



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

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| <input type="checkbox"/> Inclusionary Housing (Sec. 315) | <input type="checkbox"/> First Source Hiring (Admin. Code) |
| <input type="checkbox"/> Jobs Housing Linkage Program (Sec. 313) | <input type="checkbox"/> Child Care Requirement (Sec. 314) |
| <input type="checkbox"/> Downtown Park Fee (Sec. 139) | <input type="checkbox"/> Other |

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Planning Commission Motion No. 17657

HEARING DATE: JULY 24, 2008

Date: July 24, 2008
Case No.: **2007.0598C**
Project Address: **1662-1664 UNION STREET**
Zoning: Union Street Neighborhood Commercial District
40-X Height and Bulk District
Block/Lot: 0528/008
Project Sponsor: Anand Gohel, Crissius Properties
c/o David Silverman
Reuben & Junius, LLP
1 Bush Street, Suite 600
San Francisco, CA 94104
Staff Contact: Glenn Cabreros – (415) 558-6169
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ADOPTING FINDINGS RELATING TO CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 303 AND 725.39 OF THE PLANNING CODE TO ALLOW DEMOLITION OF TWO RESIDENTIAL UNITS ABOVE THE GROUND FLOOR WITHIN THE UNION STREET NEIGHBORHOOD COMMERCIAL DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On June 19, 2007, Anand Gohel (Project Sponsor) filed an application with the Planning Department for Conditional Use Authorization under Planning Code Sections 303 and 725.39 of the Planning Code to demolish two residential units above the ground floor within the Union Street Neighborhood Commercial District and a 40-X Height and Bulk District.

On July 24, 2008, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2007.0598C.

On June 20, 2008, the Project was determined by the San Francisco Planning Department (hereinafter "Department") to be categorically exempt from environmental review under Case No. 2006.1074E. 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. 2007.0598C, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

FINDINGS

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

1. The above recitals are accurate and constitute findings of this Commission.
2. **Project Description.** The project proposes to demolish the existing three-story, two-unit building and to construct a four-story, six-unit building. The project would contain a six-car garage within the basement level, the residential entry and one unit at the ground floor, two units on each floor at the second and third floors and one unit at the fourth floor.
3. **Site Description and Present Use.** The project site is located on the north side of Union Street between Gough and Franklin Streets, Lot 008 in Assessor's Block 0528. The property is within the Union Street Neighborhood Commercial District (NCD) and a 40-X Height and Bulk district. The property is developed with a circa 1948 three-story, two-unit building with an unwarranted (non-permitted) dwelling unit at the garage level. The subject property is approximately 4,240 square feet in area with an approximately 31-foot wide frontage on Union Street and a depth of 137.5 feet.
4. **Surrounding Properties and Neighborhood.** The project site is located approximately in the middle of the block-face flanked by buildings on either side. The adjacent building to the west is a three-story, two-unit building with a ground floor commercial space. The adjacent building to the east is a three-story, five-unit building with a ground floor commercial space. The block-face is characterized by two- to four-story buildings of mixed architectural style. The buildings on the block-face also range from solely residential use to residential use over a ground-floor commercial space. Most of the opposite block-face is occupied by Sherman Elementary School at the southwest corner of Union and Franklin Streets. The remainder of the opposite block-face consists of three residential buildings three- to four-stories tall directly west of the school and a four-story mixed use building at the southeast corner of Union and Gough Streets.
5. **Environmental Review.** The Planning Department determined that the project is categorically exempt from environmental review for the purposes of the California Environmental Quality Act (CEQA) on June 20, 2008.

6. **Public Comment.** The applicant has filed Demolition and New Construction Permit Applications with the Department of Building Inspections (DBI) for the project. The Planning Department has reviewed the demolition and new construction applications concurrent with the request for Conditional Use authorization. The required public notification for the demolition and new construction applications pursuant to Planning Code Section 312 occurred concurrent with the required Conditional Use notification. The Department is aware of five households, who reside at the two lots east of the project, that are opposed to the project. In general, those opposing the project believe that the existing building should be retained and that the replacement building will adversely impact light and air access to the rear yard area. At the hearing, Dee Altick, a neighbor, did not oppose the project, but raised concerns regarding vector (rodent) control as related to the project.
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. **Residential Demolition in the Union Street Neighborhood Commercial District.** Planning Code Section 725.39 states that Conditional Use Authorization is required for demolition of a dwelling unit at the second story or higher in the Union Street NCD.

The Project Sponsor is requesting Conditional Use Authorization for demolition of the existing dwelling units at the second and third stories.

- B. **Residential Demolition – Section 317:** Pursuant to Planning Code Section 317, Mandatory Discretionary Review is required for applications proposing to demolish a two-unit residential structure. This Code Section establishes a checklist of criteria that delineate the relevant General Plan Policies and Objectives. Section 317 also factors in the value of an existing single-family residence to be demolished, exempting demolitions of single-family residences from the Mandatory Discretionary Review if they are appraised at the high end of the price spectrum (80th percentile and above), and are thus not affordable.

As the project requires Conditional Use Authorization per the provisions of the Union Street NCD controls, the requirements of the Section 317 requiring Mandatory Discretionary Review are included as part of this Conditional Use request. The additional criteria specified under Section 317 have been incorporated as findings a part of this Motion. See Item 9, “Additional Findings pursuant to Section 317” below. As the project is not a single-family residence, an appraisal has not been submitted. Furthermore, a soundness report has not been submitted as the owner recognizes that the existing building is sound.

- C. **Rear Yard Requirement in the Union Street NCD.** Planning Code Section 134 states that the minimum rear yard depth shall be equal to 25 percent of the total depth of a lot in which it is situated, but in no case less than 15 feet. In the Union Street NCD, the required rear yard shall be provided at the second story and above, and at the first story if it contains a residential unit.

The Project proposes a 56-foot rear yard at all residential levels where a 25-percent rear yard measuring 34 feet is required. The garage is proposed within a basement level that is proposed for the full depth of the lot.

- D. **Parking.** Planning Code Section 151 requires one independently-accessible parking space for each dwelling unit.

The Project proposes a six-unit building with six parking spaces within an enclosed garage at the basement level.

- E. **Height.** Planning Code Section 260 requires that all structures be no taller than the height prescribed in the subject height and bulk district. The proposed Project is located in a 40-X Height and Bulk District, with a 40-foot height limit.

The project proposes a 40-foot tall building. Due to the proposed front setback at the level of the fourth floor, the massing of the building's front façade will appear as an approximately 30-foot tall structure along the block-face.

- F. **Inclusionary Housing.** Planning Code Section 315 requires projects containing between 5 and 9 units to make fractional in-lieu payment to the Inclusionary Housing Program.

Per the provisions of Section 315, the project sponsor has provided the required Declaration of Intent for payment of an in-lieu fee to the Inclusionary Housing Program.

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

- A. The proposed new uses and building, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable, and compatible with, the neighborhood or the community.

The use and size of the proposed project is compatible with the immediate neighborhood. While the proposed building use is solely residential, the project is found to be compatible with the neighborhood commercial district as the subject block-face does not contain a strong continuous pattern of ground-floor commercial storefronts.

The Project would replace an existing two-unit building with a six-unit building with two of the proposed units containing two bedrooms. This development is consistent with the General Plan, which promotes the creation/protection of family-sized dwelling-units. The new structure is designed to add aesthetic value to the varied housing stock in this neighborhood.

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

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

The Project is designed to be compatible with the surrounding neighborhood and specifically with both adjacent buildings. The project provides shared lightwells, front, rear and side setbacks and a partial fourth floor to mitigate potential adverse impacts to light, air, mid-block open space and existing neighborhood character. Along the rear façade, the main massing of the building is proposed to align with the building to the west, while the rear wall of the fourth floor is set back 9 feet to align with the rear wall of the building to the east. While full lot coverage at the ground floor is permitted in the NC-2 District, the basement level follows the existing grade and is no higher than 4 feet above grade (exclusive of railing) for the last 49 feet of the lot depth.

ii. The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed off-street parking and loading;

The Planning Code requires six parking spaces for the Project, and six parking spaces are provided. The parking and traffic impacts associated with the residential use are not considered to have significant or adverse impacts. The property's existing wide curb cut, which accommodates two garage doors, will be replaced with a single 10-foot wide curb cut for the replacement building.

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

Unlike some commercial uses, the proposed residential use is not considered to have the potential to produce noxious or offensive emissions.

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

The façade treatment and materials are found to be appropriately selected to be harmonious with the existing surrounding neighborhood.

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

The Project complies with all relevant requirements and standards of the Planning Code and is consistent with objectives and policies of the General Plan as detailed below.

- D. That the use as proposed would provide development that is in conformity with the purpose of the applicable Neighborhood Commercial District.

The proposed project is consistent with the stated purpose of the Union Street NCD as the Planning Code recognizes commercial development while protecting residential livability. The Union Street NCD controls promote a continuous retail frontage; however the lack of a commercial ground floor at the project is not found to be detrimental to the existing neighborhood commercial character as the existing building is solely residential and the block-face and opposite block-face contain a mix of residential and mixed-use buildings. Furthermore, it is recognized that the strong pattern of continuous commercial frontage that characterizes the retail shopping area of the Union Street NCD begins west of Gough Street.

9. **Additional Findings pursuant to Section 317** establishes criteria for the Planning Commission to consider when reviewing applications to demolish or convert Residential Buildings. On balance, the Project does comply with said criteria in that:

- i. Whether the property is free of a history of serious, continuing code violations;

A review of the Department of Building Inspection and the Planning Department databases showed no enforcement cases or notices of violation.

- ii. Whether the housing has been maintained in a decent, safe, and sanitary condition;

The structure appears to have been well maintained by the owners.

- iii. Whether the property is an "historic resource" under CEQA;

Although the structure is more than 50 years old, a review of the supplemental information resulted in a determination that it is not an historical resource.

- iv. Whether the removal of the resource will have a substantial adverse impact under CEQA;

The structure is not an historical resource.

- v. Whether the Project converts rental housing to other forms of tenure or occupancy;

There are no restrictions on whether the two new units will be rental or ownership.

- vi. Whether the Project removes rental units subject to the Rent Stabilization and Arbitration Ordinance;

Two rent controlled units will be removed.

- vii. Whether the Project conserves existing housing to preserve cultural and economic neighborhood diversity;

The project proposes demolition of two, two-bedroom units; however the replacement structure will contain two, new two-bedroom units in addition to four, one-bedroom units. The amount of family-sized units is maintained at the subject property.

- viii. Whether the Project conserves neighborhood character to preserve neighborhood cultural and economic diversity;

The replacement building conserves neighborhood character with appropriate scale, design, and materials, and improves cultural and economic diversity by appropriately increasing the unit density at the subject lot. The project would provide a net gain of four units to the neighborhood and City housing stock.

- ix. Whether the Project protects the relative affordability of existing housing;

Although the Project creates new housing, the opportunity for relatively affordable housing is provided by increasing the density of the lot to include four, one-bedroom units. The one-bedroom units, in addition to the proposed two, two-bedroom units, provide a varied unit mix within the replacement building.

- x. Whether the Project increases the number of permanently affordable units as governed by Section 315;

The Project is not required to provide on-site affordable units governed by Planning Code Section 315; however the project is subject to the Inclusionary Housing Program through payment of an in-lieu fee.

- xi. Whether the Project locates in-fill housing on appropriate sites in established neighborhoods;

The Project creates a net gain of four dwelling units to the City housing stock within a building that has been designed to compliment the scale of the established neighborhood character.

- xii. Whether the Project creates quality, new family housing;

The Project maintains the same amount of the family housing and provides four, one-bedroom units.

- xiii. Whether the Project creates new supportive housing;

The Project does not create supportive housing.

- xiv. Whether the Project promotes construction of well-designed housing to enhance existing neighborhood character;

The overall scale, design, and materials of the proposed building are consistent with the block face and complement the neighborhood character with a contemporary design.

- xv. Whether the Project increases the number of on-site dwelling units;

The project provides a net gain of four units to the City housing stock.

- xvi. Whether the Project increases the number of on-site bedrooms.

The project proposes eight bedrooms: four bedrooms more than the existing building.

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

HOUSING ELEMENT – HOUSING SUPPLY

OBJECTIVE 1 – TO PROVIDE NEW HOUSING, ESPECIALLY PERMANENTLY AFFORDABLE HOUSING, IN APPROPRIATE LOCATIONS WHICH MEETS IDENTIFIED HOUSING NEEDS AND TAKES INTO ACCOUNT THE DEMAND FOR AFFORDABLE HOUSING CREATED BY EMPLOYMENT DEMAND

Policy 1.1 – Encourage higher residential density in areas adjacent to downtown, in underutilized commercial and industrial areas proposed for conversion to housing, and in neighborhood commercial districts where higher density will not have harmful effects, especially if the higher density provides a significant number of units that are affordable to lower income households. Set allowable densities in established residential areas at levels which will promote compatibility with prevailing neighborhood scale and character where there is neighborhood support.

Policy 1.7 – Encourage and support the construction of quality, new family housing.

The Project proposes appropriate infill of an underutilized site within the Union Street NCD. The project would remove two legal two-bedroom units and one illegal studio unit and proposes new construction of two, two-bedroom units and four one-bedroom units. The quantity of family-sized units would be preserved while creating a net gain of four, one-bedroom units to the City's housing stock.

HOUSING ELEMENT – HOUSING DENSITY, DESIGN, AND QUALITY OF LIFE

OBJECTIVE 11 – IN INCREASING THE SUPPLY OF HOUSING, PURSUE PLACE MAKING AND NEIGHBORHOOD BUILDING PRINCIPLES AND PRACTICES TO MAINTAIN SAN FRANCISCO'S DESIRABLE URBAN FABRIC AND ENHANCE LIVABILITY IN ALL NEIGHBORHOODS.

Policy 11.1 -- Use new housing development as a means to enhance neighborhood vitality and diversity.

Policy 11.5 -- Promote the construction of well-designed housing that enhances existing neighborhood character.

Policy 11.8 -- Strongly encourage housing project sponsors to take full advantage of allowable building densities in their housing developments while remaining consistent with neighborhood character.

With a net gain of four dwelling units to the neighborhood and the City's overall housing stock, the project proposes an appropriate unit density for the lot within an appropriately-scaled building for the surrounding neighborhood. (The maximum unit density for the lot is seven units.) The project is well designed and its materials are found to be compatible with the existing neighborhood character.

URBAN DESIGN – CITY PATTERN

OBJECTIVE 1 – EMPHASIS OF THE CHARACTERISTIC PATTERN WHICH GIVES TO THE CITY AND ITS NEIGHBORHOODS AN IMAGE, A SENSE OF PURPOSE, AND A MEANS OF ORIENTATION.

Policy 1.2 – Recognize, protect and reinforce the existing street pattern, especially as it is related to topography.

Policy 1.3 – Recognize that buildings, when seen together, produce a total effect that characterizes the city and its districts.

The proposed building would appropriately infill an underdeveloped lot, and the massing of the project would maintain the prevailing street wall. While four-story and tall three-story buildings exist along the block-face, the proposed fourth floor would not have an adverse impact on the neighborhood character as the massing of the fourth floor is set back 15 feet to create a three-story façade in response to both adjacent buildings, which are three stories tall.

URBAN DESIGN – CONSERVATION

OBJECTIVE 2 – CONSERVATION OF RESOURCES WHICH PROVIDE A SENSE OF NATURE, CONTINUITY WITH THE PAST, AND FREEDOM FROM OVERCROWDING.

Policy 2.6 – Respect the character of older development nearby in the design of new buildings.

The massing of the building's front façade has been designed to be compatible with the prevailing street wall height, particularly the height and proportions of the adjacent buildings. In recognition of the adjacent building development, the proposed fourth floor is set back approximately 15 feet to create a fourth floor that appears subordinate to the main portion of the building. Although interpreted in a contemporary architectural style, the proposed exterior materials have been selected to be compatible with the adjacent buildings and the immediate neighborhood character.

11. **Planning Code Section 101.1(b)** establishes eight priority-planning policies and requires review of permits for consistency with said policies. On balance, the project does comply with said policies in that:

- A. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses be enhanced.

Existing neighborhood-serving retail uses would not be displaced or otherwise be adversely affected by the proposal, as the existing building does not contain a commercial use/space. The additional dwelling units would house more individuals to patronize the existing neighborhood-serving retail uses.

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

While the existing housing is proposed to be demolished, the new building conserves the amount of family housing provided by the existing building (two, two-bedroom units) in the proposed building. Additionally, four one-bedroom units are proposed within a building envelope that does not adversely affect the neighborhood character.

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

While the affordability of the existing units is not preserved as the existing building is proposed to be demolished, the increased density and size of the four studio units in addition to the two family-sized units create more opportunity for affordable housing (entry-level rentals) where none had existed.

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

The Project would not have a significant adverse affect on automobile traffic congestion or parking problems in the neighborhood. The project would provide the required six off-street parking spaces within the basement garage of the proposed structure. The project also would reduce potential vehicular and pedestrian conflicts as one garage door is proposed in contrast to the two garage entries at the existing building. Also, the wide curb cut will be replaced with a narrower (10-foot wide) curb cut.

- 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 affect industrial or service sector uses or related employment opportunities. Ownership of industrial or service sector businesses would not be affected by the Project.

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

The replacement structure would be built in compliance with San Francisco's current Building Code Standards and would meet all earthquake safety requirements.

- G. That landmarks and historic buildings be preserved.

A landmark or historic building does not occupy the Project site.

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

The project will have no negative impact on existing parks and open spaces. The project does not exceed the 40-foot height limit, and is thus not subject to the requirements of Planning Code Section 295 – Height Restrictions on Structures Shadowing Property Under the Jurisdiction of the Recreation and Park Commission. The height of the proposed structure is compatible with the established neighborhood development and will not adversely affect any public park's or open space's access to sunlight and vistas.

12. 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.
13. 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. 2007.0598C** 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. 17657. 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 94012.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on July 24, 2008.

Linda Avery
Commission Secretary

AYES: Commissioners Antonini, Borden, W. Lee, Miguel, Moore, Olague

NAYS: None

ABSENT: None

RECUSED: Commissioner Sugaya

ADOPTED: July 24, 2008

Exhibit A

Conditions of Approval

1. This authorization is for a Conditional Use Authorization under Planning Code Sections 303 and 725.39 of the Planning Code to demolish two dwelling unit above the ground floor at 1662-1664 Union Street within the Union Street Neighborhood Commercial District and a 40-X Height and Bulk District, in general conformance with plans filed with the Application as received on June 11, 2008 and stamped "EXHIBIT B" included in the docket for **Case No. 2007.0598C**, reviewed and approved by the Commission on **July 24, 2008**.
2. The Project Sponsor shall photocopy the Notice of Special Restrictions onto the coversheet of the plan sets submitted with the Building Permit Application for this project.
3. The Project Sponsor shall continue to work with Department staff on the design of the proposed replacement building specifically to address the front façade treatment and to mitigate light impacts to the rear yard area. The front façade shall be designed so the building better relates to the surrounding buildings and the existing neighborhood character. At the rear façade, mitigation techniques including setbacks at the upper floor(s) and light/reflective paint shall be provided to improve light access to the rear yard area of the adjacent building to the east.
4. The Commission has requested Department staff to research/contact the San Francisco Health Department regarding vector (rodent) control as related to the project.
5. Final design, materials, glazing, color, texture, and detailing shall be reviewed and approved by the Planning Department prior to the approval of any building permit application.
6. The maximum garage door width shall be 12 feet. The maximum curb cut width including curb returns shall be 10 feet.
7. One 15-gallon sized street tree shall be planted.
8. Prior to the issuance of the Building Permit 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 premises (Assessor's 1549, Lot 021), which notice shall state that construction has been authorized by and is subject to the conditions of this Motion. From time to time after the recordation of such notice, at the request of the Project Sponsor, the Zoning Administrator shall affirm in writing the extent to which the conditions of this Motion have been satisfied.
9. The Project Sponsor 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.

10. Should the implementation of this Project result in complaints from interested property owners or residents, which are not resolved by the Project Sponsor (and/or the appointed Community Liaison for the Project) and are subsequently reported to the Zoning Administrator who finds the Project in violation of the Planning Code and/or 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 Planning Commission, after which they may hold a public hearing on the matter in accordance with hearing notification and conduct procedures as set forth in Section 174, 306.3 and 306.4 of the Code to consider revocation of this Conditional Use Authorization.
11. Violation of the conditions contained in this Motion or of any other provisions of the Planning Code may be subject to abatement procedures and fines up to \$500 a day in accordance with Planning Code Section 176.
12. Should monitoring of the Conditions of Approval contained in Exhibit A of this Motion be required, the Project Sponsor or successors shall pay fees as established in Planning Code Section 351(e)(1).
13. The Planning Commission may, in a public hearing, consider the revocation of this conditional use authorization if a site or building permit has not been issued within three (3) years of the date of the Motion approving the project. Once a site or building permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued thenceforth diligently to completion. The Commission may also consider revoking this conditional use authorization if a permit for the project has been issued but is allowed to expire and more than three (3) years have passed since the Motion was approved. This authorization may be extended at the discretion of the Zoning Administrator only if the failure to issue a permit by the Department of Building Inspection is delayed by a City, state or federal agency or by appeal of the issuance of such permit.