



# SAN FRANCISCO PLANNING DEPARTMENT

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*Subject to: (Select only if applicable)*

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|--|--|
| <input type="checkbox"/> Affordable Housing (Sec. 415)           | <input type="checkbox"/> First Source Hiring (Admin. Code) |
| <input type="checkbox"/> Jobs Housing Linkage Program (Sec. 413) | <input type="checkbox"/> Child Care Requirement (Sec. 414) |
| <input type="checkbox"/> Downtown Park Fee (Sec. 412)            | <input type="checkbox"/> Other                             |

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## Planning Commission Motion 18727

HEARING DATE: OCTOBER 25, 2012

*Date:* October 18, 2012  
*Case No.:* **2012.0908C**  
*Project Address:* **233-261 ELLIS STREET**  
*Zoning:* RC-4 (Residential-Commercial, High Density) District  
North of Market Residential Special Use Subarea-1 District  
80-T-130-T Height and Bulk District  
*Block/Lot:* 0331/016  
*Project Sponsor:* Harvey Hacker  
Harvey Hacker Architects  
528 Bryant Street  
San Francisco, CA 94107  
*Staff Contact:* Kate Conner – (415) 575-6914  
[kate.conner@sfgov.org](mailto:kate.conner@sfgov.org)

**ADOPTING FINDINGS RELATING TO THE APPROVAL OF A CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 303, 209.8 (b), 209.8 (c), 712.61, AND 790.12 TO ALLOW THE PARTIAL CONVERSION OF AN EXISTING PARKING GARAGE AND RETAIL TENANT SPACE TO A CAR RENTAL OFFICE AND CAR RENTAL AGENCY (D.B.A ENTERPRISE RENT-A-CAR) WITHIN THE RC-4 (RESIDENTIAL COMMERCIAL, HIGH DENSITY DISTRICT), THE NORTH OF MARKET RESIDENTIAL SUBAREA-1 SPECIAL USE DISTRICT AND 80-T/130-T HEIGHT AND BULK DISTRICT.**

### PREAMBLE

On July 18, 2012, Harvey Hacker (hereinafter "Project Sponsor") filed an application with the Planning Department (hereinafter "Department") for a Conditional Use Authorization under Planning Code Sections 303, 209.8 (b), 209.8 (c), 712.61, and 790.12 to allow the partial conversion of an existing parking garage and specialty grocery store to a car rental office and car rental agency (d.b.a. Enterprise Rent-A-Car) within the RC-4 (Residential Commercial, High Density) District, the North of Market Residential Special Use District, Subarea-1 (hereinafter "NOMRSUD-1") and 80-T/130-T Height and Bulk District.

On October 25, 2012, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2012.0908C.

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. 2012.0908C, 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 subject property is located on the south side of Ellis Street, between Mason and Taylor Streets, Block 0331, Lot 016 and is located within the RC-4 (Residential-Commercial, High Density) District, the NOMRSUD-1, and the 80-T/130-T Height and Bulk District. The property is developed with a two-story over basement parking garage that was constructed in 1923. There are three commercial tenants on the ground floor. Furthest east on Ellis Street is a specialty grocery store (d.b.a. Mota Bazaar), to the west is a restaurant (d.b.a. Kusina Ni Tess), and further west is a retail liquor store (d.b.a. Imperial Liquors). Public parking is provided at the basement level, first and second floors, and on the roof.
3. **Surrounding Properties and Neighborhood.** The area surrounding the project site is mixed-use in architectural character and land use. A variety of commercial establishments are located within ground floor storefronts in this RC-4 District, including a restaurant at Ellis and Mason Streets, a check cashing facility further west on Ellis Street, the Hilton Hotel located on the northern side of Ellis Street and a variety of restaurants, bars, and convenience stores in the one-block vicinity. Further west on Ellis Street is Glide Memorial Church whereas further east are the Hotel Nikko and the Parc 55 Hotel. Larger scale retail uses, theater uses, tourist hotels, and residential uses are situated in the greater downtown area.

The subject property is also located within the NOMRSUD-1 District. Pursuant to Planning Code Section 249.5, the NOMRSUD-1 District is designed to

Protect and enhance important housing resources in an area near downtown, conserve and upgrade existing low and moderate income housing stock, preserve buildings of architectural and historic importance and preserve the existing scale of development, maintain sunlight in public spaces, encourage new infill housing at a compatible density, limit the development of tourist hotels and other commercial uses that could adversely

impact the residential nature of the area, and limit the number of commercial establishments which are not intended primarily for customers who are residents of the area. New liquor stores are prohibited.

This special use district is located between Polk and Mason Streets with Post Street as the northern boundary. The subject property is also within the Fringe Financial Services Restricted Use District.

4. **Project Description.** The proposal is to partially convert an existing specialty grocery store (d.b.a Mota Bazaar) and parking garage to a car rental office and car rental agency (d.b.a. Enterprise Rent-A-Car). Currently the property is occupied by a two-story over basement building. The building is comprised of a 218-parking space public parking garage (approximately 73,320 square feet) and ground floor retail tenants including a restaurant, a liquor store and a specialty grocery store. The proposal would convert 169 of the 218 public parking spaces (approximately 54,360 square feet) to parking spaces for the car rental agency. These spaces are located on the first and second story and at the roof level. The existing specialty grocery store (approximately 1,188 square feet) would be converted to the rental car agency office. Public parking would continue to be provided at the basement level and would be comprised of approximately 50 spaces. The liquor store and the restaurant would remain operational.

Enterprise Rent-A-Car has three offices downtown: Union Square (222 Mason Street, in the Hotel Nikko), Civic Center (550 Turk Street), and Mission/Van Ness (1600 Mission Street). All three store fleet vehicles on site, although limited parking space at Hotel Nikko requires additional off-site leased spaces to accommodate overflow. Other Enterprise locations in San Francisco are at Fisherman's Wharf, Moscone Center, Richmond District, Cesar Chavez Street, Sunset District, and SOMA. Typically, each location is associated with a parking garage or parking lot and stores fleet vehicles on site.

Currently, the parking garage at 233 Ellis Street offers both monthly and transient parking. Enterprise Rent-A-Car presently leases 50 of the monthly stalls for overflow from their 222 Mason Street location and another car rental company leases 10 parking spaces. Property owners made this block of stalls available because they were experiencing a very limited market for monthly customers. Most of the hourly parking customers who occupy the remaining spaces are tourists. If the Conditional Use Authorization is approved, Enterprise plans to occupy 233 Ellis Street in lieu of 222 Mason Street, which will be abandoned. Approximately 75-85% of Enterprise's business is neighborhood-serving versus tourist-serving. The majority of Enterprise customers are insurance companies that are supplying replacement cars to customers in the immediate area.

Pursuant to the purposes set forth in the NOMRSUD-1 District, commercial uses that adversely impact the residential nature of the area should be limited as well as those commercial uses that do not primarily serve the residents in the area. Although there is a portion of Enterprise Rent-A-Car customers that are tourists (approximately 15-25%), there is a larger percentage of non-residents that use the existing public parking. The majority of Enterprise's customers will be insurance companies servicing residents in the immediate area. The proposal preserves two neighborhood serving uses (a liquor store and a restaurant).

The proposal does not involve any exterior modifications to the existing structure which has been determined to be a potential historic resource. The primary use is currently a parking garage, and the proposed use does not involve changes to the layout or circulation of the building. The parking spaces will be utilized by a rental car company fleet under the current proposal. A specialty grocery store will be converted to a rental car office with minor interior alterations. By preserving the historic character of the subject building, making no exterior and very limited interior changes, the proposal meets the intent of the NOMRSUD-1 District.

Enterprise Rent-A-Car anticipates that their hours of operation will be 7:30 am to 6:00 pm Monday through Friday with the possibility of opening on Saturday dependent upon demand.

There is a current Planning Enforcement case for lack of bicycle parking applicable the property. After visiting the site on October 5, 2012, it appears that five bicycle parking spaces have been installed where 10 spaces are required. Under the current proposal, an additional bicycle parking space would be installed, bringing the project into compliance.

5. **Public Comment.** The Department has not received any public comment regarding the proposal.
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. **North of Market Residential Special Use Subarea-1 District.** Pursuant to Planning Code Section 249.5, there are special considerations that the Planning Commission must take into account for all uses that require a Conditional Use Authorization in this district. Proposed conditional uses must enhance housing resources while conserving low and moderate income housing. Buildings of historic merit must be preserved. Sunlight should be maintained in public spaces by respecting the existing scale of the block face. Infill housing should be encouraged at stipulated densities and tourist hotel development should be limited. In addition, commercial uses that adversely impact the residential nature of the area as well as those commercial uses that do not primarily serve the residents in the area should be limited.

*The proposal is for the partial conversion of a parking garage that primarily served the tourist population. The proposed use, although a rental car agency, is primarily a neighborhood serving use, as the cars are rented by insurance companies and provided to residents in the immediate area.*

- B. **Car Rental Agency in the RC-4 District.** Planning Code Sections 209.8(b) and 209(c) state that uses permitted as a conditional use on the ground floor in the NC-3 District are conditionally permitted on all floors in the RC-4 District.

*A car rental agency is considered "automobile sales or rental" per Planning Code Section 790.12. This use is permitted as a conditional use in the NC-3 on the ground floor pursuant to Planning Code section 712.61. Planning Code Section 209.8(b) states that uses that are conditional on the ground story in an NC-3 District can be conditionally approved on the ground story in an RC-4 District.*

*Planning Code Section 209.8c states that uses that are conditional on the ground story in a NC-3 can be conditionally approved on levels above the ground story in an RC-4 District. The Project Sponsor is applying for a Conditional Use Authorization to allow for the car rental use on the first, second, and roof levels.*

- C. **Parking Garage.** Planning Code Section 712.56 states that a Conditional Use Authorization is required for non-accessory automobile parking on the ground floor in the NC-3 District. Pursuant to Planning Code Section 209.8(b), if a Conditional Use Authorization is required at the ground floor or below in the NC-3 District, then a Conditional Use Authorization is required in the RC-4 District.

*Automobile parking currently exists at the subject property. There are 218 spaces devoted to public parking at the basement, first and second floors, and at the roof level. The proposal includes the conversion of 169 parking spaces to car rental spaces while retaining 50 parking spaces at the basement level. This proposal does not include any additional parking spaces, as defined in Planning Code Section 790.8, only additional car rental spaces, defined under Planning code Section 790.12. A new Conditional Use Authorization is not required to retain existing public parking.*

- D. **Bicycle Parking.** Planning Code Section 155.2 states every City-owned or privately owned parking garage must provide bicycle parking spaces. Every garage must provide a minimum of six spaces regardless of the number of automobile parking spaces. Garages which offer between 120 and 500 automobile spaces shall provide one bicycle space for every 20 automobile spaces.

*The proposal includes a reduction of existing automobile parking spaces from 218 to 50, all of which will be located at the basement level; therefore, six bicycle parking spaces will be provided on-site. There is currently active enforcement on this property with regard to bicycle parking. If the Conditional Use Authorization is not granted and the parking garage is retained solely as public parking, with a total of 218 spaces, 10 bicycle parking spaces would be required to be installed. Approval of this Conditional Use Authorization would bring the subject property into compliance, as the requirement for 50 public parking spaces is six bicycle parking spaces.*

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

*The proposal includes the conversion of a 1,188 square foot specialty grocery store to Enterprise Rent-A-Car's office. No off-street parking is required for this use. The other two existing tenant spaces are approximately 633 square feet of restaurant space and 1,196 square feet of liquor store; thereby not meeting the 5,000 square foot threshold for the parking requirement. Off-site parking is not required and therefore not provided at the subject property for the retail uses included in the proposal.*

- F. **Street Frontage in Residential-Commercial Districts.** Section 145.1 of the Planning Code requires that within RC-4 Districts, space for "active uses" shall be provided within the first 25 feet of building depth on the ground floor and 15 feet on floors above. Frontages with active uses must be fenestrated with transparent windows and doorways for no less than 60

percent of the street frontage at the ground level and allow visibility to the inside of the building. Parking and loading entrances must not exceed more than 20 feet of street frontage of a new or altered. Off-street parking must be set back at least 25 feet on the ground floor and at least 15 feet on floors above.

*The subject commercial space has approximately 138 feet of frontage on Ellis Street, with approximately 69 feet of frontage devoted to vehicular access. Pursuant to Planning Code 145.4, "Active uses" include automobile sale or rentals where curb-cuts, garage doors, or loading access are not utilized or proposed, and such sales or rental activity is within an enclosed building. The proposed use is an automobile rental and is therefore considered an active use. The proposal is not considered a "development lot"; therefore, it would not have to conform to above grade parking setback requirements of Planning Code Section 145.1. The frontage will continue to be fenestrated with transparent windows and doorways, meeting the requirements of Planning Code Section 145.1.*

G. **Signage.** Currently, there is not a proposed sign program on file with the Planning Department. Any proposed signage will be subject to the review and approval of the Planning Department.

H. **Street Trees.** Pursuant to Planning Code 138.1, street trees are required under the following conditions: construction of a new building; relocation of a building; the addition of gross floor area equal to 20 percent or more of the gross floor area of an existing building; the addition of a new dwelling unit, a garage, or additional parking; or paving or repaving more than 200 square feet of the front setback.

*The proposal does not trigger the requirement for street trees in that there are no net new parking spaces.*

7. **Planning Code Section 303** establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use Authorization 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.

*There are no exterior modifications proposed to the existing structure. The potentially historic building is being reused and is consistent with the rest of the buildings on the block face. The proposed car rental agency is neighborhood-serving; cars are primarily supplied by Enterprise Rent-A-Car to insurance companies for clients in the immediate area.*

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 height and bulk of the existing building will remain the same and the proposal will not alter the existing appearance or character of the project vicinity. The proposed work will not affect the building envelope.*

- 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 Planning Code does not require parking or loading for the proposed car rental agency. The proposed use is designed to meet the needs of the immediate neighborhood and should not generate significant amounts of vehicular trips from the immediate neighborhood or citywide. Although cars will be leaving and entering the building as they are rented and returned, the generated trips are anticipated to be less than the current public parking garage.*

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

*The proposed use is not anticipated to generate noxious or offensive emissions. The subject building is currently used as a public parking garage and the partial conversion would likely result in less emissions than the current use.*

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

*The proposed rental car agency does not require any additional tenant improvements to the garage itself. The rental car office will move into an existing specialty foods store and the Department will review all lighting and signs proposed. Neither landscaping nor street trees are required as part of this project.*

- 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.*

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

## **COMMERCE AND INDUSTRY**

### **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.

*The proposed development will provide a desirable service to the neighborhood and will provide resident employment opportunities to those in the community. Further, the project site is located within a Residential-Commercial District and is thus consistent with activities in the commercial land use plan. The proposal involves converting an existing parking garage to a car rental agency, creating very little or no additional impact on the neighborhood.*

**OBJECTIVE 2:**

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

**Policy 2.1:**

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

*The Project will retain two existing commercial tenants and convert a specialty grocery store to an office for Enterprise Rent-A-Car. There will continue to be public parking located at the basement level of the subject building. The tenant space that will be converted is owned by the same owner of the liquor store and the owner intends to combine the merchandise, thereby not resulted in the loss of specialty grocery merchandise to the neighborhood. The proposed commercial activity and will enhance the diverse economic base of the City.*

**URBAN DESIGN ELEMENT**

**Objectives and Policies**

**OBJECTIVE 2:**

CONSERVATION OF RESOURCES WHICH PROVIDE A SENSE OF NATURE, CONTINUITY WITH THE PAST, AND FREEDOM FROM OVERCROWDING.



**Policy 2.4:**

Preserve notable landmarks and areas of historic, architectural or aesthetic value, and promote the preservation of other buildings and features that provide continuity with past development.

**Policy 2.5:**

Use care in remodeling of older buildings, in order to enhance rather than weaken the original character of such buildings.

*The subject building is a potentially historic garage. The conversion to a car rental agency has very little impact on the architectural integrity of the structure.*

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 complies 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 proposal would enhance the district by providing a service to residents in the immediate area. Two existing tenants as well as 50 public parking spaces are being retained and a new neighborhood-serving auto rental service will be added as part of the project.*

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

*Existing housing units in the surrounding neighborhood would not be adversely affected. The current use of the building is a public parking garage and the partial conversion to a car rental agency will have very little to no additional impact on the surrounding neighborhood.*

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

*No housing is removed as part of this Project.*

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

*The site is on Ellis Street and is well served by transit. It is presumable that the employees would commute by transit thereby minimizing possible effects on street parking. Ellis Street has three MUNI bus lines that either run on Ellis Street or within one block from the subject property (27, 31, and 38).*

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

*The Project will not displace any service or industry establishment. The project will not affect industrial or service sector uses or related employment opportunities. Ownership of industrial or service sector businesses will not be affected by this Project.*

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

*The Project is designed and will be constructed to conform to the structural and seismic safety requirements of the City Building Code. This proposal will not impact the property's ability to withstand an earthquake.*

- G. That landmarks and historic buildings be preserved.

*The subject building is potentially historic. The proposed change of use respects the original character of the building, a garage, and does not include any exterior alterations. In addition, the project sponsor has expressed a desire to restore the original façade of the building.*

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

*The project will have no negative affect on existing parks or open spaces.*

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. 2012.0908C** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated July 18, 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. 18727. The effective date of this Motion shall be the date of this Motion if not appealed (After the 30-day period has expired) OR the date of the decision of the Board of Supervisors if appealed to the Board of Supervisors. For further information, please contact the Board of Supervisors at (415) 554-5184, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on October 25, 2012.

Linda D. Avery  
Commission Secretary

AYES: Commission President Fong, Commissioners Antonini, Hillis, Moore, Wu

NAYS:

ABSENT: Commissioners Borden and Sugaya

ADOPTED: October 25, 2012

## **EXHIBIT A**

### **AUTHORIZATION**

This authorization is for a conditional use to allow partial conversion of a public parking garage to a car rental agency (d.b.a. Enterprise Rent-A-Car) located at 233-261 Ellis Street, Block 0331, and Lot 016 pursuant to Planning Code Sections 303, 209.8 (b), 209.8 (c), 712.61, and 790.12 to within the RC-4 District, NOMRSUD-1, and a 80-T/130-T Height and Bulk District; in general conformance with plans, dated July 18, 2012, and stamped "EXHIBIT B" included in the docket for Case No. 2012.0908C and subject to conditions of approval reviewed and approved by the Commission on October 25, 2012 under Motion No. 18727. 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 October 25, 2012 under Motion No. 18727.

### **PRINTING OF CONDITIONS OF APPROVAL ON PLANS**

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. 18727 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](http://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](http://www.sf-planning.org)*

## DESIGN

3. **Garbage, composting and recycling storage.** Space for the collection and storage of garbage, composting, and recycling shall be provided within enclosed areas on the property and clearly labeled and illustrated on the building permit plans. Space for the collection and storage of recyclable and compostable materials that meets the size, location, accessibility and other standards specified by the San Francisco Recycling Program shall be provided at the ground level of the buildings.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

## PARKING AND TRAFFIC

4. **Bicycle Parking.** Pursuant to Planning Code Sections 155.1 and 155.4., the Project shall provide no fewer than 6 Class 1 or Class 2 bicycle parking spaces.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

## MONITORING

5. **Enforcement.** Violation of any of the Planning Department conditions of approval contained in this Motion or of any other provisions of Planning Code applicable to this Project shall be subject to the enforcement procedures and administrative penalties set forth under Planning Code Section 176 or Section 176.1. The Planning Department may also refer the violation complaints to other city departments and agencies for appropriate enforcement action under their jurisdiction.  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*
6. **Revocation due to Violation of Conditions.** Should implementation of this Project result in complaints from interested property owners, residents, or commercial lessees which are not resolved by the Project Sponsor and found to be in violation of the Planning Code and/or the specific conditions of approval for the Project as set forth in Exhibit A of this Motion, the Zoning Administrator shall refer such complaints to the Commission, after which it may hold a public hearing on the matter to consider revocation of this authorization.  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

## OPERATION

7. **Garbage, Recycling, and Composting Receptacles.** Garbage, recycling, and compost containers shall be kept within the premises and hidden from public view, and placed outside only when being serviced by the disposal company. Trash shall be contained and disposed of pursuant to garbage and recycling receptacles guidelines set forth by the Department of Public Works.  
*For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works at 415-554-.5810, <http://sfdpw.org>*
8. **Sidewalk Maintenance.** The Project Sponsor shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean and sanitary condition in compliance with the Department of Public Works Streets and Sidewalk Maintenance Standards.  
*For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works, 415-695-2017, <http://sfdpw.org>*
9. **Community Liaison.** Prior to issuance of a building permit to construct the project and implement the approved use, the Project Sponsor shall appoint a community liaison officer to deal with the issues of concern to owners and occupants of nearby properties. The Project Sponsor shall provide the Zoning Administrator with written notice of the name, business address, and telephone number of the community liaison. Should the contact information change, the Zoning Administrator shall be made aware of such change. The community liaison shall report to the Zoning Administrator what issues, if any, are of concern to the community and what issues have not been resolved by the Project Sponsor.  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*