



# SAN FRANCISCO PLANNING DEPARTMENT

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## Executive Summary Conditional Use

HEARING DATE: NOVEMBER 15, 2012

*Date:* November 8, 2012  
*Case No.:* **2012.0926 C**  
*Project Address:* **1030 Taraval Street (1026 – 1042 Taraval Street)**  
*Zoning:* NC-2 (Small-Scale Neighborhood Commercial) District  
65-A Height and Bulk District  
Taraval Street Restaurant Subdistrict  
*Block/Lot:* 2349/018  
*Project Sponsor:* Sherman Yan  
423 Yale Street  
San Francisco, CA 94134  
*Staff Contact:* Jessica Look – (415) 575-6812  
[jessica.look@sfgov.org](mailto:jessica.look@sfgov.org)  
*Recommendation:* **Approval with Conditions**

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### PROJECT DESCRIPTION

The Project Sponsor seeks a Conditional Use Authorization, pursuant to Planning Code Sections 178, 303 and 781.1 to allow a change of use from a ground-floor vacant storefront to a Limited - Restaurant (d.b.a. Smile House) which contains approximately 2,150 square-feet of floor area. The project site is a vacant ground floor storefront that was previously occupied by a tutoring center (d.b.a. CA Tech Tutoring Center). The project sponsor is proposing to operate an eating and drinking establishment that will serve traditional Chinese food and drinks and does not plan to offer on-site beer and/or wine sales. The proposed restaurant is independently owned and operated and is not a formula retail use. The project sponsor expects to hire up to 15 full-time employees to operate the proposed restaurant. The project sponsor has indicated that the proposed hours of operation would be from 10:00 AM to 2:00 AM, daily, which are permitted as of right for the subject property.

The project proposes interior tenant improvements, as well as new windows and doors on the front façade. These improvements will not alter or obscure this building's character defining features. The subject site is well served by public transit so that potential customers should not adversely affect traffic. Pursuant to Planning Code Section 178, the proposed Limited-Restaurant use in the Taraval Street Restaurant Subdistrict can be established through conditional use authorization.

### SITE DESCRIPTION AND PRESENT USE

The project site at 1030 Taraval (aka 1026 – 1042 Taraval) and is located on the north side of Taraval Street between 20<sup>th</sup> and 21<sup>st</sup> Avenues, Block 2349, Lot 018. The property is located within the Taraval Street RUSD (Restaurant and Fast-Food Sub-District), which is in the NC-2 (Small-Scale Neighborhood Commercial District). The property is located within a lot that is 100-feet deep and 75-feet wide and

fourth storefront is occupied by a liquor store (d.b.a. "Linda's Liquor"). The frontage of the project site is a total of 30-feet.

## **SURROUNDING PROPERTIES AND NEIGHBORHOOD**

The entire neighborhood is an NC-2 (Neighborhood Commercial, Small-scale) zoned area located along Taraval Street in between 12<sup>th</sup> Avenue and 36<sup>th</sup> Avenue. This NC-2 District has 3.7 miles of street frontage in which 17% is dedicated to eating and drinking uses. This neighborhood is also located within the Taraval Street Restaurant and Fast-food Subdistrict, which requires a Conditional Use authorization to establish a Limited - Restaurant. A majority of the businesses in the area are independently owned businesses. The neighboring properties located to the north and south of Taraval Street are primarily zoned for one- and two-family houses. There is a diverse mix of commercial uses within the neighborhood which in addition to eating and drinking establishments also contains a grocery store, dry cleaners, medical offices, business and professional services, various personal services, various retail stores, liquor stores, and specialty food stores.

The immediate area of the subject property does contain a cluster of neighborhood serving eating and drinking uses, including several restaurants and limited restaurants, which include a coffee shop, a liquor store, and a bar. In fact, there is approximately a 36% concentration of commercial frontage devoted to eating and drinking that exists within 300 linear feet of the subject property. While a cluster of this use does exist, it is balanced out with several other neighborhood personal service uses, medical service use, business and professional service, a financial service use (Chase Bank and First Bank), and two vacant commercial units (including the Project Site).

A Limited- Restaurant is defined under Planning Code Section 790.90 as, "A retail eating and/or drinking use which serves ready-to-eat foods and/or drinks to customers for consumption on or off the premises that may or may not have seating. It may include wholesaling, manufacturing, or processing of foods, goods, or commodities on the premises as an accessory use. It includes, but is not limited to, specialty foods provided by bakeries, delicatessens, and confectioneries' meeting the above characteristics, but it is distinct from a Restaurant, and a Bar. It may also operate as a Take-Out Food use. It shall not provide on-site beer and/or wine sales for consumption on the premises, but may provide off-site beer and/or wine sales for consumption off the premises with a California Alcoholic Beverage Control Board License type 20 (off-sale beer and wine) within the accessory use limits as set forth in Planning Code. "

The NC-2 District is defined in Section 711.1 of the Planning Code as having the following characteristics:

The NC-2 Districts are linear shopping streets, which provide convenience goods and services to the surrounding neighborhoods as well as limited comparison shopping goods for a wider market. The range of comparison goods and services offered is varied and often includes specialty retail stores, restaurants, and neighborhood-serving offices. NC-2 Districts are commonly located along both collector and arterial streets that have transit routes. The small-scale district controls of the NC-2 District provide for mixed-use buildings, which approximate or slightly exceed the standard development pattern.

The NC-2 Districts range in size from two or three blocks to many blocks, although the commercial development in longer districts may be interspersed with housing or other land uses. Buildings typically range in height, from two to four stories with an occasional one-story commercial buildings.

Most new commercial development is permitted at the ground and second stories. Neighborhood-serving businesses are strongly encouraged. Eating and drinking and entertainment uses, however, are confined to the ground story. Some retail stores, personal services, and medical, business and professional offices may use the second story. Parking and hotels are monitored at all stories. Limits on late-night activity, drive-up facilities, and other automobiles uses protect the livability within and around the district, and promote continuous retail frontage.

The NC-2 (Neighborhood Commercial, Small Scale) District, are characterized by a mixture of dwelling types including apartment units that have separate entrances and nonresidential uses to provide for the needs of residents. Shopping facilities and transit lines are often found within a short distance of these districts.

## **ENVIRONMENTAL REVIEW**

The Project is exempt from the California Environmental Quality Act ("CEQA") as a Class 1 categorical exemption.

## **HEARING NOTIFICATION**

<b>TYPE</b>	<b>REQUIRED PERIOD</b>	<b>REQUIRED NOTICE DATE</b>	<b>ACTUAL NOTICE DATE</b>	<b>ACTUAL PERIOD</b>
Classified News Ad	20 days	October 26, 2012	October 24, 2012	22 days
Posted Notice	20 days	October 26, 2012	October 24, 2012	22 days
Mailed Notice	20 days	October 26, 2012	October 24, 2012	22 days

The proposal requires a Section 312-neighborhood notification, which was conducted in conjunction with the conditional use authorization process.

## **PUBLIC COMMENT**

- To date, the Department has received one letter of support from Yumi Sam, President of the People of Parkside/Taraval Parkside Merchants Association. The Department has not received any other public comment.

## **ISSUES AND OTHER CONSIDERATION**

- Planning Code Section 303 – Per Planning Code Section 303, the Planning Commission shall consider the existing concentration of eating and drinking uses in the area. A recent field survey estimated that 36% of commercial frontage zoned NC-2 and within 300 linear feet of the subject property is devoted to eating and drinking uses. The Current Section 303 threshold is 25%. Staff recognizes this issue, but considers that this cluster is unique to the entire corridor as the entire district only has 17% of its frontage devoted to eating and drinking uses. Furthermore, the proposed use will be occupying a current vacant storefront, which will contribute to the economic vitality of this commercial corridor.
- The project will be subject to the standard Conditions of Approval for eating and drinking establishments including those pertaining to trash removal and general cleanliness.

## **REQUIRED COMMISSION ACTION**

In order for the project to proceed, the Commission must grant conditional use authorization to allow the establishment of a Limited – Restaurant to Planning Code Sections 178, 303, and 781.1.

## **BASIS FOR RECOMMENDATION**

- The project meets all applicable requirements of the Planning Code.
- The Project is necessary and desirable because it contributes to the economic vitality of the neighborhood.
- The Project will establish an independently owned and operated business that will create new job opportunities in the neighborhood.
- The Project will not displace an existing neighborhood-serving business.
- The project is a small, locally owned business that will occupy a currently vacant commercial storefront, which will contribute to the vitality of the neighborhood.
- The project will not displace an existing retail tenant providing convenience goods and services to the neighborhood.
- The hours of operation, from 10:00 a.m. to 2:00 a.m. daily, and is compatible with the surrounding neighborhood.
- The project is within close access to public transit, specifically, the L-Taraval Muni metro line. Therefore, customers should not adversely affect traffic.
- The project will create up to 15 jobs for neighborhood residents.
- The project meets all applicable requirements of the Planning Code.
- The business is not a Formula Retail use and would serve the immediate neighborhood.

<b>RECOMMENDATION:</b> <b>Approval with Conditions</b>
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### **Attachments:**

#### Exhibit A

Parcel Map  
Sanborn Map  
Zoning Map  
Aerial Map  
Site Photos

#### Exhibit B

Reduced Floor Plans  
Project Sponsor Submittal  
Letter of Support

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 checked="" type="checkbox"/> Check for legibility                                      |
| <input checked="" type="checkbox"/> Parcel Map          | <input type="checkbox"/> Health Dept. review of RF levels                                     |
| <input checked="" type="checkbox"/> Sanborn Map         | <input type="checkbox"/> RF Report  |
| <input checked="" type="checkbox"/> Aerial Photo        | <input type="checkbox"/> Community Meeting Notice   |
| <input type="checkbox"/> Context Photos                 | <input type="checkbox"/> Inclusionary Affordable Housing Program:<br>Affidavit for Compliance |
| <input checked="" type="checkbox"/> Site Photos         |   |

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

\_\_\_\_\_ JL \_\_\_\_\_  
Planner's Initials

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# SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- |  |  |
|--|--|
| <input type="checkbox"/> Affordable Housing (Sec. 415)           | <input type="checkbox"/> First Source Hiring (Admin. Code) |
| <input type="checkbox"/> Jobs Housing Linkage Program (Sec. 413) | <input type="checkbox"/> Child Care Requirement (Sec. 414) |
| <input type="checkbox"/> Downtown Park Fee (Sec. 412)            | <input type="checkbox"/> Other                             |

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## Planning Commission Draft Motion

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*Case No.:* **2012.0926 C**  
*Project Address:* **1030 Taraval Street**  
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[jessica.look@sfgov.org](mailto:jessica.look@sfgov.org)

**ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 178, 303 AND 781.1 OF THE PLANNING CODE FOR A CHANGE OF USE TO ESTABLISH A LIMITED - RESTAURANT (D.B.A. SMILE HOUSE) WITHIN THE TARAVAL STREET RUSD (RESTAURANT AND FAST-FOOD SUB-DISTRICT), IN THE NC-2 (SMALL-SCALE NEIGHBORHOOD COMMERCIAL DISTRICT) AND A 65-A HEIGHT AND BULK DISTRICT.**

### PREAMBLE

On August 8, 2012, Sherman Yan (hereinafter “Project Sponsor”) filed an application with the Planning Department (hereinafter “Department”) for Conditional Use Authorization under Planning Code Section(s) 178, 303 and 781.1 for a change of use to establish a Limited-Restaurant (d.b.a. Smile House) the Taraval Street RUSD (Restaurant and Fast-Food Sub-District) and NC-2 (Small-Scale Neighborhood Commercial District) with a 65-A height and bulk district

On November 15, 2012, the San Francisco Planning Commission (hereinafter “Commission”) conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2012.0926C.

The Project is exempt from the California Environmental Quality Act ("CEQA") as a Class 1 categorical exemption under CEQA.

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. 2012.0926C, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

## FINDINGS

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

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The Project site at 1030 Taraval (aka 1026 – 1042 Taraval) and is located at on the north side of Taraval Street between 20<sup>th</sup> and 21<sup>st</sup> Avenues, Block 2349, Lot 018. The property is located within the Taraval Street RUSD (Restaurant and Fast-Food Sub-District), which is in the NC-2 (Small-Scale Neighborhood Commercial District) with a 65-A height and bulk district. The property is located within a lot that is 100-feet deep and 75-feet wide and contains four commercial storefronts. The first storefront is a full service restaurant (d.b.a. "Ramen Doraku"), the second is a retail store (d.b.a. "King Kush"), the third is currently vacant (and is the Project site), and the fourth storefront is occupied by a liquor store (d.b.a. "Linda's Liquor"). The frontage of the project site is 30-feet.
3. **Surrounding Properties and Neighborhood.** The entire neighborhood is an NC-2 (Neighborhood Commercial, Small-scale) zoned area located along Taraval Street in between 12th Avenue and 36<sup>th</sup> Avenue. This NC-2 District has 3.7 miles of lot frontage. Approximately 17% of this frontage is dedicated to eating and drinking uses. This neighborhood is also located within the Taraval Street Restaurant and Fast-food Subdistrict, which requires a Conditional Use authorization to establish a Limited- Restaurant. A majority of the businesses in the area are independently owned businesses. The neighboring properties located to the north and south of Taraval Street are primarily zoned for one- and two-family houses. There is a diverse mix of commercial uses within the neighborhood which in addition to eating and drinking establishments also contains a grocery store, dry cleaners, medical offices, business and professional services, various personal services, various retail stores, liquor stores, and specialty food stores.

The immediate area of the subject property does contain a cluster of neighborhood serving eating and drinking uses, including several restaurants and limited restaurants. The eating and drinking uses include a coffee shop, a liquor store, and a bar. In fact, there is approximately a 36% concentration of commercial frontage devoted to eating and drinking that exists within 300 linear feet of the subject property. While a cluster of this use does existing, it is balanced out with

several other neighborhood uses such as personal service uses, a medical service use, business and professional services, financial service uses (Chase Bank and First Bank), and two vacant commercial units (including the Project Site). The site is accessible to public transportation and is within short walking distance of the 'L' Taraval Muni transit line and stop.

4. **Project Description.** The Project Sponsor seeks a Conditional Use authorization, pursuant to Planning Code Sections 128, 303 and 78.1 to allow a change of use from a ground-floor vacant storefront to a Limited-Restaurant (d.b.a. Smile House) which contains approximately 2,150 square-feet of floor area. The Project site is a vacant ground floor storefront that was previously occupied by a tutoring center (d.b.a. CA Tech Tutoring Center). The Project sponsor is proposing to operate an eating and drinking establishment that will serve traditional Chinese food and drinks and does not plan to offer on-site beer and/or wine sales. The proposed restaurant is independently owned and operated and is not a formula retail use. The Project sponsor expects to hire up to 15 full-time employees to operate the proposed restaurant. The Project sponsor has indicated that the proposed hours of operation would be from 10:00 AM to 2:00 AM, daily, which is permitted as of right.

The Project proposes interior tenant improvements, including new windows and doors on the façade that will not alter or obscure the building's character defining features. The subject site is well served by public transit so that potential customers should not adversely affect traffic. Pursuant to Planning Code Section 178, the proposed Limited-Restaurant use in the Taraval Street Restaurant Subdistrict can be established through Conditional Use authorization.

5. **Public Comment.** To date, the Department is not aware of any public opposition regarding the Project. In addition, there has been one letter of support from Yumi Sam, President of the People of Parkside/Taraval Parkside Merchants Association.
6. **Planning Code Compliance:** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:

- A. **Taraval Street Restaurant and Fast-food Subdistrict.** Planning Code Section 781.1 states that Limited-Restaurant, as defined in Sections 790.9 of the Planning code, are permitted as conditional uses on the first story.

*The proposed Limited- Restaurant is located on the first story.*

- B. **Hours of Operation.** Hours of Operation. Planning Code Section 711.27 states that in NC-2 Districts maintaining hours of operation from 6 a.m. to 2 a.m. is permitted by right, and that hours of operation from 2 a.m. to 6 a.m. is conditionally permitted.

*The hours of operation for the proposed Limited-Restaurant will be 10:00 a.m. to 2:00 a.m. daily.*

- C. **Street Frontage in Neighborhood Commercial Districts.** Section 145.1 of the Planning Code requires that NC Districts containing specific uses – including Limited- Restaurants – have at least ½ the total width of the new or altered structure at the commercial street frontage

devoted to entrances to commercially used space, windows or display space at the pedestrian eye-level. Such windows shall use clear, un-tinted glass, except for decorative or architectural accent. Any decorative railings or decorated grille work, other than wire mesh, which is placed in front or behind such windows, shall be at least 75 percent open to perpendicular view and no more than six feet in height above grade.

*The Project site has approximately 30 feet of lineal street frontage along Taraval Street with approximately 29 feet of street frontage devoted to either the restaurant entrance or window space. The windows are un-tinted*

- D. **Parking.** Planning Section 151 of the Planning Code requires off-street parking for every 200 square-feet of occupied floor area, where the occupied floor area exceeds 5,000 square-feet.

*The Project site contains approximately 2,150 square-feet of occupied floor area and thus does not require any off-street parking.*

- E. **Signage.** Any proposed signage will be subject to the review and approval of the Planning Department.

*Any proposed signage shall be subject to the review of the Planning Department and required to meet all provisions set forth in Article 6 of the Planning Code pending the approval of this application.*

- F. **Limited-Restaurant** Planning Code Section 790.90 defines a Limited-Restaurant as a retail eating and/or drinking use which serves ready-to-eat foods and/or drinks to customers for consumption on or off the premises that may or may not have seating. It may include wholesaling, manufacturing, or processing of foods, goods, or commodities on the premises as an accessory use.

It includes, but is not limited to, specialty foods provided by bakeries, delicatessens, and confectioneries meeting the above characteristics, but it are distinct from a Restaurant, as defined in Section 790.91, and a Bar, as defined in Section 790.22. It may also operate as a Take-Out Food use as defined in Section 790.122.

In addition, it shall not provide on-site beer and/or wine sales for consumption on the premises, but may provide off-site beer and/or wine sales for consumption off the premises with a California Alcoholic Beverage Control Board License type 20 (off-sale beer and wine) within the accessory use limits as set forth in the applicable Planning Codes.

*The Project meets the definition of a Limited-Restaurant pursuant to Section 790.90 of the Planning Code.*

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

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

*The size of the proposed Limited-Restaurant is in keeping with other storefronts found on the subject block face. A Limited-Restaurant is desirable, because it is an establishment that is both neighborhood-serving and is well served by public transit. Furthermore, by occupying a vacant storefront the Project will create new service-sector employment opportunities for local residents, and contribute to the economic vitality of the neighborhood.*

*In addition, the eating and/or drinking uses located within the NC-2 zoned span of Taraval Street that runs between 12<sup>th</sup> Avenue and 36<sup>th</sup> Avenue occupy 17% of the total commercial frontage. In comparison, within 300 linear feet of the Project site, there is a 36% concentration of commercial storefronts dedicated for eating and/or drinking uses. While a cluster does exist, this is not typical of the entire Taraval NC District as eating and drinking uses are scattered throughout. As such this approval of this application will not result in a significant over-concentration of eating and drinking uses within the NC-2 zoned portion of Taraval Street.*

- B. The proposed Project will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity. There are no features of the Project that could be detrimental to the health, safety or convenience of those residing or working the area, in that:
- i. Nature of proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;

*The limited size and shape of the proposed Limited - Restaurant is compatible with the pattern of development in the area, and the Project does not include any alterations that will alter the building's envelope.*

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

*The Planning Code does not require parking or loading for a Limited-Restaurant containing approximately 2,150 square-feet of gross floor area. The proposed use is designed to meet the needs of the surrounding neighborhood and is well served by public transit, minimizing the need for private automobiles.*

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

*The Project will not create substantial emissions and Conditions of Approval will require compliance with applicable City codes to control noise, dust and odor associated with a kitchen.*

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

*The Project does not require any additional landscaping or screening, and any proposed signage shall be subject to review by the Planning Department and required to meet all applicable provisions set forth in Article 6.*

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

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

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

## **NEIGHBORHOOD COMMERCE**

### **Objectives and Policies**

#### **OBJECTIVE 1:**

MANAGE ECONOMIC GROWTH AND CHANGE TO ENSURE ENHANCEMENT OF THE TOTAL CITY LIVING AND WORKING ENVIRONMENT.

#### **Policy 1.1:**

Encourage development, which provides substantial net benefits and minimizes undesirable consequences. Discourage development that has substantial undesirable consequences that cannot be mitigated.

#### **Policy 1.2:**

Assure that all commercial and industrial uses meet minimum, reasonable performance standards.

#### **Policy 1.3:**

Locate commercial and industrial activities according to a generalized commercial and industrial land use plan.

*The Project will utilize an existing vacant commercial storefront that will provide desirable goods and services to the neighborhood. It is independently owned and operated and will provide resident employment opportunities to those in the community. Furthermore, the Project Site is located within the NC-2 District and is thus consistent with the uses in this neighborhood and within the commercial land use plan.*

#### **OBJECTIVE 2:**

MAINTAIN AND ENHANCE A SOUND AND DIVERSE ECONOMIC BASE AND FISCAL STRUCTURE FOR THE CITY.

**Policy 2.1:**

Seek to retain existing commercial and industrial activity and to attract new such activity to the City.

*The Project will establish a new Limited - Restaurant in the immediate neighborhood that could generate additional pedestrian activity to the area. This will contribute to the diverse economic base of the City.*

**OBJECTIVE 3:**

PROVIDE EXPANDED EMPLOYMENT OPPORTUNITIES FOR CITY RESIDENTS, PARTICULARLY THE UNEMPLOYED AND ECONOMICALLY DISADVANTAGED.

**Policy 3.1:**

Promote the attraction, retention and expansion of commercial and industrial firms, which provide employment improvement opportunities for unskilled and semi-skilled workers.

*The Project will create entry-level employment opportunities for local unskilled and semi-skilled workers.*

**Policy 6.1:**

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 Project will not displace an existing commercial tenant or prevent the district from achieving optimal diversity in the types of goods and services available in the neighborhood.*

**TRANSPORTATION ELEMENT**

**Objectives and Policies**

**OBJECTIVE 1:**

MEET THE NEEDS OF ALL RESIDENTS AND VISITORS FOR SAFE, CONVENIENT AND INEXPENSIVE TRAVEL WITHIN SAN FRANCISCO AND BETWEEN THE CITY AND OTHER PARTS OF THE REGION WHILE MAINTAINING THE HIGH QUALITY LIVING ENVIRONMENT OF THE BAY AREA.

**Policy 1.3:**

Give priority to public transit and other alternatives to the private automobile as the means of meeting San Francisco's transportation needs, particularly those of commuters.

*The Project is located in an area well served by public transit, minimizing the need for private automobiles. The availability of transit, combined with the small scale of the use, will mitigate impacts.*

**OBJECTIVE 11:**

ESTABLISH PUBLIC TRANSIT AS THE PRIMARY MODE OF TRANSPORTATION IN SAN FRANCISCO AND AS A MEANS THROUGH WHICH TO GUIDE FUTURE DEVELOPMENT AND IMPROVE REGIONAL MOBILITY AND AIR QUALITY.

**Policy 11.3:**

Encourage development that efficiently coordinates land use with transit service, requiring that developers address transit concerns as well as mitigate traffic problems.

*The Project will not interfere with transit service operations. Approval of the Project should not significantly alter the existing levels of vehicle traffic.*

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

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

*The Project enhances the neighborhood by occupying an existing vacant commercial space with a locally-owned restaurant that will provide new job opportunities for community residents.*

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

*The Project will occupy an existing space for a commercial use and will preserve the existing housing and neighborhood character.*

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

*No housing will be removed for this Project.*

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

*The Project is replacing a commercial use in the same space and will not result in a significant increase in any type of traffic or parking associated with the use. Additionally, the subject site is well served by Muni transit service.*

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

*The Project will not displace any service or industry establishment. The Project will not affect industrial or service sector uses or related employment opportunities. Ownership of industrial or service sector businesses will not be affected by this Project.*

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

*The Project is designed and will be constructed to conform to the structural and seismic safety requirements of the City Building Code. This proposal will not affect the property's ability to withstand an earthquake.*

- G. That landmarks and historic buildings be preserved.

*A landmark or historic building does not occupy the Project site.*

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

*The Project does not include any changes to the existing building envelope and will have no negative impact on existing parks and open spaces.*

10. The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would contribute to the character and stability of the neighborhood and would constitute a beneficial development.
11. The Commission hereby finds that approval of the Conditional Use authorization 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. 2012.0926C** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated July 1, 2012 and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

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

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on November 15, 2012.

Jonas Ionin  
Acting Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: November 15, 2012

## EXHIBIT A

### AUTHORIZATION

This authorization is for a conditional use to allow a Limited-Restaurant (d.b.a. Smile House) located at 1030 Taraval Street, Block 2349, and Lot 018 pursuant to Planning Code Section(s) 178, 303 and 781.1 within the Taraval Street Restaurant Subdistrict in the NC-2 (Small-Scale Neighborhood Commercial) District with a 65-A Height and Bulk District; in general conformance with plans, dated July 1, 2012, and stamped "EXHIBIT B" included in the docket for Case No. **2012.0926 C** and subject to conditions of approval reviewed and approved by the Commission on November 15, 2012 under Motion No **XXXXXX**. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

### RECORDATION OF CONDITIONS OF APPROVAL

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the Project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on November 15, 2012 under Motion No **XXXXXX**.

### PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. **XXXXXX** shall be reproduced on the Index Sheet of construction plans submitted with the Site or Building permit application for the Project. The Index Sheet of the construction plans shall reference to the Conditional Use authorization and any subsequent amendments or modifications.

### SEVERABILITY

The Project shall comply with all applicable City codes and requirements. 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 remaining clauses, sentences, or sections of these conditions. This decision conveys no right to construct, or to receive a building permit. "Project Sponsor" shall include any subsequent responsible party.

### CHANGES AND MODIFICATIONS

Changes to the approved plans may be approved administratively by the Zoning Administrator. Significant changes and modifications of conditions shall require Planning Commission approval of a new Conditional Use authorization.

## Conditions of Approval, Compliance, Monitoring, and Reporting PERFORMANCE

1. **Validity and Expiration.** The authorization and right vested by virtue of this action is valid for three years from the effective date of the Motion. A building permit from the Department of Building Inspection to construct the Project and/or commence the approved use must be issued as this Conditional Use authorization is only an approval of the proposed Project and conveys no independent right to construct the Project or to commence the approved use. The Planning Commission may, in a public hearing, consider the revocation of the approvals granted if a site or building permit has not been obtained within three (3) years of the date of the Motion approving the Project. Once a site or building permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. The Commission may also consider revoking the approvals if a permit for the Project has been issued but is allowed to expire and more than three (3) years have passed since the Motion was approved.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

2. **Extension.** This authorization may be extended at the discretion of the Zoning Administrator only where failure to issue a permit by the Department of Building Inspection to perform said tenant improvements is caused by a delay by a local, State or Federal agency or by any appeal of the issuance of such permit(s).

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

## DESIGN

3. **Signage.** Any signs on the property shall be made to comply with the requirements of Article 6 of the Planning Code applying to nonconforming uses.

## MONITORING

4. **Enforcement.** Violation of any of the Planning Department conditions of approval contained in this Motion 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. The Planning Department may also refer the violation complaints to other city departments and agencies for appropriate enforcement action under their jurisdiction.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

5. **Revocation due to Violation of Conditions.** Should implementation of this Project result in complaints from interested property owners, residents, or commercial lessees which are not resolved by the Project Sponsor and found to be in violation of the Planning Code and/or the specific conditions of approval for the Project as set forth in Exhibit A of this Motion, the Zoning

Administrator shall refer such complaints to the Commission, after which it may hold a public hearing on the matter to consider revocation of this authorization.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

## OPERATION

6. **Garbage, Recycling, and Composting Receptacles.** Garbage, recycling, and compost containers shall be kept within the premises and hidden from public view, and placed outside only when being serviced by the disposal company. Trash shall be contained and disposed of pursuant to garbage and recycling receptacles guidelines set forth by the Department of Public Works.

*For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works at 415-554-.5810, <http://sfdpw.org>*

7. **Sidewalk Maintenance.** The Project Sponsor shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean and sanitary condition in compliance with the Department of Public Works Streets and Sidewalk Maintenance Standards.

*For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works, 415-695-2017, <http://sfdpw.org>*

8. **Noise Control.** The premises shall 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.

*For information about compliance with the fixed mechanical objects such as rooftop air conditioning, restaurant ventilation systems, and motors and compressors with acceptable noise levels, contact the Environmental Health Section, Department of Public Health at (415) 252-3800, [www.sfdph.org](http://www.sfdph.org)*

*For information about compliance with the construction noise, contact the Department of Building Inspection, 415-558-6570, [www.sfdbi.org](http://www.sfdbi.org)*

*For information about compliance with the amplified sound including music and television contact the Police Department at 415-553-0123, [www.sf-police.org](http://www.sf-police.org)*

9. **Odor Control.** While it is inevitable that some low level of odor may be detectable to nearby residents and passersby, appropriate odor control equipment shall be installed to prevent any significant noxious or offensive odors from escaping the premises.

*For information about compliance with odor or other chemical air pollutants standards, contact the Bay Area Air Quality Management District, (BAAQMD), 1-800-334-ODOR (6367), [www.baaqmd.gov](http://www.baaqmd.gov) and Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

10. **Community Liaison.** Prior to issuance of a building permit to construct the Project and implement the approved use, the Project Sponsor shall appoint a community liaison officer to deal with the issues of concern to owners and occupants of nearby properties. The Project Sponsor shall provide the Zoning Administrator with written notice of the name, business address, and telephone number of the community liaison. Should the contact information change, the Zoning Administrator shall be made aware of such change. The community liaison shall

report to the Zoning Administrator what issues, if any, are of concern to the community and what issues have not been resolved by the Project Sponsor.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

11. **Hours of Operation.** The subject establishment is limited to the following hours of operation:  
10:00 a.m. to 2:00 a.m. daily.

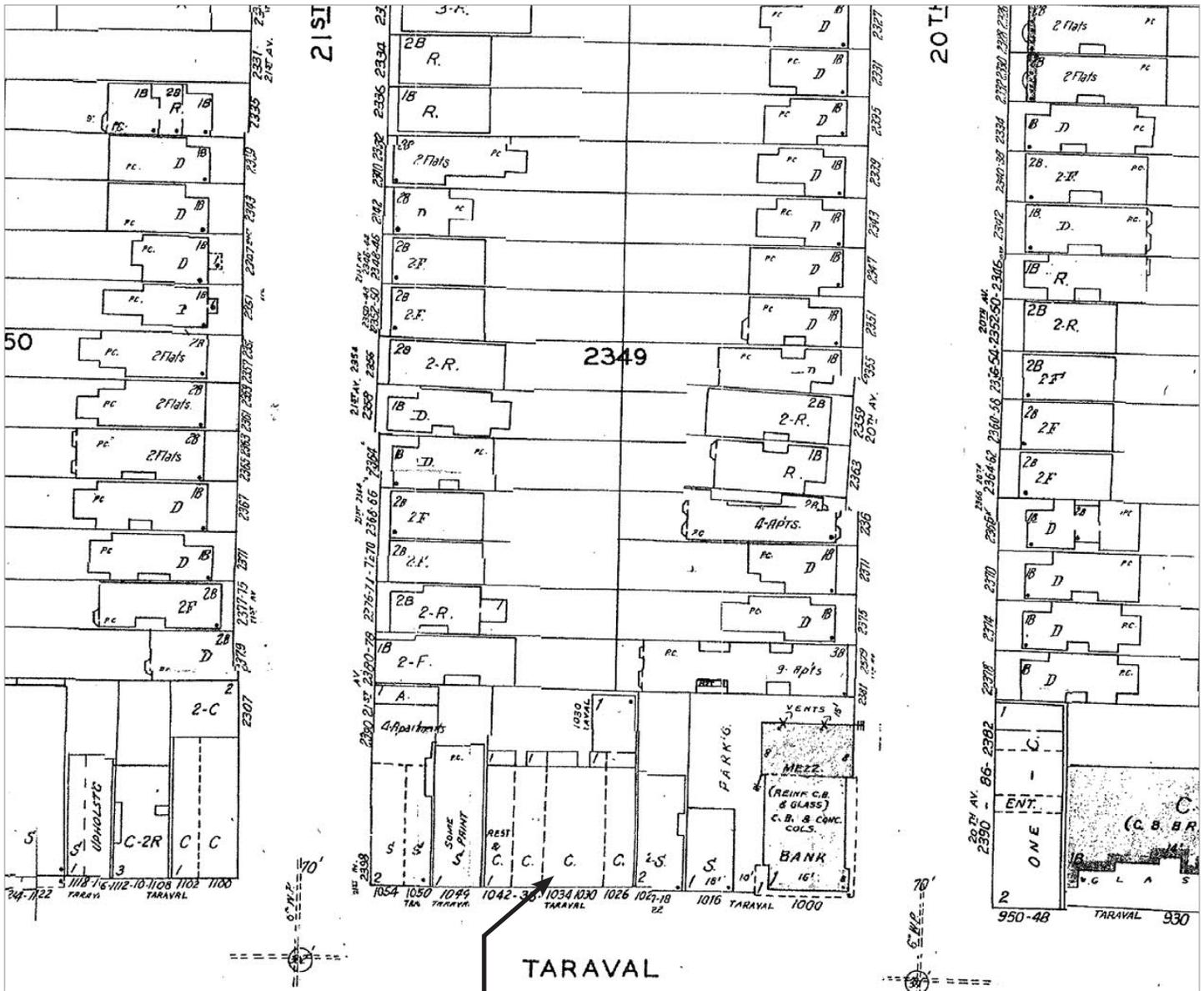
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

# Exhibit A

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# Sanborn Map



**Subject Property**

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

# Zoning Map



# Aerial Map



**Subject Property**

# Site Photos

Project Site - 1030 Taraval St.



1026 – 1042 Taraval St.



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# Exhibit B







People of Parkside Sunset  
945 Taraval Street  
San Francisco, CA 94116  
Phone: 415-269-7080

November 6, 2012

Jessica Look, AICP  
Planner  
San Francisco Planning Department  
1650 Mission Street, Suite 400  
San Francisco, CA 94103-2479

**RE: Letter of Support for Winnie Cheung to open a restaurant on 1030 Taraval Street, San Francisco, CA 94116**

Dear Ms. Look,

On behalf of the People of Parkside Sunset (POPS) formerly known as the Taraval Parkside Merchants Association, it is my pleasure to support Ms. Winnie Cheung to open a new restaurant on Taraval Street. The proposed unique restaurant will increase more variety of places to dine for our families, reduce vacancies and help economic growth of our neighborhood.

Ms. Cheung is an impressive young woman who is smart, friendly, hard working and has an ability to inject vitality into our community. If we have more young men and women in San Francisco to have the same level of ambition as Ms. Cheung, the city's economy will flourish greatly.

The Taraval Parkside Merchants Association was established in 1950's, and our purpose is to support and promote business and help improve the quality of life in our neighborhood. Opening of Smile House Restaurant clearly aligns with our mission and we look forward to working with Ms. Cheung to involve in the local merchants and residents in a dialogue about preserving and improving our great neighborhood and community.

Please feel free to contact me at 415-269-7080 with any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Yumi Sam", with a long, sweeping underline.

Yumi Sam  
President of the People of Parkside Sunset