



# SAN FRANCISCO PLANNING DEPARTMENT

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## Executive Summary Conditional Use

HEARING DATE: JULY 28, 2011  
CONSENT CALENDAR

*Date:* July 21, 2011  
*Case No.:* 2011.0226C  
*Project Address:* 1336 - 9<sup>TH</sup> AVENUE  
*Zoning:* Inner Sunset Neighborhood Commercial District (NCD)  
40-X Height and Bulk District  
*Block/Lot:* 1763/035  
*Project Sponsors:* Ahmad Larizadeh (applicant / agent / designer)  
71 Blake Street  
San Francisco, CA 94118  
Pik Wah Lee-Fung (property owner)  
1336 - 9<sup>th</sup> Avenue  
San Francisco, CA 94122  
*Staff Contact:* Sharon M. Young – (415) 558-6346  
sharon.m.young@sfgov.org  
*Recommendation:* **Approval with Conditions**

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### PROJECT DESCRIPTION

The proposal is a request for Conditional Use Authorization under Sections 303 and 730.42 of the Planning Code to allow the change of use of an existing large fast food restaurant (d.b.a. Craw Station) to a full-service restaurant (continuing to d.b.a. Craw Station) on the ground floor of a two-story mixed-use building within the Inner Sunset Neighborhood Commercial District and a 40-X Height and Bulk District.

The existing restaurant space, with approximately 1,000 square feet in floor area, consists of a dining area with seating for approximately 49 persons, kitchen, and restrooms. The proposal is to convert from a self-service type restaurant to a full-service type restaurant and will not involve any additional tenant improvements to the ground floor commercial space. The existing restaurant has been in operation since February 2011 and is independently owned and not considered a Formula Retail Use under Section 703.3 of the Planning Code. The hours of operation of the restaurant are 11 a.m. to 10 p.m., seven days a week.

### SITE DESCRIPTION AND PRESENT USE

The Project Site at 1336 - 9<sup>th</sup> Avenue is on the east side of 9<sup>th</sup> Avenue between Irving and Judah Streets; Assessor's Block 1763; Lot 035. It is located within the Inner Sunset Neighborhood Commercial District (NCD) and 40-X Height and Bulk District. The subject lot is approximately 3,000 square-feet (approximately 25 feet wide by 120 feet deep) in size and is occupied by a two-story mixed use building constructed in 1908. The existing building is not listed in the Planning Department's 1976 Architectural Survey (AS survey) or the National or California Registers as having architectural significance. The subject commercial tenant space is located on the ground floor of the building and one residential unit is located on the upper (second floor) level.

## SURROUNDING PROPERTIES & NEIGHBORHOOD

The Project Site is located within the Inner Sunset Neighborhood. The surrounding development consists of a variety of commercial and mixed-use buildings. The scale of development in the area consists primarily of two- to three-story structures with a few one-story structures and a public parking lot. The shopping area within the neighborhood contains a variety of small-scale convenience businesses. On the subject block, the mix of existing businesses include two specialty food establishments (bakery, ice cream parlor), eight restaurants, one bar, two personal service establishments (barber shop, yoga studio), and other retail sales and service establishments (eyewear store, beverage shop, shoe store, grocery store). On the opposite block, the mix of existing businesses include three restaurants, four specialty food establishments (bakery/cafes), one bar, two medical service establishments (acupuncture clinic, dentist), one auto repair shop, one pet hospital, one personal service establishment (nail salon), and two other retail sales and service establishments (variety store, drug store). On Irving and Judah Streets running east and west of the project site, there are commercial, residential, and mixed-use buildings located within the Inner Sunset NCD and RH-2 (Residential House, Two-Family) Zoning District.

## 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 8, 2011	July 8, 2011	20 days
Posted Notice	20 days	July 8, 2011	July 8, 2011	20 days
Mailed Notice	20 days	July 8, 2011	June 24, 2011	33 days

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

## PUBLIC COMMENT

- As of July 20, 2011, the Department has not received any letters or phone calls in opposition to the project.

## REQUIRED COMMISSION ACTION

This proposal requires **Conditional Use** authorization pursuant to Sections 303 and 730.42 of the Planning Code to allow the change of use of an existing large fast food restaurant (d.b.a. Craw Station) to a full-service restaurant (continuing to d.b.a. Craw Station) on the ground floor of a two-story mixed-use building within the Inner Sunset Neighborhood Commercial District and a 40-X Height and Bulk District.

**Full-Service Restaurant Use in the Inner Sunset NCD.** Planning Code Section 730.42 states that a Conditional Use Authorization is required to establish a full-service restaurant use, as defined by Planning Code Section 790.92.

A full-service restaurant is defined under Planning Code Section 790.92 as:

a retail eating or eating or eating and drinking use which serves food to customers primarily for consumption on the premises, and is not specifically designed to attract and accommodate high customer volumes or turnover.

It has seating and serves prepared, ready-to-eat cooked foods for consumption on the premises. Guests typically order and receive food and beverage while seated at tables on the premises and pay for service after the meal is consumed.

It includes, but is not limited to, lunch counters, coffee shops, soda fountains and full-service dining establishments. It is distinct and separate from a small or large fast-food restaurant, as defined in Sections 790.90 and 790.91 of this Code.

It may provide on-site beer and/or wine sales for drinking on the premises (with ABC licenses 40, 41 or 60). If it serves liquor for drinking on the premises (with ABC licenses 47 or 48), or does not admit minors (with ABC licenses 42 or 61), then it shall also be considered a bar, as defined in Section 790.22 of this Code.

*The proposal is to convert from a self-service type restaurant to a full-service type restaurant. Currently, the project sponsor intends to maintain an ABC License Type 41 for the restaurant.*

## **BASIS FOR RECOMMENDATION**

- The proposed project will promote the continued operation of an established, locally-owned business and contribute to the viability of the overall Inner Sunset NCD. The proposed Project will continue to provide job opportunities to the City by employing approximately six people. The proposed project meets all applicable requirements of the Planning Code.
- The proposed project will not result in a net change in the number of eating and drinking establishments within the Inner Sunset NCD or displace an existing retail tenant providing convenience goods and services to the neighborhood, and
- The Department believes that this project is necessary and/or desirable for the following reasons:
  - a) The proposed project will enhance the economic diversity of the neighborhood encouraging an existing business to remain in the area.
  - b) The proposed project is a neighborhood-serving use which residents can access by walking or taking public transit.
  - c) The proposed project will be consistent with the mixed commercial-residential character of this portion of the Inner Sunset NCD.

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

- Zoning District Map
- Parcel Map
- Sanborn Map
- Aerial Photographs
- Site and Context Photographs
- Reduced Plans

Attachment Checklist

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Executive Summary   | <input checked="" type="checkbox"/> Project sponsor submittal |
| <input checked="" type="checkbox"/> Draft Motion        | Drawings: <u>Existing Conditions</u>                          |
| <input type="checkbox"/> Environmental Determination    | <input checked="" type="checkbox"/> Check for legibility      |
| <input checked="" type="checkbox"/> Zoning District Map | Drawings: <u>Proposed Project</u>                             |
| <input type="checkbox"/> Height & Bulk Map              | <input checked="" type="checkbox"/> Check for legibility      |
| <input checked="" type="checkbox"/> Parcel Map          | <input type="checkbox"/>                                      |
| <input checked="" type="checkbox"/> Sanborn Map         | <input type="checkbox"/>                                      |
| <input checked="" type="checkbox"/> Aerial Photo        | <input type="checkbox"/>                                      |
| <input checked="" type="checkbox"/> Context Photos      | <input type="checkbox"/>                                      |
| <input checked="" type="checkbox"/> Site Photos         | <input type="checkbox"/>                                      |

SMY

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

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

SMY: C:\1336 - 9th Avenue summary-smy.doc



# SAN FRANCISCO PLANNING DEPARTMENT

*Subject to: (Select only if applicable)*

- |  |  |
|--|--|
| <input type="checkbox"/> Inclusionary Housing (Sec. 315)         | <input type="checkbox"/> First Source Hiring (Admin. Code) |
| <input type="checkbox"/> Jobs Housing Linkage Program (Sec. 313) | <input type="checkbox"/> Child Care Requirement (Sec. 314) |
| <input type="checkbox"/> Downtown Park Fee (Sec. 139)            | <input type="checkbox"/> Other                             |

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## Planning Commission Motion No. XXXXX

HEARING DATE: JULY 28, 2011

*Date:* July 21, 2011  
*Case No.:* 2011.0226C  
*Project Address:* 1336 - 9<sup>TH</sup> AVENUE  
*Zoning:* Inner Sunset Neighborhood Commercial District (NCD)  
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*Staff Contact:* Sharon M. Young – (415) 558-6346  
sharon.m.young@sfgov.org  
*Recommendation:* **Approval with Conditions**

**ADOPTING FINDINGS RELATED TO THE APPROVAL OF A CONDITIONAL USE AUTHORIZATION UNDER PLANNING CODE SECTIONS 303 AND 730.42 TO ALLOW THE CHANGE OF USE OF AN EXISTING LARGE FAST FOOD RESTAURANT (D.B.A. CRAW STATION) TO A FULL-SERVICE RESTAURANT (CONTINUING TO D.B.A. CRAW STATION) LOCATED AT 1336 - 9<sup>TH</sup> AVENUE ON THE GROUND FLOOR OF A TWO-STORY MIXED USE BUILDING WITHIN THE INNER SUNSET NEIGHBORHOOD COMMERCIAL DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT.**

### PREAMBLE

On March 8, 2011, Ahmad Larizedeh, acting agent on behalf of Pik Wah Lee-Fung (hereinafter "Project Sponsors") made an application for Conditional Use authorization for the property at 1336 - 9<sup>th</sup> Avenue, Lot 035 in Assessor's Block 1763 (hereinafter "Subject Property"), pursuant to Planning Code Sections 303 and 730.42 to allow the change of use of an existing large fast food restaurant (d.b.a. Craw Station) to a full-service restaurant (continuing to d.b.a. Craw Station) on the ground floor of a two-story mixed-use building within the Inner Sunset Neighborhood Commercial District (NCD) and a 40-X Height and Bulk District, in general conformity with plans dated August 2010, and labeled "Exhibit B" (hereinafter "Project").

On July 28, 2011, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on **Conditional Use Application No. 2011.0226C**. The proposal is to convert from a self-service type restaurant to a full-service type restaurant.

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

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

**MOVED**, that the Commission hereby authorizes the Conditional Use requested in Application No. 2011.0226C, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

## **FINDINGS**

Having reviewed the materials identified in the recitals 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 at 1336 - 9<sup>th</sup> Avenue is on the east side of 9<sup>th</sup> Avenue between Irving and Judah Streets; Assessor's Block 1763; Lot 035. It is located within the Inner Sunset Neighborhood Commercial District (NCD) and 40-X Height and Bulk District. The subject lot is approximately 3,000 square-feet (approximately 25 feet wide by 120 feet deep) in size and is occupied by a two-story mixed use building constructed in 1908. The existing building is not listed in the Planning Department's 1976 Architectural Survey (AS survey) or the National or California Registers as having architectural significance. The subject commercial tenant space is located on the ground floor of the building and one residential unit is located on the upper (second floor) level.
3. **Surrounding Properties and Neighborhood.** The Project Site is located within the Inner Sunset Neighborhood. The surrounding development consists of a variety of commercial and mixed-use buildings. The scale of development in the area consists primarily of two- to three-story structures with a few one-story structures and a public parking lot. The shopping area within the neighborhood contains a variety of small-scale convenience businesses. On the subject block, the mix of existing businesses include two specialty food establishments (bakery, ice cream parlor), eight restaurants, one bar, two personal service establishments (barber shop, yoga studio), and other retail sales and service establishments (eyewear store, beverage shop, shoe store, grocery store). On the opposite block, the mix of existing businesses include three restaurants, four specialty food establishments (bakery/cafes), one bar, two medical service establishments (acupuncture clinic, dentist), one auto repair shop, one pet hospital, one personal service establishment (nail salon), and two other retail sales and service establishments (variety store, drug store). On Irving and Judah Streets running east and west of the project site, there are

commercial, residential, and mixed-use buildings located within the Inner Sunset NCD and RH-2 (Residential House, Two-Family) Zoning District.

4. **Project Description.** The proposal is a request for Conditional Use Authorization under Sections 303 and 730.42 of the Planning Code to allow the change of use of an existing large fast food restaurant (d.b.a. Craw Station) to a full-service restaurant (continuing to d.b.a. Craw Station) on the ground floor of a two-story mixed-use building within the Inner Sunset Neighborhood Commercial District and a 40-X Height and Bulk District.

The existing restaurant space, with approximately 1,000 square feet in floor area, consists of a dining area with seating for approximately 49 persons, kitchen, and restrooms. The proposal is to convert from a self-service type restaurant to a full-service type restaurant and will not involve any additional tenant improvements to the ground floor commercial space. The existing restaurant has been in operation since February 2011 and is independently owned and not considered a Formula Retail Use under Section 703.3 of the Planning Code. The hours of operation of the restaurant are 11 a.m. to 10 p.m., seven days a week. The proposal requires a change of use and Section 312-neighborhood notification was conducted in conjunction with the conditional use authorization process.

5. **Public Comment.** As of July 20, 2011, the Department has not received any letters or phone calls in opposition to the project.
6. **Use District.** The project site is within the Inner Sunset Neighborhood Commercial District (NCD). The Inner Sunset NCD is located in the Inner Sunset neighborhood, consisting of the NC-2 Zoning District bounded by Lincoln Way on the north, Fifth Avenue on the east, Kirkham Street on the south, and Nineteenth Avenue on the west. The shopping area provides convenience goods and services to local Inner Sunset residents, as well as comparison shopping goods and services to a larger market area. The commercial district is also frequented by users of Golden Gate Park on weekends and by City residents for its eating, drinking, and entertainment places. Numerous housing units establish the district's mixed residential-commercial character.
7. **Planning Code Compliance:** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:
  - A. **Full-Service Restaurant Use in the Inner Sunset NCD.** Planning Code Section 730.42 states that a Conditional Use Authorization is required to establish a full-service restaurant use, as defined by Planning Code Section 790.92.

A full-service restaurant is defined under Planning Code Section 790.92 as:

a retail eating or eating or eating and drinking use which serves food to customers primarily for consumption on the premises, and is not specifically designed to attract and accommodate high customer volumes or turnover.

It has seating and serves prepared, ready-to-eat cooked foods for consumption on the premises. Guests typically order and receive food and beverage while seated at tables on the premises and pay for service after the meal is consumed.

It includes, but is not limited to, lunch counters, coffee shops, soda fountains and full-service dining establishments. It is distinct and separate from a small or large fast-food restaurant, as defined in Sections 790.90 and 790.91 of this Code.

It may provide on-site beer and/or wine sales for drinking on the premises (with ABC licenses 40, 41 or 60). If it serves liquor for drinking on the premises (with ABC licenses 47 or 48), or does not admit minors (with ABC licenses 42 or 61), then it shall also be considered a bar, as defined in Section 790.22 of this Code.

*The proposal is to convert from a self-service type restaurant to a full-service type restaurant. Currently, the project sponsor intends to maintain an ABC License Type 41 for the restaurant.*

- B. **Hours of Operation.** Section 730.27 allows hours of operation from 6 a.m. until 2 a.m. as of right and requires Conditional Use authorization to operate between the hours of 2 a.m. and 6 a.m.

*The hours of operation of the restaurant are 11 a.m. to 10 p.m., seven days a week.*

- C. **Street Frontage in Neighborhood Commercial Districts.** Section 145.1 requires that NC Districts containing specific uses, including retail stores, have at least ½ the total width of the new or altered structure at the commercial street frontage devoted to entrances to commercially used space, windows or display space at the pedestrian eye-level. Such windows shall use clear, un-tinted glass, except for decorative or architectural accent. Any decorative railings or decorated grille work, other than wire mesh, which is placed in front or behind such windows, shall be at least 75 percent open to perpendicular view and no more than six feet in height above grade.

*The subject commercial space has approximately 18 feet of frontage on 9th Avenue with glass frontage devoted to either the entrance or window space.*

- D. **Off-Street Parking and Loading.** Section 151 requires off-street parking for every 200 square feet of occupied floor area, where the occupied floor area exceeds 5,000 square feet. Section 152 requires one off-street loading space for retail stores between 10,001 and 60,000 gross square feet.

*The subject commercial tenant space, with approximately 1,000 square feet in floor area, does not require any off-street or loading parking spaces.*

- E. **Signage.** Any existing and proposed signage will be subject to the review and approval of the Planning Department and must comply with Article 6 of the Planning Code.

8. Section 303(c) 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:

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

*The proposed Project is to convert from a self-service type restaurant to a full-service type restaurant and will not involve any additional tenant improvements to the ground floor commercial space or expansion of the existing building envelope.*

- (2) 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:

- (A) Nature of proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;

*The size and shape of the site and the arrangement of the structures on the site are adequate for the proposed Project. There will be no physical expansion of the existing building.*

- (B) The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed off-street parking and loading;

*Existing traffic patterns will not be significantly affected by the proposed Project. Public transit that is in close proximity to the restaurant includes Muni Line N-Judah within walking distance of the project site. There is on-street parking in front of the subject property and in the surrounding neighborhood.*

- (C) The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor;

*No noxious or offensive emissions such as glare, dust, or odor are expected to be produced by the proposed Project. Under the Conditions of Approval under 'Exhibit A' #11, the project sponsor shall maintain appropriate odor control (ventilation) equipment to prevent any significant noxious or offensive kitchen odors from escaping the restaurant premises.*

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

*The proposal is to convert from a self-service type restaurant to a full-service type restaurant and will not involve any additional tenant improvements to the ground floor commercial space. All Project signage and projections will be consistent with the controls of the Planning Code. There will be no addition of off-street parking spaces, loading facilities, open space or service areas. All Project signage and projections will be consistent with the controls of the Planning Code.*

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

*The proposed 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.*

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

*The proposed Project is consistent with the stated purpose of the Inner Sunset NCD in that the intended use is a neighborhood-serving business.*

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

**COMMERCE AND INDUSTRY ELEMENT**

**GENERAL/CITYWIDE**

**OBJECTIVE 1:**

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

**Policy 1:**

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

*The proposed full-service restaurant use will be compatible with and complimentary to the types of uses characterizing this portion of the Inner Sunset NCD, which include a mixture of food establishments, medical and personal service establishments, and small retail establishments.*

**Policy 3:**

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

*Approval of the proposed Project will be consistent with the mixed commercial-residential character of this portion of the Inner Sunset NCD. The proposed Project will not adversely impact any affordable housing resources in the neighborhood.*

## **NEIGHBORHOOD COMMERCE**

### **Objectives and Policies**

**OBJECTIVE 6:**

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

**Policy 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. The proposed Project will not prevent the district from achieving optimal diversity in the types of goods and services available in the neighborhood since the proposal is to convert from a self-service type restaurant to a full-service type restaurant.*

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.

**Policy 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. This is not a Formula Retail Use.*

The following guidelines, in addition to others in this objective for neighborhood commercial districts, should be employed in the development of overall district zoning controls as well as in the review of individual permit applications, which require case-by-case review and City Planning Commission approval. Pertinent guidelines may be applied as conditions of approval

of individual permit applications. In general, uses should be encouraged which meet the guidelines; conversely, uses should be discouraged which do not.

#### **Eating and Drinking Establishments**

Eating and drinking establishments include bars, sit-down restaurants, fast food restaurants, self-service restaurants, and take-out food. Associated uses which can serve similar functions and create similar land use impacts include ice cream stores, bakeries and cookie stores. Guidelines for eating and drinking establishments are needed to achieve the following purposes:

- Regulate the distribution and proliferation of eating and drinking establishments, especially in districts experiencing increased commercial activity;
- Control nuisances associated with their proliferation;
- Preserve storefronts for other types of local-serving businesses; and
- Maintain a balanced mix of commercial goods and services.

The regulation of eating and drinking establishments should consider the following:

- Balance of retail sales and services;
- Current inventory and composition of eating and drinking establishments;
- Total occupied commercial linear frontage, relative to the total district frontage;
- Uses on surrounding properties;
- Available parking facilities, both existing and proposed;
- Existing traffic and parking congestion; and
- Potential impacts on the surrounding community.

*The Commerce and Industry Element of the General Plan contains Guidelines for Specific Uses. For eating and drinking establishments, the Guidelines state, "the balance of commercial uses may be threatened when eating and drinking establishments occupy more than 20 percent of the total occupied commercial frontage." The proposed Project to convert from a self-service type restaurant to a full-service type restaurant will not result in a net change in the number of existing eating and drinking establishments within the Inner Sunset NCD.*

#### **Policy 4:**

Encourage the location of neighborhood shopping areas throughout the city so that essential retail goods and personal services are accessible to all residents.

*The proposed Project will provide a new full-service restaurant use which is accessible to all residents in this portion of the Inner Sunset NCD.*

#### **Policy 9:**

Regulate uses so that traffic impacts and parking problems are minimized.

*The proposed Project will not adversely impact public transit or place a burden on the existing supply of parking in the neighborhood. Many patrons will be able to walk from their residences or places of employment, and the project is well served by public transportation. There is on-street parking in front of the subject property and in the surrounding neighborhood.*

10. Section 101.1(b) establishes eight priority planning policies and requires the review of permits that authorize changes of use for consistency with said policies:

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

*The proposed Project will preserve and enhance the existing neighborhood-serving retail uses by continuing to occupy a commercial space. The proposed project will not significantly alter the existing diverse mix of commercial establishments within the immediate neighborhood. The proposed Project will continue to provide job opportunities to the City by employing approximately six people.*

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

*The proposed Project will preserve and enhance the cultural and economic diversity of the neighborhood by helping to retain an existing business in the area. Existing housing will not be significantly affected by the proposed Project.*

- (3) That the City's supply of affordable housing be preserved and enhanced.

*The proposed Project will not displace any affordable housing.*

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

*The proposed Project will not significantly increase the automobile traffic congestion and parking problems in the neighborhood. The proposal is a neighborhood-serving use which residents can access by walking or taking public transit.*

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

*There is no commercial office development associated with the proposed Project and there will be no displacement of any existing industrial or service businesses in the area.*

- (6) That the City achieves the greatest possible preparedness to protect against injury and loss of life in an earthquake.

*The proposed Project will comply with all applicable earthquake safety standards and built to the current standards of the California Building Code.*

- (7) That landmark and historic buildings be preserved.

*The proposed Project will not significantly affect any landmarks or historic buildings.*

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

*The proposed Project will not affect any city-owned park or open space.*

11. 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.
12. The Commission hereby finds that approval of the Conditional Use authorization would promote the health, safety and welfare of the City.

### **DECISION**

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Application No. 2011.0226C** subject to the following conditions attached hereto as "EXHIBIT A" which is incorporated herein by reference as though fully set forth.

**APPEAL AND EFFECTIVE DATE OF MOTION:** Any aggrieved person may appeal this Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion No. XXXXX. The effective date of this Motion shall be the date of this Motion if not appealed (After the 30-day period has expired) OR the date of the decision of the Board of Supervisors if appealed to the Board of Supervisors. For further information, please contact the Board of Supervisors at (415) 554-5184, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

I hereby certify that the Planning Commission **ADOPTED** the foregoing Motion on July 28, 2011.

Linda Avery  
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED:

## EXHIBIT A

### AUTHORIZATION

This authorization is for a conditional use to allow the change of use of an existing large fast food restaurant (d.b.a. Craw Station) to a full-service restaurant (continuing to d.b.a. Craw Station) on the ground floor of a two-story mixed-use building located at 1336 - 9<sup>th</sup> Avenue in Assessor's Block 1763, Lot 035, pursuant to Planning Code Sections 303 and 730.42 within the Inner Sunset Neighborhood Commercial District and a 40-X Height and Bulk District; in general conformance with plans, dated August 2010, and stamped "EXHIBIT B" included in the docket for Case No. 2011.0226C and subject to conditions of approval reviewed and approved by the Commission on July 28, 2011, under Motion No. XXXXX. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator. The existing restaurant space, with approximately 1,000 square feet in floor area, consists of a dining area with seating for approximately 49 persons, kitchen, and restrooms. The proposal is to convert from a self-service type restaurant to a full-service type restaurant.

### 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 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](http://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](http://www.sf-planning.org)*

## DESIGN – COMPLIANCE AT PLAN STAGE

3. **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](http://www.sf-planning.org).*

4. **Signage.** All existing and proposed exterior signage shall be designed to compliment, not compete with, the existing architectural character and architectural features of the building and shall be consistent with the controls of Article 6 of the Planning Code. Project signage shall be reviewed and approved by the Planning Department. A Building Permit from the Department of Building Inspection must be obtained for all exterior proposed project signage.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org).*

## MONITORING - AFTER ENTITLEMENT

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

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

6. **Monitoring.** The Project requires monitoring of the conditions of approval in this Motion. The Project Sponsor or the subsequent responsible parties for the Project shall pay fees as established under Planning Code Section 351(e) (1) and work with the Planning Department for information about compliance.

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

7. **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](http://www.sf-planning.org)*

## OPERATION

8. **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>*

9. **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>*

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

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

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

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

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

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

12. **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](http://www.sf-planning.org)*

13. **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](http://www.sf-planning.org)*



# Parcel Map

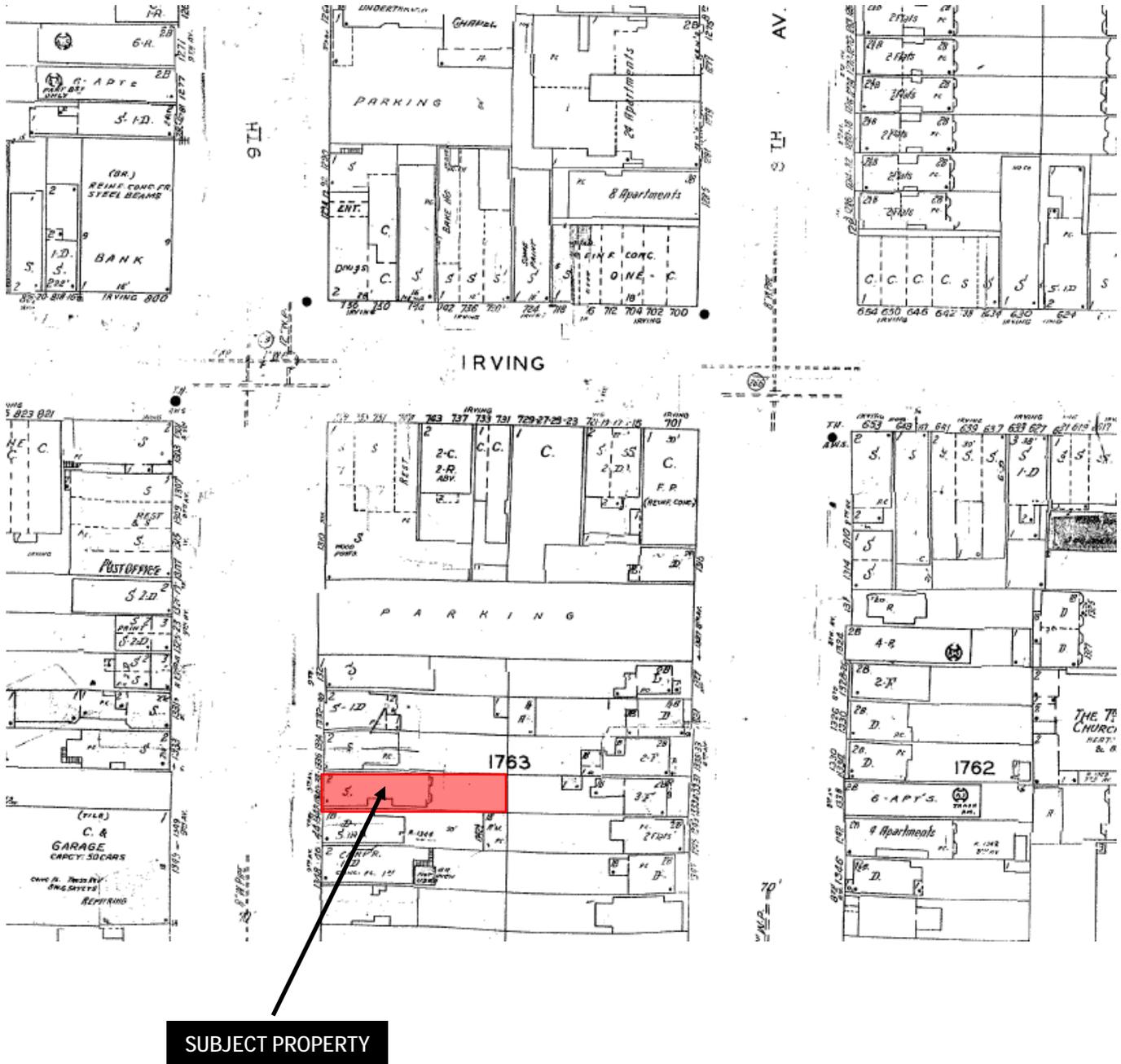


**SUBJECT PROPERTY**



Conditional Use Hearing  
Case Number 2011.0226C  
1336 - 9<sup>th</sup> Avenue

# Sanborn Map\*

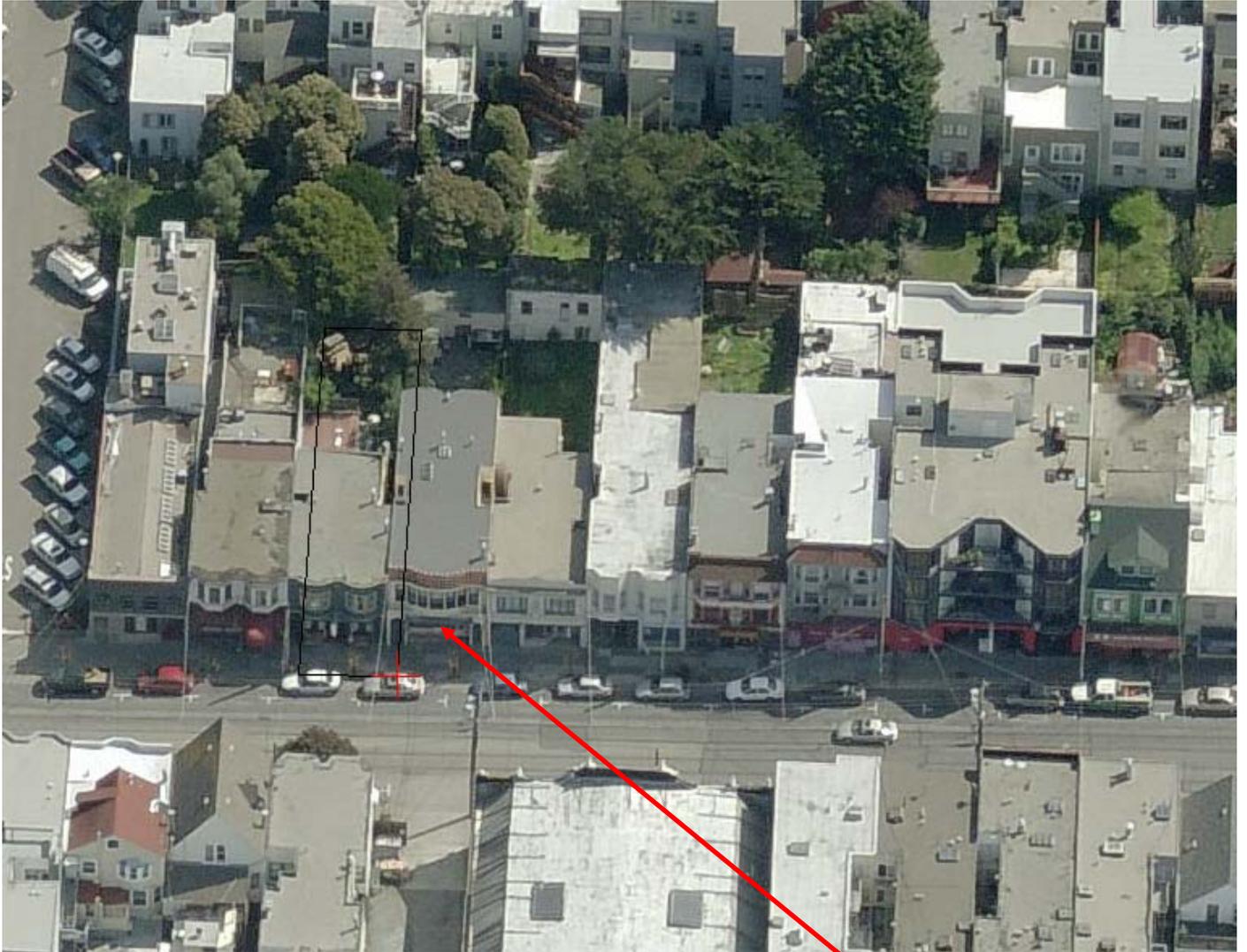


\*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.



Conditional Use Hearing  
 Case Number 2011.0226C  
 1336 - 9th Avenue

# Aerial Photo\*

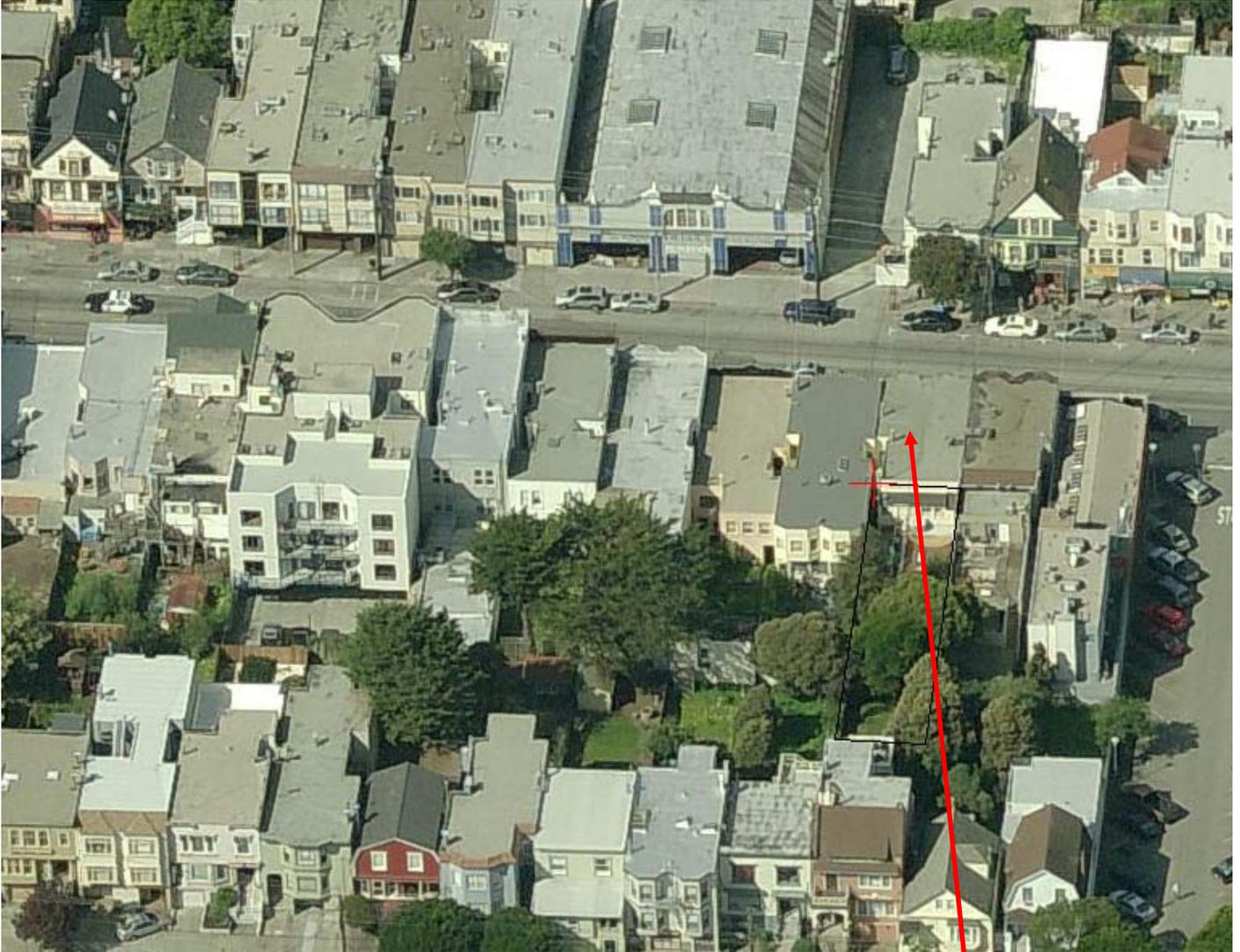


*\*The Aerial Maps reflect existing conditions in March 2009.*

**SUBJECT PROPERTY**



# Aerial Photo\*



*\*The Aerial Maps reflect existing conditions in March 2009.*

**SUBJECT PROPERTY**



# Site Photo

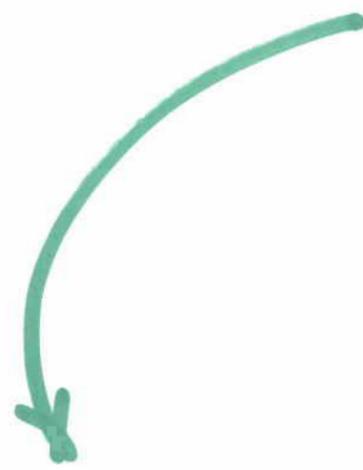


**SUBJECT PROPERTY**

Conditional Use Hearing  
Case Number 2011.0226C  
1336 - 9<sup>TH</sup> Avenue

SUBJECT BLOCK

1336 - 9<sup>th</sup> AVE

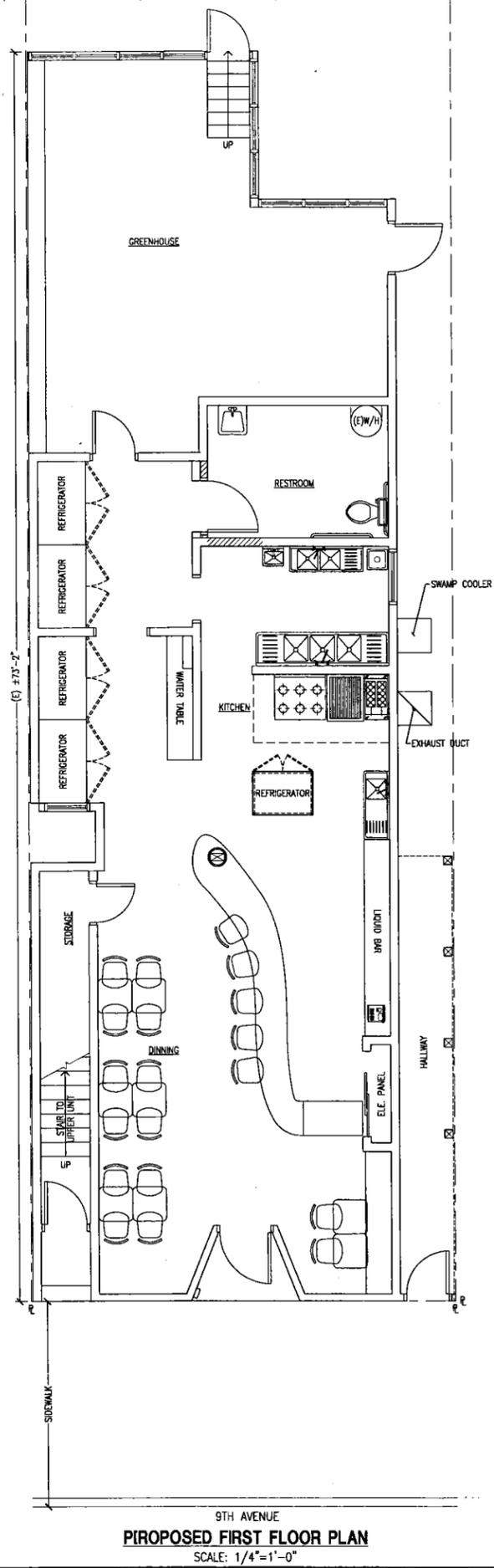


Conditional Use Hearing  
Case Number 2011.0226C  
1336 - 9<sup>th</sup> Avenue

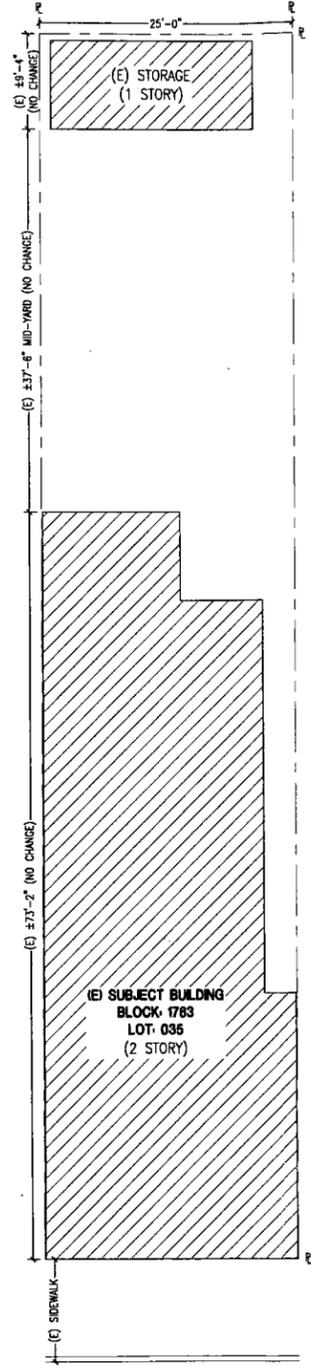
OPPOSITE BLOCK



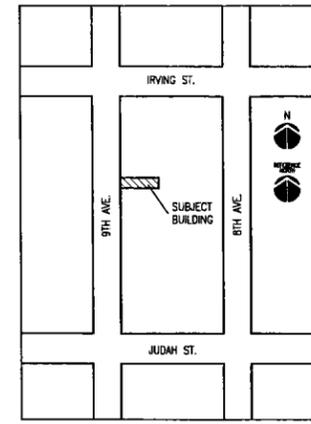
Conditional Use Hearing  
Case Number 2011.0226C  
1336 - 9<sup>TH</sup> Avenue



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



**PLOT PLAN**  
SCALE: 1/8"=1'-0"



**SITE PLAN**  
N.T.S.

**PROJECT DATA**

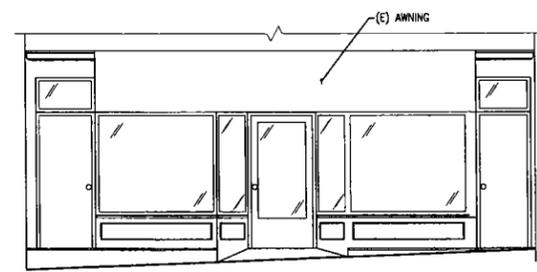
BLOCK: 1783 LOT: 035  
ZONE: INNER SUNSET  
OCCUPANCY: B / RESTAURANT (NO CHANGE)  
NO. OF STORIES: (E) 2 (NO CHANGE)  
TYPE OF CONSTRUCTION: TYPE V-B (NO CHANGE)

**SCOPE OF WORK**

CHANGE OF USE FROM LARGE FAST FOOD RESTAURANT ± 1,000 SQ. FT. TO FULL SERVICE RESTAURANT

**TABLE OF CONTENTS**

A0.0 PLOT PLAN, FLOOR PLAN, AND PROJECT DATA



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



**AHMAD LARIZADEH**

70 - 13TH STREET  
SAN FRANCISCO, CA 94103  
TEL.: (415) 821-4330  
FAX: (415) 821-4330  
E-MAIL: BANAINC@ATT.NET

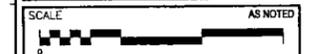
CONSULTANT

PROJECT TITLE

**CHANGE OF USE FROM  
LARGE FAST FOOD  
RESTAURANT TO FULL  
SERVICE RESTAURANT**

**1336 9TH AVENUE  
SAN FRANCISCO, CA 94122**

NO.	DATE	REVISIONS
DRAWN		
CHECK1		
CHECK2		
FILE		
PROJ.	2010	
FACILITY	COMMERCIAL	
DESIGNER		DATE
AHMAD LARIZADEH		AUG. 2010



DRAWING TITLE  
**PLOT PLAN, FLOOR PLAN  
PROJECT DATA**

SHEET NO.

**A0.0**

Sheet 1 of 4 sheets