

Received at CPC Hearing

11/2/17

N. Tran

THE ASK

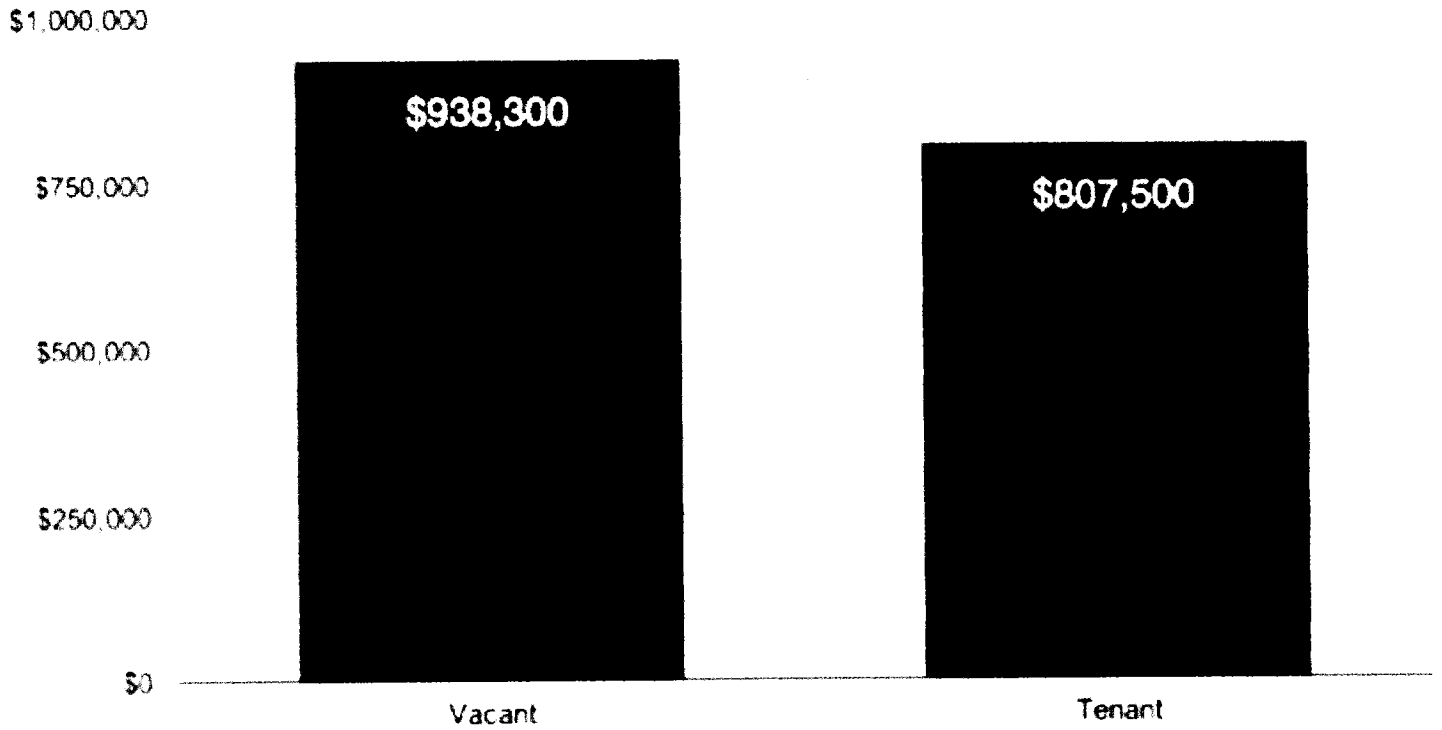
1. Denial of permit #201606301337, for the 4th floor, unit remodeling and exterior upgrade including window moves. AND
2. Modification of permit #201611233441, for the 3 new ADUs, to remove all work that would cause any changes to existing occupied units including decks.

OR

1. Denial of permit #201606301337, for the 4th floor, unit remodeling and exterior upgrade including window moves. AND
2. Continue the ADU permit (#201611233441) to sometime in 2018 to allow the sponsor to provide plans specific to this permit and come to a written agreement with tenants.

Received at CPC Hearing 11/2/17
N. Tran

Median Sales Price for San Francisco Condominium of Comparable Size *Vacant vs Tenant Occupied in 2014*



Reviewed at CPC Hearing 11/2/17
L. Hoagland

From the San Francisco General Plan - Bayview Hunters Point

POLICY 2.3

Restrict uses such as liquor sales establishments on Third Street.

One of the **primary conditions for revitalizing the Bayview Hunters Point community** is the need to attract a healthier mix of retail uses on Third Street and **discourage unhealthy uses. The most prevalent unhealthy use is the large number of retail outlets selling alcoholic beverages for off-premises consumption.** Survey results in the 1987 Issues Report found that Third Street, from Cesar Chavez (Army) Street to Meade Street, contains twice as many liquor stores as neighborhood commercial strips of a similar size in San Francisco. This heavy concentration of liquor stores and their related social problems give a negative image to Third Street. Billboards advertising alcohol or cigarettes, and check-cashing outlets, because of their proliferation, **also degrade the image, health and welfare of the environment. Many of these uses attract undesirable loitering that deters pedestrians from walking on the street,** creates traffic congestion, and has adverse impacts on adjacent residential uses. Rezoning actions taken subsequent to the 1995 edition of this Plan established the **Third Street Special Use District (SUD), which placed restrictions on the sale of alcohol for parcels along Third Street.**

MEMORANDUM

Received at CPC Hearing 11/2/17
D. Weisglass

date: 30 October 2017

name:
Jody Harris
Courtney Leader, NCIDQ

company:
Cultivar Wine Bar
Sutro Architects

email:
jody@cultivarwine.com
cleader@sutroarchitects.com

from: Ben Piper

subject: Cultivar Wine Bar (2379 Chestnut Street)
Noise Barrier Discussion

salter project number: 16-0351

In our 9 June 2016 Outdoor Space Noise Analysis, we discussed that the San Francisco City Noise Ordinance does not govern unamplified voice noise from patrons. Additionally, our analysis indicated that the project would increase the overall average daily noise level by approximately 3 dB at the nearest residential balcony (a change that is typically perceived as just noticeable). We also provided noise reduction techniques that could be included in the project design as a "good neighbor" effort to reduce patron noise to the adjacent residences. Note that these were not required to be implemented to meet a specific noise limit criterion, but were provided for consideration.

Noise Reduction Technique #2 from our letter provided acoustical construction input for the walls around the outdoor space (i.e., the walls should be approximately 3 psf and free of cracks and gaps). We understand that instead of constructing walls, a sound-rated pre-fabricated acoustical barrier product from IAC Acoustics will be used:

<https://acousticalsolutions.com/product/iac-acoustics-noishield-sound-barrier-walls/>

We have reviewed this product (and are familiar with it from its use on other projects), and find it to be in line with the guidelines describe in our letter (as Noise Reduction Technique #2).

* * *

This concludes our current comments regarding the proposed outdoor patio at the Cultivar Wine Bar. Please let us know if you have any questions.

Acoustics
Audiovisual
Telecommunications
Security

130 Sutter Street
Floor 5
San Francisco, CA
94104
T 415.397.0442
F 415.397.0454
www.cmsalter.com

Charles M. **Salter**
ASSOCIATES INC.



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- | | |
|--|--|
| <input type="checkbox"/> Affordable Housing (Sec. 415) | <input type="checkbox"/> First Source Hiring (Admin. Code) |
| <input type="checkbox"/> Jobs Housing Linkage Program (Sec. 413) | <input type="checkbox"/> Child Care Requirement (Sec. 414) |
| <input type="checkbox"/> Downtown Park Fee (Sec. 412) | <input type="checkbox"/> Other |

Planning Commission Draft Motion

HEARING DATE: NOVEMBER 2, 2017

Date: October 26, 2017
Case No.: 2016-002754CUA
Project Address: 2379 Chestnut Street
Zoning: NC-2 (Neighborhood Commercial, Small Scale)
40-X Height and Bulk District
Block/Lot: 0936/018C
Project Sponsor: Courtney Leader
915 Battery Street, First Floor
San Francisco, CA 94111
Staff Contact: David Weissglass – (415) 575-9177
david.weissglass@sfgov.org

ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 303 AND 711 OF THE PLANNING CODE TO ESTABLISH AN OUTDOOR ACTIVITY AREA IN THE REAR YARD OF THE EXISTING BUILDING FOR USE BY AN EXISTING RESTAURANT (DBA "CULTIVAR") IN THE NC-2 (NEIGHBORHOOD COMMERCIAL, SMALL SCALE) ZONING DISTRICT AND THE 40-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On March 30, 2016, Courtney Leader (hereinafter "Project Sponsor") filed an application with the Planning Department (hereinafter "Department") for Conditional Use Authorization under Planning Code Section(s) 303 and 711 to establish an Outdoor Activity Area in the rear of the existing building for use by a proposed Restaurant (dba "Cultivar") in the NC-2 (Neighborhood Commercial, Small Scale) Zoning District and the 40-X Height and Bulk District.

On November 2, 2017, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2016-002754CUA.

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

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

MOVED, that the Commission hereby authorizes the Conditional Use requested in Application No. 2016-002754CUA, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

FINDINGS

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

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description.** The project is located on the south side of Chestnut Street, between Divisadero and Scott Streets, Block 0936, Lot 018C. The property is located within the NC-2 (Neighborhood Commercial, Small Scale) Zoning District and the 40-X Height and Bulk District. The parcel measures approximately 2,186 square feet and is developed with an approximately 4,305 square-foot three-story mixed use building consisting of the subject ground floor commercial space and two residential units above. The subject commercial tenant space is approximately 1,145 square feet in size and was formerly occupied by a Formula Retail Specialty Grocery use (dba "We Olive"), which closed this location in July, 2015. "Cultivar" began operations in April, 2017. The existing rear yard is approximately 625 square feet in size.
3. **Surrounding Neighborhood.** The project site is located within the Chestnut Street commercial corridor on the south side of Chestnut Street. The subject NC-2 Zoning District covers approximately four blocks of Chestnut Street between Fillmore Street in the east and Divisadero Street in the west. The NC-2 Zoning District is intended to provide convenience goods and services to the surrounding neighborhoods as well as comparison shopping goods and services on a specialized basis for a wider market. Commercial businesses are active during the day and evening and include a number of bars, restaurants, specialty groceries, and specialty clothing stores. The surrounding zoning is primarily RH-3 (Residential, House, Three-Family) and NC-3 (Neighborhood Commercial, Moderate Scale).

The surrounding development consists of a variety of commercial and mixed-use buildings mostly featuring residential uses above ground-floor commercial establishments. The scale of development in the area consists of a mix of two- to four-story structures mostly built between the 1920s and the 1940s. The adjacent property to the west is developed with a three-story residential building containing 28 dwelling units. The adjacent property to the east is a two-story commercial building containing a nail salon (dba "Hand Touch Nail Care") and a restaurant (dba "Mezés").

4. **Project Description.** The project proposes outdoor seating (Outdoor Activity Area) in the rear yard of the existing building for use by customers of the Restaurant use (dba "Cultivar"). The case was continued indefinitely by the Planning Commission at the public hearing on October 27, 2016, and the restaurant has since begun operating in the space without the use of any outdoor space. Proposed improvements to the rear yard include concrete paving, new landscaping, construction of a perimeter fence up to ten feet in height as well as a pergola above the outdoor area, and installation of new furniture including tables, chairs, and fire pits.

The proposal requires Conditional Use Authorization pursuant to Planning Code Sections 303 and 711 to allow an Outdoor Activity Area in the rear of the existing building, in the NC-2 (Neighborhood Commercial, Small Scale) Zoning District and the 40-X Height and Bulk District. The project also requires a Variance from the Planning Code's Usable Open Space Requirements since it would result in the loss of access to and use of the rear yard by the occupants of the building's two residential units.

5. **Public Comment.** To date, the Planning Department has received one letter of non-opposition from the tenants of one of the building's residential units, and two letters of support: one from the tenants of the other residential unit and one from the landlord. The Department has also received a letter from an adjacent neighbor requesting that noise reduction techniques as recommended in the Outdoor Noise Space Analysis completed by Charles M. Salter Associates (attached herein as Exhibit C) be implemented. These letters are included in the staff report. There is no known opposition to the project.
6. **Planning Code Compliance:** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:

- A. **Open Space.** Pursuant to Planning Code Section 135, the subject property is required to provide 100 square feet of usable open space per dwelling unit if private or 133 square feet per unit if shared.

The subject property currently provides usable open space in the form of two private balconies (one for use by each dwelling unit) of approximately 30 square feet each and an approximately 625 square-foot rear yard. The proposal would eliminate residential access to the rear yard, resulting in a usable open space deficit of approximately 70 square feet per unit. A Variance from the open space requirements of the Planning Code is required in order for the project to proceed. The Variance request will be considered by the Zoning Administrator under Case No. 2016-002754VAR.

- B. **Outdoor Activity Area.** Pursuant to Planning Code Section 711, an Outdoor Activity Area is principally permitted in the NC-2 Zoning District if located in the front or is permitted with Conditional Use authorization if located elsewhere. In addition to the criteria listed in Planning Code Section 303, the Planning Commission shall find that:
 - i. The nature of the activity operated in the Outdoor Activity Area is compatible with surrounding uses;

The project sponsor has been made aware of the potential for negative impacts on nearby residential uses that can result from outdoor activity areas. The sponsor has sought out the support of residents of the residential units above and will ensure that operations are carried out in a manner that is compatible with the surrounding commercial and residential uses.

- ii. The operation and design of the Outdoor Activity Area does not significantly disturb the privacy or livability of adjoining or surrounding residences;

The project sponsor is aware of the potential for privacy impacts to adjacent residential uses and has agreed to actively address any such complaints. The project includes physical improvements to the existing rear yard, including a new property line fence and landscaping, as well as a pergola, intended to protect the privacy of adjacent uses. The conditions of approval will ensure that the use meets minimum, reasonable performance standards.

Further, the sponsor plans to implement the Noise Reduction Techniques outlined in the Outdoor Space Noise Analysis completed by Charles M. Salter Associates (attached herein as Exhibit C) included in the staff report. These techniques are:

- 1) *Amplified music should not be used in the outdoor space.*
- 2) *~~The wall should be approximately 3 psf and should be free of cracks and gaps, including any drainage holes/slots along the bottom of the wall. Many constructions will meet the surface density requirement. For example, multiple layers of plywood or a stud wall with exterior grade plywood sheathing and a stucco finish (or two layers of 5/8 inch thick plywood) would meet this requirement. The joints between sheathing layers should be offset by a minimum of 16 inches. The sponsor shall utilize a sound-rated pre-fabricated acoustical barrier product from IAC Acoustics.~~*
- 3) *In order to reduce noise levels to the residences overlooking the outdoor space, a solid overhang would be needed above the outdoor space. If this is implemented, an absorptive material should be included at the underside of the overhang to reduce noise "build-up". This absorptive material could consist of two-inch thick Rainbarrier 45 mineral fiber insulation.*

- iii. The hours of operation of the activity operated in the Outdoor Activity Area are limited so that the activity does not disrupt the viability of surrounding uses.

The proposed hours of operation for the Outdoor Activity Area are as follows: Sunday 9:00 AM to 9:00 PM, Monday-Wednesday 11:00 AM to 9:00 PM, Thursday 11:00AM to 9:30PM, Friday 11:00 AM to 10:00 PM, and Saturday 9:00 AM to 10:00 PM. A condition of approval will limit the hours of operation of the Outdoor Activity Area to the hours specified above.

- C. **Use Size.** Pursuant to Planning Code Section 711, non-residential uses up to 3,999 square feet in size are principally permitted in the NC-2 Zoning District.

The existing tenant space is approximately 1,145 square feet in size. Inclusion of the approximately 625 square-foot rear yard will increase the use size to approximately 1,770 square feet.

- D. Hours of Operation.** Pursuant to Planning Code Section 711, the principally permitted hours of operation are from 6:00 AM to 2:00 AM.

The proposed hours of operation for the Outdoor Activity Area are as follows: Sunday 9:00 AM to 9:00 PM, Monday-Wednesday 11:00 AM to 9:00 PM, Thursday 11:00AM to 9:30PM, Friday 11:00 AM to 10:00 PM, and Saturday 9:00 AM to 10:00 PM.

- E. Conditional Use Authorization.** Planning Code Section 303(c) establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use approval. The project does comply with said criteria in that:

- i. 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 subject property is located in a Neighborhood Commercial District and is surrounded by several entertainment options, including restaurants, bars, and movie theaters. The proposed Outdoor Activity Area is a desirable addition to the existing tenant mix along the Chestnut Street commercial corridor. The restaurant has been operating without the use of any outdoor areas since April 20, 2017, and there have been no known adverse effects on the neighborhood.

The project sponsor is aware of the potential for noise impacts to adjacent residential uses and has agreed to actively address any such complaints. The project includes improvements to the existing rear yard that will protect the privacy of adjacent uses and will provide both aesthetic and sound insulating benefits. The conditions of approval will ensure that the use meets minimum, reasonable performance standards and will limit the hours of operation for the Outdoor Activity Area.

- ii. 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:

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

The project sponsor is aware of the potential for noise impacts to adjacent neighbors and has agreed to actively address any such complaints. The conditions of approval will ensure that the use meets minimum, reasonable performance standards.

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

The project would not have any effect on accessibility or traffic patterns for persons or vehicles.

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

The conditions of approval will ensure that the use meets minimum, reasonable performance standards, including limits to the hours of operation of the Outdoor Activity Area.

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

The project includes improvements to the existing rear yard that will provide both aesthetic and sound insulating benefits.

- vi. 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.

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

The proposed project is consistent with the stated purpose of the NC-2 (Neighborhood Commercial, Small Scale) Zoning District, which is intended to offer a wide variety of comparison and specialty goods and services to a population greater than the immediate neighborhood.

- 7. **General Plan Compliance.** The project is consistent with the Objectives and Policies of the General Plan.

COMMERCE AND INDUSTRY ELEMENT

Objectives and Policies

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 will support an existing small business on the Chestnut Street commercial corridor.

OBJECTIVE 6:

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

Policy 6.1:

Ensure and encourage the retention and provision of neighborhood-serving goods and services in the city's neighborhood commercial districts, while recognizing and encouraging diversity among the districts.

The proposal will allow for a unique outdoor dining experience, contributing to the character of the Chestnut Street commercial corridor.

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

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

The proposal will support an existing neighborhood-serving business and provide additional opportunities for resident employment.

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

The proposal would not have any effect on housing. The proposed Outdoor Activity Area is compatible with the existing neighborhood character.

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

The proposal would not have any 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 project will not impede MUNI services or overburden streets or neighborhood parking.

- E. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced.

The project will not displace any service or industry establishment. The project will not affect industrial or service sector uses or related employment opportunities. Ownership of industrial or service sector businesses will not be affected by this project.

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

This proposal will not affect the property's ability to withstand an earthquake.

G. That landmarks and historic buildings be preserved.

The project does not involve a landmark or historic building.

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

The project will have no effect on existing parks and open spaces.

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

The proposal will contribute to the overall economic vitality of the district, thereby preserving and enhancing future opportunities for resident employment and business ownership.

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.

10. 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. 2016-002754CUA** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated March 30, 2016, and stamped "EXHIBIT B", 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. 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 re-commence the 90-day approval period.

I hereby certify that the Planning Commission **ADOPTED** the foregoing Motion on November 2, 2017.

Jonas P. Ionin
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED:

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to establish an Outdoor Activity Area in the rear of the existing building for use by a proposed Restaurant (dba "Cultivar"), located at 2379 Chestnut Street, Block 0936, Lot 018C pursuant to Planning Code Sections 303 and 711 within the **NC-2 (Neighborhood Commercial, Small Scale) Zoning District** and the **40-X Height and Bulk District**; in general conformance with plans, dated **March 30, 2016** and stamped "EXHIBIT B" included in the docket for Case No. **2016-002754CUA** and subject to conditions of approval reviewed and approved by the Commission on **November 2, 2017** 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.

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 **November 2, 2017** 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 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. **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

2. **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

3. **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

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

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

DESIGN – COMPLIANCE AT PLAN STAGE

6. **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 415-575-9177, www.sf-planning.org

MONITORING - AFTER ENTITLEMENT

7. **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

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

OPERATION

9. **Hours of Operation.** Use of the Outdoor Activity Area shall be limited to the following days and times: Sunday 9:00 AM to 9:00 PM, Monday-Wednesday 11:00 AM to 9:00 PM, Thursday 11:00AM to 9:30PM, Friday 11:00 AM to 10:00 PM, and Saturday 9:00 AM to 10:00 PM. Staff may remain in the facility as necessary for cleaning and other duties related to the operations of the Outdoor Activity Area one hour past the closing hour stated above. No employees may be in the Outdoor Activity Area after the clean-up time.

For information about compliance, contact the Case Planner, Planning Department at 415-575-9177, www.sf-planning.org

10. **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>

- 11. 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>

- 12. 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. Recorded or live music or amplified sound shall be prohibited in the outdoor space.

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

For information about compliance with the construction noise, contact the Department of Building Inspection, 415-558-6570, 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

- 13. Noise Reduction Techniques.** With respect to the construction of the Outdoor Activity Area and the features surrounding such area, the Noise Reduction Techniques outlined in the Outdoor Space Noise Analysis completed by Charles M. Salter Associates (attached herein as Exhibit C) shall be implemented.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

- 14. 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 and Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

11/1/2017 Emailed this letter to each commissioner
+ Carly Grob

Received at CPC Hearing 11/2/17

C-Grob

November 2, 2017

Dear Planning Commissioners:

As a 35 years resident of North Beach, Co-Founder of North Beach Tenants Committee, and Housing Organizer/advocate for seniors and people with disabilities, I am obligated to register my opposition to the proposed hotel on the corner of Columbus Avenue and Bay Street.

A hotel of any kind on this site, but especially this particular brand of "Moxy" is inappropriate for this neighborhood and community. A hotel, and especially one of this design, that would share walls with the homes of seniors and people with disabilities is incompatible.

A hotel on the south side of Bay Street is crossing a boundary into a residential neighborhood, a boundary that has served our children as a line not to cross because crossing to the northern side of Bay Street means "hotel row" begins—a transient harbor area.

I worry that in allowing this breach into our residential zone will, number one, set a very negative precedent in future projects, which should not be allowed to happen. This is a commercial interest that adds nothing in terms of community benefits, but rather, negatively impacts families along this street, a preschool and the seniors and people with disabilities who live right there.

What amount of parking will be removed, and how will that impact these residents? Where and how will deliveries be made to the hotel to serve the 75-plus temporary visitors? The comings and goings of a large number of people—what form of transportation will they arrive in? And how will this impact the flow of human traffic just trying to go about their daily life? A better fit would be permanent neighbors.

I would support multi-national, multi-billionaire, Marriot International building housing for service workers and retail workers at Fisherman's Wharf. This workforce serves the travel industry, are lower wage earners, and over 45% of these workers have been forced out of our neighborhood, out of San Francisco, are not now travelling from the East bay to their long time jobs on the wharf. Building housing for them would benefit the tourist industry in a way that would not impact our community negatively. In fact, having permanent neighbors that also work nearby means greater connection to community: *The Workforce neighbor can pick up a carton of milk or a loaf of bread for neighbor residents and the senior could babysit for a working couple. Community.* Building a hotel here is crossing a line, a fixed line between North Beach and Fisherman's Wharf, and a line separates residential community life from commercial-only interests.

A hotel on this site will only hurt the immediate neighbors and our community as a whole.

Thank you for carefully considering the concerns of our community and not crossing a line.

Sincerely,

Theresa Staudach

Theresa Flandrich

North Beach Tenants Committee

Received at CPC Hearing 11/2/17

C. Gomez

October 26, 2017

Dear Commissioners,

This letter is in support of the hotel project at 1196 Columbus. Our union supports this project as it comes with a guarantee of quality jobs for its employees and with a guarantee that it will be built with union labor. We urge you to support this project at the upcoming hearing on November 2.

The first time this project came before you, it bore significant differences from the project that will be presented to you on November 2. The project sponsors have changed the proposed brand of the hotel, dropping the "Moxy" flag in favor of a more family- and business- friendly brand. A change of brand at this late date is the first that I have heard of in my time researching hotel projects in San Francisco and San Mateo Counties. The project sponsor has also removed any programming from the rooftop and has eliminated the bar from its ground-floor concept as well. These changes, including the significant change of hotel brand, were accomplished in response to strong concerns from neighbors at the October 5 hearing, and were put into place less than two weeks after the hearing.

It is our union's firm belief that hotels that come without a guarantee of good jobs are bad for any neighborhood in any city, and should be rejected. The benefits brought to a community with a promise of union jobs, however, is significant. Having a union job makes a difference for workers at all wage levels, but it is for workers in the bottom 20 percent of earnings for whom union membership makes the biggest difference. A report by the Economic Policy Institute found that workers in the bottom 20 percent of earnings see a wage increase of nearly 20 percent when they join a union. Workers represented by Local 2 earn a living wage and have health care and retirement benefits that allow them to work and retire with dignity.

Five hotel projects are expected to come before you in November, and each time we will be asking you to consider the project will uplift the community by providing good jobs, or drag down the community by providing low-paid jobs with inadequate benefits. The hotel at 1196 Columbus comes with guarantees for good jobs for those who will build the hotel and those who will eventually staff the hotel. We ask you to find that this project is a benefit to the neighborhood and to support it on November 2.

I would be happy to engage in further conversations with all of you; my phone is 415.864.8770, ext. 763; my email is cgomez@unitehere2.org.

Best,

Cynthia Gómez
Research Analyst
UNITE HERE, Local 2

