



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Conditional Use

HEARING DATE: JULY 26, 2018

CONSENT

Date: July 19, 2018
Case No.: 2018-008376CUA
Project Address: **2011 MISSION STREET**
Zoning: Mission Street Neighborhood Commercial Transit (NCT) District
85-X Height and Bulk District
Mission Alcoholic Beverage Special Use District
Block/Lot: 3570/028
Project Sponsor: Bryan Tublin, Kitava LLC
2011 Mission Street
San Francisco, CA 94110
Staff Contact: Ella Samonsky – (415) 575-9112
ella.samonsky@sfgov.org
Recommendation: **Approval with Conditions**

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PROJECT DESCRIPTION

The proposed project (Project) would change an existing limited restaurant use to a restaurant use (dba "Kitava"), as defined by Planning Code Section 790.91, at the ground floor of an existing three-story building. No exterior modifications to the building are proposed as part of the project.

SITE DESCRIPTION AND PRESENT USE

The Project Site, Lot 028 in the Assessor's Block 3570, is located on the southeast corner of the intersection of Mission and 16th Streets, in the Mission Street NCT Zoning District. The property is developed with a three story commercial building with six commercial storefronts on the Mission Street frontage. The subject property has approximately 95 feet of frontage on Mission Street. The subject commercial space is approximately 4,542 square feet in size and occupies approximately 17 feet of frontage on Mission Street. The current limited restaurant, Kitava, was established in the subject tenant space in 2017, prior to that the tenant space was occupied by a limited restaurant, dba McDonalds. The other tenant spaces are occupied by a bank, check cashing establishment, tobacco paraphernalia establishment, hair salon and business service.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The project is located in the Mission Street NCT Zoning District, which is intended to provide a selection of goods serving the day-to-day needs of the residents of the Mission District. The immediate

neighborhood is characterized by two-to five- story commercial and residential properties, with small scale ground floor retail along Mission Street. The 16th Street BART Station is located across Mission Street from the project site. Other surrounding zoning districts in the vicinity of the project site include: P (Public), Urban Mixed-Use (UMU) and Residential Transit Oriented-Mission (RTO-M) Zoning District.

ENVIRONMENTAL REVIEW

The Project is exempt from the California Environmental Quality Act (“CEQA”) as a Class 3 Categorical Exemption.

HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Classified News Ad	20 days	July 6, 2018	July 4, 2018	22 days
Posted Notice	20 days	July 6, 2018	July 3, 2018	23 days
Mailed Notice	20 days	July 6, 2018	July 6, 2018	20 days

The proposal requires a Section 312-neighborhood notification, which was conducted in conjunction with the conditional use authorization process.

PUBLIC COMMENT

- The Department has not received correspondence in support or opposition to the project. As we understand, the Project Sponsor has been in regularly communication with community members from the Mission neighborhood.

ISSUES AND OTHER CONSIDERATIONS

- The project requires **Conditional Use Authorization** from the Planning Commission, pursuant to Planning Code Sections 249.60, 303 and 754 and Board of Supervisors Resolution No. 6-18 (File No. 171290), to authorize a change in use of a Limited Restaurant (dba “Kitava”) to a Restaurant, as defined by Planning Code Section 790.91. The proposed use is not a Formula Retail use.
- The Commerce and Industry Element of the General Plan contains Guidelines that discourage the overconcentration of eating and drinking establishments within NCD's. The existing and propose use is an eating establishment, and therefore will not alter the concentration of eating and drinking establishments in the District. The percent of commercial frontage in the subject zoning district within 300’ feet of the project site that would be devoted to eating and drinking uses is 18.1%, thus remaining below the 25% maximum defined in Planning Code Section 303.

REQUIRED COMMISSION ACTION

In order for the Project to proceed, the Commission must grant Conditional Use Authorization to change a limited restaurant use to a restaurant use, pursuant to Planning Code Sections 249.60, 303 and 754 and Board of Supervisors Resolution 6-18 (File No. 171290).

BASIS FOR RECOMMENDATION

- The Project promotes small-business ownership.
- The Project has conducted the appropriate level of community outreach with surrounding neighbors and community members.
- The District is well served by transit; therefore customers should not impact traffic.
- The Project meets all applicable requirements of the Planning Code and General Plan.
- The Project is consistent with the intent of the Mission Street NCT Zoning District.

RECOMMENDATION: Approval with Conditions
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Attachments:

Draft Motion
Parcel Map
Sanborn Map
Zoning Map
Height and Bulk District Map
Aerial Photograph
Site Photographs
Environmental Determination
Conditional Use Authorization Application
Eating/Drinking Frontage Concentration Map
Project Plans

Attachment Checklist:

- | | |
|---|--|
| <input checked="" type="checkbox"/> Executive Summary | <input checked="" type="checkbox"/> Project sponsor submittal |
| <input checked="" type="checkbox"/> Draft Motion | Drawings: <u>Existing Conditions</u> |
| <input checked="" type="checkbox"/> Environmental Determination | <input checked="" type="checkbox"/> Check for legibility |
| <input checked="" type="checkbox"/> Zoning District Map | Drawings: <u>Proposed Project</u> |
| <input checked="" type="checkbox"/> Height & Bulk Map | <input checked="" type="checkbox"/> Check for legibility |
| <input checked="" type="checkbox"/> Parcel Map | 3-D Renderings (new construction or significant addition) |
| <input checked="" type="checkbox"/> Sanborn Map | <input type="checkbox"/> Check for legibility |
| <input checked="" type="checkbox"/> Aerial Photo | <input type="checkbox"/> Wireless Telecommunications Materials |
| <input type="checkbox"/> Context Photos | <input type="checkbox"/> Health Dept. review of RF levels |
| <input checked="" type="checkbox"/> Site Photos | <input type="checkbox"/> RF Report |
| | <input type="checkbox"/> Community Meeting Notice |
| | <input type="checkbox"/> Housing Documents |
| | <input type="checkbox"/> Inclusionary Affordable Housing Program: Affidavit for Compliance |

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

ENS

Planner's Initials



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- Affordable Housing (Sec. 415)
- Jobs Housing Linkage Program (Sec. 413)
- Downtown Park Fee (Sec. 412)
- First Source Hiring (Admin. Code)
- Child Care Requirement (Sec. 414)
- Other

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Planning Commission Draft Motion No. XXXXX

HEARING DATE: JULY 26, 2018

Case No.: 2018-008376CUA
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 Zoning: Mission Street Neighborhood Commercial Transit (NCT) Zoning District
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ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO PLANNING CODE SECTIONS 249.60, 303, AND 754 TO ESTABLISH A RESTAURANT USE (DBA KITAVA) AT 2011 MISSION STREET, WITHIN THE MISSION STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT, THE MISSION ALCOHOLIC BEVERAGE SPECIAL USE DISTRICT, AND A 85-X HEIGHT AND BULK DISTRICT, AND ADOPT FINDINGS PER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

PREAMBLE

On June 12, 2018, Bryan Tublin (hereinafter “Project Sponsor”) filed an application with the Planning Department (hereinafter “Department”) for Conditional Use Authorization for the subject property at 2011 Mission Street, Lot 028 in Assessor’s Block 3570, (hereinafter “subject property”), Planning Code Sections 249.60, 303, and 754 and Board of Supervisors Resolution No. 6-18 (File No. 171290) to establish a restaurant use in the Mission Street Neighborhood Commercial Transit (NCT) Zoning District, the Mission Alcoholic Beverage Special Use District, and 85-X Height and Bulk District.

On July 26, 2018, the San Francisco Planning Commission (hereinafter “Commission”) conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2018-008376CUA.

The Project is exempt from the California Environmental Quality Act (“CEQA”) as a Class 3 categorical exemption.

The Planning Department Commission Secretary is the custodian of records; the file for Case No. 2018-008376CUA is located at 1650 Mission Street, Suite 400, San Francisco, California.

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

MOVED, that the Commission hereby authorizes the Conditional Use requested in Application No. **2018-008376CUA**, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

FINDINGS

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

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The Project Site, Lot 028 in the Assessor's Block 3570, is located on the southeast corner of the intersection of Mission and 16th Streets, in the Mission Street NCT Zoning District. The property is developed with a three story commercial building with six commercial storefronts on the Mission Street frontage. The subject property has approximately 95 feet of frontage on Mission Street. The subject commercial space is approximately 4,542 square feet in size and occupies approximately 17 feet of frontage on Mission Street. The current limited restaurant, Kitava, was established in the subject tenant space in 2017, prior to that the tenant space was occupied by a limited restaurant, dba McDonalds. The other tenant spaces are occupied by a bank, check cashing establishment, tobacco paraphernalia establishment, hair salon and business service.
3. **Surrounding Properties and Neighborhood.** The project is located in the Mission Street NCT Zoning District, which is intended to provide a selection of goods serving the day-to-day needs of the residents of the Mission District. The immediate neighborhood is characterized by two-to five- story commercial and residential properties, with small scale ground floor retail along Mission Street. The 16th Street BART Station is located across Mission Street from the project site. Other surrounding zoning districts in the vicinity of the project site include: P (Public), Urban Mixed-Use (UMU) and Residential Transit Oriented-Mission (RTO-M) Zoning District.
4. **Project Description.** The proposed project (Project) would change an existing limited restaurant use to a restaurant use (dba "Kitava"), as defined by Planning Code Section 790.91, at the ground floor of an existing three-story building. No exterior modifications to the building are proposed as part of the project.

5. **Public Comment.** The Department has not received correspondence in support or opposition of the project. The Project Sponsor has been in regular communication with community members from the Mission neighborhood.
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. **Restaurant Use.** Planning Code Section 754 principally permits a Restaurant (790.91) on the first story within the Mission Street Neighborhood Commercial Transit District. Per the 2018 Interim Zoning Controls (Board of Supervisors Resolution 6-18, File No. 171290), Conditional Use Authorization is required for any project which proposes a change of use to Restaurant within the Interim Control Area.

The Project Sponsor seeks to change the use of an existing Limited Restaurant to Restaurant and is seeking Conditional Use Authorization for the project and thus complies with this requirement.

- b. **Use Size.** Planning Code Section 121.2 requires non-residential uses to be limited to a maximum of 5,999 square feet in size within the Mission Street NCT Zoning District. Modifications to this requirement may be granted through the Conditional Use Authorization process.

The size of the existing tenant space is approximately 4,542 gross square feet in size. The Project proposes to convert the Limited Restaurant to a Restaurant. The tenant space is not proposed to be expanded and thus complies with this requirement.

- c. **Street Frontage in Neighborhood Commercial Districts.** Section 145.1 of the Planning Code requires that within NC 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. This Section requires certain treatment of facades of buildings on block frontages that are entirely within an NC District. 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. It is noted that the provisions of this Section apply to any building facing such street even though the building may also have frontage on another street that is not entirely within an NC District, however the provisions apply only to that facade of the building fronting the street which is entirely within an NC District.

The proposed Restaurant Use is a permitted Active Use per Section 145.4. The subject commercial space has approximately 17 feet of frontage on Mission Street is more than 60 percent fenestrated with transparent windows and doors, and the windows are clear and unobstructed. There are no changes proposed to the commercial frontage on Mission Street.

- d. **Mission Alcoholic Beverage Special Use District (SUD).** This SUD, which has been in effect since 1987, was established to prohibit new establishments or expansion of existing establishments, selling alcoholic beverages within the area (generally bounded by Guerrero

Street, San Jose Avenue, Randall Street, Mission Street, Cesar Chavez Street, Potrero Avenue and Fourteenth Street) and to prohibit the transfer of liquor licenses. However, certain alcohol-related uses are allowed within the SUD, including a Restaurant Use. Per Sections 781.8 and 249.60 of the Planning Code, a Restaurant Use, as defined in Section 790.91, operating as a Bona Fide Eating Place, as defined in Section 790.142, shall be permitted to serve alcoholic beverages in this SUD.

The Restaurant Use is proposed to operate as a Bona Fide Eating Place as defined by Planning Code Section 790.142. Thus, the project is permitted by the SUD to serve alcohol in conjunction with a bona-fide eating place.

- e. **Eating and Drinking Uses.** Planning Code Section 202.2 outlines the location and operating conditions for eating and drinking uses. Eating and drinking establishments include bars, sit-down restaurants, fast food restaurants, self-service restaurants, and take-out food. Associated uses, which can serve similar functions and create similar land use impacts, include ice cream stores, bakeries and cookie stores. Guidelines for eating and drinking establishments are needed to achieve the following purposes:
- Regulate the distribution and proliferation of eating and drinking establishments, especially in districts experiencing increased commercial activity;
 - Control nuisances associated with their proliferation;
 - Preserve storefronts for other types of local-serving businesses; and
 - Maintain a balanced mix of commercial goods and services.
- The regulation of eating and drinking establishments should consider the following:
- Balance of retail sales and services;
 - Current inventory and composition of eating and drinking establishments;
 - Total occupied commercial linear frontage, relative to the total district frontage;
 - Uses on surrounding properties;
 - Available parking facilities, both existing and proposed;
 - Existing traffic and parking congestion; and
 - Potential impacts on the surrounding community.

As stated in the Conditions of Approval, the proposed Restaurant use will be required to comply with the conditions outlined in Section 202.2, as it relates to keeping the main entrance and surrounding streets and sidewalks clear of trash and debris; ensuring that the space is properly insulated to prevent noise in excess of the noise levels specified in the San Francisco Noise Control Ordinance; installation of proper odor control equipment to prevent any noxious or offensive odors from escaping the premises; and the proper storage and disposal of garbage, recycling and composting.

- f. **Signage.** Any proposed signage will be subject to the review and approval of the Planning Department, and will be required to meet the requirements of Article 6 of the Planning Code.
7. **Conditional Use Authorization.** Planning Code Section 303 establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use approval. On balance, the project does comply with said criteria in that:

- a. The proposed 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 proposed Restaurant use is approximately 4,542 square feet in size, unchanged from the existing Limited Restaurant use, and is appropriately sized for the district, which consists of small-scale buildings and neighborhood serving uses. The Restaurant use will provide services which are compatible with the neighborhood and desirable for the surrounding community.

- 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:

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

The proposed Restaurant use will operate within the existing commercial space, and no expansion of the building envelope is proposed.

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

The Planning Code does not require parking in the Mission Street NCT District. Loading requirements apply to uses that are 10,000 gross square feet or more. The gross square footage of the Project is approximately 4,542 square feet, therefore loading is not required. The subject site is well-served by public transit with the 16th Street BART Station across the street, thus minimizing the need for private vehicle trips.

- iii. 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 a Restaurant use as outlined in Exhibit A. These conditions specifically obligate the Project Sponsor to mitigate odor and noise generated by the restaurant use. The site is currently operating as a Limited Restaurant and practices management of noise and odors from their business.

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

The Planning Code does not require any parking or loading for the proposed project. The Project will not expand the existing building or change signage as part of the Conditional Use Authorization.

- 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 Restaurant use is consistent with the stated purposes of the Mission Street NCT Zoning District in that the intended use is located at the ground floor, will provide compatible convenience goods, retail and an eating and drinking establishment for the immediately surrounding neighborhoods and is in character with the mix of commercial uses found within the Zoning District.

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 use in a Neighborhood Commercial District. Section 303(o) requires the Planning Commission 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 Department staff, the total commercial frontage dedicated to eating and drinking establishments located within 300 feet of the Project Site is approximately 18.1% of the total commercial frontage as measured in linear feet. With the subject change of use from a Limited Restaurant to a Restaurant use, the total aforementioned commercial frontage dedicated to eating and drinking establishments will remain unchanged. Therefore, the proposal would be 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 & INDUSTRY ELEMENT

Objectives and Policies

OBJECTIVE 1:

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

Policy 1.1:

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

Policy 1.2:

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

Policy 1.3:

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

The Project will provide desirable goods and services to the residents of the neighborhood and will provide resident employment opportunities to those in the community. The Project is consistent with purpose of the Mission Street Neighborhood Commercial Transit District.

OBJECTIVE 2:

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

Policy 2.1:

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

The Project would convert and existing Limited Restaurant use to a Restaurant use with no change to the size or layout of the business. The existing business (DBA Kitava) would not be displaced by the conversion. The use would complement the existing business and enhance its viability by permitting the expansion of the menu to include beer and wine and assisting in the retention of staff.

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.

No commercial tenant would be displaced and the project would not prevent the District from achieving optimal diversity in the types of goods and services available in the neighborhood.

The following guidelines, in addition to others in this objective for neighborhood commercial districts, should be employed in the development of overall district zoning controls as well as in the review of individual permit applications, which require case-by-case review and City Planning Commission approval. Pertinent guidelines may be applied as conditions of approval

of individual permit applications. In general, uses should be encouraged which meet the guidelines; conversely, uses should be discouraged which do not.

There is a concern with the potential over-concentration of food-service establishments within certain neighborhoods. The Commerce and Industry Element of the General Plan contains Guidelines for Specific Uses. For eating and drinking establishments, the Guidelines state, "the balance of commercial uses may be threatened when eating and drinking establishments occupy an overconcentration of commercial frontage. Proposals for eating and drinking establishments which would increase the proportion of total occupied commercial frontage above what is prescribed in the Planning Code should be reviewed to ensure that they would not reduce the variety of neighborhood-serving uses; nor create substantial noise, traffic, parking problems, or other nuisances in the district or surrounding neighborhood." Planning staff has performed a site survey of the Mission Street Neighborhood Commercial Transit District, where the proposed project is located. Currently, approximately 18.1% of the commercial frontage of the Mission Street Neighborhood Commercial Transit District within 300 feet of the project site is attributed to eating and drinking establishments and will remain unchanged with the addition of the Project, as the existing use of the site is an eating and drinking establishment. As per Planning Code Section 303(o) the concentration should not exceed 25% as measured in linear feet within the immediate area of the subject site; therefore the proposed change of use from Limited Restaurant to Restaurant will be within the prescribed 25% linear feet as per Planning Code 303(o).

Policy 6.2:

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

An independent owner is sponsoring the proposal. The proposed use is a neighborhood serving use. This is not a Formula Retail use.

MISSION AREA PLAN

Objectives and Policies

OBJECTIVE 1.8:

MAINTAIN AND STRENGTHEN THE MISSION'S COMMERCIAL AREAS.

Policy 1.8:

Ensure that the Mission's neighborhood commercial districts continue to serve the needs of residents, including immigrant and low-income households.

The proposed project continue the existing eating establishment, while permitting the business as a Bona Fide Eating Place to sell alcoholic beverages, to serve the needs of the residents of the Mission and San Francisco as a whole.

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 does comply with said policies in that:

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

The Project proposes to convert a limited restaurant to a restaurant and will continue to serve the neighborhood and serve as a source of employment 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 existing units in the surrounding neighborhood would not be adversely affected. The proposal proposes to utilize an existing storefront and commercial space which has existed at the subject location for many years. No residential units will be lost and no exterior modifications to the building will be made.

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

The Project will not involve any modifications to any residential units, thus preserving the supply of housing.

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

The Project is located on Mission Street near Mission Street and is well-served by transit. It is highly likely that both employees and customers of the proposed project will either walk or use transit to arrive at the subject location as the 16th Street BART station is across Mission Street from the site and several bus lines operate within a few blocks of the site. .

- 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 the creation of commercial office development, and will not displace any service or industry establishment. The project will not affect industrial or service sector uses or related employment opportunities. Ownership of industrial or service sector businesses will not be affected by this project. In fact, the Project will increase the opportunity for future ownership and service sector employment by increasing the viability of an existing neighborhood serving retail use.

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

The Project is designed and will be constructed to conform to the structural and seismic safety requirements of the City Building Code.

- G. That landmarks and historic buildings be preserved.

The Project will not involve any exterior modifications to the existing building and will not impact any landmarks or historic buildings.

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

The Project is located within an existing building and will have no negative impact on existing parks and open spaces.

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 Application No. 2018-008376CUA**, subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated May 25, 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 No. XXX X. 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 July 26, 2018.

Jonas P. Ionin
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: July 26, 2018

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to establish a restaurant use, located at 2011 Mission Street, Block 3570, Lot 028, pursuant to Planning Code Sections 249.60, 303 and 754 and Board of Supervisors Resolution 6-18 (File No. 171290), within the Mission Street Neighborhood Commercial Transit District, the Mission Alcoholic Beverage Special Use District and 85-X Height and Bulk District; in general conformance with plans, dated May 25, 2018, and stamped "EXHIBIT B" included in the docket for Case No. 2018-008376CUA and subject to conditions of approval reviewed and approved by the Commission on July 26, 2018 under Motion No. XXXXX. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

RECORDATION OF CONDITIONS OF APPROVAL

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on July 26, 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
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
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
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
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

MONITORING - AFTER ENTITLEMENT

6. **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

7. **Revocation due to Violation of Conditions.** Should implementation of this Project result in complaints from interested property owners, residents, or commercial lessees which are not resolved by the Project Sponsor and found to be in violation of the Planning Code and/or the specific conditions of approval for the Project as set forth in Exhibit A of this Motion, the Zoning Administrator shall refer such complaints to the Commission, after which it may hold a public hearing on the matter to consider revocation of this authorization.

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

OPERATION

8. **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>

9. **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>

10. **Odor Control.** While it is inevitable that some low level of odor may be detectable to nearby residents and passersby, appropriate odor control equipment shall be installed in conformance with the approved plans and maintained to prevent any significant noxious or offensive odors from escaping the premises.

For information about compliance with odor or other chemical air pollutants standards, contact the Bay Area Air Quality Management District, (BAAQMD), 1-800-334-ODOR (6367), www.baaqmd.gov and Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

11. **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

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

For information about compliance with the amplified sound including music and television contact the Police Department at 415-553-0123, www.sf-police.org

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 with written notice of the name, business address, and telephone number of the community liaison. Should the contact information change, the Zoning Administrator shall be made aware of such change. The community liaison shall report to the Zoning Administrator what issues, if any, are of concern to the community and what issues have not been resolved by the Project Sponsor.

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

13. **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.

- 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.

For information about compliance with construction noise requirements, contact the Department of Building Inspection.

For information about compliance with the requirements for amplified sound, including music and television, contact the Police Department.

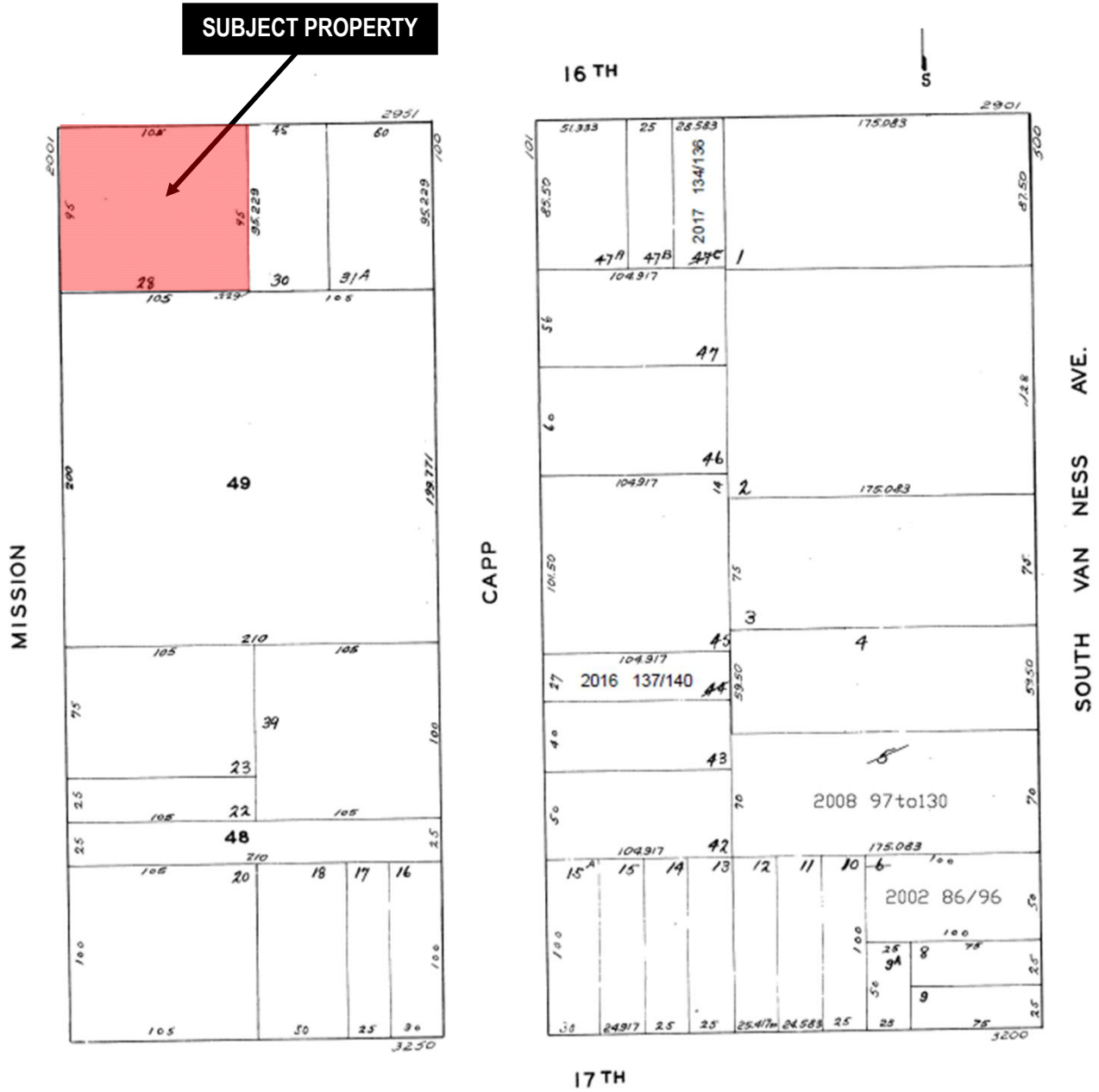
- C. While it is inevitable that some low level of odor may be detectable to nearby residents and passersby, appropriate odor control equipment shall be installed in conformance with the approved plans and maintained to prevent any significant noxious or offensive odors from escaping the premises.

For information about compliance with odor or other chemical air pollutant standards, contact the Bay Area Air Quality Management District (BAAQMD) and Code Enforcement, Planning Department.

- 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.

Parcel Map



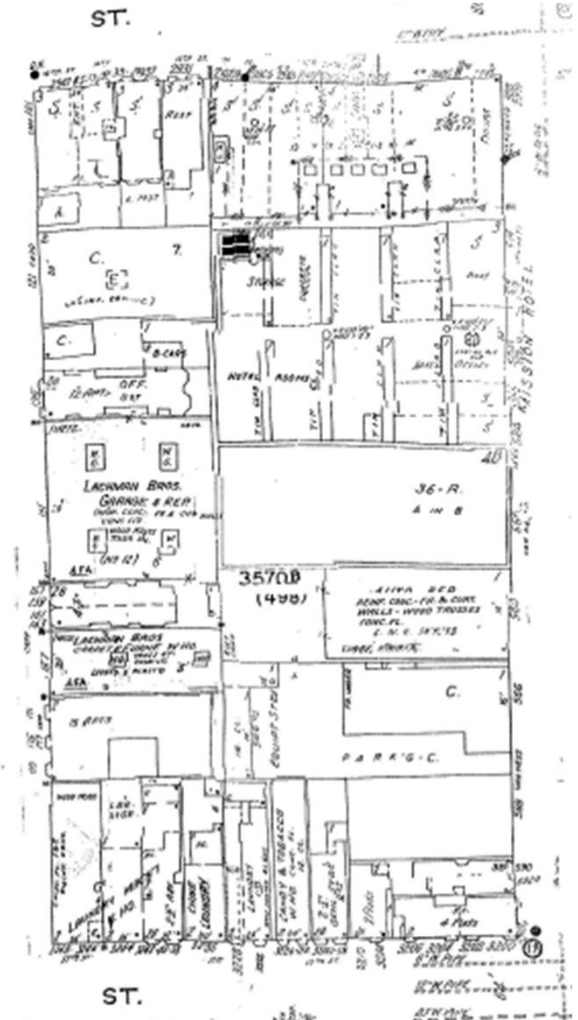
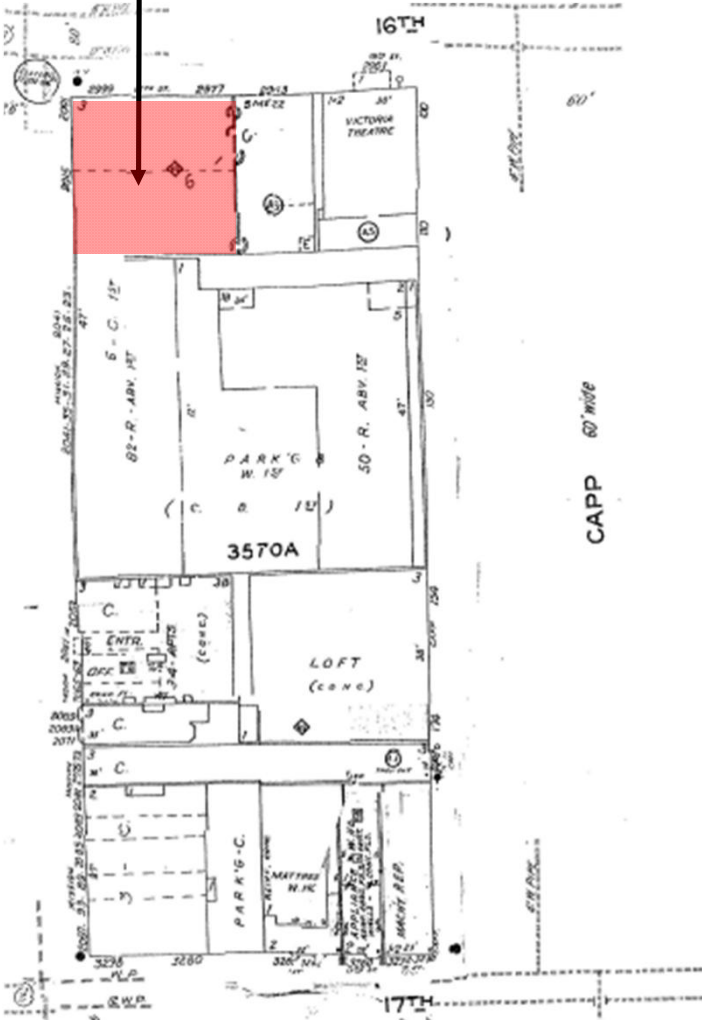
588 SOUTH VAN NESS AVE.



Planning Commission Hearing
 Case Number 201-008376CUA
 Kitava Kitchen
 2011 Mission Street

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.



Planning Commission Hearing
 Case Number 201-008376CUA
 Kitava Kitchen
 2011 Mission Street

Aerial Photo

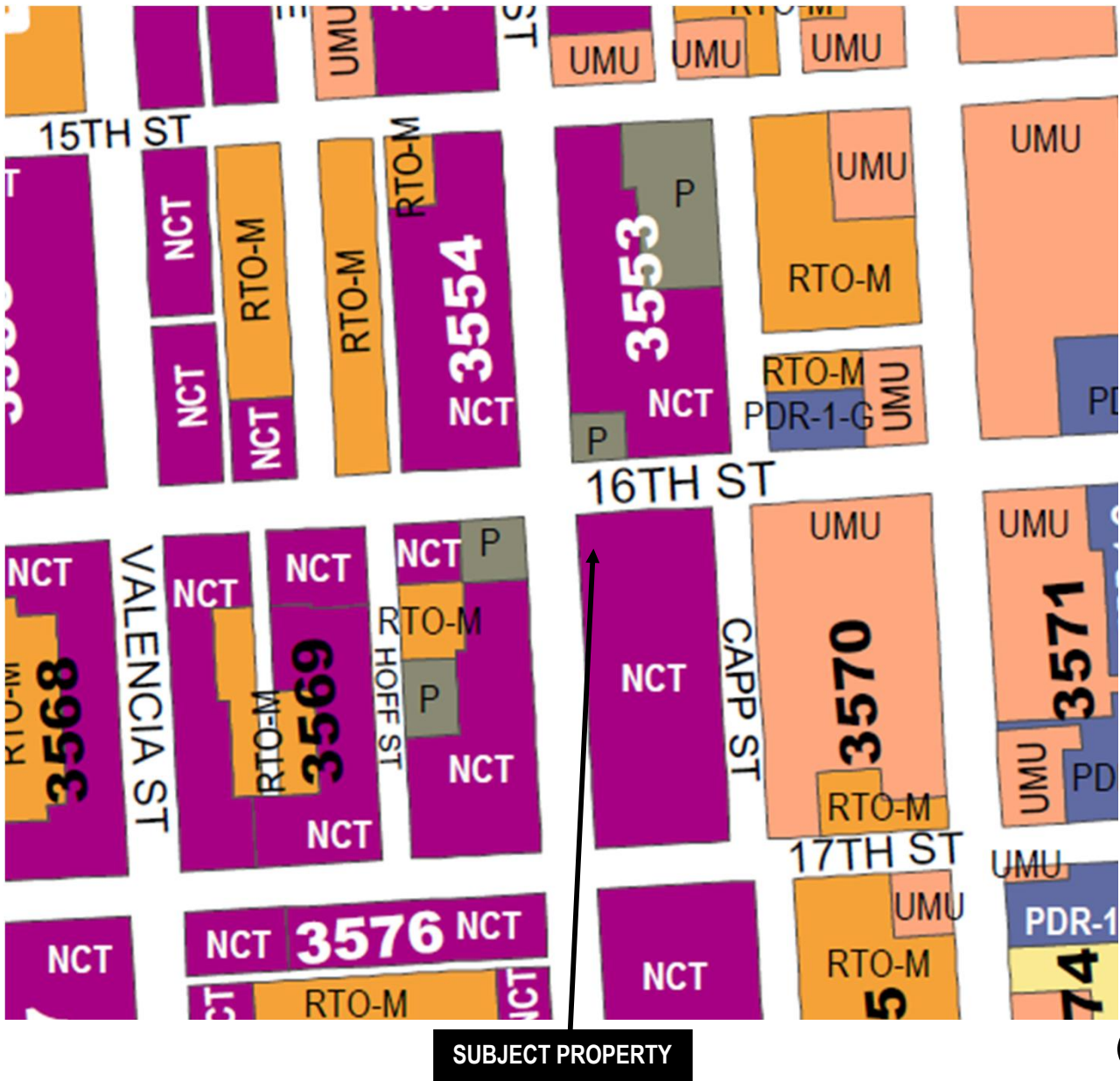


SUBJECT PROPERTY



Planning Commission Hearing
Case Number 201-008376CUA
Kitava Kitchen
2011 Mission Street

Zoning Map



SUBJECT PROPERTY

Planning Commission Hearing
Case Number 201-008376CUA
Kitava Kitchen
2011 Mission Street

Site Photo



Planning Commission Hearing
Case Number 201-008376CUA
Kitava Kitchen
2011 Mission Street



SAN FRANCISCO PLANNING DEPARTMENT

CEQA Categorical Exemption Determination

PROPERTY INFORMATION/PROJECT DESCRIPTION

Project Address		Block/Lot(s)
2011 MISSION ST		3570028
Case No.		Permit No.
2018-008376PRJ		
<input checked="" type="checkbox"/> Addition/ Alteration	<input type="checkbox"/> Demolition (requires HRE for Category B Building)	<input type="checkbox"/> New Construction
<p>Project description for Planning Department approval. Conditional Use Authorization to permit a change of use from limited to full service restaurant d.b.a. Kitava.</p>		

STEP 1: EXEMPTION CLASS

Note: If neither class applies, an <i>Environmental Evaluation Application</i> is required.	
<input checked="" type="checkbox"/>	Class 1 - Existing Facilities. Interior and exterior alterations; additions under 10,000 sq. ft.
<input type="checkbox"/>	Class 3 - New Construction. 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>Class 32 - In-Fill Development. 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>FOR ENVIRONMENTAL PLANNING USE ONLY</p>
<input type="checkbox"/>	Class _____

STEP 2: CEQA IMPACTS

TO BE COMPLETED BY PROJECT PLANNER

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

<input type="checkbox"/>	Air Quality: Would the project add new sensitive receptors (specifically, schools, day care facilities, hospitals, residential dwellings, and senior-care facilities within an Air Pollution Exposure Zone? Does the project have the potential to emit substantial pollutant concentrations (e.g., backup diesel generators, heavy industry, diesel trucks, etc.)? (refer to EP_ArcMap > CEQA Catex Determination Layers > Air Pollution Exposure Zone)
<input type="checkbox"/>	Hazardous Materials: If the project site is located on the Maher map or is suspected of containing hazardous materials (based on a previous use such as gas station, auto repair, dry cleaners, or heavy manufacturing, or a site with underground storage tanks): Would the project involve 50 cubic yards or more of soil disturbance - or a change of use from industrial to residential? If yes, this box must be checked and the project applicant must submit an Environmental Application with a Phase I Environmental Site Assessment. <i>Exceptions: do not check box if the applicant presents documentation of enrollment in the San Francisco Department of Public Health (DPH) Maher program, a DPH waiver from the Maher program, or other documentation from Environmental Planning staff that hazardous material effects would be less than significant (refer to EP_ArcMap > Maher layer).</i>
<input type="checkbox"/>	Transportation: Does the project create six (6) or more net new parking spaces or residential units? Does the project have the potential to adversely affect transit, pedestrian and/or bicycle safety (hazards) or the adequacy of nearby transit, pedestrian and/or bicycle facilities?
<input type="checkbox"/>	Archeological Resources: Would the project result in soil disturbance/modification greater than two (2) feet below grade in an archeological sensitive area or eight (8) feet in a non -archeological sensitive area? (refer to EP_ArcMap > CEQA Catex Determination Layers > Archeological Sensitive Area)
<input type="checkbox"/>	Subdivision/Lot Line Adjustment: Does the project site involve a subdivision or lot line adjustment on a lot with a slope average of 20% or more? (refer to EP_ArcMap > CEQA Catex Determination Layers > Topography)
<input type="checkbox"/>	Slope = or > 20%: Does the project involve any of the following: (1) square footage expansion greater than 1,000 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? (refer to EP_ArcMap > CEQA Catex Determination Layers > Topography) If box is checked, a geotechnical report is required.
<input type="checkbox"/>	Seismic: Landslide Zone: Does the project involve any of the following: (1) square footage expansion greater than 1,000 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? (refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones) If box is checked, a geotechnical report is required.
<input type="checkbox"/>	Seismic: Liquefaction Zone: Does the project involve any of the following: (1) square footage expansion greater than 1,000 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? (refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones) If box is checked, a geotechnical report will likely be required.

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

Comments and Planner Signature (optional): Ella Samonsky

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

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

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

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

STEP 5: CEQA IMPACTS - ADVANCED HISTORICAL REVIEW
TO BE COMPLETED BY PROJECT PLANNER

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

<input type="checkbox"/>	7. Addition(s) , including mechanical equipment that are minimally visible from a public right-of-way and meet the <i>Secretary of the Interior's Standards for Rehabilitation</i> .
<input type="checkbox"/>	8. Other work consistent with the <i>Secretary of the Interior Standards for the Treatment of Historic Properties</i> (specify or add comments):
<input type="checkbox"/>	9. Other work that would not materially impair a historic district (specify or add comments): (Requires approval by Senior Preservation Planner/Preservation Coordinator)
<input type="checkbox"/>	10. Reclassification of property status. (Requires approval by Senior Preservation Planner/Preservation <input type="checkbox"/> Reclassify to Category A a. Per HRER dated b. Other (specify): <input type="checkbox"/> Reclassify to Category C (attach HRER)
Note: If ANY box in STEP 5 above is checked, a Preservation Planner MUST check one box below.	
<input type="checkbox"/>	Further environmental review required. Based on the information provided, the project requires an <i>Environmental Evaluation Application</i> to be submitted. GO TO STEP 6.
<input type="checkbox"/>	Project can proceed with categorical exemption review. The project has been reviewed by the Preservation Planner and can proceed with categorical exemption review. GO TO STEP 6.
Comments (optional):	
Preservation Planner Signature:	

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

<input type="checkbox"/>	Further environmental review required. 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 STOP! Must file an <i>Environmental Evaluation Application</i>.	
<input checked="" type="checkbox"/>	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.	
	Project Approval Action: Commission Hearing If Discretionary Review before the Planning Commission is requested, the Discretionary Review hearing is the Approval Action for the project.	Signature: Ella Samonsky 06/18/2018
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)
2011 MISSION ST		3570/028
Case No.	Previous Building Permit No.	New Building Permit No.
2018-008376PRJ		
Plans Dated	Previous Approval Action	New Approval Action
	Commission Hearing	
Modified Project Description:		

DETERMINATION IF PROJECT CONSTITUTES SUBSTANTIAL MODIFICATION

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

DETERMINATION OF NO SUBSTANTIAL MODIFICATION

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



[Empty box for Planning Application Record Number]

CONDITIONAL USE AUTHORIZATION APPLICATION

Estimated Construction Cost: \$200,000

Property Owner's Information

Name: West Coast Property Management / 2001 Mission Associates LP

Address: 714 Van Ness Ave
San Francisco, CA 94102

Email Address: george@wcpm.com

Telephone: (415) 885-6970

Applicant Information (if applicable)

Name: Bryan Tublin Same as above

Company/Organization: Kitava, LLC

Address: 2011 Mission Street
San Francisco, CA 94110

Email Address: bryan@kitava.com

Telephone: (203) 667-1537

Please Select Billing Contact:

- Owner Applicant Other (see below for details)

Name: Bryan Tublin Email: bryan@kitava.com Phone: (203) 667-1537

Please Select Primary Project Contact:

- Owner Applicant Billing

Property Information

Project Address: 2011 Mission Street Block/Lot(s): N/A

Plan Area: N/A

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. See Attachment

Kitava is a fast-casual restaurant located at 2011 Mission Street seeking a Conditional Use Authorization for the purpose of applying for a Wine & Beer license as a full-service dining establishment. The project is not proposing any new changes or construction to the building or interior layout. The establishment will remain a restaurant, and plans to simply add wine and beer to its dine-in lunch and dinner menu.

Project Details:

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

Estimated Construction Cost:

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

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

Related Building Permits Applications

Building Permit Applications No(s):

PROJECT AND LAND USE TABLES

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

General Land Use Category		
	Existing (Square footage area)	Proposed (Square footage area)
Parking GSF	N/A	N/A
Residential GSF	N/A	N/A
Retail/Commercial	4,542	4,542
Office	N/A	N/A
Industrial-PDR	N/A	N/A
Medical	N/A	N/A
Visitor	N/A	N/A
CIE (Cultural, Institutional, Educational)	N/A	N/A
Useable Open Space	N/A	N/A
Public Open Space	N/A	N/A

Project Features		
	Existing Unit(s) (Count)	Proposed Unit(s) (Count)
Dwelling Units - Affordable	N/A	N/A
Hotel Rooms	N/A	N/A
Dwelling Units - Market Rate	N/A	N/A
Building Number	2011	2011
Stories Number	3	3
Parking Spaces	N/A	N/A
Loading Spaces	1	1
Bicycle Spaces	N/A	N/A
Car Share Spaces	N/A	N/A
Public Art	N/A	N/A
Other	N/A	N/A

Land Use - Residential

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

- (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 intended to prevent noxious or offensive emissions such as noise, glare, dust and odor;
- (d) Features given, as appropriate, to such aspects as landscaping, screening, open spaces, parking and loading areas, waste areas, lighting and signs.

None of the potential issues listed above will be impacted by our proposal, since we are simply seeking to gain a full-service restaurant designation, which will allow us to obtain a Wine & Beer license. We are not planning any construction on our existing restaurant premises, either inside or outside the establishment. We will use existing cold storage and counter service space to serve any alcohol provided in the future, and are not building a new bar unit to make room for these sales. Simply put, this proposal is completely non-invasive to the health of the surrounding community. We have zero concern this will negatively impact neighboring residents or businesses.

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

The location is already an existing restaurant. We are simply proposing to add Wine & Beer to our existing restaurant menu.

ACTION(S) REQUESTED

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

Change of Use from Limited Service Restaurant to a Full Service Restaurant. A Conditional Use Authorization is required per Section 754 Mission Interim Controls.

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.

Kitava has become a gathering place for all members of the local community to access healthy meals. Many guests have asked whether they can enjoy wine or beer with their meals, so we are seeking to fulfill their wishes. To ensure we are supported by the local community at large, we have reached a Memorandum of Understanding (MOU) with the United to Save the Mission community organizations, pledging our support in preserving the unique cultural heritage of the Mission, and making our restaurant welcoming to all Mission community members. We have also engaged in partnerships with local nonprofits to give back to local community needs.

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.

None of the potential issues listed above will be impacted by our proposal, since we are simply seeking to gain a full-service restaurant designation, which will allow us to obtain a Wine & Beer license. We are not planning any construction on our existing restaurant premises, either inside or outside the establishment. We will use existing cold storage and counter service space to serve any alcohol provided in the future, and are not building a new bar unit to make room for these sales. Simply put, this proposal is completely non-invasive to the health of the surrounding community. We have zero concern this will negatively impact neighboring residents or businesses.

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The location is already an existing restaurant. We are simply proposing to add Wine & Beer to our existing restaurant menu.

PRIORITY GENERAL PLAN POLICIES FINDINGS

PLANNING CODE SECTION 101

(APPLICABLE TO ALL PROJECTS)

Proposition M was adopted by the voters on November 4, 1986. It requires that the City shall find that proposed alterations and demolitions are consistent with eight priority policies set forth in Section 101.1 of the Planning Code. These eight policies are listed below. Please state how the Project is consistent or inconsistent with each policy. Each statement should refer to specific circumstances or conditions applicable to the property. Each policy must have a response. If a given policy does not apply to your project, explain why it is not applicable.

Please respond to each policy; if it's not applicable explain why:

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

Our proposal does not hinder or infringe on any of our retail business neighbors. If anything, an increase in the number of neighborhood residents to our establishment as a result of selling wine & beer would increase traffic to local retailers. We make an effort to employ local Mission district residents whenever possible. Our continued success, aided by the sale of wine & beer, would enable us to hire more community members in the future.

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

We have partnered with local neighborhood groups and community organizations to ensure we are serving the local community as much as possible (i.e. USM, SFCC, MEDA). We have signed a Memorandum of Understanding with the United to Save the Mission community groups, and have implemented the following initiatives: (1) provide both English and Spanish versions of our menu, (2) attempt to hire at least 60% of our staff from the local Mission community, (3) offer a "Local's Special" at a discounted rate, (4) provide Mission St. business and neighborhood discounts, (5) work with organizations like Back on My Feet to hire from the local homeless community. None of these efforts will be negatively impacted by this project, and in fact may be enhanced by such efforts.

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

The proposed project will have no negative impact to the affordable housing provided in the area. We are simply a restaurant seeking a wine & beer license.

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

The proposed project does not contain any proposed construction, and will not effect commuter traffic.

Please respond to each policy; if it's not applicable explain why:

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;

This project will not displace any industrial or service sector workers, or job opportunities in those sectors. In fact, many of our guests work in the service industry, and have asked us to add wine & beer to the menu. The success of our business will allow us to continue hiring local workers, artists, designers, and construction workers in our restaurant and for various future projects.

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

This project will have no impact on the city's ability to prepare for a potential earthquake. No construction is being proposed to the building site.

7. That landmarks and historic buildings be preserved; and

This project will have no impact on city landmarks or historic buildings. No construction is being proposed to the building site.

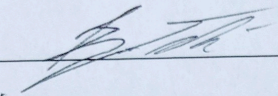
8. That our parks and open space and their access to sunlight and vistas be protected from development.

This project will have no impact on any parks or open space. No construction is being proposed to the building site.

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 

Bryan Tublin
Name (Printed)

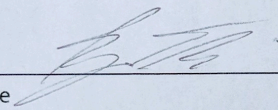
Owner
Relationship to Project
(i.e. Owner, Architect, etc.)

(203) 667-1537
Phone

bryan@kitava.com
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 

Bryan Tublin
Name (Printed)

6/4/18
Date

For Department Use Only



Application received by Planning Department:

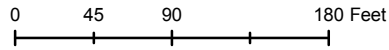
By: _____

Date: _____

Eating & Drinking Concentration Map - Mission NTC Parcel Frontages Within 300 Feet

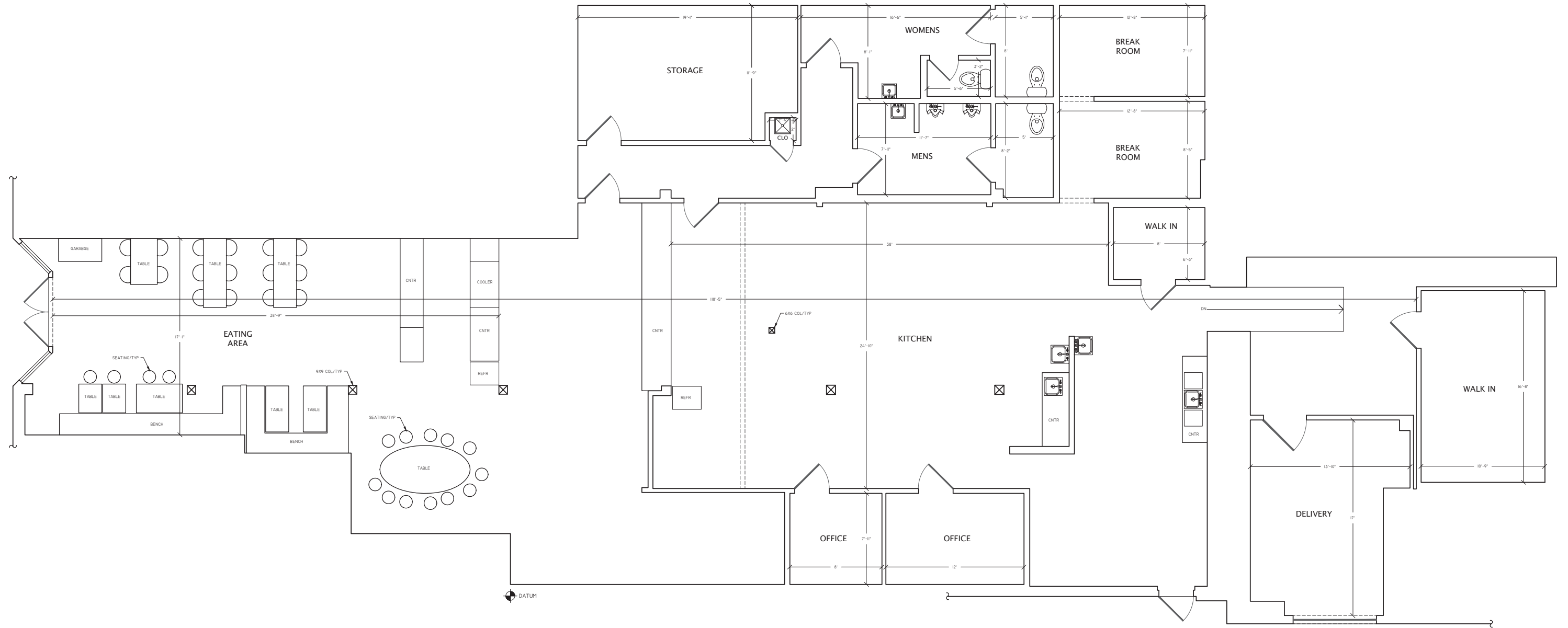


- Legend**
-  Lots With Eating and Drinking Establishments
 -  300ft Radius
 -  Project Site - 2011 Mission



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EXISTING FLOOR PLAN



1 EXISTING ENTRY LEVEL FLOOR PLAN
4,542 SQFT GROSS MEASURED AREA



THESE ARE BASIC FLOOR PLANS WITH SPECIFIC ELEMENTS SHOWN PER CLIENT REQUEST. NOT ALL INTERIOR ELEMENTS SHOWN.

2011 MISSION STREET
SAN FRANCISCO, CA 94110

THIS DRAWING IS A RECORD OF REAL PROPERTY THAT IS GENERALLY ACCEPTED TO BE SUITABLE FOR USE IN PLANNING, DESIGN, LEASE, AND GENERAL ASSET MANAGEMENT. IT SHOULD NOT BE USED TO DETERMINE EXACT MEASUREMENTS OF SPACES OR ARTIFACTS FOUND HEREIN FOR ANY PURPOSE.



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1-800-318-0099 ASBUILTSERVICES.COM

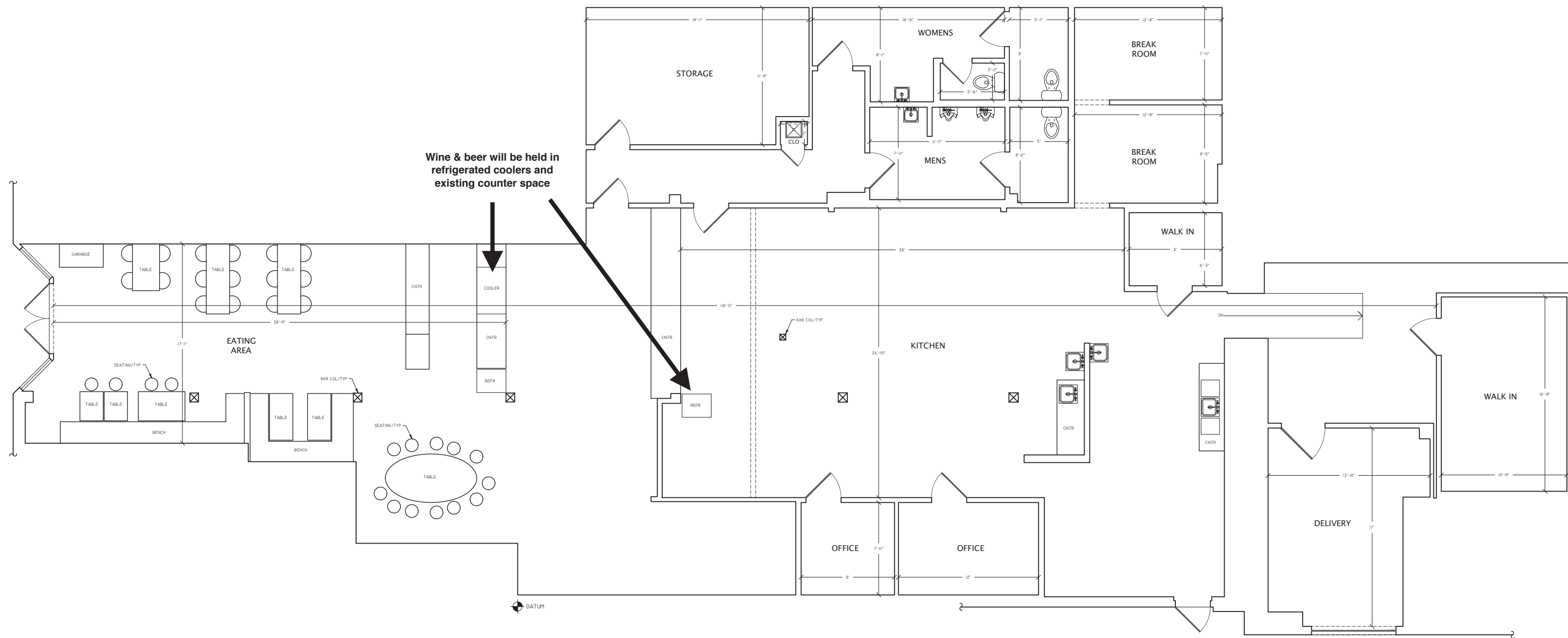
EXISTING FLOOR PLAN

REF: 2011f_City_RST
REV: 0
DRAWN BY: MV
AUDITED BY: JK

SHEET SIZE: 24x36
SCALE: 1/4"=1'-0"
FIELD MEASURE:
05/25/2018

AX-101
1 OF 1

NO FLOOR PLAN CHANGES BEING PROPOSED



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4,542 SQFT GROSS MEASURED AREA



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