability. Small-scale buildings and neighborhood-serving uses are promoted, and rear yards above the ground story and at all residential levels are protected. Most commercial development is permitted at the first two stories of new buildings, while retail service uses are monitored at the third story and above. Housing development in new buildings is encouraged above the second story. Existing residential units are protected by limitations on demolitions and upper-story conversions.

- H. **Section 725.40** permits “other retail sales and services” establishments, such as Wireless Store, on the first and second stories.
- I. **Section 703.3** defines a Formula Retail Use as a type of retail sales activity or retail sales establishment which has eleven or more retail establishments located in the United States and maintains two or more of the following features: a standardized array of merchandise, a standardized facade, a standardized décor and color scheme, a uniform apparel, standardized signage, and a trademark or service mark. According to the project sponsor, there are 44 Wireless Store retail locations nationwide.
- J. **Section 703.4** states that a Conditional Use authorization is required for a formula retail use, as defined by Planning Code Section 703.3, in any of the City’s Neighborhood Commercial Districts.

The proposed project (dba Wireless Store) is a formula retail use, and intends to occupy existing first floor vacant retail space previously occupied by Hill & Co. Real Estate.

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

The project sponsor has indicated that the proposed hours of operation of the Wireless Store has not yet been determined, but will comply with the permitted of hours of operation pursuant to Planning Code Section 725.27.

- L. **Section 725.40** allows a retail store specializing in wireless phones, communication devices, and accessories under “Other Retail Sales and Services” as defined by Planning Code Section 790.102 in the Union Street NCD.

The proposed project (d.b.a. Wireless Store) will occupy an existing vacant retail space on the first floor of the building.

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

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

COMMERCE AND INDUSTRY ELEMENT

NEIGHBORHOOD COMMERCE

Objectives and Policies

OBJECTIVE 6:

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

Policy 1:

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

The proposed project would renovate and upgrade an existing vacant commercial space for a retail use. The proposed Wireless Store would be compatible with the type of uses characterizing this portion of the Union Street NCD which include a mixture of food establishments, personal and professional service establishments, and small retail establishments.

Policy 3:

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

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

Policy 4:

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

The proposed project will provide retail goods and services (i.e. selling wireless phones, communication devices, and accessories) and is accessible to all residents within this portion of the Union Street NCD.

Policy 9:

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

The proposed project does not adversely affect public transit or place a burden on the existing supply of parking in the neighborhood. Many patrons are able to walk from their residences or places of employment, and the project is well served by public transportation. There is on-street parking on the subject block and in the surrounding neighborhood.

URBAN DESIGN ELEMENT

CITY PATTERN

Objectives and Policies

OBJECTIVE 1:

EMPHASIS OF THE CHARACTERISTIC PATTERN WHICH GIVES TO THE CITY AND ITS NEIGHBORHOODS AN IMAGE, A SENSE OF PURPOSE AND A MEANS OF ORIENTATION.

Policy 3:

Recognize that buildings, when seen together, produce a total effect that characterizes the City and its districts.

The proposed project's design preserves the neighborhood since the exterior tenant improvements (i.e. change in signage) will not involve significant modifications to the building's original detailing or materiality.

NEIGHBORHOOD ENVIRONMENT

Objectives and Policies

OBJECTIVE 4:

IMPROVEMENT OF THE NEIGHBORHOOD ENVIRONMENT TO INCREASE PERSONAL SAFETY, COMFORT, PRIDE AND OPPORTUNITY.

Policy 15:

Protect the livability and character of residential properties from the intrusion of incompatible new buildings.

The proposed project will improve the neighborhood environment by increasing safety during both the daytime and nighttime through the occupancy of the space, which has been designed to provide a transparent storefront.

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. 2011.0539C** 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. 18454. 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 October 6, 2011.

Linda Avery
Commission Secretary

AYES: Commissioners Olague, Miguel, Antonini, Borden, Fong, Moore, Sugaya

NAYS: None

ABSENT: None

ADOPTED: October 6, 2011

EXHIBIT A

AUTHORIZATION

This authorization is for a Conditional Use to establish a Formula Retail Use (d.b.a. Wireless Store) on the first floor of a two-story over basement commercial building located at 2113 Union Street in Assessor's Block 0540, Lot 027, pursuant to Planning Code Sections 703.4, 303(c), and 303(i) within the Union Street Neighborhood Commercial District and a 40-X Height and Bulk District; in general conformance with plans stamped "Exhibit B" included in the docket for Case No. 2011.0539C and subject to conditions of approval reviewed and approved by the Commission on October 6, 2011, under Motion No. 18454. This authorization and the conditions contained herein run with the property and not with a particular project sponsor, business, or operator. The proposal is to convert a vacant approximately 1,000 square feet first floor commercial space (previously occupied by "Hill & Co. Real Estate", a real estate office) to a retail sales establishment (d.b.a. Wireless Store), a retail store specializing in wireless phones, communication devices, and accessories. The proposed retail store is considered a Formula Retail Use under Section 703.3 of the Planning Code.

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 October 6, 2011 under Motion No. 18454.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. 18454 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 – COMPLIANCE AT PLAN STAGE

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 building permit plans. 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.

4. **Signage.** All existing and proposed exterior signage shall be designed to compliment, not compete with, the existing architectural character and architectural features of the building and shall be consistent with the controls of Article 6 of the Planning Code. Project signage shall be reviewed and approved by the Planning Department. A Building Permit from the Department of Building Inspection must be obtained for all exterior proposed project signage.

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

MONITORING - AFTER ENTITLEMENT

5. **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
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. **Lighting.** All Project lighting shall be directed onto the Project site and immediately surrounding sidewalk area only, and designed and managed so as not to be a nuisance to adjacent residents. Nighttime lighting shall be the minimum necessary to ensure safety, but shall in no case be directed so as to constitute a nuisance to any surrounding property.

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