



# SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

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- Jobs Housing Linkage Program (Sec. 413)
- Downtown Park Fee (Sec. 412)
- First Source Hiring (Admin. Code)
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- Other

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## Planning Commission Motion No. 18908 HEARING DATE: JUNE 13, 2013

*Date:* June 6, 2013  
*Case No.:* **2013.0336 C**  
*Project Address:* **1096 SOUTH VAN NESS AVE**  
*Zoning:* NC-1 (Neighborhood Commercial, Cluster)  
 Mission Alcoholic Beverage Special Use District  
 55-X Height and Bulk District  
*Block/Lot:* 3615/010  
*Project Sponsor:* Steve Fox  
 4366 24<sup>th</sup> Street  
 San Francisco, CA 94114  
*Staff Contact:* Corey Teague – (415) 575-9081  
[corey.teague@sfgov.org](mailto:corey.teague@sfgov.org)

**ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 186.2(A), 249.60, 303, 303(P), 703.2, 710.27, 710.43, 710.48, AND 727.44, OF THE PLANNING CODE TO ALLOW AN APPROXIMATELY 9,500 GROSS SQUARE FOOT RESTAURANT AND MINIATURE GOLF ESTABLISHMENT (D.B.A. URBAN PUTT) WITH EXTENDED HOURS TO OCCUPY THE ENTIRE BUILDING WITHIN AN NC-1 (NEIGHBORHOOD COMMERCIAL CLUSTER) ZONING DISTRICT, THE MISSION ALCOHOLIC BEVERAGE SPECIAL USE DISTRICT, AND A 55-X HEIGHT AND BULK DISTRICT.**

### PREAMBLE

On March 21, 2013 Steve Fox (hereinafter “Project Sponsor”) filed an application with the Planning Department (hereinafter “Department”) for Conditional Use Authorization under Planning Code Sections 186.2(a), 249.60, 303, 303(p), 703.2, 710.27, 710.43, 710.48, and 727.44, to allow an approximately 9,500 gross square foot restaurant and miniature golf establishment (d.b.a. Urban Putt) with extended hours to occupy the entire building within an NC-1 (Neighborhood Commercial Cluster) Zoning District, the Mission Alcoholic Beverage Special Use District, and a 55-X Height and Bulk District.

On June 13, 2013, the San Francisco Planning Commission (hereinafter “Commission”) conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2013.0336C.

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. 2013.0336C, 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 northwest corner of the intersection of South Van Ness Avenue and 22<sup>nd</sup> Street. The property is located within the NC-1 (Neighborhood Commercial, Cluster) District with a 55-X height and bulk district. The 6,745 square foot parcel contains a two-story building that also includes a basement. The last business located within the building was a mortuary. However, the Planning Commission authorized the building to be used as a restaurant with "other entertainment" in 2005 per Motion No. 16930. While some improvements for that project were completed, the approved restaurant never opened for business. As such, the building is currently vacant.
3. **Surrounding Properties and Neighborhood.** The project site is located at the intersection of South Van Ness Avenue and 22<sup>nd</sup> Street, which is only two blocks from the neighborhood commercial corridors of Mission Street and 24<sup>th</sup> Street. However, the more immediate surroundings are primarily residential, ranging from single-family homes to multi-unit mixed-use buildings. Nearby landmarks include the Hua Zang Si Buddhist temple, the Sheffield Convalescent hospital, and the St Mary & St Martha Lutheran Church. Surrounding zoning includes RH-2 and RH-3 to the east, RTO-M to the north and south, and NC-1 and the Mission NCT District to the west.
4. **Project Description.** The applicant proposes to establish a restaurant and miniature golf course (d.b.a. Urban Putt) with extended hours of operation of 6:00a.m. to 12:00a.m. Sunday through Thursday, and from 6:00a.m. to 2:00a.m. Friday and Saturday. The approximately 2,100 square foot miniature golf course would be located only on the ground floor. The restaurant would occupy a portion of the ground floor and the entire smaller second floor, and would use the basement for storage, totaling approximately 7,400 square feet. However, that 7,400 square feet includes bathrooms for both the restaurant and miniature golf patrons, a large amount of circulation space, and approximately 2,200 square feet of storage in the basement.

The proposed use is an independent business that is not a Formula Retail use. The proposed operation is anticipated to employ 55 people; 7 of those employees will be salaried and 48 will be hourly. Deliveries will be scheduled between 8:00a.m. and 2:00p.m. Garbage will be picked up from the 22<sup>nd</sup> Street frontage where garbage containers will be kept behind a garage door.

5. **Public Comment.** The Department received eight comments of support for the project and no comments of opposition.
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. **Uses.** Planning Code Section 710.44 permits a restaurant as of right on the ground floor only within the NC-1 District. However, if the NC-1 District is within ¼ mile of a named NC District that contains a more restrictive control, then that control applies. The subject property is within ¼ mile of the 24<sup>th</sup> Street – Mission NCT District, which requires a Conditional Use Authorization for new restaurants.

Planning Code Section 249.60 (Mission Alcoholic Beverage Special Use District) states that “no new establishment where alcoholic beverages are sold, served or given away for on-site or off-site consumption, shall be established in this special use district.” However, it also states that “a Restaurant Use, as defined in Section 790.91, operating as a Bona Fide Eating Place, as defined in Section 790.142, shall be permitted to serve alcoholic beverages in this special use district.”

Planning Code Section 186.2(a) states that “in (1) multi-story buildings, or (2) buildings with a ground story with a ceiling height in excess of 15 feet or mezzanines, which buildings were originally constructed for single-tenant occupancy, a use which is permitted as a principal or conditional use at the first story and below may also locate in the upper stories of the building as a nonconforming use as provided in Section 186.1(b) above, if the use occupies all stories as a single tenant. The nonconforming use area in the upper stories occupied by the single use shall be limited to the use approved by the conditional use authorization and shall not be transferable to any other party or parties except upon approval by the City Planning Commission as a new conditional use authorization.”

Planning Code Section 710.48 permits “other entertainment” (i.e. miniature golf) only on the ground floor and only with a Conditional Use Authorization.

*The Project requests a Conditional Use Authorization for the proposed a restaurant (Bona Fide Eating Place) on the ground and second floors, and for the other entertainment on the ground floor only.*

- B. **Hours of Operation.** Planning Code Section 710.27 states that a Conditional Use Authorization is required for maintaining hours of operation from 11p.m. to 2 a.m, as defined by Planning Code Section 790.48.

*The Project requests a Conditional Use Authorization to operate until 12:00a.m. Sunday through Thursday and until 2:00a.m. Friday and Saturday.*

- C. **Parking.** Planning Section 151 requires parking for commercial and residential uses within the NC-1 District. However, Section 161(j) allows the Zoning Administrator to modify the parking requirements in the NC-1 District as part of the review of the Building Permit Application.

*The Zoning Administrator intends to modify the parking requirements for this project to allow no off-street parking because 1) the project is located in an area very well served by transit, bicycling, and pedestrian facilities, 2) the project site is only two blocks from two NCT Districts that require no off-street parking, 3) providing the required parking would result in some impact to an historic resource, and 4) the Mission Bartlett parking garage is within four blocks of the project site, and at least one other parking facility is within five blocks.*

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 proposal will occupy a prominent corner building that has been vacant for more than ten years with a neighborhood-serving use that is only two blocks from both the Mission Street NCT District and the 24<sup>th</sup> Street – Mission NCT District. Additionally, the proposal will create more than fifty new jobs, many of which can be filled by local residents, and will provide a service than can be used by almost all ages.*

*The subject building was designed to be used by a single business, with minimal windows and/or storefronts on either frontage. Additionally, the building was determined to be eligible for the California Register of Historic Places by the South Mission Historic Resource Survey. It would be difficult to use the building for multiple businesses without creating significant impacts to one or both facades. Therefore, the project is necessary and desirable, and quite compatible with the surrounding neighborhood.*

- 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 historic resource (two-story, full lot coverage) will remain the same and the project 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 project site is very well served by public transit, pedestrian, and bicycling facilities, including:*

- *Two blocks from the 14, 14L, 49, 12, 48, and 67 MUNI bus routes;*
- *Four blocks from the 24<sup>th</sup> Street BART station;*
- *Direct access to "bicycle-friendly" 22<sup>nd</sup> Street (shared travel bicycle route);*
- *One block from "bicycle-friendly" 23<sup>rd</sup> Street (bicycle sharrows); and*
- *Four blocks from dedicated bicycle lanes on Valencia Street and Folsom Street.*

*Additionally, the project site is four blocks from the Mission Bartlett parking garage. However, the project sponsor will encourage patrons to walk, bicycle, or use public transit, and plans to install bike racks at the project site.*

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

*As an eating and drinking establishment, the project is subject to the operation conditions of Planning Code Section 703.5, which account for issues of odor, noise, emissions, and garbage. The project will comply with Section 703.5.*

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

*The project site includes no parking, open space, or landscaped areas. All trash containers will be screened by the garage door on 22<sup>nd</sup> Street. All lighting and signing will meet Planning Code requirements.*

- 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 purpose of the applicable Neighborhood Commercial District.

*The project is consistent with the NC-1 District's intended purpose of serving as a local neighborhood shopping district, providing convenience retail goods and services for the immediately surrounding neighborhoods.*

- E. With respect to applications filed pursuant to Article 7, Section 703.2(a), for a movie theater use as defined in Planning Code Section 790.64, an Adult Entertainment use as defined in Planning Code Section 790.36, or Other Entertainment uses as defined in Planning Code Section 790.38, that such use or feature will:

- i. Not be located within 1,000 feet of another such use, if the proposed use or feature is an Adult Entertainment Use, as defined by Section 790.36 of this Code; and/or

*The proposed "Other Entertainment" is a miniature golf establishment and not an "Adult Entertainment Use."*

- ii. Not be open between two a.m. and six a.m.; and

*The proposed miniature golf establishment will not be open between 2:00a.m. and 6:00a.m.*

- iii. Not use electronic amplification between midnight and six a.m.; and

*The proposed "Other Entertainment" is a miniature golf establishment and will not include electronic amplification.*

- iv. 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 proposed miniature golf establishment will create less noise than typical entertainment uses (i.e. night clubs, performance venues, etc.) due to the lack of amplified music and/or performances. Any fixed-noise equipment associated with the project will meet all requirements of the San Francisco Noise Control Ordinance.*

8. Planning Code Section 303(p) establishes additional criteria for the Planning Commission to consider when reviewing applications for Conditional Use Approval of eating and drinking establishments in NC and Mixed Use Districts. On balance, the project does comply with said criteria in that:

- a. The existing concentration of eating and drinking uses in the area. Such concentration should not exceed 25 percent of the total commercial frontage as measured in linear feet within the immediate area of the subject site. For the purposes of this Section of the Code, the immediate area shall be defined as all properties located within 300 feet of the subject property and also located within the same zoning district.

*Planning staff performed a site survey of this NC District, which is less than 300 feet total, and contains the project site. With the proposed restaurant use, approximately 50 percent of the commercial frontage of this District is attributed to eating and drinking establishments. However, there are multiple issues to note, including:*

- 1. This NC-1 District consists of only one small block along 22<sup>nd</sup> Street between South Van Ness Avenue and Capp Street.*
- 2. This NC-1 District includes only one other restaurant (d.b.a. Panchita's). The only other two eating and drinking establishments are a bakery (d.b.a. Pan-Lido) and a bar (d.b.a. El Trebol).*
- 3. The bar is located at the southeast corner of 22<sup>nd</sup> Street and Capp Street and has a small entrance on 22<sup>nd</sup> Street. However, the approximately 52 feet of frontage along Capp Street is a blank wall space that includes no storefronts, windows, or public entrances.*
- 4. The subject building for the proposed project is also on a corner parcel, with the entrance facing the shorter frontage along South Van Ness Avenue. The frontage along 22<sup>nd</sup> Street is 90 feet and does not include any storefronts or public entrances. In general, the subject building does not present itself as a service-oriented business due to its lack of storefronts and high, barred windows. Finally, the restaurant portion of the business will be located primarily along the South Van Ness Avenue façade. The 22<sup>nd</sup> Street façade primarily includes stairs, restrooms, a coat check, and a garbage room.*

*If these long, generally blank, corner frontages are removed from the calculation, then only approximately 22 percent of the commercial frontage of this District is attributed to eating and drinking establishments.*

9. **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 that has substantial undesirable consequences that cannot be mitigated.

**Policy 1.2:**

Assure that all commercial and industrial uses meet minimum, reasonable performance standards.

*The project will occupy a historic resource that has been vacant for more than ten years with a locally-owned, neighborhood-serving use that will provide a service (miniature golf) that is offered nowhere else in the City. Additionally, the project will be subject to the operational conditions for eating and drinking establishments outlined in Planning Code Section 703.5.*

**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 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.



*There is a concern with the potential over-concentration of food-service establishments. 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% of the total occupied commercial frontage." Planning staff performed a site survey of this NC District, which contains the project site. With the proposed restaurant use, approximately 50 percent of the commercial frontage of this District is attributed to eating and drinking establishments. However, there are multiple issues to note, including:*

- 1. This NC-1 District consists of only one small block along 22<sup>nd</sup> Street between South Van Ness Avenue and Capp Street.*
- 2. This NC-1 District includes only one other restaurant (d.b.a. Panchita's). The only other two eating and drinking establishments are a bakery (d.b.a. Pan-Lido) and a bar (d.b.a. El Trebol).*
- 3. The bar is located at the southeast corner of 22nd Street and Capp Street and has a small entrance on 22nd Street. However, the approximately 52 feet of frontage along Capp Street is a blank wall space that includes no storefronts, windows, or public entrances.*
- 4. The subject building for the proposed project is also on a corner parcel, with the entrance facing the shorter frontage along South Van Ness Avenue. The frontage along 22<sup>nd</sup> Street is 90 feet and does not include any storefronts or public entrances. In general, the subject building does not present itself as a service-oriented business due to its lack of storefronts and high, barred windows. Finally, the restaurant portion of the business will be located primarily along the South Van Ness Avenue façade. The 22<sup>nd</sup> Street façade primarily includes stairs, restrooms, a coat check, and a garbage room.*

*If these long, generally blank, corner frontages are removed from the calculation, then only approximately 22 percent of the commercial frontage of this District is attributed to eating and drinking establishments.*

**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 proposal will occupy a long-vacant historic resource with a locally owned independent business that will provide unique services to the neighborhood and City.*

**MISSION AREA PLAN**

**Objectives and Policies**

**OBJECTIVE 1:**

STRENGTHEN THE MISSION'S EXISTING MIXED USE CHARACTER, WHILE MAINTAINING THE NEIGHBORHOOD AS A PLACE TO LIVE AND WORK.

**Policy 1.1.6:**

Permit and encourage small and moderate size retail establishments in neighborhood commercial areas of the Mission, while allowing larger retail in the formerly industrial areas when part of a mixed-use development.

*The proposal is a locally owned, moderate size retail establishment that will expand the mixed use character of the Mission by providing a service that is not currently available within the City (i.e. miniature golf).*

10. **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 proposal will create a new neighborhood-serving retail use in a prominent building that has been vacant for more than ten years. The business is locally-owned and will provide more than 50 jobs for neighborhood and City residents.*

- 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 site is only two blocks from Mission Street and 24<sup>th</sup> Street. The Mission Street NCT District places no controls on hours of operations for businesses, and the 24<sup>th</sup> Street – Mission NCT District permits businesses to operate until 2:00a.m. as of right. Therefore, permitting a retail business to operate until midnight Sunday through Thursday, and until 2:00a.m. on Fridays and Saturdays is consistent with the neighborhood character.*

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

*No housing is created or removed as part of this project.*

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

*The project site is very well served by public transit, pedestrian, and bicycling facilities, including:*

- *Two blocks from the 14, 14L, 49, 12, 48, and 67 MUNI bus routes;*
- *Four blocks from the 24<sup>th</sup> Street BART station;*
- *Direct access to "bicycle-friendly" 22<sup>nd</sup> Street (shared travel bicycle route);*
- *One block from "bicycle-friendly" 23<sup>rd</sup> Street (bicycle sharrows); and*
- *Four blocks from dedicated bicycle lanes on Valencia Street and Folsom Street.*

*Additionally, the project site is four blocks from the Mission Bartlett parking garage. However, the project sponsor will encourage patrons to walk, bicycle, or use public transit, and plans to install bike racks at the project site.*

- 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 only includes interior tenant improvement and will not impact the structural or seismic stability of the building.*

- G. That landmarks and historic buildings be preserved.

*The project will occupy a historic resource that has been vacant for more than ten years.*

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

*The project will have no impact on existing parks and open spaces.*

- 11. 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.
- 12. 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. 2013.0336C** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated June 4, 2013, 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. 18908. 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 13, 2013.

Jonas P. Ionin  
Acting Commission Secretary

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

NAYS:

ABSENT:

ADOPTED: June 13, 2013

## EXHIBIT A

### AUTHORIZATION

This authorization is for a conditional use to allow a restaurant and miniature golf establishment (d.b.a. **Urban Putt**) located at 1096 South Van Ness Avenue, Block 3615, and Lot 10, pursuant to Planning Code Section(s) **186.2(a), 249.60, 303, 303(p), 703.2, 710.27, 710.43, 710.48, and 727.44** within the NC-1 District, the Mission Alcoholic Beverage Special Use District, and a **55-X** Height and Bulk District; in general conformance with plans, dated **June 4, 2013**, and stamped "EXHIBIT B" included in the docket for Case No. **2013.0336C** and subject to conditions of approval reviewed and approved by the Commission on **June 13, 2013** under Motion No. **18908**. 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 13, 2013** under Motion No. **18908**.

### PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. **18908** 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.** The authorization and right vested by virtue of this action is valid for three (3) years from the effective date of the Motion. The Department of Building Inspection shall have issued a Building Permit or Site Permit to construct the project and/or commence the approved use within this three-year period.  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org).*
2. **Expiration and Renewal.** Should a Building or Site Permit be sought after the three (3) year period has lapsed, the project sponsor must seek a renewal of this Authorization by filing an application for an amendment to the original Authorization or a new application for Authorization. Should the project sponsor decline to so file, and decline to withdraw the permit application, the Commission shall conduct a public hearing in order to consider the revocation of the Authorization. Should the Commission not revoke the Authorization following the closure of the public hearing, the Commission shall determine the extension of time for the continued validity of the Authorization.  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org).*
3. **Diligent pursuit.** 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. Failure to do so shall be grounds for the Commission to consider revoking the approval if more than three (3) years have passed since this Authorization was approved.  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org).*
4. **Extension.** All time limits in the preceding three paragraphs may be extended at the discretion of the Zoning Administrator where implementation of the project is delayed by a public agency, an appeal or a legal challenge and only by the length of time for which such public agency, appeal or challenge has caused delay.  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org).*
5. **Conformity with Current Law.** No application for Building Permit, Site Permit, or other entitlement shall be approved unless it complies with all applicable provisions of City Codes in effect at the time of such approval.  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org).*

## DESIGN

6. **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](http://www.sf-planning.org).*

## PROVISIONS

7. **Transit Impact Development Fee.** Pursuant to Planning Code Section 411 (formerly Chapter 38 of the Administrative Code), the Project Sponsor shall pay the Transit Impact Development Fee (TIDF) if applicable to the drawings submitted with the Building Permit Application. Prior to the issuance of a temporary certificate of occupancy, the Project Sponsor shall provide the Planning Director with certification that the fee has been paid.

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

## MONITORING

8. **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).*

9. **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

10. **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>.*

11. **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>.*

12. **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).*

13. **Alcoholic Beverages.** Planning Code Section 249.60 currently only permits the serving and/or consumption of alcoholic beverages within the restaurant portion of the project, as defined in Section 790.91, operating as a Bona Fide Eating Place, as defined in Section 790.142. Consequently, no alcohol service shall be served or consumed within the miniature golf ("other entertainment," as defined in Section 790.38) portion of the project. However, changes to the Planning Code which could modify or remove this provision are under consideration by the Board of Supervisors. The Planning Commission acknowledges that, should such changes be adopted, the project sponsor may wish to serve alcoholic beverages within the Other Entertainment portion of the project. Accordingly, if the Planning Code is amended after the date of this Conditional Use Authorization to allow the serving and/or consumption of alcoholic beverages within the miniature golf portion of the project, a corresponding change in operation at the project would be in general conformity with this Motion and no new Planning Commission authorization would be required to conduct that activity unless it is explicitly required by the Planning Code.

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

14. **Hours of Operation.** The subject establishment is limited to the following hours of operation: Sunday through Thursday from 6:00a.m. to 12:00a.m. and Friday through Saturday 6:00a.m. to 2:00a.m.

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