



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Conditional Use

HEARING DATE: AUGUST 4, 2011

Date: July 28, 2011
Case No.: **2011.0026 C**
Project Address: **2238 POLK STREET**
Zoning: Polk Street Neighborhood Commercial District
65-A Height and Bulk District
Block/Lot: 0549/015
Project Sponsor: Rebecca Amato
Amato Architecture
688 Fairmont Avenue #4
Oakland, CA 94611
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:
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415.558.6409

Planning
Information:
415.558.6377

PROJECT DESCRIPTION

The proposal will develop a 2,190 square foot full-service restaurant, (d.b.a. Gioia Pizzeria) in vacant commercial spaces formerly occupied by a hair salon and a health food store on the ground floor of an existing building. The two commercial spaces will be combined to create a floor area of 1,630 square feet. The project will also add a 540 square foot mezzanine that will be used for storage and trash management areas. The new restaurant will be independently owned and is not a formula retail use.

SITE DESCRIPTION AND PRESENT USE

The project is located on the east side of Polk Street, between Green and Vallejo Streets, Block 0549, Lot 015. The property is located within the Polk Street Neighborhood Commercial District and the 65-A Height and Bulk District. The property is developed with a large four-story apartment building with 42 residential units above ground floor commercial. The building extends south from the southeast corner of Polk and Green Streets with 200 feet of frontage on Polk. The ground floor is developed with five commercial spaces, two of which will be combined by the project. Remaining businesses in the building include, Cole Hardware, Russian Hill Bookstore, and Polker's Gourmet Burgers, a full-service restaurant.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The project site is located in an area of multi-story, mixed-use buildings featuring residential uses above ground floor commercial. A number of residential hotels are in the area along with automobile repair facilities. Other commercial establishments are neighborhood-serving uses. Buildings range from one to four stories in height.

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	July 15, 2011	April 13, 2011	22 days
Posted Notice	20 days	July 15, 2011	April 14, 2011	21 days
Mailed Notice	10 days	July 25, 2006	April 14, 2011	21 days

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

PUBLIC COMMENT

The Department has received twelve letters, one anonymous phone call, and 51 signatures on a petition in support of the project, including a letter of support from Russian Hill Neighbors neighborhood organization. The Department is not aware of any opposition to the proposal.

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. The project will not create an over concentration of such uses in this portion of the Polk Neighborhood Commercial District as the project is within the limits of the standards set forth in the General Plan.
- The project is strongly supported in the neighborhood and by the neighborhood group active in the area.

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 and to allow a non-residential use exceeding 1,999 square feet in area within the Polk Street NCD, pursuant to Planning Code Section 723.21, and 723.42.

BASIS FOR RECOMMENDATION

- The project will not displace an existing retail tenant providing convenience goods and services to the neighborhood.
- The project is strongly supported by the neighborhood.

- The project will occupy the two vacant storefronts in the building and will activate the public realm by providing commercial activity at the ground floor.
- 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 will serve the immediate neighborhood.

RECOMMENDATION: Approval with Conditions
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- Attachments:**
Block Book Map
Sanborn Map
Zoning Map
Aerial Photographs
Site Photos
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 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: AUGUST 4, 2011

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ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 303, 121.2, 723.21 AND, 723.42 OF THE PLANNING CODE TO ALLOW A FULL-SERVICE RESTAURANT (D.B.A. GIOIA PIZZERIA) AND A NON-RESIDENTIAL USE EXCEEDING 1,999 SQUARE FEET IN AREA WITHIN THE POLK STREET NEIGHBORHOOD COMMERCIAL DISTRICT AND A 65-A HEIGHT AND BULK DISTRICT.

PREAMBLE

On June 20, 2011 Rebecca Amato (hereinafter "Project Sponsor") filed an application with the Planning Department (hereinafter "Department") for Conditional Use Authorization under Planning Code Sections 303, 121.2, 723.21 and 723.42 to develop a full-service restaurant and a non-residential use exceeding 1,999 square feet in area within the Polk Street Neighborhood Commercial District and 65-A Height and Bulk District.

On August 4, 2011, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2011.0026C.

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. 2011.0026C, 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 east side of Polk Street, between Green and Vallejo Streets, Block 0549, Lot 015. The property is located within the Polk Street Neighborhood Commercial District and the 65-A Height and Bulk District. The property is developed with a large four-story apartment building with 42 residential units above ground floor commercial. The building extends south from the southeast corner of Polk and Green Streets with 200 feet of frontage on Polk. The ground floor is developed with five commercial spaces, two of which will be combined by the project. Remaining businesses in the building include, Cole Hardware, Russian Hill Bookstore, and Polker's Gourmet Burgers, a full-service restaurant.
3. **Surrounding Properties and Neighborhood.** The project site is located in an area of multi-story, mixed-use buildings featuring residential uses above ground floor commercial. A number of residential hotels are in the area along with automobile repair facilities. Other commercial establishments are neighborhood-serving uses. Buildings range from one to four stories in height.
4. **Project Description.** The proposal will develop a 2,190 square foot full-service restaurant, (d.b.a. Gioia Pizzeria) in vacant commercial spaces formerly occupied by a hair salon and a health food store on the ground floor of an existing building. The two commercial spaces will be combined to create a floor area of 1,630 square feet. The project will also add a 540 square foot mezzanine that will be used for storage and trash management areas. The new restaurant will be independently owned and is not a formula retail use.
5. **Public Comment.** The Department has received twelve letters, one anonymous phone call, and 51 signatures on a petition in support of the project, including a letter of support

from Russian Hills Neighbors neighborhood organization. The Department has not received any letters of calls in opposition to the proposal.

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. **Use.** Planning Code Section 723.42 requires Conditional Use Authorization for a full-service restaurant in the Polk Street Neighborhood Commercial District.

The Project Sponsor is requesting Conditional Use Authorization to establish a full-service restaurant (d.b.a. Gioia Pizzeria). The project will combine two smaller, adjacent commercial spaces into one unit. In addition, the Sponsor is requesting authorization for a non-residential use exceeding 1,999 square feet to construct a mezzanine above the proposed kitchen area for storage.

B. **Use Size Limits.** Planning Code Section 121.2 states that a Conditional Use Authorization is required for non-residential uses within this District that exceed 1,999 square feet. The proposed use size is approximately 2,190 square feet. In addition to the criteria set forth in Section 303(c) as set forth, the project is consistent with the following criteria set forth in Section 121.2.

i. The intensity of activity in the district is not such that allowing the larger use will be likely to foreclose the location of other needed neighborhood-serving uses in the area.

The proposed use is designed such that the two commercial units could be separated in the future to permit the re-establishment of two smaller uses. The additional floor area is entirely on a new mezzanine. The larger use will not foreclose the location of other neighborhood serving uses in the future.

ii. The proposed use will serve the neighborhood, in whole or in significant part, and the nature of the use requires a larger size in order to function.

The proposed use is intended to be a neighborhood serving pizzeria and not a destination use for others in the City or the Bay Area. The additional floor area is a mezzanine for storage that will allow the businesses to better use the ground floor area to serve patrons, increase patron comfort and operate in a more efficient manner.

iii. The building in which the use is to be located is designed in discrete elements which respect the scale of development in the district.

The project will occupy two existing commercial units in a building constructed with five discrete commercial spaces that have all been independently occupied. The two spaces being combined can be separated in the future if necessary for future use of the space. The project will not alter the exterior of the building.

- C. **Hours of Operation.** Planning Code Section 723.27 principally permits hours of operation between 6:00 a.m. and 2:00 a.m. and requires Conditional Use Authorization to operate between the hours of 2:00 a.m. and 6:00 a.m.

The Project Sponsor is not requesting conditional use authorization to operate between the hours of 2:00 a.m. and 6:00 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 project contains approximately 2,190 square-feet of floor area and thus does not require any off-street parking.

- E. **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 $\frac{1}{2}$ 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 approximately 17-feet of frontage on Polk Street with approximately 14 feet devoted to either the restaurant entrance, or window space. The entire width of the space will be clear glass storefront with the exception of a three-foot wide column that indicates the dividing point between the original two commercial spaces. There are no changes proposed to the commercial frontage other than Code compliant signage.

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 storefronts on the block-face. The proposed full-service restaurant will not affect traffic or parking in the District because it is not a destination restaurant. This use will compliment the mix of goods and services

currently available in the district and contribute to the economic vitality of the neighborhood by occupying vacant storefronts and providing employment opportunities for local residents.

- 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 will remain the same and the project will not alter the existing appearance or character of the project vicinity. The proposed work will 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 2,190 square-foot full-service restaurant. The proposed use is designed to meet the needs of the immediate neighborhood and should not generate substantial amounts of vehicular trips from the immediate neighborhood or citywide. In addition, the area is well served by public transit.

- 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 including conditions that specifically obligate the Project Sponsor to reduce 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 does not require any exterior tenant improvements other than lighting and signage. The Department will review all permits proposed for the new business for compliance with City Codes and policies addressing such features.

- 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 Polk Street NCD functions as a neighborhood-serving marketplace, providing convenience and specialty goods in the Polk Gulch, Nob Hill, Russian Hill, and Pacific Heights areas. The District is further described in Planning Code Section 723.1, which states that commercial uses are generally located on the ground floor of buildings. The regulations in the District are intended to "...limit new eating, drinking and other entertainment... uses, which can produce parking congestion, noise, and other nuisances or displace other types of local-serving convenience goods and services." The project will occupy two vacant storefronts with a neighborhood-serving full-service restaurant. The use increases the number of restaurants in the area by one but it eliminates two empty commercial spaces. The project will not displace opportunities for local-serving convenience goods and services.

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 will provide desirable goods and services to the neighborhood and will provide resident employment opportunities to those in the community. The change of use to a restaurant will not result in undesirable consequences. Further, the Project Site is located within a Neighborhood Commercial District and is thus consistent with activities in the commercial land use plan.

OBJECTIVE 2:

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

Policy 2.1:

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

The project will not affect any existing commercial activity and industrial activities are not permitted in this Neighborhood Commercial District. The project is a new business to the neighborhood and will occupy vacant storefronts.

OBJECTIVE 6:

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

Policy 6.1:

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

The project occupies vacant storefronts and no commercial tenant will be displaced. The project will 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 impacts, 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 impacts on the surrounding community.

A concern exists with regard to the potential over-concentration of food-service establishments in Neighborhood Commercial Districts. 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." Planning staff has performed a site survey of the Polk NCD between Jackson and Filbert Streets, a segment that contains the proposed building. With the proposed restaurant use, approximately 19% of the frontage of the Polk Neighborhood Commercial District is attributed to eating and drinking establishments.

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 neighborhood serving. This 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, enhanced, and future opportunities for resident employment in and ownership of such businesses be enhanced.

The project will enhance the district by providing a full-service restaurant in an area that is not over concentrated by restaurants. The will not displace or disrupt any existing businesses as it will occupy two vacant storefronts. The new use will provide employment opportunities for local residents. 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.

The existing units in the surrounding neighborhood will not be adversely affected. The proposed restaurant will be developed to minimize affects of noise and odor from the kitchen

and dining area. Conditions of approval will ensure that any noise and odors will be minimized.

- 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 will commute by transit thereby reducing the possible effects on street parking. The project does not propose any off-street parking and will not impede MUNI transit services.

- 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 is not a commercial office development and will not displace any service or industry establishment. The project will enhance service sector ownership and employment and will not affect industrial or service sector uses or related employment opportunities.

- 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 will be constructed to conform to the structural and seismic safety requirements of the City Building Code. This proposal will not affect the property's ability to withstand an earthquake.

- G. That landmarks and historic buildings be preserved.

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

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

The project will have no negative effect on existing parks and open spaces. The project does not have an effect on open spaces.

10. The Project is consistent with and will promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project will contribute to the character and stability of the neighborhood and will constitute a beneficial development.

11. The Commission hereby finds that approval of the Conditional Use authorization is necessary and desirable and will 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. 2011.0026C** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated June 10, 2011, 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 August 04, 2011.

Linda D. Avery
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: August 04, 2011

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to allow a full service restaurant and a non-residential use exceeding 1,999 square feet in area (d.b.a. Gioia Pizzeria) located at 2238 Polk Street, Block 0459, and Lot 015, pursuant to Planning Code Section(s) 303, 121.2, 723.21, and 723.42 within the Polk Neighborhood Commercial District and a 65-A Height and Bulk District; in general conformance with plans, dated June 10, 2011, and stamped "EXHIBIT B" included in the docket for Case No. 2011.0026C and subject to conditions of approval reviewed and approved by the Commission on August 4, 2011 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 August 4, 2011 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 – COMPLIANCE AT PLAN STAGE

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. **Rooftop Mechanical Equipment.** Pursuant to Planning Code 141, the Project Sponsor shall submit a roof plan to the Planning Department prior to Planning approval of the building permit application. Rooftop mechanical equipment, if any is proposed as part of the Project, is required to be screened so as not to be visible from any point at or below the roof level of the subject building.

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

5. **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

6. **Overhead Wiring.** The Property owner will allow MUNI to install eyebolts in the building adjacent to its electric streetcar line to support its overhead wire system if requested by MUNI or MTA.

For information about compliance, contact San Francisco Municipal Railway (Muni), San Francisco Municipal Transit Agency (SFMTA), at 415-701-4500, www.sfmta.org

MONITORING

7. **Enforcement.** Violation of any of the Planning Department conditions of approval contained in this Motion or of any other provisions of Planning Code applicable to this Project shall be subject to the enforcement procedures and administrative penalties set forth under Planning Code Section 176 or Section 176.1. The Planning Department may also refer the violation complaints to other city departments and agencies for appropriate enforcement action under their jurisdiction.

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

8. **Monitoring.** The Project requires monitoring of the conditions of approval in this Motion. The Project Sponsor or the subsequent responsible parties for the Project shall pay fees as established under Planning Code Section 351(e) (1) and work with the Planning Department for information about compliance.

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

9. **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

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

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

11. **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>

12. **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 415-553-1012 or 415-5530123, www.sf-police.org

13. **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

14. **Lighting.** All Project lighting shall be directed onto the Project site and immediately surrounding sidewalk area only, and designed and managed so as not to be a nuisance to adjacent residents. Nighttime lighting shall be the minimum necessary to ensure safety, but shall in no case be directed so as to constitute a nuisance to any surrounding property.

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

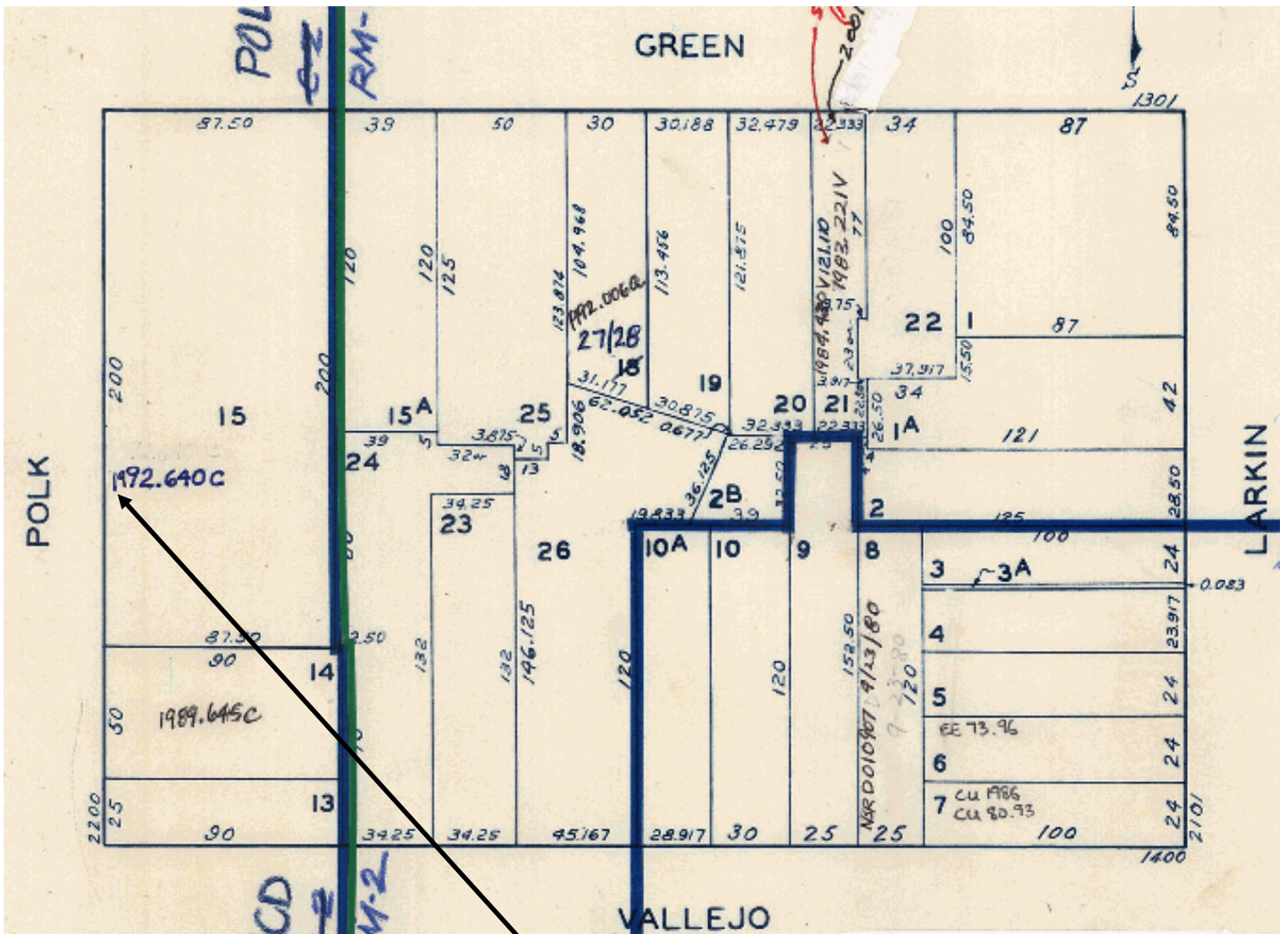
15. **Community Liaison.** Prior to issuance of a building permit to construct the project and implement the approved use, the Project Sponsor shall appoint a community liaison officer to deal with the issues of concern to owners and occupants of nearby properties. The Project Sponsor shall provide the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

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Parcel Map

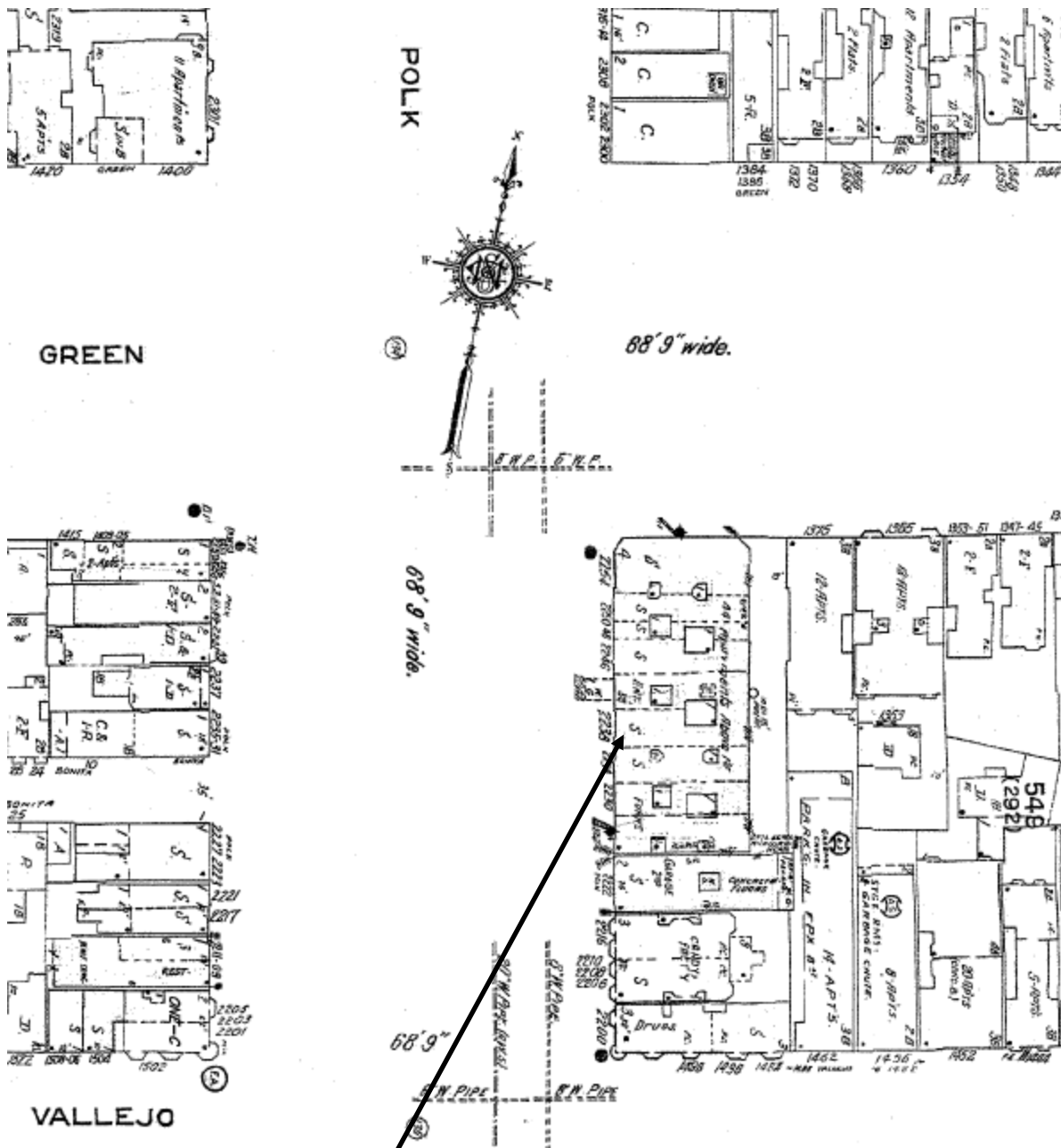


SUBJECT PROPERTY



Conditional Use Hearing
Case Number 2011.0026C
2238 Polk Street

Sanborn Map*



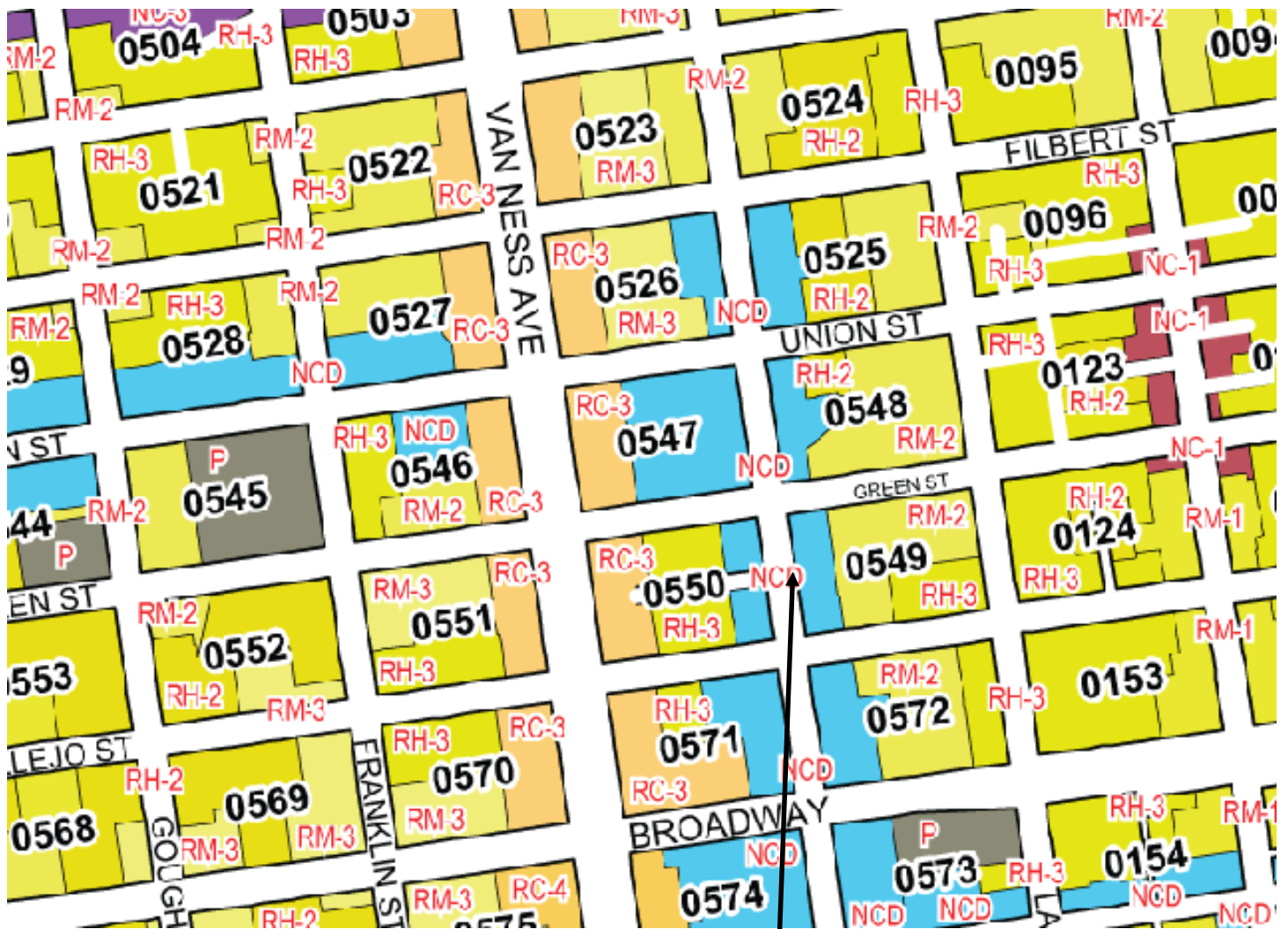
*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.

SUBJECT PROPERTY



Conditional Use Hearing
 Case Number 2011.0026C
 2238 Polk Street

Zoning Map



SUBJECT PROPERTY



Conditional Use Hearing
Case Number 2011.0026C
2238 Polk Street

Aerial Photo



SUBJECT PROPERTY



Conditional Use Hearing
Case Number 2011.0026C
2238 Polk Street

Context Photo



SUBJECT PROPERTY

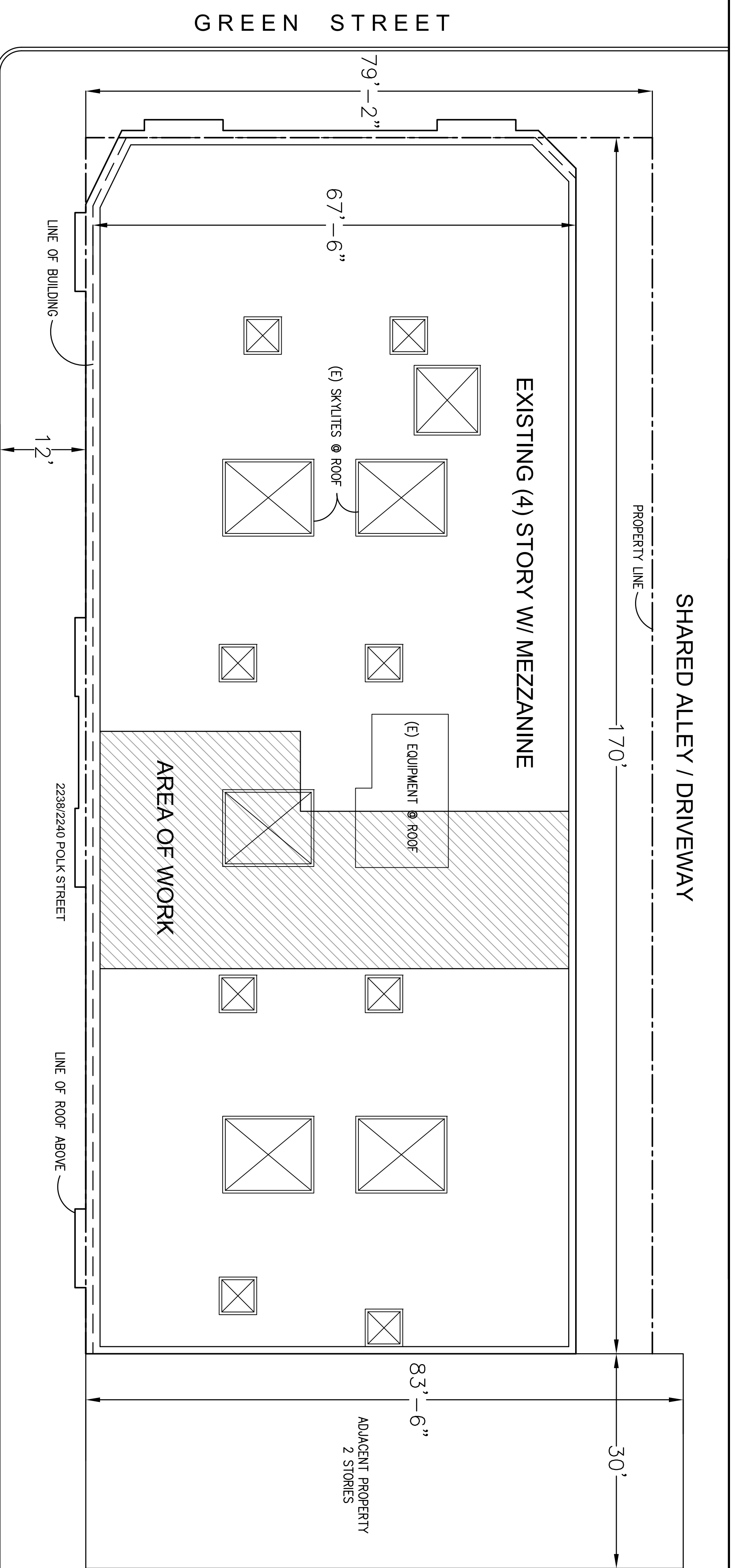


Conditional Use Hearing
Case Number 2011.0026C
2238 Polk Street

Site Photo



Conditional Use Hearing
Case Number 2011.0026C
2238 Polk Street



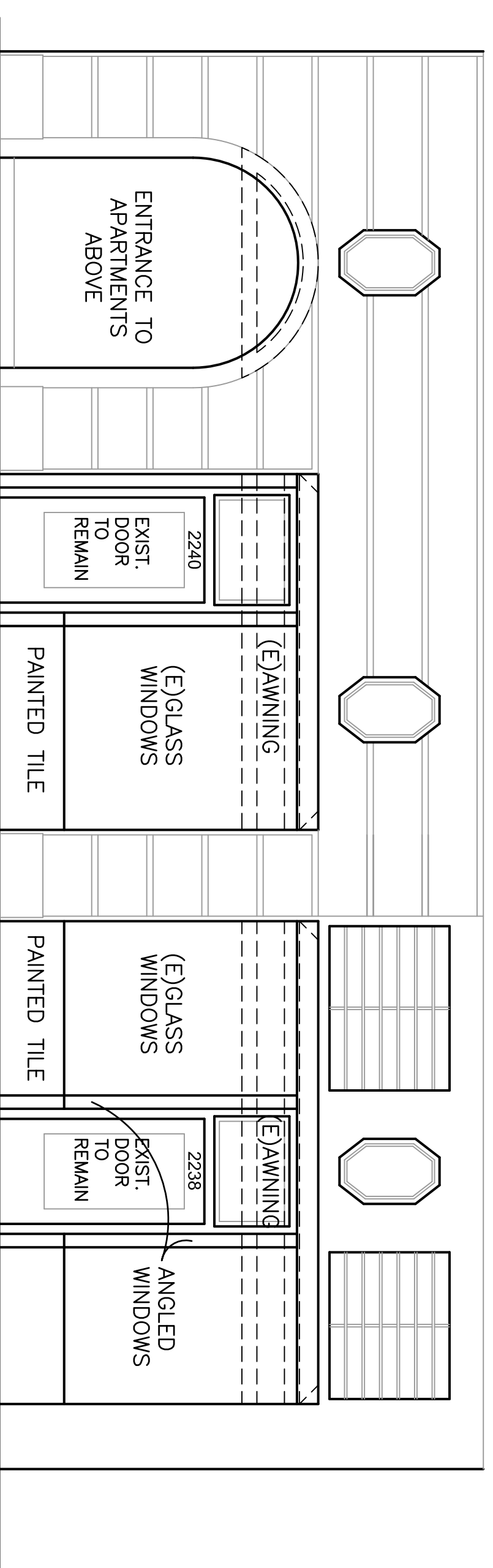
SHARED ALLEY / DRIVEWAY

EXISTING (4) STORY W/ MEZZANINE

AREA OF WORK

POLK STREET

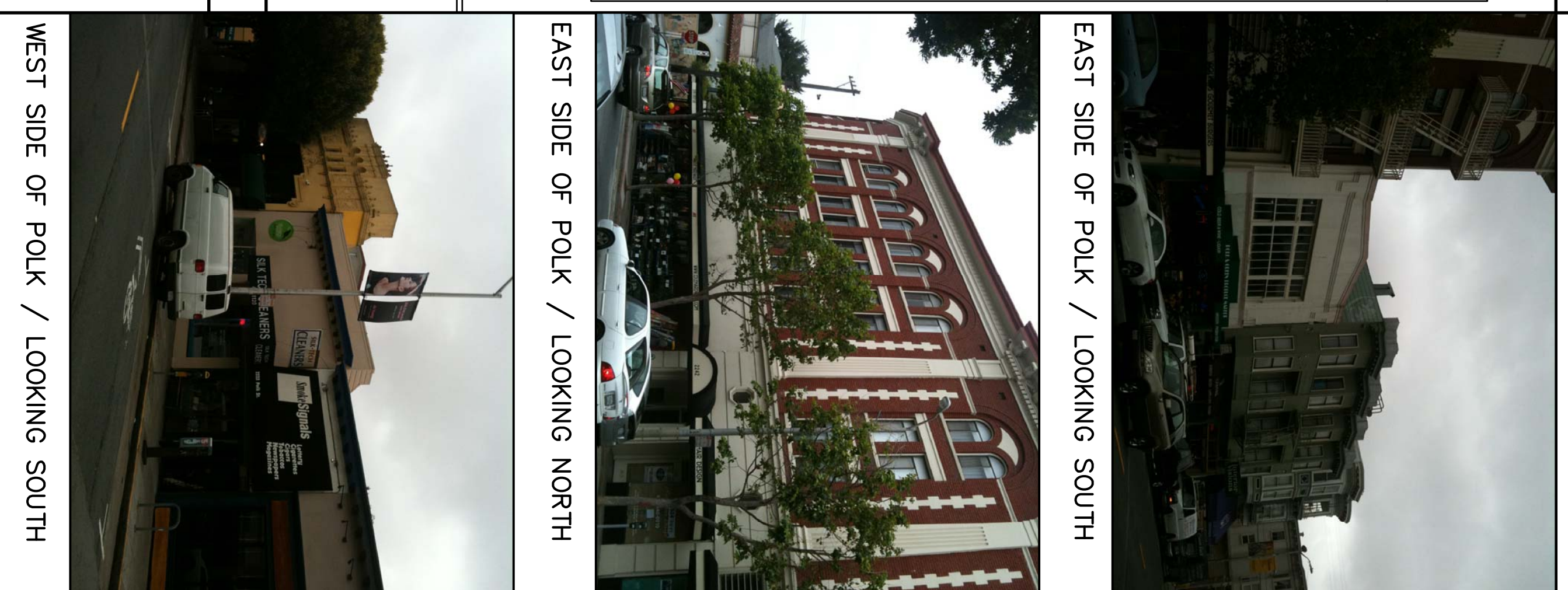
FRONT ELEVATION



NOTE: ONLY PROPOSED CHANGE TO FACADE IN SIGNAGE @ AWNING (UNDER SEPARATE PERMIT). EXISTING AWNING TO REMAIN.

FRONT ENTRY / STOREFRONT ELEVATION - LOOKING EAST

NEIGHBORHOOD/ADJACENT PROPERTIES



PROJECT INFORMATION

ADDRESS OF PROJECT:
2238 POLK STREET
SAN FRANCISCO, CA 94109

TENANT:
GIOIA PIZZERIA
POLK & GREEN INVESTMENTS, LLP
2242 POLK #304
SAN FRANCISCO, CA 94109

ARCHITECT:
AMATO ARCHITECTURE
REBECCA IVANS AMATO, AIA
688 FARMOUNT AVENUE
KALIFORNIA STATE LICENCE NO. C-25700 EXPIRATION: 08/31/11

CONTRACTOR:
ERIC HED
546 SEAFATER AVENUE
OAKLAND, CA 94618
CONTRACTOR LIC. #867677

CONSTRUCTION:
TYPE SN:
OCCUPANCY:
GROUP: R-1/B-2
ZONE: NOD - POLK STREET NEIGHBORHOOD COMMERCIAL

CURRENT CODE EDITIONS:
CBC: 2010 CALIFORNIA BUILDING CODE
CMC: 2010 CALIFORNIA MECHANICAL CODE
CEC: 2010 CALIFORNIA ELECTRICAL CODE
CPC: 2010 CALIFORNIA PLUMBING CODE

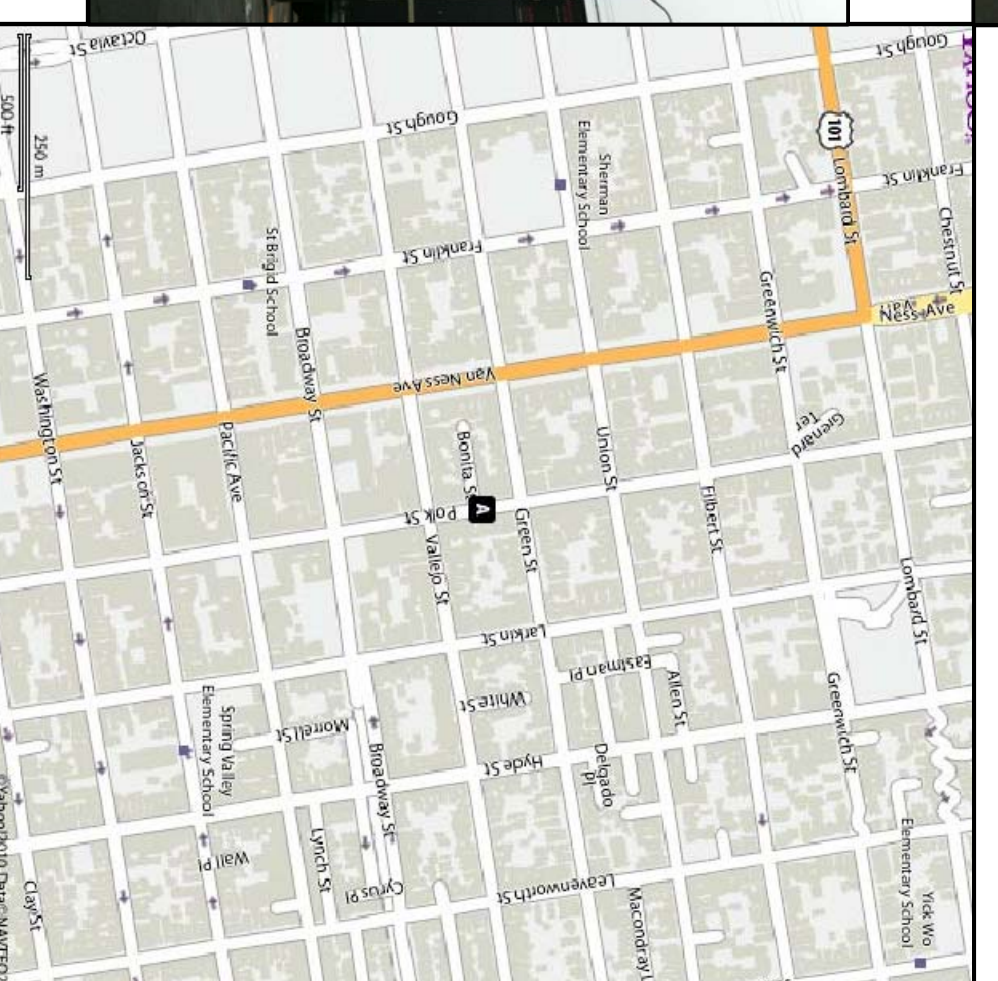
INDEX OF DRAWINGS

ARCHITECTURAL
A-0.0 COVER SHEET/ELEVATION
A-1.0 EXISTING/PROPOSED/OCCUPANCY PLANS

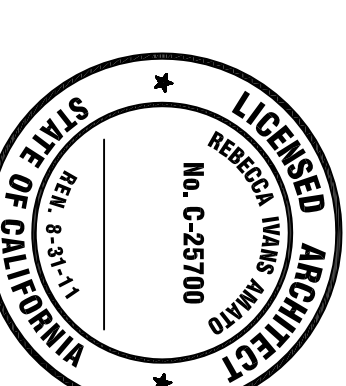
SCOPE OF WORK

1. COMBINE FORMER HAIR SALON & CAFE / RETAIL STORE INTO ONE SINGLE RESTAURANT SPACE.
2. BUILD (2) NEW ADA COMPLIANT RESTROOMS.
3. INSTALL TYPE 1 HOOD (UNDER SEPARATE PERMIT) WITH VENTING TO THE ROOF.
4. SIGNAGE UNDER SEPARATE PERMIT.

AREA LOCATION PLAN



688 FARMOUNT AVENUE, NO. 4
OAKLAND, CALIFORNIA 94611
TEL 510.420.0210
FAX 510.288.1370
ARCHITECTURE
M O B 510.499.2080



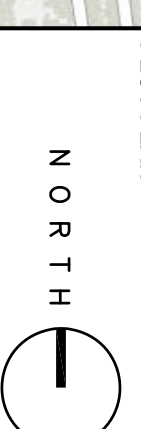
PROJECT PROGRESSION:	DATE:
ISSUE FOR REVIEW	06.07.11
ISSUE FOR NEIGHBORHOOD MEETING	06.08.11
ISSUE FOR PLANNING	06.10.11

GIOIA PIZZERIA
RESTAURANT REMODEL

2238 POLK STREET
SAN FRANCISCO, CA 94109
LOT 0549 / BLOCK 015

SHEET TITLE:
COVER SHEET
OCCUPANCY CHART

SCALE AS NOTED
DRAWN BY RJA/RAM
JOB # 2011-11
PLOT PLAN



SHEET NO.:
A-0.0



