



# SAN FRANCISCO PLANNING DEPARTMENT

## Executive Summary Conditional Use

HEARING DATE: APRIL 13, 2017

*Date:* April 6, 2017  
*Case No.:* **2015-014718CUA**  
*Project Address:* **716 COLUMBUS AVENUE**  
*Zoning:* North Beach Neighborhood Commercial District (NCD)  
North Beach Special Use District  
40-X Height and Bulk District  
*Block/Lot:* 0090/027  
*Project Sponsor:* Mattia Cosmi  
716 Columbus Avenue  
San Francisco, CA 94133  
*Staff Contact:* Andrew Perry – (415) 575-9017  
[andrew.perry@sfgov.org](mailto:andrew.perry@sfgov.org)  
*Recommendation:* **Approval with Conditions**

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### PROJECT DESCRIPTION

The project sponsor proposes to establish and legalize its operation as a Limited Restaurant within the existing specialty retail grocery (d.b.a. The Italian Homemade Company) located at 716 Columbus Avenue. This request seeks to abate Planning Enforcement Case No. 2015-008088ENF, for operation as a Limited Restaurant. The existing business began operation at the site circa August 2014, which in addition to display areas for specialty grocery products, also contained areas for food preparation and seating, both indoors and outdoors in front of the establishment. The subject application does not propose to alter any of the current business activities, only to legalize the use, which must be considered a second distinct use at the property, as it exceeds accessory use size limits. No physical changes are proposed to the establishment, which contains approximately 920 square feet of space, except that the existing rooftop mechanical equipment will be screened in accordance with the Planning Code.

### SITE DESCRIPTION AND PRESENT USE

The project is located on the northeast side of Columbus Avenue, with frontage along Columbus between Greenwich and Filbert Streets, Block 0090, Lot 027. The subject property is located within the North Beach Neighborhood Commercial District ("NCD") and the 40-X Height and Bulk District. The property is developed with a one-story commercial building that fronts along Columbus Ave., however also contains a two-story and two (2) three-story buildings that have frontage along Greenwich St. and no physical connection to the subject building or commercial space. The subject one-story commercial building has three storefront spaces, of which, the other two are currently vacant. The previous tenant in the subject commercial space was a personal service nail and beauty salon; the adjacent spaces previously contained a gallery (d.b.a. Paul Thiebaud Gallery) and a non-profit service (d.b.a. North Beach Citizens), both of which have moved to new locations within North Beach.

## **SURROUNDING PROPERTIES AND NEIGHBORHOOD**

The area surrounding the project site is mixed-use in character, with a pattern of residential uses above ground floor commercial establishments. Columbus Avenue, on which the subject business is located, serves as the spine of the North Beach NCD corridor, and the subject property is located roughly midway along the length of this District. A variety of commercial establishments are located within the ground floor storefronts along the North Beach NCD, including restaurants, bars, personal service businesses, convenience stores, and other types of retailers. Buildings in the vicinity exhibit a range of heights between one and four stories, with upper floors of buildings generally occupied by offices or residential units.

Beyond the immediate North Beach NCD, the surrounding area is predominantly residential with a moderate density, with areas zoned RM-1 and RM-2. The subject property is located between two large public-zoned parcels, with the Joe DiMaggio Playground and North Beach Pool complex to the north and Washington Square Park to the southeast.

## **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	March 24, 2017	March 22, 2017	22 days
Posted Notice	20 days	March 24, 2017	March 24, 2017	20 days
Mailed Notice	20 days	March 24, 2017	March 24, 2017	20 days

The proposal requires a Section 312-neighborhood notification, which was conducted in conjunction with the conditional use authorization process.

## **PUBLIC COMMENT/COMMUNITY OUTREACH**

- To date, the Department has not received any communications regarding the proposed establishment or the legalization of the Limited Restaurant use.
- The project sponsor has conducted outreach to adjacent neighbors and organizations. The project sponsor has indicated to staff that since opening, their business has been very well received by local residents and the broader community throughout San Francisco alike. The project sponsor has provided numerous links to positive reviews from local media coverage and travel websites, and has indicated that they have been very well received by local families since they do not serve alcohol. The project sponsor believes that this business, owned by Italian immigrants, has established itself as an authentic, high-quality, neighborhood serving use, with support from a broad spectrum of people.

## **ISSUES AND OTHER CONSIDERATIONS**

- Pursuant to Planning Code Section 303(o), the Planning Commission shall consider the existing concentration of eating and drinking uses in the area when considering a Conditional Use Authorization application for a Limited Restaurant use. 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, defined as those other properties that are located within 300 feet of the subject property and within the same zoning district.

A recent field survey estimated that approximately 32.3 percent of the commercial frontage in the immediate area is devoted to eating and drinking uses; the proposed addition of a Limited Restaurant at the subject property would raise this concentration to 33.6 percent. While both percentages are above the 25 percent threshold identified in the Code, it does not suggest that this project will prevent the District from achieving an optimal balance of goods and services. The calculated percentages may in part be inflated due to the relatively limited amount of commercial frontage that is also zoned as NCD in the vicinity; in this situation, even only a few eating and drinking establishments, or an establishment at a corner location, can result in a substantial increase to the overall concentration percentage. Although the Commerce and Industry Element of the General Plan generally discourages the overconcentration of eating and drinking establishments within NCDs, these guidelines also acknowledge that certain districts with an established pattern of service to a broader market, such as the case in the North Beach NCD, may exceed the 25 percent concentration threshold. Lastly, the controls for the North Beach NCD are primarily concerned with the overconcentration of Restaurants and Bars with alcohol licenses, as they replace other neighborhood-serving uses; however, the subject Limited Restaurant would operate with a more neighborhood-serving focus without an alcohol license.

- The existing business has been in operation at the site since approximately August 2014, and is requesting Conditional Use Authorization in order to legalize its operation as a Limited Restaurant, in addition to its permitted use as a specialty grocery. This request seeks to abate Planning Enforcement Case 2015-008088ENF.
- The subject business is an independently-owned and operated local business, which operates as a neighborhood-serving use. The business replaces the previous personal service hair salon use; as such, and pursuant to Planning Code Section 780.3 and the controls of the North Beach Special Use District, the subject business shall not be permitted to add an alcohol license in the future and will remain as a Limited Restaurant.

## **REQUIRED COMMISSION ACTION**

In order for the project to proceed, the Commission must grant Conditional Use authorization to allow the establishment of a Limited Restaurant in conjunction with the existing specialty retail grocery within the North Beach NCD, pursuant to Planning Code Sections 303 and 722.43. The requested authorization would legalize the operation of the Limited Restaurant and abate the active Planning Enforcement case.

## **BASIS FOR RECOMMENDATION**

- The project promotes the continued operation of an established, locally-owned business and contributes to the viability of the overall North Beach NCD by providing a neighborhood-serving daily needs use.
- The project does not displace an existing retail tenant and helps to keep a ground floor storefront occupied when there are other vacancies in the vicinity.
- Although the calculated eating and drinking use concentration in the vicinity already exceeds the 25 percent threshold as identified in the guidelines of the Commerce and Industry Element of the General Plan, the addition of a Limited Restaurant at this location would result in an increase of only about 1 percent to the overall concentration within 300 feet. The addition of a Limited Restaurant use in this location should not prevent the District from achieving an optimal balance of goods and services.
- The District is well-served by transit and the City's bicycle network, therefore patrons should not impact traffic or parking.
- The project meets all applicable requirements of the Planning Code.
- The project is desirable for, and compatible with the surrounding neighborhood.
- The business is not a Formula Retail use and would serve the immediate neighborhood.

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

Draft Motion  
Block Book Map  
Sanborn Map  
Zoning Map  
Aerial Photographs  
Context Photographs  
CEQA Categorical Exemption  
Reduced Plans

Attachment Checklist

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

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

\_\_\_\_AWP\_\_\_\_  
Planner's Initials

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# SAN FRANCISCO PLANNING DEPARTMENT

*Subject to: (Select only if applicable)*

- |  |  |
|--|--|
| <input type="checkbox"/> Affordable Housing (Sec. 415)           | <input type="checkbox"/> First Source Hiring (Admin. Code) |
| <input type="checkbox"/> Jobs Housing Linkage Program (Sec. 413) | <input type="checkbox"/> Child Care Requirement (Sec. 414) |
| <input type="checkbox"/> Downtown Park Fee (Sec. 412)            | <input type="checkbox"/> Other                             |

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## Planning Commission Draft Motion

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**ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 303 AND 722.43 OF THE PLANNING CODE TO ESTABLISH A LIMITED RESTAURANT IN CONJUNCTION WITH THE EXISTING RETAIL SPECIALTY GROCERY (D.B.A. THE ITALIAN HOMEMADE COMPANY), AND TO ABATE PLANNING ENFORCEMENT CASE 2015-008088ENF, BY LEGALIZING THE OPERATION OF THE LIMITED RESTAURANT WITHIN THE NORTH BEACH NEIGHBORHOOD COMMERCIAL DISTRICT (NCD), THE NORTH BEACH SPECIAL USE DISTRICT, AND A 40-X HEIGHT AND BULK DISTRICT.**

### PREAMBLE

On April 18, 2014, Mattia Cosmi (hereinafter “Project Sponsor”) filed Building Permit Application No. 2014.04.18.3659 for interior tenant improvements and to establish the specialty grocery retail use, which was issued on April 23, 2014. On May 12, 2014, the Planning Department (hereinafter “Department”) approved a Department of Public Health Permit Referral for the operation of a specialty grocery.

On June 26, 2015, Planning Enforcement Case 2015-008088ENF was opened due to the operation of a Limited Restaurant at the subject site without the required Conditional Use Authorization from the San Francisco Planning Commission (hereinafter “Commission”).

On November 5, 2015 the Project Sponsor filed an application with the Department for Conditional Use Authorization under Planning Code Section(s) 303 and 722.43 to establish a Limited Restaurant in conjunction with the existing specialty retail grocery (d.b.a. The Italian Homemade Company), and to abate Planning Enforcement Case 2015-008088ENF by legalizing the operation of the Limited Restaurant within the North Beach Neighborhood Commercial District (NCD) and a 40-X Height and Bulk District.

On April 13, 2017, the Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2015-014718CUA.

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

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

**MOVED**, that the Commission hereby authorizes the Conditional Use requested in Application No. 2015-014718CUA, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

## FINDINGS

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The project is located on the northeast side of Columbus Avenue, with frontage along Columbus between Greenwich and Filbert Streets, Block 0090, Lot 027. The subject property is located within the North Beach Neighborhood Commercial District ("NCD") and the 40-X Height and Bulk District. The property is developed with a one-story commercial building that fronts along Columbus Ave., however also contains a two-story and two (2) three-story buildings that have frontage along Greenwich St. and no physical connection to the subject building or commercial space. The subject one-story commercial building has three storefront spaces, of which, the other two are currently vacant. The previous tenant in the subject commercial space was a personal service nail and beauty salon; the adjacent spaces previously contained a gallery (d.b.a. Paul Thiebaud Gallery) and a non-profit service (d.b.a. North Beach Citizens), both of which have moved to new locations within North Beach.
3. **Surrounding Properties and Neighborhood.** The area surrounding the project site is mixed-use in character, with a pattern of residential uses above ground floor commercial establishments. Columbus Avenue, on which the subject business is located, serves as the spine of the North Beach NCD corridor, and the subject property is located roughly midway along the length of this District. A variety of commercial establishments are located within the ground floor storefronts along the North Beach NCD, including restaurants, bars, personal service businesses, convenience stores, and other types of retailers. Buildings in the vicinity exhibit a range of

heights between one and four stories, with upper floors of buildings generally occupied by offices or residential units.

Beyond the immediate North Beach NCD, the surrounding area is predominantly residential with a moderate density, with areas zoned RM-1 and RM-2. The subject property is located between two large public-zoned parcels, with the Joe DiMaggio Playground and North Beach Pool complex to the north and Washington Square Park to the southeast.

4. **Project Description.** The project sponsor proposes to establish and legalize its operation as a Limited Restaurant within the existing specialty retail grocery (d.b.a. The Italian Homemade Company) located at 716 Columbus Avenue. This request seeks to abate Planning Enforcement Case No. 2015-008088ENF, for operation as a Limited Restaurant. The existing business began operation at the site circa August 2014, which in addition to display areas for specialty grocery products, also contained areas for food preparation and seating, both indoors and outdoors in front of the establishment. The subject application does not propose to alter any of the current business activities, only to legalize the use, which must be considered a second distinct use at the property, as it exceeds accessory use size limits. No physical changes are proposed to the establishment, which contains approximately 920 square feet of space, except that the existing rooftop mechanical equipment will be screened in accordance with the Planning Code.
5. **Public Comment/Community Outreach.** To date, the Department has not received any communications regarding the proposed establishment or the legalization of the Limited Restaurant use. The project sponsor has conducted outreach to adjacent neighbors and organizations. The project sponsor has indicated to staff that since opening, their business has been very well received by local residents and the broader community throughout San Francisco alike. The project sponsor has provided numerous links to positive reviews from local media coverage and travel websites, and has indicated that they have been very well received by local families since they do not serve alcohol. The project sponsor believes that this business, owned by Italian immigrants, has established itself as an authentic, high-quality, neighborhood serving use, with support from a broad spectrum of people.
6. **Planning Code Compliance:** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:
  - A. **Limited Restaurant Use.** Planning Code Section 722.43 states that Conditional Use Authorization is required to establish a Limited Restaurant use at the ground floor within the North Beach NCD.

*The Project Sponsor is seeking Conditional Use Authorization to establish a Limited Restaurant use at the ground floor within the North Beach NCD. This use would operate in conjunction with the establishment's previously permitted use as a retail specialty grocery store. The uses require authorization as two distinct principal uses, as the relative sizes and intensity of the two uses are comparable and would not otherwise be permitted through the accessory use provisions of the Code. Legalizing the Limited Restaurant use with a Conditional Use Authorization would allow the business to abate the active Planning enforcement violation.*

- B. **North Beach Special Use District.** Pursuant to Planning Code Section 780.3, Restaurants may be permitted within the North Beach Special Use District as a Conditional Use, only if the Planning Commission finds that the Restaurant does not occupy either a space that was last occupied by a Basic Neighborhood Sales or Service use, or a vacant space that was last occupied by a nonconforming use or permitted conditional use that has been discontinued or abandoned. A Basic Neighborhood Sales or Service use is a use which provides goods and/or services which are needed by residents and workers in North Beach and surrounding neighborhoods, including but not limited to Other Retail Sales and Service, Personal Services, Medical Services, Liquor Stores, Trade Shops, Animal Hospitals, and Limited Restaurants.

*The current permitted use of the establishment is as a retail specialty grocery, and the space was previously used for a personal service use; therefore, a Restaurant would not be permitted in this space. The subject application is for a Limited Restaurant, which can be permitted in this space and which also operates as a Basic Neighborhood Sales or Service use.*

- C. **Use Size.** Planning Code Section 722.21 states that uses up to 1,999 square feet in size are principally permitted within the North Beach NCD.

*The subject establishment is approximately 920 square feet in size, and would be principally permitted within the District. The business does not propose any expansion to the existing storefront, or a merger with the adjacent storefronts.*

- D. **Outdoor Activity Area.** Planning Code Section 722.24 states that Outdoor Activity Areas are principally permitted within the North Beach NCD if located in front of the property.

*The existing business contains a small Outdoor Activity Area located in front of the storefront, along Columbus Avenue.*

- E. **Screening of Rooftop Features.** Planning Code Section 141 states that rooftop mechanical equipment and appurtenances to be used in the operation or maintenance of a building shall be arranged so as not to be visible from any point at or below the roof level of the subject building. This requirement shall apply in construction of new buildings, and in any alteration of mechanical systems of existing buildings that results in significant changes in such rooftop equipment. The features shall be either enclosed by outer building walls or parapets, or grouped and screened in a suitable manner.

*The existing business installed rooftop mechanical equipment that was visible from the public right of way, and not suitably screened. The rooftop equipment will be lessened in height and screened in an appropriate manner.*

- F. **Street Frontage in Neighborhood Commercial Districts.** Section 145.1 of the Planning Code requires that within NC Districts space for active uses shall be provided within the first 25 feet of building depth on the ground floor and 15 feet on floors above from any facade facing a street at least 30 feet in width. In addition, the floors of street-fronting interior spaces housing non-residential active uses and lobbies shall be as close as possible to the level of the adjacent sidewalk at the principal entrance to these spaces. Frontages with active uses that

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

*The project includes active uses at the ground floor for the first 25 feet of building depth. The existing storefront is fenestrated with transparent windows and doors for almost the full frontage along Columbus Avenue. The side of the building, which is also visible from the public right of way, is not fenestrated as it lies along the side property line. The project does not propose to alter the existing storefront.*

- G. **Bicycle Parking.** Planning Code Section 155.2 states that bicycle parking is required when there is a change of occupancy or increase in intensity of use which would increase the number of total required bicycle parking spaces by 15 percent.

*The prior personal service use, the existing retail specialty grocery use and the proposed Limited Restaurant use all contain the same requirements for bicycle parking; therefore there is no increase in the intensity of the use and no bicycle parking is required.*

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 proposed Limited Restaurant use is compatible with the North Beach NCD as well as the North Beach SUD, as it functions as a Basic Neighborhood Sales or Service use and will primarily operate to serve the needs of those in the immediate neighborhood. The business does not propose to enlarge through merger of the adjacent storefronts, or otherwise expand the existing business and is therefore compatible with the fine-grain scale of North Beach. The use as a Limited Restaurant works well in conjunction with its existing operation as a retail specialty grocery. As Italian immigrants, the owners hope to offer a unique retail and dining experience that complements the history of the North Beach neighborhood. As the business will not have an alcohol license, it is friendly to both families and school-age children. The relatively small size of the business and its location in proximity to transit should not have a detrimental effect on traffic or parking.*

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

that could be detrimental to the health, safety or convenience of those residing or working the area, in that:

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

*The height and bulk of the existing building will remain the same and will not alter the existing appearance or character of the project vicinity. The proposed work will not affect the building envelope, and the installed rooftop mechanical equipment will now be screened in accordance with Code.*

- 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 an approximately 920 square-foot Limited Restaurant use within the North Beach NCD. The proposed use is designed to meet the needs of the immediate neighborhood and should not generate significant amounts of vehicular trips from the immediate neighborhood or citywide.*

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

*The proposed use is subject to the standard conditions of approval for Limited Restaurants outlined in Exhibit A, and the standard operating conditions for eating and drinking uses found under Section 703.5 of the Planning Code. Conditions 11 and 12 of Exhibit A 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 proposed Limited Restaurant does not require any treatments with regard to landscaping, open spaces, parking and loading areas, service areas, lighting or signs. The proposed rooftop screening is suitable to fulfill the requirements of Section 141 of the Planning Code. No additional signage is proposed, however, any additional signage in the future will be reviewed by the Department for compliance with the Planning Code and preservation guidelines.*

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

*The Project complies with all relevant requirements and standards of the Planning Code and is consistent with objectives and policies of the General Plan as detailed below.*

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

*The North Beach NCD functions as a neighborhood-serving marketplace, a citywide specialty shopping and dining district, and tourist attraction as well. The District has seen many neighborhood-serving sales and service uses replaced by restaurants and bars, and additional controls are now in place to prevent the further loss of neighborhood-serving businesses. Although the proposed business, and the addition of a Limited Restaurant, does serve to increase the concentration of eating and drinking establishments, this business also will maintain its existing retail specialty grocery use aspect. Additionally, by operating as a Limited Restaurant without an alcohol license, this business is better targeted to meet the daily needs of local residents mostly during daytime and early evening hours, than as a nighttime destination for those beyond the immediate neighborhood or tourists. Authorization as a Limited Restaurant will allow the existing, locally-owned business to be more viable and helps to enhance the overall vitality of the NCD, instead of resulting in an additional vacant storefront.*

- E. That the use or feature satisfies the criteria specific to Conditional Use Authorization applications for Eating and Drinking uses found in Planning Code Section 303(o), in that the Planning Commission shall consider the existing concentration of eating and drinking uses in the area, and that 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, where the immediate area shall be defined as all properties located within 300 feet of the subject property and also located within the same zoning district.

*The addition of a Limited Restaurant use through Conditional Authorization would be subject to the criteria of Planning Code Section 303(o). A recent field survey estimated that approximately 32.3 percent of the existing commercial frontage in the immediate area is devoted to eating and drinking uses; the proposed addition of a Limited Restaurant at the subject property would raise this concentration to 33.6 percent. While both percentages are above the 25 percent threshold identified in the Code, it does not suggest that this project will prevent the District from achieving an optimal balance of goods and services. The calculated percentages may in part be inflated due to the relatively limited amount of commercial frontage that is also zoned as NCD in the vicinity; in this situation, even only a few eating and drinking establishments, or an establishment at a corner location, can result in a substantial increase to the overall concentration percentage. Although the Commerce and Industry Element of the General Plan generally discourages the overconcentration of eating and drinking establishments within NCDs, these guidelines also acknowledge that certain districts with an established pattern of service to a broader market, such as the case in the North Beach NCD, may exceed the 25 percent concentration threshold. Lastly, the controls for the North Beach NCD are primarily concerned with the overconcentration of Restaurants and Bars with alcohol licenses, as they replace other neighborhood-serving uses; however, the subject Limited Restaurant would operate with a more neighborhood-serving focus without an alcohol license.*

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

## COMMERCE AND INDUSTRY

### Objectives and Policies

#### **OBJECTIVE 1:**

MANAGE ECONOMIC GROWTH AND CHANGE TO ENSURE ENHANCEMENT OF THE TOTAL CITY LIVING AND 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 a Limited Restaurant will not result in undesirable consequences, and the establishment will be subject to the standard operating conditions for eating and drinking uses. 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.

*The subject establishment would primarily remain a neighborhood serving-use as a Limited Restaurant in conjunction with a retail specialty grocery use, and is in compliance with the controls of the North Beach Special Use District.*

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

### **Eating and Drinking Establishments**

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

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

*There is a concern with the potential over-concentration of food-service establishments. The Commerce and Industry Element of the General Plan contains Guidelines for Specific Uses. For eating and drinking establishments, the Guidelines state that the balance of commercial uses may be threatened when eating and drinking establishments occupy more than 20 percent of the total occupied commercial frontage. In districts such as North Beach, with an established pattern of service to a broader market, this concentration may be increased to 25 percent. A recent field survey estimated that approximately 32.3 percent of the existing commercial frontage in the immediate area is devoted to eating and drinking uses; the proposed addition of a Limited Restaurant at the subject property would raise this concentration to 33.6 percent. While both percentages are above the 25 percent threshold identified in the Code, it does not suggest that this project will prevent the District from achieving an optimal balance of 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.

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

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

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

*The proposed Limited Restaurant would ensure the continued operation of a locally-owned neighborhood-serving use and would enhance the District by providing a family- and youth-friendly establishment that does not serve alcohol. The legalization of the Limited Restaurant use would help retain the existing jobs of those already employed by the business.*

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

*The existing units in the surrounding neighborhood would not be adversely affected. The proposed Limited Restaurant use would provide additional balance to the North Beach NCD between daily-needs, neighborhood-serving uses, and restaurants and bars that are more tailored to a broader market.*

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

*No housing is removed for this Project.*

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

*The site is on Columbus Avenue and is well-served by transit. It is presumable that employees would commute by transit thereby mitigating possible effects on street parking. There are several MUNI lines within ¼-mile of the subject property, including the 8, 8BX, 30, 39, 41, 45, and 59. The addition of a Limited Restaurant use to the existing 920-square foot retail specialty grocery would not negatively impact transit service, or overburden the neighborhood's streets or parking.*

- E. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced.

*The Project will not displace any service or industry establishment. The project will not affect industrial uses and it will enhance and help to preserve service-related employment opportunities as additional employees are needed to staff the Limited Restaurant component of the business.*

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

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

- G. That landmarks and historic buildings be preserved.

*The subject property is considered an historic resource. The project does not propose to alter the existing building or storefront, except to place screening around installed rooftop mechanical equipment that is visible from the public right of way. The proposed screening has been reviewed by historic preservation staff and is in compliance with the Secretary of the Interior Standards for the Treatment of Historic Buildings.*

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

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

10. The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would contribute to the character and stability of the neighborhood and would constitute a beneficial development.
11. The Commission hereby finds that approval of the Conditional Use authorization would promote the health, safety and welfare of the City.

## DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Application No. 2015-014718CUA** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated January 19, 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 April 13, 2017.

Jonas P. Ionin  
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: April 13, 2017

# **EXHIBIT A**

## **AUTHORIZATION**

This authorization is for a Conditional Use to allow a Limited Restaurant within the existing retail specialty grocery (d.b.a. The Italian Homemade Company) located at 716 Columbus Avenue, Lot 027 in Assessor's Block 0090, pursuant to Planning Code Section(s) 303 and 722.43 within the North Beach Neighborhood Commercial District, the North Beach Special Use District, and a 40-X Height and Bulk District; in general conformance with plans, dated January 19, 2017, and stamped "EXHIBIT B" included in the docket for Case No. 2015-014718CUA and subject to conditions of approval reviewed and approved by the Commission on April 13, 2017 under Motion No **XXXXXX**. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

## **RECORDATION OF CONDITIONS OF APPROVAL**

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on April 13, 2017 under Motion No **XXXXXX**.

## **PRINTING OF CONDITIONS OF APPROVAL ON PLANS**

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

## **SEVERABILITY**

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

## **CHANGES AND MODIFICATIONS**

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

## Conditions of Approval, Compliance, Monitoring, and Reporting PERFORMANCE

1. **Validity.** The authorization and right vested by virtue of this action is valid for three (3) years from the effective date of the Motion. The Department of Building Inspection shall have issued a Building Permit or Site Permit to construct the project and/or commence the approved use within this three-year period.  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*
2. **Expiration and Renewal.** Should a Building or Site Permit be sought after the three (3) year period has lapsed, the project sponsor must seek a renewal of this Authorization by filing an application for an amendment to the original Authorization or a new application for Authorization. Should the project sponsor decline to so file, and decline to withdraw the permit application, the Commission shall conduct a public hearing in order to consider the revocation of the Authorization. Should the Commission not revoke the Authorization following the closure of the public hearing, the Commission shall determine the extension of time for the continued validity of the Authorization.  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*
3. **Diligent pursuit.** Once a site or Building Permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. Failure to do so shall be grounds for the Commission to consider revoking the approval if more than three (3) years have passed since this Authorization was approved.  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*
4. **Extension.** All time limits in the preceding three paragraphs may be extended at the discretion of the Zoning Administrator where implementation of the project is delayed by a public agency, an appeal or a legal challenge and only by the length of time for which such public agency, appeal or challenge has caused delay.  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*
5. **Conformity with Current Law.** No application for Building Permit, Site Permit, or other entitlement shall be approved unless it complies with all applicable provisions of City Codes in effect at the time of such approval.  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

## MONITORING – AFTER ENTITLEMENT

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

## DESIGN

8. **Rooftop Mechanical Equipment.** Pursuant to Planning Code 141, the Project Sponsor shall submit a roof plan to the Planning Department prior to Planning approval of the building permit application. Rooftop mechanical equipment, if any is proposed as part of the Project, is required to be screened so as not to be visible from any point at or below the roof level of the subject building.  
*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

## OPERATION

9. **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>*
10. **Sidewalk Maintenance.** The Project Sponsor shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean and sanitary condition in compliance with the Department of Public Works Streets and Sidewalk Maintenance Standards.  
*For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works, 415-695-2017, <http://sfdpw.org>*
11. **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)*

12. **Odor Control.** While it is inevitable that some low level of odor may be detectable to nearby residents and passersby, appropriate odor control equipment shall be installed in conformance with the approved plans and maintained to prevent any significant noxious or offensive odors from escaping the premises.

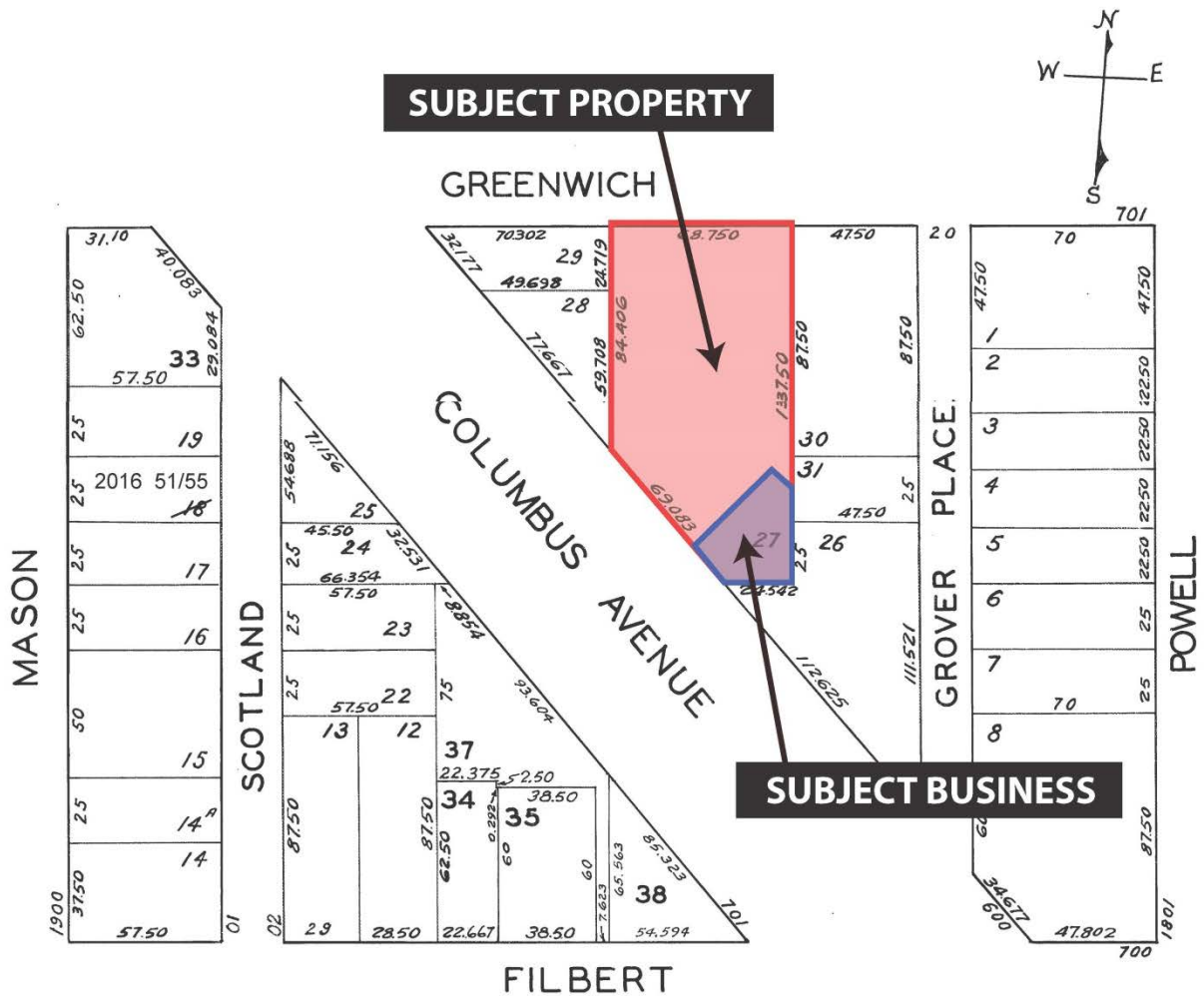
*For information about compliance with odor or other chemical air pollutants standards, contact the Bay Area Air Quality Management District, (BAAQMD), 1-800-334-ODOR (6367), [www.baaqmd.gov](http://www.baaqmd.gov) and Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

13. **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.

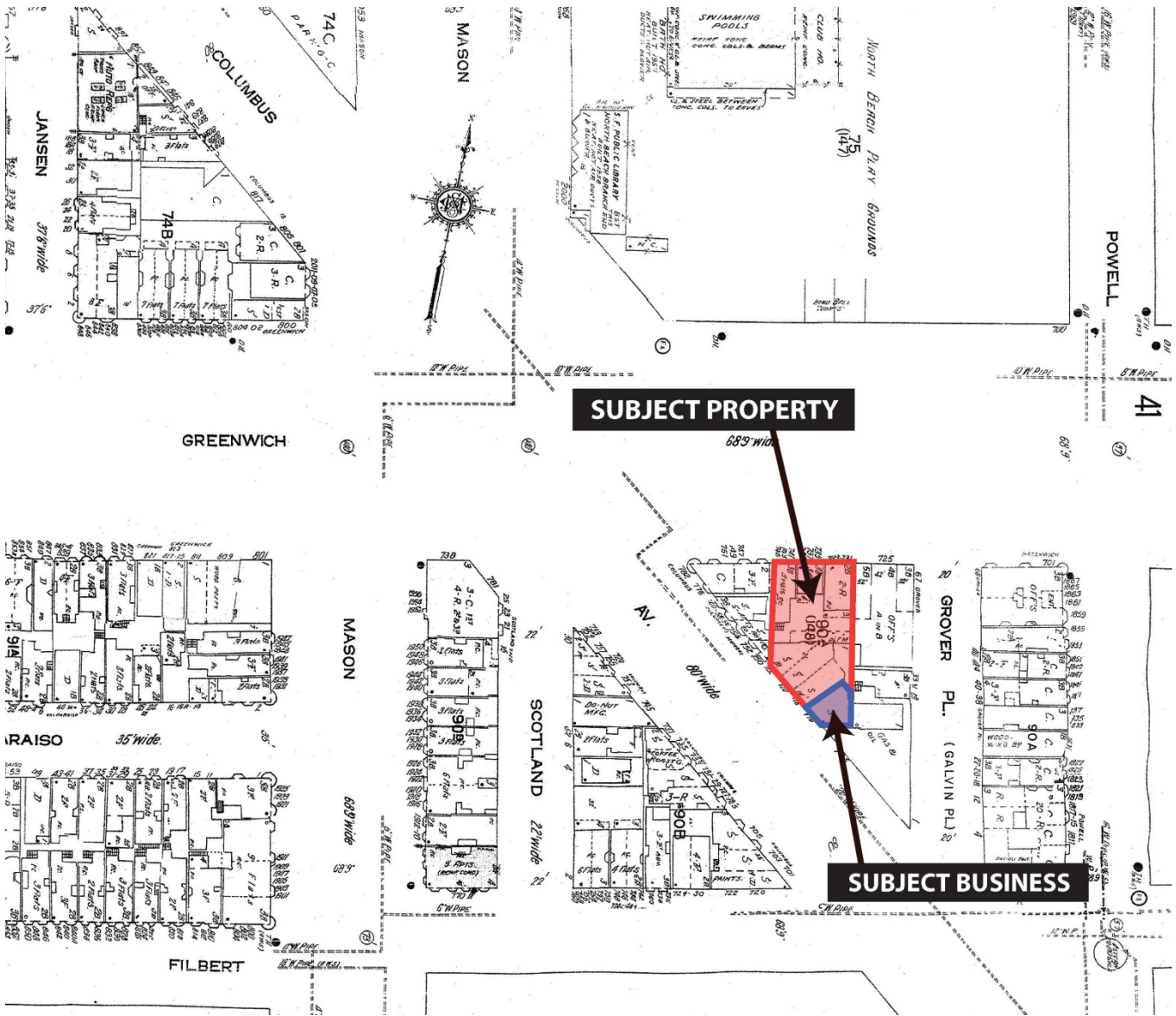
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

# Exhibits

# Block Book Map

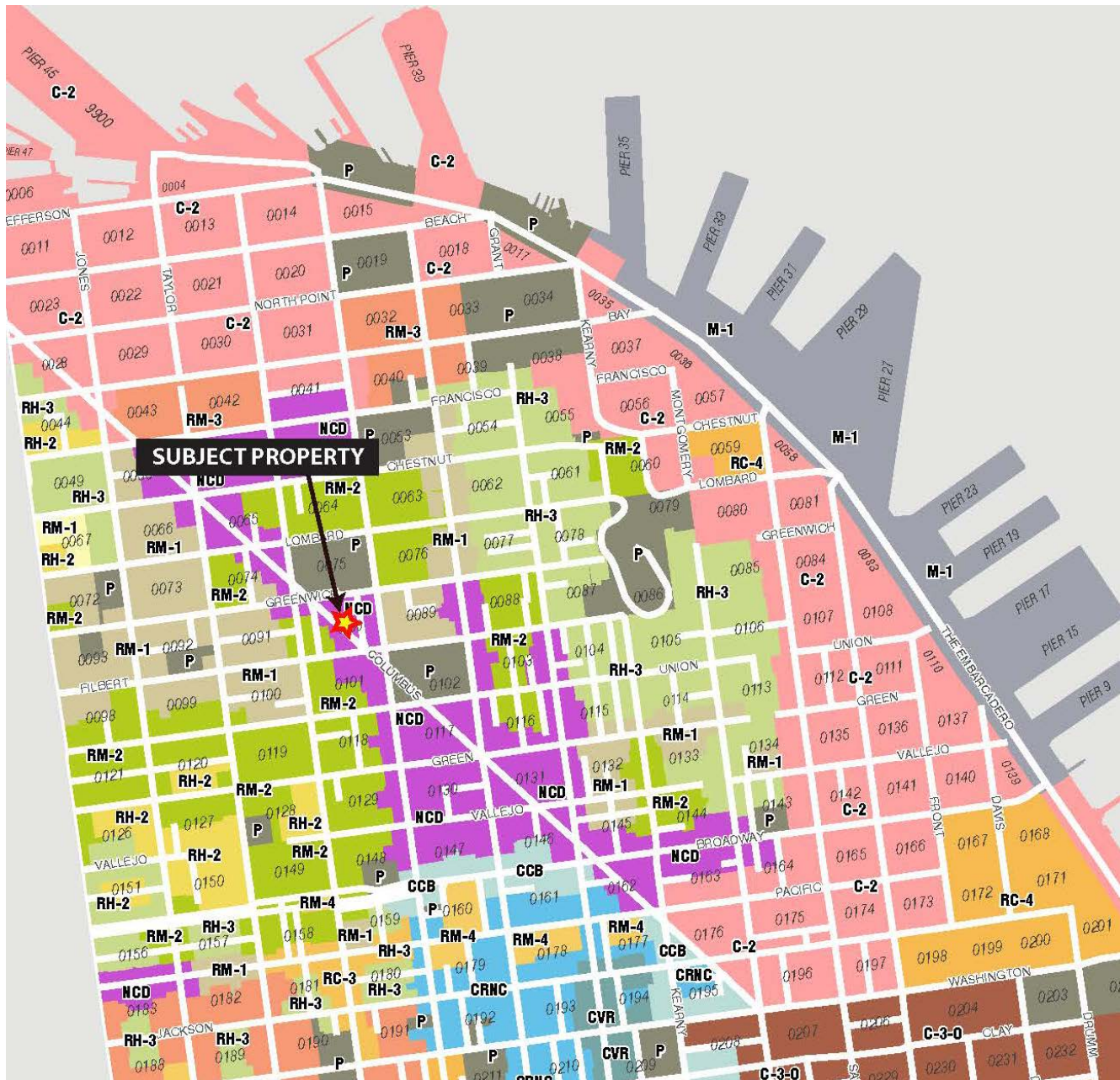


# Sanborn Map\*

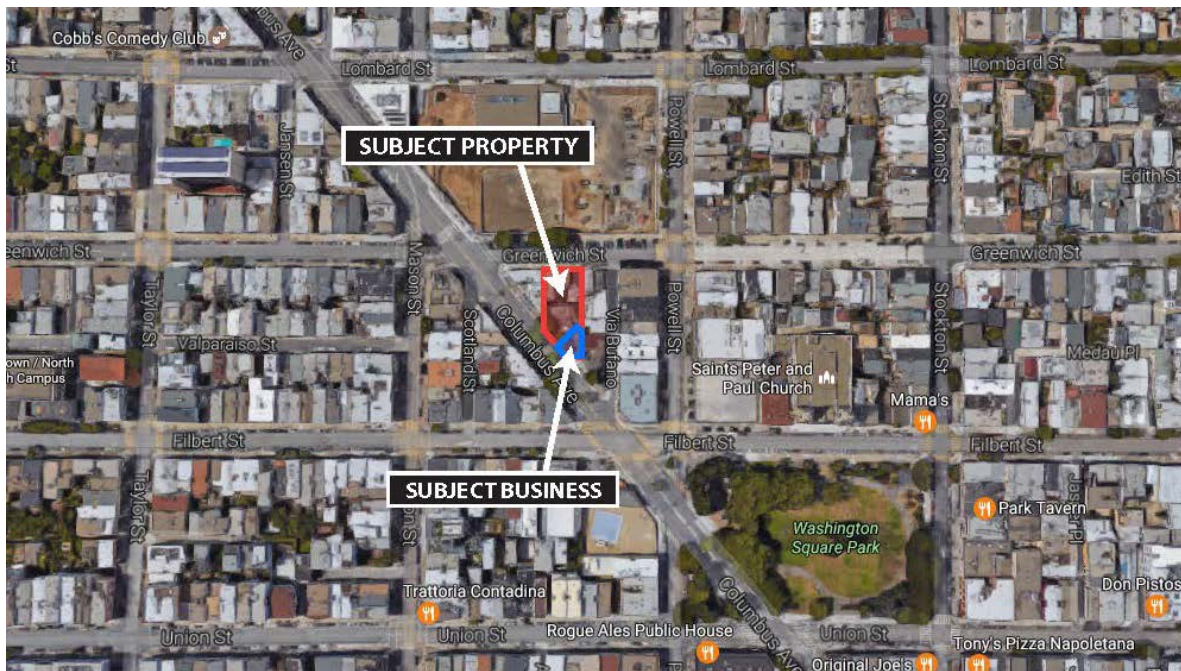


\* The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.

# Zoning Map



# Aerial Photos (oriented north)



# Context Photos

(Looking north along Columbus Ave.)



## (Looking across Columbus Ave. opposite Project Site)



(Looking south along Columbus Ave.)



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# SAN FRANCISCO PLANNING DEPARTMENT

## CEQA Categorical Exemption Determination

### PROPERTY INFORMATION/PROJECT DESCRIPTION

Project Address		Block/Lot(s)	
716 Columbus Avenue		0090/027	
Case No.	Permit No.	Plans Dated	
2015-014718CUA		1/19/17	
<input checked="" type="checkbox"/> Addition/ Alteration	<input type="checkbox"/> Demolition (requires HRER if over 45 years old)	<input type="checkbox"/> New Construction	<input type="checkbox"/> Project Modification (GO TO STEP 7)
Project description for Planning Department approval. Establish (and legalize) a Limited Restaurant use within the existing retail specialty grocery (d.b.a. The Italian Homemade Company); provide screening of previously installed rooftop mechanical equipment.			

### STEP 1: EXEMPTION CLASS TO BE COMPLETED BY PROJECT PLANNER

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

### STEP 2: CEQA IMPACTS TO BE COMPLETED BY PROJECT PLANNER

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

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

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

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

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

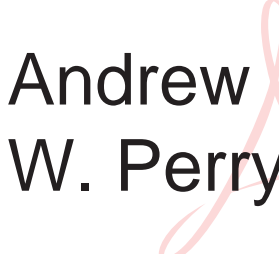
<b>Check all that apply to the project.</b>	
<input checked="" type="checkbox"/>	1. <b>Change of use and new construction.</b> Tenant improvements not included.
<input type="checkbox"/>	2. <b>Regular maintenance or repair</b> to correct or repair deterioration, decay, or damage to building.
<input type="checkbox"/>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

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

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

<input type="checkbox"/>	<p>9. <b>Other work</b> that would not materially impair a historic district (specify or add comments):</p> <p>(Requires approval by Senior Preservation Planner/Preservation Coordinator) _____</p>
<input type="checkbox"/>	<p>10. <b>Reclassification of property status.</b> (Requires approval by Senior Preservation Planner/Preservation Coordinator)</p> <p style="margin-left: 40px;"> <input type="checkbox"/> Reclassify to Category A      <input type="checkbox"/> Reclassify to Category C         </p> <p style="margin-left: 40px;">           a. Per HRER dated: _____ (attach HRER)         </p> <p style="margin-left: 40px;">b. Other (specify): _____</p>
<p><b>Note: If ANY box in STEP 5 above is checked, a Preservation Planner MUST check one box below.</b></p>	
<input type="checkbox"/>	<p><b>Further environmental review required.</b> Based on the information provided, the project requires an <i>Environmental Evaluation Application</i> to be submitted. <b>GO TO STEP 6.</b></p>
<input checked="" type="checkbox"/>	<p><b>Project can proceed with categorical exemption review.</b> The project has been reviewed by the Preservation Planner and can proceed with categorical exemption review. <b>GO TO STEP 6.</b></p>
<p><b>Comments (optional):</b></p> <p>Rooftop mechanical equipment minimally visible from secondary (side) elevation, and screened to match (E) building.</p>	
<p><b>Preservation Planner Signature:</b> Marcelle Boudreaux</p> <div style="text-align: right; font-size: small;">       Digitally signed by Marcelle Boudreaux        DN: cn=org, dc=sfgov, dc=cityplanning, ou=CityPlanning, ou=Current Planning, cn=Marcelle Boudreaux, email=Marcelle.Boudreaux@sfgov.org        Date: 2017.03.29 16:08:05 -07'00'     </div>	

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

<input type="checkbox"/>	<p><b>Further environmental review required.</b> Proposed project does not meet scopes of work in either (check all that apply):</p> <p style="margin-left: 40px;"> <input type="checkbox"/> Step 2 – CEQA Impacts  <input type="checkbox"/> Step 5 – Advanced Historical Review         </p> <p><b>STOP! Must file an <i>Environmental Evaluation Application</i>.</b></p>	
<input checked="" type="checkbox"/>	<p><b>No further environmental review is required. The project is categorically exempt under CEQA.</b></p>	
	<p><b>Planner Name:</b> Andrew Perry</p> <hr/> <p><b>Project Approval Action:</b></p> <p>Planning Commission Hearing</p> <p style="font-size: small;">If Discretionary Review before the Planning Commission is requested, the Discretionary Review hearing is the Approval Action for the project.</p>	<p><b>Signature:</b></p> <div style="text-align: center;">  <p style="font-size: large; font-weight: bold;">Andrew W. Perry</p> </div> <div style="font-size: x-small;">       Digitally signed by Andrew W. Perry        DN: dc=org, dc=sfgov, dc=cityplanning, ou=CityPlanning, ou=Current Planning, cn=Andrew W. Perry, email=Andrew.Perry@sfgov.org        Date: 2017.03.30 11:48:55 -07'00'     </div>
	<p>Once signed or stamped and dated, this document constitutes a categorical exemption pursuant to CEQA Guidelines and Chapter 31 of the Administrative Code.</p> <p>In accordance with Chapter 31 of the San Francisco Administrative Code, an appeal of an exemption determination can only be filed within 30 days of the project receiving the first approval action.</p>	

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

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

### PROPERTY INFORMATION/PROJECT DESCRIPTION

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

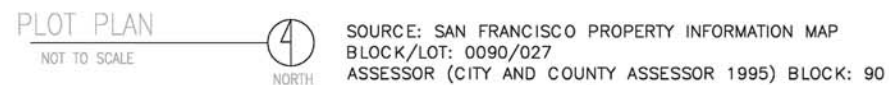
### DETERMINATION IF PROJECT CONSTITUTES SUBSTANTIAL MODIFICATION

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

### DETERMINATION OF NO SUBSTANTIAL MODIFICATION

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

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COMPANY NAME: ITALIAN HOMEMADE COMPANY

SUBJECT SITE: 716 COLUMBUS AVE, SAN  
FRANCISCO, CALIFORNIA 94133

JURISDICTION: CITY OF SAN FRANCISCO

BUILDING INFORMATION:

APN: NO. 0090027

ZONE DISTRICT: DISTRICT 3: NORTHEAST

OCCUPANCY CLASS: M

CONSTRUCTION TYPE: V-B

STORIES: 1W/BASEMENT

OWNER/TENANT:

MATTIA COSMI  
1 CRESCENT WAY  
SAN FRANCISCO, CA 94134  
4157128874

EXISTING APPROVED PERMITS:

PERMIT NO: 2014-04-18-3659  
04-23-2015

## APPLICATION FOR CU USE PERMIT AS RESTAURANT/LIMITED RESTAURANT

The purpose of this application is to obtain a Conditional Use Permit for the establishment located at 716 Columbus Ave in San Francisco, CA 94133 (dba Italian Homemade Company) to operate as Restaurant / Limited Restaurant in the North Beach NCD. The premises was originally occupied by a nail salon. In April 2014, it was converted in to a Specialty Food Market (with annexed kitchen) , upon approval of permit 2014-04-18-3659. Since then, it has operated unannexed as a Specialty Food Market. Current business owner Mattia Cosmi, is seeking to obtain a Conditional Use Permit to use the premises as Restaurant / Limited Restaurant.

The owner will provide to retrofit all areas to comply with the San Francisco Municipal Code. Especially with Section 141.0 (a) requiring rooftop mechanical equipment and appurtenances to be used in the operation or maintenance of a building to be arranged so as not to be visible from any point at or below the level of the subject building. The features so regulated shall in all cases be either enclosed by other building walls or parapets, or grouped and screened in a suitable manner, or designed in themselves so that are balanced and integrated with respect to the design of the building." ( San Francisco Planning Code, Article 1.2: Dimension, Areas, and Open Spaces, Section. 141.0 (a) Screening of Rooftop Features in R, NC, C, M, WMUQ, WMUO, RED, RED-MX, SALL, and Mixed Use Districts)



Approval:

Date \_\_\_\_\_

**Consultant:**



111 Maiden Lane, Suite 740  
San Francisco, California 94108  
415 391-2841

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Sheet Title

## COVER SHEET

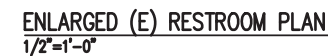
Proj. No./Filename: 17001

Scale: AS SHOWN

Ref. North

Sheet Number

C-O



KITCHEN HOOD ELEVATION/SECTION  
1/2"=1'-0"



C-1



716 COLUMBUS AVE.  
SAN FRANCISCO, CA

**Consultant:**

111 Maiden Lane, Suite 740  
San Francisco, California 94108  
415 391-2841

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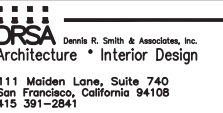
Sheet Title

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Scale:	1/2"=1'-0"

C-3



**Consultant:**



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[illegible]

Sheet Title

Proj. No./Filename:	1700
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