



# SAN FRANCISCO PLANNING DEPARTMENT

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October 10, 2007

## REVISED

Mike Berline  
Berline & Associates Architecture  
555 Fulton Street, Suite 201  
San Francisco, California 94102

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

**RE: Request for Written Determination**  
**Street Address: 1906-1908 Mission Street**  
**Assessor's Information: Block 3554 / Lot 002**  
**Zoning District: NC-3 / 80-B**  
**Special Use District: Mission Street Fast-Food Subdistrict**  
**Mission Alcoholic Beverage Subdistrict**

Dear Mr. Berline:

This letter is in response to your letter dated February 13, 2007, requesting a written determination for the above-referenced property. In your letter you request a determination regarding whether a proposed Bistro/Brasserie is permitted in the NC-3 Zoning District. The proposed Bistro/Brasserie is described as a combination of a Full-Service Restaurant and a Self-Service Restaurant.

### ZONING

The proposed project is located within the NC-3 Zoning District. The proposed project is also located within the Mission Street Fast-Food Subdistrict, which further limits the restaurant uses. Per Planning Code Section 712.1 and the Mission Street Fast-Food Subdistrict controls, restaurants are permitted as follows:

- Large Fast Food Restaurant (as defined in Planning Code Section 790.90) is not permitted.
- Small Self-Service Restaurant (as defined in Planning Code Section 790.91) is permitted on the first story and below with Conditional Use authorization.
- Full-Service Restaurant (as defined in Planning Code Section 790.92) is principally permitted.

### **INTERPRETATION**

Per an interpretation of Planning Code Section 703.2(b)(1)(C)(iv), a take-out service is permitted as an accessory use to a full-service restaurant if the area for such service is limited to 100 square feet, as applied to take-out areas in grocery stores. Display cases, fixtures, counters, and queuing areas shall be counted toward the 100 square foot take-out limit. A maximum length of three feet, exclusive of the counter spaces occupied by a cash register, shall be used as a guideline for counters. A depth of two feet beyond the counter shall be included as the queuing area, while all other queuing areas shall be credited toward the full-service area of the restaurant. Bathrooms shall not be considered as serving the take-out customers.

### **DETERMINATION**

The Bistro/Brasserie as proposed in the letter would fall under the category of a large Fast Food Restaurant in the Planning Code. This use would not be allowed because the proposed area is greater than 1,000 square feet which is prohibited in the Mission street Fast Food Subdistrict. The following two options are available for approval of a restaurant at the subject property:

#### **Single Restaurant Configuration**

This option would create a full-service restaurant with an accessory take-out service. A Full-Service Restaurant, as defined in Planning Code Section 790.92, is permitted by right. Per the interpretation above, a take-out service of less than 100 square feet is permitted as an accessory use to the Full-Service Restaurant. A Conditional Use authorization is not necessary for this combination of uses on the above-referenced property. This option must provide an open wall configuration in the interior of the restaurant and a single kitchen.

#### **Two Restaurant Configuration**

This option would create two separate restaurant uses: one full-service restaurant and one small self-service restaurant. A Full-Service Restaurant, as defined in Planning Code Section 790.92, is permitted by right. A small self-service restaurant (less than 1,000 square feet) on the first floor, as defined in Planning Code Section 790.91, is permitted with Conditional Use authorization. This option must provide two separate restaurants with different addresses, no shared space (including kitchens, restrooms, and entrances), and a closed wall between the two separate uses.

### **ADDITIONAL CONCERNS**

The following is a discussion of other relevant information based on the plans submitted and the work proposed:

### Historic Structure

The subject structure shows up on several historic surveys. An exterior alteration to the structure will trigger an environmental and historical review of the building. The Environmental Review staff, with consultation from the Preservation staff, will assess whether the building proposed for alteration is a historic resource, is not a historic resource, or will need further information to make this determination. You may need to prepare an Historic Resource Evaluation Report (HREER) prepared by a qualified architectural historian. If the building is deemed a historic resource, and will have a significant adverse impact, an environmental impact report will need to be prepared before you can alter the structure, if it would be allowed at all.

### Section 312 Notification

A change of use to a restaurant will require public notification subject to Planning Code Section 312.

### Full-Service Restaurant Conditions

A full-service restaurant will have several conditions placed upon the project by means of a NSR. The project may be subject to but not limited by the following list of potential conditions:

- Provide food service in a manner consistent with the definition of a Full-Service Restaurant, PC 790.92.
- Customers will be seated by a greeter, or seat themselves. Customers will be presented with a menu, and a server (waiter) will return later to take the food order.
- An employee will deliver food items to the customers' tables after the order is placed.
- Customers consuming food on-premises shall receive a bill or check at their table and would pay it at the front counter after their meal.
- Food items for on-premises consumption shall not be served in disposable wrappers or containers.
- The take-out area and service will be consistent with PC 703.2(b)(1)(C) and PC 790.122, as described above.

If anyone has substantial reason to believe that there is an error in the interpretation of the Planning Code, or abuse of discretion on the part of the Zoning Administrator, this determination may be appealed to the Board of Appeals within fifteen (15) days from the date of this letter. For further information regarding the appeals process, please contact the Board of Appeals, 1660 Mission Street, Room 3036, San Francisco, or by telephone at (415) 575.6880.

**Mike Berline**  
**Written Determination – 1906-1908 Mission Street**  
**October 10, 2007**  
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Please direct any questions regarding this letter to Erika S. Jackson of my staff at (415) 558-6363.

Sincerely,

Lawrence B. Badiner  
Zoning Administrator

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