



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Conditional Use

HEARING DATE: JANUARY 24, 2013

CONSENT CALENDAR

Date: January 17, 2013
Case No.: 2012.0690C
Project Address: **728 VALLEJO STREET**
Zoning: North Beach NCD
40-X Height and Bulk District
North Beach Special Use District
North Beach Financial Services Restricted Use Special Use District
Block/Lot: 0130/011A
Project Sponsor: Marsha Garland for
Giovanni Toracca
535 Green Street
San Francisco, CA 94133
Staff Contact: Aaron Hollister – (415) 575-9078
aaron.hollister@sfgov.org
Recommendation: **Approval with Conditions**

1650 Mission St.
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San Francisco,
CA 94103-2479

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415.558.6378

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415.558.6409

Planning
Information:
415.558.6377

PROJECT DESCRIPTION

The project sponsor proposes to establish a Limited-Restaurant Use (D.B.A. Lago Marsino) within an approximate 1,170 square-foot ground-floor commercial tenant space that has been vacant for approximately three years and was last occupied by a retail use. As currently proposed, the business would operate as a deli and would offer a variety of menu items for take-out and sit-down dining with approximately 10 seats and would also offer retail sales of specialty food items. The limited restaurant would not offer on-site consumption of beer and wine. The business would be an independent, locally owned business and is not considered a Formula Retail use. No exterior alterations are proposed to any character-defining features of the building and no expansion of the tenant space would be necessary as part of the project.

SITE DESCRIPTION AND PRESENT USE

The project is located on the north side of Vallejo Street between Stockton and Powell Streets; Lot 011A in Assessor's Block 0130. The subject property is located within the North Beach Neighborhood Commercial District ("NCD"), the North Beach Special Use District, North Beach Financial Services Restricted Use Special Use District and the 40-X Height and Bulk District. The subject property is developed with a three-story mixed-use building that currently contains two dwelling units and a ground-floor commercial tenant space. The building was constructed in 1915 and is considered a historic resource pursuant to the

Planning Department's Preservation Bulletin No. 16 as the subject building is listed as a contributing building in the North Beach Survey.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The North Beach NCD is located in between Telegraph Hill and Nob Hill north of Broadway, roughly centered on Columbus Avenue. The North Beach NCD functions as a neighborhood-serving marketplace, citywide specialty shopping and dining district and tourist attraction, as well as an apartment and residential hotel zone. Traditionally, the District has provided most convenience goods and services for residents of North Beach and portions of Telegraph and Russian Hills.

The surrounding development is a variety of multi-story, mixed-use buildings. Nearby ground-floor uses include eating and drinking establishments, markets, small-scale retail stores, and nighttime entertainment. Larger uses in the immediate vicinity include Central Police Station, the North Beach Parking Garage and the Salvation Army. The upper stories are generally occupied by apartments, and residential hotels. The scale of development throughout the area consists of low- and mid-rise buildings (one- to four-story structures).

ENVIRONMENTAL REVIEW

The project was determined to be categorically exempt from the environmental review process pursuant to Class 1 exemptions (Section 15301 of the California Environmental Quality Act) of Title 14 of the California Administrative Code.

HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Classified News Ad	20 days	January 4, 2013	January 2, 2013	22 days
Posted Notice	20 days	January 4, 2013	January 4, 2013	20 days
Mailed Notice	20 days	January 4, 2013	January 4, 2013	20 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 three letters of support inclusive of the North Beach Neighbors and the SoTel Neighbors Association.
- No communications have been received in opposition of the request.

ISSUES AND OTHER CONSIDERATIONS

- Planning Code Section 303(p) establishes criteria with regard to a Conditional Use Authorization application for a Restaurant, Limited-Restaurant and Bar uses in Neighborhood Commercial Districts or Mixed Use Districts. Section 303(p) requires the Planning Commission to consider, in addition to the criteria set forth in Code Section 303(c), the existing concentration of eating and drinking uses in the area. Such concentration should not exceed 25% of the total commercial frontage as measured in linear feet within the immediate area of the subject site. For the purposes of Code Section 303(p), the immediate area is defined as all properties located within 300 feet of the subject property and also located within the same zoning district.

Based on a land use survey of the North Beach NCD that was completed by Department staff, the total commercial frontage dedicated to eating and drinking establishments located within 300 feet of the Project Site in the North Beach NCD is 21%. With the addition of the subject Restaurant-Limited use, the total aforementioned commercial frontage dedicated to eating and drinking establishments would remain 21% and would be consistent with the requirements of Code Section 303(p).

- Overall, the North Beach NCD does have a high concentration of eating and drinking establishments as evidenced by a Department survey of the North Beach NCD that revealed approximately 38% of the linear commercial frontage in the North Beach NCD is devoted to eating and drinking uses. For eating and drinking establishments, the Guidelines state that the balance of commercial uses may be threatened in districts with an established pattern of service to a broad market, such as North Beach, when such establishments occupy more than 25% of the total commercially-occupied frontage in a district.

Although the overall concentration of eating and drinking establishments is high in the North Beach NCD, Section 303(p) of the Code only requires the analysis of the total commercial linear frontage dedicated to eating and drinking establishments located within 300 feet of the Project Site in the subject NCD. Within 300 feet of the Project Site in the North Beach NCD, the total commercial frontage dedicated to eating and drinking establishments is 21%, which is consistent with the concentration guidelines of the Commerce and Industry Element of the General Plan. The Project is also located outside of primary areas where high concentrations of eating and drinking establishments can be found in the North Beach NCD such as the Columbus Avenue corridor, streets adjacent to Washington Square and on the surrounding blocks of the intersection of Grant Avenue and Green Street.

- The North Beach Special Use District allows a use categorized as a Basic Neighborhood Sale or Service to be located in a space last occupied by a Basic Neighborhood Sale or Service pursuant to the use controls of Code Section 722. In this instance, both the proposed Limited-Restaurant and the previous use (Other, Retail) are defined as a Basic Neighborhood Sale or Service in Code Section 780.3(b); therefore, the applicant may seek Conditional Use to locate the Limited-Restaurant in the subject commercial tenant space.

- An approved building permit from 2008 permitted the proposed storefront alterations that were started, but were not finalized due to the expiration of the 2008 permit. The storefront alterations will be finalized under the project.

REQUIRED COMMISSION ACTION

In order for the project to proceed, the Commission must approve Conditional Use Authorization to allow a Limited-Restaurant Use within the North Beach NCD, pursuant to Planning Code Section 722.44.

BASIS FOR RECOMMENDATION

- The project promotes the establishment of a locally-owned business and contributes to the vitality of the overall North Beach NCD by filling a storefront that has been vacant over three years.
- The addition of the project would not disrupt the balance of uses in project area of the North Beach NCD. Eating and drinking establishments would remain at 21% of the linear commercial frontage within 300 feet of the project site.
- The project meets all applicable requirements of the Planning Code.
- The project is desirable for, and compatible with the surrounding neighborhood.
- The business is not a Formula Retail use and would serve the immediate neighborhood.

RECOMMENDATION:	Approval with Conditions
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Attachments:

300-Foot Survey Map

Parcel Map

Sanborn Map

Aerial Photographs

Zoning Map

Special Use District Map

Public Correspondence

Project Sponsor Submittal, including:

- Correspondence in Support
- Site Photographs
- Context Photographs
- Reduced Plans

Attachment Checklist

- | | |
|--|---|
| <input checked="" type="checkbox"/> Executive Summary | <input checked="" type="checkbox"/> Project sponsor submittal |
| <input checked="" type="checkbox"/> Draft Motion | Drawings: <u>Existing Conditions</u> |
| <input type="checkbox"/> Environmental Determination | <input checked="" type="checkbox"/> Check for legibility |
| <input checked="" type="checkbox"/> Zoning District Map | Drawings: <u>Proposed Project</u> |
| <input checked="" type="checkbox"/> Special Use District Map | <input checked="" type="checkbox"/> Check for legibility |
| <input checked="" type="checkbox"/> Parcel Map | <input checked="" type="checkbox"/> 300-Foot Survey Map |
| <input checked="" type="checkbox"/> Sanborn Map | <input checked="" type="checkbox"/> Public Correspondence |
| <input checked="" type="checkbox"/> Aerial Photo | <input type="checkbox"/> Community Meeting Notice |
| <input checked="" type="checkbox"/> Context Photos | <input type="checkbox"/> Inclusionary Affordable Housing Program:
Affidavit for Compliance |
| <input checked="" type="checkbox"/> Site Photos | |

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

_____ AJH _____
Planner's Initials

AJH: G:\DOCUMENTS\Projects\CUI\728 Vallejo Street\728 Vallejo Street Executive Summary.doc



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- | | |
|--|--|
| <input type="checkbox"/> Affordable Housing (Sec. 415) | <input type="checkbox"/> First Source Hiring (Admin. Code) |
| <input type="checkbox"/> Jobs Housing Linkage Program (Sec. 413) | <input type="checkbox"/> Child Care Requirement (Sec. 414) |
| <input type="checkbox"/> Downtown Park Fee (Sec. 412) | <input type="checkbox"/> Other |

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Planning Commission Motion No. XXXXX

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ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 303 AND 722.43 OF THE PLANNING CODE TO ALLOW A LIMITED-RESTAURANT USE (D.B.A. LAGO MARSINO) WITHIN THE NORTH BEACH NEIGHBORHOOD COMMERCIAL DISTRICT, THE NORTH BEACH SPECIAL USE DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On May 30, 2012, Marsha Garland for Giovanni Toracca (hereinafter “Project Sponsor”) filed an application with the Planning Department (hereinafter “Department”) for Conditional Use Authorization under Planning Code Section 722.43 to allow a Limited-Restaurant Use (d.b.a. Lago Marsino) within the North Beach Neighborhood Commercial District, North Beach Special Use District, North Beach Financial Services Restricted Use Special Use District and a 40-X Height and Bulk District.

On January 24, 2013, the San Francisco Planning Commission (hereinafter “Commission”) conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2012.0690C.

The proposed project was determined to be categorically exempt from the environmental review process pursuant to Class 1 exemptions (Section 15301 of the California Environmental Quality Act) of Title 14 of the California Administrative Code.

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. 2012.0690C, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

FINDINGS

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

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The project is located on the north side of Vallejo Street between Stockton and Powell Streets; Lot 011A in Assessor's Block 0130. The subject property is located within the North Beach Neighborhood Commercial District ("NCD"), the North Beach Special Use District, North Beach Financial Services Restricted Use SUD and the 40-X Height and Bulk District. The subject property is developed with a three-story mixed-use building that currently contains two dwelling units and a ground-floor commercial tenant space. The building was constructed in 1915 and is considered a historic resource pursuant to the Planning Department's Preservation Bulletin No. 16 as the subject building is listed as a contributing building in the North Beach Survey.
3. **Surrounding Properties and Neighborhood.** The North Beach NCD is located in between Telegraph Hill and Nob Hill north of Broadway, roughly centered on Columbus Avenue. The North Beach NCD functions as a neighborhood-serving marketplace, citywide specialty shopping and dining district and tourist attraction, as well as an apartment and residential hotel zone. Traditionally, the district has provided most convenience goods and services for residents of North Beach and portions of Telegraph and Russian Hills.

The surrounding development is a variety of multi-story, mixed-use buildings. Nearby ground-floor uses include eating and drinking establishments, markets, small-scale retail stores, and nighttime entertainment. Larger uses in the immediate vicinity include Central Police Station, the North Beach Parking Garage and the Salvation Army. The upper stories are generally occupied by apartments, and residential hotels. The scale of development throughout the area consists of low- and mid-rise buildings (one- to four-story structures).

4. **Project Description.** The project sponsor proposes to establish a Limited-Restaurant Use (D.B.A. Lago Marsino) within an approximate 1,170 square-foot ground-floor commercial tenant space that has been vacant for approximately three years and was last occupied by a retail use. As currently proposed, the business would operate as a deli and would offer a variety of menu items for take-out and sit-down dining with approximately 10 seats and would also offer retail sales of specialty food items. The limited restaurant would not offer on-site consumption of beer and wine. The business would be an independent, locally owned business and is not considered a Formula Retail use. No exterior alterations are proposed to any character-defining features of the building and no expansion of the tenant space would be necessary as part of the project. An approved building permit from 2008 permitted the proposed storefront alterations that were started, but were not finalized due to the expiration of the 2008 permit. The storefront alterations will be finalized under the Project.
5. **Public Comment.** To date, the Department has received two letters of support from neighborhood organizations including the North Beach Neighbors and the SoTel Neighbors Association. No communications have been received in opposition of the request.
6. **Planning Code Compliance:** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:

- A. **Use.** Planning Code Section 722.43 states that within the North Beach NCD, Conditional Use Authorization is required for a Limited-Restaurant Use, as defined by Planning Code Section 790.90, to be located at the ground floor. Pursuant to Planning Code Section 780.3 (the North Beach SUD), Limited Restaurants are permitted to locate in vacant spaces that were last occupied by Basic Neighborhood Sale or Service uses as defined in Code Section 780.3(b).

The Project Sponsor is requesting Conditional Use Authorization to establish a Limited-Restaurant Use at the ground-floor of the Project Site within the North Beach NCD and North Beach SUD in a vacant space that was last occupied by a Basic Neighborhood Sale or Service use, which was an Other, Retail use.

- B. **Use Size.** Section 121.2(a) establishes size limits on nonresidential uses in all NCDs. In the North Beach NCD, Conditional Use Authorization is required for any nonresidential use that exceeds 1,999 square feet.

At 1,170 square feet, the Project does not require Conditional Use Authorization for use size. Furthermore, physical expansion of the commercial tenant space is not proposed.

- C. **Hours of Operation.** Planning Code Section 722.27 states that a Conditional Use Authorization is required for maintaining hours of operation from 2:00 a.m. to 6:00 a.m., as defined by Planning Code Section 790.48.

The Project Sponsor does not propose operation between the hours of 2:00 a.m. to 6:00 a.m. Therefore, the business would continue to operate during hours which are principally permitted in the North Beach NCD.

- D. **Other Entertainment.** Planning Code Section 722.48 states that a Conditional Use Authorization is required for Other Entertainment, as defined by Planning Code Section 790.38.

The business does not propose to host any activities defined as Other Entertainment by Section 790.38.

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

The occupied floor area of the restaurant measures less than 5,000 square, therefore, the business does not require any off-street parking.

- F. **Street Frontage in Neighborhood Commercial Districts.** Section 145.1 of the Planning Code requires that within NC Districts space for active uses shall be provided within the first 25 feet of building depth on the ground floor and 15 feet on floors above from any facade facing a street at least 30 feet in width. In addition, the floors of street-fronting interior spaces housing non-residential active uses and lobbies shall be as close as possible to the level of the adjacent sidewalk at the principal entrance to these spaces. Frontages with active uses that must be fenestrated with transparent windows and doorways for no less than 60 percent of the street frontage at the ground level and allow visibility to the inside of the building. The use of dark or mirrored glass shall not count towards the required transparent area. Any decorative railings or grillwork, other than wire mesh, which is placed in front of or behind ground floor windows, shall be at least 75 percent open to perpendicular view. Rolling or sliding security gates shall consist of open grillwork rather than solid material, so as to provide visual interest to pedestrians when the gates are closed, and to permit light to pass through mostly unobstructed. Gates, when both open and folded or rolled as well as the gate mechanism, shall be recessed within, or laid flush with, the building facade.

The proposed use is an active use and will occupy the first 25 feet of building depth in the ground floor. Nearly the entire storefront at the Project Site consists of clear glazing with unobstructed views into the interior of the tenant space. As part of the Project, the storefront system replacement that was started in 2008 would be completed. The glazing in the replacement storefront system would not be obscured and would continue to allow unobstructed views into the interior of the tenant space.

- G. **Signage.** Any proposed signage will be subject to the review and approval of the Planning Department.

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

- A. The proposed new uses and building, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable, and compatible with, the neighborhood or the community.

The Project has been found to be desirable as it would promote the establishment of a locally-owned business and would contribute to the vitality of the overall North Beach NCD by activating a commercial tenant space that has been vacant for over three years. The Project will complement the mix of goods and services currently available in the immediate vicinity by offering neighborhood residents and employees an additional shopping and food option.

- B. The proposed project will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity. There are no features of the project that could be detrimental to the health, safety or convenience of those residing or working the area, in that:

- i. Nature of proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;

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

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

The Planning Code does not require parking or loading for a 1,170 square-foot Limited-Restaurant Use. The proposed use is designed to meet the needs of the immediate neighborhood and should not generate significant amounts of vehicular trips from the immediate neighborhood or citywide.

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

The proposed use is subject to the standard conditions of approval for restaurants as outlined in Exhibit A. Condition 8 specifically obligates the project sponsor to mitigate odor generated by the Limited-Restaurant Use.

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

The project does not propose exterior tenant improvements beyond the completion of the previously approved storefront alterations. The Department shall review all lighting and signs proposed for the new business.

- 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 North Beach NCD functions as neighborhood-serving marketplace, providing convenience and specialty goods and services to residents in the Telegraph Hill and Russian Hill areas. The proposed Limited-Restaurant would provide a convenience to residents and employees of the area.

8. **Planning Code Section 303(p)** establishes criteria with regard to a conditional use authorization application for a Restaurant, Limited-Restaurant and Bar uses in Neighborhood Commercial Districts or Mixed Use Districts. Section 303(p) requires the Planning Commission to consider, in addition to the criteria set forth in Code Section 303(c), the existing concentration of eating and drinking uses in the area. Such concentration should not exceed 25% of the total commercial frontage as measured in linear feet within the immediate area of the subject site. For the purposes of Code Section 303(p), the immediate area shall be defined as all properties located within 300 feet of the subject property and also located within the same zoning district.

Based on a land use survey of the North Beach NCD that was completed by Department staff, the total commercial frontage dedicated to eating and drinking establishments located within 300 feet of the Project Site in the North Beach NCD is 21%. With the addition of the subject Restaurant-Limited use, the total aforementioned commercial frontage dedicated to eating and drinking establishments would remain 21% and would be consistent with the requirements of Code Section 303(p).

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

NEIGHBORHOOD COMMERCE

Objectives and Policies

OBJECTIVE 1:

MANAGE ECONOMIC GROWTH AND CHANGE TO ENSURE ENHANCEMENT OF THE TOTAL CITY LIVING AND 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 proposed development will provide desirable goods and services to the neighborhood and will provide resident employment opportunities to those in the community. Further, the Project Site is located within a Neighborhood Commercial District and is thus consistent with activities in the commercial land use plan.

OBJECTIVE 2:

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

Policy 2.1:

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

The Project will establish a locally-owned business and will enhance the diverse economic base of the City.

OBJECTIVE 6:

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

Policy 6.1:

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

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

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

Eating and Drinking Establishments

Eating and drinking establishments include bars, sit-down restaurants, fast food restaurants, self-service restaurants, and take-out food. Associated uses, which can serve similar functions and

create similar land use impacts, include ice cream stores, bakeries and cookie stores. Guidelines for eating and drinking establishments are needed to achieve the following purposes:

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

Overall, the North Beach NCD does have a high concentration of eating and drinking establishments as evidenced by a Department survey of the North Beach NCD that revealed approximately 38% of the linear commercial frontage in the North Beach NCD is devoted to eating and drinking uses. For eating and drinking establishments, the Guidelines state that the balance of commercial uses may be threatened in districts with an established pattern of service to a broad market, such as North Beach, when such establishments occupy more than 25% of the total commercially-occupied frontage in a district.

Although the overall concentration of eating and drinking establishments is high in the North Beach NCD, Section 303(p) of the Code only requires the analysis of the total commercial linear frontage dedicated to eating and drinking establishments located within 300 feet of the Project Site in the NCD. Within 300 feet of the Project Site in the North Beach NCD, the total commercial frontage dedicated to eating and drinking establishments is 21%, which is consistent with the concentration guidelines of the Commerce and Industry Element of the General Plan. The Project is also located outside of primary areas where high concentrations of eating and drinking establishments can be found in the North Beach NCD such as the Columbus Avenue corridor, streets adjacent to Washington Square, and on the surrounding blocks near the intersection of Grant Avenue and Green Street. For these reasons, the addition of the Project would not disrupt the balance of uses.

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.

An independent, local entrepreneur is sponsoring the proposal. The proposed use is a neighborhood serving use. This is not a Formula Retail use.

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 would enhance the District by providing a locally-owned Limited-Restaurant that creates employments opportunities for the community.

- 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 would enhance the mix of businesses and increase the number of dining and food shopping choices offered in the area. The business will occupy a storefront that is currently vacant, and will enhance the commercial vitality of the neighborhood.

- 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 Project would not adversely impact public transit or place a burden on the existing supply of parking in the neighborhood. The area is well-served by public transportation.

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

- G. That landmarks and historic buildings be preserved.

The subject building was originally constructed in 1915 and is considered a historic resource pursuant to the Planning Department's Preservation Bulletin No. 16 as the building has been identified as a contributory building in the North Beach Survey. No exterior alterations are proposed to any character-defining features of the building and no expansion of the tenant space would be necessary as part of the project. An approved building permit from 2008 permitted the proposed storefront alterations that were started, but were not finalized due to the expiration of the 2008 permit. The storefront alterations will be finalized under the Project.

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

The project will have no negative effect on existing parks and open spaces.

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. 2012.0690C** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated June 27, 2008, 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 January 24, 2013.

Jonas P. Ionin
Acting Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: January 24, 2013

EXHIBIT A

AUTHORIZATION

This authorization is for a Conditional Use to allow a Limited-Restaurant Use (d.b.a. Lago Marsino) located at 728 Vallejo Street, Block 0130, and Lot 011A pursuant to Planning Code Sections 303 and 722.43 within the North Beach Neighborhood Commercial District, North Beach Special Use District, North Beach Financial Services Restricted Use Special Use District and a 40-X Height and Bulk District; in general conformance with plans, dated June 27, 2008, and stamped "EXHIBIT B" included in the docket for Case No. 2012.0690C and subject to conditions of approval reviewed and approved by the Commission on January 24, 2013, under Motion No. XXXXX. 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 January 24, 2013, under Motion No XXXXX.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. XXXXX 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 18 months 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 18 months 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 18 months 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

3. **Rooftop Mechanical Equipment.** Pursuant to Planning Code 141, the Project Sponsor shall submit a roof plan to the Planning Department prior to Planning approval of the building permit application. Rooftop mechanical equipment, if any is proposed as part of the Project, is required to be screened so as not to be visible from any point at or below the roof level of the subject building.

For information about compliance, contact the Case Planner, Planning Department at 415-575-9078, www.sf-planning.org.

MONITORING

4. **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.

5. **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

6. **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>

7. **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/>*

8. **Odor Control.** While it is inevitable that some low level of odor may be detectable to nearby residents and passersby, appropriate odor control equipment shall be installed in conformance with the approved plans and maintained to prevent any significant noxious or offensive odors from escaping the premises.

For information about compliance with odor or other chemical air pollutants standards, contact the Bay Area Air Quality Management District, (BAAQMD), 1-800-334-ODOR (6367), www.baaqmd.gov and Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

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.

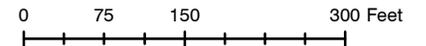
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org.

728 Vallejo Street 300-Foot Survey Area

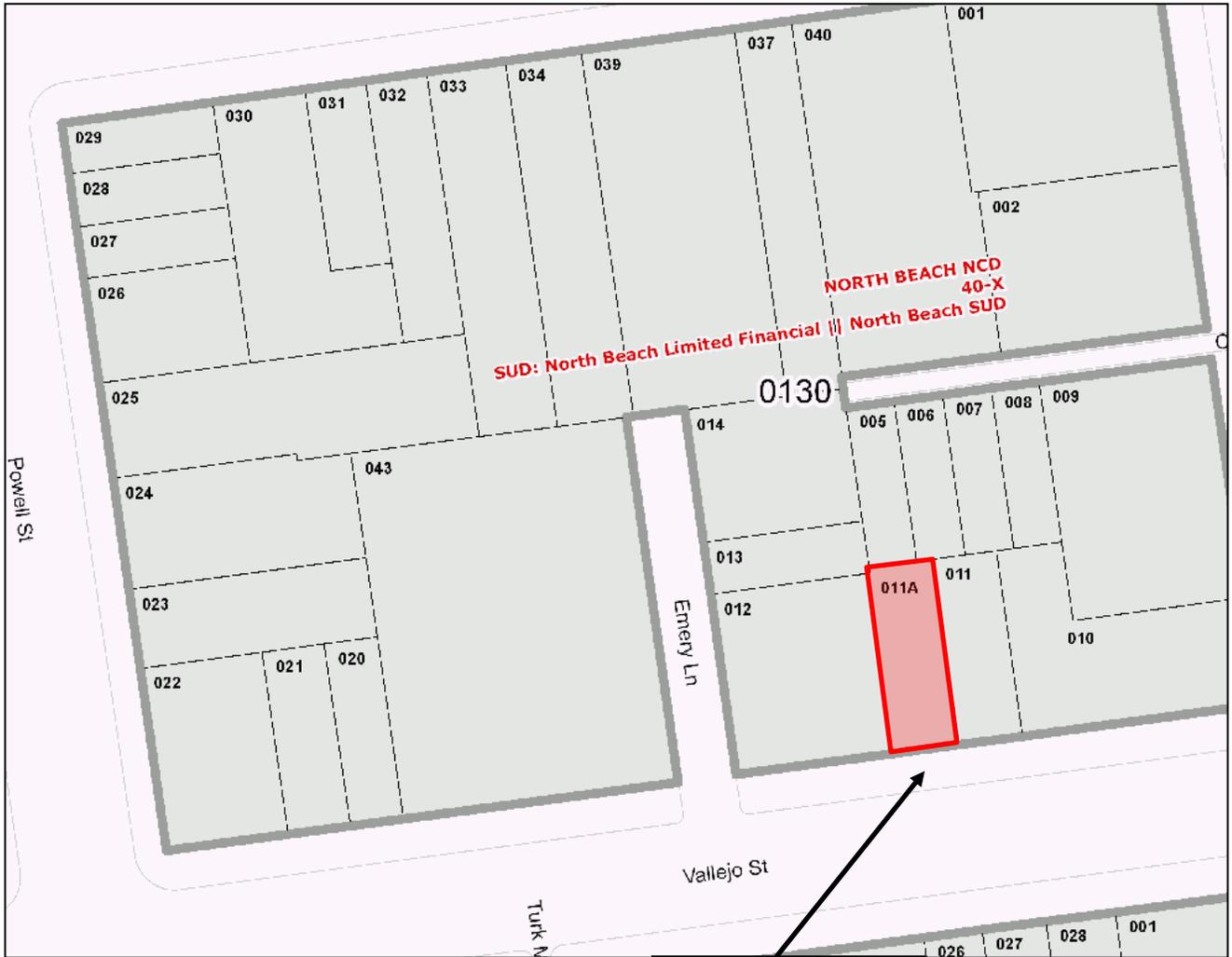


● Denotes Eating or Drinking Establishment in Survey Area

The City and County of San Francisco (CCSF) does not guarantee the accuracy, adequacy, completeness or usefulness of any information. CCSF provides this information on an "as is" basis without warranty of any kind, including but not limited to warranties of merchantability, fitness for a particular purpose, and assumes no responsibility for anyone's use of this information.



Parcel Map

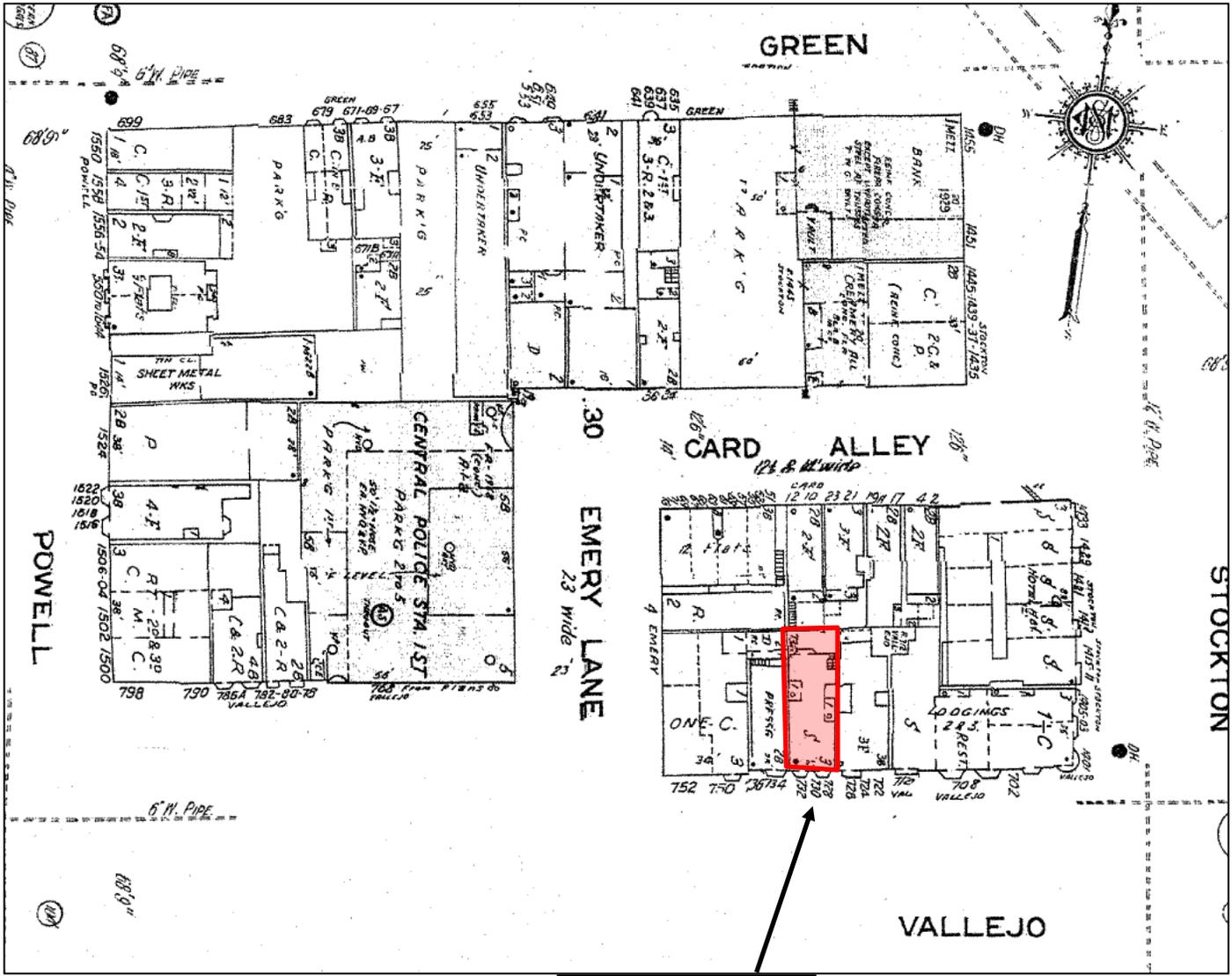


SUBJECT PROPERTY



Case Number 2012.0690C
Limited-Restaurant
728 Vallejo Street

Sanborn Map*



SUBJECT PROPERTY

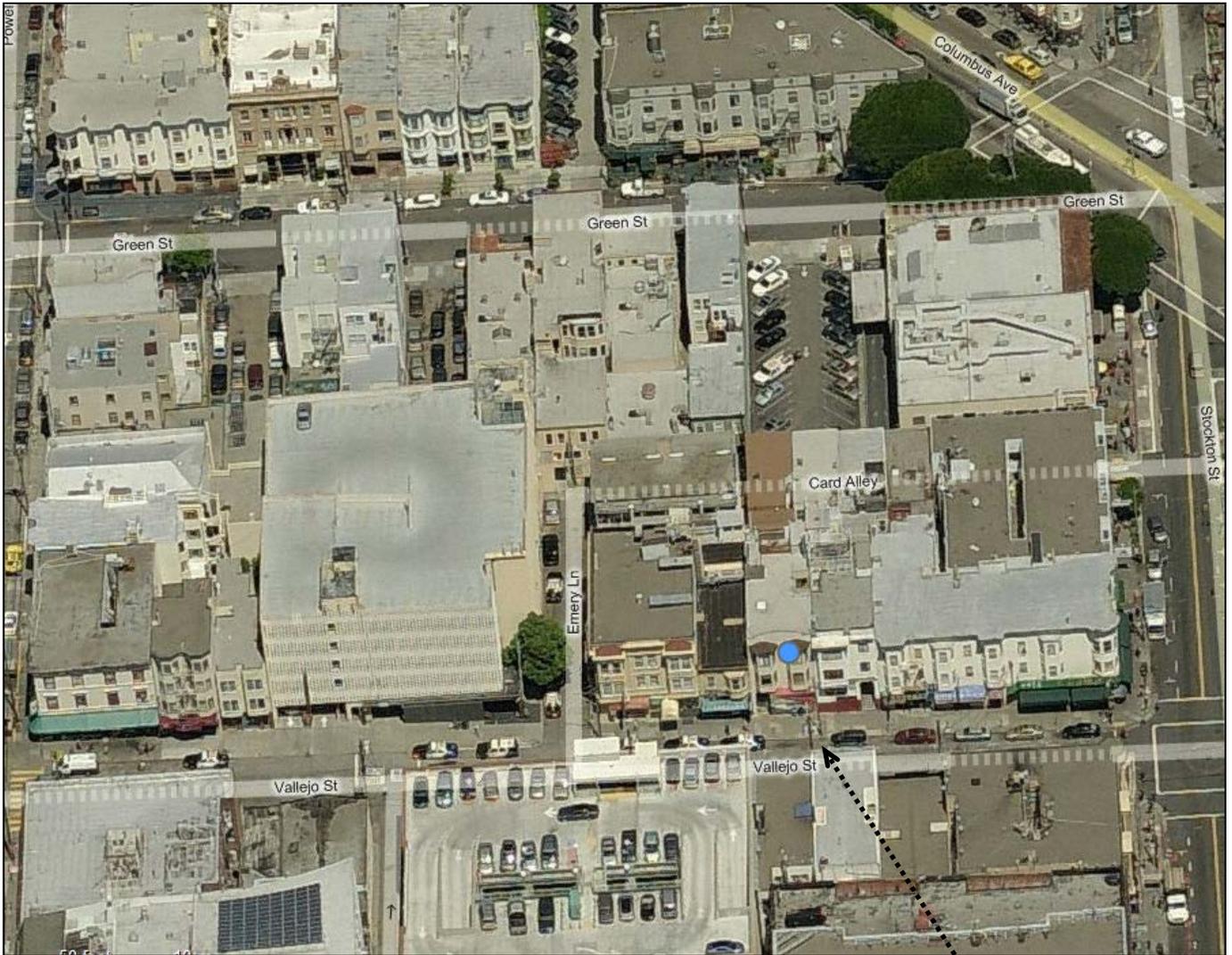


*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.

Case Number 2012.0690C
 Limited-Restaurant
 728 Vallejo Street

Aerial Photo

North-Facing

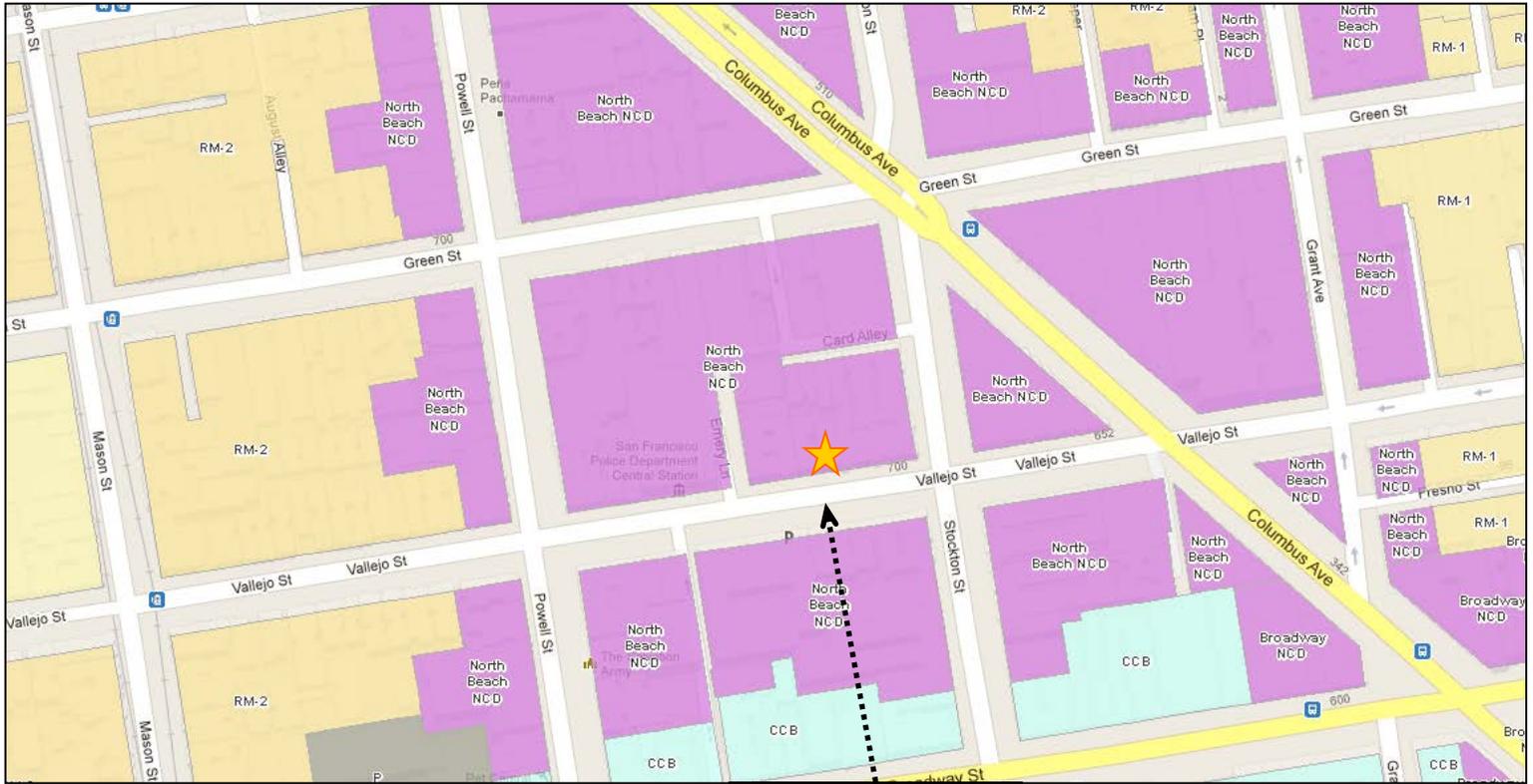


SUBJECT PROPERTY



Case Number 2012.0690C
Limited-Restaurant
728 Vallejo Street

Zoning Map



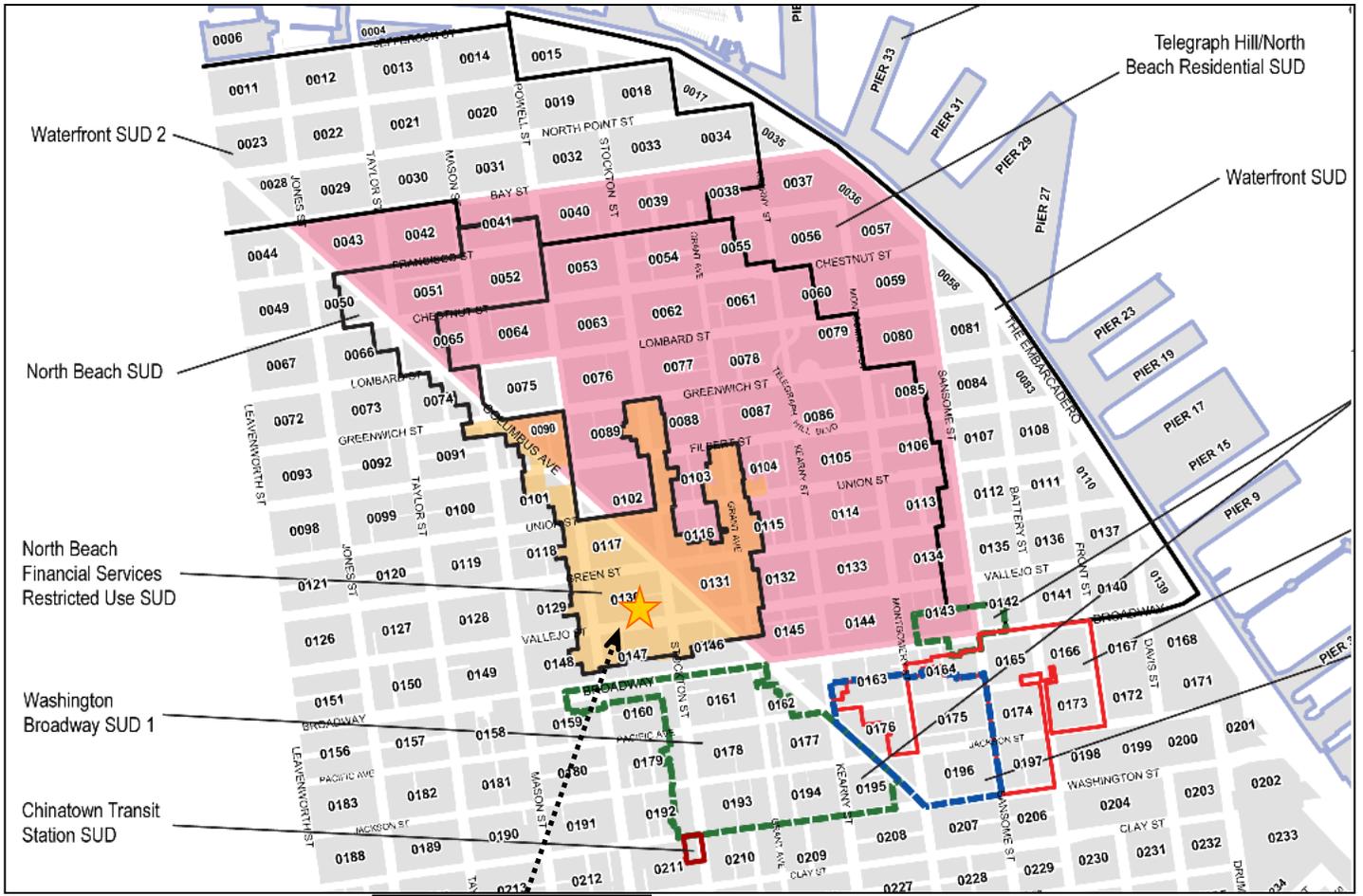
SUBJECT PROPERTY



Case Number 2012.0690C
Limited-Restaurant
728 Vallejo Street

Zoning Map

Special Use Districts





July 4, 2012

Mr. Giovanni Toracca
c/o Marsha Garland Public & Community Relations
535 Green Street
San Francisco, CA 94133

Subject: Lagomarsino's Deli, 728 Vallejo Street

On June 25th, 2012, Mr. Giovanni Toracca presented to the North Beach Neighbors Board his plan to open a new Italian deli called Lagomarsino's to be located at 728 Vallejo Street. He requested the support of North Beach Neighbors for this business. Lagomarsino's will be a limited restaurant with approximately ten seats for patrons. They plan to serve traditional Italian delicatessen food and there are no plans to serve alcohol.

In light of the disappearance of numerous Italian delis from our neighborhood in the past decade and North Beach's Italian heritage, the NBN supports this new business in the proposed location. We believe this business would be a good addition to the neighborhood.

Sincerely,

Micki Jones
North Beach Neighbors President



October 8, 2012

Aaron Hollister, Planner
San Francisco Planning Department
1650 Mission Street, 4th Floor
San Francisco, CA 94103

RE: Support for Lagomarsino's Deli, 728 Vallejo Street

Dear Aaron,

On behalf of SoTel Neighbors, it is my pleasure to write a letter of support for Lagomarsino's Deli, as proposed by Giovanni Toracca. Mr. Toracca seeks approval of a Limited Restaurant Permit for his deli, which will serve traditional Italian deli items at 728 Vallejo Street, a long-vacant space in a busy area with healthy foot traffic.

SoTel is confident the proposed business will have a positive impact on the local community, and will be appreciated by locals and tourists alike. We hope the Planning Department will approve Mr. Toracca's permit, as this is a suitable business for 728 Vallejo, and will benefit our neighborhood.

Regards,

Stephanie Greenburg
President, SoTel Neighbors Association
Stephgreenburg@sotelneighbors.org
415-794-7596

cc: Marsha Garland,
Giovanni Toracca

January 11, 2013

Aaron Hollister:

I would like to go on record as supporting the conversion of 728 Vallejo Street into an Italian deli. North Beach currently has only one Italian Deli (Molinari's). I have lived and worked in North Beach all my life and can remember when North Beach had numerous Italian Deli's. I think it is very important that we continue to maintain our Italian Heritage in North Beach. I recently got back from a trip back East and marveled at seeing New York's Little Italy and Boston's North End. Both are terrific tourist attractions, comparable to San Francisco's North Beach. I think it is definitely in the City's best interest to reinforce the Italian character of North Beach.

I have been the Director of the Salesian Boys' & Girls' Club in North Beach for the last 45 years. I wholeheartedly support the restoration of 728 Vallejo Street to accommodate an Italian deli.

Russell J. Gumina
Executive Director
Salesian Boys' & Girls' Club
680 Filbert Street
San Francisco, CA 94133
415-397-3068
rgumina@salesianclub.org



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SUN RISING GIFT STORE

HAWAII WEST
BAR

DAKINE





Fresh Dough Program:

- **Fresh Pasta-** ravioli, tortellini, linguini, papardelle, rigatoni, gnocchi, penne, fettuccini, lasagna sheets, etc.
- **Bread-** pizza dough, sandwich rolls, baguettes, etc.
- **Non-yeast Dough-** flat bread, tortillas, fresh pita, buns
- **Pastries & Dessert-** Changes seasonally

My goal with the fresh dough program is to provide a healthier and tastier alternative to highly processed food. Most people in the neighborhood do not have time to make these items at home (when cooking at home) so they settle for high production processed starch. I will also be able to self-sustain within the deli for prepared food that requires dough such as sandwiches, noodles dishes, and flatbreads.

Cured Meats:

- **Meats-** salami, prosciutto, sausage, pancetta, coppa, lardo, soppressata, porchetta, bressola, mortadella,

Curing meats and properly serving cured meats is a lost art. There are quality cured meats available in North Beach. There are also a few restaurants and markets which do one or two of these in house. My goal is to produce as many of these meats as I can using meat from local and organic farms. My next step would be to find the highest quality of the rest, whether it would be domestic or imported.

Dry Goods:

- **Oils & Vinegars**
- **Flours**
- **Yeasts**
- **Imported & Specialty Local dry pastas and grains**
- **Herbs and Spices**
- **Dried Chilies**

These are just a few examples of what we would like to stock the shelves with. We will not waste space on items you can find at large supermarkets or stores, but rather offer a higher quality and more interesting selection. For example, using fresh Anson Mills Polenta

rather than the processed and packaged kind you find everywhere. Taking the time to source these products will make us able to sell them at the same price points that everyone is paying for much lower quality goods.

The Deli:

This will be the most diverse, exotic, and ever changing part of the business. Everything will be house made. The selection will grow gradually and the goal is to have a range of prepared food for patrons to take home. Some items will be made to order and some items will be pre-made. Here is a list of how I would like to start this part of the deli.

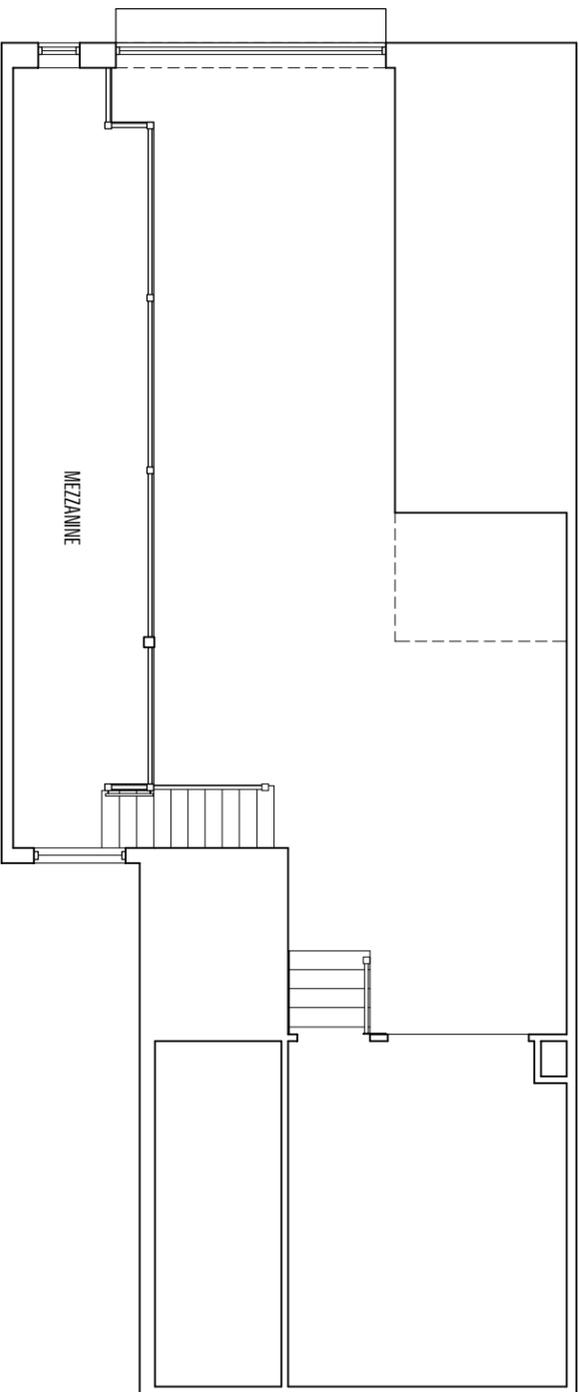
On the Deli Board

Hot Sandwiches
Cold Sandwiches
Flatbreads
Olives
Cheeses
Salsas
Marinades
Sourdough Chips (Housemade)
Salads and Relishes
Condiments
Rotisserie Chicken
Tuna Conserve
Pate
Pickle Variety
Smoked Meats & Seafood
Spreads
Flavored Oils
Sauces & Pastes

As a resident and business owner in North Beach I feel a good sense of what is needed in the neighborhood. I have a close relationship with many people in North beach and also take their opinions into consideration. There were four programs I listed in the above plan for

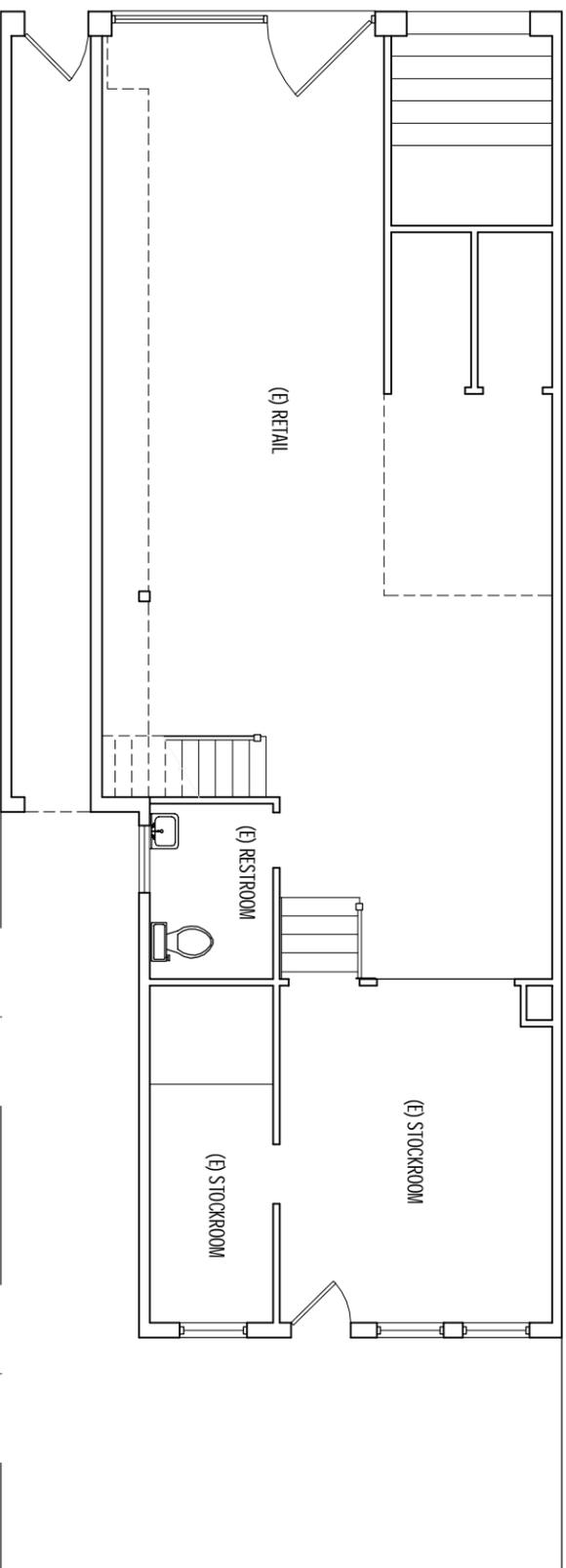
the delicatessen. My plan is to work on each part one at a time. I would start by perfecting the dough program because it would serve as the backbone of the operation. It is the most needed part for the neighborhood and would be profitable from the beginning. I would next move on to "The Deli" and Dry Goods. Last would be Cured Meats. I would like to take my time sourcing the best and developing recipes. I want this Delicatessen to be more than a place to get a sandwich or buy some goods. I want it to have a neighborhood feeling, be a learning experience, and hopefully set the bar for others looking to open similar operations in the neighborhood. Growing up in San Francisco I remember the local butcher giving my mom a recipe with the meat she bought and the produce man being able to explain where his products come from. I feel that this is slowly going away. It does not cost more or take more time to care. Hopefully I can bring my vision into this space and North Beach can enjoy it.

728 VALLEJO STREET



EXISTING MEZZANINE

728 VALLEJO STREET



EXISTING GROUND FLOOR

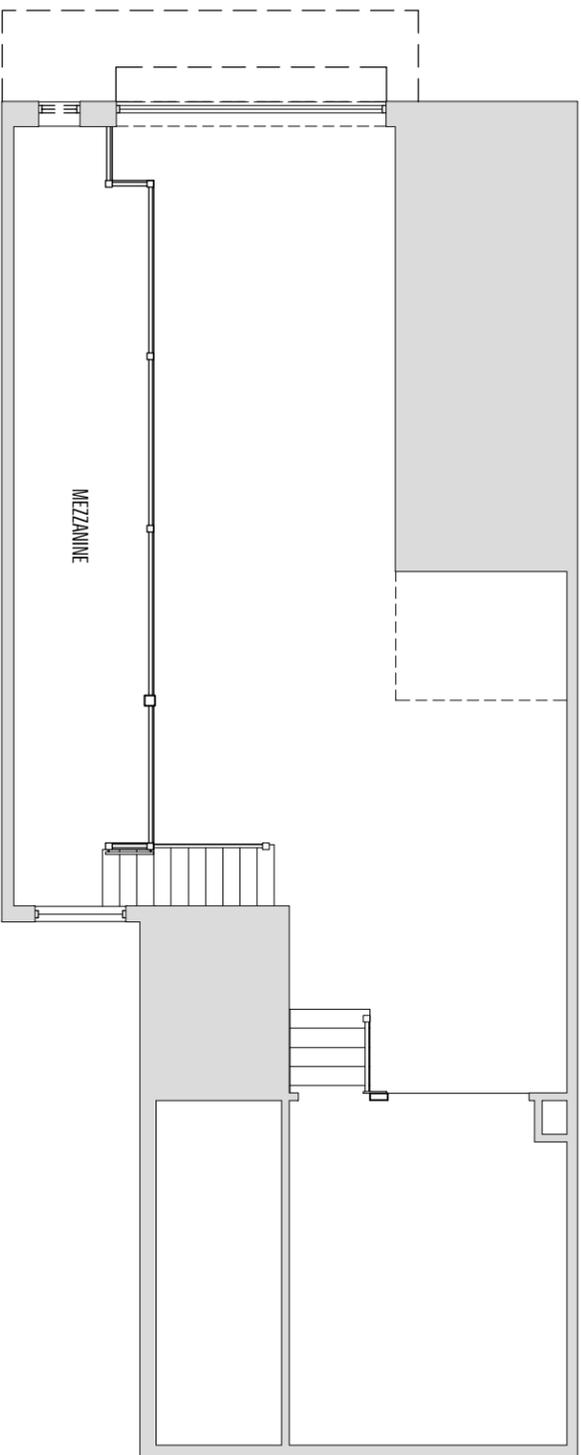
LAGO MARSINO: ITALIAN GROCERY

728 VALLEJO STREET, SAN FRANCISCO, CA

EXISTING FLOOR PLANS

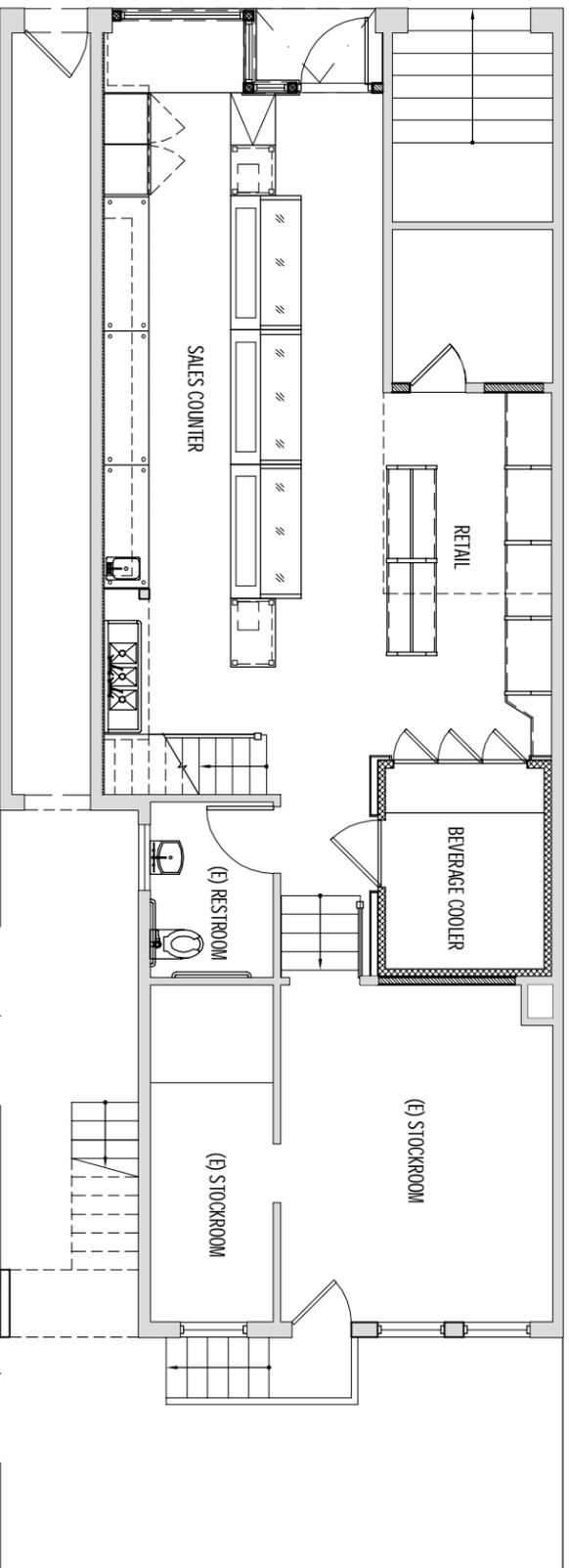
SCALE: 1/8" = 1'-0"

728 VALLEJO STREET



PROPOSED MEZZANINE

728 VALLEJO STREET



PROPOSED GROUND FLOOR

LAGO MARSINO: ITALIAN GROCERY

728 VALLEJO STREET, SAN FRANCISCO, CA

PROPOSED FLOOR PLANS

SCALE: 1/8" = 1'-0"

MARTINKOVIC MILFORD

520 SUTTER STREET SAN FRANCISCO CA 94102 T: 415 346 9990 F: 415 398 0116

