



# SAN FRANCISCO PLANNING DEPARTMENT

## Executive Summary Conditional Use

HEARING DATE: AUGUST 15, 2013

*Date:* August 8, 2013  
*Case No.:* **2012.1528C**  
*Project Address:* **1097 HOWARD STREET UNIT #101**  
*Zoning:* MUG (Mixed Use, General)  
65-X Height and Bulk District  
*SUD:* SOMA Youth and Family  
*Block/Lot:* 3731/128  
*Project Sponsor:* William Marci  
1097 Howard Street #101  
San Francisco, CA 94103  
*Staff Contact:* Diego R Sánchez – (415) 575-9082  
[diego.sanchez@sfgov.org](mailto:diego.sanchez@sfgov.org)  
*Recommendation:* **Approval with Conditions**

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 project proposes to establish a wine and champagne tasting room with minor retail sales, dba The San Francisco Champagne Society, within a Live/Work unit that is currently used for commercial and residential purposes. The project sponsor intends to hold wine tasting events and education/appreciation classes of wines and champagne on a scheduled basis and will also sell minor amounts of wine and champagne in a retail capacity. The unit is approximately 1,140 square feet. 410 square feet will be dedicated to the tasting and retail use of the proposal. The project sponsor also intends to continue using the balance of the space, 730 square feet, as a commercial and residential area. The project is considered a bar under Planning Code Section 790.22 because the wine tasting aspect of the proposal requires an ABC license type 42, authorizing the sale of wine for consumption on or off the premises.

### SITE DESCRIPTION AND PRESENT USE

The project is located on the first floor of a three story live/work building at the southeast corner of 7th and Howard Streets. The project site is currently used by the Project Sponsor for commercial and residential purposes. The building permit application for the conversion of this building from industrial and office uses to live/work units was submitted in 1995 and received approval for occupancy from the Department of Building Inspection in 1999. The Department of Building Inspection granted the Certification of Final Completion for the unit in which the project is proposed, unit #101, in 2002.

### SURROUNDING PROPERTIES AND NEIGHBORHOOD

The proposal is located at the intersection of 7th and Howard Streets within the South of Market Area neighborhood and the Mixed Use, General, Zoning District and the SOMA Youth and Family Special Use

District. The area is characterized by mixed used developments, with retail/commercial uses on the ground floor and residential uses above. There are also many single and two story buildings whose main use is for commercial or light industrial purposes. To the south of the project, along Moss Alley, there are numerous multi-storied buildings wholly residential in nature. Properties in the immediate vicinity of the proposal are zoned WMUG (WSOMA Mixed Use, General), MUG (Mixed Use, General) and RED (Residential Enclave District).

## ENVIRONMENTAL REVIEW

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

## HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Classified News Ad	20 days	July 26, 2013	July 26, 2013	20 days
Posted Notice	20 days	July 26, 2013	July 26, 2013	20 days
Mailed Notice	10 days	August 5, 2013	July 26, 2013	20 days

The proposal requires a Section 312 neighborhood notification, which was conducted in conjunction with the Conditional Use authorization process.

## PUBLIC COMMENT

- To date, the Department has received nine letters from the public in support of the proposed project.

## ISSUES AND OTHER CONSIDERATIONS

- The proposal is an emerging variety of wine tasting and educational service with a minor retail wine shop that focuses on the limited production wines. It is an economic activity that is new and that can provide employment opportunities for city residents.
- The use is classified as a bar under Planning Code Section 790.22 because the wine tasting aspect of the proposal requires an ABC license type 42, authorizing the sale of wine for consumption on or off the premises.
- The general public will not be freely entering and exiting the building to patronize the proposed project because access into the main building is restricted to occupants and their guests. Entry can be granted by building occupants only.
- Live/Work uses in the SOMA neighborhood had historically allowed work activities that were principally or conditionally permitted in the district.

- The proposed use is an independent use, is not Formula Retail and is locally owned, all of which are encouraged throughout San Francisco. The proposal requires neighborhood notification under Planning Code Section 312, and was conducted in conjunction with the Conditional Use authorization process.

### **REQUIRED COMMISSION ACTION**

In order for the project to proceed, the Commission must grant Conditional Use authorization to allow a bar in an MUG (Mixed Use, General) District as well as the SOMA Youth and Family Special Use District, per Planning Code Sections 249.40A, 3030 and 840.47.

### **BASIS FOR RECOMMENDATION**

- The project promotes small-business ownership and is independently owned.
- The District is well served by transit, and it is anticipated that many patrons will not utilize private automobiles thereby not impacting traffic or off-street parking.
- The proposed Project meets all applicable requirements of the Planning Code.
- The Planning Department is unaware of any opposition to the project and has received multiple letters in support.

<b>RECOMMENDATION:</b>	<b>Approval with Conditions</b>
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**Attachments:**

Block Book Map

Sanborn Map

Aerial Photographs

Public Correspondence

Project Sponsor Submittal, including:

- Site Photographs

- Reduced Plans

Attachment Checklist

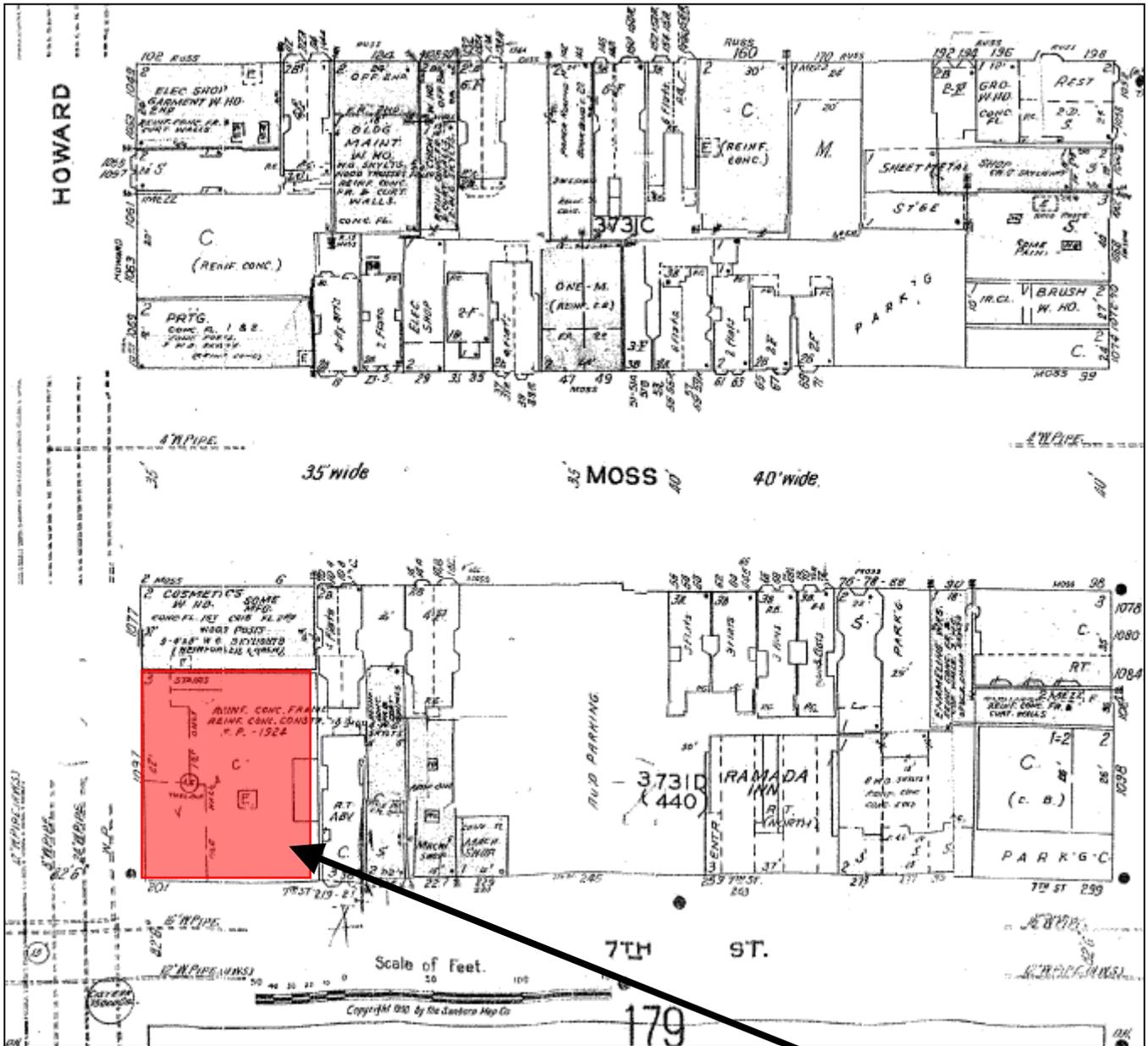
- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Executive Summary   | <input checked="" type="checkbox"/> Project sponsor submittal                              |
| <input checked="" type="checkbox"/> Draft Motion        | Drawings: <u>Existing Conditions</u>   |
| <input type="checkbox"/> Environmental Determination    | <input checked="" type="checkbox"/> Check for legibility                                   |
| <input checked="" type="checkbox"/> Zoning District Map | Drawings: <u>Proposed Project</u>  |
| <input type="checkbox"/> Height & Bulk Map              | <input checked="" type="checkbox"/> Check for legibility                                   |
| <input checked="" type="checkbox"/> Parcel Map          | 3-D Renderings (new construction or significant addition)                                  |
| <input checked="" type="checkbox"/> Sanborn Map         | <input checked="" type="checkbox"/> Check for legibility                                   |
| <input checked="" type="checkbox"/> Aerial Photo        | <input type="checkbox"/> Wireless Telecommunications Materials                             |
| <input checked="" type="checkbox"/> Context Photos      | <input type="checkbox"/> Health Dept. review of RF levels                                  |
| <input checked="" type="checkbox"/> Site Photos         | <input type="checkbox"/> RF Report   |
|   | <input type="checkbox"/> Community Meeting Notice  |
|   | <input type="checkbox"/> Housing Documents   |
|   | <input type="checkbox"/> Inclusionary Affordable Housing Program: Affidavit for Compliance |
|   | <input type="checkbox"/> Residential Pipeline  |

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

\_\_\_\_\_  
Planner's Initials



# Sanborn Map\*



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

**SUBJECT PROPERTY**



Conditional Use authorization  
 Case Number 2012.1528C  
 The San Francisco Champagne Society  
 1097 Howard Street #101

# Aerial Photo

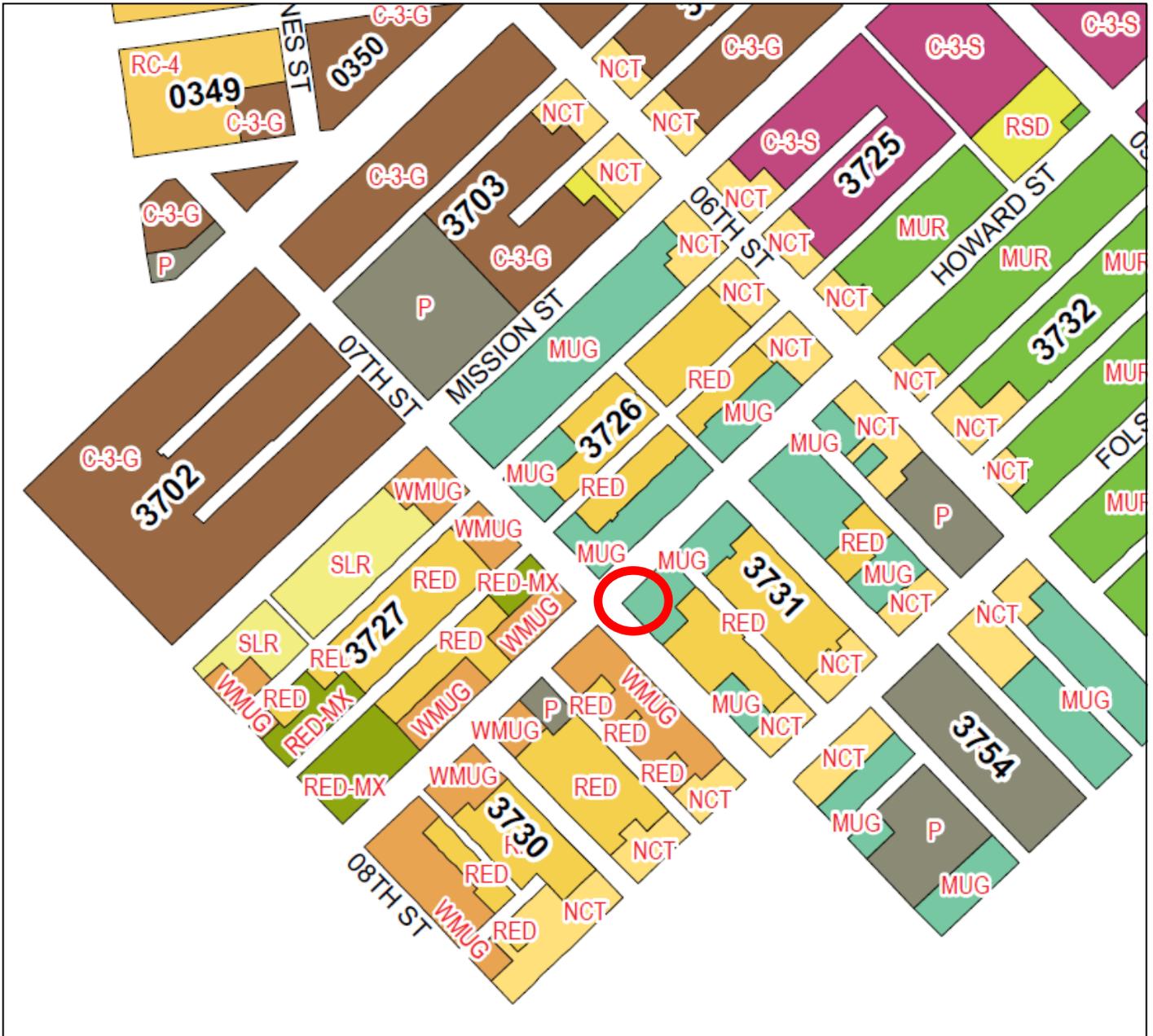


SUBJECT PROPERTY



Conditional Use authorization  
Case Number 2012.1528C  
The San Francisco Champagne Society  
1097 Howard Street #101

# Zoning Map



Conditional Use authorization  
Case Number 2012.1528C  
The San Francisco Champagne Society  
1097 Howard Street #101

# Site Photo



Conditional Use authorization  
Case Number 2012.1528C  
The San Francisco Champagne Society  
1097 Howard Street #101

## Bill Marci

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**From:** james chiang [james@jameschiang.com]  
**Sent:** Monday, March 04, 2013 1:00 PM  
**To:** Bill Marci  
**Subject:** SFCS Support Letter

To ABC/  
To Whom It May Concern,

I have known Bill Marci since the very beginning and construction of The Lighthouse Lofts Condominiums where we have both resided for almost 15 years now. He has always been extremely personable, helpful and especially proactive, in depth and in-person -in both our Homeowner's Association and especially our neighborhood community. It is a reflection of his attentive involvement and care that he is our elected HOA President.

Over the years I have sought Bill's advice and help on anything from construction to general policy and anything else and Bill has always been selfless and immediate in response with action and furthermore I'll emphasize- in person. He is a pillar of our community and approaches everything with honesty, transparency and respect for those involved. Bill's professional nature and personable presence is an asset to our building and our greater community.

I have no doubt the SFCS will be managed responsibly and capably and will add color, synergy and contribute to the fabric of our community. It's the unique individuals like Bill and his endeavor with the SFCS that make San Francisco such a great place. I look forward to welcoming the SFCS to our building.

Best Regards,

James Chiang

Lighthouse Lofts Condominium Unit 207 Owner

**JAMESCHIANG** + Jennifer Hutz |

james direct 415 990 3100  
jennifer hutz, agent 212 206 1976

<http://www.jameschiang.tumblr.com>

<http://www.jameschiang.com>

<http://www.jenniferhutz.com>

**Bill Marci**

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**Subject:** FW: San Francisco Champagne Society Support.

San Francisco A.B.C. District Office  
33 New Montgomery St., Suite 1230  
San Francisco, CA 94105

To whom it may concern:

Bill Marci, owner and manager of San Francisco Champagne Society, LLC, has been a neighbor in the unit next to me since I moved in six years ago. Bill has demonstrated himself to be an excellent neighbor who has gone above and beyond to ensure that our building and the surrounding area are safe and cleanly. I have never had a negative incident with Bill, and if anything, he has helped mitigate unfavorable situations that have occurred within our building throughout the years.

Bill has taken an active role in contributing to an improved quality of our building by his role as the President of our HOA Board.

Through his leadership, Bill has sincerely demonstrated that he cares about what is best for our building, at times, even at the expense of his own personal preferences. Bill's actions show that he cares about what is best for the building as a whole.

I am in favor of the transfer of License 42, On-Sale Beer and Wine for Public Premises from The Secret Wine Shop, which operated on the 3rd floor of our building, to San Francisco Champagne Society, LLC, which will operate on the first floor in close proximity to the front door of the building. The Secret Wine Shop has caused minimum disruption to our building, and similarly, Bill has assured that the hours of operation would be limited and any events will be private, and small in scale.

The San Francisco Champagne Society will be an excellent addition to our live/work building, and I highly recommend that the license is transfer is approved accordingly.

Derek Huerta  
1097 Howard St. Unit 102  
San Francisco, CA 94103

## Bill Marci

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**From:** Joey [<mailto:uncommonexposure@gmail.com>]  
**Sent:** Monday, March 04, 2013 1:24 PM  
**To:** Bill Marci  
**Subject:** Re: San Francisco Champagne Society Support.

To whom it may concern,

I am in complete support of Bill Marci and his venture to produce a Champagne Society for San Francisco. It is the generous and thoughtful individuals like Bill that help create fun, interesting and social environments for us all. Events like these also offer professional adults rich networking opportunities which support the further success of our city's small business community. I feel that the Lighthouse building would be exceptionally lucky to play host to this effort.

I look forward to participating!

Sincerely,

Joey Hayes  
1097 Howard Street, Unit 301  
San Francisco, CA 94103-2879  
415-860-1005 [phone]  
[uncommonexposure@gmail.com](mailto:uncommonexposure@gmail.com) [email]

On Mon, Mar 4, 2013 at 12:05 PM, Bill Marci <[bill@bma-ca.com](mailto:bill@bma-ca.com)> wrote:

**Bill Marci**

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**From:** Catherine Hackworth [[mailto:c\\_worth2@yahoo.com](mailto:c_worth2@yahoo.com)]

**Sent:** Monday, March 04, 2013 1:48 PM

**To:** Bill Marci

**Subject:** Re: San Francisco Champagne Society

To whom It May Concern,

I have been a resident and business owner in San Francisco for 15 years. I am a new homeowner at 1097 Howard Street as well. I support Bill Marci's efforts to obtain a liquor license for his business, The San Francisco Champagne Society, not only as a resident but also as an entrepreneur. The SOMA area is unique for its unconventional business/residential climate and exciting, fresh ideas people like Bill's make the neighborhood all the more attractive. The revenues small businesses generate for the City of San Francisco should not be overlooked, making Bill's efforts to obtain the license a positive good for all concerned.

Sincerely,  
Catherine Hackworth

## **LETTER OF SUPPORT FOR SAN FRANCISCO CHAMPAGNE SOCIETY (SFCS)**

To whom it may concern,

I am in favor of granting a type 42 liquor license for the SFCS, located at:

1097 Howard St, #101

San Francisco, CA 94103-2878

For reference:

- I am a resident and adult inhabitant of the city of San Francisco;
- I live and work in the building where the proposed establishment is to be located;
- I believe there is a need and desire in the neighborhood, and the building, for the proposed liquor licensed establishment.

It should also be noted that the petitioner has been forthcoming with the building residents and community of intent to apply for a liquor license. I foresee no problems arising in the building, or surrounding neighborhood, as a result of the proposed license.

Members of the Commission, it is my opinion that by granting the conditional license to the SFCS will serve to add to the continued economic vitality and enjoyment in the surrounding business district.

Mark Barger

1097 Howard St. #304

San Francisco, CA 94103

303-520-5101

March 5, 2013

Dear ABC,

I am a business owner and property owner in the SOMA neighborhood and I think the San Francisco Champagne Society would be a great addition to the neighborhood. I would like to add my support in Bill Marci getting the proper licensing to ensure the start of the SFCS.

Sincerely,

Greg M Griffin  
[www.barberlounge.com](http://www.barberlounge.com)  
415-944-0411

**Bill Marci**

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**Subject:** San Francisco Champagne Society Support.

**From:** Anthony Gooran [<mailto:anthony@organizer.com>]

**Sent:** Tuesday, March 05, 2013 9:29 AM

**To:** Bill Marci

**Subject:** Re: San Francisco Champagne Society Support.

To Whom It May Concern,

I am a current resident at the 1097 Howard Lofts and am fully supportive in the San Francisco Champagne Society obtaining a type 42 liquor license for wine and beer.

Best Regards,

Anthony B. Gooran

**Co-Founder & Lead UX Engineer**

**Organizer, Inc.** | 415.323.3512 office | agooran skype |

*Confidentiality notice:*

*This email and any attachments thereto may contain private, confidential, and privileged material for the sole use of the intended recipient. Any review, copying, or distribution of this email (or any attachments thereto) by others is strictly prohibited. If you are not the intended recipient, please contact the sender immediately and permanently delete the original and any copies of this email and any attachments thereto.*

**Bill Marci**

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**From:** Jon Riddle [r.jonathan.riddle@gmail.com]  
**Sent:** Wednesday, March 06, 2013 8:30 AM  
**To:** Bill Marci  
**Subject:** Champagne Society

Bill,

As owners of unit 203 in the Lighthouse Lofts at 1097 Howard Street, San Francisco, we support your petition for a beer and wine license.

Best,  
Jon Riddle and Canela Paine

## Bill Marci

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**From:** Jeff Fenton [jffenton@durkeedrayage.com]  
**Sent:** Wednesday, March 06, 2013 11:25 AM  
**To:** Bill Marci  
**Subject:** San Francisco Champagne Society

To whom it concerns,

I am the owner of Unit #104 at 1097 Howard Street in San Francisco, also known as the Lighthouse Lofts building. I am the closet neighbor to Bill Marci in Unit #101. I am in full support of his current ABC application for the San Francisco Champagne Society to be located at the same address. I believe any additional traffic caused will be minimal and, at the very least, it will have a positive impact on both the building and the surrounding community.

I have known Mr. Marci for approximately 8 years and he has always conducted himself in a professional manner. His friends and acquaintances have always appeared to be of the highest caliber people, both in appearance and conduct. Please contact me directly at the number below if I can be of any further assistance.

Sincerely,  
Jeff Fenton

Jeffrey J. Fenton, President  
**Durkee Drayage Company, Inc.**  
3655 Collins Avenue  
Richmond, CA 94806  
(510) 970-7550 ext. 106  
[www.durkeedrayage.com](http://www.durkeedrayage.com)

*Durkee Drayage Company supports at-risk youth by contributing to the Vincenzo Wine Tasting & Auction. To find out more, please go to: [www.vincenzo.org](http://www.vincenzo.org)*





# SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

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

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

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## Planning Commission Draft Motion

HEARING DATE: AUGUST 15, 2013

*Date:* August 8, 2013  
*Case No.:* **2012.1528C**  
*Project Address:* **1097 HOWARD STREET UNIT #101**  
*Zoning:* MUG (Mixed Use, General)  
65-X Height and Bulk District  
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*Project Sponsor:* William Marci  
1097 Howard Street #101  
San Francisco, CA 94103  
*Staff Contact:* Diego R Sánchez – (415) 575-9082  
[diego.sanchez@sfgov.org](mailto:diego.sanchez@sfgov.org)

**ADOPTING FINDINGS RELATING TO CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 303, 249.40A AND 840.47 OF THE PLANNING CODE TO ALLOW A BAR (DBA THE SAN FRANCISCO CHAMPAGNE SOCIETY) WITHIN THE MUG (MIXED USE, GENERAL) DISTRICT, THE SOMA YOUTH AND FAMILY SPECIAL USE DISTRICT AND A 65-X HEIGHT AND BULK DISTRICT.**

### PREAMBLE

On December 20, 2012 William Marci (Project Sponsor) filed an application with the Planning Department (hereinafter “Department”) for Conditional Use Authorization under Planning Code Section 249.40A and 840.47.24 of the Planning Code to allow a bar (dba The San Francisco Champagne Society) within the MUG (Mixed Use, General) District, the SOMA Youth and Family Special Use District and a 65-X Height and Bulk District.

On August 15, 2013, the San Francisco Planning Commission (hereinafter “Commission”) conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2012.1528C.

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

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

**MOVED**, that the Commission hereby authorizes the Conditional Use requested in Application No. 2012.1528C, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

## FINDINGS

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

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The project is located on the first floor of a three story live/work building at the southeast corner of 7th and Howard Streets. The project site is currently used by the Project Sponsor for commercial and residential purposes. The building permit application for the conversion of this building from industrial and office uses to live/work units was submitted in 1995 and received approval for occupancy from the Department of Building Inspection in 1999. The Department of Building Inspection granted the Certification of Final Completion for the unit in which the project is proposed, unit #101, in 2002.
3. **Surrounding Properties and Neighborhood.** The proposal is located at the intersection of 7th and Howard Streets within the South of Market Area neighborhood and the Mixed Use, General, Zoning District and the SOMA Youth and Family Special Use District. The area is characterized by mixed used developments, with retail/commercial uses on the ground floor and residential uses above. There are also many single and two story buildings whose main use is for commercial or light industrial purposes. To the south of the project, along Moss Alley, there are numerous multi-storied buildings wholly residential in nature. Properties in the immediate vicinity of the proposal are zoned WMUG (WSOMA Mixed Use, General), MUG (Mixed Use, General) and RED (Residential Enclave District).
4. **Project Description.** The project proposes to establish a wine and champagne tasting room with minor retail sales, dba The San Francisco Champagne Society, within a Live/Work unit that is currently used for commercial and residential purposes. The project sponsor intends to hold wine tasting events and education/appreciation classes of wines and champagne on a scheduled basis and will also sell minor amounts of wine and champagne in a retail capacity. The unit is approximately 1,140 square feet. 410 square feet will be dedicated to the tasting and retail use of the proposal. The project sponsor also intends to continue using the balance of the space, 730 square feet, as a commercial and residential area. The project is considered a bar under Planning

Code Section 790.22 because the wine tasting aspect of the proposal requires an ABC license type 42, authorizing the sale of wine for consumption on or off the premises

5. **Public Comment.** The Department has received nine letters from the public in support of the proposed project.
6. **Planning Code Compliance:** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:

- A. **Useable Open Space.** Planning Code Section 135.3 states that, for uses other than dwelling units within the Eastern Neighborhoods Mixed Use Districts, all newly constructed structures, all structures to which gross floor area equal to 20 percent or more of existing gross floor area is added and all structures for which floor area is converted to office use, other than office use accessory to a non-office, shall provide and maintain useable open space for that part of the new, additional or converted square footage.

*While the project is converting gross square footage to a new use, it is not subject to this provision as there is no new office space proposed as a principal use and there is no new construction or addition to the existing structure.*

- B. **Off-Street Parking.** Planning Section 151.1 of the Planning Code establishes maximum amounts for off-street parking within the Mixed Use, General (MUG) Zoning District at no more than one space for each 1,500 square feet of gross floor area for retail uses.

*The proposal does not provide off-street parking and therefore complies with the off-street parking requirements under Section 151.1.*

- C. **SOMA Youth and Family Special Use District.** Section 249.4A of the Planning Code establishes the SOMA Youth and Family Special Use District. Within this Special Use District the establishment of a bar use, as defined in Planning Code Section 790.22, requires Conditional Use authorization.

*The proposal is seeking Conditional Use authorization to establish a bar, as required by Planning Code Section 249.40A.*

- D. **Neighborhood Notification.** Planning Code 312 requires neighborhood notification in the Eastern Neighborhoods Mixed Use Districts for a change in use from any one land use category to another land use category.

*The proposal seeks to change the use of space from the Residential Uses land use category to the Retail Sales and Services land use category. Neighborhood notification was done in conjunction with the notification for the request for Conditional Use authorization.*

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

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

*Because the proposal is within an existing Live/Work unit, there will be no enlargement of building envelope or any expansion visible from the public right of way. The proposal seeks to convert a portion of an existing Live/Work unit into a bar (for wine/champagne tastings) and a retail wine/champagne shop that will also hold small wine/champagne appreciation courses. This use, and its proposed size and intensity, are found to be necessary and desirable for the neighborhood and will be compatible with the mixed use character of the South of Market Area neighborhood.*

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

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

*The proposal will be within an existing Live/Work unit and will not expand the building envelope or the unit size. Within the context of the greater neighborhood, the proposal should not create any new detrimental effects as the context is of a mix of residential uses coexisting with commercial and light industrial uses.*

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

*The Planning Code does not require parking or loading for this proposal. Given the intensity of the use and the proximity to major public transit, it is not anticipated that the use will exacerbate problems with the traffic patterns in the area.*

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

*Owing to the nature of the proposed use, it is not anticipated that there will arise noxious or offensive emissions.*

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

*Because the proposal is within an existing building there are no opportunities to provide additional landscaping or screening of the use and there are no off-street parking or loading spaces to screen as well.*

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

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

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

## COMMERCE AND INDUSTRY

### Objectives and Policies

#### OBJECTIVE 3:

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

#### Policy 1.1:

Assist newly emerging economic activities.

*The proposal is an emerging activity that blends of wine education and tastings with an associated retail wine shop that focuses on the limited production wines. It is an economic activity that is new and that can provide employment opportunities for city residents.*

## EAST SOMA AREA PLAN

### Objectives and Policies

#### OBJECTIVE 1.1:

ENCOURAGE PRODUCTION OF HOUSING AND OTHER MIXED-USE DEVELOPMENT IN EAST SOMA WHILE MAINTAINING ITS EXISTING SPECIAL MIXED-USE CHARACTER.

#### Policy 1.1.8:

Permit small and moderate size retail establishments in mixed use areas of East SoMa, but permit larger retail only as part of a mixed-use development.

*The proposed development is a retail establishment of small size, approximately 410 square feet, within the Mixed Use General (MUG) Zoning District, a mixed use district.*

#### OBJECTIVE 1.3:

INSTITUTE FLEXIBLE "LEGAL NONCONFORMING USE" PROVISIONS TO ENSURE A CONTINUED MIX OF USES IN EAST SOMA.

**Policy 1.3.1:**

Continue existing legal nonconforming rules, which permit pre-existing establishments to remain legally even if they no longer conform to new zoning provisions, as long as the use was legally established in the first place.

*The proposal will continue its non-conforming Live/Work status as only a fraction of existing space will be used as a retail establishment. Live/Work uses in the SOMA neighborhood had historically allowed work activities that were principally or conditionally permitted in the district.*

**OBJECTIVE 4.2:**

ESTABLISH PARKING POLICIES THAT IMPROVE THE QUALITY OF NEIGHBORHOODS AND REDUCE CONGESTION AND PRIVATE VEHICLE TRIPS BY ENCOURAGING TRAVEL BY NON-AUTO MODES.

**Policy 4.3.2:**

For new non-residential development, provide flexibility by eliminating minimum off-street parking requirements and establishing caps generally equal to the previous minimum requirements. For office uses in East SoMa, parking requirements should be commensurate with general downtown parking standards.

*The project does not propose any new off-street parking, as parking is not required in this zoning district. The use is implicitly encouraging patrons to utilize non-private automobile means of transport, in line with the Transportation Objectives of the East SOMA plan.*

9. **Planning Code Section 101.1(b)** establishes eight priority-planning policies and requires review of permits for consistency with said policies. On balance, the project does comply with said policies in that:

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

*The proposal will enhance the neighborhood serving retail base by providing a retail wine shop with wine tasting that would complement the existing retail uses in the area. The business would be locally owned.*

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

*The existing units in the building and other units within the surrounding neighborhood will not be adversely affected given the Conditions of Approval regulating the operation of the proposal. The proposal will blend well into the existing mixed use character of the area. The addition of a retail wine*

*shop that focuses on the provision of locally made wine will preserve and enhance the cultural and economic diversity of the City.*

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

*No housing is removed for this Project.*

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

*Given the site's proximity to Market Street, the multiple public transit lines that run along Market Street and the intended number of patrons to be served by the use at any one time, it is not anticipated that the private automobile use by patrons will impede MUNI transit or overburden off-street parking.*

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

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

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

*All alterations as a part of this proposal will meet the seismic code to insure, to the greatest extent possible, that any injury or loss of life in an earthquake is minimized.*

- G. That landmarks and historic buildings be preserved.

*The project does not include alterations to the exterior.*

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

*The project will have no negative impact on existing parks and open spaces. The Project does not have an impact on open spaces.*

10. The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would contribute to the character and stability of the neighborhood and would constitute a beneficial development.

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

## DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Application No. 2012.1528C** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated December 12, 2012, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

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

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on August 15, 2013.

Jonas P. Ionin  
Acting Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: August 15, 2013

## EXHIBIT A

### AUTHORIZATION

This authorization is for a conditional use to allow a bar (d.b.a. The San Francisco Champagne Society) located at 1097 Howard Street #101, Lot 128 in Assessor's Block 3731 pursuant to Planning Code Section(s) 303, 240.49A and 840.47 within the MUG District and a 65-X Height and Bulk District; in general conformance with plans, dated December 12, 2012, and stamped "EXHIBIT B" included in the docket for Case No. 2012.1528C and subject to conditions of approval reviewed and approved by the Commission on August 15, 2013 under Motion No XXXXXX. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

### RECORDATION OF CONDITIONS OF APPROVAL

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on August 15, 2013 under Motion No XXXXXX.

### PRINTING OF CONDITIONS OF APPROVAL ON PLANS

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

### SEVERABILITY

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

### CHANGES AND MODIFICATIONS

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

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

### PERFORMANCE

1. **Validity.** The authorization and right vested by virtue of this action is valid for three (3) years from the effective date of the Motion. The Department of Building Inspection shall have issued a Building Permit or Site Permit to construct the project and/or commence the approved use within this three-year period.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

2. **Expiration and Renewal.** Should a Building or Site Permit be sought after the three (3) year period has lapsed, the project sponsor must seek a renewal of this Authorization by filing an application for an amendment to the original Authorization or a new application for Authorization. Should the project sponsor decline to so file, and decline to withdraw the permit application, the Commission shall conduct a public hearing in order to consider the revocation of the Authorization. Should the Commission not revoke the Authorization following the closure of the public hearing, the Commission shall determine the extension of time for the continued validity of the Authorization.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

3. **Diligent pursuit.** Once a site or Building Permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. Failure to do so shall be grounds for the Commission to consider revoking the approval if more than three (3) years have passed since this Authorization was approved.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

4. **Extension.** All time limits in the preceding three paragraphs may be extended at the discretion of the Zoning Administrator where implementation of the project is delayed by a public agency, an appeal or a legal challenge and only by the length of time for which such public agency, appeal or challenge has caused delay.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

5. **Conformity with Current Law.** No application for Building Permit, Site Permit, or other entitlement shall be approved unless it complies with all applicable provisions of City Codes in effect at the time of such approval.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

## DESIGN

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

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

## PROVISIONS

7. **Eastern Neighborhoods Infrastructure Impact Fee.** Pursuant to Planning Code Section 423 (formerly 327), the Project Sponsor shall comply with the Eastern Neighborhoods Public Benefit Fund provisions through payment of an Impact Fee pursuant to Article 4.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

## MONITORING - AFTER ENTITLEMENT

8. **Enforcement.** Violation of any of the Planning Department conditions of approval contained in this Motion or of any other provisions of Planning Code applicable to this Project shall be subject to the enforcement procedures and administrative penalties set forth under Planning Code Section 176 or Section 176.1. The Planning Department may also refer the violation complaints to other city departments and agencies for appropriate enforcement action under their jurisdiction.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

9. **Revocation due to Violation of Conditions.** Should implementation of this Project result in complaints from interested property owners, residents, or commercial lessees which are not resolved by the Project Sponsor and found to be in violation of the Planning Code and/or the specific conditions of approval for the Project as set forth in Exhibit A of this Motion, the Zoning Administrator shall refer such complaints to the Commission, after which it may hold a public hearing on the matter to consider revocation of this authorization.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

## OPERATION

10. **Garbage, Recycling, and Composting Receptacles.** Garbage, recycling, and compost containers shall be kept within the premises and hidden from public view, and placed outside only when being serviced by the disposal company. Trash shall be contained and disposed of pursuant to garbage and recycling receptacles guidelines set forth by the Department of Public Works.

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

11. **Sidewalk Maintenance.** The Project Sponsor shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean and sanitary condition in compliance with the Department of Public Works Streets and Sidewalk Maintenance Standards.

*For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works, 415-695-2017, <http://sfdpw.org>*

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

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*



7<sup>th</sup> Street, Between Folsom and Howard

234 7<sup>th</sup> Street (Parking Garage)



222 7<sup>th</sup> Street (Family Chiropractic Clinic)



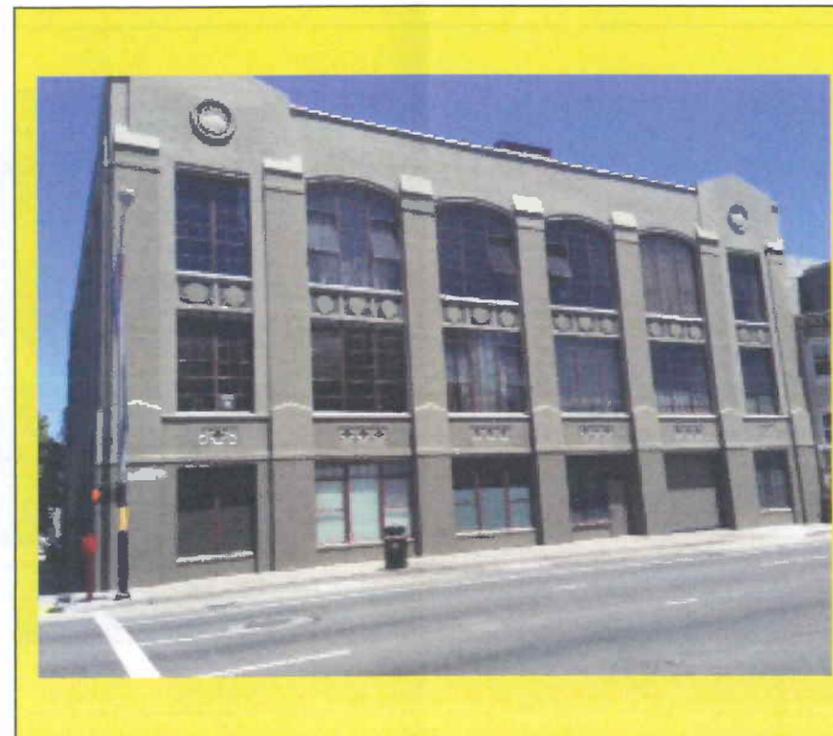
1101 Howard Street (Mercy Housing)



219 7<sup>th</sup> Street (Vacant Buildings)



1097 Howard Street at 7<sup>th</sup> Street (View from 7<sup>th</sup> Street)



Howard Street, Between Russ Street and 7<sup>th</sup> Street

1069 Howard Street (The Box SF)



1077 Howard Street (Da Vinci Fusion)



1097 Howard Street



1082 Howard Street



1084 - 1086 - 1088 Howard Street (City Paints)



1096- 1098 Howard Street (Tony Baloney's)



Howard Street, Between Russ Street and 7<sup>th</sup> Street

1049 Howard Street (A Woman's Place)

1057 Howard Street (AT Computer)

1061 Howard Street (All City Printing)

1069-1073 Howard Street



1050 Howard Street (Ritual Coffee)

1060 Howard Street (Swords to Plowshares)

1068-1070 Howard Street

1072 -1080 Howard Street



7<sup>th</sup> Street, Between Folsom and Howard

298 7<sup>th</sup> Street (Northern Lights Digital Imaging)

280 7<sup>th</sup> Street (for Lease)

270 7<sup>th</sup> Street (Sightglass Coffee) 262 7<sup>th</sup> Street (Webpass)

240 7<sup>th</sup> Street (City Center Inn & Suites)



1090 Folsom Street (Marin Bikes)

273-285 7<sup>th</sup> Street (Fergosi Paints, Bearing Agency, Malder Lighting)

259 7<sup>th</sup> Street (City Center Inn & Suites)

227 7<sup>th</sup> Street (Westbrook Plaza Apts & SOMA Health Center)

