



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Conditional Use

HEARING DATE: AUGUST 1, 2013

CONSENT CALENDAR

Date: July 25, 2013
Case No.: **2012.1480C**
Project Address: **124 & 126 CLEMENT STREET**
Zoning: Inner Clement Street Neighborhood Commercial District
40-X Height and Bulk District
Block/Lot: 1431/020-021
Project Sponsor: Wing Lee
Wing Lee Architects
1403 Hudson Avenue
San Francisco, CA 94124
Staff Contact: Christine Lamorena – (415) 575-9085
christine.lamorena@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 expand an existing restaurant (d.b.a. Chapeau!) located at 126 Clement Street into an adjacent vacant commercial space located at 124 Clement Street. The resulting restaurant would be approximately 3,600 square feet in area. The project includes exterior façade alterations and interior alterations that will connect the two commercial spaces.

The existing hours of operation are weekdays from 5:00 – 10:00 p.m. and weekends from 5:00 – 10:30 p.m. No changes to the hours of operation are proposed. There are currently 18 full-time employees and two part-time employees. Nine additional full-time employees and one part-time employee will be added as a result of the restaurant expansion.

SITE DESCRIPTION AND PRESENT USE

The project site is located on the north side of Clement Street, between 2nd and 3rd Avenues; Lots 020-021 in Assessor's Block 1431. The subject properties contain a total of approximately 5,000 square feet (each lot 25 feet wide by 100 feet deep) and are within the Inner Clement Street Neighborhood Commercial District and 40-X Height and Bulk District. 126 Clement Street is a one-story commercial building constructed in 1921 and currently occupied by the subject business while the adjacent structure at 120-124 Clement Street is a three-story mixed-use building constructed circa 1904.

The ground floor commercial space at 124 Clement Street has been vacant for approximately three months. Prior to this, the space was temporarily occupied by the San Francisco Deputy Sheriff's Foundation for six months and prior to that was occupied by a retail store (d.b.a. Go Figure).

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The Project Site is located within the Inner Richmond Neighborhood. The surrounding development consists of a variety of commercial and mixed-use buildings mostly featuring residential uses above ground-floor commercial establishments within the Inner Clement NCD. The scale of development in the area primarily consists of one- to three-story structures. Upper floors of buildings are generally occupied by offices or residential units. The Inner Clement NCD is bounded by residential and mixed-uses in the surrounding RM-1 (Residential, Mixed) District. The Inner Clement NCD is located on Clement Street between Arguello Boulevard and Funston Avenue in the eastern portion of the Richmond District. The shopping area contains a variety of small-scale businesses which primarily include a mix of restaurants, specialty groceries, variety merchandise stores, and personal service establishments.

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	July 12, 2013	July 12, 2013	20 days
Posted Notice	20 days	July 12, 2013	July 12, 2013	20 days
Mailed Notice	20 days	July 12, 2013	July 12, 2013	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 has received one email in support of the project.

ISSUES AND OTHER CONSIDERATIONS

- The eating and drinking concentration within the Inner Clement NCD would increase by 0.2 percent to a concentration of 22 percent, whereas the General Plan policy indicates 20 percent as an over-concentration of the use.
- The proposed restaurant would increase the existing eating and drinking concentration within the immediate area (defined as within 300 feet of the Subject Property) of the subject site from 20 percent to 21 percent. Planning Code Section 303(p) states that the concentration of such use shall not exceed 25 percent of the total commercial frontage within 300 feet.
- There is no known opposition to the project.

REQUIRED COMMISSION ACTION

In order for the project to proceed, the Commission must grant Conditional Use authorization, pursuant to Planning Code Sections 303, 716.21, and 716.44, to expand an existing restaurant (d.b.a. Chapeau!) located at 126 Clement Street into an adjacent vacant commercial space located at 124 Clement Street resulting in a restaurant size of 3,600 square feet in area.

BASIS FOR RECOMMENDATION

- The project promotes the continued operation of an established, locally-owned business and contributes to the viability of the overall Inner Clement NCD.
- The project would replace an existing vacant storefront.
- The proposed establishment would create up to ten new employment opportunities.
- The project meets all applicable requirements of the Planning Code.
- The project is desirable for, and compatible with the surrounding neighborhood.
- The business is not a Formula Retail use and would serve the immediate neighborhood.

RECOMMENDATION: Approval with Conditions
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Attachments:

Parcel Map
Sanborn Map
Zoning Map
Aerial Photograph
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 checked="" type="checkbox"/> Check for legibility |
| <input checked="" type="checkbox"/> Zoning District Map | Drawings: <u>Proposed Project</u> |
| <input checked="" type="checkbox"/> Height & Bulk Map | <input checked="" type="checkbox"/> Check for legibility |
| <input checked="" type="checkbox"/> Parcel Map | 3-D Renderings (new construction or significant addition) |
| <input checked="" type="checkbox"/> Sanborn Map | <input checked="" type="checkbox"/> Check for legibility |
| <input checked="" type="checkbox"/> Aerial Photo | <input type="checkbox"/> Wireless Telecommunications Materials |
| <input type="checkbox"/> Context Photos | <input type="checkbox"/> Health Dept. review of RF levels |
| <input checked="" type="checkbox"/> Site Photos | <input type="checkbox"/> RF Report |
| | <input type="checkbox"/> Community Meeting Notice |
| | <input type="checkbox"/> Housing Documents |
| | <input type="checkbox"/> Inclusionary Affordable Housing Program: Affidavit for Compliance |
| | <input type="checkbox"/> Residential Pipeline |

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

CL_____

Planner's Initials

CL: G:\DOCUMENTS\2012\ICUs\2012.1480\124-126 Clement St - Executive Summary.doc



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

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

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Planning Commission Draft Motion

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Case No.: **2012.1480C**
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ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION, PURSUANT TO PLANNING CODE SECTIONS 303, 716.21, AND 716.44, TO EXPAND AN EXISTING RESTAURANT (D.B.A. CHAPEAU!) LOCATED AT 126 CLEMENT STREET INTO AN ADJACENT VACANT COMMERCIAL SPACE LOCATED AT 124 CLEMENT STREET RESULTING IN A RESTAURANT SIZE OF 3,600 SQUARE FEET IN AREA WITHIN THE INNER CLEMENT STREET NEIGHBORHOOD COMMERCIAL DISTRICT AND 40-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On December 4, 2012, Wing Lee (hereinafter “Project Sponsor”) filed an application with the Planning Department (hereinafter “Department”) for Conditional Use Authorization, pursuant to Planning Code Sections 303, 716.21, and 716.44, to expand an existing restaurant (d.b.a. Chapeau!) located at 126 Clement Street into an adjacent vacant commercial space located at 124 Clement Street resulting in a restaurant size of 3,600 square feet in area within the Inner Clement Street Neighborhood Commercial District and 40-X Height and Bulk District.

On August 1, 2013, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2012.1480C.

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

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

MOVED, that the Commission hereby authorizes the Conditional Use requested in Application No. 2012.1480C, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

FINDINGS

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

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The project site is located on the north side of Clement Street, between 2nd and 3rd Avenues; Lots 020-021 in Assessor's Block 1431. The subject properties contain a total of approximately 5,000 square feet (each lot 25 feet wide by 100 feet deep) and are within the Inner Clement Street Neighborhood Commercial District and 40-X Height and Bulk District. 126 Clement Street is a one-story commercial building constructed in 1921 and currently occupied by the subject business while the adjacent structure at 120-124 Clement Street is a three-story mixed-use building constructed circa 1904.

The ground floor commercial space at 124 Clement Street has been vacant for approximately three months. Prior to this, the space was temporarily occupied by the San Francisco Deputy Sheriff's Foundation for six months and prior to that was occupied by a retail store (d.b.a. Go Figure).

3. **Surrounding Properties and Neighborhood.** The Project Site is located within the Inner Richmond Neighborhood. The surrounding development consists of a variety of commercial and mixed-use buildings mostly featuring residential uses above ground-floor commercial establishments within the Inner Clement NCD. The scale of development in the area consists primarily of one- to three-story structures. Upper floors of buildings are generally occupied by offices or residential units. The Inner Clement NCD is bounded by residential and mixed-uses in the surrounding RM-1 (Residential, Mixed) District. The Inner Clement NCD is located on Clement Street between Arguello Boulevard and Funston Avenue in the eastern portion of the

Richmond District. The shopping area contains a variety of small-scale businesses which primarily include a mix of restaurants, specialty groceries, variety merchandise stores, and personal service establishments.

4. **Project Description.** The proposal is to expand an existing restaurant (d.b.a. Chapeau!) located at 126 Clement Street into an adjacent vacant commercial space located at 124 Clement Street. The resulting restaurant would be approximately 3,600 square feet in area. The project includes exterior façade alterations and interior alterations that will connect the two commercial spaces.

The existing hours of operation are weekdays from 5:00 – 10:00 p.m. and weekends from 5:00 – 10:30 p.m. No changes to the hours of operation are proposed. There are currently 18 full-time employees and two part-time employees. Nine additional full-time employees and one part-time employee will be added as a result of the restaurant expansion.

5. **Public Comment.** The Department has one email in support of the project.
6. **Planning Code Compliance:** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:

- A. **Use.** Planning Code Section 716.44 states that Conditional Use authorization is required for a Restaurant on the first story, as defined by Planning Code Section 790.91.

The project proposes expansion of the existing restaurant use into a vacant commercial space and is requesting Conditional Use authorization.

- B. **Use Size.** Planning Code Section 716.21 states that Conditional Use authorization is required for use sizes greater than 2,500 square feet in area.

The project proposes to occupy the adjacent commercial space of approximately 1,500 square feet resulting in a total restaurant area of approximately 3,600 square feet.

- C. **Hours of Operation.** Planning Code Section 716.27 states that hours of operation from 6:00 a.m. - 2:00 a.m. are principally permitted in the Inner Clement NCD while hours of operation from 2:00 a.m. - 6:00 a.m. are conditionally permitted.

The existing hours of operation are weekdays from 5:00 – 10:00 p.m. and weekends from 5:00 – 10:30 p.m. No changes to the hours of operation are proposed.

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

The project contains approximately 3,600 square feet of occupied floor area and thus, does not require any off-street parking.

- E. **Street Frontage in Neighborhood Commercial Districts.** Street Frontage in Neighborhood Commercial Districts. Section 145.1 of the Planning Code requires that within NC Districts space for active uses shall be provided within the first 25 feet of building depth on the ground floor and 15 feet on floors above from any facade facing a street at least 30 feet in width. In addition, the floors of street-fronting interior spaces housing non-residential active uses and lobbies shall be as close as possible to the level of the adjacent sidewalk at the principal entrance to these spaces. Frontages with active uses that must be fenestrated with transparent windows and doorways for no less than 60 percent of the street frontage at the ground level and allow visibility to the inside of the building. The use of dark or mirrored glass shall not count towards the required transparent area. Any decorative railings or grillwork, other than wire mesh, which is placed in front of or behind ground floor windows, shall be at least 75 percent open to perpendicular view. Rolling or sliding security gates shall consist of open grillwork rather than solid material, so as to provide visual interest to pedestrians when the gates are closed, and to permit light to pass through mostly unobstructed. Gates, when both open and folded or rolled as well as the gate mechanism, shall be recessed within, or laid flush with, the building facade.

The subject commercial space has approximately 42 feet of frontage on Clement Street with approximately 25 feet devoted to either restaurant entrances or window space. The windows are clear and unobstructed.

- F. **Signage.** Currently, there is not a proposed sign program on file with the Planning Department. Any proposed signage will be subject to the review and approval of the Planning Department.
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 expanded restaurant would continue to compliment and support the mix of goods and services currently available in the district and contribute to the economic vitality of the neighborhood by occupying a vacant storefront. The size and intensity of the use are appropriate for the proposed location and exterior façade alterations appropriately address existing neighborhood scale.

- 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 subject buildings would remain the same and would not alter the existing character of the project vicinity. The project proposes façade alterations, but would not expand 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 Planning Code does not require parking or loading for a 3,600 square foot restaurant. The expanded use is designed to meet the needs of the immediate neighborhood and should not generate significant amounts of vehicular trips from the immediate neighborhood or citywide. Furthermore, the subject site is well served by transit with 12 bus stops within ¼ mile radius that are served by nine bus routes (Golden Gate Transit #92 and Muni buses #1, 1AX, 1BX, 2, 38, 38BX, 38L, and 44).

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

The project would not produce noxious or offensive emissions related to noise, glare, dust, or odor. The expanded restaurant would be subject to Condition 13 of the Conditions of Approval, regarding odor control.

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

The project proposes façade alterations that meet the Planning Code and are appropriately designed. The Department will review all lighting and signs proposed for the new business in accordance with Condition 15 of the Conditions of Approval.

- 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 Inner Clement NCD in that the intended use is located at the first floor and will provide a compatible service for the immediately surrounding neighborhood.

- E. The existing concentration of eating and drinking uses shall not exceed 25 percent of the total commercial frontage as measured in linear feet within the immediate area of the subject site. The immediate area shall be defined as all properties located within 300 feet of the subject property and also located within the same zoning district.

Planning staff performed a site survey of the immediate area within the Inner Clement NCD. The existing eating and drinking establishment uses occupy approximately 20 percent of the total commercial frontage within the immediate area and would increase to 21 percent with the proposed project. The proposed restaurant expansion would result in a net increase of one percent in commercial frontage attributed to eating and drinking uses within 300 feet of the subject site.

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 project would provide desirable goods and services, as well as employment opportunities to those in the community. No existing commercial tenant would be displaced as the current space is vacant. The Conditions of Approval will ensure that the use meets minimum, reasonable performance standards.

Further, the subject site is located within a NCD and is thus consistent with activities in the commercial land use plan.

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 would replace an existing vacant storefront with a desirable neighborhood-serving use, thereby contributing to the commercial activity for the subject block and neighborhood and enhancing 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.

The project would provide up to ten additional employment opportunities for local residents.

OBJECTIVE 6:

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

Policy 6.1:

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

No commercial tenant would be displaced as the space is currently vacant. The project would not prevent the district from achieving optimal diversity in the types of goods and services available in the neighborhood since the proposed use would only minimally increase the eating and drinking establishment concentration.

Eating and Drinking Establishments

Eating and drinking establishments include bars, sit-down restaurants, fast food restaurants, self-service restaurants, and take-out food. Associated uses, which can serve similar functions and

create similar land use impacts, include ice cream stores, bakeries and cookie stores. Guidelines for eating and drinking establishments are needed to achieve the following purposes:

- Regulate the distribution and proliferation of eating and drinking establishments, especially in districts experiencing increased commercial activity;
- Control nuisances associated with their proliferation;
- Preserve storefronts for other types of local-serving businesses; and
- Maintain a balanced mix of commercial goods and services.
- The regulation of eating and drinking establishments should consider the following:
 - Balance of retail sales and services;
 - Current inventory and composition of eating and drinking establishments;
 - Total occupied commercial linear frontage, relative to the total district frontage;
 - Uses on surrounding properties;
 - Available parking facilities, both existing and proposed;
 - Existing traffic and parking congestion; and
 - Potential impacts on the surrounding community.

The following guidelines, in addition to others in this objective for neighborhood commercial districts, should be employed in the development of overall district zoning controls as well as in the review of individual permit applications, which require case-by-case review and City Planning Commission approval. Pertinent guidelines may be applied as conditions of approval of individual permit applications. In general, uses should be encouraged which meet the guidelines; conversely, uses should be discouraged which do not.

- 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 percent of the total occupied commercial frontage. Proposals for eating and drinking establishments which would increase the proportion of total occupied commercial frontage above 20 percent 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 percent 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 from fixed source equipment.

Planning staff performed a site survey of the Inner Clement NCD which includes the subject properties. With the expanded restaurant use, approximately 22 percent of the frontage of the Inner Clement NCD would be occupied by eating and drinking establishments. The proposed change of use from a vacant commercial space into a restaurant would only minimally increase the concentration by 0.2 percent. Furthermore, Policy 6.1 also states that clustering of eating and drinking establishments may be appropriate, in this case, due to the availability and abundance in public transportation options, allowing the subject area to be easily accessible.

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 and is not considered a Formula Retail use.

Policy 6.3:

Preserve and promote the mixed commercial-residential character in neighborhood commercial districts. Strike a balance between the preservation of existing affordable housing and needed expansion of commercial activity.

The project would maintain the mixed-use nature of the subject building and the Inner Clement NCD. The restaurant expansion would occur at the ground floor commercial space and would not alter existing housing.

9. **Planning Code Section 101.1(b)** establishes eight priority-planning policies and requires review of permits for consistency with said policies. On balance, the project does comply with said policies in that:
 - A. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses be enhanced.

The project would not displace any businesses and would occupy an existing vacant storefront. The business would be locally owned and would create up to ten employment opportunities. The proposed alterations are within the existing building footprints.

- B. 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 would not be adversely affected. The proposed hours of operation are within the principally permitted hours.

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

No housing would be removed for this project.

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

The site is well served by transit. The area within ¼ mile of the subject site is served by nine bus routes (Gold Gate Transit #92, and MUNI buses #1,1AX, 1BX, 2, 38, 38BX, 38L and 44).

- 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 service or industry establishment. The project would not affect industrial or service sector uses or related employment opportunities. Ownership of industrial or service sector businesses would not be affected by this project.

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

The project is designed and will be constructed to conform to the structural and seismic safety requirements of the City Building Code. This proposal would not affect the property's ability to withstand an earthquake.

- 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 project would have no negative effect on existing parks and open spaces. The project does not have an impact on open spaces.

10. The project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would contribute to the character and stability of the neighborhood and would constitute a beneficial development.
11. The Commission hereby finds that approval of the Conditional Use authorization would promote the health, safety and welfare of the City.

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Application No. 2012.1480C** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated June 17, 2013, 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 August 1, 2013.

Jonas P. Ionin
Acting Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: August 1, 2013

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to expand an existing restaurant (d.b.a. Chapeau!) located at 126 Clement Street into an adjacent vacant commercial space located at 124 Clement Street resulting in a restaurant of 3,600 square feet in area at Lots 020-021 in Assessor's Block 1431 pursuant to Planning Code Sections 303, 716.21, and 716.44 within the Inner Clement Neighborhood Commercial District and 40-X Height and Bulk District; in general conformance with plans, dated June 17, 2013, and stamped "EXHIBIT B" included in the docket for Case No. XXXXXX and subject to conditions of approval reviewed and approved by the Commission on XXXXXX 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 XXXXXX 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.** The authorization and right vested by virtue of this action is valid for three (3) years from the effective date of the Motion. The Department of Building Inspection shall have issued a Building Permit or Site Permit to construct the project and/or commence the approved use within this three-year period.

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

2. **Expiration and Renewal.** Should a Building or Site Permit be sought after the three (3) year period has lapsed, the project sponsor must seek a renewal of this Authorization by filing an application for an amendment to the original Authorization or a new application for Authorization. Should the project sponsor decline to so file, and decline to withdraw the permit application, the Commission shall conduct a public hearing in order to consider the revocation of the Authorization. Should the Commission not revoke the Authorization following the closure of the public hearing, the Commission shall determine the extension of time for the continued validity of the Authorization.

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

3. **Diligent pursuit.** 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. Failure to do so shall be grounds for the Commission to consider revoking the approval if more than three (3) years have passed since this Authorization was approved.

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

4. **Extension.** All time limits in the preceding three paragraphs may be extended at the discretion of the Zoning Administrator where implementation of the project is delayed by a public agency, an appeal or a legal challenge and only by the length of time for which such public agency, appeal or challenge has caused delay.

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

5. **Conformity with Current Law.** No application for Building Permit, Site Permit, or other entitlement shall be approved unless it complies with all applicable provisions of City Codes in effect at the time of such approval.

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

DESIGN

6. **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

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

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

MONITORING

8. **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

9. **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

10. **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>

11. **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>

12. **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

13. **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

14. **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.

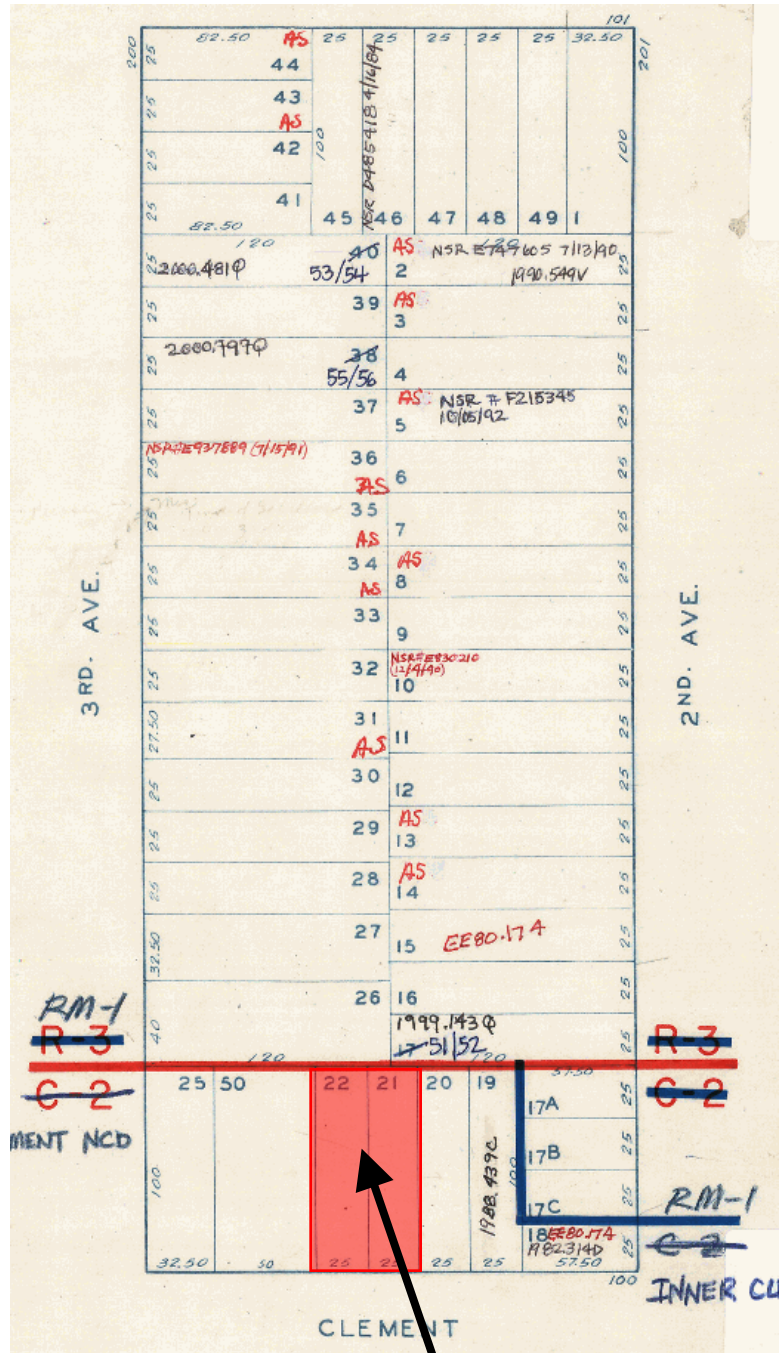
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

15. **Lighting.** All Project lighting shall be directed onto the Project site and immediately surrounding sidewalk area only, and designed and managed so as not to be a nuisance to adjacent residents.

Nighttime lighting shall be the minimum necessary to ensure safety, but shall in no case be directed so as to constitute a nuisance to any surrounding property.

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

Parcel Map

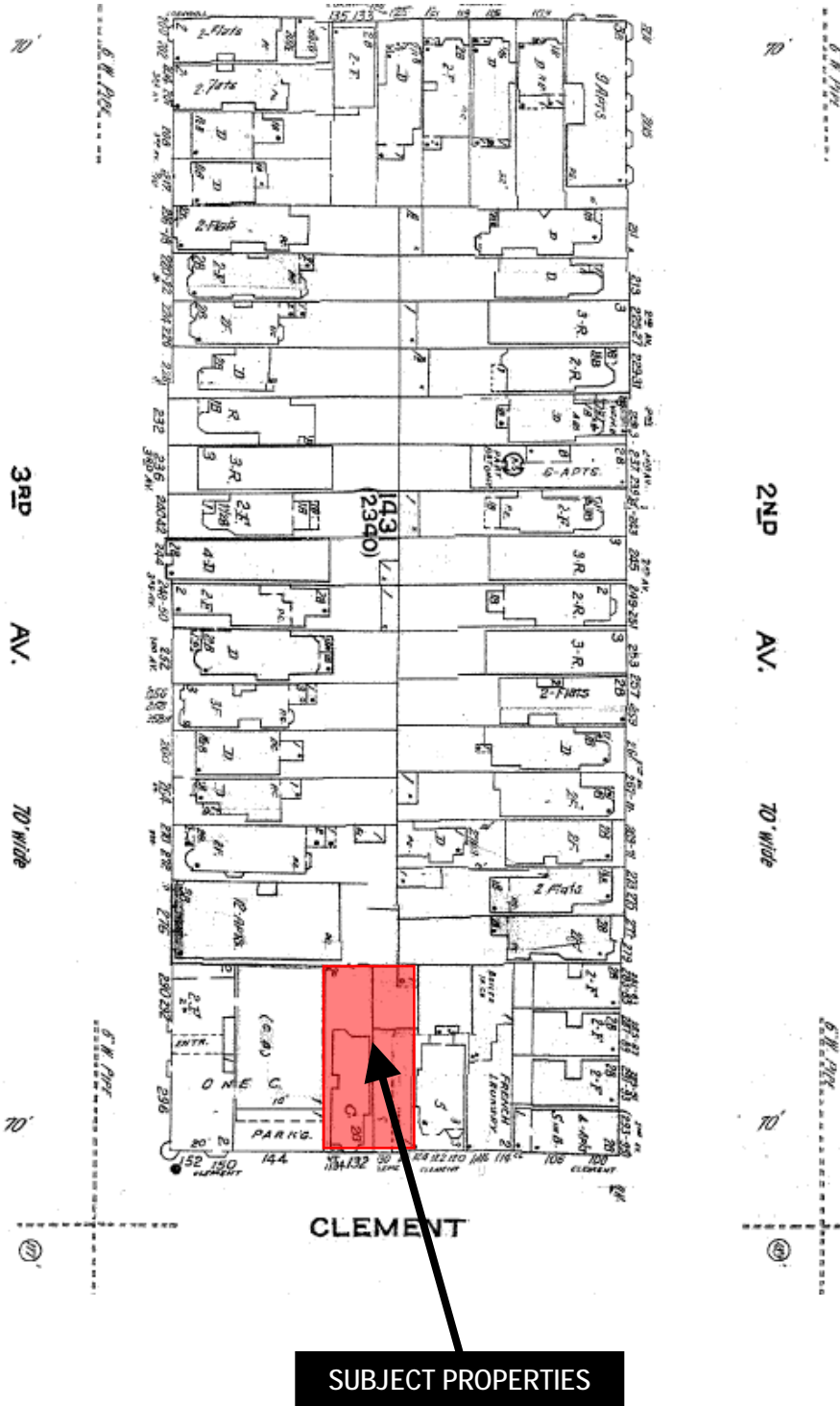


SUBJECT PROPERTIES



Conditional Use Hearing
 Case Number 2012.1480C
 124 & 126 Clement Street
 Block 1431 Lots 020-021

Sanborn Map*

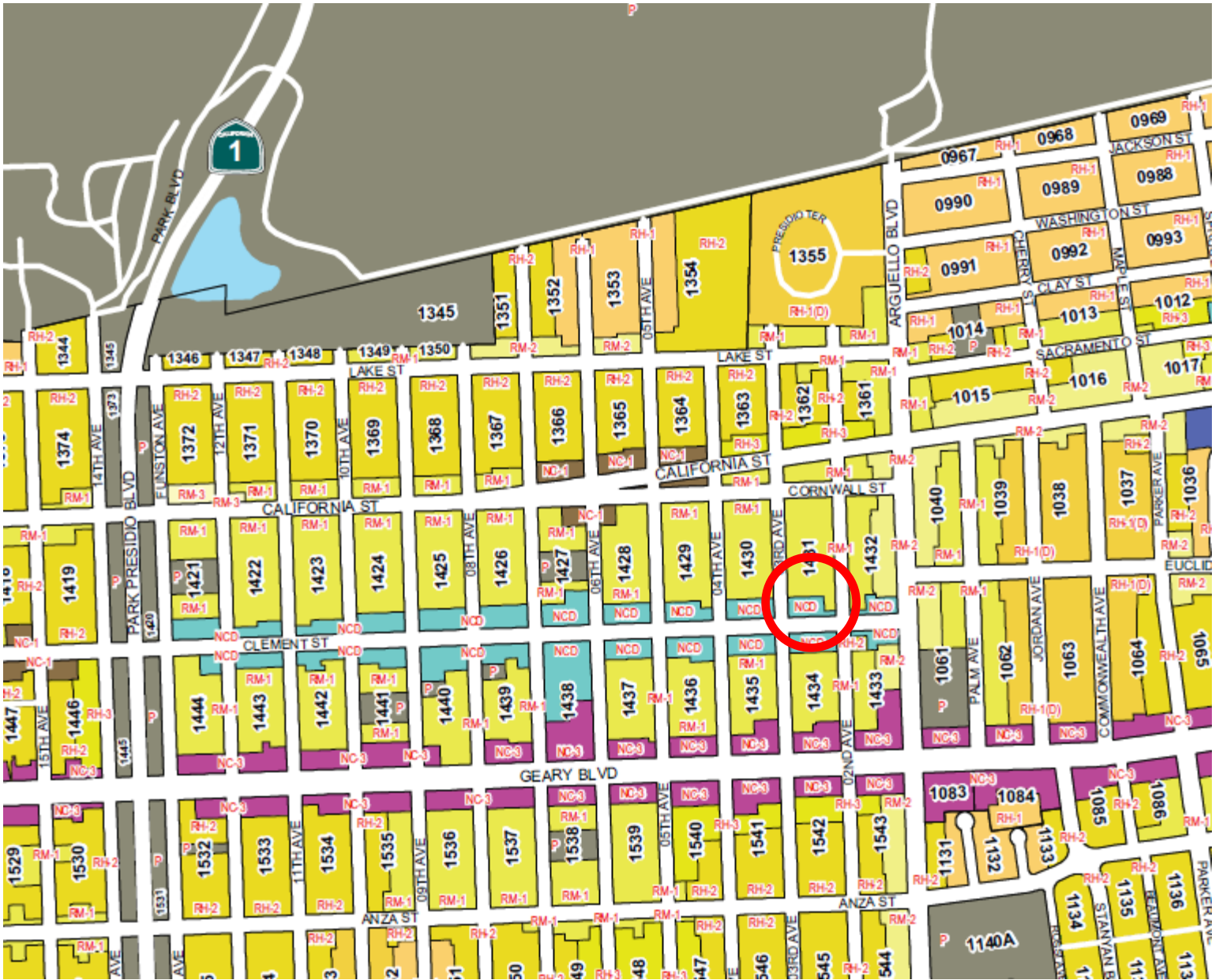


*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.



Conditional Use Hearing
 Case Number 2012.1480C
 124 & 126 Clement Street
 Block 1431 Lots 020-021

Zoning Map



Conditional Use Hearing
Case Number 2012.1480C
124 & 126 Clement Street
Block 1431 Lots 020-021



Aerial Photo



SUBJECT PROPERTIES



Conditional Use Hearing
Case Number 2012.1480C
124 & 126 Clement Street
Block 1431 Lots 020-021

Site Photo



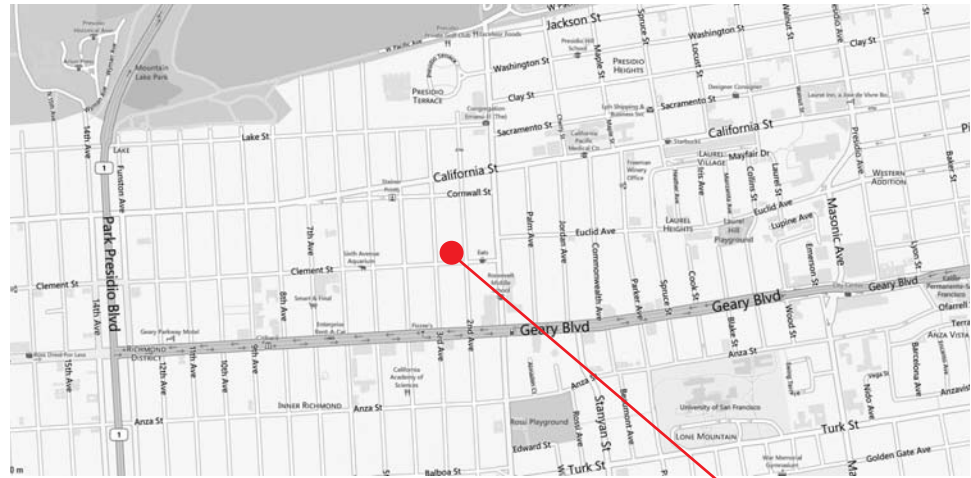
Conditional Use Hearing
Case Number 2012.1480C
124 & 126 Clement Street
Block 1431 Lots 020-021



CHAPEAU! EXPANSION
124-126 Clement Street, CA 94118

WING LEE ARCHITECTS

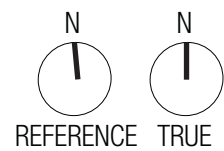
● VICINITY MAP



● BLOCK MAP WITH BUS STOP



- 1 EXISTING ANGLED AND METER PARKING
- 2 EXISTING PARALLEL AND METER PARKING
- 3 EXISTING MUNI BUS STOP - "ROUTE #2" (EAST BOUND)
- 4 EXISTING OFF-STREET PARKING FOR 144 CLEMENT "CITIKIDS"



● PROJECT DESCRIPTION

RENOVATE AND EXPAND EXISTING RESTAURANT TO A VACANT RETAIL SPACE AT 124 CLEMENT STREET.
 THE CONDITIONAL USE APPLICATION IS FOR TWO REQUESTS
 1. CHANGE OF USE AT 124 CLEMENT STREET (FROM "M" TO "A")
 2. USE LIMIT AREA OF MORE THAN 2,500 SF FOR PROPOSED RESTAURANT EXPANSION

EXISTING RESTAURANT AT 126 CLEMENT STREET WILL BE RENOVATED TO PROVIDE ADA ACCESSIBILITY IMPROVEMENTS AND SEISMIC UPGRADE DUE TO COMMUNICATING OPENINGS BETWEEN TWO BUILDINGS. BOTH SPACES WILL BE UPGRADED TO CURRENT FIRE AND LIFE SAFETY REQUIREMENTS.

PER BUILDING PERMIT RECORD, EXISTING USE AT 126 CLEMENT IS "B" (BUSINESS). WE PROPOSE TO RECTIFY THE USE FROM "B" TO "A". EXISTING RESTAURANT STOREFRONT WILL BE MODIFIED WITH A COMPLIANT SIGN.

30 SF WILL BE ELIMINATED AT FRONT OF 124 CLEMENT STREET TO ACCOMMODATE ADA ENTRY REQUIREMENTS. EXISTING STOREFRONT OF 124 CLEMENT WILL BE MODIFIED ACCORDINGLY. NO CHANGE TO FRONT FACADE AT LEVEL 2 AND LEVEL 3.

● BUILDING INFORMATION

PROJECT ADDRESS, BLOCK & LOT: 120-124 (124 AT STREET LEVEL) CLEMENT STREET, SAN FRANCISCO, CA 94118

BLOCK 1431 020 (EXISTING VACANT RETAIL AT STREET LEVEL - 124 CLEMENT - TO BE RENOVATED AS RESTAURANT EXPANSION. NO CHANGE TO EXISTING RESIDENTIAL UNITS ABOVE)

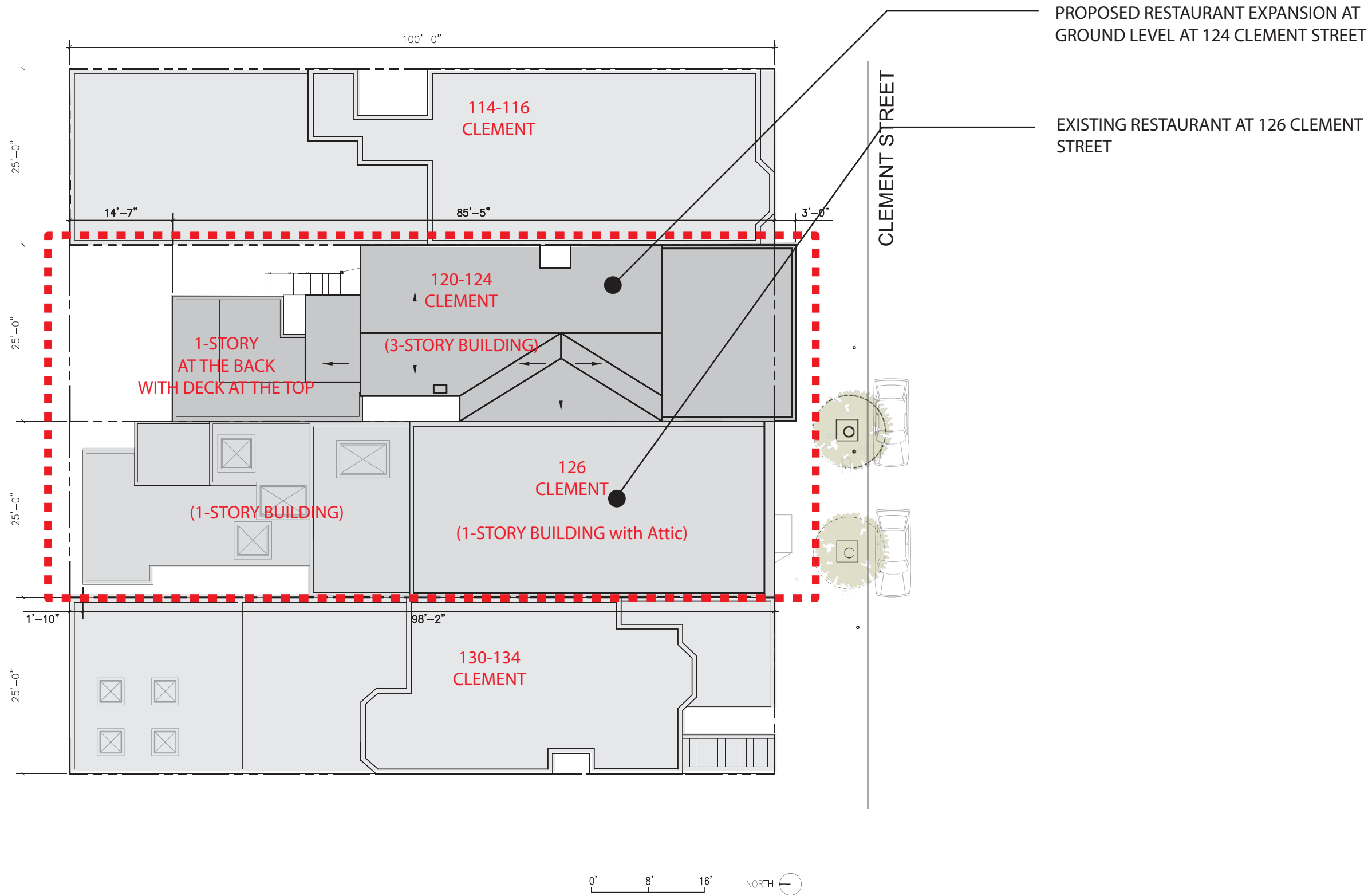
BLOCK 1431 021 EXISTING RESTAURANT AT 126 CLEMENT STREET - (AS REFERENCE ONLY FOR THIS APPLICATION)

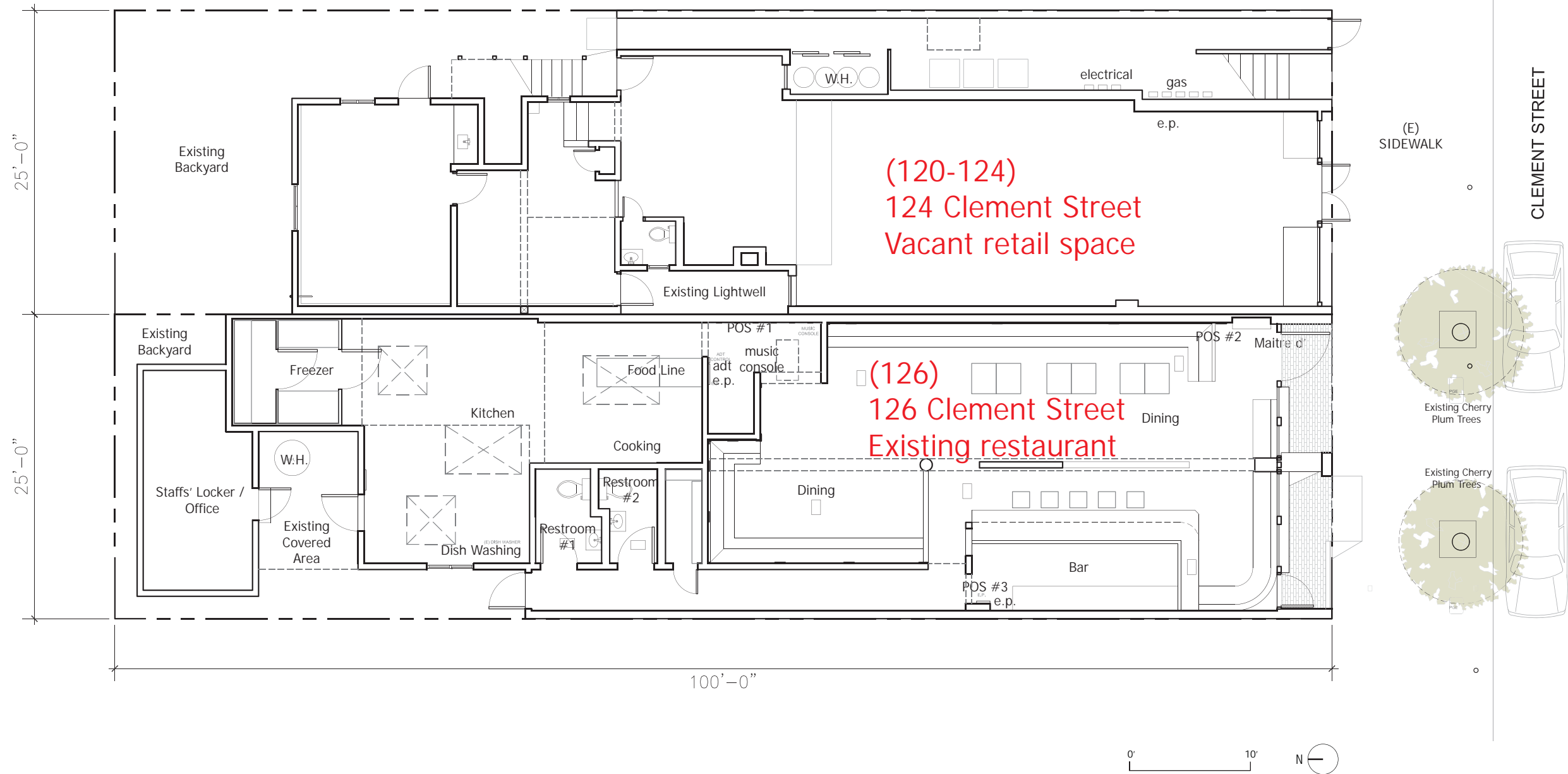
	EXISTING	PROPOSED	
ON SITE PARKING	0	0	(NO CHANGE)
GARAGE	0	0	(NO CHANGE)
ZONING	NCD	NCD	(NO CHANGE)
NUMBER OF STORY	3	3	(NO CHANGE)
SETBACK			
NO NET INCREASE TO EXISTING BUILDING ENVELOPE ***			
*** EXCEPT LEGALIZATION TO THE BACK ROOM TO ACHIEVE 8-FOOT CEILING CLEARANCE			
LOT DIMENSION			
LOT 020	25' X 100'	25' X 100'	(NO CHANGE)
BUILDING USE			
GROUND FLOOR (GSF)			
VACANT RETAIL	1,502	1,472	(30 SF FOR ADA ENTRY AT THE FRONT) (1,472 SF IS BEING PROPOSED AS RESTAURANT EXPANSION FROM 126 CLEMENT)
HALLWAY	350	350	(NO CHANGE)
SECOND FLOOR (GSF)	1,089	1,089	(NO CHANGE)
THIRD FLOOR (GSF)	1,089	1,089	(NO CHANGE)
TOTAL (GSF)	4,030	4,000	(30 NET GSF DECREASE)

THE PROPOSED COMBINED AREA OF THE RESTAURANT EXPANSION WILL BE 3,596 GSF.
 3,596 = 2,124 + 1,472 (GSF)
 2,124 GSF OF EXISTING RESTAURANT AT 126 CLEMENT STREET

● DRAWING INDEX

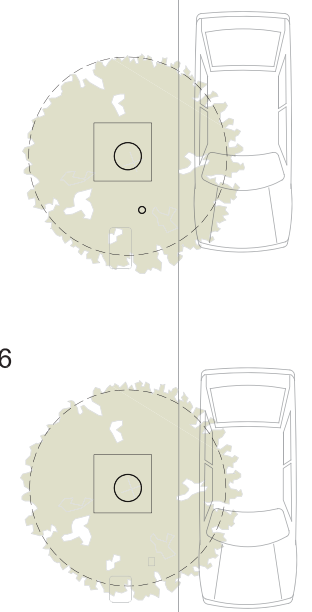
- COVER SHEET
- A 0 PROJECT INFO (WITH DRAWING INDEX)
- A 1 LOT PLAN / SITE PLAN (EXISTING AND PROPOSED)
- A 2 EXISTING PLAN
- A 3 PROPOSED PLAN
- A 4 EXISTING FRONT ELEVATION
- A 5 PROPOSED FRONT ELEVATION
- A 6 PROPOSED VIEW FROM SIDEWALK
- A 7 EXISTING FRONT VIEW (PHOTOS)
- A 8 PROPOSED FRONT VIEW (PHOTO MONTAGE)
- A 9 BLOCK PHOTOS OF CLEMENT STREET
- A10 PHOTOS OF EXISTING REAR FACADE







CLEMENT STREET



- 1 New entry / exit
- 2 Coat closet
- 3 Point of service
- 4 Maitre d'
- 5 New dining
- 6 New banquet area
- 7 Existing dining
- 8 Existing Bar to be renovated
- 9 New restroom
- 10 Existing restroom
- 11 Wine storage
- 12 New bracing system
- 13 Existing light well with landscaping
- 14 Bus station
- 15 Water station
- 16 Storage
- 17 New rated corridor
- 18 New kitchen area
- 19 Existing Freezer
- 20 Staff's locker
- 21 Office
- 22 Receiving
- 23 Existing yard
- 24 Existing corridor
- 25 Existing stair to upper units
- 26 Backflow preventer closet
- 27 Drapery
- 28 Existing entry/exit
- 29 New concrete steps
- 30 Existing kitchen area
- 31 Existing water heater
- 32 New booth seating



- ① Existing entry / exit to remain
- ② Existing entry / exit to remove
- ③ Existing gas meter behind
- ④ Existing sign to remove
- ⑤ Not use
- ⑥ Not use
- ⑦ Existing molding to remove
- ⑧ Existing window to remove
- ⑨ Existing concrete ramp to remove
- ⑩ Existing balcony to remain



- 1 New entry / exit
- 2 Not use
- 3 Existing gas meter behind
- 4 Not use
- 5 Not use
- 6 Not use
- 7 New concrete steps
- 8 New metal sign
- 9 New exterior light fixtures
- 10 Not use
- 11 New recessed soffit light
- 12 Not use
- 13 Not use
- 14 New painted cement stucco finish
- 15 Not use
- 16 Not use
- 17 Not use
- 18 Existing balcony above

* All proposed windows and doorways are glazed with clear glass



- 1 New ADA entry / exit
- 2 Coat closet
- 3 Existing gas meter
- 4 Maitre d' behind
- 5 Menu
- 6 Mail slot
- 7 New concrete steps
- 8 New sign
- 9 New exterior light fixtures
- 10 Existing brick pavement
- 11 New recessed soffit light
- 12 New stained wood slats
- 13 Existing street tree
- 14 New painted cement stucco finish
- 15 New painted wood reveal
- 16 Existing concrete sidewalk
- 17 Not use
- 18 Existing balcony above

* All proposed windows and doorways are glazed with clear glass

126 Clement Street
(25' frontage)

120-124 Clement Street
(25' frontage)



- 1 Proposed restaurant expansion at ground floor only (120-124 Clement) Currently vacant retail space
- 2 Existing restaurant (126-130 Clement)
- 3 Existing residential units at 2nd and 3rd floor
- 4 Existing street tree
- 5 Existing sign to be removed

126 Clement Street
(25' frontage)

120-124 Clement Street
(25' frontage)



- 1 Proposed restaurant expansion at ground floor only (120-124 Clement)
- 2 Existing restaurant to be renovated (126-130 Clement)
- 3 Existing residential units at 2nd and 3rd floor
- 4 Existing street tree
- 5 Proposed sign with exterior lighting

126 Clement Street
(25' frontage)

124 Clement Street
(25' frontage)



BLOCK PHOTO OF CLEMENT STREET (LOOKING NORTH)



BLOCK PHOTO OF CLEMENT STREET (LOOKING SOUTH)

