

SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary

Conditional Use

HEARING DATE: AUGUST 1ST, 2013

| Date: | July 25 th , 2010 |
|------------------|--|
| Case No.: | 2013.0290C |
| Project Address: | 531 CASTRO STREET |
| Zoning: | Castro Street Neighborhood Commercial District and |
| | 40-X Height and Bulk District. |
| Block/Lot: | 3583/093 |
| Project Sponsor: | John Kevlin |
| | Reuben, Junius & Rose LLP |
| | One Bush Street, Suite 600 |
| | San Francisco, CA 94104 |
| Staff Contact: | Tom Wang – (415) 558-6335 |
| | thomas.wang@sfgov.org |

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 Project Sponsor seeks a Conditional Use Authorization, pursuant to Planning Code Sections 179, 186.1 and 303 to allow The Patio Restaurant and Café, a nonconforming use, for the legalization of the previously completed and currently proposed work to expand into three vacant retail spaces within the same building the restaurant is located. The three vacant retail spaces are located behind the building entrance, lining two sides of a common walkway that leads to the restaurant. The Patio Restaurant and Café previously expanded into part of the three vacant retail spaces under a 2005 Building Permit and currently proposes to expand into the remaining area of the three vacant retail spaces. As a result of the expansion entirely into the three vacant retail spaces, containing a total floor area of 775 square feet, the floor area of The Patio Restaurant and Café will be increased from 5,149 square feet to 5,844 square feet* and the rear outdoor seating area will remain at 160 seats, complying with the 1992 Notice of Special Restrictions

*As part of the Project, the floor area of the restaurant's restrooms will be decreased by 80 square feet, which will be distributed to the ground floor retail space in the adjacent building, 533-541 Castro Street, also on the Subject Lot. Therefore, proposed floor area of the Patio Restaurant and Café will be 5,149 sq. ft. + 775 sq. ft. - 80 sq. ft. = 5,844 sq. ft.

The Patio Restaurant and Café is not a Formula Retail use but rather an independent, locally owned business. It will mainly serve residents from the local neighborhood and will create approximately 30 jobs for local residents. The proposed hours of operation for the front area of the restaurant, including bar No. 1, will be from 11 a.m. to 2 a.m. seven day a week; and the rear outdoor seating area, including bar No. 2,

www.sfplanning.org

will be from 11 a.m. to 12 o'clock midnight seven days a week. Approximately 10% of the restaurant operation will be devoted to take-out dining.

SITE DESCRIPTION AND PRESENT USE

The Project Site, at 531 Castro Street, is on the east side of Castro Street between 18th and 19th streets, Lot 093 in Assessor's Block 3583 in The Castro Street Neighborhood Commercial District and a 40-X height and Bulk District. The Subject Lot measures 74 feet wide and averaging 112 feet 6 inches deep and was originally developed with two buildings circa 1900.

Currently, there are two buildings on the Subject Property. The northerly building (Project Site), 527-531 Castro Street, is three stories, with the Patio Restaurant and Café and a vacant retail space on the ground floor and one residential unit on each of the two upper floors. The southerly building, 533-541 Castro Street, is two stories, with a retail store on the ground floor and a commercial office on the second floor. The Project Site is well served by public transportation, including Muni Bus Lines 24 and 35 operating on Castro Street and nearby Muni Bus Line 33 operating on 18th Street.

SURROUNDING PROPERTIES & NEIGHBORHOOD

To the north and south of the Subject Property are mixed-use buildings, with ground floor commercial businesses, including Bars, Restaurants, Limited-Restaurants, Financial Services, Personal Services and Business and Professional Services. The surrounding residential district is the RH-3 Zoning District.

The Castro Street District is situated in Eureka Valley, close to the geographic center of San Francisco between the Mission District, Twin Peaks, and Upper Market Street. The physical form of the District is a crossing at Castro and 18th streets, the arms of which contain many small but intensely active commercial businesses. The 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 both in the daytime and late into the evening and include a number of gay-oriented bars and restaurants, as well as several specialty clothing and gift stores. The district also supports a number of offices in converted residential buildings.

ENVIRONMENTAL REVIEW STATUS

The Project was determined by the Department to be categorically exempt from the California Environmental Quality Act ("CEQA") as a Class 1 Categorical Exemption under CEQA. The Commission has reviewed and concurs with said determination.

| ТҮРЕ | REQUIRED PERIOD | REQUIRED NOTICE DATE | ACTUAL NOTICE DATE | ACTUAL PERIOD |
|--------------------|--------------------|------------------------------|------------------------------|------------------|
| Classified News Ad | 20 days | July 12 th , 2013 | July 12 th , 2013 | 20 days |
| Posted Notice | 20 days | July 12 th , 2013 | July 12 th , 2013 | 20 days |
| Mailed Notice | 20 days | July 12 th , 2013 | July 12 th , 2013 | 20 days |

HEARING NOTIFICATION REQUIREMENTS

PUBLIC COMMENT

- The Department is not aware of any opposition to the Project.
- The Department received e-mails and telephone calls from Merchants of Upper Market & Castro, Castro/Eureka Valley Neighborhood Associations and The Castro Community Benefit District that all expressed support for the Project.

ISSUES AND OTHER CONSIDERATIONS

In summary, (1) Pursuant to Building Permit Application No. 9221678S (hereinafter "1992 Building Permit") with an attached Notice of Special Restrictions (hereinafter "1992 NSR"), it was clarified that The Patio Restaurant and Café, deemed a nonconforming use, and three retail spaces had existed within the subject building. The 1992 NSR stipulated that "any expansion of the restaurant shall require Conditional Use Authorization, pursuant to Planning Code Section 186.1;" (2) Without requiring a Conditional Use Authorization, Building Permit Application No. 2005.05.03.1487 (hereinafter "2005 Building Permit") proposing to renovate the restaurant, including the addition of a bar and seating area that occupied part of the three vacant retail spaces, was approved in error by the Department; and (3) The Project Sponsor filed an application for a Conditional Use Authorization, proposing to allow The Patio Restaurant and Café, a nonconforming use, for the legalization of the expansion into part of the three vacant retail spaces under the 2005 Building Permit and an expansion into the remaining area of the three vacant retail spaces.*

*Please read No. 5 Project History in the draft motion for details.

The existing concentration of eating and drinking uses in the area should not exceed 25% of the total commercial frontage as measured in linear feet within the immediate area of the Subject Site. For the purposes of Section 303(p)(1)(A) of the Planning Code the immediate area shall be defined as all properties located within 300 feet of the Subject Property and also located within the same zoning district.

Based upon a site survey performed by staff, the existing total commercial frontage within 300 feet of the Project Site is 2,148 linear feet, and the existing concentration of eating and drinking uses within 300 feet, including The Patio Restaurant and Café, is 553 linear feet, or 25.74%. Although the existing concentration of eating and drinking uses within 300 feet is slightly over the 25% threshold, the Project, which would reopen an existing restaurant, would not result in any increase of the current concentration of eating and drinking uses within 300 feet of the Project Site.

Current traffic conditions and off-street parking availability in this district should remain substantially unaltered by this Project because it is a neighborhood-serving use, frequented via walking by residents from the surrounding neighborhood and patrons of other businesses on Castro Street and is not intended to be a destination restaurant that people are likely to drive to the district for. In addition, the Project Site is well served by public transit, including Muni Bus Lines 24 and 35 operating on Castro Street and nearby Muni Bus Line 33 operating on 18th Street. Planning Code Section 312 requires neighborhood notification of an expansion or enlargement of an existing use for lots within Neighborhood Commercial Districts. Section 312 notification was conducted in conjunction with the conditional use authorization notification.

REQUIRED COMMISSION ACTION

In order for the Project to proceed, the Commission must grant a Conditional Use Authorization under Sections 179, 186.1, and 303 of the Planning Code in The Castro Street Neighborhood Commercial District to allow The Patio Restaurant and Café, a nonconforming use, for an expansion entirely into three vacant retail spaces within the same building the restaurant is located.

BASIS FOR RECOMMENDATION

The Department believes this Project is necessary and/or desirable, and compatible with the neighborhood under Section 303 of the Planning Code for the following reasons:

- The Project is not a Formula Retail use but rather an independent, locally-owned business.
- The Project will serve mainly residents in the surrounding neighborhood and compliment the mix of goods and services currently available in this district.
- The Project will contribute to the econimic vitality of the neighborhood and eliminate neighborhood blight.
- The Project Site is well served by public transit and the Project should have a negligible impact upon the current traffic pattern on the surrounding streets.
- The Project will create approximately thirty job openings for local residents.
- The Project is consistent with the envisioned development for the area and the existing Castro Street neighborhood commercial character, which is intended for a mix of residential and commercial uses.

RECOMMENDATION: Approve with Conditions

Attachments: Draft Motion Block Book Map Sanborn Map Zoning Map Aerial Photographs Context Photographs Site Photograph Reduced Plans Executive Summary August 1st, 2013

Exhibit Checklist

| \boxtimes | Executive Summary | \square | Project sponsor submittal |
|-------------|-----------------------------|-------------|---|
| \boxtimes | Draft Motion | | Drawings: Existing Conditions |
| \boxtimes | Environmental Determination | | Check for legibility |
| \boxtimes | Zoning District Map | | Drawings: Proposed Project |
| | Height & Bulk Map | | Check for legibility |
| \boxtimes | Parcel Map | \boxtimes | Letters of Project Support / Opposition |
| \boxtimes | Sanborn Map | | Community Meeting Notice |
| \boxtimes | Aerial Photo | | |
| \boxtimes | Context Photos | | |
| \boxtimes | Site Photos | | |

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

t.C.W.

Planner's Initials

TCW: U:\TWANG\WP51\MOTIONS\531 Castro Street Executive Summary.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

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

Reception: 415.558.6378

Information: 415.558.6377

Fax: Planning Commission Motion No. XXXXX 415.558.6409 Planning

HEARING DATE: AUGUST 1ST, 2013

Date: Case No.: **Project Address:** Zoning:

Block/Lot:

July 25th, 2013 2013.0290C **531 CASTRO STREET** Castro Street Neighborhood Commercial District 40-X Height and Bulk District 3583/093 **Project Sponsor:** John Kevlin Reuben, Junius & Rose LLP One Bush Street, Suite 600 San Francisco, CA 94104 Staff Contact: Tom Wang - (415) 558-6335 thomas.wang@sfgov.org

ADOPTING FINDINGS RELATING TO CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 179, 186.1 AND 303 OF THE PLANNING CODE TO ALLOW A NONCONFORMING USE (D.B.A. "THE PATIO RESTAURANT AND CAFÉ") FOR THE EXPANSION ENTIRELY INTO THREE VACANT RETAIL SPACES WITHIN THE SAME BUILDING THE RESTAURANT IS LOCATED, IN THE CASTRO STREET NEIGHBORHOOD COMMERCIAL DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

PREAMBLE

On March 15th, 2013, John Kevlin, Reuben, Junius & Rose LLC (hereinafter "Project Sponsor") filed an application with the San Francisco Planning Department (hereinafter "Department") for a Conditional Use Authorization under Sections 179, 186.1 and 303 of the Planning Code to allow a nonconforming use (d.b.a. "The Patio Restaurant and Café") for the legalization of the previously completed and currently proposed work to expand into three vacant retail spaces within the same building the restaurant is located (hereinafter "Project"), at 531 Castro Street (hereinafter "Project Site"), in The Castro Street Neighborhood Commercial District and a 40-X Height and Bulk District.

www.sfplanning.org

On August 1st, 2013, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2013.0290C (hereinafter "Application").

The Project was determined by the Department to be categorically exempt from the California Environmental Quality Act ("CEQA") as a Class 1 Categorical Exemption under CEQA. The Commission has reviewed and concurs with said determination.

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. 2013.0290C, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

FINDINGS

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

- 1. The above recitals are accurate and constitute findings of this Commission.
- 2. Site Description and Present Use. The Project Site, at 531 Castro Street, is on the east side of Castro Street between 18th and 19th streets, Lot 093 in Assessor's Block 3583 in The Castro Street Neighborhood Commercial District and a 40-X height and Bulk District. The Subject Lot measures 74 feet wide and averaging 112 feet 6 inches deep and was originally developed with two buildings circa 1900.

Currently, there are two buildings on the Subject Property. The northerly building (Project Site), 527-531 Castro Street, is three stories, with the Patio Restaurant and Café and a vacant retail space on the ground floor and one residential unit on each of the two upper floors. The southerly building, 533-541 Castro Street, is two stories, with a retail store on the ground floor and a commercial office on the second floor. The Project Site is well served by public transportation, including Muni Bus Lines 24 and 35 operating on Castro Street and nearby Muni Bus Line 33 operating on 18th Street.

3. **Surrounding Properties and Neighborhood**. To the north and south of the Subject Property are mixed-use buildings, with ground floor commercial businesses, including Bars, Restaurants, Limited-Restaurants, Financial Services, Personal Services and Business and Professional Services. The surrounding residential district is the RH-3 Zoning District.

The Castro Street District is situated in Eureka Valley, close to the geographic center of San Francisco between the Mission District, Twin Peaks, and Upper Market Street. The physical form of the District is a crossing at Castro and 18th streets, the arms of which contain many small but

intensely active commercial businesses. The 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 both in the daytime and late into the evening and include a number of gay-oriented bars and restaurants, as well as several specialty clothing and gift stores. The district also supports a number of offices in converted residential buildings.

The Castro Street District controls are designed to maintain existing small-scale development and promote a balanced mix of uses. Building standards permit small-scale buildings and uses and protect rear yards above the ground story and at residential levels. In new buildings, most commercial uses are permitted at the ground and second stories. Special controls are necessary to preserve the existing equilibrium of neighborhood-serving convenience and specialty commercial uses. In order to maintain convenience stores and protect adjacent residential livability, controls prohibit additional eating and drinking establishments and permit with certain limitations new late-night uses, adult and other entertainment, and financial service uses. The continuous retail frontage is maintained by prohibiting most automobile and drive-up uses.

Housing development in new buildings is encouraged above the second story. Existing housing units are protected by limitations on demolitions and upper-story conversions.

4. Project Description. The Project Sponsor seeks a Conditional Use Authorization, pursuant to Planning Code Sections 179, 186.1 and 303 to allow The Patio Restaurant and Café, a nonconforming use, for the legalization of the previously completed and currently proposed work to expand into three vacant retail spaces within the same building the restaurant is located. The three vacant retail spaces are located behind the building entrance, lining two sides of a common walkway that leads to the restaurant. The Patio Restaurant and Café previously expanded into part of the three vacant retail spaces under a 2005 Building Permit and currently proposes to expand into the remaining area of the three vacant retail spaces. As a result of the expansion entirely into the three vacant retail spaces, containing a total floor area of 775 square feet, the floor area of The Patio Restaurant and Café will be increased from 5,149 square feet to 5,844 square feet* and the rear outdoor seating area will remain at 160 seats, complying with the 1992 Notice of Special Restrictions

*As part of the Project, the floor area of the restaurant's restrooms will be decreased by 80 square feet, which will be distributed to the ground floor retail space in the adjacent building, 533-541 Castro Street, also on the Subject Lot. Therefore, proposed floor area of the Patio Restaurant and Café will be 5,149 sq. ft. + 775 sq. ft. - 80 sq. ft. = 5,844 sq. ft.

The Patio Restaurant and Café is not a Formula Retail use but rather an independent, locally owned business. It will mainly serve residents from the local neighborhood and will create approximately 30 jobs for local residents. The Patio Restaurant and Café's proposed hours of operation for the front area of the restaurant, including bar No. 1, will be from 11 a.m. to 2 a.m. seven day a week; the rear outdoor seating area, including bar No. 2, will be from 11 a.m. to 12 o'clock midnight seven days a week and the retractable skylight roof above the rear outdoor

seating area will be closed by 9 p.m. seven days a week. Approximately 10% of the restaurant operation will be devoted to take-out dining.

5. **Project History**. Based upon the Project Sponsor's statement, The Patio Restaurant and Café was established in the **1960**'s. The restaurant and three retail spaces were within the subject building when it was acquired by the current owner in **1989**.

In **1992**, the current property owner filed a Building Permit Application No. 9221678S (hereinafter "1992 Building Permit"). Plans filed with the 1992 Building Permit indicated three retail uses and one full-service restaurant were on the ground floor of the Subject Property. The proposal under the 1992 Building Permit included the legalization of a rear outdoor seating area, associated with the restaurant, as well as an enclosure of this seating area with a "retractable skylight" roof. Pursuant to Planning Code Section 179, the Department approved the 1992 Building Permit with an attached Notice of Special Restrictions (hereinafter "1992 NSR"). The restrictions and conditions of which notice are (1) The said outdoor seating area proposed for legalization, expansion and enclosure shall be restricted in size to approximately 2,100 square feet and shall be restricted in seating to approximately 160 seats. (2) That any further expansion of this area or any other area of the restaurant shall require Conditional Use Authorization under Planning Code Section 186.1 because any such expansion, considered in conjunction with the expansion being authorized by the 1992 Building Permit, shall constitute a significant expansion as explained in Section 186.1, subsection (b).

In 2005, the current property owner filed a Building Permit Application No. 2005.05.03.1487 (hereinafter "2005 Building Permit"), proposing to renovate the restaurant, including the addition of a bar and seating area that occupied part of the three retail spaces. The 2005 Building Permit was approved by the Department and subsequently issued by the Department of Building Inspection (hereinafter "DBI") on April 10th, 2006. All work authorized under the 2005 Building Permit has been completed and received a Final Certificate of Completion from DBI on June 6th, 2012. The current property owner then filed for an application with the Department of Public Health to operate the restaurant and upon a Health Permit Referral, the Department indicated that the 2005 Building Permit was approved in error and that a Conditional Use Authorization would be required to legalize the expansion of the restaurant into previously dedicated retail spaces, pursuant to the 1992 NSR and Planning Code Section 186.1.

On March 5th, 2013, the Project Sponsor filed an application for Conditional Use Authorization, proposing to allow The Patio Restaurant and Café, a nonconforming use, for the legalization of the expansion into part of the three vacant retail spaces under the 2005 Building Permit and an expansion into the remaining area of the three vacant retail spaces. The rear outdoor seating area would remain at 160 seats, complying with the 1992 NSR.

6. **Public Comment**. The Department is not aware of any opposition to the Project. The Department received e-mails and telephone calls from Merchants of Upper Market & Castro, Castro/Eureka Valley Neighborhood Associations and The Castro Community Benefit District that all expressed support for the Project.

- 7. **Planning Code Compliance:** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:
 - **A.** (1) Uses Located in Neighborhood Commercial Districts. Planning Code Section 179(a)(3) provides that any use or feature in a Neighborhood Commercial District which lawfully existed on the effective date of Ordinance No. 69-87 and which use or feature is not permitted by the enactment of Ordinance No. 69-87 is hereby deemed to be a nonconforming use.

(2) Use Size [Non-Residential] Standard in Castro Street Neighborhood Commercial District. Planning Code Section 715.21 provides that Use Size [Non-Residential] at a gross floor area of 4,000 square feet and above is not permitted in the Castro Street Neighborhood Commercial District.

The 1992 NSR attached to the 1992 Building Permit clarified that The Patio Restaurant and Café, containing a floor area of 5,149 square feet, lawfully existed when Planning Code Section 715.1 Castro Street Neighborhood Commercial District became effective on March 13th, 1987. The Patio Restaurant and Café, containing a nonresidential floor area more than 4,000 square feet, is not permitted in the Castro Street NCD, pursuant to Planning Code Section 715.21 and is deemed to be a nonconforming use, pursuant to Planning Code Sections 179(a)(3).

B. (1) Nonconforming Uses: Enlargements, Alterations and Reconstruction. Planning Code Section 181(a) provides that a nonconforming use shall not be extended to occupy additional space in a structure, or additional land outside a structure, or space in another structure, or to displace any other use, except as provided in Sections 186.1 of this Code.

(2) Exemption of Nonconforming Uses in Neighborhood Commercial Districts: Enlargements or Alteration. Planning Code Section 186.1(b)(1) provides that a nonconforming use may not be significantly altered; enlarged or intensified, except upon approval of a conditional use application pursuant to the provisions of Article 3 of this Code, provided that the use not have or result in a greater height, bulk or floor area ratio, less required rear yard or open space, or less required off-street parking space or loading space than permissible under the limitations set forth in this Code for the district or districts in which such use is located.

The 1992 NSR provides that any further expansion of the Patio Restaurant and Café as a nonconforming use in The Castro Street NCD shall require Conditional Use Authorization because such expansion in conjunction with the expansion authorized by the 1992 Building Permit shall constitute a significant expansion, pursuant to Planning Code Section 186.1(b)(1).

The Project Sponsor proposes to expand The Patio Restaurant and Café into three vacant retail spaces, located behind the entrance to the Subject Property, lining two sides of a common walkway that led to the restaurant in the middle and rear of the Subject Property. With the three vacant retail spaces containing a total floor area of 775 square feet, The Patio Restaurant and Café's floor area will be increased from 5,149 square feet to 5844* square feet, including 3,744 square feet at the front area of

5

the restaurant and 2,100 square feet at a rear outdoor seating area associated with the restaurant which constitutes a significant expansion of a nonconforming use, pursuant to Planning Code Section 186.1(b)(1).

*The floor area of the restaurant's restrooms will be decreased by 80 square feet, which will be distributed to the ground floor retail space in the adjacent building, 533-541 Castro Street, also on the Subject Property.

The Project will not result in an increase in a greater height, bulk or floor area ratio, less required rear yard or open space, or less required off-street parking space or loading space than permissible under the limitations set forth in the Planning Code for The Castro Street NCD.

C. Restaurant. Planning Code Section 790.91 provides that a restaurant is a retail eating or eating and drinking use which serves foods to customers for consumption on or off the premises and which has seating. It may have a Take-Out Food use as defined by Planning Code Section 790.122 as a minor and incidental use. It may provide on-site beer, wine, and/or liquor sales for drinking on the premises (with ABC license types 41, 47, 49, 59, or 75); however, if it does so it shall be required to operate as a Bona Fide Eating Place as defined in Section 790.142.

Within part of the three retail spaces, the Project Sponsor proposes to establish a bar, providing on-site beer, wine, and liquor sales for drinking on the premises with an ABC license type 47 issued by The California Department of Alcoholic Beverage Control in 1989, as an integral element of a Bona Fide Eating Place, which is permitted pursuant to Planning Code Section 790.91 within The Castro Street NCD.

- **D.** Outdoor Activity Areas. Planning Code Section 790.70 defines outdoor activity area as an area, not including primary circulation space or any public street, located outside of a building or in a courtyard which is provided for the use or convenience of patrons of a commercial establishment including, but not limited to, sitting, eating, drinking, dancing, and food-service.
 - (i) Planning Code Sections 715.24 provides that an outdoor activity area operated by a commercial use is permitted if it complies with provisions governing outdoor activity areas in NC Districts under Planning Code Section 145.2(a)(1) in that an outdoor activity area operated by a commercial use is permitted as a principal use if located outside a building and contiguous to the front property line of the lot on which the commercial use is located.
 - (ii) Planning Code Sections 715.24 provides that an outdoor activity area operated by a commercial use, which does not comply with provisions governing outdoor activity areas in NC Districts under Planning Code Section 145.2(a)(1) is permitted as a conditional use.

The rear outdoor seating area, associated with the subject restaurant, has already been legalized and allowed to be enclosed with a "retractable skylight" roof under the 1992 Building Permit approved by the Department.

E. Hours of Operation. Planning Code Section 728.27 permits hours of operation, as defined by Planning Code Section 790.48, from 6 a.m. to 2 a.m. and from 2 a.m. to 6 a.m. by conditional use authorization.

The proposed hours of operation for the front area of The Patio Restaurant and Café, including bar No. 1, will be from 11 a.m. to 2 a.m. seven day a week; and the rear outdoor seating area, including bar No. 2, will be from 11 a.m. to 12 o'clock midnight seven days a week. The proposed hours of operation are within those hours principally permitted by Planning Code Section 715.27.

F. Street Frontage in Neighborhood Commercial Districts. Section 145.1 of the Planning Code provides that no more than 1/3 of the width of new or altered structures, parallel to and facing a street, shall be devoted to ingress/egress to parking.

The subject ground floor commercial storefront does not devote any area to the ingress/egress to offstreet parking.

G. Parking. Planning Code Section 151 provides that for restaurant or bar use, one off street parking space is required for each 200 square feet of occupied floor area, where the occupied floor area exceed 5,000 square feet.

With the proposed expansion of The Patio Restaurant and Café into the three vacant retail spaces, it will contain a gross floor area of 5,844 square feet, including 3,744 square feet at the front area of the restaurant within the Subject Property and 2,100 square feet at a rear outdoor seating area associated with the restaurant. The rear outdoor seating area was legalized as an expansion of the restaurant and allowed to be enclosed with a "retractable skylight" roof under the 1992 Building Permit approved by the Department.

Based upon the Zoning Administrator's interpretation, the occupied floor area of The Patio Restaurant and Café is 3,744 square feet and the 2,100 square feet rear outdoor seating area with a retractable skylight roof, provided for the use or convenience of restaurant patrons, will <u>not</u> be considered as part of the restaurant's occupied floor area therefore, no off-street parking is required.

H. Signage. Any proposed signage will be subject to the review and approval of the Planning Department.

Any application for proposed signage at the Subject Property shall be subject to the review of the Planning Department and required to meet all provisions set forth in Article 6 of the Planning Code.

I. Neighborhood Commercial Permit Review. Planning Code Section 312 requires neighborhood notification of an expansion or enlargement of an existing use for lots within Neighborhood Commercial Districts.

The Project Sponsor proposes to allow a nonconforming use, The Patio Restaurant and Café, for the legalization of the previously completed and currently proposed work to expand into three vacant retail spaces within the same building the restaurant is located. Section 312 notification was conducted in conjunction with the conditional use authorization notification.

- 8. **Planning Code Section 303** establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use approval. On balance, the project does comply with said criteria in that:
 - A. The proposed new uses, 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 Project will provide a development that is necessary and desirable, and compatible with the neighborhood for the following reasons:

Having been a local favorite since the 1960's, the Project will allow The Patio Restaurant and Café, including a rear outdoor seating area with a retractable skylight roof, to reopen, after having been closed for a number of years during an extended renovation. The three irregularly shaped vacant retail spaces, located behind the entrance to The Patio Restaurant and Café, have never been viable for retail uses because they are not easily noticeable from the sidewalk without individual storefronts and are not compatible with the restaurant use in the same building. With the proposed expansion entirely into the three vacant retail spaces, The Patio Restaurant and Café will be allowed for a more functional floor layout and will provide the patrons with an enhanced eating and drinking service, including an additional bar and seating area. The Project will contribute to the lively and vibrant street-level characteristics and economic vitality in the Castro Street NCD by reopening a closed storefront. The patio Restaurant and Café complements the mix of goods and services currently available in the neighborhood. It has existed since the 1960's with no apparent impact on the neighborhood. Although there is a number of other restaurants in the district, to reopen The Patio Restaurant and Café will generate no significant impact on traffic or on-street parking in the district because it is not a destination restaurant and the Project Site and the surrounding area are well served by public transit. Before and after the expansion into the three vacant retail spaces, the maximum capacity of persons at The Patio Restaurant and Café allowed by the City's Building Code is 184 persons and 196 persons, respectively. Therefore, the intensity of use does not vary significantly.

The proposed bar use, occupying part of the three vacant retail spaces, is intended to serve patrons dining in the front area of The Patio Restaurant and Café while the existing bar in the rear outdoor seating area will serve patrons having outdoor dining. The proposed bar, providing on-site beer, wine, and liquor sales for drinking on the premises, will only be allowed as an integral element of The Patio Restaurant and Café, meant to compliment the meal service and not intended to function as a separate and independent bar.

B. The proposed project will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity. There are no features of the project

that could be detrimental to the health, safety or convenience of those residing or working the area, in that:

i. Nature of proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;

The height and bulk of the existing building will remain without change. The Project will not alter the existing appearance or character of the vicinity. The Project will only involve interior work and will not affect the existing building envelope.

ii. The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed off-street parking and loading;

The Planning Code does not require off-street parking or loading after the expansion of the patio Restaurant and Café, containing an occupied floor area of proposed 3,744 square feet. The Project is designed to mainly meet the needs of the residents in the immediate neighborhood and the Project Site is well served by public transit, including Muni Bus Lines 24 and 35 operating on Castro Street and nearby Muni Bus Line 33 operating on 18th Street Castro Street, minimizing the amount of vehicular traffic from the immediate neighborhood or citywide.

iii. The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor;

The Project is subject to the standard conditions of approval for eating and drinking establishments as outlined in Exhibit A that obligate the Project Sponsor to mitigate noxious or offensive noise and odor generated by the eating and drinking use.

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

Parking and loading areas are not required for the Project. The Department shall review all proposed signs for The Patio Restaurant and Café.

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

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

D. That the use as proposed would provide development that is in conformity with the purpose of the applicable Neighborhood Commercial District.

The Project is consistent with the stated purpose of the Castro Street Neighborhood Commercial District in that the intended eating and drinking use is located at the ground floor, will maintain the

retail frontage by not including automobile drive up uses, will contribute to a mixture of convenience and comparison shopping goods and services to a predominantly local market.

E. That the existing concentration of eating and drinking uses in the area should not exceed 25% of the total commercial frontage as measured in linear feet within the immediate area of the Subject Site. For the purposes of Section 303(p)(1)(A) of the Planning Code, the immediate area shall be defined as all properties located within 300 feet of the Subject Property and also located within the same zoning district.

Based upon a site survey performed by staff, the existing total commercial frontage within 300 feet of the Project Site is 2,148 linear feet, and the existing concentration of eating and drinking uses within 300 feet, including The Patio Restaurant and Café, is 553 linear feet, or 25.74%. Although the existing concentration of eating and drinking uses within 300 feet is slightly over the 25% threshold, the Project, which would reopen an existing restaurant, would not result in any increase of the current concentration of eating and drinking uses within 300 feet of the Project Site.

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

NEIGHBORHOOD COMMERCE

Objectives and Policies

OBJECTIVE 1:

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

Policy 1.1:

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

Policy 1.2:

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

Policy 1.3:

Locate commercial and industrial activities according to a generalized commercial and industrial land use plan.

The Project will reopen an existing restaurant on the ground floor commercial space and will maintain its contribution to the neighborhood, including enhanced goods and service and employment opportunities. The Project is consistent with the activities within The Castro Street Neighborhood Commercial District and the commercial land use plan.

OBJECTIVE 2:

MAINTAIN AND ENHANCE A SOUND AND DIVERSE ECONOMIC BASE AND FISCAL STRUCTURE FOR THE CITY.

Policy 2.1:

Seek to retain existing commercial and industrial activity and to attract new such activity to the City.

The Project will enhance the City's economic base by retaining a current restaurant within the Castro Street NCD.

OBJECTIVE 3:

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

Policy 3.1:

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

Policy 3.2:

Promote measures designed to increase the number of San Francisco jobs held by San Francisco residents.

The Project Site is currently occupied by The Patio Restaurant and Café; therefore, no commercial tenant will be displaced by the Project. The Project proposes to reopen The Patio Restaurant and Café that has been renovated to better serve the residents of the neighborhood and will not prevent the district from achieving optimal diversity in the types of goods and services available in the neighborhood.

OBJECTIVE 6:

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

Policy 6.1:

Ensure and encourage the retention and provision of neighborhood-serving goods and services in the city's neighborhood commercial districts, while recognizing and encouraging diversity among the districts.

The Project Site is currently occupied by The Patio Restaurant and Café; therefore, no commercial tenant will be displaced by the Project. The Project will not prevent the district from achieving optimal diversity in the types of goods and services available in the neighborhood because it will not result in an additional eating and drinking use in the Castro Street NCD.

Policy 6.2:

Promote economically vital neighborhood commercial districts which foster small business enterprises and entrepreneurship and which are responsive to the economic and technological innovation in the marketplace and society.

An independent entrepreneur is sponsoring the Project. The Project is a neighborhood serving use and is not a Formula Retail use.

- 10. **Planning Code Section 101.1(b)** establishes eight priority-planning policies and requires review of permits for consistency with said policies. On balance, the Project does comply with said policies in that:
 - A. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership pf such businesses be enhanced.

The Project proposes to reopen The Patio Restaurant and Café at the same site; therefore, it will not result in an additional eating and drinking establishment in the District and will not result in an increase to the current concentration of the total Neighborhood Commercial District frontage devoted to eating and drinking establishments. The Project will create approximately 30 job openings for local residents.

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

The scale and use proposed by the Project is within the existing character of the Castro Street Neighborhood Commercial District. The existing two residential units on the two upper floors of the Subject Property will remain and not be affected by the Project.

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

No current housing at the Project Site will be removed as a result of the Project

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

The Project Site is well served by public transit, including Muni Bus Lines 24 and 35 operating on Castro Street and nearby Muni Bus Line 33 operating on 18th Street.

E. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced.

The Project will not displace any service or industry establishment. The Project will not affect industrial or service sector uses or related employment opportunities. Ownership of industrial or service sector businesses will not be affected by this Project.

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

The Project is designed and will be constructed to conform to the structural and seismic safety requirements of the City's Building Code.

G. That landmarks and historic buildings be preserved.

The Project will involve no proposed alteration to the existing building envelope or the front façade. The Project was determined by the Department to be categorically exempt from the California Environmental Quality Act ("CEQA") as a Class 1 Categorical Exemption under CEQA as described in the determination contained in the Department files for the Project.

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

The Project will have no negative impact on existing parks and their access to sunlight and vistas.

- 11. The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would contribute to the character and stability of the neighborhood and would constitute a beneficial development.
- 12. The Commission hereby finds that approval of the Conditional Use authorization would promote the health, safety and welfare of the City.

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Application No. 2013.0290C** 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. 18171. 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 August 1st, 2013.

Jonas Ionin Acting Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: August 1st, 2013

Exhibit A

AUTHORIZATION

This authorization is for a Conditional Use to allow The Patio Restaurant and Café, a nonconforming use, for the expansion entirely into three vacant retail spaces within the same building the restaurant is located, 531 Castro Street, Assessor's Block 3583, Lot 093, pursuant to Planning Code Sections 179, 186.1 and 303, in The Castro Street Neighborhood Commercial District and a 40-X Height and Bulk District; in general conformance with plans dated July 18th, 2013 and labeled "EXHIBIT B" included in the docket for Case No. 2013.0290C and subject to Conditions of Approval reviewed and approved by the Commission on August 1st, 2013 under Motion No. XXXXX. 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 August 1st, 2013 under Motion No. XXXXX.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. XXXXX shall be reproduced on the Index Sheet of construction plans submitted with the Site or Building Permit Application for the Project. The Index Sheet of the construction plans shall reference to the Conditional Use authorization and any subsequent amendments or modifications.

SEVERABILITY

The Project shall comply with all applicable City codes and requirements. If any clause, sentence, section or any part of these conditions of approval is for any reason held to be invalid, such invalidity shall not affect or impair other remaining clauses, sentences, or sections of these conditions. This decision conveys no right to construct, or to receive a building permit. "Project Sponsor" shall include any subsequent responsible party.

CHANGES AND MODIFICATIONS

Changes to the approved plans may be approved administratively by the Zoning Administrator. Significant changes and modifications of conditions shall require Planning Commission approval of a new Conditional Use authorization.

Conditions of Approval, Compliance, Monitoring, and Reporting PERFORMANCE

1. Validity and Expiration. The authorization and right vested by virtue of this action is valid for three years from the effective date of the Motion. A building permit from the Department of Building Inspection to construct the project and/or commence the approved use must be issued as this Conditional Use authorization is only an approval of the proposed project and conveys no

independent right to construct the project or to commence the approved use. The Planning Commission may, in a public hearing, consider the revocation of the approvals granted if a site or building permit has not been obtained within three (3) years of the date of the Motion approving the Project. Once a site or building permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. The Commission may also consider revoking the approvals if a permit for the Project has been issued but is allowed to expire and more than three (3) years have passed since the Motion was approved.

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

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

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

DESIGN

3. **Signage.** Any signs on the property shall be made to comply with the requirements of Article 6 of the Planning Code.

MONITORING

- 4. 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*
- 5. **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, <u>www.sf-planning.org</u>

OPERATION

6. **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, <u>http://sfdpw.org</u>

- 7. Sidewalk Maintenance. The Project Sponsor shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean and sanitary condition in compliance with the Department of Public Works Streets and Sidewalk Maintenance Standards. *For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works*, 415-695-2017, http://sfdpw.org
- 8. **Noise Control.** The premises shall be adequately soundproofed or insulated for noise and predated 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, <u>www.sfdph.org</u>

For information about compliance with the construction noise, contact the Department of Building Inspection, 415-558-6570, <u>www.sfdbi.org</u>

For information about compliance with the amplified sound including music and television contact the Police Department at 415-553-0123, <u>www.sf-police.org</u>

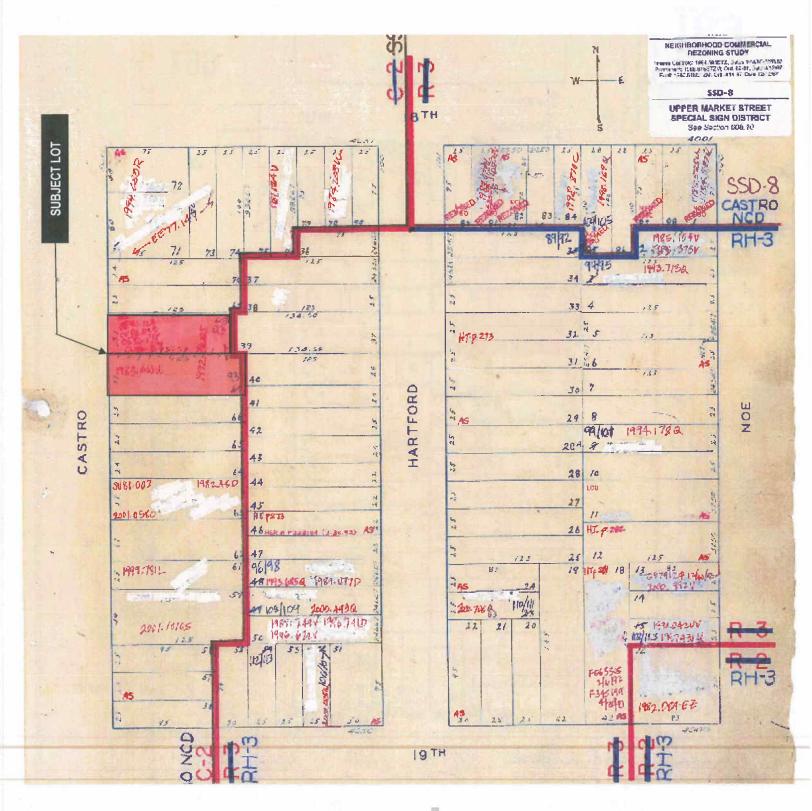
9. **Odor Control.** While it is inevitable that some low level of odor may be detectable to nearby residents and passersby, appropriate odor control equipment shall be installed to prevent any significant noxious or offensive odors from escaping the premises.

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), <u>www.baaqmd.gov</u> and Code Enforcement, Planning Department at 415-575-6863, <u>www.sf-planning.org</u>

- 10. **Community Liaison.** Prior to the implementation of 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, <u>www.sf-planning.org</u>
- 11. Hours of Operation. The front area of The Patio Restaurant and Café, including bar No. 1, shall be closed by 2 a.m. seven day a week; the rear outdoor seating area of The Patio Restaurant and Café, including bar No. 2, shall be closed by 12 o'clock midnight seven days a week and the retractable skylight roof above the rear outdoor seating area of The Patio Restaurant and Café shall be closed by 9 p.m. seven days a week.

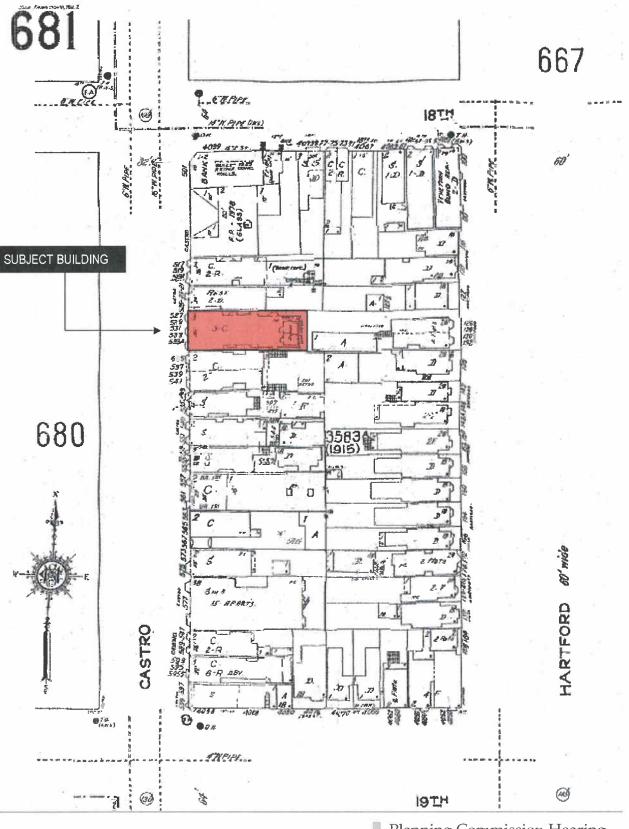
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, <u>www.sf-planning.org</u>

Parcel Map

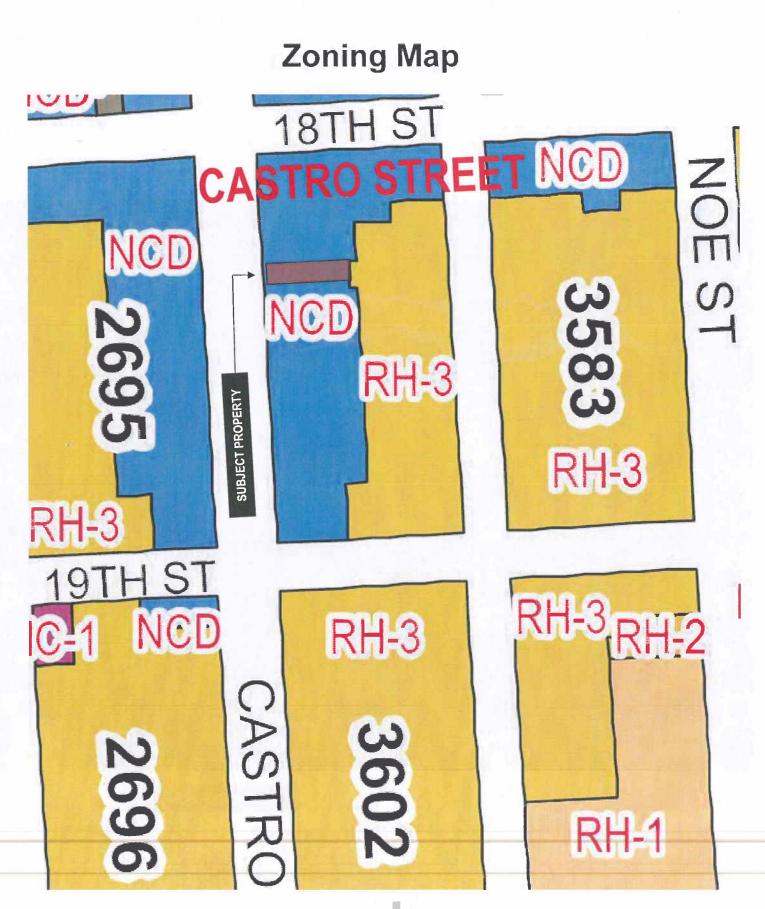


N

Sanborn Map*

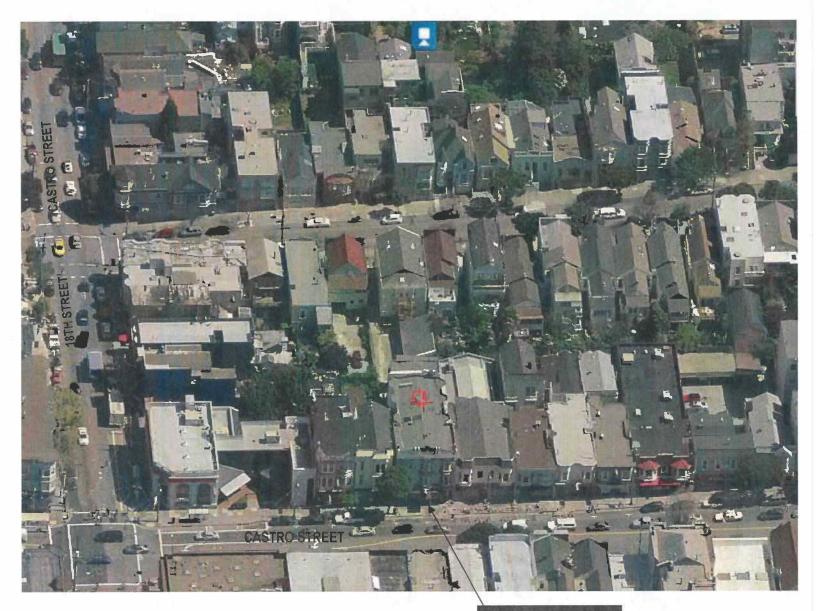






N

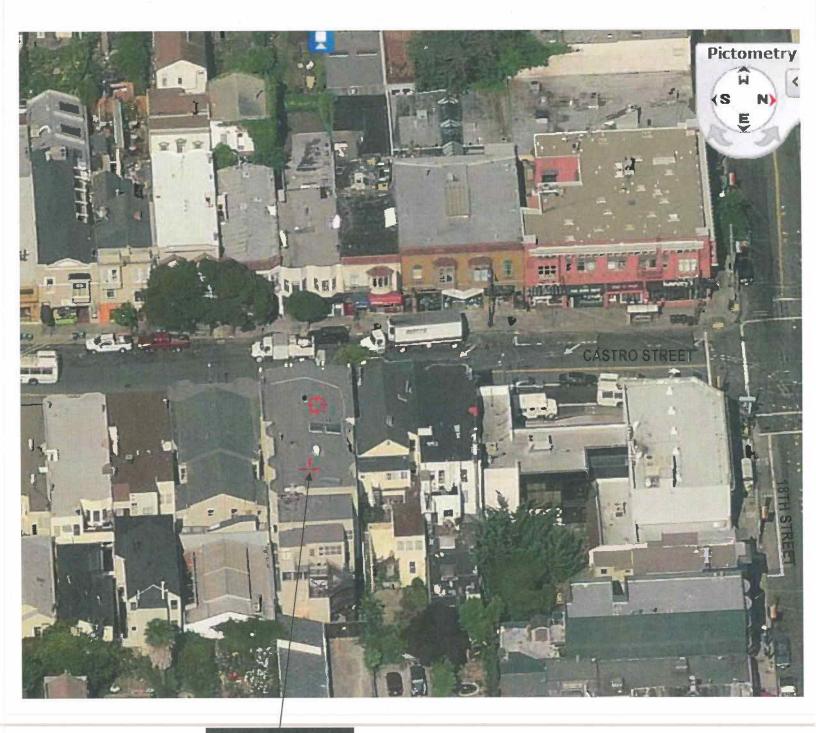
Aerial Photo



SUBJECT PROPERTY



Aerial Photo



SUBJECT PROPERTY

Site Photo





REUBEN, JUNIUS & ROSE, LLP

July 19, 2013

President Rodney Fong San Francisco Planning Commission 1650 Mission Street, Suite 400 San Francisco, CA 94103

Re: 531 Castro Street - Case No. 2013.0290C Hearing Date: August 1, 2013 Our File No.: 7588.01

Dear President Fong and Commissioners:

This office represents Les Natali, the owner of two connected buildings located at 531 and 541 Castro Street (the "Property"). Mr. Natali is proposing the expansion and reopening of a restaurant (dba "The Patio Café") in the ground floor space of the Property, which was previously occupied by a restaurant and three small separate retail spaces (the "Project"). The tenant improvements associated with the restaurant and expansion have already been completed, pursuant to a building permit issued in 2005. The permit was approved by all city departments and the Department of Building Inspection ("DBI") has issued a notice of final completion and certificate of occupancy. Subsequent to the completion of work, the Planning Department determined it had approved the permit in error, since the expansion requires conditional use authorization.

The Property is improved with two buildings: the northerly one (531 Castro Street) consists of two floors of dwelling units above the subject ground floor commercial space; the southerly one (541 Castro Street) consists of one floor of office space above a ground floor commercial space. The subject restaurant space is located at 531 Castro Street, but is physically connected to an area at the rear of 541 Castro Street, which consists of a patio dining area with a retractable roof above. For the purposes of this letter, the "Property" refers <u>only</u> to the interior space currently occupied by the subject restaurant space, which encompasses the ground floor of 531 Castro Street and the rear patio area of 541 Castro Street.

A. Project Background

The Patio Café has operated at the Property since the 1960's. In 1989, the current owner, Les Natali, purchased the building and continued operating the Patio Café. At the time, the Property consisted of three small retail spaces at the front, and the Patio Café which occupied the middle and rear of the Property. In 1992, Mr. Natali obtained a building permit to enclose and legalize the outdoor patio area at the rear and install a retractable roof (the "1992

James A. Reuben | Andrew J. Junius | Kevin H. Rose | Daniel A. Frattin Sheryl Reuben¹ | David Sitverman | Thomas Tunny | Jay F. Drake | John Kevlin Lindsay M. Petrone | Melinda A. Sarjapur | Kenda H. McIntosh | Jared Eigerman^{2,3} | John McInerney III² One Bush Street, Suite 600 San Francisco, CA 94104

tel: 415-567-9000 fax: 415-399-9480

1. Also admitted in New York 2. Of Counsel 3. Also admitted in Massachusetts

Permit"). The permit approval expressly required future conditional use authorization for any expansion of floor area of the restaurant.

In 1998, the Mr. Natali obtained a building permit to renovate the Patio Cafe and correct a number of code violations, most of which dated back prior to 1989. Due to unexpected Building Code issues that continued to arise throughout construction, DBI required Mr. Natali to file for a second permit in 2005 to encapsulate all of the work being done at the Property (the "2005 Permit"). The work ultimately included the expansion of the existing restaurant area into most, but not all, of the three retail spaces at the front of the Property.

In 2012, after a protracted construction, the Mr. Natali completed all work under the permit and obtained a certificate of final completion and occupancy from DBI. Upon completion of the work, Mr. Natali filed for a health permit to operate the restaurant and, upon referral, the Planning Department indicated that the 2005 Permit was approved in error, and recommended that a conditional use authorization be pursued in order to legalize the work conducted under the 2005 Permit.

The current proposal requires Planning Commission approval of a conditional use for an expansion of the restaurant into the entirety of the former three retail spaces at the front of the Property at 531 Castro Street. All work, other than the removal of the last retail space, has already been completed, and the Patio Café is prepared to open very soon after it receives approval.

It should be noted there is presently 1,375 square feet of retail space in the front of the 541 Castro Street building which was made fully ADA compliant (and wheelchair accessible) as part of the recently completed restaurant expansion project. Prior to this project none of this retail space was ADA compliant.

B. <u>Benefits of the Project</u>

Benefits of the Project will include:

- Reopening a renovated, and ADA-compliant, restaurant that has served the Castro neighborhood since the 1960's;
- Activating a retail space within a popular neighborhood commercial district that has not been in operation since 2001;
- Authorizing the significant tenant improvements that have already been made at great investment by Mr. Natali;

One Bush Street, Suite 600 San Francisco, CA 94104

tel: 415-567-9000 fax: 415-399-9480

REUBEN, JUNIUS & ROSE, up

- Creation of roughly 30 new jobs for area residents;
- Generation of new economic activity and production of business and sales tax revenue to the City.

C. **Project Details**

As described above, the Property has undergone several rounds of alterations since Mr. Natali purchased it in 1989. The following outlines the status of the renovation at three stages: after the 1992 Permit was finalized, after the 2005 Permit was finalized, and as currently proposed. The Project's conditional use application is attached as **Exhibit A**.

The 1992 Permit authorized three small retail spaces occupying 775 square feet at the front of the Property, and authorized the Patio Café to operate in the middle and rear of the Property, limited to 5,149 square feet and 160 seats for customers at the rear patio area. The floor plan authorized by the 1992 Permit is attached as **Exhibit B** and the associated Notice of Special Restrictions is attached as **Exhibit C**.

The 2005 Permit authorized, among other things, the expansion of the restaurant space into part, but not all, of the three retail spaces at the front of the Property. This left one remaining retail space consisting of 540 square feet. The two bathrooms serving the restaurant were also slightly reduced in size, transferring floor area to the commercial space at 541 Castro Street to accommodate new bathrooms. The floor plan authorized by the 2005 Permit is attached as **Exhibit D**.

The only difference between the current proposed Project and the 2005 Permit is that the restaurant is now proposed to incorporate all of the retail spaces at 531 Castro Street. The reason for removing this last retail space is that the Planning Department was concerned about distinguishing the restaurant area from the retail area when in operation, and requested that Mr. Natali remove the retail space from the Project completely. The restaurant would occupy 5,844 square feet. The floor plan as proposed by the Project is attached as **Exhibit E**.

All construction authorized by the 2005 Permit has been completed. The only additional alterations that would be authorized by the current Project is the conversion of the remaining retail area to restaurant seating area. No exterior alterations will be conducted. Photographs of the Property and surrounding area are attached as **Exhibit F**.

D. The Project Authorizes Construction Performed by Mr. Natali in Good Faith

Mr. Natali has made a major investment in the Property since 1989 to improve the space. As a result, the restaurant has been brought up to current ADA and Building Code standards. All work that was done since 2005 was done in good faith, in reliance upon a building permit

> One Bush Street, Suite 600 San Francisco, CA 94104

tel: 415-567-9000 fax: 415-399-9480

REUBEN, JUNIUS & ROSE, up

that was approved by the Planning Department. Mr. Natali had no notice that there were any issues with the permit until after all work was completed and a Certificate of Final Completion was issued to him by DBI.

Mr. Natali is enthusiastic to finally reopen the Patio Café after years of construction. This conditional use authorization would affirm his good faith investment in the Property and allow him to reopen and reactivate this important retail frontage on busy Castro Street.

E. <u>Community Outreach</u>

Mr. Natali has been a member of the Castro neighborhood and business community for many years, and has made sure to reach out to the major community groups prior to the Planning Commission hearing. He presented the Project to (1) the Castro/Eureka Valley Neighborhood Association, (2) the Merchants of Upper Market and Castro, and (3) the Castro Community Benefit District, all three of which have written letters to the Planning Commission in support. The letters are attached as **Exhibit G**. Additionally, neighborhood residents and merchants within 300 feet of the Patio Cafe received a mailing notifying them of Mr. Natali's plans to reopen the Patio Café.

The reopening of the Patio Cafe is widely supported by the Castro merchant community. 25 letters of support from neighborhood merchants and a merchant petition of support with 26 signatures are attached as **Exhibit H.**

F. Conclusion

The Project requires conditional use authorization from the Planning Commission. It provides substantial benefits to the neighborhood by reopening a popular, long-shuttered business along Castro Street. It will also affirm Mr. Natali's significant, good faith investments in the Property. The Planning Department is recommending approval of the requested authorization. Mr. Natali has reached out to the neighborhood, which has shown overwhelming support for the Project. For all of these reasons and those listed in the application, we respectfully request the Commission grant this conditional use authorization for this Project.

Very truly yours,

REUBEN & JUNIUS, LLP

John Kevlin

One Bush Street, Suite 600 San Francisco, CA 94104

tel: 415-567-9000 fax: 415-399-9480

REUBEN, JUNIUS & ROSE, LLP

Enclosures

cc: Vice President Cindy Wu Commissioner Michael Antonini Commissioner Gwyneth Borden Commissioner Rich Hillis Commissioner Kathrin Moore Commissioner Hisashi Sugaya Jonas Ionan – Commission Secretary John Rahaim - Planning Director Tom Wang – Project Planner Les Natali – Project Sponsor

> One Bush Street, Suite 600 San Francisco, CA 94104

tel: 415-567-9000 fax: 415-399-9480

REUBEN, JUNIUS & ROSE, LP

Conditional Use Authorization

| 1. Owner/Applicant Inf | ormation | | | | | |
|--|---------------------|---|--|---|---|---|
| PROPERTY OWNER'S NAME | | 1000000000 | E CARAGE | | Switch 1 | Participation of the |
| Les Natali | | | | | | |
| PROPERTY OWNER'S ADDRESS | | Contractions? | 6.5216.15 | TELEPHONE: | 1200 | ACCOUNT OF A |
| 4121 18th Street San Francisco, CA 94 | 114 | | (415) 626-5017 EMAIL | | | |
| | | | Inatali@pacbell.net | | | |
| APPLICANT'S NAME | | | | AND COMPANY | 0 6 | |
| | | | | | | Same as Above |
| APPLICANT'S ADDRESS | | | | TELEPHONE | 1 | |
| | | | | () EMAIL | 105636 | |
| CONTACT FOR PROJECT INFORMAT | ION | monormoting as an interaction of the second | 11 11 - 11 - 1 - 1 - 1 - 1 - 1 - | | T der skille av landet. Men tillen skala skala stadet skala | Na balanda a ta sa ang gana ang ang ang ang ang ang ang a |
| John Kevlin | | | | | | Same as Above |
| ADDRESS: | | | | TELEPHONE | 125122 | Contraction of the |
| Reuben, Junius & Rose, LLP One Bush Street, Suite 600 | | | | (415)567-9000 EMAIL | | |
| San Francisco, CA 94104 | | | | jkevlin@reubenlaw.com | | |
| COMMUNITY LIAISON FOR PROJEC | T (PLEASE REPORT CH | IANGES TO THE ZONIN | G ADMINISTRATO | न) | 1000000 | |
| Les Natali | | | | | | Same as Above |
| ADDRESS | | | | TELEPHONE | | |
| | | | | () | | |
| | 4 | | | EMAIL. | | |
| 2. Location and Classi | fication | | | | | |
| STREET ADDRESS OF PROJECT | | | | | 1 1 1 1 1 | ZIP CODE: |
| 531 Castro Street CROSS STREETS: | | | | | | 94114 |
| 18th and 19th Streets | ad allegen y | a var - seleseers termetersteren ber | The second secon | aalaan ana ama o ma oo ah o | و مان دور ساورو بالروانيونية والمروانيونية والمروانيوني و | af för a benatisent and de kannel avar de som endere manne som ^s om ³ Strapen som ³ Nort-Maret |
| ASSESSORS BLOCK/LOT | LOT DIMENSIONS | LOT AREA (SQ FT) | ZONING DISTRI | CT. | HEIGHT/BUL | K DISTAICT |
| 3583 / 093 | 74'x125' | 8,899 sf | Castro N | CD | 40-X | ana ana amin'ny faritr'o amin'ny faritr'o amin'ny faritr'o ana amin'ny faritr'o ana amin'ny faritr'o amin'ny fa |

7

3. Project Description

| | | PRESENT OR PREVIOUS USE: | | | |
|--|------------------------|--------------------------------|-------------------------------|--|--|
| (Please check all that apply) X Change of Use | ADDITIONS TO BUILDING: | Restaurant and Other Retail | Sales and Services | | |
| Change of Hours | Front | PROPOSED USE: | | | |
| New Construction | Height | Restaurant | - | | |
| Alterations | Side Yard | | | | |
| Demolition | | BUILDING APPLICATION PERMIT NO | DATE FILED | | |
| Other Please clarify: | | 2005.05.03.1487 | 5/3/2005 Issued: 4/10/2006 | | |

4. Project Summary Table

If you are not sure of the eventual size of the project, provide the maximum estimates.

| | EXISTING USPS | EXISTING USES TO BE RETAINED | NET NEW COASTRUCTION AND/OR ADDITION | PROJECT TOTALS |
|--|----------------------------------|---------------------------------|---|--------------------------------|
| | | PROJECT FEATURES | | ALC: NOTES |
| Dwelling Units | n/a | n/a | n/a | n/a |
| Hotel Rooms | n/a | n/a | n/a | n/a |
| Parking Spaces | n/a | n/a | n/a | n/a |
| Loading Spaces | n/a | n/a | n/a | n/a |
| Number of Buildings | n/a | n/a | n/a | n/a |
| Height of Building(s) | n/a | n/a | n/a | n/a |
| Number of Stories | n/a | n/a | n/a | n/a |
| Bicycle Spaces | n/a | n/a | n/a | n/a |
| | GROS | S SQUARE FOOTAGE (GS | iF) | WHERE STREET |
| Residential | n/a | n/a | n/a | n/a |
| Retail | Rest: 5,149 sf Retail: 775 sf | Rest: 5,149 sf Retail: 0 sf | Rest: 695 sf Retail: 0 sf | Rest: 5,844 sf Retail: 0 sf |
| Office | 0 sf | 0 sf | 0 sf | 0 sf |
| Industrial/PDR Production, Distribution, & Repair | 0 sf | 0 sf | 0 sf | 0 sf |
| Parking | 0 sf | 0 sf | 0 sf | 0 sf |
| Other (Specify Use) | 0 sf | 0 sf | 0 sf | 0 sf |
| TOTAL GSF | 5,924 sf | 5,149 sf | 695 sf | 5.844 sf |

Please describe any additional project features that are not included in this table: (Atlach a separate sheet if more space is needed)

The total seating for the rear outdoor patio area will remain at 160.

CASE NUMBER

5. Action(s) Requested (Include Planning Code Section which authorizes action)

Conditional use authorization for the expansion of the existing Patio Cafe and Restaurant into three

previously-existing retail spaces at the front of the building. No non-restaurant retail space would remain.

Conditional Use Findings

Pursuant to Planning Code Section 303(c), before approving a conditional use authorization, the Planning Commission needs to find that the facts presented are such to establish the findings stated below. In the space below and on separate paper, if necessary, please present facts sufficient to establish each finding.

- 1. That the proposed use or feature, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable for, and compatible with, the neighborhood or the community; and
- That such use or feature as proposed will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity, or injurious to property, improvements or potential development in the vicinity, with respect to aspects including but not limited to the following:
 - (a) The nature of the proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;
 - (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;
 - (c) The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor;
 - (d) Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs; and
- 3. That such use or feature as proposed will comply with the applicable provisions of this Code and will not adversely affect the Master Plan.

See attached.

Priority General Plan Policies Findings

Proposition M was adopted by the voters on November 4, 1986. It requires that the City shall find that proposed projects and demolitions are consistent with eight priority policies set forth in Section 101.1 of the City Planning Code. These eight policies are listed below. Please state how the project is consistent or inconsistent with each policy. Each statement should refer to specific circumstances or conditions applicable to the property. Each policy must have a response. IF A GIVEN POLICY DOES NOT APPLY TO YOUR PROJECT, EXPLAIN WHY IT DOES NOT.

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 Project will directly further this policy by allowing an existing restaurant in the Castro to reopen for

- business. The Project Sponsor has conducted all the work necessary to put the restaurant back into
- operation, and approval of the Project will create new opportunities for local employment at the business.
- 2. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods;
 - The Project will allow an existing restaurant in the Castro to reopen for business. Currently, the retail
- space is vacant and detracts from the otherwise vibrant and lively retail scene that keeps the retail space
- in the neighborhood near full capacity.

3. That the City's supply of affordable housing be preserved and enhanced;

The Project proposes no new housing and will have no impact on existing housing, and therefore will have no effect on affordable housing in the City.

4. That commuter traffic not impede Muni transit service or overburden our streets or neighborhood parking;

The Project will allow a neighborhood-serving restaurant space to reopen at the Property. The Patio Café

- is not expected to draw significant customer traffic from outside of the Castro district. The neighborhood
- is well-served by public transit, reducing the need for automobile transportation to travel to the Property.

- 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;
 The Project will allow for a popular restaurant to reopen at the Property, reestablishing the employment opportunities that were once provided by the business. The improvements that have been made at the Property pursuant to the 2005 Permit will make the restaurant an even more successful business operation.
 6. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake;
 The Project conducted no alterations to the Property other than internal tenant improvements. All work that has been conducted to date is consistent with the California Building Code.
 7. That landmarks and historic buildings be preserved; and No exterior alterations are proposed to the existing building. As a result, the Project will not affect this policy.
- 8. That our parks and open space and their access to sunlight and vistas be protected from development.
- The Project proposes no exterior alterations to the existing building at the Property and therefore will
- have no impact on parks or open spaces.

Estimated Construction Costs

| TYPE OF APPLICATION: | |
|--|------------------|
| Conditional Use | |
| OCCUPANCY CLASSIFICATION | |
| A-2 | |
| BUILDING TYPE: | |
| V | |
| TOTAL GROSS SQUARE FEET OF CONSTRUCTION: | BY PROPOSED USES |
| No new construction | |
| ESTIMATED CONSTRUCTION COST | |
| \$400,000 | |
| ESTIMATE PREPARED BY | |
| Actual cost of improvements | |
| FEE ESTABLISHED | |
| \$3,824 | |

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

2013 19 Date: _

John Kevlin Owner / Authorized Agent (circle one)

CASE NUMBER

Application Submittal Checklist

Applications listed below 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 and a department staff person.

| APPLICATION MATERIALS | CHECKLIST | | | |
|--|-----------|---|--|--|
| Application, with all blanks completed | | | | |
| 300-foot radius map, if applicable | | | | |
| Address labels (original), if applicable | | | | |
| Address labels (copy of the above), if applicable | | | | |
| Site Plan | | | | |
| Floor Plan | | | | |
| Elevations | | | | |
| Section 303 Requirements | | | | |
| Prop. M Findings | | | | |
| Historic photographs (if possible), and current photographs | | | | |
| Check payable to Planning Dept. | | Required Material. Write "N/A" if you believ the item is not applicable, (e.g. letter of authorization is not required if application | | |
| Original Application signed by owner or agent | | signed by property owner) | | |
| Letter of authorization for agent | | Typically would not apply. Nevertheless, i specific case, staff may require the item. | | |
| Other: Section Plan. Detail drawings (ie. windows, door entries, trim), Specifications (for cleaning, repair, etc.) and/or Product cut sheets for new elements (ie. windows, doors) | | Two sets of original labels and one copy addresses of adjacent property owners a owners of property across street. | | |

After your case is assigned to a planner, you will be contacted and asked to provide an electronic version of this application including associated photos and drawings.

Some applications will require additional materials not listed above. The above checklist does not include material needed for Planning review of a building permit. The "Application Packet" for Building Permit Applications lists those materials.

No application will be accepted by the Department unless the appropriate column on this form is completed. Receipt of this checklist, the accompanying application, and required materials by the Department serves to open a Planning file for the proposed project. After the file is established it will be assigned to a planner. At that time, the planner assigned will review the application to determine whether it is complete or whether additional information is required in order for the Department to make a decision on the proposal.

For Department Use Only Application received by Planning Department:

Date



SAN FRANCISCO PLANNING DEPARTMENT FOR MORE INFORMATION: Call or visit the San Francisco Planning Department

Central Reception 1650 Mission Street, Suite 400 San Francisco CA 94103-2479

 TEL
 415.558.6378

 FAX
 415 558-6409

 WEB
 http://www.sfplanning.org

Planning Information Center (PIC) 1660 Mission Street, First Floor San Francisco CA 94103-2479

TEL: **415.558.6377** Plaining staff are available by phone and at the PiC counter No appointment is necessary.

COMPLIANCE WITH CONDITIONAL USE CRITERIA (SECTION 303 FINDINGS)

Under Planning Code section 303(c), the City Planning Commission shall approve the application and authorize a conditional use if the facts presented are such to establish the following:

1. Desirability and Compatibility of Project

Planning Code section 303(c)(1) requires that facts be established which demonstrate the following:

That the proposed use or feature, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable for, and compatible with, the neighborhood or the community.

The Project is necessary and desirable because it will allow for a built-out restaurant space in the Castro district to reopen, after being closed for a number of years. The Castro district is a lively and vibrant street-level retail area. Any street-level vacancies are very apparent and detract from the lively character the neighborhood. The Project is completely built out, and can begin operating as soon as this conditional use application is approved. The Project Sponsor has operated several businesses in the Castro district for a number of years, and is particularly attuned to the demands and needs of the local neighborhood. The Project will ensure that this street-level space will be occupied and lively for years to come.

2. Effect of Project on Health, Safety, Convenience or General Welfare

Planning Code section 303(c)(2) requires that facts be established which demonstrate the following:

That such use or feature as proposed will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity, or injuries to property, improvements or potential development in the vicinity, with respect to aspects including but not limited to the following:

(a) The nature of the proposed site, including its size and shape, and the proposed size, shape and arrangement of the structure.

The Project is completely built at this point due to the issuance of the 2005 Permit that the Planning Department subsequently determined was approved in error. The Project has not and will not alter the exterior of the existing building at the Property. There will be no change in the visual appearance of the Property from its current state.

(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. The Project is designed to be neighborhood serving and is not expected to draw significant traffic from other areas of the City and Bay Area. The Project – to be named The Patio Café – will be a neighborhood restaurant catering to the Castro district.

For those who do travel to the Property from outside of the Castro district, the Property is located one block away from a major public transit hub at Market and Castro Streets. In addition to the Castro MUNI Metro station, the intersection also provides bus stops for the 24, 35 and 37 MUNI bus lines. Even closer at the corner of 18th Street and Castro Street is the 33 MUNI bus line. Market Street at Castro is also a part of the San Francisco bicycle route network. Metered parking also lines each side of Castro Street in the district.

(c) The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor.

The Project's proposed operation at the Property will consist of a restaurant. Such use will not emit noxious or offensive emissions, as they would be inconsistent with the Project Sponsor's objectives.

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

The existing building at the Property is a lot line development with 100% lot coverage, and therefore there exists no potential for landscaped or open area on site. Appropriately-sized, code-compliant signage will be installed at the Property.

3. Compliance with the General Plan.

Planning Code Section 303(c)(3) requires that facts be established that demonstrate the following:

That such use or feature as proposed will comply with the applicable provisions of this code and will not adversely affect the Master Plan.

The Project will affirmatively promote, is consistent with, and will not adversely affect the General Plan, specifically **the Transportation Element and the Commerce and Industry Element**, as follows:

Transportation Element

- Policy 1.3: Give priority to public transit and other alternatives to the private automobile as the means of meeting San Francisco's transportation needs, particularly those of commuters.
- Policy 2.2 Reduce pollution, noise and energy consumption.

The Project will directly further these policies by operating a restaurant use in an area well-served by MUNI. The Property is located one block away from a major public transit hub at Market and Castro Streets. In addition to the Castro MUNI Metro station, the intersection also provides bus stops for the 24, 35 and 37 MUNI bus lines. Even closer at the corner of 18th Street and Castro Street is the 33 MUNI bus line. Commuters are not expected to be drawn to the neighborhood by the Project. This easy access by public transportation thus encourages employees and patrons to utilize public transit, thereby reducing pollution, noise and energy consumption relating to automobile use.

Commerce Element

Policy 1.1

Encourage development which provides substantial net benefits and minimizes undesirable consequences.

The Project will affirmatively support this Policy by creating new jobs and increasing foot traffic in the Castro district. The Patio Café was a popular restaurant when it was previously open and it will reactivate a currently vacant street-level retail space in the neighborhood. The Project is located in an area well-served by public transportation, and therefore little additional traffic or parking demand is expected to be generated as a result.

Policy 1.3 Locate commercial and industrial activities according to a generalized commercial and industrial land use plan.

The Project is located within the Castro district, a street-level retail district that provides retail sales and services to the surrounding neighborhood. The Project is consistent with the general commercial land use plan of this area. Additionally, the Project will locate a popular restaurant use that reinforces continuous retail use on Castro Street.

Policy 2.1 Seek to retain existing commercial and industrial activity and to attract new such activity to the city.

Policy 3.1 Promote the attraction, retention and expansion of commercial and industrial firms which provide employment improvement opportunities for unskilled and semi-skilled workers.

The Project will reactivate the vacant retail space at the Property with a restaurant that was popular when previously in business. The Project Sponsor has expended significant time and investment in building out the current space, and the Project will allow the Patio Café to continue to operate at this location for years to come.

4. Compliance with the Neighborhood Commercial District.

Planning Code Section 303(c)(4) requires that facts be established that demonstrate the following:

That such use or feature as proposed will provide development that is in conformity with the stated purpose of the applicable Neighborhood Commercial District, as set forth in zoning control category 715.1 [,which states]:

The Castro Street District is situated in Eureka Valley, close to the geographic center of San Francisco between the Mission District, Twin Peaks, and Upper Market Street. The physical form of the district is a crossing at Castro and 18th Streets, the arms of which contain many small, but intensely active commercial businesses. The multi-purpose commercial district provides both 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 both in the daytime and late into the evening and include a number of gay-oriented bars and restaurants, as well as several specialty clothing and gift stores. The district also supports a number of offices in converted residential buildings.

The Castro Street District controls are designed to maintain existing small-scale development and promote a balanced mix of uses. Building standards permit smallscale buildings and uses and protect rear yards above the ground story and at residential levels. In new buildings, most commercial uses are permitted at the ground and second stories. Special controls are necessary to preserve the existing equilibrium of neighborhood-serving convenience and specialty commercial uses. In order to maintain convenience stores and protect adjacent residential livability, controls authorize some additional eating and drinking establishments with a conditional use, permit self-service specialty food establishments, and permit with certain limitations new late-night uses, adult and other entertainment, and financial service uses. The continuous retail frontage is maintained by prohibiting most automobile and drive-up uses.

Housing development in new buildings is encouraged above the second story. Existing housing units are protected by limitations on demolitions and upper-story conversions.

The Project fulfills the policies of the Castro NCD by allowing a street-level restaurant space to reopen and contribute to the lively retail character of the neighborhood. The Project provides both a daytime and nighttime use, and one that is gay-oriented. The Project will simply maintain the balance of uses in the neighborhood in the way that it did a number of years ago when the Patio Café was still in operation

COMPLIANCE WITH CONDITIONAL USE CRITERIA (SECTION 303 FINDINGS)

Under Planning Code section 303(c), the City Planning Commission shall approve the application and authorize a conditional use if the facts presented are such to establish the following:

1. Desirability and Compatibility of Project

Planning Code section 303(c)(1) requires that facts be established which demonstrate the following:

That the proposed use or feature, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable for, and compatible with, the neighborhood or the community.

The Project is necessary and desirable because it will allow for a built-out restaurant space in the Castro district to reopen, after being closed for a number of years. The Castro district is a lively and vibrant street-level retail area. Any street-level vacancies are very apparent and detract from the lively character the neighborhood. The Project is completely built out, and can begin operating as soon as this conditional use application is approved. The Project Sponsor has operated several businesses in the Castro district for a number of years, and is particularly attuned to the demands and needs of the local neighborhood. The Project will ensure that this street-level space will be occupied and lively for years to come.

2. Effect of Project on Health, Safety, Convenience or General Welfare

Planning Code section 303(c)(2) requires that facts be established which demonstrate the following:

That such use or feature as proposed will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity, or injuries to property, improvements or potential development in the vicinity, with respect to aspects including but not limited to the following:

(a) The nature of the proposed site, including its size and shape, and the proposed size, shape and arrangement of the structure.

The Project is completely built at this point due to the issuance of the 2005 Permit that the Planning Department subsequently determined was approved in error. The Project has not and will not alter the exterior of the existing building at the Property. There will be no change in the visual appearance of the Property from its current state.

(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. The Project is designed to be neighborhood serving and is not expected to draw significant traffic from other areas of the City and Bay Area. The Project – to be named The Patio Café – will be a neighborhood restaurant catering to the Castro district.

For those who do travel to the Property from outside of the Castro district, the Property is located one block away from a major public transit hub at Market and Castro Streets. In addition to the Castro MUNI Metro station, the intersection also provides bus stops for the 24, 35 and 37 MUNI bus lines. Even closer at the corner of 18th Street and Castro Street is the 33 MUNI bus line. Market Street at Castro is also a part of the San Francisco bicycle route network. Metered parking also lines each side of Castro Street in the district.

(c) The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor.

The Project's proposed operation at the Property will consist of a restaurant. Such use will not emit noxious or offensive emissions, as they would be inconsistent with the Project Sponsor's objectives.

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

The existing building at the Property is a lot line development with 100% lot coverage, and therefore there exists no potential for landscaped or open area on site. Appropriately-sized, code-compliant signage will be installed at the Property.

3. <u>Compliance with the General Plan.</u>

Planning Code Section 303(c)(3) requires that facts be established that demonstrate the following:

That such use or feature as proposed will comply with the applicable provisions of this code and will not adversely affect the Master Plan.

The Project will affirmatively promote, is consistent with, and will not adversely affect the General Plan, specifically the Transportation Element and the Commerce and Industry Element, as follows:

Transportation Element

- Policy 1.3: Give priority to public transit and other alternatives to the private automobile as the means of meeting San Francisco's transportation needs, particularly those of commuters.
- Policy 2.2 Reduce pollution, noise and energy consumption.

The Project will directly further these policies by operating a restaurant use in an area well-served by MUNI. The Property is located one block away from a major public transit hub at Market and Castro Streets. In addition to the Castro MUNI Metro station, the intersection also provides bus stops for the 24, 35 and 37 MUNI bus lines. Even closer at the corner of 18th Street and Castro Street is the 33 MUNI bus line. Commuters are not expected to be drawn to the neighborhood by the Project. This easy access by public transportation thus encourages employees and patrons to utilize public transit, thereby reducing pollution, noise and energy consumption relating to automobile use.

Commerce Element

Policy 1.1

Encourage development which provides substantial net benefits and minimizes undesirable consequences.

The Project will affirmatively support this Policy by creating new jobs and increasing foot traffic in the Castro district. The Patio Café was a popular restaurant when it was previously open and it will reactivate a currently vacant street-level retail space in the neighborhood. The Project is located in an area well-served by public transportation, and therefore little additional traffic or parking demand is expected to be generated as a result.

Policy 1.3 Locate commercial and industrial activities according to a generalized commercial and industrial land use plan.

The Project is located within the Castro district, a street-level retail district that provides retail sales and services to the surrounding neighborhood. The Project is consistent with the general commercial land use plan of this area. Additionally, the Project will locate a popular restaurant use that reinforces continuous retail use on Castro Street.

Policy 2.1 Seek to retain existing commercial and industrial activity and to attract new such activity to the city.

Policy 3.1 Promote the attraction, retention and expansion of commercial and industrial firms which provide employment improvement opportunities for unskilled and semi-skilled workers.

The Project will reactivate the vacant retail space at the Property with a restaurant that was popular when previously in business. The Project Sponsor has expended significant time and investment in building out the current space, and the Project will allow the Patio Café to continue to operate at this location for years to come.

4. <u>Compliance with the Neighborhood Commercial District</u>.

Planning Code Section 303(c)(4) requires that facts be established that demonstrate the following:

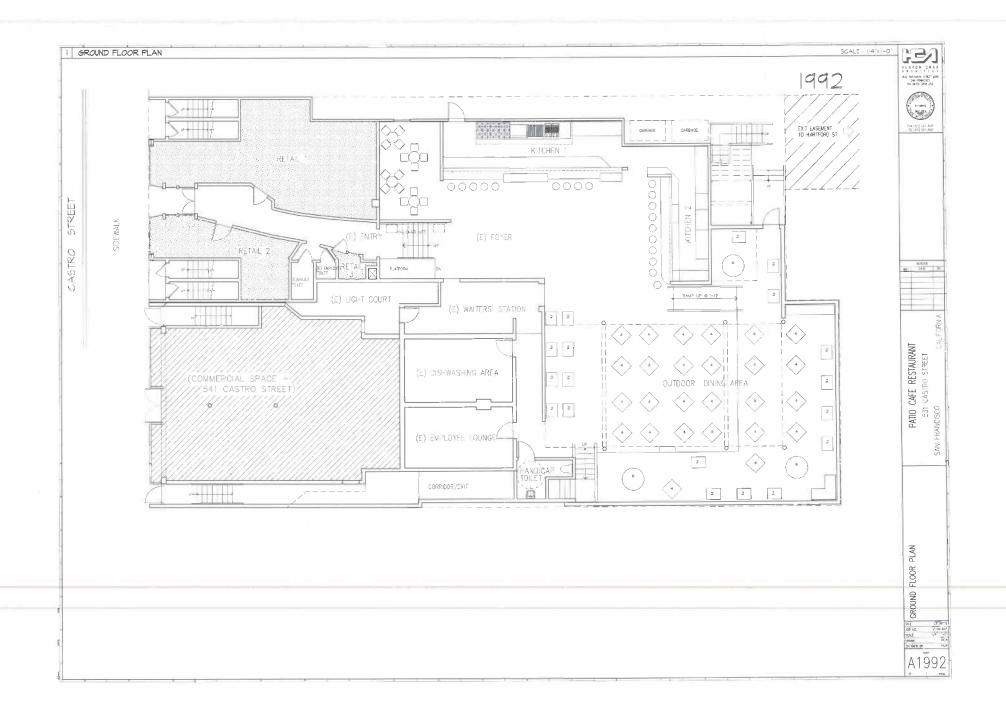
That such use or feature as proposed will provide development that is in conformity with the stated purpose of the applicable Neighborhood Commercial District, as set forth in zoning control category 715.1 [,which states]:

The Castro Street District is situated in Eureka Valley, close to the geographic center of San Francisco between the Mission District, Twin Peaks, and Upper Market Street. The physical form of the district is a crossing at Castro and 18th Streets, the arms of which contain many small, but intensely active commercial businesses. The multi-purpose commercial district provides both 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 both in the daytime and late into the evening and include a number of gay-oriented bars and restaurants, as well as several specialty clothing and gift stores. The district also supports a number of offices in converted residential buildings.

The Castro Street District controls are designed to maintain existing small-scale development and promote a balanced mix of uses. Building standards permit smallscale buildings and uses and protect rear yards above the ground story and at residential levels. In new buildings, most commercial uses are permitted at the ground and second stories. Special controls are necessary to preserve the existing equilibrium of neighborhood-serving convenience and specialty commercial uses. In order to maintain convenience stores and protect adjacent residential livability, controls authorize some additional eating and drinking establishments with a conditional use, permit self-service specialty food establishments, and permit with certain limitations new late-night uses, adult and other entertainment, and financial service uses. The continuous retail frontage is maintained by prohibiting most automobile and drive-up uses.

Housing development in new buildings is encouraged above the second story. Existing housing units are protected by limitations on demolitions and upper-story conversions.

The Project fulfills the policies of the Castro NCD by allowing a street-level restaurant space to reopen and contribute to the lively retail character of the neighborhood. The Project provides both a daytime and nighttime use, and one that is gay-oriented. The Project will simply maintain the balance of uses in the neighborhood in the way that it did a number of years ago when the Patio Café was still in operation



| 00 |)PV |
|---|---|
| RECORDING REQUESTED BY | OONFORMED COPY of document recorded on |
| And When Recorded Mail to Name: LES NATAU / PATTO CAFE NATAU, INC. Address: 531 CASTRO ST. | bit management and the second of the second |
| City & SAN FRANCISCO State: CA 94114 |))) Space Above this Line For Recorder's Use |

NOTICE OF SPECIAL RESTRICTIONS UNDER THE CITY PLANNING CODE

I (We) <u>MATALL INC</u> the owner(s) of that certain real property situate in the City and County of San Francisco, State of California, more particularly described as follows: (or see attached sheet marked Exhibit A on which property is more fully described)

SEE EXMBIT (A) ATTACHED

BEING Assessor's **Block 3583, Lot** 93, hereby give notice that there are special restrictions on the use of said property under Part II, Chapter II of the San Francisco Municipal Code (City Planning Code).

Said restrictions consist of conditions attached to the approval of Building Permit Application No. 9221678S by the Department of City Planning and are conditions that had to be so attached in order that said application could be approved under the City Planning Code. (Building Form 3.)

Said restrictions are also being attached to clarify the legal use of the ground floor of both buildings on the lot, especially the size of the outdoor dining facility in the rear of 535-41 Castro Street.

The plans filed with the present application indicate two buildings - 527-33 Castro Street and 535-541 Castro Street -- with three retail uses (defined as "other retail sales and services" in Planning code Section 790.102) and one full-service restaurant (defined in Planning Code Section 790.92) on the ground floor, as shown on Sheet A-1 of the plans attached to permit application 9221678S. The plans also show an outdoor seating area associated with the full-service restaurant, proposed for legalization under Planning Code Section 179, expansion and enclosure.

The restrictions and conditions of which notice is hereby given are:

54/ Castro St.



NOTICE OF SPECIAL RESTRICTIONS UNDER THE CITY PLANNING CODE

1. That said outdoor seating area proposed for legalization, expansion and enclosure shall be restricted in size to approximately 2100 square feet and shall be restricted in seating to approximately 160 seats, as shown on sheet A-5 of the plans associated with permit application 9221678S.

2. That any further expansion of this area or any other area of the restaurant as shown on sheet A-5 of the plans shall require Conditional Use Authorization under Planning Code Section 186.1 because any such expansion, considered in conjunction with the expansion being authorized by permit application 9221678, shall constitute a significant expansion as explained in Section 186.1, subsection (b).

The use of said property contrary to these special restrictions shall constitute a violation of the City Planning code, and no release, modification or elimination of these restrictions shall be valid unless notice thereof is recorded on the Land Records by the Zoning Administrator of the City and County of San Francisco; except that in the event that the zoning standards above are modified so as to be less restrictive and the uses herein restricted are thereby permitted and in conformity with the provisions of the City Planning Code, this document would no longer be in effect and would be null and void.

California. NATALI. INC E A. NATALI (Signature of owner) AND

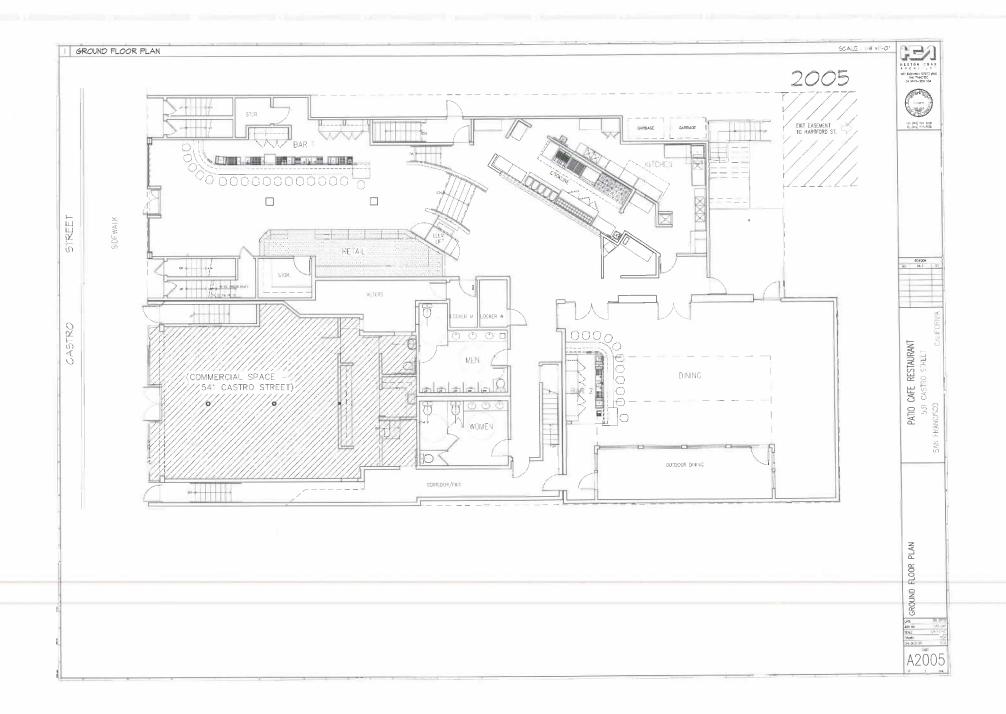
This signature must be notarized prior to recordation; add Notary Public Certification and Official Notarial Seal below.

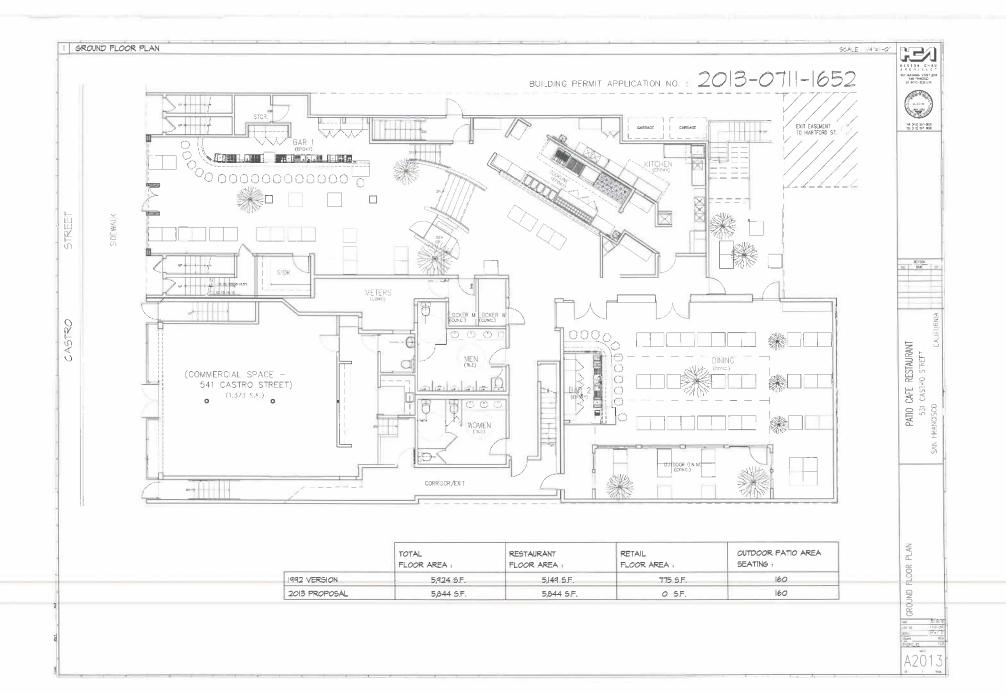
| (Single Form) Effective 1/1/91 | | | | | | | |
|-----------------------------------|--------|---|------|----------------|-----------------|---------------|----------|
| STATE OF CALIFORN | | } | SS. | | | | |
| On May 18 | 1993 | | | | | | |
| personally appeared | Leslie | A | Nate | ersigned, a Ni | otary Public in | n and for sai | d State, |

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/ her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

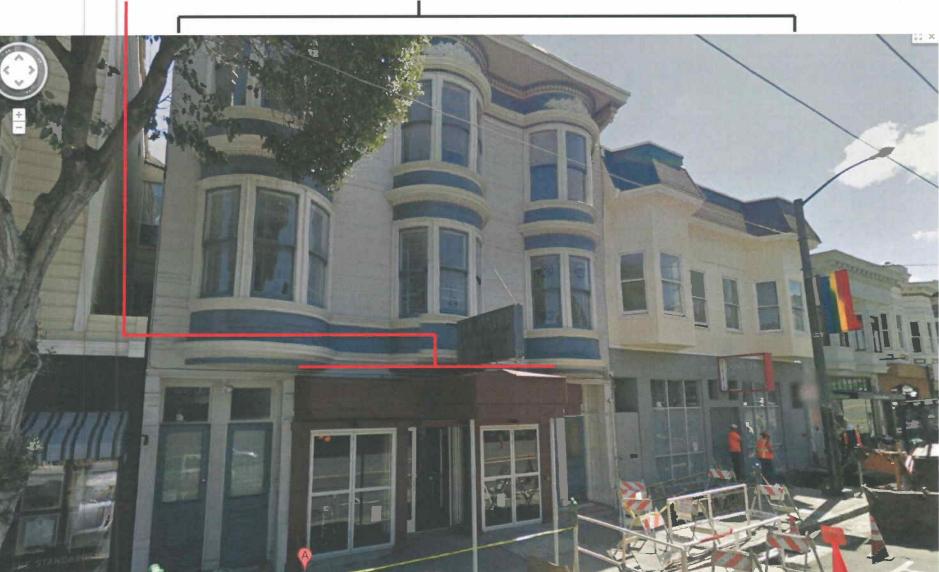
| WITNESS my hand and official seal. | OFFICIAL SEAL |
|------------------------------------|--------------------------------|
| Signature IOTICC Mall- | BELCA ROLLINS |
| Name Becca Rollins | My Comm. Expires June 11, 1994 |
| (typed or printed) | |

(This area for official notarial scal)





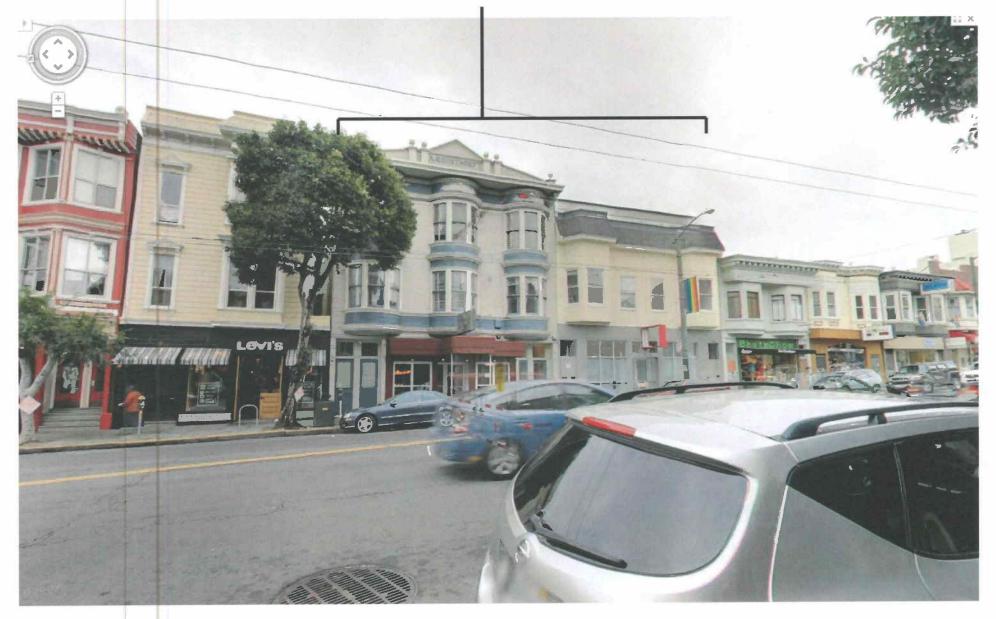
Subject Restaurant/Retail Space



531-541 Castro Street



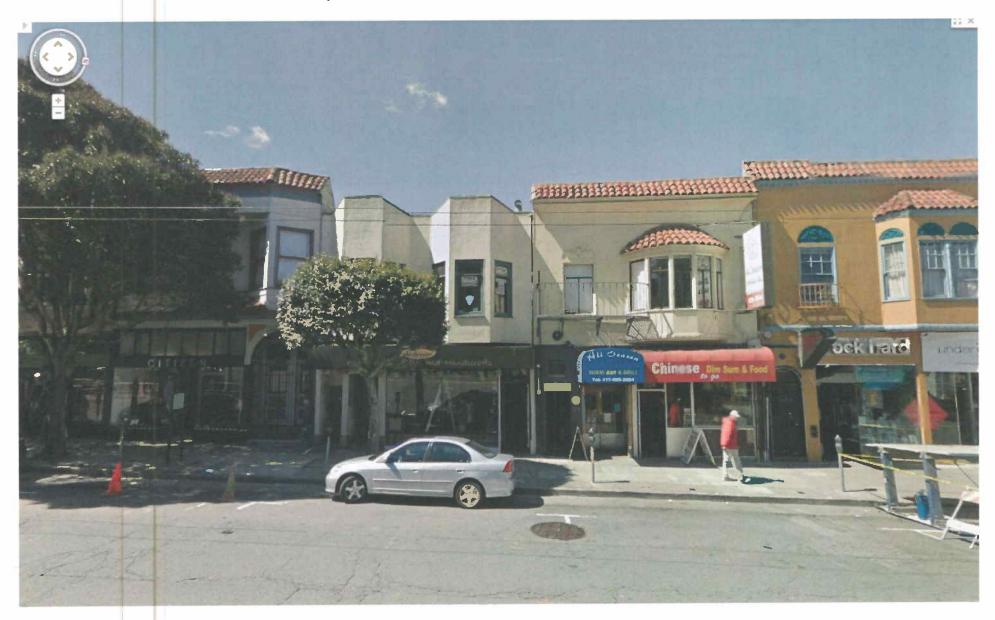
531-541 Castro Street



Subject block face of Castro Street



Directly across street from 531-541 Castro Street



Opposite side of Castro Street





EVNA PO Box 14137 San Francisco, CA 94114 www.evna.org Board@EVNA.org

EXECUTIVE COMMITTEE Alan Beach-Nelson President Castro Street

Rob Cox Secretary Hartford Street

Gary Weiss Treasurer IXIA

DIRECTORS:

Patrick Crogan Market Street Tim Eicher Q Bar Mary Edna Harrell Castro Street

Judith Hoyem 17th Street

Mark McHale Hearth Real Estate

Dan Risman Jones

22nd Street Aaron Seivertson

Hartford Street

EX OFFICIO DIRECTORS:

Steve Clark Hall 19th Street

CASTRO/EUREKA VALLEY NEIGHBORHOOD ASSOCIATION

The neighborhood association for the Castro, Upper Market and all of Eureka Valley since 1878

July 10, 2013

San Francisco Planning Commission 1660 Mission Street, 5th floor San Francisco Ca. 94103 c/o Tom Wang, thomas.wang@sfgov.org

Re: 2013.0290C. 531 Castro St., San Francisco, CA, 94114

Dear Commissioners,

Castro/ Eureka Valley Neighborhood Association (EVNA) is the oldest continuously operating Neighborhood Association in San Francisco established as Eureka Valley Promotion Association in 1878. For 135 years, our members have been working to make this neighborhood a great place to live, work and play. Today, we strive to preserve the unique character of our diverse neighborhood while maintaining a balance between prospering businesses and residential livability.

EVNA supports the Patio Café's Conditional Use authorization. EVNA believes that the Patio's return to the Castro after years will bring back an historic icon to the neighborhood. Furthermore, it will return a long vacant space to active use and enhance business activity.

Our support is contingent upon the following four conditions being attached to the Conditional Use Authorization:

- 1. The retractable roof/skylight must be closed by 9PM. Retractable roof shall achieve required sound containment that does not exceed the acceptable noise levels established for residential uses by the San Francisco Noise Ordinance.
- 2. If the Patio offers Other Entertainment, the Other Entertainment shall be performed within the enclosed building only. All entertainment shall comply with the conditions imposed by the Entertainment Commission Permit and the City's Noise Ordinance, and shall not be audible outside the enclosed building. Bass and vibrations shall also be contained within the enclosed structure. Regardless of entertainment, the Patio Management and Project Sponsor shall be responsible for ensuring that all noise created by the establishment be contained with in the building envelope and does not exceed the acceptable levels established by the San Francisco Noise Ordinance.
- 3. Hours of Operation: hours of operation for restaurant portion in the rear shall be limited to no later than 12 midnight on the conditions that (1) the roof/skylight and exterior doors shall be closed by 9 PM, and (2) the Patio Management and Project Sponsor shall be responsible for ensuring that all noise is contained within this area and the enclosed structure and does not exceed the acceptable levels established by the San Francisco Noise Ordinance.
- 4. The Project Sponsor and the Patio management shall at all times keep a copy of the "Conditions of Approval" on premises for reference. It is the responsibility of the project sponsor to ensure that future owners and management are aware of these conditions.

If the above four conditions of use are codified as part of the Conditional Use Authorization, Castro/Eureka Valley Neighborhood Association's support is unanimous.

Sincerely, Alan R. Beach-Nelson President Cc: Les Natali, Inatali@pacbell.net Luis Cuadra, Berg Davis, LCuadra@bergdavis.com Supervisor Scott Wiener, scott.wiener@sfgov.org MERCHANTS OF UPPER MARKET & CASTRO 584 Castro Street, # 333 San Francisco CA 94114-2512 415/431-2359 Email <u>MUMC-SF@earthlink.net</u> <u>www.CastroMerchants.com</u>

Terry Asten Bennett, President 415/431-5365 Ext. 4 <u>TerryAsten@cs.com</u>

July 19, 2013

By Email and USPS hardcopy

Thomas Wang, Staff Planner San Francisco Planning Department 1650 Mission Street, Suite 400 San Francisco CA 94103-2479

Re: Planning Case No. 2013.0290C, Request for Conditional Use Authorization 531 Castro Street, The Patio Cafe

Dear Mr. Wang,

This confirms that the Members of **Merchants of Upper Market & Castro (MUMC)** have voted to SUPPORT the Request for Conditional Use Authorization and related approvals by Les Natali and *The Patio Cafe* at 531 Castro Street in San Francisco. We understand that Planning Commission's Hearing for this item currently is scheduled for August 1, 2013.

MUMC is the merchants' organization serving San Francisco's Castro-Upper Market area, generally along Upper Market Street from Octavia Blvd. to Castro Street; Castro from Market to 19th Street; and cross streets throughout that area. **MUMC** has over 250 paid Members for 2013-2014. The property covered by this matter is within MUMC's primary service area.

Please let us know if you have any questions regarding **MUMC**'s SUPPORT for this Request. Please include this letter in the matter's permanent file, and assure that it is provided to all Planning Staff and Commissioners and to any other hearing panels at the time that this matter is considered by them. Thank you for considering our comments.

Respectfully,

Terry Asten Bennett, President

cc: Les Natali, *The Patio Cafe* Luis Cuadra, *BergDavis Public Affairs* email cc: Supervisor Scott Wiener and staff Capt. Bob Moser, SFPD Mission Station



June 17, 2013

584 Castro Street #336 San Francisco, CA 94114 PH 415.500.1181 FX 415.522.0395 www.castrocbd.org www.facebook/ castrocbd @visitthecastro

www.facebook/ Planning Commission castrocod 1650 Market Street, Suite 400 @visitthecastro San Francisco, CA 94103

Case Number: 2013.0290C

Dear Planning Commission,

The Castro/Upper Market Community Benefit District (Castro CBD) is writing to express its support for Mr. Les Natali's request for a conditional use authorization for The Patio Café located at 531 Castro St. The Board believes that activating the existing store front with a larger footprint for the restaurant will be a positive addition to the street and will enhance the Castro commercial district.

The Board of Directors is hopeful that by overcoming this last hurdle, Mr. Natali will be able to act quickly and fill this important space on Castro St., a critical commercial space that has been vacant for many years.

Thank you for considering this important matter. If you have any questions, please contact me at 415-500-1181 or via email at: execdirector@castrocbd.org.

when and Sincerely,

Andrea Aiello Executive Director

cc: Supervisor Scott Wiener, Supervisor District 8 Andres Power, Legislative Aide, Supervisor Scott Wiener Tom Wang, Planner, S.F. Planning Department Les Natali Luis Cuadra, Berg Davis Public Affairs Board of Directors, Castro/Upper Market Community Benefit District

As a business owner that operates along the Castro Merchant Corridor, I support the reopening of the Patio Cafe at 531 Castro Street. The Patio Cafe has been a landmark in our community for over 50 years and will serve as a destination for neighbors, residents of San Francisco and tourists.

The Patio Cafe was once an anchor location on Castro between 18th and 19th Streets bringing much needed pedestrian traffic to the merchants that operate on the Upper Castro Corridor. The reopening of the iconic Patio Cafe will play a major role in revitalizing this section of Castro Street.

Please vote in favor of reopening the Patio Cafe.

Thank you.

Mauri Casla Sincerely, Maeri Cal

Hand Job Nail - Spa.



As a business owner that operates along the Castro Merchant Corridor, I support the reopening of the Patio Cafe at 531 Castro Street. The Patio Cafe has been a landmark in our community for over 50 years and will serve as a destination for neighbors, residents of San Francisco and tourists.

The Patio Cafe was once an anchor location on Castro between 18th and 19th Streets bringing much needed pedestrian traffic to the merchants that operate on the Upper Castro Corridor. The reopening of the iconic Patio Cafe will play a major role in revitalizing this section of Castro Street.

Please vote in favor of reopening the Patio Cafe.

Thank you.

Sincerely

Find us on Facebook 587 Castro Street @ 19th San Francisco, CA 94114 415-487-9051

As a business owner that operates along the Castro Merchant Corridor, I support the reopening of the Patio Cafe at 531 Castro Street. The Patio Cafe has been a landmark in our community for over 50 years and will serve as a destination for neighbors, residents of San Francisco and tourists.

The Patio Cafe was once an anchor location on Castro between 18th and 19th Streets bringing much needed pedestrian traffic to the merchants that operate on the Upper Castro Corridor. The reopening of the iconic Patio Cafe will play a major role in revitalizing this section of Castro Street.

Please vote in favor of reopening the Patio Cafe.

Thank you.

Sincerely



Castro 556 Castro Street San Francisco, CA 94114

Tel (415) 621-4668 - Fax (415) 621-4745 Toll free # 1 888 623-2880 - Shop on-line at usa.loccitane.com

As a business owner that operates along the Castro Merchant Corridor, I support the reopening of the Patio Cafe at 531 Castro Street. The Patio Cafe has been a landmark in our community for over 50 years and will serve as a destination for neighbors, residents of San Francisco and tourists.

The Patio Cafe was once an anchor location on Castro between 18th and 19th Streets bringing much needed pedestrian traffic to the merchants that operate on the Upper Castro Corridor. The reopening of the iconic Patio Cafe will play a major role in revitalizing this section of Castro Street.

Please vote in favor of reopening the Patio Cafe.

Thank you.

Sincerely,

Manager Sun Glass Hut Nick Fessler

LUXOTTICA NORTH AMERICA SUNGLASS HUT 511 Castro Street 5an Francisco, CA 94114 - USA 5an Francisco, CA 94114 - USA 5al Francisco, CA 94114 - USA

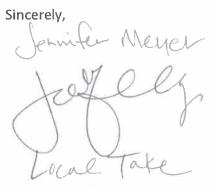
sunglass hut

As a business owner that operates along the Castro Merchant Corridor, I support the reopening of the Patio Cafe at 531 Castro Street. The Patio Cafe has been a landmark in our community for over 50 years and will serve as a destination for neighbors, residents of San Francisco and tourists.

The Patio Cafe was once an anchor location on Castro between 18th and 19th Streets bringing much needed pedestrian traffic to the merchants that operate on the Upper Castro Corridor. The reopening of the iconic Patio Cafe will play a major role in revitalizing this section of Castro Street.

Please vote in favor of reopening the Patio Cafe.

Thank you.



3979B 17th Street San Francisco 94114 415.556.5300

info@localtakesf.com localtakesf.com

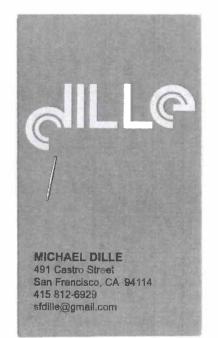
As a business owner that operates along the Castro Merchant Corridor, I support the reopening of the Patio Cafe at 531 Castro Street. The Patio Cafe has been a landmark in our community for over 50 years and will serve as a destination for neighbors, residents of San Francisco and tourists.

The Patio Cafe was once an anchor location on Castro between 18th and 19th Streets bringing much needed pedestrian traffic to the merchants that operate on the Upper Castro Corridor. The reopening of the iconic Patio Cafe will play a major role in revitalizing this section of Castro Street.

Please vote in favor of reopening the Patio Cafe.

Thank you.

Michael Dille Michael D's Sincerely.



As a business owner that operates along the Castro Merchant Corridor, I support the reopening of the Patio Cafe at 531 Castro Street. The Patio Cafe has been a landmark in our community for over 50 years and will serve as a destination for neighbors, residents of San Francisco and tourists.

The Patio Cafe was once an anchor location on Castro between 18th and 19th Streets bringing much needed pedestrian traffic to the merchants that operate on the Upper Castro Corridor. The reopening of the iconic Patio Cafe will play a major role in revitalizing this section of Castro Street.

Please vote in favor of reopening the Patio Cafe.

Thank you.

Sincerely,

TANI KAMPAKUM T- Kaupur



As a business owner that operates along the Castro Merchant Corridor, I support the reopening of the Patio Cafe at 531 Castro Street. The Patio Cafe has been a landmark in our community for over 50 years and will serve as a destination for neighbors, residents of San Francisco and tourists.

The Patio Cafe was once an anchor location on Castro between 18th and 19th Streets bringing much needed pedestrian traffic to the merchants that operate on the Upper Castro Corridor. The reopening of the iconic Patio Cafe will play a major role in revitalizing this section of Castro Street.

Please vote in favor of reopening the Patio Cafe.

Thank you.

Sincerely, Joseph WRAY- MARTIN Oconer: Woon Out Wast



Leather Rubber



Tel. 415-431-6020 1-800-556-0311 Web - sales@wornoutwest.com

582 Castro St. San Francisco 94114



As a business owner that operates along the Castro Merchant Corridor, I support the reopening of the Patio Cafe at 531 Castro Street. The Patio Cafe has been a landmark in our community for over 50 years and will serve as a destination for neighbors, residents of San Francisco and tourists.

The Patio Cafe was once an anchor location on Castro between 18th and 19th Streets bringing much needed pedestrian traffic to the merchants that operate on the Upper Castro Corridor. The reopening of the iconic Patio Cafe will play a major role in revitalizing this section of Castro Street.

Please vote in favor of reopening the Patio Cafe.

Thank you.

Sincerely,

Philip C Bowers Swirl on Castro

San Francisco, CA 94114 www.swirloncastro.com 415 - 864 - 2262 Bowers csw 415 - 864 - 1648 572 Castro Street Casey ring XP

As a business owner that operates along the Castro Merchant Corridor, I support the reopening of the Patio Cafe at 531 Castro Street. The Patio Cafe has been a landmark in our community for over 50 years and will serve as a destination for neighbors, residents of San Francisco and tourists.

The Patio Cafe was once an anchor location on Castro between 18th and 19th Streets bringing much needed pedestrian traffic to the merchants that operate on the Upper Castro Corridor. The reopening of the iconic Patio Cafe will play a major role in revitalizing this section of Castro Street.

Please vote in favor of reopening the Patio Cafe.

Thank you Sincerely,

Huto Ezotica

(415) 861-5787 OPEN DAILY

"We Buy Porn"

4077-A 18th Street San Francisco, CA 94114

As a business owner that operates along the Castro Merchant Corridor, I support the reopening of the Patio Cafe at 531 Castro Street. The Patio Cafe has been a landmark in our community for over 50 years and will serve as a destination for neighbors, residents of San Francisco and tourists.

The Patio Cafe was once an anchor location on Castro between 18th and 19th Streets bringing much needed pedestrian traffic to the merchants that operate on the Upper Castro Corridor. The reopening of the iconic Patio Cafe will play a major role in revitalizing this section of Castro Street.

Please vote in favor of reopening the Patio Cafe.

Thank you.

(Rock Hard) Sincerely,





Part of the local data in the

As a business owner that operates along the Castro Merchant Corridor, I support the reopening of the Patio Cafe at 531 Castro Street. The Patio Cafe has been a landmark in our community for over 50 years and will serve as a destination for neighbors, residents of San Francisco and tourists.

The Patio Cafe was once an anchor location on Castro between 18th and 19th Streets bringing much needed pedestrian traffic to the merchants that operate on the Upper Castro Corridor. The reopening of the iconic Patio Cafe will play a major role in revitalizing this section of Castro Street.

Please vote in favor of reopening the Patio Cafe.

Thank you.





4117 19th St. SF CA 94114 415.626.5573 www.spikescoffee.com

As a business owner that operates along the Castro Merchant Corridor, I support the reopening of the Patio Cafe at 531 Castro Street. The Patio Cafe has been a landmark in our community for over 50 years and will serve as a destination for neighbors, residents of San Francisco and tourists.

The Patio Cafe was once an anchor location on Castro between 18th and 19th Streets bringing much needed pedestrian traffic to the merchants that operate on the Upper Castro Corridor. The reopening of the iconic Patio Cafe will play a major role in revitalizing this section of Castro Street.

Please vote in favor of reopening the Patio Cafe.

Thank you.

Sincerely,

Does Your Mother Know

41 18th Street San Francisco, CA 94114

(415) 864-3160 Fax: 558-8927 Dymksl@aol.com



Visit Daddy at www.sfrockhard.com

As a business owner that operates along the Castro Merchant Corridor, I support the reopening of the Patio Cafe at 531 Castro Street. The Patio Cafe has been a landmark in our community for over 50 years and will serve as a destination for neighbors, residents of San Francisco and tourists.

The Patio Cafe was once an anchor location on Castro between 18th and 19th Streets bringing much needed pedestrian traffic to the merchants that operate on the Upper Castro Corridor. The reopening of the iconic Patio Cafe will play a major role in revitalizing this section of Castro Street.

Please vote in favor of reopening the Patio Cafe.

Sincerely. eASTRO COffee/co 427 CASTROST -ELA GUILY

As a business owner that operates along the Castro Merchant Corridor, I support the reopening of the Patio Cafe at 531 Castro Street. The Patio Cafe has been a landmark in our community for over 50 years and will serve as a destination for neighbors, residents of San Francisco and tourists.

The Patio Cafe was once an anchor location on Castro between 18th and 19th Streets bringing much needed pedestrian traffic to the merchants that operate on the Upper Castro Corridor. The reopening of the iconic Patio Cafe will play a major role in revitalizing this section of Castro Street.

Thank you. 1W Eld Sincerely.

CASTRO SMOILE LOUSE

As a business owner that operates along the Castro Merchant Corridor, I support the reopening of the Patio Cafe at 531 Castro Street. The Patio Cafe has been a landmark in our community for over 50 years and will serve as a destination for neighbors, residents of San Francisco and tourists.

The Patio Cafe was once an anchor location on Castro between 18th and 19th Streets bringing much needed pedestrian traffic to the merchants that operate on the Upper Castro Corridor. The reopening of the iconic Patio Cafe will play a major role in revitalizing this section of Castro Street.

Please vote in favor of reopening the Patio Cafe.

Thank you.

Sincerely,

I AN WOLFLAY

ww.onemedical.com

595 Castro Street San Francisco, CA 94114 Ph: (415) 529-4099 Fax: (415) 291-0489

As a business owner that operates along the Castro Merchant Corridor, I support the reopening of the Patio Cafe at 531 Castro Street. The Patio Cafe has been a landmark in our community for over 50 years and will serve as a destination for neighbors, residents of San Francisco and tourists.

The Patio Cafe was once an anchor location on Castro between 18th and 19th Streets bringing much needed pedestrian traffic to the merchants that operate on the Upper Castro Corridor. The reopening of the iconic Patio Cafe will play a major role in revitalizing this section of Castro Street.

Please vote in favor of reopening the Patio Cafe.

Sincerely, Weee

As a business owner that operates along the Castro Merchant Corridor, I support the reopening of the Patio Cafe at 531 Castro Street. The Patio Cafe has been a landmark in our community for over 50 years and will serve as a destination for neighbors, residents of San Francisco and tourists.

The Patio Cafe was once an anchor location on Castro between 18th and 19th Streets bringing much needed pedestrian traffic to the merchants that operate on the Upper Castro Corridor. The reopening of the iconic Patio Cafe will play a major role in revitalizing this section of Castro Street.

Thank you Sincerely,

As a business owner that operates along the Castro Merchant Corridor, I support the reopening of the Patio Cafe at 531 Castro Street. The Patio Cafe has been a landmark in our community for over 50 years and will serve as a destination for neighbors, residents of San Francisco and tourists.

The Patio Cafe was once an anchor location on Castro between 18th and 19th Streets bringing much needed pedestrian traffic to the merchants that operate on the Upper Castro Corridor. The reopening of the iconic Patio Cafe will play a major role in revitalizing this section of Castro Street.

Thank you.

18th st. Panny Vendrell 41 Hair 4084

Sincerely,

As a business owner that operates along the Castro Merchant Corridor, I support the reopening of the Patio Cafe at 531 Castro Street. The Patio Cafe has been a landmark in our community for over 50 years and will serve as a destination for neighbors, residents of San Francisco and tourists.

The Patio Cafe was once an anchor location on Castro between 18th and 19th Streets bringing much needed pedestrian traffic to the merchants that operate on the Upper Castro Corridor. The reopening of the iconic Patio Cafe will play a major role in revitalizing this section of Castro Street.

Please vote in favor of reopening the Patio Cafe.

Sincerely, Man Ander

As a business owner that operates along the Castro Merchant Corridor, I support the reopening of the Patio Cafe at 531 Castro Street. The Patio Cafe has been a landmark in our community for over 50 years and will serve as a destination for neighbors, residents of San Francisco and tourists.

The Patio Cafe was once an anchor location on Castro between 18th and 19th Streets bringing much needed pedestrian traffic to the merchants that operate on the Upper Castro Corridor. The reopening of the iconic Patio Cafe will play a major role in revitalizing this section of Castro Street.

Please vote in favor of reopening the Patio Cafe.

Thank you.

Sincerely,

TemyAsten Bennett Vice - President / General Manager Cliff's Variety 479 (20070 St SF CA 94114

As a business owner that operates along the Castro Merchant Corridor, I support the reopening of the Patio Cafe at 531 Castro Street. The Patio Cafe has been a landmark in our community for over 50 years and will serve as a destination for neighbors, residents of San Francisco and tourists.

The Patio Cafe was once an anchor location on Castro between 18th and 19th Streets bringing much needed pedestrian traffic to the merchants that operate on the Upper Castro Corridor. The reopening of the iconic Patio Cafe will play a major role in revitalizing this section of Castro Street.

Thank you. Sincerely,

As a business owner that operates along the Castro Merchant Corridor, I support the reopening of the Patio Cafe at 531 Castro Street. The Patio Cafe has been a landmark in our community for over 50 years and will serve as a destination for neighbors, residents of San Francisco and tourists.

The Patio Cafe was once an anchor location on Castro between 18th and 19th Streets bringing much needed pedestrian traffic to the merchants that operate on the Upper Castro Corridor. The reopening of the iconic Patio Cafe will play a major role in revitalizing this section of Castro Street.

Please vote in favor of reopening the Patio Cafe.

Sincerely, STEVEN TOMAS OUTFIT

As a business owner that operates along the Castro Merchant Corridor, I support the reopening of the Patio Cafe at 531 Castro Street. The Patio Cafe has been a landmark in our community for over 50 years and will serve as a destination for neighbors, residents of San Francisco and tourists.

The Patio Cafe was once an anchor location on Castro between 18th and 19th Streets bringing much needed pedestrian traffic to the merchants that operate on the Upper Castro Corridor. The reopening of the iconic Patio Cafe will play a major role in revitalizing this section of Castro Street.

Thank you. Sincerely,

As a business owner that operates along the Castro Merchant Corridor, I support the reopening of the Patio Cafe at 531 Castro Street. The Patio Cafe has been a landmark in our community for over 50 years and will serve as a destination for neighbors, residents of San Francisco and tourists.

The Patio Cafe was once an anchor location on Castro between 18th and 19th Streets bringing much needed pedestrian traffic to the merchants that operate on the Upper Castro Corridor. The reopening of the iconic Patio Cafe will play a major role in revitalizing this section of Castro Street.

Please vote in favor of reopening the Patio Cafe.

Sincerely, Geet GIANGARLO M. POMEPO SUNGLASSES ON GRIRD

Email Address Name PannyVendrell UP Hair 4084 18th Street SF, CA 94114 danny appointmented gmail. com stanter weissberg 4054 18th St SFG- SHILY \$ citrus up (Duchod) a Nochecter 1039 Santigo FCA 94116 Noch Fesser Grad Nerth Real Estely Emery Bushing 553 Castro. 5t. SFCA 94114 ebashong Dimerican Shawna Whink Clubba - 587 CASTO Shannequile GmAil.com TANI(@) ZGOSTONG. SOM KAMPAKUM boo ASTRO

Address Email Name EvanJohnson eval qmail. 2.2nd St. 94100 otsor AutoEnorica 4077A pth 211 94/14 AMIN MMOSEQ CLIA Khoupy 409 CASTRO 4102 197H SF

Email Address Name SUNTRYSTANNING 3985 17 ST., SF. N/A 626.8222 LOCAL Take 3979B 17th SE. info@localtakesf.com SUNTRYS TRANNING 3985 17 ST., SF. SUNGLASSES ON CASTRO 415 CASTRO geary_ power 03 O yAter com Outfit 463 Castio SI. outfitcastes @yahoo.com Cliff's Variety 479 Castro St Terry Asten@ cs. com Michael D'S 491 Castrost Michael Dille SFDille@ gmail.com

DZBP@QOLUM Email Address Name 2 stauvant 2310 market St # 5 TEIT ON 18TH 4079 18TH STREET OUTFITCASTRO @ YAHOD COM Warnoutwestsf @ NOL. COM Worn Out West 582 Costo Pt. 415-864-1262 Wirl on Castro 572 Castro St. Ocitane En Provence 556 Castro Street. (415) 621-4668

Email Address Name TAN WOLFLEY DNE MEDICAL GROUP 595 Castro St. inolfley Comencical. tand Job Nail Space 565 Castro St. 415-863-2043