



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Conditional Use

HEARING DATE: NOVEMBER 18, 2010

Date: November 15, 2010
Case No.: **2010.0514 C**
Project Address: **414 Columbus Avenue**
Zoning: North Beach Neighborhood Commercial District
40-X Height and Bulk District
Block/Lot: 0131/015
Project Sponsor: Salvatore Navigato
Colosseo Restaurant
414 Columbus Avenue
San Francisco, CA 94133
Staff Contact: Rick Crawford – (415) 558-6358
rick.crawford@sfgov.org

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

PROJECT DESCRIPTION

The sponsor is requesting Conditional Use authorization to expand their existing entertainment authorization to allow electronically amplified singing and prerecorded musical accompaniment in the existing restaurant. Specifically the sponsor proposes opera singers to enhance the atmosphere of the Italian restaurant. The singers would move about the room performing at individual tables and the accompaniment would be prerecorded instrumental music similar to a small portable stereo.

SITE DESCRIPTION AND PRESENT USE

The project is located on the northeast side of Columbus Avenue, between Vallejo and Green Streets; Lot 015 in Assessor's Block 0131, within the North Beach Neighborhood Commercial District, North Beach Special Use District and within the 40-X Height and Bulk District. The subject property is developed with a two-story building, built circa 1924, with commercial space on the ground floor and office uses on the upper floors. The subject building is identified on the North Beach Survey and is an historic resource. The project will not affect the resource as there are no exterior alterations proposed for the project. On July 23, 1998 The Planning Commission by Motion No. 14666 in Case No. 1998.409C granted Conditional Use authorization to develop Other Entertainment at the subject property. The motion permitted entertainment restricted to live acoustic music and prohibited electronic amplification.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The area surrounding the Project Site is mixed-use in character. A variety of commercial establishments are located within ground floor storefronts in the vicinity, including restaurants, financial institutions, apparel stores, and other types of retailers. Upper floors of buildings are generally occupied by offices,

residential units, or tourist-hotels. Other uses in the vicinity include the Church of Saints Peter and Paul and Washington Square Park (located to the north).

ENVIRONMENTAL REVIEW

The Project was determined by the Department to be Categorically Exempt from the California Environmental Quality Act ("CEQA") as a Class 1a exemption under CEQA Guidelines.

HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Classified News Ad	20 days	September 10, 2010	September 8, 2010	22 days
Posted Notice	20 days	September 10, 2010	September 10, 2010	20 days
Mailed Notice	10 days	September 20, 2010	September 13, 2010	17 days

PUBLIC COMMENT

- The Department has received 65 comments in support and one comment in opposition to the project.

ISSUES AND OTHER CONSIDERATIONS

- The Project is situated in an area that already hosts a significant number of live entertainment establishments. However, the majority of these venues are concentrated east along Grant Avenue, with other isolated venues scattered throughout North Beach and along the Broadway corridor to the south. The proposed expansion of live entertainment at "Colosseo" is not expected to exacerbate negative impacts that can be associated with the clustering of live entertainment venues due to the low scale of the proposed entertainment. The restaurant will be required to comply with the San Francisco Noise Ordinance, and if needed, install interior upgrades and implement management practices to attenuate noise.
- Residents and businesses located in the vicinity of entertainment uses are often concerned about the noise that could be generated by live entertainment. The draft motion contains a condition requiring that all noise and odors be regulated so as not to be a nuisance to nearby businesses or residents. The live entertainment activity must also comply with the San Francisco Noise Ordinance. In addition the hours of the entertainment use could be limited so that the potential for noise is eliminated earlier than the typical business closing time of 2:00 A.M. A requirement that the entertainment activity cease at midnight could alleviate noise concerns and decrease the likelihood that the restaurant and bar could evolve into a nightclub.
- The subject restaurant is an independent use and locally owned, which has been encouraged throughout San Francisco. This is not a Formula Retail use and primarily serves the immediate neighborhood. The project has strong support in the neighborhood.

REQUIRED COMMISSION ACTION

In order for the project to proceed, the Commission must grant Conditional Use authorization to allow an "Other Entertainment" use within the North Beach NCD, pursuant to Planning Code Section 722.48.

BASIS FOR RECOMMENDATION

The Department believes this project is necessary and/or desirable under Section 303 of the Planning Code for the following reasons:

- The project enhances the economic vitality of a locally owned small-business.
- The project is a neighborhood serving use.
- The District is well served by transit, therefore customers should not impact traffic.
- The proposed project meets all applicable requirements of the Planning Code.

RECOMMENDATION: Approval with Conditions
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Attachments:

Block Book Map
Sanborn Map
Zoning Map
Aerial Photographs
Site and Context Photographs
Reduced Plans

Attachment Checklist

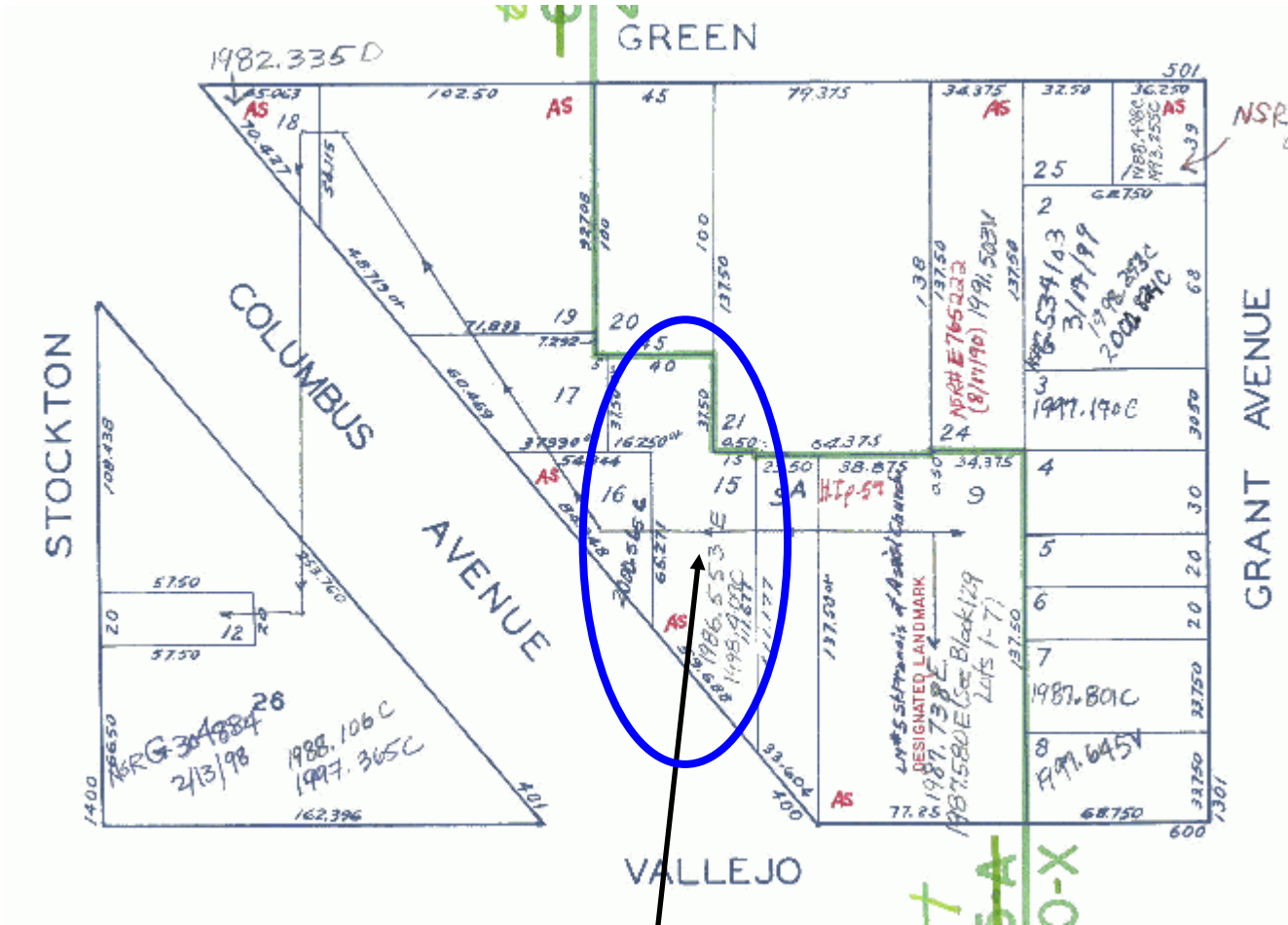
- | | |
|---|---|
| <input checked="" type="checkbox"/> Executive Summary | <input type="checkbox"/> Project sponsor submittal |
| <input checked="" type="checkbox"/> Draft Motion | Drawings: <u>Existing Conditions</u> |
| <input type="checkbox"/> Environmental Determination | <input checked="" type="checkbox"/> Check for legibility |
| <input checked="" type="checkbox"/> Zoning District Map | Drawings: <u>Proposed Project</u> |
| <input type="checkbox"/> Height & Bulk Map | <input checked="" type="checkbox"/> Check for legibility |
| <input checked="" type="checkbox"/> Parcel Map | <input type="checkbox"/> Health Dept. review of RF levels |
| <input checked="" type="checkbox"/> Sanborn Map | <input type="checkbox"/> RF Report |
| <input checked="" type="checkbox"/> Aerial Photo | <input type="checkbox"/> Community Meeting Notice |
| <input checked="" type="checkbox"/> Context Photo | <input type="checkbox"/> Environmental Determination |
| <input checked="" type="checkbox"/> Site Photos | |

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

RC
Planner's Initials

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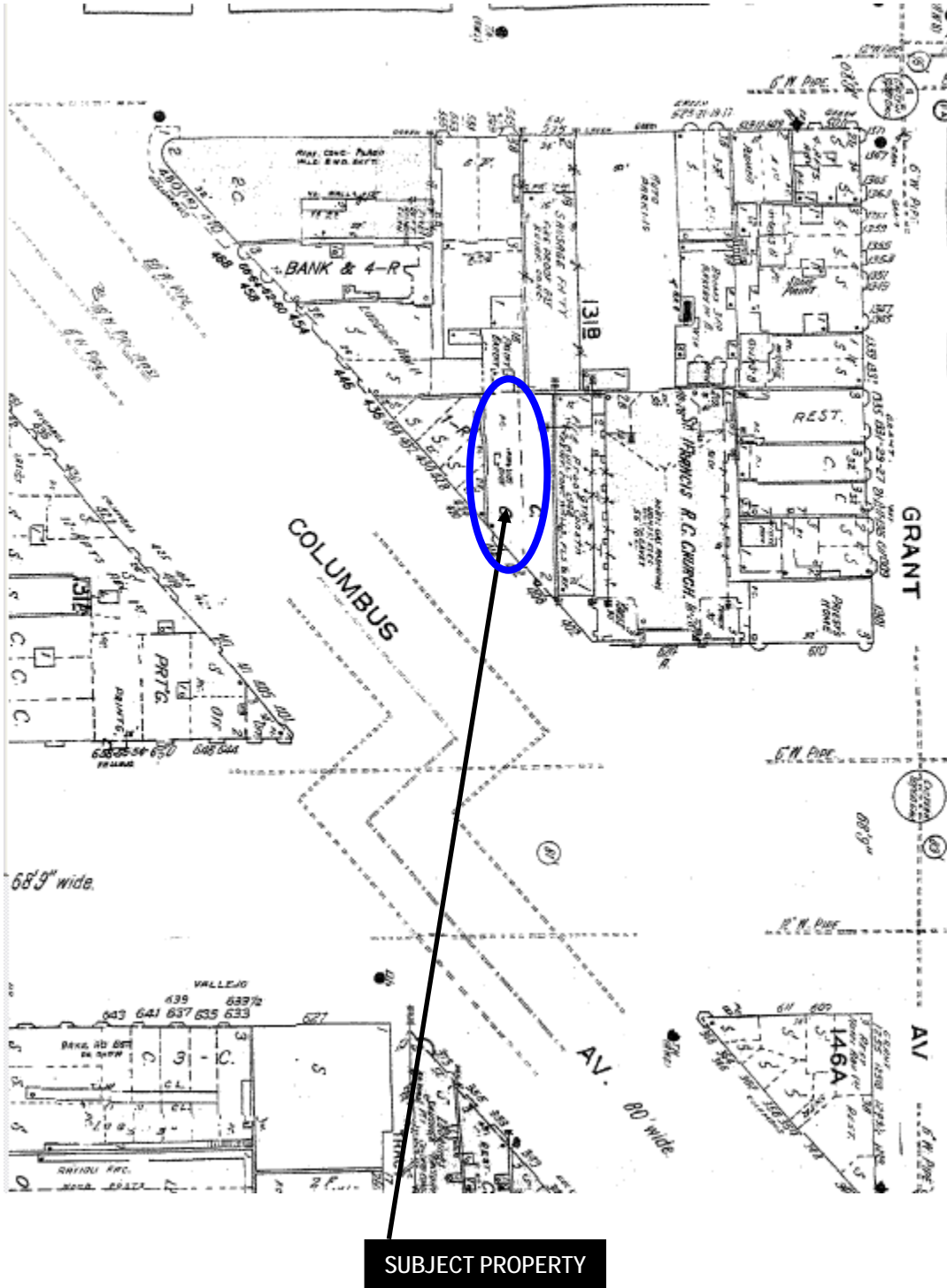
Parcel Map



SUBJECT PROPERTY

Conditional Use Hearing
 Case Number 2010.0514C
 414 Columbus Avenue

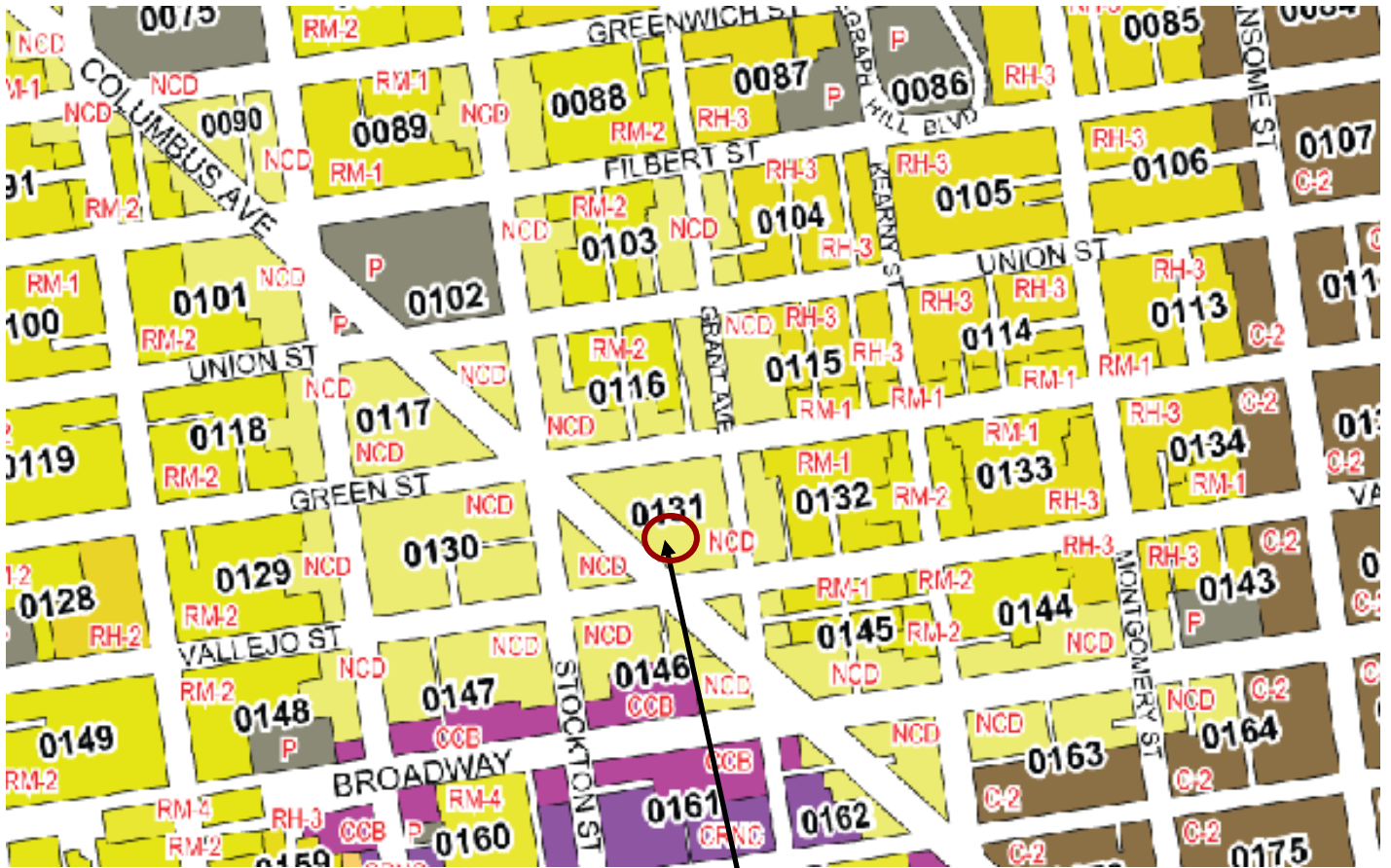
Sanborn Map*



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

Conditional Use Hearing
Case Number 2010.0514C
414 Columbus Avenue

Zoning Map



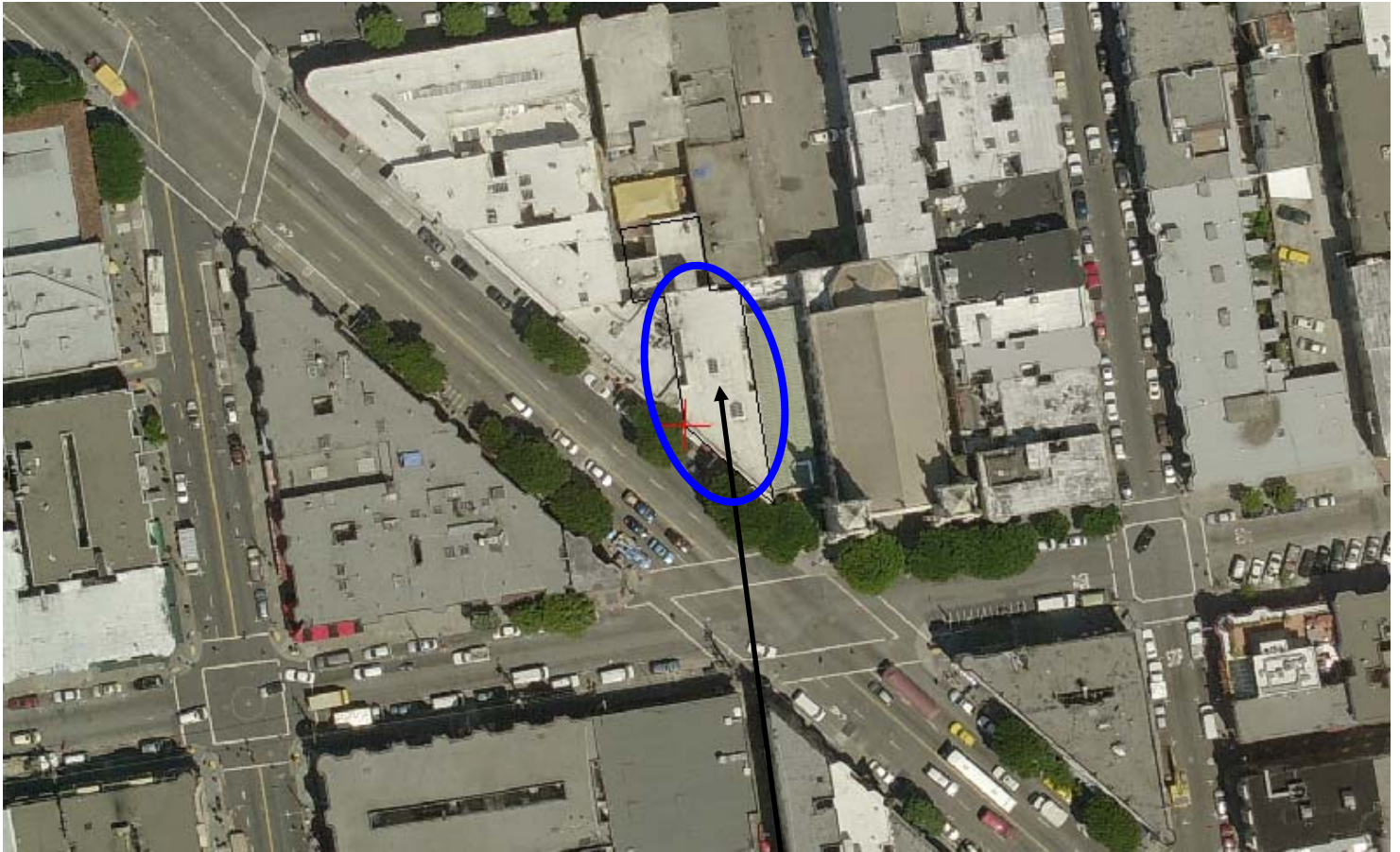
SUBJECT PROPERTY



ZONING USE DISTRICTS

RESIDENTIAL, HOUSE DISTRICTS					
RH-1(D)	RH-1	RH-1(S)	RH-2	RH-3	
RESIDENTIAL, MIXED (APARTMENTS & HOUSES) DISTRICTS					
RM-1	RM-2	RM-3	RM-4		
NEIGHBORHOOD COMMERCIAL DISTRICTS					
NC-1	NC-2	NC-3	NCD	NC-S	
SOUTH OF MARKET MIXED USE DISTRICTS					
SPD	RED	RSD	SLR	SLI	SSO
COMMERCIAL DISTRICTS					
C-2	C-3-S	C-3-G	C-3-R	C-3-O	C-3-O(SD)
INDUSTRIAL DISTRICTS					
C-M	M-1	M-2			

Aerial Photo



SUBJECT PROPERTY

Conditional Use Hearing
Case Number 2010.0514C
414 Columbus Avenue

Site Photo



Conditional Use Hearing
Case Number 2010.0514C
414 Columbus Avenue

Context Photo



SUBJECT PROPERTY



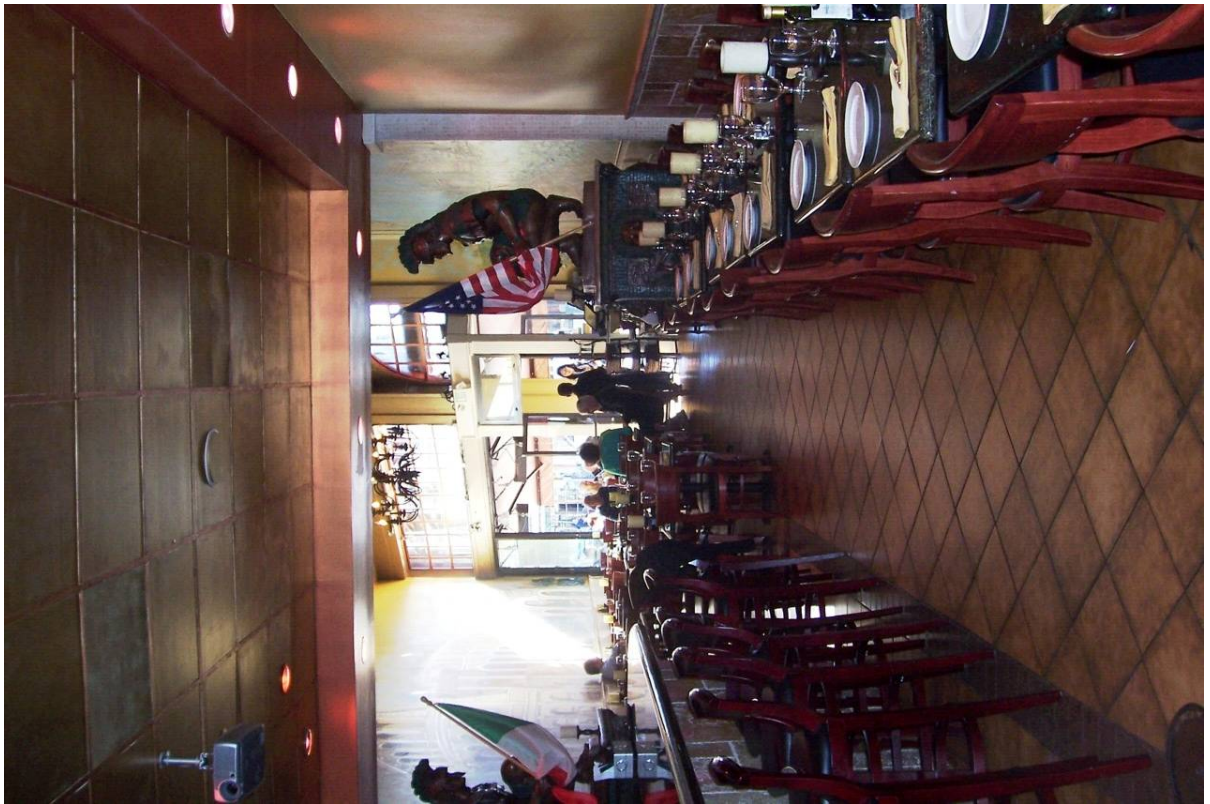
Conditional Use Hearing
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414 Columbus Avenue

Interior Photos



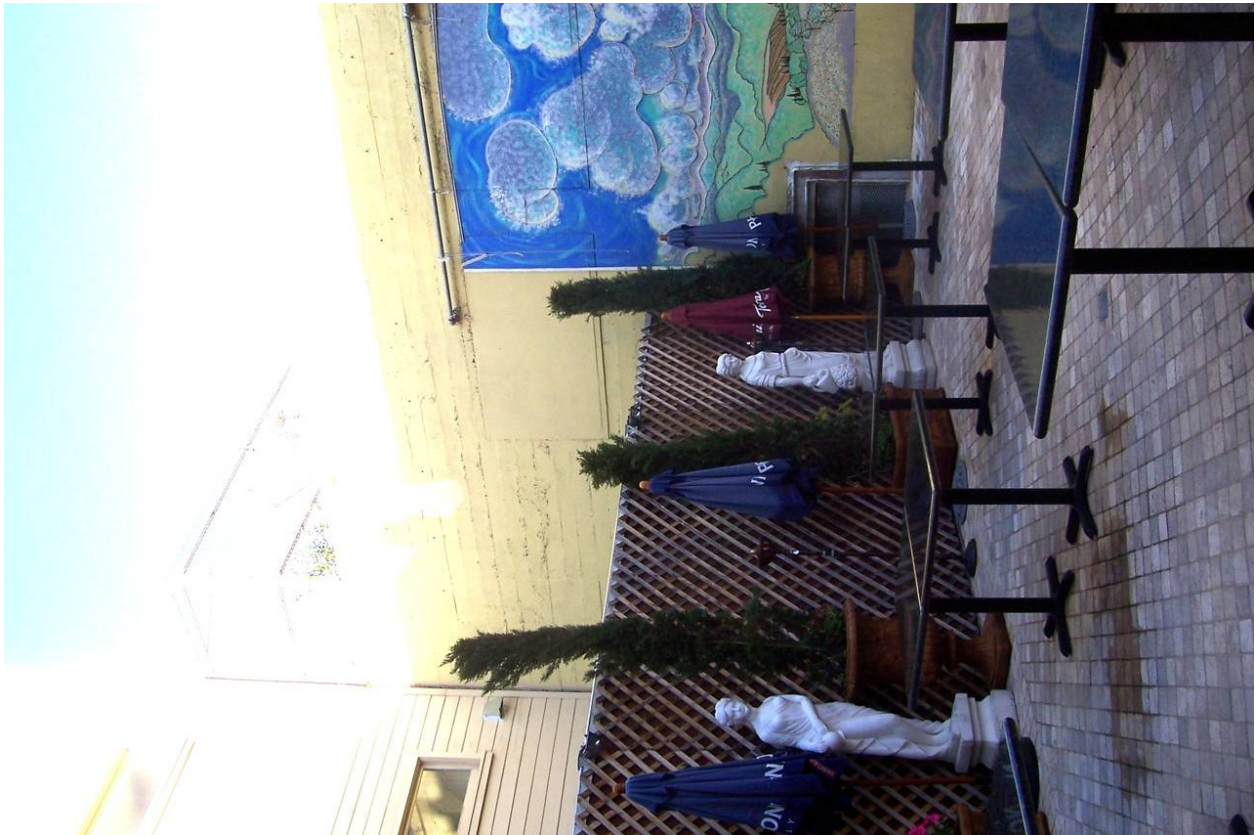
Conditional Use Hearing
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Interior Photos



Conditional Use Hearing
Case Number 2010.0514C
414 Columbus Avenue

Interior Photos



Conditional Use Hearing
Case Number 2010.0514C
414 Columbus Avenue

Interior Photo



Conditional Use Hearing
Case Number 2010.0514C
414 Columbus Avenue

Interior Photo





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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Suite 400
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Planning Commission Draft Motion

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ADOPTING FINDINGS RELATED TO THE APPROVAL OF A CONDITIONAL USE AUTHORIZATION FOR AN "OTHER ENTERTAINMENT" USE WITHIN AN EXISTING RESTAURANT AND BAR (D.B.A "COLOSSEO RESTAURANT") AT 414 COLUMBUS AVENUE WITHIN ASSESSOR'S BLOCK 0131, LOT 015, LOCATED WITHIN THE NORTH BEACH NEIGHBORHOOD COMMERCIAL DISTRICT, THE 40-X HEIGHT AND BULK DISTRICT, AND THE NORTH BEACH SPECIAL USE DISTRICT.

PREAMBLE

On June 30, 2010, Salvatore Navigato (Project Sponsor) filed an application (hereinafter "Application") with the Planning Department (hereinafter "Department") for Conditional Use Authorization under Planning Code Sections 303 and 722.48 to amend Planning Commission Motion No. 14666 in Case No. 1998.409C for Other Entertainment, specifically to allow electronically amplified entertainment in the existing restaurant and bar to specifically include an opera singer and a singing waiter. This project lies within the North Beach Neighborhood Commercial District and within the 40-A Height and Bulk District.

On September 30, 2010, the Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Application No. 2010.0514C.

The project was determined by the Department to be Categorically Exempt from the California Environmental Quality Act ("CEQA") as a Class 1a exemption under CEQA Guidelines as described in the determination contained in the Planning Department files for this project. 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. 2010.0514C, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

FINDINGS

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

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The project is located on the northeast side of Columbus Avenue, between Vallejo and Green Streets; Lot 015 in Assessor's Block 0131, within the North Beach Neighborhood Commercial District, North Beach Special Use District and within the 40-X Height and Bulk District. The subject property is developed with a two-story building, built circa 1924, with commercial space on the ground floor and office uses on the upper floors. The subject building is identified on the North Beach Survey and is an historic resource. The project will not affect the resource as there are no exterior alterations proposed for the project. On July 23, 1998 The Planning Commission by Motion No. 14666 in Case No. 1998.409C granted Conditional Use authorization to develop Other Entertainment at the subject property. The motion permitted entertainment restricted to live acoustic music and prohibited electronic amplification.
3. **Surrounding Properties and Neighborhood.** The area surrounding the Project Site is mixed-use in character. A variety of commercial establishments are located within ground floor storefronts in the vicinity, including restaurants, financial institutions, apparel stores, and other types of retailers. Upper floors of buildings are generally occupied by offices, residential units, or tourist-hotels. Other uses in the vicinity include the Church of Saints Peter and Paul and Washington Square Park (located to the north).
4. **Project Description.** The sponsor is requesting Conditional Use authorization to expand their existing entertainment authorization to allow electronically amplified singers and prerecorded musical accompaniment in the existing restaurant. Specifically the sponsor proposes opera singers to enhance the atmosphere of the Italian restaurant. The singers would move about the room performing at individual tables and the accompaniment would be prerecorded instrumental music similar to a small portable stereo.

5. **Public Comment.** The Department has received 65 comments in support and one comment in opposition to the project.
6. **Planning Code Compliance:** The Commission finds that the project is consistent with the relevant provisions of the Planning Code in the following manner:

- A. **Use.** Other Entertainment uses require Conditional Use authorization within the North Beach NCD, pursuant to Section 722.48.

The Project Sponsor is requesting Conditional Use authorization to allow electronically amplified opera singers and prerecorded musical accompaniment within the existing Colosseo restaurant and bar.

- B. **Off-Street Parking.** Section 151 requires restaurant uses to provide one parking space for every 200 square feet of occupied floor area, where the occupied floor area exceeds 5,000 square feet.

The occupied floor area of the existing business measures less than 5,000 square feet. The project proposes no physical expansion of the building. The project is not required to provide parking.

- C. **Loading.** Section 152 requires off-street freight loading for uses above a certain size. Businesses such as the existing restaurant are not required to provide off-street freight loading if they measure less than 100,000 square feet in gross floor area

With a gross floor area of under 100,000 square feet, the project is not required to provide off-street loading.

- D. **Formula Retail.** Section 703.3 places notification requirements and other restrictions on formula retail uses.

The project is not considered to be a Formula Retail Use as defined by Section 703.3 of the Planning Code.

- E. **North Beach Special Use District.** Section 780.3(a) of the Planning Code allows Full Service Restaurants in the North Beach Neighborhood Commercial district and establishes additional criteria for consideration by the Planning Commission. The project complies with this Section as follows:

- i. The space occupied by the proposed Full Service Restaurant was not last occupied by a Basic Neighborhood Sales or Service use or by a permitted principal use Under Section 722 (North Beach Controls).

The project complies with this criterion as the space to be occupied by the proposed use is now and will continue to be a Full Service Restaurant.

- ii. The space occupied by the proposed Full Service Restaurant is not a vacant space last occupied by a nonconforming use or a permitted conditional use under Section 722 (North Beach Controls) that has been discontinued or abandoned for more than 3 years.

The project complies with this criterion as the space has been operated continuously as a full service restaurant and bar for many years.

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

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

The project is desirable for the neighborhood, because it would enhance the viability of an existing business. In addition, it will contribute to the overall vibrancy of the North Beach NCD by diversifying the options for dining and entertainment experiences in the area.

The project is situated in an area that already hosts a significant number of live entertainment establishments. However, the majority of these venues are concentrated east along Grant Avenue, with other isolated venues scattered throughout North Beach and along the Broadway corridor to the south. The proposed live entertainment at "Colosseo" is not expected to exacerbate negative impacts that can be associated with the clustering of live entertainment venues due to the low scale of the proposed entertainment. The restaurant will be required to comply with the San Francisco Noise Ordinance, and if needed, install interior upgrades and implement management practices to attenuate noise. The project is compatible with the neighborhood.

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

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

The size and shape of the site and the size, shape, and arrangement of the building are adequate for the project. The project would not physically expand the existing building.

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

The project will not adversely impact public transit or overburden the existing supply of parking in the neighborhood. The Project Site is well-served by ample public transportation, and off-street parking and loading are not required for the project.

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

Residents and businesses located in the vicinity of entertainment uses are often concerned about the noise that could be generated by live entertainment. Exhibit A of this motion contains a condition requiring that all noise and odors be regulated so as not to be a nuisance to nearby businesses or residents. The live entertainment activity must also comply with the San Francisco Noise Ordinance. In addition the hours of the entertainment use could be limited so that the potential for noise is eliminated earlier than the typical business closing time of 2:00 A.M. To further limit the possible impact of noise on neighboring properties, the use of electronically amplified music would be limited to the interior spaces of the restaurant and prohibited from the outdoor seating areas.

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

The Project Site is completely built-out at the commercial ground level, therefore, no landscaping will need to be provided. Any future changes in lighting and signage would be required to comply with the requirements of the Planning Code and the Urban Design Element of the General Plan.

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

The project complies with all relevant requirements and standards of the Planning Code and is consistent with Objectives and Policies of the General Plan detailed below.

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

The North Beach NCD functions as a neighborhood-serving marketplace, citywide dining district, and tourist attraction. Section 722.1 acknowledges that NCD serves as a nighttime entertainment destination, with "eating, drinking, and entertainment establishments [that] remain open into the evening to serve a much wider trade area and attract many tourists." The NCD regulations are intended to avoid an overconcentration of eating and drinking establishments, and protect residential livability. Section 722.1 further states that, "Special controls limit additional ground-story entertainment uses...". The proposed use is part of a full service restaurant and a bona-fide eating place and the proposed enhancement of the current entertainment will not cause the restaurant to become a night club.

- E. With respect to applications filed pursuant to Article 7, Section 703.2(a), zoning categories .46, .47, and .48, that such use or feature will:

- i. Not be open between two a.m. and six a.m.;

The project does not propose to operate the restaurant, bar, or the live entertainment functions between the hours of two a.m. and six a.m.

- ii. Not use electronic amplification between midnight and six a.m.;

The proposed Entertainment use shall be restricted to prohibit the use of amplification between midnight and six a.m.

- iii. 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.

Residents and businesses located in the vicinity of Entertainment uses are often concerned about the noise that could be generated by live entertainment. Exhibit A of this motion contains a condition requiring that all noise and odors be regulated so as not to be a nuisance to nearby businesses or residents. The live entertainment activity must also comply with the San Francisco Noise Ordinance. In addition the hours of the Entertainment use could be limited so that the potential for noise is eliminated earlier than the typical business closing time of 2:00 A.M. A requirement that the Entertainment activity cease at midnight could alleviate noise concerns and decrease the likelihood that the restaurant and bar could evolve into a nightclub.

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

COMMERCE AND INDUSTRY ELEMENT

Neighborhood Commerce

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.

In order for a neighborhood commercial district to remain viable and be compatible with the surrounding neighborhood, it must exhibit a healthy balance of different types of commercial uses. This policy includes guidelines that discourage the overconcentration of a particular type of use, such as eating and drinking establishments, and entertainment venues. The project would add a live entertainment function to an existing restaurant, and would not expand the restaurant or displace a neighborhood-serving retail use. Due to the scale and nature of the proposed entertainment, an opera singer with prerecorded accompaniment, the project is not expected to exacerbate negative impacts that can be associated with the

clustering of live entertainment venues. The expansion of the live entertainment activity will not disrupt the balance of commercial uses in the area, and will not displace neighborhood-serving goods and services.

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.

The project is desirable because it will contribute to the viability of an existing, locally-owned restaurant. The project would not physically expand the existing restaurant or create a new, stand-alone bar establishment. The project is desirable and compatible with the neighborhood, and will contribute to the overall vitality of the North Beach NCD.

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

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

The project would not expand the existing restaurant, and would therefore not decrease the square footage that could be made available to other types of neighborhood-serving retail uses or service establishments. The project will contribute to the viability of a locally-owned business, preserving and enhancing opportunities for resident employment.

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

No housing units will be displaced by the project. The Project will add an electronically amplified opera singer with prerecorded musical accompaniment to an existing restaurant, reinforcing the cultural history of North Beach as an entertainment destination.

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

The project will not affect the supply of affordable housing in the City. No housing will be removed as part of this project.

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

The project would not adversely impact public transit or place a burden on the existing supply of parking in the neighborhood. The area is well-served by public transportation.

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

The project does not displace any industrial or service use and does not include any office uses.

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

The project does not include any structural work to the building, and thus will not impact the structure's ability to withstand an earthquake.

- G. That landmarks and historic buildings be preserved.

The subject building is identified on the North Beach Survey and is a known historic resource. The project will not affect the resource as there are no exterior alterations proposed for the project.

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

The project will have no negative impact on existing parks and open spaces. The project does not have an impact on open spaces.

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

11. The Commission hereby finds that approval of the Conditional Use authorization is desirable and 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. 2010.0514C** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance the Application as received on June 30, 2010 and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

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

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on November 18, 2010.

Linda D. Avery
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: November 18, 2010

Exhibit A

Conditions of Approval

1. This authorization is to allow "Other Entertainment" limited to one electronically amplified singer with prerecorded musical accompaniment, at an existing restaurant (d.b.a. Colosseo), located at 414 Columbus Avenue, pursuant to Planning Code Section 722.48, in general conformity with the application labeled Exhibit B; received by the Department on June 10, 2010. The authorization is limited to one electronically amplified singer with prerecorded musical accompaniment on the interior of the restaurant. No other live electronically amplified entertainment or musical accompaniment is permitted and no electronically amplified music is permitted on the outdoor seating areas. Acoustic music is permitted under the terms of Planning Commission Motion 1466 in case 1998.409C
2. The Commission may consider revocation of this conditional use authorization if a permit for the project has been issued, but is allowed to expire and more than three years have passed since the Motion was approved. This authorization may be extended at the discretion of the Zoning Administrator only if the failure to issue a permit by the Department of Building Inspection within three years is delayed by a City, state or federal agency, or by appeal of the issuance of such permit.
3. The operator of the establishment shall obtain all necessary approvals from the San Francisco Entertainment Commission prior to hosting live entertainment events on-site, but no later than 18 months from the date of this Conditional Use authorization.
4. The use of electronic amplification shall not be permitted between midnight and two a.m. and this approval does not authorize the operation of the restaurant or any live entertainment activities between two a.m. and six a.m. No electronically amplified music is permitted on the outdoor seating areas at any time.
5. The ground level storefront shall be maintained in an attractive manner, providing transparency into the restaurant behind. Visibility of the interiors and activity through all storefront windows shall be maintained in order to ensure that the ground level of the building remains visually active, provides visual interest to pedestrians, and enhances sidewalk security. The storefront windows shall not be visually obscured with the following: blinds, shades or curtains; shelving; equipment; darkly tinted, translucent or opaque film; painted, stenciled or adhesive signage applied to individual window surfaces that has an overall transparency of less than 50%, or any signage that covers more than 25% of the area of any individual window; full or partial height interior partition walls placed directly against or within 10 feet from the window glazing; or any other items that significantly block the vision of pedestrians through the storefront windows into the occupiable commercial space. Solid roll-down security gates shall not be installed in storefront openings.

6. The operator of the establishment shall maintain the entrances and all sidewalks abutting the subject property in a clean condition. Such maintenance shall include, at minimum, daily sweeping, litter pickup and disposal, and washing or steam/pressure cleaning of the main entrance and abutting sidewalks at least once every two weeks.
7. Noise and odors shall be regulated so as not to be a nuisance to nearby businesses or residents.
8. An enclosed waste storage area shall be provided within the establishment. All trash and recycling containers shall be kept within the building until pick-up by the disposal company.
9. Should monitoring of the Conditions of Approval of this Motion be required, the Project Sponsor shall pay fees as established in Planning Code Section 351(e)(1).
10. Should implementation of this project result in complaints from interested property owners, residents, or commercial lessees which are not resolved by the Project Sponsor and are subsequently reported to the Zoning Administrator and found to be in violation of the Planning Code and/or the specific Conditions of Approval for the project as set forth in Exhibit A of this Motion, the Zoning Administrator shall refer such complaints to the Commission, after which it may hold a public hearing on the matter in accordance with the hearing notification and conduct procedures as set forth in Sections 174, 306.3, and 306.4 of the code to consider revocation of this conditional use authorization.
11. The Project Sponsor shall assure the execution and recordation of the specified conditions as a Notice of Special Restrictions at the Office of the County Recorder / County Clerk
12. **Monitoring Conditions of Approval:** The proposed use of the subject property as a massage establishment may be subject to inspections by the Planning Department in order to monitor the conditions of approval (7-15.) listed above. Failure to comply with the conditions listed above may result in the initiation of enforcement action per Planning Code Section 176 and the assessment of administrative penalty fees of up to \$250 a day for every day the business does not adhere to the mandated conditions. In addition, the Planning Department will seek to recover all costs associated with bringing the use into compliance per Planning Code Section 305.
13. **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.

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