



# SAN FRANCISCO PLANNING DEPARTMENT

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## Executive Summary Conditional Use

HEARING DATE: 05/24/2018

*Record No.:* **2018-002906CUA**  
*Project Address:* **3583 16<sup>th</sup> STREET**  
*Zoning:* Upper Market Neighborhood Commercial Transit District  
50-X Height and Bulk District  
*Block/Lot:* 3564/092  
*Applicant:* BACK OF THE HOUSE  
Heather Descagnia  
1829 Union Street, San Francisco 94123  
*Staff Contact:* Cathleen Campbell – (415) 575-8732  
[cathleen.campbell@sfgov.org](mailto:cathleen.campbell@sfgov.org)  
*Recommendation:* **Approval with Conditions**

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

### PROJECT DESCRIPTION

The restaurant tenant (D.B.A. Starbelly) intends to seek a Type 47 License from the California Department of Alcoholic Beverage Control. This license would permit the sale of beer, wine, and distilled spirits for on-site consumption in association with the existing restaurant use.

### REQUIRED COMMISSION ACTION

In order for the Project to proceed, the Commission must grant a Conditional Use Authorization to allow an ABC Type 47 License within the Upper Market NCT.

### ISSUES AND OTHER CONSIDERATIONS

- The Commerce and Industry Element of the General Plan contains Guidelines to avoid the potential over-concentration of eating and drinking establishments. The Guidelines specifically state, "the balance of commercial uses may be threatened when eating and drinking establishments occupy more than 20% of the total occupied commercial frontage." Eating and drinking establishments are prevalent in the area, however, the requested authorization would not create a new stand-alone bar establishment or expand the physical footprint of the existing restaurant use. A Type 47 License will not increase the percentage commercial frontage of eating and drinking establishments within 300 feet of the project site and Upper Market Neighborhood Commercial Transit District.

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

## **BASIS FOR RECOMMENDATION**

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

## **ATTACHMENTS:**

Draft Motion – Conditional Use Authorization  
Exhibit A – Conditions of Approval  
Exhibit B – Plans and Renderings  
Exhibit C – Environmental Determination  
Exhibit D – Land Use Data  
Exhibit E – Maps and Context Photos  
Exhibit F - Public Correspondence



# 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

HEARING DATE: MAY 24, 2018

*Date:* May 5, 2018  
*Case No.:* **2018-002906CUA**  
*Project Address:* **3583 16<sup>TH</sup> Street**  
*Zoning:* Upper Market Neighborhood Commercial Transit District  
50-X Height and Bulk District  
*Block/Lot:* 3564/092  
*Project Sponsor:* BACK OF THE HOUSE  
Heather Descagnia  
1829 Union Street  
San Francisco, CA 94123  
*Staff Contact:* Cathleen Campbell – (415) 575-8732  
[cathleen.campbell@sfgov.org](mailto:cathleen.campbell@sfgov.org)

**ADOPTING FINDINGS RELATED TO THE APPROVAL OF A CONDITIONAL USE AUTHORIZING ABC LICENSE TYPE 47 (ON-SALE GENERAL LIQUOR, BEER, AND WINE FOR BONA FIDE PUBLIC EATING PLACE) WITHIN AN ESTABLISHED RESTAURANT USE (D.B.A. STARBELLY) AT 3583 16TH STREET ON ASSESSOR'S BLOCK 3564, LOT 092, LOCATED WITHIN THE UPPER MARKET STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT AND A 50-X HEIGHT AND BULK DISTRICT.**

### PREAMBLE

On February 27, 2018, Heather Descagnia acting agent on behalf of property owner (hereinafter "Project Sponsor") made an application for Conditional Use authorization for the property at 3583 16<sup>th</sup> Street, Lot 092 in Assessor's Block 3564 (hereinafter "Subject Property"), pursuant to Planning Code Section 303 and 764 to authorize ABC License Type 47 (On-Sale General Liquor, Beer, And Wine For Bona Fide Public Eating Place) within an established restaurant use (D.B.A. STARBELLY) within the Upper Market Neighborhood Commercial Transit District and a 50-X Height and Bulk District, in general conformity with plans dated April 10, 2018 and labeled "Exhibit B" (hereinafter "Project").

The Project would allow the applicant to seek a Type 47 License from the California Department of Alcoholic Beverage Control. This license would permit the sale of beer, wine, and distilled spirits for on-site consumption in association with the restaurant. The existing tenant space measures approximately

2,100 square-foot with an approximately 550 square foot storage mezzanine and a 710 square feet outdoor activity area. The size would not change as part of the project.

On May 24, 2018, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2018-002906CUA.

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. 2018-002906CUA , 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. **Project Description.** The restaurant tenant (D.B.A. Starbelly) intends to seek a Type 47 License from the California Department of Alcoholic Beverage Control. This license would permit the sale of beer, wine, and distilled spirits for on-site consumption in association with the existing restaurant use. The existing restaurant use currently holds a Type 41 License from the California Department of Alcoholic Beverage Control, which permits the sale of beer and wine with meals. Within the Upper Market Street Neighborhood Commercial Transit District ("NCT"), a Restaurant use, as defined in Planning Code Section 102, may only add ABC license types 47, 49 or 75 as a Conditional Use on the ground level.

The percentage of eating and drinking establishments (as measured in linear feet) will not increase within a 300 foot radius of the subject property or increase from 21.3% within the Upper Market NCT. The existing tenant space measures approximately 2,100 square-foot with an approximately 550 square foot storage mezzanine and a 710 square feet outdoor activity area and the size would not change as part of the project. The proposed commercial use is under 5,000 square feet in size, so there is not an on-site parking requirement.

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

3. **Site Description and Present Use.** The Project Site is located on the south side of 16<sup>th</sup> Street, between Market, Pond and Noe Streets, Block 3564, Lot 092. The subject property is located

within the Upper Market Neighborhood Commercial Transit District ("NCT") and the 50-X Height and Bulk District. The property is a single-story building developed with a 2,100 square-foot full-service restaurant with an approximately 550 square foot storage mezzanine and a 710 square feet outdoor activity area.

4. **Surrounding Properties and Neighborhood.** The project site is located in an area of mixed-use character and on a corridor composed primarily of ground floor commercial/retail uses and upper floor residential. The Upper Market Street NCT is on Market Street from Church to Castro, and on side streets off Market is situated at the border of the Eureka Valley, Buena Vista, and Duboce Triangle neighborhoods. A variety of commercial establishments are located within ground floor storefronts in the Upper Market NCT, including banks, restaurants, apparel stores, personal service, and other types of retailers. Commercial businesses are active both in the daytime and late into the evening and include a number of bars and restaurants, as well as several specialty clothing and gift stores. Buildings in the vicinity typically range from one to four stories in height. Adjacent properties include a 3-story, 12-unit residential building and 5-story, mixed-use building with ground floor retail, 18 residential units and a basement garage.
5. **Public Comment.** As of May 10, 2018, the Department has received two letters of support to the proposed project.
6. **Planning Code Compliance:** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:
  - A. **Upper Market Street Liquor Licenses for Restaurants.** Planning Code Section 764 states that a Restaurant use may only add ABC License Types 47, 49, or 75 as a Conditional Use on the ground level if, in addition to the criteria set forth in Section 303, the Planning Commission finds that the Restaurant is operating as a Bona Fide Eating Place as defined in Section 202.2 of the Code. Should a Restaurant fail to operate as a Bona Fide Eating Place for any length of time, the Conditional Use Authorization shall be subject to immediate revocation.

*The existing legal use is a Restaurant use with a Type 41 License. The restaurant use serves beer and wine in association with meals. The restaurant tenant is seeking Conditional Use Authorization to upgrade the license to a Type 47. The Restaurant will continue to operate as a Bona Fide Eating Place. The requested authorization would broaden the selection of drinks served within the existing restaurant by allowing the sale of distilled spirits. No additional hours or bar-only hours are proposed.*
  - B. **Outdoor Activity.** Planning Code Section 764 states that a Conditional Use Authorization is required for an Outdoor Activity Area, as defined by Planning Code Section 145.2.

*An existing 710 square feet outdoor activity area was previously conditioned with Conditions of Approvals of Motion No. 17984. Conditions include: outdoor food service shall end at 9 p.m., seven days a week and all outdoor activity must cease by 10:00 p.m.*

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

*Extended operation hours are previously approved with Conditions of Approvals of Motion No. 17984. Conditions include: Friday and Saturday, indoor food service shall end at midnight. Sunday through Thursday, indoor food service shall end at 11 :00 p.m. Site clean-up shall end at 1 :00 a.m., seven days a week and the property vacated, except for indoor-only janitorial services permitted to 4:00 a.m.*

- D. **Rear Yard.** Planning Code Sections 130 and 134 states that the minimum rear yard depth shall be equal to 25 percent of the total depth of a lot in which it is situated at the second story and above and at all residential levels in the Upper Market Neighborhood Commercial Transit District ("NCT").

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

- E. **Floor Area Ratio.** Per Planning Code Sections 124 and 764, the maximum floor area ratio for non-residential uses in the Upper Market NCT is 3.0 to 1.0.

The subject lot size is approximately 2,500 sq. ft., which allows for 9,315 nonresidential gross square feet can be developed on the Project Site. Since the Project will not include the physical expansion of the commercial space, there will be no increase in nonresidential gross floor area.

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

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

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

*The Subject Property contains approximately 2,100 square-foot floor area with an approximately 550 square foot storage mezzanine and thus does not require any off-street parking.*

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

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

*Currently, the subject commercial space has approximately 25 feet of frontage on 16<sup>th</sup> Street with approximately 20 feet devoted to the restaurant entrance or window space. The Project does not propose changes to the existing building or commercial frontage.*

- I. **Signage.** Currently, there is not a proposed sign program on file with the Planning Department. The proposed business does not have a name as of this writing. Any proposed signage will be subject to the review and approval of the Planning Department.
7. **Planning Code Section 303** establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use approval. On balance, the project does comply with said criteria in that:
  - A. The proposed new uses and building, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable, and compatible with, the neighborhood or the community.

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

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

- B. The proposed project will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity. There are no features of the project that could be detrimental to the health, safety or convenience of those residing or working the area, in that:
  - i. Nature of proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;

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

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

*The Planning Code does not require parking or loading for a 2,100 square-foot restaurant; no off-street parking or loading will be provided. The existing use is designed to meet the needs of the immediate neighborhood. The addition of a type 47 license should not generate significant amounts of vehicular trips from the immediate neighborhood or citywide. The Project Site is very well served by public transit.*

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

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

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

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

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

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

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



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

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

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

A. Project Vicinity

*There is approximately 2,139 linear feet of commercial frontage within 300 feet of the project site. Approximately 702 linear feet or 32.84% of this commercial frontage is comprised of eating and drinking establishments. The addition of an ABC Type 47 will not increase the percentage commercial frontage of eating and drinking establishments within 300 feet of the project site.*

B. Upper Market NCT

*There is approximately 7,402 linear feet of commercial frontage within the Upper Market NCT. Approximately 1,575 linear feet or 21.28% of this commercial frontage is comprised of eating and drinking establishments. The addition of an ABC Type 47 license will not increase the percentage commercial frontage of eating and drinking establishments within the Upper Market NCT .*

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

## NEIGHBORHOOD COMMERCE

### Objectives and Policies

#### OBJECTIVE 1:

MANAGE ECONOMIC GROWTH AND CHANGE TO ENSURE ENHANCEMENT OF THE TOTAL CITY LIVING AND WORKINIG 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. Further, the Project Site is located within a Neighborhood Commercial District and is thus consistent with activities in the commercial land use plan.*

**OBJECTIVE 2:**

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

**Policy 2.1:**

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

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

**OBJECTIVE 6:**

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

**Policy 6.1:**

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

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

The following guidelines, in addition to others in this objective for neighborhood commercial districts, should be employed in the development of overall district zoning controls as well as in the review of individual permit applications, which require case-by-case review and City

Planning Commission approval. Pertinent guidelines may be applied as conditions of approval of individual permit applications. In general, uses should be encouraged which meet the guidelines; conversely, uses should be discouraged which do not.

### **Eating and Drinking Establishments**

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

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

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

### **Policy 6.2:**

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

*The Project is desirable because it will contribute to the viability of an existing restaurant use that is locally- owned and has operated. The restaurant use is currently permitted to serve beer and wine in association with meals. The requested authorization would broaden the selection of drinks served within the existing restaurant by allowing the sale of distilled spirits on the premises. The Project would not*

*physically expand the existing restaurant. The Project is desirable and compatible with the neighborhood, and will contribute to the vitality of the District.*

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

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

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

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

*The Project would add Abc Type 47 License to an existing full-service restaurant use and would not expand the footprint or change the configuration of the existing restaurant. The Project is not expected to dramatically alter the operation or character of the existing restaurant use, and will enhance the commercial vitality of the Upper Market NCT.*

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

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

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

*The site is on 16<sup>th</sup> Street and is well served by transit. It is presumable that the employees would commute by transit thereby mitigating possible effects on street parking. The subject property is within ¼ mile of several MUNI lines (14, 7, 22, J F, KT, L, and M).*

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

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

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

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

7. That landmarks and historic buildings be preserved.

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

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

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

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

## DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Application No. 2018-002906CUA** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated April 10, 2018, 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 May 24, 2018.

Jonas P. Ionin  
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: May 24, 2018

# **EXHIBIT A**

## **AUTHORIZATION**

This authorization is for a conditional use to allow ABC Type 47 License within an established Restaurant Use (D.B. A. Starbelly) located at 3583 16th Street, Lot 092, Assessor's Block 3564 pursuant to Planning Code Sections 715 and 303 within the Upper Market Neighborhood Commercial Transit District and a 50-X Height and Bulk District; in general conformance with plans, dated April 10, 2018, and stamped "EXHIBIT B" included in the docket for Case No. 2017-012457CUA and subject to conditions of approval reviewed and approved by the Commission on May 24, 2018 under Motion No XXXXXX. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

## **RECORDATION OF CONDITIONS OF APPROVAL**

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on May 24, 2018 under Motion No XXXXXX.

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

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

## **SEVERABILITY**

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

## **CHANGES AND MODIFICATIONS**

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

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

### PERFORMANCE

1. **Validity.** 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)*



6. **Mitigation Measures.** Mitigation measures described in the MMRP attached as Exhibit C are necessary to avoid potential significant effects of the proposed project and have been agreed to by the project sponsor. Their implementation is a condition of project approval.

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

## DESIGN – COMPLIANCE AT PLAN STAGE

7. **Signage.** The Project Sponsor shall develop a signage program for the Project which shall be subject to review and approval by Planning Department staff before submitting any building permits for construction of the Project. All subsequent sign permits shall conform to the approved signage program. Once approved by the Department, the signage program/plan information shall be submitted and approved as part of the site permit for the Project. All exterior signage shall be designed to compliment, not compete with, the existing architectural character and architectural features of the building.

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

## MONITORING - AFTER ENTITLEMENT

8. **Enforcement.** Violation of any of the Planning Department conditions of approval contained in this Motion or of any other provisions of Planning Code applicable to this Project shall be subject to the enforcement procedures and administrative penalties set forth under Planning Code Section 176 or Section 176.1. The Planning Department may also refer the violation complaints to other city departments and agencies for appropriate enforcement action under their jurisdiction.

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

9. **Revocation due to Violation of Conditions.** Should implementation of this Project result in complaints from interested property owners, residents, or commercial lessees which are not resolved by the Project Sponsor and found to be in violation of the Planning Code and/or the specific conditions of approval for the Project as set forth in Exhibit A of this Motion, the Zoning Administrator shall refer such complaints to the Commission, after which it may hold a public hearing on the matter to consider revocation of this authorization.

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

## OPERATION

10. **Eating and Drinking Uses.** As defined in Planning Code Section 202.2, Eating and Drinking Uses, as defined in Section [102](#), shall be subject to the following conditions:

- A. The business operator 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 Street and Sidewalk Maintenance Standards. In addition, the operator shall be responsible for daily monitoring of the sidewalk within a one-block radius of the subject business to maintain the sidewalk free of paper or other litter associated with the business during business hours, in accordance with Article 1, Section [34](#) of the San Francisco Police Code.

*For information about compliance, contact the Bureau of Street Use and Mapping, Department of Public Works at 415-554-.5810, <http://sfdpw.org>.*

- B. When located within an enclosed space, 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 of 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 construction noise requirements, contact the Department of Building Inspection at 415-558-6570, [www.sfdbi.org](http://www.sfdbi.org).*

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

- C. 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).*

- D. 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 the Bureau of Street Use and Mapping, Department of Public Works at 415-554-.5810, <http://sfdpw.org>.*

11. **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>*

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

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

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

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

14. **Hours of Operation.** The subject establishment is limited to the following hours of operation: *Friday and Saturday, indoor food service shall end at midnight. Sunday through Thursday, indoor food service shall end at 11:00 p.m. Site clean-up shall end at 1 :00 a.m., seven days a week and the property vacated, except for indoor-only janitorial services permitted to 4:00 a.m.*

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

STARBELLY RESTAURANT

3583 16TH ST

SAN FRANCISCO, CA 94114

SHEET INDEX

ARCHITECTURAL	
A0.0	PROJECT INFORMATION
A1.0	SITE PLAN
A2.0	FLOOR PLANS
A3.0	EXTERIOR ELEVATIONS

BACK  
OF THE  
HOUSE

1829 UNION STREET  
SAN FRANCISCO, CA  
94123 T. 707.567.9194

STARBELLY RESTAURANT

3583 16TH ST, SAN FRANCISCO, CA 94114

REFERENCE #2018-002906CUA

PROJECT  
INFORMATION

A0.0

PLOT DATE: 4/10/18

ABBREVIATIONS

GENERAL	AND	D	DOUBLE	H	HOSE BIB	O	OVER	T.O.P	TOP OF TOP OF PLATE
&	ANGLE	DBL	DEMOLISH	HB	HOLLOW CORE	O/	ON CENTER SF	T.O.S	TOP OF SLAB
<	AT	DEM	DETAIL	HC	HANDICAP	OC	OUTSIDE DIMENSION SF	T.O.W	TOP OF WALL
@	NUMBER	DET	DOUGLAS FIR	HCP	HEADER	OD	OVERFLOW DRAIN SF	TP	TOILET PAPER HOLDER
#		DF	DIAMETER	HDR	HARDWOOD	OFD	OVERFLOW SCUPPER SF	TR	TOWEL RACK
C.L.	CENTERLINE	DIA	DIMENSION	HDWD	HEATING , VENTILATION ,	OFS	OPENING SF	TV	TELEVISION
P.L.	PROPERTY LINE	DIM	DIVISION , DIVIDED	HVAC	AIR CONDITIONING	OPNG		TYP	TYPICAL
(E)	EXISTING	DN	DOWN	HW , HWH	HOT WATER HEATER	P		U	UNLESS OTHERWISE NOTED
(N)	NEW	DP	DOUBLE POLE	ID	INSIDE DIMENSION	PERF	PERFORATED	UON	URINAL
		DS	DOWNSPOUT	INS , INSUL	INSULATION	PL	PLYWOOD	UR	
A	ANCHOR BOLT	DW	DISHWASHER	INT	INTERIOR	PLY	PRESSURE TREATED	V	VARIES
AB	ABOVE	DWG	DRAWING	INV	INVERT	PTD	PAINTED	VAR	VINYL COMPOSITE TILE
ABV	ADJACENT	E	EAST			R	RISER	VCT	VERTICAL
AD	ADJACENT	EA	EACH	J	JOINT	R	RADIUS	VERT	VERIFY IN FIELD
ADJ	ADJACENT	EJ	EXPANSION JOINT	JT	JOIST SF	RAD	REDWOOD	VIF	
AFF	ABOVE FINISHED FLOOR	EL	ELEVATION	JST		RDWD	REFER , REFERENCE	W	WEST
ALT	ALTERNATE	ELEC	ELECTRICAL	K	KITCHEN	REF	RETURN	W	WATER CLOSET
ALUM	ALUMINUM	ELEV	ELEVATOR	KIT		RET .	REVISIED , REVISION	WC	WOOD
ANOD	ANNODIZED	EQ	ELECTRICAL PANELBOARD	L	LAMINATE , LAMINATED	REV	ROUGH OPENING	WD	WINDOW
AP	ACCESS PANEL	EXH	EXHAUST	LAM	LAVATORY SF	RM	RAINWATER LEADER	WIN	WELDED WIRE FABRIC
APX , APROX	APPROXIMATE	EXP	EXPOSED	LAV	LIGHTWEIGHT SF	RO		WWF	
ARCH	ARCHITECT , ARCHITECTURAL	EXT	EXTERIOR	LW	LIGHTWEIGHT CONCRETE SF	RWL			
ASPH	ASPHALT			LWC		S	SOUTH		
B	BOARD			M	MIRRORED	S	SOLID CORE		
BD	BLOCKING			M	MANUF	SC	SEE CIVIL ENGINEERING		
BIT	BOTTOM			MAX	MAXIMUM SF	SCD	DRAWINGS		
BLDG	BLOCK			MC	MEDICINE CABINET SF	SECT	SECTION		
BLK	BLOCKING			MDF	MEDIUM DENSITY FIBERBOARD SF	SF	SQUARE FEET		
BOT	BOTTOM			MECH	MECHANICAL SF	SHT	SHEET		
B.O.	BOTTOM OF			MEMB	MEMBRANE SF	SIM	SIMILAR		
BM	BEAM			MIN	MINIMUM SF	SLD	SEE LANDSCAPE DRAWINGS		
B.U.	BUILT-UP			MIR	MIRROR SF	SP	SINGLE POLE		
C	CABINET			MTL	METAL SF	SQ	SQUARE		
CAB	CONTROL JOINT			N	NORTH	SSD	SEE STRUCTURAL DRAWINGS		
CJ	CENTERLINE			N/A	NOT APPLICABLE SF	SSTL	STAINLESS STEEL		
C.L.	CENTERLINE			NIC	NOT IN CONTRACT SF	STC	SOUND TRANSMISSION COEFFICIENT		
CLG	CEILING			NO	NUMBER SF	STL	STEEL		
CLR	CLEAR			NTS	NOT TO SCALE SF	T	TELEPHONE		
CMU	CONCRETE MASONRY UNIT					TEL	TEMPERED		
CNTL	CONTROL					TEMP	TOP OF		
COL	COLUMN					T.O.	TOP OF FINISH FLOOR		
CONT	CONTINUOUS					T.O.FF			
CPT	CARPET								
CT	CERAMIC TILE								
CTR	CENTER								

PROJECT DESCRIPTION

CHANGE FROM TYPE 41 TO TYPE 47 LIQUOR LICENSE - NO CHANGE TO BUILDING - DRAWINGS FOR REFERENCE ONLY - SEE #2018-00286CUA

PROJECT DATA

SITE ADDRESS 3583 16TH STREET SAN FRANCISCO, CA 94114	PARCEL (BLOCK/LOT) 3564/092
ZONING NCT, 50-X	USE RESTAURANT
LOT SIZE 3,105 SQ FT	OCCUPANCY CLASS A-3, NO CHANGE
CONSTRUCTION TYPE V-B, SPRINKLERED	HISTORIC RESOURCE STATUS: B - Unknown / Age Eligible

SYMBOLS

ALIGN WALLS OR OBJECTS	
LINE OVERHEAD OR HIDDEN	
CENTERLINE	
PROPERTY LINE	
DATUM LINE	
SHEET NOTE MARKER	
FINISH NOTE MARKER	
WINDOW SYMBOL	
DOOR SYMBOL	
SECTION MARKER	
ELEVATION MARKER	
INTERIOR ELEVATION MARKER	
PLAN DETAIL MARKER	
REVISION MARKER	

PROJECT CONTACTS

HEATHER DESCAGNIA  
BACK OF THE HOUSE, INC.  
1829 UNION STREET  
SAN FRANCISCO, CA 94123  
T: 707.567.9194  
EMAIL: HEATHERDESCAGNIA@BACKOFTHEHOUSEINC.COM

VICINITY MAP



POND ST

NOE STREET

MARKET STREET

16TH STREET

ADJACENT PROPERTY  
20 POND STREET  
3564/063

ADJACENT PROPERTY  
321 NOE STREET  
3564/114

ADJACENT PROPERTY  
313 NOE STREET  
3564/090

(E) REAR PATIO

ADJACENT PROPERTY  
3571 16TH STREET  
3564/093

SUBECT PROPERTY  
3583 16TH STREET  
3564/092

ADJACENT PROPERTY  
2299 MARKET STREET  
3564/162

NOTE: EXISTING TO REMAIN. NO CHANGES TO (E) SITE OR ROOF PLAN.  
DRAWINGS FOR REFERENCE ONLY

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

1

BACK  
OF THE  
HOUSE

1829 UNION STREET  
SAN FRANCISCO, CA  
94123 T. 707.567.9194

STARBELLY RESTAURANT

3583 16TH ST, SAN FRANCISCO, CA 94114

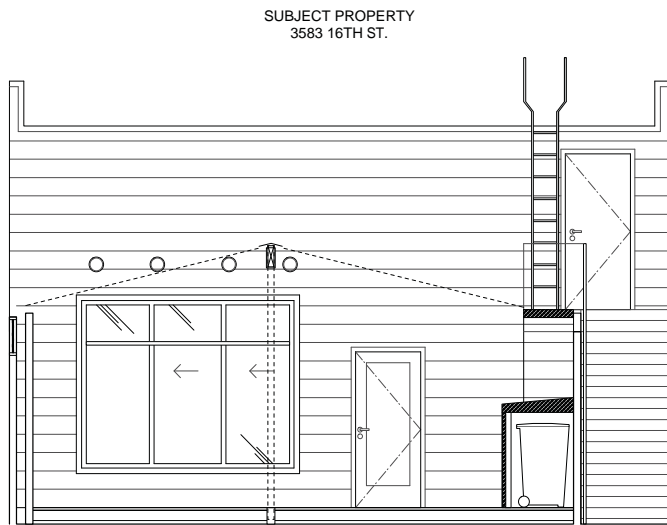
REFERENCE 2018-002906CUA

SITE PLAN

A1.0

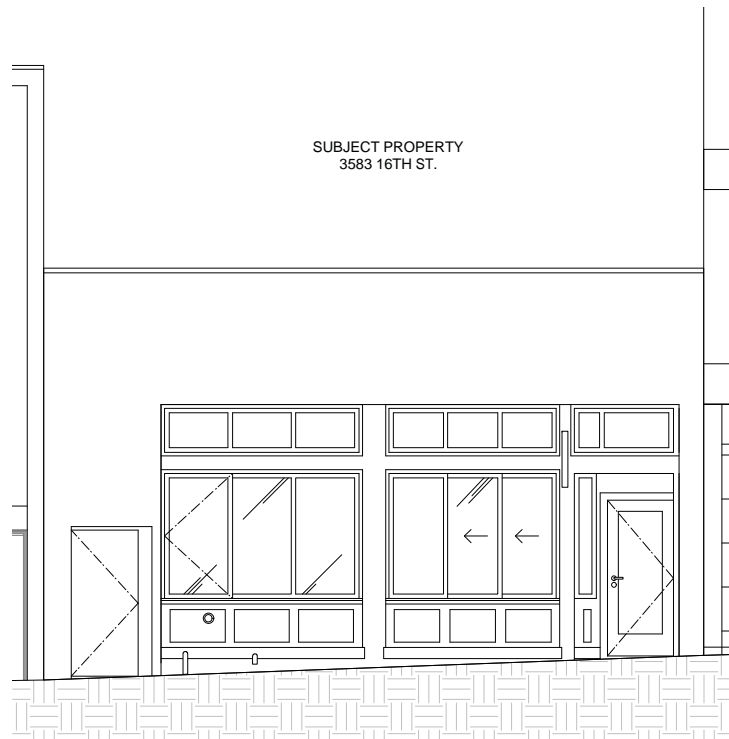
PLOT DATE: 4/10/18





NOTE: EXISTING TO REMAIN. NO CHANGES TO ELEVATIONS.  
DRAWINGS FOR REFERENCE ONLY

EXISTING REAR ELEVATION  
1/4" = 1'-0" 3



NOTE: EXISTING TO REMAIN. NO CHANGES TO ELEVATIONS.  
DRAWINGS FOR REFERENCE ONLY

EXISTING FRONT ELEVATION  
1/4" = 1'-0" 2



NOTE: EXISTING TO REMAIN. NO CHANGES TO ELEVATIONS.  
DRAWINGS FOR REFERENCE ONLY

EXISTING STREET ELEVATION  
1/8" = 1'-0" 1

BACK  
OF THE  
HOUSE

1829 UNION STREET  
SAN FRANCISCO, CA  
94123 T. 707.567.9194

STARBELLY RESTAURANT

3583 16TH ST, SAN FRANCISCO, CA 94114

REFERENCE #2018-002906CUA

EXTERIOR  
ELEVATIONS

A3.0

PLOT DATE: 4/10/18



# SAN FRANCISCO PLANNING DEPARTMENT

## CEQA Categorical Exemption Determination

### PROPERTY INFORMATION/PROJECT DESCRIPTION

<b>Project Address</b>		<b>Block/Lot(s)</b>
3583 16TH ST		3564092
<b>Case No.</b>		<b>Permit No.</b>
2018-002906PRJ		
<input checked="" type="checkbox"/> <b>Addition/ Alteration</b>	<input type="checkbox"/> <b>Demolition (requires HRE for Category B Building)</b>	<input type="checkbox"/> <b>New Construction</b>
<b>Project description for Planning Department approval.</b> Conditional Use Authorization to permit the change of use of an existing restaurant's liquor license from Type 41 to Type 47.		

### STEP 1: EXEMPTION CLASS

<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.</b> Up to three new single-family residences or six 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.
<input type="checkbox"/>	<b>Class 32 - In-Fill Development.</b> New Construction of seven or more units or additions greater than 10,000 sq. ft. and meets the conditions described below: (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations. (b) The proposed development occurs within city limits on a project site of no more than 5 acres substantially surrounded by urban uses. (c) The project site has no value as habitat for endangered rare or threatened species. (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality. (e) The site can be adequately served by all required utilities and public services.  <b>FOR ENVIRONMENTAL PLANNING USE ONLY</b>
<input type="checkbox"/>	<b>Class ____</b>



## STEP 2: CEQA IMPACTS

### TO BE COMPLETED BY PROJECT PLANNER

If any box is checked below, an *Environmental Evaluation Application* is required.

<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, etc.)? (refer to EP_ArcMap > CEQA Catex Determination Layers > Air Pollution Exposure Zone)
<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 Maher 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? (refer to EP_ArcMap > CEQA Catex Determination Layers > Archeological Sensitive Area)
<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? (refer to EP_ArcMap > CEQA Catex Determination Layers > Topography)
<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? (refer to EP_ArcMap > CEQA Catex Determination Layers > Topography) <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? (refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones) <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? (refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones) <b>If box is checked, a geotechnical report will likely be required.</b>

If no boxes are checked above, GO TO STEP 3. If one or more boxes are checked above, an *Environmental Evaluation Application* is required, unless reviewed by an Environmental Planner.

Comments and Planner Signature (optional):

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

<b>PROPERTY IS ONE OF THE FOLLOWING:</b> (refer to Parcel Information Map)	
<input type="checkbox"/>	<b>Category A:</b> Known Historical Resource. <b>GO TO STEP 5.</b>
<input checked="" 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 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 checked="" type="checkbox"/>	Project is not listed. <b>GO TO STEP 5.</b>
<input 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 PROJECT 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 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 checked="" 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):  Liquor Controls
<input type="checkbox"/>	9. <b>Other work</b> that would not materially impair a historic district (specify or add comments):   (Requires approval by Senior Preservation Planner/Preservation Coordinator)
<input type="checkbox"/>	10. <b>Reclassification of property status.</b> (Requires approval by Senior Preservation Planner/Preservation <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="width: 45%;"> <input type="checkbox"/> Reclassify to Category A  a. Per HRER dated  b. Other (specify): </div> <div style="width: 45%;"> <input type="checkbox"/> Reclassify to Category C  (attach HRER) </div> </div>
<b>Note: If ANY box in STEP 5 above is checked, a Preservation Planner MUST check one box below.</b>	
<input type="checkbox"/>	<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>
<input type="checkbox"/>	<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>
Comments (optional):	
Preservation Planner Signature:	

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

<input type="checkbox"/>	<b>Further environmental review required.</b> Proposed project does not meet scopes of work in either (check all that apply): <input type="checkbox"/> Step 2 - CEQA Impacts <input type="checkbox"/> Step 5 - Advanced Historical Review <b>STOP! Must file an <i>Environmental Evaluation Application</i>.</b>	
<input checked="" type="checkbox"/>	<b>No further environmental review is required. The project is categorically exempt under CEQA. There are no unusual circumstances that would result in a reasonable possibility of a significant effect.</b>	
	<b>Project Approval Action:</b> Commission Hearing  If Discretionary Review before the Planning Commission is requested, the Discretionary Review hearing is the Approval Action for the project.	<b>Signature:</b> Cathleen Campbell  05/10/2018
	Once signed or stamped and dated, this document constitutes a categorical exemption pursuant to CEQA Guidelines and Chapter 31 of the Administrative Code. 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. Please note that other approval actions may be required for the project. Please contact the assigned planner for these approvals.	

## 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)
3583 16TH ST		3564/092
Case No.	Previous Building Permit No.	New Building Permit No.
2018-002906PRJ		
Plans Dated	Previous Approval Action	New Approval Action
	Commission Hearing	
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.	

### DETERMINATION OF NO SUBSTANTIAL MODIFICATION

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



# SAN FRANCISCO PLANNING DEPARTMENT

## Land Use Information

PROJECT ADDRESS: 3583 16TH STREET  
RECORD NO.: 2018-002906CUA

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

Reception:  
**415.558.6378**

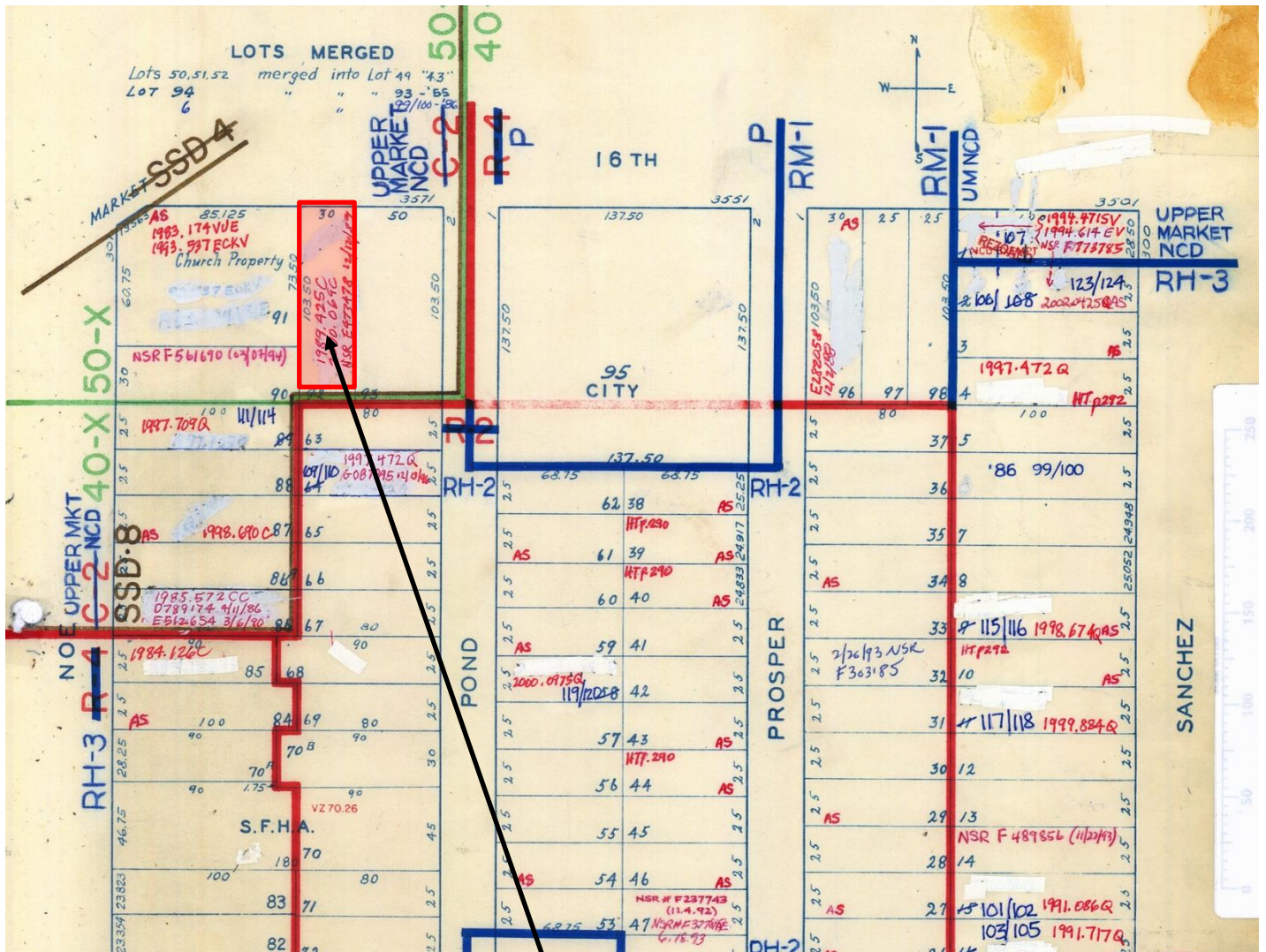
Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

	EXISTING	PROPOSED	NET NEW
<b>GROSS SQUARE FOOTAGE (GSF)</b>			
Lot Area			
Residential			
Commercial/Retail	2,600	2,600	
Office			
Industrial/PDR <i>Production, Distribution, &amp; Repair</i>			
Parking			
Usable Open Space			
Public Open Space			
Other ( )			
TOTAL GSF		2,600	
	EXISTING	NET NEW	TOTALS
<b>PROJECT FEATURES (Units or Amounts)</b>			
Dwelling Units - Market Rate			
Dwelling Units - Affordable			
Hotel Rooms			
Parking Spaces			
Loading Spaces			
Car Share Spaces			
Bicycle Spaces			1
Number of Buildings			1
Number of Stories			1
Height of Building(s)			±18'
Other ( )			



# Parcel Map



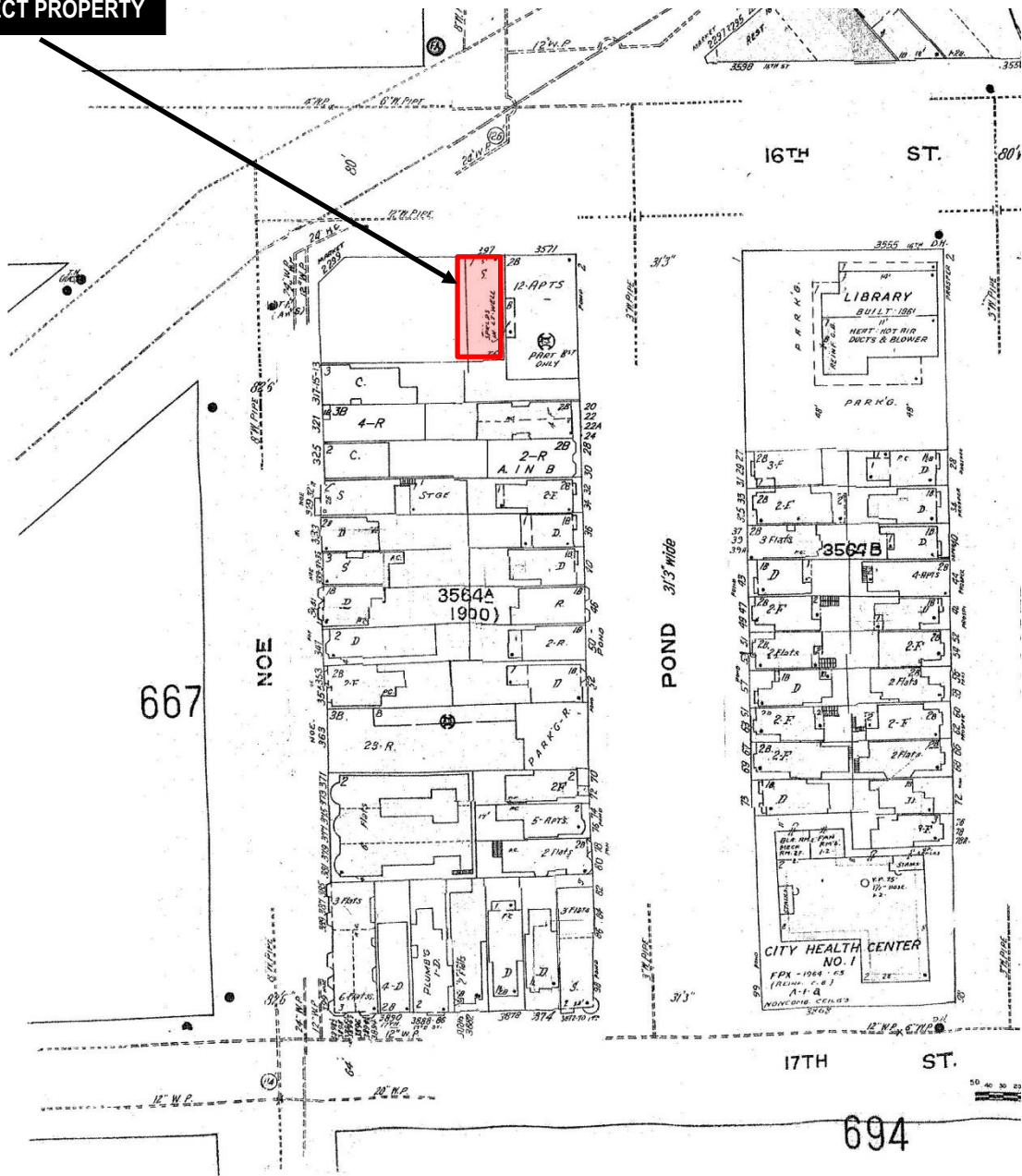
## SUBJECT PROPERTY



**Conditional Use Hearing**  
**Case Number 2018-002906CUA**  
ABC TYPE 47 LICENSE  
3583 16TH ST

# Sanborn Map\*

SUBJECT PROPERTY



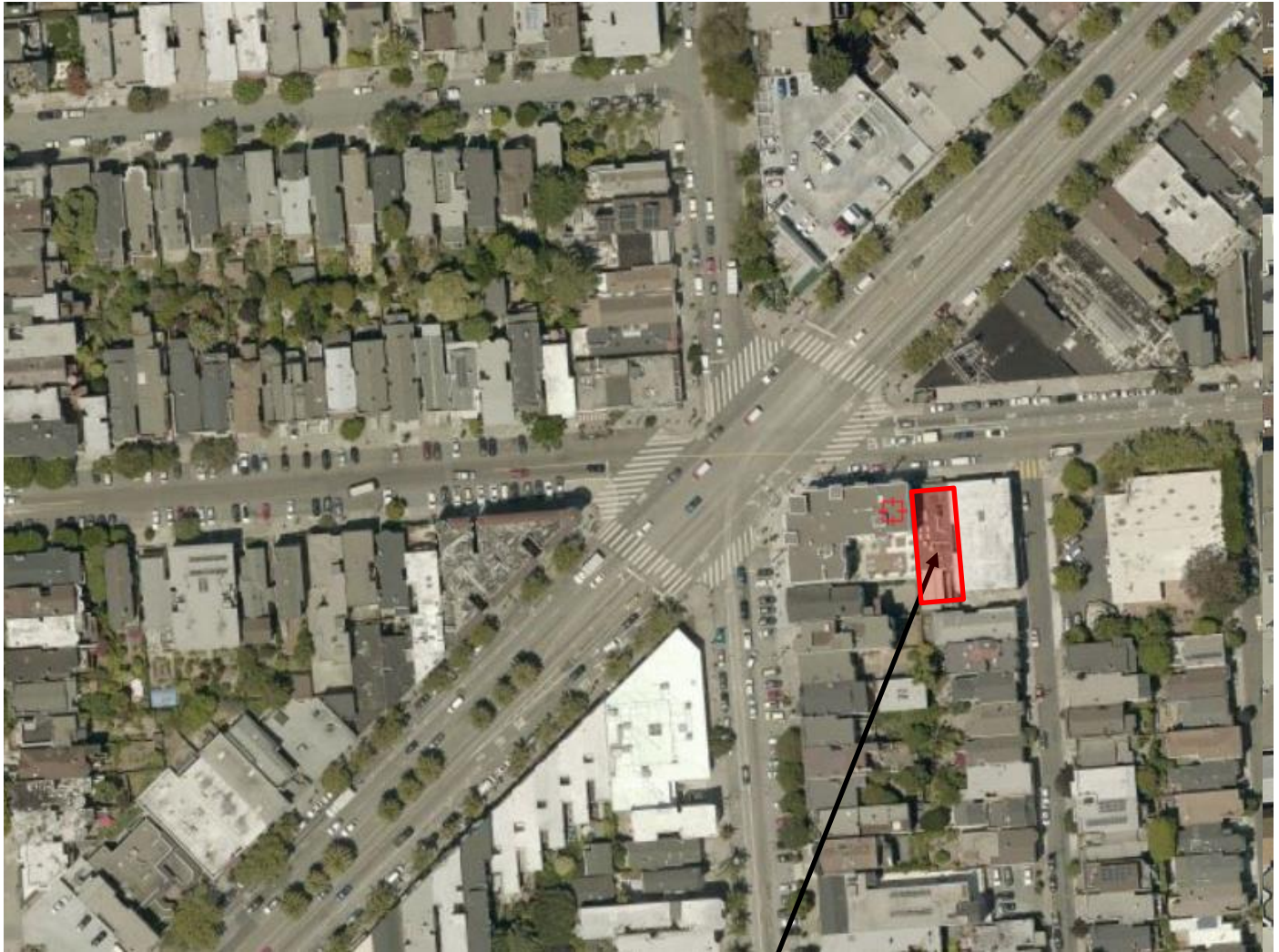
\*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.



Conditional Use Hearing  
Case Number 2018-002906CUA  
ABC TYPE 47 LICENSE  
3583 16TH ST



# Aerial Photo



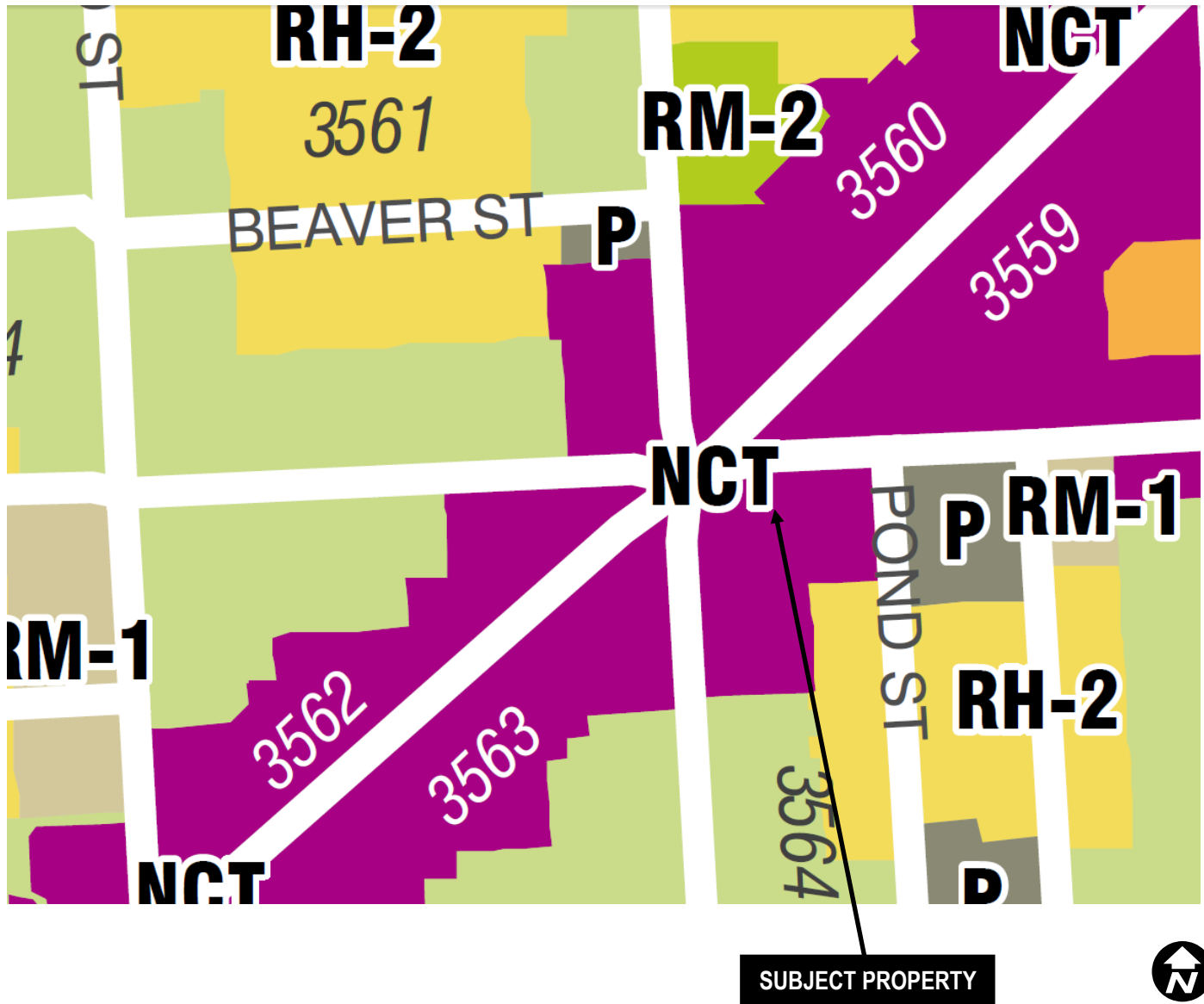
**SUBJECT PROPERTY**



Conditional Use Hearing  
Case Number 2018-002906CUA  
ABC TYPE 47 LICENSE  
3583 16TH ST



# Zoning Map



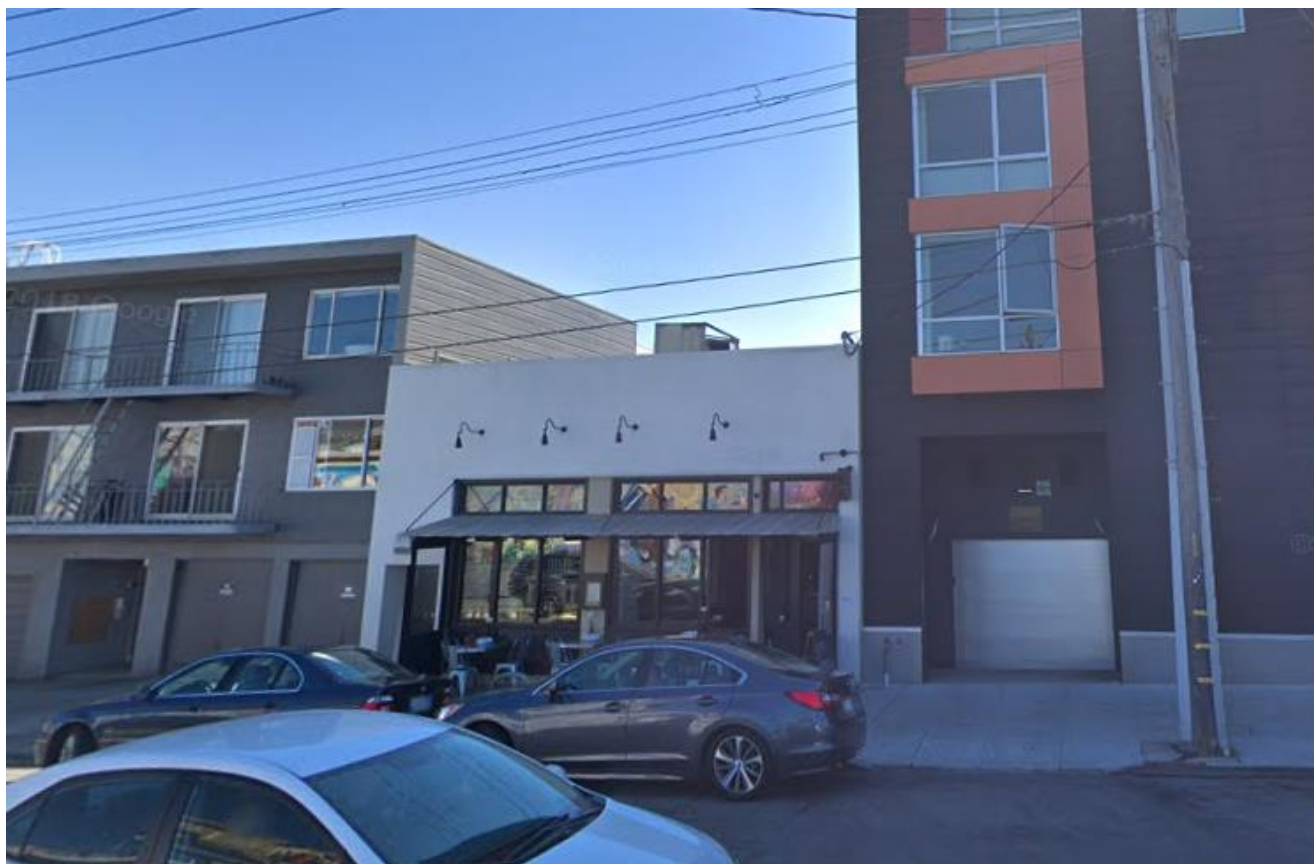
Conditional Use Hearing  
Case Number 2018-002906CUA  
ABC TYPE 47 LICENSE  
3583 16TH ST

# Site Photo



Conditional Use Hearing  
Case Number 2018-002906CUA  
ABC TYPE 47 LICENSE  
3583 16TH ST

# Site Photo



Conditional Use Hearing  
Case Number 2018-002906CUA  
ABC TYPE 47 LICENSE  
3583 16TH ST



584 Castro Street #333  
San Francisco CA 94114-2512

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

[Info@CastroMerchants.com](mailto:Info@CastroMerchants.com)  
[www.CastroMerchants.com](http://www.CastroMerchants.com)

March 2, 2018

By Email and USPS Hardcopy

Cathleen Campbell, Staff Planner  
San Francisco Planning Department  
1650 Mission Street, Suite 400  
San Francisco CA 94103

Re: Conditional Use Authorization, Case No. 2018-002906CUA, and related approvals  
for Proposed Liquor License (Type 47) at Starbelly Restaurant, 3583-16<sup>th</sup> Street

Dear Ms. Campbell,

This confirms that Castro Merchants (formerly "Merchants of Upper Market & Castro – MUMC") **SUPPORTS** the Conditional Use Application(s) of Back of the House, Inc. et al on behalf of Starbelly Restaurant for a full on-sale liquor license at its current address which now has an on-sale beer and wine license. Our SUPPORT includes for the Applicant's request when heard by the Planning Commission. It also includes SUPPORT for applications for any related S.F. Departments of Building Inspection and Public Works Applications and a California Alcoholic Beverage Commission (ABC) license application for Type 47 (full liquor) on-sale.

CM's support is based on information provided earlier in 2018 by the Applicant/Project Sponsor. The support communicated in this letter remains in effect until withdrawn in writing. We have asked the Applicant/Project Sponsor to update us promptly, if there is any substantial change(s) in information or Conditions of Approval as Starbelly nears its Planning Commission Hearing date and other approval milestones.

Castro Merchants represents business owners and managers in San Francisco's Castro-Upper Market area, generally along Upper Market Street from Castro Street to Octavia Blvd.; Castro from Market to 19<sup>th</sup> Streets; and commercially-zoned portions of cross streets throughout that area. Castro Merchants has over 325 paid Members for 2017 through April 30, 2018, and anticipates similar Membership support for the coming year's Campaign scheduled for March-April 2018. Starbelly's Castro's location is within Castro Merchants' primary service area.

..... continued



## CASTRO MERCHANTS

S.F. Planning Department

March 2, 2018

Re: Conditional Use Authorization, Case No. 2018-002906CUA, and related approvals  
for Proposed Liquor License (Type 47) at Starbelly Restaurant, 3583-16<sup>th</sup> Street

Let us know if you have any questions regarding Castro Merchants support for this proposed Application(s). Please include this letter in the matter's permanent file and any successor files, and assure that our support is communicated to all applicable Planning staff and to all Commissioners prior to their Hearing on this matter, and to any Appeal panel(s) at the time that this matter is considered by them.

Thank you for considering our comments.

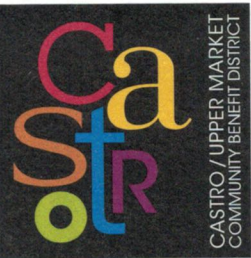
Respectfully,

A handwritten signature in black ink, appearing to read "Daniel Bergerac", written over a light grey rectangular background.

Daniel Bergerac, President

email cc: Sup. Jeff Sheehy & staff (Martin Fatooh)  
Capt. Gaetano Caltagirone, SFPD Mission Station  
cc: Jacob Cross, Back of the House, Inc. for Starbelly

CmLtrPlanningStarbelly030218



584 Castro Street #336

San Francisco, CA 94114

PH 415.500.1181

FX 415.522.0395

[www.castrocbd.org](http://www.castrocbd.org)

[www.facebook.com/castrocbd](http://www.facebook.com/castrocbd)

castrocbd

@visitthecastro

Jacob Cross  
VP Marketing  
Back of The House

February 22, 2018

Dear Jacob,

This letter is to express the support of the Castro/Upper Market Community Benefit District for The Back of The House's application for a type 47 liquor license for Starbelly located at 3583 16<sup>th</sup> St.

Starbelly is a very popular restaurant in the Castro, we have not received any complaints about noise or otherwise from neighbors or passersby. We are excited to see Starbelly grow and thrive.

If you have any questions, please call me at 415-500-1181

Thank you.

Sincerely,

Andrea Aiello  
Executive Director