



# SAN FRANCISCO PLANNING DEPARTMENT

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- Jobs Housing Linkage Program (Sec. 313)
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- First Source Hiring (Admin. Code)
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## Planning Commission Motion No. 18014

HEARING DATE: JANUARY 21, 2010

*Date:* January 21, 2010  
*Case No.:* **2009.1048C**  
*Project Address:* **555 IRVING STREET ('RETAIL #1')**  
*Zoning:* Inner Sunset Neighborhood Commercial District (NCD)  
 40-X Height and Bulk District  
*Block/Lot:* 1761/041  
*Project Sponsor:* John Nettesheim  
 Simplicity, LLC  
 2027 - 17<sup>th</sup> Avenue  
 San Francisco, CA 94116  
*Staff Contact:* Sharon M. Young – (415) 558-6346  
[sharon.m.young@sfgov.org](mailto:sharon.m.young@sfgov.org)

**ADOPTING FINDINGS RELATED TO THE APPROVAL OF A CONDITIONAL USE AUTHORIZATION UNDER PLANNING CODE SECTIONS 730.41 AND 303 TO CONVERT AN APPROXIMATELY 900 SQUARE FOOT VACANT COMMERCIAL TENANT SPACE INTO A WINE BAR DBA INNERFOG AT 555 IRVING STREET ('RETAIL #1'), ON ASSESSOR'S BLOCK 1761, LOT 041 WITHIN THE INNER SUNSET NEIGHBORHOOD COMMERCIAL ZONING DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT.**

### PREAMBLE

On November 4, 2009, John Nettesheim (hereinafter "Project Sponsor") made an application for Conditional Use authorization for the property at **555 Irving Street ('Retail #1'), Lot 041 in Assessor's Block 1761** (hereinafter "Property"), to convert a vacant commercial tenant space with approximately 900 square feet of floor area into a wine bar (dba InnerFog) on the ground floor of a four-story commercial and residential building within the Inner Sunset Neighborhood Commercial Zoning District and a 40-X Height and Bulk District, in general conformity with plans dated November 12, 2009 and labeled "Exhibit B" (hereinafter "Project").

On **January 21, 2010**, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on **Conditional Use Application No. 2009.1048C**. Under Sections 730.41 and 303 of the Planning Code, Conditional Use authorization is required to convert the ground floor (previously occupied by a retail clothing store dba Crossroads

Trading Co.) into a wine bar dba InnerFog within the Inner Sunset Neighborhood Commercial Zoning District and a 40-X Height and Bulk District.

Pursuant to the Guidelines of the State Secretary of Resources for the implementation of the California Environmental Quality Act (hereinafter "CEQA"), the Planning Department of the City and County of San Francisco (hereinafter "Department") determined that the proposed Conditional Use Application was categorically exempt from the environmental review process under Class 1(a) of the State CEQA Guidelines, Section 15301, pursuant to Title 14 of the California Administrative Code. The Commission has reviewed and concurs with said determination.

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. 2009.1048C, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

## **FINDINGS**

Having reviewed the materials identified in the recitals 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 Site at 555 Irving Street is on the southeast corner of Irving Street and 7<sup>th</sup> Avenue; Assessor's Block 1761; Lot 041. It is located within the Inner Sunset Neighborhood Commercial Zoning District and a 40-X Height and Bulk District. The subject lot is 7,125 square-feet (95 feet wide by 75 feet deep) in size and is occupied by a four-story commercial and residential building. The proposed wine bar will occupy one of three vacant ground floor commercial tenant spaces ('Retail #1', adjacent to 535 Irving Street) in the building.
3. **Surrounding Properties and Neighborhood.** The Project Site is located within the Inner Sunset Neighborhood. The surrounding development consists of a variety of commercial, residential, and mixed-use buildings. The scale of development in the area consists primarily of one- to four-story structures. The shopping area within the neighborhood contains a variety of small-scale convenience businesses which primarily include a mix of cafés, restaurants, specialty stores, variety merchandise stores, financial institutions, and personal service establishments. Some of the existing commercial establishments on the subject and opposite blocks include The Yellow Submarine, Iris Flowers and Gifts, Hahn's Hibachi, Minh Tri Authentic Vietnamese Cuisine, and Ten Japanese Cuisine. On 6<sup>th</sup> and 7<sup>th</sup> Avenues running north and south of the project site, there are one- to two-family dwellings, a few multi-family dwellings, and Newcomer High School

located within the RH-1 (Residential House, One-Family) and RH-1 (Residential House, Two-Family) Zoning Districts.

4. **Project Description.** The proposal is to convert a vacant ground floor commercial tenant space with approximately 900 square feet in floor area (previously occupied by a retail clothing store dba Crossroads Trading Co.) into a wine bar dba InnerFog. The proposed wine bar will consist of a bar and seating areas for approximately 45 persons, office/storeroom area, and restrooms. The proposal will involve tenant improvements to the ground floor commercial tenant space, with no expansion of the existing building envelope. The proposed hours of operation of the wine bar are 11 a.m. to midnight Sunday through Thursday, and 11 a.m. to 1 a.m. on Friday and Saturday.

According to the project sponsor, Inner Fog will operate as a wine bar specializing in serving and educating the community about California and globally sourced wines, as well as some micro-brews and "other epicurean delights". Inner Fog will provide a long list of small production wines from around the world and will focus on wines that are reasonably priced. InnerFog will also serve appetizers, such as local cheeses, breads, chocolates and nuts to accompany the wine.

5. **Issues and Other Considerations.**

- The proposed wine bar dba InnerFog will be independently owned and is not considered a formula retail use under Section 703.3 of the Planning Code. The project sponsor, John Nettesheim, has indicated that he is a resident of the Inner Sunset neighborhood who is also a customer at other commercial establishments in the area.
- The project sponsor has indicated that InnerFog will benefit the community in several important ways by providing employment, tax revenue, and an expanded sense of community by enhancing the draw of the local shopping/dining scene within the Inner Sunset area. The new business will employ people from the area for the construction and renovations of the space and once opened will employ up to three people from the community. In addition to the benefits and opportunities brought by job creation, InnerFog will expand the local tax base with anticipated annual revenues of about \$400K that will impact sales and income tax revenues for the City. The local community will benefit as there is no establishment like this in the surrounding area and its operation would enhance the neighborhood.
- The project sponsor has indicated that InnerFog will deliver these benefits through local/community ownership and control, "Green" building materials and appliances where possible, and certain innovative community outreach projects. The construction and equipment will be reduced to the best size for the application, and reused and recycled from earlier lives, where possible. InnerFog will also reach out to the community by bringing works of emerging artists, providing community appreciation discounts to employees from other local establishments, and through innovative joint marketing arrangements with other local stores (such as a local food retailer).

- Public transit that is in close proximity to the proposed wine bar includes Muni Line N-Judah (on the corner of 7<sup>th</sup> Avenue and Irving Street) within walking distance of the project site. There is on-street parking in front of the subject property and in the surrounding neighborhood.
6. **Public Comment.** As of January 13, 2010, the Department has not received any letters or phone calls in opposition to the project. The Planning Department has received two letters and a petition from the project sponsor with approximately 350 signatures (comprised of local business owners within a 2.5 block radius of the Project Site from residents who live in the subject building which has eight residential units, the immediate vicinity, and broader areas within the Inner Sunset neighborhood). The letter in support was from the co-president of the Inner Sunset Park Neighbors, a neighborhood advocacy group who indicated that in her correspondence with 1,000+ neighbors in the Inner Sunset, there has been unwavering support for InnerFog, people are excited about the concept of having a wine bar in the neighborhood, and they plan to patronize the establishment (i.e. neighbors are planning to have parties there, book clubs... or just have a nice, upscale place to sip a glass of wine with friends - something currently lacking in the neighborhood). Another letter in support was from Supervisor Ross Mirkarimi indicating his support of the proposed wine bar within his district (District 5). At the January 21 Planning Commission hearing, the project sponsor submitted to Planning Department staff a support letter from the Board of 555 Irving Street Home Owners Association (HOA) and a petition with 12 additional signatures in support of the proposed wine bar.
7. **Use District.** For the purposes of this action, the project site is within the Inner Sunset Neighborhood Commercial District (NCD). The Inner Sunset NCD is located in the Inner Sunset neighborhood, consisting of the NC-2 district bounded by Lincoln Way on the north, Fifth Avenue on the east, Kirkham Street on the south, and Nineteenth Avenue on the west. The shopping area provides convenience goods and services to local Inner Sunset residents, as well as comparison shopping goods and services to a larger market area. The commercial district is also frequented by users of Golden Gate Park on weekends and by City residents for its eating, drinking, and entertainment places. Numerous housing units establish the district's mixed residential-commercial character.
8. **Planning Code Compliance:** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:
- A. **Section 101.1(b)** establishes eight priority planning policies and requires the review of permits that authorize changes of use for consistency with said policies:
- (1) That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced.
- The proposed Project will preserve and enhance existing commercial uses by providing a new commercial establishment (wine bar), which will be complimentary to the existing commercial establishments within the immediate neighborhood. The proposed Project will provide new job opportunities to the City by employing approximately three people.*

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

*The proposed Project will preserve and enhance the cultural and economic diversity of the neighborhood by bringing a new business to the area. Existing housing will not be significantly affected by the proposed Project.*

- (3) That the City's supply of affordable housing be preserved and enhanced.

*The proposed Project will not displace any affordable housing.*

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

*The proposed Project would not significantly increase the automobile traffic congestion and parking problems in the neighborhood. The proposal is a neighborhood-serving use to which residents can access by walking or taking public transit.*

- (5) 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.

*A bar use (wine bar) will replace a retail use (retail clothing store dba Crossroads Trading Co.) which has vacated the subject commercial space and relocated one block from the Project Site. There would be no displacement of any existing industrial or service businesses in the area.*

- (6) That the City achieves the greatest possible preparedness to protect against injury and loss of life in an earthquake.

*The proposed Project will comply with all applicable earthquake safety standards and built to the current standards of the California Building Code.*

- (7) That landmark and historic buildings be preserved.

*The proposed Project will not significantly affect any landmarks or historic buildings.*

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

*The proposed Project will not affect any city-owned park or open space.*

B. **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:

- (1) 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 proposed Project is to allow for the establishment of a wine bar on the ground floor of the building. There will be tenant improvements made to the existing commercial space with no expansion of the existing building envelope.*

- (2) 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:

- (A) 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, and the arrangement of the structures on the site are adequate for the proposed Project. There will be no physical expansion of the existing building.*

- (B) 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;

*Existing traffic patterns will not be significantly affected by the proposed Project. Public transit that is in close proximity to the proposed dental office includes Muni Line N-Judah within walking distance of the project site. There is on-street parking in front of the subject property and in the surrounding neighborhood.*

- (C) The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor;

*No noxious or offensive emissions such as glare, dust, or odor are expected to be produced by the proposed Project.*

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

*The proposed wine bar does not propose any exterior alterations to the building. There will be no addition of parking spaces, loading facilities, open space or service areas. All Project signage and projections will be consistent with the controls of the Planning Code.*

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

*The proposed 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.*

- ii. 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 Inner Sunset NCD in that the intended use is a neighborhood-serving business.*

- C. **Section 730.1** sets forth provisions applicable in the Inner Sunset Neighborhood Commercial Zoning District. The Inner Sunset NCD controls are designed to protect the existing building scale and promote new mixed-use development which is in character with adjacent buildings. The building standards regulate large-lot and use development and protect rear yards above the ground story and at residential levels. To promote the prevailing mixed use character, most commercial uses are directed primarily to the ground story with some upper-story restrictions in new buildings. In order to maintain the balanced mix and variety of neighborhood-serving commercial uses and regulate the more intensive commercial uses which can generate congestion and nuisance problems, special controls prohibit additional eating and drinking uses, restrict expansion and intensification of existing eating and drinking establishments, and limit entertainment and tourist hotels. Prohibitions of most automobile and drive-up uses protect the district's continuous retail frontage. Housing development in new buildings is encouraged above the ground story. Existing residential units are protected by prohibition of upper-story conversions and limitations on demolitions.
- D. **Section 730.27** allows hours of operation from 6 a.m. until 2 a.m. as of right and requires Conditional Use authorization to operate between the hours of 2 a.m. and 6 a.m.

*The proposed hours of operation of the wine bar are 11 a.m. to midnight Sunday through Thursday, and 11 a.m. to 1 a.m. on Friday and Saturday.*

- E. **Section 730.41** allows a bar use on the 1<sup>st</sup> (ground) floor in the Inner Sunset Neighborhood Commercial Zoning District with Conditional Use authorization.

*The proposed wine bar is located on the 1<sup>st</sup> (ground) floor.*

- F. **Section 790.22** defines a bar as a retail use which provides on-site alcoholic beverage sales for drinking on the premises, including bars serving beer, wine and/or liquor to the customer where no person under 21 years of age is admitted (with Alcohol Beverage Control [ABC] licenses 42, 48, or 61) and drinking establishments serving liquor (with ABC licenses 47 or 49) in conjunction with other uses which admit minors, such as restaurants, movie theaters, and other entertainment.

- 9. **General Plan Compliance.** The Project is consistent with the Objectives and Policies of the General Plan in that:

**COMMERCE AND INDUSTRY ELEMENT**

**GENERAL/CITYWIDE**

**OBJECTIVE 1:**

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

**Policy 1:**

Encourage development which provides substantial net benefits and minimizes undesirable consequences. Discourage development, which has substantial undesirable consequences that cannot be mitigated.

*The proposed wine bar would be compatible and complimentary with the types of uses characterizing this portion of the Inner Sunset NCD, which include a mixture of cafés, restaurants, specialty stores, variety merchandise stores, financial institutions, and personal service establishments.*

**Policy 3:**

Preserve and promote the mixed commercial-residential character in neighborhood commercial districts. Strike a balance between the preservation of affordable housing and the needed expansion of commercial activity.

*Approval of the proposed Project would be consistent with the mixed commercial-residential character of the Inner Sunset NCD. The proposed Project would not adversely impact any affordable housing resources in the neighborhood.*

**OBJECTIVE 3:**

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

**Policy 1:**

Promote measures designed to increase the number of San Francisco jobs held by San Francisco residents.

*The proposed Project would provide enhanced opportunities for employment of neighborhood residents.*

**NEIGHBORHOOD COMMERCE**

**Objectives and Policies**

**OBJECTIVE 6:**

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

**Policy 4:**



Encourage the location of neighborhood shopping areas throughout the city so that essential retail goods and personal services are accessible to all residents.

*The proposed Project will provide a new bar use which is accessible to all residents in this portion of the Inner Sunset NCD.*

**Policy 9:**

Regulate uses so that traffic impacts and parking problems are minimized.

*The proposed Project would not adversely impact public transit or place a burden on the existing supply of parking in the neighborhood. Many patrons would be able to walk from their residences or places of employment, and the project is well served by public transportation. There is on-street parking in front of the subject property and in the surrounding neighborhood.*

**URBAN DESIGN ELEMENT**

**CITY PATTERN**

**Objectives and Policies**

**OBJECTIVE 1:**

EMPHASIS OF THE CHARACTERISTIC PATTERN WHICH GIVES TO THE CITY AND ITS NEIGHBORHOODS AN IMAGE, A SENSE OF PURPOSE AND A MEANS OF ORIENTATION.

**Policy 3:**

Recognize that buildings, when seen together, produce a total effect that characterizes the City and its districts.

*The Project's design would preserve the existing neighborhood character since the proposal does not include any major facade and exterior changes.*

**NEIGHBORHOOD ENVIRONMENT**

**Objectives and Policies**

**OBJECTIVE 4:**

IMPROVEMENT OF THE NEIGHBORHOOD ENVIRONMENT TO INCREASE PERSONAL SAFETY, COMFORT, PRIDE AND OPPORTUNITY.

**Policy 15:**

Protect the livability and character of residential properties from the intrusion of incompatible new buildings.

*The proposed Project would improve the neighborhood environment by increasing safety during the daytime through the occupancy of the vacant commercial tenant space.*

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

### DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Application No. 2009.1048C** subject to the following conditions attached hereto as "EXHIBIT A" 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. 18014. 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 January 21, 2010.

Linda Avery  
Commission Secretary

AYES: Miguel, Olague, Borden, Moore, Sugaya, Antonini

NAYS: None

ABSENT: Lee

ADOPTED: January 21, 2010

# Exhibit A

## Conditions of Approval

### APPROVED USE CONDITIONS

1. This Conditional Use approval is to allow the conversion of vacant ground floor commercial space with approximately 900 square feet of floor area (previously occupied by a retail clothing store dba Crossroads Trading Co.) into a wine bar (dba InnerFog) within the Inner Sunset Neighborhood Commercial Zoning District and a 40-X Height and Bulk District, in general conformity with Plans on file with the Department in the docket for **Case No. 2009.1048C** (labeled EXHIBIT B), reviewed and approved by the Commission on January 21, 2010 under Motion No. 18014.
2. Pursuant to Sections 730.41 and 303 of the Planning Code, this Conditional Use approval will allow for the establishment of a bar use on the 1<sup>st</sup> (ground) floor of the four-story residential and commercial building. The proposed wine bar will occupy one of three vacant commercial tenant spaces ('Retail #1', adjacent to 535 Irving Street) in the building. The proposed wine bar will consist of a bar and seating areas for approximately 45 persons, office/storeroom area, and restrooms. The proposal will involve tenant improvements to the ground floor commercial tenant space, with no expansion of the existing building envelope.
3. The proposed hours of operation of the wine bar are 11 a.m. to midnight Sunday through Thursday, and 11 a.m. to 1 a.m. on Friday and Saturday.
4. The property owner shall maintain the main entrance to the building and all sidewalks abutting the Subject Property in a clean condition. Such maintenance shall include, at a minimum, daily litter pickup and disposal, and washing or steam cleaning of the main entrance and abutting sidewalks at least once each week.
5. Noise and odors shall be contained within the proposed wine bar premises so as not to be a nuisance to nearby residences and businesses.
6. Signs and exterior lighting for the business shall be reviewed and approved by the Planning Department before they are installed.

### STANDARD CONDITIONS

#### 7. VALIDITY, EXPIRATION, AND EXTENSION

This Conditional Use approval is **valid for three years** from the effective date of the Motion No. 18014 authorizing the proposed wine bar use and shall automatically expire on January 21, 2013. This authorization is just an approval of the proposed use and is NOT a permit to implement the approved use. This authorization and right vested by virtue of this action shall be deemed void and cancelled if a Building Permit from the Department of Building Inspection to implement the approved use has not been obtained prior to the expiration of this Conditional Use approval. The validity of this Conditional Use approval may be extended at the discretion of the Zoning Administrator only if the failure to issue a Building Permit by the Department of Building Inspection is delayed by the city, state, or federal agency or by appeal of the issuance of such

Building Permit. However, the extension must be requested prior to the expiration of this Conditional Use approval.

**8. MAJOR AND MINOR CHANGES AND MODIFICATIONS OF CONDITIONS**

Minor changes to the approved plans may be approved administratively by the Zoning Administrator. Major changes and modifications of conditions shall be subject to review and approval by the Planning Commission requiring a new Conditional Use approval or amendment to this Conditional Use approval as determined by the Zoning Administrator. Such changes must be requested prior to the expiration of this Conditional Use approval.

**9. RECORDING OF CONDITIONS OF APPROVAL**

Prior to the issuance of a Building Permit Application for the proposed wine bar use, the project sponsor or the responsible party shall record a Notice of Special Restrictions as approved by the Zoning Administrator in the Official Records of the Recorder of City and County of San Francisco for the premises (Assessor's 1761, Lot 041), which notice shall state that the proposed use has been authorized by Motion No. 18014 and is subject to the conditions of approval of this Motion.

**10. BUILDING PERMIT TO IMPLEMENT THE APPROVED PROJECT**

A Building Permit from the Department of Building Inspection must be obtained to implement the approved use within three years from the effective date of Motion No. 18014 approving the proposed wine bar use. The Building Permit Application shall include plans in conformance with the plans on file with the Department in the docket for **2009.1048C** (labeled EXHIBIT B), reviewed and approved by the Planning Commission on January 21, 2010 under the **Motion No. 18014**. The plans are required to record the approved use of the premises even if there is no new construction or minor interior changes. The conditions of approval shall be reproduced on the Index Sheet of the plans submitted with the Building Permit Application. The Index Sheet of the plans shall reference to this Conditional Use Authorization and any subsequent amendments or modifications.

The project shall also comply with all other applicable city codes as required by other city departments. Additionally, no change in the character of occupancy or change to a different group of occupancy as described under the Building Code shall be made without first obtaining a Certificate of Occupancy from the Department of Building Inspection and approval from Planning and other city departments as necessary.

**11. COMPLETION OF BUILDING PERMIT**

The completion of Building Permit with a final inspection and/or issuance of a Certificate of Final Completion and Certificate of Occupancy from the Department of Building Inspection for the approved use under this project shall be deemed acceptance and agreement to fully comply with all of the conditions of approval of this Conditional Use approval. The project sponsor or the responsible party must ensure that the Building Permit Application has attained a 'complete' stage within the time frame required by the Department of Building Inspection. If the Building Permit is allowed to expire for more than one year, the renewal of such Building Permit thereafter will be subject to review by the Planning Department. Prior to filing of a renewal of the expired permit, the project sponsor or the responsible party shall notify the Planning Department.

**12. REPORTING**

The Project Sponsor or the subsequent responsible party for the project shall submit to the Zoning Administrator two copies of a written report describing the status of compliance with the conditions of approval contained within the Motion No. 18014 within six months from the date of implementation of the proposed use. Thereafter, the submittal of the report shall be on an annual basis. This requirement shall lapse when the Zoning Administrator determines that all the conditions of approval have been satisfied or that the report is no longer required for other reasons.

**13. REVOCATION**

During the Building Permit Application process phase of the project, the Zoning Administrator may place an order to stop work, suspend, or revoke a Building Permit if the proposal carried out on the site is not in conformance with the plans approved under this Conditional Use approval and subsequent Building Permit. The Zoning Administrator may also recommend the Planning Commission to consider revocation of this Conditional Use approval in a public hearing for non-compliance with any of the conditions of approval.

**14. ENFORCEMENT**

After commencement of the approved use, violation of any of the planning conditions of approval contained in the Motion No. 18014 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, whichever applicable for each day a violation continues or is allowed to continue. The Planning Department may also refer the violation complaints to other city departments and agencies for appropriate enforcement action under their jurisdiction.

**15. MONITORING**

If the project requires monitoring of the conditions of approval contained in Exhibit A of Motion No. 18014, the project sponsor or the subsequent responsible parties for the project shall pay fees as established under Planning Code Section 351(e)(1) and work with the Planning Department to ensure compliance.

**16. NEIGHBORHOOD CONCERNS**

The Project Sponsor shall appoint a Community Liaison Officer to address issues of concern to neighbors related to the operation of this Project. The Project Sponsor shall report the name and telephone number of this Officer to the Zoning Administrator and the neighborhood for reference. The Project Sponsor shall keep the above parties apprised should a different staff liaison be designated.

**17. SEVERABILITY**

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 of the remaining provisions, clauses,

sentences, or sections of these conditions. It is hereby declared to be the intent of the Planning Commission that these conditions of approval would have been adopted had such invalid sentence, clause, or section or part thereof not been included herein.