



# SAN FRANCISCO PLANNING DEPARTMENT

## Executive Summary Conditional Use

HEARING DATE: JULY 7, 2011

*Date:* July 1, 2011  
*Case No.:* **2011.0451C**  
*Project Address:* **1407 BUSH STREET**  
*Zoning:* Polk Street Neighborhood Commercial District  
65-A Height and Bulk District  
*Block/Lot:* 0670/002A  
*Project Sponsor:* Veronica Shinzato  
482 44th Avenue  
San Francisco, CA 94121  
*Staff Contact:* Kevin Guy– (415) 558-6163  
kevin.guy@sf.gov.org  
*Recommendation:* **Approval with Conditions**

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Suite 400  
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### PROJECT DESCRIPTION

The sponsor proposes to establish a full-service restaurant known as "Fina Estampa". The project also includes interior tenant improvements to accommodate the restaurant use, however, the tenant space would not expand and no changes to the exterior are proposed. The restaurant would sell beer and wine, but the project sponsor does not propose to sell liquor. The restaurant previously operated at 1100 Van Ness Avenue, but closed at that location in 2010. The restaurant has been displaced from this previous location due to the expansion of the California Pacific Medical Center ("CPMC").

### SITE DESCRIPTION AND PRESENT USE

The project is located on the south side of Bush Street, between Polk Street and Van Ness Avenue, Block 0670, Lot 002A. The property is located within the Polk Street NCD and the 65-A Height and Bulk District. The property is developed with a two-story over basement building containing a retail storefront at the ground floor, measuring approximately 1,100 square feet, with two dwelling units at the upper story. The retail space was previously occupied by a pet store, but is currently vacant.

### SURROUNDING PROPERTIES AND NEIGHBORHOOD

The area surrounding the subject property is mixed-use in character. A variety of commercial establishments are located within ground floor storefronts in the Polk Street NCD, including restaurants, bars, apparel stores, convenience stores, and other types of retailers. Buildings in the vicinity typically range from one to five stories in height. Upper floors of buildings are generally occupied by offices or residential units. Larger scale retail uses, tourist hotels, and residential uses are situated along the Van Ness Corridor, outside of the Polk Street NCD to the west.

## ENVIRONMENTAL REVIEW

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

## HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Classified News Ad	20 days	June 17, 2011	June 17, 2011	20 days
Posted Notice	20 days	June 17, 2011	June 17, 2011	22 days
Mailed Notice	10 days	June 27, 2011	June 15, 2011	22 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 received fourteen communications in support of the project. These letters express support for the activation of a currently-vacant storefront, and praise the responsible management of the previous location of the restaurant. To date, the Department has received no communications in opposition to the Project.

## ISSUES AND OTHER CONSIDERATIONS

- The Commerce and Industry Element of the General Plan contains Guidelines that discourage the overconcentration of eating and drinking establishments within NCD's. The project would relocate an existing restaurant from a nearby location, and would not result in a net increase in the number of restaurants in the area.
- The restaurant is being displaced from its current location at 1100 Van Ness Avenue due to the expansion of the California Pacific Medical Center (current owner of that property).
- In 2005, the Planning Commission granted Conditional Use Authorization to establish the Fina Estampa restaurant on the subject property. Since that time, the restaurant did not begin operation, and a pet store operated within the tenant space in the interim. Therefore, this previous Authorization is no longer valid, and a new Conditional Use Authorization is required in order to establish a full-service restaurant on the subject property.
- The Department received information alleging that the subject building may contain an illegal dwelling unit within the basement level (below the proposed restaurant). Staff inspected the basement area, and found that the space is currently used for storage and music rehearsal space. However, the space contains no kitchen facilities, and is therefore

not considered to be a dwelling unit. Staff found no violation of the Planning Code on the property.

### **REQUIRED COMMISSION ACTION**

In order for the project to proceed, the Commission must grant conditional use authorization to allow the establishment of a full-service restaurant within the Polk Street NCD, pursuant to Planning Code Section 723.42.

### **BASIS FOR RECOMMENDATION**

- The project promotes the continued operation of an established, locally-owned business and contributes to the viability of the overall Polk Street NCD.
- The project would not displace an existing retail tenant providing convenience goods and services to the neighborhood, and would not result in a net increase in the number of restaurants in the area.
- The business will activate the Bush Street streetscape.
- The project meets all applicable requirements of the Planning Code.
- The project is desirable for, and compatible with the surrounding neighborhood.
- The business is not a Formula Retail use and would serve the immediate neighborhood.

<b>RECOMMENDATION:</b> <b>Approval with Conditions</b>
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**Attachments:**

- Draft Motion
- Block Book Map
- Sanborn Map
- Aerial Photographs
- Public Correspondence
- Floor Plan

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 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          | <input type="checkbox"/> Health Dept. review of RF levels                                     |
| <input checked="" type="checkbox"/> Sanborn Map         | <input type="checkbox"/> RF Report  |
| <input checked="" type="checkbox"/> Aerial Photo        | <input type="checkbox"/> Community Meeting Notice   |
| <input checked="" type="checkbox"/> Context Photos      | <input type="checkbox"/> Inclusionary Affordable Housing Program:<br>Affidavit for Compliance |
| <input checked="" type="checkbox"/> Site Photos         |   |

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

\_\_\_\_\_  
Planner's Initials

KG: G:\Documents\Projects\1407 Bush\2011.0451C - 1407 Bush Street- Exec Sum.doc



# 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

HEARING DATE: JULY 7, 2011

*Date:* July 1, 2011  
*Case No.:* **2011.0451C**  
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**ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 303 AND 723.42 OF THE PLANNING CODE TO ESTABLISH A FULL-SERVICE RESTAURANT (D.B.A. FINA ESTAMPA) WITHIN THE POLK STREET NEIGHBORHOOD COMMERCIAL DISTRICT AND THE 65-A HEIGHT AND BULK DISTRICT.**

### PREAMBLE

On May 4, 2011 Veronica Shinzato (“Project Sponsor”) filed an application with the Planning Department (“Department”) for Conditional Use Authorization under Planning Code Sections (“Sections”) 303 and 723.42 to establish a full-service restaurant (d.b.a. Fina Estampa) within the Polk Street Neighborhood Commercial District (“NCD”) and the 65-A Height and Bulk District (“Project”, Case No. 2011.0451C).

On July 7, 2011, the San Francisco Planning Commission (“Commission”) conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2011.0451C.

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

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. 2011.0451C, 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 is located on the south side of Bush Street, between Polk Street and Van Ness Avenue, Block 0670, Lot 002A. The property is located within the Polk Street NCD and the 65-A Height and Bulk District. The property is developed with a two-story over basement building containing a retail storefront at the ground floor, measuring approximately 1,100 square feet, with two dwelling units at the upper story. The retail space was previously occupied by a pet store, but is currently vacant.
3. **Surrounding Properties and Neighborhood.** The area surrounding the subject property is mixed-use in character. A variety of commercial establishments are located within ground floor storefronts in the Polk Street NCD, including restaurants, bars, apparel stores, convenience stores, and other types of retailers. Buildings in the vicinity typically range from one to five stories in height. Upper floors of buildings are generally occupied by offices or residential units. Larger scale retail uses, tourist hotels, and residential uses are situated along the Van Ness Corridor, outside of the Polk Street NCD to the west.
4. **Project Description.** The sponsor proposes to establish a full-service restaurant known as "Fina Estampa". The project also includes interior tenant improvements to accommodate the restaurant use, however, the tenant space would not expand and no changes to the exterior are proposed. The restaurant would sell beer and wine, but the project sponsor does not propose to sell liquor. The restaurant previously operated at 1100 Van Ness Avenue, but closed at that location in 2010. The restaurant has been displaced from this previous location due to the expansion of the California Pacific Medical Center ("CPMC").
5. **Public Comment.** The Department has received fourteen communications in support of the project. These letters express support for the activation of a currently-vacant storefront, and praise the responsible management of the previous location of the restaurant. To date, the Department has received no communications in opposition to the Project.

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.** Planning Code Section 723.42 states that, within the Polk Street NCD, Conditional Use Authorization is required for a Full-Service Restaurant, as defined by Planning Code Section 790.92.

*The Project Sponsor is requesting Conditional Use Authorization for the full-service restaurant use.*

B. **Hours of Operation.** Planning Code Section 723.27 states that Conditional Use Authorization is required for maintaining hours of operation from 2:00AM to 6:00AM, as defined by Planning Code Section 790.48.

*The Project Sponsor does not propose operation between the hours of 2:00AM to 6:00AM. Therefore, the business would operate during hours which are principally permitted within the Polk Street NCD.*

C. **Other Entertainment.** Planning Code Section 723.48 states that a Conditional Use Authorization is required for Other Entertainment, as defined by Planning Code Section 790.38.

*The business would not include any live music, DJ's, or other activities defined as Other Entertainment by Section 790.38.*

D. **Parking.** Planning Section 151 of the Planning Code requires off-street parking for every 200 square-feet of occupied floor area, where the occupied floor area exceeds 5,000 square-feet.

*The proposed restaurant would occupy approximately 1,100 square feet of floor area and thus does not require any off-street parking.*

E. **Street Frontage in Neighborhood Commercial Districts.** Section 145.1 of the Planning Code requires that NC Districts containing specific uses have at least ½ the total width of the new or altered structure at the commercial street frontage devoted to entrances to commercially used space, windows or display space at the pedestrian eye-level. Such windows shall use clear, un-tinted glass, except for decorative or architectural accent. Any decorative railings or decorated grille work, other than wire mesh, which is placed in front or behind such windows, shall be at least 75 percent open to perpendicular view and no more than six feet in height above grade.

*The project does not propose any modifications of the existing storefront. Approximately half of the existing ground floor is occupied by glazing and the entry door to the retail space.*

7. **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 Project is desirable because it will allow for the relocation and continued operation of an established business within the neighborhood. The Project will not result in a net increase of restaurants in the area, and will therefore not contribute to an overconcentration of such uses.*

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 size and shape of the site and the size, shape, and arrangement of the building are adequate for the Project. The Project would not physically expand the existing building.*

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 or loading for an 1,100 square-foot restaurant. The proposed use is designed to meet the needs of the immediate neighborhood and should not generate substantial amounts of vehicular trips from the immediate neighborhood or citywide. The area is well-served by transit, and should not generate a substantial demand for parking.*

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 restaurants as outlined in Exhibit A. Conditions 3 and 8 specifically obligate the project sponsor to mitigate odors generated by the use. The restaurant is not anticipated to generate substantial amounts of noise.*

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



*The subject property is nearly built-out at the ground level, therefore, no landscaping will need to be provided. The Department shall review lighting and signs proposed for the new business through the building permit review process.*

- 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 Polk Street NCD functions as a neighborhood-serving marketplace, providing convenience and specialty goods and services to residents in the Polk Gulch, Nob Hill, Russian Hill, and Pacific Heights areas. The NCD is further described in Section 723.1, which states that commercial uses are generally located on the ground floor of buildings. The regulations of Section 723 are intended to, "...limit new eating, drinking, and other entertainment...uses, which can produce parking congestion, noise, and other nuisances or displace other types of local-serving convenience goods and services." The Project would relocate an existing business, and would not result in a net increase in the number of restaurants in the area. The restaurant is being displaced from its previous location at 1100 Van Ness Avenue due to the expansion of CPMC (the current owner of that property). The relocated restaurant would occupy a storefront that is currently vacant, and will activate the streetscape throughout the day. The Project will not displace opportunities for local-serving convenience goods and services.*

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

## NEIGHBORHOOD COMMERCE

### 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.

*In order for a neighborhood commercial district to remain viable and serve the needs of the surrounding neighborhood, it must exhibit a healthy balance of different types of commercial uses. This policy includes guidelines that discourage the overconcentration of eating and drinking establishments within neighborhood commercial districts. The Project would relocate an existing restaurant from a nearby location to occupy a storefront that is currently vacant. Therefore, the Project would not result in a net increase of restaurants in the area. The existing tenant space at 1407 Bush Street is currently vacant, therefore, the project will not displace retail uses that provide for neighborhood-serving convenience goods and services.*

**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 is desirable because it will allow the continued operation of an existing small business that is locally-owned. The relocated business will occupy an existing storefront that is currently vacant, contributing to the vitality of the District. The Project would not result in a net increase in the number of restaurants in the area.*

**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.

### **Eating and Drinking Establishments**

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.

*There is a concern with the potential over-concentration of eating and drinking establishments. 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 more than 20% of the total occupied commercial frontage." The proposed project involves the relocation of an existing restaurant to the subject property from its previous location (1100 Van Ness Avenue) approximately three blocks to the south. Therefore, the Project would not result in a net increase in the number of restaurants in the area.*

### **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 entrepreneur is sponsoring the proposal. The proposed use is a neighborhood serving use. This is not a Formula Retail use.*

9. **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 would allow the continued operation of a locally-owned business. The restaurant will occupy a storefront that is currently vacant, and will not displace a retail tenant that provides convenience goods and services to the surrounding neighborhood.*

- 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 relocate an established restaurant that is being displaced by the expansion of CPMC. The business will occupy a storefront that is currently vacant, and will enhance the commercial vitality of the Polk Street NCD and will activate the streetscape. The storefront is located within a two-story building that contains two dwelling units above. The restaurant use is not anticipated to generate substantial noise that would disturb residents of the building. Therefore, the project will protect the existing neighborhood character.*

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

*No housing is removed for this Project.*

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

*The Project would not adversely impact public transit or place a burden on the existing supply of parking in the neighborhood. The area is well-served by public transportation.*

- 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.

*There is no commercial office development associated with the Project. No industrial or service sector uses would be displaced. The Project will enable the continued operation of an existing, locally-owned business.*

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

*Although there would be some interior tenant improvements to the subject commercial space, the Project does not involve any construction activities that would compromise the structural integrity of the existing building. This proposal will not impact the property's ability to withstand an earthquake.*

- G. That landmarks and historic buildings be preserved.

*The Project proposes no alterations to the existing exterior storefront or other portions of the building exterior.*

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

*The project will have no negative impact on existing parks and open spaces. The Project does not have an impact on open spaces.*

10. 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.
11. 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. 2011.0451C** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated July 7, 2011, 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. XXXXX. 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.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on July 7, 2011.

Linda D. Avery  
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: July 7, 2011

## EXHIBIT A

### AUTHORIZATION

This authorization is for a conditional use to allow a full-service restaurant (d.b.a. Fina Estampa) located at 1407 Bush Street, Block 0670, Lot 002A, pursuant to Planning Code Sections 303 and 723.42 within the Polk Street Neighborhood Commercial District and the 65-A Height and Bulk District; in general conformance with plans, dated July 7, 2011, and stamped "EXHIBIT B" included in the docket for Case No. 2011.0451C and subject to conditions of approval reviewed and approved by the Commission on July 7, 2011 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 July 7, 2011 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 and Expiration.** The authorization and right vested by virtue of this action is valid for three years from the effective date of the Motion. A building permit from the Department of Building Inspection to construct the project and/or commence the approved use must be issued as this Conditional Use authorization is only an approval of the proposed project and conveys no independent right to construct the project or to commence the approved use. The Planning Commission may, in a public hearing, consider the revocation of the approvals granted if a site or building permit has not been obtained within three (3) years of the date of the Motion approving the Project. 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. The Commission may also consider revoking the approvals if a permit for the Project has been issued but is allowed to expire and more than three (3) years have passed since the Motion was approved.

*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

2. **Rooftop Mechanical Equipment.** Pursuant to Planning Code 141, the Project Sponsor shall submit a roof plan to the Planning Department prior to Planning approval of the building permit application. Rooftop mechanical equipment, if any is proposed as part of the Project, is required to be screened so as not to be visible from any point at or below the roof level of the subject building.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

3. **Odor Control Unit.** In order to ensure any substantial noxious or offensive odors are prevented from escaping the premises once the project is operational, the building permit application to implement the project shall include air cleaning or odor control equipment details and manufacturer specifications on the plans. Odor control ducting shall not be applied to the primary façade of the building.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

### MONITORING - AFTER ENTITLEMENT

4. **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)*

5. **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

6. **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>*

7. **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>*

8. **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 substantial noxious or offensive odors from escaping the premises.

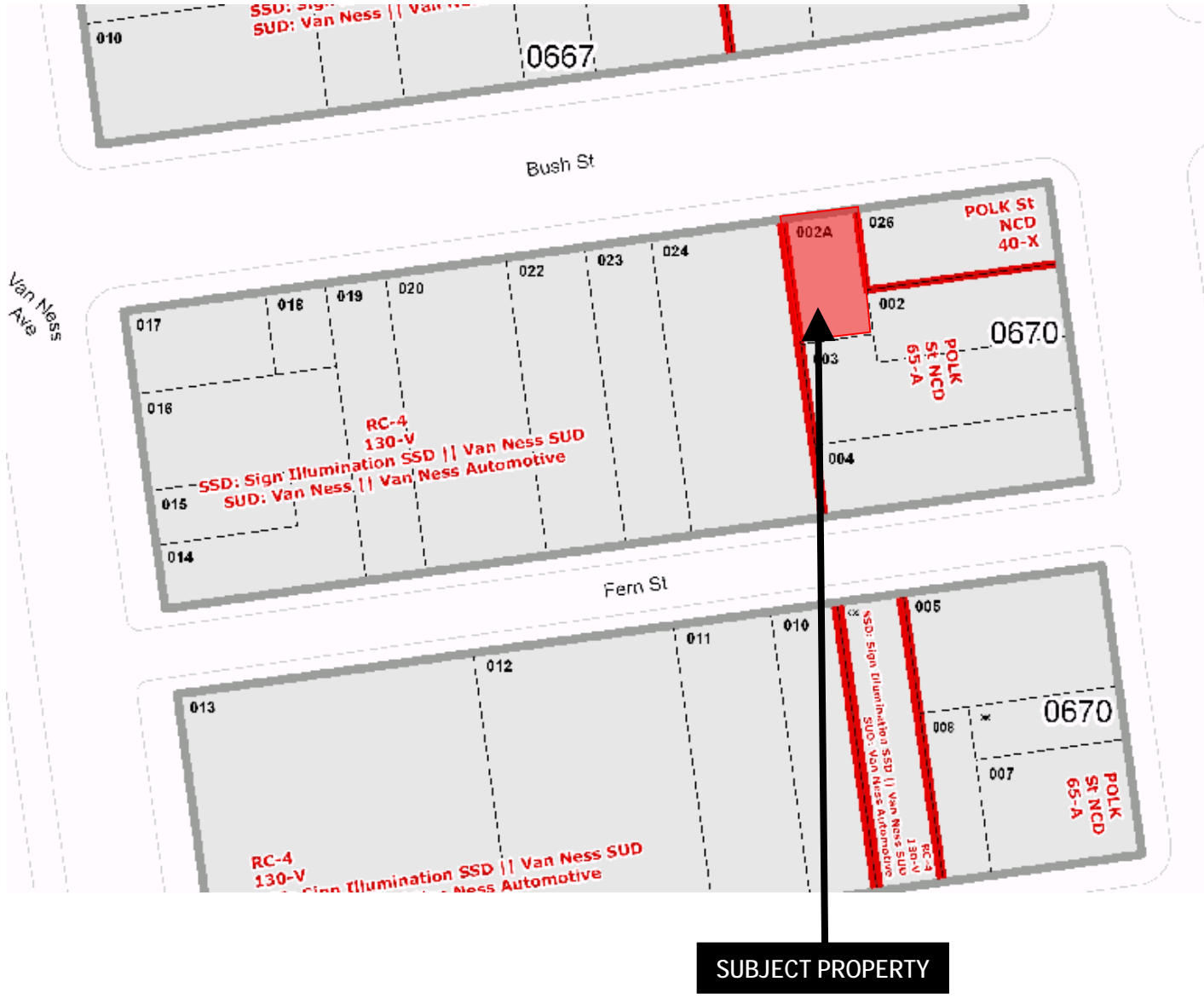
*For information about compliance with odor or other chemical air pollutants standards, contact the Bay Area Air Quality Management District, (BAAQMD), 1-800-334-ODOR (6367), [www.baaqmd.gov](http://www.baaqmd.gov) and Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

9. **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](http://www.sf-planning.org)*

# Parcel Map

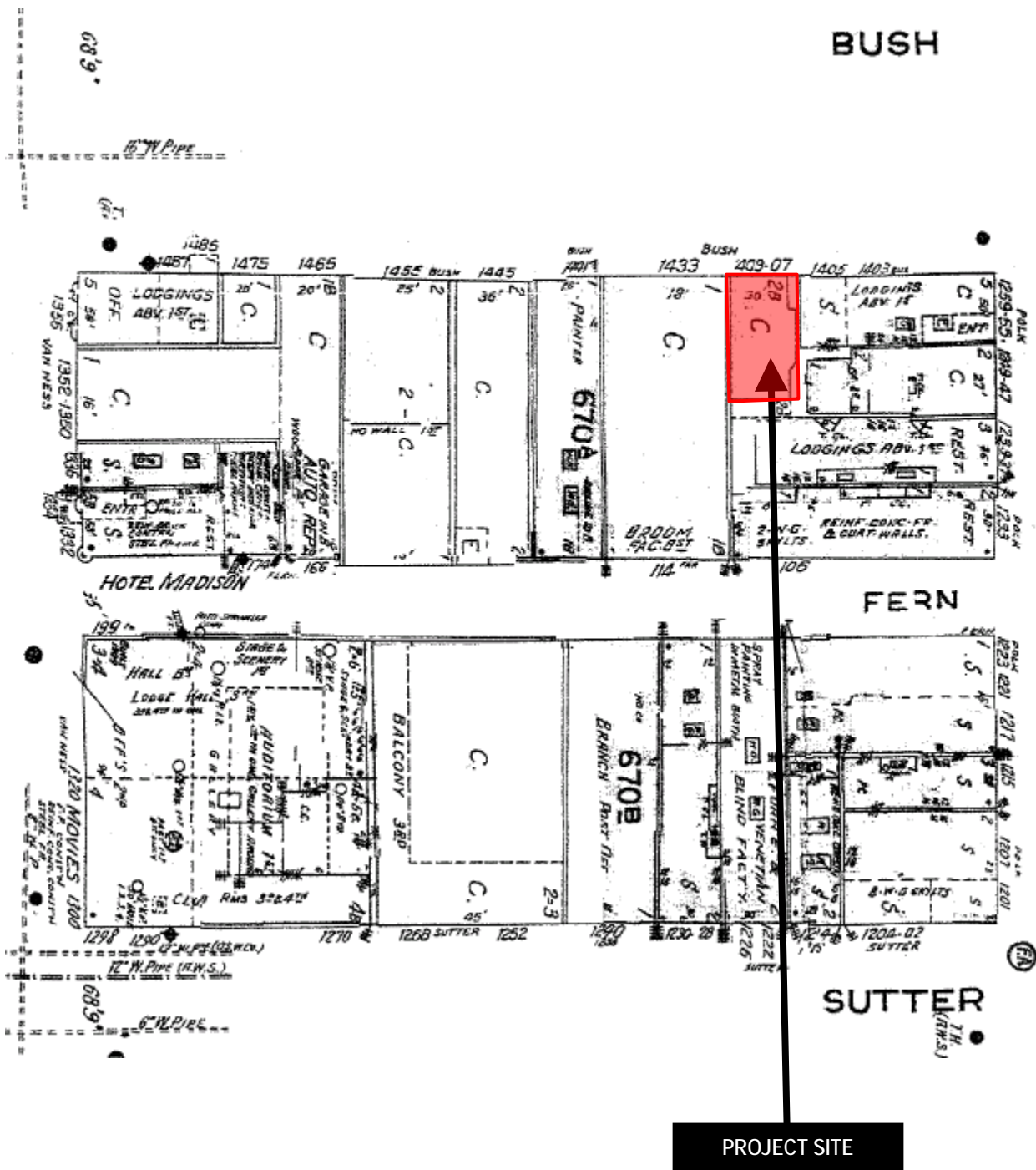


**SUBJECT PROPERTY**



Conditional Use Authorization  
Case Number 2011.451C  
1407 Bush Street

# Sanborn Map\*

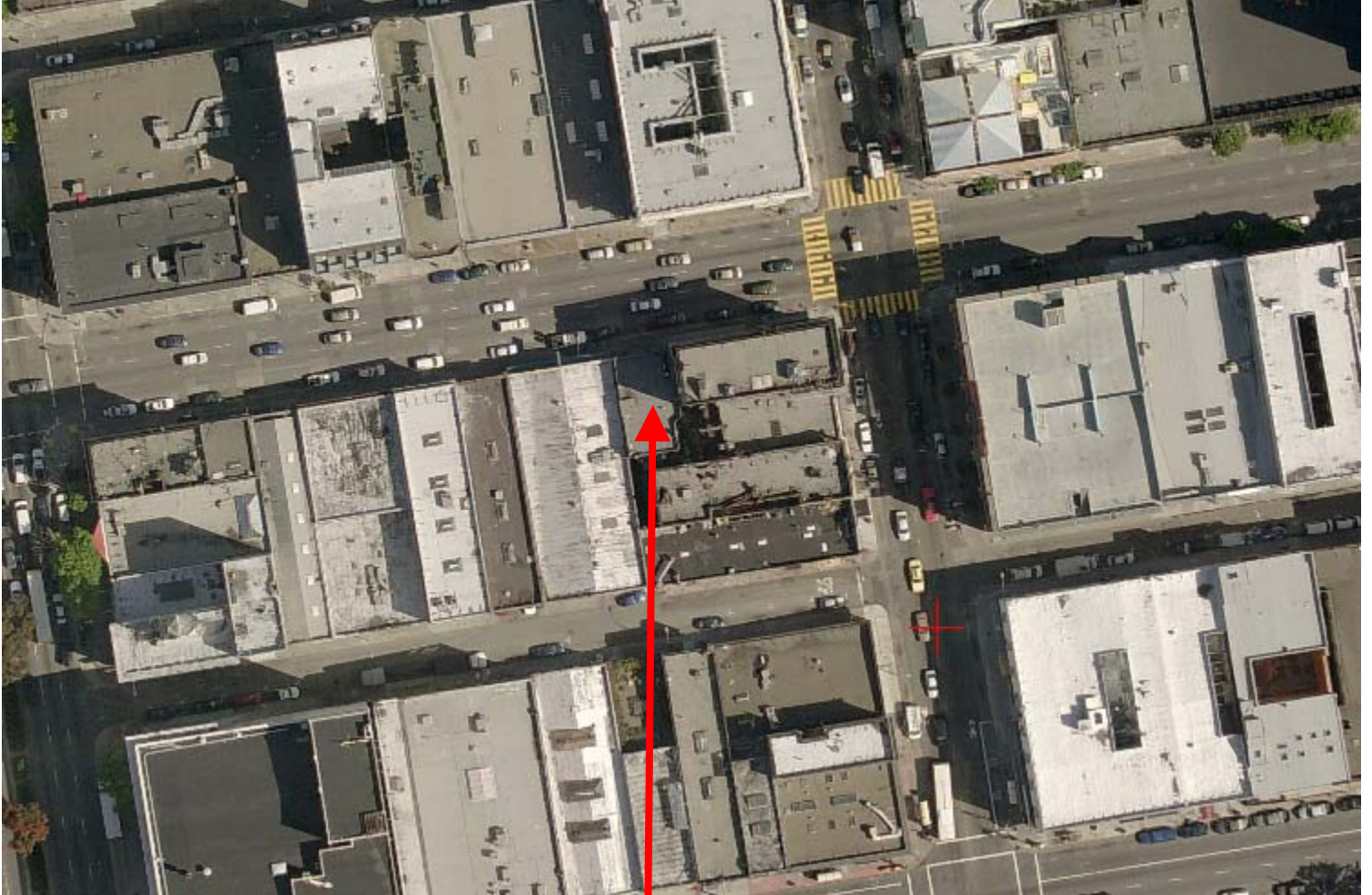


\*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.



Conditional Use Authorization  
Case Number 2011.451C  
1407 Bush Street

# Aerial Photo



PROJECT SITE



Conditional Use Authorization  
Case Number 2011.451C  
1407 Bush Street

# Aerial Photo



PROJECT SITE

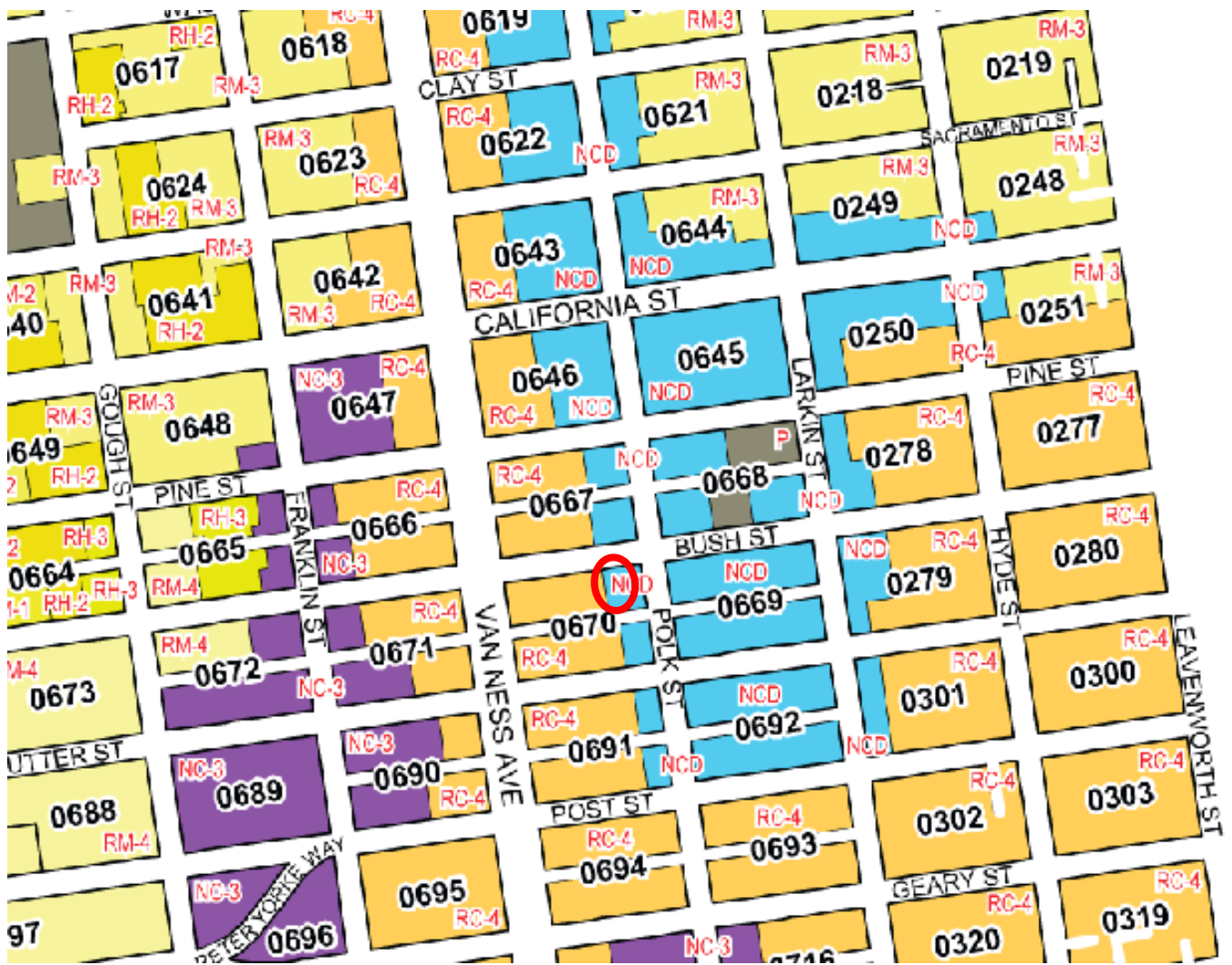


Conditional Use Authorization  
Case Number 2011.451C  
1407 Bush Street

# Site Photos



# Zoning Map



Conditional Use Authorization  
Case Number 2011.451C  
1407 Bush Street



May 25, 2011

Planning Commission  
San Francisco Planning Department  
1650 Mission Street, Suite 400  
San Francisco, CA 94103-2479

**RE: SUPPORT FOR CONDITIONAL USE PERMIT FOR A FULL SERVICE  
RESTAURANT, 1407 BUSH IN SAN FRANCISCO LA FINA ESTAMPA RESTURANT**

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I look forward to having this restaurant in our neighborhood. I urge you to support and grant this Conditional Use permit.

Thank you.



**GIAMPOLINI**

1445 Bush Street  
San Francisco, CA 94109  
t 415.673.1236  
f 415.775.3077  
www.giampolini.com

May 25, 2011

Planning Commission  
San Francisco Planning Department  
1650 Mission Street, Suite 400  
San Francisco, CA 94103-2479

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Thank you.

**Batteries  
Plus** 

**Tom Schultz**  
Owner

1450 Bush St.  
San Francisco  
T 415.885.5500  
F 415.885.5510  
tom.schultz@batteriesplus.net  
www.batteriesplus.com

Independently owned and operated Franchise.

**BatteriesPlus.com**

May 25, 2011

Planning Commission  
San Francisco Planning Department  
1650 Mission Street, Suite 400  
San Francisco, CA 94103-2479

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Thank you.

*Robert Schwerin*

BRAKES RELINED  
DISC AND DRUMS TURNED

WHEELS ALIGNED  
WHEELS BALANCED

**SCHWERIN BRAKE SERVICE**

1430 Bush Street - San Francisco, CA 94109  
Between Van Ness and Polk

**(415) 673-9333**

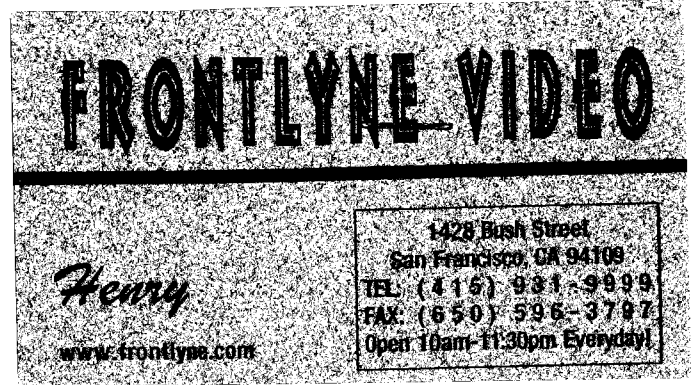
**BOB SCHWERIN**

SHOCK ABSORBERS  
MOTOR TUNE-UP

CARS LEVELED  
TIRES SKIMMED AND TRUED

May 25, 2011

Planning Commission  
San Francisco Planning Department  
1650 Mission Street, Suite 400  
San Francisco, CA 94103-2479



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Thank you,

A handwritten signature in black ink that reads "Sarah Silberberg". The signature is fluid and cursive, with a long, sweeping underline.



William Otero

May 25, 2011

Planning Commission  
San Francisco Planning Department  
1650 Mission Street, Suite 400  
San Francisco, CA 94103-2479

1416 Bush Street  
San Francisco, CA 94109  
415-346-4832  
info@lelandtea.com

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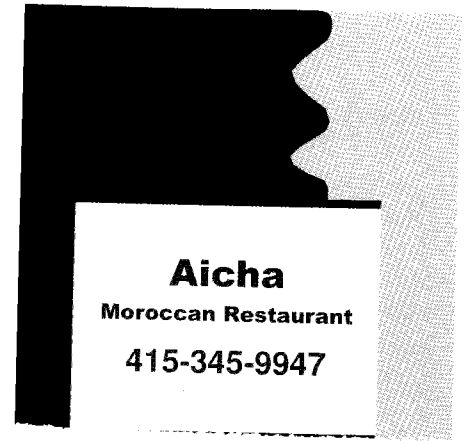
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May 25, 2011

Planning Commission  
San Francisco Planning Department  
1650 Mission Street, Suite 400  
San Francisco, CA 94103-2479



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Thank you.

*Aicha, LLC  
1303 POLK ST  
Mustapha & Mountain*

May 25, 2011

Planning Commission  
San Francisco Planning Department  
1650 Mission Street, Suite 400  
San Francisco, CA 94103-2479

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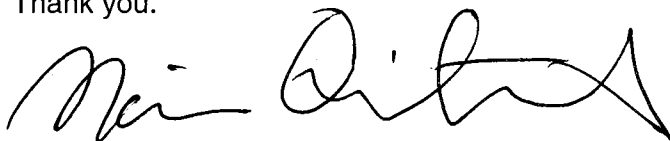
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Quetzal Cafe

94109

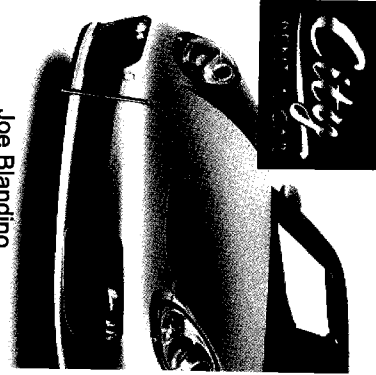
May 25, 2011

Planning Commission  
San Francisco Planning Department  
1650 Mission Street, Suite 400  
San Francisco, CA 94103-2479

We rent excitement!  
cityrentacar.com

Family Owned Since 1996  
1433 Bush St @ Van Ness Ave  
415 359-1331 ofc 415 359-1931 fax  
Joe@cityrentacar.com  
415 596-3734 mobile

Joe Blandino  
President



**RE: SUPPORT FOR CONDITIONAL USE PERMIT FOR A FULL SERVICE RESTAURANT, 1407 BUSH IN SAN FRANCISCO LA FINA ESTAMPA RESTURANT**

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Thank you.

A large, stylized handwritten signature in black ink, which appears to be "Joe Blandino".

5-25-11



May 25, 2011



Planning Commission  
San Francisco Planning Department  
1650 Mission Street, Suite 400  
San Francisco, CA 94103-2479

1237 Polk Street, San Francisco, CA 94109  
415-776-1235 • Fax 415-776-1236 • info@mcteagues.com

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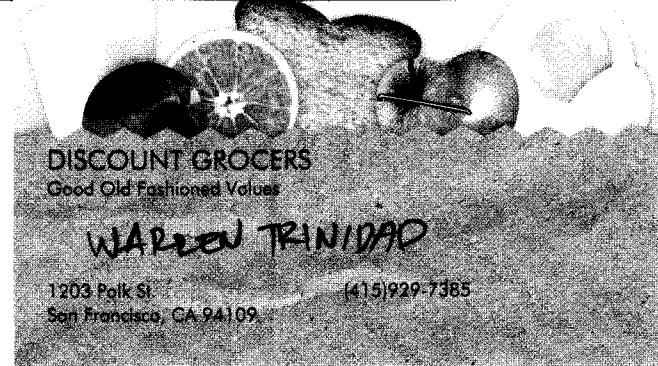
Thank you.

A handwritten signature in black ink, appearing to read "Chris S. Helgren".

CHRIS S. HELGREN, MGR.

McTeague's Saloon  
415-640-6156 (cell)

May 25, 2011



Planning Commission  
San Francisco Planning Department  
1650 Mission Street, Suite 400  
San Francisco, CA 94103-2479

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A handwritten signature in black ink, appearing to read 'Warren Trinidad'.

Thank you.

**SUPER ONE MARKET**  
(~~CFM~~MART INC)

**\*\* WHOLESALE, IMPORT, RETAIL \*\***

**JEREMY MYOANG**  
**C.E.O**

1185, SUTTER STREET, SAN FRANCISCO, CA 94109  
TEL: (415) 744 1466, FAX: (415) 440 0870  
Email: [myoang2003@yahoo.com](mailto:myoang2003@yahoo.com)

May 25, 2011

Planning Commission  
San Francisco Planning Department  
1650 Mission Street, Suite 400  
San Francisco, CA 94103-2479

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Thank you.

May 25, 2011



**GAGE AUTOMOTIVE**

*"We finish the job we start"*

Planning Commission  
San Francisco Planning Department  
1650 Mission Street, Suite 400  
San Francisco, CA 94103-2479

ROBIN GUEVARA  
Tel. (415) 771-1933  
Fax. (415) 771-2333

1441 Bush Street  
San Francisco, CA 94109

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Thank you.

A handwritten signature in black ink, appearing to be a stylized 'S' or 'Shinzato', located below the 'Thank you.' text.

**From:** [CommunityLeadershipAlliance](#)  
**To:** [kevin.guy@sfgov.org](mailto:kevin.guy@sfgov.org)  
**Cc:** [PlanningCommission](#) [PlanningCommission](#); [PlanningCommission](#) [PlanningCommission](#); [PlanningCommission](#) [PlanningCommission](#); [PlanningCommission](#) [PlanningCommission](#); [PlanningCommission](#) [PlanningCommission](#); [PlanningCommission](#) [PlanningCommission](#); [PlanningCommission](#) [PlanningCommission](#); [PlanningCommission](#) [PlanningCommission](#); [PlanningCommission](#) [PlanningCommission](#); [PLANNINGCOMMISSION](#); [ANN MANNIX](#)  
**Subject:** Re: Item-2011.0451C-1407 Bush Street  
**Date:** 06/27/2011 11:13 PM

---



Re: Item-2011.0451C-1407 Bush Street  
( dba "Fina Estampa" )  
Request for a CU Permit/Full-Service Restaurant

Attn: San Francisco Planning Department-Commission,

I, and our organization's assistant executive director were both afforded by the 1407 Bush street owners a tour of the entire property. The said property was on the market as a for sale real estate; commercial-residential/rental. We found that the renovation of what had previously been a run down property to be quite impressive. The to be restaurant's kitchen was state of the art, and the quality of the overall renovation was at about an 80% of 100%.

We were however troubled by what the property owner himself admitted to being an illegal residential/rental unit and bathroom in the basement.

I as a Polk street resident, business owner, and someone who is actively involved through my organization in the revitalization of Polk corriidor; and with our organization's executive board's autorization submitt to you, that we fully support this request for a "Conditional Use" permit (CU).

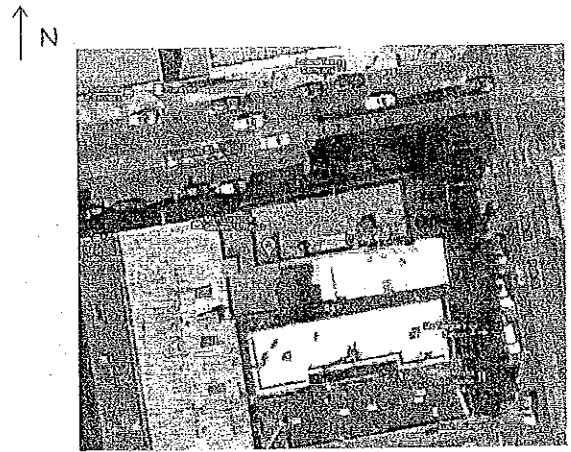
Sincerely  
David J. Villa-Lobos, Executive Director  
[www.communityleadershipalliance.net](http://www.communityleadershipalliance.net)  
1115 Polk Street, Suite 35  
San Francisco, CA. 94109  
415-559-6627

**[PLEASE CONTRIBUTE TO COMMUNITY LEADERSHIP ALLIANCE](#)**

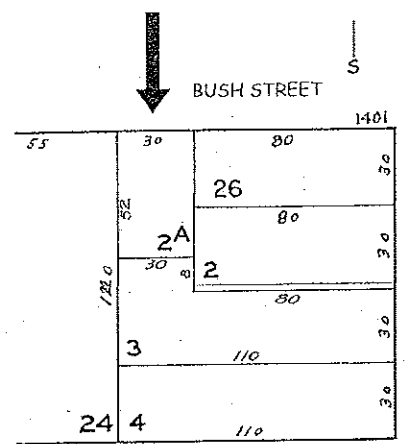
**[Mail Your Contributions To: Community Leadership Alliance P.O. Box 642201, SF,CA.94164](#)**

**[Or Our On-Line Contribution Link Below:](#)**

**[CONTRIBUTION PAGE:](#)**



EXISTING PLOT PLAN  
NTS (3)



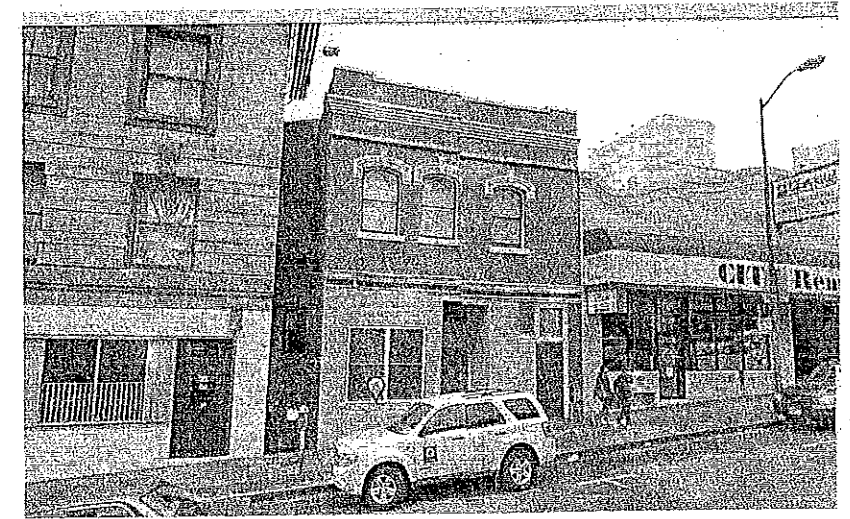
ASSESSOR MAP  
NTS (2)

**BUILDING CRITERIA**  
 2010 CALIFORNIA BUILDING CODE (2006 IBC WITH STATE AMENDMENTS)  
 2010 CALIFORNIA MECHANICAL CODE (2006 UMC WITH STATE AMENDMENTS)  
 2010 CALIFORNIA PLUMBING CODE (2006 UPC WITH STATE AMENDMENTS)  
 2010 CALIFORNIA ELECTRIC CODE (2005 NEC WITH STATE AMENDMENTS)  
 CALIFORNIA ENERGY CODE, 2008  
 CITY AND COUNTY OF SAN FRANCISCO CONSTRUCTION ORDINANCE

**INDEX**  
 PAGE 1: EXISTING PLOT PLAN:  
 ASSESSOR MAP:  
 EXISTING FRONT ELEVATION  
 PAGE 2: EXISTING FLOOR PLAN  
 PROPOSED FLOOR PLAN  
 EQUIPMENT DETAILS:  
 GENERAL NOTES

**SCOPE OF WORK:**

- INTERIOR RESTAURANT REMODELING.



EXISTING FRONT ELEVATION  
NTS (1)  
BUSH STREET

REVISIONS	BY

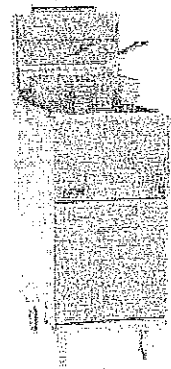
PREPARED BY: STARIZZO O'ROZCO  
 ADDRESS: 18 SERRANO PL  
 VALLEJO CA 94589  
 TEL: 707-243-5557 FAX: 707-940-4170  
 BLUEPRINTS@SOMAIL.COM

**BLOCK: 0670 LOT 002A**

OWNER: SHINZATO FAM  
 1407 BUSH STREET  
 SAN FRANCISCO, CA 94109  
 TEL: 415-557-0211 EMAIL: VERONICA.SHINZATO@BOE.CA.GOV

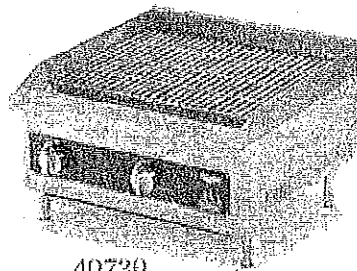
DRAWN
CHECKED
DATE
SCALE
SHEET
<b>1</b>
OF SHEETS





FRYER  
MODEL: PITCO 35C+S  
STAINLESS STEEL TANK  
90K BTE

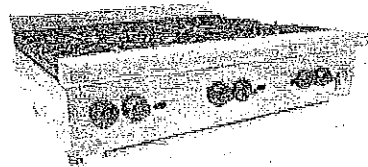
2/2



40730

BROILER  
MODEL: VOLLRATH 40730  
STAINLESS STEEL  
24" 28K BTE

3/2



BURNER  
MODEL: WOLF RANGE AHP636  
6 BURNERS  
STAINLESS STEEL  
36" 180K BTE

4/2

5/2  
PREPARATION TABLE:  
MODEL: 6-SL-GLS-30  
MANUFACTURER:  
UNIVERSAL STAINLESS OR EQUAL

6/2  
SINK, HAND, WALL MOUNT:  
MODEL HSE-31  
MANUFACTURER:  
UNIVERSAL STAINLESS OR EQUAL  
COLD AND 120 DEGREE F HOT WATER MIX  
AND MIXING FAUCETS  
  
HEAVY DUTY LIQUID SOAP, AND PAPER  
TOWEL DISPENSER.

7/2  
SINK, SCULLERY, 3 COMPARTMENTS  
MODEL: SNI824-2D18  
MANUFACTURER:  
UNIVERSAL STAINLESS OR EQUAL  
COLD AND HOT WATER 120 DEGREE F MIN.  
MIXING FAUCETS

- GENERAL NOTES:
- ALL THRESHOLDS SHALL BE 1/2" HIGH MAX.
  - DOOR MAX EFFORT SHALL BE 5 LBS OF FORCE
  - PATCH AND REPAIR DAMAGED SURROUNDING FINISH RESULTING FROM WORK AT DOORS.
  - ALL SHALL BE EQUIPPED WITH SINGLE EFFORT, NON GRASP HARDWARE (I.E. LEVER) CENTERED BETWEEN 30"-44" ABOVE FINISH FLOOR.
  - KEY LOCKING HARDWARE MAY BE USED ON THE MAIN EXIT WHERE THE MAIN EXIT CONSISTS OF A DOOR OR PAIR OF DOORS WHERE THERE IS A READILY VISIBLE, DURABLE SIGN ON OR ADJACENT TO THE DOOR STATING, "THIS DOOR MUST REMAIN UNLOCKED DURING BUSINESS HOURS." THIS DOOR TO REMAIN UNLOCKED WHENEVER THE BUILDING IS OCCUPIED. THE SIGN SHALL BE IN LETTERS NOT LESS THAN 1 INCH HIGH ON CONTRASTING BACKGROUND. WHEN UNLOCKED, BOTH LEAVES OF A PAIR OF DOORS MUST BE FREE TO SWING WITHOUT OPERATION OF ANY LATCHING DEVICE.
  - GLAZING WITHIN 24" OF EITHER SIDE OF ANY DOOR, GREATER THAN 9 S.F. IN AREA WITH BOTTOM EDGES LESS THAN 18" ABOVE AND HORIZONTALLY WITHIN 36" OF WALKING SURFACE SHALL BE SAFETY GLAZED.

REVISIONS	BY

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DRAWN
CHECKED
DATE
SCALE
SHEET

2

OF SHEETS

