



# SAN FRANCISCO PLANNING DEPARTMENT

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## CONSENT CALENDAR

# Executive Summary Conditional Use

HEARING DATE: FEBRUARY 25, 2010

*Release Date:* February 18, 2010  
*Case No.:* **2009.1109C**  
*Project Address:* **1044 FOLSOM STREET**  
*Zoning:* SOMA NCT (Neighborhood Commercial Transit) District  
SOMA Youth and Family Special Use District  
65-X Height and Bulk District  
*Block/Lot:* 3731 / 019  
*Project Sponsor:* Fanael Alemayehu  
816 McAllister  
San Francisco, CA 94102  
*Staff Contact:* Corey Teague – (415) 575-9081  
[corey.teague@sfgov.org](mailto:corey.teague@sfgov.org)

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## PROJECT DESCRIPTION

The project proposes to establish a full-service restaurant (dba Moya) of approximately 1,200 square feet within the SOMA Neighborhood Commercial Transit District. The subject commercial unit has been vacant for approximately 7 years.

Moya is an independently owned, authentic Ethiopian restaurant and coffee shop. The project is not identified as a Formula Retail use. Moya will provide quality Ethiopian coffee and dishes, including vegetarian and vegan dishes. The proposed operation will require approximately 4 employees. The proposed scope of work is comprised of interior tenant improvements (no building permit application is currently on file).

## SITE DESCRIPTION AND PRESENT USE

The proposed project is located on the northern side of Folsom Street, between Russ and Harriet Streets, within the SOMA Neighborhood Commercial Transit District, The Youth and Family Special Use District, and a 65-X height and bulk district. The 4,000 square foot lot includes a three-story mixed-use structure. Park Hotel is located on a portion of the ground floor and all of the 2<sup>nd</sup> and 3<sup>rd</sup> floors. The commercial ground floor consists of two additional commercial storefronts fronting on Folsom Street. The subject commercial storefront is currently vacant and occupies approximately 1,200 square feet. The adjacent store front is vacant.

## SURROUNDING PROPERTIES & NEIGHBORHOOD

The project site is located between Russ and Harriet Streets in the SOMA Neighborhood Commercial Transit District directly across from Victoria Manalo Draves Park. Several other eating, retail, light industrial, recreational and residential uses are nearby. Surrounding properties are mixed with Residential Enclaves located along nearby alleys, and light industrial and mixed-use developments along the Folsom Street corridor.

The SOMA Neighborhood Commercial Transit District (NCT) is located along the 6th Street and Folsom Street corridors in the South of Market. The commercial area provides a limited selection of convenience goods for the residents of the South of Market. Eating and drinking establishments contribute to the street's mixed-use character and activity in the evening hours. A number of upper-story professional and business offices are located in the district. In general, residential uses are found above the commercial uses found on the ground floor.

The site is well served by transit. The 12-Folsom, 19 Polk, 27-Bryant, 9X-San Bruno Express and the 47-Van Ness Muni Bus Lines operate within close proximity of the site.

## ENVIRONMENTAL REVIEW STATUS

The project is categorically exempt from environmental review as a Class 1(a) project.

## HEARING NOTIFICATION REQUIREMENTS

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Classified News Ad	20 days	February 5, 2010	February 5, 2010	20 days
Posted Notice	20 days	February 5, 2010	February 5, 2010	20 days
Mailed Notice	20 days	February 5, 2010	February 5, 2010	20 days

## PUBLIC COMMENT

- The Department received one email of support for this project.

## ISSUES AND OTHER CONSIDERATIONS

- The project proposes to establish a Full-Service Restaurant (dba Moya) of approximately 1,200 square feet within a long vacant commercial space in the SOMA Neighborhood Commercial Transit District.
- Moya is an independently owned restaurant. The project is not identified as a Formula Retail use. Moya will provide authentic Ethiopian food and coffee to the general public
- With respect to an application for a full-service restaurant within a neighborhood commercial district, the Planning Commission shall consider the following additional guidelines:
  - Balance of retail sales and services;

- Current inventory and composition of eating and drinking establishments;
- Total occupied commercial linear frontage, relative to the total district frontage;
- Uses on surrounding properties;
- Available parking facilities, both existing and proposed;
- Existing traffic and parking congestion; and
- Potential impacts on the surrounding community.

*For eating and drinking establishments, the Commerce and Industry Guidelines for Specific Uses state, "the balance of commercial uses may be threatened when eating and drinking establishments occupy more than 20% of the total occupied commercial frontage." Planning Department Staff performed a site survey of the SOMA Neighborhood Commercial Transit District, where the proposed project is located. With the proposed restaurant use, less than 15% of the frontage of the SOMA Neighborhood Commercial Transit District is attributed to eating and drinking establishments. There should be no negative impact on traffic or parking because the proposed project is very well served by public transit and pedestrian/bicycle facilities. Furthermore, the Planning Code does not require parking for this project.*

## REQUIRED COMMISSION ACTION

The Planning Commission must grant Conditional Use authorization under Planning Code Sections 249.40A and 303 to allow for the establishment of a Full-Service Restaurant within the SOMA NCT (Neighborhood Commercial Transit) District, The Youth and Family Special Use District, and a 65-X height and bulk district.

## BASIS FOR RECOMMENDATION

- The proposed project provides a source of employment opportunities for neighborhood residents. Small businesses account for over 95% of the companies in San Francisco and one out of every three jobs.
- The growth in the number of small business has created an alternative to salaried employment for many San Francisco residents, and has the potential to address the city's high rates of asset poverty and economic insecurity.
- The proposed project is well served by public transit and should have a negligible impact upon private automobile traffic.
- The proposed project will add to the diversity of cuisine available in the SOMA Neighborhood Commercial Transit District.
- The proposed project is independently owned and is not a formula retail use.
- The proposed project is consistent with the envisioned development for the area and with the existing neighborhood commercial character.
- No opposition was received for the subject proposal.

<b>RECOMMENDATION:</b> <b>Approve with Conditions</b>
-------------------------------------------------------

## Exhibit 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          | <input type="checkbox"/> Letters of Project Support / Opposition |
| <input checked="" type="checkbox"/> Sanborn Map         |                                                                  |
| <input checked="" type="checkbox"/> Aerial Photo        |                                                                  |
| <input type="checkbox"/> Context Photos                 |                                                                  |
| <input checked="" type="checkbox"/> Site Photos         |                                                                  |

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

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



# SAN FRANCISCO PLANNING DEPARTMENT

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*Subject to: (Select only if applicable)*

- |                                                                  |                                                            |
|------------------------------------------------------------------|------------------------------------------------------------|
| <input type="checkbox"/> Inclusionary Housing (Sec. 315)         | <input type="checkbox"/> First Source Hiring (Admin. Code) |
| <input type="checkbox"/> Jobs Housing Linkage Program (Sec. 313) | <input type="checkbox"/> Child Care Requirement (Sec. 314) |
| <input type="checkbox"/> Downtown Park Fee (Sec. 139)            | <input type="checkbox"/> Other                             |

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## Planning Commission Motion No. XXXXX

HEARING DATE: FEBRUARY 25, 2010

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*Case No.:* **2009.1109C**  
*Project Address:* **1044 FOLSOM STREET**  
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**ADOPTING FINDINGS RELATING TO CONDITIONAL USE AUTHORIZATION PURSUANT TO PLANNING CODE SECTIONS 249.40A, 303, AND 790.92 TO ALLOW A FULL-SERVICE RESTAURANT (DBA MOYA) WITHIN THE SOMA NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT, THE SOMA YOUTH AND FAMILY SPECIAL USE DISTRICT, AND A 65-X HEIGHT AND BULK DISTRICT.**

### PREAMBLE

On December 3, 2009, Henry Karnilowicz, on behalf of Fanael Alemayehu (Project Sponsor), filed an application with the San Francisco Planning Department (hereinafter “Department”) for Conditional Use Authorization under Planning Code Section 249.40A of the Planning Code to allow a Full-Service Restaurant (dba Moya) within the SOMA Neighborhood Commercial Transit District and the SOMA Youth and Family Special Use District.

On February 25, 2010, the San Francisco Planning Commission (hereinafter “Commission”) conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2009.1109C.

The Department determined that the proposed project is exempt/excluded from environmental review, pursuant to CEQA Guideline Section 15301 (Class One (a) – Interior alterations involving negligible or no expansion of an existing use).

The Commission heard and considered the testimony presented to it at the public hearing and 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. 2009.1109C, 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 proposed project is located on the northern side of Folsom Street, between 6<sup>th</sup> Street and Russ Street, within the SOMA–Neighborhood Commercial Transit District, The Youth and Family Special Use District, and a 65-X height and bulk district. The 4,000 square foot lot includes a three-story mixed-use structure. The Park Hotel—a residential hotel—is located on a portion of the ground floor and all of the 2<sup>nd</sup> and 3<sup>rd</sup> floors. The commercial ground floor consists of two commercial storefronts fronting on Folsom Street. The subject commercial storefront is currently vacant and occupies approximately 1,200 square feet. The adjacent store front is vacant.
3. **Surrounding Properties and Neighborhood.** The project site is located between Russ and Harriet Streets in the SOMA Neighborhood Commercial Transit District directly across from Victoria Manalo Draves Park. Several other eating, retail, light industrial, recreational and residential uses are nearby. Surrounding properties are mixed with Residential Enclaves located along nearby alleys, and light industrial and mixed-use developments along the Folsom Street corridor.

The SOMA Neighborhood Commercial Transit District (NCT) is located along the 6th Street and Folsom Street corridors in the South of Market. The commercial area provides a limited selection of convenience goods for the residents of the South of Market. Eating and drinking establishments contribute to the street's mixed-use character and activity in the evening hours. A number of upper-story professional and business offices are located in the district. In general, residential uses are found above the commercial uses found on the ground floor.

The site is well served by transit. The 12-Folsom, 19 Polk, 27-Bryant, 9X-San Bruno Express and the 47-Van Ness Muni Bus Lines operate within close proximity of the site.

4. **Project Description.** The project proposes to establish a full-service restaurant of approximately 1,200 square feet within the SOMA Neighborhood Commercial Transit District. The subject commercial unit has been vacant for approximately 7 years.

Moya is an independently owned, authentic Etheopian restaurant and coffee shop. The project is not identified as a Formula Retail use. Moya will provide quality Ethiopian coffee and dishes, including vegetarian and vegan dishes. The proposed operation will require approximately 4 employees.

5. **Public Comment.** The Department received one email of support for 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. **Neighborhood Commercial Permit Review.** Planning Code Section 312 requires neighborhood notification of changes in use to a full-service restaurant, as defined by Planning Code Section 790.92 for lots within the SOMA Neighborhood Commercial Transit District.

*The Project Sponsor is proposing a full-service restaurant use within the SOMA Neighborhood Commercial Transit District. Section 312 notification was conducted in conjunction with the Conditional Use authorization notification.*

- B. **Full-Service Restaurant.** Planning Code Section 735.42 allows a full-service restaurant as of right within the SOMA Neighborhood Commercial Transit District. However, Section 249.40A requires a Conditional Use authorization for a full-service restaurant within the SOMA Youth and Family Special Use District.

*The Project Sponsor intends to establish a full-service restaurant in the SOMA Youth and Family Special Use District and is seeking Conditional Use authorization.*

- C. **Formula Retail Use.** Planning Code Section 703.4 requires conditional use authorization from the Planning Commission to establishment of a formula retail use, as defined in Section 703.3, in any Neighborhood Commercial District, as identified in Article 7 pursuant to the criteria of Sections 303(c) and 303(i) and be subject to the terms of Sections 703.3(g) and (i).

*The proposed full-service restaurant use is not identified as a formula retail.*

- D. **Use Size Limits.** Planning Code Section 735.21 principally permits uses sizes of up to 3,999 square feet and conditionally permits uses sizes of 4,000 square feet.

*The project proposes a full-service restaurant up of approximately 1,200 square feet.*

- E. **Hours of Operation.** Planning Code Section 735.27 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 project sponsor will abide by the principally permitted hours of operation as stated in Section 735.27.*

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

*The project does not propose alterations to the already existing store front configuration.*

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 proposed project is desirable because it will occupy an existing ground floor commercial space that has been vacant for approximately 7 years. The project will offer specialized Ethiopian goods not readily found within the neighborhood commercial district. The use, a neighborhood serving full-service restaurant located on the ground floor, will enrich the diversity of goods offered within the Folsom Street Corridor. It is in line with the prevailing pattern of commercial ground floor uses and is compatible with the neighborhood.*

- 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 proposed project will operate within 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 parking or loading for any uses within the SOMA NCT District. The proposed project is well served by public transit, minimizing the need for private automobile trips.*

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

*The proposed use is subject to the standard conditions of approval for full-service restaurants as outlined in Exhibit A. Conditions 5 through 9 specifically obligate the project sponsor to mitigate noxious or offensive generated by the restaurant 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 proposed use. Landscaping is not proposed as the building has no front setback. The Department shall review all proposed signs under separate permit applications.*

- 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 proposed project is consistent with the stated purposes of the SOMA Neighborhood Commercial Transit District in that the intended use is located at the ground floor, will provide convenience goods to the immediately surrounding neighborhoods and will be active throughout the day.*

- 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 proposed project will provide desirable goods and services to residents of the neighborhood and of a greater area as well as to patrons of the surrounding commercial establishments in the SOMA Neighborhood Commercial Transit District. Being located within the SOMA Neighborhood Commercial Transit District, the proposed project is consistent with activities in the commercial land use plan.*

**OBJECTIVE 2:**

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

**Policy 2.1:**

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

*The proposed project will fill a currently vacant commercial space with a beneficial commercial use for the area's residents as well as to patrons of the surrounding commercial establishments in the SOMA Neighborhood Commercial Transit District.*

**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.

**Policy 6.3:**

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

*The project proposes to provide neighborhood serving goods while utilizing a currently vacant storefront. The commercial space is on the ground floor of a building whose upper floors are a hotel, thereby preserving the mixed commercial-residential character of the SOMA Neighborhood Commercial Transit District. No*

*affordable housing will be lost as the project proposes to retain commercial activity within an existing storefront.*

The following guidelines, in addition to others in this objective for neighborhood commercial districts, should be employed in the development of overall district zoning controls as well as in the review of individual permit applications, which require case-by-case review and Planning Commission approval. Pertinent guidelines may be applied as conditions of approval of individual permit applications. In general, uses should be encouraged which meet the guidelines; conversely, uses should be discouraged which do not.

### **Eating and Drinking Establishments**

Eating and drinking establishments include bars, sit-down restaurants, fast food restaurants, self-service restaurants, and take-out food. Associated uses, which can serve similar functions and create similar land use impacts, include ice cream stores, bakeries and cookie stores. Guidelines for eating and drinking establishments are needed to achieve the following purposes:

- Regulate the distribution and proliferation of eating and drinking establishments, especially in districts experiencing increased commercial activity;
- Control nuisances associated with their proliferation;
- Preserve storefronts for other types of local-serving businesses; and
- Maintain a balanced mix of commercial goods and services.

The regulation of eating and drinking establishments should consider the following:

- Balance of retail sales and services;
- Current inventory and composition of eating and drinking establishments;
- Total occupied commercial linear frontage, relative to the total district frontage;
- Uses on surrounding properties;
- Available parking facilities, both existing and proposed;
- Existing traffic and parking congestion; and
- Potential impacts on the surrounding community.

*For eating and drinking establishments, the Commerce and Industry Guidelines for Specific Uses state, "the balance of commercial uses may be threatened when eating and drinking establishments occupy more than 20% of the total occupied commercial frontage." Planning Department Staff performed a site survey of the SOMA Neighborhood Commercial Transit District, where the proposed project is located. With the proposed restaurant use, less than 15% of the frontage of the SOMA Neighborhood Commercial Transit District is attributed to eating and drinking establishments. There should be no negative impact on traffic or parking because the proposed project is very well served by public transit and pedestrian/bicycle facilities. Furthermore, the Planning Code does not require parking for this project.*

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 proposes to fill a currently vacant storefront with a retail use that serves the neighborhood and that serves as a source of employment for neighborhood 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 proposes to utilize a currently vacant storefront for its operation and does not propose any expansion or alteration to either the building envelope or building façade.*

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

*The Project will not add or remove any dwelling units.*

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

*The proposed project is well served by public transit. It is highly likely that both employees and customers of the proposed project will either walk, bicycle or use Muni to arrive since the 12-Folsom, 19 Polk, 27-Bryant, 9X-San Bruno Express and the 47-Van Ness Muni Bus Lines operate within close proximity of the site.*

- 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 proposed project will not include any commercial office development and will not displace any service or industry establishments.*

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

*The proposed project will comply with the City Codes to achieve the proper preparedness in the event of an earthquake.*

- G. That landmarks and historic buildings be preserved.

*The project does not propose any expansion or alteration to either the building envelope or building façade.*

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

*The proposed project will not have a negative impact on existing parks and open spaces.*

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. 2009.1109C** subject to the following conditions attached hereto as "EXHIBIT A" which is incorporated herein by reference as though fully set forth.

**APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion No. XXXXX. The effective date of this Motion shall be the date of this Motion if not appealed (After the 30-day period has expired) OR the date of the decision of the Board of Supervisors if appealed to the Board of Supervisors. For further information, please contact the Board of Supervisors at (415) 554-5184, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94012.**

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on February 25, 2010.

Linda Avery  
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: February 25, 2010

## Exhibit A

# Conditions of Approval

1. This authorization is for a Conditional Use Authorization under Sections 239.40A and 790.92 of the Planning Code to allow a Full-Service Restaurant not identified as a formula retail use at 1044 Folsom Street within the SOMA Neighborhood Commercial Transit District, a 65-X Height and Bulk District, and the SOMA Youth and Family Special Use District, in general conformance with plans filed with the Application as received on December 3, 2009 and stamped "EXHIBIT B" included in the docket for **Case No. 2009.1109C**, reviewed and approved by the Commission on February 25, 2010.
2. A Retail Full Service Restaurant, as defined in Planning Code Section 790.92, is described as a retail eating or eating and drinking use which serves food to customers primarily for consumption on the premises, and is not specifically designed to attract and accommodate high customer volumes or turnover.

It has seating and serves prepared, ready-to-eat cooked foods for consumption on the premises. Guests typically order and receive food and beverage while seated at tables on the premises and pay for service after the meal is consumed.

It includes, but is not limited to, lunch counters, coffee shops, soda fountains and full-service dining establishments. It is distinct and separate from a small or large fast-food restaurant, as defined in Sections 790.90 and 790.91 of this Code.

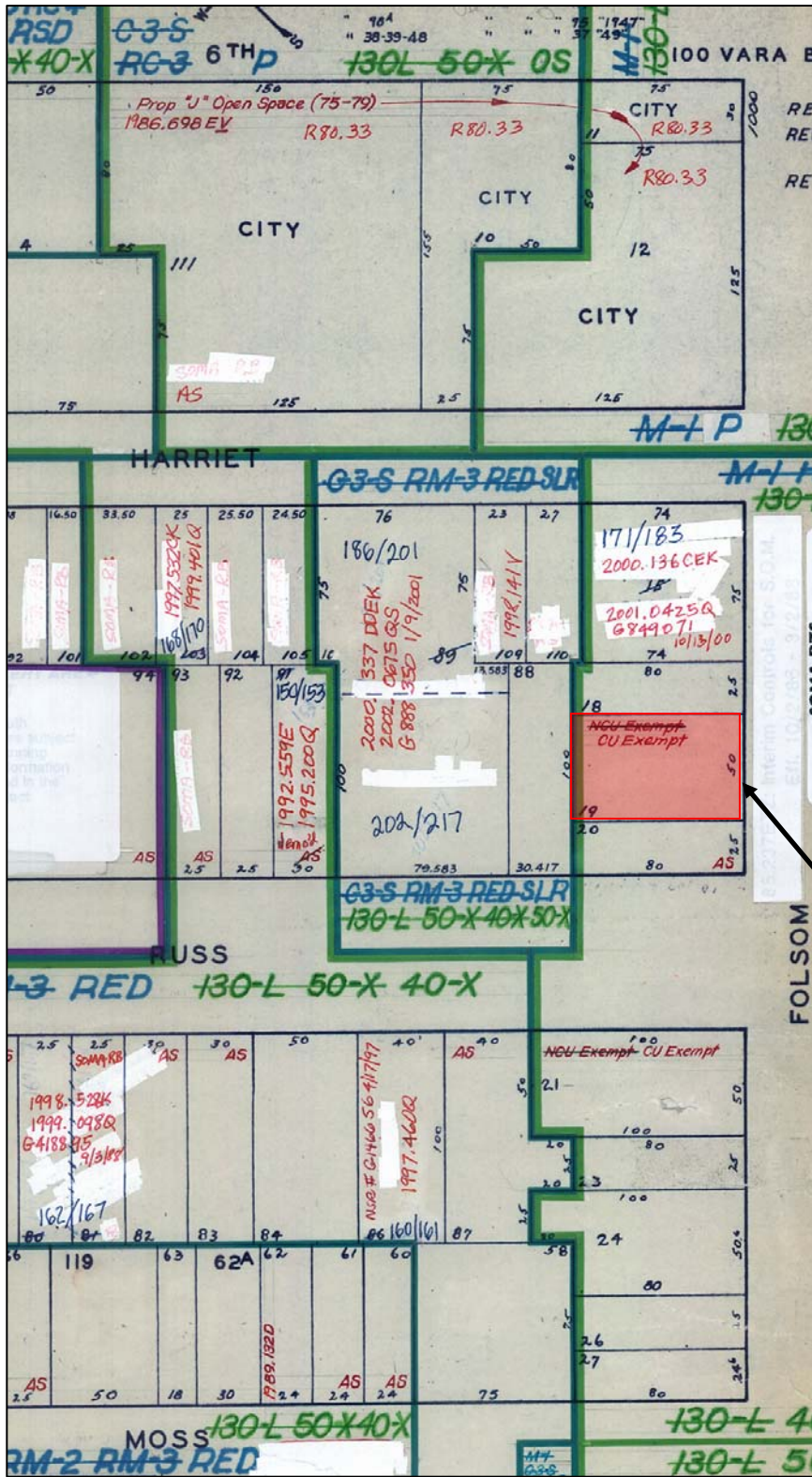
It may provide on-site beer and/or wine sales for drinking on the premises (with ABC licenses 40, 41 or 60). If it serves liquor for drinking on the premises (with ABC licenses 47 or 48), or does not admit minors (with ABC licenses 42 or 61), then it shall also be considered a bar, as defined in Section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

3. Violation of the conditions contained in this Motion or of any other provisions of the Planning Code may be subject to abatement procedures and fines up to \$500 a day in accordance with Planning Code Section 176.
4. Should monitoring of the Conditions of Approval contained in Exhibit A of this Motion be required, the Project Sponsor or successors shall pay fees as established in Planning Code Section 351(e)(1).
5. The property owner shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean condition. Such maintenance shall include, at a minimum, daily sweeping and litter pickup and disposal as well as washing or steam cleaning of the main entrance and abutting sidewalks at least once each week.

6. Until removal by a waste disposal service, all garbage and/or waste containers shall be either (1) kept within the subject building or (2) kept in a sealed enclosure which prevents the emission of any noxious odors.
7. The Project Sponsor shall maintain appropriate odor control equipment to prevent any significant noxious or offensive kitchen odors from escaping the premises.
8. The Project Sponsor shall operate the proposed restaurant such that noise is kept at reasonable levels so as not to unduly disturb neighboring businesses and residents.
9. The Project Sponsor shall maintain an attractive storefront providing visibility of the restaurant interior through the storefront windows.
10. Signs for the business shall be reviewed and approved by the Planning Department before they are installed.
11. The Project Sponsor shall assure the execution and recordation of the specified conditions as a Notice of Special Restrictions at the Office of the County Recorder / County Clerk.
12. The Planning Commission may, in a public hearing, consider the revocation of this conditional use authorization if a site or building permit has not been issued 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 thenceforth diligently to completion. The Commission may also consider revoking this conditional use authorization 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. This authorization may be extended at the discretion of the Zoning Administrator only if the failure to issue a permit by the Department of Building Inspection is delayed by a City, state or federal agency or by appeal of the issuance of such permit.



# Parcel Map

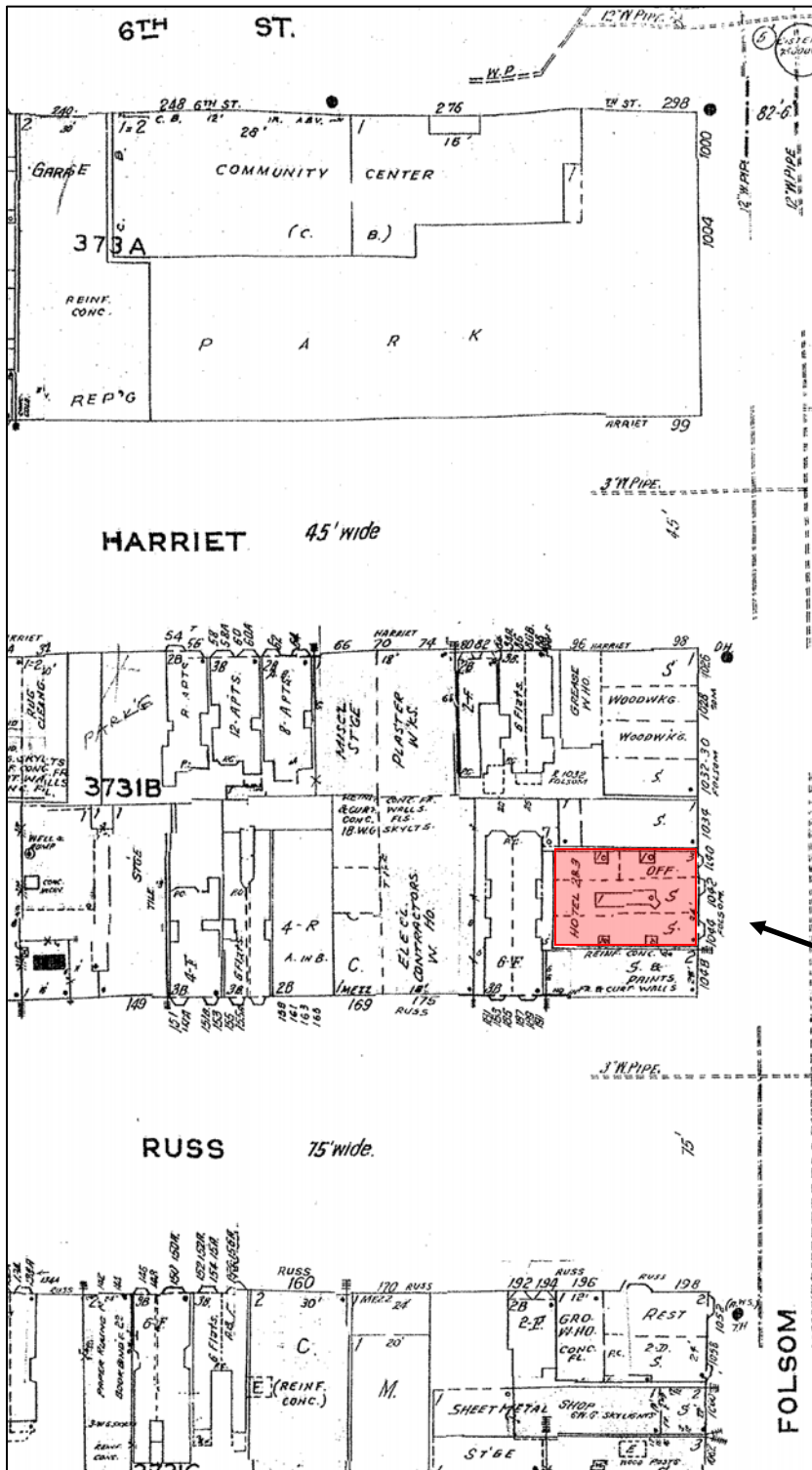


**SUBJECT PROPERTY**



Conditional Use Authorization  
 Case Number 2009.1109C  
 Full-Service Restaurant  
 1044 Folsom 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  
 Case Number 2009.1109C  
 Full-Service Restaurant  
 1044 Folsom Street

# Aerial Photo



SUBJECT PROPERTY



Conditional Use Authorization  
Case Number 2009.1109C  
Full-Service Restaurant  
1044 Folsom Street

# Site Photo



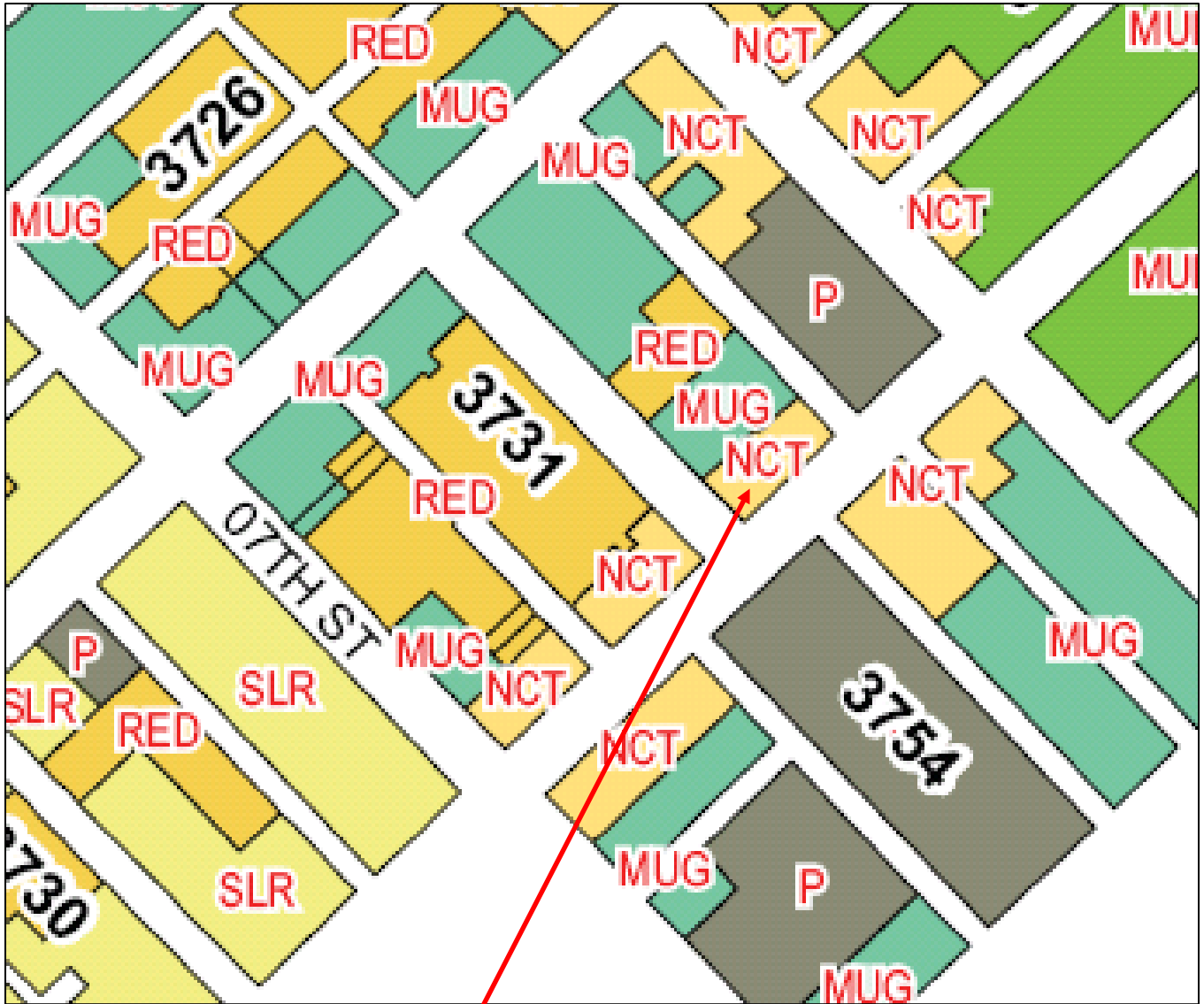
SUBJECT UNIT

VACANT UNIT

PARK HOTEL

Conditional Use Authorization  
Case Number 2009.1109C  
Full-Service Restaurant  
1044 Folsom Street

# Height and Bulk Map



SUBJECT PROPERTY



Conditional Use Authorization  
Case Number 2009.1109C  
Full-Service Restaurant  
1044 Folsom Street



