



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

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Planning Commission Motion No. 18479

HEARING DATE: NOVEMBER 3, 2011

Date: November 9, 2011
Case No.: **2011.0750C**
Project Address: **1737 POST STREET, SUITE 330 (AKA 11 PEACE PLAZA - LOCATED WITHIN THE INTERIOR OF JAPANTOWN CENTER KINTETSU MALL)**
Zoning: NC-3 (Moderate-Scale) Neighborhood Commercial District
 Japantown Special Use District
 50-X Height and Bulk District
Block/Lot: 0700/009
Project Sponsors: Aaron Nakahara (applicant)
 3 Suns Arose, LLC
 1520 Park Avenue
 Emeryville, CA 94608
 Japan Center West Associates, LP – Japan Center Malls (property owners)
 1770 Post Street, Box 297
 San Francisco, CA 94115
Staff Contact: Sharon M. Young – (415) 558-6346
 sharon.m.young@sfgov.org
Recommendation: **Approval with Conditions**

ADOPTING FINDINGS RELATED TO THE APPROVAL OF A CONDITIONAL USE AUTHORIZATION UNDER PLANNING CODE SECTIONS 712.69B, 249.31, AND 303 TO ESTABLISH AN AMUSEMENT GAME ARCADE (MECHANICAL AMUSEMENT DEVICES) USE LOCATED AT 1737 POST STREET SUITE 330 WITHIN THE NC-3 (NEIGHBORHOOD COMMERCIAL, MODERATE-SCALE) ZONING DISTRICT, JAPANTOWN SPECIAL USE DISTRICT, AND A 50-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On July 19, 2011, Aaron Nakahara, (hereinafter "Project Sponsor") made an application for Conditional Use authorization for the property at **1737 Post Street Suite 330, Lot 009 in Assessor's Block 0700** (hereinafter "Subject Property"), pursuant to Planning Code Sections 712.69B, 249.31, and 303 for the change of use of an approximately 800 square-foot ground floor commercial space (to be vacated by a retail clothing store d.b.a. The Omodaka) into an amusement arcade establishment and retail store (d.b.a. Playland Japan) within the NC-3 (Neighborhood Commercial, Moderate-Scale) Zoning District, Japantown Special Use District, and 50-X Height and Bulk District, in general conformity with plans dated August 16, 2011, and labeled "Exhibit B" (hereinafter "Project").

On **November 3, 2011**, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on **Conditional Use Application No. 2011.0750C**. Under Sections 712.69B, 249.31, and 303 of the Planning Code, Conditional Use authorization to establish an Amusement Game Arcade (Mechanical Amusement Devices) Use within the NC-3 Zoning District, Japantown Special Use District, and 50-X Height and Bulk District.

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. 2011.0750C, 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 and Present Use.** The Project Site at 1737 Post Street (Suite 330) is on the south side of Post Street between Webster and Buchanan Streets; Assessor's Block 0700; Lot 009. The irregular 'U-shaped' subject lot is 45,275 square-feet in size and is occupied by Japantown Center Kintetsu West Mall within the NC-3 Zoning District, Japantown Special Use District, and a 50-X Height and Bulk District. The proposed amusement game arcade establishment and retail store (d.b.a. Playland Japan) will be located in an approximately 800 square-foot ground floor commercial space (to be vacated by a retail clothing store d.b.a. The Omodaka) located within the interior of the mall.
3. **Surrounding Properties and Neighborhood.** The Project Site is located within the Western Addition Neighborhood and the southwest corner of the Japantown Special Use District. The Project Site is bounded by Kinokuniya Mall and Kabuki/Sundance Theater to the west and Peace Plaza, Miyako Mall and Miyako Hotel (Hotel Kabuki) to the east, JPOP Center to the north, and Geary Boulevard to the south. The site south of Geary Boulevard is zoned RM-3 (Residential, Mixed, Medium Density) and east of Laguna Street is zoned RM-4 (Residential, Mixed, High Density). Some of the existing commercial establishments adjacent to the proposed amusement game arcade establishment and retail store within the Japantown Center Kintetsu West Mall include Anderson Bakery, Taiyodo Records, Cako Cupcake, Ikenobo Ikenbana Society, Amiko Boutique, Katachi Gifts, Moritaya Gifts.

4. **Project Description.** The proposal is a request for Conditional Use authorization pursuant to Planning Code Sections 712.69B, 249.31, and 303 to establish an Amusement Game Arcade (Mechanical Amusement Devices) Use within the NC-3 (Neighborhood Commercial, Moderate-Scale) Zoning District, Japantown Special Use District, and a 50-X Height and Bulk District. The proposal will involve the change of use of an approximately 800 square-foot ground floor commercial space (to be vacated by a retail clothing store d.b.a. The Omodaka) into an amusement game arcade establishment and retail store (d.b.a. Playland Japan).

According to the project sponsor, 'Playland Japan' will provide Japanese-style family entertainment with imported game arcades and prize machines appropriate for children, a retail store, and venue for birthday celebrations. The proposal will involve interior tenant improvements to the ground floor commercial space and exterior modifications to the storefront located within the interior courtyard of the mall. There will be no expansion of the existing building envelope.

5. **Issues and Other Considerations.**

- According to the project sponsor, 'Playland Japan' will provide a contemporary Japanese children's entertainment and retail store selling Japanese anime and Japanese confectionary goods that are known but not seen significantly within Japantown. Customers will be able to experience playing imported Japanese prize machines and Japanese entertainment games as well as purchase Japanese retail goods, bringing a uniquely Japanese concept to San Francisco; this type of store is very popular in Japan but does not seem to exist in the U.S. The store would be aimed at young parents with children (ages 3-12), young adults, couples on dates, tourists seeking Japanese anime and Japanese entertainment experience, and provide a venue for birthday celebrations. The project sponsor has also indicated that the store theme will be based on very bright, child-oriented colors, decorated with anime characters throughout the store.

6. **Public Comment.** As of November 3, 2011, the Department has received two phone calls requesting additional information on the project. One of the callers expressed concerns regarding the proposed use indicating that mechanical game devices may bring about similar problems as Japantown Bowl had in the past with youth involved in gangs and the proximity to alcohol within the neighborhood, and that the prize machines appropriate for children in Japan may not be appropriate for children here. Subsequently, the caller discussed his concerns with the project sponsor and indicated he was in support of the project. The Department has also received one letter from the adjacent commercial tenant (d.b.a. Kohshi Master of Scents located in Suite 335) within the mall concerned that the potential noise generated from Playland Japan will be disruptive to his and nearby businesses. The project sponsor has submitted seven letters from the Japantown Merchants Association, Japantown Task Force, Japanese Chamber of Commerce of Northern California, Japanese Community Youth Council (YCYC), Nihonmachi Little Friends, Kimochi Inc, and Karen Kai (member of the Japantown Plan Organizing Committee) to the Planning Department in support of the proposed project.

7. **Use District.** The project site is within the NC-3 (Neighborhood, Moderate-Scale) District and within the boundaries of the Japantown Special Use District. The NC-3 District controls are intended to provide the opportunity for a wide variety of comparison and specialty goods and services to a population greater than the immediate neighborhood, additionally providing convenience goods and services to the surrounding neighborhoods. NC-3 Districts are linear districts located along heavily trafficked thoroughfares which also serve as major transit routes. In 2006, the Japantown Special Use District was established to maintain the cultural and historic integrity and neighborhood of Japantown with purposes of: (1) Preserve and develop Japantown as a viable neighborhood by revitalizing its commercial, recreational, cultural, and spiritual identity as a local, regional, statewide, national, and international resource; (2) Enhance the distinctive image and unique character of Japantown to passing motorists, transit riders, and pedestrians through architectural design, streetscape enhancements, signage, and other elements of the built environment; (3) Strengthen and support Japantown's identity through recognition of its planning subdistricts including the Geary Boulevard corridor; Japantown Center; Post Street commercial core; Sutter Street community/cultural core; Buchanan Mall; Fillmore Street corridor; and surrounding residential districts; and (4) Encourage the representational expression of Japanese architectural design and aesthetic for commercial, cultural, and institutional uses.
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. **Amusement Game Arcade Use in the NC-3 Zoning District.** Planning Code Section 712.69B allows an Amusement Game Arcade (Mechanical Amusement Devices) Use on the 1st (ground) floor within the NC-3 (Moderate-Scale) Neighborhood Commercial Zoning District with Conditional Use authorization, as defined by Planning Code Section 790.04.

The proposal involves the change of use of an approximately 800 square-foot ground floor commercial space (to be vacated by a retail clothing store d.b.a. The Omodaka) into an amusement game arcade establishment and retail store (d.b.a. Playland Japan). 'Playland Japan' is not considered a formula retail use under the Planning Code.

An amusement game arcade (mechanical amusement devices) is defined under Planning Code Section 790.04 as a retail use which provides eleven or more amusement game devices such as video games, pinball machines, or other such similar mechanical and electronic amusement devices.

- B. **Amusement Game Arcade Use in the Japantown Special Use District.** Under Planning Code Section 249.31(b) for any use subject to Conditional Use authorization and for any activity that the Planning Commission considers under its discretionary review power, the Planning Commission shall make the following additional findings:

Planning Code Section 249.31(b)(2)(i) - The use is not incompatible with the cultural and historic integrity, neighborhood character, development pattern, and design aesthetic of the Japantown Special Use District; and

Planning Code Section 249.31(b)(2)(ii) - The use supports one or more of the purposes for establishing the Japantown Special Use District.

The proposal to establish an amusement game arcade establishment and retail store (d.b.a. Playland Japan) will be compatible with the cultural and historic integrity of the Japantown Special Use District. The proposal will provide a new Japanese-themed commercial establishment intended for family entertainment with Japanese-imported arcade game and prize machines, and selling Japanese-themed retail goods (i.e. anime, confectionery). The proposal will not be incompatible with the neighborhood character, development pattern, and design aesthetic of the Japantown Special Use District since the proposed amusement game arcade establishment and retail store will be located within the interior of Japantown Center Kintetsu West Mall; the storefront entrance is located within the interior courtyard of the mall. The proposal will be compatible with the purposes of the Japantown Special Use District by providing a unique Japanese-themed retail concept that is currently not offered within the Japantown Malls or in other parts of the San Francisco Bay Area. Furthermore, the proposal may help maintain and enhance existing retail commercial uses in the mall by providing entertainment activity that may draw clientele not only from the local neighborhoods but also from a wider trade area.

Planning Code Section 249.31(b)(3) - Any change in use or establishment of a new use in the neighborhood commercial zones within this Special Use District shall require notice pursuant to Planning Code Section 312.

The proposal requires Section 312-neighborhood notification, which was conducted in conjunction with the conditional use notification process.

C. Hours of Operation. Planning Code Section 712.27 does not limit hours of operation.

Pursuant to Planning Code Section 712.27, there are no limits on the hours of operation for commercial uses within the NC-3 Zoning District. According to the project sponsor, the hours of operation tentatively proposed are 10 a.m. to 8:30 p.m. Monday through Thursday, and 10 a.m. to 10 p.m. Friday through Sunday.

D. Use Size Limits. Planning Code Section 712.21 establishes size limits on non-residential use sizes in the NC-3 Zoning District. Within the District, Conditional Use authorization is required for any non-residential use that meets or exceeds 6,000 square feet.

The proposed commercial use, with approximately 800 square feet of floor area, is within the use size limitations.

E. Street Frontage in Neighborhood Commercial Districts. 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 commercial space, located within the interior of Japantown Center Kintetsu West Mall, has approximately 26'6" feet of frontage devoted to the entrance facing the interior courtyard of the mall and will have no affect to the existing street frontage on Post Street.

- F. **Off-Street Parking and Loading.** Planning Code Sections 712.22 and 151 require off-street parking for every 300 square-feet of occupied floor area, where the occupied floor area exceeds 5,000 square feet.

The subject commercial tenant space, with approximately 800 square feet in floor area, does not require any off-street or loading parking spaces. There are two parking garages (Japantown Main Garage and Fillmore Street Annex Garage) within the mall and surrounding neighborhood.

- G. **Signage.** Any existing and 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. **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 proposal will involve interior tenant improvements to the ground floor commercial space and exterior modifications to the storefront located within the interior courtyard of the Japantown Center Kintetsu West Mall. The proposal will be complimentary to the existing commercial establishments within the Japanese-themed mall which contains a mix of eating and drinking establishments and retail stores.

- (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 arrangement of the structures on the site are adequate for the proposed project. There will be no physical expansion of the existing building or 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 amusement game arcade establishment and retail store includes Muni Line 2, 3, 4, and 38 Judah within walking distance of the project site. There is on-street parking in front of the subject mall and in the surrounding neighborhood. There are also two parking garages (Japantown Center Main Garage and Fillmore Street Annex Garage) within the mall and 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. According to the project sponsor, approximately 15-20 amusement game arcade machines will be installed within the commercial establishment; sounds coming from the machines are only loud enough to be heard a few feet away. In addition, he does not anticipate more than 20 people within the commercial establishment at a time. The project sponsor shall comply with the Conditions of Approval of the proposed project with regard to noise control.

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

The proposal will involve interior tenant improvements to the ground floor commercial space and exterior modifications to the storefront located within the interior courtyard of the Japantown Center Kintetsu West Mall. 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.

- i. 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.

- ii. 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 NC-3 Zoning District in that the intended use is a neighborhood-serving business.

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

COMMERCE AND INDUSTRY ELEMENT

GENERAL/CITYWIDE

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, which 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 project would allow for a new commercial use to develop within the Japantown Center Kintetsu West Mall on this portion of Post Street within the NC-3 Zoning District which will enhance the diverse economic base of the City.

NEIGHBORHOOD COMMERCE

Objectives and Policies

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 commercial space for a retail use. The proposed amusement game arcade establishment and retail store would be complimentary to the type of uses characterizing this portion of the NC-3 Zoning District which primarily include a mixture of food establishments, small retail establishments, and a few medical and personal service 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 this portion of the NC-3 Zoning District. The proposed project would not adversely affect 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 a new entertainment activity and retail store providing goods and services that is accessible to all residents within this portion of the NC-3 Zoning District.

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 and off-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 project's design would preserve the existing neighborhood character since the proposal does not include any facade and exterior changes to the existing building (Japantown Center Kintetsu West Mall).

11. **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 existing neighborhood-serving retail uses by continuing to occupy a commercial space (to be vacated by a retail clothing store d.b.a. The Omodaka). The proposed project will not significantly alter the existing mix of commercial establishments within the immediate neighborhood. The proposed project will continue to provide job opportunities to the City by employing approximately six people.

- (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 bringing a new business in the area. Existing housing will not be significantly affected by the proposed project.

- (3) That the City's supply of affordable housing be preserved and enhanced.

The proposed project will not displace any affordable housing.

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

The proposed project will not significantly increase 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.

There is no commercial office development associated with the proposed project and there will be no displacement of any existing industrial or service businesses in the area.

- (6) That the City achieves 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 will not significantly 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 will not affect any city-owned park or open space.

12. 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.

13. 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. 2011.0750C** 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. 18479. 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 November 3, 2011.

Linda Avery
Commission Secretary

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

NAYS: None

ABSENT: None

ADOPTED: November 3, 2011

EXHIBIT A

AUTHORIZATION

This authorization is for a Conditional Use to establish an Amusement Game Arcade (Mechanical Amusement Devices) Use at 1737 Post Street Suite 330 (aka 11 Peace Plaza – located within the interior of Japantown Center Kintetsu West Mall) in Assessor’s Block 0700, Lot 009, pursuant to Planning Code Sections 712.69B, 249.31 and 303 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 August 16, 2011, and stamped “EXHIBIT B” included in the docket for Case No. 2011.0750C and subject to conditions of approval reviewed and approved by the Commission on November 3, 2011, under Motion No. 18479. This authorization and the conditions contained herein run with the property and not with a particular project sponsor, business, or operator. The proposal will involve the change of use of an approximately 800 square-foot ground floor commercial space (to be vacated by a retail clothing store d.b.a. The Omodaka) into an amusement game arcade establishment and retail store (d.b.a. Playland Japan).

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 November 3, 2011 under Motion No. 18479.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. 18479 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. **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

4. **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

5. **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>

6. **Noise Control.** The premises shall be adequately soundproofed or insulated for noise and operated so that incidental noise shall not be audible beyond the premises or in other sections of the building and fixed-source equipment noise shall not exceed the decibel levels specified in the San Francisco Noise Control Ordinance.

For information about compliance with the fixed mechanical objects such as rooftop air conditioning, restaurant ventilation systems, and motors and compressors with acceptable noise levels, contact the Environmental Health Section, Department of Public Health at (415) 252-3800, www.sfdph.org

For information about compliance with the construction noise, contact the Department of Building Inspection, 415-558-6570, www.sfdbi.org

For information about compliance with the amplified sound including music and television contact the Police Department at 415-553-1012 or 415-5530123, www.sf-police.org

7. **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