



SAN FRANCISCO PLANNING DEPARTMENT

Memo to the Planning Commission

HEARING DATE: FEBRUARY 7, 2013
Continued from the December 6, 2012 Hearing

Date: January 31, 2013
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 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 as permitted with a Place of Entertainment (POE) Permit from the Entertainment Commission. 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 Project Sponsor was granted a Limited Live Performance (LLP) Permit from the Entertainment Commission on July 25, 2012 (Exhibit 1). The LLP Permit allows for live performances as accessory uses in establishments whose primary use is not entertainment. Standard conditions require that the performances end by 10:00 p.m., limit the performer's occupied space to less than 200 square feet, and require conformance with Police Code Sections 49, 1060, and 2900 in addition to the Entertainment Commission Good Neighbor Policy. Additional conditions were added to the LLP Permit for the subject business that limited amplified sound levels and sound system operation.

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 continued twice more, more recently from December 6, 2012 to February 7, 2013 at the Project Sponsor's request.

The following events have taken place since the August 16, 2012 hearing:

- A sound inspection was conducted on October 18, 2012 by Vajra Granelli, an inspector for the Entertainment Commission (Exhibit 2). Sound tests were done in the subject tenant space and the two adjacent businesses having sound concerns, Sundance Cinemas and Kabuki Springs & Spa. Sound tests in the adjacent businesses indicated that amplified sound at 78 decibels (dBa) was not audible in the adjacent spaces. As a result of the testing, a condition was added to the LLP Permit and future POE Permit that limits the amplified sound level to 74 dBa. A 4 dBa difference was added as a buffer. At this level, no amplified sound from the subject tenant space should be heard in the adjacent businesses.
- The Project Sponsor worked 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 (Exhibit 3).
- The Project Sponsor received two citations from the Entertainment Commission. The first citation was issued on October 30, 2012 (Exhibit 4), for noise audible outside the establishment (Entertainment Commission Good Neighbor Policy #8), operating past 10:00 p.m. (Police Code Sections 1060 & 2900), and for exceeding additional LLP permit conditions. These conditions include exceeding the maximum sound level of 74 dBa and for using a portable sound system, equipment and speakers not part of the establishment. The second citation was issued on December 17, 2012, for operating past 10:00 p.m. (Exhibit 5). Both citations have been paid and abated.
- The Project Sponsor submitted a letter to the Planning Commission, dated January 21, 2013, as an update to the project and in response to the two citations (Exhibit 6). Attachments to the letter include a petition of support from 30 residents living directly across the street at 1820 Post Street, a private noise study conducted by Vibro-Acoustic Consultants, and an image of a recently installed drum shield added to the establishment.

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:

- Exhibit 1 – Limited Live Performance Permit
- Exhibit 2 – Permit Inspection
- Exhibit 3 – Revised Floor Plan
- Exhibit 4 – Citation 1
- Exhibit 5 – Citation 2
- Exhibit 6 – Project Sponsor Letter and attachments

Exhibit 1 – Limited Live Performance Permit

Entertainment Commission Permit

City and County of San Francisco; State of California

Limited Live Performance

Permit Number: EC - 1119 LLP

Grant Date: July 25, 2012

Permit is hereby granted to: Jim Cheng, S.M. Cheng, Incorporated

Location: 1865 Post Street, San Francisco, CA 94115

Business Name: Pa'Ina

Unless revoked or suspended by the Entertainment Commission during a current year or unless the permit is valid for only a specified time, it shall be deemed that application for a tax license renewal has been made at the end of each year and the original application granted under the conditions, limitations and obligations is unchanged.

This permit must be displayed at the above address in a conspicuous place. You are required to allow any Commission Permit Administrator or San Francisco Police Officer to inspect your premises (Municipal Code, Sec. 81). You shall not transfer this permit to another person or conduct a separate business at a different location other than that described on this permit (Municipal Code, Sec. 77).

ANY CHANGE IN OWNERSHIP OF THIS PERMITTED BUSINESS REQUIRES A NEW APPLICATION BE FILED WITHIN TEN DAYS OF THE DATE OF THE CHANGE. IF A PERMIT IS CONDITIONALLY GRANTED AND AN APPEAL IS FILED BY ANY PERSON WITHIN 10 DAYS OF THE ISSUANCE, THE PERMIT IS NOT VALID UNTIL THE APPEALS PROCESS IS CONCLUDED AND A FINAL DECISION IS RENDERED BY THE BOARD OF APPEALS.

Pertinent information regarding this permit:

- Permit holder shall conform to attached Entertainment Commission Good Neighbor Policy.
- Live performances must be conducted indoors only in accordance with Police Code Section 1060.
- There shall be no noise audible outside the establishment during the daytime or nighttime hours that violates San Francisco Municipal Police Code sections 49 or 2900 et seq. Further, absolutely no sound from the establishment shall be audible inside any surrounding residence or business that violates section 2900.
- All doors and windows must be kept closed during hours of operation when there is entertainment. Amplified sound levels inside the venue must not exceed 74 dBA. Current sound system cannot be increased in size or power. Venue sound mixing board master volume control must not be set above -20. All live bands/disc jockeys must plug into the venue sound system, no outside or additional sound system can be used. New sound proofing must be completed before October 26, 2012.

Failure to conduct your business in conformity with these regulations may subject you to a criminal citation or arrest and the revocation of your permit. This permit is accepted and subject to all legal obligations, requirements and the conditions set forth above.

Signature of Permittee:	Issued by: Nicolas Kling, Deputy Director, Entertainment Commission
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Permit is not valid without current tax license.

Entertainment Commission

PERMIT APPLICATION

RECEIVED

Type of Permit: place of entertainment

New Application Renewal: Old # MAY

Date: 5/1/12

Amendment

Receipt No.: _____

Adding Partners to Existing

SAN FRANCISCO ENTERTAINMENT COMMISSION

Part 1: Please Print Clearly - Complete Entire Front Side

Applicant's Name				Residence Address				Residence Phone	
Last	First	Middle		Number	Street	Apt#	City	State	Zip
cheng	James			302	cerro dr.		Daly City	CA.	94015
Race (Optional)		Sex	Height	Weight	Eye Color	Hair Color	Date of Birth		Place of Birth
Chinese		M	5'3"	170	Black	Black	5/27/1958		Hong Kong

Driver's License Number and State N4539702 CALIF.

Social Security Number 570-13-8708

Any Other Name(s) Used	Mailing Address (if different than residence)
cheng Jim	Number Street Apt# City State Zip

Business Name / Employed By / Name of Organization	Business Address
Paina Lounge & Restaurant	1865 Post St SF, CA 94115
If Corporation, give name	Date and Place of Incorporation
SM. cheng inc	7-28-2011

Business Phone	650 438-1461
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List your residences for the last five years. (Use additional form, if necessary)

From Date	To Date	Address Resided At (Number, Street, Name, City)
1997	2012	302 cerro dr. Daly City CA 94015

List your employment for the last five years. (Use additional form, if necessary)

From Date	To Date	Company Name	Company Address	Type of Work
12-3-2007	3-31-2012	Ferguson Bath & Kitchen Gallery	435 Valencia St SF CA 94103	(showroom) Retail
1982	2008	JC plumbing supply & showroom	435 Valencia St SF CA 94103	(showroom) Retail

Have you ever been convicted of, or plead guilty or No Contest to any Crime? NO

If yes, provide the information required below. Use additional forms if necessary. Failure to provide full information relative to prior convictions, guilty pleas or no contest pleas may be considered cause to deny the permit.

Offense	Date	Place of Arrest	Disposition

Entertainment Commission

Part 2: Mechanical Amusement Device, Billiard Parlor, or Family Recreation Center
These permits do not include jukeboxes

Office Use Only

Total number of devices, subject to permit, to be placed, maintained, or operated: 0

Warrants

What type of business, if any, is now operated at the place where said devices are to be placed, maintained, or operated?

Give a complete description of each device to be operated:

No. of other devices (describe):
No. of Pinball Machines: 0 No. of Video Games: 0 No. of Pool tables: 0

Give the name of the company, corporation, or individual from whom the machines are being rented. If self-owned, state so:

Part 3: Additional Mechanical Amusement Device, Billiard Parlor, or Family Recreation Center.
These permits do not include jukeboxes

How many devices do you have on the premises now:

No. of other devices (describe):
No. of Pinball Machines: 0 No. of Video Games: 0 No. of Pool tables: 0

How many devices are to be added by this application:

No. of other devices (describe):
No. of Pinball Machines: 0 No. of Video Games: 0 No. of Pool tables: 0

Part 4: Acknowledgement and Declaration

I, James cheng, understand that there may be sections of the San Francisco Municipal Code that are applicable to my business and/or permit. There are copies of the San Francisco Municipal Code available at City Hall, The Public Library, and legal bookstores. If a Letter of Intent is required, I acknowledge that the Letter of Intent is part of the application, and I declare under penalty of perjury that the foregoing is true and correct. Executed at San Francisco, California. I understand that any false or incomplete information provided by me, relative to this application, may be considered cause to either deny the requested permit or revoke the permit that is granted.

Date: 11/30/12

Signature of Applicant: [Signature]

Office Use Only

Hearing Date	Received By	Temp. Issued By	Class Date

NOTE: READ INSTRUCTION PRIOR TO COMPLETING THIS FORM

INSTRUCTIONS:

1. SOLE PROPRIETOR APPLICANT: COMPLETE SECTION A & E
2. CORPORATE APPLICANT: COOMplete A, B, D, & E
3. PARTNERSHIP APPLICANT: COMPLETE SECTION A, C, D, & E

LETTER OF INTENT FORM
SAN FRANCISCO ENTERTAINMENT COMMISSION

DATE 2/30/12

TYPE OF PERMIT(S) <i>Full Entertainment, P.O.E.</i>	
SECTION A	
APPLICANT'S NAME <i>Cheng James</i> LAST FIRST MIDDLE	RESIDENCE ADDRESS <i>302 Cerro Dr. Daly City CA 94015</i> NUMBER STREET APT# CITY STATE ZIP CODE RESIDENCE PHONE <i>650 438-1461</i>
BUSINESS NAME <i>Palma Lounge & Restaurant</i> LAST FIRST MIDDLE	BUSINESS ADDRESS <i>1865 Post St SF. CA 94115</i> NUMBER STREET APT# CITY STATE ZIP CODE BUSINESS PHONE <i>650-438-1461</i>
PHONE NUMBER WHERE YOU CAN BE CONTACTED BETWEEN 9:00 A.M. AND 5:00 P.M.	
NAMES AND ADDRESS OF PERSONS WHO WILL HAVE DIRECT AUTHORITY AND/OR CONTROL OF PREMISES:	
NAME <i>Cheng James</i> LAST FIRST MIDDLE	RESIDENCE ADDRESS <i>302 Cerro Dr. Daly City CA 94015</i> NUMBER STREET APT# CITY STATE ZIP CODE RESIDENCE PHONE <i>650-438-1461</i>
NAME	RESIDENCE ADDRESS RESIDENCE PHONE <i>Email</i>
NAME	RESIDENCE ADDRESS RESIDENCE PHONE <i>JCheng 4350@yahoo.com</i>
NAME	RESIDENCE ADDRESS RESIDENCE PHONE
NAMES AND ADDRESS OF PERSONS AUTHORIZED TO ACCEPT SERVICE OF PROCESS:	
NAME	MAILING ADDRESS
NAME	MAILING ADDRESS
PREMISES <input type="checkbox"/> LEASED <input type="checkbox"/> OWNED <input type="checkbox"/> RENTED	NAME AND ADDRESS OF OWNER CITY STATE ZIP CODE
SECTION B	
NAMES AND ADDRESS OFFICER AND / OR DIRECTORS OF THE CORPORATION: (USE ADDITIONAL SHEET IF NECESSARY)	
CORPORATE TITLE <i>President</i>	NAME <i>Cheng James</i> LAST FIRST MIDDLE RESIDENCE ADDRESS <i>302 Cerro Dr. Daly City CA 94015</i> NUMBER STREET APT# CITY STATE ZIP CODE
CORPORATE TITLE <i>Secretary</i>	NAME <i>Cheng John K</i> LAST FIRST MIDDLE RESIDENCE ADDRESS <i>5789 Misty Spring Dr. Castro Valley CA 94552</i> NUMBER STREET APT# CITY STATE ZIP CODE
CORPORATE TITLE <i>CFO</i>	NAME <i>Cheng Sammie M</i> LAST FIRST MIDDLE RESIDENCE ADDRESS <i>302 Cerro Dr. Daly City CA 94015</i> NUMBER STREET APT# CITY STATE ZIP CODE
SECTION C	
NAME	RESIDENCE ADDRESS RESIDENCE PHONE

Exhibit 2 – Permit Inspection



Entertainment Commission
City and County of San Francisco

PERMIT INSPECTION RECOMMENDATION
Entertainment Commission

City Hall, Room 453

Fax: 554-7934

Noise Abatement

We have received the following application for **Place of Entertainment** at the indicated address.

Name: James Cheng

DBA: Pa'ina

Address: 1865 Post St. SF CA

Hearing Date: 7-24-2012

Inspection Date: 10-18-12

Approval Recommended Disapproval Recommended

Pass Fail Sound Test

32 to 74 Ambient Noise Average (dBA), Time & Date: 9am 10-18-12

46 to 90 Sound Level (dBA), Time & Date: 9am 10-18-12

There shall be no noise audible outside the establishment during daytime or nighttime hours that violates San Francisco Municipal Police Code Sections 2900 et.seq... Further absolutely no sound from the establishment shall be audible inside the surrounding residence or business that violates section 2900.

Notes:

All doors and windows must be kept closed during hours of operation when there is entertainment.

Amplified sound levels inside the venue must not exceed 74 dBA.

Current Sound systems cannot be increased in size or power.

Venue sound mixing board master volume control must not be set above -20.

All live bands / DJ's must plug into the venue sound system, no outside or additional sound system can be used.

New sound proofing must be completed before 10-26-12.

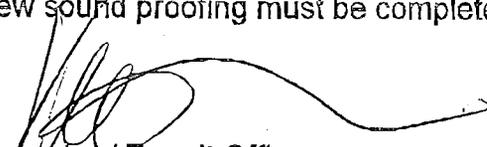

Inspector / Permit Officer.
Vajra Granelli

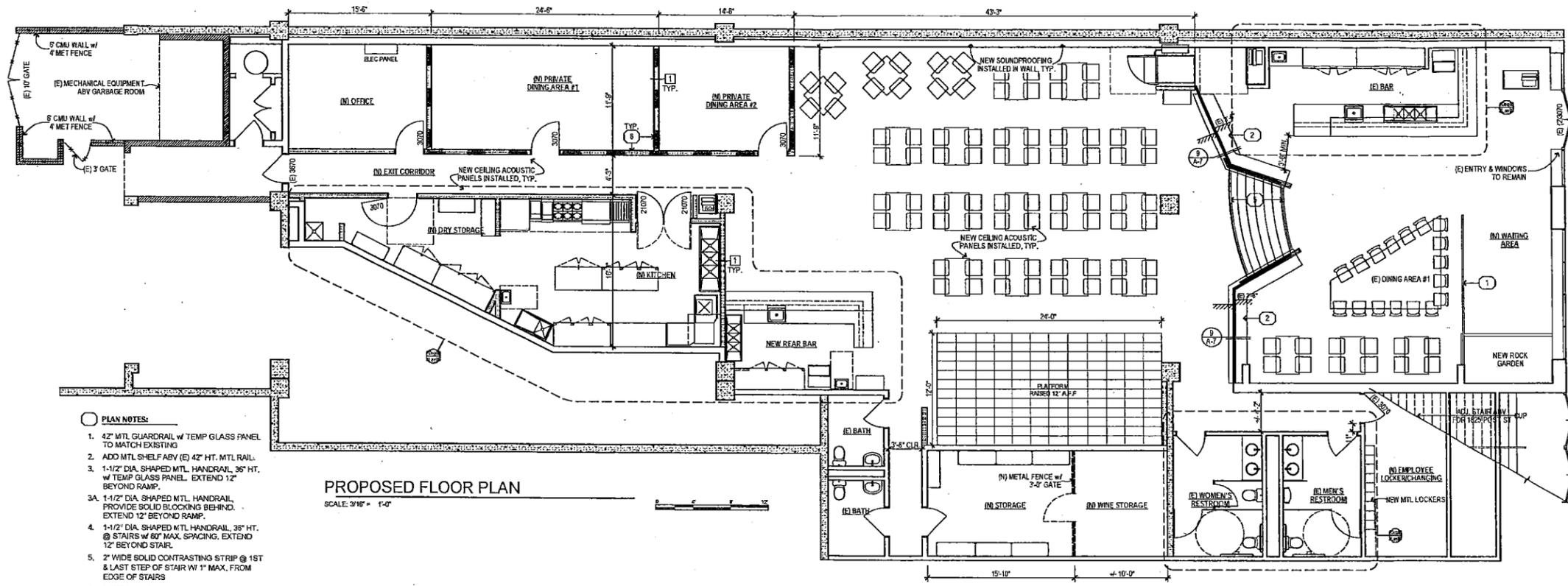
Exhibit 3 – Revised Floor Plan



GABRIEL NG + ARCHITECTS INC.
 1350 9TH AVENUE, SUITE 210
 SAN FRANCISCO CA 94112
 415-482-8060 Fax 510-261-1339
 www.gabrielngarchitects.com

RESTAURANT REMODEL
 1865 POST STREET
 BLOCK 0701 / LOT 002
 SAN FRANCISCO, CA 94115

FLOOR PLAN, DETAILS & NOTES



- PLAN NOTES:**
- 42" MTL GUARDRAIL W TEMP GLASS PANEL TO MATCH EXISTING
 - ADD MTL SHELF ABY (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, 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 W/H TO WALL.

PROPOSED FLOOR PLAN
 SCALE: 3/16" = 1'-0"

SCOPE OF WORK
 -ADD ENTERTAINMENT USE PER PLANNING CODE SECTION 19C.3B.
 -NO ALTERATION TO BUILDING

Date	By
10/28/11	JS
5/2/12	JS
CHANGE OF USE	
5/19/12	JS
PER N0P0R21	

Exhibit 4 – Citation 1

San Francisco Entertainment Commission

1 Dr. Carlton B Goodlett Place
San Francisco, CA 94102-4603
(415) 554-5793

ADMINISTRATIVE CITATION

Police Code Sections 1060.26(b) and 1070.24(b)
Administrative Code Chapter 100

Citation No.: 21643 Date Issued: 10-30-12 Time Issued: 3PM
Name of Violator: Jim Cheng
Business Name: Palina Permit No.: EC 1119LLP
Business Mailing Address: 1865 Post St SF CA 94115
Location of Violation: inside and outside the venue

By service of this CITATION, you are hereby notified that you are in violation of a permit condition under Police Code Article 1060 and 1070 as noted below:

1. Noise Abatement (MPC §§ 1060.12, 1070)	\$ _____	6. Good Neighbor Violation	\$ <u>100</u>
2. Signs (MPC §§ 1060.14 & 1060.15)	\$ _____	7. OTHER <u>MPC 1060</u>	\$ <u>100</u>
3. Private Club Violation (MPC §§ 1060.6, 1070.6)	\$ _____	<u>MPC 2900</u>	\$ _____
4. Security Plan Violation	\$ _____	<u>Permit Conditions</u>	\$ <u>100</u>
5. MINORS (MPC §§ 1060.13, 1070.16)	\$ _____		\$ _____

Description of Violation/Corrective Action Required: ON 10-27-12 AT 11:20 PM
Venue violated MPC 1060, 2900, G/NP #8 and conditions of that
Permit. - SFPD CAD 123013267 and EC Report "Palina 10-27-12"

YOU ARE HEREBY BEING ASSESSED AN ADMINISTRATIVE PENALTY IN THE TOTAL AMOUNT OF \$ 300.00 FOR THE ABOVE LISTED VIOLATIONS.

THE PENALTY MUST BE PAID WITHIN 30 DAYS OF THE ISSUANCE OF THIS CITATION. All fines and late payment fees are payable by check to:

 Entertainment Commission
1 Dr. Carlton B. Goodlett Place #453
San Francisco, CA. 94102

Your permit may be subject to suspension or in some cases revocation for violation of permit conditions, or any applicable provisions of the San Francisco Municipal Code (i.e., Police Code, Fire Code, etc.).

YOU HAVE THE RIGHT TO APPEAL THIS CITATION.

Please see reverse for the appeals form AND further information regarding the appeals process.

I acknowledge receipt of this citation:

Signature of Violator: _____ Print Name: _____

DETERMINATION OF THE AMOUNT OF FINES: The amount of the fine is determined by the following schedules under Admin Code § 100.5: 1. Up to \$100 for the first violation; 2. Up to \$200 for the second violation within one year of the date of the first violation; 3. Up to \$500 for each additional violation within one year of the date of the second or subsequent violation. In determining the amount of the fine, the charging official may take various into consideration. For more information on factors the charging official may consider, see Admin Code § 100.5(a)(4)(A)-(J).

LATE PENALTIES:

Fines that remain unpaid 30 days after the due date shall be subject to a late payment penalty of 10% plus interest at the rate of 1% percent per month on the outstanding balance, which shall be added to the penalty amount from the date that payment is due. Admin Code § 100.6(c). The City and County of San Francisco may file a civil action or pursue any other legal remedy to collect such money. Admin Code § 100.7(a). Where there is a nexus between the violation and real property located in the City as defined in S.F. Admin Code § 100.4(c), the charging official may initiate proceedings to make the payment amount due, and all additional costs and charges, including attorneys' fees, a lien on the property. Admin Code § 100.7(b).

SERVICE INFORMATION: I declare under penalty of perjury that on (Month, Day) 10/30 of (Year) 2012, I served (in person OR by mail) Mail, (Name of Violator) J. Cheng with this citation.
Name of Server: GARAWELL Signature: _____ Date Served: 10-30-12

Entertainment Commission Permit

City and County of San Francisco; State of California
Limited Live Performance

Permit Number: EC - 1119 LLP

Grant Date: July 25, 2012

Permit is hereby granted to: Jim Cheng, S.M. Cheng, Incorporated

Location: 1865 Post Street, San Francisco, CA 94115

Business Name: Pa'ina

Unless revoked or suspended by the Entertainment Commission during a current year or unless the permit is valid for only a specified time, it shall be deemed that application for a tax license renewal has been made at the end of each year and the original application granted under the conditions, limitations and obligations is unchanged.

This permit must be displayed at the above address in a conspicuous place. You are required to allow any Commission Permit Administrator or San Francisco Police Officer to inspect your premises (Municipal Code, Sec. 81). You shall not transfer this permit to another person or conduct a separate business at a different location other than that described on this permit (Municipal Code, Sec. 77).

ANY CHANGE IN OWNERSHIP OF THIS PERMITTED BUSINESS REQUIRES A NEW APPLICATION BE FILED WITHIN TEN DAYS OF THE DATE OF THE CHANGE. IF A PERMIT IS CONDITIONALLY GRANTED AND AN APPEAL IS FILED BY ANY PERSON WITHIN 10 DAYS OF THE ISSUANCE, THE PERMIT IS NOT VALID UNTIL THE APPEALS PROCESS IS CONCLUDED AND A FINAL DECISION IS RENDERED BY THE BOARD OF APPEALS.

Pertinent information regarding this permit:

- → Permit holder shall conform to attached Entertainment Commission Good Neighbor Policy.
- → Live performances must be conducted indoors only in accordance with Police Code Section 1060.
- → There shall be no noise audible outside the establishment during the daytime or nighttime hours that violates San Francisco Municipal Police Code sections 49 or 2900 et seq. Further, absolutely no sound from the establishment shall be audible inside any surrounding residence or business that violates section 2900.
- All doors and windows must be kept closed during hours of operation when there is entertainment. Amplified sound levels inside the venue must not exceed 74 dBA. Current sound system cannot be increased in size or power. Venue sound mixing board master volume control must not be set above -20. All live bands/disc jockeys must plug into the venue sound system, no outside or additional sound system can be used. New sound proofing must be completed before October 26, 2012.

Failure to conduct your business in conformity with these regulations may subject you to a criminal citation or arrest and the revocation of your permit. This permit is accepted and subject to all legal obligations, requirements and the conditions set forth above.

Signature of Permittee:

Issued by:

Nicolas King, 
 Deputy Director, Entertainment Commission

Permit is not valid without current tax license.



SAN FRANCISCO ENTERTAINMENT COMMISSION Good Neighbor Policy

GOOD NEIGHBOR POLICIES FOR NIGHTTIME ENTERTAINMENT ACTIVITIES.

Where nighttime entertainment activities, as defined by this permit are conducted, there shall be procedures in place that are reasonable calculated to insure that the quiet, safety and cleanliness of the premises and vicinity are maintained. Such conditions shall include, but not limited to, the following:

- 1** Notices shall be well-lit and prominently displayed at all entrances to and exits from the establishment urging patrons to leave the establishment and neighborhood in a quiet, peaceful and orderly fashion and to please not litter or block driveways in the neighborhood.
- 2** Employees of the establishment shall be posted at all entrances and exits to the establishment during the period from 10:00 pm to such time past closing that all patrons have left the premises. These employees shall insure that patrons waiting to enter the establishment and those exiting the premises are urged to respect the quiet and cleanliness of the neighborhood as they walk to their parked vehicle or otherwise leave the area.
- 3** Employees of the establishment shall walk a 100-foot radius from the premises some time between 30 minutes after closing time and 8:00 am the following morning, and shall pick up and dispose of any discarded beverage containers and other trash left by area nighttime entertainment patrons.
- 4** Sufficient toilet facilities shall be made accessible to patrons within the premises, and toilet facilities shall be made accessible to prospective patrons who may be lined up waiting to enter the establishment.
- 5** The establishment shall provide outside lighting in a manner that would illuminate outside street and sidewalk areas and adjacent parking, as appropriate.
- 6** The establishment shall provide adequate parking for patrons that would encourage use of parking by establishment patrons. Adequate signage shall be well-lit and prominently displayed to advertise the availability and location of such parking resources for establishment patrons.
- 7** The establishment shall provide adequate ventilation within the structures such that doors and/or windows are not left open for such purposes resulting in noise emission from the premises.
- 8** There shall be no noise audible outside the establishment during the daytime or nighttime hours that violates the San Francisco Municipal Code Section 49 or 2900 et. seq. Further, absolutely no sound from the establishment shall be audible inside any surrounding residences or businesses that violates San Francisco Police code section 2900.
- 9** The establishment shall implement other conditions and/or management practices necessary to insure that management and/or patrons of the establishments maintain the quiet, safety and cleanliness of the premises and the vicinity of the use, and do not block driveways of neighboring residents or businesses.
- 10** Permit holder shall take all reasonable measures to insure the sidewalks adjacent to the premises are not blocked or unnecessarily affected by patrons or employees due to the operations of the premises and shall provide security whenever patrons gather outdoors.
- 11** Permit holder shall provide a cell phone number to all interested neighbors that will be answered at all times by a manager or other responsible person who has the authority to adjust volume and respond to other complaints whenever entertainment is provided.
- 12** Permit holder agrees to be responsible for all operation under which the permit is granted including but not limited to a security plan as required.
- 13** In addition, a manager or other responsible person shall answer a cell phone for at least two hours after the close of business to allow for police and emergency personnel or other City personnel to contact that person concerning incidents.



VENUE INSEPCION

Sound Test ___ Venue Investigation ___ Case Record ___ Venue Complaint ___

Reported By / Complainant's Information

Organization Involved

Date: 10-27-12, 11:20 PM	Name of Venue: Pa'ina
Name: V. Granelli Badge # 101	Venue Address: 1865 Post Street SF CA 94115
Phone: 415-554-6007	Name of Owner / Manger: Jim Chang
Address: 1 DR. Carlton B. Goodlett PL. city hall , Room 453 San Francisco CA 94102	Venue Phone: 650-438-1461

Nature of Complaint / Violation Description:

MPC 1060
 MPC 2900
 EC good neighbor policy - #8
 Permit Conditions - #4

Involved Persons:	Address:	Phone:
1. Jim Chang	1865 Post Street SF CA	650-438-1461
2. SFPD Officer Knight and SFPD Officer Wakaeama	1125 Fillmore St. SF CA	415-614-3400

Narrative / Details / Report:

On 10-28-12 at approximately 11:20 PM I parked my city vehicle on The North side of Sutter St across from 1865 Post Street (Pa'ina). I then entered Sundance cinemas (1881 Post St. SF CA 94115) where I was met by manger Mr. Spring. I had received an email from Mr. Spring at 10:27 PM that the music from Pa'ina could be heard inside his businesses. I then went to 3 locations inside Sundance cinemas to check for sound (see below). I then exited Sundance cinemas and went to Pa'ina. At the door of the venue were some venue staff and SFPD Officer Knight and SFPD Officer Wakaeama. I then entered the venue to take sound reading (see below). As I was inside the venue I went to the venue sound/mixing board to see what level the sound system was set at. The venue sound system was turned off at that time. On stage there was a portable sound / mixing board as well as speakers and other sound equipment. The band playing was not using the house sound system at all it appeared at that time. I was then informed by venue staff that the owner and other people were waiting for me out front. I then exited the venue and met with Mr. Chang and other members of his staff, his lawyer, his security, and SFPD Officer Knight and SFPD Officer Wakaeama. I asked Mr. Chang what was going on, and why the sound level in the venue was so high. I told him that I saw at least 3 violations of his EC permit. Mr. Chang became argumentative, saying that he was being treated unfairly, that the sound level and sound test the EC staff did at his venue was not fair and that I had told him that the sound proofing he installed we contain the sound at the venue. I informed him that the sound level the band was currently playing at was almost 20 dba over what the venue was able to contain. Mr. Chang continued to argue with me over what he did or did not believe was wrong and what was a violation of his permit. He then stated that he wanted to go into the theater to hear for himself, SFPD Knight informed him that he would need to ask the theater manger if it was OK. When asked Mr. Spring said he was not comfortable with letting Mr. Chang and his staff into the theater at that time. Mr. Chang and his staff then returned to the venue. I then met with SFPD Officer Knight and SFPD Officer Wakacama to get a CAD number from them. I then returned to my parked city vehicle on the north side of Sutter St and left the area.

End Report.

Recommendation / Results/Observations: I believe at this time the establishment will continue to operate over the EC sound cap given to them by staff. I believe the EC staff will have to monitor this establishment closely.

Time & Date: 10-27-12, 11:20 PM to 11:40PM	Time & Date: 10-27-12, 11:20 PM to 11:40PM
Location: Sundance cinemas 1881 Post St. SF CA 94115: food sales area	Location: Sundance cinemas 1881 Post St. SF CA 94115: theater one
Ambient Noise Average (dBA):	Ambient Noise Average (dBA):
Sound Readings (dBA): 50 52 54 49 55 - music is audible (mid / bass)	Sound Readings (dBA): 81 75 79 76 - music is audible but very faint.(bass)
Time & Date: 10-27-12, 11:20 PM to 11:40PM	Time & Date: 10-27-12, 11:20 PM to 11:40PM
Location: Sundance cinemas 1881 Post St. SF CA 94115: exit hall	Location: Pa'ina 1865 Post Street SF CA 94115
Ambient Noise Average (dBA):	Ambient Noise Average (dBA):
Sound Readings (dBA): 45 50 52 53- music is audible (mid / bass)	Sound Readings (dBA): 87 88 87 90 94 91 89 94
Notes: SPPD CAD 123013267	

Exhibit 5 – Citation 2

San Francisco Entertainment Commission

1 Dr. Carlton B Goodlett Place
San Francisco, CA 94102-4603
(415) 554-5793

ADMINISTRATIVE CITATION

Police Code Sections 1060.26(b) and 1070.24(b)
Administrative Code Chapter 100

Citation No.: 21650 Date Issued: 12-17-12 Time Issued: 2:30 PM
Name of Violator: Jim Cheng
Business Name: Pina Permit No.: EC 119 IV
Business Mailing Address: 1805 East 1st Street, San Francisco, CA 94110
Location of Violation: Inside the Venue

By service of this CITATION, you are hereby notified that you are in violation of a permit condition under Police Code Article 1060 and 1070 as noted below:

Table with 6 columns: Violation Type, Code Reference, Amount, Violation Type, Code Reference, Amount. Includes categories like Noise Abatement, Signs, Private Club Violation, Security Plan Violation, MINORS, Good Neighbor Violation, and OTHER.

Description of Violation/Corrective Action Required: 12-15-12, 11:30am Venue violated the conditions of their LHP permit (MPC 1060) and state that all live performances must conclude by 10pm.

YOU ARE HEREBY BEING ASSESSED AN ADMINISTRATIVE PENALTY IN THE TOTAL AMOUNT OF \$ 200.00 FOR THE ABOVE LISTED VIOLATIONS.

THE PENALTY MUST BE PAID WITHIN 30 DAYS OF THE ISSUANCE OF THIS CITATION. All fines and late payment fees are payable by check to:

Controller's Office
City Hall, Room 316
1 Dr. Carlton Goodlett Place
San Francisco, CA 94102
Tel.: (415) 554-7500, Fax: (415) 554-7466

YOU HAVE THE RIGHT TO APPEAL THIS CITATION.
Please see reverse for the appeals form AND further information regarding the appeals process.

I acknowledge receipt of this citation:

Signature of Violator: _____ Print Name: _____

DETERMINATION OF THE AMOUNT OF FINES: The amount of the fine is determined by the following schedules under Admin Code § 100.5: 1. Up to \$100 for the first violation; 2. Up to \$200 for the second violation within one year of the date of the first violation; 3. Up to \$500 for each additional violation within one year of the date of the second or subsequent violation.

LATE PENALTIES:

Fines that remain unpaid 30 days after the due date shall be subject to a late payment penalty of 10% plus interest at the rate of 1% percent per month on the outstanding balance, which shall be added to the penalty amount from the date that payment is due.

SERVICE INFORMATION: I declare under penalty of perjury that on (Month, Day) 12/17 of (Year) 2012, I served (in person OR by mail) Jim Cheng, (Name of Violator) with this citation.

Name of Server: _____ Signature: _____ Date Signed: 12-17-12

Exhibit 6 – Project Sponsor Letter and attachments

PA'INA LOUNGE & RESTAURANT
1865 POST ST
SAN FRANCISCO, CA 94115

Dear Planning Commission;

1-21-2013

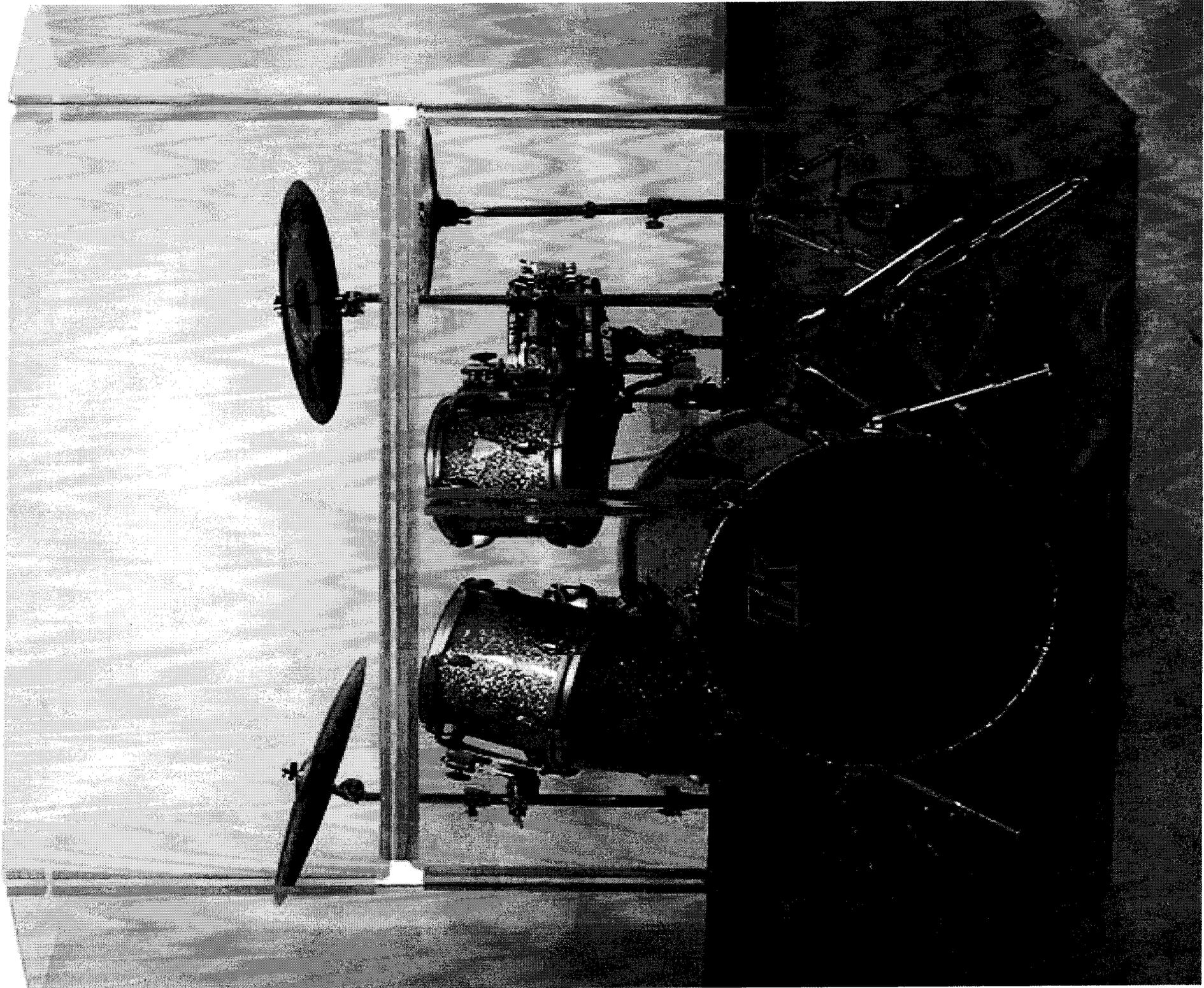
This letter is to provide reassurance that Pa'ina Restaurant and Lounge will commit and comply with the city ordinances and will not have any more violations regarding sound issues.

After receiving our first sound citation, we hustled on fixing the problem. We spent over \$50,000 in sound proofing plus labor to sound proof the restaurant which includes acoustic sound proof material on the ceiling and walls, upgrade our sound mixer which has the capability to control individual sound instruments. On top of that, we had to move the location of our stage to another area in the dining room to better work with the sound issue. We have also found out about the vibration issue and have purchased a drum shield set to prevent the low frequency from traveling out, and lastly we had hired a specialist from Vibro Acoustic Consultants to do a sound test to verify sound levels and to see if everything we have done were working. The sound test results have increased from 74db to 94db (Please see attachments). And in the last several months, we been working and cooperating with Sundance Cinemas and Kabuki Springs Spa very closely and had no more future issues.

On December 15th 2012, we held a private Christmas toy drive party to help raise funds for families and homeless in San Francisco with Compass SF. The purpose of the event was to help people in need and also the neighborhood. It was not in our intentions for having live music exceed our 10pm limited permit license but the citation we received was just and we deserved it and we hope you take our apologies for that instance.

There was a concern about the residence in the area not supporting our business. But instead, we have a petition signed by the surrounding residence supporting our business (See attachment).

Since our opening back in April of 2012, we have not had any complaints from police enforcement. Our number one priority is to provide a safe and clean venue for our guest as well as the neighborhood. The goal of Pa'ina Restaurant and Lounge is to provide a venue that would allow the neighborhood and community a place to come together and enjoy





VIBRO-ACOUSTIC CONSULTANTS

VACC, INC. DBA

490 POST STREET • SUITE 1427
SAN FRANCISCO • CA • 94102 • USA
TEL / FAX: (+1) 415-693-0424 / 1398
<http://www.va-consult.com>

Lounge Noise Study

Pa'ina Lounge, 1865 Post Street, San Francisco CA

Prepared by: Aditya Balani

Tyler Rynberg, P.E.

Vibro-Acoustic Consultants

aditya@va-consult.com

Date: 3 January 2013

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1	Background	p. 1
2	Site Noise Criteria	p. 1
3	General Methodolgy	p. 2
4	Data Collection	p. 2
	4.1 Measurement System Parameters	p. 2
	4.2 Measurement Locations	p. 3
5	Noise Study Results	p. 3
6	Conclusions	p. 4

1. Background

As we understand it, the Pa'ina Lounge & Restaurant is adjacent to and below the Sundance Kabuki Cinema. The Lounge has a stage with a sound system for karaoke and live music. The Cinema has complained about noise intrusion from the Lounge. An inspector from the San Francisco Entertainment Commission measured the noise levels generated inside the Cinema from the Lounge below and claimed that the noise levels transmitted into the Cinema are in violation of the San Francisco Municipal Police Code. As a result, the Lounge has received a citation from the San Francisco Entertainment Commission regarding the violation. The Lounge requested that we conduct a noise study to determine the maximum noise levels that could be generated within the Lounge while not violating the Municipal Police Code. We visited the site on 6 December 2012 at 9am to conduct a noise survey.

2. Site Noise Criteria

Per the San Francisco Municipal Police Code Article 29, Section 2900, following are requirements for regulation of noise for Places of Entertainment.

- The Code requires a ten-minute ambient level measurement with a type 1, precision sound level meter, using slow response and "A" weighting. The minimum sound level shall be determined with the noise source at issue silent, and in the same location as the measurement of the noise level of the source or sources at issue.
- The Code also requires a ten-minute low frequency ambient level measurement with a sound level meter, using slow response and "C" weighting. The minimum sound level shall be determined with the music or entertainment noise source at issue silent, and in the same location as the measurement of the noise level of the source or sources at issue.
- The Code requires that a person measuring the inside noise level measurements shall take measurements with the microphone at least three feet distant from any wall, and the average measurement of at least three microphone positions throughout the room shall be used to determine the inside noise level measurement.
- The Code specifies the following noise limits for Commercial and Industrial Properties: No person shall produce or allow to be produced by any machine or device, music or entertainment or any combination of same, on commercial or industrial property over which the person has ownership or control, a noise level more than eight dBA above the local ambient at any point outside of the property plane. With respect to noise generated from a licensed Place of Entertainment, in addition to the above dBA criteria a secondary low frequency dBC criteria shall apply to the definition above. No noise or music associated with

a licensed Place of Entertainment shall exceed the low frequency ambient noise level by more than 8 dBC.

The ambient level is defined as the minimum repeating noise level occurring during the 10-minute measurement. "Noise level" means the maximum continuous sound level or repetitive peak sound level, produced by a source or group of sources as measured with a sound level meter. According to Vajra Granelli of the San Francisco Entertainment Commission, the proper statistical metric to use for this measurement is the L_{eq} (measure used to express the average sound level over a given period of time).

3. General Methodology

We visited the site to conduct simultaneous noise measurements in the Lounge and in Auditorium 2 in the theater directly above the Lounge. Simultaneous measurements were carried out to determine the ambient levels at the same time in the Auditorium and Lounge (with music in Lounge turned off) and the increase in noise levels in the Auditorium above ambient (with the music turned on in the Lounge). Data were collected in overall A- and C-weighted noise levels.

4. Data Collection

4.1 Measurement System Parameters

We measured the noise levels using our standard testing suite:

<u>Instrument</u>	<u>Make / Model</u>	<u>Identification</u>
Noise Meter	Norsonic N-140	S/N 1403260
Microphone Preamplifier	Norsonic N-1209	S/N 13223
Microphone	Norsonic N-1225	S/N 96063
Noise Meter	Norsonic N-140	S/N 1403581
Microphone Preamplifier	Norsonic N-1209	S/N 12749
Microphone	Norsonic N-1225	S/N 103130
Microphone Calibrator	Bruel & Kjaer 4231	S/N 2671559

The noise meters were calibrated to 94 dB at 1 kHz before and checked after the measurements. The meters were set to collect overall A- and C-weighted data in 1-second periods. The clocks on the two meters were synchronized to allow direct comparison of noise levels over time.

4.2 Measurement Locations

We collected noise data in the Lounge and at three locations in the Auditorium 2:

- Back of the auditorium – second last row, third seat from the east wall
- Center of the auditorium – fourth seat from the east wall
- Front of the auditorium – third seat from the east wall

In the Lounge, the noise monitor was placed in front of the stage, at the center point of the loudspeaker system. The three locations close to the east wall of the auditorium were selected since these locations were found to be the worst-case (noise from the Lounge was most audible) during our visit. The noise monitors were placed ~5-feet above the ground and more than five feet away from other boundaries.

5. Noise Study Results

A 10-minute ambient noise measurement was carried out in the Lounge and Auditorium 2 and the levels are shown in Table 1 below.

Table 1: Ambient Noise Measurement Results (L_{eq})

Location	10-minute Ambient Noise Level	
	A-weighted (dBA)	C-weighted (dBC)
Lounge	55	63
Auditorium 2	31	55

While ambient measurements were taken, there was no music playing in the Lounge and there was no activity in the auditorium.

The noise levels in the auditorium with the music levels turned up to 88dBA and 94dBA in the Lounge are shown in Table 2 below.

Table 2: Noise Measurement Results (L_{eq})

Location	Music Level at 88 dBA and 94 dBC in Lounge		Music Level at 94 dBA and 100 dBC in Lounge	
	A-weighted (dBA)	C-weighted (dBC)	A-weighted (dBA)	C-weighted (dBC)
Auditorium 2	36	59	38	61

We make the following comments in regards to the recorded noise data:

- The 10-minute ambient noise levels in the auditorium were 31 dBA and 55 dBC. It should be noted that these ambient noise levels were recorded in an unoccupied auditorium with no soundtrack playing; the ambient noise levels in an occupied auditorium with a soundtrack playing would likely be higher.
- When the music in the Lounge was played at 88 dBA and 94 dBC, the measured levels at the worst location (back of the auditorium) was 36 dBA and 59 dBC. Therefore, there was an increase of 5 dBA and 4 dBC in the auditorium due to the music being played in the Lounge. This rise in the levels in the auditorium is within the allowable rise in levels (8 dB) in both A-weighted and C-weighted scales.
- When the music level was further raised to 94 dBA and 100 dBC in the Lounge, the levels in the auditorium at the worst location (back of the auditorium) increased to 38 dBA and 61 dBC, which is still within the allowable rise in levels (8 dB) in both the A-weighted and C-weighted scales.

6. Conclusions

Based on the noise study conducted at the Pa'ina Lounge & Restaurant and Auditorium-2 of the Sundance Kabuki Cinema, we can make the following conclusions:

1. The rise in noise level in the auditorium due to music playing at 88 dBA in the Lounge is within the permissible rise (8 dBA and 8 dBC) in levels specified in Article 29, Section 2900 (Section 2909(b)) of the San Francisco Municipal Police Code.
2. The rise in noise level in the auditorium due to music playing at 94 dBA in the Lounge is within the permissible rise (8 dBA and 8 dBC) in levels specified in Article 29, Section 2900 (Section 2909(b)) of the San Francisco Municipal Police Code.
3. The maximum allowable level for music in the Lounge that will not violate San Francisco Municipal Police Code Sections 2900 requirement is 95 dBA/101 dBC.
4. The Permit issued to the Lounge by the Entertainment Commission specifies a maximum level of 74 dBA for amplified music. However, the noise levels in many San Francisco restaurants (without amplified music) on a weekend night are typically 70 to 80dBA, which is higher than the specified maximum level for amplified music in the Permit.

• • •

Please feel free to call if you have any questions; we may be reached in our San Francisco office by telephone at (+1) 415-693-0424 or via email at aditya@va-consult.com.

Sincerely,

A handwritten signature in black ink that reads "AG Balani". The letters are cursive and connected.

Aditya Balani

Vibro-Acoustic Consultants

PETITION

I LIVE DIRECTLY ACROSS THE STREET FROM PA'INA RESTAURANT, WHICH IS LOCATED AT 1865 POST. I HAVE NOT SUFFERED ANY ADVERSE IMPACT FROM SOUND ISSUES AT PA'INA NOR ANY OTHER TYPE OF INCONVENIENCE RELATED TO MANAGEMENT OF PA'INA RESTAURANT.

	Name (Print)	Address	Apt No	Signature
1.	Lee Grassmick		#11	1945 Sutter St
2.	Faina Grassmick		#11	- 11 -
3.	Jayz Richards		#101	1776 Sutter St
4.	Germaine Richardson		#101	1776 Sutter St SFCA.
5.	Delus R. Jung		#1850	Dolan Jung
6.	Frank Kohler		1874 Post St.	
7.	KWANET U PAK		1895 Post St	
8.	Jong B Clark		1890 Post St S.F. CA 94115	MAR
9.	Sharon J. Gorman		1820 Post St. CA 94115	
10.	Jill Park		1820 Post St. CA 94115	
11.	Timothy Cheung		1820 Post St #5	
12.	Ferdia Lee		1820 Post St #2	94115
13.	Dorothy Anderson	1820 Post St SF. CA.	P.O. Box 170717	SF CA 94117
14.	Alan Park		1820 Post #5	94115
15.	Arnell Lewis	1601	1601 Post Street	94115
	MISSY	1615	1615 Webster	94115

Dated: 9/10/2018

PETITION

I LIVE DIRECTLY ACROSS THE STREET FROM PA'INA RESTAURANT, WHICH IS LOCATED AT 1865 POST. I HAVE NOT SUFFERED ANY ADVERSE IMPACT FROM SOUND ISSUES AT PA'INA NOR ANY OTHER TYPE OF INCONVENIENCE RELATED TO MANAGEMENT OF PA'INA RESTAURANT.

	Name (Print)	Address	Apt No	Signature
1.	CAROLYN Alexander	1846 Post Street		Carolyn Alexander
2.	Aida Shaw	1846 Post Street		Aida Shaw
3.	Jasmine Deepack	1846 Post Street		Jasmine Deepack
4.	MARLON Richardson	1846 Post Street		Marlon Richardson
5.	Deborah Perry	1605		Deborah Perry
6.	Denise Frost	1619 Webster		Denise Frost
7.	Nachel Yi	1945 Sutter St		Nachel Yi
8.	Mary Rosquites	1931 Sutter St		Mary Rosquites
9.	LARISSA Stoupak	1901 Sutter St		Larissa Stoupak
10.	OH' In Keun	1645 Webster St. Apt. I		OH' In Keun
11.	Belinda Alexis	1627 Webster St		Belinda Alexis
12.	GUK JA LEE	1870 Post St #10		Guk Ja Lee
13.	Danny L. Benson	1945 SUTTER ST		Danny Benson
14.	Young Soo Kim	1838 Post St.		Young Soo Kim
15.	Judy Kim	"		Judy Kim

Dated:

9-6-2012

9-5-2012 (4)



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
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

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
------------------------	---------------------------------

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\CUs\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 |

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Planning Commission Draft Motion

HEARING DATE: AUGUST 16, 2012

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
Gabriel Ng & Associates
1360 9th Avenue, Suite 210
San Francisco, CA 94122
Staff Contact: Christine Lamorena – (415) 575-9085
christine.lamorena@sfgov.org

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

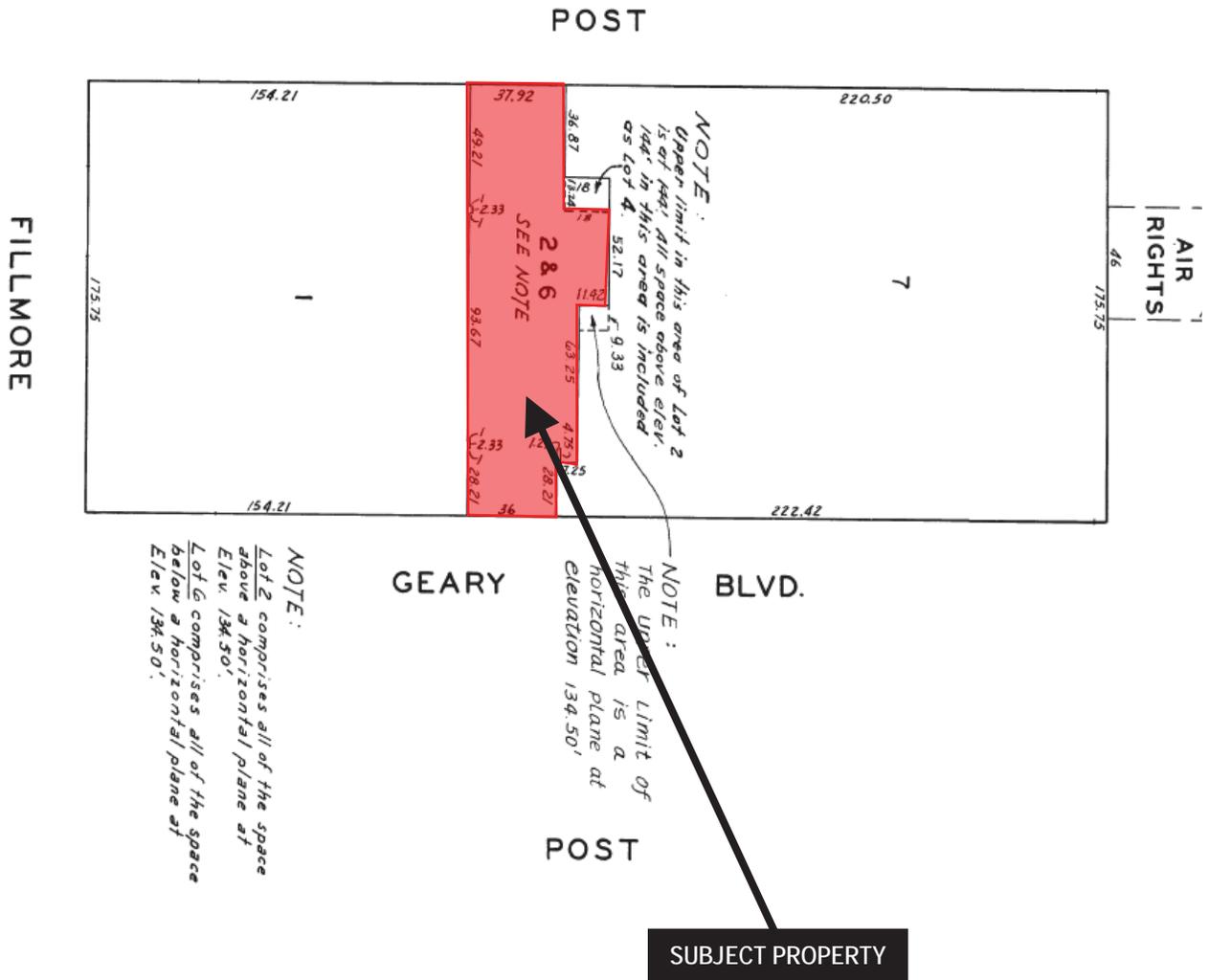
10. **Notices Posted at Bars and Entertainment Venues.** Notices urging patrons to leave the establishment and neighborhood in a quiet, peaceful, and orderly fashion and to not litter or block driveways in the neighborhood, shall be well-lit and prominently displayed at all entrances to and exits from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

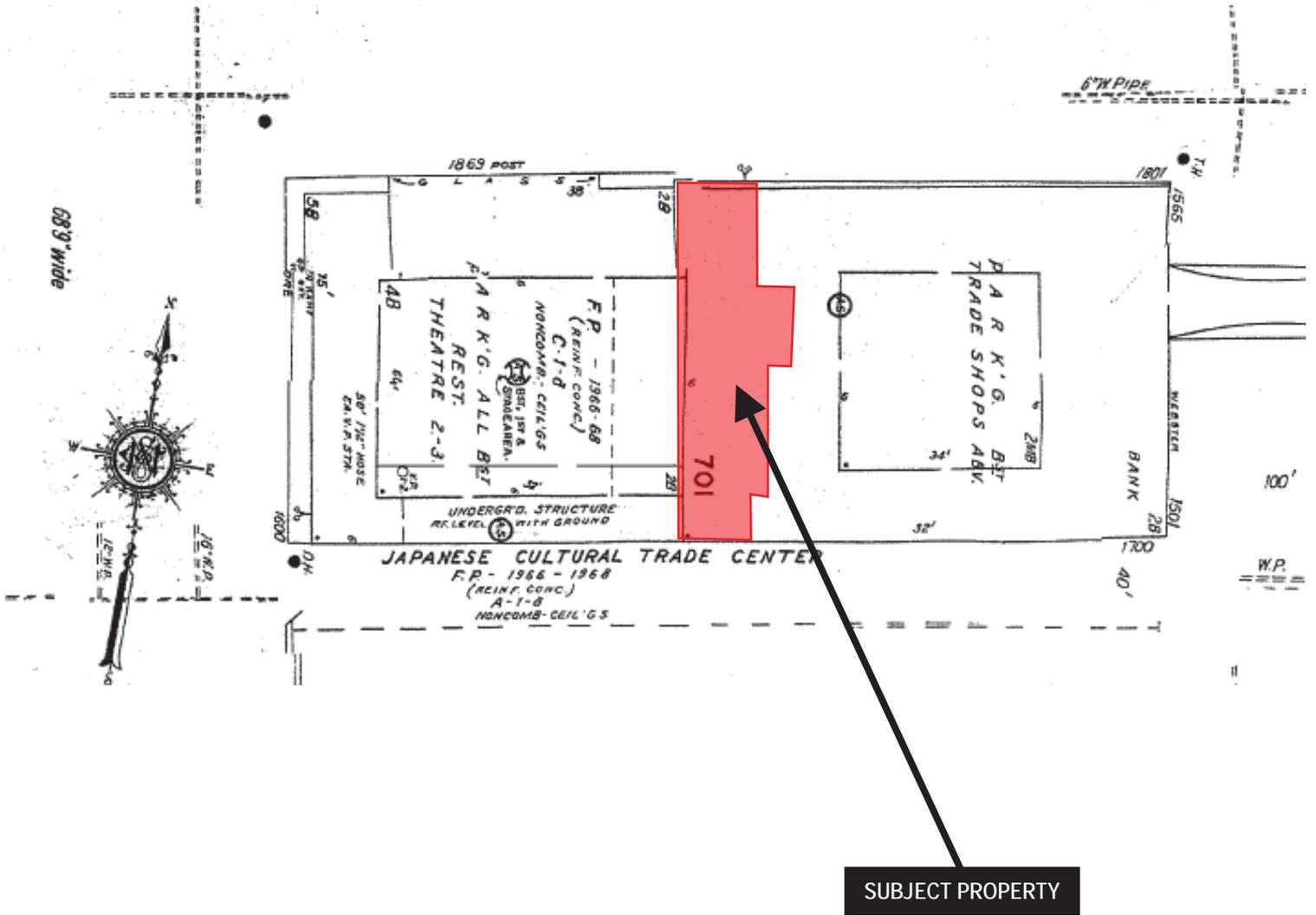
For information about compliance, contact the Entertainment Commission, at 415 554-6678, www.sfgov.org/entertainment

Parcel Map



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

Sanborn Map*

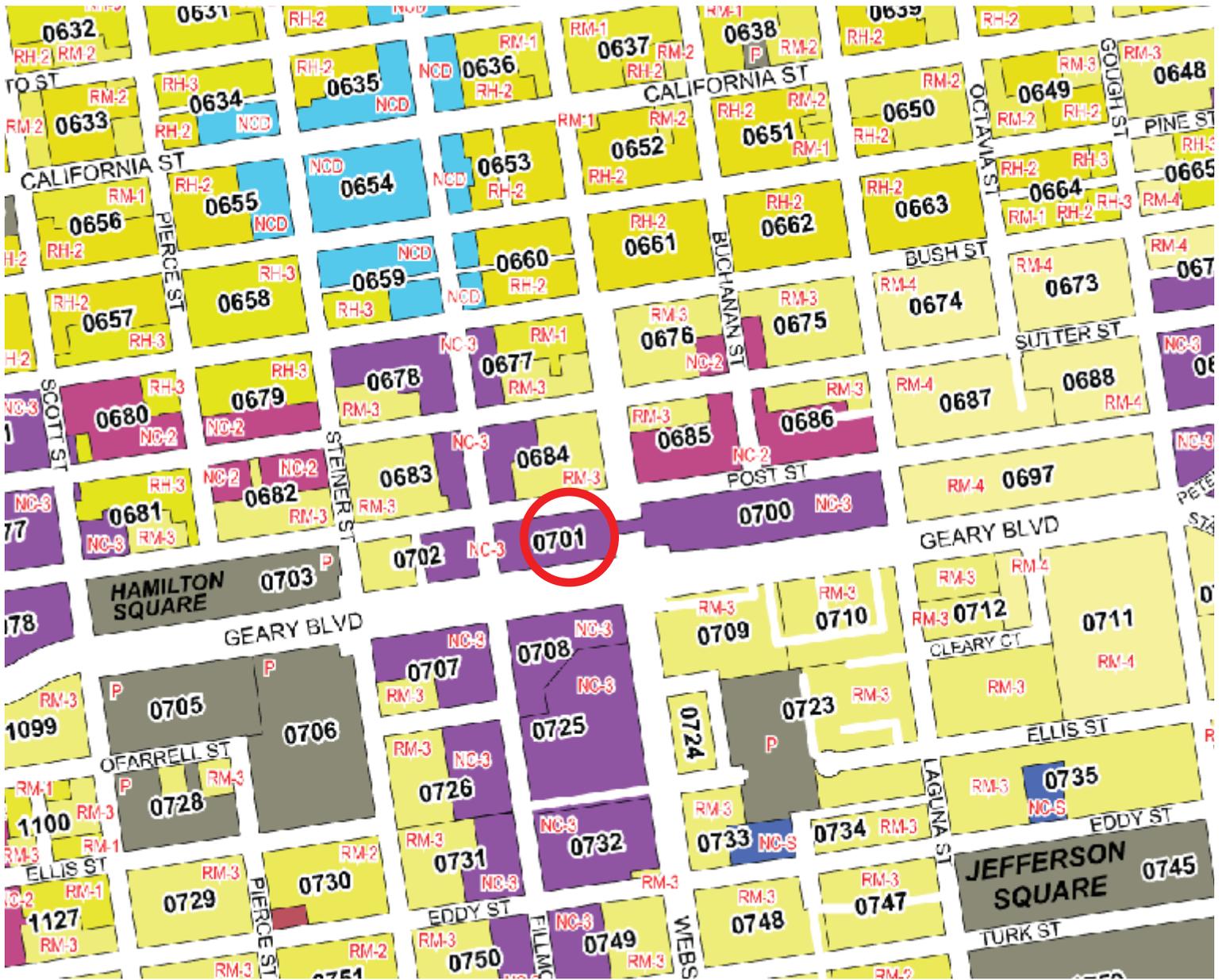


*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.



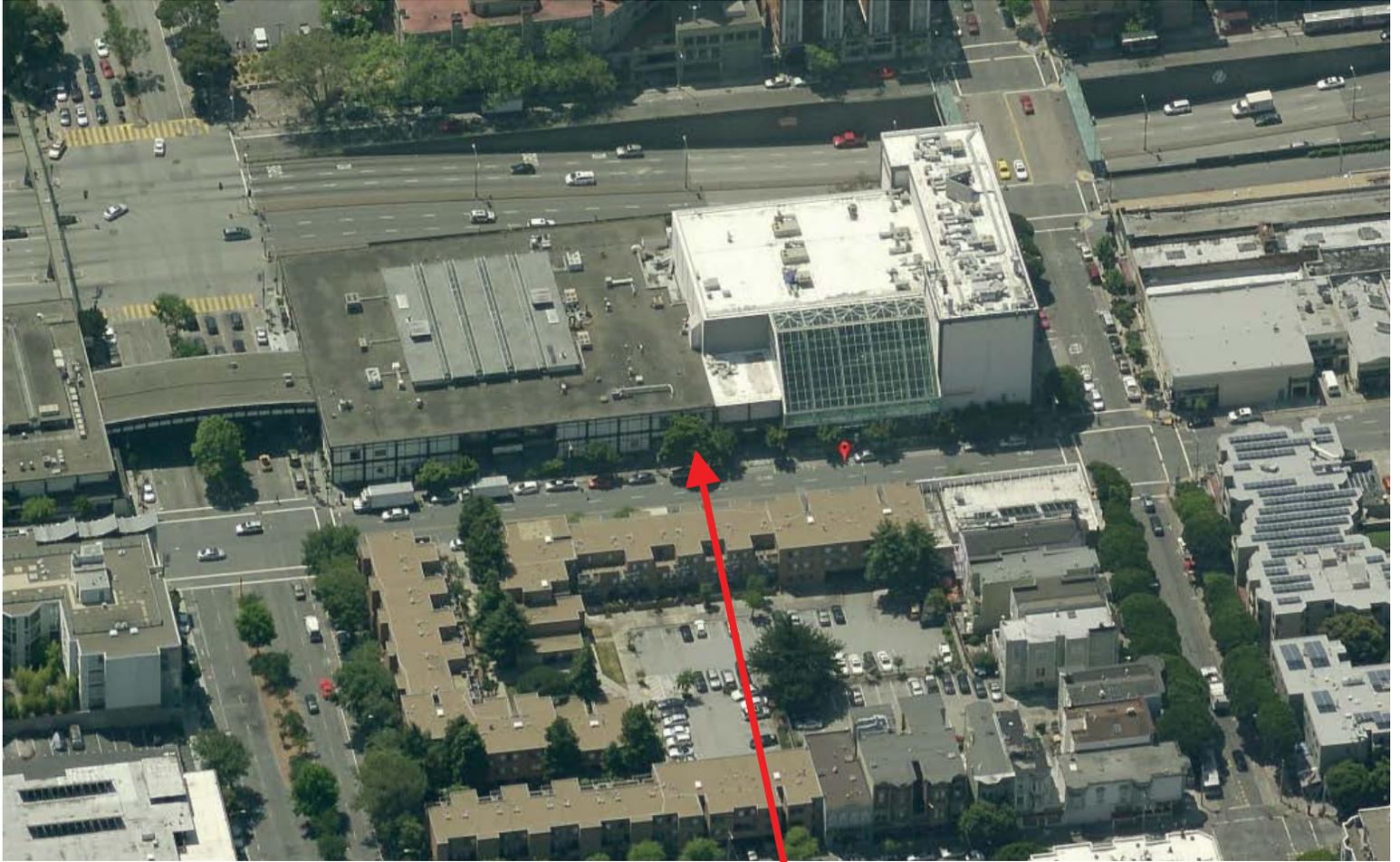
Conditional Use Hearing
 Case Number 2012.0822C
 1865 Post Street
 Block/Lot 0701/002

Zoning Map



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

Aerial Photo



SUBJECT PROPERTY

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

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

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>