



# SAN FRANCISCO PLANNING DEPARTMENT

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## Executive Summary Conditional Use

HEARING DATE: JULY 17, 2014  
CONSENT CALENDAR

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

*Date:* July 10, 2014  
*Case No.:* **2013.1434C**  
*Project Address:* **836 IRVING STREET**  
*Zoning:* Inner Sunset NCD (Neighborhood Commercial District)  
40-X Height and Bulk District  
*Block/Lot:* 1741/025  
*Project Sponsor:* Ahmad Larizadeh  
71 Blake Street  
San Francisco, CA 94118  
*Staff Contact:* Alexandra Kirby – (415) 575-9133  
[alexandra.kirby@sfgov.org](mailto:alexandra.kirby@sfgov.org)

### PROJECT DESCRIPTION

The proposal is a request for a Conditional Use authorization pursuant to Planning Code Sections 303 and 730.44 to change a 995 square-foot Limited-Restaurant (d.b.a. "Perilla") to a Restaurant at the ground floor of a mixed-use building located in the Inner Sunset NCD and a 40-X Height and Bulk District. No tenant improvements or alterations are proposed.

The proposed Restaurant is an independent use and locally owned business, with three locations exclusively in San Francisco. The proposed Restaurant is a neighborhood-serving use and is not a Formula Retail use. The proposal requires a change of use and Section 312 neighborhood notification was conducted in conjunction with the Conditional Use Authorization process.

### SITE DESCRIPTION AND PRESENT USE

The project is located on the north side of Irving Street, between 9<sup>th</sup> and 10<sup>th</sup> Avenues, Block 1741, Lot 025. The property is located within the Inner Sunset NCD (Neighborhood Commercial District) with 40-X Height and Bulk District. The subject lot is 2,500 square feet in area (25 feet wide by 100 feet deep) and is occupied by a three-story, mixed-use building constructed in 1925. The building features four residential units in the upper two floors and ground floor retail.

### SURROUNDING PROPERTIES AND NEIGHBORHOOD

The Project Site is located within the Inner Sunset Neighborhood. The surrounding development consists of a variety of commercial, residential, and mixed-use buildings. The scale of development in the area

consists primarily of one- to four-story structures. The shopping area within the neighborhood contains a variety of small-scale convenience businesses which primarily include a mix of restaurants, specialty stores, grocery / liquor stores, financial institutions, personal service establishments, business service establishments, and medical service establishments (chiropractor, dental, optical). On 9th and 10th Avenues running north and south of the project site, there are one- to two-family dwellings and a few multi-family dwellings located within the RH-2 (Residential, House, Two-Family) District and the Inner Sunset NCD.

## ENVIRONMENTAL REVIEW

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

## HEARING NOTIFICATION REQUIREMENTS

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Classified News Ad	20 days	June 28, 2014	June 24, 2014	24 days
Posted Notice	20 days	June 28, 2014	June 26, 2014	22 days
Mailed Notice	10 days	July 7, 2014	June 26, 2014	22 days

## PUBLIC COMMENT

- To date, the Department has not received any letters or phone calls in support of or in opposition to the project.

## ISSUES AND OTHER CONSIDERATIONS

- Per Planning Code 730.44 a Restaurant is conditionally permitted within the Inner Sunset Neighborhood Commercial District.
- Per Planning Code Section 715.44, a Restaurant use may only add ABC license types 41, 47, 49, 59 or 75 as a conditional use on the ground level if, in addition to the criteria set forth in Section 303, the Planning Commission finds that the restaurant is operating as a Bona Fide Eating Place, as defined in Section 790.142 of this Code. Should a restaurant fail to operate as a Bona Fide Eating Place for any length of time, the conditional use authorization shall be subject to immediate revocation.
- A permitted license type will be pursued upon completion of the subject Conditional Use authorization.
- The existing concentration of eating and drinking uses in the area currently exceeds 25% of the total commercial frontage within the immediate area, defined as properties within 300 feet of the subject property within the same zoning district. Approximately 7% of the total commercial frontage is comprised solely of restaurant uses. The proposed change of use would not increase the present concentration of eating and drinking uses.

- The existing Limited-Restaurant currently provides food service and has the equipment necessary to function as a restaurant. No tenant improvements will be required to implement beer and wine service.

### **REQUIRED COMMISSION ACTION**

For the Project to proceed, the Commission must grant Conditional Use authorization to allow a change of use from a Limited-Restaurant to a Restaurant for the existing establishment d.b.a "Perilla" within the Inner Sunset Neighborhood Commercial District pursuant to Planning Code Section 730.44 and 303.

### **BASIS FOR RECOMMENDATION**

- Perilla is a small, locally-owned business that would continue to provide food and drink to restaurant patrons.
- The existing business is within close access to public transit.
- The Project meets all applicable requirements of the Planning Code.
- The Project is desirable for and compatible with the surrounding neighborhood.
- The business is not a Formula Retail use and would continue to serve the immediate neighborhood.

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

- Block Book Map
- Sanborn Map
- Zoning Map
- Aerial Photograph
- Site Photograph

## Exhibit 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"/> Block Book Map      | <input type="checkbox"/> Health Dept. review of RF levels     |
| <input checked="" type="checkbox"/> Sanborn Map         | <input type="checkbox"/> RF Report                            |
| <input checked="" type="checkbox"/> Aerial Photos       | <input type="checkbox"/> Community Meeting Notice             |
| <input type="checkbox"/> Context Photo                  | <input type="checkbox"/> Public Correspondence                |
| <input checked="" type="checkbox"/> Site Photo          |   |

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

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



# SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

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

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## Planning Commission Draft Motion

HEARING DATE: JULY 17, 2014

*Date:* July 10, 2014  
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*Project Address:* **836 IRVING STREET**  
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**ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 303, 730.44, 790.91 OF THE PLANNING CODE TO ALLOW A FULL-SERVICE RESTAURANT (D.B.A. PERILLA) WHICH WILL OPERATE AS A BONA FIDE EATING PLACE WITHIN THE INNER SUNSET NCD (NEIGHBORHOOD COMMERCIAL DISTRICT) AND A 40-X HEIGHT AND BULK DISTRICT.**

### PREAMBLE

On October 8, 2013, Ahmad Larizadeh (hereinafter "Project Sponsor") filed an application with the Planning Department (hereinafter "Department") for Conditional Use Authorization under Planning Code Section(s) 730.44 to change an existing Limited-Restaurant (d.b.a. "Perilla") to a Restaurant of the same name in the Inner Sunset NCD (Neighborhood Commercial District) and 40-X Height and Bulk District.

On July 17, 2014, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2013.1434C.

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. 2013.1434C, 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 is located on the north side of Irving Street, between 9<sup>th</sup> and 10<sup>th</sup> Avenues, Block 1741, Lot 025. The property is located within the Inner Sunset NCD (Neighborhood Commercial District) with 40-X Height and Bulk District. The subject lot is 2,500 square feet in area (25 feet wide by 100 feet deep) and is occupied by a three-story, mixed-use building constructed in 1925. The building features four residential units in the upper two floors and ground floor retail. Perilla was previously approved to operate as a Limited-Restaurant in the ground floor commercial tenant space.
3. **Surrounding Properties and Neighborhood.** The Project Site is located within the Inner Sunset Neighborhood. The surrounding development consists of a variety of commercial, residential, and mixed-use buildings. The scale of development in the area consists primarily of one- to four-story structures. The shopping area within the neighborhood contains a variety of small-scale convenience businesses which primarily include a mix of restaurants, specialty stores, grocery / liquor stores, financial institutions, personal service establishments, business service establishments, and medical service establishments (chiropractor, dental, optical). On 9th and 10th Avenues running north and south of the project site, there are one- to two-family dwellings and a few multi-family dwellings located within the RH-2 (Residential, House, Two-Family) District and the Inner Sunset NCD.
4. **Project Description.** The proposal is a request for a Conditional Use Authorization pursuant to Planning Code Sections 303 and 730.44 to change a 995 square-foot Limited-Restaurant to a Restaurant at the ground floor of a mixed-use building located in the Inner Sunset NCD nad 40-X Height and Bulk District. No tenant improvements or alterations are proposed.

The sponsor proposes to operate between the hours of 11 a.m. and 9:30 p.m. daily, the present hours of operation. The proposed use is an independent, locally owned business with three locations exclusively in San Francisco. The proposed use is not a Formula Retail use. The proposal requires a change of use and Section 312 neighborhood notification was conducted in conjunction with the Conditional Use Authorization process. The proposed use is a neighborhood-serving use.

5. **Public Comment.** As of July 10<sup>th</sup>, 2014, the Department has received no comment in support of or opposition to the proposed project.

6. **Use District.** The project site is within the Inner Sunset Neighborhood Commercial District (NCD). The Inner Sunset NCD is located in the Inner Sunset neighborhood, consisting of the NC-2 Zoning District bounded by Lincoln Way on the north, Fifth Avenue on the east, Kirkham Street on the south, and Nineteenth Avenue on the west. The shopping area provides convenience goods and services to local Inner Sunset residents, as well as comparison shopping goods and services to a larger market area. The commercial district is also frequented by users of Golden Gate Park on weekends and by City residents for its eating, drinking, and entertainment places. Numerous housing units establish the district's mixed residential-commercial character.
7. **Planning Code Compliance:** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:

- A. **Hours of Operation.** Planning Code Section 730.27 states that businesses are permitted to operate between the hours of 6 a.m. and 2 a.m., as defined by Planning Code Section 790.48.

*The current hours of operation for Perilla are 11 a.m. to 9:30 p.m. daily; the restaurant does not propose to extend its business hours.*

- B. **Change of Use.** Restaurants are conditionally permitted in the Inner Sunset Neighborhood Commercial District per Section 730.44 and may add ABC License Types 41, 47, 49, 59 or 75 in conjunction with a Bona Fide Eating Place.

*The business is currently permitted to operate as a Limited-Restaurant and project sponsors are applying for a Conditional Use Authorization to convert the business to a Restaurant, which is conditionally permitted on the ground floor in the Inner Sunset NCD. Restaurants are defined by Planning Code Section 790.91 as retail eating or drinking uses that serve food to customers for consumption on or off the premises and which have seating. They may provide on-site beer, wine, and/or liquor sales for drinking on the premises. However, if alcohol is offered, the business must operate as a Bona Fide Eating Place per Section 790.142. The Project sponsors have applied for an ABC license Type 41, on-sale beer and wine for a Bona Fide Eating Place.*

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

*The Subject Property contains approximately 995 square-feet of occupied floor area and thus does not require any off-street parking.*

- D. **Street Frontage in Neighborhood Commercial Districts.** Section 145.1 of the Planning Code requires that within NC Districts space for active uses 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 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 18 feet of frontage on Irving Street with the entirety devoted to either the restaurant entrance or unobscured window space. The windows are clear and unobstructed. The project proposes no changes to the commercial frontage.*

- E. **Signage.** The existing awning at 836 Irving Street was approved by the Planning Department in 2010. Any proposed signage will be subject to the review and approval of the Planning Department.
- 8. **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 size of the proposed use is in keeping with other storefronts on the block face. The proposed Restaurant will not affect traffic or parking in the district because it is a continuation of an existing business.*

- 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 will remain the same and will not alter the existing appearance or character of the project vicinity. No tenant improvements are proposed in conjunction with the change of use.*
  - ii. The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed off-street parking and loading;

*The Planning Code does not require parking or loading for a 995-square-foot restaurant. The proposed use is designed to meet the needs of the immediate neighborhood and should not generate significant amounts of vehicular trips from the immediate neighborhood or citywide.*

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

*The proposed use is subject to the standard conditions of approval for restaurants and outlined in Exhibit A. Conditions 5 and 7 specifically obligate the project sponsor to mitigate odor and noise generated by the restaurant use.*

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

*The proposed Restaurant does not require any additional tenant improvements. The Department shall review all lighting and signs proposed for the new business.*

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

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

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

*The Project is consistent with the stated purpose of the Inner Sunset NCD in that the intended use is located at the ground floor, and will provide a compatible convenience service for the immediately surrounding neighborhoods during daytime hours.*

- 9. **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 proposed project will continue to provide desirable goods and services to the neighborhood and will continue to provide resident employment opportunities to those in the community. Further, the Project Site is located within a Neighborhood Commercial District and is thus consistent with activities in the commercial land use plan.*

**OBJECTIVE 2:**

MAINTAIN AND ENHANCE A SOUND AND DIVERSE ECONOMIC BASE AND FISCAL STRUCTURE FOR THE CITY.

**Policy 2.1:**

Seek to retain existing commercial and industrial activity and to attract new such activity to the City.

*The Project will retain an existing commercial activity and will enhance the diverse economic base of the City.*

**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.*

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

### **Eating and Drinking Establishments**

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

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

In order to prevent oversaturation of eating and drinking uses within the Neighborhood Commercial District, Section 303 of the Planning Code limits the concentration of such businesses to 25% of the total commercial frontages within 300 linear feet of the subject site and within the same zoning district. Additionally, the Commerce and Industry Element of the General Plan contains Guidelines for Specific Uses. For eating and drinking establishments, the Guidelines state, "the balance of commercial uses may be threatened when eating and drinking establishments occupy more than 20% of the total occupied commercial frontage."

*Planning staff have performed a site survey of the Inner Sunset NC District surrounding the subject property. Including the proposed Restaurant use, there are a total of 14 eating and drinking establishments nearby that make up 28% of the commercial street frontage within 300 linear feet of the property, exceeding both thresholds. The concentration of eating and drinking establishments in the immediate area would include six Restaurants, one of which is formula retail (d.b.a. Patxi's Chicago Pizza); six existing Limited-Restaurants, two of which are formula retail (d.b.a. La Boulange and Jamba Juice); and two Bars.*

*The subject business would not add to the existing overconcentration of eating and drinking establishments within the district as it presently operates as a Limited Restaurant. Perilla is a family-owned, local business and the only Vietnamese restaurant within the immediate area surveyed. As such, it contributes to the diversity of existing establishments. Furthermore, the proposed change of use would not affect existing noise, traffic, parking or other nuisances within the area as the Limited Restaurant use already exists and no changes are proposed to the existing seating capacity or hours of operation.*

**Policy 6.2:**

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

*An independent entrepreneur is sponsoring the proposal. The proposed use is a neighborhood serving use and is not a Formula Retail use.*

10. **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 proposal would continue to enhance the district by providing a full-service restaurant in an area that presently exceeds the thresholds for eating and drinking establishments. The business is locally owned and creates potential employment opportunities for the community. No physical alterations are proposed.*

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

*Existing residential units in the surrounding neighborhood would not be adversely affected by the project. The proposed change of use would continue to operate during the current business hours and provide the same seating capacity as the existing Limited Restaurant.*

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

*No housing is removed for this Project.*

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

*The site is on Irving Street and is well served by transit. It is presumable that the employees would commute by transit thereby mitigating possible negative effects on street parking.*

- 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 will not displace any service or industry establishment. The project will not affect industrial or service sector uses or related employment opportunities. Ownership of industrial or service sector businesses will 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.

*This proposal will not affect the property's ability to withstand an earthquake.*

- G. That landmarks and historic buildings be preserved.

*No alterations are proposed as part of the Project. The subject property is listed as a Category B building, meaning that it is a potential Historic Resource.*

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

*The project will have no negative effect on existing parks and open spaces. The Project does not have an effect on open spaces.*

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

## DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Application No. 2013.1434C** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated September, 2013, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

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

**Protest of Fee or Exaction:** You may protest any fee or exaction subject to Government Code Section 66000 that is imposed as a condition of approval by following the procedures set forth in Government Code Section 66020. The protest must satisfy the requirements of Government Code Section 66020(a) and must be filed within 90 days of the date of the first approval or conditional approval of the development referencing the challenged fee or exaction. For purposes of Government Code Section 66020, the date of imposition of the fee shall be the date of the earliest discretionary approval by the City of the subject development.

If the City has not previously given Notice of an earlier discretionary approval of the project, the Planning Commission's adoption of this Motion, Resolution, Discretionary Review Action or the Zoning Administrator's Variance Decision Letter constitutes the approval or conditional approval of the development and the City hereby gives **NOTICE** that the 90-day protest period under Government Code Section 66020 has begun. If the City has already given Notice that the 90-day approval period has begun for the subject development, then this document does not re-commence the 90-day approval period.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on July 17, 2014.

Jonas P. Ionin  
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: July 17, 2014

## EXHIBIT A

### AUTHORIZATION

This authorization is for a conditional use to allow the change of use from a Limited-Restaurant to a Restaurant (d.b.a. "Perilla") located at 836 Irving Street, Lot 025 of Assessor's Block 1741 pursuant to Planning Code Section(s) 303, 730.44, and 790.91 within the Inner Sunset Neighborhood Commercial District and a 40-X Height and Bulk District; in general conformance with plans, dated **September, 2013**, and stamped "EXHIBIT B" included in the docket for Case No. 2013.1434C and subject to conditions of approval reviewed and approved by the Commission on July 17, 2014, 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 **July 17, 2014** 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 (3) years from the effective date of the Motion. A building permit from the Department of Building Inspection to construct the project and/or commence the approved use must be issued as this Conditional Use authorization is only an approval of the proposed project and conveys no independent right to construct the project or to commence the approved use. The Planning Commission may, in a public hearing, consider the revocation of the approvals granted if a site or building permit has not been obtained within three (3) years of the date of the Motion approving the Project. Once a site or building permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. The Commission may also consider revoking the approvals if a permit for the Project has been issued but is allowed to expire and more than three (3) years have passed since the Motion was approved.

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

2. **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

3. **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).*

4. **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).*

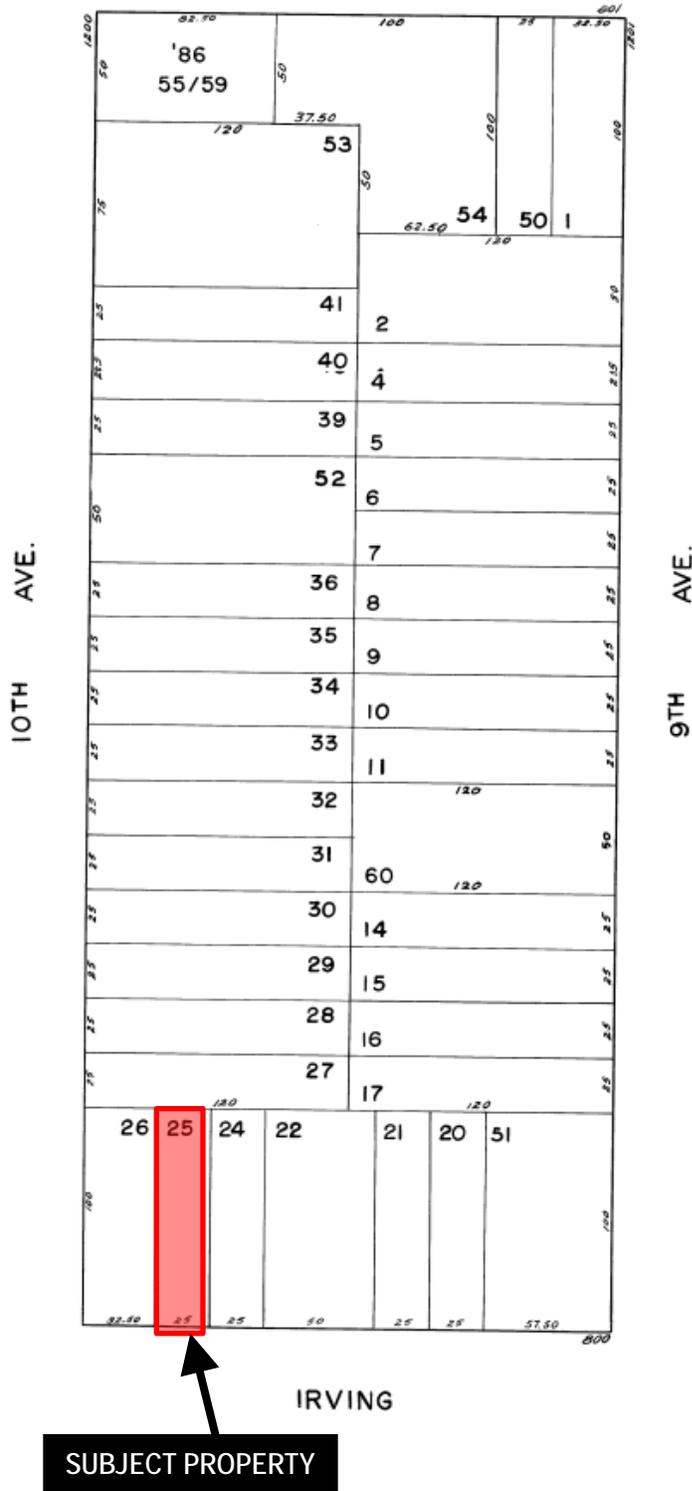
## OPERATION

5. **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>*
6. **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>*
7. **Noise Control.** The premises shall be adequately soundproofed or insulated for noise and operated so that incidental noise shall not be audible beyond the premises or in other sections of the building and fixed-source equipment noise shall not exceed the decibel levels specified in the San Francisco Noise Control Ordinance.  
*For information about compliance with the fixed mechanical objects such as rooftop air conditioning, restaurant ventilation systems, and motors and compressors with acceptable noise levels, contact the Environmental Health Section, Department of Public Health at (415) 252-3800, [www.sfdph.org](http://www.sfdph.org)*
8. **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)*



# Parcel Map

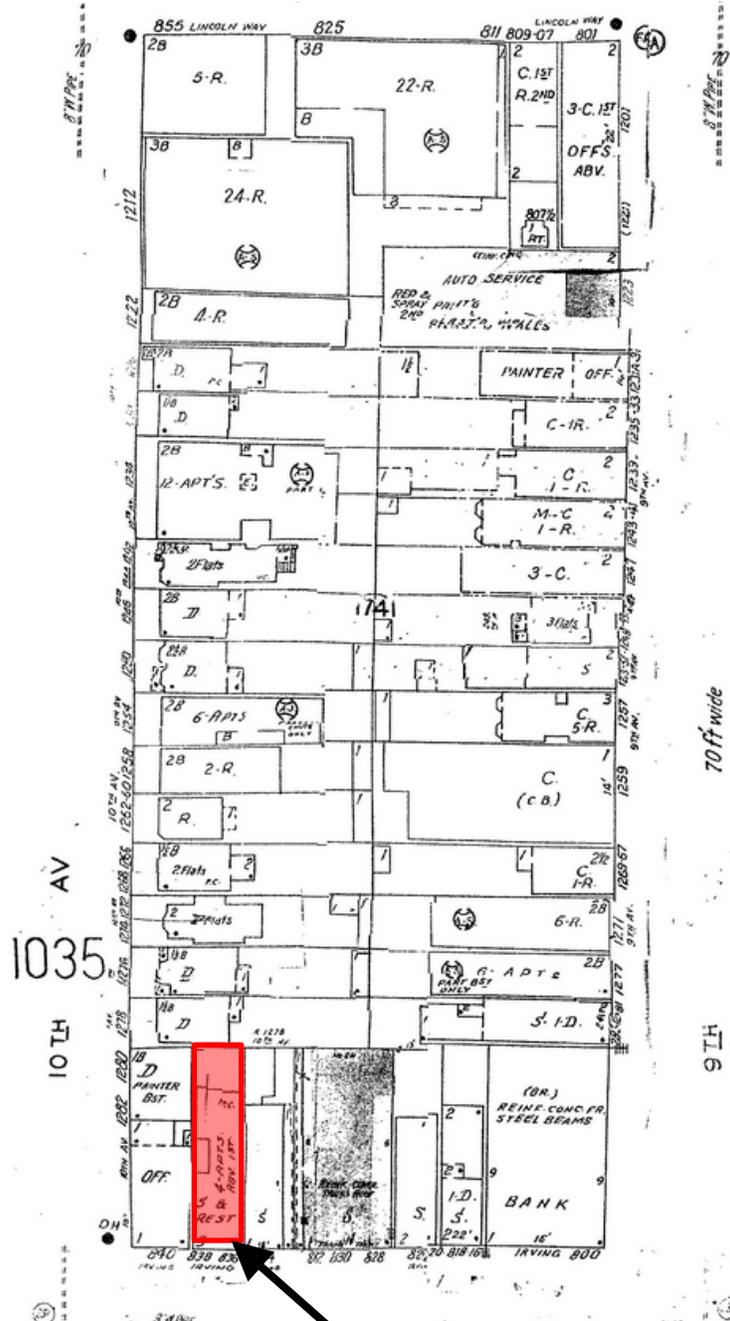
LINCOLN WAY



Conditional Use Hearing  
Case Number 2013.1434C  
836 Irving Street  
Block 1741 Lot 025



# Sanborn Map\*



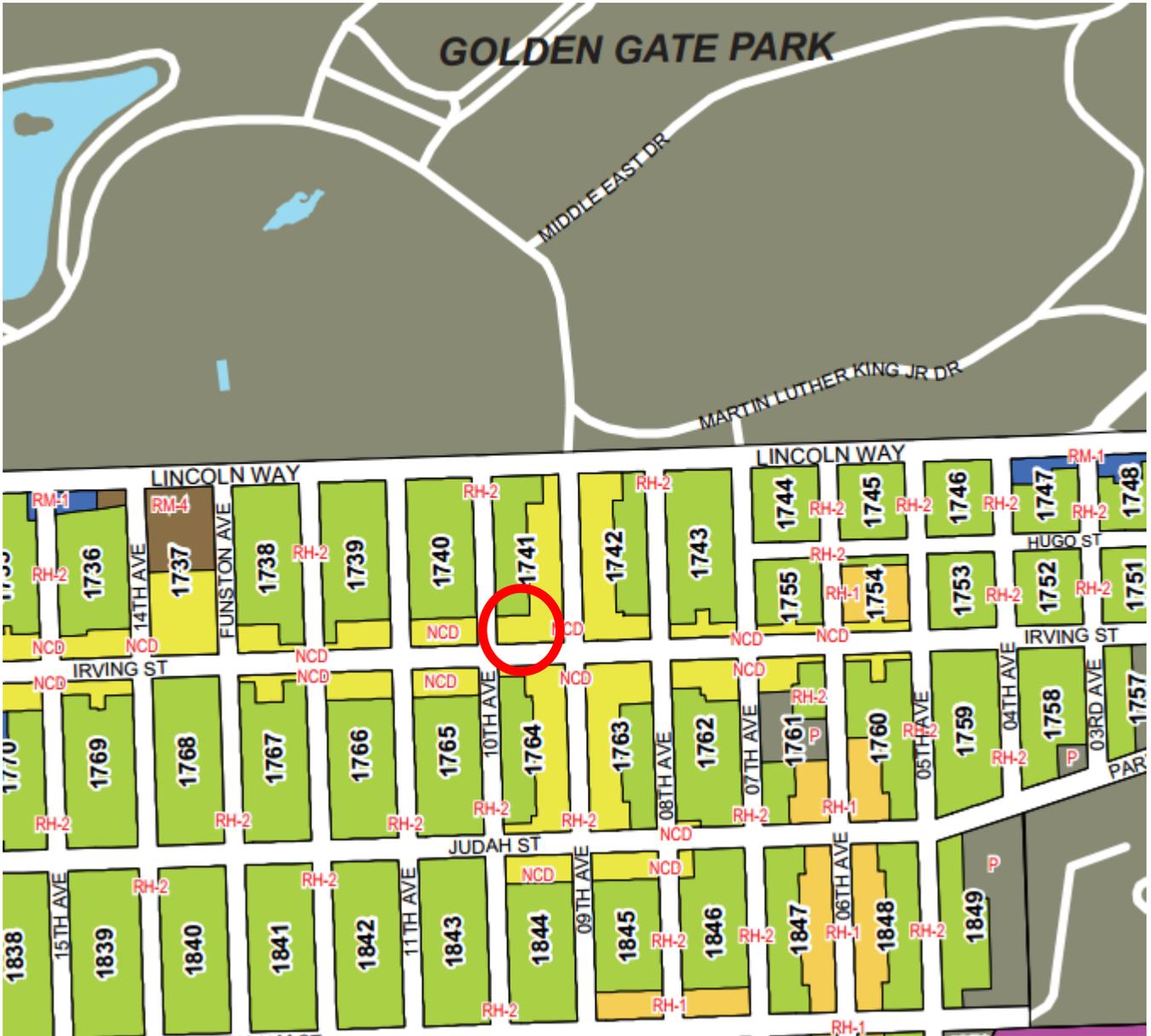
**SUBJECT PROPERTY**

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



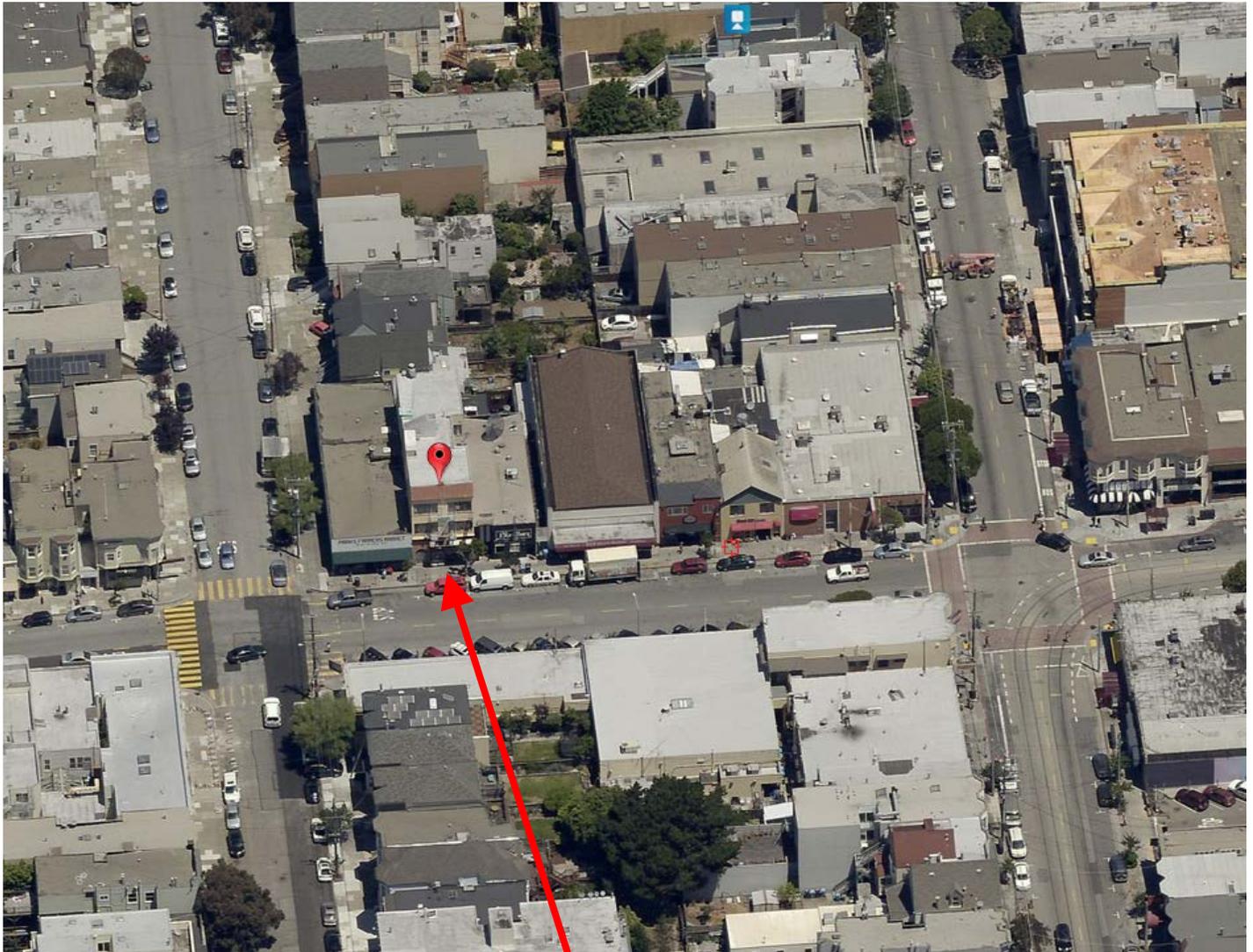
Conditional Use Hearing  
 Case Number 2013.1434C  
 836 Irving Street  
 Block 1741 Lot 025

# Zoning Map



Conditional Use Hearing  
Case Number 2013.1434C  
836 Irving Street  
Block 1741 Lot 025

# Aerial Photo (looking east)



**SUBJECT PROPERTY**

Conditional Use Hearing  
Case Number 2013.1434C  
836 Irving Street  
Block 1741 Lot 025

# Site Photo



Conditional Use Hearing  
Case Number 2013.1434C  
836 Irving Street  
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