



# SAN FRANCISCO PLANNING DEPARTMENT

## Executive Summary Conditional Use

HEARING DATE: MARCH 15, 2012  
CONSENT CALENDAR

*Date:* March 8, 2012  
*Case No.:* 2012.0080C  
*Project Address:* 2060 FILLMORE STREET  
*Zoning:* Upper Fillmore Street Neighborhood Commercial District (NCD)  
40-X Height and Bulk District  
*Block/Lot:* 0653/023  
*Project Sponsor:* Ibrahim Alhaj (applicant)  
101 Riverside Drive  
San Bruno, CA 94066  
David Kaplan (agent for property owner)  
Bay Area Properties, LTD  
172 Golden Gate Avenue  
San Francisco, CA 94102  
*Staff Contact:* Sharon M. Young – (415) 558-6346  
sharon.m.young@sfgov.org  
*Recommendation:* **Approval with Conditions**

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### PROJECT DESCRIPTION

The proposal is a request for Conditional Use authorization under Sections 303 and 718.43 of the Planning Code for the change of use of an existing retail coffee store use (d.b.a. Royal Ground Coffee) to a large fast food restaurant use (continuing d.b.a. Royal Ground Coffee) with approximately 1,300 square feet of floor area on the ground floor of a three-story, mixed-use building within the Upper Fillmore Street Neighborhood Commercial Zoning District and a 40-X Height and Bulk District. No tenant improvements are proposed within the existing commercial space nor are changes proposed to the exterior building envelope. The project sponsor is proposing to add Alcoholic Beverage License Type 41 in order to serve beer and/or wine for drinking on the premises, which is not allowed under the retail coffee store use category.

### SITE DESCRIPTION AND PRESENT USE

The project site at 2060 Fillmore Street is on the southeast corner of Fillmore and California Streets; Assessor's Block 0653; Lot 023. It is located within the Upper Fillmore Street Neighborhood Commercial Zoning District (NCD) and a 40-X Height and Bulk District. The subject lot is approximately 4,721 square feet (54 feet wide by 87.50 feet deep) in size and is occupied by a three story, mixed-use building constructed in 1924. The existing building is not listed in the Planning Department's 1976 Architectural Survey (AS survey) or the National or California Registers as having architectural significance. The subject commercial tenant space is one of four retail commercial tenant spaces on the ground floor of the building. The other three tenant spaces are occupied by a laundromat and dry cleaners d.b.a. Wash N' Royal Cleaners and retail clothing and accessories stores d.b.a. Elizabeth Charles and Mrs. Dewson's Hats. There are currently 14 residential units on the second and third floors of the building.

## **SURROUNDING PROPERTIES & NEIGHBORHOOD**

The project site is located within the Western Addition Neighborhood, bordering south of the Pacific Heights Neighborhood. The surrounding development consists of a variety of commercial and mixed use buildings mostly featuring residential uses above ground-floor commercial establishments. The scale of development in the area consists of a mix of low-and mid-rise buildings (one- to three-story structures), most of which were built in the early 1900s. Generally, the commercial establishments characterizing this portion of Fillmore Street include a mixture of restaurants, apparel/accessory stores and specialty shops, and medical and personal service establishments. The surrounding zoning is primarily Upper Fillmore Street NCD and RH-2 (Residential, House, Two-Family) District zoning. Some of the existing commercial establishments on the subject and opposite blocks include Mrs. Dewson's Hat's, 10 International Orange, Ralph Lauren, James Perse, Harry's Bar, Paulo, Taco Bar, Elite Café, Vitamin Express, Mio, Hlaksa, Betsy Johnson, Walter Adams Custom Framing, Bun Mee, MAC, and 2001 Thai Stick.

## **ENVIRONMENTAL REVIEW**

The Project is exempt from the California Environmental Quality Act ("CEQA") as a Class 1 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	February 24, 2012	February 17, 2012	26 days
Posted Notice	20 days	February 24, 2012	February 24, 2012	20 days
Mailed Notice	20 days	February 24, 2012	February 22, 2012	22 days

The proposal requires Section 312-neighborhood notification, which was conducted in conjunction with the conditional use authorization process.

## **PUBLIC COMMENT**

- As of March 8, 2012, the Department has not received any letters or phone calls in support of or in opposition to the project.

## **ISSUES AND OTHER CONSIDERATIONS**

- The existing eating and drinking establishment d.b.a. Royal Ground Coffee has been established at the current location since 2002 and is not considered a formula retail use under Section 703.3 of the Planning Code. According to the project sponsor, the eating and drinking establishment will offer such menu items as coffee, sandwiches and salads, and expand its menu by offering beer and/or wine with the current proposal.

## **REQUIRED COMMISSION ACTION**

This proposal requires **Conditional Use** authorization pursuant to Sections 303 and 718.43 of the Planning Code for the change of use of an existing retail coffee store use (d.b.a. Royal Ground Coffee) to a large fast food restaurant use (continuing d.b.a. Royal Ground Coffee) with approximately 1,300 square feet of floor area on the ground floor of a three-story, mixed-use building within the Upper Fillmore Street Neighborhood Commercial Zoning District and a 40-X Height and Bulk District.

## **BASIS FOR RECOMMENDATION**

- The proposed project will preserve and enhance the existing eating and drinking establishment by allowing for the change of use of an existing retail coffee store use to a large fast food restaurant use to allow the project sponsor to add Alcoholic Beverage License Type 41 in order to serve beer and/or wine for drinking on the premises. The proposed project meets all applicable requirements of the Planning Code.
- The Department believes that this project is necessary and/or desirable for the following reasons:
  - a) The proposed project will enhance the economic diversity of the neighborhood encouraging an existing business (offering both daytime and evening food services) to remain in the area.
  - b) The proposed project is a neighborhood-serving use which residents can access by walking or taking public transit.
  - c) The proposed project would be consistent with the mixed commercial-residential character of this portion of the Upper Fillmore Street NCD.

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

Zoning District Map  
Parcel Map  
Sanborn Map  
Aerial Photographs  
Site and Context Photographs  
Reduced Plans

Attachment Checklist

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Executive Summary   | <input checked="" type="checkbox"/> Project sponsor submittal |
| <input checked="" type="checkbox"/> Draft Motion        | Drawings: <u>Existing Conditions</u>                          |
| <input type="checkbox"/> Environmental Determination    | <input checked="" type="checkbox"/> Check for legibility      |
| <input checked="" type="checkbox"/> Zoning District Map | Drawings: <u>Proposed Project</u>                             |
| <input type="checkbox"/> Height & Bulk Map              | <input type="checkbox"/> Check for legibility                 |
| <input checked="" type="checkbox"/> Parcel Map          | <input type="checkbox"/>                                      |
| <input checked="" type="checkbox"/> Sanborn Map         | <input type="checkbox"/>                                      |
| <input checked="" type="checkbox"/> Aerial Photo        | <input type="checkbox"/>                                      |
| <input checked="" type="checkbox"/> Context Photos      | <input type="checkbox"/>                                      |
| <input checked="" type="checkbox"/> Site Photos         | <input type="checkbox"/>                                      |

SMY

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

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

SMY: C:\2060 Fillmore Street summary-smY.doc



# SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- Inclusionary Housing (Sec. 315)
- Jobs Housing Linkage Program (Sec. 313)
- Downtown Park Fee (Sec. 139)
- First Source Hiring (Admin. Code)
- Child Care Requirement (Sec. 314)
- Other

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## Planning Commission Motion No. XXXXX HEARING DATE: MARCH 15, 2012

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*Case No.:* **2012.0080C**  
*Project Address:* **2060 FILLMORE STREET**  
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*Staff Contact:* Sharon M. Young – (415) 558-6346  
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*Recommendation:* **Approval with Conditions**

**ADOPTING FINDINGS RELATED TO THE APPROVAL OF A CONDITIONAL USE AUTHORIZATION UNDER PLANNING CODE SECTIONS 303 AND 718.43 FOR THE CHANGE OF USE OF AN EXISTING RETAIL COFFEE STORE (D.B.A. ROYAL GROUND COFFEE) TO A LARGE FAST FOOD RESTAURANT USE (CONTINUING D.B.A. ROYAL GROUND COFFEE) WITH APPROXIMATELY 1,300 SQUARE FEET OF FLOOR AREA ON THE GROUND FLOOR OF A THREE-STORY, MIXED-USE BUILDING LOCATED AT 2060 FILLMORE STREET WITHIN THE UPPER FILLMORE STREET NEIGHBORHOOD COMMERCIAL ZONING DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT.**

### PREAMBLE

On January 24, 2012, Ibrahim Alhaj (hereinafter "Project Sponsor") made an application for Conditional Use authorization for the property at **2060 Fillmore Street, Lot 023 in Assessor's Block 0653** (hereinafter "Subject Property"), for the change of use of an existing retail coffee store use (d.b.a. Royal Ground Coffee) to a large fast food restaurant use (continuing d.b.a. Royal Ground Coffee) with approximately 1,300 square feet of floor area on the ground floor of a three-story, mixed-use building within the Upper Fillmore Street Neighborhood Commercial Zoning District and a 40-X Height and Bulk District, in general conformity with plans submitted January 24, 2012, and labeled "Exhibit B" (hereinafter "Project").

No tenant improvements are proposed within the existing commercial space nor are changes proposed to the exterior building envelope. The project sponsor is proposing to add Alcoholic Beverage License Type 41 in order to serve beer and/or wine for drinking on the premises.

On **March 15, 2012**, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on **Conditional Use Application No. 2012.0080C**.

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. 2012.0080C, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

## **FINDINGS**

Having reviewed the materials identified in the recitals 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 site at 2060 Fillmore Street is on the southeast corner of Fillmore and California Streets; Assessor's Block 0653; Lot 023. It is located within the Upper Fillmore Street Neighborhood Commercial Zoning District (NCD) and a 40-X Height and Bulk District. The subject lot is approximately 4,721 square feet (54 feet wide by 87.50 feet deep) in size and is occupied by a three story, mixed-use building constructed in 1924. The existing building is not listed in the Planning Department's 1976 Architectural Survey (AS survey) or the National or California Registers as having architectural significance. The subject commercial tenant space is one of four retail commercial tenant spaces on the ground floor of the building. The other three tenant spaces are occupied by a laundromat and dry cleaners d.b.a. Wash N' Royal Cleaners and retail clothing and accessories stores d.b.a. Elizabeth Charles and Mrs. Dewson's Hats. There are currently 14 residential units on the second and third floors of the building.
3. **Surrounding Properties and Neighborhood.** The project site is located within the Western Addition Neighborhood, bordering south of the Pacific Heights Neighborhood. The surrounding development consists of a variety of commercial and mixed use buildings mostly featuring residential uses above ground-floor commercial establishments. The scale of development in the area consists of a mix of low-and mid-rise buildings (one- to three-story structures), most of which were built in the early 1900s. Generally, the commercial establishments characterizing this portion of Fillmore Street include a mixture of restaurants, apparel/accessory stores and specialty

shops, and medical and personal service establishments. The surrounding zoning is primarily Upper Fillmore Street NCD and RH-2 (Residential, House, Two-Family) District zoning. Some of the existing commercial establishments on the subject and opposite blocks include Mrs. Dewson's Hat's, 10 International Orange, Ralph Lauren, James Perse, Harry's Bar, Paulo, Taco Bar, Elite Café, Vitamin Express, Mio, Hlaksa, Betsy Johnson, Walter Adams Custom Framing, Bun Mee, MAC, and 2001 Thai Stick.

4. **Project Description.** The proposal is a request for Conditional Use authorization under Sections 303 and 718.43 of the Planning Code for the change of use of an existing retail coffee store use (d.b.a. Royal Ground Coffee) to a large fast food restaurant use (continuing d.b.a. Royal Ground Coffee) with approximately 1,300 square feet of floor area on the ground floor of a three-story, mixed-use building within the Upper Fillmore Street Neighborhood Commercial District and a 40-X Height and Bulk District. No tenant improvements are proposed within the existing commercial space nor are changes proposed to the exterior building envelope. The project sponsor is proposing to add Alcoholic Beverage License Type 41 in order to serve beer and/or wine for drinking on the premises, which is not allowed under the retail coffee store use category.
5. **Issues and Other Considerations.**
  - The existing eating and drinking establishment d.b.a. Royal Ground Coffee has been established at the current location since 2002 and is not considered a formula retail use under Section 703.3 of the Planning Code. According to the project sponsor, the eating and drinking establishment will offer such menu items as coffee, sandwiches and salads, and expand its menu by offering beer and/or wine with the current proposal.
6. **Public Comment.** As of March 8, 2012, the Department has not received any letters or phone calls in support of or in opposition to the project.
7. **Use District.** The project site is within the Upper Fillmore Street Neighborhood Commercial Zoning District (NCD). The Upper Fillmore Street NCD is situated in the south-central portion of Pacific Heights. It runs north-south along Fillmore Street from Jackson to Bush and extends west one block along California and Pine Streets. This medium-scaled, multi-purpose commercial district provides convenience goods to its immediate neighborhood as well as comparison shopping goods and services on a specialized basis to a wider trade area. Commercial businesses are active during both day and evening and include a number of bars, restaurants, specialty groceries, and specialty clothing stores.
8. **Planning Code Compliance:** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:
  - A. **Large Fast Food Restaurant Use in the Upper Fillmore Street NCD.** Planning Code Section 718.43 states that a Conditional Use authorization is required to establish a large fast food restaurant use, as defined by Planning Code Section 790.90.

*A large fast food restaurant* is defined under Planning Code Section 790.90 as:

A retail eating or drinking use which provides ready-to-eat food to a high volume of customers at a high turnover rate for consumption on or off the premises, which may or may not provide seating. Such use exhibits the following characteristics:

- (1) A gross floor area of 1,000 square feet or more;
- (2) A limited menu of ready-to-eat food prepared in advance of customer orders, or food which is able to be quickly prepared for consumption on or off the premises;
- (3) Food served in disposable wrappers or containers;
- (4) Food is ordered and served at customer service counter;
- (5) Food is paid for prior to consumption;
- (6) Public food service area, including queuing areas and service counters without fixed seats, which counters are designed specifically for the sale and distribution of food and beverages;
- (7) Food available upon a short waiting time.

It does not include retail grocery stores with accessory take-out food activity, as described in Section 703.2(b)(1)(C) of this Code, self-service specialty food use, as described in Section 790.93 of this Code, or retail uses which sell prepackaged or bulk ready-to-eat foods with no-site food preparation area, such as confectionery or produce stores. When a fast-food restaurant operates within and in conjunction with another retail use, such as a retail grocery store, the area of the fast-food restaurant use shall be measured to include the area devoted to food preparation and service, seating and separate public food service counters, excluding fish, poultry and meat counters.

(c) It may provide off-site beer, wine, and/or liquor sales for consumption off the premises (with ABC licenses 20 or 21) or on-site beer and/or wine sales for drinking on the premises (with ABC licenses 40, 41 or 60). If it serves liquor for drinking on the premises (with ABC licenses 47 or 48), or does not admit minors (with ABC licenses 42 or 61), then it shall also be considered a bar, as defined in Section 790.22 of this Code.

(d) It shall be conducted in accordance with the following conditions:

- (1) All debris boxes shall be kept in enclosed structures.
- (2) The operator shall be responsible for cleaning the sidewalk within a one-block radius daily to maintain the sidewalk free of paper or other litter during its business hours, in accordance with Article 1, Section 34 of the San Francisco Police Code.
- (3) Noise and odors shall be contained within the premises so as not to be a nuisance to nearby residents or neighbors.

*The current proposal is a request for Conditional Use authorization under Sections 303 and 718.43 of the Planning Code for the change of use of an existing retail coffee store use (d.b.a. Royal Ground Coffee) to a large fast food restaurant use (continuing d.b.a. Royal Ground Coffee). The proposal will allow the project sponsor to serve beer and/or wine for drinking on the premises with Alcohol Beverage License Type 41.*

- B. Daytime Usage of Restaurants within the Upper Fillmore Street NCD.** Under Planning Code Sections, 718.41, 718.42, and 718.43, in considering a conditional use for a full-service under Planning Code Section 718.41, large fast food, or small self-service restaurant, the Planning Commission shall consider whether the use proposes lunch service or other



daytime usage in order to limit the number of such establishments on the block that have no daytime activity.

*The existing eating and drinking establishment will provide daytime usage by providing breakfast and lunch services.*

- C. **Hours of Operation.** Section 718.27 allows hours of operation from 6 a.m. until 2 a.m. as of right and requires Conditional Use authorization to operate between the hours of 2 a.m. and 6 a.m.

*The project sponsor has indicated that the proposed hours of operation of the large fast food restaurant will be 6 a.m. to 11 p.m. Sunday through Wednesday and 6 a.m. to 12 a.m. Thursday through Saturday.*

- D. **Street Frontage in Neighborhood Commercial Districts.** Planning Code Section 145.1 requires that NC Districts containing specific uses, including retail stores, have at least ½ the total width of the new or altered structure at the commercial street frontage devoted to entrances to commercially used space, windows or display space at the pedestrian eye-level. Such windows shall use clear, un-tinted glass, except for decorative or architectural accent. Any decorative railings or decorated grille work, other than wire mesh, which is placed in front or behind such windows, shall be at least 75 percent open to perpendicular view and no more than six feet in height above grade.

*The subject commercial tenant space has approximately 33 feet of frontage on Fillmore Street and approximately 9 feet of frontage on California Street with glass devoted to either the entrance or window space.*

- E. **Off-Street Parking and Loading.** Section 151 requires off-street parking for every 200 square feet of occupied floor area, where the occupied floor area exceeds 5,000 square feet. Section 152 requires one off-street loading space for retail stores between 10,001 and 60,000 gross square feet.

*The subject commercial tenant space, with approximately 1,300 square feet of floor area, will not require any off-street parking or loading spaces.*

- F. **Signage.** Any proposed signage will be subject to the review and approval of the Planning Department and must comply with Article 6 of the Planning Code.

9. **Section 303(c)** 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:

- (1) The proposed new uses and building, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable, and compatible with, the neighborhood or the community.

*The proposed project is to allow the change of use of an existing retail coffee store to a large fast food restaurant in order for the project sponsor to add beer and/or wine for drinking on the premises with Alcohol Beverage Type 41. The proposed project will also enhance the services provided by the existing business not only during daytime but also evening hours.*

- (2) 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:

- (A) Nature of proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;

*The size and shape of the site and the arrangement of the structures on the site are adequate for the proposed project. There will be no physical expansion of the existing building.*

- (B) 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;

*Existing traffic patterns will not be significantly affected by the proposed project. Public transit that is in close proximity to the restaurant includes Muni Lines 3 and 22. There is on-street parking in front of the subject property and in the surrounding neighborhood.*

- (C) The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor;

*No noxious or offensive emissions such as glare, dust, or odor are expected to be produced by the proposed project.*

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

*There will be no addition of off-street parking spaces, loading facilities, open space or service areas. All project signage and projections will be consistent with the controls of the Planning Code.*

- i. That the use as proposed will comply with the applicable provisions of the Planning Code and will not adversely affect the General Plan.

*The proposed project complies with all relevant requirements and standards of the Planning Code and is consistent with objectives and policies of the General Plan as detailed below.*

- ii. 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 the Upper Fillmore Street NCD in that the intended use is a neighborhood-serving business.*

- 10. **General Plan Compliance.** The Project is consistent with the Objectives and Policies of the General Plan in that:

### **COMMERCE AND INDUSTRY ELEMENT**

#### **GENERAL/CITYWIDE**

##### **OBJECTIVE 1:**

MANAGE ECONOMIC GROWTH AND CHANGE TO ENSURE ENHANCEMENT OF THE TOTAL CITY LIVING AND WORKING ENVIRONMENT.

##### **Policy 1:**

Encourage development which provides substantial net benefits and minimizes undesirable consequences. Discourage development, which has substantial undesirable consequences that cannot be mitigated.

*The proposed project would be compatible with and complimentary to the types of uses characterizing this portion of the Upper Fillmore Street NCD, which include a mixture of restaurants, apparel/accessory stores and specialty shops, and medical and personal service establishments.*

##### **Policy 3:**

Preserve and promote the mixed commercial-residential character in neighborhood commercial districts. Strike a balance between the preservation of affordable housing and the needed expansion of commercial activity.

*Approval of the proposed project would be consistent with the mixed commercial-residential character of this portion of the Upper Fillmore Street NCD. The proposed project would not adversely impact any affordable housing resources in the neighborhood.*

### **NEIGHBORHOOD COMMERCE**

#### **Objectives and Policies**

##### **OBJECTIVE 6:**

MAINTAIN AND STRENGTHEN VIABLE NEIGHBORHOOD COMMERCIAL AREAS EASILY ACCESSIBLE TO CITY RESIDENTS.

**Policy 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 existing commercial tenant will be displaced. The proposed project will 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.

**Policy 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. The existing eating and drinking establishment is not considered a Formula Retail Use.*

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.

*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 percent of the total occupied commercial frontage." Based on a recent site survey of the Upper Fillmore Street NCD conducted by Planning Department staff, it is estimated that 17% of the frontage of the NCD is occupied by eating and drinking establishments. The current proposal will not result in a net change in the number of existing eating and drinking establishments within the Upper Fillmore Street NCD.*

**Policy 4:**

Encourage the location of neighborhood shopping areas throughout the city so that essential retail goods and personal services are accessible to all residents.

*The proposed project will be accessible to all residents in this portion of the Upper Fillmore Street NCD.*

**Policy 9:**

Regulate uses so that traffic impacts and parking problems are minimized.

*The proposed project would not adversely impact public transit or place a burden on the existing supply of parking in the neighborhood. Many patrons would be able to walk from their residences or places of employment, and the proposed project is well served by public transportation. There is on-street parking in front of the subject property and in the surrounding neighborhood.*

11. **Section 101.1(b)** establishes eight priority planning policies and requires the review of permits that authorize changes of use for consistency with said policies:

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

*The proposed project will be complimentary to the existing commercial establishments within the immediate neighborhood. The proposed project will continue to provide job opportunities to the City by employing four people.*

- (2) That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods.

*The proposed project will preserve and enhance the cultural and economic diversity of the neighborhood by helping to retain an existing business in the area. Existing housing will not be affected by the proposed project.*

- (3) That the City's supply of affordable housing be preserved and enhanced.

*The proposed project will not displace any affordable housing.*

- (4) That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking.

*The proposed project would not significantly increase the automobile traffic congestion and parking problems in the neighborhood. The proposal is a neighborhood-serving use which residents can access by walking or taking public transit.*

- (5) 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.

*There is no commercial office development associated with the proposed project and there would be no displacement of any existing industrial or service businesses in the area.*

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

*The proposed project will comply with all applicable earthquake safety standards and built to the current standards of the California Building Code.*

- (7) That landmark and historic buildings be preserved.

*The proposed project will not significantly affect any landmarks or historic buildings.*

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

*The proposed project will not affect any city-owned park or open space.*

12. 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.
13. 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. 2012.0080C** subject to the following conditions attached hereto as "EXHIBIT A" 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 March 15, 2012.

Linda Avery  
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED:

## **EXHIBIT A**

### **AUTHORIZATION**

This authorization is for a conditional use to allow the change of use of an existing retail coffee store use (d.b.a. Royal Ground Coffee) to a large fast food restaurant use (continuing d.b.a. Royal Ground Coffee) located at 2060 Fillmore Street in Assessor's Block 0653, Lot 023, pursuant to Planning Code Sections 303 and 718.43 within the Upper Fillmore Street Neighborhood Commercial Zoning District and a 40-X Height and Bulk District; in general conformance with plans and stamped "EXHIBIT B" included in the docket for Case No. 2012.0080C and subject to conditions of approval reviewed and approved by the Commission on March 15, 2012, under Motion No. XXXXX. No tenant improvements are proposed within the existing approximately 1,300 square-foot ground floor commercial space nor are changes proposed to the exterior building envelope. The project sponsor is proposing to add Alcoholic Beverage License Type 41 in order to serve beer and/or wine for drinking on the premises. 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 XXXXXX 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).*

### MONITORING - AFTER ENTITLEMENT

3. **Enforcement.** Violation of any of the Planning Department conditions of approval contained in this Motion or of any other provisions of Planning Code applicable to this Project shall be subject to the enforcement procedures and administrative penalties set forth under Planning Code Section 176 or Section 176.1. The Planning Department may also refer the violation complaints to other city departments and agencies for appropriate enforcement action under their jurisdiction.

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

4. **Revocation due to Violation of Conditions.** Should implementation of this Project result in complaints from interested property owners, residents, or commercial lessees which are not resolved by the Project Sponsor and found to be in violation of the Planning Code and/or the specific conditions of approval for the Project as set forth in Exhibit A of this Motion, the Zoning Administrator shall refer such complaints to the Commission, after which it may hold a public hearing on the matter to consider revocation of this authorization.

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

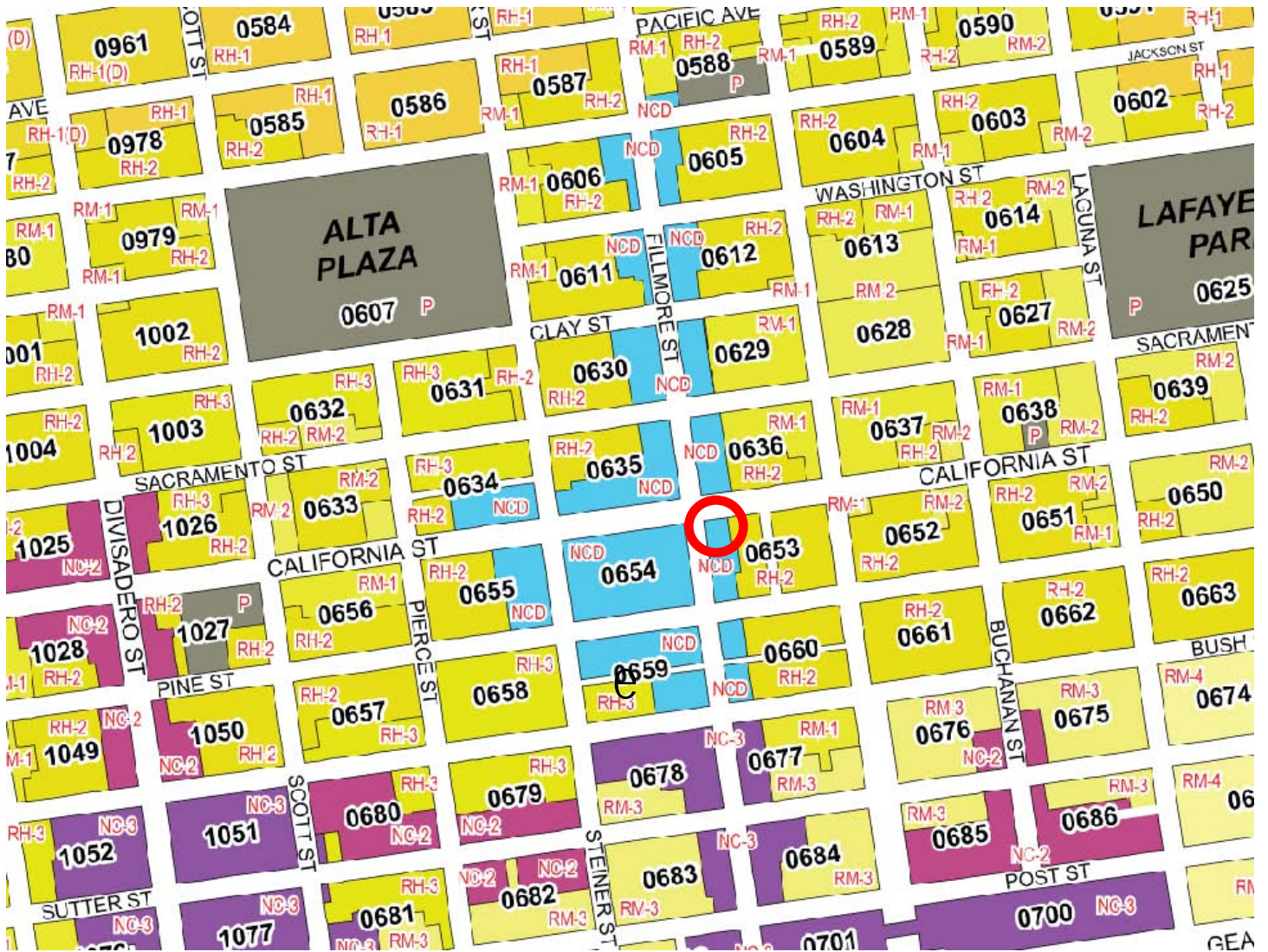
## OPERATION

5. **Garbage, Recycling, and Composting Receptacles.** Garbage, recycling, and compost containers shall be kept within the premises and hidden from public view, and placed outside only when being serviced by the disposal company. Trash shall be contained and disposed of pursuant to garbage and recycling receptacles guidelines set forth by the Department of Public Works.  
*For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works at 415-554-5810, <http://sfdpw.org>*
6. **Sidewalk Maintenance.** The Project Sponsor shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean and sanitary condition in compliance with the Department of Public Works Streets and Sidewalk Maintenance Standards.  
*For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works, 415-695-2017, <http://sfdpw.org>*
7. **Noise Control.** The premises shall be adequately soundproofed or insulated for noise and operated so that incidental noise shall not be audible beyond the premises or in other sections of the building and fixed-source equipment noise shall not exceed the decibel levels specified in the San Francisco Noise Control Ordinance.  
*For information about compliance with the fixed mechanical objects such as rooftop air conditioning, restaurant ventilation systems, and motors and compressors with acceptable noise levels, contact the Environmental Health Section, Department of Public Health at (415) 252-3800, [www.sfdph.org](http://www.sfdph.org)*  
*For information about compliance with the construction noise, contact the Department of Building Inspection, 415-558-6570, [www.sfdbi.org](http://www.sfdbi.org)*  
*For information about compliance with the amplified sound including music and television contact the Police Department at 415-553-0123, [www.sf-police.org](http://www.sf-police.org)*
8. **Odor Control.** While it is inevitable that some low level of odor may be detectable to nearby residents and passersby, appropriate odor control equipment shall be installed in conformance with the approved plans and maintained to prevent any significant noxious or offensive odors from escaping the premises.  
*For information about compliance with odor or other chemical air pollutants standards, contact the Bay Area Air Quality Management District, (BAAQMD), 1-800-334-ODOR (6367), [www.baaqmd.gov](http://www.baaqmd.gov) and Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*
9. **Community Liaison.** Prior to issuance of a building permit to construct the project and implement the approved use, the Project Sponsor shall appoint a community liaison officer to deal with the issues of concern to owners and occupants of nearby properties. The Project Sponsor shall provide the Zoning Administrator with written notice of the name, business address, and telephone number of the community liaison. Should the contact information change, the Zoning Administrator shall be made aware of such change. The community liaison shall report to the Zoning Administrator what issues, if any, are of concern to the community and what issues have not been resolved by the Project Sponsor.  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

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

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

# Zoning Map

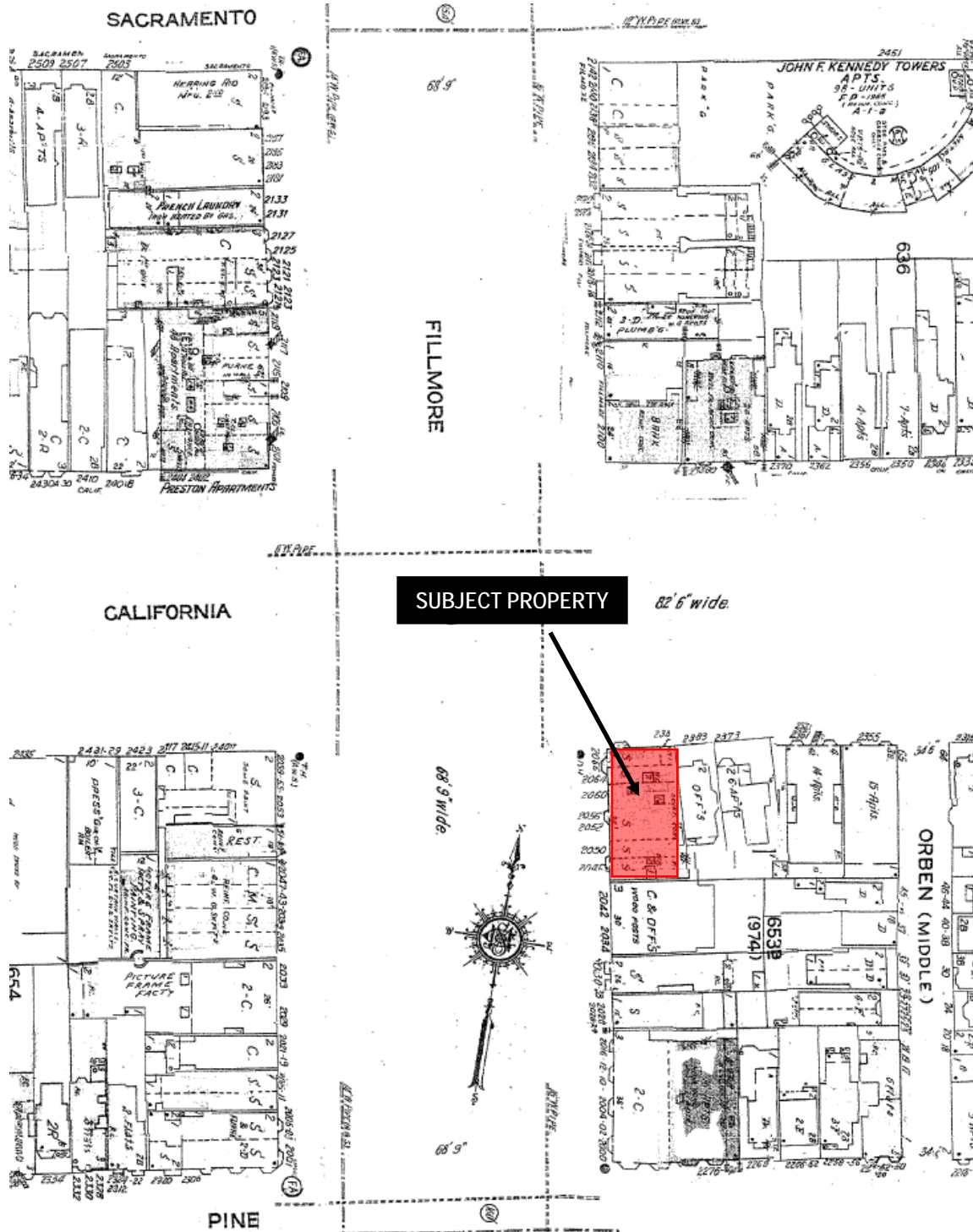


Conditional Use Hearing  
Case Number 2012.0080C  
2060 Fillmore Street





# 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 2012.0080C  
2060 Fillmore Street

# Aerial Photo\*

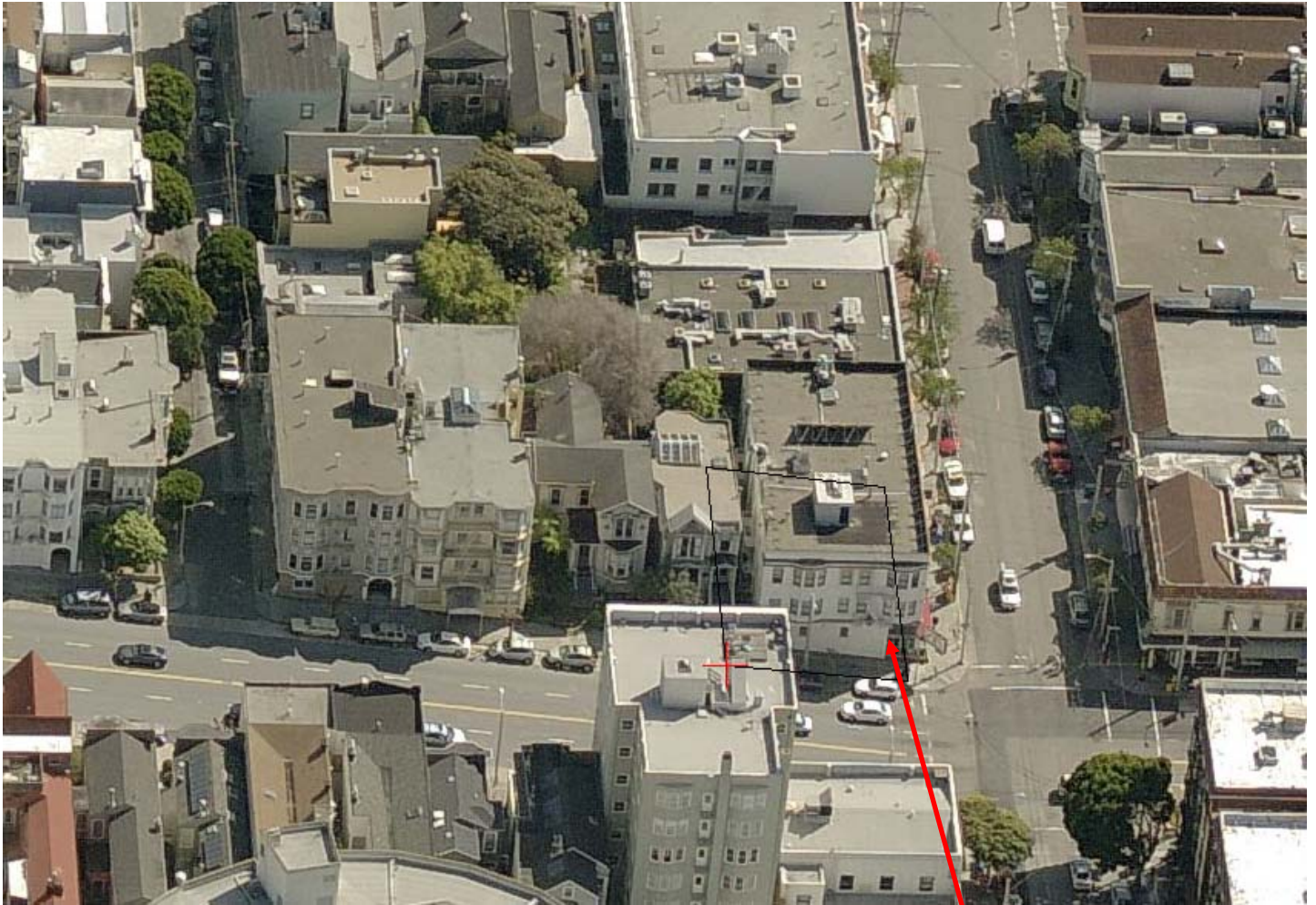


**SUBJECT PROPERTY**

*\*The Aerial Maps reflect existing conditions in March 2009.*



# Aerial Photo\*



*\*The Aerial Maps reflect existing conditions in March 2009.*

**SUBJECT PROPERTY**



Conditional Use Hearing  
Case Number 2012.0080C  
2060 Fillmore Street



# Site Photo

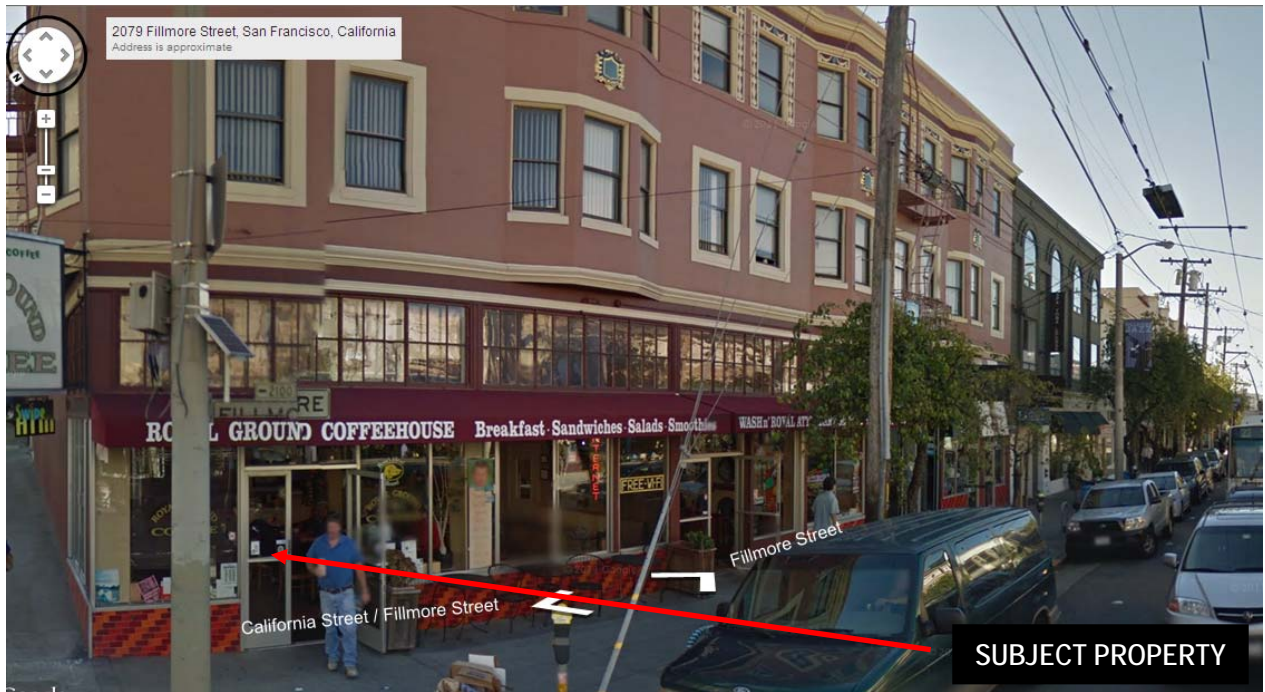
## SUBJECT PROPERTY



Conditional Use Hearing  
Case Number 2012.0080C  
2060 Fillmore Street

# Site Photo

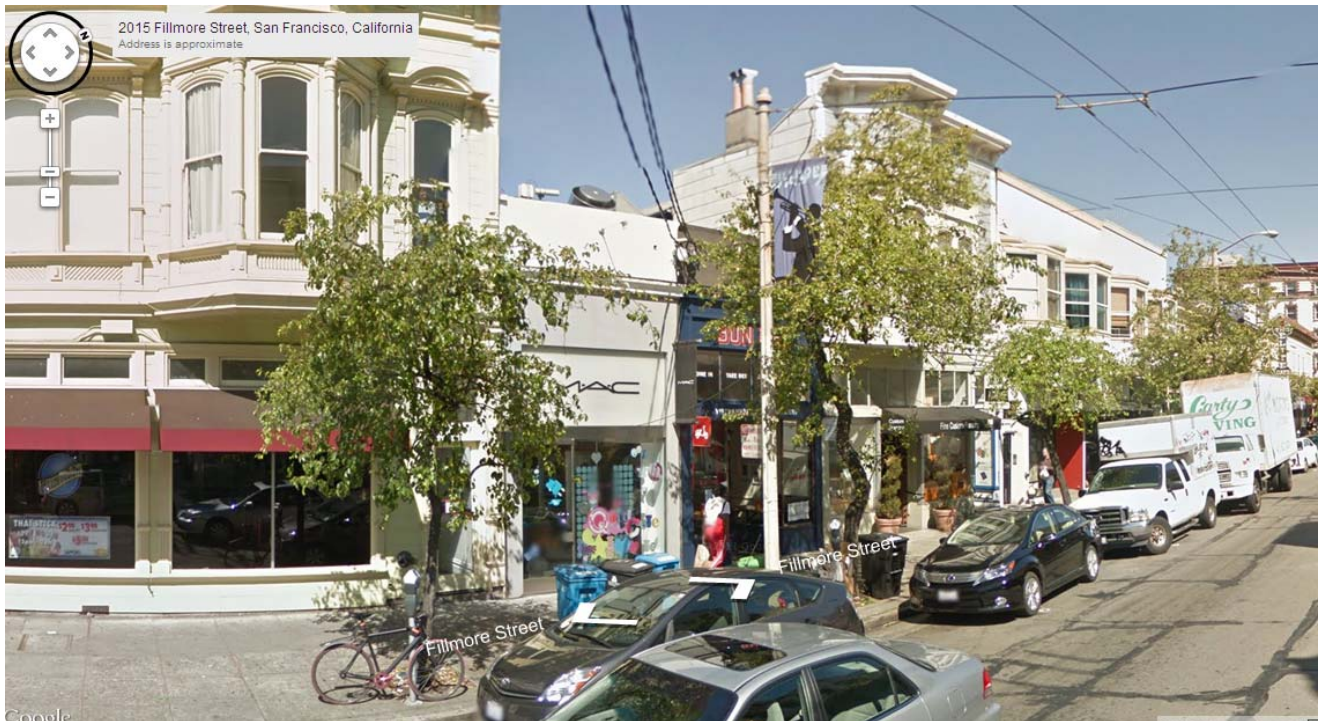
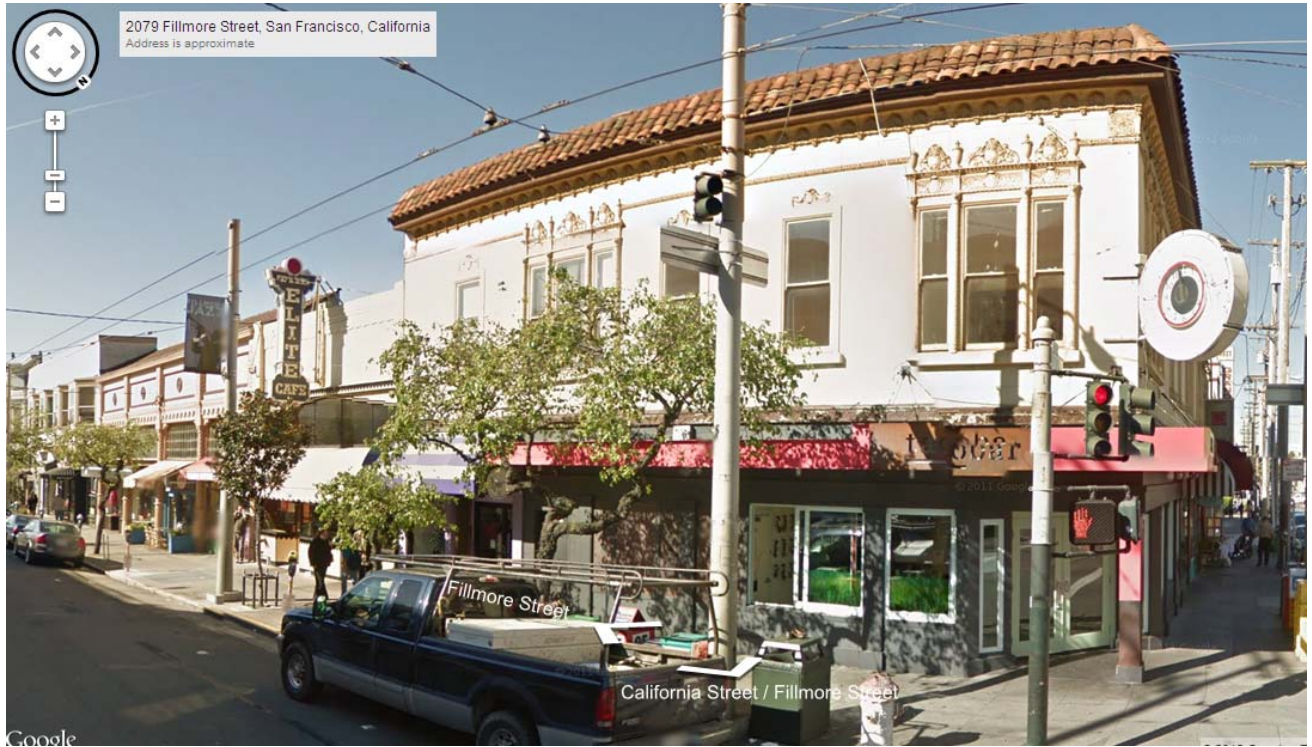
## SUBJECT BLOCK ON FILLMORE STREET



Conditional Use Hearing  
Case Number 2012.0080C  
2060 Fillmore Street

# Site Photo

## OPPOSITE BLOCK ON FILLMORE STREET



Conditional Use Hearing  
Case Number 2012.0080C  
2060 Fillmore Street

California Street

Fillmore Street

2060 Fillmore	0653023	0653025	0653026	0653027	0653028
0653022		0653029			
0653021		0653030			
0653020		0653031			
0653017		0653016	0653015	0653014	0653013

Orben Place

Webster Street

Pine Street

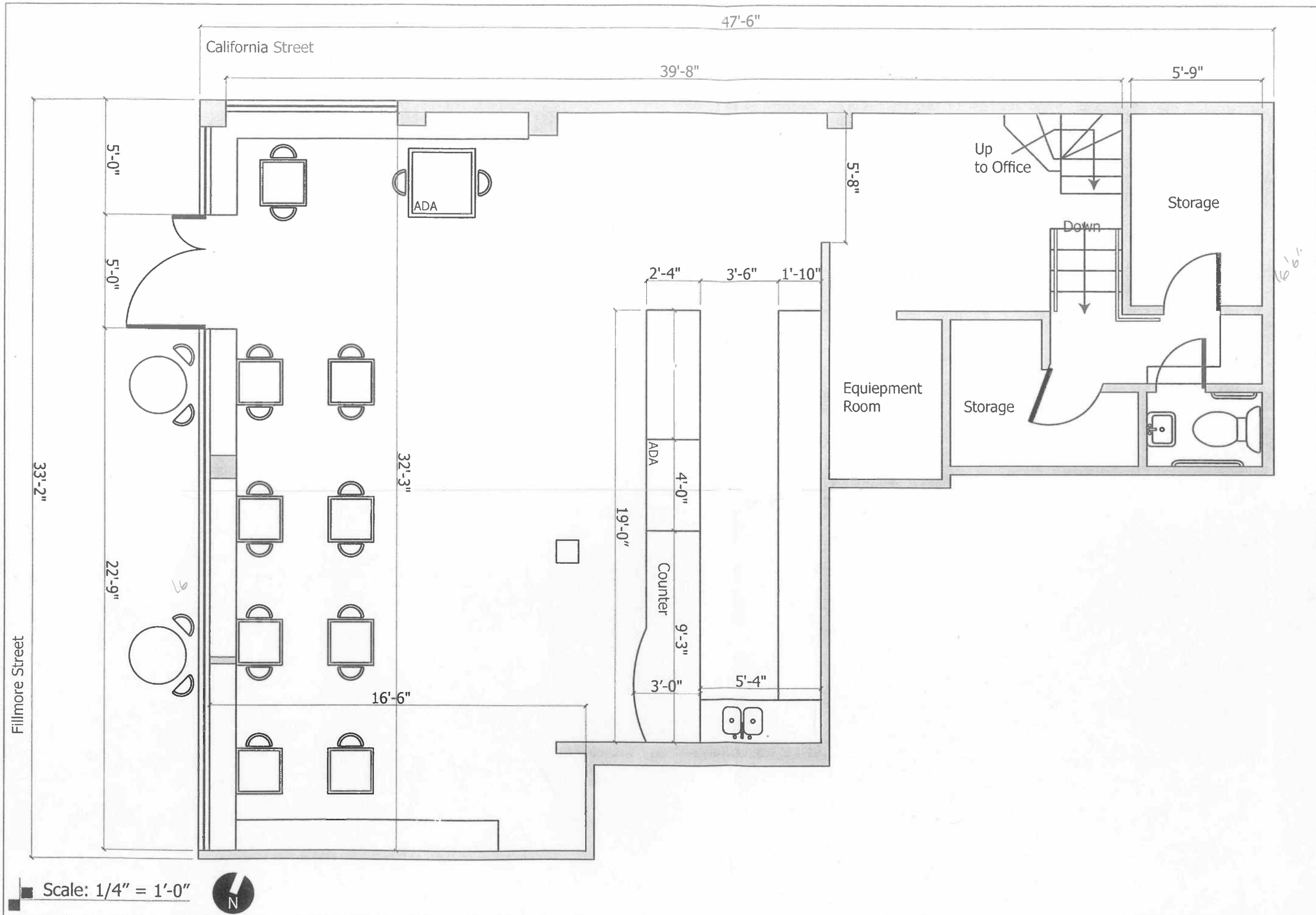
2060 Fillmore  
San Francisco, CA  
94115

Map

Scale: 1" = 50'



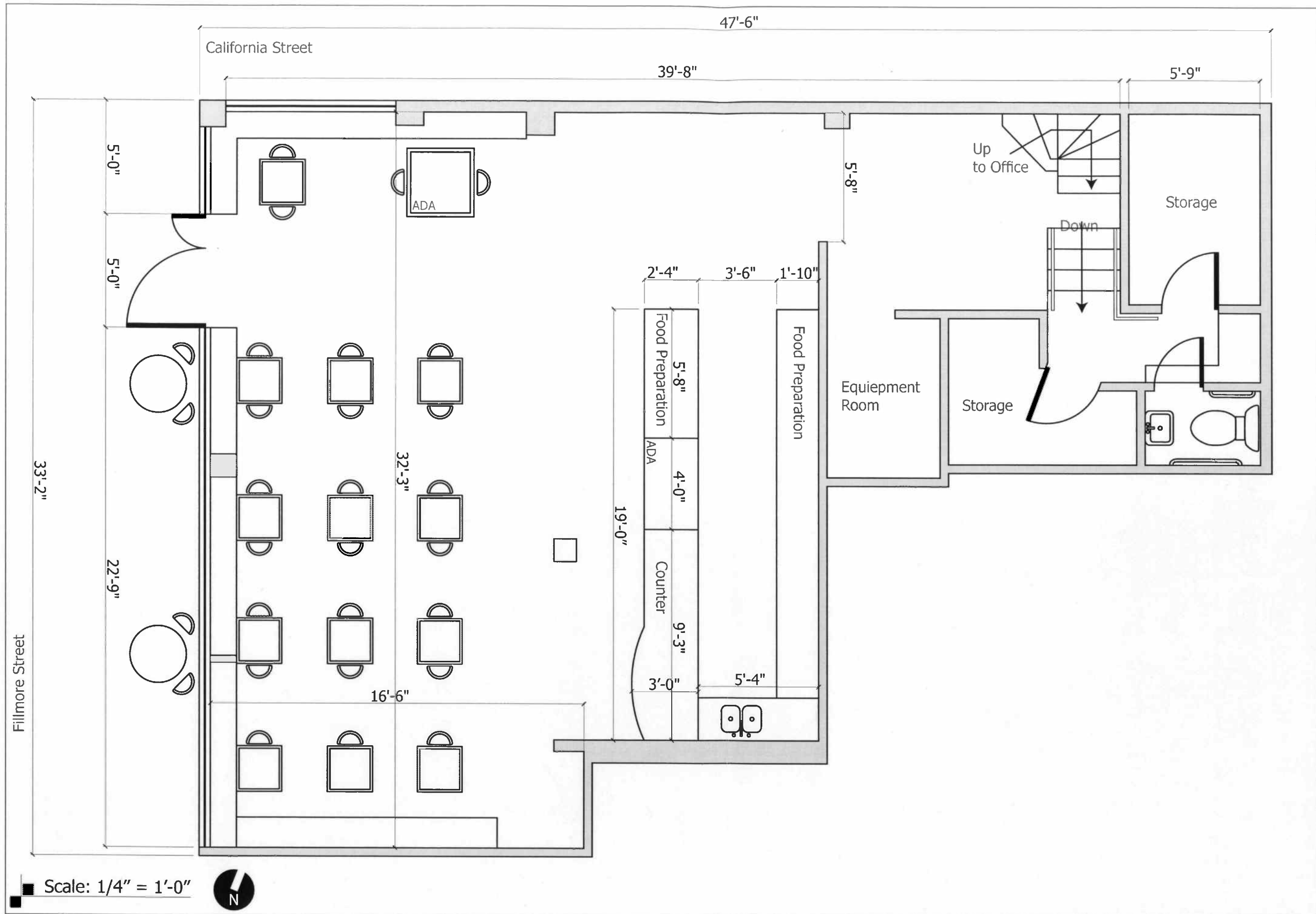
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2060 Fillmore  
 San Francisco, CA  
 94115

AS IS

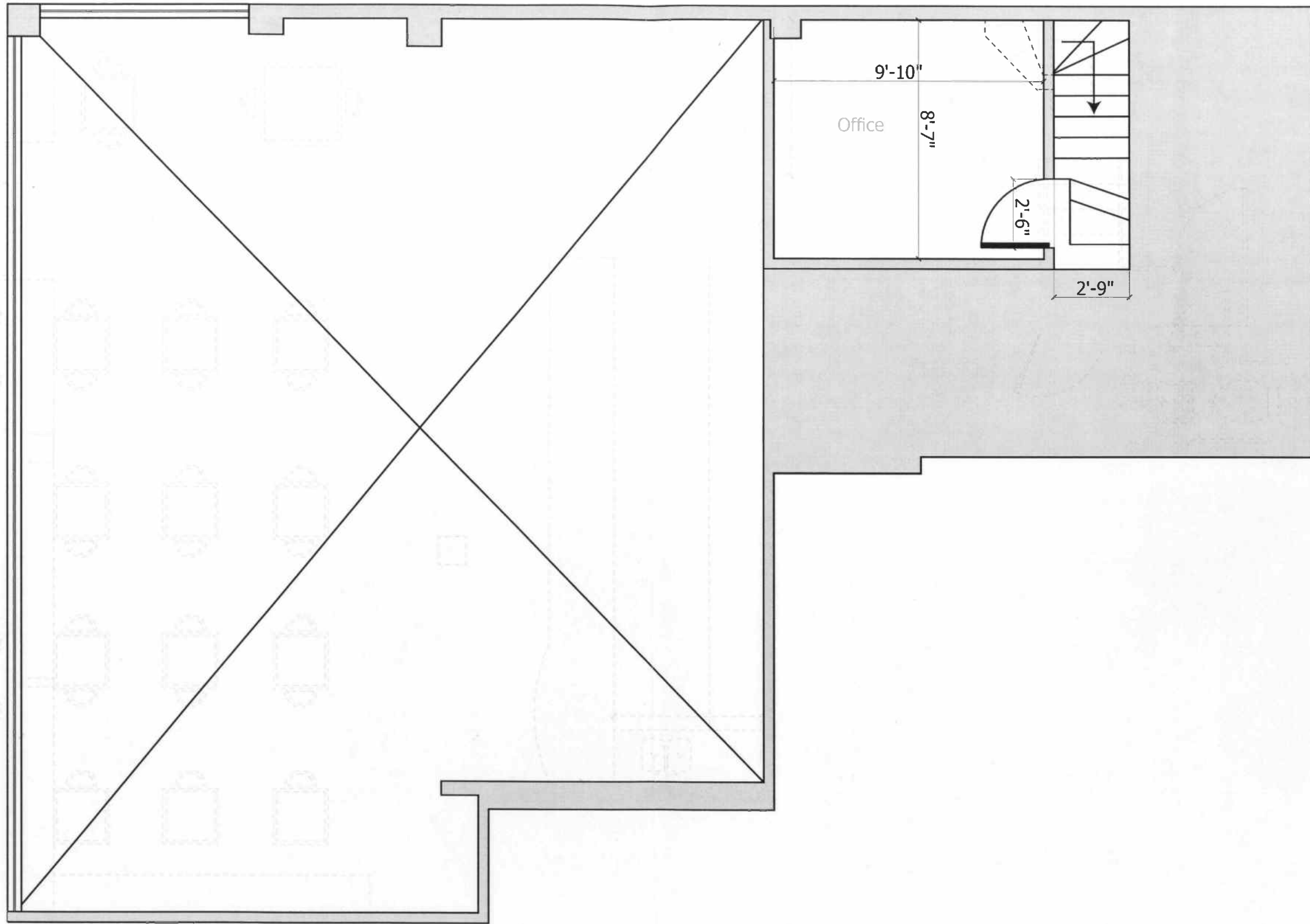
12.0080 C



2060 Fillmore  
 San Francisco, CA  
 94115

First Floor  
 Plan  
 NEW

12.0080



2060 Fillmore  
San Francisco, CA  
94115

Scale: 1/4" = 1'-0"



Second Floor  
Plan

12.0080 6