



# SAN FRANCISCO PLANNING DEPARTMENT

## Executive Summary Conditional Use

HEARING DATE: FEBRUARY 22, 2018

*Date:* February 5, 2018  
*Case No.:* **2017-012457CUA**  
*Project Address:* **235 CHURCH STREET**  
*Zoning:* Upper Market Neighborhood Commercial Transit District  
40-X Height and Bulk District  
*Block/Lot:* 3544/060  
*Project Sponsor:* CLA CONSULTING  
David Villa-Lobos  
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*Staff Contact:* Cathleen Campbell – (415) 575-8732  
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*Recommendation:* **Approval with Conditions**

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### PROJECT DESCRIPTION

The restaurant tenant (D.B.A. Il Casaro Pizzeria) intends to seek a Type 47 License from the California Department of Alcoholic Beverage Control. This license would permit the sale of beer, wine, and distilled spirits for on-site consumption in association with the existing restaurant use. The existing restaurant use currently holds a Type 41 License from the California Department of Alcoholic Beverage Control, which permits the sale of beer and wine with meals. Within the Upper Market Street Neighborhood Commercial Transit District ("NCT"), a Restaurant use, as defined in Planning Code Section 102, may only add ABC license types 47, 49 or 75 as a Conditional Use on the ground level.

Tenant improvements and modifications to the established restaurant use are proposed under building permit application 2017-01-19-7461, and the size of restaurant would not change. The proposal does not include any façade alterations. The percentage of eating and drinking establishments (as measured in linear feet) will not increase within a 300 foot radius of the subject property or increase from 21.3% within the Upper Market NCT. The existing tenant space measures approximately 1,450 square feet and the size would not change as part of the project. The proposed commercial use is under 5,000 square feet in size, so there is not an on-site parking requirement.

The restaurant tenant (D.B.A. Il Casaro Pizzeria) is not a Formula Retail use. The tenant is an independent locally owned neighborhood-serving use, which has been encouraged throughout San Francisco.

## **SITE DESCRIPTION AND PRESENT USE**

The Project Site is located on the east side of Church Street, between Market and 15<sup>th</sup> Streets, Block 3544, Lot 060. The subject property is located within the Upper Market Neighborhood Commercial Transit District ("NCT") and the 40-X Height and Bulk District. The property is a three-story building developed with a two ground floor commercial spaces and eight residential units on the upper floors. The subject property is approximately 125 feet deep with approximately 50 feet of frontage on Church Street. The subject tenant space was previously occupied by a restaurant doing business as "Chilango". Prior to the subject tenant the subject tenant space has remained vacant since July of 2015. The adjacent ground floor tenant space is developed with The Twilight Zone, a tobacco paraphernalia establishment.

## **SURROUNDING PROPERTIES AND NEIGHBORHOOD**

The project site is located in an area of mixed-use character and on a corridor composed primarily of ground floor commercial/retail uses and upper floor residential. The Upper Market Street NCT is on Market Street from Church to Castro, and on side streets off Market is situated at the border of the Eureka Valley, Buena Vista, and Duboce Triangle neighborhoods. A variety of commercial establishments are located within ground floor storefronts in the Upper Market NCT, including banks, restaurants, apparel stores, personal service, and other types of retailers. Commercial businesses are active both in the daytime and late into the evening and include a number of bars and restaurants, as well as several specialty clothing and gift stores. Adjacent properties include a retail and restaurant uses. Buildings in the vicinity typically range from one to four 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	February 2, 2018	February 2, 2018	20 days
Posted Notice	20 days	February 2, 2018	February 2, 2018	20 days
Mailed Notice	10 days	February 2, 2018	February 2, 2018	20 days

## **PUBLIC COMMENT/COMMUNITY OUTREACH**

- Staff has received received no letters in support or opposition. The project sponsors outreach efforts included a letter to D-8 Supervisor Jeff Sheehy/Legislative Aides, Duboce Triangle Neighborhood Assoc., Castro/Eureka Valley Na, Castro/Upper Market Cbd, Heart Of The Triangle, Merchants Upper Market & Castro Assoc.

## **ISSUES AND OTHER CONSIDERATIONS**

- The Commerce and Industry Element of the General Plan contains Guidelines to avoid the potential over-concentration of eating and drinking establishments. The Guidelines specifically state, "the balance of commercial uses may be threatened when eating and drinking

establishments occupy more than 20% of the total occupied commercial frontage.” Eating and drinking establishments are prevalent in the area, however, the requested authorization would not create a new stand-alone bar establishment or expand the physical footprint of the existing restaurant use. A Type 47 Licence will not increase the percentage commercial frontage of eating and drinking establishments within 300 feet of the project site and Upper Market Neighborhood Commercial Transit District.

- The restaurant is currently permitted to serve wine and beer in association with meals. The requested authorization would broaden the selection of available drinks by allowing the sale of distilled spirits and beer that is produced from the microbrewery on the premises.
- A type 47 license must be associated with a Restaurant. The licence authorizes the sale of beer, wine and distilled spirits for consumption on the licenses premises. Authorizes the sale of beer and wine for consumption off the licenses premises. The establishment must operate and maintain the licensed premises as a bona fide eating place and maintain suitable kitchen facilities, and must make actual and substantial sales of meals for consumption on the premises. Minors are allowed on the premises.
- The proposed use is an independent, locally-owned use, which has been encouraged throughout San Francisco. This is not a Formula Retail use and would serve the immediate neighborhood, as well as clientele from outside the neighborhood that frequents the Upper Market Neighborhood Commercial Transit District.
- The surrounding neighborhood has had a rise in vacancies due to increasing rents. Expanding the business's services by permitting on-site consumption would help retain the current business owners and help activate the neighborhood with the increased hours.

## **REQUIRED COMMISSION ACTION**

In order for the project to proceed, the Commission must grant conditional use authorization to allow an ABC Type 47 License within the Upper Market NCT.

## **BASIS FOR RECOMMENDATION**

- The project promotes small-business ownership and the viability of an existing small-business establishment.
- The project is a neighborhood-serving use. Alcoholic beverages would be served only in association with meals.
- The project would not expand the existing restaurant use or displace storefronts that provide convenience goods and services to the neighborhood.
- The proposed Project meets all applicable requirements of the Planning Code.

<b>RECOMMENDATION:</b> <b>Approval with Conditions</b>
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**Attachments:**

Block Book Map

Sanborn Map

Aerial Photographs

Project Sponsor Submittal, including:

- Site Photographs
- Reduced Plans
- Security, Safety, and Management Plan

Attachment Checklist

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

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

\_\_\_\_\_ CC \_\_\_\_\_  
Planner's Initials



# 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 RELATED TO THE APPROVAL OF A CONDITIONAL USE AUTHORIZING ABC LICENSE TYPE 47 (ON-SALE GENERAL LIQUOR, BEER, AND WINE FOR BONA FIDE PUBLIC EATING PLACE) WITHIN A PREVIOUSLY ESTABLISHED RESTAURANT USE (D.B.A. IL CASARO PIZZERIA) AT 235 CHURCH STREET ON ASSESSOR’S BLOCK 3544, LOT 060, LOCATED WITHIN THE UPPER MARKET STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT.**

### PREAMBLE

On September 27, 2017, David Villa-Lobos acting agent on behalf of property owner (hereinafter “Project Sponsor”) made an application for Conditional Use authorization for the property at 235 Church Street, Lot 060 in Assessor’s Block 3544 (hereinafter “Subject Property”), pursuant to Planning Code Section 303 and 764 to authorize ABC License Type 47 (On-Sale General Liquor, Beer, And Wine For Bona Fide Public Eating Place) within a previously established restaurant use (D.B.A. Il Casaro Pizzeria) within the Upper Market Neighborhood Commercial Transit District and a 40-X Height and Bulk District, in general conformity with plans dated August 22, 2017 and labeled “Exhibit B” (hereinafter “Project”).

The Project would allow the applicant to seek a Type 47 License from the California Department of Alcoholic Beverage Control. This license would permit the sale of beer, wine, and distilled spirits for on-site consumption in association with the restaurant. The existing tenant space measures approximately 1,450 square feet and the size would not change as part of the project. Minor tenant improvements and

modifications to the established restaurant use are proposed under building permit application 2017-01-19-7461.

On February 22, 2018, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2017-012457CUA.

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. 2017-012457CUA , 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 Site is located on the east side of Church Street, between Market and 15<sup>th</sup> Streets, Block 3544, Lot 060. The subject property is located within the Upper Market Neighborhood Commercial Transit District ("NCT") and the 40-X Height and Bulk District. The property is a three-story building developed with a two ground floor commercial spaces and eight residential units on the upper floors. The subject tenant space was previously occupied by a restaurant doing business as "Chilango" and has remained vacant since July of 2015. The adjacent ground floor tenant space is developed with The Twilight Zone, a tobacco paraphernalia establishment.
3. **Surrounding Properties and Neighborhood.** The project site is located in an area of mixed-use character and on a corridor composed primarily of ground floor commercial/retail uses and upper floor residential. The Upper Market Street NCT is on Market Street from Church to Castro, and on side streets off Market is situated at the border of the Eureka Valley, Buena Vista, and Duboce Triangle neighborhoods. A variety of commercial establishments are located within ground floor storefronts in the Upper Market NCT, including banks, restaurants, apparel stores, personal service, and other types of retailers. Commercial businesses are active both in the daytime and late into the evening and include a number of bars and restaurants, as well as several specialty clothing and gift stores. Adjacent properties include a retail and restaurant uses. Buildings in the vicinity typically range from one to four stories in height.

4. **Project Description.** The restaurant tenant (D.B.A. Il Casaro Pizzeria) intends to seek a Type 47 License from the California Department of Alcoholic Beverage Control. This license would permit the sale of beer, wine, and distilled spirits for on-site consumption in association with the existing restaurant use. The existing restaurant use currently holds a Type 41 License from the California Department of Alcoholic Beverage Control, which permits the sale of beer and wine with meals. Within the Upper Market Street Neighborhood Commercial Transit District ("NCT"), a Restaurant use, as defined in Planning Code Section 102, may only add ABC license types 47, 49 or 75 as a Conditional Use on the ground level.

Tenant improvements and modifications to the established restaurant use are proposed under building permit application 2017-01-19-7461, and the size of restaurant would not change. The percentage of eating and drinking establishments (as measured in linear feet) will not increase within a 300 foot radius of the subject property or increase from 21.3% within the Upper Market NCT. The existing tenant space measures approximately 1,450 square feet and the size would not change as part of the project. The proposed commercial use is under 5,000 square feet in size, so there is not an on-site parking requirement.

The restaurant tenant (D.B.A. Il Casaro Pizzeria) is not a Formula Retail use. The tenant is an independent locally owned neighborhood-serving use, which has been encouraged throughout San Francisco.

5. **Public Comment.** As of February 12, 2018, the Department has not received any letters or phone calls in opposition or support to the proposed project.
6. **Planning Code Compliance:** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:

- A. **Upper Market Street Liquor Licenses for Restaurants.** Planning Code Section 764 states that a Restaurant use may only add ABC License Types 47, 49, or 75 as a Conditional Use on the ground level if, in addition to the criteria set forth in Section 303, the Planning Commission finds that the Restaurant is operating as a Bona Fide Eating Place as defined in Section 202.2 of the Code. Should a Restaurant fail to operate as a Bona Fide Eating Place for any length of time, the Conditional Use Authorization shall be subject to immediate revocation.

*The existing legal use is a Restaurant use with a Type 41 License. The previous restaurant use served beer and wine in association with meals. The new restaurant tenant is seeking Conditional Use Authorization to upgrade the license to a Type 47. The proposed Restaurant will continue to operate as a Bona Fide Eating Place. The requested authorization would broaden the selection of drinks served within the existing restaurant by allowing the sale of distilled spirits. No additional hours or bar-only hours are proposed.*

- B. **Outdoor Activity.** Planning Code Section 764 states that a Conditional Use Authorization is required for an Outdoor Activity Area, as defined by Planning Code Section 145.2.



*No outdoor activity is proposed on-site.*

- C. **Hours of Operation.** Planning Code Section 710.27 states that a Conditional Use Authorization is required for maintaining hours of operation from 11p.m. to 2 a.m., as defined by Planning Code Section 746.

*The Project Sponsor is not requesting conditional use authorization to operate between the hours of 2:00AM and 6:00AM.*

- D. **Rear Yard.** Planning Code Sections 130 and 134 states 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 the second story and above and at all residential levels in the Upper Market Neighborhood Commercial Transit District ("NCT").

*The Project does not propose changes to the existing building envelope.*

- E. **Floor Area Ratio.** Per Planning Code Sections 124 and 764, 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 nonresidential gross square feet can be developed on the Project Site. Since the Project will not include the physical expansion of the commercial space, there will be no increase in nonresidential gross floor area.

- F. **Use Size.** Pursuant to Planning Code Sections 121.2 and 715.21, non-residential uses are principally permitted up to 1,999 sq. ft.; Conditional Use Authorization is required for uses 2,000 sq. ft. or greater.

*The Project would add a Abc Type 47 License to an existing full-service restaurant use. The physical footprint of the restaurant would not be expanded as part of the proposed project; therefore, the use size of the existing restaurant would not change.*

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

*The Subject Property contains approximately 1,450 square-feet of occupied floor area and thus does not require any off-street parking.*

- H. **Street Frontage in Neighborhood Commercial Districts.** Section 145.1 of the Planning Code requires that within NC Districts space for active uses shall be provided within the first 25 feet of building depth on the ground floor and 15 feet on floors above from any facade facing a street at least 30 feet in width. In addition, the floors of street-fronting interior spaces

housing non-residential active uses and lobbies shall be as close as possible to the level of the adjacent sidewalk at the principal entrance to these spaces. Frontages with active uses that must be fenestrated with transparent windows and doorways for no less than 60 percent of the street frontage at the ground level and allow visibility to the inside of the building. The use of dark or mirrored glass shall not count towards the required transparent area. Any decorative railings or grillwork, other than wire mesh, which is placed in front of or behind ground floor windows, shall be at least 75 percent open to perpendicular view. Rolling or sliding security gates shall consist of open grillwork rather than solid material, so as to provide visual interest to pedestrians when the gates are closed, and to permit light to pass through mostly unobstructed. Gates, when both open and folded or rolled as well as the gate mechanism, shall be recessed within, or laid flush with, the building facade.

*Currently, the subject commercial space has approximately 19 feet of frontage on Church Street with approximately 14 feet devoted to the restaurant entrance or window space. The Project does not propose changes to the existing building or commercial frontage.*

- I. **Signage.** Currently, there is not a proposed sign program on file with the Planning Department. The proposed business does not have a name as of this writing. Any proposed signage will be subject to the review and approval of the Planning Department.
7. **Planning Code Section 303** establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use 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 because it will contribute to the viability of an existing restaurant use that is locally-owned. The restaurant will serve beer and wine in association with meals. The requested authorization would broaden the selection of drinks served within the existing restaurant use by allowing the sale of distilled spirits on the premises.*

*The Project would not physically expand the existing restaurant. The restaurant would serve patrons in the neighborhood. The Project is desirable and compatible with the neighborhood.*
    - B. The proposed project will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity. There are no features of the project that could be detrimental to the health, safety or convenience of those residing or working the area, in that:
      - i. Nature of proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;

*The size and shape of the site and the size, shape, and arrangement of the building are adequate for the Project. The Project would not physically expand or reconfigure the existing restaurant use.*

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

*The Planning Code does not require parking or loading for a 1,450 square-foot restaurant; no off-street parking or loading will be provided. The existing use is designed to meet the needs of the immediate neighborhood. The addition of a type 47 license should not generate significant amounts of vehicular trips from the immediate neighborhood or citywide. The Project Site is very well served by public transit.*

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

*Conditions 3 and 4 specifically obligate the project sponsor to mitigate odor and noise generated by the restaurant use.*

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

*The existing restaurant does not require any additional tenant improvements the Department shall review all lighting and signs proposed for the new business in accordance with Planning Code.*

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

*The Project complies with the applicable requirements of the Planning Code, and will not adversely affect the General Plan. In general, the Commerce and Industry Element of the General Plan calls for no more than 25 percent of commercial storefronts in Neighborhood Commercial Districts to be set aside for eating and drinking establishments. The existing restaurant use would not affect the percent of commercial storefronts set aside for eating and drinking establishments. These policies encourage a balance of uses within each NCT to ensure that local residences can fulfill their convenience needs within close proximity.*

*The Project would broaden the selection of drinks served with meals in the existing restaurant by allowing the sale of distilled spirits on the premises. The addition of the Type 47 License will not disrupt the balance of commercial uses in the area, and will not displace establishments that provide convenience goods and services. The Project will not adversely affect the cited policies of the Commerce and Industry Element, or other Elements of the General Plan.*

- 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 NCT in that the intended use is located at the ground floor and will provide a compatible convenience service for the immediately surrounding neighborhoods during daytime hours. The Project would not expand the restaurant, and therefore, would not displace retail storefronts that could provide for convenience goods and services. The Project would enhance the viability of an existing restaurant use, contributing to the overall vitality and evening activity within the District. Exhibit A of this motion includes a condition requiring that all noise and odors be regulated so as not to be a nuisance to nearby businesses.*

8. **Planning Code Section 303(o)** establishes criteria for the Planning Commission to consider when reviewing applications for Eating and Drinking Uses. Such concentration should not exceed 25 percent of the total commercial frontage as measured in linear feet within the immediate area of the subject site. For the purposes of this Section of the Code, the immediate area shall be defined as all properties located within 300' of the subject property and also located within the same zoning district. On balance, the project does comply with said criteria in that:

A. Project Vicinity

*There is approximately 1476.152 linear feet of commercial frontage within 300 feet of the project site. Approximately 534.92 linear feet or 2.75% of this commercial frontage is comprised of eating and drinking establishments. The addition of an ABC Type 47 will not increase the percentage commercial frontage of eating and drinking establishments within 300 feet of the project site.*

B. Upper Market NCT

*There is approximately 7,402.67 linear feet of commercial frontage within the Upper Market NCT. Approximately 1,575.3 linear feet or 21.28% of this commercial frontage is comprised of eating and drinking establishments. The addition of an ABC Type 47 license will not increase the percentage commercial frontage of eating and drinking establishments within the Upper Market NCT.*

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

## NEIGHBORHOOD COMMERCE

### Objectives and Policies

#### OBJECTIVE 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 proposed development will provide desirable goods and services to the neighborhood and will provide resident employment opportunities to those in the community. The expanded scope of the existing business to include outdoor activity and extended hours of operation will not result in undesirable consequences. 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.

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

**OBJECTIVE 6:**

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

**Policy 6.1:**

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

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

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

### **Eating and Drinking Establishments**

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

- Regulate the distribution and proliferation of eating and drinking establishments, especially in districts experiencing increased commercial activity;
- Control nuisances associated with their proliferation;
- Preserve storefronts for other types of local-serving businesses; and
- Maintain a balanced mix of commercial goods and services.
- The regulation of eating and drinking establishments should consider the following:
  - Balance of retail sales and services;
  - Current inventory and composition of eating and drinking establishments;
  - Total occupied commercial linear frontage, relative to the total district frontage;
  - Uses on surrounding properties;
  - Available parking facilities, both existing and proposed;
  - Existing traffic and parking congestion; and
  - Potential impacts on the surrounding community.

*No commercial tenant would be displaced and the project would activate the ground floor with restaurant use that is compatible with the Neighborhood Commercial Transit District. In order for a neighborhood commercial district to remain viable and serve the needs of the surrounding neighborhood, it must exhibit a healthy balance of different types of commercial uses. This policy includes guidelines that eating and drinking establishments should not occupy more than 25 percent of the total commercially-occupied frontage in a district. The Project would broaden the selection of drinks served with meals in the restaurant by allowing the sale of distilled spirits on the premises. The addition of an ABC Type 47 license will not disrupt the balance of commercial uses in the area, and will not displace storefronts that could provide for neighborhood-serving goods and services.*

### **Policy 6.2:**

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

*The Project is desirable because it will contribute to the viability of an existing restaurant use that is locally- owned and has operated. The restaurant use is currently permitted to serve beer and wine in*

*association with meals. The requested authorization would broaden the selection of drinks served within the existing restaurant by allowing the sale of distilled spirits on the premises. The Project would not physically expand the existing restaurant. The Project is desirable and compatible with the neighborhood, and will contribute to the vitality of the District.*

10. **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:

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.

*The Project would not expand the existing restaurant, and would therefore not decrease the square footage that could be made available to other types of neighborhood-serving retail uses or service establishments.*

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 would add Abc Type 75 License to an existing full-service restaurant use and would not expand the footprint or change the configuration of the existing restaurant. The Project is not expected to dramatically alter the operation or character of the existing restaurant use, and will enhance the commercial vitality of the Upper Market NCT.*

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

*The Project would not have any impacts on the City's supply of affordable housing.*

4. 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. The subject property is within ¼ mile of several MUNI lines (14, 7, 22, J F, KT, L, and M).*

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.

*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. There is no commercial office development associated with the Project. No industrial or service sector uses would be displaced.*

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

*The Project is designed and will be constructed to conform to the structural and seismic safety requirements of the City Building Code. This proposal will not impact the property's ability to withstand an earthquake.*

7. That landmarks and historic buildings be preserved.

*The subject property is considered a historic resource. No exterior building alterations are proposed.*

8. 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.*

11. 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.
12. 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. 2017-012457CUA** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated August 22, 2017, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

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

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

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

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on February 22, 2018.

Jonas P. Ionin  
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: February 22, 2018

## EXHIBIT A

### AUTHORIZATION

This authorization is for a conditional use to allow ABC Type 47 License within an established Restaurant Use (D.B. A. Il Casaro Pizzeria) located at 235 Church Street, Lot 060 in Assessor's Block 3544 pursuant to Planning Code Sections 715 and 303 within the Upper Market Neighborhood Commercial Transit District and a 40-X Height and Bulk District; in general conformance with plans, dated August 22, 2017, and stamped "EXHIBIT B" included in the docket for Case No. 2017-012457CUA and subject to conditions of approval reviewed and approved by the Commission on February 22, 2018 under Motion No XXXXXX. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

### RECORDATION OF CONDITIONS OF APPROVAL

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on February 22, 2018 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 and Expiration.** The authorization and right vested by virtue of this action is valid for three years from the effective date of the Motion. A building permit from the Department of Building Inspection to construct the project and/or commence the approved use must be issued as this Conditional Use authorization is only an approval of the proposed project and conveys no independent right to construct the project or to commence the approved use. The Planning Commission may, in a public hearing, consider the revocation of the approvals granted if a site or building permit has not been obtained within three (3) years of the date of the Motion approving the Project. Once a site or building permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. The Commission may also consider revoking the approvals if a permit for the Project has been issued but is allowed to expire and more than three (3) years have passed since the Motion was approved.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org).*

### DESIGN

2. **Garbage, composting and recycling storage.** Space for the collection and storage of garbage, composting, and recycling shall be provided within enclosed areas on the property and clearly labeled and illustrated on the architectural addenda. Space for the collection and storage of recyclable and compostable materials that meets the size, location, accessibility and other standards specified by the San Francisco Recycling Program shall be provided at the ground level of the buildings.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org).*

3. **Noise Control.** The premises shall be adequately soundproofed or insulated for noise and operated so that incidental noise shall not be audible beyond the premises or in other sections of the building and fixed-source equipment noise shall not exceed the decibel levels specified in the San Francisco Noise Control Ordinance.

*For information about compliance with the fixed mechanical objects such as rooftop air conditioning, restaurant ventilation systems, and motors and compressors with acceptable noise levels, contact the Environmental Health Section, Department of Public Health at (415) 252-3800, [www.sfdph.org](http://www.sfdph.org)*

*For information about compliance with the construction noise, contact the Department of Building Inspection, 415-558-6570, [www.sfdbi.org](http://www.sfdbi.org)*

*For information about compliance with the amplified sound including music and television contact the Police Department at 415-553-0123, [www.sf-police.org](http://www.sf-police.org)*

4. **Odor Control Unit.** In order to ensure any significant noxious or offensive odors are prevented from escaping the premises once the project is operational, the building permit application to implement the project shall include air cleaning or odor control equipment details and manufacturer specifications on the plans if applicable as determined by the project planner. Odor control ducting shall not be applied to the primary façade of the building.  
*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

## MONITORING

5. **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.
6. *For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

## OPERATION

7. **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/>*

## MONITORING - AFTER ENTITLEMENT

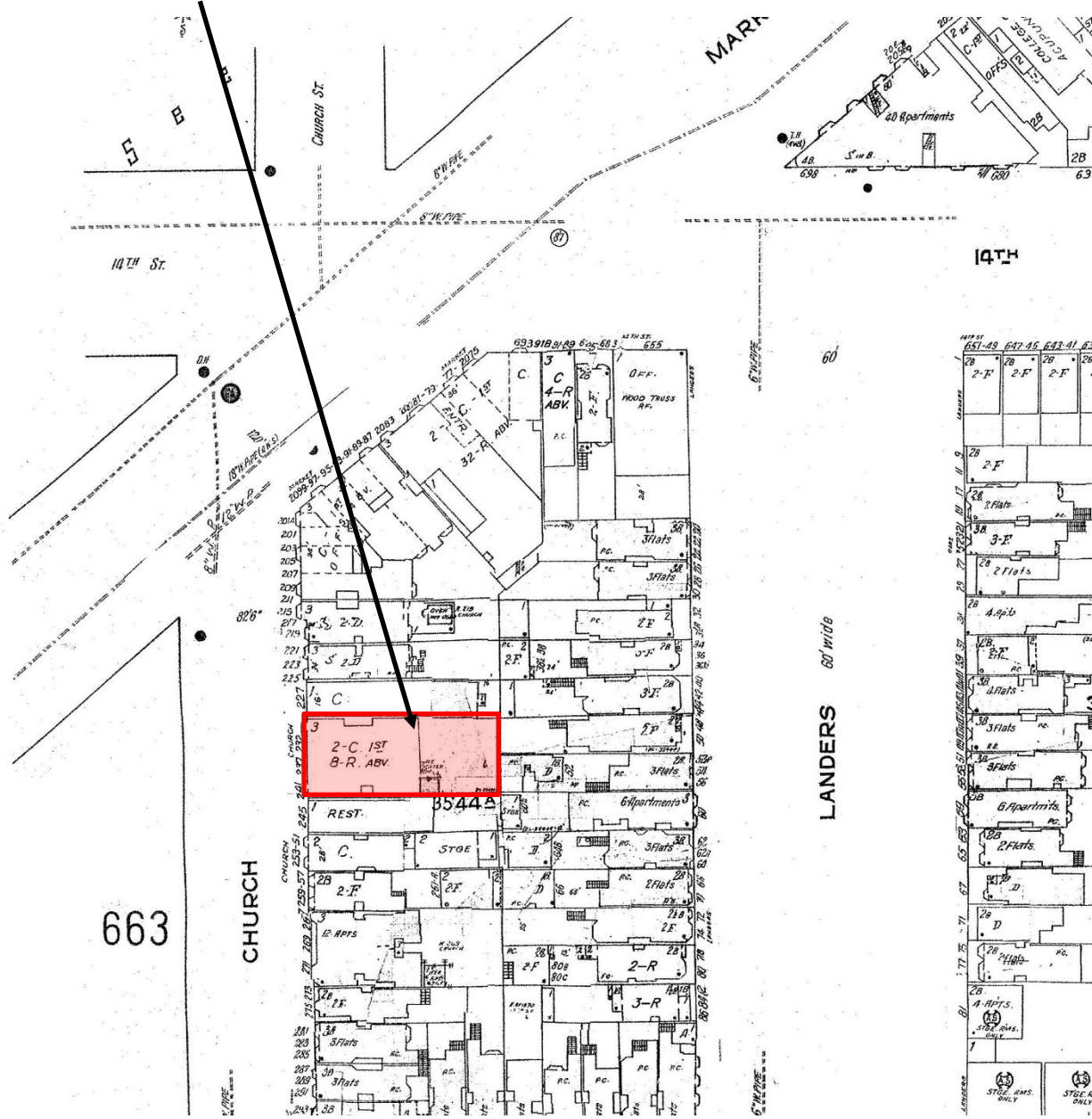
8. **Enforcement.** Violation of any of the Planning Department conditions of approval contained in this Motion or of any other provisions of Planning Code applicable to this Project shall be subject to the enforcement procedures and administrative penalties set forth under Planning Code Section 176 or Section 176.1. The Planning Department may also refer the violation complaints to other city departments and agencies for appropriate enforcement action under their jurisdiction. *For information about compliance, contact Code Enforcement, Planning Department at 415-575- 6863, [www.sf-planning.org](http://www.sf-planning.org)*
9. **Revocation due to Violation of Conditions.** Should implementation of this Project result in complaints from interested property owners, residents, or commercial lessees which are not resolved by the Project Sponsor and found to be in violation of the Planning Code and/or the specific conditions of approval for the Project as set forth in Exhibit A of this Motion, the Zoning Administrator shall refer such complaints to the Commission, after which it may hold a public hearing on the matter to consider revocation of this authorization.  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*





# Sanborn Map\*

**SUBJECT PROPERTY**



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

Conditional Use Hearing  
 Case Number 2017-012457CUA  
 ABC TYPE 47 LICENSE  
 235 Church Street

# Aerial Photo

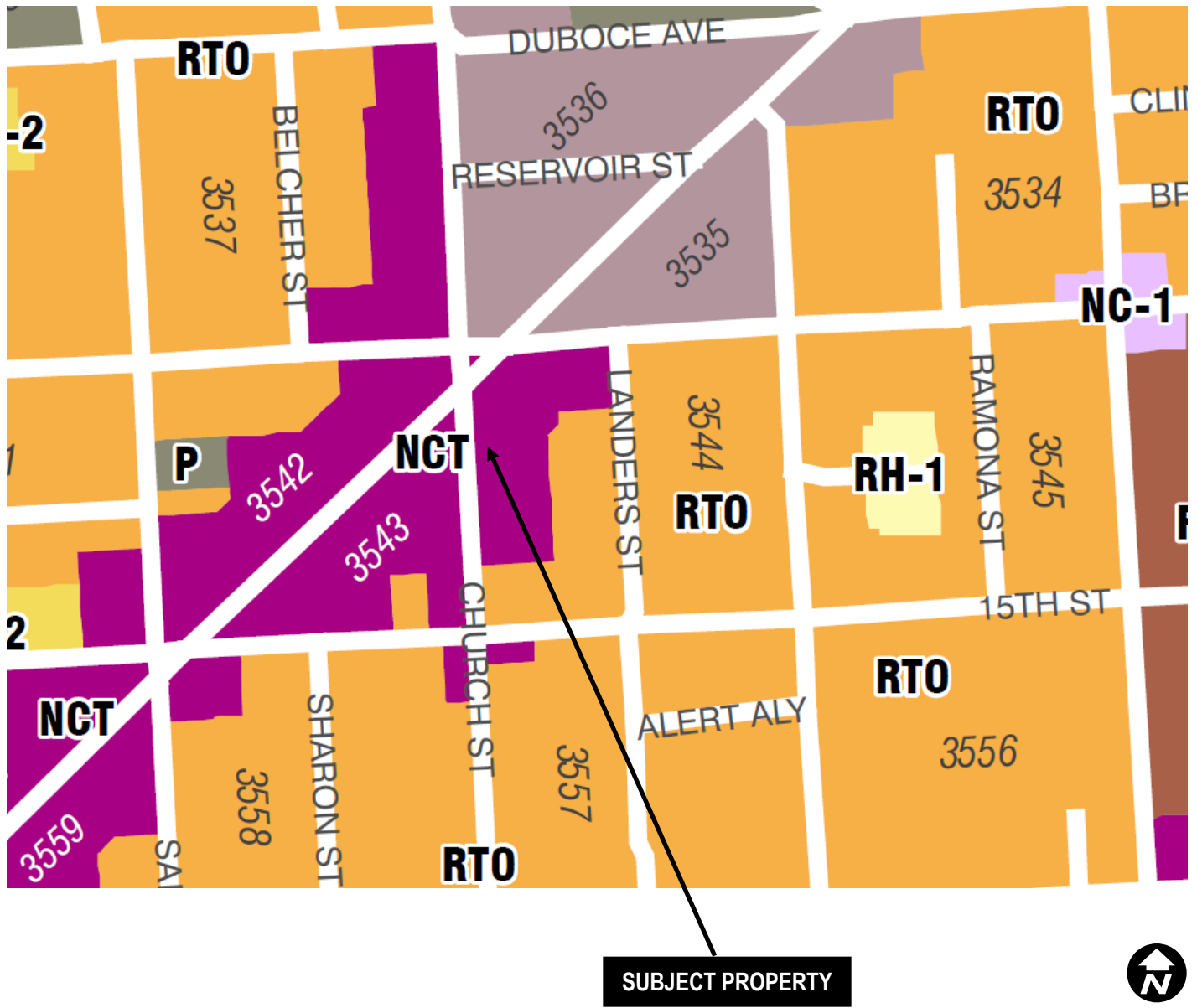


**SUBJECT PROPERTY**



**Conditional Use Hearing**  
**Case Number 2017-012457CUA**  
**ABC TYPE 47 LICENSE**  
**235 Church Street**

# Zoning Map



Conditional Use Hearing  
Case Number 2017-012457CUA  
ABC TYPE 47 LICENSE  
235 Church Street



# Site Photo



Conditional Use Hearing  
Case Number 2017-012457CUA  
ABC TYPE 47 LICENSE  
235 Church Street

# Site Photo



Conditional Use Hearing  
Case Number 2017-012457CUA  
ABC TYPE 47 LICENSE  
235 Church Street



# Site Photo



**Conditional Use Hearing**  
**Case Number 2017-012457CUA**  
**ABC TYPE 47 LICENSE**  
**235 Church Street**



# SAN FRANCISCO PLANNING DEPARTMENT

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

## NOTICE OF PUBLIC HEARING

Hearing Date: **Thursday, February 22, 2018**  
 Time: **Not before 1:00 PM**  
 Location: **City Hall, 1 Dr. Carlton B. Goodlett Place, Room 400**  
 Record Type: **Conditional Use Authorization**  
 Hearing Body: **Planning Commission**

PROJECT INFORMATION	APPLICANT INFORMATION
Project Address: <b>235 Church Street</b>	Applicant: <b>David Villa-Lobos</b>
Cross Street(s): <b>Market &amp; 15<sup>th</sup> Street</b>	Company: <b>CLA CONSULTING</b>
Block /Lot No.: <b>3544/060</b>	Applicant Address: <b>P.O.BOX 642201</b>
Zoning District(s): <b>Upper Market NCT/ 40-X</b>	City, State: <b>San Francisco, CA 94164</b>
Area Plan: <b>N/A</b>	Telephone: <b>(415) 921.4192</b>
Record No.: <b>2017-012457CUA</b>	E-Mail: <b>admin@communityleadershipalliance.net</b>

### PROJECT DESCRIPTION

The proposal is for Conditional Use Authorization pursuant to Planning Code Sections 303 and 764, to authorize ABC license Type 47 (*On-Sale General liquor, beer, and wine for Bona Fide Public Eating Place*) within a previously established Restaurant Use (D.B.A. Il Casaro Pizzeria) in the Upper Market Street Neighborhood Commercial District and 40-X Height and Bulk District. Minor interior tenant improvements are proposed with no expansion of the existing building.

A Planning Commission approval at the public hearing would constitute the Approval Action for the project for the purposes of CEQA, pursuant to San Francisco Administrative Code Section 31.04(h).

### 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, 4<sup>th</sup> 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: **Cathleen Campbell** Telephone: **(415) 575-8732** E-Mail: [cathleen.campbell@sfgov.org](mailto:cathleen.campbell@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 311 or 312 notification requirements, if required.**

## APPEAL INFORMATION

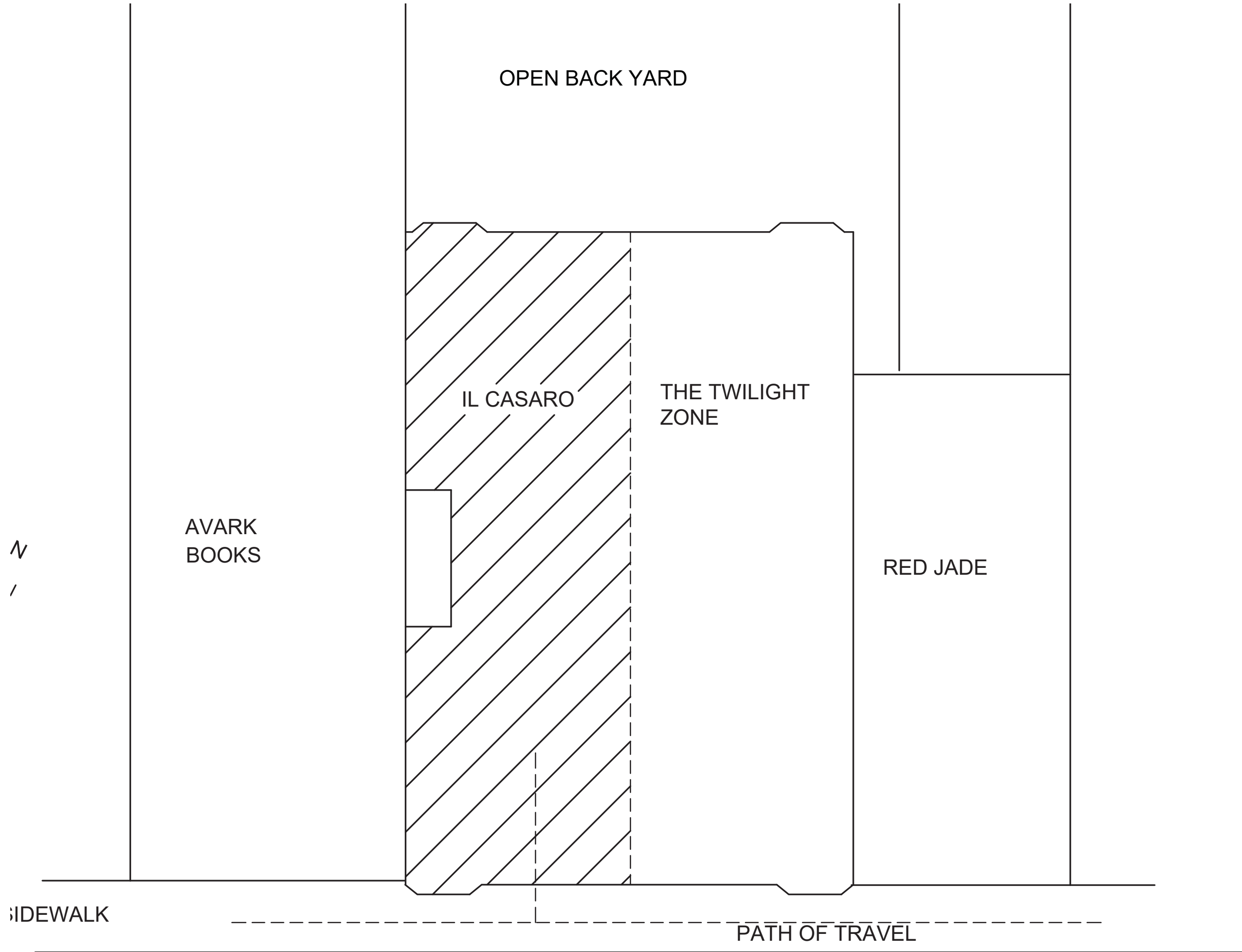
An appeal of the approval (or denial) of a **Conditional Use application** and/or building permit application associated with the Conditional Use application may be made to the **Board of Supervisors within 30 calendar days** after the date of action by the Planning Commission pursuant to the provisions of Section 308.1(b). Appeals must be submitted in person at the Clerk of 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.

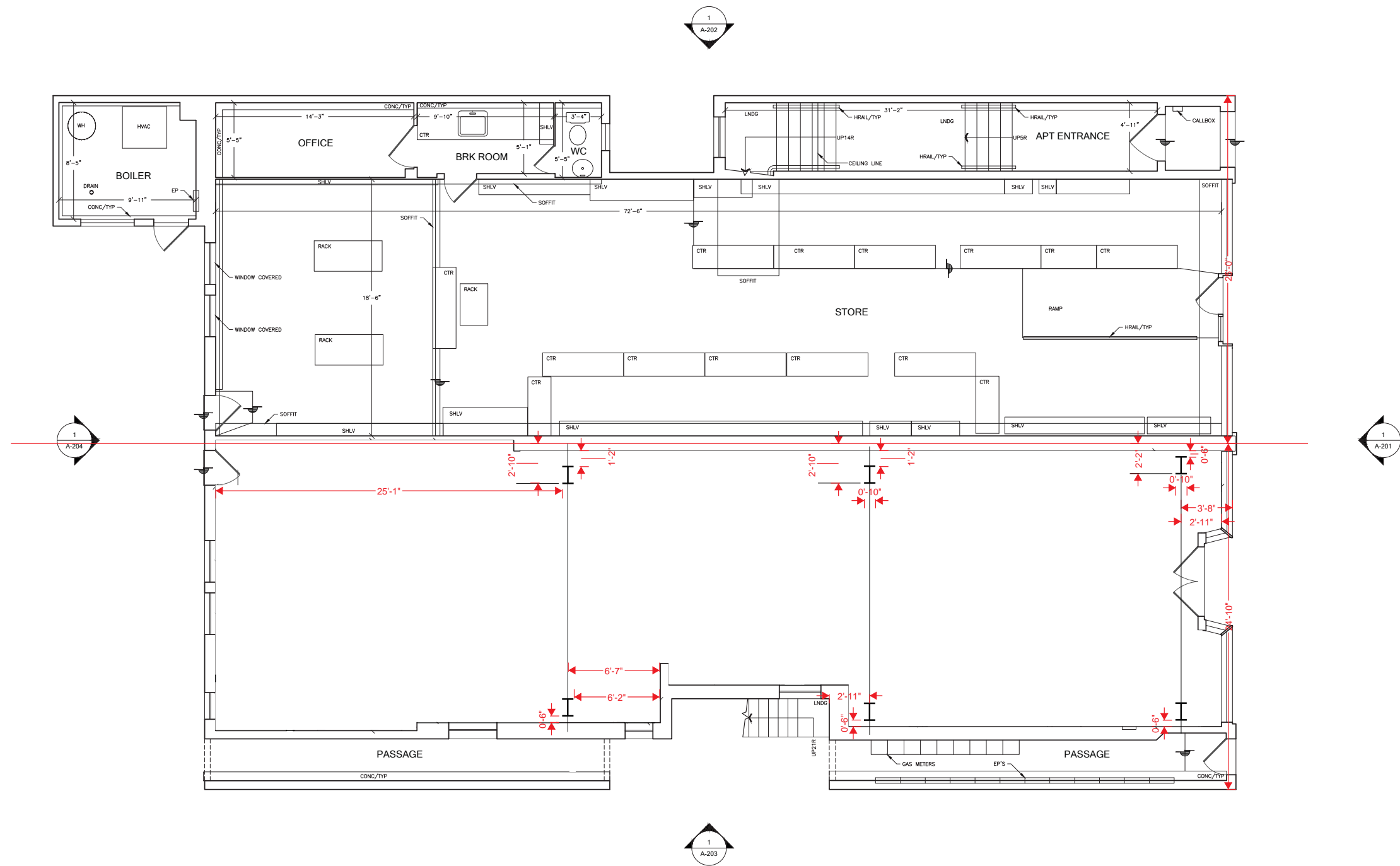
Pursuant to California Government Code Section 65009, if you challenge, in court, the decision of an entitlement or permit, the issues raised shall be limited to those raised in the public hearing or in written correspondence delivered to the Planning Commission prior to, or at, the public hearing.

## 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](http://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.





**1 EXISTING ENTRY LEVEL FLOOR PLAN**  
 3,640 SQFT INTERIOR  
 55 SQFT EXTERIOR

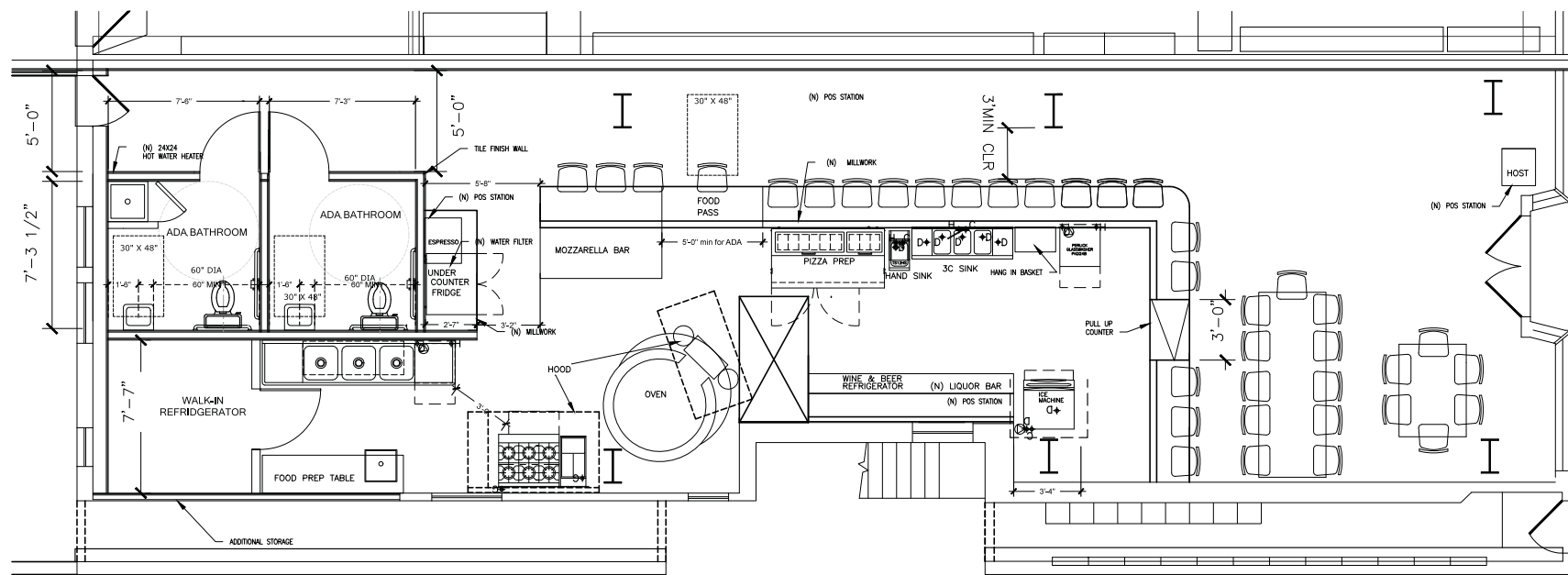
SQUARE FEET RECAP	
ENTRY LEVEL	
INTERIOR	3640
EXTERIOR	55
UNIT TOT	

235-41 CHURCH ST SAN FRANCISCO, CA 94114	
NOTE THIS DRAWING IS A RECORD OF REAL PROPERTY THAT IS GENERALLY ACCEPTED TO BE SUITABLE FOR USE IN PLANNING, DESIGN, LEASE, AND GENERAL ASSET MANAGEMENT. IT SHOULD NOT BE USED TO DETERMINE EXACT MEASUREMENTS OF SPACES OR ARTIFACTS FOUND HEREIN FOR ANY PURPOSE.	
 PH 800.318.0099 ASBUILTSERVICES.COM	
EXISTING ENTRY LEVEL FLOOR PLANS	
REF: 235-41a_SF REV: 0 DRAWN BY: KR AUDITED BY: CB	SHEET SIZE: 24X36 SCALE: 1/4"=1'-0" FIELD SURVEY 04/02/2012-04/06/2012
<b>A-102</b> 2 OF 8	

PROJECT  
**IL CASARO RESTAURANT**

235 CHURCH STREET  
 SAN FRANCISCO, CA

JMALNICK STUDIO



NOT FOR CONSTRUCTION  
 Issued for Reference Only

August 22, 2017  
 REVISION DATE



KEY PLAN

JOB NUMBER:

PERMIT NUMBER:

SCALE:

TITLE:

**PROPOSED  
 FLOOR PLAN**

SHEET:

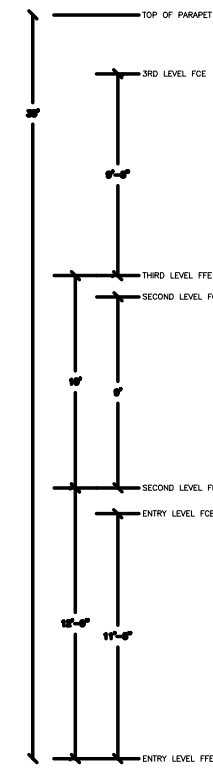
**A1.02**

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1 PROPOSED FLOOR PLAN  
 IL CASARO CHURCH STREET

1/4"=1'-0"





1 EXISTING WEST ELEVATION

235-41 CHURCH ST SAN FRANCISCO, CA 94114	
NOTE THIS DRAWING IS A RECORD OF REAL PROPERTY THAT IS GENERALLY ACCEPTED TO BE SUITABLE FOR USE IN PLANNING, DESIGN, LEASE, AND GENERAL ASSET MANAGEMENT. IT SHOULD NOT BE USED TO DETERMINE EXACT MEASUREMENTS OF SPACES OR ARTIFACTS FOUND HEREIN FOR ANY PURPOSE.	
 PH 800.318.0099 ASBUILTSERVICES.COM	
EXISTING EXTERIOR ELEVATIONS	
REF: 235-41a_SF REV: 0 DRAWN BY: KR AUDITED BY: CB	SHEET SIZE: 24X36 SCALE: 1/4"=1'-0" FIELD SURVEY 04/02/2012-04/06/2012
<b>A-201</b> <small>5 OF 8</small>	