



# SAN FRANCISCO PLANNING DEPARTMENT

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## Executive Summary Conditional Use

HEARING DATE: SEPTEMBER 26, 2013

*Date:* September 19, 2013  
*Case No.:* **2012.1135C**  
*Project Address:* **525 - 547 CLEMENT STREET**  
*Zoning:* Inner Clement Street Neighborhood Commercial District (NCD)  
40-X Height and Bulk District  
*Block/Lot:* 1438/038  
*Project Sponsors:* Deutsche Bank National Trust Co. Trustee (property owner)  
1 Maritime Plaza Suite 900  
San Francisco, CA 94111  
Jimmy Wong (applicant)  
525 - 547 Clement Street  
San Francisco, CA 94118  
Joyce Cheng (agent)  
A & J Design Associates Inc.  
2328 Taraval Street  
San Francisco, CA 94116  
*Staff Contact:* Sharon M. Young – (415) 558-6346  
sharon.m.young@sfgov.org  
*Recommendation:* **Approval with Conditions**

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### PROJECT DESCRIPTION

The proposal is a request for Conditional Use authorization under Planning Code Sections 303 and 716.21 to legalize a use size that exceeds 2,500 square feet of floor area with the merger of two separate commercial tenant spaces located at 525 Clement Street and 547 Clement Street (currently occupied by a housewares and restaurant supply store d.b.a. Kamei) within the Inner Clement Street Neighborhood Commercial District and 40-X Height and Bulk District.

The two commercial tenant spaces (525 Clement Street with approximately 3,500 square feet of floor area and 547 Clement Street with approximately 4,000 square feet of floor area) were merged with the removal of interior wall partitions without the benefit of a permit before the change of store ownership occurred. The expanded space contains approximately 7,500 square feet of floor area on the ground and mezzanine floors. The current 'Kamei' store has been in operation since 2011. No additional tenant improvements are proposed within the merged commercial tenant space nor are changes proposed to the exterior building envelope.

## **SITE DESCRIPTION AND PRESENT USE**

The project site at 525 - 547 Clement Street is on the south side of Clement Street between 6<sup>th</sup> and 7<sup>th</sup> Avenues; Assessor's Block 1438; Lot 038. It is located within the Inner Clement Street Neighborhood Commercial Zoning District (NCD) and 40-X Height and Bulk District. The subject lot is 17,500 square feet (175 feet wide by 100 feet deep) in size and is occupied by a one-story (with mezzanine) commercial building constructed in 1910. The existing building is not listed in the Planning Department's 1976 Architectural Survey (AS survey) or the National or California Registers as having architectural significance. The subject ground floor commercial space is one of six retail commercial tenant spaces occupied by retail stores and restaurants on the ground floor of the building.

## **SURROUNDING PROPERTIES & NEIGHBORHOOD**

The project site is located within the Inner Richmond Neighborhood. The surrounding development consists of a variety of commercial and mixed-use buildings mostly featuring residential uses above ground-floor commercial establishments within the Inner Clement NCD. The scale of development in the area consists primarily of one- to three-story structures. The Inner Clement NCD is located on Clement Street between Arguello Boulevard and Funston Avenue in the eastern portion of the Richmond District. The shopping area contains a variety of small-scale convenience businesses which primarily include a mix of restaurants, specialty groceries, variety merchandise stores, and personal service establishments. Some of these commercial establishments include Wing Lee BBQ Restaurant, Dollar Maxx dollar store, Schubert's Bakery, Sweet Hut, Fashion Exchange, AAA, May Shun Trading Co., Natural Wonder Face & Body Clinic, Best & Fresh Food, Pacific Books and Arts, Green Apple Books & Music, Hair Salon for men & women, Vinh Khang Herbs & Ginsengs, Green Apple Books & Music, and Food 24 Hour Convenience. On 7<sup>th</sup> and 8<sup>th</sup> Avenues running north and south of the project site, consist primarily of single and multi-family residential building within an RM-1 (Residential, Mixed Districts, Low Density) Zoning District.

## **ENVIRONMENTAL REVIEW**

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

## **HEARING NOTIFICATION**

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Classified News Ad	20 days	September 6, 2013	September 4, 2013	22 days
Posted Notice	20 days	September 6, 2013	September 6, 2013	20 days
Mailed Notice	20 days	September 6, 2013	September 4, 2013	22 days

## **PUBLIC COMMENT**

- As of September 19, 2013, the Department has not received any letters or phone calls in support of or in opposition to the proposed project.

## REQUIRED COMMISSION ACTION

The proposal is for **Conditional Use** authorization under Planning Code Sections 303 and 716.21 to legalize a use size that exceeds 2,500 square feet of floor area with the merger of two separate commercial tenant spaces located at 525 Clement Street and 547 Clement Street (currently occupied by a housewares and restaurant supply store d.b.a. Kamei) within the Inner Clement Street Neighborhood Commercial District and 40-X Height and Bulk District.

## ISSUES AND CONSIDERATIONS

- The existing Kamei housewares and restaurant supply store is independently owned and is not considered a formula retail use under Section 703.3 of the Planning Code.
- The combined commercial tenant spaces at 525 and 547 Clement Street, with approximately 7,500 square feet of floor area, will require 15 off-street parking spaces. The project sponsor requested that the Zoning Administrator eliminate the requirement for off-street parking with their application for a Parking Reduction. The Zoning Administrator granted this Parking Reduction request for the project.
- The merger of the ground floor commercial tenant spaces (525 Clement Street and 547 Clement Street) without Conditional Use authorization is the subject of Planning Enforcement Case No. 5836, and if approved by the Planning Commission, the enforcement case will be closed.

## BASIS FOR RECOMMENDATION

- The existing Kamei retail store will continue to be complimentary to the existing mix of neighborhood-serving uses within this portion of the Inner Clement Street NCD. The proposed project meets all the applicable requirements of the Planning Code.
- The Department believes that this project is necessary and/or desirable for the following reasons:
  - a) The proposed project will enhance the economic diversity of the neighborhood by allowing an existing business which currently is one of the anchor stores along Clement Street occupying a large commercial tenant space to remain in the area.
  - b) The proposed project is a neighborhood-serving use which residents can access by walking or taking public transit.
  - c) The proposed project will be consistent with the mixed commercial-residential character of this portion of the Inner Clement Street.

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

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

Attachment Checklist

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

SMY

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

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

SMY: C:\525 - 547 Clement St summary-smy.doc



# SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- Inclusionary Housing (Sec. 315)
- Jobs Housing Linkage Program (Sec. 313)
- Downtown Park Fee (Sec. 139)
- First Source Hiring (Admin. Code)
- Child Care Requirement (Sec. 314)
- Other

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## Planning Commission Motion No. XXXXX HEARING DATE: SEPTEMBER 26, 2013

*Date:* September 19, 2013  
*Case No.:* **2012.1135C**  
*Project Address:* **525 - 547 CLEMENT STREET**  
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*Staff Contact:* Sharon M. Young – (415) 558-6346  
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*Recommendation:* **Approval with Conditions**

**ADOPTING FINDINGS RELATED TO THE APPROVAL OF A CONDITIONAL USE AUTHORIZATION UNDER PLANNING CODE SECTIONS 303 AND 716.21 TO LEGALIZE A USE SIZE THAT EXCEEDS 2,500 SQUARE FEET OF FLOOR AREA WITH THE MERGER OF TWO SEPARATE COMMERCIAL TENANT SPACES LOCATED AT 525 CLEMENT STREET AND 547 CLEMENT STREET (CURRENTLY OCCUPIED BY A HOUSEWARES AND RESTAURANT SUPPLY STORE D.B.A. KAMEI) LOCATED WITHIN THE INNER CLEMENT STREET NEIGHBORHOOD COMMERCIAL DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT.**

### PREAMBLE

On September 4, 2012, Joyce Cheng on behalf of Jimmy Wong (hereinafter “Project Sponsor”) made an application for Conditional Use authorization for the property at **525 - 547 Clement Street, Lot 038 in Assessor’s Block 1438** (hereinafter “Subject Property”), to legalize a use size that exceeds 2,500 square feet of floor area with the merger of two separate commercial tenant spaces located at 525 Clement Street and 547 Clement Street (currently occupied by a housewares and restaurant supply store d.b.a. Kamei) within the

Inner Clement Street Neighborhood Commercial District and 40-X Height and Bulk District, in general conformity with plans submitted August 6, 2012, and labeled "Exhibit B" (hereinafter "Project").

On **September 26, 2013**, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on **Conditional Use Application No. 2012.1135C**.

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. 2012.1135C, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

## **FINDINGS**

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

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The project site at 525 - 547 Clement Street is on the south side of Clement Street between 6<sup>th</sup> and 7<sup>th</sup> Avenues; Assessor's Block 1438; Lot 038. It is located within the Inner Clement Street Neighborhood Commercial Zoning District (NCD) and 40-X Height and Bulk District. The subject lot is 17,500 square feet (175 feet wide by 100 feet deep) in size and is occupied by a one-story (with mezzanine) commercial building constructed in 1910. The existing building is not listed in the Planning Department's 1976 Architectural Survey (AS survey) or the National or California Registers as having architectural significance. The subject ground floor commercial space is one of six retail commercial tenant spaces occupied by retail stores and restaurants on the ground floor of the building.
3. **Surrounding Properties and Neighborhood.** The project site is located within the Inner Richmond Neighborhood. The surrounding development consists of a variety of commercial and mixed-use buildings mostly featuring residential uses above ground-floor commercial establishments within the Inner Clement NCD. The scale of development in the area consists primarily of one- to three-story structures. The Inner Clement NCD is located on Clement Street between Arguello Boulevard and Funston Avenue in the eastern portion of the Richmond District. The shopping area contains a variety of small-scale convenience businesses which primarily include a mix of restaurants, specialty groceries, variety merchandise stores, and personal service establishments. Some of these commercial establishments include Wing Lee BBQ Restaurant, Dollar Maxx dollar store, Schubert's Bakery, Sweet Hut, Fashion Exchange, AAA, May Shun Trading Co., Natural Wonder Face & Body Clinic, Best & Fresh Food, Pacific

Books and Arts, Green Apple Books & Music, Hair Salon for men & women, Vinh Khang Herbs & Ginsengs, Green Apple Books & Music, and Food 24 Hour Convenience. On 7<sup>th</sup> and 8<sup>th</sup> Avenues running north and south of the project site, consist primarily of single and multi-family residential building within an RM-1 (Residential, Mixed Districts, Low Density) Zoning District.

4. **Project Description.** The proposal is a request for Conditional Use authorization under Planning Code Sections 303 and 716.21 to legalize a use size that exceeds 2,500 square feet of floor area with the merger of two separate commercial tenant spaces located at 525 Clement Street and 547 Clement Street (currently occupied by a housewares and restaurant supply store d.b.a. Kamei) within the Inner Clement Street Neighborhood Commercial District and 40-X Height and Bulk District.

The two commercial tenant spaces (525 Clement Street with approximately 3,500 square feet of floor area and 547 Clement Street with approximately 4,000 square feet of floor area) were merged with the removal of interior wall partitions without the benefit of a permit before the change of store ownership occurred. The expanded space contains approximately 7,500 square feet of floor area on the ground and mezzanine floors. The current 'Kamei' store has been in operation since 2011. No additional tenant improvements are proposed within the merged commercial tenant space nor are changes proposed to the exterior building envelope.

5. **Issues and Other Considerations.**

- The existing Kamei housewares and restaurant supply store is independently owned and is not considered a formula retail use under Section 703.3 of the Planning Code.
- The combined commercial tenant spaces at 525 and 547 Clement Street, with approximately 7,500 square feet of floor area, will require 15 off-street parking spaces. The project sponsor requested that the Zoning Administrator eliminate the requirement for off-street parking with their application for a Parking Reduction. The Zoning Administrator granted this Parking Reduction request for the project.
- The merger of the ground floor commercial tenant spaces (525 Clement Street and 547 Clement Street) without Conditional Use authorization is the subject of Planning Enforcement Case No. 5836, and if approved by the Planning Commission, the enforcement case will be closed.

6. **Public Comment.** As of September 19, 2013, the Department has not received any letters or phone calls in support of or in opposition to the proposed project.

7. **Use District.** The project site is within the Inner Clement Street Neighborhood Commercial District (NCD). The Inner Clement Street NCD is located on Clement Street between Arguello Boulevard and Funston Avenue in the eastern portion of the Richmond District of northwest San Francisco. The district provides a wide selection of convenience goods and services for the residents of the Inner Richmond neighborhood. Inner Clement Street has one of the greatest concentrations of restaurants of any commercial street in San Francisco, drawing customers from

throughout the City and region. There are also a significant number of professional, realty, and business offices as well as financial institutions. The pleasant pedestrian character of the district is derived directly from the intensely active retail frontage on Clement Street.

8. **Planning Code Compliance:** The Commission finds that the project is consistent with the relevant provisions of the Planning Code in the following manner:

A. **Existing Retail Store Use D.B.A. Kamei Exceeding Use Size Limits.** Planning Code Section 716.21 establishes size limits on non-residential use sizes in the Inner Clement Street NCD. Within the District, Conditional Use authorization is required for any non-residential use that meets or exceeds 2,500 square feet.

*The proposal requires Conditional Use authorization under Planning Code Section 716.21 to legalize a use size that exceeds 2,500 square feet of floor area with the merger of commercial tenant spaces 525 Clement Street with approximately 3,500 square feet of floor area and 547 Clement Street with approximately 4,000 square feet of floor area. The expanded space currently contains 7,500 square feet of floor area.*

B. **Hours of Operation.** Section 716.27 allows hours of operation from 6 a.m. until 2 a.m. as of right and requires Conditional Use authorization to operate between the hours of 2 a.m. and 6 a.m.

*The project sponsor has indicated that the hours of operation of the retail store are 9 a.m. to 7 p.m., seven days a week.*

C. **Street Frontage in Neighborhood Commercial Districts.** Planning Code Section 145.1 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.

*Approximately 90% of the street frontage at the ground level on Clement Street (approximately 69 feet) is fenestrated with transparent windows and doorways allowing for visibility to the inside of the building. Planning Department staff had advised the project sponsor that the current sidewalk display of store merchandise obstructing the visibility inside the building through the storefront windows was not permitted pursuant to Planning Code Section 145.1 and to contact DPW for an application for a sidewalk display merchandise permit. Subsequently, the project sponsor filed an application for a sidewalk display*

*merchandise permit from the Department of Public Works allowing the placement of display merchandise on the sidewalk to meet DPW's current sidewalk display design guidelines (i.e. top of display may not be more than 3'-10" above the sidewalk).*

- D. **Off-Street Parking and Loading.** Planning Code Section 151 requires off-street parking for every 500 square feet of occupied floor area, where the occupied floor area exceeds 5,000 square feet.

*The combined commercial tenant spaces at 525 and 547 Clement Street, with approximately 7,500 square feet of floor area, will require 15 off-street parking spaces. The project sponsor has requested that the Zoning Administrator eliminate the requirement for off-street parking with their application for a Parking Reduction. The previous uses as two separate tenant spaces at 525 and 547 Clement Street did not provide for any off-street parking.*

- E. **Loading.** Planning Code Section 152 requires one off-street loading space for retail stores between 10,001 and 60,000 gross square feet.

*The combined commercial tenant spaces, with approximately 7,500 square feet of floor area, will not require any loading spaces. There are yellow loading zone metered parking spaces in front of the subject property on Clement Street.*

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

9. **Planning Code Sections 161(j) and 307(i)** allow the Zoning Administrator to reduce off-street parking requirements in NC and RC Districts. The Zoning Administrator shall consider the criteria set forth below and may reduce off-street parking requirements if they find that:

- (a) The reduction in the parking requirement is justified by the reasonable anticipated auto usage by residents of and visitors to the Project.

*The subject building was built circa 1910, prior to the Planning Code requirement for off-street parking for commercial uses. Previously neither of the existing retail spaces, separately, had provided any off-street parking. There is adequate on-street parking in the neighborhood. The proposed project is primarily intended to serve the immediate neighborhood. Most customers will be walking, biking or taking public transportation.*

- (b) The reduction in the parking requirement will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity.

*The elimination of the parking requirement would not be detrimental to the neighborhood since there is on-street parking on the subject and opposite blocks. In addition, the elimination of the parking requirement will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity since the area is well served by public transit. Muni Lines 1, 2, 38 and 44 are in close proximity to the Project Site.*

- (c) The minimization of conflict of vehicular and pedestrian movements.

*Pedestrian safety will be enhanced to the extent that vehicles will not cross the sidewalk with a new curb cut on Clement Street if the off-street parking requirement is eliminated and traffic flow will not be impeded by a vehicle entering the roadway from the property.*

- (d) The availability of transportation modes other than the automobile.

*There is public transit (Muni Lines 1, 2, 38 and 44) that is in close proximity to the Project Site. In addition, the Project Site is also accessible by walking and biking.*

- (e) The pattern of land use and character of development in the vicinity.

*The neighborhood features a mix of commercial and mixed-use buildings, many of which do not include off-street parking. Elimination of the requirement of off-street parking would preserve the existing pattern of development. The Inner Clement NCD is intended to promote mixed-use development with residential uses above ground floor commercial uses and approval of this exemption from the off-street parking requirement will allow the existing retail store to continue operating on the ground floor.*

- (f) Such other criteria as the Zoning Administrator deems appropriate in the circumstances of the particular case.

*The Zoning Administrator determined that no additional criteria are required for consideration in the circumstances of the particular case.*

The Zoning Administrator reviewed the criteria set forth under Planning Code Section 307(i) and has determined that the proposed project meets the criteria for the exemption from the off-street parking requirements.

10. **Section 303(c)** establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use approval. On balance, the project does comply with said criteria in that:

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

*The proposal will not involve additional interior tenant improvements to the ground floor commercial space or exterior modifications to the storefront. The proposal is complimentary to the existing commercial establishments within this portion of the Inner Clement Street NCD which contains a mix of eating and drinking establishments and retail stores. Retaining the existing Kamei store occupying the merged commercial tenant spaces is desirable and compatible with this portion of Clement Street since it functions as one of the*

*anchor stores drawing patrons to shop within this portion of Clement Street, considered San Francisco's second Chinatown.*

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

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

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

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

*Existing traffic patterns will not be significantly affected by the proposed project. Public transit (Muni Lines 1, 2, 38 and 44) is in close proximity to the existing retail store. There is on-street parking in front of the subject property and in the surrounding neighborhood.*

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

*No noxious or offensive emissions such as noise, glare, dust, or odor are expected to be produced by the proposed project.*

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

*The proposal will not involve additional interior tenant improvements to the ground floor commercial space and exterior modifications to the storefront. There will be no addition of parking spaces, loading facilities, open space or service areas. All project signage and projections will be consistent with the controls of the Planning Code.*

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

*The proposed project complies with all relevant requirements and standards of the Planning Code and is consistent with objectives and policies of the General Plan as detailed below.*

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

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

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

## **COMMERCE AND INDUSTRY ELEMENT**

### **GENERAL/CITYWIDE**

#### **OBJECTIVE 1:**

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

#### **Policy 1.1:**

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

#### **Policy 1.2:**

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

#### **Policy 1.3:**

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

*The proposed project would allow for the retention of an existing commercial use within the Inner Clement Street NCD which will enhance the diverse economic base of the City.*

## **NEIGHBORHOOD COMMERCE**

### **Objectives and Policies**

#### **Policy 1:**

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

*The existing retail store d.b.a. Kamei will continue to be complimentary to the type of uses characterizing this portion of the Inner Clement Street NCD which primarily include a mixture of food and retail establishments, and a few medical and personal service establishments.*

**Policy 3:**

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

*Approval of the proposed project would be consistent with the mixed commercial-residential character of this portion of the Inner Clement NCD. The proposed project would not adversely affect any affordable housing resources in the neighborhood.*

**Policy 4:**

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

*The existing retail store d.b.a. Kamei will continue to provide goods and services that are accessible to all residents within this portion of the Inner Clement NCD.*

**Policy 9:**

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

*The proposed project does not adversely affect public transit or place a burden on the existing supply of parking in the neighborhood. Many patrons are able to walk from their residences or places of employment, and the project is well served by public transportation. There is on-street and off-street parking on the subject block and in the surrounding neighborhood.*

**URBAN DESIGN ELEMENT**

**CITY PATTERN**

**Objectives and Policies**

**OBJECTIVE 1:**

EMPHASIS OF THE CHARACTERISTIC PATTERN WHICH GIVES TO THE CITY AND ITS NEIGHBORHOODS AN IMAGE, A SENSE OF PURPOSE AND A MEANS OF ORIENTATION.

**Policy 3:**

Recognize that buildings, when seen together, produce a total effect that characterizes the City and its districts.

*The project's design preserves the existing neighborhood character since the proposal does not include any facade and exterior envelope changes to the existing building.*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13. 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.

14. 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. 2012.1135C** subject to the following conditions attached hereto as "EXHIBIT A" which is incorporated herein by reference as though fully set forth.

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

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on September 26, 2013.

Jonas P. Ionin  
Acting Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED:

## **EXHIBIT A**

### **AUTHORIZATION**

This authorization is for a conditional use to legalize a use size that exceeds 2,500 square feet of floor area with the merger of two separate commercial tenant spaces located at 525 Clement Street and 547 Clement Street (currently occupied by a housewares and restaurant supply store d.b.a. Kamei) in Assessor's Block 1438, Lot 038, pursuant to Planning Code Sections 303 and 716.21 within the Inner Clement Street Neighborhood Commercial District and 40-X Height and Bulk District; in general conformance with plans and stamped "EXHIBIT B" included in the docket for Case No. 2012.1135C and subject to conditions of approval reviewed and approved by the Commission on September 26, 2013, under Motion No. XXXXX. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

### **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 September 26, 2013 under Motion No. XXXXX.

### **PRINTING OF CONDITIONS OF APPROVAL ON PLANS**

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

### **SEVERABILITY**

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

### **CHANGES AND MODIFICATIONS**

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

## Conditions of Approval, Compliance, Monitoring, and Reporting

### PERFORMANCE

1. **Validity.** The authorization and right vested by virtue of this action is valid for three (3) years from the effective date of the Motion. The Department of Building Inspection shall have issued a Building Permit or Site Permit to construct the project and/or commence the approved use within this three-year period.  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*
2. **Expiration and Renewal.** Should a Building or Site Permit be sought after the three (3) year period has lapsed, the project sponsor must seek a renewal of this Authorization by filing an application for an amendment to the original Authorization or a new application for Authorization. Should the project sponsor decline to so file, and decline to withdraw the permit application, the Commission shall conduct a public hearing in order to consider the revocation of the Authorization. Should the Commission not revoke the Authorization following the closure of the public hearing, the Commission shall determine the extension of time for the continued validity of the Authorization.  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*
3. **Diligent pursuit.** Once a site or Building Permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. Failure to do so shall be grounds for the Commission to consider revoking the approval if more than three (3) years have passed since this Authorization was approved.  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*
4. **Extension.** All time limits in the preceding three paragraphs may be extended at the discretion of the Zoning Administrator where implementation of the project is delayed by a public agency, an appeal or a legal challenge and only by the length of time for which such public agency, appeal or challenge has caused delay.  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*
5. **Conformity with Current Law.** No application for Building Permit, Site Permit, or other entitlement shall be approved unless it complies with all applicable provisions of City Codes in effect at the time of such approval.  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

### MONITORING - AFTER ENTITLEMENT

6. **Enforcement.** Violation of any of the Planning Department conditions of approval contained in this Motion or of any other provisions of Planning Code applicable to this Project shall be subject to the enforcement procedures and administrative penalties set forth under Planning Code Section 176 or

Section 176.1. The Planning Department may also refer the violation complaints to other city departments and agencies for appropriate enforcement action under their jurisdiction.

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

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

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

## **OPERATION**

8. **Garbage, Recycling, and Composting Receptacles.** Garbage, recycling, and compost containers shall be kept within the premises and hidden from public view, and placed outside only when being serviced by the disposal company. Trash shall be contained and disposed of pursuant to garbage and recycling receptacles guidelines set forth by the Department of Public Works.

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

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

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

10. **Community Liaison.** Prior to issuance of a building permit to construct the project and implement the approved use, the Project Sponsor shall appoint a community liaison officer to deal with the issues of concern to owners and occupants of nearby properties. The Project Sponsor shall provide the Zoning Administrator with written notice of the name, business address, and telephone number of the community liaison. Should the contact information change, the Zoning Administrator shall be made aware of such change. The community liaison shall report to the Zoning Administrator what issues, if any, are of concern to the community and what issues have not been resolved by the Project Sponsor.

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

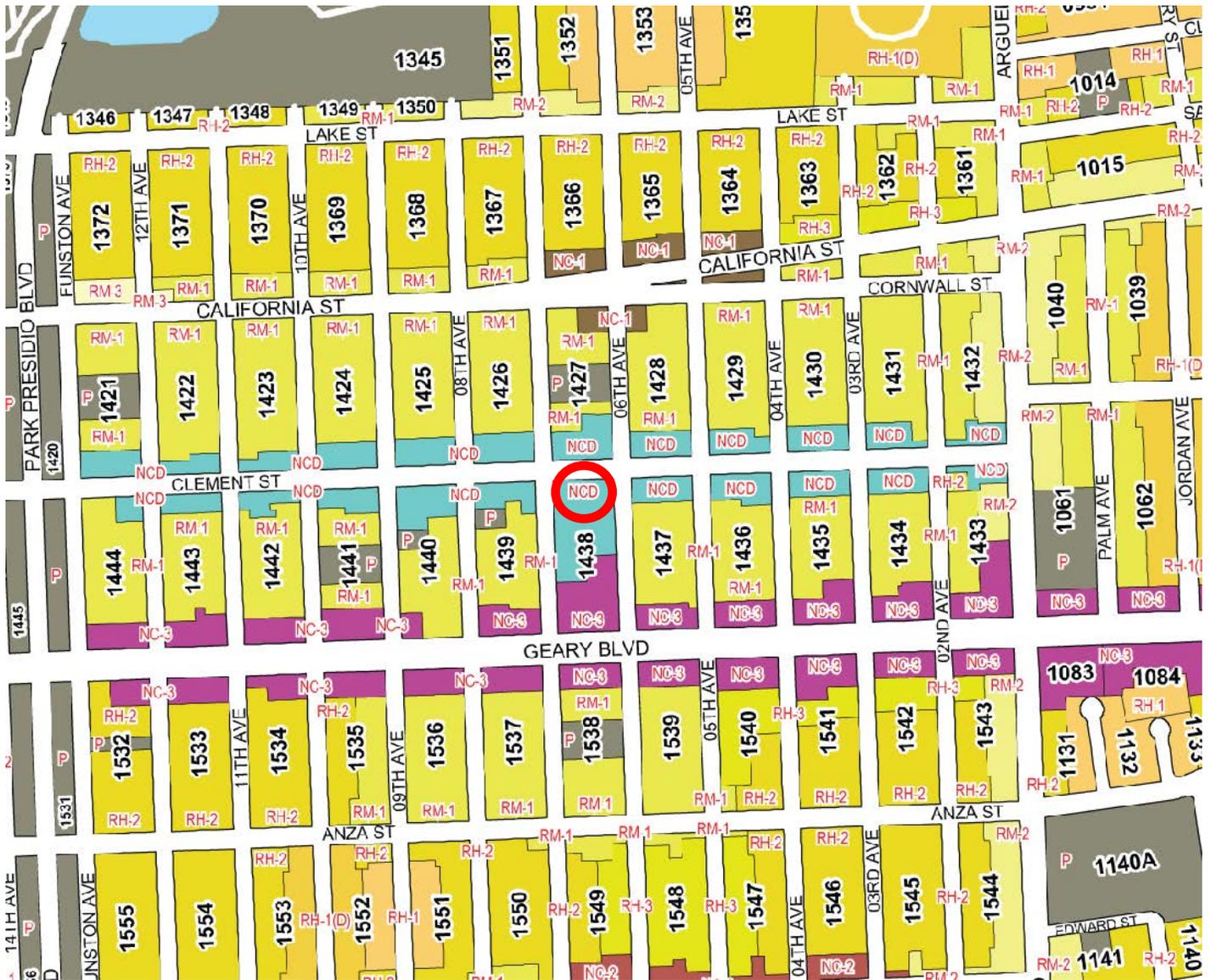
11. **Lighting.** All Project lighting shall be directed onto the Project site and immediately surrounding sidewalk area only, and designed and managed so as not to be a nuisance to adjacent residents. Nighttime lighting shall be the minimum necessary to ensure safety, but shall in no case be directed so as to constitute a nuisance to any surrounding property.

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

12. **Visual Connection from Street Frontage.** Pursuant to Planning Code Section 145.1, street 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. Street-facing windows shall not be blocked by displays or other obstacles (exceeding a height of 4 feet) in order to allow for a visual connection between the sidewalk and the retail store's interior.

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

# Zoning Map



Conditional Use Hearing  
Case Number 2012.1135C  
525 - 547 Clement Street

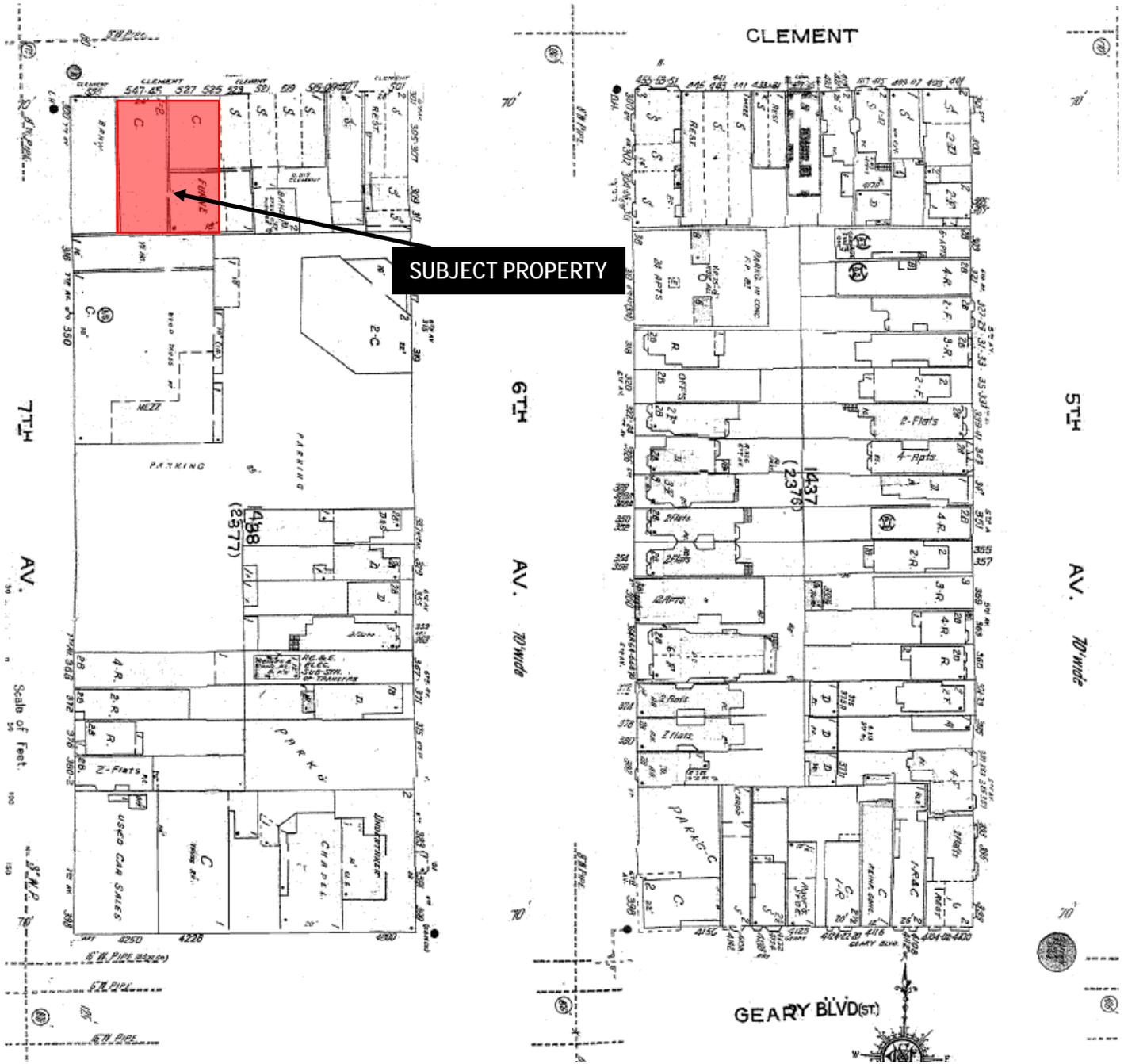
# Parcel Map



Conditional Use Hearing  
Case Number 2012.1135C  
525 - 547 Clement Street



# Sanborn Map\*

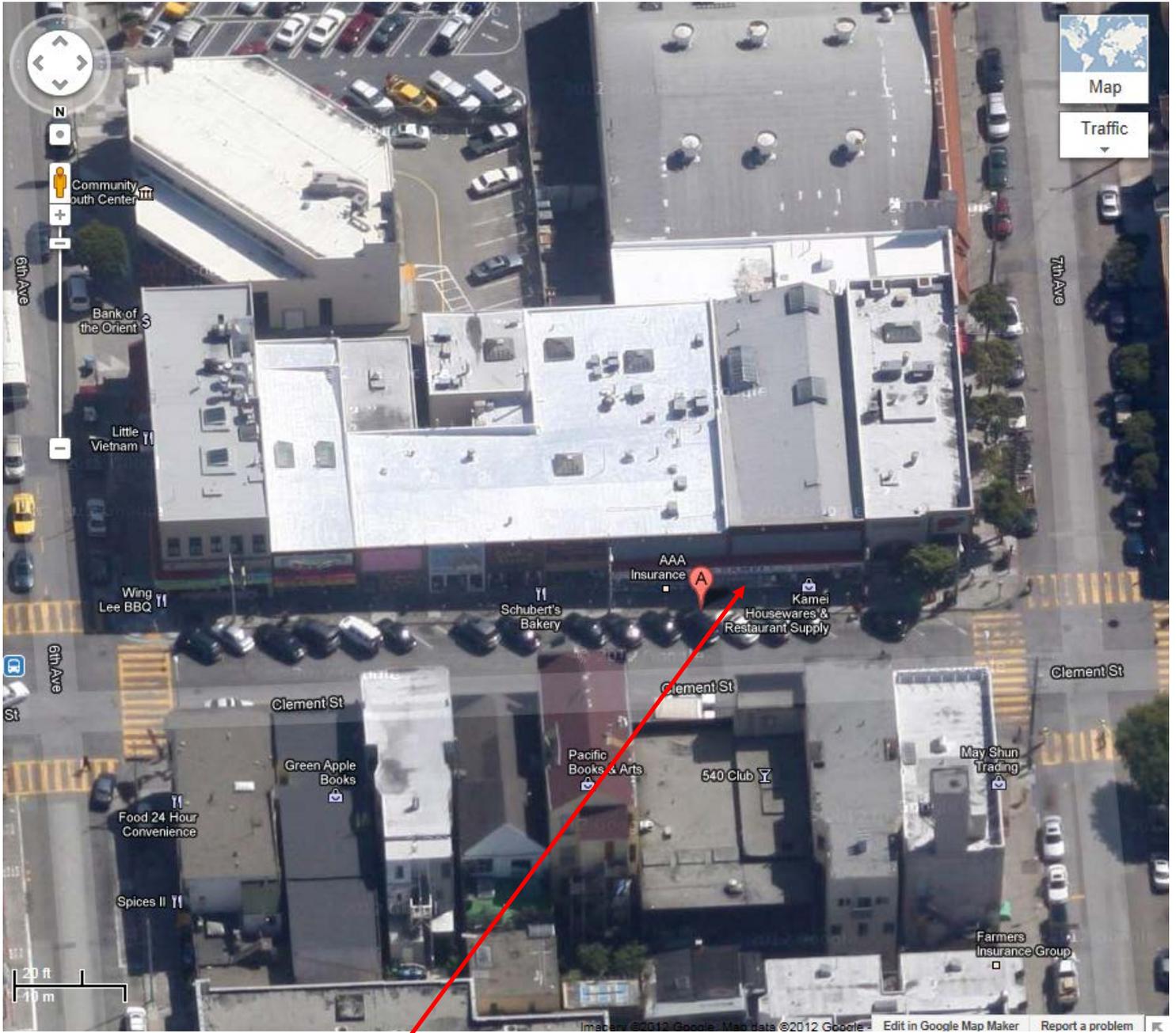


\*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.



Conditional Use Hearing  
Case Number 2012.1135C  
525 - 547 Clement Street

# Aerial Photo



**SUBJECT PROPERTY**

Conditional Use Hearing  
Case Number 2012.1135C  
525 - 547 Clement Street



# Site Photo



SUBJECT PROPERTY

Conditional Use Hearing  
Case Number 2012.1135C  
525 - 547 Clement Street

# Site Photo



Conditional Use Hearing  
Case Number 2012.1135C  
525 - 547 Clement Street

# Site Photo

## Subject Block

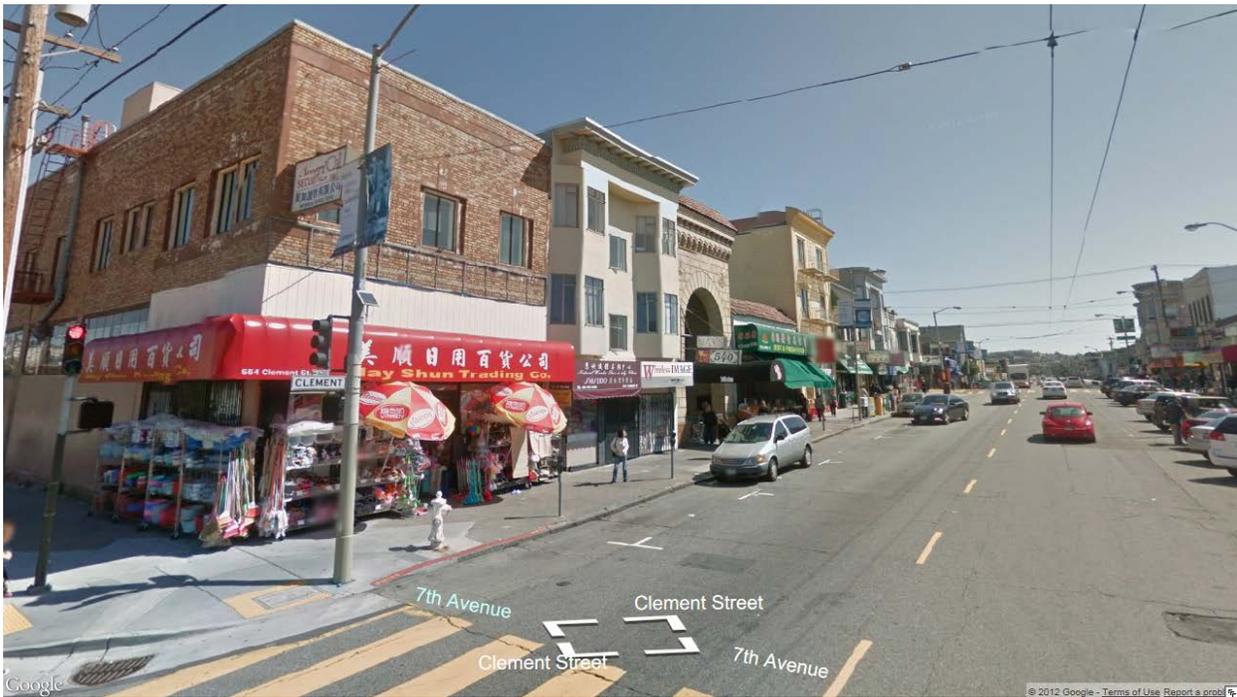


**SUBJECT PROPERTY**

Conditional Use Hearing  
Case Number 2012.1135C  
525 - 547 Clement Street

# Site Photo

## Opposite Block



Conditional Use Hearing  
Case Number 2012.1135C  
525 - 547 Clement Street



## Zoning Administrator Action Memo

### Administrative Review of Off-Street Parking Reduction

*Date:* August 27, 2013  
*Case No.:* **2012.1135C**  
*Project Address:* **525 - 547 CLEMENT STREET**  
*Zoning:* Inner Clement Street Neighborhood Commercial District (NCD)  
40-X Height and Bulk District  
*Block/Lot:* 1438/038  
*Project Sponsors:* Deutsche Bank National Trust Co. Trustee (property owner)  
1 Maritime Plaza Suite 900  
San Francisco, CA 94111  
Jimmy Wong (applicant)  
525 - 547 Clement Street  
San Francisco, CA 94118  
Joyce Cheng (agent)  
A & J Design Associates Inc.  
2328 Taraval Street  
San Francisco, CA 94116  
*Staff Contact:* Sharon M. Young – (415) 558-6346  
[sharon.m.young@sfgov.org](mailto:sharon.m.young@sfgov.org)

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 a request for Conditional Use authorization under Planning Code Sections 303 and 716.21 to legalize a use size that exceeds 2,500 square feet of floor area with the merger of two separate commercial tenant spaces located at 525 Clement Street and 547 Clement Street (currently occupied by a housewares and restaurant supply store d.b.a. Kamei) within the Inner Clement Street Neighborhood Commercial District and 40-X Height and Bulk District.

The two commercial tenant spaces (525 Clement Street with approximately 3,500 square feet of floor area and 547 Clement Street with approximately 4,000 square feet of floor area) were merged with the removal of interior wall partitions without the benefit of a permit before the change of store ownership occurred. The expanded space contains approximately 7,500 square feet of floor area on the ground and mezzanine floors. The current 'Kamei' store has been in operation since 2011. No additional tenant improvements are proposed within the merged commercial tenant space nor are changes proposed to the exterior building envelope.

Planning Code Section 151 requires 1 off-street parking space for every 500 square feet of occupied floor area. Based on the occupied floor area for the proposed project and the use of the commercial space for retail use, the proposed project would require 15 off-street parking spaces.

## **ACTION**

Planning Code Sections 161(j) and 307(i) allow the Zoning Administrator to reduce off-street parking requirements in NC and RC Districts. The Zoning Administrator reviewed the criteria set forth under Planning Code Section 307(i) and has **AUTHORIZED ADMINISTRATIVE APPROVAL** that the proposed project meets the criteria for the elimination of 15 off-street parking spaces required on the Project Site.

## **FINDINGS**

The Zoning Administrator took the action described above because the proposal meets the six off-street parking criteria outlined in Planning Code Section 307(i) as follows:

1. The reduction in the parking requirement is justified by the reasonable anticipated auto usage by residents of and visitors to the Project.

*The subject building was built circa 1910, prior to the Planning Code requirement for off-street parking for commercial uses. Previously neither of the existing retail spaces, separately, had provided any off-street parking. There is adequate on-street parking in the neighborhood. The proposed project is primarily intended to serve the immediate neighborhood. Most customers will be walking, biking or taking public transportation.*

2. The reduction in the parking requirement will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity.

*The elimination of the parking requirement would not be detrimental to the neighborhood since there is on-street parking on the subject and opposite blocks. In addition, the elimination of the parking requirement will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity since the area is will served by public transit. Muni Lines 1, 2, 38 and 44 are in close proximity to the Project Site.*

3. The minimization of conflict of vehicular and pedestrian movements.

*Pedestrian safety will be enhanced to the extent that vehicles will not cross the sidewalk with a new curb cut on Clement Street if the off-street parking requirement is eliminated and traffic flow will not be impeded by a vehicle entering the roadway from the property.*

4. The availability of transportation modes other than the automobile.

*There is public transit (Muni Lines 1, 2, 38 and 44) that is in close proximity to the Project Site. In addition, the Project Site is also accessible by walking and biking.*

5. The pattern of land use and character of development in the vicinity.

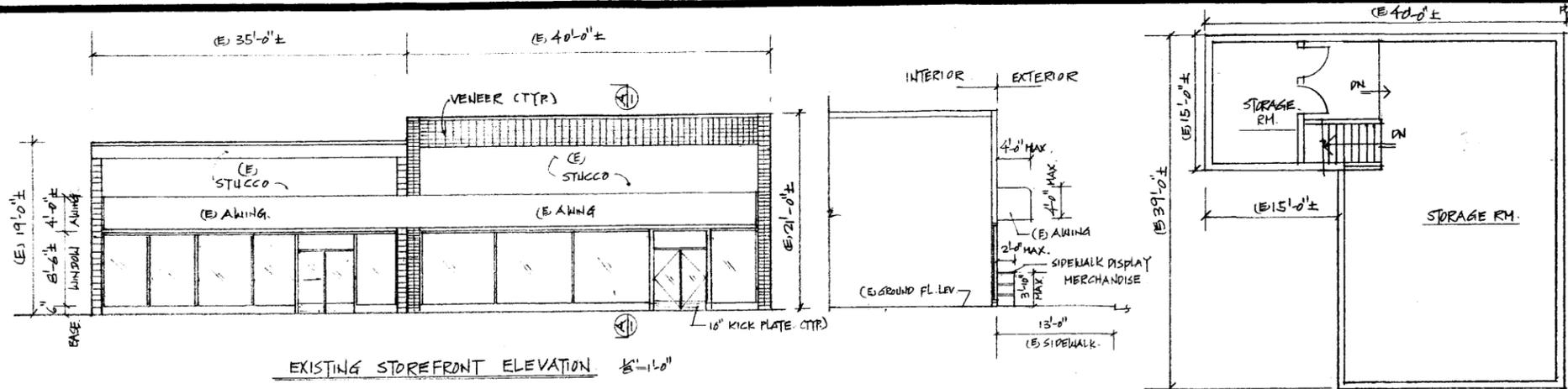
*The neighborhood features a mix of commercial and mixed-use buildings, many of which do not include off-street parking. Elimination of the requirement of off-street parking would preserve the existing pattern of development. The Inner Clement NCD is intended to promote mixed-use development with residential uses above ground floor commercial uses and approval of this exemption from the off-street parking requirement will allow the existing retail store to continue operating on the ground floor.*

6. Such other criteria as the Zoning Administrator deems appropriate in the circumstances of the particular case.

*The Zoning Administrator determined that no additional criteria are required for consideration in the circumstances of the particular case.*

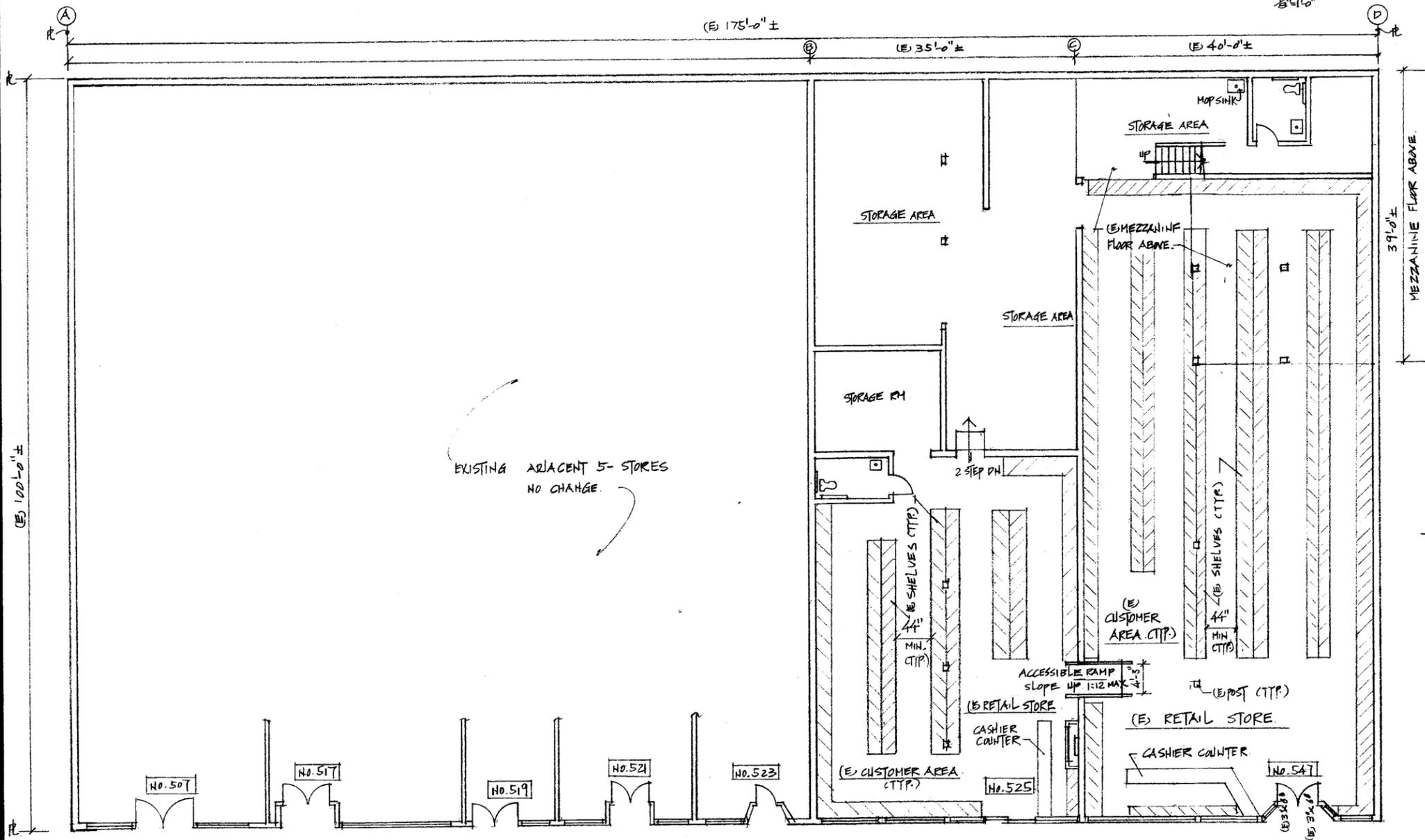
The review of an off-street parking reduction requested under Sections 161(j) and 307(i) shall be conducted as part of, and incorporated into, a related building permit application or other required project authorizations. The Zoning Administrator's action is not appealable separately from the related Building Permit Application or other required project authorizations associated with the subject project. For more information on those appeal processes, please contact the staff planner listed above.

cc: Zoning Administrator Files



EXISTING STOREFRONT ELEVATION  
1/8"=1'-0"

EXISTING MEZZANINE FLOOR  
1/8"=1'-0"



CLEMENT STREET

STORES NO. 547 AND NO. 525 COMBINED TO 1-STORE BY APPROVED APN: 2004/03/26/9705 AND 2004/04/08/0843

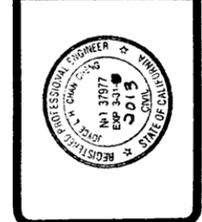
EXISTING GROUND FLOOR PLAN  
1/8"=1'-0"

**PROJECT INFORMATION**  
 OCCUPANCY GROUP - EXISTING: M.  
 PROPOSED: M.  
 CONSTRUCTION TYPE - 5 B.  
 NO. OF STORY - 1  
 TENANT FL. AREA - STORE NO: 525 = 35 X 100 = 3500 SF.  
 STORE NO: 547 = 40 X 100 = 4000 SF  
 TOTAL GROUND FLOOR AREA = 7500 SF.

REVISIONS	BY

FLOOR PLAN  
 525-547 CLEMENT ST.  
 S.F. CA.  
 BLOCK 1438 LOT 38

A&J Design Associates Inc.  
 2328 Taraval Street  
 San Francisco, CA 94116  
 (415) 882-8683



DRAWN JOYCE CHENG
CHECKED
DATE 8-6-12
SCALE AS SHOWN
JOB NO. 12-29
SHEET
OF SHEETS