



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

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|--|---|
| <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 checked="" type="checkbox"/> Other (TIDF & EN Impact Fees) |

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Planning Commission Motion No. 19243

HEARING DATE: SEPTEMBER 18, 2014

Date: September 11, 2014
Case No.: **2014.0487 C**
Project Address: **1501 Folsom Street**
Zoning: Western SoMa Mixed Use-Office Zoning District
Western SoMa Special Use District
55-X Height and Bulk District
Block/Lot: 3521/058
Project Sponsor: Leticia Luna
767 South Van Ness Avenue
San Francisco, CA 94110
Staff Contact: Brittany Bendix – (415) 575-9114
brittany.bendix@sfgov.org

ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 145.2, 303, 823, 845.13 AND 845.56 OF THE PLANNING CODE TO EXPAND THE EXISTING NIGHTTIME ENTERTAINMENT USE (D.B.A. CALLE ONCE) AND TO ESTABLISH AN OUTDOOR ACTIVITY AREA WITHIN THE WESTERN SOMA MIXED USE-OFFICE ZONING DISTRICT, THE WESTERN SOMA SPECIAL USE DISTRICT AND A 55-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On April 3, 2014, Leticia Luna (hereinafter “Project Sponsor”) filed an application with the Planning Department (hereinafter “Department”) for Conditional Use Authorization under Planning Code Section(s) 145.2, 303, 823, 845.13 and 845.56 to expand the existing nighttime entertainment use (d.b.a. Calle Once) and to establish an outdoor activity area within the Western SoMa Mixed Use-Office (WMUO) Zoning District, the Western SoMa Special Use District and a 55-X Height and Bulk District.

On September 18, 2014, the San Francisco Planning Commission (hereinafter “Commission”) conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2014.0487C.

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

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

MOVED, that the Commission hereby authorizes the Conditional Use requested in Application No. 2014.0487C, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

FINDINGS

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

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The project is located on the southern corner of the intersection of 11th and Folsom Streets, Lot 058 of Assessor's Block 3521. The subject property is located within the WMUO (Western SoMa Mixed Use-Office) Zoning District, the Western SoMa Special Use District and a 55-X Height and Bulk District. The lot is approximately 3,749 square feet and has 40.9 feet of frontage on 11th Street and 70 feet of frontage on Folsom Street. The property is developed with a two-story commercial building that has been occupied by an entertainment activity since 1966, most recently as (d.b.a. Paradise Lounge) which occupied the building since 1985. The existing venue occupies approximately 7,433 square-feet.
3. **Surrounding Properties and Neighborhood.** The Western SoMa Mixed Use-Office Zoning District encourages office uses along with small-scale light industrial and arts activities. Nighttime entertainment activities are generally permitted through Conditional Use Authorization when not within 200-feet of an RED or RED-MX districts. Nevertheless, as a result of historic land use patterns, the subject property is surrounded by a cluster of entertainment, retail, and non-residential activities.

Directly opposite of the subject corner, and north of the subject property, is a single-story automotive retail use (d.b.a. Mercedes Benz of San Francisco). East of the subject property is a 6-story mixed use building (the former Jackson Brewery) with a restaurant on the ground floor (d.b.a. Basil Canteen) and live work units on the upper floors. West of the property is a single-story entertainment venue (previously d.b.a. Club Caliente), a three-story commercial building with ground floor restaurant (d.b.a. Izakaya House), and a two-story warehouse (d.b.a. Action Rentals). Immediately adjacent to, and south, of the subject property is a collection of entertainment activities including: the Holy Cow, a vacant theater, and the Beatbox. The project site is located 300-feet from the nearest RED Zoning District.

The site is well served by local and regional public transit. The 9-San Bruno, 12-Folsom/Pacific, 14-Mission, and the 47-Van Ness Muni Bus lines operate within a ¼-mile from the subject property. The site is also within ½-mile from the Van Ness Muni Station and the Civic Center BART station. After-hours paid parking until 3 a.m. is available one block away from the project in the large Costco parking lot serving entertainment and nighttime activities in the area.

4. **Project Description.** The Project Sponsor, and new owner, is seeking Conditional Use authorization to expand an entertainment use as part of the existing venue (d.b.a. Calle Once) and to establish an outdoor activity area. The proposal includes a vertical expansion that will add a third story to the existing building and result in a total of 8,913 gross square feet. The third story addition will accommodate a kitchen, additional interior seating area and access to the proposed roof deck dining area. The roof deck will be approximately 1,180 square feet. Areas dedicated to dancing and performances will be kept on the first and second floors.

The proposed use is an independent use and locally owned, which has been encouraged throughout San Francisco. The new owner has 35 years of prior experience as an owner and manager of restaurants and nightclubs in San Francisco. She has held eight liquor licenses and two entertainment permits prior to the current project.

5. **Public Comment.** The Department has received three e-mails in opposition to the proposal, two of which are from residents of the live work building at 1489 Folsom Street. The Department has also received 25 letters and one phone call, from the Alliance for a Better District Six, in support of the 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. **Nighttime Entertainment Use.** Planning Code Sections 823 and 845.56 require Conditional Use Authorization to establish an entertainment use within the WMUO Zoning District and the Western SoMa Special Use District, if such use is not within 200 linear feet of any property within an RED (Residential Enclave) or RED-MX (Residential Enclave – Mixed) District. Additionally, such uses must also comply with the Good Neighbor Policies for nighttime entertainment activities outlined in Planning Code Section 803.5(b).

The Project Sponsor is seeking Conditional Use Authorization to expand an existing entertainment use at a property that is not within 200 linear feet of an RED or RED-MX Zoning District. The live music would be restricted to the inside area and the sound equipment must be inspected and permitted by the Entertainment Commission prior to operation. Additionally, the Good Neighbor Policies will be memorialized as part of the Conditions of Approval and will specifically restrict noise and vibration associated with the entertainment use to within the interior space.

- B. **Good Neighbor Policies.** Planning Code Section 803.5 (a) and (b) establishes good neighbor policies for restaurants and nighttime entertainment activities in Mixed Use Districts. Such

uses are not to be allowed except on conditions which, in the judgment of the City agency, board or commission, are reasonably calculated to insure that:

1. Notices shall be well-lit and prominently displayed at all entrances to and exits from the establishment urging patrons to leave the establishment and neighborhood in a quiet, peaceful, and orderly fashion and to please not litter or block driveways in the neighborhood; and
2. Employees of the establishment shall be posted at all the entrances and exits to the establishment during the period from 10:00 p.m. to such time past closing that all patrons have left the premises. These employees shall insure that patrons waiting to enter the establishment and those exiting in the premises are urged to respect the quiet and cleanliness of the neighborhood as they walk to their parked vehicle or otherwise leave the area; and,
3. Employees of the establishment shall walk a 100-foot radius from the premises sometime between 30 minutes after closing time and 8:00 a.m. the following morning, and shall pick up and dispose of any discarded beverage containers and other trash left by area nighttime entertainment patrons; and,
4. Sufficient toilet facilities shall be made accessible to patrons within the premises, and toilet facilities shall be made accessible to prospective patrons who may be lined up waiting to enter the establishment; and,
5. The establishment shall provide outside lighting in a manner that would illuminate outside street and sidewalk areas and adjacent parking, as appropriate; and,
6. The establishment shall provide adequate parking for patrons free of charge or at a rate or manner that would encourage use of parking by establishment patrons. Adequate signage shall be well-lit and prominently displayed to advertise the availability and location of such parking resources for establishment patrons; and,
7. The establishment shall provide adequate ventilation within the structures such that doors and/or windows are not left open for such purposes resulting in noise emission from the premises; and,
8. Any indoor and/or outdoor activity allowed as a principal or conditional use and located within 100-feet of a residential or live/work unit shall, during the period from 10:00 p.m. to 6:00 a.m., insure that sound levels emanating from such activities do not exceed the acceptable noise levels established for residential uses by the San Francisco Noise Ordinance; and,
9. The establishment shall implement other conditions and/or management practices, including the prohibition of dancing to recorded music (disco dancing), as determined by the Zoning Administrator, in consultation with Police Department and other appropriate

public agencies, to be necessary to insure that management and/or patrons of the establishments maintain the quiet, safety, and cleanliness of the premises and the vicinity of the use, and do not block driveways of neighboring residents or businesses.

The Conditions of Approval set forth in Exhibit A ensure that the Project Sponsor will continue to practice the Good Neighbor Policies as outlined above through ongoing compliance with the Planning Code. Additionally, failure to adhere to the Planning Code requirements may result in a revocation of the Conditional Use authorization. Parking is not included in the subject proposal, nor is it required by the Planning Code. Furthermore, the Entertainment Commission also refers to the City's Good Neighbor Policies when reviewing entertainment permits for related or special events.

- C. **Outdoor Activity.** Planning Code Sections 145.2(a) and 845.13 require Conditional Use Authorization for an Outdoor Activity Area, as defined by Planning Code Section 890.71, within the WMUO Zoning District.

The Project Sponsor requests Conditional Use Authorization to establish an outdoor activity on the roof of the second story per Planning Code Section 845.13. The Outdoor Activity use will not include live performance space and will primarily accommodate food and beverage patrons as an accessory dining area. Any ambient music will be pre-recorded, directed towards the street, and will be turned off by midnight.

- D. **Neighborhood Notification.** Pursuant to Planning Code Section 312, the expansion of an entertainment use and the establishment of an outdoor activity area within a Mixed Use District requires Section 312 neighborhood notification to all owners and occupants within a 150-foot radius from the project site.

The project site is located within the WMUO Zoning District. The project proposal includes the expansion of an entertainment use and the establishment of an outdoor activity area. Therefore, the project requires neighborhood notification. Section 312 notification was conducted in conjunction with the Conditional Use authorization notification.

- E. **Parking.** Pursuant to Planning Code Section 151.1 off-street parking for any arts activity is principally permitted at a ratio of one parking space for each 2,000 square feet of occupied floor area.

The subject property has not historically provided any off-street parking spaces for the venue. The proposal does not include changes to this existing condition.

7. **Additional Criteria for Outdoor Activity Areas 145.2(a)(2).** An Outdoor Activity Area is subject to additional criteria that the Planning Commission shall find that:

- A. The nature of the activity operated in the Outdoor Activity Area is compatible with surrounding uses;

The subject property is located within the WMUO Zoning District which encourages a mixture of commercial uses and prohibits residential uses, such that throughout the day the neighborhood remains active and safe. The proposed outdoor activity use is in keeping with the context of commercial uses within the immediate and broader neighborhood. The outdoor area will accommodate restaurant patrons and will be the only outdoor seating area on this block of Folsom Street.

- B. The operation and design of the Outdoor Activity Area does not significantly disturb the privacy or affect the livability of adjoining or surrounding residences;

The two adjacent properties to the subject site are non-residential uses. Furthermore, the outdoor area is arranged to project noise towards the intersection of Folsom and 11th Street. This minimizes impact to residents of properties within the immediate area.

- C. The hours of operation of the activity operated in the Outdoor Activity Area are limited so that the activity does not disrupt the viability of surrounding uses.

The expected hours of operation for the restaurant are between 4:00 P.M. to 11:00 P.M. Wednesday through Saturday and 11:00 A.M. to 11:00 P.M. on Sunday. The expected hours of operation for the entertainment use will be from 4:00 P.M. to 2:00 A.M. Wednesday through Sunday. On Mondays and Tuesdays the venue will be open as demand warrants and will also be available for private events that will occur within the aforementioned timeframes.

Additionally, per the Good Neighbor Policies, any indoor and/or outdoor activity within 100-feet of a residential or live/work unit must insure that sound levels emanating from such activities do not exceed the acceptable noise levels established for residential uses by the San Francisco Noise Ordinance, during the period from 10:00 P.M. to 6:00 A.M..

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

- D. 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 necessary and desirable because it will enhance an existing commercial activity and will not result in the displacement of any other neighborhood serving use. The entertainment use will complement the mix of goods and services currently available in the immediate vicinity, and will also be within a cluster of other entertainment activities.

- E. 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 project site are compatible with the pattern of development in the area. The new construction of a partial third floor is setback from both 11th and Folsom Street and is approximately 1,450 square-feet.

- 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 project would not adversely affect public transit or overburden the existing supply of parking in the neighborhood because the project site is well-served by public transit. The project is within ¼ mile of four MUNI Bus lines, and ½ mile of the Van Ness Muni Station and the Civic Center Bart Station. After-hours paid parking until 3 a.m. is available one block away from the project in the large Costco parking lot serving entertainment and nighttime activities in the area.

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

Noxious or offensive emissions will be prevented through stringent Conditions of Approval. The musical entertainment will be regulated by the Entertainment Commission and Police Department so that it will meet the San Francisco Noise Control Ordinance. Furthermore, the Conditions of Approval specifically restrict noise and vibration associated with the entertainment use to within the interior space. The Project Sponsor's current soundproofing applications include providing double paned windows, closing an existing skylight, and locating performance space at the back of the venue and away from the front door. Applying drapes over the windows will take place if necessary to comply with the Noise Ordinance. The Project Sponsor voluntarily hired a sound engineer to confirm such compliance.

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

There are no proposed changes to existing conditions as they relate to landscaping, screening, open spaces, parking and loading areas, service areas, lighting, and signage. Furthermore, Conditions of Approval guarantee that any adverse impacts of increased patronage resulting from the entertainment activity will be mitigated both by litter removal, maintenance of the sidewalk, and signage requesting patrons be respectful of neighbors.

- F. 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.

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

WESTERN SOMA AREA PLAN

Objectives and Policies

OBJECTIVE 1:

MINIMIZE NOISE IMPACTS AND ENSURE APPROPRIATE NOISE ORDINANCE REQUIREMENTS ARE MET.

Policy 1.3.2:

Reduce potential land use conflicts by carefully considering the location and design of both noise-generating uses and sensitive uses in the Western SoMa.

All entertainment activities at the site will be situated in the interior of the space and must adhere to the soundproofing measures identified in the Conditions of Approval, as well as, undergo review and testing by the Entertainment Commission. Additionally, any noise associated with the restaurant activities on the outdoor roof deck are directed towards the intersection of 11th and Folsom Street and will be limited during the hours of 10:00 P.M. and 6:00 A.M..

OBJECTIVE 2.1:

RETAIN AND ENCOURAGE GROWTH OPPORTUNITIES FOR EXISTING NEIGHBORHOOD BUSINESSES.

Policy 2.1.1:

Promote a wide range of neighborhood-serving commercial uses north of Harrison Street.

The subject entertainment venue has operated at this location since the mid-1980s. Under new ownership the entertainment venue will re-open and expand to include a third floor and roof deck that will enable the continued commercial viability of the site by including a kitchen and additional seating area. The proposal thereby retains and expands an existing neighborhood business that is north of Harrison Street.

OBJECTIVE 8.1:

REINFORCE THE IMPORTANCE OF THE ARTS BY PRESERVING AND ENHANCING EXISTING ARTS USES.

Policy 8.1.2:

Create, expand and protect space for the arts.

Under new ownership, the entertainment venue will feature salsa activities, live DJ performances and amplified music from the 70s. The target demographic is diverse and includes a range of ages and cultural backgrounds, which will generate new opportunities for the City's emerging artists.

OBJECTIVE 8.3:

PROTECT AND ENCOURAGE APPROPRIATE NEIGHBORHOOD ENTERTAINMENT USES.

Policy 8.3.7:

Encourage clustering neighborhood serving uses around existing entertainment facilities.

The subject property has operated as an entertainment venue for approximately 50 years. The site is also adjacent to a number of other long-established entertainment venues within the Western SoMa neighborhood. The proposal will alter the existing venue to include a restaurant and outdoor activity area – features which will separate the venue from other performance spaces in clustered in the vicinity.

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 1.1:

Encourage development which provides substantial net benefits and minimizes undesirable consequences. Discourage development which 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.

Allowing the requested expansion of the entertainment use and addition of the outdoor seating area will create greater entertainment choices for those who live and work in the City without displacing an existing business. Additionally, Conditions of Approval guarantee containment of any significant noise generated by the use during operation.

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

The expansion of the entertainment use to accommodate on-site dining will create an improved social and cultural environment in the neighborhood. Additionally, the outdoor activity area will be a unique feature within the immediate area and will be available for dining, as well as social and cultural gatherings. Furthermore, Conditions of Approval guarantee that the business will improve conditions at the subject property, take residential neighbors into consideration and contribute to an active street life during evening hours.

OBJECTIVE 3:

PROVIDE EXPANDED EMPLOYMENT OPPORTUNITIES FOR CITY RESIDENTS, PARTICULARLY THE UNEMPLOYED AND ECONOMICALLY DISADVANTAGED.

Policy 3.1:

Promote the attraction, retention and expansion of commercial and industrial firms which provide employment improvement opportunities for unskilled and semi-skilled workers.

The project will provide approximately 35 employment opportunities for local residents and performers. Additionally, the interior of the existing entertainment space will be renovated so that it can accommodate both emerging local artists and established performers with a growing San Francisco Bay Area fan base.

ARTS ELEMENT

Objectives and Policies

OBJECTIVE I-2:

INCREASE THE CONTRIBUTION OF THE ARTS TO THE ECONOMY OF SAN FRANCISCO.

Policy I-2.1:

Encourage and promote opportunities for the arts and artists to contribute to the economic development of San Francisco.

Policy I-2.2:

Continue to support and increase the promotion of the arts and arts activities throughout the City for the benefit of visitors, tourists, and residents.

The expansion of the entertainment use will enable the venue to continue to provide musical performance activities on-site on a regular basis. This activity also enhances San Francisco's arts sector and supplies residents, tourists and visitors with a greater diversity of entertainment offerings.

OBJECTIVE VI-1:

SUPPORT THE CONTINUED DEVELOPMENT AND PRESERVATION OF ARTISTS' AND ARTS ORGANIZATIONS' SPACES.

Policy VI-1.9:

Create opportunities for private developers to include arts spaces in private developments city-wide.

Policy VI-1.11

Identify, recognize and support existing arts clusters and wherever possible, encourage the development of clusters of arts facilities and arts related businesses through the city.

The addition of the entertainment use to the existing bar will enable the current business to continue the existing use while creating a new performance space in San Francisco. Additionally, the entertainment use contributes to a cluster of arts activities within 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:

- 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 will contribute to a greater number of employment opportunities for city residents and will not displace any existing retail uses within the neighborhood.

- 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 will not adversely affect existing housing and is consistent with the surrounding neighborhood character. Further, the Conditions of Approval will ensure the entertainment activity occurs indoors and complies with the San Francisco Noise Ordinance.

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

No housing is removed for this Project.

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

The subject site is at the intersection of Folsom and 11th Streets and is well served by transit. It is presumable that the employees and patrons would commute by transit; therefore, effects on street parking should be minimized.

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

The Project will not displace or alter any elements of the City's industrial or service sectors.

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

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

- G. That landmarks and historic buildings be preserved.

The subject property was evaluated as part of the South of Market Historic Resource Survey and determined not to be a 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 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. 2014.0487C** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated August 28, 2014, 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. 19243. 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 September 18, 2014.

Jonas P. Ionin
Commission Secretary

AYES: Wu, Fong, Antonini, Hillis, Johnson, Moore, Richards.

NAYS: None.

ABSENT: None.

ADOPTED: September 18, 2014

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to expand an entertainment use (d.b.a. Calle Once) and establish an outdoor activity area located at 1501 Folsom Street, Block 3521, Lot 058, pursuant to Planning Code Sections 145.2, 303, 823, 845.13 and 845.56 within the Western SoMa Mixed Use-Office Zoning District, the Western SoMa Special Use District and a 55-X Height and Bulk District; in conformance with plans, dated August 28, 2014, and stamped "EXHIBIT B" included in the docket for Case No. 2014.0487C and subject to conditions of approval reviewed and approved by the Commission on September 18, 2014, under Motion No. 19243. 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 **September 18, 2014**, under Motion No **19243**.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. **19243** 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

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

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

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

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

MONITORING

6. **Enforcement.** Violation of any of the Planning Department conditions of approval contained in this Motion or of any other provisions of Planning Code applicable to this Project shall be subject to the enforcement procedures and administrative penalties set forth under Planning Code Section 176 or Section 176.1. The Planning Department may also refer the violation complaints to other city departments and agencies for appropriate enforcement action under their jurisdiction.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
7. **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 415-575-6863, www.sf-planning.org
8. **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

OPERATION

9. **Garbage, Recycling, and Composting Receptacles.** Garbage, recycling, and compost containers shall be kept within the premises and hidden from public view, and placed outside only when being serviced by the disposal company. Trash shall be contained and disposed of pursuant to garbage and recycling receptacles guidelines set forth by the Department of Public Works.
For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works at 415-554-5810, <http://sfdpw.org>
10. **Sidewalk Maintenance.** The Project Sponsor shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean and sanitary condition in compliance with the Department of Public Works Streets and Sidewalk Maintenance Standards.
For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works, 415-695-2017, <http://sfdpw.org>
11. **Noise Control.** The premises shall be adequately soundproofed or insulated for noise and operated so that incidental noise shall not be audible beyond the premises or in other sections of the building and fixed-source equipment noise shall not exceed the decibel levels specified in the San Francisco Noise Control Ordinance.

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

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

For information about compliance with the amplified sound including music and television contact the Police Department at 415-553-1012 or 415-5530123, www.sf-police.org

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

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

- 13. 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

- 14. Other Entertainment.** The Other Entertainment shall be performed within the enclosed building only. The building shall be adequately soundproofed or insulated for noise and operated so that incidental noise shall not be audible beyond the premises or in other sections of the building and fixed-source equipment noise shall not exceed the decibel levels specified in the San Francisco Noise Control Ordinance. Bass and vibrations shall also be contained within the enclosed structure. The Project Sponsor shall obtain all necessary approvals from the Entertainment Commission prior to operation. The authorized entertainment use shall also comply with all of the conditions imposed by the Entertainment Commission.

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

- 15. 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

16. **Good Neighbor Policies.** The Project shall comply with the following “Good Neighbor” policies to insure that management and/or patrons of the establishment maintain the quiet, safety, and cleanliness of the premises and the vicinity of the use, and do not block driveways of neighboring residents or businesses:

- A. The quiet, safety and cleanliness of the premises and its adjacent area are maintained;
- B. Adequate off-street parking is provided, for which purpose the agency, board or commission may require parking in excess of that required under the provisions of Section 150(c) of this Code and may include participation in a South of Market Parking Management Program if and when such a program exists;
- C. Proper and adequate storage and disposal of debris and garbage is provided;
- D. Noise and odors are contained within the premises so as not to be a nuisance to neighbors; and
- E. Sufficient toilet facilities are made accessible to patrons, including persons waiting to enter the establishment.
- F. Notices shall be well-lit and prominently displayed at all entrances to and exits from the establishment urging patrons to leave the establishment and neighborhood in a quiet, peaceful, and orderly fashion and to please not litter or block driveways in the neighborhood; and
- G. Employees of the establishment shall be posted at all the entrances and exits to the establishment during the period from 10:00 p.m. to such time past closing that all patrons have left the premises. These employees shall insure that patrons waiting to enter the establishment and those existing in the premises are urged to respect the quiet and cleanliness of the neighborhood as they walk to their parked vehicle or otherwise leave the area; and,
- H. Employees of the establishment shall walk a 100-foot radius from the premises sometime between 30 minutes after closing time and 8:00 a.m. the following morning, and shall pick up and dispose of any discarded beverage containers and other trash left by area nighttime entertainment patrons; and,
- I. Sufficient toilet facilities shall be made accessible to patrons within the premises, and toilet facilities shall be made accessible to prospective patrons who may be lined up waiting to enter the establishment; and,
- J. The establishment shall provide outside lighting in a manner that would illuminate outside street and sidewalk areas and adjacent parking, as appropriate; and,

- K. The establishment shall provide adequate parking for patrons free of charge or at a rate or manner that would encourage use of parking by establishment patrons. Adequate signage shall be well-lit and prominently displayed to advertise the availability and location of such parking resources for establishment patrons; and,
- L. The establishment shall provide adequate ventilation within the structures such that doors and/or windows are not left open for such purposes resulting in noise emission from the premises; and,
- M. Any indoor and/or outdoor activity allowed as a principal or conditional use and located within 100-feet of a residential or live/work unit shall, during the period from 10:00 p.m. to 6:00 a.m., insure that sound levels emanating from such activities do not exceed the acceptable noise levels established for residential uses by the San Francisco Noise Ordinance; and,
- N. The establishment shall implement other conditions and/or management practices, including the prohibition of dancing to recorded music (disco dancing), as determined by the Zoning Administrator, in consultation with Police Department and other appropriate public agencies, to be necessary to insure that management and/or patrons of the establishments maintain the quiet, safety, and cleanliness of the premises and the vicinity of the use, and do not block driveways of neighboring residents or businesses.

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

- 17. Soundproofing.** The Project shall provide double doors at entrances and exits located on the ground floor in an effort to dampen noise from the event space.

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

- 18. Informational Report.** The Project Sponsor will continue to work with the community to prevent any disturbances. Approximately six months after the first day of operating the entertainment use, the Department will provide an informational report to the Planning Commission on any remaining disturbance concerns.

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

- 19. GLBT History.** The Project Sponsor shall work with both San Francisco's leather community and SF Heritage to recognize the site's contribution to San Francisco's GLBT heritage.

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