



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Conditional Use

HEARING DATE: MAY 16, 2013

Date: May 9, 2013
Case No.: **2012.1184C**
Project Address: **2239 Taraval Street**
Zoning: Taraval Street Neighborhood Commercial District
50-X Height and Bulk District
Block/Lot: 2393/042
Project Sponsor: Sherman Yan
423 Yale Street
San Francisco, CA 94134
Staff Contact: Doug Vu – (415) 575-9120
doug.vu@sfgov.org
Recommendation: **Approval with Conditions**

1650 Mission St.
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Information:
415.558.6377

PROJECT DESCRIPTION

The Project Sponsor seeks a Conditional Use Authorization, pursuant to Planning Code Sections 303(p), 741.43 and 781.1, to establish a limited-restaurant (d.b.a. Wing Shing Bakery) that will offer pastries, dim sum and other food items in a vacant commercial space at the ground story. The proposed hours of operation are from 7:00 a.m. to 6:00 p.m. daily, and the business will be an independent neighborhood-serving use that is locally owned, which is encouraged throughout San Francisco.

SITE DESCRIPTION AND PRESENT USE

The Subject Property is located on the south side of Taraval Street between 32nd and 33rd Streets within the Taraval Street NCD (Neighborhood Commercial District) and a 50-X Height and Bulk District. The 2,500 sq. ft. rectangular lot measures approximately 25' x 100' and is developed with a three-story mixed use building that contains a 2,200 sq. ft. commercial space at the ground story and two dwelling units at the second and third stories. The Property has 25 feet of frontage along Taraval Street and the commercial space is currently vacant.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The Taraval Street NCD is located in the Outer Sunset neighborhood and includes the commercial and mixed use properties fronting both sides of Taraval Street from 19th through 36th Avenues. The District provides a selection of convenience goods and services for the residents of the Outer Sunset District. There are a high concentration of restaurants, drawing customers from throughout the City and the region. There are also a significant number of professional, realty, and business offices as well as financial institutions.

The Taraval Street NCD controls are designed to promote development that is consistent with its existing land use patterns and to maintain a harmony of uses that support the District's vitality. The building standards allow small-scale buildings and uses, protecting rear yards above the ground story and at residential levels. In new development, most commercial uses are permitted at the first two stories although certain limitations apply to uses at the second story. Special controls are necessary to preserve the equilibrium of neighborhood-serving convenience and comparison shopping businesses and to protect adjacent residential livability. These controls are designed to encourage the street's active retail frontage and local fabrication and production of goods.

Land uses located within the subject block include residential and mixed use buildings that contain a range of commercial uses on the ground floors including retail stores (Monogram Glass & Windows, 7-11, Greg's Liquor & Deli), eating and drinking establishments (Pirro's Pizzeria, Copper Kettle Café & Bakery), personal services (Super Rainbow Beauty Salon, Marina Ballet School) and an animal hospital (Avenues Pet Hospital). Several buildings within the block also contain multi-family dwelling units above the ground floor.

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	April 26, 2013	April 24, 2013	22 days
Posted Notice	20 days	April 26, 2013	April 26, 2013	20 days
Mailed Notice	20 days	April 26, 2013	April 26, 2013	20 days

The Project requires a Section 312 neighborhood notification, which was conducted in conjunction with the conditional use authorization process.

PUBLIC COMMENT

- To date, the Department has not received any comments and is not aware of any opposition to the Project.

ISSUES AND OTHER CONSIDERATIONS

- With regard to Conditional Use authorizations for eating and drinking uses [Planning Code Section 303(p)], the Commission is required to also consider the existing concentration of these uses in the area. Such concentration should not exceed 25% of the total commercial frontage as measured in linear feet within the immediate area of the Project, which is defined as all properties located within 300' of the Subject Property and also located within the Taraval Street NCD. There are currently four eating and drinking uses within 300' of the Project that include Pirro's Pizzeria, Copper Kettle Café & Bakery, Costello's 4 Deuces Bar and The Spot Lounge that

occupy 5.5% of the total commercial frontage (or 97.5 linear feet of a total 1,750 linear feet) within the immediate area.

- There are currently two other vacant commercial properties within the subject block of the Project.
- The project will be subject to the standard Conditions of Approval for eating and drinking establishments including those pertaining to trash removal and general cleanliness.

REQUIRED COMMISSION ACTION

In order for the project to proceed, the Commission must grant Conditional Use authorization to allow the establishment of a limited-restaurant within the Taraval Street NCD, pursuant to Planning Code Sections 303(p), 741.43 and 781.1.

BASIS FOR RECOMMENDATION

- The existing concentration of eating and drinking uses in the area is 5.5%.
- The Project is a locally-owned business that will convert the vacant storefront into a limited-restaurant that will contribute to the vitality of the neighborhood.
- The daily hours of operation, from 7:00 a.m. to 6:00 p.m. are desirable for and compatible with the surrounding mixed use neighborhood.
- Although the Project will be a neighborhood-serving business, it is within close access to public transit including the L-Taraval Muni Metro line and should not adversely impact traffic.
- The Project meets all applicable requirements of the Planning Code.
- The business is not a Formula Retail Use and would serve the immediate neighborhood.

RECOMMENDATION: Approval with Conditions
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Attachments:

- Block Book Map
- Sanborn Map
- Aerial Photographs
- Zoning Map
- Site Photograph
- 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 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

_____ DV _____
Planner's Initials

G:\Documents\CUs\2239 Taraval Street -2012.1184C\Reports\Exec Sum.docx



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: MAY 16, 2013

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ADOPTING FINDINGS RELATING TO THE APPROVAL OF A CONDITIONAL USE AUTHORIZATION PURSUANT TO PLANNING CODE SECTIONS 303, 741.43 and 781.1, TO ESTABLISH A LIMITED-RESTAURANT (D.B.A. WING SHING BAKERY) IN THE TARAVAL STREET NEIGHBORHOOD COMMERCIAL DISTRICT (NCD) AND A 50-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On September 14, 2012, Sherman Yan (hereinafter "Project Sponsor") filed an application (hereinafter "Application") with the Planning Department (hereinafter "Department") for Conditional Use Authorization pursuant to Planning Code Sections 303, 741.43 and 781.1, on the property located at 2239 Taraval Street, Assessor's Lot 042 in Block 2393 (hereinafter "Property") to establish a Limited-Restaurant (d.b.a. Wing Shing Bakery) in the Taraval Street Neighborhood Commercial District (hereinafter "Taraval Street NCD") and a 50-X Height and Bulk District, in general conformity with the plans filed with the Application and labeled Exhibit B (hereinafter "Project").

On May 16, 2013, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Case No. 2012.1184C.

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 Sponsor, Department staff, and other interested parties.

MOVED, that the Commission hereby authorizes the Conditional Use requested in Application No. 2012.1184C, subject to the conditions contained in EXHIBIT A, attached hereto and incorporated herein by reference thereto, 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 Property is located on the south side of Taraval Street between 32nd and 33rd Streets within the Taraval Street NCD (Neighborhood Commercial District) and a 50-X Height and Bulk District. The 2,500 sq. ft. rectangular lot measures approximately 25' x 100' and is developed with a three-story mixed use building that contains a 2,200 sq. ft. commercial space at the ground story and two dwelling units at the second and third stories. The Property has 25 feet of frontage along Taraval Street and the commercial space is currently vacant.
3. **Surrounding Properties and Neighborhood.** The Taraval Street NCD is located in the Outer Sunset neighborhood and includes the commercial and mixed use properties fronting both sides of Taraval Street from 19th through 36th Avenues. The District provides a selection of convenience goods and services for the residents of the Outer Sunset District. There are a high concentration of restaurants, drawing customers from throughout the City and the region. There are also a significant number of professional, realty, and business offices as well as financial institutions.

The Taraval Street NCD controls are designed to promote development that is consistent with its existing land use patterns and to maintain a harmony of uses that support the District's vitality. The building standards allow small-scale buildings and uses, protecting rear yards above the ground story and at residential levels. In new development, most commercial uses are permitted at the first two stories although certain limitations apply to uses at the second story. Special controls are necessary to preserve the equilibrium of neighborhood-serving convenience and comparison shopping businesses and to protect adjacent residential livability. These controls are designed to encourage the street's active retail frontage and local fabrication and production of goods.

Land uses located within the subject block include residential and mixed use buildings that contain a range of commercial uses on the ground floors including retail stores (Monogram Glass

& Windows, 7-11, Greg's Liquor & Deli), eating and drinking establishments (Pirro's Pizzeria, Copper Kettle Café & Bakery), personal services (Super Rainbow Beauty Salon, Marina Ballet School) and an animal hospital (Avenues Pet Hospital). Several buildings within the block also contain multi-family dwelling units above the ground floor.

4. **Project Description.** The Project Sponsor seeks a Conditional Use Authorization, pursuant to Planning Code Sections 303(p), 741.43 and 781.1, to establish a limited-restaurant (d.b.a. Wing Shing Bakery) that will offer pastries, dim sum and other food items in a vacant commercial space at the ground story. The proposed hours of operation are from 7:00 a.m. to 6:00 p.m. daily, and the business will be an independent neighborhood-serving use that is locally owned, which is encouraged throughout San Francisco.
5. **Public Comment.** The Department has not received any comments and is not aware of any opposition to the Project.
6. **Planning Code Compliance:** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:

- A. **Limited-Restaurant.** Planning Code Section 741.43 specifies that a limited-restaurant as defined in Section 790.90 is a conditionally permitted use in the Taraval Street Neighborhood Commercial District.

The Sponsor seeks Conditional Use Authorization to establish a new limited-restaurant (d.b.a. Wing Shing Bakery) at the ground floor of the Subject Property, which is located within the Taraval Street NCD.

- B. **Hours of Operation.** Planning Code Section 741.27 states that in the Taraval Street NCD, maintaining hours of operation from 6:00 a.m. to 2:00 a.m. is permitted by right, and hours of operation from 2:00 a.m. to 6:00 a.m. is conditionally permitted.

The hours of operation for the proposed limited-restaurant are from 7 a.m. to 6 p.m. daily, which is permitted by right.

- C. **Use Size.** Planning Code Section 741.21 states that uses up to 3,999 sq. ft. are permitted by right and uses 4,000 sq. ft. and over require conditional use authorization in the Taraval Street NCD.

The commercial space that the Project will occupy is approximately 2,200 sq. ft. and is permitted by right.

- D. **Street Frontage in Neighborhood Commercial Districts.** Planning Code Section 145.1 requires that CD Districts containing specific uses, including limited-restaurants, have at least one-half 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 decorative 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 Subject Property has 25 feet of lineal frontage along Taraval Street with more than two-thirds of the total width of the street frontage devoted to the entrance of the commercial space and windows at eye level that are clear and un-tinted.

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

The Project includes approximately 2,200 square feet of occupied floor area and does not require any off-street parking.

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

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 upon approval of this Conditional Use authorization.

7. **Planning Code Section 303** establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use approval. On balance, the project complies with said criteria in that:

- A. The proposed new uses and building, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable, and compatible with, the neighborhood or the community.

The Project will provide a use that is necessary and desirable for the neighborhood in that it will provide a neighborhood serving use that will activate an inactive portion of the street frontage and occupy a vacant storefront.

- 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 Subject Property was recently altered under Building Permit No. 200907102399 to enlarge the commercial space and add two dwelling units above the ground story. The Project will occupy

the enlarged commercial space and will not alter the current approved size, shape or arrangement of the structure on the site.

- 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 will be frequented by foot, bicycle or public transportation by residents of the surrounding neighborhoods. The Property is served by the L-Taraval streetcar line, and the Planning Code does not require off-street parking for the proposed Project.

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

The Project will be subject to the standard conditions of approval for an eating and drinking establishment as outlined in Exhibit A to ensure that noise and odors are contained within the premises so as not to be a nuisance to nearby residents or businesses. Conditions of Approval 8 and 9 specifically obligate the Project Sponsor to mitigate odor and noise generated by the limited-restaurant.

- 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 the existing conditions as they relate to landscaping, screening, open spaces, service areas and lighting. Any proposed signage shall be subject to review by the Planning Department and required to comply with all the provisions set forth in Article 6 of the Planning Code upon 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 the applicable provisions of the Planning Code and is consistent with the 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 Taraval Street NCD in that the use is located at the ground floor, provides a service that is compatible and convenient for the immediate surrounding neighborhoods, and will operate with hours of operation that are permitted by right within the NCD.

- E. That the existing concentration of eating and drinking uses in the area should not exceed 25% of the total commercial frontage as measured in linear feet within the immediate area of the subject site. For the purposes of Section 303(p) of the Code, the immediate area shall be

defined as all properties located within 300' of the subject property and also located within the same zoning district.

The existing total commercial frontage within 300 feet of the Subject Property is 1,750 linear feet, and the existing concentration of eating and drinking uses within 300 feet is 97.5 linear feet, or 5.5%. The Project would increase the concentration of eating and drinking uses in the area to 122.5 linear feet, which equals 7% and does not exceed the 25% threshold.

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

NEIGHBORHOOD COMMERCE

Objectives and Policies

OBJECTIVE 1:

MANAGE ECONOMIC GROWTH AND CHANGE TO ENSURE ENHANCEMENT OF THE TOTAL CITY LIVING AND WORKING ENVIRONMENT.

Policy 1.1:

Encourage development which provides substantial net benefits and minimizes undesirable consequences. Discourage development that has substantial undesirable consequences that cannot be mitigated.

Policy 1.2:

Assure that all commercial and industrial uses meet minimum, reasonable performance standards.

Policy 1.3:

Locate commercial and industrial activities according to a generalized commercial and industrial land use plan.

The proposed development will provide a desirable use to the neighborhood that is independent and locally-owned, and the Project is consistent with the uses in this neighborhood and with the commercial land use plan for the Taraval Street NCD. The addition of a limited-restaurant into a vacant commercial space at the ground story of the building will provide pedestrian traffic at an intensity that is suitable for the transition between the commercial activity of the Taraval Street NCD and the residential districts surrounding the site.

OBJECTIVE 2:

MAINTAIN AND ENHANCE A SOUND AND DIVERSE ECONOMIC BASE AND FISCAL STRUCTURE FOR THE CITY.

Policy 2.1:

Seek to retain existing commercial and industrial activity and to attract new such activity to the City.

The Project will enhance the City's economic base by utilizing a currently vacant commercial space along the Taraval Street NCD, and by potentially creating new service sector jobs within the restaurant.

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 potentially create entry-level employment opportunities for local unskilled and semi-skilled workers.

OBJECTIVE 6:

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

Policy 6.1:

Ensure and encourage the retention and provision of neighborhood-serving goods and services in the City's neighborhood commercial districts, while recognizing and encouraging diversity among the Districts.

No existing commercial tenant will be displaced by this Conditional Use Authorization, and the Project will not prevent the Taraval Street NCD from achieving optimal diversity in the types of goods and services available in the neighborhood because the resulting concentration of eating and drinking uses in the immediate area will only be 7% and is less than the 25% threshold.

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 Applicant is an independent San Francisco entrepreneur that has recognized the desire for a neighborhood serving restaurant that will serve pastries, dim sum and other food items and will also activate a block that currently has several vacant or underused properties.

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 not 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 granting of this Conditional Use Authorization will not adversely affect the existing neighborhood serving retail uses because the existing commercial space is vacant and the proposed limited-restaurant will increase foot traffic along the 2300 block of Taraval Street. Future opportunities for resident employment will potentially be increased by establishing a restaurant where no business currently exists, and the proposed business is an independently owned and operated local business.

- 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 preserve neighborhood character because no changes are proposed to the existing building envelope and no housing will be removed.

- 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.

Traffic conditions will remain substantially unaltered by the Project because the use is a neighborhood-serving business that can easily be frequented by foot, bicycle or public transportation. The Project is served by public transit with the Muni L-Taraval streetcar line, will not impede Muni transit and will not overburden the City's 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 Project would not displace any industrial and service sector uses.

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

The Project would be designed and constructed to comply with all required seismic and life safety codes in order to achieve the possible preparedness to protect against injury and loss of life in the event of an earthquake.

- G. That landmarks and historic buildings be preserved.

The existing structure is not a landmark or historic building. Therefore, no historic buildings will be adversely affected by the Project.

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

The Project would not include any changes to the existing building envelope and will have no negative impact on existing parks and 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. 2012.1184C** as submitted on September 14, 2012.

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. 18578. 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 May 16, 2013.

Jonas P. Ionin
Acting Commission Secretary

AYES:

NAYES:

ABSENT:

ADOPTED: May 16, 2013

EXHIBIT A

AUTHORIZATION

This authorization is for a Conditional Use to establish a limited-restaurant (d.b.a. Wing Shing Bakery) located at 2239 Taraval Street, Block 2393, and Lot 042 pursuant to Planning Code Sections 303, 741.43 and 728.44 in the Taraval Street Neighborhood Commercial District, and a 50-X Height and Bulk District, and subject to Conditions of Approval reviewed and approved by the Commission on May 16, 2013 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 May 16, 2013 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

DESIGN

3. **Signage.** Any signs on the property shall be made to comply with the requirements of Article 6 of the Planning Code.

MONITORING

4. **Enforcement.** Violation of any of the Planning Department conditions of approval contained in this Motion or of any other provisions of Planning Code applicable to this Project shall be subject to the enforcement procedures and administrative penalties set forth under Planning Code Section 176 or Section 176.1. The Planning Department may also refer the violation complaints to other city departments and agencies for appropriate enforcement action under their jurisdiction.

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

5. **Revocation due to Violation of Conditions.** Should implementation of this Project result in complaints from interested property owners, residents, or commercial lessees which are not resolved by the Project Sponsor and found to be in violation of the Planning Code and/or the specific conditions of approval for the Project as set forth in Exhibit A of this Motion, the Zoning Administrator shall refer such complaints to the Commission, after which it may hold a public hearing on the matter to consider revocation of this authorization.

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

OPERATION

6. **Garbage, Recycling, and Composting Receptacles.** Garbage, recycling, and compost containers shall be kept within the premises and hidden from public view, and placed outside only when

being serviced by the disposal company. Trash shall be contained and disposed of pursuant to garbage and recycling receptacles guidelines set forth by the Department of Public Works.

For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works at 415-554-.5810, <http://sfdpw.org>

7. **Sidewalk Maintenance.** The Project Sponsor shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean and sanitary condition in compliance with the Department of Public Works Streets and Sidewalk Maintenance Standards.

For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works, 415-695-2017, <http://sfdpw.org>

8. **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

For information about compliance with the construction noise, contact the Department of Building Inspection, 415-558-6570, www.sfdbi.org

For information about compliance with the amplified sound including music and television contact the Police Department at 415-553-0123, www.sf-police.org

9. **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 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

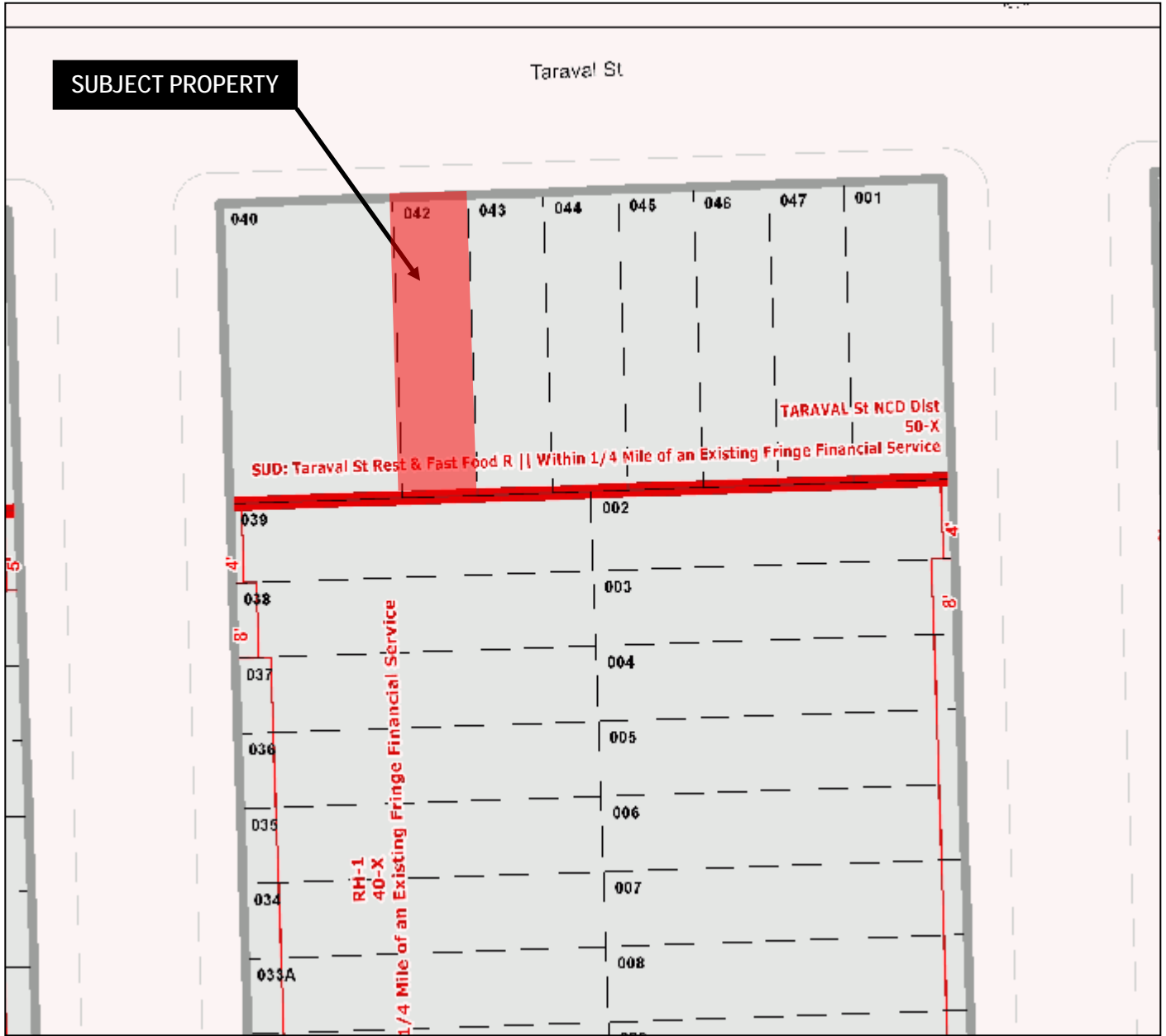
10. **Community Liaison.** Prior to the implementation of the approved use, the Project Sponsor shall appoint a community liaison officer to deal with the issues of concern to owners and occupants of nearby properties. The Project Sponsor shall provide the Zoning Administrator with written notice of 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

11. **Hours of Operation.** The subject establishment is limited to the following hours of operation: 6:00 a.m. to 2:00 a.m. daily.

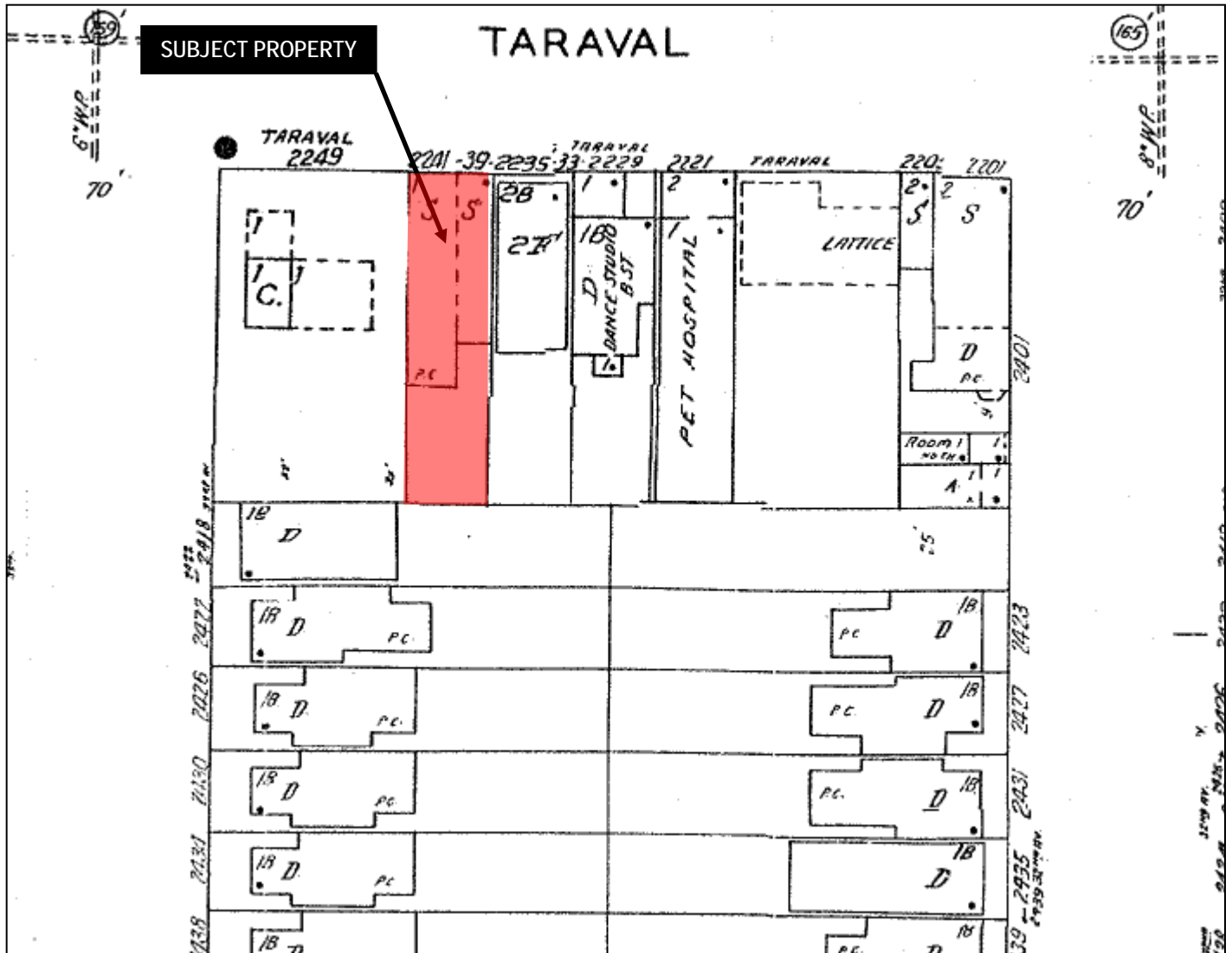
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

Parcel Map



Conditional Use Authorization
Case Number 2012.1184C
Limited-Restaurant
2239 Taraval Street

Sanborn Map*



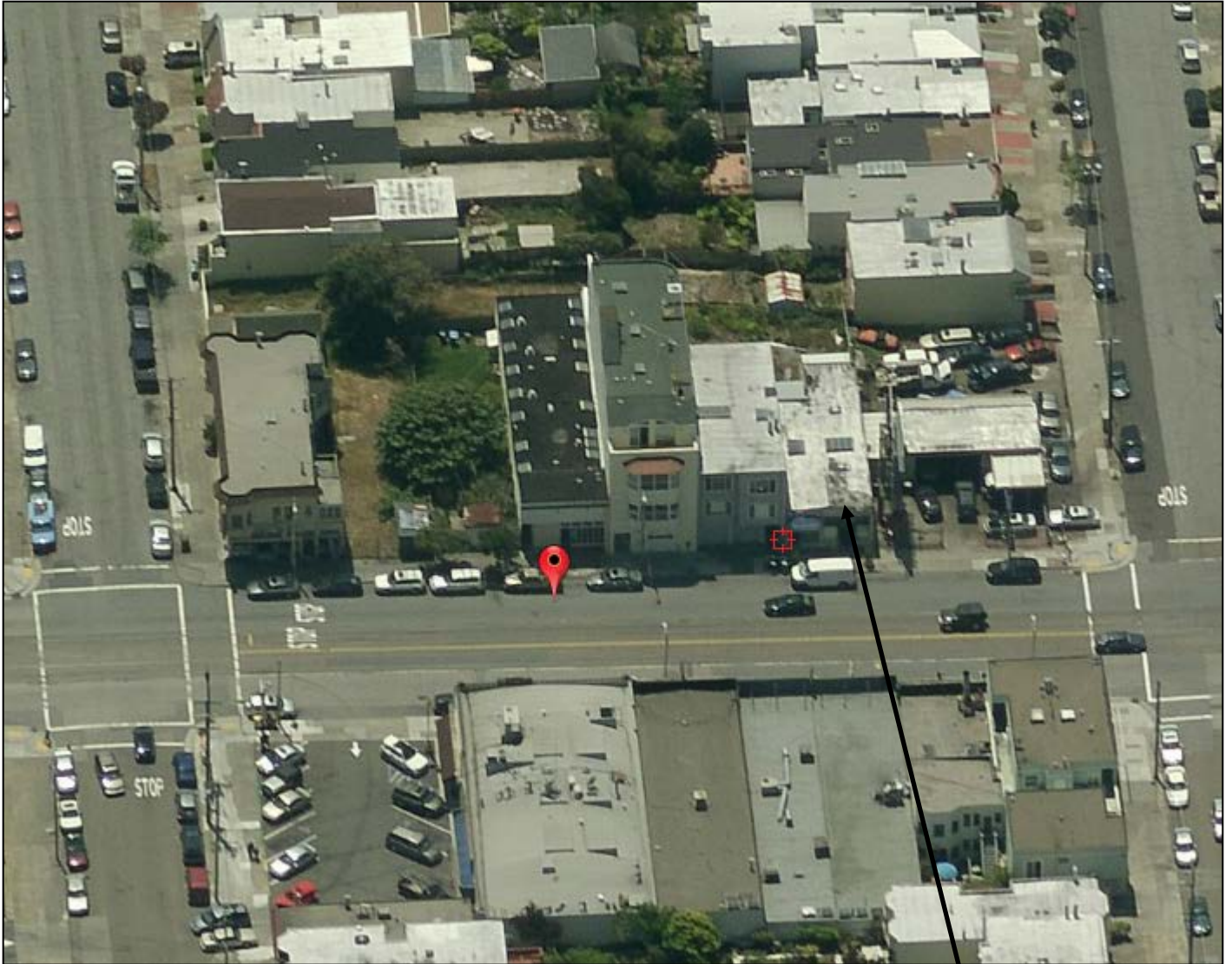
*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.



Conditional Use Authorization
Case Number 2012.1184C
Limited-Restaurant
2239 Taraval Street

Aerial Photo

view facing south



SUBJECT PROPERTY

Conditional Use Authorization
Case Number 2012.1184C
Limited-Restaurant
2239 Taraval Street

Aerial Photo

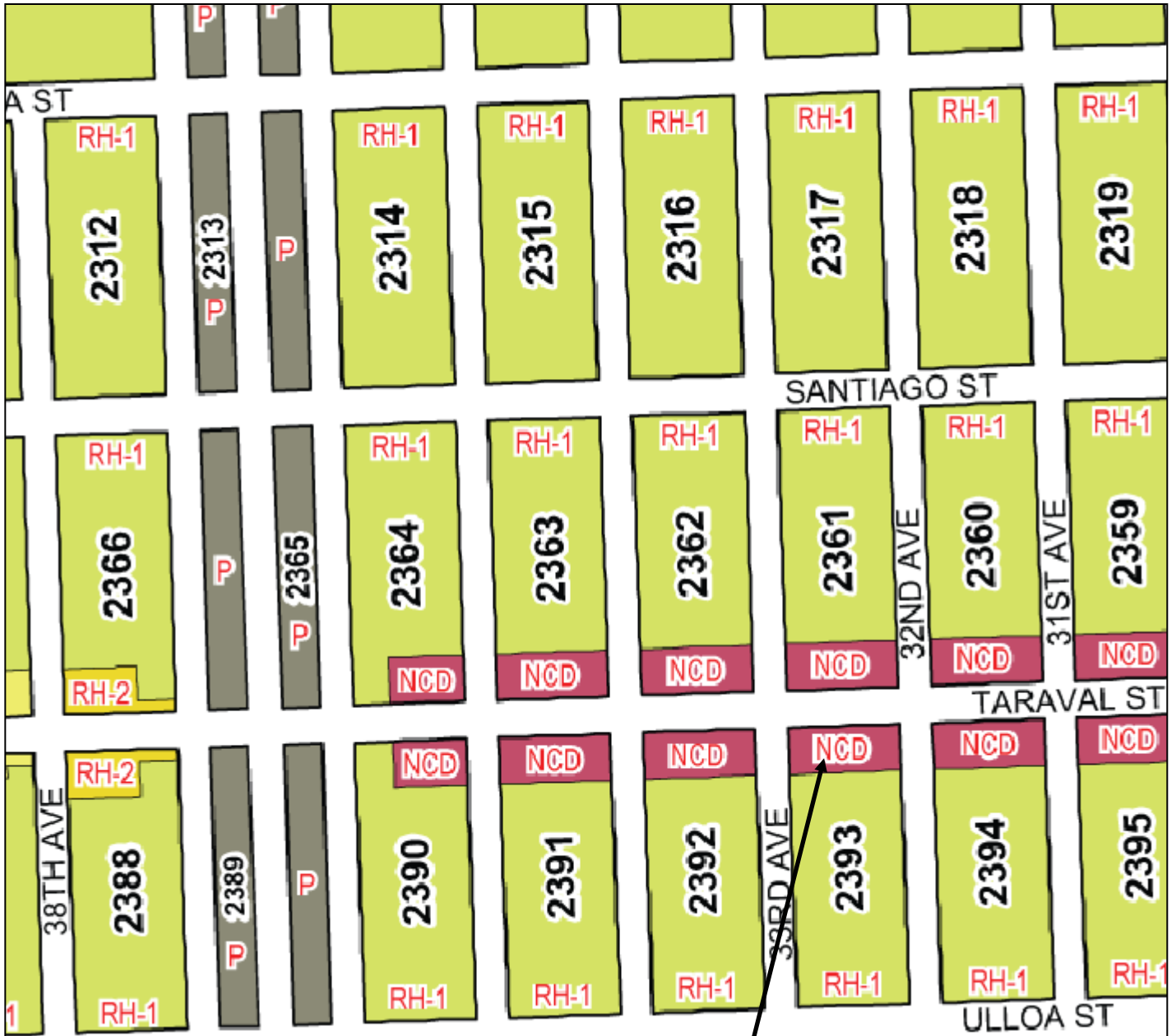
view facing north



SUBJECT PROPERTY

Conditional Use Authorization
Case Number 2012.1184C
Limited-Restaurant
2239 Taraval Street

Zoning Map



SUBJECT PROPERTY



Conditional Use Authorization
 Case Number 2012.1184C
 Limited-Restaurant
 2239 Taraval Street

Site Photo



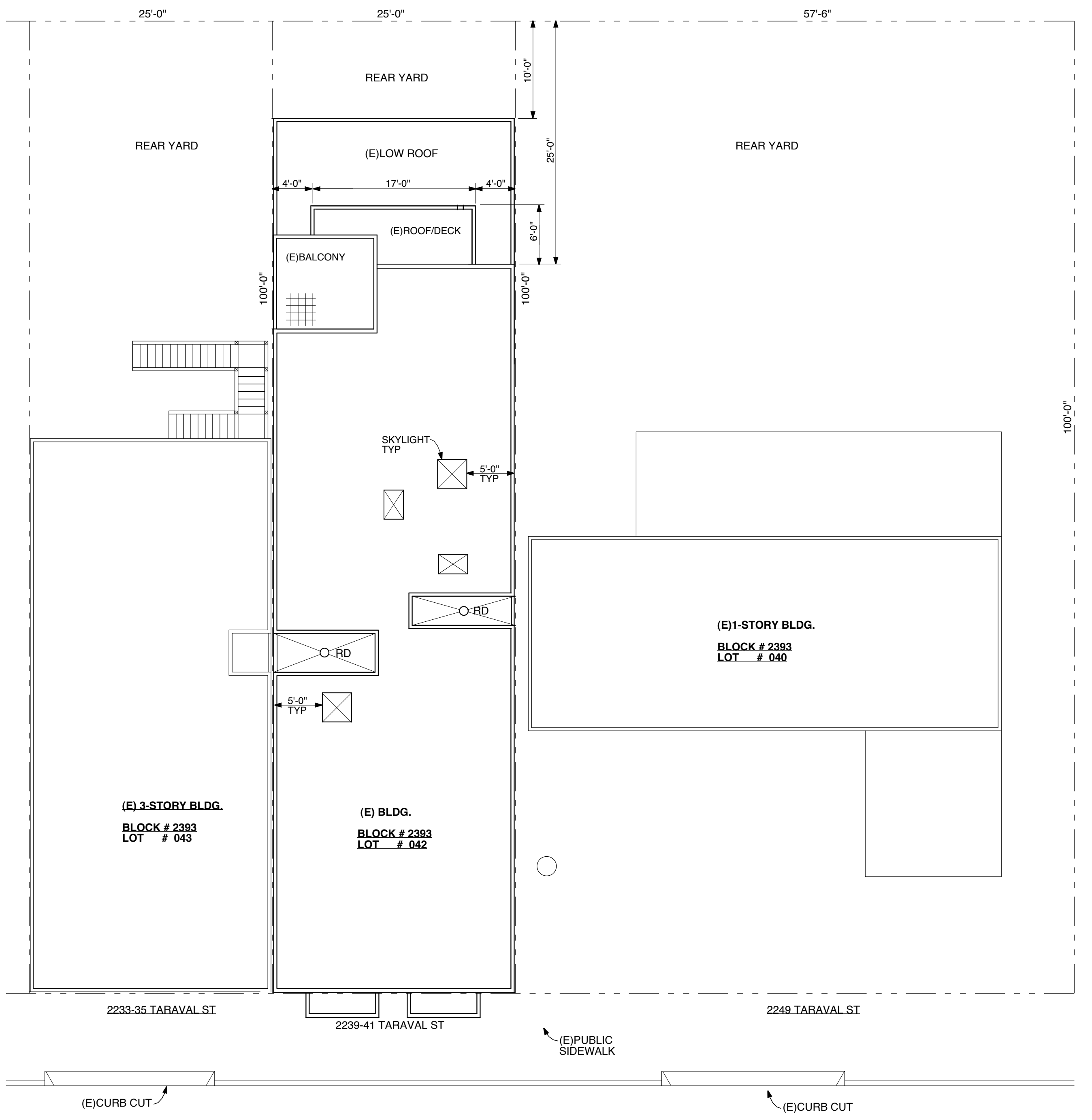
Conditional Use Authorization
Case Number 2012.1184C
Limited-Restaurant
2239 Taraval Street

REVISIONS	BY

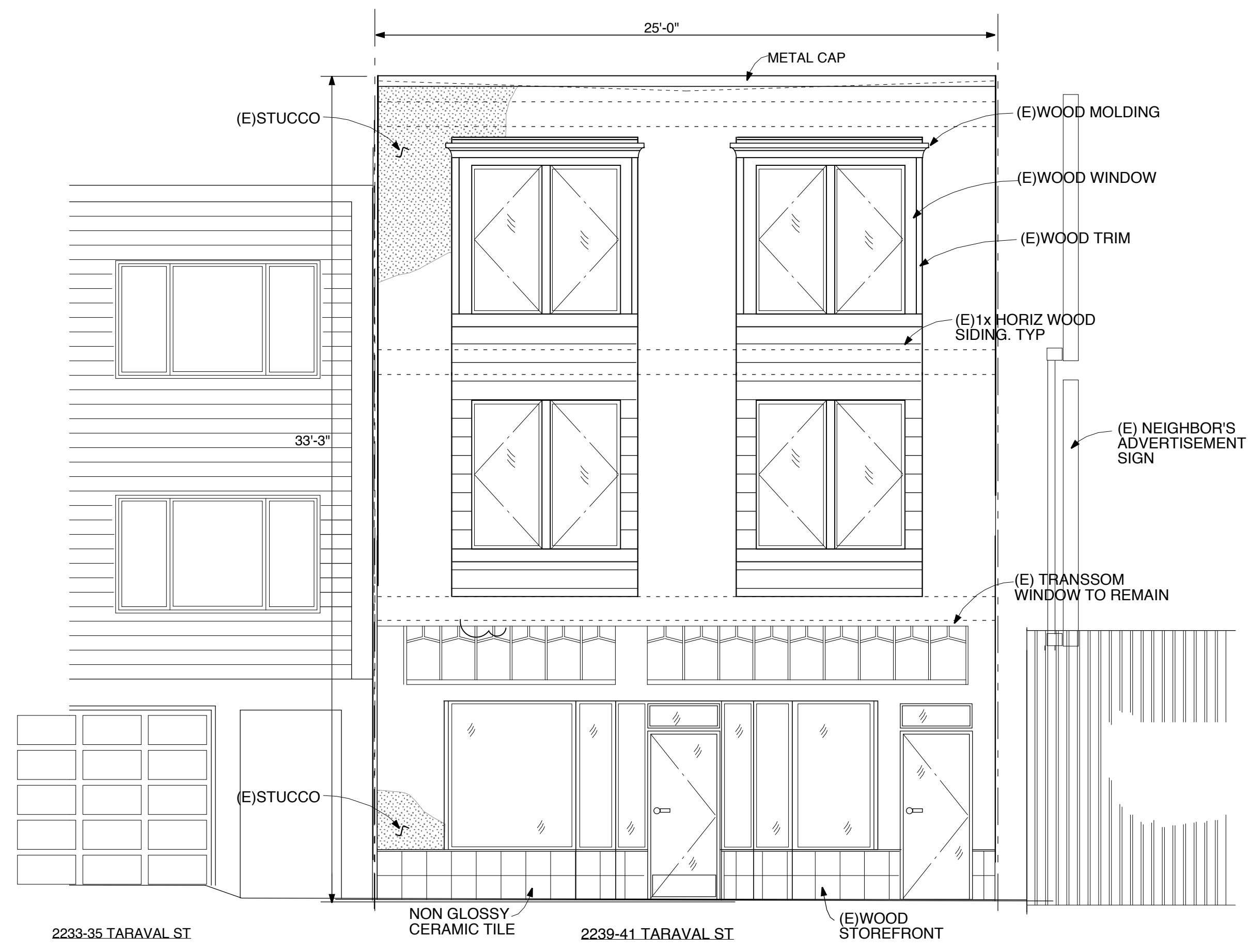
ADDITION AT
2239-41 TARAVAL STREET,
SAN FRANCISCO, CA 94116

S&A ENGINEERING DESIGN
 423 YALE STREET
 SAN FRANCISCO, CA 94134
 TEL: (415) 337-5396
 E-MAIL: SABYANFUN@AOL.COM

DATE: 4-19-09
 SCALE: AS SHOWN
 DRAWN: SY
 JOB: 0919
 SHEET
A-1 cu
 OF SHEETS 8
 PLOT DATE: 9-13-12



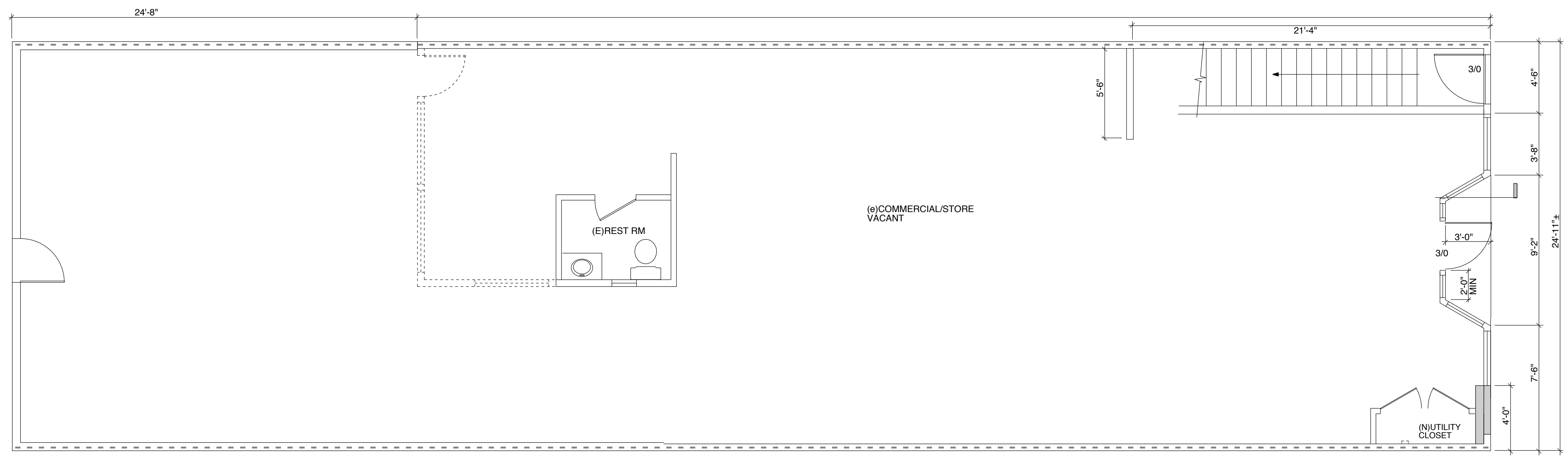
EXISTING SITE PLAN
 SCALE: 1/8" = 1'-0"



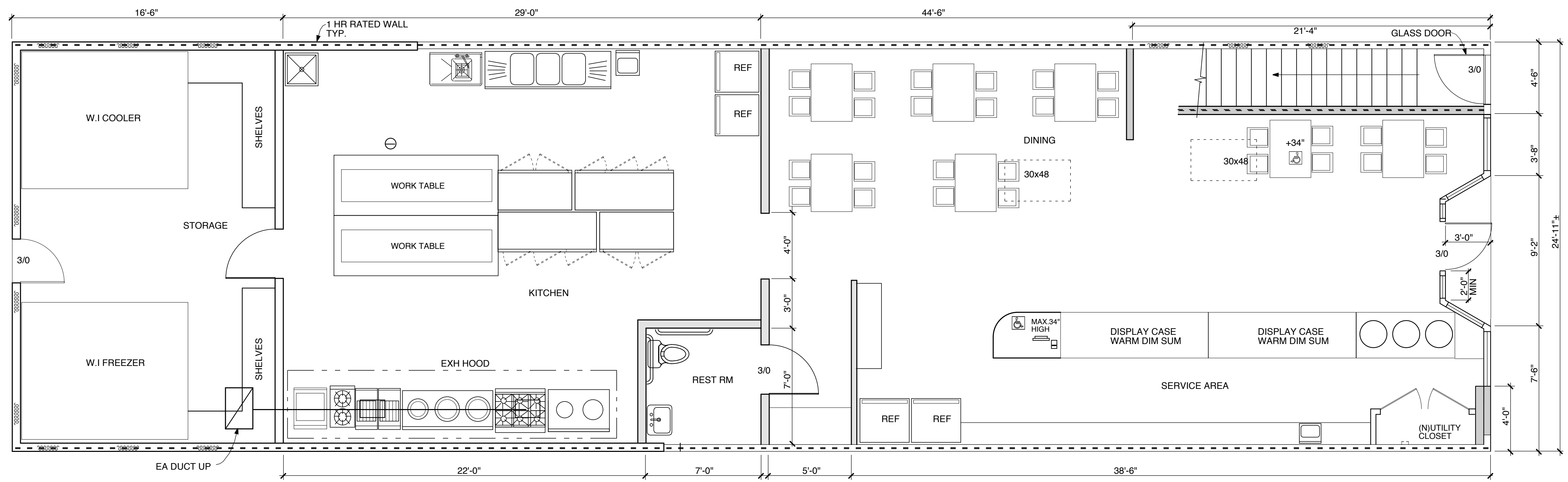
EXISTING FRONT ELEVATION
 SCALE: 1/4" = 1'-0"

LEGEND		PROJECT DATA	SCOPE OF WORK
<ul style="list-style-type: none"> S^a LIGHT SWITCH, SWITCH "a" AS INDICATED (N)2x4' SURFACE MTD. FLUORESCENT FIXTURE ○ RECESSED CEILING DOWN LIGHT (N)WALL MTD. EXIT SIGN, SINGLE FACE ⊕ WALL RECEPTACLE MTD AT +18" AFF. UON. ⊕ WALL OR CEILING MTD. EMERGENCY LIGHTING UNIT W/ 90 MINUTE BATTERY BACK UP. (E) TO REMAIN (E) TO BE REMOVED — NEW AD/P ACCESS DOOR/PANEL AFF ABOVE FINISHED FLOOR CLG CEILING 	<ul style="list-style-type: none"> CTE CONNECT TO EXISTING DOMESTIC COLD WATER (E) EXISTING EA EXHAUST AIR FD FLOOR DRAIN GFI GROUND FAULT INTERRUPTER MTD MOUNTED (N) NEW TYP TYPICAL UG UNDER GROUND UON UNLESS OTHERWISE NOTED VD VOLUME DAMPER VIF VERIFY IN FIELD W/ WITH WP WEATHERPROOF 	OCCUPANCY GROUP = B USE = FULL SERVICE RESTAURANT OPERATION HOUR = 7:00 AM TO 2:00 AM MIDNIGHT BUILDING CONSTRUCTION TYPE 5B SQUARE FOOTAGE OF REMODELED SPACE = 2050 SF±	1. CHANGE (E) OFFICE TO FULL SERVICE RESTAURANT AT GROUND FLOOR PER PLAN
		CODE COMPLIANCE	DRAWING LIST
		ALL WORK SHALL BE IN COMPLIANCE WITH THE CITY & COUNTY OF SAN FRANCISCO CODES AND ORDINANCES a) 2010 EDITION CALIFORNIA BUILDING CODE. b) 2010 EDITION CALIFORNIA PLUMBING CODE c) 2010 EDITION CALIFORNIA MECHANICAL CODE d) 2010 EDITION NATIONAL ELECTRICAL CODE. e) 2010 CALIFORNIA ENERGY CODES f) CURRENT NATIONAL FIRE CODE	A-1 COVER SHEET - SITE PLAN, ELEVATIONS A-2 FLOOR PLANS

REVISIONS	BY



EXISTING GROUND FLOOR PLAN
SCALE: 1/4" = 1'-0"



PROPOSED GROUND FLOOR PLAN
SCALE: 1/4" = 1'-0"

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 423 YALE STREET
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DATE: 4-19-09
 SCALE: AS SHOWN
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 JOB: 0919

SHEET
A-2cu
 OF SHEETS 2

PLOT DATE: 9-13-12