



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. 18544

HEARING DATE: FEBRUARY 16, 2012

Date: February 9, 2012
Case No.: 2011.1172C
Project Address: 626 CLEMENT STREET
Zoning: Inner Clement Street Neighborhood Commercial District (NCD)
 40-X Height and Bulk District
Block/Lot: 1426/022
Project Sponsors: Barry Yeung (applicant)
 626 Clement Street
 San Francisco, CA 94118
 Sherman Yan (agent / architect)
 S & A Engineering Design
 423 Yale Street
 San Francisco, CA 94134
Staff Contact: Sharon M. Young – (415) 558-6346
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Recommendation: **Approval with Conditions**

ADOPTING FINDINGS RELATED TO THE APPROVAL OF A CONDITIONAL USE AUTHORIZATION UNDER PLANNING CODE SECTIONS 178(e)(2) AND 303 TO MODIFY THE CONDITIONS OF A PRIOR CONDITIONAL USE AUTHORIZATION TO ALLOW THE EXPANSION OF A FULL-SERVICE RESTAURANT USE (D.B.A. VOLAR ROMAN HOUSE) WITHIN AN APPROXIMATELY 1,800 SQUARE-FOOT KARAOKE LOUNGE (D.B.A. VOLAR KARAOKE) ON THE GROUND FLOOR OF A TWO-STORY MIXED-USE BUILDING LOCATED AT 626 CLEMENT STREET WITHIN THE INNER CLEMENT STREET NEIGHBORHOOD COMMERCIAL ZONING DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On October 19, 2011, Sherman Yan, acting agent on behalf of Barry Yeung (hereinafter “Project Sponsors”) made an application for Conditional Use authorization for the property at **626 Clement Street, Lot 022 in Assessor’s Block 1426** (hereinafter “Subject Property”), to modify the conditions of a prior Conditional Use authorization pursuant to Sections 178(e)(2) and 303, to allow the expansion of a full-service restaurant use (d.b.a. Volar Roman House) within an approximately 1,800 square-foot karaoke lounge (d.b.a. Volar Karaoke) on the ground floor of a two-story mixed-use building within the Inner Clement Street Neighborhood Commercial Zoning District and a 40-X Height and Bulk District, in

general conformity with plans dated November 20, 2008, and labeled "Exhibit B" (hereinafter "Project"). The expansion will involve tenant improvements to convert the approximately 300 square-foot vacant ground floor commercial tenant space located at the front of the building (previously occupied by a retail store d.b.a. D&B Wireless) into a dining area with seating for approximately 20 persons for the full-service restaurant use.

On **February 16, 2012**, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on **Conditional Use Application No. 2011.1172C**.

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. 2011.1172C, 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 626 Clement Street is on the north side of Clement Street between 7th and 8th Avenues; Assessor's Block 1426; Lot 022. It is located within the Inner Clement Street Neighborhood Commercial Zoning District (NCD) and 40-X Height and Bulk District. The subject lot is approximately 2,874 square feet (approximately 25 feet wide by 115 feet deep) in size and is occupied by a two-story mixed use building (with attic on the top level) constructed in 1905. The existing building is not listed in the Planning Department's 1976 Architectural Survey (AS survey) or the National or California Registers as having architectural significance. However, the existing building is included in the Inner Richmond Information Survey area and in the San Francisco Architectural Heritage survey with a rating of "C+". The subject ground floor commercial tenant space is one of two retail commercial tenant spaces on the ground floor of the building. The current proposal will involve converting the other ground floor commercial tenant space (d.b.a. D&B Wireless) into a dining area for the full-service restaurant use. There is one residential unit on the upper (second floor and attic) levels. The proposed project would be located adjacent to a full-service restaurant (d.b.a. Red Bakery) and a financial establishment (d.b.a. Bank of East Asia).

3. **Surrounding Properties and Neighborhood.** The project site is located within the Inner Richmond Neighborhood. The surrounding development consists of a variety of commercial and mixed-use buildings mostly featuring residential uses above ground-floor commercial establishments within the Inner Clement NCD. The scale of development in the area consists primarily of one- to three-story structures. The Inner Clement NCD is located on Clement Street between Arguello Boulevard and Funston Avenue in the eastern portion of the Richmond District. The shopping area contains a variety of small-scale convenience businesses which primarily include a mix of restaurants, specialty groceries, variety merchandise stores, and personal service establishments. Some of these commercial establishments include JVD Global Inc., Dental Office, Haig's Delicatessen, Red A Bakery, Bank of East Asia, Private I Salon, Big Belli Deli & Market Place, Gourmet Dim Sum & Café, Clement Produce Market, King of Thai Noodle House, ½ Hour Photo, and Wing Hing Seafood Market. On 7th and 8th Avenues running north and south of the project site, consist primarily of single and multi-family residential building within an RM-1 (Residential, Mixed Districts, Low Density) Zoning District.

4. **Project Description.** The proposal is a request for Conditional Use authorization under Sections 178(e)(2) and 303 of the Planning Code to modify the conditions of a prior Conditional Use authorization to allow the expansion of a full-service restaurant use (d.b.a. Volar Roman House) within an approximately 1,800 square-foot karaoke lounge (d.b.a. Volar Karaoke) on the ground floor of a two-story mixed-use building within the Inner Clement Street Neighborhood Commercial Zoning District and a 40-X Height and Bulk District. On February 24, 2011, the Planning Commission authorized Conditional Use under Motion No. 18282 (Case No. 2010.0793C) to add the full-service restaurant use to the existing karaoke lounge. The expansion will involve tenant improvements to convert the approximately 300 square-foot vacant ground floor commercial tenant space located at the front of the building (previously occupied by a retail store d.b.a. D&B Wireless) into a dining area with seating for approximately 20 persons for the full-service restaurant use. There will be no expansion of the existing building envelope.

5. **Issues and Other Considerations.**
 - On June 4, 2009, the Planning Commission authorized Conditional Use under Motion No. 17896 (Case No. 2009.0068C) to allow "other entertainment" use as a karaoke lounge at this location.

 - On February 24, 2011, the Planning Commission authorized Conditional Use under Motion No. 18282 (Case No. 2010.0793C) to add the full-service restaurant use to the existing karaoke lounge.

 - The full-service restaurant use is independently owned and is not considered a formula retail use under Section 703.3 of the Planning Code. According to the project sponsor, the full-service restaurant use specializes in Japanese cuisine, offering such menu items as ramen noodles, sushi rolls, soups and salads, smoothies, coffee and tea, and a variety of conventional cold drinks. The proposed expansion would provide a new dining area with table service for the existing full-service restaurant use. Food service is currently provided in the private karaoke rooms.

6. **Public Comment.** As of February 16, 2012, the Department has not received any letters or phone calls in support of or in opposition to the project.
7. **Use District.** For the purposes of this action, the project site is within the Inner Clement Street Neighborhood Commercial District (NCD). The Inner Clement Street NCD is located on Clement Street between Arguello Boulevard and Funston Avenue in the eastern portion of the Richmond District. The district provides a wide selection of convenience goods and services for the residents of the Inner Richmond neighborhood. Inner Clement Street has one of the greatest concentrations of restaurants of any commercial district in San Francisco, drawing customers from throughout the City and region. There are also a significant number of professional, realty, and business offices as well as financial institutions. The pleasant pedestrian character of the district is derived from the intensely active retail frontage on Clement Street.
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. **Modification of Prior Conditional Use Authorization.** Planning Code Section 178(e)(2) allows a permitted conditional use to be changed to another use upon approval of a new conditional use application.

On February 24, 2011, the Planning Commission authorized Conditional Use under Motion No. 18282 (Case No. 2010.0793C) to add the full-service restaurant use to the existing karaoke lounge. The current proposal to allow the expansion of the full-service restaurant use with the addition of the new dining area requires Conditional Use authorization to modify the conditions of the prior Conditional Use authorization.

- B. **Full-Service Restaurant Use in the Inner Clement Street NCD.** Planning Code Section 716.42 states that a Conditional Use authorization is required to establish a full-service restaurant use, as defined by Planning Code Section 790.92.

A full-service restaurant is defined under Planning Code Section 790.92 as:

a retail eating or eating or eating and drinking use which serves food to customers primarily for consumption on the premises, and is not specifically designed to attract and accommodate high customer volumes or turnover.

It has seating and serves prepared, ready-to-eat cooked foods for consumption on the premises. Guests typically order and receive food and beverage while seated at tables on the premises and pay for service after the meal is consumed.

It includes, but is not limited to, lunch counters, coffee shops, soda fountains and full-service dining establishments. It is distinct and separate from a small or large fast-food restaurant, as defined in Sections 790.90 and 790.91 of this Code.

It may provide on-site beer and/or wine sales for drinking on the premises (with ABC licenses 40, 41 or 60). If it serves liquor for drinking on the premises (with ABC licenses

47 or 48), or does not admit minors (with ABC licenses 42 or 61), then it shall also be considered a bar, as defined in Section 790.22 of this Code.

On February 24, 2011, the Planning Commission authorized Conditional Use under Motion No. 18282 (Case No. 2010.0793C) to add a full-service restaurant use to the existing karaoke lounge.

- C. **Hours of Operation.** Section 716.27 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 full-service restaurant use within the karaoke lounge are 11 a.m. to 2 a.m., seven days a week.

- D. **Street Frontage in Neighborhood Commercial Districts.** Planning Code 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.

With the dining area expansion of the full-service restaurant use within the existing karaoke lounge, the combined commercial spaces will have approximately 20 feet of frontage on Clement Street with glass frontage devoted to either the entrance or window space.

- E. **Off-Street Parking and Loading.** 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.

With the proposed expansion from 1,800 to 2,100 square feet, the subject commercial tenant space will not require any off-street parking or loading spaces.

- F. **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. **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 is to allow for the conversion of a 300 square-foot vacant ground floor commercial tenant space located at the front of the building (previously occupied by a retail store d.b.a. D&B Wireless) into a dining area for the full-service restaurant use within the existing karaoke lounge.

- (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. The proposal will involve interior tenant improvements to the existing commercial tenant space with the addition of an interior door connecting the dining area to the existing karaoke lounge. There will be no physical expansion of the existing building.

- (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 (Muni Lines 1-California, 2-Clement, 4-Sutter, 38-Geary, and 44-O'Shaughnessy) is in close proximity to the existing karaoke lounge and the proposed full-service restaurant. 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;

There will be no addition of off-street 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 Inner Clement Street NCD 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:

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

The expansion of the full-service restaurant use would be compatible with and complimentary to the types of uses characterizing this portion of the Inner Clement Street NCD, which include a mixture of food establishments, personal services, 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 this portion of the Inner Clement Street NCD. The proposed Project would not adversely impact any affordable housing resources in the neighborhood.

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 combination of the two commercial spaces on the ground floor of the building would help unify the commercial uses (both karaoke lounge and full-service restaurant uses) by allowing for a direct visual connection between the sidewalk and the building's interior. In the future, the property owner would have the option to convert the dining area back to a separate commercial space with minor tenant improvements by enclosing the interior door connection with a partition wall.

The following guidelines, in addition to others in this objective for neighborhood commercial districts, should be employed in the development of overall district zoning controls as well as in the review of individual permit applications, which require case-by-case review and City Planning Commission approval. Pertinent guidelines may be applied as conditions of approval of individual permit applications. In general, uses should be encouraged which meet the guidelines; conversely, uses should be discouraged which do not.

Policy 2:

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

An independent entrepreneur is sponsoring the proposal. The proposed use is a neighborhood-serving use. This is not a Formula Retail Use.

The following guidelines, in addition to others in this objective for neighborhood commercial districts, should be employed in the development of overall district zoning controls as well as in the review of individual permit applications, which require case-by-case review and City Planning Commission approval. Pertinent guidelines may be applied as conditions of approval of individual permit applications. In general, uses should be encouraged which meet the guidelines; conversely, uses should be discouraged which do not.

Eating and Drinking Establishments

Eating and drinking establishments include bars, sit-down restaurants, fast food restaurants, self-service restaurants, and take-out food. Associated uses which can serve similar functions and create similar land use impacts include ice cream stores, bakeries and cookie stores. Guidelines for eating and drinking establishments are needed to achieve the following purposes:

- Regulate the distribution and proliferation of eating and drinking establishments, especially in districts experiencing increased commercial activity;
- Control nuisances associated with their proliferation;
- Preserve storefronts for other types of local-serving businesses; and
- Maintain a balanced mix of commercial goods and services.

The regulation of eating and drinking establishments should consider the following:

- Balance of retail sales and services;
- Current inventory and composition of eating and drinking establishments;
- Total occupied commercial linear frontage, relative to the total district frontage;
- Uses on surrounding properties;
- Available parking facilities, both existing and proposed;
- Existing traffic and parking congestion; and
- Potential impacts on the surrounding community.

The Commerce and Industry Element of the General Plan contains Guidelines for Specific Uses. For eating and drinking establishments, the Guidelines state, "the balance of commercial uses may be threatened when eating and drinking establishments occupy more than 20 percent of the total occupied commercial frontage." Based on a site survey of the Inner Clement Street NCD conducted by Planning staff, it is estimated that 1/3 of the frontage of the NCD is occupied by eating and drinking establishments. The current proposal will not result in a net change in the number of existing eating and drinking establishments within the Inner Clement Street NCD, although it will slightly increase the commercial street frontage dedicated to eating and drinking establishments in the NCD.

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 allow for the expansion of a full-service restaurant use within an existing karaoke lounge which is accessible to all residents in this portion of the Inner Clement Street NCD.

Policy 9:

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

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

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 the existing karaoke lounge by allowing for the expansion of a full-service restaurant use, which will be complimentary to the existing commercial establishments within the immediate neighborhood. The proposed Project will continue to provide job opportunities to the City by employing approximately eight 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 helping to retain an existing 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 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.

There is no commercial office development associated with the proposed Project and there would 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. 2011.1172C** 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. 18544. 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 February 16, 2012.

Linda Avery
Commission Secretary

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

NAYS: None

ABSENT: None

ADOPTED: February 16, 2012

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to allow the expansion of a full-service restaurant use (d.b.a. Volar Roman House) within an approximately 1,800 square-foot karaoke lounge (d.b.a. Volar Karaoke) on the ground floor of a two-story mixed-use building located at 626 Clement Street in Assessor's Block 1426, Lot 022, pursuant to Planning Code Sections 178(e)(2) and 303 within the Inner Clement Street Neighborhood Commercial Zoning District and a 40-X Height and Bulk District; in general conformance with plans, dated November 20, 2008, and stamped "EXHIBIT B" included in the docket for Case No. 2011.1172C and subject to conditions of approval reviewed and approved by the Commission on February 16, 2012, under Motion No. 18544. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

On February 24, 2011, the Planning Commission authorized Conditional Use under Motion No. 18282 (Case No. 2010.0793C) to add the full-service restaurant use to the existing karaoke lounge. The expansion will involve tenant improvements to convert the approximately 300 square-foot vacant ground floor commercial tenant space located at the front of the building (previously occupied by a retail store d.b.a. D&B Wireless) into a dining area with seating for approximately 20 persons for the full-service restaurant use.

All conditions of approval from the previous Conditional Use authorization under Motion No. 18282 (Case No. 2010.0793C) shall remain in effect for the subject Conditional Use authorization which would allow for the expansion of the existing full-service restaurant use in the karaoke lounge.

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 February 16, 2012 under Motion No. 18544.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. 18544 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 architectural addenda. Space for the collection and storage of recyclable and compostable materials that meets the size, location, accessibility and other standards specified by the San Francisco Recycling Program shall be provided at the ground level of the buildings.

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

4. **Rooftop Mechanical Equipment.** Pursuant to Planning Code 141, the Project Sponsor shall submit a roof plan to the Planning Department prior to Planning approval of the building permit application.

Rooftop mechanical equipment, if any is proposed as part of the Project, is required to be screened so as not to be visible from any point at or below the roof level of the subject building.

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

5. **Lighting Plan.** The Project Sponsor shall submit an exterior lighting plan to the Planning Department prior to Planning Department approval of the building / site permit application.

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

6. **Signage.** The Project Sponsor shall develop a signage program for the Project which shall be subject to review and approval by Planning Department staff before submitting any building permits for construction of the Project. All subsequent sign permits shall conform to the approved signage program. Once approved by the Department, the signage program/plan information shall be submitted and approved as part of the site permit for the Project. All exterior signage shall be designed to compliment, not compete with, the existing architectural character and architectural features of the building.

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

7. **Noise.** Plans submitted with the building permit application for the approved project shall incorporate acoustical insulation and other sound proofing measures to control noise.

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

8. **Odor Control.** Plans submitted with the building permit application for the approved project shall incorporate odor control ducting which shall not be applied to the primary facade of the building.

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

MONITORING - AFTER ENTITLEMENT

9. **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

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

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

11. **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

12. **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 off 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/>.

13. **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/>*

14. **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 415-553-0123, www.sf-police.org

15. **Odor Control.** While it is inevitable that some low level of odor may be detectible to nearby residents and passersby, appropriate odor control equipment shall be installed and maintained to prevent any significant noxious or offensive odors from escaping the premises. The building permit application to implement the project shall include air cleaning or odor control equipment details and manufacturer specifications on the plans.

For information about compliance with odor or other chemical air pollutants emission standards and air quality regulations contact the Bay Area Air Quality Management District,(BAAQMD), 1-800-334-ODOR (6367), www.baaqmd.gov and Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

16. **Community Liaison.** Prior to issuance of a building permit application 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 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

17. **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