



# SAN FRANCISCO PLANNING DEPARTMENT

## Discretionary Review Action DRA-0250

HEARING DATE: JANUARY 12, 2012

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*Date:* January 25, 2012  
*Case No.:* 2011.0945DD  
*Project Address:* 1948 OCEAN AVENUE  
*Permit Application:* 2011.0502.5120  
*Zoning:* Ocean Avenue Neighborhood Commercial Transit District  
45-X Height and Bulk District  
*Block/Lot:* 3281/020C  
*Project Sponsor:* Yong Yu  
1948 Ocean Avenue  
San Francisco, CA 94132  
*DR Requestor:* Jeffrey Harding  
26 Fairfield Way  
San Francisco, CA 94127  
*DR Requestor:* Ingleside Terraces Homes Association c/o Mark Scardina  
P.O. Box 27304  
San Francisco, CA 94127  
*Staff Contact:* Adrian Putra – (415) 575-9075  
[adrian.putra@sfgov.org](mailto:adrian.putra@sfgov.org)

**ADOPTING FINDINGS RELATED TO TAKING DISCRETIONARY REVIEW OF CASE NO. 2011.0625D AND APPROVING WITH CONDITIONS BUILDING PERMIT 2011.05.02.5120 TO ESTABLISH AN "OTHER ENTERTAINMENT" USE (D.B.A. LEGEND BILLIARD HALL) WITH AN ACCESSORY BEVERAGE STORE SERVING ONLY NON-ALCOHOLIC DRINKS WITHIN THE OCEAN AVENUE NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT AND A 45-X HEIGHT AND BULK DISTRICT.**

### PREAMBLE

On May 2, 2011, Yong Yu filed for Building Permit Application No. 2011.05.02.5120 proposing to establish a bar and "other entertainment" (billiard hall) use doing business as "Legend Billiard Hall" at a vacant ground floor commercial storefront located within the Ocean Avenue Neighborhood Commercial Transit District and a 45-X Height and Bulk District.

On August 26, 2011 Jeffrey Harding (hereinafter "Discretionary Review (DR) Requestor #1") filed an application with the Planning Department (hereinafter "Department") for Discretionary Review (2011.0945DD) of Building Permit Application No. 2011.05.02.5120.

On August 29, 2011 the Ingleside Terraces Homes Association (hereinafter "Discretionary Review (DR) Requestor #2") filed an application with the Planning Department (hereinafter

“Department”) for Discretionary Review (2011.0945DD) of Building Permit Application No. 2011.05.02.5120.

Since the filing of the DR applications against the original project, the project sponsor has revised the proposal to operate solely as an “Other Entertainment” use (billiard hall) with an accessory beverage store serving only non-alcoholic drinks.

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

On January 12, 2012, the San Francisco Planning Commission (hereinafter “Commission”) conducted a duly noticed public hearing at a regularly scheduled meeting on Discretionary Review Application 2011.0945DD.

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.

#### **ACTION**

The Commission hereby takes Discretionary Review requested in Application No. 2011.0945DD and approves the Building Permit Application 2011.05.02.5120 with modifications to include the following conditions of approval to the project:

1. **Enforcement.** Violation of any of the Planning Department conditions of approval contained in Discretionary Review Action DRA-250 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)*

2. **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 Discretionary Review Action DRA-250, 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)*

3. **Hours of Operation.** The subject establishment is limited to the following hours of operation: 6:00 AM to midnight, seven days a week.  
*For information about compliance, contact the Case Planner, Planning Department at 415-575-9079, [www.sf-planning.org](http://www.sf-planning.org)*
4. **Six-month Review Period.** Six months after the subject establishment has been in operation the Department shall provide to the Commission a six-month review of the status of the operation and neighborhood complaints, if there are no complaints the establishment may have hours of operation modified to operate up to 2:00 AM.  
*For information about compliance, contact the Case Planner, Planning Department at 415-575-9079, [www.sf-planning.org](http://www.sf-planning.org)*
5. **Alcohol Sales.** No alcoholic beverage sales are permitted at the associated subject establishment.  
*For information about compliance, contact the Case Planner, Planning Department at 415-575-9079, [www.sf-planning.org](http://www.sf-planning.org)*
6. **Security Plan.** The Project Sponsor shall submit a security plan to the Planning Department prior to Planning Department approval of the building / site permit application.  
*For information about compliance, contact the Case Planner, Planning Department at 415-575-9079, [www.sf-planning.org](http://www.sf-planning.org)*
7. **Final Interior Design.** The Project Sponsor shall work with staff on the final interior design of the Project Site, with a focus on considering other designs to reconfigure the space to activate the front portion of the interior space.  
*For information about compliance, contact the Case Planner, Planning Department at 415-575-9079, [www.sf-planning.org](http://www.sf-planning.org)*
8. **Notices Posted at Bars and Entertainment Venues.** Notices urging patrons to leave the establishment and neighborhood in a quiet, peaceful, and orderly fashion and to not litter or block driveways in the neighborhood, shall be well-lit and prominently displayed at all entrances to and exits from the establishment.  
*For information about compliance, contact the Entertainment Commission, at 415 554-6678, [www.sfgov.org/entertainment](http://www.sfgov.org/entertainment)*
9. **Other Entertainment.** The Other Entertainment shall be performed within the enclosed building only. The building 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. Bass and vibrations shall also be contained within the enclosed structure. The Project Sponsor shall obtain all necessary approvals from the Entertainment Commission prior to operation. The

authorized entertainment use shall also comply with all of the conditions imposed by the Entertainment Commission.

*For information about compliance, contact the Entertainment Commission, at 415 554-6678, [www.sfgov.org/entertainment](http://www.sfgov.org/entertainment)*

10. **Lighting.** All Project lighting shall be directed onto the Project site and immediately surrounding sidewalk area only, and designed and managed so as not to be a nuisance to adjacent residents. Nighttime lighting shall be the minimum necessary to ensure safety, but shall in no case be directed so as to constitute a nuisance to any surrounding property.

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

11. **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>*

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)*

13. **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>*

**BASIS FOR RECOMMENDATION**

The reasons that the Commission took the action described above include:

1. The proposal complies with the Planning Code, the General Plan, and the issues raised by the DR Requestors are not design related since the project does not involve exterior alterations to the existing building.
2. The Commission determined that the conditions of approval as listed above were necessary to address issues and concerns raised by neighbors.

**APPEAL AND EFFECTIVE DATE OF ACTION:** Any aggrieved person may appeal this Building Permit Application to the Board of Appeals within fifteen (15) days after the date the permit is issued. For further information, please contact the Board of Appeals at (415) 575-6881, 1650 Mission Street # 304, San Francisco, CA, 94103-2481.

**I hereby certify that the Planning Commission did not take Discretionary Review and approved the building permit as reference in this action memo on January 25, 2012.**

Linda D. Avery  
Commission Secretary

AYES: Commissioners Fong, Moore, Sugaya, and Borden

NAYS: Commissioner Antonini

ABSENT: Commissioner Miguel

ADOPTED: January 12, 2012