RESOLUTION NO. 48-2004
Adopted April 20, 2004

APPROVING A CONDITIONAL USE AUTHORIZATION TO ALLOW SUPPERCLUB SAN FRANCISCO LLC, A CALIFORNIA LIMITED LIABILITY COMPANY, TO OPERATE A NIGHTTIME ENTERTAINMENT USE AT 657 HARRISON STREET; YERBA BUENA CENTER REDEVELOPMENT PROJECT AREA

BASIS FOR RESOLUTION

1. Supperclub San Francisco, LLC, a California limited liability company (the "Project Sponsor"), proposes to operate a restaurant and bar within an existing two-story, approximately 12,000-square-foot building at 657 Harrison Street (the "Project").

2. The Project is located in the SSO/YBC (Service/Secondary Office) district of the Yerba Buena Center Redevelopment Project Area (the "Project Area"), a "non-exempted" land use district within the Project Area and thus the uses for the Project are as provided by the Planning Code (the "Code") of the Planning Department of the City and County of San Francisco, as such Code requirements are administered by the Agency.

3. The Plan, pursuant to the Code, requires Agency approval of conditional use authorization for nighttime entertainment uses, and the Project Sponsor is requesting Agency conditional use approval for the Project.

4. A Schematic Design for the Project has been submitted and reviewed by Agency staff, and upon Agency action regarding the conditional use, the Project Sponsor will begin the preparation of the Preliminary Construction Documents.

5. As required by the Code, Agency staff has reviewed the Project pursuant to the applicable requirements in Code sections 303(c), Conditional Uses, Determination; Section 803.5(a) Additional Provisions Governing Uses in Mixed Use Districts, Bars and Restaurants in South of Market Districts; and, Section 803.5(g), Good Neighbor Policies for Nighttime Entertainment Activities in South of Market Districts. Staff has found that the Project is in compliance with the applicable Code sections and the Project Sponsor has agreed to comply with all of the requirements of Code Sections 803.5(a) and 803.5(g).

6. The Project site consists of an existing building with two existing off-street parking spaces and no room for additional spaces; therefore, 23 additional off-street parking spaces are required under the Plan. The Plan allows required off-street parking spaces to be located within an 800-foot-radius walking distance from the project site. A condition of approval of the use is that an off-street parking plan be in place, including an on-going contract with one of nine existing off-street parking purveyors within an 800-foot distance to provide the required 23 additional parking spaces.
7. The Project Sponsor proposes minimal work to both the interior and exterior of the building. The building exterior will be cleaned and will be repainted in the same off-white color and the new proposed signage will be in compliance with the Plan.

8. Public notice for consideration of the conditional uses for the Project was provided pursuant to Code section 316.3.

FINDINGS

In regard to the conditional use request to allow a night-time entertainment use in an SSO/YBC District (as specified in Section V. of the Redevelopment Plan), and pursuant to the applicable Code Sections 303(c), Conditional Uses, Determination; 803.5(a) Additional Provisions Governing Uses in Mixed Use Districts, Bars and Restaurants in South of Market Districts; and, 803.5(g), Good Neighbor Policies for Nighttime Entertainment Activities in South of Market Districts, the Agency finds that:

1. In regard to Section 303(c), Conditional Uses, Determination, that:
   a. 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;
   b. 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, improvement or potential development in the vicinity, with respect to certain aspects of the project including accessibility and traffic patterns, the nature of the proposed site and landscaping, among other consideration; and,
   c. Such use or feature as proposed will comply with the applicable provisions of the Code and will not adversely affect the Master Plan.

2. In regard to Section 803.5(a) Additional Provisions Governing Uses in Mixed Use Districts, Bars and Restaurants in South of Market Districts, that:
   a. The quiet, safety and cleanliness of the premises and its adjacent area are maintained;
   b. Adequate off-street parking is provided;
   c. Proper and adequate storage and disposal of debris and garbage is provided;
   d. Noise and odors are contained within the premises so as not to be a nuisance to neighbors; and
   e. Sufficient toilet facilities are made accessible to patrons, including persons waiting to enter the establishment.
3. In regard to Section 803.5(g), Good Neighbor Policies for Nighttime Entertainment Activities in South of Market Districts, that:

a. Notices shall be well-lit and prominently displayed at all entrances to and exits from the establishment urging patrons to leave the establishment and neighborhood in a quiet, peaceful, and orderly fashion and to not litter or block driveways in the neighborhood;

b. Employees of the establishment shall be posted at all the entrances and exits to the establishment during the period from 10:00 p.m. to such time past closing that all patrons have left the premises. These employees shall insure that patrons waiting to enter the establishment and those exiting the premises are urged to respect the quiet and cleanliness of the neighborhood while waiting for entry and as they walk to their parked vehicle or otherwise leave the area;

c. Employees of the establishment shall walk a 100-foot radius from the premises some time between 30 minutes after closing time and 8:00 a.m. the following morning, and shall pick up and dispose of any discarded beverage containers and other trash left by area nighttime entertainment patrons;

d. Sufficient toilet facilities shall be made accessible to patrons within the premises, and toilet facilities shall be made accessible to prospective patrons who may be lined up waiting to enter the establishment;

e. The establishment shall provide outside lighting in a manner that will illuminate outside street and sidewalk areas and adjacent parking, as appropriate;

f. The establishment shall provide adequate parking for patrons at nearby establishments. Adequate signage shall be well-lit and prominently displayed to advertise the availability and location of such parking resources for establishment patrons;

g. The establishment shall provide adequate ventilation within the structure such that doors and/or windows are not left open for such purposes resulting in noise emission from the premises; and

h. Any indoor and/or outdoor activity allowed as a principal or conditional use and located within 100 feet of a residential or live/work unit shall, during the period from 10:00 p.m. to 6:00 a.m., insure that sound levels emanating from such activities do not exceed the acceptable noise levels established for residential uses by the San Francisco Noise Ordinance.

4. In regard to the provision of off-street parking, a condition of approval of the use is that an off-street parking plan be in place, including an on-going contract with one of nine existing off-street parking purveyors within an 800-foot distance to provide the required 23 additional parking spaces, and Agency staff finds that the parking plan submitted by the Project Sponsor fulfills the off-street parking requirements as required by Plan.
5. In regard to signage, new signage is proposed that will be in compliance with the Plan.

RESOLUTION

ACCORDINGLY, IT IS RESOLVED by the Redevelopment Agency of the City and County of San Francisco that a conditional use is authorized to allow Supperclub San Francisco LLC, a California limited liability company, to operate a nighttime entertainment use at 657 Harrison Street; Yerba Buena Center Redevelopment Project Area.

APPROVED AS TO FORM:

[Signature]

James B. Morales
Agency General Counsel