



# SAN FRANCISCO PLANNING DEPARTMENT

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## Discretionary Review Full Analysis

HEARING DATE JANUARY 12, 2012

*Date:* January 5, 2012  
*Case No.:* 2011.0945DD  
*Project Address:* 1948 OCEAN AVENUE  
*Permit Application:* 2011.0502.5120  
*Zoning:* Ocean Avenue Neighborhood Commercial Transit District  
45-X Height and Bulk District  
*Block/Lot:* 3281/020C  
*Project Sponsor:* Yong Yu  
1948 Ocean Avenue  
San Francisco, CA 94132  
*Staff Contact:* Adrian C. Putra – (415) 575-9079  
[adrian.putra@sfgov.org](mailto:adrian.putra@sfgov.org)  
*Recommendation:* **Do not take DR and approve the project as proposed.**

1650 Mission St.  
Suite 400  
San Francisco,  
CA 94103-2479

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

### PROJECT DESCRIPTION

The original project was a change of use to establish a Bar and “Other Entertainment” (billiard hall) use doing business as “Legend Billiard Hall” at 1948 Ocean Avenue, which is a vacant ground floor commercial space with mezzanine level and contains approximately 2,580 square-feet of floor area.

After the filing of DR applications against the original project, the project sponsor has revised the proposal to operate solely as an “Other Entertainment” use (billiard hall) with an accessory beverage store serving only non-alcoholic drinks. The project site was previously a senior center and has been vacant for approximately two years. The proposal will involve interior tenant improvements and the proposed billiard hall will be independently owned and operated and consist of six pool tables and four snooker tables. The proposed hours of operation will be from 2:00 PM to 2:00 AM, seven days a week.

### SITE DESCRIPTION AND PRESENT USE

The subject building is a one-story commercial building located at the northeast corner of Ocean and Granada Avenues. The subject building contains a vacant commercial space (project site), and a Medical Cannabis Dispensary (d.b.a. 1944 Ocean Collective).

### SURROUNDING PROPERTIES AND NEIGHBORHOOD

The project site is located within the Ocean Avenue Neighborhood Commercial Transit District (NCT), which runs along Ocean Avenue and is bounded between Manor Drive to the west and Phelan Avenue to the east. Ocean Avenue was developed as a streetcar-oriented commercial district in the 1920s and continues to serve this function, with the K-line streetcar on Ocean

Avenue. Numerous other bus lines serve the area, especially the eastern end, where the Phelan Loop serves as a major bus terminus. The eastern end of the district is anchored by the main City College campus at Phelan and direct linkages to the Balboa Park BART/MUNI rail station a couple blocks to the east, which serves as the southernmost San Francisco station for BART and the terminus of the J, K, and M streetcar lines. Because of the immediate proximity of the BART/MUNI station the district has quick and easy transit access to downtown. Properties located to the north and south of the project site and the Ocean Avenue NCT are zoned residential and contain dwellings with the exception of the City College. The Ingleside Terraces neighborhood is also located south of the Project Site.

The Ocean Avenue NCT District is mixed use, transitioning from a predominantly one- and two-story retail district to include neighborhood-serving commercial uses on lower floors and housing above. Housing density is limited not by lot area, but by the regulations on the built envelope of buildings, including height, bulk, setbacks, and lot coverage, and standards for residential uses, including open space and exposure, and urban design guidelines. Access (i.e. driveways, garage entries) to off-street parking and loading is generally prohibited on Ocean Avenue to preserve and enhance the pedestrian-oriented character and transit function of the street. Residential and commercial parking are not required.

The Ocean Avenue NCT District is intended to provide convenience goods and services to the surrounding neighborhoods as well as limited comparison shopping goods for a wider market. The range of comparison goods and services offered is varied and often includes specialty retail stores, restaurants, and neighborhood-serving offices. Buildings may range in height, with height limits generally allowing up to four or five stories. Lots are generally small to medium in size and lot consolidation is prohibited to preserve the fine grain character of the district, unless the consolidation creates a corner parcel that enables off-street parking to be accessed from a side street.

Adjacent to the project site is a single-family dwelling to the north and a vacant one-story commercial building to the east. Commercial uses within this immediate area of Ocean Avenue include a variety of retail stores, professional offices, personal service uses, and eating and drinking establishments. The Ocean Avenue NCT currently contains 11 vacant commercial spaces and the nearest billiard hall is located approximately 1.8 miles away at 5179 Mission Street (d.b.a. Billiard Palacade).

**BUILDING PERMIT APPLICATION NOTIFICATION**

TYPE	REQUIRED PERIOD	NOTIFICATION DATES	DR FILE DATE	DR HEARING DATE	FILING TO HEARING TIME
312 Notice	30 days	July 28, 2011 – August 27, 2011 (Saturday)	August 26, 2011 and August 29, 2011	January 12, 2012	137 days

HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Posted Notice	10 days	January 2, 2012	January 2, 2012	10 days
Mailed Notice	10 days	January 2, 2012	January 2, 2012	10 days

PUBLIC COMMENT

	SUPPORT	OPPOSED	NO POSITION
Adjacent neighbor(s)			
Other neighbors on the block or directly across the street		3	
Neighborhood groups		1	

Jeffrey Harding, a neighbor who lives on the subject block and the Ingleside Terraces Homes Association (ITHA), a neighborhood group both filed separate DR applications against the project due to concerns indicated below. To date, the Planning Department has received a total of eight correspondences from neighbors in opposition to the project citing concerns regarding the proposed use’s impacts to noise, safety, and on-street parking in the neighborhood and proximity to an existing Medical Cannabis Dispensary. Neighbors opposed to the project also do not consider the proposed use as desirable for the neighborhood. The Planning Department has also received one correspondence from a neighbor in support of the project.

DR REQUESTOR #1

**Jeffrey Harding**, who lives at 26 Fairfield Way which is a single-family dwelling, located four parcels north of the project site.

DR REQUESTOR’S CONCERNS AND PROPOSED ALTERNATIVES

**Issue #1: Use is Incompatible with Surrounding Neighborhood.** DR Requestor #1 believes that a bar and pool hall does not fit at this location because it is within very close proximity of a daycare center, school, and church. Additionally, according to DR Requestor #1 a bar and billiard hall operating until 2:00 AM would negatively affect the peace and tranquility of nearby residents living on Fairfield Way and reduce the availability of on-street parking on Fairfield Way.

**Issue #2: Use Will Result in Unreasonable Noise Impacts to Neighbors.** DR Requestor #1 believes that noise from the proposed use that could operate up to 2:00 AM would be disruptive to neighbors who live on Fairfield Way and to a daycare Center located directly behind the project site.

**Issue #3: Use is Undesired by Neighbors.** DR Requestor #1 states that he and neighbors agree that the project site should be occupied by a different use. DR Requestor #1 does not suggest a specific alternative use for the project site.

Reference the *Discretionary Review Application filed by Jeffrey Harding* for additional information. The *Discretionary Review Application* is an attached document.

## **DR REQUESTOR #2**

**Ingleside Terraces Homes Association (ITHA)**, a neighborhood organization comprised of residents who live within the Ingleside Terraces neighborhood located south of the project site on the opposite side of Ocean Avenue.

## **DR REQUESTOR'S CONCERNS AND PROPOSED ALTERNATIVES**

**Issue #1: Use is Incompatible with Surrounding Neighborhood.** DR Requestor #2 points out that the section of Ocean Avenue from Junipero Serra Boulevard to Ashton Avenue consists of residences, schools, churches and neighborhood-serving retail. DR Requestor #2 states that the General Plan and Zoning Code establish a policy that a neighborhood commercial business use should be consistent with, serve, and not negatively impact the surrounding residential area and other neighborhood-serving businesses. DR Requestor #2 believes that a bar and billiard hall use would be inconsistent with, and will result in significant negative impact to the surrounding neighborhoods which includes Ingleside Terraces.

**Issue #2: Use Will Have Negative Impacts to Neighbors.** DR Requestor #2 states that there are no bars or entertainment venues on this section of Ocean Avenue. DR Requestor #2 believes that a bar and billiard hall use would bring unacceptable noise, loitering, and security problems while in operation up to possibly 2:00 AM while not being a use dedicated to serving the neighborhood. Additionally, DR Requestor #2 states that without the proposed use providing off-street parking patrons may end up parking their cars and walking through the Ingleside Terraces neighborhood late at night.

**Issue #3: Use is Undesired by Neighbors.** DR Requestor #2 states that a bar and billiard hall use is unprecedented and inconsistent with the residential neighborhood and other uses on this section of Ocean Avenue between Junipero Serra Boulevard and Ashton Avenue. DR Requestor #2 does not suggest a specific alternative use for the project site.

Reference the *Discretionary Review Application filed by the ITHA* for additional information. The *Discretionary Review Application* is an attached document.

## **PROJECT SPONSOR'S RESPONSE**

The Project Sponsor's response addresses what he believes are the two main concerns raised by the DR Requestors: the proposed use's negative influence on immediate neighborhood and its impact on the availability of on-street parking. The Project Sponsor believes that the proposed billiard hall would benefit the neighborhood by occupying a large commercial storefront which as been vacant for years and if successful would draw more patrons to area who could also

patronize local neighborhood restaurants and shops. In response to on-street parking concerns raised by the DR Requestors, the Project Sponsor believes that there is an availability of on-street parking spaces on Ocean Avenue in the evening which would reduce the need for patrons to park within the nearby residential areas.

However, in consideration of the concerns raised by the DR Requestors the Project Sponsor has decided to add the following project features:

- On-site security. The billiard hall will have a security guard on duty from 9:00 PM to closing.
- Security cameras. The Project Sponsor will install security cameras on the inside and outside of the building to increase the security of the establishment and neighborhood. In total four cameras will be installed on the inside and four on the outside of the building.
- No on-site alcohol beverage sales or consumption. The Project Sponsor has decided to not operate as a billiard hall and bar, and solely operate as a pool hall.
- No dancing on premises. The establishment will operate purely as a pool hall with no other entertainment features.
- No loud music on premises. The Project Sponsor intends to only provide soft background music for patrons at the establishment.

Additionally, the Project Sponsor is willing to consider installing noise insulation in the event neighbors find that noise from the establishment is excessive.

Reference the *Response to Discretionary Review filed by the Project Sponsor* for additional information. The *Response to Discretionary Review* is an attached document.

## PROJECT ANALYSIS

The Department finds that the proposed billiard located within the Ocean Avenue NCT is consistent with the relevant provisions of the Planning Code in the following manner:

### “Other Entertainment” Use

An “Other Entertainment” use is defined under Planning Code Section 790.38 as a retail use which provides live entertainment, including dramatic and musical performances, and/or provides amplified taped music for dancing on the premises, including but not limited to Places of Entertainment and Limited Live Performance Locales, as defined in Section 1060 of the Police Code, and which is adequately soundproofed or insulated so as to confine incidental noise to the premises. Other entertainment also includes a bowling alley, **billiard hall**, shooting gallery, skating rink and other commercial recreational activity, but it excludes amusement game arcades, as defined in Section 790.4 of this Code and regulated in Section 1036 of the Police Code. The proposed “Other Entertainment” use will operate as a billiard hall, which is permitted as of right per Planning Code Section 737.48 within the Ocean Avenue NCT.

### Hours of Operation

Per Planning Code Section 737.27, hours of operation from 6:00 AM to 2:00 AM are permitted as of right within the Ocean Avenue NCT. The proposed billiard hall use will operate from 2:00 PM to 2:00 AM, seven days a week, which within the principally permitted hours of operation.

### **Required Off-street Parking**

Per Planning Code Section 737.22, off-street parking is not required for commercial or institutional uses within the Ocean Avenue NCT and thus the project does not require any off-street parking.

### **Accessory Uses**

Uses that are accessory to a principal use are permitted per Planning Code Section 703.2 as long as such accessory does not involve or require any of the following:

- i. The use of more than 1/3 of the total floor area occupied by such use and the principal or conditional use to which it is accessory, except in the case of accessory off-street parking and loading;
- ii. Any bar or restaurant, or any other retail establishment which serves liquor for consumption on-site;
- iii. Any take-out food use, as defined in Section 790.122, except for a take-out food use which occupies 1/3 of the total floor area or up to 500 square-feet whichever is more restrictive in a general grocery or specialty grocery store, this take-out food use includes the area devoted to food preparation and service and excludes storage and waiting areas;
- iv. Any take-out food use, as defined in Section 790.122, except for a take-out food use operating as a minor and incidental use within a full-service restaurant;
- v. The wholesaling, manufacturing or processing of foods, goods, or commodities on the premises of an establishment which does not also use or provide for primarily retail sale of such foods, goods or commodities at the same location where such wholesaling, manufacturing or processing takes place.
- vi. Any retail liquor sales, as defined in Section 790.55, except for beer, wine, and/or liquor sales for the consumption off the premises with a State of California Alcoholic Beverage Control ("ABC") Board License type (off-sale beer and wine) or type 21 (off-sale general) which occupy less than 15% of the gross square footage of the establishment (including all areas devoted to the display and sale of alcoholic beverages) in a general grocery store, specialty grocery store, or self-service specialty food use.
- vii. Medical Cannabis Dispensaries as defined in 790.141.
- viii. The foregoing rules shall not prohibit take-out food activity which operates in conjunction with a fast-food restaurant or a self-service restaurant. A fast-food restaurant or a self-service restaurant, by definition, includes take-out food as an accessory and necessary part of its operation.
- ix. Any other entertainment use, as defined in Section 790.38, except for one that involves a Limited Live Performance Permit as set forth in Police Code Section 1060 et seq.

At approximately 230 square-feet the project's accessory beverage shop is permitted as an accessory use, because it does not use more than 1/3 of the total floor area occupied by the proposed billiard hall, and does not involve retail liquor sales, any take-out food use, or on-site food preparation.

### **Use Size (Non-Residential)**

Per Planning Code Section 737.21, a use size up to 3,999 square-feet is permitted as of right within the Ocean Avenue NCT. The proposed use, with approximately 2,580 square feet of floor area, is within the principally permitted use size limitations.

### **Formula Retail**

Per Planning Code Section 703.4 formula retail uses require conditional use authorization within the Ocean Avenue NCT. The proposed “Other Entertainment” use is not considered a “Retail Sales Activity” or “Retail Sales Establishment” as defined in Article 7 of the Code and therefore is not considered a formula retail use under Planning Code Section 703.3. Additionally, the proposed use will be independently owned and operated.

### **ENVIRONMENTAL REVIEW**

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

### **RESIDENTIAL DESIGN TEAM REVIEW**

Issues raised by the DR Requestor concern are not design related since the project does not involve exterior alterations to the existing building. Therefore the project does not trigger RDT review. As such, a Design Review Checklist is not included with this analysis.

### **BASIS FOR RECOMMENDATION**

- The project would enhance to the retail diversity in the area by establishing a new billiard hall use not currently available in the Ocean Avenue NCT.
- The project meets all applicable requirements of the Planning Code.
- The project will contribute to the commercial viability of the Ocean Avenue NCT by occupying a commercial space that has been vacant for approximately two years in a neighborhood that currently contains 11 vacancies.
- The project will provide new job opportunities to the City.
- The project is a neighborhood-serving use which residents can access by walking and is well served by public transit. The proposed use also does not require off-street parking.
- The project would not establish a Formula Retail use and would be independently owned and operated.

<b>RECOMMENDATION:</b> <b>Do not take DR and approve the project as proposed.</b>
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#### **Attachments:**

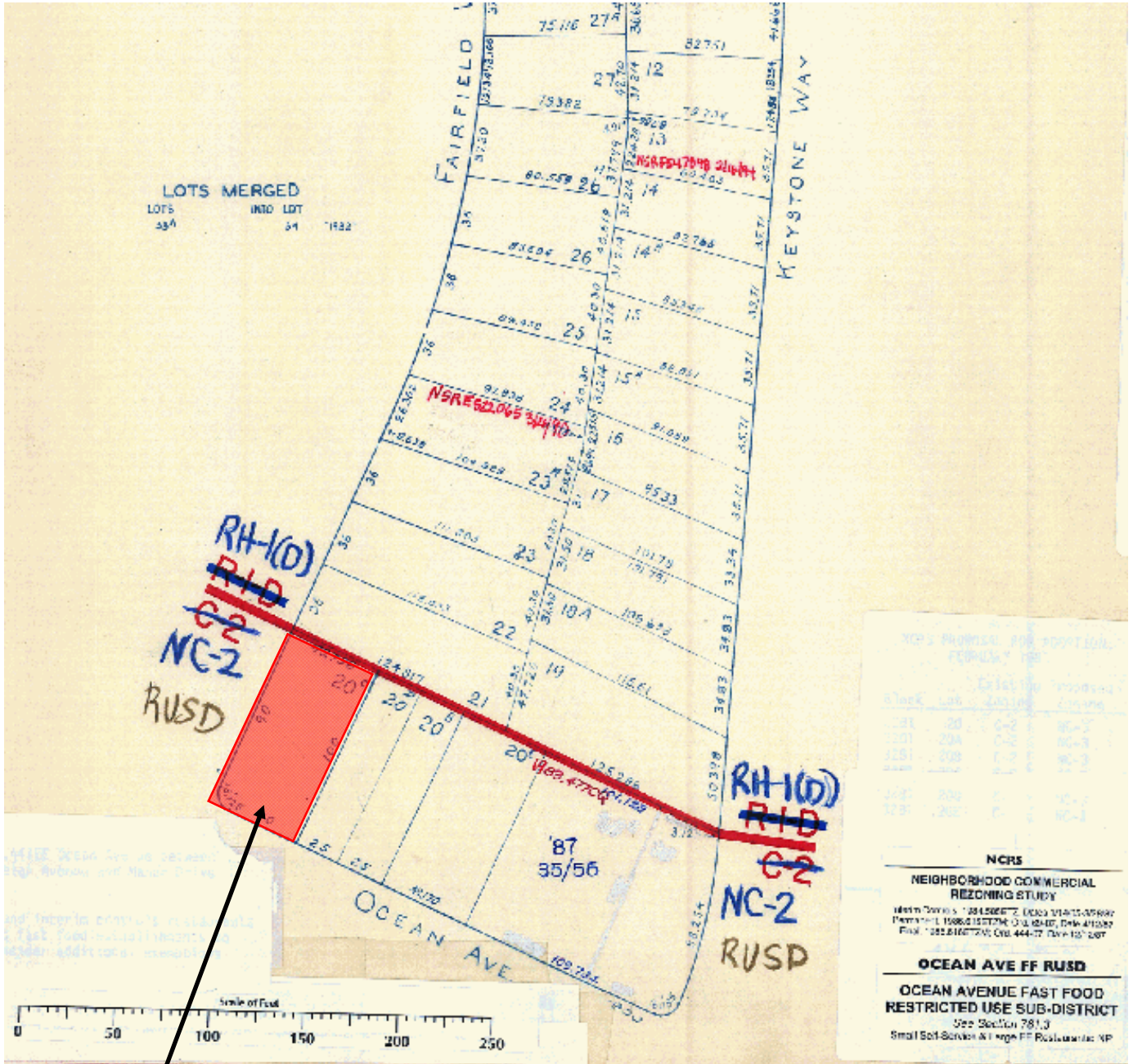
Block Book Map  
Sanborn Map  
Zoning Map  
Aerial Photographs  
Context Photos  
DR Application filed by Jeffrey Harding  
DR Application filed by the Ingleside Terrace Homes Association (ITHA)  
Response to DR Application dated October 12, 2011

Section 312 Notice  
Reduced Plans

ACP: G:\Documents\DRs\1948 Ocean Avenue\1948 Ocean Avenue - 2011.0854DD - Full Analysis.doc



# Parcel Map



SUBJECT PROPERTY



Discretionary Review Hearing  
Case Number 2011.0945DD  
Full Analysis  
1948 Ocean Avenue

# Sanborn Map\*



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



Discretionary Review Hearing  
Case Number 2011.0945DD  
Full Analysis  
1948 Ocean Avenue



# Aerial Photo 1



SUBJECT PROPERTY



Discretionary Review Hearing  
Case Number 2011.0945DD  
Full Analysis  
1948 Ocean Avenue

# Aerial Photo 2



SUBJECT PROPERTY





# Aerial Photo 3



SUBJECT PROPERTY



Discretionary Review Hearing  
Case Number 2011.0945DD  
Full Analysis  
1948 Ocean Avenue

# Aerial Photo 4



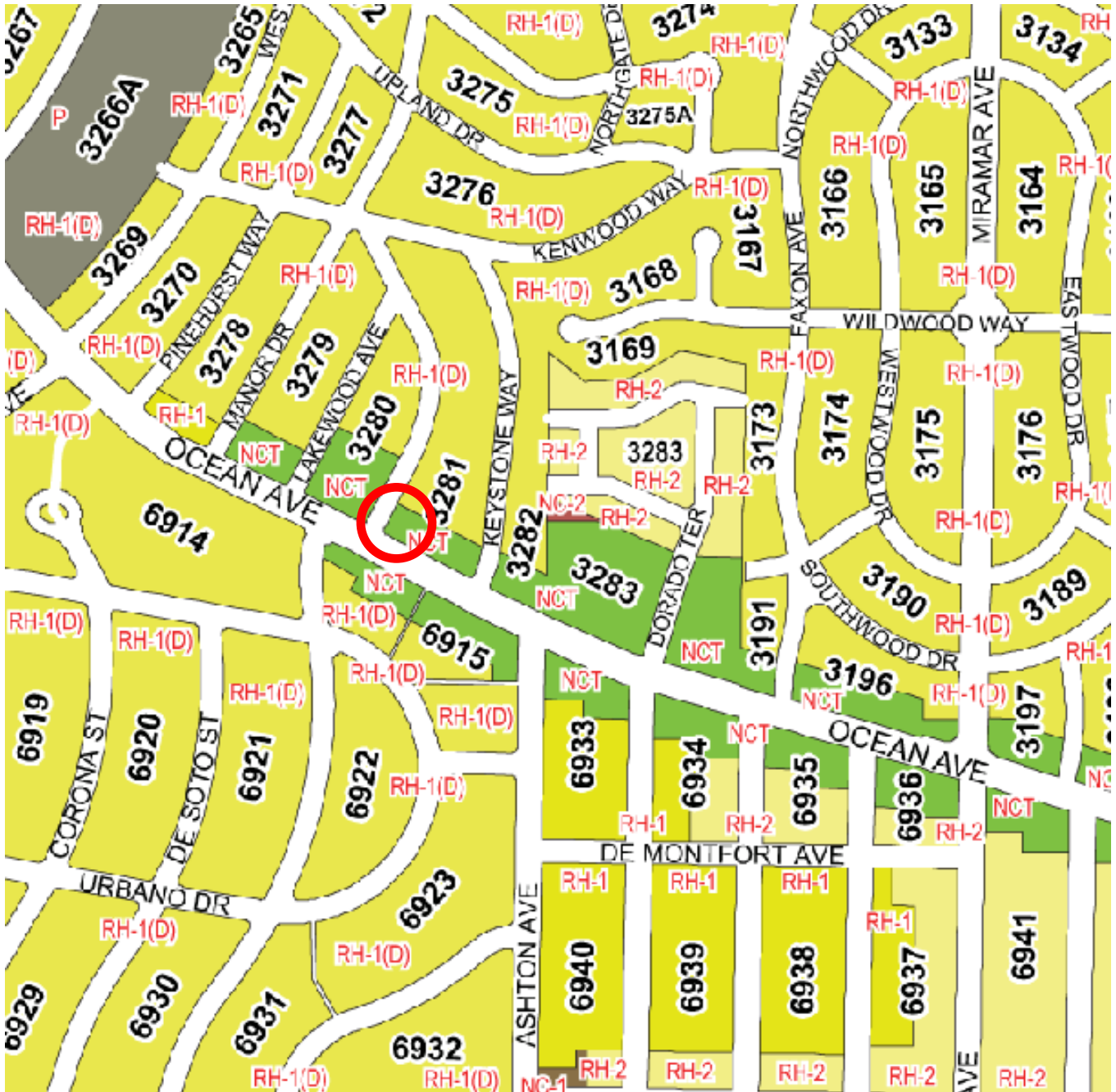
SUBJECT PROPERTY



Discretionary Review Hearing  
Case Number 2011.0945DD  
Full Analysis  
1948 Ocean Avenue



# Zoning Map



Discretionary Review Hearing  
Case Number 2011.0945DD  
Full Analysis  
1948 Ocean Avenue

# Site Photo from the front



Discretionary Review Hearing  
Case Number 2011.0945DD  
Full Analysis  
1948 Ocean Avenue



# Site Photo

## Interior of Project Site



Discretionary Review Hearing  
Case Number 2011.0945DD  
Full Analysis  
1948 Ocean Avenue

# APPLICATION FOR Discretionary Review

## 1. Owner/Applicant Information

DR APPLICANT'S NAME: <b>Jeffrey Harding</b>		
DR APPLICANT'S ADDRESS: <b>26 Fairfield Way</b>	ZIP CODE: <b>94127</b>	TELEPHONE: <b>(650) 766-7783</b>

PROPERTY OWNER WHO IS DOING THE PROJECT ON WHICH YOU ARE REQUESTING DISCRETIONARY REVIEW NAME: <b>LAMAX Nguyen</b>		
ADDRESS: <b>1242 Holloway Ave., SF, CA</b>	ZIP CODE: <b>94132</b>	TELEPHONE: <b>( ) N/A</b>

CONTACT FOR DR APPLICATION: Same as Above <input checked="" type="checkbox"/>		
ADDRESS:	ZIP CODE:	TELEPHONE: <b>( )</b>
E-MAIL ADDRESS: <b>jhardin1@frk.com</b>		

## 2. Location and Classification

STREET ADDRESS OF PROJECT: <b>1948 Ocean Ave., San Francisco, CA</b>	ZIP CODE: <b>94132</b>
CROSS STREETS: <b>Fairfield Way</b>	

ASSESSORS BLOCK/LOT: <b>3281 /020C</b>	LOT DIMENSIONS:	LOT AREA (SQ FT): <b>4965</b>	ZONING DISTRICT: <b>Ocean Ave. NCT</b>	HEIGHT/BULK DISTRICT: <b>45 X</b>
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## 3. Project Description

Please check all that apply

Change of Use  Change of Hours  New Construction  Alterations  Demolition  Other

**Additions to Building:** Rear  Front  Height  Side Yard   
Senior Center

Present or Previous Use:

Proposed Use: **Bar and Pool Hall**

Building Permit Application No. **2011.05.02.5120**

Date Filed: **May 2, 2011**

**RECEIVED**

**AUG 26 2011**

**CITY & COUNTY OF S.F.**  
PLANNING DEPARTMENT  
P I C

4. Actions Prior to a Discretionary Review Request

Prior Action	YES	NO
Have you discussed this project with the permit applicant?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Did you discuss the project with the Planning Department permit review planner?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Did you participate in outside mediation on this case?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

5. Changes Made to the Project as a Result of Mediation

If you have discussed the project with the applicant, planning staff or gone through mediation, please summarize the result, including any changes there were made to the proposed project.

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# Discretionary Review Request

In the space below and on separate paper, if necessary, please present facts sufficient to answer each question.

1. What are the reasons for requesting Discretionary Review? The project meets the minimum standards of the Planning Code. What are the exceptional and extraordinary circumstances that justify Discretionary Review of the project? How does the project conflict with the City's General Plan or the Planning Code's Priority Policies or Residential Design Guidelines? Please be specific and site specific sections of the Residential Design Guidelines.

The proposed bar and pool hall does not fit with the location. The corner of Fairfield & Ocean has a daycare center, a school, and a church. There are also many residential houses just a few feet of the proposed bar and pool hall. Having a 2am closing time will affect the peace and tranquility of the inhabitants of Fairfield Way, not to mention the extra burden the project will have on Fairfield street parking.

2. The Residential Design Guidelines assume some impacts to be reasonable and expected as part of construction. Please explain how this project would cause unreasonable impacts. If you believe your property, the property of others or the neighborhood would be adversely affected, please state who would be affected, and how:

The extra noise from the establishment does not fit in the neighborhood. This is a working-class neighborhood and a 2am closing time will be disruptive to the hardworking homeowners who live on Fairfield Way. I have spoken the owner of the Daycare Center directly behind 1948 Ocean Ave. and they agree that a bar / pool hall does not fit well at its proposed location. Other neighbors on the street agree as well.

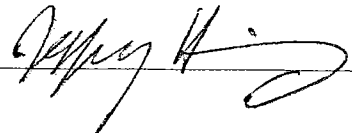
3. What alternatives or changes to the proposed project, beyond the changes (if any) already made would respond to the exceptional and extraordinary circumstances and reduce the adverse effects noted above in question #1?

The neighbors that I have spoken to agree that a different use for the space is what is needed.

# Applicant's Affidavit


Under penalty of perjury the following declarations are made:

- a: The undersigned is the owner or authorized agent of the owner of this property.
- b: The information presented is true and correct to the best of my knowledge.
- c: The other information or applications may be required.

Signature: 

Date: 8-25-11

Print name, and indicate whether owner, or authorized agent:

Jeffrey Harding (Ron Abta, agent)  8/25/11  
Owner / Authorized Agent (circle one)

# Discretionary Review Application Submittal Checklist

Applications submitted to the Planning Department must be accompanied by this checklist and all required materials. The checklist is to be completed and **signed by the applicant or authorized agent**.

REQUIRED MATERIALS (please check correct column)	DR APPLICATION
Application, with all blanks completed	<input checked="" type="checkbox"/>
Address labels (original), if applicable	<input checked="" type="checkbox"/>
Address labels (copy of the above), if applicable	<input checked="" type="checkbox"/>
Photocopy of this completed application	<input checked="" type="checkbox"/>
Photographs that illustrate your concerns	<input type="checkbox"/>
Covenant or Deed Restrictions	<input type="checkbox"/>
Check payable to Planning Dept.	<input checked="" type="checkbox"/>
Letter of authorization for agent	<input checked="" type="checkbox"/>
Other: Section Plan, Detail drawings (i.e. windows, door entries, trim), Specifications (for cleaning, repair, etc.) and/or Product cut sheets for new elements (i.e. windows, doors)	<input type="checkbox"/>

NOTES:

Required Material.

Optional Material.

Two sets of original labels and one copy of addresses of adjacent property owners and owners of property across street.

**RECEIVED**

AUG 26 2011

CITY & COUNTY OF S.F.  
PLANNING DEPARTMENT  
PIC

For Department Use Only

Application received by Planning Department:

By: Isoken Omokaro

Date: 8.26.2011

11.0945D  
RECEIVED

AUG 29 2011

CITY & COUNTY OF S.F.  
DEPT. OF CITY PLANNING  
PICAPPLICATION FOR  
Discretionary Review

## 1. Owner/Applicant Information

DR APPLICANT'S NAME: Ingliside Terraces Homes Association (ITHA) c/o Mark Scardina, President		
DR APPLICANT'S ADDRESS: P.O. Box 27304, San Francisco	ZIP CODE: 94127	TELEPHONE: (415 ) 519-6529
PROPERTY OWNER WHO IS DOING THE PROJECT ON WHICH YOU ARE REQUESTING DISCRETIONARY REVIEW NAME: Yong Yu is business owner-permit applicant; Lamone Nguyen is building owner		
ADDRESS: 1948 Ocean Ave. (per assessor 1944-46) 1242 Holloway-owner addr.	ZIP CODE: 94127	TELEPHONE: (415 ) 830-2940 (Yu)
CONTACT FOR DR APPLICATION: Same as Above <input type="checkbox"/> Mark Scardina or Paul Conroy		
ADDRESS: P.O. Box 27304, San Francisco	ZIP CODE: 94127	TELEPHONE: (415 ) 239-2884conroy
E-MAIL ADDRESS: president@ithasf.org and conroy@wans.net		

## 2. Location and Classification

STREET ADDRESS OF PROJECT: 1948 Ocean Avenue		ZIP CODE: 94132
CROSS STREETS: Fairfield and Victoria		
ASSESSORS BLOCK/LOT: 3281 /020C	LOT DIMENSIONS: N/A	LOT AREA (SQ FT): 4,965
ZONING DISTRICT: NC2		HEIGHT/BULK DISTRICT: 45X

## 3. Project Description

Please check all that apply

Change of Use  Change of Hours  New Construction  Alterations  Demolition  Other Additions to Building: Rear  Front  Height  Side Yard   
Senior Center

Present or Previous Use:

Proposed Use: Bar - Entertainment - pool hall

Building Permit Application No. 201105025120

Date Filed: May 2, 2011

#### 4. Actions Prior to a Discretionary Review Request

Prior Action	YES	NO
Have you discussed this project with the permit applicant?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Did you discuss the project with the Planning Department permit review planner?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Did you participate in outside mediation on this case?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

#### 5. Changes Made to the Project as a Result of Mediation

If you have discussed the project with the applicant, planning staff or gone through mediation, please summarize the result, including any changes there were made to the proposed project.

ITHA's Board was not contacted by the applicant and was not aware of this application for change of use until the Section 312 notice was received. The extent of the discussion with the applicant was that an ITHA board member and other neighbors living in Ingleside Terraces attended a meeting of the Ocean Avenue Community Benefit District on August 24, 2011 at which the applicant presented the proposed new use and answered questions.



## Discretionary Review Request

In the space below and on separate paper, if necessary, please present facts sufficient to answer each question.

1. What are the reasons for requesting Discretionary Review? The project meets the minimum standards of the Planning Code. What are the exceptional and extraordinary circumstances that justify Discretionary Review of the project? How does the project conflict with the City's General Plan or the Planning Code's Priority Policies or Residential Design Guidelines? Please be specific and site specific sections of the Residential Design Guidelines.

This section of Ocean Ave., from Junipero Serra to Ashton Ave., consists of residences, schools, churches and neighborhood-serving retail (photo). The General Plan and Zoning Code establish a policy that a neighborhood commercial business use should be consistent with, serve, and not negatively impact, the surrounding residential area and other neighborhood-serving businesses. A bar/pool hall is inconsistent with, and will result in significant negative impact to, the surrounding neighborhoods, including Ingleside Terraces.

2. The Residential Design Guidelines assume some impacts to be reasonable and expected as part of construction. Please explain how this project would cause unreasonable impacts. If you believe your property, the property of others or the neighborhood would be adversely affected, please state who would be affected, and how:

This property is adjacent to single family residential areas, including Ingleside Terraces, located across the street. There are no bars or entertainment venues on this section of Ocean Ave. The 7/11 store is the only business in this area open past 10pm. A bar/pool hall will bring unacceptable noise, loitering, and security problems - as late as 2 am - and is not a use dedicated to serving the neighborhood. Without on-site parking, patrons will walk to their parked cars through the Ingleside Terraces neighborhood late at night.

3. What alternatives or changes to the proposed project, beyond the changes (if any) already made would respond to the exceptional and extraordinary circumstances and reduce the adverse effects noted above in question #1?

A bar - pool hall use is unprecedented and is inconsistent with the residential neighborhood and other uses on this section of Ocean Avenue between Junipero Serra and Ashton Avenue.

# Applicant's Affidavit

Under penalty of perjury the following declarations are made:

- a: The undersigned is the ~~owner or authorized agent of the owner of this property.~~ *president of the applicant.*
- b: The information presented is true and correct to the best of my knowledge.
- c: The other information or applications may be required.

Signature: *Mark V. Scardina*

Date: 8/28/11

Print name, and indicate whether owner, or authorized agent:

Mark V. Scardina, Pres., Ingleside Terraces H.A.

Owner / Authorized Agent (circle one)

# Discretionary Review Application Submittal Checklist

Applications submitted to the Planning Department must be accompanied by this checklist and all required materials. The checklist is to be completed and **signed by the applicant or authorized agent**.

REQUIRED MATERIALS (please check correct column)	DR APPLICATION
Application, with all blanks completed	<input checked="" type="checkbox"/>
Address labels (original), if applicable	<input checked="" type="checkbox"/>
Address labels (copy of the above), if applicable	<input checked="" type="checkbox"/>
Photocopy of this completed application	<input checked="" type="checkbox"/>
Photographs that illustrate your concerns	<input type="checkbox"/>
Convenant or Deed Restrictions	<input type="checkbox"/>
Check payable to Planning Dept.	<input checked="" type="checkbox"/>
Letter of authorization for agent	<input checked="" type="checkbox"/>
Other: Section Plan, Detail drawings (i.e. windows, door entries, trim), Specifications (for cleaning, repair, etc.) and/or Product cut sheets for new elements (i.e. windows, doors)	<input type="checkbox"/>

NOTES:

Required Material.

Optional Material.

Two sets of original labels and one copy of addresses of adjacent property owners and owners of property across street.

For Department Use Only

Application received by Planning Department:

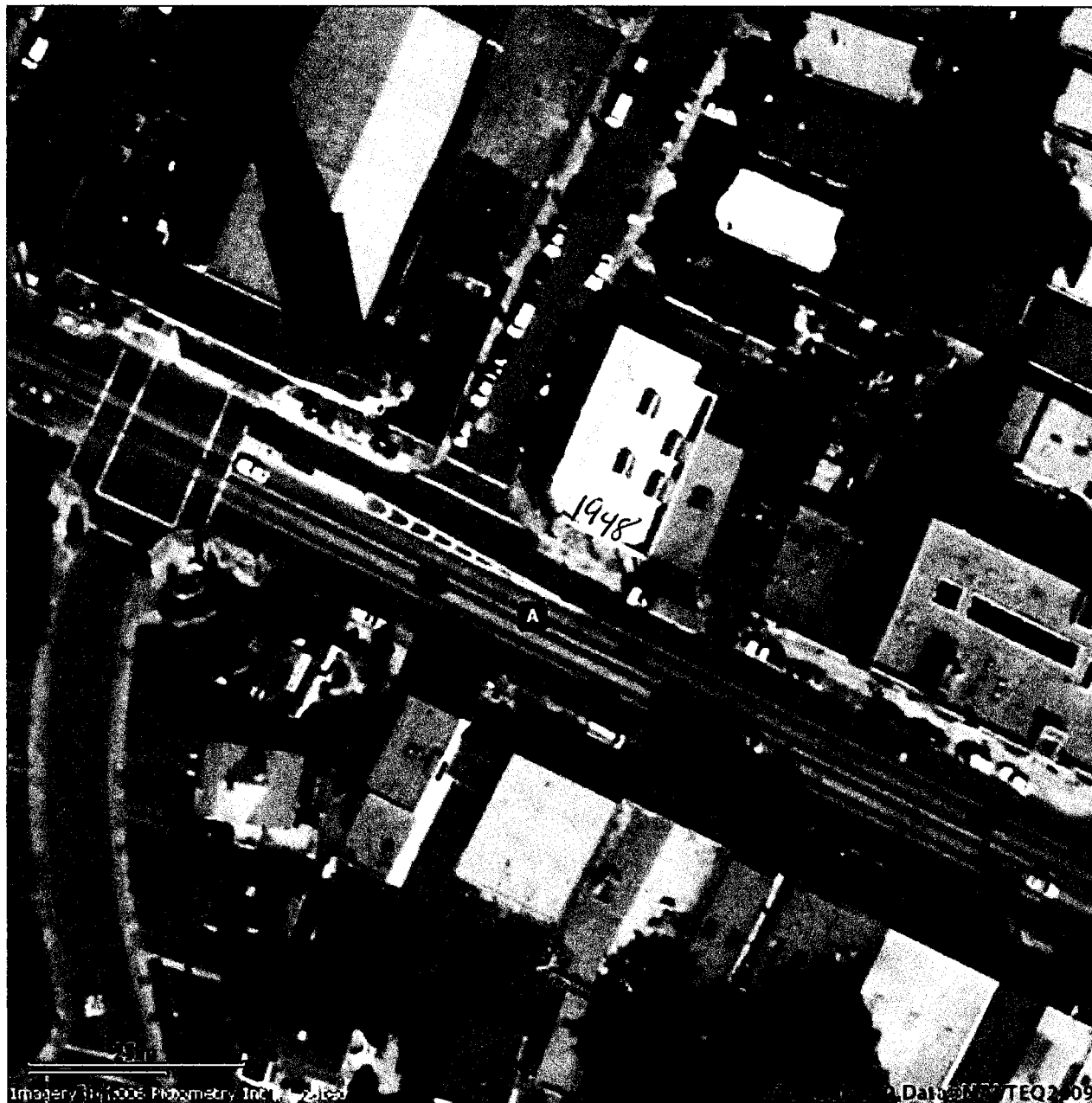
By:

 5/22/11

Date:

29 Mar 11

# Map of Omi Senior Center (415) 587-1443



When using any driving directions or map, it's a good idea to do a reality check and make sure the road still exists, watch out for construction, and follow all traffic safety precautions. This is only to be used as an aid in planning.



11.09450

August 28, 2011

San Francisco Planning Department  
1660 Mission Street  
San Francisco, CA 94103

Re: Authorized agent for 1948 Ocean DR

Dear Planning Staff:

This letter is to authorize Paul Conroy, as Ingleside Terraces Homes Association's (ITHA) agent, to file an application for discretionary review concerning 1959 Ocean Avenue.

Mr. Conroy, a member of ITHA's Board of Director's, is authorized to file the application, and to make such changes to the application that are necessary in order that the application will be accepted by planning staff.

Very truly yours,

A handwritten signature in black ink, appearing to read "Mark V. Scardina", is positioned above the typed name.

Mark V. Scardina, President  
Ingleside Terraces Homes Association  
(415) 519-6529



# SAN FRANCISCO PLANNING DEPARTMENT

\* Correction of address Only, previously  
Submitted

## RESPONSE TO DISCRETIONARY REVIEW

Case No.: 11-09450

Building Permit No.: 201105025120

\* Address: ~~1242 Holloway Ave., SF~~  
1948 Ocean Ave., SF, CA 94132

Project Sponsor's Name: Yong Yu (Winchell) & Legend Billiard Hall

Telephone No.: (415) 830-2940 or attorney (415) 933-9988 (for Planning Department to contact)

1650 Mission St  
Suite 400  
San Francisco,  
CA 94103-2479

Reception:  
415.558.6378

Fax:  
415.558.6409

Planning  
Information:  
415.558.6377

1. Given the concerns of the DR requester and other concerned parties, why do you feel your proposed project should be approved? (If you are not aware of the issues of concern to the DR requester, please meet the DR requester in addition to reviewing the attached DR application.

see attached

2. What alternatives or changes to the proposed project are you willing to make in order to address the concerns of the DR requester and other concerned parties? If you have already changed the project to meet neighborhood concerns, please explain those changes. Indicate whether the changes were made before filing your application with the City or after filing the application.

see attached

3. If you are not willing to change the proposed project or pursue other alternatives, please state why you feel that your project would not have any adverse effect on the surrounding properties. Please explain your needs for space or other personal requirements that prevent you from making the changes requested by the DR requester.

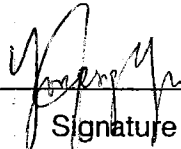
see attached

If you have any additional information that is not covered by this application, please feel free to attach additional sheets to this form.

4. Please supply the following information about the proposed project and the existing improvements on the property.

<u>Number of</u>	<u>Existing</u>	<u>Proposed</u>
Dwelling units (only one kitchen per unit -additional kitchens count as additional units) .....	<u>1</u>	<u>1</u>
Occupied stories (all levels with habitable rooms) ...	<u>1</u>	<u>1</u>
Basement levels (may include garage or windowless storage rooms) .....	<u>0</u>	<u>0</u>
Parking spaces (Off-Street) .....	<u>meter parking</u>	<u>meter parking</u>
Bedrooms .....	<u>0</u>	<u>0</u>
Gross square footage (floor area from exterior wall to exterior wall), not including basement and parking areas....	<u>3200sq ft</u>	<u>3200sq ft</u>
Height .....	<u>15'-17'</u>	<u>15'-17'</u>
Building Depth .....	<u>around 100'<sup>80'</sup></u>	<u>around 100'<sup>80'</sup></u>
Most recent rent received (if any) .....	<u>vacant</u>	<u>vacant</u>
Projected rents after completion of project .....	<u>\$ 5500</u>	<u>\$ 5500</u>
Current value of property .....	<u>unknown</u>	<u>unknown</u>
Projected value (sale price) after completion of project (if known) .....	<u>unknown</u>	<u>unknown</u>

I attest that the above information is true to the best of my knowledge.

  
 \_\_\_\_\_  
 Signature

\_\_\_\_\_  
 Date

Yong Yu  
 \_\_\_\_\_  
 Name (please print)

Attorney : Law offices of Leung & Associates  
 5727 Geary Blvd, San Francisco, CA 94121  
 (415) 909-9338  
 or Hanna Leung cell (415) 990-1888

1. The DR requesters have two basic concerns of the Billiard Hall application: impact on the neighborhood and the demand on parking.

The proposed space is located on a commercial section of Ocean Avenue. Several blocks in the neighborhood are all occupied by business. The subject property is a large hall consists of 3200 square feet that has not been occupied for the last couple of years. As the economy remains stagnant, businesses on Ocean Avenue are struggling. There is a small retail storefront on Ocean Avenue, directly across from the subject property that has been vacant for a while. As we all know that vacant buildings attract vagrants, and squatters. It is also a magnet for criminal activities and graffiti "artists". The building owner indicated there had been acts of vandalism on the building.

Due to the size of the building, not too many businesses would be able to utilize the space. It is to be expected that any successful business housed in that space would draw in customers, thus increase the vehicular and pedestrian traffic. Ultimately, the increased traffic translates to increase of business to the neighborhood restaurants and shops. There are a lot of parking spaces available on Ocean Avenue during after hours and it should not spread too much into the residential area.

The proposed Billiard Hall is created with families in mind and intended to provide recreational activities for all ages. It would have computers on site and free wi-fi internet access so that young and the old may have a place where they can get connected on line. There is no kitchen facilities on site; therefore it will not compete with local restaurants, instead it will bring in customers from surrounding areas who will patronize the neighborhood restaurants and businesses.

2. The operators respect the concerns raised by the applicants for discretionary review and they would like to emphasize the following features that will be put in place:
  - a. Security guard on duty from 9:00 P.M. to closing. The Billiard Hall would be having security guard to ensure the safety of the patrons. Currently, Seven Eleven and 24 hours Fitness that are operating 24 hours do not provide such service.
  - b. Security camera on the inside and outside of building. The operators will install total of 8 security cameras. 4 on the inside and 4 outside of the building. With this increased security measure, this neighborhood should be safer than before.



- c. No alcoholic beverages. There will not be any alcoholic beverages served on site; most likely beverages would be available through vending machines;
  - d. No dancing on premises. The Billiard Hall is purely for recreational billiard enthusiast, it would not have dancing on premises;
  - e. No loud music. Only soft background music will be provided;
  - f. Will consider noise insulation. In the event that neighbors find the noise of the Billiard Hall to be excessive, the operators will consider installing noise insulation material.
  - g. No food service on premises. There is no kitchen facility on premises and would not have any food service. Patrons would be there only for the duration of the billiard game and would not linger for a long time.
3. With the modification in #2 above, the project should be beneficial to the neighborhood.
- a. The Billiard Hall would fill a vacant space that is very difficult to lease. An occupied space would cut down on criminal activities in the area. An abandoned building would attract graffiti and homeless squatters.
  - b. It will booster business activities in the neighborhood. Restaurant and other retail businesses will benefit from the increased foot traffic.
  - c. The operators are taking a huge risk in starting a business in this economy. Should the business be able to survive this difficult state, it would stimulate the economy of the neighborhood. It would also provide job opportunities to the area. The students from City College of San Francisco would benefit from being able to have flexible part time work available to them.
  - d. Internet access for those unable to afford it. There is no purchase necessary for those who want to have access wi-fi services. This would benefit the young and the old from moderate income families. Especially the public libraries now have very limited hours. That is the only public access for internet for most people.



# SAN FRANCISCO PLANNING DEPARTMENT

1650 Mission Street Suite 400 San Francisco, CA 94103

## NOTICE OF BUILDING PERMIT APPLICATION (SECTION 312)

On May 2, 2011, the Applicant named below filed Building Permit Application No. 2011.05.02.5120 (Alteration) with the City and County of San Francisco.

CONTACT INFORMATION		PROJECT SITE INFORMATION	
Applicant:	Yong Yu	Project Address:	1948 Ocean Avenue
Address:	1948 Ocean Avenue	Cross Streets:	Fairfield & Keystone Ways
City, State:	San Francisco, CA 94132	Assessor's Block /Lot #:	3281/020C
Telephone:	415.830.2940	Zoning Districts:	Ocean Avenue NCT / 40-X

Under San Francisco Planning Code Section 312, you, as a property owner or resident within 150 feet of this proposed project, are being notified of this Building Permit Application. You are not obligated to take any action. For more information regarding the proposed work, or to express concerns about the project, please contact the Applicant above or the Planner named below as soon as possible. If your concerns are unresolved, you can request the Planning Commission to use its discretionary powers to review this application at a public hearing. Applications requesting a Discretionary Review hearing must be filed during the 30-day review period, prior to the close of business on the Expiration Date shown below, or the next business day if that date is on a week-end or a legal holiday. If no Requests for Discretionary Review are filed, this project will be approved by the Planning Department after the Expiration Date.

PROJECT SCOPE		
<input type="checkbox"/> DEMOLITION	and/or	<input type="checkbox"/> NEW CONSTRUCTION or <input checked="" type="checkbox"/> ALTERATION
<input type="checkbox"/> VERTICAL EXTENSION		<input checked="" type="checkbox"/> CHANGE OF USE <input type="checkbox"/> FACADE ALTERATION(S)
<input type="checkbox"/> HORIZ. EXTENSION (FRONT)		<input type="checkbox"/> HORIZ. EXTENSION (SIDE) <input type="checkbox"/> HORIZ. EXTENSION (REAR)
PROJECT FEATURES	EXISTING CONDITION	PROPOSED CONDITION
COMMERCIAL USE TYPE .....	Other Institutions, Large .....	Bar and Other Entertainment
COMMERCIAL SQUARE-FOOTAGE OF USE .....	±2,580 square-feet .....	No Change
NUMBER OF STORIES .....	1 .....	No Change
NUMBER OF DWELLING UNITS .....	0 .....	No Change

### PROJECT DESCRIPTION

The proposal is a change of use to establish a Bar and Other Entertainment use (d.b.a Legend Billiard Hall) at 1948 Ocean Avenue, which is permitted in the Ocean Avenue Neighborhood Commercial Transit (NCT) District under Sections 737.41 and 737.48. A Bar is defined under Sections 790.22. Other Entertainment is defined under Section 790.38. The proposal includes interior alterations to the subject commercial space at 1948 Ocean Avenue, which is currently vacant and was previously a senior center.

PLANNER'S NAME: Adrian C. Putra  
 PHONE NUMBER: (415) 575-9079  
 EMAIL: adrian.putra@sfgov.org

DATE OF ORIG. NOTICE: 7-28-11  
 EXPIRATION DATE: 8-27-11

# NOTICE OF BUILDING PERMIT APPLICATION GENERAL INFORMATION ABOUT PROCEDURES

Reduced copies of the site plan and elevations (exterior walls) of the proposed project, including the position of any adjacent buildings, exterior dimensions, and finishes, and a graphic reference scale, have been included in this mailing for your information. Please discuss any questions with the project Applicant listed on the reverse. You may wish to discuss the plans with your neighbors and neighborhood association or improvement club, as they may already be aware of the project. Immediate neighbors to the project, in particular, are likely to be familiar with it.

Any general questions concerning this application review process may be answered by the Planning Information Center at 1660 Mission Street, 1st Floor (415/ 558-6377) between 8:00 a.m. - 5:00 p.m. Please phone the Planner listed on the reverse of this sheet with questions specific to this project.

If you determine that the impact on you from this proposed development is significant and you wish to seek to change the proposed project, there are several procedures you may use. We strongly urge that steps 1 and 2 be taken.

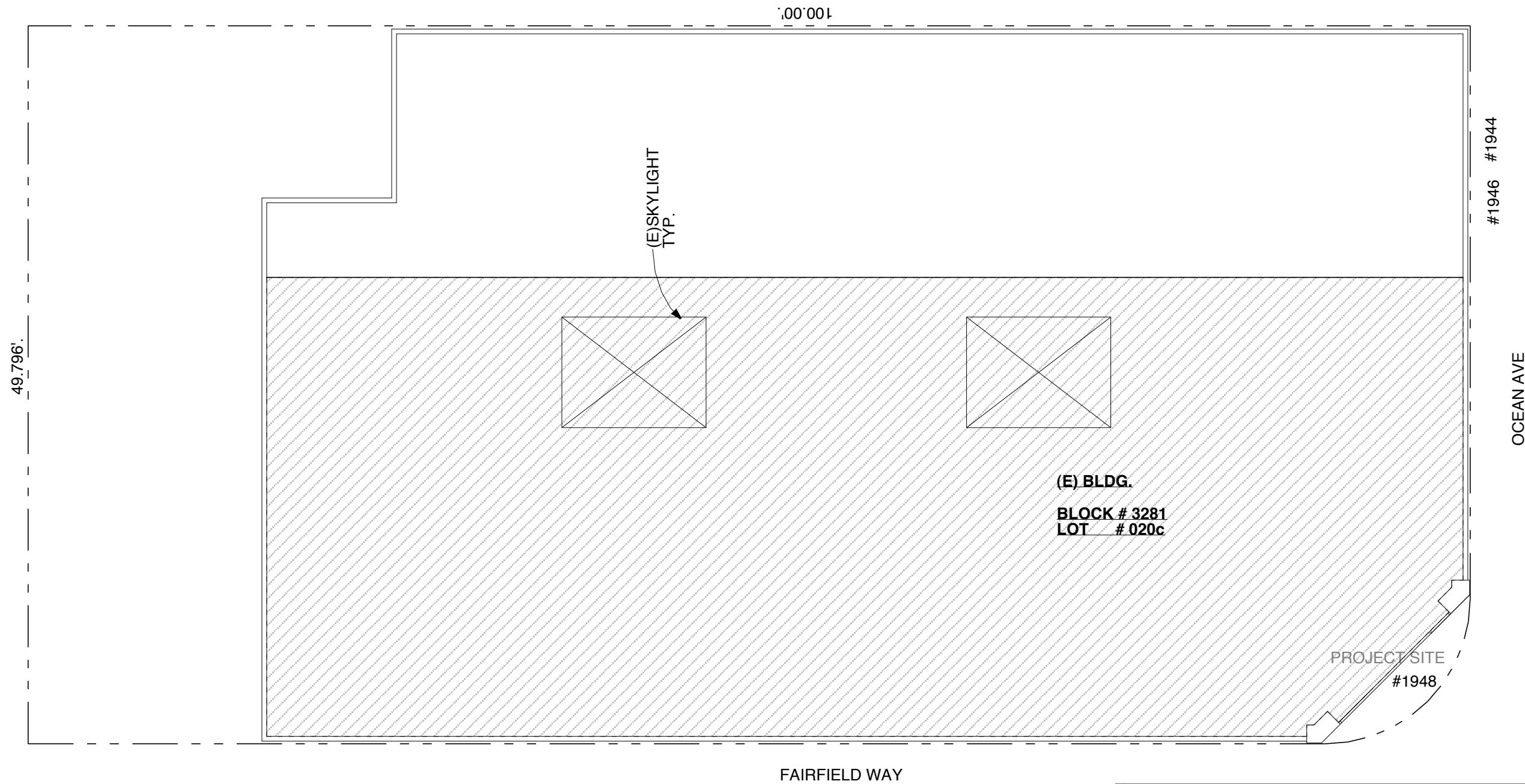
1. Seek a meeting with the project sponsor and the architect to get more information, and to explain the project's impact on you and to seek changes in the plans.
2. Call the local Community Board at (415) 920-3820 for assistance in conflict resolution/mediation. They may be helpful in negotiations where parties are in substantial disagreement. On many occasions both sides have agreed to their suggestions and no further action has been necessary.
3. Where you have attempted, through the use of the above steps, or other means, to address potential problems without success, call the assigned project planner whose name and phone number are shown at the lower left corner on the reverse side of this notice, to review your concerns.

If, after exhausting the procedures outlined above, you still believe that exceptional and extraordinary circumstances exist, you have the option to request that the Planning Commission exercise its discretionary powers to review the project. These powers are reserved for use in exceptional and extraordinary circumstances for projects, which generally conflict with the City's General Plan and the Priority Policies of the Planning Code; therefore the Commission exercises its discretion with utmost restraint. This procedure is called Discretionary Review. If you believe the project warrants Discretionary Review by the Planning Commission over the permit application, you must make such request **within 30 days of this notice, prior to the Expiration Date shown on the reverse side**, by completing an application (available at the Planning Department, 1660 Mission Street, 1st Floor, or on-line at [www.sfgov.org/planning](http://www.sfgov.org/planning)). You must submit the application to the Planning Information Center during the hours between 8:00 a.m. and 5:00 p.m., with all required materials, and a check for \$300.00, for each Discretionary Review request payable to the Planning Department. If the project includes multi building permits, i.e. demolition and new construction, a separate request for Discretionary Review must be submitted, with all required materials and fee, for each permit that you feel will have an impact on you. Incomplete applications will not be accepted.

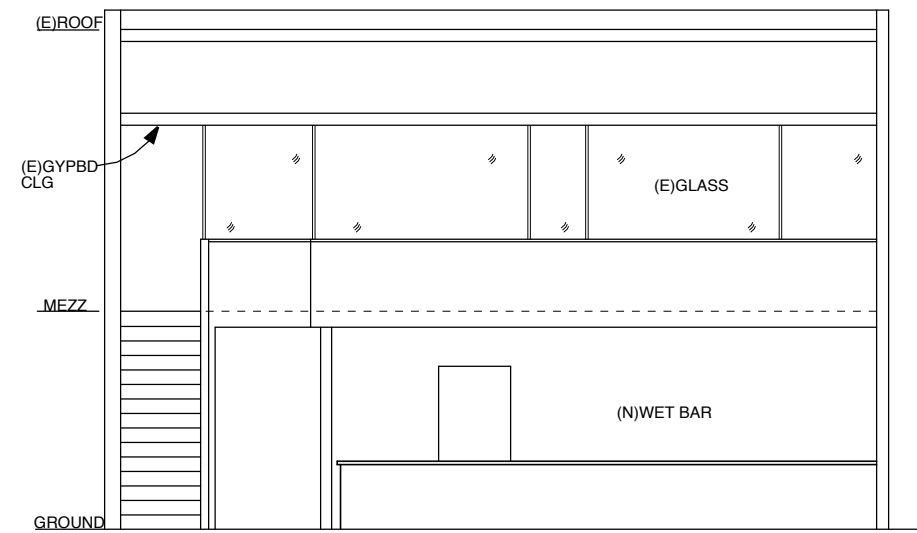
If no Discretionary Review Applications have been filed within the Notification Period, the Planning Department will approve the application and forward it to the Department of Building Inspection for its review.

## BOARD OF APPEALS

An appeal of the approval (or denial) of the permit application by the Planning Department or Planning Commission may be made to the Board of Appeals within 15 days after the permit is issued (or denied) by the Superintendent of the Department of Building Inspection. Submit an application form in person at the Board's office at 1660 Mission Street, 3rd Floor, Room 3036. For further information about appeals to the Board of Appeals, including their current fees, contact the Board of Appeals at (415) 575-6880.



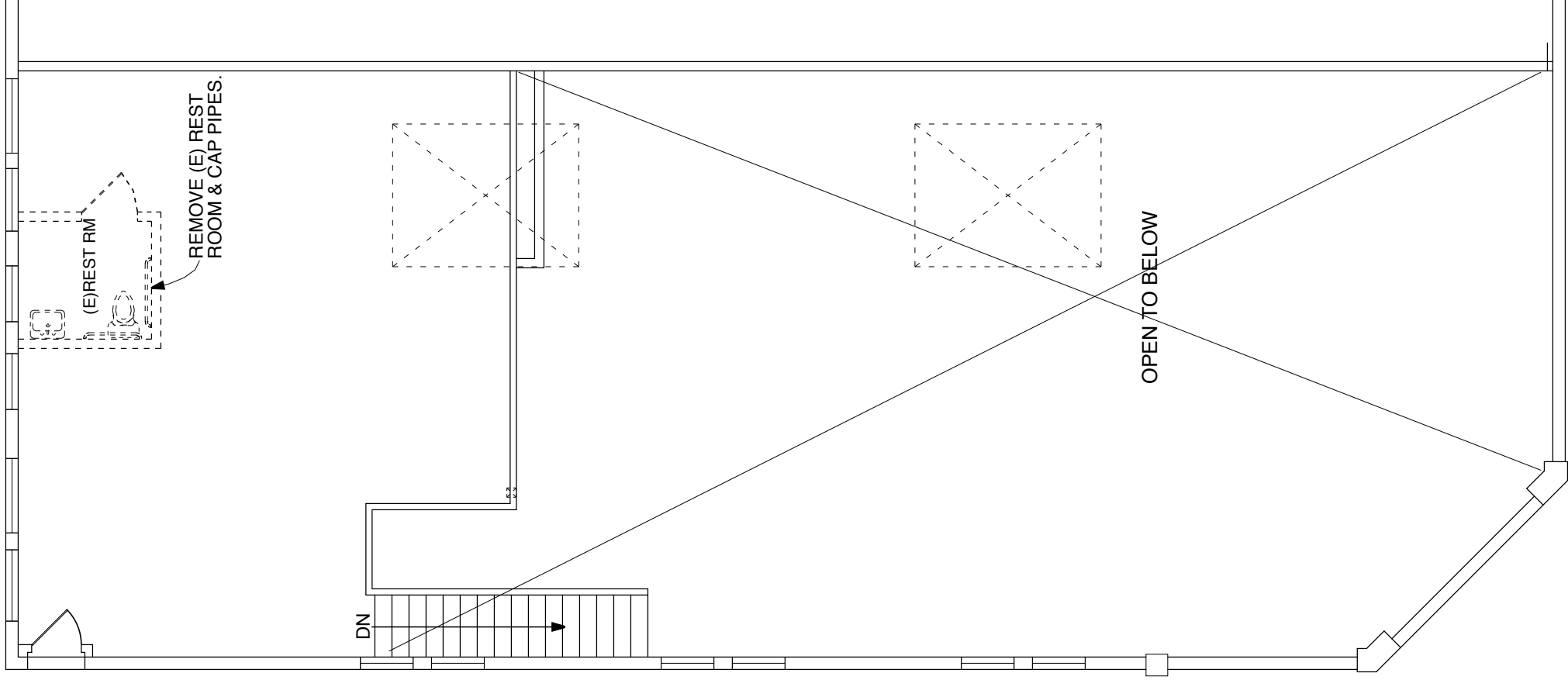
**SITE PLAN**  
SCALE: 1/8" = 1'-0"



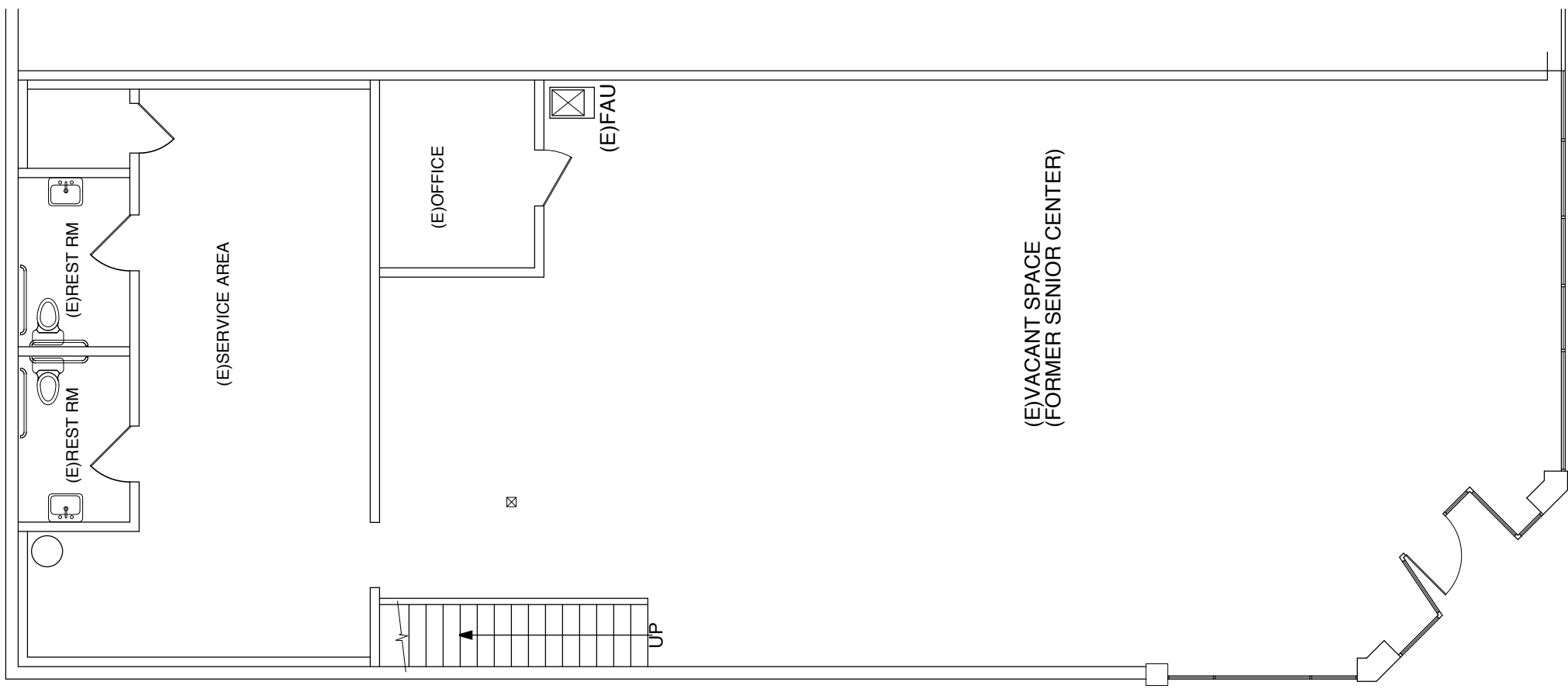
SECTION A-A  
1/4"=1'-0"

**TENANT IMPROVEMENT**  
**LEGEND BILLIARD HALL**  
**1948 OCEAN AVE, SAN FRANCISCO, CA.**

**S & A** ENGINEERING DESIGN  
423 YALE STREET  
SAN FRANCISCO, CA. 94134  
TEL: (415) 337-5396  
E-MAIL: SABYANFUN@AOL.COM



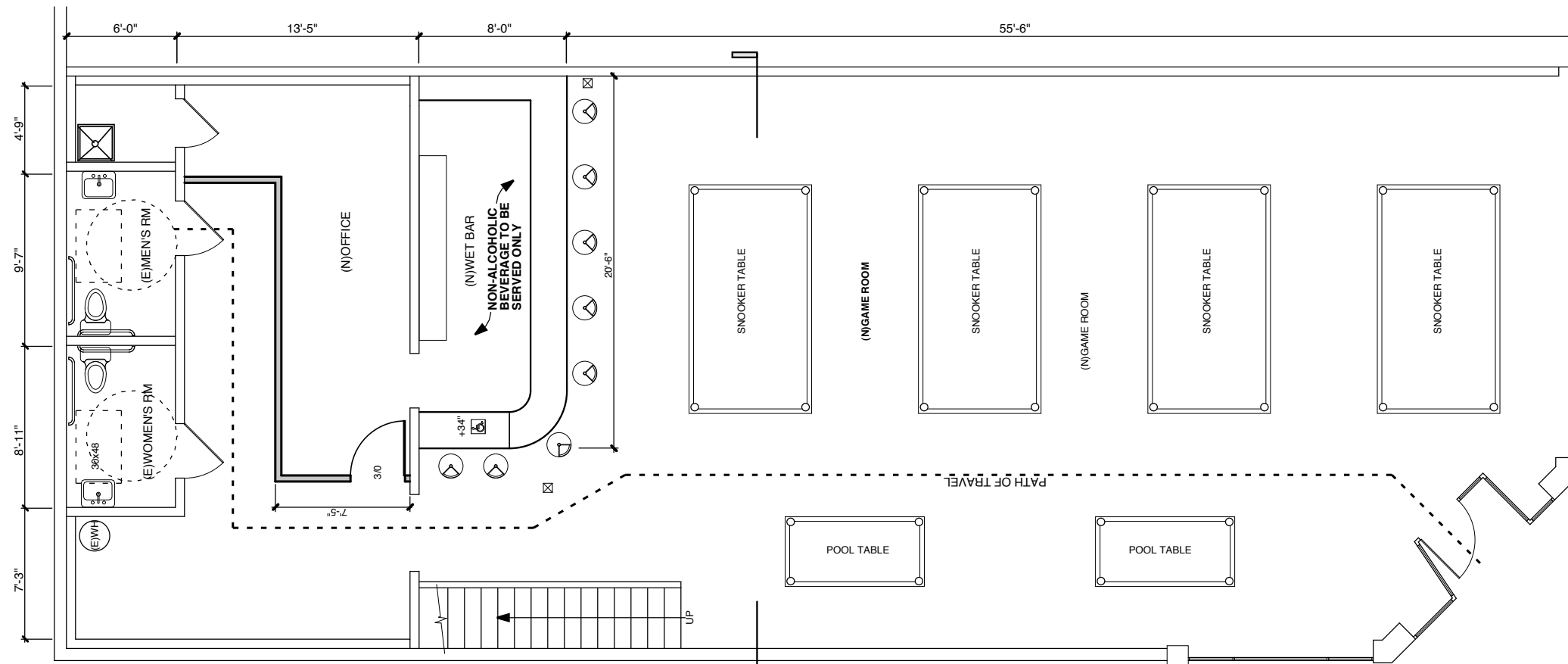
**(E)MEZZANINE PLAN**  
SCALE: 1/8" = 1'-0"



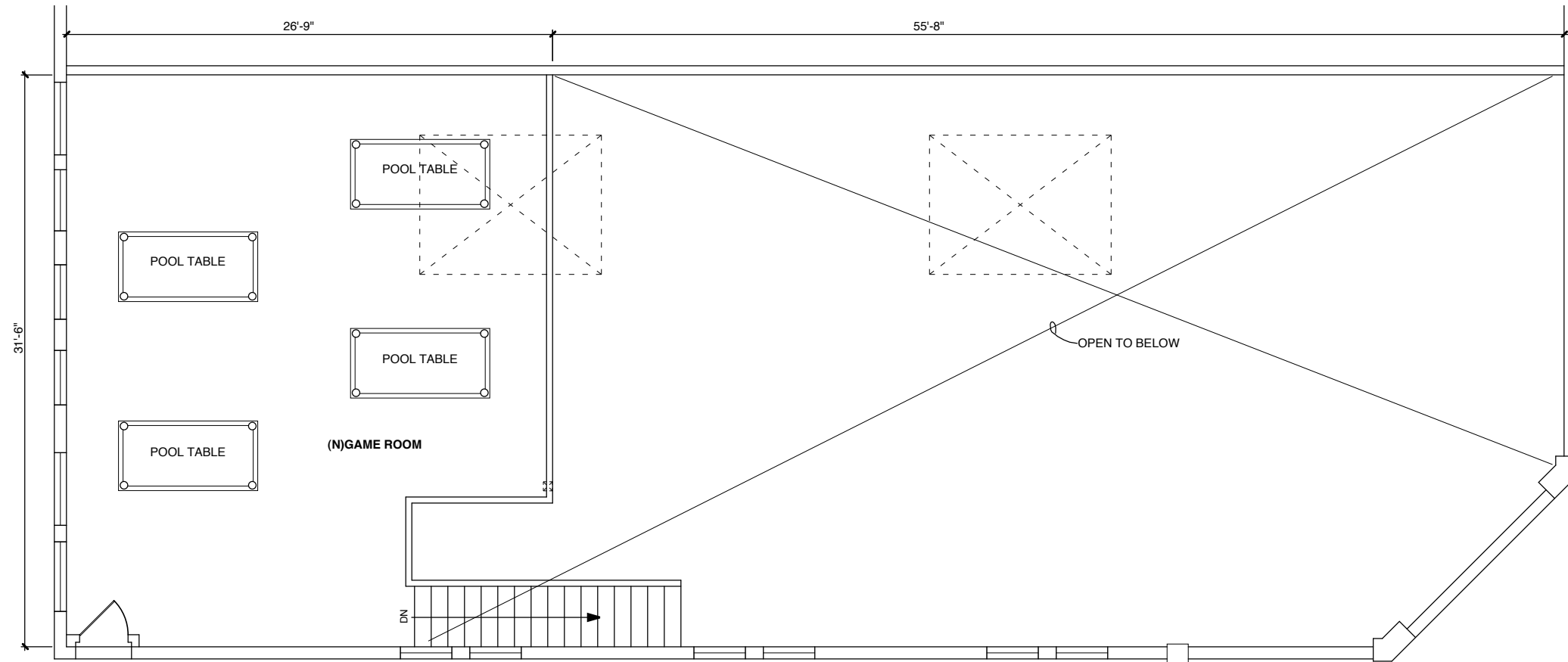
**(E)GROUND FLOOR PLAN**  
SCALE: 1/8" = 1'-0"

**S & A** ENGINEERING DESIGN  
423 YALE STREET  
SAN FRANCISCO, CA. 94134  
TEL: (415) 337-5396  
E-MAIL: SBYANFUN@AOL.COM

**TENANT IMPROVEMENT**  
**LEGEND BILLIARD HALL**  
1948 OCEAN AVE, SAN FRANCISCO, CA.



**PROPOSED GROUND FLOOR PLAN**  
1/8"=1'-0"



**PROPOSED MEZZANINE FLOOR PLAN**  
1/8"=1'-0"

**TENANT IMPROVEMENT**  
**LEGEND BILLIARD HALL**  
1948 OCEAN AVE, SAN FRANCISCO, CA.

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