



SAN FRANCISCO PLANNING DEPARTMENT

MEMO

DATE: December 14, 2011
TO: Interested Parties
FROM: Linda Avery
Planning Commission Secretary
RE: Planning Commission Action – No. DRA -- 0242

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San Francisco,
CA 94103-2479

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Property Address: 1813 Fulton Street
Building Permit Application No.: 2011.05.10.5758
Discretionary Review Case No.: 2011.0879D

Planning
Information:
415.558.6377

On November 17, 2011, the Planning Commission conducted a Discretionary Review hearing to consider the following project:

1813 FULTON STREET - south side of Fulton Street between Ashbury Street and Masonic Avenue; Lot 001 in Assessor's Block 1187 - Request for Discretionary Review of Building Permit Application No. 2011.05.10.5758, proposing to legalize the change of use of a small self-service restaurant (d.b.a. Bistro Gambrinus) to a full-service restaurant (continuing d.b.a. Bistro Gambrinus) within the NC-1 (Neighborhood Commercial Cluster) Zoning District and a 40-X Height and Bulk District. The proposal is to convert from a self-service type restaurant to a full-service type restaurant and will not involve any tenant improvements to the approximately 950 square-foot ground floor commercial tenant space.

ACTION

The Planning Commission took Discretionary Review and instructed staff to approve the project subject to the following conditions:

- 1. 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
For information about compliance with the construction noise, contact the Department of Building Inspection, 415-558-6570, www.sfdbi.org
For information about compliance with the amplified sound including music and television contact the Police Department at 415-553-1012 or 415-5530123, www.sf-police.org
- 2. 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

3. **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>

4. **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>

5. **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

6. **ENFORCEMENT.** Violation of any of the conditions of approval attached to this building permit application or of any other provisions of the Planning Code applicable to this proposed project shall be subject to the enforcement procedures and administrative penalties set forth under Planning Code Section 176. The Planning Department may also refer 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

7. **MONITORING.** The proposed project requires monitoring of the conditions of approval attached to this building permit application. The Project Sponsor or the subsequent responsible parties for the project shall pay fees as established under Planning Code Section 351(e)(1) and work with the Planning Department for information about compliance.

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

8. **RECORDATION OF CONDITIONS OF APPROVAL.** Prior to the issuance of the building permit or commencement of use for the proposed 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 November 17, 2011 under Planning Commission Action - No. DRA -- 0242.

9. **PRINTING OF CONDITIONS OF APPROVAL ON PLANS.** The conditions of approval under Planning Commission Action - No. DRA -- 0242 shall be reproduced on the Index Sheet of construction plans submitted with the site or building permit application for the proposed project. The Index Sheet of the construction plans shall also reference any subsequent amendments or modifications.

FINDINGS

- There are no extraordinary or exceptional circumstances in the case. The proposal complies with the Planning Code, the General Plan and does not need to conform to the Residential Design Guidelines (since it pertains to the change of use from a self-service type restaurant to a full-service type restaurant rather than the design of the proposed project). The existing eating and drinking establishment is considered a “full-service restaurant” use rather than a “bar” use as defined under the Planning Code.
- The Commission instructed staff to approve the project per plans with conditions as indicated above.

Speakers at the hearing included:

In Support of the Project	In Opposition to the Project
Marquez, Victor M. (representative) Shayevich, Clara (applicant) Albert Berzin, Bella Beygel, Nelly Calvano, Mark David Ehrich, Delia Paskerian, Charles Rayan Rider, Jack Rhoades, Mark Thomson, Bill Witte-Phillips, Tatiana Yana	Tang, Henry (DR requestor) Iskenderova, Natalya (DR requestor)

Ayes: Commissioners Antonini, Fong, Lee, Miguel, Olague, & Sugaya

Nayes: None

Absent: Commissioners Borden and Moore

Case Planner: Sharon M. Young, (415) 558-6346

You can appeal the Commission’s action to the Board of Appeals by appealing the issuance of the permit. Please contact the Board of Appeals at (415) 575-6880 for further information regarding the appeals process.

cc: Linda Avery