



SAN FRANCISCO PLANNING DEPARTMENT

Discretionary Review Analysis

Mandatory Discretionary Review

HEARING DATE MAY 14, 2015

Date: May 7, 2015
Case No.: **2014.1077D**
Project Address: **1948 OCEAN AVENUE**
Permit Application: 2015.0127.6830
Zoning: Ocean Avenue NCT District
45-X Height and Bulk District
Balboa Park Station Area Plan
Block/Lot: 3281/020C
Project Sponsor: Marsha Garland
809 A Lombard Street
San Francisco, CA 94133
Staff Contact: Marcelle Boudreaux – (415) 575-9140
marcelle.boudreaux@sfgov.org
Recommendation: **Take Discretionary Review and Approve Project with Conditions**

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

PROJECT DESCRIPTION

The proposal is to remove a condition restricting alcohol sales at an existing billiards hall (d.b.a. Legend Billiards Hall) located at 1948 Ocean Avenue. This condition was placed through a previous Discretionary Review Action (DRA-0250) in 2012, initiated through publicly-filed Discretionary Review requests during the required public noticing for opening the Bar and Other Entertainment. The existing billiards hall was permitted as Other Entertainment use in 2012, and has been in operation since that time. Legend Billiards Hall is approximately 2,400 square feet, ground floor and mezzanine, and offers billiards tables for entertainment use in the Ocean Avenue corridor. No physical work is proposed for the building.

Removing the restriction on alcohol sales allows the owners to seek an ABC Type 40 license for sale of beer for on-site consumption only. The business would not be required to operate as a bona-fide eating place, however, snacks or sandwiches must be available. This type of license would be considered a Bar use under the Planning Code, and allow minors to be on the premises. Current operating hours are from Sunday-Thursday 2:00 PM-2:00 AM and Friday-Saturday 1:00 PM-2:00 AM.

On April 21, 2015 the Entertainment Commission issued a limited live performance permit for Legend Billiards Hall to participate in the Ocean Avenue 'Second Sundays' event. This is part of the overall emerging arts, culture and entertainment direction of Ocean Avenue. Live music will be permitted on this second Sunday of each month from 4:00 PM-9:00 PM at Legend Billiards Hall in conjunction with the cultural event. The sponsor has indicated interest in obtaining a permit for more consistent live music.

Previous Discretionary Review Action

On May 2, 2011, the project sponsor filed a building permit application No. 2011.05.02.5120 proposing to establish a Bar and Other Entertainment use doing business as “Legend Billiard Hall”. The Section 312 public notification period was from July 28, 2011 – August 27, 2011 (Saturday). Two separate Discretionary Review (DR) requests were filed during the public notice period. From the time of filing the initial building permit to the Discretionary Review hearing on January 12, 2012, the project sponsor voluntarily selected to eliminate the Bar use from the project and move forward only with the Other Entertainment use to operate as a billiards hall with accessory food sales.

The previous DR requestors’ issues included: use is incompatible with surrounding neighborhood; use will result in unreasonable noise impacts to neighbors; use is undesired by neighbors; and use will have negative impacts to neighbors.

Thirteen conditions of operation were placed on the business through Discretionary Review Action 0250. The Commission determined that the conditions of approval were necessary to address issues and concerns raised by neighbors. The project sponsor has met all the conditions of operation. To the Department’s knowledge, no enforcement or complaints have been raised due to the operations of the billiards hall. In an effort to ensure proper operations, Planning Code enforcement cases were opened related to storefront transparency and signage. These were quickly abated following compliance with Planning Code.

Current Request

Specifically, the current request is to remove Condition #5 from DRA-0250, which currently disallows alcohol sales at the subject establishment. Additionally, the Department is making a request for a Six-Month Review to the Planning Commission. This update would occur after the Bar use is established to provide status on operation and neighborhood complaints. Further, the Department is requesting that the conditions of operation are met at the Six-Month Review prior to approval of any further Entertainment Commission referrals for additional live music.

All other conditions would remain in effect.

SITE DESCRIPTION AND PRESENT USE

The project site is improved with a one-story and mezzanine commercial building of approximately 4,450 square feet, with two commercial storefront spaces. The subject location is a corner commercial location at Ocean Avenue and Fairfield Way, and is currently occupied by the Other Entertainment use, a billiards hall. The proposed Bar use would be incorporated into the existing business. The other storefront space at 1944 Ocean Avenue is occupied by a Medical Cannabis Dispensary use, doing business as 1944 Ocean Cooperative. The Voice of Pentecost Academy school is located immediately across Fairfield Way.

The subject site is located within the Ocean Avenue NCT (Neighborhood Commercial Transit) District, and within the Balboa Park Station Area Plan.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The length of the Ocean Avenue NCT District is approximately $\frac{3}{4}$ mile and the City College of San Francisco anchors the southern end of the district, with approximately 35,000 students enrolled annually. The area surrounding the project site on Ocean Avenue is mixed-use in character. A variety of commercial establishments are located within ground floor storefronts in the Ocean Avenue NCT, including restaurants, bars, cafes, professional services, convenience stores, liquor stores, auto service stations, and other types of retailers.

Buildings along Ocean Avenue typically range from one to five stories in height. Upper floors of buildings are generally occupied by residential units. The surrounding properties are located within the RH-1(D) (Residential House, One-Family Detached), RH-1 (Residential House, One-Family) and RH-2 (Residential House, Two-Family) Districts, with some NC-2 and NC-1 zoned districts interspersed. The area is transit-oriented with the MUNI K-Ingleside line on Ocean Avenue, several bus lines on or connecting to Ocean Avenue and the regionally-serving Balboa Park BART station at Geneva and San Jose Avenues approximately $\frac{3}{4}$ mile to the south. The Ocean Avenue NCT District is intended to provide convenience goods and services to the surrounding neighborhoods as well as limited comparison shopping goods for a wider market. The range of comparison goods and services offered is varied and often includes specialty retail stores, restaurants, and neighborhood-serving offices.

This portion of Ocean Avenue is also within the Balboa Park Station Area Plan, with goals to revitalize the commercial district. The Plan does this by providing improvements to the way people access the area, by encouraging infill development and by creating a business improvement district.

Representatives of the Ocean Avenue commercial corridor, one of 25 Invest in Neighborhood districts, are working closely with the Office of Economic and Workforce Development and other City departments to strengthen small businesses, improve physical conditions, increase quality of life, and increase community capacity. This includes retaining, strengthening, and expanding existing businesses. Retaining and expanding an existing business use would contribute to greater nighttime and weekend use of the business district, making Ocean Avenue a more vibrant and safe place.

ISSUES AND OTHER CONSIDERATIONS

- The Mayor's Office of Economic and Workforce Development (OEWD) established an Invest in Neighborhoods initiative (IIN). A neighborhood snapshot of Ocean Avenue corridor from Phelan Avenue to Manor Drive was prepared in February 2013. Out of 144 storefronts, the report's analysis determined an 11% vacancy rate -- a "relatively low commercial vacancy rate". However, according to a map produced of vacancy locations, the concentration of vacancies appear located at the northern end of the commercial district between Ashton Avenue and Manor Drive which were considered "dead blocks" through a survey conducted for this IIN report. The subject location is within these "dead blocks".
- One objective of the Balboa Park Station Area Plan seeks to strengthen the Ocean Avenue neighborhood commercial district. One of these policies includes retaining and improving the

neighborhood's existing businesses. The retention of an existing business providing an entertainment service and bar use meets this objective.

- Along the ¾-mile long commercial district, two existing bars with full liquor licenses (ABC license Type 48) operate until 2:00 AM. These are The Ave Bar (1607 Ocean Avenue) and Randy's Place (1101 Ocean Avenue).
- The SFPD Taraval Station noted that the billiard hall has not seen an increase in incident since the billiards hall opened. They remain neutral on this issue.
- A security plan for the business provides input on management of noise, cleanliness in the area surrounding the business, presence of a security guard, all of which address Condition #6 placed through DRA-0250.
- In addition to the professional security personnel that will staff the front door, other employees will be encouraged to get Guard Cards. Completion of the ABC LEAD (Licensee Education on Alcohol and Drugs) training provided at the SFPD Taraval Station has occurred, and others will be encouraged to also undergo the training.
- A Six-Month Review would provide an update on status of business operations.

BUILDING PERMIT APPLICATION NOTIFICATION

TYPE	REQUIRED PERIOD	NOTIFICATION DATES	DR FILE DATE	DR HEARING DATE	FILING TO HEARING TIME
312 Notice	30 days	April 13 – May 13, 2015	Mandatory – July 11, 2014	May 14, 2015	277 days

HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Posted Notice	10 days	May 4, 2015	May 2, 2015	12 days
Mailed Notice	10 days	May 4, 2015	May 1, 2015	13 days

PUBLIC COMMENT

	SUPPORT	OPPOSED	NO POSITION
Adjacent neighbor(s)			
Other neighbors on the block/directly across street	5 - (Businesses across street)	1 - (neighbor within 150 feet)	1- Previous DR filer
Neighborhood groups or others	2 - (Ocean Avenue Association (BID); OMI Cultural Participation Project)	1 - (neighbor outside of 150 feet)	1- Previous DR filer

The Project Sponsor has been conducting outreach to several surrounding neighborhood organizations, including the Westwood Park Association and the Ingleside Terrace Homeowner Association, a group that also filed a Discretionary Review request on the initial establishment of the billiards hall in 2011/2012. Neither previous Discretionary Review filer has submitted comment to the Department.

The Project sponsor has provided support letter from the Ocean Avenue Association (BID) and 1 signed support letter from the director of the OMI (Oceanview, Merced Heights and Ingleside neighborhoods) Cultural Participation Project. The Project sponsor has provided 5 signed form letters from small business on the subject block in support of the proposal.

The Department has received one phone call objecting to the use. The caller stated the objection to the Bar use as damaging to the improvement of the street. An email from a concerned neighbor stating objection to alcohol sales, and if approved requests a Six-Month Review.

The SFPD Taraval Station has remained neutral on the proposal.

PROJECT ANALYSIS

The Department finds that the proposed Bar use (on sale beer only) located within the Ocean Avenue NCT is consistent with the relevant provisions of the Planning Code in the following manner:

“Bar” Use

A retail use which provides on-site alcoholic beverage sales for drinking on the premises, including bars serving beer, wine and/or liquor to the customer where no person under 21 years of age is admitted (with Alcoholic Beverage Control [ABC] license types 42, 48, or 61) and drinking establishments serving beer where minors are present (with ABC license types 42 or 60) in conjunction with other uses such as movie theaters and other entertainment. This use must comply with the controls set forth in Section 703.5.

The proposed Bar use is permitted as of right per Planning Code Section 737.41 within the Ocean Avenue NCT. Only beer will be allowed to be sold, for on-site consumption. Snacks or sandwiches must be available. Minors are allowed on the premises.

Required Off-street Parking

Per Planning Code Section 737.22, off-street parking is not required for commercial or institutional uses within the Ocean Avenue NCT and thus the project does not require any offstreet parking.

Hours of Operation

Per Planning Code Section 737.27, hours of operation from 6:00 AM to 2:00 AM are permitted as of right within the Ocean Avenue NCT.

Pursuant to DRA-0250, Condition #3 limited hours of operation to 6:00 AM to 12:00 AM midnight, 7 days a week. During an initial Six-Month Review Period which ended June 6, 2013, and allowed for an extension of hours if no complaints. The establishment met the intent of these Conditions. Current operating hours are now from Sunday-Thursday 2:00 PM-2:00 AM and Friday-Saturday 1:00 PM-2:00 AM.

Use Size (Non-Residential)

Per Planning Code Section 737.21, a use size up to 3,999 square-feet is permitted as of right within the Ocean Avenue NCT.

The proposed use, with approximately 2,580 square feet of floor area, is within the principally permitted use size limitations.

ENVIRONMENTAL REVIEW

The Project is exempt from the California Environmental Quality Act ("CEQA") as a Class 3 categorical exemption.

BASIS FOR RECOMMENDATION

- The Project has operated as an Other Entertainment use with no known complaints.
- A Bar use is principally permitted in the Ocean Avenue NCT.
- The project is seeking to remove restrictions on alcohol sales to obtain a beer-only alcohol license
- A Six-Month Review will provide status update on operations to the Planning Commission.
- The Project retains an existing commercial use on Ocean Avenue, which will contribute to the commercial viability of the Ocean Avenue NCT.
- The Project meets the intent of the Planning Code and General Plan, specifically the Balboa Park Station Area Plan.
- The Project would not establish a Formula Retail use and would be independently owned and operated.

RECOMMENDATION

RECOMMENDATION: Take Discretionary Review and Approve the Project as Proposed
--

Attachments:

Parcel Map
Sanborn Map
Zoning Map
Aerial Photographs
Context Photographs
Site Photographs
Section 312 Notice
Discretionary Review Action Memo DRA-0250
Reduced Plans
Project Sponsor Submittals:

- Letter to Commissioners
- Security Plan
- LEAD training certificates

Public Communication

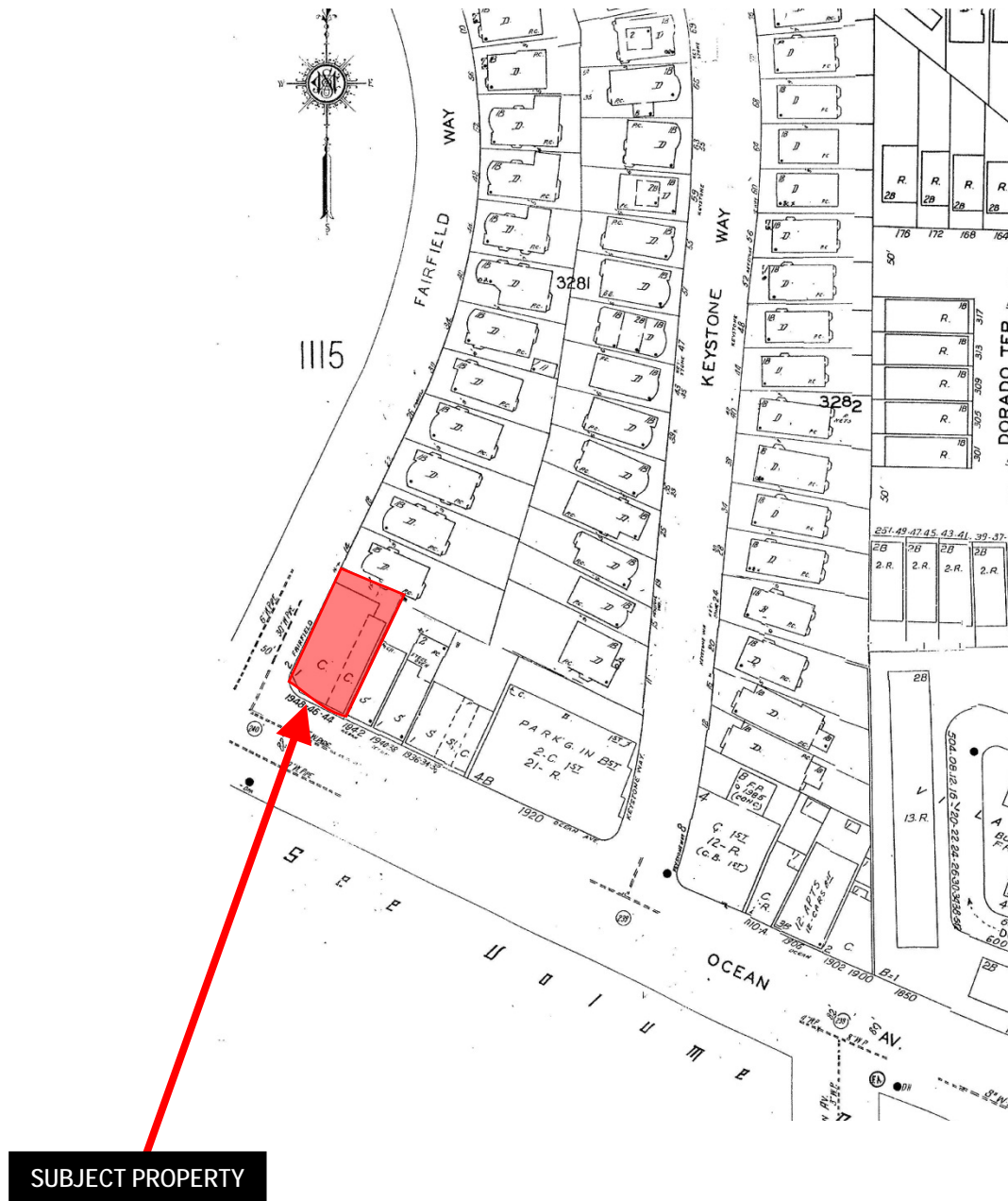
[illegible]

SUBJECT PROPERTY



**SAN FRANCISCO
PLANNING DEPARTMENT**

Sanborn Map*

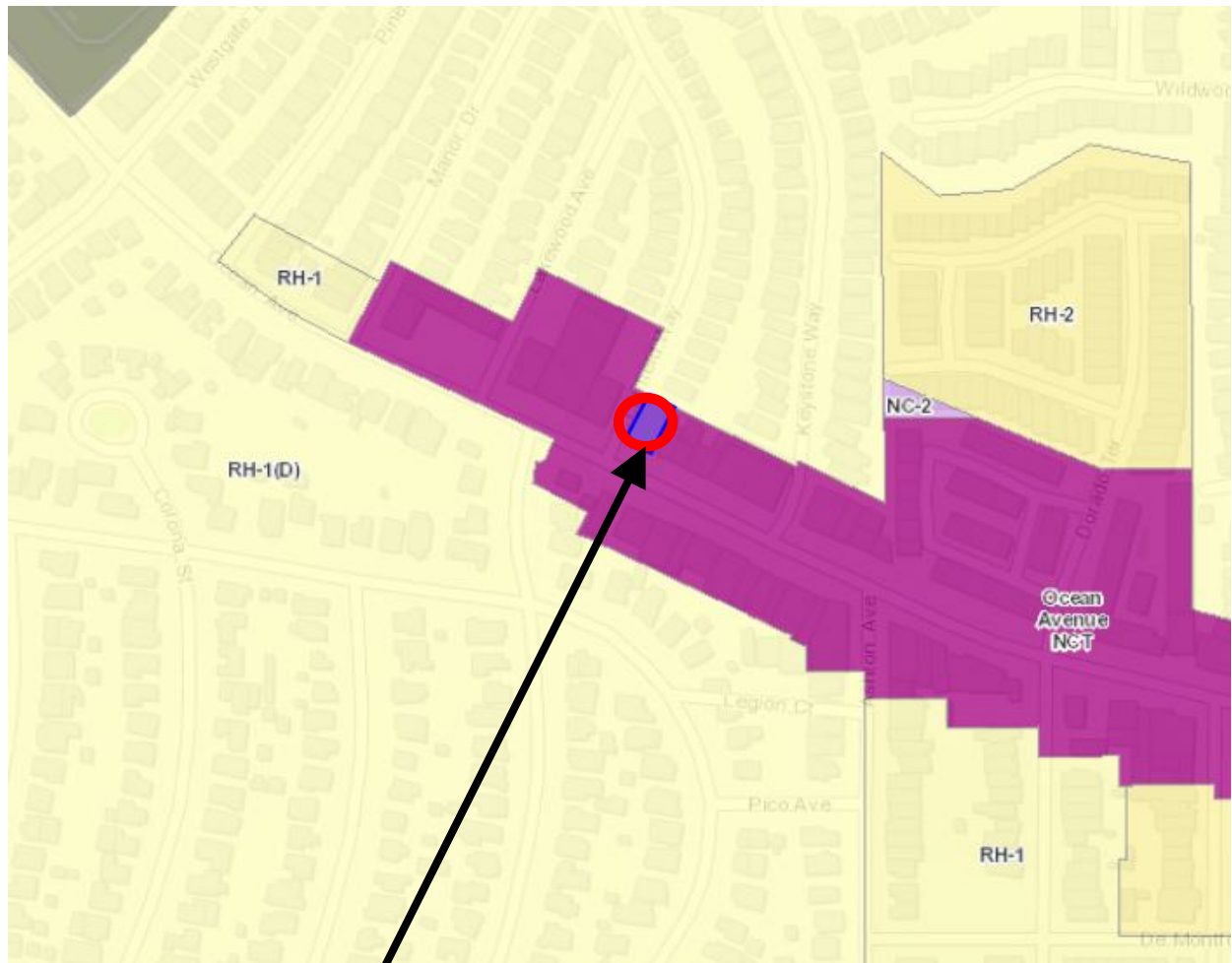


*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.



Mandatory Discretionary Review
Case Number 2014. 1077D
1948 Ocean Avenue

Zoning Map

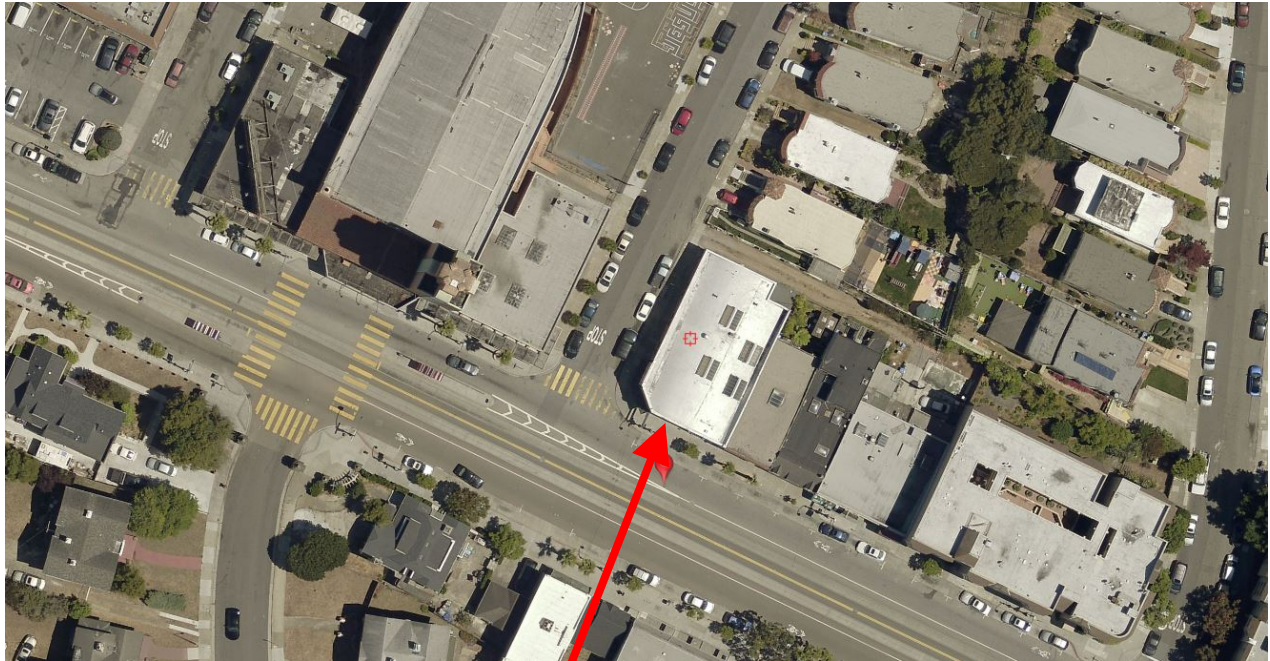


SUBJECT PROPERTY



Mandatory Discretionary Review
Case Number 2014. 1077D
1948 Ocean Avenue

Aerial Photo



SUBJECT PROPERTY



Mandatory Discretionary Review
Case Number 2014. 1077D
1948 Ocean Avenue

Context Photo



SUBJECT PROPERTY



Mandatory Discretionary Review
Case Number 2014. 1077D
1948 Ocean Avenue

Site Photo



Mandatory Discretionary Review
Case Number 2014. 1077D
1948 Ocean Avenue



SAN FRANCISCO PLANNING DEPARTMENT

1650 Mission Street Suite 400 San Francisco, CA 94103

NOTICE OF BUILDING PERMIT APPLICATION (SECTION 312)

On **January 27, 2015** the Applicant named below filed Building Permit Application No. **2015.0127.6830** with the City and County of San Francisco.

PROPERTY INFORMATION		APPLICANT INFORMATION	
Project Address:	1948 Ocean Avenue	Applicant:	Marsha Garland/ Garland Public & Community Relations
Cross Street(s):	Corner of Fairfield	Address:	809 A Lombard Street
Block/Lot No.:	1824/018	City, State:	San Francisco, CA 94133
Zoning District(s):	Ocean Avenue NCT /45-X / Balboa Park Plan Area	Contact:	415/531-2911 marshagarland@att.net

You are receiving this notice as a property owner or resident within 150 feet of the proposed project. You are not required to take any action. For more information about the proposed project, or to express concerns about the project, please contact the Applicant listed above or the Planner named below as soon as possible. If you believe that there are exceptional or extraordinary circumstances associated with the project, you may request the Planning Commission to use its discretionary powers to review this application at a public hearing. Applications requesting a Discretionary Review hearing must be filed during the 30-day review period, prior to the close of business on the Expiration Date shown below, or the next business day if that date is on a week-end or a legal holiday. If no Requests for Discretionary Review are filed, this project will be approved by the Planning Department after the Expiration Date.

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.

PROJECT SCOPE		
<input type="checkbox"/> Demolition	<input type="checkbox"/> New Construction	<input type="checkbox"/> Alteration
<input checked="" type="checkbox"/> Change of Use (Addition of Use)	<input type="checkbox"/> Façade Alteration(s)	<input type="checkbox"/> Rear Addition
<input type="checkbox"/> Vertical Addition	<input type="checkbox"/> Side Addition	<input type="checkbox"/> Horizontal/Front Addition
PROJECT FEATURES	EXISTING	PROPOSED
Building Use	Other Entertainment	Other Entertainment & Bar
PROJECT DESCRIPTION		
This is a request to add a Bar use at an existing Other Entertainment use, d.b.a. Legends Billiards Hall. The request is only to add the Bar use, which would allow the owner to obtain a Type 40 ABC license (beer only). Minors would be allowed on the premises. Full meals are not required; however, sandwiches or snacks must be available. The Other Entertainment use, billiards hall, has been permitted since 2011.		
This addition of use request is being made in conjunction with an application for Mandatory Discretionary Review (Case No. 2014.1077D) before the Planning Commission to modify the conditions of approval of Discretionary Review Action 0250 (Case No. 2011.0945D) which restricts alcohol sales. A hearing for Case No. 2014.1077D is scheduled for May 14, 2015, and will require separate noticing.		
No other changes are planned.		
The issuance of the building permit by the Department of Building Inspection would constitute as the Approval Action for the project for the purposes of CEQA, pursuant to Section 31.04(h) of the San Francisco Administrative Code.		

For more information, please contact Planning Department staff:

Planner: Marcelle Boudreaux
Telephone: (415) 575-9140
E-mail: marcelle.boudreaux@sfgov.org

Notice Date: 4/13/15
Expiration Date: 5/13/15

中文詢問請電: (415) 575-9010

Para información en Español llamar al: (415) 575-9010



SAN FRANCISCO PLANNING DEPARTMENT

Discretionary Review Action DRA-0250

HEARING DATE: JANUARY 12, 2012

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Date: January 25, 2012
Case No.: 2011.0945DD
Project Address: 1948 OCEAN AVENUE
Permit Application: 2011.0502.5120
Zoning: Ocean Avenue Neighborhood Commercial Transit District
45-X Height and Bulk District
Block/Lot: 3281/020C
Project Sponsor: Yong Yu
1948 Ocean Avenue
San Francisco, CA 94132
DR Requestor: Jeffrey Harding
26 Fairfield Way
San Francisco, CA 94127
DR Requestor: Ingleside Terraces Homes Association c/o Mark Scardina
P.O. Box 27304
San Francisco, CA 94127
Staff Contact: Adrian Putra – (415) 575-9075
adrian.putra@sfgov.org

ADOPTING FINDINGS RELATED TO TAKING DISCRETIONARY REVIEW OF CASE NO. 2011.0625D AND APPROVING WITH CONDITIONS BUILDING PERMIT 2011.05.02.5120 TO ESTABLISH AN "OTHER ENTERTAINMENT" USE (D.B.A. LEGEND BILLIARD HALL) WITH AN ACCESSORY BEVERAGE STORE SERVING ONLY NON-ALCOHOLIC DRINKS WITHIN THE OCEAN AVENUE NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT AND A 45-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On May 2, 2011, Yong Yu filed for Building Permit Application No. 2011.05.02.5120 proposing to establish a bar and "other entertainment" (billiard hall) use doing business as "Legend Billiard Hall" at a vacant ground floor commercial storefront located within the Ocean Avenue Neighborhood Commercial Transit District and a 45-X Height and Bulk District.

On August 26, 2011 Jeffrey Harding (hereinafter "Discretionary Review (DR) Requestor #1") filed an application with the Planning Department (hereinafter "Department") for Discretionary Review (2011.0945DD) of Building Permit Application No. 2011.05.02.5120.

On August 29, 2011 the Ingleside Terraces Homes Association (hereinafter "Discretionary Review (DR) Requestor #2") filed an application with the Planning Department (hereinafter

"Department") for Discretionary Review (2011.0945DD) of Building Permit Application No. 2011.05.02.5120.

Since the filing of the DR applications against the original project, the project sponsor has revised the proposal to operate solely as an "Other Entertainment" use (billiard hall) with an accessory beverage store serving only non-alcoholic drinks.

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

On January 12, 2012, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Discretionary Review Application 2011.0945DD.

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.

ACTION

The Commission hereby takes Discretionary Review requested in Application No. 2011.0945DD and approves the Building Permit Application 2011.05.02.5120 with modifications to include the following conditions of approval to the project:

1. **Enforcement.** Violation of any of the Planning Department conditions of approval contained in Discretionary Review Action DRA-250 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

2. **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 Discretionary Review Action DRA-250, 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

3. **Hours of Operation.** The subject establishment is limited to the following hours of operation: 6:00 AM to midnight, seven days a week.
For information about compliance, contact the Case Planner, Planning Department at 415-575-9079, www.sf-planning.org
4. **Six-month Review Period.** Six months after the subject establishment has been in operation the Department shall provide to the Commission a six-month review of the status of the operation and neighborhood complaints, if there are no complaints the establishment may have hours of operation modified to operate up to 2:00 AM.
For information about compliance, contact the Case Planner, Planning Department at 415-575-9079, www.sf-planning.org
5. **Alcohol Sales.** No alcoholic beverage sales are permitted at the associated subject establishment.
For information about compliance, contact the Case Planner, Planning Department at 415-575-9079, www.sf-planning.org
6. **Security Plan.** The Project Sponsor shall submit a security plan to the Planning Department prior to Planning Department approval of the building / site permit application.
For information about compliance, contact the Case Planner, Planning Department at 415-575-9079, www.sf-planning.org
7. **Final Interior Design.** The Project Sponsor shall work with staff on the final interior design of the Project Site, with a focus on considering other designs to reconfigure the space to activate the front portion of the interior space.
For information about compliance, contact the Case Planner, Planning Department at 415-575-9079, www.sf-planning.org
8. **Notices Posted at Bars and Entertainment Venues.** Notices urging patrons to leave the establishment and neighborhood in a quiet, peaceful, and orderly fashion and to not litter or block driveways in the neighborhood, shall be well-lit and prominently displayed at all entrances to and exits from the establishment.
For information about compliance, contact the Entertainment Commission, at 415 554-6678, www.sfgov.org/entertainment
9. **Other Entertainment.** The Other Entertainment shall be performed within the enclosed building only. The building shall be adequately soundproofed or insulated for noise and operated so that incidental noise shall not be audible beyond the premises or in other sections of the building and fixed-source equipment noise shall not exceed the decibel levels specified in the San Francisco Noise Control Ordinance. Bass and vibrations shall also be contained within the enclosed structure. The Project Sponsor shall obtain all necessary approvals from the Entertainment Commission prior to operation. The

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

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

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

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

11. **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>

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

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

13. **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>

BASIS FOR RECOMMENDATION

The reasons that the Commission took the action described above include:

1. The proposal complies with the Planning Code, the General Plan, and the issues raised by the DR Requestors are not design related since the project does not involve exterior alterations to the existing building.
2. The Commission determined that the conditions of approval as listed above were necessary to address issues and concerns raised by neighbors.

APPEAL AND EFFECTIVE DATE OF ACTION: Any aggrieved person may appeal this Building Permit Application to the Board of Appeals within fifteen (15) days after the date the permit is issued. For further information, please contact the Board of Appeals at (415) 575-6881, 1650 Mission Street # 304, San Francisco, CA, 94103-2481.

I hereby certify that the Planning Commission did not take Discretionary Review and approved the building permit as reference in this action memo on January 25, 2012.

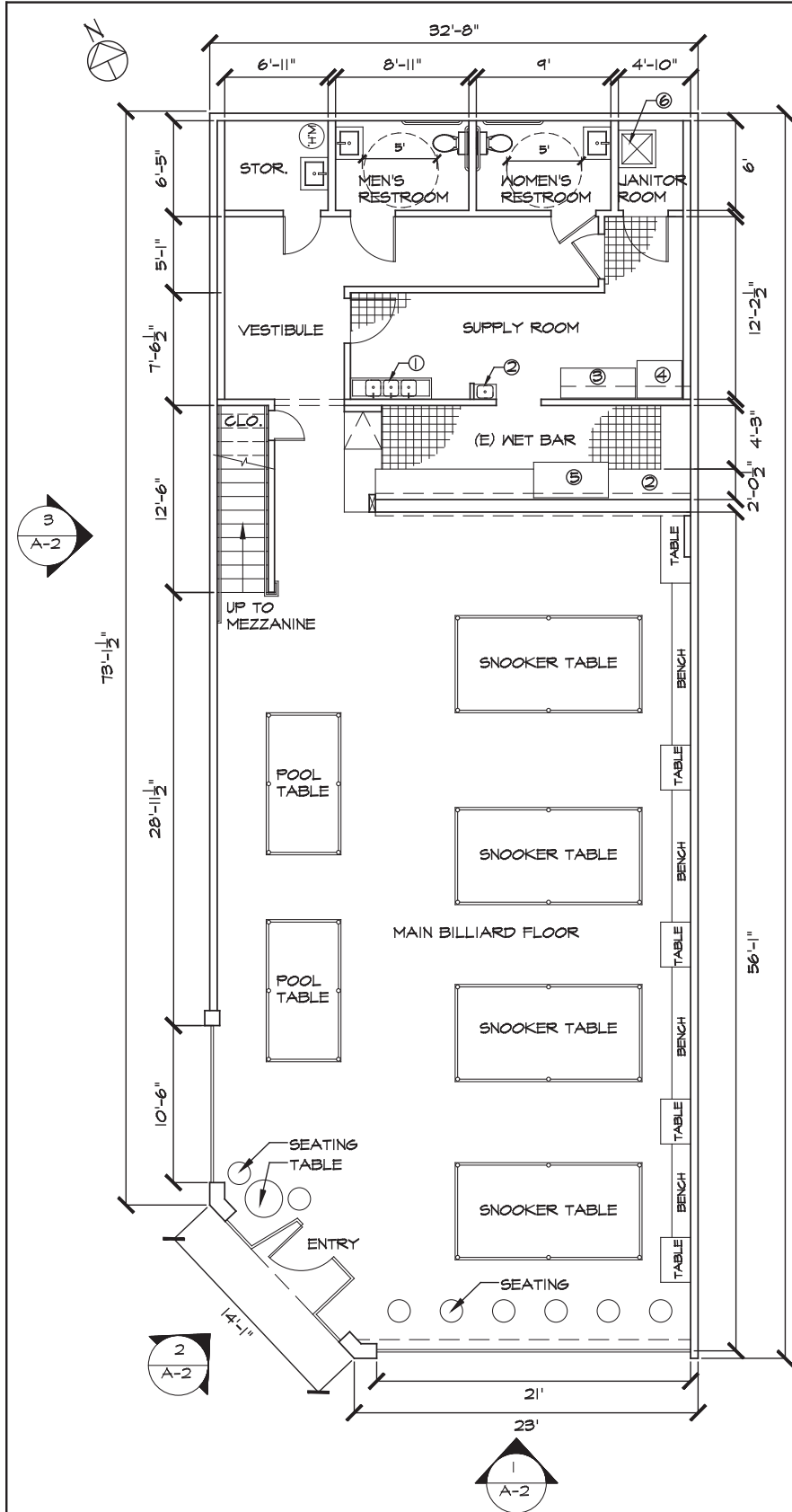
Linda D. Avery
Commission Secretary

AYES: Commissioners Fong, Moore, Sugaya, and Borden

NAYS: Commissioner Antonini

ABSENT: Commissioner Miguel

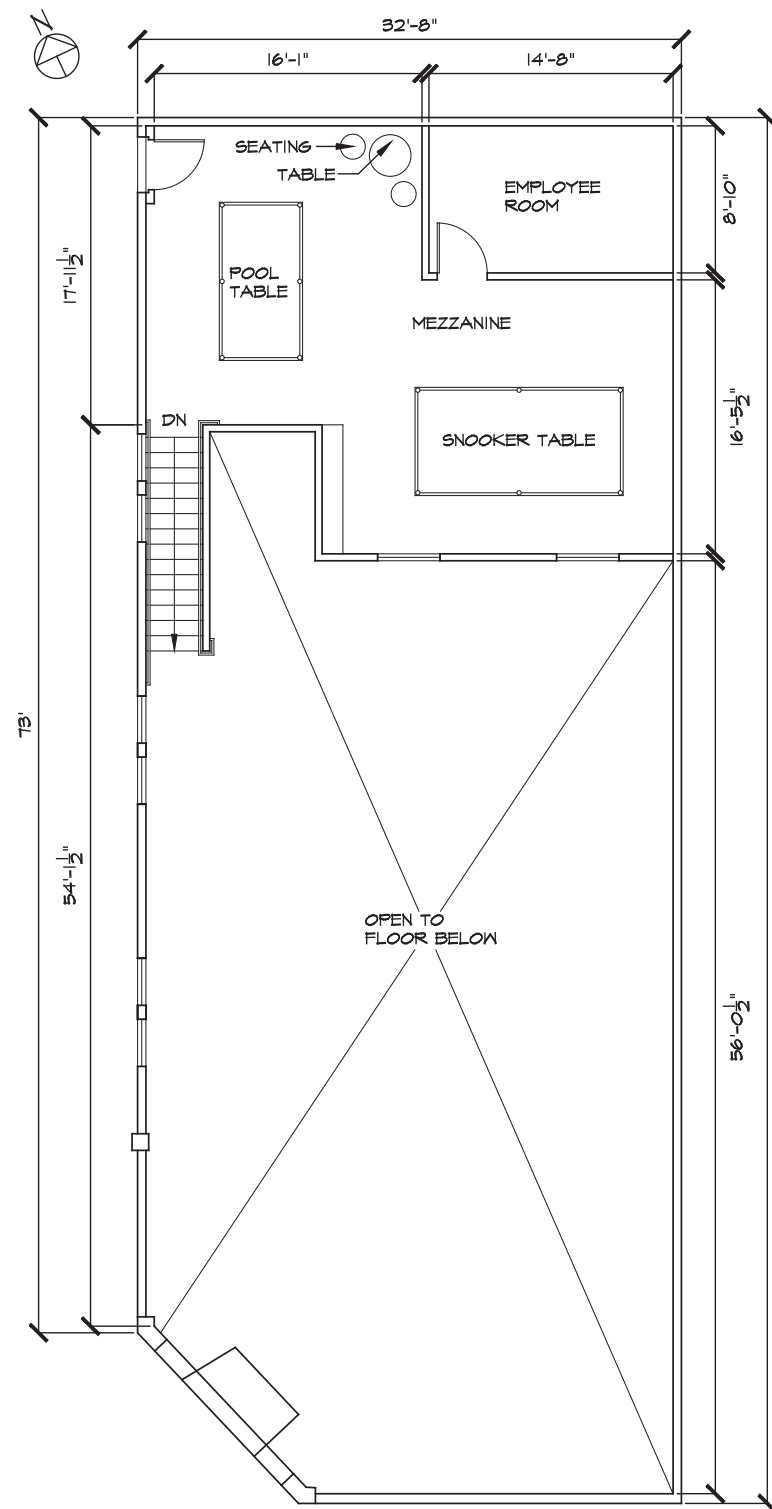
ADOPTED: January 12, 2012



① EXISTING 1ST FLOOR PLAN
SC: 3/16" = 1'-0"

LIST OF EXIST. EQUIP.

- ① THREE COMPARTMENT SINK
- ② HAND SINK
- ③ WORK BENCH
- ④ REFRIGERATOR
- ⑤ COUNTER REFRIGERATOR
- ⑥ JANITOR SINK



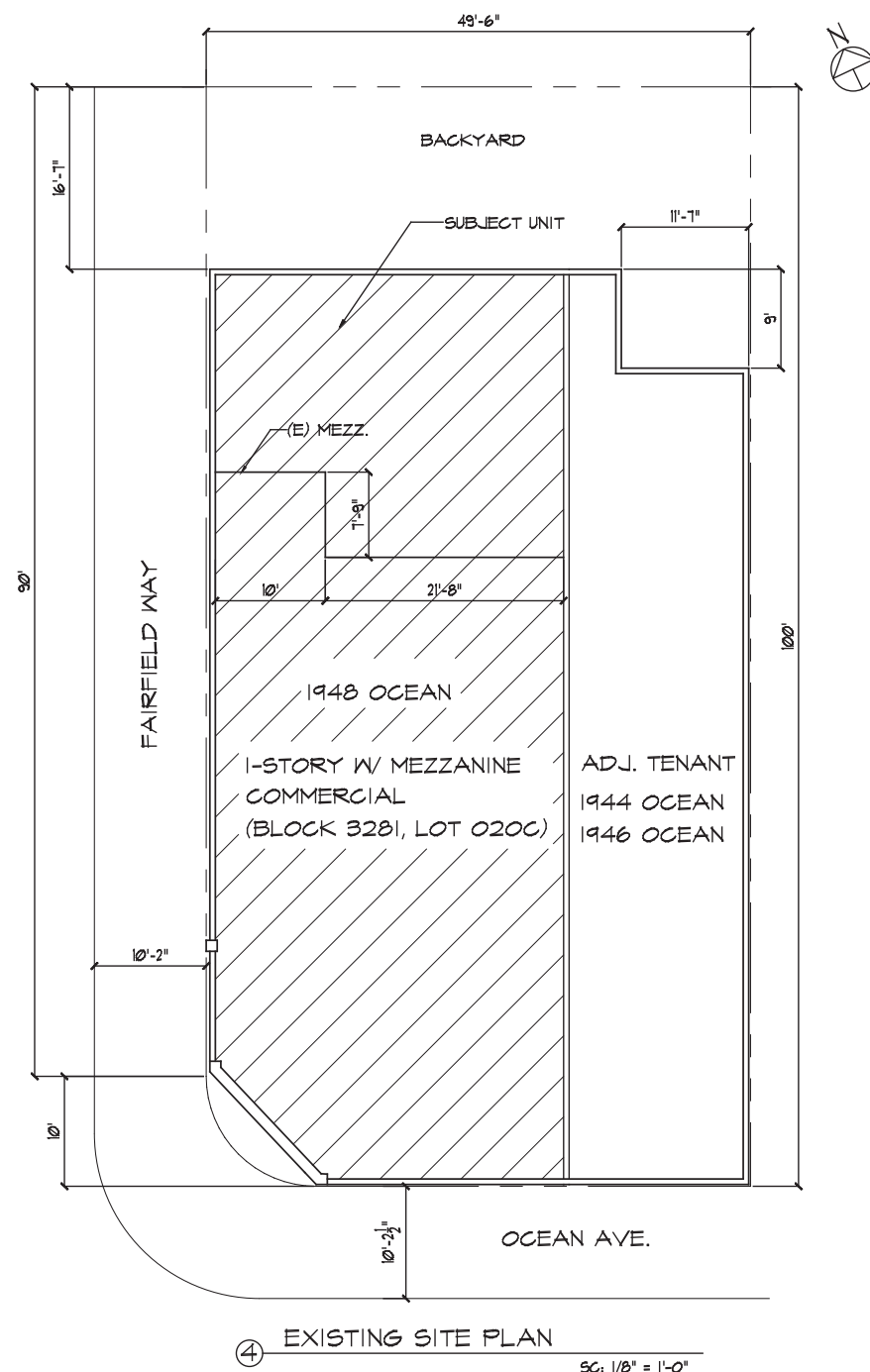
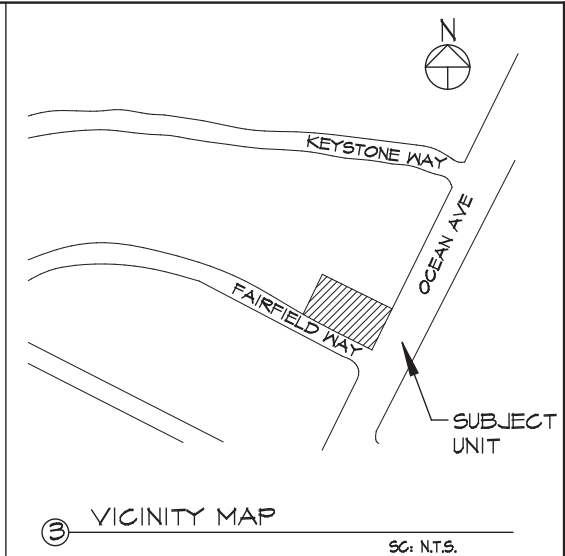
② EXISTING MEZZANINE FLOOR PLAN
SC: 3/16" = 1'-0"

PROPERTY INFO.
 ADDRESS: 1948 OCEAN AVE. SAN FRANCISCO CA 94127
 BLOCK: 3281 LOT: 020C
 ZONING: NCT - OCEAN AVENUE NEIGHBORHOOD COMMERCIAL TRANSIT
 PLANING APPLICATION NO: 2014.1077
 BUILDING TYPE: V-B
 OCCUPANCY: A-3

SCOPE OF WORK
 1. ACCESSORY USE: SALE OF BEER VIA TYPE 40 ABC LICENSE
 2. NO CONSTRUCTION

SCHEDULE OF DRAWING
 SHEET A-1 FLOOR PLANS

AREA CALCULATIONS
 1ST. FLOOR
 BILLIARD AREA: 1806.29 SF.
 SERVICE AREA: 745.20 SF.
 MEZZANINE
 BILLIARD AREA: 592.56 SF.
 STAFF AREA: 129.56 SF.



④ EXISTING SITE PLAN
SC: 1/8" = 1'-0"



ARCHITECTURE
 + PLANNING
 61 Walter U Lum Pl
 3/F San Francisco
 94108-1801 CA
 U S A
 (415) 391-3313
 (Fax) 391-3649

Copyright 2002. These construction documents are the sole property of Arcus and may not be reproduced, published or used by any method, in whole or in part, without the expressed written consent of Arcus.

Project Title:
LEGEND BILLARDS

**1948 OCEAN AVE.
 SAN FRANCISCO**

Consultants:

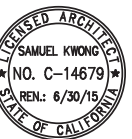
JOB NO. 2015-1

Date: 1/19/2015
 Checked By: SK
 Drawn By: YK

ISSUANCES & REVISIONS:

No.	Date	Description

Stamp:



Sheet Title
**FLOOR PLAN
 MEZZANINE
 PLAN**

Sheet No.

A-1

SPONSOR SUBMITTAL

**Legend Billiard Hall
1948 Ocean Avenue
San Francisco, CA 94127**

April 27, 2015

Dear Planning Commissioners:

My partners and I are three young men who had a dream – a dream of owning our own business.

Just over three years ago we pooled our resources and did just that. We opened Legend Billiard Hall at 1948 Ocean Avenue. Two of us are immigrants, while I am first generation American.

When we opened our business some neighbors were fearful that we would attract the wrong element and requested a discretionary review. We appeared before the Planning Commission and on January 12, 2012 a conditional use permit was granted to open our business but without alcohol.

For more than two years now we have struggled and have been forced to work full time elsewhere in order to keep our doors open. Our dream business is solvent but barely making it. We are not quitters.

That is why we stand before you once again. This time we ask that we be allowed to sell beer by way of a Type 40 license. This requires removing Item ii under Accessory Uses of the Discretionary Review dated January 12, 2012.

We have proven to be good operators and have had no police incidents since we opened.

We have undertaken a lot of community outreach, attended LEAD training and have obtained Guard Cards.

Please help us be successful with our dream.

Thank you for your consideration.

Johnston Yau

Project Address: 1948 Ocean Ave.

Zoning: Ocean Ave. Neighborhood Commercial Transit (NCT), 45-x Height and Bulk District

Project Sponsors: Johnston Yau, Winchell Yu, and Kim Tang

Permit Officer: Daniel McLaughlin (SFPD)

Project Description: The project sponsors propose to open a beer bar, type 40, on premise only. The beers will be craft beers from locally produced breweries. The current venue, Legends Billiards, is approximately 2400 sq/ft, a single story space with a mezzanine. There are currently two billiards tables at the mezzanine level and six billiards tables on the ground floor. The property location site is at the corner of Ocean Ave and Fairfield Way.

After conducting research and outreach within the community we want to assure our neighbors alongside Fairfield Way that our employees shall walk a 100' radius from the premises approximately 30 minutes after closing as well as at approximately 30 minutes prior to opening the following morning and shall pickup and dispose of any litter that may occur from nighttime entertainment patrons, i.e. cigarette butts.

There should be no noise audible outside of the establishment during operating hours. For example, we will keep the door closed to mitigate any sound originating from the interior of the space. Although the establishment has applied for a Limited Live Entertainment Permit (LLP) it will only be used during Second Sunday promotions conducted by the Ocean Avenue Community Benefit District. The LLP will only be in effect until 10:00PM.

We will post notifications that will be well lit and prominently displayed at the entrance and exit from the establishment urging patrons to leave the venue and neighborhood in a quiet and orderly fashion. The capacity of the venue is only 49 patrons and there is nothing exceptional or extraordinary about having a billiards room that serves beer.

In addition to the professional security personnel that will staff the front door, other employees will be encouraged to get guard cards and take ABC lead training provided at the SFPD Parkside Station.

The project sponsors have communicated with the permit officer from Parkside Station, Officer Dan McLaughlin. In addition, registered lobbyist Stefano Cassolato has communicated with Captain Curtis Lum and has expressed that the project sponsor is open and receptive to staggered closing as long as the hours of operation are reasonable and customary. The proposed hours on file are until 2:00AM.

The Ocean Avenue Community Benefit District has written a letter of support for the venue. The project sponsors have also met with the Ingleside Terrace Group, led by Mark Scardina, and they have not taken an official position and we are awaiting more feedback.

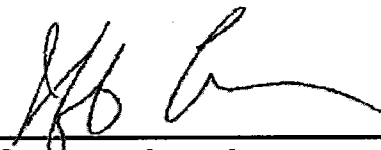
The Office of Economic Workforce Development considers this area of the neighborhood as “dead zone” and we feel that we can bring some vibrancy to the neighborhood while being respectful to our neighbors that live in the immediate area.

California

SELLER / SERVER CERTIFICATION

Trainee Name: Johnston Yau
Date of Completion: 04/06/2015

School Name: 360training.com, Inc.
Certification #: CA02582

I,  _____

certify that the above named person successfully
completed an approved Learn2Serve California
Beverage Service Training course.

This course provides necessary
knowledge and techniques for the
responsible serving of alcohol.

This certificate expires 2 years after the completion date unless otherwise mandated. Please forward all questions to support@360training.com.



Corporate Headquarters
13801 Burnet Rd., Suite 100
Austin, Texas 78727
P: 800-442-1149



Kim Pan Tang

Name

Has Attended and Completed the
Department of Alcoholic Beverage Control's
Licensee Education on Alcohol and Drugs
Alcohol Seller/Server Training Program

CHAVEZ KATHERINE

Trainer

March 03, 2015

Date of Training

COMMUNICATION

RE: Planning Commission Approval of a Mandatory Discretionary Review to Allow a Type 40 ABC License for Legend Billiard Hall, 1948 Ocean Avenue.

San Francisco Planning Commissioners:

The Ocean Avenue Association, a San Francisco Community Benefits District, initially supported the beer bar only permit application of Legends Billiard Hall in prior correspondence dated August 19, 2014. OAA also supports this Planning Commission request to alter operating requirements to allow Legend Billiard Hall to receive a type 40 beer only license.

The OAA is promoting the small businesses along the corridor in a program called Second Sundays on Ocean Avenue. In support of this effort, and at OAA's request, Legend Billiards recently applied for and was granted a Limited Live Performance Permit from the Entertainment Commission. Therefore they can host events on Second Sundays and help to animate the corridor on our slowest business day.

Legend Billiard Hall has also started an effort to host small groups for birthday parties, neighborhood non-profit and residential association fund raising events to provide a community service and get to know the neighbors.

A beer license would also help this business to become successful, with an attractive demographic clientele.

In preparation for a beer license, the Legends staff has completed courses in LEAD training and has obtained Guard Cards. Legend Billiard Hall will hire security from Greater Bay Protective Services to further assist in enforcing Alcohol Beverage Control regulations and educating staff and management.

This is a small venue of 49 people maximum, appropriately scaled to the Ocean Avenue Commercial Corridor.

OAA strongly supports this local business's effort to be successful, participate in the community and to secure planning commission approval to receive the ABC license they have applied for.

Dan Weaver, Executive Director



Ocean Avenue Association
1728 Ocean Ave PMB 154
San Francisco, CA 94112

August 19, 2014

San Francisco Planning Commission
c/o Garland Public & Community Relations
535 Green Street
San Francisco, CA 94133

Dear San Francisco Planning Commissioners:

On June 17, 2014 Johnston Yau, Winchell Yu and Kim Tang dba Legend Billiard Hall at 1948 Ocean Avenue presented at the monthly OAA Board meeting. Their goal is remove Item ii under the Accessory Uses of the Discretionary Review dated January 12, 2012, in order to obtain a Type 40 Beer License from the California ABC. In order to do this they are filing a Mandatory Discretionary Review with the San Francisco Planning Department.

The OAA board voted to support this endeavor based on several factors not least of which is the fact that there have been no incidents or reports emanating from Legend Billiard Hall. Secondly, those involved in the discussion felt that beer and billiards go well together. Thirdly, board members understand the economic need to keep this and other corridor businesses sustainable.

The owners of Legend Billiard Hall have already conceded their right to sell beer off site, which we feel is an excellent concession. They have eight surveillance cameras in place and are planning to attend L.E.A.D. training and obtain Guard Cards to further enhance their proper management of the facility.

Legend Billiards is committed to become more involved in the community by offering their facility for community fundraising on off nights/hours. Legend Billiards is also committed to maintaining their building facade and premises at a high level.

All in all we see this as a good fit and urge your support of the removal of the restriction on alcohol sales that currently exists. Thank you for your consideration.

Sincerely,

Daniel Weaver, Executive Director



BAY AREA

GOLD & SILVER BUYERS

LARRY LI
PROJECT MANAGER

(415) 335-9228

BAYAREAGOLDANDSILVERBUYERS.COM

Date:

8/12/2014

Re: Legend Billiard Hall
1948 Ocean Ave
San Francisco, CA 94127
(415) 335-9228

Dear Planning Commissioners:

We/I the undersigned support Legend Billiard Hall's efforts to remove an existing condition preventing it from serving beer at its establishment. We/I believe that they should be allowed to serve beer in a responsible manner as it would enhance their business and add to the vitality of the neighborhood.

Thank you.

Printed Name

LARRY LI

Signature

Address

1967 OCEAN AVE S.F



DRI-CLEAN EXPRESS

WE OPERATE OUR OWN DRY CLEANING PLANT

Alteration Expert

1973 Ocean Avenue
San Francisco, CA 94127
Phone: (415) 469-7825

Hours: M-F 8:00 - 6:30
Sat 8:00 - 5:00

Date: 8-7-14

Re: Legend Billiard Hall

1948 Ocean Ave

San Francisco, CA 94127

(415) 335-9228

Dear Planning Commissioners:

We/I the undersigned support Legend Billiard Hall's efforts to remove an existing condition preventing it from serving beer at its establishment. We/I believe that they should be allowed to serve beer in a responsible manner as it would enhance their business and add to the vitality of the neighborhood.

Thank you.

Printed Name

WILLIAM LOUIE

Signature

[Handwritten Signature]

Address

1973 OCEAN AVE.

Date: 8-7-14

Re: Legend Billiard Hall
1948 Ocean Ave
San Francisco, CA 94127
(415) 335-9228

Dear Planning Commissioners:

We/I the undersigned support Legend Billiard Hall's efforts to remove an existing condition preventing it from serving beer at its establishment. We/I believe that they should be allowed to serve beer in a responsible manner as it would enhance their business and add to the vitality of the neighborhood.

Thank you.

Printed Name

JACKIE LAN

Signature

JL

Address

1923. OCEAN AVE. S F CA 94127

The Original

EMMYS

Chinese Restaurant

新

We Have Delicious Vegetarian/ Diabetic Food

美

FREE DELIVERY

Minimum \$10 Order

NEW
HOURS

11:00am-MIDNIGHT

味

Open Daily

Online Order: www.emmysrestaurant.com

1923 Ocean Ave.



April 11, 2015

Marcelle Boudreax
City Planner

Dear Marcelle:

I am writing to support Legend Billiards at 1948 Ocean Avenue in pursuit of their liquor license. I am a community activist and organizer with my non-profit The OMI Cultural Participation Project and have planned many neighborhood cultural and art-type events, but also am a resident of the OMI neighborhood and love to shop and support local businesses. I have been to Legend Billiards to play pool with some friends and found an odd that they could not serve any beer or alcohol. I think it is a necessity for a billiard hall to be able to sell alcohol. I can't imagine a place like this without it and it sort of adds to the ambiance of what a pool hall is about.

I know that there has been some resistance from the neighborhood because people are afraid that selling alcohol on Ocean Avenue might invite a different clientele, but there is nothing wrong with being able to have a beer and play some pool in the right environment.

If you need additional information from me, please let me know. I am also a part of the Ocean Avenue Association's Street Life Committee and our mission is to build business and make sure the commercial corridor is safe for all. Legend Billiard is a much needed establishment on a street that is slowly changing. We need more businesses like theirs that will bring people to Ocean Avenue not only to shop but to have some fun as well.

Sincerely,

Maria Fe Picar
The OMI Cultural Participation Project
Executive Director/Resident

SERGE·A·LOT

Service Repair Classes

Sherri Stratton

415.715.8405 SERGEALOT@GMAIL.COM SERGEALOT.COM
1949 Ocean Ave, San Francisco, CA 94127

Business Hours:

Mon-Fri 9:30am-5:30pm | Saturday 10am-5pm | Sunday By Appointment Only

Date: 8-7-14

Re: Legend Billiard Hall

1948 Ocean Ave

San Francisco, CA 94127

(415) 335-9228

Dear Planning Commissioners:

We/I the undersigned support Legend Billiard Hall's efforts to remove an existing condition preventing it from serving beer at its establishment. We/I believe that they should be allowed to serve beer in a responsible manner as it would enhance their business and add to the vitality of the neighborhood.

Thank you.

Printed Name

Brad Lee Stratton

Signature

Brad Lee Stratton

Address

1949 Ocean Ave SF

From: [Blake He](#)
To: [Boudreaux, Marcelle \(CPC\)](#)
Subject: Support for Legend Billiards
Date: Friday, May 01, 2015 11:16:41 PM

Dear Ms. Boudreaux,

I want to write to you to show my support for my neighbor business owner Johnston Yau and legend billiards.

Johnston is an honest and responsible man. He has been doing very good business cause no problems to the neighbors and the neighborhood. Also he is very accommodating to law enforcement, neighbors and neighborhood.

Craft beer would be a great addition to legend billiards, pool and beer goes hand in hand. It is sad that they do not currently offer beer like all the other pool halls that I go to. I really hope they can serve beer so that I can stay in my neighborhood for my beer and pool days.

Small karaoke room for small birthday parties would be awesome to have, it will truly be one of a kind.

Thank you for your time!

Sincerely,

Blake Blake

Sent from [Blue Mail](#)

From: [Robert Karis](#)
To: [Boudreaux, Marcelle \(CPC\)](#); [Secretary, Commissions \(CPC\)](#)
Cc: [Yee, Norman \(BOS\)](#); [Low, Jen \(BOS\)](#)
Subject: 1948 Ocean Avenue beer license (Case No. 2014.1077D)
Date: Monday, May 04, 2015 12:09:34 PM

I must express concern regarding the pending beer license at Legion Billiards. Many people say that beer and pool "go together." However, by the same token, beer and pool and late night hours (2 A.M.) also "go together" with disturbances of the peace. Another problem is that the pool hall is next door to a medical cannabis dispensary. It is generally accepted that marijuana and alcohol are more intoxicating than either one alone, and this proximity will increase the likelihood of these two drugs being combined.

Many people also say that "it's only beer." Most people are not problem drinkers. But alcohol consumption, including beer, is a leading cause of disability and accidents. Binge drinking is increasing, including in San Francisco, where the prevalence of binge drinking has recently been measured at 20%
<http://www.healthdata.org/research-article/drinking-patterns-us-counties-2002-2012>

The idea that the pool hall needs to serve beer in order to survive financially is a weak argument. If pool is popular in this area, the pool hall will attract sufficient customers. Pool is a great game of skill and there are people who would like to concentrate on the game without distractions. I played pool recently at Legion Billiards for about an hour and a half and had a good time.

I know many neighbors who share my concern. However, they know that the desires of the neighbors in this area of the City are usually not listened to. This is particularly true after our loss regarding the vape shop across the street, as we know from the petitions we circulated and the notice of appeal that the majority of the neighbors were opposed to the vape shop. Unfortunately, the San Francisco Planning Department, Planning Commission, and a majority of the Board of Supervisors take the attitude that whatever businesses want is ok, and the City does not attempt to measure the opinions of the neighbors.

In the eventuality that this beer license is approved, I request a six month review of this license.

Yours truly,
Robert Karis
Ingleside Terraces