



# SAN FRANCISCO PLANNING DEPARTMENT

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## Memo to the Planning Commission

HEARING DATE: MARCH 7, 2019  
Continued from the December 20, 2018 Hearing

*Record No.:* 2018-007366CUA  
*Project Address:* 838 GRANT AVENUE  
*Zoning:* CVR (Chinatown Visitor Retail) District  
50-N Height and Bulk District  
Chinatown Plan Area  
*Block/Lot:* 0209/005  
*Project Sponsor:* Jeremy Schaub, Schuab Ly Architects, Inc.  
1360 9th Avenue, Suite 210  
San Francisco, CA 94122  
*Property Owner:* JL Realty Partners  
3145 Geary Boulevard, Suite 238  
San Francisco, CA 94118  
*Staff Contact:* Nicholas Foster – (415) 575-9167  
[nicholas.foster@sfgov.org](mailto:nicholas.foster@sfgov.org)  
*Recommendation:* **Approval with Conditions**

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

### BACKGROUND

This Project was originally scheduled to be heard on December 20, 2018. Prior to the hearing, the Department received a request to continue the matter to a future hearing date to allow interested parties additional time to review the Project. On December 20, 2018, before hearing the item, the Commission voted 6-0 (Commissioner Fong absent) to continue the item to the January 31, 2019 hearing date. On January 31, 2019, before hearing the item, the Commission voted 4-0 (Commissioners Fong, Koppel, and Melgar absent) to continue the item to the March 7, 2019 hearing date.

### UPDATES

Since the continuance, the Department has not received any letters of support or opposition regarding the proposed Project. The Department has received one phone call in support of the Project.

### BASIS FOR RECOMMENDATION

The Department finds that the Project is, on balance, consistent with the Objectives and Policies of the General Plan. The Department also finds the project to be necessary, desirable, and compatible with the surrounding neighborhood, and not to be detrimental to persons or adjacent properties in the vicinity. The Project would help contribute to the economic vitality of the neighborhood by activating a highly-visible, ground-floor commercial tenant space that has been vacant for approximately 2 years. No commercial tenant would be displaced and the Project would not prevent the Chinatown Visitor Retail District from achieving optimal diversity in the types of goods and services available in the neighborhood. The Project would provide the neighborhood with a new, non-Formula Retail Use while supporting Chinatown's service sector base.



# SAN FRANCISCO PLANNING DEPARTMENT

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## Executive Summary Conditional Use Authorization HEARING DATE: DECEMBER 20, 2018 CONSENT CALENDAR

*Record No.:* 2018-007366CUA  
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50-N Height and Bulk District  
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### PROJECT DESCRIPTION

The proposed project ("Project") would establish a new 7,138 gross square foot Restaurant Use (d.b.a. "Cityview") within an existing, ground-floor commercial tenant space fronting Walter U. Lum Place. The proposed restaurant would operate from 10:30 a.m. to 12:00 a.m. daily and utilize an ABC Type 47 License (on-sale general, eating place). The Project involves interior and exterior tenant improvements, including a 4'-4" horizontal expansion of the tenant space into a recessed opening fronting Walter U. Lum Place.

### REQUIRED COMMISSION ACTION BASIS FOR RECOMMENDATION

In order for the Project to proceed, the Commission must grant a Conditional Use Authorization, pursuant to Planning Code Sections 303, 811.27 and 811.44 to permit a Restaurant Use operating from 10:30 a.m. until 12:00 a.m. daily at the subject property.

### ISSUES AND OTHER CONSIDERATIONS

- **Public Comment & Outreach.** To date, the Department has not received any letters of support or opposition regarding the proposed Project. The Project Sponsor held a Pre-Application Meeting on August 14, 2018, with two attendees.

- **Use Size Exceedance.** The Project would occupy 7,138 gross square feet of tenant space, exceeding the use size maximum (5,000 square feet) established within the Chinatown Visitor Retail District. However, as the use size exceedance for the subject tenant space is considered legal, non-conforming with regard to use size, the use size exceedance is able to carry forward to a new use with no expansion of gross floor area, pursuant to Planning Code Sections 180 and 188.

## **BASIS FOR RECOMMENDATION**

The Department finds that the Project is, on balance, consistent with the Objectives and Policies of the General Plan. The Department also finds the project to be necessary, desirable, and compatible with the surrounding neighborhood, and not to be detrimental to persons or adjacent properties in the vicinity. The Project would help contribute to the economic vitality of the neighborhood by activating a highly-visible, ground-floor commercial tenant space that has been vacant for approximately 2 years. No commercial tenant would be displaced and the Project would not prevent the Chinatown Visitor Retail District from achieving optimal diversity in the types of goods and services available in the neighborhood. The Project would provide the neighborhood with a new, non-Formula Retail Use while supporting Chinatown's service sector base.

## **ATTACHMENTS:**

Draft Motion – Conditional Use Authorization  
Exhibit A – Conditions of Approval  
Exhibit B – Plans and Renderings  
Exhibit C – Environmental Determination  
Exhibit D – Land Use Data  
Exhibit E – Maps and Context Photos



# SAN FRANCISCO PLANNING DEPARTMENT

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## Planning Commission Draft Motion

HEARING DATE: DECEMBER 20, 2018

*Record No.:* 2018-007366CUA  
*Project Address:* 838 GRANT AVENUE  
*Zoning:* CVR (Chinatown Visitor Retail) District  
50-N Height and Bulk District  
Chinatown Plan Area  
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**ADOPTING FINDINGS TO THE APPROVE A CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 303, 312, 811.27, 811.44 OF THE PLANNING CODE TO PERMIT A RESTAURANT USE (D.B.A. "CITYVIEW") WITH HOURS OF OPERATION FROM 10:30 A.M. TO 12:00 A.M. WITHIN THE CHINATOWN VISITOR RETAIL ZONING DISTRICT AND A 50-N HEIGHT AND BULK DISTRICTS, AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.**

### PREAMBLE

On September 29, 2018, Jeremy Schaub of Schaub Ly Architects, Inc. on behalf of JL Realty Partners (hereinafter "Project Sponsor"), filed Application No. 2018-007366CUA (hereinafter "Application") with the Planning Department (hereinafter "Department") for Conditional Use Authorization to establish a Restaurant Use (hereinafter "Project") within an existing, ground-floor commercial tenant space at 838 Grant Street, Block and Lot 0209/005 (hereinafter "Project Site").

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

On December 20, 2018, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Authorization Application No. 2018-007366CUA.

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

**MOVED**, that the Commission hereby authorizes the Conditional Use Authorization as requested in Application No. 2018-007366CUA, subject to the conditions contained in “EXHIBIT A” of this motion, based on the following findings:

## FINDINGS

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

1. The above recitals are accurate and constitute findings of this Commission.
2. **Project Description.** The Project would establish a new 8,288 gross square foot Restaurant Use (d.b.a. “Cityview”) within an existing, ground-floor commercial tenant space fronting Walter U. Lum Place. The proposed restaurant would operate from 10:30 a.m. to 12:00 a.m. daily and utilize an ABC Type 47 License (on-sale general, eating place). The Project involves interior and exterior tenant improvements, including a 4’-4” horizontal expansion of the tenant space into a recessed opening fronting Walter U. Lum Place.
3. **Site Description and Present Use.** The Project Site is an 8,250 square foot through lot, with frontages on Grant Avenue (primary, west façade) and Walter U. Lum Place (secondary, east façade). The subject lot is also downsloping, with the Grant Avenue frontage situated one floor above the Walter U. Lum Place frontage. The subject building, known locally as the “China Trade Center,” was constructed circa 1966 and is a six-story-over-basement building containing a mix of Retail Sales and Service Uses, including both Professional and Personal Service Uses on floors one through five, and a Restaurant Use (formerly d.b.a. “Empress of China”) located on the sixth floor. While the subject building was not found to be a contributor to the Chinatown Historic District, the building is individually eligible for inclusion on the California Register under Criteria 1 (Events) and 2 (Persons). The subject tenant space, located on the ground-floor fronting Walter U. Lum Place, formerly contained a Retail Sales and Service Use (d.b.a. “Chong Imports”).
4. **Surrounding Properties and Neighborhood.** The Project Site is located within the Chinatown Visitor Retail Neighborhood District (“District”) and the Chinatown Area Plan. The District extends along Grant Avenue between California and Jackson Streets. The District contains a concentration of retailers and restaurants which attract visitors and shoppers and contribute to the City’s visual and economic diversity. The District is intended to preserve the street’s present character and scale and to accommodate uses primarily appealing to visitors (e.g. tourist gifts shops, jewelry stores, and restaurants). Grant Avenue provides an important link between Downtown retail shopping and the Broadway, North Beach and Fisherman’s Wharf areas. The immediate context is mixed in character with primarily ground-floor retail and either residential or retail uses located above the ground-floor. The immediate neighborhood includes a mix of two-to-four-story buildings. At six stories, the subject building is the largest structure within the

District. The building's Walter U. Lum Place frontage faces directly onto Portsmouth Square, a popular Recreation and Parks Department property.

5. **Public Outreach and Comments.** To date, the Department has not received any correspondence regarding the proposed Project. The Project Sponsor held a Pre-Application Meeting on August 14, 2018, with two attendees.
6. **Planning Code Compliance.** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:
  - A. **Use (Section 811.44).** The Planning Code lists Restaurant Use as conditionally permitted at the first and second floors within the Chinatown Visitor Retail District.

*The Project involves a change of use from General Retail Sales and Service Use to Restaurant Use. The Project would establish a new restaurant (d.b.a. "Cityview") on the ground-floor of the subject property, fronting Walter U. Lum Place. The restaurant would operate as a non-Formula Retail Use, as defined by Section 303.1, and as a Bona Fide Eating Place, as defined by Planning Code Section 102, holding a ABC Type 47 license (on-sale general, eating place). Pursuant to Section 811.44, a Conditional Use Authorization is required to establish a Restaurant Use within the Chinatown Visitor Retail District. The Project Sponsor filed Conditional Use Authorization Case No. 2018-007366CUA. See Section Nos. 7 and 8 for specific Conditional Use Authorization Findings, as required by Planning Code Sections 303(c) and 303(o).*

- B. **Use Size (Sections 811.20, 121.4).** The Planning Code permits non-residential uses up to 2,500 square feet and requires Conditional Use Authorization to establish a use size between 2,501 square feet and 5,000 square feet. The use size limit in the Chinatown Visitor Retail District is 5,000 square feet whereas the use size maximum is 5,000 square feet.

*The Project would occupy 7,138 gross square feet of tenant space, exceeding the use size maximum (5,000 square feet) established within the Chinatown Visitor Retail. However, as the use size exceedance for the subject tenant space is deemed legal non-conforming with regard to use size, the use size exceedance is able to carry forward to a new use with no expansion of gross floor area, pursuant to Planning Code Sections 180 and 188.*

*The previous use, a General Retail Sales and Service Use, occupied a gross floor area of 7,310 gross square feet and the proposed restaurant would occupy a gross floor area of 7,138 square feet, resulting in an overall reduction of 172 square feet of use size. The use size reduction is attributable to two changes: 1) a conversion of 267 square feet of gross floor area to building maintenance (mechanical equipment, appurtenances, and areas necessary to the operation or maintenance of the building itself), which, is exempt from the calculation of gross floor area pursuant to Planning Code Section 102; and 2) a conversion of 54 square feet of gross floor area to common area (exterior hallway) not counted towards the use size limit of the subject tenant space.*

*The Project would expand the subject tenant space 4'-4" into the recessed storefront opening fronting Walter U. Lum Place, adding 112 gross square feet to the restaurant's use size. However, due to the conversion of gross floor area not counted towards the use size limit of the subject tenant space, the result is an overall reduction in use size by 172 gross square feet. Therefore, the Project conforms with Planning Code Sections 121.2, 180, 188, and 811.20.*

- C. **Floor Area Ratio (Sections 811.19, 123, 124).** The Planning Code permits a maximum Floor Area Ratio (FAR) of 2:1 in the Chinatown Visitor Retail District.

*Based upon records from the Office of the Assessor-Recorder, the subject building area contains 62,370 gross square feet of non-residential uses. With a Site Area of 8,250 square feet, and 62,370 gross square feet of non-residential uses subject to FAR limits, the FAR for the subject property is 7.6:1, exceeding the maximum FAR limit for the Chinatown Visitor Retail District. As such, the existing structure is deemed legal non-complying. The Project would not add gross floor area, resulting in no intensification of the non-conformity as it relates to FAR. Therefore, the Project thereby conforms with Planning Code Sections 811.19, 123 and 124.*

- D. **Hours of Operation (Section 811.27).** The Planning Code states that the principally permitted hours of operation are from 6:00 a.m. to 11:00 p.m., with Conditional Use Authorization required for maintaining hours of operation from 11 p.m. to 6 a.m..

*The Project would maintain hours of operation from 10:30 a.m. until 12:00 a.m. daily. Pursuant to Section 811.27, a Conditional Use Authorization is required to establish operating hours between 11:00 p.m. and 6:00 a.m. The Project Sponsor filed Conditional Use Authorization Case No. 2018-007366CUA. See Section Nos. 7 and 8 for specific Conditional Use Authorization Findings, as required by Planning Code Sections 303(c) and 303(o).*

- E. **Street Frontage in Mixed Use Districts (Section 145.1).** The Planning Code requires that within Mixed Use Districts space for active uses shall be provided within the first 25 feet of building depth on the ground floor and 15 feet on floors above from any facade facing a street at least 30 feet in width. In addition, the floors of street-fronting interior spaces housing non-residential active uses and lobbies shall be as close as possible to the level of the adjacent sidewalk at the principal entrance to these spaces. Frontages with active uses that must be fenestrated with transparent windows and doorways for no less than 60 percent of the street frontage at the ground level and allow visibility to the inside of the building. The use of dark or mirrored glass shall not count towards the required transparent area. Any decorative railings or grillwork, other than wire mesh, which is placed in front of or behind ground floor windows, shall be at least 75 percent open to perpendicular view. Rolling or sliding security gates shall consist of open grillwork rather than solid material, so as to provide visual interest to pedestrians when the gates are closed, and to permit light to pass through mostly unobstructed. Gates, when both open and folded or rolled as well as the gate mechanism, shall be recessed within, or laid flush with, the building facade.

*The subject tenant space has approximately 35 feet of frontage on Walter U. Lum Place, with a recessed storefront. The Project proposes establishing an active use (restaurant) within the subject tenant space, and developing a new storefront with new glazing, located closer to the public right-of-way, thereby maximizing visibility into the subject tenant space. Therefore, the Project conforms with Planning Code Section 145.1.*

- F. **Bicycle Parking (Section 155.1).** The Planning Code requires bicycle parking for Eating and Drinking Uses in the following amounts: one Class 1 bicycle parking space for every 7,500 square feet of Occupied Floor Area; and one Class 2 bicycle parking space for every 750 square feet of Occupied Floor Area (minimum two spaces).

*The existing, subject tenant space did not contain any Class 1 or 2 bicycle parking spaces. The Project involves a change of use to an Eating and Drinking Use, with a higher bicycle parking requirement than basic Retail Sales and Service Uses. As such, the Project requires 1 Class 1 and 8 Class 2 bicycle parking spaces. The Project would add 1 Class 1 bicycle parking space and pay the in-lieu fee for the 8 required Class 2 bicycle parking spaces as no on-site publicly-accessible open space is available where it would be appropriate to locate some or all of the required Class 2 bicycle parking. Therefore, the proposed Project conforms with Planning Code Section 155.1, 155.2(e), and 307(k)(2).*

7. **Conditional Use Findings.** Planning Code Section 303 establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use authorization. On balance, the project complies with said criteria in that:

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

*The Project is necessary or desirable because it would help contribute to the overall vitality of the neighborhood by activating a highly-visible, ground-floor commercial tenant space that is currently vacant. Moreover, the Project promotes the establishment of a non-Formula Retail Use and contributes to the economic viability of the Chinatown Visitor Retail District. The intended use (Restaurant Use) is compatible with surrounding commercial and residential uses. The proposed one-hour extension of operating hours (until 12:00 a.m.) is considered a minor deviation from the principally permitted hours of operation. The extended operating hours are anticipated to allow ample time for restaurant patrons to conclude dinner service and the extended hours are not anticipated to be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity.*

- B. The proposed project will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity. There are no features of the project that could be detrimental to the health, safety or convenience of those residing or working the area, in that:



- (1) Nature of proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;

*The height and bulk of the existing building will remain the same and the proposed storefront expansion fronting Walter U. Lum Place will not alter the overall shape and arrangement of the existing building.*

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

*The Project will not affect public transit or overburden the existing supply of parking in the neighborhood. No off-street parking is included as part of the proposed Project and the area is already well-served by transit. The Project will attract patrons from both inside and outside of the neighborhood.*

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

*The proposed use is subject to the standard conditions of approval for full-service restaurants and outlined in Exhibit A. Conditions have been added to specifically obligate the project sponsor to address any potential odor and noise generated by the restaurant use.*

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

*The Project would not alter the site's landscaping, open spaces, parking and loading areas, service areas or lighting. New signage is required to comply with the requirements of the Planning Code.*

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

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

- D. That the use as proposed would provide development that is in conformity with the purpose of the applicable Neighborhood Commercial District.

*The proposed project is consistent with the stated purpose of the Chinatown Visitor Retail District in that the intended use is located at the ground floor, and will provide a compatible convenience service for the immediately-surrounding neighborhood.*

8. **Additional Conditional Use Criteria for Eating and Drinking Uses.** Planning Code Section 303(o) establishes criteria with regard to a Conditional Use Authorization application for a Restaurant, Limited-Restaurant, or Bar uses. Section 303(o) requires the Planning to consider, in addition to

the criteria set forth in Code Section 303(c), the existing concentration of eating and drinking uses in the area. Such concentration should not exceed 25% of the total commercial frontage as measured in linear feet within the immediate area of the subject site. For the purposes of Code Section 303(o), the immediate area shall be defined as all properties located within 300 feet of the subject property and also located within the same zoning district.

*Based on a land use survey completed by the Project Sponsor, the total commercial frontage dedicated to eating and drinking establishments located within 300 feet of the Project Site is 25.0% of the total commercial frontage as measured in linear feet. With the proposed change of use from a Retail Sales and Service Use to a Restaurant Use, the total commercial frontage dedicated to eating and drinking establishments will increase by 1.2%, for a total of 26.2%. The 1.2% increase is considered nominal and the Chinatown Visitor Retail District is a popular tourist destination, with numerous eating and drinking establishments supporting the overall economic vitality of the District. Therefore, the proposal is deemed in compliance with the requirements of Code Section 303(o).*

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

## **COMMERCE AND INDUSTRY ELEMENT**

### **GENERAL/CITYWIDE**

#### **Objectives and Policies:**

##### **OBJECTIVE 1:**

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

##### **Policy 1.1:**

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

##### **Policy 1.2:**

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

##### **Policy 1.3:**

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

##### **OBJECTIVE 2:**

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

**Policy 2.1:**

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

**NEIGHBORHOOD COMMERCE**

**OBJECTIVE 6:**

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

**Policy 6.1:**

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

**URBAN DESIGN ELEMENT**

**Objectives and Policies**

**OBJECTIVE 1:**

EMPHASIS OF THE CHARACTERISTIC PATTERN WHICH GIVES TO THE CITY AND ITS NEIGHBORHOODS AN IMAGE, A SENSE OF PURPOSE, AND A MEANS OF ORIENTATION.

**Policy 1.3**

Recognize that buildings, when seen together, produce a total effect that characterizes the city and its districts.

**Policy 1.7**

Recognize the natural boundaries of districts, and promote connections between districts.

**CHINATOWN AREA PLAN**

**Objectives and Policies:**

**MIXED USE**

**OBJECTIVE 2:**

RETAIN AND REINFORCE CHINATOWN'S MUTUALLY SUPPORTIVE FUNCTIONS AS NEIGHBORHOOD, CAPITAL CITY AND VISITOR ATTRACTION.

**Policy 2.1**

Define mixed use subdistricts based on the predominant type of ground level use.

**TOURISM**

**OBJECTIVE 5:**

RETAIN AND ENHANCE CHINATOWN'S ROLE AS A VISITOR ATTRACTION.

**Policy 5.1**

Maintain Grant Avenue as the traditional specialty retailing area.

*The Project would help contribute to the economic vitality of the neighborhood by activating a highly-visible, ground-floor commercial tenant space that has been vacant for approximately 2 years. No commercial tenant would be displaced and the Project would not prevent the Chinatown Visitor Retail District from achieving optimal diversity in the types of goods and services available in the neighborhood. The Project would provide the neighborhood with a new, non-Formula Retail Use while supporting Chinatown's service sector base.*

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

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

*The subject tenant space is currently vacant and last contained a Retail Sales and Service Use. The Project would establish a new Restaurant Use, activating a commercial frontage, while providing service sector employment opportunities for neighborhood residents.*

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

*The Project would activate a vacant commercial tenant space with only minor exterior changes to the storefront, thereby conserving existing neighborhood character.*

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

*The existing building contained only non-residential uses and the proposed Project would maintain only non-residential uses. As such, the Project will have no effect on the City's supply of affordable housing.*

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

*The Project would not result in commuter traffic impeding MUNI transit service or overburdening the streets or neighborhood parking. The Project Site is well-served by public transit.*

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

*The Project does not include commercial office development. The Project would establish a new Restaurant Use, providing service sector employment opportunities for neighborhood residents.*

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

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

- G. That landmarks and historic buildings be preserved.

*The existing 6-story-over-basement building is a known historic resource ("Category A"). While the subject building was not found to be a contributor to the Chinatown Historic District, the building is individually eligible for inclusion on the California Register under Criteria 1 (Events) and 2 (Persons). The Project preserves the existing building and has been thoroughly reviewed by Historic Preservation staff. The Department has determined that the proposed Project would not cause a significant adverse impact to the historic resource as proposed.*

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

*The Project involves primarily interior tenant improvements with a minor expansion of the ground-floor storefront. The Project will therefore have no impact on parks or open space, or impede access to sunlight and views.*

11. The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would contribute to the character and stability of the neighborhood and would constitute a beneficial development.
12. The Commission hereby finds that approval of the Conditional Use Authorization would promote the health, safety and welfare of the City.

## DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Authorization Application No. 2018-007366CUA** subject to the following conditions attached hereto as “EXHIBIT A” in general conformance with plans on file, dated December 20, 2018, and stamped “EXHIBIT B”, which is incorporated herein by reference as though fully set forth.

**APPEAL AND EFFECTIVE DATE OF MOTION:** Any aggrieved person may appeal this Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion. The effective date of this Motion shall be the date of this Motion if not appealed (after the 30-day period has expired) OR the date of the decision of the Board of Supervisors if appealed to the Board of Supervisors. For further information, please contact the Board of Supervisors at (415) 554-5184, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

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

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

I hereby certify that the Planning Commission **ADOPTED** the foregoing Motion on December 20, 2018.

Jonas P. Ionin  
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: December 20, 2018

SAN FRANCISCO  
**PLANNING DEPARTMENT**

## EXHIBIT A

### AUTHORIZATION

This authorization is for a conditional use to allow a Restaurant Use with extended hours of operation until 12:00 a.m. daily, located at 838 Grant Avenue, within Lot 005 of Assessor's Block 0209, pursuant to Planning Code Sections 303, 811.27, and 811.44 within the Chinatown Visitor Retail Zoning District and a 65-A Height and Bulk District; in general conformance with plans, dated December 20, 2018, and stamped "EXHIBIT B" included in the docket for Record No. 2018-007366CUA and subject to conditions of approval reviewed and approved by the Commission on December 20, 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 December 20, 2018 under Motion No XXXXXX.

### PRINTING OF CONDITIONS OF APPROVAL ON PLANS

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

### SEVERABILITY

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

### CHANGES AND MODIFICATIONS

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

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

### PERFORMANCE

1. **Validity.** 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 building design. Final materials, glazing, color, texture, landscaping, and detailing shall be subject to Department staff review and approval. The architectural addenda shall be reviewed and approved by the Planning Department prior to issuance.  
*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. **Noise.** Plans submitted with the building permit application for the approved project shall incorporate acoustical insulation and other sound proofing measures to control noise.  
*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*
9. **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)*

## PARKING AND TRAFFIC

10. **Bicycle Parking.** Pursuant to Planning Code Sections 155.1 and 155.4, the Project shall provide no fewer than 9 Class 1 or Class 2 bicycle parking spaces. SFMTA has final authority on the type, placement and number of Class 2 bicycle racks within the public ROW. Prior to issuance of first architectural addenda, the project sponsor shall contact the SFMTA Bike Parking Program at [bikeparking@sfmta.com](mailto:bikeparking@sfmta.com) to coordinate the installation of on-street bicycle racks and ensure that the proposed bicycle racks meet the SFMTA's bicycle parking guidelines. Depending on local site conditions and anticipated demand, SFMTA may request the project sponsor pay an in-lieu fee for Class II bike racks required by the Planning Code.  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

11. **Managing Traffic During Construction.** The Project Sponsor and construction contractor(s) shall coordinate with the Traffic Engineering and Transit Divisions of the San Francisco Municipal Transportation Agency (SFMTA), the Police Department, the Fire Department, the Planning Department, and other construction contractor(s) for any concurrent nearby Projects to manage traffic congestion and pedestrian circulation effects during construction of the Project.  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

## MONITORING - AFTER ENTITLEMENT

12. **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)*
13. **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

14. **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>.*

15. **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>*

16. **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)*

17. **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)*

18. **Hours of Operation.** The subject establishment is limited to the following hours of operation: Sunday through Saturday from 6:00a.m. – 12:00 a.m. daily.

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

**EXHIBIT C:**  
**ENVIRONMENTAL DETERMINATION**



# SAN FRANCISCO PLANNING DEPARTMENT

## CEQA Categorical Exemption Determination

### PROPERTY INFORMATION/PROJECT DESCRIPTION

<b>Project Address</b>		<b>Block/Lot(s)</b>
838 Grant Avenue		0209005
<b>Case No.</b>		<b>Permit No.</b>
2016-015777ENV		
<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>          Interior tenant improvements to the existing 6-story over two basement building (with two mezzanine levels). Remodel front façade for elevator access and to enlarge commercial space. Convert basement space from retail to restaurant use.</p>		

### 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"/>	<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> Laura Lynch</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 checked="" type="checkbox"/>	<b>Category A:</b> Known Historical Resource. <b>GO TO STEP 5.</b>
<input 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 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 checked="" 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 checked="" 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):  Minor storefront alterations, soft demo at 5th/6th floor restaurant spaces.
<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 checked="" type="checkbox"/> Reclassify to Category A <input type="checkbox"/> Reclassify to Category C a. Per HRER dated    02/15/2018                      (attach HRER) b. Other (specify):    Property is individually significant under Criteria 1 and 2, not a contributor to the identified Chinatown Historic District.
<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> Alexandra Kirby	

**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> Building Permit	<b>Signature:</b> Laura Lynch
	If Discretionary Review before the Planning Commission is requested, the Discretionary Review hearing is the Approval Action for the project.	05/03/2018
	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)
838 Grant Avenue		0209/005
Case No.	Previous Building Permit No.	New Building Permit No.
2016-015777PRJ		
Plans Dated	Previous Approval Action	New Approval Action
	Building Permit	
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:	Signature or Stamp:



# SAN FRANCISCO PLANNING DEPARTMENT

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## Historic Resource Evaluation Response

*Date* February 15, 2018  
*Case No.:* 2016-015777ENV  
*Project Address:* 838 Grant Avenue  
*Zoning:* CVR (Chinatown – Visitor, Retail) Zoning District  
50-N Height and Bulk District  
*Block/Lot:* 0209/005  
*Date of Review:* January 16, 2018 (Part I)  
February 6, 2018 (Part II)  
*Staff Contact:* Alexandra Kirby (Preservation Planner)  
(415) 575-9133  
[alexandra.kirby@sfgov.org](mailto:alexandra.kirby@sfgov.org)

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**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

### PART II: PROJECT EVALUATION

#### PRE-EXISTING HISTORIC RATING / SURVEY

Constructed circa 1966, 838 Grant Avenue is a six-story-over-basement, reinforced concrete building that extends through the subject lot to face both Grant Avenue (primary, west façade) and Walter U. Lum Place and Portsmouth Square (secondary, east façade). The building is believed to have been designed by the firm Chan/Rader Associates, and was constructed by Associated Construction & Engineering Company. The subject property is not currently listed in any local, state or national historical registries.

As stated in the Historic Resource Evaluation Response, Part I (dated January 16, 2018), the Department has determined that the subject property is individually eligible for inclusion on the California Register under Criteria 1 (Events) and 2 (Persons). The property was not found to be a contributor to the Chinatown Historic District.

The character-defining features of the building include:

- Six-story rectangular massing;
- Finishes and articulation of street facing facades (Grant Avenue and Walter U. Lum Place), including stucco and concrete;
- Aluminum sash windows with vertically-oriented mullions;
- In-set balconies with flared bases;
- Chinese Exotic Revival ornamentation including moon gates and screens, exaggerated pagoda-like cornice and red concrete beams bracing the balconies;
- Minimal fenestration on side walls;
- Cork-screw ramp at ground story.

The character-defining features of the fifth and sixth floors include:

- Spatial layout;
- Octagonal entry pavilion with terrazzo flooring, centerpiece, and post and beam structure;
- Cocktail lounge bar with suspended pagoda roof and gilded mirrors;
- Remaining intact wood paneling;
- Recessed octagonal ceiling coves;
- Banquet hall stage;
- 5<sup>th</sup> floor mezzanine.

838 Grant Avenue is considered a "Category A.2 – Historical Resource" (Resources listed on adopted local registers, and properties that have been determined to appear or may become eligible, for the California Register) property for the purposes of the Planning Department's California Environmental Quality Act (CEQA) review procedures.

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Proposed Project

Demolition

Alteration

Per Drawings Dated: February 5, 2018 by Schaub Ly Architects, Inc.

#### Project Description

The subject property is occupied by a six-story, concrete, mixed-use building constructed in 1966 in a hybrid style that incorporates Chinese "Exotic Revival" with Brutalist materials. The current proposal is to:

- Infill the recessed rear entry vestibule with glazing and glazed entry doors;
- Modify the elevator lobby with the addition of a second entry door;
- Remove the stair connecting the basement level to the first floor below the spiral stair ramp;
- Remove the stage platform at the fifth floor;
- Soft demolition and remodel of the sixth floor restaurant space.

#### Project Evaluation

*If the property has been determined to be a historical resource in Part I, please check whether the proposed project would materially impair the resource and identify any modifications to the proposed project that may reduce or avoid impacts.*

#### Subject Property/Historic Resource:

The project will not cause a significant adverse impact to the historic resource as proposed.

The project will cause a significant adverse impact to the historic resource as proposed.

#### California Register-eligible Historic District or Context:

The project will not cause a significant adverse impact to a California Register-eligible historic district or context as proposed.

The project will cause a significant adverse impact to a California Register-eligible historic district or context as proposed.

To assist in the evaluation of the proposed project, the Project Sponsor has submitted a consultant report:

- VerPlanck Historic Preservation Consulting, 838 Grant Avenue, San Francisco, CA, *Historic Resource Evaluation* – (July 27, 2017) (“Consultant report”)

Staff finds that the proposed project will not cause a significant adverse impact to the eligible individual resource nor the surrounding eligible Chinatown Historic District. Overall, the proposed project does meet the Secretary of the Interior’s Standards for Rehabilitation.

The following is an analysis of the proposed project per the applicable *Secretary of the Interior Standards for Rehabilitation* (Secretary’s Standards):

**Standard 1.**

*A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.*

The proposed project does not involve a change of use from the subject property’s existing use as a mixed-use commercial building containing offices, retail and restaurant uses.

Therefore, the proposed project does comply with Rehabilitation Standard 1.

**Standard 2.**

*The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.*

The proposed project would modify the ground story storefront systems at both the front and rear facades. Infilling the rear vestibule would alter the building’s spatial relationships, although this is a secondary feature of the building and minor in scope.

The proposed project would also result in the removal of the remaining design features of the former Empress of China spaces at the fifth and sixth floors, including removal of all remaining detailing such as the entry pavilion with terrazzo flooring, the cocktail lounge bar, gilded mirrors, and remaining intact wood panels. While this will affect the interior features, spaces, and spatial relationships, the restaurant space itself is not individually eligible for listing under Criterion 3, in part due to the poor integrity of the space at the time of review. Features that will remain are the general volume of the space, the existing location of the entry from the elevators and kitchens along the south wall, and the expansive fenestration that overlooks the city.

Therefore, the proposed project complies with Rehabilitation Standard 2 because the project will retain a majority of the historic character of the building.

**Standard 3.**

*Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.*

The proposed project would not add any conjectural features to the exterior or interiors of the property.

Therefore, the proposed project complies with Rehabilitation Standard 3.

**Standard 5.**

*Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.*

The proposed would not remove any distinctive features, finishes, construction techniques, or examples of craftsmanship from the exterior of the building. Distinctive finishes would be removed from the sixth and fifth floors at the former Empress of China spaces; however, most of these features are secondary to the overall design of the restaurant space, as the lanterns, wall panels and art work were removed by the prior owners. The proposal additionally includes the removal of the elevated stage area at the fifth floor banquet hall. Such removal would largely render the signature features of the restaurant interior unrecognizable.

Therefore, the proposed project does not comply with Rehabilitation Standard 5.

**Standard 9.**

*New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.*

The proposed project would infill a vestibule at the ground story of the rear façade facing Walter U. Lum Place with new glazing and doors. The new wall will be constructed of contemporary materials and reference the original opening of the vestibule with a three-foot recess and use of transparent materials. The new restaurant space will be constructed entirely of new materials with a modified contemporary layout. The new additions will not destroy historic materials, features, or spatial relationships of the building and will be compatible with the historic materials of the property. Overall, the exterior integrity of the building will remain intact.

Therefore, the proposed project complies with Rehabilitation Standard 9.

**Standard 10.**

*New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.*

Although unlikely, the proposed vestibule infill at the rear basement level could be easily removed, as could the proposed new door at the front entry. The completion of the soft demolition of the restaurant space would not be easily reversible as the remaining features would be permanently lost, although the overall volume and layout of the space will be retained. The removal of the stage at the fifth floor would not be reversible, although the framing walls will remain in place and a new stage could feasibly be inserted.

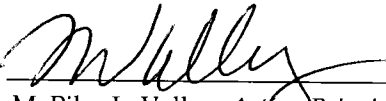
Therefore, the proposed project complies with Rehabilitation Standard 10.

*Summary*

Overall, the Department finds that the project is consistent with the *Secretary of the Interior Standards for Rehabilitation*, which emphasizes retention of character-defining features and sensitive change that minimally impacts these features. As proposed, the project at 838 Grant Avenue will not materially impair the resource and will not result in a significant adverse impact to the individual resource, as defined by CEQA.

Further, the proposed work would not pose a significant adverse impact to the surrounding eligible Chinatown historic district or adjacent individually significant resources, as only minimal exterior alterations are proposed, none of which include new massing or excavation. Immediately adjacent historic properties include the Cuneo Cota Building at 830 Grant (constructed in 1908), two mixed-use brick buildings at 848 – 850 Grant Avenue (designed by Martens & Coffey in 1906), the Chinese Congregational Church at 21 Walter Lum Place (constructed in 1907, found to be individually significant and contributory), and the four properties at the corner of Walter Lum Place and Washington Street (constructed 1906 – 1930, contributory). All of the immediately adjacent properties have been found to be contributory to the eligible district.

**PART II: SENIOR PRESERVATION PLANNER REVIEW**

Signature:   
M. Pilar LaValley, Acting Principal Preservation Planner

Date: 2/15/18

cc: Virnaliza Byrd, Environmental Division/ Historic Resource Impact Review File

AK: G:\Preservation\838 Grant\_HRER\_Part II.doc

**EXHIBIT D:  
LAND USE DATA**





# SAN FRANCISCO PLANNING DEPARTMENT

## Land Use Information

PROJECT ADDRESS: 838 GRANT AVENUE  
RECORD NO.: 2018-007366CUA

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

	EXISTING	PROPOSED	NET NEW
<b>GROSS SQUARE FOOTAGE (GSF)</b>			
Lot Area	8,250	No change as part of this project	
Residential	N/A	No change as part of this project	
Commercial/Retail (subject tenant space)	7,310	7,138	-172
Office	N/A	No change as part of this project	
Parking	N/A	No change as part of this project	
Industrial/PDR <i>Production, Distribution, &amp; Repair</i>	N/A	No change as part of this project	
Usable Open Space	No change as part of this project		
Public Open Space	No change as part of this project		
<b>TOTAL GSF (total building)</b>	<b>62,370</b>	<b>62,252</b>	<b>-118</b>
	EXISTING	NET NEW	TOTALS
<b>PROJECT FEATURES (Units or Amounts)</b>			
Dwelling Units - Market Rate	N/A	No change as part of this project	
Dwelling Units - Affordable	N/A	No change as part of this project	
Hotel Rooms	N/A	No change as part of this project	
Parking Spaces	0	No change as part of this project	
Loading Spaces	1	No change as part of this project	
Car Share Spaces	0	No change as part of this project	
Bicycle Spaces	0	9	9
Number of Buildings	1	No change as part of this project	
Number of Stories	6 (+ mezz.)	No change as part of this project	
Height of Building(s)	94'-2"	No change as part of this project	
Other ( )			

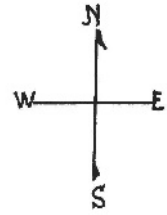
**EXHIBIT E:**  
**MAPS AND CONTEXT PHOTOS**

## **Exhibits**

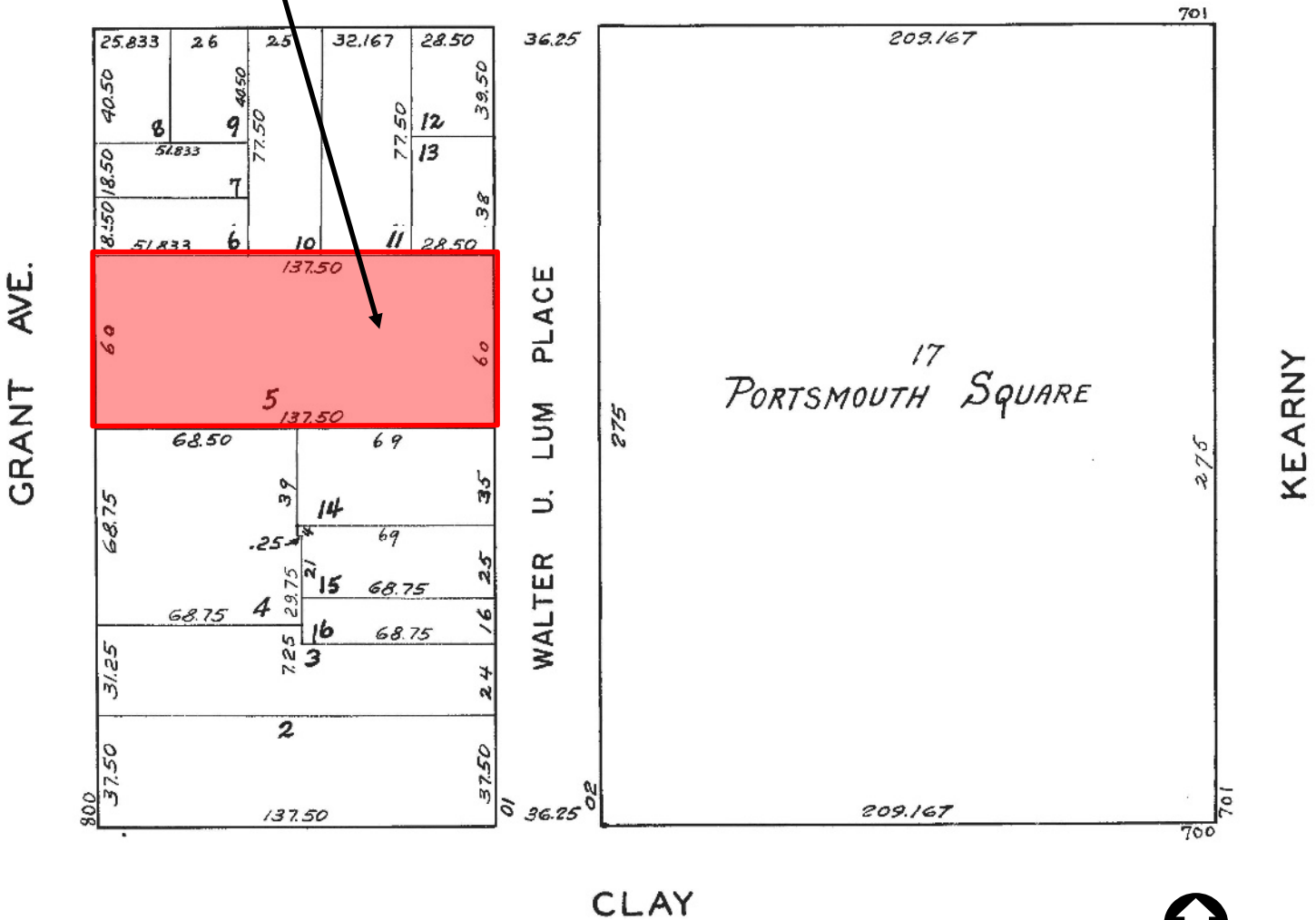
- **Block Book Map**
- **Sanborn Map**
- **Zoning Map**
- **Height & Bulk Map**
- **Aerial Photographs**
- **Site Photos**

**Case Number 2018-007366CUA**  
838 Grant Avenue

# Parcel Map



**SUBJECT PROPERTY**

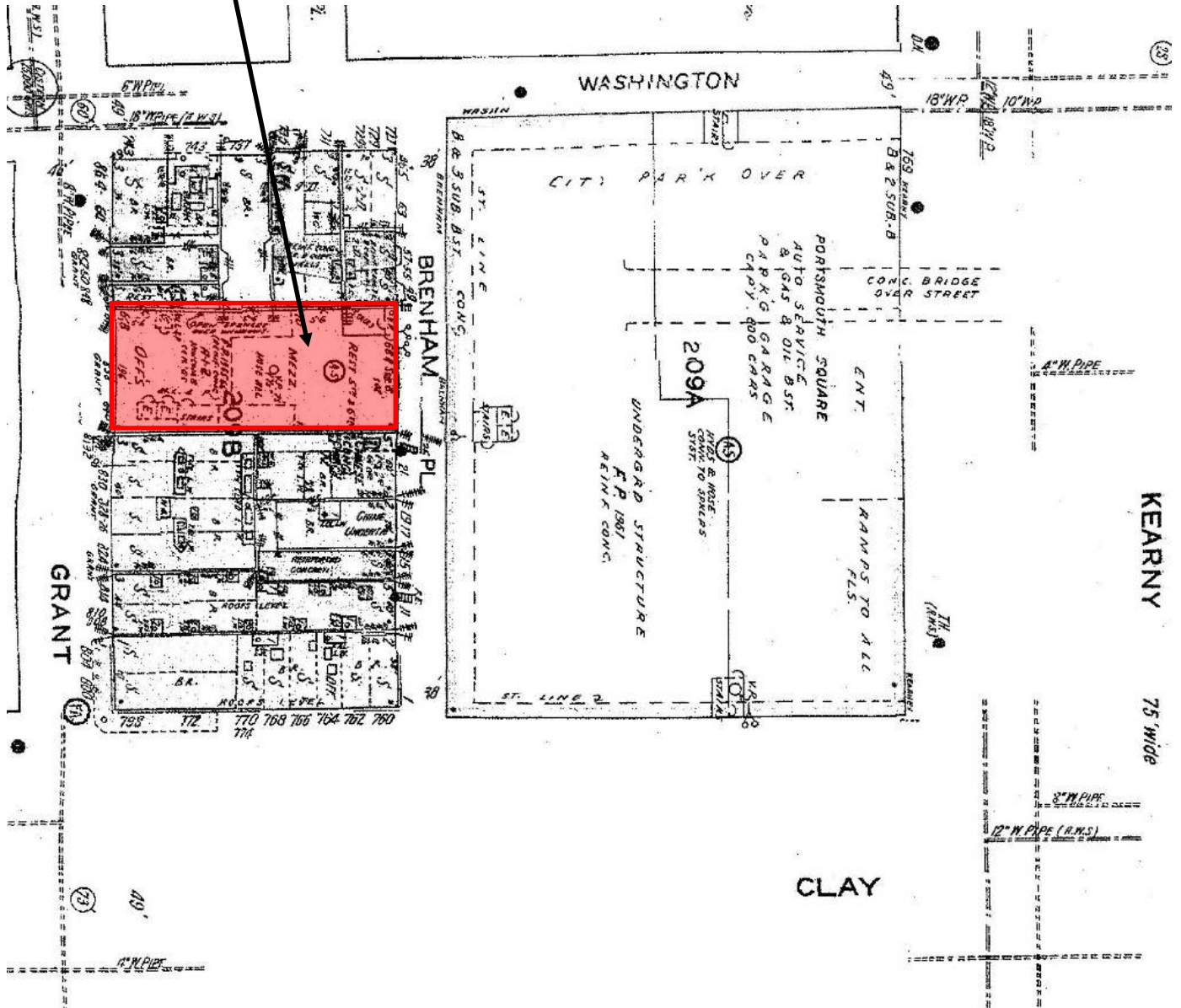


Case Number 2018-007366CUA  
838 Grant Avenue



# Sanborn Map\*

SUBJECT PROPERTY



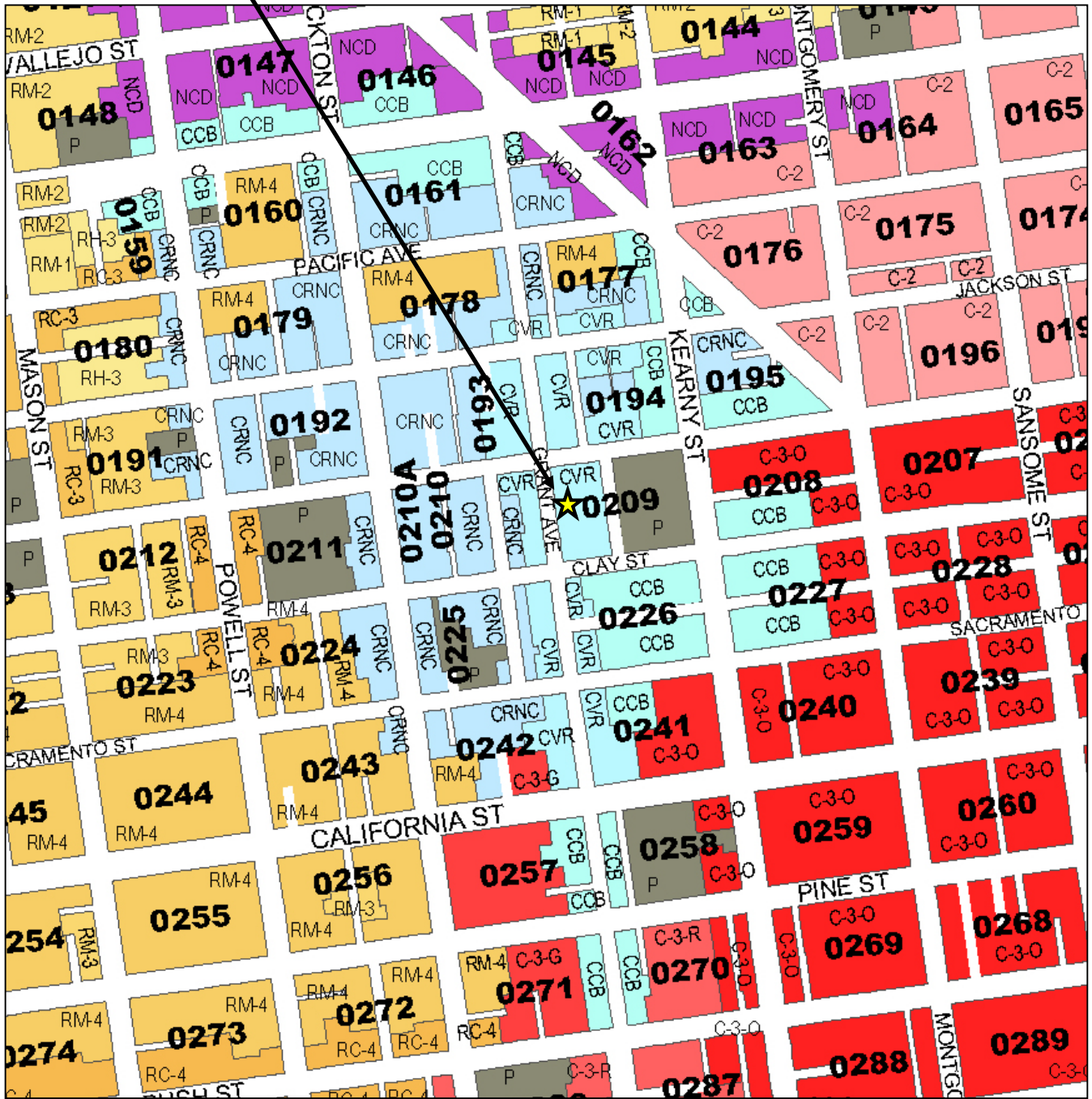
\*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.



Case Number 2018-007366CUA  
838 Grant Avenue

# Zoning Map

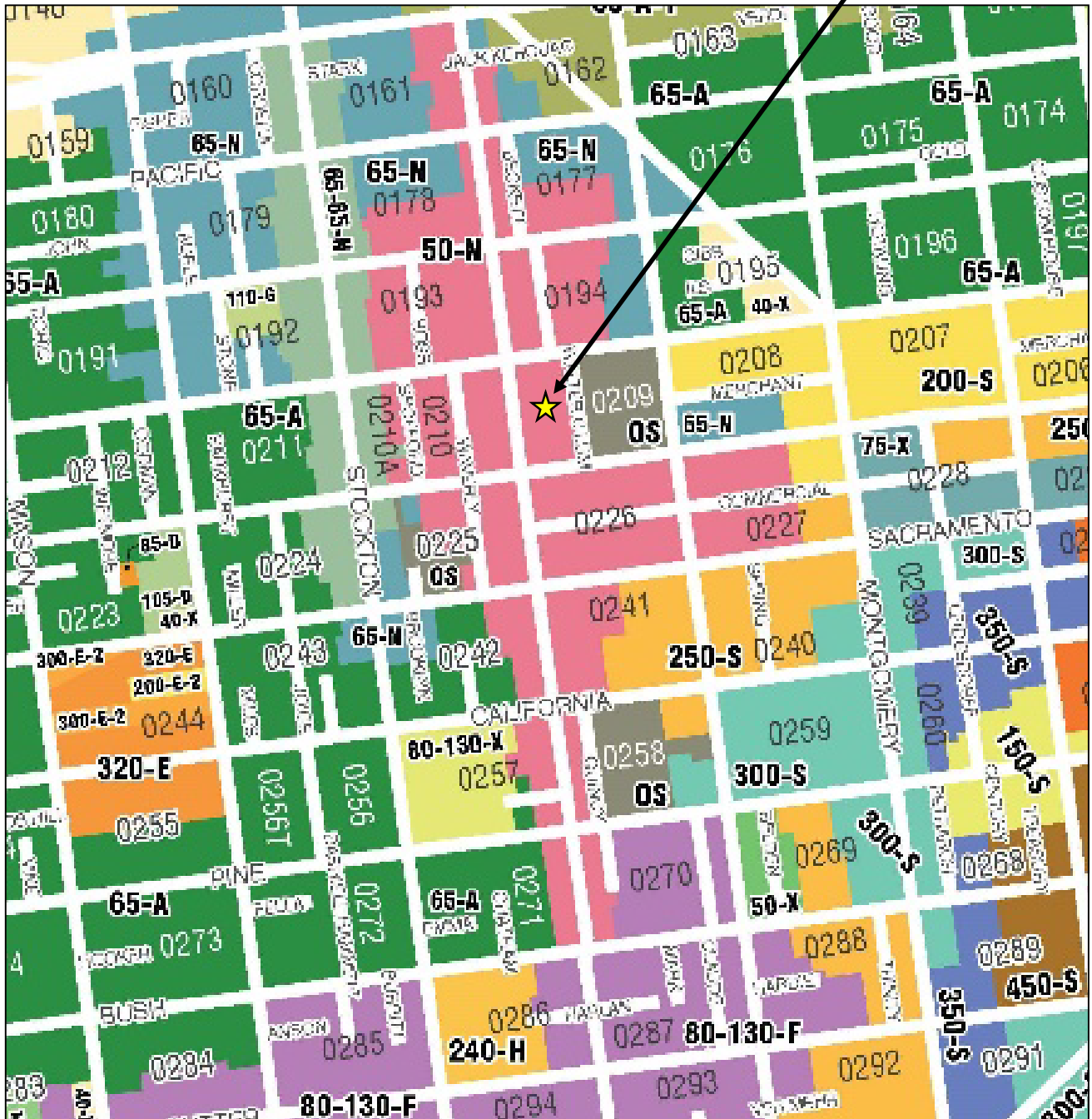
SUBJECT PROPERTY



Case Number 2018-007366CUA  
838 Grant Avenue

# Height & Bulk Map

SUBJECT PROPERTY



Case Number 2018-007366CUA  
838 Grant Avenue

# Aerial Photo



**SUBJECT PROPERTY**

Aerial view of 838 Grant Avenue.



Case Number 2018-007366CUA  
838 Grant Avenue



# Site Photo

**SUBJECT PROPERTY**



**Street View of 838 Grant Avenue.  
(view from Walter U. Lum Place).**

**SUBJECT TENANT SPACE**

**Case Number 2018-007366CUA  
838 Grant Avenue**

# Site Photo

SUBJECT PROPERTY



Street View of 838 Grant Avenue.  
(view from Walter U. Lum Place).

SUBJECT TENANT SPACE

Case Number 2018-007366CUA  
838 Grant Avenue

# Site Photo

**SUBJECT PROPERTY**

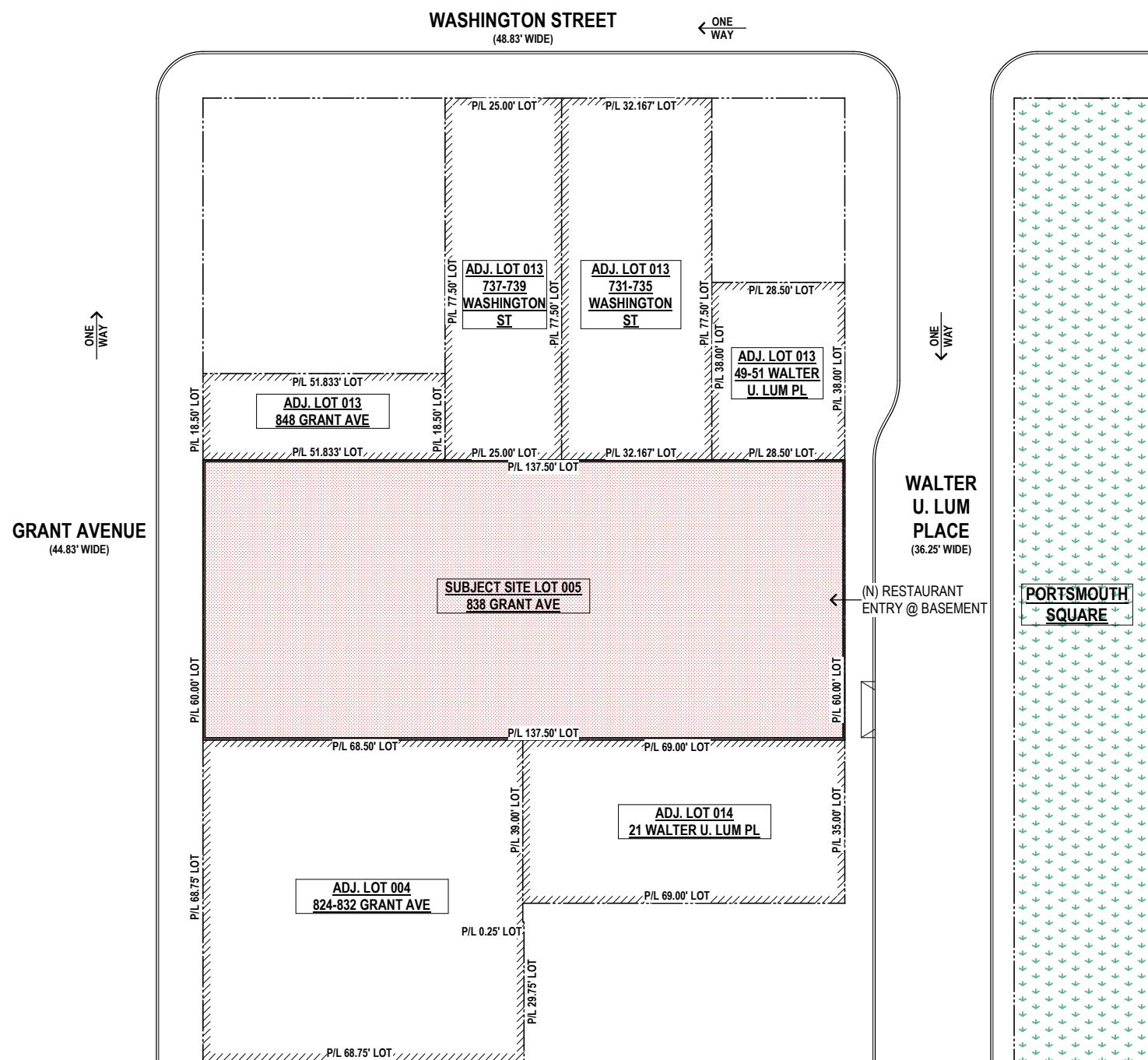


**Street View of 838 Grant Avenue.  
(view from Walter U. Lum Place).**

**SUBJECT TENANT SPACE**

**Case Number 2018-007366CUA  
838 Grant Avenue**

**EXHIBIT B:**  
**PLANS**



**SITE PLAN**

**SHEET INDEX**

- 1 PROJECT INFORMATION & SITE PLAN
- 2 PHOTOGRAPHS
- 3 EXISTING & PROPOSED BASEMENT FLOOR PLANS
- 4 EXISTING & PROPOSED REAR ELEVATIONS
- 5 EXISTING & PROPOSED LONGITUDINAL SECTIONS
- 6 CONDITIONAL USE FINDINGS

**SCOPE OF WORK**

- CONVERT BASEMENT RETAIL USE TO 7,138 S.F. FULL SERVICE RESTAURANT OPEN UNTIL 11:00 PM.
- EXPAND (E) RETAIL STOREFRONT, AND REMOVE STAIRS TO ABOVE.
- ADD FIRE SPRINKLER ROOM. REMODEL SERVICE ELEVATOR LOBBY.
- REMOVE HATCH TO SUB-BASEMENT.

**EXISTING PROPERTY INFORMATION**

ADDRESS	838 GRANT AVE
BLOCK / LOT	0209 / 005
LOT WIDTH x DEPTH	60.0' x 137.5'
LOT AREA	8,250 S.F.
# OF RESIDENTIAL UNITS	0
(E) OFFICE USE S.F.	19,007
(E) RETAIL USE S.F.	18,007
(E) RESTAURANT USE S.F.	19,460

**ZONING INFORMATION**

ZONING	CVR (CHINATOWN- VISITOR RETAIL DISTRICT) §811
HEIGHT LIMIT	50-N
OFF-STREET PARKING	NONE REQUIRED §161 (c)
OFF-STREET LOADING	NONE REQUIRED PER TABLE §811.23
BICYCLE PARKING	ONE CLASS II PER 750 S.F. OF OCCUPIED FLOOR AREA = 8 PER §155.2
CONDITIONAL USES REQUESTED	USE SIZE MAXIMUM 5,000 S.F. PER TABLE 811.20, HOURS OF OPERATION PAST 11PM PER TABLE 811.27





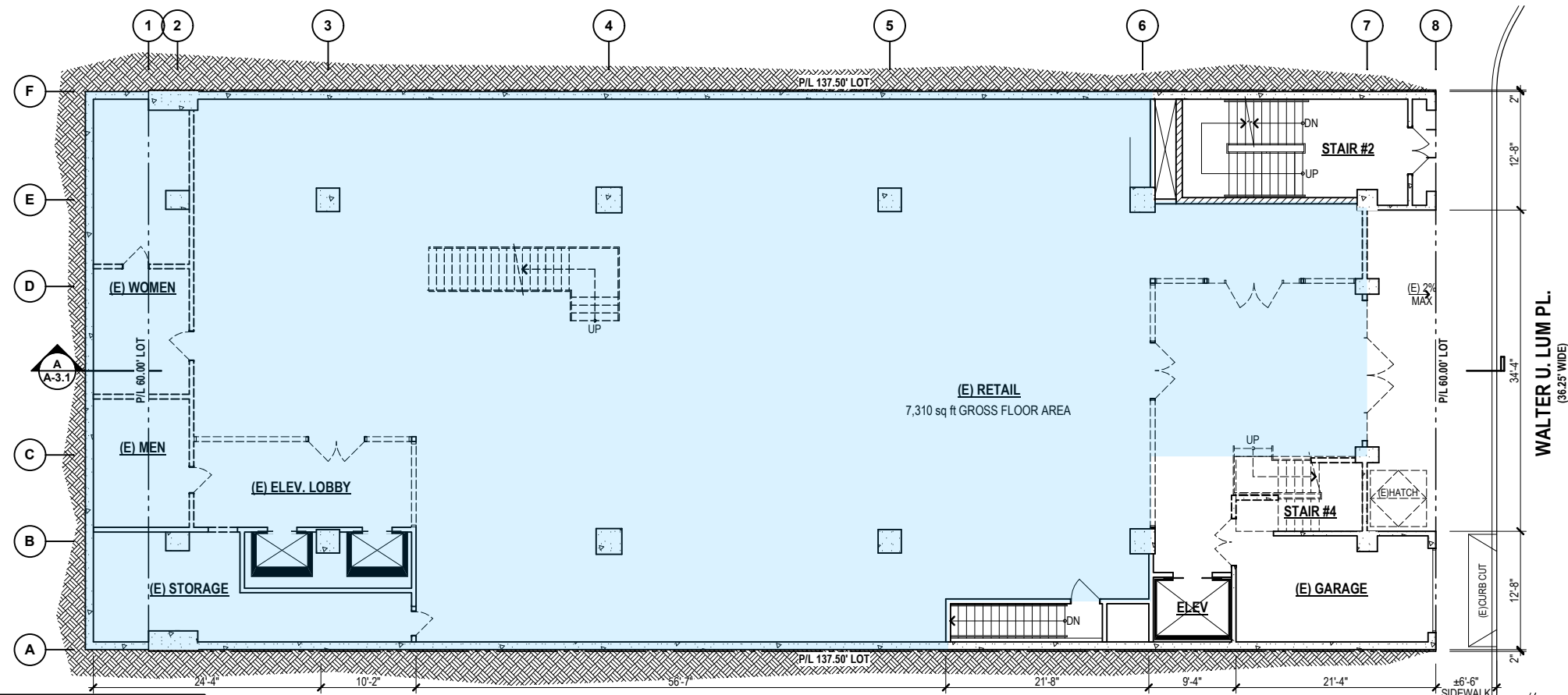
REAR FACADE & PORTSMOUTH SQUARE



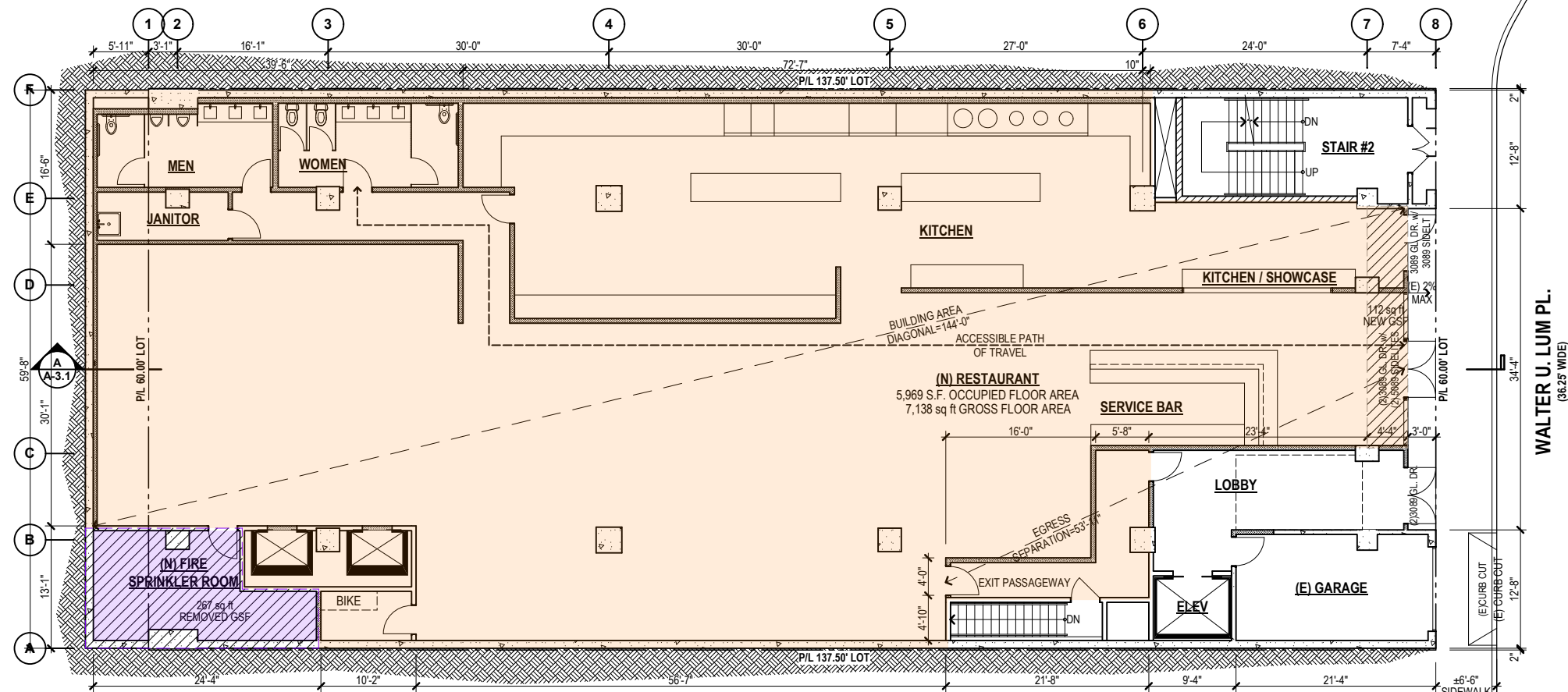
BASEMENT ENTRY



INTERIOR CONDITION



EXISTING / DEMOLITION BASEMENT / WALTER U. LUM PLAN



PROPOSED BASEMENT / WALTER U. LUM PLAN

	BASEMENT GROSS FLOOR AREA (IN SQUARE FEET)		
	EXISTING	PROPOSED	CHANGE
COMMERCIAL*	7,310	7,138	-172
GARAGE	242	242	0
COMMON AREA**	771	825	54
TOTAL GFA	8,323	8,205	-118
MAINTENANCE†	0	267	267

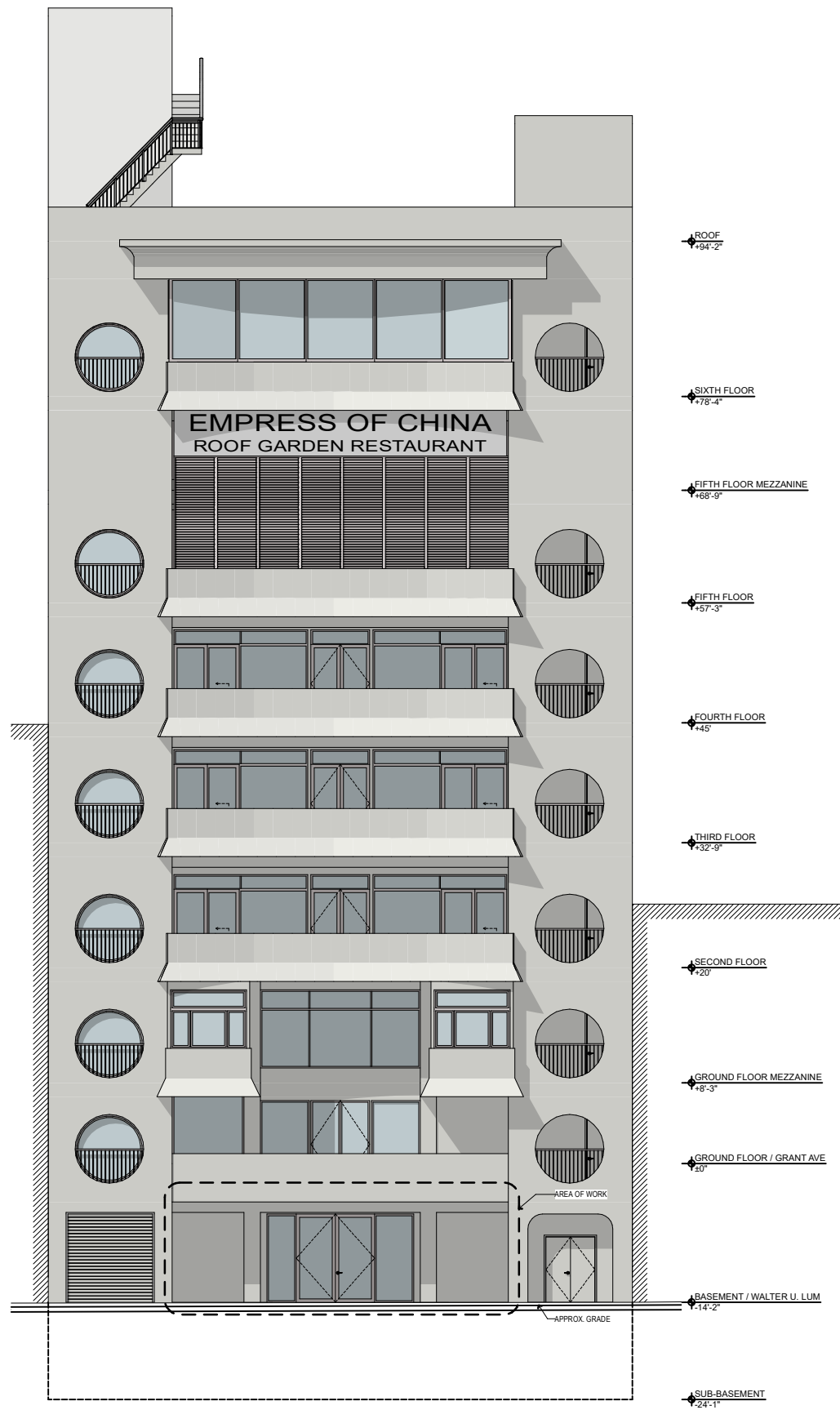
\* UNIT AREA INCLUDES GROSS AREA TO CENTER LINE OF WALLS

\*\* COMMON AREA INCLUDES ALL AREAS OUTSIDE OF UNIT (COMMON STAIR/HALLWAY, ETC.)

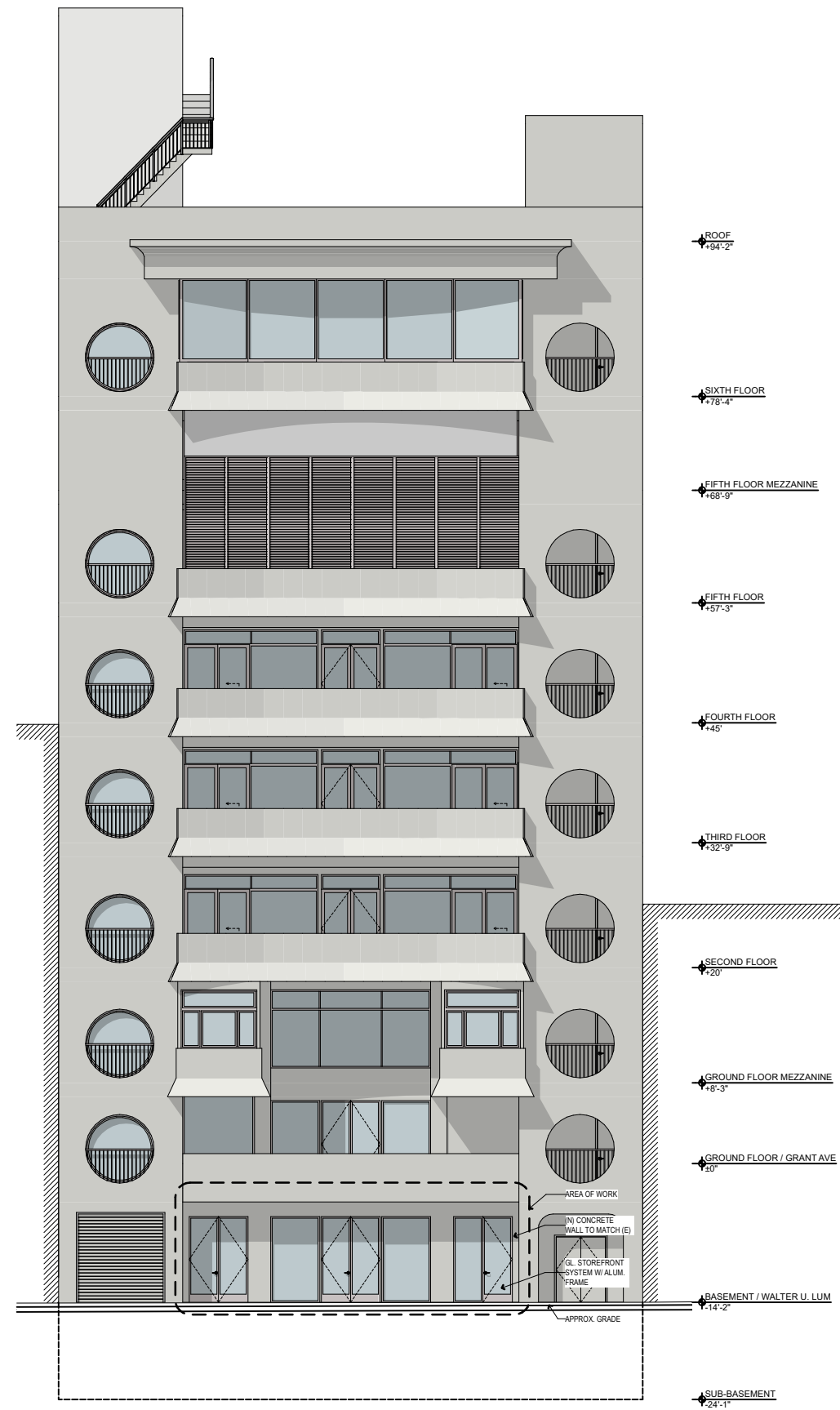
† GROSS FLOOR AREA SHALL NOT INCLUDE THE FOLLOWING: BASEMENT SPACE USED ONLY FOR STORAGE OR SERVICES NECESSARY TO THE OPERATION OR MAINTENANCE OF THE BUILDING ITSELF

LEGEND	
	(E) CONCRETE WALL
	(E) 2-HOUR WALL
	(E) NO HOUR WALL
	(E) WALL TO REMOVE
	(N) WALL



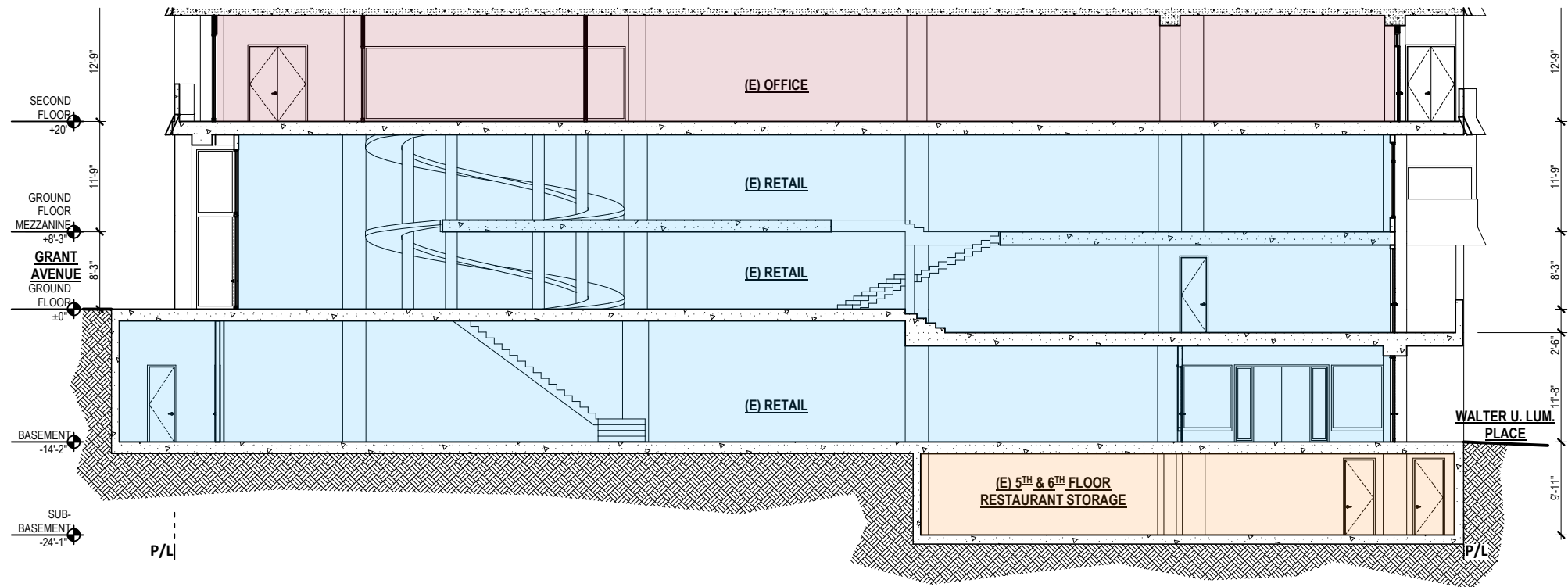


EXISTING REAR ELEVATION AT WALTER U LUM PLACE

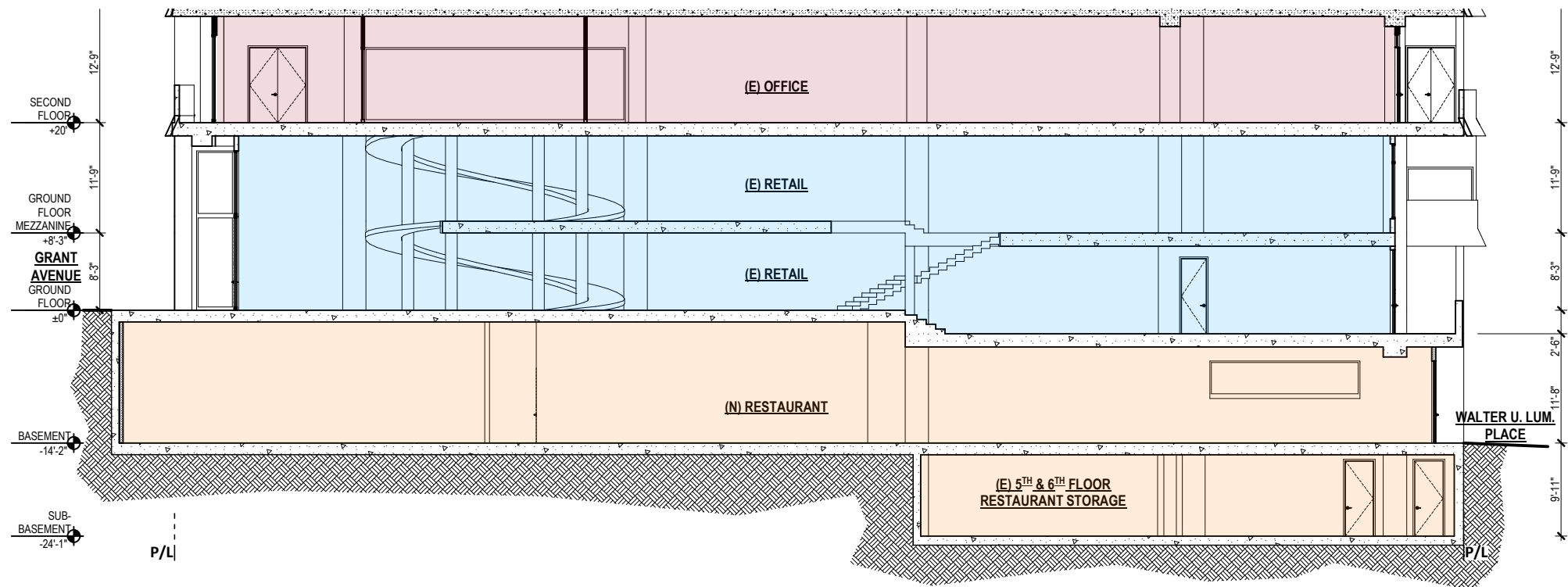


PROPOSED REAR ELEVATION AT WALTER U LUM PLACE



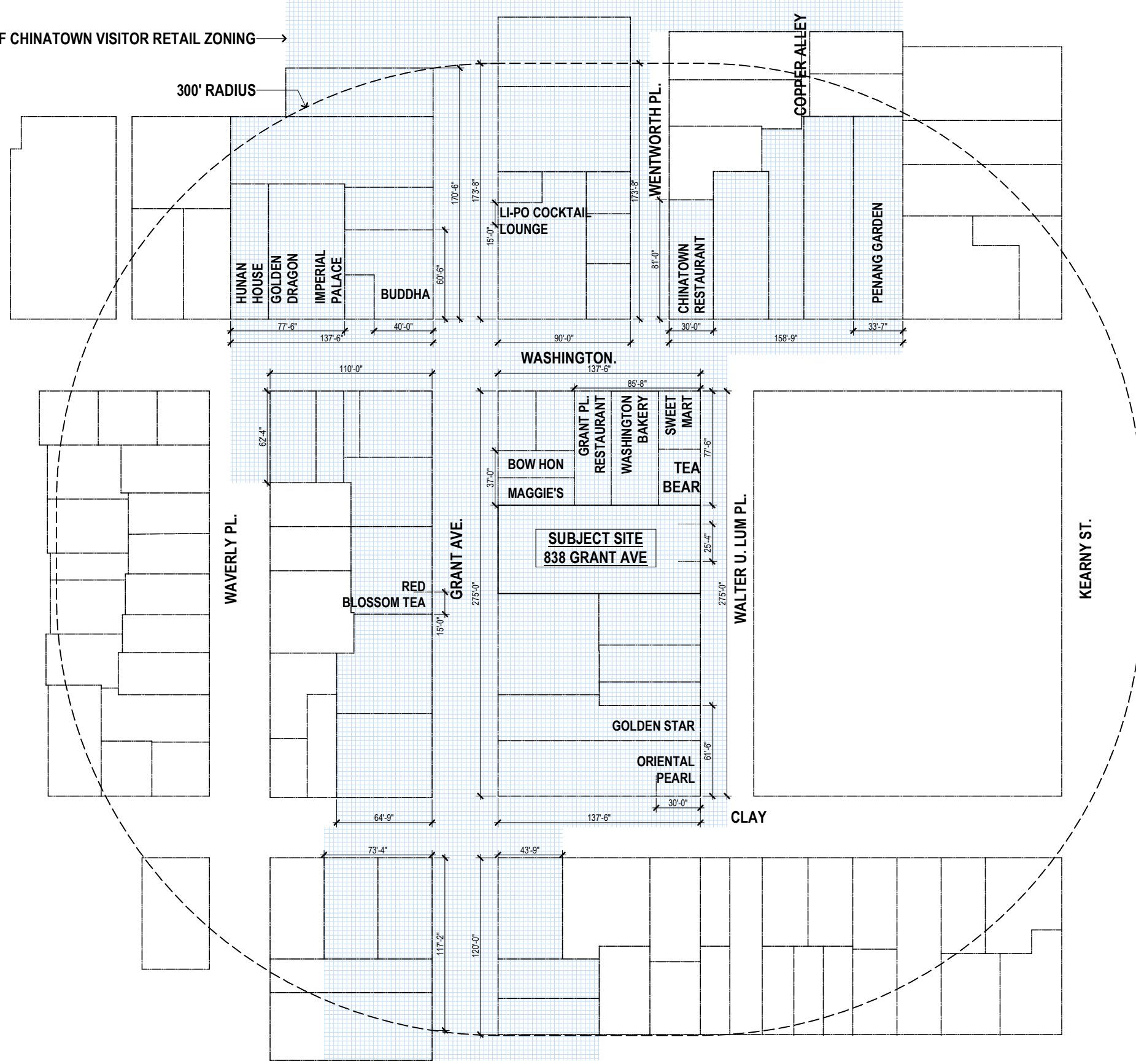


EXISTING LONGITUDINAL SECTION A



PROPOSED LONGITUDINAL SECTION A

EXTENT OF CHINATOWN VISITOR RETAIL ZONING →



**EATING & DRINKING USES PER 303(o)**

STREET	SIDE	BLOCK ADDRESS	EATING & DRINKING	TOTAL
COPPER ALY	S	1-29	0	5.5
CLAY	N	751-799	30	137.5
CLAY	N	800-831	0	64.75
CLAY	S	700-799	0	43.75
CLAY	S	800-831	0	73.33
GRANT AVE	E	730-799	0	120
GRANT AVE	E	800-899	37	275
GRANT AVE	E	900-999	15	173.67
GRANT AVE	W	730-799	0	117.17
GRANT AVE	W	800-899	15	275
GRANT AVE	W	900-999	60.5	170.5
WALTER U LUM	W	1-99	164.33	275
WAVERLY PL	E	100-199	0	62.33
WASHINGTON	N	700-744	63.58	158.75
WASHINGTON	N	750-799	0	90
WASHINGTON	N	800-848	117.5	137.5
WASHINGTON	S	727-799	85.67	137.5
WASHINGTON	S	800-819	0	110
WENTWORTH	E	1-99	81	81
WENTWORTH	W	1-99	0	173.67
<b>TOTAL:</b>			<b>669.58</b>	<b>2681.92</b>
<b>RATIO:</b>			<b>24.97%</b>	