



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Conditional Use

HEARING DATE: NOVEMBER 2, 2017
CONTINUED FROM: SEPTEMBER 14, 2017

Date: October 26, 2017
Case No.: **2016-000892CUA**
Project Address: **3359 CESAR CHAVEZ STREET**
Zoning: RH-2 (Residential House, Two Family) Zoning District
Bernal Heights Special Use District
40-X Height and Bulk District
Block/Lot: 5501/057A
Project Sponsor: Jeremy Paul
1325 California Street
San Francisco, CA 94109
Staff Contact: Jonathan DiSalvo – (415) 575-9182
jonathan.disalvo@sfgov.org
Recommendation: **Approval with Conditions**

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PROJECT DESCRIPTION

The proposed project (Project) is to legalize the existing event and performance art venue (d.b.a. San Francisco Institute of Possibilities and d.b.a. Chez Poulet) on the first floor, and one hotel room on the second floor in an existing two-story building. The current uses have been operating at the present location for over twelve years. The event space is approximately 2,750 square feet in size, and the hotel space measures approximately 500 square feet. In total, the existing commercial space is approximately 3,250 square feet in size. No other changes to the site are included in the present proposal.

SITE DESCRIPTION AND PRESENT USE

The Project is located on the south side of Cesar Chavez Street on Assessor's Block 5501, Lot 057A. The property is developed with a two-story building. The subject lot has approximately 25 feet of frontage on Cesar Chavez Street. The lot is approximately 95% covered by the subject building. Currently, the building contains multiple uses including a community event space, art performance venue including live music, private event rentals, "pop-up" restaurant events, retail art gallery, and short-term hotel rentals. The last legal use of the building was a self-storage warehouse.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The project site is located on Cesar Chavez Street between Mission Street and South Van Ness Avenue in the Bernal Heights neighborhood. The adjacent property to the west is a four-story, 18-unit residential building. The adjacent property to the east is a three-story, two-unit residential building. The project site is located in a RH-2 District and the Bernal Height Special Use District, consisting of primarily residential

uses. Properties across the street are two and three-story residential buildings. The surrounding properties are located within the NC-3 (Neighborhood Commercial, Moderate Scale), Mission Street NCT (Neighborhood Commercial Transit), and RH-2 (Residential House, Two Family) Districts.

ENVIRONMENTAL REVIEW

The Project is not a project under CEQA Guidelines Sections 15060(c) and 15378 because there is no direct or indirect physical change in the environment.

HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Classified News Ad	20 days	August 26, 2017	August 26, 2017	20 days
Posted Notice	20 days	October 13, 2017	October 13, 2017	20 days
Mailed Notice	20 days	October 13, 2017	October 13, 2017	20 days

The proposal requires a Section 312-neighborhood notification, which was conducted in conjunction with the required hearing notification for the Conditional Use Authorization.

PUBLIC COMMENT/COMMUNITY OUTREACH

To date, the Department has received eleven letters in support of the proposed project.

ISSUES AND OTHER CONSIDERATIONS

- The Project Sponsor seeks Conditional Use Authorization to re-activate a Limited Commercial Use (LCU) to establish a General Entertainment Use, a General Retail Sales and Service Use, a Limited Restaurant Use, and a Community Facility Use on the ground floor, and a Hotel Use for one hotel room on the second floor. The subject building was last authorized as a Self-Storage Warehouse as a Non-Conforming Use (NCU) (Resolution No. 9148); however this NCU was abandoned due to discontinuance of the use for more than three years. The Project Sponsor seeks to legalize the existing uses which were established without a permit.
- As a Condition of Approval, the Planning Commission Motion also requires the removal of the general advertising sign on the property.
- The entertainment would include live music and performances. The building is regularly used for live performance of Jazz, Flamenco, vaudeville and other forms of dance and music. There is a monthly storytelling series. Workshops, lectures and trainings often accompany the rotating art installations displayed on the walls.
- Private event rentals are frequent at the project site, and include weddings, quinceaneras, teen dances, clown and magic shows, fundraisers, “pop-up” restaurants, and other family and community celebrations. The site also hosts a variety of community events, lectures, and workshops. All rentals for public events are processed through the “San Francisco Institute of Possibilities” which is a 501(c)(3) registered nonprofit, and private events, such as weddings, are paid directly to “Chez Poulet” which is a registered business.

- The Project Sponsor seeks to establish an “artist in residence” program to offer visiting artists a place to stay in San Francisco for periods of less than 32 consecutive days in one hotel room located on the second story of the subject building.
- The hours of operation for all on-site Limited Nonconforming Uses would be limited to the hours between 6:00 a.m. and 10:00 p.m.
- The proposed operation consists of one full-time employee in addition to the owner, who manages the property. The employee lives in the immediate surrounding area and bikes to work. The subject site is well served by public transit so that potential customers should not adversely affect the traffic flow.
- Garbage is picked up from the Cesar Chavez Street frontage twice a week. Trash is stored at the rear of the building behind the kitchen and is rolled out for pick up to the curb then brought back into the rear yard after pick up.
- There are no regularly-scheduled deliveries to the project site and the kitchen is not regularly stocked. There are no off-street parking or loading spaces provided, nor are there any on-street loading spaces adjacent to the project site. Currently, any loading for uses at the project site would utilize available on-street parking spaces.

REQUIRED COMMISSION ACTION

In order for the Project to proceed, the Commission must grant Conditional Use Authorization to reactivate a Limited Commercial Use on the first floor, which would include a General Entertainment Use, a General Retail Sales and Service Use, a Limited Restaurant Use, a Community Facility Use, and a Hotel Use for one hotel room on the second floor, pursuant to Planning Code Sections 182, 186, 209.1, and 303 within the RH-2 Zoning District, Bernal Heights Special Use District and 40-X Height and Bulk District.

BASIS FOR RECOMMENDATION

- The Project promotes the continued operation of an established, locally-owned business and contributes to the viability of the neighborhood.
- The Project would not displace an existing retail tenant providing convenience goods and services to the neighborhood.
- 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 and would serve the immediate neighborhood.

RECOMMENDATION:	Approval with Conditions
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Attachments:

Parcel Map
Block Book Map
Sanborn Map
Aerial Photographs
Zoning Map

Executive Summary
Hearing Date: November 2, 2017

CASE NO. 2016-008692CUA
3359 Cesar Chavez Street

Height and Bulk Map
Site Photographs
Public Correspondence
Project Sponsor Submittal, including:
 - Reduced Plans

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 checked="" type="checkbox"/> Height & Bulk Map | <input checked="" type="checkbox"/> Check for legibility |
| <input checked="" type="checkbox"/> Parcel 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 checked="" 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

Planner's Initials

JD: I:\Current Planning\SE Team\Jonathan DiSalvo\Projects\3359 Cesar Chavez\2016-00892CUA - 3359 Cesar Chavez Street\Case Report



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- Affordable Housing (Sec. 415)
- Jobs Housing Linkage Program (Sec. 413)
- Downtown Park Fee (Sec. 412)
- First Source Hiring (Admin. Code)
- Child Care Requirement (Sec. 414)
- Other

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Planning Commission Draft Motion

HEARING DATE: NOVEMBER 2, 2017
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Case No.: **2016-000892CUA**
 Project Address: **3359 CESAR CHAVEZ STREET**
 Zoning: **RH-2 (Residential House, Two Family) Zoning District**
Bernal Heights Special Use District
40-X Height and Bulk District
 Block/Lot: **5501/057A**
 Project Sponsor: **Jeremy Paul**
1325 California Street
San Francisco, CA 94109
 Staff Contact: **Jonathan DiSalvo – (415) 575-9182**
jonathan.disalvo@sfgov.org

ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 182, 186, 209.1, AND 303 OF THE PLANNING CODE TO REACTIVATE A LIMITED COMMERCIAL USE ON THE FIRST FLOOR, WHICH WOULD INCLUDE A GENERAL ENTERTAINMENT USE, A GENERAL RETAIL SALES AND SERVICE USE, A LIMITED RESTAURANT USE, A COMMUNITY FACILITY USE, AND A HOTEL USE FOR ONE HOTEL ROOM ON THE SECOND FLOOR (D.B.A. CHEZ POULET) AND (D.B.A. SF INSTITUTE OF POSSIBILITIES) WITHIN THE RH-2 (RESIDENTIAL HOUSE, TWO FAMILY) DISTRICT, BERNAL HEIGHTS SPECIAL USE DISTRICT, AND A 40-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On January 21, 2016 Jeremy Paul (hereinafter "Project Sponsor") filed an application with the Planning Department (hereinafter "Department") for Conditional Use Authorization under Planning Code Sections 182, 186, 209.1, and 303 re-activate a Limited Commercial Use on the first floor, which would include a General Entertainment Use, a General Retail Sales and Service Use, a Limited Restaurant Use, a Community Facility Use, and a Hotel Use for one hotel room on the second floor (d.b.a. San Francisco Institute of Possibilities and d.b.a. Chez Poulet) within an existing two-story building within the RH-2 (Residential House, Two Family) District and a 40-X Height and Bulk District.

On September 14, 2017, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2016-000892CUA. The Commission continued this item to the public hearing on November 2, 2017.

The Project is not a project under CEQA Guidelines Sections 15060(c) and 15378 because there is no direct or indirect physical change in the environment.

The Planning Department Commission Secretary is the custodian of records, located in the File for Case No. 2016-000892CUA at 1650 Mission Street, Fourth Floor, San Francisco, California.

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

MOVED, that the Commission hereby authorizes the Conditional Use requested in Application No. 2016-000892CUA, 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 Cesar Chavez Street on Assessor's Block 5501, Lot 057A. The property is developed with a two-story building. The subject lot has approximately 25 feet of frontage on Cesar Chavez Street. The lot is approximately 95% covered by the subject building. Currently, the building contains multiple uses including a community event space, art performance venue including live music, private event rentals, "pop-up" restaurant events, retail art gallery, and short-term hotel rentals. The last legal use of the building was a self-storage warehouse.
3. **Surrounding Properties and Neighborhood.** The project site is located on Cesar Chavez Street between Mission Street and South Van Ness Avenue in the Bernal Heights neighborhood. The adjacent property to the west is a four-story, 18-unit residential building. The adjacent property to the east is a three-story, two-unit residential building. The project site is located in a RH-2 District and the Bernal Height Special Use District, consisting of primarily residential uses. Properties across the street are two and three-story residential buildings. The surrounding properties are located within the NC-3 (Neighborhood Commercial, Moderate Scale), Mission Street NCT (Neighborhood Commercial Transit), and RH-2 (Residential House, Two Family) Districts.
4. **Project Description.** The proposed project (Project) is to legalize the existing event and performance art venue (d.b.a. San Francisco Institute of Possibilities and d.b.a. Chez Poulet) on the first floor, and one hotel room on the second floor in an existing two-story building. The current uses have been operating at the present location for over twelve years. The event space is approximately 2,750 square feet in size, and the hotel space measures approximately 500 square feet. In total, the existing commercial space is approximately 3,250 square feet in size. No other changes to the site are included in the present proposal.

5. **Public Comment.** To date, the Department has received eleven letters in support of the proposed 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. **Limited Commercial Use.** Planning Code Sections 182 and 186 allow changes of uses for nonconforming uses in RH Districts. However, such parcels must conform to the zoning controls of an NC-1 (Neighborhood Commercial Cluster) District or the controls of a more restrictive named NC (Neighborhood Commercial) District when the site is within ¼ mile of that district. Additionally, as a nonconforming use in a residential district, the Planning Commission finds the following conditions are appropriate as outlined in the Planning Code:
 1. The building shall be maintained in a sound and attractive condition, consistent with the general appearance of the neighborhood;
 2. Any signs on the property shall be made to comply with the requirements of Article 6 of the Planning Code applying to nonconforming uses;
 3. The hours during which the use is open to the public shall be limited to the period between 6:00 a.m. and 10:00 p.m.;
 4. Public sidewalk space may be occupied in connection with the use provided that it is only occupied with tables and chairs as permitted by the Municipal Code;
 5. Truck loading shall be limited in such a way as to avoid undue interference with sidewalks, or crosswalks, bus stops, hydrants and other public features;
 6. Noise, odors and other nuisance factors shall be adequately controlled; and,
 7. All other applicable provisions of the Planning Code shall be complied with.

This site is within the RH-2 Zoning District and the Bernal Special Use District. The site is also within ¼ mile of the Mission Street NCT (Neighborhood Commercial Transit) Zoning District, Valencia Street NCT (Neighborhood Commercial Transit) Zoning District, NC-3 (Moderate-Scale Neighborhood Commercial) Zoning District, Mission Alcoholic Beverage Special Use Subdistrict, Mission Street Formula Retail Restaurant Subdistrict, and the Fringe Financial Service Restricted Use District. The NC-1 and the Valencia Street NCT Zoning Districts require Conditional Use Authorization to establish a General Entertainment Use. A Limited Restaurant Use, General Retail Sales and Service, and Community Facility Uses are principally-permitted in the NC-1, NC-3, Mission NCT, and Valencia NCT Districts. Therefore, the Project Sponsor is seeking Conditional Use Authorization to establish a General Entertainment Use. The Conditions of Approval as cited in Exhibit A of this Motion serve to ensure that the conditions within this section are met.

- B. **General Entertainment Use.** Planning Code Sections 710 and 762 require Conditional Use Authorization to establish a General Entertainment Use within the NC-1 and Valencia NCT Districts. Planning Code Section 102 defines an “General Entertainment” use as a Retail Entertainment, Arts and Recreation Use that provides entertainment or leisure pursuits to the general public including dramatic and musical performances where alcohol is not served

during performances, when conducted within a completely enclosed building, and which is adequately soundproofed or insulated so as to confine incidental noise to the premises.

The Project Sponsor seeks Conditional Use Authorization to establish a General Entertainment Use. The entertainment would include live music and performances. The building is regularly used for live performance of Jazz, Flamenco, vaudeville and other forms of dance and music. There is a monthly storytelling series. Workshops, lectures and trainings often accompany the rotating art installations displayed on the walls. Private event rentals are frequent at the project site, and include weddings, quinceaneras, teen dances, clown and magic shows, fundraisers, and other family and community celebrations. All rentals for public events are processed through the "San Francisco Institute of Possibilities" which is a 501(c)(3) registered nonprofit, and private events, such as weddings, are paid directly to "Chez Poulet" which is a registered business. Attendance for events typically ranges from 40 to 75 people. The live music would be restricted to the inside area of the building, and the sound equipment must be inspected and permitted by the San Francisco Entertainment Commission prior to operation.

- C. **Community Facility Use.** A Community Facility Use is permitted in the NC-1, NC-3, Mission NCT, and Valencia NCT Districts per Planning Code Sections 710, 712, 754, and 762; thus, this use is permitted as a Limited Commercial Use per Section 182 of the Planning Code. Planning Code Section 102 defines a Community Facility Use as an Institutional Community Use that includes community clubhouses, neighborhood centers, community cultural centers, or other community facilities not publicly owned but open for public use in which the chief activity is not carried on as a gainful business and whose chief function is the gathering of persons from the immediate neighborhood in a structure for the purposes of recreation, culture, social interaction, health care, or education other than Institutional Uses as defined in this Section.

The Project Sponsor seeks approval to establish a Community Facility Use, permitted per Planning Code Sections 182, 710, 712, 754, and 762 as an appropriate Limited Commercial Use at the subject site. The site hosts a variety of community events, lectures, and workshops. The chief function of these events is the gathering of persons from the immediate neighborhood, not gainful business. All rentals for public events are processed through the "San Francisco Institute of Possibilities" which is a 501.C3 registered nonprofit.

- D. **General Retail Sales and Service.** A General Retail Sales and Service Use is permitted in the NC-1, NC-3, Mission NCT, and Valencia NCT Districts per Planning Code Sections 710, 712, 754, and 762; thus, this use is permitted as a Limited Commercial Use per Section 182 of the Planning Code. Planning Code Section 102 defines a General Retail Sales and Service Use as Use that provides goods and/or services to the general public and that is not listed as a separate Retail Sales and Service Use in Section 102 of the Planning Code. This use includes an art gallery which sells art.

The Project Sponsor seeks approval to establish a General Retail Sales and Service Use, permitted per Planning Code Sections 182, 710, 712, 754, and 762 as an appropriate Limited Commercial Use at the subject site. A variety of art is sold in conjunction with the events held on-site.

- E. **Limited Restaurant Use.** A Limited Restaurant Use is permitted in the NC-1, NC-3, Mission NCT, and Valencia NCT Districts per Planning Code Sections 710, 712, 754, and 762; thus, this use is permitted as a Limited Commercial Use per Section 182 of the Planning Code. Planning Code Section 102 defines a Limited Restaurant Use as a Retail Sales and Service Use that serves ready-to-eat foods and/or drinks to customers for consumption on or off the premises that may or may not have seating. It shall not provide on-site beer and/or wine sales for consumption on the premises, but may provide off-site beer and/or wine sales for consumption off the premises with a California Alcoholic Beverage Control Board License type 20 (off-sale beer and wine), that occupy less than 15% of the Occupied Floor Area of the establishment (including all areas devoted to the display and sale of alcoholic beverages). Such businesses shall operate with the specified conditions in Planning Code Section 202.2(a)(1).

The Project Sponsor seeks approval to establish a Limited Restaurant Use, permitted per Planning Code Sections 182, 710, 712, 754, and 762 as an appropriate Limited Commercial Use at the subject site. The kitchen at the site is well outfitted, and has been used for "pop-up" restaurant events for several years. These temporary "pop-up" restaurant events usually require prior ticket sale, and include a prefix set course menu. Alcohol is not sold on-site for consumption on the premises.

- F. **Hotel Use.** Planning Code Section 209.1 requires Conditional Use Authorization by the Planning Commission for a hotel use with fewer than five rooms in a RH-2 Zoning District.

The proposed hotel use would consist of a total of one hotel room located on the second floor of the building. Specifically, as part of the hotel use, the Project Sponsor seeks to establish an "artist in residence" program to offer visiting artists a place to stay in San Francisco for periods of less than 32 consecutive days.

- G. **Bicycle Parking.** Planning Code Section 155 requires five Class 1 Bicycle Parking spaces for Entertainment Facilities with a capacity of less than 500 guests and one Class 2 Bicycle Parking space for every portion of each 50 person capacity. Class 1 Bicycle Parking Spaces are defined as spaces in secure, weather-protected facilities intended for use as work-day bicycle storage by non-residential occupants, and employees. Class 2 Bicycle Parking Spaces are defined as bicycle racks located in a publicly-accessible, highly visible location intended for transient or short-term use by visitors, guests, and patrons to the building or use.

The capacity of the proposed event space is approximately 175 people; therefore, the Project will be required to provide five Class 1 Bicycle Parking Spaces, and four Class 2 Bicycle Parking Spaces.

- H. **Hours of Operation.** Planning Code Section 186 requires hours of operation to be limited from 6:00am to 10:00pm for Limited Nonconforming Uses.

The hours of operation for all on-site Limited Nonconforming Uses are limited to the hours between 6:00am and 10:00pm. The Conditions of Approval as cited in Exhibit A of this Motion serve to ensure that the conditions within this section are met.

- I. **Parking.** Planning Section 151 of the Planning Code requires off-street parking for every 200 square-feet of occupied floor area, where the occupied floor area exceeds 5,000 square-feet.

The subject property contains less than 5,000 square-feet of non-residential floor area and thus does not require any off-street parking. The proposal does not include any off-street parking spaces. Additionally, the area is well-served by public transit.

- J. **Signage.** Article 6 of the Planning Code outlines the requirements for signage.

Currently, there is an existing business sign for "SF Institute of Possibilities" along the street-facing frontage of the building. Per Planning Code Section 606(c)(1), one business sign per street frontage is permitted at the ground floor level, lesser of one square foot of street frontage for each linear foot of street frontage occupied by the building. The street frontage of the subject building is 25 feet; therefore, the business sign would not be permitted to exceed 25 square feet in area. As a sign permit was never submitted to install the existing business sign, a permit will need to be submitted, subject to the review and approval of the Planning Department. Additionally, per Section 611 of the Planning Code, no new General Advertising Signs are permitted in the City. An existing General Advertising sign exists along the side wall of the subject building. Existing unpermitted signage, and any proposed signage, will be subject to the review and approval of the Planning Department. The Conditions of Approval as cited in Exhibit A of this Motion serve to ensure that the conditions within this section are met.

7. **Planning Code Section 186** establishes additional criteria for the Planning Commission to consider when reviewing applications for the reactivation of a limited commercial use in a RH Zoning District. On balance, the project does comply with said criteria in that:

- A. The subject space is located on or below the ground floor and was in commercial or industrial use prior to January 1, 1960; and

The Project seeks to reestablish limited commercial uses on the ground floor of the subject building. The subject building was utilized for commercial uses prior to January 1, 1960, functioning as a commercial warehouse since at least 1930. The proposed hotel use on the second floor would not be considered part of the limited commercial uses to be located on the ground floor; rather, the Project Sponsor is seeking Conditional Use Authorization as required by Planning Code Section 209.1 for a hotel use with fewer than five rooms in a RH-2 Zoning District.

- B. The proposed commercial use meets all the requirements of this section and other applicable sections of this Code.

The Project complies with the requirements of Section 186, and other applicable sections of the Planning Code as detailed in this Motion.

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

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

The immediate neighborhood context is largely composed of mid-scale residential buildings, and the subject site is near the intersection of Cesar Chavez and Mission Streets, which is a heavily trafficked intersection. The proximity of the subject site to Mission Street, a vibrant commercial mixed-use corridor, demonstrates that the surrounding context is distinct from the typical, low-intensity, character of neighborhoods located in RH-2 Zoning Districts in other locations in San Francisco; therefore, the proposed uses are compatible relative to the intensity of uses and buildings in the immediate neighborhood. The proposed legalization of an existing events and entertainment venue will not impact traffic or parking in the district because the venue has operated at the existing location for more than 12 years, and subject location is well-served by public transit. These uses will complement the mix of goods and services currently available in the district, will contribute to the economic vitality of the neighborhood, and serve to retain an eccentric event space in the neighborhood. Additionally, the proposed hotel use is desirable because it provides a much needed service to the neighborhood for their out of town visitors, and for visiting artists. The hotel use will consist of a single room, and its intended use by the Project Sponsor is to accommodate visiting artists, a desirable service for the community.

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

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

The height and bulk of the existing building will remain the same and will not alter the existing appearance or character of the project vicinity. There is no work proposed that would alter the size of the building envelope.

- 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 size project; however, the Project will be required to provide five Class 1 and four Class 2 bicycle parking spaces. The proposed uses are 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 proposed uses are subject to the standard conditions of approval as outlined in Exhibit A. Conditions 9, 10, 19, 20, and 23 specifically obligates the project sponsor to mitigate odor and noise generated by the uses.

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

The Department shall review all tenant improvements when proposed. The building is built to the front property line, therefore, there is no existing landscaping at the front of the building; the rear yard, however, is landscaped. Existing unpermitted signage, and any proposed signage, will be subject to the review and approval of the Planning Department. The Conditions of Approval as cited in Exhibit A of this Motion serve to ensure that the conditions within this section are met.

- 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 Districts and Residential District.

Through the Project is not located within a Neighborhood Commercial District, the proposed Limited Commercial uses are consistent with the stated purposes of NC Districts in that the intended uses are located at the ground floor, will provide compatible services for the immediately surrounding neighborhood. The Project is also compatible with the purpose of Residential Districts as the proposed uses serve to promote balanced and convenient neighborhoods having suitable nonresidential activities that are compatible with housing and meet the needs of residents and contribute to the livability of residential areas.

- C. **Planning Code Section 303(g)** establishes additional criteria for the Planning Commission to consider when reviewing applications for tourist hotels and motels. On balance, the project does comply with said criteria in that:

- A. The impact of the employees of the hotel or motel on the demand in the City for housing, public transit, childcare, and other social services. To the extent relevant, the Commission shall also consider the seasonal and part-time nature of employment in the hotel or motel;

The proposed one guestroom hotel is not anticipated to have a significant effect on the City's services. The hotel use will employ one on-site employee, which is too few to create significant impacts on housing, public transit, child care, and other social services.

- B. The measures that will be taken by the project sponsor to employ residents of San Francisco in order to minimize increased demand for regional transportation;

The sole employee is a local San Francisco resident. The sole employee commutes to the subject site via bicycle.

- C. The market demand for a hotel or motel of the type proposed;

San Francisco regularly places amount the world's most favored travel destinations. The proposed additional guest room will help absorb some of this demand.

- D. In the Transit Center C-3-O(SD) Commercial Special Use District, the opportunity for commercial growth in the Special Use District and whether the proposed hotel, considered with other hotels and non-commercial uses approved or proposed for major development sites in the Special Use District since its adoption would substantially reduce the capacity to accommodate dense, transit-oriented job growth in the District.

The Project is not located with the C-3-O(SD) Zoning District.

- D. **Planning Code Section 303(o)** establishes additional criteria for the Planning Commission to consider when reviewing applications for limited restaurants. The Planning Commission shall consider the existing concentration of eating and drinking uses in the area. Such concentration should not exceed 25 percent of the total commercial frontage as measured in linear feet within the immediate area of the subject site. For the purposes of this Section of the Code, the immediate area shall be defined as all properties located within 300' of the subject property and also located within the same zoning district.

Planning staff has performed a site survey of the RH-2 District which contains the proposed building. With the proposed Limited Restaurant use, approximately 5% of the frontage of this RH-2 District, within 300 feet of the subject property, would be attributed to eating and drinking establishments.

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

COMMERCE AND INDUSTRY

Objectives and Policies

OBJECTIVE 1:

MANAGE ECONOMIC GROWTH AND CHANGE TO ENSURE ENHANCEMENT OF THE TOTAL CITY LIVING AND WORKINIG ENVIRONMENT.

Policy 1.1:

Encourage development which provides substantial net benefits and minimizes undesirable consequences. Discourage development that has substantial undesirable consequences that cannot be mitigated.

Policy 1.2:

Assure that all commercial and industrial uses meet minimum, reasonable performance standards.

Policy 1.3:

Locate commercial and industrial activities according to a generalized commercial and industrial land use plan.

The proposed development will provide a desirable service to the neighborhood. The legalization of the existing business will not result in undesirable consequences.

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 retain an existing commercial activity and will enhance the diverse economic base of the City.

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.

No commercial tenant would be displaced and the project would not prevent the district from achieving optimal diversity in the types of goods and services available in the neighborhood.

The following guidelines, in addition to others in this objective for neighborhood commercial districts, should be employed in the development of overall district zoning controls as well as in the review of individual permit applications, which require case-by-case review and City Planning Commission approval. Pertinent guidelines may be applied as conditions of approval of individual permit applications. In general, uses should be encouraged which meet the guidelines; conversely, uses should be discouraged which do not.

Eating and Drinking Establishments

Eating and drinking establishments include bars, sit-down restaurants, fast food restaurants, self-service restaurants, and take-out food. Associated uses, which can serve similar functions and create similar land use impacts, include ice cream stores, bakeries and cookie stores. Guidelines for eating and drinking establishments are needed to achieve the following purposes:

- Regulate the distribution and proliferation of eating and drinking establishments, especially in districts experiencing increased commercial activity;
 - Control nuisances associated with their proliferation;
 - Preserve storefronts for other types of local-serving businesses; and
 - Maintain a balanced mix of commercial goods and services.
- The regulation of eating and drinking establishments should consider the following:
- Balance of retail sales and services;

- Current inventory and composition of eating and drinking establishments;
- Total occupied commercial linear frontage, relative to the total district frontage;
- Uses on surrounding properties;
- Available parking facilities, both existing and proposed;
- Existing traffic and parking congestion; and
- Potential impacts on the surrounding community.

There is a concern with the potential over-concentration of food-service establishments. The Commerce and Industry Element of the General Plan contains Guidelines for Specific Uses. For eating and drinking establishments, the Guidelines state, "the balance of commercial uses may be threatened when eating and drinking establishments occupy more than 20% of the total occupied commercial frontage." Planning staff has performed a site survey of the RH-2 District which contains the proposed building. With the proposed Limited Restaurant use, approximately 3% of the frontage of this RH-2 District is attributed to eating and drinking establishments.

Policy 6.2:

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

The proposed uses are neighborhood-serving uses. None of the proposed uses qualify as a Formula Retail use.

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

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

The proposal would enhance the district by legalizing an existing event venue for local residents. The business would be locally owned and it creates employment opportunities for the community.

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

The existing units in the surrounding neighborhood would not be adversely affected. Any entertainment use must be approved by the Entertainment Commission, who also regulates noise which may be of concern to the neighbors.

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

No housing is removed for this Project.

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

The site is on Cesar Chavez Street and is well-served by transit. It is presumable that the employee and patrons could commute by transit thereby mitigating possible effects on-street parking. Cesar Chavez Street has two MUNI bus lines (12 and 27) and nearby Mission Street has three MUNI bus lines (14, 14R, 49).

- 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 is to legalize uses that have existed at the project site for over 12 years. 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 is designed and will be constructed to conform to the structural and seismic safety requirements of the City Building Code. This proposal will not impact the property's ability to withstand an earthquake. The Sponsor held a Pre-Application Meeting with the San Francisco Department of Building Inspection and Fire Department to discuss the plan and process to bring the building up to City Codes. Following authorization of the Project by the Planning Commission, the Sponsor will submit a Building Permit Application to bring the building into compliance with City Codes.

- G. That landmarks and historic buildings be preserved.

A landmark or historic building does not appear to occupy the Project site. The existing building was constructed in 1910, and has not been evaluated for its historical significance.

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

The Project will have no negative impact on existing parks and open spaces. The Project does not have an impact on open spaces.

- G. 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.

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

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Application No. 2016-000829CUA** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated September 26, 2017, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion No. XXXXX. The effective date of this Motion shall be the date of this Motion if not appealed (After the 30-day period has expired) OR the date of the decision of the Board of Supervisors if appealed to the Board of Supervisors. For further information, please contact the Board of Supervisors at (415) 554-5184, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

Protest of Fee or Exaction: You may protest any fee or exaction subject to Government Code Section 66000 that is imposed as a condition of approval by following the procedures set forth in Government Code Section 66020. The protest must satisfy the requirements of Government Code Section 66020(a) and must be filed within 90 days of the date of the first approval or conditional approval of the development referencing the challenged fee or exaction. For purposes of Government Code Section 66020, the date of imposition of the fee shall be the date of the earliest discretionary approval by the City of the subject development.

If the City has not previously given Notice of an earlier discretionary approval of the project, the Planning Commission's adoption of this Motion, Resolution, Discretionary Review Action or the Zoning Administrator's Variance Decision Letter constitutes the approval or conditional approval of the development and the City hereby gives **NOTICE** that the 90-day protest period under Government Code Section 66020 has begun. If the City has already given Notice that the 90-day approval period has begun for the subject development, then this document does not re-commence the 90-day approval period.

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

Jonas P. Ionin
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: November 2, 2017

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to re-activate a Limited Commercial Use on the first floor, which would include a General Entertainment Use, a General Retail Sales and Service Use, a Limited Restaurant Use, a Community Facility Use, and a Hotel Use for one hotel room on the second floor (d.b.a. San Francisco Institute of Possibilities and d.b.a. Chez Poulet) located at 3359 Cesar Chavez Street, Block 5501, and Lot 057A pursuant to Planning Code Sections 182, 186, 209.1, and 303 within the RH-2 District and a 40-X Height and Bulk District; in general conformance with plans, dated September 26, 2017, and stamped "EXHIBIT B" included in the docket for Case No. 2016-000892CUA and subject to conditions of approval reviewed and approved by the Commission on November 2, 2017 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 November 2, 2017 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

DESIGN – COMPLIANCE AT PLAN STAGE

6. **Final Materials.** The Project Sponsor shall continue to work with Planning Department on the building design. Final materials, glazing, color, texture, landscaping, and detailing shall be subject to Department staff review and approval. The architectural addenda shall be reviewed and approved by the Planning Department prior to issuance.
For information about compliance, contact the Case Planner, Planning Department at 415-575-9182, www.sf-planning.org
7. **Garbage, Composting and Recycling Storage.** Space for the collection and storage of garbage, composting, and recycling shall be provided within enclosed areas on the property and clearly labeled and illustrated on the building permit plans. Space for the collection and storage of recyclable and compostable materials that meets the size, location, accessibility and other standards specified by the San Francisco Recycling Program shall be provided at the ground level of the buildings.
For information about compliance, contact the Case Planner, Planning Department at 415-575-9182, www.sf-planning.org
8. **Signage.** The Project Sponsor shall develop signage for the Project which shall be subject to review and approval by Planning Department staff before submitting any building permits for construction of the Project. All subsequent sign permits shall conform to the approved signage program. Once approved by the Department, the signage program/plan information shall be submitted and approved as part of the site permit for the Project. All exterior signage shall be designed to complement, not compete with, the existing architectural character and architectural features of the building.
For information about compliance, contact the Case Planner, Planning Department at 415-575-9182, www.sf-planning.org
9. **Noise.** Plans submitted with the building permit application for the approved project shall incorporate acoustical insulation and other sound proofing measures to control noise.
For information about compliance, contact the Case Planner, Planning Department at 415-575-9182, www.sf-planning.org
10. **Odor Control Unit.** In order to ensure any significant noxious or offensive odors are prevented from escaping the premises once the project is operational, the building permit application to implement the project shall include air cleaning or odor control equipment details and manufacturer specifications on the plans. Odor control ducting shall not be applied to the primary façade of the building.
For information about compliance, contact the Case Planner, Planning Department at 415-575-9182, www.sf-planning.org
11. **General Advertising Sign Removal.** The Project Sponsor shall remove the existing General Advertisement Sign, as defined by Planning Code Section 602.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

PARKING AND TRAFFIC

12. **Bicycle Parking.** Pursuant to Planning Code Sections 155.1 and 155.4, the Project shall provide no fewer than five Class 1 and four Class 2 bicycle parking spaces. SFMTA has final authority on the type, placement and number of Class 2 bicycle racks within the public ROW. Prior to issuance of first architectural addenda, the project sponsor shall contact the SFMTA Bike Parking Program at bikeparking@sfmta.com to coordinate the installation of on-street bicycle racks and ensure that the proposed bicycle racks meet the SFMTA's bicycle parking guidelines. Depending on local site conditions and anticipated demand, SFMTA may request the project sponsor pay an in-lieu fee for Class II bike racks required by the Planning Code.

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

MONITORING - AFTER ENTITLEMENT

13. **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

14. **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

15. **Truck Loading.** Truck loading shall be limited in such a way as to avoid undue interference with sidewalks, or crosswalks, bus stops, hydrants and other public features; *For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org*

OPERATION

16. **Building Maintenance.** The building shall be maintained in a sound and attractive condition, consistent with the general appearance of the neighborhood. *For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org*

17. **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>

18. **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>

19. **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

20. **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

21. **Notices Posted at Bars and Entertainment Venues.** Notices urging patrons to leave the establishment and neighborhood in a quiet, peaceful, and orderly fashion and to not litter or block driveways in the neighborhood, shall be well-lit and prominently displayed at all entrances to and exits from the establishment.

For information about compliance, contact the Entertainment Commission, at 415 554-6678, www.sfgov.org/entertainment

22. **Other Entertainment.** The Other Entertainment shall be performed within the enclosed building only. The building 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. Bass and vibrations shall also be contained within the enclosed structure. The Project Sponsor shall obtain all necessary approvals from the Entertainment

Commission prior to operation. The authorized entertainment use shall also comply with all of the conditions imposed by the Entertainment Commission.

For information about compliance, contact the Entertainment Commission, at 415 554-6678, www.sfgov.org/entertainment

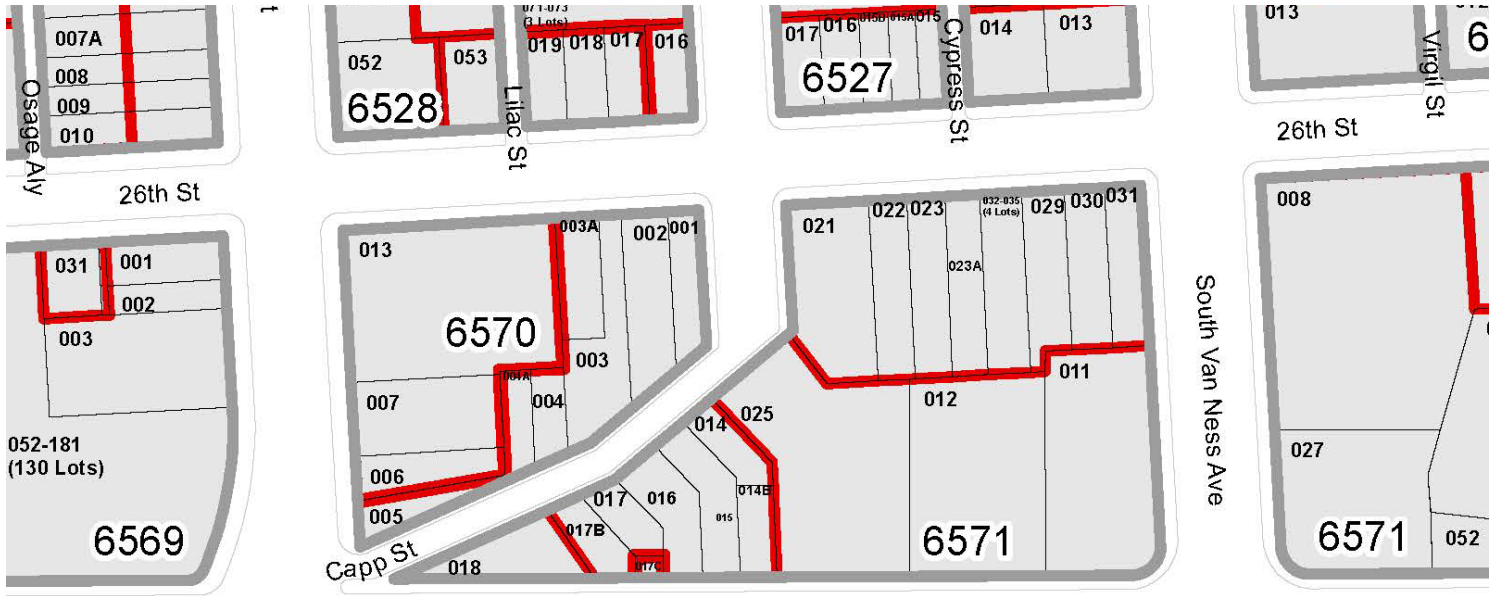
23. **Lighting.** All Project lighting shall be directed onto the Project site and immediately surrounding sidewalk area only, and designed and managed so as not to be a nuisance to adjacent residents. Nighttime lighting shall be the minimum necessary to ensure safety, but shall in no case be directed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

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

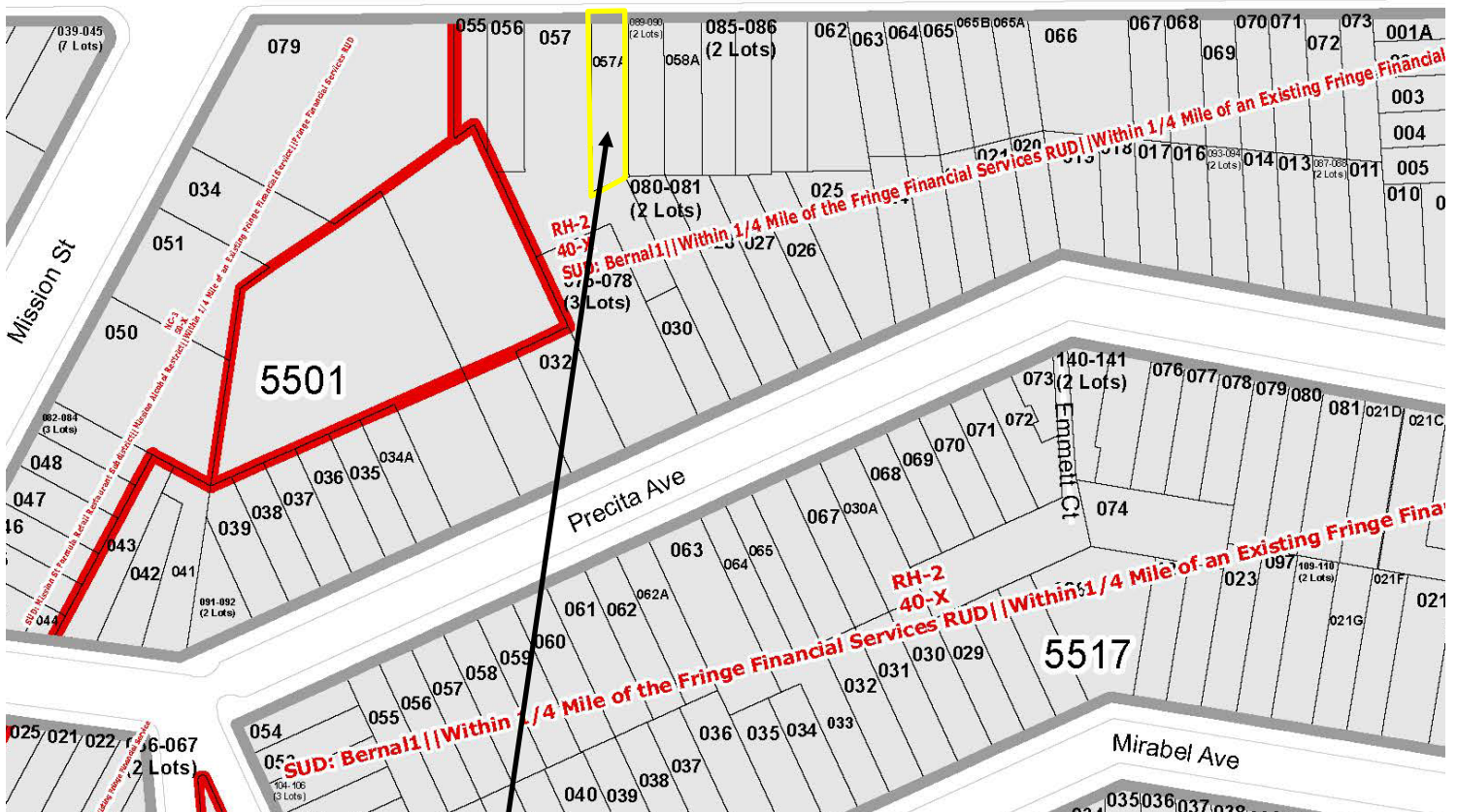
24. **Hours of Operation.** The subject establishment is limited to the following hours of operation: The hours of operation for all on-site Limited Nonconforming Uses are limited to the hours between 6:00 a.m. and 10:00 p.m. daily.

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

Parcel Map



Cesar Chavez St



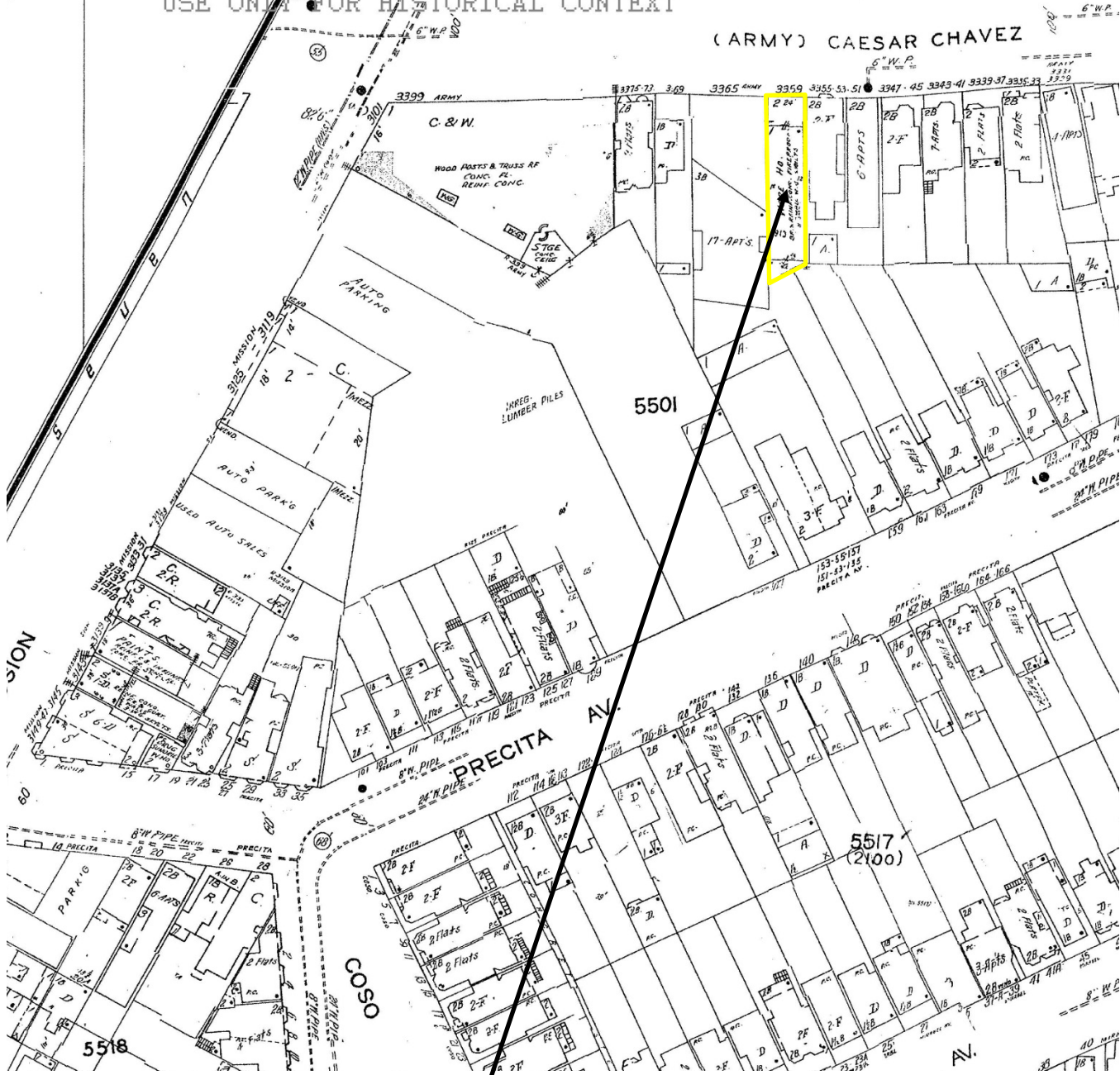
SUBJECT PROPERTY



Conditional Use Authorization Hearing
 Case Number 2016-000892CUA
 3359 Cesar Chavez Street

Sanborn Map*

THESE SANBORN MAPS ARE DATED TO THE MID 1890'S USE ONLY FOR HISTORICAL CONTEXT



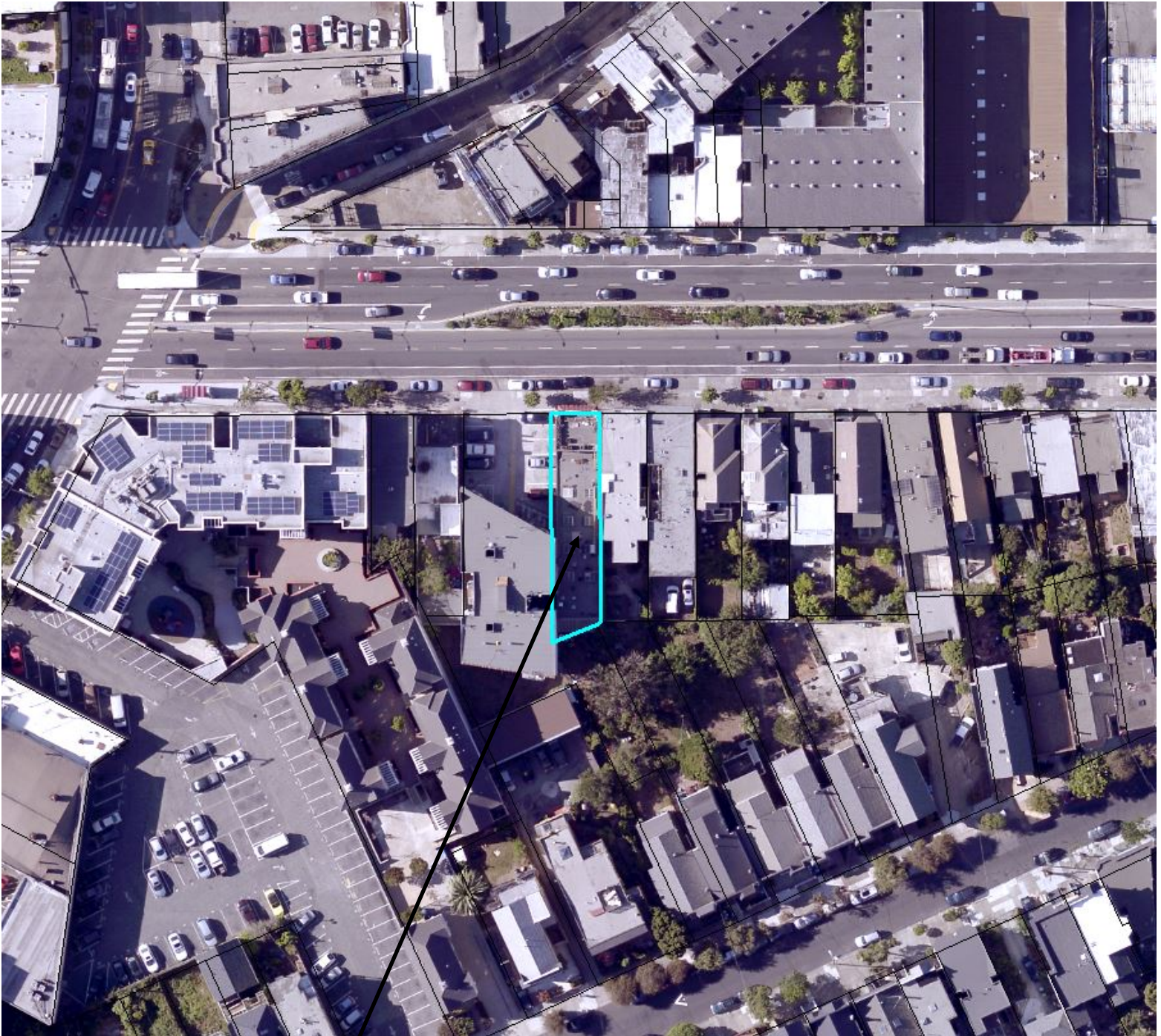
SUBJECT PROPERTY

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



Conditional Use Authorization Hearing
Case Number 2016-000892CUA
3359 Cesar Chavez Street

Aerial Photo

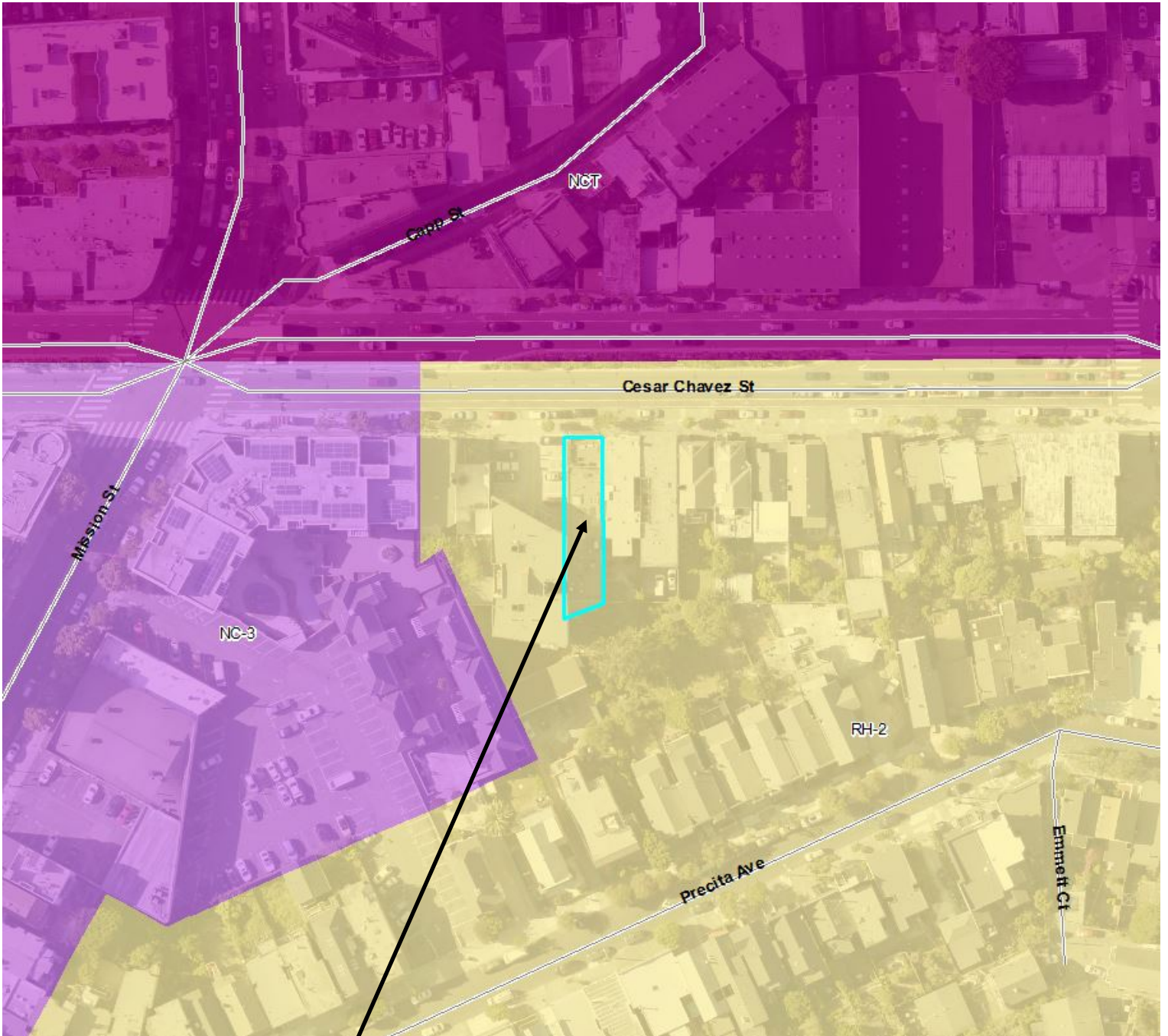


SUBJECT PROPERTY



Conditional Use Authorization Hearing
Case Number 2016-000892CUA
3359 Cesar Chavez Street

Zoning Map

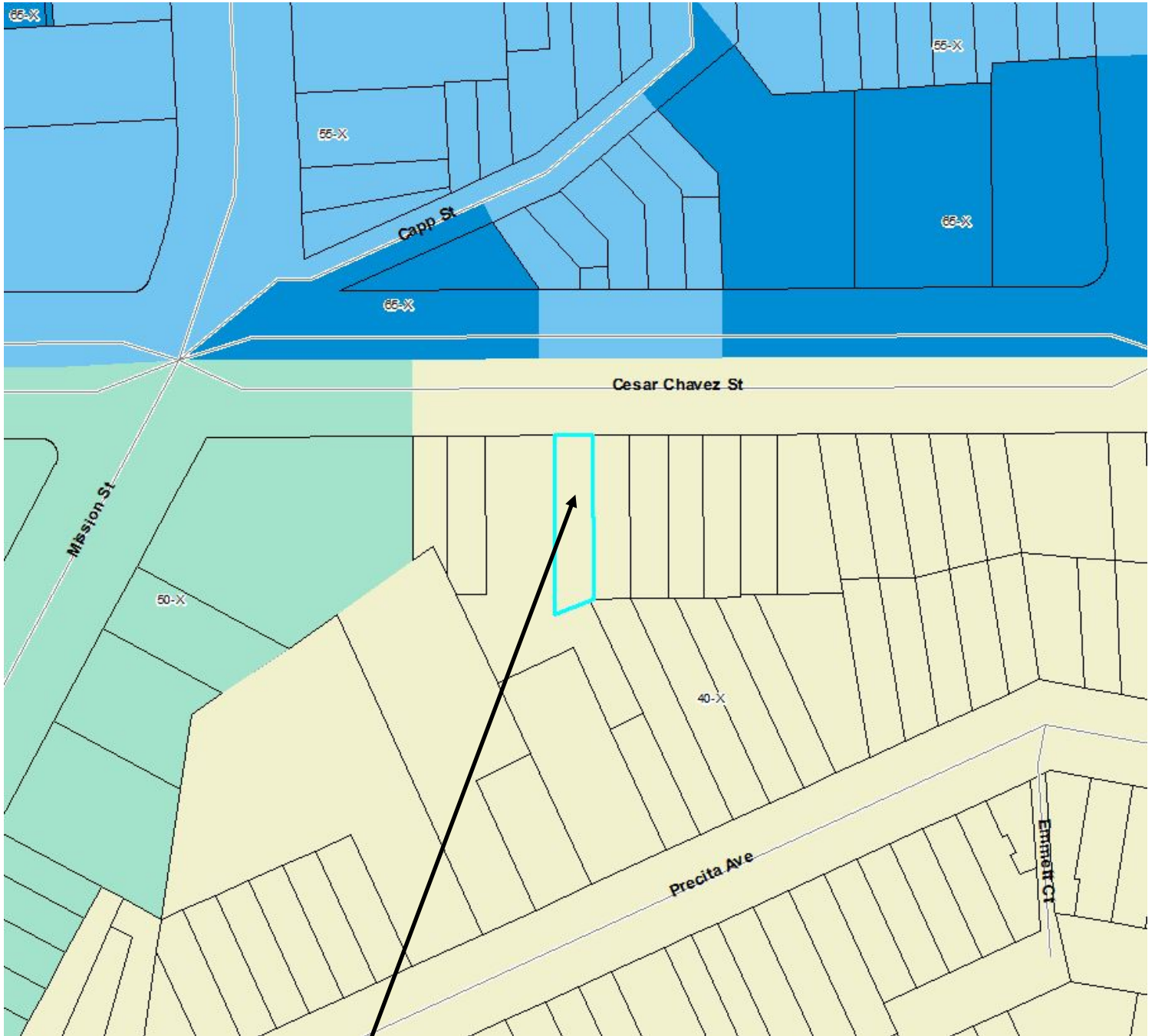


SUBJECT PROPERTY



Conditional Use Authorization Hearing
Case Number 2016-000892CUA
3359 Cesar Chavez Street

Height and Bulk Map



SUBJECT PROPERTY



Conditional Use Authorization Hearing
Case Number 2016-000892CUA
3359 Cesar Chavez Street

Site Photo



SUBJECT PROPERTY



Conditional Use Authorization Hearing
Case Number 2016-000892CUA
3359 Cesar Chavez Street

Site Photo



SUBJECT PROPERTY

Conditional Use Authorization Hearing
Case Number 2016-000892CUA
3359 Cesar Chavez Street

From: [Kseniya Makarova](#)
To: [DiSalvo, Jonathan \(CPC\)](#)
Subject: 3359 Caesar Chaves conditional use permit
Date: Wednesday, October 25, 2017 3:15:07 PM

Hi Jonathan,

I want to offer my support to granting John Rinaldi a conditional use permit for 3359 Caesar Chavez st.

I'm a neighbor of the location, living in Bernal Heights, and a supporter of the arts in San Francisco.

The events held at John's space add culture, color, and joy to the city, and have not posed any issues to the neighborhood. It only makes sense that such a positive presence be allowed to operate within the law here in SF.

Best,
Kseniya Makarova
650 504 6125

From: [P.Segal](#)
To: [DiSalvo, Jonathan \(CPC\)](#); [Chicken John](#)
Subject: 3359 Caesar Chavez
Date: Wednesday, October 25, 2017 6:58:04 PM

Dear Mr. Di Salvo,

I understand that Chicken John Rinaldi's space at 3359 Caesar Chavez has a scheduled hearing for a conditional use permit on November 2. I will try to attend this hearing because the decimation of San Francisco's once enormous arts community has got to stop, and everyone who devotes their resources to maintaining a presence for the arts deserves my support.

So many of our art collectives, which have occupied spaces for decades, have been evicted, rents have escalated to the point where most artists have been forced out of town, and very few of the ones that remain can afford both a place to live and a place to work. The ones that do remain live in constant fear of losing their living spaces, studios, and performance venues. The city has utterly sold out to corporate interests, and there has been no protection for the people and places in the arts. This is a damaging rip in the social fabric that has made this city far more contentious—and a lot less interesting— than it ever was.

Artists gave this city a reputation for charm, stunning beauty, and a fascinating social ambiance, not Facebook. The arts flourished here since the gold rush, until the 1990s, when the tech incursion began in earnest. It was writers and artists who started the Bohemian Club, which was quickly appropriated by the wealthy. The city prides itself on what the arts community has made it, but does nothing to preserve that community. Chicken John Rinaldi has tirelessly supported the arts here for decades, and he fully deserves a conditional use permit for Chez Poulet.

Sincerely,
P Segal
1607A McAllister St.
San Francisco, CA 94115

Bohemia Redux
www.bohemiaredux.org

From: [Polly Superstar](#)
To: [DiSalvo, Jonathan \(CPC\)](#)
Cc: [chicken john](#)
Subject: 3359 Ceasr Chavez
Date: Wednesday, October 25, 2017 3:35:18 PM

Dear Mr Disalvo,

I've been a resident of the Mission District for 18 years and I've attended events at 3359 Mission Street many times, both as an event organizer and as an attendee. I know John Rinaldi to be one of the most generous and dedicated art community leaders in San Francisco.

I arrived in San Francisco in 1999 and was immediately taken in by the amazing people at Cellspace on Bryant. Cellspace has recently become an empty lot of rubble. I created my own art space on Mission Street where we thrived for 13 years. Following eviction the building is now empty. Our space has relocated to Oakland, as so many art spaces have been forced to.

One space at a time, San Francisco is losing all cultural relevance. It's time to change that trend.

Thank you for your attention.

Polly Whittaker

41 28th Street, SF, CA 94110

From: [Ledia Carroll](#)
To: [DiSalvo, Jonathan \(CPC\)](#)
Cc: chickenjohn@chickenjohn.com
Subject: 3359 Cesar Chavez
Date: Wednesday, October 25, 2017 4:06:34 PM

Dear Mr Disalvo and committee,
I have attended many events at Chez Poulet and know it would be a wonderful if you would grant Mr Rinaldi the conditional use permit so he can continue to contribute to the sf arts scene by having events there. Please do this. Sf is in dire need of this kind of thing. Sf arts are dying.

In appreciation,
Ledia Carroll, artist, landscape designer, and bernal neighbor
1567 Alabama St.
Sf ca 94110
Cell/Txt 415-845-5859
San Francisco, CA

From: [jraoul](#)
To: [DiSalvo, Jonathan \(CPC\)](#)
Cc: [Chicken:](#)
Subject: Chez Poulet
Date: Wednesday, October 25, 2017 4:05:15 PM

Dear Mr. DiSalvo:

As I'm sure you're sick of hearing, Chicken John is an institution in the SF arts scene, and Chez Poulet is a hotbed of his (and many other people's) activity. It provides a safe haven for arts provocateurs who have precious few alternatives to get exposure for the adventurous (and, not incidentally, non-commercial) art and performance that sets San Francisco apart from other cultural capitols. It is a nexus for a community that has few opportunities to gather without driving many hours and getting covered in dust.

It is, in short, an only-in-San-Francisco feature that deserves the full protection of (and from) the law. Please do what you can to support John's efforts to legitimize it.

If you have any further questions, please do not hesitate to contact me.

Best wishes,
Joshua Raoul Brody
144 Coleridge
San Francisco CA 94110
415-695-9344
mail@jraoul.org

From: [Dean Mermell](#)
To: [DiSalvo, Jonathan \(CPC\)](#)
Cc: [Chicken John](#)
Subject: Conditional Use Permit for 3359 Caesar Chavez
Date: Thursday, October 26, 2017 9:32:38 AM

Jonathan,

I'm writing to express my support for granting a conditional use permit to John Rinaldi for his continued work at 3359 Caesar Chavez in San Francisco. The cultural events that are hosted at this space are of enormous cultural significance in a time when the soul of the city is threatened by interests that do not care about our history as an arts mecca. It is vital that any and all such venues be allowed to continue to exist and thrive. We must protect them and encourage them to continue to do the work that makes San Francisco the envy of every city in the country. Thank you for your help with this.

Sincerely,

Dean Mermell
Bernal Heights
Co founder, Sunset Piano
Creator of Flower Piano

From: ron.lastgasp@gmail.com on behalf of [Ron Turner](#)
To: [DiSalvo, Jonathan \(CPC\)](#)
Cc: [chicken john](#)
Subject: Conditional use permit for Chez Poulet
Date: Wednesday, October 25, 2017 3:40:04 PM

Howdy Mr. DiSalvo: I am writing to support approving a conditional use permit for this space. I have had the pleasure of attend many events over the years and find this place and location a local treasure and a place at peace with its surroundings. I have had my warehouse and business in the heart of the Mission for over 45 years and we need performance spaces. Please approve. Thanks, Ron Turner

--

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From: [Lena Strayhorn](#)
To: [DiSalvo, Jonathan \(CPC\)](#)
Cc: [Chicken](#)
Subject: Conditional Use Permit: 3359 Cesar Chavez
Date: Wednesday, October 25, 2017 3:26:02 PM

Dear Mr. DiSalvo,

Over the years, I have attended many scintillating arts events at Chez Poulet, located at 3359 Cesar Chavez Street. I was excited to learn that the city is considering granting a conditional use permit to the operators of the venue. Please encourage the planning department to approve this permit. Arts spaces in our city have been drastically dwindling in recent years, and I urge city officials to do all you can to keep this treasure of arts and innovation available to the people.

Thank you,

Lena Strayhorn
122 Brighton Ave
San Francisco CA 94112

From: [Kaytea Petro](#)
To: [DiSalvo, Jonathan \(CPC\)](#)
Cc: [Chicken John](#)
Subject: I support 3359 Cesar Chavez St.
Date: Wednesday, October 25, 2017 4:00:10 PM

Dear Mr. DiSalvo and the Planning Commission,
I am writing in support of "Chicken" John Rinaldi's conditional use permit for the building located at 3359 Cesar Chavez at Mission. The building should be a legally recognized gathering space, art space, and event space because the City needs it, and Chicken John will be a safe (if a bit acerbic!) owner and operator of such a space.

I have known Chicken for 17 years, and have attended many events and gatherings he and his band of assistants have put on.

When he owned the Odeon Bar in the 2000's, he often put on outlandish shows. The events were unimaginable, yet everyone was safe on many levels: safe to express themselves, safe to be their kooky self, safe to exist without harassment (sexual, gendered, racially motivated or otherwise), and physically safe within the space.

At the summertime camp out he organizes in Colusa County, people of all experience levels are encouraged to use power tools to build boat, yet his (and the community he surrounds himself with) focus on safety has meant that the worst injuries people get on the camp out are heat stroke, sunburns and minor abrasions.

I am aware that the city has many valid concerns about safety in the wake of the Ghost Ship Fire; Chicken is thorough, cantakerous and responsible when it comes to safety, the City has nothing to worry about him operating a space on Cesar Chavez street. The City needs more art spaces, I am a member of one of many art collectives that lost our space after the fire, and am deeply aware that between the forces of gentrification, a lack of solid commitment to the arts and rising rents, that the City is getting more homogeneous, boring, and sterile. It seems that almost every week, another artist friend moves out of the City because it's just too hard to live and create here.

Best,
Kaytea Petro
38 Carl Street
San Francisco, CA 94117

Born and raised in San Francisco.

Riding a bike through [a city] is like navigating the collective neural pathways of some vast global mind. It really is a trip inside the collective psyche of a compacted group of people.

-David Byrne

From: [will_welch](#)
To: [DiSalvo, Jonathan \(CPC\)](#)
Cc: [Chicken John Rinaldi](#)
Subject: in support of conditional use permit for 3359 Ceasr Chavez
Date: Wednesday, October 25, 2017 4:47:03 PM

Dear Mr. DiSalvo,

I am writing in support of the application for conditional use permit at 3359 Ceasr Chavez. This address has a long glowing history in the San Francisco underground art scene, as an origin point and a destination for nonconforming, beautiful, ugly, soothing, and highly irritating art, artists, and communities around them. San Francisco should do whatever it can to encourage places like this to exist -- and with this one, the hard part has already been done, you just need to make them official.

Best regards,

Will Welch
650 Second Street #203
San Francisco, CA 94107
415-480-4704 (cell)

From: [Catherine Hicks](#)
To: [DiSalvo, Jonathan \(CPC\)](#)
Subject: Permit for 3359 Ceasr Chavez
Date: Wednesday, October 25, 2017 6:24:35 PM

I am writing you to wholeheartedly support the permitting process for 3359 Ceasr Chavez.

As we lose so many arts and entertainment venues in our city to development, we need a place like this in order to keep our unique culture not only alive and well but thriving.

I thank you for your consideration on this matter

Catherine Hicks

--

Catherine Hicks

Portfolio: <http://www.artistsphere.com>

LinkedIn <http://www.linkedin.com/in/catherinebhicks>

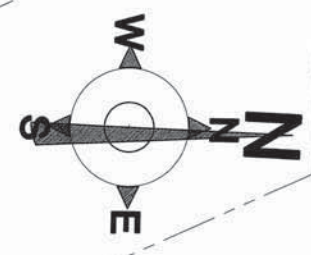
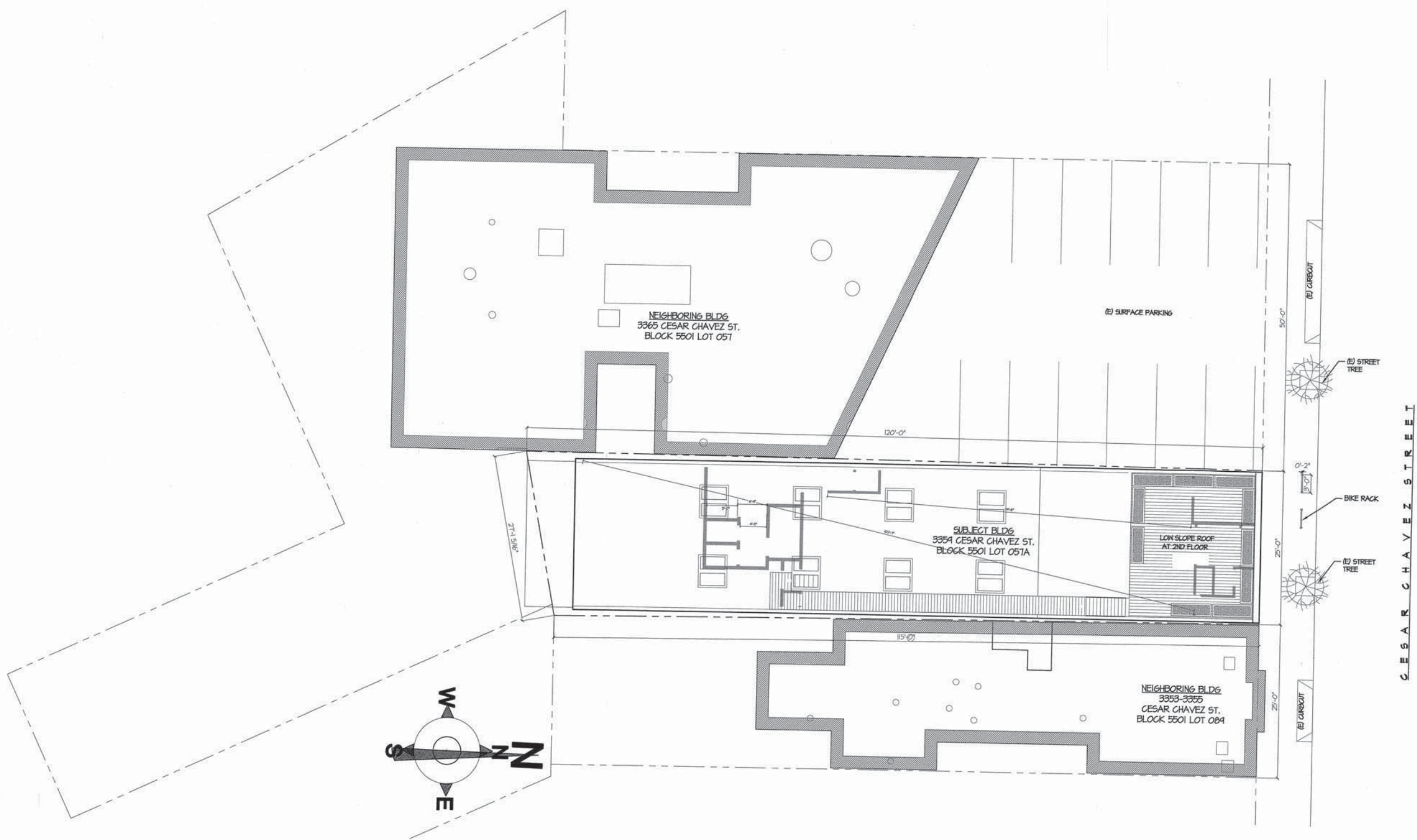
Twitter @catherinebhicks

Resume download (doc)

https://www.dropbox.com/s/6w3dzixwlfedkw/resume_2015_hicks_.rtf?dl=0

San Francisco: 408.230.5526

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CESAR CHAVEZ STREET



LEVY
ART + ARCHITECTURE

151 POTRERO AVE. STE 200
SAN FRANCISCO, CA 94103
415.641.7320
levyaa.com

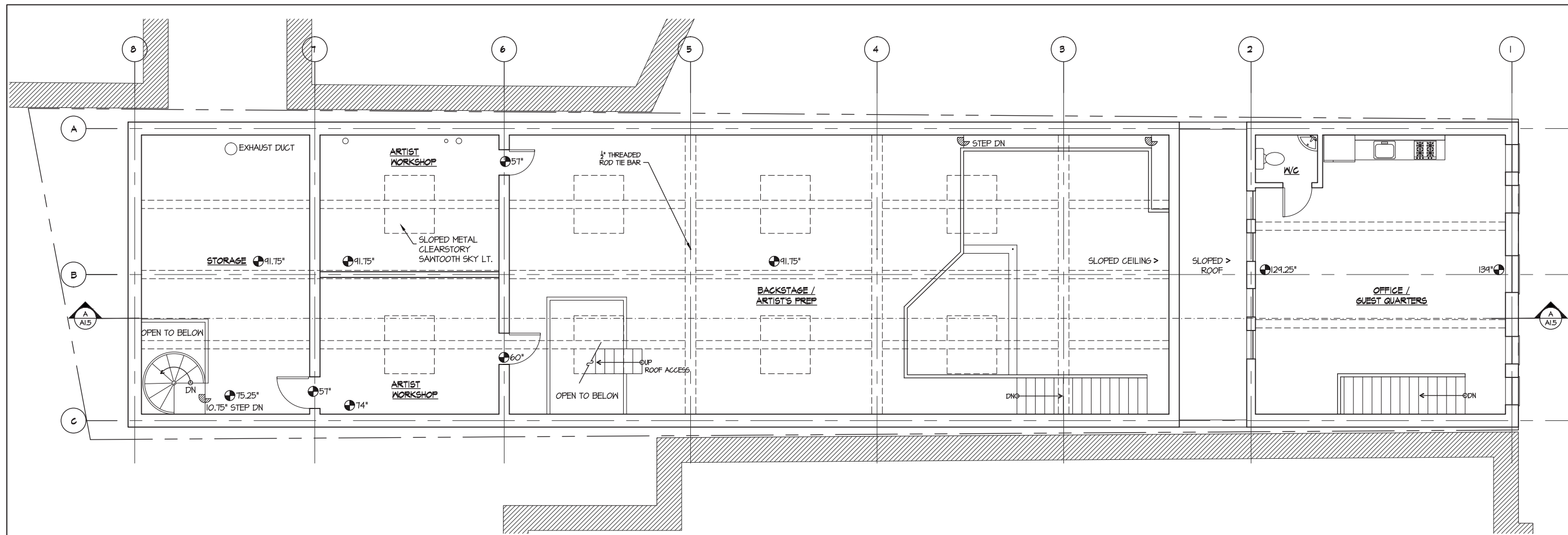


SF Institute of Possibilities
3359 Cesar Chavez St.
San Francisco, CA 94110
Block 5501 Lot 057A

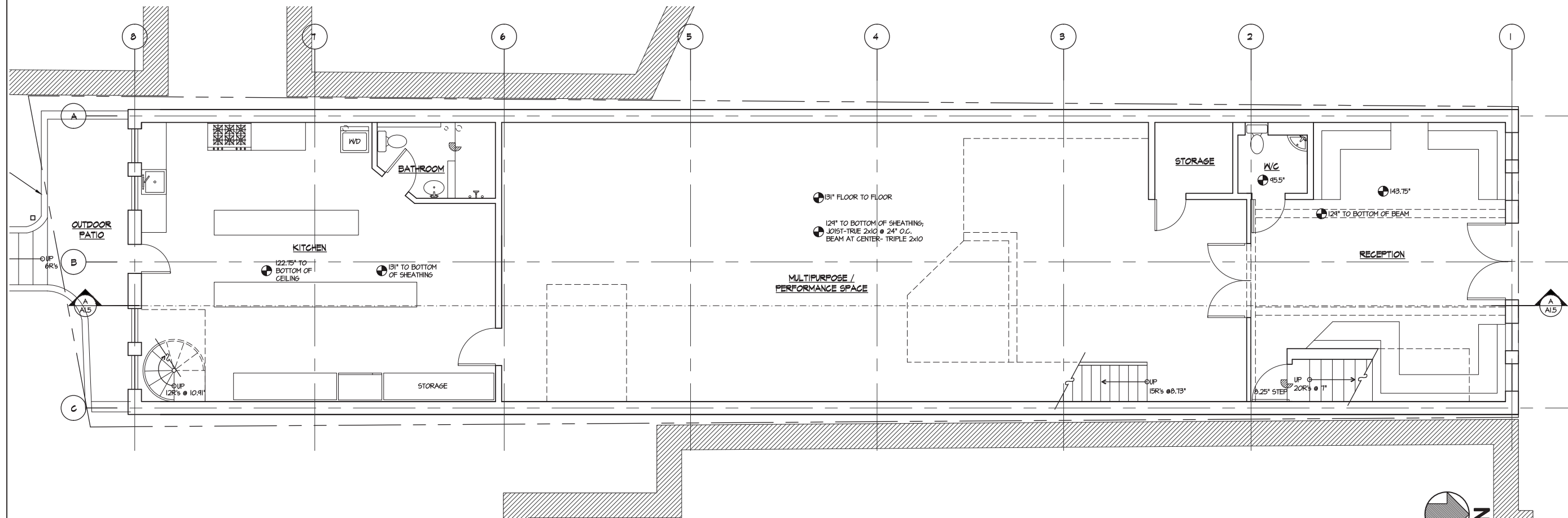
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SITE PLANS	
Date:	04.26.2011
Scale:	AS NOTED
Drawn:	HA, MJT
Job:	Chez Pavlet
Sheet:	

EXISTING SITE PLAN
SCALE: 1/8" = 1'-0"

A1.0



2 EXISTING 2ND FLOOR/LOFT PLAN
SCALE: 1/4" = 1'-0"



1 EXISTING FIRST FLOOR PLAN
SCALE: 1/4" = 1'-0"

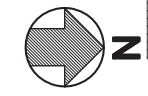
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 Block 5501 Lot 057A

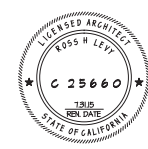
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SITE PLANS	
Date:	11.3.2016
Scale:	AS NOTED
Drawn:	MB
Job:	Chez Poulet
Sheet:	



A1.1

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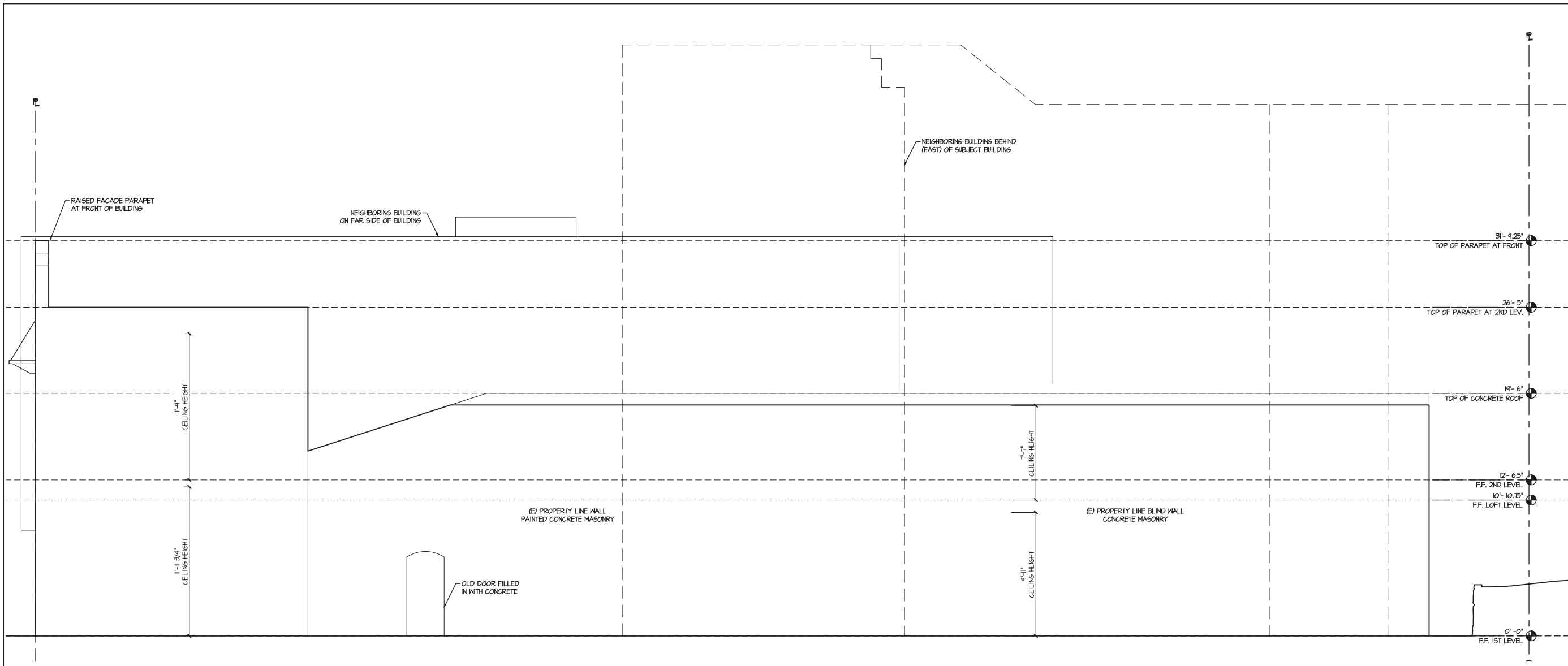
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 San Francisco, CA 94110
 Block 5501 Lot 057A

Description	EXISTING ELEVATIONS
Date:	11.3.2016
Scale:	AS NOTED
Drawn:	MB
Job	Chez Poulet
Sheet	

A1.3



EXISTING NORTH/FRONT ELEVATION
 SCALE: 1/4" = 1'-0"



EXISTING WEST ELEVATION
SCALE 1/4" = 1'-0"

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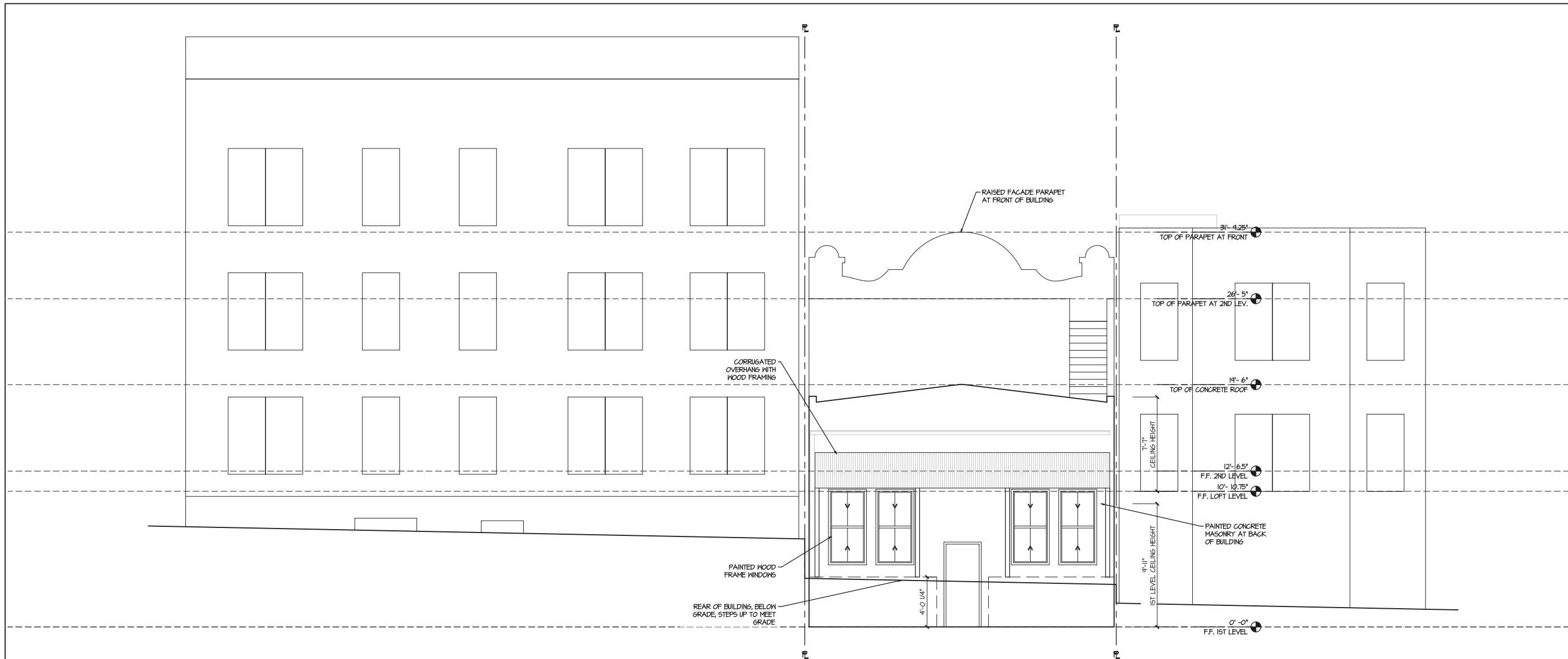
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 San Francisco, CA 94110
 Block 5501 Lot 057A

Description
EXISTING ELEVATIONS
Date: 11.3.2016
Scale: AS NOTED
Drawn: MB
Job: Chez Pavlet
Sheet

A1.4



EXISTING SOUTH/REAR ELEVATION
 SCALE 1/4" = 1'-0"

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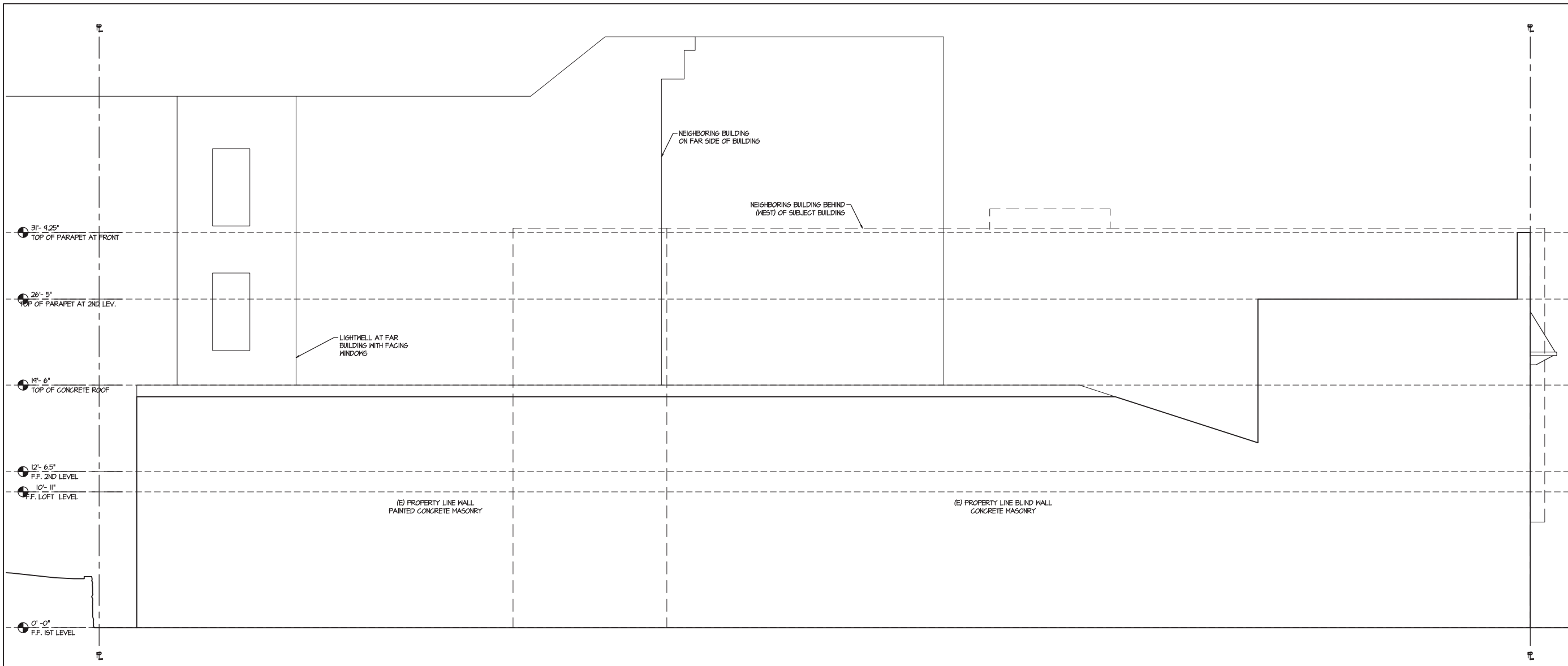
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Description	EXISTING ELEVATIONS
Date:	11.3.2016
Scale:	AS NOTED
Drawn:	MB
Job	Chez Poulet
Sheet	

A15



EXISTING EAST ELEVATION
SCALE: 1/4" = 1'-0"

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Description	EXISTING ELEVATIONS
Date:	11.3.2016
Scale:	AS NOTED
Drawn:	MB
Job	Chez Poulet
Sheet	

A1.6