**CONSENT CALENDAR** 

# Executive Summary Conditional Use

**HEARING DATE: JUNE 16, 2011** 

Date: June 9, 2011 Case No.: **2011.0186 C** 

Project Address: 550 VALENCIA STREET

Zoning: Valencia Street NCT (Neighborhood Commercial Transit)

Mission Alcoholic Beverage Special Use Subdistrict

55-X Height and Bulk District

*Block/Lot:* 3568/008

Project Sponsor: Dylan Macniven

3640 17th Street

San Francisco, CA 94114

Staff Contact: Corey Teague – (415) 575-9081

corey.teague@sfgov.org

Recommendation: Approval with Conditions

#### PROJECT DESCRIPTION

The applicant proposes to establish a 3,910 square foot full-service restaurant and bar (d.b.a. Mohave). The commercial space previously housed the Bombay Bazar and the Bombay Ice Creamery for more than a decade. The proposal includes minor facade improvements, interior alterations, and a six foot rear addition to the existing one-story building that will match the existing depth of the rear bathrooms. The two rear yard storage structures will be used for cold and dry storage.

The restaurant and bar will be an independent, locally-owned neighborhood-serving use. The owner also owns and operates two locations of the Woodhouse Fish Company at 2073 Market Street and 1914 Fillmore Street. The proposed operation consists of 30 employees. Hours of operation will be 5:00pm to 12:00am Sunday through Thursday, and 5:00pm to 1:00am Friday and Saturday. The proposal does not include any outdoor seating.

#### SITE DESCRIPTION AND PRESENT USE

The project site is a 5,327 square foot lot located on the western side of Valencia Street between 16<sup>th</sup> and 17<sup>th</sup> Streets. The property is developed with a one-story, approximately 3,635 square foot building that previously housed the Bombay Bazar (548 Valencia Street) and the Bombay Ice Creamery (552 Valencia Street) in separate units of less than 3,000 square feet. The building is currently vacant. The approximately 18-foot rear yard includes two one-story storage structures.

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

Reception: 415.558.6378

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415.558.6409

Planning Information: 415.558.6377 Executive Summary Hearing Date: June 16, 2011

#### SURROUNDING PROPERTIES AND NEIGHBORHOOD

The project site is located in the Valencia Street NCT corridor, which includes a variety of neighborhood-serving uses. A mixture of food establishments, personal services, and small retail establishments defines the District. Additionally, the project site is less than one block away from the 16<sup>th</sup> Street corridor, which also provides a similar variety of neighborhood-serving uses. The properties behind the project site that front on Albion Street fall in the RTO-Mission zoning district and include two to three story residential buildings with up to six dwelling units.

#### **ENVIRONMENTAL REVIEW**

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

#### **HEARING NOTIFICATION**

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUA L PERIOD
Classified News Ad	20 days	May 27, 2011	May 25, 2011	22 days
Posted Notice	20 days	May 27, 2011	May 27, 2011	20 days
Mailed Notice	20 days	May 24, 2011	April 13, 2011	23 days

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

#### **PUBLIC COMMENT**

 The Department received letters of support from the Mission Dolores Neighborhood Association and a nearby business owner, and one phone call of support form a neighbor on Albion Street. The Department received no letters of opposition.

#### ISSUES AND OTHER CONSIDERATIONS

There is a concern with the potential over-concentration of food-service establishments. The Commerce and Industry Element of the General Plan contains Guidelines for Specific Uses. For eating and drinking establishments, the Guidelines state, "the balance of commercial uses may be threatened when eating and drinking establishments occupy more than 20% of the total occupied commercial frontage." Planning staff has performed a site survey of the Valencia Street NCT District that contains the proposed building. With the proposed restaurant use, approximately 16% of the frontage of the Valencia Street NCT District would be attributed to eating and drinking establishments.

#### REQUIRED COMMISSION ACTION

In order for the project to proceed, the Commission must grant conditional use authorization to allow the establishment of a bar that serves distilled spirits, in addition to beer and wine, within

Executive Summary Hearing Date: June 16, 2011

the Valencia Street NCT District, pursuant to Planning Code Section 726.41. In addition, the Commission would need to grant conditional use authorization for a use greater than 3,000 square feet in size, pursuant to Planning Code Section 121.2.

#### BASIS FOR RECOMMENDATION

- The project is a small business that will occupy a currently vacant building with a locally-owned neighborhood-serving use that will contribute to the viability of the overall Valencia Street NCT District.
- The project will not displace an existing retail tenant providing convenience goods and services to the neighborhood.
- The project will not result in an overpopulation of restaurants in the Valencia Street NCT District
- The project will create 30 or more jobs for neighborhood residents of various skill and experience levels.
- The project is consistent with the Planning Code, Mission Area Plan, and General Plan.
- The project is desirable for, and compatible with the surrounding neighborhood.

#### **RECOMMENDATION:**

#### **Approval with Conditions**

#### **Attachments:**

Block Book Map Sanborn Map Aerial Photographs Zoning Map Site Photograph Letters of Support

Project Sponsor Submittal, including:

- Letter to the Planning Commission
- Context Photographs
- Reduced Plans

Attachment Checklist

	Executive Summary		Project sponsor submittal			
	Draft Motion		Drawings: Existing Condition	tions		
	Environmental Determination		Check for legibility			
	Zoning District Map		Drawings: Proposed Proje	<u>ct</u>		
	Height & Bulk Map		Check for legibility			
	Parcel Map		Health Dept. review of RF	levels		
	Sanborn Map		RF Report			
	Aerial Photo		Community Meeting Notice	ce		
	Context Photos		Inclusionary Affordable I Affidavit for Compliance	Housing Program:		
	Site Photos		-			
Exhibits above marked with an "X" are included in this packet						
				Planner's Initials		

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# SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)	
☐ Affordable Housing (Sec. 415)	☐ First Source Hiring (Admin. Code)
□ Jobs Housing Linkage Program (Sec. 413)	☐ Child Care Requirement (Sec. 414)
□ Downtown Park Fee (Sec. 412)	☐ Other

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### **Planning Commission Draft Motion**

**HEARING DATE: JUNE 16, 2011** 

Date: June 9, 2011 Case No.: **2011.0186 C** 

Project Address: 550 VALENCIA STREET

Zoning: Valencia Street NCT (Neighborhood Commercial Transit)

Mission Alcoholic Beverage Special Use Subdistrict

55-X Height and Bulk District

*Block/Lot:* 3568/008

Project Sponsor: Dylan Macniven

3640 17th Street

San Francisco, CA 94114

Staff Contact: Corey Teague – (415) 575-9081

corev.teague@sfgov.org

ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 121.2, 303, AND 726.41 OF THE PLANNING CODE TO ALLOW A 3,910 SQUARE FOOT FULL-SERVICE RESTAURANT AND BAR (D.B.A. MOHAVE) WITHIN THE VALENCIA STREET NCT (NEIGHBORHOOD COMMERCIAL TRANSIT) DISTRICT, MISSION ALCOHOLIC BEVERAGE SPECIAL USE SUBDISTRICT, AND A 55-X HEIGHT AND BULK DISTRICT.

#### **PREAMBLE**

On February 2, 2011 Dylan MacNiven (hereinafter "Project Sponsor") filed an application with the Planning Department (hereinafter "Department") for Conditional Use Authorization under Planning Code Sections 121.2, 303, and 726.41, to allow a 3,910 square foot full-service restaurant and bar (d.b.a. Mohave) in the Valencia Street NCT (Neighborhood Commercial Transit) Zoning District, Mission Alcoholic Beverage Special Use Subdistrict, and 55-X Height and Bulk District.

On June 16, 2011, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2011.0186C.

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. 2011.0186C, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

#### **FINDINGS**

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

- 1. The above recitals are accurate and constitute findings of this Commission.
- 2. **Site Description and Present Use.** The project site is a 5,327 square foot lot located on the western side of Valencia Street between 16<sup>th</sup> and 17<sup>th</sup> Streets. The property is developed with a one-story, approximately 3,635 square foot building that previously housed the Bombay Bazar (548 Valencia Street) and the Bombay Ice Creamery (552 Valencia Street) in separate units of less than 3,000 square feet. The building is currently vacant. The approximately 18-foot rear yard includes two one-story storage structures.
- 3. **Surrounding Properties and Neighborhood.** The project site is located in the Valencia Street NCT corridor, which includes a variety of neighborhood-serving uses. A mixture of food establishments, personal services, and small retail establishments defines the District. Additionally, the project site is less than one block away from the 16<sup>th</sup> Street corridor, which also provides a similar variety of neighborhood-serving uses. The properties behind the project site that front on Albion Street fall in the RTO-Mission zoning district and include two to three story residential buildings with up to six dwelling units.
- 4. **Project Description.** The applicant proposes to establish a 3,910 square foot full-service restaurant and bar (d.b.a. Mohave). The commercial space previously housed the Bombay Bazar and the Bombay Ice Creamery for more than a decade. The proposal includes minor facade improvements, interior alterations, and a six foot rear addition to the existing one-story building that will match the existing depth of the rear bathrooms. The two rear yard storage structures will be used for cold and dry storage.

The proposed use is an independent neighborhood-serving use that is locally owned, which is encouraged throughout San Francisco. The owner also owns and operates two locations of the Woodhouse Fish Company at 2073 Market Street and 1914 Fillmore Street.

The proposed operation consists of 30 employees. Hours of operation will be 5:00pm to 12:00am Sunday through Thursday, and 5:00pm to 1:00am Friday and Saturday. The proposal does not include any outdoor seating. The subject site is well served by public transit so that potential

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customers should not adversely affect traffic. Trash will be picked up Monday through Saturday, but cans will be stored out of sight. Deliveries will be made Monday through Friday, and local suppliers will be used as much as possible.

- Public Comment. The Department received letters of support from the Mission Dolores Neighborhood Association and a nearby business owner, and one phone call of support from a neighbor on Albion Street. The Department received no letters of opposition.
- 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. **Full-Service Restaurant and Bar.** Planning Code Section 121.2 requires a Conditional Use Authorization for any use greater than 3,000 square feet in the Valencia Street NCT. Additionally, Section 726.41 requires a Conditional Use Authorization for a bar.

The Project is a full-service restaurant and bar totaling more than 3,000 square feet. The project is seeking the required Conditional Use Authorization.

B. **Hours of Operation.** Planning Code Section 726.27 permits hours of operation from 6:00a.m. to 2:00a.m. as of right, as defined by Planning Code Section 790.48.

The proposed restaurant and bar will operate no later than 1:00a.m., and is therefore permitted as of right.

C. **Floor Area Ratio.** Planning Code Section 124 sets the maximum floor area ratio in the Valencia Street NCT District at 2.5 to 1.

The floor area ratio of the proposal is less than 1 to 1.

D. Rear Yard Requirement in the Valencia Street NCT District. Planning Code Section 134 states that the rear yard shall be provided at the second story and above and at all residential levels, and at a minimum depth of 25 percent of the total depth of a lot in which it is situated.

The existing building is only one-story and will contain no residential uses. Therefore, no rear yard is required on the ground level.

E. **Required Ground Floor Commercial Uses.** Planning Code Section 145.4 requires that ground floor in certain corridors contain active commercial uses. Valencia Street, between 15th and 23rd Streets is one such corridor.

The proposed restaurant and bar will provide an active commercial use on the ground floor as required.

F. **Parking**. Planning Section 151.1 of the Planning Code does not require off-street parking for any use in the Valencia Street NCT District, and provides maximums for specific uses.

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The project site currently contains no off-street parking, and no parking is proposed.

G. Mission Alcoholic Beverage Special Use Subdistrict. Planning Code Section 781.8 strictly limits the opening of new establishments selling alcoholic beverages. An exception is granted for a bar within a bona fide restaurant, which is defined as a place which is regularly used and kept open for the service of meals to guests for compensation and which has (1) suitable kitchen facilities for the cooking of an assortment of foods which may be required for meals, (2) a primary use of sit-down service to patrons, (3) adequate seating arrangements for sit-down patrons provided on the premises, (4) take-out service that is only incidental to the primary sit-down use, (5) alcoholic beverages which are sold or dispensed for consumption on the premises only when served at tables or sit-down counters by employees of the restaurant, and (6) a minimum of 51 percent of the restaurant's gross receipts shall be from the sale of meals.

The proposed restaurant and bar meet the definition of a bona fide restaurant and therefore are permitted to sell alcohol pursuant to the Mission Alcoholic Beverage Special Use Subdistrict.

- 7. **Planning Code Section 303** establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use approval. On balance, the project does comply with said criteria in that:
  - A. The proposed new uses and building, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable, and compatible with, the neighborhood or the community.

The proposed use will not increase the size or intensity of uses in the existing building, which has been previously used as restaurant and retail space for many years. While the size of the proposed restaurant and bar is larger than typical, the building does not fully cover the lot, and there will be no outdoor seating. Filling the now vacant building with a locally owned neighborhood-serving use is necessary and desirable in this neighborhood.

- B. The proposed project will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity. There are no features of the project that could be detrimental to the health, safety or convenience of those residing or working the area, in that:
  - i. Nature of proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;
    - The existing building is only one-story tall and does not fully cover the lot. The proposed rear extension is minor and will have minimal impact on adjacent properties.
  - ii. The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed off-street parking and loading;

The Planning Code does not require parking or loading in the Valencia Street NCT District, and the subject property contains no parking. Traffic patterns for the proposed restaurant and bar will not be significantly different than those of the previous restaurant and retail uses. Patrons of the restaurant from the immediate neighborhood have ample walking, bicycling, and public transit options through MUNI. The proposed restaurant is large enough to also draw patrons from beyond the immediate neighborhood. However, the BART stop at 16th and Mission Street is less than a five minute walk away.

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

The proposed restaurant and bar will not create substantial emissions. Conditions of approval will require compliance with applicable City codes to control exhaust emissions associated with the kitchen. A "Captive Air" exhaust hood will be installed and all reasonable measures will be taken to limit food odor impact on surrounding properties.

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

The proposed full-service restaurant does not require any additional landscaping or screening, and the Department shall review all lighting and signs proposed for the new business under separate building permit.

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

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

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

The proposed project is consistent with the stated description and purposed of the Valencia Street NCT District in that "eating and drinking establishments contribute to the street's mixed-use character and activity in the evening hours," and "the Valencia Street District has a pattern of large lots and businesses."

- 8. **Planning Code Section 121.2** establishes criteria for the Planning Commission to consider when reviewing applications for uses greater than 3,000 square feet in the Valencia Street NCT District.
  - 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.

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The Valencia Street NCT District is a large district that contains a wide variety of uses. The proposal will preserve the retail function of the site as it has been for many years and will not displace or otherwise impact any other neighborhood-serving uses in the District.

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

The proposed project is a full-service restaurant with an associated bar that will serve the surrounding neighborhood and City at large. The larger space is needed to accommodate the restaurant and bar with enough seating space needed for a dinner-only establishment.

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

The proposed project will occupy an existing one-story commercial building. The minor façade alterations include removing the two separate entrances and creating one larger central entryway, removing two existing ATMs and increasing the glazing, and (under a separate permit) replacing the existing signage with smaller, more centered signage lower on the façade. These alterations to the existing façade are compatible with the surrounding district.

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

#### **COMMERCE AND INDUSTRY**

#### **Objectives and Policies**

#### **OBJECTIVE 1:**

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

#### Policy 1.1:

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

#### Policy 1.2:

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

The proposed development will use an existing vacant space to provide desirable goods and services to the neighborhood and will provide resident employment opportunities to those in the community. As such, it will enhance the living and working environment of the Valencia Street corridor.

#### **OBJECTIVE 6:**

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

#### Policy 6.1:

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

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

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

#### **Eating and Drinking Establishments**

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

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

There is a concern with the potential over-concentration of food-service establishments. The Commerce and Industry Element of the General Plan contains Guidelines for Specific Uses. For eating and drinking establishments, the Guidelines state, "the balance of commercial uses may be threatened when eating and drinking establishments occupy more than 20% of the total occupied commercial frontage." Planning staff has performed a site survey of the Valencia Street NCT District which contains the proposed building. With the proposed restaurant use, approximately 16% of the frontage of this District is attributed to eating and drinking establishments.

#### Policy 6.2:

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

The proposed restaurant and bar is not a Formula Retail use, and is owned by a local resident who also owns and operates two other restaurants in the City. Additionally, the cuisine offered at the proposed restaurant will be Southwestern inspired and focused on Native American ingredients. Such cuisine is not in large supply in this neighborhood or the City.

- 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 proposal enhances the district by occupying the existing vacant commercial unit with a locally-owned bakery that will provide several job opportunities for 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 proposed bakery will occupy an existing building that previously contained a grocery and deli for many years, and therefore will preserve the neighborhood character of the space. The building will not be altered.

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 proposed bakery is replacing a grocery and deli in the same space. Therefore, there will be no new impact to any type of traffic or parking associated with this use.

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

The Project will not displace any service or industry establishment. The project will not affect industrial or service sector uses or related employment opportunities. Ownership of industrial or service sector businesses will not be affected by this project.

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

The proposed bakery will occupy an existing commercial space and will not alter the existing building. This proposal will not impact the property's ability to withstand an earthquake.

G. That landmarks and historic buildings be preserved.

The subject building is a potential historic resource due to its age (constructed circa 1900), but it has not been evaluated to make such a determination. The proposal will not alter the exterior of the building.

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. 2011.0186C** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated June 9, 2011, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

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

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on June 16, 2011.

Linda D. Avery
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: June 16, 2011

### **EXHIBIT A**

#### **AUTHORIZATION**

This authorization is for a conditional use to allow a full-service restaurant and bar (d.b.a. **Mohave**) located at 550 Valencia Street, Block 3568, Lot 008, pursuant to Planning Code Section(s) 121.2, 303, and 726.41 within the **Valencia Street NCT** District and a **55-X** Height and Bulk District; in general conformance with plans, dated **June 9, 2011**, and stamped "EXHIBIT B" included in the docket for Case No. **2011.0186C** and subject to conditions of approval reviewed and approved by the Commission on **June 16, 2011** 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 **June 16, 2011** under Motion No **XXXXXXX**.

#### PRINTING OF CONDITIONS OF APPROVAL ON PLANS

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

#### **SEVERABILITY**

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

#### CHANGES AND MODIFICATIONS

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

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

#### **PERFORMANCE**

1. Validity and Expiration. The authorization and right vested by virtue of this action is valid for three years from the effective date of the Motion. A building permit from the Department of Building Inspection to construct the project and/or commence the approved use must be issued as this Conditional Use authorization is only an approval of the proposed project and conveys no independent right to construct the project or to commence the approved use. The Planning Commission may, in a public hearing, consider the revocation of the approvals granted if a site or building permit has not been obtained within three (3) years of the date of the Motion approving the Project. Once a site or building permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. The Commission may also consider revoking the approvals if a permit for the Project has been issued but is allowed to expire and more than three (3) years have passed since the Motion was approved.

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

2. **Extension.** This authorization may be extended at the discretion of the Zoning Administrator only where failure to issue a permit by the Department of Building Inspection to perform said tenant improvements is caused by a delay by a local, State or Federal agency or by any appeal of the issuance of such permit(s).

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

#### **DESIGN - COMPLIANCE AT PLAN STAGE**

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

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

#### **PROVISIONS**

4. **Downtown Park Fee - C-3 District.** Pursuant to Planning Code Section 412 (formerly 139), the Project Sponsor shall pay the Downtown Park Fee. The fee shall be based on drawings of the net addition of gross floor area of office to be constructed as set forth in the building permit and shall be paid prior to the issuance of a temporary certificate of occupancy.

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

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#### **MONITORING**

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

#### **OPERATION**

- 7. **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
- 8. **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, <a href="http://sfdpw.org/">http://sfdpw.org/</a>
- 9. **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

SAN FRANCISCO
PLANNING DEPARTMENT

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10. **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, <a href="https://www.sfdph.org">www.sfdph.org</a>

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, <u>www.sf-police.org</u>

- 11. **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
- 12. **Hours of Operation.** The subject establishment is limited to the following hours of operation: Every day from 6:00a.m. to 2:00a.m.

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

From: <u>Peter Lewis</u>

 To:
 corey.teague@sfgov.org

 Cc:
 Dylan MacNiven

 Subject:
 550 Valencia

 Date:
 05/16/2011 06:40 PM

#### Dear Corey:

With this email I'd like to inform you that Dylan MacNiven and his brother attended our MDNA Board meeting and gave an excellent presentation of their proposal to have a new restaurant at 550 Valencia. In response, I'd like to inform you that we unanimously voted to support them.

If you have any questions, please let me know.

Sincerely,

Peter Lewis

Co-President: Mission Dolores Neighborhood Association (MDNA)

http://www.missiondna.org

863-3950

From: mphvet@aol.com Corey.Teague@sfgov.org To: Subject: 555 Valencia St.

Date: 05/26/2011 06:12 AM

Dear Corey,
My name is John Holden. I own the Mission Pet Hospital at 720 Valencia
St. I am writing to lend strong support to the proposed restaurant,
and the people who want to open it, at 555 Valencia Street.
Jamis MacNiven and his sons are quality people. With three successful
restaurants under his belt, Jamis knows a winning formula for good food
and good times. I enthusiastically welcome the addition of this
combination into our neighborhood.
I have known the MacNivens for over 25 years, and I admire the energy
and qualities that they will bring into the Valencia corridor. Please
put me down as a neighbor who strongly supports the project. If you
need any information, or have any questions,
please do not hesitate to contact me. I am afraid I will be out of
town, and unable to attend the hearing on 6/16/11.
Sincerely,
John R. Holden, D.V.M.
720 Valencia Street
San Francisco, CA. 94110
650 465-2836

TO: Planning Commission of San Francisco

#### PROPOSED RESTAURANT AT 550 VALENCIA ST, MOHAVE

Dear Honorable Commissioners,

My brother Rowan and I have a unique connection with the Mission Dolores neighborhood. Not only have we have owned and operated one of the districts more successful restaurants for the last 5 years, we have been proud homeowners and residents as well. With the success of the Market ST and Upper Fillmore locations of our Woodhouse Fish Company restaurants, we are once again looking to expand, this time onto Valencia Street, a mere two blocks from our front door. Catching the wave of recent resurgence of business back to Valencia street, we have signed a lease at 500 Valencia to facilitate our next restaurant concept.

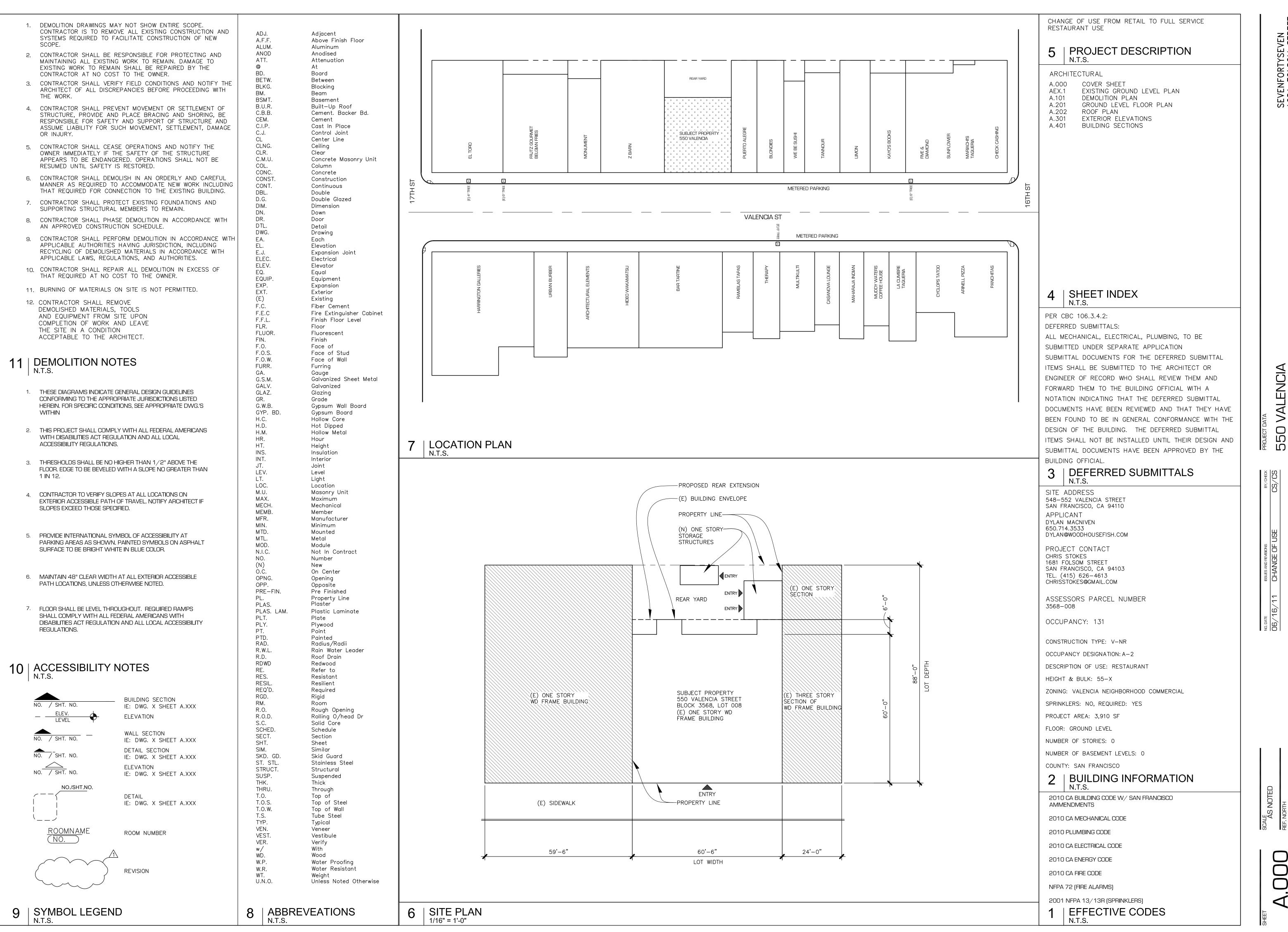
The restaurant is to be named Mohave, a name which is appropriate in multiple ways. The word is roughly translated in Native American Yuman language as 'alongside the water' and refers to the native people of the California-Arizona border. The site at 550 Valencia is directly over the banks of the original Lago de Dolores, an extinct lake that is home to the original settlement of the city of San Francisco. The cuisine is to be primarily Southwestern inspired, focusing more on the Native American styles and ingredients, but using the sensibilities and resources of inherent to California. This combination is perfectly represented by the name Mohave as it refers to the region and people of the border of the west and the southwest.

Many historical and unique finishes from New Mexico have been sourced for the new restaurant to help set a an authentic surrounding. Abundant use of reclaimed and recycled materials will ensure an environmentally sustainable construction. We understand the culture and diversity of the Mission neighborhood, and will provide an establishment that is casual and comfortable, and we will maintain extremely good value. One only has to look to the existing Woodhouse Fish Company restaurants to get a sense of what to expect in terms of atmosphere.

The conflicts arising from the of opening a restaurant in the Valencia Street Neighborhood Commercial District are well understood to us. There is to be no outside seating to control noise, and appropriate hours will be maintained to ensure the neighborhood is respected during the evenings and late at night. Measures will be taken to control odor from cooking and the site is fortunate enough to be a single story building and not attached to any residential units. Valencia street is also lucky enough to have large bike lanes, and nearby BART and MUNI lines to encourage customers to use the cities public transportation options. We have presented our project to the Mission Dolores Neighborhood Association and received unanimous support, and many of the members are current customers of ours.

The support of Planning Commission is vital in bringing locally-owned small businesses to San Francisco, and the we hope to receive the approvals to continue our success on Valencia St.

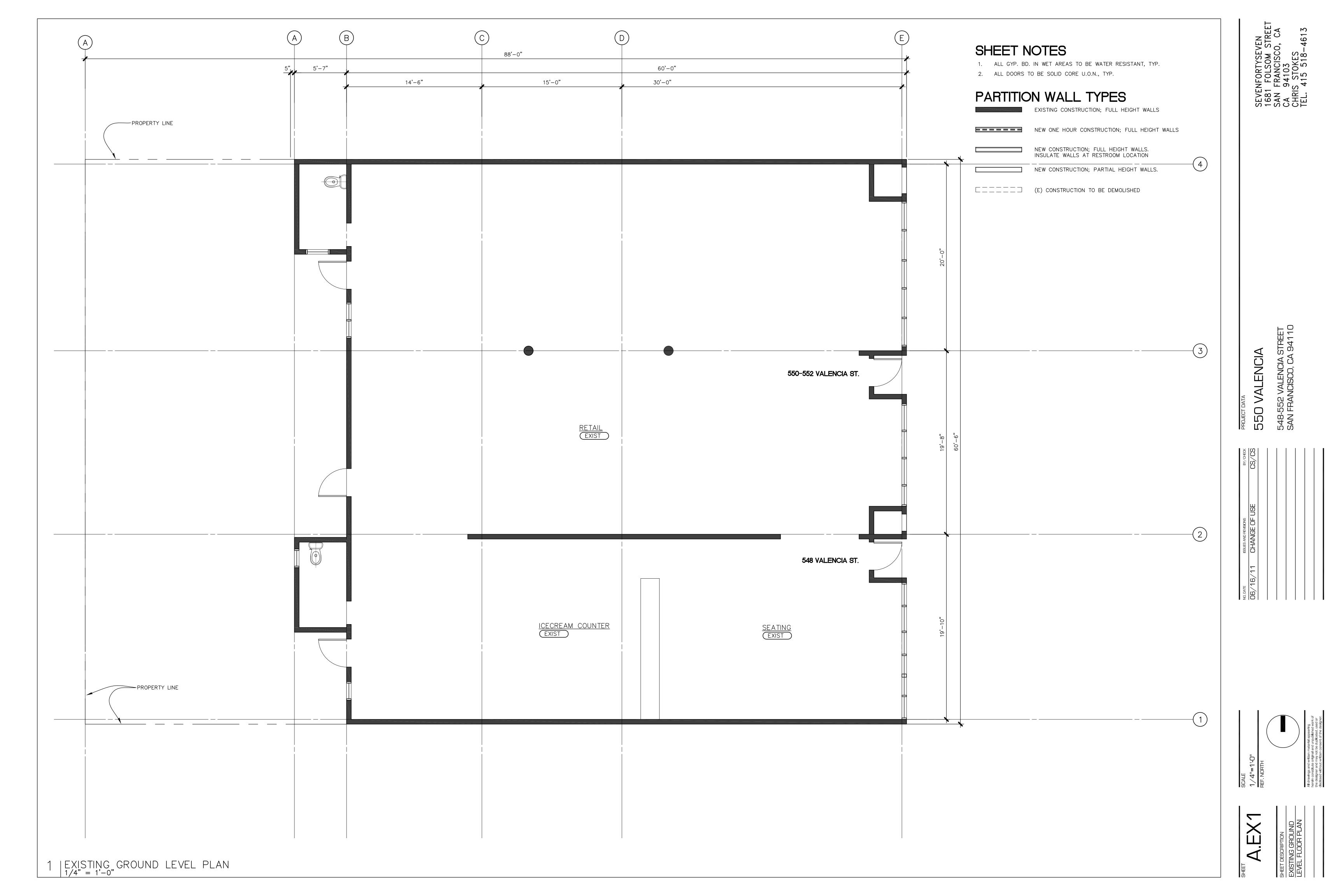
Dylan MacNiven



SEVENFORTYSEVEN 1681 FOLSOM STREET SAN FRANCISCO, CA CA 94103 CHRIS STOKES TEL. 415 518-4613

VALENCIA

50



### SHEET NOTES

- 1. ALL GYP. BD. IN WET AREAS TO BE WATER RESISTANT, TYP.
- 2. ALL DOORS TO BE SOLID CORE U.O.N., TYP.

## PARTITION WALL TYPES

EXISTING CONSTRUCTION; FULL HEIGHT WALLS

NEW ONE HOUR CONSTRUCTION; FULL HEIGHT WALLS

NEW CONSTRUCTION; FULL HEIGHT WALLS. INSULATE WALLS AT RESTROOM LOCATION

NEW CONSTRUCTION; PARTIAL HEIGHT WALLS.

[ ] (E) CONSTRUCTION TO BE DEMOLISHED

## **DEMOLITION NOTES:**

- DEMOLITION DRAWINGS MAY NOT SHOW ENTIRE SCOPE. CONTRACTOR IS TO REMOVE ALL EXISTING CONSTRUCTION AND SYSTEMS REQUIRED TO FACILITATE CONSTRUCTION OF NEW SCOPE.
- 2. ITEMS SHOWN DASHED ARE EXISTING TO BE REMOVED OR RELOCATED, TYP.
- 3. GRID LINE 'E' INDICATES F.O STUD OF (N) STOREFRONT; GRIDLINE 'A' INDICATES F.O. STUD OF ADDITION, ALL OTHER GRID LINES INDICATE (E) STRUCTURE
- 4. CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING AND MAINTAINING ALL EXISTING WORK TO REMAIN. DAMAGE TO EXISTING WORK TO REMAIN SHALL BE REPAIRED BY THE CONTRACTOR AT NO COST TO THE OWNER.
- 5. CONTRACTOR SHALL VERIFY FIELD CONDITIONS AND NOTIFY THE ARCHITECT OF ALL DISCREPANCIES BEFORE PROCEEDING WITH THE WORK.
- 6. CONTRACTOR SHALL PREVENT MOVEMENT OR SETTLEMENT OF STRUCTURE, PROVIDE AND PLACE BRACING AND SHORING, BE RESPONSIBLE FOR SAFETY AND SUPPORT OF STRUCTURE AND ASSUME LIABILITY FOR SUCH MOVEMENT, SETTLEMENT, DAMAGE OR INJURY.
- 7. CONTRACTOR SHALL CEASE OPERATIONS AND NOTIFY THE OWNER IMMEDIATELY IF THE SAFETY OF THE STRUCTURE APPEARS TO BE ENDANGERED. OPERATIONS SHALL NOT BE RESUMED UNTIL SAFETY IS RESTORED.
- 8. CONTRACTOR SHALL DEMOLISH IN AN ORDERLY AND CAREFUL MANNER AS REQUIRED TO ACCOMMODATE NEW WORK INCLUDING THAT REQUIRED FOR CONNECTION TO THE EXISTING BUILDING.
- 9. CONTRACTOR SHALL PROTECT EXISTING FOUNDATIONS AND
- 10. CONTRACTOR SHALL PHASE DEMOLITION IN ACCORDANCE WITH AN APPROVED CONSTRUCTION SCHEDULE.
- 11. CONTRACTOR SHALL PERFORM DEMOLITION IN ACCORDANCE WITH APPLICABLE AUTHORITIES HAVING JURISDICTION.
- 12. CONTRACTOR SHALL REPAIR ALL DEMOLITION IN EXCESS OF
- THAT REQUIRED AT NO COST TO THE OWNER.

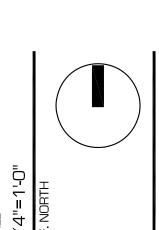
  13. BURNING OF MATERIALS ON SITE IS NOT PERMITTED.
- 14. CONTRACTOR SHALL REMOVE DEMOLISHED MATERIALS, TOOLS AND EQUIPMENT FROM SITE UPON COMPLETION OF WORK AND LEAVE THE SITE IN A CONDITION ACCEPTABLE TO THE ARCHITECT.

SEVENFORTYSEVEN 1681 FOLSOM STREET SAN FRANCISCO, CA CA 94103 CHRIS STOKES TEL. 415 518-4613

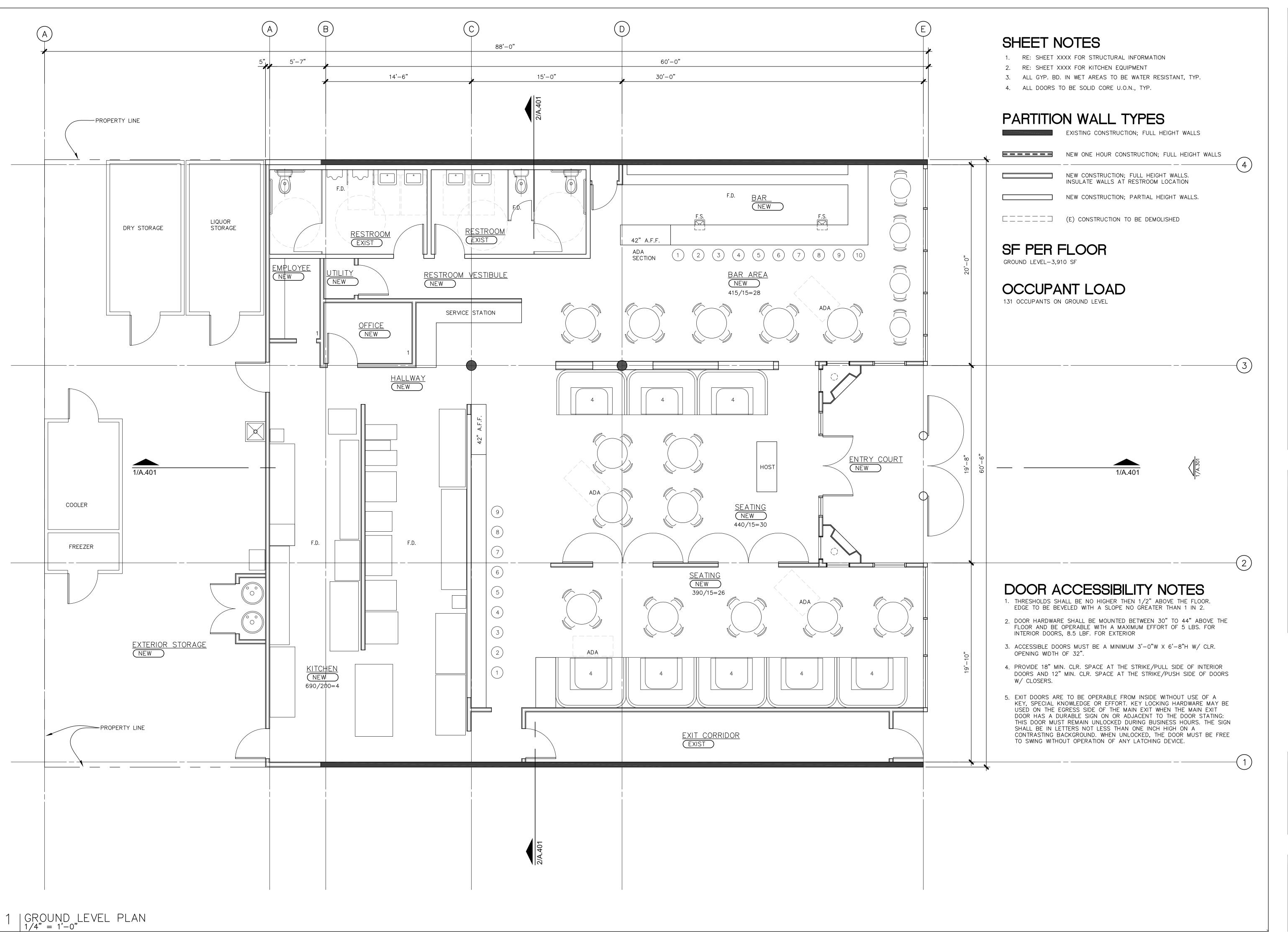
550 VALENCIA
548-552 VALENCIA STRE

NO. DATE ISSUES AND REVISIONS

OB/16/11 CHANGE OF USE



A.101



SEVENFORTYSEVEN 1681 FOLSOM STREE SAN FRANCISCO, CA CA 94103 CHRIS STOKES TEL. 415 518-4613

550 VALENCIA

DG/16/11 CHANGE OF USE CS/

1/4"=1'-0"
REF. NORTH

A.201

HEET DESCRIPTION
SROUND LEVEL FLOOR
PLAN

