



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Conditional Use

HEARING DATE: MAY 15, 2014

Date: May 8, 2014
Case No.: **2013.1555 C**
Project Address: **2048 Taraval Street (2048–2050 Taraval Street; 2390-2394 31st Avenue)**
Zoning: Taraval Street NCD (Neighborhood Commercial District)
50-X Height and Bulk District
Taraval Street Restaurant Subdistrict
Block/Lot: 2359/014
Project Sponsor: Javier Solorzano
3288 21st Street, #49
San Francisco, CA 94110
Staff Contact: Marcelle Boudreaux – (415) 575-9140
marcelle.boudreaux@sfgov.org
Recommendation: **Approval with Conditions**

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

PROJECT DESCRIPTION

The Project Sponsor seeks a Conditional Use Authorization, pursuant to Planning Code Sections 303 and 781.1 to allow a change of use from a ground-floor retail grocery to a Limited Restaurant (d.b.a. Kingdom of Dumpling) which contains approximately 1,140 square-feet of floor area. The project site is currently operating as a Limited-Restaurant, which was previously occupied by retail grocery with accessory coffee shop (d.b.a. SW Coffee Station). The project sponsor is operating an establishment that manufactures traditional Chinese food for wholesale and retail, offering options for customers to prepare off-site. The business is an independent neighborhood-serving use that is locally owned, which is encouraged throughout San Francisco. The operating hours are from 8:30 a.m. to 6:00 p.m. This Conditional Use authorization is one part in the process to abate a notice of violation for opening without proper permits.

The Project proposes minor interior tenant improvements, but no exterior alterations. The subject property is not an historic resource.

SITE DESCRIPTION AND PRESENT USE

The project site at 2048 Taraval (aka 2048–2050 Taraval Street; 2390-2394 31st Avenue) is located on the north side of Taraval Street at the corner of 31st Avenue. The property is a corner lot, developed with a two-story residential over commercial building. The property is located in a corner parcel that has 100-feet of lot frontage on 31st Avenue and 81-feet of lot frontage on Taraval Street, and contains four ground-floor commercial storefronts. The two storefronts on Taraval Street include a limited restaurant (d.b.a. “Kingdom of Dumpling” and is the project site) and a retail store (d.b.a. “Creative Paint”). The two storefronts on 31st Avenue include an office (d.b.a. “Arakat Real Estate”) a medical use (d.b.a. “Sunset Family Chiropractor”). The frontage of the project site is a total of 25 feet.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The property is located within the Taraval Street RUSD (Restaurant and Fast-Food Sub-District), which is in the Taraval Street NCD (Neighborhood Commercial District). The Taraval Street NCD is located in the Outer Sunset neighborhood and includes the commercial, residential and mixed-use properties fronting both sides of Taraval Street from 19th through 36th Avenues. The Taraval Street NCD controls are designed to promote development that is consistent with its existing land use patterns and to maintain a harmony of uses that support the District's vitality. The building standards allow small-scale buildings and uses, protecting rear yards above the ground story and at residential levels. In new development, most commercial uses are permitted at the first two stories although certain limitations apply to uses at the second story. A majority of the businesses in the area are independently-owned. The neighboring properties located to the north and south of Taraval Street are primarily zoned for one- and two-family houses.

Special controls are necessary to preserve the equilibrium of neighborhood-serving convenience and comparison shopping businesses and to protect adjacent residential livability. The goal is to encourage the street's active retail frontage and local fabrication and production of goods. There is a diverse mix of commercial uses within the neighborhood which in addition to eating and drinking establishments also contains a grocery store, dry cleaners, medical offices, business and professional services, various personal services, various retail stores, liquor stores, and specialty food stores. This subject property is also located within the Taraval Street Restaurant Subdistrict, which requires Conditional Use authorization to establish a Limited Restaurant.

The immediate area of the subject property does not contain a cluster of neighborhood-serving eating and drinking uses. In fact, there is approximately an 18% concentration of commercial frontage (including the subject site) devoted to eating and drinking uses that exists within 300 linear feet of the subject property. This is below the 25% threshold. Within 300 feet of the subject property, the currently operating Limited Restaurant use is balanced out by several other neighborhood-serving eating and drinking uses, personal services uses, medical service uses, business and professional service uses, automotive repair and retail uses, and 3 vacant commercial storefronts.

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	April 25, 2014	April 23, 2014	22 days
Posted Notice	20 days	April 25, 2014	April 25, 2014	20 days
Mailed Notice	20 days	April 25, 2014	April 23, 2014	22 days

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

PUBLIC COMMENT

- To date, the Department has received no communication in opposition of or in support of the project.

ISSUES AND OTHER CONSIDERATION

- This Conditional Use authorization is being undertaken as part of the process to correct a Notice of Violation (#201329021) filed October 7, 2013 by DBI. The business owner changed use and began operation of a business prior to undertaking the proper procedures for Section 312 change of use and Conditional Use authorization as Limited Restaurant with the Taraval Street Restaurant Subdistrict.
- The prior permitted use at 2048 Taraval Street was a retail grocery with accessory food use, known as "SW Coffee Station". Due to the location's prior use consisting of food sales and embedded coffee shop, the business owner of Kingdom of Dumpling (Mr. Qinghe Li) assumed this current activity was a similar use that would occupy the vacant storefront commercial space.
- Per Planning Code Section 303, the Planning Commission shall consider the existing concentration of eating and drinking uses in the area. A recent field survey estimated that 18% of commercial frontage zoned NCD and within 300 linear feet of the subject property (including the currently operating "Kingdom of Dumpling") is devoted to eating and drinking uses. The Current Section 303 threshold is 25%, therefore the addition of this new food use is below the threshold.
- The business is an independent neighborhood-serving use that is locally owned.
- The project will be subject to the standard Conditions of Approval for eating and drinking establishments including those pertaining to trash removal and general cleanliness.

REQUIRED COMMISSION ACTION

In order for the project to proceed, the Commission must grant conditional use authorization to allow the establishment of a Limited - Restaurant to Planning Code Sections 303 and 781.1.

BASIS FOR RECOMMENDATION

- The project meets all applicable requirements of the Planning Code.
- The Project is necessary and desirable because it contributes to the economic vitality of the neighborhood.
- The Project is an independently owned and operated business that has created new job opportunities in the neighborhood.
- The project is a small, locally owned business that currently occupies a commercial storefront, and contributes to the vitality of the neighborhood.
- The project filled a vacant commercial storefront and has not displaced an existing retail tenant providing convenience goods and services to the neighborhood.

- The hours of operation, from 8:30 a.m. to 6:00 p.m. daily, are principally permitted and are compatible with the surrounding neighborhood.
- The project is within close access to public transit, specifically, the L-Taraval Muni metro line. Therefore, customers should not adversely affect traffic.
- The business is not a Formula Retail use and serves the immediate neighborhood.

RECOMMENDATION: Approval with Conditions
--

Attachments:

Exhibit A

Parcel Map

Sanborn Map

Zoning Map

Aerial Map

Site Photo

Context Photo

Project Sponsor Submittal:

 Reduced Floor 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"/> Health Dept. review of RF levels |
| <input checked="" type="checkbox"/> Sanborn Map | <input type="checkbox"/> RF Report |
| <input checked="" type="checkbox"/> Aerial Photo | <input type="checkbox"/> Community Meeting Notice |
| <input checked="" type="checkbox"/> Context Photos | <input type="checkbox"/> Inclusionary Affordable Housing Program:
Affidavit for Compliance |
| <input checked="" type="checkbox"/> Site Photos | |

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

_____ MWB
Planner's Initials

MWB G:\Documents\CUs\2048 Tarava_201311182146\Reports\2013.1555C_Exec Sum.docx



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

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

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Planning Commission Draft Motion

HEARING DATE: MAY 15, 2014

Date: May 8, 2014
Case No.: **2013.1555 C**
Project Address: **2048 Taraval Street (2048–2050 Taraval Street; 2390-2394 31st Avenue)**
Zoning: Taraval Street NCD (Neighborhood Commercial District)
50-X Height and Bulk District
Taraval Street Restaurant Subdistrict
Block/Lot: 2359/014
Project Sponsor: Javier Solorzano
3288 21st Street, #49
San Francisco, CA 94110
Staff Contact: Marcelle Boudreaux – (415) 575-9140
marcelle.boudreaux@sfgov.org

ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 303 AND 781.1 OF THE PLANNING CODE FOR A CHANGE OF USE TO ESTABLISH A LIMITED - RESTAURANT (D.B.A. KINGDOM OF DUMPLING) WITHIN THE TARAVAL STREET RUSD (RESTAURANT AND FAST-FOOD SUB-DISTRICT), IN THE TARAVAL STREET NCD (NEIGHBORHOOD COMMERCIAL DISTRICT) AND A 50-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On October 25, 2013, Javier Solorzano (hereinafter “Project Sponsor”) filed an application with the Planning Department (hereinafter “Department”) for Conditional Use Authorization under Planning Code Section(s) 303 and 781.1 for a change of use to establish a Limited-Restaurant (d.b.a. Kingdom of Dumpling) in the Taraval Street RUSD (Restaurant and Fast-Food Sub-District) and Taraval Street NCD (Neighborhood Commercial District) with a 50-X height and bulk district.

On May 15, 2014, the San Francisco Planning Commission (hereinafter “Commission”) conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2013.1555C.

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

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. 2013.1555C, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

FINDINGS

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

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The Project site at 2048 Taraval (aka 2048–2050 Taraval Street; 2390-2394 31st Avenue) is located on the north side of Taraval Street at the corner of 31st Avenue, Block 2359, Lot 014. The property is located within the Taraval Street RUSD (Restaurant and Fast-Food Sub-District), and in the Taraval Street NCD (Neighborhood Commercial District) within a 50-X height and bulk district. The property is located within a lot that is 100-feet deep and 81-feet wide and contains four commercial storefronts. The two storefronts on Taraval Street include a limited restaurant (d.b.a. "Kingdom of Dumpling" and is the project site) and a retail store (d.b.a. "Creative Paint"). The two storefronts on 31st Avenue include an office (d.b.a. "Arakat Real Estate") a medical use (d.b.a. "Sunset Family Chiropractor"). The frontage of the project site is a total of 25 feet.
3. **Surrounding Properties and Neighborhood.**
The property is located within the Taraval Street RUSD (Restaurant and Fast-Food Sub-District), which is in the Taraval Street NCD (Neighborhood Commercial District). The Taraval Street NCD is located in the Outer Sunset neighborhood and includes the commercial, residential and mixed-use properties fronting both sides of Taraval Street from 19th through 36th Avenues. The Taraval Street NCD controls are designed to promote development that is consistent with its existing land use patterns and to maintain a harmony of uses that support the District's vitality. The building standards allow small-scale buildings and uses, protecting rear yards above the ground story and at residential levels. In new development, most commercial uses are permitted at the first two stories although certain limitations apply to uses at the second story. A majority of the businesses in the area are independently-owned businesses. The neighboring properties located to the north and south of Taraval Street are primarily zoned for one- and two-family houses.

Special controls are necessary to preserve the equilibrium of neighborhood-serving convenience and comparison shopping businesses and to protect adjacent residential livability. The goal is to encourage the street's active retail frontage and local fabrication and production of goods. There

is a diverse mix of commercial uses within the neighborhood which in addition to eating and drinking establishments also contains a grocery store, dry cleaners, medical offices, business and professional services, various personal services, various retail stores, liquor stores, and specialty food stores. This subject property is also located within the Taraval Street Restaurant Subdistrict, which requires Conditional Use authorization to establish a Limited Restaurant.

The immediate area of the subject property does not contain a cluster of neighborhood-serving eating and drinking uses. In fact, there is approximately an 18% concentration of commercial frontage (including the subject site) devoted to eating and drinking uses that exists within 300 linear feet of the subject property. This is below the current threshold of 25%. Within 300 feet of the subject property, the currently operating Limited Restaurant use is balanced out by several other neighborhood-serving personal services uses, medical service uses, business and professional service uses, automotive repair and retail uses, and 3 vacant commercial storefronts.

4. **Project Description.** The Project Sponsor seeks a Conditional Use Authorization, pursuant to Planning Code Sections 303 and 781.1 to allow a change of use from a ground-floor retail grocery to a Limited Restaurant (d.b.a. Kingdom of Dumpling) which contains approximately 1,140 square-feet of floor area. The project site is currently operating as a Limited-Restaurant, which was previously occupied by retail grocery with accessory coffee shop (d.b.a. SW Coffee Station). The project sponsor is operating an establishment that manufactures traditional Chinese food for wholesale and retail, offering options for customers to prepare off-site. The business is an independent neighborhood-serving use that is locally owned, which is encouraged throughout San Francisco. The operating hours are from 8:30 a.m. to 6:00 p.m. This Conditional Use authorization is one part in the process to abate a notice of violation for opening without proper permits.

The Project proposes minor interior tenant improvements, but no exterior alterations. The subject property is not an historic resource. The subject site is well served by public transit so that potential customers should not adversely affect traffic. Pursuant to Planning Code Section 178, the proposed Limited-Restaurant use in the Taraval Street Restaurant Subdistrict can be established through Conditional Use authorization.

5. **Public Comment.** To date, the Department has received no communication in opposition of or in support of the project.
6. **Planning Code Compliance:** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:
 - A. **Taraval Street Restaurant and Fast-food Subdistrict.** Planning Code Section 781.1 states that Limited-Restaurant, as defined in Section 790.90 of the Planning code, is permitted as conditional uses on the first story.

The proposed Limited- Restaurant is located on the first story.

- B. **Hours of Operation.** Hours of Operation. Planning Code Section 781.1 states that in the Taraval Street NCD maintaining hours of operation from 6 a.m. to 2 a.m. is permitted by right, and that hours of operation from 2 a.m. to 6 a.m. is conditionally permitted.

The hours of operation for the proposed Limited-Restaurant will be 8:30 a.m. to 6:00 p.m. daily.

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

The Project site has approximately 25 feet of lineal street frontage along Taraval Street with approximately 16 feet of street frontage devoted to either the restaurant entrance or window space. The windows are un-tinted. There are no changes proposed to the exterior.

- D. **Parking.** Planning 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 Project site contains approximately 1,140 square-feet of occupied floor area and thus does not require any off-street parking.

- E. **Signage.** Any proposed signage will be subject to the review and approval of the Planning Department.

Any proposed signage shall be subject to the review of the Planning Department and required to meet all provisions set forth in Article of the Planning Code.

- F. **Limited-Restaurant** Planning Code Section 790.90 defines a Limited-Restaurant as a retail eating and/or drinking use which serves ready-to-eat foods and/or drinks to customers for consumption on or off the premises that may or may not have seating. It may include wholesaling, manufacturing, or processing of foods, goods, or commodities on the premises as an accessory use.

It includes, but is not limited to, specialty foods provided by bakeries, delicatessens, and confectioneries meeting the above characteristics, but it are distinct from a Restaurant, as defined in Section 790.91, and a Bar, as defined in Section 790.22. It may also operate as a Take-Out Food use as defined in Section 790.122.

In addition, it shall not provide on-site beer and/or wine sales for consumption on the premises, but may provide off-site beer and/or wine sales for consumption off the premises

with a California Alcoholic Beverage Control Board License type 20 (off-sale beer and wine) within the accessory use limits as set forth in the applicable Planning Codes.

The Project meets the definition of a Limited-Restaurant pursuant to Section 790.90 of the Planning Code.

7. **Planning Code Section 303** establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use approval. On balance, the Project does comply with said criteria in that:

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

The size of the proposed Limited-Restaurant is in keeping with other storefronts found on the subject block face. A Limited-Restaurant is desirable, because it is an establishment that is both neighborhood-serving and is well served by public transit. Furthermore, by occupying a vacant storefront the Project will create new service-sector employment opportunities for local residents, and contribute to the economic vitality of the neighborhood.

In addition, the eating and/or drinking uses located within the NCD zoned span of Taraval Street that runs between 19th Avenue and 36th Avenue are scattered throughout. As such this approval of this application will not result in a significant over-concentration of eating and drinking uses within the NCD zoned portion of Taraval Street.

- 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 limited size and shape of the proposed Limited - Restaurant is compatible with the pattern of development in the area, and the Project does not include any alterations that will alter the building's envelope.

- 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 Limited-Restaurant containing approximately 1,140 square-feet of gross floor area. The proposed use is designed to meet the needs of the surrounding neighborhood and is well served by public transit, minimizing the need for private automobiles.

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

The Project will not create substantial emissions and Conditions of Approval will require compliance with applicable City codes to control noise, dust and odor associated with a kitchen.

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

The Project does not require any additional landscaping or screening, and any proposed signage shall be subject to review by the Planning Department and required to meet all applicable provisions set forth in Article 6.

- D. 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.

- E. That the existing concentration of eating and drinking uses in the area should not exceed 25% of the total commercial frontage as measured in linear feet within the immediate area of the subject site. For the purposes of Section 303(p) of the Code, the immediate area shall be defined as all properties located within 300' of the subject property and also located within the same zoning district.

The existing total commercial frontage within 300 feet of the Subject Property is 889 linear feet, and the existing concentration of eating and drinking uses within 300 feet is 160 linear feet, or 18% - including the Subject Project. The Project would not increase the concentration of eating and drinking uses in the area and does not exceed the 25% threshold.

- 8. **General Plan Compliance.** The Project is, on balance, consistent with the following Objectives and Policies of the General Plan:

NEIGHBORHOOD COMMERCE

Objectives and Policies

OBJECTIVE 1:

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

Policy 1.1:

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

Policy 1.2:

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

Policy 1.3:

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

The Project has utilized an existing vacant commercial storefront to provide desirable goods and services to the neighborhood. It is independently owned and operated and will provide resident employment opportunities to those in the community. Furthermore, the Project Site is located within the Taraval Street NCD District and is thus consistent with the uses in this neighborhood and within 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 established a new Limited - Restaurant in the immediate neighborhood that could generate additional pedestrian activity to the area. This will contribute to the diverse economic base of the City.

OBJECTIVE 3:

PROVIDE EXPANDED EMPLOYMENT OPPORTUNITIES FOR CITY RESIDENTS, PARTICULARLY THE UNEMPLOYED AND ECONOMICALLY DISADVANTAGED.

Policy 3.1:

Promote the attraction, retention and expansion of commercial and industrial firms, which provide employment improvement opportunities for unskilled and semi-skilled workers.

The Project will create entry-level employment opportunities for local unskilled and semi-skilled workers.

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.

The Project will not displace an existing commercial tenant or prevent the district from achieving optimal diversity in the types of goods and services available in the neighborhood.

TRANSPORTATION ELEMENT

Objectives and Policies

OBJECTIVE 1:

MEET THE NEEDS OF ALL RESIDENTS AND VISITORS FOR SAFE, CONVENIENT AND INEXPENSIVE TRAVEL WITHIN SAN FRANCISCO AND BETWEEN THE CITY AND OTHER PARTS OF THE REGION WHILE MAINTAINING THE HIGH QUALITY LIVING ENVIRONMENT OF THE BAY AREA.

Policy 1.3:

Give priority to public transit and other alternatives to the private automobile as the means of meeting San Francisco's transportation needs, particularly those of commuters.

The Project is located in an area well served by public transit, minimizing the need for private automobiles. The availability of transit, combined with the small scale of the use, will mitigate impacts.

9. **Planning Code Section 101.1(b)** establishes eight priority-planning policies and requires review of permits for consistency with said policies. On balance, the Project does comply with said policies in that:

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

The Project enhances the neighborhood by having occupied a vacant commercial space with a locally-owned Limited Restaurant use that will provide new job opportunities for community residents.

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

The Project will occupy an existing space for a commercial use and will preserve the existing housing and neighborhood character.

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

No housing will be removed for this Project.

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

Traffic conditions will remain substantially unaltered by the Project because the use is a neighborhood-serving business that can easily be frequented by foot, bicycle or public transportation. Additionally, the Project is served by public transit with the Muni L-Taraval streetcar line, will not impede Muni transit and will not overburden the City's streets or neighborhood 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 achieves the greatest possible preparedness to protect against injury and loss of life in an earthquake.

The Project does not propose any structural changes. This proposal will not affect the property's ability to withstand an earthquake.

- G. That landmarks and historic buildings be preserved.

A landmark or historic building does not occupy the Project site.

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

The Project does not include any changes to the existing building envelope and will have no negative impact on existing parks and open spaces.

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

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Application No. 2013.1555C** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated October 13, 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.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on May 15, 2014.

Jonas Ionin
Acting Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: May 15, 2014

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to allow a Limited-Restaurant (d.b.a. Kingdom of Dumpling) located at 2048 Taraval Street, Block 2359, and Lot 014 pursuant to Planning Code Section(s) 303 and 781.1 within the Taraval Street Restaurant Subdistrict in the Taraval Street NCD (Neighborhood Commercial District) with a 50-X Height and Bulk District; in general conformance with plans, dated October 13, 2013, and stamped "EXHIBIT B" included in the docket for Case No. **2013.1555 C** and subject to conditions of approval reviewed and approved by the Commission on May 15, 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 May 15, 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 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

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 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

3. **Diligent Pursuit.** Once a site of 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 ground 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

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

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

DESIGN

6. **Signage.** Any signs on the property shall be made to comply with the requirements of Article 6 of the Planning Code.

MONITORING

7. **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
8. **Revocation due to Violation of Conditions.** Should implementation of this Project result in complaints from interested property owners, residents, or commercial lessees which are not resolved by the Project Sponsor and found to be in violation of the Planning Code and/or the specific conditions of approval for the Project as set forth in Exhibit A of this Motion, the Zoning Administrator shall refer such complaints to the Commission, after which it may hold a public hearing on the matter to consider revocation of this authorization.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

OPERATION

9. **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>
10. **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>
11. **Odor Control.** While it is inevitable that some low level of odor may be detectable to nearby residents and passersby, appropriate odor control equipment shall be installed to prevent any significant noxious or offensive odors from escaping the premises.
For information about compliance with odor or other chemical air pollutants standards, contact the Bay Area Air Quality Management District, (BAAQMD), 1-800-334-ODOR (6367), www.baaqmd.gov and Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

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

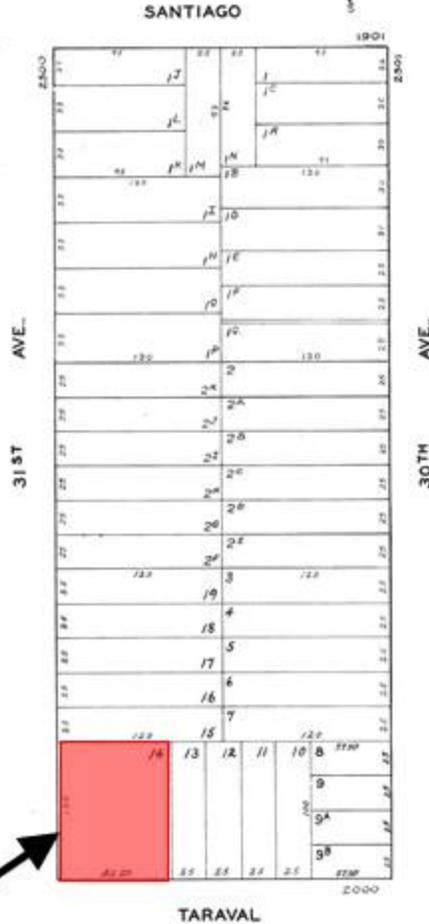
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

Parcel Map

© COPYRIGHT SAN FRANCISCO
CITY & COUNTY ASSESSOR 1985

2359
SUNSET BLK. 1132

LOTS MERGED
LOTS INTO LOT 19...
20 1 26

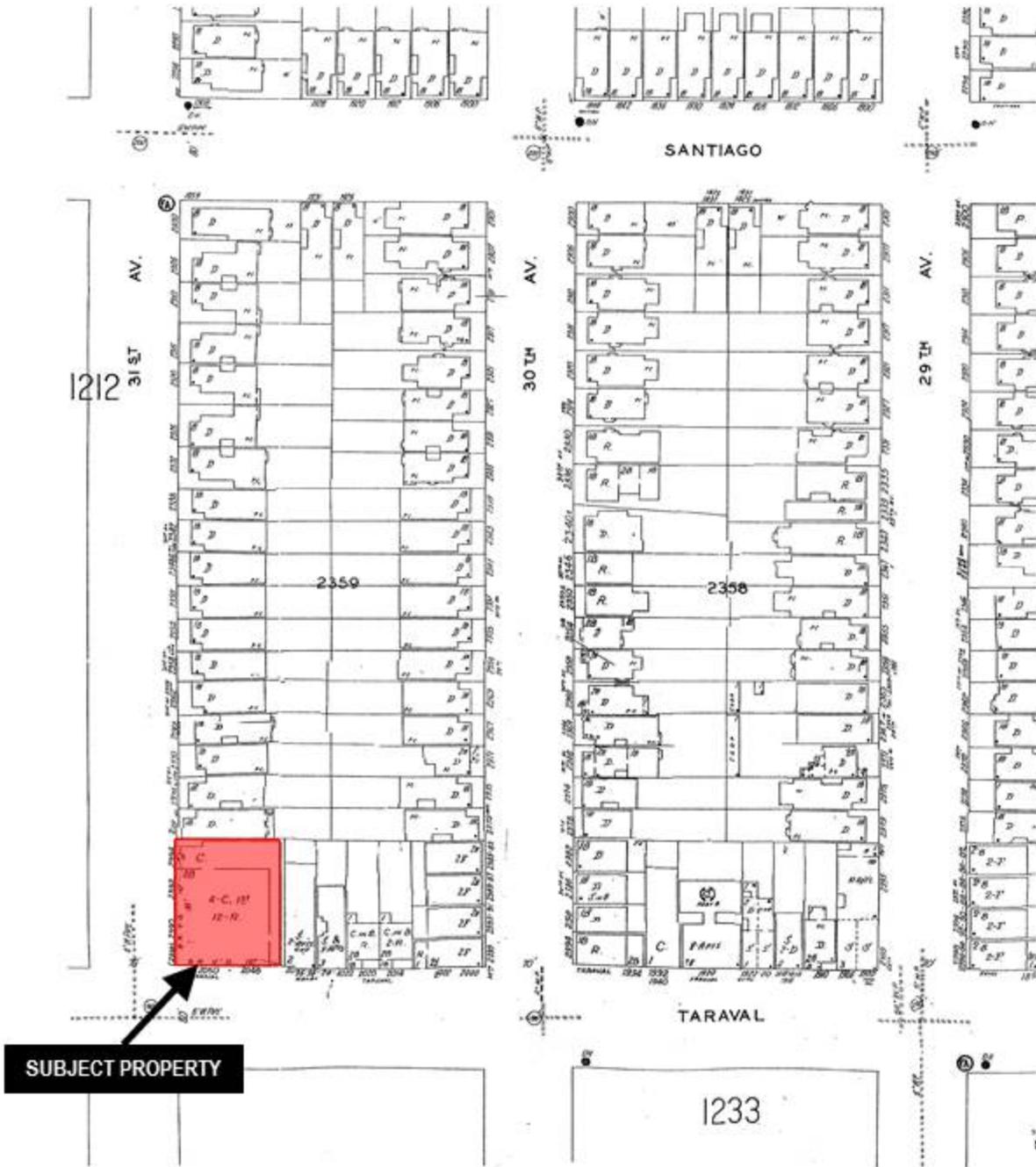


SUBJECT PROPERTY



Conditional Use Authorization Hearing
Case Number 2013.1555C
2048 Taraval Street

Sanborn Map*

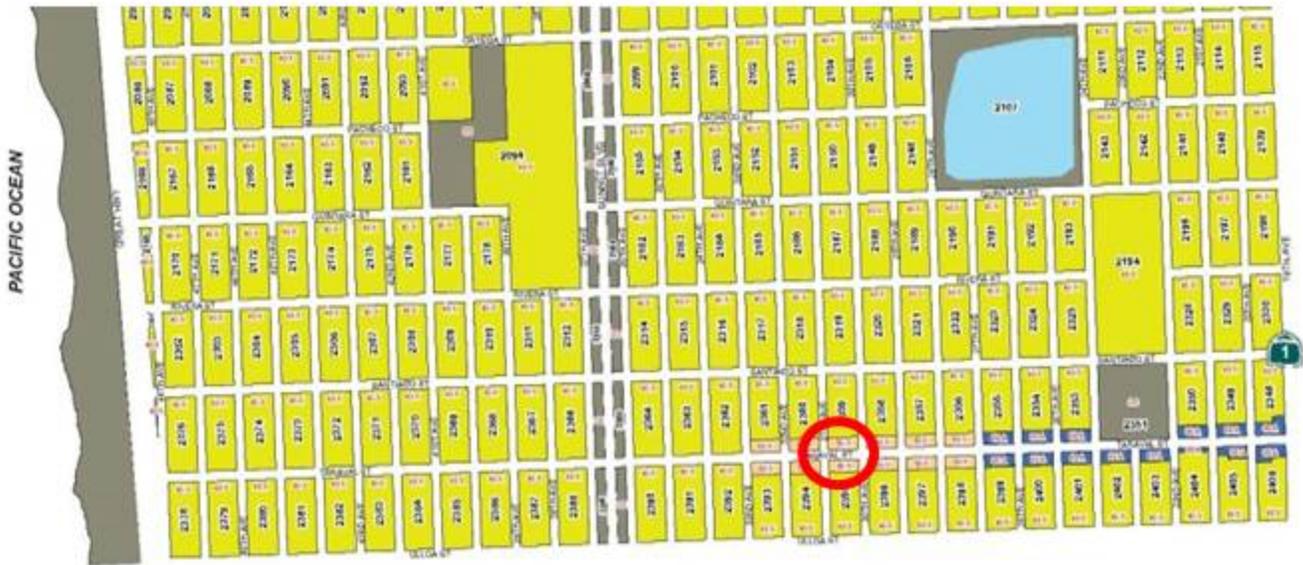


*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.

Conditional Use Authorization Hearing
 Case Number 2013.1555C
 2048 Taraval Street



Zoning Map



Taraval Street Restaurant SUD



Conditional Use Authorization Hearing
Case Number 2013.1555C
2048 Taraval Street

Aerial Photo



SUBJECT PROPERTY



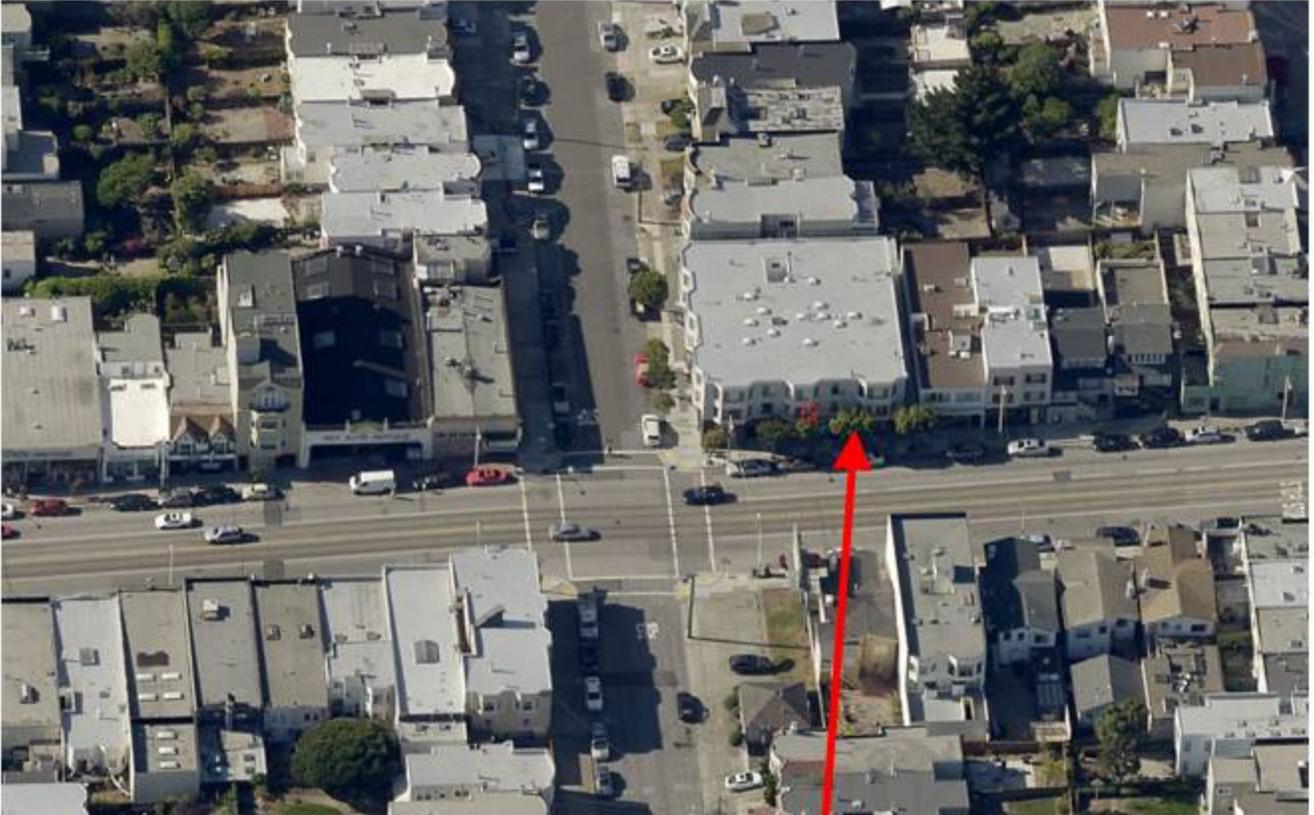
Conditional Use Authorization Hearing
Case Number 2013.1555C
2048 Taraval Street

Site Photo



Conditional Use Authorization Hearing
Case Number 2013.1555C
2048 Taraval Street

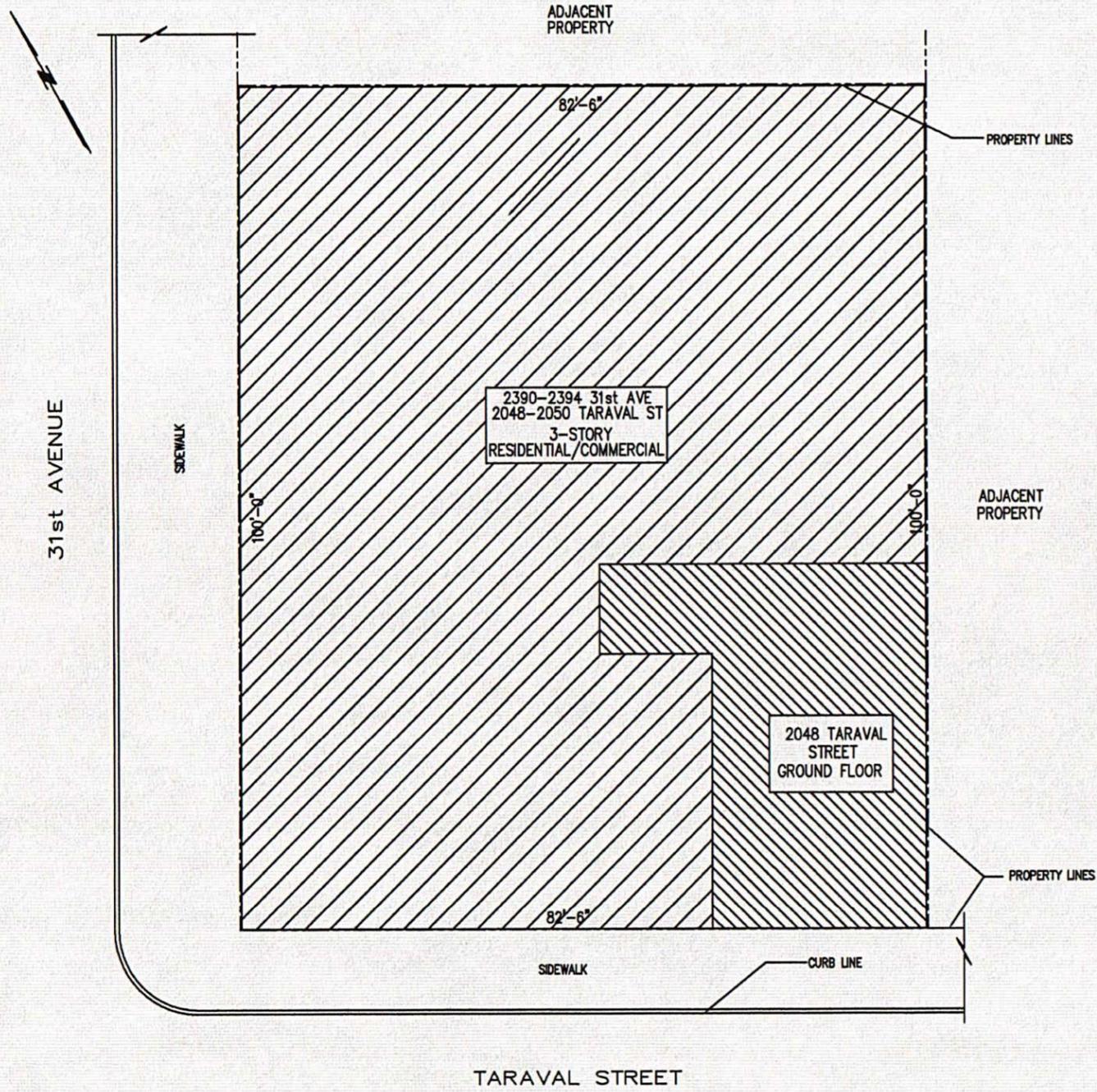
Context Photo



SUBJECT PROPERTY



Conditional Use Authorization Hearing
Case Number 2013.1555C
2048 Taraval Street



GENERAL NOTES:

THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS ON THE DRAWINGS PRIOR TO COMMENCING WORK. ANY CONFLICTS OR DISCREPANCIES SHALL BE BROUGHT TO THE ATTENTION OF THE OWNER AND BE RESOLVED BEFORE WORK PROCEEDS.

THE CONTRACTOR SHALL COORDINATE THE WORK OF ALL TRADES AND COORDINATE ALL REQUIRED PENETRATIONS AT FOUNDATION, FLOOR, WALL OR ROOF CONSTRUCTION.

THE CONTRACTOR IS RESPONSIBLE FOR PROVIDING ALL BRACING, SHORING AND TEMPORARY SUPPORTS AS REQUIRED TO RESIST CONSTRUCTION LOADS UNTIL COMPLETION OF THE VERTICAL AND LATERAL LOAD SYSTEMS.

CODE COMPLIANCE NOTE
 ALL DESIGN AND CONSTRUCTION WORK SHALL COMPLY WITH THE FOLLOWING:

- 2013 CALIFORNIA BUILDING CODE
- 2013 CALIFORNIA RESIDENTIAL CODE
- 2013 CALIFORNIA ELECTRICAL CODE
- 2013 CALIFORNIA MECHANICAL CODE
- 2013 CALIFORNIA FIRE CODE
- 2013 CALIFORNIA PLUMBING CODE
- 2010 CALIFORNIA ENERGY CODE
- 2013 CALIFORNIA GREEN BUILDINGS STANDARD CODE
- ALL OTHER STATE AND LOCAL LAWS, ORDINANCES AND REGULATIONS AND SFBC AMENDMENTS

PROPERTY DATA
 ZONING: TARAVAL STREET - NCD
 BUILDING TYPE: IV-B
 OCCUPANCY: R-2, B
 LOT SIZE: 82'-6" x 100'-0"
 LOT SQUARE FOOTAGE: 8,250 S.F.

DRAWING INDEX
 1 SITE PLAN, GENERAL NOTES
 2 FLOOR PLANS AND NOTES

SCOPE OF WORK
 CHANGE OF USE FROM COFFEE SHOP TO LIMITED RESTAURANT

SITE PLAN
 SCALE 1/8" = 1'-0"

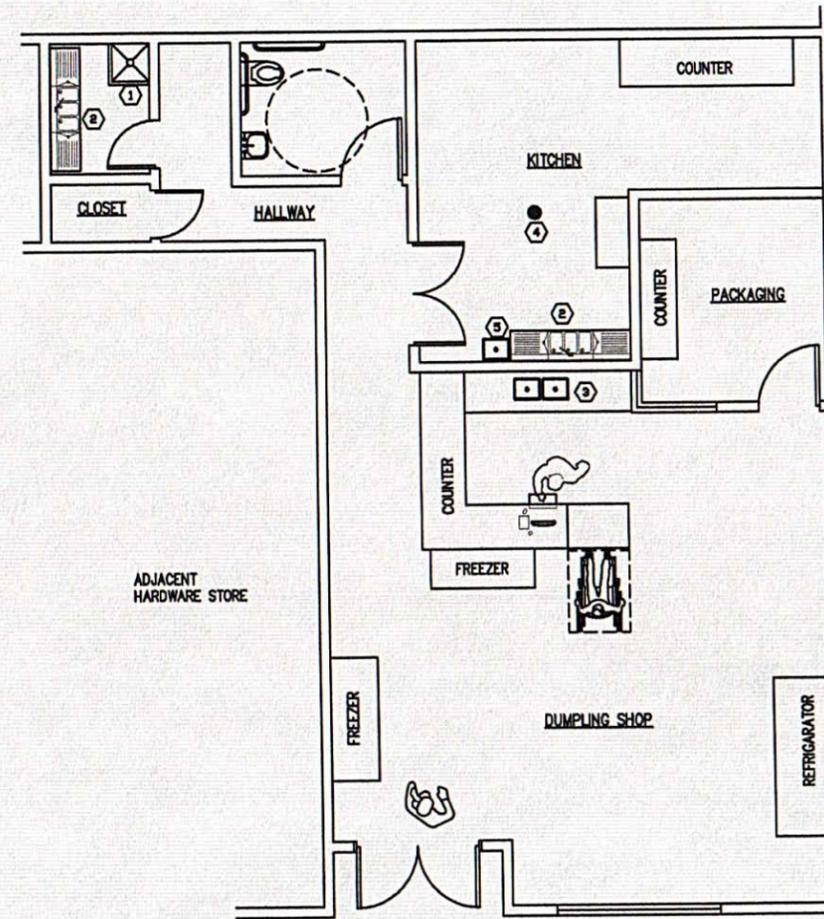
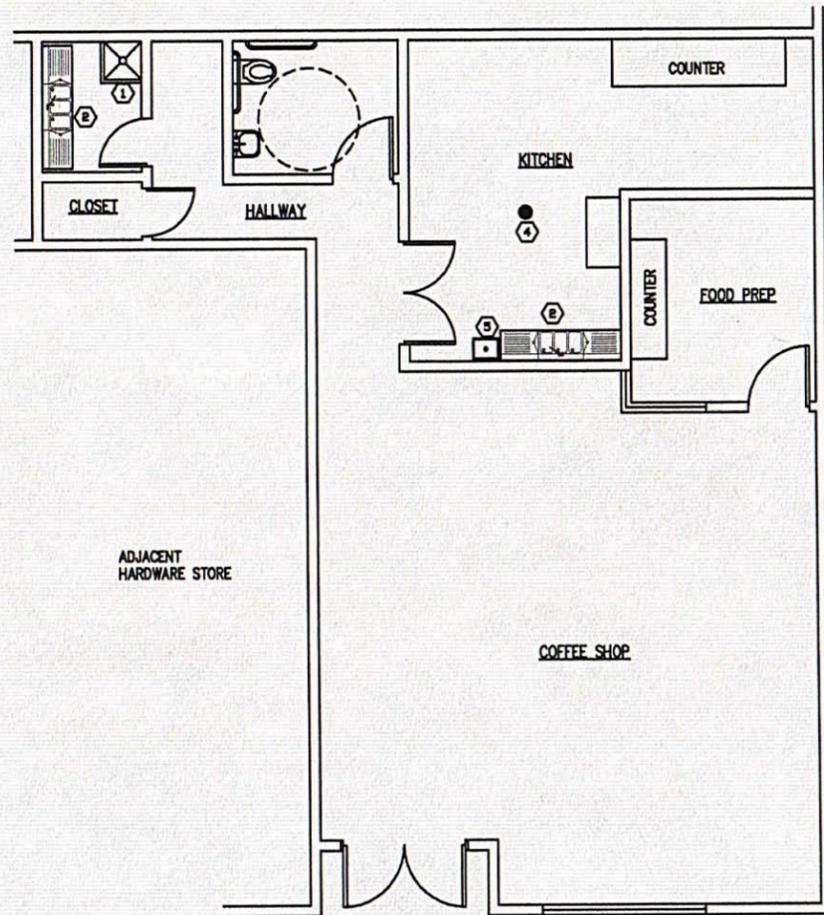
REVISION	BY

DESIGNER: JAVIER SOLORIZANO
 3288 21st STREET #49
 SAN FRANCISCO, CALIFORNIA 94110
 (415) 724-5240

SITE PLAN
 GENERAL NOTES

KINGDOM OF DUMPLINGS
 2048 TARAVAL STREET
 SAN FRANCISCO, CALIFORNIA
 ASSESSOR'S BLOCK 2359, LOT 14

Date	10/13/13
Scale	AS NOTED
Drawn	VFS
Job	
Sheet	1
Of 2	Sheets

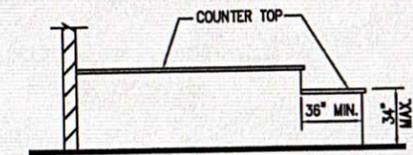


HEALTH DEPT. NOTES

1. CONCRETE FLOOR WITH SEALER, PROVIDE 4" HIGH CERAMIC BASE BOARD WITH 3/8" MIN. RADIUS COVING AT THE JUNCTION OF THE FLOOR AND WALL.
2. WALLS AND CEILING OF KITCHEN SHALL BE PAINTED WHITE AND SHALL HAVE A SURFACE THAT IS DURABLE NON-ABSORBENT AND SMOOTH.

INSTALLATION LEGEND

- ① EXISTING MOP SINK
- ② EXISTING 3 COMPARTMENT SINK WITH DRAIN BOARDS ON EACH SIDE (12" MIN. EACH)
- ③ INSTALL HAND WASH SINK
- ④ EXISTING 4" FLOOR DRAIN
- ⑤ EXISTING FOOD PREP SINK



WALL LEGEND

- TO BE DEMOLISHED
- EXISTING WALL TO REMAIN
- ▨ NEW NON-BEARING WALL (2x4 STUDS @ 16" O.C.)

REVISION	BY

DESIGNER: JAVIER SOLORZANO
3288 21st STREET #49
SAN FRANCISCO, CALIFORNIA 94110
(415) 724-5240

FLOOR PLANS
HEALTH NOTES
DETAILS

KINGDOM OF DUMPLINGS
2048 TARAVAL STREET
SAN FRANCISCO, CALIFORNIA
ASSESSOR'S BLOCK 2359, LOT 14

Date	10/13/13
Scale	AS NOTED
Drawn	VFS
Job	
Sheet	2
Of 2	