



# SAN FRANCISCO PLANNING DEPARTMENT

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

### COMMUNITY BUSINESS PRIORITY PROCESSING PROGRAM

HEARING DATE: SEPTEMBER 13, 2018

*Date Prepared:* September 6, 2018  
*Case No.:* **2018-004720CUA**  
*Project Address:* **276 5<sup>th</sup> STREET**  
*Zoning:* MUR (Mixed Use-Residential)  
SoMa Youth and Family Special Use District  
East SoMa/Central SoMa  
85-X Height and Bulk District  
*Block/Lot:* 3732/271  
*Project Sponsor:* Victor Amporndanai  
1184 Girard Street  
San Francisco, CA 94134  
*Staff Contact:* Mathew Chandler – (415) 575-9048  
[mathew.chandler@sfgov.org](mailto:mathew.chandler@sfgov.org)

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

### PROJECT DESCRIPTION

The project would permit change of use from Limited Restaurant to Restaurant Use (d.b.a Mr. East Kitchen) at a 1,835 square foot ground floor commercial tenant space. The existing business will remain, and change of use will permit on-sale beer and wine for operation as a bona fide eating establishment, pending approval of ABC license. The project has qualified for review under the Planning Commission's Community Business Priority Processing Program ("CB3P").

### REQUIRED COMMISSION ACTION

Pursuant to Planning Code Section 249.40A, Conditional Use Authorization is required to establish a Restaurant Use within the SoMa Youth and Family Special Use District, unless the underlying zoning is more restrictive. The underlying zoning is less restrictive; therefore, the applicant must receive Conditional Use Authorization to operate as a Restaurant.

### 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. 2018-004720CUA subject to conditions contained in the attached "EXHIBIT A" and in general conformance with plans on file, dated May 21, 2018, 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			
Planning Code §303(c) findings	X			
Planning Code §303(o) findings for Eating and Drinking Uses	X			The existing concentration of eating and drinking uses in the vicinity is 14% and will not increase with Conditional Use approval.
Any additional Planning Code findings e.g. §303(k) findings for movie theater removals or §303(m) findings for grocery store removals			X	
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	20 day mailing (150' occupants & 300' owners), newspaper, and posted on site
Number and nature of public comments received	One email from the District 6 Community Planners stating they remain neutral on the issue.
Number of days between filing and hearing	150 days from filing. <b>94 days</b> from complete application to hearing.

Generalized Basis for Approval (max. one paragraph)
<i>The Commission finds that this Project is necessary, desirable for, and compatible with the surrounding neighborhood as follows, and as set forth in Sections 101.1, 303, 841, 249.40A and findings submitted as part of the application. The proposed use and character is compatible with the surrounding area and is on balance with the General Plan, Area Plans, and Use District. Conditional Use approval to establish the Restaurant Use would expand options of an existing small business that is located at the ground floor of a building with continuous commercial frontage and well served by transit and pedestrian circulation, thus enhancing neighborhood-serving retail options and employment opportunities. The concentration of Eating and Drinking Uses within the vicinity would remain significantly under the permitted amount of 25%. Staff recommends approval with conditions.</i>

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on September 13, 2018.

AYES:

NAYS:

ABSENT:

ADOPTED: September 13, 2018

\_\_\_\_\_  
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 to allow a Restaurant Use (d.b.a. **Mr. East Kitchen**) located at 276 5<sup>th</sup> Street, Lot 271 of Assessors Block 3732, pursuant to Planning Code Sections 841, 249.40A, and 303 within the MUR (Mixed Use-Residential) District, SoMa Youth and Family Special Use District, and a 85-X Height and Bulk District; in general conformance with plans, dated **May 21, 2018** and stamped "EXHIBIT B" included in the docket for Case No. **2018-004720CUA** and subject to conditions of approval reviewed and approved by the Commission on **September 13, 2018** under Motion No **XXXXXX**. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

### RECORDATION OF CONDITIONS OF APPROVAL

Prior to the issuance of the building permit or commencement of use for the Project, the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the Project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on **September 13, 2018** 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. **XXXXXX** shall be reproduced on the Index Sheet of construction plans submitted with the site or Building Permit Application for the Project. The Index Sheet of the construction plans shall reference to the Conditional Use authorization and any subsequent amendments or modifications.

### SEVERABILITY

The Project shall comply with all applicable City codes and requirements. If any clause, sentence, section or any part of these conditions of approval is for any reason held to be invalid, such invalidity shall not affect or impair other remaining clauses, sentences, or sections of these conditions. This decision conveys no right to construct, or to receive a Building Permit. "Project Sponsor" shall include any subsequent responsible party.

### CHANGES AND MODIFICATIONS

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

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

## PERFORMANCE

1. **Validity.** 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

1. **Eating and Drinking Uses.** As defined in Planning Code Section 202.2, Eating and Drinking Uses, as defined in Section [102](#), shall be subject to the following conditions:
- A. The business operator 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 Street and Sidewalk Maintenance Standards. In addition, the operator shall be responsible for daily monitoring of the sidewalk within a one-block radius of the subject business to maintain the sidewalk free of paper or other litter associated with the business during business hours, in accordance with Article 1, Section [34](#) of the San Francisco Police Code.  
*For information about compliance, contact the Bureau of Street Use and Mapping, Department of Public Works at 415-554-.5810, <http://sfdpw.org>.*
- B. When located within an enclosed space, 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 of 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 construction noise requirements, contact the Department of Building Inspection at 415-558-6570, [www.sfdbi.org](http://www.sfdbi.org).*

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

- C. 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)*

- D. 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 the Bureau of Street Use and Mapping, Department of Public Works at 415-554-.5810, <http://sfdpw.org>.*

13. **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 and all registered neighborhood groups for the area with written notice of the name, business address, and telephone number of the community liaison. Should the contact information change, the Zoning Administrator and registered neighborhood groups 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.

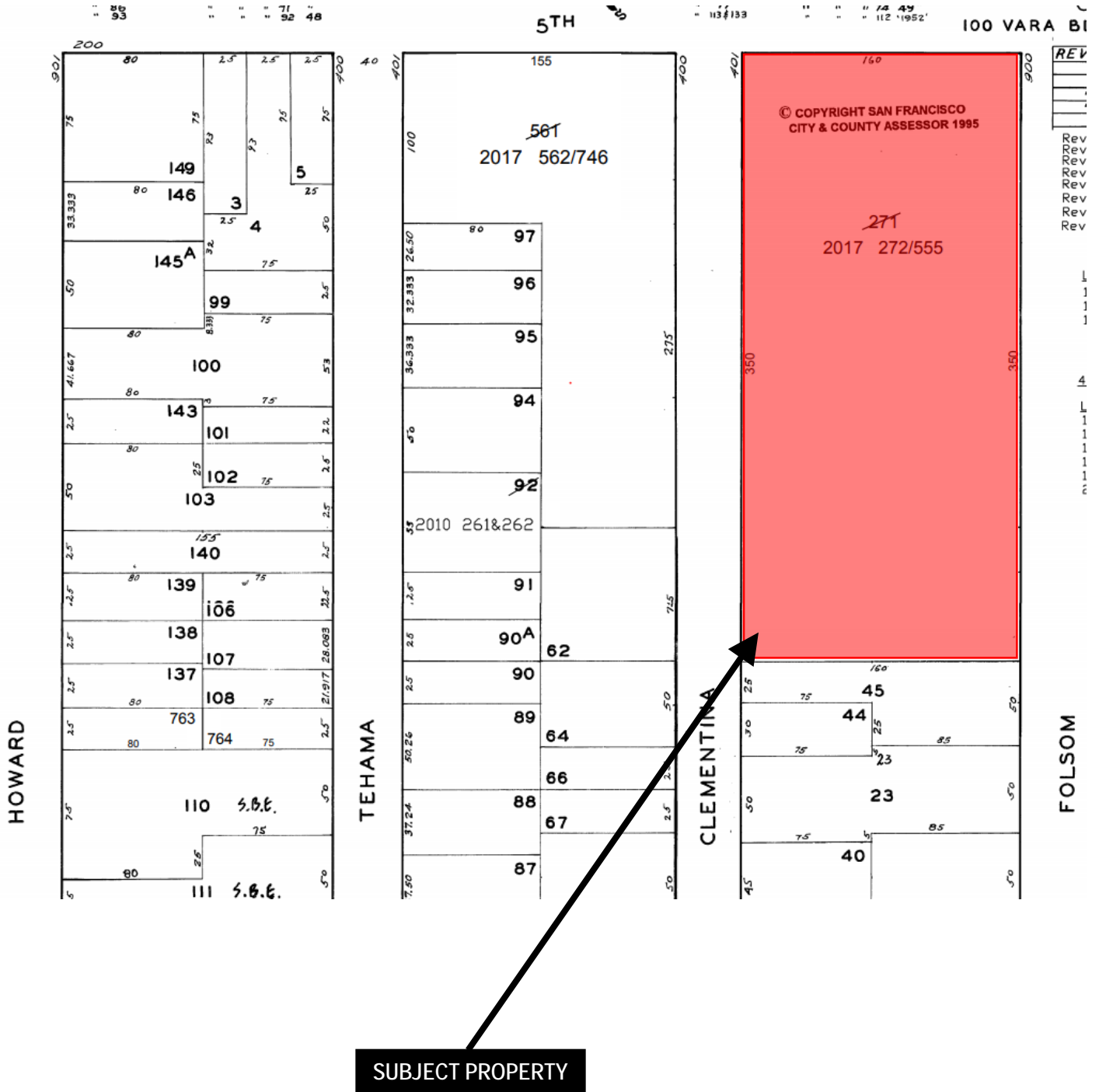
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

14. **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)*



# Parcel Map



Conditional Use Authorization  
Case Number 2018-004720CUA  
Mr. East Kitchen - Restaurant  
2756 5th Street

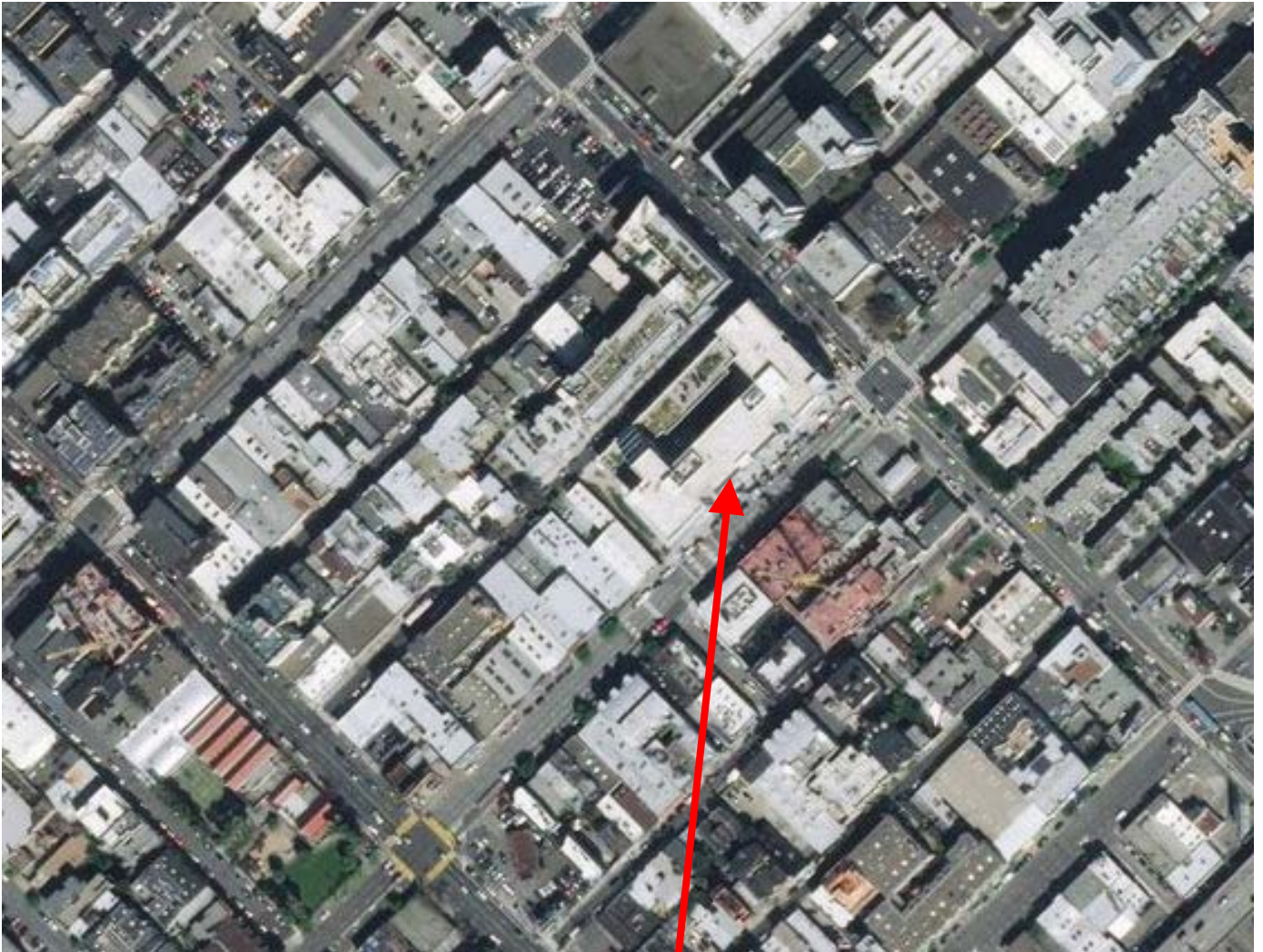
# Sanborn Map\*



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



# Aerial Photo

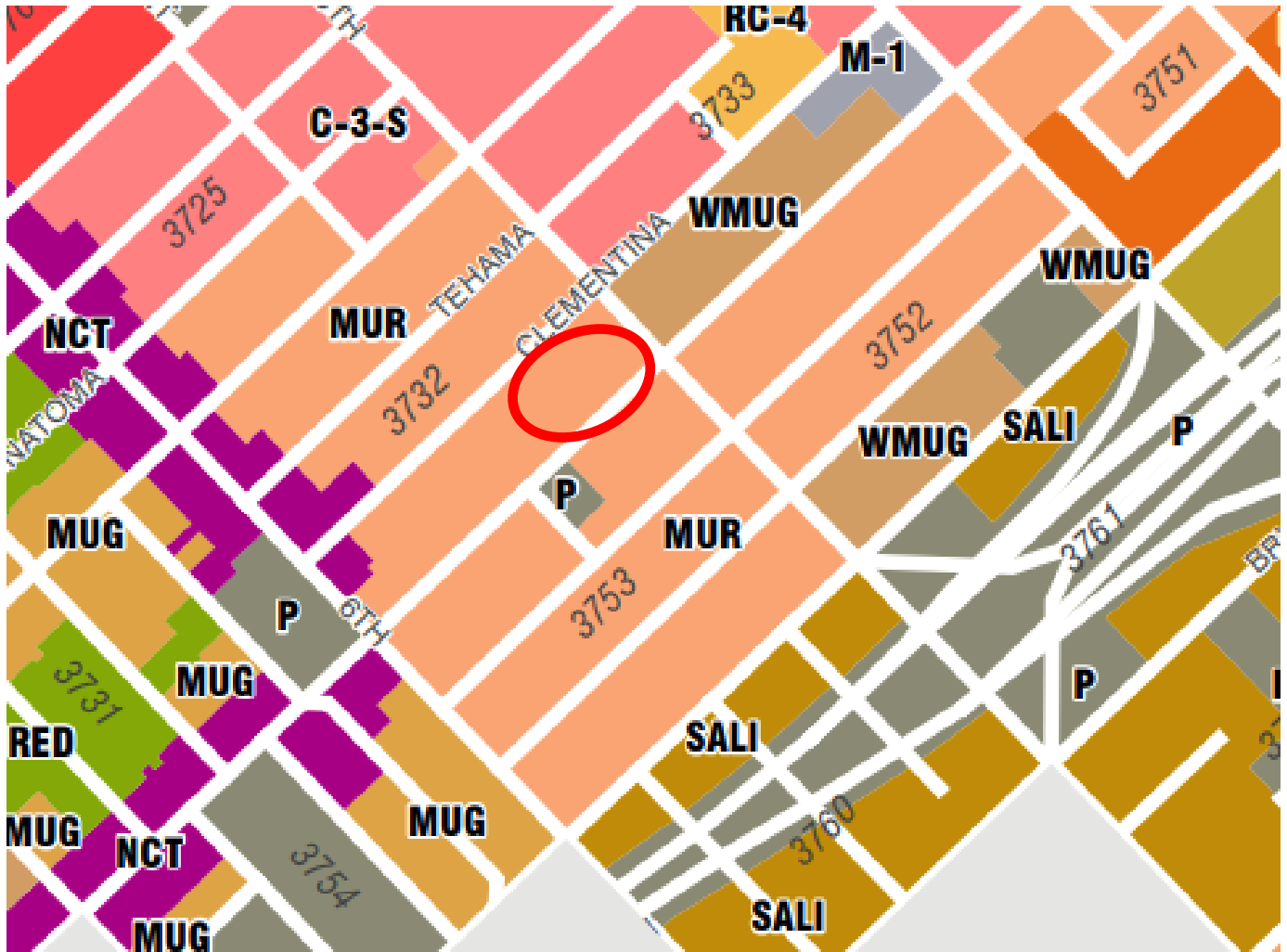


SUBJECT PROPERTY



Conditional Use Authorization  
Case Number 2018-004720CUA  
Mr. East Kitchen - Restaurant  
2756 5<sup>th</sup> Street

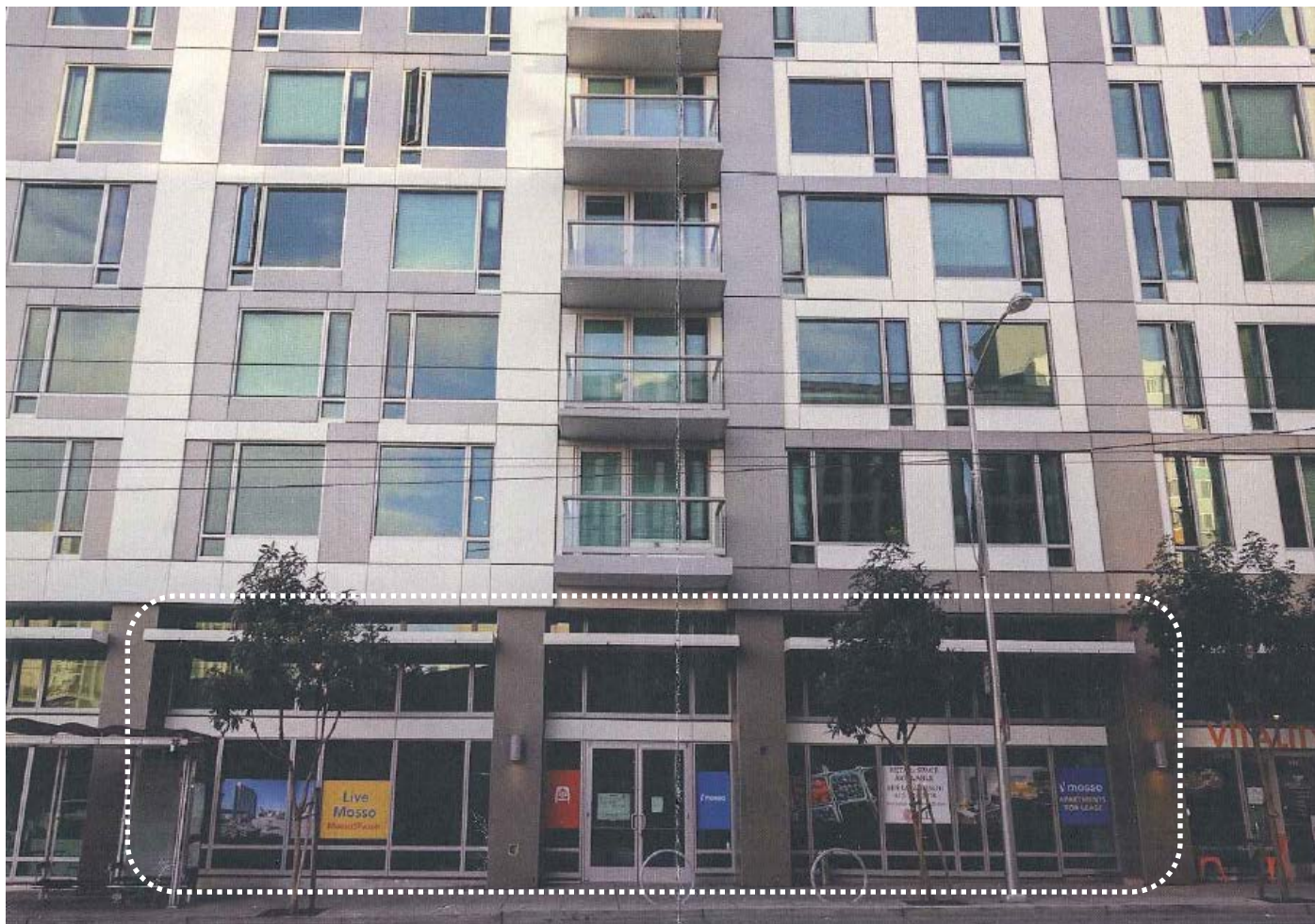
# Zoning Map



Conditional Use Authorization  
Case Number 2018-004720CUA  
Mr. East Kitchen - Restaurant  
2756 5<sup>th</sup> Street

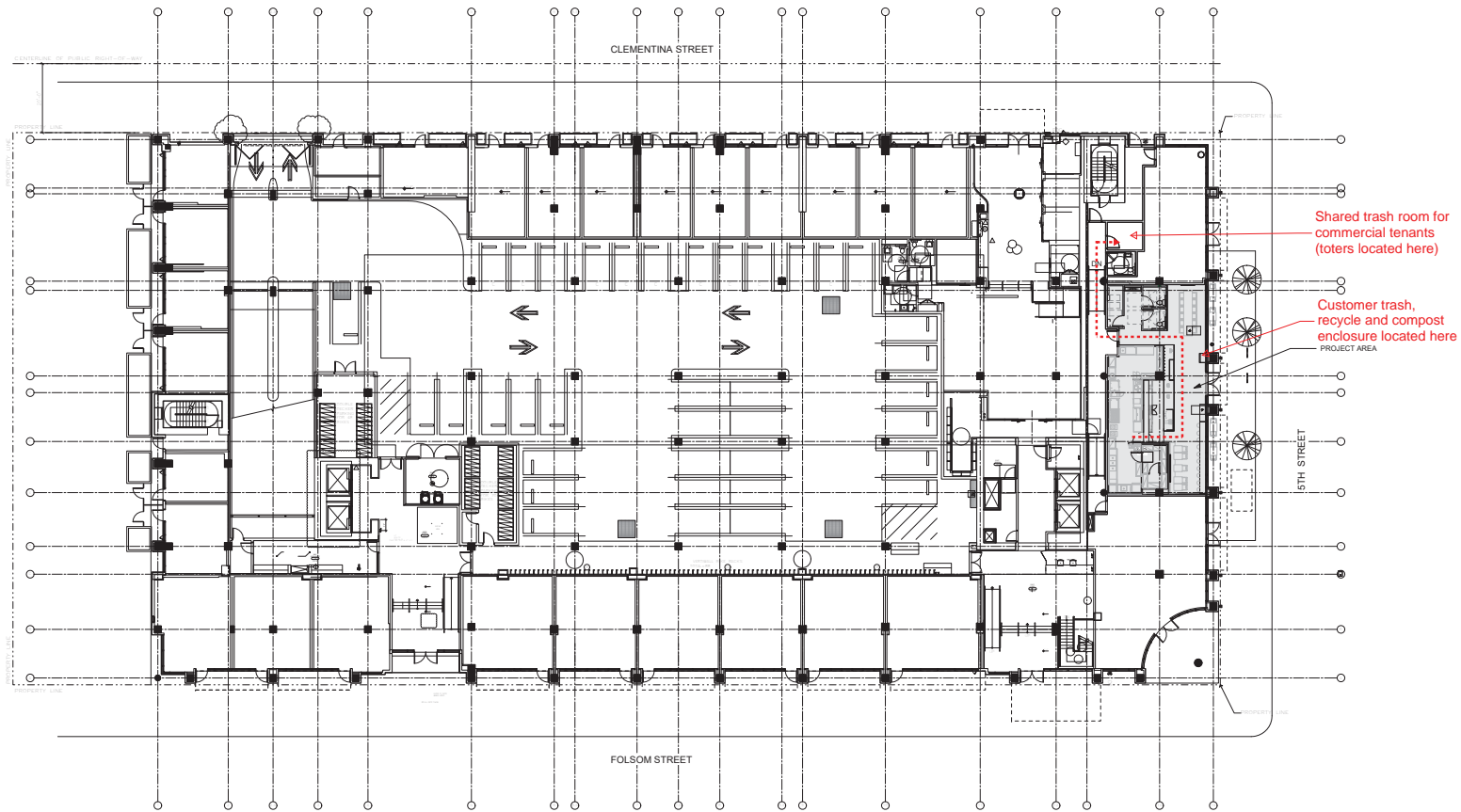


# Site Photo



Conditional Use Authorization  
Case Number 2018-004720CUA  
Mr. East Kitchen - Restaurant  
2756 5<sup>th</sup> Street

# EXHIBIT B



SITE PLAN  
1/16" = 1'-0"

**WDA**  
WILLIAM DUFF ARCHITECTS

William Duff Architects, Inc.  
7415 371 CROSS F 415 371 0500  
1531 Mission Street, San Francisco, CA 94103



Revision No. Date

Written dimensions on these drawings shall have precedence over scaled dimensions. Design and construction shall be the responsibility of the client. The drawings and their design content are the sole property of William Duff Architects, Inc. and may not be used or reproduced in any manner without our express written consent.

Job Title  
TYCOON THAI AND THE BOWLS

Job Address  
276 5TH ST.  
SAN FRANCISCO, CA 94107

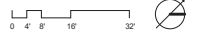
Date  
1/31/2018

Issued For  
PERMIT

Job No.  
17027

Drawn By: Checked By:  
PN CT

Scale  
1/16" = 1'-0"

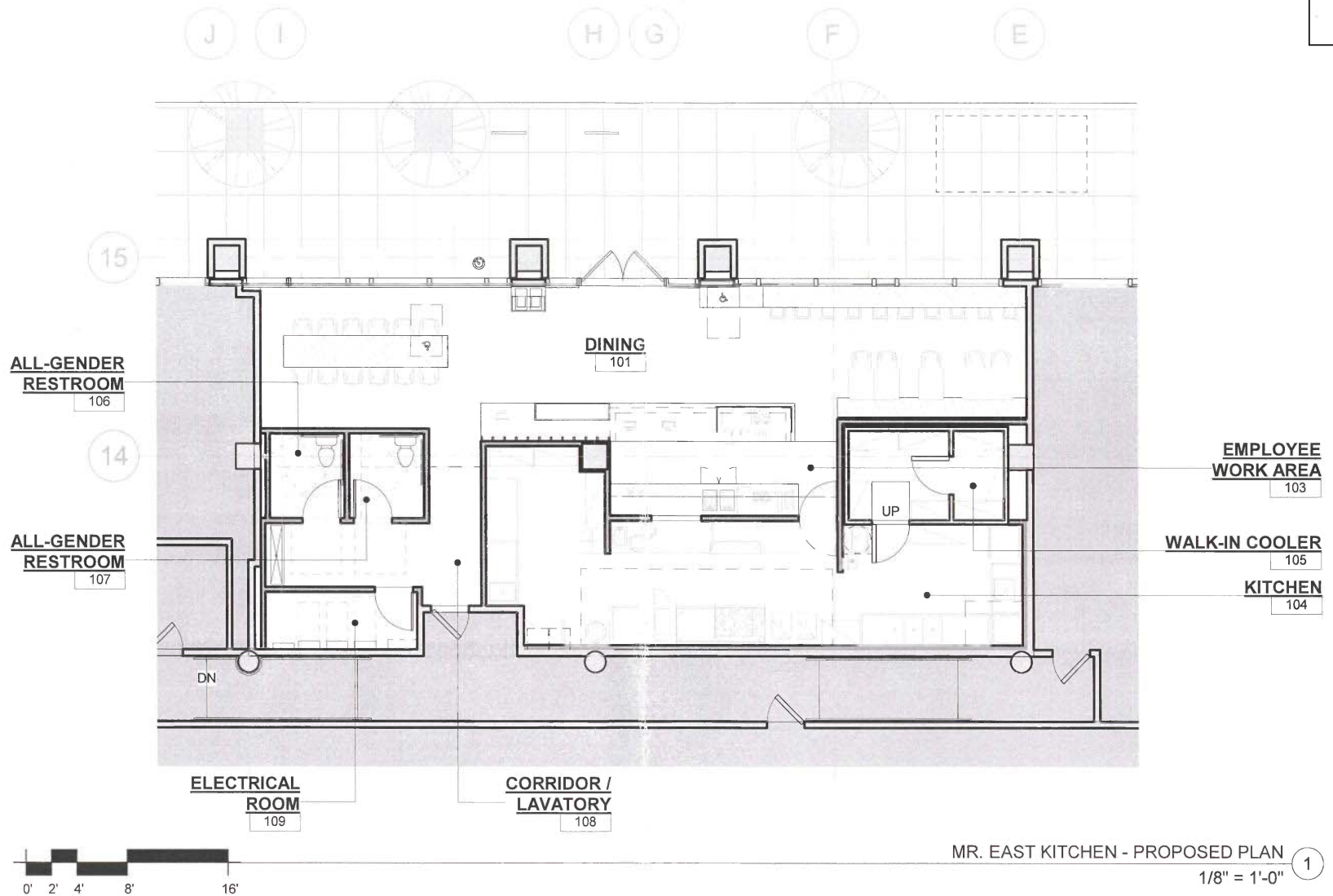


Sheet Title  
**SITE PLAN**

Sheet No.

**A1.00**

**EXHIBIT  
B**



# EXHIBIT B



2 EAST ELEVATION  
SCALE: 3/32" = 1'-0"

NOTES:  
USE WINDOW MULLION COLOR-UC 8854XL- DURANAR WHITE  
W/ WALL PANEL COLOR-UC 509 58XL- SILVER GRAY TYP. U.O.N.

2 9



# APPLICATION FOR Conditional Use Authorization

## 1. Owner/Applicant Information

PROPERTY OWNER'S NAME: <b>Essex Property Trust, Inc.</b>	
PROPERTY OWNER'S ADDRESS: <b>1100 Park Place, Suite 200 San Mateo, CA 94403</b>	TELEPHONE: ( 510 ) <b>444-4190</b>
	EMAIL: <b>SLaguna@essex.com</b>

APPLICANT'S NAME: <b>Asian Bowl, Inc. (DBA Mr. East Kitchen)</b>	
Same as Above <input type="checkbox"/>	
APPLICANT'S ADDRESS: <b>1184 Girard St, San Francisco, CA 94134</b>	TELEPHONE: ( 415 ) <b>654-6250</b>
	EMAIL: <b>victor.adanai@gmail.com</b>

CONTACT FOR PROJECT INFORMATION: <b>Victor Ampornadanai</b>	
Same as Above <input type="checkbox"/>	
ADDRESS: <b>1184 Girard St, San Francisco, CA 94134</b>	TELEPHONE: ( 415 ) <b>654-6250</b>
	EMAIL: <b>victor.adanai@gmail.com</b>

COMMUNITY LIAISON FOR PROJECT (PLEASE REPORT CHANGES TO THE ZONING ADMINISTRATOR): <b>Victor Ampornadanai</b>	
Same as Above <input checked="" type="checkbox"/>	
ADDRESS: <b>1184 Girard St, San Francisco, CA 94134</b>	TELEPHONE: ( 415 ) <b>654-6250</b>
	EMAIL: <b>victor.adanai@gmail.com</b>

## 2. Location and Classification

STREET ADDRESS OF PROJECT: <b>276 Fifth St,</b>	ZIP CODE: <b>94107</b>
CROSS STREETS: <b>Folsom St</b>	

ASSESSORS BLOCK/LOT: <b>3732 / 271</b>	LOT DIMENSIONS: <b>160x350</b>	LOT AREA (SQ FT): <b>56,000</b>	ZONING DISTRICT: <b>MUR</b>	HEIGHT/BULK DISTRICT: <b>85-X / 45-X</b>
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### 3. Project Description

( Please check all that apply ) <input type="checkbox"/> Change of Use <input type="checkbox"/> Change of Hours <input type="checkbox"/> New Construction <input checked="" type="checkbox"/> Alterations <input type="checkbox"/> Demolition <input checked="" type="checkbox"/> Other Please clarify:	<b>ADDITIONS TO BUILDING:</b> <input type="checkbox"/> Rear <input type="checkbox"/> Front <input type="checkbox"/> Height <input type="checkbox"/> Side Yard	<b>PRESENT OR PREVIOUS USE:</b> <b>VACANT SPACE</b>	
		<b>PROPOSED USE:</b> <b>RESTAURANT with ABC License Type 41</b>	
		<b>BUILDING APPLICATION PERMIT NO.:</b> <b>201802050427</b>	<b>DATE FILED:</b> <b>03/19/2018</b>

### 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	269		0	269
Hotel Rooms	-		0	-
Parking Spaces	221		0	221
Loading Spaces	-		0	-
Number of Buildings	1		0	1
Height of Building(s)	-		0	-
Number of Stories	9		0	9
Bicycle Spaces	-		0	-
<b>GROSS SQUARE FOOTAGE (GSF)</b>				
Residential	327,000		0	327,000
Retail	9,000		0	9,000
Office	-		0	-
Industrial/PDR <i>Production, Distribution, &amp; Repair</i>	-		0	-
Parking	60,000		0	60,000
Other (Specify Use)	-		0	-
<b>TOTAL GSF</b>	<b>396,000</b>		<b>0</b>	<b>396,000</b>

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

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

**APPLY FOR ABC LICENSE (TYPE 41). \*\*The business locates in youth and family special use district (sec249.40A)**

**and defined as restaurant (sec102) and require a conditional use authorization in order to apply for On-Sale**

**Beer and Wine for Bona Fide Public Eating Place**

## 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.

**1. Selling alcohol beverages is fulfilling residence needed every evening for their dinners, especially weekend night. As shown in the map, there is only one on-site-alcohol-serving place in one block radial before there was Mosso apartment. This new restaurant will be an alternative for a residence not only from the Mosso but also SOMA neighbor and the upcoming condominium.**

**2. The first mission of this business is to serve the healthy and organic food to help customers control their diet. We emphasize at serving office people during rush lunch and utilize use of space by serving some soft beverage during downtime so they can relax. In the dinner time, the space will be used to serve food for diner and also doing delivery to cover SOMA area. The use of space will not adversely affect neighbor because all the use will be only inside the premises in the Mosso.**

**3. Use of Moss apartment is MUR. Selling food in this retail space will conform to the apartment use.**

# 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;

**In order to establish business in this area, we focus at supporting developed SOMA neighbor. Not only the Mosso apartment, location of the business, the business will serve upcoming building as well.**

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

**Renovation of premises will not affect architecture of the building at all. It will only be an interior work.**

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

**Retail space use does not affect any housing.**

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

**Target customer and target service area focused mostly on surrounding neighbor which will commute using public transportation or walking distance area.**

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;

**Establishing business in the area will be part of the economic base in the future. That should create future opportunity for neighbor.**

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

**The form and size of the premises is not the public open space that can support earthquake prevention of injury and loss. Our project does not apply to this policy.**

7. That landmarks and historic buildings be preserved; and

**This project does not apply to our use since the location of the business is the new building and use of the business is only interior use.**

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

**Only using interior space, this does not affect and block any sunlight to the public.**

## Estimated Construction Costs

TYPE OF APPLICATION: <del>ALTER BUILDING</del> <i>Conditional Use</i> (CA)	
OCCUPANCY CLASSIFICATION: <b>RETAIL</b>	
BUILDING TYPE: <b>FOOD/BEVERAGE</b>	
TOTAL GROSS SQUARE FEET OF CONSTRUCTION: <b>1,835 sq.ft.</b>	BY PROPOSED USES: <b>RESTAURANT with ABC License Type 41</b>
ESTIMATED CONSTRUCTION COST: <b>\$ 215,000</b>	
ESTIMATE PREPARED BY: <b>Ducheney Construction Inc</b>	
FEE ESTABLISHED: <b>\$ 13,853</b>	

## 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: \_\_\_\_\_

*03/25/2018*

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

**Victor Amporndanai**

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 checked="" type="checkbox"/>
300-foot radius map, if applicable	<input checked="" type="checkbox"/>
Address labels (original), if applicable	<input checked="" type="checkbox"/>
Address labels (copy of the above), if applicable	<input checked="" type="checkbox"/>
Site Plan	<input checked="" type="checkbox"/>
Floor Plan	<input checked="" type="checkbox"/>
Elevations	<input checked="" type="checkbox"/>
Section 303 Requirements	<input checked="" type="checkbox"/>
Prop. M Findings	<input checked="" type="checkbox"/>
Historic photographs (if possible), and current photographs	<input checked="" type="checkbox"/>
Check payable to Planning Dept.	<input checked="" type="checkbox"/> CC/C
Original Application signed by owner or agent	<input checked="" type="checkbox"/>
Letter of authorization for agent	<input checked="" type="checkbox"/>
Other: 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: \_\_\_\_\_

# AFFIDAVIT FOR Formula Retail Uses

## 1. Location and Classification

STREET ADDRESS OF PROJECT

276 Fifth St., San Francisco, CA 94103

ASSESSORS BLOCK/LOT

3732 / 271

ZONING DISTRICT

MUR

HEIGHT/BULK DISTRICT

## 2. Proposed Use Description

PROPOSED USE (USE CATEGORY PER ARTICLE 7 OR 8):

RESTAURANT

PROPOSED BUSINESS NAME

MR. EAST KITCHEN

DESCRIPTION OF BUSINESS, INCLUDING PRODUCTS AND/OR SERVICES

A 1835 SQ. FT. retail on the ground floor of Mosso Apartment (400 Folsom St) with 34 Seatings and 2 ADA complied restroom is serving quick service modern vietnamese food for Breakfast, Lunch and Dinner with Beer & Wine

BUILDING PERMIT APPLICATION NO. (if applicable)

N/A

PLANNING DEPARTMENT CASE NO. (if applicable)

2018-004720CUA

## 3. Quantity of Retail Locations

		TOTAL
3.a	How many retail locations of this business are there worldwide? Please include any property for which a land use permit or entitlement has been granted.	1
3.b	How many of the above total locations are in San Francisco?	1

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 use any of the following Standardized Features?

	FEATURES	YES	NO
A	Array of Merchandise	<input type="checkbox"/>	<input checked="" type="checkbox"/>
B	Trademark	<input type="checkbox"/>	<input checked="" type="checkbox"/>
C	Servicemark	<input type="checkbox"/>	<input checked="" type="checkbox"/>
D	Décor	<input type="checkbox"/>	<input checked="" type="checkbox"/>
E	Color Scheme	<input type="checkbox"/>	<input checked="" type="checkbox"/>
F	Façade	<input type="checkbox"/>	<input checked="" type="checkbox"/>
G	Uniform Apparel	<input type="checkbox"/>	<input checked="" type="checkbox"/>
H	Signage	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	TOTAL		8

Enter the total number of Yes/No answers above.

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



5 Applicant's Affidavit

NAME: VICTOR AMPORNADANA ☐ Property Owner ☒ Authorized Agent

MAILING ADDRESS (STREET ADDRESS, CITY, STATE, ZIP): 1184 GIRARD ST, SAN FRANCISCO, CA 94134

PHONE: (415) 654-6250 EMAIL: VICTOR.ADONAI@GMAIL.COM

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: [Signature] Date: 5/16/18

**PLANNING DEPARTMENT USE ONLY**

PLANNING CODE SECTION(S) APPLICABLE:

303, 249.40A

HOW IS THE PROPOSED USE REGULATED AT THIS LOCATION?

- ☐ Principally Permitted
- ☐ Principally Permitted, Neighborhood Notice Required (Section 311/312)
- ☐ Not Permitted
- ☒ Conditional Use Authorization Required

COMMENTS:

CUA required for Restaurant use within the SOMA Youth and Family SUD.

VERIFIED BY:

Signature: [Signature] Date: 5/17/18

Printed Name: Matthew Chandler Phone: 415 575-9048



SAN FRANCISCO  
PLANNING  
DEPARTMENT

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.

## PROJECT AND LAND USE TABLES

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

General Land Use Category		
	Existing (Square footage area)	Proposed (Square footage area)
Parking GSF	57,679 SF	57,679 SF
Residential GSF	226,964 SF	226,964 SF
Retail/Commercial	4,293 SF	4,293 SF
Office	-	-
Industrial-PDR	-	-
Medical	-	-
Visitor	-	-
CIE (Cultural, Institutional, Educational)	-	-
Useable Open Space	18,667 SF	18,667 SF
Public Open Space	5,465 SF	5,465 SF

Project Features		
	Existing Unit(s) (Count)	Proposed Unit(s) (Count)
Dwelling Units - Affordable	0	0
Hotel Rooms	0	0
Dwelling Units - Market Rate	282	282
Building Number	1	1
Stories Number	9	9
Parking Spaces	217	217
Loading Spaces	0	0
Bicycle Spaces	0	0
Car Share Spaces	0	0
Public Art	0	0
Other	-	-

Land Use - Residential		
	Existing	Proposed
Studio Units	62 Unit	62 Unit
One Bedroom Units	103 Unit	103 Unit
Two Bedroom Units	117 Unit	117 Unit
Three Bedroom (or +) Units	-	-
Group Housing - Rooms	-	-
Group Housing - Beds	-	-
SRO Units	-	-
Micro Units	-	-
Accessory Dwelling Units*	-	-
*For ADUs, individually list all ADUs and include unit type (e.g. studio, 1 bedroom, 2 bedroom, etc.) and the square footage area for each unit.		

# 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
276 Fifth St, San Francisco, CA 94107	201802050427
NAME OF BUSINESS IF KNOWN	
Asian Bowls, Inc (dba Mr.East Kitechen)	
BRIEF DESCRIPTION OF PROJECT	
APPLY FOR ABC LICENSE (TYPE 41). **The business locates in youth and family special use district (sec249.40A) and defined as restaurant (sec102) and require a conditional use authorization in order to apply for On-Sale Beer and Wine for Bona Fide Public Eating Place.	

# Checklist for CB3P Eligibility

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

## CONVINCED I AM IN WITH EACH CRITERION BY CHECKING BOXES

- |                                     |                          |  |
|-------------------------------------|--------------------------|--|
| <input checked="" type="checkbox"/> | Pre-Application Meeting  | The applicant has conducted a Pre-Application Meeting as set forth on the reverse side of this page  |
| <input checked="" type="checkbox"/> | Application Type         | The application is for Conditional Use Authorization   |
| <input checked="" type="checkbox"/> | Formula Retail           | The application does not seek to establish a new Formula Retail use, excepting one with fewer than 20 other establishments   |
| <input checked="" type="checkbox"/> | Hours of Operation       | The application does not seek 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 | The application does not seek 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        | The application does not seek to remove any dwelling units.  |
| <input checked="" type="checkbox"/> | Alcoholic Beverages      | The application does not seek to sell any alcoholic beverages excepting beer and/or wine sold on or off-site in conjunction with the operation of a Bone Fide Eating Place.  |
| <input checked="" type="checkbox"/> | Nature of Work           | The proposed work involves only a change of use, tenant improvement or similar interior or store-front work. No building expansion or new construction is involved.  |
| <input checked="" type="checkbox"/> | Nature of Use            | The application involves only non-residential uses and does not seek to establish or expand any of the following: <ul style="list-style-type: none"><li>• Massage 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.



03/26/2018

VICTOR.ADANAI@gmail.com

Signature

Date

Email Address

VICTOR AMPORNDANAI

415-654-6250

Print Name and check one

OWNER or ☒ AUTHORIZED AGENT

Phone Number

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:

Elizabeth Watty, EWatty 3/26/18

Name, Date and Signature of Current Planning Staff

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

# ESSEX

PROPERTY TRUST, INC.

## LETTER OF AUTHORIZATION APPLICATION FOR CONDITIONAL USE PERMIT

1. ESSEX SF OWNER, L.P, a California limited partnership ("Landlord"), and ASIAN BOWLS INC., a California corporation d/b/a Mr. East Kitchen ("Tenant"), are parties to that certain Standard Retail Lease dated November 27, 2017 (the "Lease") for that certain retail space addressed at 276 5<sup>th</sup> Street, San Francisco, California 94103 (the "Premises"), which is part of the larger mixed-use development commonly known as "Mosso" (the "Property").
2. The purpose of this Letter of Authorization ("LOA") is to set forth the understanding of the parties with respect to the Tenant's efforts to obtain certain conditional use permit for Tenant's proposed use of the Premises (the "CUP").
3. Subject to the terms and conditions of this LOA and the Lease, Landlord hereby authorizes Tenant to act as the agent of Landlord for the sole purpose of filing and processing certain applications for the CUP; provided however, Tenant shall not sign or execute any instrument on behalf of Landlord that would be binding upon or applicable to Landlord or the Property without the prior written consent of Landlord, which consent shall not be unreasonably withheld, conditioned or delayed. Tenant shall prepare, file, update and otherwise finalize, or, if applicable, terminate, any such applications or filings as required for the issuance of the CUP (such preparation, filing, updating and finalizing shall be the "Permitted Work"), and Tenant shall bear the cost of all such Permitted Work and of securing the CUP, including without limitation, all costs related to the CUP Conditions (defined below) and allocated to Tenant in the Lease (together, the "Costs"). Tenant shall pay all Costs directly to the City of San Francisco (the "City") on or before the date such Costs are due, provided that Tenant shall reimburse Landlord for any portion of the Costs that were paid by Landlord as reasonable, out of pocket third party expenditures (not including legal fees) required to be spent by Landlord in connection with the Permitted Work and CUP.
4. Landlord and Tenant understand that issuance of the CUP may be denied, modified, or approved with conditions by the City, and that such conditions may be requirements that must be satisfied prior to the issuance of such CUP (together, the "CUP Conditions"). Tenant shall not agree to any CUP Conditions that shall be binding upon the Property without the prior, written consent of Landlord, which may be withheld in its sole discretion. Unless otherwise agreed to in writing by Tenant and Landlord, Tenant shall be responsible for satisfying all of the CUP Conditions at its sole cost and expense, subject at all times to the terms and conditions of the Lease. Nothing in this LOA shall permit Tenant to pursue any change in the current zoning classification for the Property. Landlord shall promptly deliver to Tenant any written notices Landlord receives from the City regarding the CUP, including, without limitation, the CUP Conditions.
5. Upon any termination of the Lease, then this LOA shall terminate, and Tenant shall immediately terminate any applications for the CUP and shall pay any unpaid Costs within thirty (30) days after written notice of the same from Landlord. If Tenant fails to terminate such applications, then Landlord may terminate such applications at Tenant's cost and expense, which shall be added to the Costs. If Tenant fails to pay any unpaid Costs, then (i) Landlord may pay such Costs, at Tenant's sole cost and expenses, (ii) Landlord shall deliver an itemized notice of all such Costs paid by Landlord together with evidence of payment within thirty (30) days after payment of the same, and (iii) Tenant shall reimburse Landlord for all such Costs within thirty (30) days after Landlord's delivery of such notice of Costs. Tenant's obligation to pay such Costs shall survive the termination of this LOA and the Lease.
6. Landlord hereby certifies that it is the owner of record of the Property. Subject to the terms of this LOA and the Lease, Landlord hereby consents to the Permitted Work, including the filing of the application(s) for the CUP for processing by the City's planning department.
7. This LOA shall be governed by the laws of California. In the event of any suit arising out of this LOA, then the prevailing party shall be entitled to recover from the other party all costs and expenses related to the suit, including reasonable attorneys' fees and other professional fees; provided that Tenant and Landlord shall not be entitled to recover any such costs in excess of \$10,000.00. This LOA contains the entire agreement between the parties with respect to the subject matter hereof. This LOA may not be modified, nor may any obligations or breaches hereof waived, except by written instrument signed by the parties. This LOA may be executed in counterparts, each of which shall be an original, and all of which together shall be a single instrument. This LOA

may be executed by a party's signature transmitted by fax or email. This LOA shall not be construed as if it had been prepared by one of the parties. Time is strictly of the essence.

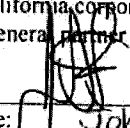
**THE FOREGOING IS HEREBY AGREED TO AND ACKNOWLEDGED:**

**LANDLORD:**

ESSEX SF OWNER, L.P.,  
a California limited partnership

By: Essex SF GP, L.P.  
a California limited partnership, a general partner

By: Essex Management Corporation,  
a California corporation,  
its general partner

By:   
Name: John Burkhardt  
Title: Senior Executive VP Asset Management


*Am 6/16/18*

*R 6/4/18*

*12 6/5/18*

**TENANT:**

ASIAN BOWLS, INC.,  
a California corporation

By:   
Name: Khoa Van Do  
Title: President

*6-1-2018*

*6/5/18*

# Asian Bowls, Inc

DBA Mr. East Kitchen

276 Fifth St, San Francisco, CA 94107



To San Francisco Planning  
1650 Mission St, Suite 400  
San Francisco, CA 94103

April 4, 2018

## Letter of Authorization

This letter is to inform you that I give permission to **Victor Amporndanai** of Asian Bowls to act on my behalf and take all actions necessary for the processing, issuance and acceptance of this permit or certification and any and all standard and special conditions attached.

I hereby certify the above information submitted in this application is true and accurate to the best of our knowledge.

A handwritten signature in black ink, appearing to read 'Khoa Van Do'.

Khoa Van Do

President



## **Chandler, Mathew (CPC)**

---

**From:** Marvis Phillips <marvisphillips@gmail.com>  
**Sent:** Wednesday, August 29, 2018 12:40 AM  
**To:** Chandler, Mathew (CPC)  
**Cc:** victor.adanai@gmail.com  
**Subject:** Record No. 2018-004720CUA - 276 5th Street

Dear Matthew,

Thank you for your phone call and email, I pick the phone message right after I got home from the D6CP's Executive Committee meeting last night, and read you email just before midnight. Unfortunately we had made our decision earlier in the evening at our meeting.

The Board of the District 6 Community Planners, voted 5-0-0 is remain Neutral on this issue because of the "pending" ABC License approval. Without knowing anything about this license application and if any Conditions were to be placed on the license, either by the San Francisco Police Departments Alcohol Liaison Unit, support by the Board of Supervisors, and ABC, we could only remain in the Neutral position. Also not knowing if there is an Off-sale restriction, and % of restaurant square footage layout devoted to alcohol sales. Many of our members have been ABC protestors for years, including myself, who has protested/supported ABC applications for 35+ years.

Without this info, we decided to remain Neutral on the project.

Sincerely,

Marvis J. Phillips  
Board Chair  
District 6 Community Planners

--

Marvis J. Phillips  
Board Chair  
District 6 Community Planners



# SAN FRANCISCO PLANNING DEPARTMENT

## CEQA Categorical Exemption Determination

### PROPERTY INFORMATION/PROJECT DESCRIPTION

<b>Project Address</b>		<b>Block/Lot(s)</b>
276 5TH ST		3732271
<b>Case No.</b>		<b>Permit No.</b>
2018-004720PRJ		
<input checked="" type="checkbox"/> <b>Addition/ Alteration</b>	<input type="checkbox"/> <b>Demolition (requires HRE for Category B Building)</b>	<input type="checkbox"/> <b>New Construction</b>
<b>Project description for Planning Department approval.</b> Conditional Use Authorization request for change of use from existing Limited Restaurant to Restaurant Use (dba Mr. East Kitchen) with Type 41 license to sell beer and wine		

### STEP 1: EXEMPTION CLASS

<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.</b> Up to three new single-family residences or six 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.
<input type="checkbox"/>	<b>Class 32 - In-Fill Development.</b> New Construction of seven or more units or additions greater than 10,000 sq. ft. and meets the conditions described below: (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations. (b) The proposed development occurs within city limits on a project site of no more than 5 acres substantially surrounded by urban uses. (c) The project site has no value as habitat for endangered rare or threatened species. (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality. (e) The site can be adequately served by all required utilities and public services.  <b>FOR ENVIRONMENTAL PLANNING USE ONLY</b>
<input type="checkbox"/>	<b>Class ____</b>

## STEP 2: CEQA IMPACTS

### TO BE COMPLETED BY PROJECT PLANNER

If any box is checked below, an *Environmental Evaluation Application* is required.

<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, etc.)? (refer to EP_ArcMap > CEQA Catex Determination Layers > Air Pollution Exposure Zone)
<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 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>

If no boxes are checked above, GO TO STEP 3. If one or more boxes are checked above, an *Environmental Evaluation Application* is required, unless reviewed by an Environmental Planner.

**Comments and Planner Signature (optional):** Mathew Chandler  
Slope - N/A.

**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 PROJECT 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"/>	9. <b>Other work</b> that would not materially impair a historic district (specify or add comments):  (Requires approval by Senior Preservation Planner/Preservation Coordinator)
<input type="checkbox"/>	10. <b>Reclassification of property status.</b> (Requires approval by Senior Preservation Planner/Preservation <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="width: 45%;"> <input type="checkbox"/> Reclassify to Category A            a. Per HRER dated            b. Other (specify):         </div> <div style="width: 45%;"> <input type="checkbox"/> Reclassify to Category C            (attach HRER)         </div> </div>
<b>Note: If ANY box in STEP 5 above is checked, a Preservation Planner MUST check one box below.</b>	
<input type="checkbox"/>	<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>
<input type="checkbox"/>	<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>
<b>Comments (optional):</b>	
<b>Preservation Planner Signature:</b>	

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

<input type="checkbox"/>	<b>Further environmental review required.</b> Proposed project does not meet scopes of work in either (check all that apply): <input type="checkbox"/> Step 2 - CEQA Impacts <input type="checkbox"/> Step 5 - Advanced Historical Review <b>STOP! Must file an <i>Environmental Evaluation Application</i>.</b>	
<input checked="" type="checkbox"/>	<b>No further environmental review is required. The project is categorically exempt under CEQA. There are no unusual circumstances that would result in a reasonable possibility of a significant effect.</b>	
	<b>Project Approval Action:</b> Commission Hearing If Discretionary Review before the Planning Commission is requested, the Discretionary Review hearing is the Approval Action for the project.	<b>Signature:</b> Mathew Chandler 08/28/2018
	Once signed or stamped and dated, this document constitutes a categorical exemption pursuant to CEQA Guidelines and Chapter 31 of the Administrative Code. 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. Please note that other approval actions may be required for the project. Please contact the assigned planner for these approvals.	

## 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)
276 5TH ST		3732/271
Case No.	Previous Building Permit No.	New Building Permit No.
2018-004720PRJ		
Plans Dated	Previous Approval Action	New Approval Action
	Commission Hearing	
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.	

### 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: