



SAN FRANCISCO PLANNING DEPARTMENT

Memo to the Planning Commission

HEARING DATE: OCTOBER 25, 2012
Continued from the August 16, 2012 Hearing

Date: October 18, 2012
Case No.: **2012.0822C**
Project Address: **1865 POST STREET**
Zoning: NC-3 (Neighborhood Commercial, Moderate-Scale)
Japantown Special Use District
50-X Height and Bulk District
Block/Lot: 0701/002
Project Sponsor: Jim Cheng (Business Owner)
1865 Post Street
San Francisco, CA 94115
Jeremy Schaub (Applicant)
Gabriel Ng & Associates
1360 9th Avenue, Suite 210
San Francisco, CA 94122
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

BACKGROUND

The proposal is to add a new use size in excess of 4,000 square feet as an “Other Entertainment” use to an existing restaurant (d.b.a. Pa’ina Lounge and Restaurant) of approximately 5,900 square feet located on the ground floor of the two-story commercial building. The project would add live and amplified music during the restaurant’s evening operating hours. The existing restaurant is open Tuesday to Thursday from 3:00 pm to 11:00 pm, Friday from 3:00 pm to 1:00 am, Saturday from 1:00 pm to 1:00 am, and Sunday from 1:00 pm to 11:00 pm.

CURRENT PROPOSAL

At the August 16, 2012 hearing, the Planning Commission continued the case to September 13, 2012 to allow the Project Sponsor time to address sound concerns from adjacent neighboring businesses and to request additional sound information. The case was further continued to October 25, 2012 per the Project Sponsor’s request.

Since the August 16, 2012 hearing, the Project Sponsor has and continues to work with consultants from West Coast Sound Solutions and Audimute Sound Proofing for soundproofing improvements. The following changes were made to the existing space: (1) relocating the stage area approximately 60 feet away from an adjoining wall to Sundance Cinemas, (2) adding additional soundproofing materials to the

tenant space, and (3) lowering, relocating and redirecting existing speakers away from the ceiling. A revised floor plan showing the relocated stage area is attached.

A sound inspection is scheduled for Thursday, October 18, 2012 by Vajra Granelli, an inspector for the Entertainment Commission. Sound tests will be done in the subject tenant space and the two adjacent businesses with sound concerns, Sundance Cinemas and Kabuki Springs & Spa. Results from the sound inspection will be shared at the Planning Commission hearing.

In addition, the project has been conditionally granted a Place of Entertainment Permit by the Entertainment Commission pending approvals from other City agencies, including the Planning Department/Planning Commission approval.

REQUIRED COMMISSION ACTION

In order for the project to proceed, the Commission must grant Conditional Use authorization to add a new use in excess of 4,000 square feet as an "Other Entertainment" use to an existing restaurant of approximately 5,900 square feet within the NC-3 Zoning District and Japantown Special Use District, pursuant to Planning Code Sections 249.31 and 712.48.

BASIS FOR RECOMMENDATION

- The project would enhance an existing independently-owned, neighborhood-serving restaurant and would help further ensure the restaurant's success at its current location by attracting customers seeking an entertainment venue.
- The project meets all applicable requirements of the Planning Code.
- The project would enhance the economic diversity of the neighborhood by allowing a new entertainment use in the area.
- The project is a neighborhood-serving use, which local residents can access by walking or taking public transit.
- The project is consistent with the mixed commercial-residential character of this portion of the NC-3 Zoning District and Japantown Special Use District.
- 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: Approve with Conditions

Attachments:
Revised Floor Plan



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Conditional Use

HEARING DATE: AUGUST 16, 2012

CONSENT CALENDAR

Date: August 9, 2012
Case No.: **2012.0822C**
Project Address: **1865 POST STREET**
Zoning: NC-3 (Neighborhood Commercial, Moderate-Scale)
Japantown Special Use District
50-X Height and Bulk District
Block/Lot: 0701/002
Project Sponsor: Jeremy Schaub
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PROJECT DESCRIPTION

The proposal is to add a new use size in excess of 4,000 square feet as an “Other Entertainment” use to an existing restaurant (d.b.a. Pa’ina Lounge and Restaurant) of approximately 5,900 square feet located on the ground floor of the two-story commercial building. The project would add live and amplified music during the restaurant’s evening operating hours. The existing restaurant is open Tuesday to Thursday from 3:00 pm to 11:00 pm, Friday from 3:00 pm to 1:00 am, Saturday from 1:00 pm to 1:00 am, and Sunday from 1:00 pm to 11:00 pm.

The restaurant size would not change. Tenant improvements to the restaurant were completed under Building Permit Application 2011.10.27.7767. Prior to that, the tenant space was vacant for approximately one year after being occupied by a restaurant d.b.a. Sundance Kitchen.

SITE DESCRIPTION AND PRESENT USE

The project site is located on the south side of Post Street, between Fillmore and Webster Streets; Lot 002 in Assessor’s Block 0701. The subject property is approximately 8,000 square feet in size and is within the NC-3 Zoning District, Japantown Special Use District, and a 50-X Height and Bulk District. The property is occupied on the second level by the Kinokuniya Mall. The existing restaurant is accessed from Post Street on the ground floor.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The project site is located in the Western Addition neighborhood and the southwest corner of the Japantown Special Use District. The surrounding development consists of a variety of commercial and mixed-use buildings featuring ground floor commercial units with residential units above. The scale of development in the area is primarily two- to five-story structures. Commercial areas contain a variety of small-scale businesses which include a mix of cafes, restaurants, specialty stores, variety merchandise stores, and financial institutions.

The site is bounded by the Sundance Kabuki Cinemas to the west and Japan Center Kinokuniya Mall to the east, three-story multi-family housing to the north, and Geary Boulevard to the south. The site north of Post Street is zoned RM-3 (Residential, Mixed, Medium Density). A variety of establishments are located nearby and include the Kintetsu Mall, Miyako Mall, Peace Plaza, Hotel Kabuki, and the JPOP Center.

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 27, 2012	July 25, 2012	22 days
Posted Notice	20 days	July 27, 2012	July 27, 2012	20 days
Mailed Notice	20 days	July 27, 2012	July 27, 2012	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 three letters in support of the project.

ISSUES AND OTHER CONSIDERATIONS

- The existing restaurant is independently-owned and is not a “Formula Retail” use.
- The proposed project would offer live and amplified music, such as live Hawaiian, jazz, and cover bands as well as DJs, to enhance the existing restaurant use.
- Existing traffic patterns will not be significantly affected by the proposed project. There is on-street metered parking in front of the subject property as well as in the surrounding neighborhood and a parking garage less than one block away beneath the Kintetsu Mall. In

addition, the project site is well served by transit. There are nearby stops for MUNI bus lines 2-Clement, 3-Jackson, 22-Fillmore, 38-Geary, and 38L-Geary Limited.

- 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 to add a new use in excess of 4,000 square feet as an "Other Entertainment" use to an existing restaurant of approximately 5,900 square feet within the NC-3 Zoning District and Japantown Special Use District, pursuant to Planning Code Sections 249.31 and 712.48.

BASIS FOR RECOMMENDATION

- The project would enhance an existing independently-owned, neighborhood-serving restaurant and would help further ensure the restaurant's success at its current location by attracting customers seeking an entertainment venue.
- The project meets all applicable requirements of the Planning Code.
- The project would enhance the economic diversity of the neighborhood by allowing a new entertainment use in the area.
- The project is a neighborhood-serving use, which local residents can access by walking or taking public transit.
- The project is consistent with the mixed commercial-residential character of this portion of the NC-3 Zoning District and Japantown Special Use District.
- 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 District Map
Aerial Photographs
Site Photographs
Reduced Plans
Support Letters

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"/> Wireless Telecommunications Materials |
| <input checked="" type="checkbox"/> Sanborn Map | <input type="checkbox"/> Health Dept. review of RF levels |
| <input checked="" type="checkbox"/> Aerial Photo | <input type="checkbox"/> RF Report |
| <input checked="" type="checkbox"/> Context Photos | <input type="checkbox"/> Community Meeting Notice |
| <input checked="" type="checkbox"/> Site Photos | <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\2012.0822\1865 Post St_ExecutiveSummary.doc



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

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

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Planning Commission Draft Motion

HEARING DATE: AUGUST 16, 2012

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Case No.: **2012.0822C**
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ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO PLANNING CODE SECTIONS 249.31, 303, AND 712.48 TO ADD A NEW USE IN EXCESS OF 4,000 SQUARE FEET AS AN “OTHER ENTERTAINMENT” USE TO AN EXISTING RESTAURANT (D.B.A. PA’INA LOUNGE AND RESTAURANT) OF APPROXIMATELY 5,900 SQUARE FEET WITHIN THE NC-3 (NEIGHBORHOOD COMMERCIAL, MODERATE-SCALE) ZONING DISTRICT, JAPANTOWN SPECIAL USE DISTRICT, AND 50-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On June 28, 2012 Jeremy Schaub representing Gabriel Ng & Associates (hereinafter “Project Sponsor”) filed an application with the Planning Department (hereinafter “Department”) for Conditional Use Authorization under Planning Code Sections 249.31 and 712.48 to add a new use in excess of 4,000 square feet as an “Other Entertainment” use to an existing restaurant (d.b.a. Pa’ina Lounge and Restaurant) within the NC-3 (Neighborhood Commercial, Moderate-Scale) Zoning District, Japantown Special Use District (SUD), and 50-X Height and Bulk District.

On August 16, 2012, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2012.0822C.

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. 2012.0822C, 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 south side of Post Street, between Fillmore and Webster Streets; Lot 002 in Assessor's Block 0701. The subject property is approximately 8,000 square feet in size and is within the NC-3 Zoning District, Japantown SUD, and a 50-X Height and Bulk District. The property is occupied on the second level by the Kinokuniya Mall. The existing restaurant is accessed from Post Street on the ground floor.
3. **Surrounding Properties and Neighborhood.** The project site is located in the Western Addition neighborhood and the southwest corner of the Japantown SUD. The surrounding development consists of a variety of commercial and mixed-use buildings featuring ground floor commercial units with residential units above. The scale of development in the area is primarily two- to five-story structures. Commercial areas contain a variety of small-scale businesses which include a mix of cafes, restaurants, specialty stores, variety merchandise stores, and financial institutions.

The site is bounded by the Sundance Kabuki Cinemas to the west and Japan Center Kinokuniya Mall to the east, three-story multi-family housing to the north, and Geary Boulevard to the south. The site north of Post Street is zoned RM-3 (Residential, Mixed, Medium Density). A variety of establishments are located nearby and include the Kintetsu Mall, Miyako Mall, Peace Plaza, Hotel Kabuki, and the JPOP Center.

4. **Project Description.** The proposal is to add a new use in excess of 4,000 square feet as an "Other Entertainment" use to an existing restaurant (d.b.a. Pa'ina Lounge and Restaurant) of approximately 5,900 square feet located on the ground floor of the two-story commercial building. The project would add live and amplified music during the restaurant's evening

operating hours. The existing restaurant is open Tuesday to Thursday from 3:00 pm to 11:00 pm, Friday from 3:00 pm to 1:00 am, Saturday from 1:00 pm to 1:00 am, and Sunday from 1:00 pm to 11:00 pm.

The restaurant size would not change. Tenant improvements to the restaurant were completed under Building Permit Application 2011.10.27.7767. Prior to that, the tenant space was vacant for approximately one year after being occupied by a restaurant d.b.a. Sundance Kitchen.

5. **Public Comment.** To date, Department has received three letters in support of the project. There is no known opposition to the project.
6. **Planning Code Compliance:** The Commission finds that the project is consistent with the relevant provisions of the Planning Code in the following manner:

- A. **Japantown SUD – Use Size.** Planning Code Section 249.31(b)(1)(i) states that in the Japantown SUD, Conditional Use Authorization is required for the establishment of a new use or any change in use in excess of 4,000 gross square feet.

The project would add an “Other Entertainment” use to the existing restaurant. The restaurant is approximately 5,900 square feet. Conditional Use Authorization is required to add this new use to a restaurant of this size.

- B. **Japantown SUD – Findings.** Planning Code Section 249.31(b)(2) states that for any use subject to Conditional Use Authorization, the Planning Commission shall make the following additional findings: (1) The use is not incompatible with the cultural and historic integrity, neighborhood character, development pattern, and design aesthetic of the Japantown SUD; and (2) the use supports one of more of the purposes for establishing the Japantown SUD.

The project is compatible with the Japantown SUD in that it supports and strengthens the cultural identity of the neighborhood. The Hawaiian culture, including the food and music, are significant to Japanese American history and culture dating back over 100 years when Japanese immigrants migrated to the Hawaiian Islands to find work on the islands’ plantations. Furthermore, the existing restaurant currently enhances the economic diversity of the neighborhood, is complimentary to other commercial tenants in the immediate adjacent areas with no apparent adverse effect on the cultural and historic integrity, neighborhood character, development pattern, and design aesthetic of the Japantown SUD.

- C. **Hours of Operation.** Planning Code Section 712.27 states that there is no limit to hours of operation in the NC-3 Zoning District.

The project would add live and amplified music during the restaurant’s evening operating hours. The existing restaurant is open Tuesday to Thursday from 3:00 pm to 11:00 pm, Friday from 3:00 pm to 1:00 am, Saturday from 1:00 pm to 1:00 am, and Sunday from 1:00 pm to 11:00 pm.

- D. **Other Entertainment Use.** Planning Code Section 712.48 states that Other Entertainment, as defined by Planning Code Section 790.38, is principally permitted in the NC-3 Zoning District.

The project would include live and amplified music, such as live Hawaiian, jazz, and cover bands as well as DJs, to enhance the existing restaurant use. The music would be restricted to the inside area and the sound equipment must be inspected and permitted by the Entertainment Commission prior to operation.

- E. **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 34 feet of frontage on Post Street with approximately 26 feet devoted to either the restaurant entrance or window space. The windows are clear and unobstructed. There are no changes proposed to the commercial frontage.

- 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 project would provide a use that would be compatible with the mix of goods and services currently available in Japantown and contribute to the economic vitality of the neighborhood by enhancing the existing restaurant with entertainment.

B. The proposed project will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity. There are no features of the project that could be detrimental to the health, safety or convenience of those residing or working the area, in that:

i. Nature of proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;

The height and bulk of the existing building would remain the same and would not alter the existing appearance or character of the project vicinity. There would be no physical expansion to the existing building.

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

Existing traffic patterns would not be significantly affected by the proposed project. There is on-street metered parking in front of the subject property as well as in the surrounding neighborhood and a parking garage less than one block away beneath the Kintetsu Mall. In addition, the project site is well served by transit. There are nearby stops for MUNI bus lines 2-Clement, 3-Jackson, 22-Fillmore, 38-Geary, and 38L-Geary Limited.

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

The Conditions of Approval, attached as Exhibit A, will require the Project Sponsor to ensure that noise is contained within the premises so as not to be a nuisance to nearby businesses or residents.

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

Since the project does not propose the physical expansion of the existing restaurant, no additional landscaping is required. There would be no addition of parking spaces, loading facilities, open space or service areas. All signage and projections would be consistent with the controls of the Planning Code.

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 purposes of NC-3 Districts in that the intended use is a neighborhood-serving business.

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 an entertainment venue to the neighborhood and would provide resident employment opportunities to those in the community. Further, the project site is located within a Neighborhood Commercial District and is 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 enhance the existing restaurant, an existing neighborhood-serving use, by attracting customers seeking an entertainment venue.

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 and the project would not prevent the district from achieving optimal diversity in the types of goods and services available in the neighborhood.

Policy 6.2:

Promote economically vital neighborhood commercial districts which foster small business enterprises and entrepreneurship and which are responsive to the economic and technological innovation in the marketplace and society.

The existing restaurant is independently owned.

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 provide a small-business owner an opportunity to enhance an existing business that currently provides job opportunities to the City.

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

The project would preserve and enhance the cultural and economic diversity of the neighborhood by helping to retain an existing business in the area. Existing housing would not be affected by this project.

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

The project would not displace any affordable housing.

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

The project would not significantly increase traffic congestion or the availability of parking in the neighborhood. There is on-street metered parking in front of the subject property as well as in the surrounding neighborhood and a parking garage less than one block away beneath the Kintetsu Mall.

In addition, the project site is well served by transit. There are nearby stops for MUNI bus lines 2-Clement, 3-Jackson, 22-Fillmore, 38-Geary, and 38L-Geary Limited.

- 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 or affect any service or industry establishment. 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 site was recently remodeled and all alterations conformed to the structural and seismic safety requirements of the 2010 City Building Code.

- 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 not affect any city-owned parks or open space.

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. 2012.0822C** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated October, 26, 2011, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

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

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on August 16, 2012.

Linda D. Avery
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: August 16, 2012

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to allow an "Other Entertainment" use at the existing restaurant (d.b.a. Pa'ina Lounge and Restaurant) located at 1865 Post Street; Lot 002 in Assessor's Block 0701, pursuant to Planning Code Sections 249.31, 303, and 712.48 within the NC-3 (Neighborhood Commercial, Moderate-Scale) Zoning District, Japantown Special Use District, and a 50-X Height and Bulk District; in general conformance with plans, dated October 26, 2011, and stamped "EXHIBIT B" included in the docket for Case No. 2012.0822C and subject to conditions of approval reviewed and approved by the Commission on August 16, 2012 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 August 16, 2012 under Motion No XXXXXX.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

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

SEVERABILITY

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

CHANGES AND MODIFICATIONS

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

Conditions of Approval, Compliance, Monitoring, and Reporting

PERFORMANCE

1. **Validity and Expiration.** The authorization and right vested by virtue of this action is valid for three years from the effective date of the Motion. A building permit from the Department of Building Inspection to construct the project and/or commence the approved use must be issued as this Conditional Use authorization is only an approval of the proposed project and conveys no independent right to construct the project or to commence the approved use. The Planning Commission may, in a public hearing, consider the revocation of the approvals granted if a site or building permit has not been obtained within three (3) years of the date of the Motion approving the Project. Once a site or building permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. The Commission may also consider revoking the approvals if a permit for the Project has been issued but is allowed to expire and more than three (3) years have passed since the Motion was approved.

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

2. **Extension.** This authorization may be extended at the discretion of the Zoning Administrator only where failure to issue a permit by the Department of Building Inspection to perform said tenant improvements is caused by a delay by a local, State or Federal agency or by any appeal of the issuance of such permit(s).

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

DESIGN

3. **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 architectural addenda. Space for the collection and storage of recyclable and compostable materials that meets the size, location, accessibility and other standards specified by the San Francisco Recycling Program shall be provided at the ground level of the buildings.

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

MONITORING

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

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

5. **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

6. **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

7. **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>

8. **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/>*

9. **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

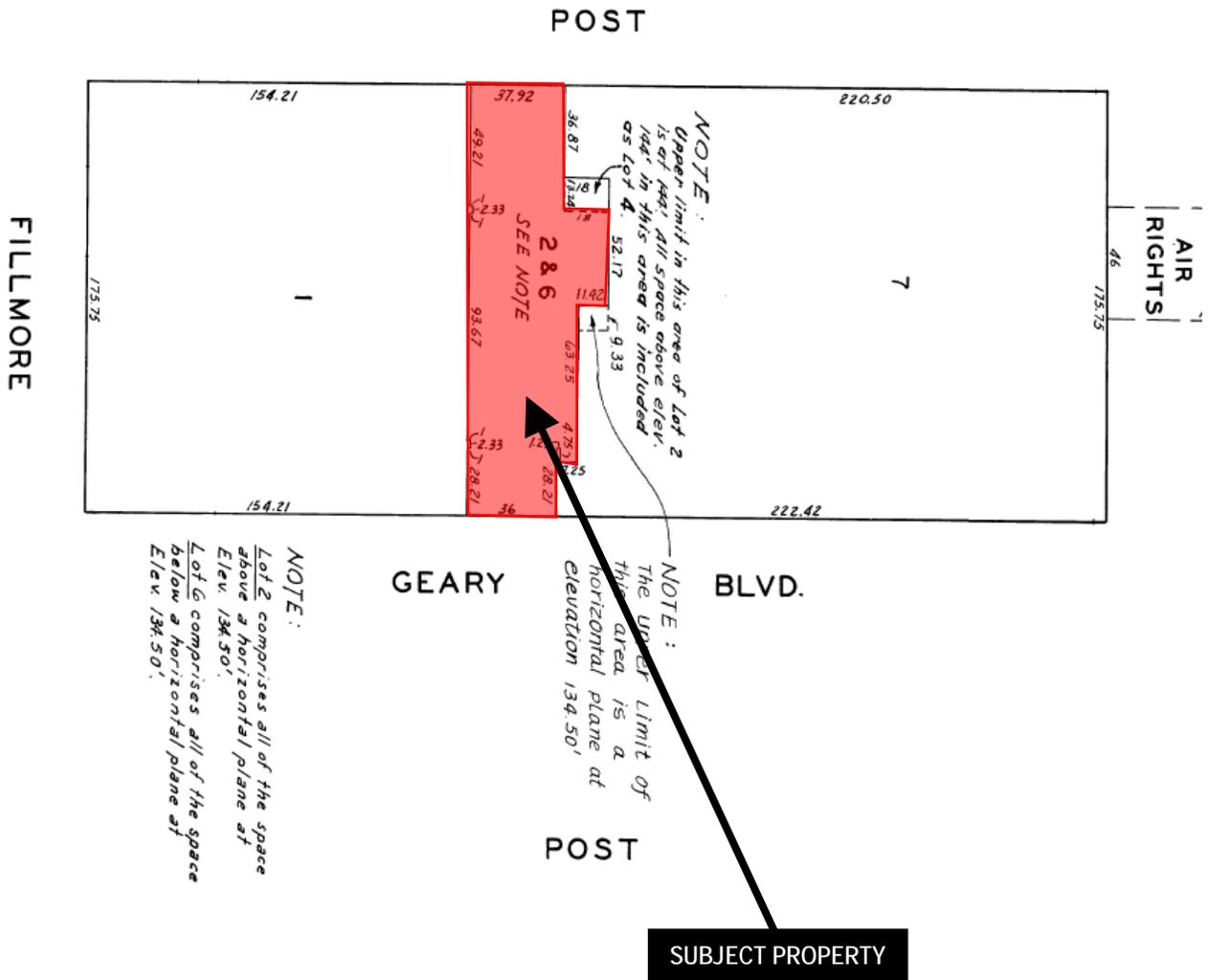
10. **Notices Posted at Bars and Entertainment Venues.** Notices urging patrons to leave the establishment and neighborhood in a quiet, peaceful, and orderly fashion and to not litter or block driveways in the neighborhood, shall be well-lit and prominently displayed at all entrances to and exits from the establishment.

For information about compliance, contact the Entertainment Commission, at 415 554-6678, www.sfgov.org/entertainment

11. **Other Entertainment.** The Other Entertainment shall be performed within the enclosed building only. The building 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. Bass and vibrations shall also be contained within the enclosed structure. The Project Sponsor shall obtain all necessary approvals from the Entertainment Commission prior to operation. The authorized entertainment use shall also comply with all of the conditions imposed by the Entertainment Commission.

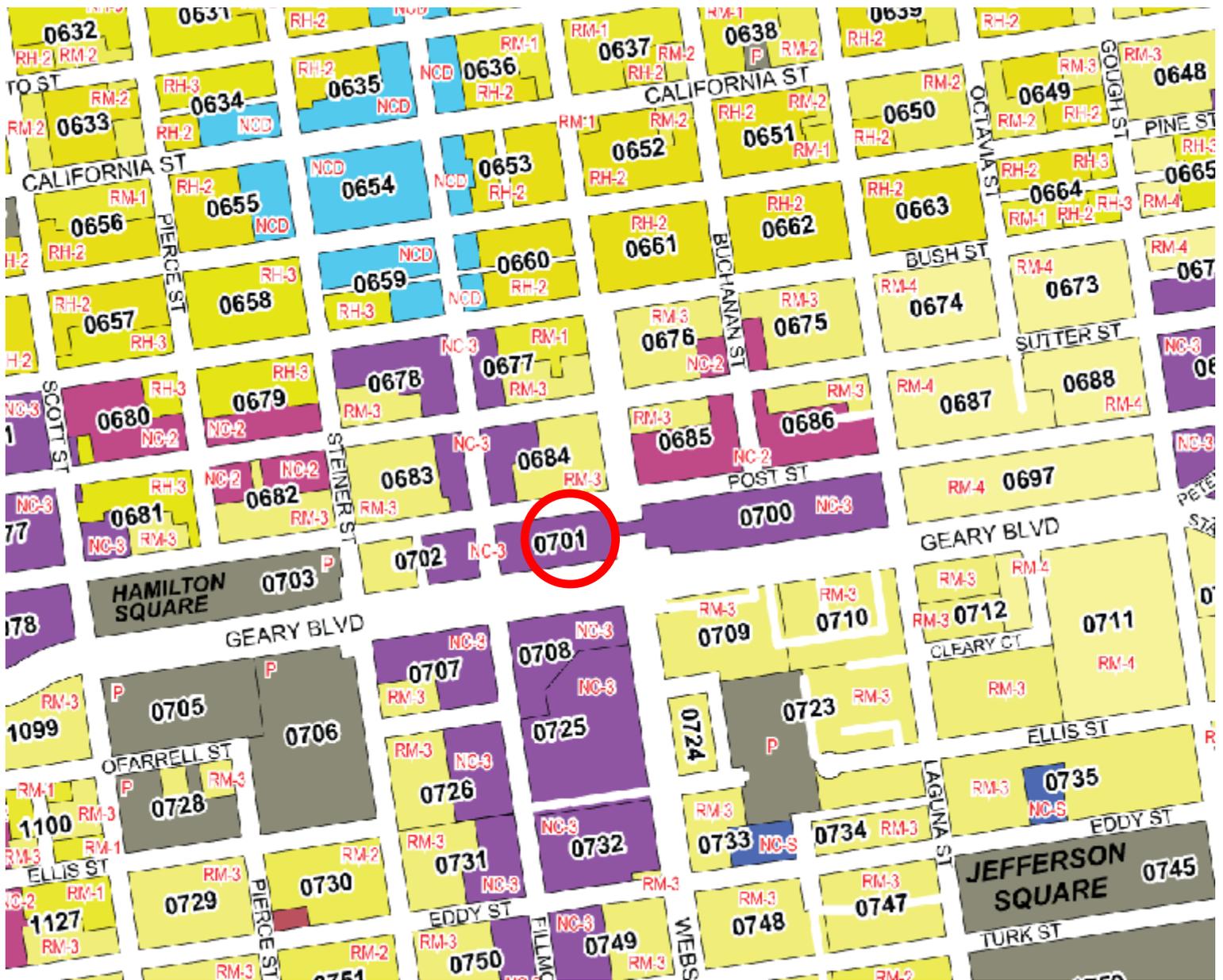
For information about compliance, contact the Entertainment Commission, at 415 554-6678, www.sfgov.org/entertainment

Parcel Map



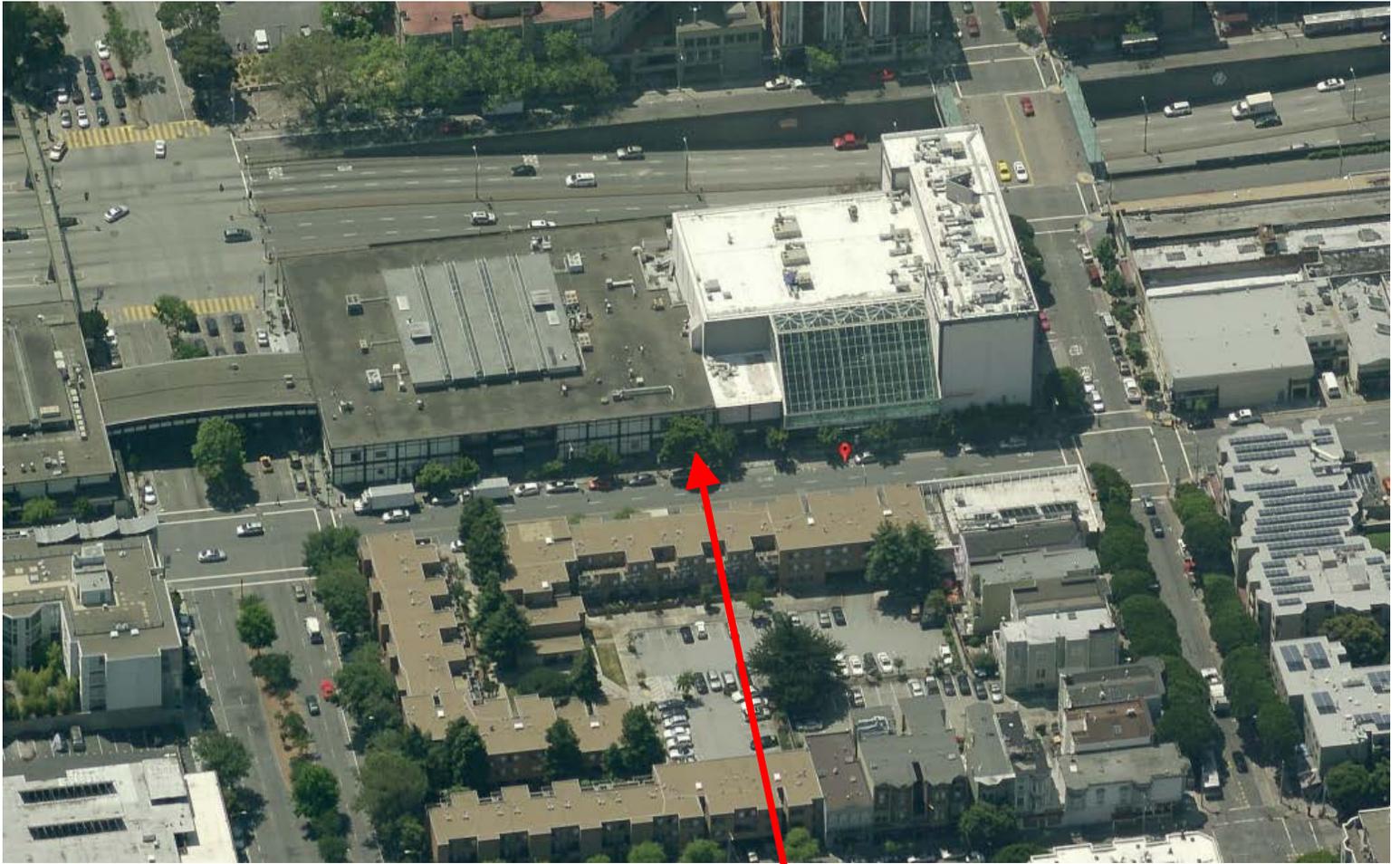
Conditional Use Hearing
 Case Number 2012.0822C
 1865 Post Street
 Block/Lot 0701/002

Zoning Map



Conditional Use Hearing
Case Number 2012.0822C
1865 Post Street
Block/Lot 0701/002

Aerial Photo



SUBJECT PROPERTY

Conditional Use Hearing
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Site Photo

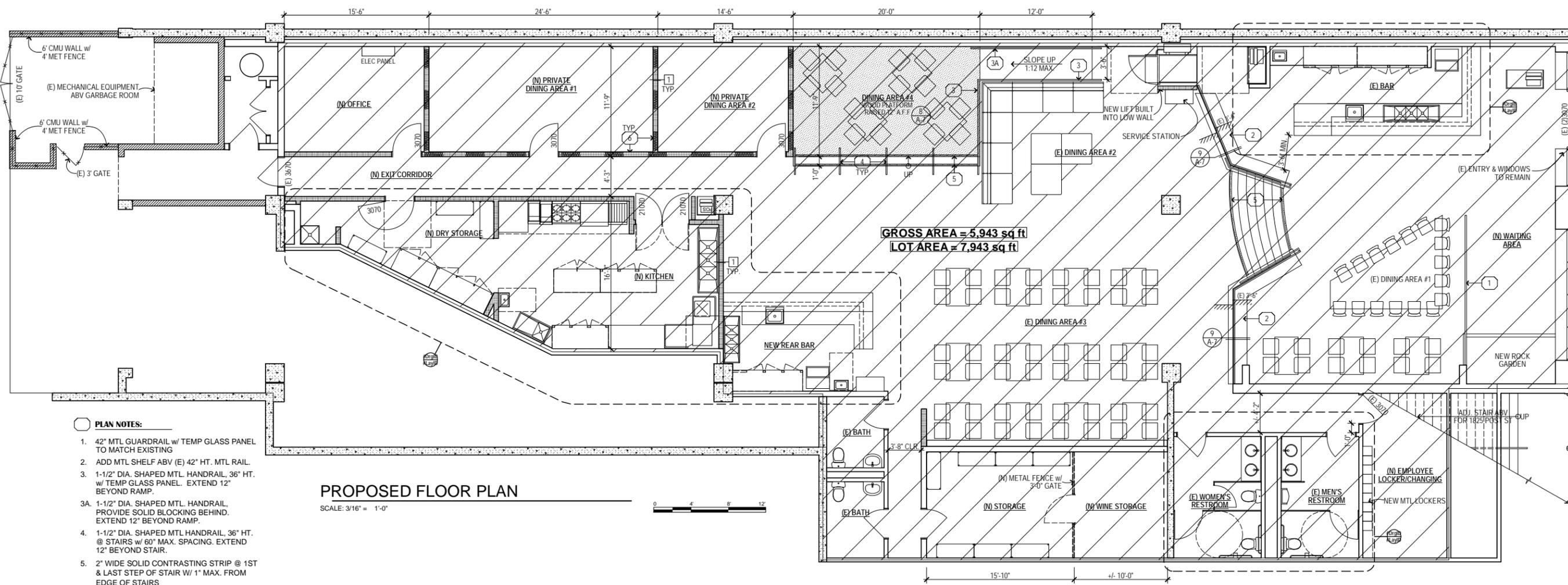


Conditional Use Hearing
Case Number 2012.0822C
1865 Post Street
Block/Lot 0701/002

Context Photo



Conditional Use Hearing
Case Number 2012.0822C
1865 Post Street
Block/Lot 0701/002



- PLAN NOTES:**
- 42" MTL GUARDRAIL w/ TEMP GLASS PANEL TO MATCH EXISTING
 - ADD MTL SHELF ABV (E) 42" HT. MTL RAIL.
 - 1-1/2" DIA. SHAPED MTL. HANDRAIL, 36" HT. w/ TEMP GLASS PANEL. EXTEND 12" BEYOND RAMP.
 - 1-1/2" DIA. SHAPED MTL. HANDRAIL, PROVIDE SOLID BLOCKING BEHIND. EXTEND 12" BEYOND RAMP.
 - 1-1/2" DIA. SHAPED MTL HANDRAIL, 36" HT. @ STAIRS w/ 60" MAX. SPACING. EXTEND 12" BEYOND STAIR.
 - 2" WIDE SOLID CONTRASTING STRIP @ 1ST & LAST STEP OF STAIR w/ 1" MAX. FROM EDGE OF STAIRS
 - 3-1/2" SOUND ATTENUATION BLANKET TYPICAL AT OFFICE & PRIVATE DINING ROOMS.
 - 100 GALLON WATER HEATER BY A.O. SMITH OR EQUAL. STRAP WH TO WALL

SCOPE OF WORK
 -ADD ENTERTAINMENT USE PER PLANNING CODE SECTION 790.38.
 -NO ALTERATION TO BUILDING

Date	By
10/26/11	JS
5/21/12	JS
CHANGE OF USE	
6/19/12	JS
PER NOPDR#1	

Nicholas King, Deputy Director Entertainment Commission.

Mr. King, I wanted to recommend approval by the Entertainment Commission for Pa'ina Restaurant on Post St San Francisco in the heart of JapanTown San Francisco. Pa'ina Restaurant will be a great Community meeting place with Great entertainment from all elements of music from our Japanese American Community. We represent various Asian Pacific Islanders, music and cultural...San Francisco Japantown has always been the heart and soul of music and musicians ...The original of the Japantown /Fillmore tradition of music ..was also born here.

Pa'ina will continue to serve in that tradition of music...Pa'ina will serve as a resource to hold Community benefits...On May 12,2012, Kimochi Senior Center ,which I am the Executive Director of; will be holding our major fundraiser at the Kabuki Theatre with Pai'na hosting our Community reception after our Program...

Pai'na will not only benefit the local community members and residents but also attract many visiting tourist to San Francisco.

Please approval their permit by the Entertainment Commission....

Best Regards,
Steve Nakajo,
Executive Director, Kimochi Senior Center, and Francisco, Japantown..

Deputy Director Nicholas King
San Francisco Entertainment Commission

I am the Executive Director of the Japantown Task Force, Inc., a 501c3 organization focused on the preservation, planning, and economic development of Japantown San Francisco, one of the last three Japantowns in the USA. I am writing you in support of the Pa'ina Restaurant being issued an Entertainment License.

The JTF has been leading the effort to develop a neighborhood plan with the SF Planning Department. Of priority in the plan is the maintaining of the cultural themes of the neighborhood. The Hawaiian culture, especially the food and music, have special significance in the Japanese American history and culture dating back over 100 years when Japanese immigrants migrated to the Hawaiian islands to find work in the island plantations. The Hawaiian theme of this applicant very much conforms with the proposed Japantown Neighborhood Commercial District zoning being developed by the community.

Another consistent discussion in the neighborhood planning meetings has been the need for more gathering places for both young and old. The term pa'ina in Hawaiian means 'gathering'. I am confident this restaurant fits that need and will be a very popular pa'ina for both young and old.

I strongly urge your support and favorable recommendation to the Entertainment Commission.

Thank you for your time and diligence.

Sincerely and with best personal regards,

Bob Hamaguchi
Executive Director
Japantown Task Force, Inc.
415-346-1239

Dear Mr. King,

I am writing on behalf of the Nihonmachi Street Fair in support for Pa`Ina Lounge & Restaurant's entertainment license which will be under review by your department in the coming weeks.

As a member of the Japantown community and greater Asian/Pacific American community I know the importance of having live entertainment at probably the only venue in Japantown that can house this type of weekly entertainment.

We at the Nihonmachi Street Fair strive to bring the many local Asian/Pacific musical entertainment to our stages at our annual event in August. Those same musical/cultural groups would have the opportunity to perform at a permanent place in Japantown.

Bringing our communities together is something that I strive for as the Executive Director and President of the Nihonmachi Street Fair. It is an important part of our mission.

Granting Pa`Ina Lounge and Restaurant an entertainment license will definitely put Japantown on the map for the "GO TO PLACE" for local Asian/Pacific entertainment. Not only will it draw people from the Bay Area but the many travelers that come to this great City.

It will also benefit the many nonprofit organizations that would like to have a fundraising venue in Japantown.

Our hope is that the entertainment permit will be granted to Pa`Ina Lounge & Restaurant and that we can keep this important establishment thriving in our community.

Sincerely,

Grace Horikiri
Executive Director & President

Nihonmachi Street Fair, Inc.
1581 Webster Street, Suite 155
San Francisco, CA 94115
415-771-9861

Fax: 415-796-0863

Cel: 415-867-1318

grace@nihonmachistreetfair.org

<http://www.nihonmachistreetfair.org>