



# SAN FRANCISCO PLANNING DEPARTMENT

## Executive Summary Conditional Use

HEARING DATE: JUNE 13, 2013

*Date:* June 6, 2013  
*Case No.:* **2013.0362C**  
*Project Address:* **775 Frederick Street**  
*Zoning:* RH-3 (Residential House, Three Family)  
¼ Mile of Haight Street Alcohol Restricted Subdistrict  
¼ Mile of Haight Street Neighborhood Commercial District  
40-X Height and Bulk District  
*Block/Lot:* 1265/026  
*Project Sponsor:* Marsha Garland  
Garland Public & Community Relations  
535 Green Street  
San Francisco, CA 94133  
*Staff Contact:* Kanishka Burns – (415) 575-9112  
[kanishka.burns@sfgov.org](mailto:kanishka.burns@sfgov.org)  
*Recommendation:* **Approval with Conditions**

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### PROJECT DESCRIPTION

The project sponsor proposes to convert his existing Limited-Restaurant (d.b.a. Kezar Pizzetta) into a Restaurant (also d.b.a. Kezar Pizzetta), which will allow on-site beer, wine and/or liquor sales for drinking on the premises (with ABC license types 41, 47, 49, 59 or 75) provided that the business operates as a Bona Fide Eating Establishment as defined in Planning Code Section 790.142. The Project does not include any exterior alterations. The business is independently-owned and not considered a Formula Retail Restaurant.

### SITE DESCRIPTION AND PRESENT USE

The Project Site is located on the south side of Frederick Street near the southeast corner of Frederick Street and Arguello Boulevard, Assessor's Block 1265, Lot 026. It is located within an existing limited nonconforming commercial use (LCU) in a Residential House – Three Family (RH-3) Zoning District and the 40-X Height and Bulk District. As a LCU located within ¼ mile of the Haight Street Neighborhood Commercial District (NCD) and the Haight Street Alcohol Restricted Use Subdistrict (RUSD), the more restrictive controls of the NCD and RUSD apply to the Subject Property.

The Project Site consists of a three-story mixed use building, with a first story commercial space consisting of the subject use and two dwelling units above. The subject tenant space is a 1,472 square foot Limited Restaurant (d.b.a. Kezar Pizzetta) with an 18 foot frontage on Frederick Street. Kezar Pizzetta was administratively approved as a "Limited Restaurant" in April 2013. Prior to Kezar Pizzetta, the

subject tenant space was vacant for four months and occupied by New Ganges Restaurant from 2000 to 2012.

## **SURROUNDING PROPERTIES AND NEIGHBORHOOD**

The RH-3 District is characterized by a mixture of dwelling types including multi-unit dwelling structures that have separate entrances and nonresidential uses to provide for the needs of residents. Shopping facilities and transit lines are also often found within a short distance of these districts. The Subject Property is approximately four blocks from the Haight Street Neighborhood Commercial District and the Inner Sunset Neighborhood Commercial District and two blocks from the MUNI N line.

The area surrounding the Project Site is mixed-use in character, consisting of religious, personal service, public and residential uses. The adjacent property to the west is a religious facility (Sivananda Yoga Vedanta Center) with housing for instructors and students permitted through a Conditional Use authorization in 1991. To the east of the Project Site is the former Polytechnic High School Boys Gym, occupied by the nonprofit Circus Center, a personal service use. The Project Site faces Kezar Stadium and Golden Gate Park. Directly across the street is the former Haight Ashbury Neighborhood Council Recycling Center, which San Francisco Recreation and Parks is converting to the Golden Gate Park Community Garden. Neighboring residential uses consist of single-family dwellings, apartments and condominiums.

## **ENVIRONMENTAL REVIEW**

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

## **HEARING NOTIFICATION**

<b>TYPE</b>	<b>REQUIRED PERIOD</b>	<b>REQUIRED NOTICE DATE</b>	<b>ACTUAL NOTICE DATE</b>	<b>ACTUAL PERIOD</b>
Classified News Ad	20 days	May 24, 2013	May 22, 2013	22 days
Posted Notice	20 days	May 24, 2013	May 24, 2013	20 days
Mailed Notice	20 days	May 24, 2013	May 24, 2013	20 days

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

## **PUBLIC COMMENT**

- To date, the Department has received nine letters of support of the Project, one from the Haight Ashbury Improvement Association and eight from local residents.

## **ISSUES AND OTHER CONSIDERATIONS**

- The business is locally owned and operated.

- The Project Site has housed a restaurant or limited restaurant use since at least 1979, according to Planning Department historical files. A restaurant (d.b.a New Ganges) was operating at the site until 2002 at which time the Department of Alcoholic Beverage Control cancelled the ABC license type 41. New Ganges continued to operate as a limited restaurant until 2012.
- The business owner legalized previous alterations to the bathroom and kitchen through Plumbing Permit number PP201305030455 completed on May 9, 2013 and Building Permit number 201305318405 completed on May 31, 2013. Anonymous complaints filed for work without permits were investigated by the Department of Building Inspection and found to be unwarranted.
- The Project Sponsor has conducted outreach to local neighborhood organizations including the Haight Ashbury Improvement Association and Cole Valley Improvement Association, and the San Francisco Police Department, Park Station and Supervisor London Breed's office.
- The proposed Restaurant will seek a Type 41 license from the Department of Alcoholic Beverage Control to allow the sale of beer and wine only.

#### **REQUIRED COMMISSION ACTION**

In order for the project to proceed, the Commission must grant Conditional Use authorization to allow a change of use from a Limited Restaurant to a Restaurant, pursuant to Planning Code Section 182, 186, 303, 719.44 and 781.9.

#### **BASIS FOR RECOMMENDATION**

- The proposed Restaurant will enable an independent, locally-owned business to provide desirable goods and services to the surrounding neighborhood.
- The Project meets all applicable requirements of the Planning Code.
- The hours of operation, from 8:00 a.m. to 10:00 p.m. comply with the LCU operating hour limitations and are compatible with the surrounding neighborhood.
- The business is not a Formula Retail use and would serve the immediate neighborhood.

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

Draft Motion  
Block Book Map  
Sanborn Map  
Zoning Map  
Aerial Photographs  
Public Comment  
Site Photo  
Reduced Plans

Attachment Checklist

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Executive Summary   | <input checked="" type="checkbox"/> Project sponsor submittal                              |
| <input checked="" type="checkbox"/> Draft Motion        | Drawings: <u>Existing Conditions</u>   |
| <input type="checkbox"/> Environmental Determination    | <input checked="" type="checkbox"/> Check for legibility                                   |
| <input checked="" type="checkbox"/> Zoning District Map | Drawings: <u>Proposed Project</u>  |
| <input type="checkbox"/> Height & Bulk Map              | <input checked="" type="checkbox"/> Check for legibility                                   |
| <input checked="" type="checkbox"/> Parcel Map          | 3-D Renderings (new construction or significant addition)                                  |
| <input checked="" type="checkbox"/> Sanborn Map         | <input type="checkbox"/> Check for legibility  |
| <input checked="" type="checkbox"/> Aerial Photo        | <input type="checkbox"/> Wireless Telecommunications Materials                             |
| <input type="checkbox"/> Context Photos                 | <input type="checkbox"/> Health Dept. review of RF levels                                  |
| <input checked="" type="checkbox"/> Site Photos         | <input type="checkbox"/> RF Report   |
|   | <input type="checkbox"/> Community Meeting Notice  |
|   | <input type="checkbox"/> Housing Documents   |
|   | <input type="checkbox"/> Inclusionary Affordable Housing Program: Affidavit for Compliance |
|   | <input type="checkbox"/> Residential Pipeline  |

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

KB

Planner's Initials

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# SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

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

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## Planning Commission Draft Motion No. XXXXX

HEARING DATE: JUNE 13, 2013

*Date:* June 6, 2013  
*Case No.:* **2013.0362C**  
*Project Address:* **775 FREDERICK STREET**  
*Zoning:* RH-3 (Residential House, Three Family)  
 40-X Height and Bulk District  
*Block/Lot:* 1265/026  
*Project Sponsor:* Marsha Garland  
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 535 Green Street  
 San Francisco, CA 94133  
*Staff Contact:* Kanishka Burns – (415) 575-9112  
[kanishka.burns@gmail.com](mailto:kanishka.burns@gmail.com)

**ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 182, 186, 303, 719.44, and 781.9 OF THE PLANNING CODE TO ALLOW A CHANGE OF USE OF A LIMITED COMMERCIAL USE FROM A LIMITED RESTAURANT TO A RESTAURANT (DBA KEZAR PIZZETTA) WHICH WILL OPERATE AS A BONA FIDE EATING PLACE. THE PROPERTY IS LOCATED WITHIN AN RH-3 (RESIDENTIAL HOUSE, THREE FAMILY) DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT.**

### PREAMBLE

On March 26, 2013, Marsha Garland (hereinafter “Project Sponsor”) filed an application with the Planning Department (hereinafter “Department”) for Conditional Use Authorization under Planning Code Section(s) 182, 186, 303, 719.44 and 781.9 to allow a change of use of a limited commercial use from a Limited Restaurant to a Restaurant (d.b.a. Kezar Pizzetta) within a RH-3 (Residential House, Three Family) District and a 40-X Height and Bulk District.

On June 13, 2013, the San Francisco Planning Commission (hereinafter “Commission”) conducted a duly noticed public hearing of a regularly scheduled meeting on Conditional Use Application No. 2013.0362C.

On May 1, 2013, the Project was determined to be exempt from the California Environmental Quality Act ("CEQA") as a Class 1 Categorical Exemption under CEQA as described in the determination contained in the Planning Departments files for this Project.

The Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of the applicant, Department staff, and other interested parties.

**MOVED**, that the Commission hereby authorizes the Conditional Use Authorization requested in Application No. 2013.0362C, 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 is located on the south side of Frederick Street near the southeast corner of Frederick Street and Arguello Boulevard in Assessor's Block 1265, Lot 026. It is located within an existing limited nonconforming commercial use in a Residential House – Three Family (RH-3) Zoning District and the 40-X Height and Bulk District. The subject lot that is approximately 100 feet deep and 26 feet 6 inches wide and contains one commercial storefront on the first floor with two floors above that contain two residential units. The project site has a street frontage of 26 feet, 6 inches, with approximately 18 feet dedicated to the commercial use and the remaining 8 feet as residential entry.
3. **Surrounding Properties and Neighborhood.** The RH-3 District is characterized by a mixture of dwelling types including multi-unit dwelling structures that have separate entrances and nonresidential uses to provide for the needs of residents. Shopping facilities and transit lines are also often found within a short distance of these districts. The Subject Property is approximately four blocks from the Haight Street Neighborhood Commercial District and the Inner Sunset Neighborhood Commercial District and two blocks from the MUNI N line.

The area surrounding the project site is mixed-use in character, consisting of religious, personal service, public and residential uses. The adjacent property to the west is a religious facility (Sivananda Yoga Vedanta Center) with housing for instructors and students permitted through a Conditional Use authorization in 1991. To the east of the Subject Property is the former Polytechnic High School Boys Gym, occupied by the nonprofit Circus Center, a Personal Service use. The Subject Property faces Kezar Stadium and Golden Gate Park. Directly across the street is the former Haight Ashbury Neighborhood Council Recycling Center, which San Francisco Recreation and Parks is converting to the Golden Gate Park Community Garden. Neighboring residential uses consist of single-family dwellings, apartments and condominiums.

4. **Project Description.** The project sponsor proposes to convert the existing Limited-Restaurant (d.b.a. Kezar Pizzetta) into a Restaurant (also d.b.a. Kezar Pizzetta), which will allow on-site beer, wine and/or liquor sales for drinking on the premises (with ABC license types 41, 47, 49, 59 or 75) provided that the business operates as a Bona Fide Eating Establishment as defined in Planning Code Section 790.142. The Project does not include any exterior alterations. The business is independently-owned and not considered a Formula Retail Restaurant.

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

5. **Public Comment.** The Department has not received any communication regarding this project.
6. **Planning Code Compliance:** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:

- A. **Nonconforming Uses: Changes of Use.** Planning Code Section 182 states that if a nonconforming use is located within ¼ mile from any Individual Area Neighborhood Commercial District or Restricted Use Subdistrict, the nonconforming use may change to another use which is permitted as a Conditional Use in the Individual Area Neighborhood Commercial District or Districts within ¼ mile of the use only upon approval of a Conditional Use application. The Subject Property is located within ¼ mile from the Haight Street Neighborhood Commercial District and the Haight Street Alcohol Restricted Use Subdistrict. Planning Code Section 719.42 and 781.9 allows up to four new restaurant uses within ¼ mile of the Haight Street NCD with Conditional Use authorization pursuant to legislation approved on May 13, 2008 by the Board of Supervisors under Ordinance No. 88-08.

*The Project Sponsor is requesting Conditional Use authorization in order to allow the fourth new Restaurant on the first story of a tenant space, which is currently authorized as a Limited Restaurant. The Project Sponsor proposes to provide on-site beer and wine sales for drinking on the premises with an ABC license type 41 and will operate as a Bona Fide Eating Place as defined by Planning Code Section 790.142.*

- B. **Use Size.** Planning Code Section 181 states that nonconforming uses shall not be enlarged and Section 719.21 establishes size limits on nonresidential uses for the Haight Street NCD. Nonresidential uses up to 2,499 square feet are principally permitted while uses 2,500 square feet and above require Conditional Use Authorization.

*At 1,472 gross square feet (gsf), the Project use size is principally permitted. There is no increase or change to the use size proposed with the proposed change of use from Limited Restaurant to Restaurant.*

- C. **Hours of Operation.** Planning Code Section 186 states that the hours of operation for limited commercial nonconforming uses in an RH District shall be limited to the period between 6:00 am and 10:00pm.

*The Project's proposed hours of operation will be from 8:00 a.m. to 10:00 p.m. daily.*

- D. **Formula Retail Uses.** Planning Code Section 186 states that all uses meeting the definition of "formula retail" use shall not be permitted except by Conditional Use through the procedures of Planning Code Section 303.

*The Project is not a "formula retail" use.*

- E. **Street Frontage.** Planning Code Section 186 states that in addition to the requirements of Section 144, the requirements of Section 145.1(c)(6) and (7) shall apply for limited commercial nonconforming uses. Section 144 requires that no less than one-third of the width of the ground story along the front lot line shall be devoted to windows, entrances for dwelling units, landscaping and other architectural features that provide visual relief and interest for the street frontage. Planning Code Section 145.1(c)(6) requires frontages with active uses that are not residential or PDR be fenestrated with transparent windows and doorways for no less than 60 percent of the street frontage at the ground level and allow visibility to the inside of the building. The use of dark or mirrored glass shall not count towards the required transparent area. Planning Code Section 145.1(c)(7) requires that any decorative railings or grillwork, other than wire mesh, which is placed in front of or behind ground floor windows, shall be at least 75 percent open to perpendicular view. Rolling or sliding security gates shall consist of open grillwork rather than solid material, so as to provide visual interest to pedestrians when the gates are closed, and to permit light to pass through mostly unobstructed. Gates, when both open and folded or rolled as well as the gate mechanism, shall be recessed within, or laid flush with, the building façade.

*The subject property has approximately 26 feet and 6 inches of frontage along Frederick Street with approximately 20 feet devoted to windows and entrances for commercial and dwelling units, greater than the one-third building width required by Section 144 of the Planning Code. The portion of the Project Site with non-residential active uses has approximately 16 feet of lineal street frontage along Frederick Street, which is devoted to either transparent windows or doorways, amounting to 58 percent of the total street frontage. The Subject property does not have any decorative railings or grillwork, or gates at the ground floor.*

- F. **Parking.** Section 151 of the Planning Code requires off-street parking for every 200 square-feet of occupied floor area, where the occupied floor area exceeds 5,000 square-feet.

*The commercial tenant space contains approximately 1,472 square-feet of occupied floor area and does not require any off-street parking.*

- G. **Loading.** Section 152 requires off-street freight loading for uses above a certain size. Retail establishments and uses primarily engaged in the handling of goods (such as the proposed



Restaurant) are not required off-street freight loading if they measure less than 10,000 square feet in gross area. Section 231(h)(3) requires that all truck loading associated with this business shall be limited in such a way as to avoid undue interference with sidewalks, or with crosswalks, bus stops, hydrants and other public features.

*With a gross floor area under 10,000 square feet, the Project is not required to provide any off-street loading. All loading for this business is required to be conducted in such a way as to avoid undue interference with sidewalks, crosswalks, bus stops, hydrants and other public features.*

- H. **Signage.** Planning Code Section 186 states that any signs on the property shall be made to comply with the requirements of Article 6 of the Code applying to nonconforming uses.

*The Proposed Project does not currently have any signage. Any proposed signage will be subject to the review and approval of the Planning Department and must comply with Article 6 of the Planning Code.*

7. **Planning Code Section 303** establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use approval. On balance, the project does comply with said criteria in that:

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

*The Project will occupy the storefront with a desirable neighborhood-serving use and provide 3 to 6 entry-level job opportunities for the local community. The proposed use will not increase the size or intensity of the existing commercial space, which was previously used as a Limited Restaurant and a Restaurant. The Project Site has been previously approved by the Planning Department for restaurant use since at least 1979.*

- 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 size and shape of the Project Site is compatible with the patterns of development in the area, and the Project does not involve any alterations to the exterior of the subject building. The Project would not physically expand the existing building or tenant space, and therefore would not alter the existing appearance of character of the Project vicinity.*

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

*The Planning Code does not require parking or loading for a 1,472 square-foot restaurant. The proposed use is designed to meet the needs of the immediate neighborhood and should not generate significant amounts of vehicular trips from the immediate neighborhood or citywide. The Project would not adversely affect public transit or overburden the existing supply of parking in the neighborhood as the Project Site is well-served by public transit. The Project Site is on the 71 and 71L MUNI bus line, two blocks from a MUNI N-Judah rail stop, and three blocks from two more MUNI bus lines.*

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

*The project will not produce noxious or offensive emissions related to noise, glare and dust or odor, and the restaurant will be subject to the Condition of Approval No. 9 regarding odor control.*

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

*The Project Site is completely built-out at the ground floor to all street-facing property lines, thus no landscaping will need to be provided. There are no proposed changes to existing conditions as they relate to screening, open spaces, parking and loading areas, service areas, lighting and signs.*

- 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.*

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

## NEIGHBORHOOD COMMERCE

### Objectives and Policies

#### **OBJECTIVE 1:**

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

#### **Policy 1.1:**

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

**Policy 1.2:**

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

**Policy 1.3:**

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

*The Project will provide desirable goods and services, as well as employment opportunities to those in the community. No existing commercial tenant will be displaced. The conditions of approval will ensure that the use meets minimum, reasonable performance standards. Further, the Project Site is a designated Limited Commercial Use lot, intended to provide a small scale commercial use that is beneficial to the residential area in which it is located.*

**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 enable the retention of an existing commercial activity as the Project Site has been occupied by a restaurant use since at least 1979.*

**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.

*The Project will provide additional employment opportunities for local residents as well as unskilled and semi-skilled workers.*

**TRANSPORTATION ELEMENT**

**Objectives and Policies**

**OBJECTIVE 1:**

MEET THE NEEDS OF ALL RESIDENTS AND VISITORS FOR SAFE, CONVENIENT AND INEXPENSIVE TRAVEL WITHIN SAN FRANCISCO AND BETWEEN THE CITY AND OTHER PARTS OF THE REGION WHILE MAINTAINING THE HIGH QUALITY LIVING ENVIRONMENT OF THE BAY AREA.

**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.

*The Project is located in an area well served by public transit, minimizing the need for private automobiles. The availability of transit, combined with the small scale of the use, will mitigate impacts.*

**OBJECTIVE 11:**

ESTABLISH PUBLIC TRANSIT AS THE PRIMARY MODE OF TRANSPORTATION IN SAN FRANCISCO AND AS A MEANS THROUGH WHICH TO GUIDE FUTURE DEVELOPMENT AND IMPROVE REGIONAL MOBILITY AND AIR QUALITY.

**Policy 11.3:**

Encourage development that efficiently coordinates land use with transit service, requiring that developers address transit concerns as well mitigate traffic problems.

*The Project will not interfere with transit service operations. Approval of the Project should not significantly alter the existing levels of vehicle traffic.*

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

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

*The Project enhances the neighborhood by occupying an existing commercial space with a locally-owned restaurant that will provide new job opportunities for community 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 Project will occupy an existing space for a nonconforming limited commercial use and will preserve the existing housing and neighborhood character.*

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

*No housing will be removed for this Project.*

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

*The Project would not adversely affect public transit or overburden the existing supply of parking in the neighborhood, because the project site is well-served by public transit as it is within two blocks of five MUNI lines.*

- 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.

*Approval of this project will not adversely affect any industrial or service sector jobs; rather. It will create new service sector employment opportunities for local residents.*

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

*This proposal does not include any structural changes and does not affect the property's ability to withstand an earthquake.*

- G. That landmarks and historic buildings be preserved.

*The Project does not involve any exterior alterations and is not located in a landmark or historic building.*

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

*The Project Site faces Golden Gate Park but is an existing commercial space. There are no proposed changes to the existing building footprint, therefore, it will not affect any parks or open space.*

10. The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would contribute to the character and stability of the neighborhood and would constitute a beneficial development.

11. The Commission hereby finds that approval of the Conditional Use authorization would promote the health, safety and welfare of the City.

**DECISION**

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Application No. 2013.0362C** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated April 27, 2013, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

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

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on June 13, 2013.

Jonas P. Ionin  
Acting Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: June 13, 2013

## **EXHIBIT A**

### **AUTHORIZATION**

This authorization is for a conditional use to allow a change of use from limited-restaurant to restaurant (d.b.a. Shabu House) located at 775 Frederick Street, Lot 026 in Assessor's Block 1265 pursuant to Planning Code Section(s) 182, 186, 303, 719.44 and 781.9 to allow a change of use of a Limited Commercial Use from a Limited Restaurant to a Restaurant (d.b.a. Kezar Pizzetta) located within a RH-3 (Residential-House, Three Family) District; in general conformance with plans, dated April 27, 2013, and stamped "EXHIBIT B" included in the docket for Case No. 2013.0362C and subject to conditions of approval reviewed and approved by the Commission on June 13, 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 June 13, 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](http://www.sf-planning.org).*

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

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

### DESIGN

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

### MONITORING – AFTER ENTITLEMENT

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

## 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, <http://sfdpw.org>*

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 operated so that incidental noise shall not be audible beyond the premises or in other sections of the building and fixed-source equipment noise shall not exceed the decibel levels specified in the San Francisco Noise Control Ordinance.

*For information about compliance with the fixed mechanical objects such as rooftop air conditioning, restaurant ventilation systems, and motors and compressors with acceptable noise levels, contact the Environmental Health Section, Department of Public Health at (415) 252-3800, [www.sfdph.org](http://www.sfdph.org)*

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 in conformance with the approved plans and maintained to prevent any significant noxious or offensive odors from escaping the premises.

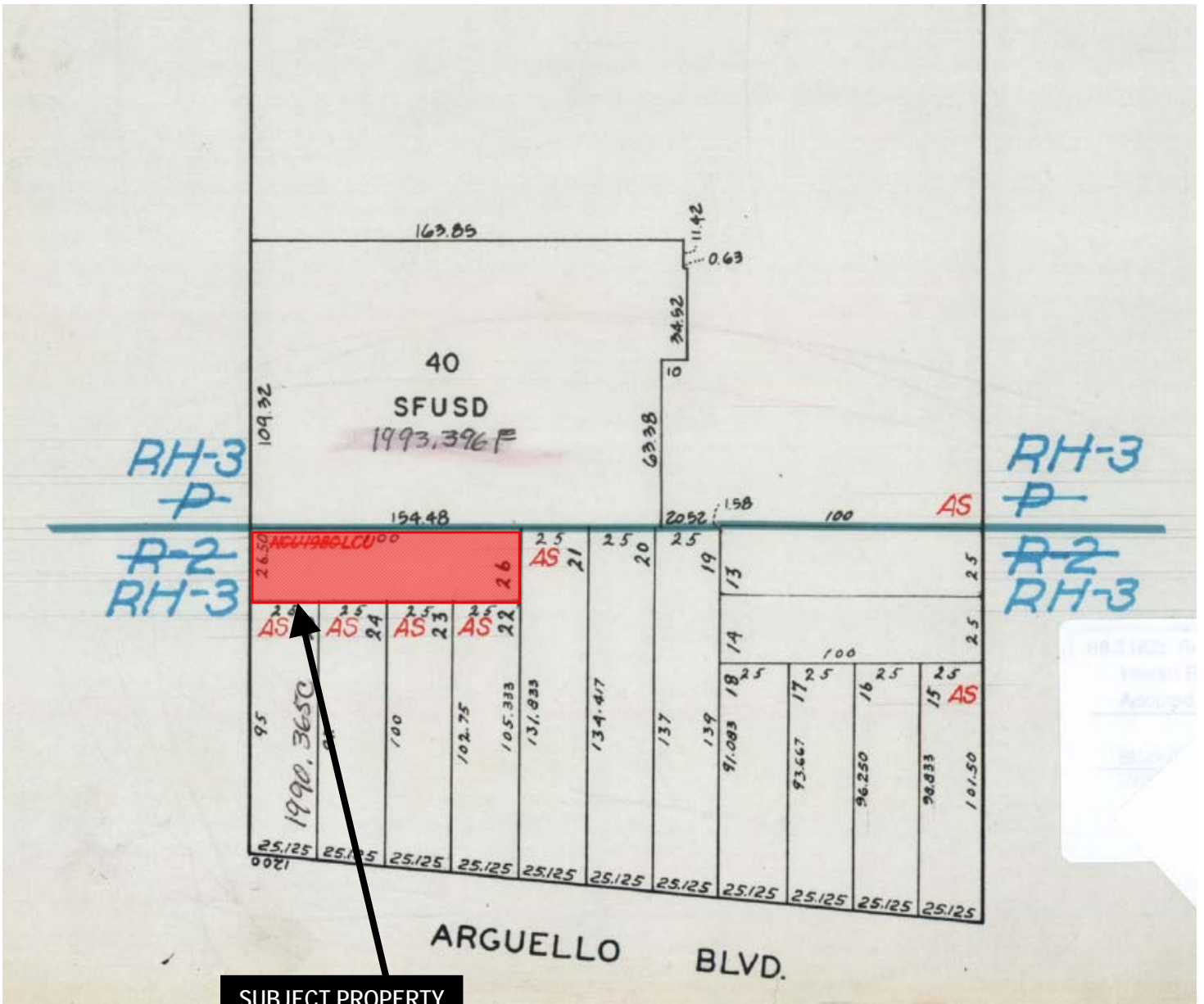
*For information about compliance with odor or other chemical air pollutants standards, contact the Bay Area Air Quality Management District, (BAAQMD), 1-800-334-ODOR (6367), [www.baaqmd.gov](http://www.baaqmd.gov) and Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

10. **Hours of Operation.** The subject establishment is limited to the following hours of operation: 6:00 a.m. to 10:00 p.m. daily.

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

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# Parcel Map



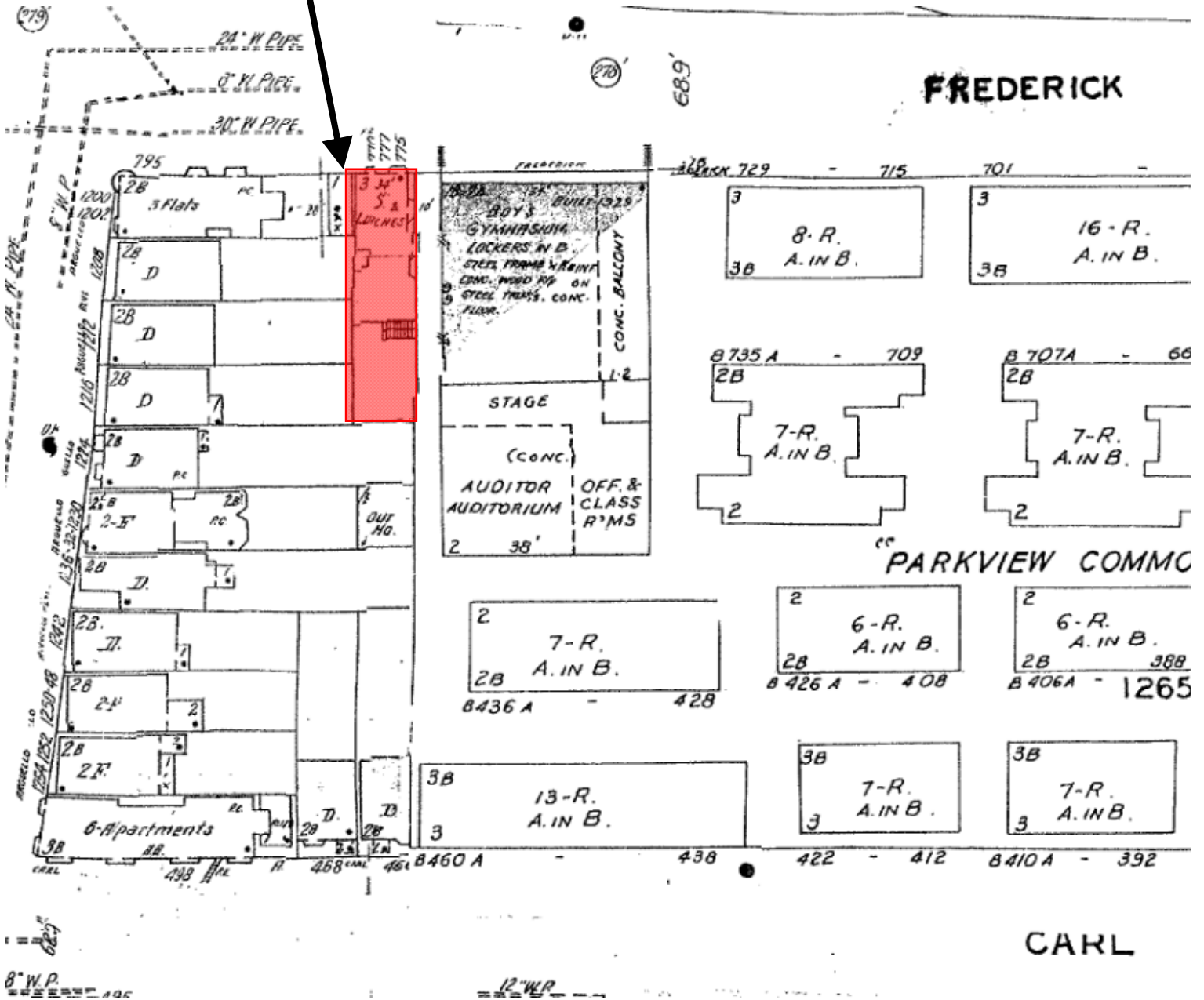
**SUBJECT PROPERTY**

Conditional Use Authorization Hearing  
 Case Number 2013.0362C  
 Kezar Pizzetta  
 775 Frederick Street



# Sanborn Map\*

SUBJECT PROPERTY



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



Conditional Use Authorization Hearing  
 Case Number 2013.0362C  
 Kezar Pizzetta  
 775 Frederick Street

# Aerial Photo

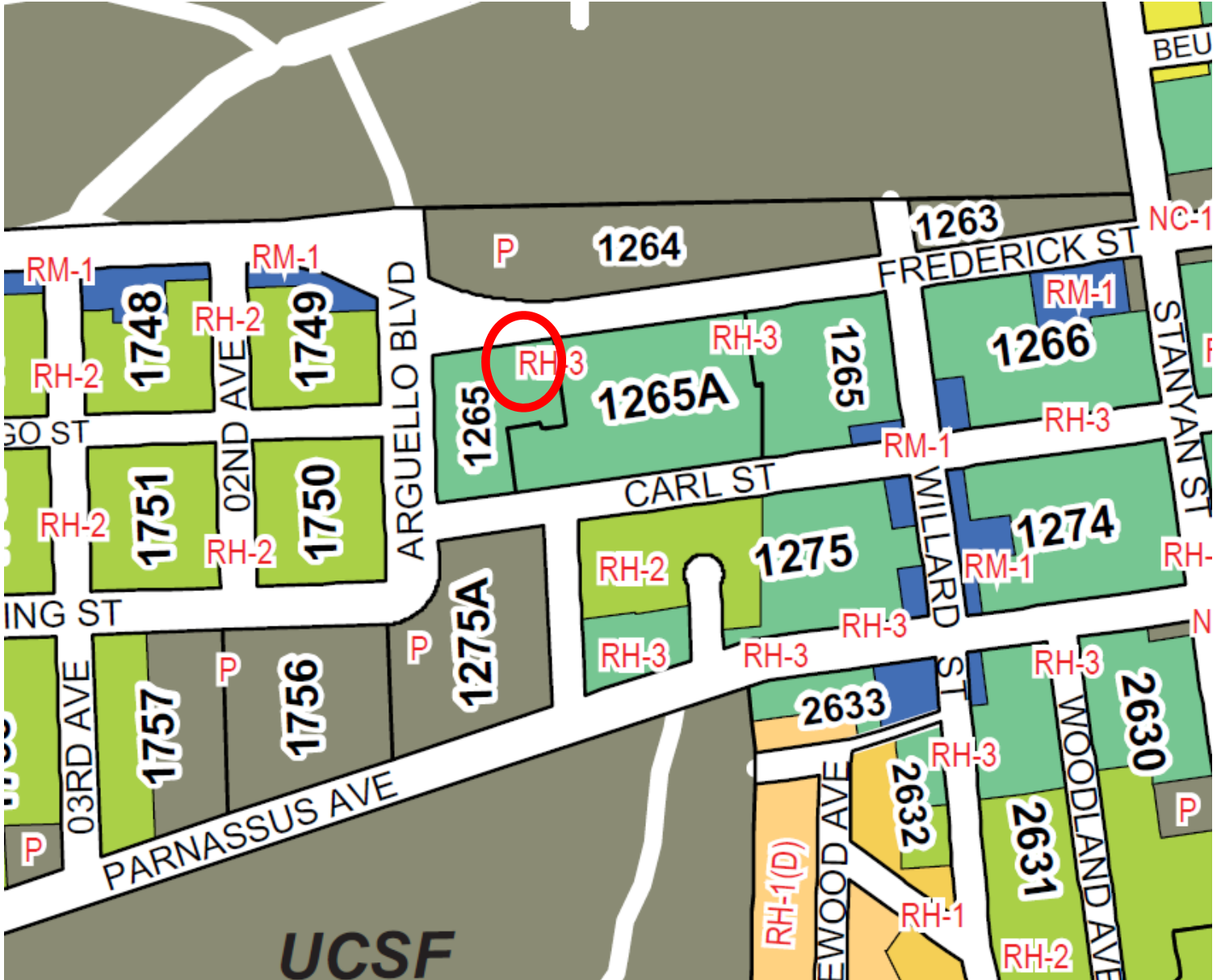


**SUBJECT PROPERTY**



Conditional Use Authorization Hearing  
Case Number 2013.0362C  
Kezar Pizzetta  
775 Frederick Street

# Zoning Map



Conditional Use Authorization Hearing  
Case Number 2013.0362C  
Kezar Pizzetta  
775 Frederick Street

# Site Photo



Conditional Use Authorization Hearing  
Case Number 2013.0362C  
Kezar Pizzetta  
775 Frederick Street

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# HAIGHT ASHBURY IMPROVEMENT ASSOCIATION

Ted Loewenberg, President  
415 522-1560  
tedlsf@sbcglobal.net

Kanishka Burns  
San Francisco Planning Department  
San Francisco, CA 94103

Re: Support for Kezar Pizzetta

Dear Ms. Young,

On behalf of the Haight Ashbury Improvement Association (HAIA), I write to express our support for a restaurant at 775 Frederick St, to be known as Kezar Pizzetta.

HAIA supports those who seek to establish a small business in our neighborhood. In addition to reaching out to the community, they are will to go through the cumbersome process and risk of navigating the planning process as well as the labyrinth of other City departments oversight. We believe the benefits of community oriented businesses, job opportunities for locals and expanding the base of small businesses helps everyone.

Jamiel Ziad Hamadalla has a successful track record in San Francisco. He has demonstrated a sensitivity to his neighbors as well as his customers. We believe his venture on Frederick St. will be successful, while also filling what is now a vacant store front. We wish him well as the Kezar Pizzetta welcomes Haight-Ashbury residents for dinner.

Sincerely,

Ted Loewenberg  
5 June 2013

Name Brodie Silva  
Address 531 Page St  
SF, CA 94117  
Date 5/30/13

Kanishka Burns, Planner  
San Francisco Planning Department  
1650 Mission Street, 4<sup>th</sup> Floor  
San Francisco, CA 94103

Re: Kezar Pizzetta, 775 Frederick Street  
Request for Conditional Use Permit, 2013:

Dear Ms. Burns:

I live very nearby Kezar Pizzetta. I am happy to see this new business going in at this location, which was much in need of cleaning up.

I understand the project sponsor has applied for a conditional use permit in order to add beer and wine to the menu. I would like to go on record as 100% supportive.

Thank you.

Name Kinto Fannin  
Address 101 Broderick St #107  
SF, CA 94117  
Date 6/1/13

Kanishka Burns, Planner  
San Francisco Planning Department  
1650 Mission Street, 4<sup>th</sup> Floor  
San Francisco, CA 94103

Re: Kezar Pizzetta, 775 Frederick Street  
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Thank you.

Name Jeff Deveraux  
Address 779 B Fridrick St  
SF CA 94117  
Date 6/5/13

Kanishka Burns, Planner  
San Francisco Planning Department  
1650 Mission Street, 4<sup>th</sup> Floor  
San Francisco, CA 94103

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Thank you.

Name Tania Holm  
Address 756 Arguello Blvd #205  
SF CA 94118  
Date 6/5/2013

Kanishka Burns, Planner  
San Francisco Planning Department  
1650 Mission Street, 4<sup>th</sup> Floor  
San Francisco, CA 94103

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Thank you.

Name Michael Kramer  
Address 859 Fulton St  
SF, CA 94117  
Date 6/5/2013

Kanishka Burns, Planner  
San Francisco Planning Department  
1650 Mission Street, 4<sup>th</sup> Floor  
San Francisco, CA 94103

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Thank you.

Name Breanne Williams  
Address 777 Frederick St  
SF, CA 94117  
Date 6/5/2013

Kanishka Burns, Planner  
San Francisco Planning Department  
1650 Mission Street, 4<sup>th</sup> Floor  
San Francisco, CA 94103

Re: Kezar Pizzetta, 775 Frederick Street  
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Thank you.

Name Scott Shinn  
Address 777 Frederick St  
SF, Ca 94117  
Date 6/5/2013

Kanishka Burns, Planner  
San Francisco Planning Department  
1650 Mission Street, 4<sup>th</sup> Floor  
San Francisco, CA 94103

Re: Kezar Pizzetta, 775 Frederick Street  
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Thank you.



Name Aurora Bruno  
Address 779 B Frederick st  
SF CA 94117  
• Date 6/5/2013

Kanishka Burns, Planner  
San Francisco Planning Department  
1650 Mission Street, 4<sup>th</sup> Floor  
San Francisco, CA 94103

Re: Kezar Pizzetta, 775 Frederick Street  
Request for Conditional Use Permit, 2013:

Dear Ms. Burns:

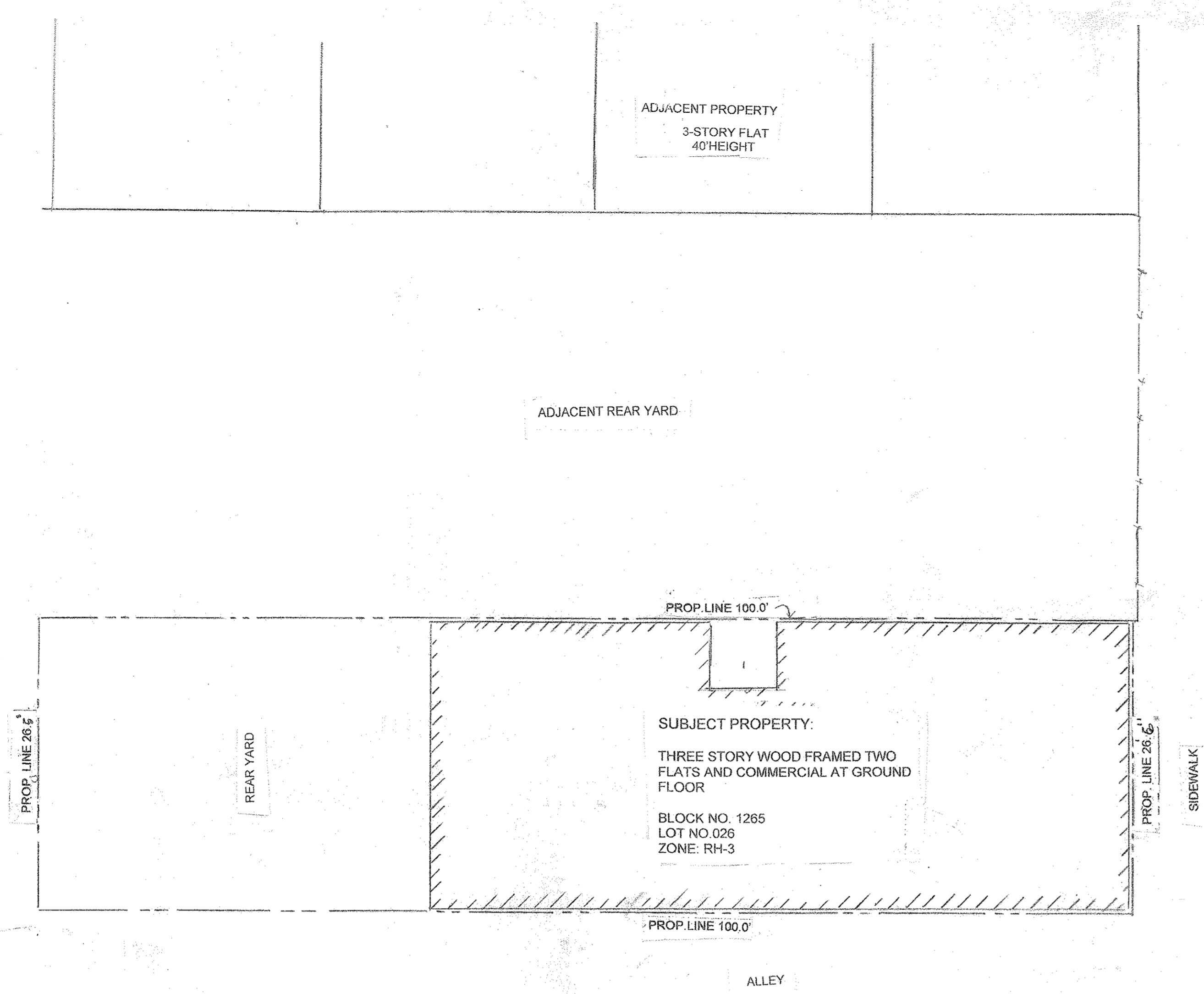
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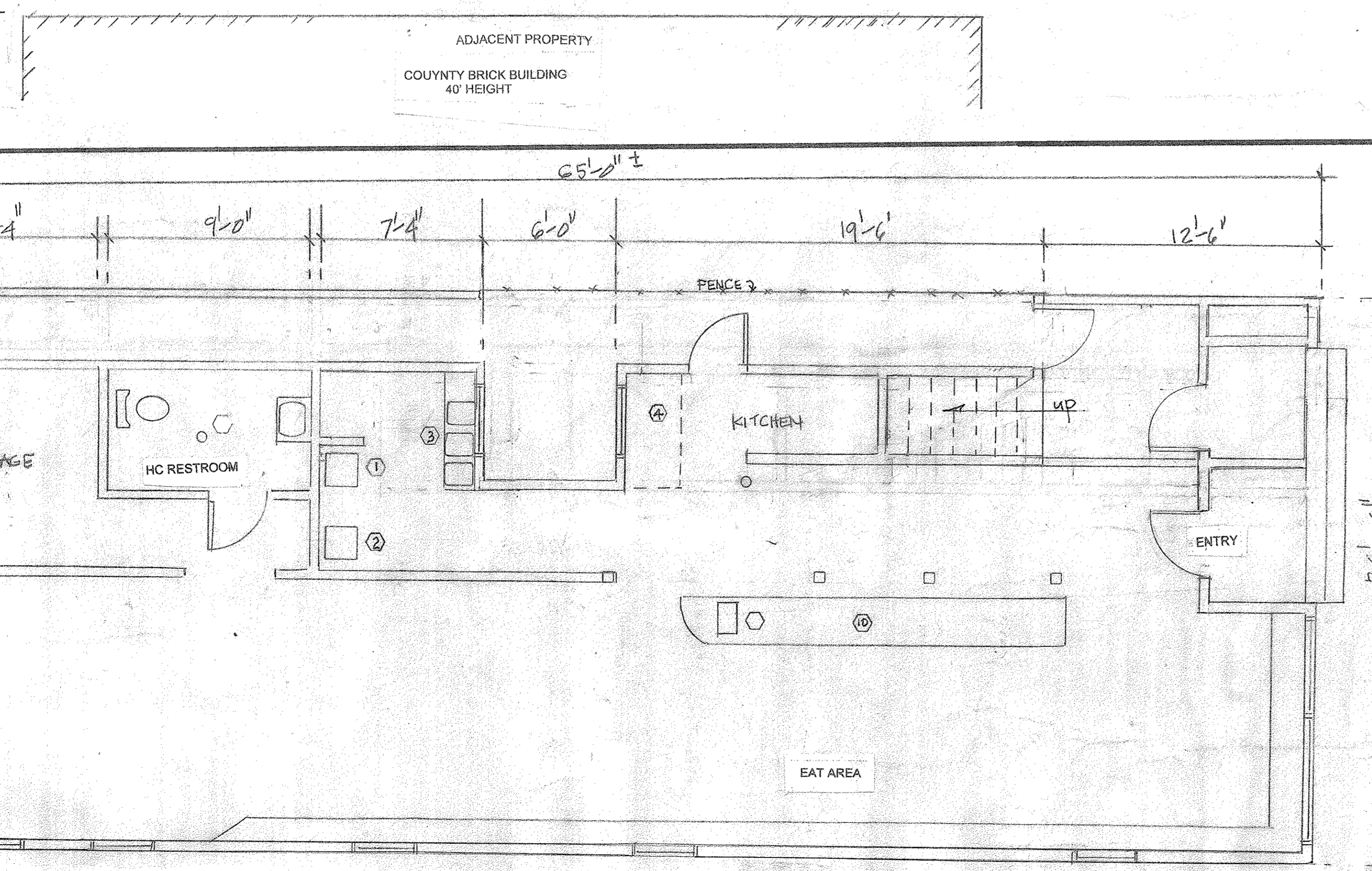
Thank you.

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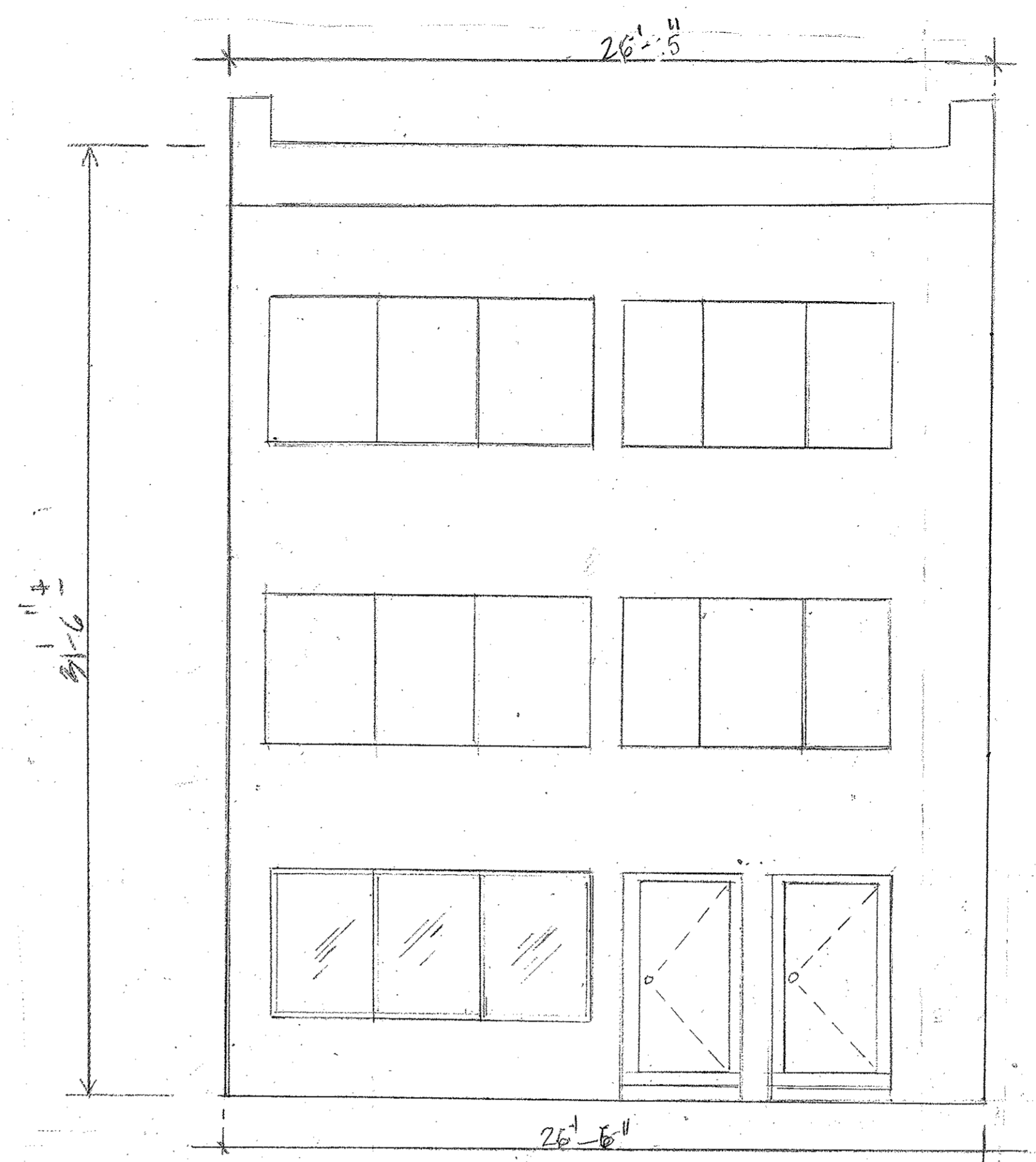
# Exhibit B



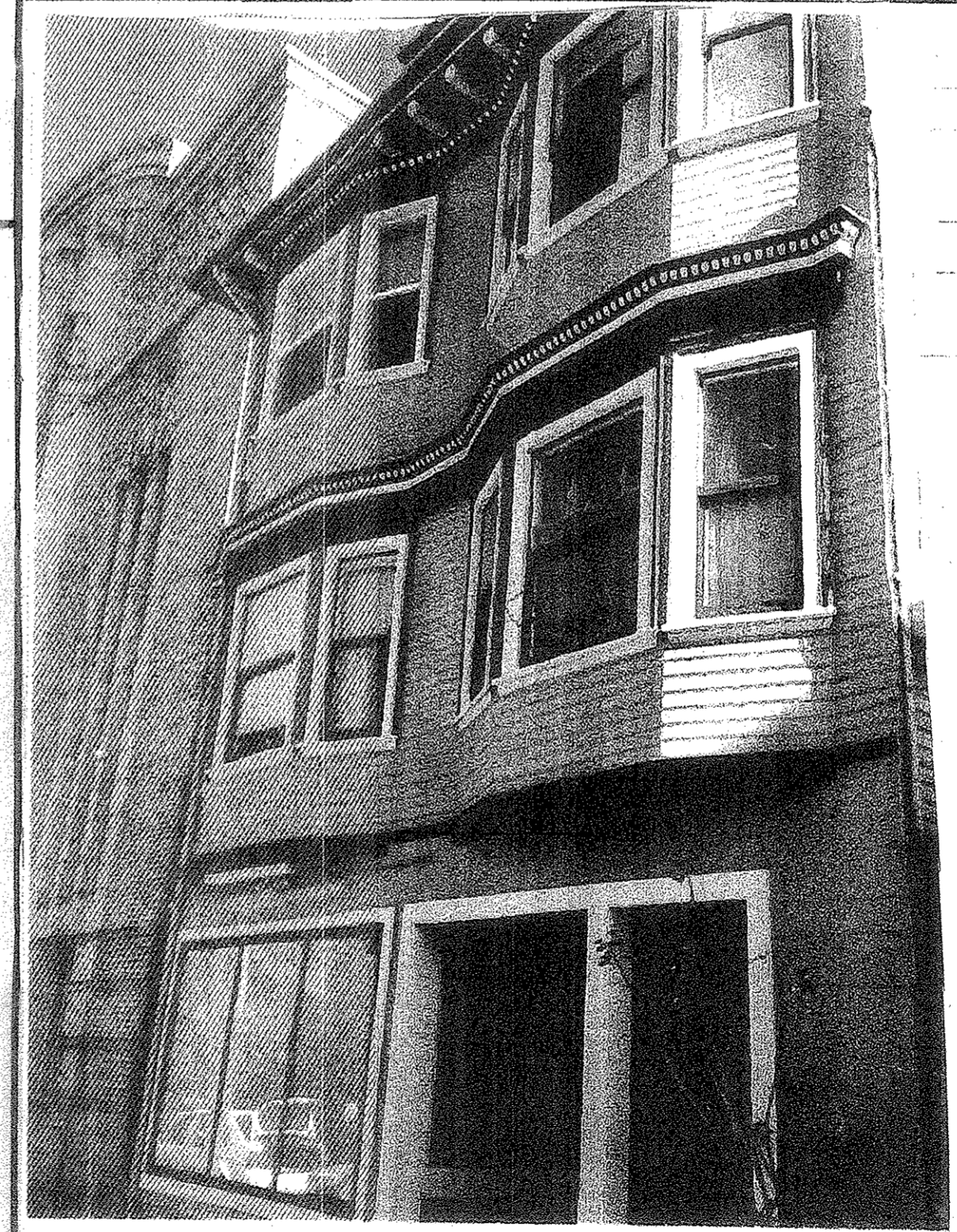
**1** SITE PLAN  
Scale: 1/8"=1'-0"



**2** EXISTING GROUND FLOOR PLAN  
Scale: 1/4"=1'-0"



**3** FRONTELEVATION  
Scale: 1/4"=1'-0"



**PROJECT DATA:**  
GROSSTOTAL FLOOR AREA  
(64'L x 23'W) 1,472 SF  
EAT AREA  
(63'L x 4'W) 250 SF  
MAXIMUM OCCUPANCY: 49 PERSONS  
TIME OF OPERATION  
FROM 8:00 AM TO 10:00 O'CLOCK PM

EQUIPMENT SCHEDULE		
SYMBOL	DESCRIPTION	REMARKS
①	FOOD PREPARATION SINK	
②	MOP SINK	
③	3-COMPARTMENT SINK	
④	HOOD	
⑤	FLOOR DRAIN	
⑥	PREPARATION TABLE	
⑦	FLOOR DRAIN	
⑧	HOOD	
⑨	HAND WASH SINK	
⑩	COUNTER	

**LEGEND:**  
- - - - - PROPERTY LINE  
= = = = = EXISTING WALL TO REMAIN  
(E) EXISTING  
(N) NEW

**SCOPE OF WORK**  
a.) No structural work only cosmetic  
b.) No changes to existing structure  
c.) No new sign  
d.) Change of use from limited restaurant to restaurant

REVISIONS	BY

**Design Tech SF**  
107 Frederic Avenue  
San Francisco, CA 94114  
Tel: (415) 822-9222  
Cell: (415) 309-7028

**Paul Ruscol**  
Architectural/Structural Plans  
(Contractor, Provider)  
San Francisco Business Registration Certificate No. 186239

PROPOSED RESTAURANT  
WITH  
BEER AND WINE

JOB SITE: 775 FREDERICK STREET  
SAN FRANCISCO, CA

TENANT:

Date 04/27/19  
Scale AS NOTED  
Drawn PEARL  
Job  
Sheet **A-1**  
Of 1 Sheets