



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Conditional Use

HEARING DATE: FEBRUARY 2, 2012

Date: January 26, 2012
Case No.: **2010.1038 C**
Project Address: **1735 POLK STREET**
Zoning: Polk Street Neighborhood Commercial District
65-A Height and Bulk District
Block/Lot: 0619/002
Project Sponsor: Javier Solorzano
3288 21st Street
San Francisco, CA 94110
Staff Contact: Rick Crawford – (415) 558-6358
rick.crawford@sfgov.org
Recommendation: **Approval with Conditions**

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

Reception:
415.558.6378

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415.558.6409

Planning
Information:
415.558.6377

PROJECT DESCRIPTION

The applicant proposes to develop a full-service restaurant (d.b.a. The Living Room) with beer and wine service in the existing vacant 3,000 square-foot commercial space. The proposed hours of operation for the restaurant would be from 8:00 a.m. to 11:00 p.m. Sunday through Thursday, and 8:00 a.m. to midnight Friday and Saturday. The proposed use is independently owned and is not a Formula Retail use. The restaurant would be a family run enterprise with up to eight additional employees.

SITE DESCRIPTION AND PRESENT USE

The project is located on the west side of Polk Street, between Washington and Clay Streets, Assessor's Block 0619, Lot 002, within the Polk Street Neighborhood Commercial District, and the 65-A Height and Bulk District. The property is developed with a three-story mixed-use building with four dwelling units on the upper floors and 3,600 square-feet of commercial space on the ground floor. The commercial space divided into two commercial units. One unit occupies almost the entire building frontage and is occupied by a 600 square-foot small fast-food restaurant (d.b.a. Quickly). The second unit is approximately 3,000 square-feet in area and is located behind the smaller space with only a door on the street front. The second unit is vacant and had previously been occupied by a noodle shop (d.b.a. Canton Noodle Company). The subject property is approximately 5,161 square-feet in area with 50 feet of frontage on Polk Street.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The Polk Street NCD provides convenience goods and services to residents of the Polk Gulch neighborhood, the western slopes of Nob and Russian Hills, the Van Ness corridor and the eastern portion of Pacific Heights. The numerous apparel and specialty stores also draw

customers from further afield, while the restaurants, bars and nighttime entertainment venues form a lively, citywide destination. This mix of uses, and the proximity to dense residential areas, contributes to the active, urban character of the district.

The surrounding development is a variety of multi-story, mixed-use buildings. Nearby ground floor uses include eating and drinking establishments, retail stores, and nighttime entertainment. The upper stories are generally occupied by office space, apartments, and residential hotels. The scale of development throughout the area consists of low- and mid-rise buildings (one- to four-story structures).

ENVIRONMENTAL REVIEW

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

HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Classified News Ad	20 days	January 13, 2012	January 11, 2012	22 days
Posted Notice	20 days	January 13, 2012	January 13, 2012	20 days
Mailed Notice	10 days	January 23, 2012	January 13, 2012	20 days

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

PUBLIC COMMENT

- To date, the Department has not received any public comment on the project.

ISSUES AND OTHER CONSIDERATIONS

- The Commerce and Industry Element of the General Plan contains Guidelines that discourage the overconcentration of eating and drinking establishments within NCD's. While the overall Polk Street corridor contains a substantial number of restaurants, the proposed use is located in a commercial space behind an existing restaurant and would not increase the commercial frontage attributed to eating and drinking establishments and, would not contribute to any over-concentration of such uses.
- The proposed restaurant would occupy a 3,000 square-foot existing commercial space in an existing mixed-use building. A conforming use exceeding the nonresidential use size threshold, but which predated the use size limit requirement, can be changed to a different use occupying the same floor area without conditional use authorization. The subject building was constructed circa 1917 with 3,600 square-feet of ground floor commercial. The space has been used in the current, or larger, configuration since construction by conforming uses, therefore; Conditional Use authorization for

nonresidential use size is not required for the proposed change of use. The most recent use was a noodle shop (d.b.a. Canton Noodle Company).

- The Police Department and neighborhood groups active in the Polk Street corridor are concerned about the proliferation of late-night uses that serve alcoholic beverages after midnight. The Project Sponsor is proposing to operate the new restaurant between the hours of 8:00 a.m. to 11:00 p.m. Sunday through Thursday and 8:00 a.m. to midnight Friday and Saturday. The restaurant will serve beer and wine but not liquor.

REQUIRED COMMISSION ACTION

In order for the project to proceed, the Commission must grant conditional use authorization to allow the establishment of a full-service restaurant within the Polk Street NCD, pursuant to Planning Code Section 723.42.

BASIS FOR RECOMMENDATION

- The project promotes small-business ownership of a locally-owned, independent business and contributes to the viability of the overall Polk Street NCD.
- The project would not displace an existing retail tenant providing convenience goods and services to the neighborhood.
- The project would not contribute to any over-concentration of eating and drinking establishments.
- The District is well served by transit; therefore, customers should not affect traffic.
- The proposed Project meets all applicable requirements of the Planning Code.
- The project meets all applicable requirements of the Planning Code.
- The project is desirable for, and compatible with the surrounding neighborhood.
- The business is not a Formula Retail use and would serve the immediate neighborhood.

RECOMMENDATION: Approval with Conditions
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Attachments:

Block Book Map
Sanborn Map
Zoning Map
Aerial Photograph
Context Photograph
Site Photograph
Reduced Plans

Attachment Checklist

- | | |
|---|---|
| <input checked="" type="checkbox"/> Executive Summary | <input checked="" type="checkbox"/> Project sponsor submittal |
| <input checked="" type="checkbox"/> Draft Motion | Drawings: <u>Existing Conditions</u> |
| <input type="checkbox"/> Environmental Determination | <input checked="" type="checkbox"/> Check for legibility |
| <input checked="" type="checkbox"/> Zoning District Map | Drawings: <u>Proposed Project</u> |
| <input checked="" type="checkbox"/> Height & Bulk Map | <input checked="" type="checkbox"/> Check for legibility |
| <input checked="" type="checkbox"/> Parcel Map | <input type="checkbox"/> Health Dept. review of RF levels |
| <input checked="" type="checkbox"/> Sanborn Map | <input type="checkbox"/> RF Report |
| <input checked="" type="checkbox"/> Aerial Photo | <input type="checkbox"/> Community Meeting Notice |
| <input checked="" type="checkbox"/> Context Photos | <input type="checkbox"/> Inclusionary Affordable Housing Program:
Affidavit for Compliance |
| <input checked="" type="checkbox"/> Site Photos | |

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

_____ RC _____
Planner's Initials

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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: FEBRUARY 2, 2012

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ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 303, AND 723.42, OF THE PLANNING CODE TO ALLOW A FULL-SERVICE RESTAURANT (D.B.A. THE LIVING ROOM) WITH BEER AND WINE SERVICE WITHIN THE POLK STREET NEIGHBORHOOD COMMERCIAL DISTRICT AND A 65-A HEIGHT AND BULK DISTRICT.

PREAMBLE

On December 14, 2010, Javier Solorzano (hereinafter “Project Sponsor”) filed an application with the Planning Department (hereinafter “Department”) for Conditional Use Authorization under Planning Code Sections 303, and 723.42 to allow a full-service restaurant (d.b.a. The Living Room) with beer and wine service, within the Polk Street Neighborhood Commercial District and a 65-A Height and Bulk District.

On February 2, 2012, the San Francisco Planning Commission (hereinafter “Commission”) conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2010.1038C.

The project is exempt from the California Environmental Quality Act (“CEQA”) as a Class 1 categorical exemption. The Commission has reviewed and concurs with said determination. The categorical exemption and all pertinent documents may be found in the files of the Planning

Department (hereinafter "Department"), as the custodian of records, at 1650 Mission Street, San Francisco.

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. 2010.1038C, 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 west side of Polk Street, between Washington and Clay Streets, Assessor's Block 0619, Lot 002, within the Polk Street Neighborhood Commercial District, and the 65-A Height and Bulk District. The property is developed with a three-story mixed-use building with four dwelling units on the upper floors and 3,600 square-feet of commercial space on the ground floor. The commercial space divided into two commercial units. One unit occupies almost the entire building frontage and is occupied by a 600 square-foot small fast-food restaurant (d.b.a. Quickly). The second unit is approximately 3,000 square-feet in area and is located behind the smaller space with only a door on the street front. The second unit is vacant and had previously been occupied by a noodle shop (d.b.a. Canton Noodle Company). The subject property is approximately 5,161 square-feet in area with 50 feet of frontage on Polk Street.
3. **Surrounding Properties and Neighborhood.** The Polk Street NCD provides convenience goods and services to residents of the Polk Gulch neighborhood, the western slopes of Nob and Russian Hills, the Van Ness corridor and the eastern portion of Pacific Heights. The numerous apparel and specialty stores also draw customers from further afield, while the restaurants, bars and nighttime entertainment venues form a lively, citywide destination. This mix of uses, and the proximity to dense residential areas, contribute to the active, urban character of the district.

The surrounding development is a variety of multi-story, mixed-use buildings. Nearby ground-floor uses include eating and drinking establishments, retail stores, and nighttime entertainment. The upper stories are generally occupied by office space, apartments, and residential hotels. The scale of development throughout the area consists of low- and mid-rise buildings (one- to four-story structures).

4. **Project Description.** The applicant proposes to develop a full-service restaurant (d.b.a. The Living Room) with beer and wine service in the existing vacant 3,000 square-foot commercial space. The proposed hours of operation for the restaurant would be from 8:00 a.m. to 11:00 p.m. Sunday through Thursday, and 8:00 a.m. to midnight Friday and Saturday. The proposed use is independently owned and is not a Formula Retail use. The restaurant would be a family run enterprise with up to eight additional employees.
5. **Public Comment.** The Department has not received any public comment on 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. **Full-Service Restaurant.** Planning Code Section 723.42 states that a Conditional Use Authorization is required for a Full-Service Restaurant in the Polk Street Neighborhood Commercial District, as defined by Planning Code Section 790.70.

The Project Sponsor is requesting Conditional Use Authorization to develop a full-service restaurant (d.b.a. The Living Room) with beer and wine service in the existing vacant 3,000 square-foot commercial space. The restaurant would serve appetizers, salads, sandwiches, and desserts and would include beer and wine service.

- B. **Hours of Operation.** Planning Code Section 723.27 principally permits hours of operation between 6:00 a.m. and 2:00 a.m. seven days per week and all allows hours of operation between 2:00 a.m. and 6:00 a.m., seven days per week with Conditional Use authorization.

The Project Sponsor is proposing to operate the new restaurant between the hours of 8:00 a.m. to 11:00 p.m. Sunday through Thursday and 8:00 a.m. to midnight Friday and Saturday.

- C. **Nonresidential Use Size.** Planning Code Section 121.2 states that a Conditional Use Authorization is required for a Nonresidential Use of 2,500 square-feet or greater.

The proposed restaurant would occupy a 3,000 square-foot existing commercial space in an existing mixed-use building. Pursuant to a Zoning Administrator's Interpretation of Planning Code Section 121.2, a conforming use which was over the nonresidential use size threshold, but which predated the use size limit requirement, could change to a different use occupying the same floor area without conditional use authorization, provided there is no increase in floor area. The subject building was constructed circa 1917 with 3,600 square-feet of ground floor commercial. The space has been used in the current, or larger, configuration since construction by conforming uses, therefore; Conditional Use authorization for nonresidential use size is not required for the proposed change of use.

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

The project contains approximately 3,000 square-feet of occupied floor area and thus does not require any off-street parking.

- E. **Loading.** Planning Code Section 152 requires an off-street freight loading space for retail uses exceeding 10,000 square-feet in area.

The project contains approximately 3,000 square-feet of occupied floor area and thus does not require any off-street freight loading.

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

The subject commercial space has no street frontage on Polk Street with the exception of the five-foot wide entry. The entry includes a door of clear and unobstructed glass. There are no changes proposed to the remaining commercial frontage.

- G. **Signage.** Currently, there is not a proposed sign program on file with the Planning Department. Any proposed signage will be subject to the review and approval of the Planning Department.

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

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

The size of the proposed use is in keeping with other uses in the area. The proposed full-service restaurant would not affect traffic or parking in the District because it is not a destination restaurant. The use would compliment the mix of goods and services currently available in the district and contribute to the economic vitality of the neighborhood by occupying a vacant retail space.

- B. The proposed project will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity. There are no features

of the project that could be detrimental to the health, safety or convenience of those residing or working the area, in that:

- i. Nature of proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;

The height and bulk of the existing building would remain the same and would not alter the existing appearance or character of the project vicinity. The proposed work would not affect the building envelope.

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

The Planning Code does not require parking or loading for a 3,000 square-foot full-service restaurant. The proposed use is designed to meet the needs of the immediate neighborhood and should not generate significant amounts of vehicular trips from the immediate neighborhood or citywide. The Project Site is well served by public transportation operating on Polk Street and Van Ness Avenue. Off-street parking and loading is not required for the project.

- 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 full-service restaurants and outlined in Exhibit A that specifically obligate the Project Sponsor to address odor and noise generated by the restaurant use.

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

The proposed full-service restaurant occupies the rear portion of the ground floor of a building constructed to the front property line. The site does not provide space for landscaping and contains no parking, loading or outdoor activity areas requiring screening. Lighting and signage for the property would comply with the restrictions of the Planning Code.

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

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

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

The proposed project is consistent with the stated purposes of Polk Neighborhood Commercial District in that the intended use is located at the ground floor, would provide a compatible convenience service for the immediately surrounding neighborhoods during daytime and evening hours.

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

NEIGHBORHOOD COMMERCE

Objectives and Policies

OBJECTIVE 1:

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

Policy 1.1:

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

Policy 1.2:

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

Policy 1.3:

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

The proposed development would provide desirable goods and services to the neighborhood and would provide resident employment opportunities to those in the community. The Project Site is located within a Neighborhood Commercial District and is thus consistent with activities in the commercial land use plan.

OBJECTIVE 6:

MAINTAIN AND STRENGTHEN VIABLE NEIGHBORHOOD COMMERCIAL AREAS EASILY ACCESSIBLE TO CITY RESIDENTS.

Policy 6.1:

Ensure and encourage the retention and provision of neighborhood-serving goods and services in the city's neighborhood commercial districts, while recognizing and encouraging diversity among the districts.

No commercial tenant would be displaced and the project would not prevent the district from achieving optimal diversity in the types of goods and services available in the neighborhood.

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

Eating and Drinking Establishments

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

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

There is a concern with the potential over-concentration of food-service establishments. The Commerce and Industry Element of the General Plan contains Guidelines for Specific Uses. For eating and drinking establishments, the Guidelines state, "the balance of commercial uses may be threatened when eating and drinking establishments occupy more than 20% of the total occupied commercial frontage." The proposed restaurant is located in a commercial space behind an existing restaurant and would not increase the commercial frontage attributed to eating and drinking establishments and, would not contribute to any over-concentration of such uses.

Policy 6.2:

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

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

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 providing a full-service restaurant in an area that is not over concentrated with restaurants. The business would be locally owned and would create up to eight more employment opportunities for the community. Any alterations proposed are within the interior of the existing building.

- 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 not adversely affect the character and economic diversity of Polk Street, and has no affect on housing. The project would activate a commercial space that has been vacant for several years, adding to the vitality of the District

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

No housing is removed for this Project.

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

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

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

The project would not displace any service or industrial establishment. The project would not affect industrial or service sector uses or related employment opportunities. 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 is designed and would be constructed to conform to the structural and seismic safety requirements of the City Building Code. This proposal would not affect the property's ability to withstand an earthquake.

- G. That landmarks and historic buildings be preserved.

The building on the project site was constructed circa 1907 and is considered a Potential Historic Resource. The project would remodel a portion of the interior of the building and would not affect the historic character of the building.

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

The project would have no negative affect on existing parks and open spaces. The Project does not have an affect 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. 2010.1038C** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated October 30, 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. XXXXX. The effective date of this Motion shall be the date of this Motion if not appealed (After the 30-day period has expired) OR the date of the decision of the Board of Supervisors if appealed to the Board of Supervisors. For further information, please contact the Board of Supervisors at (415) 554-5184, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on February 2, 2012.

Linda D. Avery
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: February 2, 2012

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to allow a full-service restaurant (d.b.a. The Living Room) located at 1735 Polk Street, Block 0619, and Lot 002 pursuant to Planning Code Sections 303 and 723.42 within the Polk Street Neighborhood Commercial District and a 65-A Height and Bulk District; in general conformance with plans, dated October 30, 2010, and stamped "EXHIBIT B" included in the docket for Case No. 2010.1038C and subject to conditions of approval reviewed and approved by the Commission on February 2, 2012 under Motion No XXXXXX. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

RECORDATION OF CONDITIONS OF APPROVAL

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on February 2, 2012 under Motion No XXXXXX.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. XXXXXX shall be reproduced on the Index Sheet of construction plans submitted with the Site or Building permit application for the Project. The Index Sheet of the construction plans shall reference to the Conditional Use authorization and any subsequent amendments or modifications.

SEVERABILITY

The Project shall comply with all applicable City codes and requirements. If any clause, sentence, section or any part of these conditions of approval is for any reason held to be invalid, such invalidity shall not affect or impair other remaining clauses, sentences, or sections of these conditions. This decision conveys no right to construct, or to receive a building permit. "Project Sponsor" shall include any subsequent responsible party.

CHANGES AND MODIFICATIONS

Changes to the approved plans may be approved administratively by the Zoning Administrator. Significant changes and modifications of conditions shall require Planning Commission approval of a new Conditional Use authorization.

Conditions of Approval, Compliance, Monitoring, and Reporting PERFORMANCE

1. **Validity and Expiration.** The authorization and right vested by virtue of this action is valid for three years from the effective date of the Motion. A building permit from the Department of Building Inspection to construct the project and/or commence the approved use must be issued as this Conditional Use authorization is only an approval of the proposed project and conveys no independent right to construct the project or to commence the approved use. The Planning Commission may, in a public hearing, consider the revocation of the approvals granted if a site or building permit has not been obtained within three (3) years of the date of the Motion approving the Project. Once a site or building permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. The Commission may also consider revoking the approvals if a permit for the Project has been issued but is allowed to expire and more than three (3) years have passed since the Motion was approved.

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

2. **Extension.** This authorization may be extended at the discretion of the Zoning Administrator only where failure to issue a permit by the Department of Building Inspection to perform said tenant improvements is caused by a delay by a local, State or Federal agency or by any appeal of the issuance of such permit(s).

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

DESIGN

3. **Garbage, composting and recycling storage.** Space for the collection and storage of garbage, composting, and recycling shall be provided within enclosed areas on the property and clearly labeled and illustrated on the architectural addenda. Space for the collection and storage of recyclable and compostable materials that meets the size, location, accessibility and other standards specified by the San Francisco Recycling Program shall be provided at the ground level of the buildings.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org.

4. **Noise.** Plans submitted with the building permit application for the approved project shall incorporate acoustical insulation and other sound proofing measures to control noise.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org.

5. **Odor Control Unit.** In order to ensure any significant noxious or offensive odors are prevented from escaping the premises once the project is operational, the building

permit application to implement the project shall include air cleaning or odor control equipment details and manufacturer specifications on the plans. Odor control ducting shall not be applied to the primary façade of the building.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, 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

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

OPERATION

8. **Sidewalk Maintenance.** The Project Sponsor shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean and sanitary condition in compliance with the Department of Public Works Streets and Sidewalk Maintenance Standards.

For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works, 415-695-2017, <http://sfdpw.org/>

9. **Garbage, Recycling, and Composting Receptacles.** Garbage, recycling, and compost containers shall be kept within the premises and hidden from public view, and placed outside only when being serviced by the disposal company. Trash shall be contained and disposed of pursuant to garbage and recycling receptacles guidelines set forth by the Department of Public Works.

For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works at 415-554-.5810, <http://sfdpw.org>

10. **Hours of Operation.** The subject establishment is limited to the following hours of operation: Sunday through Thursday from 8:00 a.m. to 11:00 p.m. and Friday through Saturday 8:00 a.m. to midnight.

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

11. **Noise Control.** The premises shall be adequately soundproofed or insulated for noise and operated so that incidental noise shall not be audible beyond the premises or in other sections of the building and fixed-source equipment noise shall not exceed the decibel levels specified in the San Francisco Noise Control Ordinance.

For information about compliance with the fixed mechanical objects such as rooftop air conditioning, restaurant ventilation systems, and motors and compressors with acceptable noise levels, contact the Environmental Health Section, Department of Public Health at (415) 252-3800, www.sfdph.org

For information about compliance with the construction noise, contact the Department of Building Inspection, 415-558-6570, www.sfdbi.org

For information about compliance with the amplified sound including music and television, contact the Police Department at 415-553-0123, www.sf-police.org

12. **Odor Control.** While it is inevitable that some low level of odor may be detectable to nearby residents and passersby, appropriate odor control equipment shall be installed in conformance with the approved plans and maintained to prevent any significant noxious or offensive odors from escaping the premises.

For information about compliance with odor or other chemical air pollutants standards, contact the Bay Area Air Quality Management District, (BAAQMD), 1-800-334-ODOR (6367), www.baaqmd.gov and Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

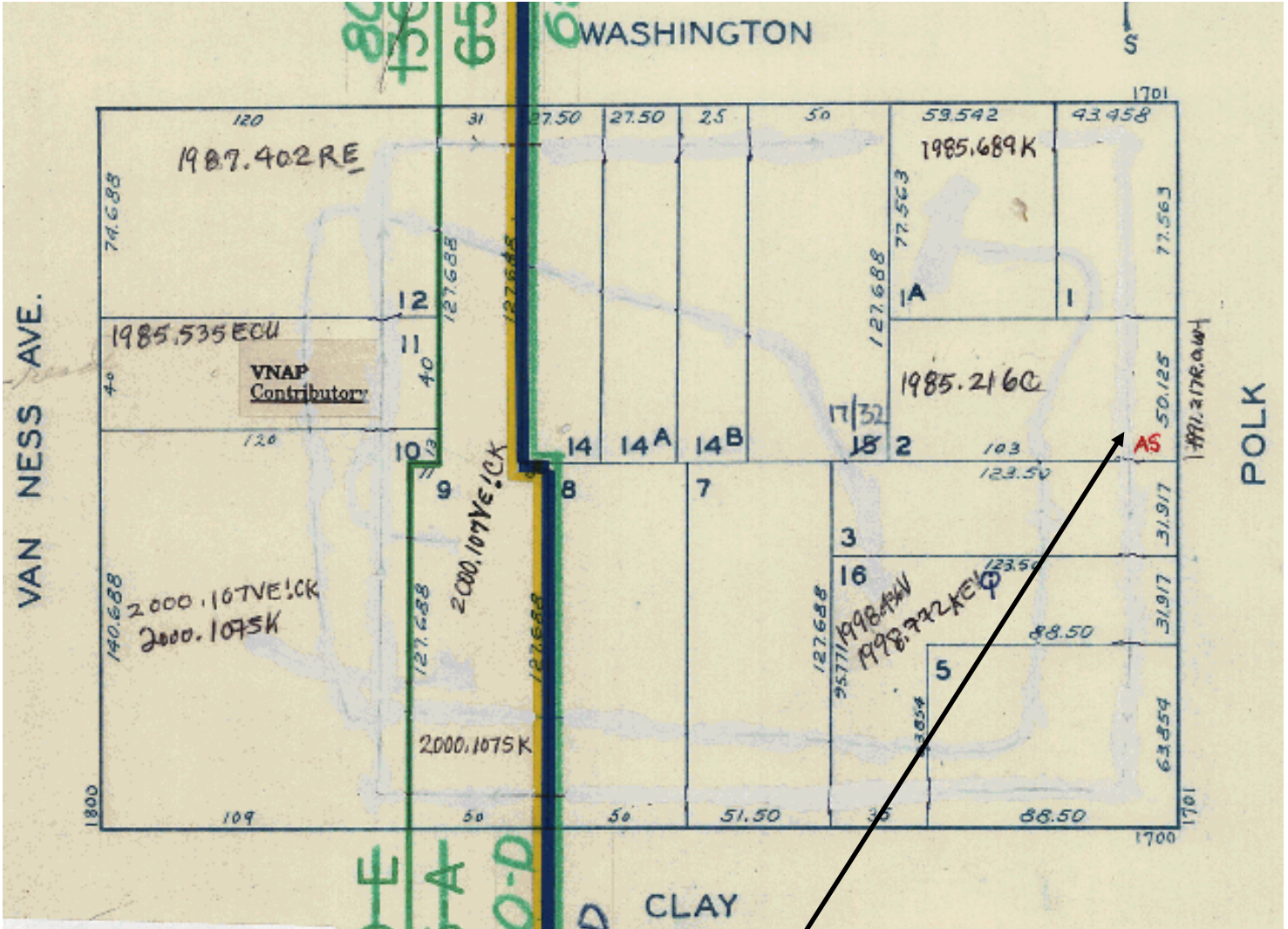
13. **Community Liaison.** Prior to issuance of a building permit to construct the project and implement the approved use, the Project Sponsor shall appoint a community liaison officer to deal with the issues of concern to owners and occupants of nearby properties. The Project Sponsor shall provide the 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

14. **Alcoholic Beverage Sales.** The sale of alcoholic beverages shall be limited to the on-premise sale of beer and wine only. The sale of alcoholic beverages for off-premise consumption is not permitted.

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

Parcel Map

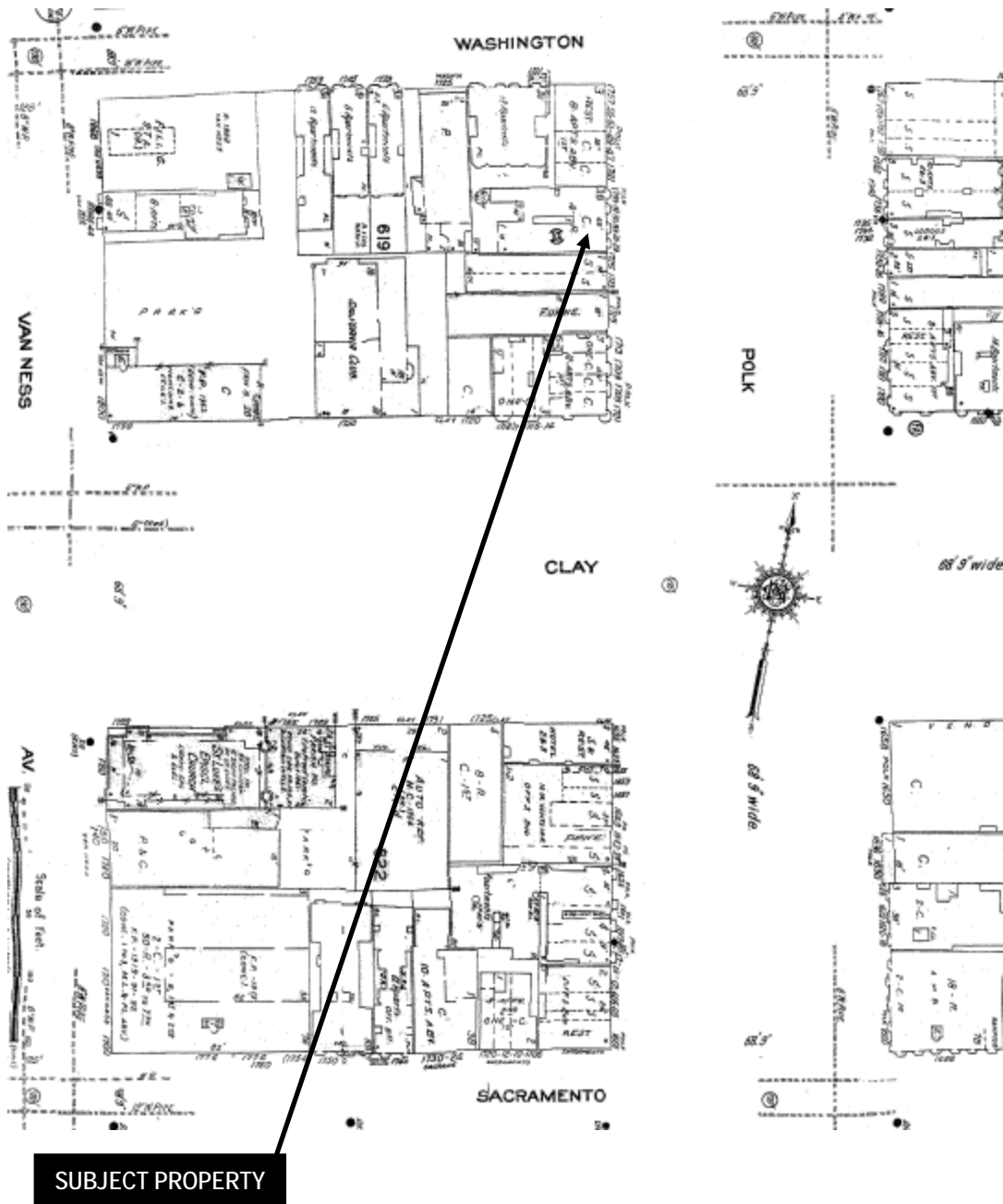


SUBJECT PROPERTY



Conditional Use Authorization
 Case Number 2010.1038C
 1735 Polk Street

Sanborn Map*

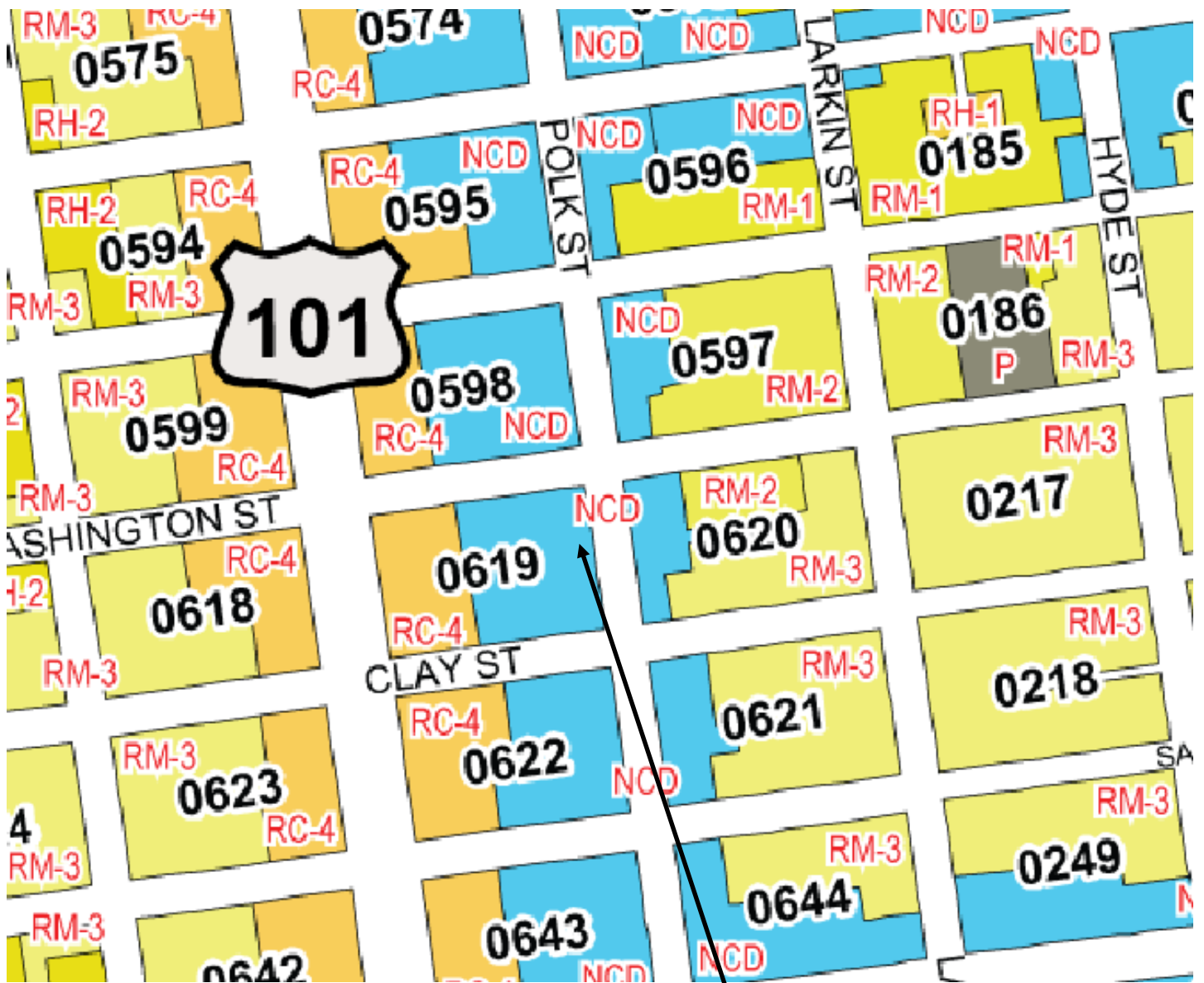


*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.



Conditional Use Authorization
Case Number 2010.1038C
1735 Polk Street

Zoning Map



SUBJECT PROPERTY



Conditional Use Authorization
Case Number 2010.1038C
1735 Polk Street

Aerial Photo



SUBJECT PROPERTY



Conditional Use Authorization
Case Number 2010.1038C
1735 Polk Street

Context Photo



SUBJECT PROPERTY



Conditional Use Authorization
Case Number 2010.1038C
1735 Polk Street

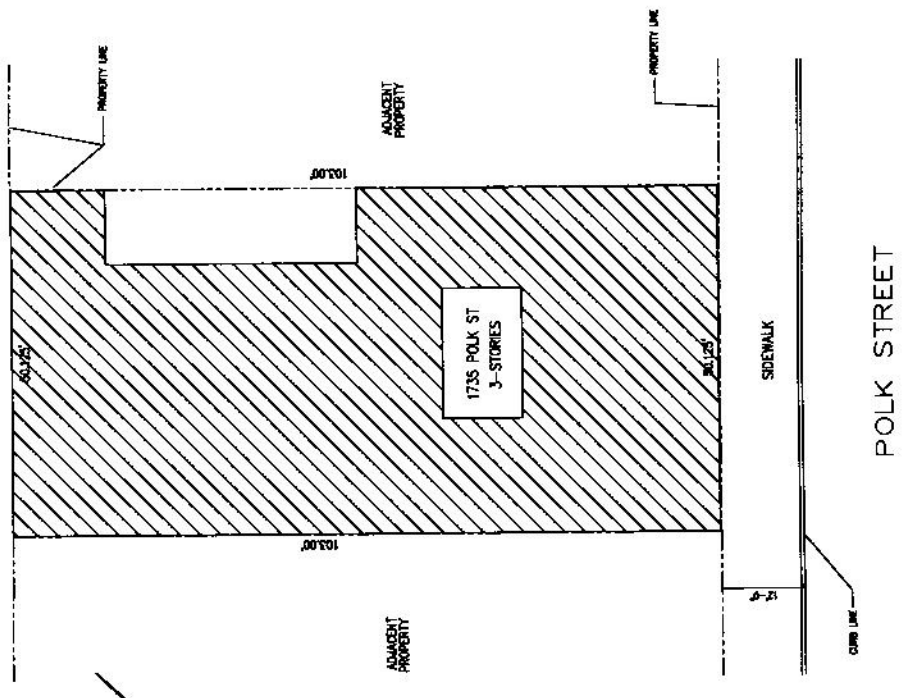
Site Photo



Conditional Use Authorization
Case Number 2010.1038C
1735 Polk Street

GENERAL NOTES:

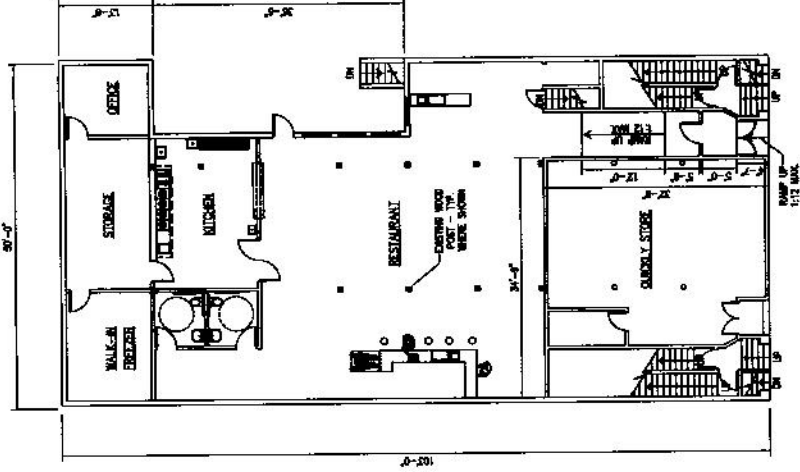
- VERIFY ALL DIMENSIONS ON THE DRAWINGS AGAIN TO THE CONTRACTOR AND CORRECT OR REWORKED BEFORE PROCEEDING TO THE ATTENTION OF THE OWNER AND BE RECORDED BEFORE THESE PROCEEDING.
- THE CONTRACTOR SHALL CONSIDER THE WORK OF ALL TRADES AND OCCUPANTS ALL RELATED PROFESSIONS AT POLK STREET, 1735 POLK STREET, SAN FRANCISCO, CALIFORNIA. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL NECESSARY PERMITS AND APPROVALS OF THE VERTICAL AND LATERAL LOAD SYSTEMS.
- UNDER CONSTRUCTION
1. GENERAL NOTES AND SPECIFICATIONS
 - A. CALIFORNIA BUILDING CODE - 1977 AND THE AMENDMENTS THEREON
 - B. CALIFORNIA MECHANICAL CODE (MCC) - 1977 AND THE AMENDMENTS THEREON
 - C. CALIFORNIA PLUMBING CODE (PLC) - 1977 AND THE AMENDMENTS THEREON
 - D. CALIFORNIA ELECTRICAL CODE (CEC) - 1977 AND THE AMENDMENTS THEREON
 - E. CALIFORNIA FIRE CODE (FC) - 1977 AND THE AMENDMENTS THEREON
 - F. CALIFORNIA LANDMARK PRESERVATION ACT (LMPA) - 1978 AND THE AMENDMENTS THEREON
 - G. CALIFORNIA HISTORIC PRESERVATION ACT (CHPA) - 1978 AND THE AMENDMENTS THEREON
 - H. CALIFORNIA HISTORIC MONUMENT ACT (CHMA) - 1978 AND THE AMENDMENTS THEREON
 - I. CALIFORNIA HISTORIC LANDMARK ACT (CHLA) - 1978 AND THE AMENDMENTS THEREON
 - J. CALIFORNIA HISTORIC LANDMARK ACT (CHLA) - 1978 AND THE AMENDMENTS THEREON
 - K. CALIFORNIA HISTORIC LANDMARK ACT (CHLA) - 1978 AND THE AMENDMENTS THEREON
 - L. CALIFORNIA HISTORIC LANDMARK ACT (CHLA) - 1978 AND THE AMENDMENTS THEREON
 - M. CALIFORNIA HISTORIC LANDMARK ACT (CHLA) - 1978 AND THE AMENDMENTS THEREON
 - N. CALIFORNIA HISTORIC LANDMARK ACT (CHLA) - 1978 AND THE AMENDMENTS THEREON
 - O. CALIFORNIA HISTORIC LANDMARK ACT (CHLA) - 1978 AND THE AMENDMENTS THEREON
 - P. CALIFORNIA HISTORIC LANDMARK ACT (CHLA) - 1978 AND THE AMENDMENTS THEREON
 - Q. CALIFORNIA HISTORIC LANDMARK ACT (CHLA) - 1978 AND THE AMENDMENTS THEREON
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 - Z. CALIFORNIA HISTORIC LANDMARK ACT (CHLA) - 1978 AND THE AMENDMENTS THEREON
 2. CHECK FOR STRUCTURAL USE SHALL OF BRICKS AND CONCRETE AS FOLLOWS:
 - A. BRICKS SHALL BE FULL BODY AND SHALL BE AS FOLLOWS:
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 - B. CONCRETE SHALL BE AS FOLLOWS:
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 3. ALL WALLS SHALL BE CONFORM WITH THE RULES OF BRICKWORK UNLESS NOTED OTHERWISE.
 4. ALL FINISH MATERIALS SHALL BE AS MANUFACTURED BY BRICKS COMPANY OR APPROVED EQUAL.



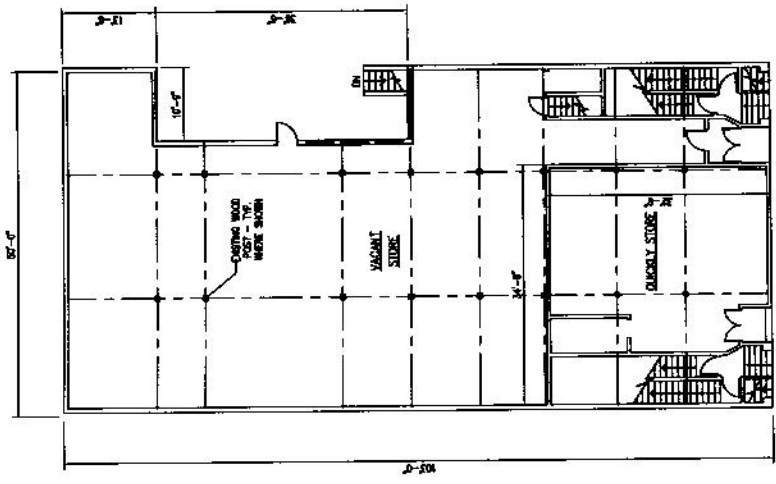
SCOPE OF WORK
INSTALL FULL RESTAURANT IN RETAIL SPACE
COMPLY WITH ADA ACCESSIBILITY

LEVEL OF SHEETS
A1 SITE PLAN, GENERAL NOTES
A2 PROPOSED AND EXISTING FLOOR PLANS
A3 PROPOSED FRONT AND SIDE ELEVATIONS

SITE PLAN
SCALE: 1/4" = 1'-0"



PROPOSED FIRST FLOOR PLAN
 SCALE 1/8" = 1'-0"



EXISTING FIRST FLOOR PLAN
 SCALE 1/8" = 1'-0"

