



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Conditional Use

HEARING DATE: NOVEMBER 10, 2016

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

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Planning
Information:
415.558.6377

Date: November 2, 2016
Case No.: [2016-008229CUA](#)
Project Address: **6439 California Street**
Zoning: Residential - Mixed, Low Density ([RM-1](#))
40-X Height and Bulk District
Block/Lot: 1407 / 043
Project Sponsor: Jeffrey Doney jeffreydoney@gmail.com or (415) 999-8658
4115 19th St, San Francisco, CA 94114
Property Owner: Hugh Meakin HughMeakin@yahoo.com or (415) 378-7690
6441 California St, San Francisco, CA 94121
Staff Contact: Colin Clarke at (415) 575-9184 or Colin.Clarke@sfgov.org
Recommendation: **Approval with Conditions**

PROJECT DESCRIPTION

This is a request for **Conditional Use Authorization** pursuant to Planning Code Sections [303](#), [186](#), and [717.44](#), to allow a change of use from an existing 1,540 square-foot Limited-Restaurant (Limited Commercial Use (LCU) d.b.a. Tal y Tara Tea & Polo Shop) to a Restaurant (d.b.a. Tal y Tara Tea & Polo Shop) at the ground floor of the existing two-story mixed-use building within the RM-1 (Residential - Mixed, Low Density) Zoning District and 40-X Height and Bulk District, and within one-quarter-mile of the Outer Clement Street Neighborhood Commercial District. The total floor area of the space will not change with this Project. There are no other Eating & Drinking Uses within 300-feet, meaning that the concentration is well below the 25% threshold recommended by Section [303\(o\)](#), and the Project would not increase the concentration. Although it was included in the notice, the Outdoor Activity Area for seating/dining in the rear yard has been removed from the scope of work.

SITE DESCRIPTION AND PRESENT USE

The Project Site, Lot 043 in Assessor's Block 1407, is located on the south side of California Street between 26th and 27th Avenues in the Residential - Mixed, Low Density ([RM-1](#)) Zoning District in the Outer Richmond neighborhood. The property at 6439 California Street is developed with a 2,912 square foot two-story mixed-use building. The building occupies the majority of its 2,495 square foot lot, with an approximately 925 square foot rear yard. The primary façade faces north onto California Street and the first story is dominated by a transparent storefront. The property contains no off-street parking.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The [RM-1](#) Zoning District runs predominantly along the California Street corridor in the area, from Park Presidio to 27th Avenue. The RM-1 Districts contain a mixture of the dwelling types found in RH Districts,

but in addition have a significant number of apartment buildings that broaden the range of unit sizes and the variety of structures. A pattern of 25-foot to 35-foot building widths is retained, however, and structures rarely exceed 40 feet in height. The overall density of units remains low, buildings are moderately scaled and segmented, and units or groups of units have separate entrances. Outdoor space tends to be available at ground and upper levels regardless of the age and form of structures. Shopping facilities and transit lines may be found within a short distance of these districts. Nonresidential uses are often present to provide for the needs of residents. The Project is within 1/4-mile walking distance of the 1 and 29 MUNI bus lines. Cycling can be encouraged due to the site's 250-foot proximity to the bikeways along Lake Street, and 23rd Avenue and 30th Avenue. The nearest BART station is 4.6 miles away at Civic Center, but multiple BART stations are accessible via different public transit routes. The Project is within one-quarter-mile of the Outer Clement Street Neighborhood Commercial District, and the Geary Boulevard Formula Retail Pet Supply Store and Formula Retail Eating and Drinking Subdistrict.

Zoning surrounding the Project Site is RM-1 and RH-2 Zoning.

ENVIRONMENTAL REVIEW

This Project is Categorically Exempt under the California Environmental Quality Act (CEQA).

HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Classified News Ad	20 days	October 19, 2016	October 19, 2016	22 days
Posted Notice	20 days	October 21, 2016	October 19, 2016	22 days
Mailed Notice	10 days	October 31, 2016	October 17, 2016	24 days

The required Section 311 neighborhood notification process was conducted as part of this Project's Conditional Use notice.

PUBLIC COMMENT

- The Planning Department has received correspondence from two in opposition to the Project, one of which was focused on the Outdoor Activity Area for seating/dining in the rear yard, which has since been removed from the scope of work.

ISSUES AND OTHER CONSIDERATIONS

- No commercial tenant will be displaced as the tenant space is currently occupied by the same business (d.b.a. Tal y Tara Tea & Polo Shop).
- Within a 300-foot radius, there are no other Eating & Drinking Uses, meaning that the concentration is well below the 25% threshold recommended by Section 303(o), and the Project would not increase the concentration. The change of use will not significantly affect the existing Eating & Drinking Uses within the Outer Clement Street Neighborhood Commercial District that is within one-quarter-mile proximity.

REQUIRED COMMISSION ACTION

Planning Code Section [186](#) allows a Restaurant use if it was in commercial use prior to January 1, 1960 (confirmed), requires that changes of nonconforming use, from Limited-Restaurant to Restaurant, obtain Conditional Use Authorization, and allows businesses to change to a use within the NC-1 (Neighborhood Commercial Cluster) Zoning District, or in this case within the Outer Clement Street Neighborhood Commercial District ([717.44](#)) because it is more restrictive than NC-1 ([710.44](#)).

BASIS FOR RECOMMENDATION

- The Project would continue to activate an existing ground floor tenant space in a two-story mixed-use building. The existing upper floor single-family residential use will not be altered.
- The Project will not produce noxious or offensive emissions related to noise, glare, dust, or odor. All of the restaurant activities would be within an enclosed building, providing ample sound insulation. The proposed use is subject to the standard Conditions of Approval for restaurant uses as outlined in Exhibit-A. The Project Sponsor will incorporate sound reduction measures to minimize the sound levels and comply with the San Francisco Noise Ordinance. In addition, the Project Sponsor will operate the proposed uses such that noise is kept at reasonable levels so as not to unduly disturb neighboring businesses and residents. The Conditions of Approval as outlined in Exhibit A specifically obligate the Project Sponsor to minimize odor and noise generated by the Restaurant use.
- Approval of this project will enable an independent small business to modify its existing business model to better meet the needs of the immediate neighborhood. The Project meets all applicable requirements of the Planning Code.
- The Project is necessary, desirable for, and compatible with the surrounding neighborhood as it will enable a relatively small tenant to continue to occupy the Site.

RECOMMENDATION:	Approval with Conditions
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Attachments:

Reduced Plans
Parcel Map
Sanborn Map
Zoning Map
Aerial Photograph
Site Photograph
Interior Photograph
Letters in Support

Attachment Checklist

- | | |
|---|---|
| <input checked="" type="checkbox"/> Executive Summary | <input checked="" type="checkbox"/> Project sponsor submittal |
| <input checked="" type="checkbox"/> Draft Motion | <input type="checkbox"/> Brief |
| <input checked="" type="checkbox"/> Environmental Determination | <input type="checkbox"/> Letters in support |
| <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"/> RF Report |
| <input checked="" type="checkbox"/> Sanborn Map | <input type="checkbox"/> Community Meeting Notice |
| <input checked="" type="checkbox"/> Aerial Photo | <input type="checkbox"/> Inclusionary Affordable Housing Program:
Affidavit for Compliance |
| <input checked="" type="checkbox"/> Context Photos | |
| <input checked="" type="checkbox"/> Site Photos | |

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

CBC

Planner's Initials

CBC I:\Cases\2016\2016-008229CUA - 6439 California St\ExecSum_Motion-Draft_CaliforniaSt-6439_2016-008229CUA.docx



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- | | |
|---|--|
| <input type="checkbox"/> Transportation Sustainability Fee (Sec. 411A) | <input type="checkbox"/> Affordable Housing (Sec. 415) |
| <input type="checkbox"/> Jobs Housing Linkage Program (Sec. 413) | <input type="checkbox"/> First Source Hiring (Admin. Code) |
| <input type="checkbox"/> Child Care Requirement (Sec. 414) | <input type="checkbox"/> Other |

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Planning Commission DRAFT MOTION

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ADOPTING FINDINGS RELATING TO THE APPROVAL OF A CONDITIONAL USE AUTHORIZATION PURSUANT TO PLANNING CODE SECTIONS [303](#), [186](#), [717.44](#), AND TO ALLOW A CHANGE OF USE FROM AN APPROXIMATELY 1,540 SQUARE-FOOT LIMITED-RESTAURANT USE (D.B.A. TAL Y TARA TEA & POLO SHOP) TO A RESTAURANT (D.B.A. TAL Y TARA TEA & POLO SHOP) AT THE GROUND FLOOR OF THE EXISTING TWO-STORY MIXED-USE BUILDING LOCATED WITHIN THE RESIDENTIAL – MIXED, LOW DENSITY (RM-1) ZONING DISTRICT, AND 40-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On June 21 2016, Jeffrey Doney (hereinafter “Project Sponsor”) filed an application with the Planning Department (hereinafter “Department”) for a **Conditional Use Authorization** pursuant to Planning Code Sections [303](#), [186](#), and [717.44](#), to allow a change of use from an existing 1,540 square-foot Limited-Restaurant (d.b.a. Tal y Tara Tea & Polo Shop) to a Restaurant (d.b.a. Tal y Tara Tea & Polo Shop) at the ground floor of the existing two-story mixed-use building within the RM-1 (Residential - Mixed, Low

Density) Zoning District and 40-X Height and Bulk District, and within one-quarter-mile of the Outer Clement Street Neighborhood Commercial District.

On November 10, 2016, the San Francisco Planning Commission (hereinafter “Commission”) conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. [2016-008229CUA](#).

On November 2, 2016, the Project was determined to be exempt from the California Environmental Quality Act (“CEQA”) as a Class-1 and Class-3 Categorical Exemption under CEQA as described in the determination contained in the Planning Department files for this Project.

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. [2016-008229CUA](#), 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.** The Project Site, Lot 043 in Assessor’s Block 1407, is located on the south side of California Street between 26th and 27th Avenues in the Residential - Mixed, Low Density ([RM-1](#)) Zoning District in the Outer Richmond neighborhood. The property at 6439 California Street is developed with a 2,912 square foot two-story mixed-use building. The building occupies the majority of its 2,495 square foot lot, with an approximately 925 square foot rear yard. The primary façade faces north onto California Street and the first story is dominated by a transparent storefront. The property contains no off-street parking.
3. **Surrounding Neighborhood.** The Residential - Mixed, Low Density ([RM-1](#)) Zoning District generally runs along, and adjacent to, the California Street corridor, from Park Presidio to 27th Avenue. The RM-1 Districts contain a mixture of the dwelling types found in RH Districts, but in addition have a significant number of apartment buildings that broaden the range of unit sizes and the variety of structures. A pattern of 25-foot to 35-foot building widths is retained, however, and structures rarely exceed 40 feet in height. The overall density of units remains low, buildings are moderately scaled and segmented, and units or groups of units typically have separate entrances. Outdoor space tends to be available at ground and upper levels regardless of the age and form of structures. Shopping facilities and transit lines may be found within a short distance of these districts. Nonresidential uses are often present to provide for the needs of nearby residents. The Project is within 1/4-mile walking distance of the 1 and 29 MUNI bus lines. Cycling

can be encouraged due to the site's 250-foot proximity to the bikeways along Lake Street, 23rd Avenue, and 30th Avenue. The nearest BART station is 4.6 miles away at Civic Center, but multiple BART stations are accessible via different public transit routes. The Project is within one-quarter-mile of the Outer Clement Street Neighborhood Commercial District.

3. **Project Description.** This is a request for **Conditional Use Authorization** pursuant to Planning Code Sections [303](#), [186](#), and [717.44](#), to allow a change of use from an existing 1,540 square-foot Limited-Restaurant (Limited Commercial Use (LCU) d.b.a. Tal y Tara Tea & Polo Shop) to a Restaurant (d.b.a. Tal y Tara Tea & Polo Shop) at the ground floor of the existing two-story mixed-use building within the RM-1 (Residential - Mixed, Low Density) Zoning District and 40-X Height and Bulk District, and within one-quarter-mile of the Outer Clement Street Neighborhood Commercial District. The total floor area of the space will not change with this Project. Although it was included in the notice, the Outdoor Activity Area for seating/dining in the rear yard has been removed from the scope of work.
4. **Public Comment.** The Planning Department has received correspondence from two in opposition to the Project, one of which was focused on the Outdoor Activity Area for seating/dining in the rear yard, which has since been removed from the scope of work.
5. **Planning Code Compliance:** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:

- A. **Restaurant Use.** Restaurant uses are not permitted within the RM-1 (Residential - Mixed, Low Density) Zoning District, per Planning Code Section [209.2](#). However, the Subject Property contains a Limited Commercial Use (LCU), which is allowed to change to another use so long as that use complies with the most restrictive use limitations specified for the first story and below of either the NC-1 District or any Individual Area Neighborhood Commercial District within ¼ mile of the use, pursuant to Planning Code Section [186](#).

The Project includes a change of use to a Restaurant from a Limited-Restaurant. A Restaurant is permitted on the ground floor with a Conditional Use Authorization within the Outer Clement Street NCD, per Planning Code Section [717.44](#). Because this property is an LCU, additional 'good-neighbor' Conditions of Approval have been incorporated, as outlined in Planning Code Section [186\(b\)](#).

- B. **Parking Requirement.** Pursuant to Planning Code Section [717.22](#), no off-street parking is required for commercial/institutional uses less than 5,000 square-feet in the RM-1 (Residential - Mixed, Low Density) Zoning District.

There is no off-street parking as part of the existing property, and there will be no off-street parking added as part of this Project.

6. **Conditional Use Authorization.** Planning Code 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:

- 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, and compatible with, the neighborhood or the community.

The Project is compatible and desirable because it will allow continued use of a mixed-use building in the Outer Richmond neighborhood. The use can be conditionally permitted and would continue to activate an existing storefront / Eating & Drinking Use.

- 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:

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

The Project allows the continued use of an existing ground floor commercial tenant space in a mixed-use building. The size and shape of the site and the size, shape, and arrangement of the building, e.g. height and bulk, will not be altered as part of this Project. The proposed Project will not affect the building envelope. Because a Limited-Restaurant use already exists, a change from that use to a Restaurant use will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity. Within a 300-foot radius, there are no other Eating & Drinking Uses, meaning that the concentration is well below the 25% threshold recommended by Section 303(o), and the Project would not increase the concentration. The change of use will not significantly affect the existing Eating & Drinking Uses within the Outer Clement Street Neighborhood Commercial District that is within one-quarter-mile proximity.

- c. 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 1,540 square foot square-foot restaurant. The Project is designed to meet the needs of the immediate neighborhood and should not generate significant amounts of vehicle trips from the immediate neighborhood or citywide. All existing non-metered street parking spaces will remain. The Project will not adversely affect public transit or overburden the existing supply of parking in the neighborhood. Two Class-II bicycle parking spaces are proposed in front of the business.

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

The Project will not produce noxious or offensive emissions related to noise, glare, dust, or odor. All of the restaurant activities would be within an enclosed building, providing ample sound insulation. The proposed use is subject to the standard Conditions of Approval for restaurant uses as outlined in Exhibit-A, as well as the standard operating conditions for eating and drinking uses described in Planning Code Section 703.5. The Project Sponsor will incorporate sound reduction

measures to minimize the sound levels and comply with the San Francisco Noise Ordinance. In addition, the Project Sponsor will operate the proposed uses such that noise is kept at reasonable levels so as not to unduly disturb neighboring businesses and residents. The Conditions of Approval 11-12 and 18-19 as outlined in Exhibit-A specifically obligate the Project Sponsor to minimize odor and noise generated by the Restaurant.

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

The Project will not alter the site's vehicle parking, loading areas, or service areas. Rear exterior lighting is anticipated to be low voltage landscape lighting, with no flood lights or spotlights, and may include flameless candles on tables. Any new signs will be required to have a sign permit and comply with the requirements of Article 6 of the Planning Code.

- f. 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.

- g. That the use as proposed would provide development that is in conformity with the purpose of the applicable Mixed Use - Office District.

The Project is consistent with the stated purpose of the RM-1 (Residential - Mixed, Low Density) Zoning District in that nonresidential uses are often present to provide for the needs of residents in this District, and it will provide a compatible business for the immediately surrounding neighborhoods.

- 7. **Additional Findings for Eating and Drinking Uses.** Pursuant to Section 303(o), for Conditional Use Authorization applications for a Restaurant, Limited-Restaurant, and Bar uses, the Planning Commission shall consider the existing concentration of eating and drinking uses in the area. Such concentration should not exceed 25 percent of the total commercial frontage as measured in linear feet within the immediate area of the subject site. For the purposes of this Section of the Code, the immediate area shall be defined as all properties located within 300-feet of the subject property and also located within the same Zoning District.

Within a 300-foot radius, there are no other Eating & Drinking Uses, meaning that the concentration is well below the 25% threshold recommended by Section [303\(o\)](#), and the Project would not increase the concentration because a Limited-Restaurant exists where the Restaurant is proposed. The change of use will not significantly affect the existing Eating & Drinking Uses within the Outer Clement Street Neighborhood Commercial District that is within one-quarter-mile proximity.

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

COMMERCE AND INDUSTRY

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 provide desirable goods and services to the neighborhood and will provide resident employment opportunities to those in the community. The Conditions of Approval will ensure that the use meets minimum, reasonable performance standards. Further, the Project Site is located within a RM-1 (Residential - Mixed, Low Density) Zoning District, which allows certain commercial uses, such as Restaurants, as a conditionally permitted use and is thus consistent with activities allowed in 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 allow continued use of a mixed-use building with commercial activity on the ground floor within the Outer Richmond neighborhood, and will help maintain the diverse economic base of the City.

Policy 2.3:

Maintain a favorable social and cultural climate in the City in order to enhance its attractiveness as a firm location.

The Project will allow continued use of a mixed-use building as a social and cultural location in the Outer Richmond neighborhood. The use can be conditionally permitted and would continue to activate an existing Eating & Drinking Establishment.

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 retain an existing small business use within the neighborhood, maintaining employment opportunities for unskilled and semi-skilled workers.

Policy 3.4:

Assist newly emerging economic activities.

The Project will allow an existing Limited-Restaurant use to expand to a Restaurant use, and will enhance the diverse economic base of the City.

NEIGHBORHOOD COMMERCE

Objectives and Policies

OBJECTIVE 6:

MAINTAIN AND STRENGTHEN VIABLE NEIGHBORHOOD COMMERCIAL AREAS EASILY ACCESSIBLE TO CITY RESIDENTS.

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.

Policy 6.2:

Promote economically vital neighborhood commercial districts which foster small business enterprises and entrepreneurship and which are responsive to the economic and technological innovation in the marketplace and society.

An independent entrepreneur is sponsoring the proposed change of use to a Restaurant from a Limited-Restaurant of the same business name. The ground floor Restaurant use will continue to activate the pedestrian realm by maintaining an active use at the ground floor. This is not a Formula Retail use.

Policy 6.3:

Preserve and promote the mixed commercial-residential character in neighborhood commercial districts. Strike a balance between the preservation of existing affordable housing and needed expansion of commercial activity.

No commercial tenant will be displaced as the tenant space is currently occupied by the same business as the proposed business. The Project will not prevent the District from achieving optimal diversity in the types of goods and services available in the neighborhood.

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 complies with said policies in that:

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

The Project would not affect the existing mix of neighborhood-serving retail uses, and would provide future opportunities for resident employment.

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

The Project would not adversely affect the character or diversity of the neighborhood. No changes are proposed for the façade. The existing upper floor single-family residential use will not be altered.

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

The Project would not have any adverse effect on the City's supply of affordable housing.

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

There is no off-street parking as part of the existing property, and there will be no off-street parking added as part of this Project. The Project would not adversely affect public transit or place a burden on the existing supply of parking in the neighborhood. The Project Site is in a location well-served by transit and ride-hailing services. The location is consistent with the City's "Transit First" policy and several San Francisco General Plan Policies, including those in the Transportation Element. The City's Transit First Policy, established in the City's Charter Article 8A, Section 8A.115, provides that, "parking policies for areas well served by public transit shall be designed to encourage travel by public transportation and alternative transportation." The majority of restaurant employees are anticipated to use the several available transportation options, including transit and ride-hailing services, to and from commuter destinations. The Project is within 1/4-mile walking distance of the 1 and 29 MUNI bus lines. Cycling can be encouraged due to the site's 250-foot proximity to the bikeways along Lake Street, and 23rd Avenue and 30th Avenue. The nearest BART station is 4.6 miles away at Civic Center, but multiple BART stations are accessible via different public transit routes. The Project Sponsor will

encourage auto-free travel. Given the ease and availability of several transportation options, a high level of use of automobiles by restaurant employees and visitors, for travel within the City, is not anticipated.

- 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 or adversely affect any service sector or industrial businesses as the Project will allow a change of use from an existing Limited-Restaurant to a Restaurant on the ground floor of a mixed-use building.

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

This Project will not adversely affect the property's ability to withstand an earthquake. The Project will comply with the requirements of the San Francisco Building Code.

- G. That landmarks and historic buildings be preserved.

The existing building is not a landmark or historically rated. No changes are proposed for the façade.

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

The Project will have no negative effect on existing parks and open spaces. The Project does not have an adverse effect on open spaces, access to sunlight, or vistas.

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. 2016-008229CUA** under Planning Code Sections [303](#), [186](#), and [717.44](#), to allow a change of use from an existing 1,540 square-foot Limited-Restaurant (d.b.a. Tal y Tara Tea & Polo Shop) to a Restaurant (d.b.a. Tal y Tara Tea & Polo Shop) at the ground floor of the existing two-story mixed-use building within the RM-1 (Residential - Mixed, Low Density) Zoning District and 40-X Height and Bulk District, and within one-quarter-mile of the Outer Clement Street Neighborhood Commercial District. The project is subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated **November, 2016**, 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. 19334. 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.

Protest of Fee or Exaction: You may protest any fee or exaction subject to Government Code Section 66000 that is imposed as a condition of approval by following the procedures set forth in Government Code Section 66020. The protest must satisfy the requirements of Government Code Section 66020(a) and must be filed within 90 days of the date of the first approval or conditional approval of the development referencing the challenged fee or exaction. For purposes of Government Code Section 66020, the date of imposition of the fee shall be the date of the earliest discretionary approval by the City of the subject development.

If the City has not previously given Notice of an earlier discretionary approval of the Project, the Planning Commission's adoption of this Motion, Resolution, Discretionary Review Action or the Zoning Administrator's Variance Decision Letter constitutes the approval or conditional approval of the development and the City hereby gives **NOTICE** that the 90-day protest period under Government Code Section 66020 has begun. If the City has already given Notice that the 90-day approval period has begun for the subject development, then this document does not re-commence the 90-day approval period.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on **November 10, 2016**.

AYES:

NAYS:

ABSENT:

ADOPTED: November 10, 2016

Jonas P. Ionin
Commission Secretary

EXHIBIT A

AUTHORIZATION

This authorization is for a **Conditional Use Authorization** pursuant to Planning Code Sections [303](#), [186](#), and [717.44](#), to allow a change of use from an existing 1,540 square-foot Limited-Restaurant (d.b.a. Tal y Tara Tea & Polo Shop) to a Restaurant (d.b.a. Tal y Tara Tea & Polo Shop) at the ground floor of the existing two-story mixed-use building within the RM-1 (Residential - Mixed, Low Density) Zoning District and 40-X Height and Bulk District, and within one-quarter-mile of the Outer Clement Street Neighborhood Commercial District, in general conformance with plans, dated **November, 2016** and stamped "EXHIBIT B" included in the docket for Case No. **2016-008229CUA** and subject to conditions of approval reviewed and approved by the Commission on **November 10, 2016** under Motion No. **XXXXX**. 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 10, 2016** under Motion No. **XXXXX**.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. **XXXXX** 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. **Limited Nonconforming Use.** Per Planning Code Section 186(b), the limited nonconforming use shall meet the following conditions:
 - (1) The building shall be maintained in a sound and attractive condition, consistent with the general appearance of the neighborhood;
 - (2) Any signs on the property shall be made to comply with the requirements of [Article 6](#) of this Code applying to nonconforming uses;
 - (3) The hours during which the use is open to the public shall be limited to the period between 6:00 a.m. and 10:00 p.m.;
 - (4) Public sidewalk space may be occupied in connection with the use provided that it is only occupied with tables and chairs as permitted by this Municipal Code;
 - (5) Truck loading shall be limited in such a way as to avoid undue interference with sidewalks, or with crosswalks, bus stops, hydrants and other public features;
 - (6) Noise, odors and other nuisance factors shall be adequately controlled; and
 - (7) All other applicable provisions of this Code shall be complied with.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
2. **Validity.** The authorization and right vested by virtue of this action is valid for three (3) years from the effective date of the Motion. The Department of Building Inspection shall have issued a Building Permit or Site Permit to construct the project and/or commence the approved use within this three-year period.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
3. **Expiration and Renewal.** Should a Building or Site Permit be sought after the three (3) year period has lapsed, the project sponsor must seek a renewal of this Authorization by filing an application for an amendment to the original Authorization or a new application for Authorization. Should the project sponsor decline to so file, and decline to withdraw the permit application, the Commission shall conduct a public hearing in order to consider the revocation of the Authorization. Should the Commission not revoke the Authorization following the closure of the public hearing, the Commission shall determine the extension of time for the continued validity of the Authorization.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
4. **Diligent pursuit.** 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. Failure to do so shall be grounds for the Commission to consider revoking the approval if more than three (3) years have passed since this Authorization was approved.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

5. **Extension.** All time limits in the preceding three paragraphs may be extended at the discretion of the Zoning Administrator where implementation of the project is delayed by a public agency, an appeal or a legal challenge and only by the length of time for which such public agency, appeal or challenge has caused delay.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

6. **Conformity with Current Law.** No application for Building Permit, Site Permit, or other entitlement shall be approved unless it complies with all applicable provisions of City Codes in effect at the time of such approval.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

DESIGN – COMPLIANCE AT PLAN STAGE

7. **Final Materials.** The Project Sponsor shall continue to work with Planning Department on the design, including noise control measures. Final materials, glazing, color, texture, landscaping, and detailing shall be subject to Department staff review and approval.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

8. **Garbage, composting and recycling storage.** Space for the collection and storage of garbage, composting, and recycling shall be provided within enclosed areas on the property and clearly labeled and illustrated on the Building Permit plans. Space for the collection and storage of recyclable and compostable materials that meets the size, location, accessibility and other standards specified by the San Francisco Recycling Program shall be provided at the ground level of the buildings.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

9. **Signs.** Any signs on the property must have a sign permit and shall comply with the requirements of Article 6 of the Planning Code.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

10. **Rooftop Mechanical Equipment.** Pursuant to Planning Code 141, the Project Sponsor shall submit a roof plan to the Planning Department prior to Planning approval of the Building Permit Application if any rooftop mechanical equipment is proposed as part of the Project. Any such equipment is required to be screened so as not to be visible from any point at or below the roof level of the subject building.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

11. **Odor Control Unit.** In order to ensure any significant noxious or offensive odors are prevented from escaping the premises once the Project is operational, the Building Permit Application to implement the project shall include air cleaning or odor control equipment details and manufacturer specifications on the plans. Odor control ducting shall not be applied to the primary façade of the building.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

12. **Noise.** Plans submitted with the building permit application for the Project shall incorporate acoustical insulation or other sound proofing measures to control noise.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

MONITORING– AFTER ENTITLEMENT

13. **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

14. **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

OPERATION

15. **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>
16. **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>
17. **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
18. **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 in conformance with the approved plans and maintained 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 and Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

19. **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. The operator shall operate the proposed use such that noise is kept at reasonable levels so as not to unduly disturb neighboring businesses and residents.

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

For information about compliance with the construction noise, contact the Department of Building Inspection, 415-558-6570, 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

20. **Lighting.** All Project lighting shall be directed onto the Project site and immediately surrounding sidewalk area only, and designed and managed so as not to be a nuisance to adjacent residents. Nighttime lighting shall be the minimum necessary to ensure safety, but shall in no case be directed so as to constitute a nuisance to any surrounding property.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

21. **Hours of Operation.** Pursuant to Planning Code Section 186(b)(3), the subject establishment is limited to the following hours of operation: Sunday through Monday from 6:00AM to 10:00PM.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

Parcel Map

lot15 into lots52/54 for 1999 roll
lot19 into lots50&51 for 2002 roll
Lot 10 into lots 57 & 58 for 2015 roll

CALIFORNIA

373 26TH AVE.		
A CONDOMINIUM		
LOT	UNIT	% COMM. AREA
52	1	40.74
53	2	32.85
54	3	26.41

**SUBJECT
PROPERTY**

2514 CLEMENT ST.		
A CONDOMINIUM		
<u>LOT</u>	<u>UNIT</u>	<u>% COMM AREA</u>
51	101	43.73
52	102	56.27

27TH AVE-

28TH AVE.

CLEMENT



Conditional Use Authorization
Record Number 2016-008229CUA
6439 California Street

LOTS MERGED
 LOT 30 INTO LOT 29 -
 34 - 33 - 1964
 16A - 25 - 1968

RICHMOND BLK. 156
 REVISED '63

40-X

CALIFORNIA

27TH AVE.
26TH AVE.

RM-1
RH-2
C-1
OUTER CLEMENT NCD
OUTER CLEMENT MORATORIUM

1962.1407E & 1965.6677E - Moratorium on restaurants, fast food, & bars
 Various times from 12/72/87-ACRS controls

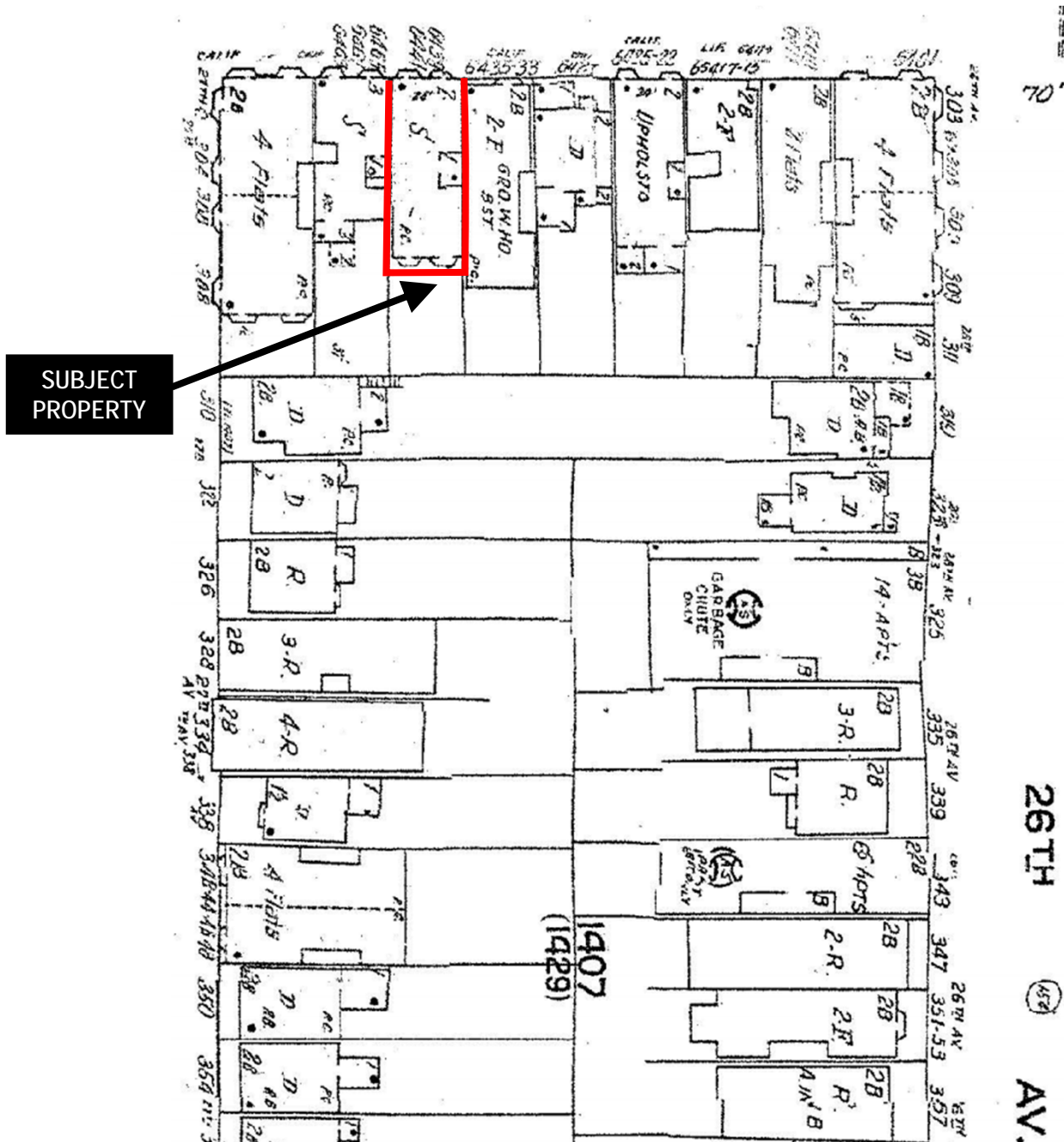
Scale of feet
 0 50 100 150 200 250

Subject Property



SAN FRANCISCO
PLANNING DEPARTMENT

Sanborn Map*



Aerial Photo



Source: 9/25/2015 Pictometry

SUBJECT PROPERTY



Conditional Use Authorization
Record Number 2016-008229CUA
6439 California Street

Aerial Photo



Source: 9/25/2015 Pictometry

SUBJECT PROPERTY



Conditional Use Authorization
Record Number 2016-008229CUA
6439 California Street

Aerial Photo



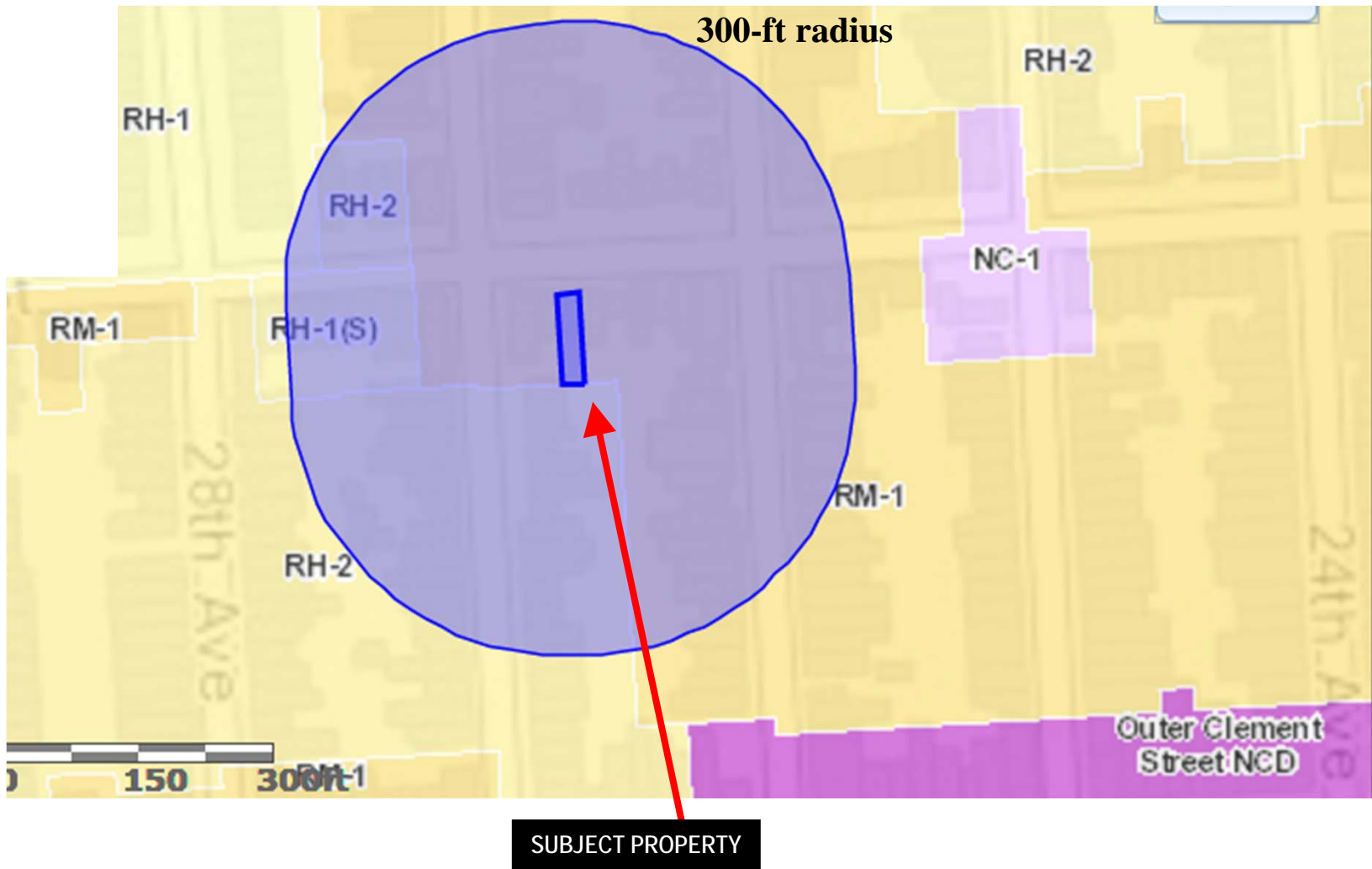
Source: 2016 Google imagery

SUBJECT PROPERTY



Conditional Use Authorization
Record Number 2016-008229CUA
6439 California Street

Zoning Map



No other Eating & Drinking Uses within 300-ft



Conditional Use Authorization
Record Number 2016-008229CUA
6439 California Street

Site Photo (Front Elevation)



Source: April 2016 Google imagery

Conditional Use Authorization
Record Number 2016-008229CUA
6439 California Street

Interior Photo

View toward Street

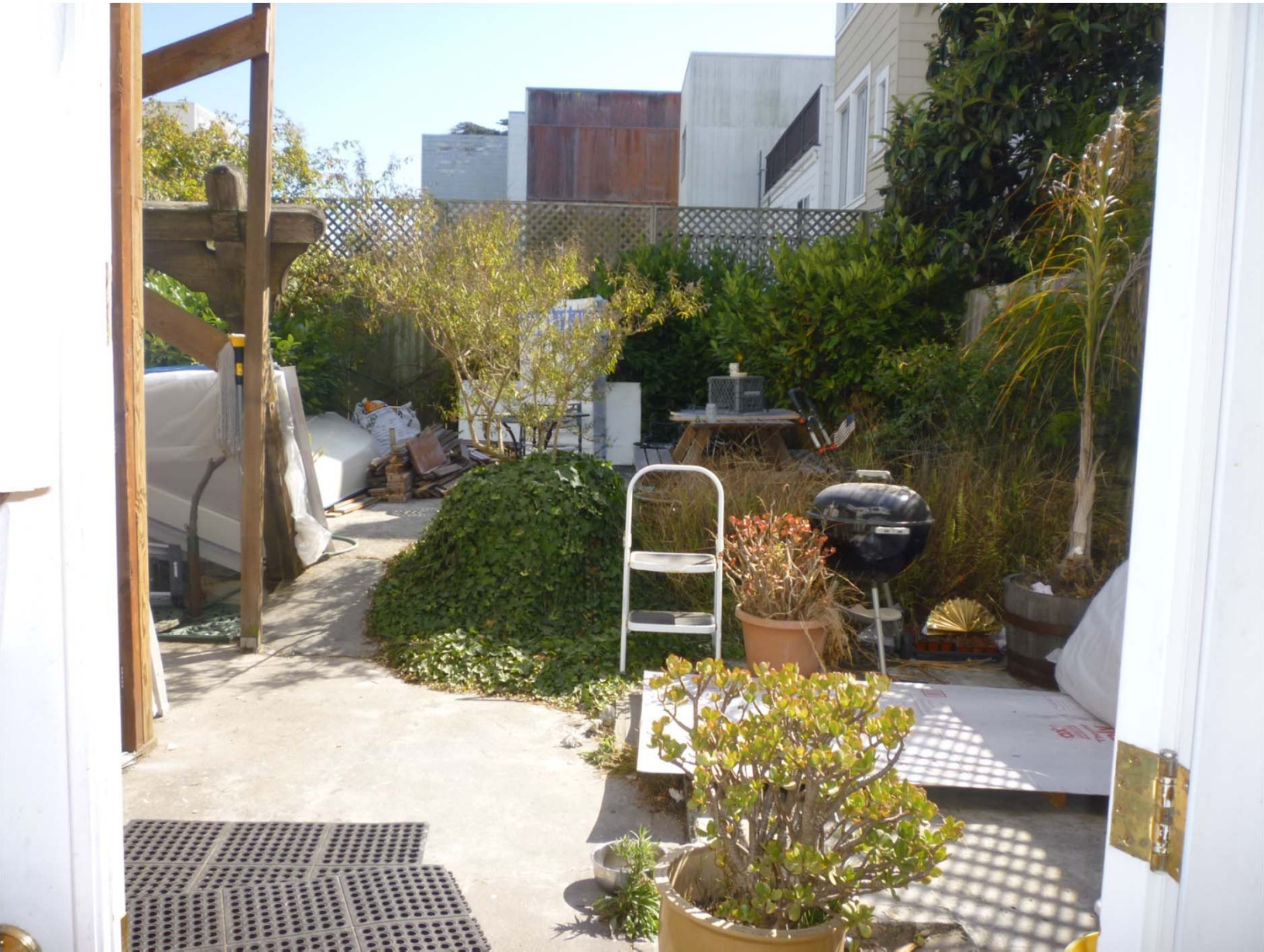


Interior Photo View from Street



Exterior Photo (Rear Yard)

View toward South



Conditional Use Authorization
Record Number 2016-008229CUA
6439 California Street



SAN FRANCISCO PLANNING DEPARTMENT

CEQA Categorical Exemption Determination

PROPERTY INFORMATION/PROJECT DESCRIPTION

Project Address		Block/Lot(s)	
6439 California Street		1407 / 043	
Case No.	Permit No.	Plans Dated	
2016-008229CUA	N/A	10/19/2016	
<input checked="" type="checkbox"/> Addition/ Alteration	<input type="checkbox"/> Demolition (requires HRER if over 45 years old)	<input type="checkbox"/> New Construction	<input type="checkbox"/> Project Modification (GO TO STEP 7)
Project description for Planning Department approval. Change of use from an existing 1,540 sqft Limited-Restaurant use to a Restaurant at the ground floor of the existing two-story mixed-use building.			

STEP 1: EXEMPTION CLASS TO BE COMPLETED BY PROJECT PLANNER

Note: If neither class applies, an <i>Environmental Evaluation Application</i> is required.	
<input checked="" type="checkbox"/>	Class 1 – Existing Facilities. Interior and exterior alterations; additions under 10,000 sq. ft.
<input checked="" type="checkbox"/>	Class 3 – New Construction/ Conversion of Small Structures. Up to three (3) new single-family residences or six (6) dwelling units in one building; commercial/office structures; utility extensions.; ; change of use under 10,000 sq. ft. if principally permitted or with a CU. Change of use under 10,000 sq. ft. if principally permitted or with a CU.
<input type="checkbox"/>	Class ____

STEP 2: CEQA IMPACTS TO BE COMPLETED BY PROJECT PLANNER

If any box is checked below, an <i>Environmental Evaluation Application</i> is required.	
<input type="checkbox"/>	Air Quality: Would the project add new sensitive receptors (specifically, schools, day care facilities, hospitals, residential dwellings, and senior-care facilities) within an Air Pollution Exposure Zone? Does the project have the potential to emit substantial pollutant concentrations (e.g., backup diesel generators, heavy industry, diesel trucks)? <i>Exceptions: do not check box if the applicant presents documentation of enrollment in the San Francisco Department of Public Health (DPH) Article 38 program and the project would not have the potential to emit substantial pollutant concentrations. (refer to EP_ArcMap > CEQA Catex Determination Layers > Air Pollutant Exposure Zone)</i>
<input type="checkbox"/>	Hazardous Materials: If the project site is located on the Maher map or is suspected of containing hazardous materials (based on a previous use such as gas station, auto repair, dry cleaners, or heavy manufacturing, or a site with underground storage tanks): Would the project involve 50 cubic yards or more of soil disturbance - or a change of use from industrial to residential? If yes, this box must be checked and the project applicant must submit an Environmental Application with a Phase I Environmental Site Assessment. <i>Exceptions: do not check box if the applicant presents documentation of enrollment in the San Francisco Department of Public Health (DPH) Maher program, a DPH waiver from the</i>

	<i>Mahe program, or other documentation from Environmental Planning staff that hazardous material effects would be less than significant (refer to EP_ArcMap > Maher layer).</i>
<input type="checkbox"/>	Transportation: Does the project create six (6) or more net new parking spaces or residential units? Does the project have the potential to adversely affect transit, pedestrian and/or bicycle safety (hazards) or the adequacy of nearby transit, pedestrian and/or bicycle facilities?
<input type="checkbox"/>	Archeological Resources: Would the project result in soil disturbance/modification greater than two (2) feet below grade in an archeological sensitive area or eight (8) feet in a non-archeological sensitive area? <i>(refer to EP_ArcMap > CEQA Catex Determination Layers > Archeological Sensitive Area)</i>
<input type="checkbox"/>	Subdivision/Lot Line Adjustment: Does the project site involve a subdivision or lot line adjustment on a lot with a slope average of 20% or more? <i>(refer to EP_ArcMap > CEQA Catex Determination Layers > Topography)</i>
<input type="checkbox"/>	Slope = or > 20%: Does the project involve any of the following: (1) square footage expansion greater than 1,000 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? <i>(refer to EP_ArcMap > CEQA Catex Determination Layers > Topography)</i> If box is checked, a geotechnical report is required.
<input type="checkbox"/>	Seismic: Landslide Zone: Does the project involve any of the following: (1) square footage expansion greater than 1,000 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? <i>(refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones)</i> If box is checked, a geotechnical report is required.
<input type="checkbox"/>	Seismic: Liquefaction Zone: Does the project involve any of the following: (1) square footage expansion greater than 1,000 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? <i>(refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones)</i> If box is checked, a geotechnical report will likely be required.
If no boxes are checked above, GO TO STEP 3. <u>If one or more boxes are checked above, an Environmental Evaluation Application is required, unless reviewed by an Environmental Planner.</u>	
<input checked="" type="checkbox"/>	Project can proceed with categorical exemption review. The project does not trigger any of the CEQA impacts listed above.
Comments and Planner Signature (optional):	

STEP 3: PROPERTY STATUS – HISTORIC RESOURCE TO BE COMPLETED BY PROJECT PLANNER

PROPERTY IS ONE OF THE FOLLOWING: <i>(refer to Parcel Information Map)</i>	
<input type="checkbox"/>	Category A: Known Historical Resource. GO TO STEP 5.
<input checked="" type="checkbox"/>	Category B: Potential Historical Resource (over 45 years of age). GO TO STEP 4.
<input type="checkbox"/>	Category C: Not a Historical Resource or Not Age Eligible (under 45 years of age). GO TO STEP 6.

**STEP 4: PROPOSED WORK CHECKLIST
TO BE COMPLETED BY PROJECT PLANNER**


Check all that apply to the project.	
<input checked="" type="checkbox"/>	1. Change of use and new construction. Tenant improvements not included.
<input type="checkbox"/>	2. Regular maintenance or repair to correct or repair deterioration, decay, or damage to building.
<input type="checkbox"/>	3. Window replacement that meets the Department's <i>Window Replacement Standards</i> . Does not include storefront window alterations.
<input type="checkbox"/>	4. Garage work. A new opening that meets the <i>Guidelines for Adding Garages and Curb Cuts</i> , and/or replacement of a garage door in an existing opening that meets the Residential Design Guidelines.
<input type="checkbox"/>	5. Deck, terrace construction, or fences not visible from any immediately adjacent public right-of-way.
<input type="checkbox"/>	6. Mechanical equipment installation that is not visible from any immediately adjacent public right-of-way.
<input type="checkbox"/>	7. Dormer installation that meets the requirements for exemption from public notification under <i>Zoning Administrator Bulletin No. 3: Dormer Windows</i> .
<input type="checkbox"/>	8. Addition(s) that are not visible from any immediately adjacent public right-of-way for 150 feet in each direction; does not extend vertically beyond the floor level of the top story of the structure or is only a single story in height; does not have a footprint that is more than 50% larger than that of the original building; and does not cause the removal of architectural significant roofing features.
Note: Project Planner must check box below before proceeding.	
<input type="checkbox"/>	Project is not listed. GO TO STEP 5.
<input type="checkbox"/>	Project does not conform to the scopes of work. GO TO STEP 5.
<input type="checkbox"/>	Project involves four or more work descriptions. GO TO STEP 5.
<input checked="" type="checkbox"/>	Project involves less than four work descriptions. GO TO STEP 6.

**STEP 5: CEQA IMPACTS – ADVANCED HISTORICAL REVIEW
TO BE COMPLETED BY PRESERVATION PLANNER**

Check all that apply to the project.	
<input type="checkbox"/>	1. Project involves a known historical resource (CEQA Category A) as determined by Step 3 and conforms entirely to proposed work checklist in Step 4.
<input type="checkbox"/>	2. Interior alterations to publicly accessible spaces.
<input type="checkbox"/>	3. Window replacement of original/historic windows that are not “in-kind” but are consistent with existing historic character.
<input type="checkbox"/>	4. Façade/storefront alterations that do not remove, alter, or obscure character-defining features.
<input type="checkbox"/>	5. Raising the building in a manner that does not remove, alter, or obscure character-defining features.
<input type="checkbox"/>	6. Restoration based upon documented evidence of a building's historic condition, such as historic photographs, plans, physical evidence, or similar buildings.
<input type="checkbox"/>	7. Addition(s) , including mechanical equipment that are minimally visible from a public right-of-way and meet the <i>Secretary of the Interior's Standards for Rehabilitation</i> .
<input type="checkbox"/>	8. Other work consistent with the <i>Secretary of the Interior Standards for the Treatment of Historic Properties</i> (specify or add comments):

<input type="checkbox"/>	<p>9. Other work that would not materially impair a historic district (specify or add comments):</p> <p>(Requires approval by Senior Preservation Planner/Preservation Coordinator) _____</p>
<input type="checkbox"/>	<p>10. Reclassification of property status. (Requires approval by Senior Preservation Planner/Preservation Coordinator)</p> <p style="padding-left: 40px;"><input type="checkbox"/> Reclassify to Category A <input type="checkbox"/> Reclassify to Category C</p> <p style="padding-left: 20px;">a. Per HRER dated: _____ (attach HRER)</p> <p style="padding-left: 20px;">b. Other (specify): _____</p>
<p>Note: If ANY box in STEP 5 above is checked, a Preservation Planner MUST check one box below.</p>	
<input type="checkbox"/>	<p>Further environmental review required. Based on the information provided, the project requires an <i>Environmental Evaluation Application</i> to be submitted. GO TO STEP 6.</p>
<input type="checkbox"/>	<p>Project can proceed with categorical exemption review. The project has been reviewed by the Preservation Planner and can proceed with categorical exemption review. GO TO STEP 6.</p>
<p>Comments (optional):</p> 	
<p>Preservation Planner Signature:</p> 	

**STEP 6: CATEGORICAL EXEMPTION DETERMINATION
TO BE COMPLETED BY PROJECT PLANNER**

<input type="checkbox"/>	<p>Further environmental review required. Proposed project does not meet scopes of work in either (check all that apply):</p> <p style="padding-left: 40px;"><input type="checkbox"/> Step 2 – CEQA Impacts</p> <p style="padding-left: 40px;"><input type="checkbox"/> Step 5 – Advanced Historical Review</p> <p>STOP! Must file an <i>Environmental Evaluation Application</i>.</p>	
<input checked="" type="checkbox"/>	<p>No further environmental review is required. The project is categorically exempt under CEQA.</p>	
	<p>Planner Name: Colin B. Clarke, AICP</p> <hr/> <p>Project Approval Action:</p> <p style="padding-left: 20px;">Planning Commission Hearing</p> <p style="font-size: small;">If Discretionary Review before the Planning Commission is requested, the Discretionary Review hearing is the Approval Action for the project.</p>	<p>Signature:</p> <div style="text-align: center;">  <p style="font-size: 2em; font-weight: bold;">Colin Clarke</p> </div> <p style="font-size: x-small;">Digitally signed by Colin Clarke DN: dc=org, dc=sfgov, dc=cityplanning, ou=CityPlanning, ou=Current Planning, cn=Colin Clarke, email=Colin.Clarke@sfgov.org Date: 2016.11.02 09:14:49 -07'00'</p>
	<p>Once signed or stamped and dated, this document constitutes a categorical exemption pursuant to CEQA Guidelines and Chapter 31 of the Administrative Code.</p> <p>In accordance with Chapter 31 of the San Francisco Administrative Code, an appeal of an exemption determination can only be filed within 30 days of the project receiving the first approval action.</p>	



SAN FRANCISCO PLANNING DEPARTMENT

1650 Mission Street, Suite 400 • San Francisco, CA 94103 • Fax (415) 558-6409

NOTICE OF PUBLIC HEARING

Hearing Date: **Thursday, November 10, 2016**
Time: **Not before 12:00 PM (noon)**
Location: **City Hall, 1 Dr. Carlton B. Goodlett Place, Room 400**
Case Type: **Conditional Use Authorization (CUA)**
Hearing Body: **Planning Commission**

PROPERTY INFORMATION	APPLICATION INFORMATION
Project Address: 6439 California Street Cross Street(s): Between 26th & 27th Ave Block / Lot No.: 1407 / 043 Zoning District(s): <u>RM-1</u> / 40-X Area Plan: None District: 1	Case No.: <u>2016-008229CUA</u> Building Permit: N/A Applicant: Jeffrey Doney Telephone: (415) 999-8658 E-Mail: <u>jeffreydoney@gmail.com</u>

PROJECT DESCRIPTION

This is a request for **Conditional Use Authorization** pursuant to Planning Code Sections [303](#), [186](#), [717.44](#), [145.2](#), and [717.24](#) to allow a change of use from an existing approximately 1,540 square-foot Limited-Restaurant use (d.b.a. Tal y Tara Tea & Polo Shop) to a Restaurant (d.b.a. Tal y Tara Tea & Polo Shop) at the ground floor, with an approximately 466 square-foot Outdoor Activity Area for dining in the rear yard, of the existing two-story mixed-use building within the RM-1 (Residential - Mixed, Low Density) Zoning District and 40-X Height and Bulk District, and within one-quarter-mile of the Outer Clement Street Neighborhood Commercial District.

A Planning Commission approval at the public hearing would constitute the Approval Action for the project for the purposes of CEQA, pursuant to San Francisco Administrative Code Section [31.04](#)(h).

ADDITIONAL INFORMATION

ARCHITECTURAL PLANS: If you are interested in viewing the plans for the proposed project please contact the planner listed below. The plans and Department recommendation of the proposed project will be available prior to the hearing through the Planning Commission agenda at: <http://www.sf-planning.org> or by request at the Planning Department office located at 1650 Mission Street, 4th Floor.

Members of the public are not required to provide personal identifying information when they communicate with the Commission or the Department. All written or oral communications, including submitted personal contact information, may be made available to the public for inspection and copying upon request and may appear on the Department's website or in other public documents.

FOR MORE INFORMATION, PLEASE CONTACT PLANNING DEPARTMENT STAFF:

Planner: **Colin B. Clarke, AICP** Telephone: **(415) 575-9184** Mail: **Colin.Clarke@sfgov.org**

GENERAL INFORMATION ABOUT PROCEDURES

HEARING INFORMATION

You are receiving this notice because you are either a property owner or resident that is adjacent to the proposed project or are an interested party on record with the Planning Department. **You are not required to take any action. For more information regarding the proposed work, or to express concerns about the project, please contact the Applicant or Planner listed on this notice as soon as possible.** Additionally, you may wish to discuss the project with your neighbors and/or neighborhood association as they may already be aware of the project.

Persons who are unable to attend the public hearing may submit written comments regarding this application to the Planner listed on the front of this notice, Planning Department, 1650 Mission Street, Suite 400, San Francisco, CA 94103, by 5:00 pm the day before the hearing. These comments will be made a part of the official public record and will be brought to the attention of the person or persons conducting the public hearing.

Comments that cannot be delivered by 5:00 pm the day before the hearing may be taken directly to the hearing at the location listed on the front of this notice. Comments received at 1650 Mission Street after the deadline will be placed in the project file, but may not be brought to the attention of the Planning Commission at the public hearing.

BUILDING PERMIT APPLICATION INFORMATION

Pursuant to Planning Code Section 311 or 312, the Building Permit Application for this proposal may also be subject to a 30-day notification of property owners and residents within 150-feet of the subject property. **This notice covers the Section 311 or 312 notification requirements, if required.**

APPEAL INFORMATION

An appeal of the approval (or denial) of a **Conditional Use application** and/or building permit application associated with the Conditional Use application may be made to the **Board of Supervisors within 30 calendar days** after the date of action by the Planning Commission pursuant to the provisions of Section 308.1(b). Appeals must be submitted in person at the Board's office at 1 Dr. Carlton B. Goodlett Place, Room 244. For further information about appeals to the Board of Supervisors, including current fees, contact the Clerk of the Board of Supervisors at (415) 554-5184.

An appeal of the approval (or denial) of a **building permit application** by the Planning Commission may be made to the **Board of Appeals within 15 calendar days** after the building permit is issued (or denied) by the Director of the Department of Building Inspection. Appeals must be submitted in person at the Board's office at 1650 Mission Street, 3rd Floor, Room 304. For further information about appeals to the Board of Appeals, including current fees, contact the Board of Appeals at (415) 575-6880.

Pursuant to California Government Code Section 65009, if you challenge, in court, the decision of an entitlement or permit, the issues raised shall be limited to those raised in the public hearing or in written correspondence delivered to the Planning Commission prior to, or at, the public hearing.

ENVIRONMENTAL REVIEW

This project has undergone preliminary review pursuant to California Environmental Quality Act (CEQA). If, as part of this process, the Department's Environmental Review Officer has deemed this project to be exempt from further environmental review, an exemption determination has been prepared and can be obtained through the Exemption Map, on-line, at www.sfplanning.org. An appeal of the decision **to exempt the proposed project from CEQA may be made to the Board of Supervisors within 30 calendar days** after the project approval action identified on the determination. The procedures for filing an appeal of an exemption determination are available from the Clerk of the Board at City Hall, Room 244, or by calling (415) 554-5184.

Under CEQA, in a later court challenge, a litigant may be limited to raising only those issues previously raised at a hearing on the project or in written correspondence delivered to the Board of Supervisors, Planning Commission, Planning Department or other City board, commission or department at, or prior to, such hearing, or as part of the appeal hearing process on the CEQA decision.

Date: **10/21/2016**

The attached notice is provided under the Planning Code. It concerns property located at **6439 California Street (2016-008229CUA)**. A hearing may occur, a right to request review may expire or a development approval may become final by **11/10/2016**.

To obtain information about this notice in Spanish or Chinese, please call **(415) 575-9010**. To obtain information about this notice in Filipino, please call **(415) 575-9121**. Please be advised that the Planning Department will require at least one business day to respond to any call.

附上的是三藩市城市規劃的法定通告。

此通告是與位於 **6439 California Street (2016-008229CUA)**

的建築計劃有關。如果在 **11/10/2016** 之前無人申請聽證會來檢討這一個建築計劃, 這計劃**最終**會被核准。

如果你需要用華語獲得關於這通告的細節,請電 **415-575-9010**。

然後, 請按 “8” 及留言。城市規劃局將需要至少一個工作天回應。華語資料提供只是城市規劃局的一項服務, 此項服務不會提供額外的權利或延伸任何要求檢討的期限。

El documento adjunto es requerido por el Código de Planeación (Planning Code) y es referente a la propiedad en la siguiente dirección: **6439 California Street (2016-008229CUA)**. Es posible que ocurra una audiencia pública, que el derecho a solicitar una revisión se venza, o que la aprobación final de proyecto se complete el: **11/10/2016**.

Para obtener más información sobre esta notificación en español, llame al siguiente teléfono **(415) 575-9010**. Por favor tome en cuenta que le contestaremos su llamada en un periodo de 24 horas.

Ang nakalakip na paunawa ay ibinibigay alinsunod sa Planning Code. Tinatalakay nito ang propyedad na matatagpuan sa **6439 California Street (2016-008229CUA)**. Maaring may paglilitis na mangyayari, may mapapasong paghiling ng isang pagrerepaso (review), o ang na-aprobahang pagpapatayo ay malapit nang ipagtibay sa **11/10/2016**.

Para humiling ng impormasyon tungkol sa paunawang ito sa Tagalog, paki tawagan ang **(415) 575-9121**. Mangyaring tandaan na mangangailangan ang Planning Department ng di-kukulangin sa isang araw ng pangangalakal para makasagot sa anumang tawag.

Clarke, Colin (CPC)

From: Ron Calabrese <ronsalive@gmail.com>
Sent: Monday, October 31, 2016 8:39 PM
To: Clarke, Colin (CPC)
Subject: 6439 California St - Case #: 2016 -008229CUA

Follow Up Flag: Follow up
Flag Status: Flagged

Colin -

Please let me know how I may express my following opposition to the proposed restaurant at 6439 California St. in a formal way to the city of San Francisco. (Case # 2016-008229CUA) .

I live right next door to 6439 California St. which has applied for a full restaurant license. Please know I'm vehemently opposed to any zoning variance that would allow any restaurant opening next door to me for obvious reasons.

1) Fire Hazard - Above all, any plan to install commercial deep fryers or ovens or range tops largely puts the safety of my daughter and I at risk – especially knowing my exterior walls adjoin the walls to 6439 California St. Statistics show restaurants, no matter how thick their firewalls, significantly increase the occurrence of a fire. And it cannot be denied that the peace of mind of any father would certainly be negatively impacted by a restaurant opening next door to him. Five years ago when I chose to purchase my property, I chose to do so knowing I would live next door to a polo and tea shop – not a restaurant serving dinner and alcohol. If, at any time, I had known a restaurant would replace the polo and tea shop, I would have never opted to purchase this flat and, more importantly, live here with my child.

2) Noise – My 12-year old daughter stays with me more than 50% of the time. Each weekday morning we leave our home at 7AM to venture to school and work. We return around 6PM and are eager to return to our peaceful and quiet home. If this restaurant were allowed to open, our quiet and solace would be severely encroached by the constant chatter coming from the restaurant, the clanging of pots/dishes from the kitchen and the humming of their ventilation system. The proposed sale of beer and wine will no doubt magnify the noise problem. And it's not unreasonable to think the noise will cease by 9:30. Noise will continue beyond 10PM when the restaurant closes and the night crew arrives to clean the premises. In closing, this restaurant will undoubtedly prevent my daughter and I from having a peaceful evening and, more importantly, falling asleep at a decent hour. Think about it. Six or seven nights a week. Every week.

3) Food /Chemical Odors – No matter what cuisine is served, we will have to endure the constant smells emanating from the ventilation system – no matter how modified it is. Food smells, cleaning agents and the foul odors from garbage will most certainly be a taking of our privacy. A nuisance that's six or seven days a week. A nuisance that's six or seven nights a week. Every week. Ask yourself if you would want to live next door to the never ending odors of food and cleaning supplies. I ensure you the answer is a resounding "no!"

4) Vermin/Insects – The likelihood of pests increase significantly with every restaurant opening. Meat bones, offal, fish bones, shellfish remains and food scraps will attract insects and animals of all kinds, most notably rats and cockroaches that will carry over to not just my property, but neighboring yards as well.

Finally, my street is a quiet residential one and I'd like it to remain that way. This is primary the reason I chose to live here. I have no issues with the daytime polo and tea shop that is presently 6439 California St. However, if the applicants of 6439 California St choose to open a night time restaurant that serves alcohol, it's only fair they do so in an existing space that's already zoned for a restaurant. There are plenty of areas where they can achieve their dream.

Regards,

Ron Calabrese

6435 California Street

San Francisco, CA 94121

(415) 699-7222

October 25, 2016

San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103

Case No: 2016-008229CUA

Dear Sir/Madam,

We are writing to you to voice our concerns and strong objections on the proposed construction (ref case no: 2016-008229CUA), in particular, the planned conversion of rear yard into an outdoor activity area for dining. Noise from patrons, dining and partying outdoor from day to evening will create unacceptable noise nuisance to us and our neighborhood. In addition, it will also create an environment which will attract insects and pests (flies, mice, ants, etc.), fostering an unhealthy living condition.

Our surrounding neighborhood is 99+% residential area and rear yards are for family enjoyment. The proposed change will negatively impact our neighborhood, deprive the quality and unhealthy.

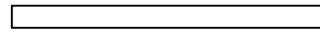

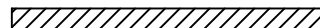
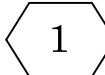
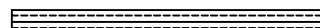

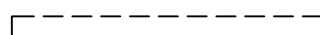






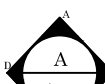
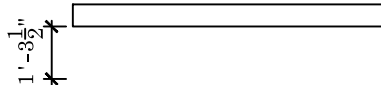
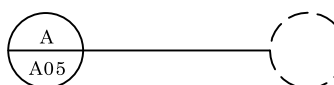
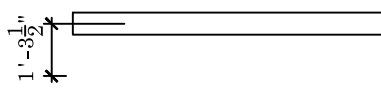
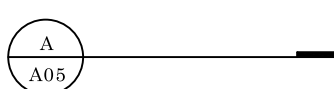


We would appreciate your thorough reviews, and appropriately reject the conditional use authorization (CUA) request referenced above.

Sincerely,

6439 California St Neighbor.



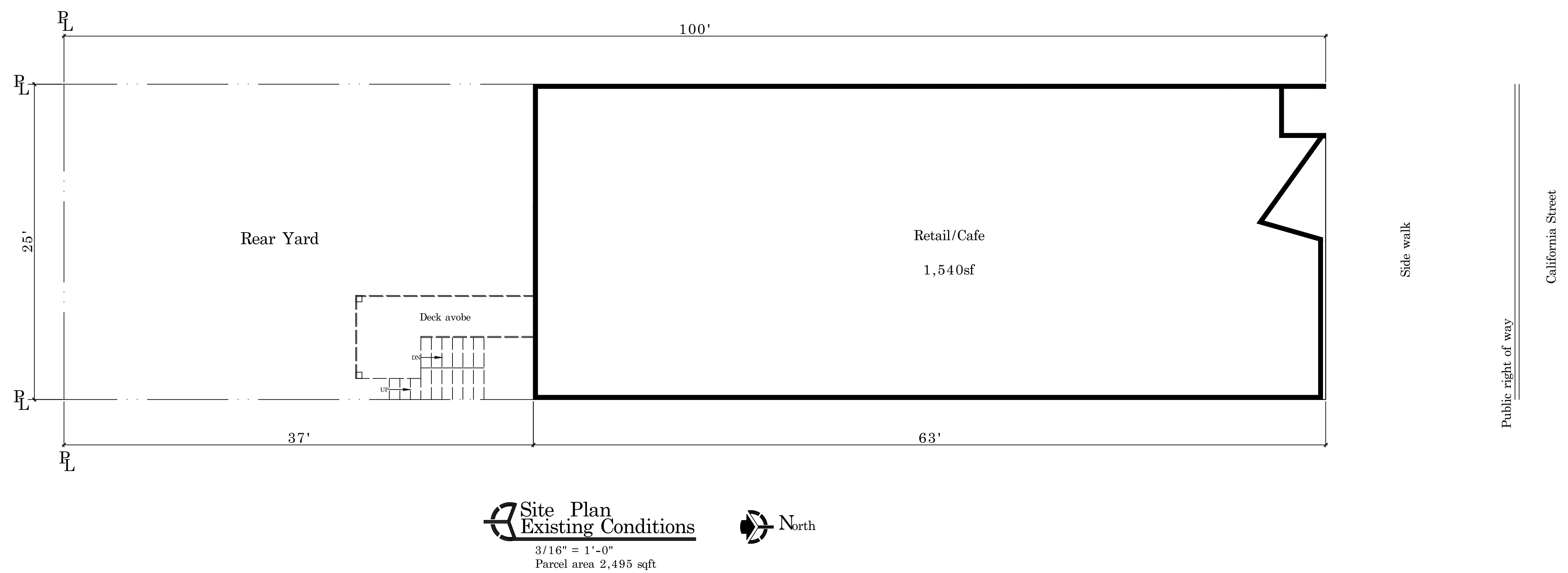
- A0 Cover Sheet
 A1 Site Plan
 A2 Floor Plan "Existing condition"
 A3 Floor Plan "Proposed Conditions and Demolition Plan"
 A3.1 Floor Plan "Furniture Plan"
 A4 Floor Plan "Electrical Plan"
 A5 Interior Elevations "Handicap bathroom"
 A6 "Exterior Elevations"
 A7 Interior Elevations "Kitchen"

SYMBOLS		SYMBOLS	
EXISTING WALL		WINDOW SYMBOL	
NEW WALL		DOOR SYMBOL	
NEW RATED WALL		COLOR SYMBOL	
DEMO WALL		FLOOR SYMBOL	
LINE OVER HEAD OR HIDDEN		SECTION MARKER	
CENTERLINE		ELEVATION MARKER	
PROPERTY LINE		INTERIOR ELEVATION MARKER	
DIMENSION TO FACE OF FINISH		PLAN DETAIL MARKER	
DIMENSION TO CL OF STUD		DETAIL MARKER	
DATUM LINE		REVISION MARKER	

Scale: AS NOTED	Design: Jeffrey Doney	Drawn: Carlos Alfaro carloalfaro2807@gmail.com	Date: November-2016
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"TAL-Y-TARA" restaurant, Interior Remodel for
6439 CALIFORNIA STREET, SAN FRANCISCO CA.
94121

SHEET
A0

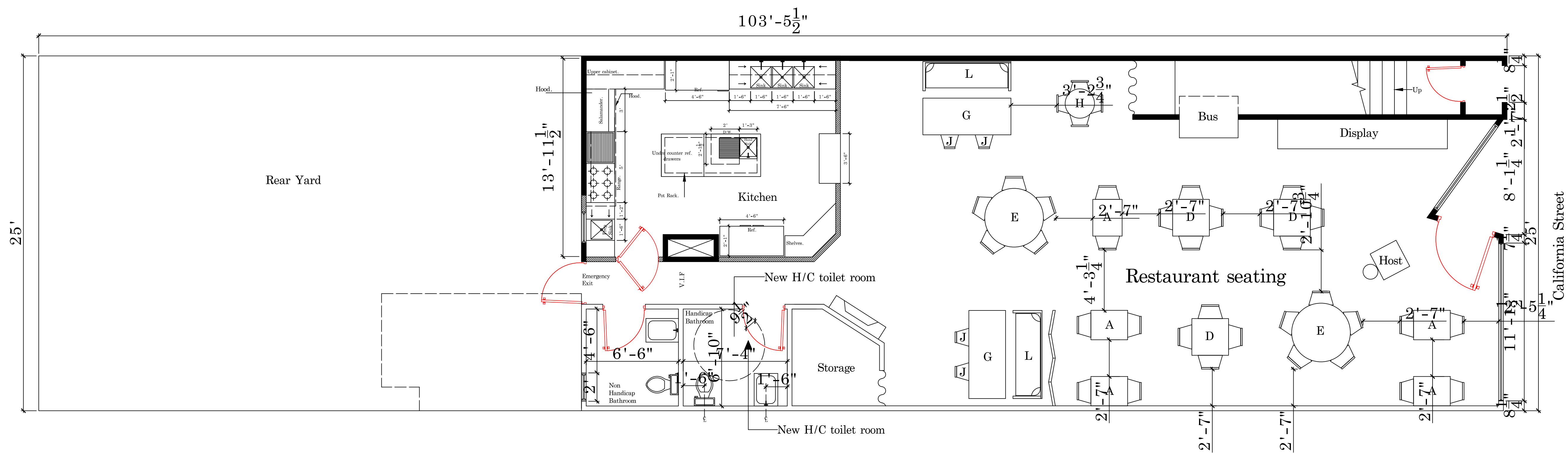


jeffreydoney@gmail.com
4115 19th street. San Francisco Ca.
94114
415-999-8658

Date: November-2016

"TAL-Y-TARA" restaurant, Interior Remodel for
6439 CALIFORNIA STREET, SAN FRANCISCO CA.
94121

SHEET
A1



NOTE:

1. Restaurant seating:
44 indoor dining
2. 2-6 local employees (mostly family)
3. Restaurant operation 11:00am - 10:00pm
Closed on Mondays.
4. History: food service (cafeteria) plus retail
since 1995 (same owner).
5. Deliveries are made by owner, no schedule.
6. No loading zone.

FURNITURE KEY

A	30X24
B	30X42
C	36 dia.
D	30X30
E	48 dia.
F	30X42
G	30X54
H	24 dia.
J	Antq. charis
K	Tea Cart
L	Settee

Floor Plan
Furniture Plan "Ground Floor"
1/4" = 1'-0"



EVOLVE DESIGN STUDIO

jeffreydoney@gmail.com

4115 19th street. San Francisco Ca. 94114

415-999-8658

FLOOR PLAN
FURNITURE PLAN

Scale: AS NOTED

Design: Jeffrey Doney

Drawn: Carlos Alfaro

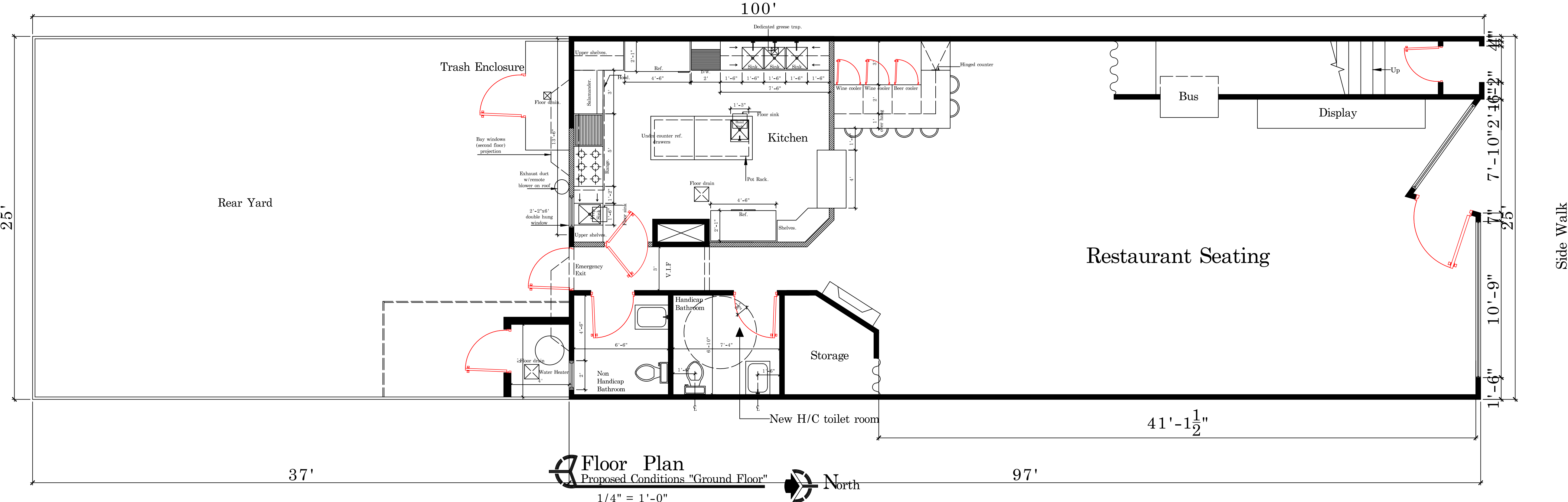
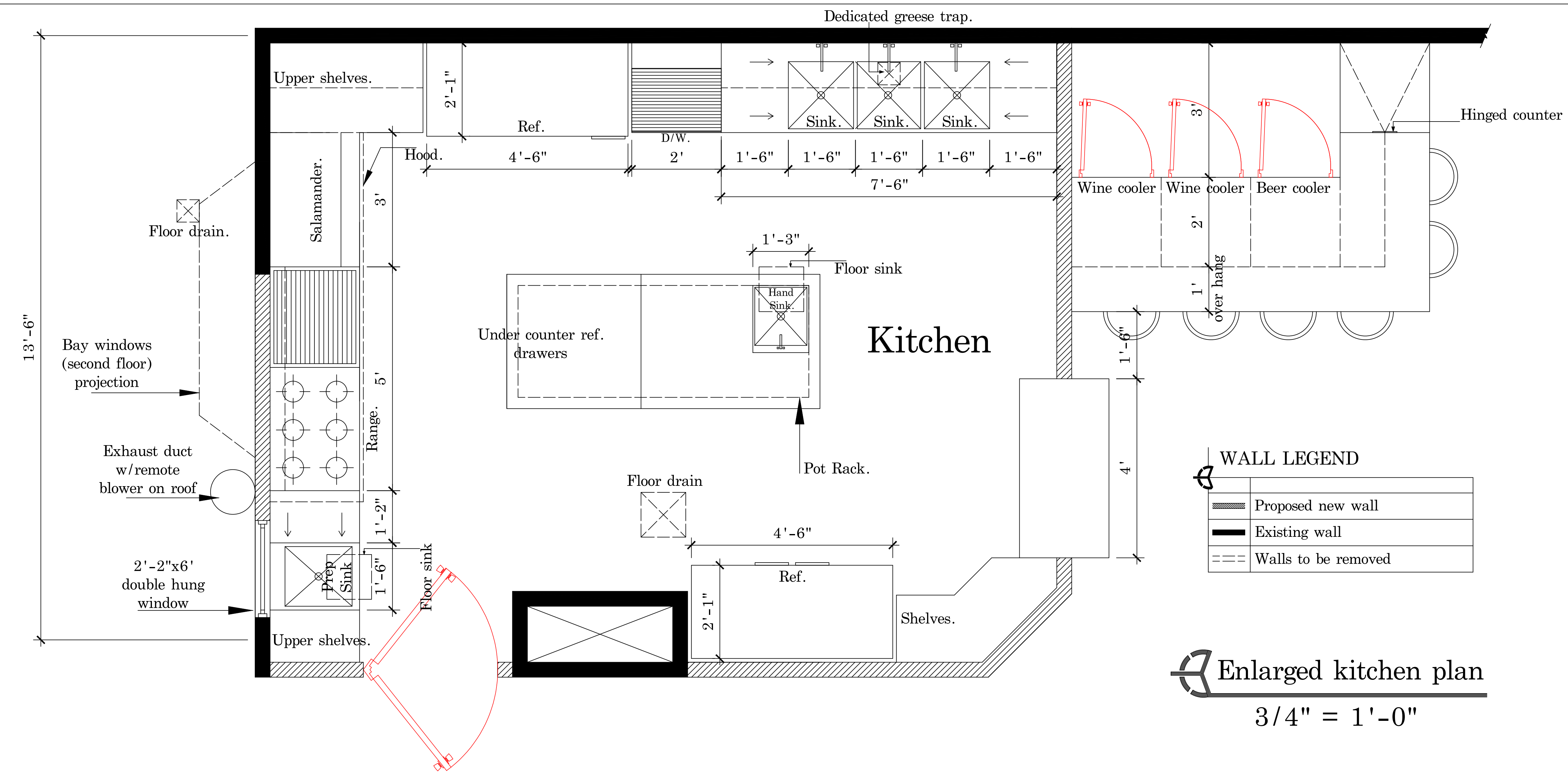
Date: November-2016

"TAL-Y-TARA" restaurant, Interior Remodel for

6439 CALIFORNIA STREET, SAN FRANCISCO CA. 94121

SHEET

A3.1



EVOLVE DESIGN STUDIO
jeffreydoney@gmail.com
4115 19th street. San Francisco Ca.
94114
415-999-8658

FLOOR PLAN / FIRST FLOOR
PROPOSED CONDITIONS

Scale: AS NOTED

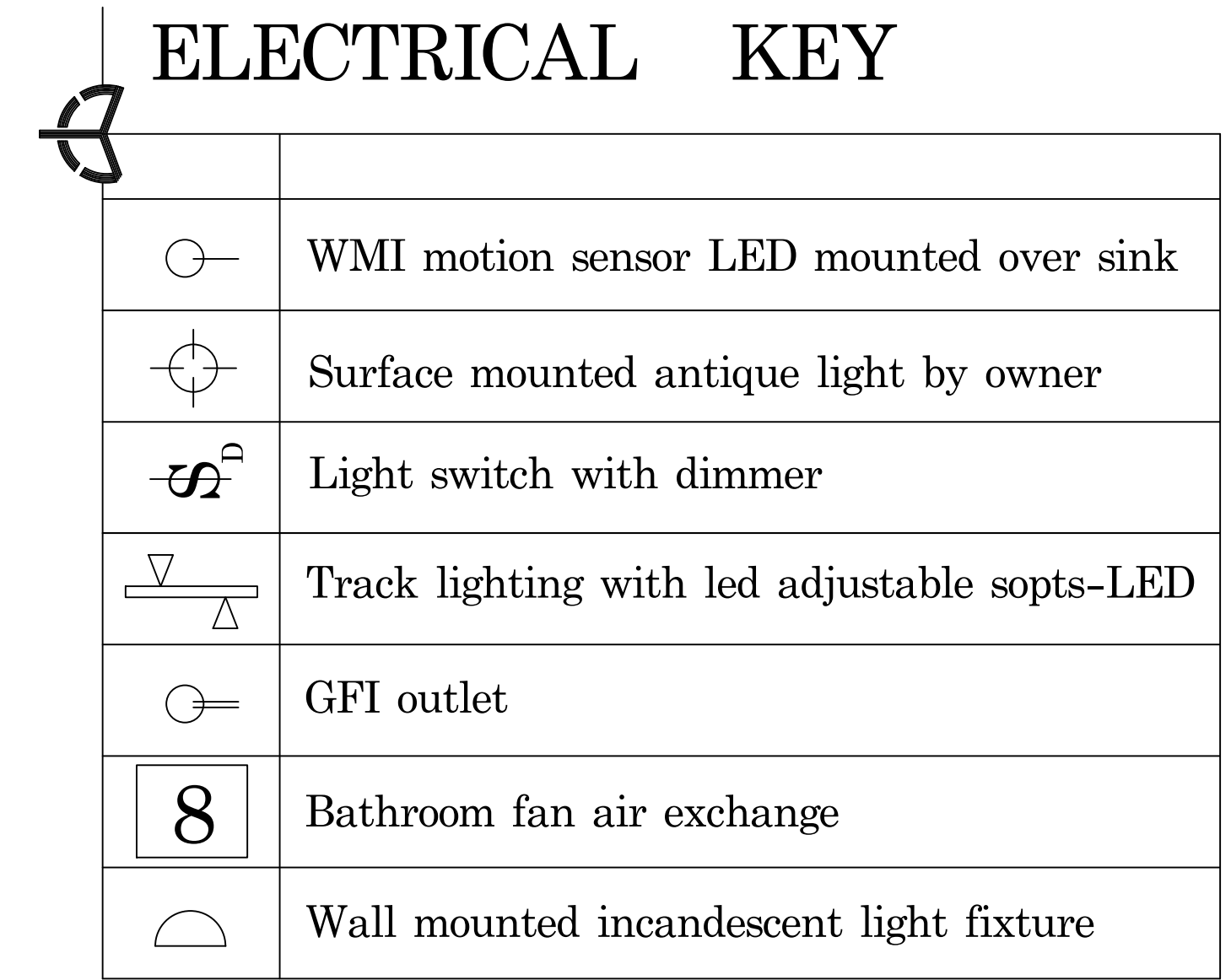
Design: Jeffrey Doney

Drawn: Carlos Alfaro
carlosalfaro2807@gmail.com

Date: November-2016

"TAL-Y-TARA" restaurant, Interior Remodel for
6439 CALIFORNIA STREET, SAN FRANCISCO CA.
94121

SHEET
A3

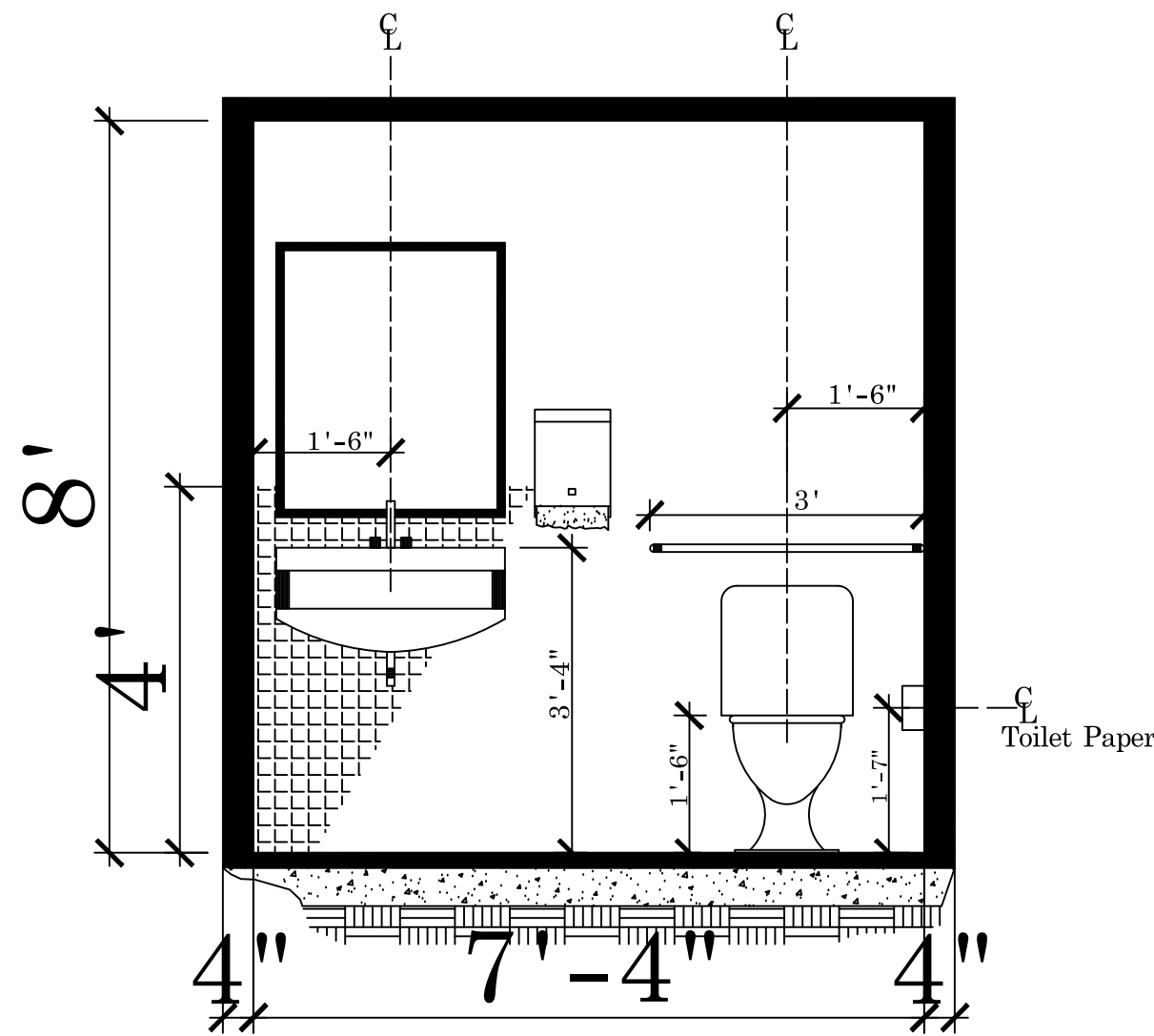


Scale: AS NOTED	Design: Jeffrey Doney	Drawn: Carlos Alfaro carlosalfaro2807@gmail.com	Date: November-2016
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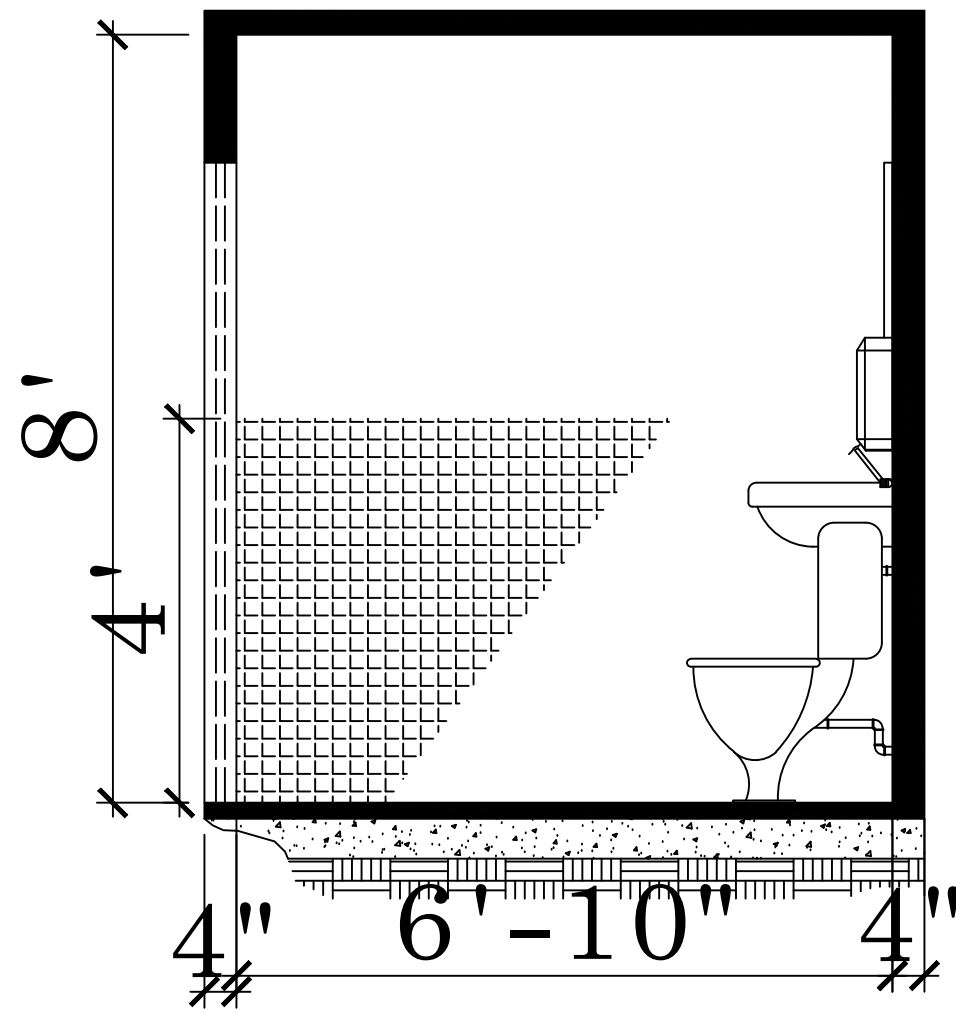
"TAL-Y-TARA" restaurant, Interior Remodel for
6439 CALIFORNIA STREET, SAN FRANCISCO CA.
94121

SHEET
A4

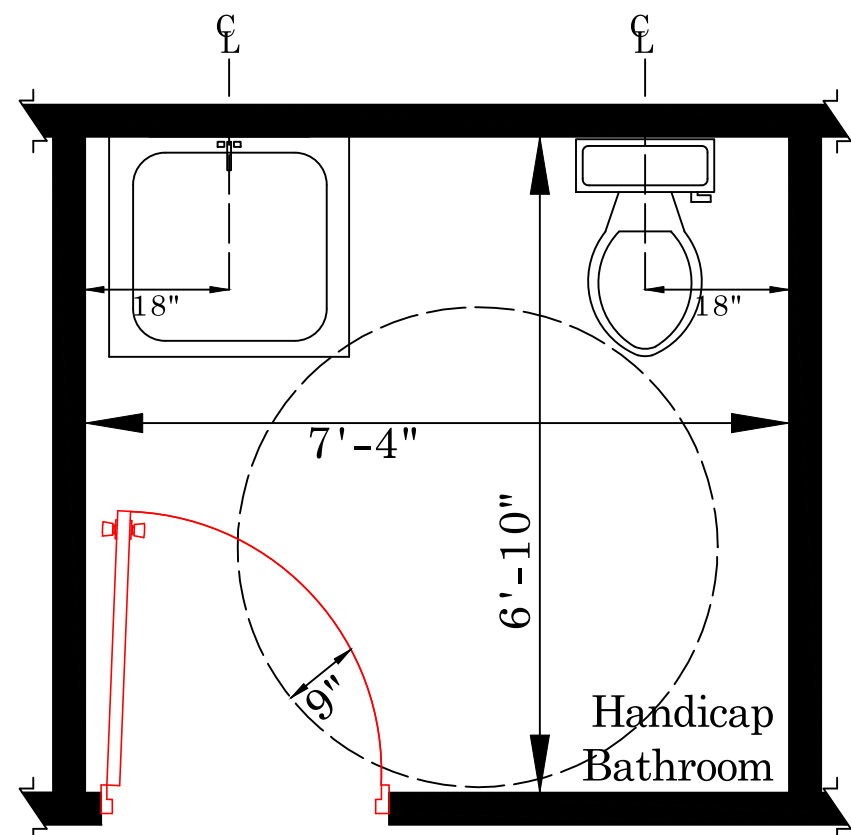
EVOLVE DESIGN STUDIO
jeffreymoney@gmail.com
4115 19th street. San Francisco Ca.
94114
415-999-8658



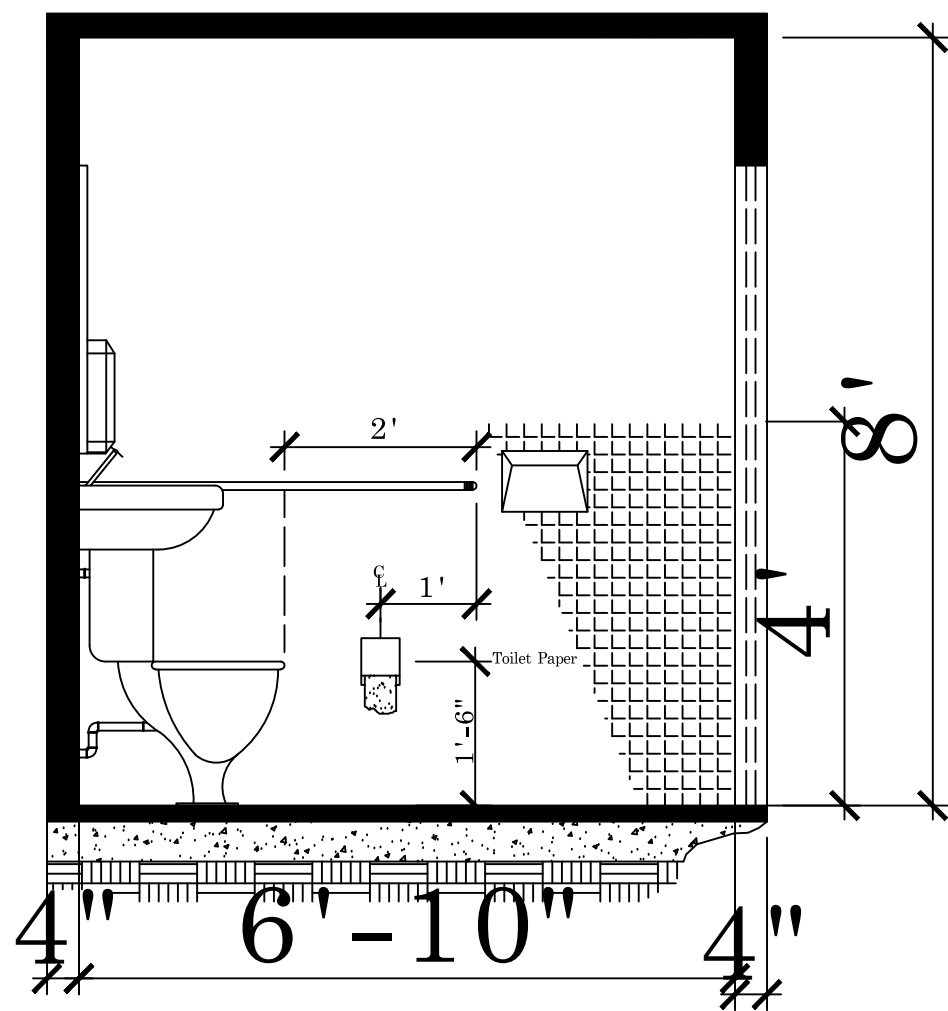
Interior Elevation
"Handicap Bathroom" East
1/2" = 1'-0"



Interior Elevation
"Handicap Bathroom" North
1/2" = 1'-0"



Floor Plan
"Handicap Bathroom"
1/2" = 1'-0"



Interior Elevation
"Handicap Bathroom" South
1/2" = 1'-0"

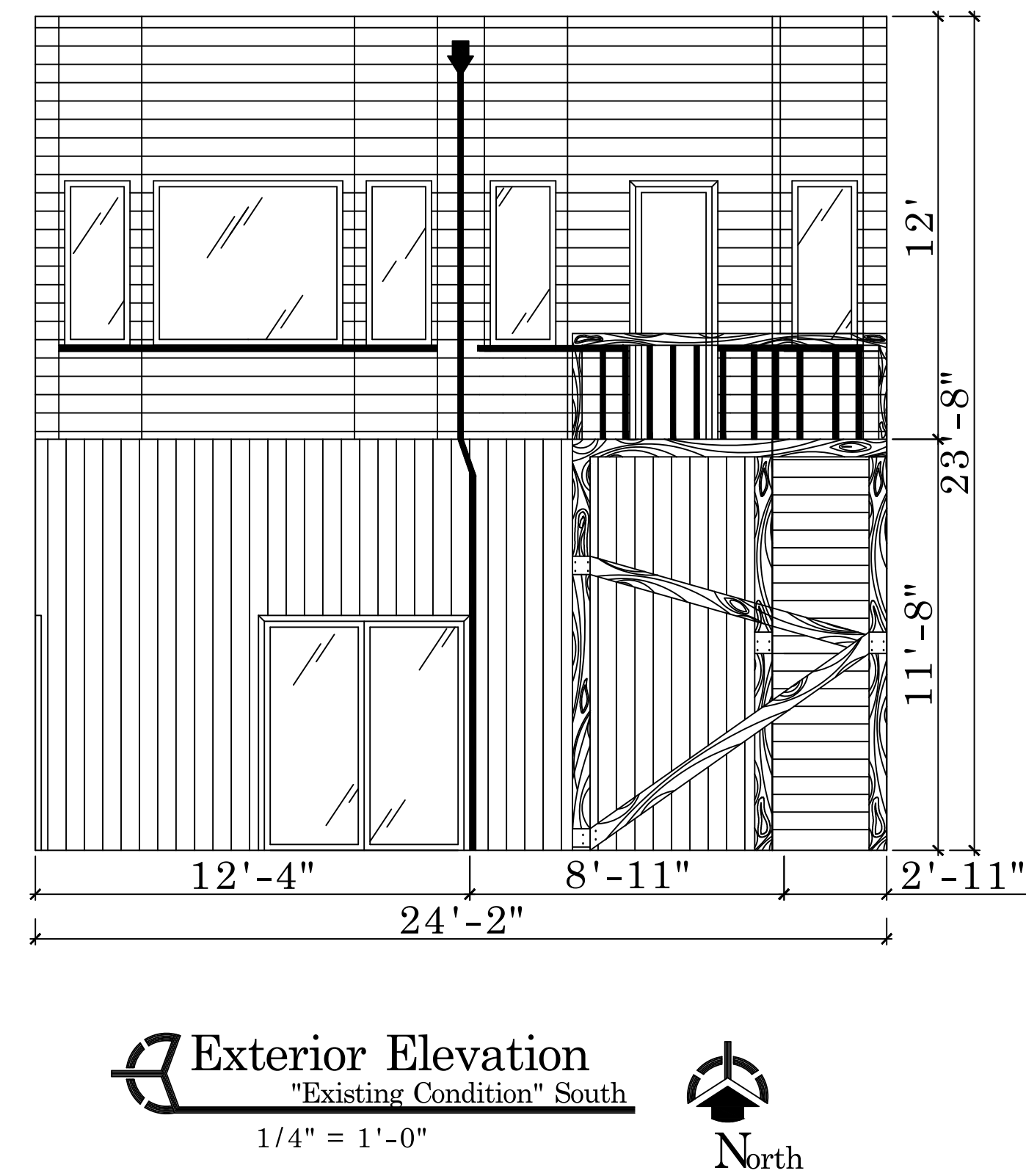
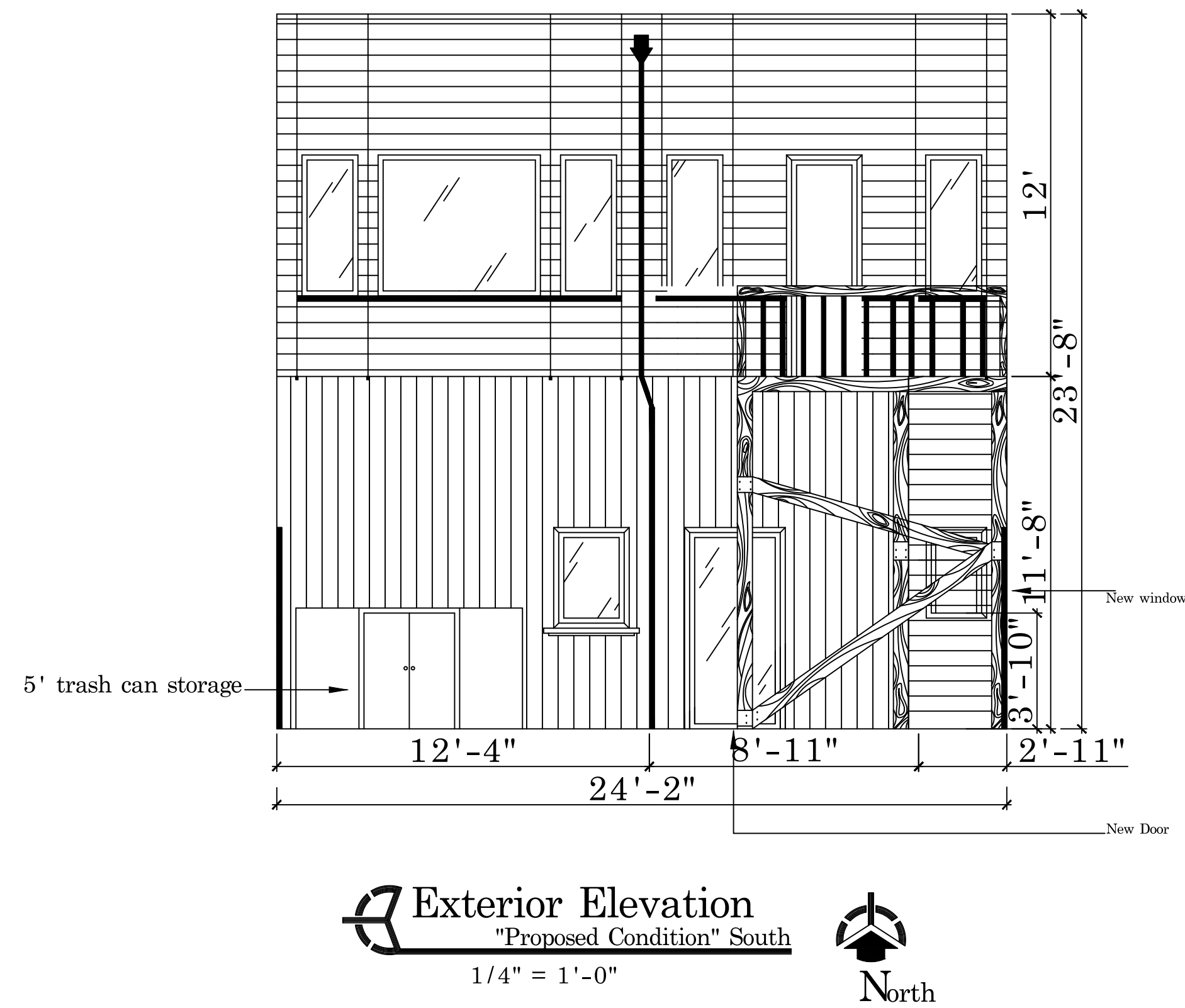
EVOLVE DESIGN STUDIO
jeffreydoney@gmail.com
4115 19th street. San Francisco Ca.
94114
415-999-8658

INTERIOR ELEVATIONS
HANDICAP BATHROOM

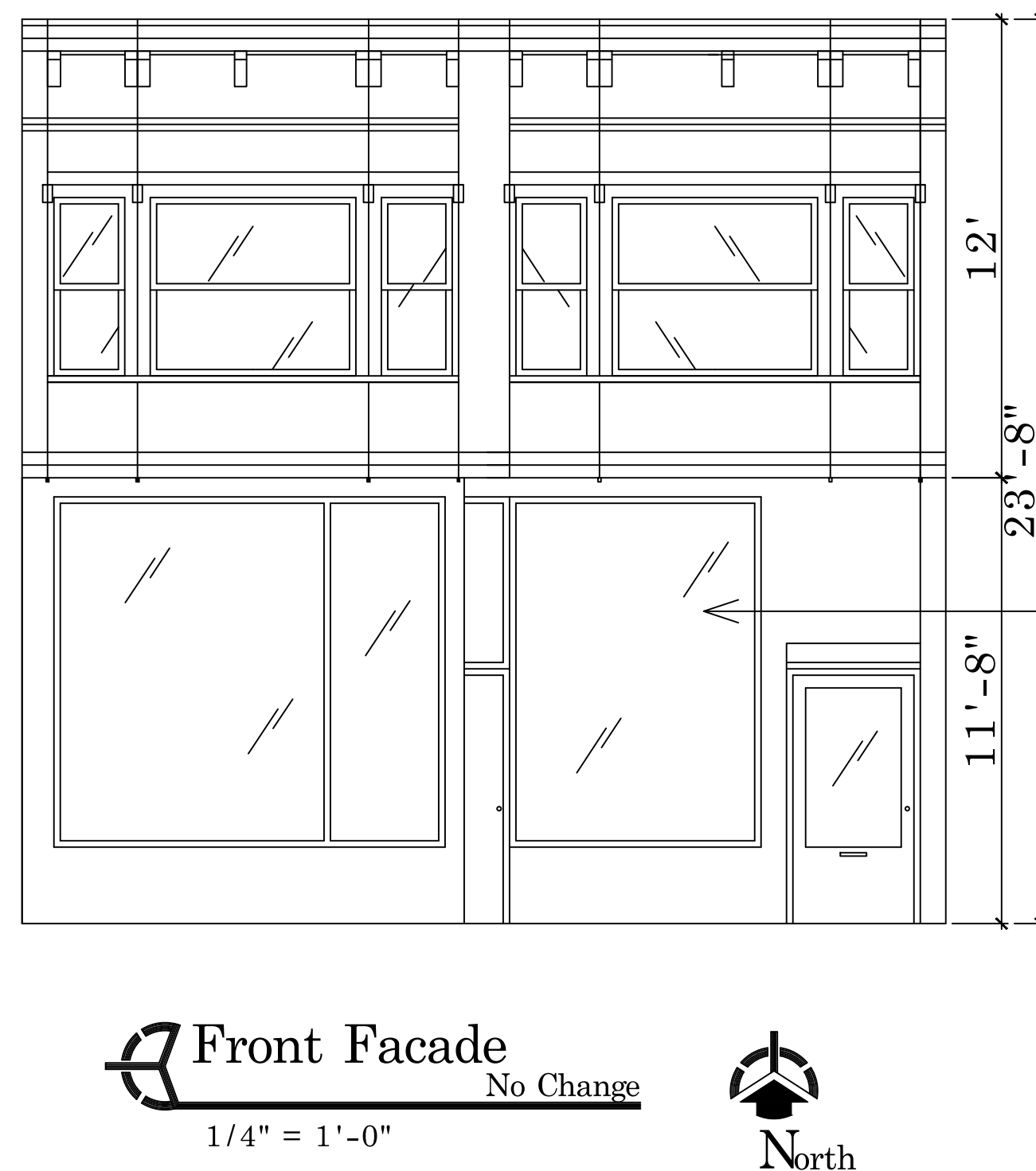
Scale: AS NOTED
Design: Jeffrey Doney
Drawn: Carlos Alfaro
Date: November-2016

"TAL-Y-TARA" restaurant, Interior Remodel for
6439 CALIFORNIA STREET, SAN FRANCISCO CA.
94121

SHEET
A5



- NOTE:
Rear facade
1. New window in (E) bathroom
 2. New window in remodeled kitchen
 3. Relocate rear exit door



1. The first 25-feet of building depth along each street frontage must have Active Uses.
2. Large picture windows are transparent thru to rear of building.
3. Signage under separate permit.

EXTERIOR ELEVATIONS

Scale: AS NOTED
Design: Jeffrey Doney
Drawn: Carlos Alfaro
Date: November-2016

"TAL-Y-TARA" restaurant, Interior Remodel for
6439 CALIFORNIA STREET, SAN FRANCISCO CA.
94121

EVOLVE DESIGN STUDIO
jeffreydoney@gmail.com
4115 19th street. San Francisco Ca.
94114
415-999-8658

SHEET
A6