



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Conditional Use

HEARING DATE: SEPTEMBER 22, 2011

CONSENT CALENDAR

Date: September 15, 2011
Case No.: **2011.0464 C**
Project Address: **2904 24TH STREET**
Zoning: 24th Street - Mission NCT (Neighborhood Commercial Transit)
Mission Alcoholic Beverage Special Use Subdistrict
45-X Height and Bulk District
Block/Lot: 4207/014B
Project Sponsor: Martin Kirkwood
101 California Street, Suite 2450
San Francisco, CA 94111
Staff Contact: Corey Teague – (415) 575-9081
corey.teague@sfgov.org
Recommendation: **Approval with Conditions**

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

PROJECT DESCRIPTION

The proposal is to establish an approximately 1,440 square foot, independently owned, full service restaurant (d.b.a El Tomate) in the existing one-story building. The commercial space previously housed a different full service restaurant (Izalco), which was abandoned more than three years ago. The proposed operation consists of six to ten employees. Hours of operation will be 6:30am to 11:30pm daily. The proposal does not include outdoor seating.

SITE DESCRIPTION AND PRESENT USE

The project site is a 3,025 square foot lot located on the northwest corner of 24th Street and Florida Street. The property is developed with two separate buildings. The corner building (2900 24th Street) is a tall two-story building with a ground floor commercial space and residential unit on the second floor. The interior building (2904 24th Street) is a vacant one-story building that was previously used as a full-service restaurant. However, the previous restaurant closed more than three years ago.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The project site is located in the 24th Street – Mission NCT corridor, which includes a variety of neighborhood-serving uses. The District includes a mixture of food establishments, personal services, small retail establishments, community organizations, and upper story residential uses. The immediate block surrounding the subject property includes, among others, Casa Lucas Market and La Esbiga De Oro restaurant on the north side of 24th Street, and the Libreria San Pedro and La Victoria Bakery on the south side. Residential properties, which front onto Florida Street, abut the rear of the subject property.

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	August 26, 2011	August 24, 2011	22 days
Posted Notice	20 days	August 26, 2011	August 26, 2011	20 days
Mailed Notice	20 days	August 26, 2011	August 26, 2011	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 received a letter of support from the Lower 24th Street Merchants & Neighborhood Association.

ISSUES AND OTHER CONSIDERATIONS

- There is a concern with the potential over-concentration of food-service establishments in Neighborhood Commercial Districts. 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." Planning staff analysis of the 24th Street - Mission NCT District indicates that 29 percent of the street frontage contains eating and drinking establishments, and that there are 18 vacant or inactive storefronts in the District. The high percentage is attributed to 1) a boundary change to the District as part of the Eastern Neighborhoods rezoning in 2008, 2) the inclusion of specialty food services (i.e. bakeries, etc.) and retail coffee shops in the calculation, and 3) the fact that the District is an important corridor for Latin American restaurants and goods.

If specialty food services are removed from the calculation, the percentage of frontage devoted to eating and drinking establishments in the District falls to 24 percent, including the frontage of the proposed restaurant at 2904 24th Street. Additionally, the subject commercial unit was used as a restaurant for many years prior to its abandonment several years ago. Therefore, approving the proposed restaurant in the subject unit will not have an overall negative impact on the balance of commercial uses in the District.

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 pursuant to Planning Code Sections 303 and 727.42.

BASIS FOR RECOMMENDATION

- The project is a small business that will occupy a currently vacant building with a locally-owned neighborhood-serving use that will contribute to the viability of the overall 24th Street - Mission NCT District.
- The project will not displace an existing retail tenant providing convenience goods and services to the neighborhood. It will fill a vacant commercial space that was formerly occupied by a full-service restaurant.
- The project will not result in a significant overpopulation of restaurants in the 24th Street - Mission NCT District.
- The project will create up to ten jobs for neighborhood residents.
- The project is consistent with the 24th Street - Mission NCT District, Planning Code, Mission Area Plan, and General Plan.
- The project is desirable for, and compatible with the surrounding neighborhood.

RECOMMENDATION: Approval with Conditions
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Attachments:

Parcel Map
Sanborn Map
Aerial Photographs
Zoning Map
Site Photograph
Support Map from Project Sponsor
Letter of Support
Letter from Project Sponsor
Reduced 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 type="checkbox"/> Environmental Determination | <input checked="" type="checkbox"/> Check for legibility |
| <input checked="" type="checkbox"/> Zoning District Map | Drawings: <u>Proposed Project</u> |
| <input 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:
Affidavit for Compliance |
| <input checked="" type="checkbox"/> Site Photos | |

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

Planner's Initials

CT: G:\Documents\CI\2011\2904 24th Street\Executive Summary.doc



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- | | |
|--|--|
| <input type="checkbox"/> Affordable Housing (Sec. 415) | <input type="checkbox"/> First Source Hiring (Admin. Code) |
| <input type="checkbox"/> Jobs Housing Linkage Program (Sec. 413) | <input type="checkbox"/> Child Care Requirement (Sec. 414) |
| <input type="checkbox"/> Downtown Park Fee (Sec. 412) | <input type="checkbox"/> Other |

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Planning Commission Draft Motion

HEARING DATE: SEPTEMBER 22, 2011

Date: September 15, 2011
Case No.: **2011.0464 C**
Project Address: **2904 24TH STREET**
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ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 303 AND 727.42 OF THE PLANNING CODE TO ALLOW A 1,440 SQUARE FOOT FULL SERVICE RESTAURANT (D.B.A. EL TOMATE) WITHIN THE 24TH STREET - MISSION NCT (NEIGHBORHOOD COMMERCIAL TRANSIT) DISTRICT, MISSION ALCOHOLIC BEVERAGE SPECIAL USE SUBDISTRICT, AND A 45-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On May 5th, 2011 Pablo Moran (hereinafter “Project Sponsor”) filed an application with the Planning Department (hereinafter “Department”) for Conditional Use Authorization under Planning Code Sections 303 and 727.42 to allow an approximately 1,440 square foot “Full Service Restaurant” (d.b.a. El Tomate) in the 24th Street – Mission NCT (Neighborhood Commercial Transit) Zoning District, 45-X Height and Bulk District, and the Mission Alcoholic Beverage Special Use District.

On September 15, 2011, the San Francisco Planning Commission (hereinafter “Commission”) conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2011.0464C.

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. 2011.0464C, 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 is a 3,025 square foot lot located on the northwest corner of 24th Street and Florida Street. The property is developed with two separate buildings. The corner building (2900 24th Street) is a tall two-story building with a ground floor commercial space and residential unit on the second floor. The interior building (2904 24th Street) is a vacant one-story building that was previously used as a full-service restaurant. However, the previous restaurant closed more than three years ago.
3. **Surrounding Properties and Neighborhood.** The project site is located in the 24th Street – Mission NCT corridor, which includes a variety of neighborhood-serving uses. The District includes a mixture of food establishments, personal services, small retail establishments, community organizations, and upper story residential uses. The immediate block surrounding the subject property includes, among others, Casa Lucas Market and La Esbiga De Oro restaurant on the north side of 24th Street, and the Libreria San Pedro and La Victoria Bakery on the south side. Residential properties, which front onto Florida Street, abut the rear of the subject property.
4. **Project Description.** The proposal is to establish an approximately 1,440 square foot full service restaurant (d.b.a El Tomate) in the existing one-story building. The commercial space previously housed a different full service restaurant (Izalco). The proposed restaurant is an independent neighborhood-serving use that is locally owned, which is encouraged throughout San Francisco. The proposed operation consists of six to ten employees. Hours of operation will be 6:30am to 11:30pm daily. The proposal does not include any outdoor seating. The subject site is well served by public transit so that potential customers should not adversely affect traffic. Trash will be picked up from the side corridor. Deliveries will be made on various days between 7:00am and 11:00am.
5. **Public Comment.** The Department received a letter of support from the Lower 24th Street Merchants & Neighborhood Association.

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. **Full Service Restaurant.** Planning Code Section 727.42 requires a Conditional Use Authorization for a full service restaurant.

The Project is a full service restaurant of approximately 1,440 square feet. The project is seeking the required Conditional Use Authorization.

B. **Outdoor Activity Area.** Outdoor activity area is permitted as of right in the 24th Street - Mission NCT District as long as it is located in the front of the commercial use.

The proposal does not include outdoor seating in the front or rear.

C. **Hours of Operation.** Hours of operation in the 24th Street - Mission NCT District are limited to 6:00am to 2:00am.

The proposed restaurant will operate from 6:30a.m. to 11:00p.m. daily.

D. **Floor Area Ratio.** Planning Code Section 124 sets the maximum floor area ratio in the 24th Street - Mission NCT District at 2.5 to 1.

The floor area ratio of the project site is less than 1 to 1 and is not proposed to change.

E. **Required Ground Floor Commercial Uses.** Planning Code Section 145.4 requires that ground floor in certain corridors contain active commercial uses. The entirety of the 24th Street - Mission NCT District is one such corridor.

The proposed restaurant will provide an active commercial use on the ground floor as required.

F. **Parking.** Planning Section 151.1 of the Planning Code does not require off-street parking for any use in the 24th Street - Mission NCT District, and provides maximums for specific uses.

The existing building includes no parking and the project will not add any additional parking.

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 proposed use will not increase the size or intensity of uses in the existing building, which is quite small for the area and was previously used as a full service restaurant for many years. Filling the now vacant building with a locally owned neighborhood-serving use is necessary and desirable in this neighborhood.

- 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 existing building is only one-story tall, and the proposal will not enlarge the 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 in the 24th Street - Mission NCT District, and the subject property will not add any additional parking. Traffic patterns for the proposed restaurant will not be significantly different than those of the previous restaurant. Patrons of the restaurant have ample walking, bicycling, and the 12, 48 and 27 MUNI lines.

- iii. The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor;

The proposed restaurant will not create substantial emissions. Conditions of approval will require compliance with applicable City codes to control exhaust emissions associated with the kitchen.

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

The proposed restaurant does not require any additional landscaping or screening, and the Department shall review all lighting and signs proposed for the new business under separate building permit.

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

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

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

The proposed project is consistent with the stated description and purposed of the 24th Street - Mission NCT District in that the district "provides convenience goods to its immediate neighborhood as well as comparison shopping goods and services to a wider trade area. The street has a great number of Latin American restaurants, grocery stores, and bakeries as well as other gift and secondhand stores. Most commercial businesses are open during the day while the district's bars and restaurants are also active in the evening."

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

COMMERCE AND INDUSTRY

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.

The proposed development will use an existing vacant space to provide desirable goods and services to the neighborhood and will provide resident employment opportunities to those in the community. As such, it will enhance the living and working environment of the 24th Street - Mission Street corridor.

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.

The site has been vacant for the last few years and was previously used as a full-service restaurant for many years. Therefore, no commercial tenant will be displaced and the project will 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 food-service establishments in Neighborhood Commercial districts. 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." Planning staff analysis of the 24th Street - Mission NCT District indicates that 29 percent of the street frontage contains eating and drinking establishments, and that there are 18 vacant or inactive storefronts in the District. The high percentage is attributed to 1) a boundary change to the District as part of the Eastern Neighborhoods rezoning in 2008, 2) the inclusion of specialty food services (i.e. bakeries, etc.) and retail coffee shops in the calculation, and 3) the fact that the District is an important corridor for Latin American restaurants and goods.

If specialty food services are removed from the calculation, the percentage of frontage devoted to eating and drinking establishments in the District falls to 24 percent, including the frontage of the proposed restaurant at 2904 24th Street. Additionally, the subject commercial unit was used as a restaurant for many years prior to its abandonment several years ago. Therefore, approving the proposed restaurant in the subject unit will not have an overall negative impact on the balance of commercial uses in the District.

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.

The proposed restaurant is not a Formula Retail use and is locally-owned.

MISSION AREA PLAN

Objectives and Policies

OBJECTIVE 1.1:

STRENGTHEN THE MISSION'S EXISTING MIXED USE CHARACTER, WHILE MAINTAINING THE NEIGHBORHOOD AS A PLACE TO LIVE AND WORK.

Policy 1.1.6:

Permit and encourage small and moderate size retail establishments in neighborhood commercial areas of the Mission, while allowing larger retail in the formerly industrial areas when part of a mixed-use development.

The proposal is a small sized retail establishment in the 24th Street - Mission NCT District that will occupy a currently vacant building that was previously occupied by a different full service restaurant.

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 proposal enhances the district by occupying the existing vacant commercial unit with a locally-owned restaurant that will provide six to ten job opportunities for neighborhood residents.

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

The proposed restaurant will occupy an existing building that previously contained a different restaurant, and therefore will preserve the neighborhood character of the space. The building contains no residential uses, and it will not be altered.

- 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.

No significant increase in any type of traffic or parking is associated with this use. Additionally, the project site is located on a heavily used bicycle and pedestrian corridor, and it has good access to the 12, 48 and 27 MUNI lines.

- 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 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.

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

The project does not involve any significant alterations to the existing building.

- G. That landmarks and historic buildings be preserved.

The project does not involve any alterations to the existing building.

- 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. 2011.0464C** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated September 8, 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 September 15, 2011.

Linda D. Avery
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: September 15, 2011

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to allow a self-service restaurant (d.b.a. **El Tomate**) located at 2904 24th Street, Block 4207, Lot 014B, pursuant to Planning Code Section(s) 303 and 727.42 within the **24th Street – Mission NCT** District and a **45-X** Height and Bulk District; in general conformance with plans, dated **September 8, 2011**, and stamped “EXHIBIT B” included in the docket for Case No. **2011.0464C** and subject to conditions of approval reviewed and approved by the Commission on **September 15, 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 **September 15, 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.

2. **Extension.** This authorization may be extended at the discretion of the Zoning Administrator only where failure to issue a permit by the Department of Building Inspection to perform said tenant improvements is caused by a delay by a local, State or Federal agency or by any appeal of the issuance of such permit(s).

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

MONITORING

3. **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

4. **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

5. **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>*
6. **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/>*
7. **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*

Parcel Map

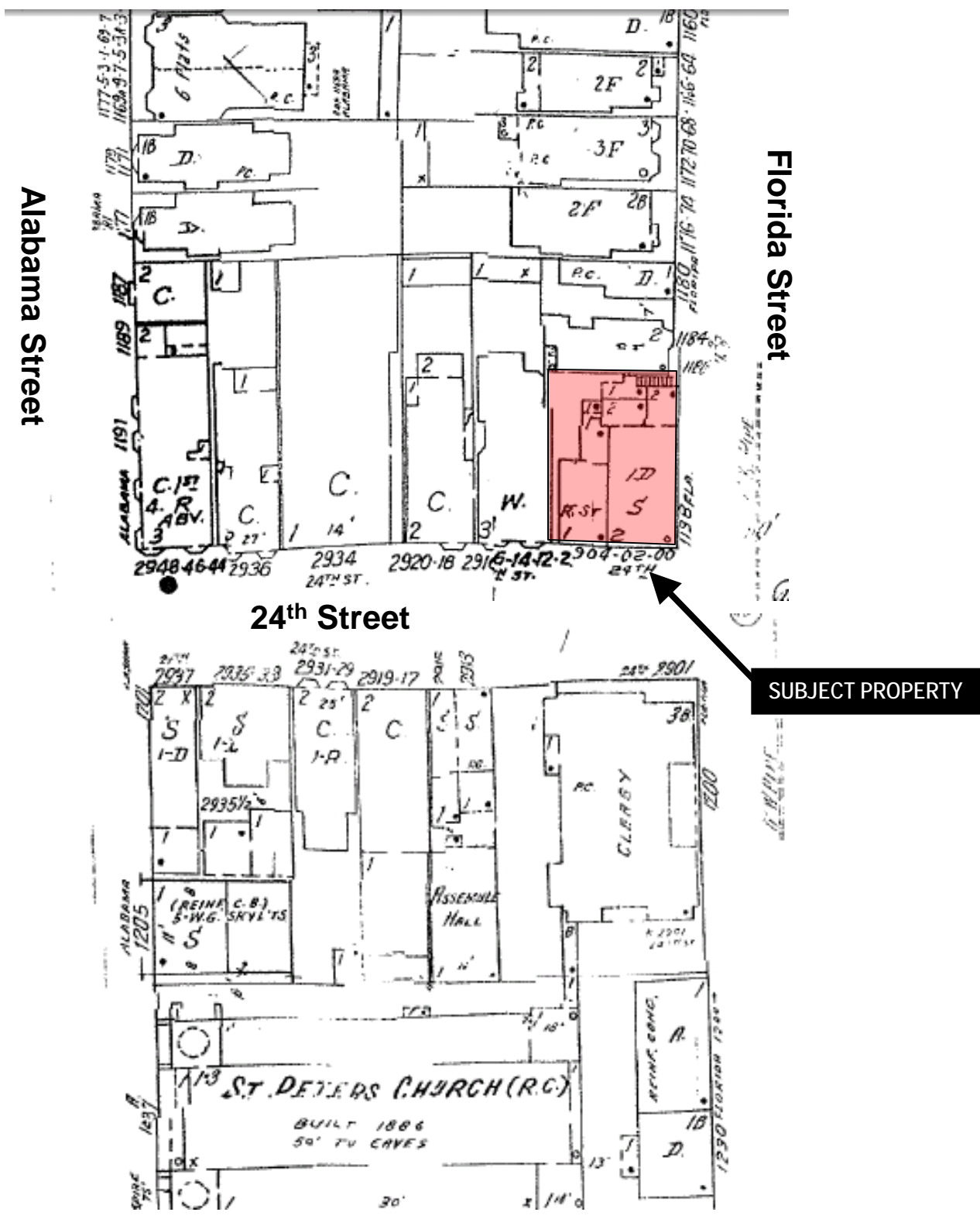


SUBJECT PROPERTY



Conditional Use Hearing
Case Number 2011.0464C
Full Service Restaurant
2904 24th 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 Hearing
 Case Number 2011.0464C
 Full Service Restaurant
 2904 24th Street

Aerial Photo



SUBJECT PROPERTY



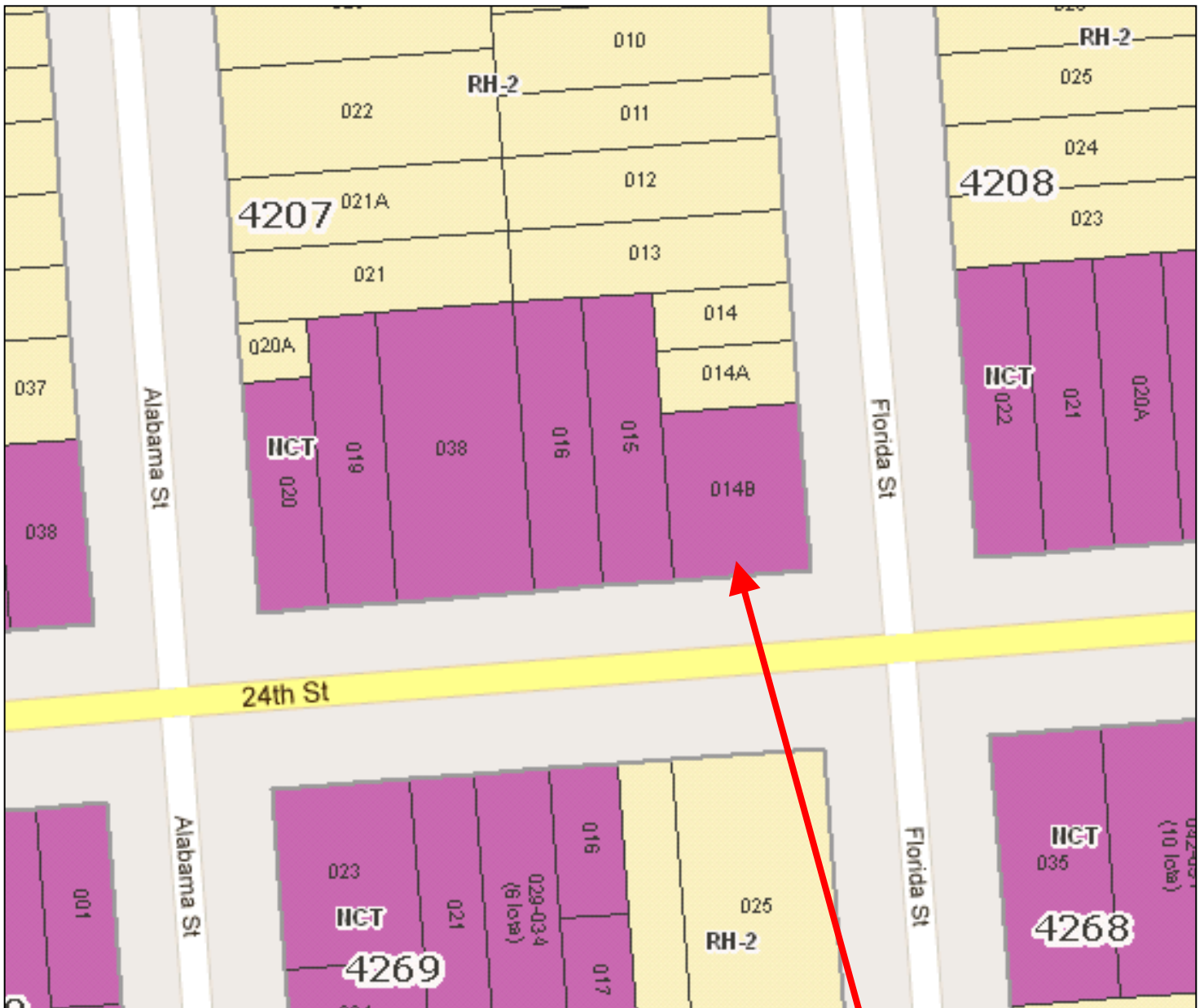
Conditional Use Hearing
Case Number 2011.0464C
Full Service Restaurant
2904 24th Street

Site Photo



Conditional Use Hearing
Case Number 2011.0464C
Full Service Restaurant
2904 24th Street

Zoning Map



SUBJECT PROPERTY

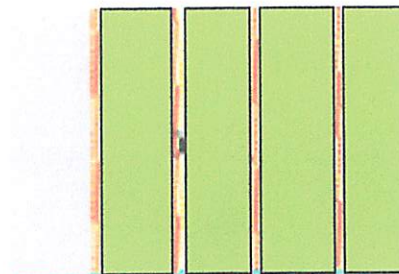
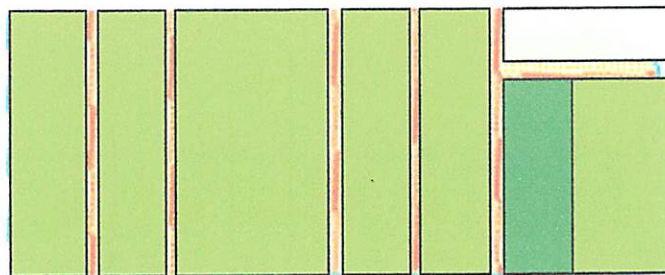
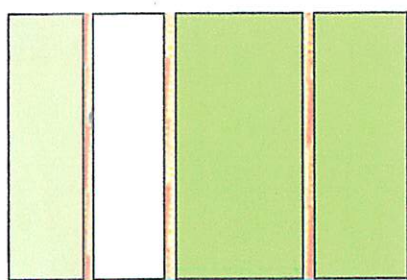


Conditional Use Hearing
Case Number 2011.0464C
Full Service Restaurant
2904 24th Street

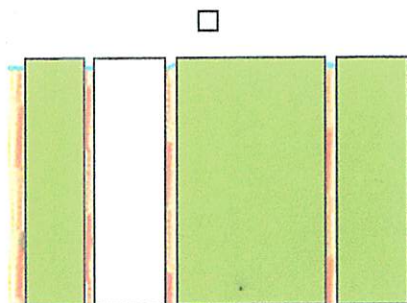
Support for El Tomate at 2904 24th Street, San Francisco

The project, El Tomate, has received wide support from the immediate community and the Lower 24th Street Merchant and Neighborhood Association. 2904 24th Street had been a restaurant for over 60 years and closed a little over 3 years ago. Nearly all the existing equipment is still in place. El Tomate's owner, Pablo Moran, and his family have maintained a successful business adjacent to this site for nearly 20 years and have good standing in the community.

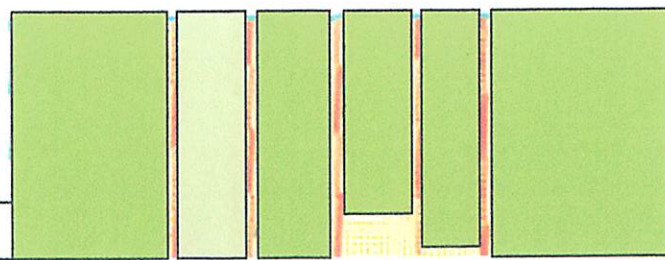
- Acknowledged Support by means of obtaining a signature on a petition
- Project location – Written support has been given by the property owner
- Verbal Support for Project has given by tenants of buildings.
- Business owner did not want additional competition; cited a need for additional parking on Lower 24th ST.
- No response from 2964 24th ST. former Discolandia owner or tenant; and J & W Laundromat at 2977 24th ST.



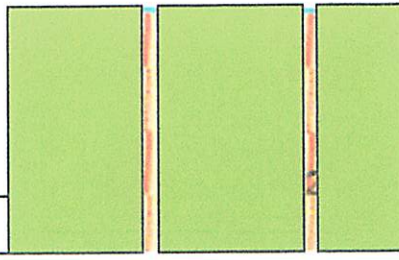
24TH ST



Alabama ST



Florida ST



Project: El Tomate Address: 2904 24th St., San Francisco, CA 94110 Owner: Pablo Moran

www.URBANGREENRE.com (888)SF-BAY-88



www.lower24thstreet.org
2904 24th Street, San Francisco, CA 94114

September 7, 2011

To whom it may concern:

This letter is in support of “El Tomate” opening at 2904 24th St. in the heart of the Mission. Our council has met with Pablo Moran who currently owns La Espiga de Oro on 24th. Pablo has been an active member of the 24th St. merchants. Mr. Moran has been a responsible business owner for many years, has donated to local events and runs a clean, family run operation. We have reviewed the plans and are excited that this building that has been vacate for many years and an eye sore will have store front improvements that will benefit everyone. This business with the Sinola style food will fit in the corridor which has the largest concentration of Latino business in the city. It is a welcomed addition. If you have any questions please feel free to contact us at 415-690-5454.

Sincerely,

Erick Argüello
24th Street Council
President

Improving and Preserving our Neighborhood.....
Mejorando y Preservando nuestra comunidad

Pablo Moran
2906 24th Street
San Francisco, CA 94110

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

August 29, 2011

Re: Approval of El Tomate at 2904 24th Street, San Francisco, CA 94110

Dear Planning Commissioners:

The proposed restaurant, El Tomate, is welcomed by the lower 24th Street community. Both residents and businesses alike have asked the ownership of the building to open or lease the space to another restaurant operator. For a few years, the ownership of the building was unsure of what to do as their businesses were expanding. I, Pablo Moran, own and operate La Espiga de Oro, an award winning Tamal eatery situated immediately adjacent to the west of the proposed El Tomate location. I have garnered signatures of support from all but one business on the 2900 block of 24th Street. The one owner who did not sign states she does not sign any petition, but welcomes the addition.

As you may know, Izalco had been closed for over 3 years. My family and I have operated an eatery in the Mission for about 20 years. We are very happy to be able to bring to this community a sit-down restaurant serving traditional Mexican foods, not burritos, which are not so common in the Mission any longer. Many of the plates will feature tomato based dishes, hence the name of the restaurant, El Tomate.

Minimal changes will take place inside the restaurant aside from a good cleaning, fresh paint and artwork, and a few upgrades. If approved by the Planning Commission on September 15th, then it is believed the restaurant may be able to open by the end of November or beginning of December 2011.

We ask each Commissioner to visit our neighborhood to see why this restaurant is desired and to some degree necessary in our Lower 24th Street neighborhood.

Thank you for your time and consideration of our restaurant. Please come by La Espiga de Oro anytime and come back to see El Tomate should the project be approved.

Sincerely,



Pablo Moran

cc: Martin Kirkwood; Corey Teague