



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Conditional Use

HEARING DATE: JULY 14, 2016

Date: July 7, 2016
Case No.: **2016-002786CUA/VAR**
Project Address: **198 Church Street**
Zoning: Upper Market Neighborhood Commercial Transit
40-X Height and Bulk District
Block/Lot: 3537/016
Project Sponsor: Michael Goebel
198 Church Street
San Francisco, CA 94114
Staff Contact: Nancy Tran – (415) 575-9174
nancy.h.tran@sfgov.org
Recommendation: **Approval with Conditions**

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PROJECT DESCRIPTION

The Project Sponsor proposes to expand an existing ground floor bar known as “Churchill” to the second floor of a two-story commercial building located at 198 Church Street. The approximately 1,440 square foot second floor is presently used as office and storage for the ground floor bar. The Project includes change of use and tenant space improvements for the second floor, thus expanding the existing bar use on site to approximately 3,940 gross square feet. No exterior building alterations, parking or bicycle parking are proposed.

SITE DESCRIPTION AND PRESENT USE

The Project is located on the western side of Church Street at the northwestern corner of the intersection with 14th Street, Block 3537, Lot 016. The subject property is located within the Upper Market Street Neighborhood Commercial Transit (NCT) District and the 40-X Height and Bulk District. The property is developed with a two-story commercial building built to all property lines, with tenants including a bar (Churchill) and barber/hair salon (Nimbus).

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The Upper Market Street Neighborhood Commercial Transit District is located on Market Street from Church to Noe Streets, and on side streets off Market. Upper Market Street is a multi-purpose commercial district that provides limited convenience goods to adjacent neighborhoods, but also serves as a shopping street for a broader trade area. District controls in the Upper Market Street NCT are designed to promote moderate-scale development which contributes to the definition of Market Street's design and character. They are also intended to preserve the existing mix of commercial uses and maintain the livability of the district and its surrounding residential areas. To promote mixed-use buildings, most commercial uses are

permitted with some limitations above the second story. In order to maintain continuous retail frontage and preserve a balanced mix of commercial uses, ground-story neighborhood-serving uses are encouraged, and eating and drinking, entertainment, and financial service uses are limited. Ground floor commercial space is required along Market and Church Streets.

The project site is located in an area of mixed-use in character and on a corridor composed primarily of ground floor commercial/retail uses and upper floor residential. Adjacent properties include a Safeway supermarket, restaurant, and mixed-used buildings (liquor/residential and restaurant/residential). Buildings in the vicinity typically range from one to three stories in height.

ENVIRONMENTAL REVIEW

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

HEARING NOTIFICATION

| TYPE | REQUIRED PERIOD | REQUIRED NOTICE DATE | ACTUAL NOTICE DATE | ACTUAL PERIOD |
|--------------------|-----------------|----------------------|--------------------|---------------|
| Classified News Ad | 20 days | June 24, 2016 | June 24, 2016 | 20 days |
| Posted Notice | 20 days | June 24, 2016 | June 24, 2016 | 20 days |
| Mailed Notice | 20 days | June 24, 2016 | June 24, 2016 | 20 days |

The proposal requires Variance and Section 312 neighborhood notification, which was conducted in conjunction with the Conditional Use Authorization process.

PUBLIC COMMENT/COMMUNITY OUTREACH

- To date, the Department has received no communications in opposition to the proposal. The Department has received three communications in favor of the project which include letters from neighborhood organizations expressing support for the proposed second floor change of use and bar expansion.
- The Project Sponsor has conducted outreach to the adjacent neighbors and interested community groups, including the Duboce Triangle Neighborhood Association (DTNA). The Sponsors have hosted two pre-application meetings.

ISSUES AND OTHER CONSIDERATIONS

- **Second Floor Bar** – Planning Code Section 733.41 requires Conditional Use Authorization to expand an existing ground floor bar to the second floor if: (a) the space to be converted has not been in Residential use within the previous five years, (b) an internal staircase connecting the ground floor bar use and the upper floor already exists, and (c) there will be no expansion of the building envelope. The project meets the three criteria listed above for bar expansion to the second floor within the Upper Market Street NCT district.

- **Use Size** – Planning Code permits non-residential uses up to 2,999 gross square feet in Upper Market Street NCT. Conditional Use Authorization is required for uses of 3,000 gross square feet or above per Section 733.21. As proposed, bar expansion to the second floor would cause the project to exceed the use size limitation principally permitted for properties within the district.
- **Bicycle Parking** – A Variance, to be considered by the Zoning Administrator, is required pursuant to Section 155.2 with respect to bicycle parking. The project is subject to bicycle parking requirements as it proposes a “change of occupancy or increase in intensity of use. Based on the second floor use change and square footage, a minimum of one Class I and two Class II spaces are required. No bicycle parking is proposed.

REQUIRED COMMISSION ACTION

In order for the project to proceed, the Commission must grant Conditional Use Authorization pursuant to Planning Code Sections 303, 733.41 and 733.21 to allow expansion of the existing ground floor bar to the second floor and to allow commercial use size greater than 2,999 square feet. A Variance request for bicycle parking will be considered concurrently by the Zoning Administrator at the July 14, 2016 Planning Commission hearing.

BASIS FOR RECOMMENDATION

- The project would not displace an existing retail tenant providing convenience goods and services to the neighborhood.
- The project promotes the continued operation of an established, locally-owned business and contributes to the viability of the overall Upper Market NCT.
- The project is necessary and desirable, is compatible with the surrounding neighborhood and would not be detrimental to persons or adjacent properties in the vicinity.
- The business is not a Formula Retail use and would serve the immediate neighborhood.

| | |
|------------------------|---------------------------------|
| RECOMMENDATION: | Approval with Conditions |
|------------------------|---------------------------------|

Attachments:

Draft Motion – Conditional Use Authorization

Parcel Map

Sanborn Map

Zoning Map

Aerial Photograph

Context Photos

CEQA Categorical Exemption Determination

Combined CUA / Variance / 312 Notice

Project Sponsor Submittal, including:

- Applications
- Reduced Plans

Public Comment

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 checked="" type="checkbox"/> Parcel Map | <input checked="" type="checkbox"/> Check for legibility |
| <input checked="" type="checkbox"/> Sanborn Map | Drawings: <u>Proposed Project</u> |
| <input checked="" type="checkbox"/> Zoning District Map | <input checked="" type="checkbox"/> Check for legibility |
| <input checked="" type="checkbox"/> Aerial Photo | |
| <input checked="" type="checkbox"/> Environmental Determination | |
| <input checked="" type="checkbox"/> Site/Context Photos | |

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

NT
Planner's Initials

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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

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ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 303 AND 733.41 OF THE PLANNING CODE TO ALLOW THE EXPANSION OF AN EXISTING GROUND FLOOR BAR (D.B.A. CHURCHILL) TO THE SECOND FLOOR; AND SECTION 733.21 TO ALLOW COMMERCIAL USE SIZE IN EXCESS OF 2,999 SQUARE FEET WITHIN THE UPPER MARKET NCT (NEIGHBORHOOD COMMERCIAL TRANSIT) DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On March 1, 2016, Michael Goebel (hereinafter “Project Sponsor”) filed an application with the Planning Department (hereinafter “Department”) for Conditional Use Authorization under Planning Code Sections 303, 733.41 and 733.21 to allow expansion of an existing ground floor bar (d.b.a. Churchill) to the second floor and to allow commercial use size in excess of 2,999 sq. ft. within the Upper Market Street NCT (Neighborhood Commercial Transit) District and a 40-X Height and Bulk District.

On June 24, 2016, the Project Sponsor also filed a Variance pursuant to Planning Code Section 155.2 for relief from providing required bicycle parking. The project is required to provide one required Class 1 and two Class 2 bicycle parking spaces.

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

On July 14, 2016, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2016-002786CUA.

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. 2016-002786CUA, 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 western side of Church Street, at the northwest corner of the intersection with 14th Street, Block 3537, Lot 016. The subject property is located within the Upper Market Street Neighborhood Commercial Transit (NCT) District and the 40-X Height and Bulk District. The property is a corner lot, with approximately 100 feet of frontage on Church Street and 25 feet of frontage on 14th Street. The property is developed with a two-story commercial building built to all property lines. The ground floor is developed with Churchill bar and the second floor is presently used as associated office and storage for the bar.
3. **Surrounding Properties and Neighborhood.** The Project Site is located at the intersection of Church and 14th Streets, in the Upper Market Street NCT District with a variety of neighborhood-serving uses. The Project Site is located in an area of mixed-use in character and on a corridor composed primarily of ground floor commercial/retail uses and upper floor residential. A mixture of food establishments, personal services, and small retail defines the District. Adjacent properties include a Safeway supermarket, restaurant, and mixed-used buildings (liquor/residential and restaurant/residential). Buildings in the vicinity typically range from one to three stories in height.
4. **Project Description.** The Project Sponsor proposes to expand an existing ground floor bar known as "Churchill" to the second floor of a two-story commercial building located at 198 Church Street. The approximately 1,440 sq. ft. second floor is presently used as office and storage for the ground floor bar. The Project includes change of use and tenant space improvements for the second floor, thus expanding the existing bar use on site to approximately 3,940 gross square feet. No exterior building alterations, parking or bicycle parking are proposed.

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

Trash and recycling are picked up from the Church Street frontage near the bus shelter. The receptacles will be stored inside the property except when scheduled to be emptied. The subject site is well served by public transit so that potential customers should not adversely affect the traffic flow. It is not anticipated that the project will further affect the neighborhood traffic.

5. **Public Comment.** The Department has received three letters in support of the proposal from neighborhood organizations – Duboce Triangle Neighborhood Association, Castro/Upper Market Community Benefit District and Castro Merchants.
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. **Height and Bulk Limit.** The subject property is located within the Upper Market Street NCT District, with a 40-X Height and Bulk District. Pursuant to Section 270, projects with “-X” Bulk Districts are not subject to specific bulk controls. Pursuant to Section 733.10, projects within Upper Market Street NCT Districts and within 40-X Bulk Districts are allowed an additional five feet of height if the project includes active ground floor commercial uses with elevated ceilings taller than 10 feet.

The Project does not propose changes to the existing building height (approximately 25 feet 6 inches to top of roof).

- B. **Lot Size.** Sections 121.1 and 733.11 principally permit lot sizes up to 9,999 sq. ft. and require Conditional Use Authorization for 10,000 sq. ft. or above.

The Project does not propose changes to the existing lot size (2,500 sq. ft.).

- C. **Rear Yard.** Planning Code Sections 134 and 733.12 state that the minimum rear yard depth shall be equal to 25 percent of the total depth of a lot in which it is situated at grade level and above in the Upper Market NCT.

The subject lot is 100% covered by the existing building. The Project does not propose changes to the existing building envelope.

- D. **Street Frontage in Neighborhood Commercial Districts.** Sections 145.1 and 733.13 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 has approximately 100 feet of frontage on Church Street with approximately 34 feet devoted to the bar entrance or window space. The windows are clear and unobstructed. The Project does not propose changes to the existing building or commercial frontage. The Project complies with providing active uses within 25 feet of the building's ground floor and 15 feet on the floor above.

- E. **Floor Area Ratio.** Per Planning Code Sections 124 and 733.20, the maximum floor area ratio for non-residential uses in the Upper Market NCT is 3.0 to 1.0.

The subject lot size is approximately 2,500 sq. ft., which allows for 7,500 gross square feet non-residential use. The Project Sponsor proposes approximately a total of 3,940 sq. ft. commercial (2,500 sq. ft. at the ground floor and 1,440 sq. ft. at the second floor). The proposal complies with the Planning Code with respect to Floor Area Ratio.

- F. **Use Size.** Pursuant to Planning Code Sections 121.2 and 733.21, non-residential uses are principally permitted up to 2,999 sq. ft.; Conditional Use Authorization is required for uses 3,000 sq. ft. or greater.

The Project requires Conditional Use Authorization per the requirements of the Sections 121.2 and 733.21. The additional criteria have been incorporated as findings in part of this Motion. See Item 9, "Planning Code Sections 121.2 and 733.21" below.

- G. **Off-Street Parking, Commercial.** Per Planning Code Sections 151 and 733.22, no off-street parking is required.

No on-site parking is proposed.

- H. **Off-Street Freight Loading.** Pursuant to Planning Code Sections 152 and 733.23, no loading space is required if the gross floor area is less than 10,000 sq. ft.

The project proposes a total of 3,940 gross square feet of commercial use. No off-street loading is proposed.

- I. **Outdoor Activity.** Planning Code Sections 145.2 and 733.24 states that outdoor activity is principally permitted if located outside a building and contiguous to the front property line; otherwise, Conditional Use Authorization is required if located elsewhere.

No outdoor activity is proposed on-site.

- J. **Hours of Operation.** Planning Code Section 733.27 states that businesses are permitted to operate between 6A.M. and 2A.M.; Conditional Use Authorization is required for maintaining hours of operation from 6P.M. to 2 A.M.

The Project Sponsor does not propose to change the existing hours of operation which is presently 10A.M. to 2A.M.

- K. **Business Sign.** Business signs are permitted and are subject to the review and approval of the Planning Department pursuant to Article 6 of the Planning Code.

An existing business sign is located above the main entrance located along Church Street. No changes to the sign or additional signage are proposed.

- L. **Market and Octavia Community Infrastructure Impact Fee.** Per Section 421 of the Code, the project requires payment per gross new square foot of residential and commercial development for the Market and Octavia Community Improvements Fund.

- M. **Transportation Sustainability Fee.** Per Section 411A, effective December 25, 2015, the Transportation Sustainability Fee is in effect for this project because of the proposed change of use on site.

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

The Project is desirable and compatible with the scale and character of the Neighborhood Commercial Transit district as it proposes to maintain and expand the existing neighborhood bar to the building's second floor. The expanded bar space proposes to provide a community gathering area for local events such as neighborhood meetings, charity fundraisers and social events. This will complement the mix of goods and services currently available in the district and contribute to the economic vitality of the neighborhood.

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

- 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. The Project will not alter the existing appearance or character of the project vicinity.

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

The Project Site is very well served by public transit. The proposed use is designed to meet the needs of the immediate neighborhood and should not generate significant amounts of vehicular trips from the immediate neighborhood or citywide. The Planning Code does not require parking or loading for a 3,940 sq. ft. bar; no off-street parking or loading will be provided.

- 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 conditions of approval for bar use outlined in Exhibit A. Conditions 9 and 12 specifically obligates the project sponsor to mitigate odor and noise generated by the bar use.

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

The proposed bar expansion does not require any additional tenant improvements noted above.

- 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 generally complies with the applicable sections of the Code, with the exception of bicycle parking. The Project concurrently seeks a Variance from the Planning Code's bicycle parking requirement. The Project generally meets the intent of the Planning Code and is consistent with objectives and policies of the General Plan as detailed below.

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

The Project is consistent with the stated purposes of Upper Market Street NCT District in that it will contribute to the definition of district's design and character, maintain and promote the mix of commercial uses and livability and is a neighborhood-serving use compatible with the immediately surrounding neighborhoods.

8. **Additional Findings pursuant to Section 303, Eating and Drinking Uses.** The existing concentration of eating and drinking uses in the area should not exceed 25 percent of the total commercial frontage as measured in linear feet within the immediate area of the subject site.

Project meets criterion.

There is no change to the existing concentration of bars in the area as the project proposes to expand the ground floor bar that presently exists on site within the building to the second floor. The Project does not propose changes to the existing building envelope.

9. **Planning Code Sections 121.2 and 733.21** establish criteria for the Planning Commission to consider when reviewing applications for projects within the Upper Market NCT that exceed a use size of 2,999 sq. ft., through the Conditional Use process. On balance, the project complies with said criteria in that:

- A. The intensity of activity in the district is not such that allowing the larger use will be likely to foreclose the location of other needed neighborhood-serving uses in the area.

The Project proposes to expand an existing ground floor bar to the second floor that is presently utilized as associated office and storage space for the business. It would have no effect on other neighborhood-serving uses as there are limited properties with commercial or office uses located on the second floor within the immediate area.

- B. The proposed use will serve the neighborhood, in whole or in significant part, and the nature of the use require a larger size in order to function.

The Project will allow an existing neighborhood-serving business to expand and provide more services to the community. The expanded bar space will provide a community gathering area for local events such as neighborhood meetings, charity fundraisers and social events.

- C. The building in which the use is to be located is designed in discrete elements which respect the scale of development in the district.

The Project does not propose exterior changes to the building.

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

**MARKET AND OCTAVIA AREA PLAN
Objectives and Policies**

OBJECTIVE 1.1:

CREATE A LAND USE PLAN THAT EMBRACES THE MARKET AND OCTAVIA NEIGHBORHOOD'S POTENTIAL AS A MIXED-USE URBAN NEIGHBORHOOD.

Policy 1.1.2:

Concentrate more intense uses and activities in those areas best served by transit and most accessible on foot.

Policy 1.1.3:

Encourage housing and retail infill to support the vitality of the Hayes-Gough, Upper Market, and Valencia Neighborhood Commercial Districts.

The Project proposes retail infill through the expansion of bar use to the second floor within the existing building. This pattern of development is consistent with the Market and Octavia Area Plan, which encourages more intense development on Market Street because it is a commercial center and is highly accessible by public transit and walking.

COMMERCE AND INDUSTRY

Objectives and Policies

OBJECTIVE 1:

MANAGE ECONOMIC GROWTH AND CHANGE TO ENSURE ENHANCEMENT OF THE TOTAL CITY LIVING AND WORKING 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 expanded use of the existing business within the building will not result in undesirable consequences. It will provide a desirable service to the neighborhood and provide resident employment opportunities to those in the community. Further, the Project Site is located within a Neighborhood Commercial District and is thus consistent with activities in the commercial land use plan.

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.

Policy 2.3:

Maintain a favorable social and cultural climate in the City in order to enhance its attractiveness as a firm location.

The Project will retain an existing commercial activity and will enhance the diverse economic base of the City. The expanded bar space proposes to provide a community gathering area for local events such as neighborhood meetings, charity fundraisers and social events.

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 no change to the existing concentration of bars and eating establishments with the project as it proposes to expand the ground floor bar that presently exists on site within the building to the second floor.

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.

An independent entrepreneur is sponsoring the proposal. The proposed use is a neighborhood serving use. This is not a Formula Retail use.

11. **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 maintaining and expanding an existing neighborhood bar to the building's second floor. The business would be locally owned and will provide new employment opportunities for the community. The proposed interior alterations are within the existing building footprint.

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

No housing is removed for this Project. The business will maintain its existing hours of operation so as to mitigate noise concerns in the neighborhood.

- 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 Church Street and is well served by transit. It is presumable that the employees would commute by transit thereby mitigating possible effects on street parking. Church Street has four MUNI transit lines (J, N, 22 and 37) and within 200 feet of additional MUNI lines on Market Street (KT, L, M and F).

- 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 does not propose exterior changes to the building, only second floor interior tenant space improvements are proposed and will not impact the property's ability to withstand an earthquake.

- G. That landmarks and historic buildings be preserved.

A landmark or historic building does not occupy the project site.

- 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.

12. 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.
13. 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. 2016-002786CUA/VAR** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated March 1, 2015, 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 July 14, 2016.

Jonas P. Ionin
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: July 14, 2016

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to allow expansion of an existing ground floor bar to the second floor and to allow commercial use size in excess of 2,999 sq. ft. (d.b.a. **Churchill**) located at 198 Church Street, Block 3537, and Lot 016 pursuant to Planning Code Sections **303, 733.41 and 733.21** within the **Upper Market Street NCT** District and a **40-X** Height and Bulk District; in general conformance with plans, dated **March 1, 2016**, and stamped "EXHIBIT B" included in the docket for Case No. **2016-002786CUA/VAR** and subject to conditions of approval reviewed and approved by the Commission on **July 14, 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 **July 14, 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 Dept. 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 Dept. 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 Dept. 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 Dept. 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 Dept. at 415-575-6863, www.sf-planning.org*

MONITORING

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

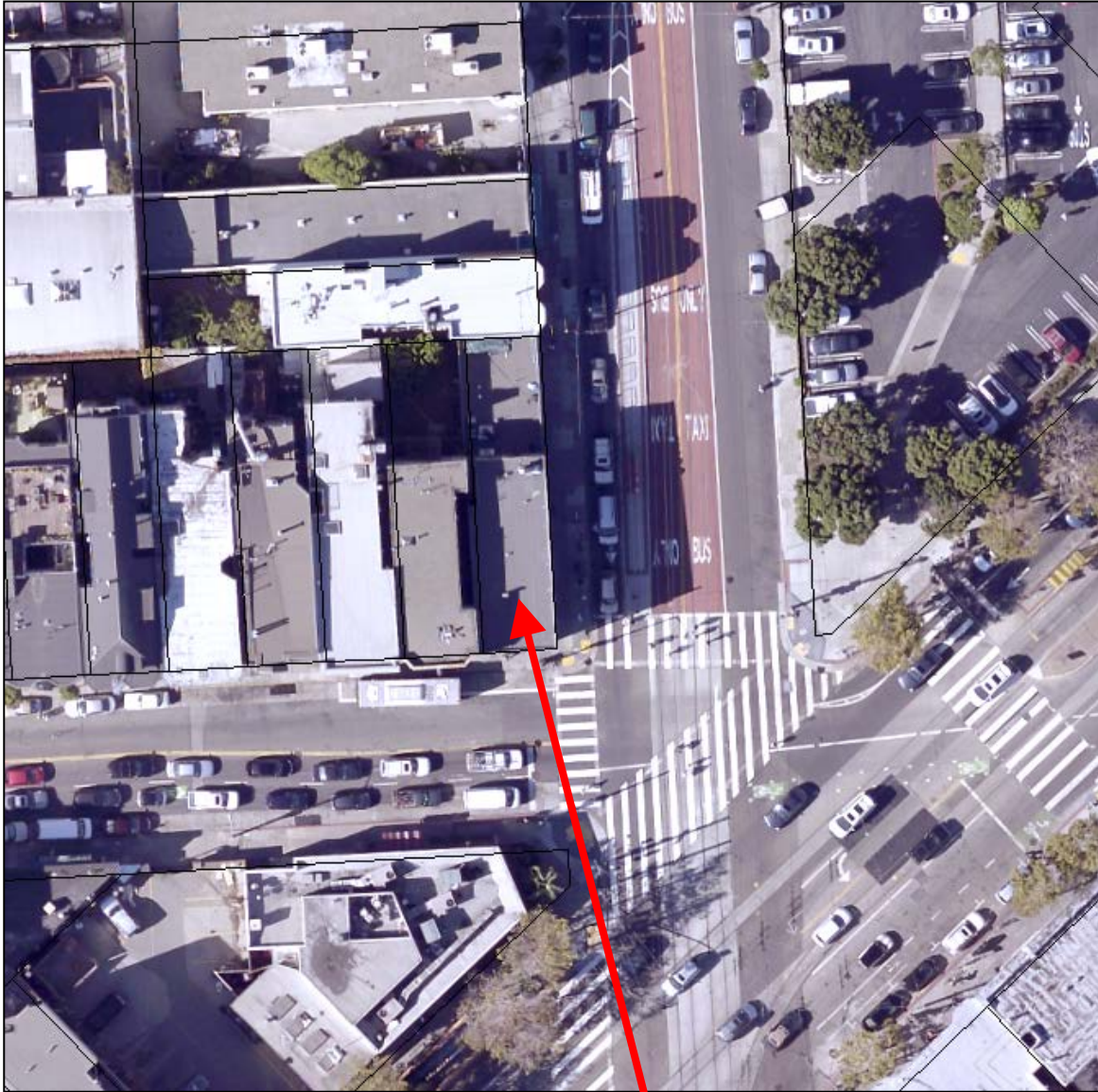
OPERATION

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. **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 Dept.at 415-575-6863, www.sf-planning.org*
10. **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>*
11. **Windows.** Windows must remain closed during hours of operation when sound amplification is used. Sound must be fully contained within the building, including bass vibration.

PROVISIONS

12. **Noise.** If five reports of disturbance are made within a month, the Project Sponsor will engage a reputable sound engineering (i.e. firm of Slater & Associates) to address the sound problems. A sound attenuation plan will be determined at that time. If the test results show that sound isolation materials are required, the Project Sponsor will comply. The sound attenuation plan will specifically address bass and generally noise levels audible from the street. Additionally, the Project Sponsor will be responsible for enforcing a "no short circuit" rule, by which employees and For Hire DJs are unable to manipulate the sound system into operating outside the parameters set by the attenuation plan.
13. **Reference.** The Project Sponsor shall at all times keep a copy of these Conditions of Approval on the premises for reference. Management shall review with new employees as part of their training and orientation and periodically (at least at twelve month intervals) review with the other employees, these Conditions and Approval related to operational concerns and quality of life issues with emphasis on noise control, and respectful behavior towards neighbors by patrons. Employees are to be reminded that continued successful operation at 194 Church Street is dependent on compliance with these Conditions of Approval.

Aerial Photo

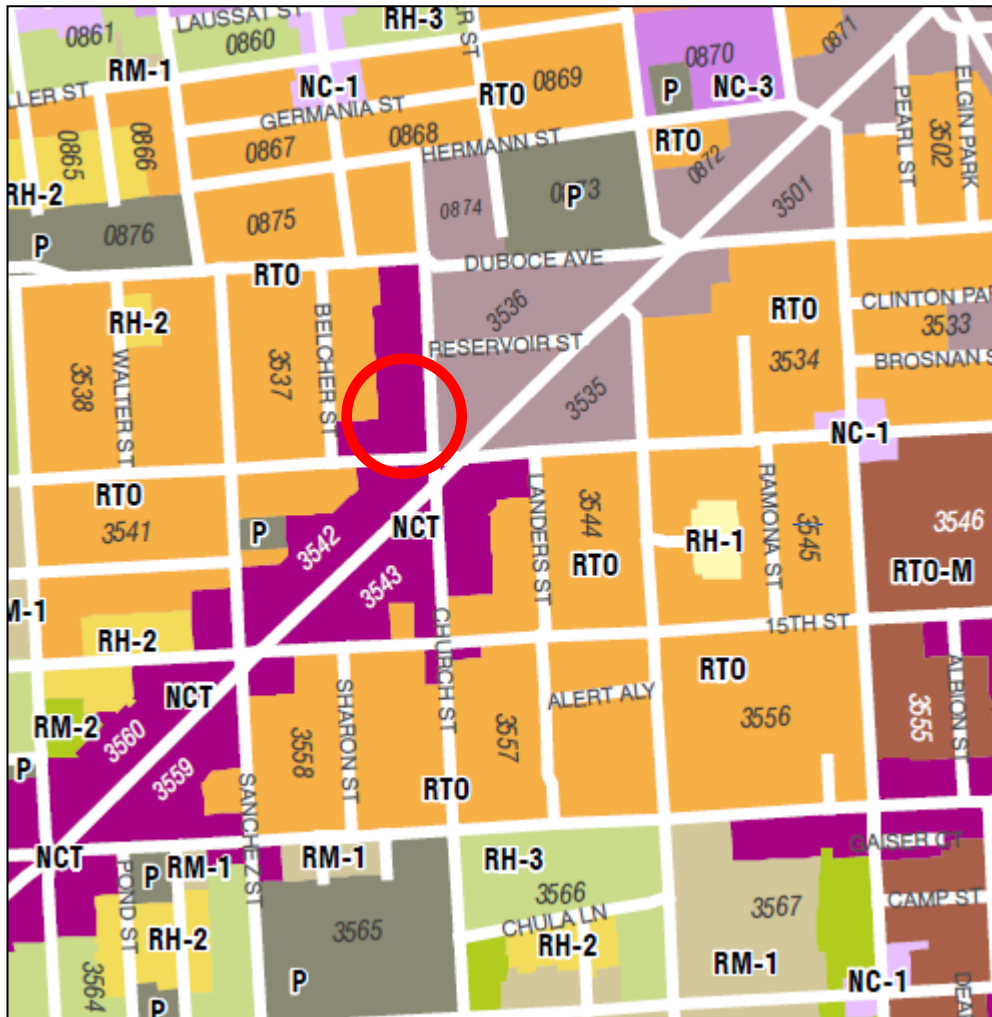


SUBJECT PROPERTY



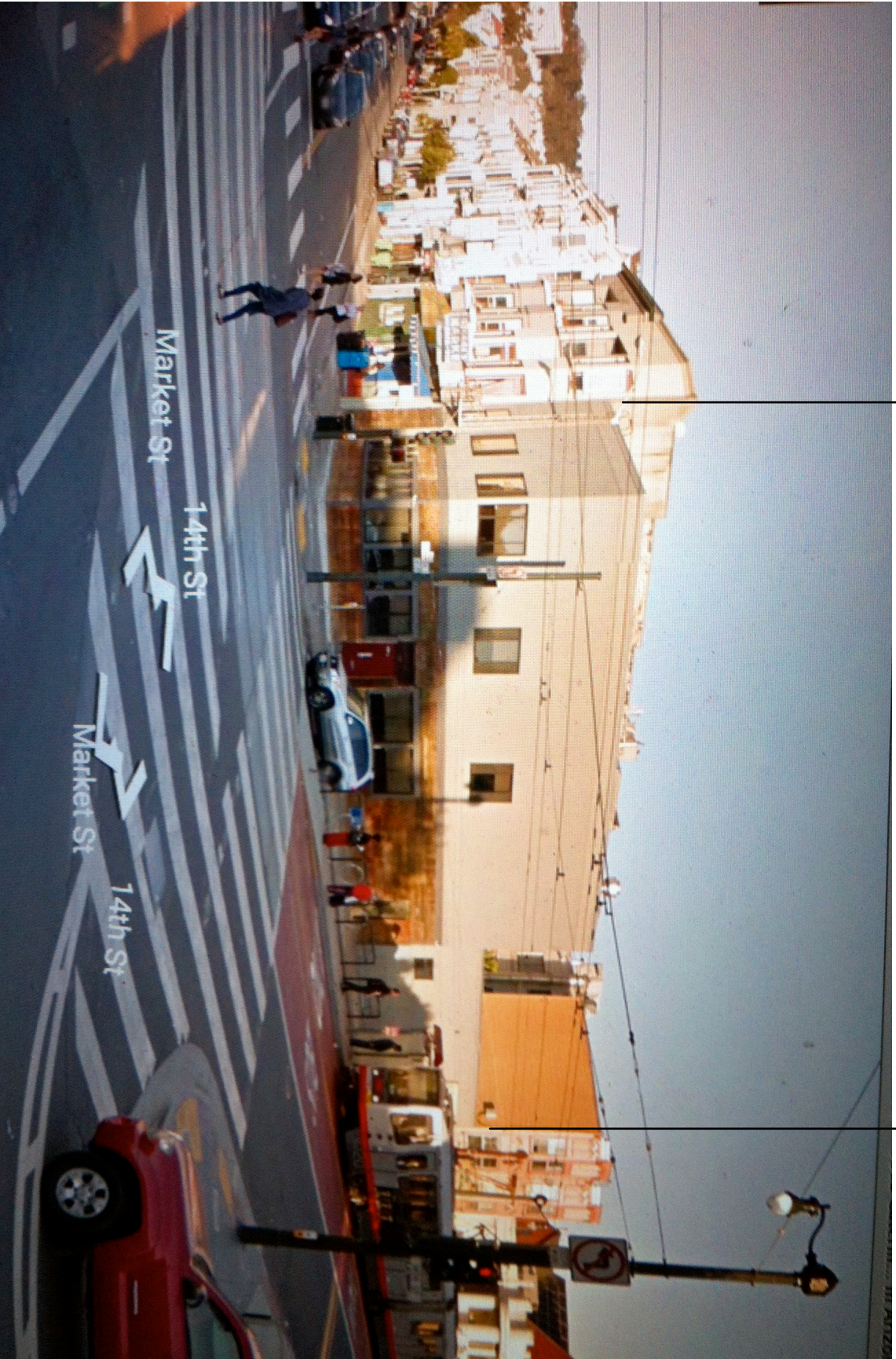
Conditional Use Authorization / Variance
Case Number 2016-002786CUA/VAR
198 Church Street

Zoning Map



Conditional Use Authorization / Variance
Case Number 2016-002786CUA/VAR
198 Church Street

SUBJECT PROPERTY



VIEW OF EAST ELEVATION FROM CHURCH STREET



SUBJECT PROPERTY

VIEW OF PROPERTY LOOKING SOUTH ON CHURCH



SUBJECT PROPERTY

VIEW OF PROPERTY FROM CROSSWALK AT CHURCH STREET



SUBJECT PROPERTY

VIEW OF SUBJECT PROPERTY FROM INTERSECTION OF MARKET AND CHURCH STREETS



VIEW OF SUBJECT PROPERTY FROM INTERSECTION OF MARKET AND 14TH STREETS



SAN FRANCISCO PLANNING DEPARTMENT

CEQA Categorical Exemption Determination

PROPERTY INFORMATION/PROJECT DESCRIPTION

| | | | |
|---|---|--|--|
| Project Address | | Block/Lot(s) | |
| 198 Church Street | | 3537/016 | |
| Case No. | Permit No. | Plans Dated | |
| 2016-002786CUA/VAR | 2016.05.13.7361 | 03/01/2016 | |
| <input checked="" type="checkbox"/> Addition/ Alteration | <input type="checkbox"/> Demolition (requires HRER if over 45 years old) | <input type="checkbox"/> New Construction | <input type="checkbox"/> Project Modification (GO TO STEP 7) |
| Project description for Planning Department approval. | | | |
| The Project Sponsor proposes to expand an existing ground floor bar (~2500SF) known as "Churchill" to the second floor (~1400SF) of a two-story commercial building located at 198 Church Street (total ~3940SF). | | | |

STEP 1: EXEMPTION CLASS TO BE COMPLETED BY PROJECT PLANNER

| | |
|--|---|
| *Note: If neither class applies, an <i>Environmental Evaluation Application</i> is required.* | |
| <input checked="" type="checkbox"/> | Class 1 – Existing Facilities. Interior and exterior alterations; additions under 10,000 sq. ft. |
| <input type="checkbox"/> | Class 3 – New Construction/ Conversion of Small Structures. Up to three (3) new single-family residences or six (6) dwelling units in one building; commercial/office structures; utility extensions.; ; change of use under 10,000 sq. ft. if principally permitted or with a CU. Change of use under 10,000 sq. ft. if principally permitted or with a CU. |
| <input type="checkbox"/> | Class ___ |

STEP 2: CEQA IMPACTS TO BE COMPLETED BY PROJECT PLANNER

| | |
|---|---|
| If any box is checked below, an <i>Environmental Evaluation Application</i> is required. | |
| <input type="checkbox"/> | Air Quality: Would the project add new sensitive receptors (specifically, schools, day care facilities, hospitals, residential dwellings, and senior-care facilities) within an Air Pollution Exposure Zone? Does the project have the potential to emit substantial pollutant concentrations (e.g., backup diesel generators, heavy industry, diesel trucks)? <i>Exceptions: do not check box if the applicant presents documentation of enrollment in the San Francisco Department of Public Health (DPH) Article 38 program and the project would not have the potential to emit substantial pollutant concentrations. (refer to EP_ArcMap > CEQA Catex Determination Layers > Air Pollutant Exposure Zone)</i> |
| <input type="checkbox"/> | Hazardous Materials: If the project site is located on the Maher map or is suspected of containing hazardous materials (based on a previous use such as gas station, auto repair, dry cleaners, or heavy manufacturing, or a site with underground storage tanks): Would the project involve 50 cubic yards or more of soil disturbance - or a change of use from industrial to residential? If yes, this box must be checked and the project applicant must submit an Environmental Application with a Phase I Environmental Site Assessment. <i>Exceptions: do not check box if the applicant presents documentation of enrollment in the San Francisco Department of Public Health (DPH) Maher program, a DPH waiver from the</i> |

| | |
|--|---|
| | <i>Maher program, or other documentation from Environmental Planning staff that hazardous material effects would be less than significant (refer to EP_ArcMap > Maher layer).</i> |
| <input type="checkbox"/> | Transportation: Does the project create six (6) or more net new parking spaces or residential units? Does the project have the potential to adversely affect transit, pedestrian and/or bicycle safety (hazards) or the adequacy of nearby transit, pedestrian and/or bicycle facilities? |
| <input type="checkbox"/> | Archeological Resources: Would the project result in soil disturbance/modification greater than two (2) feet below grade in an archeological sensitive area or eight (8) feet in a non-archeological sensitive area? <i>(refer to EP_ArcMap > CEQA Catex Determination Layers > Archeological Sensitive Area)</i> |
| <input type="checkbox"/> | Subdivision/Lot Line Adjustment: Does the project site involve a subdivision or lot line adjustment on a lot with a slope average of 20% or more? <i>(refer to EP_ArcMap > CEQA Catex Determination Layers > Topography)</i> |
| <input type="checkbox"/> | Slope = or > 20%: Does the project involve any of the following: (1) square footage expansion greater than 1,000 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? <i>(refer to EP_ArcMap > CEQA Catex Determination Layers > Topography)</i> If box is checked, a geotechnical report is required. |
| <input type="checkbox"/> | Seismic: Landslide Zone: Does the project involve any of the following: (1) square footage expansion greater than 1,000 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? <i>(refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones)</i> If box is checked, a geotechnical report is required. |
| <input type="checkbox"/> | Seismic: Liquefaction Zone: Does the project involve any of the following: (1) square footage expansion greater than 1,000 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? <i>(refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones)</i> If box is checked, a geotechnical report will likely be required. |
| <u>If no boxes are checked above, GO TO STEP 3. If one or more boxes are checked above, an Environmental Evaluation Application is required, unless reviewed by an Environmental Planner.</u> | |
| <input checked="" type="checkbox"/> | Project can proceed with categorical exemption review. The project does not trigger any of the CEQA impacts listed above. |
| Comments and Planner Signature (optional): | |

**STEP 3: PROPERTY STATUS – HISTORIC RESOURCE
TO BE COMPLETED BY PROJECT PLANNER**

| | |
|---|--|
| PROPERTY IS ONE OF THE FOLLOWING: <i>(refer to Parcel Information Map)</i> | |
| <input type="checkbox"/> | Category A: Known Historical Resource. GO TO STEP 5. |
| <input type="checkbox"/> | Category B: Potential Historical Resource (over 45 years of age). GO TO STEP 4. |
| <input checked="" type="checkbox"/> | Category C: Not a Historical Resource or Not Age Eligible (under 45 years of age). GO TO STEP 6. |

**STEP 4: PROPOSED WORK CHECKLIST
TO BE COMPLETED BY PROJECT PLANNER**

| | |
|--|--|
| Check all that apply to the project. | |
| <input type="checkbox"/> | 1. Change of use and new construction. Tenant improvements not included. |
| <input type="checkbox"/> | 2. Regular maintenance or repair to correct or repair deterioration, decay, or damage to building. |
| <input type="checkbox"/> | 3. Window replacement that meets the Department's <i>Window Replacement Standards</i> . Does not include storefront window alterations. |
| <input type="checkbox"/> | 4. Garage work. A new opening that meets the <i>Guidelines for Adding Garages and Curb Cuts</i> , and/or replacement of a garage door in an existing opening that meets the Residential Design Guidelines. |
| <input type="checkbox"/> | 5. Deck, terrace construction, or fences not visible from any immediately adjacent public right-of-way. |
| <input type="checkbox"/> | 6. Mechanical equipment installation that is not visible from any immediately adjacent public right-of-way. |
| <input type="checkbox"/> | 7. Dormer installation that meets the requirements for exemption from public notification under <i>Zoning Administrator Bulletin No. 3: Dormer Windows</i> . |
| <input type="checkbox"/> | 8. Addition(s) that are not visible from any immediately adjacent public right-of-way for 150 feet in each direction; does not extend vertically beyond the floor level of the top story of the structure or is only a single story in height; does not have a footprint that is more than 50% larger than that of the original building; and does not cause the removal of architectural significant roofing features. |
| Note: Project Planner must check box below before proceeding. | |
| <input type="checkbox"/> | Project is not listed. GO TO STEP 5. |
| <input type="checkbox"/> | Project does not conform to the scopes of work. GO TO STEP 5. |
| <input type="checkbox"/> | Project involves four or more work descriptions. GO TO STEP 5. |
| <input type="checkbox"/> | Project involves less than four work descriptions. GO TO STEP 6. |

**STEP 5: CEQA IMPACTS – ADVANCED HISTORICAL REVIEW
TO BE COMPLETED BY PRESERVATION PLANNER**

| | |
|---|---|
| Check all that apply to the project. | |
| <input type="checkbox"/> | 1. Project involves a known historical resource (CEQA Category A) as determined by Step 3 and conforms entirely to proposed work checklist in Step 4. |
| <input type="checkbox"/> | 2. Interior alterations to publicly accessible spaces. |
| <input type="checkbox"/> | 3. Window replacement of original/historic windows that are not “in-kind” but are consistent with existing historic character. |
| <input type="checkbox"/> | 4. Façade/storefront alterations that do not remove, alter, or obscure character-defining features. |
| <input type="checkbox"/> | 5. Raising the building in a manner that does not remove, alter, or obscure character-defining features. |
| <input type="checkbox"/> | 6. Restoration based upon documented evidence of a building’s historic condition, such as historic photographs, plans, physical evidence, or similar buildings. |
| <input type="checkbox"/> | 7. Addition(s) , including mechanical equipment that are minimally visible from a public right-of-way and meet the <i>Secretary of the Interior’s Standards for Rehabilitation</i> . |
| <input type="checkbox"/> | 8. Other work consistent with the <i>Secretary of the Interior Standards for the Treatment of Historic Properties</i> (specify or add comments): |

| | |
|---|--|
| <input type="checkbox"/> | <p>9. Other work that would not materially impair a historic district (specify or add comments):</p> <p style="text-align: right;">_____</p> <p><i>(Requires approval by Senior Preservation Planner/Preservation Coordinator)</i></p> |
| <input type="checkbox"/> | <p>10. Reclassification of property status. <i>(Requires approval by Senior Preservation Planner/Preservation Coordinator)</i></p> <p style="padding-left: 40px;"> <input type="checkbox"/> Reclassify to Category A <input type="checkbox"/> Reclassify to Category C </p> <p>a. Per HRER dated: _____ <i>(attach HRER)</i></p> <p>b. Other <i>(specify)</i>: _____</p> |
| <p>Note: If ANY box in STEP 5 above is checked, a Preservation Planner MUST check one box below.</p> | |
| <input type="checkbox"/> | <p>Further environmental review required. Based on the information provided, the project requires an <i>Environmental Evaluation Application</i> to be submitted. GO TO STEP 6.</p> |
| <input type="checkbox"/> | <p>Project can proceed with categorical exemption review. The project has been reviewed by the Preservation Planner and can proceed with categorical exemption review. GO TO STEP 6.</p> |
| <p>Comments (optional):</p> <p>_____</p> | |
| <p>Preservation Planner Signature:</p> <p>_____</p> | |

**STEP 6: CATEGORICAL EXEMPTION DETERMINATION
TO BE COMPLETED BY PROJECT PLANNER**

| | | |
|--------------------------|---|--|
| <input type="checkbox"/> | <p>Further environmental review required. Proposed project does not meet scopes of work in either <i>(check all that apply)</i>:</p> <p style="padding-left: 40px;"> <input type="checkbox"/> Step 2 – CEQA Impacts <input type="checkbox"/> Step 5 – Advanced Historical Review </p> <p>STOP! Must file an <i>Environmental Evaluation Application</i>.</p> | |
| <input type="checkbox"/> | <p>No further environmental review is required. The project is categorically exempt under CEQA.</p> | |
| | <p>Planner Name: Nancy Tran</p> <hr/> <p>Project Approval Action:</p> <p style="padding-left: 20px;">Building Permit</p> <p style="font-size: small;">If Discretionary Review before the Planning Commission is requested, the Discretionary Review hearing is the Approval Action for the project.</p> | <p>Signature:</p> <div style="font-size: 2em; font-weight: bold; text-align: center;">Nancy Tran</div> <div style="font-size: x-small; text-align: right; margin-top: 10px;"> Digitally signed by Nancy Tran DN: dc=org, dc=sfgov, dc=cityplanning, ou=CityPlanning, ou=Current Planning, cn=Nancy Tran, email=Nancy.H.Tran@sfgov.org Date: 2016.06.27 14:31:24 -07'00' </div> |
| | <p>Once signed or stamped and dated, this document constitutes a categorical exemption pursuant to CEQA Guidelines and Chapter 31 of the Administrative Code.</p> <p>In accordance with Chapter 31 of the San Francisco Administrative Code, an appeal of an exemption determination can only be filed within 30 days of the project receiving the first approval action.</p> | |

**STEP 7: MODIFICATION OF A CEQA EXEMPT PROJECT
TO BE COMPLETED BY PROJECT PLANNER**

In accordance with Chapter 31 of the San Francisco Administrative Code, when a California Environmental Quality Act (CEQA) exempt project changes after the Approval Action and requires a subsequent approval, the Environmental Review Officer (or his or her designee) must determine whether the proposed change constitutes a substantial modification of that project. This checklist shall be used to determine whether the proposed changes to the approved project would constitute a “substantial modification” and, therefore, be subject to additional environmental review pursuant to CEQA.

PROPERTY INFORMATION/PROJECT DESCRIPTION

| | | |
|--|------------------------------|---|
| Project Address (If different than front page) | | Block/Lot(s) (If different than front page) |
| | | |
| Case No. | Previous Building Permit No. | New Building Permit No. |
| | | |
| Plans Dated | Previous Approval Action | New Approval Action |
| | | |
| Modified Project Description: | | |
| | | |

DETERMINATION IF PROJECT CONSTITUTES SUBSTANTIAL MODIFICATION

| | |
|---|--|
| Compared to the approved project, would the modified project: | |
| <input type="checkbox"/> | Result in expansion of the building envelope, as defined in the Planning Code; |
| <input type="checkbox"/> | Result in the change of use that would require public notice under Planning Code Sections 311 or 312; |
| <input type="checkbox"/> | Result in demolition as defined under Planning Code Section 317 or 19005(f)? |
| <input type="checkbox"/> | Is any information being presented that was not known and could not have been known at the time of the original determination, that shows the originally approved project may no longer qualify for the exemption? |
| If at least one of the above boxes is checked, further environmental review is required. ATEX FORM | |

DETERMINATION OF NO SUBSTANTIAL MODIFICATION

| | |
|--|---|
| <input type="checkbox"/> | The proposed modification would not result in any of the above changes. |
| If this box is checked, the proposed modifications are categorically exempt under CEQA, in accordance with prior project approval and no additional environmental review is required. This determination shall be posted on the Planning Department website and office and mailed to the applicant, City approving entities, and anyone requesting written notice. | |
| Planner Name: | Signature or Stamp: |
| | |



SAN FRANCISCO PLANNING DEPARTMENT

1650 Mission Street, Suite 400 • San Francisco, CA 94103 • Fax (415) 558-6409

NOTICE OF PUBLIC HEARING

Hearing Date: **Thursday, July 14, 2016**
 Time: **Not before 12:00 PM (noon)**
 Location: **City Hall, 1 Dr. Carlton B. Goodlett Place, Room 400**
 Case Type: **Conditional Use & Variance**
 Hearing Body: **Planning Commission & Zoning Administrator**

| PROPERTY INFORMATION | APPLICATION INFORMATION |
|--|--|
| Project Address: 198 Church Street | Case No.: 2016-002786CUA/VAR |
| Cross Street(s): 14th Street | Building Permit: 2016.05.13.7361 |
| Block /Lot No.: 3537/016 | Applicant: Michael Goebel |
| Zoning District(s): NCT-Upper Market / 40-X | Telephone: (415) 271-5760 |
| Area Plan: Market and Octavia | E-Mail: mike@churchillsf.com |

PROJECT DESCRIPTION

This notice is regarding a request for **CONDITIONAL USE AUTHORIZATION**, pursuant to Planning Code Sections 303, 733.41 and 733.21 to expand an existing ground floor bar to the second floor of a two-story commercial building and allow a use size greater than 3,000 square feet within an NCT (Upper Market Neighborhood Commercial Transit) Zoning District. In addition, the project is requesting a **VARIANCE** from the Zoning Administrator to address the requirement for bicycle parking (Planning Code Section 155.2).

ADDITIONAL INFORMATION

ARCHITECTURAL PLANS: If you are interested in viewing the plans for the proposed project please contact the planner listed below. The plans and Department recommendation of the proposed project will be available prior to the hearing through the Planning Commission agenda at: <http://www.sf-planning.org> or by request at the Planning Department office located at 1650 Mission Street, 4th Floor.

Members of the public are not required to provide personal identifying information when they communicate with the Commission or the Department. All written or oral communications, including submitted personal contact information, may be made available to the public for inspection and copying upon request and may appear on the Department's website or in other public documents.

FOR MORE INFORMATION, PLEASE CONTACT PLANNING DEPARTMENT STAFF:

Planner: **Nancy Tran** Telephone: **(415) 575-9174** E-Mail: nancy.h.tran@sfgov.org

GENERAL INFORMATION ABOUT PROCEDURES

HEARING INFORMATION

You are receiving this notice because you are either a property owner or resident that is adjacent to the proposed project or are an interested party on record with the Planning Department. **You are not required to take any action. For more information regarding the proposed work, or to express concerns about the project, please contact the Applicant or Planner listed on this notice as soon as possible.** Additionally, you may wish to discuss the project with your neighbors and/or neighborhood association as they may already be aware of the project.

Persons who are unable to attend the public hearing may submit written comments regarding this application to the Planner listed on the front of this notice, Planning Department, 1650 Mission Street, Suite 400, San Francisco, CA 94103, by 5:00 pm the day before the hearing. These comments will be made a part of the official public record and will be brought to the attention of the person or persons conducting the public hearing.

Comments that cannot be delivered by 5:00 pm the day before the hearing may be taken directly to the hearing at the location listed on the front of this notice. Comments received at 1650 Mission Street after the deadline will be placed in the project file, but may not be brought to the attention of the Planning Commission at the public hearing.

BUILDING PERMIT APPLICATION INFORMATION

Pursuant to Planning Code Section 311 or 312, the Building Permit Application for this proposal may also be subject to a 30-day notification of property owners and residents within 150-feet of the subject property. **This notice covers the Section 312 notification requirement.**

APPEAL INFORMATION

An appeal of the approval (or denial) of a **Conditional Use application** and/or building permit application associated with the Conditional Use application may be made to the **Board of Supervisors within 30 calendar days** after the date of action by the Planning Commission pursuant to the provisions of Section 308.1(b). Appeals must be submitted in person at the Board's office at 1 Dr. Carlton B. Goodlett Place, Room 244. For further information about appeals to the Board of Supervisors, including current fees, contact the Clerk of the Board of Supervisors at (415) 554-5184.

An appeal of the approval (or denial) of a **building permit application** by the Planning Commission may be made to the **Board of Appeals within 15 calendar days** after the building permit is issued (or denied) by the Director of the Department of Building Inspection. Appeals must be submitted in person at the Board's office at 1650 Mission Street, 3rd Floor, Room 304. For further information about appeals to the Board of Appeals, including current fees, contact the Board of Appeals at (415) 575-6880.

Pursuant to California Government Code Section 65009, if you challenge, in court, the decision of an entitlement or permit, the issues raised shall be limited to those raised in the public hearing or in written correspondence delivered to the Planning Commission prior to, or at, the public hearing.

ENVIRONMENTAL REVIEW

This project has undergone preliminary review pursuant to California Environmental Quality Act (CEQA). If, as part of this process, the Department's Environmental Review Officer has deemed this project to be exempt from further environmental review, an exemption determination has been prepared and can be obtained through the Exemption Map, on-line, at www.sfplanning.org. An appeal of the decision to **exempt the proposed project from CEQA may be made to the Board of Supervisors within 30 calendar days** after the project approval action identified on the determination. The procedures for filing an appeal of an exemption determination are available from the Clerk of the Board at City Hall, Room 244, or by calling (415) 554-5184.

Under CEQA, in a later court challenge, a litigant may be limited to raising only those issues previously raised at a hearing on the project or in written correspondence delivered to the Board of Supervisors, Planning Commission, Planning Department or other City board, commission or department at, or prior to, such hearing, or as part of the appeal hearing process on the CEQA decision.

APPLICATION FOR Conditional Use Authorization

1. Owner/Applicant Information

| | |
|---|--------------------------------|
| PROPERTY OWNER'S NAME: AMD Project LLC | |
| PROPERTY OWNER'S ADDRESS: 190-194-198 Church St. San Francisco, CA 94114 | TELEPHONE: (415) 271-5760 |
| | EMAIL: mike@churchillsf.com |

| | | |
|--|--------------------------------|--|
| APPLICANT'S NAME: AMD Project LLC | | Same as Above <input type="checkbox"/> |
| APPLICANT'S ADDRESS: 190-194-198 Church St. San Francisco, CA 94114 | TELEPHONE: (415) 271-5760 | |
| | EMAIL: mike@churchillsf.com | |

| | | |
|--|--------------------------------|--|
| CONTACT FOR PROJECT INFORMATION: Michael Goebel | | Same as Above <input type="checkbox"/> |
| ADDRESS: 198 Church St. San Francisco, CA 94114 | TELEPHONE: (415) 271-5760 | |
| | EMAIL: mike@churchillsf.com | |

| | | |
|--|---------------------|--|
| COMMUNITY LIAISON FOR PROJECT (PLEASE REPORT CHANGES TO THE ZONING ADMINISTRATOR): | | Same as Above <input type="checkbox"/> |
| ADDRESS: | TELEPHONE: () | |
| | EMAIL: | |

2. Location and Classification

| | | |
|--|--|--------------------|
| STREET ADDRESS OF PROJECT: 198 Church Street, San Francisco, CA | | ZIP CODE: 94114 |
| CROSS STREETS: 14th Street, Market Street | | |

| | | | | |
|------------------------------------|---------------------------|---------------------------|--------------------------------------|-------------------------------|
| ASSESSORS BLOCK/LOT: 3537 / 016 | LOT DIMENSIONS: 100x25 | LOT AREA (SQ FT): 2500 | ZONING DISTRICT: Upper Market NCT | HEIGHT/BULK DISTRICT: 40-X |
|------------------------------------|---------------------------|---------------------------|--------------------------------------|-------------------------------|

3. Project Description

| | | |
|--|---|--|
| (Please check all that apply) <input checked="" type="checkbox"/> Change of Use <input type="checkbox"/> Change of Hours <input type="checkbox"/> New Construction <input type="checkbox"/> Alterations <input type="checkbox"/> Demolition <input type="checkbox"/> Other Please clarify: | ADDITIONS TO BUILDING: <input type="checkbox"/> Rear <input type="checkbox"/> Front <input type="checkbox"/> Height <input type="checkbox"/> Side Yard | PRESENT OR PREVIOUS USE: 1st floor- Bar, 2nd floor- Office |
| | | PROPOSED USE: Expand ground floor bar to second floor |
| | | BUILDING APPLICATION PERMIT NO.: N/A |

4. Project Summary Table

If you are not sure of the eventual size of the project, provide the maximum estimates.

| | EXISTING USES | EXISTING USES TO BE RETAINED: | NET NEW CONSTRUCTION AND/OR ADDITION: | PROJECT TOTALS: |
|---|---------------|-------------------------------|---------------------------------------|-----------------|
| PROJECT FEATURES | | | | |
| Dwelling Units | N/A | N/A | N/A | N/A |
| Hotel Rooms | N/A | N/A | N/A | N/A |
| Parking Spaces | N/A | N/A | N/A | N/A |
| Loading Spaces | N/A | N/A | N/A | N/A |
| Number of Buildings | one | one | none | one |
| Height of Building(s) | 22 feet | 22 feet | none | 22 feet |
| Number of Stories | two | two | none | two |
| Bicycle Spaces | none | none | none | none |
| GROSS SQUARE FOOTAGE (GSF) | | | | |
| Residential | none | none | none | none |
| Retail | 2500 | 2500 | none | 2500 |
| Office | 1440 | none | none | 1440 |
| Industrial/PDR <small>Production, Distribution, & Repair</small> | none | none | none | none |
| Parking | none | none | none | none |
| Other (Specify Use) | none | none | none | none |
| TOTAL GSF | 3940 | 2500 | none | 3940 |

Please describe any additional project features that are not included in this table:
 (Attach a separate sheet if more space is needed)

5. Action(s) Requested (Include Planning Code Section which authorizes action)

The Proposal is for a Change of Use to allow an existing bar on the ground floor of the Upper Market Street Neighborhood Commercial Transit District (Upper Market NCT) to expand to the second floor, Per SEC. 733.41 BAR, and SEC. 790.22.

Conditional Use Findings

Pursuant to Planning Code Section 303(c), before approving a conditional use authorization, the Planning Commission needs to find that the facts presented are such to establish the findings stated below. In the space below and on separate paper, if necessary, please present facts sufficient to establish each finding.

1. That 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; and
2. That such 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:
 - (a) The nature of the proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;
 - (b) 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;
 - (c) The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor;
 - (d) Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs; and
3. That such use or feature as proposed will comply with the applicable provisions of this Code and will not adversely affect the Master Plan.

SEE ATTACHED

Priority General Plan Policies Findings

Proposition M was adopted by the voters on November 4, 1986. It requires that the City shall find that proposed projects and demolitions are consistent with eight priority policies set forth in Section 101.1 of the City Planning Code. These eight policies are listed below. Please state how the project is consistent or inconsistent with each policy. Each statement should refer to specific circumstances or conditions applicable to the property. Each policy must have a response. IF A GIVEN POLICY DOES NOT APPLY TO YOUR PROJECT, EXPLAIN WHY IT DOES NOT.

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

SEE ATTACHED

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

SEE ATTACHED

3. That the City's supply of affordable housing be preserved and enhanced;

SEE ATTACHED

4. That commuter traffic not impede Muni transit service or overburden our streets or neighborhood parking;

SEE ATTACHED

5. 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;

SEE ATTACHED

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

SEE ATTACHED

7. That landmarks and historic buildings be preserved; and

SEE ATTACHED

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

SEE ATTACHED

Estimated Construction Costs

| | |
|--|--------------------------|
| TYPE OF APPLICATION: Change of Use | |
| OCCUPANCY CLASSIFICATION: B | |
| BUILDING TYPE: 05-B | |
| TOTAL GROSS SQUARE FEET OF CONSTRUCTION: 142 sqft | BY PROPOSED USES: Bar |
| ESTIMATED CONSTRUCTION COST: \$7500 | |
| ESTIMATE PREPARED BY: Praxis Architects | |
| FEE ESTABLISHED: N/A | |

Applicant's Affidavit

Under penalty of perjury the following declarations are made:

- a: The undersigned is the owner or authorized agent of the owner of this property.
- b: The information presented is true and correct to the best of my knowledge.
- c: The other information or applications may be required.

Signature: _____



Date: _____

2/29/16

Print name, and indicate whether owner, or authorized agent:

Michael Goebel

Authorized Agent (circle one)

CONDITIONAL USE FINDINGS

Site Description and Present Use:

The subject property is located at 198 Church Street, at the Northwest Corner of Church and 14th Streets, between 14th and Duboce Streets. The building was constructed in 1900 as a split-level commercial structure. It has a lot depth of 100 feet and a lot width of 25 feet for a Lot Area of approximately 2500 square feet. The proposed project site is located on the 1st and 2nd floor and consists of a total floor area of 2500 sqft on the ground floor and 1440 sqft on the second floor. Currently the ground floor is a Bar, called Churchill, and the 2nd floor is used as an office for the Bar downstairs.

The neighborhood is a concentration of mixed-use buildings, with ground floor commercial businesses, and 2nd floor residential units. Commercial storefronts range from large formula retail (Safeway, Whole Foods, Walgreens), to local, independently run businesses such as restaurants, bars, coffee shops, and hair salons. This neighborhood is serviced heavily by public transportation as several MUNI lines and city transit busses intersect in this area. This is an active and vibrant neighborhood that sees an abundance of automobile and pedestrian traffic that services the local commercial businesses.

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:

1. That 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 will be developed within an existing commercial space, in an existing two-story building. No exterior modifications are proposed and the new use will not increase the commercial floor area of the building. The proposed use, an expansion of a bar on

the ground floor to the second floor, is compatible with the surrounding uses and with the intent of the Upper Market NCT district.

The subject block of Church and 14th Street, between 14th and Duboce Streets, are mostly residential uses located on the second and third floor while the ground floors are predominately retail and commercial uses. The block is a plethora of restaurants, coffee shops, and other commercial and retail uses, all on the ground floor. Across from the Project site is a large formula retail shopping center, which includes a Safeway Market, next to which is a Whole Foods.

The project proposes to expand an existing neighborhood business located on the ground floor, up to the second floor. Currently, the ground floor business, called Churchill, is a popular neighborhood bar that provides the community with a convenient, safe and locally owned establishment for drinks. Churchill is an active member in the community and has continually shown its support of small, locally owned businesses. Neighbors and community organizations have shown strong support of Churchill, and this projects proposed expansion to the second floor, with letters of support and signed petitions. Letters of Support for this proposed project have been received by all three major neighborhood organizations; DTNA, CBD and Castro Merchants. Churchill is an active member in all of these community organizations, and works hard to keep the streets safe, clean and inviting to everyone who lives and works in the community. The proposed project will allow the ground floor Bar, Churchill, to expand to the second floor, affording the ability to offer increased amenities to the community. If approved, the second floor expansion will provide another unique space for local events like neighborhood meetings, charity fundraisers and social events for the community. The purpose of this project and its proposed change of use is to further contribute to the growth and development of the community and meet the growing demands of the neighborhood for safe, social, gathering places in the community.

The size of the proposed project is 2500 sqft on the ground floor and 1440 sqft on the second floor, and will not change the existing façade of the building, which is in keeping with other storefronts found on the block face of the subject neighborhood. The proposed project is both neighborhood serving, as well as serving the population greater than the immediate neighborhood, which is the intent of the Upper Market NCT District use.

2. That such 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:

(a). The nature of the proposed site, including its size, shape and arrangement of the structures;

The Project will occupy an existing commercial space in an existing building. Records of the permit history from the Department of Building Inspection indicate that the subject commercial structure was constructed in 1900 as a Commercial Store. The Project Sponsor plans to change the use of the existing second floor office space to a bar, through an expansion of the existing bar downstairs, with no modifications to the exterior of the building. No landscaping is proposed, as the building has no front setback. There is no proposed signage, and any future proposed signage would be brought back to the Planning Department for review under Article 6 of the Planning Code.

(b). The accessibility and traffic patterns to persons and vehicles, the type and volume of such traffic, and the adequacy of proposed off-street parking and loading;

The Project site is well served by public transit on the Church Street, 14th Street and nearby Market Street corridor. The availability of public transit should decrease the potential demand for customer parking as patrons can easily access public

transportation to access the Project. The Project does not include any provisions for off street parking as the commercial use contains less than 5,000 square feet.

(c). The safeguards afforded to prevent noxious or offensive emission such as noise, glare, dust and odor;

The facility is not expected to generate nuisance levels of noise, glare or dust. The intended use as a bar will not generate any more noise and glare than the neighborhood is already used to. Due to the current density of existing businesses, traffic and general neighborhood activity at this location, no offensive emissions will be generated above its current levels that would be a nuisance to the community.

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

The Project does not include any parking, outdoor or loading service areas. Trash and recycling receptacles will be stored inside except when scheduled to be emptied. No additional landscaping is proposed as part of this Project. There are no proposed signs or additional lighting for the project.

3. That such use or feature as proposed will comply with the applicable provisions of this Code and will not adversely affect the master plan;

The Project complies with all applicable provisions of the Planning Code. The Project will not have an adverse effect on the General Plan and serves to directly advance objectives and policies of the General Plan.

The Project is located in the Upper Market Neighborhood Commercial Transit District, and in the Market and Octavia Community and exclusionary sub district. The Project conforms to the purpose of the Upper Market NCT district in that the proposed use will be neighborhood serving and will satisfy a growing demand in the community for

expansion of an existing popular business. It complies with the intent of the Upper Market Neighborhood Commercial Transit district as the Project is located on the second floor and provides services not otherwise readily available in the immediate area.

Priority General Plan Policies Findings

Proposition M was adopted by the voters on November 4, 1986. It requires that the City shall find that the proposed projects and demolitions are consistent with eight priority policies set forth in Section 101.1 of the City Planning Code. These eight policies are listed below. Please state how the project is consistent or inconsistent with each Policy. Each statement should refer to specific circumstances or conditions applicable to the property. Each policy must have a response. IF A GIVEN POLICY DOES NOT APPLY TO YOUR PROJECT, EXPLAIN WHY IT DOES NOT.

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

An expansion of a neighborhood serving retail use will be created as a result of this project approval, which complies with the intent of the city planning code. Additionally, this project will allow for the creation of new job opportunities, such as bartenders, bar-backs, dishwashers, office manager, event coordinator and security officer.

2. 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 not adversely affect existing housing and is consistent with the surrounding neighborhood character. The Project will have no impact on neighborhood housing. Neighborhood character will be preserved, as there will be no increase in the

commercial floor area of the building, no change in the building envelope and no change in the exterior of the building. The Project will enhance the neighborhood by expanding a popular and community driven bar to the second floor that will serve to meet the growing demands of the neighborhood. A bar in this location will allow for the operators to offer more community events, neighborhood meetings and charity fundraisers to local residents and business owners. This proposed use would preserve and improve the cultural and economic diversity of our neighborhood, which is consistent with the intent of the City Planning Code.

3. That the City's supply of affordable housing be preserved and enhanced;

No housing will be removed for this Project. The City's supply of affordable housing will not be affected by the Project.

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

The Project is within close proximity to an abundance of public transit lines, as it is served by MUNI trains, busses, subway cars, cable cars and trolley bus. There are several Muni connection lines also serviced at this location. This is one of the most highly serviced areas for public transportation in the city. Furthermore, the proposed project will have limited hours and will cater to the local neighborhood, reducing the risk of increased commuter traffic or negatively affecting MUNI transit service. Due to the central location of the project and abundance of public transit there will be no overburden to our streets or neighborhood parking.

5. 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;

Approval of this Project will not adversely affect any industrial or service sector jobs; rather it will create new service sector employment opportunities for local residents. The proposed project is not a commercial office development.

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

The Project is proposing no exterior change to the building and would not reduce the preparedness to protect against injury and loss of life in an earthquake.

7. That landmarks and historic buildings be preserved.

The Project proposes no modifications to the façade and will not affect any landmark or historic buildings.

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

This Project will not affect any parks or open space because there is no change to the existing building footprint. The Project will be located entirely within the existing building and will not cast any new shadows on any parks or public open space. Views and vistas from public open space or parks will not be affected by the Project.

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. The proposed project would enhance, stimulate and help develop the neighborhood by allowing the expansion of a neighborhood-serving bar onto the second floor, a service that is currently not provided in this neighborhood. The approval of this project would also allow the opportunity to provide a much needed community and social event space for neighborhood organizations such as charity events, local fundraisers, and neighborhood meetings, as well as meet the demands of offering full and part time jobs within the community.

Response Letter to Notice Of Planning Department Requirements #1

June 17, 2016
RE: 198 Church St
3537/016
2016-002786CUA
2016.05.13.7361

1. Conditional Use Authorization (Use Size) – Per Planning Code section 733.21, non-residential uses of 3,000 gross square feet or above located in Upper Market Street NCT require Conditional Use Authorization. Please submit additional CUA findings per Section 121.2.

- (1) The intensity of activity in the district is not such that allowing the larger use will be likely to foreclose the location of other needed neighborhood-serving uses in the area.

-The projects proposal to expand an existing bar on the ground floor to the second floor would have no effect on other neighborhood-serving uses in the area. Currently, there are no similar uses on the same block, and only a limited number of similar uses on the 2nd floor exist in the entire district.

- (2) The proposed use will serve the neighborhood, in whole or in significant part, and the nature of the use require a larger size in order to function.

-The proposed use will be a neighborhood serving business that already exists and services the existing community. The business is a popular neighborhood bar that would be able to expand its services to the second floor by this proposed use. Since the proposed use is to expand from the ground floor to the second floor, a larger size is required in order to function.

- (3) The building in which the use is to be located is designed in discrete elements which respect the scale of development in the district.

-We propose to make no exterior alterations to the building in which the use is to be located. The building is already designed with discrete elements, which respect the scale of development in the district, and no changes are proposed with this project.

CASE NUMBER:
For Staff Use only

2016-002786VAR

APPLICATION FOR Variance from the Planning Code

1. Owner/Applicant Information

| | |
|---|----------------------|
| PROPERTY OWNER'S NAME: | |
| AMD PROJECT LLC | |
| PROPERTY OWNER'S ADDRESS: | TELEPHONE: |
| 198 CHURCH ST. SAN FRANCISCO, CA 94114 | (415) 271-5760 |
| | EMAIL: |
| | mike@churchillsf.com |

| | |
|--|---|
| APPLICANT'S NAME: | |
| Michael Goebel | Same as Above <input checked="" type="checkbox"/> |
| APPLICANT'S ADDRESS: | TELEPHONE: |
| 198 Church St San Francisco, CA 94114 | (415) 271-5760 |
| | EMAIL: |
| | mike@churchillsf.com |

| | |
|---|---|
| CONTACT FOR PROJECT INFORMATION: | |
| Michael Goebel | Same as Above <input checked="" type="checkbox"/> |
| ADDRESS: | TELEPHONE: |
| 198 Church St. San Francisco, CA 94114 | (415) 271-5760 |
| | EMAIL: |
| | mike@churchillsf.com |

2. Location and Classification

| | |
|-------------------------------------|------------------|
| STREET ADDRESS OF PROJECT: | ZIP CODE: |
| 198 Church Street, San Francisco CA | 94114 |
| CROSS STREETS: | |
| 14th Street and Duboce Street | |

| ADJACENT BLOCK/LOT: | LOT DIMENSIONS: | LOT AREA (SQ. FT.): | ZONING DISTRICT: | HEIGHT/BULK DISTRICT: |
|---------------------|-----------------|---------------------|------------------|-----------------------|
| 3537 /016 | 100x25 | 2500 | Upper Market NCT | 40-x |

3. Project Description

| | | | | | |
|--|---|---|---|--------------------|--------------|
| (Please check all that apply) <input checked="" type="checkbox"/> Change of Use <input type="checkbox"/> Change of Hours <input type="checkbox"/> New Construction <input type="checkbox"/> Alterations <input type="checkbox"/> Demolition <input type="checkbox"/> Other Please clarify: _____ | ADDITIONS TO BUILDING: <input type="checkbox"/> Rear <input type="checkbox"/> Front <input type="checkbox"/> Height <input type="checkbox"/> Side Yard | PRESENT OR PREVIOUS USE: Bar | | | |
| | | PROPOSED USE: Expand bar on 1st floor to 2nd floor. | | | |
| | | <table border="1"> <tr> <td>BUILDING APPLICATION PERMIT NO.:</td> <td>DATE FILED:</td> </tr> <tr> <td>201605137361</td> <td>5/13/16</td> </tr> </table> | BUILDING APPLICATION PERMIT NO.: | DATE FILED: | 201605137361 |
| BUILDING APPLICATION PERMIT NO.: | DATE FILED: | | | | |
| 201605137361 | 5/13/16 | | | | |

4. Project Summary Table

If you are not sure of the eventual size of the project, provide the maximum estimates.

| | EXISTING PROJECT | PROPOSED PROJECT | PROPOSED PROJECT WITH VARIANCE | PROJECT TOTALS |
|---|------------------|------------------|--------------------------------|------------------|
| PROJECT FEATURES | | | | |
| Dwelling Units | N/A | N/A | N/A | N/A |
| Hotel Rooms | N/A | N/A | N/A | N/A |
| Parking Spaces | N/A | N/A | N/A | N/A |
| Loading Spaces | N/A | N/A | N/A | N/A |
| Number of Buildings | one | one | none | one |
| Height of Building(s) | 33 feet | 33 feet | none | 33 feet |
| Number of Stories | two | two | none | two |
| Bicycle Spaces | none | none | none | none |
| GROSS SQUARE FOOTAGE (GSF) | | | | |
| Residential | none | none | none | none |
| Retail | none | none | none | none |
| Office | 1440 | none | none | none |
| Industrial/PDR <small>Production, Distribution, & Repair</small> | none | none | none | none |
| Parking | none | none | none | none |
| Other (Specify Use) | Bar - 2500 sqft | 2500 sqft | 3940 | 3940 sqft |
| TOTAL GSF | 3940 sqft | 2500 sqft | 3940 sqft | 3940 sqft |

Please describe what the variance is for and include any additional project features that are not included in this table. Please state which section(s) of the Planning Code from which you are requesting a variance.
(Attach a separate sheet if more space is needed)

Per the Conditional Change Of Use Application #2016-002786CUA, Planning Code Table 155.2. requires:

- i. One (1) Class-1 space for every 7,500 square feet of Occupied Floor Area, and One (1) Class 2 space for every 750 square feet of Occupied Floor Area, minimum two spaces.

Furthermore, San Francisco Planning Code, Article 1.5: Off-Street Parking and Loading, Sec 155.1 Bicycle Parking: Definitions and Standards, it states:

- (1) Class 1 spaces shall be located with direct access for bicycles without requiring use of stairs.

Our variance request is based on the fact that our proposed project, located on the second floor, has only one means of access up a single flight of stairs. Our project proposal requires that no major interior alterations be made, and thus the only means of accessibility to these bike racks would be to walk up stairs, and therefore, trigger a violation of SF Planning Code, Article 1.5, Sec 155.1 (quoted above).

Priority General Plan Policies Findings

Proposition M was adopted by the voters on November 4, 1986. It requires that the City shall find that proposed projects and demolitions are consistent with eight priority policies set forth in Section 101.1 of the City Planning Code. These eight policies are listed below. Please state how the project is consistent or inconsistent with each policy. Each statement should refer to specific circumstances or conditions applicable to the property. Each policy must have a response. IF A GIVEN POLICY DOES NOT APPLY TO YOUR PROJECT, EXPLAIN WHY IT DOES NOT.

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

See Attached

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

See Attached

3. That the City's supply of affordable housing be preserved and enhanced;

See Attached

4. That commuter traffic not impede Muni transit service or overburden our streets or neighborhood parking;

See Attached

CASE NUMBER:
For Staff Use only

- 5. 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;

See Attached

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

See Attached

- 7. That landmarks and historic buildings be preserved; and

See Attached

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

See Attached

Estimated Construction Costs

TYPE OF APPLICATION:

Expand existing ground floor bar to second floor

OCCUPANCY CLASSIFICATION:

B

BUILDING TYPE:

05

TOTAL GROSS SQUARE FEET OF CONSTRUCTION:

75

BY PROPOSED USES:

N/A

ESTIMATED CONSTRUCTION COST:

~~N/A \$15,250~~

3,000 per CUA

ESTIMATE PREPARED BY:

N/A

FEE ESTABLISHED:

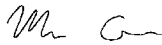
N/A

Applicant's Affidavit

Under penalty of perjury the following declarations are made:

- a: The undersigned is the owner or authorized agent of the owner of this property.
- b: The information presented is true and correct to the best of my knowledge.
- c: The other information or applications may be required.

Signature:




Date: 6/17/16

Print name, and indicate whether owner, or authorized agent:

Michael Goebel / Owner

Owner / Authorized Agent (circle one)



CASE NUMBER:
For Staff Use only

Application Submittal Checklist

Applications listed below submitted to the Planning Department must be accompanied by this checklist and all required materials. The checklist is to be completed and **signed by the applicant or authorized agent and a department staff person.**

| APPLICATION MATERIALS | CHECKLIST | |
|--|-------------------------------------|----------|
| Application, with all blanks completed | <input checked="" type="checkbox"/> | |
| 300-foot radius map, if applicable | <input type="checkbox"/> | } w/ CUA |
| Address labels (original), if applicable | <input type="checkbox"/> | |
| Address labels (copy of the above), if applicable | <input type="checkbox"/> | |
| Site Plan | <input checked="" type="checkbox"/> | |
| Floor Plan | <input checked="" type="checkbox"/> | |
| Elevations | <input checked="" type="checkbox"/> | |
| Section 303 Requirements | <input type="checkbox"/> | |
| Prop. M Findings | <input checked="" type="checkbox"/> | |
| Historic photographs (if possible), and current photographs | <input checked="" type="checkbox"/> | |
| Check payable to Planning Dept. | <input checked="" type="checkbox"/> | |
| Original Application signed by owner or agent | <input checked="" type="checkbox"/> | |
| Letter of authorization for agent | <input checked="" type="checkbox"/> | |
| Other: Section Plan, Detail drawings (ie. windows, door entries, trim), Specifications (for cleaning, repair, etc.) and/or Product cut sheets for new elements (ie. windows, doors) | <input type="checkbox"/> | on file |

NOTES:

- Required Material. Write "N/A" if you believe the item is not applicable, (e.g. letter of authorization is not required if application is signed by property owner.)
- Typically would not apply. Nevertheless, in a specific case, staff may require the item.
- Two sets of original labels and one copy of addresses of adjacent property owners and owners of property across street.


After your case is assigned to a planner, you will be contacted and asked to provide an electronic version of this application including associated photos and drawings.

Some applications will require additional materials not listed above. The above checklist does not include material needed for Planning review of a building permit. The "Application Packet" for Building Permit Applications lists those materials.

No application will be accepted by the Department unless the appropriate column on this form is completed. Receipt of this checklist, the accompanying application, and required materials by the Department serves to open a Planning file for the proposed project. After the file is established it will be assigned to a planner. At that time, the planner assigned will review the application to determine whether it is complete or whether additional information is required in order for the Department to make a decision on the proposal.

For Department Use Only

Application received by Planning Department:

By: 

Date: 10/24/16

Variance Findings

**198 Church St.
2016-002786CUA**

Pursuant to Planning Code Section 305(c), before approving a variance application, the Zoning Administrator needs to find that the facts presented are such to establish the findings stated below. In the space below and on separate paper, if necessary, please present facts sufficient to establish each finding.

1. *That there are exceptional or extraordinary circumstances applying to the property involved or to the intended use of the property that do not apply generally to other property or uses in the same class of district;*

Per the Change of Use Application #2016-002786CUA, the Planning Code Table 155.2 requires One (1) Class-1 bicycle spaces for every 7,500 square feet of Occupied Floor Area, and One (1) Class 2 space for every 750 square feet of Occupied Floor Area, minimum two spaces. The subject property is located on the second floor and possesses only 1440sqft of usable space and a single stairwell for accessibility. The planning code requirement would force the project to add 3 bicycle parking spaces on a second floor. To our knowledge, there are no other second floor businesses, with only stair accessibility, to have bicycle-parking requirements. Therefore, we feel this code requirement would be an extraordinary circumstance to be applied to the project that does not apply generally to other properties or uses in the same class.

2. *That owing to such exceptional or extraordinary circumstances the literal enforcement of specified provisions of this Code would result in practical difficulty or unnecessary hardship not created by or attributable to the applicant or the owner of the property;*

By requiring Planning Code 155.2, One Class-1 and Two Class 2 bicycle parking spaces, to be included in the proposed project plan, a violation of SF Planning Code, Article 1.5, Sec 155.1, would occur. Upon further analysis of the proposed project, the only way to satisfy this requirement would be to install a second means of egress, specifically an elevator. The proposed project does not have the necessary space, nor financial budget, to pursue such a major endeavor. Therefore, we feel the requirement of Planning Code 155.2 is an extraordinary circumstance that would be an unnecessary hardship to the applicant.

3. *That such variance is necessary for the preservation and enjoyment of a substantial property right of the subject property, possessed by other property in the same class of district;*

It is our determination that this variance is necessary for the preservation and enjoyment of the property, simply because the Planning Code requirement would put the business, and the building, in direct violation of the such Planning Code, and would thus be in

violation, which would result in closure of the business.

4. *That the granting of such variance will not be materially detrimental to the public welfare or materially injurious to the property or improvements in the vicinity;*

By granting this variance, there will be no material detriment to the public welfare, or injurious to the property, or improvements in the vicinity. This variance will allow the business to avoid Planning Code violations, and thus remain open, which causes no detriment to the public welfare or the property, including its vicinity.

5. *That the granting of such variance will be in harmony with the general purpose and intent of this Code and will not adversely affect the Master Plan.*

The granting of this variance will prevent the proposed project from becoming non-compliant to the SF Planning Code, and thus be in harmony with the general purpose and intent of the Code, which would not adversely affect the Master Plan.

Change in Use: Expand (E)Bar to 2nd Floor

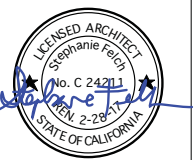
Minor Interior Renovation

198 Church Street

San Francisco, CA 94110

REVISIONS:
1

project
Expand (E)Bar to 2nd Fl.
Interior Renovation
198 Church Street
San Francisco, CA
9 4 1 1 4



print date:
CUA Intake 1 March 2015

Cover Sheet
Project Information

A0.1
sheet number

- These drawings are to be used for construction only when officially issued for construction by PRAXIS Architects as clearly noted and dated within the title block. PRAXIS Architects will not be held responsible for construction errors arising from inaccurate information shown on drawings that have NOT been issued for construction by this office.
- Architectural documents govern all engineering documents unless noted otherwise. General Contractor will verify all construction items with the architectural, structural, mechanical and electrical drawings before ordering or beginning installation of any item. All discrepancies are to be brought to the attention of the Architect.
- Any error, omission or conflict found in the various parts of construction documents will be brought to the Architects attention prior to proceeding with the work.
- All construction work will conform to the applicable federal, state and local codes, laws and regulations.
- All work including new insulation, fixtures, appliances, windows and skylights as indicated on the drawings will conform to current Title 24 Energy Efficiency Requirements. All work will comply with current Title 24 Americans with Disabilities Act and life safety requirements.
- General Contractor is responsible for payment and obtaining all sub-contractor permits required to complete the work.
- General Contractor will verify all dimensions and conditions at the job site.
- General Contractor to verify that no conflicts exist in location of any and all structural, mechanical, electrical, lighting, plumbing, telephone, data cabling and related equipment (to include all piping, ductwork and conduit) and that all required clearance for installation and maintenance of equipment and systems listed above are provided.
- All conduit will be concealed above the ceiling, below the floor or within the walls whenever possible.
- General Contractor to verify dimensions and coordinate work with installation of "not in contract" (N.I.C.) items and equipment.
- General Contractor to review with PRAXIS Architects the layout and exact location of all new electrical stub-ups, lights and switches as marked in the field prior to construction and notify PRAXIS Architects of any discrepancies.
- Written dimensions take precedence over scaled dimensions. DO NOT SCALE DRAWINGS.
- All dimensions indicated in plan are to face of finish unless noted otherwise.
- All dimensions indicated in elevation are to finished ceiling line or finished floor unless noted otherwise.
- Details indicated are typical. Similar details apply in similar conditions.
- The General Contractor is responsible for the design, coordination and execution of all construction methods and procedures.
- Patch and repair all disturbed areas to match adjacent systems, materials and finishes unless noted otherwise.
- The General Contractor will protect new and existing work, equipment, materials and finishes. Damaged items will be repaired or replaced at the expense of the General Contractor.
- The General Contractor will, during the course of construction, keep the building and site premises and all adjoining premises including street and other areas assigned to or used by the General Contractor free from accumulation of waste material and rubbish caused by the General Contractors employees or work.
- At completion of the work, remove from the building, site and premises all surplus materials and debris and clean all of the work thoroughly to the satisfaction of PRAXIS Architects and the Owners.
- General Contractor to provide strict control of job cleaning, preventing dust and debris from being released from construction areas. Keep all areas clean.
- General Contractor to alert PRAXIS Architects and the Owner to any existing building materials containing hazardous materials prior to containment or removal. General Contractor to contain or remove hazardous materials (including asbestos, lead based paint, etc.) via appropriate OSHA and related standards.
- Base building life safety system components will remain intact and operative at all times during construction.
- Substitutions, changes and revisions will have prior written approval from PRAXIS Architects and/or the Owners. Do not substitute materials or manufacturers when specified without approval.

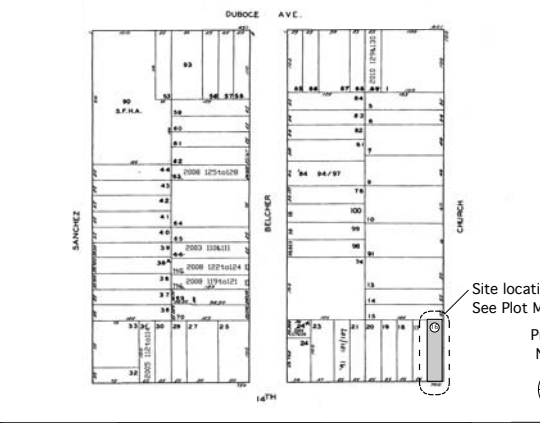
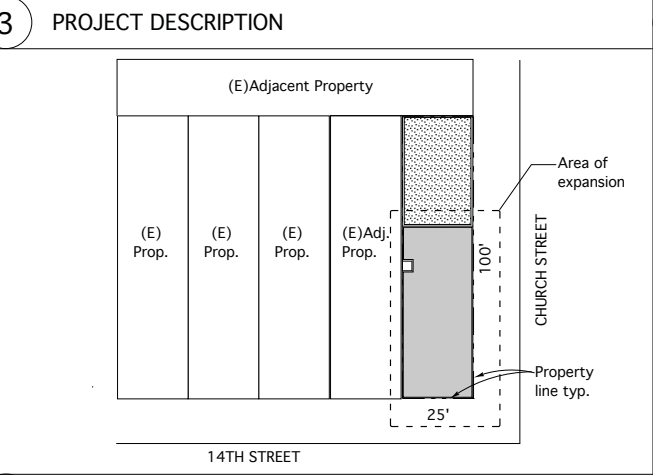
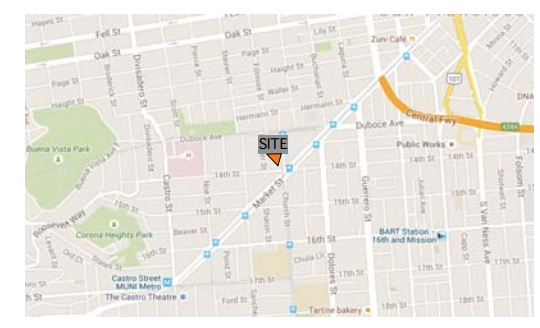
DWG# SHEET DESCRIPTION

| |
|--|
| A0.1 COVER SHEET, PROJECT INFO |
| A0.2 EXECUTIVE SUMMARY - APPROVED BAR USE ON THE 2ND FLOOR |
| A1.0 EXISTING FIRST FLOOR & SECOND FLOOR PLANS |
| A1.1 EXISTING EXTERIOR ELEVATIONS - FOR REFERENCE |
| A1.2 EXISTING PHOTOGRAPHS |
| A2.0 PROPOSED SECOND FLOOR |

Project Address: 198 Church Street; San Francisco, CA 94114
 Block Number: 3537 Lot Number: 016
 Applicable Codes include 2013 California Building Code (CBC), 2013 California Residential Code (CRC), 2013 California Electrical Code (CEC), 2013 California Mechanical Code (CMC), 2013 California Plumbing Code (CPC), 2013 California Energy Efficiency Standards Code (CEES), 2013 California Fire Code (CFC), 2013 California Green Building Standards Code (CGBS or CALGreen) and 2013 California Historical Building Code (CHBC)

Project Description: Proposed work includes a change of use on the second floor from an existing office to expanded bar from the first floor with minor interior renovation.

Zoning: NCT
 Construction Type: Type V-B
 Occupancy Class: B
 Sprinkler System: No
 Squarefootage: 1,440 (interior space)
 Client: AMD Project LLC
 Architect: PRAXIS Architects, Stephanie Felch - Project Architect
 Post Office Box 291; Monte Rio, CA 95462
 tel: 707-869-9595 stephanie@praxisarchitects.com



6 PROJECT NOTES

5 ABBREVIATIONS

4 PLOT MAP 1"=30'

2 ASSESSOR'S BLOCK + LOT MAP Not to scale

The Board adopts these findings as its own. A copy of said Resolution is on file with the Clerk of the Board of Supervisors in File No. _____, and is incorporated herein by reference.

(c) Pursuant to Planning Code Section 302, this Board finds that the actions contemplated in this ordinance will serve the public necessity, convenience, and welfare for the reasons set forth in Planning Commission Resolution No. _____ and the Board incorporates such reasons herein by reference.

Section 2. The Planning Code is hereby amended by revising Section 733, to read as follows:

Table 733. UPPER MARKET STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT ZONING CONTROL TABLE

| Zoning Category | § References | Upper Market Street Controls by Story | | |
|----------------------------------|--------------|---------------------------------------|-----|------|
| | | 1st | 2nd | 3rd+ |
| | § 790.118 | | | |
| Retail Sales and Services | | | | |
| 733.41 Bar | § 790.22 | C | -CU | |

SPECIFIC PROVISIONS FOR THE UPPER MARKET STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT

| Article 7 Code Section | Other Code Section | Zoning Controls |
|------------------------|--------------------|-----------------|
| **** | **** | **** |

Supervisor Wiener
BOARD OF SUPERVISORS

Page 2

7 AMENDING PLANNING CODE - PAGE 3

Section 3. Effective Date. This ordinance shall become effective 30 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the Mayor's veto of the ordinance.

Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors intends to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal Code that are explicitly shown in this ordinance as additions, deletions, Board amendment additions, and Board amendment deletions in accordance with the "Note" that appears under the official title of the ordinance.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: *Judith A. Boyajian*
JUDITH A. BOYAJIAN
Deputy City Attorney

Supervisor Wiener
BOARD OF SUPERVISORS

Page 3

8 AMENDING PLANNING CODE - PAGE 4

City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5183
TDD/TTY No. 554-5227

City of San Francisco
City Seal

City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5183
TDD/TTY No. 554-5227

October 27, 2015

BOARD OF SUPERVISORS

Planning Commission
Attn: Jonas Ionin
1650 Mission Street, Ste. 400
San Francisco, CA 94103

Dear Commissioners:

On October 20, 2015, Supervisor Wiener introduced the following legislation:

File No. 151084

Ordinance amending the Planning Code to allow an existing bar on the ground floor in the Upper Market Street Neighborhood Commercial Transit District to expand to the second floor under specified circumstances with a Conditional Use authorization; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and findings of public necessity, convenience, and welfare under Planning Code, Section 302.

The proposed ordinance is being transmitted pursuant to Planning Code, Section 302(b), for public hearing and recommendation. The ordinance is pending before the Land Use and Transportation Committee and will be scheduled for hearing upon receipt of your response.

Angela Calvillo, Clerk of the Board
By: *Alisa Solera*, Assistant Clerk
Land Use and Transportation Committee

John Rahaim, Director of Planning
Aaron Starr, Acting Manager of Legislative Affairs
Scott Sanchez, Zoning Administrator
Sarah Jones, Chief, Major Environmental Analysis
AnMarie Rodgers, Legislative Affairs
Jeanie Poling, Environmental Planning
Joy Navarrete, Environmental Planning

5 AMENDING PLANNING CODE - PAGE 1

FILE NO. 151084 ORDINANCE NO.

[Planning Code - Upper Market Street Neighborhood Commercial Transit District; Second Floor Bars]

Ordinance amending the Planning Code to allow an existing bar on the ground floor in the Upper Market Street Neighborhood Commercial Transit District to expand to the second floor under specified circumstances with a Conditional Use authorization; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and findings of public necessity, convenience, and welfare under Planning Code, Section 302.

NOTE: **Unchanged Code text and uncodified text** are in plain Arial font. **Additions to Codes** are in single underline *italic Times New Roman font*. **Deletions to Codes** are in ~~double underline~~ *italic Times New Roman font*. **Board amendment additions** are in double underline *italic Arial font*. **Board amendment deletions** are in ~~double underline~~ *italic Arial font*. **Asterisks** (* * *) indicate the omission of unchanged Code subsections or parts of tables.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Findings.

(a) The Planning Department has determined that the actions contemplated in this ordinance comply with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No. _____ and is incorporated herein by reference. The Board affirms this determination.

(b) On _____, the Planning Commission, in Resolution No. _____, adopted findings that the actions contemplated in this ordinance are consistent, on balance, with the City's General Plan and the eight priority policies of Planning Code Section 101.1.

Supervisor Wiener
BOARD OF SUPERVISORS

Page 1

6 AMENDING PLANNING CODE - PAGE 2

Executive Summary
Hearing Date: February 4, 2016

CASE NO. 2015-008208PCA
Upper Market NCT; Second Floor Bars

Community Outreach and Support

The project sponsor has worked with the City, the Supervisor, the Duboce Triangle Neighborhood Association (DTNA) (Exhibit B), and the Castro Merchants (Exhibit B) on a legislative approach that legalizes the use and has agreed to additional conditions of approval as part of the Conditional Use Authorization. So far, the three main neighborhood organizations for this neighborhood, including the Castro Merchants, DTNA, and the Castro/Upper Market Community Benefit District, have all sent letters of support for this proposal.

In its letter of support, the Duboce Triangle Neighborhood Association outlined four conditions that they would like to see added to the conditions of approval if and when Churchill moves forward with their proposed expansion. These conditions have also been endorsed by the Castro/Upper Market Community Benefit District. These conditions should not be included in the Planning Commission's recommendation to the Board of Supervisors on the proposed ordinance. Their appropriateness should be considered when the Conditional Use application is considered by the Planning Commission, but they do illustrate some of the concerns that the community has surrounding the proposed ordinance and the Bar's expansion.

The conditions include the following:

- Windows must remain closed during hours of operation when sound amplification is used. Sound must be fully contained within the building, including bass vibration.
- If five reports of disturbance are made within a month, the Project Sponsor will engage a reputable sound engineering (i.e. firm of Slater & Associates) to address the sound problems. A sound attenuation plan will be determined at that time. If the test results show that sound isolation materials are required, the Project Sponsor will comply. The sound attenuation plan will specifically address bass and generally noise levels audible from the street. Additionally, the Project Sponsor will be responsible for enforcing a "no short circuit" rule, by which employees and For Hire DJs are unable to manipulate the sound system into operating outside the parameters set by the attenuation plan.
- The Project Sponsor shall at all times keep a copy of these Conditions of Approval on the premises for reference. Management shall review with new employees as part of their training and orientation and periodically (at least at twelve month intervals) review with the other employees, these Conditions and Approval related to operational concerns and quality of life issues with emphasis on noise control, and respectful behavior towards neighbors by patrons. Employees are to be reminded that continued successful operation at 194 Church Street is dependent on compliance with these Conditions of Approval.
- The Project Sponsor will comply with requests for specification of their sound equipment and sound engineers. The sound levels must always be in compliance with the city requirements.

REQUIRED COMMISSION ACTION

The proposed Ordinance is before the Commission so that it may recommend adoption, rejection, or adoption with modifications to the Board of Supervisors.

PLANNING DEPARTMENT

3

3 EXECUTIVE SUMMARY - PAGE 3

Executive Summary
Hearing Date: February 4, 2016

CASE NO. 2015-008208PCA
Upper Market NCT; Second Floor Bars

RECOMMENDATION

The Department recommends that the Commission recommend approval with modifications of the proposed Ordinance and adopt the attached Draft Resolution to that effect. The Department's proposed recommendations are as follows:

- Amend Upper Market Street NCT District to expand existing ground floor Limited Restaurants, Restaurants, and Bars to the second floor with Conditional Use authorization if the following conditions are met:
 - The Limited Restaurant, Restaurant, and Bar must exist on the ground floor;
 - The space to be converted has not been in residential use within the previous five years;
 - There is no expansion of the building envelope.

BASIS FOR RECOMMENDATION

Named neighborhood commercial districts, such as the Upper Market Street NCT were developed to allow communities to tailor their land use controls based on the community's needs and concerns. There appears to be clear neighborhood support for the proposed change, and the additional findings and CU requirement ensure that this will not have a negative impact on neighborhood livability or the City's housing stock.

The Department understands the intent of the proposed ordinance is to legalize one particular Bar; however there may be other eating and drinking uses, such as Limited Restaurants and Restaurants in the corridor that may be good candidates for expansion. Bars are considered a more intensive use than restaurant uses because of the associated noise and behavioral issues associated with alcohol consumption. If it makes sense from a land use perspective to have a bar on the second floor then allowing a less intensive but similar use on the second floor also makes sense. The Department also proposes removing the requirement that the building have an existing internal staircase. While specific to Churchill, it seems an arbitrary requirement and one that might prohibit another desirable establishment's expansion.

Furthermore, the Planning Department's recommendation does not hinder the ability of the community to provide input to the Planning Commission to make changes to individual Project Sponsors. As part of a Conditional Use authorization the Planning Commission can impose additional criteria for approval. Additionally, the expansion to the second floor would only be available if the space to be converted has not been in residential use within the previous five years and there is no expansion of the building envelope.

ENVIRONMENTAL REVIEW

The proposal is not defined as a project under CEQA Sections 15378 and 15060 (c) (2) because it does not result in a physical change in the environment, as determined on October 27, 2015.

PUBLIC COMMENT

As of the date of this report, the Planning Department has received three letters of support for the proposed ordinance, from the Duboce Triangle Neighbors Association, Castro Merchants, and the Castro/Upper Market Community Benefit District.

PLANNING DEPARTMENT

4

RECOMMENDATION: Recommendation of Approval with Modifications

Exhibit A: Draft Planning Commission Resolution
Exhibit B: Public Comment
Exhibit C: Board of Supervisor File No. 151084

4 EXECUTIVE SUMMARY - PAGE 4 & 5

SAN FRANCISCO
PLANNING DEPARTMENT

Executive Summary
Planning Code Text Change
HEARING DATE: FEBRUARY 4, 2016
DEADLINE: MARCH 11, 2016

Project Name: Upper Market Street Neighborhood Commercial Transit District; Second Floor Bars
Case Number: 2015-014590PCA [Board File No. 151084]
Initiated by: Supervisor Wiener/ Introduced June 30, 2015
Staff Contact: Menaka Mohan, Legislative Affairs
Reviewed by: Aaron Starr, Manager of Legislative Affairs
aaron.starr@sfgov.org, 415-558-6362
Recommendation: Recommend Approval with Modifications

1930 Mission St.
Suite 400
San Francisco, CA 94103-2479
Phone: 415.558.6378
Fax: 415.558.6409
Planning Information: 415.558.6377

PLANNING CODE AMENDMENT

The proposed Ordinance would amend the Planning Code to allow an existing bar on the ground floor in the Upper Market Street Neighborhood Commercial Transit District to expand to the second floor under specified circumstances with a Conditional Use authorization; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

The Way It Is Now:

Currently in the Upper Market Street Neighborhood Commercial Transit (NCT) District Bars require Conditional Use authorization to locate on the ground floor and are not permitted on upper floors of the building.

The Way It Would Be:

The Planning Code would be amended to allow an existing Bar on the ground floor in the Upper Market Street NCT District to expand to the second floor with Conditional Use authorization if:

- The space to be converted has not been in residential use within the previous five years,
- An internal staircase connecting the ground floor Bar use and the upper floor already exists, and
- There will be no expansion of the building envelope.

www.sfpplanning.org

PLANNING DEPARTMENT

2

1 EXECUTIVE SUMMARY - PAGE 1

Executive Summary
Hearing Date: February 4, 2016

CASE NO. 2015-008208PCA
Upper Market NCT; Second Floor Bars

BACKGROUND

This ordinance originated from an application submitted to the Planning Department in November of 2015. The Project Sponsor in the case, Churchill Bar located at 194 Church Street, initially applied for the proposed second story use under the Community Business Priority Processing Program known as CB3P. The CB3P program was adopted by the San Francisco Planning Commission on February 12, 2014 and streamlines the Conditional Use process for certain small and mid-sized business applications.

Projects that qualify for and enroll in the CB3P are guaranteed the following:

- A hearing date within 90 days of filing;
- Placement on the Planning Commission's consent calendar.

Furthermore, analysis of CB3P projects is documented through a two-page Project Summary and Motion rather than the lengthier Executive Summary and Draft Motion documents.

The Project Sponsor initially applied under the CB3P for a change of use from a vacant Medical Cannabis Dispensary (never established as a legal use) to a Large Other Institution-proposed to be used as a community and social event space.

The Planning Department's initial research revealed that there were violations on the property. Violations included operating an event space without proper permits and the second floor was rented as a private event space without a proper permit.

Given the violations and nature of the case, the project was pulled from the CB3P program. Furthermore, the project sponsor decided to abandon the change of use permit and to legally pursue a Bar use on the second floor. This required a legislative action because Bars are not permitted on the second floor in the Upper Market NCT.

ISSUES AND CONSIDERATIONS

Neighborhood Context

The Upper Market Street NCT is located on Market Street from Church to Noe Streets and on side streets off Market. It is a multi-purpose commercial district that provides neighborhood serving services and serves as a destination. The corridor is composed primarily of retail and commercial uses on the ground floor with residential use generally on the second and above stories. Current land use controls encourage moderate-scale development which contributes to the definition of Market Street's design and character. The NCT has a vibrant commercial presence and the vacancy rate for storefronts from Octavia to Castro-a wider range than the NCT-is only 10 percent.

Conditional Use Findings

Conditions of approval are based on the determination requirements in Section 303-Conditional Uses. Planners evaluate the proposed use for a variety of criteria including but not limited to the size, intensity of use, how the use will serve the neighborhoods, ensuring that the use or feature will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity, will not adversely impact the General Plan and is in conformity with the General Plan. Ultimately projects that require a Conditional Use must be approved by the Planning Commission. These findings in addition to the three findings proposed in the ordinance would be used by Staff and the Commission in evaluating a proposed Bar expansion allowed by this ordinance.

PLANNING DEPARTMENT

2 EXECUTIVE SUMMARY - PAGE 2

praxis architects
707-869-9595
Post Office Box #291 - Monte Rio, CA 95462

REVISIONS:
1

project

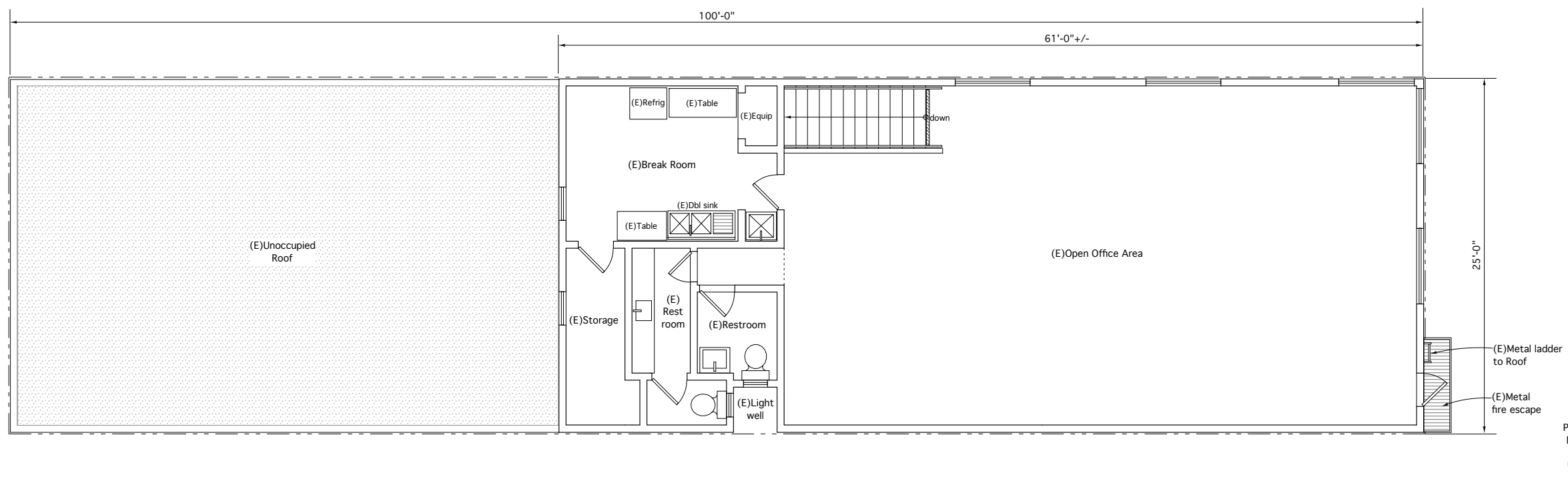
Expand (E)Bar to 2nd FL
Interior Renovation
198 Church Street
San Francisco, CA
9 4 1 1 4

print date:
CUA Intake 1 March 2015

EXECUTIVE SUMMARY -
For reference
A0.2
sheet number

LICENSED ARCHITECT
Stevanie Fitch
No. C 24211
EXPIRES 2-28-17
STATE OF CALIFORNIA

| WALL LEGEND | |
|-------------|-----------------------------------|
| | New non-rated wall assembly |
| | Existing non-rated wall to remain |
| | Clear zone at shuffleboard table |
| | Object above |

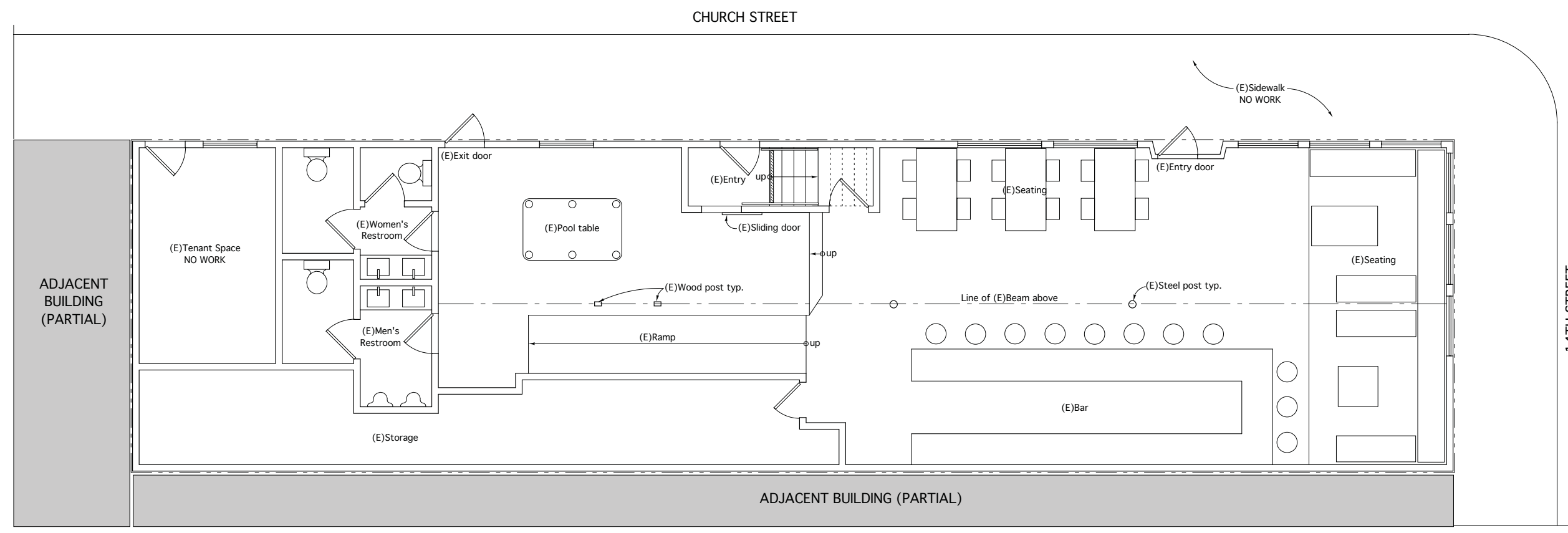


REVISIONS:
1

project
New Bar on 2nd Fl.
Interior Renovation
194 Church Street
San Francisco, CA
9 4 1 1 4

2 EXISTING SECOND FLOOR PLAN - FOR REFERENCE

1/4"=1'-0"



print date:
CUA Intake 1 March 2016

1 EXISTING FIRST FLOOR PLAN - FOR REFERENCE

1/4"=1'-0"

Existing First &
Second
Floor Plans -
For reference
A1.0
sheet number

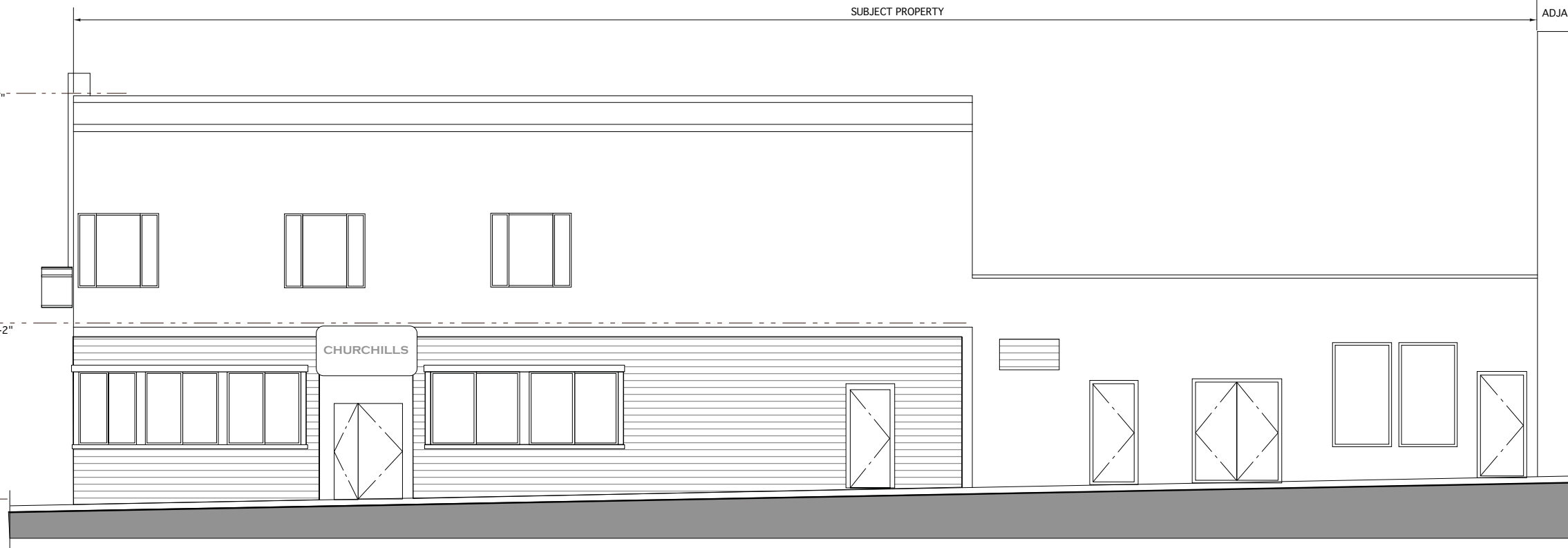
SUBJECT PROPERTY

ADJACENT PROPERTY

(E)Parapet
Elev: 27'-6"

(E)2nd FL
Elev: +10'-2"

(E)1st FL
Elev: 0'-0"



EAST ELEVATION

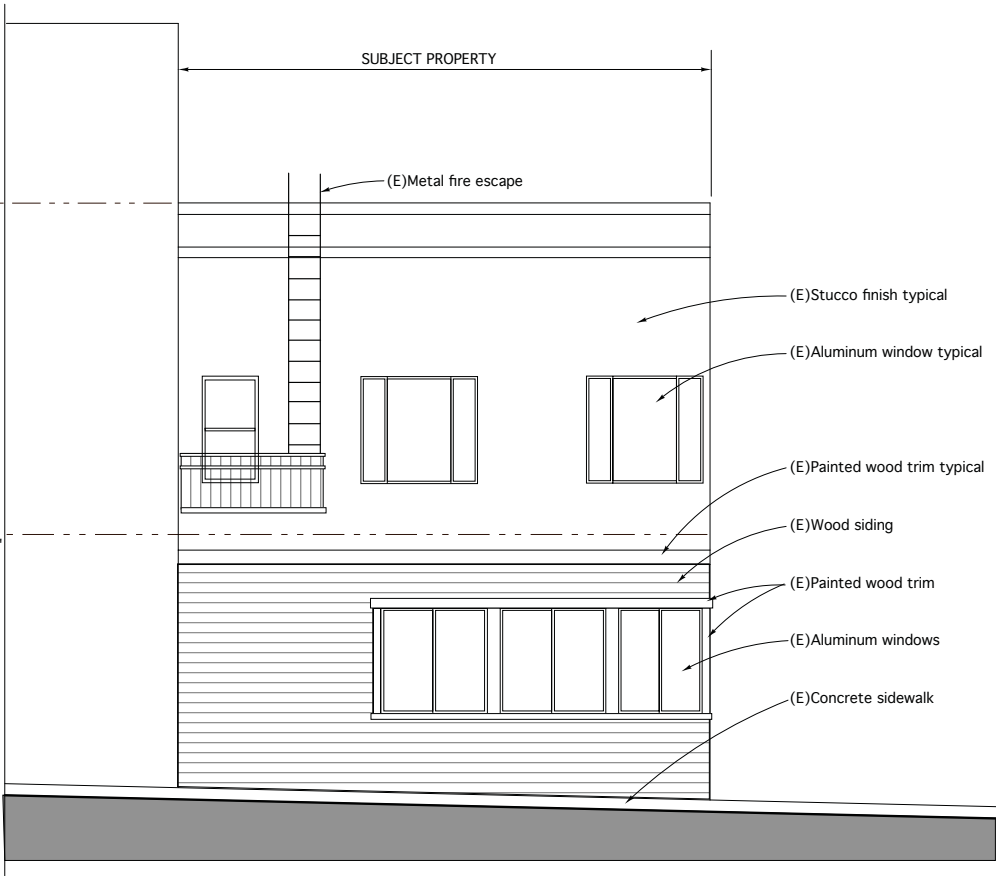
SUBJECT PROPERTY

SUBJECT PROPERTY

(E)Parapet
Elev: 27'-6"

(E)2nd FL
Elev: +10'-2"

(E)1st FL
Elev: 0'-0"



SOUTH ELEVATION

(E)Metal fire escape

(E)Stucco finish typical

(E)Aluminum window typical

(E)Painted wood trim typical

(E)Wood siding

(E)Painted wood trim

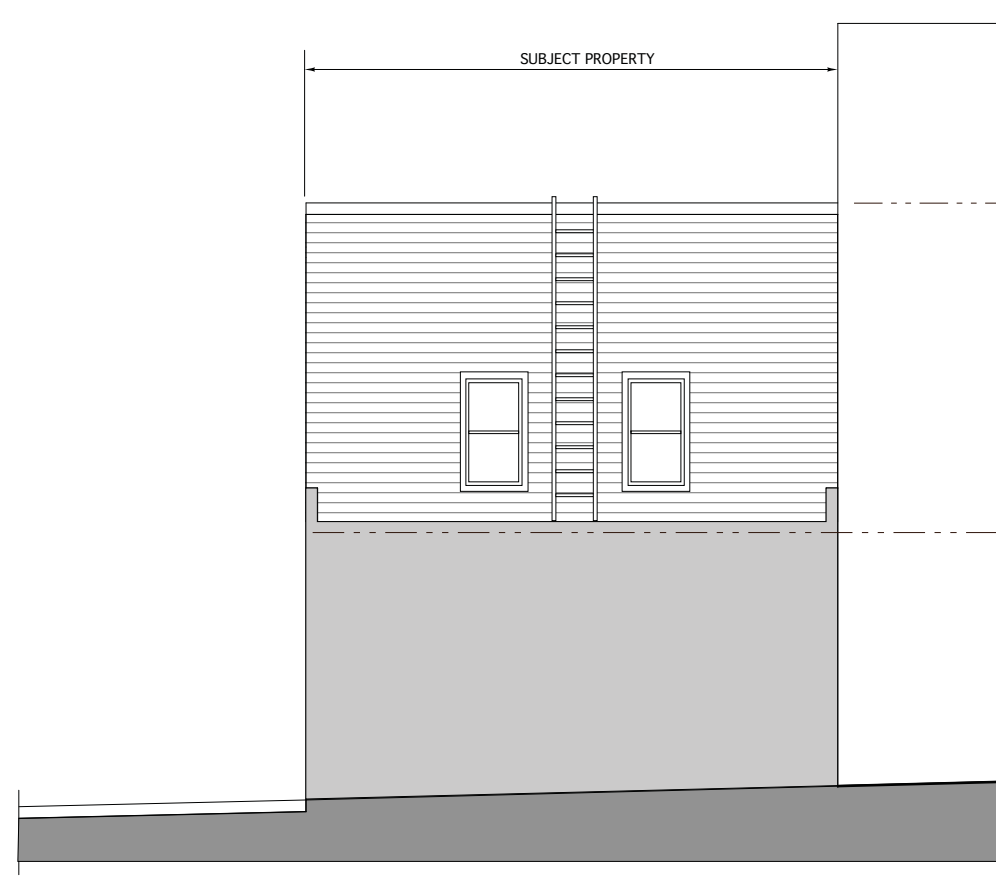
(E)Aluminum windows

(E)Concrete sidewalk

(E)Parapet
Elev: 27'-6"

(E)2nd FL
Elev: +10'-2"

(E)1st FL
Elev: 0'-0"



NORTH ELEVATION

REVISIONS:

1

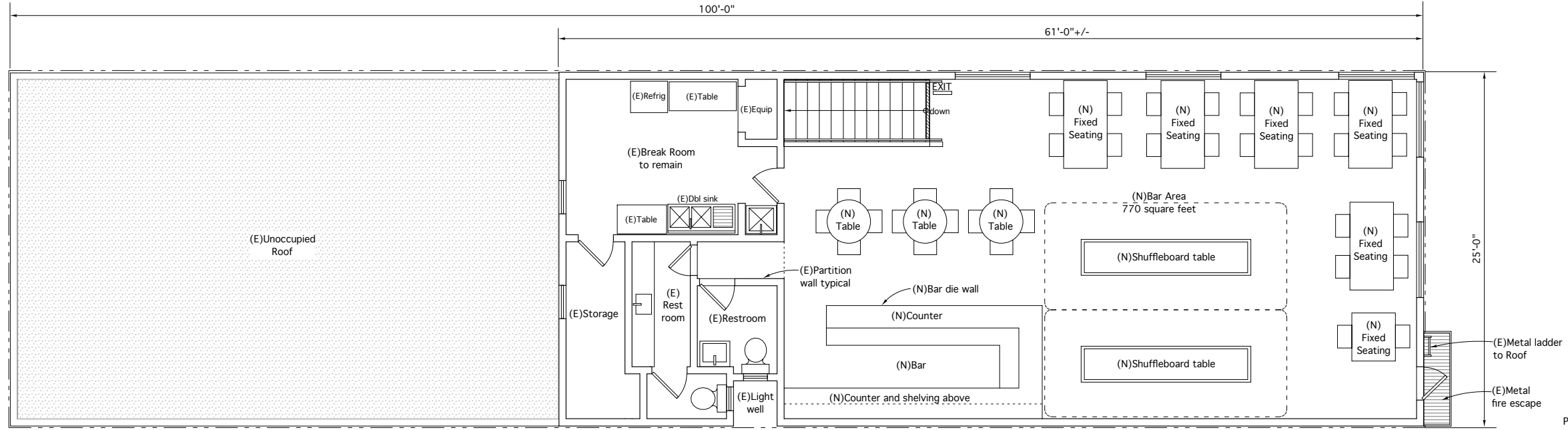
project
 Expand (E) Bar to 2nd FL
 Interior Renovation
 194 Church Street
 San Francisco, CA
 9 4 1 1 4



print date:
 CUA Intake 1 March 2016

Existing Exterior Elevations
 For reference
A0.2
 sheet number

| WALL LEGEND | |
|-------------|-----------------------------------|
| | New non-rated wall assembly |
| | Existing non-rated wall to remain |
| | Clear zone at shuffleboard table |
| | Object above |



REVISIONS:
1

project
New Bar on 2nd Fl.
Interior Renovation
194 Church Street
San Francisco, CA
9 4 1 1 4

1 PROPOSED SECOND FLOOR PLAN

1/4" = 1'-0"



print date:
CUA Intake 1 March 2016

Proposed Second
Floor Plan

A2.0
sheet number



Duboce Triangle Neighborhood Association

March 16, 2015

Attn (Project Planner)
Re Conditions of Approval for 194 Church Street, Proposed Change of Use
Cc Mike Goebel, Churchill
Planning Commission
Supervisor Scott Wiener

In regards to the proposed change of use from an existing office to a space for special events bar/private parties at 194 Church Street, the Duboce Triangle Neighborhood Association (DTNA) has reached an agreement with the project sponsor to offer our endorsement if approved with the below stated conditions. The Planning Commission is kindly requested to include the following "Conditions of Approval" in association with the approval of this change of use.

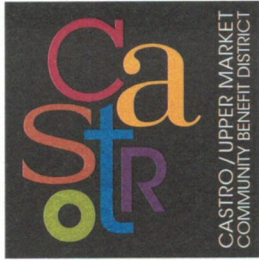
- 1) Windows must remain closed during hours of operation when sound amplification is used. Sound must be fully contained within the building, including bass vibration.
- 2) If five reports of disturbance are made within a month, the Project Sponsor will engage a reputable sound engineering (i.e. firm of Slater & Associates) to address the sound problems. A sound attenuation plan will be determined at that time. If the test results show that sound isolation materials are required, the Project Sponsor will comply. The sound attenuation plan will specifically address bass and generally noise levels audible from the street. Additionally, the Project Sponsor will be responsible for enforcing a "no short circuit" rule, by which employees and For Hire DJs are unable to manipulate the sound system into operating outside the parameters set by the attenuation plan.
- 3) The Project Sponsor shall at all times keep a copy of these Conditions of Approval on the premises for reference. Management shall review with new employees as part of their training and orientation and periodically (at least at twelve month intervals) review with the other employees, these Conditions and Approval related to operational concerns and quality of life issues with emphasis on noise control, and respectful behavior towards neighbors by patrons. Employees are to be reminded that continued successful operation at 194 Church Street is dependent on compliance with these Conditions of Approval.

- 4) The Project Sponsor will comply with requests for specification of their sound equipment and sound engineers. The sound levels must always be in compliance with the city requirements.

Sincerely,

Danny Yadegar
DTNA, Land Use Chair

Michael Goebel
194-198 Church St, Building Owner



584 Castro Street #336 December 4, 2015

San Francisco, CA 94114

PH 415.500.1181

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Rodney Fong, President
San Francisco Planning Commission
1650 Mission St., Suite 400
San Francisco, CA 94103
RE: Support File # 151084

Dear President Fong,

This letter is written to express the Castro/Upper Market Community Benefit District's support of the project at 194 Church St. to build out the second floor, including adding a bar, to allow for a productive activation of the second floor by hosting private and community events.

It is our understanding steps will be taken to minimize noise disturbance for the neighbors of 194 Church St. If, as stated in the letter from the Duboce Triangle Neighborhood Association, if there are more than five noise complaints in a given month, the project sponsor will engage a reputable sound engineering company to address the sound problems.

If you have any questions, please do not hesitate to contact me at 415-500-1181 or at andrea@castrocbd.org.

Sincerely,

Andrea Aiello
Executive Director

cc: Supervisor Scott Wiener
Andres Power, Legislative Aide, Supervisor Wiener
CBD Board of Directors
Michael Goebel



584 Castro Street #333
San Francisco CA 94114-2512

formerly "Merchants of Upper Market & Castro – MUMC"
415/431-2359

Info@CastroMerchants.com
www.CastroMerchants.com

December 15, 2015

By Email and USPS hardcopy

Colin Clarke, Staff Planner
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco CA 94103-2479

Re: Planning Application No. 2015-002992PRJ, Conditional Use at 194 Church Street, SF
Churchill Bar, Change of Use (Office to Special Events, Expansion of Downstairs Bar)

Dear Mr. Clarke,

This confirms that the Members of **CASTRO MERCHANTS** (formerly "Merchants of Upper Market & Castro – MUMC") have voted to SUPPORT the Request for Conditional Use Authorization, Case No. 2015-002992PRJ and related requests to your Department by *Churchill Bar* for its proposed Change of Use and Second Floor Expansion at 194 Church Street in San Francisco. The SUPPORT includes that for the proposed S.F. Ordinance File No. 151084 being sponsored by Supervisor Scott Wiener at the Board of Supervisors.

CM's approval is based on information provided by the Project Sponsor (Michael Goebel for *Churchill Bar*) during his presentation at our Members Meeting on April 2, 2015. We have asked the Project Sponsor to notify us if there are any subsequent, substantive changes to their proposal prior to approval, so we can evaluate whether such changes would affect the previous approval. We have received no such notification, to date.

CASTRO MERCHANTS is the merchants' organization serving San Francisco's Castro-Upper Market area, generally along Upper Market Street from Octavia Blvd. to Castro Street; Castro from Market to 19th Street; and cross streets throughout that area. **CASTRO MERCHANTS** has about 300 paid Members for 2015-2016. The property covered by this matter is within our organization's primary service area.

..... *continued*

CASTRO MERCHANTS

San Francisco Planning Department

December 15, 2015

Re: Planning Application No. 2015-002992PRJ, Conditional Use at 194 Church Street, SF
Churchill Bar, Change of Use (Office to Special Events, Expansion of Downstairs Bar)

In addition to today's email to you and to the individuals cc'd below, hardcopies of this letter are being mailed to you and to Mr. Goebel for *Churchill*.

Please let us know if you have any questions regarding **CASTRO MERCHANTS's** SUPPORT for this Application and related items. Please include this letter in the matter's permanent file, and assure that it is provided to all Planning Staff and Commissioners and to any other hearing panels at the time that this matter is considered by them. Thank you for considering our comments.

Respectfully,



Daniel Bergerac, President

Email and hardcopy cc: Michael Goebel, *Churchill* Bar
email cc: Supervisor Scott Wiener, Staff Andres Power
Capt. Daniel Perea, SFPD Mission Station
Capt. John Sanford, Jr., SFPD Park Station
Capt. Greg McEachern, SFPD Northern Station