



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Conditional Use

HEARING DATE: FEBRUARY 25, 2016

Date: February 18, 2016
Case No.: **2015-014178CUA**
Project Address: **653 UNION STREET**
Zoning: North Beach Neighborhood Commercial District
North Beach Special Use District
40-X Height and Bulk District
Block/Lot: 0117/016
Project Sponsor: David Villalobos
Community Leadership Alliance Consulting
P.O. Box 642201
San Francisco, CA 94164
Staff Contact: Andrew Perry – (415) 575-9017
Andrew.Perry@sfgov.org
Recommendation: **Approval with Conditions**

1650 Mission St.
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PROJECT DESCRIPTION

The project sponsor proposes to upgrade from an ABC License Type 41, which allows for beer and wine sales only, to a Type 47 general license, at an existing Restaurant (d.b.a. Ferry Plaza Seafood) that operates as a Bona Fide Eating Place. No other changes are proposed as part of this project. There is an existing bar seating area within the Restaurant, which is proposed to remain. Customers will continue to be able to order food when seated in this area, and the bar will not operate separately from hours of food service.

SITE DESCRIPTION AND PRESENT USE

The project is located on the south side of Union Street, between Powell Street and Columbus Avenue, Block 0117, Lot 016. The subject property is located within the North Beach Neighborhood Commercial District ("NCD") and the 40-X Height and Bulk District. The property is developed with a three-story mixed-use building, with residential dwelling units on the upper two floors, and commercial tenants at the ground story, including three other Restaurants and a Liquor Store. Two of the other Restaurants also have Type 41 Licenses, while the third has a Type 23 (Small Beer Manufacturer) and has also recently transferred their former Type 47 to an establishment located outside of the District. It is also worth noting that the commercial space of the Subject Project previously operated with a Type 47 License under a previous establishment from approximately 1995 to 1999, when it reverted to a Type 41 License.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The area surrounding the project site is mixed-use in character, with residential uses above ground-floor commercial establishments. Columbus Avenue is adjacent to the project site and serves as the spine of the

North Beach NCD corridor. Restaurants and other eating and drinking uses are very prevalent, complemented by an assortment of personal service and other retail uses. Buildings in the vicinity typically range in height between two and four stories. Upper floors of buildings are generally occupied by offices or residential units.

The areas surrounding the NCD are residential in nature, zoned RM-1 and RM-2 predominantly, and characterized by low to moderate densities. The northern edge of Chinatown is located approximately 1000 feet to the south of the site, and Washington Square Park is located directly north of the site.

ENVIRONMENTAL REVIEW

The Project is not subject to the California Environmental Quality Act ("CEQA") as the License upgrade is not considered a "project" under CEQA.

HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Classified News Ad	20 days	February 5, 2016	February 3, 2016	22 days
Posted Notice	20 days	February 5, 2016	February 5, 2016	20 days
Mailed Notice	20 days	February 5, 2016	February 5, 2016	20 days

PUBLIC COMMENT/COMMUNITY OUTREACH

- To date, the Department has received one communication in support of the Project from Susan McCullough and the North Beach Neighbors neighborhood organization.
- The project sponsor has conducted outreach to the adjacent neighbors and interested community groups that have been identified on the Department's website. The sponsor and subject business, Ferry Plaza Seafood, have offered a presentation to these groups and subsequently gave a presentation to the North Beach Neighbors at their request. The project sponsor also reached out to and worked with the San Francisco Police Department ABC Liaison Unit and the office of former District Supervisor Julie Christensen.

ISSUES AND OTHER CONSIDERATIONS

- The Commerce and Industry Element of the General Plan contains Guidelines that discourage the overconcentration of eating and drinking establishments within NCD's. This project does not propose a change of use and will remain a Restaurant, therefore no change to the existing concentration of eating and drinking uses will result. These Guidelines also identify that certain districts with an established pattern of service to a broader market, such as the subject district in North Beach, may exceed the threshold of 25% concentration among commercial store frontages.
- There is a demonstrated mix of ABC License types within the vicinity of the Project Site, such that the addition of one net new Type 47 License would have no adverse effects on the neighborhood.

An analysis conducted within 1000 feet of the Project site revealed that there are 96 existing on-sale ABC Licenses. The breakdown is as follows: two (2) Type 42 (Bar, Beer and Wine) Licenses, twelve (12) Type 48 (Bar, General) Licenses, forty-nine (49) Type 41 (Restaurant, Beer and Wine) Licenses, and thirty-three (33) Type 47 (Restaurant, General) Licenses.

- The proposed license upgrade would result in a more viable business establishment and enhance the customer experience pairing unique distilled beverages with menu items. The existing Restaurant operates as a Bona Fide Eating Place, with approximately 75% of total revenue derived from food sales, and the remaining 25% from alcohol sales. With an upgrade to a Type 47 License, it is expected that the percentage of revenue from alcohol sales would increase slightly, to about 30%, however the overall Restaurant will continue to be driven by food sales. There is already an existing bar seating area within the Restaurant, where customers may also order food. The Restaurant does not propose to expand hours of operation past the existing 10 pm, and the bar area will only be open during kitchen hours.

REQUIRED COMMISSION ACTION

In order for the project to proceed, the Commission must grant Conditional Use Authorization pursuant to Planning Code Section 303 and 722.44 to allow an upgrade from ABC License Type 41 (Restaurant, Beer and Wine) to Type 47 (Restaurant, General) at an existing Restaurant (d.b.a. Ferry Plaza Seafood) operating as a Bona Fide Eating Place within the North Beach NCD.

BASIS FOR RECOMMENDATION

- The Project promotes the continued operation of an established, locally-owned business and contributes to the viability of the overall North Beach NCD.
- The Project does not result in a change to the overall concentration of Eating and Drinking uses.
- The existing Restaurant will continue to operate as a Bona Fide Eating Place, and will not expand hours of operation or create bar-only hours.
- There is an existing mix of ABC Licenses within the vicinity of the Project, where the proposed change from Type 41 to Type 47 would have negligible effect on the overall character of the District.
- The project meets all applicable requirements of the Planning Code.
- The project is desirable for, and compatible with the surrounding neighborhood.
- The business is not a Formula Retail use.

RECOMMENDATION:	Approval with Conditions
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Attachments:

Block Book Map

Sanborn Map

Zoning District Map

Aerial Photographs

Context Photographs

Project Sponsor Submittal: - Existing Floor Plan
 - Public Convenience and Necessity Letter to ABC

Letter of Support – North Beach Neighbors

Map of ABC Licenses in Vicinity of Project

Attachment Checklist

- | | |
|---|--|
| <input checked="" type="checkbox"/> Executive Summary | <input checked="" type="checkbox"/> Project sponsor submittal |
| <input checked="" type="checkbox"/> Draft Motion | Drawings: <u>Existing Conditions</u> |
| <input type="checkbox"/> Environmental Determination | <input checked="" type="checkbox"/> Check for legibility |
| <input checked="" type="checkbox"/> Zoning District Map | Drawings: <u>Proposed Project</u> |
| <input type="checkbox"/> Height & Bulk Map | <input type="checkbox"/> Check for legibility |
| <input checked="" type="checkbox"/> Block Book Map | 3-D Renderings (new construction or significant addition) |
| <input checked="" type="checkbox"/> Sanborn Map | <input type="checkbox"/> Check for legibility |
| <input checked="" type="checkbox"/> Aerial Photo | <input type="checkbox"/> Wireless Telecommunications Materials |
| <input checked="" type="checkbox"/> Context Photos | <input type="checkbox"/> Health Dept. review of RF levels |
| <input type="checkbox"/> Site Photos | <input type="checkbox"/> RF Report |
| | <input type="checkbox"/> Community Meeting Notice |
| | <input type="checkbox"/> Housing Documents |
| | <input type="checkbox"/> Inclusionary Affordable Housing Program: Affidavit for Compliance |

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

_____AWP _____
Planner's Initials

AWP: G:\Plan Checks\653 Union\ExecutiveSummary_653 Union.doc

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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 |

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Planning Commission Draft Motion

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ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO PLANNING CODE SECTIONS 303 AND 722.44, TO ALLOW AN UPGRADE FROM ABC LICENSE TYPE 41 (RESTAURANT, BEER AND WINE) TO TYPE 47 (RESTAURANT, GENERAL) AT AN EXISTING RESTAURANT (D.B.A. FERRY PLAZA SEAFOOD) OPERATING AS A BONA FIDE EATING PLACE, WITHIN THE NORTH BEACH NEIGHBORHOOD COMMERCIAL DISTRICT (NCD) AND A 40-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On October 22, 2015, David Villalobos (hereinafter "Project Sponsor"), on behalf of Clay Reynolds, filed Application No. 2015-014178CUA with the Planning Department (hereinafter "Department") to permit an upgrade from ABC License Type 41 (Restaurant, Beer and Wine) to Type 47 (Restaurant, General) at an existing Restaurant (d.b.a. Ferry Plaza Seafood) operating as a Bona Fide Eating Place, within the North Beach Neighborhood Commercial District (NCD) and a 40-X Height and Bulk District.

On February 25, 2016, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2015-014178CUA.

The project is not subject to the California Environmental Quality Act ("CEQA") as the License upgrade is not considered a "project" under CEQA.

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

MOVED, that the Commission hereby authorizes the Conditional Use requested in Application No. 2015-014178CUA, pursuant to Planning Code Sections 303 and 722.44 to allow an upgrade from ABC License Type 41 (Restaurant, Beer and Wine) to Type 47 (Restaurant, General) at an existing Restaurant (d.b.a. Ferry Plaza Seafood) operating as a Bona Fide Eating Place, 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 south side of Union Street, between Powell Street and Columbus Avenue, Block 0117, Lot 016. The subject property is located within the North Beach Neighborhood Commercial District ("NCD") and the 40-X Height and Bulk District. The property is developed with a three-story mixed-use building, with residential dwelling units on the upper two floors, and commercial tenants at the ground story, including three other Restaurants and a Liquor Store. Two of the other Restaurants also have Type 41 Licenses, while the third has a Type 23 (Small Beer Manufacturer) and has also recently transferred their former Type 47 to an establishment located outside of the District. It is also worth noting that the commercial space of the Subject Project previously operated with a Type 47 License under a previous establishment from approximately 1995 to 1999, when it reverted to a Type 41 License.
3. **Surrounding Properties and Neighborhood.** The area surrounding the project site is mixed-use in character, with residential uses above ground-floor commercial establishments. Columbus Avenue is adjacent to the project site and serves as the spine of the North Beach NCD corridor. Restaurants and other eating and drinking uses are very prevalent, complemented by an assortment of personal service and other retail uses. Buildings in the vicinity typically range in height between two and four stories. Upper floors of buildings are generally occupied by offices or residential units.

The areas surrounding the NCD are residential in nature, zoned RM-1 and RM-2 predominantly, and characterized by low to moderate densities. The northern edge of Chinatown is located approximately 1000 feet to the south of the site, and Washington Square Park is located directly north of the site.

4. **Project Description.** The project sponsor proposes to upgrade from an ABC License Type 41, which allows for beer and wine sales only, to a Type 47 general license, at an existing Restaurant (d.b.a. Ferry Plaza Seafood) that operates as a Bona Fide Eating Place. No other changes are proposed as part of this project. There is an existing bar seating area within the Restaurant, which is proposed to remain. Customers will continue to be able to order food when seated in this area, and the bar will not operate separately from hours of food service.
5. **Public Comment/Community Outreach.** To date, the Department has received one communication in support of the Project from Susan McCullough and the North Beach Neighbors neighborhood organization.

The project sponsor has conducted outreach to the adjacent neighbors and interested community groups that have been identified on the Department's website. The sponsor and subject business, Ferry Plaza Seafood, have offered a presentation to these groups and subsequently gave a presentation to the North Beach Neighbors at their request. The project sponsor also reached out to and worked with the San Francisco Police Department ABC Liaison Unit and the office of former District Supervisor Julie Christensen.

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. **North Beach Liquor Licenses for Restaurants.** Planning Code Section 722.44 states that a Restaurant use may only add ABC License Types 47, 49, or 75 as a Conditional Use on the ground level if, in addition to the criteria set forth in Section 303, the Planning Commission finds that the Restaurant is operating as a Bona Fide Eating Place as defined in Section 790.142 of the Code. Should a Restaurant fail to operate as a Bona Fide Eating Place for any length of time, the Conditional Use Authorization shall be subject to immediate revocation.

The existing business is a Restaurant with a Type 41 License and is located at the ground floor. The establishment is seeking Conditional Use Authorization to upgrade the license to a Type 47. The existing Restaurant is operating as a Bona Fide Eating Place with approximately 75% of total revenue derived from food sales. It is anticipated that the upgrade to a Type 47 License would decrease this percentage slightly, to about 70% of total revenue, however the Restaurant will continue to operate as a Bona Fide Eating Place. No additional hours or bar-only hours are proposed.

- B. **Hours of Operation.** Planning Code Section 722.27 states that hours of operation, as defined by Planning Code Section 790.48, are permitted within the North Beach NCD from 6 a.m. until 2 a.m.

The hours of operation for the Restaurant are currently between 11 a.m. and 10 p.m., Tuesday through Saturday, and are not proposed to change with this Project.

- C. **Parking.** Planning Code Section 151.1 does not require off-street parking for any use within the North Beach NCD.

The existing Restaurant does not currently provide any off-street parking, and does not propose any through this Project.

- D. **Use Size.** Planning Code Section 722.21 requires Conditional Use Authorization for non-residential uses with an area 2,000 square feet and above, and does not permit uses above 4,000 square feet.

The existing Restaurant occupies approximately 1,760 square feet, and does not propose further expansion under this Project.

- E. **Street Frontage in Neighborhood Commercial Districts.** Section 145.1 of the Planning Code requires that within NC Districts, space for active uses shall be provided within the first 25 feet of building depth on the ground floor and 15 feet on floors above from any facade facing a street at least 30 feet in width. In addition, the floors of street-fronting interior spaces housing non-residential active uses and lobbies shall be as close as possible to the level of the adjacent sidewalk at the principal entrance to these spaces. Frontages with active uses that must be fenestrated with transparent windows and doorways for no less than 60 percent of the street frontage at the ground level and allow visibility to the inside of the building. The use of dark or mirrored glass shall not count towards the required transparent area. Any decorative railings or grillwork, other than wire mesh, which is placed in front of or behind ground floor windows, shall be at least 75 percent open to perpendicular view. Rolling or sliding security gates shall consist of open grillwork rather than solid material, so as to provide visual interest to pedestrians when the gates are closed, and to permit light to pass through mostly unobstructed. Gates, when both open and folded or rolled as well as the gate mechanism, shall be recessed within, or laid flush with, the building facade.

The subject commercial space at 653 Union Street has approximately 30 feet of frontage along Union Street with approximately 28 feet (or 93%) devoted to transparent windows or doorways. No exterior alterations are proposed to the building.

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

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

The Project involves a change from ABC License Type 41 to Type 47. There is an existing mix of License Types in the vicinity of the project, specifically, within 1000 feet, there are currently forty-nine (49) establishments with a Type 41 License and thirty-three (33) with a Type 47 License. Type 47 Licenses are compatible with the neighborhood, and the Project is desirable in that it promotes the continued operation of an established, locally-owned business and results in a richer customer

experience at the Restaurant. The Restaurant currently exists in this location, with approximately 1,760 square feet of area, and no further expansion is proposed.

- B. The use or feature as proposed will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity, or injurious to property, improvements, or potential development in the vicinity, with respect to aspects including, but not limited to the following:

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

The Project does not propose any physical changes to the existing commercial space, façade or building.

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

The Planning Code does not require parking or loading for this Restaurant use, nor is there any existing. The proposed License upgrade should not generate a significant increase in trips compared with the existing Restaurant use. The Project Site is well-served by transit with nine (9) unique MUNI bus lines having stops within a quarter-mile.

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

The proposed use is subject to the standard operating conditions for Restaurants as recorded in the Conditions of Approval found in Exhibit A, regulating the sidewalk area in front of the business, management of trash, recycle and composting containers, noise and odors.

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

The proposed Project does not require, nor proposes any additional landscaping, screening or signage.

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

The proposed Project complies with all applicable requirements and standards of the Planning Code, and is consistent with the Objectives and Policies of the General Plan as detailed below.

- D. That the use or feature as proposed would provide development that is in conformity with the stated purpose of the applicable Use District.

The proposed Project is consistent with the stated purpose of the North Beach NCD. The North Beach NCD has a vibrant dining district that serves neighborhood residents, in addition to attracting people from around the City, surrounding region, and tourists alike. The proposed License upgrade would result in a Restaurant use with a richer customer experience with the opportunity to pair unique distilled beverages with menu offerings, thereby contributing to the fine dining culture of North Beach.

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

NEIGHBORHOOD COMMERCE

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 create a more robust and desirable Restaurant use, ensuring the long-term viability of an existing, locally-owned establishment.

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 North Beach NCD is recognized as a unique dining district, serving the needs of both neighborhood residents as well as the broader community. There is an established mix of ABC License Types within the vicinity of the Project, and the proposed License upgrade would contribute to the overall character of the District. The existing Restaurant does not propose to expand its hours of operation past 10 p.m., nor proposes new bar-only hours, thereby helping to maintain the existing livability of the surrounding residential areas.

TRANSPORTATION ELEMENT

Objectives and Policies

OBJECTIVE 1:

MEET THE NEEDS OF ALL RESIDENTS AND VISITORS FOR SAFE, CONVENIENT AND INEXPENSIVE TRAVEL WITHIN SAN FRANCISCO AND BETWEEN THE CITY AND OTHER PARTS OF THE REGION WHILE MAINTAINING THE HIGH QUALITY LIVING ENVIRONMENT OF THE BAY AREA.

Policy 1.3:

Give priority to public transit and other alternatives to the private automobile as the means of meeting San Francisco's transportation needs, particularly those of commuters.

The Project is located in an area well-served by public transit, minimizing the need for private automobiles.

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 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 Project enhances the existing Restaurant use and contributes to the fine dining character of North Beach.

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

The Project will conserve and protect neighborhood character in that expanded hours of operation, or bar-only hours are not proposed.

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

The Project will have no effect on the supply of affordable housing.

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

The Project should have negligible effect on commuter traffic as the use and size remain the same. The Project Site is well-served by public transit with numerous MUNI bus lines in proximity.

- 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.

The Project will have no effect on this policy.

- G. That landmarks and historic buildings be preserved.

The Project will not adversely affect any landmarks or historic buildings.

- 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.

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. 2015-014178CUA** pursuant to Planning Code Sections 303 and 722.44 to allow an upgrade from ABC License Type 41 (Restaurant, Beer and Wine) to Type 47 (Restaurant, General) at an existing Restaurant (d.b.a. Ferry Plaza Seafood) operating as a Bona Fide Eating Place, within the North Beach Neighborhood Commercial District (NCD) and a 40-X Height and Bulk District, subject to the following conditions attached hereto as "EXHIBIT A", which is incorporated herein by reference as though fully set forth.

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion No. 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 February 25, 2016.

Jonas P. Ionin
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: February 25, 2016

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to allow an upgrade from ABC License Type 41 (Restaurant, Beer and Wine) to Type 47 (Restaurant, General) at an existing Restaurant (d.b.a. Ferry Plaza Seafood) operating as a Bona Fide Eating Place at 653 Union Street, Block 0117, Lot 016 pursuant to Planning Code Sections 303 and 722.44 within North Beach Neighborhood Commercial District and a 40-X Height and Bulk District and subject to conditions of approval reviewed and approved by the Commission on February 25, 2016 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 February 25, 2016 under Motion No XXXXXX.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

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

SEVERABILITY

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

CHANGES AND MODIFICATIONS

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

Conditions of Approval, Compliance, Monitoring, and Reporting PERFORMANCE

1. **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

MONITORING

6. **Enforcement.** Violation of any of the Planning Department conditions of approval contained in this Motion or of any other provisions of Planning Code applicable to this Project shall be subject to the enforcement procedures and administrative penalties set forth under Planning Code Section 176 or Section 176.1. The Planning Department may also refer the violation complaints to other city departments and agencies for appropriate enforcement action under their jurisdiction.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
7. **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

8. **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>
9. **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>
10. **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, 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

11. **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

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

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

13. **Bona Fide Eating Place.** The Restaurant will continue to operate as a Bona Fide Eating Place as defined in Planning Code Section 790.142. Meal service shall be offered during hours of operation and alcohol sales outside of these hours is not permitted. A minimum of 51 percent of the Restaurant's gross receipts shall be from food sales prepared and sold to guests on the premises.

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

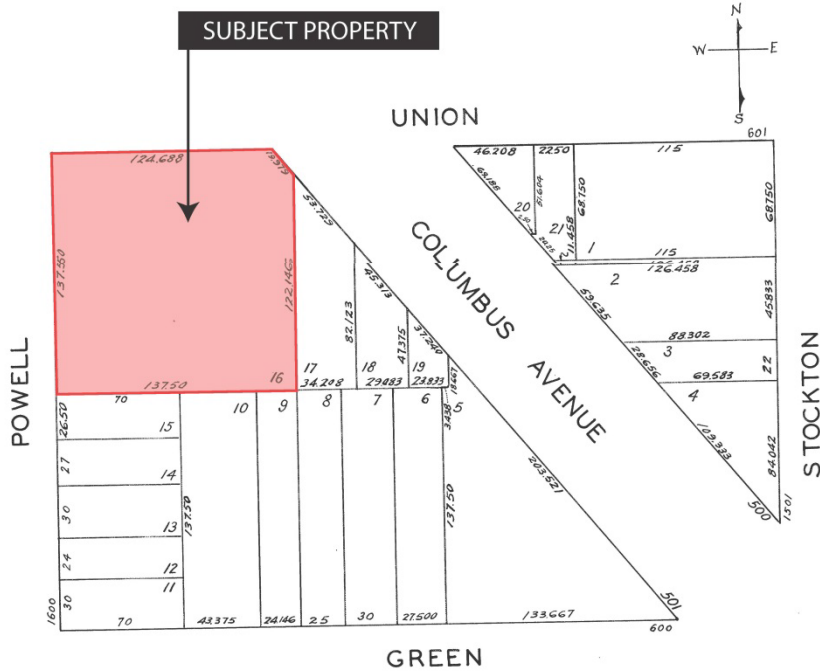
Exhibits

Block Book Map

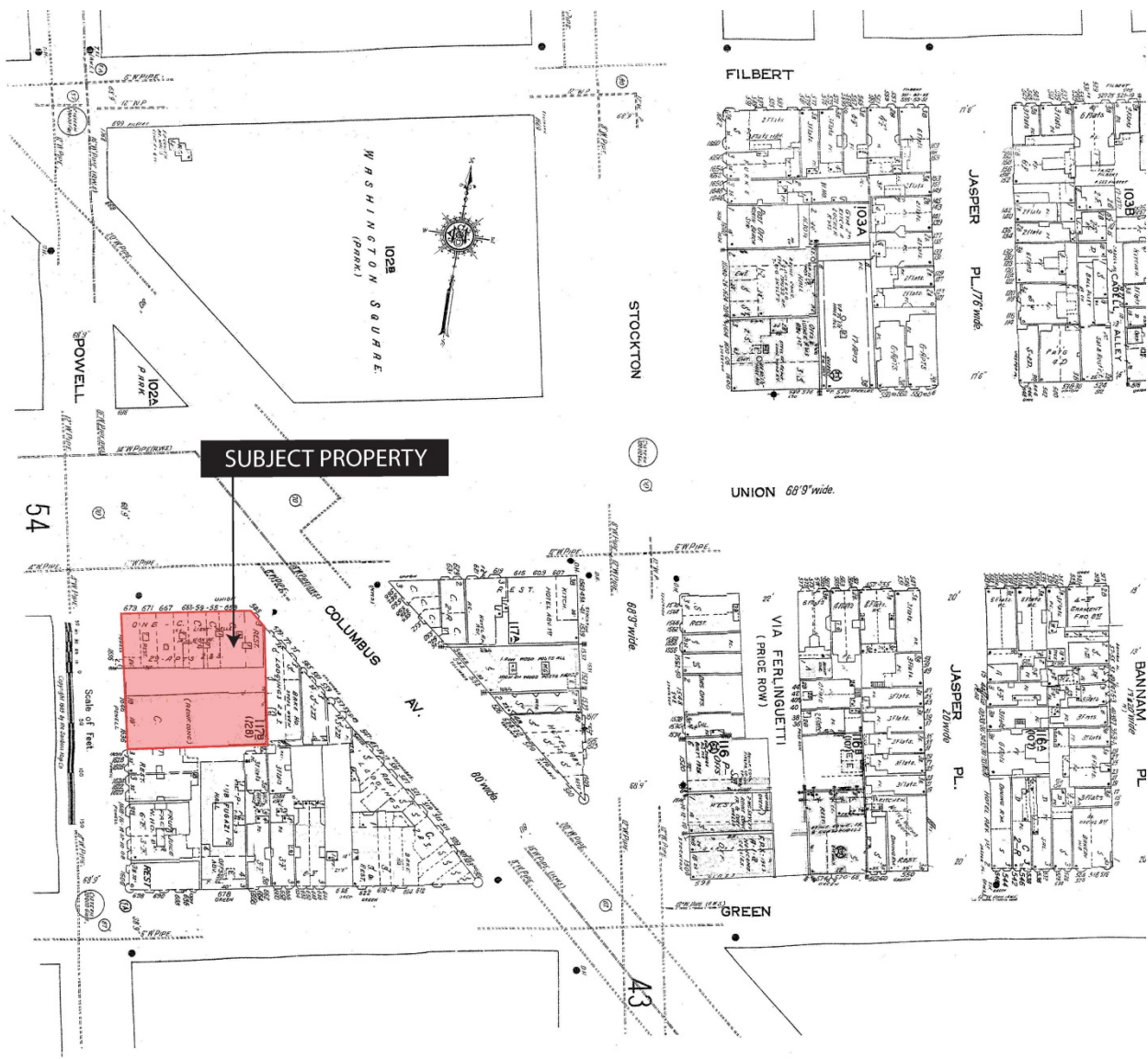
50 VARRA BLOCK
130

117

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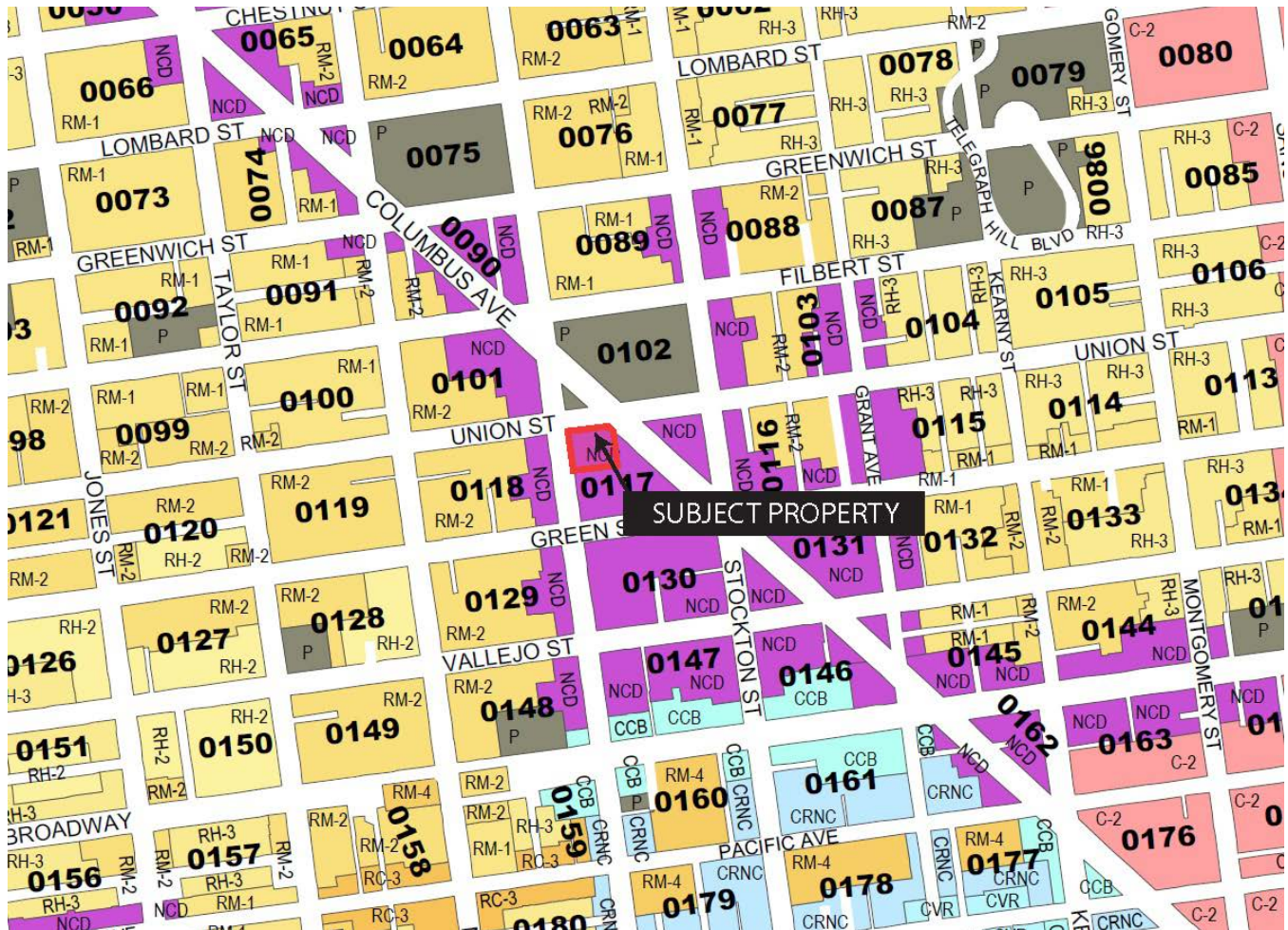


Sanborn Map*

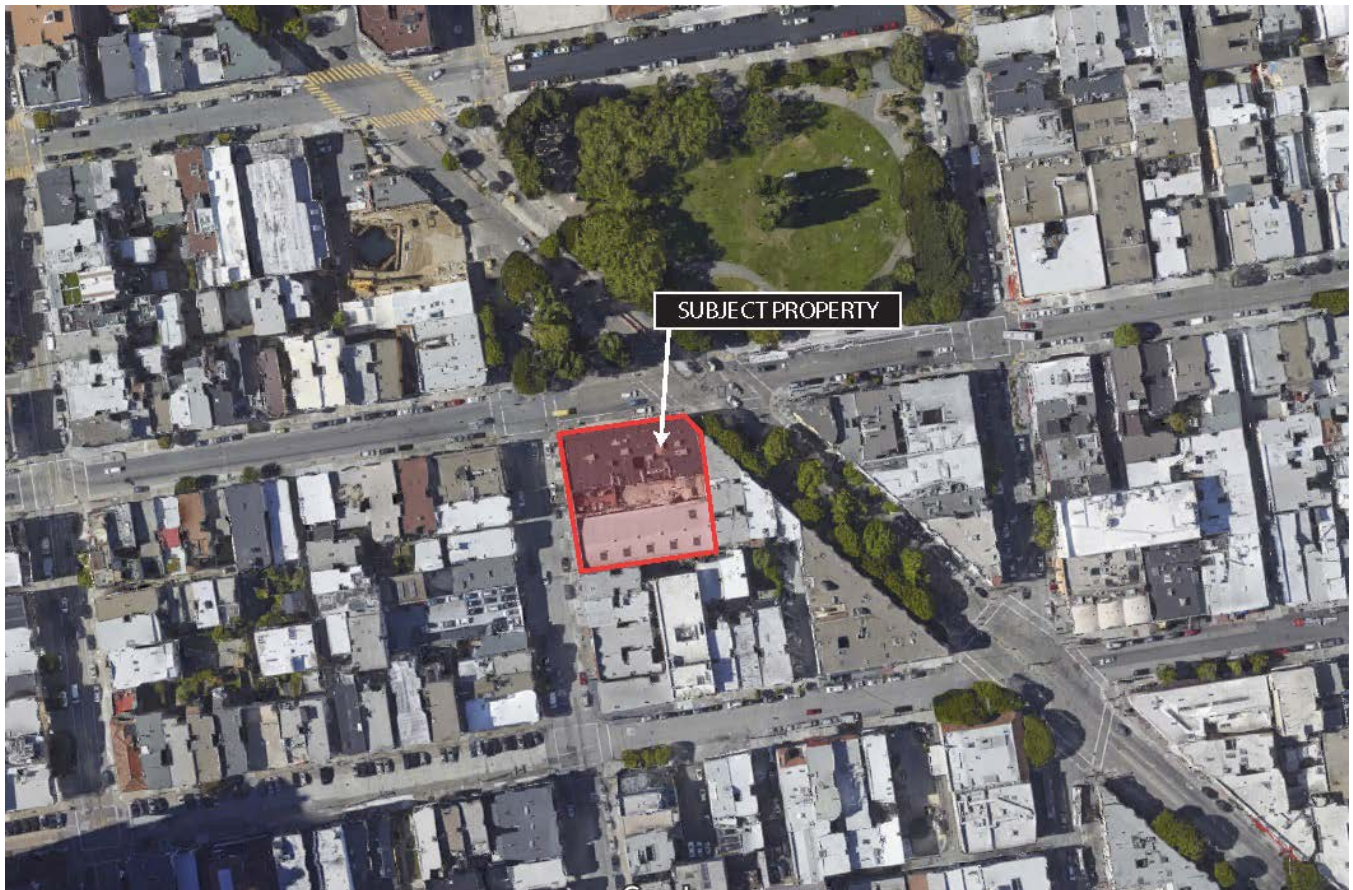


* The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.

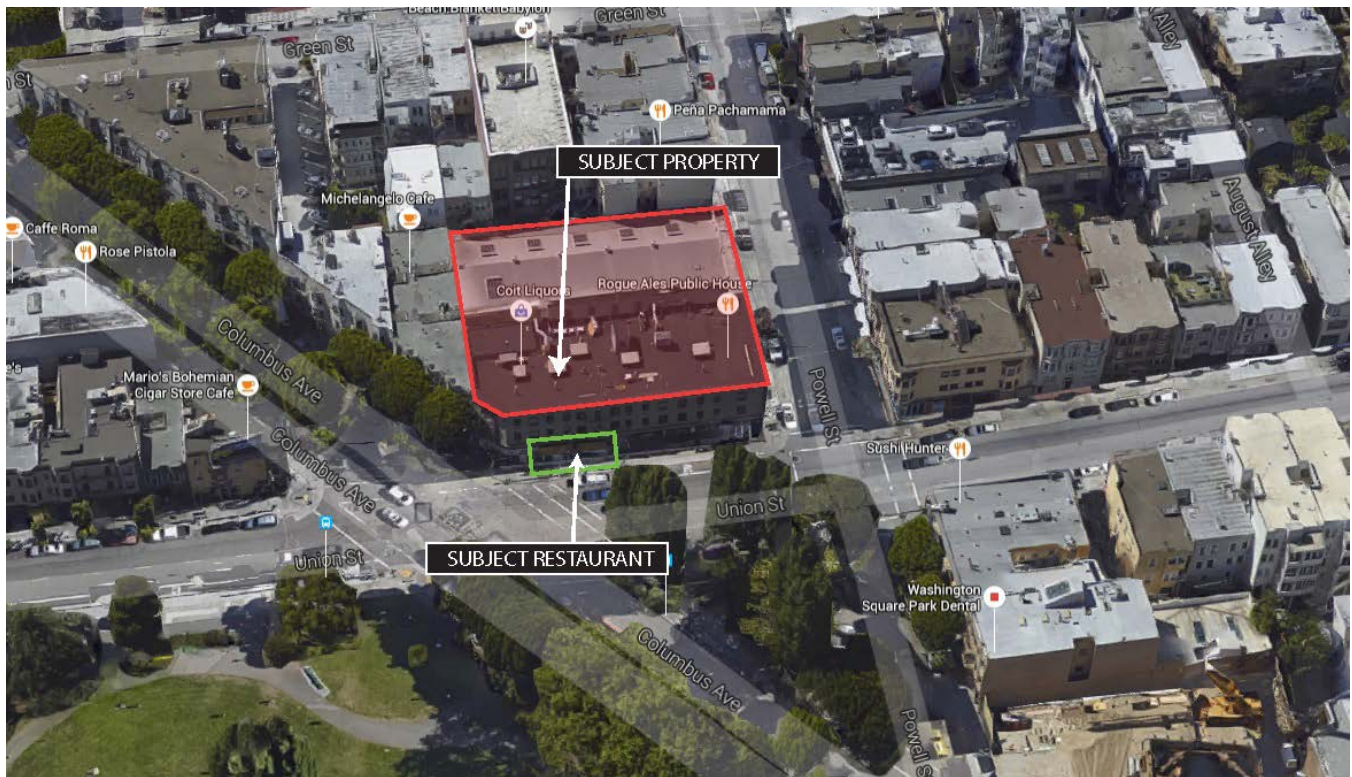
Zoning Map



Aerial Photo (Oriented North)

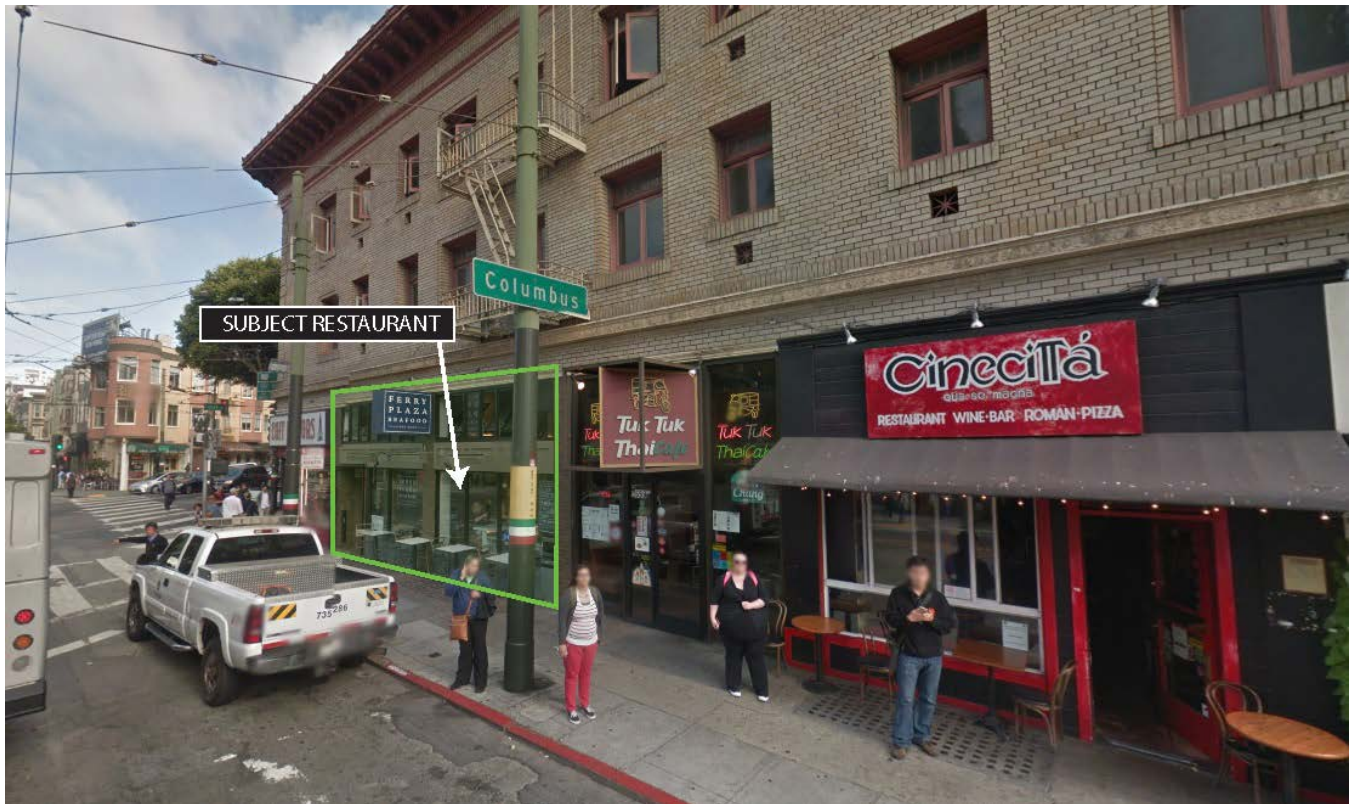


Aerial Photo (Oriented South)



Context Photo

(Looking East Toward Columbus Ave.)



Context Photo

(Looking West Toward Powell St.)



Context Photo



Context Photo (Interior of Restaurant)



LICENSED PREMISES DIAGRAM (RETAIL)

1. APPLICANT NAME (Last, first, middle)

Ferry Plaza Seafood, Inc

2. LICENSE TYPE

47 - On Sale General for Bona Fide P

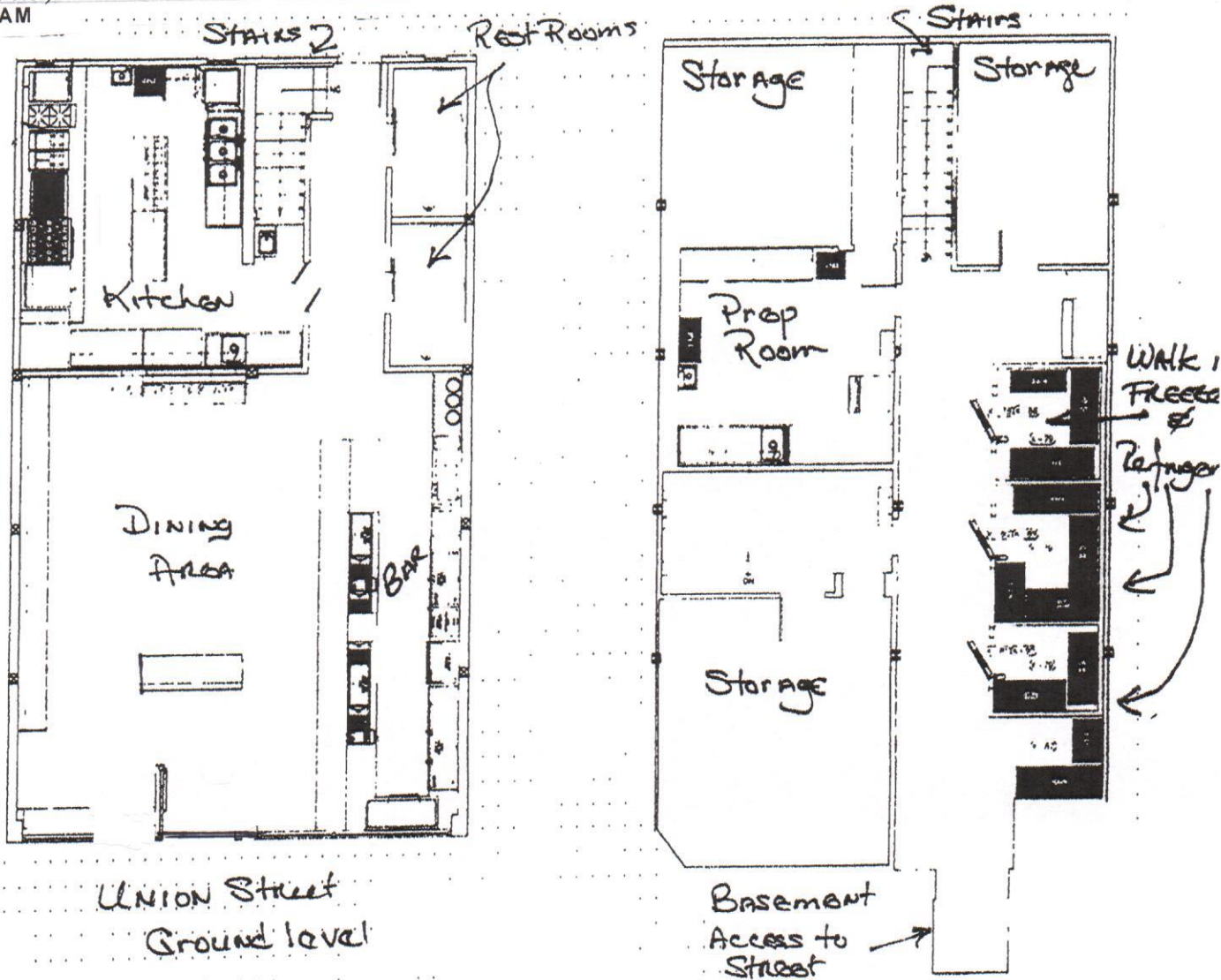
3. PREMISES ADDRESS (Street number and name, city, zip code)

653-655 Union Street, San Francisco CA 94133

4. NEAREST CROSS STREET

Columbus Ave

The diagram below is a true and correct description of the entrances, exits, interior walls and exterior boundaries of the premises to be licensed, including dimensions and identification of each room (i.e., "storeroom", "office", etc.).

DIAGRAM

It is hereby declared that the above-described boundaries, entrances and planned operation as indicated on the reverse side, will not be changed without first notifying and securing prior written approval of the Department of Alcoholic Beverage Control. I declare under penalty of perjury that the foregoing is true and correct.

APPLICANT SIGNATURE (Only one signature required)

Mike C. Brown

DATE SIGNED

2/10/2015

FOR ABC USE ONLY

CERTIFIED CORRECT (Signature)

PRINTED NAME

INSPECTION DATE

*Attn: California Alcoholic Beverage Control
33 New Montgomery Street, Suite 1230
San Francisco, CA. 94102*

*Re: Liquor License Case No.
653-655 Union Street
San Francisco, CA. 94133 - dba Ferry Plaza Sea Food*

12/15/2015


Dear California Alcoholic Beverage Control,

"Ferry Plaza Seafood is a restaurant specializing in the preparation of fresh and high quality cuisine. We uphold modern green business practices; and use the best of local and sustainable farms, ranches, and fishermen. We are applying to upgrade our Type 41 (beer and wine) license to a Type 47 (general) license for on premise consumption. The introduction of distilled spirits is planned to complement the restaurant's menu and broaden our customer's experience by offering unique, authentic, and high quality distilled beverages."

Sincerely

*Clay Reynolds, General Manager
415.846.8022*

*Jim Saxton, Liquor Licenses Of San Francisco Bay Area
925-689-6766
David Villa-Lobos, CLA Consulting
415-921-4192*



12/17/15



California Alcoholic Beverage Control
33 New Montgomery Street, Suite 1230
San Francisco, CA. 94102

Re: Liquor License Case No. 538379
653-655 Union Street
San Francisco, CA. 94133 - dba Ferry Plaza Sea Food

This letter is to acknowledge that North Beach Neighbors endorses the application of Ferry Plaza Seafood which requests changing from an existing License 41 (wine and Beer) to a 47 License (spirits, wine and beer). We believe that the expertise of operating a restaurant in the Ferry Building for over nine years would bear for responsible operation in the location in North Beach.

The business has attended meetings with our board of directors to answer questions about the liquor license and has been active in seeking neighborhood input about their activity in North Beach.

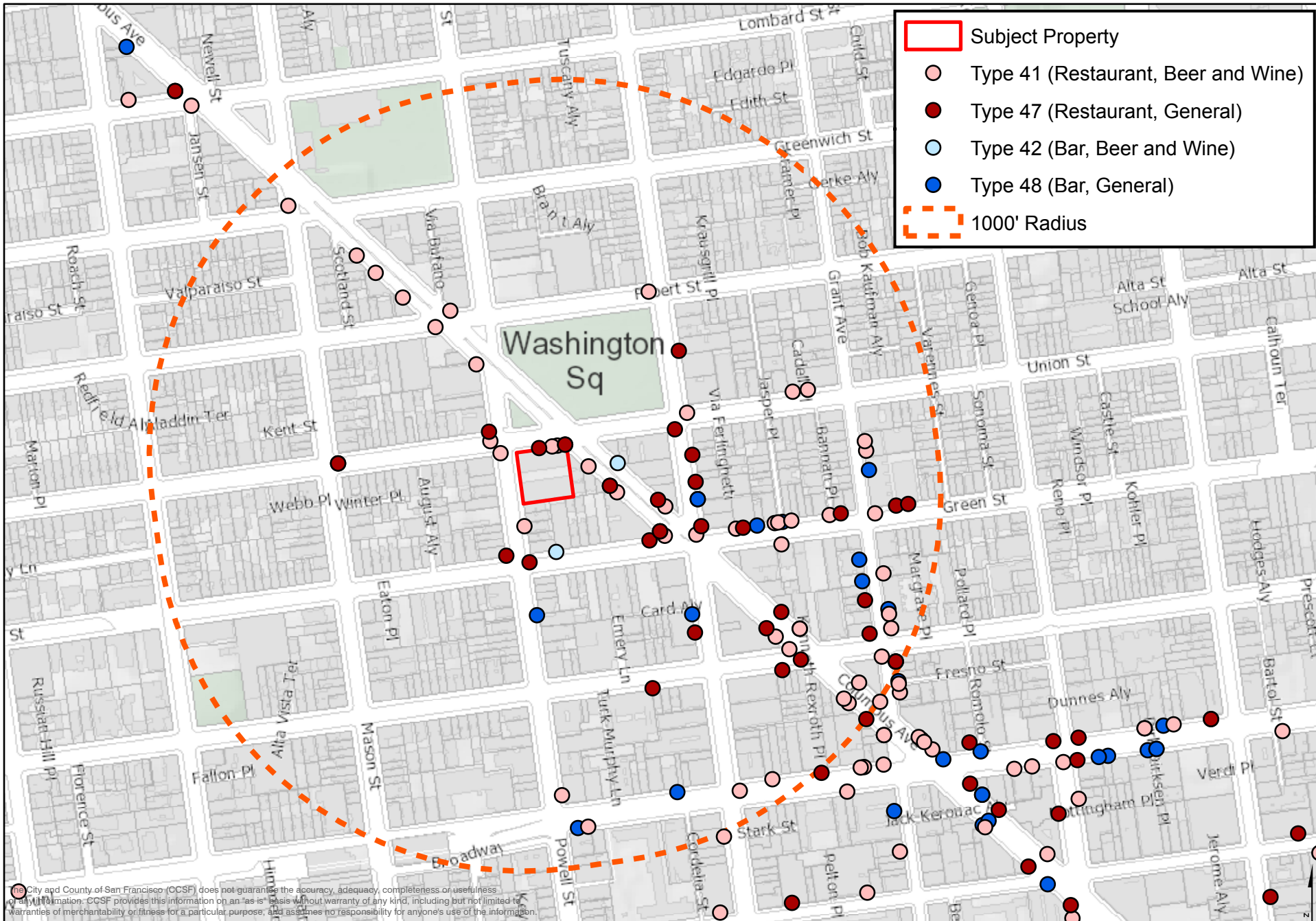
If you have any questions I can be contacted via email at suemcsf@sbcglobal.net

Regards,

Susan L. McCullough

North Beach Neighbors Board of Directors
Planning and Zoning Chair

On-Sale ABC Licenses Within 1000' of 653 Union Street



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