



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Conditional Use

HEARING DATE: DECEMBER 7, 2017

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

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415.558.6378

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Planning
Information:
415.558.6377

Date: November 20, 2016
Case No.: **2017-005533CUA**
Project Address: **4068 18TH STREET**
Zoning: Castro Street Neighborhood Commercial District
40-X Height and Bulk District
Block/Lot: 3582/053
Project Sponsor: Luis Uribe
77453 Cheyenne Drive
Indian Wells, CA 92210
Staff Contact: Cathleen Campbell – (415) 575-8732
cathleen.campbell@sfgov.org
Recommendation: **Approval with Conditions**

PROJECT DESCRIPTION

The existing restaurant intends to seek a Type 75 License from the California Department of Alcoholic Beverage Control. This license would permit the sale of beer, wine, and distilled spirits for on-site consumption in association with the restaurant, plus the operation of a microbrewery. Within the Castro Street Neighborhood Commercial District ("NCD"), a Restaurant, as defined in Planning Code Section 102, may only add ABC license types 47, 49 or 75 as a Conditional Use on the ground level.

The existing tenant space measures approximately 1,500 square feet and the size would not change as part of the project. The sponsor proposes to install one tank for the microbrewery within the dining area. No other fixtures or modifications to the existing restaurant are proposed, and the size of restaurant would not change. The proposed commercial use is under 5,000 square feet in size, so there is not an on-site parking requirement.

The existing restaurant is not a Formula Retail use. The restaurant is an independent locally owned neighborhood-serving use, which has been encouraged throughout San Francisco.

SITE DESCRIPTION AND PRESENT USE

The Project Site is located on the North side of 18th Street, between Castro and Hartford Streets, Block 3582, Lot 053. The subject property is located within the Castro Street Neighborhood Commercial District ("NCD") and the 40-X Height and Bulk District. The property is a four-story building developed with a ground floor commercial space and three residential units on the upper floors. The ground floor is developed with Lark, a full service Restaurant.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The project site is located in an area of mixed-use character and on a corridor composed primarily of ground floor commercial/retail uses and upper floor residential. A variety of commercial establishments are located within ground floor storefronts in the Castro Street NCD, including the Castro Theatre, banks, restaurants, apparel stores, personal service, and other types of retailers. The physical form of the district is a crossing at Castro and 18th Streets, the arms of which contain many small, but intensely active commercial businesses. Commercial businesses are active both in the daytime and late into the evening and include a number of bars and restaurants, as well as several specialty clothing and gift stores. Adjacent properties include a retail and restaurant uses. Buildings in the vicinity typically range from one to four stories in height.

ENVIRONMENTAL REVIEW

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

HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Classified News Ad	20 days	November 17, 2017	November 15, 2017	22 days
Posted Notice	20 days	November 17, 2017	November 17, 2017	20 days
Mailed Notice	10 days	November 27, 2017	November 27, 2017	20 days

PUBLIC COMMENT/COMMUNITY OUTREACH

- Staff has received not received letters in support or opposition.

ISSUES AND OTHER CONSIDERATIONS

- The Commerce and Industry Element of the General Plan contains Guidelines to avoid the potential over-concentration of eating and drinking establishments. The Guidelines specifically state, "the balance of commercial uses may be threatened when eating and drinking establishments occupy more than 20% of the total occupied commercial frontage." Eating and drinking establishments are prevalent in the area, however, the requested authorization would not create a new stand-alone bar establishment or expand the physical footprint of the existing restaurant. The restaurant currently serves wine and beer in association with meals. The requested authorization would broaden the selection of available drinks by allowing the sale of distilled spirits and beer that is produced from the microbrewery on the premises.
- A type 75 license is a retail license and is not allowed, per section 23401 of the Alcoholic Beverage Control Act, to "label, bottle, package, or refill any package with any alcoholic beverage." A type 75 cannot sell beer (bottles, growlers, kegs) for off-site sales.

- The proposed use is an independent, locally-owned use, which has been encouraged throughout San Francisco. This is not a Formula Retail use and would serve the immediate neighborhood, as well as clientele from outside the neighborhood that frequents the Castro Street Neighborhood Commercial District.

REQUIRED COMMISSION ACTION

In order for the project to proceed, the Commission must grant conditional use authorization to allow Accessory Brewery Activities (ABC Type 75 License “Brew-pub”) within the Castro Street NCD.

BASIS FOR RECOMMENDATION

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

RECOMMENDATION:	Approval with Conditions
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Attachments:

Block Book Map

Sanborn Map

Aerial Photographs

Project Sponsor Submittal, including:

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

Attachment Checklist

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

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

CC
Planner's Initials

KG: G:\Documents\Projects\1423 Polk\2011.0097C - 1423 Polk Street - Exec Sum.doc



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 RELATED TO THE APPROVAL OF A CONDITIONAL USE AUTHORIZING ACCESSORY BREWERY ACTIVITIES (ABC TYPE 75 LICENSE “BREW-PUB”) WITHIN AN EXISTING FULL-SERVICE RESTAURANT (D.B. A. LARK) AT 4068 18TH STREET ON ASSESSOR’S BLOCK 3582, LOT 053, LOCATED WITHIN THE CASTRO STREET NEIGHBORHOOD COMMERCIAL DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On April 5, 2017, Javier Solorzano acting agent on behalf of property owner (hereinafter “Project Sponsor”) made an application for Conditional Use authorization for the property at 4068 18th Street, Lot 3582 in Assessor’s Block 053 (hereinafter “Subject Property”), pursuant to Planning Code Section 303 and 715 to authorize Accessory Brewery Activities (ABC Type 75 License “Brew-pub”) in a conditionally established Restaurant Use (D.B. A. Lark, 2002.1105C, Motion 16670) within the Castro Street Neighborhood Commercial District and a 40-X Height and Bulk District, in general conformity with plans dated August 15, 2017 and labeled “Exhibit B” (hereinafter “Project”).

The Project would allow the applicant to seek a Type 75 License from the California Department of Alcoholic Beverage Control. This license would permit the sale of beer, wine, and distilled spirits for on-site consumption in association with the restaurant, plus the operation of a microbrewery. The existing tenant space measures approximately 1,500 square feet and the size would not change as part of the project. Minor interior tenant improvements are proposed as part of the approximately 85 square feet brew station area, with no expansion of the existing building.

On December 7, 2017, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2017-004909CUA.

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

MOVED, that the Commission hereby authorizes the Conditional Use requested in Application No. 2017-004909CUA, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

FINDINGS

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

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The Project Site is located on the North side of 18th Street, between Castro and Hartford Streets, Block 3582, Lot 053. The subject property is located within the Castro Street Neighborhood Commercial District ("NCD") and the 40-X Height and Bulk District. The property is a four-story building developed with a ground floor commercial space and three residential units on the upper floors. The ground floor is developed with Lark, a full service Restaurant.
3. **Surrounding Properties and Neighborhood.** The project site is located in an area of mixed-use character and on a corridor composed primarily of ground floor commercial/retail uses and upper floor residential. A variety of commercial establishments are located within ground floor storefronts in the Castro Street NCD, including the Castro Theatre, banks, restaurants, apparel stores, personal service, and other types of retailers. The physical form of the district is a crossing at Castro and 18th Streets, the arms of which contain many small, but intensely active commercial businesses. Commercial businesses are active both in the daytime and late into the evening and include a number of bars and restaurants, as well as several specialty clothing and gift stores. Adjacent properties include a retail and restaurant uses. Buildings in the vicinity typically range from one to four stories in height.
4. **Project Description.** The existing restaurant intends to seek a Type 75 License from the California Department of Alcoholic Beverage Control. This license would permit the sale of beer, wine, and distilled spirits for on-site consumption in association with the restaurant, plus the operation of a microbrewery. Within the Castro Street Neighborhood Commercial District ("NCD"), a Restaurant, as defined in Planning Code Section 102, may only add ABC license types 47, 49 or 75 as a Conditional Use on the ground level. The existing tenant space measures

approximately 1,500 square feet and the size would not change as part of the project. The sponsor proposes to install one tank for the microbrewery within the dining area. No other fixtures or modifications to the existing restaurant are proposed, and the size of restaurant would not change. The proposed commercial use is under 5,000 square feet in size, so there is not an on-site parking requirement.

The restaurant use is an independent use and locally owned, which has been encouraged throughout San Francisco. The existing restaurant use is not a Formula Retail use. The proposed use is a neighborhood-serving use.

5. **Issues and Other Considerations.**

- A type 75 license is a retail license and is not allowed, per section 23401 of the Alcoholic Beverage Control Act, to “label, bottle, package, or refill any package with any alcoholic beverage.” A type 75 cannot sell beer (bottles, growlers, kegs) for off-site sales.

6. **Public Comment.** As of November 28, 2017, the Department has not received any letters or phone calls in opposition or support to the proposed project.

7. **Planning Code Compliance:** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:

- A. **Outdoor Activity.** Planning Code Section 710.24 states that a Conditional Use Authorization is required for an Outdoor Activity Area, as defined by Planning Code Section 790.70.

No outdoor activity is proposed on-site.

- B. **Hours of Operation.** Planning Code Section 710.27 states that a Conditional Use Authorization is required for maintaining hours of operation from 11p.m. to 2 a.m., as defined by Planning Code Section 790.48.

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

- C. **Rear Yard.** Planning Code Sections 134 and 715.12 states that the minimum rear yard depth shall be equal to 25 percent of the total depth of a lot in which it is situated at the second story and above and at all residential levels in the Castro Street NCD.

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

- D. **Floor Area Ratio.** Per Planning Code Sections 124 and 715.20, the maximum floor area ratio for non-residential uses in the Upper Market NCT is 3.0 to 1.0.

The subject lot size is approximately 2,500 sq. ft., which allows for 7,500 nonresidential gross square feet can be developed on the Project Site. Since the Project will not include the physical expansion of the commercial space, there will be no increase in nonresidential gross floor area.

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

The Project would add Accessory Brewery Activities (Abc Type 75 License "Brew-Pub") to an existing full-service restaurant. The interior configuration and physical footprint of the restaurant would not be altered as part of the proposed project; therefore, the use size of the existing restaurant would not change.

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

The Subject Property contains approximately 1,500 square-feet of occupied floor area and thus does not require any off-street parking.

- G. **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.

Although the property is not subject to street frontage requirements because it is less than 30 feet in width, the Project does provide active uses within 25 feet of the building's ground floor. Currently, the subject commercial space has approximately 25 feet of frontage on Castro Street with approximately 9 feet – 3 inches devoted to the restaurant entrance or window space. The Project does not propose changes to the existing building or commercial frontage.

H. **Signage.** Currently, there is not a proposed sign program on file with the Planning Department. The proposed business does not have a name as of this writing. Any proposed signage will be subject to the review and approval of the Planning Department.

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

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

The Project is desirable because it will contribute to the viability of an existing restaurant that is locally-owned and has operated on the site. The existing restaurant serves beer and wine in association with meals. The requested authorization would broaden the selection of drinks served within the existing restaurant by allowing the sale of distilled spirits and beer that is produced from the microbrewery on the premises.

The Project would not physically expand the existing restaurant. The restaurant would continue to serve patrons in the neighborhood. The Project is desirable and compatible with the neighborhood.

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

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

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

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

The Planning Code does not require parking or loading for a 1,500 square-foot restaurant; no off-street parking or loading will be provided. The existing use is designed to meet the needs of the immediate neighborhood. The addition of a type 75 license should not generate significant amounts of vehicular trips from the immediate neighborhood or citywide. The Project Site is very well served by public transit.

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

The Commission is not aware of any formal complaints regarding offensive noise or odors at the Lark Restaurant and outlined in Exhibit A. Conditions 3 and 4 specifically obligates the project sponsor to mitigate odor and noise generated by the restaurant use.

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

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

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

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

The Project would broaden the selection of drinks served with meals in the existing restaurant by allowing the sale of distilled spirits and beer that is produced from the microbrewery on the premises. The addition of the Type 75 License will not disrupt the balance of commercial uses in the area, and will not displace establishments that provide convenience goods and services. The Project will not adversely affect the cited policies of the Commerce and Industry Element, or other Elements of the General Plan.

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

The Project is consistent with the stated purposed of Castro Street NCD in that the intended use is located at the ground floor and will provide a compatible convenience service for the immediately surrounding neighborhoods during daytime hours. The Project would not expand the restaurant, and therefore, would not displace retail storefronts that could provide for convenience goods and services. The Project would enhance the viability of an existing restaurant, contributing to the overall vitality and evening activity within the District. The Commission is not aware of any formal complaints regarding offensive noise or odors at the Lark Restaurant. Exhibit A of this motion includes a condition requiring that all noise and odors be regulated so as not to be a nuisance to nearby businesses.

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

NEIGHBORHOOD COMMERCE

Objectives and Policies

OBJECTIVE 1:

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

Policy 1.1:

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

Policy 1.2:

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

Policy 1.3:

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

The proposed development will provide desirable goods and services to the neighborhood and will provide resident employment opportunities to those in the community. The expanded scope of the existing business to include outdoor activity and extended hours of operation will not result in undesirable consequences. Further, the Project Site is located within a Neighborhood Commercial District and is thus consistent with activities in the commercial land use plan.

OBJECTIVE 2:

MAINTAIN AND ENHANCE A SOUND AND DIVERSE ECONOMIC BASE AND FISCAL STRUCTURE FOR THE CITY.

Policy 2.1:

Seek to retain existing commercial and industrial activity and to attract new such activity to the City.

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

OBJECTIVE 6:

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

Policy 6.1:

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

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

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

Eating and Drinking Establishments

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

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

No commercial tenant would be displaced and the project would activate the ground floor with restaurant use that is compatible with the Neighborhood Commercial District. In order for a neighborhood commercial district to remain viable and serve the needs of the surrounding neighborhood, it must exhibit a healthy balance of different types of commercial uses. This policy includes guidelines that eating and drinking establishments should not occupy more than 25 percent of the total commercially-occupied frontage in a district. The Project would broaden the selection of drinks served with meals in the restaurant by allowing the sale of distilled spirits and beer that is produced from the microbrewery on the premises. The addition of Accessory Brewery Activities (ABC Type 75 License "Brew-pub") will not disrupt the balance of commercial uses in the area, and will not displace storefronts that could provide for neighborhood-serving goods and services.

Policy 6.2:

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

The Project is desirable because it will contribute to the viability of an existing restaurant that is locally-owned and has operated. The restaurant currently serves beer and wine in association with meals. The requested authorization would broaden the selection of drinks served within the existing restaurant by allowing the sale of distilled spirits and micro brewed beer produced on the premises. The Project would not physically expand the existing restaurant. The Project is desirable and compatible with the neighborhood, and will contribute to the vitality of the District.

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

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

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

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

The Project would add Accessory Brewery Activities (Abc Type 75 License "Brew-Pub") to an existing full-service restaurant and would not expand the footprint or change the configuration of the existing restaurant. The Project is not expected to dramatically alter the operation or character of the existing restaurant, and will enhance the commercial vitality of the Polk Street NCD.

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

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

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

The site is on 18th Street and is well served by transit. It is presumable that the employees would commute by transit thereby mitigating possible effects on street parking. The subject property is within ¼ mile of several MUNI lines (24, 33, 35, F, KT, L, and M).

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

The Project will not displace any service or industry establishment. The project will not affect industrial or service sector uses or related employment opportunities. Ownership of industrial or service sector businesses will not be affected by this project. There is no commercial office development associated with the Project. No industrial or service sector uses would be displaced.

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

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

7. That landmarks and historic buildings be preserved.

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

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

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

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

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Application No. 2017-005533CUA** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated April 18, 2015, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

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

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

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

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on June 2, 2016.

Jonas P. Ionin
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: December 7, 2017

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to allow Accessory Brewery Activities (ABC Type 75 License "Brew-pub") in a conditionally established Restaurant Use (D.B. A. Lark, 2002.1105C, Motion 16670) located at 4068 18th Street, Lot 3582 in Assessor's Block 053 pursuant to Planning Code Sections 715 and 303 within the Castro Street Neighborhood Commercial District and a 40-X Height and Bulk District; in general conformance with plans, dated June 6, 2017, and stamped "EXHIBIT B" included in the docket for Case No. 2017-005533CUA and subject to conditions of approval reviewed and approved by the Commission on December 7, 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 December 7, 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 and Expiration.** The authorization and right vested by virtue of this action is valid for three years from the effective date of the Motion. A building permit from the Department of Building Inspection to construct the project and/or commence the approved use must be issued as this Conditional Use authorization is only an approval of the proposed project and conveys no independent right to construct the project or to commence the approved use. The Planning Commission may, in a public hearing, consider the revocation of the approvals granted if a site or building permit has not been obtained within three (3) years of the date of the Motion approving the Project. Once a site or building permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. The Commission may also consider revoking the approvals if a permit for the Project has been issued but is allowed to expire and more than three (3) years have passed since the Motion was approved.

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

DESIGN

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

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org.

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

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

For information about compliance with the construction noise, contact the Department of Building Inspection, 415-558-6570, www.sfdbi.org

For information about compliance with the amplified sound including music and television contact the Police Department at 415-553-0123, www.sf-police.org

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

MONITORING

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

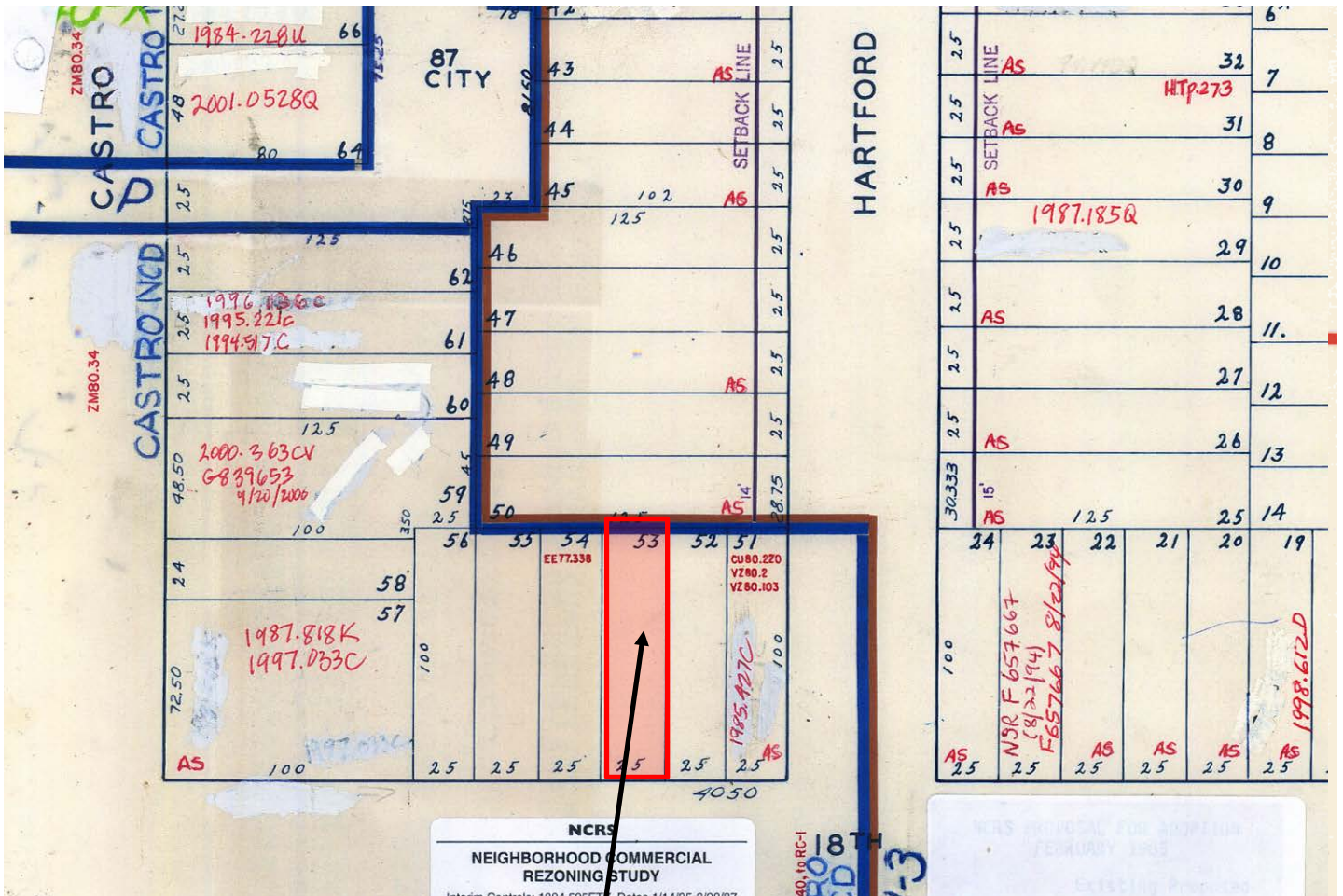
OPERATION

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

MONITORING - AFTER ENTITLEMENT

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

Parcel Map



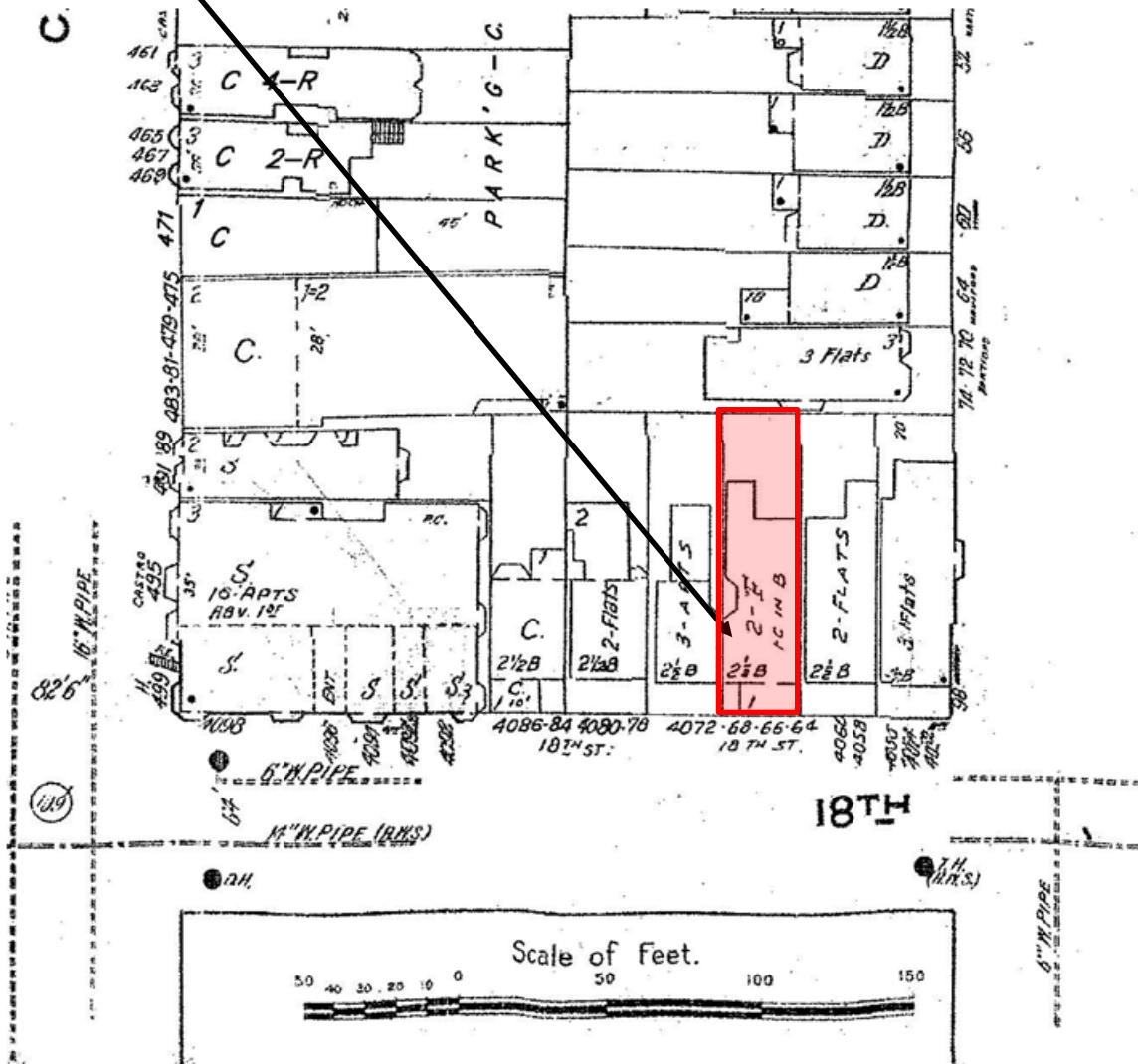
SUBJECT PROPERTY



Conditional Use Hearing
Case Number 2017-005533CUA
ABC TYPE 75 LICENSE "BREW-PUB"
4068 18TH STREET

Sanborn Map*

SUBJECT PROPERTY

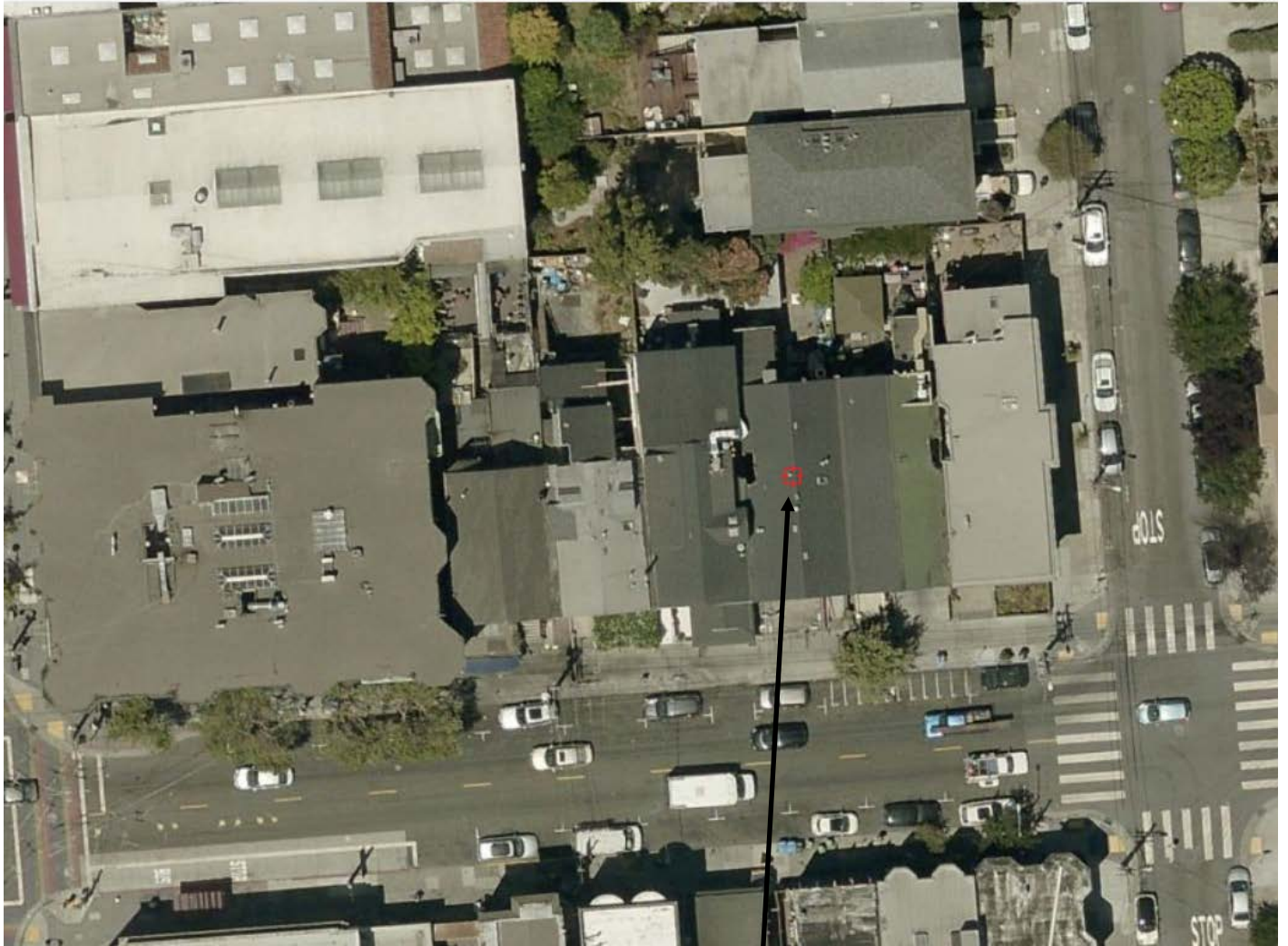


*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.



Conditional Use Hearing
Case Number 2017-005533CUA
ABC TYPE 75 LICENSE "BREW-PUB"
4068 18TH STREET

Aerial Photo

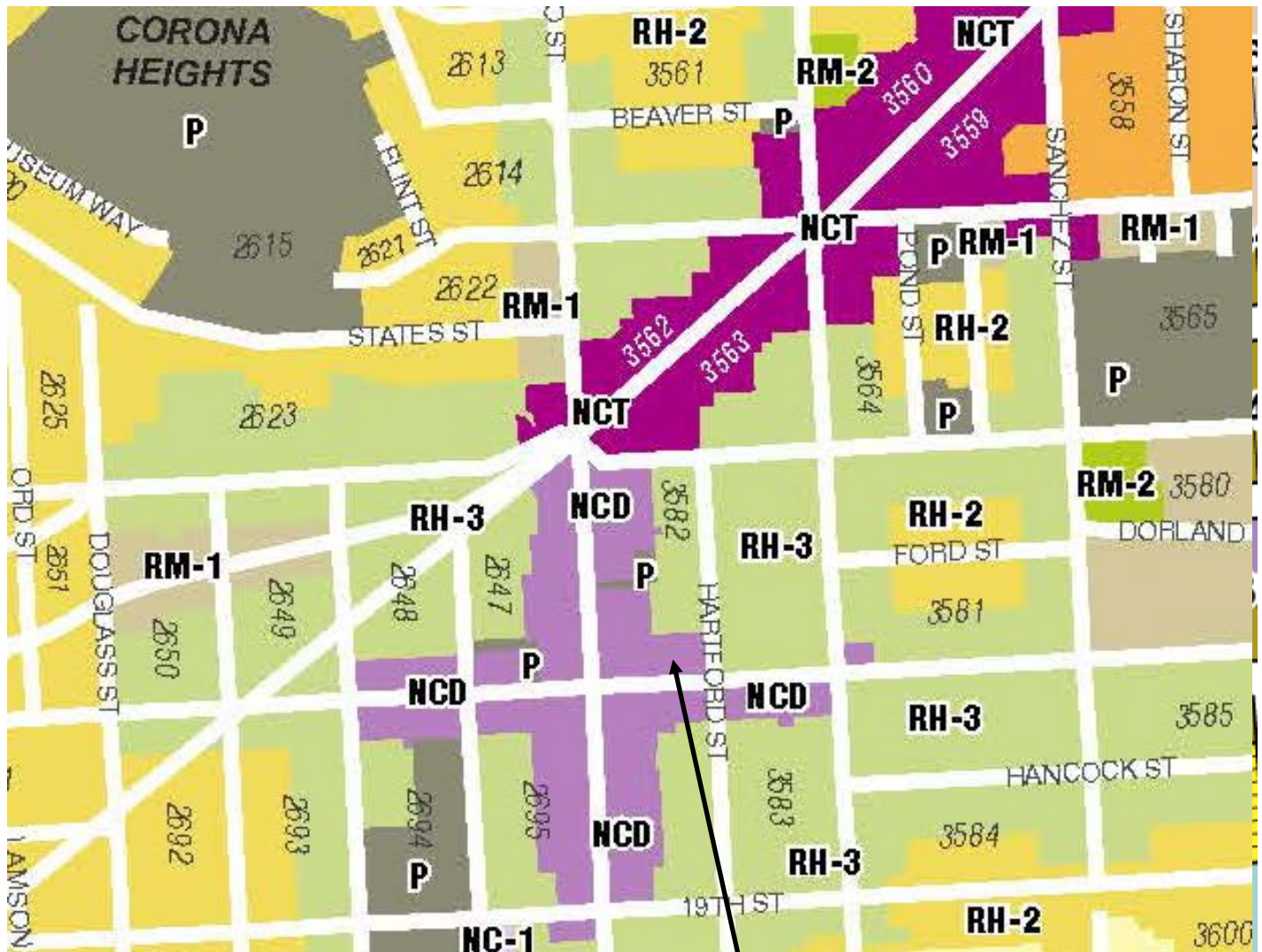


SUBJECT PROPERTY



Conditional Use Hearing
Case Number 2017-005533CUA
ABC TYPE 75 LICENSE "BREW-PUB"
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Zoning Map

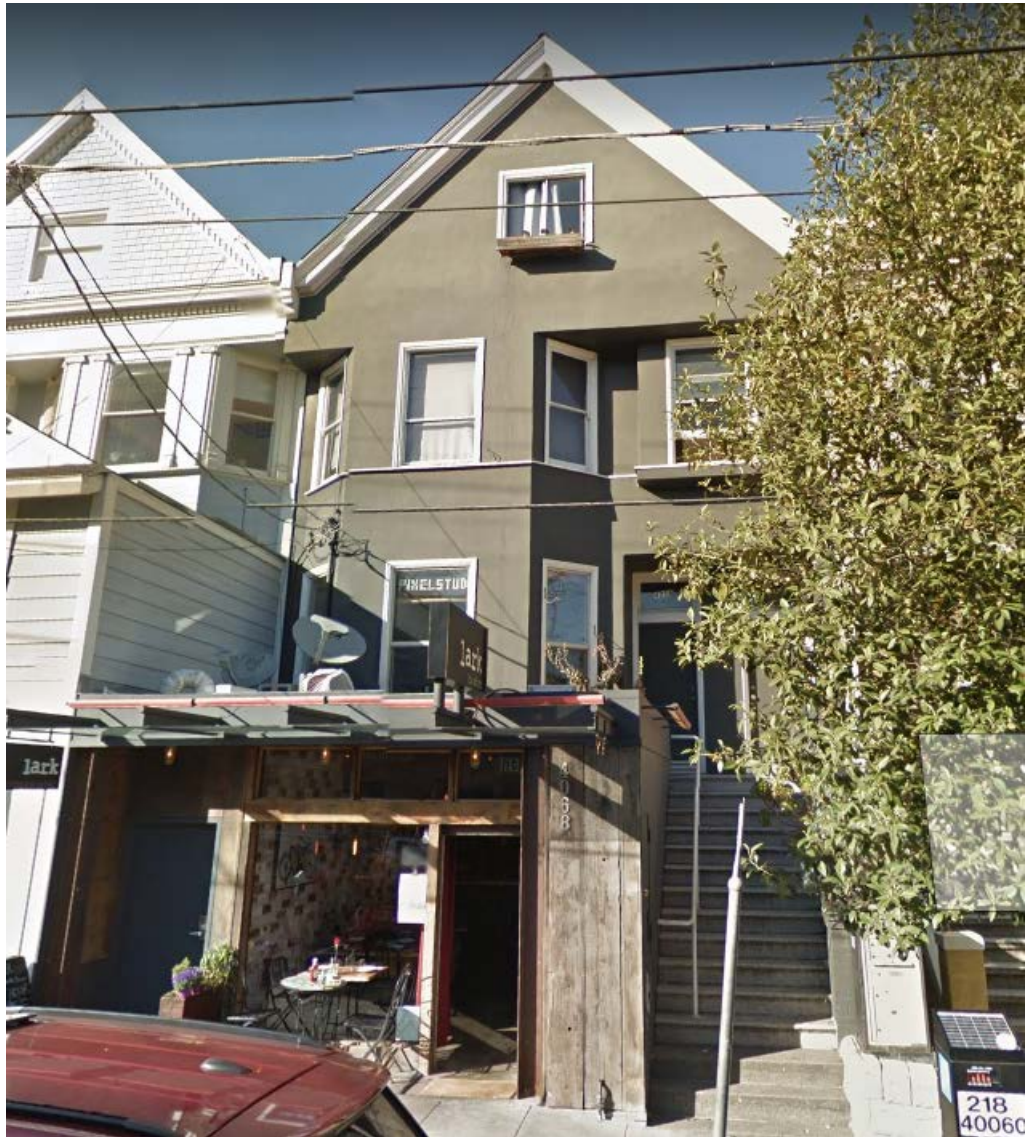


SUBJECT PROPERTY



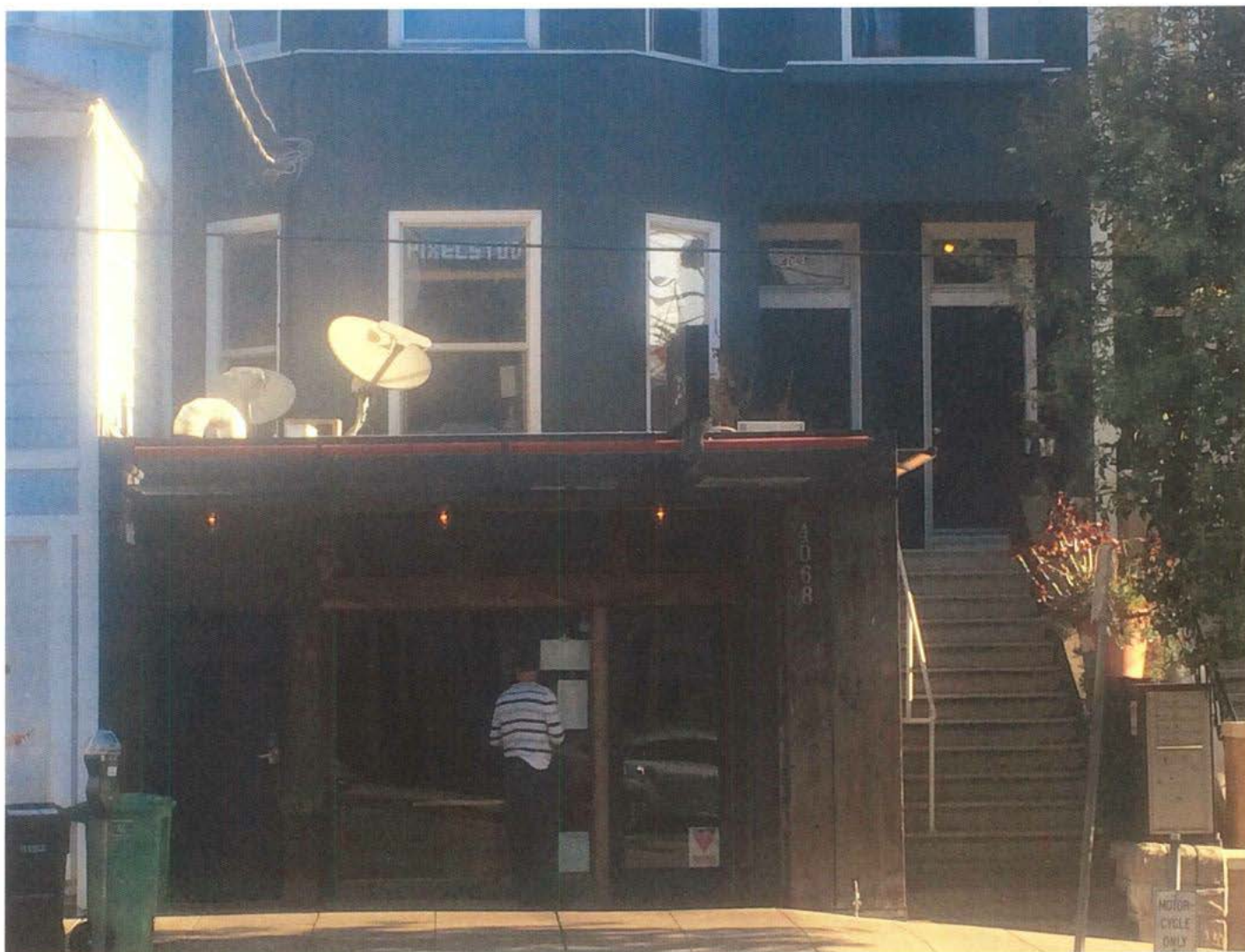
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Site Photo



Conditional Use Hearing
Case Number 2017-005533CUA
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4068 18TH STREET

Site Photo



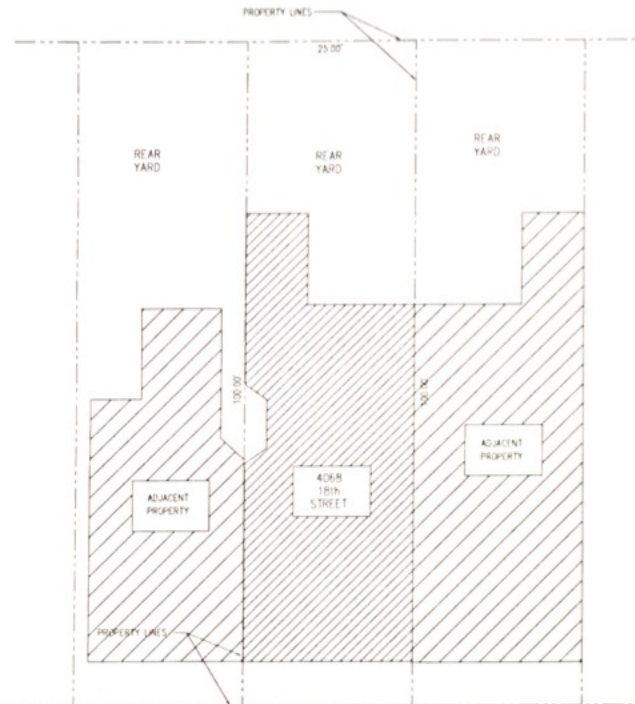
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4068 18TH STREET

SCOPE OF WORK
CHANGE OF USE



OUR LINE
18th STREET

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

GENERAL NOTES:

THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS ON THE DRAWINGS PRIOR TO COMMENCING WORK. ANY CONFLICTS OR DISCREPANCIES SHALL BE BROUGHT TO THE ATTENTION OF THE OWNER AND BE RESOLVED BEFORE WORK PROCEEDS. THE CONTRACTOR SHALL COORDINATE THE WORK OF ALL TRADES AND COORDINATE ALL REQUIRED PENETRATIONS AT FOUNDATION, FLOOR, WALL, OR ROOF CONSTRUCTION. THE CONTRACTOR IS RESPONSIBLE FOR PROVIDING ALL BRACING, SHORING, AND TEMPORARY SUPPORTS AS REQUIRED TO RESIST CONSTRUCTION LOADS UNTIL COMPLETION OF THE VERTICAL AND LATERAL LOAD SYSTEMS.

PROJECT DATA

COMMERCIAL/RESIDENTIAL
ZONING: NCD, 40-X
BUILDING TYPE: V-B
OCCUPANCY: R-3
LOT SIZE: 25.00' x 100.00'
LOT SQUARE FOOTAGE: 2500 S.F.

DRAWING INDEX

- 1 GENERAL NOTES AND SITE PLAN
- 2 FLOOR PLANS

CODE COMPLIANCE NOTE

ALL DESIGN AND CONSTRUCTION WORK SHALL COMPLY WITH THE FOLLOWING:

2016 CALIFORNIA BUILDING CODE
2016 CALIFORNIA RESIDENTIAL CODE
2016 CALIFORNIA ELECTRICAL CODE
2016 CALIFORNIA MECHANICAL CODE
2016 CALIFORNIA FIRE CODE
2016 CALIFORNIA PLUMBING CODE
2016 CALIFORNIA ENERGY CODE
2016 CALIFORNIA GREEN BUILDINGS STANDARD CODE
ALL OTHER STATE AND LOCAL LAWS, ORDINANCES AND REGULATIONS

WALL LEGEND

- EXISTING WALL TO REMAIN
- NEW WOOD FRAME WALL (2X4 @ 16" O.C.) (NON-BEARING)
- EXISTING NON-BEARING WALL TO BE REMOVED

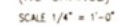
REVISION	BY

DESIGNER: JAVIER SOLDRIZANO
3258 21st STREET #49
SAN FRANCISCO, CALIFORNIA 94110
(415) 724-5240

SITE PLAN
AND GENERAL NOTES

CHANGE OF USE
4068 18TH STREET
SAN FRANCISCO, CALIFORNIA
BLOCK: 3582 LOT: 05J

Date: 08/09/17
Scale: AS NOTED
Drawn: VPS
Job:
Sheet:
1
of 2 Sheets



<p> CHANGE OF USE 4068 18TH STREET SAN FRANCISCO, CALIFORNIA BLOCK: 3582 LOT: 053 </p>	<p> FLOOR PLANS FRONT ELEVATION </p>	<p> DESIGNER: JAVIER SOLORZANO 3288 21st STREET #49 SAN FRANCISCO, CALIFORNIA 94110 (415) 724-5240 </p>	<p> ARCHITECTURE </p>	<p> 9' </p>
<p> Date 08/05/17 Scale AS NOTED Drawn VFS Check Sheet </p>	<p> 2 </p>	<p> Of 2 Sheets </p>		

Nov. 16, 2017

Via Email: Cathleen.campbell@sfgov.org

Cathleen Campbell CPC

SAN FRANCISCO PLANNING DEPARTMENT

1650 Mission St., Rm. 400

San Francisco, CA. 94103

Re: Items for Commission- Lark Restaurant 4068 18th. St., San Francisco, CA. 94114

Dear Cathleen:

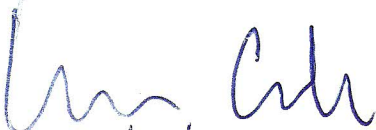
The purpose of this letter is to respond to your email of November 14, 2017 asking for additional information about the restaurant, which I will answer in the order you requested. I would also like to point out up front, that the restaurant will remain a bonafied eating place, and the operation of this restaurant under the type 75 license upgrade, as opposed to the type 41 license currently at the premises, will be indistinguishable to a customer, resident in the area, or passerby.

- 1) Number of Employees: Total 16. Broken down as 9 waiters and 7 cooking staff
- 2) How do they get to work: Public Transportation
- 3) Where is the trash pick-up: Curbside every day except Sunday
- 4) Where is the garbage stored: Rear patio of the restaurant
- 5) Percentage of takeout: -0-
- 6) Does the facility act as a bonafied eating place: Yes
- 7) Does the facility act more like a bar: No

The restaurant operation under the type 75 license upgrade will not change. It will remain a bonafied eating place and not be operating as a bar. The tank system required for the type 75 license fits into a space of 65 sq. ft, usually placed in the back room. and will not be noticed by customers coming to order their meals. This tank system is specially designed for restaurants. No brew master is needed as the sweet water comes already prepared and filtered and goes directly into the tanks. The owner simple adds yeast and waits the required time until it's ready to serve. A line runs directly from the tank to the bar tap, where it is served to the customers. In reality, the system is no different than a large beer keg. No sediment enters the sewer system as the sweet water is filtered prior to delivery. Minimal water is needed for clean-up and sanitizing the tanks (25 gallons) about 10 times per year.

Once again I would like to reiterate the restaurant operating with a type 75 license upgrade as opposed to a type 41 license will not be changing the usage. It will still be operating as a bonafied eating place but will have the ability to serve it's food customers a cocktail, beer or glass of wine with their meals.

I hope this addresses your questions and answers any concerns you have regarding this operation


11/16/17