



# SAN FRANCISCO PLANNING DEPARTMENT

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- Jobs Housing Linkage Program (Sec. 313)
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1650 Mission St.  
Suite 400  
San Francisco,  
CA 94103-2479

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

## Planning Commission Motion No. 18031

HEARING DATE: FEBRUARY 11, 2010

*Date:* February 4, 2010  
*Case No.:* **2009.1142 C**  
*Project Address:* **4675 MISSION STREET**  
*Zoning:* NC-3 (Neighborhood Commercial, Moderate-Scale)  
 65-A Height and Bulk District  
*Block/Lot:* 6083/024  
*Project Sponsor:* Xiao Mei Peng  
 45 Loomis Street  
 San Francisco, CA 94124  
*Staff Contact:* Elizabeth Watty – (415) 558-6620  
[Elizabeth.Watty@sfgov.org](mailto:Elizabeth.Watty@sfgov.org)

**ADOPTING FINDINGS RELATED TO THE APPROVAL OF A CONDITIONAL USE REQUEST PURSUANT TO PLANNING CODE SECTIONS 303, 712.43, AND 790.90, TO ESTABLISH A LARGE FAST-FOOD RESTAURANT (DBA AROMA COFFEE HOUSE) IN A VACANT STOREFRONT WITHIN THE NC-3 (NEIGHBORHOOD COMMERCIAL, MODERATE-SCALE) ZONING DISTRICT AND 65-A HEIGHT AND BULK DISTRICT.**

### PREAMBLE

On December 10, 2009, Xiao Mei Peng (Project Sponsor) filed an application (hereinafter “Application”) with the Department for Conditional Use Authorization under Planning Code Sections 303, 712.43, and 790.90, to establish a large fast-food restaurant (dba Aroma Coffee House) in a vacant storefront within the NC-3 (Neighborhood Commercial, Moderate-Scale) Zoning District and 65-A Height and Bulk District.

On February 11, 2010, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Application No. 2009.1142 C.

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 Project Sponsor, Department staff, and other interested parties.

**MOVED**, that the Commission hereby authorizes the Conditional Use requested in Application No. 2009.1142C, 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 at 4675 Mission Street, east side, between Brazil and Persia Avenues, Assessor's Block 6080, Lot 024. The Property is located within the NC-3 (Neighborhood Commercial, Moderate-Scale) Zoning District and 65-A Height and Bulk District.

The Project Site is developed with a tall, single-story commercial structure consisting of two ground-floor commercial spaces with independent entrances on Mission Street. The subject tenant space occupies approximately 1,750 gross square-feet of floor area and approximately 25 feet of frontage. The tenant space is currently vacant but was most recently occupied by a retail business (dba Bedroom Furniture Outlet). The adjacent tenant space to the south – at 4681 Mission Street – is occupied by the Filipino Community Center.

3. **Surrounding Properties and Neighborhood.** The immediate neighborhood, located along Mission Street between Niagara and Silver Avenues, is predominantly formed by one-, two-, three-, and four-story mixed-use buildings. Niagara and Silver Avenues form the southern and northern borders, respectively, of the NC-3 zoned portion of Mission Street, which spans approximately one mile in length. Uses along this portion of Mission Street include, but are not limited to: bakeries, upholsterers, dry cleaners, medical offices, business and professional services, personal services, bars, nightclubs, restaurants, retail stores, and grocery stores. The food service establishments are primarily small self-service restaurants and large fast-food restaurants. Dwelling-units are typically found above the commercial ground-floor tenants, and the neighboring properties located off of Mission Street are primarily zoned for one- and two-family dwellings.

NC-3 Districts include some of the longest linear commercial streets in the City, some of which have continuous retail development for many blocks. Large-scale lots and buildings and wide streets distinguish the districts from smaller-scaled commercial streets, although the districts may include small as well as moderately scaled lots. Buildings typically range in height from two-to-four stories, occasionally with taller structures.

A diversified commercial environment is encouraged for the NC-3 District, and a wide variety of uses are permitted with special emphasis on neighborhood-serving businesses. Eating and drinking establishments, entertainment uses, financial services, and certain auto uses are generally permitted within certain limitations at the first and second stories. Other retail businesses, personal services and offices are permitted at all stories of new buildings. Limited storage and administrative service activities are permitted with some restrictions.

4. **Project Description.** The Applicant proposes to establish a large fast-food restaurant (dba Aroma Coffee House) with approximately 45 seats, within the existing 1,750 gross square-foot vacant commercial tenant space. The commercial space was most recently used as a retail business (dba Bedroom Furniture Outlet), and requires a change of use to the proposed large fast-food restaurant. The proposed large fast-food restaurant will provide American and Asian foods, as well as coffee to the Outer Mission and Excelsior neighborhoods. The business will be locally owned and operated.
5. **Public Comment.** The Department has received one letter of support from the Excelsior Action Group, and no letters 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. **Use Size.** Planning Code Sections 121.2, 712.21, and 790.130, establish size limits on non-residential use sizes in the NC-3 District. Within the District, a Conditional Use Authorization is required for any non-residential use that meets or exceeds 6,000 square-feet of floor area.

*At approximately 1,750 square-feet of floor area, the proposed use size is within the principally permitted use size limitations.*

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

*The Subject Property contains approximately 1,500 square-feet of occupied floor area (1,750 square feet of gross floor area) and thus does not require any off-street parking.*

- C. **Loading.** Section 152 of the Planning Code requires off-street freight loading for uses in NC-3 Districts over 10,000 gross square-feet.

*The proposed use contains approximately 1,750 gross square-feet of floor area and thus does not require any off-street freight loading.*

- D. **Signage.** Currently, there is no signage program proposed in conjunction with this project. All future signage will be reviewed by the Planning Department for compliance with the Planning Code.

- E. **Formula Retail Use.** Planning Code Sections 703.3 and 703.4 defines a formula retail use and requires Conditional Use Authorization from the Planning Commission for all new formula retail uses within all Neighborhood Commercial Districts.

*The proposed large fast-food restaurant (dba Aroma Coffee House) is not a formula retail use.*

- F. **Large Fast-Food Restaurant.** Section 790.90 of the Planning Code defines a large fast-food restaurant as:
- (a) A retail eating or drinking use which provides ready-to-eat food to a high volume of customers at a high turnover rate for consumption on or off the premises, which may or may not provide seating. Such use exhibits the following characteristics:
- (1) A gross floor area of 1,000 square feet or more;
  - (2) A limited menu of ready-to-eat food prepared in advance of customer orders, or food which is able to be quickly prepared for consumption on or off the premises;
  - (3) Food served in disposable wrappers or containers;
  - (4) Food is ordered and served at customer service counter;
  - (5) Food is paid for prior to consumption;
  - (6) Public food service area, including queuing areas and service counters without fixed seats, which counters are designed specifically for the sale and distribution of food and beverages;
  - (7) Food available upon a short waiting time.

It includes, but is not limited to, delicatessens, ice cream and cookie stores, sandwich shops, and bakeries. It does not include retail grocery stores with accessory take-out food activities, as described in Section 703.2(b)(1)(C) of this Code, or retail uses which sell prepackaged or bulk ready-to-eat foods with no on-site food preparation area, such as confectionery or produce stores. When a fast-food restaurant operates within an in conjunction with another retail use, such as a retail grocery store, the area of the fast-food restaurant use shall be measured to include the area devoted to food preparation and service, seating and separate public food service counters, excluding fish, poultry and mean counters.

(c) It may provide off-site beer, wine, and/or liquor sales for consumption off the premises (with ABC licenses 20 or 21) or on-site beer and/or wine sales for drinking on the premises (with ABC licenses 40, 41, or 60). If it serves liquor for drinking on the premises (with ABC licenses 487 or 48), or does not admit minors (with ABC licenses 42 or 61), then it shall also be considered a bar, as defined in Section 790.22 of this Code.

(d) It shall be conducted in accordance with the following conditions:

- (1) All debris boxes shall be kept in enclosed structures.
- (2) The operator shall be responsible for cleaning the sidewalk within a one-block radius daily to maintain the sidewalk free of paper or other litter during its business hours, in accordance with Article 1, Section 34 of the San Francisco Police Code.
- (3) Noise and odors shall be contained within the premises so as not to be a nuisance to nearby residents or neighbors.

*The proposed independently owned and operated business contains approximately 1,750 gross square-feet of floor area and is classified as a large fast-food restaurant use. The change of use to a large fast-food restaurant is permitted with Conditional Use Authorization, and requires Section 312 Notification. Section 312 Notification was conducted in conjunction with the Conditional Use Notification.*

7. **Planning Code Section 303** establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use Authorization. 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 size of the proposed use is in keeping with other uses found along the NC-3 zoned portion of Mission Street. The proposed large fast-food restaurant is necessary and desirable in that it is geared toward people who live, work, and shop in the Outer Mission and Excelsior Neighborhoods. The Project will contribute to the economic vitality of the neighborhood by removing a vacant storefront and replacing it with a neighborhood-serving use. The Project would also provide entry-level job opportunities for low and semi-skilled workers.*

- B. The 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 shopping center will not be altered as part of this Project.*

- 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 impact traffic or parking in the District because it is designed to meet the needs of the immediate neighborhood and should not generate significant amounts of vehicular trips from the immediate neighborhood or citywide. It will be a neighborhood-serving coffee shop and restaurant, not a destination restaurant. The Planning Code does not require parking or loading for a 1,500 (occupied) square-foot, large fast-food restaurant.*

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

*The Project is subject to the standard conditions of approval for large fast-food restaurants, as outlined in Exhibit A. Condition No.9 specifically obligates the Project Sponsor to mitigate odor and noise generated by the restaurant use.*

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

*The proposed large fast-food restaurant does not require any landscaping, screening, open space, parking, loading, or service areas. All lighting and signage will be reviewed by planning staff prior to installation to verify Planning Code compliance, in accordance with Condition 6 of Exhibit A.*

- 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 stated purposes of NC-3 Districts in that the intended use is a neighborhood-serving eating and drinking establishment located at the ground floor. It will provide compatible convenience goods for the immediately surrounding neighborhood during daytime hours.*

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

## **COMMERCE AND INDUSTRY ELEMENT**

### **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 Project will provide desirable goods and services to the neighborhood. The Project will provide net benefits by improving approximately 1,750 gross square-feet of vacant commercial space to serve the immediate neighborhood as well as a population greater than the immediate neighborhood with a large fast-food restaurant. The Project Site is located within a Neighborhood Commercial, Moderate-Scale 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 attracts new commercial activity to a vacant commercial space. This will enhance the diverse economic base of the City, and provide low-skilled job opportunities for students and City residents.*

**OBJECTIVE 3:**

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

**Policy 3.1:**

Promote the attraction, retention and expansion of commercial and industrial firms which provide employment improvement opportunities for unskilled and semi-skilled workers.

**Policy 3.2:**

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

*Aroma Coffee House will create new entry-level employment opportunities for unskilled and semi-skilled workers.*

**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 Project brings a new commercial tenant into an existing vacant storefront. The new tenant will provide neighborhood-serving goods and services to the community. No commercial tenant will be displaced and the project will not prevent the District from achieving optimal diversity in the types of goods and services available throughout the neighborhood.*

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 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 that 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.

#### **Fast Food Restaurants and Self-Service Restaurants**

Fast food restaurants and self-service restaurants including take-out food establishments are retail uses, which provide quick food service for consumption on or off the premises, which are often designed to serve a high volume of customers at a high turnover rate. As a result, this use can generate problems in traffic and pedestrian circulation, parking congestion, litter, noise and odors. All guidelines for eating and drinking establishments should apply to fast food restaurants and self-service restaurants in addition to the guidelines stated below.

- Large fast food restaurants occupying more than 1,000 square feet of floor area are discouraged in neighborhood commercial cluster districts, small-scale neighborhood commercial districts and those individual districts where such discouragement is noted in



- their description and purpose statements. Large fast food restaurants of that size usually are designed to attract high volumes of customers from a large trade area. Such volumes of customers can generate various nuisance problems for the surrounding residential neighborhoods, especially parking congestion, traffic and pedestrian circulation, litter and late-night activity.
- The proposed use should not add to an over-concentration of fast-food restaurants in a single district. As a general rule, fast food restaurants should be evenly distributed throughout the district. However, in certain locations, clustering may be more appropriate. For example, a configuration of clustered fast food restaurants where sufficient off-street parking is shared between them might make more efficient use of land than an even distribution of fast food restaurants throughout the district. The number of large fast food restaurants and small self-service restaurants should not exceed the maximum number that would be allowed if all fast food restaurants in the district were at least 500 feet from each other.
  - To avoid potential pedestrian-vehicle conflicts where large numbers of children are present, fast food restaurants should not be within 500-foot walking distance of an elementary or secondary school.
  - New or expanding large fast food restaurants should provide a detailed analysis of their anticipated impacts on transportation systems. If problems are anticipated, especially on transit-preferential streets, the proposed use should be reduced in size and/or redesigned to mitigate the above impacts, or prohibited. If the estimated parking demand for the use cannot be accommodated by existing or new off- or on-street parking facilities, the use should provide ample off-street parking on the site or within a reasonable walking distance of the site to provide for the parking demand; otherwise the use should be prohibited (see Auto-Oriented Facilities section and Policy 9 of this Objective for detailed guidelines).
  - The use should provide adequate waiting space for walk-in patrons.
  - The use should be equipped with sufficient outdoor and indoor trash receptacles to avoid litter problems in the surrounding neighborhood.
  - The operator of the use should be responsible for maintaining the sidewalk within a one-block radius of the site free of paper or litter.
  - The use should be designed and operated to contain fumes and odors within the cooking areas, so that such fumes and odors will not spread to adjacent or upper-story uses.
  - The new or expanding use should close at 12:00 Midnight or earlier.

*There is not a concern with the potential over-concentration of food-service establishment in this NC-3 District. 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 has performed a site survey of the NC-3 zoned portion of Mission Street which contains the proposed tenant space. 18.6% of the existing commercial frontage within this NC-3 District along Mission Street is dedicated to eating or drinking establishments. The addition of 25-feet of commercial frontage associated with the subject large fast-food restaurant will bring the total to 18.8%, which remains under the concentration threshold established in the General Plan.*

*The subject establishment is not located within a 500-foot walking distance of an elementary or secondary school. Additionally, this establishment is a neighborhood-serving establishment and is not expected to attract a high volume of customers who arrive by automobile.*

*The use provides adequate space for walk-in patrons and approximately 45 seats for customers who wish to dine-in. The conditions of approval help to ensure that the area around the business is kept clean. Although the NC-3 District does not have any prescribed limitations on business' hours of operation, the General Plan recommends a midnight closure time for large fast-food restaurants. A midnight closure time is conditioned into this approval through Condition of Approval Number 5 in Exhibit A.*

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 Project would enhance the district by providing a large fast-food restaurant in an area that is not over concentrated by restaurants. The business would be locally owned and operated and will create new low- and semi-skilled employment opportunities.*

- 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 and diversity of the neighborhood. It would help protect the character of the Mission Street commercial corridor by converting an existing vacant commercial space into a business that is open and accessible to the general public.*

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

*No housing is removed as a result of this Project.*

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

*The Project Site is on Mission Street and is well served by public transit. It is presumable that employees would commute by transit or by walking thereby mitigating possible impacts on street parking. Many bus routes have stops nearby, including the 14-Mission, 14X-Mission Express, 14L-Mission Limited, 29-Sunset, 49-Van Ness/Mission, and 52-Excelsior MUNI 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 adversely affect industrial or service sector uses or related employment opportunities. Rather, additional service sector employment opportunities are created by the authorization of this large fast-food restaurant.*

- 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's Building Code. This Project will not impact the property's ability to withstand an earthquake.*

- G. That landmarks and historic buildings be preserved.

*Neither a landmark nor historic building occupies the Project site.*

- 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 or open spaces.*

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

**DECISION**

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Application No. 2009.1142C** 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. 18031. 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 February 11, 2010.

Linda D. Avery  
Commission Secretary

AYES: Commissioners Lee, Miguel, Moore, Olague, Sugaya

NAYS:

ABSENT: Commissioners Antonini, Borden

ADOPTED: February 11, 2010

## Exhibit A

# Conditions of Approval

1. This authorization is for a Conditional Use Authorization under Planning Code Sections 303, 712.43, and 790.90 to establish a large fast-food restaurant (dba Aroma Coffee House) in a vacant storefront within the NC-3 (Neighborhood Commercial, Moderate-Scale) Zoning District and 65-A Height and Bulk District, in general conformance with plans filed with the Application as received on June 11, 2009, and stamped "EXHIBIT B" included in the docket for **Case No. 2009.1142C**, reviewed and approved by the Commission on February 11, 2010.
2. Prior to the operation of the large fast-food restaurant, 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 premises (Assessor's 6083, Lot 024), which notice shall state that the use change has been authorized by and is subject to the conditions of this Motion. From time to time after the recordation of such notice, at the request of the Project Sponsor, the Zoning Administrator shall affirm in writing the extent to which the conditions of this Motion have been satisfied.
3. Violation of the conditions contained in this Motion or of any other provisions of the Planning Code may be subject to abatement procedures and fines up to \$250 a day in accordance with Planning Code Section 176.
4. Should monitoring of the Conditions of Approval contained in Exhibit A of this Motion be required, the Project Sponsor or successors shall pay fees as established in Planning Code Section 351(e)(1).
5. The permitted hours of operation will be from 5:00 am to 12:00 am (midnight), daily.
6. Signs and exterior lighting for the business shall be reviewed and approved by the Planning Department before they are installed.
7. The Project Sponsor shall maintain an attractive storefront providing visibility of the restaurant interior through the storefront windows.
8. The Project shall appoint a Community Liaison Officer to address issues of concern to neighbors related to the operation of this Project. Project Sponsor shall report the name and telephone number of this Officer to the Zoning Administrator and the neighborhood for reference. The Applicant will keep the above parties apprised should a different staff liaison be designated.
9. Noise and odors shall be contained within the premises so as not to be a nuisance to nearby residents or neighbors.

10. An enclosed garbage area shall be provided within the establishment. All garbage containers shall be kept within the building until pick-up by the disposal company.
11. Refuse containers shall be provided both inside and outside the establishment for use by patrons of the restaurant. The operator of the use shall be responsible for maintaining and cleaning the sidewalk within a one-block radius of the site free of paper or litter generated by the restaurant, in accordance with Article 1, Section 34 of the San Francisco Police Code.
12. The authorization and right vested by virtue of this action shall be deemed void and canceled if, within 3 years of the date of this Motion, a site permit or building permit for the Project has not been secured by Project Sponsor. This authorization may be extended at the discretion of the Zoning Administrator only if the failure to issue a permit by the Department of Building Inspection is delayed by a city, state, or federal agency or by appeal of the issuance of such permit.