



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Conditional Use

HEARING DATE: APRIL 3, 2014

Date: March 27, 2014
Case No.: **2014.0066C**
Project Address: **3985 17th Street**
Zoning: Castro Street Neighborhood Commercial District
65-B Height and Bulk District
Block/Lot: 3582/074
Project Sponsor: Ariana Akbar
Hearth Coffee Roasters Inc
884 41st Ave #2
San Francisco, CA 94112
Staff Contact: Tina Chang – (415) 575.9197
tina.chang@sfgov.org
Recommendation: **Approval with Conditions**

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

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415.558.6409

Planning
Information:
415.558.6377

PROJECT DESCRIPTION

The project sponsor is requesting conditional use authorization pursuant to Planning Code Sections 715.44 and 303 to establish a restaurant (d.b.a. Hearth Coffee Roasters Inc) in the 1,494 square-foot tenant space previously occupied by a retail tanning salon within the Castro Street Neighborhood Commercial District (NCD) and a 65-B Height and Bulk District. The restaurant will house coffee roasting facilities and serve organic, specialty coffee, food, beverages, related retail merchandise and beer and wine.

SITE DESCRIPTION AND PRESENT USE

The project site is located on the south side of 17th Street between Castro and Hartford Streets, on a 2,495 square foot parcel and 5,776 square foot building occupied by a 3 story, six-dwelling units and the subject ground floor retail. The subject property is within the Castro Neighborhood Commercial Zoning District and 65-B height and bulk districts.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The neighborhood surrounding the project site is characterized by a mixture of one – four story buildings with ground floor retail and residential in the upper stories. The Castro Street NCD is flanked by RH-3 (Residential, House, Three-family) zoned blocks where three units are common, in addition to one to two unit homes. The predominant form is large flats rather than apartments, a fine or moderate scale and separate entrances for each unit. Building styles tend to be varied but complementary to one another.

The Castro Street District is situated in Eureka Valley, close to the geographic center of San Francisco between the Mission District, Twin Peaks, and Upper Market Street. The physical form of the district is a crossing at Castro and 18th Streets, the arms of which contain many small, but intensely active

commercial businesses. The multi-purpose commercial district provides both convenience goods to its immediate neighborhood as well as comparison shopping goods and services on a specialized basis to a wider trade area. Commercial businesses are active both in the daytime and late into the evening and include a number of gay-oriented bars and restaurants, as well as several specialty clothing and gift stores. The district also supports a number of offices in converted residential buildings.

The Castro Street District controls are designed to maintain existing small-scale development and promote a balanced mix of uses. Building standards permit small-scale buildings and uses and protect rear yards above the ground story and at residential levels. In new buildings, most commercial uses are permitted at the ground and second stories. Special controls are necessary to preserve the existing equilibrium of neighborhood-serving convenience and specialty commercial uses. In order to maintain convenience stores and protect adjacent residential livability, controls authorize some additional eating and drinking establishments with a conditional use, permit self-service specialty food establishments, and permit with certain limitations new late-night uses, adult and other entertainment, and financial service uses. The continuous retail frontage is maintained by prohibiting most automobile and drive-up uses.

ENVIRONMENTAL REVIEW

The Project is exempt from the California Environmental Quality Act (“CEQA”) as a Class 1 categorical exemption.

HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Classified News Ad	20 days	March 14, 2014	March 12, 2014	22 days
Posted Notice	20 days	March 13, 2014	March 14, 2014	21 days
Mailed Notice	20 days	March 14, 2014	March 12, 2014	22 days

The proposal requires a Section 312-neighborhood notification, which was conducted in conjunction with the conditional use authorization process.

PUBLIC COMMENT

- To date, the Department has not received any comments from the public regarding this project.

ISSUES AND OTHER CONSIDERATIONS

- Per Planning Code Section 715.44 a restaurant is conditionally permitted within the Castro Street Neighborhood Commercial District.
- Per Planning Code Section 715.44, a Restaurant Use may only add ABC license types 47, 49 or 75 as a conditional use on the ground level if, in addition to the criteria set forth in Section [303](#), the Planning Commission finds that the restaurant is operating as a Bona Fide Eating Place, as defined in Section [790.142](#) of this Code. Should a restaurant fail to operate as a Bona Fide Eating

Place for any length of time, the conditional use authorization shall be subject to immediate revocation.

- A permitted license type will be pursued upon completion of the subject Conditional Use authorization.
- Approximately 10% of uses within the Castro Neighborhood Commercial District comprises of restaurants, according to a survey completed by the Planning Department in April 2013.

REQUIRED COMMISSION ACTION

In order for the project to proceed, the Commission must grant conditional use authorization to allow the establishment of a restaurant d.b.a "Hearth Coffee Roasters" within the Castro Street Neighborhood Commercial District (NCD) pursuant to Planning Code Sections 715.44 and 303.

BASIS FOR RECOMMENDATION

- The project is a small, locally-owned business that will convert a previous sun-tanning salon into a neighborhood serving restaurant.
- The existing business is within close access to public transit
- The project meets all applicable requirements of the Planning Code.
- The project is desirable for, and compatible with the surrounding neighborhood.

RECOMMENDATION: Approval with Conditions
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Attachments:

- Block Book Map
- Sanborn Map
- Aerial Photographs
- Public Correspondence (see also Project Sponsor Submittal)
- Project Sponsor Submittal, including:
 - Reduced Plans

Attachment Checklist

- | | |
|---|---|
| <input checked="" type="checkbox"/> Executive Summary | <input checked="" type="checkbox"/> Project sponsor submittal |
| <input checked="" type="checkbox"/> Draft Motion | Drawings: <u>Existing Conditions</u> |
| <input type="checkbox"/> Environmental Determination | <input checked="" type="checkbox"/> Check for legibility |
| <input checked="" type="checkbox"/> Zoning District Map | Drawings: <u>Proposed Project</u> |
| <input checked="" type="checkbox"/> Height & Bulk Map | <input checked="" type="checkbox"/> Check for legibility |
| <input checked="" type="checkbox"/> Parcel Map | <input type="checkbox"/> Health Dept. review of RF levels |
| <input checked="" type="checkbox"/> Sanborn Map | <input type="checkbox"/> RF Report |
| <input checked="" type="checkbox"/> Aerial Photo | <input type="checkbox"/> Community Meeting Notice |
| <input checked="" type="checkbox"/> Context Photos | <input type="checkbox"/> Inclusionary Affordable Housing Program:
Affidavit for Compliance |
| <input checked="" type="checkbox"/> Site Photos | |

Exhibits above marked with an "X" are included in this packet

TC _____
Planner's Initials



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- | | |
|--|--|
| <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 Draft Motion

HEARING DATE: APRIL 3, 2014

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ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 715.44 AND 303 OF THE PLANNING CODE TO ESTABLISH A RESTAURANT (D.B.A. HEARTH COFFEE ROASTERS INC.) IN THE 1,494 SQUARE-FOOT TENANT SPACE PREVIOUSLY OCCUPIED BY A RETAIL TANNING SALON WITHIN THE CASTRO STREET NEIGHBORHOOD COMMERCIAL DISTRICT (NCD), A 65-B HEIGHT AND BULK DISTRICT.

PREAMBLE

On January 10, 2014, Ariana Akbar on behalf of Hearth Coffee Roasters Inc (hereinafter “Project Sponsor”) filed an application with the Planning Department (hereinafter “Department”) for Conditional Use Authorization under Planning Code Section(s) 715.44 and 303 to convert the existing 1,494 square-foot tanning salon into a restaurant (d.b.a. Hearth Coffee Roasters) within the Castro Neighborhood Commercial Zoning District, and a 65-B Height and Bulk District.

On April 3, 2014, the San Francisco Planning Commission (hereinafter “Commission”) conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2014.0066C.

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. 2014.0066C, 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.** The project site is located on the south side of 17th Street between Castro and Hartford Streets, on a 2,495 square foot parcel and 5,776 square foot building occupied by a 3 story, six-dwelling units and the subject ground floor retail. The subject property within the Castro Neighborhood Commercial Zoning District and 65-B height and bulk districts.
3. **Surrounding Neighborhood.** The neighborhood surrounding the project site is characterized by a mixture of one – four story buildings with ground floor retail and residential in the upper stories. The Castro Street NCD is flanked by RH-3 (Residential, House, Three-family) zoned blocks where three units are common, in addition to one to two unit homes. The predominant form is large flats rather than apartments, a fine or moderate scale and separate entrances for each unit. Building styles tend to be varied but complementary to one another.

The Castro Street District is situated in Eureka Valley, close to the geographic center of San Francisco between the Mission District, Twin Peaks, and Upper Market Street. The physical form of the district is a crossing at Castro and 18th Streets, the arms of which contain many small, but intensely active commercial businesses. The multi-purpose commercial district provides convenience goods to its immediate neighborhood as well as comparison shopping goods and services on a specialized basis to a wider trade area. Commercial businesses are active both in the daytime and late into the evening and include a number of gay-oriented bars and restaurants, as well as several specialty clothing and gift stores. The district also supports a number of offices in converted residential buildings.

The Castro Street District controls are designed to maintain existing small-scale development and promote a balanced mix of uses. Building standards permit small-scale buildings and uses and protect rear yards above the ground story and at residential levels. In new buildings, most commercial uses are permitted at the ground and second stories. Special controls are necessary to preserve the existing equilibrium of neighborhood-serving convenience and specialty commercial uses. In order to maintain convenience stores and protect adjacent residential livability, controls authorize some additional eating and drinking establishments with a

conditional use, permit self-service specialty food establishments, and permit with certain limitations new late-night uses, adult and other entertainment, and financial service uses. The continuous retail frontage is maintained by prohibiting most automobile and drive-up uses.

4. **Project Description.** The applicant proposes to convert an existing retail space previously occupied by a tanning salon into a café restaurant serving organic specialty coffee, food, beer and wine throughout the day, including breakfast, lunch and dinner items. The project sponsor's anticipated hours of operation are from 7am to 10pm Monday through Friday; 8am to 10pm on Saturday and 8am to 6pm on Sunday, which are within the Castro NCD's permitted hours of operation from 6am to 2am.

The project sponsor intends for the café and roastery to provide the community with a welcoming space which fosters social interaction and exchange. The project sponsor will remaining active in local organizations such as SF Made, San Francisco's manufacturing support organization as well as national ones, such as Specialty Coffee Association of America.

5. **Public Comment.** The Department has not received public comments regarding the proposed project.
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. **Parking Requirement.** Sections 151, 715.22 require retail stores to provide off-street parking where the occupied floor area exceeds 5,000 square feet.

The commercial space of the subject project site amounts to 1,494 square feet, which does not exceed 5,000 square feet.

- B. **Loading.** Section 152 requires off-street freight loading for uses above a certain size. Eating Retail uses up to 10,000 square feet in gross floor area are not required to provide off-street freight loading.

The subject eating retail use does not exceed 10,000 square feet.

- C. **Use Size.** Section 715.21 establishes size limits on nonresidential uses in the Castro Street NCD. Within the District, conditional use authorization is required for any nonresidential use that exceeds 2,000 square feet.

At ~1,494 square feet, the Project does not require Conditional Use Authorization for use size. However, a Conditional Use Authorization is required for change of use.

- D. **Hours of Operation.** Pursuant to Sections 715.27 of the Code, the principally permitted hours of operation within the Castro Neighborhood Commercial District are from 6 a.m. to 2 a.m.

The project sponsor's anticipated hours of operation are from 7am to 10pm Monday through Friday; 8am to 10pm on Saturday and 8am to 6pm on Sunday –within the permitted hours of operation.

- E. **Castro Street NCD (Neighborhood Commercial District).** Section 702.1 of the Code states that Neighborhood Commercial Use Districts are established for the purpose of implementing the Commerce and Industry element and other elements of the General Plan, according to the objective and policies stated therein. As described in Section 715, the physical form of the district is a crossing at Castro and 18th Streets, the arms of which contain many small, but intensely active commercial businesses. The multi-purpose commercial district provides convenience goods to its immediate neighborhood as well as comparison shopping goods and services on a specialized basis to a wider trade area.

Commercial businesses are active both in the daytime and late into the evening and include a number of gay-oriented bars and restaurants, as well as several specialty clothing and gift stores. The district also supports a number of offices in converted residential buildings.

The Castro Street District controls are designed to maintain existing small-scale development and promote a balanced mix of uses. Building standards permit small-scale buildings and uses and protect rear yards above the ground story and at residential levels. In new buildings, most commercial uses are permitted at the ground and second stories. Special controls are necessary to preserve the existing equilibrium of neighborhood-serving convenience and specialty commercial uses. In order to maintain convenience stores and protect adjacent residential livability, controls authorize some additional eating and drinking establishments with a conditional use, permit self-service specialty food establishments, and permit with certain limitations new late-night uses, adult and other entertainment, and financial service uses. The continuous retail frontage is maintained by prohibiting most automobile and drive-up uses.

Housing development in new buildings is encouraged above the second story. Existing housing units are protected by limitations on demolitions and upper-story conversions.

Per Planning Code Section 715.44 a restaurant is conditionally permitted within the Castro Street Neighborhood Commercial District and may only add ABC license types 47, 49 or 75 as a conditional use on the ground level if, in addition to the criteria set forth in Section 303, the Planning Commission finds that the restaurant is operating as a Bona Fide Eating Place, as defined in Section 790.142 of this Code. Should a restaurant fail to operate as a Bona Fide Eating Place for any length of time, the conditional use authorization shall be subject to immediate revocation.

The project sponsor intends to pursue an appropriate type of alcohol license upon authorization of the subject Conditional Use Authorization.

- F. **Restaurants.** Section 790.91 of the Planning Code defines a restaurant as a:
- a) A retail eating or eating and drinking use which serves foods to customers for consumption on or off the premises and which has seating. It may have a Take-Out Food use as defined by Planning Code Section 790.122 as a minor and incidental use.

It may provide on-site beer, wine, and/or liquor sales for drinking on the premises (with ABC license types 41, 47, 49, 59, or 75); however, if it does so it shall be required to operate as a Bona Fide Eating Place as defined in Section 790.142. It is distinct and separate from a Limited-Restaurant as defined in Section 790.90. This use must comply with the controls set forth in Section 703.5.

- b) It shall not be required to operate within an enclosed building pursuant to Section 703.2(b)(1) so long as it is also a Mobile Food Facility as defined in Section 102.34. Any associated outdoor seating and/or dining area is subject to regulation as an Outdoor Activity Area as set forth elsewhere in this Code.

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

- 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 project will cater to the neighborhood by provide a café / restaurant intended to foster social interaction and exchange amongst coffee enthusiasts. The establishment is providing a locally owned and operated business, supporting a local, organic, socially conscious industry.

- 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 size and shape of the site and the size, shape and arrangement of the neighborhood will not be altered as part of this project. 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 will not affect public transit or overburden the existing supply of parking in the neighborhood as the establishment is intended to serve local patrons. Commuter traffic to the location is expected to arrive on foot, bike or public transportation.

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

The Project ensure that up-to-code and certified safeguards will be located in the café.

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

The project would not alter the sites landscaping, open spaces, parking and loading areas, service areas, and lighting. Any new signage will be required to comply with the requirements of the Planning Code.

- 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 proposed project is consistent with the stated purpose of the NC District in that the intended use is located at the ground floor, will provide a compatible convenience service for the immediately surrounding neighborhoods during daytime hours, and is consistent with the limitations on certain uses within the Castro Street Neighborhood Commercial District.

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

NEIGHBORHOOD COMMERCE

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.

Policy 1.3:

Locate commercial and industrial activities according to a generalized commercial and industrial land use plan.

The proposed development will provide desirable goods and services to the neighborhood and will provide resident employment opportunities to those in the community. The conditions of approval will ensure that the use meets minimum, reasonable performance standards. Further, the Project Site is located within a Neighborhood Commercial District and is thus consistent with activities in the commercial land use plan.

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 an existing commercial activity and will enhance the diverse economic base of the City.

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.

No commercial tenant would be displaced and the project would not prevent the district from achieving optimal diversity in the types of goods and services available in the neighborhood.

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 proposal would replace a tanning salon retail use with a neighborhood-serving restaurant, preserving opportunities for resident employment in and ownership of such neighborhood-serving businesses. Approximately 10% of uses within the Castro Neighborhood Commercial District are restaurants which would not change as a result of this project.
 - 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 would not impact the character or diversity of the neighborhood.

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

The Project would not have any impact on the City's supply of affordable housing.

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

The Project would not adversely impact public transit or place a burden on the existing supply of parking in the neighborhood. The Project Site is well-served by public transportation lines.

- 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 existing building is not a landmark and it is not historically rated.

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

The project will have no negative impact on existing parks and open spaces. The Project does not have an impact on 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. 2014.0066C** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated January 3, 2014, 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. XXXXX. 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.

Protest of Fee or Exaction: You may protest any fee or exaction subject to Government Code Section 66000 that is imposed as a condition of approval by following the procedures set forth in Government Code Section 66020. The protest must satisfy the requirements of Government Code Section 66020(a) and must be filed within 90 days of the date of the first approval or conditional approval of the development referencing the challenged fee or exaction. For purposes of Government Code Section 66020, the date of imposition of the fee shall be the date of the earliest discretionary approval by the City of the subject development.

If the City has not previously given Notice of an earlier discretionary approval of the project, the Planning Commission's adoption of this Motion, Resolution, Discretionary Review Action or the Zoning Administrator's Variance Decision Letter constitutes the approval or conditional approval of the development and the City hereby gives **NOTICE** that the 90-day protest period under Government Code Section 66020 has begun. If the City has already given Notice that the 90-day approval period has begun for the subject development, then this document does not re-commence the 90-day approval period.

I hereby certify that the Planning Commission **ADOPTED** the foregoing Motion on XXXX X, 2014.

Jonas Ionin
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: April 3, 2014

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to allow a formula retail limited-restaurant (d.b.a. Subway) located at 1501 Sloat Boulevard within the Lakeshore Plaza Shopping Center, Block 7255, Lot 004 pursuant to Planning Code Sections 703.4 and 303 within a NC-S District, the Lakeshore Plaza Special Use District and a 26-40-X Height and Bulk District; in general conformance with plans, dated **December 20, 2013** and stamped "EXHIBIT B" included in the docket for Case No. **2014.0066C** and subject to conditions of approval reviewed and approved by the Commission on **XXXX X, 2014** under Motion No **XXXXXX**. 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 **XXX X, 2014** under Motion No **XXXXXX**.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

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

Extension. This authorization may be extended at the discretion of the Zoning Administrator only where failure to issue a permit by the Department of Building Inspection to perform said tenant improvements is caused by a delay by a local, State or Federal agency or by any appeal of the issuance of such permit(s).

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

DESIGN

- 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.

MONITORING

- 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

OPERATION

- Sidewalk Maintenance.** The Project Sponsor shall maintain the main entrance to the tenant space 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/>

5. **Seating.** Seating in the restaurant amounts to approximately 15 seats with no more than 400 square feet of floor area devoted to seating.

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

6. **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

MONITORING - AFTER ENTITLEMENT

7. **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

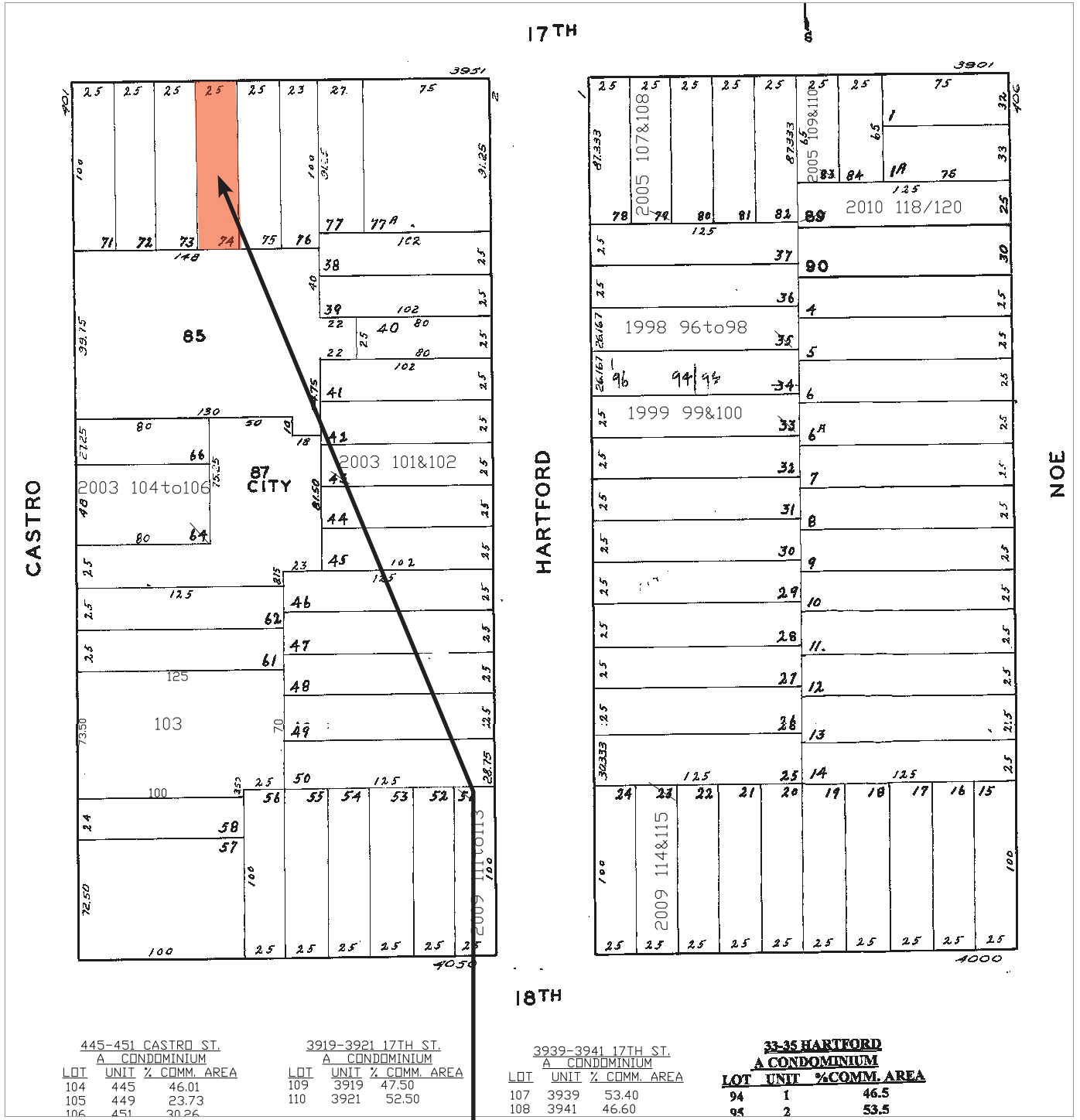
8. **Revocation due to Violation of Conditions.** Should implementation of this Project result in complaints from interested property owners, residents, or commercial lessees which are not resolved by the Project Sponsor and found to be in violation of the Planning Code and/or the specific conditions 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

Exhibits

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Parcel Map



445-451 CASTRO ST.
A CONDOMINIUM

LOT	UNIT	% COMM. AREA
104	445	46.01
105	449	23.73
106	451	30.26

3919-3921 17TH ST.
A CONDOMINIUM

LOT	UNIT	% COMM. AREA
109	3919	47.50
110	3921	52.50

3939-3941 17TH ST.
A CONDOMINIUM

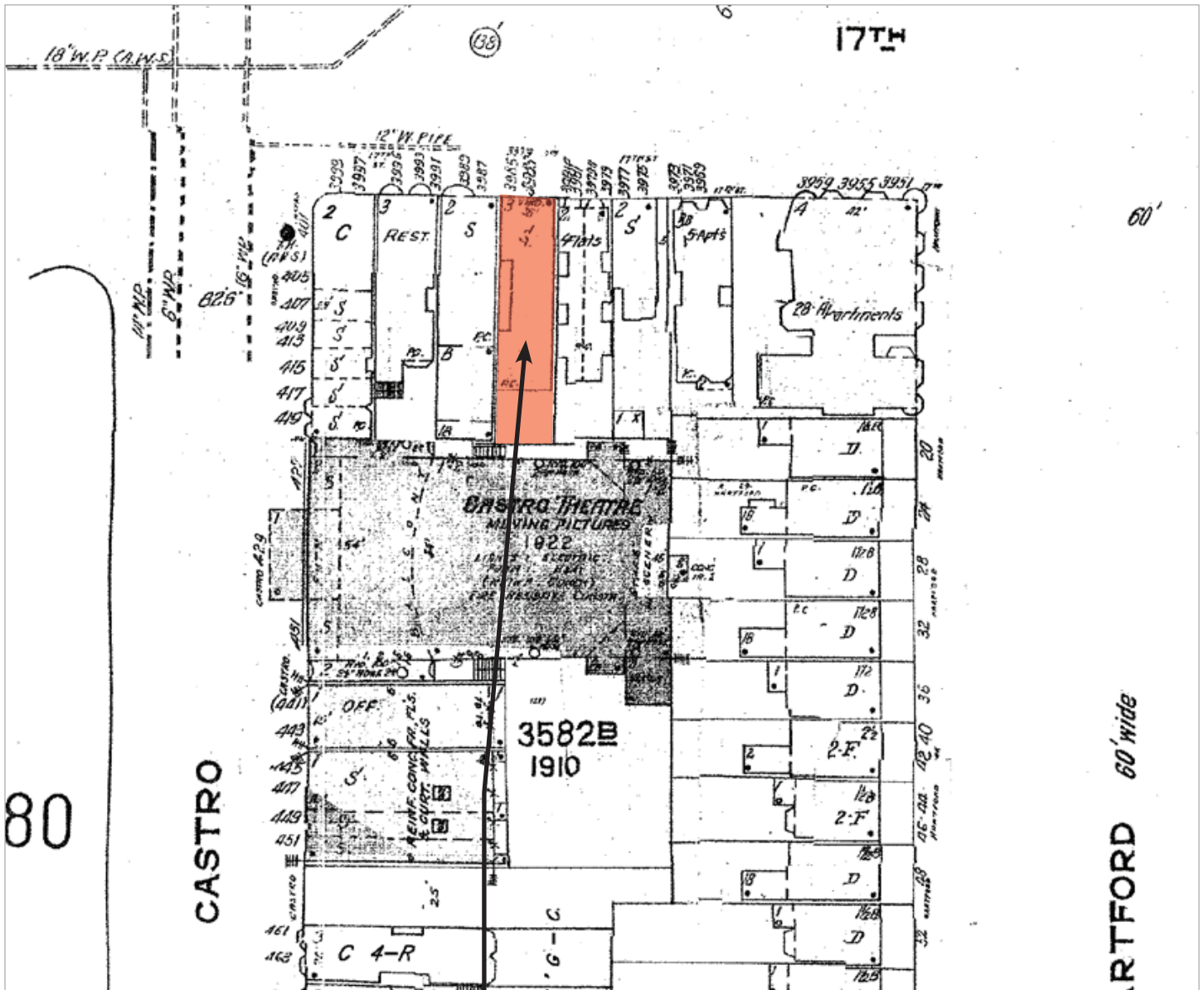
LOT	UNIT	% COMM. AREA
107	3939	53.40
108	3941	46.60

33-35 HARTFORD
A CONDOMINIUM

LOT	UNIT	% COMM. AREA
94	1	46.5
95	2	53.5

Subject Parcel

Sanborn Map



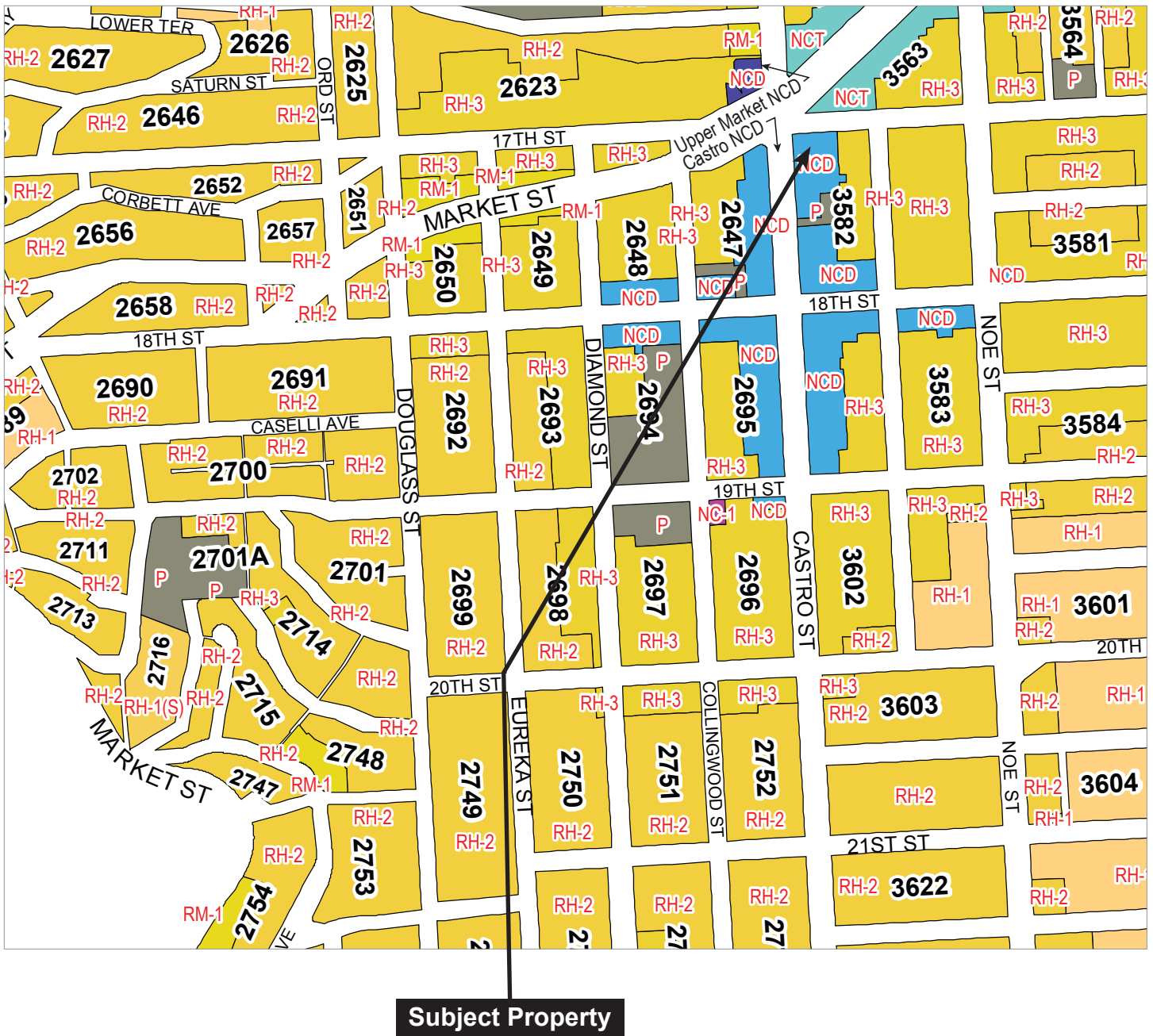
Subject Property

*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.

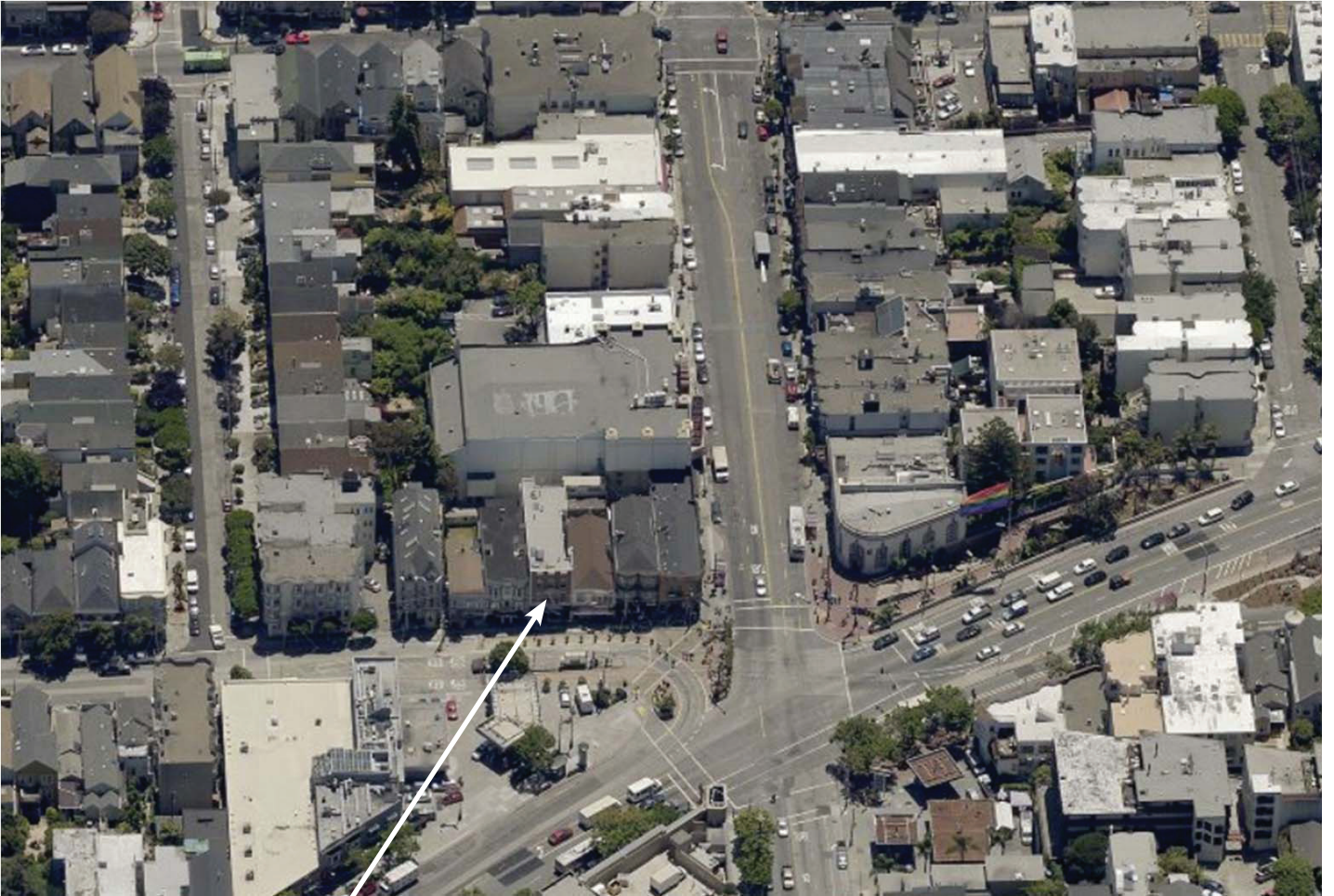
SAN FRANCISCO
PLANNING DEPARTMENT

Conditional Use Authorization
Case Number 2014.0066C
Change of use -Restaurant
3985 17th Street

Zoning Map



Aerial - Facing South



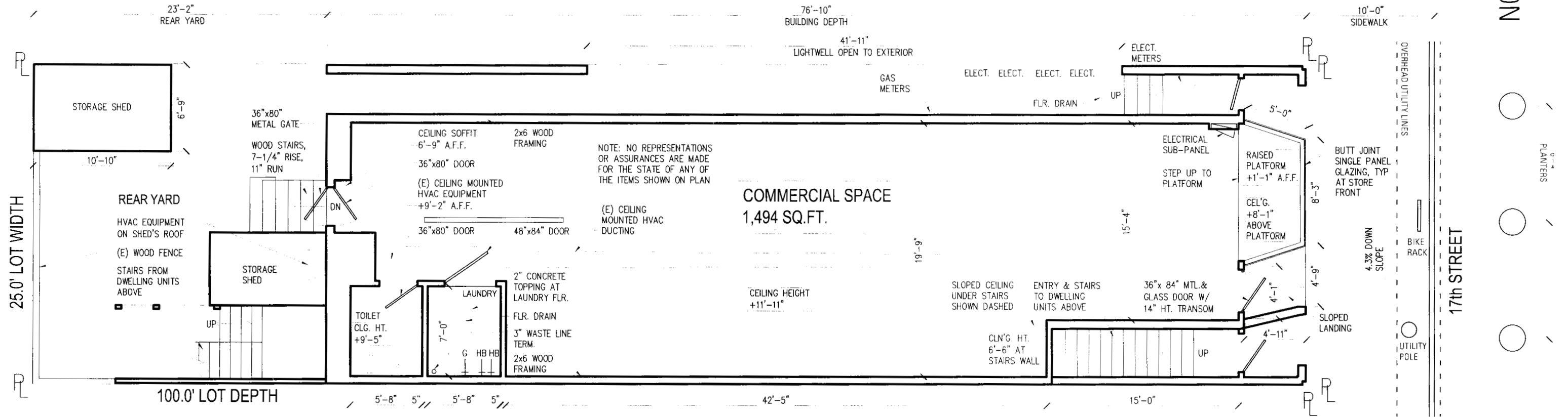
Subject Property

Site Photo



Exhibit B

Existing Floor Plan



3983 17th STREET, SAN FRANCISCO, CA
 EXISTING CONDITIONS

SCALE: 1/8"=1'-0" (11x17 PAPER SIZE)
 NOVEMBER 7, 2013

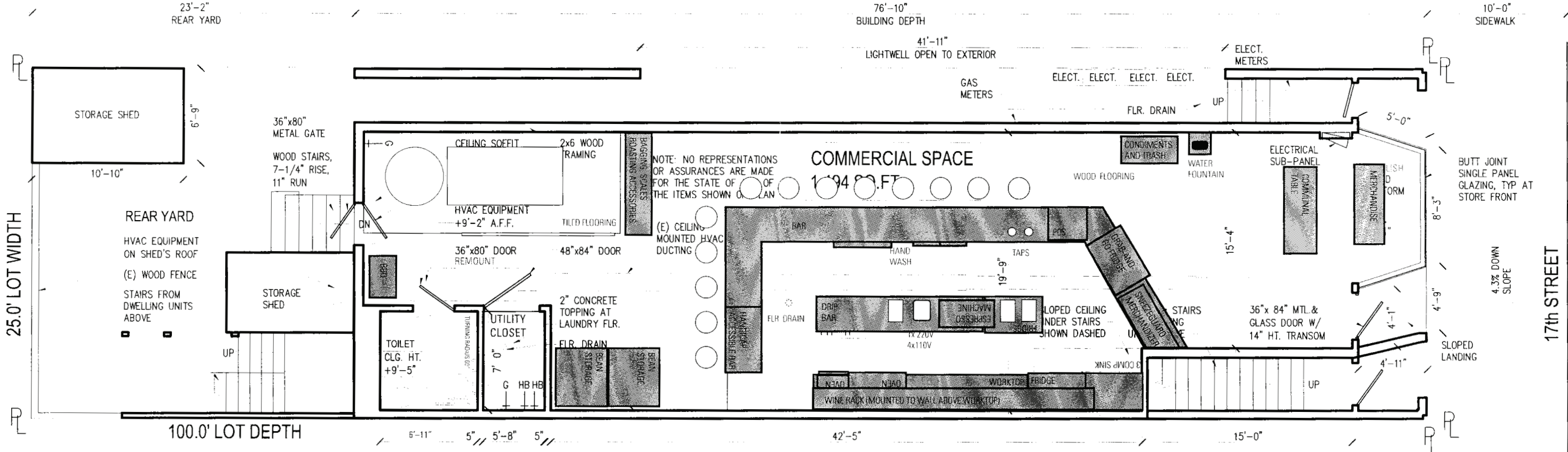


NC

PLANTERS



Proposed Floor Plan



3983 17th STREET, SAN FRANCISCO, CA
TENANT'S DRAWING

SCALE: 1/8"=1'-0" (11x17 PAPER SIZE)
NOVEMBER 7, 2013

