



# SAN FRANCISCO PLANNING DEPARTMENT

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## 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)

- Inclusionary Housing (Sec. 315)
- Jobs Housing Linkage Program (Sec. 313)
- Downtown Park Fee (Sec. 139)
- First Source Hiring (Admin. Code)
- Child Care Requirement (Sec. 314)
- Other

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## Planning Commission Motion No. HEARING DATE: MAY 13, 2010

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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.

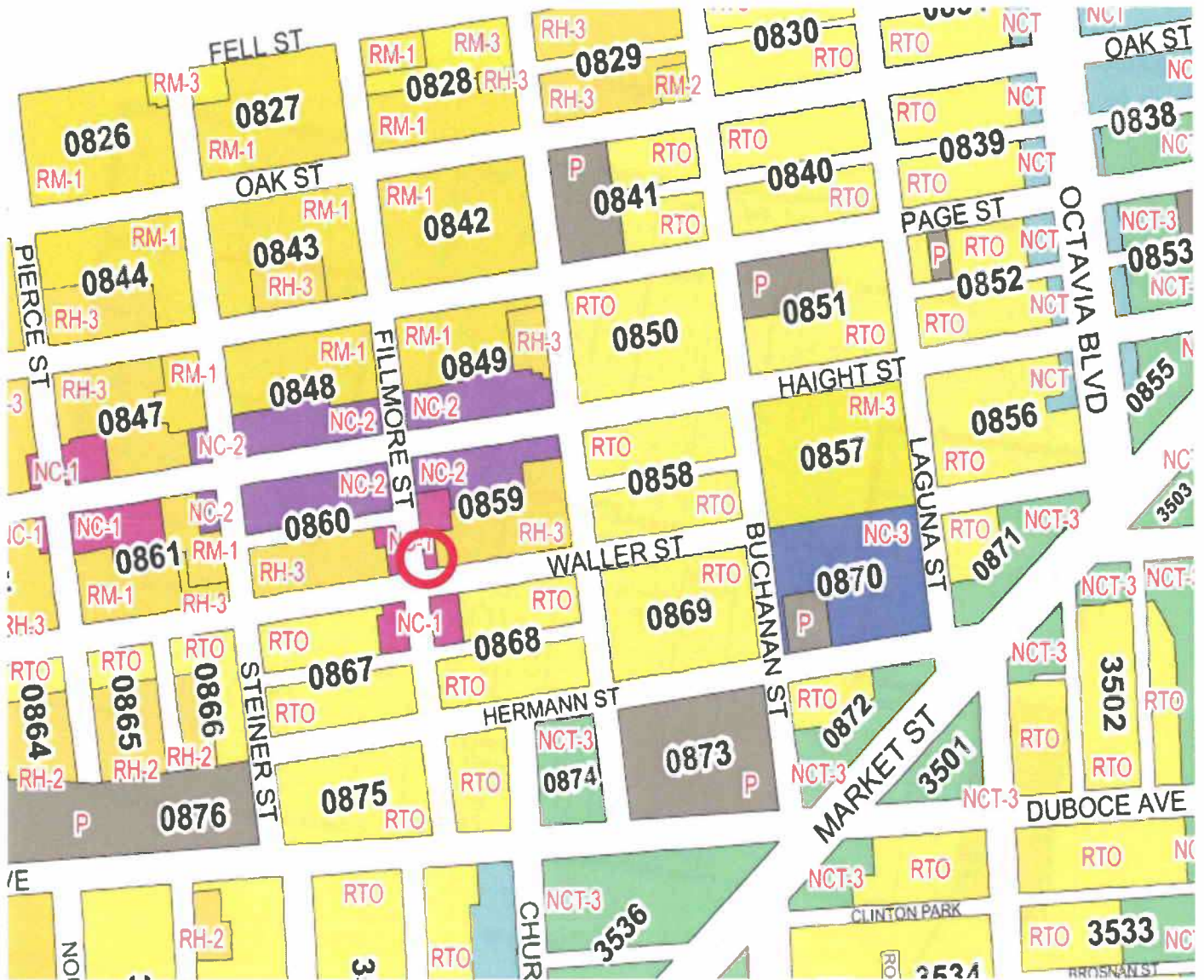
**17. NEIGHBORHOOD CONCERNS**

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.

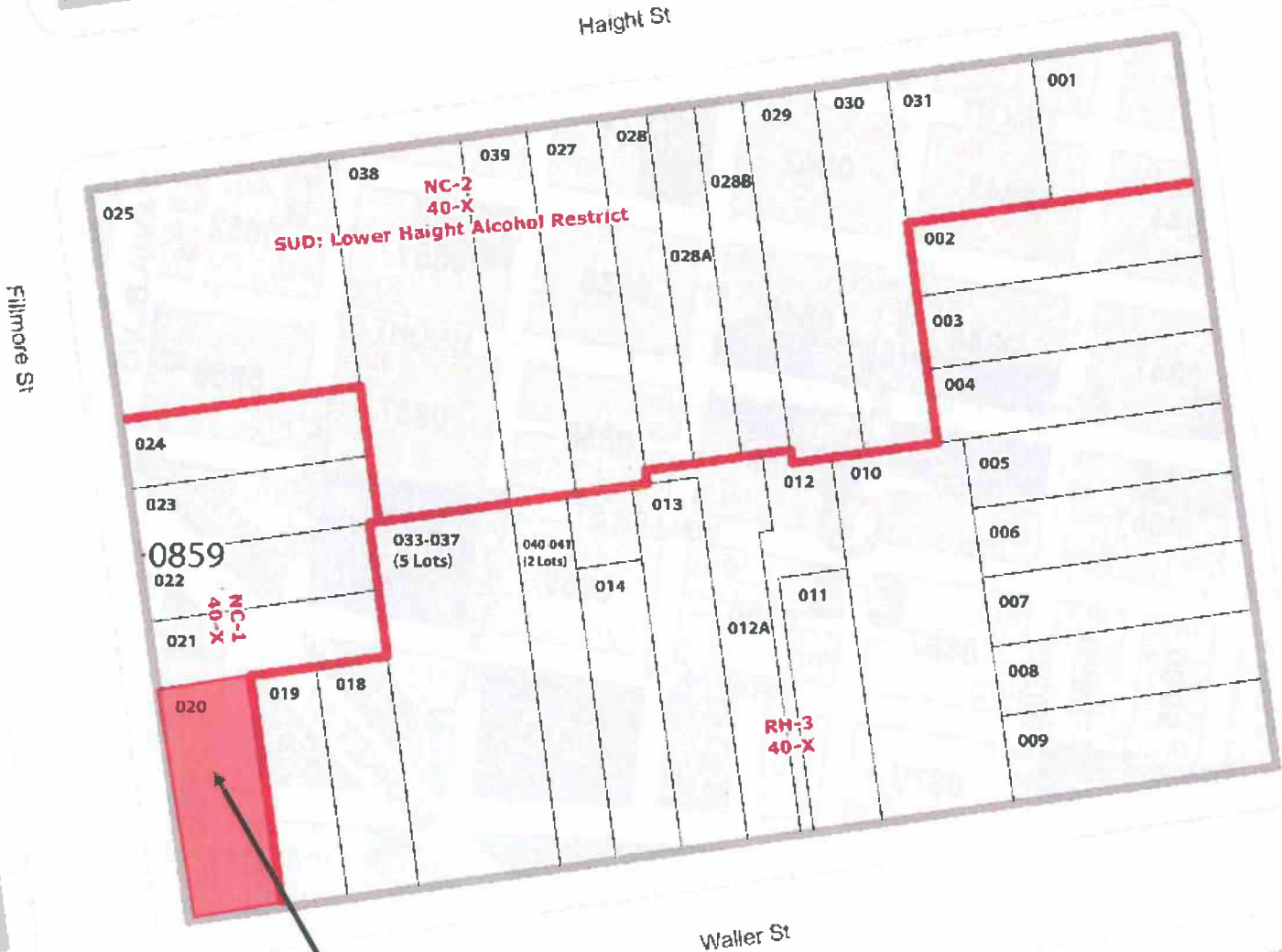
# Zoning Map



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



# Parcel Map



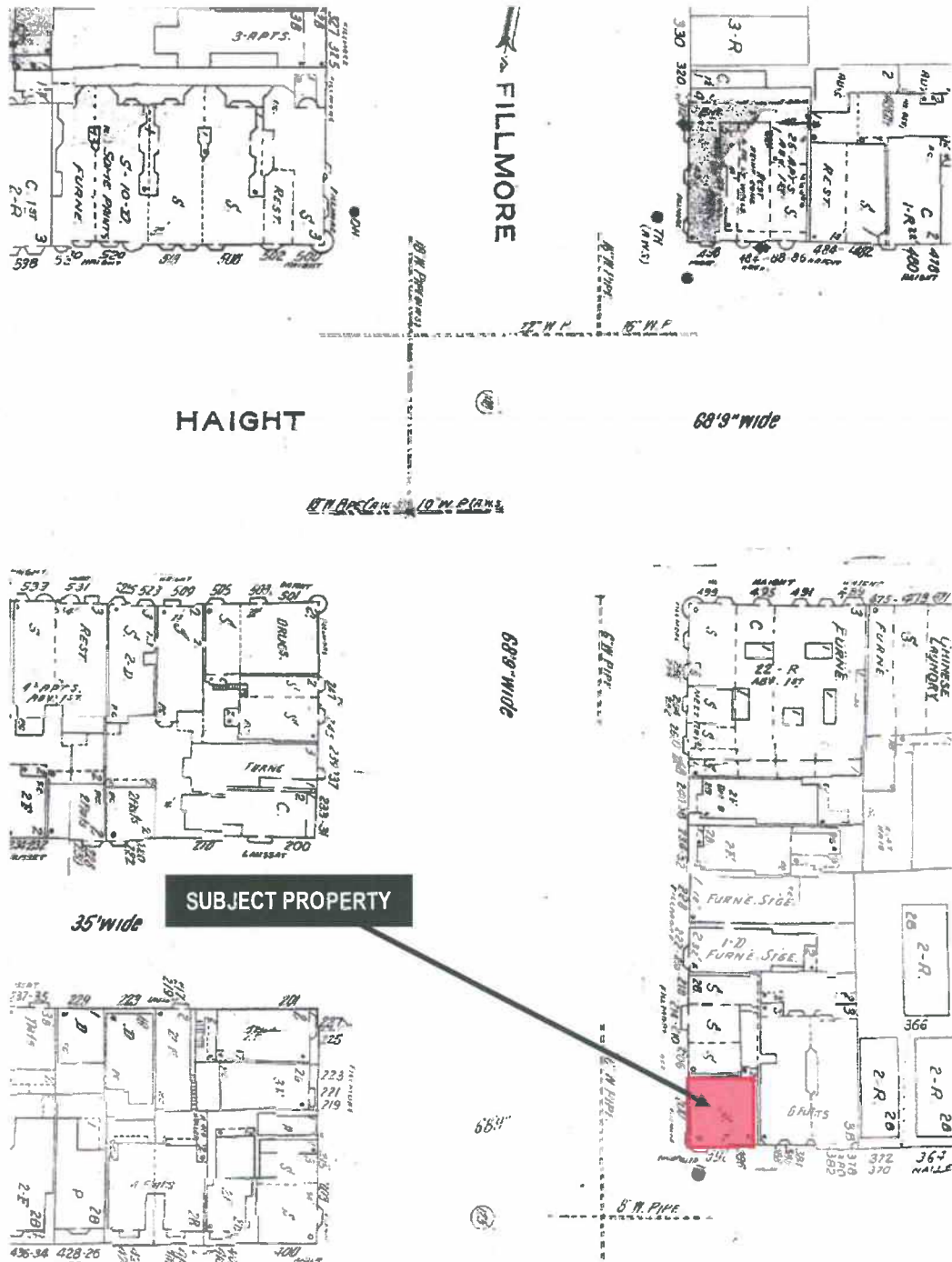
**SUBJECT PROPERTY**

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





# 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 2010.0083C  
 200 Fillmore Street  
 DBA Café Du Soleil





# Aerial Photo\*

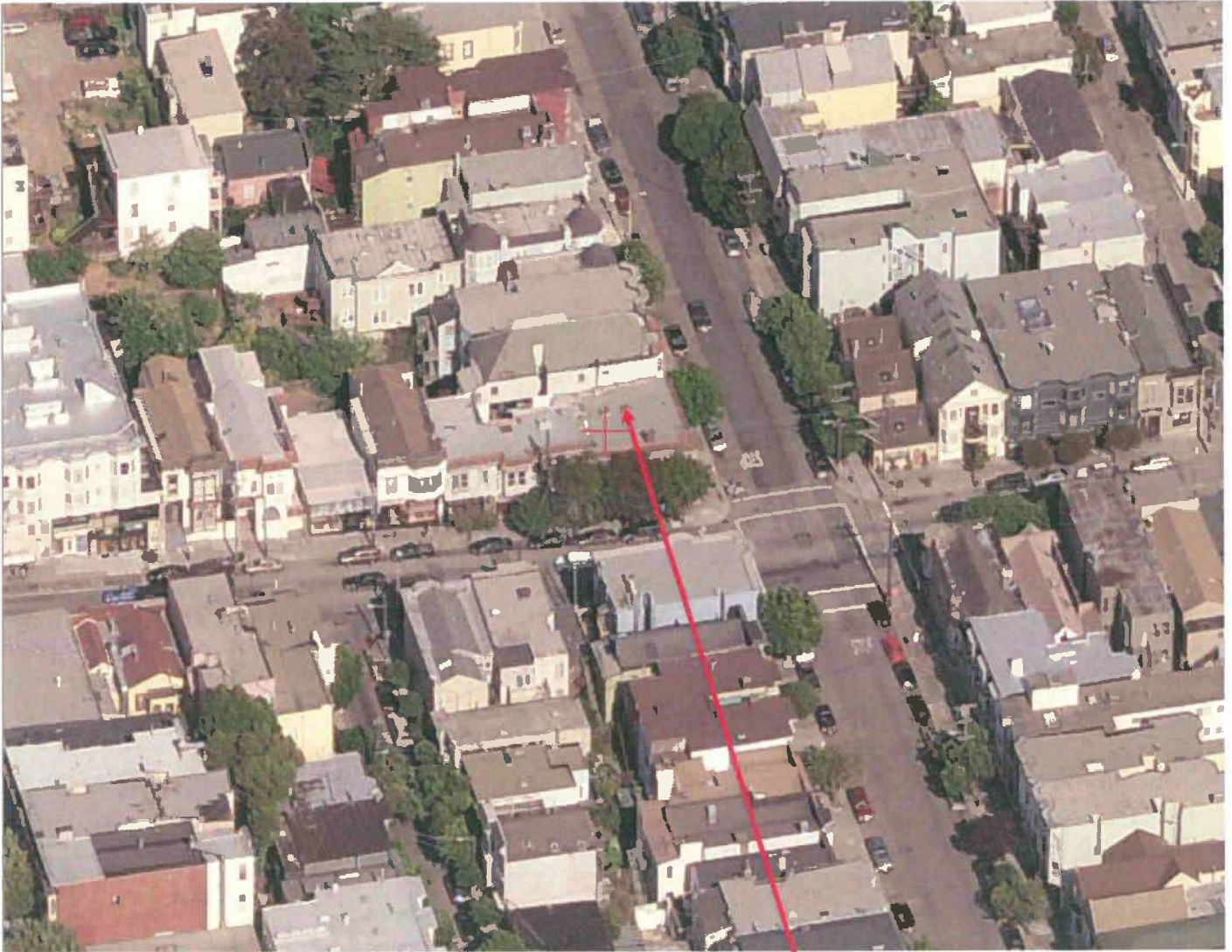


**SUBJECT PROPERTY**

*\*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

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



# Site Photo

## SUBJECT BLOCK ON FILLMORE STREET



SUBJECT PROPERTY

# 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 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

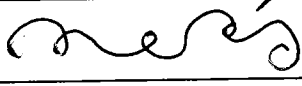


We the undersigned residents and customers of the Café du Soleil find the Café's presence to be an asset to the community and support the proposal to allow evening jazz and poetry readings at the Café.

	<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@yahoo.com	walked <sup>supper</sup> <del>gladly</del>

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	ceferrara@yahoo.com	
7.	Jordan R Cohen	425 Fillmore	reisjordan@yahoo.com	
8.	Summer B Lygal	1814 Divisadero	Summerlygal@yahoo.com	
9.	Bruce Hanson	560 Haight St.	bruceandrew.hanson@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.	btroxel@gmail	Live here
11.	KAREN COUGHLAN	430 SCOTT ST.	kroughlan@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	750 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 S.F. CA		walked
7.	Conor Devin	2450 15 <sup>th</sup> , SF, CA		walked / Live / Meet
8.	Katie Crouch	600 Page St #303, SF, CA		walked
9.	STEVEN HANDLEY	760 14TH S.F. CA		WALKED
10.	MARC HABER	362A WALLER S.F. 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	mmanus@utterhealth.com	walked
15.	Katrin Kulesova	200 Townsend St 13	jkulesova@yahoo.com	walked
16.	Sanglona Oricdo	590 Steiner St S.F. 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.

- |     | Name                            | Address                    | E-mail or phone                            | How did you get here |
|-----|---------------------------------|----------------------------|--|----------------------|
| 1.  | <del>Eric</del> <del>Levy</del> | 129 Fillmore St            | 415 552-3445                               | WALK                 |
| 2.  | <del>Stanley</del>              |                            | <del>xxxxxx</del> @ <del>xxxxxx</del> .com | walk/muni            |
| 3.  | COREY NGUYEN                    | 500 Fillmore St. # 401 SF. | nguyencorey@yahoo.com                      |                      |
| 4.  | Dennis Levy                     | 117 Buchanan St.           | SF.  | WALK                 |
| 5.  | Peggy Cymerys                   | 537 Tampais Dr. CM, CA     |  | Drive                |
| 6.  | Manus Rivers                    | 606 Steiner Street         | Manus.Rivers@yahoo.com                     | Walk                 |
| 7.  | Joshua Dyer                     | 109 Kissling St. SF.       |  | Bike                 |
| 8.  | KEITH FOXE                      | 165 Wool St SF             |  | DRIVE                |
| 9.  | Christa Robertson               | 165 Wool St.               |  | drove + walked       |
| 10. | ROGER LAURIE                    | mylia.james@gmail.com      |  | Walk                 |
| 11. | Heran Ziv                       | 43 Assey St SF             |  | walk                 |
| 12. | Jeffrey Johnson                 | 770 Oak Act 4 SF           | jjjohnst@gmail.com                         | walk                 |
| 13. | Christina Johnson               |                            |  | walk                 |
| 14. | Kim Thuy SEEUNGER               | 575 Page                   | 415/430-7010                               | walked, crawled      |
| 15. | Harriett Schmirz                | 446 Page                   | 415 823 2797                               | Walked ☺             |
| 16. | KELLY DONAHUE                   | Hermann St                 | Kelly.Donahue@earthlink.net                | 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.	Robert A. Fading	844A Page	415 385-7045	walked
2.	Lauren Poul	326 Hermann St	—	walked
3.	Andrew Sheets	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 Boggs	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	mccintoshwhisper@gmail.com	C2B
3.	Nancy Dasovich	57 Brattan St SF	dasovich63@yahoo.com	N-Line
4.	Sarah Gustaf	187 Alpine Terrace	developmentwaks@comcast.com	Com - Walk
5.	Steven Gomer	9 August Alley, SF, CA 94133	Stevengomer@sbcglobal.net	bike
6.	Dave Macfarlan	733 (Capt's 9417	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's 94117	cdubois@sfsu.edu	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.	Susie Johnson	254 Waller St.		walked
2.	<del>Ryan Conway</del>	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 Belknap 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

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.	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-Junai	20 Webster		walk
8.	Oppena Wapper	Santa Cruz		walk
9.	WILLIAM	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 JINGEL	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.	Jarina Sexton	1440 Valencia St. S.F.	OF	BIKE
9.	Diane Burk	734 Page	dburk@exploratorium.edu	
10.	ky 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	danimomura@yahoo.com	walk
15.	Tim Irvin	135 Fillmore	irvin.tim@gmail.com	walk
16.	Sharon Lavin	839 Haight St		

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	<u>Name</u>	<u>Address</u>	<u>E-mail or phone</u>	<u>How did you get here</u>
1.	<sup>Daniel</sup> Olene Tilton	128 Alpine Terrace	otilton@hotmail.com	On bicycles
2.	Scott Cameron	140 Fillmore St. SFCA	scott@traferenworld	walked
3.	Tania Tucciavone	601 Minnesota st. #105	taniatucciavone@yahoo	(salon in hood) walked
4.	Jessica Murray	1984 15 <sup>th</sup> St SF. 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 Baboff	14875 Broadway	louisebaboff@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	5700 Scott St #10	415 376-5555	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.	mvarma@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 Vanni	107A GERMANIA A	415 864 8197	WALK
8.	David Schreibman	225 Lauriat	schreibman@ibglobe.net	WALK
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		<del>drive</del> 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 715-251-0237	walk
13.	Louis J. Bachleder	51 Germania St		walk
14.	Deborah Fong	109 1/2 Germania St	debifong@gmail.com	walk
15.	Greysy Barting	143 Fillmore	greysy@5012190.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 MARTIN	120 PIERCE ST	cmartinffj@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 CASAS	300 DIVISADERO STREET	mariecasas@comcast.net	walked
10.	Sean Korman	859 oak	seankorman@yahoo.com	-walked
11.	Suz Felt Alterman	205 Webster	sfalterman@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 Hermann 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.	<del>Robert E. Quinn</del>	<del>257A Waller St.</del>		<del>WALK</del>
8.	Robert E. Quinn (Ret)	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	premshree.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	FINDTAD@FINDTAD.COM	WALK
3.	Danielle Boule	833 Ashbury St	dnboule@yahoo.com	walk
4.	Calvin Johnson	806 E Haight St.	k@krecc.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 Rhyer	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 Nibel	216 Lausset	626-4395	walked
16.				

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	<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 Boron	400 Page St	b.boron@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 BOWEN ST SF CA 94102	gary9375@yahoo.com	BIKE 415 296 9403
8.	WENDY BOTWICK	99 Scott St	SF CA 94117	walk
9.	Rebecca Blair	145 Surfside	Santa Cruz	mail
10.	Stephen Wiltcher	2242 46 <sup>th</sup> Ave	SF, CA	Mail
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

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	<u>Name</u>	<u>Address</u>	<u>E-mail or phone</u>	<u>How did you get here</u>
1.	Aime Meyer	440 Walker St		walk
2.	Wade Coleman	865 Autumn <sup>M.V.</sup>		car
3.	Aelaine Eyroz	u u		
4.	Mack Keltt	492 Grove St		walk
5.	Charlotte Nix	2220 Homestead Ct Los Altos 94024	charlotte.nix@gmail.com	Car-walk
6.	Hanna Rifkin	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.	helle 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 Constantine	340 Fillmore St #3		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.	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.	<del>David</del>	516 Page St		walk in
8.	<del>John</del>	159 Montello St		drive
9.	John Moran	3838 18th St.		walked
10.	<del>John</del>	765 Haight St.		walked
11.	At JH	352 Wilken St.		walked
12.	Rubén Martinez	2020 S st, <sup>#2</sup> 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.	Missy Neph	200 Divisadero St, CA		walk
16.	Jenny Zine	65A Douglass St.		drive

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\*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 HAYTT	JMARVELOK@gmail.com	walk
2.	Sean	2434 15 <sup>th</sup> 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 Muller 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 Laurois 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.	Blubb 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

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	<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.	BEN Nouhou	2345 POST ST #32	415 368-8715	WALKED
3.	Nick Wilson	827 HAIGHT ST	nhwilson@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 E 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.	<del>FENR DOLE</del> INDIGONAVES	825 DIVIS		BIKE HOTMAIL
7.	Keith Wright	222 Fillmore S.F. CA 94117	415-613-7122	walk
8.	Holmells	Haight St	hollywidehours.com	walk
9.	Gustavo Manover	925 Broadway		
10.	[Signature]	3894 14th St		walk
11.	Joleen Aldapa	1319 Masonic Ave		walk
12.	Melinda Caravez	1319 Masonic Ave #1		Walk
13.	Sacay Polp	829 Hayes St #2	cc@mokaiMusic.com	run
14.	Stephanie Tucker	2115 Sacramento		
15.	Frank Ruth	3500 Market	431-850	walk
16.	Gueller 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	dylom@DylanMaddux.com	walk
2.	BEN BASKY	220 HAIGHT	INFO@BENJAMINBASKY.COM	
3.	Josh Pearson	547 Page St. # 1	exper4123@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 Niro	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

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	<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	<del>643 Oak St</del>		drove/walked (walk)
4.	Isabel French	210 Walter		walked
5.	Matt Yep	220 Fillmore St. SF CA 94117	yep@supplyyard.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 Demadogin	371 Waller St Apt #3		walked
11.	Roberto Pinto	05LT4 Conj. Anhanjara		Brazil
12.	Whitney Larson	353 Scott St #9	wal Larson@gmail.com	
13.	Michelle Le	674 Haight St, #2 <del>met st</del>		walked
14.	Miguel Castellanos		mikewazaki@gmail.com	
15.	Susan Martin	1709 Sanchez St 94131	smartin1709@yahoo.com	
16.	Juana 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 Estkerni	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		MINWCHER@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		EVALK
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	YATTO
12.	Evan Shaffer	935 Page	415-203-8092	feet
13.	Clark BREYMAN	111 Buena Vista Ave #2	<del>415-203-8092</del>	calls
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 Shradder St	Carson@robotspark.com	walk
12.	Alexia Aubert	499 Steiner St	aaalexiaa@yahoo.com	Came often
13.	Michael Lucey	132 Fillmore	MLUCEY@BERKELEY.EDU	walk
14.	Pearl Malt	859 Oak Street	pmaltintheit@gmail.com	Walk.
15.	Margaret			
16.	Ironie Melgar	PO Box 170703 SF 94117		walk



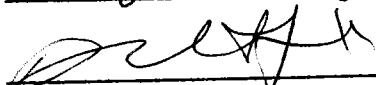
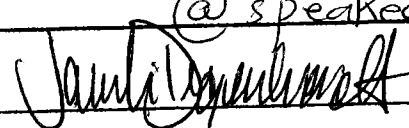
We the undersigned residents and customers of the Café du Soleil find the Café's presence to be an asset to the community and support the proposal to allow evening jazz and poetry readings at the Café.

	<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	Sf	step2atB@aol.com
7.	Kevin Clonts	29 waller		walked
8.	Adam Weiss	371 Waller		walked
9.	JENNA BOULÉ	705 HAIGHT	jenna.boule@mac.com	WALKER
10.	ERIC KUTSCHUNGER	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	MrRodgers2006@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 TimSams@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			<del>WALK</del>
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.corbingent@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 Caughlan	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 CPO	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	Chelzalaise@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 <sup>ST</sup> 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.	Britten 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		frmes66@hotmail.com	
2.	Yasmine 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, #221 SF 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.	<del>J. Stuber</del>			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	Meghgregg@gmail.com	walked
7.	<del>Ann TS</del>			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/forbed
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- <del>7</del> 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.	<del>Miss Kelly Fitzgerald</del>			<del>walk</del>
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.	dianamar@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	500 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 DuBoce Ave # 211 SE, (CA 94117)	(415) 246 59	walked
14.	MICHAEL LOEFFLER	974 PARK ST #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@ <sup>STRE CLERMONT</sup> NET	
9.	Alanna Higgins	857 Oak St.	(917) 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 Bigelow	101 Webster	ratsark@gmail.com	Walked
13.	Babs Straszund	123 Beverly Hills Way	Hollywood Ca	
14.	Mike Plotkowski	3145 Geary	#728 SF	
15.	Spici Zapanni	830 Grove St	SF	
16.	Clare Lepore	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](mailto: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
<b>BUILDING STANDARDS</b>			
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
<b>COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES</b>			
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
<b>Retail Sales and Services</b>					
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

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. >>**

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**SEC. 790.38. - ENTERTAINMENT, OTHER.**

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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

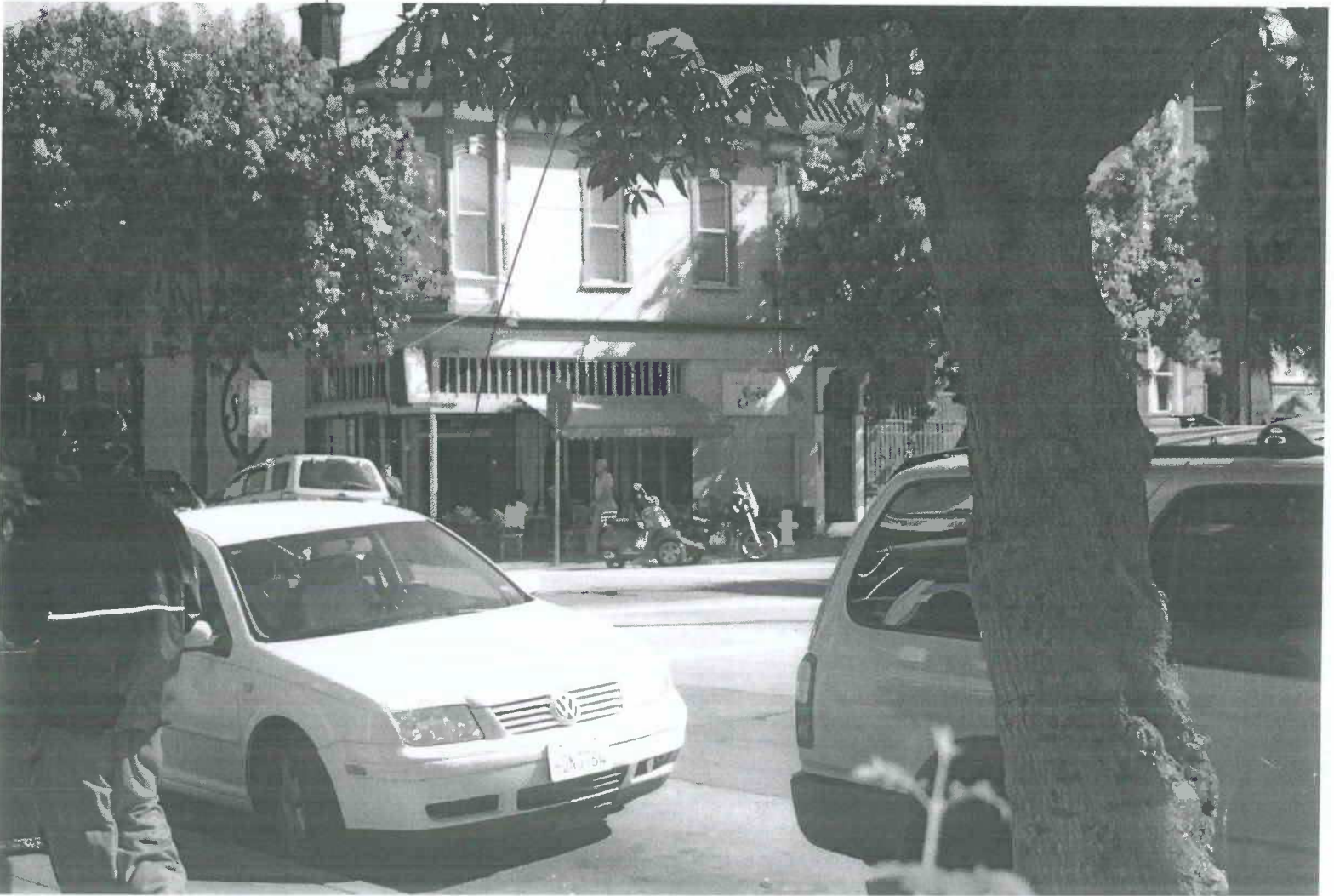


Photo can be provided in color.

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  
May 5, 2010  
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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.



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 invariably 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):  
 Yes  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

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:  Yes  No

NATURE OF COMPLAINT

13. CHECK ALL THAT APPLY:

Minors  Noise !!!  Lewd Conduct

After Hours  Drink Solicitation  Gambling

False Owner  Disorderly House  Prostitution

Drunks/Obviously Intoxicated  Drugs  Violation of Conditions

Tobacco Sales to Minors  Other

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:  Yes  No

16. COMPLAINANT WISHES TO BE NOTIFIED OF THE RESULTS OF THE INVESTIGATION:  Yes  No

17. COMPLAINANT HAS FILED A COMPLAINT WITH ANOTHER LAW ENFORCEMENT AGENCY:  Yes  No WORKING ON IT PERMIT -> NORTHERN PERMIT STATION OFFICER 3400

18. IF YES, NAME OF LAW ENFORCEMENT AGENCY: 415-614-3405

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 by wall

Photoworks Order # 853 10/02/06 18A

