



# SAN FRANCISCO PLANNING DEPARTMENT

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

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### COMMUNITY BUSINESS PRIORITY PROCESSING PROGRAM

HEARING DATE: NOVEMBER 29, 2018

*Date Prepared:* November 22, 2018  
*Case No.:* **2018-006127CUA**  
*Project Address:* **201 19<sup>TH</sup> AVENUE**  
*Zoning:* RM-1 (Residential – Mixed, Low Density) Zoning District  
40-X Height and Bulk District  
*Block/Lot:* 1414 / 001  
*Project Sponsor:* Steven MacMillan  
SLM Architecture & Design  
207 7<sup>th</sup> Avenue #4  
San Mateo, CA 94401  
*Property Owner:* Doug Wong  
2112 Lake Street  
San Francisco, CA 94121  
*Staff Contact:* David Weissglass – (415) 575-9177  
[david.weissglass@sfgov.org](mailto:david.weissglass@sfgov.org)

### PROJECT DESCRIPTION

The proposed project is a change of use from an existing grocery store to a restaurant in a Limited Commercial Use space within the RM-1 (Residential – Mixed, Low Density) Zoning District and a 40-X Height and Bulk District. The Project also includes the removal of the white signage band obscuring the second-story windows, and the removal of all paint and other features obscuring the transparency of the second-story windows. This project was reviewed under the Community Business Priority Processing Program (CB3P).

### REQUIRED COMMISSION ACTION

Pursuant to Planning Code Section 186, 209.2, 303, and 710, Conditional Use authorization is required to permit a change of use from a grocery store to a restaurant in a Limited Commercial Use (LCU) space.

### 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. 2018-006127CUA** subject to conditions contained in the attached "EXHIBIT A" and in general conformance with plans on file, dated September 28, 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			There are no other Eating or Drinking uses within a 300' radius of the subject property.
Any additional Planning Code findings			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	11/9/2018-11/29/2018 (20 days mailing, newspaper, and posted).
Number and nature of public comments received	The sponsors held a Department-facilitated pre-application meeting prior to filing the application on June 20, 2018; there were no attendees. To date, staff has received one email from a neighbor with concerns about traffic circulation and noxious fumes that may result from the restaurant.
Number of days between filing and hearing	93 days from filing, 45 days from a 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 Section 101.1, 303(c), and 303(o) 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 and Use District. Conditional Use approval to establish a restaurant use would allow the space to serve the greater community while maintaining the Limited Commercial Use (LCU) space at the ground floor as an active use.. Staff believes the proposed establishment would be desirable for and compatible with the community, and recommends approval with conditions.</i>

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on November 29, 2018.

AYES:

NAYS:

ABSENT:

ADOPTED: November 29, 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

**Conditional Use Authorization** Pursuant to Planning Code Sections 186, 209.2, 303, and 710 to permit a change of use from a grocery store to a restaurant in a Limited Commercial Use (LCU) space within the RM-1 Zoning District; in general conformance with plans, dated **September 28, 2018**, and stamped "EXHIBIT B" included in the docket for Record No. **2018-006127CUA** and subject to conditions of approval reviewed and approved by the Commission on November 29, 2018 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 **November 29, 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. **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)*

## MONITORING – AFTER ENTITLEMENT

8. **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)*

9. **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)*

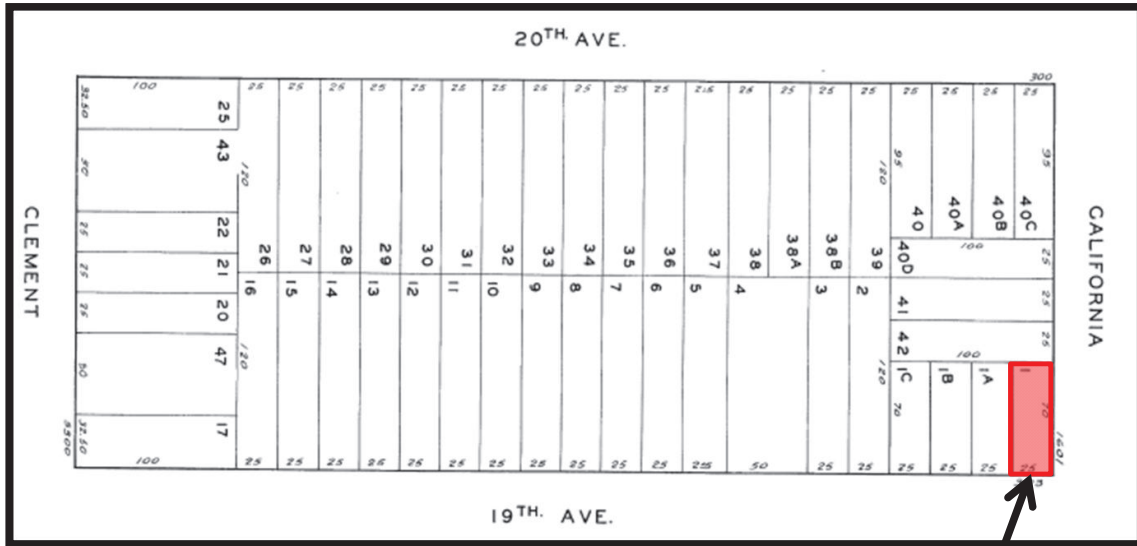
## OPERATION

10. **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>*

11. **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>*
  
12. **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)*
  
13. **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)*

# Block Book Map



**SUBJECT  
PROPERTY**

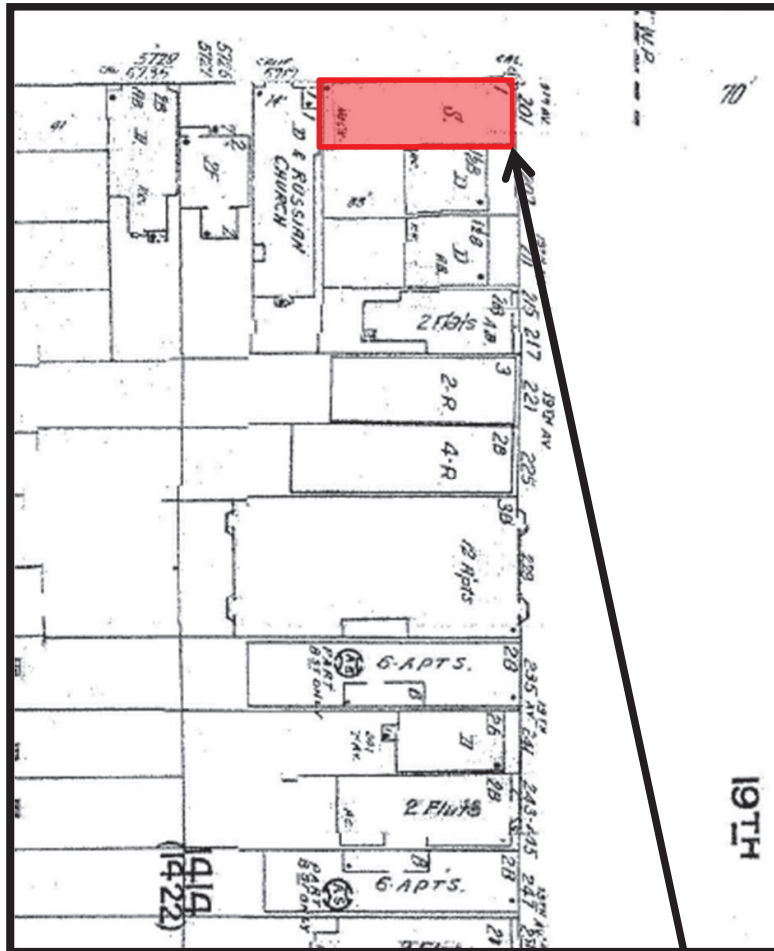
SAN FRANCISCO  
**PLANNING DEPARTMENT**



Conditional Use Hearing  
Case Number 2017-006127CUA  
201 19th Avenue  
Block 1414 Lot 001



# Sanborn Map



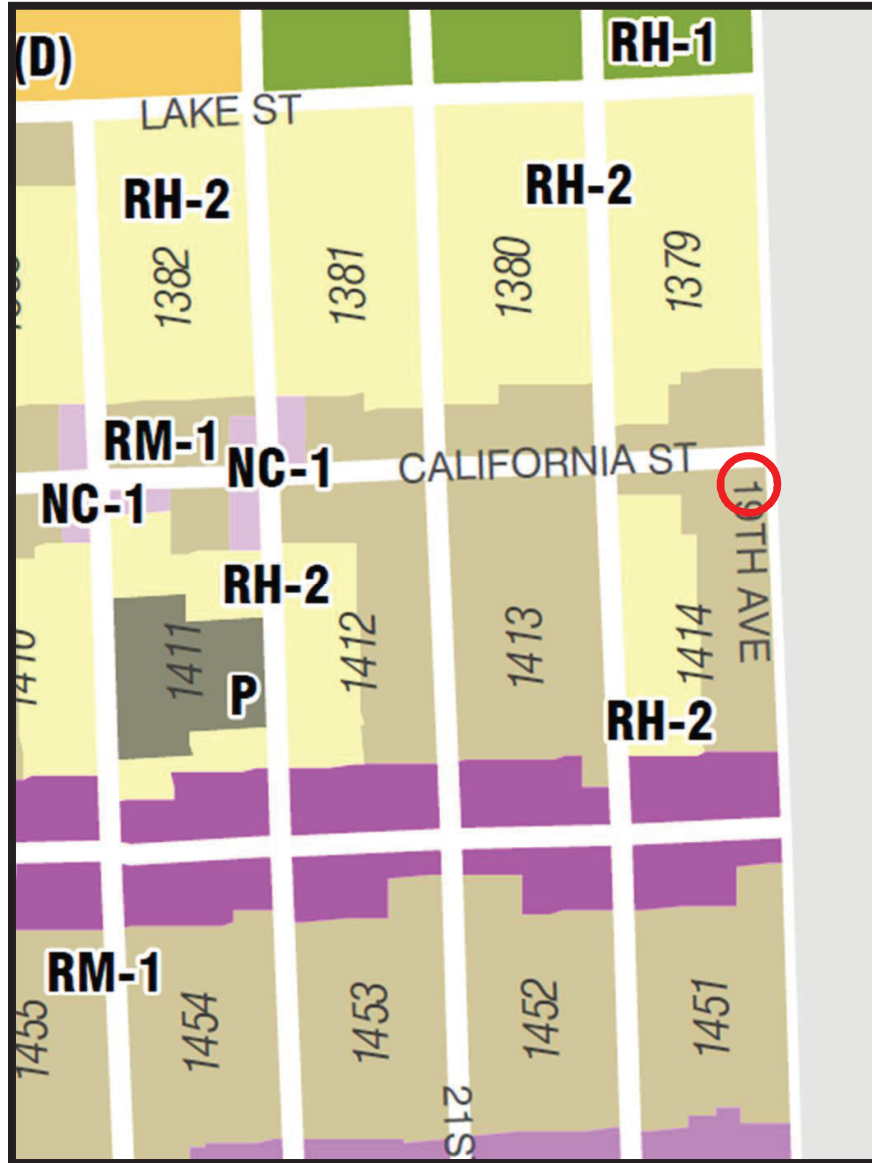
**SUBJECT PROPERTY**

SAN FRANCISCO  
**PLANNING DEPARTMENT**



Conditional Use Hearing  
Case Number 2017-006127CUA  
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Block 1414 Lot 001

# Zoning Map



SAN FRANCISCO  
PLANNING DEPARTMENT



Conditional Use Hearing  
Case Number 2017-006127CUA  
201 19<sup>th</sup> Avenue  
Block 1414 Lot 001

# Aerial Photo



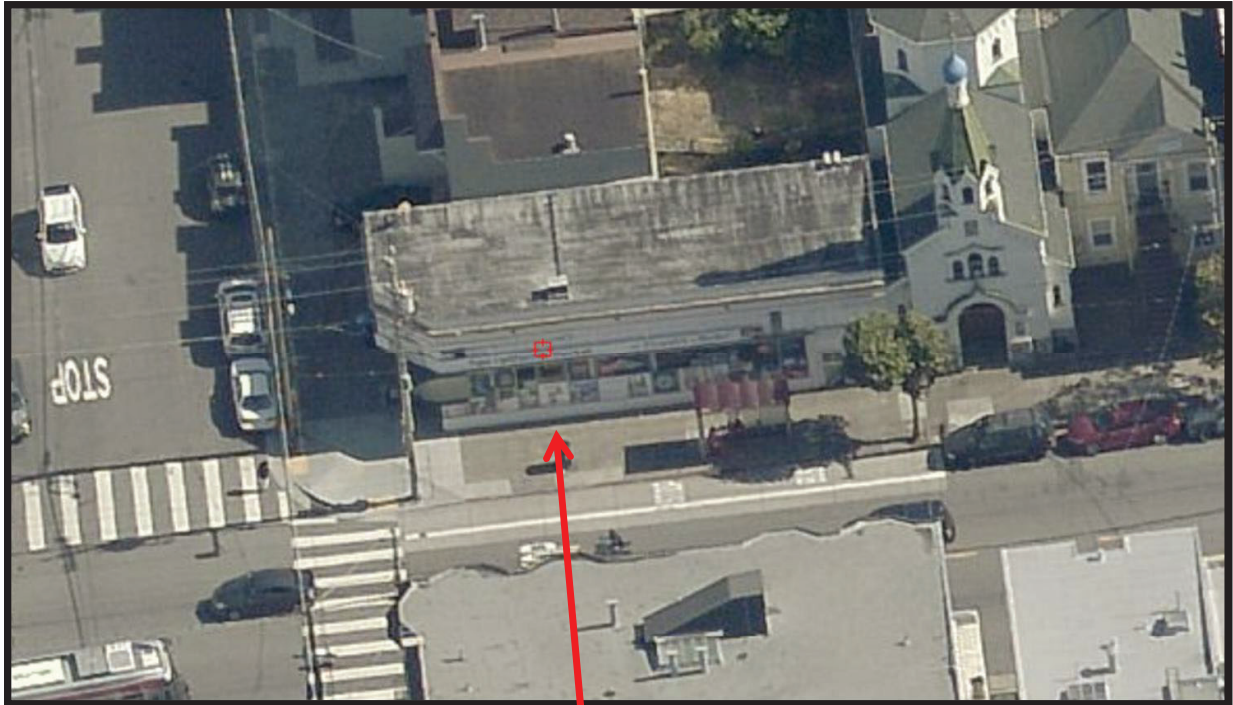
**SUBJECT  
PROPERTY**

**SAN FRANCISCO  
PLANNING DEPARTMENT**



Conditional Use Hearing  
Case Number 2017-006127CUA  
201 19<sup>th</sup> Avenue  
Block 1414 Lot 001

# Aerial Photo



**SUBJECT  
PROPERTY**

**SAN FRANCISCO  
PLANNING DEPARTMENT**



Conditional Use Hearing  
Case Number 2017-006127CUA  
201 19<sup>th</sup> Avenue  
Block 1414 Lot 001



# Site Photo



SAN FRANCISCO  
**PLANNING DEPARTMENT**



Conditional Use Hearing  
Case Number 2017-006127CUA  
201 19<sup>th</sup> Avenue  
Block 1414 Lot 001



























# SAN FRANCISCO PLANNING DEPARTMENT

## CEQA Categorical Exemption Determination

### PROPERTY INFORMATION/PROJECT DESCRIPTION

<b>Project Address</b>		<b>Block/Lot(s)</b>
201 19TH AVE		1414001
<b>Case No.</b>		<b>Permit No.</b>
2018-006127PRJ		201804186730
<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>
<p><b>Project description for Planning Department approval.</b>  CHANGE OF USE FROM AN EXISTING GROCERY STORE TO RESTAURANT. Remove signage band obscuring transom windows, remove paint from transom windows to ensure transparency</p>		

### STEP 1: EXEMPTION CLASS

<b>*Note: If neither class applies, an <i>Environmental Evaluation Application</i> is required.*</b>	
<input type="checkbox"/>	<b>Class 1 - Existing Facilities.</b> Interior and exterior alterations; additions under 10,000 sq. ft.
<input checked="" 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"/>	<p><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:</p> <p>(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.</p> <p>(b) The proposed development occurs within city limits on a project site of no more than 5 acres substantially surrounded by urban uses.</p> <p>(c) The project site has no value as habitat for endangered rare or threatened species.</p> <p>(d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.</p> <p>(e) The site can be adequately served by all required utilities and public services.</p> <p><b>FOR ENVIRONMENTAL PLANNING USE ONLY</b></p>
<input type="checkbox"/>	<b>Class _____</b>

**STEP 2: CEQA IMPACTS**  
**TO BE COMPLETED BY PROJECT PLANNER**

<p>If any box is checked below, an <i>Environmental Evaluation Application</i> is required.</p>	
<input type="checkbox"/>	<p><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 &gt; CEQA Catex Determination Layers &gt; Air Pollution Exposure Zone)</p>
<input type="checkbox"/>	<p><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></p>
<input type="checkbox"/>	<p><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?</p>
<input type="checkbox"/>	<p><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 &gt; CEQA Catex Determination Layers &gt; Archeological Sensitive Area)</p>
<input type="checkbox"/>	<p><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 &gt; CEQA Catex Determination Layers &gt; Topography)</p>
<input type="checkbox"/>	<p><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 &gt; CEQA Catex Determination Layers &gt; Topography) <b>If box is checked, a geotechnical report is required.</b></p>
<input type="checkbox"/>	<p><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 &gt; CEQA Catex Determination Layers &gt; Seismic Hazard Zones) <b>If box is checked, a geotechnical report is required.</b></p>
<input type="checkbox"/>	<p><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 &gt; CEQA Catex Determination Layers &gt; Seismic Hazard Zones) <b>If box is checked, a geotechnical report will likely be required.</b></p>
<p><b>If no boxes are checked above, GO TO STEP 3. If one or more boxes are checked above, an <i>Environmental Evaluation Application</i> is required, unless reviewed by an Environmental Planner.</b></p>	
<p><b>Comments and Planner Signature (optional):</b> David Weissglass</p>	

**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 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 checked="" 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 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 checked="" 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 checked="" 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 <input type="checkbox"/> Reclassify to Category A <input type="checkbox"/> Reclassify to Category C a. Per HRER dated    (attach HRER) b. Other (specify):
<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 checked="" 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> Marcelle Boudreaux	

**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	<b>Signature:</b> David Weissglass
	If Discretionary Review before the Planning Commission is requested, the Discretionary Review hearing is the Approval Action for the project.	11/16/2018
	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)
201 19TH AVE		1414/001
Case No.	Previous Building Permit No.	New Building Permit No.
2018-006127PRJ	201804186730	
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?
<b>If at least one of the above boxes is checked, further environmental review is required.</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:	Date:



# PROJECT APPLICATION (PRJ)

## GENERAL INFORMATION

### Property Information

---

Project Address: 201 19th Ave., San Francisco CA

Block/Lot(s): 1414 / 001

### Property Owner's Information

---

Name: Doug Wong

Address: 2112 Lake Street  
San Francisco, CA 94121

Email Address: dfwonggroup@yahoo.com

Telephone: 415-987-7188

### Applicant Information

---

Same as above

Name: Stephen MacMillan

Company/Organization: SLM Architecture & Design

Address: 207 7th Ave., #4  
San Mateo, CA 94401

Email Address: stevemac@slm-aia.com

Telephone: 415-846-7943

### Please Select Billing Contact:

Owner

Applicant

Other (see below for details)

Name: Stephen MacMillan

Email: stevemac@slm-aia.com

Phone: 415-846-7943

### Please Select Primary Project Contact:

Owner

Applicant

Billing

## RELATED APPLICATIONS

### Related Building Permit Applications

---

N/A

Building Permit Applications No(s):

### Related Preliminary Project Assessments (PPA)

---

N/A

PPA Application No(s):

PPA Letter Date:

## PROJECT INFORMATION

### Project Description:

Please provide a narrative project description that summarizes the project and its purpose. Please list any special authorizations or changes to the Planning Code or Zoning Maps if applicable.

Conversion of existing Food Market / Liquor store with "Off Sale General" license into a full service restaurant with "On Sale - Beer and Wine".

### Project Details:

Change of Use	New Construction	Demolition	Facade Alterations	ROW Improvements
Additions	Legislative/Zoning Changes	Lot Line Adjustment-Subdivision	Other _____	

**Residential:** Senior Housing    100% Affordable    Student Housing    Dwelling Unit Legalization  
Inclusionary Housing Required    State Density Bonus    Accessory Dwelling Unit

Indicate whether the project proposes rental or ownership units:    Rental Units    Ownership Units    Don't Know

**Non-Residential:**    Formula Retail    Medical Cannabis Dispensary    Tobacco Paraphernalia Establishment  
Financial Service    Massage Establishment    Other: Restaurant

**Estimated Construction Cost:** \$ 275, 000.00

## PROJECT AND LAND USE TABLES

	Existing	Proposed	
<b>General Land Use</b>	Parking GSF	0	0
	Residential GSF	0	0
	Retail/Commercial GSF	1,721	1,721
	Office GSF	0	0
	Industrial-PDR	0	0
	Medical GSF	0	0
	Visitor GSF	0	0
	CIE (Cultural, Institutional, Educational)	0	0
	Useable Open Space GSF	0	0
	Public Open Space GSF	0	0

<b>Project Features</b>	Dwelling Units - Affordable	0	0
	Dwelling Units - Market Rate	0	0
	Dwelling Units - Total	0	0
	Hotel Rooms	0	0
	Number of Building(s)	1	1
	Number of Stories	1+Mezzanine	1+Mezzanine
	Parking Spaces	0	0
	Loading Spaces	0	0
	Bicycle Spaces	0	0
	Car Share Spaces	0	0
Other: _____			


<b>Land Use - Residential</b>	Studio Units	0	0
	One Bedroom Units	0	0
	Two Bedroom Units	0	0
	Three Bedroom (or +) Units	0	0
	Group Housing - Rooms	0	0
	Group Housing - Beds	0	0
	SRO Units	0	0
	Micro Units	0	0
	Accessory Dwelling Units For ADUs, list all ADUs and include unit type (e.g. studio, 1 bedroom, 2 bedroom, etc.) and the square footage area for each unit.	0	0

## ENVIRONMENTAL EVALUATION SCREENING FORM





This form will determine if further environmental review is required.

If you are submitting a Building Permit Application only, please respond to the below questions to the best of your knowledge. You do not need to submit any additional materials at this time, and an environmental planner will contact you with further instructions.

If you are submitting an application for entitlement, please submit the required supplemental applications, technical studies, or other information indicated below along with this Project Application.

Environmental Topic	Information	Applicable to Proposed Project?	Notes/Requirements
<b>1a. General</b>	Estimated construction duration (months):	N/A	<b>3 Months</b>
<b>1b. General</b>	Does the project involve replacement or repair of a building foundation? If yes, please provide the foundation design type (e.g., mat foundation, spread footings, drilled piers, etc)	Yes    No	
<b>2. Transportation</b>	Does the project involve a child care facility or school with 30 or more students, or a location 1,500 square feet or greater?	Yes    No	If yes, submit an Environmental Supplemental- <a href="#">School and Child Care Drop-Off &amp; Pick-Up Management Plan</a> .
<b>3. Shadow</b>	Would the project result in any construction over 40 feet in height?	Yes    No	If yes, an initial review by a shadow expert, including a recommendation as to whether a shadow analysis is needed, may be required, as determined by Planning staff. (If the project already underwent Preliminary Project Assessment, refer to the shadow discussion in the PPA letter.)  An additional fee for a shadow review may be required.
<b>4. Biological Resources</b>	Does the project include the removal or addition of trees on, over, or adjacent to the project site?	Yes    No	If yes:  Number of existing trees on, over, or adjacent to the project site:  _____  Number of existing trees on, over, or adjacent to the project site that would be removed by the project:  _____  Number of trees on, over, or adjacent to the project site that would be added by the project:  _____
<b>5a. Historic Preservation</b> 	Would the project involve changes to the front façade or an addition visible from the public right-of-way of a structure built 45 or more years ago or located in a historic district?	Yes    No	If yes, submit a complete <a href="#">Historic Resource Determination</a> Supplemental Application. Include all materials required in the application, including a complete record (with copies) of all building permits.
<b>5b. Historic Preservation</b>	Would the project involve demolition of a structure constructed 45 or more years ago, or a structure located within a historic district?	Yes    No	If yes, a historic resource evaluation (HRE) report will be required. The scope of the HRE will be determined in consultation with <a href="mailto:CPC-HRE@sfgov.org">CPC-HRE@sfgov.org</a> .

 Please see the [Property Information Map](#) or speak with Planning Information Center (PIC) staff to determine if this applies.

Environmental Topic	Information	Applicable to Proposed Project?		Notes/Requirements
<b>6. Archeology</b> 	Would the project result in soil disturbance/modification greater than two (2) feet below grade in an archeologically sensitive area or eight (8) feet below grade in a non-archeologically sensitive area?	Yes	No	If Yes, provide depth of excavation/disturbance below grade (in feet*):  <i>*Note this includes foundation work</i>
<b>7. Geology and Soils</b> 	Is the project located within a Landslide Hazard Zone, Liquefaction Zone or on a lot with an average slope of 20% or greater?  -----  Area of excavation/disturbance (in square feet):  _____  Amount of excavation (in cubic yards):  _____	Yes	No	A geotechnical report prepared by a qualified professional must be submitted if one of the following thresholds apply to the project: <ul style="list-style-type: none"> <li>● The project involves:               <ul style="list-style-type: none"> <li>○ excavation of 50 or more cubic yards of soil, or</li> <li>○ building expansion greater than 1,000 square feet outside of the existing building footprint.</li> </ul> </li> <li>● The project involves a lot split located on a slope equal to or greater than 20 percent.</li> </ul> <i>A geotechnical report may also be required for other circumstances as determined by Environmental Planning staff.</i>
<b>8. 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 Pollutant Exposure Zone?	Yes	No	If yes, the property owner must submit copy of initial filed application with department of public health. More information is found <a href="#">here</a> .
<b>9a. Hazardous Materials</b>	Would the project involve work on a site with an existing or former gas station, parking lot, auto repair, dry cleaners, or heavy manufacturing use, or a site with underground storage tanks?	Yes	No	If yes, submit a Phase I Environmental Site Assessment prepared by a qualified consultant.
<b>9b. Hazardous Materials</b> 	Is the project site located within the Maher area and would it involve ground disturbance of at least 50 cubic yards or a change of use from an industrial use to a residential or institutional use?	Yes	No	If yes, submit a copy of the <a href="#">Maher Application Form</a> to the Department of Public Health. Also submit a receipt of Maher enrollment with the Project Application.  For more information about the Maher program and enrollment, refer to the Department of Public Health's <a href="#">Environmental Health Division</a> .  <i>Maher enrollment may also be required for other circumstances as determined by Environmental Planning staff.</i>

 Please see the [Property Information Map](#) or speak with Planning Information Center (PIC) staff to determine if this applies.

## PRIORITY GENERAL PLAN POLICIES FINDINGS

Please state how the project is consistent or inconsistent with each policy, or state that the policy is not applicable:

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

Existing retail services will be enhanced with the addition of new food service facilities and future opportunities for resident employment will be increased with the new restaurant.

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

Not Applicable

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

Not Applicable

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

Not Applicable

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;

Service sector will not be displaced and employment opportunity will be increased.

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

All new work will be permitted and designed to the most current health and life safety standards and codes.

7. That landmarks and historic buildings be preserved; and

The existing facade will be repaired and maintained and will retain its existing character.

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

Not Applicable.



# 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) Other information or applications may be required.
- d) I hereby authorize City and County of San Francisco Planning staff to conduct a site visit of this property as part of the City's review of this application, making all portions of the interior and exterior accessible through completion of construction and in response to the monitoring of any condition of approval.



Steve MacMillan

Signature

Name (Printed)

Architect

415-846-7943

stevemac@slm-aia.com

Relationship to Project  
(i.e. Owner, Architect, etc.)

Phone

Email

For Department Use Only

Application received by Planning Department:

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

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



# CONDITIONAL USE AUTHORIZATION

## SUPPLEMENTAL APPLICATION

### Property Information

---

Project Address:

Block/Lot(s):

### Action(s) Requested

Action(s) Requested (Including Planning Code Section(s) which authorizes action)

### 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. If the proposed use exceeds the non-residential use size limitations for the zoning district, additional findings must be provided per Planning Code Section 303(c)(1)(A-C).

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.

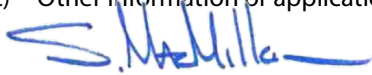
3. That such use or feature as proposed will comply with the applicable provisions of this Code and will not adversely affect the General Plan.

4. The use or feature satisfies any criteria specific to the use of features listed in Planning Code Section 303(g), et seq.

# 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) Other information or applications may be required.



\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name (Printed)

\_\_\_\_\_  
Relationship to Project  
(i.e. Owner, Architect, etc.)

\_\_\_\_\_  
Phone

\_\_\_\_\_  
Email

# APPLICANT'S SITE VISIT CONSENT FORM

I hereby authorize City and County of San Francisco Planning staff to conduct a site visit of this property, making all portions of the interior and exterior accessible.



\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name (Printed)

\_\_\_\_\_  
Date

Please provide 24 hours notice as a courtesy to the current Tenant.

For Department Use Only

Application received by Planning Department:

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

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



## COMMUNITY BUSINESS PRIORITY PROCESSING PROGRAM (CB3P)

### 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.

#### WHAT TO SUBMIT:

1. One (1) complete checklist (available on the next page) documenting eligibility for participation.

After receiving status of the submitted CB3P Checklist, please follow the submittal instructions in the Conditional Use Authorization Application and Instruction Packet.

#### HOW TO SUBMIT:

Please send an email request along with the intake appointment request form and the CB3P Checklist for Eligibility to: [CPC.Intake@sfgov.org](mailto:CPC.Intake@sfgov.org). Intake request forms are available here: <http://sf-planning.org/permit-forms-applications-and-fees>.

For questions, you can stop by, call, or email the Planning Information Center (PIC), where planners are available to assist you.

Location: 1660 Mission Street, Ground Floor  
San Francisco, CA 94103-2479  
Phone: (415) 558-6377  
Email: [pic@sfgov.org](mailto:pic@sfgov.org)

#### THE PRE-APPLICATION PROCESS:

The following types of projects require a Pre-Application Meeting Notification. Please be aware that a Pre-Application meeting is also required prior to filing any Planning entitlement application (i.e. Conditional Use Authorization, Variance) for:

- Projects subject to 311 or 312 Notification;
- New Construction;
- Any vertical addition of 7 feet or more;
- Any horizontal addition of 10 feet or more;
- Decks over 10 feet above grade or within the required rear yard;
- All Formula Retail uses subject to a Conditional Use Authorization;
- Community Business Priority Processing (CB3P); and
- Projects in PDR-I-G Districts subject to Section 313.

Please refer to the Pre-Application Meeting Instruction Packet for further detail or contact planning staff with questions.

**Español:** Si desea ayuda sobre cómo llenar esta solicitud en español, por favor llame al 415-575-9010. Tenga en cuenta que el Departamento de Planificación requerirá al menos un día hábil para responder

**中文:** 如果您希望獲得使用中文填寫這份申請表的幫助, 請致電415-575-9010。請注意, 規劃部門需要至少一個工作日來回應。

**Tagalog:** Kung gusto mo ng tulong sa pagkumpleto ng application na ito sa Filipino, paki tawagan ang 415-575-9121. Paki tandaan na mangangailangan ang Planning Department ng hindi kukulangin sa isang araw na pantrabaho para makasagot.



# CB3P CHECKLIST FOR ELIGIBILITY

## Property Information

Project Address: 201 19th Ave., San Francisco, CA

Record Number and/or Building Permit Number: 201804186730

Name of Business (if known): Crackin Eggs

## Project Description

Please provide a narrative project description that summarizes the project and its purpose.  See Attachment

Convert existing grocery Store into full service restaurant. The current plan is that this will be a Breakfast and Lunch only restaurant.

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

Confirm Compliance with Each Criterion by Checking the Boxes Below		
	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, accepting 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"/>	Alcohol 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 Bona 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	<p>The application involves only non-residential uses and does not seek to establish or expand any of the following:</p> <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>• 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.

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.



**Steve MacMillan** Digitally signed by Steve MacMillan  
Date: 2018.04.24 10:51:41 -07'00'

Stephen MacMillan

Signature

Name (Printed)

April 24, 2018

415-846-7943

stevemac@slm-aia.com

Date

Phone Number

Email Address

## For Department Use Only

Application received by Planning Department:

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

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

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: \_\_\_\_\_

**From:** [JDD@8bells.com](mailto:JDD@8bells.com)  
**To:** [Weissglass, David \(CPC\)](#)  
**Cc:** [Fewer, Sandra \(BOS\)](#)  
**Subject:** RE: 201 Nineteenth avenue (2018-006127CUA)  
**Date:** Tuesday, November 13, 2018 10:47:53 AM

---

David,

Thank you for the response. I will plan on attending any planning meeting on this. You are free to use any and all of my correspondence on this matter.

Given the unique situation, I wish to emphasize to the planning commission the issues surrounding the transportation elements as they apply to the church, the recreation center, and the playground. A LOT of moms with babies and toddlers access both the center and the playground. There is a unusual number of pedestrian with baby or preschool kid crossing at that intersection. More than many others.

In the past the store with its emphasis on liquor, beer, and tobacco has opened late in the morning, around 11 AM. The heavy traffic to the store is in late afternoon and the evening and as such did not conflict as much as one would think with the Church services in the AM nor the mom's taking their kids to the rec center or the park.

Some of the new restaurants in the area are brunch places. Like the one at 19th and Clement. If this place is focused on brunch then the traffic and circulation will happen at the same time as the Church services and the people accessing the Rec Center and the Park.

Of the several new restaurants in the area over the past year all of them I noticed are in multi story buildings. As such it is not a big deal to run cooking vents up to the second or their floor and vet into the rooftop stream. This building is different than all the rest. It is a single story and boxed in like a canyon. All of the buildings in the area will have to live with the smell as there is no economical way to deal with it I am sure.

Given the issues, this location is ill suited to a restaurant use. I am not categorically opposed to it, but I doubt that the applicant will be willing to spend the money it would take to make sure their success is not built on the neighbors ears and noses.

Thank you, James

As a CC to Sandra Fewer, I hope someone from your office keeps an eye on this. We do not need another person or kid hit in this intersection just to get one more restaurant in the hood without reasonably addressing the issues I have brought up before they are given a permit.

-----Original Message-----

From: Weissglass, David (CPC) [<mailto:david.weissglass@sfgov.org>]  
Sent: Tuesday, November 13, 2018 10:16  
To: James Douglas  
Cc: Fewer, Sandra (BOS)  
Subject: RE: 201 Nineteenth avenue (2018-006127CUA)

Mr. Douglas,

I hope this message finds you well, and thank you for reaching out. I am happy to send you publicly-available documents for this application. However, I will need some more details about what kind of information you seek. Attached you can find the updated plans for the establishment, as well as the notice of public hearing with details regarding the hearing date, time, and location. The notification date was last Friday, November 9th - on that date this notice was sent out to all owners of buildings within 300' of the property as well as all occupants of buildings within 150' of the property. A notice was also placed in the SF Examiner, and two large hearing posters were placed on the windows of the establishment. The project is considered Categorical Exempt from CEQA review.



I appreciate you sending me the email from the spring - do you mind if I upload this email to our internal system as public correspondence? I'm also planning to reach out to the project sponsor to see if they received this message, and to gather the establishments' responses to your questions and issues.

I am happy to speak to some of the issues you raise, however. Regarding the smell, if approved, standard conditions are to be placed upon the establishment to ensure the operators play a role in keeping the public sphere surrounding their area clean and free of noxious effects (smell, excessive noise, etc.). Further, the establishment will be required to appoint a community liaison officer to deal with all issues of concern to owners and occupants of nearby properties. Contact information for such community liaison will be provided to all neighborhood groups and will be available to all members of the public.

With regard to transportation issues, CEQA does cover this area as well. However, in San Francisco additional CEQA review for transportation effects is only triggered with the addition of 6 or more new parking spaces or housing units in a project. With a change of use of this size, additional transportation studies are not required (please be aware, however, that I cannot speak to the Department of Public Works' requirements). The City has adopted a transit-first policy and does not trigger additional vehicular parking spaces for smaller projects such as those of this magnitude.

That said, this is all background for why additional review has not been triggered. All of your concerns are certainly valid and you are welcome and encouraged to make your voice heard specifically on these matters (which is why I would like to save your email as public correspondence for the Planning Commissioners to see). You are also welcome to attend the hearing in person.

Thank you, and don't hesitate to contact me if you have any additional questions or issues.

David Weissglass, Planner  
Flex Team, Current Planning Division  
San Francisco Planning Department  
1650 Mission Street, Suite 400, San Francisco, CA 94103  
Direct: 415.575.9177 | [www.sfplanning.org](http://www.sfplanning.org) San Francisco Property Information Map

\*Planning Staff are currently available at Counter 38 at 1660 Mission Street, 5th floor, daily for inquiries and review of ADU/Legalization permits. Please contact your planner for visit <http://sf-planning.org/accessory-dwelling-units> for details.

-----Original Message-----

From: JDD@8bells.com <JDD@8bells.com>  
Sent: Monday, November 12, 2018 9:49 AM  
To: Weissglass, David (CPC) <David.Weissglass@sfgov.org>  
Cc: Fewer, Sandra (BOS) <sandra.fewer@sfgov.org>  
Subject: 201 Nineteenth avenue (2018-006127CUA)

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Hello,

I would like to see the documents related to this application. I am not opposed to the change, but, given the proximity to a church, the indoor Richmond District Recreation Center, and the Richmond Playground, I think that a full CEQA review may be in order.

Please advise on if you can email me copies of the documents. Also be advise, I would like to be informed if the

date or time of the hearing is changed. Also be advised that we have not received anything in the US mail on this in the last week and the applicant has not made any contact directly with the neighbors to get any input to the process.

You can see the below email to the early outreach in the spring. The application made no attempt to contact me or others to address our concerns.

Please advise.

James Douglas  
JDD@8bells.com

\*\*\*\*\*

Doug Wong  
SLM Architecture & Design  
San Francisco Planning Department  
(By BCC to Neighbors and Interested Parties)

Thursday, June 14, 2018

RE: Notice of Pre-Application Meeting 19th Avenue & California Street

Dear Appropriate Individuals,

We, my wife and I, are in receipt of a letter to the neighborhood about the desire of the property owner of the store at 201 Nineteenth Avenue to change the use from a corner store to a restaurant. We will not be able to attend so please read this letter into the record if one is kept for this meeting.

Before I go into the merits of the proposal, I wish to state that having the meeting on the other side of town, in the middle of the week, in the middle of the afternoon does not endear the project sponsor to the neighbors. The Richmond Recreation Center is but a stones toss away. Having the meeting across town when most people are still at work is at best just dumb or at worst a calculated strategy to show that there is no opposition. In either case, we are not amused.

Now to the merits of the proposal. Let me begin by stating that I have lived directly across from this property for 20 years and within a few block for over 30 years. I understand the patterns and the neighborhood well.

In general we are not opposed to a restaurant at this location. So long as the success of this restaurant is not build on displacing its costs onto those of us who have lived here for decades.

Our specific issues are:

1. Smell. Since this is a single story structure "in the valley of" a number of much taller structures, wind patters are going to be a large issue. There is no economical way for a restaurant to vent its cooking above the roof lines so that everyone close by is not having to live with the smell week in and week out, all day long.

For a restaurant to vent the smells above the prevailing rooflines and/or to install full containment activated charcoal filtration would probably doom the project due to cost. For that reason alone, this is not a good location unless the project sponsor has a very deep pocket and is willing to internalize this cost to his production and not externalize those costs onto the backs of the neighbors noses.

2. Circulation and Traffic. This property sits between the Richmond Recreation Center and The Richmond Playground. There is a large a number of street crossings every day and in particular on Saturday and Sunday. Many of these crossings are mothers with babies and young children. We have had many close calls and a couple of people young and old hit in this intersection. The statistics in SF do not show the near misses. Anyone with a safety management background (City Planners ?) knows that for every x number of close calls one major accident takes place. I can attest to the fact that this intersection has way too many close calls that The City is not aware of.

We also have on weekends many senior citizens who attend the Orthodox Church next door to the proposed restaurant. Many of those are crossing the street after walking a block or more for parking. Many are in their 70's or 80's.

In the event that the proposed restaurant is very successful then this intersection will face large numbers of weekend pedestrians as well as a fair amount of vehicular traffic trying to find a place to park. This is not necessarily a good thing in lieu of the above facts on the usage of this intersection.

Uber & Lyft. Such a use may well increase the use of Uber and Lyft dramatically at this intersection. This is of particular concern of the people who reside in corner four flats and corner apartment buildings. This has become a budding issue over the last five years where non existed before. Specifically, Urber and Lyft drivers use the open driveways of these particular types of building as their personal pick up and drop off points. Because it is not legal to park in the driveways, these areas are ready made for this illegal use. DPW has stated that they do not have the manpower to deal with a 5 minute disruption...often 4 or 5 times an hour It is a case of "whack a mole".

The problem is that the flats and apartments on the corners all have their bedrooms ON THE STREET SIDE. So the jocularly of people coming and going disproportionately affect these residences. It can in fact lower property values for these properties should the restaurant get really popular. Can anyone say "...quiet enjoyment of a domicile...?"

In Village of Euclid v. Ambler Realty Co which is the basis of zoning power the discussion was about making sure that a particular use of property did not cause side effects for the people with other property near by. In those days it was about factories smell (pollution) and houses. In these days it is still about smell, restaurant pollution, just not smoke stack pollution.

Circulation, Pedestrian safety for children and elderly, and the quiet enjoyment of ones domicile are still all valid issues. The air, the streets, and the sidewalk can all suffer from "the tragedy of the commons". I would hope that the project sponsor would but more energy into those issues and that the SF Planning Department would do its job to ensure that the success of the restaurant is not made upon the taking away of the enjoyment of the neighbors to live on this intersection.

#### Specific Recommendations:

1. That a way is devised to either prevent, or vent above the median roof line of the area, all smells coming from the new use.

2. That the restaurant be required to take the 19th avenue side of the streetscape and create a pick up and drop off point. This would serve two functions. It would allow people coming from out of the immediate area to drop people off for the restaurant in front of the restaurant (It could revert to parking after business hours). It would also allow people coming and going to the church to do the same. The restaurant will make worse the weekend parking for the church goers. This would be the restaurants way of helping to mitigate that impact.

3. SF Planning and DPW. The SF Planning Department needs to work with DPW to come up with a no parking color that is not currently being used.

Such a color could then be used on corner four flats and apartment curbs. The SF Planning and DPW would have to have the Board of Supervisors pass legislation for a civil fine that would allow the residents of such property to sue in small claims court for that civil fine from anyone who used those spaces for pick up or drop off. DWP cannot and will not take care of such issues. Since it is not realistic to get DPW to enforce buzzing Uber and Lyft stops, then either civil actions must be made available. If not, then there will be no other option but to go to court under the doctrine of quite enjoyment of ones domicile and sue the business owner for creating the nuisance.

The Uber and Lyft phenomenon mixed up with 1920's building designs must be addressed by the SF Planning Department, DPW, and the SF Board of Supervisors or this will get ugly for everyone.

Thank you very much for your time and please advise me when the public hearing is to take place.

James Douglas  
PO Box 210252 (US Mail)

19th & California  
San Francisco, CA 94121  
JDD@8bells.com

**From:** [JDD@8bells.com](mailto:JDD@8bells.com)  
**To:** [Weissglass, David \(CPC\)](#)  
**Cc:** [Fregosi, Ian \(BOS\)](#)  
**Subject:** FW: 201 Nineteenth avenue (2018-006127CUA)  
**Date:** Thursday, November 15, 2018 3:38:26 PM

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David,

I am not impressed with the applicants response. I guess we will have to do this the hard way. A couple of questions:

1. How much time will I have before the Planning Commission?
2. Can I submit a detailed report prior to the meeting to them?
3. If the Planning Commission does not come to a conclusion acceptable to myself and the others concerned, what right do we have to appeal it to the Board of Supervisors?

In addition to the above, be advised that the woman-minority owned laundry business across the street from the location is concerned about people using her green zone for pick up and drop off of a restaurant. She is also concerned as she is 50 feet directly down wind of smells that will be sucked up by her commercial clothes dryers and causing her customers clothing to pick up odors. Her English is bad and she is very ignorant of the process. I hope the planning department will have some outreach to her so she can feel comfortable with the process and have her concerns addressed. Such people can be steamrolled by a well financed applicant.

Please advise, Thank you, James

James Douglas  
San Francisco.

-----Original Message-----

From: Steve MacMillan [<mailto:steve@slm-aia.com>]  
Sent: Thursday, November 15, 2018 14:15  
To: James Douglas  
Cc: 'Blueprint San Francisco'; 'Weissglass, David (CPC)'  
Subject: RE: 201 Nineteenth avenue (2018-006127CUA)

Mr. Douglas,

I have condensed your letter below and provided some responses for your consideration:

Matt, the project sponsor and proprietor will try to contact you later this week or this weekend to discuss these issues further with you.

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Our specific issues are:

1. Smell. Since this is a single story structure "in the valley of" a number of much taller structures, wind patterns are going to be a large issue. There is no economical way for a restaurant to vent its cooking above the roof lines so that everyone close by is not having to live with the smell week in and week out, all day long.

For a restaurant to vent the smells above the prevailing rooflines and/or to install full containment activated charcoal filtration would probably doom the project due to cost. For that reason alone, this is not a good location unless the project sponsor has a very deep pocket and is willing to internalize this cost to his production and not externalize those costs onto the backs of the neighbors noses.

2. Circulation and Traffic. This property sits between the Richmond Recreation Center and The Richmond Playground. There is a large a number of street crossings every day and in particular on Saturday and Sunday. Many of these crossings are mothers with babies and young children. We have had many close calls and a couple of people young and old hit in this intersection. The statistics in SF do not show the near misses. Anyone with a safety management background (City Planners ?) knows that for every x number of close calls one major accident takes place. I can attest to the fact that this intersection has way too many close calls that The City is not aware of. We also have on weekends many senior citizens who attend the Orthodox Church next door to the proposed restaurant. Many of those are crossing the street after walking a block or more for parking. Many are in their 70's or 80's. In the event that the proposed restaurant is very successful then this intersection will face large numbers of weekend pedestrians as well as a fair amount of vehicular traffic trying to find a place to park. This is not necessarily a good thing in lieu of the above facts on the usage of this intersection.

Uber & Lyft. Such a use may well increase the use of Uber and Lyft dramatically at this intersection. This is of particular concern of the people who reside in corner four flats and corner apartment buildings. This has become a budding issue over the last five years where non existed before. Specifically, Uber and Lyft drivers use the open driveways of these particular types of building as their personal pick up and drop off points. Because it is not legal to park in the driveways, these areas are ready made for this illegal use. DPW has stated that they do not have the manpower to deal with a 5 minute disruption...often 4 or 5 times an hour. It is a case of "whack a mole". The problem is that the flats and apartments on the corners all have their bedrooms ON THE STREET SIDE. So the jocularly of people coming and going disproportionately affect these residences. It can in fact lower property values for these properties should the restaurant get really popular. Can anyone say "...quiet enjoyment of a domicile..."? In Village of Euclid v. Ambler Realty Co which is the basis of zoning power the discussion was about making sure that a particular use of property did not cause side effects for the people with other property near by. In those days it was about factories smell (pollution) and houses. In these days it is still about smell, restaurant pollution, just not smoke stack pollution.

Circulation, Pedestrian safety for children and elderly, and the quiet enjoyment of ones domicile are still all valid issues. The air, the streets, and the sidewalk can all suffer from "the tragedy of the commons". I would hope that the project sponsor would put more energy into those issues and that the SF Planning Department would do its job to ensure that the success of the restaurant is not made upon the taking away of the enjoyment of the neighbors to live on this intersection.

Specific Recommendations:

1. That a way is devised to either prevent, or vent above the median roof line of the area, all smells coming from the new use.

Response: There is nothing we can do about weather patterns, but we will comply with the Most current Mechanical and Air pollution and air quality control measures as delineated by the 2016 California Mechanical and 2016 California Building Codes

2. That the restaurant be required to take the 19th avenue side of the streetscape and create a pick up and drop off point. This would serve two functions. It would allow people coming from out of the immediate area to drop people off for the restaurant in front of the restaurant (It could revert to parking after business hours). It would also allow people coming and going to the church to do the same. The restaurant will make worse the weekend parking for the church goers. This would be the restaurants way of helping to mitigate that impact.

Response: The applicant would benefit from the addition of a passenger loading and unloading area in front of the restaurant, but this would eliminate a parking space at the same time, so it is a double edged sword. The Applicant will consider this in the submittal.

3. SF Planning and DPW. The SF Planning Department needs to work with DPW to come up with a no parking color that is not currently being used. Such a color could then be used on corner four flats and apartment curbs. The SF Planning and DPW would have to have the Board of Supervisors pass legislation for a civil fine that would allow the residents of such property to sue in small claims court for that civil fine from anyone who used those spaces for pick up or drop off. DWP cannot and will not take care of such issues. Since it is not realistic to get DPW to enforce buzzing Uber and Lyft stops, then either civil actions must be made available. If not, then there will be no other option but to go to court under the doctrine of quiet enjoyment of ones domicile and sue the business owner for creating the nuisance.

Response: There is nothing the applicant can do about this as you can surely understand.

The Uber and Lyft phenomenon mixed up with 1920's building designs must be addressed by the SF Planning Department, DPW, and the SF Board of Supervisors or this will get ugly for everyone.

Response: This is outside of the control of the applicant as well, but we encourage you to pursue all efforts to mitigate these circumstances.

Thank you very much for your time and please advise me when the public hearing is to take place.

Matt, the project sponsor and proprietor will try to contact you later this week or this weekend to discuss these issues further with you.

Thank you Mr. Douglas.

-sm

-----Original Message-----

From: JDD@8bells.com <JDD@8bells.com>  
Sent: Wednesday, November 14, 2018 9:01 PM  
To: Steve MacMillan <stevemac@slm-aia.com>  
Cc: david.weissglass@sfgov.org  
Subject: RE: 201 Nineteenth avenue (2018-006127CUA)

Stephen,

I have no objection to talking with you. However, I don't see the point at this point in time. The business concept is fairly straight forward, like many in this neighborhood and many others around town.

This location has several challenges that other locations do not. The church, a major bus stop, the Richmond Recreation Center, and the Richmond Park all within about 300 feet.

The restaurant that opened last year, with a heavy morning patronage, at 19th and Clement is generating some of the items I wrote about in my previous email. Rather than hear about the business concept, I would like to read a detailed point by point on what you and the project sponsor are proposing to address our concerns as articulated in that email from 4 months ago. After that, then we will have something to discuss.

James Douglas  
JDD@8bells.com  
415-668-0340

-----Original Message-----

From: Steve MacMillan [<mailto:stevemac@slm-aia.com>]  
Sent: Wednesday, November 14, 2018 15:26  
To: James Douglas  
Subject: FW: 201 Nineteenth avenue (2018-006127CUA)  
Importance: High

Dear Mr. Douglas,

Good afternoon.

Please let us know what day / time would be most convenient for us to discuss this project with you.

Can you please send me your phone number so that the Restaurant Owner and I can give you a call to better describe the concept for his proposed business.

I have attached the proposed plans for your consideration. You should have received this with the initial letter inviting you to the Pre-Application meeting.

Also, please see the attached E-mail string in which I responded to your initial inquiry about the project.



Thank you,  
-sm

SLM Architecture & Design  
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