

1 [Findings – 201 Ninth]

2 ADOPTING FINDINGS RELATED TO THE APPEAL OF THE PLANNING COMMISSION'S
3 APPROVAL OF CONDITIONAL USE APPLICATION NO. 99.489C, ALLOWING THE
4 INTENSIFICATION OF A LEGAL NONCONFORMING NIGHTTIME ENTERTAINMENT USE
5 BY PERMITTING LIVE ENTERTAINMENT, AND DISAPPROVING AFTER HOURS LIVE
6 ENTERTAINMENT, THE USE (ASIASF) BEING IN AN SLR (SERVICE/LIGHT
7 INDUSTRIAL/RESIDENTIAL) DISTRICT AND WITHIN THE SOUTH OF MARKET MIXED
8 USE HOUSING DISTRICT WITH A 50-X HEIGHT AND BULK DESIGNATION, ON
9 PROPERTY LOCATED AT 201 NINTH STREET; LOT 82 IN ASSESSOR'S BLOCK 3729.

10
11 The appellant, AsiaSF, through its attorney, Brett Gladstone, filed a timely appeal on
12 February 14, 2000, protesting the approval by the Planning Commission of an application for
13 a conditional use authorization (Conditional Use Application No. 99.489C, approved by
14 Commission Motion No. 14936 on January 13, 2000) allowing the intensification of a legal
15 nonconforming nighttime entertainment use by permitting live entertainment, and disapproving
16 after hours live entertainment, the use (AsiaSF) being in an SLR (Service/Light
17 Industrial/Residential) District and within the South of Market Mixed Use Housing District with
18 a 50-X Height and Bulk designation, on property located at 201 Ninth Street; Lot 82 in
19 Assessor's Block 3729.

20 The public hearing before the Board of Supervisors on said appeal was scheduled for
21 May 8, 2000. At its May 8 meeting, the Board of Supervisors continued the public hearing to
22 its meeting of June 5, 2000. On June 5, 2000, the Board conducted a duly noticed hearing on
23 the appeal from the approval of the requested conditional use authorization.

24 In reviewing the appeal of the approval of the requested conditional use authorization,
25 this Board reviewed and considered the written record before the Board and all of the public

1 comments made in support of and opposed to the appeal. At the June 5, 2000 hearing, the
2 appellants requested that the conditions imposed by the Planning Commission be amended.
3 There was no public opposition to the granting of the conditional use permit with the amended
4 conditions. The Board of Supervisors then rendered a decision consistent with the public
5 request of the appellant. The decision of the Board of Supervisors amended two conditions
6 imposed by the Planning Commission, and imposed the additional conditions.

7 NOW, THEREFORE, BE IT MOVED, That the Board of Supervisors of the City and
8 County of San Francisco hereby adopts as its own and incorporates by reference herein, as
9 though fully set forth, the findings made by the Planning Commission in its Motion No.
10 99.489C, dated January 13, 2000; and, be it

11 FURTHER MOVED, That the Board of Supervisors specifically adopts as its own, and
12 incorporates by reference herein as though fully set forth, the findings made by the Planning
13 Commission in its Motion No. 99.489C, dated January 13, 2000, that the proposed project is
14 in conformity with the General Plan, and is consistent with the Priority policies of Planning
15 Code Section 101.1; and, be it

16 FURTHER MOVED, That in support of the findings expressed in the Planning
17 Commission Motion, the Board of Supervisors determined that the conditions imposed by the
18 Planning Commission should be amended. Specifically, the Board determined that two of the
19 conditions imposed by the Planning Commission were not supported by the findings of the
20 Commission. The Board amended those two conditions to be consistent with the findings of
21 the Planning Commission.

22 FURTHER MOVED, That the Board of Supervisors, after carefully balancing the
23 competing public and private interests, disapproved the decision of the Planning Commission
24 by its Motion No. 99.489C, dated January 13, 2000, and authorized a conditional use permit
25 (Conditional Use Application No. 99.489C, approved on January 13, 2000) allowing the

1 intensification of a legal nonconforming nighttime entertainment use by permitting live
2 entertainment, and approving after hours live entertainment, the use (AsiaSF) being in an SLR
3 (Service/Light Industrial/Residential) District and within the South of Market Mixed Use
4 Housing District with a 50-X Height and Bulk designation, on property located at 201 Ninth
5 Street; Lot 82 in Assessor's Block 3729, subject to the Planning Commission conditions, as
6 amended by the Board of Supervisors, and further subject to the additional conditions
7 imposed by the Board of Supervisors. .

8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25



City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails

Motion

File Number: 001093

Date Passed: June 12, 2000

Motion adopting findings related to the appeal of the Planning Commission's approval of Conditional Use Application No. 99.489C, allowing the intensification of a legal nonconforming nighttime entertainment use by permitting live entertainment, and disapproving after hours live entertainment, the use (ASIASF) being in an SLR (Service/Light Industrial/Residential) District and within the South of Market Mixed Use Housing District with a 50-X Height and Bulk Designation, on property located at 201 Ninth Street, Lot 82 in Assessor's Block 3729.

June 7, 2000 Board of Supervisors — REFERRED: Board of Supervisors

June 12, 2000 Board of Supervisors — APPROVED

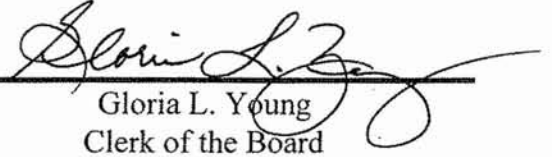
Ayes: 7 - Ammiano, Becerril, Kaufman, Newsom, Teng, Yaki, Yee

Absent: 3 - Bierman, Brown, Katz

Excused: 1 - Leno

File No. 001093

I hereby certify that the foregoing Motion
was APPROVED on June 12, 2000 by the
Board of Supervisors of the City and County
of San Francisco.



Gloria L. Young
Clerk of the Board