



# SAN FRANCISCO PLANNING DEPARTMENT

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## Planning Commission Project Summary and Motion No. \_\_\_\_\_

### COMMUNITY BUSINESS PRIORITY PROCESSING PROGRAM

HEARING DATE: DECEMBER 14, 2017

*Date Prepared:* December 7, 2017  
*Case No.:* **2017-012465CUA**  
*Project Address:* **1239 9<sup>th</sup> Ave**  
*Zoning:* NCD (Inner Sunset Neighborhood Commercial)  
40-X Height and Bulk District  
*Block/Lot:* 1741/006  
*Project Sponsor:* Philip Lesser  
555 Laurel Avenue #501  
San Mateo, CA 94401  
*Staff Contact:* Mathew Chandler- (415) 575-9048  
[Mathew.Chandler@sfgov.org](mailto:Mathew.Chandler@sfgov.org)

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### PROJECT DESCRIPTION

Request for Conditional Use Authorization, pursuant to Planning Code Sections 303 and 730 to permit change of use from Limited Restaurant to Restaurant within the NCD Inner Sunset Neighborhood Commercial District, and a 40-X Height and Bulk district (d.b.a Gordo Taqueria). The existing business, which occupies approximately 924 square feet, is to remain, and change of use will permit on-sale beer and wine for operation as a bona fide eating establishment. This project was reviewed under the Community Business Priority Processing Program (CB3P). No exterior or interior modifications are to be made under this permit. Gordo Taqueria was previously approved as a small self-service restaurant use (currently a Limited Restaurant use) in 2002 by Motion No. 16339.

### REQUIRED COMMISSION ACTION

In the [Inner Sunset NCD](#) (Neighborhood Commercial District) Zoning District, pursuant to Planning Code Section 730, a change of use from Limited Restaurant to Restaurant Use requires a Conditional Use Authorization.

### DECISION

Based upon information set forth in application materials submitted by the project sponsor and available in the case file (which is incorporated herein by reference as though fully set forth) and based upon the CB3P Checklist and findings below, the Commission hereby **APPROVES Conditional Use Application**

No. 2017-012465CUA subject to conditions contained in the attached "EXHIBIT A" and in general conformance with plans on file, dated 9/27/17, and stamped "EXHIBIT B.

**CB3P CHECKLIST**

|   | Required Criteria   |                              |                                    | Comments (if any)   |
|---|---------------------|------------------------------|------------------------------------|---|
|   | Complete & adequate | Incomplete and/or inadequate | Not required and/or not applicable |   |
| Project Sponsor's application                                 | X                   |                              |                                    |   |
| CB3P eligibility checklist                                    | X                   |                              |                                    |   |
| Planning Code §101.1 findings                                 | X                   |                              |                                    | See application for findings.   |
| Planning Code §303(c) findings                                | X                   |                              |                                    | See application for findings.   |
| Planning Code §303(o) findings for Eating and Drinking Uses   | X                   |                              |                                    | Commercial frontage: existing concentration is higher than the recommended 25% threshold, there will be no net increase of eating and drinking uses as this is an existing eating establishment adding ABC license for beer and wine. |
| Photographs of the site and/or context                        | X                   |                              |                                    |   |
| Scaled and/or dimensioned plans                               | X                   |                              |                                    |   |
| Clearance under California Environmental Quality Act ("CEQA") | X                   |                              |                                    | Categorically Exempt as Class 1 exemption   |

| Additional Information                        |  |
|---|--|
| Notification Period                           | 11/24/2017-12/14/2017 (20 days mailing; 20 days newspaper; 20 days posted)       |
| Number and nature of public comments received | The Department has not received any correspondence in opposition to the project. |
| Number of days between filing and hearing     | 78 Days  |

| Generalized Basis for Approval (max. one paragraph)   |
|---|
| The project is necessary, desirable for, and compatible with the surrounding neighborhood as follows, and as set forth in the Section 101.1, 303 (c), and 303 (o) findings submitted as part of the application. The proposed Restaurant Use (d.b.a. Gordo Taqueria) would continue to operate in the existing approximately 924 square-foot tenant space, with 20 linear feet of street frontage. A recent field study estimated that approximately 46% of commercial frontage zoned Inner Sunset NCD and within 300 linear feet of the subject property is devoted to eating and drinking uses. The existing concentration is above the threshold of 25% stated in Section 303(o), but represents no increase as it is a change of use from Limited Restaurant, as established by Motion No. 16339 in 2002, to Restaurant Use. Staff recommends approval with conditions. |

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on December 14, 2017.

AYES:

NAYS:

ABSENT:

ADOPTED: August 24, 2017

\_\_\_\_\_  
Jonas P. Ionin  
Commission Secretary

**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. 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.

**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.

## EXHIBIT A

### AUTHORIZATION

This authorization is for a **Conditional Use Authorization** pursuant to Planning Code Sections 730 and 303 to permit change of use from Limited Restaurant to Restaurant within the NCD Inner Sunset Neighborhood Commercial District, and a 40-X Height and Bulk district (d.b.a Gordo Taqueria) in general conformance with plans, dated **September 27, 2017** and stamped "EXHIBIT B" included in the docket for Record No. **2017-012465CUA** and subject to conditions of approval reviewed and approved by the Commission on December 14, 2017 under Motion No. **XXXXX**. This authorization and the conditions contained herein run with 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 **August 24, 2017** 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. **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](http://www.sf-planning.org)*

2. **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](http://www.sf-planning.org)*

3. **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](http://www.sf-planning.org)*

4. **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](http://www.sf-planning.org)*

5. **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](http://www.sf-planning.org)*

## DESIGN – COMPLIANCE AT PLAN STAGE

6. **Final Materials.** The Project Sponsor shall continue to work with Planning Department on the design, including signs and awnings. 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](http://www.sf-planning.org)*
7. **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](http://www.sf-planning.org)*
8. **Signs and Awnings.** Any signs on the property must have a sign permit and shall comply with the requirements of Article 6 of the Planning Code. Any awnings or canopies must have a permit and shall comply with the requirements of Planning Code Section [136.1](#) and be reviewed by the Department's historic preservation staff for consistency with the [Secretary of the Interior's Standards for the Treatment of Historic Properties](#).  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*
9. **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](http://www.sf-planning.org)*
10. **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](http://www.sf-planning.org)*

## MONITORING - AFTER ENTITLEMENT

11. **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)*
12. **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

13. **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>*
14. **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>*
15. **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)*

16. **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)*

17. **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](http://www.baaqmd.gov) and Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

18. **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](http://www.sf-planning.org)*



**GENERAL NOTES:**

FOR THE PROJECT ARE LIMITED TO THE EXTENT AS REQUIRED FOR PLAN CHECK PURPOSES BY CITY AGENCIES HAVING JURISDICTION OVER THE PROJECT.

IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO DESIGN-BUILD (DESIGN AND INSTALL) ALL SYSTEMS AND ELEMENTS AS REQUIRED FOR THE CONSTRUCTION OF THE PROJECT, INCLUDING BUT NOT LIMITED TO PLUMBING, MECHANICAL, FIRE SPRINKLER AND ELECTRICAL SYSTEMS, AND ALL DETAILS FOR ROOFING, FLASHING, WATERPROOFING AND SOUND PROOFING STANDARDS.

THE USE OF THESE DRAWINGS FOR THE CONSTRUCTION OF THE PROJECT SHALL CONSTITUTE THE CONTRACTOR'S REPRESENTATION THAT IT HAS REVIEWED AND VERIFIED THE BUILD ABILITY OF THE PROJECT AS SHOWN ON THESE DRAWINGS IN THE LIGHT OF SITE CONDITIONS AND APPLICABLE CODE REQUIREMENTS, AND THAT ONCE CONSTRUCTION HAS COMMENCED, THE CONTRACTOR SHALL UNDERTAKE FULL RESPONSIBILITIES TO DESIGN-BUILD ALL ELEMENTS AND MAKE NECESSARY ADJUSTMENTS AS REQUIRED FOR THE COMPLETION OF THE PROJECT IN ITS ENTIRETY PURSUANT TO ALL APPLICABLE CODE REQUIREMENTS, TRADE AND WORKMANSHIP STANDARDS.

ALL CONSTRUCTION WORK SHALL BE DONE IN ACCORDANCE WITH THE CITY BUILDING CODE AND INTERNATIONAL BUILDING CODE, AS WELL AS ALL APPLICABLE FEDERAL, STATE, OSHA, BAY AREA AIR QUALITY MANAGEMENT DISTRICT, COUNTY AND CITY ORDINANCES, AMENDMENTS AND RULINGS. THE CITY CODE SHALL GOVERN WHEN IT AND THE IBC OR ANY OTHER REFERENCE CODES AND STANDARDS ARE IN CONFLICT.

THE CONTRACTOR SHALL GIVE ALL NOTICES NECESSARY AND INCIDENTAL TO THE LAWFUL EXECUTION OF THE WORK.

THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS OF THE LOT, EASEMENT, SOIL CONDITIONS, ALL PROPOSED DIMENSIONS, INCLUDING EXCAVATION, UNDERPINNING, DRAINAGE AND UTILITY LINES AT SUBJECT PROPERTY, AS WELL AS, AT ADJACENT PROPERTIES. IF THE CONTRACTOR ENCOUNTERS DISCREPANCIES IN THE DRAWINGS, HE SHALL CONTACT THE ARCHITECT FOR CLARIFICATION BEFORE PROCEEDING WITH THE WORK. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE COSTS OF CORRECTIONS TO THE WORK IF HE NEGLECTS TO ADHERE TO THIS PROCESS.

THE DRAWINGS ARE INTENDED TO DESCRIBE AND PROVIDE FOR A FINISHED PIECE OF WORK. THE CONTRACTOR SHALL UNDERSTAND THAT THE WORK HEREIN DESCRIBED SHALL BE COMPLETED IN A GOOD AND WORKMANLIKE MANNER AND IN EVERY DETAIL ALTHOUGH EVERY NECESSARY ITEM INVOLVED IS NOT PARTICULARLY MENTIONED, EXCEPT AS OTHERWISE SPECIFICALLY STATED, THE CONTRACTOR SHALL PAY FOR ALL NECESSARY PERMITS, FEES, MATERIALS, LABOR, TOOLS, AND EQUIPMENT FOR THE ENTIRE COMPLETION OF THE WORK INTENDED TO BE DESCRIBED.

AT ALL TIMES, THE CONTRACTOR SHALL BE SOLELY AND COMPLETELY RESPONSIBLE FOR THE CONDITIONS AT THE JOB SITE, INCLUDING SAFETY OF PEOPLE, SUBJECT PROPERTY, AND ADJACENT PROPERTIES. THE ARCHITECT SHALL NOT REVIEW THE ADEQUACY OF THE CONTRACTOR'S SAFETY MEASURES.

THE ARCHITECT SHALL NOT HAVE CONTROL OR CHARGE OF, AND SHALL NOT BE RESPONSIBLE FOR, CONSTRUCTION MEANS, TECHNIQUES, SEQUENCES OR PROCEDURES, FOR THE OMISSIONS OF THE CONTRACTOR OR SUBCONTRACTORS PERFORMING ANY OF THE WORK OR FOR THE FAILURE OF ANY OF THEM TO CARRY OUT THE WORK IN CONFORMANCE WITH THE PLANS AND SPECIFICATIONS.

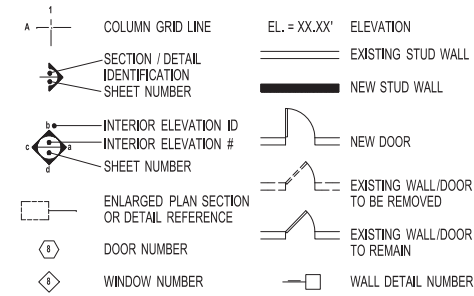
ALL DRAWINGS, SPECIFICATIONS, AND INFORMATION FURNISHED HEREWITH ARE AND SHALL REMAIN THE PROPERTY OF THE ARCHITECT AND SHALL BE HELD CONFIDENTIAL AND SHALL NOT BE USED FOR ANY PURPOSE OR PURPOSES OTHER THAN THOSE FOR WHICH THEY HAVE BEEN SUPPLIED AND PREPARED. THE ARCHITECT'S DRAWINGS, SPECIFICATIONS OR OTHER DOCUMENTS SHALL NOT BE USED BY THE OWNER OR OTHERS ON OTHER PROJECTS, FOR ADDITIONS TO THIS PROJECT OR FOR COMPLETION OF THIS PROJECT BY OTHERS, EXCEPT BY AGREEMENT IN WRITING, AND WITH APPROPRIATE COMPENSATION TO THE ARCHITECT.

ANY DRAWINGS ISSUED WITHOUT THE APPROVAL STAMP, SIGNED AND DATED BY THE BUILDING DEPARTMENT SHALL BE CONSIDERED IN THE PRELIMINARY STAGE AND SHALL NOT BE USED FOR CONSTRUCTION.

DO NOT SCALE DRAWINGS.

# Exhibit B

**SYMBOLS**



**PROJECT DATA:**

ZONING: INNER SUNSET NCD; NC-2

PARCEL AREA: 3,000 SQ FT  
BUILDING AREA: 3,972 SQ FT

RESTAURANT: 1,000 SF TO LIMITED RESTAURANT 1,000 SF

TOTAL UNITS: 2 COMMERCIAL (GROUND LEVEL) & 1 RESIDENTIAL (2ND FLOOR)

HEIGHT/BULK DISTRICT: 40-X

CONSTRUCTION TYPE: WOOD & STEEL  
FIRE SPRINKLER: NO

**DRAWING INDEX:**

A-1.0 SITE PLAN, LOCATION MAP, GENERAL NOTES.

A-1.1 EXISTING FLOOR PLANS

A-2.0 (E) FRONT ELEVATION

A-3.0 STORE PHOTOS

**SCOPE OF WORK:**

1. CHANGE OF USE PER SAN FRANCISCO PLANNING CODE SECTION 303 FROM (E) LIMITED RESTAURANT (SECTION 730.43) TO (P) RESTAURANT (SECTION 730.44).

NO CONSTRUCTION/ ADMINISTRATIVE CHANGE ONLY

**CODES:**

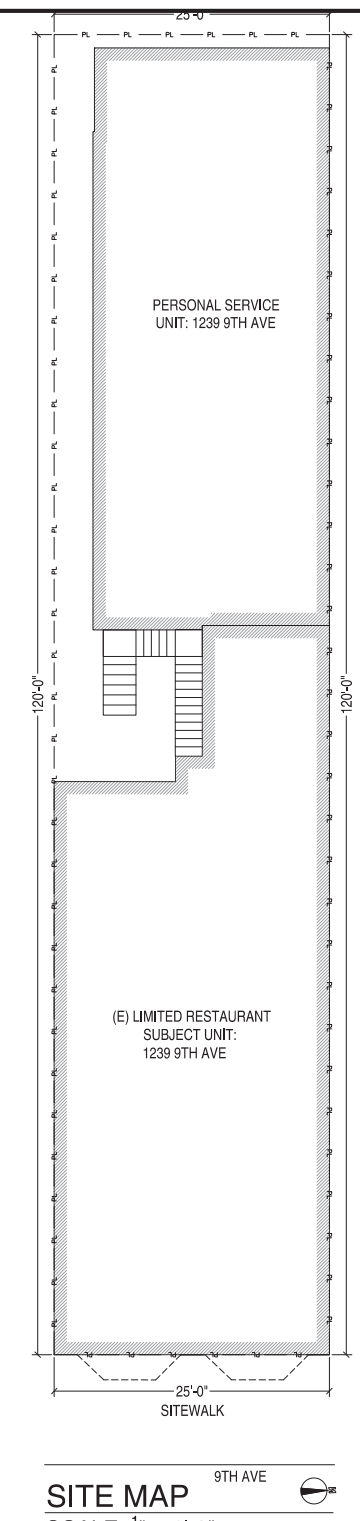
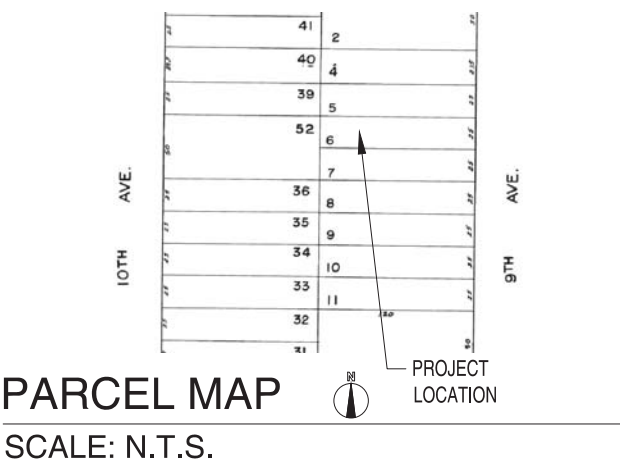
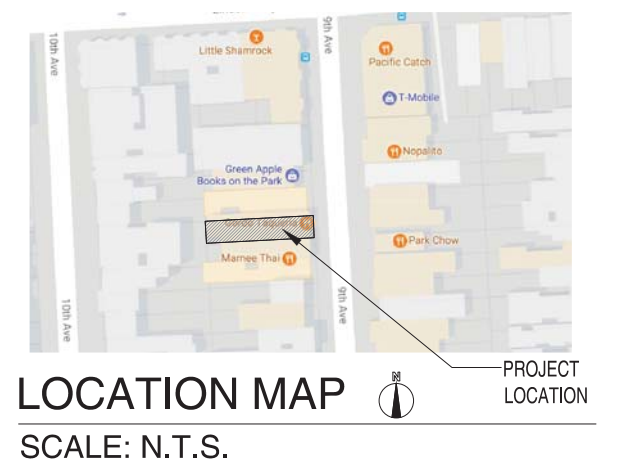
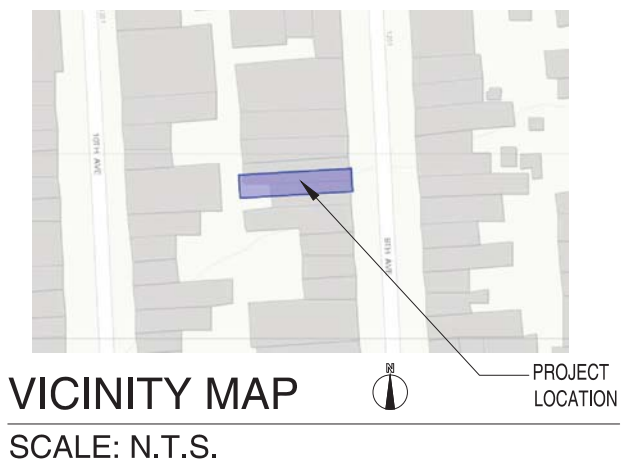
1. ALL WORK SHALL CONFORM TO THE MINIMUM STANDARDS OF THE 2013 CALIF. BUILDING CODE, 2013 PLUMBING CODE, 2013 MECHANICAL CODE AND THE 2013 NATIONAL ELECTRIC CODE, 2013 CALIFORNIA BUILDING ENERGY EFFICIENCY STANDARDS.

2. ALL WORK SHALL MEET TITLE 24, CALIFORNIA ADMINISTRATIVE CODE STANDARDS FOR CONSTRUCTION IN A SEISMIC ZONE 4. ANY PORTION OF THE WORK SHALL ALSO CONFORM TO THE STATE OF CALIFORNIA DIVISION OF INDUSTRIAL SAFETY AND THOSE CODES AND STANDARDS LISTED IN THESE NOTES. ALL CODES HAVING JURISDICTION SHALL BE OBSERVED STRICTLY IN THE CONSTRUCTION OF THE PROJECT INCLUDING ALL APPLICABLE STATE, CITY AND COUNTY BUILDING, ZONING, ELECTRICAL, MECHANICAL, PLUMBING AND FIRE CODES. CONTRACTOR SHALL VERIFY ALL CODE REQUIREMENTS BEFORE COMMENCEMENT OF CONSTRUCTION, CONSTRUCTION AND BRING ANY DISCREPANCIES BETWEEN CODE REQUIREMENTS AND DOCUMENTS TO THE ATTENTION OF THE DESIGNER IN WRITING. WHERE REFERENCE IS MADE TO VARIOUS TEST STANDARDS FOR MATERIALS, SUCH STANDARDS SHALL BE THE LATEST EDITION AND/ OR ADDENDUM.

- APPLICABLE CURRENT CODES AND REGULATIONS:**
- 2013 CALIFORNIA BUILDING CODE (CBC)
  - 2013 CALIFORNIA PLUMBING CODE (CPC)
  - 2013 CALIFORNIA MECHANICAL CODE (CMC)
  - 2013 CALIFORNIA ELECTRICAL CODE (CEC)
  - 2013 CALIFORNIA ENERGY CODE (CEC)
  - 2013 SAN FRANCISCO BUILDING CODE (SFBC)

**ABBREVIATIONS**

|         |                        |          |                    |
|---------|------------------------|----------|--------------------|
| &       | AND                    | GA.      | GAUGE              |
| @       | AT                     | GL.      | GLASS              |
| ⊕       | CENTER LINE            | GND.     | GROUND             |
| ∅       | DIAMETER               | GYP.     | GYPSUM             |
| #       | POUND OR NUMBER        | H.B.     | HOSE BIBB          |
| R       | PROPERTY LINE          | HWID.    | HARDWOOD           |
| A.D.    | AREA DRAIN             | HORIZ.   | HORIZONTAL         |
| ADJ.    | ADJACENT               | HR.      | HOUR               |
| ALUM.   | ALUMINUM               | HT.      | HEIGHT             |
| APPROX. | APPROXIMATE            | INSUL.   | INSULATION         |
| ARCH.   | ARCHITECTURAL          | INT.     | INTERIOR           |
| AWN.    | AWNING WINDOW          | LAV.     | LAVATORY           |
| BD.     | BOARD                  | LT.      | LIGHT              |
| BLDG.   | BUILDING               | MAX.     | MAXIMUM            |
| BLKG.   | BLOCKING               | MECH.    | MECHANICAL         |
| BM.     | BEAM                   | MET.     | METAL              |
| BOT.    | BOTTOM                 | MFR.     | MANUFACTURER       |
| C.B.    | CATCH BASIN            | MIN.     | MINIMUM            |
| C.O.    | CLEANOUT               | MISC.    | MISCELLANEOUS      |
| CAB.    | CABINET                | N.       | NORTH              |
| CLG.    | CEILING                | (N)      | NEW                |
| CLO.    | CLOSET                 | (N.T.S.) | NOT TO SCALE       |
| CLR.    | CLEAR                  | NO. OR # | NUMBER             |
| COL.    | COLUMN                 | O.C.     | ON CENTER          |
| CONC.   | CONCRETE               | O.F.D.   | OVERFLOW DRAIN     |
| CONST.  | CONSTRUCTION           | O.H.     | OVERHANG           |
| CORR.   | CORRIDOR               | OB.      | OBSCURED           |
| CSMT.   | CASEMENT WINDOW        | OPNG.    | OPENING            |
| D.H.    | DOUBLE HUNG WINDOW     | P/L      | PROPERTY LINE      |
| DBL.    | DOUBLE                 | PL.      | PLATE              |
| DEPT.   | DEPARTMENT             | PLYWD.   | PLYWOOD            |
| DET.    | DETAIL                 | PT.      | POINT              |
| DIA.    | DIAMETER               | Q.T.     | QUARRY TILE        |
| DIM.    | DIMENSION              | R.       | RISER              |
| DN.     | DOWN                   | R.D.     | ROOF DRAIN         |
| DR.     | DOOR                   | R.W.     | REDWOOD            |
| D/W     | DISHWASHER             | R.W.L.   | RAIN WATER LEADER  |
| DWG.    | DRAWING                | RAD.     | RADIUS             |
| E.      | EAST                   | REFR.    | REFRIGERATOR       |
| (E)     | EXISTING               | REIN.    | REINFORCED         |
| EA.     | EACH                   | REQ.     | REQUIRED           |
| EL.     | ELEVATION              | RET.     | RETAINING          |
| ELEC.   | ELECTRICAL             | S.       | SOUTH              |
| ELEV.   | ELEVATOR               | S.G.D.   | SLIDING GLASS DOOR |
| EQ.     | EQUAL                  | S.H.     | SINGLE HUNG WINDOW |
| EXT.    | EXTERIOR               | SIM.     | SIMILAR            |
| F.D.    | FLOOR DRAIN            | SL.      | SLIDER WINDOW      |
| F.D.C.  | FIRE DEPT. CONNECTION  | SPEC.    | SPECIFICATION      |
| F.G.    | FIXED GLASS WINDOW     | SO.      | SQUARE             |
| F.P.    | FIREPLACE              | STD.     | STANDARD           |
| FDN.    | FOUNDATION             | STL.     | STEEL              |
| FIN.    | FINISH                 | STR.     | STORAGE            |
| FLR.    | FLOOR                  | STRL.    | STRUCTURAL         |
| FLUOR.  | FLUORESCENT            | SYM.     | SYMMETRICAL        |
| FT.     | FOOT OR FEET           | T.&G.    | TONGUE & GROOVE    |
| FTG.    | FOOTING                | THK.     | THICK              |
| G.F.L.  | GROUND FAULT           | TYP.     | TYPICAL            |
| G.S.M.  | GALVANIZED SHEET METAL |          |                    |



CHANGE FROM LIMITED TO FULL SERVICE RESTAURANT  
1239 9TH AVE, SAN FRANCISCO, CA 94122  
(BLOCK/LOT): 1741/006

**SHEET TITLE**  
SITE PLAN, LOCATION  
MAP & GENERAL NOTES

DATE:  
09.13.2017

SCALE:  
As Noted

DRAWN BY:

**A-1.0**

**GENERAL NOTES:**

1. ALL WORK AND MATERIAL TO BE IN ACCORDANCE WITH REGULATIONS AND BUILDING CODES OF CITY OF SAN FRANCISCO.
2. ALL DIMENSIONS AND EXISTING CONDITIONS TO BE VERIFIED IN THE FIELD PRIOR TO COMMENCING WORK AND SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR.

REVISION:



CHANGE FROM LIMITED TO FULL SERVICE RESTAURANT  
1239 9TH AVE, SAN FRANCISCO, CA 94122  
(BLOCK/LOT): 1741/006

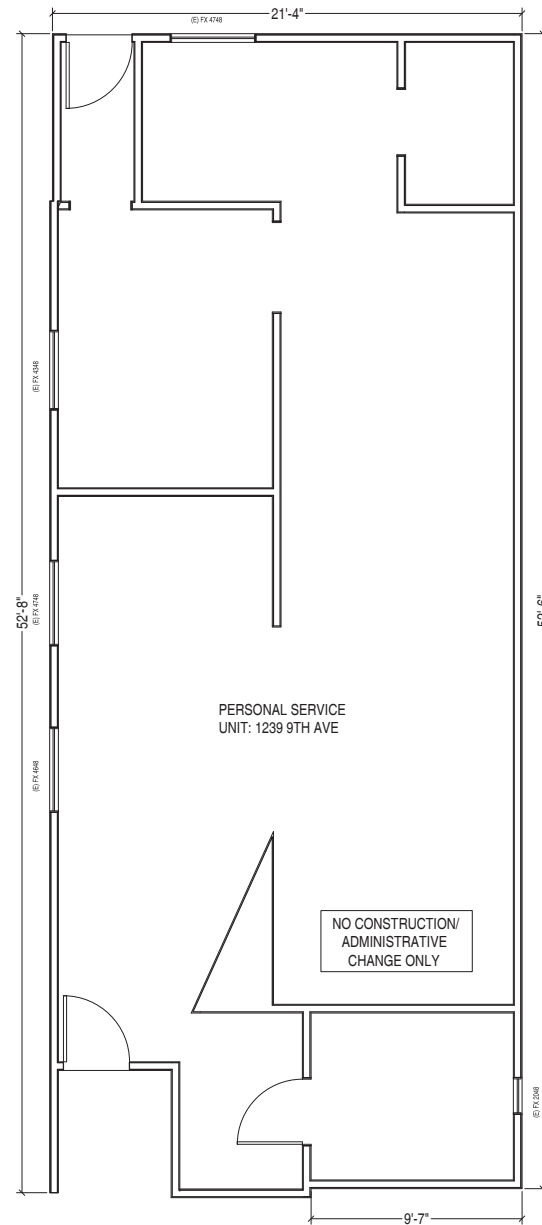
**SHEET TITLE**  
EXISTING FLOOR PLANS

DATE:  
09.13.2017

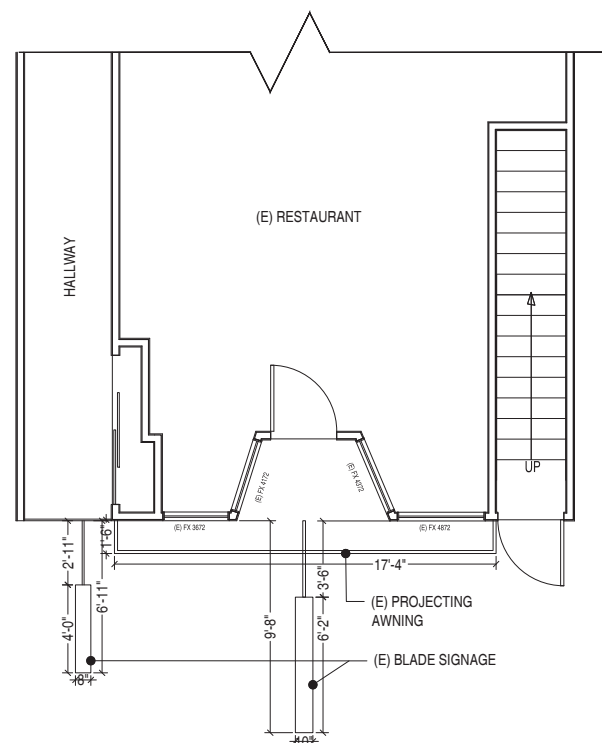
SCALE:  
As Noted

DRAWN BY:

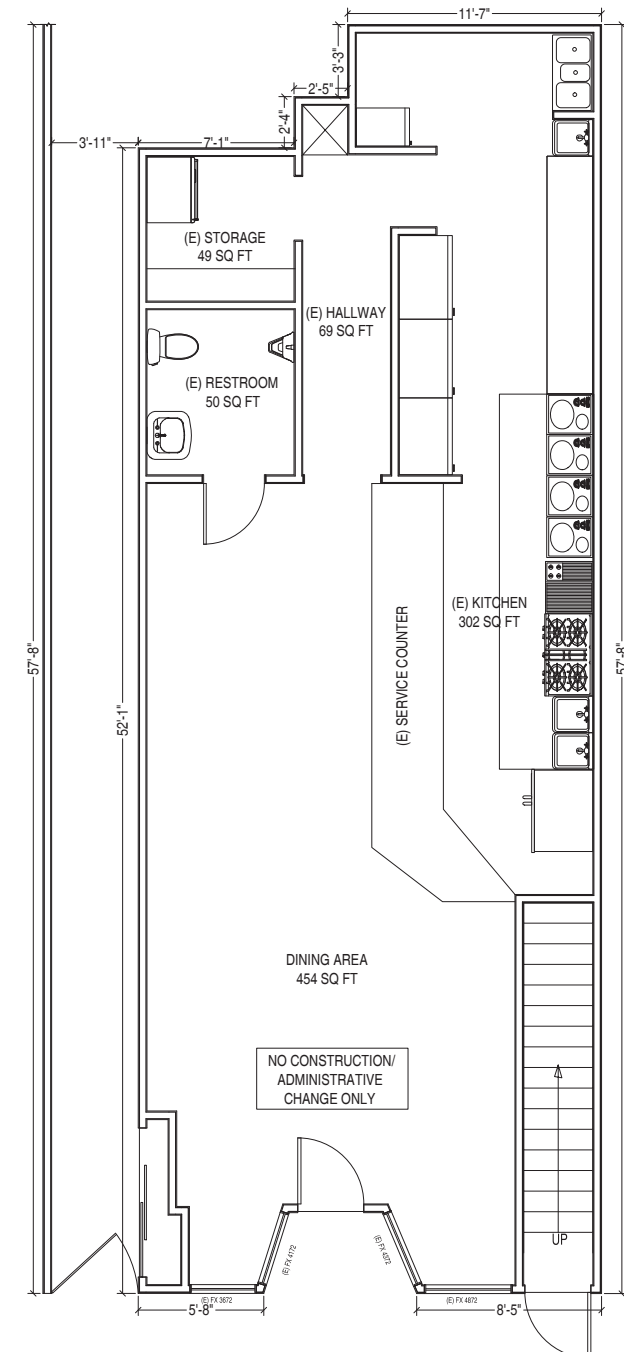
**A-1.1**



**EXISTING REAR BUILDING FLOOR PLAN.**  
SCALE:  $\frac{1}{4}'' = 1'-0''$



**EXISTING PLAN VIEW OF EXTERIOR SIGNAGE**  
SCALE:  $\frac{1}{4}'' = 1'-0''$



**EXISTING RESTAURANT FLOOR PLAN**  
SCALE:  $\frac{1}{4}'' = 1'-0''$

**GENERAL NOTES:**

1. ALL WORK AND MATERIAL TO BE IN ACCORDANCE WITH REGULATIONS AND BUILDING CODES OF CITY OF SAN FRANCISCO.
2. ALL DIMENSIONS AND EXISTING CONDITIONS TO BE VERIFIED IN THE FIELD PRIOR TO COMMENCING WORK AND SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR.

REVISION:



CHANGE FROM LIMITED TO FULL SERVICE RESTAURANT  
1239 9TH AVE, SAN FRANCISCO, CA 94122  
(BLOCK/LOT): 1741/006

**SHEET TITLE**  
(E) FRONT ELEVATION

DATE:  
09.13.2017

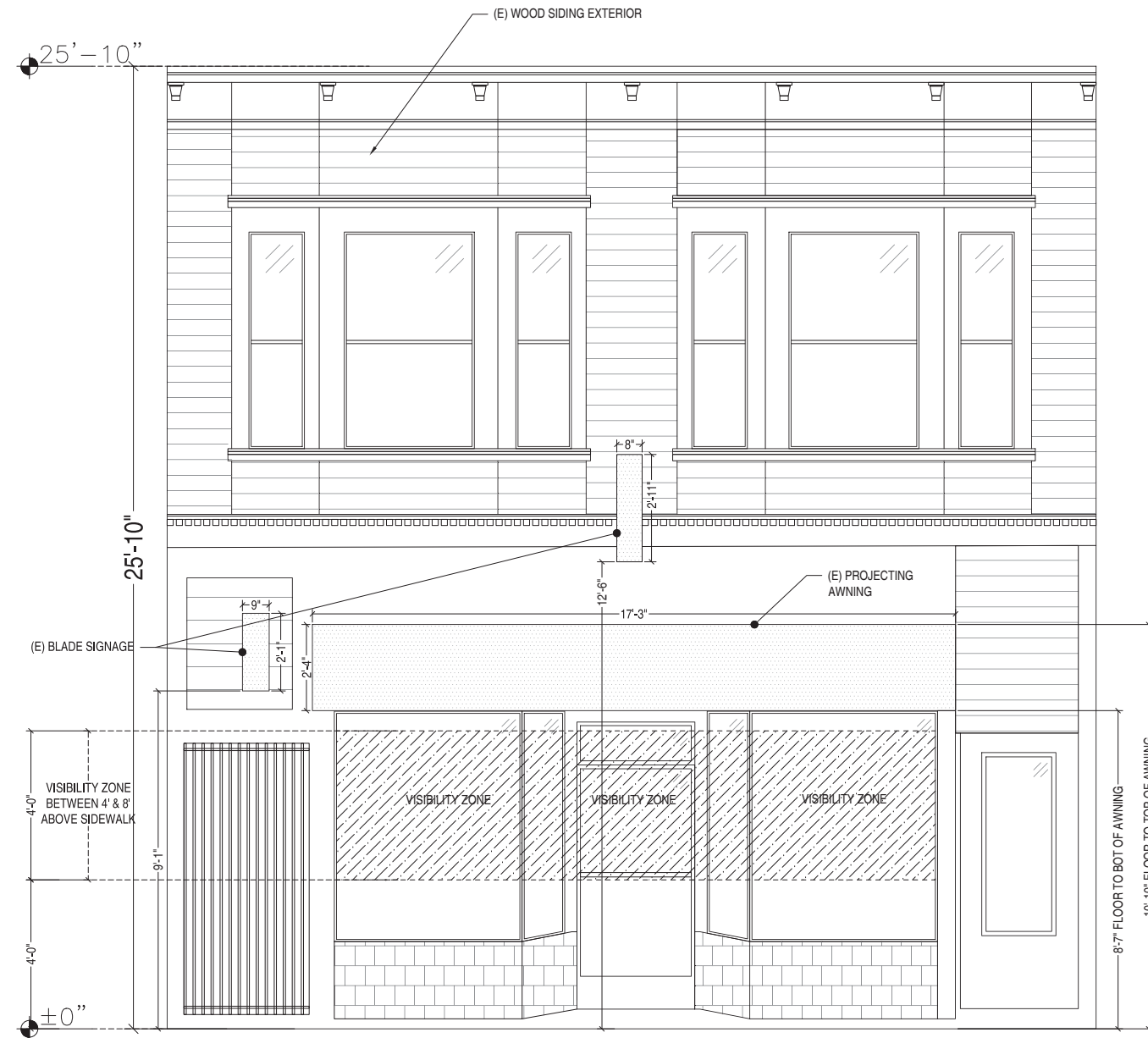
SCALE:  
As Noted

DRAWN BY:

**A-2.0**

Per Section 145.1(c)(6)  
Facade Area = 137 S.F. (FRONT)  
TOTAL AREA OF TRANSPARENT FENESTRATION = 100 S.F. (72 %)

VISIBILITY ZONE



**EXISTING FRONT ELEVATION**  
SCALE: 1/2" = 1'-0"



3



2



1



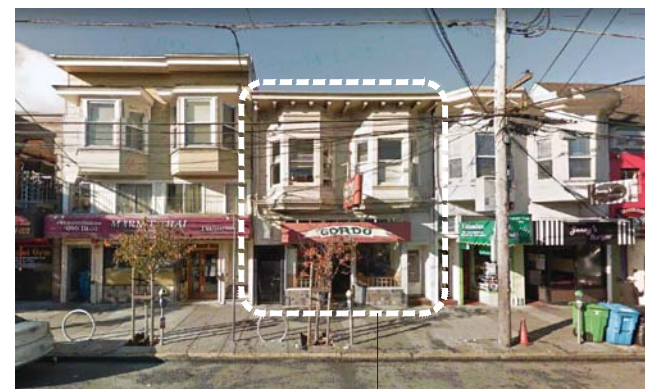
6



5

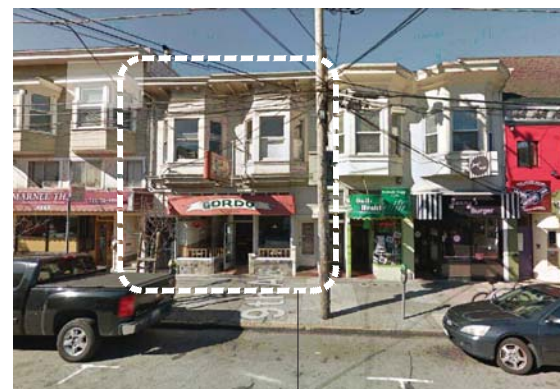


4



(E) STORE FRONT

SUBJECT BUILDING

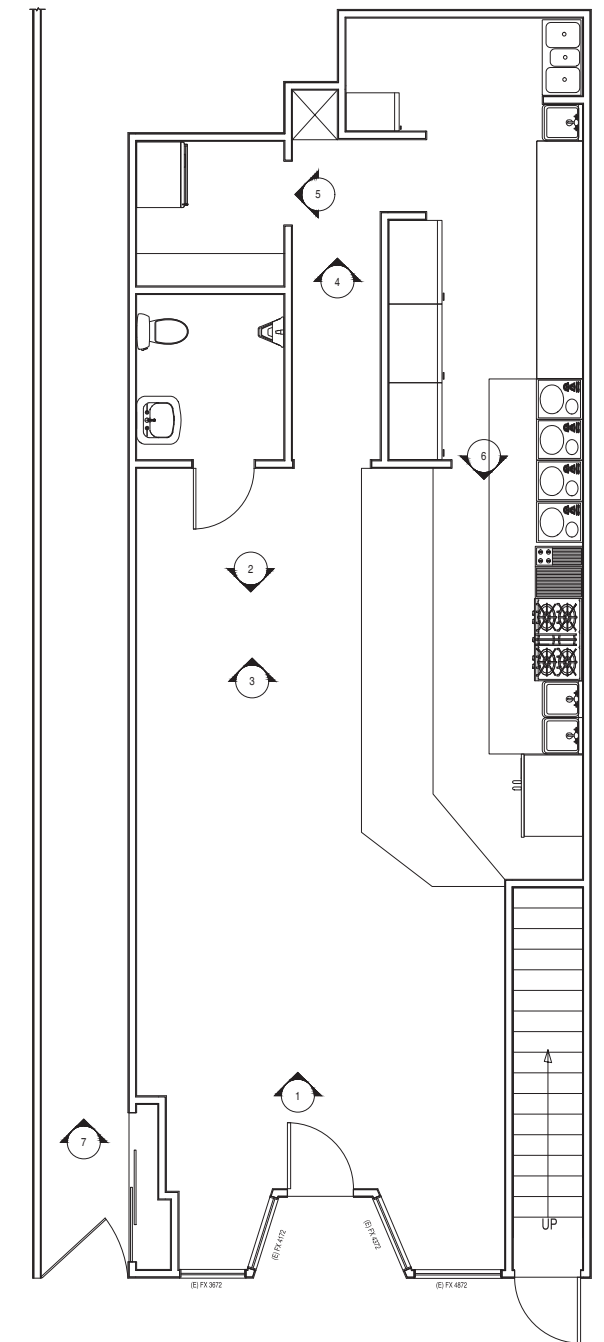


(E) STORE FRONT

SUBJECT BUILDING



7



LEGEND



CHANGE FROM LIMITED TO FULL SERVICE RESTAURANT  
1239 9TH AVE, SAN FRANCISCO, CA 94122  
(BLOCK/LOT): 1741/006

SHEET TITLE  
STORE PHOTOS

DATE:  
09.13.201'

SCALE:  
As Noted

DRAWN BY:

# APPLICATION FOR Conditional Use Authorization

## 1. Owner/Applicant Information

|   |  |
|---|--|
| PROPERTY OWNER'S NAME:<br><b>YANG TRUST (HENRY YANG)</b>  |  |
| PROPERTY OWNER'S ADDRESS:<br><b>1432 RICHARDS AVENUE<br/>SAN JOSE<br/>CALIFORNIA 95125-4461</b> | TELEPHONE:<br>(   )                    |
|   | EMAIL:<br><b>reach.henry@gmail.com</b> |

|   |                                |   |
|---|--------------------------------|---|
| APPLICANT'S NAME:<br><b>GORDO TAQUERIA (JEFF CHU, C.OO.)</b>                          |                                | Same as Above <input type="checkbox"/>  |
| APPLICANT'S ADDRESS:<br><b>1239 9TH AVENUE<br/>SAN FRANCISCO<br/>CALIFORNIA 94122</b> | TELEPHONE:<br>( 925 ) 330-3438 | EMAIL:<br><b>jeff@gordotaqueria.com</b> |

|   |                                |  |
|---|--------------------------------|--|
| CONTACT FOR PROJECT INFORMATION:<br><b>PHILIP F. LESSER</b>                   |                                | Same as Above <input type="checkbox"/> |
| ADDRESS:<br><b>555 LAUREL AVENUE, #501<br/>SAN MATEO<br/>CALIFORNIA 94401</b> | TELEPHONE:<br>( 650 ) 346-2903 | EMAIL:<br><b>phnsan@msn.com</b>        |

|  |                     |   |
|--|---------------------|---|
| COMMUNITY LIAISON FOR PROJECT (PLEASE REPORT CHANGES TO THE ZONING ADMINISTRATOR): |                     | Same as Above <input checked="" type="checkbox"/> |
| ADDRESS:   | TELEPHONE:<br>(   ) | EMAIL:  |

## 2. Location and Classification

|  |                                |
|--|--------------------------------|
| STREET ADDRESS OF PROJECT:<br><b>1239 9th AVENUE</b> | ZIP CODE:<br><b>94122-2306</b> |
| CROSS STREETS:<br><b>LINCOLN AND IRVING STREETS</b>  |                                |

|   |                                    |  |  |                                      |
|---|------------------------------------|--|--|--------------------------------------|
| ASSESSORS BLOCK/LOT:<br><b>1741 / 006</b> | LOT DIMENSIONS:<br><b>25 X 120</b> | LOT AREA (SQ FT):<br><b>3,000 s.f.</b> | ZONING DISTRICT:<br><b>NCD- INNER SUNSET</b> | HEIGHT/BULK DISTRICT:<br><b>40-X</b> |
|---|------------------------------------|--|--|--------------------------------------|

### 3. Project Description

|  |   |  |
|--|---|--|
| ( Please check all that apply )<br><input checked="" type="checkbox"/> Change of Use<br><input type="checkbox"/> Change of Hours<br><input type="checkbox"/> New Construction<br><input type="checkbox"/> Alterations<br><input type="checkbox"/> Demolition<br><input type="checkbox"/> Other Please clarify: | <b>ADDITIONS TO BUILDING:</b><br><input type="checkbox"/> Rear<br><input type="checkbox"/> Front<br><input type="checkbox"/> Height<br><input type="checkbox"/> Side Yard | PRESENT OR PREVIOUS USE:<br>LIMITED RESTAURANT (SEC. 730.43) |
|  |   | PROPOSED USE:<br>RESTAURANT (SEC .730.44)                    |
|  |   | BUILDING APPLICATION PERMIT NO.:<br>DATE FILED:              |

### 4. Project Summary Table

If you are not sure of the eventual size of the project, provide the maximum estimates.

|   | EXISTING USES: | EXISTING USES TO BE RETAINED: | NET NEW CONSTRUCTION AND/OR ADDITION: | PROJECT TOTALS: |
|---|----------------|-------------------------------|---------------------------------------|-----------------|
| <b>PROJECT FEATURES</b>   |                |                               |                                       |                 |
| Dwelling Units  | 1              | 1                             |                                       | 1               |
| Hotel Rooms   |                |                               |                                       |                 |
| Parking Spaces  |                |                               |                                       |                 |
| Loading Spaces  |                |                               |                                       |                 |
| Number of Buildings   | 1              | 1                             |                                       | 1               |
| Height of Building(s)   | 30 +/-         | 30 +/-                        |                                       | 30 +/-          |
| Number of Stories   | 2              | 2                             |                                       | 2               |
| Bicycle Spaces  |                |                               |                                       |                 |
| <b>GROSS SQUARE FOOTAGE (GSF)</b>                                       |                |                               |                                       |                 |
| Residential   | 1,472          | 1,472                         |                                       | 1,472           |
| Retail  | 2,500          | 2,500                         |                                       | 2,500           |
| Office  |                |                               |                                       |                 |
| Industrial/PDR<br><small>Production, Distribution, &amp; Repair</small> |                |                               |                                       |                 |
| Parking   |                |                               |                                       |                 |
| Other (Specify Use)   |                |                               |                                       |                 |
| <b>TOTAL GSF</b>  | <b>3,972</b>   | <b>3,972</b>                  |                                       | <b>3,972</b>    |

Please describe any additional project features that are not included in this table:  
 ( Attach a separate sheet if more space is needed )

CASE NUMBER:  
For Staff Use only

5. Action(s) Requested (Include Planning Code Section which authorizes action)

CHANGE OF USE PER SECTIONS 303 FROM (E) LIMITED RESTAURANT (SECTION 730.43)  
TO (P) RESTAURANT (SECTION 730.44)

## Conditional Use Findings

Pursuant to Planning Code Section 303(c), before approving a conditional use authorization, the Planning Commission needs to find that the facts presented are such to establish the findings stated below. In the space below and on separate paper, if necessary, please present facts sufficient to establish each finding.

1. That the proposed use or feature, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable for, and compatible with, the neighborhood or the community; and
2. That such use or feature as proposed will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity, or injurious to property, improvements or potential development in the vicinity, with respect to aspects including but not limited to the following:
  - (a) The nature of the proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;
  - (b) The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed off-street parking and loading;
  - (c) The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor;
  - (d) Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs; and
3. That such use or feature as proposed will comply with the applicable provisions of this Code and will not adversely affect the Master Plan.

SEE: ATTACHMENT I

## Priority General Plan Policies Findings

Proposition M was adopted by the voters on November 4, 1986. It requires that the City shall find that proposed projects and demolitions are consistent with eight priority policies set forth in Section 101.1 of the City Planning Code. These eight policies are listed below. Please state how the project is consistent or inconsistent with each policy. Each statement should refer to specific circumstances or conditions applicable to the property. Each policy must have a response. IF A GIVEN POLICY DOES NOT APPLY TO YOUR PROJECT, EXPLAIN WHY IT DOES NOT.

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

SEE: ATTACHMENT II

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

SEE: ATTACHMENT II

3. That the City's supply of affordable housing be preserved and enhanced;

SEE: ATTACHMENT II

4. That commuter traffic not impede Muni transit service or overburden our streets or neighborhood parking;

SEE: ATTACHMENT II



CASE NUMBER:  
For Staff Use only

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

SEE: ATTACHMENT II

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

SEE: ATTACHMENT II

7. That landmarks and historic buildings be preserved; and

SEE: ATTACHMENT II

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

SEE: ATTACHMENT II

## Estimated Construction Costs

|  |   |
|--|---|
| TYPE OF APPLICATION:<br><b>CONDITIONAL-USE</b>               |   |
| OCCUPANCY CLASSIFICATION:<br><b>B (COMMERCIAL)</b>           |   |
| BUILDING TYPE:<br><b>V</b>                                   |   |
| TOTAL GROSS SQUARE FEET OF CONSTRUCTION:<br><br><b>- 0 -</b> | BY PROPOSED USES:<br><b>RESTAURANT</b><br><b>DBA GORDO TAQUERIA</b> |
| ESTIMATED CONSTRUCTION COST:<br><b>- 0 -</b>                 |   |
| ESTIMATE PREPARED BY:<br><b>PHILIP LESSER, OWNER'S AGENT</b> |   |
| FEE ESTABLISHED:   |   |

## Applicant's Affidavit

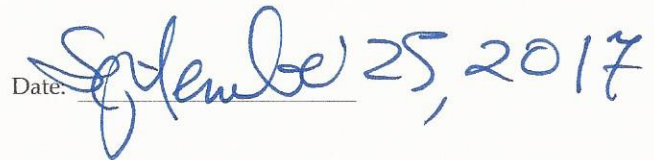
Under penalty of perjury the following declarations are made:

- a: The undersigned is the owner or authorized agent of the owner of this property.
- b: The information presented is true and correct to the best of my knowledge.
- c: The other information or applications may be required.

Signature: \_\_\_\_\_



Date: \_\_\_\_\_



Print name, and indicate whether owner, or authorized agent:

**PHILIP F. LESSER**

Owner / Authorized Agent (circle one)

## Application Submittal Checklist

Applications listed below submitted to the Planning Department must be accompanied by this checklist and all required materials. The checklist is to be completed and **signed by the applicant or authorized agent and a department staff person.**

| APPLICATION MATERIALS  | CHECKLIST                |
|--|--------------------------|
| Application, with all blanks completed   | <input type="checkbox"/> |
| 300-foot radius map, if applicable   | <input type="checkbox"/> |
| Address labels (original), if applicable   | <input type="checkbox"/> |
| Address labels (copy of the above), if applicable  | <input type="checkbox"/> |
| Site Plan  | <input type="checkbox"/> |
| Floor Plan   | <input type="checkbox"/> |
| Elevations   | <input type="checkbox"/> |
| Section 303 Requirements   | <input type="checkbox"/> |
| Prop. M Findings   | <input type="checkbox"/> |
| Historic photographs (if possible), and current photographs  | <input type="checkbox"/> |
| Check payable to Planning Dept.  | <input type="checkbox"/> |
| Original Application signed by owner or agent  | <input type="checkbox"/> |
| Letter of authorization for agent  | <input type="checkbox"/> |
| Other:<br>Section Plan, Detail drawings (ie. windows, door entries, trim), Specifications (for cleaning, repair, etc.) and/or Product cut sheets for new elements (ie. windows, doors) | <input type="checkbox"/> |

## NOTES:

- Required Material. Write "N/A" if you believe the item is not applicable, (e.g. letter of authorization is not required if application is signed by property owner.)
- Typically would not apply. Nevertheless, in a specific case, staff may require the item.
- Two sets of original labels and one copy of addresses of adjacent property owners and owners of property across street.

**After your case is assigned to a planner, you will be contacted and asked to provide an electronic version of this application including associated photos and drawings.**

Some applications will require additional materials not listed above. The above checklist does not include material needed for Planning review of a building permit. The "Application Packet" for Building Permit Applications lists those materials.

No application will be accepted by the Department unless the appropriate column on this form is completed. Receipt of this checklist, the accompanying application, and required materials by the Department serves to open a Planning file for the proposed project. After the file is established it will be assigned to a planner. At that time, the planner assigned will review the application to determine whether it is complete or whether additional information is required in order for the Department to make a decision on the proposal.

For Department Use Only

Application received by Planning Department:

By: \_\_\_\_\_

Date: \_\_\_\_\_

**ATTACHMENT I  
TO  
APPLICATION FOR CONDITIONAL USE AUTHORIZATION**

**1239 9<sup>th</sup> AVENUE  
1741/006**

**PROJECT FEATURES**

Gordo Taqueria is a Taqueria chain with three units located in San Francisco and two in Berkeley, California

On February 7, 2002 the San Francisco Planning Commission authorized the conversion of a vacant video store on the ground floor of the building at 1239 9<sup>TH</sup> Avenue, San Francisco to a "small self-service restaurant in the Inner Sunset Neighborhood Commercial district and a 40-X Height and Bulk District." (Motion No. 16339 attached hereto.)

The Yang Trust, owner of this property, and Gordo Taqueria now seek to change the current limited-restaurant use to full-service restaurant so that it can serve its patrons beer and wine.

**ATTACHMENT II  
TO  
APPLICATION FOR CONDITIONAL USE AUTHORIZATION**

**1239 9<sup>th</sup> AVENUE  
1741/006**

**CONDITIONAL USE FINDINGS**

Pursuant to Planning Code Section 303(c), before approving a conditional use authorization, the Planning Commission needs to find that the facts presented are such to establish the findings stated below. In the space below and on separate paper, if necessary, please present facts sufficient to establish each finding.

Under Planning Code Section 303(c), the City Planning Commission shall approve the application and authorize a conditional use if the facts presented are such to establish the following:

1. Desirability and Compatibility of Project

Planning Code section 303(c)(1) requires that facts be established which demonstrate the following:

**That the proposed use or feature, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable for, and compatible with, the neighborhood or the community.**

The Project is necessary and desirable because it will help a San Francisco neighborhood business and local employer better serve its patrons.

2. Effect of Project on Health, Safety, Convenience or General Welfare

Planning Code section 303(c)(2) requires that facts be established which demonstrate the following:

**That such use or feature as proposed will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity, or injurious to property, improvements or potential development in**

**the vicinity, with respect to aspects including but not limited to the following:**

- (a) The nature of the proposed site, including its size and shape, and the proposed size, shape and arrangement of the structure.**

There will be no changes to the size or shape of the building.

- (b) The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed off-street parking and loading and of proposed alternatives to off-street parking, including provisions of car-share parking spaces, as defined in Section 166 of this Code.**

The Site is highly accessible by public transportation, and most patrons travel to the location on foot or by public transportation.

- (c) The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor.**

The Project will not entail any renovations.

- (d) 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 modify the exterior of the building, any signage, landscaping or other physical attributes in and around the building it occupies.

3. That such use or feature as proposed will comply with the applicable provisions of this Code and will not adversely affect the Master Plan.

**Planning Code Section 303(c)(3) requires that facts be established that demonstrate that such use or feature as proposed will comply with the applicable provisions of this code and will not adversely affect the Master Plan.**

The Project will affirmatively promote, is consistent with, and will not adversely affect the General Plan, including specifically the Commerce and Industry and Transportation Elements of the General Plan, as follows:

## **Commerce and Industry Element**

**Objective 1      Manage economic growth and change to ensure enhancement of the total city living and working environment.**

Project sponsor believes that it will be better able to retain and grow its business by adding beer and wine to its menu.

**Policy 1.3      Locate commercial and industrial activities according to a generalized commercial and industrial land use plan.**

The Project is located in the midst of a vibrant cluster of neighborhood-serving restaurants

**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.**

Gordo Taqueria intends to improve the beverage offerings at this fifteen-year Taqueria, which it owns and operates

**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 would support this goal by enhancing business that employs multiple employees at entry and higher employment levels

**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.**

The addition of beer and wine offerings to the menu will make Gordo Taqueria better able to serve its patrons, many of whom reside in the Sunset district.

**Transportation Element**

**Objective 2**                    **Use the transportation system as a means for guiding development and improving the environment.**

**Policy 2.1**                    **Use rapid transit and other transportation improvements in the city and region as the catalyst for desirable development, and coordinate new facilities with public and private development.**

**Policy 2.4**                    **Organize the transportation system to reinforce community identity, improve linkages among interrelated activities and provide focus for community activities.**

The Project provides a neighborhood- and City-serving dining establishment in an area highly accessible by public transportation and bicycle, and within easy walking distance from numerous residences. The Site provides a street-facing retail use along a commercial corridor that reinforces the character the neighborhood and improves linkages among interrelated activities.



**ATTACHMENT III  
TO  
APPLICATION FOR CONDITIONAL-USE AUTHORIZATION**

**1239 9<sup>th</sup> AVENUE  
1741/006**

**PRIORITY MASTER PLAN POLICIES FINDINGS**

Planning Code Section 101.1 establishes the following eight priority planning policies and requires review of permits for consistency with said policies. The Project and this Section 303 Application are consistent with each of these policies as follows:

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

Approval of the conditional use contributes to a neighborhood-serving retail use. Gordo Taqueria will better serve its patrons by adding beer and wine offerings to its menu at 1239 9<sup>th</sup> Avenue.

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

The Project serves the mixed-use character of the area by providing street-facing retail. Therefore, the Project supports the cultural and economic diversity of our neighborhoods.

- 3. That the City's supply of affordable housing be preserved and enhanced.**

The Project would have no effect on affordable housing.

4. **That commuter traffic not impede Muni transit service or overburden our streets or neighborhood parking.**

The majority of customers access the location on foot or by public transportation. With a number of public transit options in the vicinity, the use does not overburden transit service or neighborhood parking. No change to operation is proposed.

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

The Project proposes no office use. The Project would contribute to a diverse economic base by allowing an active street-facing use to continue to operate.

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

The Project conforms to the structural and seismic requirements of the San Francisco Building Code, and thus meets this requirement.

7. **That landmarks and historic buildings be preserved.**

The Project would not alter the building or impact any historic landmark.

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

The Project does not propose any changes to the property that would impact parks, open space or their access to sunlight or vistas.

SAN FRANCISCO  
PLANNING COMMISSION  
MOTION NO. 16339

**ADOPTING FINDINGS RELATING TO THE APPROVAL OF A CONDITIONAL USE AUTHORIZATION UNDER PLANNING CODE SECTION 730.44 TO ALLOW THE ESTABLISHMENT OF A SMALL SELF-SERVICE RESTAURANT IN THE INNER SUNSET NEIGHBORHOOD COMMERCIAL DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT.**

Preamble

On October 23, 2001, Edward Tanaka, agent for Manuel Hernandez, Owner (hereinafter "Applicant"), made application for Conditional Use on the property at 1239 9<sup>th</sup> Avenue, Lot 006 in Assessor's Block 1714 (hereinafter "Property") to convert a vacant video store on the ground floor of a two-story building with a dwelling unit above, to a small self-service restaurant under section 730.44 of the Planning Code in the Inner Sunset Neighborhood Commercial District and a 40X Height and Bulk District.

On **February 7, 2002**, the San Francisco City Planning Commission (hereinafter "Commission") conducted duly noticed public hearings at a regularly scheduled meeting on Conditional Use Application No. 2001.1026C at which time the Commission reviewed and discussed the findings prepared for its review.

The proposed Conditional Use application was determined by the San Francisco Department of City Planning (hereinafter "Department") to be categorically exempt from the environmental review process pursuant to Title 14 of the California Administrative Code. The Commission has reviewed and concurs with said determination.

The Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of the applicant, Department staff, and other interested parties.

Findings

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

1. On October 23, 2001, Edward Tanaka applied for Conditional Use Authorization under Planning Code Section 730.44, to convert a vacant video store on the ground floor of a two-story building with a dwelling unit above, to a small self-service restaurant, in the Inner Sunset Neighborhood Commercial district and a 40-X Height and Bulk District.
2. Per Planning Code Section 730.1 the Inner Sunset Neighborhood Commercial District provides convenience goods and services to local Inner Sunset residents, as well as comparison shopping goods and services to a larger market area. The commercial district is also frequented by users of Golden Gate Park on weekends and by City residents for its eating, drinking, and entertainment places. Numerous housing units establish the district's mixed residential-commercial character.
3. The Proposal is to allow the establishment of Gordo Taqueria, a Small Self-Service Restaurant at 1239 9<sup>th</sup> Avenue. The site was previously a video store (Le Video), which has since moved two doors down to 1231 9<sup>th</sup> Avenue. The subject site has been vacant since the fall of 2001. Thus, the proposal requires that the use be changed from retail sales to a Small Self-Service Restaurant. Gordo Taqueria will occupy 990 square feet and will seat no more than 50 people. The restaurant will operate between 10:00 am and 10:00 pm.
4. Pursuant to Planning Code Section 730.44, the Inner Sunset Neighborhood Commercial District controls require Conditional Use Authorization for a small self-service restaurant. A small self-service restaurant is defined as a retail eating or eating and drinking use which provides ready-to-eat food for consumption on and off the premises and which may or may not provide seating. Such use exhibits the following characteristics:
  - 1) Contains fewer than 50 seats and less than 1,000 square feet of gross floor area;
  - 2) A limited menu of ready-to-eat food prepared in advance of customer orders, or food which is able to be quickly prepared for consumption on or off the premises;
  - 3) Food served in disposable wrappers or containers;
  - 4) Food is ordered and served at customer service counter;
  - 5) Food is paid for prior to consumption;
  - 6) Public food service area, including queuing areas and service counters without fixed seats, which counters are designed specifically for the sale and distribution of food and beverages;
  - 7) Food available upon a short waiting time.

5. The applicant has worked within the restaurant industry locally for the past 20 years. The proposal is a locally initiated venture.
6. Within the Commerce and Industry Element of the General Plan, the Guidelines for Specific Uses state that eating and drinking establishments should not increase their proportion of total occupied commercial frontage above 20%, or 25% in areas where there is an established pattern of service to a broad market, such as the Inner Sunset Neighborhood Commercial District. In such cases where this may occur, the proposal should be reviewed to ensure that it would not reduce the variety of neighborhood-serving uses. On the subject block of 9<sup>th</sup> Avenue between Lincoln Way and Irving Street, approximately 8% of ground story street frontage is residential, while 92% is commercial. Within the context of the subject block, there is currently an over-concentration of eating and drinking establishments as 37% of commercial establishments on both sides of the block are devoted to such uses. Within a 1000-foot radius of the site, this percentage increases to 42%. The Planning Commission has considered these applicable guidelines and authorizes the Small Self-Service Restaurant primarily because the establishment is proposed as a neighborhood-serving facility and also, because the proposed establishment will not displace existing neighborhood-serving retail stores and services as the restaurant is proposed to relocate from two doors down (1233 9<sup>th</sup> Avenue. For the same reason, the proposed relocation will not add to traffic and parking related impacts within the surrounding neighborhood.
7. Under provisions of Planning Code Section 303, the Commission may authorize Conditional Use after finding that the proposed use will provide a development that is necessary or desirable for and compatible with the neighborhood or the community, that such use will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity, and that such use will not adversely affect the Master Plan. The proposed project does comply with the criteria of Section 303 of the Code 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 for, and compatible with, the neighborhood or the community;

*The proposed establishment has been in operation since 1981, just two doors down (1233 9<sup>th</sup> Avenue). Thus the proposed relocation of Gordo Taqueria into 1239 9<sup>th</sup> Avenue will not increase the overall number of eating and drinking establishments. The Planning Commission has concerns regarding the space that is being vacated, and requires that a Block Book Notation be placed on the space to be vacated (1233 9<sup>th</sup> Avenue) requiring a mandatory staff-initiated discretionary review hearing for the establishment in that space of any restaurant use*

- b. The proposal will not be potential detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity or injurious to property, improvements or potential development in the vicinity:

(i) The nature of the proposed site, including its size and shape and the proposed size, shape and arrangements of structures.

*The proposal does not involve an expansion of the existing floor area.*

(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.

*No off street parking spaces are required for restaurants under 5,000 square feet under Planning Code 151. Also, the potential for this restaurant to create significant parking and traffic problems is minimized by the fact that the majority of patrons are expected to be comprised of residents of the surrounding neighborhood (s).*

- (iii) The safeguard afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor.

*The conditions of Approval for the Proposal, attached to the Motion as Exhibit "A," ensure that the Proposal will not have a detrimental effect on adjacent or nearby residences by requiring that all noise and odors be contained within the premises.*

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

*There will be no changes to the external configuration of two-story building.*

- c. Such use or feature as proposed will comply with the applicable provision of the Planning Code and will not adversely affect the General Plan.
8. The project is consistent with the Objectives and Policies of the General Plan, as follows:

The **Commerce and Industry Element** of the General Plan contains the following relevant Objectives and Policies:

**Commerce and Industry Element**

OBJECTIVE 6: MAINTAIN AND STRENGTHEN VIABLE NEIGHBORHOOD COMMERCIAL AREAS EASILY ACCESSIBLE TO CITY RESIDENTS

Policy 1            Ensure and encourage the retention and provision of neighborhood serving goods and services in the city's neighborhood commercial districts, while recognizing and encouraging diversity among the districts.

*The proposed restaurant is a locally initiated venture, which has been in the neighborhood since 1981. The restaurant establishment is proposed as a neighborhood-serving facility and will be in conformity with stated provisions within the General Plan.*

Policy 2            Promote economically vital neighborhood commercial districts which foster small business enterprises and entrepreneurship and which are responsive to economic and technological innovation in the marketplace and society.

*The proposed restaurant is a small neighborhood-serving retail use and will augment the vitality of street life in the district.*

Policy 10 Promote neighborhood commercial revitalization, including community based and other economic development efforts where feasible.

*The proposed establishment will not displace existing neighborhood-serving retail stores and services because the restaurant is relocating from two doors down (1233 9<sup>th</sup> Avenue) and has been in business since 1981.*

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. The proposed restaurant is a locally owned establishment. Existing neighborhood-serving retail uses will be preserved because the restaurant is relocating from two doors down (1233 9<sup>th</sup> Avenue) and has been in business since 1981.
  - b. No residential uses would be displaced or altered in any way by the granting of this authorization.
  - c. The proposed Project would have no adverse impact on housing in the vicinity.
  - d. Due to the nature of the Proposal, municipal transit service would not be impeded and neighborhood parking would not be overburdened.
  - e. The Project would cause no displacement of industrial sector or service sector activity;
  - f. The subject property is compliant with all applicable structural safety and seismic safety requirements.
  - g. The subject building is neither historically or architecturally significant and is not located within a designated historic district.
  - h. The proposal will not impact open space or parks.
10. The Commission hereby finds that approval of the Conditional Use Authorization would promote the health, safety, and welfare of the City



Case No.2001.1026C  
1239 9<sup>th</sup> Avenue  
Assessor's Block 1714, Lot 006  
Motion No. 16339  
Page 7

**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. 2001.1026C** subject to the following conditions attached hereto as EXHIBIT A which is incorporated herein by reference as though fully set forth.

I hereby certify that the foregoing Motion was ADOPTED by the Planning Commission at its regular meeting of February 7, 2002.

Linda Avery  
Commission Secretary

AYES: Commissioners Chinchilla, Baltimore, Joe, Lim, Salinas, Theoharis

NOES: None

ABSENT: Commissioner Fay

ADOPTED: February 7, 2002

**Case No.2001.1026C**  
**1239 9<sup>th</sup> Avenue**  
**Assessor's Block 1714, Lot 006**  
**Motion No. 16339**  
**Page 9**

8. Should the implementation of this Project result in complaints from interested property owners, residents, or commercial lessees which are not resolved by the Project Sponsor and are subsequently reported to the Zoning Administrator 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 in accordance with the hearing notification and conduct procedures as set forth in Sections 174, 306.3, and 306.4 of the Code to consider revocation of this Conditional Use Authorization.

VR:N:\CPC\F-MOTION\1239 - 9<sup>TH</sup> AVENUE\ M-16339



SAN FRANCISCO  
PLANNING  
DEPARTMENT

# CB3P Community Business Priority Processing Program Checklist for Eligibility

The Community Business Priority Processing Program ("CB3P") was adopted by the San Francisco Planning Commission on February 12, 2015 under Resolution Number 19323. The CB3P streamlines the Conditional Use process for certain small and mid-sized businesses applications. It is the successor program to the Planning Commission's Small Business Priority Processing Pilot Program ("SB4P").

Projects that qualify for, and enroll in, the CB3P are guaranteed (1) a hearing date within 90 days of filing and (2) placement on the Planning Commission's consent calendar. The analysis of CB3P-projects is documented through a two-page Project Summary and Motion ("PS&M") rather than the lengthier Executive Summary and Draft Motion documents prepared in connection with conventional applications.

Applicants for the CB3P must (1) complete this checklist documenting eligibility for participation, (2) complete the Conditional Use application and provide associated materials and (3) conduct a Pre-Application Meeting, as discussed below. **Planning Department Staff are available to assist you at the Planning Information Center ("PIC"), located on the ground floor of 1660 Mission Street, during regular business hours. You can also call the PIC at (415) 558.6377**

Information about Pre-Application Meetings can be found at [sfplanning.org](http://sfplanning.org) > Permits & Zoning > Permit Forms > "Neighborhood Notification - Pre-Application Meeting Packet". A Pre-Application Meeting is a mandatory form of community outreach conducted by a project sponsor in order to receive initial feedback prior to the submittal of an application to the Planning Department. A Pre-Application Meeting is hosted by a project sponsor to discuss a project and review associated plans; it is typically held at or near the project site. A project sponsor is required to send notice of the meeting to abutting property owners and occupants, property owners and occupants directly across the street, and all neighborhood associations (available at [www.sfplanning.org](http://www.sfplanning.org)).

## Project Information

Please complete all fields.

|  |  |
|--|--|
| PROPERTY ADDRESS:  | RECORD NUMBER AND/OR BUILDING PERMIT NUMBER: |
| 1239 9 <sup>th</sup> Avenue  |  |
| NAME OF BUSINESS (IF KNOWN):   |  |
| Gordo Taqueria   |  |
| BRIEF DESCRIPTION OF PROJECT:  |  |
| Project sponsor seeks conditional use authorization from the S.F. Planning Commission to change use from limited-restaurant (Sec. 730.43) to restaurant (Section 730.44) |  |

# Checklist for CB3P Eligibility

The following checklist is to be completed by applicants and reviewed by Planning Department Staff.

| CONFIRM COMPLIANCE WITH EACH CRITERION BY CHECKING BOXES |  |
|--|--|
| <input checked="" type="checkbox"/>                      | Pre-Application Meeting<br>The applicant has conducted a Pre-Application Meeting as set forth on the reverse side of this page. <i>held 9/22/2017</i>  |
| <input checked="" type="checkbox"/>                      | Application Type<br>The application is for Conditional Use Authorization.  |
| <input checked="" type="checkbox"/>                      | Formula Retail<br>The application <u>does not seek</u> to establish a new Formula Retail use, excepting one with fewer than 20 other establishments.   |
| <input checked="" type="checkbox"/>                      | Hours of Operation<br>The application <u>does not seek</u> to establish or expand hours of operation beyond those permitted on an as-of-right basis in the subject zoning district.  |
| <input checked="" type="checkbox"/>                      | Storefront Consolidation<br>The application <u>does not seek</u> to consolidate multiple tenant spaces (e.g. storefronts), regardless of any vacancy, into a lesser number of tenant spaces.   |
| <input checked="" type="checkbox"/>                      | Loss of Dwellings<br>The application <u>does not seek</u> to remove any dwelling units.  |
| <input checked="" type="checkbox"/>                      | Alcoholic Beverages<br>The application <u>does not seek</u> to sell any alcoholic beverages <u>excepting beer and/or wine sold on or off-site in conjunction with the operation of a Bona Fide Eating Place.</u>   |
| <input checked="" type="checkbox"/>                      | Nature of Work<br>The proposed work involves <u>only a change of use, tenant improvement or similar interior or store-front work. No building expansion or new construction is involved.</u>   |
| <input checked="" type="checkbox"/>                      | Nature of Use<br>The application involves only non-residential uses and does not seek to establish or expand any of the following:<br><ul style="list-style-type: none"> <li>✓ Message Establishment</li> <li>✓ Tobacco Paraphernalia Establishment</li> <li>✓ Adult Entertainment Establishment</li> <li>✓ Medical Cannabis Dispensary</li> <li>✓ Fringe Financial Service</li> <li>✓ Drive-up Facility</li> <li>✓ Wireless Telecommunications Site ("WTS")</li> <li>✓ Outdoor Activity Area</li> <li>✓ Bar</li> <li>✓ Nighttime Entertainment / Place of Entertainment (e.g. nightclubs, music venues)</li> <li>✓ Liquor Store</li> <li>✓ Off-Street parking in excess of that allowed on an as-of-right basis</li> <li>✓ Office closed to the public located on the ground story</li> </ul> |

## Applicant's Declaration

I hereby attest under penalty of perjury that the information I have provided is true and correct to the best of my knowledge, that I intend to complete the project described herein in compliance with the eligibility requirements of the CB3P Program, that I have read and understood this form, and that I am (a) the property owner or authorized agent of the property owner, (b) familiar with the property, and (c) able to provide accurate and complete information. I understand that knowingly or negligently providing false or misleading information may lead to denial or rescission of my permit and/or other authorization and may constitute a violation of the San Francisco Municipal Code, which can lead to criminal and/or civil legal action along with the imposition of administrative fines.

*Philip Hesser* September 27, 2017 phnsan@msn.com  
 Signature Date Email Address  
Philip Hesser (650) 346-2903  
 Print Name and check one:  OWNER or  AUTHORIZED AGENT Phone Number

For Staff Use Only:  
 Check One:

ENROLLED

CHECKLIST REVIEWED AND FOUND TO BE ACCURATE AND REFLECTIVE OF PROJECT

PRE-APPLICATION MEETING COMPLETE, DOCUMENTATION RECEIVED

CONDITIONAL USE APPLICATION RECEIVED

NOT ENROLLED

STATE REASON: \_\_\_\_\_

PROVIDE A COPY OF THIS FORM TO THE DIRECTOR'S OFFICE

\_\_\_\_\_  
 Name, Date and Signature of Current Planning Staff

# AFFIDAVIT FOR Formula Retail Establishments

## 1. Location and Classification

|   |  |                               |
|---|--|-------------------------------|
| STREET ADDRESS OF PROJECT:<br>1239 9th Avenue |  |                               |
| ASSESSORS BLOCK/LOT:<br>1741 1006             | ZONING DISTRICT:<br>NCD - Inner Sunset | HEIGHT/BULK DISTRICT:<br>40-X |

## 2. Proposed Use Description

|   |
|---|
| PROPOSED USE (USE CATEGORY PER ARTICLE 7 OR 8):<br>Restaurant (Sec. 730.44)   |
| PROPOSED BUSINESS NAME:<br>Gordo Taqueria   |
| DESCRIPTION OF BUSINESS, INCLUDING PRODUCTS AND/OR SERVICES:<br>Existing taqueria wishes to add beer and wine to its menu |
| BUILDING PERMIT APPLICATION NO.: (if applicable)<br>N/A Administrative only 2017-012465 CUA                               |
| CONDITIONAL USE CASE NO.: (if applicable)   |

## 3. Quantity of Retail Locations

|     |   | TOTAL |
|-----|---|-------|
| 3.a | How many retail locations of this business are there worldwide?<br>Please include any property for which a land use permit or entitlement has been granted. | 6     |
| 3.b | How many of the above total locations are in San Francisco?   | 3     |

If the number entered on Line 3.a above is 11 or more, then the proposed use *may* be a Formula Retail Use. Continue to section 4 below.

If the number entered on Line 3.a above is 10 or fewer, no additional information is required. Proceed to section 5 on the next page and complete the Applicant's Affidavit.

## 4. Standardized Features

Will the proposed business utilize any of the following Standardized Features?

|       | FEATURES             | YES                      | NO                       |
|-------|----------------------|--------------------------|--------------------------|
| A     | Array of Merchandise | <input type="checkbox"/> | <input type="checkbox"/> |
| B     | Trademark            | <input type="checkbox"/> | <input type="checkbox"/> |
| C     | Servicemark          | <input type="checkbox"/> | <input type="checkbox"/> |
| D     | Décor                | <input type="checkbox"/> | <input type="checkbox"/> |
| E     | Color Scheme         | <input type="checkbox"/> | <input type="checkbox"/> |
| F     | Façade               | <input type="checkbox"/> | <input type="checkbox"/> |
| G     | Uniform Apparel      | <input type="checkbox"/> | <input type="checkbox"/> |
| H     | Signage              | <input type="checkbox"/> | <input type="checkbox"/> |
| TOTAL |                      |                          |                          |

Enter the total number of Yes/No answers above.

If the total YES responses is **two (2) or more**, then the proposed use is a Formula Retail Use.

5. Applicant's Affidavit

|  |   |  |
|--|---|--|
| NAME: <u>Philip Hesser</u>   | <input type="checkbox"/> Property Owner | <input checked="" type="checkbox"/> Authorized Agent |
| MAILING ADDRESS: (STREET ADDRESS, CITY, STATE, ZIP)<br><u>555 Laurel Avenue, #501 San Mateo CA 94401</u> |   |  |
| PHONE: <u>650 346-2903</u>   | EMAIL: <u>phsana@msn.com</u>            |  |

Under penalty of perjury the following declarations are made:  
 a: The undersigned is the owner or authorized agent of the owner of this property.  
 b: The information presented is true and correct to the best of my knowledge.  
 c: Other information or applications may be required.

Applicant's Signature: *Philip Hesser* Date: October 18, 2017

| PLANNING DEPARTMENT USE ONLY   |            |                            |   |
|--|------------|----------------------------|---|
| PLANNING CODE SECTION(S) APPLICABLE:<br><u>730</u>   |            |                            |   |
| HOW IS THE PROPOSED USE REGULATED AT THIS LOCATION?  |            |                            |   |
| <input type="checkbox"/> Principally Permitted<br><input type="checkbox"/> Principally Permitted, Neighborhood Notice Required (Section 311/312)<br><input type="checkbox"/> Not Permitted<br><input checked="" type="checkbox"/> Conditional Use Authorization Required (Please list Case Number below) |            |                            |   |
| CASE NO.<br><u>2017-01246SC09</u>  | MOTION NO. | EFFECTIVE DATE             | NSR RECORDED?<br><input type="checkbox"/> Yes <input type="checkbox"/> No |
| COMMENTS:  |            |                            |   |
| VERIFIED BY:   |            |                            |   |
| Signature: <u><i>Mathew Chandler</i></u>   |            | Date: <u>11/30/17</u>      |   |
| Printed Name: <u>Mathew Chandler</u>   |            | Phone: <u>415 575-9040</u> |   |



FOR MORE INFORMATION:  
 Call or visit the San Francisco Planning Department

**Central Reception**  
 1650 Mission Street, Suite 400  
 San Francisco CA 94103-2479

TEL: 415.558.6378  
 FAX: 415 558-6409  
 WEB: <http://www.sfplanning.org>

**Planning Information Center (PIC)**  
 1660 Mission Street, First Floor  
 San Francisco CA 94103-2479

TEL: 415.558.6377  
 Planning staff are available by phone and at the PIC counter.  
 No appointment is necessary.

Henry Yang  
PO Box 5636  
San Jose CA 95150

August 22, 2017

San Francisco Planning Department  
1650 MISSION Street, 4<sup>th</sup> Floor  
San Francisco CA 94103

Re: Authorization of Philip Lesser to Act as Property Owner's Agent  
For Property Located at 1237-39 9th Avenue, San Francisco (APN: Lot 006 in Assessor's Block 17<sup>4</sup>4)

To Whom It May Concern:

By this letter, I am authorizing Philip Fred Lesser, a registered lobbyist and permit expediter in the City and County of San Francisco, to take any and all necessary action, including, but not limited to, the signing and/or filing of entitlements and other documents, in furtherance of the processing of approvals by the San Francisco Planning Commission for change of use from Limited-Restaurant (Section 730.43) to Restaurant (Section 730.44) at the aforementioned location.

Very truly yours,



Henry Yang  
Property Owner  
1237-39 9<sup>th</sup> Avenue, San Francisco CA  
& Landlord to  
Gordo Taqueria (current tenant)



# SAN FRANCISCO PLANNING DEPARTMENT

## CEQA Categorical Exemption Determination

### PROPERTY INFORMATION/PROJECT DESCRIPTION

|   |   |  |   |
|---|---|--|---|
| Project Address   |   | Block/Lot(s)                                 |   |
| 1239 9th Ave.   |   | 1741/006                                     |   |
| Case No.  | Permit No.  | Plans Dated                                  |   |
| N/A   | 2017-012465CUA  | 9/27/17                                      |   |
| <input checked="" type="checkbox"/> Addition/<br>Alteration   | <input type="checkbox"/> Demolition<br>(requires HRER if over 45 years old) | <input type="checkbox"/> New<br>Construction | <input type="checkbox"/> Project Modification<br>(GO TO STEP 7) |
| Project description for Planning Department approval.   |   |  |   |
| Conditional Use Authorization to permit change of use from Limited Restaurant to Restaurant which will occupy an approximately 924 square foot commercial building, no exterior work to be completed under this permit. |   |  |   |

### STEP 1: EXEMPTION CLASS TO BE COMPLETED BY PROJECT PLANNER

|  |   |
|--|---|
| <b>*Note: If neither class applies, an <i>Environmental Evaluation Application</i> is required.*</b> |   |
| <input checked="" type="checkbox"/>  | <b>Class 1 – Existing Facilities.</b> Interior and exterior alterations; additions under 10,000 sq. ft.   |
| <input type="checkbox"/>   | <b>Class 3 – New Construction/ Conversion of Small Structures.</b> 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

|   |   |
|---|---|
| <b>If any box is checked below, an <i>Environmental Evaluation Application</i> is required.</b> |   |
| <input type="checkbox"/>  | <b>Air Quality:</b> 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 &gt; CEQA Catex Determination Layers &gt; Air Pollutant Exposure Zone)</i>             |
| <input type="checkbox"/>  | <b>Hazardous Materials:</b> 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>Maher program, or other documentation from Environmental Planning staff that hazardous material effects would be less than significant (refer to EP_ArcMap &gt; Maher layer).</i>   |
| <input type="checkbox"/>  | <b>Transportation:</b> 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"/>  | <b>Archeological Resources:</b> 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? (refer to EP_ArcMap > CEQA Catex Determination Layers > Archeological Sensitive Area)  |
| <input type="checkbox"/>  | <b>Subdivision/Lot Line Adjustment:</b> Does the project site involve a subdivision or lot line adjustment on a lot with a slope average of 20% or more? (refer to EP_ArcMap > CEQA Catex Determination Layers > Topography)   |
| <input type="checkbox"/>  | <b>Slope = or &gt; 20%:</b> 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? (refer to EP_ArcMap > CEQA Catex Determination Layers > Topography) <b>If box is checked, a geotechnical report is required.</b>                              |
| <input type="checkbox"/>  | <b>Seismic: Landslide Zone:</b> 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? (refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones) <b>If box is checked, a geotechnical report is required.</b>                |
| <input type="checkbox"/>  | <b>Seismic: Liquefaction Zone:</b> 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? (refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones) <b>If box is checked, a geotechnical report will likely be required.</b> |
| <b>If no boxes are checked above, GO TO STEP 3. <u>If one or more boxes are checked above, an <i>Environmental Evaluation Application</i> is required, unless reviewed by an Environmental Planner.</u></b> |  |
| <input checked="" type="checkbox"/>   | <b>Project can proceed with categorical exemption review. The project does not trigger any of the CEQA impacts listed above.</b>   |
| <b>Comments and Planner Signature (optional):</b>   |  |

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

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

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

|  |  |
|--|--|
| <b>Check all that apply to the project.</b>                          |  |
| <input checked="" type="checkbox"/>                                  | 1. <b>Change of use and new construction.</b> Tenant improvements not included.  |
| <input type="checkbox"/>   | 2. <b>Regular maintenance or repair</b> to correct or repair deterioration, decay, or damage to building.  |
| <input type="checkbox"/>   | 3. <b>Window replacement</b> that meets the Department's <i>Window Replacement Standards</i> . Does not include storefront window alterations.   |
| <input type="checkbox"/>   | 4. <b>Garage work.</b> 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. <b>Deck, terrace construction, or fences</b> not visible from any immediately adjacent public right-of-way.   |
| <input type="checkbox"/>   | 6. <b>Mechanical equipment installation</b> that is not visible from any immediately adjacent public right-of-way.   |
| <input type="checkbox"/>   | 7. <b>Dormer installation</b> that meets the requirements for exemption from public notification under <i>Zoning Administrator Bulletin No. 3: Dormer Windows</i> .  |
| <input type="checkbox"/>   | 8. <b>Addition(s)</b> 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. |
| <b>Note: Project Planner must check box below before proceeding.</b> |  |
| <input type="checkbox"/>   | Project is not listed. <b>GO TO STEP 5.</b>  |
| <input type="checkbox"/>   | Project <b>does not conform</b> to the scopes of work. <b>GO TO STEP 5.</b>  |
| <input type="checkbox"/>   | Project involves <b>four or more</b> work descriptions. <b>GO TO STEP 5.</b>   |
| <input checked="" type="checkbox"/>                                  | Project involves <b>less than four</b> work descriptions. <b>GO TO STEP 6.</b>   |

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

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

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

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

|                                     |   |  |
|-------------------------------------|---|--|
| <input type="checkbox"/>            | <p><b>Further environmental review required.</b> Proposed project does not meet scopes of work in either <i>(check all that apply)</i>:</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><b>STOP! Must file an <i>Environmental Evaluation Application</i>.</b></p> |  |
| <input checked="" type="checkbox"/> | <p><b>No further environmental review is required. The project is categorically exempt under CEQA.</b></p>  |  |
|                                     | <p><b>Planner Name: Mathew Chandler</b></p> <hr/> <p><b>Project Approval Action:</b></p> <p>Planning Commission Hearing</p> <p><small>If Discretionary Review before the Planning Commission is requested, the Discretionary Review hearing is the Approval Action for the project.</small></p>   | <p><b>Signature:</b></p> <p><b>Mathew Chandler</b></p> <p><small>Digitally signed by Mathew Chandler<br/>Date: 2017.12.07 09:14:41 -08'00'</small></p> |
|                                     | <p><small>Once signed or stamped and dated, this document constitutes a categorical exemption pursuant to CEQA Guidelines and Chapter 31 of the Administrative Code.</small></p> <p><small>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.</small></p> |  |

**STEP 7: MODIFICATION OF A CEQA EXEMPT PROJECT  
TO BE COMPLETED BY PROJECT PLANNER**

In accordance with Chapter 31 of the San Francisco Administrative Code, when a California Environmental Quality Act (CEQA) exempt project changes after the Approval Action and requires a subsequent approval, the Environmental Review Officer (or his or her designee) must determine whether the proposed change constitutes a substantial modification of that project. This checklist shall be used to determine whether the proposed changes to the approved project would constitute a "substantial modification" and, therefore, be subject to additional environmental review pursuant to CEQA.

**PROPERTY INFORMATION/PROJECT DESCRIPTION**

|  |                              |   |
|--|------------------------------|---|
| Project Address (If different than front page) |                              | Block/Lot(s) (If different than front page) |
|  |                              |   |
| Case No.                                       | Previous Building Permit No. | New Building Permit No.                     |
|  |                              |   |
| Plans Dated                                    | Previous Approval Action     | New Approval Action                         |
|  |                              |   |
| Modified Project Description:                  |                              |   |
|  |                              |   |

**DETERMINATION IF PROJECT CONSTITUTES SUBSTANTIAL MODIFICATION**

|  |  |
|--|--|
| Compared to the approved project, would the modified project:  |  |
| <input type="checkbox"/>   | Result in expansion of the building envelope, as defined in the Planning Code;   |
| <input type="checkbox"/>   | Result in the change of use that would require public notice under Planning Code Sections 311 or 312;  |
| <input type="checkbox"/>   | Result in demolition as defined under Planning Code Section 317 or 19005(f)?   |
| <input type="checkbox"/>   | Is any information being presented that was not known and could not have been known at the time of the original determination, that shows the originally approved project may no longer qualify for the exemption? |
| If at least one of the above boxes is checked, further environmental review is required. <b>DATEX FORM</b> |  |

**DETERMINATION OF NO SUBSTANTIAL MODIFICATION**

|  |   |
|--|---|
| <input type="checkbox"/>   | The proposed modification would not result in any of the above changes. |
| If this box is checked, the proposed modifications are categorically exempt under CEQA, in accordance with prior project approval and no additional environmental review is required. This determination shall be posted on the Planning Department website and office and mailed to the applicant, City approving entities, and anyone requesting written notice. |   |
| Planner Name:  | Signature or Stamp:   |
|  |   |

