



# SAN FRANCISCO PLANNING DEPARTMENT

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## Planning Commission Project Summary and Motion No. \_\_\_\_\_

### COMMUNITY BUSINESS PRIORITY PROCESSING PROGRAM

HEARING DATE: SEPTEMBER 24, 2015

*Date Prepared:* September 14, 2015  
*Case No.:* **2015-006347CUA**  
*Project Address:* **1030 WASHINGTON STREET**  
*Zoning:* RM-3 (Residential-Mixed, Medium Density)  
65-A Height and Bulk District  
*Block/Lot:* 0191/008A  
*Project Sponsor:* Stefan Safko  
1082 Washington Street #1  
San Francisco, CA 94102  
*Staff Contact:* Anne Brask – (415) 575-9078  
[anne.brask@sfgov.org](mailto:anne.brask@sfgov.org)

### PROJECT DESCRIPTION

This is a request for **Conditional Use Authorization** pursuant to Planning Code Sections [186](#) and [303](#), to reactivate a discontinued nonconforming "Other Retail Sales and Service" use located on the ground floor within an RM-3 (Residential Mixed, Medium Density) Zoning District and 65-A Height and Bulk District. The proposal is to establish a new Restaurant called Mojie Café at the ground floor of an existing building. The restaurant will operate as a coffee shop with hours from 7am to 7pm. This project was reviewed under the Community Business Priority Processing Program (CB3P).

### REQUIRED COMMISSION ACTION

In the RM-3 (Residential Mixed, Medium Density) Zoning District, Planning Code Section [186](#) allows reactivation if it was in commercial use prior to January 1, 1960 (confirmed), requires that changes of nonconforming use, from Vacant Retail to Retail, obtain Conditional Use Authorization, and allows businesses to change to a use within the NC-1 (Neighborhood Commercial Cluster) Zoning District.

### DECISION

Based upon information set forth in application materials submitted by the project sponsor and available in the case file (which is incorporated herein by reference as though fully set forth) and based upon the CB3P Checklist and findings below, the Commission hereby **APPROVES Conditional Use Application No. 2015-006347CUA** subject to conditions contained in the attached "EXHIBIT A" and in general conformance with plans on file, dated June 29, 2015, and stamped "EXHIBIT B."

CB3P CHECKLIST

	Required Criteria			Comments (if any)
	Complete & adequate	Incomplete and / or inadequate	Not required and / or not applicable	
Project Sponsor's application	X			
CB3P eligibility checklist	X			
Planning Code §101.1 findings	X			
Planning Code §303(c) findings	X			
Planning Code §303(p) findings for Eating and Drinking Uses	X			
Any additional Planning Code findings e.g. §303(k) findings for movie theater removals or §303(m) findings for grocery store removals	X			
Photographs of the site and/or context	X			
Scaled and/or dimensioned plans	X			

Additional Information	
Notification Period	8/27/15 – 9/24/2015 (exceeds requirement: 20 days newspaper and 20 days posted) 9/14/15 - 9/24/2015 (meets requirement: 10 days mailing)
Number and nature of public comments received	No comments received from public
Number of days between filing and hearing	132 days.

Generalized Basis for Approval (max. one paragraph)
<i>The project is necessary and desirable for, and compatible with, the neighborhood as it continues to activate a ground floor space with neighborhood-serving retail in use for at least 60 years. The existing concentration of eating and drinking uses within 300 linear feet of the subject property (and within the RM-3 District) includes only this restaurant (storefront street frontage is 25 linear feet of this property), which is lower than the 24% threshold recommended by Section 303(o). Staff recommends approval with conditions.</i>

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on September 24, 2015.

AYES:

NAYS:

ABSENT:

ADOPTED: September 24, 2015

\_\_\_\_\_  
Jonas P. Ionin  
Commission Secretary

**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. 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.

## EXHIBIT A

### AUTHORIZATION

This is a request for **Conditional Use Authorization** pursuant to Planning Code Sections [186](#) and [303](#), to reactivate a discontinued nonconforming "Other Retail Sales and Service" use located on the ground floor within an RM-3 (Residential Mixed, Medium Density) Zoning District and 65-A Height and Bulk District; in general conformance with plans, dated June 29, 2015, and stamped "EXHIBIT B" included in the docket for Case No. 2015-006347CUA and subject to conditions of approval reviewed and approved by the Commission on **September 24, 2015** under Motion No. **XXXXXX**. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

### RECORDATION OF CONDITIONS OF APPROVAL

Prior to the issuance of the building permit or 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 **September 24, 2015** under Motion No **XXXXXX**.

### PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. **XXXXXX** shall be reproduced on the Index Sheet of construction plans submitted with the site or building permit application for the Project. The Index Sheet of the 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. **Limited Nonconforming Use.** Per Planning Code Section 186(b), the limited nonconforming use shall meet the following conditions:
  - (1) The building shall be maintained in a sound and attractive condition, consistent with the general appearance of the neighborhood;
  - (2) Any signs on the property shall be made to comply with the requirements of [Article 6](#) of this Code applying to nonconforming uses;
  - (3) The hours during which the use is open to the public shall be limited to the period between 6:00 a.m. and 10:00 p.m.;
  - (4) Public sidewalk space may be occupied in connection with the use provided that it is only occupied with tables and chairs as permitted by this Municipal Code;
  - (5) Truck loading shall be limited in such a way as to avoid undue interference with sidewalks, or with crosswalks, bus stops, hydrants and other public features;
  - (6) Noise, odors and other nuisance factors shall be adequately controlled; and
  - (7) All other applicable provisions of this Code shall be complied with.
2. **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 Department of Building Inspection shall have issued a Building Permit or Site Permit to construct the project and/or commence the approved use within this three-year period.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*
3. **Expiration and Renewal.** Should a Building or Site Permit 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)*
4. **Diligent pursuit.** 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 diligently to completion. Failure to do so 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)*

5. **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)*

6. **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)*

## DESIGN – COMPLIANCE AT PLAN STAGE

7. **Final Materials.** The Project Sponsor shall continue to work with Planning Department on the building design. Final materials, glazing, color, texture, landscaping, and detailing shall be subject to Department staff review and approval. The architectural addenda shall be reviewed and approved by the Planning Department prior to issuance.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

8. **Garbage, composting and recycling storage.** Space for the collection and storage of garbage, composting, and recycling shall be provided within enclosed areas on the property and clearly labeled and illustrated on the building permit plans. Space for the collection and storage of recyclable and compostable materials that meets the size, location, accessibility and other standards specified by the San Francisco Recycling Program shall be provided at the ground level of the buildings.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

9. **Rooftop Mechanical Equipment.** Pursuant to Planning Code 141, the Project Sponsor shall submit a roof plan to the Planning Department prior to Planning approval of the building permit application. Rooftop mechanical equipment, if any is proposed as part of the Project, is required to be screened so as not to be visible from any point at or below the roof level of the subject building.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

10. **Signage.** Any signs on the property must have a sign permit and shall comply with the requirements of Article 6 of the Planning Code.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

## MONITORING - AFTER ENTITLEMENT

11. **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)*
12. **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

13. **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>*
14. **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>*
15. **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.  
*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)*

16. **Odor Control.** While it is inevitable that some low level of odor may be detectable to nearby residents and passersby, appropriate odor control equipment shall be installed in conformance with the approved plans and maintained to prevent any significant noxious or offensive odors from escaping the premises.

*For information about compliance with odor or other chemical air pollutants standards, contact the Bay Area Air Quality Management District, (BAAQMD), 1-800-334-ODOR (6367), [www.baaqmd.gov](http://www.baaqmd.gov) and Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

17. **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)*

18. **Lighting.** All Project lighting shall be directed onto the Project site and immediately surrounding sidewalk area only, and designed and managed so as not to be a nuisance to adjacent residents. Nighttime lighting shall be the minimum necessary to ensure safety, but shall in no case be directed so as to constitute a nuisance to any surrounding property.

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

19. **Hours of Operation.** The subject establishment is limited to the following hours of operation: Monday through Sunday between 6:00 a.m. and 10:00 p.m.

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