Executive Summary Conditional Use

HEARING DATE: DECEMBER 1, 2011

1650 Mission St. Suite 400 San Francisco, CA 94103-2479

Reception: 415.558.6378

ax:

415.558.6409

Planning Information: 415.558.6377

Date: November 17, 2011

Case No.: **2011.1116C**

Project Address: 700 Filbert Street (aka 1811 Powell Street)

Zoning: North Beach NCD (Neighborhood Commercial District)

North Beach SUD (Special Use District)

Telegraph Hill - North Beach Residential SUD

North Beach Limited Financial SUD

40-X Height and Bulk District

Block/Lot: 0090/008

Project Sponsor: Marsha Garland

535 Green Street

San Francisco, CA 94133

Staff Contact: Elizabeth Watty – (415) 558-6620

Elizabeth.Watty@sfgov.org

Recommendation: Approval with Conditions

PROJECT DESCRIPTION

The Project Sponsor proposes to relocate an existing bakery known as "Victoria Pastry" from its present location at 1362 Stockton Street to the Project site at 700 Filbert Street (aka 1811 Powell Street); Victoria Pastry, which has existed since 1914, is seeking a new location within North Beach. At the proposed location, which is currently vacant, the business will operate as a "Specialty Food, Self-Service" establishment, pursuant to Planning Code Sections 722.69A and 790.93. The business will prepare and provide ready-to-eat specialty foods – specifically baked goods and coffee – to customers who will primarily consume their food off-site. All pastries will be made at the bakery, and there will be no prepackaged or ready-to-eat food available. There will be no more than 10 seats, including sidewalk seating, and the business will be open for retail sales on weekdays during daytime hours, generally from 7:00 a.m. to 7:00 p.m., Monday through Saturday, and from 8:00 a.m. to 7:00 p.m. on Sundays. The Project includes minor interior tenant improvements but does not include any exterior alterations at this time. The tenant space (ground floor and basement) measures approximately 2,355gsf; the size of the tenant space would not change as part of the Project.

SITE DESCRIPTION AND PRESENT USE

The Project is located on the north side of Filbert Street, at the intersection of Powell Street, Via Bufano, and Columbus Avenue. The subject property is located within the North Beach NCD (Neighborhood

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Commercial District), North Beach SUD (Special Use District), Telegraph Hill – North Beach Residential SUD, North Beach Limited Financial SUD and the 40-X Height and Bulk District.

The property is developed with a three-story mixed-use building, with two-floors of residential above ground floor commercial. Other commercial tenant spaces within the building include Urban Gardens Unlimited, Melt (a full-service restaurant), Beauty House of May (beauty salon), Annabella's (retail clothing store), and Double Punch (retail toy store).

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The North Beach Neighborhood Commercial District is a nonlinear district centered on Columbus Avenue, located in the valley between Telegraph Hill and Russian Hill north of Broadway. North Beach functions as a neighborhood-serving marketplace, citywide specialty shopping, and dining district, and a tourist attraction, as well as an apartment and residential hotel zone. Traditionally, the district has provided most convenience goods and services for residents of North Beach and portions of Telegraph and Russian Hills.

ENVIRONMENTAL REVIEW

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

HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Classified News Ad	20 days	November 11, 2011	November 9, 2011	22 days
Posted Notice	20 days	November 11, 2011	November 11, 2011	20 days
Mailed Notice	20 days	November 11, 2011	November 9, 2011	22 days

The proposal requires a Section 312-neighborhood notification, which was conducted in conjunction with the Conditional Use authorization process.

PUBLIC COMMENT

- To date, the Department has received twelve (12) letters in support of the Project, including letters from the North Beach Merchants Association, North Beach Chamber of Commerce, North Beach Neighbors, Salesian Boy's and Girl's Club, American Legion Cathay Post 384, the Cristoforo Colombo Club of Marin, and the San Francisco Italian Athletic Club.
- The Department has not been made aware of any opposition to the Project.

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ISSUES AND OTHER CONSIDERATIONS

- Victoria Pastry has served the North Beach community since 1914 at their current location at 1362 Stockton Street (at Vallejo). Due to the down economy, the owners of Victoria Pastry need to downsize the operation of their business. Moving to 700 Filbert Street will allow them to lower their overhead costs, enabling the continued operation of the business within the neighborhood.
 - The tenant space has been vacant for approximately five (5) years, and was previously occupied by a printing business.
 - The North Beach District controls are designed to ensure the livability and attractiveness of North Beach. Most new commercial development is permitted at the first two stories. Small-scale, neighborhood-serving businesses are strongly encouraged and formula retail uses are prohibited. Use sizes are controlled to limit future consolidation of spaces and to encourage conversion back to the traditional small-scale commercial spaces. Special controls are necessary because an over-concentration of food and beverage service establishments limits neighborhood-serving retail sales and personal services in an area that needs them to thrive as a neighborhood. In order to maintain neighborhood-serving retail sales and personal services and to protect residential livability, additional eating and drinking establishments are prohibited in spaces that have been occupied by neighborhood-serving retail sales and personal services.
 - The Commerce and Industry Element of the General Plan contains Guidelines that discourage the overconcentration of eating and drinking establishments within Neighborhood Commercial Districts. While the proposed business would sell food, the "Specialty Food, Self-Service" use is a retail use that is distinct from a restaurant, in that the food prepared on-site is intended primarily for off-site consumption. Accordingly, the Planning Code limits "Specialty Food, Self-Service" uses to a maximum of ten seats, prohibits on-site beer and wine consumption, and requires that food be paid for prior to consumption. This use category is intended for specialty and artisanal retail food shops. Because the business will sell food that will primarily be eaten elsewhere, it will function as a neighborhood-serving retail use rather than a restaurant. The Project therefore does not contribute to an overconcentration of restaurants in North Beach.

REQUIRED COMMISSION ACTION

In order for the Project to proceed, the Commission must grant Conditional Use authorization to allow the establishment of a "Specialty Food, Self-Service" establishment within the North Beach NCD (Neighborhood Commercial District), North Beach SUD (Special Use District), Telegraph Hill – North Beach Residential SUD, North Beach Limited Financial SUD, pursuant to Planning Code Sections 303, 722.69A and 790.93.

BASIS FOR RECOMMENDATION

- The Project promotes the continued operation of an established, locally-owned business and contributes to the viability of North Beach.
- The Project would not displace an existing retail tenant providing convenience goods and services to the neighborhood, as the existing commercial tenant space is vacant.

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- The Project would contribute to the diversity of retail businesses options in the area.
- The Project meets all applicable requirements of the Planning Code.
- The Project is desirable for, and compatible with the surrounding neighborhood, as it will enable
 an existing neighborhood-serving bakery to continue operating in and serving the North Beach
 community.
- The business is not a Formula Retail use and would serve the immediate neighborhood.

RECOMMENDATION:

Approval with Conditions

Attachments:

Block Book Map
Sanborn Map
Zoning Map
Aerial Photographs
Site Photographs
Project Sponsor Submittal, including:

- Correspondence in Support
- Site Photographs
- Reduced Plans

EW____

Planner's Initials

Attachment Checklist

\boxtimes	Executive Summary	\boxtimes	Context P	hotos
	Draft Motion		Site Photo	OS
	Environmental Determination		Letters o	f Support
	Zoning District Map		Project sp	ponsor submittal
	Height & Bulk Map		Drawings	s: Existing Conditions
	Block Book Map		Chec	ck for legibility
	Sanborn Map		Drawings	: <u>Proposed Project</u>
	Aerial Photo			Check for legibility

Exhibits above marked with an "X" are included in this packet

EW: G:\Documents\CUs\700 Filbert Street\Executive Summary.doc



SAN FRANCISCO PLANNING DEPARTMENT

abject to: (Goldet of ity it applicable)	
Affordable Housing (Sec. 415)	☐ First Source Hiring (Admin. Code)

□ Jobs Housing Linkage Program (Sec. 413) □ Child Care Requirement (Sec. 414)

□ Downtown Park Fee (Sec. 412) □ Other

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Planning Commission Draft Motion

HEARING DATE: DECEMBER 1, 2011

Date: November 17, 2011
Case No.: **2011.1116 C**

Subject to: (Select only if applicable)

Project Address: 700 Filbert Street (aka 1811 Powell Street)

Zoning: North Beach NCD (Neighborhood Commercial District)

North Beach SUD (Special Use District)

Telegraph Hill - North Beach Residential SUD

North Beach Limited Financial SUD

40-X Height and Bulk District

Block/Lot: 0090/008

Project Sponsor: Marsha Garland

535 Green Street

San Francisco, CA 94133

Staff Contact: Elizabeth Watty – (415) 558-6620

Elizabeth.Watty@sfgov.org

ADOPTING FINDINGS RELATING TO THE APPROVAL OF A CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 303, 722.69A AND 790.93 OF THE PLANNING CODE TO ALLOW A SPECIALTY FOOD, SELF-SERVICE ESTABLISHMENT (D.B.A. VICTORIA PASTRY) WITHIN THE NORTH BEACH NCD (NEIGHBORHOOD COMMERCIAL DISTRICT), NORTH BEACH SUD (SPECIAL USE DISTRICT), TELEGRAPH HILL – NORTH BEACH RESIDENTIAL SUD, NORTH BEACH LIMITED FINANCIAL SUD, AND THE 40-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On September 28, 2011, Marsha Garland (hereinafter "Project Sponsor") filed an application with the Planning Department (hereinafter "Department") for Conditional Use authorization under Planning Code Sections 303, 722.69A and 790.93, to allow a Specialty Food, Self-Service establishment (d.b.a. Victoria Pastry) within the North Beach Neighborhood Commercial District (NCD), North Beach Special Use District (SUD), Telegraph Hill – North Beach Residential SUD, North Beach Limited Financial SUD and a 40-X Height and Bulk District.

On December 1, 2011, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2011.1116C.

On October 25, 2011 the Project was determined to be exempt from the California Environmental Quality Act ("CEQA") as a Class 1 Categorical Exemption under CEQA as described in the determination contained in the Planning Department files for this Project.

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. 2011.1116C, 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 and Present Use.** The Project is located on the north side of Filbert Street, at the intersection of Powell Street, Via Bufano, and Columbus Avenue. The subject property is located within the North Beach NCD (Neighborhood Commercial District), North Beach SUD (Special Use District), Telegraph Hill North Beach Residential SUD, North Beach Limited Financial SUD and the 40-X Height and Bulk District.

The property is developed with a three-story mixed-use building, with two-floors of residential above ground floor commercial. Other commercial tenant spaces within the building include Urban Gardens Unlimited, Melt (a full-service restaurant), Beauty House of May (beauty salon), Annabella's (retail clothing store), and Double Punch (retail toy store).

- 3. Surrounding Properties and Neighborhood. The North Beach NCD is a nonlinear district centered on Columbus Avenue, located in the valley between Telegraph Hill and Russian Hill north of Broadway. North Beach functions as a neighborhood-serving marketplace, citywide specialty shopping, and dining district; a tourist attraction; and as an apartment and residential hotel zone. Traditionally, the district has provided most convenience goods and services for residents of North Beach and portions of Telegraph and Russian Hills.
- 4. **Project Description.** The Project Sponsor proposes to relocate an existing bakery known as "Victoria Pastry" from its present location at 1362 Stockton Street to the project site at 700 Filbert Street (aka 1811 Powell Street); Victoria Pastry, which has existed since 1914, is seeking a new location within North Beach. At the proposed location, which is currently vacant, the business

will operate as a Specialty Food, Self-Service establishment, pursuant to Planning Code Sections 722.69A and 790.93. The business will prepare and provide ready-to-eat specialty foods – specifically baked goods and coffee – to customers who will primarily consume their food off-site. All pastries will be made at the bakery, and there will be no prepackaged or ready-to-eat foods available. There will be no more than 10 seats, including sidewalk seating, and the business plans to be open for retail sales on weekdays during daytime hours, generally from 7:00 a.m. to 7:00 p.m., Monday through Saturday, and from 8:00 a.m. to 7:00 p.m. on Sundays. The Project includes minor interior tenant improvements but does not include any exterior alterations at this time. The ground floor of the existing tenant space measures approximately 1,100 sf and the basement area measures approximately 700 sf; the size of the tenant space would not change as part of the Project.

The proposed use is an independent use and locally-owned, which has been encouraged throughout San Francisco. The proposed use is not a Formula Retail use. The proposal requires a change of use and Section 312-neighborhood notification was conducted in conjunction with the Conditional Use authorization process.

- 5. **Public Comment**. The Department has received twelve letters in support of the Project, including letters from the North Beach Merchants Association, North Beach Chamber of Commerce, North Beach Neighbors, Salesian Boy's and Girl's Club, American Legion Cathay Post 384, the Cristoforo Colombo Club of Marin, and the San Francisco Italian Athletic Club. The Department has not received any opposition to this 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. **Specialty Food, Self-Service.** Planning Code Section 722.69A states that a Conditional Use authorization is required at the Subject Property for a new Specialty Food, Self-Service establishment, as defined by Planning Code Section 790.93.

The Project Sponsor is requesting Conditional Use authorization in order to establish an independently-owned Specialty Food, Self-Service establishment at 700 Filbert Street.

B. **Street Frontage in Neighborhood Commercial Districts.** Section 145.1 of the Planning Code requires that NC Districts provide the following: 1) "active uses" within the first 25 feet of building depth on the ground floor from any facade facing a street at least 30 feet in width; 2) street-facing ground-level spaces that open directly onto the street; and 3) frontages that are fenestrated with transparent windows and doorways for no less than 60 percent of the street frontage at the ground level and that allow visibility to the inside of the building.

The subject tenant space has approximately 32'-9" of frontage along Filbert Street (primary façade) and 36'-2" of frontage along Powell Street (secondary façade). This entire space will be occupied by the "active use" of Victoria Pastry, which is a "Specialty Food, Self-Service" establishment. Along the

primary façade, nearly the entire façade is dedicated to clear, unobstructed and untinted windows, including a vestibule entrance that opens directly onto the sidewalk. The windows are all clear and unobstructed and are conditioned to remain as such.

C. **Use Size.** Planning Code Section 722.21 allows a use size up to 1,999 gsf as-of-right and up to 3,999 gsf with a Conditional Use authorization.

Project will occupy the entire vacant tenant space, which is 2,355gsf. Since there will be no change to the existing gross square footage as a result of this Project, the change of use is "grandfathered-in" as having a Conditional Use for use size. A nonconforming use size that is discontinued and abandoned for a period three years and has not been reduced in size by a new tenant may be reoccupied by a new use at its original size, without seeking a new Conditional Use authorization for use size.

D. **Parking**. Planning Section 151 of the Planning Code requires retail uses to provide one offstreet parking for every 500 square-feet of occupied floor area, where the occupied floor area exceeds 5,000 square-feet.

The occupied floor area of the subject tenant space measures less than 5,000 sf and thus does not require – and is not providing – any off-street parking.

E. **Loading**. Section 152 requires off-street freight loading for uses above a certain size. Retail establishments and uses primarily engaged in the handling of goods (such as the proposed business) are not required to provide off-street freight loading if they measure less than 10,000 square feet in gross floor area.

With a gross floor area of under 10,000 square feet, the Project is not required to provide any off-street loading.

F. **Hours of Operation.** Planning Code Section 722.27 allows hours of operation from 6:00 a.m. until 2:00 a.m. as-of-right in the North Beach NCD, and requires Conditional Use authorization to operate between the hours of 2:00 a.m. and 6:00 a.m.

Specialty Food, Self-Service establishments' hours of operation are regulated through Planning Code Section 790.93, requiring that they are open for retail business on weekdays during daytime hours, generally from 7:00 a.m. to 7:00 p.m., Monday through Saturday, and from 8:00 a.m. to 7:00 p.m. on Sundays. Victoria Pastry has committed to being open during these regular retail hours, and will not be requesting Conditional Use authorization to operate between the hours of 2:00 a.m. and 6:00 a.m.

G. Formula Retail. Section 703.3(e) prohibits formula retail uses in the North Beach NCD.

The Project is not considered to be a formula retail use as defined by Section 703.3 of the Planning Code; Victoria Pastry is an independent, locally-owned business.

- H. **Signage**. Currently, there is not a proposed sign program on file with the Planning Department. Any proposed signage will be subject to the review and approval of the Planning Department.
- 7. **Planning Code Section 303** establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use authorization. On balance, the Project complies 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 Project will contribute to the overall vibrancy of the North Beach NCD by allowing an existing neighborhood-serving bakery to relocate within the neighborhood, thereby retaining a diversification of the retail goods offered in the area. A substantial number of storefronts in the area are occupied by eating and drinking establishments, which have displaced retail tenants that offer neighborhood-serving sales and personal services. While the proposed business would sell food, the "Specialty Food, Self-Service" use is distinct from a restaurant in that the food prepared on-site is intended primarily for off-site consumption. The Code therefore limits the allowable number of seats to a maximum of 10, prohibits on-site beer and wine consumption, and requires that food be paid for prior to consumption. The "Specialty Food, Self-Service" use is also distinct from a specialty grocery [as defined by Section 790.102(b)] in that the business emphasizes the sale of food and beverages that are prepared on-site, rather than the sale of prepackaged food or non-food commodities. This use category is intended for specialty and artisanal foods shops that sell foods that will be eaten elsewhere, and may include some accessory wholesaling, manufacturing, and processing of foods and other goods.

The proposed use would fulfill a desirable niche within the spectrum of commercial services in North Beach by enabling an established North Beach business to continue operating and serving the community, rather than relocating to another neighborhood of San Francisco. The Project would also restore a neighborhood-serving retail use within the tenant space, generating pedestrian activity. Victoria Pastry will also contribute to the economic vitality of the neighborhood by removing a vacant storefront. The Project is desirable for, and compatible with, the 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:
 - Nature of proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;

The size and shape of the site and the size, shape, and arrangement of the building on the site are adequate for the Project. The Project would not physically expand the existing building or tenant space, and therefore would not alter the existing appearance or character of the Project vicinity.

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 Project will not adversely impact public transit or overburden the existing supply of parking in the neighborhood. The use is relatively small, and the area is well-served by ample public transportation. Off-street parking and loading are not required for the Project. The proposed use is designed to meet the needs of the immediate neighborhood and should not generate significant amounts of vehicular trips from the immediate neighborhood or citywide.

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

The business is not expected to generate excessive noise or odors. The Project proposes baking facilities, but those activities should not emit offensive or noxious cooking odors into the air. The proposed use is subject to the standard conditions of approval for controlling noise, as outlined in Exhibit A.

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

The Project Site is completely built-out at the ground-floor level to all street-facing property lines, thus no landscaping will need to be provided. Any future changes in lighting and signage would be required to comply with the requirements of the Planning Code, the Secretary of the Interior's Standards for the Treatment of Historic Properties, the Urban Design Element of the General Plan, and other applicable regulations and policies, in accordance with Conditions of Approval contained in Exhibit A.

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 North Beach NCD functions as a neighborhood-serving marketplace, citywide specialty shopping and dining district, and tourist attraction. Planning Code Section 722.1 states that, "the balance between neighborhood-serving convenience stores and Citywide specialty businesses has shifted, as convenience stores have been replaced by restaurants and bars." Accordingly, the regulations of the North Beach NCD are crafted to retain and encourage new neighborhood-serving businesses and to prohibit the conversion of tenant spaces from neighborhood-serving retail and convenience stores to new eating and drinking establishments.

The Project Site was previously occupied by a print shop, and has been vacant for approximately five years. The Project will result in the tenant space becoming activated as a neighborhood-serving retail use, offering specialty foods that are prepared on-site. Because the food will be sold primarily for off-site consumption, the business will function as a neighborhood-serving retail use rather than a restaurant. The Project will diversify the overall mix of retail offerings in the area, and will not exacerbate the overconcentration of restaurants within the North Beach NCD. The Project will not expand the tenant space, retaining the small-scale and fine-grained mix of businesses in the area.

8. **General Plan Compliance.** The Project is, on balance, consistent with the following 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 Project will enable the retention of an existing commercial activity within the community, which has existed in North Beach since 1914.

Neighborhood Commerce

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.

In order for a NCD to remain viable and be compatible with the surrounding neighborhood, it must exhibit a healthy balance of different types of commercial uses. This policy includes guidelines that prioritize uses that will provide goods and services to serve residents of the area. The Project will restore a neighborhood-serving retail use to the tenant space, offering specialty foods which are prepared on-site.

Policy 6.2:

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

The Project is desirable because it will enable an established North Beach business, which has served North Beach since 1914, to continue serving the community via their new location. Retaining independentlyowned businesses that have served the neighborhood for decades contributes to the overall vitality of the North Beach NCD.

Policy 6.9:

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

The Project is not expected to be a heavy vehicle trip generator, as many of their customers live or work in North Beach, and will travel to the bakery by foot or public transit.

Visitor Trade

OBJECTIVE 8:

ENHANCE SAN FRANCISCO'S POSITION AS A NATIONAL CENTER FOR CONVENTIONS AND VISITOR TRADE.

Policy 8.1:

Support locally initiated efforts to improve the visitor trade appeal of neighborhood commercial districts.

North Beach is a tourist destination for several reasons, one in particular being its tradition of artisanal retail food shops. The relocation and retention of Victoria Pastry within North Beach helps to retain the visitor trade appeal of the North Beach NCD.

- 9. 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 complies 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 Project will enable the retention of an existing neighborhood-serving and locally-owned retail establishment within the North Beach community, which has historically hired neighborhood residents.
 - B. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods.

The business will occupy an existing vacant ground-floor tenant space. The Project will strengthen neighborhood character by enabling the retention of a neighborhood-serving business within North Beach.

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

The Project will not affect 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 adversely affect public transit or place a burden on the existing supply of parking in the neighborhood. The area is well-served by public transportation and many of the business' customers walk to the bakery from their homes or work.

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.

There is no commercial office development associated with the Project. No industrial or service sector uses will be displaced; rather, the Project enables the continued operation of a service sector business within the North Beach community.

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

The Project does not involve any construction activities that will compromise the structural integrity of the existing building. The tenant improvements associated with this Project will conform to the structural and seismic safety requirements of the City's Building Code.

G. That landmarks and historic buildings be preserved.

No exterior changes are proposed for the Project. Any future storefront alterations and signage will be required to comply with applicable historic preservation standards.

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

The Project, which does not include any physical expansion of the building envelope, will not affect any parks or open spaces, or their access to sunlight.

10. The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would contribute to the character and stability of the neighborhood and would constitute a beneficial development.

11. The Commission hereby finds that approval of the Conditional Use authorization would promote the health, safety and welfare of the City.

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Application No. 2011.1116C** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with floor plans on file, dated September 28, 2011, 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.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on December 01, 2011.

Linda D. Avery
Commission Secretary

AYES:

NAYS:

ABSENT:

December 01, 2011

ADOPTED:

EXHIBIT A

AUTHORIZATION

With Plans. This authorization is for a Conditional Use authorization to allow a Specialty Food, Self-Service (d.b.a. Victoria Pastry) located at 700 Filbert Street, Block 0090 in Assessor's Lot 008, pursuant to Planning Code Sections 303, 722.69A and 790.93 within the North Beach NCD (Neighborhood Commercial District), North Beach SUD (Special Use District), Telegraph Hill - North Beach Residential SUD, North Beach Limited Financial SUD and a 40-X Height and Bulk District; in general conformance with plans, dated September 28, 2011, and stamped "EXHIBIT B" included in the docket for Case No. 2011.1116C and subject to conditions of approval reviewed and approved by the Commission on December 01, 2011 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 December 01, 2011 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

Validity and Expiration. The authorization and right vested by virtue of this action is valid for three years from the effective date of the Motion. A building permit from the Department of Building Inspection to construct the Project and/or commence the approved use must be issued as this Conditional Use authorization is only an approval of the proposed Project and conveys no independent right to construct the Project or to commence the approved use. The Planning Commission may, in a public hearing, consider the revocation of the approvals granted if a site or building permit has not been obtained 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 diligently to completion. The Commission may also consider revoking the approvals 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.

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

Extension. This authorization may be extended at the discretion of the Zoning Administrator only where failure to issue a permit by the Department of Building Inspection to perform said tenant improvements is caused by a delay by a local, State or Federal agency or by any appeal of the issuance of such permit(s). For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

DESIGN - COMPLIANCE AT PLAN STAGE

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, <u>www.sf-planning.org</u>

MONITORING - AFTER ENTITLEMENT

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, <u>www.sf-planning.org</u>

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, <u>www.sf-planning.org</u>

OPERATION

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

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

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

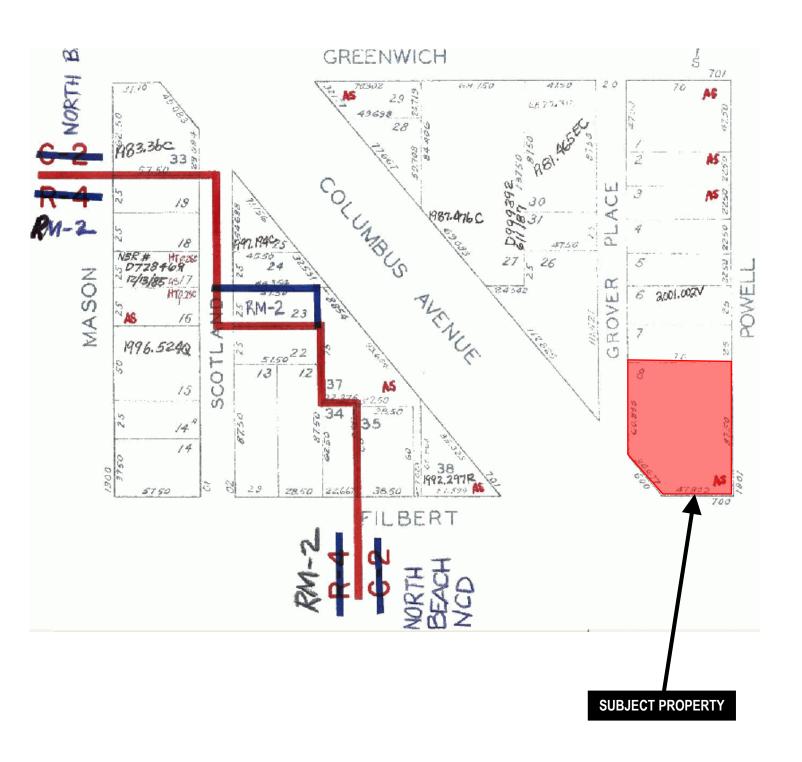
For information about compliance with the construction noise, contact the Department of Building Inspection, 415-558-6570, <u>www.sfdbi.org</u>

For information about compliance with the amplified sound including music and television contact the Police Department at 415-553-1012 or 415-5530123, <u>www.sf-police.org</u>

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.

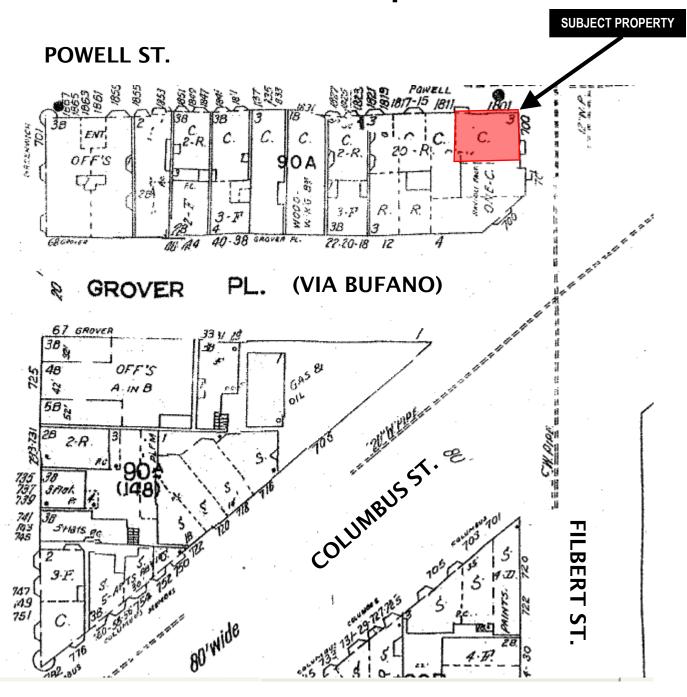
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, <u>www.sf-planning.org</u>

Parcel Map

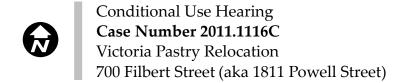




Sanborn Map*

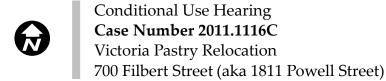


^{*}The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.

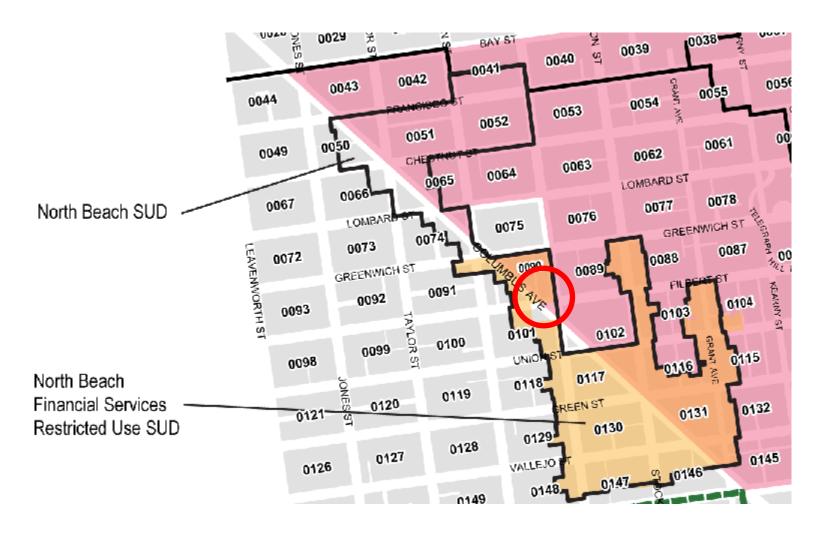


Zoning Map





SUD Map







SUBJECT PROPERTY





SUBJECT PROPERTY





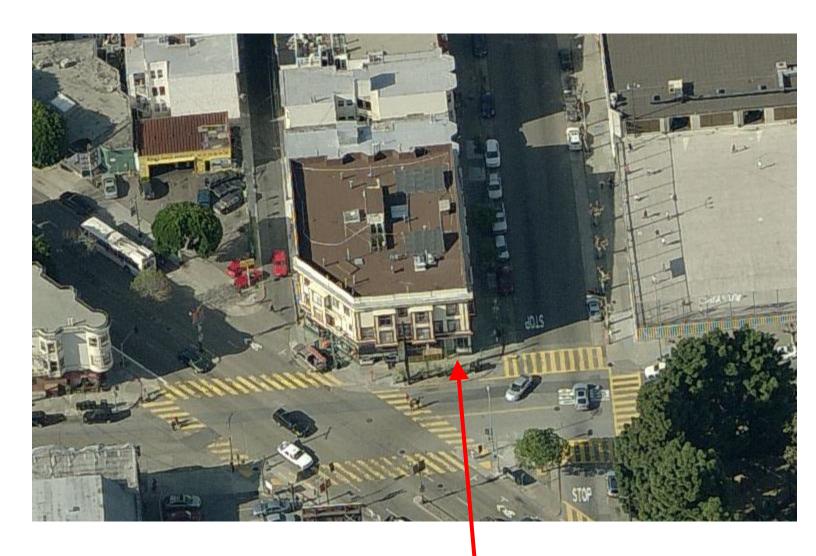
SUBJECT PROPERTY





SUBJECT PROPERTY





SUBJECT PROPERTY



Site Photo



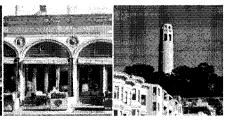
SUBJECT PROPERTY













October 22, 2011

Elizabeth Watty SF Planning Department 1650 Mission Street, 4th Floor San Francisco, CA 94103.

Ms. Watty,

The North Beach Merchants Association would like to offer this letter of organizational support for Victoria Pastry to be located (proposed) at 700 Filbert Street in San Francisco. We find that a bakery would be a great addition to this part of the neighborhood and welcome a potential new business to the Filbert Street, a location that has been vacant for some time.

Kind Regards,

Shell Thomas, President North Beach Merchants Association shellthomas@sbcglobal.net



To: Elizabeth Watty, Planner

San Francisco Planning Department 1650 Mission Street, 4th Floor San Francisco, CA 94103 elizabeth.watty@sfgov.org

Subject: Victoria Pastry Case #2011.1116C

Date: 1-Nov-2011

North Beach Neighbors has reviewed the proposed relocation of Victoria Pastry to 700 Filbert. Street and is in support of this business in the new location.

We believe it is important to keep this business in the neighborhood. The proposed location has been vacant for some time and appears to be a difficult location to attract a tenant. We believe having Victoria Pastry in this location will help bring business back to this section of North Beach.

If you have any questions regarding our support of this project, please feel free to contact me at suemost@sbcglobal.net.

Regards,

North Beach Neighbors - President

NORTH BEACH CHAMBER OF COMMERCE



October 17, 2011

Ms. Elizabeth Watty, Planner SF Planning Department 1650 Mission Street, 4th floor San Francisco, CA 94103

Re: Victoria Pastry

700 Filbert

San Francisco, CA 94133

To Whom It May Concern:

We are writing this letter in support of the project reference above.

We feel that the business is an integral part of North Beach, its history and its legacy.

We strongly urge approval of their request.

Please feel free to contact me if you would like to discuss this further.

Thank you very much for your consideration of this project.

Sincerely,

Brandy Marks

President



San Francisco Planning Department 1650 Mission Street, Suite 400 San Francisco, CA 94103-2479

20 September, 2011

To the San Francisco Planning Commission

On behalf of the San Francisco Italian Athletic Club I urge the Planning Commission to approve a conditional use permit for 700 Filbert Street. Our organization just celebrated its 94th year in existence. Many of our club members have supported this North Beach institution, Victoria Pastry, located at 1362 Stockton Street, over many decades.

The conditional use permit will allow them to relocate into a vacant space at 700 Filbert Street. The site at 700 Filbert was formerly P.I.P. Printing, a franchise print shop. There are two other full-service print shops within easy walking distance.

We understand Victoria Pastry will operate as a wholesale/retail bakery. It has been brought to our attention that a letter of determination states that there can be only 10 seats only for customers inside and outside including sidewalk seating. Frankly, we hope that in the future there can be additional seating so that neighborhood residents and visitors alike, especially our seniors, can enjoy the Victoria experience.

Please allow this iconic small business operated by Dino Belluomini and Susan Flaherty to remain in North Beach. This business has been here since 1914 and we don't want to lose it.

If you have any questions, please contact me on my cell phone, 415-215-7041. I am serving as the current president of the San Francisco Italian Athletic Club.

Sincerely

Alberto Cipollina, President

San Francisco Italian Athletic Club

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Marsha Garland Garland Public & Community Relations The Historic Buon Gusto Building 535 Green Street San Francisco, CA 94133

September 20, 2011

The San Francisco Planning Commission 1650 Mission Street, #400 San Francisco, CA 94103

Re: Relocation of Victoria's Pastry

To Whom It May Concern,

The Salesian Boys' & Girls' Club would like to wholeheartedly support Victoria's Pastry's move to 700 Filbert Street in North Beach. Victoria Pastry has been a mainstay in the North Beach community for as long as I can remember. Their Italian delicacies are revered by people both near and far. The Salesian Boys' & Girls' Club always purchases dessert from them anytime it conducts fundraising events.

The move to 700 Filbert Street by Victoria Pastry would put them in the heart of North Beach. The bakery has been extremely generous to both Sts. Peter & Paul Church and the Salesian Boys' & Giris' Club. The owners are always willing to donate either pastries or gift certificates for parish events. Their move to filbert Street would put them just down the block from us and allow patrons who frequent the Church and Club to visit their location after they have concluded their business in the parish.

As a lifelong North Beach resident and business person, I think it is imperative that we do everything in our power to encourage Italian-Americans to remain in North Beach. Like the North End in Boston, and the Italian Village in New York, tourists who come to San Francisco look forward to coming to North Beach to experience its Italian Heritage. I would strongly encourage the Planning Commission to look favorably on Victoria Pastry's move to Filbert Street.

Respectfully submitted,

Russell J. Gumina Executive Director

Marsha Garland Garland Public & Community Relations



Cathan Post No. 384

Department of California 1324 Powell Street San Francisco, CA 94113-3806

美别退伍军人合弹系支仓

San Francisco Planning Commission c/o San Francisco Planning Department 1650 Mission Street, 4th Floor San Francisco, CA 94103

Re Victoria Pastry North Beach, San Francisco

Dear Honorable Commissioners

Although I am the Commander of the American Legion Cathay Post 384, which is located on Powell between Green and Vallejo in North Beach, I also grew up in North Beach itself and frequented Victoria Pastry for years. Many of Cathay Post's members continue to frequent this old time business now for coffee and a delicious Italian pastry

It is my understanding that Victoria Pastry intends to relocate to Filbert Street inside the North Beach Neighborhood Commercial District. I am delighted that this North Beach institution is going to try and remain in North Beach where it started and belongs. It would be a crime if a culturally important business dating from 1914 went to another neighborhood

Our members give full support and feel it is both necessary and desirable to stay in North Beach. When it is time for a Planning Commission hearing, we will have no trouble bringing lots of people to speak in favor of approval of the necessary conditional use permit provided it meets all city code requirements, which we are certain it will.

t is imperative that this iconic Italian American business continue as it is today in North Beach, San Francisco's Little Italy

Sincerely

Marsha Garland
Garland Public & Community Relations



President

Michael Hardeman Sign Display & Allied Crafts Local 510

Secretary-Treasurer F.X. Crowley

F.X. Crowley IATSE Local 16

Vice Presidents

Don Carroll Scully & Carroll Law Offices

Mike McLaughlin Teamsters Local 856

> John O'Rourke IBEW Local 6

Chris Cunnie Chief of Investigations District Attorney's Office San Francisco

> John Moylan Plasterers Local 66

THE BAY AREA CATHOLIC LABOR COMMITTEE

F.X. Crowley, Secretary-Treasurer c/o Theatrical Stage Employees, Local 16 240 Second Street, San Francisco, CA 94105 TEL: 415/441-6400 • FAX: 415/243-0901

November 10, 2011

Ms. Elizabeth Watty, Planner San Francisco Planning Department 1650 Mission St, 4th Floor San Francisco, CA 94103

Re: Relocation of Victoria Pastry Co.

Dear Ms. Watty,

The Bay Area Catholic Labor Committee supports Victoria Pastry's proposed move from its current location at 1362 Stockton St. to 700 Filbert Street, San Francisco, a site that has been vacant for some time now. We believe that the bakery would do well at the Filbert Street location and fit in well in the neighborhood.

Victoria Pastry Co. is an old San Francisco institution that has been in North Beach for almost 100 years and we do not want to lose them. We would strongly encourage the Planning Commission to look favorably on Victoria Pastry's move to the 700 Filbert St. location.

Thank you.

Sincerely,

F.X. Crowley

Secretary-Treasurer

fx@local16.org

FXC:wwa IATSE, B-18





Cristoforo Colombo Club of Marin

Affiliated with The National Italian American Foundation, Washington, D.C.

George J. Silvestri, Jr., President 250 Bel Marin Keys Blvd., Suite F-200 Novato, California 94949 Tel: (415) 883-8800 Email: Silvestrilaw@aol.com

November 7, 2011

Ms. Elizabeth Watty, Planner San Francisco Planning Dept. 1650 Mission Street, 4th FL San Francisco, CA 94103

Re: Support of Victoria Pastry Relocation

Dear Ms. Watty,

It has recently come to our attention that the venerable North Beach business, Victoria Pastry, which has been located at Stockton and Vallejo in North Beach for 100 years, intends to relocate its operations to a nearby smaller facility at 700 Filbert Street. We support their efforts and urge you to expeditiously facilitate the issuance of whatever approvals may be required from the City and County of San Francisco to accommodate this relocation.

Although our organization is headquartered in Marin County, we have long supported Italian-American business, civic, and cultural activities in North Beach — the traditional heart of our region's Italian American community. A number of our members have also lived and/or worked in San Francisco and some even own property and pay taxes there.

I trust this letter of support is clear and self explanatory, but if you have any questions, please do not hesitate to contact me.

Warmest regards,

George J. Silvestri, Jr, Esq.

President

GJS/lla

cc: Mr. Dino Belluomini Ms. Susan Flaherty Victoria Pastry 1362 Stockton St. San Francisco, CA 94133

Ms. Marsha Garland

VIA EMAIL: Marshagarland@att.net



International Alliance of Theatrical Stage Employes Moving Picture Technicians, Artists and Allied Crafts of the United States, Its Territories and Canada

Local No. 16

240 Second Street San Francisco, California 94105 **F.X. Crowley**Business Manager - Secretary

Phone: (415) 441-6400 Fax: (415) 243-0179 www.local16.org

Affiliated With The AFL-CIO

California Labor Federation, AFL-CIO California State Theatrical Federation San Francisco Labor Council, AFL-CIO Theatrical Federation of San Francisco

8 CURTISS PRINTING

November 10, 2011

Ms. Elizabeth Watty, Planner San Francisco Planning Department 1650 Mission St, 4th Floor San Francisco, CA 94103

Re: Relocation of Victoria Pastry Co.

Dear Ms. Watty,

I.A.T.S.E. Local #16 supports Victoria Pastry's proposed move from its current location at 1362 Stockton St. to 700 Filbert Street, San Francisco, a site that has been vacant for some time now. We believe that the bakery would do well at the Filbert Street location and fit in well in the neighborhood.

Victoria Pastry Co. is an old San Francisco institution that has been in North Beach for almost 100 years and we do not want to lose them. We would strongly encourage the Planning Commission to look favorably on Victoria Pastry's move to the 700 Filbert St. location.

Thank you.

Sincerely,

F.X. Crowley
Business Manager
and Secretary
fx@local16.org

FXC:wwa IATSE, B-18





NIBBI BROTHERS
GENERAL CONTRACTORS
180 HUBBELL STREET
SAN FRANCISCO
CALIFORNIA 94107
(415) 863-1820
FAX (415) 863-1150

November 9, 2011

Ms. Elizabeth Watty, Planner San Francisco Planning Department 1650 Mission Street, 4th Floor San Francisco, CA 94103

Dear Ms. Watty,

It has come to my attention that Victoria Pastry is contemplating a move from their present location to 700 Filbert Street in San Francisco. We are completely in favor of their relocation and totally support their move. As a family business located in San Francisco for over 60 years we understand the value of local, committed and dedicated owners.

Filling a space that has been vacant for over 18 months will certainly improve the neighborhood and what better tenant than one that has been in the immediate area for over 100 years. We have personally dealt with Victoria Pastry through the years for weddings, birthdays and family celebrations. We certainly hope that we can continue to receive the excellent service and delicious products that has made North Beach the food mecca that it is today.

We can see no good reason to deny their request and ask that the San Francisco Planning Department rule in their favor and continue this great tradition.

Sincerely,

NIBBI BROS. GENERAL CONTRACTORS

LN/pm

Gaspare U. S. Restaurant 515 Columbus Avenue San Francisco, CA 94133

Dear Planning Commissioners.

I was born in Trapani, Sicily and came to San Francisco. I was a waiter for many years. I eventually saved enough money and purchased the U.S. Restaurant, which has been a tradition in North Beach for a very long time. I am very proud to continue this tradition and offer Italian dishes with Sicilian influence from my hometown in Trapani.

I am writing this letter to urge your support for the relocation of Victoria Pastry so that they may continue their grant and long-standing tradition at a new location at 700 Filbert Street.

When someone wants to have a birthday party and they want a cake, I often recommend the famous Gateau St. Honore', which Victoria is famous for I can't tell how many people tell them their grandfathers, their aunts, their husbands, their uncles, all remember this cake throughout the years.

Let them have cake in North Beach!

Tanti Saluti!

Gaspare

Marsha Garland Garland Public & Community Relations The Historic Buon Gusto Building 535 Green Street San Francisco, CA 94133



To Elizabeth Watty <elizabeth.watty@sfgov.org>

СС

bcc

Subject Fwd: Relocation Victoria Pastry

FYI - Marsha Garland

Begin forwarded message:

From: hyderegencyhotel@aol.com
Subject: Relocation VIctoria Pastry

Date: November 11, 2011 2:08:06 PM PST

To: stefanocassolato@att.net

I am a current business and property owner in North Beach as well as a resident for 40 years. The purpose of this email is to show support in the relocation of Victoria Pastry from its current location of Vallejo and Stockton to the new location 700 Filbert Street. Currently this store has been vacant for over 5 years and is a blighted eyesore and a nuisance frequented by homeless vagrants.

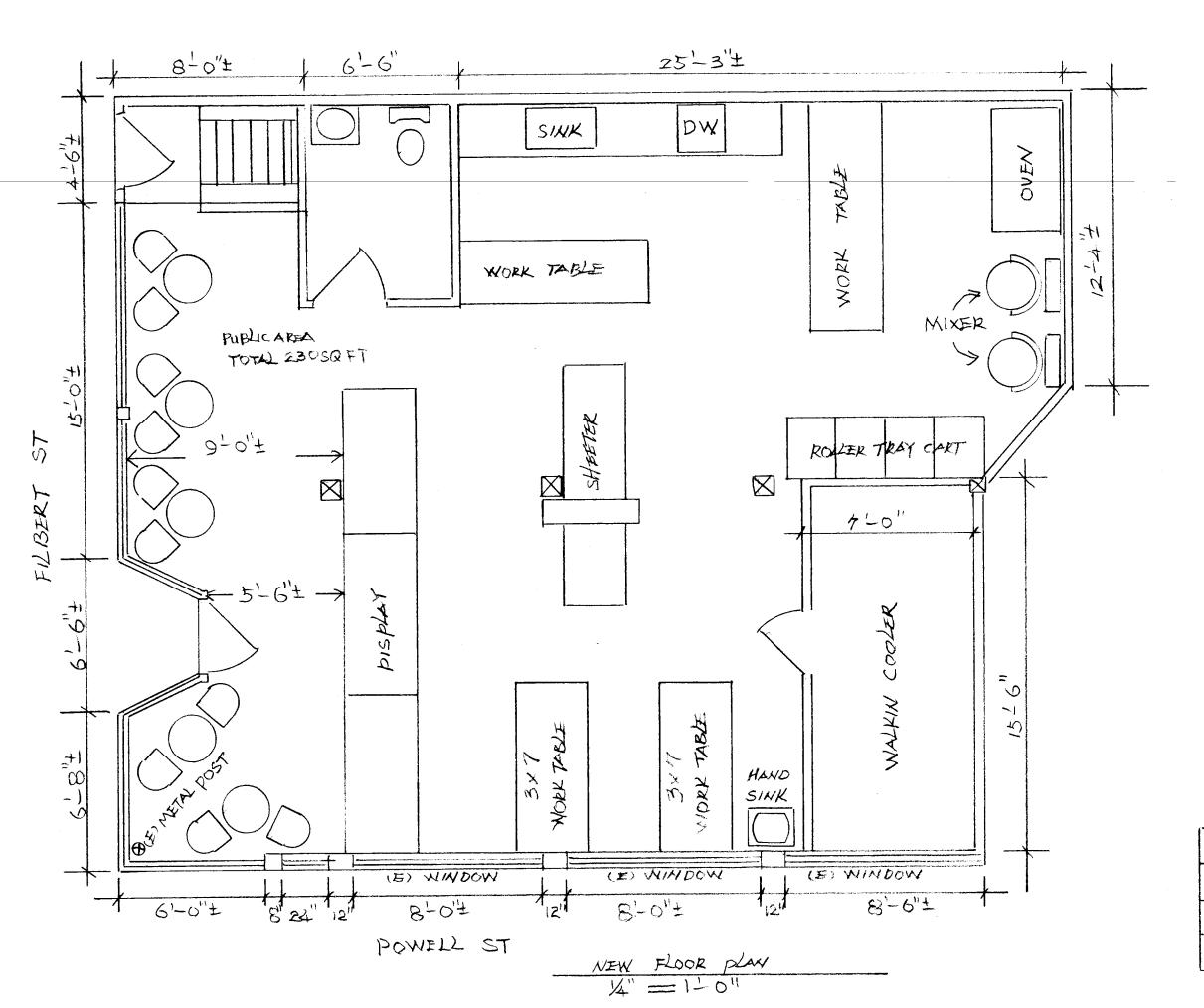
Thank-you

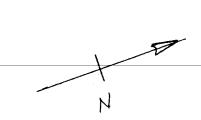
Adil Shaikh

Marsha Garland Garland Public & Community Relations The Historic Buon Gusto Building 535 Green Street San Francisco, CA 94133

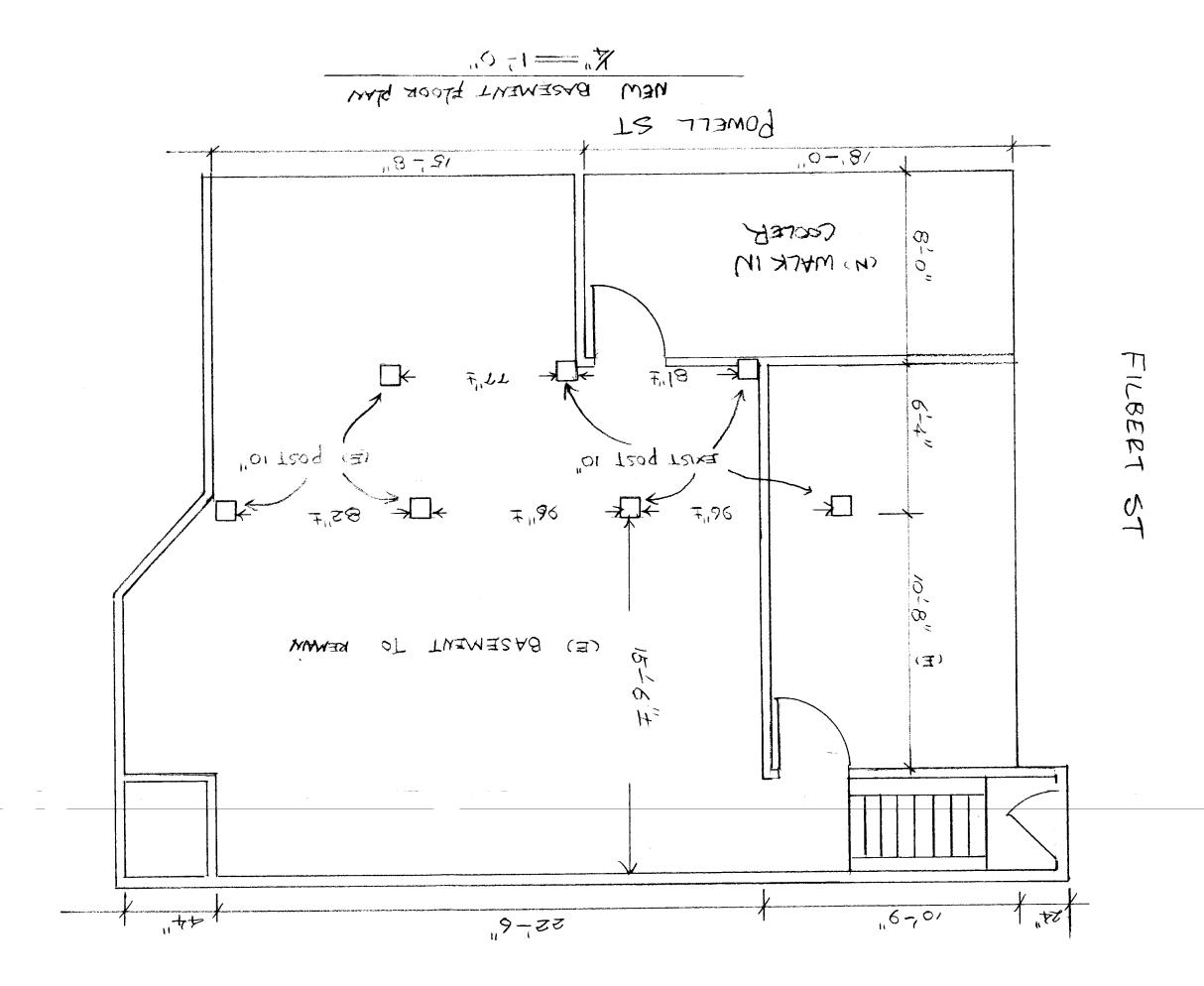
Mobile: 415-531-2911

E-Mail: marshagarland@att.net



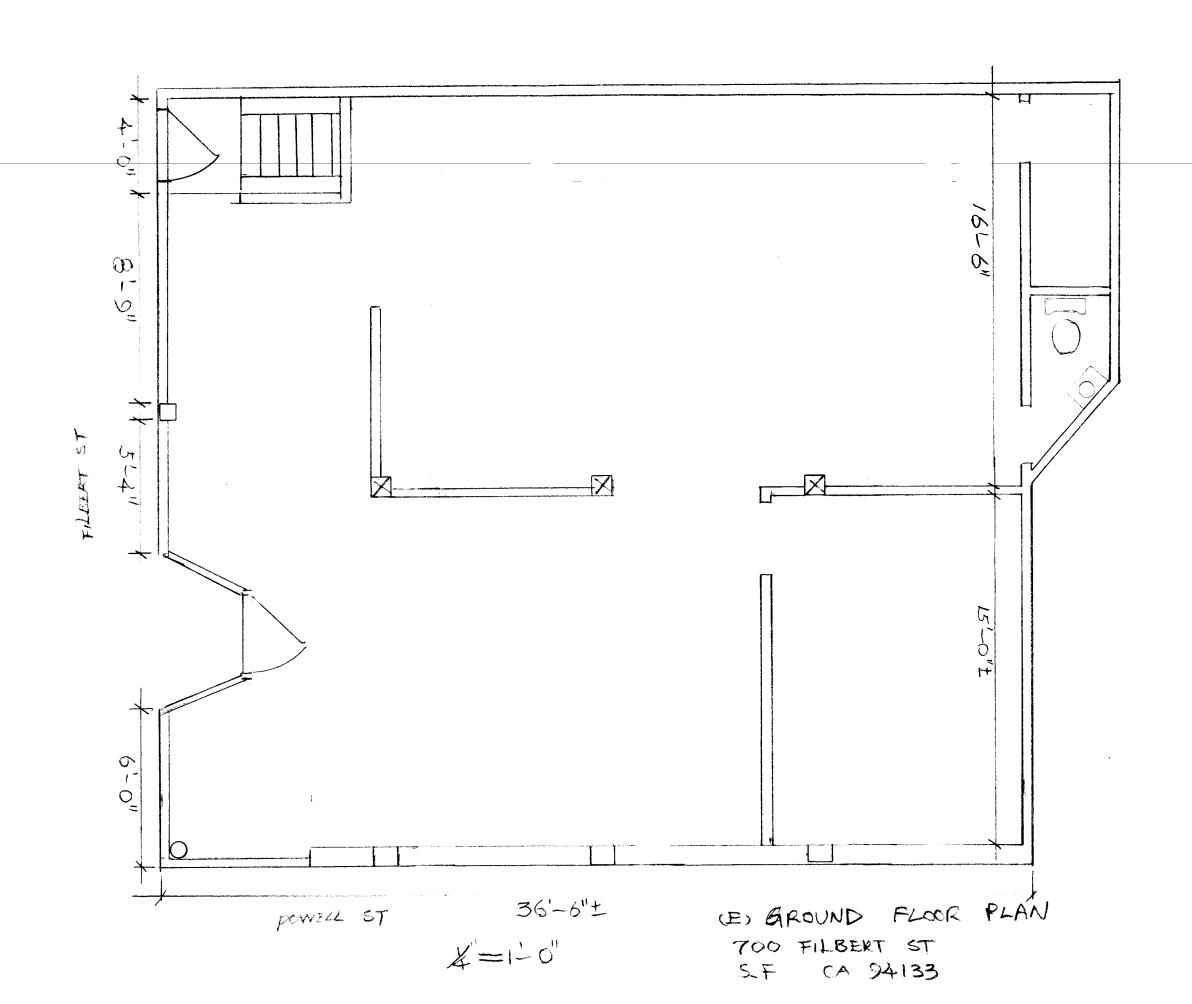


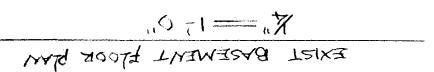
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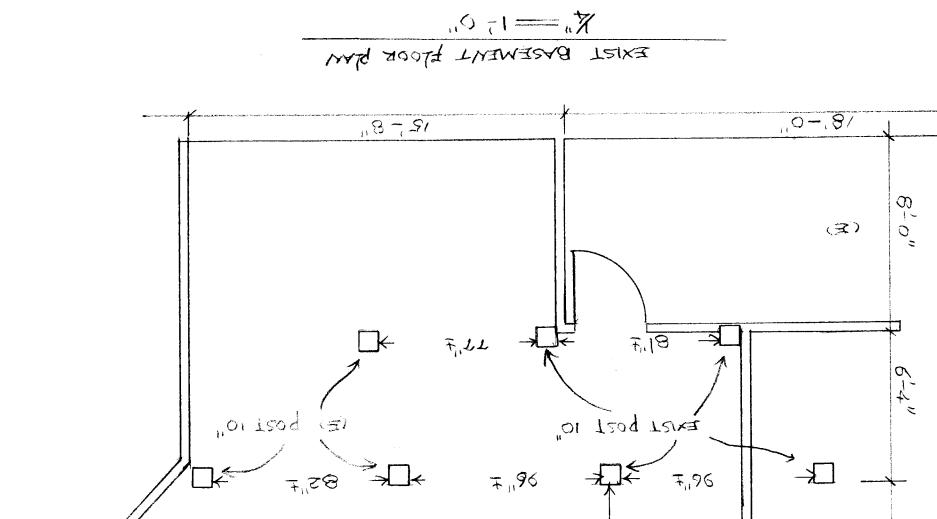


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