



SAN FRANCISCO PLANNING DEPARTMENT

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Planning Commission Motion No. 18080

HEARING DATE: MAY 13, 2010

Date: May 18, 2010
Case No.: **2010.0083C**
Project Address: **200 FILLMORE STREET**
Zoning: NC-1 (Neighborhood Commercial Cluster) District
40-X Height and Bulk District
Block/Lot: 0859/020
Project Sponsors: Bill Maher (agent)
433 Waller Street
San Francisco, CA 94117
Mustapha Hakkou (applicant)
2445 Fillmore Street
San Francisco, CA 94115
Staff Contact: Sharon M. Young – (415) 558-6346
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ADOPTING FINDINGS RELATED TO THE APPROVAL OF A CONDITIONAL USE AUTHORIZATION UNDER PLANNING CODE SECTIONS 710.48, 303, AND 186.1(b)(1) OF THE PLANNING CODE TO ALLOW AN “OTHER ENTERTAINMENT” USE WITHIN AN EXISTING LEGAL NONCONFORMING LARGE FAST FOOD RESTAURANT DBA CAFÉ DU SOLEIL AT 200 FILLMORE STREET WITHIN AN NC-1 (NEIGHBORHOOD COMMERCIAL CLUSTER) DISTRICT AND 40-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On February 9, 2010, Bill Maher acting agent on behalf of Mustapha Hakkou (hereinafter “Project Sponsor”) made an application for Conditional Use authorization for the property at **200 Fillmore Street, Lot 020 in Assessor’s Block 0859** (hereinafter “Subject Property”) to allow an “other entertainment” use within an existing legal nonconforming large fast food restaurant with approximately 1,200 square feet of floor area dba Café Du Soleil, located on the ground floor of the two-story residential and commercial building within an NC-1 (Neighborhood Commercial Cluster) District and a 40-X Height and Bulk District, in general conformity with plans dated February 26, 2010 and labeled “Exhibit B” (hereinafter “Project”).

On **May 13, 2010**, the San Francisco Planning Commission (hereinafter “Commission”) conducted a duly noticed public hearing at a regularly scheduled meeting on **Conditional Use Application No.**

2010.0083C. Under Sections 710.48, 303, and 186.1(b)(1) of the Planning Code, Conditional Use authorization is required to allow an “other entertainment” use within an existing legal nonconforming large fast food restaurant dba Café Du Soleil within an NC-1 District. The proposal will involve adding musical entertainment and poetry reading to the existing restaurant between the hours of 6 p.m. and 10 p.m. Thursday through Saturday and between the hours of 12 p.m. and 9 p.m. on Sunday.

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. 2010.0083C, 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 200 Fillmore Street is located on the northeast corner of Fillmore and Waller Streets; Assessor’s Block 0859; Lot 020. It is located in an NC-1 (Neighborhood Commercial Cluster) District and a 40-X Height and Bulk District. The subject lot is 3,114 square-feet (35.59 feet wide by 87.50 feet deep) in size and is occupied by a two-story residential and commercial building built circa 1900. The existing building is listed in the Planning Department’s 1976 Architectural Survey as having architectural significance and is included within the Halley Valley Survey area. The existing legal nonconforming large fast food restaurant (dba Café Du Soleil) occupies commercial tenant space on the ground floor of the building.
3. **Surrounding Properties and Neighborhood.** The surrounding development consists of a variety of mixed-use buildings featuring residential uses above ground-floor commercial establishments. The scale of development in the area consists primarily of low-rise buildings (primarily two- to three-story structures with a few one and four story structures), some of which were built in the early 1900s. Generally, the commercial establishments characterizing this portion of Fillmore Street include a mixture of restaurants, specialty shops, and a general merchandise/drug store.

Some of the existing commercial establishments include Health Wise For Pets, Thep Phanom, Indian Oven, Squat & Gobble, Zip Zap Hair, Upper Playground Flowers on Fillmore, Estela's Sandwiches, and Fifty 24 SF Gallery. The surrounding zoning is NC-1 (Neighborhood Commercial Cluster) District, NC-2 (Small-Scale Neighborhood Commercial) District, RH-3 (Residential, House, Three-Family) District. The 400-500 block of Haight Street, which has a number of commercial establishments, is located one block north of the Project Site.

4. **Project Description.** The proposal is a request for Conditional Use authorization under Sections 710.48, 303, and 186.1(b)(1) of the Planning Code to allow an "other entertainment" use within an existing legal nonconforming large fast food restaurant dba Café Du Soleil located on the ground floor of the two-story residential and commercial building within an NC-1 (Neighborhood Commercial Cluster) District and a 40-X Height and Bulk District.

The proposal will involve adding the performance of nonamplified musical entertainment (jazz) and poetry reading to the existing restaurant between the hours of 6 p.m. and 10 p.m. Thursday through Saturday and between the hours of 12 p.m. and 9 p.m. on Sunday. [The applicant's original proposal for "other entertainment" use on the premises was between the hours of 6 p.m. and 11 p.m. on Friday and Saturday.] There will be no tenant improvements made within the existing commercial space or any changes made to the existing building envelope.

5. **Issues and Other Considerations.**

- The existing legal nonconforming large fast food restaurant dba Café Du Soleil, which was established since 2006, is independently owned and is not considered a formula retail use under Section 703.3 of the Planning Code.
- The project applicant's agent has indicated that the restaurant (café) has been open for several years and has the support of innumerable neighbors (over 500 signatures on the petition). The café has had sidewalk tables and chairs for the last few years with no apparent problems. According to the project applicant's agent, the proposed "other entertainment" use will provide for a more "laid back" alternative venue than the many venues for late night drinking and entertainment existing on Haight Street, located approximately one block from the Project Site.
- The project applicant's agent has indicated that the proposed project will involve no physical remodeling of the premises and requires nothing more than moving a few tables during the weekends. The restaurant currently has tables and seats inside to accommodate 60 people with permitted sidewalk café tables and seats for approximately 20 more people. No permanent stage or structure will be required.
- The project applicant's agent has indicated that the existing restaurant is well established in the community in which the majority of the clientele are local residents who walk or bike to the establishment and a small number take public transit from the adjacent Hayes Valley and Castro neighborhoods. In addition, some of the clientele are tourists (primarily European visitors to the City).

6. **Public Comment.** As of May 6, 2010, the Department has received one phone call (Vallie Brown) expressing concerns regarding the proposed hours of operation and its potential noise impacts to the residents within the surrounding neighborhood. The project applicant's agent has since contacted Ms. Brown with regard to her concerns. In response to these concerns, the project applicant's agent has indicated that the applicant would like to modify the proposed hours of operation on Friday and Saturday from 6 p.m. to 11 p.m. to 6 p.m. to 10 p.m. The Department has also received two letters in opposition to the proposal from adjacent residents (Phil Horowitz and Jimmy Terrell) concerned about the noise that may emit from the proposed entertainment use since there are no interior modifications to include acoustical soundproofing in the proposal. The project applicant's agent has contacted the San Francisco Police Department (Northern Station) with regard to the proposal and has submitted a petition with over 600 signatures from customers of the restaurant (which includes approximately 500 signatures from neighbors) who indicated their support for adding entertainment (i.e. jazz and poetry readings) to the premises. Prior to the May 13 Planning Commission hearing, the Planning Department received two additional letters (Phil Horowitz and William M. Walker) and one phone call (Ed Morgan) in opposition to the proposed project. In summary, the letters and phone call expressed that the proposal should include more detailed plans (that should be reviewed by an acoustical engineer) about how the applicant intends to soundproof or insulate the premises, the proposed conditions of approval should be modified and active monitoring should be required, there are issues with the restaurant's outdoor sidewalk seating and alcoholic beverage control license, occupancy of the second floor of the building is being used for commercial rather than residential use, and the proposal may impact parking and traffic in the neighborhood. The Planning Department had received one letter in support (Mark Miller and Lida Pejman) indicating the proposed project would bring more cultural activity into the neighborhood and that the Planning Commission should not require the proposed restriction that the door of the café remain shut at all times during music or poetry performances since it would provide a less inviting environment for the customers and will likely reduce the attendance of the performances.
7. **Use District.** For the purposes of this action, the project site is within the NC-1 (Neighborhood Commercial Cluster) Zoning District. The NC-1 Zoning District is located on Fillmore Street on the northeast corner of Fillmore and Waller Streets in the Western Addition Neighborhood. NC-1 Zoning Districts are characterized by their location in residential neighborhoods, often in outlying areas of the City. The commercial intensity of these districts varies. Many of these districts have the lowest intensity of development in the City, generally consisting of small clusters with three or more commercial establishments, commonly grouped around a corner; and in some cases short linear commercial strips with low-scale, interspersed mixed (residential-commercial) development.
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 would provide a local, small business owner an opportunity to enhance an existing business that currently provides job opportunities to the City.

- (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 helping to retain an existing business in the area. Existing housing will not be 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 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.

There is no commercial office development associated with the proposed Project and 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 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 186.1(b)(1)** allows a nonconforming use to be significantly altered, enlarged or intensified except upon approval of a conditional use application.

The proposed Project requires Conditional Use authorization to allow the intensification of an existing legal nonconforming large fast food restaurant by allowing "other entertainment" use on the premises.

C. **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 will allow for "other entertainment" use (i.e. acoustic music and poetry reading) in the restaurant. The project sponsor has submitted a petition with over 600 signatures from patrons of the restaurant which demonstrates that there is a desire for the entertainment use on the premises. There will be no tenant improvements made to the existing commercial tenant space or changes made to the existing building envelope with this proposal.

- (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 restaurant includes Muni Line 22 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;

Since the proposed Project does not propose the physical expansion of the existing restaurant, no additional landscaping will need to be provided. 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.

- (3) 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.

- (4) 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-1 District in that the intended use is a neighborhood-serving business.

D. **Section 710.1** sets forth provisions applicable in the NC-1 (Neighborhood Commercial Cluster) Zoning District. The NC-1 Zoning District controls are intended to serve as local neighborhood shopping districts, providing convenience retail goods and services for the immediately surrounding neighborhoods primarily during daytime hours. Building Controls or the NC-1 Zoning District promote low-intensity development which is compatible with the existing scale and character of these neighborhood areas. Commercial development is limited to one-story. NC-1 commercial use provisions encourage the full range of neighborhood-serving convenience retail sales and services at the first story provided that the use size generally is limited to 3,000 square feet. However, commercial uses and features which could impact residential livability are prohibited, such as auto uses, financial services, general advertising signs, drive-up facilities, hotels, and late-night activity; eating and drinking establishments are restricted, depending upon the intensity of such uses in nearby commercial districts. Housing development in new buildings is encouraged above the ground story in most districts. Existing residential units are protected by prohibitions of conversions above the ground story and limitations on demolitions.

E. **Section 710.27** allows hours of operation from 6 a.m. until 11 p.m. as of right and requires Conditional Use authorization to operate between the hours of 11 p.m. and 2 a.m.

The proposal is to add nonamplified musical entertainment (jazz) and poetry reading to the existing restaurant between the hours of 6 p.m. and 10 p.m. Thursday through Saturday and between the hours of 12 p.m. and 9 p.m. on Sunday.

F. **Section 710.38** defines "other entertainment" as a retail use, other than adult entertainment, which provides live entertainment, including dramatic and musical performances, and/or

operates as a dance hall which provides amplified taped music for dancing on the premises, including but limited to those defined in Section 1060 of the Police Code, and which is adequately soundproofed or insulated so as to confine incidental noise to the premises. Other entertainment also includes a bowling alley, billiard parlor, shooting gallery, skating rink and other commercial recreational activity, but it excludes amusement game arcades.

- G. **Section 710.48** requires Conditional Use authorization to allow an “other entertainment” use at the first (ground) floor within the NC-1 District.

The proposal is to allow an “other entertainment” use within the existing legal nonconforming large fast food restaurant on the Project Site.

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

COMMERCE AND INDUSTRY ELEMENT

NEIGHBORHOOD COMMERCE

Objectives and Policies

OBJECTIVE 6:

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

Policy 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 approval of the proposed project to allow an “other entertainment” use within the restaurant will enhance an existing neighborhood-serving use.

Policy 2:

Promote economically vital neighborhood commercial districts which foster small business enterprises and entrepreneurship and which are responsive to economic and technological innovation in the marketplace and society.

A local, independent entrepreneur is sponsoring the proposal for the restaurant, which is not considered a Formula Retail Use.

Policy 9:

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

The proposed Project does not adversely impact public transit or place a burden on the existing supply of parking in the neighborhood. Many patrons are 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.

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. 2010.0083C** 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. 18080. 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 May 13, 2010.

Linda Avery
Commission Secretary

AYES: Ron Miguel, Christina Olague, Gwyneth Borden, William L. Lee, Kathrin Moore, Hisashi Sugaya, Michael Antonini

NAYS: None

ABSENT: None

ADOPTED: May 13, 2010

Exhibit A

Conditions of Approval

1. Pursuant to Sections 710.48, 303, and 186.1(b)(1) to allow an “other entertainment” use within an existing legal nonconforming large fast food restaurant with approximately 1,200 square feet of floor area dba Café Du Soleil, located on the ground floor of the two-story residential and commercial building within an NC-1 (Neighborhood Commercial Cluster) 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. 2010.0083C** (labeled EXHIBIT B), reviewed and approved by the Commission on May 13, 2010 under **Motion No. 18080**.
2. The proposal will involve adding nonamplified musical entertainment and poetry reading to the existing restaurant between the hours of 6 p.m. and 10 p.m. Thursday through Saturday and between the hours of 12 p.m. and 9 p.m. on Sunday.
3. The establishment shall be adequately soundproofed or insulated for noise so that sound from live entertainment shall not be audible from outside the premises nor inside any of the residential units located above the restaurant. The Project Sponsor shall obtain all necessary permits from the Entertainment Commission prior to commencement of the entertainment use. In addition, the Project Sponsor shall comply with any requirements imposed by the Entertainment Commission and/or Police Department prior to the commencement of the authorized entertainment.
4. If the Project requires monitoring of the conditions of approval in this Motion, the Project Sponsor or the subsequent responsible parties for the Project shall pay a fee of \$1,080.00, as an initial fee plus time and materials as set forth in Section 350(c), as established under Planning Code Section 351(e)(1) and work with the Planning Department to ensure compliance.
5. The Project Sponsor 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.
6. New 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. **VALIDITY, EXPIRATION, AND EXTENSION**

This Conditional Use approval is **valid for three years** from the effective date of the Motion No. 18080 authorizing the proposed “other entertainment” use and shall automatically expire on May 13, 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.

9. 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.

10. RECORDING OF CONDITIONS OF APPROVAL

Prior to the issuance of a Building Permit Application for the proposed "other entertainment" 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 0859, Lot 020), which notice shall state that the proposed use has been authorized by Motion No. 18080 and is subject to the conditions of approval of this Motion.

11. 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. 18080 approving the proposed "other entertainment" use. The Building Permit Application shall include plans in conformance with the plans on file with the Department in the docket for **2010.0083C** (labeled EXHIBIT B), reviewed and approved by the Planning Commission on May 13, 2010 under the **Motion No. 18080**. 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.

12. COMPLETION OF BUILDING PERMIT

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.

13. 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. 18080 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.

14. 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.

15. ENFORCEMENT

After commencement of the approved use, violation of any of the planning conditions of approval contained in the Motion No. 18080 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.

16. MONITORING

If the project requires monitoring of the conditions of approval contained in Exhibit A of Motion No. 18080, 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.

17. 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.

18. 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.