



SAN FRANCISCO PLANNING DEPARTMENT

Discretionary Review Action DRA-0256

HEARING DATE: FEBRUARY 2, 2012

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Date: February 7, 2012
Case No.: **2011.0949D**
Project Address: **1737 POST STREET, SUITE 300 (AKA 11 PEACE PLAZA - LOCATED WITHIN THE INTERIOR OF JAPANTOWN CENTER KINTETSU MALL)**
Building Permit: **2011.06.01.7183**
Zoning: NC-3 (Moderate-Scale) Neighborhood Commercial District
Japantown Special Use District
50-X Height and Bulk District
Block/Lot: 0700/009
Project Sponsors: Peter Lu / Joan Guo (applicants)
1737 Post Street, Suite 300
San Francisco, CA 94115
Japan Center West Associates, LP – Japan Center Malls (property owners)
1770 Post Street, Box 297
San Francisco, CA 94115
David Goddard / Sheron Chiu (representatives)
3D Investments, LLC
1880 Century Park East, Suite 810
Los Angeles, CA 90067
DR Requestor: Japanese Cultural and Community Center of Northern California
1840 Sutter Street
San Francisco, CA 94115
Contact: Paul Osaki / Ryan Kimura
Staff Contact: Sharon M. Young – (415) 558-6346
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ADOPTING FINDINGS RELATED TO TAKING DISCRETIONARY REVIEW OF CASE NO. 2011.0949D AND THE DISAPPROVAL OF BUILDING PERMIT APPLICATION 2011.06.01.7183 PROPOSING THE CHANGE OF USE OF AN APPROXIMATELY 490 SQUARE-FOOT COMMERCIAL SPACE INTO A SMALL SELF-SERVICE RESTAURANT (D.B.A. KB CAFÉ) LOCATED WITHIN THE INTERIOR OF JAPANTOWN CENTER KINTETSU WEST MALL AT 1737 POST STREET SUITE 300 WITHIN THE NC-3 (MODERATE-SCALE) NEIGHBORHOOD COMMERCIAL ZONING DISTRICT, JAPANTOWN SPECIAL USE DISTRICT, AND A 50-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On June 2, 2011, Peter Lu filed for Building Permit Application No. 2011.06.01.7183 proposing the change of use of a vacant commercial space (previously occupied by a retail store) into a small self-service restaurant (d.b.a. KB Café) located within the interior of Japantown Center Kintetsu Mall within the NC-3 Zoning District, Japantown Special Use District, and 50-X Height and Bulk District. The

Memo

proposed small self-service restaurant, with approximately 490 square feet of floor area, will consist of a sales and service area, kitchen, and storage area. Restaurant seating will be provided within the interior courtyard of the mall. The proposal will involve interior tenant improvements to the ground floor commercial space. [Building Permit Application No. 2011.11.08.8509 was also filed to legalize tenant improvements already completed or under construction for interior wall partitions and coring the floor to the garage level below cited under Department of Building Inspection's Notice of Violation No. 201137901.]

On August 26, 2011, the Japanese Cultural and Community Center of Northern California (JCCCNC), a neighborhood organization (hereinafter "Discretionary Review (DR) Requestor") filed an application with the Planning Department (hereinafter "Department") for Discretionary Review (2011.0949D) of Building Permit Application No. 2011.06.01.7183.

The DR Requestor is concerned that the proposed project is not consistent with the intent of the Japantown Special Use District and will adversely affect the JCCCNC's mission and Japantown community; The JCCCNC states the proposed small self-service restaurant d.b.a. KB Café appears to qualify as a Formula Retail Use affiliated with Kobe Bento-Quickly requiring Conditional Use authorization pursuant to Planning Code Sections 249.31(b)(1)(iii) and 703.4 within the Japantown Special Use District, and the proposed small self-service restaurant (specializing in selling tapioca beverages, snacks, and desserts) would not help diversify the existing mix of commercial establishments within the Japantown Center Kintetsu West Mall and would contribute to an overconcentration of small "quick" food outlets which currently exist in the mall.

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

On December 8, 2011 and February 2, 2012, the San Francisco Planning Commission (hereinafter "Commission") conducted duly noticed public hearings at regularly scheduled meetings on Discretionary Review Application 2011.0949D.

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

ACTION

The Commission hereby took Discretionary Review requested in Application No. 2011.0949D and disapproved Building Permit Application 2011.06.01.7183.

BASIS FOR RECOMMENDATION

The reasons that the Commission took the action described above include:

1. There are extraordinary or exceptional circumstances in the case. Based on its consideration of written materials and oral testimony presented at the December 8, 2011 and February 2, 2012 Planning Commission hearings, the Commission determined that the proposed small self-service restaurant d.b.a. KB Café would not be consistent with supporting the purpose and intent of the Japantown Special Use District.

APPEAL AND EFFECTIVE DATE OF ACTION: Any aggrieved person may appeal this Building Permit Application to the Board of Appeals within fifteen (15) days after the date the permit is issued. For further information, please contact the Board of Appeals at (415) 575-6881, 1650 Mission Street # 304, San Francisco, CA, 94103-2481.

I hereby certify that the Planning Commission took Discretionary Review and disapproved the building permit application as reference in this action memo on February 2, 2012.

Linda D. Avery
Commission Secretary

AYES: Commissioners Antonini, Borden, Miguel, Moore, Sugaya

NAYS: None

ABSENT: Commissioner Fong

ADOPTED: February 2, 2012