



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Conditional Use

HEARING DATE: SEPTEMBER 15, 2011

Date: September 8, 2011
Case No.: 2011.0574 C
Project Address: 3848 JUDAH STREET
Zoning: NC-1 (Neighborhood Commercial, Cluster) District
40-X Height and Bulk District
Block/Lot: 1798/027
Project Sponsor: Paul Ruazol
1457 Revere Avenue
San Francisco, CA 94124
Staff Contact: Adrian C. Putra – (415) 575-9079
adrian.putra@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 Project Sponsor seeks a Conditional Use Authorization, pursuant to Planning Code Sections 710.44 and 303, to allow a small, self-service restaurant (d.b.a. Mediterranean Food) serving lunch and dinner in a vacant ground floor commercial space fronting Judah Street at 3848 Judah Street. The proposed small, self-service restaurant contains approximately 787 square-feet of floor area, with approximately 280 square-feet devoted to tables and seating. The proposed hours of operation are from 8:00 AM to 10:00 PM, seven days a week. This establishment is not a formula retail use.

SITE DESCRIPTION AND PRESENT USE

The Project Site located at 3848 Judah Street, on the northeast corner of Judah Street and 44th Avenue is developed with a two-story building. The building contains a dwelling unit fronting 44th Avenue and a vacant commercial space at the rear of the property that has an entrance facing Judah Street and was previously a retail store (d.b.a. Freddie's Nifty Thrifties). The Project site contains approximately 2,374 square-feet in lot area, with approximately 95-feet of frontage along Judah Street, and 25-feet of frontage along 44th Avenue.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The Project Site is located within an NC-1 (Neighborhood Commercial, Cluster) District that runs along Judah Street between 43rd to 47th Avenues. NC-1 Districts are characterized by their location in residential neighborhoods, often in outlying areas of the City. Within this NC-1 District there are six full-service restaurants, two small, self-service restaurants, and three vacant commercial storefronts (including the Project site). This NC-1 District also contains a variety of retail stores and personal service

uses, and stand alone residential buildings. Excluding the Project Site, the entire subject block is zoned RH-2 and primarily developed with two-story, single-family dwellings. Additionally, St. Paul's Presbyterian Church is located at the northwest corner of Judah Street and 43rd Avenue.

ENVIRONMENTAL REVIEW

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

HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Classified News Ad	20 days	August 26, 2011	August 26, 2011	20 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

- To date, the Department is not aware of any opposition to the project.

ISSUES AND OTHER CONSIDERATIONS

- The General Plan states that there is a concern with the potential over-concentration of food-service establishments and the Commerce and Industry Element of the General Plan contains the 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 Department Staff performed a site survey of the NC-1 zoned stretch of Judah Street between 43rd and 47th Avenues and finds that approximately 20% of the frontage is attributed to eating and drinking establishments. The addition of project would increase this total occupied commercial frontage to approximately 21%. However, the Planning Department believes that restaurant uses contribute to the economic vitality of this district which also contains diverse mix of other neighborhood serving retail and service uses, and is well served by public transit. The project's impacts to over-concentration are also minimized by being more than 100 feet from the next nearest eating and drinking establishment in the district. Additionally, the project would result in only three small self-service restaurants and no large fast-food restaurants in this district, which is below the maximum number of four fast food restaurants allowed in the district if each fast-food restaurant were at least 500 feet from each other. It is also noted that the project will be subject to the standard Conditions of Approval for eating and drinking establishments including those concerned with trash, odors and general cleanliness.

REQUIRED COMMISSION ACTION

In order for the project to proceed, the Commission must grant conditional use authorization to allow for a small, self-service restaurant in the NC-1 (Neighborhood Commercial, Cluster) District.

BASIS FOR RECOMMENDATION

- The Project promotes independent small-business ownership in a neighborhood where there are and three vacant ground floor commercial storefronts (including the project site).
- The Project will eliminate a vacant storefront and provide local employment opportunities.
- The Project will be an independently owned operation that will serve and contribute to the economic vitality of the neighborhood.
- The Project is within close access to public transit as it is served by the N-Judah Muni Metro line. Therefore customers should not impact traffic.
- The Project meets all applicable requirements of the Planning Code.
- The Project will result in the commercial frontage in this NC-1 District devoted to eating and drinking establishments to increase from 20% to approximately 21%. However, the project's impact to over-concentration in the district is minimized by being more than 100 feet away from the next nearest eating and drinking establishment.

RECOMMENDATION: Approval with Conditions
--

Attachments:

Block Book Map
Sanborn Map
Aerial Photographs
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 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

_____ ACP
Planner's Initials

ACP: G:\Documents\Projects\3848 Judah Street\2011.0574C - 3848 Judah Street - Exec Sum.doc



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- Inclusionary Housing (Sec. 315)
- Jobs Housing Linkage Program (Sec. 313)
- Downtown Park Fee (Sec. 139)
- First Source Hiring (Admin. Code)
- Child Care Requirement (Sec. 314)
- Other

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Draft Planning Commission Motion HEARING DATE, SEPTEMBER 15, 2011

Date: September 8, 2011
Case No.: **2011.0574 C**
Project Address: **3848 JUDAH STREET**
Zoning: NC-1 (Neighborhood Commercial, Cluster) District
 40-X Height and Bulk District
Block/Lot: 1798/027
Project Sponsor: Paul Ruazol
 1457 Revere Avenue
 San Francisco, CA 94124
Staff Contact: Adrian C. Putra – (415) 575-9079
 adrian.putra@sfgov.org

ADOPTING FINDINGS RELATING TO THE APPROVAL OF A CONDITIONAL USE AUTHORIZATION PURSUANT TO PLANNING CODE SECTIONS 710.44 AND 303, FOR A CHANGE OF USE TO ESTABLISH A SMALL, SELF-SERVICE RESTAURANT (D.B.A. MEDITERRANEAN FOOD) WITHIN AN NC-1 (NEIGHBORHOOD COMMERCIAL, CLUSTER) DISTRICT, AND A 40-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On June 1, 2011, Paul Ruazol (Project Sponsor) filed an application with the Department for Conditional Use Authorization under Planning Code Sections 710.44 and 303 of the Planning Code for a change of use to establish a small, self-service restaurant (d.b.a. Mediterranean Food) within an NC-1 (Neighborhood Commercial, Cluster) District, and a 40-X Height and Bulk District.

On September 15, 2011, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2011.0574C.

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

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. 2011.0574C, 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 located at 3848 Judah Street, on the northeast corner of Judah Street and 44th Avenue is developed with a two-story building. The building contains a dwelling unit fronting 44th Avenue and a vacant commercial space at the rear of the property that has an entrance facing Judah Street and was previously a retail store (d.b.a. Freddie's Nifty Thrifties). The Project site contains approximately 2,374 square-feet in lot area, with approximately 95-feet of frontage along Judah Street, and 25-feet of frontage along 44th Avenue.
3. **Surrounding Properties and Neighborhood.** The Project Site is located within an NC-1 (Neighborhood Commercial, Cluster) District that runs along Judah Street between 43rd to 47th Avenues. NC-1 Districts are characterized by their location in residential neighborhoods, often in outlying areas of the City. The commercial intensity of these districts varies. Many of these districts have the lowest intensity of commercial development in the City, generally consisting of small clusters with three or more commercial establishments, commonly grouped around a corner; and in some cases short linear commercial strips with low-scale, interspersed mixed-use (residential-commercial) development.

Within this NC-1 District there are six full-service restaurants, two small, self-service restaurants, and three vacant commercial storefronts (including Project site). This NC-1 District also contains a variety of retail stores and personal service uses, and stand alone residential buildings. Excluding the Project Site, the entire subject block is zoned RH-2 and primarily developed with two-story, single-family dwellings. St. Paul's Presbyterian Church located at the northwest corner of Judah Street and 43rd Avenue.

4. **Project Description.** The Project Sponsor seeks a Conditional Use Authorization, pursuant to Planning Code Sections 710.44 and 303, to allow a small, self-service restaurant (d.b.a. Mediterranean Food) serving lunch and dinner in a vacant ground floor commercial space fronting Judah Street at 3848 Judah Street. The proposed small, self-service restaurant contains approximately 787 square-feet of floor area, with approximately 280 square-feet devoted to tables and seating.

5. **Public Comment.** The Department is not aware of any opposition to this 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. **Small, Self-Service Restaurant.** Planning Code Section 710.44 states that a small, self-service restaurant, as defined in Sections 790.91 of the Planning Code, is permitted as conditional uses on the first story and below.

The Project Sponsor seeks Conditional Use Authorization to allow a new small, self-service restaurant at the ground floor of the Project Site, which is located within an NC-1 District.

- B. **Formula Retail Use.** Planning Code Sections 703.3 and 703.4 defines a formula retail use and requires Conditional Use authorization from the Planning Commission for all new formula retail uses within all Neighborhood Commercial Districts.

The proposed small, self-service restaurant is not a Formula Retail use.

- C. **Hours of Operation.** Planning Code Section 710.27 states that in the NC-1 District maintaining hours of operation from 6:00 AM. to 11:00 PM. is permitted by right, and hours of operation from 11:00 PM. to 2:00 AM. is conditionally permitted.

The proposed hours of operation are from 8:00 AM to 10:00 PM, seven days a week.

- D. **Use Size.** Planning Code Section 710.21 permits a use size of up to 2,999 square feet within an NC-1 District as of right.

The proposed small, self-service restaurant's use size of approximately 787 square-feet of floor area is within the 2,999 square foot threshold established for uses sizes permitted as of right within the NC-1 District.

- E. **Street Frontage in Neighborhood Commercial Districts.** Section 145.1 of the Planning Code requires that NC Districts containing specific uses – including full-service restaurants – 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 site has approximately 31.5 feet of lineal street frontage along Judah Street with approximately 18.5 feet of street frontage devoted to either the entrance or window space. The windows are un-tinted clear glass. There is existing grille work located in front of these windows

which according to the Project Sponsor will be removed to provide an unobstructed view into the establishment at the pedestrian eye-level.

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

The project site contains less than 5,000 square-feet of floor area and thus does not require any off-street parking.

- G. **Signage.** Any proposed signage will be subject to the review and approval of the Planning Department.

The Project site has an existing non-illuminated projecting sign from the previous business. Any proposed change in sign copy to the project sign shall be subject to the review of the Planning Department and required to meet all provisions set forth in Article 6 of the Planning Code pending the approval of this application.

- H. **Small, Self-service Restaurant.** Section 790.91 of the Code defines a small, self-service restaurant as a retail eating or eating and drinking use which provides ready-to-eat food for consumption on and off the premises and which may or may not provide seating. Such use exhibits the following characteristics:

- (1) Contains fewer than 50 seats and less than 1,000 square feet of gross floor area;
- (2) A limited menu of ready-to-eat food prepared in advance of customer orders, or food which is able to be quickly prepared for consumption on or off the premises;
- (3) Food served in disposable wrappers or containers;
- (4) Food is ordered and served at customer service counter;
- (5) Food is paid for prior to consumption;
- (6) Public food service area, including queuing areas and service counters without fixed seats, which counters are designed specifically for the sale and distribution of food and beverages;
- (7) Food available upon a short waiting time.

It does not include retail grocery stores with accessory take-out food activity, as described in Section 703.2(b)(1)(C) of this Code, self-service specialty food use, as described in Section 790.93 of this Code, or retail uses which sell prepackaged or bulk ready-to-eat foods with no-site food preparation area, such as confectionery or produce stores. When a fast-food restaurant operates within and in conjunction with another retail use, such as a retail grocery store, the area of the fast-food restaurant use shall be measured to include the area devoted to food preparation and service, seating and separate public food service counters, excluding fish, poultry and meat counters.

It may provide off-site beer, wine and/or liquor sales for consumption off the premises (with ABC licenses 20 or 21) or on-site beer and/or wine sales for drinking on the premises (with ABC licenses 40, 41 or 60). If it serves liquor for drinking on the premises (with ABC licenses

47 or 48) or does not admit minors (with ABC licenses 42 or 61), then it shall also be considered a bar, as defined in Section 790.22 of this Code.

It shall be conducted in accordance with the following conditions:

- (1) All debris boxes shall be kept in enclosed structures.
- (2) The operator shall be responsible for cleaning the sidewalk within a one-block radius daily to maintain the sidewalk free of paper or other litter during its business hours, in accordance with Article 1, Section 34 of the San Francisco Police Code.
- (3) Noise and odors shall be contained within the premises so as not to be a nuisance to nearby residents or neighbors.

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 size of the proposed use is in keeping with other storefronts within this NC-1 District. The Project is necessary and desirable because it contributes to the economic vitality of the neighborhood by removing a vacant storefront, and establishing a new small, self-service restaurant that will strengthen the diversity of goods offered within the area. Additionally, the Project would also provide entry-level job opportunities for neighborhood residents.

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 proposed small, self-service restaurant is compatible with the pattern of development in the area, and the Project does not involve any alterations to the exterior of 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;

Traffic conditions will remain substantially unaltered by this Project because the proposed use is a neighborhood-serving business that can be easily frequented via foot, cab, or public transportation by many residents of the surrounding neighborhoods. The Project does not trigger a parking requirement because the use size is well below the 5,000 square-foot threshold that triggers an off-street parking requirement.

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

The Project will not produce noxious or offensive emissions related to noise, glare and dust.

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

There are no proposed changes to existing conditions as they relate to landscaping, screening, open spaces, parking and loading areas, service areas and lighting. Any proposed signage shall be subject to the review of the Planning Department and required to meet all provisions set forth in Article 6 of the Planning Code pending the approval of this application

- 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 Project is consistent with the stated purpose of the NC-1 Districts in that the use is located at the ground floor, provides a compatible convenience service for the immediate surrounding neighborhoods, provides entry level job opportunities, and operates with hours of operation that are permitted by right within the district.

- 8. **General Plan Compliance.** The Project is consistent with the Objectives and Policies of the General Plan in that:

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.

The project will provide a desirable use to the neighborhood that is independently owned and operated and will provide resident employment opportunities to those in the community.

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.

Approval of the Project will allow for a new small, self-service restaurant in the immediate neighborhood that could generate additional pedestrian activity to the area. This will contribute the diverse economic base of the City.

OBJECTIVE 3:

PROVIDE EXPANDED EMPLOYMENT OPPORTUNITIES FOR CITY RESIDENTS, PARTICULARLY THE UNEMPLOYED AND ECONOMICALLY DISADVANTAGED.

Policy 3.1:

Promote the attraction, retention and expansion of commercial and industrial firms which provide employment improvement opportunities for unskilled and semi-skilled workers.

Approving the Project will create entry-level employment opportunities for local unskilled and semi-skilled workers.

EATING AND DRINKING ESTABLISHMENTS

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 Planning Commission approval. Pertinent guidelines may be applied as conditions of approval for 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 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.

In districts where the proliferation of eating and drinking establishments could generate problems, the following guidelines should be employed in the consideration of new establishments, relocations, changes from one kind of eating and drinking establishment to another (e.g. from self-service restaurant to full-service restaurant), expansion or intensification of existing establishments:

- The establishment should not add to an over-concentration of eating and drinking establishments in a single district. The balance of commercial uses may be threatened when eating and drinking establishments occupy more than 20% of the total occupied commercial frontage. Proposals for eating and drinking establishments which would increase the proportion of total occupied commercial frontage above 20% should be reviewed to ensure that they would not reduce the variety of neighborhood-serving uses; nor create substantial noise, traffic, parking problems, or other nuisances in the district or surrounding neighborhood. Those establishments that would do the above should not be permitted. Except in districts with an established pattern of service to a broad market, such as North Beach, such establishments should not occupy more than 25% of the total commercially occupied frontage in a district. To minimize the problems they can create, eating and drinking uses should generally be at least 100 feet apart from each other, unless there are factors making clustering of uses appropriate. For example, a configuration of clustered eating and drinking uses where off-street parking is shared might be more appropriate than an even distribution of such establishments.
- New, expanding or relocating eating and drinking uses should not impose significant adverse impacts on traffic and transit volumes and circulation and parking congestion. If such impacts are anticipated, especially on transit-preferential streets, the proposed use, expansion or relocation should be redesigned to mitigate such impacts, or it should be prohibited.
- Eating and drinking uses should be adequately soundproofed or insulated for noise and operated so as to reasonably protect adjoining and surrounding upper-story residences from

disturbances. Fixed source equipment noise should not exceed the decibel levels specified in the Noise Control Ordinance.

Fast Food Restaurants and Self-Service Restaurants

Fast food restaurants and self-service restaurants including take-out food establishments are retail uses which provide quick food service for consumption on or off the premises, which are often designed to serve a high volume of customers at a high turnover rate. As a result, this use can generate problems in traffic and pedestrian circulation, parking congestion, litter, noise and odors. All guidelines for eating and drinking establishments should apply to fast food restaurants and self-service restaurants in addition to the guidelines stated below.

- Large fast food restaurants occupying more than 1000 square feet of floor area are discouraged in neighborhood commercial cluster districts, small-scale neighborhood commercial districts and those individual districts where such discouragement is noted in their description and purpose statements. Large fast food restaurants of that size usually are designed to attract high volumes of customers from a large trade area. Such volumes of customers can generate various nuisance problems for the surrounding residential neighborhoods, especially parking congestion, traffic and pedestrian circulation, litter and late-night activity.
- The proposed use should not add to an overconcentration of fast food restaurants in a single district. As a general rule, fast food restaurants should be evenly distributed throughout the district. However, in certain locations, clustering may be more appropriate. For example, a configuration of clustered fast food restaurants where sufficient off-street parking is shared between them might make more efficient use of land than an even distribution of fast food restaurants throughout the district. The number of large fast food restaurants and small self-service restaurants should not exceed the maximum number that would be allowed if all fast food restaurants in the district were at least 500 feet from each other.
- To avoid potential pedestrian-vehicle conflicts where large numbers of children are present, fast food restaurants should not be within 500-foot walking distance of an elementary or secondary school.
- New or expanding large fast food restaurants should provide a detailed analysis of their anticipated impacts on transportation systems. If problems are anticipated, especially on transit-preferential streets, the proposed use should be reduced in size and/or redesigned to mitigate the above impacts, or prohibited. If the estimated parking demand for the use cannot be accommodated by existing or new off- or on-street parking facilities, the use should provide ample off-street parking on the site or within a reasonable walking distance of the site to provide for the parking demand; otherwise the use should be prohibited.
- The use should provide adequate waiting space for walk-in patrons.
- The use should be equipped with sufficient outdoor and indoor trash receptacles to avoid litter problems in the surrounding neighborhood.

- The operator of the use should be responsible for maintaining the sidewalk within a one-block radius of the site free of paper or litter.
- The use should be designed and operated to contain fumes and odors within the cooking areas, so that such fumes and odors will not spread to adjacent or upper-story uses.
- The new or expanding use should close at 12:00 Midnight or earlier.

The General Plan states that there is a concern with the potential over-concentration of food-service establishments and the Commerce and Industry Element of the General Plan contains the 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 Department Staff performed a site survey of the NC-1 zoned stretch of Judah Street between 43rd and 47th Avenues and finds that approximately 20% of the frontage is attributed to eating and drinking establishments. The addition of project would increase this total occupied commercial frontage to approximately 21%. However, the Planning Department believes that restaurant uses contribute to the economic vitality of this district which also contains diverse mix of other neighborhood serving retail and service uses, and is well served by public transit. The project's impacts to over-concentration are also minimized by being more than 100 feet from the next nearest eating and drinking establishment in the district. Additionally, the project would result in only three small self-service restaurants and no large fast-food restaurants in this district, which is below the maximum number of four fast food restaurants allowed in the district if each fast-food restaurant were at least 500 feet from each other. It is also noted that the project will be subject to the standard Conditions of Approval for eating and drinking establishments including those concerned with trash, odors and general cleanliness.

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.

No retail uses will be displaced as a result of this authorization. Additionally, this authorization will allow for the creation of new job 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 Project will not adversely affect existing housing and is consistent with the surrounding neighborhood character.

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

No housing will be removed for this Project.

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

The Project is within close access to public transit as it is served by the N-Judah Muni Metro line. Additionally, approval of the Project should not significantly alter the existing automobile traffic and parking availability that currently exists in the immediate neighborhood.

- 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.

Approval of this Project will not adversely affect any industrial or service sector jobs rather it will create new service sector employment opportunities for local residents.

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

The Project will be designed and constructed to conform to the structural and seismic safety requirements of the San Francisco Building Code where applicable. Therefore, the Project will not impact the existing structure's ability to withstand an earthquake.

- G. That landmarks and historic buildings be preserved.

The Project does not involve façade alterations. Additionally, the existing structure is not an architecturally rated building, nor is it included on any architectural survey. Therefore, no historic buildings will be adversely affected by the proposed change of use.

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

This Project will not affect any parks or open space because there is no change to the existing building footprint.

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. 2011.0574C** subject to the following conditions attached hereto as "EXHIBIT A" 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, 94012.

I hereby certify that the Planning Commission **ADOPTED** the foregoing Motion on September 15, 2011.

Linda Avery
Commission Secretary

AYES:

NAYES:

ABSENT:

ADOPTED: September 15, 2011

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to allow a small, self-service restaurant (d.b.a. Sweet Orchid) located at 3848 Judah Street, Block 1798, and Lot 027 pursuant to Planning Code Section(s) 710.44 and 303 within an NC-1 (Neighborhood Commercial, Cluster) District and a 40-X Height and Bulk District; in general conformance with plans, dated June 1, 2011, and stamped "EXHIBIT B" included in the docket for Case No. 2011.0574 C and subject to conditions of approval reviewed and approved by the Commission on **September 15, 2011** under Motion No. **XXXXX**. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

RECORDATION OF CONDITIONS OF APPROVAL

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on **September 15, 2011** under Motion No. **XXXXX**.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. **XXXXX** shall be reproduced on the Index Sheet of construction plans submitted with the site or building permit application for the Project. The Index Sheet of the construction plans shall reference to the Conditional Use authorization and any subsequent amendments or modifications.

SEVERABILITY

The Project shall comply with all applicable City codes and requirements. If any clause, sentence, section or any part of these conditions of approval is for any reason held to be invalid, such invalidity shall not affect or impair other remaining clauses, sentences, or sections of these conditions. This decision conveys no right to construct, or to receive a building permit. "Project Sponsor" shall include any subsequent responsible party.

CHANGES AND MODIFICATIONS

Changes to the approved plans may be approved administratively by the Zoning Administrator. Significant changes and modifications of conditions shall require Planning Commission approval of a new Conditional Use authorization.

Conditions of approval, Compliance, Monitoring, and Reporting

PERFORMANCE

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

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

DESIGN – COMPLIANCE AT PLAN STAGE

Garbage, composting and recycling storage. Space for the collection and storage of garbage, composting, and recycling shall be provided within enclosed areas on the property and clearly labeled and illustrated on the building permit plans. Space for the collection and storage of recyclable and compostable materials that meets the size, location, accessibility and other standards specified by the San Francisco Recycling Program shall be provided at the ground level of the buildings.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

MONITORING - AFTER ENTITLEMENT

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

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

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> .

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>*

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

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

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

Aerial Photo view looking North



SUBJECT PROPERTY

Conditional Use Request Hearing
Case Number 2011.0574C
Small, Self-service Restaurant
3848 Judah Street

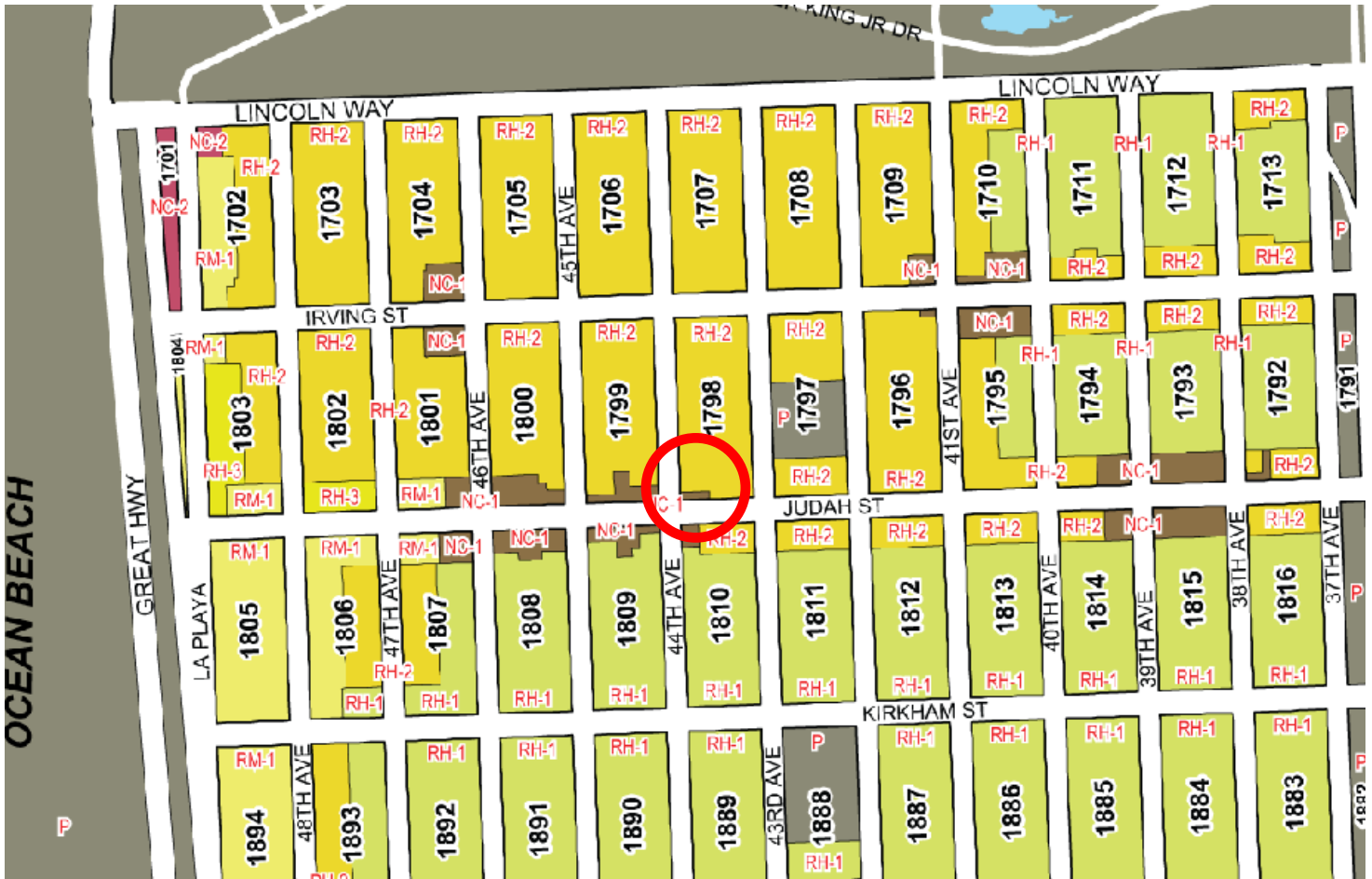
Aerial Photo view looking South



SUBJECT PROPERTY

Conditional Use Request Hearing
Case Number 2011.0574C
Small, Self-service Restaurant
3848 Judah Street

Zoning Map



Conditional Use Request Hearing
Case Number 2011.0574C
Small, Self-service Restaurant
3848 Judah Street

Site Photo

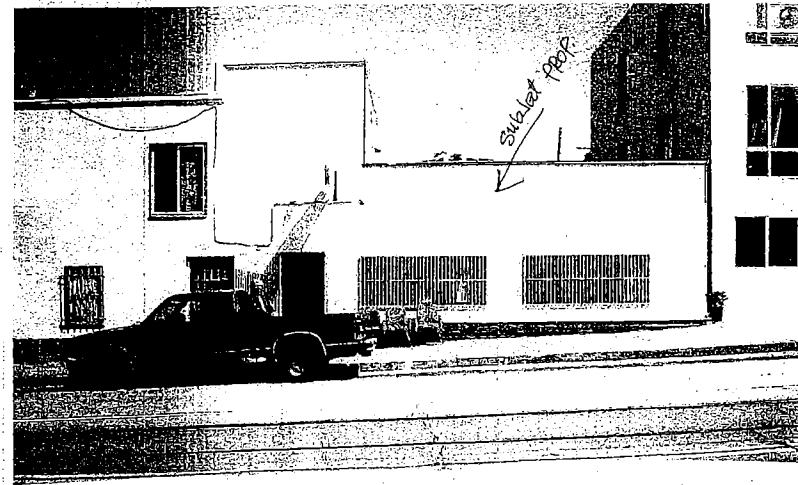


SUBJECT PROPERTY

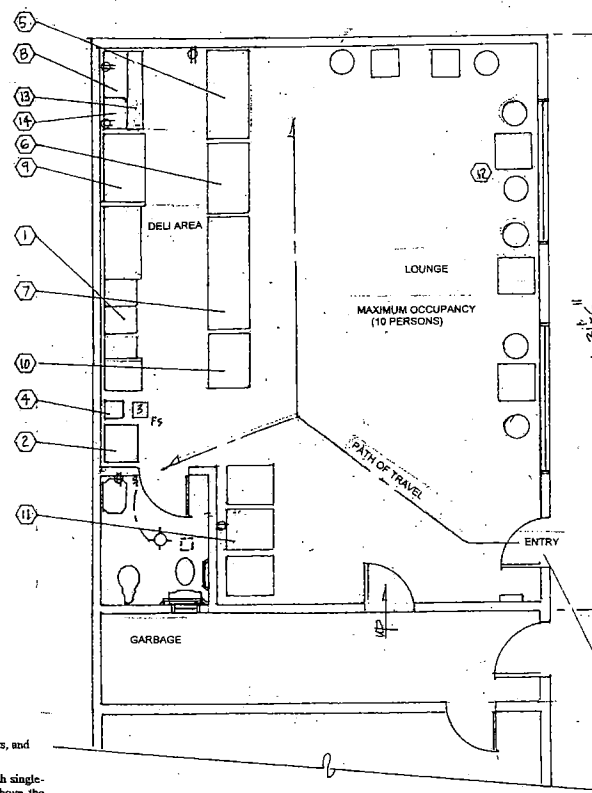
Conditional Use Request Hearing
Case Number 2011.0574C
Small, Self-service Restaurant
3848 Judah Street

AREA FINISH SCHEDULE					
AREA	FLOOR	BASE	WALL	CEILING	REMARKS
DELI AREA					
MOP SINK					
CASHER					
LOUNGE					
RESTROOM					

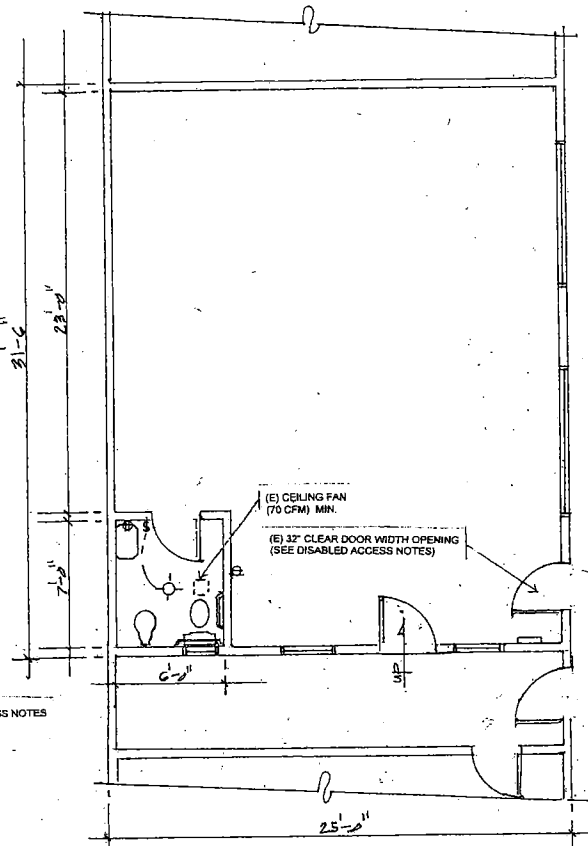
EQUIPMENT SCHEDULE		
SYMBOL	DESCRIPTION	REMARKS
①	3-COMPARTMENT FOOD PREPARATION SINK	3-COMPARTMENT FOOD PREPARATION SINK WITH 18" AND 48" DRAIN BOARD EACH END. SINK SHALL DRAIN INDIRECTLY INTO A FLOOR SINK, WITH AT LEAST A 1-INCH AIR GAP.
②	MOP SINK	PROVIDE AN APPROVED BACKFLOW PREVENTION DEVICE TO MOP SINK FRACSET. PROVIDE A MOP AND BROOM RACK.
③	FLOOR SINK	FLOOR SINKS SHALL BE LOCATED SO THAT THEY ARE READILY ACCESSIBLE FOR INSPECTOR, CLEANING AND REPAIR. THE FLOOR SINK SHALL BE LOCATED WITHIN 18" OF THE DRAIN OPENING OF THE 3-COMPARTMENT SINK.
④	HAND WASH SINK	HAND WASH SINK WITH PERMANENTLY MOUNTED SINGLE-BOWSE SOAP AND PAPER TOWEL DISPENSERS.
⑤	COFFEE TABLE	
⑥	BAKERY DISPLAY CASE	
⑦	DELI DISPLAY CASE	
⑧	STEAMER	
⑨	VEGETABLE STACK	
⑩	CASHER	
⑪	BEVERAGES COOLER	
⑫	TABLES / CHAIRS	
⑬	COUNTER TOP	
⑭	MICROWAVE	



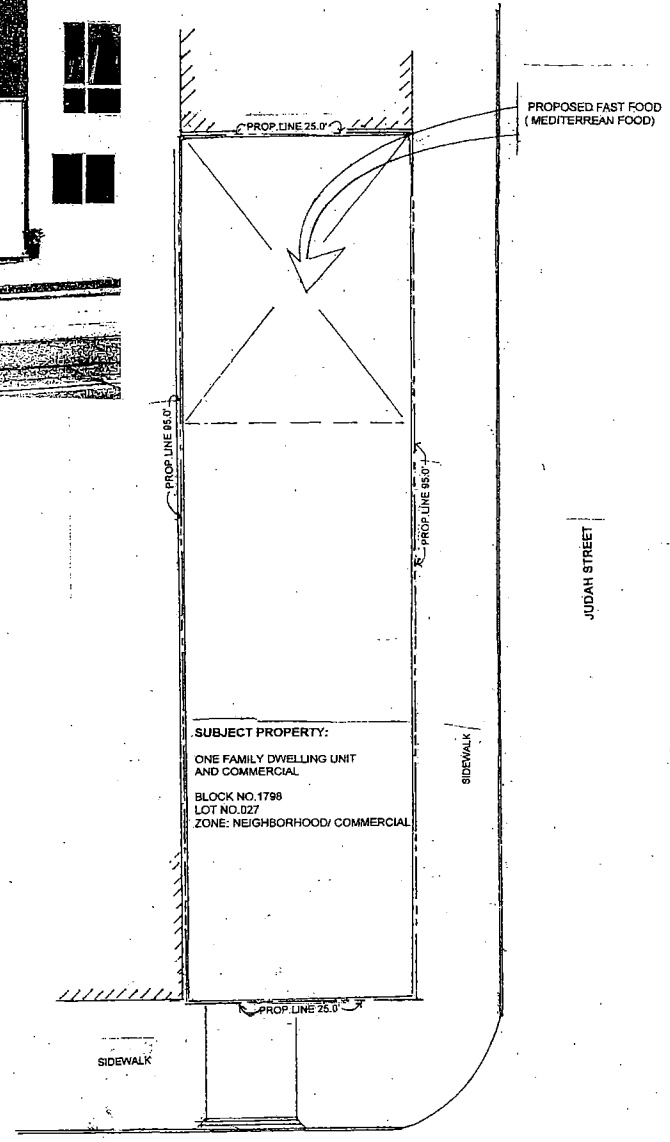
4 SUBJECT FRONT VIEW



3 PROPOSED FLOOR PLAN
Scale: 1/4"=1'-0"



2 EXISTING FLOOR PLAN
Scale: 1/4"=1'-0"



1 SITE PLAN
Scale: 1/8"=1'-0"

DISABLED ACCESS COMPLIANCE COMMENTS:

- maximum door opening efforts of 5 lbs. at exterior and interior doors, and 15 lbs. at fire doors. (CBC Section 1133B.2.5.)
- all doors at the area of alteration and remodeling are equipped with single-act, non-grasp hardware (i.e., lever) centered between 30" and 44" above the floor. (CBC Section 1133B.2.5.2.)
- 1/2" maximum high threshold (above floor and landing on both sides) at building entrance/all doors. (CBC 1133B.2.4.1.)
- 10" kickplate at bottom of entry doors. (CBC Sec. 1133B.2.6.)
- Single-act, non-grasp hardware (i.e., lever) centered between 30" and 44" above the floor. (CBC Sec. 1133B.2.5.2.)

ALL CONSTRUCTION WORKS SHALL COMPLY WITH 2010 CALIFORNIA BUILDING CODE (CBC), CALIFORNIA PLUMBING CODE (CPC), CALIFORNIA MECHANICAL CODE (CMC), 2007 CALIFORNIA ELECTRICAL CODE (CEC), THE LOCAL MUNICIPAL BUILDING CODE, 2007 CALIFORNIA FIRE CODE AND THE 2008 CALIFORNIA ENERGY CODE.

SCOPE OF WORK:

- 1) NEW FLOOR TILES
- 2) NEW INTERIOR PAINT
- 3) PLUMBING
- 4) ELECTRICAL
- 5) NO STRUCTURAL WORKS

REVISIONS	BY

Design Tech SF
 Paul Fluzon
 San Francisco, CA 94104
 Lic. No. 11518
 Lic. No. 11518

Architectural/Structural Plans
 San Francisco Business Registration Certificate No. 18829

PROPOSED SELF-SERVICE FAST FOOD RESTAURANT (MEDITERRANEAN FOOD)

**JOB SITE: 3848- JUDAH STREET
 SAN FRANCISCO, CA 94122**

TENANT: BUDER TAWASHA

Date: _____
 Rev: _____
 Drawn: PAUL
 Job: _____
 Sheet: **A-1**