



# SAN FRANCISCO PLANNING DEPARTMENT

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## Memo to the Planning Commission

HEARING DATE: NOVEMBER 6, 2014  
Continued from the October 23, 2014 Hearing

*Date:* October 30, 2014  
*Case No.:* 2013.0255C  
*Project Address:* 620 JONES STREET  
*Zoning:* RC-4 (Residential, Commercial, High-Density)  
North of Market Residential 1 Special Use District  
80-T – 130-T Height and Bulk District  
*Block/Lot:* 0596/1024  
*Project Sponsor:* Jordan Langer  
620 Jones St.  
San Francisco, CA 94102  
*Staff Contact:* Carly Grob – (415) 575-9138  
[carly.grob@sfgov.org](mailto:carly.grob@sfgov.org)  
*Recommendation:* **Approve with Conditions**

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### BACKGROUND

This project was filed on March 7, 2013 to modify a prior condition of approval to extend the closing time for an existing Outdoor Activity Area from 12:00 a.m. to 2:00 a.m. pursuant to Planning Code Section 303. The Outdoor Area is patio that is associated with an existing restaurant, d.b.a. Jones.

The hours of operation for the patio were originally included as a condition of approval of Motion No. 17565 in case 2007.1382C. Following the Planning Commission hearing on March 13, 2008, an incomplete version of the Motion was posted on the publicly accessible Property Information Map (PIM). This version did not include four conditions discussed at the hearing, including one which required that the outdoor area closes at midnight. In the summer of 2009, the project sponsor entered into a long-term lease and began developing the property based on the incomplete information provided on the PIM. The sponsor was unaware that there were restricted hours of operation.

The Planning Department issued a Notice of Alleged Violation on March 5, 2012, as Jones was operating past midnight on the patio. Staff provided a physical copy of the motion, which included the conditions that had been omitted from the version on the PIM. The Project Sponsor requested a Zoning Administrator hearing to protest the violation, arguing that the information on the Planning Information Map was incomplete as Motion No. 17565 did not include restricted hours. The Zoning Administrator upheld the original condition at a hearing on July 10, 2012. The Zoning Administrator's decision was appealed to the Board of Appeals on October 24, 2012 where the board voted to continue the item to the Call of the Chair to allow the appellant time to pursue a modification to the original Conditional Use Authorization.

Planning Staff recommended disapproval at the initial Conditional Use hearing on October 23, 2014, on the basis of potential noise nuisances and conditioning extended hours that would run with the land, not the operator. After discussing the details of the case, the Planning Commission indicated intent to approve the project with conditions. This case was continued to provide Planning Staff ample time to revise the attached Draft Motion to reflect the intent to approve with the conditions imposed by the Planning Commission.

## **CURRENT PROPOSAL**

The proposal to modify prior conditions of approval has remained the same. The Planning Staff recommendation has been revised to reflect the Commission's intent to approve the project with conditions applied by the Commission at the initial hearing. These Conditions include: extension of hours until 2:00 a.m. on weekends, Gay Pride Sunday, and New Year's Eve, live entertainment permitted until 7:00, and that the business must adhere to noise levels permitted by the Entertainment Commission.

## **REQUIRED COMMISSION ACTION**

In order for the Project to proceed, the Commission must approve the motion to supersede the conditions from Motion No. 17565 and provide Conditional Use Authorization to modify former Conditions of approval, pursuant to Planning Code Section 303.

## **BASIS FOR RECOMMENDATION**

- The proposed conditions of approval extend the hours of operation for the patio until 2 a.m. on Fridays and Saturdays only, as well as New Year's Eve and Gay Pride Sunday.
- The project sponsor has acted as a Good Neighbor within the community and has been available to meet with community members to resolve issues that may arise from their restaurant.
- Although the department recognizes the potential for increased noise in the area, the modification of conditions will rectify the record with the current restaurant operations. The project sponsor will continue to operate the restaurant as they have prior to the Conditional Use Hearing.
- There has been substantial support from adjacent neighbors and the surrounding community in favor of the restaurant and the current operators.

<b>RECOMMENDATION:</b> <b>Approve with Conditions</b>
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### **Attachments:**

Draft Motion  
Motion No. 17565 (complete Motion) from Case No. 2007.1382C  
Block Book Map  
Sanborn Map  
Aerial Photographs  
Zoning Map  
Site Photograph  
Reduced Floor Plan



# SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- Affordable Housing (Sec. 415)
- Jobs Housing Linkage Program (Sec. 413)
- Downtown Park Fee (Sec. 412)
- First Source Hiring (Admin. Code)
- Child Care Requirement (Sec. 414)
- Other

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## Planning Commission Motion No. XXXXX

HEARING DATE: November 6, 2014

Continued from the October 23, 2014 Hearing

*Date:* October 30, 2014  
*Case No.:* **2013.0255C**  
*Project Address:* **620 Jones Street**  
*Zoning:* RC-4 (Residential, Commercial, High-Density)  
 North of Market Residential 1  
 80-T-130-T Height and Bulk District  
*Block/Lot:* 0596/024  
*Project Sponsor:* Jordan Langer  
 620 Jones St.  
 San Francisco, CA 94102  
*Staff Contact:* Carly Grob – (415) 575-9138  
[carly.grob@sfgov.org](mailto:carly.grob@sfgov.org)  
*Recommendation:* **Approval with Conditions**

**ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTION 303 OF THE PLANNING CODE TO AMEND THE CONDITIONS OF APPROVAL FOR A PREVIOUSLY APPROVED CONDITIONAL USE AUTHORIZATION TO PERMIT COMMERCIAL USE ABOVE THE GROUND FLOOR (MOTION NO. 17565, CASE NO. 2007.1382C) TO EXTEND THE PERMITTED HOURS OF OPERATION FOR AN EXISTING OUTDOOR ACTIVITY AREA UNTIL 2:00 A.M. ON FRIDAYS, SATURDAYS, NEW YEAR’S EVE, AND GAY PRIDE SUNDAY, (FROM THE PREVIOUSLY APPROVED MIDNIGHT) AND TO PERMIT OUTDOOR LIVE ENTERTAINMENT UNTIL 7:00 P.M. EVERY DAY (FROM THE PREVIOUSLY APPROVED LIMITATION OF LIVE MUSIC TWICE MONTHLY UNTIL 7:00 P.M.) AT AN EXISTING RESTAURANT (D.B.A. JONES) WITHIN THE RC-4 DISTRICT AND 80-T-130-T HEIGHT AND BULK DISTRICT.**

### PREAMBLE

On February 12, 2013, Jordan Langer (hereinafter “Project Sponsor”) filed an application with the Planning Department (hereinafter “Department”) for Conditional Use Authorization under Planning Code Sections 303 to modify a prior Condition of Approval of Motion No. 17565 to

extend the hours of operation of the Outdoor Activity Area at a restaurant, d.b.a. Jones, from 12:00 a.m. to 2:00 a.m. within an RC-4 (Residential-Commercial: High Density) and a 80-T-130-T Height and Bulk District. The Conditional Use Application was filed to abate Complaint No. 11608.

On October 23, 2014 the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2013.0255C. Planning Staff recommended disapproval of the proposal to modify conditions. The Commission indicated an intent to approve the proposal and continued the item to a regularly scheduled hearing on November 6, 2014.

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

The Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of the applicant, Department staff, and other interested parties.

**MOVED**, that the Commission hereby authorizes the Conditional Use requested in Application No. 2013.0225C, subject to the conditions contained in "EXHIBIT A" of this motion, which would supersede the conditions included in Motion 17565, 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 Outdoor Activity Area is located on the roof of a one-story parking garage on the north side of Geary Boulevard between Jones and Shannon Streets (Lot 11). This garage serves the adjoining building to the north, 620 Jones (Lot 36), which is developed with a 13-story, 181-room hotel, d.b.a. Gaylord Suites. The basement level tenant space of the subject property is currently occupied by a portion of the Jones restaurant, which is permitted to utilize the Outdoor Activity Area for patron seating until 12:00 a.m.
3. **Surrounding Properties and Neighborhood.** The subject property is located within the RC-4 district, and is surrounded by high-density residential, hotel and institutional uses and abundant ground floor commercial uses. This area lies immediately west of the C-3-G (Downtown General Commercial) District, which contains a similar mix of uses, but with a higher concentration of commercial establishments. The subject property lies two blocks west of Union Square. A seven-story hotel building, The Hotel California is located to the west of the subject property at the corner of Geary and Jones. A 16-story hotel building, The Adagio, is located on the lot adjacent to the subject property to the east. Each of these hotels has ground-floor restaurant/bar uses. Across Geary Street to the south are three five- and six-story multi-unit apartment buildings and several one-story commercial buildings. Across Jones Street to the west are primarily multi-family residential buildings ranging from one to five stories.



4. **Project Description.** The project is to modify a prior condition of approval to extend the closing time for an existing Outdoor Activity Area from 12:00 a.m. to 2:00 a.m. pursuant to Planning Code Section 303. The Outdoor Area is patio that is associated with an existing restaurant, d.b.a. Jones. The interior portion of the tenant space is located in the basement of the subject property (0305/036), and the patio opens onto the roof of an adjacent one-story parking structure facing Geary Street (0305/011). No interior or exterior alterations to the site are proposed.
5. **Background.** The hours of operation for the patio were originally included as a condition of approval of Motion No. 17565 in case 2007.1382C. Following the Planning Commission hearing on March 13, 2008, an incomplete version of the Motion was posted on the publicly accessible Property Information Map. This version did not include four conditions discussed at the hearing, including one which required that the outdoor area closes at midnight. In April, 2010, neighbors raised the issue of the restricted hours at an Entertainment Commission hearing. On May 14, 2010, a corrected version of the Motion was mailed to the project sponsor, not the property owner, and website was not corrected.

In the summer of 2009, the project sponsor entered into a long-term lease, acquired a liquor license from ABC, and began substantial physical improvements to the tenant space. The project sponsor researched the property on the Planning Department's Property Information Map (PIM), which contained the incomplete version of Motion No. 17565 without any limitations to hours of operation. Therefore, the sponsor was unaware that there were restricted hours of operation. To date, the project sponsor has invested over \$2.5 million into the restaurant.

The Planning Department issued a Notice of Alleged Violation on March 5, 2012, as Jones was operating past midnight on the patio. Staff provided a physical copy of the motion, which included the conditions that had been omitted from the version on the PIM. The Project Sponsor requested a Zoning Administrator hearing to protest the violation, arguing that the information on the Planning Information Map was incomplete as Motion No. 17565 did not include restricted hours. The Zoning Administrator upheld the original condition at a hearing on July 10, 2012. The Zoning Administrator's decision was appealed to the Board of Appeals on October 24, 2012 where the board voted to continue the item to the Call of the Chair to allow the appellant time to pursue a modification to the original Conditional Use Authorization. The application for Conditional Use Authorization to modify the prior condition was filed on May 30, 2013. Please see the attached Enforcement Notification, Notice of Violation and Penalty, and Notice of Violation and Penalty Decision for more information and a detailed timeline of the enforcement history for Complaint No. 11608.

The Planning Commission considered this project on a regularly scheduled hearing on October 23, 2014. No public comment was provided. The commissioners discussed the project sponsor's due diligence in leasing and developing the subject property, conditions of approval that would limit noise, and revising a prior condition to allow live music more than twice a month. The project sponsor requested that New Year's Eve and Gay Pride Sunday also be included as days in which extended hours beyond Midnight would be permitted. The initial Planning Staff recommendation was to disapprove the project; however, the Commission continued the item with intent to approve with the conditions discussed at the hearing, which can be found as an attachment in 'EXHIBIT A.'

6. **Public Comment.** To date, the department has received the following public comment:

*Public Comment in Favor*

- The Department has received 12 letters of support for Jones Bar.
  - One letter from the Community Leadership Alliance
  - Eight letters from residents on the block, six of which lived in the Gaylord Hotel at the time the letter was authored.
  - Three from local business owners, one from the management of the Gaylord Suites, and one was from the management of the former Gaylord Hotel at the same location.
- In addition, Jones also held a community outreach meeting on January 15, in which the operators collected public opinion surveys. Of 47 surveys collected:
  - 33 respondents indicated that Jones Bar has helped to improve the neighborhood,
  - 4 people indicated that the restaurant had no effect on the neighborhood, and
  - 10 people did not respond to the question.

*Public Comment Opposed:*

- To date, the department has received five calls and three emails in opposition to the extension of hours from neighbors of Jones.

*Police Reports/Complaints:*

- A total of 22 calls were made to the San Francisco Police Department regarding activity at Jones between June 30, 2013 and August 1, 2014, when the records were requested.
  - 15 Noise Nuisance complaints. Of these 15 complaints, three were called in past midnight, and only one referenced the outdoor patio. This complaint was called in at 12:17 a.m. on October 27, 2013, and also referenced amplified noise, which is not permitted per Motion No. 17565.
    - Four of these complaints occurred on the same day during the Pride Festival between the hours of 1:18 p.m. and 10: 54 p.m. This was considered a violation of the Entertainment Commission’s Good Neighbor Policy, which states that “The establishment shall implement other conditions and/or management practices necessary to insure that the patrons of the establishment maintain the quiet, safety, and cleanliness of the premises and vicinity of the use.”
  - Four Assault and Battery
  - One Aggressive behavior
  - One “Check Well Being”
  - One Person Screaming

7. **Planning Code Compliance.** The commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:

- a. **Modification of Conditions.** Planning Code Section 303(e) requires that the change in any condition previously imposed in the authorization of a conditional use shall be subject to the same procedures as a new conditional use.

*The project sponsor has applied for Conditional Use Authorization to modify a condition of approval from Planning Commission Motion No. 17565 extend the operating hours for the outdoor area from 12:00 a.m. to 2:00 a.m.*

- b. **Commercial Use above the Ground Floor.** Section 209.8(d) of the Planning Code allows a commercial use above the ground floor in an RC-4 District as a Conditional Use. A restaurant with ABC Type 47 is a permitted use in this district.

*Restaurant use above the ground floor was permitted per Planning Commission Motion No. 17565 in Case No. 2007.1382C. No change of use is proposed.*

- c. **Good Neighbor Policies.** The subject property is located within the North of Market Residential Special Use District. Planning Code Section 249.5(d)(6) includes "Good Neighbor Policies" that apply to all establishments selling alcoholic beverages pursuant to a California Alcoholic Beverage Control Board license. These policies are intended to maintain the safety and cleanliness of the premises and vicinity, and include the following:

- i. Employees of the establishment shall walk a 100-foot radius from the premises some time between 30 minutes after closing and 8:00 a.m. the following morning, and shall pick up and dispose of any discarded beverage containers and other trash left by patrons;
- ii. The establishment shall provide outside lighting in a manner sufficient to illuminate street and sidewalk areas and adjacent parking, as appropriate to maintain security, without disturbing residences;
- iii. No alcoholic beverages shall be consumed on any outdoor property adjacent to the establishment and which is under the control of the establishment, excepting those areas of the property that are enclosed and not visible from the sidewalk, are intended for patron services, are supervised by the establishment, and are not located adjacent to any sidewalk areas;
- iv. No more than 33 percent of the square footage of the windows and clear doors of the establishment shall bear advertising or signage of any sort, and all advertising and signage shall be placed and maintained in a manner that ensures that law enforcement personnel have a clear and unobstructed view of the interior of the premises, including the area in which the cash registers are maintained, from the exterior public sidewalk or entrance to the premises. This requirement shall not apply to premises where there are no windows, or where existing windows are located at a height that precludes a view of the interior of the premises to a person standing outside the premises;
- v. No person under the age of 21 shall sell or package alcoholic beverages;
- vi. Employees of the establishment shall regularly police the area under the control of the establishment in an effort to prevent the loitering of persons about the premises; and
- vii. The establishment shall promptly remove any graffiti from the exterior of the premises.

*The existing restaurant has abided by these Good Neighbor Policies throughout its operation. Modification of a prior condition to extend the hours of operation would not inhibit these actions.*

8. **Planning Code Section 303** establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use Authorization. The Project does not 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 community.

*The department has received several communications demonstrating community support for extending the hours of operation on the weekends. Neighbors attribute positive change in the area, in part, to the operators of Jones.*

- b. The proposed Project will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity. There are no features of the Project that could be detrimental to the health, safety or convenience of those residing or working the area, in that:

- i. Nature of proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;

*This proposal does not include any alterations to the building or arrangement of structures.*

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

*Exhibit A of this Motion contains conditions requiring that noise be minimized so as not to be a nuisance to other properties. One condition requires that the operators adhere to the maximum permitted noise levels set by the Entertainment Commission, as measured in decibels.*

9. **General Plan Compliance.** The Project is, on balance, not consistent with the following Objectives and Policies of the General Plan:

## **NEIGHBORHOOD COMMERCE**

### **Objectives and Policies**

#### **OBJECTIVE 1:**

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

#### **Policy 1.1:**

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

*The project sponsor has taken steps to mitigate undesirable consequences and negative effects of noise by replacing windows for neighbors and remaining open to community feedback. Immediate neighbors have commented that the business has improved the intersection and that the area is safer and cleaner, in part, because Jones operates as a good neighbor.*

**Policy 1.2:**

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

*The existing restaurant adheres to and operates under the standards set forth by the Department of Public Health, Department of Building Inspection, City Planning Department, and other regulatory agencies. The proposed modification of conditions would not have an effect on this compliance.*

**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 proposal to modify conditions to extend hours of operation for an existing restaurant would not impact the attraction or retention of new commercial or industrial activity.*

**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.

*The modification of conditions to extend hours of operation would improve the viability of the business and help retain the service sector employment opportunities currently provided by the business owner. The extension of hours may also require additional staffing or increasing working hours for current employees.*

**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.

*This proposal involves an existing, operational restaurant, and therefore no displacement of neighborhood-serving commercial tenants. The Outdoor Activity Area is a unique location in San Francisco that contributes to diversity of the community and has had a positive impact on 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 City Planning Commission approval. Pertinent guidelines may be applied as conditions of approval of individual permit applications. In general, uses should be encouraged which meet the guidelines; conversely, uses should be discouraged which do not.

### **Eating and Drinking Establishments**

Eating and drinking establishments include bars, sit-down restaurants, fast food restaurants, self-service restaurants, and take-out food. Associated uses, which can serve similar functions and create similar land use impacts, include ice cream stores, bakeries and cookie stores. Guidelines for eating and drinking establishments are needed to achieve the following purposes:

- Regulate the distribution and proliferation of eating and drinking establishments, especially in districts experiencing increased commercial activity;
- Control nuisances associated with their proliferation;
- Preserve storefronts for other types of local-serving businesses; and
- Maintain a balanced mix of commercial goods and services.

The regulation of eating and drinking establishments should consider the following:

- Balance of retail sales and services;
- Current inventory and composition of eating and drinking establishments;
- Total occupied commercial linear frontage, relative to the total district frontage;
- Uses on surrounding properties;
- Available parking facilities, both existing and proposed;
- Existing traffic and parking congestion; and
- Potential impacts on the surrounding community.

*The proposal involves an existing restaurant that is currently operational. The restaurant operators have made efforts to control nuisances associated with their restaurant by performing neighborhood outreach, replacing windows for adjacent neighbors, and requesting police assistance with disruptive patrons when necessary. Many individuals in the neighborhood support the restaurant and believe that it has contributed to positive change in the surrounding community. Furthermore, the proposed modification of conditions for an existing restaurant would not increase the number of eating and drinking uses in the area, and therefore would not contribute further to overconcentration of these uses.*

### **Policy 6.2:**

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

*An independent entrepreneur is sponsoring the proposal. The proposed use is a neighborhood serving use and is not a Formula Retail use.*

10. **Planning Code Section 101.1(b)** establishes eight priority-planning policies and requires review of permits for consistency with said policies. On balance, the Project does not comply with all eight of these 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.

*Jones is currently in operation, and would be preserved as it would be permitted to continue to operate with or without Conditional Use Authorization to extend hours.*

- b. That existing housing and neighborhood character be conserved and protected in order to reserve the cultural and economic diversity of our neighborhoods.

*The Conditional Use Application to modify prior conditions of approval has been filed by an existing restaurant, and a modification of conditions will have no additional effect on neighborhood character. Jones contributes to a unique and vibrant neighborhood character, and provides a unique setting within the city for restaurant patrons. The existing restaurant will be subject to Entertainment Commission noise restrictions, as outlined in the Conditions included in EXHIBIT A,*

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

*The proposed change in use would not affect affordable housing.*

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

*The Project proposes extended hours for an existing commercial use that does not include any expansion and therefore would not result in a significant increase in any type of traffic or parking associated with the use. The intersection of Geary and Jones Streets is well-served by public transit.*

- 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.

*This Project does not involve any commercial office development, and would have no effect on the industrial sector. The restaurant would continue to provide opportunities for employment in the food service sector.*

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

*The proposed modification of conditions to extend hours of operation does not include any exterior or structural alterations.*

- g. That landmarks and historic buildings be preserved.

*The Project occupies an existing tenant space in an historic building and no alterations are proposed.*

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

*The Project does not include any changes to the existing building envelope and will have no negative impact on existing parks and open spaces.*

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



**DECISION**

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Application No. 2013.0255C** subject to the following conditions attached hereto as "EXHIBIT A," which will supersede the conditions of Motion No. 17565 in their entirety.

**APPEAL AND EFFECTIVE DATE OF MOTION:** Any aggrieved person may appeal the disapproval of this Conditional Use Application to the Board of Supervisors within thirty (30) days after the date of this Motion No. XXXXX. The effective date of this Motion shall be the date of this Motion if not appealed (After the 30-day period has expired) OR the date of the decision of the Board of Supervisors if appealed to the Board of Supervisors. For further information, please contact the Board of Supervisors at (415) 554-5184, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

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

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

I hereby certify that the Planning Commission **ADOPTED** the foregoing Motion on November 6, 2013.

Jonas P. Ionin  
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED:

## **EXHIBIT A**

### **AUTHORIZATION**

This authorization is for a Conditional Use to modify the conditions of Motion No. 17565 for an existing restaurant (d.b.a. Jones) located at 620 Street, Lots 011 and 036 in Assessor's Block 0305 pursuant to Planning Code Section 303 within the RC-4 Zoning District and a 80-T-130-T Height and Bulk District; and subject to conditions of approval reviewed and approved by the Commission on November 6, 2014 under **Motion No. XXXXX**. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

The Conditions of Approval for this Motion (XXXXX) supersede the conditions of approval for previously-approved Motion No. 17565 (Case No. 2007.1382C).

### **RECORDATION OF CONDITIONS OF APPROVAL**

Prior to the commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the Project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on November 6, 2014 under **Motion No. XXXXX**.

### **PRINTING OF CONDITIONS OF APPROVAL ON PLANS**

The conditions of approval under the 'Exhibit A' of this Planning Commission **Motion No. XXXXX** shall be reproduced on the Index Sheet of any construction plans submitted with the Site or Building permit application for the Project. The Index Sheet of any construction plans shall reference to the Conditional Use authorization and any subsequent amendments or modifications.

### **SEVERABILITY**

The Project shall comply with all applicable City codes and requirements. If any clause, sentence, section or any part of these conditions of approval is for any reason held to be invalid, such invalidity shall not affect or impair other remaining clauses, sentences, or sections of these conditions. This decision conveys no right to construct, or to receive a building permit. "Project Sponsor" shall include any subsequent responsible party.

### **CHANGES AND MODIFICATIONS**

Changes to the approved plans may be approved administratively by the Zoning Administrator. Significant changes and modifications of conditions shall require Planning Commission approval of a new Conditional Use authorization.

## Conditions of Approval, Compliance, Monitoring, and Reporting PERFORMANCE

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

## MONITORING - AFTER ENTITLEMENT

6. **Enforcement.** Violation of any of the Planning Department conditions of approval contained in this Motion or of any other provisions of Planning Code applicable to this Project shall be subject to the enforcement procedures and administrative penalties set forth under Planning Code Section 176 or Section 176.1. The Planning Department may also refer the violation complaints to other city departments and agencies for appropriate enforcement action under their jurisdiction.

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

7. **Monitoring.** 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 fees as established under Planning Code Section 351(e)(1) and work with the Planning Department for information about compliance.

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

8. **Revocation due to Violation of Conditions.** Should implementation of this Project result in complaints from interested property owners, residents, or commercial lessees which are not resolved by the Project Sponsor and found to be in violation of the Planning Code and/or the specific conditions of approval for the Project as set forth in Exhibit A of this Motion, the Zoning Administrator shall refer such complaints to the Commission, after which it may hold a public hearing on the matter to consider revocation of this authorization.

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

## OPERATION

9. **Garbage, Recycling, and Composting Receptacles.** Garbage, recycling, and compost containers shall be kept within the premises and hidden from public view, and placed outside only when being serviced by the disposal company. Trash shall be contained and disposed of pursuant to garbage and recycling receptacles guidelines set forth by the Department of Public Works.

*For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works at 415-554-.5810, <http://sfdpw.org>*

10. **Sidewalk Maintenance.** The Project Sponsor shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean and sanitary condition in compliance with the Department of Public Works Streets and Sidewalk Maintenance Standards.

*For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works, 415-695-2017, <http://sfdpw.org>*

11. **Noise Control.** The premises shall be adequately soundproofed or insulated for noise and operated so that incidental noise shall not be audible beyond the premises or in other sections of the building and fixed-source equipment noise shall not exceed the decibel

levels specified in the San Francisco Noise Control Ordinance or by the Entertainment Commission.

*For information about compliance with the fixed mechanical objects such as rooftop air conditioning, restaurant ventilation systems, and motors and compressors with acceptable noise levels, contact the Environmental Health Section, Department of Public Health at (415) 252-3800, [www.sfdph.org](http://www.sfdph.org)*

*For information about compliance with the construction noise, contact the Department of Building Inspection, 415-558-6570, [www.sfdbi.org](http://www.sfdbi.org)*

*For information about compliance with the amplified sound including music and television contact the Police Department at 415-553-0123, [www.sf-police.org](http://www.sf-police.org)*

12. **Community Liaison.** Prior to issuance of a building permit to construct the project and implement the approved use, the Project Sponsor shall appoint a community liaison officer to deal with the issues of concern to owners and occupants of nearby properties. The Project Sponsor shall provide the Zoning Administrator with written notice of the name, business address, and telephone number of the community liaison. Should the contact information change, the Zoning Administrator shall be made aware of such change. The community liaison shall report to the Zoning Administrator what issues, if any, are of concern to the community and what issues have not been resolved by the Project Sponsor.

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

13. **Hours of Operation.** The Outdoor Activity Area at the subject establishment is limited to the following hours of operation: Sunday through Thursday until 12:00 a.m., and Friday, Saturday, New Year's Eve, and Gay Pride Sunday until 2:00 a.m.

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

14. **Other Entertainment.** The Other Entertainment may be performed in the Outdoor Activity Area until 7:00 p.m. daily. The Project Sponsor shall obtain all necessary approvals from the Entertainment Commission prior to operation. The authorized entertainment use shall also comply with all of the conditions imposed by the Entertainment Commission.

*For information about compliance, contact the Entertainment Commission, at 415 554-6678, [www.sfgov.org/entertainment](http://www.sfgov.org/entertainment)*



# SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- TIDF (Admin. Code)
- Jobs Housing Linkage Program (Sec. 313)
- Downtown Park Fee (Sec. 139)
- First Source Hiring (Admin. Code)
- Child Care Requirement (Sec. 314)
- Other

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. 17565

REVISED adding the Planning Commission's conditions of approval (as Conditions No.'s 8. through 12.)

*Hearing Date:* March 13, 2008  
*Case No.:* **2007.1382C**  
*Project Address:* **560 GEARY STREET (and 620 Jones Street)**  
*Zoning:* RC-4 (Residential-Commercial Combined, High Density) District  
 North of Market Residential Special Use District, Subarea 1  
 80-130-T Height and Bulk District  
*Block/Lot:* 0305 / 011 and 036  
*Project Sponsor:* Tim Murphy, Architect  
 465 California Street, Suite 310  
 San Francisco, CA 94104  
*Staff Contact:* Jim Miller – (415) 558-6344

**ADOPTING FINDINGS RELATED TO THE AUTHORIZATION OF A CONDITIONAL USE FOR A COMMERCIAL USE (restaurant / entertainment – “Om”) ON THE SECOND FLOOR IN AN “RC” DISTRICT AND IN THE NORTH-OF-MARKET RESIDENTIAL SPECIAL USE DISTRICT, Subarea NO. 1, PURSUANT TO SECTION 249.5(c)(2) OF THE PLANNING CODE, LOCATED AT 560 GEARY STREET, ASSESSOR'S BLOCK 0305, LOT 011 AND 036, IN AN RC-4 (RESIDENTIAL-COMMERCIAL COMBINED, HIGH DENSITY) DISTRICT AND WITHIN AN 80-130-T HEIGHT AND BULK DISTRICT.**

### RECITALS

1. On December 5, 2007, Tim Murphy, Architect, of Architecture TM, authorized agent of Citisuites c/o Taylor Lembi, owner (hereinafter “Applicant”), filed Application No. 2007.1382C (hereinafter “Application”) with the San Francisco Planning Department (hereinafter “Department”) for review pursuant to Planning Code (hereinafter “Code”) **Section 249.5(c)(2)** for second-floor commercial use, consisting of restaurant / entertainment use (“Om”), in an “RC” District and in the North-of-Market Residential Special Use District, Subarea No. 1 (hereinafter “Project”), at 560 Geary Street (and 620 Jones Street), north side between Jones and Shannon Streets, in an RC-4 (residential-

Commercial Combined, High Density) District and within an 80-130-T Height and Bulk District (hereinafter "Subject Property").

2. It was determined by the Department, in accordance with the provisions of the California Environmental Quality Act (hereinafter "CEQA"), the State Guidelines for the Implementation of CEQA and Chapter 31 of the San Francisco Administrative Code, that the proposed project could have no significant impact on the environment and was categorically exempt from CEQA.
3. On March 13, 2008, the Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Application No. 2007.1382C, at which time the Commission reviewed and discussed the findings prepared for its review by the Department staff.
4. The Commission has reviewed and considered reports, studies, plans and other documents pertaining to this proposed Project.
5. The Commission has heard and considered the testimony presented at the public hearing and has further considered the written materials and oral testimony presented on behalf of the applicant, the Department staff, and other interested parties.
6. **MOVED**, that the Commission hereby grants the approval requested in Application No. 2007.1382C subject to the conditions contained in Exhibit A, attached hereto and incorporated herein by reference thereto, 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.** The Project is at 560 Geary Street (and 620 Jones Street), north side between Jones and Shannon Streets, Lots 011 and 036 in Assessor's Block 0305, in an RC-4 (Residential-Commercial Combined, High Density) District, the North-of-Market Residential Special Use District, Subarea No. 1, and an 80-130-T Height and Bulk District. The project site is on the north side of Geary Street between Jones and Shannon Streets (subject Lot 011). It is approximately 5,813 square feet in area with 75 feet of frontage on Geary Street. It is developed with a one-story parking garage, 14 feet in height, that covers 100 percent of the lot. This parking-garage building serves the adjoining building to the north at 620 Jones Street, subject Lot 036, developed with a 13-story, 181-room hotel – "The Gaylord" – which is City Landmark No. 159. In that Jones Street is up-sloping, the basement level of "The Gaylord Hotel" is at the same level as the roof of the parking garage building on subject Lot 011. This roof is developed as an open-air garden

that is accessible only to the basement level of "The Gaylord Hotel. The landmark nomination for "The Gaylord Hotel" mentions the interior of the lobby of the building and calls out certain finish materials used therein. It is, however, silent as to the basement level. This level is the site of a former restaurant and bar use. It is completely separate from the hotel operation and is accessible to the historic hotel lobby only through a fire exit. At present, the subject basement level is completely gutted awaiting re-use. It is accessed through a side "alley" between the 620 Jones Street building and the adjacent hotel building at the northeast corner of Jones and Geary Streets. The entrance to this alley is closed off by a locked grill gate.

3. **Surrounding Neighborhood.** The RC-4 District which contains the Subject Property is developed with high-density apartment buildings with little or no off-street parking and a high degree of lot coverage, hotel and institutional uses over nearly continuous ground-floor retail use. This area lies immediately to the west of the C-3-G (Downtown General Commercial) District which contains a similar mix of uses but with a higher concentration of commercial establishments. The subject lot lies two blocks west of Union Square. In addition to "The Gaylord Hotel", the other two buildings that abut the subject Lot 011 are a 16-story hotel building to the east ("The Adagio") and a seven-story hotel building to the west ("The Hotel California"). These two hotels have ground-floor restaurant / bar uses. Across Geary Street to the south are three five- and six-story multi-unit apartment houses and several one-story commercial buildings.
4. **Project Description.** The Project is to develop a restaurant / entertainment facility ("Om Lounge"), in the basement of the Gaylord Hotel and partially on the roof area of the garage building on Lot 011 of the subject property. This rooftop portion of the proposed restaurant / bar would have 20 six-person booths in indoor / outdoor "cabanas" arranged on the garden level atop the existing garage. These seating areas would be around a new central water feature and a fire pit with seating. A new wall-mounted projection screen is proposed. The largest existing trees would be retained. Additionally, new potted trees would be installed around the garden area.
5. **Environmental Review.** The Project is Categorically Exempt from Environmental Review under Class 1(a) of the CEQA guidelines.
6. **Planning Code Compliance.** The Planning Commission finds and determines that the proposed Project meets all applicable Planning Code (hereinafter "Code") requirements and makes the following additional findings.
  - A. **Section 209.8(d)** of the Code allows, as a Conditional Use of property, a commercial use above the ground floor in an RC-4 District. Commercial use, including bar / restaurant use, is a Principal Permitted Use at or below the ground level in this District. Accordingly, the proposed basement-level use of "The Gaylord Hotel" would be permitted and its extension onto the roof of the one-story building at 560 Geary Street would require a Conditional Use authorization.



- B. **Section 249.5** of the Code establishes the North of Market Residential Special Use District. Therein, commercial use at or below the ground floor is a Principal Permitted Use. Commercial use may be permitted one floor above the ground floor by the Planning Commission as a Conditional Use.
  - C. **Section 151** of the Code establishes off-street parking requirements. In that the space in question in the Gaylord Hotel building was originally a bar and restaurant, its re-use as such would not trigger additional off-street parking. The use of the adjacent garden area would continue, essentially, to be an outdoor use and would, therefore, require no new off-street parking either.
7. **Section 101.1(b)(1-8)** establishes Eight Priority Planning Policies and requires review of permits for consistency with said policies. The Planning Commission finds and determines that the Project is consistent with the eight policies in the following ways.

A. That Existing Neighborhood-Serving Retail Uses be Preserved and Enhanced and Future Opportunities for Resident Employment in and Ownership of Such Businesses Enhanced.

*The Project would not displace any existing retail uses. The Project proposes an addition of "indoor / outdoor" space associated with a new restaurant and bar ("Om Lounge"). Such a new use could potentially bring new employees and patrons to the site thereby strengthening the existing neighborhood retail operations.*

B. That Existing Housing and Neighborhood Character be Conserved and Protected in Order to Preserve the Cultural and Economic Diversity of Our Neighborhood.

*The Project site does not contain any housing, and thus the Project would have no impact on existing housing. The Project is located in an RC-4 District characterized by tall hotel buildings and continuous ground-floor retail uses. The proposed Project would be consistent with the existing neighborhood.*

C. The City's Supply of Affordable Housing be Preserved and Enhanced.

*The Project would have no effect on the City's supply of affordable housing.*

D. That Commuter Traffic not Impede Muni Transit Service or Overburden our Streets or Neighborhood Parking.

*The amount of commuter traffic generated by the Project would not impede Muni transit service or overburden streets or neighborhood parking. The Project is located within the North of Market Residential Special Use District and is adjacent to Union Square. It is in close proximity to a variety of local and regional public transit options.*

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 would not displace any tenants, and would have no material effect on industrial or service sector space.*

F. That the City Achieve the Greatest Possible Preparedness to Protect Against Injury and Loss of Life in an Earthquake.

*The Project would conform to the structural and seismic requirements of the San Francisco Building Code.*

G. That Landmarks and Historic Buildings be Preserved.

*The Project would occupy, in part, the basement space of a Landmark structure. It would have no negative effect on the interior or exterior aspects of this Landmark. The subject basement space was formerly used as a restaurant and bar as is the Project. The basement area of the building is accessible only from the side of the building through an outside alleyway. The rooftop garden use is on an adjoining lot and is not part of or accessible to the Landmark structure. The only change to the exterior of the Landmark structure would be the replacement (in the same openings) of non-original doors leading from the basement level to the adjoining rooftop garden area. Thus, the Project would have no negative effect on any historically significant buildings, and, therefore, would have no impact on this priority policy.*

H. That our Parks and Open Space and their Access to Sunlight and Vistas be Protected from Development.

*The Project would not have a negative impact on parks and open spaces or their access to sunlight or vistas.*

8. Consistency with the General Plan: The Project would be, on balance, consistent with and will not adversely affect the General Plan:

Commerce and Industry Element:

OBJECTIVE 1: MANAGE ECONOMIC GROWTH 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 which has substantial undesirable consequences that cannot be mitigated.

*The Project would add a desirable restaurant and entertainment use to the area of the Subject Property, in close proximity to existing services, including existing public transit services. It would provide net benefits in the form of job creation and efficient use of existing commercial space. The Project is anticipated to result in an increase in tax revenue for the City and an increase in retail activity in the immediate neighborhood.*

Policy 1.3: Locate commercial and industrial activities according to a generalized commercial and industrial land use plan.

*The Project would locate commercial activity according to the generalized land use plan by adding new restaurant and entertainment use in the North of market Residential Special Use District area near Union Square.*

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 would create new restaurant and entertainment uses in the area near to Union Square in support of this objective. The Project is centrally located close to many jobs and services. It would add to the existing business climate by offering modern space in a Landmark structure and would be a creative re-use of an existing raised outdoor area.*

Urban Design Element

OBJECTIVE 3: MODERATION OF MAJOR NEW DEVELOPMENT TO COMPLEMENT THE CITY PATTERN, THE RESOURCES TO BE CONSERVED, AND THE NEIGHBORHOOD ENVIRONMENT.

Policy 3.1: Promote harmony in the visual relationships and transitions between new and older buildings.

Policy 3.6: Relate the bulk of buildings to the prevailing scale of development to avoid an overwhelming or dominating appearance in new construction.

*The Project proposes no net-new construction but, rather, a re-use of existing space. The proposed addition would be compatible with the existing building and the scale of development in the nearby area*

#### Downtown Plan Element

OBJECTIVE 5: RETAIN A DIVERSE BASE OF SUPPORT COMMERCIAL ACTIVITY IN AND NEAR DOWNTOWN.

Policy 5.1: Provide space for support commercial activities within the downtown and in adjacent areas.

*The Project proposes to add a desirable restaurant and entertainment use near the Downtown area, and thus supports this policy.*

#### Transportation Element

OBJECTIVE 2: USE THE TRANSPORTATION SYSTEM AS A MEANS FOR GUIDING DEVELOPMENT AND IMPROVING THE ENVIRONMENT.

Policy 2.1: Use rapid transit and other transportation improvements in the city and region as the catalyst for desirable development, and coordinate new facilities with public and private development.

*The Subject Property is located within an existing high-density downtown neighborhood in close proximity to a variety of transportation options. No additional parking is proposed as part of the Project. Because the neighborhood is dense and well-established, the Project would make good use of the existing transit services available in the area and would assist in maintaining the desirable urban characteristics and services in the area.*

9. 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. The Commission finds that granting the Project Authorization

in this case would promote the public welfare, convenience and necessity of the City for the reasons set forth above.

**DECISION**

The Commission, after carefully balancing the competing public and private interests, based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented the public hearing, and all other written materials submitted by all parties, hereby **APPROVES** Application No. 2007.1382C subject to the conditions attached hereto as Exhibit A, which is incorporated herein by reference as though fully set forth, in general conformance with the plans stamped Exhibit B and dated March 13, 2008, on file in Case Docket No. 2007.1382C.

I hereby certify that the foregoing Motion was ADOPTED by the Planning Commission at its regular meeting on March 13, 2008.

Linda Avery  
Commission Secretary

AYES: Christina Olague, Michael J. Antonini, Sue Lee, William L. Lee, Kathrin Moore, Hisashi Sugaya

NAYS: None

ABSENT: None

ADOPTED: March 13, 2008

**Exhibit A**  
**Conditions of Approval**

Wherever "Applicant" or "Project Sponsor" is used in the following conditions, the conditions shall also bind any successor to the project or other persons having an interest in the project or underlying property. The authorization contained herein is contingent on the authorization of a Certificate of Appropriateness for the proposed exterior work on Landmark structure No. 159, "The Gaylord Hotel", as described herein. The Project Sponsor must obtain a Building Permit from the Department of Building Inspection and satisfy all the conditions thereof. The conditions set forth below are additional conditions required in connection with the Project. If these conditions overlap with any other requirement imposed on the Project, the more restrictive or protective condition or requirement, as determined by the Zoning Administrator, shall apply.

1. The authorization contained herein is for a Conditional Use of property for a second-floor commercial use pursuant to Code **Section 249.5**, generally as described in the text of Motion No. 17565 in Application No. 2007.1382C, and as shown on plans dated March 13, 2008, labeled "Exhibit B" and on file with said Application, Assessor's Block 0305, Lots 011 and 0367 in an RC-4 (Residential-Commercial Combined, High Density) District, the North-of-Market Residential Special Use District, Subarea No. 1, and within an 80-130-T Height and Bulk District.
2. The authorization granted herein shall be valid for a period of three (3) years from the date of the adoption of Motion No. 17565 and may become null and void after that time if the required building permits have not been obtained. Construction, once commenced, shall be pursued diligently to completion.
3. An enclosed waste storage area shall be provided within the establishment. All trash and recycling containers shall be kept within the building until pick-up by the disposal company.
4. The Applicant shall appoint a community liaison officer to deal with issues of concern to owners and occupants of nearby properties at all times during construction of the Project and during its future operation. The Applicant shall provide the Zoning Administrator and the owners of the properties within 300 feet of the project site written notice of the name, business address, and telephone number of the community liaison.
5. Should monitoring of the Conditions of Approval of this Motion be required, the Project Sponsor shall pay fees as established in Planning Code Section 351(e)(1).
6. Should implementation of this Project result in complaints from interested property owners, residents, or commercial lessees which are not resolved by the Project Sponsor and are subsequently reported to the Zoning Administrator and found to be in violation of the Planning Code and/or the specific Conditions of Approval for the Project as set forth in Exhibit A of this Motion, the Zoning Administrator shall refer such complaints to the Commission, after which it may hold a public hearing on the matter in accordance

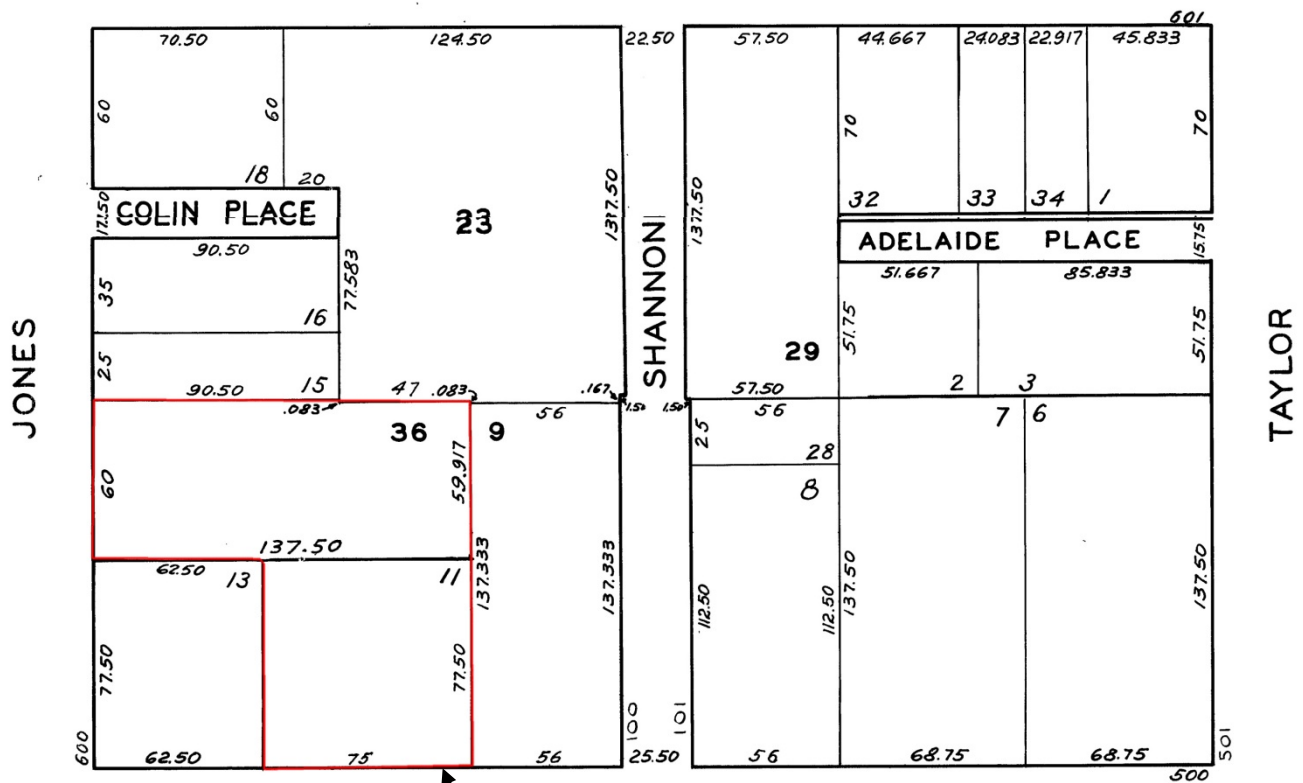
with the hearing notification and conduct procedures as set forth in Sections 174, 306.3, and 306.4 of the code to consider revocation of this conditional use authorization.

7. The Applicant shall assure the execution and recordation of the specified conditions as a Notice of Special Restrictions at the Office of the County Recorder / County Clerk.
8. The outdoor area closing time is at 12:00 A.M.
9. There shall be no general amplified music to the outdoor area although the cabanas may have their own individual sound systems.
10. There shall be no outdoor entertainment except for twice a month prior to 7:00 P.M.
11. Lighting shall not create glare outside the property line.
12. The Entertainment Commission should review and consider noise impacts.

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# Parcel Map

POST



GEARY

**SUBJECT PROPERTY**

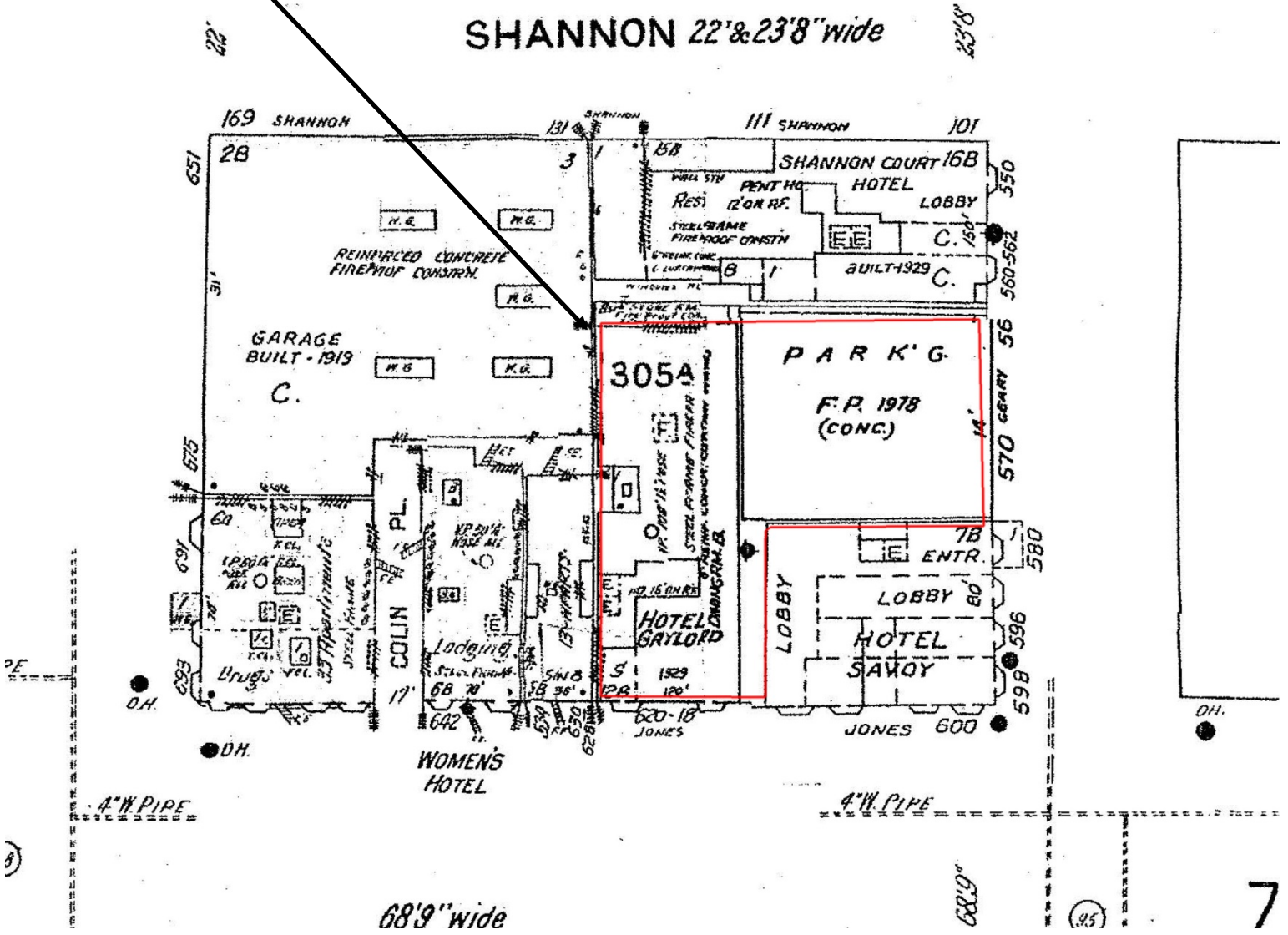




# Sanborn Map\*

SUBJECT PROPERTY

SHANNON 22' & 23' 8" wide



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



Conditional Use Hearing  
 Case Number 2013.0225C  
 Modification of Conditions – Jones  
 620 Jones Street

# Aerial Photo

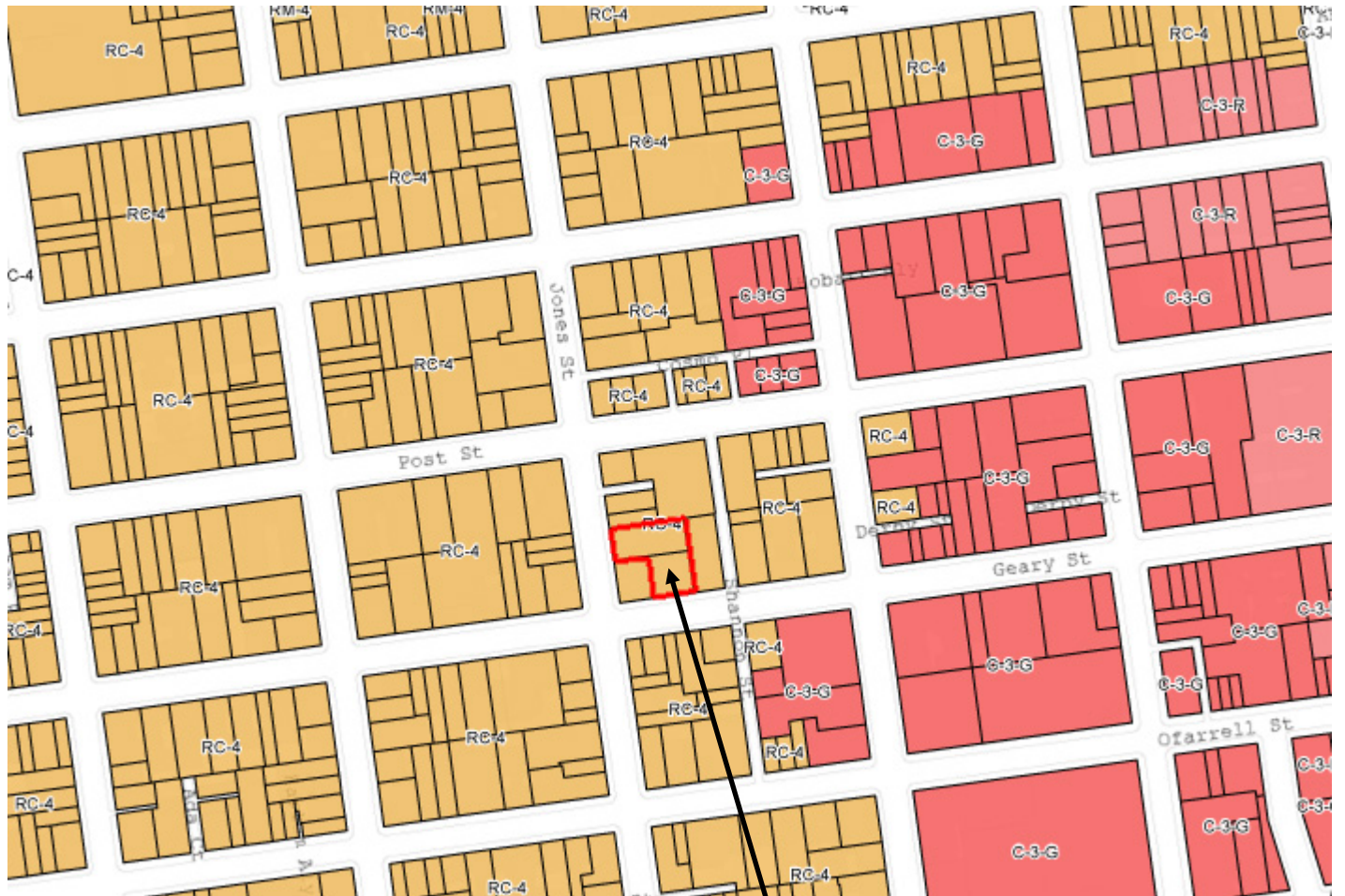


**SUBJECT PROPERTY**

Conditional Use Hearing  
Case Number 2013.0225C  
Modification of Conditions – Jones  
620 Jones Street



# Zoning Map



**SUBJECT PROPERTY**



Conditional Use Hearing  
Case Number 2013.0225C  
Modification of Conditions – Jones  
620 Jones Street

# Site Photo



Conditional Use Hearing  
Case Number 2013.0225C  
Modification of Conditions – Jones  
620 Jones Street



# Site Photo



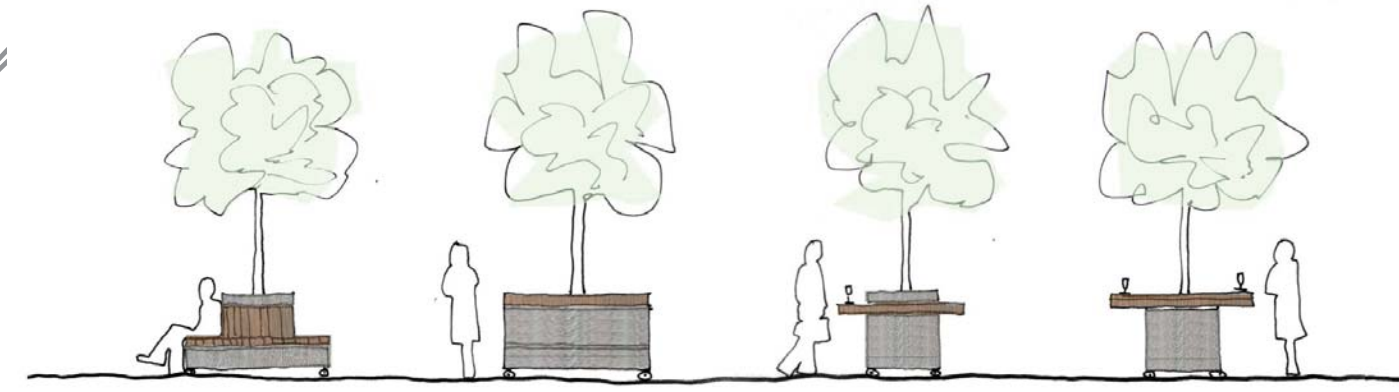
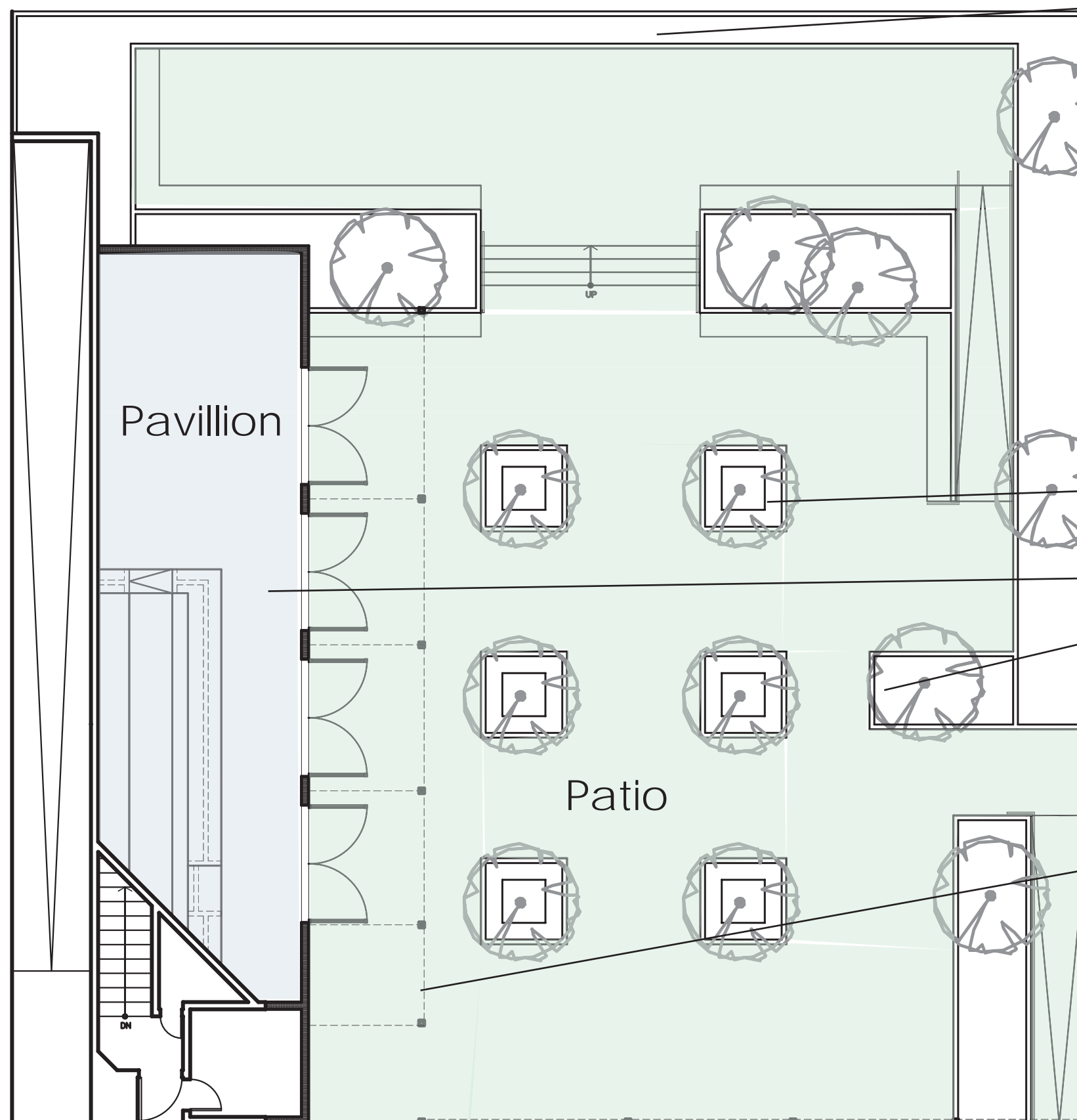
Conditional Use Hearing  
Case Number 2013.0225C  
Modification of Conditions – Jones  
620 Jones Street



# Jones - ... and now

GEARY STREET

Main Guardrail



Moveable Planters w/ seating

Pavillion

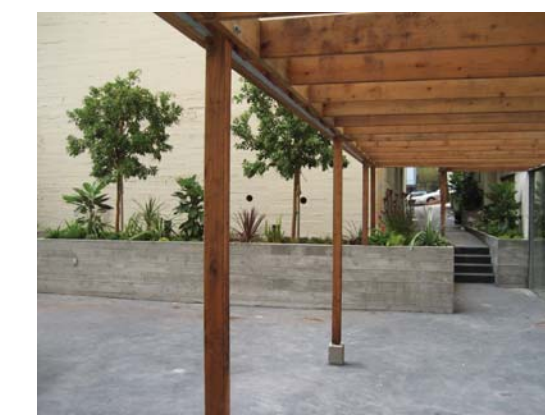
Planters

Patio

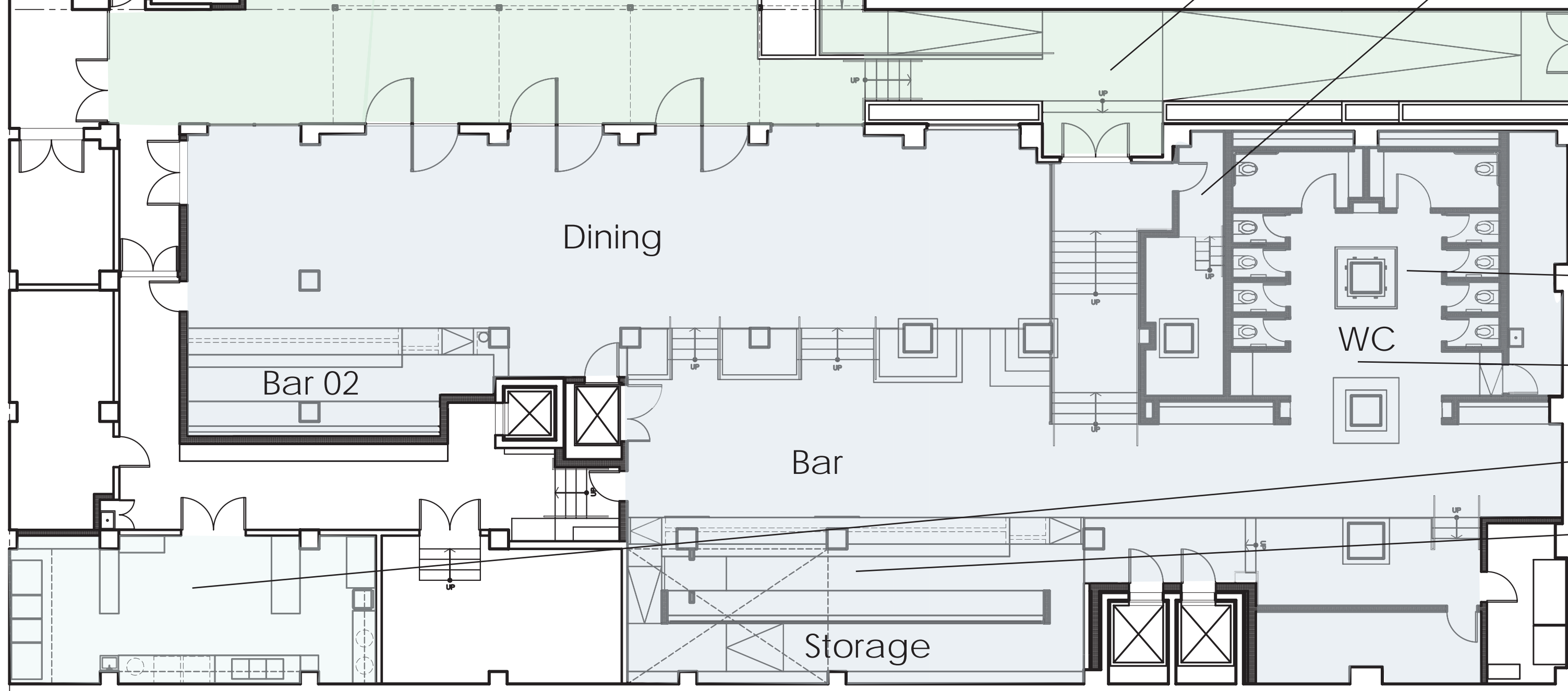


Ramp / Main Entry

Coat Check



Trellis / Ceiling  
slat pattern



JONES STREET

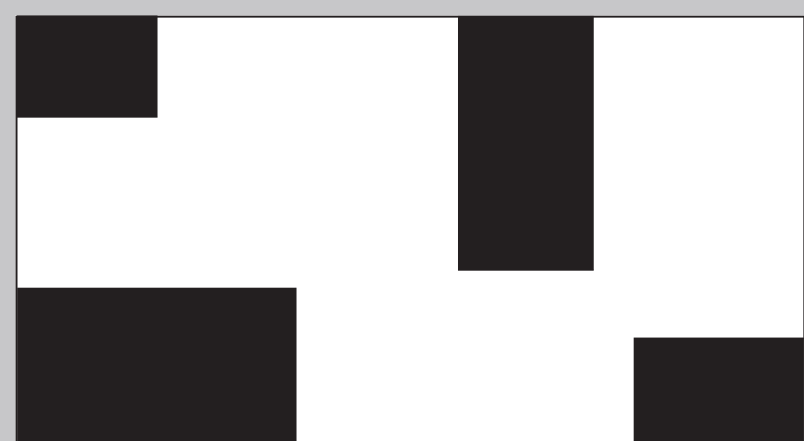
Side Entry Gate

Unisex Bathrooms

Grand Staircase

Kitchen

Main Bar



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