



# SAN FRANCISCO PLANNING DEPARTMENT

## Executive Summary Conditional Use

HEARING DATE: APRIL 26, 2012

*Date:* April 19, 2012  
*Case No.:* **2011.0249C**  
*Project Address:* **990 VALENCIA STREET**  
*Zoning:* Valencia Street NCT (Neighborhood Commercial Transit) Zoning District  
50-X Height and Bulk District  
*Block/Lot:* 3608/009  
*Project Sponsor:* Ahmad Larizadeh  
71 Blake Street  
San Francisco, CA 94118  
*Staff Contact:* Ben Fu – (415) 558-6613  
[ben.fu@sfgov.org](mailto:ben.fu@sfgov.org)  
*Recommendation:* **Approval with Conditions**

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Suite 400  
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### PROJECT DESCRIPTION

The applicant proposes to add outdoor seating in the rear of the property for the existing restaurant. The area is approximately 466 square feet and would contain 19 seats. The commercial space has been occupied by The Blue Fig since 2010. The proposal includes minor tenant improvements to the rear yard area and the upgrade of the ADA accessible restrooms but the existing commercial space would not be enlarged. A building permit for tenant improvements, Building Permit No. 2010.05.12.2316, was approved by the Planning Department on September 7, 2010, to establish The Blue Fig as a Small Self Service Restaurant as defined by Planning Code Section 790.91. The existing commercial space is approximately 660 square feet in size and contains 15 seats. There are existing ten-foot high retaining wall and fences surrounding the proposed outdoor activity area. Additional landscaping may be added to buffer potential noise. No other work is proposed. The proposal will not affect the existing hours of operation of 7 a.m. to 7 p.m. Monday to Friday and 7:30 a.m. to 7 p.m. Saturday and Sunday.

The proposed use is an independent use and locally owned, which has been encouraged throughout San Francisco. The proposed use is not a Formula Retail use. The proposal requires a change of use and Section 312-neighborhood notification was conducted in conjunction with the Conditional Use authorization process. The proposed use is a neighborhood-serving use.

### SITE DESCRIPTION AND PRESENT USE

The project is located on the west side of Valencia Street between Liberty and 21st Streets. The property is located within the Valencia Street NCT (Neighborhood Commercial Transit) Zoning District and a 50-X Height and Bulk District. The property is one property away from the corner of 21st Street, with approximately 38 feet of frontage on Valencia Street. The lot has a large grade separation at the rear that is evident with the existing 10-foot high retaining wall. The subject building covers approximately 38

percent of the lot, with an existing 41'-9" rear yard. The property is developed with two buildings; a three-story building to the north with two dwelling units above a ground floor retail use, and the subject one-story building with a self-service restaurant d.b.a. "The Blue Fig". Open space and rear yard requirements for the existing dwelling units are provided with the existing 41'-9" deep rear yard, or 38 percent of the lot depth, located beyond the proposed outdoor seating area.

## **SURROUNDING PROPERTIES AND NEIGHBORHOOD**

The project site is located near the intersection of Valencia and 21st Streets in the Mission District. The project site is located in an NCT District with a variety of neighborhood-serving uses. A mixture of food establishments, personal services, and small retail establishments defines the district. The food service establishments are primarily self- or full-service restaurants. Surrounding zoning districts are RH-3 (Residential House, Three-Family), RTO-M (Residential, Transit-Oriented-Mission Neighborhood) and RM-2 (Residential, Mixed, Moderate Density) Districts.

## **ENVIRONMENTAL REVIEW**

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

## **HEARING NOTIFICATION**

<b>TYPE</b>	<b>REQUIRED PERIOD</b>	<b>REQUIRED NOTICE DATE</b>	<b>ACTUAL NOTICE DATE</b>	<b>ACTUAL PERIOD</b>
Classified News Ad	20 days	April 6, 2012	April 6, 2012	20 days
Posted Notice	20 days	April 6, 2012	April 5, 2012	21 days
Mailed Notice	20 days	April 6, 2012	April 5, 2012	21 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 not received any opposition from members of the public.
- Community outreach was conducted by the property owner. A petition with 289 signatures was submitted for support of the project.

## **ISSUES AND OTHER CONSIDERATIONS**

- The Commerce and Industry Element of the General Plan contains Guidelines that discourage the overconcentration of eating and drinking establishments within NCD's. The project does not propose a new restaurant use; the restaurant is existing. The project would not result in a net increase in the number of restaurants in the area.

## REQUIRED COMMISSION ACTION

In order for the project to proceed, the Commission must grant Conditional Use authorization to allow the establishment of an Outdoor Activity Area pursuant to Planning Code Sections 726.24 and 145.2(a).

## BASIS FOR RECOMMENDATION

- The project promotes the continued operation of an established, locally-owned business and contributes to the viability of the overall Valencia Street NCT.
- The project would not displace an existing retail tenant providing convenience goods and services to the neighborhood, and would not result in a net increase in the number of restaurants in the area.
- 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.

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

Block Book Map

Sanborn Map

Aerial Photographs

Project Sponsor Submittal, including:

- Reduced Plans
- Site Photographs

### Attachment Checklist

- Executive Summary
- Draft Motion
- Zoning District Map
- Height & Bulk Map
- Parcel Map
- Sanborn Map
- Aerial Photo
- Context Photos
- Site Photos

- Project sponsor submittal
- Drawings: Existing Conditions
- Check for legibility
- Drawings: Proposed Project
- Check for legibility

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

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



# SAN FRANCISCO PLANNING DEPARTMENT

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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

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**ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO PLANNING CODE SECTIONS 726.24, 145.2(A) AND 303 TO ALLOW THE ESTABLISHMENT OF AN OUTDOOR ACTIVITY WITH A MAXIMUM OF 19 SEATS IN THE REAR OF THE PROPERTY FOR AN EXISTING RESTAURANT, D.B.A. "THE BLUE FIG", ON THE GROUND FLOOR OF A ONE-STORY BUILDING IN THE VALENCIA STREET NCT (NEIGHBORHOOD COMMERCIAL TRANSIT) ZONING DISTRICT AND A 50-X HEIGHT AND BULK DISTRICT.**

### PREAMBLE

On March 17, 2011, Ahmad Larizadeh (hereinafter "Project Sponsor") filed an application with the Planning Department (hereinafter "Department") for Conditional Use Authorization under Planning Code Sections 726.24, 145.2(a) and 303 to allow the establishment of an Outdoor Activity with a maximum of 19 seats in the rear of the property for an existing restaurant, d.b.a. "The Blue Fig", on the ground floor of an one-story building in the Valencia Street NCT (Neighborhood Commercial Transit) Zoning District and a 50-X Height and Bulk District.

On April 26, 2012, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2011.0249C.

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. 2011.0249C, 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 west side of Valencia Street between Liberty and 21st Streets. The property is located within the Valencia Street NCT (Neighborhood Commercial Transit) Zoning District and a 50-X Height and Bulk District. The property is one property away from the corner of 21st Street, with approximately 38 feet of frontage on Valencia Street. The lot has a large grade separation at the rear that is evident with the existing 10-foot high retaining wall. The subject building covers approximately 38 percent of the lot, with an existing 41'-9" rear yard. The property is developed with two buildings; a three-story building to the north with two dwelling units above a ground floor retail use, and the subject one-story building with a self-service restaurant d.b.a. "The Blue Fig". Open space and rear yard requirements for the existing dwelling units are provided with the existing 41'-9" deep rear yard, or 38 percent of the lot depth, located beyond the proposed outdoor seating area.
3. **Surrounding Properties and Neighborhood.** The project site is located near the intersection of Valencia and 21<sup>st</sup> Streets in the Mission District. The project site is located in an NCT District with a variety of neighborhood-serving uses. A mixture of food establishments, personal services, and small retail establishments defines the district. The food service establishments are primarily self- or full-service restaurants. Surrounding zoning districts are RH-3 (Residential House, Three-Family), RTO-M (Residential, Transit-Oriented-Mission Neighborhood) and RM-2 (Residential, Mixed, Moderate Density) Districts.
4. **Project Description.** The applicant proposes to add outdoor seating in the rear of the property for the existing restaurant. The area is approximately 466 square feet and would contain 19 seats. The commercial space has been occupied by The Blue Fig since 2010. The proposal includes minor tenant improvements to the rear yard area and the upgrade of the ADA accessible restrooms but the existing commercial space would not be enlarged. A building permit for tenant

improvements, Building Permit No. 2010.05.12.2316, was approved by the Planning Department on September 7, 2010, to establish The Blue Fig as a Small Self Service Restaurant as defined by Planning Code Section 790.91. The existing commercial space is approximately 660 square feet in size and contains 15 seats. There are existing ten-foot high retaining wall and fences surrounding the proposed outdoor activity area. Additional landscaping may be added to buffer potential noise. No other work is proposed.

The proposed use is an independent use and locally owned, which has been encouraged throughout San Francisco. The proposed use is not a Formula Retail use. The proposal requires a change of use and Section 312-neighborhood notification was conducted in conjunction with the Conditional Use authorization process. The proposed use is a neighborhood-serving use.

5. **Public Comment.** Community outreach was conducted by the property owner. A petition with 289 signatures was submitted for support of the project.
6. **Planning Code Compliance:** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:
  - A. **Outdoor Activity.** Planning Code Section 726.24 states that a Conditional Use Authorization is required for an Outdoor Activity Area, as defined by Planning Code Section 790.70.

*The Outdoor Activity proposed is outdoor seating in the rear yard area to accommodate a maximum of 19 seats. The outdoor area would be used for dining both day and night. Existing 7 p.m. restaurant closing time would also apply to the outdoor seating area to alleviate any potential concerns about noise.*

- B. **Hours of Operation.** Planning Code Section 726.27 states that a Conditional Use Authorization is required for maintaining hours of operation from 2 a.m. to 6 a.m., as defined by Planning Code Section 790.48.

*The current hours of operation for The Blue Fig are 7 a.m. to 7 p.m. Monday to Friday and 7:30 a.m. to 7 p.m. Saturday and Sunday. This Conditional Use authorization is for Outdoor Activity only. The existing hours of operation will not be affected. The Valencia Street NCT Zoning District principally permits hours of operation up to 2 a.m. The Blue Fig complies with the requirement.*

- C. **Rear Yard Requirement in the Valencia Street NCT District.** Planning Code Section 134 states that the minimum rear yard depth shall be equal to 25 percent of the total depth of a lot in which it is situated, but in no case less than 15 feet.

*The proposal does not include any structural expansion. The rear yard meets the Planning Code requirements. The project site retains the existing 41'-9" rear yard, which is approximately 38 percent of the 110'-0" property depth.*

- D. **Parking.** Planning Section 151.1 of the Planning Code permits one space per 1,500 square feet of occupied floor area.

*The Subject Property contains approximately 660 square-feet of occupied floor area and thus does not require any off-street parking. No off-street parking space currently exist or proposed.*

- E. **Street Frontage in Neighborhood Commercial Districts.** Section 145.1 of the Planning Code requires that within NC Districts space for active uses shall be provided within the first 25 feet of building depth on the ground floor and 15 feet on floors above from any facade facing a street at least 30 feet in width. In addition, the floors of street-fronting interior spaces housing non-residential active uses and lobbies shall be as close as possible to the level of the adjacent sidewalk at the principal entrance to these spaces. Frontages with active uses that must be fenestrated with transparent windows and doorways for no less than 60 percent of the street frontage at the ground level and allow visibility to the inside of the building. The use of dark or mirrored glass shall not count towards the required transparent area. Any decorative railings or grillwork, other than wire mesh, which is placed in front of or behind ground floor windows, shall be at least 75 percent open to perpendicular view. Rolling or sliding security gates shall consist of open grillwork rather than solid material, so as to provide visual interest to pedestrians when the gates are closed, and to permit light to pass through mostly unobstructed. Gates, when both open and folded or rolled as well as the gate mechanism, shall be recessed within, or laid flush with, the building facade.

*The subject commercial space has approximately 16'-6" of frontage on Valencia Street with and devoted to either the restaurant entrance or window space. The windows are clear and unobstructed. There are no changes proposed to the commercial frontage.*

7. **Additional Criteria for Outdoor Activity Area 145.2(a)(2).** An Outdoor Activity Area is subject to additional criteria that the Planning Commission shall find that:

- A. The nature of the activity operated in the Outdoor Activity Area is compatible with surrounding uses;

The proposed use is in keeping with other commercial use establishments that propose to add an Outdoor Activity Area to a local neighborhood serving restaurant. The Outdoor Activity area will be located within the Valencia NCT District and the existing commercial uses along the western property line. The outdoor activity area will complement the mix of goods and services currently available in the neighborhood and will contribute to the economic vitality of the neighborhood. Additionally, the existing 41'-9" deep rear yard and ten-foot grade separation provide a buffer to adjacent residential units.

- B. The operation and design of the Outdoor Activity Area does not significantly disturb the privacy or affect the livability of adjoining or surrounding residences;

The Outdoor Activity Area as shown on the plans is proposed to be 285 square feet located in the rear of the property. Existing 10-foot high retaining wall and fences will buffer sound from the proposed outdoor dining area to nearby residences. Landscaping may also be provided to buffer any associated noise for the residential buildings surrounding the property.

- C. The hours of operation of the activity operated in the Outdoor Activity Area are limited so that the activity does not disrupt the viability of surrounding uses.

The proposed Outdoor Activity Area will not affect the existing hours of operation. The existing restaurant is currently open to the public between 7 a.m. and 7 p.m. Monday to Friday, and 7:30 a.m. and 7 p.m. Saturday and Sunday.

8. **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 addition of an Outdoor Activity Area to a local neighborhood serving restaurant will not impact traffic or parking in the neighborhood because it is not a destination venue. Due to its size, the Outdoor Activity Area is intended to be the addition of a reasonable amenity to a small restaurant. This will complement the mix of goods and services currently available in the neighborhood and will contribute to the economic vitality of the neighborhood. Outdoor seating areas have been shown to be a desirable amenity in the neighborhood commercial and adjoining districts.*

- 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 will not alter the existing appearance or character of the project vicinity. The proposed work will not affect the building envelope, yet the inclusion of outside seating will alter the use of the property toward the rear.*

- 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 in the Valencia NCT. The proposed use is designed to meet the needs of the immediate neighborhood and should not generate significant amounts of vehicular trips from the immediate neighborhood or citywide.*

- 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 outlined in Exhibit A.*

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

*The proposed Outdoor Activity Area does not require any additional tenant improvements. The Department shall review all lighting and signs proposed for the new use in accordance with the Conditions of Approval.*

- 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 and applicable 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 purpose of NCT Districts in that the intended use is located at the ground floor, will provide a compatible convenience service for the immediately surrounding neighborhoods.*

- 9. **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 development will provide desirable goods and services to the neighborhood and will provide resident employment opportunities to those in the community. The expanded scope of the existing business to include outdoor activity will not result in undesirable consequences. Further, the Project Site is located within a Neighborhood Commercial Transit 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 Project will retain an existing commercial activity and will enhance the diverse economic base of the City.*

**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 and the project would not prevent the district from achieving optimal diversity in the types of goods and services available in the neighborhood.*

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.

*There is a concern with the potential over-concentration of food-service establishments. The Commerce and Industry Element of the General Plan contains Guidelines for Specific Uses. For eating and drinking establishments, the Guidelines state, "the balance of commercial uses may be threatened when eating and drinking establishments occupy more than 20% of the total occupied commercial frontage." The project proposes the addition of an Outdoor Activity Area in an existing restaurant. The project will not introduce a new restaurant use.*

### **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.

*An independent entrepreneur is sponsoring the proposal. The proposed use is a neighborhood serving use. This is not a Formula Retail use.*

## **MISSION AREA PLAN**

### **Policy 1.1.3**

Maintain the successful Mission Street, 24th Street, and Valencia Street Neighborhood Commercial districts; recognize the proximity to good transit service by eliminating residential density limits and minimum parking requirements.

**Policy 1.1.6**

Permit and encourage small and moderate size retail establishments in neighborhood commercial areas of the Mission, while allowing larger retail in the formerly industrial areas when part of a mixed-use development.

*The proposed addition of Outdoor Activity Area will help preserve a neighborhood serving use as a restaurant. It will provide the neighborhood with an outdoor dining experience within walking distance. The Outdoor Activity Area will be located within the Valencia NCT District and the existing commercial uses. The use will compliment this district. The location and size of the Outdoor Activity Area will serve to enhance and promote a thriving small business. Traffic and parking will not be affected by adding the Outdoor Activity Area to the existing restaurant.*

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

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

*The proposal would enhance the district by providing additional seating to a restaurant. The business would be locally owned and the addition of seating for more patrons would potentially create additional 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 would not be adversely affected. The proposal is only for outdoor activity. The existing building, use, or hours of operation will not change.*

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

*No housing is removed for this Project and there are none existing.*

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

*The site is on Valencia Street and is well served by transit. It is presumable that the employees would commute by transit; therefore, effects on street parking should be minimized.*

- 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.

*The project proposes no building expansion; the proposed Outdoor Activity Area is located in the rear of the property and contained within ten-foot high retaining wall and fences. Historic resources will not be adversely affected.*

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

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

11. 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.

12. 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. 2011.0249C** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated January 2011, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

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

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on April 26, 2012.

Linda D. Avery  
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: April 26, 2012

## EXHIBIT A

### AUTHORIZATION

This authorization is for a Conditional Use under Planning Code Sections 726.24, 145.2(a) and 303 to allow the establishment of an Outdoor Activity with a maximum of 19 seats in the rear of the property for an existing restaurant, d.b.a. "The Blue Fig", on the ground floor of a one-story building in the Valencia Street NCT (Neighborhood Commercial Transit) Zoning District and a 50-X Height and Bulk District; in general conformance with plans, dated January 2011, and stamped "EXHIBIT B" included in the docket for Case No. 2011.0249C and subject to conditions of approval reviewed and approved by the Commission on April 26, 2012 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 April 26, 2012 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 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](http://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](http://www.sf-planning.org).*

## DESIGN

3. **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](http://www.sf-planning.org).*

4. **Noise.** Plans submitted with the building permit application for the approved project shall incorporate acoustical insulation and other sound proofing measures to control noise.

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



## MONITORING

5. **Enforcement.** Violation of any of the Planning Department conditions of approval contained in this Motion or of any other provisions of Planning Code applicable to this Project shall be subject to the enforcement procedures and administrative penalties set forth under Planning Code Section 176 or Section 176.1. The Planning Department may also refer the violation complaints to other city departments and agencies for appropriate enforcement action under their jurisdiction.  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org).*
6. **Revocation Due to Violation of Conditions.** Should implementation of this Project result in complaints from interested property owners, residents, or commercial lessees which are not resolved by the Project Sponsor and found to be in violation of the Planning Code and/or the specific conditions of approval for the Project as set forth in Exhibit A of this Motion, the Zoning Administrator shall refer such complaints to the Commission, after which it may hold a public hearing on the matter to consider revocation of this authorization.  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

## OPERATION

7. **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/>*
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 community liaison officer shall be available by telephone at all hours should noise be problematic. 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).*
9. **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.

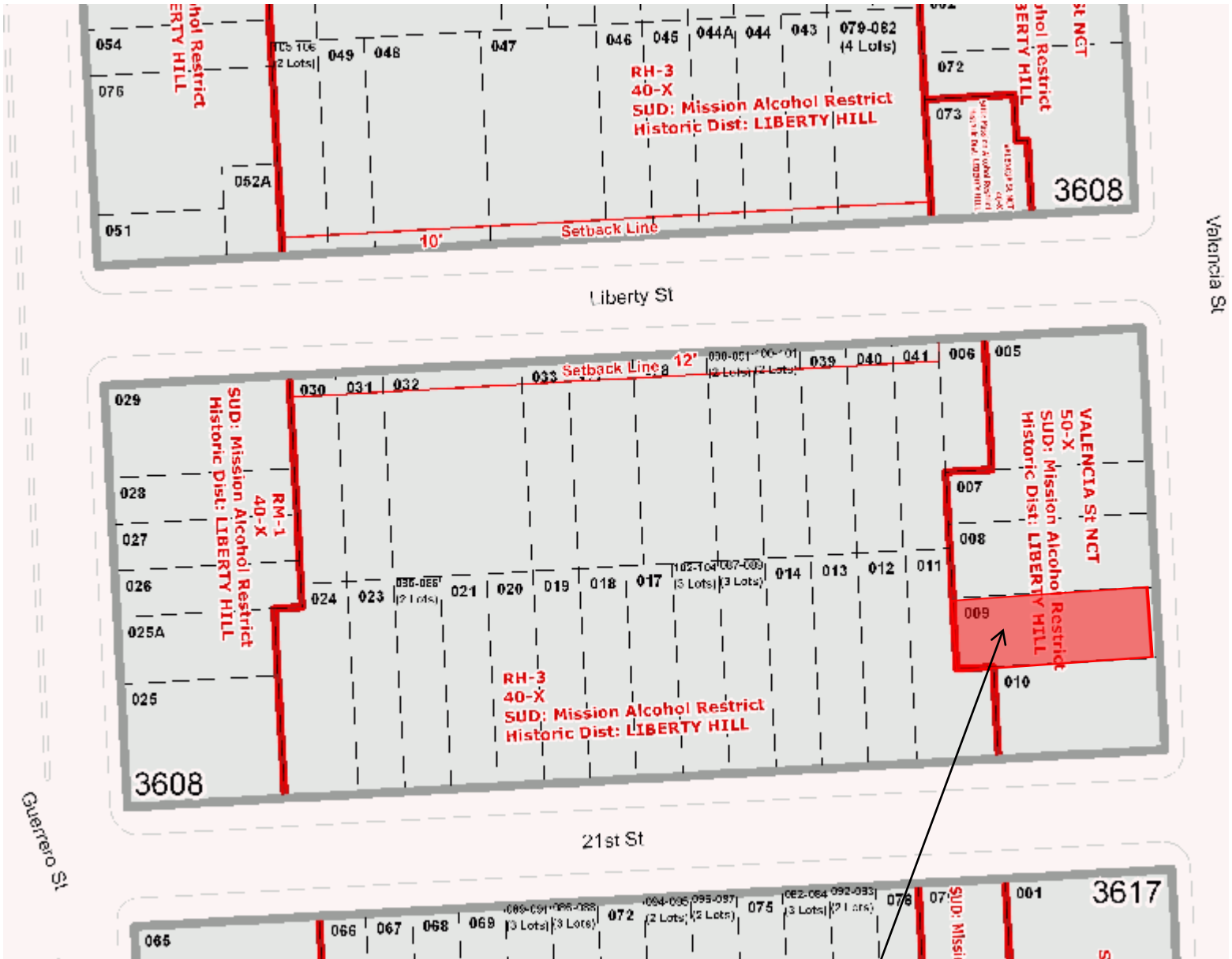
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org).*

10. **Hours of Operation.** The Outdoor Activity Area will operate in conjunction with the restaurant hours of operation which are Monday - Friday, 7 a.m. – 7 p.m.; Saturday and Sunday, 7:30 a.m. – 7 p.m. No patrons may remain in the Outdoor Activity Area after closing time. Staff may remain as necessary for cleaning and other duties related to the operations of the Outdoor Activity Area one hour past the closing hour stated above. No employees may be in the Outdoor Activity Area after the clean-up time.

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

BF:G:\DOCUMENTS\conditional\_use\Valencia\_990\_2011.0249C\Draft Motion.doc

# Parcel Map

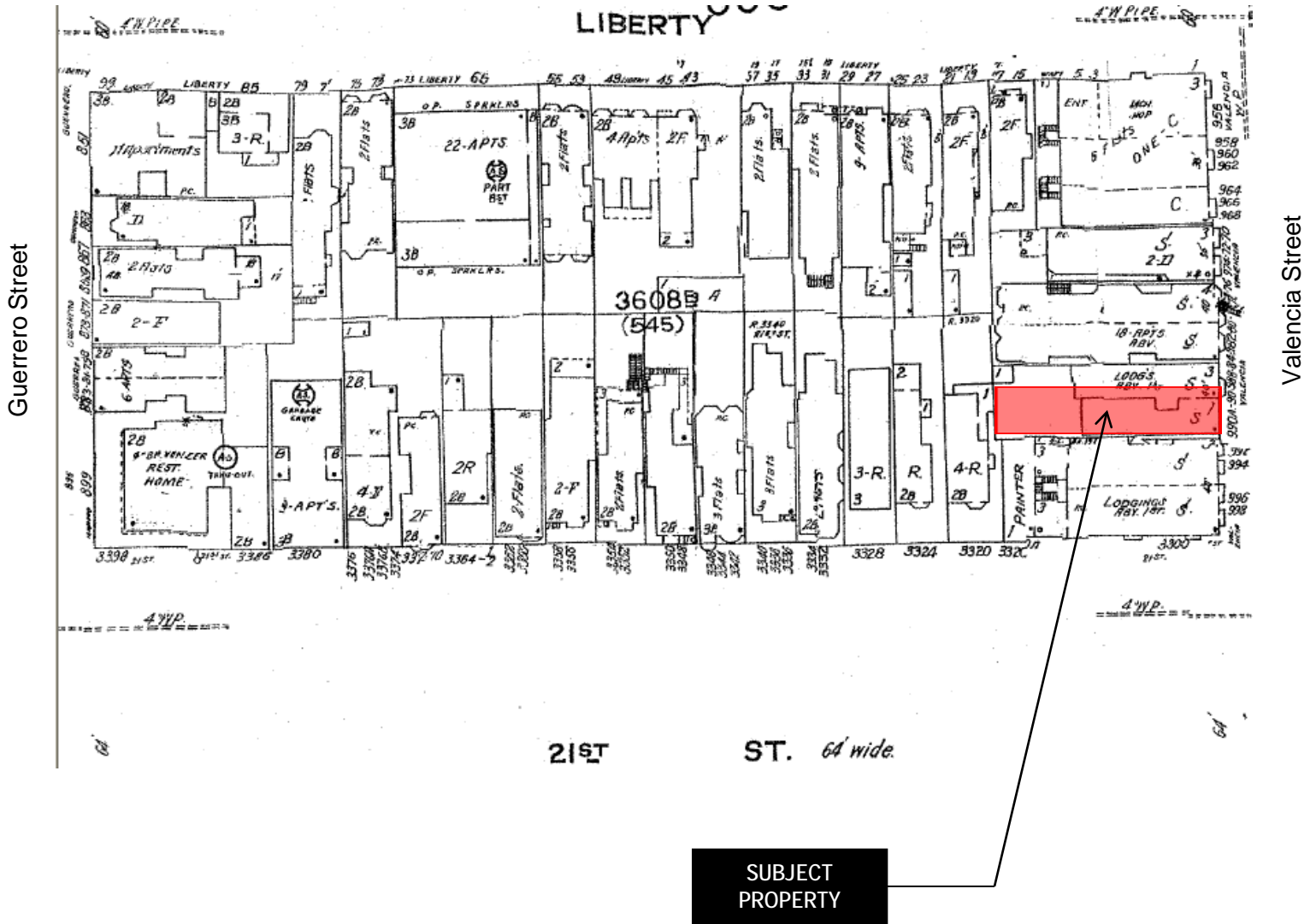


**SUBJECT PROPERTY**



Conditional Use Hearing  
Case Number 2011.0249C  
990 Valencia Street

# Sanborn Map\*

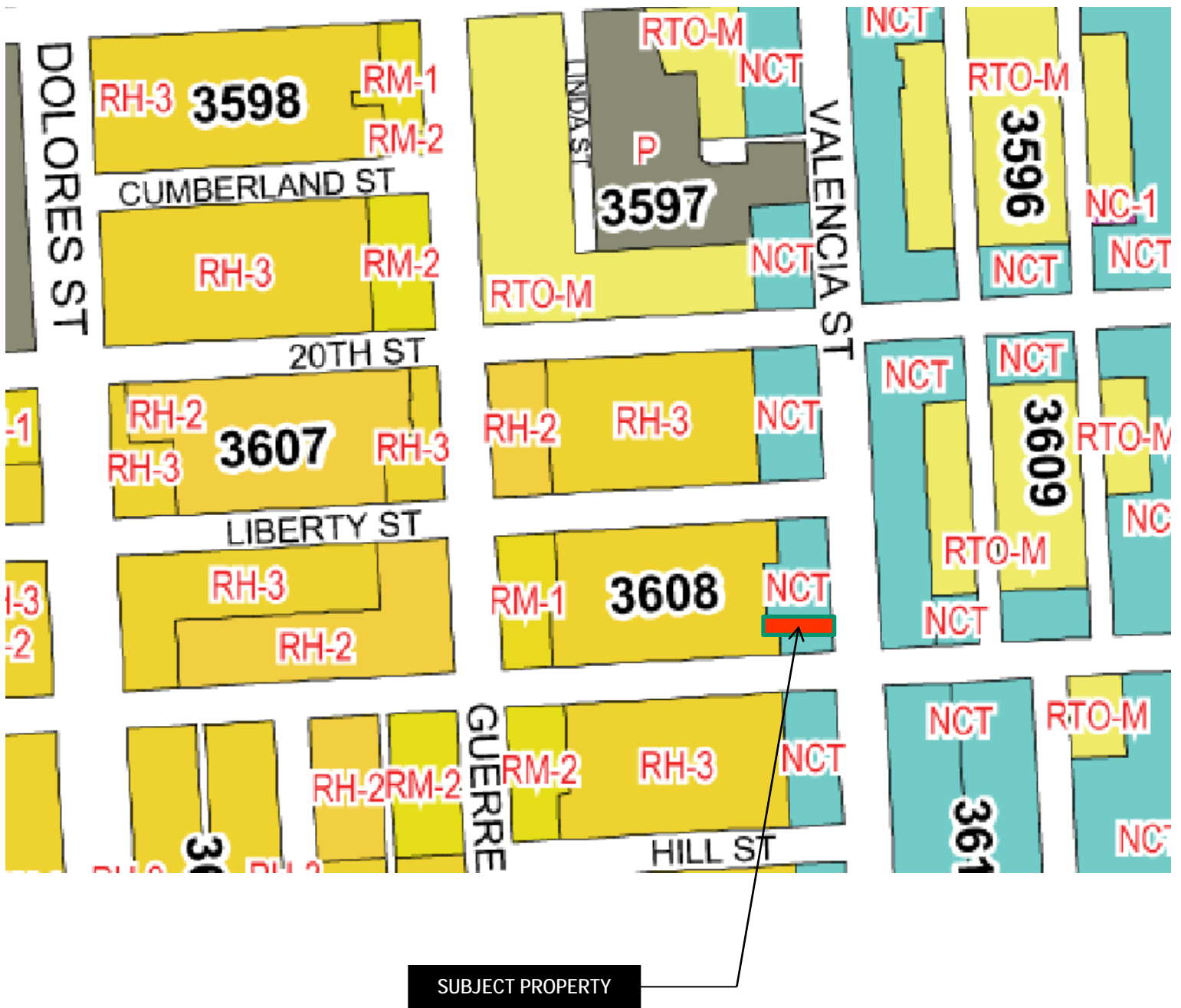


\*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.



Conditional Use Hearing  
Case Number 2011.0249C  
990 Valencia Street

# Zoning Map



Conditional Use Hearing  
Case Number 2011.0249C  
990 Valencia Street

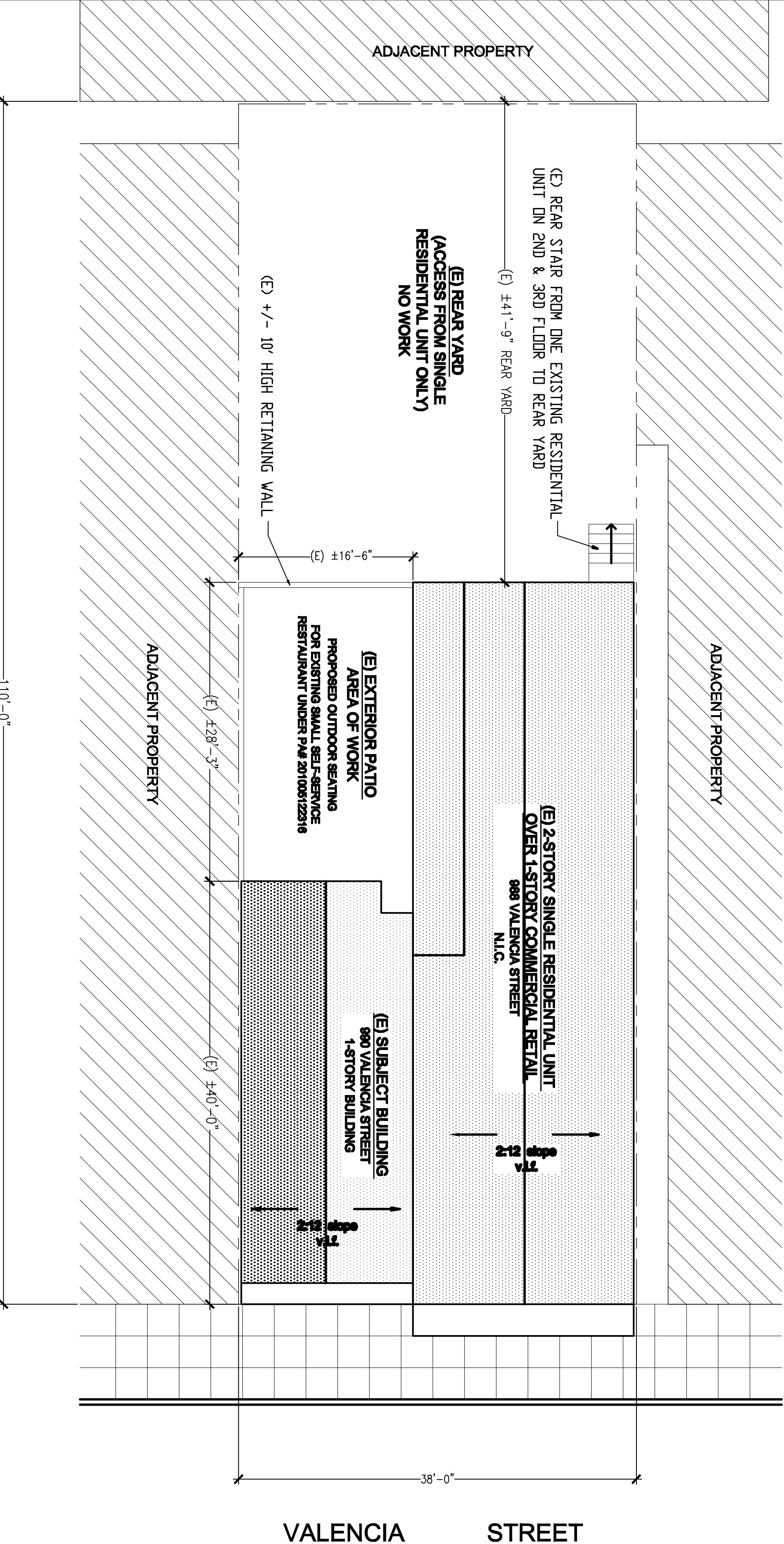
# Aerial Photo



Conditional Use Hearing  
Case Number 2011.0249C  
990 Valencia Street

# PROVIDE OUTDOOR SEATING (±285 SQ.FT.) AT EXTERIOR PATIO OF EXISTING SELF SERVICE TAKEOUT RESTAURANT

## 990 VALENCIA ST. SAN FRANCISCO, CA. 94110



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

### ABBREVIATIONS

①	AT	CENTERLINE
∅	DIAMETER	
(E)	EXISTING	
P	PROPERTY LINE	
AD	AREA DRAIN	
ASB	ASBESTOS	
A.F.F.	ABOVE FIN., F.R.	
BD	BOARD	
BLDG	BUILDING	
BLK	BLOCK	
BOT	BOTTOM	
BUR	BUILT-UP ROOFING	
CAB	CABINET	
C.B.	CATCH BASIN	
CEM	CEMENT	
CER	CERAMIC	
CLG	CEILING	
CLR	CLEAR	
CLD	CLOSET	
COL	COLLIUM	
CONSTR	CONSTRUCTION	
CONT	CONTINUOUS	
CTR	CENTER	
DBL	DOUBLE	
D.F.	DRINKING FOUNTAIN	
DET	DETAIL	
DM	DIMENSION	
DIA	DIAMETER	
DISP	DISPENSER	
DN	DOWN	
DR	DOOR	
DWR	DRAWER	
DS	DOWNSPOUT	
DMG	DRAWING	
E	EAST	
EA	EACH	
ELEV	ELEVATION	
ELEC	ELECTRICAL	
EQU	EQUAL	
EQUIP	EQUIPMENT	
EXP	EXPANSION	
EXT	EXTERIOR	
FD	FLOOR DRAIN	
FE	FIRE EXTINGUISHER	
FEC	FIRE EXTINGUISHER CABINET	
FIN	FINISH	
FLR	FLOOR	
FOS	FACE OF STUD FOOT, FEET	
GA	GAUGE	
GALV	GALVANIZED	
GB	GRAB BAR	
GL	GLASS	
G.I.	GALVANIZED IRON	
GND	GROUND	
GYP	GYPNUM	
HB	HOSE BIBB	
HC	HOLLOW CORE	
HWD	HARDWOOD	
HM	HOLLOW METAL	
HORIZ	HORIZONTAL	
HR	HOUR	
HTR	HEIGHT HEATER	
ID	INSIDE DIAMETER	
INSUL	INSULATION	
INT	INTERIOR	
JT	JOINT	
KIT	KITCHEN	
LAM	LAMINATE	
LAY	LAY	
LT	LIGHT	
MECH	MECHANICAL	
MEMB	MEMBRANE	
MET	METAL	
MFR	MANUFACTURER	
MH	MANHOLE	
MISC	MISCELLANEOUS	
MTD	MOUNTED	
M.C.	MEDICINE CABINET	
MIC	MICROWAVE	
(N)	NEW	
NC	NOT IN CONTRACT	
NO./#	NUMBER	
NOM	NOMINAL	
NTS	NOT TO SCALE	
OA	OVERALL	
OBS	OBSOLETE	
O.C.	ON CENTER	
O.D	OUTSIDE DIAMETER	
OFF	OFFICE	
OPP	OPPOSITE	
PL	PLASTER	
PLWID	PLYWOOD	
PR	PAIR	
PT	POINT	
Q.I.	QUARRY TILE	
UNF.	UNFINISHED	
UNL	UNLESS OTHERWISE NOTED	
VERT	VERTICAL	
W	WEST	
W/	WITH	
WD	WOOD	
W/O	WITHOUT	
WP	WATERPROOF	
WSC	WANSOT	
WST	WEIGHT	
W/H	ROUGH OPENING	
RWD	ROUGHWOOD	
RWL	RAIN WATER LEADER	
R	RISE	
RAO	RADIUS	
RD	ROAD	
REF	REFERENCE	
REFR	REFRIGERATOR	
REIN	REINFORCED	
REQ'D	REQUIRED	
RESIL	RESILIENT	
RM	ROOM	
RO	ROUGH OPENING	
RWD	ROUGHWOOD	
RWL	RAIN WATER LEADER	
S	SOUTH	
SC	SOLID CORE	
SECT	SECTION	
SHWR	SHOWER	
SHT	SHEET	
SPECS	SPECIFICATIONS	
SQL	SQUARE	
S.SL	STAINLESS STEEL	
S.SK	SERVICE SINK	
STD	STANDARD	
STL	STEEL	
STR	STRUCTURE	
STRUC	STRUCTURAL	
STM	STAMETICAL	
SW	SWITCH	
TC	TOWEL BAR	
TC	TOP OF CURB	
TEL	TELEPHONE	
TER	TERRAZZO	
T/G	TONGUE & GROOVE	
T/C	TRASH COMPACTOR	
TP.	TYPICAL	

### PROJECT DATA

OWNER: SF VALENCIA PROPERTIES LLC  
PO BOX 70088  
SAN FRANCISCO CA. 94172

ADDRESS: 990 VALENCIA STREET  
SAN FRANCISCO, CA.94110

BLOCK: 3608

LOT: 9

OCCUPANCY TYPE: B

CONSTRUCTION TYPE: V-B

TYPE OF BUILDING: RETAIL

SIZE: 670 SQ. FT.

HEIGHT: 1 STORES

### DRAWINGS

JURISDICTION: CITY AND COUNTY OF SAN FRANCISCO

BUILDING CODE: 2010 CALIFORNIA BUILDING CODE ADAMENDMENTS  
2010 CALIFORNIA MECHANICAL CODE  
2010 CALIFORNIA ELECTRICAL CODE  
2010 CALIFORNIA PLUMBING CODE  
2010 CALIFORNIA ENERGY CODE  
2010 CALIFORNIA FIRE CODE & ALL RELATED  
2010 SAN FRANCISCO BUILDING CODE ORDINANCES  
OF THE CITY & COUNTY OF SAN FRANCISCO

### DRAWINGS

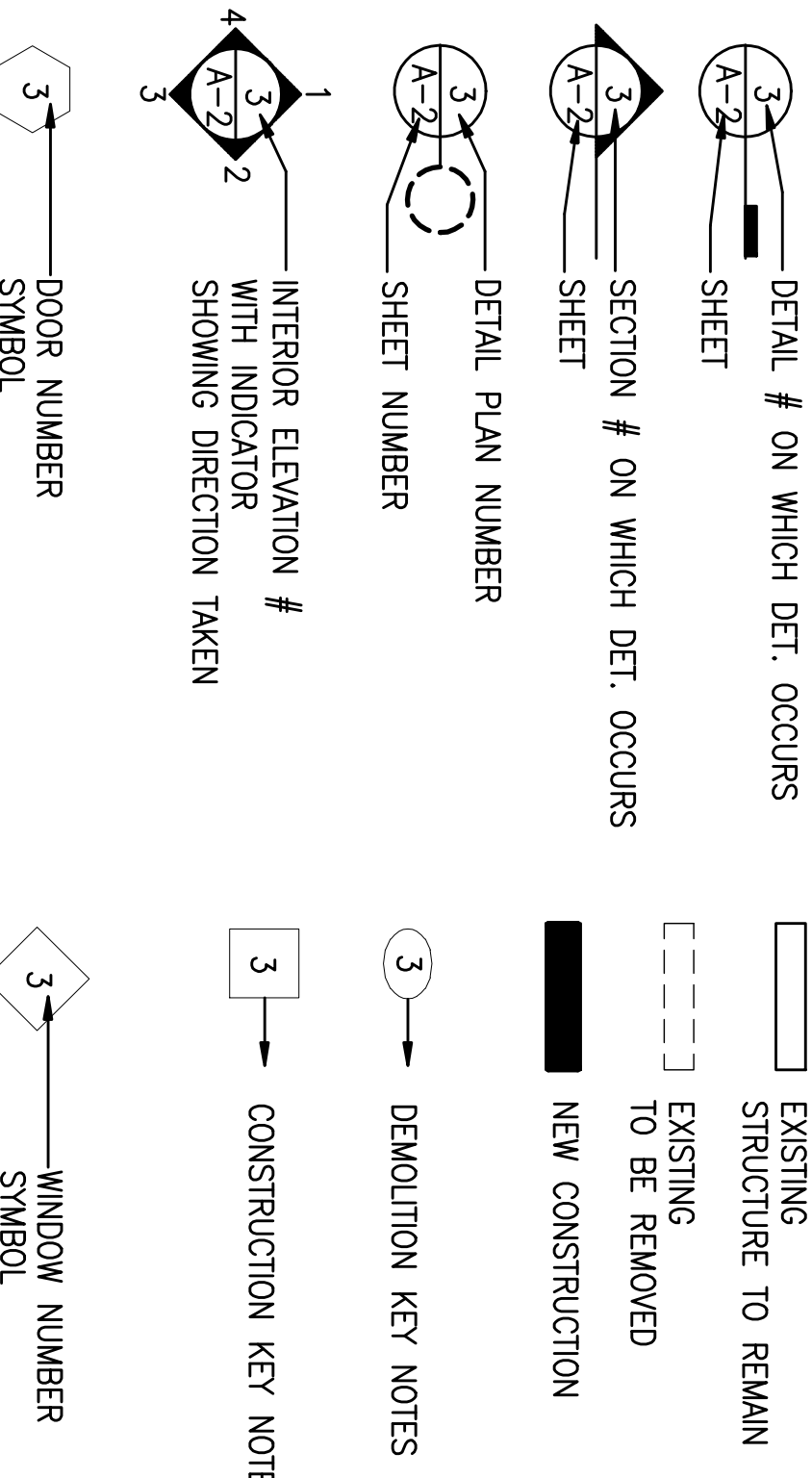
ARCHITECTURAL  
COVER SHEET: PROJECT DATA AND SITE PLAN  
A1.0 ACCESSIBILITY CHECKLIST  
A2.0 EXISTING AND PROPOSED FLOOR PLANS

### SCOPE OF WORK

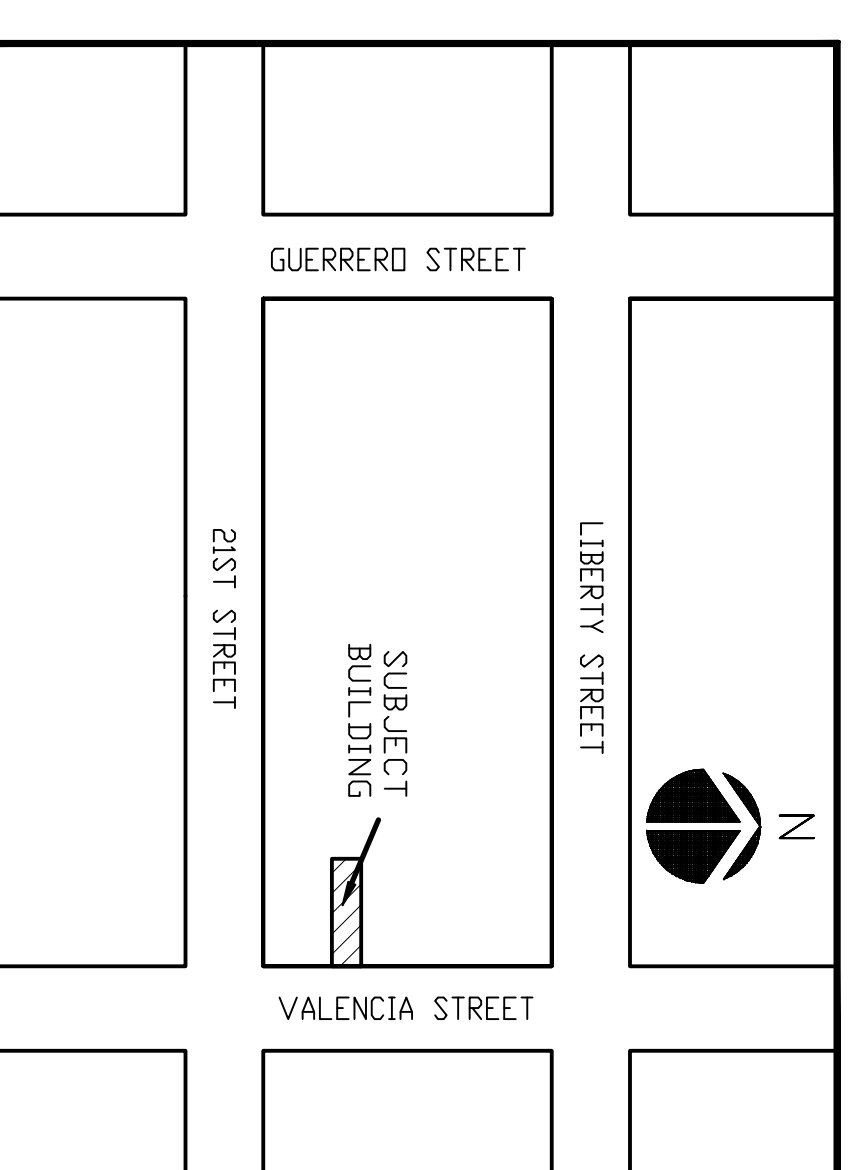
CONDITIONAL USE APPLICATION FOR PROVIDING OUTDOOR SEATING (±285 SQ.FT.) AT EXTERIOR PATIO OF EXISTING SMALL SELF SERVICE TAKEOUT RESTAURANT

- EXISTING MECHANICAL SYSTEMS AND LIGHTING TO REMAIN

### LEGEND



### VICINITY MAP



BANAINC  
PLAN EXPERTISE • CODE CONSULTING  
AHMAD LARIZADEH

70 - 15TH STREET  
SAN FRANCISCO, CA. 94103  
TEL.: (415) 871-4300  
FAX: (415) 871-4300  
EMAIL: BANCOR@ATT.NET

PROJECT TITLE  
PROVIDE OUTDOOR SEATING AT PATIO OF (E) RESTAURANT

990 VALENCIA ST  
SAN FRANCISCO, CA. 94110

CONSULTANT

NO. DATE REVISIONS

CHECKED: A. LARIZADEH

FILE: 990 VALENCIA ST

PROJ.: 2009

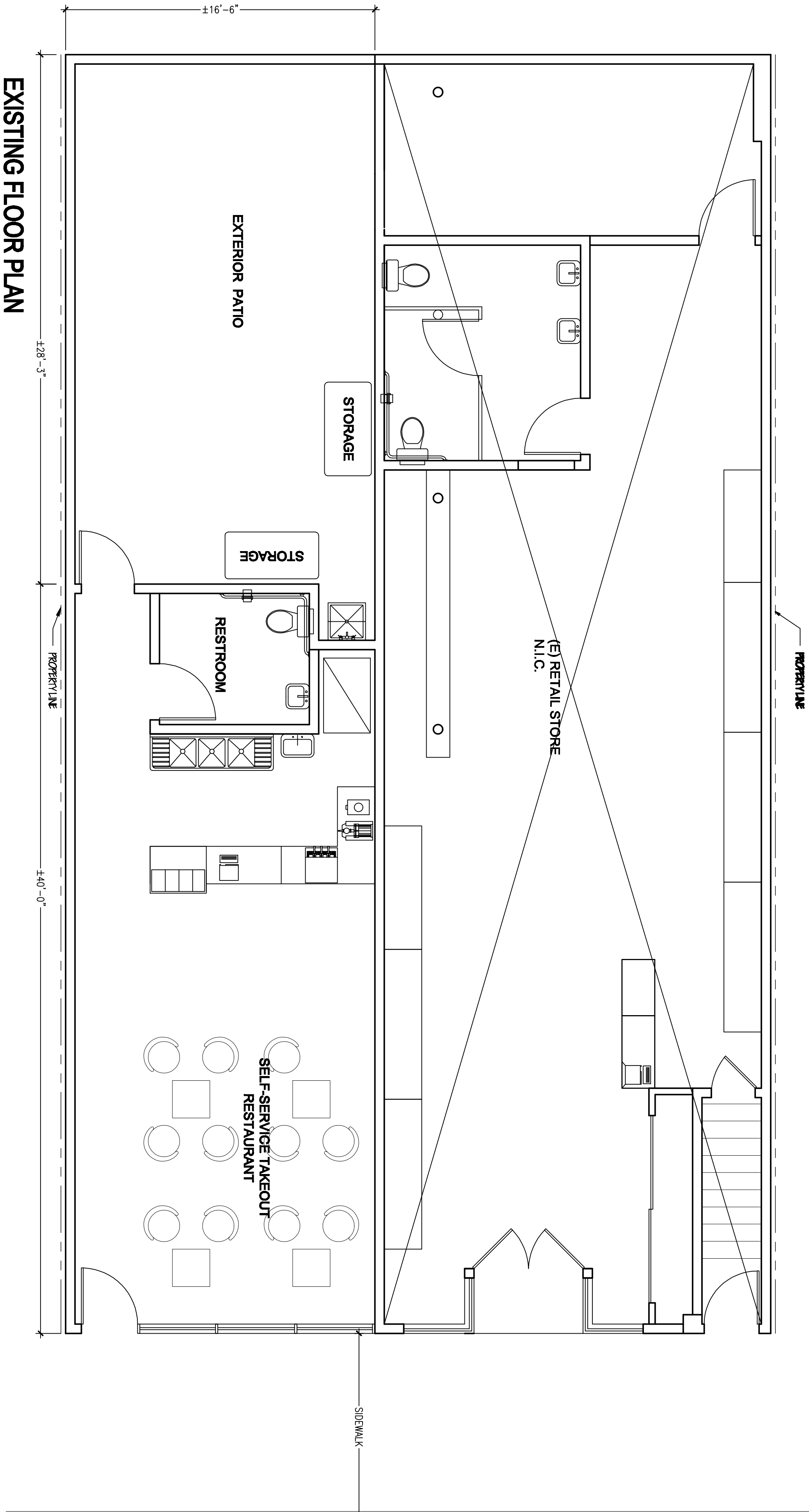
FACILITY: COMMERCIAL

DESIGNER: AHMAD LARIZADEH

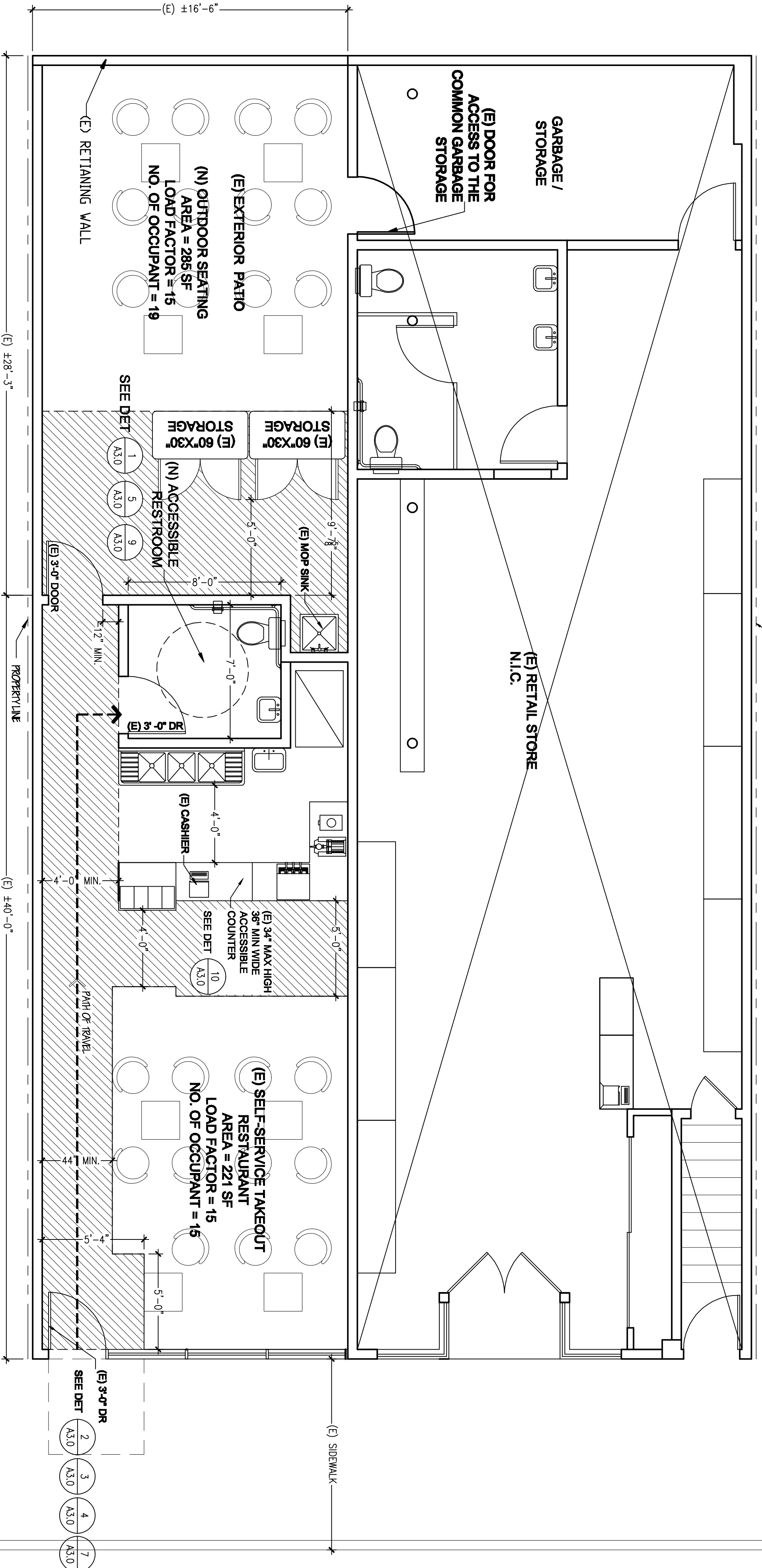
SCALE: AS NOTED

DRAWING TITLE  
COVER SHEET PROJ. DAT. AND SITE PLAN

SHEET NO. **A0.0**



**EXISTING FLOOR PLAN**  
1/4"=1'-0"



**PROPOSED FLOOR PLAN**  
1/4"=1'-0"

**WALL SYMBOLS**  
 [Symbol] INDICATES EXISTING WALL  
 [Symbol] OR PARTITION TO REMAIN

**BANAINC**  
 PLAN EXPEDITING • CODE CONSULTING  
 AHMAD LARIZADEH  
 71 - 13714 STREET  
 SAN FRANCISCO, CA. 94103  
 TEL: (415) 821-4300  
 FAX: (415) 821-4300  
 E-MAIL: BANAINC@ATT.NET

PROJECT TITLE  
**PROVIDE OUTDOOR SEATING AT PATIO OF (E) RESTAURANT**  
 990 VALENCIA ST. SAN FRANCISCO, CA. 94110

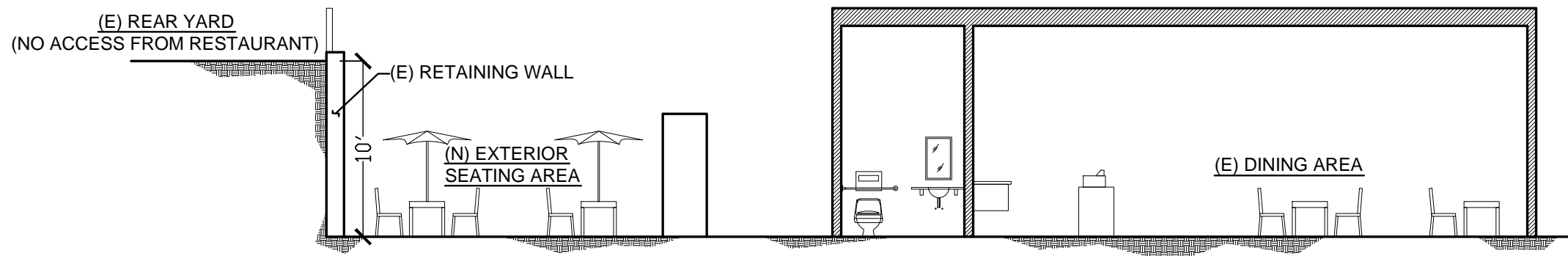
NO.	DATE	REVISIONS

NO. DATE  
 DRAWN  
 CHECK1  
 CHECK2  
 FILE  
 PROJ.  
 FACILITY  
 DESIGNER  
 DATE

SCALE  
 AS NOTED  
 DRAWING TITLE  
**PROPOSED FLOOR PLAN**

SHEET NO.  
**A2.0**  
 Sheet --- of --- sheets.





SECTION THROUGH BUILDING  
SCALE: 1/8" = 1'-0"





the BLUE fig

the BLUE fig

988

ATA  
REMOTE TELEPHONE ACCESS

**NOTICE OF PUBLIC HEARING**  
THE PLANNING COMMISSION WILL MEET IN CITY HALL, ROOM 400, 101 CARLTON B. GOODLET PLACE ON THURSDAY, APRIL 28, 2012, BEGINNING AT 12:00 P.M. TO CONSIDER:  
- CASE NO. 2011.0248C  
- AN APPLICATION FOR: Request for Conditional Use Authorization under Planning Code Section 276.01, 283.02, and 302.01, allow the reclassification of an existing use to allow a change of use from its current use to an existing use, i.e., "The Blue Fig" (Manufacturing, Commercial, Transit, Dining, Office, and a 304-A Mixed-Use District).  
- FOR THE PROPERTY AT: 280 BALCONIA STREET, ASSessor's BLOCK 390, LOT 009.  
FOR A MORE SPECIFIC HEARING TIME FOR THIS CASE, CALL 562-442-2222 AFTER BUSINESS HOURS, APRIL 27, 2012. FOR QUESTIONS OR COMMENTS, CALL THE STAFF PLANNER AT 562-442-2222 OR WRITE TO THE CITY PLANNING COMMISSION, 1000 MISON STREET, S.F., CA 94143. PLEASE INCLUDE THE CASE NUMBER IN CORRESPONDENCE.  
Public Hearing Notice is hereby given that the Planning Commission will meet in City Hall, Room 400, 101 Carlton B. Goodlet Place, San Francisco, California, on Thursday, April 28, 2012, at 12:00 p.m. to consider the following case(s): Case No. 2011.0248C. An application for Conditional Use Authorization under Planning Code Section 276.01, 283.02, and 302.01, allow the reclassification of an existing use to allow a change of use from its current use to an existing use, i.e., "The Blue Fig" (Manufacturing, Commercial, Transit, Dining, Office, and a 304-A Mixed-Use District). For the property at: 280 Balconia Street, Assessor's Block 390, Lot 009. For a more specific hearing time for this case, call 562-442-2222 after business hours, April 27, 2012. For questions or comments, call the staff planner at 562-442-2222 or write to the City Planning Commission, 1000 Mison Street, S.F., CA 94143. Please include the case number in correspondence.

OPEN

NO PARKING  
ANYTIME

700  
09520

AFTER LIFE  
OPEN DAILY  
12PM-8PM

