

**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. 2012.0370C** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated October 4, 2012, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

The Planning Commission hereby adopts the MMRP attached hereto as Exhibit C and incorporated herein as part of this Motion by this reference thereto. All required mitigation measures identified in the 1127 Market Street/Strand Theater Preliminary Mitigated Negative Declaration (dated October 3, 2012) and contained in the MMRP are included in the conditions of approval.

**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. 18729. 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 Avery  
Commission Secretary

AYES: Commissioners Antonini, Fong, Hillis, Moore, Sugaya, Wu

NAYS: None

ABSENT: Borden

ADOPTED: October 25, 2012

## **EXHIBIT A**

### **AUTHORIZATION**

This authorization is for a Conditional Use to allow the conversion of vacant commercial space previously occupied by a single-screen movie theater (d.b.a Strand Theater) into a live entertainment theater (d.b.a. A.C.T Second Stage) at the first through fourth floors located at 1127 Market Street, Block 3702, Lot 046 pursuant to Planning Code Section **303(k)** within the C-3-G Zoning District, Market Street Special Sign District, and 120-X Height and Bulk District; in general conformance with plans, dated **October 4, 2012**, and stamped "EXHIBIT B" included in the docket for Case No. **2012.0370C** and subject to conditions of approval reviewed and approved by the Commission on **October 25, 2012** under Motion No. **18729**. 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. **18729**.

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

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. **18729** 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.