



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Conditional Use

HEARING DATE: SEPTEMBER 4, 2014

Date: August 21, 2014
Case No.: **2014.0739C**
Project Address: **189 6th Avenue**
Zoning: NC-1 (Neighborhood Commercial Cluster)
40-X Height and Bulk District
Block/Lot: 1366/019
Project Sponsor: Sarah Bacon
Nourish Café
189 6th Avenue
San Francisco, CA 94118
Staff Contact: Laura Ajello – (415) 575-9142
laura.ajello@sfgov.org
Recommendation: **Approval with Conditions**

1650 Mission St.
Suite 400
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Reception:
415.558.6378

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415.558.6409

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Information:
415.558.6377

PROJECT DESCRIPTION

The proposal is a request for Conditional Use Authorization pursuant to Planning Code Sections 303, 710.43 and 790.90 to convert a vacant commercial space previously occupied by a retail store (d.b.a. 6th Avenue Antiques), to a Limited-Restaurant (d.b.a. Nourish Café) on the ground floor of a three-story commercial building within the NC-1, Neighborhood Cluster District and 40-X Height and Bulk District. The proposed vegetarian café would employ up to nine employees and per Limited-Restaurant definition is not permitted to serve alcohol. The project includes interior tenant improvements with no exterior alterations. The existing tenant space measures approximately 422 square feet and the size would not change.

The proposed Limited-Restaurant would be open daily between the hours of 10:00 AM and 7:00 PM. The business is locally owned and operated, which has been encouraged throughout San Francisco. All of the business owners live within six blocks of the site. The proposed use is not a Formula Retail use and intends to employ 2-3 part-time and 4-6 full-time employees. The subject site is well served by public transit so that potential customers should not adversely affect the traffic and parking in the neighborhood.

SITE DESCRIPTION AND PRESENT USE

The project is located at 189 6th Avenue, on the west side of 6th Avenue, between California and Lake Streets, Assessor's Block 1366, Lot 019. The subject property is a corner lot with approximately 30 feet of frontage on California Street and approximately 83 feet of frontage on 6th Avenue. The property is developed with a three-story mixed-use building, originally constructed in 1908, with four residential tenants on the upper floors and commercial spaces at ground level. A retail store, Park Presidio Liquors,

occupies the corner commercial space. 189 6th Avenue is currently vacant but was previously occupied by an antique shop.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The project site is located within the Inner Richmond Neighborhood and is zoned NC-1, Neighborhood Commercial Cluster, which is mixed-use in character. It is within ¼ mile of the Inner Clement Neighborhood Commercial District, a more restrictive zone that requires Conditional Use Authorization for new eating and drinking uses, including Limited-Restaurants. The surrounding development in this small commercial cluster consists of a variety of mixed-use buildings featuring residential uses above ground-floor commercial establishments. The surrounding avenues are primarily residential. The scale of development in the area consists mostly of one- to three-story structures. Nearby business include a yoga studio, beauty salons, laundromats and five other restaurants.

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	August 13, 2014	August 13, 2014	20 days
Posted Notice	20 days	August 13, 2014	August 6, 2014	27 days
Mailed Notice	10 days	August 22, 2014	August 15, 2014	18 days

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

PUBLIC COMMENT

- To date, the Department has received three communications in favor of the project, including one letter from the Clement Street Merchants Association and two letters from residents that live near the project site.

ISSUES AND OTHER CONSIDERATIONS

- The project is consistent with Guidelines contained within the Commerce and Industry Element of the General Plan that encourage more active uses that serve the general public on the ground floor and uses that fully utilize the ground floor and discourage uses that detract from the livability of the district.
- According to the sponsor (and verified by staff using an internet search), there is only one other vegetarian restaurant in the Richmond District (d.b.a. Enjoy Vegetarian Restaurant); it is open daily for lunch and dinner and serves Chinese food.

REQUIRED COMMISSION ACTION

In order for the project to proceed, the Commission must grant conditional use authorization to allow the establishment of a Limited-Restaurant within an NC-1 zoning district that is located within ¼ mile of the more restrictive Inner Clement NCD (which requires eating and drinking uses to be approved with a conditional use authorization) pursuant to Planning Code Sections 303, 710.43 and 790.90.

BASIS FOR RECOMMENDATION

- The project would occupy a vacant commercial space on the subject block which would complement the mix of existing neighborhood-serving uses within the area.
- The business is within close access to public transit.
- The project meets all applicable requirements of the Planning Code.
- The project is desirable for and compatible with the surrounding neighborhood.
- The business is not a Formula Retail use and would serve the immediate neighborhood.

RECOMMENDATION: Approval with Conditions
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Attachments:

Block Book Map

Sanborn Map

Aerial Photograph

Zoning Map

Site Photographs

Public Correspondence (see also Project Sponsor Submittal)

Project Sponsor Submittal, including:

- Letter from Project Sponsor
- Letters in Support
- 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 type="checkbox"/> Check for legibility |
| <input checked="" type="checkbox"/> Aerial Photo | <input type="checkbox"/> Wireless Telecommunications Materials |
| <input 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

LA_____

Planner's Initials

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SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

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

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Planning Commission Draft Motion

HEARING DATE: SEPTEMBER 4, 2014

Date: August 21, 2014
Case No.: **2014.0739C**
Project Address: **189 6th Avenue**
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ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 303, 710.43, and 790.90 OF THE PLANNING CODE TO ALLOW A LIMITED-RESTAURANT (D.B.A. NOURISH CAFE) WITHIN THE NC-1 (CLUSTER, NEIGHBORHOOD COMMERCIAL) DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On May 13, 2014 Sarah Bacon (hereinafter “Project Sponsor”) filed an application with the Planning Department (hereinafter “Department”) for Conditional Use Authorization under Planning Code Sections 303, 710.43 and 790.90 to allow a Limited-Restaurant (d.b.a. Nourish Café) within the NC-1 (Cluster, Neighborhood Commercial) District and a 40-X Height and Bulk District.

On September 4, 2014, the San Francisco Planning Commission (hereinafter “Commission”) conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2014.0739C.

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. 2014.0739C, 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 at 189 6th Avenue, on the west side of 6th Avenue, between California and Lake Streets, Assessor's Block 1366, Lot 019. The subject property is a corner lot with approximately 30 feet of frontage on California Street and approximately 83 feet of frontage on 6th Avenue. The property is developed with a three-story mixed-use building, originally constructed in 1908, with four residential tenants on the upper floors and commercial spaces at ground level. A retail store, Park Presidio Liquors, occupies the corner commercial space. 189 6th Avenue is currently vacant but was previously occupied by an antique shop.
3. **Surrounding Properties and Neighborhood.** The project site is located within the Inner Richmond Neighborhood and is zoned NC-1, Neighborhood Commercial Cluster, which is mixed-use in character. It is within ¼ mile of the Inner Clement Neighborhood Commercial District, a more restrictive zone that requires Conditional Use Authorization for new eating and drinking uses, including Limited-Restaurants. The surrounding development in this small commercial cluster consists of a variety of mixed-use buildings featuring residential uses above ground-floor commercial establishments. The surrounding avenues are primarily residential. The scale of development in the area consists mostly of one- to three-story structures. Nearby business include a yoga studio, beauty salons, laundromats and five other restaurants.
4. **Project Description.** The proposal is a request for Conditional Use Authorization pursuant to Planning Code Sections 303, 710.43 and 790.90 to convert a vacant commercial space previously occupied by a retail store (d.b.a. 6th Avenue Antiques), to a Limited-Restaurant (d.b.a. Nourish Café) on the ground floor of a three-story commercial building within the NC-1, Neighborhood Cluster District and 40-X Height and Bulk District. The proposed vegetarian café would employ up to six employees daily and per Limited-Restaurant definition is not permitted to serve alcohol. The project includes interior tenant improvements with no exterior alterations. The existing tenant space measures approximately 422 square feet and the size would not change.

The proposed Limited-Restaurant would be open daily between the hours of 10:00 AM and 7:00 PM. The business is locally owned and operated, which has been encouraged throughout San

Francisco. All of the business owners live within six blocks of the site. The proposed use is not a Formula Retail use and intends to employ 2-3 part-time and 4-6 full-time employees. The subject site is well served by public transit so that potential customers should not adversely affect the traffic and parking in the neighborhood.

5. **Public Comment.** To date, the Department has received three communications in favor of the project, including one letter from the Clement Street Merchants Association and two letters from residents that live near the project site.
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. **Limited-Restaurant Use.** Planning Code Section 710.43 states that a Conditional Use Authorization is required for a Limited-Restaurant use, as defined by Planning Code Section 790.90, since the proposed Limited-Restaurant use is located within $\frac{1}{4}$ mile of the Inner Clement NCD, which requires Conditional Use Authorization for new eating and drinking uses.

The proposed Limited-Restaurant is within $\frac{1}{4}$ mile of the Inner Clement NCD and therefore requires Conditional Use Authorization.
 - B. **Hours of Operation.** Planning Code Section 710.27 states that maintaining hours of operation from 6:00 am until 11:00 pm is permitted in the NC-1 District.

The cafe would be open daily, operating between the hours of 10:00 am to 7:00 pm.
 - C. **Parking.** Planning Section 151 of the Planning Code requires off-street parking for every 200 square-feet of occupied floor area, where the occupied floor area exceeds 5,000 square-feet.

The subject site contains approximately 422 square-feet of occupied floor area and thus does not require any off-street parking.
 - D. **Street Frontage in Neighborhood Commercial Districts.** Planning Code Section 145.1 states that street frontages with active uses should be pedestrian-oriented, fine-grained, and appropriate and compatible with the buildings and uses in Neighborhood Commercial Districts.

The Limited-Restaurant would occupy a ground floor commercial space in the existing building. The subject commercial space has approximately 22 feet of frontage on 6th Avenue with approximately 19 feet devoted to either the restaurant entrance or window space. The windows will be clear and unobstructed. There are no changes proposed to the commercial frontage.
 - E. **Signage.** Any proposed signage will be subject to the review and approval of the Planning Department.

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

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

The proposed Limited-Restaurant would provide a use that would be compatible with the mix of goods and services currently available in the district and contribute to the economic vitality of the neighborhood by occupying a vacant storefront.

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 height and bulk of the existing building will remain the same and the project will not alter the existing appearance or character of the project vicinity. The proposed work will not affect the building envelope; there would be no expansion to the existing building.

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

The Planning Code does not require parking or loading for a 422 square-foot Limited-Restaurant. The proposed use is designed to meet the needs of the immediate neighborhood and should not generate significant numbers of vehicular trips from the immediate neighborhood or citywide. There is on-street parking in front of the subject property and in the surrounding neighborhood. In addition, the project site is well served by transit. There are nearby stops for MUNI bus lines 1BX-California Express, 1-California, 2-Clement, 28L-19th Avenue Limited, and 44-O'Shaughnessy.

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

The proposed use is subject to the standard conditions of approval for Limited-Restaurants as outlined in Exhibit A. Conditions 10 and 11 specifically obligate the project sponsor to mitigate odor and noise generated by the restaurant use.

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

Since the project does not propose the physical expansion of the existing commercial space, no additional landscaping is required. There would be no addition of open space, parking or loading

areas, or service areas. The Department shall review all proposed lighting and signage for consistency with the controls of the Planning Code.

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

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

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

The proposed project is consistent with the stated purposes of NC-1 Districts in that the intended use is located at the ground floor, and will provide a compatible convenience service for the immediately surrounding neighborhoods during daytime hours.

- E. The existing concentration of eating and drinking uses shall not exceed 25 percent of the total commercial frontage as measured in linear feet within the immediate area of the subject site. The immediate area shall be defined as all properties located within 300 feet of the subject property and also located within the same zoning district.

A site survey of the immediate area within the commercial cluster was conducted. The existing eating and drinking establishment uses occupy approximately 10 percent of the total commercial frontage within the immediate area and would increase to 11 percent with the proposed project.

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

NEIGHBORHOOD COMMERCE

Objectives and Policies

OBJECTIVE 1:

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

Policy 1.1:

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

Policy 1.2:

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

Policy 1.3:

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

The proposed project would provide desirable goods and services to the neighborhood and would provide employment opportunities to those in the community. Further, the subject property is located within a Neighborhood Commercial District and is thus consistent with activities in the commercial land use plan.

OBJECTIVE 2:

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

Policy 2.1:

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

The proposed project would create new commercial activity and would enhance the diverse economic base of the City by providing a vegetarian Limited-Restaurant use that is not widely available within the NC-1 and greater Inner Richmond neighborhood.

OBJECTIVE 6:

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

Policy 6.1:

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

No commercial tenant would be displaced as the space is currently vacant. The project would not prevent the district from achieving optimal diversity in the types of goods and services available in the neighborhood since the proposed use would only minimally increase the eating and drinking establishment concentration.

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

Eating and Drinking Establishments

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

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

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

- The establishment should not add to an over-concentration of eating and drinking establishments in a single district. The balance of commercial uses may be threatened when eating and drinking establishments occupy more than 20 percent of the total occupied commercial frontage. Proposals for eating and drinking establishments which would increase the proportion of total occupied commercial frontage above 20 percent should be reviewed to ensure that they would not reduce the variety of neighborhood-serving uses; nor create substantial noise, traffic, parking problems or other nuisances in the district or surrounding neighborhood. Those establishments that would do the above should not be permitted. Except in districts with an established pattern of service to a broad market, such as North Beach, such establishments should not occupy more than 25 percent of the total commercially occupied frontage in a district. To minimize the problems they can create, eating and drinking uses should generally be at least 100 feet apart from each other, unless there are factors making clustering of uses appropriate. For example, a configuration of clustered eating and drinking uses where off-street parking is shared might be more appropriate than an even distribution of such establishments.
- New, expanding or relocating eating and drinking uses should not impose significant adverse impacts on traffic and transit volumes and circulation and parking congestion. If such impacts are anticipated, especially on transit-preferential streets, the proposed use, expansion or relocation should be redesigned to mitigate such impacts, or it should be prohibited.
- Eating and drinking uses should be adequately soundproofed or insulated for noise and operated so as to reasonably protect adjoining and surrounding upper-story residences from disturbances from fixed source equipment.

The NC-1 district on California Street spans six blocks from 4th to 7th Avenues. Currently five restaurants operate in this area. The proposed change of use from a vacant retail space to a Limited-Restaurant would minimally increase the concentration of eating and drinking establishments. The proposed change of use from a vacant commercial space to a Limited-Restaurant would minimally increase the concentration from approximately 10 percent to approximately 11 percent. Furthermore, Policy 6.1 also states that clustering of eating and drinking establishments may be appropriate, in this case, due to the availability and abundance in public transportation options, allowing the subject area to be easily accessible.

Policy 6.2:

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

Independent entrepreneurs are sponsoring the proposal. The proposed use is a neighborhood serving use. This is not a Formula Retail use.

9. **Planning Code Section 101.1(b)** establishes eight priority-planning policies and requires review of permits for consistency with said policies. On balance, the project does comply with said policies in that:
 - A. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses be enhanced.

The project would not displace any businesses and would occupy an existing vacant storefront. The proposed alterations are within the existing building footprint. The business would be locally owned and would create six to nine employment opportunities.
 - B. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods.

Existing housing and neighborhood character would not be adversely affected. The proposed hours of operation are within the principally permitted hours.
 - C. That the City's supply of affordable housing be preserved and enhanced,

No housing is removed for this Project.
 - D. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking.

The site is on 6th Avenue and is well served by transit. It is presumable that the owners, all of whom live in the immediate neighborhood and employees would commute by transit thereby mitigating possible effects on 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.

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

- G. That landmarks and historic buildings be preserved.

A landmark or historic building does not occupy the Project site. The building is considered a potential historic resource but no exterior changes are proposed.

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

The Project will have no negative effect on existing parks and open spaces. The Project does not have an effect 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. 2014.0739C** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated June 27, 2014, 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.

Protest of Fee or Exaction: You may protest any fee or exaction subject to Government Code Section 66000 that is imposed as a condition of approval by following the procedures set forth in Government Code Section 66020. The protest must satisfy the requirements of Government Code Section 66020(a) and must be filed within 90 days of the date of the first approval or conditional approval of the development referencing the challenged fee or exaction. For purposes of Government Code Section 66020, the date of imposition of the fee shall be the date of the earliest discretionary approval by the City of the subject development.

If the City has not previously given Notice of an earlier discretionary approval of the project, the Planning Commission's adoption of this Motion, Resolution, Discretionary Review Action or the Zoning Administrator's Variance Decision Letter constitutes the approval or conditional approval of the development and the City hereby gives **NOTICE** that the 90-day protest period under Government Code Section 66020 has begun. If the City has already given Notice that the 90-day approval period has begun for the subject development, then this document does not re-commence the 90-day approval period.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on September 04, 2014.

Jonas P. Ionin
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: September 04, 2014

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to allow a Limited-Restaurant (d.b.a. **Nourish Cafe**) located at 189 6th Avenue, Block 1366, Lot 019 pursuant to Planning Code Sections 303, **XXXXXX** within the NC-1 (Neighborhood Commercial Cluster) District and a 40-X Height and Bulk District; in general conformance with plans, dated **June 27, 2014**, and stamped "EXHIBIT B" included in the docket for Case No. **2014.0739C** and subject to conditions of approval reviewed and approved by the Commission on **September 4, 2014** 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 **September 4, 2014** 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

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

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

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

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

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 architectural addenda. Space for the collection and storage of recyclable and compostable materials that meets the size, location, accessibility and other standards specified by the San Francisco Recycling Program shall be provided at the ground level of the buildings.

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

MONITORING

7. **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

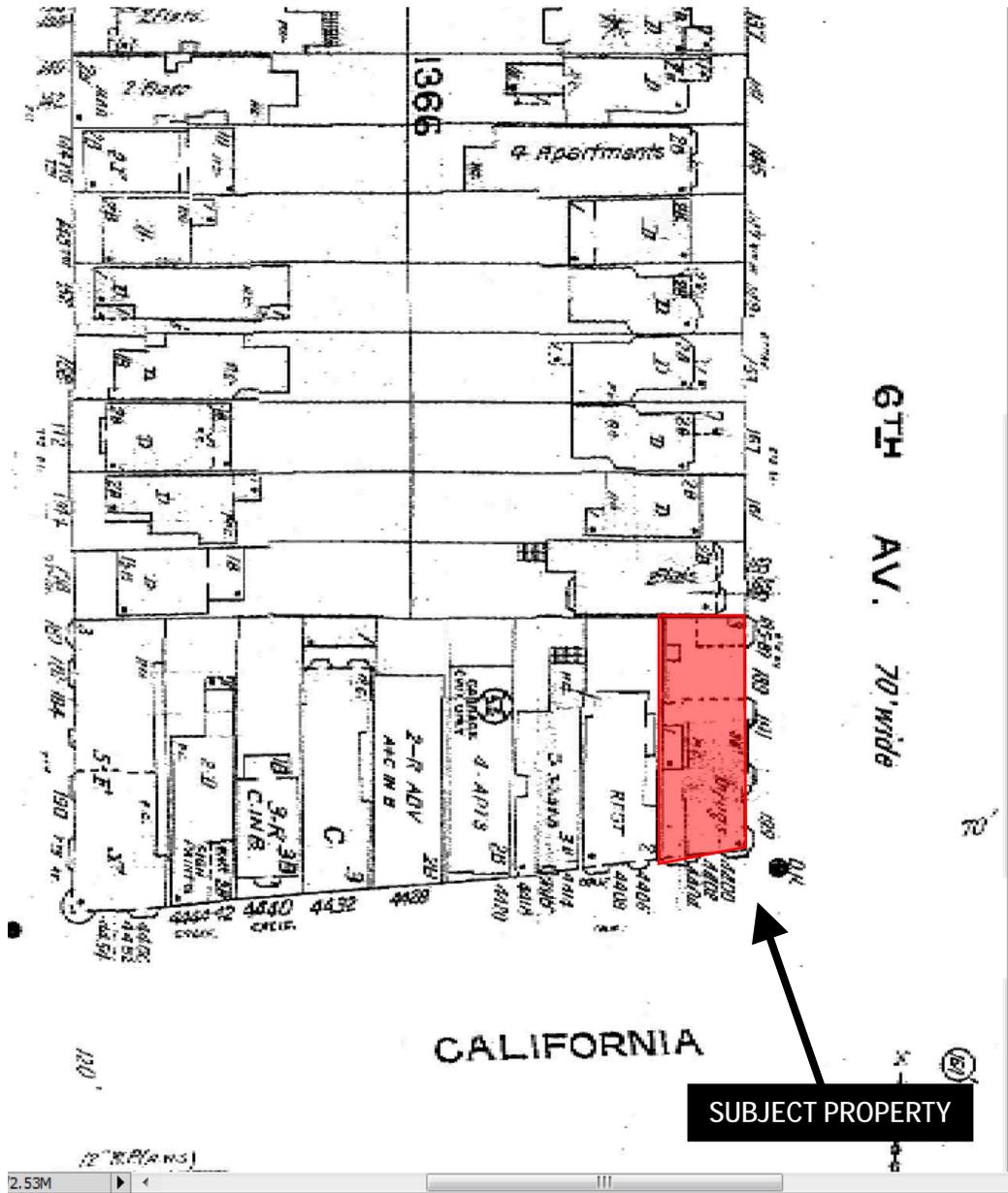
OPERATION

8. **Sidewalk Maintenance.** The Project Sponsor shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean and sanitary condition in compliance with the Department of Public Works Streets and Sidewalk Maintenance Standards.
For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works, 415-695-2017, <http://sfdpw.org/>
9. **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>
10. **Odor Control.** While it is inevitable that some low level of odor may be detectable to nearby residents and passersby, appropriate odor control equipment shall be installed in conformance with the approved plans and maintained to prevent any significant noxious or offensive odors from escaping the premises.
For information about compliance with odor or other chemical air pollutants standards, contact the Bay Area Air Quality Management District, (BAAQMD), 1-800-334-ODOR (6367), www.baaqmd.gov and Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
11. **Noise Control.** The premises shall be adequately soundproofed or insulated for noise and operated so that incidental noise shall not be audible beyond the premises or in other sections of the building and fixed-source equipment noise shall not exceed the decibel levels specified in the San Francisco Noise Control Ordinance.
For information about compliance with the fixed mechanical objects such as rooftop air conditioning, restaurant ventilation systems, and motors and compressors with acceptable noise levels, contact the Environmental Health Section, Department of Public Health at (415) 252-3800, www.sfdph.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

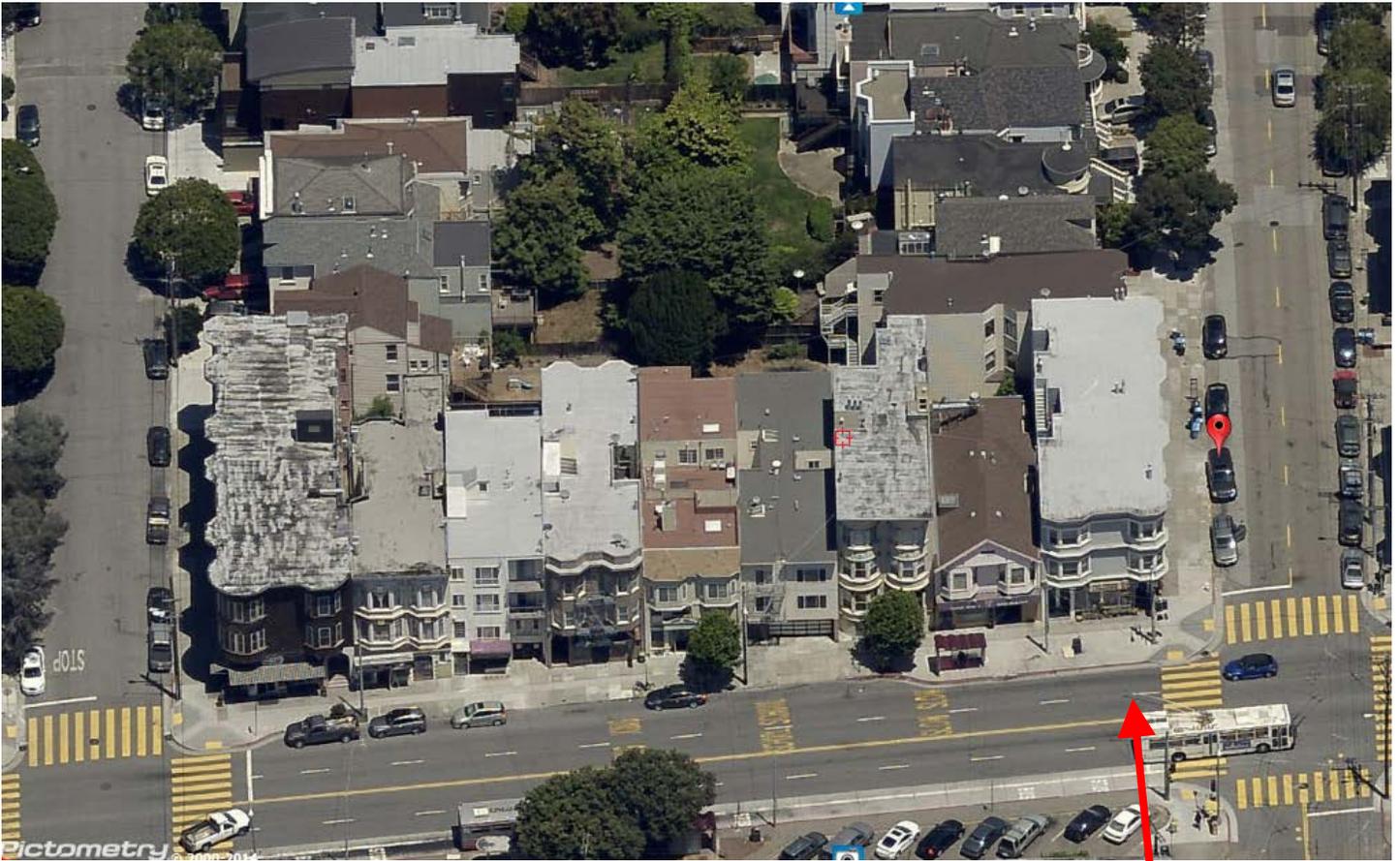
Sanborn Map*



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



Aerial Photo

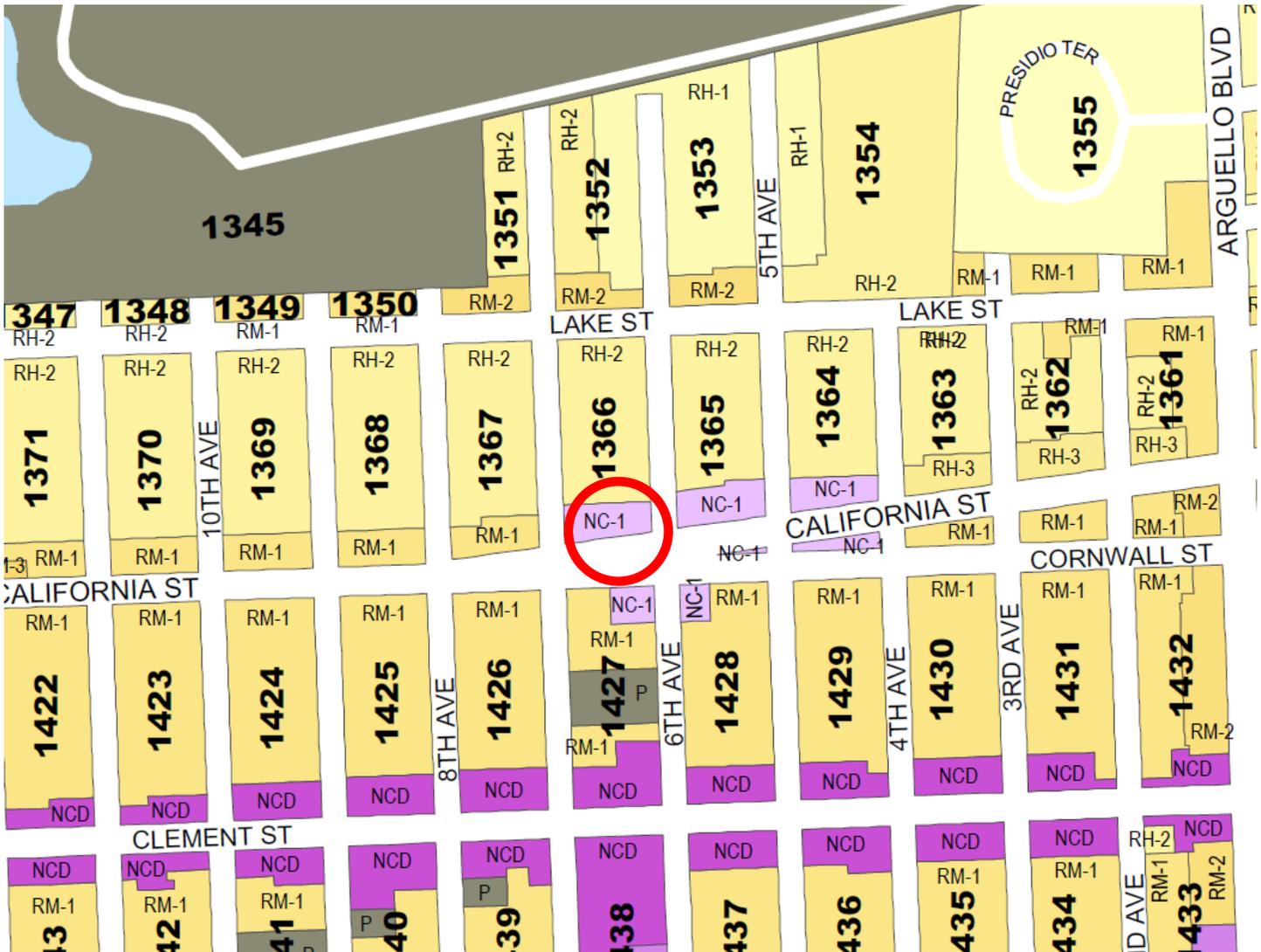


SUBJECT PROPERTY



Conditional Use Hearing
Case Number 2014.0739C
Nourish Café
189 6th Avenue

Zoning Map



Conditional Use Hearing
Case Number 2014.0739C
Nourish Café
189 6th Avenue

Site Photos



Conditional Use Hearing
Case Number 2014.0739C
Nourish Café
189 6th Avenue



August 14, 2014

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

Requesting approval for “Nourish Café” – a whole foods café
CU Hearing – September 4, 2014 – Case Number 2014.0739C – 189 6th Avenue

Dear Honorable Commissioners:

“Nourish Café”, a small, whole foods café, will be the first of its kind in the Richmond District neighborhood of San Francisco. As residents of the Richmond ourselves, we are very excited to bring a healthy eatery to our neighbors that will promote fresh, organic, local and healthy ingredients.

Our operation is less than 500 square feet in total with no changes to the exterior of the building. We will be operating our café very cleanly without a commercial hood, and with plans to compost nearly 100% of our waste. Our business hours will be respectful of our nearby neighbors and we will not serve alcohol.

During the month of June, we attended a meeting of the Clement Street Merchants Association where the café met with great support. We have included a letter of support from the Association in this request.

Given the lack of healthy eating options in the Richmond District and our modest impact on this existing retail space, we feel this use is appropriate at this location and we respectfully ask for your approval.

Thank you for your consideration.

Sarah Bacon
General Manager

Joseph Kohn
Co-Head Chef

Brighton Miller
Co-Head Chef



July 18, 2014

Honorable Members
San Francisco City Planning Commission
1660 Mission Street, 4th Floor
San Francisco, CA 94103

Case # 2014.0739C – 189 6th Avenue

Honorable Commissioners:

A representative of "Nourish Cafe" attended our June meeting of the Clement Street Merchants Association to present their proposal for a limited restaurant at 189 6th Avenue.

We understand that the proposed use will be approximately 500 square feet in area and have seating for approximately 6 patrons. We also understand that "Nourish Cafe" is a limited restaurant use as defined by the Planning Code and requires Conditional Use approval.

The attendees at our merchant meeting were in unanimous approval of "Nourish Cafe" and look forward to this new business opening in the neighborhood. We feel this is an appropriate use at this location and support its approval.

Thank you for your consideration.

Sincerely,

Cynthia Huie
President
Clement Street Merchants Association

July 17, 2014

Honorable Members
San Francisco City Planning Commission
1660 Mission Street, 4th Floor
San Francisco, CA 94103

Re: Case # 2014.0739C – 189 6th Avenue

To whom It May Concern,

As a resident for over 7 years in this neighborhood I am greatly looking forward to a café that serves a plant-based menu. There are number of establishments surrounding the area that have limited menus of coffee and refined carbohydrates.

This neighborhood will greatly benefit from a café the can offer alternatives that support healthy dietary choices. My family of 4 is looking forward to the opening of Nourish Café.

Thank You,

Amanda Kelly
136 7th AVE.
San Francisco, CA 94118

July 15th, 2014

Honorable Members
San Francisco City Planning Commission
1660 Mission Street, 4th Floor
San Francisco, CA 94103

Case # 2014.0739C – 189 6th Avenue

Honorable Commissioners:

I am writing in support of approval of the conditional use permit, which will change the use at 189 6th Avenue from a vacant retail to a limited restaurant.

As a neighbor who lives close to this property, I am excited about Nourish Café bringing healthy and delicious food to our block. I was thrilled to see YogaTree go in across the street and have been an active attendee there. This seems like a perfect complement to that and is in the fitting spirit of healthy San Francisco and our lovely community in the avenues.

The project sponsors have communicated openly and directly with neighborhood residents and merchants in the area about their plans for their new business.

I feel a limited restaurant use is appropriate at this location and support its approval. Thank you for your consideration.

Sincerely,

Kerry Reed
126 6th Avenue
San Francisco, CA 94118

DEMOLITION NOTES

COMPLY WITH ALL CONDITIONS AND REQUIREMENTS OF THE BUILDING OWNER AND/OR BUILDING MANAGEMENT REPRESENTATIVE WITH RESPECT TO DEMOLITION, CONTROL OF NOISE, REFUSE AND GENERAL DISRUPTION TO CONTINUING OCCUPANCY AND OPERATION OF THE BUILDING

ALL EXISTING FIRE ALARM, SECURITY ALARM, AND ENERGY MANAGEMENT SYSTEMS AND ASSOCIATED WIRING TO REMAIN. PROTECT AND MAINTAIN IN OPERATION THROUGHOUT CONSTRUCTION

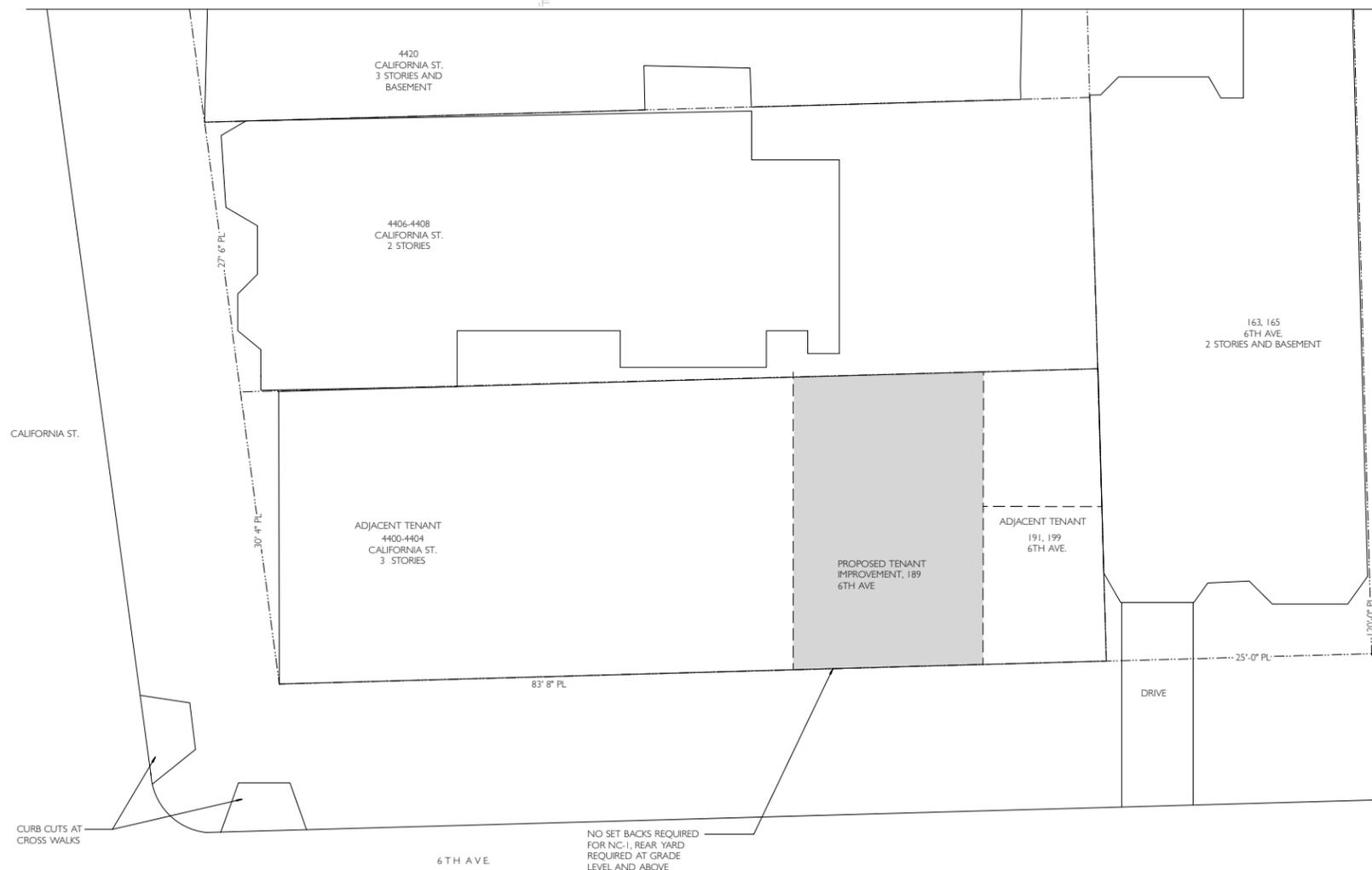
UPON REMOVAL OF EXISTING FINISHES AS INDICATED, PREPARE SUBSTRATE TO RECEIVE SCHEDULED FINISH MATERIALS AS PER MANUFACTURER'S RECOMMENDATIONS

OCCUPANCY CALCS

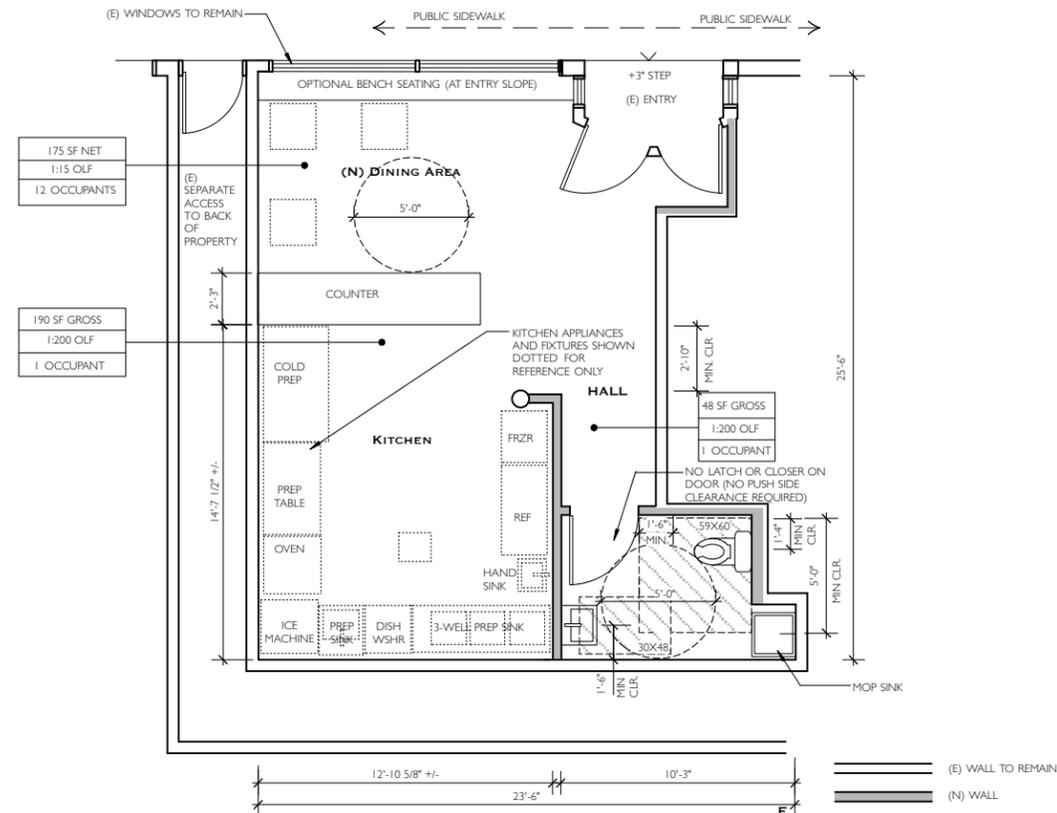
AREA	SQ. FT.	OCCUPANTS
KITCHEN:	190 GROSS	1
DINING:	175 NET	12
HALL:	48 GROSS	1
		14 TOTAL OCCUPANTS < 49 (1 EXIT REQUIRED)

ACCESSIBILITY NOTES

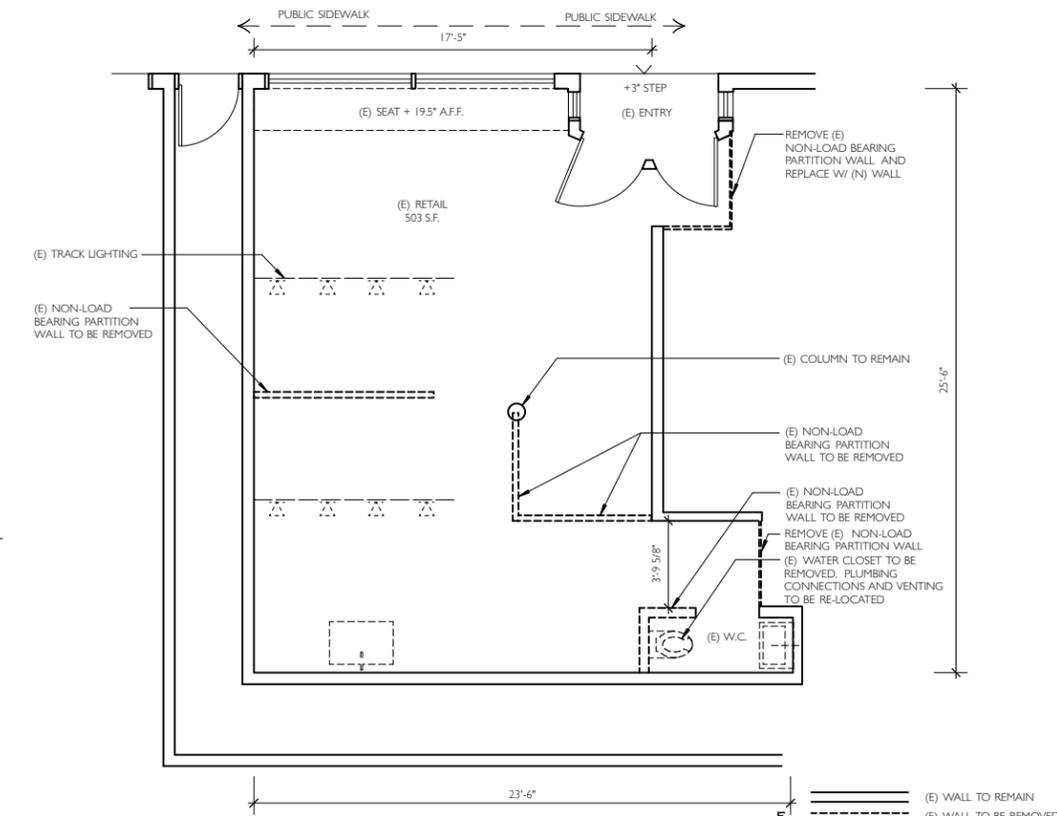
SEE PROPOSED PLANS FOR ACCESS COMPLIANCE DOCUMENTATION



3 SITE PLAN
SCALE: 1/8" = 1'-0"



2 PROPOSED PLAN
SCALE: 1/4" = 1'-0"



1 DEMOLITION PLAN
SCALE: 1/4" = 1'-0"



GENERAL NOTES

ALL WORK SHALL CONFORM TO THE CONTRACT DOCUMENTS WHICH INCLUDE THE OWNER/ CONTRACTOR AGREEMENT, THE DRAWINGS, AND ALL ADDENDA AND MODIFICATIONS ISSUED BY THE DESIGNER.

DO NOT SCALE DRAWINGS. USE WRITTEN DIMENSIONS ONLY.

ALL DIMENSIONS ARE TO FINISH SURFACES UNLESS OTHERWISE NOTED.

THE CONTRACTOR SHALL MAINTAIN FOR THE ENTIRE DURATION OF THE WORK ALL EXITS, EXIT LIGHTING, FIRE PROTECTIVE DEVICES AND ALARMS IN CONFORMANCE WITH ALL APPLICABLE CODES AND ORDINANCES.

THE CONTRACTOR SHALL REVIEW ALL DOCUMENTS AND VERIFY ALL DIMENSIONS AND FIELD CONDITIONS AND SHALL CONFIRM THAT ALL WORK IS BUILDABLE AS SHOWN. ANY CONFLICT OR OMISSIONS, ETC., SHALL BE IMMEDIATELY REPORTED TO THE DESIGNER FOR CLARIFICATIONS PRIOR TO THE PERFORMANCE OF ANY WORK IN QUESTION.

IN CASE OF CONFLICTS BETWEEN DESIGNER'S AND DESIGN BUILD ENGINEER'S DRAWINGS IN LOCATING MATERIALS/EQUIPMENT, THE ARCHITECTURAL DRAWINGS SHALL GOVERN.

CONTRACTOR SHALL COORDINATE WITH OWNER THE SCHEDULE FOR ALL UTILITY CONNECTIONS AND INSTALLATIONS, INCLUDING TELEPHONE, DATA, FIBER, AND WATER.

THE CONTRACTOR SHALL OBTAIN ALL PERMITS AND INSPECTIONS AND COMPLY WITH ALL CODES, LAWS, ORDINANCES, RULES, AND REGULATIONS OF ALL PUBLIC AUTHORITIES (FEDERAL, STATE, OR LOCAL) GOVERNING THE WORK. THE MOST STRINGENT SHALL APPLY.

SUBSTITUTIONS, REVISIONS OR CHANGES MUST BE SUBMITTED TO THE DESIGNER FOR REVIEW (IN CONFORMANCE WITH SPECIFIED PROCEDURES) PRIOR TO PURCHASE, FABRICATION OR INSTALLATION.

ALL MANUFACTURED ARTICLES, MATERIALS AND EQUIPMENT SHALL BE APPLIED, INSTALLED, CONNECTED, ERECTED, CLEANED AND CONDITIONED PER MANUFACTURER'S INSTRUCTIONS. IN CASE OF DIFFERENCES BETWEEN THE MANUFACTURER'S INSTRUCTIONS AND THE CONTRACT DOCUMENTS, THE CONTRACTOR SHALL NOTIFY THE DESIGNER BEFORE PROCEEDING.

THE DESIGNER HAS NO KNOWLEDGE OF AND SHALL NOT BE HELD LIABLE FOR ANY HAZARDOUS MATERIALS, INCLUDING BUT NOT LIMITED TO ASBESTOS, ON THE JOB SITE. IF ANY HAZARDOUS MATERIALS ARE DISCOVERED DURING CONSTRUCTION THE CONTRACTOR SHALL ISOLATE THE AFFECTED AREA AND CONTACT THE OWNER FOR FURTHER INSTRUCTIONS BEFORE PROCEEDING.

COMPLY WITH APPLICABLE LOCAL, STATE, AND FEDERAL CODES AND REGULATIONS PERTAINING TO SAFETY OF PERSONS, PROPERTY AND ENVIRONMENTAL PROTECTION.

ERECT AND MAINTAIN DUSTPROOF PARTITIONS AS REQUIRED TO PREVENT SPREAD OF DUST, FUMES AND SMOKE, ETC., TO OTHER PARTS OF THE BUILDING, ON COMPLETION, REMOVE PARTITIONS AND REPAIR DAMAGED SURFACES TO MATCH ADJACENT SURFACES.

REMOVE TOOLS AND EQUIPMENT FROM SITE UPON COMPLETION OF WORK. LEAVE CONTRACT AREAS AND SITE CLEAN, ORDERLY AND IN A CONDITION ACCEPTABLE FOR NEW OR OTHER CONSTRUCTION.

ABBREVIATIONS

ADJ. adjacent	CLR. clear	(E) existing	HT. height
A.F.F. above finish floor	COL. column	F.F. finish floor	HR. hour
ALUM. aluminum	CONC. concrete	FLR. floor	INT. interior
ALT. alternate	CONST. construction	FLUOR. fluorescent	MAX. maximum
APPROX. approximate	CONT. continuous	FIN. finish	MECH. mechanical
@ at	DBL. double	F.O.C. face of concrete	MFR. manufacturer
BD. board	DIA. diameter	F.O.F. face of finish	MIN. minimum
BTWN. between	DIM. dimension	F.O.G.B. face of gyp. bd.	MTD. mounted
BKGS. blocking	DN. down	F.O.S. face of stud	MTL. metal
BM. beam	DWG. drawing	F.O.W. face of wall	(N) new
B.O. bottom of cabinet	EA. each	GEN. general	N.I.C. not in contract
CAB. cabinet	EL. elevation	GA. gauge	N.T.S. not to scale
CLG. ceiling	ELEC. electrical	GR. grade	NO. number
CTR. center	EQ. equal / equal to	GL. glass	OLF. occupant load factor
C.L. center line	EXT. exterior	GYP. BD. gypsum board	O.C. on center
PTD. painted	TH. thick		
P.T. pressure treated	THRU. through		
PLAM. plastic laminate	T.O. top of		
PLYWD. plywood	TYP. typical		
PL. property line	UL. underwriters laboratory		
RAD. radius, radii	U.O.N. unless otherwise noted		
REQ'D required	V.I.F. verify in field		
RM. room	W.H. water heater		
R.O. rough opening	WI. with		
SCHED. schedule	WD. wood		
SIM. similar			
S.STL. stainless steel			
STD. standard			
STRUCT. structural			
TEMP. tempered			

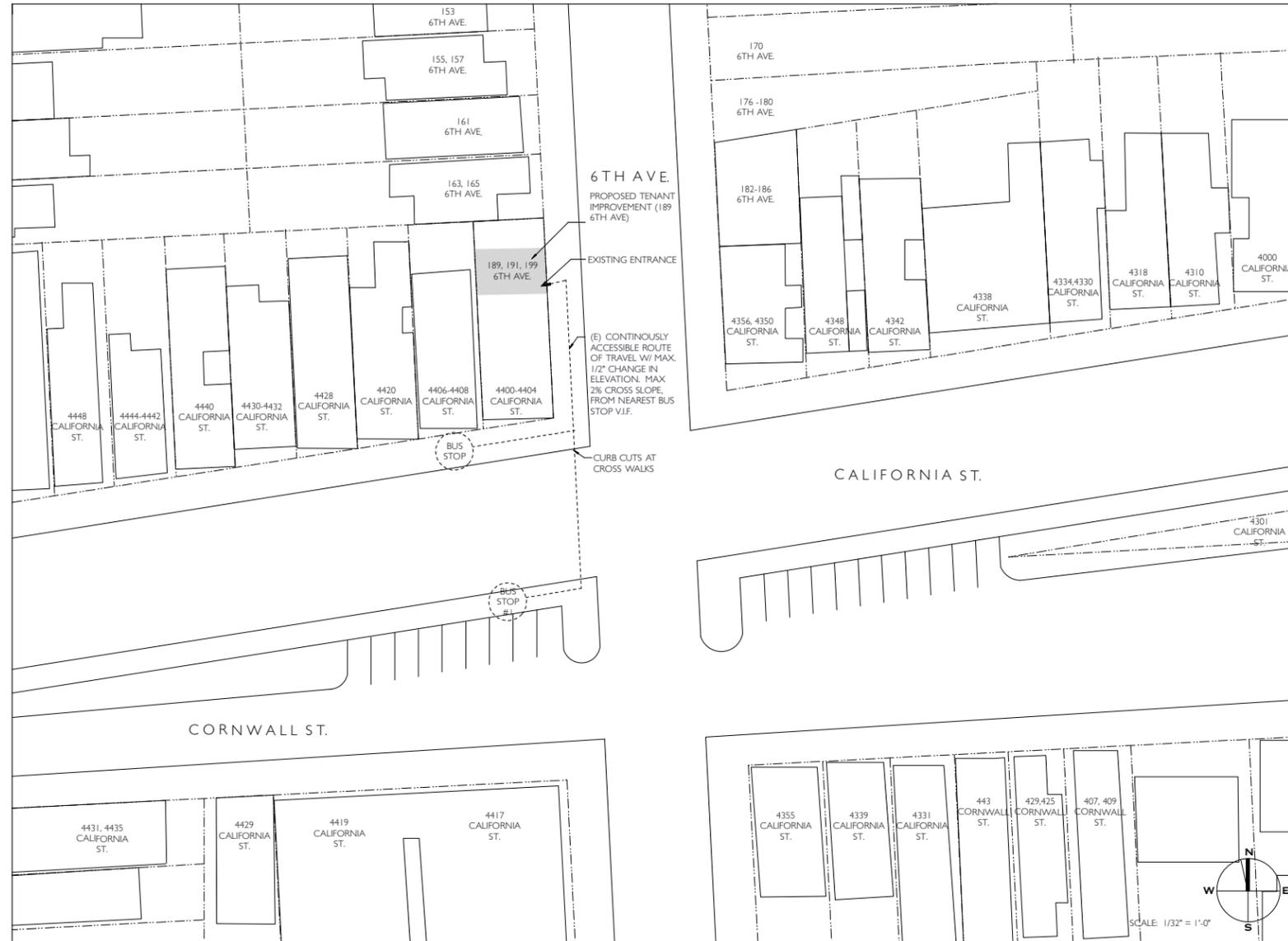
PHOTO OF 6TH AVE FACADE



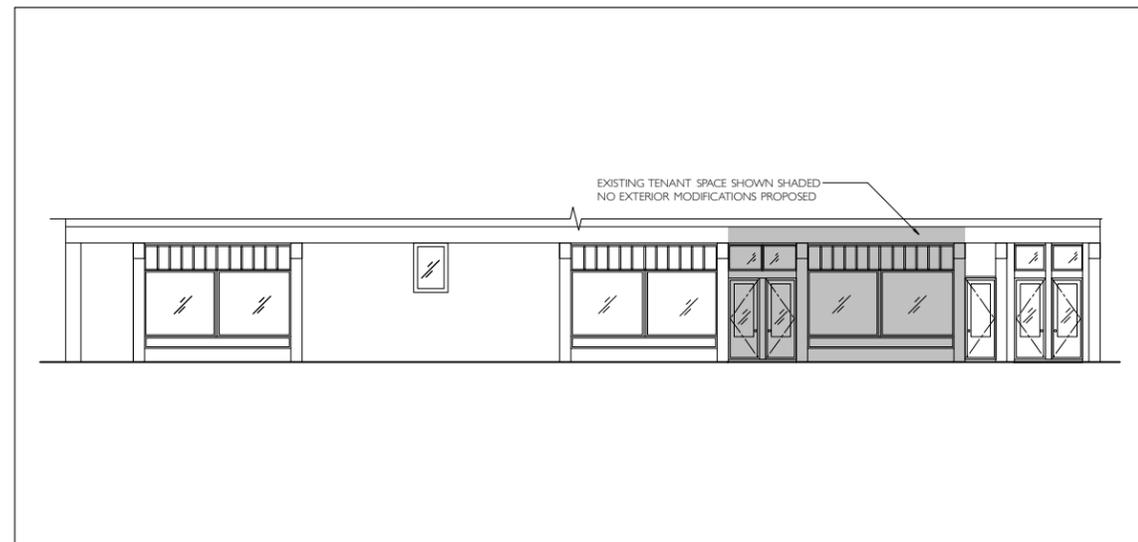
SYMBOLS

	REVISION NUMBER		HOSE BIB
	ALIGN		WATER SUPPLY
	BUILDING SECTION		GAS SERVICE
	ELEVATION		
	DETAIL		
	DOOR SYMBOL		
	WINDOW SYMBOL		
	ELEVATION / HEIGHT		
	MATERIAL DESIGNATION		
	WALL TYPE (SEE DETAILS)		

PLOT PLAN



EXISTING FRONT ELEVATION



EXITING NOTES

TOTAL NUMBER OF OCCUPANTS = 14 (5 LESS THAN 50), 1 EXIT REQUIRED (SEE ALSO A2.1)

TENANT SPACE TYP. B OCCUPANCY
OCCUPANT LOAD SIGN WILL BE PLACED IN EACH ROOM AT AN EASILY VISIBLE LOCATION.

EGRESS WIDTH PER OCCUPANT SERVED, PER CBC 1005.1:
EGRESS REQUIREMENT INCHES/OCCUPANT
2 INCHES / OCCUPANT
8 OCCUPANTS x 2 INCHES = 1.6' REQUIRED WIDTH OF EGRESS

ALL EXIT DOORS SHALL BE OPENABLE FROM THE INSIDE WITHOUT THE USE OF A KEY OR ANY SPECIAL HARDWARE

MAX. DOOR OPENING EFFORTS: 5LBS AT INTERIOR/EXTERIOR DOORS & 15LBS AT FIRE DOORS, TYP.

ACCESSIBILITY NOTES

NO ACCESSIBLE PARKING ASSOCIATED WITH SITE.

VICINITY MAP



PROJECT DATA

PROJECT ADDRESS: 189 6TH AVENUE
BUILDING ADDRESS: 4400 CALIFORNIA ST.
SAN FRANCISCO, CA 94118

ASSESSORS PARCEL #: 1366-019

ZONE: NC-1

SETBACKS: NONE

TENANT: NOURISH ENTERPRISES LLC
C/O: SARAH BACON
189 6TH AVENUE X
SAN FRANCISCO, CA 94118
SBACON@NOURISHCAFE.COM
415.420.7599

BUILDING OWNER: HOME REALTY INVESTMENTS
1757 UNION STREET
SAN FRANCISCO, CA 94123
MARCO@HREALTYSF.COM
415.345.1100

BUILDING TYPE: V-N (NON SPRINKLERED)

OCCUPANCY: MIXED USE BUILDING
(E) TENANT OCCUPANCY: M
(N) TENANT OCCUPANCY: B

PROJECT DESCRIPTION: 422 SQ.FT. TENANT IMPROVEMENT PROJECT FOR LIMITED CAFE. THE CONDITIONAL USE REQUEST FOR LIMITED RESTAURANT USE NO EXTERIOR CHANGES TO THE BUILDING. INTERIOR MODIFICATIONS TO PROVIDE NEW ADA ACCESSIBLE BATHROOM, SERVING COUNTER AND INSTALLATION OF COMMERCIAL APPLIANCES.

APPLICABLE CODES: 2013 CALIFORNIA MECHANICAL CODE
2013 CALIFORNIA PLUMBING CODE
2014 NATIONAL ELECTRIC CODE
2013 CALIFORNIA FIRE CODE
2013 CALIFORNIA ELECTRIC CODE
2013 CALIFORNIA ENERGY CODE

TIERNEY CONNER DESIGN STUDIO

3977 RHODA AVENUE
OAKLAND, CA 94602
P/F: 510.531.0540

NOURISH CAFE
189 6TH AVE.
SAN FRANCISCO, CALIFORNIA 94118

CONDITIONAL USE AUTHORIZATION REQUEST

ALL DESIGN AND DRAWINGS, PROPERTY OF TIERNEY CONNER INC

PLANNING 06.19.14
REV. PLANNING 06.25.14

SCALE: AS NOTED

A0.1

COVER SHEET

