### **Executive Summary Conditional Use**

**HEARING DATE: JUNE 14, 2012** 

Project Address:

June 7, 2012

Case No.:

Date:

2012.0205 C

4149 18th STREET

Zoning:

Castro Street Neighborhood Commercial District

40-X Height and Bulk District

Block/Lot:

2695/041

Project Sponsor:

Tim Eicher for Edge of Castro, Inc.

4149 18th Street

San Francisco, CA 94114

Staff Contact:

Adrian C. Putra – (415) 575-9079

adrian.putra@sfgov.org

Recommendation:

**Approval with Conditions** 

#### PROJECT DESCRIPTION

The Project Sponsor seeks a Conditional Use Authorization, pursuant to Planning Code Sections 303 and 715.48 to establish an "other entertainment" use in conjunction with an existing a legal, nonconforming bar (d.b.a. The Edge) containing approximately 1,250 square-feet of floor area. "The Edge" has hours of operation from 12:00 PM to 2:00 AM, seven days a week. "The Edge" currently has a limited live performance permit from the Entertainment Commission obtained in January 2012 that allows indoor live performances up to 10:00 PM in accordance with Police Code Section 1060. The project sponsor is requesting an "other entertainment" use at "The Edge" in order to be allowed to have a DJ play amplified music within the establishment approximately 3 to 4 nights a week until 1:45 AM at the latest. The project sponsor also plans to host occasional fundraising events for community groups which may involve live performances such as lip-syncing or live singing. Due to the existing bar containing only approximately 1,250 square-feet of gross floor area the project sponsor does not intend to have dancing or a dance area for patrons.

#### SITE DESCRIPTION AND PRESENT USE

The project site at 4149 18th Street is located at the southeast corner of 18th and Collingwood Streets. The project site contains a three-story mixed-us building with ground floor commercial uses and 12 dwelling units above. The ground floor commercial uses face 18th Street and consist of a legal, nonconforming bar (d.b.a. The Edge) and a retail store (d.b.a. Does Your Mother Know). The Department has permit history for the bar dating back to 1981 with the likelihood that the bar has been operating longer. The project site is a corner lot with approximately 80 feet of frontage along 18th Street and approximately 75 feet of frontage along Collingwood Street.

1650 Mission St.

CA 94103-2479

415.558.6409

Suite 400 San Francisco,

Reception: 415.558.6378

Planning

Information: 415.558.6377

#### SURROUNDING PROPERTIES AND NEIGHBORHOOD

The project site is located within the Castro Street Neighborhood Commercial District (NCD), which is situated in Eureka Valley, close to the geographic center of San Francisco between the Mission District, Twin Peaks, and Upper Market Street. The Castro Street NCD runs primarily along Castro Street between Market and 19<sup>th</sup> Streets and along 18th Street between Diamond and Noe Streets. The Castro Street NCD contains many small commercial businesses which are active both in the daytime and late into the evening and include a number of gay-oriented bars and restaurants, as well as several specialty clothing and gift stores. The district also supports a number of offices in converted residential buildings.

Businesses found on the subject block facing 18th Street include Thai Chef (restaurant) & Walgreens Pharmacy (retail store), Badlands (bar and "other entertainment" use), Not Just Flowers (retail store), and Harvey's (restaurant). In total, the Castro Street NCD contains seven existing bars also permitted to have "other entertainment" which are, "Midnight Sun" at 4067 18th Street, "Badlands" at 4117 18th Street, "Moby Dick" at 4047 18th Street, "Toad Hall" at 4146 18th Street, "The Mix" at 4086 18th Street, and "440 Castro" at 440 Castro Street.

#### **ENVIRONMENTAL REVIEW**

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

#### **HEARING NOTIFICATION**

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Classified News Ad	20 days	May 26, 2012	May 25, 2012	21 days
Posted Notice	20 days	May 26, 2012	May 25, 2012	21 days
Mailed Notice	20 days	May 26, 2012	May 25, 2012	21 days

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

#### **PUBLIC COMMENT**

- To date the Department has received letters of support for the project from the following organizations: Castro/Eureka Valley Neighborhood Association, Golden State Gay Rodeo Association Bay Area Chapter, The Council of Grand Dukes and Grand Duchesses of San Francisco, The Sister of Perpetual Indulgence, Folsom Street Events, and the AIDS Emergency Fund. Additionally, the Department has received a petition of support with approximately 165 signatures.
- The Department is not aware of any opposition to the project.

#### ISSUES AND OTHER CONSIDERATIONS

- The project site is well-served by public transit as it is within a few blocks from the Castro MUNI Station and is served by multiple MUNI lines with bus stops located along 18th, Castro and Market Streets within the neighborhood.
- The amplified entertainment will be regulated by the Entertainment Commission and Police Department so that it will meet the San Francisco Noise Control Ordinance, and not be heard outside of the enclosed structure. Additionally, Conditions of Approval 7 and 10 specifically restrict noise and vibration associated with the entertainment use to within the enclosed structure.
- "The Edge" currently employees 19 people and the project sponsor expects to hire up to two additional employees if granted a conditional use for an "other entertainment use"
- No neighborhood-serving businesses will be displaced by the project.
- To date, the Entertainment Commission has not received any complaints for the Edge regarding its Limited Live Performance permit.
- The Project Sponsor is aware that an "other entertainment" use at project site will be required to comply with the City's Noise Ordinance.

#### REQUIRED COMMISSION ACTION

In order for the project to proceed, the Commission must grant Conditional Use Authorization to allow an "other entertainment" use within an existing bar in the Castro Street Neighborhood Commercial Zoning District, pursuant to Planning Code Section 303 and 715.48.

#### BASIS FOR RECOMMENDATION

- The project meets all applicable requirements of the Planning Code.
- The project is necessary and desirable because it will enhance an existing business and not result in the displacement of any other neighborhood serving use. Allowing an "other entertainment" use in addition to the existing bar will compliment the mix of goods and services currently available in the Castro NCD and contribute to the economic vitality of the neighborhood by providing an additional entertainment option for local residents and visitors of the Castro neighborhood.
- The Project will contribute to the economic vitality of the neighborhood by creating new job opportunities in the neighborhood related to "other entertainment" activities taking place at the project site.

**RECOMMENDATION:** 

Approval with Conditions

#### Attachment Checklist

$\boxtimes$	Executive Summary	$\boxtimes$	Project sponsor submittal
$\boxtimes$	Draft Motion		Drawings: Existing Conditions
	Environmental Determination		Check for legibility
$\boxtimes$	Zoning District Map		Drawings: Proposed Project
	Height & Bulk Map		Check for legibility
$\boxtimes$	Parcel Map		
$\boxtimes$	Sanborn Map		
$\boxtimes$	Aerial Photo		
	Context Photos		
$\boxtimes$	Site Photos		

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

Planner's Initials

ACP: G:\Documents\Projects\4149 18th Street - 2012.0205C\2012.0205C - 4149 18th Street ExecutiveSummary.doc



## SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)	
☐ Inclusionary Housing (Sec. 315)	☐ First Source Hiring (Admin. Code)
$\ \square$ Jobs Housing Linkage Program (Sec. 313)	☐ Child Care Requirement (Sec. 314)
□ Downtown Park Fee (Sec. 139)	□ Other

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415.558.6409

Planning Information: 415.558.6377

### Draft Planning Commission Motion HEARING DATE, JUNE 14, 2012

 Date:
 June 7, 2012

 Case No.:
 2012.0205 C

Project Address: 4149 18th STREET

Zoning: Castro Street Neighborhood Commercial District

40-X Height and Bulk District

*Block/Lot:* 2695/041

Project Sponsor: Tim Eicher for Edge of Castro, Inc.

4149 18th Street

San Francisco, CA 94114

Staff Contact: Adrian C. Putra – (415) 575-9079

adrian.putra@sfgov.org

ADOPTING FINDINGS RELATING TO THE APPROVAL OF A CONDITIONAL USE AUTHORIZATION PURSUANT TO PLANNING CODE SECTIONS 715.48 AND 303 TO ALLOW AN OTHER ENTERTAINMENT USE WITHIN AN EXISTING BAR (D.B.A. THE EDGE) IN THE CASTRO STREET NEIGHBORHOOD COMMERCIAL DISTRICT, AND A 40-X HEIGHT AND BULK DISTRICT.

#### **PREAMBLE**

On March 1, 2012, Tim Eichler (Project Sponsor) filed an application with the Department for Conditional Use Authorization under Planning Code Sections 715.48 and 303 of the Planning Code to allow an "other entertainment" use within an existing bar (d.b.a. The Edge) located in the Castro Street Neighborhood Commercial District, and a 40-X Height and Bulk District.

On June 14, 2012, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2012.0205C.

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

Draft Motion No. CASE No. 2012.0205C Hearing Date: June 14, 2012 4149 18<sup>th</sup> Street

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. 2012.0205C, 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 at 4149 18th Street is located at the southeast corner of 18th and Collingwood Streets. The project site contains a three-story mixed-us building with ground floor commercial uses and 12 dwelling units above. The ground floor commercial uses face 18th Street and consist of a legal, nonconforming bar (d.b.a. The Edge) and a retail store (d.b.a. Does Your Mother Know). The Department has permit history for the bar dating back to 1981 with the likelihood that the bar has been operating longer. The project site is a corner lot with approximately 80 feet of frontage along 18th Street and approximately 75 feet of frontage along Collingwood Street.
- 3. Surrounding Properties and Neighborhood. The project site at 4149 18th Street is located within the Castro Street Neighborhood Commercial District (NCD), which is situated in Eureka Valley, close to the geographic center of San Francisco between the Mission District, Twin Peaks, and Upper Market Street. The physical form of the district is a crossing at Castro and 18th Streets, the arms of which contain many small, but intensely active commercial businesses. The multipurpose commercial district provides both convenience goods to its immediate neighborhood as well as comparison shopping goods and services on a specialized basis to a wider trade area. Commercial businesses are active both in the daytime and late into the evening and include a number of gay-oriented bars and restaurants, as well as several specialty clothing and gift stores. The district also supports a number of offices in converted residential buildings.

The Castro Street NCD controls are designed to maintain existing small-scale development and promote a balanced mix of uses. Building standards permit small-scale buildings and uses and protect rear yards above the ground story and at residential levels. In new buildings, most commercial uses are permitted at the ground and second stories. Special controls are necessary to preserve the existing equilibrium of neighborhood-serving convenience and specialty commercial uses. In order to maintain convenience stores and protect adjacent residential livability, controls authorize some additional eating and drinking establishments with a conditional use, permit self-service specialty food establishments, and permit with certain limitations new late-night uses, adult and other entertainment, and financial service uses. The continuous retail frontage is maintained by prohibiting most automobile and drive-up uses.

Draft Motion No. CASE No. 2012.0205C Hearing Date: June 14, 2012 4149 18<sup>th</sup> Street

Businesses found on the subject block facing 18th Street include Thai Chef (restaurant) & Walgreens Pharmacy (retail store), Badlands (bar and "other entertainment" use), Not Just Flowers (retail store), and Harvey's (restaurant). In total, the Castro Street NCD contains seven existing bars also permitted to have "other entertainment" which are, "Midnight Sun" at 4067 18th Street, "Badlands" at 4117 18th Street, "Moby Dick" at 4047 18th Street, "Toad Hall" at 4146 18th Street, "The Mix" at 4086 18th Street, and "440 Castro" at 440 Castro Street.

- 4. **Project Description.** The Project Sponsor seeks a Conditional Use Authorization, pursuant to Planning Code Sections 303 and 715.48 to establish an "other entertainment" use in conjunction with an existing a legal, nonconforming bar (d.b.a. The Edge) containing approximately 1,250 square-feet of floor area. "The Edge" has hours of operation from 12:00 PM to 2:00 AM, seven days a week. "The Edge" currently has a limited live performance permit from the Entertainment Commission obtained in January 2012 that allows indoor live performances up to 10:00 PM in accordance with Police Code Section 1060. The project sponsor is requesting an "other entertainment" use at "The Edge" in order to be allowed to have a DJ play amplified music within the establishment approximately 3 to 4 nights a week until 1:45 AM at the latest. The project sponsor also plans to host occasional fundraising events for community groups which may involve live performances such as lip-syncing or live singing. Due to the existing bar containing only approximately 1,250 square-feet of gross floor area the project sponsor does not intend to have dancing or a dance area for patrons. "The Edge" currently employees 19 people and the project sponsor expects to hire up to two additional employees if granted a conditional use for an "other entertainment use"
- 5. Public Comment. To date the Department has received letters of support for the project from the following organizations: Castro/Eureka Valley Neighborhood Association, Golden State Gay Rodeo Association Bay Area Chapter, The Council of Grand Dukes and Grand Duchesses of San Francisco, The Sister of Perpetual Indulgence, Folsom Street Events, and the AIDS Emergency Fund. Additionally, the Department has received a petition of support with approximately 165 signatures, and is not aware of any opposition to 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. Other Entertainment. Planning Code Section 715.48 states that "other entertainment" is permitted as conditional uses on the first floor. Section 790.38 defines an "other entertainment" use as a retail use which provides live entertainment, including dramatic and musical performances, and/or provides amplified taped music for dancing on the premises, including but not limited to Places of Entertainment and Limited Live Performance Locales, as defined in Section 1060 of the Police Code, and which is adequately soundproofed or insulated so as to confine incidental noise to the premises. Other entertainment also includes a bowling alley, billiard parlor, shooting gallery, skating rink and other commercial recreational activity, but it excludes amusement game arcades, as defined in Section 790.4.

The project sponsor seeks Conditional Use Authorization to allow "other entertainment" in an existing bar at the first floor and within the Castro Street Neighborhood Commercial District.

Draft Motion No. Hearing Date: June 14, 2012 CASE No. 2012.0205C 4149 18<sup>th</sup> Street

- B. **Hours of Operation.** Planning Code Section 715.27 states that in the NC-S District maintaining hours of operation from 6:00 PM. to 2:00 AM. is permitted by right, and that hours of operation from 2:00 AM. to 6:00 AM. is conditionally permitted.
  - The hours of operation of "The Edge" are from 12:00 PM to 2:00 AM, seven days a week. The hours of operation would not change with the added "other entertainment" use.
- C. **Use Size.** Planning Code Section 715.21 states that a use size of up to 1,999 square feet is permitted by right.
  - The project site has a use size of approximately 1,250 gross square-feet of floor area, which is below the 1,999 square foot threshold established for uses sizes in the Castro Street NCD.
- D. **Parking**. Section 151 of the Planning Code requires off-street parking for an "other entertainment" use or bar for every 200 square-feet of occupied floor area, where the occupied floor area exceeds 5,000 square-feet.
  - The project does not involve any physical enlargement to the existing use which contains approximately 1,250 square-feet of floor area and thus does not require any off-street parking.
- E. **Signage**. Any proposed signage will be subject to the review and approval of the Planning Department.
  - Any proposed signage shall be subject to the review of the Planning Department and required to meet all provisions set forth in Article 6 of the Planning Code pending the approval of this application.
- 7. **Planning Code Section 303** establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use approval. On balance, the project does comply with said criteria in that:
  - A. The proposed new uses and building, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable, and compatible with, the neighborhood or the community.
    - The project is necessary and desirable because it will enhance an existing business and not result in the displacement of any other neighborhood serving use. Allowing an "other entertainment" use in addition to the existing bar will compliment the mix of goods and services currently available in the Castro NCD and contribute to the economic vitality of the neighborhood by providing an additional entertainment option for local residents and visitors of the Castro 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:

Draft Motion No. CASE No. 2012.0205C Hearing Date: June 14, 2012 4149 18<sup>th</sup> Street

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 is compatible with the pattern of development in the area, and the project does not involve any alterations to the exterior of the subject building. The project will not affect the building envelope.

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 impact public transit or overburden the existing supply of parking in the neighborhood, because the project site is well-served by public transit as it is within a few blocks from the Castro MUNI Station and is served by multiple MUNI lines with bus stops located along 18<sup>th</sup>, Castro and Market Streets within the neighborhood.

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

The project will not create any noxious or offensive emissions, such as glare, dust, or odor, since the Project is an augmentation of existing bar use on the property that does not currently create such offensive emissions. The amplified entertainment will be regulated by the Entertainment Commission and Police Department so that it will meet the San Francisco Noise Control Ordinance, and not be heard outside of the enclosed structure. Furthermore, the Conditions of Approval 7 and 10 specifically restrict noise and vibration associated with the entertainment use to within the enclosed structure.

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.

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 project is consistent with the stated purpose of the Castro NCD in that the intended use is located at the ground floor, will provide a compatible convenience service for the immediately surrounding neighborhoods, and operates with hours of operation that are permitted by right within the district.

8. **General Plan Compliance.** The Project is consistent with the Objectives and Policies of the General Plan in that:

#### **NEIGHBORHOOD COMMERCE**

#### **Objectives and Policies**

#### **OBJECTIVE 1:**

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

#### Policy 1.1:

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

#### Policy 1.2:

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

#### Policy 1.3:

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

The project will provide desirable services to the neighborhood and provides employment opportunities to residents in the community and not displace an existing business. The conditions of approval will ensure that the use meets minimum, reasonable performance standards. The project is also located within a neighborhood commercial district and is thus consistent with activities in the commercial land use plan.

#### **OBJECTIVE 2:**

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

#### Policy 2.1:

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

The project will augment an existing independently owned commercial use and enhance the diverse economic base of the City by creating new job opportunities in the neighborhood related to "other entertainment" activities taking place at the project site. No neighborhood-serving businesses will be displaced by the project.

#### **OBJECTIVE 3:**

Draft Motion No. Hearing Date: June 14, 2012 CASE No. 2012.0205C 4149 18<sup>th</sup> Street

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 additional employment opportunities for local residents and performers.

#### **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.

- 9. **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 not displace any existing retail uses within the neighborhood. In fact, the project will create additional job opportunities by allowing an "other entertainment" use within an existing bar.
  - 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.
  - C. That the City's supply of affordable housing be preserved and enhanced,
    - *No housing will be removed for this Project.*
  - D. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking.

CASE No. 2012.0205C 4149 18<sup>th</sup> Street

Draft Motion No. Hearing Date: June 14, 2012

The project would not adversely impact public transit or place a burden on the existing supply of parking in the neighborhood due to commuter traffic, because the project site is well-served by public transit as it is within a few blocks from the Castro MUNI Station and is served by multiple MUNI lines with bus stops located along 18<sup>th</sup>, Castro and Market Streets which reduces the need for patrons to frequent the project site by private automobile.

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.

Approval of this project will not adversely affect any industrial or service sector jobs rather it will create new service sector employment opportunities for local residents.

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

The project will be designed and constructed to conform to the structural and seismic safety requirements of the San Francisco Building Code where applicable. Therefore, the project will not impact the existing structure's ability to withstand an earthquake.

G. That landmarks and historic buildings be preserved.

The project does not involve any exterior alterations. Therefore, no landmarks or historic buildings will be adversely affected by the project.

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

This project will not affect any parks or open space because there is no change to the existing building footprint.

- 10. 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.
- 11. The Commission hereby finds that approval of the Conditional Use authorization would promote the health, safety and welfare of the City.

Draft Motion No. CASE No. 2012.0205C Hearing Date: June 14, 2012 4149 18<sup>th</sup> Street

#### **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. 2012.0205C** subject to the following conditions attached hereto as "EXHIBIT A" 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, 94012.

I hereby certify that the Planning Commission **ADOPTED** the foregoing Motion on June 14, 2012.

Linda Avery
Commission Secretary
,
AN/EG
AYES:
NAYES:
ABSENT:

ADOPTED:

CASE No. 2012.0205C 4149 18<sup>th</sup> Street

#### **EXHIBIT A**

#### **AUTHORIZATION**

This authorization is for a conditional use to allow an "other entertainment" use in an existing bar (d.b.a. The Edge) located at 4149 18<sup>th</sup> Street, Block 2695, and Lot 041 pursuant to Planning Code Sections 303 and 715.48 within the Castro Street Neighborhood Commercial District and a 40-X Height and Bulk District; in general conformance with plans, dated March 1, 2012, and stamped "EXHIBIT B" included in the docket for Case No. 2012.0205C and subject to conditions of approval reviewed and approved by the Commission on June 14, 2012 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 14, 2012 under Motion No XXXXXX.

#### PRINTING OF CONDITIONS OF APPROVAL ON PLANS

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

#### **SEVERABILITY**

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

#### CHANGES AND MODIFICATIONS

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

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

#### **PERFORMANCE**

1. **Validity and Expiration.** The authorization and right vested by virtue of this action is valid for three years from the effective date of the Motion. A building permit from the Department of Building

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

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

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.

#### **MONITORING - AFTER ENTITLEMENT**

- 3. **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
- 4. **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**

5. **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.

Draft Motion No. CASE No. 2012.0205C Hearing Date: June 14, 2012 4149 18<sup>th</sup> Street

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

- 6. **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/
- 7. **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="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 415-553-0123, <u>www.sf-police.org</u>
- 8. 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, <a href="https://www.sf-planning.org">www.sf-planning.org</a>
- 9. **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, <a href="https://www.sfgov.org/entertainment">www.sfgov.org/entertainment</a>
- 10. 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

Draft Motion No.

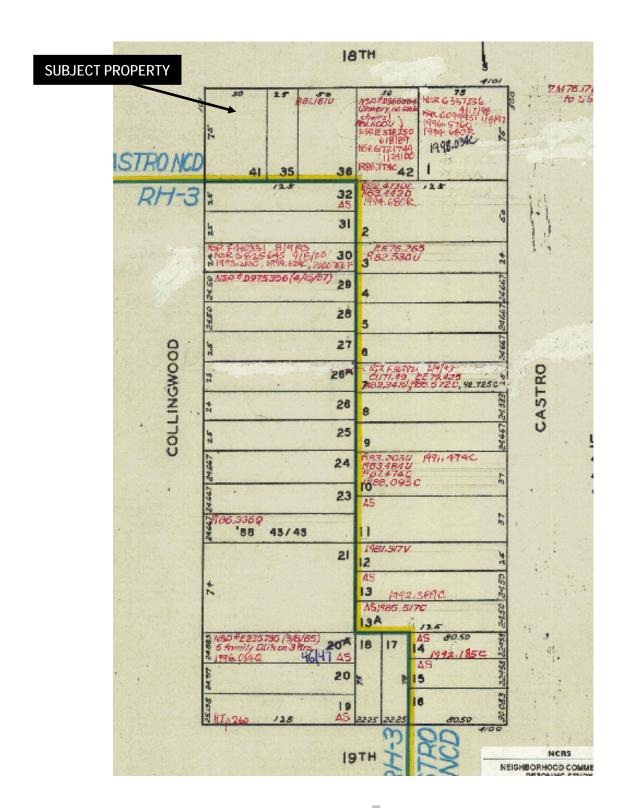
CASE No. 2012.0205C
Hearing Date: June 14, 2012

4149 18<sup>th</sup> Street

operation. The authorized entertainment use shall also comply with all of the conditions imposed by the Entertainment Commission.

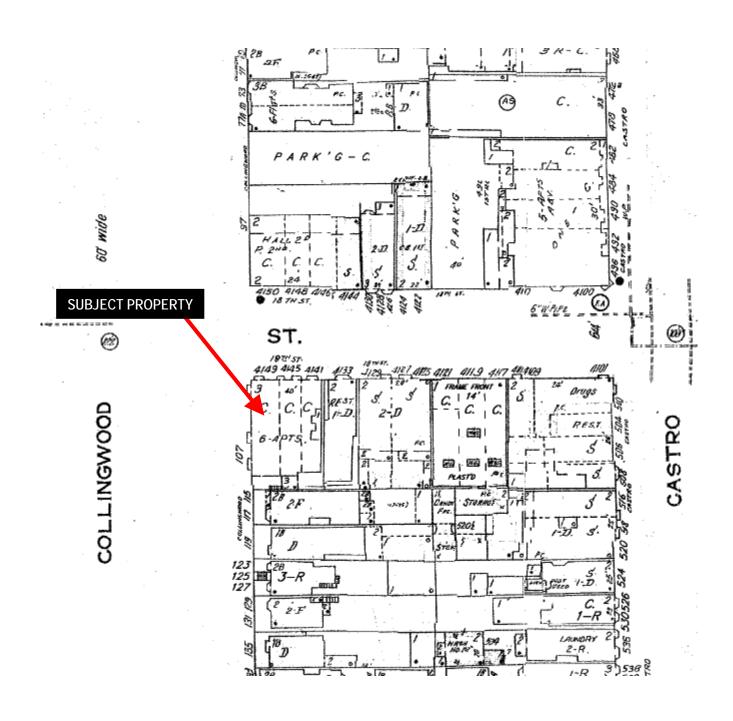
For information about compliance, contact the Entertainment Commission, at 415 554-6678, www.sfgov.org/entertainment

### **Parcel Map**

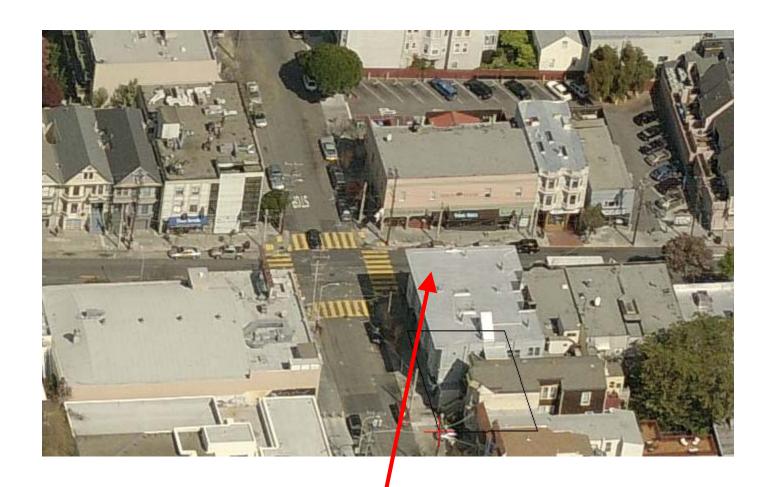




### Sanborn Map



# Aerial Photo view looking North



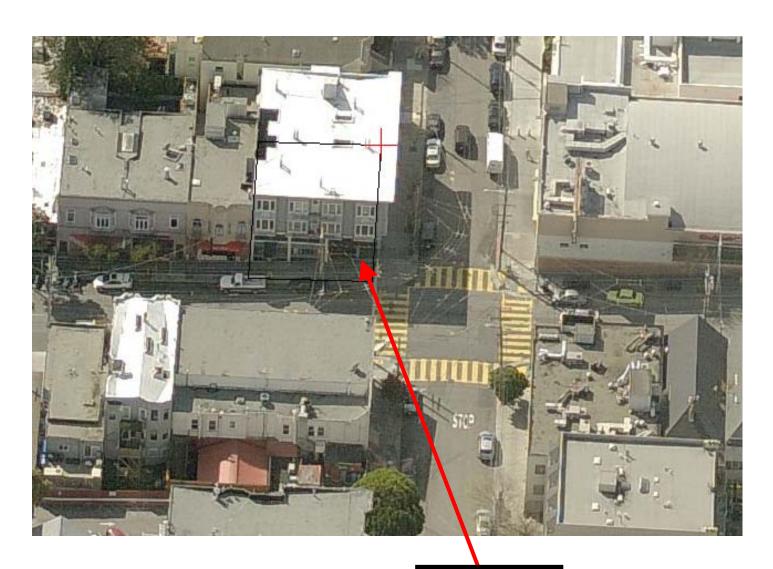
SUBJECT PROPERTY

# Aerial Photo view looking East



SUBJECT PROPERTY

# Aerial Photo view looking South



SUBJECT PROPERTY



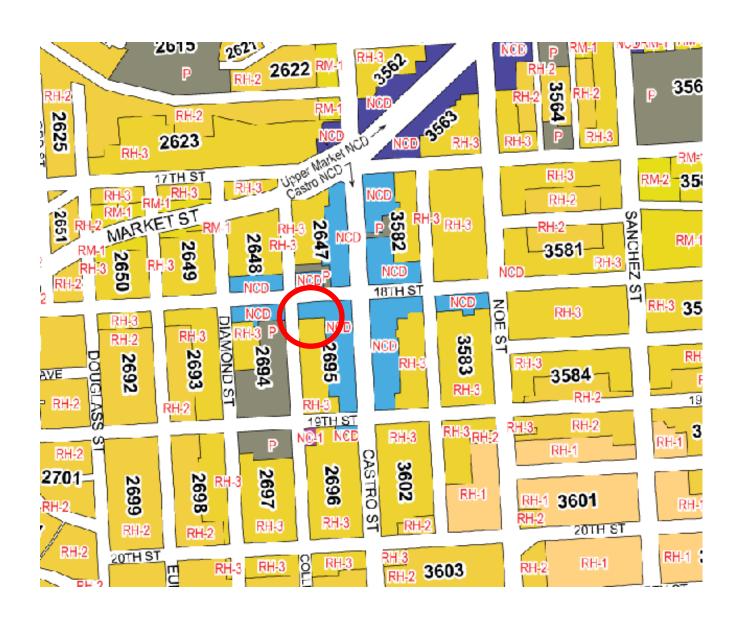
# Aerial Photo view looking West



SUBJECT PROPERTY

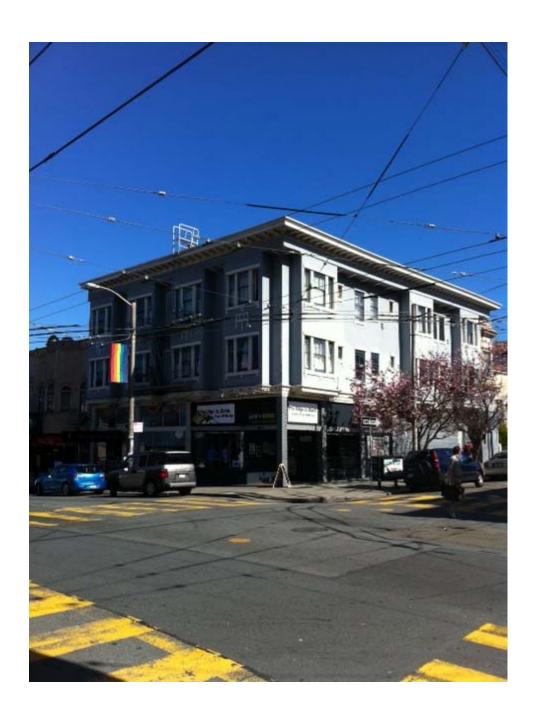


### **Zoning Map**





# Site Photo - Subject Property View from the corner of 18<sup>th</sup> and Collingwood Streets



## Site Photo - Subject Property Front of Building facing 18<sup>th</sup> Street



Castro/EVNA P.O. Box 14137 San Francisco, CA 94114 June 5, 2012

Adrian Putra, Planner SF Planning Department 1650 Mission Street, Suite 400 San Francisco, CA 94103-2479

RE: 2012.0205C - 4149 18th Street, Request for CU to allow "other entertainment" in an existing bar in the Castro Street Neighborhood Commercial District.

#### Dear Mr. Putra:

Because our neighborhood has had problems with noise emanating from bars offering entertainment and from the rowdiness of patrons on the street after hours causing disturbance to residents' peaceful enjoyment of their homes, we are particularly sensitive to the nature of the controls that are placed on a Conditional Use Authorization for "other entertainment."

Since the Conditions in a CU permit go with the property and not with a particular operator, we wanted to be sure that the Conditions would be adequate and reasonable for any operator in the future while ensuring the peace and safety of the residential community surrounding the NCD.

The applicant, Tim Eicher, worked with us to arrive at a set of Conditions of Use that we thought might serve as a model not only for this application but for "other entertainment" permits in the Castro NCD.

Although we are disappointed that the Planning Department has decided to use a different set of Conditions that are not as thorough as the ones we worked out with Mr. Eicher, we have full confidence that the current operator, Mr. Eicher, will be conducting a neighborhood-friendly establishment.

Therefore, the Castro/Eureka Valley Neighborhood Association supports this application for Conditional Use Authorization to allow an "other entertainment" use for The Edge bar.

Sincerely yours,

Judith Hoyem Chair, Planning Committee Castro/Eureka Valley Neighborhood Association

cc: Tim Eicher

Alan Beach-Nelson, President, Castro/EVNA



February 2, 2012

San Francisco Entertainment Commission City Hall, Room 453 1 Dr Carlton B Goodlett Place San Francisco, CA 94102

San Francisco Planning Commission 1650 Mission Street, Suite 400 San Francisco, CA 94103

RE: Support For Conditional Use & Place of Entertainment Permit for The Edge

Dear Commissioners,

I am writing to urge you to approve the Conditional Use Authorization and Place of Entertainment Permit for The Edge at 4149 18<sup>th</sup> Street in the Castro.

The Edge is a neighborhood bar that is a vital part of the Castro community. The Edge is a place where everyone can feel comfortable, particularly parts of the LGBT community that are under-represented in the Castro including the Leather, Bear, Drag, and Fetish communities.

The Edge has a long history of supporting local non-profit organizations, hosting several charity events per week. The Edge has hosted many events for us, which are critical to us as a non-profit organization. These events not only raise money for our organization, but they are an important opportunity for us to attract new supporters and members.

In order for these events to be as successful as possible, we very much support approval of the Conditional Use & Place of Entertainment Permit. The Place of Entertainment permit will allow us to use a microphone to announce raffle results, perform community outreach, run contests, and maximize our fundraising efforts, including events that take place after 10pm.

Please approve the Conditional Use & Place of Entertainment Permit for The Edge.

Sincerely,

| |/

Mike Smith
Executive Director

Providing emergency financial assistance to persons who are disabled by HIV/AIDS and are too sick to work

> 12 Grace Street Suite 300 San Francisco CA 94013

415.558.6999 fax 415.558.6990

www.aef-sf.org www.barechest.org

AEF was established in 1982 Federal Tax ID 94-2922039



San Francisco Entertainment Commission City Hall, Room 453 1 Dr Carlton B Goodlett Place San Francisco, CA 94102

San Francisco Planning Commission 1650 Mission Street, Suite 400 San Francisco, CA 94103

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The Edge has a long history of supporting local non-profit organizations, hosting several charity events per week. The Edge has hosted many events for us, which are critical to us as a non-profit organization. These events not only raise money for our organization, but they are an important opportunity for us to attract new supporters and members. In addition, the events hosted by The Edge enable us to not only provide a place for the light country-western community to enjoy, but to also give back to charities within the local community.

In order for these events to be as successful as possible, we very much support approval of the Conditional Use & Place of Entertainment Permit. The Place of Entertainment permit will allow us to use a microphone to announce raffle results, perform community outreach, run contests, and maximize our fundraising efforts, including events that take place after 10pm.

Please approve the Conditional Use & Place of Entertainment Permit for The Edge. Please contact me if you have any questions.

Sincerely,

Ed Morgan President Golden State Gay Rodeo Association – Bay Area Chapter, A 50c)(3) corporation 415-652-2892





February 28, 2012

San Francisco Entertainment Commission City Hall, Room 453 1 Dr Carlton B Goodlett Place San Francisco, CA 94102

San Francisco Planning Commission 1650 Mission Street, Suite 400 San Francisco, CA 94103

RE: Support For Conditional Use & Place of Entertainment Permit for The Edge

Dear Commissioners,

We are writing to urge you to approve the Conditional Use Authorization and Place of Entertainment Permit for The Edge at 4149 18<sup>th</sup> Street in the Castro.

The Edge is a neighborhood bar that is a vital part of the Castro community. The Edge is a place where everyone can feel comfortable, particularly parts of the LGBT community that are underrepresented in the Castro including the Leather, Bear, Drag, and Fetish communities.

The Edge has a long history of supporting local non-profit organizations such as ours, hosting several charity events per week. The Edge has hosted many events for us, which are critical to us as a non-profit organization. These events allow us to continue with our critical programs that serve the community, as well as allow us to provide grants to other nonprofits that are desperate for funding.

In order for these events to be as successful as possible, we very much support approval of the Conditional Use & Place of Entertainment Permit. The Place of Entertainment permit will allow us to use a microphone to announce raffle results, perform community outreach, run contests, and maximize our fundraising efforts, including events that take place after 10pm.

Please approve the Conditional Use & Place of Entertainment Permit for The Edge

Sincerely, Sisters Pat N Leather & Eve Volution

### THE COUNCIL OF GRAND DUKES AND GRAND DUCHESSES OF SAN FRANCISCO, INC.

A California Non-Profit, Public Benefit Corporation

California No. 1884380

Federal No. 94-3191460

San Francisco Entertainment Commission City Hall, Room 453 1 Dr Carlton B Goodlett Place San Francisco, CA 94102

San Francisco Planning Commission 1650 Mission Street, Suite 400 San Francisco, CA 94103

RE: Support For Conditional Use & Place of Entertainment Permit for The Edge

Dear Commissioners,

During my reign as Grand Duchess of San Francisco, my court, and many others participated in numerous fundraisers at The Edge.
This resulted in raising funds of over \$37,000 for LGBT Non-Profit and Non-Government Funding Programs in San Francisco.

One of the most important aspects of The Edge is a place where everyone can feel comfortable, particularly parts of the LGBT community that are under-represented in the Castro including the Leather, Bear, Drag, and Fetish communities, being part of the Drag Community, this is extremely important to myself and friends in the Drag Community.

The Edge has a long history of supporting local non-profit organizations, from my colleagues who do many charity events in San Francisco; The Edge hosts the most charity events in the neighborhood per week.

The importance of the Conditional Use & Place of Entertainment Permit In order for these events to be as successful as possible, including events that take place after 10pm, is that many of our members in the community work their regular day jobs, and then come to volunteer their time afterwards.

Many of these events run past 10pm, and we need to continue to have these events, without the 10pm time restriction, in order to continue to raise the necessary funds for LGBT Non-Profit and Non-Government Funded Programs.

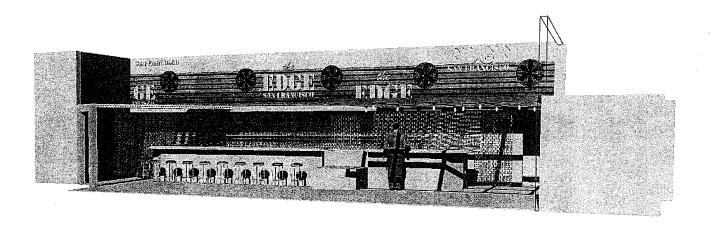
Please approve the Conditional Use & Place of Entertainment Permit for The Edge

Sincerely,

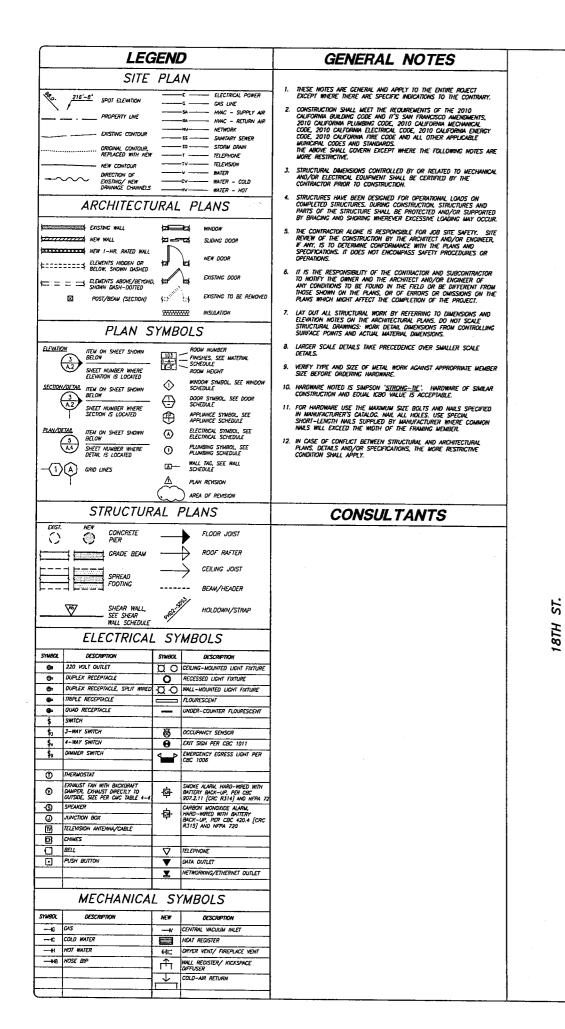
Cookie Dough

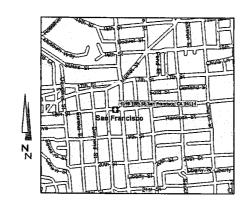
Cookie Dough

Grand Duchess 38, Ducal Council of San Francisco

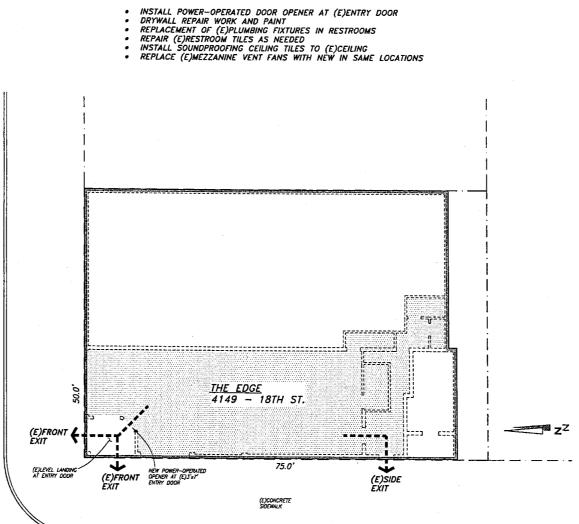


the EDGE design craige walters perspective view





#### SCOPE OF WORK



**COLLINGWOOD** 



#### PROJECT DATA

NON-STRUCTURAL IMPROVEMENTS AT:

#### THE EDGE

4149 - 18TH STREET SAN FRANCISCO, CALIFORNIA

OWNER: THE EDGE PO BOX 14127 SAN FRANCISCO, CA 94114

APN: BLOCK 2695, LOT 041

APPLICABLE CODES: SAN FRANCISCO PLANNING DIVISION APPLICABLE CODES AS PER GENERAL NOTES THIS SHEET

(E)OCCUPANCY: A-2 THE EDGE - BAR M RETAIL R-2 APARTMENTS

CONSTRUCTION: TYPE V, NON-RATED

LOT AREA: 50' x 75' = 3,750 SQ.FT.

FLOOR AREA - THE EDGE; (E)1ST FLOOR

(E)MEZZANINE

1,176 SQ.FT. 319 SQ.FT.



Froehlic Froehlich

942 KIRKHAM STREET SAN FRANCISCO, CA 94122 PHONE: 415.681.8268 FAX: 415.681.9342 EMAIL: M.FROEHLICHGEARTHLINK.NE



**LEGEND** DATA PLAN **PROJECT** SITE NOTES,

#### PLAN INDEX

#### ARCHITECTURAL:

A. 1 TITLE SHEET

SITE PLAN

A.2 1ST FLOOR PLAN

MEZZANINE PLAN

SIGNAGE DETAILS

SECTIONS

OCCUPANCY LOAD DIAGRAM

DOOR DETAILS A.4 DA CHECK LIST

DA 20 PERCENT RULE

DA HARDSHIP FORM

IMPROVEMENTS STREET CALIFORN EDGE

SAN

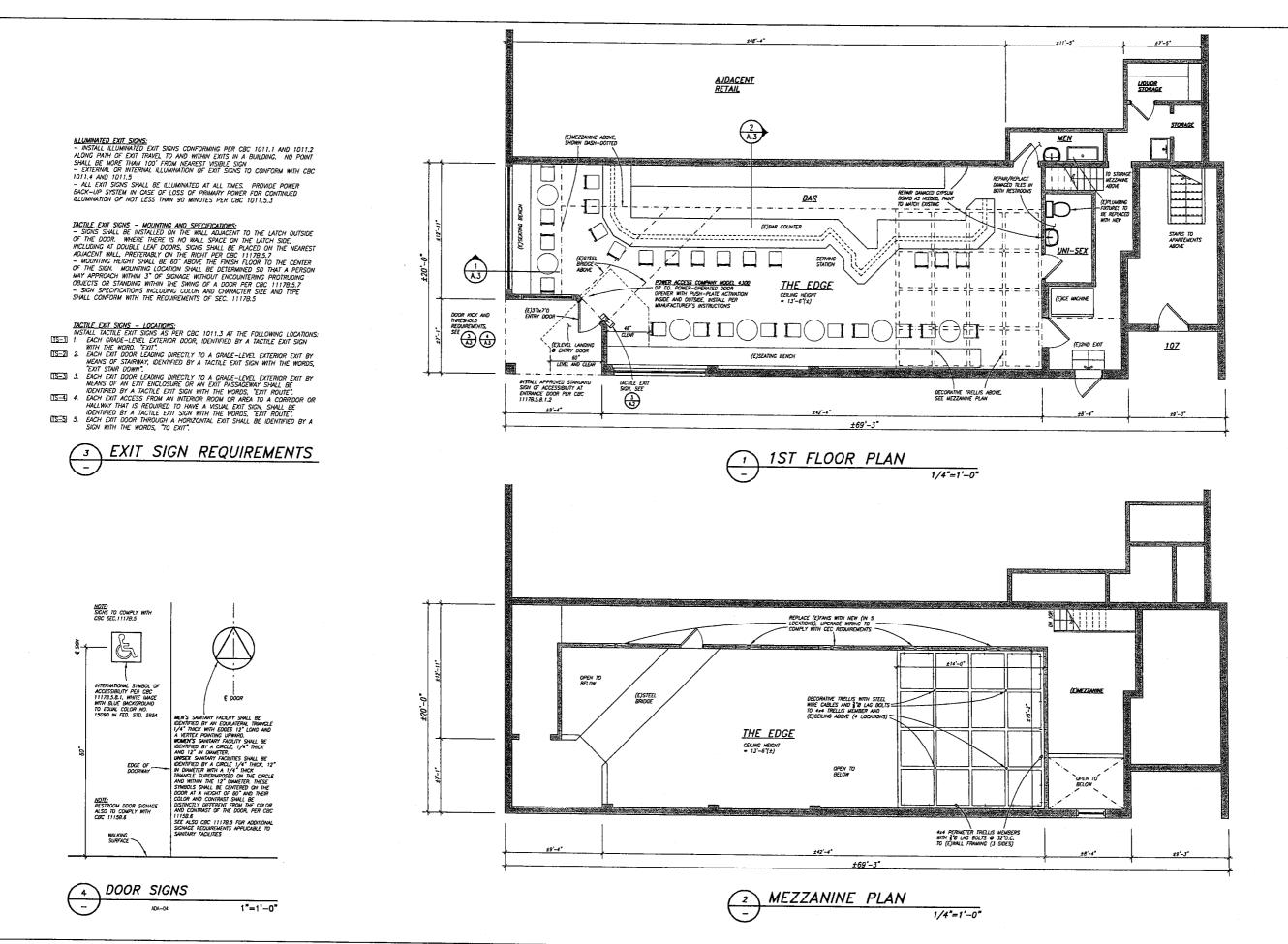
PROGRESS PRINTS REVISIONS: NO. DESCRIPTION DATE DATE: 07/11/201

PROJECT NO. 11.13

DRAWN BY: DRAWING NO.

A.1

1 OF 4



Michael Froehlich Architect

942 KIRKHAM STREET
SAN FRANCISCO, CA 94122
PHONE: 415.681.9342
FAX: 415.681.9342
EMAIL: NFROEHCHOOMBURK ACT

NE PLAN
DETAILS

1ST FLOOR PLAN MEZZANINE PLAN SIGNAGE DETAILS

H-STRUCTURAL IMPROVEMENTS AT:

THE EDGE

4149 - 18TH STREET
SAN FRANCISCO, CALIFORNIA

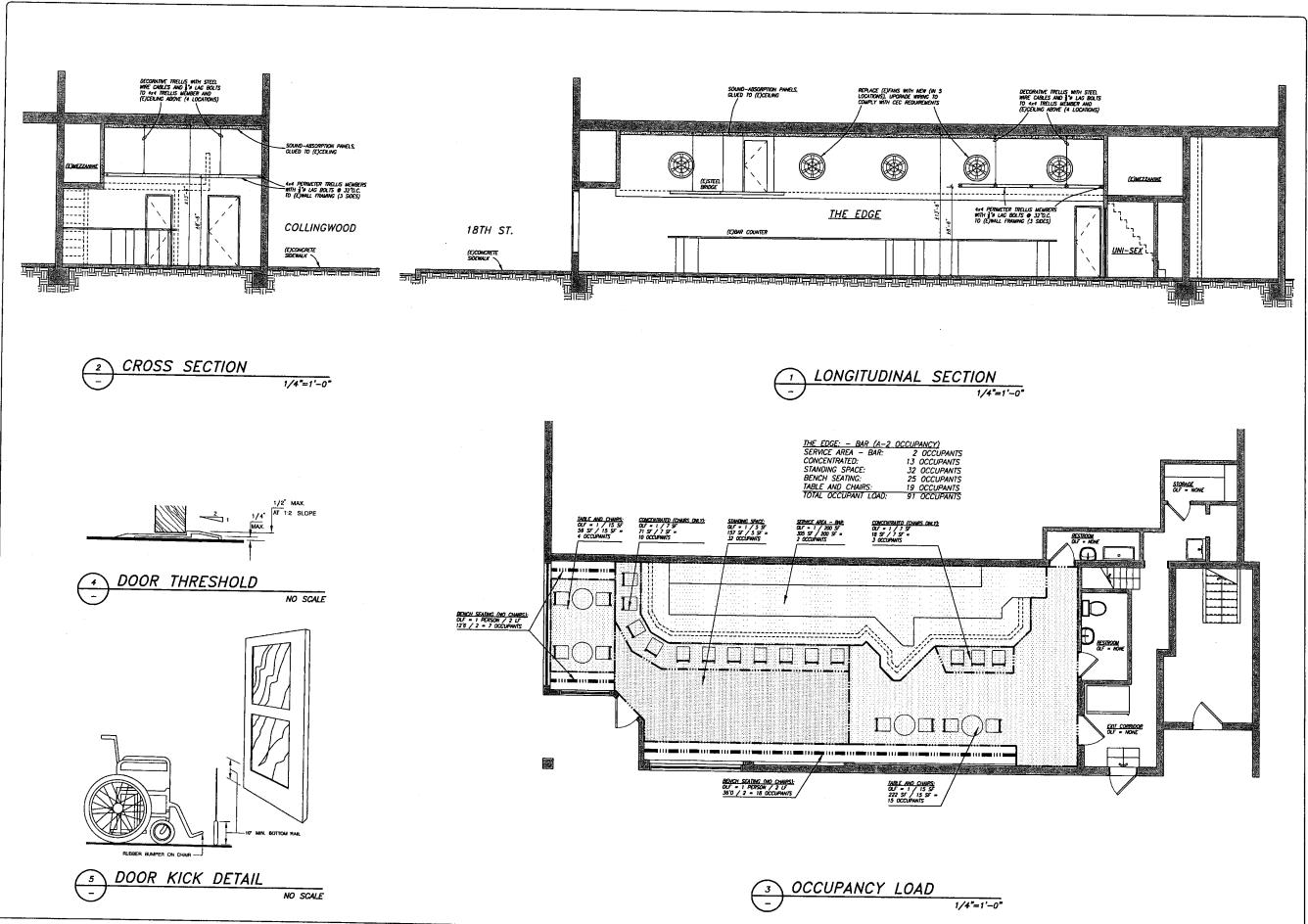
PROGRESS PRINTS

REVISIONS:
NO. DESCRIPTION DATE

A. A. A. A. DATE: 07/11/2011
PROJECT NO. 11.13
DRAWN BY: MF

DRAWING NO.

2 OF 4



Michael Froeblich

9-42 KIRKHAM STREET
SAN FRANCISCO, CA 94122
PHONE: 415.681.8268
FAX: 415.681.9342
EMNL: MFROENCHERMENET



SECTIONS OCCUPANCY LOAD DIAGRAM DOOR DETAILS

NON-STRUCTURAL INPROVENENTS AT:
THE EDGE
449 - 18TH STREET

PROGRESS PRINTS

REVISIONS:

NO. DESCRIPTION GATE

A
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A
DATE: 07/11/2011

PROJECT NO. 11.13

DATE: 07/11/2011

PROJECT NO. 11.13

DRAWN BY: MF

DRAWING NO.

A.3

e proposed use of the project is
escribe the area of remodel, including which floor: Bar room and restrooms
e construction cost of this project excluding disabled access upgrades is \$ 10,000 , which is neck one)    more than /    less than the Accessibility Threshold amount of \$132,536.28 based on the 111 ENR Construction Cost Index* (The cost index & Ihreshold are updated annually).
his a City project and/or does it receive public funding? Check one: □ Yes / ② Bb Note: If Yes, then see Step 3 on th structions page for additional forms required.  ###################################
and A through G below carefully and check the most applicable how (one how only).
All existing conditions serving the area of remodel fully comply with access requirements. No further upon to a serving
<ul> <li>All existing conditions serving the area of remodel that do not fully comply with access requirements will be fully upgraded with this project.</li> </ul>
Proposed project (check one) Sis less than the threshold ! Sis over the threshold & falls under CBC 1134B.2.1 Ex. 2: Partial upgrades, including Equivalent Facilitation will be provided up to 20% of the project value as itemized on Form C. Priority of upgrades are to be considered in the order listed on p. 2 of the D.A. Checklist. Fill out Hardship request form(s) for non-fully complying items, including for Equivalent Facilitation items. Checking box C means there are still non-complying items serving the area of remodel.
: Access features will either fully comply or be provided with Code defined Equivalent Facilitation. Submit an Unreasonable Hardshi Request (UHR) for the Equivalent Facilitation items.
<ul> <li>Hardship appeal to be filed with Access Appeals Commission (AAC). Note: Plan check of items not under AAC consideration will continue while resolution of AAC decision is sought.</li> </ul>
Consisting only of Barrier Removal, Notice of Accessibility Violation (NOV) Compliance or Eventual West, Filt and F.
: Minor revision to previously approved permit drawings only. (Note: This shall NOT be used for readditional work) Provide previous approved permit application here:
70 11 11 11 11 11 11 11

CITY AND COUNTY OF SAN FRANCISCO EDWIN M. LEE, MAYOR DEPARTMENT OF BUILDING INSPECTION VIVIAN L.DAY, C.B.O., ACTING DIRECTOR UNREASONABLE HARDSHIP REQUEST 1. Site Address: 4149 - 18th St. 2. Floor 1st Floor 3. Permit Application No.: 4. Hardship Request No.: 5. Existing Use: Bar \_\_\_\_\_ 6. Proposed Use: \_\_\_\_\_Bar 7. Existing Occupancy: A-2 8. Proposed Occupancy: A-2 9. Description of proposed work which triggers access compliance upgrades: \_\_ Restroom fixture replacement, tile and gypsum board repairs, painting CBC 1103B.1 - Accessibility to buildings or portions of buildings shall be provided for all occupancy classifications except as modified or enhanced by this chapter (118). Occupancy requirements in this chapter may modify general requirements, but never to the excussion of them. When a building or facility cardians more than one use, the occupancy specific accessibility provisions for each portion of the building or facility shall apply. We request that this project be granted an exception from the following specified requirements of Title 24 Part 2 of the California Code of Regulations because compliance would create an unreasonable hardship as defined in Section 202 of Title 24. 10. A. The accass feature(s) that will not be provided is (are):

| Primary Accessible Entrance | Other:
| Path of Travel (includes path from parking) | 02. Sanitary Facilities ☐ Parking B. The code section(s) that requires (require) the specific accessible feature(s) is (are): \_\_\_\_\_ CBC 1115B and CPC Table 4-1 11. Detailed description of the accessible feature(s) that will not be provided. What is the condition now? Note location on the plans or provide attachments if necessary. Existing Uni-Sex restroom too small for accessibility compliance
Existing restrooms don't provide required fixture count per Table 4-1 12. Total cost of the project excluding this (these) accessible feature(s): \$10.000 13. A. Cost of the accessible feature(s), which will not be provided: \$40.000 B. Percentage of total cost shown on Line 12 (divide line 13 by line 12): 400% 14. Choose either 'A" or 'B": A. 

| Equivalent facilitation is provided according to Code Section(s):
| Description of equivalent facilitation & why full compliance cannot be achieved:

U	NREASONABLE HARDSHIP REQUEST			2 of 2
	B. 69 Equivalent facilitation is not provide			
	Cost constraints 22 Physical	o decause of the lollowing	g: onetmints D Other see	ndesista.
-113	Description of constraint (Unreason	iable Hardship). Provide:	attachments as needed	istraints
	No feasible layout for cod			
		e sompliant mens	and women's loom	<del></del>
M	ole Patification by the Assess Assess Committee			·
	ole. Ratification by the Access Appeals Commis- alued over the threshold amount based on the E			
, fa	cilitation is provided. Refer to the California Code	of Regulations, Title 24 pa	art 2, Section 1,9.1, Section	:,530,20, and no equivaler 1 202 and Section 11348:
	6. Applicant's Name (Print): Robert Gillur	л	1 Teneral	
	2 Owner		l lenant	☐ Agent
	Applicant's Signature:			
17	7. Applicant's Address: PO Box 14127,	San Francisco Co	4 94114	
		Tan Tanongoo, Or	104114	
	FOR THE DEPARTMENT	NT OF BUILDING INSPE	CTION STAFF USE ONLY	·
	1	aption for unreasonable		·
	GRANTED FOR THIS PERMIT O	ipuon ior unreasonapie iNLY □ DENIED*	narosnip is:	ATIGICATION
	h		- 1444011E0 AA010	
	Based on Section(s):	of	the San Francisco Buildin	ng Code, 2010 Edition
	No. of the first first terms of the second			
	Plans reviewed by (print name):			
	Signature of the Plans Examiner:		Date:	-
	Table   Tabl		Date	
	Denied for the following reason(s):		·	<u> </u>
			-	
		<del></del>		
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	'Signature of the Group Supervisor:			
	(needed only when Denied or requires AAC	Patification)	Date:	
, Jr	your Unreasonable Hardship Request is to be	denied, the plans exami	ner shall inform you of the	e reasons for denying the
. ге	quest. In addition, the plans examiner's group	supervisor shall provide y	ou with a second opinion	regarding the denial.
Te	o file an appeal with the Access Appeals Con	nmission (AAC), places	61 tt 6074 0	
pa	ackage consisting of eight individually bound no	Minasion (AMC), piease p Mehonics Piease refer to	hay a ning lee of \$3/4.0	u and submit a documer
34	rankone at the customer services designor in	nore complete informatio	n. These annual conice	well he dictributed by the
	ecretary of the AAC to each of the Commission	ers. One copy is kept on	file with the Secretary to	the Commission for revier
. as	requested by any member of the public.		· .	
. Pl	ease submit appeals in person to:	Secretary	Access Appeals Commiss	tind
			on Street, 3# Floor	MUTI .
			Isco, CA 94103	
		(415) 575	-6923	

D.A. CHECKLIST (p. 2 of 2):

Check all applicable boxes and specify where on the drawings the details are shown None Access
existing & Appeals
not reti'd by
Code ston NOV Nate; upgrades below are letu in priority based on CBC 1134B.2.1 Ex1 Location of dataB(s)-include dataB no. & drawing sheet (<u>do not leave this part blank</u>f). Also clarification comments can be written here. One accessible entrance serving the area of remode Note: This should be a primary entrance. Add't upgrade may be required if is not. × An accessible route to the area of remodel 2a, path of travel **B** .0 0 п 2b. ramps a ₽ 0 Ð 2c. elevator 2d. stairs (if no elevator) D п . . 🗆 2f, other: 3. At least one accessible restroom for each sex serving the area of remode Ož. Accessible drinking fountains (hi-low). **2**3 . . 6. Signage. 7. Visual Alarm. Parking . . - -×

If details are provided from a set of City approved reference drawings, provide its pennis application number her

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Page 7 of 11

#### Form C: DISABLED ACCESS 20% RULE

This form is only required when box "C" is checked off on the D.A. Checklist and is for providing an itemized list of the estimated costs for the expenditures used for disabled access upgrades for this project. Reproduce this form along with the D.A. Checklist and the Unreasonable Hardship Request form(s) on the oloas.

Based on CBC 1134B.2.1, Exception 1, only projects with a construction cost less flum the valuation threshold (current ENR Construction Cost Index Amount) are eligible for the 20% rule, where the project must provide disabled access upgrades up to 20% of the cost of construction in the required priority as listed on p. 2 of the D.A. Checklist. In general, projects valued oney the threshold are not eligible for the 20% rule (see CBC 1134.2.1 Exception 2 for a possible exception).

CBC\_1134B\_2\_L Exception 2 (athbreviated): In alteration projects involving buildings & facilities previously approved & built without elevators, areas above & below the ground floor are subject to the 20% disproportionality provisions described in Exception 1, even if the value of the project exceeds the valuation threshold in Exception 1. Refer to the Code for the types of buildings & facilities that qualifies for this 20% disproportionality provisions when project valuation is over the threshold.

A) Cost of Construction:     (Excluding accessibility upgrade)	Contractor's Estimated Cost \$ 10,000	DBI Revised Cos
B) 20% of A):	\$ 2,000	s
List the Upgrade Expenditures and the  1. Power-operated entry door		cost below:
<del></del>	\$ 2,500	<u> </u>
Accessibility door signage	\$ 250	\$
3.	5	\$
4.	5	<u>s</u>
5.	\$	\$
6.	\$	\$
7.	\$	\$
8.	\$	5
9.	5	\$
Total Upgrade Expenditures Must approximately equal to Line B	\$ 2,750	s

P-Websie-Forms - Hamburts-2011 DA chrecklist dise

ge 8 of 11



942 KIRKHAM STREET SAN FRANCISCO, CA 94122 PHONE: 415.681.8268 FAX: 415.681.9342 EMAIL: M.FROEHIKHBEARTHUNK.NET



DA CHECK LIST
DA 20 PERCENT RULE
DA HARDSHIP FORM

NON-STRUCTURAL IMPROVEMENTS

THE EDGE

4149 - 18TH STREET
SAN FRANCISCO, CALIFORNIA

AT:

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