



# SAN FRANCISCO PLANNING DEPARTMENT

## Executive Summary Conditional Use

HEARING DATE: APRIL 24, 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:* April 17, 2014  
*Case No.:* **2013.1693C**  
*Project Address:* **1701 OCTAVIA STREET**  
*Zoning:* RH-2 (Residential, House, Two-Family) District  
40-X Height and Bulk District  
*Block/Lot:* 0663/005  
*Project Sponsor:* Ahmad Mahazab  
Tecta Associates  
2747 19<sup>th</sup> Street  
San Francisco, CA 94110  
*Staff Contact:* Christine Lamorena – (415) 575-9085  
[christine.lamorena@sfgov.org](mailto:christine.lamorena@sfgov.org)  
*Recommendation:* **Approval with Conditions**

### PROJECT DESCRIPTION

The project sponsor proposes to amend prior Conditions of Approval (Condition #7) of Motion No. 14889 to eliminate valet parking service on Sunday through Thursday evenings at the existing restaurant (d.b.a. Baker and Banker). Valet parking service would continue to be provided on Friday and Saturday evenings. No changes to the building are proposed. Condition #7 states that valet parking service shall be provided during evening hours and shall be operated in a way that does not infringe upon adjacent properties or cause traffic congestion near the site.

### SITE DESCRIPTION AND PRESENT USE

The project is located at the northwest corner of Octavia and Bush Streets, Block 0663, Lot 005. The property is located within a RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District. The property contains two buildings, each with two stories, which are connected by a one-story structure that is part of the existing restaurant at the ground floor. The two-story building on the west side of the property, with frontage on Bush Street, contains two dwelling units. A third residential unit is located on the second story of the corner building on the east side of the property above the existing restaurant. The one-story structure that exists between the two, two-story buildings houses the restaurant's kitchen. The restaurant use (presently d.b.a. Baker and Banker) at the ground floor has existed for over 30 years and is considered to be a Limited Commercial Nonconforming Use in this residential zoning district.

## **SURROUNDING PROPERTIES AND NEIGHBORHOOD**

The immediate neighborhood contains a varied mix of uses and architectural styles including smaller-scaled residential buildings (ranging from 1-5 units), large apartment buildings (18-54 units), office uses and educational and religious facilities. Adjacent and directly north of the subject lot on Octavia Street exists a two-story-over-garage, single-family residence. Further north on Octavia Street and on the same block face as the subject building is a four-story, 12-unit apartment building and Stuart Hall High School at the corner of Octavia and Pine Streets. Adjacent and directly west of the subject lot on Bush Street is a tall two-story-over-basement, two-unit building. Further west along Bush Street, the block face is defined by a series of three-story row houses that step down with the slope of the street and contain multiple units (varying from 2 to 14 units). Directly across Bush Street from the subject lot is a professional office building on the southwest corner of Octavia and Bush Streets. On the northeast corner and southeast corner of the intersection, there are large apartment buildings, respectively containing a 7-story, 35-unit building and a 4-story, 54-unit building.

## **ENVIRONMENTAL REVIEW**

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

## **HEARING NOTIFICATION**

<b>TYPE</b>	<b>REQUIRED PERIOD</b>	<b>REQUIRED NOTICE DATE</b>	<b>ACTUAL NOTICE DATE</b>	<b>ACTUAL PERIOD</b>
Classified News Ad	20 days	April 4, 2014	April 4, 2014	20 days
Posted Notice	20 days	April 4, 2014	April 4, 2014	20 days
Mailed Notice	20 days	April 4, 2014	April 4, 2014	20 days

## **PUBLIC COMMENT**

- To date, the Department has received one email in support of the project.

## **ISSUES AND OTHER CONSIDERATIONS**

- The existing use is independent and locally owned, which is encouraged throughout San Francisco. The existing use is not Formula Retail and currently serves the immediate neighborhood.
- Condition #7 of Motion No. 14889 requires that valet parking service be required during the restaurant's evening hours, but the service is underutilized on Sundays through Thursdays due to a lack of weeknight patrons.
- There is no known opposition to the project.

## **REQUIRED COMMISSION ACTION**

In order for the project to proceed, the Commission must grant Conditional Use Authorization to amend the Conditions of Approval (Condition #7) of Motion No. 14889 to eliminate valet parking service on Sunday through Thursday evenings.

## **BASIS FOR RECOMMENDATION**

- The existing restaurant is largely a neighborhood-serving use which many customers access by walking or taking public transit.
- The project promotes the continued operation of an established, independent and locally-owned business.
- The project would not adversely affect public transit or the existing supply of parking in the neighborhood.
- The project meets all applicable requirements of the Planning Code.
- The project is desirable for, and compatible with the surrounding neighborhood.

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

Parcel Map  
Sanborn Map  
Zoning Map  
Aerial Photograph  
Site Photographs  
Public Correspondence – Email, dated April 7, 2014  
Previous Approved Motion Nos. 8992, 11669, 14011, 14889 and 18040  
Reduced Floor Plan

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 checked="" type="checkbox"/> Height & Bulk Map   | <input type="checkbox"/> Check for legibility  |
| <input checked="" type="checkbox"/> Parcel Map          | 3-D Renderings (new construction or significant addition)                                  |
| <input checked="" type="checkbox"/> Sanborn Map         | <input type="checkbox"/> Check for legibility  |
| <input checked="" type="checkbox"/> Aerial Photo        | <input type="checkbox"/> Wireless Telecommunications Materials                             |
| <input type="checkbox"/> Context Photos                 | <input type="checkbox"/> Health Dept. review of RF levels                                  |
| <input checked="" type="checkbox"/> Site Photos         | <input type="checkbox"/> RF Report   |
|   | <input type="checkbox"/> Community Meeting Notice  |
|   | <input type="checkbox"/> Housing Documents   |
|   | <input type="checkbox"/> Inclusionary Affordable Housing Program: Affidavit for Compliance |
|   | <input type="checkbox"/> Residential Pipeline  |

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

CL\_\_\_\_\_

Planner's Initials

CL: G:\DOCUMENTS\2013\CUs\2013.1693\1701 Octavia St - Executive Summary.doc



# SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

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

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## Planning Commission Draft Motion

HEARING DATE: APRIL 24, 2014

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*Case No.:* **2013.1693C**  
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**ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTION 303(E) OF THE PLANNING CODE TO AMEND PRIOR CONDITIONS OF APPROVAL (CONDITION #7) OF MOTION NO. 14889 TO ELIMINATE VALET PARKING SERVICE ON SUNDAY THROUGH THURSDAY EVENINGS AT THE EXISTING RESTAURANT (D.B.A. BAKER AND BANKER) WITHIN THE RH-2 (RESIDENTIAL, HOUSE, TWO-FAMILY) DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT.**

### PREAMBLE

On November 19, 2013, Ahmad Mohazab of Tecta Associates (hereinafter "Project Sponsor") filed an application with the Planning Department (hereinafter "Department") for Conditional Use Authorization under Planning Code Section 303(e) to amend prior Conditions of Approval (Condition #7) of Motion No. 14889 to eliminate valet parking service on Sunday through Thursday evenings at the existing restaurant (d.b.a. Baker and Banker) within the RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.

On April 24, 2014, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2013.1693C.

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. 2013.1693C, 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 Bush Street at the northwest corner of Octavia and Bush Streets, Block 0663, Lot 005. The property is located within a RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District. The property contains two buildings, each with two stories, which are connected by a one-story structure that is part of the existing restaurant at the ground floor. The two-story building on the west side of the property, with frontage on Bush Street, contains two dwelling units. A third residential unit is located on the second story of the corner building on the east side of the property above the existing restaurant. The one-story structure that exists between the two, two-story buildings houses the restaurant's kitchen. The restaurant use (presently d.b.a. Baker and Banker) at the ground floor has existed for over 30 years.
3. **Surrounding Properties and Neighborhood.** The project is located at the northwest corner of Octavia and Bush Streets, Block 0663, Lot 005. The property is located within a RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District. The property contains two buildings, each with two stories, which are connected by a one-story structure that is part of the existing restaurant at the ground floor. The two-story building on the west side of the property, with frontage on Bush Street, contains two dwelling units. A third residential unit is located on the second story of the corner building on the east side of the property above the existing restaurant. The one-story structure that exists between the two, two-story buildings houses the restaurant's kitchen. The restaurant use (presently d.b.a. Baker and Banker) at the ground floor has existed for over 30 years and is considered to be a Limited Commercial Nonconforming Use in this residential zoning district.
4. **Project Description.** The project sponsor proposes to amend prior Conditions of Approval (Condition #7) of Motion No. 14889 to eliminate valet parking service on Sunday through Thursday evenings at the existing restaurant (d.b.a. Baker and Banker). Valet parking service would continue to be provided on Friday and Saturday evenings. No changes to the building are

proposed. Condition #7 states that valet parking service shall be provided during evening hours and shall be operated in a way that does not infringe upon adjacent properties or cause traffic congestion near the site.

5. **Public Comment.** The Department received one email 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. **Limited Commercial Use.** Planning Code Section 186 allows for the continuance in R Districts of nonconforming uses of a limited commercial character that are more than a quarter-mile from the nearest Individual Area Neighborhood Commercial District and that complies with the use limitations specified for the first story and below of an NC-1 District.

*The existing restaurant use is to remain as a Limited Commercial Use as authorized under previous approvals from the Planning Commission (Motion Nos. 8992, 11669, 14011 and 14889). The current authorization for the restaurant, per Motion 14889, limits the seating capacity to 40 persons with hours open to the public as follows: Monday through Thursday from 5:30 p.m. to 10:30 pm, Friday from 5:30 p.m. to 11:00 p.m. and Saturday and Sunday from 9:00 a.m. to 4:00 p.m. and from 5:30 p.m. to 11:00 p.m.*

- B. **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 occupied floor area of the existing restaurant is less than 5,000 sf and does not require any off-street parking although a parking lot across Bush Street at 1801 Bush Street is available for patron use.*

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 proposal does not affect the existing restaurant's size or intensity, which is compatible with the neighborhood, consisting of a maximum 40-person seating capacity. The existing restaurant caters primarily to neighborhood clientele.*

- 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 size and shape of the existing buildings would remain unchanged by the project.*

- 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 project would not adversely affect existing traffic and parking due to the fact that patrons are primarily local residents and arrive on foot or if arriving via automobile may park at a parking lot across Bush Street available for patron use. The valet service is currently underutilized during the week due to a lack of weeknight patrons.*

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

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

- iv. 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 tenant improvements.*

- 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.*

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 2:**

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

#### **Policy 2.1:**

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

*The project would allow for the continued operation of an established restaurant, an existing neighborhood-serving use.*

**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.

*While the subject property is not located in a neighborhood commercial district, the project retains a restaurant, which is a neighborhood-serving use.*

**Policy 6.2:**

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

*The existing restaurant is independently and locally owned.*

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

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

*The proposal would enhance the neighborhood by retaining a restaurant in an area that is not over concentrated by restaurants. The business is locally owned.*

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

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

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

*The project would not displace any affordable housing.*

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

*The project would not significantly increase traffic congestion or the availability of parking in the neighborhood. A parking lot across the street at 1801 Bush Street is provided for patron use.*

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

*The project would not displace or affect any service or industry establishment. Ownership of industrial or service sector businesses would not be affected by this project.*

- F. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake.

*The project does not affect the structural and seismic safety requirements of the City Building Code.*

- G. That landmarks and historic buildings be preserved.

*There are no proposed modifications to the subject building, which is a historic resource.*

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

*The project would not affect any city-owned parks or open space.*

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

## DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Application No. 2013.1693C** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated April 18, 2007, 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 April 24, 2014.

Jonas P. Ionin  
Acting Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: April 24, 2014

## EXHIBIT A

### AUTHORIZATION

This authorization is for a conditional use to amend prior Conditions of Approval (Condition #7) of Motion No. 14889 to eliminate valet parking service on Sunday through Thursday evenings at the existing restaurant (d.b.a. Baker and Banker) located at 1701 Octavia Street, Block 0663 and Lot 005, pursuant to Planning Code Section 303(e) within the RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District; in general conformance with plans, dated April 10, 2014, and stamped "EXHIBIT B" included in the docket for Case No. 2013.1693C and subject to conditions of approval reviewed and approved by the Commission on April 24, 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. In addition, all prior Conditions of Approval continue to be in effect.

### 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 April 24, 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.** 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)*

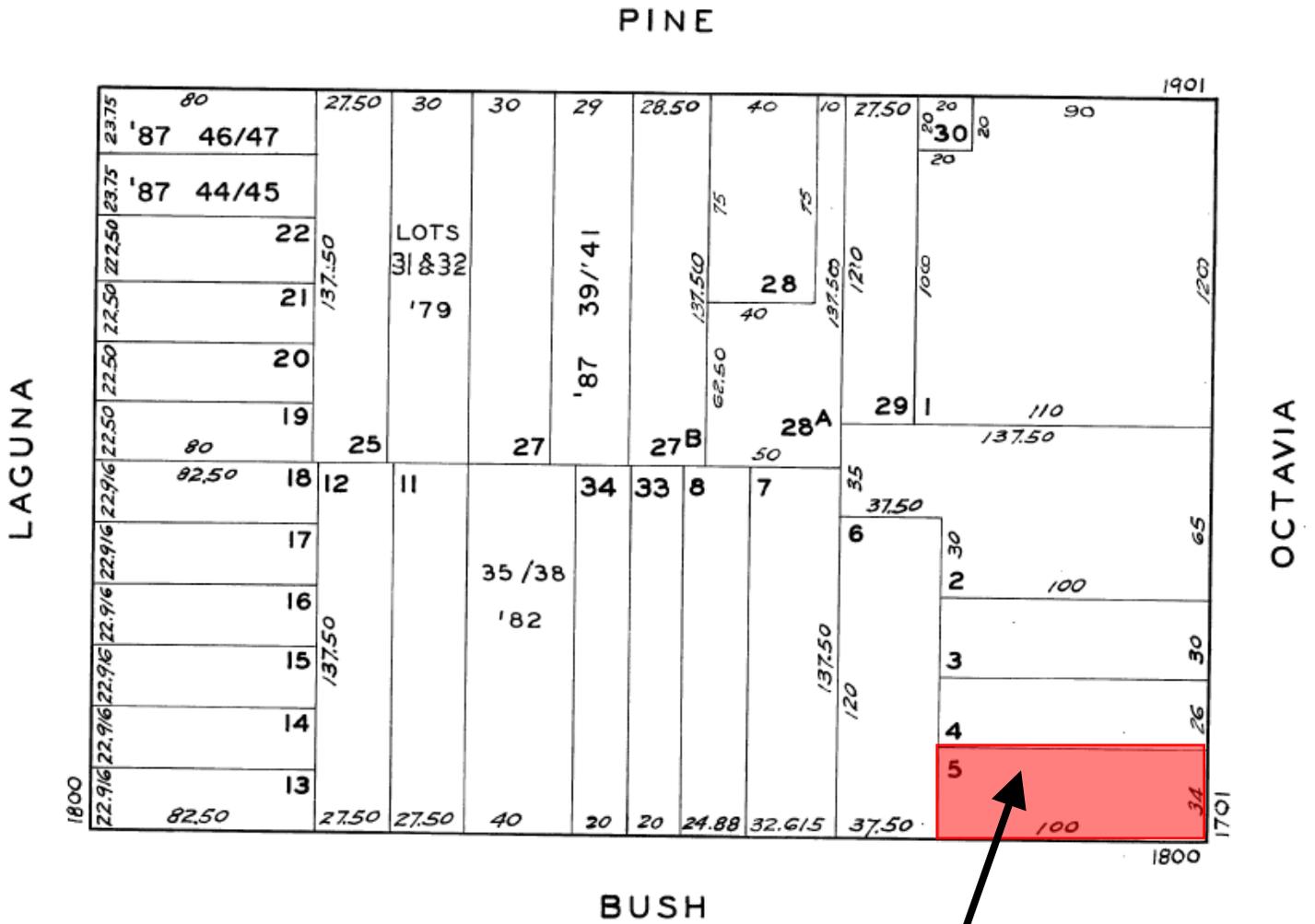
## MONITORING

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. **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

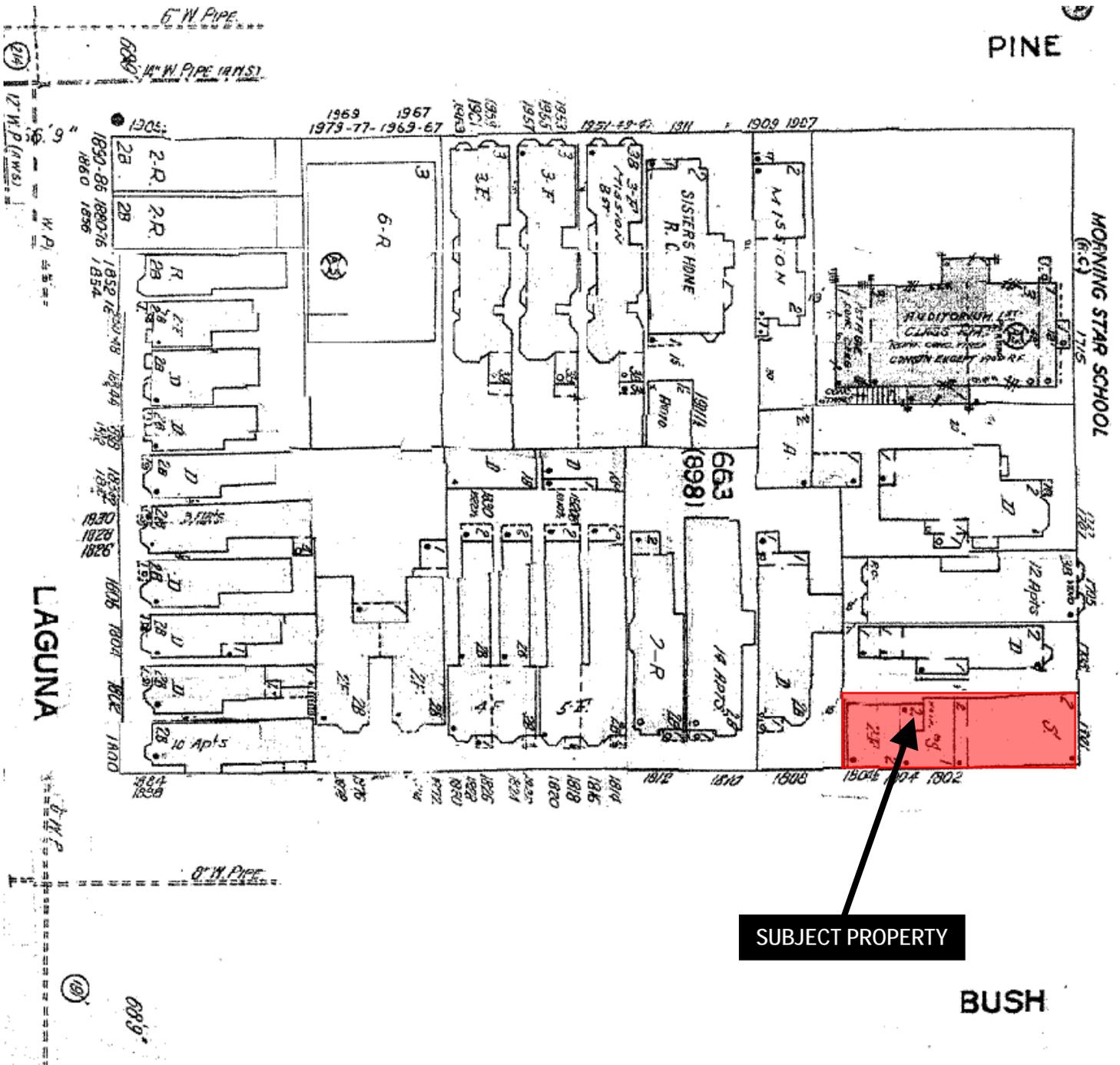


**SUBJECT PROPERTY**



Conditional Use Hearing  
 Case Number 2013.1693C  
 1701 Octavia Street  
 Block 0663 / Lot 005

# Sanborn Map\*

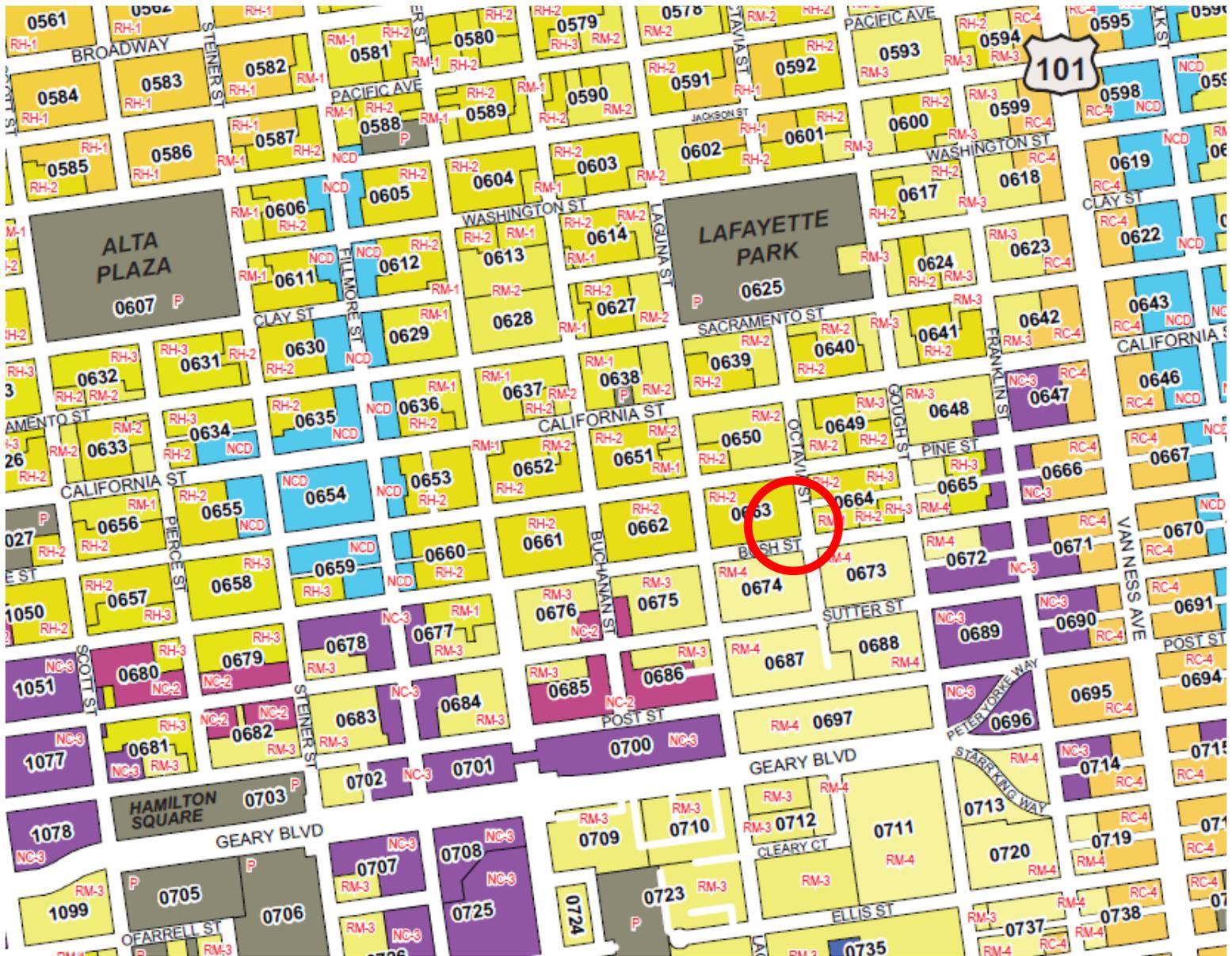


\*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.



Conditional Use Hearing  
 Case Number 2013.1693C  
 1701 Octavia Street  
 Block 0663 / Lot 005

# Zoning Map



Conditional Use Hearing  
Case Number 2013.1693C  
1701 Octavia Street  
Block 0663 / Lot 005



# Aerial Photo



**SUBJECT PROPERTY**



Conditional Use Hearing  
Case Number 2013.1693C  
1701 Octavia Street  
Block 0663 / Lot 005

# Site Photo



Conditional Use Hearing  
Case Number 2013.1693C  
1701 Octavia Street  
Block 0663 / Lot 005

## Lamorena, Christine (CPC)

---

**From:** Ahmad Mohazab (Tecta Associates) <Ahmad@tecta.com>  
**Sent:** Tuesday, April 08, 2014 5:59 PM  
**To:** Lamorena, Christine (CPC)  
**Subject:** FW: Baker and Banker LETTER OF SUPPORT

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**From:** Mark Gaydos <[mgaydos@gmail.com](mailto:mgaydos@gmail.com)>  
**Date:** Monday, April 7, 2014 at 12:25 PM  
**To:** Ahmad Mohazab <[Ahmad@tecta.com](mailto:Ahmad@tecta.com)>  
**Subject:** Baker and Banker Proposal

AHMad

I saw the notice posted in the window of Baker and Banker which listed you as contact for a valet parking proposal the restaurant has going before the city.

I have resided at 1876 Laguna St for a decade and am a neighbor of Baker and Banker at 1701 Octavia Street. I am aware of their application and desire to cut the amount of valet parking they provide to only Friday and Saturday. I am not aware of any traffic or parking problems that are associated with this restaurant.

I think Jeff and Lori are a wonderful couple and Baker and Banker is my favorite restaurant in the city. I not only believe it is a super restaurant but is exactly the type of establishment we want in our neighborhood. I welcome their presence in Lower Pac Heights and whole heartedly support their application. It is a very small restaurant so I highly doubt changing valet during the week will cause any effect whatsoever in traffic or parking in the neighborhood.

Thanks  
Mark Gaydos  
owner - 1876 Laguna St

SAN FRANCISCO  
CITY PLANNING COMMISSION  
RESOLUTION NO. 8992

WHEREAS, The City Planning Commission on June 11, 1981 considered Application No. CU80.146 for a Conditional Use in an RP-2 district under Section 303 of the City Planning Code to permit the removal of the May 2, 1980 termination date for a non-conforming Restaurant, open after 10:00 P.M. on the property described as follows:

1701 Octavia Street, northwest corner Bush Street,  
Lot 5 in Assessor's Block 663;

and

WHEREAS, The Zoning Administrator on April 8, 1981 held a public hearing on this matter, after delegation by the Planning Commission pursuant to Section 303(g) of the Planning Code, which hearing was then closed, with the matter continued to this meeting of the Commission; and

WHEREAS, The applicant is seeking to continue the hours of operation that the existing restaurant has conducted for a number of years; and

WHEREAS, In addition to requiring continuance of the hours of operation after 10:00 P.M., the applicant stated in the hearing before the Zoning Administrator that the restaurant intended to expand the restaurant into adjacent non-conforming commercial space that is currently vacant in the subject building, thereby adding related functions such as a bar and for increasing the seating capacity, which expansion would be permitted under applicable provisions of the City Planning Code; and

WHEREAS, The Zoning Administrator has submitted to the Commission a record of the hearing, together with a report of findings and recommendations relative thereto, for the consideration of the Commission in reaching its decision on the case; and

WHEREAS, Substantial testimony was received from residents of the neighborhood and elsewhere in support of the proposed continuation of the restaurant operation after 10:00 P.M. Testimony from residents in the immediate vicinity indicates that the existing use is neither necessary nor desirable for the neighborhood, and that the proposed conditional use would be detrimental to nearby residential properties, particularly if expanded; and

WHEREAS, Since the April 8, 1981 hearing the applicant has indicated that he no longer is seeking the ability to expand the restaurant capacity and functions, but only requests continuation of the restaurant operation as it presently exists;

THEREFORE BE IT RESOLVED, That the City Planning Commission finds that the criteria set forth in Section 303(c) of the City Planning Code are met and said Conditional Use is hereby AUTHORIZED in accordance with standards specified in the City Planning Code and subject to further conditions as follows:

1. Said authorization of hours of operation after 10:00 P.M. shall be for Robert Restaurant Français, Inc. only.
2. The applicant shall not increase seating capacity beyond the presently authorized 50 to 55 seats, and the applicant shall use the former store area at 1802 Bush for storage only.
3. The applicant shall not admit customers after 11:00 P.M. and shall close the restaurant not later than 12:30 A.M.
4. The applicant shall discontinue the use of the garage under 1804-6 Bush Street for storage within 120 days and said garage be used for residential parking only.
5. The applicant shall remove the illegal lettering from the canopy on Octavia Street within 120 days.
6. The property owner shall discontinue the illegal office use at 1801A Octavia Street and restore said premises to dwelling purposes within 120 days.
7. A copy of this resolution shall be recorded on land records in the Recorder's Office of the City and County of San Francisco.

I hereby certify that the foregoing Resolution was ADOPTED by the City Planning Commission at its regular meeting of June 11, 1981.

Lee Woods, Jr.  
Secretary

AYES: Commissioners Bierman, Karasick, Kelleher, Klein, Rosenblatt, Salazar.

NOES: None.

ABSENT: Commissioner Nakashima.

PASSED: June 11, 1981.

File No. 89.090C  
1701 Octavia Street

SAN FRANCISCO  
CITY PLANNING COMMISSION  
MOTION NO. 11669

ADOPTING FINDINGS RELATING TO THE APPROVAL OF A CONDITIONAL USE AUTHORIZING MODIFICATION OF CONDITIONS OF CITY PLANNING COMMISSION RESOLUTION NO. 8992 FOR AN EXISTING RESTAURANT WITHIN AN RH-2 (TWO-FAMILY HOUSE) DISTRICT.

Preamble

On February 16, 1989, Constance Johnson/La Fiammetta Restaurant, (hereinafter "Applicant") made application (hereinafter "Application") for Conditional Use on the property at 1701 Octavia Street; Lot 5 in Assessor's Block 663, (hereinafter "Subject Property") to modify conditions of City Planning Commission Resolution No. 8992 by extending closing time from 10:00 p.m. to 12:30 pm, and transferring ownership of the existing establishment to a new operator in conformity with the Application (hereinafter "Project") within an RH-2 (Two-Family House) District. Resolution No. 8992 authorized (in 1981) the establishment or recognition of the original restaurant operated by Robert Francais Restaurant, Inc. and set forth conditions as described previously.

On May 25, 1989, the San Francisco City Planning Commission (hereinafter "Commission") conducted duly noticed public hearings at a regularly scheduled meeting on Conditional Use Application No. 89.090C.

The proposed Conditional Use application was determined by the San Francisco Department of City Planning (hereinafter "Department") to be categorically exempt from the environmental review process pursuant to Title 14 of the California Administrative Code. The Commission has reviewed and concurs with said determination.

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.

Findings

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

1. RH-2 district are devoted to one-family and two-family houses, with the latter commonly consisting of two large flats, one occupied by the owner and the other available for rental. Structures are finely scaled and usually do not exceed 25 feet in width or 40 feet in height. Building styles are often more varied than in single-family areas, but certain streets and tracts are quite uniform. Considerable ground-level open space is available, and it frequently is private for each unit. The districts may have easy access to shopping facilities and transit lines. In some cases, group housing and institutions are found in these areas, although nonresidential uses tend to be quite limited.

2. The nonconforming use provisions of the City Planning Code, which became effective on May 2, 1960, gave nonconforming uses a 20-year amortization period during which time they were to discontinue operation. Code Section 185(e) qualifies any nonconforming use, such as in this case, for consideration of an extension as a Conditional Use. In April of 1981, the City Planning Commission permanently removed the termination date of this nonconforming restaurant, and limited the closing time after 10:00 p.m. for Robert Francais Restaurant, Inc. only. A new operator would either have to close at 10:00 p.m. or request modification. The current operator wishes to close at 11:00 p.m. which requires Conditional Use Authorization.
3. The Residence Element of the Comprehensive Plan seeks to provide pleasant residential environments that meet the needs of residents and calls for supporting housing with adequate public environments, services and amenities. The Element would allow small-scale non-residential activities in residential areas where they contribute to neighborhood livability.
4. Under the provisions of Code Section 303, the Commission may authorize a conditional use after finding that the proposed use will provide a development that is necessary or desirable for and compatible with the neighborhood or the community, that such use will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity, or injurious to property, improvements or potential development in the vicinity and that such use will not adversely affect the Master Plan. The proposed project does comply with the criteria of Section 303 of the Code in that:
  - a. The subject property has been used for a restaurant for some eleven (11) years. During this period the neighborhood has become accustomed to the services. Approval of the subject request will insure that a desirable service will be retained.
  - b. The proposed owner has demonstrated that the new restaurant will be operated in the same manner as the previous restaurant. In fact there will be fewer seats than previously authorized. Therefore, the new restaurant will not be anymore detrimental to the health, safety or convenience of the immediate neighborhood than the former restaurant.
  - c. Approval of the transfer of ownership and extension of operating hours is consistent with Objective #6, Policy #2 of the Residence Element of the Master Plan.
5. Section 101.1 establishes eight priority planning policies and requires review of permits for consistency with said policies. The project complies with said policies in that:
  - a. Approval of the subject request will result in retention of an existing neighborhood service and the jobs provided therein.

- b. No exterior modifications, other than new paint and window signs, are proposed. Therefore, neighborhood character is unaffected.
  - c. The ground floor of the subject property has never been used as housing. If the ground floor were converted to housing, neither off-street parking nor open space would be provided.
  - d. The new establishment with fewer seats will place no greater burden on parking or transit services than the previous restaurant.
6. The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101 in that, as designed, the project would contribute to the character and stability of the neighborhood and would constitute a beneficial development.
  7. 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. 89.090C subject to the following conditions attached hereto as EXHIBIT A which is incorporated herein by reference as though fully set forth.

I hereby certify that the foregoing Motion was ADOPTED by the City Planning Commission at its regular meeting of May 25, 1989.

Lori Yamauchi  
Secretary

AYES: Commissioners Bierman, Boldridge, Dick, Engmann, Hu, Karasick  
and Morales

NOES: None

ABSENT: None

ADOPTED: May 25, 1989

CITY PLANNING COMMISSION

File No. 89.090C  
1701 Octavia Street  
Motion No. 11669

EXHIBIT A

-CONDITIONS OF APPROVAL

1. This authorization is for transfer of ownership of an existing full service restaurant to Constance Johnson/La Fiammetta only. Transfer of ownership or establishment of a new restaurant shall be done only with Conditional Use authorization of the Planning Commission.
2. The subject restaurant shall close at 10:30 p.m., Monday thru Thursday, and at 11:00 p.m., Friday thru Sunday.
3. Seating capacity for the subject restaurant shall be limited to up to 40 persons.
4. All signage, awnings/or canopies shall comply with relevant provisions of the Planning Code.
5. The applicant shall be responsible for cleaning the sidewalk along Octavia and Bush Street frontages, each day in accordance with Article 1, Section 34 of the San Francisco Police Code.
6. Noise, odors, and garbage shall be contained within the premises so as not be a nuisance to nearby residents and neighbors.
7. The applicant shall transmit a copy of these conditions to the County of Recorder to be recorded as a part of the property record.

SAN FRANCISCO  
CITY PLANNING COMMISSION  
MOTION NO.14011

**ADOPTING FINDINGS RELATING TO THE APPROVAL OF A CONDITIONAL USE AUTHORIZING MODIFICATION OF CONDITIONS OF CITY PLANNING COMMISSION RESOLUTION NO. 8992 FOR AN EXISTING RESTAURANT WITHIN AN RH-2 (TWO-FAMILY HOUSE) DISTRICT.**

Preamble

On September 13, 1995, Joanna Karlinsky/The Uptown Food Company, Inc. (hereinafter "Applicant") made application (hereinafter "Application") for Conditional Use on the property at 1701 Octavia Street; Lot 5 in Assessor's Block 663 (hereinafter "Subject Property") to modify conditions of City Planning Commission Motion No. 11669 to transfer ownership of the existing establishment to a new operator in conformity with the Application (hereinafter "Project") within an RH-2 (Two-Family House) District.

On November 16, 1995, the San Francisco City Planning Commission (hereinafter "Commission") conducted duly noticed public hearings at a regularly scheduled meeting on Conditional Use Application No. 95.507C.

The proposed Conditional Use application was determined by the San Francisco Department of City Planning (hereinafter "Department") to be categorically exempt from the environmental review process pursuant to Title 14 of the California Administrative Code. The Commission has reviewed and concurs with said determination.

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.

Findings

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

1. RH-2 districts are devoted to one-family and two-family houses, with the latter commonly consisting of two large flats, one occupied by the owner and the other available for rental. Structures are finely scaled and usually do not exceed 25 feet in width or 40 feet in height. Building styles are often more varied than in single-family areas, but certain streets and tracts are quite uniform. Considerable ground-level open space is available, and it frequently is private for each unit. The districts may have easy access to shopping facilities and transit lines. In some cases, group housing and

institutions are found in these areas, although nonresidential uses tend to be quite limited.

2. The nonconforming use provisions of the City Planning Code, which became effective on May 2, 1960, gave nonconforming uses a 20-year amortization period during which time they were to discontinue operation. Code Section 185(e) qualifies any nonconforming use, such as in this case, for consideration of an extension as a Conditional Use. In April of 1981, the City Planning Commission permanently removed the termination date of this nonconforming restaurant. In May 1989 the Commission limited their authorization to a party which no longer desires to operate the restaurant. Therefore, a new authorization is required. Authorization of a change in any condition previously imposed in the authorization of a conditional use shall be subject to the same procedures as a new conditional use (Section 303(e)).
3. The Residence Element of the Comprehensive Plan seeks to provide pleasant residential environments that meet the needs of residents and calls for supporting housing with adequate public environment, services and amenities. The Element would allow small-scale non-residential activities in residential areas where they contribute to neighborhood livability.
4. Under the provisions of Code Section 303, the Commission may authorize a conditional use after finding that the proposed use will provide a development that is necessary or desirable for and compatible with the neighborhood or the community, that such use will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity, or injurious to property, improvements or potential development in the vicinity and that such use will not adversely affect the Master Plan. The proposed project does comply with the criteria of Section 303 of the Code in that:
  - a. The subject property has been used for a restaurant for some 17 years. During this period the neighborhood has become accustomed to the services. Approval of the subject request will insure that a desirable service will be retained.
  - b. The proposed owner has demonstrated that the new restaurant will be operated in the same manner as the previous restaurant. Therefore, the new restaurant will not be anymore detrimental to the health, safety or convenience of the immediate neighborhood than the former restaurant.
  - c. Approval of the transfer of ownership is consistent with Objective #6, Policy # 2 of the Residence Element of the Master Plan.
5. Section 101.1 establishes eight priority planning policies and requires review of permits for consistency with said policies. The project complies with said policies in that:
  - a. Approval of the subject request will result in retention of an existing neighborhood service and the jobs provided therein.

- b. No exterior modifications, other than new paint and window signs, are proposed. Therefore, neighborhood character is unaffected.
  - c. The ground floor of the subject property has never been used as housing. If the ground floor were converted to housing, neither off-street parking nor open space would be provided.
  - d. The new establishment will place no greater burden on parking or transit services than the previous restaurant.
6. The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101 in that, as designed, the project would contribute to the character and stability of the neighborhood and would constitute a beneficial development.
7. 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. 95.507C subject to the following conditions attached hereto as EXHIBIT A which is incorporated herein by reference as though fully set forth.

I hereby certify that the foregoing Motion was ADOPTED by the City Planning Commission on November 16, 1995.

Linda Avery  
Commission Secretary

AYES: Commissioners Boomer, Levine, Lowenberg, Prowler, and Unobskey

NOES: None

ABSENT: Commissioner Fung

ADOPTED: November 16, 1995  
CITY PLANNING COMMISSION

File No. 95.507C  
1701 Octavia Street  
Motion No. 14011

EXHIBIT A

CONDITIONS OF APPROVAL

1. This authorization is a new party for transfer of ownership of an existing full service restaurant to a new party. Transfer of ownership or establishment of a new full service restaurant shall not require a new Conditional Use authorization so long as establishment complies with the conditions of Exhibit A and the Planning Code.
2. The subject restaurant shall open to the public no earlier than 5:30 p.m. and close at 10:30 p.m., Monday through Thursday, and at 11:00 p.m., Friday through Sunday.
3. Seating capacity for the subject restaurant shall be limited to up to 40 persons.
4. All signage, awnings/or canopies shall comply with relevant provisions of the Planning Code.
5. The applicant shall be responsible for cleaning the sidewalk along Octavia and Bush Street frontages, each day in accordance with Article 1, Section 34 of the San Francisco Police Code.
6. Noise, odors, and garbage shall be contained within the premises so as to not be a nuisance to nearby residents and neighbors.
7. The establishment shall implement other conditions and/or management practices as determined by the Zoning Administrator to be necessary to ensure that management and patrons of the establishment maintain the quiet, safety, and cleanliness of the premises and the vicinity, and do not block the driveways of neighboring residents or businesses.
8. Should implementation of this Project result in complaints from neighborhood residents, which are not resolved by the Project Sponsor and are subsequently reported to the Zoning Administrator and found to be in violation of the City 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 report such complaints to the City Planning Commission which may thereafter hold a public hearing on the matter in accordance with the hearing notification and conduct procedures as set forth in Sections 174, 306.3 and 306.4 of the Code to consider revocation of this Conditional Use Authorization.
9. The Project Sponsor shall record a copy of Exhibit A conditions with the Office of the Recorder for the County of San Francisco as a part of the property record.

GGG:mj:1701Octa.Mot

Case No. 99.514C  
1701 Octavia Street  
Block 0663, Lot 005

SAN FRANCISCO  
PLANNING COMMISSION  
MOTION NO. 14889

ADOPTING FINDINGS RELATING TO THE APPROVAL OF A CONDITIONAL USE AUTHORIZATION PURSUANT TO PLANNING CODE SECTION 178 (c) TO ALLOW THE INTENSIFICATION OF A PERMITTED CONDITIONAL USE, AND PURSUANT TO PLANNING CODE SECTION 303 (e) TO MODIFY CONDITIONS OF APPROVAL FOUND IN MOTION 14011, RELATING TO THE HOURS AND DAYS OF OPERATION FOR A RESTAURANT AT 1701 OCTAVIA STREET, LOT 005 IN ASSESSOR'S BLOCK 0663, IN AN RH-2 (HOUSE, TWO-FAMILY) USE DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT.

Preamble

On August 3, 1999, Joanna Karlinsky (hereinafter "Applicant"), made application (hereinafter "Application") for Conditional Use on the property at 1701 Octavia Street, Lot 005 in Assessor's Block 0663 (hereinafter "Subject Property") to modify the conditions of approval found in City Planning Commission Motion No. 14011 in order to allow an existing restaurant to expand the hours during which it is open to the public to include Saturday and Sunday between 9:00 a.m. and 4:00 p.m. The subject site is within an RH-2 (House, Two-Family) Use District and a 40-X Height and Bulk District.

On September 23, 1999 the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 99.514C at which time the Commission reviewed and discussed the findings prepared for its review by the staff of the Planning Department of the City and County of San Francisco (hereinafter "Department").

The proposed Conditional Use application was determined by the San Francisco Planning Department (hereinafter "Department") to be categorically exempt from the environmental review process pursuant to Title 14 of the California Administrative Code. The Commission has reviewed and concurs with said determination.

The Commission has heard and considered 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. 99.514C subject to the conditions contained in Exhibit A, attached hereto and incorporated herein by reference thereto, based on the following findings:

*11.1.1 (b)(2)*

*1701 Octavia Street*

**PLANNING COMMISSION**

**Case No. 99.514C  
1701 Octavia Street  
Block 0663, Lot 005  
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Motion No. 14889**

Findings

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

1. The Project is located in an RH-2 (House, Two-Family) Use District and a 40-X Height and Bulk District.
2. RH-2 Districts are devoted to one-family and two-family houses, with the latter commonly consisting of two large flats, one occupied by the owner and the other available for rental. Structures are finely scaled and usually do not exceed 25 feet in width or 40 feet in height. Building styles are often more varied than in single-family areas, but certain streets and tracts are quite uniform. Considerable ground-level open space is available, and it frequently is private for each unit. The districts may have easy access to shopping facilities and transit lines. In some cases, group housing and institutions are found in these areas, although nonresidential uses tend to be quite limited.
3. The nonconforming use provisions of the City Planning Code, which became effective on May 2, 1960, gave nonconforming uses a 20-year amortization period during which they were to discontinue operation. Code Section 185 (e) qualifies any nonconforming use, such as in this case, for consideration of an extension as a Conditional Use. In April of 1981, the City Planning Commission permanently removed the termination date of this nonconforming restaurant. In May of 1989, in Motion No. 11669, the Commission limited their authorization to the owner at that time, and required that the restaurant close by 10:30 p.m. Monday through Thursday and 11:00 p.m. Friday through Saturday. In November of 1995, in Motion No. 14011, the Commission authorized a change of ownership and management, and revised the hours during which the restaurant could be open to the public to be Monday through Thursday between 5:30 p.m. and 10:30 p.m. and Friday through Sunday between 5:30 p.m. and 11:00 p.m.
4. Planning Code Section 178 (c) states that a permitted conditional use may not be significantly altered, enlarged or intensified, except upon approval of a new conditional use application pursuant to the provisions of Article 3 of this Code. A new conditional use authorization is therefore required to allow the restaurant to be open to the public from 9:00 a.m. to 4:00 p.m. on Saturday and Sunday, in addition to the previously authorized hours of operation.

**PLANNING COMMISSION**

**Case No. 99.514C  
1701 Octavia Street  
Block 0663, Lot 005  
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Motion No. 14889**

5. Planning Code Section 303 (e) requires that authorization of a change in any condition previously imposed in the authorization of a conditional use be subject to the same procedures as a new conditional use, and such procedures shall also apply to applications for modification or waiver of conditions set forth in prior stipulations and covenants relative thereto continued in effect by the provisions of Section 174 of the Code. A new conditional use authorization is therefore required to modify the conditions of approval found in City Planning Commission Motion 14011.
6. The subject lot, Lot 005 in Assessor's Block 0663, contains two buildings with two stories each, which are connected by a one-story structure that is currently part of the subject restaurant. The two-unit residential building on the west side of the property, with frontage on Bush Street, contains two residential units. The subject building is located at the eastern end of the lot, with frontage on Octavia Street. The subject building contains the Meetinghouse Restaurant on the ground floor and one residential unit on the second floor. The two buildings cover the entire lot. The subject property is bounded on two sides by public streets: Octavia Street to the east, and Bush Street to the south. The subject site has been used as a restaurant for over 20 years.
7. There are no other restaurants of similar character and service within 3-4 blocks of the Subject site. The Gourmet Carousel, offering Chinese take-out food, is located 3 blocks away at Franklin and Pine. There are a variety of restaurants several blocks away along the Van Ness Avenue and Upper Fillmore Street commercial corridors, but the closest restaurant offering similar brunch fare is Ella's, 1.5 miles away at California Street and Presidio Avenue.
8. The Project, as described in the Project Sponsor's application, is to modify the conditions of approval of City Planning Commission Motion No. 14011 in order to allow an existing full-service restaurant to expand the hours during which it is open to the public to include the hours of Saturday and Sunday between 9:00 a.m. and 4:00 p.m. The subject restaurant is currently permitted to be open to the public (per Motion No. 14011) between the hours of 5:30 pm and 10:30 pm Monday through Thursday, and 5:30 pm and 11:00 pm Friday through Sunday. The restaurant is currently open to the public from 5:30 pm to 10:30 pm Monday through Saturday.
9. The Project does not include any alterations to the existing building.
10. The Residence Element of the General Plan seeks to provide pleasant residential environments that meet the needs of residents. The Residence Element would allow small-scale nonresidential activities in residential areas where they contribute to neighborhood livability.

**PLANNING COMMISSION**

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1701 Octavia Street  
Block 0663, Lot 005  
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11. Under the provisions of Planning Code Section 303, the Commission may authorize a Conditional Use after finding that the proposed use will provide a development that is necessary or desirable for and compatible with the neighborhood or the community, that such use will not be detrimental to the health, safety, welfare, convenience or general welfare of persons residing or working in the vicinity, and that such use will not adversely affect the General Plan. The proposed project complies with the criteria of Section 303 of the Code in that:

- (a) The proposed use or feature, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable for, and compatible with, the neighborhood or the community;

*The proposal does not significantly affect the existing restaurant's size or intensity which is compatible with the neighborhood, consisting of 800 square feet of public space and a maximum of 40 person seating capacity. The extended hours of operation are desirable because there are currently no restaurants offering full service breakfast or brunch on weekend days within easy walking distance. The restaurant's small size, upscale services as well as the nature and times of proposed activity are compatible with the pace of the surrounding residential neighborhood. The extended hours will allow an existing use that is desirable in the current location to remain a viable business.*

- (b) Such use or feature as proposed will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity, or injurious to property, improvements or potential development in the vicinity, with respect to aspects including but not limited to the following:

- (i) The nature of the proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;

*The proposal makes no alterations to the existing structure, which is consistent in its size and shape with the residential character of the neighborhood. The proposal will not impact properties or potential development in the vicinity.*

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

*Of the three streets nearest the site (Bush, Octavia and Pine), Bush and Pine are major thoroughfares. The Project will not have a significant impact on current traffic patterns and accessibility for persons or vehicles due to its minimal size and seating capacity. In addition, many patrons are local residents and will arrive on foot.*

*No off-street parking is required for the project. On-street parking is available during the proposed hours, and a parking lot at 1801 Bush Street will be available for brunch patrons.*

*There will be no change in current Saturday deliveries and no deliveries will occur on Sundays.*

*A white zone exists in front of the restaurant and valet parking will be provided during evening hours (see Condition of Approval No. 7).*

*The subject site is well-served by public transportation.*

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

*The proposal will not cause glare, dust, or the emission of offensive fumes, odors or noise. The restaurant's exhaust fan system was updated in 1996 to be the most quiet possible. No entertainment will be provided at the site. Services will continue to be professionally maintained to prevent offensive smells and pests.*

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

*The exterior features of the site will be maintained at their current level. No changes in landscaping or screening are planned. The proposal will continue to comply with all signage, lighting and other relevant requirements and conditions of the Planning Code.*

- (c) Such use or feature 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 applicable provisions of the Planning Code and will not adversely affect the General Plan.*

12. For the reasons stated below, the Project is consistent with the following Objectives and Policies of the General Plan:

RESIDENCE ELEMENT:

The Residence Element of the General Plan contains the following applicable Objectives and Policies:

OBJECTIVE 12: "TO PROVIDE A QUALITY LIVING ENVIRONMENT."

Policy 2: Allow appropriate neighborhood-serving commercial activities in residential areas.

*The Project would enhance the quality of life for nearby residents by providing unique goods and services appropriate to a residential area.*

*Policy 2 of Objective 12 of the Residence Element states that commercial uses should be allowed in residential areas only if they meet certain criteria. The Project meets the following criteria:*

- *The use serves the needs of the immediate residential neighborhood and does not draw significant trade from outside the neighborhood.*
- *The use does not replace a unit suitable for residential occupancy.*
- *The use does not disrupt or detract from the livability of the surrounding neighborhood.*
- *The design of the building is in keeping with the established residential character of the area, and all signs are carefully regulated.*
- *Truck traffic servicing the use is minimized, and truck delivery hours are restricted.*

URBAN DESIGN ELEMENT

The Urban Design Element of the General Plan contains the following applicable Objective and Policy:

OBJECTIVE 4: "IMPROVEMENT OF THE NEIGHBORHOOD ENVIRONMENT TO INCREASE PERSONAL SAFETY, COMFORT, PRIDE AND OPPORTUNITY."

Policy 13: Improve pedestrian areas by providing human scale and interest.

*The Project would maintain visual interest for the pedestrian area around the site by enabling the existing restaurant, with its plate glass storefront and awning, to remain viable. In addition, the proposed hours on Saturday and Sunday will attract patrons from the surrounding area, many of whom will arrive on foot.*

13. The Project complies with all sections of the Planning Code.
14. Planning Code Section 101.1 establishes eight priority planning policies and requires review of permits for consistency with said policies. The Project complies with said policies in that:
  - a. Approval of the subject request will result in the retention of an existing and desirable neighborhood service and the jobs provided therein.
  - b. Neighborhood character will be conserved and protected as no exterior physical modifications are proposed, and the restaurant will continue to be maintained in a clean and orderly fashion. The Project will enhance the neighborhood's standard of living by expanding existing services to the community.
  - c. The Project will not affect the City's supply of affordable housing. The ground floor of the subject building has never been used as housing. If the ground floor were converted to housing, neither off-street parking nor open-space would be provided.
  - d. Public transit service, automobile traffic, and parking congestion will not be impeded or overburdened by the Project. The neighborhood is served by several Muni bus lines, and is in close proximity to the Van Ness corridor Muni lines. The restaurant is intended to be frequented primarily by patrons who are residents of the neighborhood and the extended hours will therefore cause little if any additional demand for parking.
  - e. An established and unique service to the neighborhood will be encouraged through additional operating hours. In addition, the Project will create new opportunities for residential employment by creating more jobs in the neighborhood.
  - f. No physical change in the structure is proposed. The establishment continues to maintain an Emergency Preparedness Plan consistent with restaurant and City standards.

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Motion No. 14889

- g. No physical change in the structure or its appearance is proposed, and the increased use of the site as a restaurant will not alter any features or subject the building to any disrepair or damage.
  - h. The Project has no impact on parks or open space.
15. The Commission hereby finds that approval of the Conditional Use Authorization would promote the general and specific purposes of the Code provided under Section 101.1 in that, as designated, the Project would not affect the character and stability of the neighborhood and would constitute a beneficial development.

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. 99.514C** subject to the following conditions attached hereto as Exhibit A which is incorporated herein by reference as though fully set forth.

I hereby certify that the foregoing Motion was ADOPTED by the Planning Commission at its regular meeting of September 23, 1999.

Jonas Ionin  
Commission Secretary

AYES: Antenore, Chinchilla, Joe, Martin, Mills, Richardson, Theoharis  
NOES: None  
ABSENT: None  
ADOPTED: September 23, 1999

**PLANNING COMMISSION**

**Case No. 99.514C  
1701 Octavia Street  
Block 0663, Lot 005  
Page 9  
Motion No. 14889**

**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. 14830. 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 94012.

**ONCE EFFECTIVE, THIS CONDITIONAL USE AUTHORIZATION IS NOT A PERMIT TO COMMENCE ANY WORK OR CHANGE OCCUPANCY. PERMITS FROM APPROPRIATE DEPARTMENTS MUST BE SECURED BEFORE WORK IS STARTED OR OCCUPANCY IS CHANGED.**

**PLANNING COMMISSION**

**Case No. 99.514C  
1701 Octavia Street  
Block 0663, Lot 005  
Motion No. 14889**

**EXHIBIT A**

**CONDITIONS OF APPROVAL**

1. Conditional Use is authorized to allow the modification of conditions of approval found in Motion 14011, dated November 16, 1995 regarding the permitted hours of operation of the subject restaurant, as required per Sections 178 (c) and 303 (e) of the Planning Code.
2. The subject restaurant is authorized to be open to the public during the following hours: Monday through Thursday from 5:30 pm to 10:30 pm, Friday from 5:30 pm to 11:00 pm, and Saturday and Sunday from 9:00 am to 4:00 pm and from 5:30 pm to 11:00 pm.
3. Seating capacity for the subject restaurant shall be limited to up to 40 persons.
4. All signage, awnings or canopies shall comply with relevant provisions of the Planning Code.
5. The applicant shall be responsible for cleaning the sidewalk along the Octavia and Bush Street frontages, each day in accordance with Article 1, Section 34 of the San Francisco Police Code.
6. Noise, odors and garbage shall be contained within the premises so as to not be a nuisance to nearby residents and neighbors.
7. Valet parking service shall be provided during the evening hours, and shall be operated in a way that does not infringe upon adjacent properties or cause traffic congestion near the site.
8. The subject restaurant shall implement other conditions and/or management practices as determined by the Zoning Administrator to be necessary to ensure that management and patrons of the establishment maintain the quiet, safety, and cleanliness of the premises and the vicinity.
9. The Project shall comply with all City Codes.
10. Should implementation of this Project result in complaints from area property owners or residents which are not resolved by the Project Sponsor or successors and are subsequently reported to the Zoning Administrator and found to be in violation of the Planning Code and/or the specific Conditions of Approval for the Project, the Zoning Administrator shall report such complaints to the Planning Commission which may thereafter hold a public hearing on the matter in accordance with the hearing notification and conduct procedures as set forth in Sections 174, 306.3 and 306.4 of the Code to consider revocation of this Conditional Use authorization.

**PLANNING COMMISSION**

**Case No. 99.514C  
1701 Octavia Street  
Block 0663, Lot 005  
Exhibit A  
Conditions of Approval  
Page 2  
Motion No. 14889**

11. Should the monitoring of the Conditions of Approval contained in Exhibit A of this Motion be required, the Project Sponsor or successor(s) shall pay fees as established in Planning Code Section 351(g)(2).
12. The property owner shall record a copy of these Conditions of Approval with the Office of the Recorder for the City and County of San Francisco for recordation as part of the property records.

KJL:pg\1701oct.mot



# SAN FRANCISCO PLANNING DEPARTMENT

*Subject to: (Select only if applicable)*

- |  |  |
|--|--|
| <input type="checkbox"/> Inclusionary Housing (Sec. 315)         | <input type="checkbox"/> First Source Hiring (Admin. Code) |
| <input type="checkbox"/> Jobs Housing Linkage Program (Sec. 313) | <input type="checkbox"/> Child Care Requirement (Sec. 314) |
| <input type="checkbox"/> Downtown Park Fee (Sec. 139)            | <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 Motion No. 18040

HEARING DATE: MARCH 4, 2010

*Date:* February 25, 2010  
*Case No.:* 2009.1010C  
*Project Address:* 1701 OCTAVIA STREET  
*Zoning:* RH-2 (Residential, House, Two-Family) District  
40-X Height and Bulk District  
*Block/Lot:* 0663/005  
*Project Sponsor:* Jeffrey Banker  
c/o Ahmad Mohazab  
TECTA Associates  
2747 19<sup>th</sup> Street  
San Francisco, CA 94110  
*Staff Contact:* Glenn Cabreros – (415) 558-6169  
[glenn.cabreros@sfgov.org](mailto:glenn.cabreros@sfgov.org)

**ADOPTING FINDINGS RELATING TO CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 186, 303 and 710.69A OF THE PLANNING CODE TO ALLOW A SELF-SERVICE SPECIALTY FOOD USE AS PART OF AN EXISTING NONCONFORMING USE (FULL-SERVICE RESTAURANT DBA "BAKER AND BANKER") WITHIN AN RH-2 (RESIDENTIAL, HOUSE, TWO-FAMILY) DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT.**

### PREAMBLE

On October 23, 2009, Jeffrey Banker (Project Sponsor) filed an application with the San Francisco Planning Department (hereinafter "Department") for Conditional Use Authorization under Sections 186, 303 and 710.69A of the Planning Code to allow a self-service specialty food use as part of an existing full-service restaurant (dba "Baker and Banker") within an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.

On March 4, 2010, the Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2009.1010C.

The Project was determined by the Department to be Categorically Exempt from the California Environmental Quality Act ("CEQA") as a Class 1a exemption under CEQA Guidelines. The Commission has reviewed and concurs with said determination.

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. 2009.1010C, 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 Bush Street at the northwest corner of Octavia and Bush Streets, Block 0663, Lot 005. The property is located within the RH-2 (Residential, House, Two-Family) District and the 40-X Height and Bulk District. The property contains two buildings, each with two stories, which are connected by a one-story structure that is part of the existing restaurant at the ground floor. The two-story building on the west side of the property, with frontage on Bush Street, contains two dwelling units. A third residential unit is located on the second story of the corner building on the east side of the property above the existing restaurant. The one-story structure that exists between the two, two-story buildings houses the restaurant's kitchen. The restaurant use (presently dba "Baker and Banker") at the ground floor has existed for over 29 years.
3. **Surrounding Properties and Neighborhood.** The immediate neighborhood contains a varied mix of uses and architectural styles including smaller-scaled residential buildings (ranging from 1-5 units), large apartment buildings (18-54 units), office uses and educational and religious facilities. Adjacent and directly north of the subject lot on Octavia Street exists a two-story, single-family residence. Further north on Octavia Street and on the same block face as the subject building is a four-story, 12-unit apartment building and Stuart Hall High School at the corner of Octavia and Pine Streets. Adjacent and directly west of the subject lot on Bush Street is a tall two-story-over-basement, two-unit building. Further west along Bush Street, the block face is defined by a series of three-story row houses that step down with the slope of the street and contain multiple units (varying from 2 to 14 units). Directly across Bush Street from the subject lot is a professional office building on the southwest corner of Octavia and Bush Streets. On the northeast corner and southeast corner of the intersection are large apartment buildings, respectively containing a 17-story, 35-unit building and a 4-story, 54-unit building.

4. **Project Description.** The project sponsor proposes a Self-Service Specialty Food use in addition to the existing Full-Service Restaurant use. The proposed new use is for the incidental sales of baked goods and beverages, to the general public, from the existing restaurant kitchen along the Bush Street frontage between the hours of 9 a.m. and 5 p.m. daily. Minor alterations to the kitchen space are proposed which include replacement of the entry door and the addition of counter/display racks for baked goods. The existing full-service restaurant use and its hours of operation are to remain as authorized under previous approvals from the Planning Commission (Motion Nos. 8992, 11669, 14011 and 14889). The current authorization for the full-service restaurant, per Motion 14889, limits the seating capacity to 40 persons with hours open to the public as follows: Monday through Thursday from 5:30 p.m. to 10:30 pm, Friday from 5:30 p.m. to 11:00 p.m. and Saturday and Sunday from 9:00 a.m. to 4:00 p.m. and from 5:30 p.m. to 11:00 p.m.
5. **Public Comment.** The Department has received two comments with regard to potential double-parking along Bush Street during business hours, particularly during the morning commute hours from 7 a.m. to 9 a.m. To reduce the potential traffic impacts of double parking both members of the public have suggested that the project's hours of operation begin around 9 a.m. In response to public comment and as reflected in Exhibit A of this Motion, the Commission modified the hours of operation to start at 9 a.m., whereas the project sponsor originally requested to business hours starting at 7 a.m.
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. **Limited Commercial Nonconforming Uses.** Planning Code Section 186 allows for the continuance in R Districts of nonconforming uses of a limited commercial character that are more than a quarter-mile from the nearest Individual Area Neighborhood Commercial District and that complies with the use limitations specified for the first story and below of an NC-1 District.

*The subject lot is located more than a quarter-mile from the nearest Individual Area Neighborhood Commercial District. The subject lot is roughly equidistant from the Polk Street NCD and the Upper Fillmore NCD. The use limitations for the subject lot are therefore regulated by the NC-1 District controls. Per the NC-1 District controls, Planning Code Section 710.69A allows Self-Service Specialty Food use at the ground floor with Conditional Use Authorization.*
  - B. **Self-Service Specialty Food Use.** Planning Code Section 790.93 defines Self-Service Specialty Food use as a retail use whose primary function is to prepare and provide a ready-to-eat specialty food to a high volume of customers who carry out the food for off-premises consumption.

*The proposed project would comply with the Self-Service Specialty Food use definition. Baked goods and beverages would be served out of the existing restaurant kitchen from a small counter area. No seating is proposed, so customers would have to carry out purchased goods.*

- C. **Hours of Operation.** Planning Code Section 710.27 states that commercial hours of operation from 6:00 a.m. to 11:00 p.m. are allowed as-of-right.

*The requested hours to operate the Self-Service Specialty Food use from 7 a.m. to 5 p.m. daily are permitted by the Planning Code. In response to public comment, the Commission modified the hours of operation to begin at 9 a.m.*

- 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 occupied floor area of the existing restaurant is less than 5,000 sf. As the proposed self-service specialty food use is proposed within the existing kitchen space, the project does not require any off-street parking.*

- E. **Signage.** Currently, the project does not propose a sign. Any proposed signage will be subject to the review and approval of the Planning Department pursuant to Article 6 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 proposed use would not increase the size of the existing commercial use as the project occurs within the existing restaurant kitchen. There would be an intensification of use at the site, as baked goods and beverages would be made available for purchase by the public at times when the restaurant is typically closed (with the exception of weekends). The intensification of the use is seen to be necessary and desirable, as the project is consistent with the objective to retain certain limited commercial uses that provide convenience goods and services on a retail basis that meet the frequent and recurring needs of neighborhood residents within a short distance of their homes.*

- 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 size and shape of the existing buildings would remain unchanged by the project.*

- 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 project would not adversely affect existing traffic and parking. The proposed Self-Service Specialty Food use operation is small in scale. The proposal would primarily serve walk-in trade that would cause minimal interference with nearby streets and properties.*

- 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 Self-Service Specialty Food uses as outlined in Exhibit A. Conditions 9 and 10 specifically obligates 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 proposal does not require any additional tenant improvements; however Condition 7 of Exhibit A specifically requires any proposed or future exterior treatments to be compatible with the residential character of the neighborhood and the RH-2 Zoning District.*

- 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.*

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

## **RESIDENCE ELEMENT: NEIGHBORHOOD ENVIRONMENT**

### **Objectives and Policies**

#### **OBJECTIVE 12: PROVIDE A QUALITY LIVING ENVIRONMENT**

##### **Policy 12.2:** Allow appropriate neighborhood-serving commercial activities in residential areas.

*The proposed development will retain a desirable service to the neighborhood while appropriately including daytime operating hours to allow incidental sales of baked goods and beverages.*

**COMMERCE AND INDUSTRY ELEMENT:**

**Objectives and Policies**

**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.

**Policy 2.3:**

Maintain a favorable social and cultural climate in the city in order to enhance its attractiveness as a firm location.

*The project would create storefront activity during daytime business hours (typically when the full-service restaurant is closed). The project's small scale would enliven the street and sidewalk with minimal detrimental impact to the residential character of the area. Sole corner commercial spaces (i.e. restaurants, corner markets, flower shops, etc.) that punctuate residential areas contribute to the unique character of San Francisco's neighborhood environment and are desirable to the cultural climate and reputation 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.

**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.

*While the subject property is not located within a Neighborhood Commercial District, the project retains a restaurant use and introduces an incidental Self-Service Specialty Food use that are both neighborhood serving. An independent, local entrepreneur is sponsoring the proposal.*

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 proposal would enhance the district by maintaining a full-service restaurant and providing a Self-Service Specialty Food use in an area that is not over-concentrated with food service businesses. The business would be locally owned. The proposed alterations are within the existing building footprint.*

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

*Existing housing and neighborhood character are conserved as the project occurs within the existing building footprint and is operated out of the kitchen of the existing full-service 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 size and use type proposed should not significantly increase commuter traffic. The Self-Service Specialty Food use is primarily neighborhood serving.*

- 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.*

- F. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake.

*The Project occurs within the existing building envelope and does not propose structural or seismic alterations. This proposal will not impact the property's ability to withstand an earthquake.*

- G. That landmarks and historic buildings be preserved.

*The subject building, constructed circa 1900, is an historic building appearing in "Here Today" (p. 283) and with a "2" rating on the Department's 1976 Architectural Survey. The historic building will be preserved and the proposed replacement exterior door at the kitchen has been selected to not create an adverse impact to the historical 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 impact on existing parks and open spaces. The Project does not have an impact on 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. 2009.1010C** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans filed with the Application as received on February 24, 2010 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. 18040. 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 March 4, 2010.

Linda D. Avery  
Commission Secretary

AYES: Commissioners Miguel, Olague, Antonini, Borden, Lee, Moore, Sugaya

NAYS: (none)

ABSENT: (none)

ADOPTED: March 4, 2010

## Exhibit A

# Conditions of Approval

1. This authorization is for a Conditional Use Authorization under Planning Code Sections 186, 303 and 710.69A to allow a Self-Service Specialty Food use as part of an existing nonconforming use (Full-Service Restaurant dba "Baker and Banker) within an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District, in general conformance with plans filed with the Application as received on February 24, 2010 and stamped "EXHIBIT B" included in the docket for Case No. 2009.1010C, reviewed and approved by the Commission on March 4, 2010.
2. Prior to the issuance of the Building Permit 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 premises (Assessor's Block 0663, Lot 005), which notice shall state that the change of use and proposed alterations has been authorized by and is subject to the conditions of this Motion. From time to time after the recordation of such notice, at the request of the Project Sponsor, the Zoning Administrator shall affirm in writing the extent to which the conditions of this Motion have been satisfied.
3. Violation of the conditions contained in this Motion or of any other provisions of the Planning Code may be subject to abatement procedures and fines up to \$250 a day in accordance with Planning Code Section 176.
4. Should monitoring of the Conditions of Approval contained in Exhibit A of this Motion be required, the Project Sponsor or successors shall pay fees as established in Planning Code Section 351(e)(1).
5. The property owner shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean condition. Such maintenance shall include, at a minimum, daily litter pickup and disposal, and washing or steam cleaning of the main entrance and abutting sidewalks at least once each week.
6. Signs and exterior lighting for the business shall be reviewed and approved by the Planning Department before they are installed.
7. The Project Sponsor shall maintain an attractive storefront that is residential in scale and character.
8. The Project shall appoint a Community Liaison Officer to address issues of concern to neighbors related to the operation of this Project. The Project Sponsor shall report the name and telephone number of this Officer to the Zoning Administrator and the neighborhood for reference. The Applicant will keep the above parties apprised should a different staff liaison be designated.

9. The project sponsor shall maintain appropriate odor control equipment to prevent any significant noxious or offensive kitchen odors from escaping the premises.
10. The project sponsor shall operate the proposed Self-Service Specialty Food use such that noise is kept at reasonable levels so as not to unduly disturb neighboring businesses and residents.
11. Refuse containers shall be provided both inside and outside the establishment for use by patrons of the Self-Service Specialty Food use. The operator of the use shall be responsible for maintaining the sidewalk within a one-block radius of the site free of paper or litter generated by the restaurant.
12. An enclosed garbage area shall be provided within the establishment. All garbage containers shall be kept within the building until pick-up by the disposal company.
13. The hours of operation, open to the general public, for the Self-Service Specialty Food use shall be limited to 9 a.m. to 5 p.m. daily.
14. The authorization and right vested by virtue of this action shall be deemed void and canceled if, within 3 years of the date of this Motion, a site permit or building permit for the Project has not been secured by Project Sponsor. This authorization may be extended at the discretion of the Zoning Administrator only if the failure to issue a permit by the Department of Building Inspection is delayed by a city, state, or federal agency or by appeal of the issuance of such permit.



4/10/14

San Francisco Planning Department  
1650 Mission Street  
Suite 400  
San Francisco, CA 94103  
Attn: Honorable Planning Commissioners

Re: Conditional Use Application-Amendment to existing CU  
Baker and Banker (new restaurant in CU approved restaurant space)  
1701 Octavia Street  
San Francisco

Dear Commissioners;

This letter is to follow up to the Conditional Use permit application for the abovementioned project for your consideration.

In our initial application we requested that the valet parking be eliminated all week. After further review and assessment, the owners are seeking to retain Friday and Saturday night valet parking, since these might continue to fill a need.

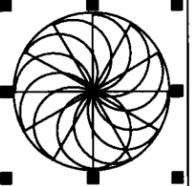
To date there has been no negative feedback.

We thank you for your attention.

Best;

A handwritten signature in black ink, consisting of a large, stylized loop that crosses itself, followed by a horizontal line extending to the right.

Ahmad Mohazab, RA, NCARB  
Project Architect



TECTA ASSOCIATES

- ARCHITECTURE
- INTERIORS
- PLANNING

2747 18TH STREET  
SAN FRANCISCO, CA 94110  
415-362-8887  
415-362-8044 FAX

BAKER AND BANKER  
RESTAURANT  
1701 OCTAVIA STREET  
SAN FRANCISCO, CALIFORNIA

CONSULTANTS

PROJECT

REVISIONS

12 DEC 2009

APPROVALS

4/1/10

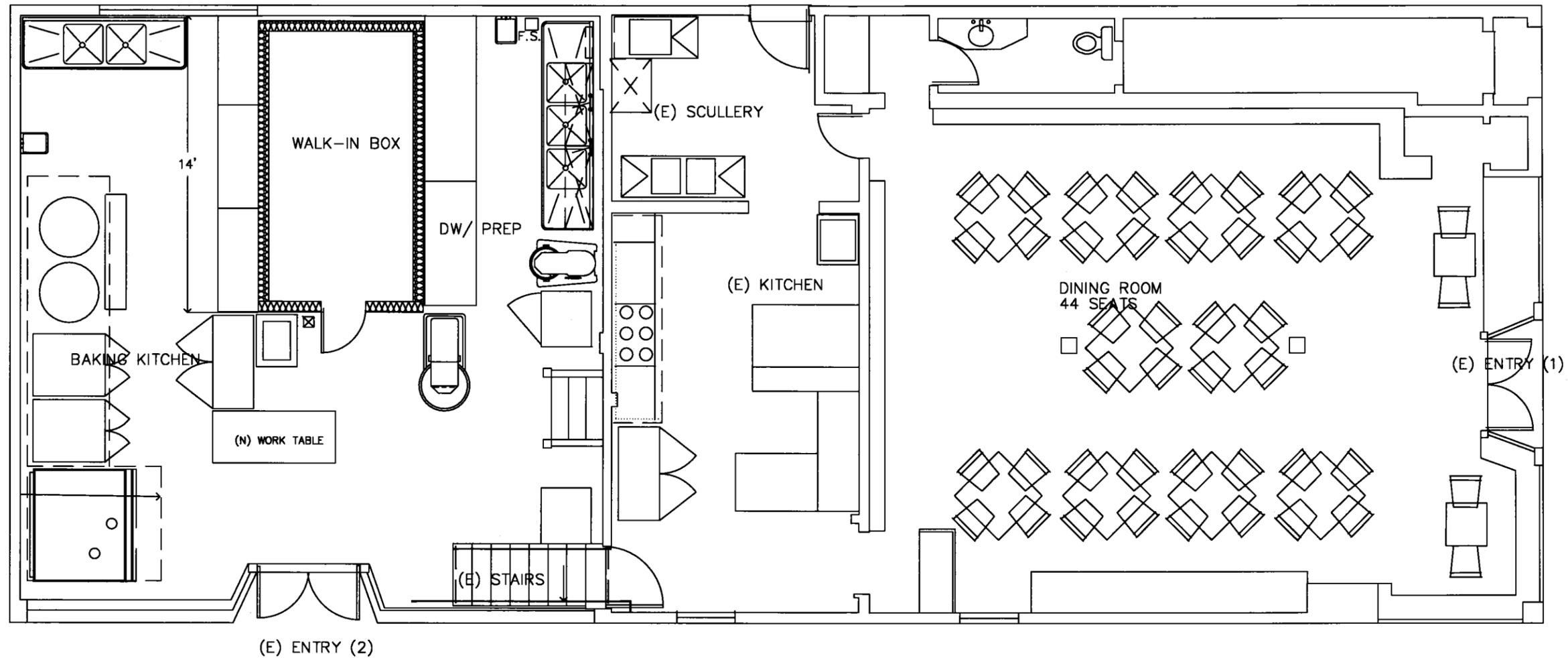
SHEET TITLE

PLANS/ NOTES

SHEET NUMBER

A-1

(E) SIDEWALK



EXISTING FLOOR PLAN

