



# EXECUTIVE SUMMARY

## CONDITIONAL USE AUTHORIZATION

**HEARING DATE: July 15, 2021**

### CONSENT

**Record No.:** 2021-002259CUA  
**Project Address:** 1001 Minnesota Street  
**Zoning:** NCT-2 (Small-Scale Neighborhood Commercial Transit) Zoning District  
45-X Height and Bulk District  
**Block/Lot:** 4171/015  
**Project Sponsor:** Melissa Schwegmann  
Helland Architecture  
389 12th Avenues  
San Francisco, CA 94118  
**Property Owner:** Silvano Marhesi  
PO Box 813  
Alamo, CA 94507  
**Staff Contact:** Elton Wu – (628) 652-7415  
[elton.wu@sfgov.org](mailto:elton.wu@sfgov.org)

**Recommendation:** Approval with Conditions

### Project Description

The Project includes expansion of an existing Restaurant (dba. Piccino) from 2,421 square feet to 6,591 square feet. The business will expand to the adjacent properties at 1003 Minnesota Street and 833 22<sup>nd</sup> Street. Currently, 1003 Minnesota Street is occupied by a trade shop/retail use (previously known as Modern Appealing Clothing), while 833 22<sup>nd</sup> Street is another restaurant use. All three buildings will be used the subject business as a Restaurant and Bar. The Project does not include any exterior façade changes.

### Required Commission Action

In order for the Project to proceed, the Commission must grant a Conditional Use Authorization, pursuant to Planning Code Sections 121.2 and 303, to expand the use size of an existing Restaurant (dba. Piccino) larger 4,000 square feet in the NCT-2 Zoning District.

## Issues and Other Considerations

- **Public Comment & Outreach.**

- **Support/Opposition:** The Department has received ten letters in support and no letters in opposition to the Project, including one from the Dogpatch Neighborhood Association.

## Environmental Review

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

## Basis for Recommendation

The Department finds that the Project is, on balance, consistent with the Central Waterfront Area Plan and the Objectives and Policies of the General Plan. The Project includes expansion of an existing Restaurant (dba. Piccino) which has served the surrounding neighborhood and City for a number of years. The expansion of an existing business’s use size provides for future business retention and economic feasibility.

## Attachments:

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



# PLANNING COMMISSION DRAFT MOTION

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ADOPTING FINDINGS RELATING TO A CONDITIONAL USE AUTHORIZATION PURSUANT TO PLANNING CODE SECTION 121.2 AND 303, TO EXPAND AN EXISTING RESTAURANT (DBA. PICCINO) LARGER THAN 4,000 SQUARE FEET (FROM 2,421 SQUARE FEET TO 6,591 SQUARE FEET) LOCATED AT 1001 AND 1003 MINNESOTA STREET AND 833 22<sup>ND</sup> STREET, LOT 15 IN ASSESSOR'S BLOCK 4171, WITHIN THE NCT-2 (SMALL SCALE NEIGHBORHOOD COMMERCIAL TRANSIT) ZONING DISTRICT AND A 45-X HEIGHT AND BULK DISTRICT, AND ADOPTING FINDINGS UNDER THE ENVIRONMENT QUALITY ACT.

## PREAMBLE

On March 5, 2021, Melissa Schwegmann of Helland Architecture (hereinafter "Project Sponsor") filed Application 2021-002259CUA (hereinafter "Application") with the Planning Department (hereinafter "Department") for a Conditional Use Authorization to expanding an existing Restaurant (dba. Piccino) from 2,421 square feet to 6,591 square feet. (hereinafter "Project") at 1001 Minnesota Street, Block 4171 Lot 015 (hereinafter "Project Site").

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

On July 15, 2021, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Authorization Application No. 2021-002259CUA.

The Planning Department Commission Secretary is the Custodian of Records; the File for Record No. 2021-002259CUA is located at 49 South Van Ness Avenue, Suite 1400, San Francisco, California.

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 Authorization as requested in Application No. 2021-002259CUA, 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 Project includes expansion of an existing Restaurant (dba. Piccino) from 2,421 square feet to 6,591 square feet. Currently, 1003 Minnesota Street is occupied by a trade shop/retail use (previously known as Modern Appealing Clothing), while 833 22nd Street is another restaurant use. All three buildings will be used the subject business as a Restaurant and Bar. The Project does not include exterior façade changes.
3. **Site Description and Present Use.** The Project Site, Lot 015 and Block 4171, is located on the southeast corner of Minnesota Street and 22<sup>nd</sup> Street in the Dogpatch neighborhood. There are three existing buildings on Project Site: 1001 Minnesota Street, 1003 Minnesota, and 833 22<sup>nd</sup> Street. 1003 Minnesota Street is occupied by a trade shop/retail use (previously known as Modern Appealing Clothing), while 833 22nd Street is another restaurant use. 1001 Minnesota Street is a two-story building with a basement, with residential use on the second floor.
4. **Surrounding Properties and Neighborhood.** The neighborhood is characterized by one- to four- story commercial and residential buildings. 22<sup>nd</sup> Street is a retail, sales and service corridor with eating and drinking uses, service use stores, and commercial retail stores. Across from the subject property is the Dogpatch Playground and Wood Yard Park, which provides community recreational open space. A San Francisco MUNI Bus Garage is a block away. The properties facing 22<sup>nd</sup> Street from Minnesota Street to Tennessee Street are all located in the NCT-2 Zoning District.
5. **Public Outreach and Comments.** The Department has received ten letters in support and no letters in opposition to the Project, including one from the Dogpatch Neighborhood Association.
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. **Use:** The Planning Code defines a Restaurant and Bar use as follows:

Restaurant: A Retail Sales and Service use that serves prepared, ready-to-eat cooked foods to customers for consumption on the premises and which has seating. As a minor and incidental use, it may serve such foods to customers for off-site consumption. It may provide on-site beer, wine, and/or liquor sales for drinking on the premises (with ABC license types 02, 23, 41, 47, 49, 59, 75, or 87); however, if it does so, it shall be required to operate as a Bona Fide Eating Place. It is distinct and separate from a Limited-Restaurant. Such businesses shall operate with the specified conditions in Section [202.2\(a\)\(1\)](#). It shall not be required to operate within an enclosed building so long as it is also a Mobile Food Facility. Any associated outdoor seating and/or dining area is subject to regulation as an Outdoor Activity Area as set forth elsewhere in this Code.

Bar: A Retail Sales and Service Use that provides on-site alcoholic beverage sales for drinking on

the premises, including bars serving beer, wine, and/or liquor to the customer where no person under 21 years of age is admitted (with Alcoholic Beverage Control [ABC] license types 23, 42, 48, or 61), drinking establishments serving beer where minors are present (with ABC license types 40 or 60) in conjunction with other uses such as Movie Theaters and General Entertainment, and bars serving wine operated by licensed winegrowers (with ABC license type 02). Such businesses shall operate with the specified conditions in Section [202.2\(a\)](#). A non-profit theater that provides on-site alcoholic beverage sales only for consumption by ticket-holding patrons on the premises, with ABC license type 64, shall not be considered a Bar use.

*Piccino is an existing Restaurant Use that serves the Dogpatch neighborhood. Piccino is considered a Restaurant use, as defined in Planning Code Section 102, which is a principally permitted use in the NCT-2 Zoning District per Planning Code 751. Piccino will be adding a Bar Use to their existing Restaurant Use. A Bar use, as defined in Planning Code Section 102, is also a principally permitted use in the NCT-2 Zoning District per Planning Code 751.*

- B. **Use Size:** Planning Code Section 121.2 requires Conditional Use Authorization from the Planning Commission to establish a non-residential use size larger than 4,000 square feet in the NCT-2 Zoning District.

*Piccino will be expanding its total square area from 2,421 square feet to 6,591 square feet, therefore Conditional Use Authorization is required. See Below for Additional Findings.*

- 7. **Conditional Use Findings.** Planning Code Section 303 establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use authorization. On balance, the project complies 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.

*Since the Project does not include exterior façade alterations, the existing buildings will be maintained in place in the same size and form as contributing to the Dogpatch Landmark District and the 22<sup>nd</sup> Street retail corridors. Therefore, the size of the proposed use is in keeping with other storefronts on the block face. 1001 Minnesota Street is an existing restaurant use and will include a Bar use on site. The existing restaurant has been a strong neighborhood partner and has contributed to the vitality of the neighborhood. The expansion of the business will maintain the activation of two storefronts on 22<sup>nd</sup> Street; therefore, the Project is considered to be necessary and desirable to the surrounding neighborhood and City, as a whole.*

- 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:

- (1) 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, e.g. height and bulk, will not be altered as part of this Project. The establishment of the expansion is not anticipated to significantly affect the existing retail uses within the District.*

- (2) 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 off-street parking for Restaurant and Bar Uses.*

- (3) The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor;

*The Project will not produce noxious or offensive emissions related to noise, glare, dust, or odor. The Formula Retail activities would be within an enclosed building.*

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

*The Project will not alter the site's vehicle parking, loading areas, or service areas.*

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

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

- D. That use or feature as proposed will provide development that is in conformity with the stated purpose of the applicable Use District.

*The Project is located within the NCT-2 (Small-Scale Neighborhood Commercial Transit District) Zoning District. The purpose of the NCT-2 Zoning District includes transit-oriented mixed-use neighborhoods with small scale commercial uses near transit services. Therefore, the proposed restaurant and bar will fit within the intended purpose of this zoning district.*

- 8. Non-Residential Use Size in NC District Findings.** In addition to the criteria of Section 303(c) of this Code, the Commission shall consider the extent to which the following criteria are met:

- A. The intensity of activity in the district is not such that allowing the larger use will be likely to foreclose the location of other needed neighborhood-serving uses in the area.

*The Project will not foreclose another surrounding neighborhood-serving use since the Project will still maintain the demising walls between each building on the project site. The existing business has been a strong anchor to the 22<sup>nd</sup> Street retail corridor and has served the surrounding community for a number of years. Along 22<sup>nd</sup> Street from Indiana Street to Tennessee Street, there are two trade shops, two restaurant (including the existing site), two retail sales and service use, and one limited restaurant use. 22<sup>nd</sup> Street has vibrant commercial diversity; therefore, expanding*

*an existing business space to include a bar use will only further enhance the commercial vibrancy.*

- B. The proposed use will serve the neighborhood, in whole or in significant part, and the nature of the use requires a larger size in order to function.

*The Project is a Restaurant located within the Dogpatch Neighborhood. Based on the letters of support, Piccino plays a significant part in the neighborhood. Piccino is expanding operation to better serve the neighborhood and the City as a whole.*

- C. The building in which the use is to be located is designed in discrete elements which respect the scale of development in the district.

*The Project is designed in discrete elements in which it respects the scale of the development in the district. The Project is not redesigning any of the exterior.*

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

#### **COMMERCE AND INDUSTRY ELEMENT**

##### **Objectives and Policies**

#### **OBJECTIVE 1**

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

###### 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.

#### **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.

###### Policy 2.3

Maintain a favorable social and cultural climate in the city in order to enhance its attractiveness as a firm location.



## URBAN DESIGN ELEMENT

### Objectives and Policies

#### OBJECTIVE 1

EMPHASIS OF THE CHARACTERISTIC PATTERN WHICH GIVES TO THE CITY AND ITS NEIGHBORHOODS AN IMAGE, A SENSE OF PURPOSE, AND A MEANS OF ORIENTATION.

##### Policy 1.7

Recognize the natural boundaries of districts, and promote connections between districts.

#### OBJECTIVE 2

CONSERVATION OF RESOURCES WHICH PROVIDE A SENSE OF NATURE, CONTINUITY WITH THE PAST, AND FREEDOM FROM OVERCROWDING.

##### POLICY 2.5

Use care in remodeling of older buildings, in order to enhance rather than weaken the original character of such buildings.

## CENTRAL WATERFRONT AREA PLAN

### Land Use

### Objectives and Policies

#### OBJECTIVE 6.1

SUPPORT THE ECONOMIC WELLBEING OF A VARIETY OF BUSINESSES IN THE EASTERN NEIGHBORHOODS

##### POLICY 6.1.3

Provide business assistance for new and existing small businesses in the Eastern Neighborhoods.

#### OBJECTIVE 8.2

PROTECT, PRESERVE, AND REUSE HISTORIC RESOURCES WITHIN THE CENTRAL WATERFRONT AREA PLAN

##### POLICY 8.2.1

Protect individually significant historic and cultural resources and historic districts in the Central Waterfront area plan from demolition or adverse alteration, particularly those elements of the Maritime and Industrial Area east of Illinois Street.

*The Project will provide desirable services to the neighborhood and will present residents with local food. The expansion of the site will allow them to not only allow them to grow their business, but it will occupy two empty vacant storefronts. Piccino is an existing business and will not negatively impact surrounding businesses. Allowing the expansion and including the Bar Use will help continue to contribute the overall Restaurant Use and Economic Diversity within the District and City at large.*

*The Dogpatch includes a large variety of land uses. This includes Residential, Production, Distribution, and Repair Use, and Retail Sales and Service Use. The surrounding area is a small-scale commercial district. The addition of the Bar Use will be included to diversifying the land use. Piccino is a local small business in the Dogpatch District. The Dogpatch Local Plan supports small local businesses. Continuing to support local businesses is crucial to create good partnerships with the neighborhood. Piccino has also received multiple letters of support for the expansion.*

**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 complies with said policies in that:

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

*The Project would enhance the District by filling two vacant tenant space on a busy commercial street. The Project will provide a desirable eating and drinking place, and will preserve and enhance an existing business and the opportunity for future employment by allowing for expansion.*

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

*The Project is not anticipated to adversely affect the character or diversity of the neighborhood. There are no changes to the front façade.*

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

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

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

*The Project Site is served by nearby public transportation options. The Project is located along multiple Muni bus line (22 Filmore and KT: K Ingleside- T Third Street). The Project does not include any off-street parking; however, there are eight loading-zone parking spaces in front of the Project Site. Therefore, traffic and transit ridership generated by the Project will not overburden the streets or MUNI service.*

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

*Since the Project does not include any commercial office development, the Project will not displace or adversely affect any service sector or industrial businesses. The Project will occupy two vacant ground-floor tenant space in an existing building.*

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

in an earthquake.

*This Project will not adversely affect the property's ability to withstand an earthquake. The Project will comply with the requirements of the San Francisco Building Code.*

- G. That landmarks and historic buildings be preserved.

*The subject building is a contributing resource to the Dogpatch Landmark District. The Project does not include exterior work and would preserve the existing historic resource.*

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

*The Project will have no negative effect on existing parks and open spaces, and will not adversely affect their access to sunlight, or vistas.*

- 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 Authorization Application No. 2021-002259CUA** subject to the following conditions attached hereto as “EXHIBIT A” in general conformance with plans on file, dated July 15, 2021, 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. 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 July 15, 2021.

Jonas P. Ionin  
Commission Secretary

AYES:

NAYS:

ABSENT:

RECUSE:

ADOPTED: July 15, 2021

## EXHIBIT A

### Authorization

This authorization is for conditional use to allow the expansion of an existing Restaurant use (dba. Piccino) larger than 4,000 square feet at 1001 Minnesota Street, Assessor's Block 4171 and Lot 015, pursuant to Planning Code Sections 121.2 and 303, within the NCT-2 Zoning District and a 45-X Height and Bulk District; in general conformance with plans, dated March 2, 2021, and stamped "EXHIBIT B" included in the docket for Record No. 2021-002259CUA and subject to conditions of approval reviewed and approved by the Commission on July 15, 2021 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 July 15, 2021 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 628.652.7463, [www.sfplanning.org](http://www.sfplanning.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 628.652.7463, [www.sfplanning.org](http://www.sfplanning.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 628.652.7463, [www.sfplanning.org](http://www.sfplanning.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 628.652.7463, [www.sfplanning.org](http://www.sfplanning.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 628.652.7463,  
[www.sfplanning.org](http://www.sfplanning.org)*

## Design – Compliance at Plan Stage

- 6. Final Materials.** The Project Sponsor shall continue to work with Planning Department on the building design. Final materials, glazing, color, texture, landscaping, and detailing shall be subject to Department staff review and approval. The architectural addenda shall be reviewed and approved by the Planning Department prior to issuance.

*For information about compliance, contact the Case Planner, Planning Department at 628.652.415,  
[www.sfplanning.org](http://www.sfplanning.org)*

- 7. 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 building permit plans. 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 628.652.7415,  
[www.sfplanning.org](http://www.sfplanning.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 628.652.7463,  
[www.sfplanning.org](http://www.sfplanning.org)*

- 9. Monitoring.** The Project requires monitoring of the conditions of approval in this Motion. The Project Sponsor or the subsequent responsible parties for the Project shall pay fees as established under Planning Code Section 351(e) (1) and work with the Planning Department for information about compliance.

*For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463,  
[www.sfplanning.org](http://www.sfplanning.org)*

**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 628.652.7463, [www.sfplanning.org](http://www.sfplanning.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 628.271.2000, [www.sfpw.org](http://www.sfpw.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 628.652.3200, [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 628.652.7600, [www.sfplanning.org](http://www.sfplanning.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 628.271.2000, [www.sfpublicworks.org](http://www.sfpublicworks.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, 628.271.2000, [www.sfpublicworks.org](http://www.sfpublicworks.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 and all registered neighborhood groups for the area with written notice of the name, business address, and telephone number of the community liaison. Should the contact information change, the Zoning Administrator and registered neighborhood groups 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 628.652.7463, [www.sfplanning.org](http://www.sfplanning.org)*

- 13. Notices Posted at Bars and Entertainment Venues.** Notices urging patrons to leave the establishment and neighborhood in a quiet, peaceful, and orderly fashion and to not litter or block driveways in the neighborhood, shall be well-lit and prominently displayed at all entrances to and exits from the establishment.

*For information about compliance, contact the Entertainment Commission, at 415 554-6678, [www.sfgov.org/entertainment](http://www.sfgov.org/entertainment)*



## CEQA Exemption Determination

### PROPERTY INFORMATION/PROJECT DESCRIPTION

<b>Project Address</b>		<b>Block/Lot(s)</b>
1001 MINNESOTA ST		4171015
<b>Case No.</b>		<b>Permit No.</b>
2021-002259PRJ		
<input checked="" type="checkbox"/> <b>Addition/Alteration</b>	<input checked="" type="checkbox"/> <b>Demolition (requires HRE for Category B Building)</b>	<input type="checkbox"/> <b>New Construction</b>
<p><b>Project description for Planning Department approval.</b> Request for Conditional Use Authorization pursuant to Planning Code Section 303 &amp; 751 to establish a use size greater than 3,999 SF on the Ground Floor and Basement of the subject property within the NCT-2 Zoning District. Proposed project includes the Change of Use of (1) 1,127 sf vacant retail space, (1) 3,043 SF vacant retail space and (1) 668 SF storage space into the expansion of owner's existing 2,421 SF restaurant named Piccino. 1,150 SF of the 3,043 SF vacant retail mentioned above will be used as separate retail and bakery space.</p>		

### STEP 1: EXEMPTION TYPE

<b>The project has been determined to be exempt under the California Environmental Quality Act (CEQA).</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"/>	<p><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:</p> <p>(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.</p> <p>(b) The proposed development occurs within city limits on a project site of no more than 5 acres substantially surrounded by urban uses.</p> <p>(c) The project site has no value as habitat for endangered rare or threatened species.</p> <p>(d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.</p> <p>(e) The site can be adequately served by all required utilities and public services.</p> <p><b>FOR ENVIRONMENTAL PLANNING USE ONLY</b></p>
<input type="checkbox"/>	<b>Other</b> _____
<input type="checkbox"/>	<b>Common Sense Exemption (CEQA Guidelines section 15061(b)(3)).</b> It can be seen with certainty that there is no possibility of a significant effect on the environment. <b>FOR ENVIRONMENTAL PLANNING USE ONLY</b>



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

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

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

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

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

<b>Check all that apply to the project.</b>	
<input type="checkbox"/>	1. <b>Reclassification of property status.</b> (Attach HRER Part I)  <input type="checkbox"/> Reclassify to Category A a. Per HRER <input type="checkbox"/> Reclassify to Category C (No further historic review) b. Other (specify):
<input type="checkbox"/>	2. 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"/>	3. <b>Interior alterations to publicly accessible spaces that do not remove, alter, or obscure character defining features.</b>
<input type="checkbox"/>	4. <b>Window replacement</b> of original/historic windows that are not "in-kind" but are consistent with existing historic character.
<input type="checkbox"/>	5. <b>Façade/storefront alterations</b> that do not remove, alter, or obscure character-defining features.

<input type="checkbox"/>	6. <b>Raising the building</b> in a manner that does not remove, alter, or obscure character-defining features.
<input type="checkbox"/>	7. <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"/>	8. <b>Work consistent</b> with the <i>Secretary of the Interior Standards for the Treatment of Historic Properties (Analysis required)</i> :
<input checked="" type="checkbox"/>	9. <b>Work compatible</b> with a historic district (Analysis required): Expansion of an existing Restaurant ( dba Piccino) from 2,421 square feet to 6,591 square feet within the same lot
<input type="checkbox"/>	10. <b>Work that would not materially impair</b> a historic resource (Attach HRER Part II).
<b>Note: If ANY box in STEP 5 above is checked, a Preservation Planner MUST sign below.</b>	
<input checked="" type="checkbox"/>	<b>Project can proceed with exemption review.</b> The project has been reviewed by the Preservation Planner and can proceed with exemption review. <b>GO TO STEP 6.</b>
<b>Comments (optional):</b>	
<b>Preservation Planner Signature:</b> Monica Giacomucci	

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

<input checked="" type="checkbox"/>	<b>No further environmental review is required. The project is 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> Planning Commission Hearing	<b>Signature:</b> Monica Giacomucci
		06/09/2021
<p>Once signed or stamped and dated, this document constitutes a n exemption pursuant to CEQA Guidelines and Chapter 31of the Administrative Code.  In accordance with Chapter 31 of the San Francisco Administrative Code, an appeal of an exemption determination to the Board of Supervisors can only be filed within 30 days of the project receiving the approval action.  Please note that other approval actions may be required for the project. Please contact the assigned planner for these approvals.</p>		

## STEP 7: MODIFICATION OF A CEQA EXEMPT PROJECT

### TO BE COMPLETED BY PROJECT PLANNER

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

### MODIFIED PROJECT DESCRIPTION

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 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. In accordance with Chapter 31, Sec 31.08j of the San Francisco Administrative Code, an appeal of this determination can be filed to the Environmental Review Officer within 10 days of posting of this determination.

**Planner Name:**

**Date:**

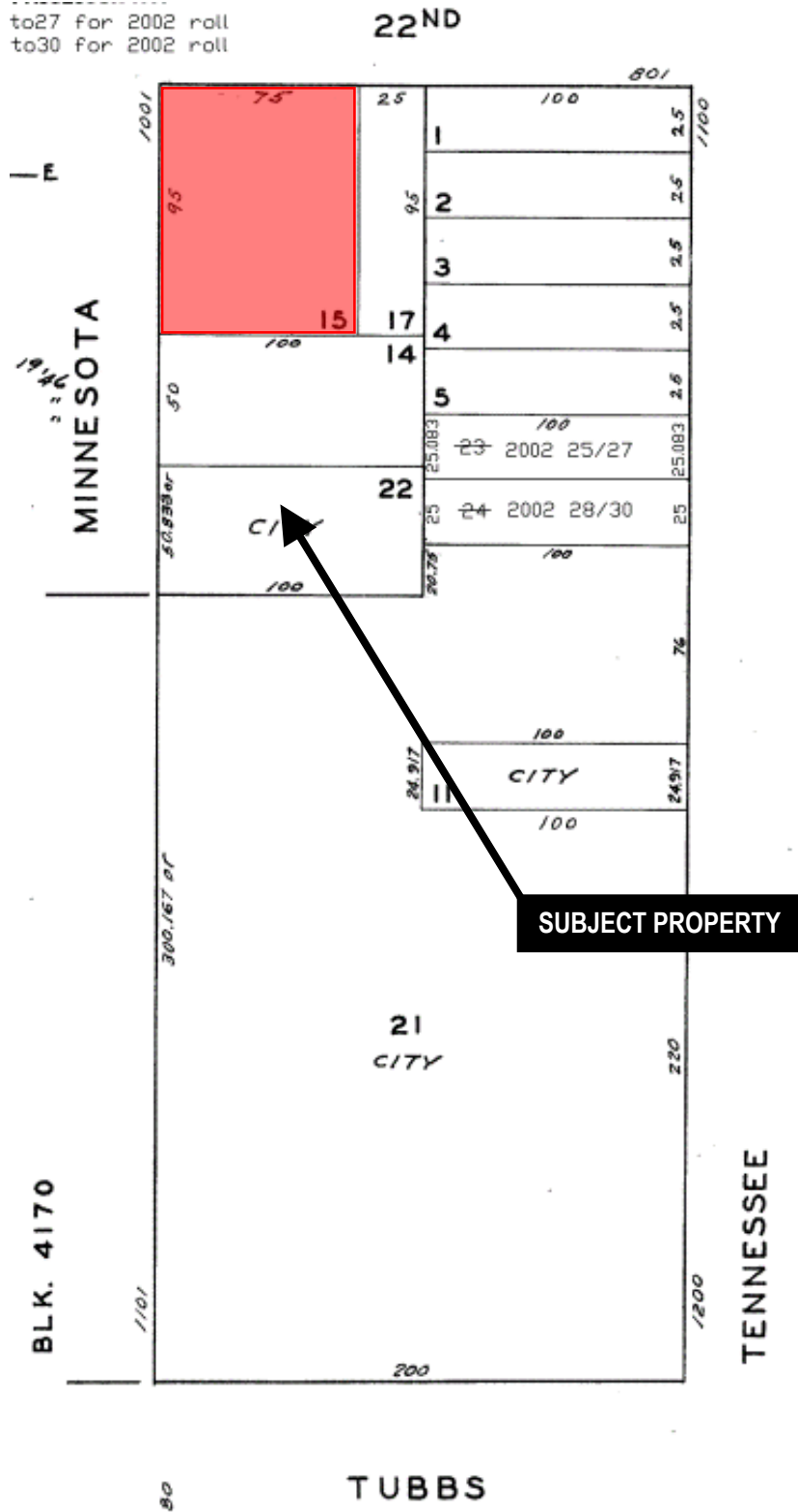


# LAND USE INFORMATION

PROJECT ADDRESS: 1001 MINNESOTA ST  
RECORD NO.: 2021-002259PRJ

	EXISTING	PROPOSED	NET NEW
<b>GROSS SQUARE FOOTAGE (GSF)</b>			
Parking GSF	0	0	0
Residential GSF	0	0	0
Retail/Commercial GSF	2,421	6,591	4,170
Office GSF	0	0	0
Industrial/PDR GSF <i>Production, Distribution, &amp; Repair</i>	0	0	0
Medical GSF	0	0	0
Visitor GSF	0	0	0
CIE GSF	0	0	0
Usable Open Space	0	0	0
Public Open Space	0	0	0
Other ( )	0	0	0
<b>TOTAL GSF</b>	<b>2,421</b>	<b>6,591</b>	<b>4,170</b>
	<b>EXISTING</b>	<b>NET NEW</b>	<b>TOTALS</b>
<b>PROJECT FEATURES (Units or Amounts)</b>			
Dwelling Units - Affordable	0	0	0
Dwelling Units - Market Rate	0	0	0
Dwelling Units - Total	0	0	0
Hotel Rooms	0	0	0
Number of Buildings	3	3	0
Number of Stories	3	3	0
Parking Spaces	0	0	0
Loading Spaces	0	0	0
Bicycle Spaces	0	0	0
Car Share Spaces	0	0	0
Other ( )	0	0	0

# Parcel Map

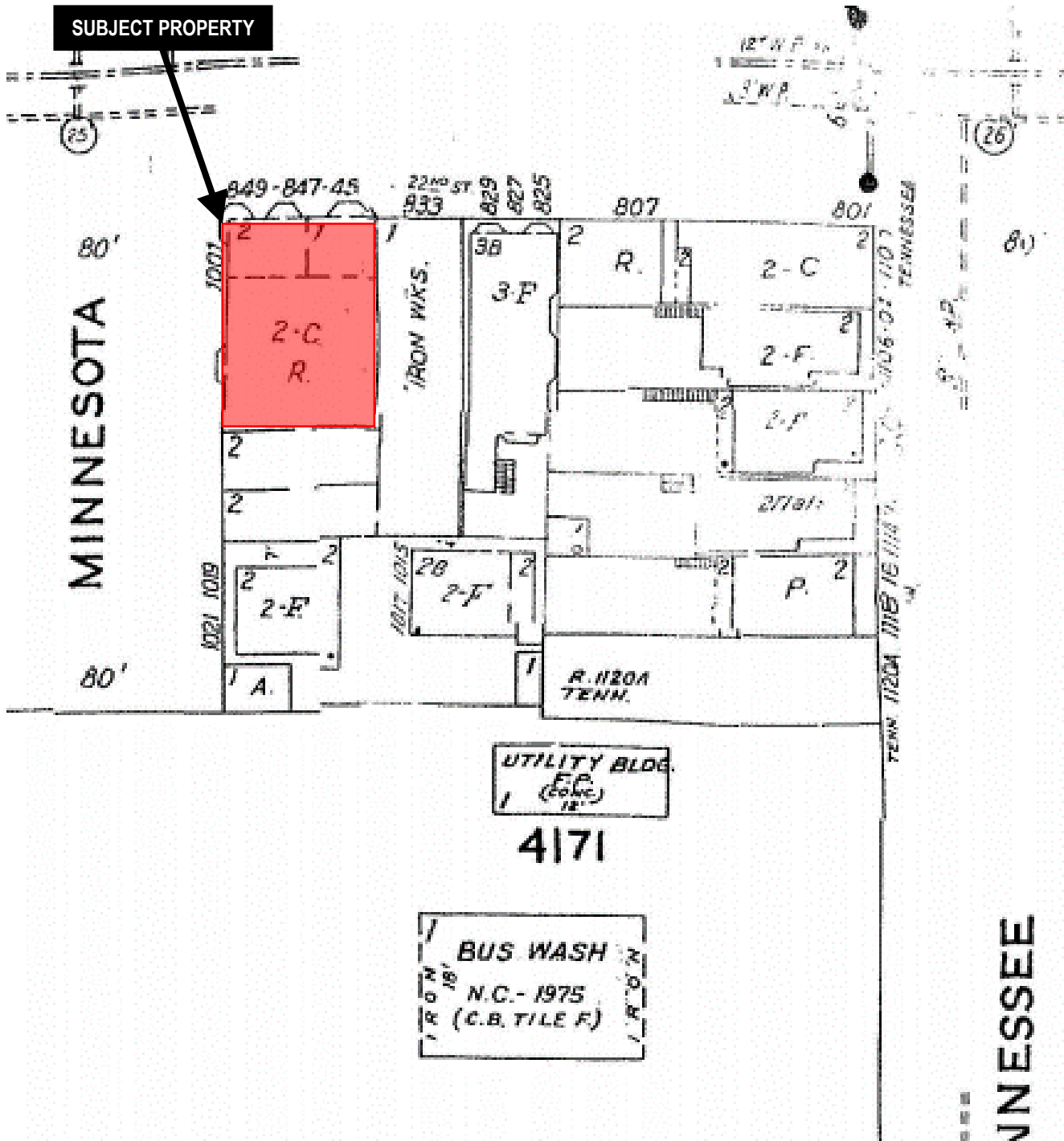


Planning Commission Hearing  
Case Number 2021-002259CUA  
NCT-2 Neighborhood Commercial Transit 2  
1001 Minnesota Street





# Sanborn Map\*

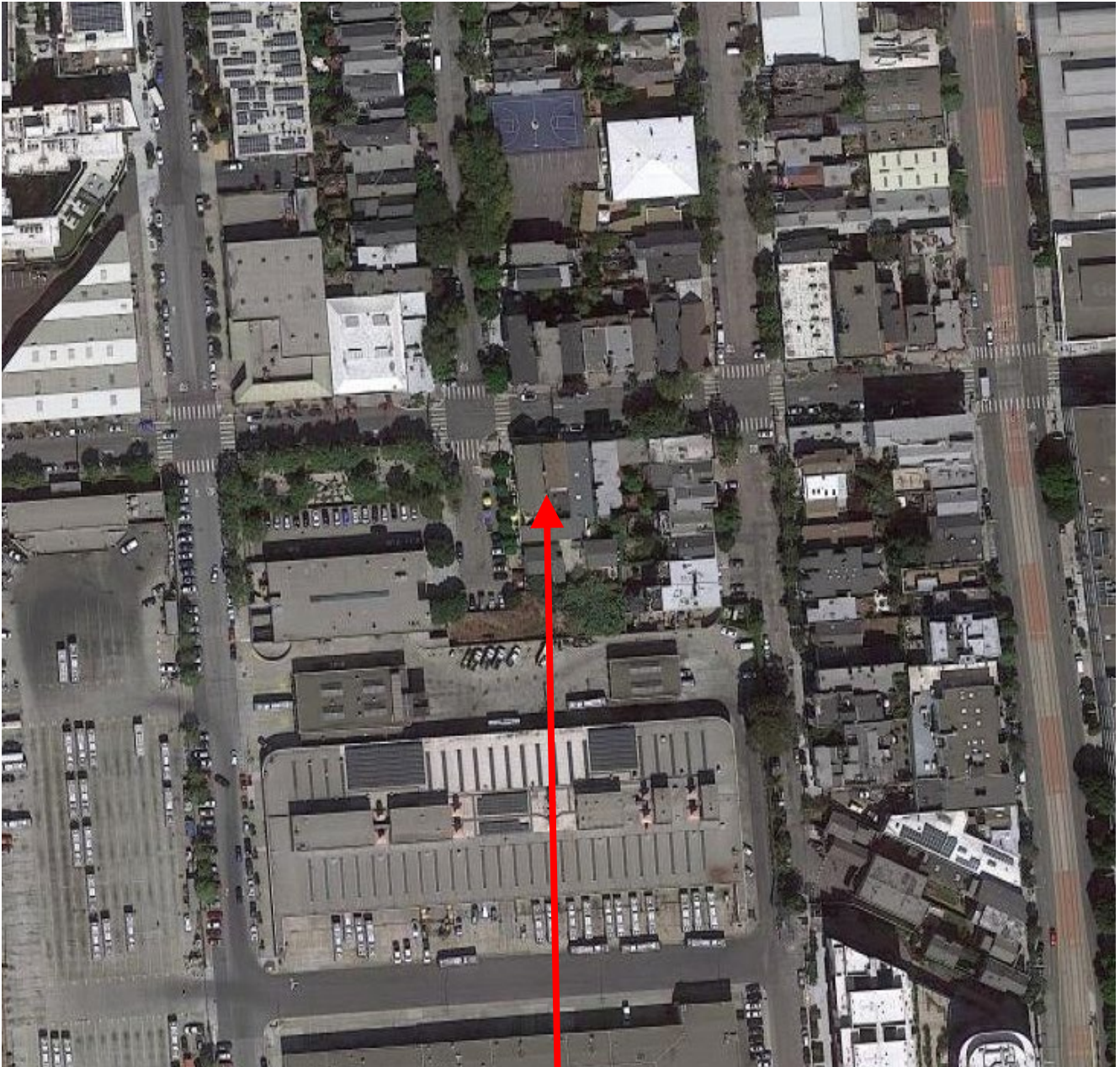


\*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.

Planning Commission Hearing  
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 NCT-2 Neighborhood Commercial Transit 2  
 1001 Minnesota Street



# Aerial Photo – View 1

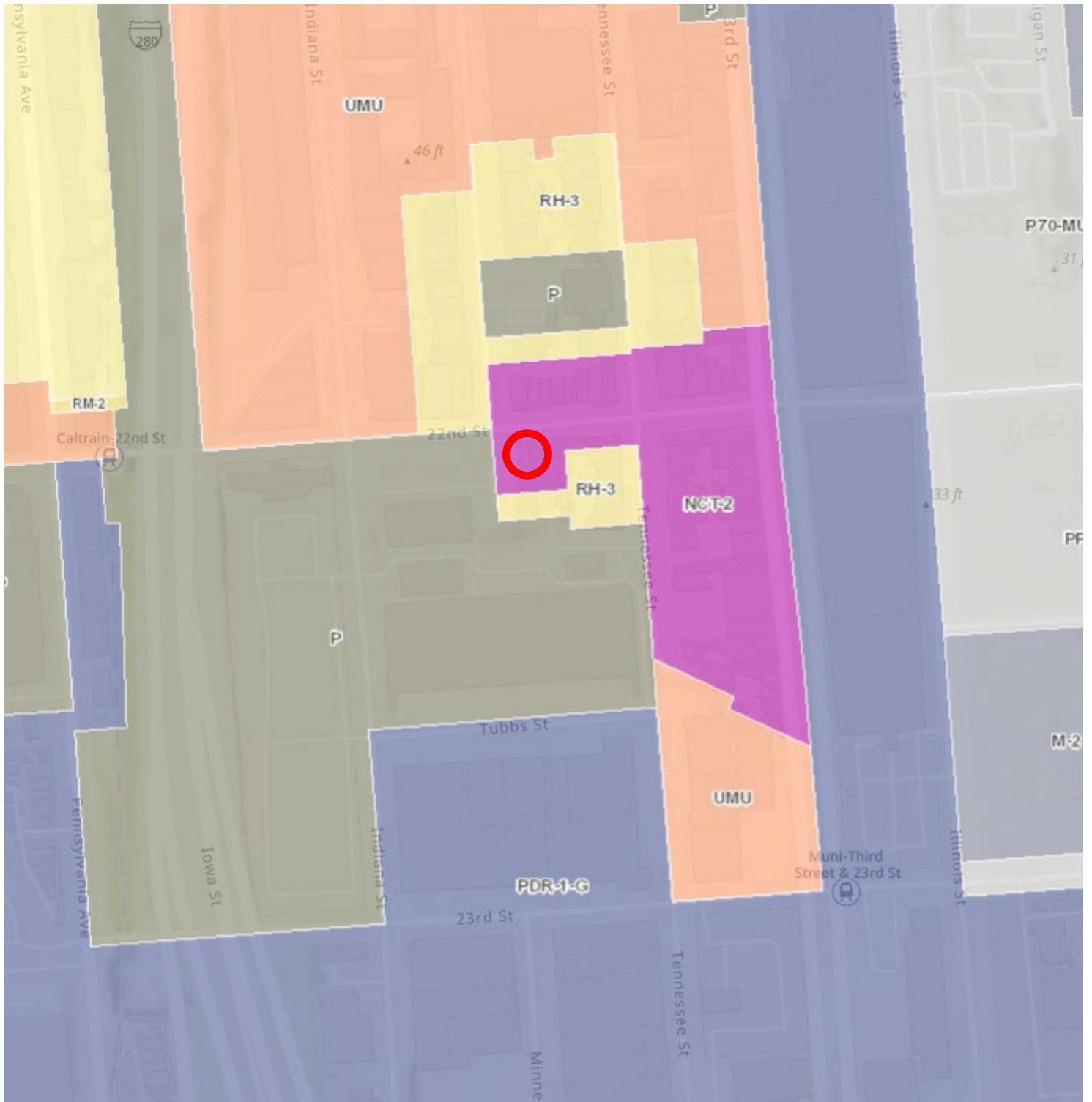


**SUBJECT PROPERTY**



Planning Commission Hearing  
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NCT-2 Neighborhood Commercial Transit 2  
1001 Minnesota Street

# Zoning Map



# Site Photo



Planning Commission Hearing  
Case Number 2021-002259CUA  
NCT-2 Neighborhood Commercial Transit 2  
1001 Minnesota Street