



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Conditional Use

HEARING DATE: MAY 13, 2010

Date: May 6, 2010
Case No.: 2010.0083C
Project Address: **200 FILLMORE STREET**
Zoning: NC-1 (Neighborhood Commercial Cluster) District
40-X Height and Bulk District
Block/Lot: 0859/020
Project Sponsors: Bill Maher (agent)
433 Waller Street
San Francisco, CA 94117
Mustapha Hakkou (applicant)
2445 Fillmore Street
San Francisco, CA 94115
Staff Contact: Sharon M. Young – (415) 558-6346
sharon.m.young@sfgov.org
Recommendation: **Approval with Conditions**

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PROJECT DESCRIPTION

The proposal is a request for Conditional Use authorization under Sections 710.48, 303, and 186.1(b)(1) of the Planning Code to allow an "other entertainment" use within an existing legal nonconforming large fast food restaurant dba Café Du Soleil located on the ground floor of the two-story residential and commercial building within an NC-1 (Neighborhood Commercial Cluster) District and a 40-X Height and Bulk District.

The proposal will involve adding the performance of nonamplified musical entertainment (jazz) and poetry reading to the existing restaurant between the hours of 6 p.m. and 10 p.m. Thursday through Saturday and between the hours of 12 p.m. and 9 p.m. on Sunday. [The applicant's original proposal for "other entertainment" use on the premises was between the hours of 6 p.m. and 11 p.m. on Friday and Saturday.] There will be no tenant improvements made within the existing commercial space or any changes made to the existing building envelope.

SITE DESCRIPTION AND PRESENT USE

The Project Site at 200 Fillmore Street is located on the northeast corner of Fillmore and Waller Streets; Assessor's Block 0859; Lot 020. It is located in an NC-1 (Neighborhood Commercial Cluster) District and a 40-X Height and Bulk District. The subject lot is 3,114 square-feet (35.59 feet wide by 87.50 feet deep) in size and is occupied by a two-story residential and commercial building built circa 1900. The existing building is listed in the Planning Department's 1976 Architectural Survey as having architectural significance and is included within the Halley Valley Survey area. The existing legal nonconforming large fast food restaurant (dba Café Du Soleil) occupies commercial tenant space on the ground floor of the building.

SURROUNDING PROPERTIES & NEIGHBORHOOD

The surrounding development consists of a variety of mixed-use buildings featuring residential uses above ground-floor commercial establishments. The scale of development in the area consists primarily of low-rise buildings (primarily two- to three-story structures with a few one and four story structures), some of which were built in the early 1900s. Generally, the commercial establishments characterizing this portion of Fillmore Street include a mixture of restaurants, specialty shops, and a general merchandise/drug store. Some of the existing commercial establishments include Health Wise For Pets, Thep Phanom, Indian Oven, Squat & Gobble, Zip Zap Hair, Upper Playground Flowers on Fillmore, Estela's Sandwiches, and Fifty 24 SF Gallery. The surrounding zoning is NC-1 (Neighborhood Commercial Cluster) District, NC-2 (Small-Scale Neighborhood Commercial) District, RH-3 (Residential, House, Three-Family) District. The 400-500 block of Haight Street, which has a number of commercial establishments, is located one block north of the Project Site.

ENVIRONMENTAL REVIEW

The proposed project was determined by the San Francisco Planning Department to be categorically exempt from environmental review, under Class 1(a) of the State CEQA Guidelines, Section 15301, pursuant to Title 14 of the California Administrative Code.

HEARING NOTIFICATION

| TYPE | REQUIRED PERIOD | REQUIRED NOTICE DATE | ACTUAL NOTICE DATE | ACTUAL PERIOD |
|--------------------|-----------------|----------------------|--------------------|---------------|
| Classified News Ad | 20 days | April 23, 2010 | April 23, 2010 | 20 days |
| Posted Notice | 20 days | April 23, 2010 | April 23, 2010 | 20 days |
| Mailed Notice | 20 days | April 23, 2010 | April 23, 2010 | 20 days |

PUBLIC COMMENT

- As of May 6, 2010, the Department has received one phone call (Vallie Brown) expressing concerns regarding the proposed hours of operation and its potential noise impacts to the residents within the surrounding neighborhood. The project applicant's agent has since contacted Ms. Brown with regard to her concerns. In response to these concerns, the project applicant's agent has indicated that the applicant would like to modify the proposed hours of operation on Friday and Saturday from 6 p.m. to 11 p.m. to 6 p.m. to 10 p.m. The Department has also received two letters in opposition to the proposal from adjacent residents (Phil Horowitz and Jimmy Terrell) concerned about the noise that may emit from the proposed entertainment use since there are no interior modifications to include acoustical soundproofing in the proposal. The project applicant's agent has contacted the San Francisco Police Department (Northern Station) with regard to the proposal and has submitted a petition with over 600 signatures from customers of the restaurant (which includes approximately 500 signatures from neighbors) who indicated their support for adding entertainment (i.e. jazz and poetry readings) to the premises.

ISSUES AND OTHER CONSIDERATIONS

- The existing legal nonconforming large fast food restaurant dba Café Du Soleil, which was established since 2006, is independently owned and is not considered a formula retail use under Section 703.3 of the Planning Code.
- The project applicant's agent has indicated that the restaurant (café) has been open for several years and has the support of innumerable neighbors (over 500 signatures on the petition). The café has had sidewalk tables and chairs for the last few years with no apparent problems. According to the project applicant's agent, the proposed "other entertainment" use will provide for a more "laid back" alternative venue than the many venues for late night drinking and entertainment existing on Haight Street, located approximately one block from the Project Site.
- The project applicant's agent has indicated that the proposed project will involve no physical remodeling of the premises and requires nothing more than moving a few tables during the weekends. The restaurant currently has tables and seats inside to accommodate 60 people with permitted sidewalk café tables and seats for approximately 20 more people. No permanent stage or structure will be required.
- The project applicant's agent has indicated that the existing restaurant is well established in the community in which the majority of the clientele are local residents who walk or bike to the establishment and a small number take public transit from the adjacent Hayes Valley and Castro neighborhoods. In addition, some of the clientele are tourists (primarily European visitors to the City).

REQUIRED COMMISSION ACTION

This proposal requires **Conditional Use** authorization pursuant to Sections 710.48, 303, and 186.1(b)(1) of the Planning Code to allow an "other entertainment" use within an existing legal nonconforming large fast food restaurant dba Café Du Soleil located on the ground floor of the two-story residential and commercial building within an NC-1 (Neighborhood Commercial Cluster) District and a 40-X Height and Bulk District.

BASIS FOR RECOMMENDATION

- The proposed project would further enhance an existing independently-owned, neighborhood serving restaurant and would help further ensure the restaurant's success at its current location by attracting customers seeking an entertainment venue for poetry reading and nonamplified musical entertainment.
- The proposed project meets all applicable requirements of the Planning Code.
- The Department believes that this project is necessary and/or desirable for the following reasons:
 - a) The proposed project will enhance the economic diversity of the neighborhood by allowing the establishment of a new entertainment use in the area.
 - b) The proposed project is a neighborhood-serving use which local residents can access by walking or taking public transit.

- c) The proposed project is consistent with the mixed commercial-residential character of this portion of the NC-1 District.

RECOMMENDATION: Approval with Conditions

Attachments:

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

Attachment Checklist

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

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

SMY
Planner's Initials



SAN FRANCISCO PLANNING DEPARTMENT

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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ADOPTING FINDINGS RELATED TO THE APPROVAL OF A CONDITIONAL USE AUTHORIZATION UNDER PLANNING CODE SECTIONS 710.48, 303, AND 186.1(b)(1) OF THE PLANNING CODE TO ALLOW AN "OTHER ENTERTAINMENT" USE WITHIN AN EXISTING LEGAL NONCONFORMING LARGE FAST FOOD RESTAURANT DBA CAFÉ DU SOLEIL AT 200 FILLMORE STREET WITHIN AN NC-1 (NEIGHBORHOOD COMMERCIAL CLUSTER) DISTRICT AND 40-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On February 9, 2010, Bill Maher acting agent on behalf of Mustapha Hakkou (hereinafter "Project Sponsor") made an application for Conditional Use authorization for the property at **200 Fillmore Street, Lot 020 in Assessor's Block 0859** (hereinafter "Subject Property") to allow an "other entertainment" use within an existing legal nonconforming large fast food restaurant with approximately 1,200 square feet of floor area dba Café Du Soleil, located on the ground floor of the two-story residential and commercial building within an NC-1 (Neighborhood Commercial Cluster) District and a 40-X Height and Bulk District, in general conformity with plans dated February 26, 2010 and labeled "Exhibit B" (hereinafter "Project").

On **May 13, 2010**, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on **Conditional Use Application No. 2010.0083C**. Under Sections 710.48, 303, and 186.1(b)(1) of the Planning Code, Conditional Use authorization is required to allow an "other entertainment" use within an existing legal nonconforming large fast food restaurant dba Café Du Soleil within an NC-1 District. The proposal will involve adding musical entertainment and poetry reading to the existing restaurant between the hours of 6 p.m. and 10 p.m. Thursday through Saturday and between the hours of 12 p.m. and 9 p.m. on Sunday.

Pursuant to the Guidelines of the State Secretary of Resources for the implementation of the California Environmental Quality Act (hereinafter "CEQA"), the Planning Department of the City and County of San Francisco (hereinafter "Department") determined that the proposed Conditional Use Application was categorically exempt from the environmental review process under Class 1(a) of the State CEQA Guidelines, Section 15301, pursuant to Title 14 of the California Administrative Code. 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. 2010.0083C, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

FINDINGS

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

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The Project Site at 200 Fillmore Street is located on the northeast corner of Fillmore and Waller Streets; Assessor's Block 0859; Lot 020. It is located in an NC-1 (Neighborhood Commercial Cluster) District and a 40-X Height and Bulk District. The subject lot is 3,114 square-feet (35.59 feet wide by 87.50 feet deep) in size and is occupied by a two-story residential and commercial building built circa 1900. The existing building is listed in the Planning Department's 1976 Architectural Survey as having architectural significance and is included within the Halley Valley Survey area. The existing legal nonconforming large fast food restaurant (dba Café Du Soleil) occupies commercial tenant space on the ground floor of the building.
3. **Surrounding Properties and Neighborhood.** The surrounding development consists of a variety of mixed-use buildings featuring residential uses above ground-floor commercial establishments. The scale of development in the area consists primarily of low-rise buildings (primarily two- to three-story structures with a few one and four story structures), some of which were built in the

early 1900s. Generally, the commercial establishments characterizing this portion of Fillmore Street include a mixture of restaurants, specialty shops, and a general merchandise/drug store. Some of the existing commercial establishments include Health Wise For Pets, Thep Phanom, Indian Oven, Squat & Gobble, Zip Zap Hair, Upper Playground Flowers on Fillmore, Estela's Sandwiches, and Fifty 24 SF Gallery. The surrounding zoning is NC-1 (Neighborhood Commercial Cluster) District, NC-2 (Small-Scale Neighborhood Commercial) District, RH-3 (Residential, House, Three-Family) District. The 400-500 block of Haight Street, which has a number of commercial establishments, is located one block north of the Project Site.

4. **Project Description.** The proposal is a request for Conditional Use authorization under Sections 710.48, 303, and 186.1(b)(1) of the Planning Code to allow an "other entertainment" use within an existing legal nonconforming large fast food restaurant dba Café Du Soleil located on the ground floor of the two-story residential and commercial building within an NC-1 (Neighborhood Commercial Cluster) District and a 40-X Height and Bulk District.

The proposal will involve adding the performance of nonamplified musical entertainment (jazz) and poetry reading to the existing restaurant between the hours of 6 p.m. and 10 p.m. Thursday through Saturday and between the hours of 12 p.m. and 9 p.m. on Sunday. [The applicant's original proposal for "other entertainment" use on the premises was between the hours of 6 p.m. and 11 p.m. on Friday and Saturday.] There will be no tenant improvements made within the existing commercial space or any changes made to the existing building envelope.

5. **Issues and Other Considerations.**

- The existing legal nonconforming large fast food restaurant dba Café Du Soleil, which was established since 2006, is independently owned and is not considered a formula retail use under Section 703.3 of the Planning Code.
- The project applicant's agent has indicated that the restaurant (café) has been open for several years and has the support of innumerable neighbors (over 500 signatures on the petition). The café has had sidewalk tables and chairs for the last few years with no apparent problems. According to the project applicant's agent, the proposed "other entertainment" use will provide for a more "laid back" alternative venue than the many venues for late night drinking and entertainment existing on Haight Street, located approximately one block from the Project Site.
- The project applicant's agent has indicated that the proposed project will involve no physical remodeling of the premises and requires nothing more than moving a few tables during the weekends. The restaurant currently has tables and seats inside to accommodate 60 people with permitted sidewalk café tables and seats for approximately 20 more people. No permanent stage or structure will be required.
- The project applicant's agent has indicated that the existing restaurant is well established in the community in which the majority of the clientele are local residents who walk or

bike to the establishment and a small number take public transit from the adjacent Hayes Valley and Castro neighborhoods. In addition, some of the clientele are tourists (primarily European visitors to the City).

6. **Public Comment.** As of May 6, 2010, the Department has received one phone call (Vallie Brown) expressing concerns regarding the proposed hours of operation and its potential noise impacts to the residents within the surrounding neighborhood. The project applicant's agent has since contacted Ms. Brown with regard to her concerns. In response to these concerns, the project applicant's agent has indicated that the applicant would like to modify the proposed hours of operation on Friday and Saturday from 6 p.m. to 11 p.m. to 6 p.m. to 10 p.m. The Department has also received two letters in opposition to the proposal from adjacent residents (Phil Horowitz and Jimmy Terrell) concerned about the noise that may emit from the proposed entertainment use since there are no interior modifications to include acoustical soundproofing in the proposal. The project applicant's agent has contacted the San Francisco Police Department (Northern Station) with regard to the proposal and has submitted a petition with over 600 signatures from customers of the restaurant (which includes approximately 500 signatures from neighbors) who indicated their support for adding entertainment (i.e. jazz and poetry readings) to the premises.
7. **Use District.** For the purposes of this action, the project site is within the NC-1 (Neighborhood Commercial Cluster) Zoning District. The NC-1 Zoning District is located on Fillmore Street on the northeast corner of Fillmore and Waller Streets in the Western Addition Neighborhood. NC-1 Zoning Districts are characterized by their location in residential neighborhoods, often in outlying areas of the City. The commercial intensity of these districts varies. Many of these districts have the lowest intensity of development in the City, generally consisting of small clusters with three or more commercial establishments, commonly grouped around a corner; and in some cases short linear commercial strips with low-scale, interspersed mixed (residential-commercial) development.
8. **Planning Code Compliance:** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:
 - A. **Section 101.1(b)** establishes eight priority planning policies and requires the review of permits that authorize changes of use for consistency with said policies:
 - (1) That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced.

The proposed Project would provide a local, small business owner an opportunity to enhance an existing business that currently provides job opportunities to the City.
 - (2) That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods.

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

- (3) That the City's supply of affordable housing be preserved and enhanced.
The proposed Project will not displace any affordable housing.
- (4) That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking.
The proposed Project would not significantly increase the automobile traffic congestion and parking problems in the neighborhood. The proposal is a neighborhood-serving use which residents can access by walking or taking public transit.
- (5) That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced.
There is no commercial office development associated with the proposed Project and there would be no displacement of any existing industrial or service businesses in the area.
- (6) That the City achieves the greatest possible preparedness to protect against injury and loss of life in an earthquake.
The proposed Project will comply with all applicable earthquake safety standards and built to the current standards of the California Building Code.
- (7) That landmark and historic buildings be preserved.
The proposed Project will not affect any landmarks or historic buildings.
- (8) That our parks and open space and their access to sunlight and vistas be protected from development.
The proposed Project will not affect any city-owned park or open space.

- B. Section 186.1(b)(1)** allows a nonconforming use to be significantly altered, enlarged or intensified except upon approval of a conditional use application.

The proposed Project requires Conditional Use authorization to allow the intensification of an existing legal nonconforming large fast food restaurant by allowing "other entertainment" use on the premises.

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

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

The proposed Project will allow for "other entertainment" use (i.e. acoustic music and poetry reading) in the restaurant. The project sponsor has submitted a petition with over 600 signatures from patrons of the restaurant which demonstrates that there is a desire

for the entertainment use on the premises. There will be no tenant improvements made to the existing commercial tenant space or changes made to the existing building envelope with this proposal.

- (2) The proposed project will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity. There are no features of the project that could be detrimental to the health, safety or convenience of those residing or working the area, in that:

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

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

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

Existing traffic patterns will not be significantly affected by the proposed Project. Public transit that is in close proximity to the restaurant includes Muni Line 22 within walking distance of the Project Site. There is on-street parking in front of the subject property and in the surrounding neighborhood.

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

The Conditions of Approval, attached as Exhibit A, will require the applicant to ensure that noise and odors are contained within the premises so as not to be a nuisance to nearby businesses or residents.

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

Since the proposed Project does not propose the physical expansion of the existing restaurant, no additional landscaping will need to be provided. There will be no addition of parking spaces, loading facilities, open space or service areas. All Project signage and projections will be consistent with the controls of the Planning Code.

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

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

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

The proposed Project is consistent with the stated purpose of the NC-1 District in that the intended use is a neighborhood-serving business.

D. **Section 710.1** sets forth provisions applicable in the NC-1 (Neighborhood Commercial Cluster) Zoning District. The NC-1 Zoning District controls are intended to serve as local neighborhood shopping districts, providing convenience retail goods and services for the immediately surrounding neighborhoods primarily during daytime hours. Building Controls or the NC-1 Zoning District promote low-intensity development which is compatible with the existing scale and character of these neighborhood areas. Commercial development is limited to one-story. NC-1 commercial use provisions encourage the full range of neighborhood-serving convenience retail sales and services at the first story provided that the use size generally is limited to 3,000 square feet. However, commercial uses and features which could impact residential livability are prohibited, such as auto uses, financial services, general advertising signs, drive-up facilities, hotels, and late-night activity; eating and drinking establishments are restricted, depending upon the intensity of such uses in nearby commercial districts. Housing development in new buildings is encouraged above the ground story in most districts. Existing residential units are protected by prohibitions of conversions above the ground story and limitations on demolitions.

E. **Section 710.27** allows hours of operation from 6 a.m. until 11 p.m. as of right and requires Conditional Use authorization to operate between the hours of 11 p.m. and 2 a.m.

The proposal is to add nonamplified musical entertainment (jazz) and poetry reading to the existing restaurant between the hours of 6 p.m. and 10 p.m. Thursday through Saturday and between the hours of 12 p.m. and 9 p.m. on Sunday.

F. **Section 710.38** defines "other entertainment" as a retail use, other than adult entertainment, which provides live entertainment, including dramatic and musical performances, and/or operates as a dance hall which provides amplified taped music for dancing on the premises, including but limited to those defined in Section 1060 of the Police Code, and which is adequately soundproofed or insulated so as to confine incidental noise to the premises. Other entertainment also includes a bowling alley, billiard parlor, shooting gallery, skating rink and other commercial recreational activity, but it excludes amusement game arcades.

G. **Section 710.48** requires Conditional Use authorization to allow an "other entertainment" use at the first (ground) floor within the NC-1 District.

The proposal is to allow an "other entertainment" use within the existing legal nonconforming large fast food restaurant on the Project Site.

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

COMMERCE AND INDUSTRY ELEMENT

NEIGHBORHOOD COMMERCE

Objectives and Policies

OBJECTIVE 6:

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

Policy 1:

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

The approval of the proposed project to allow an "other entertainment" use within the restaurant will enhance an existing neighborhood-serving use.

Policy 2:

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

A local, independent entrepreneur is sponsoring the proposal for the restaurant, which is not considered Formula Retail Use.

Policy 9:

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

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

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. 2010.0083C** 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. 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 May 13, 2010.

Linda Avery
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED:

Exhibit A

Conditions of Approval

1. Pursuant to Sections 710.48, 303, and 186.1(b)(1) to allow an "other entertainment" use within an existing legal nonconforming large fast food restaurant with approximately 1,200 square feet of floor area dba Café Du Soleil, located on the ground floor of the two-story residential and commercial building within an NC-1 (Neighborhood Commercial Cluster) District and a 40-X Height and Bulk District in general conformity with Plans on file with the Department in the docket for Case No. 2010.0083C (labeled EXHIBIT B), reviewed and approved by the Commission on May 13, 2010 under Motion No. _____.
2. The proposal will involve adding nonamplified musical entertainment and poetry reading to the existing restaurant between the hours of 6 p.m. and 10 p.m. Thursday through Saturday and between the hours of 12 p.m. and 9 p.m. on Sunday.
3. The establishment shall be adequately soundproofed or insulated for noise so that sound from live entertainment shall not be audible from outside the premises nor inside any of the residential units located above the restaurant. All doors and windows shall be kept closed during all entertainment. The Project Sponsor shall obtain all necessary permits from the Entertainment Commission prior to commencement of the entertainment use. In addition, the Project Sponsor shall comply with any requirements imposed by the Entertainment Commission and/or Police Department prior to the commencement of the authorized entertainment.
4. If the Project requires monitoring of the conditions of approval in this Motion, the Project Sponsor or the subsequent responsible parties for the Project shall pay a fee of \$1,080.00, as an initial fee plus time and materials as set forth in Section 350(c), as established under Planning Code Section 351(e)(1) and work with the Planning Department to ensure compliance.
5. The Project Sponsor 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 litter pickup and disposal, and washing or steam cleaning of the main entrance and abutting sidewalks at least once each week.
6. New signs and exterior lighting for the business shall be reviewed and approved by the Planning Department before they are installed.
7. The Project Sponsor shall maintain an attractive storefront providing visibility of the restaurant interior through the storefront windows.
8. **VALIDITY, EXPIRATION, AND EXTENSION**

This Conditional Use approval is **valid for three years** from the effective date of the Motion No. _____ authorizing the proposed "other entertainment" use and shall automatically expire on _____. This authorization is just an approval of the proposed use and is NOT a permit to implement the approved use. This authorization and right vested by virtue of this action shall be

deemed void and cancelled if a Building Permit from the Department of Building Inspection to implement the approved use has not been obtained prior to the expiration of this Conditional Use approval. The validity of this Conditional Use approval may be extended at the discretion of the Zoning Administrator only if the failure to issue a Building Permit by the Department of Building Inspection is delayed by the city, state, or federal agency or by appeal of the issuance of such Building Permit. However, the extension must be requested prior to the expiration of this Conditional Use approval.

9. MAJOR AND MINOR CHANGES AND MODIFICATIONS OF CONDITIONS

Minor changes to the approved plans may be approved administratively by the Zoning Administrator. Major changes and modifications of conditions shall be subject to review and approval by the Planning Commission requiring a new Conditional Use approval or amendment to this Conditional Use approval as determined by the Zoning Administrator. Such changes must be requested prior to the expiration of this Conditional Use approval.

10. RECORDING OF CONDITIONS OF APPROVAL

Prior to the issuance of a Building Permit Application for the proposed "other entertainment" use, the project sponsor or the responsible party shall record a Notice of Special Restrictions as approved by the Zoning Administrator in the Official Records of the Recorder of City and County of San Francisco for the premises (Assessor's 0859, Lot 020), which notice shall state that the proposed use has been authorized by Motion No. _____ and is subject to the conditions of approval of this Motion.

11. BUILDING PERMIT TO IMPLEMENT THE APPROVED PROJECT

A Building Permit from the Department of Building Inspection must be obtained to implement the approved use within three years from the effective date of Motion No. _____ approving the proposed "other entertainment" use. The Building Permit Application shall include plans in conformance with the plans on file with the Department in the docket for 2010.0083C (labeled EXHIBIT B), reviewed and approved by the Planning Commission on May 13, 2010 under the Motion No. _____. The plans are required to record the approved use of the premises even if there is no new construction or minor interior changes. The conditions of approval shall be reproduced on the Index Sheet of the plans submitted with the Building Permit Application. The Index Sheet of the plans shall reference to this Conditional Use Authorization and any subsequent amendments or modifications.

The project shall also comply with all other applicable city codes as required by other city departments. Additionally, no change in the character of occupancy or change to a different group of occupancy as described under the Building Code shall be made without first obtaining a Certificate of Occupancy from the Department of Building Inspection and approval from Planning and other city departments as necessary.

12. COMPLETION OF BUILDING PERMIT

If the Building Permit is allowed to expire for more than one year, the renewal of such Building Permit thereafter will be subject to review by the Planning Department. Prior to filing of a renewal

of the expired permit, the project sponsor or the responsible party shall notify the Planning Department.

13. REPORTING

The Project Sponsor or the subsequent responsible party for the project shall submit to the Zoning Administrator two copies of a written report describing the status of compliance with the conditions of approval contained within the Motion No. _____ within six months from the date of implementation of the proposed use. Thereafter, the submittal of the report shall be on an annual basis. This requirement shall lapse when the Zoning Administrator determines that all the conditions of approval have been satisfied or that the report is no longer required for other reasons.

14. REVOCATION

During the Building Permit Application process phase of the project, the Zoning Administrator may place an order to stop work, suspend, or revoke a Building Permit if the proposal carried out on the site is not in conformance with the plans approved under this Conditional Use approval and subsequent Building Permit. The Zoning Administrator may also recommend the Planning Commission to consider revocation of this Conditional Use approval in a public hearing for non-compliance with any of the conditions of approval.

15. ENFORCEMENT

After commencement of the approved use, violation of any of the planning conditions of approval contained in the Motion No. _____ 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, whichever applicable for each day a violation continues or is allowed to continue. The Planning Department may also refer the violation complaints to other city departments and agencies for appropriate enforcement action under their jurisdiction.

16. MONITORING

If the project requires monitoring of the conditions of approval contained in Exhibit A of Motion No. _____, the project sponsor or the subsequent responsible parties for the project shall pay fees as established under Planning Code Section 351(e)(1) and work with the Planning Department to ensure compliance.

17. NEIGHBORHOOD CONCERNS

The Project Sponsor shall appoint a Community Liaison Officer to address issues of concern to neighbors related to the operation of this Project. The Project Sponsor shall report the name and telephone number of this Officer to the Zoning Administrator and the neighborhood for reference. The Project Sponsor shall keep the above parties apprised should a different staff liaison be designated.

18. SEVERABILITY

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 of the remaining provisions, clauses, sentences, or sections of these conditions. It is hereby declared to be the intent of the Planning Commission that these conditions of approval would have been adopted had such invalid sentence, clause, or section or part thereof not been included herein.

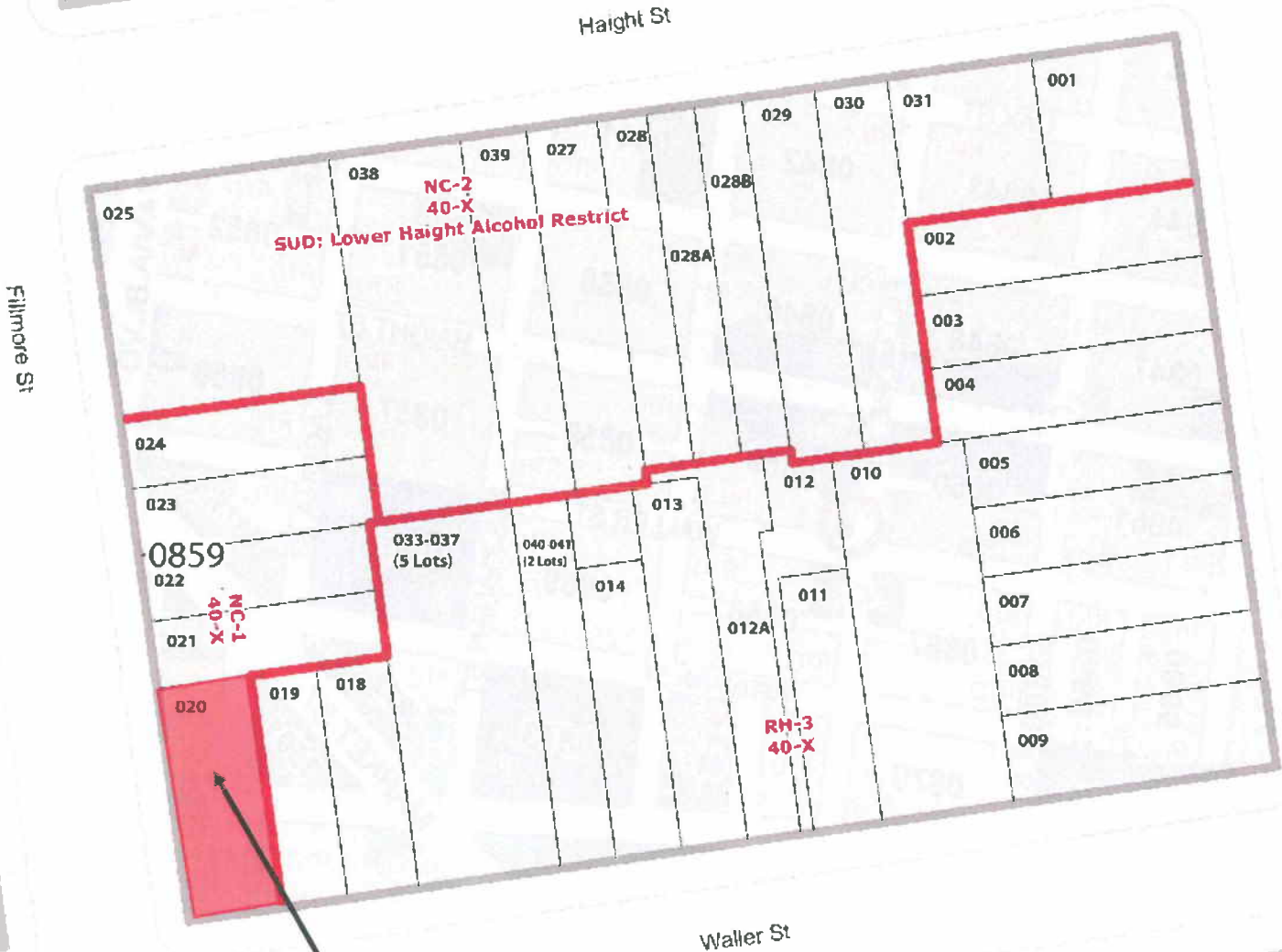
Zoning Map



Conditional Use Hearing
Case Number 2010.0083C
200 Fillmore Street
DBA Café Du Soleil



Parcel Map

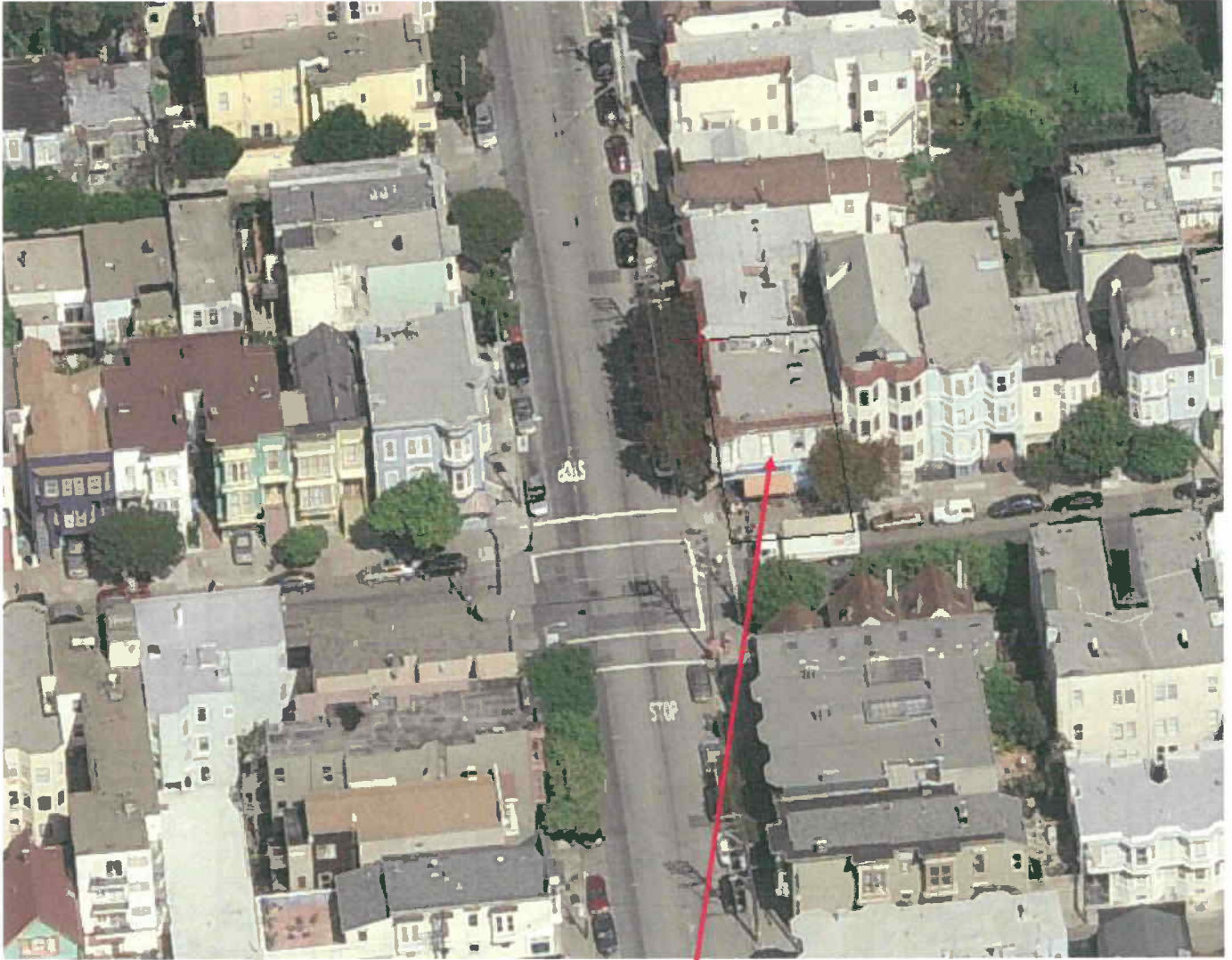


SUBJECT PROPERTY



Conditional Use Hearing
Case Number 2010.0083C
200 Fillmore Street
DBA Café Du Soleil

Aerial Photo*

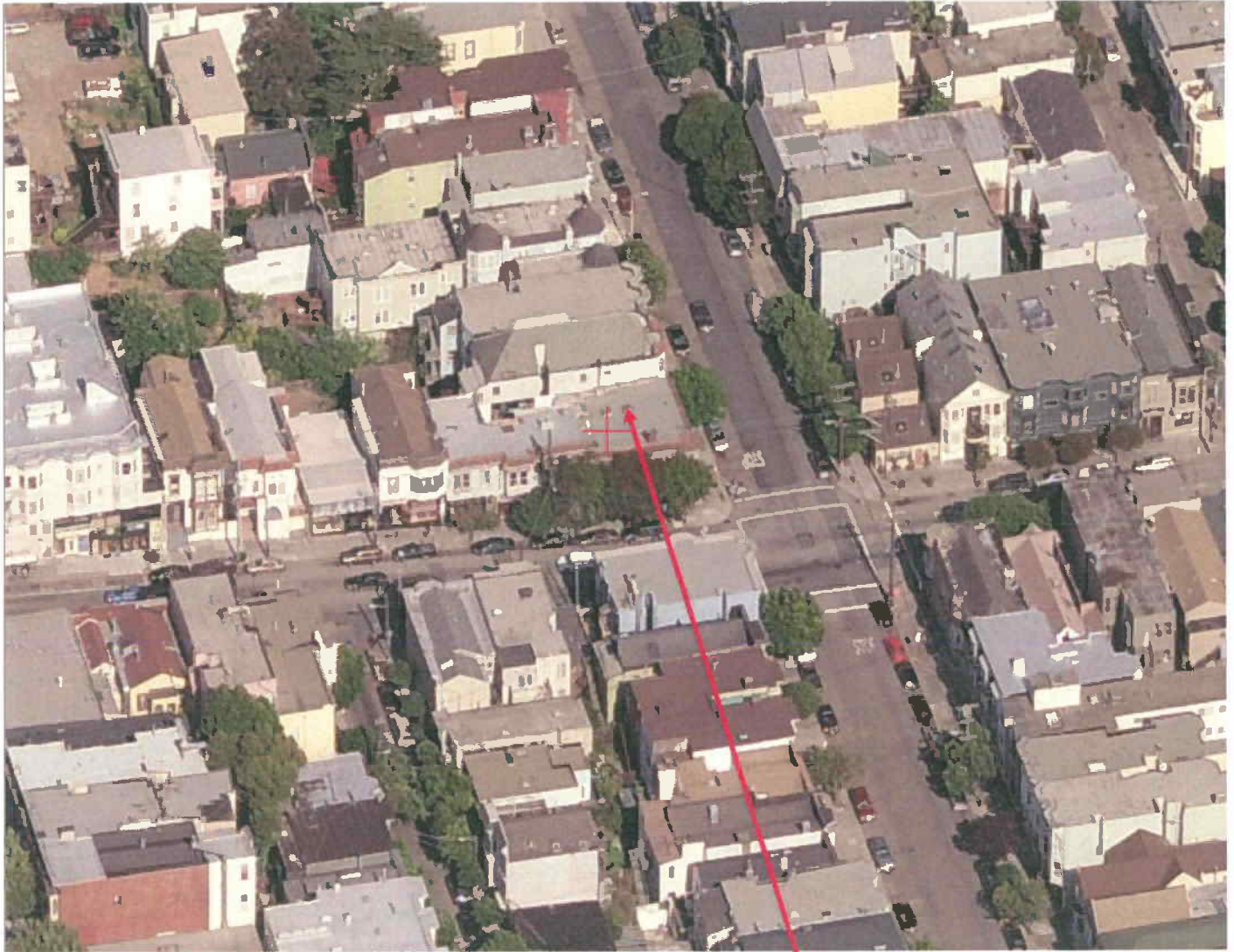


SUBJECT PROPERTY

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



Aerial Photo*



SUBJECT PROPERTY

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



Site Photo

SUBJECT PROPERTY ON THE CORNER OF FILLMORE AND WALLER STREETS



SUBJECT PROPERTY

Conditional Use Hearing
Case Number 2010.0083C
200 Fillmore Street
DBA Café Du Soleil

Site Photo

SUBJECT PROPERTY ON WALLER STREET



SUBJECT PROPERTY

Site Photo

SUBJECT BLOCK ON FILLMORE STREET



SUBJECT PROPERTY

Conditional Use Hearing
Case Number 2010.0083C
200 Fillmore Street
DBA Café Du Soleil

Site Photo

OPPOSITE BLOCK ON FILLMORE STREET



Conditional Use Hearing
Case Number 2010.0083C
200 Fillmore Street
DBA Café Du Soleil

APPENDIX I

From: Arnie Lazarus <arnielazarus@comcast.net>

To: bilmaher@aol.com

Subject: Pictures of Cafe du Soleil and my Phone numbep

Date: Mon, Sep 28, 2009 5:45 pm

Attachments: Cafe_du_Soleil_(4).jpg (175K), Cafe_du_Soleil_(5).jpg (218K), Cafe_du_Soleil_(6).jpg (139K), Cafe_du_Soleil_(7).jpg (164K), Cafe_du_Soleil_(8).jpg (150K), Cafe_du_Soleil_(9).jpg (154K), Cafe_du_Soleil_(10).jpg (521K)

I hope these are satisfactory. If not, I will shoot them again.

Arnie

P.S. My phone number is 415 571 7964.

7 Attached Images

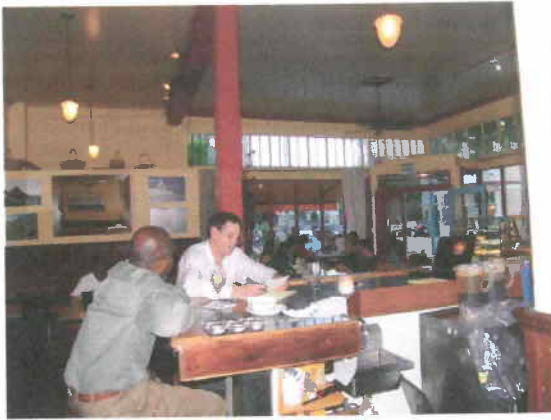


*from middle
of intersection*



*from diagonal corner
next several buildings on
Filmore Street. left side
of picture are all
retail.*

10.0083 C



inside cafe



outside cafe
from accross street



~~inside cafe~~
from front

10.0083 C



inside cafe from door



outside from
across street

10.0083 C

BILL MAHER

433 WALLER STREET SAN FRANCISCO CA 94117
(415) 606-5225 BILMAHER@AOL.COM

Captain Croce Casciato
Northern Station
1125 Filmore Street
San Francisco, Ca 9417

October 4, 2009

Dear Captain:

Thank you for taking the time to meet with me the other day, it was very gracious of you. As we discussed the Café du Soliel on the corner of Waller and Filmore Streets will be asking the San Francisco Planning Commission for permission to play Acoustic Jazz only, on the earlier part of Thursday through Saturday and earlier on Sunday.

Specifically we are requesting Planning Commission approval of non amplified music and poetry readings from:

1. 6 PM until 10 PM on Thursday nights.
2. 6 PM until 11 PM on Friday and Saturday nights
3. 2 PM until 8 PM on Sunday nights

The Café has been open for several years and with the support of innumerable neighbors (over 500 on the petition) they have had sidewalk tables and chairs for the last few years. Unlike its predecessor, the Mouvida Lounge, there has not been a single run to the premises since it opened several years ago.

The present application has the support of over 600 signatures from customers supporting the idea of evening acoustic Jazz and Poetry. As you are well aware one block up on Height there are many venues for late night drinking and entertainment. I will be good for those of us in the neighborhood who no longer wish to Party Hearty until 2 AM to have an alternate more laid back alternative venue. We will request that a condition be placed that the sale to any new owner will require an opportunity for public testimony and review be the Planning Commission to further protect the area.

Again, I appreciate your taking the time to discuss the proposal and your supportive comments. This is a good proposal, supported by the community. It will enhance the neighborhood and reduce rather than increase the demands on your officers. We appreciate your support of the proposal. I look forward to continuing to work with you and Officer Gallagher and if I can provide you with any more information please let me know.

Sincerely,



Bill Maher

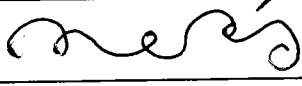


We the undersigned residents and customers of the Café du Soleil find the Café's presence to be an asset to the community and support the proposal to allow evening jazz and poetry readings at the Café.

| | <u>Name</u> | <u>Address</u> | <u>E-mail or phone</u> | <u>How did you get here</u> |
|-----|------------------|-------------------------|---------------------------|--|
| 1. | Katie Gremsey | Waller @ Pierre | | |
| 2. | NICOLE SCHACH | PAGE @ DEUCE | NSCHACH2002@AOL.COM | FOOT |
| 3. | PAUL YUZ | 200 Wainess ave. | Paul yuz @ yahoo.com | |
| 4. | MARCO FALCIONI | | MARCOFALCIONI@YAHOO.COM | Foot |
| 5. | Lauren Carfioli | | lauren.carfioli@gmail.com | foot |
| 6. | Sandra Nazzari | 3676 19th St | nazzari@pacbell.net | |
| 7. | Vera Sawyer | 219 Steiner St SF | vera.sawyer@gmail.com | foot! |
| 8. | Nerry Levy | 12 Selt Landing Tiburon | rabbiperry@stcglobal.net | |
| 9. | Kareh Gogani | 115 Haight St | karehgee@yahoo.com | walked |
| 10. | Kat James-Jolly | 859 oak st | oapstastivcky3@yahoo.com | |
| 11. | Reborah Lopez | 375 Hermann St. | reborahlopez@hotmail.com | walked |
| 12. | Anthony Lopez | 379 Hermann St | puca@clockworkbuddha.com | walked |
| 13. | Brenna Cavanaugh | 859 oak | brennacavanaugh@me.com | foot ☺ |
| 14. | Jon Rosman | 399 Steiner #75 | Rosman@well.com | foot |
| 15. | Enka Gebel | 181 Divisadero St. | etgeb@earthlink.net | |
| 16. | Baily Hopkins | 255 Steiner | bailyhopkins@ydlur.com | walked ^{supper} glider |

We the undersigned residents and customers of the Café du Soleil find the Café's presence to be an asset to the community and support the proposal to allow evening jazz and poetry readings at the Café.

| | <u>Name</u> | <u>Address</u> | <u>E-mail or phone</u> | <u>How did you get here</u> |
|-----|--------------------------|---------------------|-----------------------------|-----------------------------|
| 1. | Rebecca Hopkins | 255 Steiner | becca.hopkins@gmail.com | walk |
| 2. | IRINA MACAKHOVA | 45 Lincoln | 9176574857 | |
| 3. | James Hutchins | 600 Fell st. #603 | jhutchins@gmail.com | walk |
| 4. | ARTHUR SEBASTIAN LESNIAK | 542 WALLER ST. | ARTHUR722000@YAHOO.COM | |
| 5. | Sarah Palmer | 1341 McAllister | rocks.palmer@gmail.com | |
| 6. | Christine Ferrari | 71 Germania | ceferrari@yahoo.com | |
| 7. | Jordan R Cohen | 425 Fillmore | reisjordan@yahoo.com | |
| 8. | Summer B Lygal | 1814 Divisadero | Summerclygal@yahoo.com | |
| 9. | Bruce Hanson | 560 Haight St. | bruceandrewhanson@yahoo.com | |
| 10. | Michelle Jader | 560 Haight | michellejader@yahoo.com | |
| 11. | PAUL VARGAS | 1431 5th AVE APT. B | paulvargas88@yahoo.com | |
| 12. | Gina Michael | 4000 Pacific Avenue | gmichael1997@hotmail.com | |
| 13. | TJ Gorton | 331 Oak Street | dwr_media@yahoo.com | |
| 14. | Mary Solecki | 563 Waller Street | 4152463322 | walk |
| 15. | Mary Baumgardner | 262 Hermann St. | 415/252-5974 | walk |
| 16. | | | | |

We the undersigned residents and customers of the Café du Soleil find the Café's presence to be an asset to the community and support the proposal to allow evening jazz and poetry readings at the Café.

| | <u>Name</u> | <u>Address</u> | <u>E-mail or phone</u> | <u>How did you get here</u> |
|-----|-----------------------|------------------|--|--|
| 1. | Ashley Owen | 437 Waller St. | snappyshots22@hotmail.com | live around the corner |
| 2. | Michael Bing | 759 Oak St | michaelbing@gmail | live down street |
| 3. | Jana Camarillo | 759 OAK ST |  | I fly here |
| 4. | Pete Allen | 28 WOOD ST |  | I live nearby |
| 5. | Christie Cantwell | 129 Fillmore St | (415) 374-6670 | I work across the street. |
| 6. | Jenna Braun | 141 Webster | MSTLBS@yahoo |  |
| 7. | Phillip Taylor Parker | 435 Fillmore | _____ | I live nearby |
| 8. | Eugenio Diaz | 366 Waller | _____ | _____ |
| 9. | Kat Kazlauskas | 478 Duboce Ave | kat@katkaz.com | live 2 blocks away |
| 10. | Brian Troxel | 719 Fillmore St. | btroxbo@gmail | Live here |
| 11. | KAREN COUGHLAN | 430 SCOTT ST. | koughlan@netzero.com | live nearby |
| 12. | MAGGIE ENGBRETSON | 330 FILLMORE ST | maggieaune@gmail.com | _____ |
| 13. | Todd Lerew | 312 Fillmore | todd.lerew@gmail | _____ |
| 14. | Colby Henkens | 725 Guerrero | cbhenkens@gmail.com | _____ |
| 15. | Anne Braden | 559 Fillmore | _____ | live around corner |
| 16. | Kim Gill | 312 Fillmore #14 | 621-5794 | on foot |

We the undersigned residents and customers of the Café du Soleil find the Café's presence to be an asset to the community and support the proposal to allow evening jazz and poetry readings at the Café.

| | <u>Name</u> | <u>Address</u> | <u>E-mail or phone</u> | <u>How did you get here</u> |
|-----|--------------------|--------------------------------|----------------------------|-----------------------------|
| 1. | Nazanin Uddin | 137 Steiner | uddin6299@yahoo | -WALKED- |
| 2. | Caleb Kapon | 758 Haight St. #3 | Kapon14@yahoo.com | -Walked- |
| 3. | Avery Hayes | 585 page st #3 | averygilder@yahoo.com | walked |
| 4. | Jonathon Schaffner | 921 Treat Ave. S.F. | 415-812-1800 | walked + biked + Batez |
| 5. | Yoko Okayasu | 233 chester st. Oakland | yokoo@me.com | walked |
| 6. | Clayton Hubbard | 143 Scott St SF CA | | walked |
| 7. | Conor Devin | 2450 15 th , SF, CA | | walked / Live / Meet |
| 8. | Katie Crouch | 600 Page St #303, SF, CA | | walked |
| 9. | STEVEN HANDLEY | 760 14TH SF CA | | WALKED |
| 10. | MARC HABER | 362A WALLER SF CA | | WALKED |
| 11. | Jesus Penaloza | 632 B Haight SF CA | Jesus-Penaloza@hotmail.com | walked |
| 12. | Sean Campbell | 632 B Haight st. | shindigst8@netscape.net | walked |
| 13. | Michèle Foster | 712 Oak St | michelefoster@comcast.net | walked |
| 14. | Go An McManus | 350 Church St. #F | mmanuj@sutterhealth.org | walked |
| 15. | Katrin Kulesova | 200 Townsend St 13 | jkulesova@yahoo.com | walked |
| 16. | Sanglona Oricdo | 590 Steiner St SF CA | | walked |

We the undersigned residents and customers of the Café du Soleil find the Café's presence to be an asset to the community and support the proposal to allow evening jazz and poetry readings at the Café.

- | | <u>Name</u> | <u>Address</u> | <u>E-mail or phone</u> | <u>How did you get here</u> |
|-----|-----------------------------|-----------------------------------|------------------------------------|-----------------------------|
| 1. | Eric <u>Eric</u> | <u>129 Fillmore St</u> | <u>415 552-3445</u> | <u>WALK</u> |
| 2. | <u>Susan</u> | | <u>xxxxxx@yahoo.com</u> | <u>WALK/BIKE</u> |
| 3. | <u>COREY NGUYEN</u> | <u>500 Fillmore St. # 401 SF.</u> | <u>nguyencorey@yahoo.com</u> | |
| 4. | <u>Dennis Levy</u> | <u>117 Buchanan St.</u> | | <u>SF - WALK</u> |
| 5. | <u>Peggy Cymerys</u> | <u>537 Tampais Dr. CM, CA</u> | | <u>Drive</u> |
| 6. | <u>Manus Rivers</u> | <u>606 Steiner Street</u> | <u>Manus.Rivers@yahoo.com</u> | <u>Walk</u> |
| 7. | <u>Joshua Dyer</u> | <u>109 Kissling St. SF.</u> | | <u>Bike</u> |
| 8. | <u>KEITH FOXE</u> | <u>165 Wool St SF</u> | | <u>DRIVE</u> |
| 9. | <u>Christa Robertson</u> | <u>165 Wool St.</u> | | <u>drove + walked</u> |
| 10. | <u>ROGER LAURIE</u> | | <u>mylia.james@gmail.com</u> | <u>Walk</u> |
| 11. | <u>Heran Ziv</u> | <u>43 Assey St SF</u> | | <u>walk</u> |
| 12. | <u>Jeffrey Johnson</u> | <u>770 Oak Act 4 SF</u> | <u>jjjohnst@gmail.com</u> | <u>walk</u> |
| 13. | <u>Christina Johnson</u> | <u>↓ ↓ ↓</u> | | <u>walk</u> |
| 14. | <u>Kim Thuy SEEUNGER</u> | <u>575 Page</u> | <u>415/430-7010</u> | <u>walked, crawled</u> |
| 15. | <u>Harriett Schmirz</u> | <u>446 Page</u> | <u>415 823 2797</u> | <u>Walked</u> |
| 16. | <u>KELLY DONAHUE</u> | <u>Hermann St</u> | <u>Kelly.Donahue@earthlink.net</u> | <u>WALK</u> |

We the undersigned residents and customers of the Café du Soleil find the Café's presence to be an asset to the community and support the proposal to allow evening jazz and poetry readings at the Café.

| | <u>Name</u> | <u>Address</u> | <u>E-mail or phone</u> | <u>How did you get here</u> |
|-----|---------------------|-----------------------|-------------------------|-----------------------------|
| 1. | Robert A. Rodriguez | 844A Page | 415 385-7045 | walked |
| 2. | Lauren Poul | 326 Hermann St | — | walked |
| 3. | Andrew Shueets | 555 Clayton St., S.F. | | walked |
| 4. | David Hudson | 219 Fillmore St. SF | worldlydave@notmail.com | walked |
| 5. | Sylvia Hudson | 219 Fillmore St. | | WALKED |
| 6. | Patrick Siegman | 17A Noe St. | | walked |
| 7. | CHRIS PUNTO | 1218 FILLMORE ST. | 714-4608 | WALK |
| 8. | Smith DUBSON | 523 NAPLES ST. | — | DROVE |
| 9. | Robert Guzman | 114 Eureka | Bluesperm@gmail | |
| 10. | Emile Niffan | 828 Baker | | walked |
| 11. | Najeb Tarazi | 589 Haight | | walked! |
| 12. | Bonnie Bernard | 985 oak st. | | walk |
| 13. | Hamilton Beggs | 134 Haight St. | | Walk |
| 14. | Amanda Moriarty | 601 O'Farrell St. | | walked in |
| 15. | forrest brien | 601 O'farrel St. | | walked in |
| 16. | Alex Statom | 1647 McAllister #1 | | walked |

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| | <u>Name</u> | <u>Address</u> | <u>E-mail or phone</u> | <u>How did you get here</u> |
|-----|-------------------|------------------------------|-----------------------------|-----------------------------|
| 1. | Alec Hitchcock | 3655 Broderick, SF, CA | AKHitch@yahoo.com | CAB |
| 2. | MaryBeth Brodine | 3655 Broderick St SF CA | mecintoshwhisper@gmail.com | C2B |
| 3. | Nancy Dasovich | 57 Brattan St SF | dasovich63@yahoo.com | N-Line |
| 4. | Sarah Gustaf | 187 Alpine Terrace | developmentwaks@comcast.net | Com - Walk |
| 5. | Steven Gomer | 9 August Alley, SF, CA 94133 | Stevengomer@sbcglobal.net | bike |
| 6. | Dave Macfarlan | 733 (Capt) St 94117 | davemacsf@yahoo.com | 'N' |
| 7. | Kim Gill | 312 Fillmore #14 | 94117 | bicycle |
| 8. | Damon Clark | 86A Sanchez | 94114 | walked |
| 9. | Sandrine Bodet | 873 Capp St | 94110 | bicycle |
| 10. | Julio Morales | 457 Haight St | 94114 | walk |
| 11. | Chris Pire | 525 Fillmore St. | chris.pire@yahoo.com | walk |
| 12. | Andy Rakeshaw | 50 Central Ave | funrakeshaw@gmail.com | walk |
| 13. | Anne-Marie Rivers | 606 Steiner | phunkfish@aol.com | walk |
| 14. | ARNIE LAZARUS | 529 HAIGHT ST | ARNIELAZARUS@COMCAST.NET | WALK |
| 15. | Tommy Halverson | 516 Page St. | thahverson13@gmail.com | |
| 16. | Christina Dubois | 6770 Capt St | 94117 cdubois@sfsu.edu | Walked |

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| | <u>Name</u> | <u>Address</u> | <u>E-mail or phone</u> | <u>How did you get here</u> |
|-----|------------------------|--|------------------------|-----------------------------|
| 1. | Susie Johnson | 254 Waller St. | | walked |
| 2. | Ryan Conway | 750 FELL, #1 SF | | walked |
| 3. | Kailey ANBER | 534 Steiner | | walked |
| 4. | Doug Jones | 358 A WALLER ST. | | WALKED |
| 5. | Lynzy BLAIR | 223 Fillmore St. | | walked |
| 6. | Adam Huffman | 388 Waller St | adam@dfab.net | |
| 7. | DAN THIEL | 388 WALLER ST | DAN@JRSOUND.COM | WALKED |
| 8. | Ajoby McLaughlin | 47 Belkner St. | | walked |
| 9. | Shelbi Schneider | 106A Webster St. | | walked |
| 10. | ARA ANDERSON | 249 WEBSTER ST. | | WALKING |
| 11. | Karina Deuke | wallerst/Steiner | | walked |
| 12. | CHAYLEE PRILETE | 28 LLOYD ST | | walked |
| 13. | FELIX MAENEE | 709 PARKER SF CA 94115 | | drive |
| 14. | RAY KURYLA | 2315 JUDAH ST. APT. 1 SAN FRANCISCO, CA 94122 | ray_kuryla@hotmail.com | TOOK N-JUDAH STREETCAR |
| 15. | NEIL SHARP | 380 WALLER SAN FRANCISCO 94117 | | WALKED |
| 16. | Holly Whitaker | 100 Park St 204 SF CA 94117 | | walked |

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| | <u>Name</u> | <u>Address</u> | <u>E-mail or phone</u> | <u>How did you get here</u> |
|-----|---------------------|--------------------------|-------------------------|-----------------------------|
| 1. | MICHAEL CRESSNER | 600 PAGE ST. | (323) 829-9200 | NEIGHBOR |
| 2. | Hamid Khan | | hdkhan@gmail.com | |
| 3. | Jeffrey Schwane | 455 Steiner | | WALK |
| 4. | Eric Wilkens | 110 Fitz Collins | hotcorn@mindspring.com | foot |
| 5. | LYNN SCHWARTZ | 435 Steiner St. SF 94117 | | Walked |
| 6. | Tim Shearer | 1184 Alabama | eat_the_meats@yahoo.com | URSA |
| 7. | Kyle Stewart-Funari | 20 Webster | | walk |
| 8. | Oppena Wapper | Santa Cruz | | walk |
| 9. | Walter | 457 Waller SF 94117 | | bike |
| 10. | Juan Zubairi | 201 Waller st | 94102 | walk |
| 11. | ROB WALKER | 245 PIERCE ST. | 94117 | BIKE |
| 12. | MICHIKO Thompson | 493 HAIGHT ST, #20 | | walk |
| 13. | ERIC Jinglel | 2121 Gerry | | WALK |
| 14. | Rachel Rockwood | 456 Haight St #4 | | walk |
| 15. | Rhea Mistades | 912 Hayes St | SF CA 94117 | walk |
| 16. | J.T. Akers | 312 Fillmore st | 94117 | walk |

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| | <u>Name</u> | <u>Address</u> | <u>E-mail or phone</u> | <u>How did you get here</u> |
|-----|-----------------|------------------------|---------------------------|-----------------------------|
| 1. | Carina Law | 596 Page | claw044@yahoo.com | walk |
| 2. | Laura Pullen | 596 Page | lauramapugnette@gmail.com | walk |
| 3. | Chris Cabell | 265 Laussat | Ccabell | skateboard |
| 4. | Emily Mercede | 230 Laussat | | walk |
| 5. | John Tuffe | 743 Santa Susana | stx37@yahoo.com | WALK |
| 6. | Arielle Macee | 990 Fulton St #202 | ariellemacee@gmail.com | walk |
| 7. | Emily H. Wetzel | 710 Page | em3341@hotmail.com | walk |
| 8. | Jarvis Sexton | 1440 Valencia St. S.F. | OF | BIKE |
| 9. | Diane Burk | 734 Page | dburk@exploratorium.edu | |
| 10. | Greg Cramer | 718 Clayton | (415) 666-5020 | |
| 11. | Brian Wilson | 391 Haight St | (530) 228-7467 | |
| 12. | Joseph Wetzel | 710 Page St. | joseph-wetzel@hotmail.com | walk |
| 13. | Gina Beretta | 995 Waller St | gina.beretta@gmail.com | WALK |
| 14. | DANI NOMURA | 531 Page | danim.nura@yahoo.com | walk |
| 15. | Tim Irvin | 135 Fillmore | irvin.tim@gmail.com | walk |
| 16. | Sharon Lavin | 839 Haight St | | |

We the undersigned residents and customers of the Café du Soleil find the Café's presence to be an asset to the community and support the proposal to allow evening jazz and poetry readings at the Café.

| | <u>Name</u> | <u>Address</u> | <u>E-mail or phone</u> | <u>How did you get here</u> |
|-----|--------------------------------|--|------------------------|-----------------------------|
| 1. | ^{Daniel} Olene Tilton | 128 Alpine Terrace | otilton@hotmail.com | On bicycles |
| 2. | Scott Cameron | 140 Fillmore St. S.F.CA | scott@traferenworld | walked |
| 3. | Tania Tucciavone | 601 Minnesota st. #105 | taniatucciavone@yahoo | (salon in hood) walked |
| 4. | Jessica Murray | 1984 15 th St S.F. Ca 94114 | | walked |
| 5. | Nicole Sullivan | 255 Geneva Vista Ave #315W | | car |
| 6. | Melissa Barnes | 673 Oak St | daring-diva-eyebrow | walked |
| 7. | Julia Robertson | 248 Scott St 94117 | | walked |
| 8. | Lynn FRIEDMAN | 342 Waller 94117 | | walked |
| 9. | KEITH Margaridge | 726 Haight St | | walked |
| 10. | David W. Lloyd | 140-c Fillmore | | walked |
| 11. | CHERYL AYDELOTT | 108 Fillmore, A | 415 863.3868 | walked |
| 12. | Kelly Chamberlin | 245 Gaussat St. | | walked |
| 13. | Shelby Adams | 677 Oak St #6 | | walked |
| 14. | Bill Hsu | 43 Belcher | | walked |
| 15. | | 24 Steiner St | | walked |
| 16. | Anna Scott | 146 Fillmore St. | 415 487.1772 | walked |

We the undersigned residents and customers of the Café du Soleil find the Café's presence to be an asset to the community and support the proposal to allow evening jazz and poetry readings at the Café.

| | <u>Name</u> | <u>Address</u> | <u>E-mail or phone</u> | <u>How did you get here</u> |
|-----|---------------------|-----------------------|---------------------------|--------------------------------|
| 1. | John Walker | 1231 Lucine | 415 378-1054 | car |
| 2. | Louise Babuf | 4875 Broadway | louisebabuf@earthlink.net | car |
| 3. | Zachary Walker | 336 Waller St | Washington | walk |
| 4. | Sharon Carot Herman | 467 Waller Street | | walked in |
| 5. | Alejandro Corona | 198 Haight St. | alexcorona9@hotmail.com | car |
| 6. | KADIDJA SAUK | | | |
| 7. | Severine | | severine.romance@yahoo.fr | |
| 8. | Courtney Mueller | 685 Fell St | courtneymueller@gmail.com | walk |
| 9. | Mike | 500 Scott St #10 | 415 376 4555 | walk |
| 10. | Jeremy Shaw | 1029 Guerrero | 860 7429 | |
| 11. | Rebecca Chang | 1320 Mission St | 415-412-3556 | drive |
| 12. | Michel Parsons | 1049 Market Ave | 415 999 0899 | I walk by every day! play jazz |
| 13. | Kraig Rasmussen | 399 Steiner Street #7 | | kraig.comx@gmail.com |
| 14. | Matt Fishleder | 677 Oak | 516-6661 | Two feet |
| 15. | Sisa Abumen | 853 Height St | ca 9417 | walk |
| 16. | Robert Clusman | 565 Page St. | inclueman@yahoo.com | walk |

We the undersigned residents and customers of the Café du Soleil find the Café's presence to be an asset to the community and support the proposal to allow evening jazz and poetry readings at the Café.

| | <u>Name</u> | <u>Address</u> | <u>E-mail or phone</u> | <u>How did you get here</u> |
|-----|------------------|------------------------------|------------------------------|-----------------------------|
| 1. | Barbara Cuff | 434 Waller | barbcentral-member@yahoo.com | drive |
| 2. | Julia K. Sanders | 237 Webster | juliak@artcollision.org | walk |
| 3. | MANISH VARMA | 520 PAGE ST. | mvvarma@gmail.com | |
| 4. | MARIO MARTINEZ | 463 Haight St. | mmario@yahoo.com | walk |
| 5. | Dominique Ricard | 247 Roosevelt Way | havermet.com@gmail.com | walk |
| 6. | Renaud Pere | 247 Roosevelt Way | rpere@gmail.com | |
| 7. | James Varon | 107A GERMANIA A | 415 864 8197 | WALK |
| 8. | David Schreibman | 225 Lauriat | schreibman@ibglobe.net | Walks |
| 9. | WILLIAM ROBB | 679 WALLER | williamrobb@hotmail.com | walk |
| 10. | Bridgit DeCook | 1015 Masonic | bridgitdecook@yahoo.com | |
| 11. | BENNY BENDER | 366 PAGE ST, SF, 94112 | | walk WALK |
| 12. | TRISH BAAR | 711 San Jose Ave SF 94110 | | drive bus |
| 13. | John Graham | 619 Howell St, 94110 | mailjohn@yahoo.com | Bus |
| 14. | Sarah Norand | 744 Oak St | Billywushere@aol.com | walk |
| 15. | Josiah Larkin | 139 Steiner St. | josiahlarkin@yahoo.com | |
| 16. | Claudia BYNNO | 661 WALLER ST SF CA 94117 | | |

We the undersigned residents and customers of the Café du Soleil find the Café's presence to be an asset to the community and support the proposal to allow evening jazz and poetry readings at the Café.

| | <u>Name</u> | <u>Address</u> | <u>E-mail or phone</u> | <u>How did you get here</u> |
|-----|--------------------|---------------------|----------------------------|-----------------------------|
| 1. | Kristine Spicuzza | 950 Franklin #64 | kspicuzza@gmail.com | Walk-in dog |
| 2. | Adriana delos Rios | | delosriosadri@gmail.com | |
| 3. | Gayle Schmitt | 436 Waller St | gaylesongs@earthlink.net | walked. |
| 4. | William David | 542 Waller | N/A | walk |
| 5. | Jason Anderson | 396 Waller | N/A | walk |
| 6. | Mimi Gaffney | 570 Waller | N/A | walk |
| 7. | Brich Cosby | 568 Waller | | walk |
| 8. | Pan Larson | 378 Waller | | walk |
| 9. | Nicole Stevenson | 512 Haight St. | Nicole.stevenson@gmail.com | walk |
| 10. | Paola Simon | 544 Haight St. | Paola.sue2002@yahoo.com | walk |
| 11. | Elena Finestone | 362 Waller | Finestone@yahoo.com | walk |
| 12. | Julio Accituno | 400 D. B. CE | 786-218-9770 | walk |
| 13. | Louis J. Bachleder | 51 Germania St | 715-251-0237 | walk |
| 14. | Deborah Fong | 109 1/2 Germania St | debifong@gmail.com | walk |
| 15. | Greysy Bartning | 143 Fillmore | greysy@earthlink.net | walk |
| 16. | Jessa Freeman | 143 Fillmore St | Jessa.Freeman@gmail.com | walk |

We the undersigned residents and customers of the Café du Soleil find the Café's presence to be an asset to the community and support the proposal to allow evening jazz and poetry readings at the Café.

| | <u>Name</u> | <u>Address</u> | <u>E-mail or phone</u> | <u>How did you get here</u> |
|-----|-----------------------|-----------------------|--------------------------|-----------------------------|
| 1. | Margaret Stromberg | | Sam_strom@yahoo.ca | |
| 2. | PAUL JAROLIMEK PRONER | | BIG_PAUL007@HOTMAIL.COM | I LANDED HERE! I walked. |
| 3. | Sara Gerstel | 222 Webster | Saragerstel@gmail.com | |
| 4. | Chris Adams | 516 Page St. | chrissadams@gmail.com | |
| 5. | CLAUDE MARTINETY | 120 PIERCE ST | cmartontfj@gmail.com | on foot |
| 6. | TOSHA ALBOR | 751 PAGE | tosha_alon@gmail.com | foot |
| 7. | Renee Rhodes | 764 Page St | | walked |
| 8. | BRENDA SEMROW | 384 Waller | bsemrow@yahoo.com | walked SBC global |
| 9. | MARIE FRANCE CASABE | 300 DIVISADERO STREET | mariecasabe@comcast.net | |
| 10. | Sean Korman | 859 oak | seankorman@yahoo.com | -walked |
| 11. | Suz Felt Alterman | 205 Webster | sfallterman@gmail.com | I'm always here! |
| 12. | Jenny Lund | 450 PINE ST | jmaylund@gmail.com | |
| 13. | Eric Shea | 7 Lilac St. | sheabonase@gmail.com | Neighbor |
| 14. | MARGARITA LOPEZ | 366 WALLER ST | MARGARITALERTA@YAHOO.COM | |
| 15. | LISA COLVIN | 105 Steiner St. | lisagawn@gmail.com | Walk |
| 16. | Erik Veseczek | 258 Hormann St | erikst@gmail.com | |

We the undersigned residents and customers of the Café du Soleil find the Café's presence to be an asset to the community and support the proposal to allow evening jazz and poetry readings at the Café. *& Comedy!*

| | <u>Name</u> | <u>Address</u> | <u>E-mail or phone</u> | <u>How did you get here</u> |
|-----|-----------------------------------|----------------------------|------------------------|-----------------------------|
| 1. | Brendan Molony | 300 Waller St. | | |
| 2. | John MARTINOFF | 507 HAIGHT ST | | WALKED |
| 3. | Reise | 751 Page St. #3 | | Walked |
| 4. | BARBARA HAMMES | 493 HAIGHT #30 | 94117 | on foot |
| 5. | Kathleen Gilheay | 620 Waller St | SF 94117 | |
| 6. | Ryan Mosty | 72 Gough St | | WALKED! |
| 7. | Robert E. Quinn | 257A Waller St. | | WALK |
| 8. | Robert E. Quinn ^(Reed) | 350 Waller St | | walked |
| 9. | HOPE NIBUCK | 219 Steiner | | walked |
| 10. | NICK ROBERTS | 1070 PAGE #1 | | WALKED |
| 11. | Angela DeSapio | 400 Duboce Ave | 94117 | Walked |
| 12. | Sirena M-CART | 253 Waller St. | SF 94102 | Walked |
| 13. | Jeffrey Perce | 506 Haight | SF 94117 | walked |
| 14. | Mark Holland | 474 Waller | 94117 | M.Holland@Mac.com. |
| 15. | Katie DeCollibus | 499 Steiner | (949) 370-2635 | walked |
| 16. | KORY BIEB | 446 WALLER | 415.225.9256 | walked |

We the undersigned residents and customers of the Café du Soleil find the Café's presence to be an asset to the community and support the proposal to allow evening jazz and poetry readings at the Café.

| | <u>Name</u> | <u>Address</u> | <u>E-mail or phone</u> | <u>How did you get here</u> |
|-----|-----------------------|-------------------------------|----------------------------|-----------------------------|
| 1. | MAMIE SMITH | 781 WALKER ST | MSMITH@HOTMAIL.COM | walked |
| 2. | MARTIN METALSKY | 959 Haight St. | mmchalsky@yahoo.com | walking |
| 3. | Jessica Weisen | 959 Haight St. | | I walked |
| 4. | Marjorie Patton | 685 Fell St. | Marjorie.patton@gmail.com | |
| 5. | Aram Price | 255 Steiner St. | | walked |
| 6. | Lauren Rouleau | 619-888-6122 | Lauren.Rouleau@gmail.com | walk |
| 7. | Becca Henry | 530-559-4719 | | |
| 8. | Krisjana Thirsteinson | 916 502 5101 | #gibson-july@sbcglobal.net | |
| 9. | Jesse Foster | 712 Oak St | Jessesings@a.comcast.net | |
| 10. | Peterson Skel | 98 Webster St. | geonzskel@gmail.com | |
| 11. | MMA Premshree | 335 BUENAVISTA | premsree.pillai@gmail.com | |
| 12. | Jordy Mont-Reynaud | 714 Poe | jordym@gmail.com | walked |
| 13. | ROGER CAMPOS | 234 FILLMORE SF 94117 | rgcam@sfsycho | |
| 14. | Steve Baum | 234 Fillmore St- 94117 | | walked |
| 15. | Alexis Brown | 466 HAIGHT ST SF CA 94117 | | WALK |
| 16. | Tim Cabanati | 2115 LAWTON ST. SF. CA. 94122 | | |

We the undersigned residents and customers of the Café du Soleil find the Café's presence to be an asset to the community and support the proposal to allow evening jazz and poetry readings at the Café.

| | <u>Name</u> | <u>Address</u> | <u>E-mail or phone</u> | <u>How did you get here</u> |
|-----|------------------|--------------------|-----------------------------|-----------------------------|
| 1. | Sara Riegel | 386 Waller St | hippostomp23@gmail.com | on legs |
| 2. | GLENN HOORHETS | 105 STEINER ST | FINDIAO@FINDIAO.COM | WALK |
| 3. | Danielle Boule | 833 Ashbury St | dnboule@yahoo.com | walk |
| 4. | Calvin Johnson | 806 E Haight St. | k@kreccs.com | walked |
| 5. | Rouen Oumar | 490 Haight | | |
| 6. | Jennifer Vaisman | 613 Fell St #B | Jeni613@aol.com | walk/drive |
| 7. | Mike Cole | 610 Fillmore | cafe@michaelcole.com | |
| 8. | Lisa beach | - 49 Germania st - | Lisabeach1@gmail.com | walk |
| 9. | Donna Wolfe | 3250 Laguna St | dnwolf23@yahoo.com | drive |
| 10. | Adam Wooley | 111 Fillmore St | acwooley@yahoo.com | |
| 11. | DREUX EVIS | 380 WALLER ST | DREUX@LIVE.IT | /WALKED |
| 12. | Dalano Rhyse | 308 Waller St | Therealstarcement@gmail.com | |
| 13. | KALEB LOSSBROCK | 67 WEBSTER ST | KALEB_LOSSBROCK@yahoo.com | legs |
| 14. | Rahni Simpson | 247 Webster Street | aryannodunn82@yahoo.com | |
| 15. | Jim Nibbel | 216 Lausset | 626-4395 | walked |
| 16. | | | | |

We the undersigned residents and customers of the Café du Soleil find the Café's presence to be an asset to the community and support the proposal to allow evening jazz and poetry readings at the Café.

| | <u>Name</u> | <u>Address</u> | <u>E-mail or phone</u> | <u>How did you get here</u> |
|-----|------------------------|-------------------------------|---------------------------|-----------------------------|
| 1. | Alexandre Yartinez | 399 Steiner #11 | Alex@photosopnic.com | walk |
| 2. | Bruno Boroni | 400 Page St | b.boroni@yehoo.co.uk | FRIEND |
| 3. | JONATHAN LIBERTY | 359 #1 | JONATHANLIBERTY@GMAIL.COM | walk |
| 4. | NICHOLAS VETTER | 865 Pine #3 | NICHOLAS.VETTER@YAHOO.COM | walk |
| 5. | MATT HOROUX | 1105 Fell #2 | MATT.HOROUX@GMAIL.COM | |
| 6. | M.D.F. GREEN | 397 Haight | S.F. CA. 94103 | walk |
| 7. | WALTER GARZON | 222 BOWLING ST SF CA 94110 | gary9375@yahoo.com | BIKE 415 296 9403 |
| 8. | WENDY BOTWICK | 99 Scott St | SF CA 94117 | walk |
| 9. | Rebecca Blair | 145 Surfside | Santa Cruz | Muni |
| 10. | Stephen Wiltcher | 2242 46 th Ave | SF, CA | Muni |
| 11. | Vanessa Parker-Geisman | 247 Scott St | SF, CA | walked. |
| 12. | ERICA JAY | 138 Germania St. | erobblue@yahoo.com | walked |
| 13. | Ryan McCarthy | 138 Germania St | | walked |
| 14. | Christopher Quiseng | PO Box 6650 | Hilo, HI 96720 | walked |
| 15. | J.D. HALL | 311 GERMANIA SE. | | walked |
| 16. | emil Reiman | 654 Shreve/1st | SF CA 94110 | walk |

We the undersigned residents and customers of the Café du Soleil find the Café's presence to be an asset to the community and support the proposal to allow evening jazz and poetry readings at the Café.

| | <u>Name</u> | <u>Address</u> | <u>E-mail or phone</u> | <u>How did you get here</u> |
|-----|--------------------|--------------------------------------|-------------------------|-----------------------------|
| 1. | Aime Mays | 440 Walker St | | walk |
| 2. | Wade Coleman | 835 Autumn ^{M.V.} | | car |
| 3. | Aelaine Eyroz | u u | | |
| 4. | Mack Kelt | 492 Grove St | | walk |
| 5. | Charlotte Nix | 2220 Homestead Ct Los Altos 94024 | charlotte.nix@gmail.com | Car-walk |
| 6. | Hanna R. Klein | 823 Oak | 415 299 1693 | walk |
| 7. | DAVID SZETO | 2759 25th AVE | DEKRETOU@GMAIL | WALK WITH THIS GIRL |
| 8. | IANNA HUANG | 1252 FELL ST. | | WALK WITH TATIANA |
| 9. | Scott Ling | 420 Maple #4 | | walk in |
| 10. | CHRISTOPHER McLEAN | 229 Lily St | | WALK |
| 11. | MICHAEL SIKORA | 422 Walker St | MSIKORA@GMAIL.COM | WALK |
| 12. | Tim Dunn | 2 Baynton Ct | | WALK |
| 13. | Kelle Eason | 153 Buchanan St | kelle-eason@hotmail.com | walk |
| 14. | Nate Torres | 358 Fillmore St #4 | njt31@hotmail | walk |
| 15. | Leia Kelly | 505 Payne | | walk |
| 16. | Carolyn Constant | 340 Fillmore St #3 | | walk |

We the undersigned residents and customers of the Café du Soleil find the Café's presence to be an asset to the community and support the proposal to allow evening jazz and poetry readings at the Café.

| | <u>Name</u> | <u>Address</u> | <u>E-mail or phone</u> | <u>How did you get here</u> |
|-----|------------------|-------------------------------------|------------------------|-----------------------------|
| 1. | Zula Jones | 354 Waller SF | | walk |
| 2. | Brendon Romer | 845 Fell A | | walk |
| 3. | Jessica Haber | 302A Waller St | | walk |
| 4. | Sigi Krauss | 853 Haight St. | | I walked! |
| 5. | Jennifer Okette | 3016 Fillmore St | | walk |
| 6. | Rusty Mc | 455 Haight St | | walked |
| 7. | David | 516 Page St | | walk in |
| 8. | John | 159 Neutrale St | | drive |
| 9. | John Makin | 3838 18th St. | | walked |
| 10. | John | 765 Haight St. | | walked |
| 11. | At JH | 352 Wilken St. | | walked |
| 12. | Rubén Martinez | 2020 S st, ^{#2} Sacramento | | Walked from friend's place |
| 13. | Eleanor Fluharty | 20.0 S St #2, Sacramento | | walk w/ local friend |
| 14. | Nicole Wancov | 50 Glendale St, SF CA | | walk |
| 15. | Missisa Nelt | 200 Divisadero St, CA | | walk |
| 16. | Jenny Zine | 65A Douglass St. | | drive |

We the undersigned residents and customers of the Café du Soleil find the Café's presence to be an asset to the community and support the proposal to allow evening jazz and poetry readings at the Café.

*If you want me to send this out to dead ends - let me know I can 100+ signatures.

| | <u>Name</u> | <u>Address</u> | <u>E-mail or phone</u> | <u>How did you get here</u> |
|-----|---------------------|------------------------------|-------------------------|------------------------------|
| 1. | JENNIFER MARAVILLAS | 750 HAYWOOD | JMARVELOK@gmail.com | walk |
| 2. | Sean | 2434 15 th Street | bruceytrasser@gmail.com | Bike |
| 3. | Ken Ling | 140 Scott St. | Klingpro@yahoo.com | |
| 4. | Jeffrey Gavelicks | 311 Corbett Ave #4 | San Francisco, CA 94114 | walk |
| 5. | Jara Stein | 901 Fell Street #16 | sarasaxster@hotmail.com | walked |
| 6. | Allison Plater | 503 Bradenick St. | alisonplater@yahoo.com | |
| *7. | Sunny Bata | Bedstead 47 Pierce | SF CA | www.02@hotmail.com walk |
| 8. | Carl Gogginelli | 1302 Market St | SF CA | Carl.goggin@hotmail.com walk |
| 9. | Dene Shelton | 643 Oak St | deneshele@gmail.com | |
| 10. | Donna Jewell | | San Fran | |
| 11. | Mare Moody | 61 Laurens St | | SF |
| 12. | Peter Moody | " " " | | walked |
| 13. | S. Zuckert | 283 Clinton Park | | walked |
| 14. | Donato Mancini | 3941 Macallum (Oakland) | | BART |
| 15. | Francis Leung | 710 Oak St | | walked |
| 16. | Jordan Scott | 3253 Sophia Street | | BART |

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| | <u>Name</u> | <u>Address</u> | <u>E-mail or phone</u> | <u>How did you get here</u> |
|-----|---------------------|--------------------|---------------------------|-----------------------------|
| 1. | Geoff Raveshill | 429 Fillmore | 94117 | walked |
| 2. | ANDY SCHMIDT | 47 GERMAN ST. | zbirdova@mac.com | walked |
| 3. | Koss Stevenson | 2969 1574 ST. | ST. | walked |
| 4. | Bobby Fazzari | 87 WEBSTER | 94117 | " |
| 5. | Emily Wolk | 415 Bolman St | APT 5 94102 | walk |
| 6. | Bill Belmont | 64 Henry | 94114 | walk |
| 7. | Dale Fanning | 84 Webster St. | 206 9794516 | walk |
| 8. | Julian Bonucci | 540 WALTER | 94117 | walk |
| 9. | Claudette Baigorria | 723 oak st | 94117 | walk |
| 10. | Evan Moses | 339 Waller #1 | 94117 emoses@gmail.com | walk |
| 11. | ALDO CACERES | 338 Fillmore st #2 | 94117 aldojkdehotmail.com | |
| 12. | Catherine Jacobel | 401 Steiner St. | #8 94117 | walk |
| 13. | Andres Power | 55 Hermann St #307 | 94102 | walk |
| 14. | Jacopo Pitore | 54 Melman St. | 94117 415-861 4566 | walk |
| 15. | Lynn West | 69 Ramona Ave | 94103 | walk |
| 16. | Megan Hess | 4320 Webster St | 94609 | car |

We the undersigned residents and customers of the Café du Soleil find the Café's presence to be an asset to the community and support the proposal to allow evening jazz and poetry readings at the Café.

| | <u>Name</u> | <u>Address</u> | <u>E-mail or phone</u> | <u>How did you get here</u> |
|-----|-------------------|------------------------------|----------------------------|-----------------------------|
| 1. | JACK BUSBY | 249 CENTRAL AVE | 415-864-8053 | WALKED |
| 2. | BENVAHOU | 2345 POST ST #32 | 415-368-8715 | WALKED |
| 3. | Nick Wilson | 827 HAIGHT ST | nwilson@y2koo.com | WALKED |
| 4. | Colin Thompson | 212 STANCO ST. | 510-710-1403 | " |
| 5. | LAUREN CERVO | 184 GERMANIA ST | LCRASCO@gmail.com | walked |
| 6. | FRANK GARCIA | 184 GERMANIA ST | FRANK@ZGARCIA.COM | walked |
| 7. | Gillian Bailey | 40 Sharon St. | gillianb15@hotmail | Walked |
| 8. | Kwai Lam | 1755 Zayante Dr, Felton CA | | from 352 walk |
| 9. | Ari Lorenz | 238A Fillmore St | arilorenz@yahoo | walk |
| 10. | Elizabeth Simmons | 23 Sharon St 94114 | | walk |
| 11. | Niki Clainos | 723 Haight SF 94117 | 4255497 | walked |
| 12. | Melissa Chevalier | 107 Fillmore St. SF CA 94117 | | walked. |
| 13. | Brent Martin | 450 Fillmore St. SF CA 94117 | | walked |
| 14. | Irvin Huber | 832 HAIGHT ST SF, CA 94117 | | walked |
| 15. | Roseanne Pereira | 590 Sanchez | roseanne.pereira@gmail.com | walked |
| 16. | Amanda Ravenhill | 429 Fillmore | 94117 | walked. |

We the undersigned residents and customers of the Café du Soleil find the Café's presence to be an asset to the community and support the proposal to allow evening jazz and poetry readings at the Café.

| | <u>Name</u> | <u>Address</u> | <u>E-mail or phone</u> | <u>How did you get here</u> |
|-----|----------------------------------|-----------------------------------|------------------------|-----------------------------|
| 1. | Judith | 432 Haight | 62346291 | Walk |
| 2. | [Signature] | 855 Folsom St. | 650 430 1081 | Drive |
| 3. | Liamally | 130 Scott St. | 939-8869 | Walk |
| 4. | Berold | 254 Dolores St | 655-8226 | bike |
| 5. | Brian Hider | 217 So E St | 530-828-4114 | car |
| 6. | FENR DOLE INDIGONAVES | 825 DIVIS | | BIKE HOTMAIL |
| 7. | Keith Wright | 222 Fillmore S.F. CA 94117 | 415-613-7122 | walk |
| 8. | HOLMELIS | Haight St | hollywiddlehounds.com | walk |
| 9. | Gustavo Manover | 925 Broadway | | |
| 10. | [Signature] | 3894 14th St | | Walk |
| 11. | Joleen Aldapa | 1319 Masonic Ave | | walk |
| 12. | Melinda Cazarez | 1319 Masonic Ave #1 | | Walk |
| 13. | Sacay Polp | 829 Hayes St #2 | cc@mokaiMusic.com | mun |
| 14. | Stephanie Tucker | 2115 Sacramento | | |
| 15. | Frank Ruth | 3500 Market | 431-850 | walk |
| 16. | Guillermo Font | 249 Central Ave S.F., CA 94117 | Tongerfont@aol.com | WALK |

We the undersigned residents and customers of the Café du Soleil find the Café's presence to be an asset to the community and support the proposal to allow evening jazz and poetry readings at the Café.

| | <u>Name</u> | <u>Address</u> | <u>E-mail or phone</u> | <u>How did you get here</u> |
|-----|------------------|------------------|-----------------------------|-----------------------------|
| 1. | Dylan Maddux | 421 Haight St | dylomaddux@gmail.com | walk |
| 2. | BEN BASKY | 220 HAIGHT | INFO@BENJAMINBASKY.COM | |
| 3. | Josh Pearson | 547 Page St. # 1 | exer4123@hotmail.com | walk |
| 4. | KARA AQUILONE | 146 FILLMORE ST. | | 94117 |
| 5. | GABRIEL COLALUCA | 32 Lloyd St | gabriel_colalucia@yahoo.com | walk |
| 6. | Chloe La Bore | | chloelabore@gmail.com | walk |
| 7. | Robert De Nuzzi | 33 Lloyd ST SF | | 94117 walk |
| 8. | BENJAMIN GREEN | 225 FILLMORE, SF | | 94107 WALK |
| 9. | Lawrence | Gen Hwy | 94142 | |
| 10. | ERIKASHMAN | 633 OAK ST | | WALK |
| 11. | PATRICK CORRIGAN | 871 PAGE ST. | | SAN FRANCISCO WALK |
| 12. | ALAN TOM | 126 FILLMORE | | SF 94107 WALK |
| 13. | TERRA REVERA | 512 HAIGHT ST | | SF CA 94117 walk |
| 14. | Kent Kinnaci | 1628 Haight St | | SF CA 94117 Walk |
| 15. | Colleen Bley | 57 Portland | | SF 94110 - walk |
| 16. | FRANCIS BIEN | 629 1/2 Oak | | 94117 walk |

We the undersigned residents and customers of the Café du Soleil find the Café's presence to be an asset to the community and support the proposal to allow evening jazz and poetry readings at the Café.

| | <u>Name</u> | <u>Address</u> | <u>E-mail or phone</u> | <u>How did you get here</u> |
|-----|--------------------|---|---------------------------|-----------------------------|
| 1. | Brigid Gorski | 65A Douglas St. | | drove |
| 2. | Salvador Flores | 643 Oak St #5 Haydesville CA | spiritualpimp@hotmail.com | |
| 3. | Nancy French | 643 Oak St | | drove/walked (walk) |
| 4. | Isabel French | 210 Walter | | walked |
| 5. | Matt Yep | 220 Fillmore St. SF CA 94117 | yep@u2pupkayground.com | |
| 6. | Ted Lyles | 576 PAGE ST #11 1111 Fillmore St 94117 | | WALKED |
| 7. | DREW ESTWARD | 805 452 2569 213 A MESA DR. | | WALKED |
| 8. | Alexis Kirk | 949.231.0731 | | walked |
| 9. | Daniella Shavel | 376 S. Figueira 8556022148 90007 | | walked |
| 10. | Felice Demacoyan | 371 Waller St Apt #3 | | walked |
| 11. | Roberto Pinto | 05LT4 Conj. Anhanzara | | Brazil |
| 12. | Whitney Larson | 353 Scott St #9 | wal Larson@gmail.com | |
| 13. | Michelle Le | 674 Haight St, #2 met st | | walked |
| 14. | Miguel Castellanos | | mikewazaki@gmail.com | |
| 15. | Susan Martin | 1709 Sanchez St 94131 | smartin1709@yahoo.com | |
| 16. | Juanna Maloney | 457 HAIGHT ST SF 94117-3505 | | |

We the undersigned residents and customers of the Café du Soleil find the Café's presence to be an asset to the community and support the proposal to allow evening jazz and poetry readings at the Café.

| | <u>Name</u> | <u>Address</u> | <u>E-mail or phone</u> | <u>How did you get here</u> |
|-----|-------------------|---------------------|-------------------------------------|-----------------------------|
| 1. | Owen Strain | 40 Germania | ostrain@gmail | walk |
| 2. | Joe Eskenazi | 444 Steiner | getbackjoejoe@hotmail.com | " " |
| 3. | Bradley Reeves | 304 Waller | noircalproductions@gmail.com | by the grace of God |
| 4. | Michael Scarce | 339 Waller St. #3 | scarce@mac.com | walked |
| 5. | Jessica Sandford | 300 Buchanan St | Jessicasandford@gmail.com | walked |
| 6. | Victor Chubakov | 741 14th | rchubakov@gmail.com | walked |
| 7. | Minwche Kerkel | | MINWCHERK@GMAIL.COM | car |
| 8. | Joe Humble | 510 PAGE ST #6 | jez@india.com | walk |
| 9. | Patrick Egan | 109 Filmore St | patrickeg@gmail | walk |
| 10. | Sarah Dasde | 510 page #2 | Sarah.Kasac@gmail.com | walk |
| 11. | Louisa de Cossy | 831 454-6393 | ldecossy@ | walk berkeley.edu |
| 12. | Daniel Orlikowski | 125 Divisadero St. | orlikowski@halifax | walk |
| 13. | EBAN KEROUCH | 244 warner st 94116 | skeroch@gmail.com | |
| 14. | Eric Myers | 212 Divisadero St. | ericmyers@globalnet | walk |
| 15. | Deborah Steinberg | 771 Cole St. #4 | steinberg.deborah@gmail.com muni | |
| 16. | Ian Liffmann | 771 Cole Street | chunilla@hotmail.com | MUNI |

We the undersigned residents and customers of the Café du Soleil find the Café's presence to be an asset to the community and support the proposal to allow evening jazz and poetry readings at the Café.

| | <u>Name</u> | <u>Address</u> | <u>E-mail or phone</u> | <u>How did you get here</u> |
|-----|--------------------|--------------------------|------------------------------------|-----------------------------|
| 1. | STEVE DUDEK | 600 OAK ST #33 | stevedudek@gmail.com | walk |
| 2. | TJ Rigney | 425 Fillmore | oldmanrigney@gmail | walk |
| 3. | K. Allred | 78 Buchanan street | karen.allred@gmail.com | walk |
| 4. | E. Crabbe | 78 Buchanan St | edward.crabbe@gmail | walk |
| 5. | J. Sabbah | 303 Steiner | Joshua@SABBATH.US | |
| 6. | Sean Rogan | 303 Steiner | | EWALK |
| 7. | Rajan Edwards | 303 Steiner | rajan.edwards@gmail.com | |
| 8. | David Newman | 303 Steiner | | |
| 9. | Sara Chiew | 321 Haight St. | schiero@yahoo.com | walk |
| 10. | Rem Hoffmann | 601 Minnesota #103 SF CA | Remh@pacbell.net | |
| 11. | JENNY CASEY | 55A PEARL ST. 94103 | JENNYMSTEELE | WALK |
| 12. | Evan Shaffer | 935 Page | 415-203-8092 cla-le@breyman.com | feet |
| 13. | Clark BREYMAN | 111 Buena Vista Ave #2 | 415-203-8092 | walk |
| 14. | LOURIKA VAN TONDER | 251 SAN JOSE AVE #2 | 415.425.0089 | WALK |
| 15. | Kathy Juricka | 283 Hermann St | KatJuricka@aol.com | WALK |
| 16. | Alex Keller | 400 Page St #204 | puttdog@gmail.com | walk |

We the undersigned residents and customers of the Café du Soleil find the Café's presence to be an asset to the community and support the proposal to allow evening jazz and poetry readings at the Café.

| | <u>Name</u> | <u>Address</u> | <u>E-mail or phone</u> | <u>How did you get here</u> |
|-----|-------------------|------------------------|---------------------------|-----------------------------|
| 1. | Amras Pereda-Rice | 402 Cole St | amras1@hotmail.com | Walk |
| 2. | Ali Goss | 475 Haight | okv@recondressy.com | walked |
| 3. | Ashton Richards | 43 Barcelona Ave | ashton_richards@yahoo.com | walk |
| 4. | Anna Washburn | 729 Oak St SF CA | 9575409923 | walk |
| 5. | Gabe Lynch | 386 Waller St, SF | 552-7660 | walk |
| 6. | Nena Mead | 769 Haight St | NenaMead@earthlink.net | walk |
| 7. | Jessica Blomgren | 398 Waller St SF | 415 271 0929 | |
| 8. | Seth Rodgers | 480 Fillmore | Strudger@hotmail.com | walk |
| 9. | Derek Remski | 940 Oak | 415-436-9396 | walk |
| 10. | MIKAS MOGO | 461 Haight | | walk/Rail |
| 11. | Carson By | 413 Shradler St | Carson@robotspark.com | walk |
| 12. | Alexia Aubert | 499 Steiner St | aaalexiaa@yahoo.com | Came often |
| 13. | Michael Lucey | 132 Fillmore | M.LUCEY@BERKELEY.EDU | walk |
| 14. | Pearl Malt | 859 Oak Street | pmaltintheit@gmail.com | Walk. |
| 15. | Margaret | | | |
| 16. | Ironie Melgar | PO Box 170703 SF 94117 | | walk |

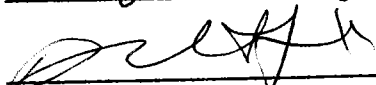
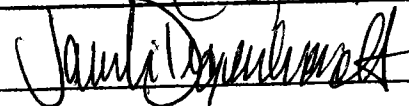
We the undersigned residents and customers of the Café du Soleil find the Café's presence to be an asset to the community and support the proposal to allow evening jazz and poetry readings at the Café.

| | <u>Name</u> | <u>Address</u> | <u>E-mail or phone</u> | <u>How did you get here</u> |
|-----|-------------------|--|----------------------------|-----------------------------|
| 1. | Eamon Armstrong | 436 Haight | eamonarmstrong@gmail | extrem walking |
| 2. | Alex Goldberg | 237 Webster | mobiledevpro@gmail .com | teleported |
| 3. | Rachel Bralinsky | 3632 26th St | | |
| 4. | Nicole Jepsy | Fillmore St | | walked |
| 5. | Stephanie Brinson | 695 John Muir Dr #FAGE SF, CA 94132 | sauvred314@ netmail.com | walked |
| 6. | Stephen Niemann | 622 B oak street | Sf201B@aol.com | |
| 7. | Kevin Clonts | 290 waller | | walked |
| 8. | Adam Weiss | 371 Waller | | walked |
| 9. | JENNA BOULÉ | 705 HAIGHT | jenna.boule@mac.com | WALKER |
| 10. | ERIC KUTTSCHWAGER | 673 oak | eric.kutte@gmail.com | walked |
| 11. | Merritt King | 144 Fillmore | merrittking@gmail | walked |
| 12. | Sarah Applebaum | | sarahapplebaum@yahoo | walked |
| 13. | MARSH WETZMAN | | wetzmanmarissa@yahoo | walked |
| 14. | Jenan Wise | | jenan.wise@yahoo.com | |
| 15. | Tyler McChellen | 661 waller | | |
| 16. | Hilary Pedigo | 1003 Lincolnway | hilarypedigo@ yahoo.com | MUNI |

We the undersigned residents and customers of the Café du Soleil find the Café's presence to be an asset to the community and support the proposal to allow evening jazz and poetry readings at the Café.

| | <u>Name</u> | <u>Address</u> | <u>E-mail or phone</u> | <u>How did you get here</u> |
|-----|-----------------|-------------------------|-----------------------------|--------------------------------|
| 1. | Donna Hood | 284 Hermann | donna@hood@hotmail.com | Walk Comm |
| 2. | Robert Hood | " " | " " | Walk |
| 3. | A. Perry | 42 Geneva | av.perry@gmail.com | walk |
| 4. | Matthew Rodgers | 182 Diamond St | Mrodgers2006@yahoo.com | Walk |
| 5. | Alvin Guerrero | 640 Com St | AlvinGuerrero@yahoo.com | walk |
| 6. | Sylvia | 51 Nae St - SF CA | 94114 sylviasimms@gmail.com | |
| 7. | Tim Sams | 1241 Scott St. SF, CA | 94115 | WALK Tim Sams @ Rocket Mail |
| 8. | Kent Rogosen | 1169 Guerrero St. SF CA | 94110 | mail/walk |
| 9. | Holly Fung | 708 OAK | 94117 | walk |
| 10. | Andrew Gaul | 96 Walter | | walk |
| 11. | AMARO ZALDUA | | | walk. |
| 12. | IAE FELLA | | | scribble |
| 13. | JT Treadwell | 532 Walter | 94117 | walk |
| 14. | Robert Stone | 35 Walter St. | | walk |
| 15. | Eva Blom | 22 Wacker St. | | |
| 16. | Terry Hempling | 960 OAK | | walk |

We the undersigned residents and customers of the Café du Soleil find the Café's presence to be an asset to the community and support the proposal to allow evening jazz and poetry readings at the Café.

- | | <u>Name</u> | <u>Address</u> | <u>E-mail or phone</u> | <u>How did you get here</u> |
|-----|--|--|-----------------------------|-----------------------------|
| 1. | Kalief Roberts | 212 Waller | KaliefRoberts@gmail.com | walked |
| 2. | Michael MARRAS | 631 PIMO LANE 90062 | mmarras@yahoo.com | live in |
| 3. | Stephen Matthews | 363 Waller | smm94117@aol.com | amen |
| 4. | Pete Weber | 653 Adams | petey@earthlink.net | MUNI |
| 5. | Steve | 814 Fell | hankstepgens@yahoo.com | |
| 6. |  | | dana.corbington@yahoo.com | |
| 7. | OLIVIA PLATFORD | | platford@speakeasy.net | on foot |
| 8. | JANLI DEGENHARDT |  | JANLISF@yahoo.com | |
| 9. | DOO PLUMTREE | P.O. Box 16509 S.F. | | |
| 10. | Katherine Tincher | 78 Webster | Katherine.tincher@gmail.com | live here! |
| 11. | Marisa Williams | 1071 Page | marisa.r.w@gmail.com | walk |
| 12. | Lauren Cassidy | 505 Waller St. | lcassidy@aol.com | |
| 13. | GREG CANEER | 410 STEINER ST. | gcaneer@gmail.com | |
| 14. | EMILY GARLAND | 410 STEINER ST. | gcaneer@gmail.com | |
| 15. | DAN AUFHAUSER | 354 TEXAS ST | chillout@gmail.com | |
| 16. | BRIAN KNECHT | 44 Museum Way | B.knecht@ychm | |

We the undersigned residents and customers of the Café du Soleil find the Café's presence to be an asset to the community and support the proposal to allow evening jazz and poetry readings at the Café.

| | <u>Name</u> | <u>Address</u> | <u>E-mail or phone</u> | <u>How did you get here</u> |
|-----|-------------------|------------------------|--------------------------|-----------------------------|
| 1. | H Hargreave | 410 Steiner | | walk |
| 2. | Tindley | Shackman | 415 786 4689 | (walk) |
| 3. | Sunshine Jones | 337 Webster #3 | 415-359-7392 | (walk) |
| 4. | Yvanny Pook | 450 S. Vanness | 415-724-7019 | (work) |
| 5. | Sarah Samuels | 133 Buchana St. | 415 572 6698 | (walk) |
| 6. | Chris Abraham | (Customer) | (415) 449-1512 | (WORK) |
| 7. | Matt Dilbeck | 349 Fillmore | (510) 289-6611 | (cell) |
| 8. | Greg Tidwell | 1420 Turk St. Apt 111A | greg.tidwell@gmail.com | walk |
| 9. | Michael Clark | 427 Webster | mclark100@mac.com | |
| 10. | Lauranne Caspullo | 427 Webster | mc21a@yahoo.com | |
| 11. | Hans Dobbratz | 247 Webster | charbar@gmail.com | walk |
| 12. | Gary Rotter | 349 Pierce St | rotter.gary@gmail.com | |
| 13. | Zoe Strominger | 53 Potomac | zoe.strominger@gmail.com | walk |
| 14. | Whitney Munkilan | 349 Pierce St. | yenthw21@hotmail.com | walk |
| 15. | Jessica Partch | 221 Scott St. | jpartch@hotmail.com | walk |
| 16. | Carl Tyler | 597 Maraga | carl.tyler@gmail.com | |

We the undersigned residents and customers of the Café du Soleil find the Café's presence to be an asset to the community and support the proposal to allow evening jazz and poetry readings at the Café.

| | <u>Name</u> | <u>Address</u> | <u>E-mail or phone</u> | <u>How did you get here</u> |
|-----|---------------------|--------------------|-------------------------|-----------------------------|
| 1. | Sholeh Asgari | 352 Divisadero St. | sholeh_asgari@yahoo.com | WALK |
| 2. | Cody Coughlan | 309 Waller | 831-334-0385 | WALK |
| 3. | CAROL BERBERICH | 309 Waller | 408 8335395 | WALK |
| 4. | BRIAN QUINN | 627 1/2 Oak | brian@dubl.it.com | walk |
| 5. | Mycho James | 930 Grove St #12 | 1love@mycho.com | walk |
| 6. | PAOLA CRO | 435 Fillmore St | padscro@gmail.com | walk |
| 7. | Linda Shipley | 218 Waller Street | lindashipley7@yahoo.com | walk. |
| 8. | Grete Giesin | 248 Corbett Ave #1 | ggiesin@gmail.com | bus |
| 9. | Phillip T. Nails | 309 Scott St | thomasnails@yahoo.com | walk |
| 10. | EUSABETH MUKWAN | 309 Scott St. | ebethieera@mac.com | walk |
| 11. | Tom Beaver | 263 Athens St | tombeaver315@yahoo.com | walk |
| 12. | Joel Ross | 639 Fulton St. | o.jouls@gmail.com | |
| 13. | Chelsea Basumberger | 381 Haight St | Chelzabise@yahoo.com | |
| 14. | Yale East | 360 Fillmore St | yaleeast@gmail.com | walk |
| 15. | JESSE BASBAUM | 649 PABE | JBASBAUM@GMAIL | WALK |
| 16. | MURIEL MURAKAS | 225 PIERCE ST #2 | MURIELMURAKAS@yahoo.com | |

We the undersigned residents and customers of the Café du Soleil find the Café's presence to be an asset to the community and support the proposal to allow evening jazz and poetry readings at the Café.

| | <u>Name</u> | <u>Address</u> | <u>E-mail or phone</u> | <u>How did you get here</u> |
|-----|--------------------|----------------|-----------------------------|-----------------------------|
| 1. | M. Diaz-Infante | 637 Haight | mmndiazin@gmail.com | walk |
| 2. | S. Kaiss | 456 Haight | s.kaiss@gmx.ch | walk |
| 3. | Allen Palmer | 170 Germania | MATCHIPPER@YODOS.COM | walk |
| 4. | JOHN. DI DONNA | 957 Fell St | | walk |
| 5. | DAVID WINSLOW | 253 WALKER | 6264585 | walk |
| 6. | Jeanne Trombly | 3098 Steiner | 415-252-7162 | walk |
| 7. | Brandi de Garreaud | 17 Laussat | | walk-walk |
| 8. | Nick Verdara | 490 Fillmore | | |
| 9. | RAPH VARIERAS | 18 Henry | 650 786 6268 | walk |
| 10. | ADAM MENTOR | 29 Henry | 315-663-6238 | WALK |
| 11. | Brent Meellenberg | 125 Steiner | 415-482-9494 | walk |
| 12. | NICK FARROW | 89 WEBSTER ST | 415 814 3008 | walk |
| 13. | Stewart Tierney | 200 Steiner | 415-553-4555 | walk |
| 14. | Shawn Riney | 402 HAIGHT ST | 415-863-3459 | |
| 15. | Desiree Almeida | 417 Haight | desiree-almeida@hotmail.com | walk |
| 16. | Jennifer Torres | 417 Haight | j.torres@gmail.com | walk |

We the undersigned residents and customers of the Café du Soleil find the Café's presence to be an asset to the community and support the proposal to allow evening jazz and poetry readings at the Café.

| | Name | Address | E-mail or phone | How did you get here |
|-----|----------------------|-------------------------|-------------------------|----------------------|
| 1. | Marisa Tepeda | 900 Oak St | arlgirasol@hotmail.com | walked? |
| 2. | Bree Swartwood | 1100 2nd Ave | BreeSwartwood@gmail.com | Foot |
| 3. | Paul Nambu | 427 Webster | phayden@gmail.com | Drive |
| 4. | HULETT JONES | 949 CAPP ST | hulettjones@gmail.com | car |
| 5. | Erika Gausson | 280 Fell | egulseth@gmail.com | foot |
| 6. | CHAD BARBARO | 247 WEBSTER | 931-236-1988 | WALKED |
| 7. | Hannah Pearl Walkoff | 37A Lily | 415.861.3608 | walked |
| 8. | Rachel Crady | 430 Stanes St #4 | 503-853-7804 | walked. |
| 9. | Michelle Foley | 3844 2 ST ST | 408-608-3452 | walked |
| 10. | ZACH KRANE | 748 PAGE ST | 6508045577 | WALKED |
| 11. | haley dawasi | 248 Page St | 425 237 6073 | walked |
| 12. | Lane Forman | 243 Fillmore St | 8507608516 | walked |
| 13. | Anna Sapozhnikova | 243 Fillmore St | | walked |
| 14. | Brittan Johnson | 843 Fillmore St | | walk |
| 15. | FLORIAN WEIBERF | 340 FILLMORE | | walked |
| 16. | Ebonie Alice Sun | 120 Webster St #5 | Lebonie@gmail.com | walked! |

We the undersigned residents and customers of the Café du Soleil find the Café's presence to be an asset to the community and support the proposal to allow evening jazz and poetry readings at the Café.

| | <u>Name</u> | <u>Address</u> | <u>E-mail or phone</u> | <u>How did you get here</u> |
|-----|--------------------|----------------------------------|---------------------------|-----------------------------|
| 1. | F. Melikyan | | fdrres66@hotmail.com | |
| 2. | Wasmine S. Elkabir | | Yelkabir@yahoo.com | |
| 3. | PAULC ZVANOVIC | 661 WALLER ST. SF, 94117 | | |
| 4. | LAURA STAVB | 1351 Sacramento St. SF 94109 | | bike & walk |
| 5. | Robin Springer | 300 Buchanan St SF | | walked |
| 6. | Jamil Shearod | 300 Buchanan St, SF | 554-3462 work | |
| 7. | PAT PARIKAVANI | 400 WALLER ST, 431-2526 | ADL.COM | WALK |
| 8. | D. Inghous | 1375 Sutter St, #321 SF CA 94109 | | |
| 9. | Luna Abdallah | 2190 30th Ave SF 94116 | luna_abdallah@yahoo.com | walking |
| 10. | Niza | " | " | niza_abdallah@yahoo.com |
| 11. | Kristina Sonano | " | kristina.sonano@gmail.com | " |
| 12. | Lauren Haut | 425 Ellis St. SF 94109 | laurenhaut@yahoo.com | |
| 13. | Amy Peterson | 843 Fell St. SF | aspeters@sfsu.edu | walk! |
| 14. | Robin | 750 OAK SF 94117 | robinygalle@yahoo.com | walk |
| 15. | Aaron Hodges | 575 Haight St SF, CA | IdleHandSF | |
| 16. | Byron Turbett | 597 Haight St | | |

We the undersigned residents and customers of the Café du Soleil find the Café's presence to be an asset to the community and support the proposal to allow evening jazz and poetry readings at the Café.

| | <u>Name</u> | <u>Address</u> | <u>E-mail or phone</u> | <u>How did you get here</u> |
|-----|----------------------|-------------------|---------------------------|-----------------------------|
| 1. | Andrea Robb | 679 Waller | | walked |
| 2. | J. Stuber | | | walked |
| 3. | Patricia Furling | Inner Richmond | | walked |
| 4. | Eric Baldwin | 542 Waller St. | | foot |
| 5. | Leo G | 237 Hobbes Ave. | | walked |
| 6. | Megan Gregg | 728 Page St #13 | Meghngregg@gmail.com | walked |
| 7. | Ann TS | | | walked |
| 8. | Joshua Wetzel | | | walked |
| 9. | Maggie Millon | 400 page #208 | maggmillon@gmail.com | walked |
| 10. | Julie Roso | 608 Haight St #B | or mare | walked/robed |
| 11. | Dan Lipsitt | 17 Clement | | Bike |
| 12. | Krista Liberty | 359 Waller | kristaliberty@gmail.com | walk |
| 13. | Gomez | 132 Fillmore St | 132 Fillmore St@gmail.com | walk |
| 14. | Vanessa Avery | | | walked |
| 15. | Sean Knox | 151 Swiss Ave | | Bike |
| 16. | Kermit Goodman | 450 S Van Ness #5 | Kermit@pobox.com | bike |

We the undersigned residents and customers of the Café du Soleil find the Café's presence to be an asset to the community and support the proposal to allow evening jazz and poetry readings at the Café.

| | <u>Name</u> | <u>Address</u> | <u>E-mail or phone</u> | <u>How did you get here</u> |
|-----|-------------------|-----------------|--------------------------------|-----------------------------|
| 1. | Susannah Caser | 242 Hartford | | walked |
| 2. | Robert Driscoll | 575 Pierce | | bike |
| 3. | Darcy Lyon | 306 Walker St | darcylyon@ hotmail.com | walked |
| 4. | GABRIEL FRANKLYN | 299 West St #2 | SF CA | walked |
| 5. | Sona Aviation | 4394 17th St. | SF CA | walked |
| 6. | Bates P. Bates | 555 Haight #E | batesx2@ gmail.com | walked |
| 7. | Eric Meier | 1406 48th Ave. | ericjosephmeier@ yahoo.com | walked |
| 8. | WAM Jony | 110 Beasant Ave | Wjony@ msn.com | Juddal |
| 9. | DRU ZEMAN | 3880 NORTHEAST | skijuno@ hotmail.com | |
| 10. | Bruce | 325 Lake St | bruce@ gmail.com | |
| 11. | Andy Michelson | 349 Waller | AM3195@ GMAIL | |
| 12. | Ben Sotress | 507 Haight | | walked |
| 13. | Ben Sotress | 329 West St | ben.sotress@ gmail.com | walk |
| 14. | Grant Taggart | 411 Cole St | grant18@ hotmail.com | bike! |
| 15. | Becky Richardson | 411 Steiner St. | becky.richardson@ gmail.com | |
| 16. | LAURIE DEBROSSIAN | | LAURIEDB@ GMAIL.COM | |

WALKS

We the undersigned residents and customers of the Café du Soleil find the Café's presence to be an asset to the community and support the proposal to allow evening jazz and poetry readings at the Café.

| | <u>Name</u> | <u>Address</u> | <u>E-mail or phone</u> | <u>How did you get here</u> |
|-----|----------------------------------|------------------|-------------------------|-----------------------------|
| 1. | Neil Copertini | 400 Duboce | 552- 7 6133 | Walk |
| 2. | SYONEY HOWELL | 77 CARMELITA | 241-0840 | Neighborhood |
| 3. | Robert Suddell | " | 264-2378 | " |
| 4. | Stacy Lucier | 303 oak st. | 415 350 6161 | walk |
| 5. | Carole Bayley | 106 Pierce | 863-7479 | walk |
| 6. | Favo Lintanski | 106 Pierce | - " - | walk |
| 7. | Jennifer Chung | 443 walter | 771-9743 | walk |
| 8. | Miss Kelly Fitzgerald | | | walk |
| 9. | K. Ryan | 876 Grove st. | misskelly13@gmail | walk |
| 10. | N. Ahmad | 245 webster. st. | navahmad@gmail.com | walk |
| 11. | Kathleen Wood | 529 Haight | tenderloinrose2000@ | walk |
| 12. | Sami | 555 DUBOCE AVE | | by foot! yahoo.com |
| 13. | DIANA MARTINEZ | 378 walter st. | dianmar@gmail | walk |
| 14. | Johnny Gilbo | | johnnygilbo@hotmail.com | walk! |
| 15. | Rob Torney | | robtorney@hotmail.com | Stumbled |
| 16. | Arlene Wyle | | arlinewyle@hotmail.com | |

we the undersigned residents and customers of the Café's presence to be an asset to the community and support the proposal to allow evening jazz and poetry readings at the Café.

| | <u>Name</u> | <u>Address</u> | <u>E-mail or phone</u> | <u>How did you get here</u> |
|-----|---------------------|--------------------------------------|----------------------------|-----------------------------|
| 1. | Michelle White | 415 Buchanan | michelle@rotten-luna.com | walked |
| 2. | Henry Most | 689 Fell | markmost@hotmail.com | walked |
| 3. | Jeanne Weitz | 900 Page St | | walked |
| 4. | (Cousins) | n Germania | | |
| 5. | LARI PUSOCC | 548 STEINER | 608 2173636 | walked |
| 6. | Tracey Fisher | 659 Haight | tracealoca@gmail.com | walked |
| 7. | Kimley Wienbroer | 253 Webster St | hossfunkey@gmail.com | |
| 8. | Heidi Stein | 1276 47th | | |
| 9. | Martina Schmitt | 47 GERMANIA ST. | | WALKED |
| 10. | Jacqueline Blackman | 84 Potomac St | jacquiejacque-blackman.com | walked |
| 11. | Charles Taylor | 350 Steiner | Taylor02920@sbcglobal.net | |
| 12. | IAN York | 926 Oak St SE (CA) | 1kyork@earthlink.net | by foot |
| 13. | Jennifer Penecal | 400 DuBoise Ave # 211 SE, (CA 94117) | | (415) 246 59 walked |
| 14. | MICHAEL LOEFFLER | 974 PABEST #3 | MICHAEL.LOEFFLER@gmail.com | (walked) |
| 15. | ANDREW GREENE | 93 WEBSTER | mail@andrewgreen.com | walked |
| 16. | Julie Jones | Haight St | | walk 8050316 |

We the undersigned residents and customers of the Café du Soleil find the Café's presence to be an asset to the community and support the proposal to allow evening jazz and poetry readings at the Café.

| | <u>Name</u> | <u>Address</u> | <u>E-mail or phone</u> | <u>How did you get here</u> |
|-----|--------------------|-----------------------|--|-----------------------------------|
| 1. | Kathleen O'Connell | 539 Waller | (415) 607-8916 | |
| 2. | Nancy Petri | 121 Penelope Dr. | (415) 333-6306 | |
| 3. | Arden Braun | 448 48th St | Carolbraun@yahoo.com | |
| 4. | MICHAEL McARTHUR | 19776 Ave | | |
| 5. | Sharon Borden | 3254 Haight St | | |
| 6. | Anne Forberg | 510 Page St. | anne.forberg@gmail.com | |
| 7. | Chris Cannon | 243 Waller | gannongraphic@yahoo.com | |
| 8. | TOM CARROLL | 65 SUSAN | TOMCARROLL@ ^{STRE CLERM.} NET | |
| 9. | Alanna Higgins | 857 Oak St. | MM (415) 609-5589 | Mommy and Daddy did a special hug |
| 10. | Lauren Alsberg | 78 Webster | super.chamaelon@gnail.com | |
| 11. | Paula Collins | 538 Linden | phcollins@mac.com | |
| 12. | Nathan Bergman | 101 Webster | ratsark@gmail.com | Walked |
| 13. | Babs Straszund | 123 Beverly Hills Way | Hollywood Ca | |
| 14. | Mike Plotkowski | 3145 Geary | #6728 SF | |
| 15. | Spici Zapanni | 830 Grove St | SF | |
| 16. | Clare Leibel | 859 Oak St | SF 94117 | |

Jimmy Terrell
149 Fillmore Street
San Francisco, CA 94117
415.939.8632

RECEIVED

MAY 03 2010

CITY & COUNTY OF S.F.
PLANNING DEPARTMENT
RECEPTION DESK

May 3, 2010

Subject: **OPPOSITION TO** - Case No. 2010.0083C – 200 Fillmore St (CU appl)

Ms. Sharon M. Young
The Planning Department
1650 Mission Street
Suite 400
San Francisco, CA 94103

This letter is to OPPOSE the request for a permit to allow acoustic music at this location. The preceding business in this location was an establishment called Movida. This establishment continued for a number of years to have DJs and bands in this location without a permit, and very loud music. Even after numerous meetings with the owners of Movida and the then Police Captain of the Northern Police Station, Kevin Dillon, the owners continued to violate the law and disturb the neighbors, including neighbors who signed the petition to allow this activity at Café du Soleil. Hereafter the Northern Police Station will be referred to NPS.

After numerous calls to the police, neighbors' opposition to live music at the 200 Fillmore Street location, which lead to the owners of Movida's inability to obtain an entertainment permit, they closed the Movida establishment. Shortly thereafter, we were informed that Café du Soleil was opening in this location. We met with Mr. Mustapha Hakkou and his business partner at the home of Philip Sarris located at 129 Fillmore to discuss the use at the location, and was assured by both owners there was **NO INTENTION** to ever have live music there. Mr. Hakkou and his business partner both stated this would be a family environment café, and a totally different venue. They even brought samples of some of the food they would be serving, once opened. In attendance at this meeting were Philip Sarris, Vallie Brown, Cedric Holley, Gregory Bartning, and a host of other neighbors who had endured the nightmare of Movida. **Only after we were assured by Mr. Hakkou and his business partner, that there would be NO LIVE music at this location, did we all feel comfortable with Café du Soleil opening.**

All was good for a number of years. Approximately 3 years ago, Mr. Hakkou had live jazz at Café du Soleil to celebrate his birthday. My partner, Phil Horowitz spoke with Mr. Hakkou regarding the live jazz, as we could hear it inside our home. Mr. Hakkou stated it was simply for his birthday celebration. Within 3 weeks, Mr. Hakkou was having live acoustic jazz (without a license) at Café du Soleil every Sunday. This is to reference the point in the letter dated October 4, 2009 by Mr. Bill Maher written to NPS Captain Croce Casciato that "there has not been a single run to the premises since it opened several years ago", (**Attachment 1**). This unfortunately, is a false statement because during the time that Mr. Hakkou was having live jazz on Sunday, we were placing noise complaints with the NPS.

One particular Sunday, during a live jazz performance (still without permit) at Café du Soleil, Phil Horowitz went to Café du Soleil and invited Mr. Hakkou to come to our house so that he could hear what we hear. Mr. Hakkou agreed with us that the live jazz could be heard clearly inside our house with our windows closed and the doors at Café du Soleil closed, and assured us that he would not have live music again,

and the live jazz performances would stop. Of course, this was also after numerous noise complaints reported to the NSP.

One problem with this location having live music is that it sits diagonally to our house. The property at 143-147 Fillmore sits out a little further than our property. There is a walkway between the two properties. This is where the sound echoes and bounces back and forth between the two properties. Our 3 year old son's bedroom is at the end of this walkway, and we could hear the live jazz in his bedroom, which disturbed his nap time. Our son's bedtime is 8:00 PM, so the proposed live music would interfere with his sleeping at night.

San Francisco, California Planning Code, Article 7 – Neighborhood Commercial Districts, Section 090.38 – Entertainment, Other clearly states: (**Attachment 2**)

A retail use, other than adult entertainment, as defined in Section 790.36 of this code, which provides live entertainment, including dramatic and musical performances, and/or operates as a dance hall which provides amplified taped music for dancing on the premises, including but not limited to those defined in Section 1060 of the Police Code, and **which is adequately soundproofed or insulated so as to confine incidental noise to the premises, etc.**

Acoustic jazz is loud. Instruments normally include drums, and often wind instruments such as trumpets, saxophones, and the like.

This facility is **NOT** soundproofed in any fashion, as we have experienced, and anyone can see by looking at it. The door entrance to Café du Soleil faces our house, and when the doors are opened and closed, the music was even louder in our home and our son's bedroom. Even when Café du Soleil's doors were closed and our windows were closed, the acoustic jazz could still be heard clearly inside our house.

During the sunny days, Café du Soleil has a habit of opening the entrance doors because there is no air conditioning in this facility. The photo of Café du Soleil with doors open was taken on Saturday, May 1, 2010 (**Attachment 3**). This is a frequent occurrence. If you notice, Mr. Hakkou is in the picture, and is aware that his doors are open, and on most occasions, all day.

I cannot agree under any circumstances to have live music at this location unless all soundproofing requirements have been completed prior, as clearly defined by the San Francisco Planning Codes. That would include: 1) install sound proof insulated double doors at the entrance to contain noise inside, 2) construct an entry vestibule with a second set of sound proof insulated doors, and have someone stationed at those doors during live performances to ensure both set of doors are not opened at the same time, 3) the installation of double paned insulated windows. Presently, the majority exterior at this location is single paned glass, 4) Install air conditioning so that doors will not be opened during the warm days, and 5) a sound check from our home at 149 Fillmore be conducted so nothing can be heard inside our house with the windows closed. As needed, determine what instruments are so loud they can be heard inside our house despite soundproofing and prohibit them from being used.

Sincerely,



Jimmy Tertell

Attachments:

- (1) Copy of Bill Maher's letter dated October 4, 2009
- (2) San Francisco, California Planning Code
- (3) Photograph of doors open at Café du Soleil taken Saturday, May 1, 2010.



SAN FRANCISCO PLANNING DEPARTMENT

SAN FRANCISCO PLANNING COMMISSION NOTICE OF HEARING

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Notice is hereby given to the general public that an application involving the property described below has been filed with the Planning Department for review as set forth in the Planning Code. The Planning Commission will hold a **PUBLIC HEARING** on this item and on other matters on **Thursday, MAY 13, 2010, at 1:30 P.M. or later** (please call 558-6422 on Monday, **MAY 10, 2010** or thereafter for a recorded message giving a more precise hour that the hearing for this specific matter will begin), in City Hall, 1 Dr. Carlton B. Goodlett Place, Room 400.

CASE NO. 2010.0083C: 200 FILLMORE STREET, northeast corner of Fillmore and Waller Streets; Lot 020 in Assessor's Block 0859: Request for Conditional Use authorization under Sections 710.48 and 303 of the Planning Code to allow an "other entertainment" use within an existing legal nonconforming large fast food restaurant dba Café Du Soleil located on the ground floor of the two-story residential and commercial building within an NC-1 (Neighborhood Commercial Cluster) District and a 40-X Height and Bulk District.

The proposal will involve adding acoustical musical entertainment (i.e. jazz) and poetry reading to the existing restaurant between the hours of 6 p.m. to 10 p.m. on Thursday, 6 p.m. to 11 p.m. on Friday and Saturday, and 12 p.m. to 9 p.m. on Sunday. There will be no tenant improvements made within the existing commercial space or changes made to the existing building envelope.

For further information, call Sharon M. Young at (415) 558-6346 and ask about Case Number 2010.0083C.

You are receiving this notice because you either own property within a 300-foot radius of the subject property. If you are interested in viewing the plans, please call the planner whose name is stated below. Please call one day in advance so that the plans can be ready for you at the Planning Department's "Pick Up" box on the fourth (4th) floor at 1650 Mission Street.

Persons who are unable to attend the scheduled Planning Commission hearing may submit written comments regarding this case to Sharon M. Young at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, CA 94103.

Comments received by 11:00 a.m. on the day of the hearing will be made a part of the official record and will be brought to the attention of the Planning Commission.

Comments which cannot be delivered to the Planning Commission by noon on the day of the hearing may be taken directly to the hearing at the location listed above. Comments received at 1650 Mission Street after the noon deadlines will be placed in the project file, but probably cannot be brought to the attention of the Planning Commission at the public hearing.

Pursuant to Government Code §65009, if you challenge, in court, the approval of a conditional use, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing.

Lawrence B. Badiner
Zoning Administrator

APPENDIX 2

BILL MAHER

433 WALLER STREET SAN FRANCISCO CA 94117
(415) 606-5225 BILMAHER@AOL.COM

Attachment 1

Captain Croce Casciato
Northern Station
1125 Filmore Street
San Francisco, Ca 94117

October 4, 2009

Dear Captain:

Thank you for taking the time to meet with me the other day, it was very gracious of you. As we discussed the Café du Soleil on the corner of Waller and Filmore Streets will be asking the San Francisco Planning Commission for permission to play Acoustic Jazz only, on the earlier part of Thursday through Saturday and earlier on Sunday.

Specifically we are requesting Planning Commission approval of non amplified music and poetry readings from:

1. 6 PM until 10 PM on Thursday nights.
2. 6 PM until 11 PM on Friday and Saturday nights
3. 2 PM until 8 PM on Sunday nights

The Café has been open for several years and with the support of innumerable neighbors (over 500 on the petition) they have had sidewalk tables and chairs for the last few years. Unlike its predecessor, the Mourida Lounge, there has not been a single run to the premises since it opened several years ago.

The present application has the support of over 600 signatures from customers supporting the idea of evening acoustic Jazz and Poetry. As you are well aware one block up on Height there are many venues for late night drinking and entertainment. I will be good for those of us in the neighborhood who no longer wish to Party Hearty until 2 AM to have an alternate more laid back alternative venue. We will request that a condition be placed that the sale to any new owner will require an opportunity for public testimony and review by the Planning Commission to further protect the area.

Again, I appreciate your taking the time to discuss the proposal and your supportive comments. This is a good proposal, supported by the community. It will enhance the neighborhood and reduce rather than increase the demands on your officers. We appreciate your support of the proposal. I look forward to continuing to work with you and Officer Gallagher and if I can provide you with any more information please let me know.

Sincerely



Bill Maher

Bill Maher 433 Waller Street, San Francisco CA 94117, bilmaher@aol.com (415) 606-5225

10.0083 C

Attachment 2

San Francisco, California, Planning Code >> **ARTICLE 7: - NEIGHBORHOOD COMMERCIAL DISTRICTS >> SEC. 710.1. - NC-1 — NEIGHBORHOOD COMMERCIAL CLUSTER DISTRICT. >>**

SEC. 710.1. - NC-1 — NEIGHBORHOOD COMMERCIAL CLUSTER DISTRICT.

NC-1 Districts are intended to serve as local neighborhood shopping districts, providing convenience retail goods and services for the immediately surrounding neighborhoods primarily during daytime hours.

These NC-1 Districts are characterized by their location in residential neighborhoods, often in outlying areas of the City. The commercial intensity of these districts varies. Many of these districts have the lowest intensity of commercial development in the City, generally consisting of small clusters with three or more commercial establishments, commonly grouped around a corner; and in some cases short linear commercial strips with low-scale, interspersed mixed-use (residential-commercial) development.

Building controls for the NC-1 District promote low-intensity development which is compatible with the existing scale and character of these neighborhood areas. Commercial development is limited to one story. Rear yard requirements at all levels preserve existing backyard space.

NC-1 commercial use provisions encourage the full range of neighborhood-serving convenience retail sales and services at the first story provided that the use size generally is limited to 3,000 square feet. However, commercial uses and features which could impact residential livability are prohibited, such as auto uses, financial services, general advertising signs, drive-up facilities, hotels, and late-night activity; eating and drinking establishments are restricted, depending upon the intensity of such uses in nearby commercial districts.

Housing development in new buildings is encouraged above the ground story in most districts. Existing residential units are protected by prohibitions of conversions above the ground story and limitations on demolitions.

SEC. 710. NEIGHBORHOOD COMMERCIAL CLUSTER DISTRICT NC-1

ZONING CONTROL TABLE

| No. | Zoning Category | § References | NC-1 Controls |
|--|-------------------------------|---|--|
| BUILDING STANDARDS | | | |
| 710.10 | Height and Bulk Limit | §§ 102.12, 105, 106, 250—252, 260, 263.20. 270, 271 | Varies See Zoning Map Additional 5 feet for NC-1 parcels with a commercial use on the ground floor within the boundaries of Sargent Street to Orizaba Avenue to Lobos Street to Plymouth Avenue to Farellones Street to San Jose Avenue to Alemany Boulevard to 19th Avenue to Randolph Street to Monticello Street and back to Sargent Street. see § 263.20 |
| 710.11 | Lot Size [Per Development] | §§ 790.56, 121.1 | P up to 4,999 sq. ft.; C 5,000 sq. ft. & above § 121.1 |
| 710.12 | Rear Yard | §§ 130, 134, 136 | Required at grade level and above § 134(a) (e) |
| 710.13 | Street Frontage | | Required § 145.1 |
| 710.14 | Awning | § 790.20 | P § 136.1(a) |
| 710.15 | Canopy | § 790.26 | |
| 710.16 | Marquee | § 790.58 | |
| 710.17 | Street Trees | | Required § 143 |
| COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES | | | |
| 710.20 | Floor Area Ratio | §§ 102.9, 102.11, 123 | 1.8 to 1 § 124(a) (b) |

| | | | |
|--------|---|------------------------------------|---|
| 710.21 | Use Size [Non-Residential] | § 790.130 | P up to 2,999 sq. ft.; C 3,000 sq. ft. & above § 121.2 |
| 710.22 | Off-Street Parking, Commercial/Institutional | §§ 150, 153—157, 159—160, 204.5 | Generally, none required if occupied floor area is less than 5,000 sq. ft. §§ 151, 161(g) |
| 710.23 | Off-Street Freight Loading | §§ 150, 153—155, 204.5 | Generally, none required if gross floor area is less than 10,000 sq. ft. §§ 152, 161(b) |
| 710.24 | Outdoor Activity Area | § 790.70 | P if located in front; C if located elsewhere § 145.2(a) |
| 710.25 | Drive-Up Facility | § 790.30 | |
| 710.26 | Walk-Up Facility | § 790.140 | P if recessed 3 ft.; C if not recessed § 145.2(b) |
| 710.27 | Hours of Operation | § 790.48 | P 6 a.m.—11 p.m.; C 11 p.m.—2 a.m. |
| 710.30 | General Advertising Sign | §§ 262, 602—604, 608, 609 | |
| 710.31 | Business Sign | §§ 262, 602—604, 608, 609 | P § 607.1(f)1 |
| 710.32 | Other Signs | §§ 262, 602—604, 608, 609 | P § 607.1(c) (d) (g) |

| No. | Zoning Category | § References | NC-1 | | |
|----------------------------------|---|--------------|-------------------|-----|------|
| | | | Controls by Story | | |
| | | | 1st | 2nd | 3rd+ |
| | | § 790.118 | | | |
| 710.38 | Residential Conversion | § 790.84 | P | | |
| 710.39 | Residential Demolition | § 790.86 | P | C | C |
| Retail Sales and Services | | | | | |
| 710.40 | Other Retail Sales and Services [Not Listed Below] | § 790.102 | P # | | |
| 710.41 | Bar | § 790.22 | P # | | |
| 710.42 | Full-Service Restaurant | § 790.92 | P # | | |
| 710.43 | Large Fast Food Restaurant | § 790.90 | | | |
| 710.44 | Small Self-Service Restaurant | § 790.91 | C # | | |
| 710.45 | Liquor Store | § 790.55 | P | | |
| 710.46 | Movie Theater | § 790.64 | | | |
| 710.47 | Adult Entertainment | § 790.36 | | | |
| 710.48 | Other Entertainment | § 790.38 | C | | |
| 710.49 | Financial Service | § 790.110 | | | |
| 710.50 | Limited Financial Service | § 790.112 | P | | |
| 710.51 | Medical Service | § 790.114 | P | | |

San Francisco, California, Planning Code >> **ARTICLE 7: - NEIGHBORHOOD COMMERCIAL DISTRICTS >> SEC. 703.2. - USES PERMITTED IN NEIGHBORHOOD COMMERCIAL DISTRICTS. >>**

SEC. 703.2. - USES PERMITTED IN NEIGHBORHOOD COMMERCIAL DISTRICTS.

A use is the specific purpose for which a property or building is used, occupied, maintained, or leased. Whether or not a use is permitted in a specific district is set forth or summarized and cross-referenced in Sections 710.1 through 730.95 of this Code for each district class.

- (a) **Use Categories.** The uses, functions, or activities, which are permitted in each Neighborhood Commercial District class include those listed below by zoning control category and number and cross-referenced to the Code Section containing the definition.

| | Section | |
|-----|----------------------------------|------------|
| | Zoning Control Number | |
| | Categories of Use | |
| No. | for Uses Definition | |
| .24 | Outdoor Activity Area | \$ 790.70 |
| .25 | Drive-Up Facility | \$ 790.30 |
| .26 | Walk-Up Facility | \$ 790.140 |
| .27 | Hours of Operation | \$ 790.48 |
| .38 | Residential Conversion | \$ 790.84 |
| .39 | Residential Demolition | \$ 790.86 |
| .40 | Other Retail Sales and Services | \$ 790.102 |
| .41 | Bar | \$ 790.22 |
| .42 | Full-Service Restaurant | \$ 790.92 |
| .43 | Large Fast-Food Restaurant | \$ 790.90 |
| .44 | Small Self-Service Restaurant | \$ 790.91 |
| .45 | Liquor Store | \$ 790.55 |
| .46 | Movie Theater | \$ 790.64 |
| .47 | Adult Entertainment | \$ 790.36 |
| .48 | Other Entertainment | \$ 790.38 |
| .49 | Financial Service | \$ 790.110 |
| .50 | Limited Financial Service | \$ 790.112 |
| .51 | Medical Service | \$ 790.114 |
| .52 | Personal Service | \$ 790.116 |
| .53 | Business or Professional Service | \$ 790.108 |
| .54 | Massage Establishment | \$ |

| | | |
|-----|-------------------------------|------------|
| .82 | Other Institutions, Small | \$ 790.51 |
| .83 | Public Use | \$ 790.80 |
| .84 | Medical Cannabis Dispensary | \$ 790.141 |
| .90 | Residential Use | \$ 790.88 |
| .95 | Community Residential Parking | \$ 790.10 |

(b) **Use Limitations.** The uses permitted in Neighborhood Commercial Districts are either principal, conditional, accessory, or temporary uses as stated in this Section, and include those uses set forth or summarized and cross-referenced in the zoning control categories as listed in Paragraph (a) in Sections 710.1 through 729.95 of this Code for each district class.

(1) **Permitted Uses.** All permitted uses shall be conducted within an enclosed building in Neighborhood Commercial Districts, unless otherwise specifically allowed in this Code. Exceptions from this requirement are: uses which, when located outside of a building, qualify as an outdoor activity area, as defined in Section 790.70 of this Code; accessory off-street parking and loading and other uses listed below which function primarily as open-air uses, or which may be appropriate if located on an open lot, outside a building, or within a partially enclosed building, subject to other limitations of this Article 7 and other sections of this Code.

| No. | Zoning Control Category |
|-----|--------------------------------------|
| .56 | Automobile Parking |
| .57 | Automotive Gas Station |
| .58 | Automotive Service Station |
| .60 | Automotive Wash |
| .61 | Automobile Sale or Rental |
| .81 | Other Institutions, Large (selected) |
| .83 | Public Use (selected) |
| .95 | Community Residential Parking |

If there are two or more uses in a structure and none is classified below under Section 703.2(b)(1)(C) of this Code as accessory, then each of these uses will be considered separately as independent principal, conditional or temporary uses.

- (A) **Principal Uses.** Principal uses are permitted as of right in a Neighborhood Commercial District, when so indicated in Sections 710.1 through 729.95 of this Code for each district class.
- (B) **Conditional Uses.** Conditional uses are permitted in a Neighborhood Commercial District when authorized by the Planning Commission; whether a use is conditional in a given district is indicated in Sections 710.10 through 729.95. Conditional uses are subject to the provisions set forth in Sections 178, 179, 303, and 316 through 316.8 of this Code.
 - (i) An establishment which sells beer or wine with motor vehicle fuel is a conditional use, and shall be governed by Section 229.
 - (ii) Notwithstanding any other provision of this Article, a change in use or demolition of a movie theater use, as set forth in Section 790.64, shall require conditional use authorization. This Subsection shall not authorize a change in use if the new use or uses are otherwise prohibited.
 - (iii) Notwithstanding any other provision of this Article, a change in use or demolition of a general grocery store use, as defined in Section 790.102(a), which use exceeds 5,000 gross square feet shall require conditional use authorization. This Subsection shall not authorize a change in use if the new use or uses are otherwise prohibited.
- (C) **Accessory Uses.** Except as prohibited in Section 728 and subject to the limitations set forth below and in Sections 204.1 (Accessory Uses for Dwelling Units in R and NC Districts), 204.4 (Dwelling Units Accessory to Other Uses), and 204.5 (Parking and Loading as Accessory Uses) of this Code, a related minor use which is either necessary to the

operation or enjoyment of a lawful principal use or conditional use, or is appropriate, incidental and subordinate to any such use, shall be permitted as an accessory use when located on the same lot. Any use which does not qualify as an accessory use shall be classified as a principal or conditional use, unless it qualifies as a temporary use under Sections 205 through 205.2 of this Code.

No use will be considered accessory to a permitted principal or conditional use which involves or requires any of the following:

- (i) The use of more than 1/3 of the total floor area occupied by such use and the principal or conditional use to which it is accessory, except in the case of accessory off-street parking and loading;
- (ii) Any bar, restaurant, other entertainment, or any retail establishment which serves liquor for consumption on-site;
- (iii) Any take-out food use, as defined in Section 790.122, except for a take-out food use which occupies 100 square feet or less (including the area devoted to food preparation and service and excluding storage and waiting areas) in a general grocery or specialty grocery store;
- (iv) Any take-out food use, as defined in Section 790.122, except for a take-out food use operating as a minor and incidental use within a full-service restaurant;
- (v) The wholesaling, manufacturing or processing of foods, goods, or commodities on the premises of an establishment which does not also use or provide for primarily retail sale of such foods, goods or commodities at the same location where such wholesaling, manufacturing or processing takes place.
- (vi) Any retail liquor sales, as defined in Section 790.55, except for beer, wine, and/or liquor sales for the consumption off the premises with a State of California Alcoholic Beverage Control ("ABC") Board License type (off-sale beer and wine) or type 21 (off-sale general) which occupy less than 15% of the gross square footage of the establishment (including all areas devoted to the display and sale of alcoholic beverages) in a general grocery store, specialty grocery store, or self-service specialty food use.

The foregoing rules shall not prohibit take-out food activity which operates in conjunction with a fast-food restaurant or a self-service restaurant. A fast-food restaurant or a self-service restaurant, by definition, includes take-out food as an accessory and necessary part of its operation.

(D) **Temporary Uses.** Temporary uses are permitted uses, subject to the provisions set forth in Section 205 of this Code.

(2) **Not Permitted Uses.**

- (A) Uses which are not specifically listed in this Article are not permitted unless they qualify as a nonconforming use pursuant to Sections 180 through 186.1 of this Code or are determined by the Zoning Administrator to be permitted uses in accordance with Section 307(a) of this Code.
- (B) No use, even though listed as a permitted use, shall be permitted in a Neighborhood Commercial District which, by reason of its nature or manner of operation, creates conditions that are hazardous, noxious, or offensive through the emission of odor, fumes, smoke, cinders, dust, gas, vibration, glare, refuse, water-carried waste, or excessive noise.
- (C) The establishment of a use that sells alcoholic beverages, other than beer and wine, concurrent with motor vehicle fuel is prohibited, and shall be governed by Section 229.

Except in the SoMa NCT, where these uses are permitted accessory uses.

(Added by Ord. 69-87, App. 3/13/87; amended by Ord. 445-87, App. 11/12/87; Ord. 420-97, App. 11/7/97; Ord. 384-98, App. 12/24/98; Ord. 87-00, File No. 991963, App. 5/19/2000; Ord. 260-00, File No. 001424, App. 11/17/2000; Ord. 270-04, File No. 041070, App. 11/9/2004; Ord. 298-06, File No. 061261, App. 12/12/2006; Ord. 269-07, File No. 070671, App. 11/26/2007; Ord. 245-08, File No. 080696; Ord. 298-08, File No. 081153, App. 12/19/2008)

San Francisco, California, Planning Code >> **ARTICLE 7: - NEIGHBORHOOD COMMERCIAL DISTRICTS >> SEC. 790.38. - ENTERTAINMENT, OTHER. >>**

SEC. 790.38. - ENTERTAINMENT, OTHER.

A retail use, other than adult entertainment, as defined in Section 790.36 of this Code, which provides live entertainment, including dramatic and musical performances, and/or operates as a dance hall which provides amplified taped music for dancing on the premises, including but not limited to those defined in Section 1060 of the Police Code, and which is adequately soundproofed or insulated so as to confine incidental noise to the premises. Other entertainment also includes a bowling alley, billiard parlor, shooting gallery, skating rink and other commercial recreational activity, but it excludes amusement game arcades, as defined in Section 790.4 of this Code and regulated in Section 1036 of the Police Code.

(Added by Ord. 69-87, App. 3/13/87)

San Francisco, California, Planning Code >> **ARTICLE 3: - ZONING PROCEDURES >> SEC. 303. - CONDITIONAL USES. >>**

SEC. 303. - CONDITIONAL USES.

- (a) **General.** The City Planning Commission shall hear and make determinations regarding applications for the authorization of conditional uses in the specific situations in which such authorization is provided for elsewhere in this Code. The procedures for conditional uses shall be as specified in this Section and in Sections 306 through 306.6, except that Planned Unit Developments shall in addition be subject to Section 304, medical institutions and post-secondary educational institutions shall in addition be subject to the institutional master plan requirements of Section 304.5, and conditional use and Planned Unit Development applications filed pursuant to Article 7, or otherwise required by this Code for uses or features in Neighborhood Commercial Districts, and conditional use applications within South of Market Districts, shall be subject to the provisions set forth in Sections 316 through 316.8 of this Code, in lieu of those provided for in Sections 306.2 and 306.3 of this Code, with respect to scheduling and notice of hearings, and in addition to those provided for in Sections 306.4 and 306.5 of this Code, with respect to conduct of hearings and reconsideration.
- (b) **Initiation.** A conditional use action may be initiated by application of the owner, or authorized agent for the owner, of the property for which the conditional use is sought. For a conditional use application to relocate a general advertising sign under subsection (l) below, application shall be made by a general advertising sign company that has filed a Relocation Agreement application and all required information with the Planning Department pursuant to Section 2.21 of the San Francisco Administrative Code.
- (c) **Determination.** After its hearing on the application, or upon the recommendation of the Director of Planning if the application is filed pursuant to Sections 316 through 316.8 of this Code and no hearing is required, the City Planning Commission shall approve the application and authorize a conditional use if the facts presented are such to establish:
- (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:
 - (A) In Neighborhood Commercial Districts, if the proposed use is to be located at a location in which the square footage exceeds the limitations found in Planning Code § 121.2(a) or 121.2(b), the following shall be considered:
 - (i) The intensity of activity in the district is not such that allowing the larger use will be likely to foreclose the location of other needed neighborhood-servicing uses in the area; and
 - (ii) The proposed use will serve the neighborhood, in whole or in significant part, and the nature of the use requires a larger size in order to function; and
 - (iii) The building in which the use is to be located is designed in discrete elements which respect the scale of development in the district; and
 - (2) 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 and of proposed alternatives to off-street parking, including provisions of car-share parking spaces, as defined in Section 166 of this Code.
 - (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; and
 - (4) With respect to applications filed pursuant to Article 7 of this Code, 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 .1 of Sections 710 through 729 of this Code; and

- (5) (A) With respect to applications filed pursuant to Article 7, Section 703.2(a), zoning categories .46, .47, and .48, in addition to the criteria set forth above in Section 303(c)(1—4), that such use or feature will:
- (i) Not be located within 1,000 feet of another such use, if the proposed use or feature is included in zoning category .47, as defined by Section 790.36 of this Code; and/or
 - (ii) Not be open between two a.m. and six a.m.; and
 - (iii) Not use electronic amplification between midnight and six a.m.; and
 - (iv) 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.
- (B) Notwithstanding the above, the City Planning Commission may authorize a conditional use which does not satisfy the criteria set forth in (5)(A)(ii) and/or (5)(A)(iii) above, if facts presented are such to establish that the use will be operated in such a way as to minimize disruption to residences in and around the district with respect to noise and crowd control.
- (C) The action of the Planning Commission approving a conditional use does not take effect until the appeal period is over or while the approval is under appeal.
- (6) With respect to applications for live/work units in RH, RM and RTO Districts filed pursuant to Section 209.9(f) or 209.9(h) of this Code, that:
- (A) Each live/work unit is within a building envelope in existence on the effective date of Ordinance No. 412-88 (effective October 10, 1988) and also within a portion of the building which lawfully contains at the time of application a nonconforming, nonresidential use;
 - (B) There shall be no more than one live/work unit for each 1,000 gross square feet of floor area devoted to live/work units within the subject structure; and
 - (C) The project sponsor will provide any off-street parking, in addition to that otherwise required by this Code, needed to satisfy the reasonably anticipated auto usage by residents of and visitors to the project.

Such action of the City Planning Commission, in either approving or disapproving the application, shall be final except upon the filing of a valid appeal to the Board of Supervisors as provided in Section 308.1.

- (d) **Conditions.** When considering an application for a conditional use as provided herein with respect to applications for development of "dwellings" as defined in Chapter 87 of the San Francisco Administrative Code, the Commission shall comply with that Chapter which requires, among other things, that the Commission not base any decision regarding the development of "dwellings" in which "protected class" members are likely to reside on information which may be discriminatory to any member of a "protected class" (as all such terms are defined in Chapter 87 of the San Francisco Administrative Code). In addition, when authorizing a conditional use as provided herein, the City Planning Commission, or the Board of Supervisors on appeal, shall prescribe such additional conditions, beyond those specified in this Code, as are in its opinion necessary to secure the objectives of the Code. Once any portion of the conditional use authorization is utilized, all such conditions pertaining to such authorization shall become immediately operative. The violation of any condition so imposed shall constitute a violation of this Code and may constitute grounds for revocation of the conditional use authorization. Such conditions may include time limits for exercise of the conditional use authorization; otherwise, any exercise of such authorization must commence within a reasonable time.
- (e) **Modification of Conditions.** Authorization of a change in any condition previously imposed in the authorization of a conditional use shall be subject to the same procedures as a new conditional use. Such procedures shall also apply to applications for modification or waiver of conditions set forth in prior stipulations and covenants relative thereto continued in effect by the provisions of Section 174 of this Code.
- (f) **Conditional Use Abatement.** The Planning Commission may consider the possible revocation of a conditional use or the possible modification of or placement of additional conditions on a conditional use when the Planning Commission determines, based upon substantial evidence, that the applicant for the conditional use had submitted false or misleading information in the application process that could have reasonably had a substantial effect upon the decision of the Commission or the conditional use is not in compliance with a condition of approval, is in violation of law if the violation is within the subject matter jurisdiction of the Planning Commission or operates in such a manner as to create hazardous, noxious or offensive conditions enumerated in Section 202(c) if the violation is within the subject matter jurisdiction of the Planning Commission and these circumstances have not been abated through administrative action of the Director, the Zoning Administrator or other City authority. Such consideration shall be the subject of a public hearing before the Planning Commission but no fee shall be required of the applicant or the subject conditional use operator.
 - (1) The Director of Planning or the Planning Commission may seek a public hearing on conditional use abatement when the Director or Commission has substantial evidence submitted within one year of the effective date of the Conditional Use authorization that the applicant for the conditional use had submitted false or misleading information in the application process that could have reasonably had a substantial effect upon the decision of the Commission or substantial evidence of a violation of conditions of approval, a violation of law, or operation which creates hazardous, noxious or offensive conditions enumerated in Section 202(c).

San Francisco, California, Planning Code >> **ARTICLE 3: - ZONING PROCEDURES >> SEC. 306.4. - CONDUCT OF HEARINGS. >>**

SEC. 306.4. - CONDUCT OF HEARINGS.

- (a) **Reports and Recommendations.** In all actions for amendments to the Planning Code or General Plan or conditional uses, the Zoning Administrator or the Planning Department shall make necessary investigations and studies and submit the findings to the Director of Planning prior to the hearing of the Planning Commission, or in actions on conditional use applications in NC Districts, prior to the consent calendar or public hearing of the Commission. The report and recommendation of the Director of Planning shall be submitted at least one week prior to the hearing.
- (b) **Record.** A record shall be kept of the pertinent information presented at the hearing on any action for an amendment, conditional use or variance, and such record shall be maintained as a part of the permanent public records of the Planning Department. A verbatim record may be made if permitted or ordered by the Planning Commission in the case of actions for amendments or conditional uses, and by the Zoning Administrator in the case of variance actions.
- (c) **Continuations.** The Planning Commission in the case of actions for amendments or conditional uses, and the Zoning Administrator in the case of variance actions, shall determine the instances in which cases scheduled for hearing may be continued or taken under advisement. In such cases, new notice need not be given of the further hearing date, provided such date is announced at the scheduled hearing.
- (d) **Decision.** The decision of the Planning Commission or the Zoning Administrator shall be in accordance with the provisions for each type of case in Sections 302 through 305 and 340.
- (1) In the case of variances, the decision of the Zoning Administrator shall, unless deferred upon the request or consent of the applicant, be rendered within 60 days from the date of conclusion of the hearing or, where no hearing is involved, within 60 days from the date of filing; failure of the Zoning Administrator to act within the prescribed time shall entitle the applicant to cause the matter to be placed before the Planning Commission for decision at its next following regular meeting.
 - (2) In the case of actions for amendments to the Planning Code or conditional uses, the decision of the Planning Commission shall be rendered within 90 days from the date of conclusion of the hearing; failure of the Commission to act within the prescribed time shall be deemed to constitute disapproval.
 - (3) In the case of proposed amendments to the Planning Code initiated by the Board of Supervisors under Section 302(b), or modifications to proposed amendments made by the Board under Section 302(d) of this Code, the decision of the Planning Commission shall be rendered within 90 days from the date of referral of the proposed amendment or modification by the Board to the Commission. Failure of the Commission to act within the prescribed time shall be deemed to constitute disapproval, except that the Board may, by resolution, extend the prescribed time within which the Commission is to render its decision.

(Amended by Ord. 237-81, App. 5/8/81; Ord. 69-87, App. 3/13/87; Ord. 321-96, App. 8/8/96)

San Francisco, California, Planning Code >> **ARTICLE 3.5: - FEES >> SEC. 352. - COMMISSION AND ZONING ADMINISTRATOR HEARING APPLICATIONS. >>**

SEC. 352. - COMMISSION AND ZONING ADMINISTRATOR HEARING APPLICATIONS.

(a) Conditional Use (Section 303), Planned Unit Development (Section 304),

| Estimated Construction Cost | Initial Fee |
|--|--|
| No construction cost, excluding extension of hours | \$785.00 |
| No construction cost, extension of hours | \$1,206.00 |
| Estimated Construction Cost | Initial Fee |
| \$1.00 to \$9,999.00 | \$1,206.00 |
| \$10,000.00 to \$999,999.00 | \$1,206.00 plus 0.557% of cost over \$10,000.00 |
| \$1,000,000.00 to \$4,999,999.00 | \$6,722.00 plus 0.664% of cost over \$1,000,000.00 |
| \$5,000,000.00 to \$9,999,999.00 | \$33,315.00 plus 0.557% of cost over \$5,000,000.00 |
| \$10,000,000.00 to \$19,999,999.00 | \$61,176.00 plus 0.290% of cost over \$10,000,000.00 |
| \$20,000,000.00 or more | \$90,213.00 |
| Estimated Construction Cost | Initial Fee |
| No construction cost, excluding extension of hours | \$785.00 |
| No construction cost, extension of hours | \$1,206.00 |
| Estimated Construction Cost | Initial Fee |
| \$1.00 to \$9,999.00 | \$1,206.00 |

- (l) **Amendments to Text of the Planning Code:** \$13,209.00 as an initial fee, plus time and materials if the cost exceeds the initial fee as set forth in Section 350(c).
- (m) **Zoning Administrator Conversion Determinations Related to Service Station Conversions:** \$2,609.00 as an initial fee, plus time and materials if the cost exceeds the initial fee. (Section 228.4).
- (n) **Conditional Use Appeals to the Board of Supervisors:**
 - (1) \$500.00 for the appellant of a conditional used authorization decision to the Board of Supervisors; provided, however, that the fee shall be waived if the appeal is filed by a neighborhood organization that: (1) has been in existence for 24 months prior to the appeal filing date, (2) is on the Planning Department's neighborhood organization notification list, and (3) can demonstrate to the Planning Director or his/her designee that the organization is substantially affected by the proposed project.
 - (2) Such fees shall be used to defray the cost of an appeal to the Planning Department. At the time of filing an appeal, the Clerk of the Board of Supervisors shall collect such fee and forward the fee amount to the Planning Department.

(Added by Ord. 153-93, App. 5/25/93; amended by Ord. 212-94, App. 6/2/94; Ord. 180-95, App. 6/2/95; Ord. 358-95, App. 11/15/95; Ord. 308-96, App. 7/25/96; Ord. 168-98, App. 5/21/98; Ord. 154-04, File No. 040819, App. 7/8/2004; Ord. 230-04, File No. 040955, App. 9/23/2004; Ord. 175-05, File No. 050917, App. 7/29/2005; Ord. 201-06, File No. 060699, App. 7/21/2006; Ord. 231-06, File No. 060991, App. 9/14/2006; Ord. 156-08, File No. 080737, App. 7/30/2008; Ord. 298-08, File No. 081153, App. 12/19/2008; Ord. 186-09, File No. 090698, App. 8/6/2009)

- (c) "Business." The enterprise for which a permit is sought or has been issued under this Article, whether operated on a for-profit or not-for-profit basis.
- (d) "Conduct that Constitutes a Nuisance." Any conduct that would constitute a violation of the following laws: assault and battery (Cal. Penal Code § 240, 242, 245); sexual battery (Cal. Penal Code § 243.4); discharging firearm (Cal. Penal Code § 246, 246.3); unlawful weapons (Cal. Penal Code § 12020; S.F. Police Code § 1291); disturbing the peace (Cal. Penal Code § 415, 416, 417); unlawful threats (Cal. Penal Code § 422); obstruction of pedestrian or vehicle right-of-way (Cal. Penal Code § 370); gambling (Cal. Penal Code §§ 330, 337a); rape (Cal. Penal Code § 261); statutory rape (Cal. Penal Code § 261.5); prostitution and related offenses (Cal. Penal Code §§ 266, 266a, 266e, 266h, 266i, 315, 316, 647(b)); sex crimes for which registration is required under the Sex Offender Registration Act (Cal. Penal Code § 290); felony sexual assault loitering for lewd or lascivious purposes (Cal. Penal Code § 647(d)); loitering on private property without lawful business (Cal. Penal Code § 647(h); identify theft (Cal. Penal Code § 530.5); a violent felony warranting enhancement of a prison term (Cal. Penal Code § 667.5); criminal gang activity (Cal. Penal Code § 186.22); drug offenses (Cal. Health & Safety Code §§ 11351, 11352, 11359, 11360, 11378, 11379, 11378.5, 11379.5); violation of Alcohol Beverage Control laws (Cal. Business & Professions Code §§ 23300, 25602, 25631, 25657, 25658); public urination or defecation (San Francisco Police Code § 153); accumulation of filth (Cal. Health & Safety Code § 17920.3(j)); or excessive noise emissions (San Francisco Police Code Section 49 or Article 29).
- (e) "Corrective Action." Action which includes, but is not limited to, the following:
- (1) Requesting assistance from the local law enforcement agency in a timely manner regarding the conduct.
 - (2) Requesting those individuals engaging in Conduct that Constitutes a Nuisance to cease the conduct, or ejecting those Persons from the premises.
 - (3) Revising the Security Plan, subject to approval by the Entertainment Commission or the Director as provided under this Article.
- (f) "Director." The Executive Director of the Entertainment Commission or individual designated by the Director to act on his or her behalf.
- (g) "Entertainment." Any of the following, except when conducted in a private residence:
- (1) Any act, play, review, pantomime, scene, song, dance act, song and dance act, or poetry recitation, conducted in or upon any premises to which patrons or members are admitted.
 - (2) The playing or use of any instrument capable of producing or used to produce musical or percussion sounds, including but not limited to, reed, brass, percussion, or string-like instruments, or karaoke, or recorded music presented by a live disc jockey on the premises.
 - (3) A fashion or style show.
 - (4) The act of any female entertainer, while visible to any customer, who exposes the breast or employs any device or covering which is intended to simulate the breast, or wears any type of clothing so that the breast may be observed.
- (h) "Manager." The individual authorized by the Permittee to exercise discretionary power to organize, direct, carry out or control the operations of the Business.
- (i) "Permittee." The Person to whom a permit has been issued under this Article.
- (j) "Person." Any person, individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate, or any other group or combination acting as a unit excepting the United States of America, the State of California, and any political subdivision of either.
- (k) "Police of Entertainment." Every premises to which patrons or members are admitted which serves food, beverages, or food and beverages, including but not limited to alcoholic beverages, for consumption on the premises and wherein Entertainment as defined in Subsection (g) is furnished or occurs upon the premises.
- (l) "Sale of the Business" or "Sell the Business." The sale or other transfer of the ownership interest in a Business that result in a Person (who did not already have such a percentage interest) owning 50% or more of the Business, regardless of the form of ownership.
- (m) "Security Guard." A person who has a valid Proprietary Private Security Officer registration document issued by the California Department of Consumer Affairs; or a person who is a Patrol Special Police Officer appointed by the Police Commission or an assistant to a Patrol Special Police Officer and is operating in accordance with rules of the Police Commission governing Patrol Special Police Officers and assistants to Patrol Special Police Officers.
- (n) "Security Plan." A plan that adequately addresses the safety of persons and property by (i) providing a ratio of one Security Guard to a specific number of individuals as described in the paragraph immediately below (ii) securing the sidewalk for a 100-foot radius in all directions around the premises of the Business to prevent injury to persons and/or damage to property, and (iii) providing for the orderly dispersal of individuals and traffic from the premises of

the Business and within 100 feet of any door that patrons use to enter or exit the premises. The phrase "100 feet" in (iii) of this Subsection (n) means 100 feet from the door in both directions on the same side of the street as the premises of the Business. The plan shall include sufficient staff with the requisite experience to implement the plan.

The Security Plan must provide at least one Security Guard for every 100 individuals anticipated to be present at any one time during Entertainment events on the premises of the Business, with the following two qualifications. There must always be at least one Security Guard for every 100 individuals actually present at any one time during Entertainment events on the premises of the Business. Further, in those areas of the City where a conditional use authorization is required for a late night use, on Thursdays, Fridays, Saturdays, and Sundays from 9:00 p.m. until closing (including early morning hours Friday, Saturday, Sunday, and Monday) the Security Plan must provide at least one Security Guard for every 100 individuals authorized by the Occupancy Permit during Entertainment events on the premises of the Business.

The definition of Security Plan in this Subsection 1060(n) does not limit the discretion of the Entertainment Commission and Director as specified in this Article to impose more stringent requirements for a Security Plan as circumstances warrant.

- (o) "Tax Collector." Tax Collector of the City and County of San Francisco.
- (p) "Professional Entertainer." A person who is compensated for his or her performance. This definition does not restrict the definition of "Entertainment" in Subsection (g) and is relevant only to the extent the term "professional entertainer" is used in this Article.

(Amended by Ord. 42-83, App. 2/4/83; Ord. 325-91, App. 9/4/91; Ord. 165-93, App. 5/28/93; Ord. 262-04, File No. 041148, App. 11/4/2004; Ord. 239-09, File No. 080323, App. 11/20/2009)

SEC. 1060.1. - PERMIT REQUIRED.

- (a) It shall be unlawful for any Person to own, conduct, operate, or maintain, or to cause or permit to be conducted, operated, or maintained, any Place of Entertainment or One Time Event in the City and County of San Francisco without first having obtained the required permit from the Director or Entertainment Commission.
- (b) It shall be unlawful for any Person to conduct, operate or maintain, or cause or permit to be conducted, operated, or maintained, a Place of Entertainment or One Time Event for which a permit has been granted (1) after the permit has been revoked or is otherwise invalid or (2) for any period of time during which the permit has been suspended.
- (c) It shall be unlawful for any Person who is required to surrender a permit upon the sale of a Business as required under Section 1060.24(b) to fail to do so.
- (d) Any place or premises where a Place of Entertainment Permit or One Time Event Permit is sought must conform to all existing health, safety, zoning, and fire ordinances of the City and County of San Francisco, and must have a valid permit to operate (formerly referenced in this Article as a public eating place permit) from the Department of Public Health. The Entertainment Commission, including the Director in the case of a One Time Event Permit, may issue a permit under this Article conditional upon the applicant receiving the other required permits.

(Added by Ord. 193-05, File No. 051027, App. 7/29/2005; Ord. 239-09, File No. 080323, App. 11/20/2009)

SEC. 1060.2. - FILING APPLICATION, NOTICE TO OTHER CITY DEPARTMENTS, AND DEPARTMENTAL REPORTS.

- (a) Every Person seeking a Place of Entertainment permit or an amendment to a permit shall file an application with the Entertainment Commission upon a form provided by the Entertainment Commission and shall pay a filing fee as provided in Section 2.26 of this Code.
- (b) The Director shall send the application to the San Francisco Police Department, Fire Department, Department of Building Inspection, Department of Public Health, and Planning Department. Those departments shall complete all necessary inspections and report their determinations to the Entertainment Commission within 20 City business days of receiving the application.

(Amended by Ord. 555-81, App. 11/12/81; Ord. 164-02, File No. 020783, App. 7/26/2002; Ord. 239-09, File No. 080323, App. 11/20/2009)

SEC. 1060.3. - APPLICATION FORM.

Except as otherwise provided herein, an application for a permit pursuant to the provisions of this Article shall specify the following and be signed under penalty of perjury:

- (a) The name and street address of the Business for which the permit is sought.

- (b) The name and address of the applicant as follows:
- (1) If the applicant is a corporation, the name of the corporation exactly as shown in its articles of incorporation; the date and place of incorporation; and the name and address of each officer and director.
 - (2) If the applicant is a Person other than a publicly traded company, the name and address of every Person that directly or indirectly owns or controls 10% or more of the assets, ownership interests or voting interests in that Person.
- (c) The name of and contact information for the Manager who shall directly, or through designees, be on the premises during all hours of operation.
- (d) The name and address of each Person who appears on the business registration certificate for the Business for which a permit is sought.
- (e) The name and address of each Person to whom the Department of Alcoholic Beverage Control has issued a license for the Business for which a permit is sought.
- (f) The names and addresses of the Persons who have or will have authority or control over the Business and a brief statement of the nature and extent of such authority and control, if the applicant has not otherwise provided this information in the application.
- (g) The name and address of the Person authorized to accept service of process.
- (h) A plan for the Business to operate as a Place of Entertainment, specifying the days and hours of operation, the number of employees and their duties, the number of patrons, a statement certifying that the Business shall comply with the maximum occupancy load for the space as established under the San Francisco Building and Fire Codes, the types or classes of entertainment (in terms of the types of instruments, numbers of performers, and sound levels) to be provided, and the amount of parking, both on and off-site, to be provided. If sound amplification is to be used, the plan shall also include a specific description of the amplification system.
- (i) A proposed Security Plan as defined in Section 1060(n).
- (j) For the Persons(s) whose disclosure is required under Subsections (b), (c), (e) and (f), all criminal charges, complaints or indictments in the preceding ten years which resulted in a conviction or a plea of guilty or no contest for the following laws: assault and battery (Cal. Penal Code § 240, 242, 245); felony sexual assault; sexual battery (Cal. Penal Code § 243.4); rape (Cal. Penal Code § 261); statutory rape (Cal. Penal Code § 261.5); discharging firearm (Cal. Penal Code § 246, 246.3); unlawful weapons (Cal. Penal Code § 12020; S.F. Police Code § 1291); disturbing the peace (Cal. Penal Code § 415, 416, 417); unlawful threats (Cal. Penal Code § 422); obstruction of pedestrian or vehicle right-of-way (Cal. Penal Code § 370); gambling (Cal. Penal Code §§ 330, 337a); prostitution and related offenses (Cal. Penal Code §§ 266, 266a, 266e, 266h, 266i, 315, 316, 647(b)); sex crimes for which registration is required under the Sex Offender Registration Act (Cal. Penal Code § 290); loitering for lewd or lascivious purposes (Cal. Penal Code §§ 647(d), 647(h)); identify theft (Cal. Penal Code § 530.5); a violent felony warranting enhancement of a prison term (Cal. Penal Code § 667.5); criminal gang activity (Cal. Penal Code § 186.22); drug offenses (Cal. Health & Safety Code §§ 11351, 11352, 11359, 11360, 11378, 11379, 11378.5, 11379.5); violation of Alcohol Beverage Control laws (Cal. Business & Professions Code §§ 23300, 25602, 25631, 25657, 25658); or for conduct in another jurisdiction which if carried out in California would constitute an offense under one of the laws set forth in this Subsection (j).
- (k) All criminal charges, complaints or indictments in the preceding ten years which resulted in a conviction for the Person(s) whose disclosure is required under Subsections (b), (c), (e) and (f), for any other offense which is a felony or misdemeanor under the laws of this state, or for conduct in another jurisdiction which if carried out in California would constitute a felony or misdemeanor under the laws of this state, provided that this Subsection (k) applies only to offenses arising out of the operation of a nightclub, dance hall, cabaret, Place of Entertainment or an establishment that serves food or beverages.
- (l) For the information required by Subsections (j) and (k), a statement setting forth for each Person all charges under which convictions or pleas of guilty or no contest were obtained, any sentence imposed, and for each matter the date, name and location of the court; and if the Person was granted parole or probation, whether the Person successfully completed parole or probation.
- (m) Such further information as the Entertainment Commission requires regarding financial and lease arrangements and management, authority, and operational control of the Business or its premises when the information will assist the Commission in its determination whether to grant or deny the permit.

(Added by Ord. 140-70, App. 4/28/70; amended Ord. 325-91, App. 9/4/91; Ord. 164-02, File No. 020783, App. 7/26/2002; Ord. 239-09, File No. 080323, App. 11/20/2009)

SEC. 1060.4. - NOTICE REQUIREMENTS AND CONTACT INFORMATION.

- (a) Unless otherwise provided in this Article, the following definitions apply.

- (i) To provide notice "electronically" means to send written notice by email, facsimile or in any other manner that the Director designates as appropriate to transmit written information other than by mail or personal delivery.
 - (ii) To "mail" notice or give notice "by mail" means depositing the notice in a sealed envelope or package, clearly labeled to identify the individual to whom it is sent, in a post office, mailbox, or other facility regularly maintained by the United States Postal Service, by First Class Mail, with postage prepaid. The requirement that notice be mailed within a specified period of time means that the notice is deposited in the mail within that period of time.
 - (iii) "Personally deliver" or "personal delivery" means delivering notice or causing notice to be delivered in person.
 - (iv) "Notice" means notice of a hearing, decision, action required of an applicant for a permit or a Permittee, or any other information that this Article requires to be given or which the Entertainment Commission or the Director find appropriate in implementing the provisions of this Article.
- (b) Applicants for a permit and Permittees shall provide information necessary to enable the Entertainment Commission and the Director to give notice under this Article. Applicants and Permittees shall provide the Director in writing with a street address where the applicant and Permittee receive mail from the United States Postal Service, and with any email address, facsimile number or other information necessary to enable notice to be sent to the applicant and Permittee electronically. The applicant and Permittee shall keep the information required by this Section current by informing the Director in writing of any change. When the Commission or Director mails or personally delivers notice or sends notice electronically to the applicant or Permittee in accordance with the information most recently provided in writing by that Person, such action shall satisfy the requirements of this Article with respect to how notice is given.
 - (c) In some circumstances, this Article requires notice to the Manager. The Permittee shall provide a telephone and/or cell phone number and a facsimile number or email address for the transmission of notice to the Manager. The Permittee shall keep current the contact information for the Manager and shall notify the Director in writing of any change in this information. The Manager may designate other individuals to whom notice is to be given for any periods of the Manager's absence or unavailability by providing this information in writing to the Director. When the Commission or Director mails or personally delivers notice or sends notice electronically to the Manager, or to any individual designated by the Manager to receive notice in place of the Manager, in accordance with the information most recently provided in writing by the Permittee for the Manager, or by the Manager for his or her designee, such action shall satisfy the requirements of this Article that notice be given to the Manager.
 - (d) The Director may require applicants, Permittees and Managers to provide different or additional contact information for receipt of notice as communication technologies change.
 - (e) A Permittee may change the name and/or address of the individual provided by the Permittee in the permit application to accept service of process by providing written notice to the Director.

(Added by Ord. 140-70, App. 4/28/70; Ord. 239-09, File No. 080323, App. 11/20/2009)

SEC. 1060.5. - DETERMINATION OF APPLICATION FOR A PLACE OF ENTERTAINMENT PERMIT.

- (a) The applicant shall file the application for a Place of Entertainment Permit with the Director. The Director may require that the applicant or the applicant's agent file the application in person. Upon determining that an application is complete, the Director shall accept and file it and shall schedule a public hearing before the Entertainment Commission to determine whether the permit should be granted. The Director shall provide written notice of the hearing to the applicant by mail or to the applicant's agent by personal delivery at least 30 days before the date of the hearing. The Director shall promptly notify the Chief of Police or the Chief's designee in writing of the application and the hearing date and shall promptly transmit a copy of the application, including a copy of the security plan, to the Chief or the Chief's designee. For purposes of this Subsection (a), the Captain for the district where the Place of Entertainment would be located, or the Captain's designee, is deemed the Chief's designee unless the Chief of Police directs otherwise. Any Person may submit a written request to the Director to receive notice of the hearing on a permit application.
- (b)
 - (1) The applicant shall cause a notice of the hearing to be conspicuously and continuously posted for at least 30 days before the scheduled hearing date on the premises of the Business. Where the Business is located in a neighborhood-commercial or mixed residential district, as defined in Article 7 and 8 of the San Francisco Planning Code, the applicant shall also make a good faith effort to distribute leaflets at each residence located within 150 feet of the Business, unless the Entertainment Commission finds that a Business located in a district is not likely to significantly generate nighttime noise and traffic to the detriment of residences located in that immediate area. Applicants subject to the requirement of distributing leaflets shall do so at least 30 days before the scheduled hearing date and the distribution shall be done in compliance with the provisions of Article 57 (beginning with Section 184.69) of the San Francisco Public Works Code. The Director shall provide notice of the hearing at least 30 days before the hearing to any Person who has filed a written request for such notice, which notice may be given electronically if the Person has provided electronic contact information, or by mail.
 - (2) In the event of a continued hearing, the applicant shall cause notice of the continued hearing to be conspicuously and continuously posted on the premises of the Business for at least 10 days before the date of the continued hearing. The Director shall provide notice of the hearing electronically or by mail at least 10 days before the hearing to any Person who has filed a written request for such notice.

- (3) The failure of the Director to provide the notice of the hearing to any Person who filed a written request as provided in Subsections (b)(1) and (2) of this Section shall not constitute grounds for invalidation of the actions of the Commission taken at the hearing.
- (c) At the hearing on the application, the applicant and any other interested party, including the Police Department or any other public agency, may introduce evidence and present argument relating to the standards for review under Subsection (f) of this Section.
- (d) (1) The Entertainment Commission shall hold a hearing and determine whether to grant or deny the permit within 45 City business days of the date that the applicant has submitted a complete application under Section 1060.5(a), except that this 45 day period shall be extended for such period or periods of time that apply under the following circumstances:
- (i) If the Entertainment Commission finds that an extension of time is necessary to obtain additional information for its review of the application under the standards set forth in Subsection (f) of this Section, the time period shall be extended for an additional amount of time as the Commission determines appropriate, up to 15 additional days; and
 - (ii) Upon the applicant's request, the Entertainment Commission shall continue the hearing for an additional period of time to allow the applicant an opportunity to comply with the requirements of this Article, in which case the time period is extended for that additional period; and
 - (iii) If the applicant fails to post or maintain notice of the hearing, or make a good faith effort to distribute leaflets to residences, as required by Subsection (b) of this Section, the Director shall have the hearing before the Entertainment Commission continued for such period or periods of time that the Director determines necessary for the applicant to comply with the posting requirement, in which case the time period is extended for that additional period or periods of time; and
 - (iv) If the Director finds that the Commission is unable to meet during the 45 day time period or any permitted time extension due to exigent circumstances, the time period shall be extended until the Commission is able to meet; the Commission shall consider the matter at the first meeting that it conducts following such circumstances.
- (e) (1) If the permit applicant has not obtained all permits required for the Business from other City departments by the date of the hearing on the application, the Entertainment Commission may grant a conditional permit pending the issuance of the other required City permits; provided, however, the Commission shall take this action only if sufficient information has been provided to allow for adequate evaluation of the application and if grounds for denial, as set forth in Subsection (f), are not present. Any permit conditionally granted by the Entertainment Commission under this Subsection(e)(1) may be appealed to the Board of Appeals. Any such appeal shall be filed within 10 days of the decision of the Entertainment Commission's conditionally granting the permit. No Person may operate a Business for which a permit has been conditionally granted unless and until the Person has obtained all permits and authorizations required from other City departments.
- (2) If the Entertainment Commission does not grant, conditionally grant or deny the permit for a Place of Entertainment within the time required by Subsection (d)(1) of this Section, including any extensions of time provided for in Subsection (d)(1), the permit sought by the applicant shall be deemed granted, conditioned on the requirements that the Permittee obtain all required permits from other City departments within nine months and comply with all the requirements of this Article. The time by which the Entertainment Commission must act commences on the date that the applicant has filed a completed application under Section 1060.5(a).
- (f) The Entertainment Commission shall grant or conditionally grant a permit for a Place of Entertainment pursuant to this Article unless it finds that:
- (1) The premises or the proposed operation of the Business does not comply with the health, zoning, fire and safety requirements of the laws of the State of California or ordinances of the City and County of San Francisco applicable to the Business; or
 - (2) Notwithstanding the mitigation provided under the Security Plan submitted by the applicant, the building, structure, equipment or location of the proposed Business cannot adequately accommodate the type and volume of vehicle and pedestrian traffic anticipated; or
 - (3) The premises or the proposed operation of the Business lacks adequate safeguards to prevent emissions of noise, glare, dust and odor that would substantially interfere with the public health, safety and welfare or the peaceful enjoyment of neighboring property; or
 - (4) The permit applicant has not provided a Security Plan that adequately addresses the safety of persons and property and provides for the orderly dispersal of individuals and traffic.
 - (5) If there is an unresolved citation applicable to the premises that has been issued by a City department, the Entertainment Commission shall not grant the permit without documented authorization from the department that issued the citation.
 - (6) If the Chief of Police or the Chief's designee, in person at the Entertainment Commission hearing on the permit application or in writing prior to the hearing, objects to the granting of the permit on the basis that the Commission should make one or more of the findings stated in Subsections (f)(1)—(4) above, the Commission

may not issue the permit without specifically addressing the objection in writing or on the record, at a Commission meeting, and explaining specifically why the objection does not warrant the finding. This explanation requirement applies but is not limited to objections raised by the Chief or Chief's designee to the adequacy of a proposed security plan. For purposes of this Subsection (f)(6), the Captain for the district where the Place of Entertainment would be located, or the Captain's designee, is deemed the Chief's designee unless the Chief of Police directs otherwise.

- (7) The explanation requirement stated in Subsection (f)(6) above also applies to objections raised by other City departments; provided, however, that this Subsection (f)(7) does not diminish the power of other City departments to issue permits or other authorization required for a Business to operate, and does not empower the Entertainment Commission to override a decision by another City department regarding the issuance of a permit or other authorization required for a Business to operate.
- (8) When granting a permit, the Commission shall explain in writing or on the record, at a Commission meeting, why it has not made any of the findings stated in Subsections (f)(1)—(4) above.
- (9) In considering whether to make any of the findings stated in Subsections (f)(1)—(4) above, the Commission shall consider where relevant the circumstances surrounding any previous denial of a permit application or previous suspension or revocation of a permit, under this Article or Article 15.2, for the same permit applicant or Permittee.
- (g) When the Commission grants or conditionally grants a permit, it shall require the applicant as a condition of the permit to comply with the Security Plan that has been approved as provided under this Article. The Commission may impose additional reasonable time, place and manner conditions on the permit. In considering whether to impose said conditions, the Commission shall consider where relevant the circumstances surrounding any previous denial of a permit application or previous suspension or revocation of a permit, under this Article or Article 15.2, for the same permit applicant or Permittee.
- (h) If a Permittee has been conditionally granted a permit but has not obtained all of the permits required from other City departments within nine months from the date that the Entertainment Commission conditionally granted the permit, the conditionally granted permit shall expire by operation of law and be void.

(Added by Ord. 140-70, App. 4/28/70; amended by Ord. 325-91, App. 9/4/91; Ord. 164-02, File No. 026783, App. 7/26/2002; Ord. 216-02, File No. 021460, App. 11/1/2002; Ord. 262-04, File No. 041148, App. 11/4/2004; Ord. 239-09, File No. 080323, App. 11/20/2009)

SEC. 1060.6. - PRIVATE CLUB.

No establishment issued a permit pursuant to this Article may allow the premises to be used solely for the purpose of conducting a private club between the hours of 2:00 a.m. and 6:00 a.m.

(Added by Ord. 140-70, App. 4/28/70)

SEC. 1060.7.1. - SOLICITATION OF DRINKS OR MERCHANDISE.

No operator of a place of entertainment shall employ or permit any hostess, entertainer or person to solicit any patron or customer of or visitor in said place of entertainment to purchase any beverage or merchandise for the one soliciting or for any other person.

(Added by Ord. 306-73, App. 8/6/73)

SEC. 1060.8. - LIGHTING.

Every establishment which has received a permit pursuant to this Article shall be lighted throughout to an intensity of not less than 12 foot candles during all hours of operation except while the floor show is in progress.

(Added by Ord. 140-70, App. 4/28/70)

SEC. 1060.9. - MISCELLANEOUS RULES.

No professional entertainer or employee may dance with any customer on the premises in any place of entertainment.

(Added by Ord. 140-70, App. 4/28/70)

| SEC. 1060.9.1. - REQUIREMENT FOR STAGE.

Entertainers whose breasts are exposed to view shall perform only upon a stage at least 18 inches above the immediate floor level and removed at least 6 feet from the nearest patron.

(Added by Ord. 273-73, App. 7/6/73)

| SEC. 1060.10. - BOOTHS.

It shall be unlawful for any person operating a place of entertainment under the provisions of this Article in the City and County of San Francisco, or any agent, employee or representative thereof, to erect, construct, maintain, or cause or permit to be erected, constructed or maintained, within such place of entertainment any private rooms, booths, enclosures or compartments, or any closed stalls, or any alcoves of any nature, so arranged that the inner portion of the same shall not at all times be visible from any point in the place of entertainment where such rooms, booths, enclosures, compartments, stalls or alcoves should be reasonably within view.

(Added by Ord. 140-70, App. 4/28/70)

| SEC. 1060.11. - POLICE—INSPECTION.

The Police Department, in addition to their several other duties, shall inspect any and all establishments which have been issued a permit pursuant to this Article.

(Added by Ord. 140-70, App. 4/28/70)

| SEC. 1060.12. - NOISE ABATEMENT.

Whenever, upon due notice and hearing, it shall be determined that noise from any establishment which has been issued a permit pursuant to this Article interfered with the right of persons dwelling in the vicinity of such establishment to the peaceful and quiet use and enjoyment of their property, the Entertainment Commission may require that the premises be soundproofed in a manner that in the judgment of the Entertainment Commission will be effective to eliminate the noise or reduce it to a reasonable level. In taking any action under this Section, the Entertainment Commission must balance all of the interests of the respective parties, as well as the hardship which will result from any order. If the Entertainment Commission finds that the noise complained of is of a minimum or inconsequential degree, no action shall be taken under this Article. If a permittee fails, within a reasonable time and in no event more than 60 days after having been ordered to do so pursuant to this Article, to abate any noise, his permit shall be suspended after a second hearing, due notice of which is given, until such time as he complies with the order.

(Added by Ord. 140-70, App. 4/28/70; amended by Ord. 164-02, File No. 020783, App. 7/26/2002)

| SEC. 1060.13. - MINORS.

No person under 21 years of age shall enter, be, or remain in or on any premises on or in which any exhibition of the human body, as defined in Section 1060(f), is presented and permittee shall not permit such a person to enter, be, or remain in or on any such premises.

(Added by Ord. 140-70, App. 4/28/70)

| SEC. 1060.14. - REGULATION OF SIGNS.

No sign or signs, paintings, photographs, pictorial representations, or any other visual means shall be maintained, erected, used or placed upon or adjacent to the outside of any building, or in connection with any premises therein, which has received a permit pursuant to this Article, if it shows, reveals or depicts, in whole or in part, the following:

- (1) The performance of acts, or simulated acts, of sexual intercourse, masturbation, sodomy, bestiality, copulation (oral, anal or vaginal), flagellation or any sexual acts which are prohibited by law;
- (2) The actual or simulated caressing or fondling by one adult human being of the breast, buttocks, anus or genitals of another adult human being;
- (3) The actual or simulated displaying of the pubic hair, anus, vagina, penis, vulva, buttocks, or any other external genitalia of the human body;

Attachment 3

Mr. Hak Koo

Doors are open



Photo can be provided in color.

PHIL HOROWITZ
149 FILLMORE STREET
SAN FRANCISCO, CA 94117
TELEPHONE: (415) 621-3711
FACSIMILE: (415) 864-3947
PHIL@CREATIVE.NET

May 5, 2010

HAND DELIVERED

Sharon M. Young
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103

RECEIVED

MAY 06 2010

CITY & COUNTY OF S.F.
PLANNING DEPARTMENT
RECEPTION DESK

Re: Case No. 2010.0083C: 200 Fillmore Street

Dear Ms. Young:

I am writing to oppose the request for a conditional use authorization to allow an "other entertainment" use at 200 Fillmore Street. The request to allow live entertainment at that location would negatively affect me and my family (we live kitty corner from that location) and the neighborhood.

The proposed live entertainment would be heard loudly within my home. I know that because the current owner of the fast food restaurant has in the past unlawfully had live entertainment in that location, repeatedly.

I talked with the business owner, Mustapha Hakkou, told him I could hear the live acoustic jazz loudly inside my home, and asked him to please stop having live music. I even invited him into my home, where he admitted that the music could be heard very well even with my windows closed. I reminded Mr. Hakkou that when he opened his restaurant he met with the neighborhood group and promised he would never have any live music. This was an issue of concern because a prior business at the same location also had live music that created a nuisance for our generally quiet neighborhood. I enclose an e-mail I sent Mr. Hakkou to try to convince him to stop.

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San Francisco Planning Department
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When Mr. Hakkou refused to stop having live music, even after I explained to him that he did not have the necessary permit, I reported the problem to the San Francisco Police Department. I then made a complaint with the Department of Alcoholic Beverage Control. I enclose a copy of the complaint. Mr. Hakkou later told me the complaint resulted in a large fine, told me that he wanted to get along, and promised me he would not try to have live music again.

The effect of the proposed live entertainment would be even worse for me and my family now, because we have two young children. One is not yet 2 years old. The other is almost 4 years old. Their bed time is 8 p.m. The proposal would interfere the ability of my children to sleep.

The ground floor of 200 Fillmore Street is an inappropriate location for live entertainment for a number of reasons.

First, live entertainment is not appropriate in an NC-1 Neighborhood Commercial Cluster District. NC-1 Districts are the lowest intensity commercial areas in San Francisco, "with low-scale, interspersed mixed use (residential-commercial) development." San Francisco Planning Code §710.1. That is not a good place for live entertainment, especially since there are so many other appropriate locations in San Francisco (including a couple of blocks away on Market Street).

Second, live entertainment in the evening is particularly inappropriate in an NC-1 Neighborhood Commercial Cluster District. "NC-1 Districts are intended to serve as local neighborhood shopping districts, providing convenience retail goods and services for the immediately surrounding neighborhood, primarily during daytime hours." San Francisco Planning Code §710.1. San Francisco is struggling to keep and attract families with children. Allowing live entertainment in the evenings in the lowest scale neighborhood cluster districts will drive away families with children.

Third, the ground floor of 200 Fillmore Street does not come even close to meeting the requirements for live entertainment in neighborhood commercial districts. San Francisco Planning Code §790.38 allows live entertainment in neighborhood commercial districts only if the location "is adequately soundproofed or insulated so as to confine incidental noise to the premises."

The location proposed for live entertainment has no soundproofing at all. The exterior walls are almost entirely glass windows. They are not double pane windows, so sound travels very freely through them.

When the double doors are open sound travels perfectly freely because there is no vestibule with a second door. The doors are often left open, particularly since the location is not air conditioned. If filled to its capacity of about 60 people, with live entertainment, the location would get quite warm inside except in winter and the doors would be left open most of the time. Even if the doors were closed, they would be opened much of the time by customers coming and going, including going outside to smoke at the sidewalk table and chairs.

The inside of the location is also designed in a way that magnifies the projection of sound. The floor is wood, without carpeting. The inside walls are hard surfaces, as is the ceiling, with no acoustical tile or other steps taken to dampen the transmission of sound.

It would be hard to imagine a location that was less soundproofed or less insulated unless it had no walls at all.

The notice of hearing states that "There will be no tenant improvements made within the existing commercial space or changes to the existing building envelope." That means there will be no soundproofing and no insulation at all. No conditional permit should be issued.

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If the applicant should wish to alter the premises, with building permits, another conditional permit application could then be considered at that time. In those circumstances, the soundproofing and insulation could be tested to make sure that they "confine incidental noise to the premises," as required by San Francisco Planning Code §790.38 (as well as by San Francisco Planning Code §303(c)(2) and §303(c)(2)(C)).

The applicant has submitted a petition signed almost entirely by people who do not live close enough to hear the proposed live entertainment in their homes. The petition also does not identify where the signers live, so some business owners have listed their business addresses on the petition even though they do not live there.

Of course, nothing in the petition says that anyone who signed it supports live entertainment even if it will be heard inside other people's house, or even if will keep other people's children awake at night. Understandably, the applicant was not motivated to include anything in the petition that presented the biggest problem with the application: noise inside other people's homes. That is despite the fact that the applicant is well aware of that problem.

Live acoustic jazz is almost invariable quite loud. It almost always includes drums. Wind instruments, such as trumpets, saxophones and trombones are common. Without soundproofing, live acoustic jazz can easily be heard a block away. Live jazz most certainly has a place in San Francisco. That place is not in a building in an NC-1 district that has no soundproofing or insulation whatsoever.

A fourth reason why the conditional use application should be denied is because, as far as is known to the undersigned, the "necessary investigations and studies" required by San Francisco Planning Code §306.4 have not been done. Necessary investigations and studies would include acoustical studies showing how the sound of live acoustic jazz would travel.

A fifth reason why the conditional use application should be denied is that allowing live entertainment would lead to a large amount of outdoor noise generated from people sitting and drinking alcoholic beverages at the outside tables and chairs, and from people milling about the outside of the establishment after the live entertainment ended at 10 p.m. or 11 p.m.

A sixth reason why the conditional use application should be denied is that it lacks a security plan, as required by San Francisco Police Code §1060, including at least one security guard at all times.

A seventh reason why the conditional use application should be denied is because the business owner has not ever complied with, or even reasonably attempted to comply with, his existing conditional use permit for sidewalk tables and chairs. There is no reason to believe he would do anything different with respect to a second conditional use permit.

While that permit allows for use of a narrow stretch of the sidewalk during certain hours, much more of the sidewalk's narrow width is used, often blocking so much of the sidewalk that people in wheelchairs cannot pass by and two people cannot pass each other walking on the sidewalk. At times, even one pedestrian cannot walk by and must instead walk on the street. Sample photos are attached.

The business owners's violations of the existing conditional use permit for sidewalk chairs and tables begins with the setup in the morning. The tables are set up so that they take at least one or two feet more of the sidewalk's width than permitted. Chairs are then scattered wider and wider on the sidewalk as the day goes by, most days without the slightest attempt by the business to move them back in. The violations continue all night, as the applicant does not remove the planter boxes from the sidewalk at night as required by the permit. Tables and chairs have also been left out at times until 11 p.m. and later, with patrons at times talking boisterously.

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These problems have been brought repeatedly to the business owner's attention. The business owner's response has been to say that even though the tables and chairs are set up outside the permitted area, there is usually still room to get by, and he is not there often enough to make sure the chairs are not scattered and the sidewalk blocked, he does not have enough staff to do that, and his staff are in any event uncomfortable asking customers not to block the sidewalk. The problem will get much worse if live entertainment is allowed. The sidewalk will become impassible.

Please do not allow live entertainment, including live music, at 200 Fillmore Street. The corner of Fillmore and Waller is generally quiet and peaceful during the days and in the evenings; it is not at all like Haight Street between Steiner and Webster Streets. There are many places in San Francisco well suited for live entertainment. This is not one of them.

Please respect the right of those who live nearby to have peace and quiet inside their homes. Please respect the right of children to sleep inside their own homes.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'Phil Horowitz', written in a cursive style.

Phil Horowitz

Encls.

Subject: Unlawful Live Music and Broken Promise

Date: Sun, 14 May 2006 20:34:47 -0700

From: Phil Horowitz <phil@creative.net>

To: hakkou@sbcglobal.net

Dear Moustafa:

As you know, the live music you have been having on Sunday evenings is unlawful. You have no permit for live entertainment. You are also not allowed to have live entertainment under the terms of your alcohol license.

My concern about your unlawful live music is that I can hear it my house. I can hear it now as I write this e-mail.

When you first opened your business and came to a community meeting, you were told that a prior business in your location had unlawful live entertainment. You said that this was terrible and assured us that you would do no such thing.

You broke that promise.

When you and I talked a few weeks ago, I told you that one of my additional concerns about your unlawful live music was that when it was hot, you might leave the door to your business open, making your unlawful live music even louder in my home. You promised me that you would keep the door closed.

You broke that promise also.

Please call me Monday morning to discuss this. If we do not reach agreement that you will stop live entertainment in your business, I will contact Alcohol Beverage Control to file a formal complaint against your business, in addition to pursuing other legal action.

The unlawful rude conduct I have described above is in addition to your unlawful conduct of blocking the sidewalk, including making it impassible for people in wheelchairs. I have photos showing that this is still occurring, even in the last few days.

You did not call me, as I requested in my earlier e-mails to you, so it appears that you have no interest in reaching agreement and prefer that we resolve your unlawful blocking of the sidewalk in court and through other legal procedures.

If I do not receive a call on Monday from you, I will assume that you also have no interest in reaching agreement about your unlawful live entertainment, and prefer that we also resolve that issue in court and through other legal procedures.

Is is really too much for me to ask your business to follow the law when this is necessary to show respect for others?

Very truly yours,
Phil Horowitz
(415) 391-0111 (work)
phil@creative.net

State of California

415-356-6500

Department of Alcoholic Beverage Control

COMPLAINT AGAINST LICENSEE

PREMISES INVOLVED

| | |
|--|----------------------------|
| 1. LICENSEE NAME CAFÉ DU SOLEIL | 2. LICENSE TYPE AND NUMBER |
| 3. DOING BUSINESS AS (DBA) CAFÉ DU SOLEIL | |
| 4. PREMISES ADDRESS (Street number and name, city, state, zip code) 200 FILLMORE ST, S.F. 94117 | |
| 5. CONDITIONAL LICENSE (If yes, attach a copy of the conditions) <input type="checkbox"/> Yes <input type="checkbox"/> No | |

COMPLAINANT INFORMATION

| | |
|--|---|
| 6. COMPLAINANT NAME PHIL HOROWITZ | 7. HOME PHONE NUMBER 415-621-3711 |
| 8. HOME ADDRESS (Street number and name, city, state, zip code) 149 FILLMORE ST. | FAX 415-391-0123 |
| 9. WORK ADDRESS (Street number and name, city, state, zip code) ONE MARKET PLAZA | 10. WORK PHONE NUMBER 415-391-0111 |
| 11. RELATIONSHIP TO PREMISES HOME ACROSS STREET | 12. CONFIDENTIAL <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |

NATURE OF COMPLAINT

| | | |
|---|---|---|
| 13. CHECK ALL THAT APPLY | <input checked="" type="checkbox"/> Noise !!! | <input type="checkbox"/> Lewd Conduct |
| <input type="checkbox"/> Minors | <input type="checkbox"/> Drink Solicitation | <input type="checkbox"/> Gambling |
| <input type="checkbox"/> After Hours | <input type="checkbox"/> Disorderly House | <input type="checkbox"/> Prostitution |
| <input type="checkbox"/> False Owner | <input type="checkbox"/> Drugs | <input checked="" type="checkbox"/> Violation of Conditions |
| <input type="checkbox"/> Drunks/Obviously Intoxicated | <input type="checkbox"/> Other | |
| <input type="checkbox"/> Tobacco Sales to Minors | | |

DETAILS OF COMPLAINT

| | | |
|--|--|------------------------------------|
| 14. DESCRIPTION OF PREMISES LOCATION (Who, what, when, where, why, or how) TABLES & CHAIRS ON SIDEWALK - SERVING BEER & WINE ON SIDE WALK AT OUTSIDE TABLES, AND STANDING NOISE - LIVE MUSIC WITH DRUMS OPEN. VERY VERY LOUD. MOST RECENTLY SEPT 24TH SUNDAY UNTIL 9 AM. | | |
| 15. COMPLAINANT HAS CONTACTED THE BUSINESS OWNER REGARDING COMPLAINT <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | 16. COMPLAINANT WISHES TO BE NOTIFIED OF THE RESULTS OF THE INVESTIGATION <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | |
| 17. COMPLAINANT HAS FILED A COMPLAINT WITH ANOTHER LAW ENFORCEMENT AGENCY <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No WORKING ON IT PERMIT -> NORTHERN PERMIT STATION OFFICER 3400 | 18. IF YES, NAME OF LAW ENFORCEMENT AGENCY | |
| 19. COMPLAINT RECEIVED BY Kris MOLINE | 20. DATE RECEIVED 9-25-06 | 21. TIME RECEIVED 10 AM. |
| 22. SUPERVISOR REVIEWED | 23. ABC 61 ACTION | |

ABC-99-A (2/04)



PHOTOWORKS order # 853 10/02/06 18A

PHOTOWORKS order # 853 10/02/06 18A

②

Fri 8-4-06, 5:45 pm
called SFPO

①

~~Sat~~ Sat 8-5-06
7:55 pm. - called SFPO

③

Sat 2-3-07
12:49 pm
side wall blocked hallway

Photoworks <http://www.photoworks.com>
150-3455 pm 2 11/17/06 18:53 10-6

