



SAN FRANCISCO PLANNING DEPARTMENT

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Planning Commission Motion No. 18655

HEARING DATE: JUNE 28, 2012

Date: June 21, 2012
Case No.: **2011.1344C**
Project Address: **101 6th Street**
Zoning: SoMa NCT (South of Market Neighborhood Commercial Transit)
85-X Height and Bulk District
Block/Lot: 3725/081
Project Sponsor: Marsha Garland
535 Green Street
San Francisco, CA 94133
Staff Contact: Brittany Bendix – (415) 575-9114
brittany.bendix@sfgov.org

ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 186.1 AND 303 OF THE PLANNING CODE TO INTENSIFY A NON-CONFORMING ENTERTAINMENT USE (D.B.A. MONARCH) WITHIN THE SOMA NCT (SOUTH OF MARKET NEIGHBORHOOD COMMERCIAL TRANSIT) ZONING DISTRICT AND AN 85-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On December 1, 2011, Marsha Garland, (hereinafter "Project Sponsor") filed an application with the Planning Department (hereinafter "Department") for Conditional Use Authorization under Planning Code Section(s) 186.1 and 303 to intensify a non-conforming entertainment use (d.b.a. Monarch) within the SoMa NCT (South of Market Neighborhood Commercial Transit) Zoning District and an 85-X Height and Bulk District.

On June 28, 2012, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2011.1344C.

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. 2011.1344C, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

FINDINGS

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

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The project is located on the southeast corner of the intersection of 6th and Mission Streets, Lot 081 of Assessor's Block 3725. The subject property is located within the SoMa NCT (South of Market Neighborhood Commercial Transit) Zoning District and an 85-X Height and Bulk District. The lot is approximately 6,000 square feet and is developed with a one story commercial building that covers the entire lot. The building is split into four retail spaces and is occupied by a barber, an adult video store, a pawnbroker and the subject bar/entertainment venue (d.b.a. Monarch). The subject use occupies the corner unit consisting of approximately 3,111 square-feet of the ground floor and basement. The on-site entertainment includes performance space for local emerging and internationally renowned musical talent. There is also a dance floor.
3. **Surrounding Properties and Neighborhood.** The project site is situated on the southeast corner of the intersection of 6th and Mission Streets, at the northern end of the South of Market Neighborhood Commercial Transit Zoning District. The other uses at this intersection include a restaurant (d.b.a. Miss Saigon) on the southwest corner, the Bayanihan Community Center on the northwest corner, and an adult entertainment video store (d.b.a. Golden Gate Adult Superstore) on the northeast corner. Beyond these establishments is a variety of uses including personal services, restaurants, corner stores, light-industrial uses, offices, and non-profit organizations. Many properties, including the Miss Saigon and Bayanihan sites have Single Residential Occupancy (SRO) housing on the upper floors. Although residential hotel units characterize the upper story uses in the immediate vicinity, market rate condos and converted office space can be found in the neighborhood at-large.

The broader area is characterized by varied zoning which includes C-3-G (Downtown, General Commercial), C-3-S (Downtown, Support), RSD (Residential/Service Mixed Use), RED (Residential Enclave), MUG (Mixed Use, General) and MUR (Mixed Use, Residential). The intent of the South of Market Neighborhood Commercial Transit District is to provide a limited selection of convenience goods for the residents of the South of Market. Eating and drinking establishments are considered to contribute to the street's mixed-use character and streetscape activity during the evening hours.

The site is well served by local and regional public transit. The 14-Mission Muni Bus line operates on Mission Street and stops on the same block as the subject property. Other Muni bus lines serving the subject property within a ¼-mile radius include the 5-Fulton, 9-San Bruno, 12-Folsom, 19-Polk, 27-Bryant and 31-Balboa. The site is also within ¼ mile from the Muni F-Line and Market Street lines, both the Civic Center and Powell BART stations, and connections to Golden Gate Transit and SamTrans.

4. **Project Description.** The Project is seeking Conditional Use authorization to intensify a non-conforming entertainment use by expanding it to the basement level of the approximately 3,111 square-foot bar. The proposal also seeks to extend hours of operation for both the bar and entertainment use from 2AM to 4AM daily. The proposal does not include any increase to the existing building envelope or changes to the façade. The use is not identified as a formula retail use. Alcohol cannot be served after 2AM by California State law.
5. **Public Comment.** To date, the Department has received ten letters in support of this project. All letters have indicated that Monarch is respectful of neighbors and that the expansion of the venue is a welcomed change in the neighborhood.

The Department received four e-mails in opposition to the extension of hours prior to the scheduling of the initial June 14, 2012 hearing date. Stated issues of concern were public safety and noise. Upon receipt of these letters the Project Sponsor agreed to a continuance to provide time to engage concerned neighbors. A community meeting was held on June 21, 2012. Staff attended the meeting and residents appeared to appreciate the dialogue and better understood the proposed intensification. A second meeting between the Project Sponsor and community members with remaining concerns was held on June 20, 2012. At this meeting the Project Sponsor agreed to operate with extended hours for only four days a week, Thursday thru Sunday, and for a period of 9 months, after which they would seek the full seven days. Condition of Approval #12 reflects this agreement, adding that the case would return to the Planning Commission as an Informational Presentation and the Zoning Administrator would have the power to extend or reduce hours as directed.

6. **Planning Code Compliance:** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:
 - A. **Bar Use.** Planning Code Section 735.41 requires Conditional Use Authorization to establish a bar within the South of Market Neighborhood Commercial Transit District.

Prior to the establishment of the South of Market Neighborhood Commercial Transit District in 2008, the bar use at this property was principally permitted pursuant the controls of its prior zoning - the Residential/Service Mixed Use District. Additionally, the bar use had already expanded to the basement prior to the rezoning under building permit application number 2007.09.12.2472. Alcohol will not be served after 2AM.

- B. Entertainment Use.** Planning Code Section 735.48 does not permit new entertainment uses within the South of Market Neighborhood Commercial Transit District.

The entertainment use on site is considered legally non-conforming and was established in 2000 by Board of Appeals No. 00-132. The Planning Department had recommended denial of a Police Permit Inspection Recommendation that would allow deejays to play music, a use classified as "nighttime entertainment" which was not permitted under the former RSD (Residential/Service Mixed Use) Zoning. Upon hearing the facts of the case, the Board of Appeals chose to overrule the denial with a finding that "the permit request (was) for a permit to operate the music system as this has been a pre-existing non-conforming use, and on Condition that the individual operating the music system not be advertised as a deejay."

Since the ruling of the Board of Appeals, the site has undergone a series of different owners. During this time the entertainment use expanded beyond what was initially permitted to a venue that advertises deejays and has a dance floor in the basement level. In addition to requesting an expansion of hours of operation, the current owners are seeking to legalize this intensification by means of Planning Code Section 186.1 which enables the Planning Commission to approve the intensification of legally non-conforming uses.

- C. Exemption of Non-Conforming Uses in Neighborhood Commercial Districts.** Planning Code Section 186.1 enables the expansion and intensification of non-conforming uses in Neighborhood Commercial Districts by Conditional Use Authorization. Expansions may be considered so long as the use does not expand beyond the existing lot boundaries and the use does not expand upward above the story or stories which it lawfully occupies. Additionally, intensifications may be considered so long as the use does not result in a greater height, bulk or floor area ratio, less required rear yard or open space, or less required off-street parking space or loading space than permissible under the limitations set forth in the Planning Code for the district in which the use is located.

The Project seeks Conditional Use Authorization to both expand into the basement of the existing commercial unit and to intensify the use by extending its hours of operation. The lawfully non-conforming entertainment use will expand to the basement level and does not include any expansion to the existing building envelope. Additionally, the intensification does not result in physical changes and does not lessen any required open area or required parking facilities as required by the Planning Code. Therefore, the Project can seek Conditional Use authorization in combination with the authorization required to extend the hours pursuant to Planning Code Section 735.27.

- D. Hours of Operation.** Planning Code Section 735.27 requires Conditional Use authorization for any business within the South of Market NCT Zoning District that seeks hours of operation between 2AM and 6AM. The extension of hours for entertainment uses must also comply with Planning Code Section 303(c)(5) which mandates the activity's compliance with the San Francisco Noise Control Ordinance.

The existing bar and entertainment venue operates daily from 5:30PM to 2AM. The business is seeking Conditional Use authorization to extend their closing hours to 4AM on a daily basis. The

intent of the extended hours, seven days a week, is not to operate in that manner but to provide flexibility in booking various performers. The Project Sponsor has stressed that staying open till 4AM on a daily basis is not a sustainable business model. Furthermore, the business has been granted extended hours permits by the Entertainment Commission on four occasions, none of which resulted in complaints from neighbors or an observable decrease in public safety. The extended hours of the entertainment use and its expansion into the basement will comply with the applicable Conditions of Approval and the criteria of Section 303 as discussed below.

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

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

The site currently meets all Police Department soundproofing requirements; no physical changes will be made as a result of this proposal. Because the dance floor (the location of the proposed amplified entertainment) is located on the basement level (one story below grade) the noise impact of both the existing entertainment and the proposed entertainment is and will be minimized. Furthermore, Monarch is located on a corner lot, and thus has fewer abutting properties which could be negatively impacted by an intensification of the on-site activities. The closest residential units to the property are on opposite sides of 6th or Mission Streets which are heavily used transit and vehicular arteries at all hours. Furthermore "Good Neighbor" conditions will ensure that the operation is compatible with surrounding properties.

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

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

The site currently meets all Police Department soundproofing requirements; no physical changes will be made as a result of this proposal. Because the dance floor (the location of the proposed amplified entertainment) is located on the basement level (one story below grade) the noise impact of both the existing entertainment and the proposed entertainment is and will be minimized. Furthermore, Monarch is located on a corner lot, and thus has fewer abutting properties which could be negatively impacted by an intensification of the on-site activities. The closest residential units to the property are also on opposite sides of 6th or Mission Streets which are heavily used transit arteries at all hours.

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

The proposed activity will not significantly affect traffic patterns for persons or vehicles, as the use is currently operating. No increase in the size or capacity of the facility is proposed. The proposed extension of hours would occur at a time when pedestrian and vehicular traffic is minimal. This proposal may actually enhance pedestrian accessibility and pedestrian traffic patterns by the increased numbers of club patrons who will provide 'eyes on the street' at all hours, thus making Sixth and Mission Streets safe, and consequently more appealing, for pedestrian traffic.

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

Noxious or offensive omissions will continue to be prevented through stringent Conditions of Approval. As discussed above, the facility currently meets all Police soundproofing requirements. Monarch's corner location, as well as the basement-level location of the dance floor also serve to minimize noise impacts.

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

By allowing the facility to expand hours of operation, exterior lighting will remain active for a greater length of time and security personnel will have an extended presence in the area, ensuring greater safety. Furthermore, Conditions of Approval guarantee that any adverse impacts of increased patronage during after-hours operations will be mitigated both by litter removal, maintenance of the sidewalk, and signage requesting patrons be respectful of neighbors.

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

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

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

The proposed project is consistent with the stated purpose of the South of Market Neighborhood Commercial Transit District in that the expansion of the existing use will serve as a transition between the business and entertainment activities of the Downtown Commercial Districts to the East and the more moderate scale mixed use and residential districts to the West. Additionally, the existing entertainment use will continue to provide compatible convenience goods by means of performance and exhibition activities to the immediately surrounding neighborhood and the extended hours will promote safety along both 6th and Mission Streets.

- E. That any entertainment use open between two a.m. and six a.m. 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.

The cement walls provide sufficient dampening and there is a sound curtain under the staircase which prevents leaks from the basement's dance and performance space. Furthermore, the sound system is directional which eliminates sound bleed. Monarch has been operating since December 2011 without any noise complaints.

Crowd and line control is handled on the Mission Street side of the building, where there are no residential buildings within 500 feet. Lines are also rare, as the ground story bar accommodates patrons waiting to enter the basement level. Presently, at 2AM, when the patrons exit at once, Monarch's staff focuses on crowd control and assisting clients in leaving the area.

8. **General Plan Compliance.** The Project is, on balance, consistent with the following Objectives and Policies of the General Plan:

EAST SOMA (SOUTH OF MARKET) AREA PLAN

Objectives and Policies

OBJECTIVE 1.1

ENCOURAGE PRODUCTION OF HOUSING AND OTHER MIXED-USE DEVELOPMENT IN EAST SOMA WHILE MAINTAINING ITS EXISTING SPECIAL MIXED-USE CHARACTER.

Policy 1.1.9:

Require active commercial uses and encourage a more neighborhood commercial character along 4th and 6th Streets.

The intensification of the existing use will result in increased neighborhood livability in regards to a variety of quality of life issues. In particular, allowing the facility to operate until 4AM will provide more 'eyes on the street' and create a safer urban environment during a greater portion of the day. The 6th Street Corridor currently suffers from a lack of destination commercial establishments of any type. Drawing customers from within and beyond the immediate neighborhood, during regular or after-hours, will not only increase safety on public streets, but will also foster the gradual economic revitalization of the area.

OBJECTIVE 1.3

INSTITUTE FLEXIBLE "LEGAL NONCONFORMING USE" PROVISIONS TO ENSURE A CONTINUED MIX OF USES IN EAST SOMA.

Policy 1.3.1:

Continue existing legal nonconforming rules, which permit pre-existing establishments to remain legally even if they no longer conform to new zoning provisions, as long as the use was legally established in the first place.

Policy 1.3.2:

Recognize desirable existing uses in the former industrial areas which would no longer be permitted by the new zoning, and afford them appropriate opportunities to establish a continuing legal presence.

The nonconforming entertainment use was legally established and now seeks to expand into the basement, as well as extend the hours of operation. As previously mentioned, this intensification will not result in physical changes to the building or result in lessening any required open area or required parking facilities as required by the Planning Code.

COMMERCE AND INDUSTRY ELEMENT

Objectives and Policies

OBJECTIVE 1:

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

Policy 1.1:

Encourage development which provides substantial net benefits and minimizes undesirable consequences. Discourage development 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.

Allowing the requested intensification of the existing entertainment use will allow for greater recreational and entertainment choices for those who live and work in the City. Conditions of Approval guarantee containment of any significant noise generated by the use during both regular and after-hours operation.

OBJECTIVE 2:

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

Policy 2.1:

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

Policy 2.3:

Maintain a favorably social and cultural climate in the city in order to enhance its attractiveness as a firm location.

The intensification of this establishment will create an improved social and cultural environment by providing expanded entertainment offerings in a transitional neighborhood. Furthermore, this approval will allow the economic growth of an established business, thus assisting in the gradual economic revitalization of the 6th Street Corridor. Finally, Conditions of Approval guarantee the Sponsor's participation in economic development that will not only ensure improved conditions at the subject property, but will also contribute to an enhanced commercial district.

OBJECTIVE 3:

PROVIDE EXPANDED EMPLOYMENT OPPORTUNITIES FOR CITY RESIDENTS, PARTICULARLY THE UNEMPLOYED AND ECONOMICALLY DISADVANTAGED.

Policy 3.1:

Promote the attraction, retention and expansion of commercial and industrial firms which provide employment improvement opportunities for unskilled and semi-skilled workers.

At present, Monarch has a total of 18 employees, both full and part time, all of whom are from the San Francisco area. While their overall number of staff will most likely not change, they will need to utilize the staff they have for longer periods of time due to the longer hours. In addition to the regular staff, Monarch also employs a security team of six members, several of whom live in the immediate 6th Street area.

OBJECTIVE 6:

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

Policy 6.1:

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

The retention of a commercial use at this site ensures the provision of a diversity of neighborhood-serving goods and services.

Policy 6.2:

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

The expansion of the entertainment use and extension of hours will contribute to the success of the present operation; however, it will also pull in new customers outside of the neighborhood and bring attention to the transition taking place along the 6th Street corridor. Associated noise will be insulated per the City's requirements and the associated Conditions of Approval. Furthermore, added security presence at this

intersection will assist in maintaining safe conditions in an area that can help build a safe pedestrian corridor between both sides of Market Street.

ARTS ELEMENT

Objectives and Policies

OBJECTIVE I-2:

INCREASE THE CONTRIBUTION OF THE ARTS TO THE ECONOMY OF SAN FRANCISCO.

Policy I-2.1:

Encourage and promote opportunities for the arts and artists to contribute to the economic development of San Francisco.

Policy I-2.2:

Continue to support and increase the promotion of the arts and arts activities throughout the City for the benefit of visitors, tourists, and residents.

The expansion of the existing entertainment use will enable the venue to provide a performance space on-site and provide more varied forms of music on a regular basis. This increase in use also enhances San Francisco's arts sector and supplies residents, tourists and visitors with a greater diversity of entertainment offerings.

OBJECTIVE VI-1:

SUPPORT THE CONTINUED DEVELOPMENT AND PRESERVATION OF ARTISTS' AND ARTS ORGANIZATIONS' SPACES.

Policy VI-1.2:

Support and expand programs directed at enabling arts organizations and artists to comply with City building and safety codes to rehabilitate arts spaces.

Policy VI-1.4:

Preserve existing performing spaces in San Francisco.

Policy VI-1.9:

Create opportunities for private developers to include arts spaces in private developments city-wide.

Policy VI-1.11

Identify, recognize and support existing arts clusters and wherever possible, encourage the development of clusters of arts facilities and arts related businesses through the city.

Combined, the expansion of the entertainment space and extension of hours will enable the current business to provide new opportunities for various entertainers. Additionally, the site is situated among many notable theatres and performance spaces. The extended hours will contribute to greater pedestrian

activity in the general vicinity, in addition to added security presence. And the added performance space in the basement is adequately soundproofed to minimize disruption to activities beyond the site and current operations.

9. **Planning Code Section 101.1(b)** establishes eight priority-planning policies and requires review of permits for consistency with said policies. On balance, the project does comply with said policies in that:

- A. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses be enhanced.

The site has provided an entertainment use in this neighborhood for a number of years, providing patronage for other neighborhood businesses. However, there would be no direct impact on the neighborhood serving retail uses as a result of this Conditional Use authorization.

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

The Project will not change the existing housing or neighborhood character since it involves an existing nighttime entertainment use.

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

The Project will not affect the supply of affordable housing.

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

The Project will not impact traffic or create a higher demand for parking spaces than the existing use.

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

The Project will not displace or alter any elements of the City's industrial or service sectors.

- F. 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 the City Codes to achieve the proper preparedness in the event of an earthquake.

- G. That landmarks and historic buildings be preserved.

The project will allow the continued viability of an existing business which is located within a historically rated building, thus ensuring the continued use and maintenance of a historical resource which is located in a transitional neighborhood where other businesses may not succeed.

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

The proposed project will not have a negative effect on existing parks and open space.

10. The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would contribute to the character and stability of the neighborhood and would constitute a beneficial development.
11. The Commission hereby finds that approval of the Conditional Use authorization would promote the health, safety and welfare of the City.

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Application No. 2011.1344C** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated May 7, 2012, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion No. 18655. The effective date of this Motion shall be the date of this Motion if not appealed (After the 30-day period has expired) OR the date of the decision of the Board of Supervisors if appealed to the Board of Supervisors. For further information, please contact the Board of Supervisors at (415) 554-5184, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on June 28, 2012.

Linda D. Avery
Commission Secretary

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

NAYES: None

ABSENT: None

ADOPTED: June 28, 2012

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to intensify an entertainment use (d.b.a. Monarch) located at 101 6th Street pursuant to Planning Code Section(s) 186.1 and 303 within the SoMa NCT (South of Market Neighborhood Commercial Transit) Zoning District and an 85-X Height and Bulk District and subject to conditions of approval reviewed and approved by the Commission on June 28, 2012 under Motion No. 18655. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

RECORDATION OF CONDITIONS OF APPROVAL

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on June 28, 2012, under Motion No. 18655.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. 18655 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.

MONITORING

3. **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.

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. **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>
7. **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*
8. **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
9. **Notices Posted at Bars and Entertainment Venues.** Notices urging patrons to leave the establishment and neighborhood in a quiet, peaceful, and orderly fashion and to not litter or block driveways in the neighborhood, shall be well-lit and prominently displayed at all entrances to and exits from the establishment.
For information about compliance, contact the Entertainment Commission, at 415 554-6678, www.sfgov.org/entertainment

10. Other Entertainment. The Other Entertainment shall be performed within the enclosed building only. The building shall be adequately soundproofed or insulated for noise and operated so that incidental noise shall not be audible beyond the premises or in other sections of the building and fixed-source equipment noise shall not exceed the decibel levels specified in the San Francisco Noise Control Ordinance. Bass and vibrations shall also be contained within the enclosed structure. The Project Sponsor shall obtain all necessary approvals from the Entertainment Commission prior to operation. The authorized entertainment use shall also comply with all of the conditions imposed by the Entertainment Commission.

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

11. 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

12. Trial Period. From the first day of implementation, the extended hours shall be limited to four days of the week, Thursday through Sunday, for a trial period of nine (9) months. After this period, the Zoning Administrator may extend or reduce the permitted hours of the entertainment activity and will report the decision to the Planning Commission.

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