



SAN FRANCISCO PLANNING DEPARTMENT

Letter of Determination

July 17, 2017

Samuel Kwong
Arcus Architecture
61 Walter U Lum Place
San Francisco, CA 94108

Site Address: 1511 Sloat Boulevard
Assessor's Block/Lot: 7255/004
Zoning District: NC-S (Neighborhood Commercial, Shopping Center)
Staff Contact: Todd Kennedy, (415) 575 – 9125 or todd.kennedy@sfgov.org
Record No.: 2016-016340ZAD

Dear Mr. Kwong:

This letter is in response to your request for a Letter of Determination regarding the property at 1511 Sloat Boulevard. This parcel is located in the NC-S (Neighborhood Commercial, Shopping Center) Zoning District, Lakeshore Plaza Special Use District (SUD) and 26-40-X Height and Bulk District. The request seeks a determination as to whether conversion of an existing Limited Restaurant (dba Nubi Yoghurt) to a new Limited Restaurant (dba Ahi Poke Bowl) would require a Conditional Use (CU) Authorization.

Pursuant to Planning Code Section 780.1, a Limited Restaurant use requires CU Authorization in the Lakeshore Plaza SUD. It should be noted that the table in Section 780.1 makes reference to "small self-service restaurant" and "self-service specialty food" uses. These are use categories that preceded, but which are now included in, the Limited Restaurant use category. The existing Limited Restaurant use was permitted through a CU Authorization in 2009 (Case No. 2009.0061C – Motion No. 17854) and appears to have been continuously operated since that time. Given that the existing and proposed uses are within the same use category (Limited Restaurant), a CU Authorization is not required to establish a Limited Restaurant use.

Planning Code Section 303.1 contains regulations related to Formula Retail Uses. Such uses require a CU Authorization within the NC-S Zoning District. Section 303.1(b) defines a Formula Retail Use as follows:

A Formula Retail use is hereby defined as a type of retail sales or service activity or retail sales or service establishment that has eleven or more other retail sales establishments in operation, or with local land use or permit entitlements already approved, located anywhere in the world. In addition to the eleven establishments either in operation or with local land use or permit entitlements approved for operation, the business maintains two or more of the following features: a standardized array of merchandise, a standardized facade, a standardized decor and color scheme, uniform apparel, standardized signage, a trademark or a servicemark.

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

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Samuel Kwong
Arcus Architecture
61 Walter U Lum Place
San Francisco, CA 94108

July 17, 2017
Letter of Determination
100 Church Street

Based upon available information, including a review of the Ahi Poke Bowl website, the subject business has "eleven or more other retail sales establishments in operation, or with local land use or permits entitlements already approved, located anywhere in the world." As such, the proposed use requires a CU Authorization to establish a Formula Retail Use at the subject location.

On July 6, 2017, the Planning Commission approved the required CU Authorization to establish Ahi Poke Bowl (Case No. 2017-000519CUA – Motion No. 19955) at the subject property as a Formula Retail Use.

Please note that a Letter of Determination is a determination regarding the classification of uses and interpretation and applicability of the provisions of the Planning Code. This Letter of Determination 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.

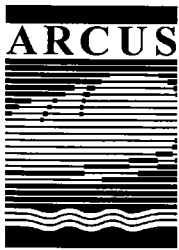
APPEAL: If you believe this determination represents an error in interpretation of the Planning Code or abuse in discretion by the Zoning Administrator, an appeal may be filed with the Board of Appeals within 15 days of the date of this letter. For information regarding the appeals process, please contact the Board of Appeals located at 1650 Mission Street, Room 304, San Francisco, or call (415) 575-6880.

Sincerely,



Scott F. Sanchez
Zoning Administrator

cc: Property Owner
Neighborhood Groups
Todd Kennedy, Planner



December 20th 2016

Mr. Scott Sanchez, Zoning Administrator
San Francisco City Planning Department
1650 Mission Street, Suite 400
San Francisco CA 94103-2479

R#2016-016340 ZAD
CKs # 1622 \$ 663. - } \$664. -
7605 \$ 1. - }
D. WASHINGTON (SW)

Subject: Request for Letter of Determination

Address: 1511 Sloat Boulevard San Francisco CA 94132
Reference: Block: 7255 Lot:002
Zoning District: NCS(Neighborhood Commercial Shopping Center)-Lakeshore Plaza
Special Use District

Mr. Sanchez:

This request for clarification of the items described below will enable the applicant to establish if a Conditional Use Application(CUA) is necessary for conversion of an existing self-service Yogurt Store into a limited restaurant (Ahi Poke Bowl).

Project Background

The current tenant located at 1511 Sloat Blvd. is Nubi Yogurt, they occupy 845 sf within the Lakeshore Plaza Shopping Center. This shopping center provides a variety of goods and services to the Lakeshore Acres, Crestlake, and Merced Manor Neighborhoods. The Planning Commission approved a Conditional Use Application for the operation of this small, self-service restaurant in 2009. Nubi Yogurt is still currently in operation. The new tenant proposes to renovate the space into a Poki style limited restaurant with seating for 16 patrons. Because there may be limitations on the type and classification of restaurants within the Lakeshore Shopping Plaza SUD, we need clarifications if a Conditional User Permit is needed.

Conditional Use Application Clarification

A Conditional Use is unclear due to difference in responses from Planning Staff during separate inquiries.

1. On November 2016, new tenant approached SW Quadrant Enforcement Planner inquiring if a CU is necessary. The response was because this change of use from the yogurt shop(limited restaurant) and the new Poke Bowl(limited restaurant) does not involve abandonment of similar operation for over three years, and there is an existing CUA No. 2009.0061C to operate the self-service restaurant and there is no change of use proposed, then a CUA is not necessary. However, the Planner recommends us to consider seeking a formal response with a Letter of Determination.
2. On December 6 2016, attorney recommended by the landlord made an inquiry to SW Quadrant supervisor and he indicated that a CUA is needed.
3. On December 12 2016, tenant's consultant made a inquiry at the Public Counter on completing a Preliminary Screening form for restaurants mobile food facilities and relates uses and the planner checked the box indicated a CUA is needed.

Typically because there is no change of use, a CUA is not needed but specifics within the Lakeshore Plaza Special Use District is unclear. However the proposed use will be a limited restaurant and with the self-service component of the previous tenant removed.

ARCHITECTURE
+ PLANNING

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Place, Third Floor
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(415) 391 - 3313
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The Ahi Poke Bowl currently operates seven(7) stores which is under the 11 which triggers formula retail store classification.

The existing stores are located in the following area:

1. Temple City CA, 91780
2. Scottsdale AZ, 85257
3. Los Angeles CA, 90028
4. Los Angeles CA, 90007
5. Moreno Valley CA, 92553
6. Chandler AZ, 85226
7. West Corvina CA, 91791

In 2017 however, there is plan to expand an additional 6 stores in Arizona and California, and this list will be provided upon request. Tentative opening dates for these new stores are schedule to begin in January through March. There is the likelihood that at some point they may reach 11 stores. We would need to clarify when does the Formula Retail component of the approval process is triggered? It is set only at the date of application or is there a retroactive application when they reach the limit of 11 stores?

If you need additional information or if you have questions, please contact me by calling 415-391-3313 or by email to samkwong-arcus@pacbell.net.

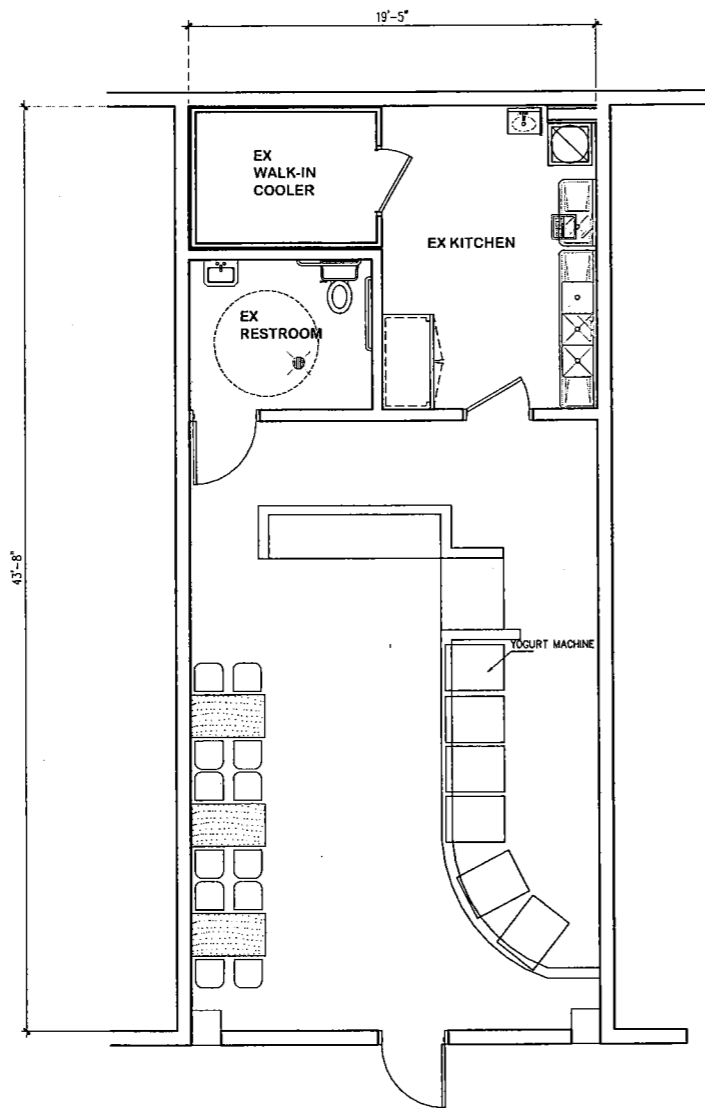
Very Truly Yours,

A handwritten signature in black ink, appearing to read 'Samuel Kwong', with a stylized flourish at the end.

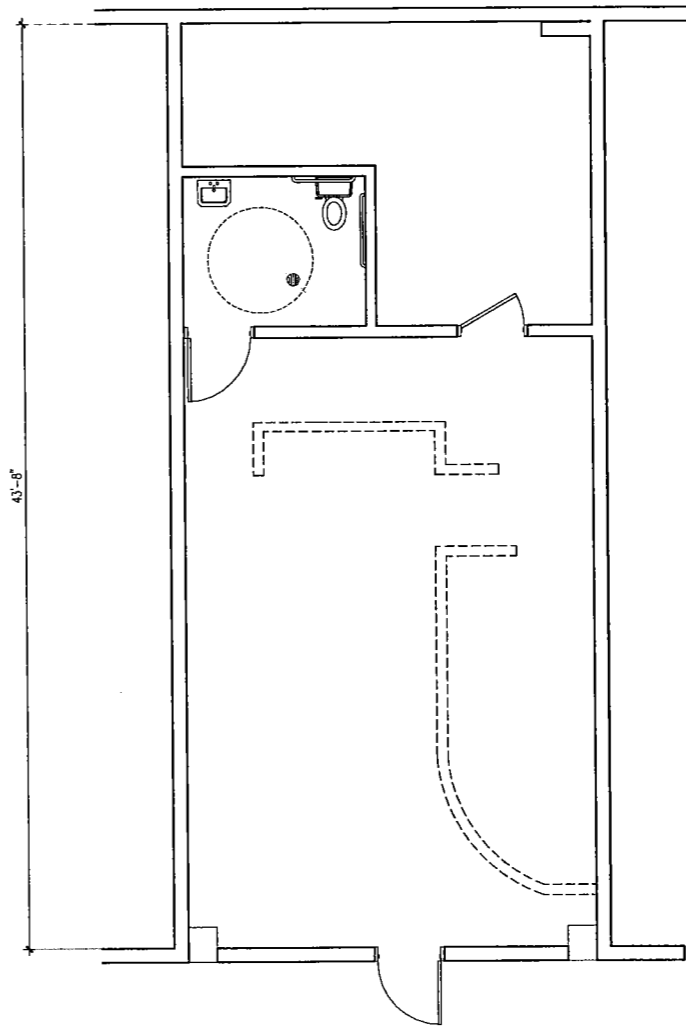
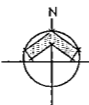
Samuel Kwong
Principal

Encl: Existing and Proposed floor plans

cc:: Mr. Scott Sanchez(by email)



(TENANT IMPROVEMENT ONLY)
EXISTING FLOOR PLAN (A)
 SCALE: 1/4"=1'-0"



(TENANT IMPROVEMENT ONLY)
DEMOLITION PLAN (A)
 SCALE: 1/4"=1'-0"



LEGEND:

- ALL ARE EXISTING WALL, NO CHANGE.
- EXISTING NON BEARING WALL PROPOSED TO BE REMOVED
- FLOOR SINK
- FLOOR DRAIN

JH
 construction
 & design
 ■ COMMERCIAL
 ■ RESIDENTIAL
 ■ INTERIOR DESIGN

243 ABOGADO AVE
 WALNUT, CA 91789
 TEL: 626.720.7599
 FAX: 626.529.0108
 HODDER1969@HOTMAIL.com

See:

A Project for:

TENANT IMPROVEMENT
ahipoki bowl
 1517 SLOAT BLVD
 SAN FRANCISCO CA 94132

Client:

Revisions:

△		

PERMIT #

No.	Description	Date

Project No.:
 Drawn By: JIN HJANG
 Reviewed By:
 Scale:
 Date:
 Filename:
 Sheet Title:

FLOOR PLAN

A-1.1

Not for construction until reviewed, signed, and dated.

