



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Planning Code and Zoning Map Amendments

HEARING DATE: FEBRUARY 21, 2013

Project Name: **Amendments generally rezoning the Upper Market NCD to Upper Market NCT; permitting food processing as an accessory use on one parcel; and amending the Height and Bulk district for one parcel**

Case Number: 2012.1306TZ [Board File Nos. 12-0901 and 12-0902]

Initiated by: Supervisor Wiener / Introduced September 19, 2012

Staff Contact: Sophie Hayward, Legislative Affairs
sophie.hayward@sfgov.org, 415-558-6257

Reviewed by: AnMarie Rodgers, Manager Legislative Affairs
anmarie.rodgers@sfgov.org, 415-558-6395

Recommendation: **Recommend Approval with Modifications**

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

PLANNING CODE AMENDMENT

The proposed Ordinance would amend the Planning Code by: (1) amending Sections 721.1 and 733.1 to modify the explanation of the boundaries of the Upper Market Street Neighborhood Commercial District and the Upper Market Street Commercial Transit District; (2) amending Section 703.2(b) to permit in a limited area food processing as an accessory use to a nearby off-site non-residential use; and (3) amending Sectional Map Sheets ZN07 and HT07 to change the use classification of specified lots on Blocks 3561 through 3565 (much of the Upper Market NCD to the Upper Market NCT) and to change the Height and Bulk classification of Block 3563, Lot 034 from 50-X to 65-B.

The Way It Is Now:

The proposed Ordinance would amend several components of both the existing Upper Market Neighborhood Commercial District (UM NCD) and the Upper Market Neighborhood Commercial Transit District (UM NCT). The following aspects of the UM NCD and the UM NCT may be amended with the proposed Ordinance.

The Upper Market Neighborhood Commercial District (UM NCD), described in Planning Code Section 721.1, as originally created in 1987, was located on Market Street from Church Street to Castro Street. In 2008, the Market & Octavia Plan rezoned the portions of the UM NCD within the plan area to a transit-oriented district. The Market & Octavia Plan generally replaced the UM NCD within the plan boundaries to the Upper Market Neighborhood Commercial Transit (UM NCT), described in Planning Code Section 733.1. This rezoning created a UM NCT from Church Street to Noe Street but left just over one residual block of UM NCD beyond the Market & Octavia Plan along Market Street generally from Noe Street to Castro Street, as shown in the map below.



This zoning map shows the existing zoning along Market Street. The red line indicates the boundaries of the Market & Octavia Plan.

Residential density within the Upper Market NCD is limited to one unit per 400 square feet of lot area for dwelling units, and one bedroom for every 140 square feet of lot area for Group Housing. Residential Demolition and Residential Conversions at the ground story within the Upper Market NCD are regulated by Planning Code Section 317, which requires a mandatory Discretionary Review for demolition or conversion of two units or less, and Conditional Use Authorization for three units or more.

The Height and Bulk Classification for Block 3563, Lot 034 is 50-X.

The manufacturing or processing of food if the retail sale of the food is not conducted on the premise may not be considered an accessory use, as detailed in Planning Code Section 703.2(b).

The Way It Would Be:

The proposed Ordinance would make three changes:

1. **Conversion from NCD to NCT:** The proposed Ordinance would convert much of the existing Upper Market NCD to the Upper Market NCT district. In the Upper Market NCT, residential density is not limited by lot area, but rather is restricted height, bulk, setbacks, open space, exposure and other applicable controls and Design Guidelines. Pursuant to Section 733.38, Residential Conversions at the ground story *of any number of units* require Conditional Use Authorization within the Upper Market NCT¹. Similarly, Residential Demolition requires Conditional Use Authorization at the ground level in the Upper Market NCT.
2. **Height Change:** The proposed Ordinance would amend the Height and Bulk Classification of Block Number 3563, Lot 034 from 50-X to 65-B.
3. **Food Processing:** The proposed Ordinance would also amend Planning Code Section 703.2(b) to allow a food processing use (as defined in Planning Code Section 790.54(a)(1) currently located on the west side of Noe Street between 16th Street and Beaver Street on the ground floor to legally operate as an accessory use to a non-residential establishment located within 300 feet of the food processing use. This would only be allowed if the food processing use is set back a minimum of 15' from the front property line. This use would be subject to the noticing requirements set forth in Planning Code Section 312(d) and (e). This provision would be repealed after one year.

REQUIRED COMMISSION ACTION

The proposed Ordinance is before the Commission so that it may recommend adoption, rejection, or adoption with modifications to the Board of Supervisors.

RECOMMENDATION TO THE BOARD OF SUPERVISORS

The Department recommends that the Commission recommend *approval with modifications* of the proposed Ordinance to the Board of Supervisors and adopt the attached Draft Resolution to that effect. Specifically, the recommended modifications include:

1. Convert all of the Upper Market NCD to Upper Market NCT;
2. Expand the limited use of off-site food prep for Café Flore to allow this type of use more broadly; and
3. Incorporate minor, technical modifications.

RECOMMENDATION FOR FUTURE COMMISSION CONSIDERATION

The Department recommends that the Commission consider review, separately and in the future, of the following additional modifications to the UM NCT:

1. Consider initiating other height changes consistent with the lessons learned from the Market & Octavia Plan and the related Historic Survey Integration; and
2. Fix existing height limit errors on Market Street.

If the Commission agrees with the above recommendations, the attached draft resolution would direct Staff to prepare an ordinance for initiation that would make these two height changes in a subsequent ordinance.

¹ This is as opposed to the general residential demolition, conversion, and merger controls of Section 317 which only require CU for the loss of three or more dwelling units and otherwise require DR for the loss of one or two units.

BASIS FOR RECOMMENDATION TO THE BOARD OF SUPERVISORS

The following discussion reviews important issues and describes the basis for the Department's position.

1. Convert all of the Upper Market NCD to the Upper Market NCT.

The Upper Market Neighborhood Commercial Transit District was established as part of the Market & Octavia Area Plan (the "Plan") of the General Plan, adopted in April 2008. At the time of the Plan adoption, the stretch of Market Street west of Noe Street was outside of the Plan area and therefore not included in the new NCT district. The controls for the two existing districts are nearly identical², except for density controls. Residential density is controlled within the Upper Market NCD based on lot size (one unit for every 400 square feet of lot area for dwellings, and one bedroom for every 140 square feet of lot area for Group Housing), whereas residential density is controlled within the NCT by physical envelope controls of height, bulk, setbacks, open space, exposure, etc.³ There is no land use or planning rationale to maintain two, nearly identical zoning districts adjacent to one another. Therefore, the Department recommends that the Commission recommend that the Upper Market NCD be rezoned, in its entirety, to the Upper Market NCT by including the last remaining parcels: Assessor's Block 2623, Lots 006 and 091 on the northeast corner of Castro and 17th Streets.

2. Expand the limited use of off-site food prep for Café Flore to allow this type of use more broadly.

The proposed Ordinance would create a path to legalize what appears to be an illegal accessory kitchen located at 260½ Noe Street, which supports the small kitchen at Café Flore. The Department supports for this component of the proposed Ordinance, while acknowledging that there is opposition to the proposal. The proposed Ordinance would allow food processing as an accessory use for a nearby, but off-site, primary use for one year, subject to the neighborhood notification procedures outlined in Planning Code Section 312. As drafted, the proposed Ordinance would sunset after one year. In practice, this would create a path by which Café Flore's accessory kitchen could become legal through proper permitting during the year in which the Ordinance, if adopted, is in effect. When the provision sunsets after one year, the use would become a "legal, non-conforming" use as described in Planning Code Section 180.

The Department recommends that the Commission recommend to the Board to allow food processing as an accessory use to a near-by, off-site non-residential use more broadly. The Department recommends that the Commission recommend a modification that would: 1) remove the sunset provision; 2) allow off-site food processing as an accessory use within 300 feet of existing Restaurants or Limited Restaurants with neighborhood notification pursuant to the notice requirement of Planning Code Section 312(d) and (e); 3) require that the food processing use is either visible to the public by satisfying the transparency and fenestration requirements of Section 145.1(c)(6) or is completely screened from view behind an active, ground floor use as defined by Section 145.1(b)(2); and 4) prohibit serving the public within the accessory food preparation area so that any service to the public within the accessory use would be considered a new Restaurant or Limited Restaurant, as defined in Planning Code Sections 790.91 or 790.91. If these conditions are met, the Department recommends that this provision apply in all NC districts, rather than

² While the Upper Market NCT and NCD were more distinct at the time of the initial adoption of the Market & Octavia Plan, over time, the Upper Market NCD has been incrementally amended so that very few differences remain today.

³ Planning Code Section 733 includes the Upper Market Street Neighborhood Commercial Transit District Zoning Control Table, available online at: [http://www.amlegal.com/nxt/gateway.dll/California/planning/planningcode?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:sanfrancisco_ca\\$sync=1](http://www.amlegal.com/nxt/gateway.dll/California/planning/planningcode?f=templates$fn=default.htm$3.0$vid=amlegal:sanfrancisco_ca$sync=1) (February 7, 2013).

limited to the geographic area outlined in the proposed Ordinance and that the proposed sunset provision be removed.

3. Incorporate Minor, Technical Modifications.

The Department also recommends a number of small modifications intended to correct errors in the existing Planning Code Section 733.1, which details the permitted uses within the Upper Market NCT. These technical modifications include:

1. **Amend the Upper Market NCT Zoning Control Table Section 733.10, "Height and Bulk Limit," to refer to Section 263.20, rather than 263.18.** This appears to be an error, as Section 263.18 establishes a special height and bulk district for the Transbay Downtown Residential District. The correct reference is to 263.20, which provides a 5' height bonus for active ground floor uses in certain districts, including both the Upper Market NCD and the NCT.
2. **Amend the Upper Market NCT Zoning Control Table Section 733.17, "Street Trees," to refer to Section 138.1, rather than to Section 143.** This appears to be an error, as Section 143 is a reserved section of the Planning Code. The applicable Code section is Section 138.1, the "Streetscape and Pedestrian Improvements" section which is based on the policies of the City's Better Street's Policy.
3. **Amend the Upper Market NCT Zoning Control Table Section 733.48, "Other Entertainment," to remove the "#" reference to the provision to allow bars within the Upper Market NCT to apply for and receive an entertainment permit without obtaining conditional use authorization.** This appears to be an error, as the legislation that permitted this "amnesty" program included a sunset provision which has expired.
4. **Amend the Upper Market NCT Zoning Control Table to include Section 733.69 to include restrictions on Tobacco Paraphernalia Establishments.** It appears that this section of the Zoning Table was inadvertently deleted from the Upper Market NCT.

BASIS FOR RECOMMENDATION FOR FUTURE COMMISSION CONSIDERATION

1. Zoning Height Limits: Principals from the Market & Octavia Plan & Historic Survey Integration

The Department recommends that the Commission consider additional zoning map height amendments in light of the lessons learned from the Market & Octavia Plan and Historic Survey Integration. Heights within the Upper Market NCT were defined in two phases: first, at the time of the Plan adoption in 2008. And then again, for parcels west of Church Street, heights were adjusted with the Market and Octavia Historic Resource Survey Integration ("Survey Integration"), in 2010.

The Market & Octavia Plan originally called for Market Street to be zoned 85' in height beginning at the Church intersection and to the east, while west of Church Street was to be zoned for 65' height. Due to concerns about potential historic resources, the Commission adopted a plan that called for the heights to remain at 50' along Market Street (with a potential 5' bonus for active frontage) until the historic survey was complete. The historic Survey Integration balances three goals: to maintain the integrity of potential historic districts, to promote development along transit corridors, and to encourage new development in a manner that enhances existing neighborhood character.⁴ The Survey Integration resulted in allowing

⁴ Information about the Market and Octavia Historic Resource Survey Integration is available online here: <http://www.sfplanning.org/index.aspx?page=1713> (February 7, 2013). These three goals, while not in direct competition with one another, did require careful consideration. The Department recommended to the Historic Preservation Commission, the Planning

heights to be raised for non-historic corner parcels to 65' while other parcels would remain 50' with a potential 5' bonus for active ground floor uses.



This map shows the single parcel proposed for re-classification from 50-X Height and Bulk District to a 65-B Height and Bulk District, as well as the two additional parcel that the Department recommends be included for reclassification to 65-B. The red line indicates the boundaries of the Market & Octavia Plan.

The Department believes that the same rationale should be applied to all of Market Street that has been surveyed. The Department recommends that the Commission support the proposed Height and Bulk reclassification of Block 3563, Lot 034 from 50-X to 65-B Height and Bulk District proposed in this draft Ordinance and that the Commission consider initiating separate legislation to rezone the two parcels at the corner of Market, Noe, and 16th Streets. These are the only two remaining corner parcels east of Castro Street that are not historic resources and that are not proposed for height reclassification in the proposed Ordinance. Rezoning these two additional parcels would apply a consistent design principal for all of the Market Street parcels from Castro Street to Van Ness Avenue.

Commission, and the Board of Supervisors that higher height limits at corner parcels would promote compatible development on non-contributing sites within historic districts. For a more in-depth discussion of this particular issue, please see the materials associated with Case No. 2009.0707MZ for the Historic Resource Survey Integration.

2. Zoning Height Limits: Fix Existing Map Errors.

While the intent of the Survey Integration was to follow consistent nomenclature for the rezoning, some parcels were incorrectly designated. Typically, a parcel is given one height limit (such as 50') and if a height bonus is allowed, it is indicated via Planning Code Section 263.20. During the Survey Integration process, some parcels were given a height district with two numbers (such as 50/55) which is not correct and which is not seen anywhere else in the City. Specifically, the following parcels appear to have been incorrectly zoned with split height districts and should just have one height district:

1. Currently zoned "60/65X", should be zoned "65B" Height and Bulk:
 - o Corner of Market, Sanchez, and 15th Streets: Block 3542, Lot 039; Block 3558, Lots 137-152; Block 3559, 001; Block 3560, Lot 001;
 - o Corner of Market, Church, and 14th Streets: Block 3542, Lot 041; Block 3544, Lots 105-119.
 - o Northeast corner of Duboce Avenue and Guerrero Street, Block 3501, Lot 003.
2. Currently zoned "50/55X" but should be zoned as "50X" Height and Bulk, allowing up to 5' bonus for active ground floor uses under Section 263.20.
 - o Corner of Market, Church, and 14th Streets: Block 3544, Lot 067 and 3543, Lot 001.



This zoning map shows the two Height and Bulk Districts that the Department recommends be corrected. The red line indicates the boundaries of the Market & Octavia Plan.

These parcels were mistakenly designated as "60/65X" and "50/55X," which are not districts that are defined in the Planning Code and have no meaning. Rather, these designations were meant to reflect the

so-called “5’ height bonus” available to parcels in within 30X, 40X, or 50X Height and Bulk districts within the NCT Zoning District, pursuant to Planning Code Section 263.20(b)⁵. The convention is to zone the parcel for a base 10 (i.e., 30’, 40’, 50’) and then to offer the 5’ height bonus to developments that qualify via the requirements of Section 263.20.

ENVIRONMENTAL REVIEW

The proposal to amend Planning Code Sections 721.1 (Upper Market NCD), 733.1 (Upper Market NCT), and Section 703.2(b) (Uses Permitted in an NC District), and amending Sectional Map Sheets ZN07 and HT07 would result in no significant physical impact on the environment. The proposed amendment is subject to a General Rule Exclusion under Section 15061(b)(3) of the CEQA Guidelines.

PUBLIC COMMENT

As of the date of this report, the Planning Department has received numerous letters and emails in response to the proposed legislation. The Eureka Valley Neighborhood Association (EVNA) expressed support for the re-zoning of the Upper Market NCD to the Upper Market NCT, and opposition to the proposed changes to the height limit at Market and Noe Streets as well as for the proposal to permit food processing as an accessory for a limited time in a specific geographic location. The Duboce Triangle Neighborhood Association (DTNA) and EVNA submitted a joint letter expressing opposition to the component of the legislation that would allow food processing as an accessory use. Staff has also received a letter of support for the proposed project from the Merchants of Upper Market and Castro (MUMC). At this time, Staff has also received 60 letters and emails in support of the legislation as it relates to Café Flore.

RECOMMENDATION:	Recommendation of Approval with Modifications
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Attachments:

- Exhibit A: Draft Planning Commission Resolution
- Exhibit B: Board of Supervisors File Nos. 12-0901 and 12-0902
- Exhibit C: Letters in Support and Opposition to the Proposed Ordinance (64 Letters)
- Exhibit D: General Rule Exclusion (GRE), dated February 13, 2013

⁵ Specifically, the height exception allows up to an additional 5’ in height above the base height restriction of 30, 40, or 50’ “in order to encourage generous ground floor ceiling heights for commercial and other active uses, encourage additional light and air into ground floor spaces, allow for walk-up ground floor residential uses to be raised slightly from sidewalk level for privacy and usability of front stoops, and create better building frontage on the public street[...].” The additional 5’ in height is not available in height districts greater than 50X.



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Draft Resolution

HEARING DATE FEBRUARY 21, 2013

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Project Name: **Amendments relating to the Upper Market NCD, and permitting food processing as an accessory use on one parcel, as well as amending the Height and Bulk district for one parcel**

Case Number: 2012.1306TZ [Board File Nos. 12-0901 and 12-0902]

Initiated by: Supervisor Wiener / Introduced September 19, 2012

Staff Contact: Sophie Hayward, Legislative Affairs
sophie.hayward@sfgov.org, 415-558-6257

Reviewed by: AnMarie Rodgers, Manager Legislative Affairs
anmarie.rodgers@sfgov.org, 415-558-6395

Recommendation: **Recommend Approval with Modifications**

RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT WITH MODIFICATIONS A PROPOSED ORDINANCE THAT WOULD AMEND PLANNING CODE SECTIONS 721.1 AND 733.1 TO MODIFY THE EXPLANATION OF THE BOUNDARIES OF THE UPPER MARKET STREET NEIGHBORHOOD COMMERCIAL DISTRICT AND THE UPPER MARKET STREET COMMERCIAL TRANSIT DISTRICT, AND SECTION 703.2(B) TO PERMIT IN A LIMITED AREA FOOD PROCESSING AS AN ACCESSORY USE TO A NEARY OFF-SITE NON-RESIDENTIAL USE, AND AMEND SECTIONAL MAP SHEETS ZN07 AND HT07 TO CHANGE THE USE CLASSIFICATION OF SPECIFIED LOTS ON BLOCKS 3561 THROUGH 3565A ND TO CHANGE THE HEIGHT AND BULK DESIGNATION OF BLOCK 3563, LOT 034 FROM 50-X TO 65-B; ADOPTING FINDINGS, INCLUDING ENVIRONMENTAL FINDINGS, PLANNING CODE SECTION 302 FINDINGS, AND FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN AND PLANNING CODE SECTION 101.1.

WHEREAS, on October 26, 2012, Supervisor Wiener introduced proposed Ordinances under Board of Supervisors (hereinafter "Board") File Numbers 120901-2 and 120902-2, which would amend Sections 721.1, 733.1, and 703.2(b) of the Planning Code and would amend San Francisco Planning Code Sectional Map Sheets ZN07 and HT07 regarding the Upper Market Neighborhood Commercial District (NCD), the Upper Market Neighborhood Commercial Transit District (NCT), accessory use definitions, and the Height and Bulk Classification of Assessor's Block 3563, Lot 034;

WHEREAS, The Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance on February 21, 2013; and,

WHEREAS, the proposed Ordinance has been determined to be subject to a General Rule Exclusion under the California Environmental Quality Act Section 15061(b)(3); and

WHEREAS, the Planning 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 Department staff and other interested parties; and

WHEREAS, all pertinent documents may be found in the files of the Department, as the custodian of records, at 1650 Mission Street, Suite 400, San Francisco; and

WHEREAS, the Planning Commission has reviewed the proposed Ordinance; and

MOVED, that the Planning Commission hereby recommends that the Board of Supervisors **approve with modifications** the proposed ordinance. Specifically, the Commission recommends the following modifications:

1. That the Upper Market NCD (Planning Code Section 721.1) be eliminated in its entirety and replaced by the Upper Market NCT (Planning Code Section 733.1), by including Lots 006 and 091 on Assessor's Block 2623 in the Upper Market NCT. This would serve to further clarify the zoning in the area, and would result in fewer duplicative Zoning Districts defined in the Planning Code. This modification would require that Zoning Map Sheets ZN07 and HT07 be modified, as well as all references in the Code to the Upper Market NCD.
2. That the proposed Ordinance be modified to: 1) remove the sunset provision; 2) allow off-site food processing as an accessory use within 300 feet of existing Restaurants or Limited Restaurants with neighborhood notification pursuant to the notice requirement of Planning Code Section 312(d) and (e); 3) require that the food processing use is either visible to the public by satisfying the transparency and fenestration requirements of Section 145.1(c)(6) or is completely screened from view behind an active, ground floor use as defined by Section 145.1(b)(2); and 4) prohibit serving the public within the accessory food preparation area so that any service to the public within the accessory use would be considered a new Restaurant or Limited Restaurant, as defined in Planning Code Sections 790.91 or 790.91. If these conditions are met, the Department recommends that this provision apply in all NC districts, rather than limited to the geographic area outlined in the proposed Ordinance and that the proposed sunset provision be removed.
3. That the following technical amendments be made to Planning Code Section 733.1 be made in order to correct errors in the existing Planning Code:
 - a. **Amend the Upper Market NCT Zoning Control Table Section 733.10, "Height and Bulk Limit," to refer to Section 263.20, rather than 263.18.** This appears to be an error, as Section 263.18 establishes a special height and bulk district for the Transbay Downtown Residential District. The correct reference is to 263.20, which provides a 5' height bonus for active ground floor uses in certain districts, including both the Upper Market NCD and the NCT.
 - b. **Amend the Upper Market NCT Zoning Control Table Section 733.17, "Street Trees," to refer to Section 138.1, rather than to Section 143.** This appears to be an error, as Section 143 is a reserved section of the Planning Code. The applicable Code section is Section 138.1, the "Streetscape and Pedestrian Improvements" section which is based on the policies of the City's Better Street's Policy.

- c. Amend the Upper Market NCT Zoning Control Table Section 733.48, "Other Entertainment," to remove the "#" reference to the provision to allow bars within the Upper Market NCT to apply for and receive an entertainment permit without obtaining conditional use authorization. This appears to be an error, as the legislation that permitted this "amnesty" program included a sunset provision which has expired.
 - d. Amend the Upper Market NCT Zoning Control Table to include Section 733.69 to include restrictions on Tobacco Paraphernalia Establishments. It appears that this section of the Zoning Table was inadvertently deleted from the Upper Market NCT.
4. The Commission directs Staff to prepare an Ordinance for initiation to make additional amendments for the two remaining corner parcels at Noe and Market Streets that are not historic resources (Block 3561, Lot 015 and Block 3564, Lot 091) to reclassify them from 50-X to 65-B Height and Bulk designations in order to apply a consistent design principal for all of the Market Street parcels from Castro Street to Van Ness Avenue.
 5. The Commission also directs Staff to initiate additional amendments as separate legislation to correct erroneous Height and Bulk designations parcels that were re-designated during the Historic Resource Survey Integration. The following parcels are currently zoned "60/65X" and should be zoned "65B":
 - Corner of Market, Sanchez, and 15th Streets: Block 3542, Lot 039; Block 3558, Lots 137-152; Block 3559, 001; Block 3560, Lot 001;
 - Corner of Market, Church, and 14th Streets: Block 3542, Lot 041; Block 3544, Lots 105-119.
 - Northeast corner of Duboce Avenue and Guerrero Street, Block 3501, Lot 003.
- The following parcels are currently zoned "50/55X," but should be zoned as "50X" Height and Bulk (allowing up to 5' in additional height as a bonus for active ground floor uses under Section 263.20):
- Corner of Market, Church, and 14th Streets: Block 3544, Lot 067 and 3543, Lot 001.

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 Upper Market Neighborhood Commercial Transit District was established as part of the Market-Octavia Area Plan (the "Plan") of the General Plan, adopted in April, 2008. At the time of the Plan adoption, the stretch of Market Street west of Church Street that extends to Castro Street was not included in the new NCT district.
2. The controls for the two existing districts are nearly identical, except that residential density is controlled within the Upper Market NCD based on lot size, whereas residential density is controlled within the NCT by physical envelope controls of height, bulk, setbacks, open space, exposure, etc.
3. There is no land use or planning rationale to maintain two, nearly identical zoning districts adjacent to one another.

4. Heights within the Upper Market NCT were defined in two phases: first, at the time of the Plan adoption in 2008, and then, for parcels west of Church Street, at the time of the Market and Octavia Historic Resource Survey Integration (“Survey Integration”), in 2010.
5. The result is that within the Upper Market NCT, corner parcels that are not historic resources have a higher height designation than do mid-block parcels. The policy rationale balances three goals: to maintain the integrity of potential historic districts, to promote development along transit corridors, and to encourage new development in a manner that enhances existing neighborhood character.
6. The proposed Ordinance would also amend the Height and Bulk Classification of Block Number 3563, Lot 034 from 50-X to 65-B, which is consistent with the policy rationale considered at the time of the Survey Integration.
7. The proposed Ordinance would also amend Planning Code Section 703.2(b) to allow a food processing use (as defined in Planning Code Section 790.54(a)(1) to legally operate as an accessory use to a non-residential establishment located within 300 feet of the food processing use. This use would be subject to the noticing requirements set forth in Planning Code Section 312(d) and (e).
8. **General Plan Compliance.** The proposed Ordinance and the Commission’s recommended modifications are consistent with the following Objectives and Policies of the General Plan:

I. URBAN DESIGN ELEMENT

OBJECTIVE 2

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

POLICY 2.4

Preserve notable landmarks and areas of historic, architectural or aesthetic value, and promote the preservation of other buildings and features that provide continuity with past development.

Allowing a height increase for the parcel located on Block 3563, Lot 034, is consistent with the principles outlined during the Survey Integration proceedings, which call for increased heights on corner parcels that do not contain historic resources. This will allow for increased development without threatening historic resources.

OBJECTIVE 3

MODERATION OF MAJOR NEW DEVELOPMENT TO COMPLEMENT THE CITY PATTERN, THE RESOURCES TO BE CONSERVED, AND THE NEIGHBORHOOD ENVIRONMENT.

POLICY 3.5

Relate the height of buildings to important attributes of the city pattern and to the height and character of existing development.

Both the proposed height increase as well as the proposed conversion of the NCD to the NCT complement the existing pattern and neighborhood environment, particularly as defined through the Market and Octavia planning effort.

8. **Planning Code Section 101 Findings.** The proposed amendments to the Planning Code are consistent with the eight Priority Policies set forth in Section 101.1(b) of the Planning Code in that:

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

The proposed amendments will not have a negative impact on neighborhood serving retail uses and will not impact opportunities for resident employment in and ownership of neighborhood-serving retail.

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

The proposed amendments, including the proposed change to the height and bulk designation of one parcel, are consistent with the goals and policies of the Market-Octavia plan and will help preserve existing neighborhood character by allowing a height increase only at a corner location on a parcel that is not an historic resource.

3. That the City's supply of affordable housing be preserved and enhanced;

The proposed amendments will have no adverse effect on the City's supply of affordable housing.

4. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking;

The proposed amendments will not result in commuter traffic impeding MUNI transit service or overburdening the streets or neighborhood parking.

5. 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 proposed amendments would not cause displacement of the industrial or service sectors due to office development, and future opportunities for resident employment or ownership in these sectors would not be impaired.

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

The proposed ordinance may facilitate new development, which would be constructed using all current building and safety codes, therefore improving the City's preparedness against injury and loss of life in an earthquake.

7. That the landmarks and historic buildings be preserved;

Landmarks and historic buildings would not be negatively impacted by the proposed amendments.

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

The City's parks and open space and their access to sunlight and vistas would be unaffected by the proposed amendments. Any specific new construction projects would be reviewed at the time of their project applications in order to assess potential impacts on sunlight access, to public or private property, would be reviewed.

- 8. Planning Code Section 302 Findings.** The Planning Commission finds from the facts presented that the public necessity, convenience and general welfare require the proposed amendments to the Planning Code as set forth in Section 302.

NOW THEREFORE BE IT RESOLVED that the Commission hereby recommends that the Board ADOPT the proposed Ordinance as described in this Resolution and in the proposed Ordinance with the modifications outlined above.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on February 21, 2013.

Jonas P. Ionin
Commission Secretary

AYES:

NOES:

ABSENT:

ADOPTED:

BOARD of SUPERVISORS



City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

September 19, 2012

Planning Commission
Attn: Linda Avery
1660 Mission Street, 5th Floor
San Francisco, CA 94103

Dear Commissioners:

On October 16, 2012, Supervisor Wiener introduced the following substitute legislation:

File No. 120901-2

Ordinance amending the San Francisco Planning Code by: 1) amending Sections 721.1 and 733.1 to modify the explanation of the boundaries of the Upper Market Street Neighborhood Commercial District and the Upper Market Street Neighborhood Commercial Transit District; 2) amending Section 703.2(b) to permit in a limited area food processing as an accessory use to a nearby off-site non-residential use; and 3) making environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

File No. 120902-2

Ordinance amending the San Francisco Planning Code Sectional Map Sheets ZN07 and HT07 to change the use classification of specified lots on Assessor's Block Nos. 3561 through 3565, now in the Upper Market Neighborhood Commercial District to the Upper Market Neighborhood Commercial Transit District, and to change the height and bulk classification of Assessor's Block No. 3563, Lot No. 034 from 50-X to 65-B; and adopting findings, including environmental findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

The proposed ordinance is being transmitted pursuant to Planning Code Section 302(b) for public hearing and recommendation. The ordinance is pending before the Land Use & Economic Development Committee and will be scheduled for hearing upon receipt of your response.

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script that reads "Alisa Miller".

By: Alisa Miller, Committee Clerk
Land Use & Economic Development Committee

- c: John Rahaim, Director of Planning
- Scott Sanchez, Zoning Administrator
- Bill Wycko, Chief, Major Environmental Analysis
- AnMarie Rodgers, Legislative Affairs
- Monica Pereira, Environmental Planning
- Joy Navarrete, Environmental Planning

1 [Planning Code - Upper Market Zoning]

2
3 **Ordinance amending the San Francisco Planning Code by: 1) amending Sections 721.1**
4 **and 733.1 to modify the explanation of the boundaries of the Upper Market Street**
5 **Neighborhood Commercial District and the Upper Market Street Neighborhood**
6 **Commercial Transit District; 2) amending Section 703.2(b) to permit in a limited area**
7 **food processing as an accessory use to a nearby off-site non-residential use; and 3)**
8 **making environmental findings, Planning Code Section 302 findings, and findings of**
9 **consistency with the General Plan and the Priority Policies of Planning Code Section**
10 **101.1.**

11 NOTE: Additions are *single-underline italics Times New Roman*;
12 deletions are *strike-through italics Times New Roman*.
13 Board amendment additions are double-underlined;
14 Board amendment deletions are ~~strikethrough-normal~~.

15 Be it ordained by the People of the City and County of San Francisco:

16 Section 1. Findings.

17 (a) The Planning Department has determined that the actions contemplated in this
18 ordinance comply with the California Environmental Quality Act (California Public Resources
19 Code Section 21000 et seq.). Said determination is on file with the Clerk of the Board of
20 Supervisors in File No. _____ and is incorporated herein by reference.

21 (b) Pursuant to Planning Code Section 302, the Board finds that the proposed
22 ordinance will serve the public necessity, convenience and welfare for the reasons set forth in
23 Planning Commission Resolution No. _____, which reasons are incorporated herein
24 by reference as though fully set forth. A copy of Planning Commission Resolution No.
25 _____ is on file with the Clerk of the Board of Supervisors in File No. _____.

1 (c) At a duly noticed public hearing held on _____, 2012, the
2 Planning Commission in Resolution No. _____ found that the proposed Planning
3 Code amendments contained in this ordinance are consistent with the City's General Plan and
4 with the Priority Policies of Planning Code Section 101.1. The Commission recommended that
5 the Board of Supervisors adopt the proposed Planning Code amendments. The Board finds
6 that the proposed Planning Code amendments contained in this ordinance are consistent with
7 the City's General Plan and with the Priority Policies of Planning Code Section 101.1 for the
8 reasons set forth in said Resolution.

9 Section 2. The San Francisco Planning Code is hereby amended by amending
10 Sections 721.1 and 733.1, to read as follows:

11 **SEC. 721.1. UPPER MARKET STREET NEIGHBORHOOD COMMERCIAL**
12 **DISTRICT.**

13 The Upper Market Street Neighborhood Commercial District, on Market Street *from*
14 *Church to at Castro, and on side streets off Market,* is situated at the border of the Eureka Valley,
15 Buena Vista, and Duboce Triangle neighborhoods. Upper Market Street is a multi-purpose
16 commercial district that provides limited convenience goods to adjacent neighborhoods, but
17 also serves as a shopping street for a broader trade area. A large number of offices are
18 located on Market Street within easy transit access to downtown. The width of Market Street
19 and its use as a major arterial diminish the perception of the Upper Market Street District as a
20 single commercial district. The street appears as a collection of dispersed centers of
21 commercial activity, concentrated at the intersections of Market Street with secondary streets.

22 This district is well served by transit and is anchored by the Castro Street Station of the
23 Market Street subway and the F-Market historic streetcar line. The F, K, L, and M streetcar
24 lines traverse the district, and the Castro Station serves as a transfer point between light rail
25 and crosstown and neighborhood bus lines. Additionally, Market Street is a primary bicycle

1 corridor. Residential parking is not required and generally limited. Commercial establishments
2 are discouraged or prohibited from building accessory off-street parking in order to preserve
3 the pedestrian-oriented character of the district and prevent attracting auto traffic. There are
4 prohibitions on access (i.e. driveways, garage entries) to off-street parking and loading on
5 Market Street to preserve and enhance the pedestrian-oriented character and transit function.

6 The Upper Market Street district controls are designed to promote moderate-scale
7 development which contributes to the definition of Market Street's design and character. They
8 are also intended to preserve the existing mix of commercial uses and maintain the livability of
9 the district and its surrounding residential areas. Large-lot and use development is reviewed
10 for consistency with existing development patterns. Rear yards are protected at residential
11 levels. To promote mixed-use buildings, most commercial uses are permitted with some
12 limitations above the second story. In order to maintain continuous retail frontage and
13 preserve a balanced mix of commercial uses, ground-story neighborhood-serving uses are
14 encouraged, and eating and drinking, entertainment, and financial service uses are limited.
15 Continuous frontage is promoted by prohibitions of most automobile and drive-up uses.

16 Housing development in new buildings is encouraged above the second story. Existing
17 upper-story residential units are protected by limitations on demolitions and upper-story
18 conversions.

19 **SEC. 733.1. UPPER MARKET STREET NEIGHBORHOOD COMMERCIAL TRANSIT**
20 **DISTRICT.**

21 The Upper Market Street Neighborhood Commercial Transit District is located on
22 Market Street from Church to *NoeCastro* Streets, and on side streets off Market. Upper Market
23 Street is a multi-purpose commercial district that provides limited convenience goods to
24 adjacent neighborhoods, but also serves as a shopping street for a broader trade area. A
25 large number of offices are located on Market Street within easy transit access to downtown.

1 The width of Market Street and its use as a major arterial diminish the perception of the Upper
2 Market Street Transit District as a single commercial district. The street appears as a
3 collection of dispersed centers of commercial activity, concentrated at the intersections of
4 Market Street with secondary streets.

5 This district is well served by transit and is anchored by the Market Street subway (with
6 stations at Church Street and Castro Street) and the F-Market historic streetcar line. All light-
7 rail lines in the City traverse the district, including the F, J, K, L, M, and N, and additional key
8 cross-town transit service crosses Market Street at Fillmore and Castro Streets. Additionally,
9 Market Street is a primary bicycle corridor. Housing density is limited not by lot area, but by
10 the regulations on the built envelope of buildings, including height, bulk, setbacks, and lot
11 coverage, and standards for residential uses, including open space and exposure, and urban
12 design guidelines. Residential parking is not required and generally limited. Commercial
13 establishments are discouraged or prohibited from building accessory off-street parking in
14 order to preserve the pedestrian-oriented character of the district and prevent attracting auto
15 traffic. There are prohibitions on access (i.e. driveways, garage entries) to off-street parking
16 and loading on Market and Church Streets to preserve and enhance the pedestrian-oriented
17 character and transit function.

18 The Upper Market Street district controls are designed to promote moderate-scale
19 development which contributes to the definition of Market Street's design and character. They
20 are also intended to preserve the existing mix of commercial uses and maintain the livability of
21 the district and its surrounding residential areas. Large-lot and use development is reviewed
22 for consistency with existing development patterns. Rear yards are protected at all levels. To
23 promote mixed-use buildings, most commercial uses are permitted with some limitations
24 above the second story. In order to maintain continuous retail frontage and preserve a
25 balanced mix of commercial uses, ground-story neighborhood-serving uses are encouraged,

1 and eating and drinking, entertainment, and financial service uses are limited. Ground floor-
2 commercial space is required along Market and Church Streets. Most automobile and drive-
3 up uses are prohibited or conditional.

4 Housing development in new buildings is encouraged above the second story. Existing
5 upper-story residential units are protected by limitations on demolitions and upper-story
6 conversions.

7 Section 3. The San Francisco Planning Code is hereby amended by amending Section
8 703.2(b) to read as follows

9 (b) **Use Limitations.** The uses permitted in Neighborhood Commercial Districts are
10 either principal, conditional, accessory, or temporary uses as stated in this Section, and
11 include those uses set forth or summarized and cross-referenced in the zoning control
12 categories as listed in Paragraph (a) in Sections 710.1 through 737.1 of this Code for each
13 district class.

14 (1) **Permitted Uses.** All permitted uses shall be conducted within an enclosed
15 building in Neighborhood Commercial Districts, unless otherwise specifically allowed in this
16 Code. Exceptions from this requirement are: uses which, when located outside of a building,
17 qualify as an outdoor activity area, as defined in Section 790.70 of this Code; accessory off-
18 street parking and loading and other uses listed below which function primarily as open-air
19 uses, or which may be appropriate if located on an open lot, outside a building, or within a
20 partially enclosed building, subject to other limitations of this Article 7 and other sections of
21 this Code.

22

No.	Zoning Control Category
.56	Automobile Parking

23
24
25

.57	Automotive Gas Station
.58	Automotive Service Station
.60	Automotive Wash
.61	Automobile Sale or Rental
.81	Other Institutions, Large (selected)
.83	Public Use (selected)
.95	Community Residential Parking

If there are two or more uses in a structure and none is classified below under Section 703.2(b)(1)(C) of this Code as accessory, then each of these uses will be considered separately as independent principal, conditional or temporary uses.

(A) **Principal Uses.** Principal uses are permitted as of right in a Neighborhood Commercial District, when so indicated in Sections 710.1 through 737.1 of this Code for each district class.

(B) **Conditional Uses.** Conditional uses are permitted in a Neighborhood Commercial District when authorized by the Planning Commission; whether a use is conditional in a given district is indicated in Sections 710.10 through 737.1. Conditional uses are subject to the provisions set forth in Sections 178, 179, 303 and 3016 through 316.6 of this Code.

(i) An establishment which sells beer or wine with motor vehicle fuel is a conditional use, and shall be governed by Section 229.

(ii) Notwithstanding any other provision of this Article, a change in use or demolition of a movie theater use, as set forth in Section 790.64, shall require

1 conditional use authorization. This Subsection shall not authorize a change in use if the new
2 use or uses are otherwise prohibited.

3 (iii) Notwithstanding any other provision of this Article, a change in
4 use or demolition of a general grocery store use, as defined in Section 790.102(a), which use
5 exceeds 5,000 gross square feet shall require conditional use authorization. This Subsection
6 shall not authorize a change in use if the new use or uses are otherwise prohibited.

7 (iv) Large-Scale Urban Agriculture, as defined in Section
8 102.35(b), shall require conditional use authorization.

9 (C) **Accessory Uses.** Except as prohibited in Section 728 and subject to
10 the limitations set forth below and in Sections 204.1 (Accessory Uses for Dwelling Units in R
11 and NC Districts), 204.4 (Dwelling Units Accessory to Other Uses), and 204.5 (Parking and
12 Loading as Accessory Uses) of this Code, a related minor use which is either necessary to the
13 operation or enjoyment of a lawful principal use or conditional use, or is appropriate, incidental
14 and subordinate to any such use, shall be permitted as an accessory use when located on the
15 same lot. Any use which does not qualify as an accessory use shall be classified as a
16 principal or conditional use, unless it qualifies as a temporary use under Sections 205 through
17 205.4 of this Code.

18 No use will be considered accessory to a permitted principal or conditional use which
19 involves or requires any of the following:

20 (i) The use of more than 1/3 of the total floor area occupied by
21 such use and the principal or conditional use to which it is accessory, except in the case of
22 accessory off-street parking and loading and accessory wholesaling, manufacturing or
23 processing of foods, goods, or commodities;

24 (ii) Any Bar or Restaurant, or any other retail establishment which
25 serves liquor for consumption on-site;

1 (iii) Any Take-Out Food use, as defined in Section 790.122, except
2 for a Take-Out Food use which occupies 1/3 of the total floor area or up to 500 s/f whichever
3 is more restrictive in a general grocery or specialty grocery store. This Take-Out Food use
4 includes the area devoted to food preparation and service and excludes storage and waiting
5 areas;

6 (iv) Any Take-Out Food use, as defined in Section 790.122, except
7 for a Take-Out Food use operating as a minor and incidental use within a Restaurant or
8 Limited-Restaurant use;

9 (v) The wholesaling, manufacturing or processing of foods, goods,
10 or commodities on the premises of an establishment which does not also use or provide for
11 retail sale of such foods, goods or commodities at the same location where such wholesaling,
12 manufacturing or processing takes place. Notwithstanding this or any other limitation in this
13 Section 703.2(b)(1)(C) relating to accessory uses, a food processing use as defined in Section
14 790.54(a)(1) located on the west side of Noe Street between 16th Street and Beaver Street may be
15 allowed on the ground floor as an accessory use to a non-residential establishment located within 300
16 feet of the food processing use so long as such food processing use is set back from the front property
17 line by no less than 15 feet; provided further that authorization for such accessory use shall be subject
18 to the notice requirements of Sections 312(d) and (e). This provision authorizing an off-site accessory
19 food processing use shall be repealed one year after its initial effective date, unless the Board of
20 Supervisors, on or before that date, extends or re-enacts this provision.

21 (vi) Any retail liquor sales, as defined in Section 790.55, except for
22 beer, wine, and/or liquor sales for the consumption off the premises with a State of California
23 Alcoholic Beverage Control ("ABC") Board License type (off-sale beer and wine) or type 21
24 (off-sale general) which occupy less than 15% of the gross square footage of the
25 establishment (including all areas devoted to the display and sale of alcoholic beverages) in a

1 general grocery store or specialty grocery store, or Limited-Restaurant use (ABC license type
2 20 only).

3 (vii) Medical Cannabis Dispensaries as defined in 790.141.

4 The foregoing rules shall not prohibit take-out food activity which operates in conjunction with
5 a Limited-Restaurant or a Restaurant. A Limited-Restaurant or a Restaurant, by definition,
6 includes take-out food as an accessory and necessary part of its operation.

7 (viii) Any other entertainment use, as defined in Section 790.38,
8 except for one that involves a Limited Live Performance Permit as set forth in Police Code
9 Section 1060 *et seq.*

10 (D) **Temporary Uses.** Temporary uses are permitted uses, subject to the
11 provisions set forth in Section 205 of this Code.

12 (2) **Not Permitted Uses.**

13 (A) Uses which are not specifically listed in this Article are not permitted
14 unless they qualify as a nonconforming use pursuant to Sections 180 through 186.1 of this
15 Code or are determined by the Zoning Administrator to be permitted uses in accordance with
16 Section 307(a) of this Code.

17 (B) No use, even though listed as a permitted use, shall be permitted in a
18 Neighborhood Commercial District which, by reason of its nature or manner of operation,
19 creates conditions that are hazardous, noxious, or offensive through the emission of odor,
20 fumes, smoke, cinders, dust, gas, vibration, glare, refuse, water-carried waste, or excessive
21 noise.

22 (C) The establishment of a use that sells alcoholic beverages, other than
23 beer and wine, concurrent with motor vehicle fuel is prohibited, and shall be governed by
24 Section 229. Except in the SoMa NCT, where these uses are permitted accessory uses.

1 Section 4. Effective Date. This ordinance shall become effective 30 days from the
2 date of passage.

3 Section 5. This section is uncodified. In enacting this Ordinance, the Board intends to
4 amend only those words, phrases, paragraphs, subsections, sections, articles, numbers,
5 punctuation, charts, diagrams, or any other constituent part of the Planning Code that are
6 explicitly shown in this legislation as additions, deletions, Board amendment additions, and
7 Board amendment deletions in accordance with the "Note" that appears under the official title
8 of the legislation.

9
10 APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

11 By: 
12 Elaine C. Warren
13 Deputy City Attorney

1 [Planning Code, Zoning Map - Upper Market Zoning Map Amendment]

2
3 **Ordinance amending the San Francisco Planning Code Sectional Map Sheets ZN07 and**
4 **HT07 to change the use classification of specified lots on Assessor’s Block Nos. 3561**
5 **through 3565, now in the Upper Market Neighborhood Commercial District to the Upper**
6 **Market Neighborhood Commercial Transit District, and to change the height and bulk**
7 **classification of Assessor’s Block No. 3563, Lot No. 034 from 50-X to 65-B; and**
8 **adopting findings, including environmental findings, and findings of consistency with**
9 **the General Plan and the Priority Policies of Planning Code Section 101.1.**

10 NOTE: Additions are *single-underline italics Times New Roman*;
11 deletions are *strike-through italics Times New Roman*.
12 Board amendment additions are double-underlined;
13 Board amendment deletions are ~~strikethrough normal~~.

14 Be it ordained by the People of the City and County of San Francisco:

15 Section 1. Findings. The Board of Supervisors of the City and County of San Francisco
16 hereby finds and determines that:

17 (a) Pursuant to Planning Code Section 302, this Board of Supervisors finds that this
18 Ordinance will serve the public necessity, convenience and welfare for the reasons set forth in
19 Planning Commission Resolution No. _____, and hereby incorporates those
20 reasons by reference. A copy of said resolution is on file with the Clerk of the Board of
21 Supervisors in File No. _____.

22 (b) The Board of Supervisors finds that this Ordinance is in conformity with the General
23 Plan and the Priority Policies of Section 101.1 of the Planning Code for the reasons set forth
24 in Planning Commission Resolution No. _____, and hereby incorporates those
25

1 reasons by reference. A copy of said resolution is on file with the Clerk of the Board of
2 Supervisors in File No. _____.

3 (c) Environmental Findings. The Planning Department has determined that the actions
4 contemplated in this Ordinance are in compliance with the California Environmental Quality
5 Act (California Public Resources Code Sections 21000 et seq.). Said determination is on file
6 with the Clerk of the Board of Supervisors in File No. _____ and is hereby
7 incorporated by reference.

8
9 Section 2. The following amendments to the San Francisco Planning Code, duly
10 approved by resolution of the Planning Commission, are hereby adopted as amendments to
11 the Sectional Map ZN07 of the Zoning Map of the City and County of San Francisco:

12	13	14	15
Assessor's Block/Lot Parcel Number	Use District to be Superseded	Use District Hereby Approved	
16	17	18	19
3561009	Upper Market NCD	Upper Market NCT	
20	21	22	23
3561010	Upper Market NCD	Upper Market NCT	
24	25		
3561011	Upper Market NCD	Upper Market NCT	
3561012	Upper Market NCD	Upper Market NCT	
3561013	Upper Market NCD	Upper Market NCT	
3561014	Upper Market NCD	Upper Market NCT	
3561015	Upper Market NCD	Upper Market NCT	
3562001	Upper Market NCD	Upper Market NCT	
3562003	Upper Market NCD	Upper Market NCT	
3562004	Upper Market NCD	Upper Market NCT	
3562006	Upper Market NCD	Upper Market NCT	
3562007	Upper Market NCD	Upper Market NCT	

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3562008	Upper Market NCD	Upper Market NCT
3562009	Upper Market NCD	Upper Market NCT
3562010	Upper Market NCD	Upper Market NCT
3562011	Upper Market NCD	Upper Market NCT
3562014	Upper Market NCD	Upper Market NCT
3562015	Upper Market NCD	Upper Market NCT
3562017	Upper Market NCD	Upper Market NCT
3562035	Upper Market NCD	Upper Market NCT
3563022	Upper Market NCD	Upper Market NCT
3563023	Upper Market NCD	Upper Market NCT
3563026	Upper Market NCD	Upper Market NCT
3563027	Upper Market NCD	Upper Market NCT
3563028	Upper Market NCD	Upper Market NCT
3563029	Upper Market NCD	Upper Market NCT
3563030	Upper Market NCD	Upper Market NCT
3563034	Upper Market NCD	Upper Market NCT
3563036	Upper Market NCD	Upper Market NCT
3563044	Upper Market NCD	Upper Market NCT
3564086	Upper Market NCD	Upper Market NCT
3564086A	Upper Market NCD	Upper Market NCT
3564087	Upper Market NCD	Upper Market NCT
3564088	Upper Market NCD	Upper Market NCT
3564090	Upper Market NCD	Upper Market NCT
3564091	Upper Market NCD	Upper Market NCT

1	3564092	Upper Market NCD	Upper Market NCT
2	3564093	Upper Market NCD	Upper Market NCT
3	3564106 (portion)	Upper Market NCD	Upper Market NCT
4	3564107	Upper Market NCD	Upper Market NCT
5	3564111	Upper Market NCD	Upper Market NCT
6	3564112	Upper Market NCD	Upper Market NCT
7	3564113	Upper Market NCD	Upper Market NCT
8	3564114	Upper Market NCD	Upper Market NCT
9	3565073	Upper Market NCD	Upper Market NCT
10	3565074	Upper Market NCD	Upper Market NCT

11
12 Section 3. The following amendments to the San Francisco Planning Code, duly
13 approved by resolution of the Planning Commission, are hereby adopted as amendments to
14 the Sectional Map HT07 of the Zoning Map of the City and County of San Francisco:
15

16	Assessor's Block/Lot Parcel Number	Height and Bulk District to be Superseded	Height and Bulk District Hereby Approved
17	3563034	50-X	65-B

18
19 Section 4. Effective Date. This ordinance shall become effective 30 days from the
20 date of passage.

21 Section 5. This section is uncodified. In enacting this Ordinance, the Board intends to
22 amend only those words, phrases, paragraphs, subsections, sections, articles, numbers,
23 punctuation, charts, diagrams, or any other constituent part of the Planning Code that are
24 explicitly shown in this legislation as additions, deletions, Board amendment additions, and
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Board amendment deletions in accordance with the "Note" that appears under the official title of the legislation.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: 
Elaine C. Warren
Deputy City Attorney



CASTRO/EUREKA VALLEY NEIGHBORHOOD ASSOCIATION

The neighborhood association for the Castro, Upper Market and all of Eureka Valley since 1878

EVNA (formerly EVPA)
PO Box 14137
San Francisco, CA 94114
www.evna.org
Board@EVNA.org

January 16, 2013

Sophie Hayward, Planner
SF Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103
Via email: sophie.hayward@sfgov.org

RE: Legislation by Supervisor Wiener to change the Upper Market Neighborhood Commercial District to the Upper Market Neighborhood Commercial Transit District.

Dear Ms. Hayward:

Castro/Eureka Valley Neighborhood Association is the oldest continuously running neighborhood association in San Francisco founded in 1878. We provide a public forum for the people who live, work, and play in the greater Eureka Valley area to discuss common issues and concerns, and help develop solutions to improve the neighborhood.

EVNA is supportive of legislation to change the Upper Market NCD to a NCTD, but opposes this legislation as written because of its inclusion of two unacceptable exceptions:

- 1) the section that increases the height limit for one lot at Noe and Market Streets, currently a gym, FitnessSF, from 50 ft to 65 feet, and
- 2) the section that would grant an exception to a non-permitted accessory use for only one business in order for Cafe Flore to continue to operate an offsite illegal kitchen at 258 Noe Street.

In regard to the up zoning of the SE corner of Noe and Market Streets (FitnessSF), it is the position of EVNA that it is irregular to initiate a change in permitted height for one site without community input, without a permit application, and without plans submitted to the SF Planning Department for review. Once the full plans are available, the benefits to the community, any negative impacts have been thoroughly reviewed, and the community has weighed in, if the height increase is deemed warranted, that would be the time to initiate an exception to the zoning.

In regard to the exceptional legalization of the off-site kitchen for Cafe Flore, EVNA opposes the legalization of an illegal activity that has been engaged in knowingly by a business owner over a period of several years. Other businesses are required to conduct their activities within the parameters of the law. Cafe Flore was a successful business for many years without the use of an illegal kitchen. The new owner's decision to expand the menu entailed additional kitchen facilities. But to rest the financial well-being of an expanded business on an illegal activity cannot be condoned. It is unacceptable for the City to make an exception to the law for one business in order to accommodate its illegal activity. There is also the question of what further changes in use at 258 Noe might be triggered by granting such an exception and whether there might be unintended consequences.

EVNA strongly opposes the inclusion of these two exceptions in the legislation and therefore opposes the legislation as written.

Sincerely yours,

Alan R. Beach-Nelson
President

EXECUTIVE COMMITTEE

Alan Beach-Nelson
President
Castro Street

Rob Cox
Secretary
Hartford Street

Gary Weiss
Treasurer
IXIA

DIRECTORS:

Patrick Crogan
Market Street

Tim Eicher
Q Bar

Mary Edna Harrell
Castro Street

Judith Hoyem
17th Street

Dan Risman Jones
22nd Street

Aaron Seivertson
Hartford Street

Josh Blecher Snyder
Hancock Street

EX OFFICIO DIRECTORS:

Steve Clark Hall
19th Street

Dennis Richards
Beaver Street



Duboce Triangle Neighborhood Association
2261 Market St. PMB 301, San Francisco, CA 94114
(415) 295-1530 / www.dtna.org



**Castro/Eureka Valley
Neighborhood Association**
PO Box 14137
San Francisco, CA 94114
415/431.5152
www.EVNA.org

January 25, 2013

Honorable Scott Wiener
Supervisor
1 Dr. Carlton B. Goodlett Place
City Hall, Room. 244
San Francisco, CA 94102-4689
Scott.Wiener@sfgov.org

Re: File No. 120901-2
Cafe Flore – 2298 Market Street

Dear Supervisor Wiener:

The Duboce Triangle Neighborhood Association (“DTNA”) and Eureka Valley Neighborhood Association (“EVNA”) respectfully submits this letter in opposition to the proposed spot zoning for Cafe Flore and associated off-site accessory kitchen use.

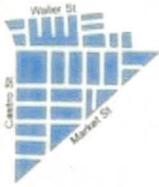
Background

Cafe Flore, located at 2298 Market Street, currently prepares food in a kitchen located at 260 ½ Noe Street (hereinafter, the “property”)¹, in the back of a nail salon. Cafe employees then shuttle the food across Noe Street for sale and onsite consumption in the restaurant. On October 16, 2012, substitute legislation was introduced to rezone the property to NCT and to temporarily permit accessory commercial food-preparation (catering) use in the NCT district.

Neighborhood Opposition

Cafe Flore’s preparation of food in the offsite kitchen is not legal. Although the proposed legislation is intended to legalize the restaurant’s difficult situation, the legislation itself is illegal. It also invokes significant justice issues by granting rights to one – and only one – restaurant in the NCT zone. Catering use is not presently permitted in the NCT zone. Under the legislation’s narrow drafting, catering use would only be permitted as an accessory to Cafe Flore. No other restaurant in the district would have that right, despite many restaurants desiring to expand their operations beyond their onsite kitchens’ capacities. “Reverse spot-zoning” may be permissible in some cases, but where legislation grants a monopoly on uses within a zoning district, courts will declare it invalid. (“An examination of the California decisions discloses

¹ 260 ½ Noe Street appears to be an unofficial address, suggesting that the property’s owner has illegally subdivided the property.



Duboce Triangle Neighborhood Association
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(415) 295-1530 / www.dtna.org



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415/431.5152
www.EVNA.org

that the cases in which zoning ordinances have been held invalid and unreasonable as applied to particular property fall roughly into four categories: . . . 2. Where the restrictions create a monopoly.” *Wilkins v. City of San Bernardino* (1946) 29 Cal.2d 332, 340. *See also* cases cited therein.) The existence of residents’ support based on non-economic factors is insufficient to justify monopolistic zoning. *Ross v. City of Yorba Linda* (1991) 1 Cal.App.4th 954, 967-68 (discussing *Ensign Bickford Realty Corp. v. City Council* (1977) 68 Cal.App.3d 467).

Most importantly, offsite unlicensed kitchens are neither intended nor permitted for restaurant use. Allowing Cafe Flore to prepare food in such a kitchen will put the public at continued risk of contamination. Commercial kitchens, on the other hand, are subject to stringent health code and fire code requirements. For example, commercial kitchens and their garbage storage areas must contain automatic fire suppression systems of a type not normally installed in residential buildings. Since the legislation only permits the catering use for a limited time period, the property owner is unlikely to invest in meeting code requirements. More likely, the property owner will avoid code compliance by delaying inspections and paying fines. Meanwhile, the property’s residents will be subject to serious life-safety risks.

Conclusion

DTNA and EVNA respectfully urges the prompt withdrawal of this legislation. Cafe Flore, like every other restaurant in the zone, must conform its operations to the law’s requirements. It must either increase its on-site kitchen capacity or prepare food in a licensed catering facility. If the legislation is adopted, then DTNA and EVNA, merchants, restaurants, and neighborhood supporters are prepared to mount a vigorous opposition at the planning commission hearing.

Thank you for your attention to this matter. We look forward to working with you and with Cafe Flore’s owner to find an alternative solution.

Very truly yours,

DUBOCE TRIANGLE NEIGHBORHOOD
ASSOCIATION

Pat Tura
President DTNA

CASTRO/ EUREKA VALLEY
NEIGHBORHOOD ASSOCIATION

Alan Beach Nelson
President EVNA

Member, Board of Supervisors
District 8



City and County of San Francisco

SCOTT WIENER
威善高

February 6, 2013

Alan Beach-Nelson
President, Castro/Eureka Valley Neighborhood Association

Pat Tura
President, Duboce Triangle Neighborhood Association

Re: Upper Market Zoning Legislation, Planning Department File #120901

Dear Alan and Pat:

I received your January 25, 2013, letter objecting to my pending Upper Market zoning legislation as it relates to Café Flore's off-site kitchen. While I have the greatest respect for the Duboce Triangle Neighborhood Association and the Castro/Eureka Valley Neighborhood Association, particularly given my service as EVNA president, I respectfully disagree with DTNA and EVNA's position. This legislation will provide Café Flore with a path to legalize its long-existing off-site kitchen and will avoid the possibility of forcing this popular local eatery to contract its food-service capacity. A smaller Café Flore – one that loses food-service capacity and that, as a result, has to rely more on alcohol sales – is not in the interest of the Castro community.

It's important to acknowledge the history here. Café Flore did not simply add an illegal off-site kitchen and then ask that it be legalized. Rather, as I understand it, Café Flore has had an off-site kitchen going back to the 1980s. The previous owners lived across the street at 280 Noe Street and used their personal kitchen to prepare some of the food sold at Café Flore. When the current owner, JD Petras, purchased Café Flore in 2003, he did not purchase 280 Noe Street, but he did purchase 260 ½ Noe and continue the longstanding off-site kitchen function at that site. The ground floor of 260 ½ Noe Street consists of a retail space in front and a kitchen space in back, including room for storage, a sink, and other facilities. While we have been unable to locate records confirming exactly when that kitchen was installed, based on the building materials used, the kitchen is, at a minimum, several decades old.

Thus, Café Flore has been served by an off-site kitchen for decades, and the current site has been in use for a nearly a decade. This context is important in considering both the impact on

the community of shutting down the kitchen – as opposed to providing Café Flore with a path to legalization – and the appropriateness of legalizing a longstanding use at this establishment.

Also please note that since early 2012, Mr. Petras has been working with the Department of Public Health to ensure that the kitchen facilities are up to current health code. At DPH's direction, Mr. Petras upgraded the kitchen, and DPH has indicated that it is prepared to sign off on the permit, contingent on Planning Department approval, which, obviously, cannot be provided absent this legislation. Accordingly, your suggestion that the off-site kitchen presents health hazards is not supported by the facts.

While I do not condone violations of the Planning Code, I also strongly believe that businesses in our community should have the tools to thrive. Our municipal codes do not exist for their own sake, as some sort of sacred text. They exist to help us have the best and most vibrant city possible. It is entirely appropriate to consider whether a code provision is creating a situation that will do harm to a neighborhood, and I have repeatedly pursued amending legislation when such a risk exists. For example, when a few second-hand stores were threatened with draconian sanctions by the Police Department for failing to comply with onerous permit requirements, I did not tell these small neighborhood businesses that they simply had to accept these mandates. Rather, I introduced legislation that either repealed the requirements or dramatically scaled them back. Similarly, when an old law was discovered that made it impossible for the Tamale Lady to conduct her business legally, I did not tell her that she needed to close up shop. Instead, I introduced legislation to repeal the law and to allow her to continue her iconic work.

Nor do I accept the argument that because Café Flore is the only business in the neighborhood that is facing this situation, the legislation is somehow inappropriate. The Planning Code has been amended many times to respond to specific situations that have arisen and are causing problems, even if limited to one parcel or one business. That makes sense, as the Planning Code is a blunt instrument and, at times, does not take into account specific needs of a neighborhood. For that reason, the Planning Code is probably the most frequently amended municipal code, with hundreds of amendments adopted in the past five years alone.

Following are just a few recent examples – and there are many more – of Planning Code amendments arising from the needs of a single business or property owner or a small group:

- Legislation by then-Supervisor Dufty allowing a small number of bars in the Castro that were effectively operating as places of entertainment, but that were prohibited by the Planning Code from seeking place of entertainment permits, to obtain permits to legalize their operations during a six month window.
- Legislation by Supervisor Farrell amending the Planning Code to permit a medical-service use on the ground floor of a building on Sacramento Street, where that use had been prohibited. The legislation was spurred by the needs of a particular business.

- Legislation by Supervisor Campos amending the Planning Code to allow a personal-service use on the third story and higher on Valencia Street, responding to the needs of a specific business that would have been prohibited otherwise.
- Legislation by then-Supervisor Olague amending the Planning Code to allow existing gas stations on 19th Avenue to have a mechanical car wash on the same site. This amendment resulted from the needs of a specific business.
- Many special use districts, where specific parcels have their zoning changed to allow for a previously prohibited use, a different height, or some other new attribute.

As a result, it is not accurate to suggest that it is somehow improper to amend the Planning Code because a particular business or group of businesses wants to operate legally or in a manner different from the current code. These common Planning Code amendments recognize that no matter how carefully we craft any code provision, including NCD restrictions, specific instances will arise and necessitate amendment to conform to the realities of the zoning district and the businesses within it.

Again, it's about what's best for our neighborhood, not about some sort of self-evident truth just because a provision exists in our Planning Code. The Planning Code exists to serve our city and our neighborhoods, not vice versa.

Your letter raises the issue of favoring one business over others with this legislation. That is not the case. The legislation is about preserving the vibrancy of our neighborhood by recognizing the reality that a business is facing. If other businesses are interested in pursuing a change to the Upper Market NCD to provide permanently for off-site kitchen facilities, I would be happy to engage in that discussion. To date, Café Flore is the only business that has raised this issue. Please let me know if you would like to engage in that broader discussion separate from the present legislation.

Café Flore is a neighborhood institution. It is one of the most beloved and popular spots in the Castro. It is frequently so full that it is challenging even to find a seat. I say these things not to suggest that Café Flore is somehow better than other businesses. We have many amazing businesses. But, reducing Café Flore's food-service capacity is not in the interest of our neighborhood and, indeed, would be a negative for the neighborhood.

Alan Beach-Nelson and Pat Tura
February 6, 2013

4

As Supervisor for this district, it is my responsibility to find concrete solutions to real problems facing our community. This legislation does precisely that, and I stand by it.

Sincerely,



Scott Wiener
Supervisor, District 8

cc: Andrea Aiello, Castro/Upper Market CBD
Gustavo Serina, Castro/Upper Market CBD
Terry Asten-Bennett, MUMC
Richard Magary, MUMC
Wendy Mogg, Sweet Inspiration
JD Petras
Gary Virginia
Rodney Fong, President, Planning Commission
John Rahaim, Director of Planning
AnMarie Rodgers, Planning Staff



584 Castro Street, # 333
San Francisco CA 94114-2512
415/431-2359
Email MUMC-SF@earthlink.net
www.CastroMerchants.com

Terry Asten Bennett, President
415/431-5365 Ext. 4
TerryAsten@cs.com

January 28, 2013

Via email and USPS hardcopy

Sophie Hayward and Kei Zushi, Staff Planners
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco CA 94103-2479

Re: Planning Case No. 2012.1306E; BoS File Nos. 120901-2, 120902-2
Amendments to S.F. Planning Code related to Upper Market NCD and NCT

Dear Ms. Hayward and Mr. Zushi,

I am pleased to confirm that the Board of Directors of the **Merchants of Upper Market & Castro (MUMC)** voted unanimously at their Meeting on November 14, 2012, to SUPPORT Supervisor Wiener's proposed Upper Market NCD/NCT legislation as described above, and as detailed at our the Meeting before voting. We understand from the Supervisor's office that there have been no substantial changes to the proposed legislation since then.

MUMC is the merchants' organization serving San Francisco's Castro-Upper Market area, generally along Upper Market Street from Octavia Blvd. to Castro Street; Castro from Market to 19th Street, and cross streets throughout that area. **MUMC** has over 250 paid Members for the current year. The affected Upper Market NCD and NCT areas are within **MUMC**'s service area.

Please let us know if you have any questions regarding **MUMC**'s support for this proposed legislation. Please include this letter in the matter's permanent file, and assure that it is provided to all Planning Staff and Commissioners and any other hearing panels at the time that this matter is considered by them. Thank you for considering our comments.

Respectfully,

Terry Asten Bennett, President

email and mailed cc: Supervisor Scott Wiener and staff



San Francisco Planning Department
1650 Mission St., Suite 400,
San Francisco, CA 94103

Re: Letter of support for Cafe Flore re use and zoning at 258 1/2 Noe Street

February 8, 2013

Dear Sirs/Madams,

Just quick note to show my support of Cafe Flore's request for legislation to be allowed off site kitchen facility. I've been involved with Cafe Flore on many levels for many years! I have thrown many events, including numerous fundraisers for many community charities in this warm community institution. It's a great place for business meetings, to catch up on email, and to just sit and people watch, largely because it is not just a bar, but a full service restaurant. There is such an amazing serenity about the space. I enjoy and appreciate the awesome community that Cafe Flore provides and cultivates. They are much more than just another eatery. They have become community hub. There is no other place as unique in the Castro. Businesses are closing with an alarming rate, and we should do all we can to support the ones that are currently employing people in this tough economy.

One of the reasons I especially appreciate Cafe Flore is the hundreds of thousands of dollars they have helped raise to fight AIDS, homelessness and hunger. Having a full service menu really helps them host robust fundraising events that make a real positive impact on San Francisco.

I understand that the Planning Commission will be considering legislation by Sup. Scott Wiener on Feb. 21, 2013, re Cafe Flore's offsite kitchen across the street from their bar and restaurant at 2298 Market Street. I am in full support.

Please approve this proposed legislation to keep good jobs and a viable community center in our neighborhood by allowing Cafe Flore to continue using their offsite prep kitchen.

Thank you for your time and consideration,

Michael Brandon
Vice President
415-244-9777
<http://9x6lubes.com>

J. D. Petras

From: no-reply@parastorage.com
Sent: Monday, February 11, 2013 4:05 PM
To: kitten@bigjoy.org
Subject: New message via your website, from - Ksb10sf@yahoo.com

You have a new message
via: <http://www.helpcafeflore.com>

Message details:
From: Kevin Blackwell
Email: Ksb10sf@yahoo.com
Date: 11 February 2013
Subject: Letter of support for Cafe Flore

Message:
To Whom It May Concern, I am writing to give my support for Cafe Flore to continue doing business with it's offsite prep kitchen and storage. Cafe Flore has been a destination in the Castro District for so long it is unimaginable that this issue could close it's doors. I can't imagine the city without this beloved spot. It's a piece piece of local history for it patrons and that is becoming very rare in the area. It is a good thing to have some continuity in the ever changing landscape. Beyond that, Cafe Flore does so much in support of so many residents in the Bay Area that are under served. This legislative change will ensure that this solid neighborhood business continues to thrive and generate revenue for the the city, keep its 40 full time employees working, giving support to local charities and adding color to the Castro and Duboce Triangle areas. Sincerely, Kevin Blackwell

Thank you!

J. D. Petras

From: no-reply@parastorage.com
Sent: Saturday, February 9, 2013 2:32 PM
To: kitten@bigjoy.org
Subject: New message via your website, from - brad.vanderbilt@gmail.com

You have a new message

via: <http://www.helpcafe flore.com>

Message details:

From: Brad Vanderbilt
Email: brad.vanderbilt@gmail.com
Date: 09 February 2013
Subject: Support for Cafe Flore re use and zoning at 258 1/2 Noe Street

Message:

I'm writing to express my support for legislation sponsored by Sup. Wiener will be presenting to Planning Commission this coming week concerning Cafe Flore's offsite kitchen across the street from their bar and restaurant at 2298 Market Street. This legislation as I understand it will help assure Cafe Flore's financial viability and help to continue to our community in many ways. As a community health activism in the SF LGBT community for over 15 years, I know the countless ways that Cafe Flore opens up its doors and shares its resources to support our LGBT community. As as Sister of Perpetual Indulgence (Sister Eden Asp), I have taken part in more community fundraisers in Cafe Flore than I can even remember! And so many times, it's been a place where I could meet a friend or a client who wanted to meet and talk in safe, friendly space. If Cafe Flore lost it's capacity to earn money thru food sales, it would be forced to make up the deficit with increased alcohol sales, and that hardly seems in the community's interest. We've lost far to many landmark queer institutions in the Castro (the Josie's Cabaret lose of still hurts after all these years!) - why on earth would we want to put in jeopardy a community treasure like Cafe Flore? I strongly urge you to support Sup. Wiener's legislation for re-use and zoning at 258 1/2 Noe Street. Sincerely, Brad A. Vanderbilt, MPH (aka, Sister Eden Asp)

Thank you!

J. D. Petras

From: no-reply@parastorage.com
Sent: Monday, February 11, 2013 4:21 PM
To: kitten@bigjoy.org
Subject: New message via your website, from - michelleburke51@yahoo.com

You have a new message
via: <http://www.helpcafeflore.com>

Message details:
From: Michelle Burke
Email: michelleburke51@yahoo.com
Date: 11 February 2013
Subject: Letter of support for Cafe Flore re use and zoning at 258 1/2 Noe Street

Message:
I support Cafe Flore's desire to fully legalize the decades old use of nearby commercial space for their daily restocking and backup kitchen. In the spirit of the local zoning, Cafe Flore has always kept their commissary activities behind the retail storefront so as not to impede an active streetscape. Cafe Flore has had a nearby backup kitchen and storage site for decades because the main building is so small. Zoning, being a necessarily blunt instrument, only allows such activities in that area if the main business is in the same building. Now due to increased scrutiny by the neighbors Cafe Flore needs to request a variance to continue to offer a full menu since the main building never could hold a full days worth of supplies. Also, in light of a recent neighborhood group slandering the Cafe by stating that the back up kitchen is a health hazard (blatantly untrue, I checked and the Health Dept has reviewed and approved it pending the Planning Dept authorizing the zoning. If anything, the backup kitchen is cleaner than any regular commercial kitchen), there is an even greater need for the variance since the NIMBY forces are tireless in their desire to suburbanize our wonderful urban home. I moved here because of unique small businesses and the kind of community that fosters and protects local creativity. I have been coming to Cafe Flore since 1998 and many of my friends have been going to Cafe Flore since the 70s. My knowledge of Cafe Flore comes from being there and knowing others who have been there far longer. Please support Cafe Flore's request to keep its commissary and please support the diversity of small businesses that draws thousands to live in and visit vibrant urban environments like San Francisco.

Thank you!

J. D. Petras

From: no-reply@parastorage.com
Sent: Saturday, February 9, 2013 1:15 PM
To: kitten@bigjoy.org
Subject: New message via your website, from - stevebaratz@gmail.com

You have a new message
via: <http://www.helpcafe flore.com>

Message details:
From: steven baratz
Email: stevebaratz@gmail.com
Date: 09 February 2013
Subject: support cafe flore

Message:
I love cafe flore and support legislation that will it to grow and thrive as a business (with full kitchen facilities) as it is an invaluable asset to our community. thanks - sbb - SF resident for >25 years.

Thank you!



February 11, 2013

San Francisco Planning Department
1650 Mission St., Suite 400
San Francisco, CA 94103

RE: Letter of support for Upper Market Zoning Legislation
relating to Cafe Flore's offsite kitchen

Dear Planning Commisiors:

I understand that the Planning Commission will be considering legislation by Sup. Scott Wiener on Feb. 21, 2013, re Cafe Flore's offsite kitchen across the street from their bar and restaurant at 2298 Market Street. I am in full support of this legislation which will allow Cafe Flore to continue to operate and serve the community in many ways.

As one of the producers of a new documentary about San Francisco history and innovative poet filmmaker James Broughton, I really appreciate Cafe Flore's support of our city's cultural community. Our project is a love letter to San Francisco, and Cafe Flore has helped bring it to light by hosting several fundraisers for the BIG JOY documentary, which will be enjoying a California Premiere at the Castro Theatre for Frameline 37 later this year. We are just one of many local nonprofits that Cafe Flore has supported with fundraisers, which can be more robust on account of their full menu. For these reasons I enthusiastically support Cafe Flore's bid to bring their off-site kitchen up to code, and licensed by the appropriate city agencies.

In today's turbulent economy, it is more important than ever to support small businesses in San Francisco, especially those like Cafe Flore which give so much back to the community. Please support Supervisor Weiner's proposed legislation about their offsite kitchen on Noe Street.

Sincerely,

Kitten Calfee
BIG JOY Producer of Marketing & Distribution

2261 Market St PMB 181
San Francisco, CA 94114-1600
:: <http://www.bigjoy.org> ::



frameline



Comfort & Joy



J. D. Petras

From: no-reply@parastorage.com
Sent: Monday, February 11, 2013 4:22 PM
To: kitten@bigjoy.org
Subject: New message via your website, from - irene@irenesoderberg.com

You have a new message
via: <http://www.helpcafeflore.com>

Message details:
From: Irene Soderberg
Email: irene@irenesoderberg.com
Date: 11 February 2013
Subject: Save Cafe Flore

Message:
the owner of Cafe Flore, JD, has Always been in support of the GLBT community; sharing his business with numerous benefits, raising money and services for those in need! I've known him for over 20 years, and he's always done the right thing! I used to live in SF, now I'm in LA, but he is a man of integrity, respected by all.

Thank you!

J. D. Petras

From: no-reply@parastorage.com
Sent: Saturday, February 9, 2013 1:23 PM
To: kitten@bigjoy.org
Subject: New message via your website, from - chicfreaksf@yahoo.com

Categories: flore offsite kitchen

You have a new message
via: <http://www.helpcafe flore.com>

Message details:
From: kenneth bunch
Email: chicfreaksf@yahoo.com
Date: 09 February 2013
Subject: Cafe Flore

Message:
Please approve legalizing Cafe Flore's off site kitchen.

Thank you!

J. D. Petras

From: Barbara Fried <barbarafried@gmail.com>
Sent: Saturday, February 9, 2013 8:59 AM
To: JD Petras
Subject: Letter of Support for continuing Cafe Flore Offsite food storage

I sent this to the planning department. Feel free to print it out and bring it with you.

To: San Francisco Planning Department, 1650 Mission St., Suite 400, SF CA 94103
Date: February 9, 2013

Re: Letter of Support for continuing Cafe Flore Offsite food storage

I have been occasionally going to Cafe Flore since 1989, when I moved to San Francisco. It is a lovely place to hang out, read, meet friends, bring family, and have some food. The food is yummy, and I have never had an issue with it. There is only so much tea, coffee and dessert a person wants, and I don't drink much alcohol. So, I would like their food service to continue.

As I understand it, Flore has had offsite storage (across the street) for 40 years. This should continue. Personally, I'd rather have my food stored well and safely nearby vs. mindlessly sticking to the letter of an 'on premises' rule that cannot work in practice because there is no actual room for proper storage on the premises. It is close enough, and stored well, so, no problem. (If this were a land issue, they would have a 'right of way' by now....)

It seems to me that this should be a non-issue. Why IS it an issue?

Let me guess, an objection has been received by another restaurant, a.k.a. the competition. Please inquire to discern if their motivations are pure.

I am in full support of this legislation which will allow Cafe Flore to continue to operate and serve the community in many ways. Please support it.

Thank you.

Sincerely,
Barbara Fried
San Francisco, CA 94114

--

"Everyone is a genius. But if you judge a fish on its ability to climb a tree it will live its whole life believing that it is stupid."

—Albert Einstein

J. D. Petras

From: no-reply@parastorage.com
Sent: Saturday, February 9, 2013 12:27 PM
To: kitten@bigjoy.org
Subject: New message via your website, from - ronkatcds@yahoo.com

You have a new message

via: <http://www.helpcafeflore.com>

Message details:

From: gina hall
Email: ronkatcds@yahoo.com
Date: 09 February 2013
Subject: Re: Letter of support for Cafe Flore re use and zoning at 258 1/2 Noe Street

Message:

I understand that the Planning Commission will be considering legislation by Sup. Scott Wiener on Feb. 21, 2013, re Cafe Flore's offsite kitchen across the street from their bar and restaurant at 2298 Market Street. I am in full support of this legislation which will allow Cafe Flore to continue to operate and serve the community in many ways. This will help avoid the possibility of forcing this popular local eatery to stop serving a full menu. A smaller Cafe Flore, one that loses foodservice capacity and that, as a result, has to rely more on alcohol sales, is not in the interest of the Castro community. Now approaching its 40th Anniversary, Cafe Flore is a treasure to the Castro and a tourist destination favorite from travelers around the world. Please support the proposed legislation to enable Cafe Flore to continue to run operations smoothly and stay in business. I spend every occasion of importance at the Cafe Flore, we are having my god daughters baby shower there tomorrow night. I've had reunions, birthday parties and more. DO NOT interfere with our community hub. it's just WRONG. Thank you. Gina Hall resident of SF since 1974

Thank you!

J. D. Petras

From: no-reply@parastorage.com
Sent: Monday, February 11, 2013 2:42 PM
To: kitten@bigjoy.org
Subject: New message via your website, from - szollman@hotmail.com

You have a new message
via: <http://www.helpcafeflore.com>

Message details:
From: Stephen Zollman
Email: szollman@hotmail.com
Date: 11 February 2013
Subject: Please save this welcoming, outdoor institution

Message:
I have lived in the Bay area since '93 and have always enjoyed its welcoming, outdoor atmosphere. Please do what you can to save it. All Best,

Thank you!

J. D. Petras

From: no-reply@parastorage.com
Sent: Sunday, February 10, 2013 9:42 PM
To: kitten@bigjoy.org
Subject: New message via your website, from - Zrandyman@yahoo.com

You have a new message
via: <http://www.helpcafeflore.com>

Message details:

From: Randy Harmon
Email: Zrandyman@yahoo.com
Date: 10 February 2013
Subject: Keep Cafe Flore going Strong!

Message:

I have known of Cafe Flore since I was quite young. On my first vist to San Francisco in the 1970's I ate there with my family. It is no small feat to start a business in this city and the city should do all it can to foster businesses. I believe that opposition against the exception requested for Cafe Flore is poorly motivated at best. The civil code has served the city and county so well because of the good judgement and flexibility of the supervisors to grant these exceptions as needed to facilitate the needs of many types of businesses. Please act with good common sense in this case, and vote to legalize Cafe Flore's off site storage and prep kitchen. This is a vibrant and thriving business that serves the city in so many ways through it's planned giving and support of various groups and as a vibrant gathering spot. The cafe is part of what makes this city so unique.

Thank you!

J. D. Petras

From: no-reply@parastorage.com
Sent: Sunday, February 10, 2013 4:53 PM
To: kitten@bigjoy.org
Subject: New message via your website, from - RealReform@earthlink.net

You have a new message
via: <http://www.helpcafeflore.com>

Message details:
From: Starchild
Email: RealReform@earthlink.net
Date: 10 February 2013
Subject: Please leave Cafe Flore alone

Message:
Whether the kitchen is on-site or across the street, as long as it's their property or they have permission to use it, what does it matter? Only bureaucrats and busybodies care about such things. I've eaten there plenty of times, and enjoyed the ambience and the food. If you want to pass some legislation to improve the culinary offerings at Cafe Flore, please require them to get dijon mustard instead of just the generic yellow stuff. No, I'm just kidding. I would much rather go without good mustard than try to realize my wishes via seeking the imposition of coercive requirements by some governmental agency. While some people may not recognize it, this matter of the off-site kitchen should be just as much of a non-issue as mustard varieties where the law is concerned. Please just leave Cafe Flore alone and let them continue to serve the community as they have been doing. Thank you (for nothing), (((starchild)))

Thank you!

J. D. Petras

From: no-reply@parastorage.com
Sent: Sunday, February 10, 2013 12:40 PM
To: kitten@bigjoy.org
Subject: New message via your website, from - phunkboy@riseup.net

Categories: flore offsite kitchen

You have a new message
via: <http://www.helpcafeflore.com>

Message details:

From: Joey Ereneta
Email: phunkboy@riseup.net
Date: 10 February 2013
Subject: support for cafe flore re:zoning and use at 258 1/2 noe st, san francisco

Message:

hello, please support supervisor weiner's proposal regarding cafe flore and it's use of an off site kitchen. cafe has been an amazing part of the neighborhood and castro community and deserves to continue offering it's full delicious menu. i have been a regular there for 15 years and support cafe flore serving more food and less alcohol. where else can we get a community space to eat and gather outside in the castro? i will be at the planning commission hearing on thursday, february 21 to voice my support. thank you for your consideration and for supporting this important castro neighborhood institution :)... sincerely, joey ereñeta

Thank you!

J. D. Petras

From: no-reply@parastorage.com
Sent: Sunday, February 10, 2013 4:50 PM
To: kitten@bigjoy.org
Subject: New message via your website, from - artbyaxel@gmail.com

You have a new message
via: <http://www.helpcafeflore.com>

Message details:
From: Axel Moeller
Email: artbyaxel@gmail.com
Date: 10 February 2013
Subject: Cafe Flore/Castro district

Message:
To: San Francisco Planning Department, 1650 Mission St., Suite 400, SF CA 94103 Re: Letter of support for Cafe Flore re use and zoning at 258 1/2 Noe Street I have recently given notice that the Planning Commission is considering new legislation by Sup. Scott Wiener on Feb. 21, 2013. Apparently this legislation directly effects Cafe Flore's offsite kitchen which for many years has resided across the street from their bar and restaurant at 2298 Market Street. I would like to offer my support to Cafe Flore, which has long been an institution in the Castro District, a place where we can all get together and meet, a place of community with long standing roots. At every turn Cafe Flore and its owner, JD Petras, has assisted me in my endeavors as an artist, and as a friend. I have heard that this legislation will allow Cafe Flore to survive in this poor economy and who in the Castro would be opposed to supporting a business that has been a long standing keystone of this community? If the legislation fails to pass, it would most likely force this cafe to stop serving a full menu. Do we need just another bar in the Castro or a place where many different people can come together, enjoy a meal and a fantastic cup of coffee (or an amazing selection of teas...)? Just another bar is not what the Castro needs to maintain a sense of home. For almost 40 years(!) Cafe Flore has been a draw to tourists and residents of all San Francisco. I urge you to support the proposed legislation so that my favorite nook in the Castro can survive as it always has, with grace, taste and a warm place in all of our hearts. Thank you. Axel Moeller
Artist/Illustrator/Photographer

Thank you!

J. D. Petras

From: no-reply@parastorage.com
Sent: Saturday, February 9, 2013 4:25 PM
To: kitten@bigjoy.org
Subject: New message via your website, from - lgaerke@yahoo.com

You have a new message
via: <http://www.helpcafe flore.com>

Message details:

From: Leo Gaerke
Email: lgaerke@yahoo.com
Date: 09 February 2013
Subject: Letter of support for Cafe Flore re use and zoning at 258 1/2 Noe Street

Message:

I understand that the Planning Commission will be considering legislation by Sup. Scott Wiener on Feb. 21, 2013, re Cafe Flore's offsite kitchen across the street from their bar and restaurant at 2298 Market Street. I am in full support of this legislation which will allow Cafe Flore to continue to operate and serve the community in many ways. This will help avoid the possibility of forcing this popular local eatery to stop serving a full menu. A smaller Cafe Flore, one that loses foodservice capacity and that, as a result, has to rely more on alcohol sales, is not in the interest of the Castro community.

Thank you!

J. D. Petras

From: no-reply@parastorage.com
Sent: Saturday, February 9, 2013 5:27 PM
To: kitten@bigjoy.org
Subject: New message via your website, from - Sam.zoranovich@gmail.com

You have a new message
via: <http://www.helpcafeflore.com>

Message details:

From: Sam zoranovich
Email: Sam.zoranovich@gmail.com
Date: 09 February 2013
Subject: Keep cafe flore serving a full menu, please

Message:

I understand that the Planning Commission will be considering legislation by Sup. Scott Wiener on Feb. 21, 2013, re Cafe Flore's offsite kitchen across the street from their bar and restaurant at 2298 Market Street. I am in full support of this legislation which will allow Cafe Flore to continue to operate and serve the a menu of food options. The Castro community does not need another bar, but more quality restaurants with full kitchens, like Cafe Flore

Thank you!

J. D. Petras

From: no-reply@parastorage.com
Sent: Saturday, February 9, 2013 5:45 PM
To: kitten@bigjoy.org
Subject: New message via your website, from - bobburnside@gmail.com

You have a new message
via: <http://www.helpcafeflore.com>

Message details:
From: Bob Burnside
Email: bobburnside@gmail.com
Date: 09 February 2013
Subject: support for Cafe Flore

Message:
I have been patronizing Cafe Flor since the 70s and consider it more than a neighborhood business-it is part of the Community. I hope that you will zone their kitchen across the street so that they can make full use of it. Bob Burnside

Thank you!

J. D. Petras

From: no-reply@parastorage.com
Sent: Sunday, February 10, 2013 7:55 AM
To: kitten@bigjoy.org
Subject: New message via your website, from - Chpapageno@gmail.com

You have a new message
via: <http://www.helpcafeflore.com>

Message details:

From: Charles Hossle
Email: Chpapageno@gmail.com
Date: 10 February 2013
Subject: An idea whose time has come

Message:

I eat at Cafe Flore several times a month. I also have worked with Gary Virginia and the staff at Cafe Flore on several functions where Flore has helped me feed/host The Sisters of Perpetual Indulgence, Inc. during our yearly anniversary at Easter. I firmly believe this legislation is a great idea. This business continually supports the community and their abilities to do so should be supported by this act. They need to be able to continue doing business and, thereby, providing support to a variety of groups, as well as providing us with a place to meet up with friends in the Castro. Best Regards, Charles Hossle Aka. Sr Agnes Dei'afra Tamara San Francisco

Thank you!

J. D. Petras

From: no-reply@parastorage.com
Sent: Saturday, February 9, 2013 3:27 PM
To: kitten@bigjoy.org
Subject: New message via your website, from - joshua@tiralorn.com

You have a new message
via: <http://www.helpcafeflore.com>

Message details:
From: Josh Susser
Email: joshua@tiralorn.com
Date: 09 February 2013
Subject: support for Cafe Flore zoning legislation

Message:
I read today about the legislation by Sup. Wiener to legalize the use of an off-site kitchen by Cafe Flore. I fully support this legislation. Cafe Flore was the first place I ever ate in San Francisco, on my first visit to the City way back in 1988. I'm now happy to be a neighbor living less than a block away, and I continue to frequent Cafe Flore and enjoy meals there. I have never had a problem with food quality there, and think that legalizing the off-site kitchen is an appropriate accommodation for a business that provides quality service, employs neighborhood residents, and contributes to the community in many ways. Please don't prevent Cafe Flore from continuing to operate and to serve the community well.

Thank you!

J. D. Petras

From: no-reply@parastorage.com
Sent: Sunday, February 10, 2013 7:20 AM
To: kitten@bigjoy.org
Subject: New message via your website, from - windriveryear@comcast.net

Categories: flore offsite kitchen

You have a new message
via: <http://www.helpcafe flore.com>

Message details:
From: Dean Swanson
Email: windriveryear@comcast.net
Date: 10 February 2013
Subject: Letter of Support for Cafe Flora

Message:
I strongly support legislation that will allow Cafe Flora to continue using an off site kitchen across the street from it's primary location. This kitchen is necessary to allow Cafe Flora to continue serving a full menu. After 40 years of serving the community it would be a travesty to withdraw approval for for the second kitchen. Jobs would be lost and faithful customers would lose a favorite dining place.

Thank you!

J. D. Petras

From: no-reply@parastorage.com
Sent: Monday, February 11, 2013 3:17 PM
To: kitten@bigjoy.org
Subject: New message via your website, from - opp97@yahoo.com

You have a new message
via: <http://www.helpcafe flore.com>

Message details:
From: K. Opp
Email: opp97@yahoo.com
Date: 11 February 2013
Subject: Cafe Flore

Message:
I understand that the Planning Commission will be considering legislation by Sup. Scott Wiener on Feb. 21, 2013, re Cafe Flore's offsite kitchen across the street from their bar and restaurant at 2298 Market Street. I am in full support of this legislation which will allow Cafe Flore to continue to operate and serve the community in many ways. This will help avoid the possibility of forcing this popular local eatery to stop serving a full menu. A smaller Cafe Flore, one that loses foodservice capacity and that, as a result, has to rely more on alcohol sales, is not in the interest of the Castro community. Now approaching its 40th Anniversary, Cafe Flore is a treasure to the Castro and a tourist destination favorite from travelers around the world. Please support the proposed legislation to enable Cafe Flore to continue to run operations smoothly and stay in business. Thank you.

Thank you!

J. D. Petras

From: no-reply@parastorage.com
Sent: Monday, February 11, 2013 3:02 PM
To: kitten@bigjoy.org
Subject: New message via your website, from - kjaffie@yahoo.com

You have a new message
via: <http://www.helpcafeflore.com>

Message details:

From: karin jaffie
Email: kjaffie@yahoo.com
Date: 11 February 2013
Subject: Letter of support for Cafe Flore re use and zoning at 258 1/2 Noe Street

Message:

I understand that the Planning Commission will be considering legislation by Sup. Scott Wiener on Feb. 21, 2013, re Cafe Flore's offsite kitchen across the street from their bar and restaurant at 2298 Market Street. I am in full support of this legislation which will allow Cafe Flore to continue to operate and serve the community in many ways. This will help avoid the possibility of forcing this popular local eatery to stop serving a full menu. A smaller Cafe Flore, one that loses foodservice capacity and that, as a result, has to rely more on alcohol sales, is not in the interest of the Castro community. It is one of the few places in the entire Castro that is welcoming to parents, pet owners and community groups of all sorts. Now approaching its 40th Anniversary, Cafe Flore is a treasure to the Castro and a tourist destination favorite from travelers around the world. Please support the proposed legislation to enable Cafe Flore to continue to run operations smoothly and stay in business. Thank you. karin jaffie 1215 castro sf, ca 94114

Thank you!

J. D. Petras

From: no-reply@parastorage.com
Sent: Saturday, February 9, 2013 6:29 AM
To: kitten@bigjoy.org
Subject: New message via your website, from - robbynothstine@yahoo.com

You have a new message
via: <http://www.helpcafeflore.com>

Message details:
From: robby nothstine
Email: robbynothstine@yahoo.com
Date: 09 February 2013
Subject: cafe flore

Message:
I'm writing to throw in my support for the legislation that will allow cafe flore to continue operating as a cafe. Please please please don't take their kitchen away! There are enough bars in the Castro already , and cafe Flore is where I meet all of my out of town guests for a bite and a tour of the area. Come on, make it good!! Robby Nothstine

Thank you!

J. D. Petras

From: no-reply@parastorage.com
Sent: Saturday, February 9, 2013 6:29 AM
To: kitten@bigjoy.org
Subject: New message via your website, from - robbynothstine@yahoo.com

You have a new message
via: <http://www.helpcafe flore.com>

Message details:
From: robby nothstine
Email: robbynothstine@yahoo.com
Date: 09 February 2013
Subject: cafe flore

Message:
I'm writing to throw in my support for the legislation that will allow cafe flore to continue operating as a cafe. Please please please don't take their kitchen away! There are enough bars in the Castro already , and cafe Flore is where I meet all of my out of town guests for a bite and a tour of the area. Come on, make it good!! Robby Nothstine

Thank you!

J. D. Petras

From: no-reply@parastorage.com
Sent: Friday, February 8, 2013 10:02 PM
To: kitten@bigjoy.org
Subject: New message via your website, from - idolgossip@yahoo.com

You have a new message
via: <http://www.helpcafeflore.com>

Message details:

From: Robert Ford
Email: idolgossip@yahoo.com
Date: 09 February 2013
Subject: Cafe Flour is an indispensable place of good vibes, food, kindness & vibrancy;

Message:

...please support their need to use the off-site kitchen!

Thank you!

J. D. Petras

From: no-reply@parastorage.com
Sent: Friday, February 8, 2013 9:57 PM
To: kitten@bigjoy.org
Subject: New message via your website, from - KMZINK@AOL.COM

You have a new message
via: <http://www.helpcafeflore.com>

Message details:
From: KENNETH ZINK
Email: KMZINK@AOL.COM
Date: 08 February 2013
Subject: CAFE FLORE *

Message:
CAFE FLORE HAS BEEN A VIBRANT MEMBER OF THE BUSINESS COMMUNITY AND THESE CHANGES SHOULD BE MADE SO THEY WILL CONTINUE TO BE A BRIGHT LIGHT IN THE UPPER MARKET NEIGHBORHOOD.

Thank you!

J. D. Petras

From: no-reply@parastorage.com
Sent: Saturday, February 9, 2013 8:51 AM
To: kitten@bigjoy.org
Subject: New message via your website, from - sarosas@gmail.com

You have a new message
via: <http://www.helpcafeflore.com>

Message details:

From: Sean Rosas
Email: sarasas@gmail.com
Date: 09 February 2013
Subject: San Francisco Planning Department, 1650 Mission St., Suite 400, SF CA 94103

Message:

The Planning Commission will be considering legislation by Sup. Scott Wiener on Feb. 21, 2013, re Cafe Flore's offsite kitchen across the street from their bar and restaurant at 2298 Market Street. I am in full support of this legislation which will allow Cafe Flore to continue to operate and serve the community in many ways. This will help avoid the possibility of forcing this popular local eatery to stop serving a full menu. A smaller Cafe Flore, one that loses food service capacity and that, as a result, has to rely more on alcohol sales, is not in the interest of the Castro community. Now approaching its 40th Anniversary, Cafe Flore is a treasure to the Castro and a tourist destination favorite from travelers around the world. Please support the proposed legislation to enable Cafe Flore to continue to run operations smoothly and stay in business. Thank you.

Thank you!

J. D. Petras

From: no-reply@parastorage.com
Sent: Saturday, February 9, 2013 8:49 AM
To: kitten@bigjoy.org
Subject: New message via your website, from - Randy.childers@gmail.com

You have a new message
via: <http://www.helpcafeflore.com>

Message details:
From: Randy Childers
Email: Randy.childers@gmail.com
Date: 09 February 2013
Subject: I support Cafe Flore!

Message:
Dear Planning Commission Members, I would like to note for the record my wholehearted support of The legislation sponsored by Supervisor Wiener. Cafe Flore has been a hugely important part of the community, both as a local eatery and charity venue and should be allowed to continue. The Castro needs more places like Cafe Flore, not less. I am very worried that if this legislation does not go forward Cafe Flore will be forced to become yet another Castro bar. We need places to eat, the drinks we've got covered. Please approve this legislation and allow Cafe Flore to continue to be the great neighbor it has been for the last 40 years. Thank you! Sincerely, Randy Childers

Thank you!

J. D. Petras

From: no-reply@parastorage.com
Sent: Monday, February 11, 2013 4:11 PM
To: kitten@bigjoy.org
Subject: New message via your website, from - skot@videoamp.org

You have a new message
via: <http://www.helpcafeflore.com>

Message details:
From: skot kuiper
Email: skot@videoamp.org
Date: 11 February 2013
Subject: In support of Cafe Flore

Message:
To: San Francisco Planning Department, 1650 Mission St., Suite 400, SF CA 94103 Re: Letter of support for Cafe Flore re use and zoning at 258 1/2 Noe Street I understand that the Planning Commission will be considering legislation by Sup. Scott Wiener on Feb. 21, 2013, re Cafe Flore's offsite kitchen across the street from their bar and restaurant at 2298 Market Street. I am in full support of this legislation which will allow Cafe Flore to continue to operate and serve the community in many ways. This will help avoid the possibility of forcing this popular local eatery to stop serving a full menu. A smaller Cafe Flore, one that loses foodservice capacity and that, as a result, has to rely more on alcohol sales, is not in the interest of the Castro community. Cafe Flore is a safe, healthy, well run and positive establishment which provides a benefit to the surrounding neighborhood and the city at large. Now approaching its 40th Anniversary, Cafe Flore is a treasure to the Castro and a tourist destination favorite from travelers around the world. Please support the proposed legislation to enable Cafe Flore to continue to run operations smoothly and stay in business. Thank you. Skot Kuiper 360 5th st San Francisco CA 94107

Thank you!

J. D. Petras

From: no-reply@parastorage.com
Sent: Monday, February 11, 2013 4:11 PM
To: kitten@bigjoy.org
Subject: New message via your website, from - rhabsworld@msn.com

You have a new message
via: <http://www.helpcafeflore.com>

Message details:
From: Rhab Boughn
Email: rhabsworld@msn.com
Date: 11 February 2013
Subject: Support Continued Existence of Café Flore's Current Operations

Message:
I understand that the Planning Commission will be considering legislation by Sup. Scott Wiener on Feb. 21, 2013, re Cafe Flore's offsite kitchen across the street from their bar and restaurant at 2298 Market Street. Although I generally find that I am not in support of the majority of Sup. Scott Weiner's proposals, I AM, however, in support of this one. I am in full support of this legislation which will allow Cafe Flore to continue to operate and serve the community in many ways. This will help avoid the possibility of forcing this popular local eatery to stop serving a full menu. A smaller Cafe Flore, one that loses foodservice capacity and that, as a result, has to rely more on alcohol sales, is not in the interest of the Castro community. Now approaching its 40th Anniversary, Cafe Flore is a treasure to the Castro and a tourist destination favorite from travelers around the world. Please support the proposed legislation to enable Cafe Flore to continue to run operations smoothly and stay in business. Sincerely RB

Thank you!

J. D. Petras

From: no-reply@parastorage.com
Sent: Saturday, February 9, 2013 8:23 AM
To: kitten@bigjoy.org
Subject: New message via your website, from - doctorjamesinsf@gmail.com

You have a new message

via: <http://www.helpcafeflore.com>

Message details:

From: James Lovette-Black PhD
Email: doctorjamesinsf@gmail.com
Date: 09 February 2013
Subject: Legalize Cafe Flore's offsite kitchen - YES!

Message:

I understand that the Planning Commission will be considering legislation by Supervisor Scott Wiener on 21 February 2013, regarding Cafe Flore's offsite kitchen across the street from their bar and restaurant at 2298 Market Street. I am in full support of this legislation which will allow Cafe Flore to continue to operate and serve the community in many ways. This will help avoid the possibility of forcing this exceptionally popular local eatery to stop serving a full menu. A smaller Cafe Flore, one that loses foodservice capacity and that has to rely more on alcohol sales is not in the best interests of the Castro community. Now approaching its 40th Anniversary, Cafe Flore is a treasure to the Castro and a tourist destination favorite from travelers around the world. Please support the proposed legislation to enable Cafe Flore to run operations smoothly and stay in business. Thank you. James Lovette-Black PhD, RN

Thank you!

J. D. Petras

From: no-reply@parastorage.com
Sent: Saturday, February 9, 2013 9:02 AM
To: kitten@bigjoy.org
Subject: New message via your website, from - BarbaraFried@gmail.com

You have a new message
via: <http://www.helpcafeflore.com>

Message details:
From: Barbara Fried
Email: BarbaraFried@gmail.com
Date: 09 February 2013
Subject: Letter of Support for continuing Cafe Flore Offsite food storage

Message:
To: San Francisco Planning Department, 1650 Mission St., Suite 400, SF CA 94103 I have been occasionally going to Cafe Flore since 1989, when I moved to San Francisco. It is a lovely place to hang out, read, meet friends, bring family, and have some food. The food is yummy, and I have never had an issue with it. There is only so much tea, coffee and dessert a person wants, and I don't drink much alcohol. So, I would like their food service to continue. As I understand it, Flore has had offsite storage (across the street) for 40 years. This should continue. Personally, I'd rather have my food stored well and safely nearby vs. mindlessly sticking to the letter of an 'on premises' rule that cannot work in practice because there is no actual room for proper storage on the premises. It is close enough, and stored well, so, no problem. (If this were a land issue, they would have a 'right of way' by now....) It seems to me that this should be a non-issue. Why IS it an issue? Let me guess, an objection has been received by another restaurant, a.k.a. the competition. Please inquire to discern if their motivations are pure. I am in full support of this legislation which will allow Cafe Flore to continue to operate and serve the community in many ways. Please support it. Thank you. Barbara Fried San Francisco, CA 94114 Feb. 9, 2013

Thank you!

J. D. Petras

From: no-reply@parastorage.com
Sent: Saturday, February 9, 2013 10:08 AM
To: kitten@bigjoy.org
Subject: New message via your website, from - MEandMo@gmail.com

You have a new message
via: <http://www.helpcafe flore.com>

Message details:

From: Richard Wang
Email: MEandMo@gmail.com
Date: 09 February 2013
Subject: Letter of support for Cafe Flore re use and zoning at 258 1/2 Noe Street

Message:

I understand that the Planning Commission will be considering legislation by Sup. Scott Wiener on Feb. 21, 2013, re Cafe Flore's offsite kitchen across the street from their bar and restaurant at 2298 Market Street. I am in full support of this legislation that would help Cafe Flore to serve the Castro in a more positive way. More food sales less reliant on alcohol. Cafe Flore is a Castro tradition. Please support the legislation to help keep the doors open at this San Francisco Gem.

Thank you!

J. D. Petras

From: no-reply@parastorage.com
Sent: Saturday, February 9, 2013 9:42 AM
To: kitten@bigjoy.org
Subject: New message via your website, from - victor7754@hotmail.com

You have a new message
via: <http://www.helpcafeflore.com>

Message details:
From: Victor Nunnally
Email: victor7754@hotmail.com
Date: 09 February 2013
Subject: Letter of support for Cafe Flore re use and zoning at 258 1/2 Noe Street

Message:
Hello San Francisco Planning Department,

Thank you!

J. D. Petras

From: no-reply@parastorage.com
Sent: Saturday, February 9, 2013 9:56 AM
To: kitten@bigjoy.org
Subject: New message via your website, from - victor7754@hotmail.com

You have a new message
via: <http://www.helpcafeflore.com>

Message details:

From: Victor Nunnally
Email: victor7754@hotmail.com
Date: 09 February 2013
Subject: Letter of support for Cafe Flore re use and zoning at 258 1/2 Noe Street

Message:

Hello San Francisco Planning Department, I am writing in support of Superintendent Scott Weiner's registration to allow Cafe Flore's off site kitchen to continue. Instead of taken away a necessity let us create a fundraiser for a great cause. Let us keep this landmark cafe growing and remaining an iconic treasure. The food is delicious and the energy is positive. Best Regards, Victor Nunnally 451 Burnett Ave San Francisco, CA 94131

Thank you!

J. D. Petras

From: no-reply@parastorage.com
Sent: Saturday, February 9, 2013 11:17 AM
To: kitten@bigjoy.org
Subject: New message via your website, from - K2010@fisherday.com

You have a new message
via: <http://www.helpcafeflore.com>

Message details:
From: Kimberley Fisher
Email: K2010@fisherday.com
Date: 09 February 2013
Subject: Cafe flore kitchen

Message:
Please let the flore continue it's great service to the neighborhood. They have proved that having your kitchen under the same roof is needless. It's really the only place I like eating in the Castro!

Thank you!

J. D. Petras

From: no-reply@parastorage.com
Sent: Saturday, February 9, 2013 11:07 AM
To: kitten@bigjoy.org
Subject: New message via your website, from - jm_strano@yahoo.com

You have a new message
via: <http://www.helpcafeflore.com>

Message details:
From: James M. Strano
Email: jm_strano@yahoo.com
Date: 09 February 2013
Subject: Cafe Flore Zoning

Message:
I am in full support of the legislation that would allow Cafe Flore to maintain it's off site prep kitchen located across the street on Noe. Cafe Flore is, in the opinion of many, the heart and soul of the Castro District. A place I have enjoyed for over 20 years with family and friends, the world over. Many crucial business meetings have been held at Cafe Flore that serve only to better the community. Many friendships and long standing relationships have also been formed at this gem. The atmosphere, the staff and the service provided has helped raise thousands in funding for various HIV charities and has helped serve as a business model for other cafe / restaurant style businesses. I would hate to see the menu diminished due to any new zoning laws that could jeopardize it's very existence. Thank you for your consideration. Sincerely, James M. Strano 2237A Market Street

Thank you!

J. D. Petras

From: no-reply@parastorage.com
Sent: Saturday, February 9, 2013 9:25 AM
To: kitten@bigjoy.org
Subject: New message via your website, from - boojum18@gmail.com

You have a new message
via: <http://www.helpcafeflore.com>

Message details:
From: Christine Kristen
Email: boojum18@gmail.com
Date: 09 February 2013
Subject: Letter of support for Cafe Flore

Message:
I understand that the Planning Commission will be considering legislation by Sup. Scott Wiener on Feb. 21, 2013, re Cafe Flore's offsite kitchen across the street from their bar and restaurant at 2298 Market Street. I am in full support of this legislation which will allow Cafe Flore to continue to operate and serve the community in many ways. This will help avoid the possibility of forcing this popular local eatery to stop serving a full menu. A smaller Cafe Flore, one that loses foodservice capacity and that, as a result, has to rely more on alcohol sales, is not in the interest of the Castro community. Now approaching its 40th Anniversary, Cafe Flore is a treasure to the Castro and a tourist destination favorite from travelers around the world. Please support the proposed legislation to enable Cafe Flore to continue to run operations smoothly and stay in business. Thank you.

Thank you!

J. D. Petras

From: no-reply@parastorage.com
Sent: Saturday, February 9, 2013 8:58 AM
To: kitten@bigjoy.org
Subject: New message via your website, from - sisterholly@gmail.com

You have a new message
via: <http://www.helpcafeflore.com>

Message details:

From: Charles Williamson
Email: sisterholly@gmail.com
Date: 09 February 2013
Subject: Letter of support for Cafe Flore re use and zoning at 258 1/2 Noe Street

Message:

I understand that the Planning Commission will be considering legislation by Sup. Scott Wiener on Feb. 21, 2013, re Cafe Flore's offsite kitchen across the street from their bar and restaurant at 2298 Market Street. I am in full support of this legislation which will allow Cafe Flore to continue to operate and serve the community in many ways. This will help avoid the possibility of forcing this popular local eatery to stop serving a full menu. A smaller Cafe Flore, one that loses foodservice capacity and that, as a result, has to rely more on alcohol sales, is not in the interest of the Castro community. Now approaching its 40th Anniversary, Cafe Flore is a treasure to the Castro and a tourist destination favorite from travelers around the world. Please support the proposed legislation to enable Cafe Flore to continue to run operations smoothly and stay in business. Thank you.

Thank you!

J. D. Petras

From: no-reply@parastorage.com
Sent: Saturday, February 9, 2013 12:17 PM
To: kitten@bigjoy.org
Subject: New message via your website, from - pixie@pixievision.com

You have a new message
via: <http://www.helpcafeflore.com>

Message details:

From: Pixie Spindel
Email: pixie@pixievision.com
Date: 09 February 2013
Subject: Letter of support for Cafe Flore re use and zoning at 258 1/2 Noe Street

Message:

I understand that the Planning Commission will be considering legislation by Sup. Scott Wiener on Feb. 21, 2013, re Cafe Flore's offsite kitchen across the street from their bar and restaurant at 2298 Market Street. I am in full support of this legislation which will allow Cafe Flore to continue to operate and serve the community in many ways. This will help avoid the possibility of forcing this popular local eatery to stop serving a full menu. A smaller Cafe Flore, one that loses foodservice capacity and that, as a result, has to rely more on alcohol sales, is not in the interest of the Castro community. Now approaching its 40th Anniversary, Cafe Flore is a treasure to the Castro and a tourist destination favorite from travelers around the world. Please support the proposed legislation to enable Cafe Flore to continue to run operations smoothly and stay in business. Thank you.

Thank you!

J. D. Petras

From: no-reply@parastorage.com
Sent: Saturday, February 9, 2013 12:17 PM
To: kitten@bigjoy.org
Subject: New message via your website, from - pixie@pixievision.com

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: flore offsite kitchen

You have a new message
via: <http://www.helpcafeflore.com>

Message details:

From: Pixie Spindel
Email: pixie@pixievision.com
Date: 09 February 2013
Subject: Letter of support for Cafe Flore re use and zoning at 258 1/2 Noe Street

Message:

I understand that the Planning Commission will be considering legislation by Sup. Scott Wiener on Feb. 21, 2013, re Cafe Flore's offsite kitchen across the street from their bar and restaurant at 2298 Market Street. I am in full support of this legislation which will allow Cafe Flore to continue to operate and serve the community in many ways. This will help avoid the possibility of forcing this popular local eatery to stop serving a full menu. A smaller Cafe Flore, one that loses foodservice capacity and that, as a result, has to rely more on alcohol sales, is not in the interest of the Castro community. Now approaching its 40th Anniversary, Cafe Flore is a treasure to the Castro and a tourist destination favorite from travelers around the world. Please support the proposed legislation to enable Cafe Flore to continue to run operations smoothly and stay in business. Thank you.

Thank you!

J. D. Petras

From: no-reply@parastorage.com
Sent: Saturday, February 9, 2013 3:16 PM
To: kitten@bigjoy.org
Subject: New message via your website, from - willibirdjunk@gmail.com

You have a new message
via: <http://www.helpcafeflore.com>

Message details:

From: William Salit
Email: willibirdjunk@gmail.com
Date: 09 February 2013
Subject: Letter of support for Cafe Flore re use and zoning at 258 1/2 Noe Street

Message:

understand that the Planning Commission will be considering legislation by Sup. Scott Wiener on Feb. 21, 2013, re Cafe Flore's offsite kitchen across the street from their bar and restaurant at 2298 Market Street. I am in full support of this legislation which will allow Cafe Flore to continue to operate and serve the community in many ways. This will help avoid the possibility of forcing this popular local eatery to stop serving a full menu. A smaller Cafe Flore, one that loses foodservice capacity and that, as a result, has to rely more on alcohol sales, is not in the interest of the Castro community. Now approaching its 40th Anniversary, Cafe Flore is a treasure to the Castro and a tourist destination favorite from travelers around the world. Please support the proposed legislation to enable Cafe Flore to continue to run operations smoothly and stay in business. Thank you.

Thank you!

J. D. Petras

From: no-reply@parastorage.com
Sent: Saturday, February 9, 2013 2:00 PM
To: kitten@bigjoy.org
Subject: New message via your website, from - wpetras1@gmail.com

You have a new message

via: <http://www.helpcafeflore.com>

Message details:

From: William Petras

Email: wpetras1@gmail.com

Date: 09 February 2013

Subject: Letter of support for Cafe Flore re use and zoning at 258 1/2 Noe Street

Message:

I understand that the Planning Commission will be considering legislation by Sup. Scott Wiener on Feb. 21, 2013, re Cafe Flore's offsite kitchen across the street from their bar and restaurant at 2298 Market Street. I am in full support of this legislation which will allow Cafe Flore to continue to operate and serve the community in many ways. This will help avoid the possibility of forcing this popular local eatery to stop serving a full menu. A smaller Cafe Flore, one that loses foodservice capacity and that, as a result, has to rely more on alcohol sales, is not in the interest of the Castro community. Now approaching its 40th Anniversary, Cafe Flore is a treasure to the Castro and a tourist destination favorite from travelers around the world. Please support the proposed legislation to enable Cafe Flore to continue to run operations smoothly and stay in business. Thank you.

Thank you!

J. D. Petras

From: no-reply@parastorage.com
Sent: Monday, February 11, 2013 1:25 PM
To: kitten@bigjoy.org
Subject: New message via your website, from - moconnor55@yahoo.com

You have a new message
via: <http://www.helpcafe flore.com>

Message details:

From: Mike O'Connor
Email: moconnor55@yahoo.com
Date: 11 February 2013
Subject: Letter of support for Cafe Flore re use and zoning at 258 1/2 Noe Street

Message:

I understand that the Planning Commission will be considering legislation by Sup. Scott Wiener on Feb. 21, 2013, re Cafe Flore's offsite kitchen across the street from their bar and restaurant at 2298 Market Street. I am in full support of this legislation which will allow Cafe Flore to continue to operate and serve the community in many ways. This will help avoid the possibility of forcing this popular local eatery to stop serving a full menu. A smaller Cafe Flore, one that loses foodservice capacity and that, as a result, has to rely more on alcohol sales, is not in the interest of the Castro community. Now approaching its 40th Anniversary, Cafe Flore is a treasure to the Castro and a tourist destination favorite from travelers around the world. Please support the proposed legislation to enable Cafe Flore to continue to run operations smoothly and stay in business. Thank you. Mike O'Connor

Thank you!

J. D. Petras

From: no-reply@parastorage.com
Sent: Monday, February 11, 2013 12:43 PM
To: kitten@bigjoy.org
Subject: New message via your website, from - cpsdesign@sbcglobal.net

You have a new message
via: <http://www.helpcafe flore.com>

Message details:
From: Chris Slattery
Email: cpsdesign@sbcglobal.net
Date: 11 February 2013
Subject: Café Flore

Message:
I understand that the Planning Commission will be considering legislation by Sup. Scott Wiener on Feb. 21, 2013, re Cafe Flore's offsite kitchen across the street from their bar and restaurant at 2298 Market Street. I am in full support of this legislation which will allow Cafe Flore to continue to operate and serve the community in many ways. This will help avoid the possibility of forcing this popular local eatery to stop serving a full menu. A smaller Cafe Flore, one that loses foodservice capacity and that, as a result, has to rely more on alcohol sales, is not in the interest of the Castro community. Now approaching its 40th Anniversary, Cafe Flore is a treasure to the Castro and a tourist destination favorite from travelers around the world. Please support the proposed legislation to enable Cafe Flore to continue to run operations smoothly and stay in business.

Thank you!

J. D. Petras

From: no-reply@parastorage.com
Sent: Sunday, February 10, 2013 10:27 PM
To: kitten@bigjoy.org
Subject: New message via your website, from - shoshana@floatdreams.com

You have a new message

via: <http://www.helpcafeflore.com>

Message details:

From: shoshana
Email: shoshana@floatdreams.com
Date: 10 February 2013
Subject: Re: Letter of support for Cafe Flore re use and zoning at 258 1/2 Noe Street

Message:

To: San Francisco Planning Department I understand that the Planning Commission will be considering legislation by Sup. Scott Wiener on Feb. 21, 2013, re Cafe Flore's offsite kitchen across the street from their bar and restaurant at 2298 Market Street. I am in full support of this legislation which will allow Cafe Flore to continue to operate and serve the community in many ways. This will help avoid the possibility of forcing this popular local eatery to stop serving a full menu. A smaller Cafe Flore, one that loses foodservice capacity and that, as a result, has to rely more on alcohol sales, is not in the interest of the Castro community. Now approaching its 40th Anniversary, Cafe Flore is a treasure to the Castro and a tourist destination favorite from travelers around the world. Please support the proposed legislation to enable Cafe Flore to continue to run operations smoothly and stay in business. Thank you, Shoshana Leibner

Thank you!

J. D. Petras

From: no-reply@parastorage.com
Sent: Sunday, February 10, 2013 9:26 PM
To: kitten@bigjoy.org
Subject: New message via your website, from - danielw@weinberg.net

You have a new message
via: <http://www.helpcafeflore.com>

Message details:

From: Daniel Weinberg
Email: danielw@weinberg.net
Date: 10 February 2013
Subject: Letter of support for Cafe Flore re use and zoning at 258 1/2 Noe Street

Message:

I understand that the Planning Commission will be considering legislation by Sup. Scott Wiener on Feb. 21, 2013, re Cafe Flore's offsite kitchen across the street from their bar and restaurant at 2298 Market Street. I am in full support of this legislation which will allow Cafe Flore to continue to operate and serve the community in many ways. This will help avoid the possibility of forcing this popular local eatery to stop serving a full menu. A smaller Cafe Flore, one that loses foodservice capacity and that, as a result, has to rely more on alcohol sales, is not in the interest of the Castro community. Now approaching its 40th Anniversary, Cafe Flore is a treasure to the Castro and a tourist destination favorite from travelers around the world. Please support the proposed legislation to enable Cafe Flore to continue to run operations smoothly and stay in business. Thank you.

Thank you!

J. D. Petras

From: no-reply@parastorage.com
Sent: Sunday, February 10, 2013 12:14 PM
To: kitten@bigjoy.org
Subject: New message via your website, from - rmacintyre@samuelmerritt.edu

Follow Up Flag: Follow up
Flag Status: Flagged

You have a new message
via: <http://www.helpcafe flore.com>

Message details:

From: Richard MacIntyre
Email: rmacintyre@samuelmerritt.edu
Date: 10 February 2013
Subject: Cafe Flore zoning

Message:

I understand that the Planning Commission will be considering legislation by Sup. Scott Wiener on Feb. 21, 2013, re Cafe Flore's offsite kitchen across the street from their bar and restaurant at 2298 Market Street. I am in full support of this legislation which will allow Cafe Flore to continue to operate and serve the community in many ways. This will help avoid the possibility of forcing this popular local eatery to stop serving a full menu. A smaller Cafe Flore, one that loses foodservice capacity and that, as a result, has to rely more on alcohol sales, is not in the interest of the Castro community. Now approaching its 40th Anniversary, Cafe Flore is a treasure to the Castro and a tourist destination favorite from travelers around the world. Please support the proposed legislation to enable Cafe Flore to continue to run operations smoothly and stay in business. Thank you Richard MacIntyre 415 730 6751

Thank you!

J. D. Petras

From: no-reply@parastorage.com
Sent: Saturday, February 9, 2013 5:56 PM
To: kitten@bigjoy.org
Subject: New message via your website, from - jhgalloway@yahoo.com

You have a new message

via: <http://www.helpcafeflore.com>

Message details:

From: John Galloway

Email: jhgalloway@yahoo.com

Date: 09 February 2013

Subject: Letter of support for Cafe Flore re use and zoning at 258 1/2 Noe Street

Message:

I understand that the Planning Commission will be considering legislation by Sup. Scott Wiener on Feb. 21, 2013, re Cafe Flore's offsite kitchen across the street from their bar and restaurant at 2298 Market Street. I am in full support of this legislation which will allow Cafe Flore to continue to operate and serve the community in many ways. This will help avoid the possibility of forcing this popular local eatery to stop serving a full menu. A smaller Cafe Flore, one that loses food service capacity and that, as a result, has to rely more on alcohol sales, is not in the interest of the Castro community. Now approaching its 40th Anniversary, Cafe Flore is a treasure to the Castro and a tourist destination favorite from travelers around the world. Please support the proposed legislation to enable Cafe Flore to continue to run operations smoothly and stay in business. Thank you.

Thank you!

J. D. Petras

From: no-reply@parastorage.com
Sent: Saturday, February 9, 2013 5:55 PM
To: kitten@bigjoy.org
Subject: New message via your website, from - bryan@worldofbryan.com

You have a new message

via: <http://www.helpcafe flore.com>

Message details:

From: Bryan Hughes
Email: bryan@worldofbryan.com
Date: 09 February 2013
Subject: Letter of support for Cafe Flore re use and zoning at 258 1/2 Noe Street

Message:

I understand that the Planning Commission will be considering legislation by Sup. Scott Wiener on Feb. 21, 2013, re Cafe Flore's offsite kitchen across the street from their bar and restaurant at 2298 Market Street. I am in full support of this legislation which will allow Cafe Flore to continue to operate and serve the community in many ways. This will help avoid the possibility of forcing this popular local eatery to stop serving a full menu. A smaller Cafe Flore, one that loses foodservice capacity and that, as a result, has to rely more on alcohol sales, is not in the interest of the Castro community. Now approaching its 40th Anniversary, Cafe Flore is a treasure to the Castro and a tourist destination favorite from travelers around the world. Please support the proposed legislation to enable Cafe Flore to continue to run operations smoothly and stay in business. Thank you.

Thank you!

J. D. Petras

From: no-reply@parastorage.com
Sent: Saturday, February 9, 2013 8:06 AM
To: kitten@bigjoy.org
Subject: New message via your website, from - jch51@mac.com

You have a new message
via: <http://www.helpcafeflore.com>

Message details:

From: James Holloway
Email: jch51@mac.com
Date: 09 February 2013
Subject: Cafe Flore kitchen

Message:

To: San Francisco Planning Department, 1650 Mission St., Suite 400, SF CA 94103 Re: Letter of support for Cafe Flore re use and zoning at 258 1/2 Noe Street I understand that the Planning Commission will be considering legislation by Sup. Scott Wiener on Feb. 21, 2013, re Cafe Flore's offsite kitchen across the street from their bar and restaurant at 2298 Market Street. I am in full support of this legislation which will allow Cafe Flore to continue to operate and serve the community in many ways. This will help avoid the possibility of forcing this popular local eatery to stop serving a full menu. A smaller Cafe Flore, one that loses foodservice capacity and that, as a result, has to rely more on alcohol sales, is not in the interest of the Castro community. Now approaching its 40th Anniversary, Cafe Flore is a treasure to the Castro and a tourist destination favorite from travelers around the world. Please support the proposed legislation to enable Cafe Flore to continue to run operations smoothly and stay in business. Thank you.

Thank you!

J. D. Petras

From: no-reply@parastorage.com
Sent: Saturday, February 9, 2013 1:13 PM
To: kitten@bigjoy.org
Subject: New message via your website, from - pattikjonaas@yahoo.com

You have a new message
via: <http://www.helpcafeflore.com>

Message details:
From: Patti Kjonaas
Email: pattikjonaas@yahoo.com
Date: 09 February 2013
Subject: Save Cafe Flore!

Message:
I understand that the Planning Commission will be considering legislation by Sup. Scott Wiener on Feb. 21, 2013, re Cafe Flore's offsite kitchen across the street from their bar and restaurant at 2298 Market Street. I am in full support of this legislation which will allow Cafe Flore to continue to operate and serve the community in many ways. This will help avoid the possibility of forcing this popular local eatery to stop serving a full menu. A smaller Cafe Flore, one that loses foodservice capacity and that, as a result, has to rely more on alcohol sales, is not in the interest of the Castro community. Now approaching its 40th Anniversary, Cafe Flore is a treasure to the Castro and a tourist destination favorite from travelers around the world. Please support the proposed legislation to enable Cafe Flore to continue to run operations smoothly and stay in business. Thank you. Patti Kjonaas

Thank you!

J. D. Petras

From: no-reply@parastorage.com
Sent: Saturday, February 9, 2013 12:52 PM
To: kitten@bigjoy.org
Subject: New message via your website, from - larry@saintrubidium.com

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: flore offsite kitchen

You have a new message
via: <http://www.helpcafeflore.com>

Message details:

From: Larry Ackerman
Email: larry@saintrubidium.com
Date: 09 February 2013
Subject: Letter of support for Cafe Flore re use and zoning at 258 1/2 Noe Street

Message:

I understand that the Planning Commission will be considering legislation by Sup. Scott Wiener on Feb. 21, 2013, re Cafe Flore's offsite kitchen across the street from their bar and restaurant at 2298 Market Street. I am in full support of this legislation which will allow Cafe Flore to continue to operate and serve the community in many ways. This will help avoid the possibility of forcing this popular local eatery to stop serving a full menu. A smaller Cafe Flore, one that loses foodservice capacity and that, as a result, has to rely more on alcohol sales, is not in the interest of the Castro community. Now approaching its 40th Anniversary, Cafe Flore is a treasure to the Castro and a tourist destination favorite from travelers around the world. Please support the proposed legislation to enable Cafe Flore to continue to run operations smoothly and stay in business. Thank you.

Thank you!

J. D. Petras

From: no-reply@parastorage.com
Sent: Monday, February 11, 2013 4:29 PM
To: kitten@bigjoy.org
Subject: New message via your website, from - adkisson101@comcast.net

You have a new message
via: <http://www.helpcafeflore.com>

Message details:
From: Michael Adkisson
Email: adkisson101@comcast.net
Date: 11 February 2013
Subject: Cafe Flore

Message:
I understand that the Planning Commission will be considering legislation by Sup. Scott Wiener on Feb. 21, 2013, re Cafe Flore's offsite kitchen across the street from their bar and restaurant at 2298 Market Street. I am in full support of this legislation which will allow Cafe Flore to continue to operate and serve the community in many ways. This will help avoid the possibility of forcing this popular local eatery to stop serving a full menu. A smaller Cafe Flore, one that loses foodservice capacity and that, as a result, has to rely more on alcohol sales, is not in the interest of the Castro community. Now approaching its 40th Anniversary, Cafe Flore is a treasure to the Castro and a tourist destination favorite from travelers around the world. Please support the proposed legislation to enable Cafe Flore to continue to run operations smoothly and stay in business. Thank you.

Thank you!

J. D. Petras

From: no-reply@parastorage.com
Sent: Saturday, February 9, 2013 12:51 PM
To: kitten@bigjoy.org
Subject: New message via your website, from - pacjunior2@comcast.net

You have a new message

via: <http://www.helpcafeflore.com>

Message details:

From: Paul A. Cabral Jr.
Email: pacjunior2@comcast.net
Date: 09 February 2013
Subject: cafe flore

Message:

To: San Francisco Planning Department, 1650 Mission St., Suite 400, SF CA 94103 Re: Letter of support for Cafe Flore re use and zoning at 258 1/2 Noe Street I understand that the Planning Commission will be considering legislation by Sup. Scott Wiener on Feb. 21, 2013, re Cafe Flore's offsite kitchen across the street from their bar and restaurant at 2298 Market Street. I am in full support of this legislation which will allow Cafe Flore to continue to operate and serve the community in many ways. This will help avoid the possibility of forcing this popular local eatery to stop serving a full menu. A smaller Cafe Flore, one that loses foodservice capacity and that, as a result, has to rely more on alcohol sales, is not in the interest of the Castro community. Now approaching its 40th Anniversary, Cafe Flore is a treasure to the Castro and a tourist destination favorite from travelers around the world. Please support the proposed legislation to enable Cafe Flore to continue to run operations smoothly and stay in business. Thank you, Paul A. Cabral Jr. San Francisco, California

Thank you!

J. D. Petras

From: no-reply@parastorage.com
Sent: Sunday, February 10, 2013 5:23 PM
To: kitten@bigjoy.org
Subject: New message via your website, from - maltman23@hotmail.com

You have a new message
via: <http://www.helpcafeflore.com>

Message details:
From: Mitch Altman
Email: maltman23@hotmail.com
Date: 10 February 2013
Subject: support for "Upper Market Planning Code Amendment"

Message:
I understand that the Planning Commission will be considering legislation by Supervisor Scott Wiener on Feb. 21, 2013, regarding Cafe Flore's offsite kitchen across the street from their bar and restaurant at 2298 Market Street. I am in full support of this legislation which will allow Cafe Flore to continue to operate and serve the community in many ways. This will help avoid the possibility of forcing this popular local eatery to stop serving a full menu. A smaller Cafe Flore, one that loses foodservice capacity and that, as a result, has to rely more on alcohol sales, is not in the interest of the Castro community. Now approaching its 40th Anniversary, Cafe Flore is a treasure to the Castro and a tourist destination favorite from travelers around the world. Please support the proposed legislation to enable Cafe Flore to continue to run operations smoothly and stay in business. I've been going to Cafe Flore since 1986, when I moved here. I'd love to keep going there and enjoying it. Thank you.

Thank you!

J. D. Petras

From: no-reply@parastorage.com
Sent: Saturday, February 9, 2013 1:15 PM
To: kitten@bigjoy.org
Subject: New message via your website, from - stevebaratz@gmail.com

You have a new message

via: <http://www.helpcafe flore.com>

Message details:

From: steven baratz
Email: stevebaratz@gmail.com
Date: 09 February 2013
Subject: support cafe flore

Message:

I love cafe flore and support legislation that will it to grow and thrive as a business (with full kitchen facilities) as it is an invaluable asset to our community. thanks - sbb - SF resident for >25 years.

Thank you!

J. D. Petras

From: no-reply@parastorage.com
Sent: Monday, February 11, 2013 4:24 PM
To: kitten@bigjoy.org
Subject: New message via your website, from - gaypedestrian@hotmail.com

You have a new message

via: <http://www.helpcafe flore.com>

Message details:

From: Timothy Williams

Email: gaypedestrian@hotmail.com

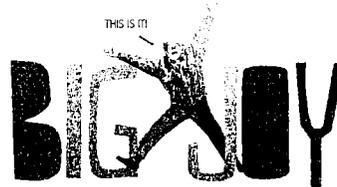
Date: 11 February 2013

Subject: Support for Cafe Flore re use and zoning at 258 1/2 Noe St.

Message:

Hello. I just want to say that I fully support Sup. Scot Weiner's legislation and I hope Cafe Flore can continue to serve the Castro community and the San Francisco community by keeping it's off-site kitchen area open and continue serving the community with a full menu. Thank you.

Thank you!



February 11, 2013

San Francisco Planning Department
1650 Mission St., Suite 400
San Francisco, CA 94103

RE: Letter of support for Upper Market Zoning Legislation
relating to Cafe Flore's offsite kitchen

Dear Planning Commisiors:

I understand that the Planning Commission will be considering legislation by Sup. Scott Wiener on Feb. 21, 2013, re Cafe Flore's offsite kitchen across the street from their bar and restaurant at 2298 Market Street. I am in full support of this legislation which will allow Cafe Flore to continue to operate and serve the community in many ways.

As one of the producers of a new documentary about San Francisco history and innovative poet filmmaker James Broughton, I really appreciate Cafe Flore's support of our city's cultural community. Our project is a love letter to San Francisco, and Cafe Flore has helped bring it to light by hosting several fundraisers for the BIG JOY documentary, which will be enjoying a California Premiere at the Castro Theatre for Frameline 37 later this year. We are just one of many local nonprofits that Cafe Flore has supported with fundraisers, which can be more robust on account of their full menu. For these reasons I enthusiastically support Cafe Flore's bid to bring their off-site kitchen up to code, and licensed by the appropriate city agencies.

In today's turbulent economy, it is more important than ever to support small businesses in San Francisco, especially those like Cafe Flore which give so much back to the community. Please support Supervisor Weiner's proposed legislation about their offsite kitchen on Noe Street.

Sincerely,

Kitten Calfee
BIG JOY Producer of Marketing & Distribution

2261 Market St PMB 181
San Francisco, CA 94114-1600
:: <http://www.bigjoy.org> ::



frameline



Comfort & Joy





San Francisco Planning Department
1650 Mission St., Suite 400,
San Francisco, CA 94103

Re: Letter of support for Cafe Flore re use and zoning at 258 1/2 Noe Street

February 8, 2013

Dear Sirs/Madams,

Just quick note to show my support of Cafe Flore's request for legislation to be allowed off site kitchen facility. I've been involved with Cafe Flore on many levels for many years! I have thrown many events, including numerous fundraisers for many community charities in this warm community institution. It's a great place for business meetings, to catch up on email, and to just sit and people watch, largely because it is not just a bar, but a full service restaurant. There is such an amazing serenity about the space. I enjoy and appreciate the awesome community that Cafe Flore provides and cultivates. They are much more than just another eatery. They have become community hub. There is no other place as unique in the Castro. Businesses are closing with an alarming rate, and we should do all we can to support the ones that are currently employing people in this tough economy.

One of the reasons I especially appreciate Cafe Flore is the hundreds of thousands of dollars they have helped raise to fight AIDS, homelessness and hunger. Having a full service menu really helps them host robust fundraising events that make a real positive impact on San Francisco.

I understand that the Planning Commission will be considering legislation by Sup. Scott Wiener on Feb. 21, 2013, re Cafe Flore's offsite kitchen across the street from their bar and restaurant at 2298 Market Street. I am in full support.

Please approve this proposed legislation to keep good jobs and a viable community center in our neighborhood by allowing Cafe Flore to continue using their offsite prep kitchen.

Thank you for your time and consideration,

Michael Brandon
Vice President
415-244-9777
<http://9x6lubes.com>

J. D. Petras

From: no-reply@parastorage.com
Sent: Monday, February 11, 2013 4:05 PM
To: kitten@bigjoy.org
Subject: New message via your website, from - Ksb10sf@yahoo.com

You have a new message
via: <http://www.helpcafeflore.com>

Message details:
From: Kevin Blackwell
Email: Ksb10sf@yahoo.com
Date: 11 February 2013
Subject: Letter of support for Cafe Flore

Message:
To Whom It May Concern, I am writing to give my support for Cafe Flore to continue doing business with it's offsite prep kitchen and storage. Cafe Flore has been a destination in the Castro District for so long it is unimaginable that this issue could close it's doors. I can't imagine the city without this beloved spot. It's a piece of local history for it patrons and that is becoming very rare in the area. It is a good thing to have some continuity in the ever changing landscape. Beyond that, Cafe Flore does so much in support of so many residents in the Bay Area that are under served. This legislative change will ensure that this solid neighborhood business continues to thrive and generate revenue for the the city, keep its 40 full time employees working, giving support to local charities and adding color to the Castro and Duboce Triangle areas. Sincerely, Kevin Blackwell

Thank you!

J. D. Petras

From: no-reply@parastorage.com
Sent: Saturday, February 9, 2013 2:32 PM
To: kitten@bigjoy.org
Subject: New message via your website, from - brad.vanderbilt@gmail.com

You have a new message
via: <http://www.helpcafe flore.com>

Message details:

From: Brad Vanderbilt
Email: brad.vanderbilt@gmail.com
Date: 09 February 2013
Subject: Support for Cafe Flore re use and zoning at 258 1/2 Noe Street

Message:

I'm writing to express my support for legislation sponsored by Sup. Wiener will be presenting to Planning Commission this coming week concerning Cafe Flore's offsite kitchen across the street from their bar and restaurant at 2298 Market Street. This legislation as I understand it will help assure Cafe Flore's financial viability and help to continue to our community in many ways. As a community health activism in the SF LGBT community for over 15 years, I know the countless ways that Cafe Flore opens up its doors and shares resources to support our LGBT community. As as Sister of Perpetual Indulgence (Sister Eden Asp), I have taken part in more community fundraisers in Cafe Flore than I can even remember! And so many times, it's been a place where I could meet a friend or a client who wanted to meet and talk in safe, friendly space. If Cafe Flore lost it's capacity to earn money thru food sales, it would be forced to make up the deficit with increased alcohol sales, and that hardly seems in the community's interest. We've lost far to many landmark queer institutions in the Castro (the Josie's Cabaret lose of still hurts after all these years!) - why on earth would we want to put in jeopardy a community treasure like Cafe Flore? I strongly urge you to support Sup Wiener's legislation for re-use and zoning at 258 1/2 Noe Street. Sincerely, Brad A. Vanderbilt, MPH (aka, Sister Eden Asp)

Thank you!

J. D. Petras

From: no-reply@parastorage.com
Sent: Monday, February 11, 2013 4:21 PM
To: kitten@bigjoy.org
Subject: New message via your website, from - michelleburke51@yahoo.com

You have a new message
via: <http://www.helpcafeflore.com>

Message details:

From: Michelle Burke
Email: michelleburke51@yahoo.com
Date: 11 February 2013
Subject: Letter of support for Cafe Flore re use and zoning at 258 1/2 Noe Street

Message:

I support Cafe Flore's desire to fully legalize the decades old use of nearby commercial space for their daily restocking and backup kitchen. In the spirit of the local zoning, Cafe Flore has always kept their commissary activities behind the retail storefront so as not to impede an active streetscape. Cafe Flore has had a nearby backup kitchen and storage site for decades because the main building is so small. Zoning, being a necessarily blunt instrument, only allows such activities in that area if the main business is in the same building. Now due to increased scrutiny by the neighbors Cafe Flore needs to request a variance to continue to offer a full menu since the main building never could hold a full days worth of supplies. Also, in light of a recent neighborhood group slandering the Cafe by stating that the back up kitchen is a health hazard (blatantly untrue, I checked and the Health Dept has reviewed and approved it pending the Planning Dept authorizing the zoning. If anything, the backup kitchen is cleaner than any regular commercial kitchen), there is an even greater need for the variance since the NIMBY forces are tireless in their desire to suburbanize our wonderful urban home. I moved here because of unique small businesses and the kind of community that fosters and protects local creativity. I have been coming to Cafe Flore since 1998 and many of my friends have been going to Cafe Flore since the 70s. My knowledge of Cafe Flore comes from being there and knowing others who have been there far longer. Please support Cafe Flore's request to keep its commissary and please support the diversity of small businesses that draws thousands to live in and visit vibrant urban environments like San Francisco.

Thank you!



SAN FRANCISCO PLANNING DEPARTMENT

Certificate of Determination EXCLUSION/EXEMPTION FROM ENVIRONMENTAL REVIEW

Date: February 13, 2013
Case No.: 2012.1306E
Project Name: BOS File Nos. 120901-2 & 120902-2 Amendments to San Francisco Planning Code related to the Upper Market St. Neighborhood Commercial District (NCD) and Upper Market St. Neighborhood Commercial Transit District (NCT)
Zoning: Upper Market St. NCD and Upper Market St. NCT
Block/Lot: Various
Lot Size: Various
Project Sponsor: Supervisor Scott Wiener, District 8, San Francisco Board of Supervisors
Staff Contact: Kei Zushi – (415) 575-9036
 kei.zushi@sfgov.org

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

Reception:
 415.558.6378

Fax:
 415.558.6409

Planning
 Information:
 415.558.6377

PROJECT DESCRIPTION:

The proposed legislation, introduced by District 8 Supervisor Scott Wiener, would: 1) amend San Francisco Planning Code (“Planning Code”) Sections 721.1 and 733.1 to modify the boundaries of the Upper Market St. NCD and the Upper Market St. NCT; 2) amend San Francisco Planning Code Section 703.2(b) to permit in a limited area food processing as an accessory use to a nearby off-site non-residential use; and 3) amend San Francisco Planning Code Sectional Map Sheets ZN07 and HT07 to change the use classification of specified lots on Assessor’s Block Nos. 3561 through 3565, now in the Upper Market St. NCD to the Upper Market St. NCT, and to change the height and bulk classification of a parcel at 2301 Market Street (Assessor’s Block No. 3563, Lot No. 034) from 50-X to 65-B. [Continued on following page.]

EXEMPT STATUS:

General Rule Exclusion (State CEQA Guidelines, Section 15061(b)(3))

REMARKS:

Please see next page.

DETERMINATION:

I do hereby certify that the above determination has been made pursuant to State and Local requirements.


 Bill Wycko
 Environmental Review Officer


 Date

cc: Sophie Hayward, San Francisco Planning Dept.
 District 8 Supervisor Scott Wiener

Distribution List
 Virna Byrd, M.D.F

PROJECT DESCRIPTION (CONTINUED):

Planning Code Sections 721.1 and 733.1 describe the general location of the boundaries of the Upper Market St. NCD and Upper Market St. NCT, respectively. The proposed legislation would rezone the parcels on Assessor's Block Nos. 3561 through 3565, which are currently zoned Upper Market St. NCD (Neighborhood Commercial District), to Upper Market St. NCT (Neighborhood Commercial Transit District) (see Figure 1). In addition, San Francisco Planning Code Sectional Map Sheets ZN07 and HT07 would be amended to reflect the above rezoning.

Furthermore, the proposed legislation would also change the height and bulk classification of a parcel at 2301 Market Street (Assessor's Block No. 3563, Lot No. 034), which is located on the southwest corner of Market and Noe Streets, from 50-X to 65-B. This property is one of the parcels subject to the above rezoning (see Figure 2). Pursuant to Article 2.5 of the Planning Code, a 50-X Height and Bulk District allows a maximum building height of 50 feet with no bulk restrictions, and a 65-B Height and Bulk District allows a maximum building height of 65 feet and limits building bulk by restricting length and diagonal dimensions to 110 feet and 125 feet, respectively, above 50 feet in height. The parcel, approximately 9,800 square feet in size, is irregularly shaped along its front property line, as Market Street crosses Noe Street diagonally. A 25-foot-tall, two-story, 17,600-sf over-basement commercial building presently occupies the site. The predominant use of the building is the Gold's Gym Health Club on the first and second floors. A commercial space is also provided on the ground floor. The basement level is a 23-space parking garage, accessed from Noe Street.¹

Finally, the proposed legislation also includes an amendment to Planning Code Section 703.2(b) to permit a food processing use as defined in Section 790.54(a)(1)², located on the west side of Noe Street between 16th and Beaver Streets on the ground floor, as an accessory use to a non-residential establishment located within 300 feet of the food processing use. The parcels subject to this proposed amendment to Planning Code Section 703.2(b) generally contain two- to three-story mixed-use (residential above ground-floor commercial use) buildings, and ground-floor neighborhood commercial uses, including a restaurant, cafe, and dry cleaning shop. These parcels are currently zoned Upper Market St. NCD and would be rezoned to the Upper Market St. NCT as part of this legislation (see Figure 3). An off-site accessory food processing use permitted through this amendment would be required to be set back from the front property line by 15 feet or greater. In addition, authorization for an off-site accessory food processing use would be subject to the notice requirements outlined in Planning Code Sections 312(d) and 321(e). This proposed provision authorizing an off-site accessory food processing use would be repealed one year after its initial effective date, unless the Board of Supervisors extends or re-enacts the said provision on or before the expiration date.

REMARKS:

California Environmental Quality Act (CEQA) State Guidelines Section 15061(b)(3) establishes the general rule that CEQA applies only to projects that have the potential to cause a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

¹ Paul Maltzer, San Francisco Planning Department. *Preliminary Project Assessment, Case No. 2011.0423U, 2301 Market Street, Assessor's Block No. 3563, Lot No. 034*, September 16, 2011. Available online at: <http://www.sfplanning.org/ftp/files/notice/2011.0423U.pdf>. Accessed January 25, 2013.

² A food processing use does not include mechanized assembly line production of canned or bottled goods pursuant to Section 790.54(a)(1) of the Planning Code.

Land Use. Both the Upper Market St. NCD and the Upper Market St. NCT zoning districts are intended to be multi-purpose commercial districts that provide limited convenience goods to adjacent neighborhoods, but also serve as a shopping street for a broader trade area. A large number of offices are located along Market Street in both of the districts. Market Street is a collection of dispersed centers of commercial activity, concentrated at the intersections of Market Street with secondary streets. Both of these zoning districts are well served by transit, and Market Street is a primary bicycle corridor. Commercial establishments are discouraged or prohibited from building accessory off-street parking to preserve the pedestrian-oriented character of the districts.

A project could have a significant effect on land use if it would physically divide an established community; conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect; or have a substantial adverse impact on the existing character of the vicinity.

Given the similarity of the zoning controls and permitted uses in both of the zoning districts, the proposed change in the boundaries of the Upper Market St. NCD and the Upper Market St. NCT would not be considered to cause a substantial adverse impact on the existing character of the subject area or conflict with an applicable land use plan, policy, or regulation. The proposed change in the height and bulk classification for the parcel at 2301 Market Street (Assessor's Block No. 3563, Lot No. 034) from 50-X to 65-B would not have a significant impact on land use because any future redevelopment that may occur at the site would be consistent with the existing land uses and buildings in the area.

The proposed amendment to Planning Code Section 703.2(b) to permit an off-site accessory food processing use would not cause a substantial adverse impact on the existing character of the subject area or its vicinity, given that: 1) the subject area currently contains similar commercial uses (including a restaurant, café, etc.); 2) a food processing use permitted through this legislation would be subject to existing and proposed development standards, including the minimum 15-foot front setback requirement and 300-foot distance standard (the maximum allowable distance between an off-site accessory food processing use and the non-residential establishment), which would minimize the food processing use's impacts on the physical character of the area; 3) the proposed provision authorizing food processing uses would be repealed one year after its initial effective date (unless the Board of Supervisors extends or re-enacts the said provision on or before the expiration date), which in turn would allow the Board of Supervisors to determine whether or not this provision should be continued beyond the one-year period; and 4) under the current Planning Code Section 703.2(b)(1)(C), a similar accessory use located on the same lot as the lawful principal use can be permitted in the subject area, provided that it complies with specific standards relative to floor area and other applicable restrictions to provide flexibility to local land uses.³

In light of the above, the proposed project would not physically disrupt or divide an established community, or conflict with any land use plan, policy, or regulation that has been adopted for the

³ Per Planning Code Section 703.2(b)(1)(C), Accessory Uses are prohibited in Section 728 (24th Street – Noe Valley Neighborhood Commercial District Zoning Control Table) and subject to certain limitations set forth in Planning Code Sections 204.1 (Accessory Uses for Dwelling Units in R and NC Districts), 204.4 (Dwelling Units Accessory to Other Uses), and 204.5 (Parking and Loading as Accessory Uses).

purpose of avoiding or mitigating an environmental effect. For these reasons, the proposed project would not result in a significant impact on land use.

Visual Quality and Urban Design. The proposed legislation would not result in a substantial change in physical characteristics of existing buildings or sites within the subject area, except for the proposed change in the height and bulk classification of the parcel at 2301 Market Street (Assessor's Block No. 3563, Lot No. 034) from 50-X to 65-B.

Under the proposed height and bulk classification, the parcel at 2301 Market Street could be redeveloped with a building up to 65 feet in height with bulk restrictions, which limit building bulk by restricting length and diagonal dimensions to 110 feet and 125 feet, respectively, above 50 feet in height (a 5-foot height increase would not be allowed in a 65-B Height and Bulk District per Planning Code Section 263.20). The parcel at 2301 Market Street could be redeveloped with a building up to 55 feet in height with a qualified ground-floor space (per Planning Code Section 263.20) under the current height and bulk classification (50-X). This ten-foot increase in the maximum allowable height (or forty-foot increase measured from the height of the existing structure on the parcel) would not be considered a significant change considering the physical context of the area, which contains many 40- to 50-foot-tall buildings in a dense, urban setting. As a result, the proposed change in the height and bulk classification would not have a substantial adverse impact on the existing character of the vicinity.

The proposed amendment to Planning Code Section 703.2(b) to permit a food processing use would not cause a substantial adverse impact with respect to visual quality and urban design, as such a food processing use would be established inside an existing building. Thus, the proposed amendment to Planning Code Section 703.2(b) would not result in a significant impact with respect to visual quality and urban design.

In reviewing visual quality and urban design under CEQA generally, consideration of the existing context in which a project is proposed is required, and evaluation must be based on the impact on the existing environment. That some people may not find a given development project attractive does not mean that it creates a significant aesthetic environmental impact; projects must be judged in the context of the existing conditions. For the proposed legislation, the context is a well-established, dense urban environment. Given the context, the proposed legislation would be consistent with the existing developed environment, and its visual effects would not be unusual and would not create adverse aesthetic impacts on the environment. Furthermore, it would not result in a substantial, demonstrable negative aesthetic effect, or obstruct or degrade scenic views or vistas now observed from public areas. Thus, the proposed legislation would result in less-than-significant impacts on visual quality and urban design.

Lastly, the proposed legislation would not directly or indirectly contribute to the generation of any obtrusive light or glare that is unusual in the subject area. Furthermore, use of reflective glass would be restricted by Planning Commission Resolution 9212. For all the above reasons, the proposed legislation would not result in a significant adverse effect on public views or aesthetics.

Historic Resources. There are no designated historic districts within or adjacent to the subject area. The only known historic resource for purposes of CEQA that is located within the subject area is the Jose Theater/Names Project building at 2362 Market Street (Assessor's Block No. 3562, Lot No. 011),

Landmark No. 241, pursuant to Article 10 of Planning Code.⁴ This property is one of the parcels subject to the rezoning proposed through this legislation.

The area along Market Street from approximately Church Street on the east to Castro Street on the west, including the parcel at 2301 Market Street (Assessor's Block No. 3563, Lot No. 034), was identified in the Market and Octavia Neighborhood Plan as a potential California Register Historic District.^{5,6} Any proposed future development projects that may occur within the subject area would be subject to further review by the Planning Department's historical resources review team to ensure that the design, colors, and materials of the proposed building would not adversely impact existing and potential historic resources.

The proposed amendment to Planning Code Section 703.2(b) to permit a food processing use would not cause a substantial adverse impact with respect to historic resources, because such a food processing use would be established inside an existing building.

In light of the above, the proposed legislation would not result in a significant impact on historical resources.

Shadow. In general, adverse shadow impacts result when the height or bulk of a building increases. The proposed legislation would not result in an increase in building height or bulk, except for the proposed change in the height and bulk classification of the parcel at 2301 Market Street (Assessor's Block No. 3563, Lot No. 034) from 50-X to 65-B. This proposed change could result in redevelopment of the parcel (currently containing a 25-foot-tall building) with a building up to 65 feet in height with bulk restrictions, which limit building bulk by restricting length and diagonal dimensions to 110 feet and 125 feet, respectively, above 50 feet in height.

Section 295 of the Planning Code was adopted in response to Proposition K (passed November 1984). Planning Code Section 295 mandates that new structures above 40 feet in height that would cast additional shadows on properties under the jurisdiction of, or designated to be acquired by, the Recreation and Parks Department (RPD) can only be approved by the Planning Commission (based on recommendation from the Recreation and Parks Commission) if the shadow is determined to be insignificant or not adverse to the use of the park. A shadow fan analysis for the proposed change in height and bulk district for the parcel at 2301 Market Street was prepared in compliance with Section 295

⁴ San Francisco Board of Supervisors. *Ordinance No. 92-04, Ordinance to Designate 2362 Market Street, the Jose Theater/Names Project building, as a Landmark Under Planning Code Article 10*, passed May 18, 2004. Available online at: http://ec2-50-17-237-182.compute-1.amazonaws.com/docs/landmarks_and_districts/LM241.pdf. Accessed January 25, 2013.

⁵ Paul Maltzer, San Francisco Planning Department. *Preliminary Project Assessment, Case No. 2011.0423U, 2301 Market Street, Assessor's Block No. 3563, Lot No. 034*, September 16, 2011. Available online at: <http://www.sfplanning.org/ftp/files/notice/2011.0423U.pdf>. Accessed January 25, 2013.

⁶ Caitlin Harvey, Page & Turnbull, Inc. *State of California & The Resources Agency, Department of Parks and Recreation, District Record, the Upper Market Street Commercial Historic District*, June 2007. This document is available for review as part of Case File No. 2012.1306E at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, California 94103.

of the Planning Code.⁷ The shadow analysis found that shadows cast by the proposed project would not shade Section 295 Open Space.⁸

The proposed rezoning of the parcel at 2301 Market Street would potentially result in increased shadows on the adjacent properties. However, reduction in the amount of lighting into a private parcel resulting from development on an adjacent parcel would not be considered a significant physical environment impact under CEQA.

The proposed rezoning of the parcel at 2301 Market Street would also shade portions of nearby streets and sidewalks at times within the project vicinity. These new shadows would not exceed levels commonly expected in urban areas, and would be considered a less-than-significant effect under CEQA. For this reason, the proposed legislation would not result in a significant impact with regard to shadow.

Cumulative Impacts. As described above, the proposed rezoning of the parcel at 2301 Market Street would not have a significant adverse effect on the environment. In light of the fact that the parcel is located in a fully developed area with existing buildings and uses, it would not have the potential to have a considerable contribution to a significant cumulative impact. Thus, cumulative impacts would be less than significant.

Neighborhood Concerns. A "Notification of Project Receiving Environmental Review" was mailed on January 24, 2013, to potentially interested parties. A comment letter was submitted by the Merchants of Upper Market & Castro (MUMC), stating that the Board of Directors of the MUMC unanimously supports the proposed legislation.⁹ No comments raising concerns or issues related to physical environmental effects have been submitted.

Conclusion. CEQA Guidelines Section 15061(b)(3) provides an exemption from environmental review where it can be seen with certainty that the proposed project would not have a significant impact on the environment. As noted above, there are no unusual circumstances surrounding the current proposal that would suggest a reasonable possibility of a significant effect. Since the proposed project would have no significant environmental effects, it is appropriately exempt from environmental review under the General Rule Exclusion (CEQA Guidelines Section 15061(b)(3)).

⁷ Kei Zushi, San Francisco Planning Department. *Shadow Analysis for Height and Bulk Change: Block No. 3563, Lot No. 034*, January 25, 2013. This document is available for review as part of Case File No. 2012.1306E at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, California 94103.

⁸ The Eureka Valley / Harvey Milk Memorial Branch Library site located at 1 Jose Sarria Ct. is not subject to Section 295 of the Planning Code because the site is owned by San Francisco Public Library, not San Francisco Recreation and Park Department.

⁹ Terry Asten Bennett, President, MUMC. *Comment Letter to Sophie Hayward and Kei Zushi, Staff Planners*, January 28, 2013. This document is available for review as part of Case File No. 2012.1306E at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, California 94103.

Figure 1

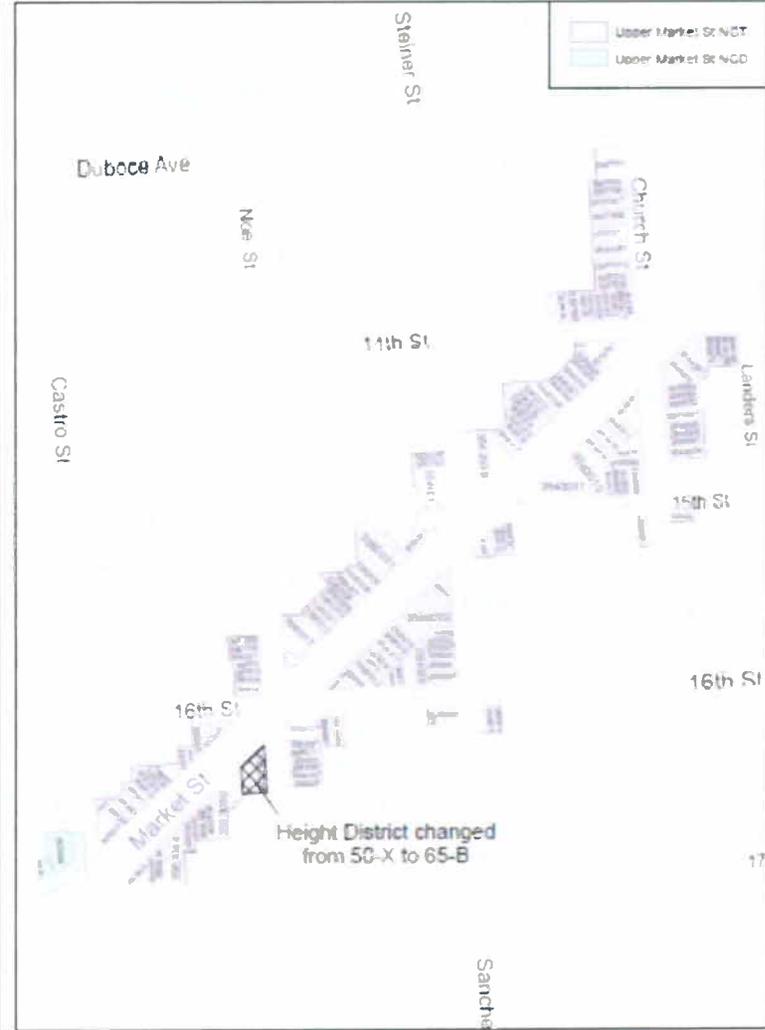
Upper Market St NCD & NCT



BEFORE



AFTER



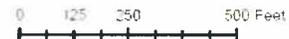
Printed: 18 October 2012

Figure 2

Existing and Proposed Height/Bulk Districts



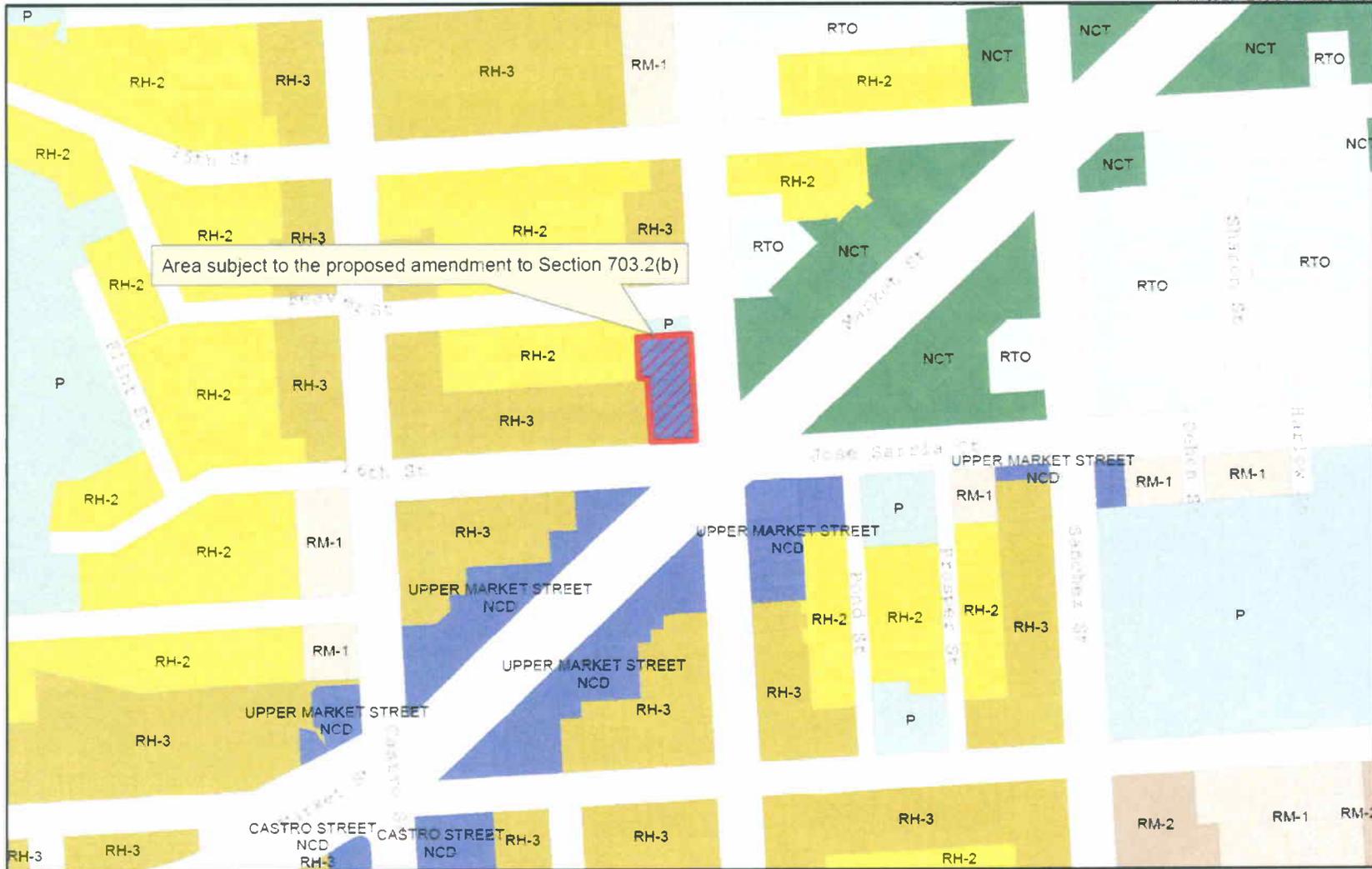
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Printed: 8 February, 2013

Figure 3

Amendment to Section 703.2(b): Accessory Food Processing Use



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