



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- Affordable Housing (Sec. 415)
- Jobs Housing Linkage Program (Sec. 413)
- Downtown Park Fee (Sec. 412)
- First Source Hiring (Admin. Code)
- Child Care Requirement (Sec. 414)
- Other

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Planning Commission Motion No. 18516

HEARING DATE: JANUARY 12, 2012

Date: January 5, 2012
Case No.: **2011.0951 C**
Project Address: **371-375 11th Street**
Zoning: SLR (Service/Light-Industrial/Residential Mixed Use) Zoning District
 District
 Western SoMa Planning Area Special Use District
 50-X Height and Bulk District
Block/Lot: 3520/021 & 023
Project Sponsor: Jason Anderson
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ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 181(f), 303 AND 803.7 OF THE PLANNING CODE TO EXPAND THE EXISTING NIGHTTIME ENTERTAINMENT USE (D.B.A. DNA LOUNGE) WITHIN AN SLR (SERVICE/LIGHT-INDUSTRIAL/RESIDENTIAL MIXED USE) ZONING DISTRICT, THE WESTERN SOMA PLANNING AREA SPECIAL USE DISTRICT AND A 50-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On September 22, 2011, Jason Anderson (hereinafter “Project Sponsor”) filed an application with the Planning Department (hereinafter “Department”) for Conditional Use Authorization under Planning Code Section(s) 181(f), 303 and 803.7 to expand the existing nighttime entertainment use (d.b.a. DNA Lounge) within an SLR (Service/Light-Industrial/Residential Mixed Use) Zoning District, the Western SoMa Planning Area Special Use District and a 50-X Height and Bulk District.

On January 12, 2012, the San Francisco Planning Commission (hereinafter “Commission”) conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2011.0951C.

On August 31, 2011, the Project was determined to be exempt from the California Environmental Quality Act (“CEQA”) as a Class 1 Categorical Exemption under CEQA as described in the determination contained in the Planning Department files for this Project.

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. 2011.0951 C, 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 eastern side of 11th Street, between Folsom and Harrison Streets, Lots 021 and 023 of Assessor’s Block 3520. The subject property is located within an SLR (Service/Light-Industrial/Mixed Use) Zoning District, the Western SoMa Planning Area Special Use District, and a 50-X Height and Bulk District. The larger, 5,000-square-foot parcel, Lot 021, is developed with a two story commercial building that covers the entire lot. The existing use at this site is a nighttime entertainment operation (d.b.a. DNA Lounge) and has a total floor area of approximately 8,001-square-feet. The smaller, 2,500-square-foot parcel, Lot 023, is also fully developed with a two story commercial building. The ground floor unit is occupied by a full-service restaurant (d.b.a. DNA Pizza) and has a total floor area of 2,003-square-feet. The second story unit, a former art gallery, has a total floor area of 1,981-square-feet and is currently vacant.

Lots 021 and 023 adjoin and are under the same ownership; therefore, pursuant to Planning Code Section 102.14, for the purposes of implementing the Code, they can be considered one developable lot, or project site. Additionally, there is an active subdivision application to merge the two parcels into one.

3. **Surrounding Properties and Neighborhood.** The project site is situated on the eastern side of the 300 block of 11th Street, and is closest to the Harrison Street intersection. Directly north of the project site is an automotive repair shop (d.b.a. Discount Muffler and Brake), followed by a full service restaurant (d.b.a. Bar Agricole). Directly south of the project site is a light-industrial use (d.b.a. Glass Block Designs), followed by a four-story mixed use building, with a tattoo parlor on the ground floor (d.b.a. Lefty’s Tattoo)

and live/work units above. The western side of 11th Street, as well as the broader area, is similarly defined by a mixture of light-industrial, entertainment, professional service, retail and residential uses. The larger neighborhood is characterized by the SLR (Service/Light-Industrial/Residential Mixed Use) and SLI (Service/Light-Industrial) zoning districts.

The site is well served by local and regional public transit. The following transit lines have stops within a half-mile of the project site: all MUNI light-rail lines via the Van Ness Station; the 6-Parnassus, 9-San Bruno, 12-Folsom, 19-Polk, 27-Bryant, 47-Van Ness, 49 Van Ness-Mission, 71 Haight-Noriega and 76 Marin Headlands MUNI bus routes; and connections to regional bus lines such as, Golden Gate Transit and SamTrans.

4. **Project Description.** The Project Sponsor is seeking a Conditional Use authorization to expand an existing nighttime entertainment use (d.b.a. DNA Lounge). The proposed expansion will create interior connections between the two adjacent buildings on Lots 021 and 023. The floor area of the DNA Lounge will increase from 8,001 square feet to 11,985 square-feet; however, it will not result in the expansion of the existing buildings' envelopes or square-footage. The existing full-service restaurant use will be maintained in the ground floor unit of Lot 023 and the DNA Lounge will continue to offer meal services as part of the activities on-site. The interior connections are intended to better accommodate patrons that would alternatively queue on the sidewalk and to provide an improved flow between the restaurant and entertainment venue.
5. **Public Comment.** The Department has received five letters regarding this project. All have indicated complete support for the expansion of the nighttime entertainment use and indicate that the DNA Lounge has a history within the immediate community as a respectful neighbor.
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. **Neighborhood Notification.** Pursuant to Planning Code Section 803.7, expansion of an entertainment use within the Western SoMa Planning Area Special Use District requires Section 312 neighborhood notification to all owners and occupants within a 150-foot radius from the project site.

The project site is located within the Western SoMa Planning Area Special Use District. The project proposal includes the expansion of an entertainment use, as defined in Planning Code Section 890.37 and therefore, requires neighborhood notification. Section 312 notification was conducted in conjunction with the Conditional Use authorization notification.
 - B. **Nighttime Entertainment Use.** Planning Code Section 181(f) allows for the expansion of an existing nighttime entertainment use within the SLR zoning district provided that: (1) the expansion is approved as a conditional use pursuant to Sections 303 and 316 of the Code; (2) the use as a whole meets the parking and

signage requirements, floor area ratio limit, height and bulk limit, and all other requirements of this Code which would apply if the use were a permitted one; and (3) the provisions of Section 803.5(b) of this Code are satisfied.

- (1) *The project site is located in the SLR zoning district which does not permit the establishment of new nighttime entertainment uses. However, pursuant to Planning Code Section 181(f) an existing nighttime entertainment use that is also within an SLR zoning district, may be enlarged so long as the criteria stated above are met and the applicant seeks Conditional Use authorization from the Planning Commission. The project site is located within an SLR zoning district. Accordingly, the Project Sponsor is requesting Conditional Use authorization to expand the existing nighttime entertainment use (d.b.a. DNA Lounge) into an adjacent property by means of interior connections on the first and second stories.*
- (2) *The proposed use must be compliant with the requirements of the Planning Code as if it were permitted as a principal use within the SLR district. There are no existing, required or proposed off-street parking spaces for this site. Additionally, the proposal does not include any changes to the existing Code compliant signage. Finally, the two existing buildings that will become internally connected are compliant with the floor area, height, and bulk requirements of the Planning Code.*

Notwithstanding these aforementioned conformities, Planning Code Section 152.1 requires that a nighttime entertainment use with a floor area greater than 10,000 square-feet must provide one off-street freight loading space. The expansion of the DNA Lounge to a total of 11,985 square-feet requires one off-street freight loading space. However, to avoid unnecessary alterations to the existing facades that could compromise existing sound barriers, the Project Sponsor has chosen to not provide this space and seek a Variance. Furthermore, the proposal is only to rearrange the interior layout of existing entertainment, arts, and restaurant uses. The rebalancing of these uses, all under one ownership, are not anticipated to alter the loading/delivery needs of the existing tenants.

- (3) *Planning Code Section 803.5(b) establishes "Good Neighbor Policies" for Nighttime Entertainment Activities in South of Market Mixed Use Districts, which includes the SLR zoning district. As discussed in the findings below, this Motion asserts that the existing nighttime entertainment use has adhered to the Good Neighbor policies in the past, and will continue to do so through the conditions of this Motion as documented in Exhibit A.*

C. **Good Neighbor Policies.** Planning Code Section 803.5(b) establishes good neighbor policies for nighttime entertainment activities in the South of Market Mixed Use Districts. Such uses are not to be allowed except on conditions which, in the judgment of the City agency, board or commission, are reasonably calculated to insure that:

1. Notices shall be well-lit and prominently displayed at all entrances to and exits from the establishment urging patrons to leave the establishment and

- neighborhood in a quiet, peaceful, and orderly fashion and to please not litter or block driveways in the neighborhood; and
2. Employees of the establishment shall be posted at all the entrances and exits to the establishment during the period from 10:00 p.m. to such time past closing that all patrons have left the premises. These employees shall insure that patrons waiting to enter the establishment and those existing in the premises are urged to respect the quiet and cleanliness of the neighborhood as they walk to their parked vehicle or otherwise leave the area; and,
 3. Employees of the establishment shall walk a 100-foot radius from the premises sometime between 30 minutes after closing time and 8:00 a.m. the following morning, and shall pick up and dispose of any discarded beverage containers and other trash left by area nighttime entertainment patrons; and,
 4. Sufficient toilet facilities shall be made accessible to patrons within the premises, and toilet facilities shall be made accessible to prospective patrons who may be lined up waiting to enter the establishment; and,
 5. The establishment shall provide outside lighting in a manner that would illuminate outside street and sidewalk areas and adjacent parking, as appropriate; and,
 6. The establishment shall provide adequate parking for patrons free of charge or at a rate or manner that would encourage use of parking by establishment patrons. Adequate signage shall be well-lit and prominently displayed to advertise the availability and location of such parking resources for establishment patrons; and,
 7. The establishment shall provide adequate ventilation within the structures such that doors and/or windows are not left open for such purposes resulting in noise emission from the premises; and,
 8. Any indoor and/or outdoor activity allowed as a principal or conditional use and located within 100-feet of a residential or live/work unit shall, during the period from 10:00 p.m. to 6:00 a.m., insure that sound levels emanating from such activities do not exceed the acceptable noise levels established for residential uses by the San Francisco Noise Ordinance; and,
 9. The establishment shall implement other conditions and/or management practices, including the prohibition of dancing to recorded music (disco dancing), as determined by the Zoning Administrator, in consultation with Police Department and other appropriate public agencies, to be necessary to insure that management and/or patrons of the establishments maintain the quiet, safety, and cleanliness of the premises and the vicinity of the use, and do not block driveways of neighboring residents or businesses.

The Conditions of Approval set forth in Exhibit A ensure that the Project Sponsor will continue to practice the Good Neighbor Policies as outlined above through ongoing compliance with the Planning Code. Additionally, failure to adhere to the Planning Code requirements may result in a revocation of the Conditional Use authorization. Parking is not included in the subject proposal, nor is it required by the Planning Code. Furthermore, the

Entertainment Commission also refers to the City's Good Neighbor Policies when reviewing entertainment permits for related or special events.

- D. **Formula Retail Use.** Planning Code Section 803.6 requires Conditional Use authorization for Formula Retail uses within the Western SoMa Planning Area Special Use District.

The project site is within the Western SoMa Planning Area Special Use District; however, the DNA Lounge is not identified as a Formula Retail establishment as defined in Planning Code Section 803.6.

- E. **Off-Street Parking.** Planning Code Section 151.1 limits the amount of off-street parking allowed for a non-residential use within a South of Market Mixed Use District to off-street parking space for every 1,500 square feet of gross floor area.

The proposal does not include any off-street parking spaces. Although parking is not required by the Planning Code, the Project Sponsor intends to accommodate patrons by continuing to partner with local parking lots and garages.

- F. **Off-Street Freight Loading.** Section 152.1 of the Planning Code requires that a nighttime entertainment use with a floor area greater than 10,000 square-feet must provide one off-street freight loading space.

The expansion of the DNA Lounge to a total of 11,985 square-feet requires one off-street freight loading space; however, the Project Sponsor has chosen to not provide this space and seeks a variance from the requirement.

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 project is both necessary and desirable because the expanded entertainment and dining activities will contribute to the economic vitality of the neighborhood and preserve the diversity of goods offered within the general area. Along 11th Street there are two other nighttime entertainment uses (d.b.a. "Slim's" and "Beatbox"), as well as, a few popular full-service restaurant establishments (d.b.a. "Bar Agricole," "Butter," and "Basil"). This clustering of entertainment and dining uses, paired with the DNA Lounge's history of being "a good neighbor" further demonstrates that the expansion is compatible with the existing neighborhood character. The project also attempts to connect two existing uses and facilitate the flow of patrons internally, rather than on the sidewalks of a mixed residential 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 proposed project will operate within the existing building envelope. The conditions of this Motion, as stated in Exhibit A, will require that the expansion of the existing nighttime entertainment use will maintain its conformity with the Planning Code, including the Good Neighbor Polices outlined in Section 805.3. These conditions are established to ensure the expansion will not be detrimental to the health or welfare of associated individuals or neighboring residents.

- 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 for any uses within a South of Market Mixed Use District. The subject lot does not have any existing off-street parking spaces. Additionally, the Project does not include any new off-street parking spaces. As previously mentioned, the proposed project is well served by public transit, minimizing the need for private automobile trips.

The Project Sponsor is also seeking a variance from Planning Code Section 152.1 for one required off-street freight loading space. The Project Sponsor has indicated that the conditions for loading and deliveries are not anticipated to change because the proposed alterations are interior only, and there is already an operational association between the site's existing uses.

- 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 a nighttime entertainment use as outlined in Exhibit A. Conditions 6 to 12 specifically obligate the Project Sponsor to mitigate noxious and offensive emissions, and avail a community representative to address any related concerns raised by neighbors.

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

Off-street parking areas are not required for the proposed use; additionally, the proposal requests a variance for one off-street loading space. Accordingly, the project does not

include any screening for off-street parking spaces. Landscaping is not proposed as the building has no front setback. The Planning Department shall review all proposed signs under separate permit applications.

- 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 Mixed Use District.

The proposed project is consistent with the stated purpose of the SLR (Service/Light-Industrial/Residential) Mixed Use District in that the expansion of the existing use will not result in the increase of the existing building envelope or floor area and will serve to deter patrons from loitering on sidewalks. Additionally, the existing entertainment use will continue to provide compatible convenience goods by means of performance and exhibition activities to the immediately surrounding neighborhoods.

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

SOUTH OF MARKET AREA PLAN

Objectives and Policies

OBJECTIVE 1:

PROTECT EXISTING INDUSTRIAL, ARTISAN, HOME AND BUSINESS SERVICE, AND NEIGHBORHOOD-SERVING RETAIL, PERSONAL SERVICE AND COMMUNITY SERVICE ACTIVITIES AND FACILITATE THEIR EXPANSION.

Policy 1.3:

Allow nighttime entertainment activities to locate in areas where such uses are compatible with nearby businesses and other daytime, nonresidential uses, and allow expansion of existing nighttime entertainment activities when the expansion would result in improved area livability such as litter patrol, noise reduction and increased parking.

Policy 1.6:

Allow existing businesses, which would not be allowed if they were new, to remain in their present location and space as nonconforming uses.

The expansion is compatible with the existing neighborhood character. This particular area already has a few active nighttime entertainment venues, as well as multiple full-service restaurants. Allowing the existing activity to expand would enable this sector of the

neighborhood's economic activities to grow without physical expansion of the building's envelope or square footage. The limitation of work to only the interior enables the existing business to expand while continuing to adhere to the Good Neighbor Policies of Section 805.3(b), as well as the conditions attached to this Motion.

OBJECTIVE 5:

MINIMIZE THE IMPACT ON THE LIVABILITY OF THE AREA OF AUTO TRAFFIC THROUGH AND TO/FROM THE SOUTH OF MARKET.

Policy 5.1:

Provide incentives for the use of transit, taxi, carpools and vanpools, and reduce the dependence on automobile parking facilities, particularly by area workers.

Policy 5.4:

Provide adequate parking and loading resources for new South of Market residential and business development.

Policy 5.5:

Provide an adequate amount of on-street curbside freight loading spaces throughout the South of Market.

The project is seeking a variance from Planning Code Section 152.1 which requires one off-street freight loading space. Currently, the DNA Lounge and DNA Pizza receive an average of six deliveries per week during 9AM to 5PM on Thursdays. These drops are done during off-peak hours and loading spaces can be provided in one of the metered on-street spaces in-front of the subject site. Furthermore, the Project Sponsor is anticipating a reduction in deliveries as a result of the merging of uses.

Individuals travelling to the site are encouraged to use public transit, taxis, or other means of shared transit. The site does not have, nor will it provide off-street parking spaces for employees or patrons. However, the business does have shared parking with the Costco parking lot located at the intersection of 11th and Harrison Streets. Given that the project site is well-served by public transit, and that the scope of work is limited to the interior rearrangement of uses, the project is not anticipated to result in increased pressures on existing parking, transit, or loading conditions.

COMMERCE AND INDUSTRY ELEMENT

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 which has substantial undesirable consequences that cannot be mitigated.

Policy 1.2:

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

The proposal results in minimal changes to the existing physical environment as the scope of work is limited to interior renovations and a rearrangement of entertainment, arts and restaurant uses. Such changes, however, have positive fiscal and employment benefits for residents and other businesses within the immediate area. Additionally, the Good Neighborhood polices of Planning Code Section 805.3(b) and conditions associated with this Motion will ensure that the expanded use will continue to meet minimum, reasonable performance standards.

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.

Policy 2.3:

Maintain a favorably social and cultural climate in the city in order to enhance its attractiveness as a firm location.

The DNA Lounge has been an active nighttime entertainment use at the subject location since 1985. The venue features a variety of entertainment activities ranging from "Mortified," a recurring open-mic night accompanied by house (and local) band "Live Evil," to "Silicon Valley Rocks," an event where bands of tech professionals play to raise money for "Music in Schools Today." The success of this programming has enabled the current owners to seek Conditional Use authorization in order to expand internally. Their goal is to offer a broader scope of entertainment programming that will cater to current patrons, as well as new. This increase will avail a more diverse set of entertainment activities to the city's residents and visitors, and will directly contribute to a more favorable social and cultural climate within San Francisco.

OBJECTIVE 3:

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

Policy 3.1:

Promote the attraction, retention and expansion of commercial and industrial firms which provide employment improvement opportunities for unskilled and semi-skilled workers.

At present, the DNA Lounge and DNA Pizza restaurant have a combined total of 35 employees. The proposed project will provide approximately 4-6 new employment opportunities, of which approximately half will be entry-level, unskilled and semi-skilled positions.

ARTS ELEMENT

Objectives and Policies

OBJECTIVE I.1:

RECOGNIZE THE ARTS AS NECESSARY TO THE QUALITY OF LIFE FOR ALL SEGMENTS OF SAN FRANCISCO.

Policy I.1.3:

Increase public awareness of the arts in San Francisco by greater promotion of existing art programs and services in the community and schools.

Policy I.1.4:

Provide access to creative process and cultural resources for all neighborhoods, cultural communities, and segments of the city and its populations.

The existing nighttime entertainment use (d.b.a. DNA Lounge) regularly features emerging local artists, as well as internationally renowned talent. This exposure to varying artists facilitates a greater public awareness in arts and entertainment. The expansion of the use will enable the entertainment venue to continue its present activities and to build upon them without enlarging the existing structure. Furthermore, the DNA Lounge is well-served by local and regional transit. This ease of access makes the venue and its programming much more accessible to varied communities and neighborhoods throughout the region.

OBJECTIVE I-2:

INCREASE THE CONTRIBUTION OF THE ARTS TO THE ECONOMY OF SAN FRANCISCO.

Policy I-2.1:

Encourage and promote opportunities for the arts and artists to contribute to the economic development of San Francisco.

Policy I-2.2:

Continue to support and increase the promotion of the arts and arts activities throughout the City for the benefit of visitors, tourists, and residents.

The expansion of the existing entertainment use will enable the venue to provide more varied forms of music on a regular basis. This increase in use also enhances San Francisco's arts sector and supplies residents, tourists and visitors with a greater diversity of entertainment offerings.

OBJECTIVE VI-1:

SUPPORT THE CONTINUED DEVELOPMENT AND PRESERVATION OF ARTISTS' AND ARTS ORGANIZATIONS' SPACES.

Policy VI-1.2:

Support and expand programs directed at enabling arts organizations and artists to comply with City building and safety codes to rehabilitate arts spaces.

Policy VI-1.4:

Preserve existing performing spaces in San Francisco.

Policy VI-1.9:

Create opportunities for private developers to include arts spaces in private developments city-wide.

Policy VI-1.11

Identify, recognize and support existing arts clusters and wherever possible, encourage the development of clusters of arts facilities and arts related businesses through the city.

The DNA Lounge has provided performing space for both emerging and renowned talent, the expansion of the entertainment space will enable the current business to expand its current programming and create new opportunities for various entertainers. Additionally, the expansion of this entertainment venue will serve to foster the continued success of other arts and entertainment establishments clustered in this area.

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.

As the proposed alterations will not expand the existing building footprint, the project does not displace any existing neighborhood-serving retail uses. The existing business will continue to generate employment opportunities for the community.

- 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 surrounding neighborhood will not be adversely affected. The proposal will contribute to a more active and engaging neighborhood environment along 11th Street.

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

No housing is altered for this Project.

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

The proposed project is on 11th Street between Folsom and Harrison Streets, and is well served by public transit. It is highly likely that both employees and customers of the proposed establishment will either walk, bike or use public transit as the preferred mode of transportation.

- 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 proposed project will not include any commercial office development and will not displace any existing service or industry establishments.

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

The proposed project will comply with the City Codes to achieve the proper preparedness in the event of an earthquake.

- G. That landmarks and historic buildings be preserved.

The project as proposed does not include any alterations to the façade and thereby maintains the historic character. Additionally, the subject buildings were found ineligible for the National Register, California Register, and local designation through survey evaluation.

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

The proposed project will not have a negative effect on existing parks and open space.

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. 2011.0951C** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated January 4, 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. 18516. 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 January 12, 2012.

Linda D. Avery
Commission Secretary

AYES: Commissioners Sugaya, Fong, Antonini, Borden, and Moore

NAYES: None

ABSENT: Commissioner Miguel

ADOPTED: January 12, 2012

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to expand the existing nighttime entertainment use (d.b.a. DNA Lounge) located at 371-375 11th Street pursuant to Planning Code Section(s) 181(f), 303, and 803.7, within an SLR (Service/Light-Industrial/Residential Mixed Use) Zoning District and an 50-X Height and Bulk District; in general conformance with plans, dated **January 4, 2012**, and stamped "EXHIBIT B" included in the docket for Case No. **2011.0951C** and subject to conditions of approval reviewed and approved by the Commission on **January 12, 2012**, under Motion No. **18516**. 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 January 12, 2012, under Motion No. 18516.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. 18516 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 and Expiration.** The authorization and right vested by virtue of this action is valid for three years from the effective date of the Motion. A building permit from the Department of Building Inspection to construct the project and/or commence the approved use must be issued as this Conditional Use authorization is only an approval of the proposed project and conveys no independent right to construct the project or to commence the approved use. The Planning Commission may, in a public hearing, consider the revocation of the approvals granted if a site or building permit has not been obtained within three (3) years of the date of the Motion approving the Project. 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. The Commission may also consider revoking the approvals if a permit for the Project has been issued but is allowed to expire and more than three (3) years have passed since the Motion was approved.

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

2. **Extension.** This authorization may be extended at the discretion of the Zoning Administrator only where failure to issue a permit by the Department of Building Inspection to perform said tenant improvements is caused by a delay by a local, State or Federal agency or by any appeal of the issuance of such permit(s).

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

MONITORING

3. **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

4. **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

OPERATION

5. **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>

6. **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>

7. **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

8. **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

9. **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

10. **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

11. **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