



# SAN FRANCISCO PLANNING DEPARTMENT

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## Executive Summary Conditional Use

HEARING DATE: SEPTEMBER 15, 2011

*Date:* September 7, 2011  
*Case No.:* **2011.0565C**  
*Project Address:* **2015 FILLMORE STREET**  
*Zoning:* Upper Fillmore NCD (Neighborhood Commercial District)  
40-X Height and Bulk District  
*Block/Lot:* 0654/004  
*Project Sponsor:* Denise Tran  
401 Hillsborough Road  
Hillsborough, CA 94010-6640  
*Staff Contact:* Aaron Starr – (415) 558-6362  
[aaron.starr@sfgov.org](mailto:aaron.starr@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 amend the existing Conditional Use authorization granted in 1984, Motion No. 10119 that prohibits the sale of alcohol in the existing Large Fast-Food restaurant (d.b.a. Bun Mee); the current owner proposes to serve beer and wine and has applied for a Type 41 ABC license.

### SITE DESCRIPTION AND PRESENT USE

The project is located on the west side of Fillmore Street between Pine and California Streets, within the Upper Fillmore NCD (Neighborhood Commercial District) and a 40-X height and bulk district. The property is a single-story commercial building occupied by a Large Fast-Food Restaurant (d.b.a. Bun Mee). The subject storefront is approximately 12' wide and the depth of the building is approximately 86'.surrounding

## PROPERTIES AND NEIGHBORHOOD

The Upper Fillmore Street Neighborhood Commercial District is situated in the south-central portion of Pacific Heights. It runs north-south along Fillmore Street from Jackson to Bush and extends west one block along California and Pine Streets. This medium-scaled, multi-purpose commercial district provides convenience goods to its immediate neighborhood as well as comparison shopping goods and services on a specialized basis to a wider trade area.

Commercial businesses are active during both day and evening and include a number of bars, restaurants, specialty groceries, and specialty clothing stores. The subject property is located between a cosmetics store on the left and a framing store on the right.

## ENVIRONMENTAL REVIEW

Per Section 15060(c)(2) of the California Environmental Quality Act (CEQA), the proposal is not subject to CEQA review because "the activity will not result in a direct or reasonable foreseeable indirect physical change to the environment."

## HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Classified News Ad	20 days	August 25, 2011	August 25, 2011	20 days
Posted Notice	20 days	August 25, 2011	August 25, 2011	20 days
Mailed Notice	10 days	September 5, 2011	August 25, 2011	20 days

The proposal does not require Section 312 notifications.

## PUBLIC COMMENT

1. To date, the Department received two inquiries about the proposed project, which were for information only. No one has expressed support or opposition for the proposed project.

## ISSUES AND OTHER CONSIDERATIONS

- Per Planning Code Section 790.90, Large Self-Service Restaurants are permitted to sell beer and wine as-of-right.
- The existing Conditional Use was granted in 1984, prior to the existing Neighborhood Commercial District Controls.

## REQUIRED COMMISSION ACTION

In order for the project to proceed, the Commission must grant conditional use authorization to remove the prohibition on the sale of alcohol at the existing Large Fast-Food Restaurant (D.B.A. Bun Mee), pursuant to Planning Code Sections 303 and 718.44.

**BASIS FOR RECOMMENDATION**

- The project promotes the continued operation of an established, locally-owned business and contributes to the viability of the overall Upper Fillmore NCD.
- The project meets all applicable requirements of the Planning Code.
- The project is desirable for, and compatible with the surrounding neighborhood.
- The existing business is not a Formula Retail use.

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

Block Book Map

Sanborn Map

Aerial Photographs

1984, Motion No. 10119

Project Sponsor Submittal, including:

- Site Photographs
- 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:<br>Affidavit for Compliance |
| <input checked="" type="checkbox"/> Site Photos         |   |

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

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

AS: G:\DOCUMENTS\Conditional Use\2015 Fillmore\2015 Fillmore.ExecSummary.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 15, 2011

*Date:* September 7, 2011  
*Case No.:* **2011.0565C**  
*Project Address:* **2015 FILLMORE STREET**  
*Zoning:* Upper Fillmore NCD (Neighborhood Commercial District)  
40-X Height and Bulk District  
*Block/Lot:* 0654/004  
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401 Hillsborough Road  
Hillsborough, CA 94010-6640  
*Staff Contact:* Aaron Starr – (415) 558-6362  
[aaron.starr@sfgov.org](mailto:aaron.starr@sfgov.org)

**ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 303 AND 718.44 OF THE PLANNING CODE TO AMEND THE EXISTING CONDITIONAL USE AUTHORIZATION GRANTED IN 1984, MOTION NO. 10119, THAT PROHIBITS THE SALE OF ALCOHOL IN THE EXISTING LARGE FAST-FOOD RESTAURANT (D.B.A. BUN MEE); THE CURRENT OWNER PROPOSES TO SERVE BEER AND WINE AND HAS APPLIED FOR A TYPE 41 ABC LICENSE. THE SUBJECT PROPERTY IS LOCATED WITHIN THE UPPER FILLMORE NCD (NEIGHBORHOOD COMMERCIAL DISTRICT) AND A 40-X HEIGHT AND BULK DISTRICT.**

### PREAMBLE

On May 31, 2011 Denise Tran (hereinafter "Project Sponsor") filed an application with the Planning Department (hereinafter "Department") for Conditional Use Authorization under Planning Code Section(s) 303 and 718.44 to amend the existing Conditional Use authorization granted in 1984, Motion No. 10119, that prohibits the sale of alcohol in the existing Large Fast-Food restaurant (d.b.a. Bun Mee); the current owner proposes to serve beer and wine and has applied for a Type 41 ABC license. The subject property is located within the Upper Fillmore NCD (Neighborhood Commercial District) and a 40-X Height and Bulk 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. 2011.0565C.

Per Section 15060(c)(2) of the California Environmental Quality Act (CEQA), the proposal is not subject to CEQA review because "the activity will not result in a direct or reasonable foreseeable indirect physical change to the environment."

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. 2011.0565C, 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 west side of Fillmore Street between Pine and California Streets, within the Upper Fillmore NCD (Neighborhood Commercial District) and a 40-X height and bulk district. The property is a single-story commercial building occupied by a Large Fast-Food Restaurant (d.b.a. Bun Mee). The subject storefront is approximately 12' wide and the depth of the building is approximately 86'.
3. **Surrounding Properties and Neighborhood.** The Upper Fillmore Street Neighborhood Commercial District is situated in the south-central portion of Pacific Heights. It runs north-south along Fillmore Street from Jackson to Bush and extends west one block along California and Pine Streets. This medium-scaled, multi-purpose commercial district provides convenience goods to its immediate neighborhood as well as comparison shopping goods and services on a specialized basis to a wider trade area. Commercial businesses are active during both day and evening and include a number of bars, restaurants, specialty groceries, and specialty clothing stores. The subject property is located between a cosmetics store on the left and a framing store on the right.
4. **Project Description.** The proposal is to amend the existing Conditional Use authorization granted in 1984, Motion No. 10119 that prohibits the sale of alcohol in the existing Large Fast-Food Restaurant (d.b.a. Bun Mee); the current owner proposes to serve beer and wine and has applied for a Type 41 ABC license.

5. **Public Comment.** The Department received two inquiries about the proposed project, which were for information only. No one has expressed support or opposition for the proposed 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. **Large Fast-Food Restaurant.** Planning Code Section 718.43 requires Conditional Use authorization to establish a new Large Fast-Food Restaurant in the Upper Fillmore NCD.

*The subject property currently contains a Large Fast-Food restaurant, which was approved by Conditional Use Authorization in 1984. At that time, the Commission prohibited the sale of alcohol. Per the Planning Code, Large Fast-Food Restaurants are permitted to have a Type 41 ABC license to sell beer and wine as-of-right. The project sponsor seeks to remove the 1984 restriction from the use. No other changes are proposed.*

- B. **Hours of Operation.** Planning Code Section 718.27 restricts hours of operation in the Upper Fillmore NCD to between 6:00 a.m. and 2:00 a.m.

*The existing business is open from 11:00 a.m. to 10:00 p.m.*

- C. **Parking.** The Planning Code does not require parking for Large Fast-Food Restaurants in the Upper Fillmore NCD when the occupied floor area is less than 5,000 sq. ft.

*The existing restaurant's occupied floor area is less than 5,000 sq. ft; it does not currently provide any parking and is not required to provide any 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 actual use of the property will not change. The proposal seeks to remove a prohibition on the sale of alcohol at the existing restaurant. Since the alcohol license will be associated with a food-service use and limited to beer and wine, the proposed intensification is desirable and compatible with the 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 height and bulk of the existing building will remain the same and the proposal will not alter the existing appearance or character of the project vicinity. The proposal will not affect the building envelope.*

- 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 proposal will have no impact on accessibility and traffic patterns for persons and vehicles.*

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

*The existing use is subject to the standard conditions of approval for Large Fast-Food Restaurants as outlined in Exhibit A.*

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

*The proposal does not require any additional tenant improvements. No construction will take place as a result of this proposal.*

- 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 proposal 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 proposal is consistent with the stated purpose of Upper Fillmore NCD in that the use is located at the ground floor, and will maintain the existing building scale and promote development which is in character with adjacent buildings.*

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 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 proposal will retain an existing commercial activity and allow it to increase its revenue by permitting the sale of beer and wine.*

#### **OBJECTIVE 6:**

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

#### **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. The existing restaurant 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 proposal would enhance the district by providing greater choices for residents and visitors to the Upper Fillmore NCD. The proposal will help an existing business increase its revenue, thereby enhancing existing and future employment opportunities.*

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

*The proposal will not have an adverse impact on existing housing*

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

*No housing is removed or affected by this proposal.*

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

*The proposal will not have an impact on commuter traffic and will not impede MUNI transit service or overburden our streets or neighborhood parking.*

- 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 proposal 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 proposal does not include any construction. The City's preparedness to protect against injury and loss of life in an earthquake will be unaffected.*

- G. That landmarks and historic buildings be preserved.

*A landmark or historic building does not occupy the project site.*

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

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

10. The proposal 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 Proposal 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. 2011.0565C** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated May 31, 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 remove the prohibition on serving alcohol at the existing large fast-food restaurant (d.b.a. Bun Mee) located at 2015 Fillmore Street, Block 0654 and Lot 004 pursuant to Planning Code Section(s) 303 and 718.44 within the Upper Fillmore Neighborhood Commercial District and a 40-X Height and Bulk District 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**.

### 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 immediately after motion XXXXX has been finalized.

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

### MONITORING

2. **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)*

## OPERATION

- 3. 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>*

- 4. 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>*

- 5. Noise Control.** The premises shall be adequately soundproofed or insulated for noise and operated so that incidental noise shall not be audible beyond the premises or in other sections of the building and fixed-source equipment noise shall not exceed the decibel levels specified in the San Francisco Noise Control Ordinance.

*For information about compliance with the fixed mechanical objects such as rooftop air conditioning, restaurant ventilation systems, and motors and compressors with acceptable noise levels, contact the Environmental Health Section, Department of Public Health at (415) 252-3800, [www.sfdph.org](http://www.sfdph.org)*

*For information about compliance with the construction noise, contact the Department of Building Inspection, 415-558-6570, [www.sfdbi.org](http://www.sfdbi.org)*

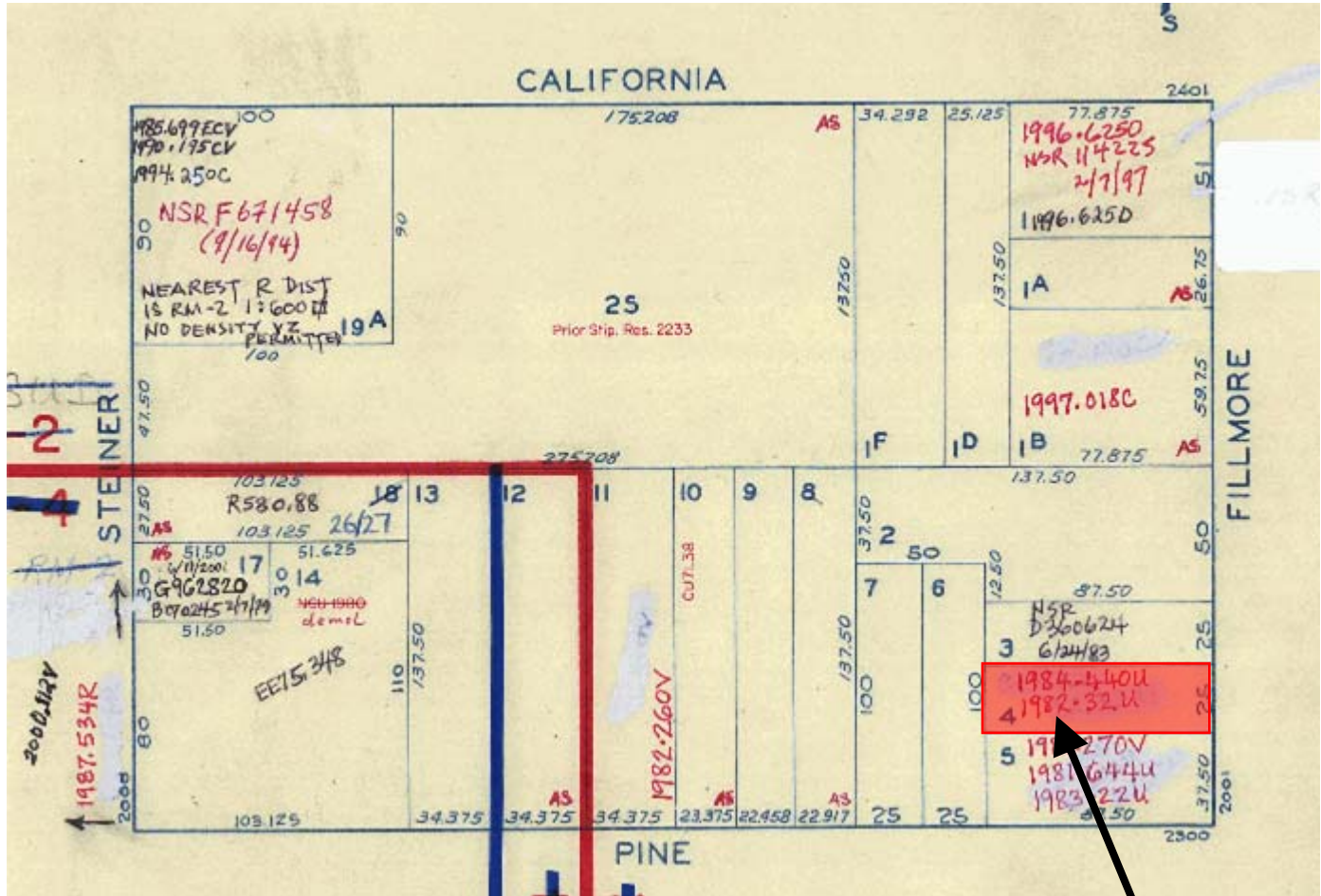
*For information about compliance with the amplified sound including music and television contact the Police Department at 415-553-1012 or 415-5530123, [www.sf-police.org](http://www.sf-police.org)*

- 6. Odor Control.** While it is inevitable that some low level of odor may be detectable to nearby residents and passersby, appropriate odor control equipment shall be installed in

conformance with the approved plans and maintained to prevent any significant noxious or offensive odors from escaping the premises.

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

# Parcel Map

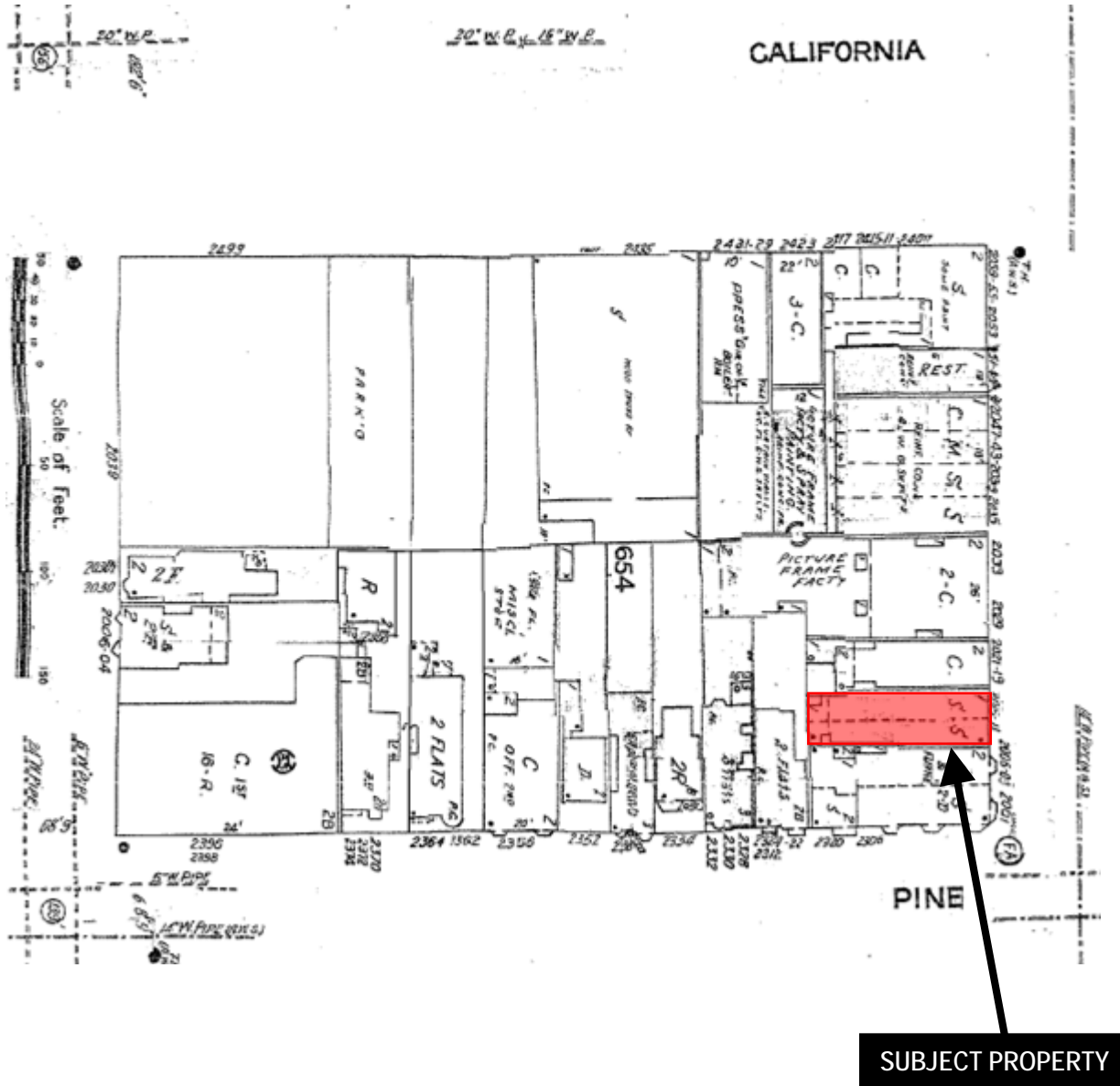


**SUBJECT PROPERTY**



Conditional Use Authorization  
 Case Number 2011.0565C  
 Bun Mee  
 2015 Fillmore Street

# Sanborn Map\*



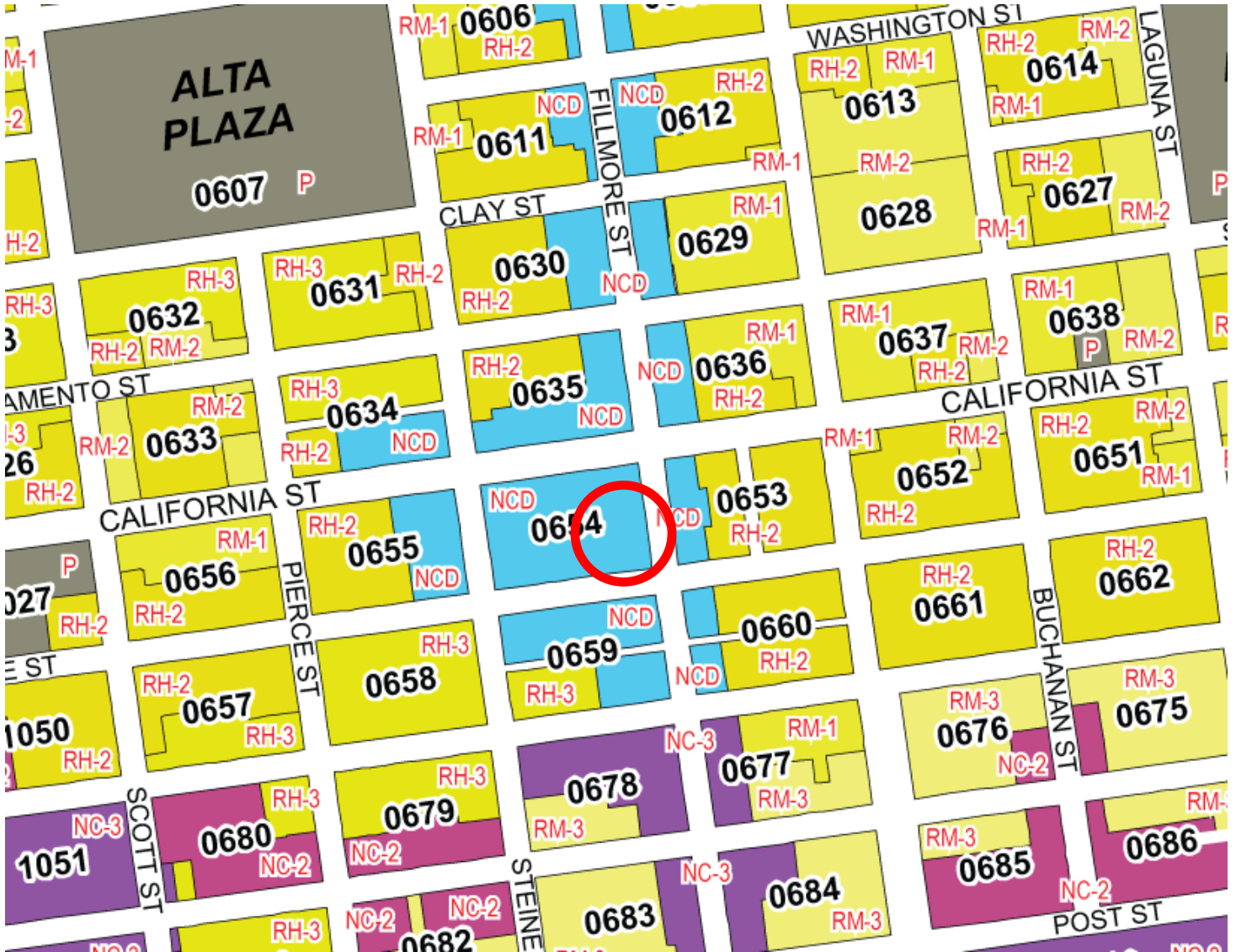
\*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.



Conditional Use Authorization  
Case Number 2011.0565C  
Bun Mee  
2015 Fillmore Street



# Zoning Map



Conditional Use Authorization  
Case Number 2011.0565C  
Bun Mee  
2015 Fillmore Street

# Aerial Photo



**SUBJECT PROPERTY**



Conditional Use Authorization  
Case Number 2011.0565C  
Bun Mee  
2015 Fillmore Street

File No. 84.440U  
2015 Fillmore Street

SAN FRANCISCO  
CITY PLANNING COMMISSION  
MOTION NO. 10119

ADOPTING FINDINGS RELATING TO THE APPROVAL BY THE CITY PLANNING COMMISSION ON APPLICATION NO. 84.440U REQUESTING SPECIAL USE AUTHORIZATION FOR CONVERSION OF A RETAIL BAKERY AND SANDWICH SHOP TO AN ICE CREAM AND SANDWICH SHOP AT 2015 FILLMORE STREET IN A C-2 (COMMUNITY BUSINESS) DISTRICT WITHIN THE UPPER FILLMORE SPECIAL USE DISTRICT

Preamble

On or about October 4, 1984, the San Francisco City Planning Commission (hereinafter "Commission") conducted duly noticed public hearings on Special Use Application No. 84.440U.

The special use proposed in said application was determined by the Department of City Planning (hereinafter "Department") to be categorically exempt from the environmental review process pursuant to Title 14 of the California Administrative Code Section 15101(a). The Commission has reviewed and concurs with said determination.

The Commission has reviewed and considered reports, studies, plans and other documents pertaining to this proposed project.

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

Findings

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

1. On or about September 7, 1984, Roderic C. Ward, Jr., owner (hereinafter "Applicant"), applied for special use authorization for the conversion of a previously authorized retail bakery and sandwich shop to an ice cream and sandwich shop (hereinafter "Application") on the property located at Lot 4 in Assessor's Block 654, commonly known as 2015 Fillmore Street, west side between Pine and California Streets (hereinafter "Subject Property").

2. The previously authorized retail bakery and sandwich shop (Resolution No. 9325) was specifically for a restaurant "primarily serving pastries and other bakery products for consumption on premises or take out with any other food sales to be minor and incidental to the primary business.

3. The proposed Application would be similar in use to the authorized use, except that ice cream rather than pastries and baked goods would be the primary food sale item.

4. The proposed use would not generate additional traffic congestion.

CITY PLANNING COMMISSION

File No. 84.440U  
2015 Fillmore Street  
Motion No. 10119  
Page Two

5. The Applicant has indicated that he is willing to comply with any conditions which may be attached to the approval of this Application.

6. The proposed use seems appropriate and consistent with the intent of the Special Use Ordinance.

7. Under the provisions of the City Planning Code, Section 242, the Commission may authorize a special use only after holding a duly noticed public hearing and making findings that the proposed use will provide a development that is desirable for and compatible with the neighborhood or the community, that such use will promote new neighborhood services which augment neighborhood commercial diversity and increase employment opportunities, that the proposed use will also promote pedestrian traffic while discouraging auto-congestive traffic, and will not adversely affect the Master Plan.

8. In reviewing this Application, the Commission has had available to it for its review and consideration all studies, letters, plans and reports pertaining to the project contained in the Department's case file.

9. The Commission believes that the purposes for the special use district and guidelines for authorization of special uses have been met by the proposed use.

10. The Commission finds that the criteria set forth in Section 303(c) of the City Planning Code are met.

#### DECISION

The Commission, after carefully balancing the competing public and private interests, hereby finds that approval of the special use authorization promotes the health, safety and welfare of the City.

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 Special Use Application No. 84.440U subject to the following conditions attached hereto as Exhibit A which is incorporated herein by reference thereto as though fully set forth.

I hereby certify that the foregoing Motion was ADOPTED by the City Planning Commission on October 4, 1984.

Lee Woods, Jr.  
Secretary

AYES: Commissioners Karasick, Nakashima, Rosenblatt, Salazar, Wright

NOES: None

ABSENT: Commissioner Klein

ADOPTED: October 4, 1984

CITY PLANNING COMMISSION

File No. 84.440U  
2015 Fillmore Street  
Motion No. 10119

EXHIBIT A

CONDITIONS OF APPROVAL

1. This authorization is for the conversion of a retail bakery and sandwich shop (previously authorized under Resolution No. 9325) to an ice cream and sandwich shop, primarily serving ice cream for consumption on premises or take out with any other food sales to be minor and incidental to the primary business.
2. Hours of operation shall be limited to from 9:00 A.M. to 11:00 P.M.
3. The maximum number of seats shall be twenty-four (24).
4. The subject restaurant shall serve no alcoholic beverages.
5. Noise, odors and garbage shall be contained within the premises so as not to be a nuisance to nearby residents and neighbors.
6. The Applicant shall transmit a copy of this Motion to the Recorder for the City and County of San Francisco for recordation as part of the property record.

CASE NUMBER:  
For Staff Use only

# APPLICATION FOR Conditional Use Authorization

## 1. Owner/Applicant Information

PROPERTY OWNER'S NAME: Stephen L. Pasquan	
PROPERTY OWNER'S ADDRESS:  P O Box 31439, San Francisco, CA 94131	TELEPHONE: ( 415 ) 339-2222  EMAIL:

APPLICANT'S NAME: Denise Tran <span style="float: right;">Same as Above <input type="checkbox"/></span>	
APPLICANT'S ADDRESS:  401 Hillsborough Blvd. Hillsborough, CA 94010-6640	TELEPHONE: ( 206 ) 334-2852  EMAIL: trandenise@gmail.com

CONTACT FOR PROJECT INFORMATION: Marsha Garland <span style="float: right;">Same as Above <input type="checkbox"/></span>	
ADDRESS:  535 Green Street, San Francisco, CA 94133	TELEPHONE: ( 415 ) 956-0279; 415-531-2911  EMAIL: marshagarland@att.net

COMMUNITY LIAISON FOR PROJECT (PLEASE REPORT CHANGES TO THE ZONING ADMINISTRATOR): Marsha Garland <span style="float: right;">Same as Above <input checked="" type="checkbox"/></span>	
ADDRESS:	TELEPHONE: (   )  EMAIL:

## 2. Location and Classification

STREET ADDRESS OF PROJECT: 2015 Fillmore Street	ZIP CODE: 94115
CROSS STREETS: Pine and California Streets	

ASSESSORS BLOCK/LOT: 0654 / 004	LOT DIMENSIONS:	LOT AREA (SQ FT):	ZONING DISTRICT: Fillmore NCD	HEIGHT/BULK DISTRICT:
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**CASE NUMBER:**  
For Staff Use only

5. Action(s) Requested (Include Planning Code Section which authorizes action)

To amend existing conditional use permit, 84.44OU, Motion No. 10119, October 4, 1984, to permit the restaurant to be a self-service restaurant with beer and wine sales. The previous conditional use permit disallowed alcoholic beverage sales.

### Conditional Use Findings

Pursuant to Planning Code Section 303(c), before approving a conditional use authorization, the Planning Commission needs to find that the facts presented are such to establish the findings stated below. In the space below and on separate paper, if necessary, please present facts sufficient to establish each finding.

1. That the proposed use or feature, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable for, and compatible with, the neighborhood or the community; and
2. That such use or feature as proposed will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity, or injurious to property, improvements or potential development in the vicinity, with respect to aspects including but not limited to the following:
  - (a) The nature of the proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;
  - (b) The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed off-street parking and loading;
  - (c) The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor;
  - (d) Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs; and
3. That such use or feature as proposed will comply with the applicable provisions of this Code and will not adversely affect the Master Plan.

**See attached.**

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Re Conditional Use Permit Application for 2015 Fillmore Street, San Francisco, CA. Block 0654/Lot 004:

1. There is no structural change planned to the building. This application is in order to add beer and wine sales to the menu.
2. There is nothing in the plans that will be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity, or that is injurious to the property.
  - A. Fillmore Street is a commercial street with primarily ground floor commercial. This application seeks to add the right to consume beer and wine with meals on the premises.
  - B. No additional volume in vehicular traffic is expected. It is anticipated that Bun Mee's long time customers will continue to arrive at the restaurant as they always have: on foot, by taxi, or by bus.
  - C. All safeguards designed to prevent noxious or offensive emissions such as noise and odor are already in place and the premises will meet all code requirements.
  - D. No provisions have been made (nor are necessary) for landscaping, screening, open space, parking and loading area, service areas and lighting.
3. Use of the space at 2015 Fillmore Street will comply with applicable code provisions and will not adversely affect the master plan.



# Priority General Plan Policies Findings

Proposition M was adopted by the voters on November 4, 1986. It requires that the City shall find that proposed projects and demolitions are consistent with eight priority policies set forth in Section 101.1 of the City Planning Code. These eight policies are listed below. Please state how the project is consistent or inconsistent with each policy. Each statement should refer to specific circumstances or conditions applicable to the property. Each policy must have a response. IF A GIVEN POLICY DOES NOT APPLY TO YOUR PROJECT, EXPLAIN WHY IT DOES NOT.

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

The existing restaurant will continue to exist and there are ample opportunities for resident employment.

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

Existing housing and neighborhood character are conserved.

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

This has no impact on affordable housing.

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

This has no impact on commuter traffic or MUNI transit service and will not overburden the street and nearby parking.

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CASE NUMBER:  
For Staff Use only

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

This will have no impact on industrial and service sectors of the city.

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

The building and the leased premises are maintained in good order to protect against injury and loss of life due to an earthquake.

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7. That landmarks and historic buildings be preserved; and

This is not a land-marked building.

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

There is no impact on parks and open spaces.

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# Estimated Construction Costs

TYPE OF APPLICATION: <b>conditional use permit - no construction involved</b>	
OCCUPANCY CLASSIFICATION:	
BUILDING TYPE:	
TOTAL GROSS SQUARE FEET OF CONSTRUCTION:	BY PROPOSED USES:
ESTIMATED CONSTRUCTION COST:	
ESTIMATE PREPARED BY:	
FEE ESTABLISHED:	

## Applicant's Affidavit

Under penalty of perjury the following declarations are made:

- a: The undersigned is the owner or authorized agent of the owner of this property.
- b: The information presented is true and correct to the best of my knowledge.
- c: The other information or applications may be required.

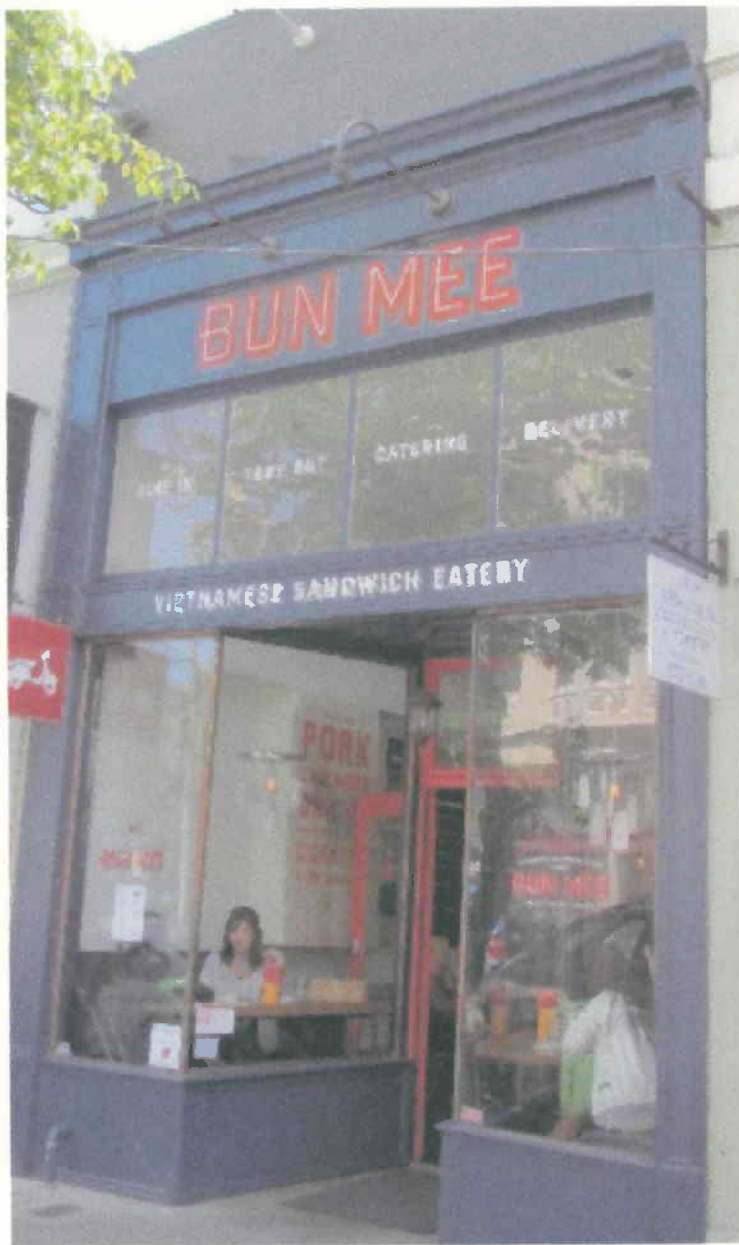
Signature: Denise P. Tran

Date: May 31, 2011

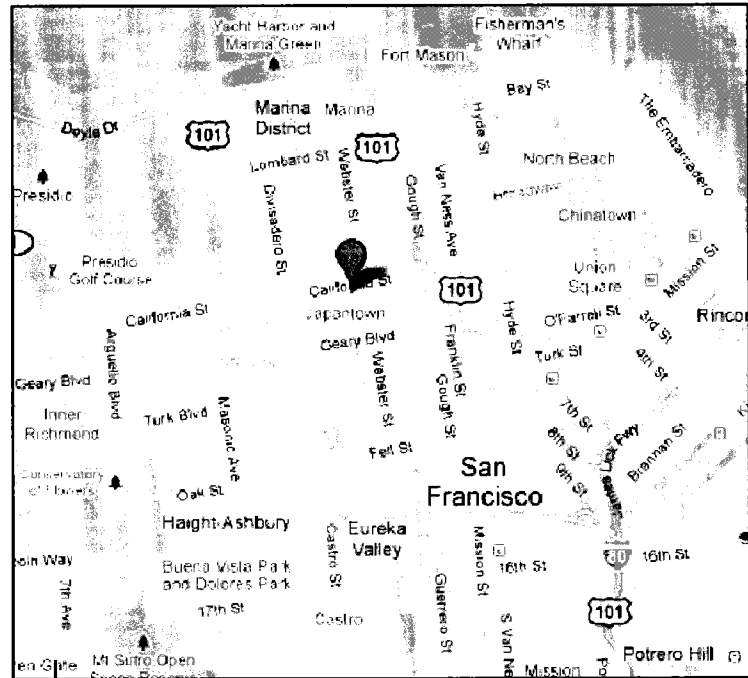
Print name, and indicate whether owner, or authorized agent:

Denise Tran

Owner /  Authorized Agent (circle one)



**VICINITY MAP**



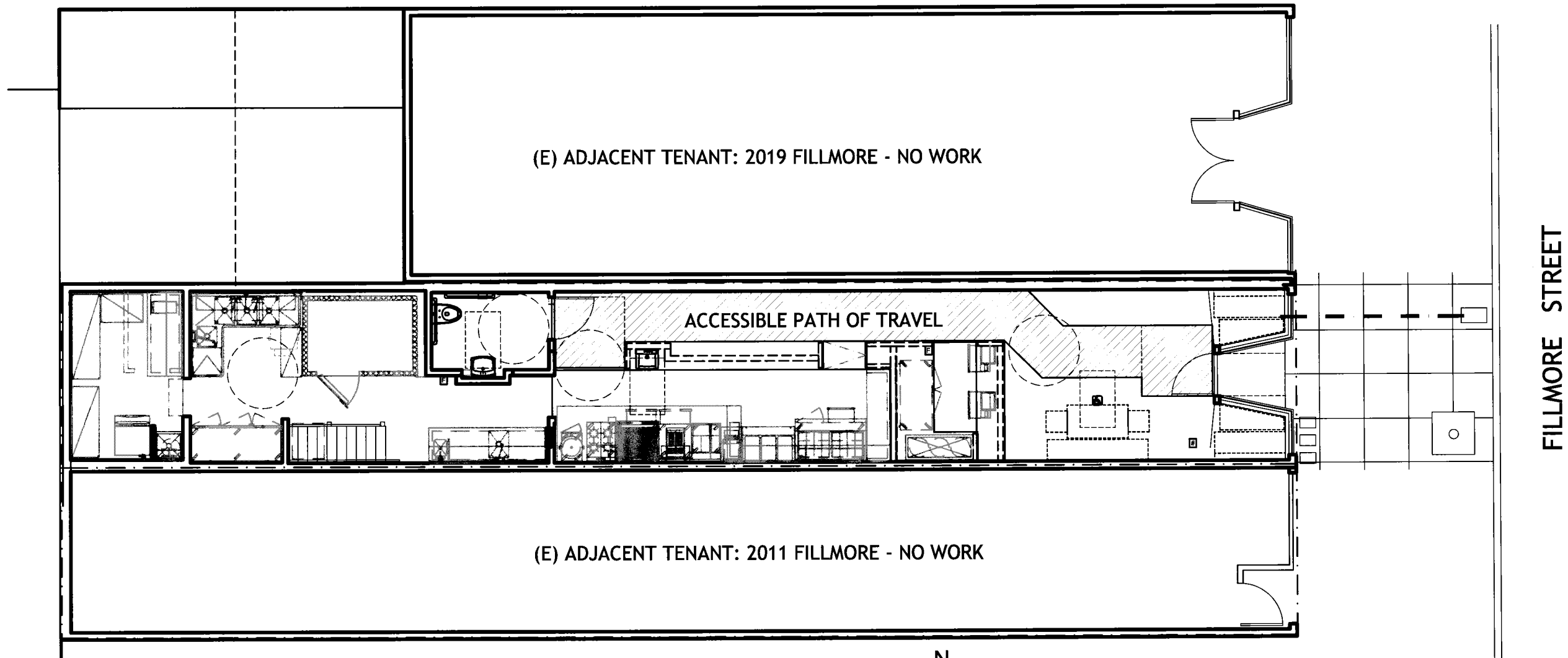
**PLOT PLAN**



PROJECT SITE

**SITE / BLDG INFORMATION**

TENANT OWNER:	BUN MEE RESTAURANT
ADDRESS:	2015 FILLMORE STREET
BLOCK NUMBER:	0654
LOT NUMBER:	004
ZONE:	FILLMORE ST. NEIGHBORHOOD COMMERCIAL
TYPE OF CONSTRUCTION	TYPE V (NON-SPRINKLERED)
TENANT OCCUPANCY	B (<50 OCCUPANTS)
NUMBER OF STORES	1 STORY COMMERCIAL
TOTAL SQUARE FOOTAGE	1,014.3 S.F.



1 SITE PLAN @ GROUND LEVEL  
 3/32" = 1'-0" N