



# SAN FRANCISCO PLANNING DEPARTMENT

## Executive Summary Conditional Use

HEARING DATE: DECEMBER 15, 2011

*Date:* December 8, 2011  
*Case No.:* **2011.1036C**  
*Project Address:* **1101 POLK STREET**  
*Zoning:* Polk Street Neighborhood Commercial District  
130-E Height and Bulk District  
*Block/Lot:* 0691/002  
*Project Sponsor:* Ahmad Larizadeh  
71 Blake Street  
San Francisco, CA 94118  
*Staff Contact:* Kevin Guy– (415) 558-6163  
kevin.guy@sfgov.org  
*Recommendation:* **Approval with Conditions**

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Suite 400  
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### PROJECT DESCRIPTION

The subject tenant space was initially approved as a small self-service restaurant in 1993 (Case No. 1993.220C, Motion No. 13538), and currently operates as "Eleven O One". The conditions of approval applied in 1993 limited the seating for the restaurant to a maximum of five tables and 30 seats. The current operator wishes to add seating beyond this limitation, including six outdoor seats and three outdoor tables along Polk Street. By approving an updated motion that does not include such a seating limitation, the restaurant would be allowed to operate with up to 49 seats, pursuant to the definition of a "small self-service" restaurant in Section 790.91. The Project will also remove an existing, unpermitted ATM machine situated at the corner of Polk and Post Streets, and will restore storefront glazing to this area.

### SITE DESCRIPTION AND PRESENT USE

The project is located at the northwest corner of Polk and Post Streets, Block 0691, Lot 002. The subject property is located within the Polk Street NCD and the 130-E Height and Bulk District. The project site is developed with a three-story building that covers the entire lot. The property has approximately 70 feet of frontage on both Post and Hemlock Streets, and 120 feet of frontage on Polk Street. A total of nineteen dwelling units occupy the upper floors. The ground floor is developed with restaurant and retail uses, including the existing "Eleven O One" restaurant.

### SURROUNDING PROPERTIES AND NEIGHBORHOOD

The area surrounding the subject property is mixed-use in character. A variety of commercial establishments are located within ground floor storefronts in the Polk Street NCD, including restaurants, bars, apparel stores, convenience stores, and other types of retailers. Buildings in the vicinity typically range from one to five stories in height. Upper floors of buildings are generally

occupied by offices or residential units. Larger scale retail uses, tourist hotels, and residential uses are situated along the Van Ness Corridor, outside of the Polk Street NCD to the west.

## 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	November 25, 2011	November 25, 2011	20 days
Posted Notice	20 days	November 25, 2011	November 25, 2011	22 days
Mailed Notice	10 days	December 5, 2011	November 22, 2011	22 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 two communications in support of the project, which praise the responsible management of the existing restaurant. To date, the Department has received no communications in opposition to 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. The project would add seating to an existing restaurant, and would not result in a net increase in the number of restaurants in the area.
- There is currently an active code enforcement case on the subject property, due to the presence of an existing, permitted ATM machine. This ATM would be removed as part of the project, abating the violation and resolving the enforcement case.

## REQUIRED COMMISSION ACTION

In order for the project to proceed, the Commission must grant conditional use authorization to amend the conditions imposed by the previous Conditional Use Authorization, pursuant to Planning Code Sections 303 and 723.44. The attached draft motion does not include any seating limitations beyond the maximum 49 seats permitted for a "small self-service restaurant". If adopted, this motion would supersede the conditions of approval granted by the previous Motion No. 13538 (Case No. 1993.220C).

**BASIS FOR RECOMMENDATION**

- The project promotes the continued operation of an established, locally-owned 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, and would not result in a net increase in the number of restaurants in the area.
- The project will install a small outdoor seating area, activating the Polk Street streetscape.
- 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.

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

- Draft Motion
- Block Book Map
- Sanborn Map
- Aerial Photographs
- Previous Motion No. 13538 (Case No. 1993.220C)
- Public Correspondence
- 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 type="checkbox"/> Context Photos                 | <input type="checkbox"/> Inclusionary Affordable Housing Program:<br>Affidavit for Compliance |
| <input type="checkbox"/> Site Photos                    |   |

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

\_\_\_\_\_  
Planner's Initials

KG: G:\Documents\Projects\1101 Polk\2011.1036C - 1101 Polk Street - Exec Sum.doc



# SAN FRANCISCO PLANNING DEPARTMENT

*Subject to: (Select only if applicable)*

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

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## Planning Commission Draft Motion

HEARING DATE: DECEMBER 15, 2011

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**ADOPTING FINDINGS TO AMEND THE CONDITIONS OF APPROVAL FOR A PREVIOUS CONDITIONAL USE AUTHORIZATION TO INCREASE THE NUMBER OF PERMITTED SEATS AND TABLES, INCLUDING OUTDOOR SEATING, AT AN EXISTING SMALL SELF-SERVICE RESTAURANT (D.B.A. ELEVEN O ONE), PURSUANT TO SECTIONS 303 AND 723.44 OF THE PLANNING CODE, WITHIN THE POLK STREET NEIGHBORHOOD COMMERCIAL DISTRICT AND THE 130-E HEIGHT AND BULK DISTRICT.**

### PREAMBLE

On September 7, 2011, Ahmad Larizadeh ("Project Sponsor") filed an application with the Planning Department ("Department") for an amendment to the conditions of approval for a previous Conditional Use Authorization under Planning Code Sections ("Sections") 303 and 723.44 to increase the number of permitted seats and tables, including outdoor seating, at an existing small self-service restaurant (d.b.a. Eleven O One) within the Polk Street Neighborhood Commercial District ("NCD") and the 130-E Height and Bulk District ("Project", Case No. 2011.1036C).

On December 15, 2011, the San Francisco Planning Commission ("Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2011.1036C.

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. 2011.1036C, 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 at the northwest corner of Polk and Post Streets, Block 0691, Lot 002. The subject property is located within the Polk Street NCD and the 130-E Height and Bulk District. The project site is developed with a three-story building that covers the entire lot. The property has approximately 70 feet of frontage on both Post and Hemlock Streets, and 120 feet of frontage on Polk Street. A total of nineteen dwelling units occupy the upper floors. The ground floor is developed with restaurant and retail uses, including the existing "Eleven O One" restaurant.
3. **Surrounding Properties and Neighborhood.** The area surrounding the subject property is mixed-use in character. A variety of commercial establishments are located within ground floor storefronts in the Polk Street NCD, including restaurants, bars, apparel stores, convenience stores, and other types of retailers. Buildings in the vicinity typically range from one to five stories in height. Upper floors of buildings are generally occupied by offices or residential units. Larger scale retail uses, tourist hotels, and residential uses are situated along the Van Ness Corridor, outside of the Polk Street NCD to the west.
4. **Project Description.** The subject tenant space was initially approved as a small self-service restaurant in 1993 (Case No. 1993.220C, Motion No. 13538), and currently operates as "Eleven O One". The conditions of approval applied in 1993 limited the seating for the restaurant to a maximum of five tables and 30 seats. The current operator wishes to add seating beyond this limitation, including six outdoor seats and three outdoor tables along Polk Street. By approving an updated motion that does not include such a seating limitation, the restaurant would be allowed to operate with up to 49 seats, pursuant to the definition of a "small self-service" restaurant in Section 790.91. The Project will also remove an existing, unpermitted ATM machine situated at the corner of Polk and Post Streets, and will restore storefront glazing to this area.

5. **Public Comment.** The Department has received two communications in support of the project, which praise the responsible management of the existing restaurant. To date, the Department has received no communications in opposition to 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. **Use.** Planning Code Section 723.44 states that, within the Polk Street NCD, Conditional Use Authorization is required for a Full-Service Restaurant, as defined by Planning Code Section 790.92.

*A Conditional Use Authorization was previously approved in 1993 which allows the existing business to operate at this location. The requested action would delete the limitation on the amount of allowable seating.*

*As part of the project, the sponsor proposed to install three outdoor tables and six outdoor seats. Through interpretations of the Planning Code, the Zoning Administrator has determined that up to eight chairs of sidewalk seating can be considered a "de minimus" addition to an existing restaurant, and is a convenience and neighborhood amenity. Accordingly, the addition of "de minimus" sidewalk seating does not require separate Conditional Use authorization as a distinct use.*

- B. **Hours of Operation.** Planning Code Section 723.27 states that Conditional Use Authorization is required for maintaining hours of operation from 2:00AM to 6:00AM, as defined by Planning Code Section 790.48.

*The Project Sponsor does not propose operation between the hours of 2:00AM to 6:00AM. Therefore, the business would continue to operate during hours which are principally permitted within the Polk Street NCD.*

- C. **Other Entertainment.** Planning Code Section 723.48 states that a Conditional Use Authorization is required for Other Entertainment, as defined by Planning Code Section 790.38.

*The business does not currently host, and does not propose to add any live music, DJ's, or other activities defined as Other Entertainment by Section 790.38.*

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

*The occupied floor area of the restaurant measures less than 5,000 square feet, therefore, the business 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 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 Project will also remove an existing, unpermitted ATM machine situated at the corner of Polk and Post Streets, and will restore storefront glazing to this area that will enhance visibility into the interior of the tenant space. No other modifications of the existing storefront are proposed.*

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 Project is desirable because it will allow for the continued viability of an established, locally-owned and operated business. The additional seating will not substantially increase the operating intensity of business. The installation of outdoor seating will contribute to the vitality of the pedestrian realm.*

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

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

*The size and shape of the site and the size, shape, and arrangement of the building are adequate for the Project. The Project would not physically expand the existing building. While the new outdoor seating would be located within the public right-of-way, the seating area is relatively small and would not impede pedestrian movement.*

- 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 restaurant of less than 5,000 occupied square feet. The restaurant will continue to primarily serve customers from the immediate neighborhood, and the additional seating should not generate substantial amounts of vehicular trips from the immediate neighborhood or citywide. The area is well-served by transit, and should not generate a substantial demand for parking.*

- 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 restaurants as outlined in Exhibit A. Conditions 3 and 8 specifically obligate the project sponsor to mitigate odors generated by the use. The outdoor seating is not anticipated to generate excessive noise that is beyond the ambient noise present along a commercial corridor such as Polk Street.*

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

*The subject property is nearly built-out at the ground level, therefore, no landscaping will need to be provided. The restaurant is an existing use, and no new signage or lighting is proposed as part of the Project.*

- 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 and services to residents in the Polk Gulch, Nob Hill, Russian Hill, and Pacific Heights areas. The NCD is further described in Section 723.1, which states that commercial uses are generally located on the ground floor of buildings. The regulations of Section 723 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 would add seating to an existing restaurant, and would not contribute to an overconcentration of restaurants in the area. The additional seating will help to ensure the continued viability of a locally-owned restaurant, and the installation of outdoor seating will contribute to the vitality of the sidewalk along Polk Street. The relocated restaurant would occupy a storefront that is currently vacant, and will activate the streetscape throughout the day. 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.

*In order for a neighborhood commercial district to remain viable and serve the needs of the surrounding neighborhood, it must exhibit a healthy balance of different types of commercial uses. This policy includes guidelines that discourage the overconcentration of eating and drinking establishments within neighborhood commercial districts. The Project would not establish a new restaurant, but would add seating which will support the continued operation of an existing restaurant. Therefore the Project will not displace retail uses that provide for neighborhood-serving convenience goods and services.*

#### **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 is desirable because it will allow the continued operation of an existing small business that is locally-owned. The Project would not result in a net increase in the number of restaurants in the area.*

#### **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 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.

*There is a concern with the potential over-concentration of eating and drinking 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 project involves the continued operation of an existing restaurant, with additional seating that is not permitted by the existing conditions of*

*approval. While this Conditional Use authorization removes the seating limitations of the existing approval (maximum of 30 seats and five tables), the restaurant will remain limited to a maximum of 49 seats, pursuant to the definition of a "small self-service restaurant" within the Planning Code. Therefore, removal of the existing seating limitations will provide more flexibility in the operation and patron capacity of the existing restaurant, while ensuring that the restaurant remains at a modest intensity.*

**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. 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 and enhanced and future opportunities for resident employment in and ownership of such businesses be enhanced.

*The Project would allow the continued operation of a locally-owned business, and the restaurant will continue to primarily serve a local customer base.*

- 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 facilitate the continued operation of an existing restaurant. The addition of outdoor seating will activate the streetscape along Polk Street. The storefront is located within a two-story building that contains dwelling units above. The proposed outdoor seating area is relatively small, and is not anticipated to generate substantial noise that would disturb residents of the building. Therefore, the project will protect the existing neighborhood character.*

- 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 Project would not adversely impact public transit or place a burden on the existing supply of parking in the neighborhood. The area is well-served by public transportation.*

- 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.

*There is no commercial office development associated with the Project. No industrial or service sector uses would be displaced. The Project will enable the continued operation of an existing, locally-owned business.*

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

*Although there would be some interior tenant improvements to the subject commercial space, the Project does not involve any construction activities that would compromise the structural integrity of the existing building. This proposal will not impact the property's ability to withstand an earthquake.*

- G. That landmarks and historic buildings be preserved.

*As part of the project, an existing unpermitted ATM machine would be removed from the storefront, and glazing will be reintroduced to this area. During the building permit review process, staff will review the details of the proposed glazing to ensure that it compatible with the remainder of the storefront. The Project proposes no other alterations to the existing exterior storefront or other portions of the building exterior.*

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

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

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

11. The Commission hereby finds that approval of the Conditional Use authorization would promote the health, safety and welfare of the City.

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Application No. 2011.1036C** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated December 15, 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 December 15, 2011.

Linda D. Avery  
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: December 15, 2011

## EXHIBIT A

### AUTHORIZATION

This authorization is for a conditional use to allow a small self-service restaurant (d.b.a. Eleven O One) located at 1101 Polk Street, Block 0691, Lot 002, pursuant to Planning Code Sections 303 and 723.44 within the Polk Street Neighborhood Commercial District and the 130-E Height and Bulk District; in general conformance with plans, dated December 15, 2011, and stamped "EXHIBIT B" included in the docket for Case No. 2011.1036C and subject to conditions of approval reviewed and approved by the Commission on December 15, 2011 under Motion No XXXXXX. This authorization and the conditions contained herein supersede the previous approval granted under Motion No. 13538, Case No. 1993.220C, and 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 December 15, 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](http://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](http://www.sf-planning.org).*

### MONITORING - AFTER ENTITLEMENT

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

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org).*

4. **Revocation due to Violation of Conditions.** Should implementation of this Project result in complaints from interested property owners, residents, or commercial lessees which are not resolved by the Project Sponsor and found to be in violation of the Planning Code and/or the specific conditions of approval for the Project as set forth in Exhibit A of this Motion, the Zoning Administrator shall refer such complaints to the



Commission, after which it may hold a public hearing on the matter to consider revocation of this authorization.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

## OPERATION

5. **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>*

6. **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>*

7. **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.

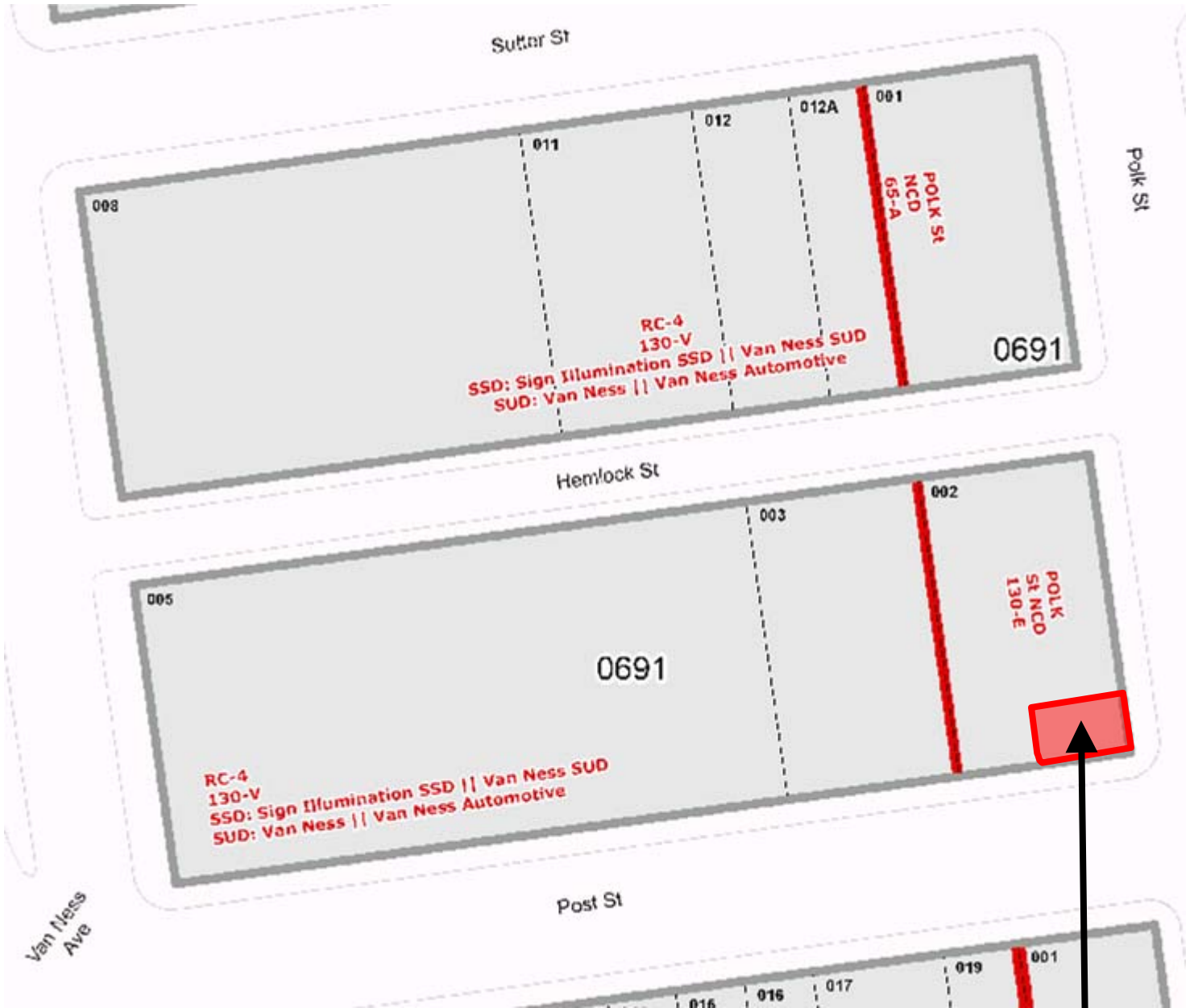
*For information about compliance with odor or other chemical air pollutants standards, contact the Bay Area Air Quality Management District, (BAAQMD), 1-800-334-ODOR (6367), [www.baaqmd.gov](http://www.baaqmd.gov) and Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

8. **Community Liaison.** Prior to issuance of a building permit to construct the project and implement the approved use, the Project Sponsor shall appoint a community liaison officer to deal with the issues of concern to owners and occupants of nearby properties. The Project Sponsor shall provide the Zoning Administrator with written notice of the name, business address, and telephone number of the community liaison. Should the contact information change, the Zoning Administrator shall be made aware of such change. The community liaison shall report to the Zoning Administrator what issues, if any, are of concern to the community and what issues have not been resolved by the Project Sponsor.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*



# Parcel Map

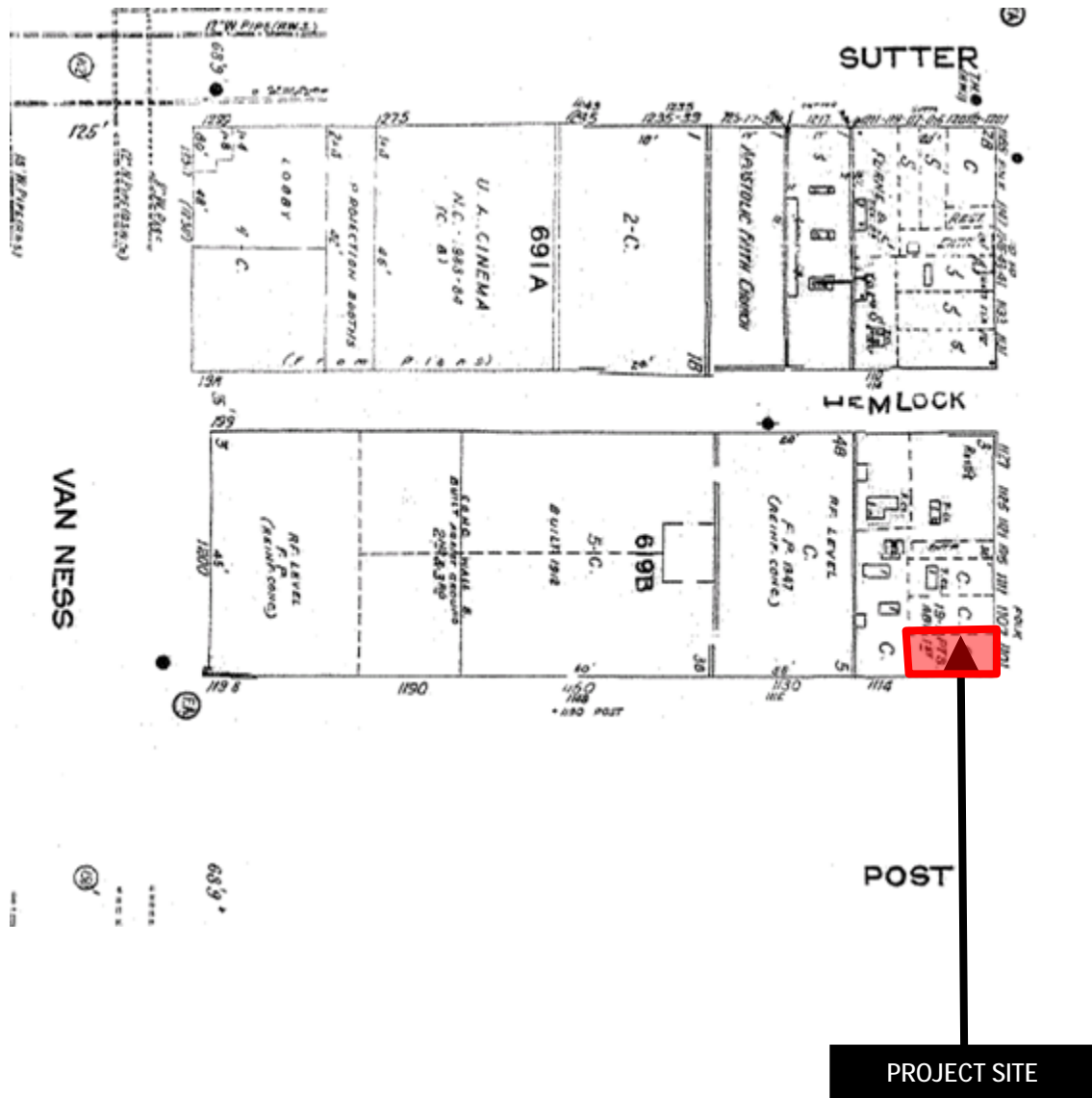


SUBJECT PROPERTY



Conditional Use Authorization  
Case Number 2011.1036C  
1101 Polk Street

# Sanborn Map\*

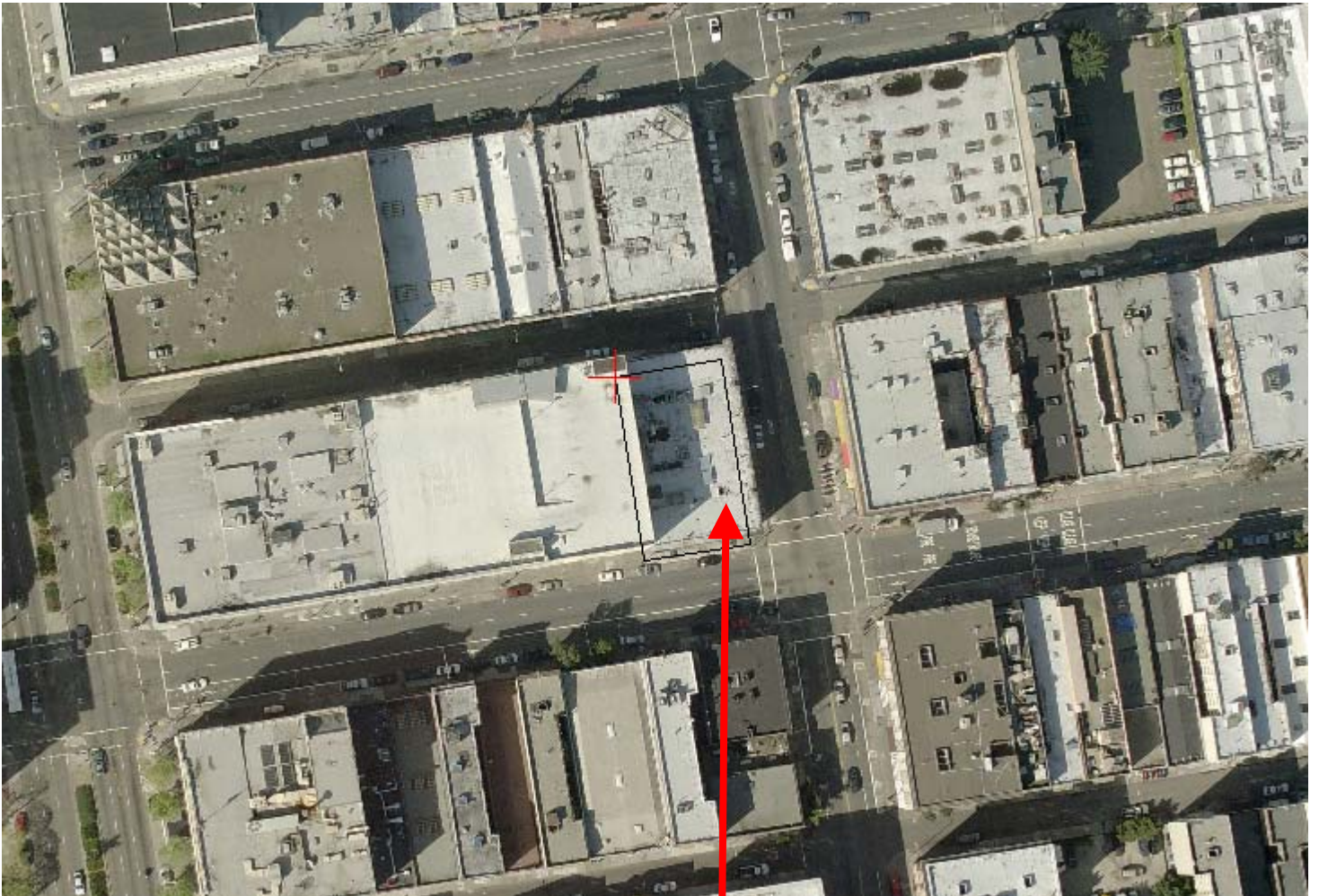


\*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.



Conditional Use Authorization  
Case Number 2011.1036C  
1101 Polk Street

# Aerial Photo



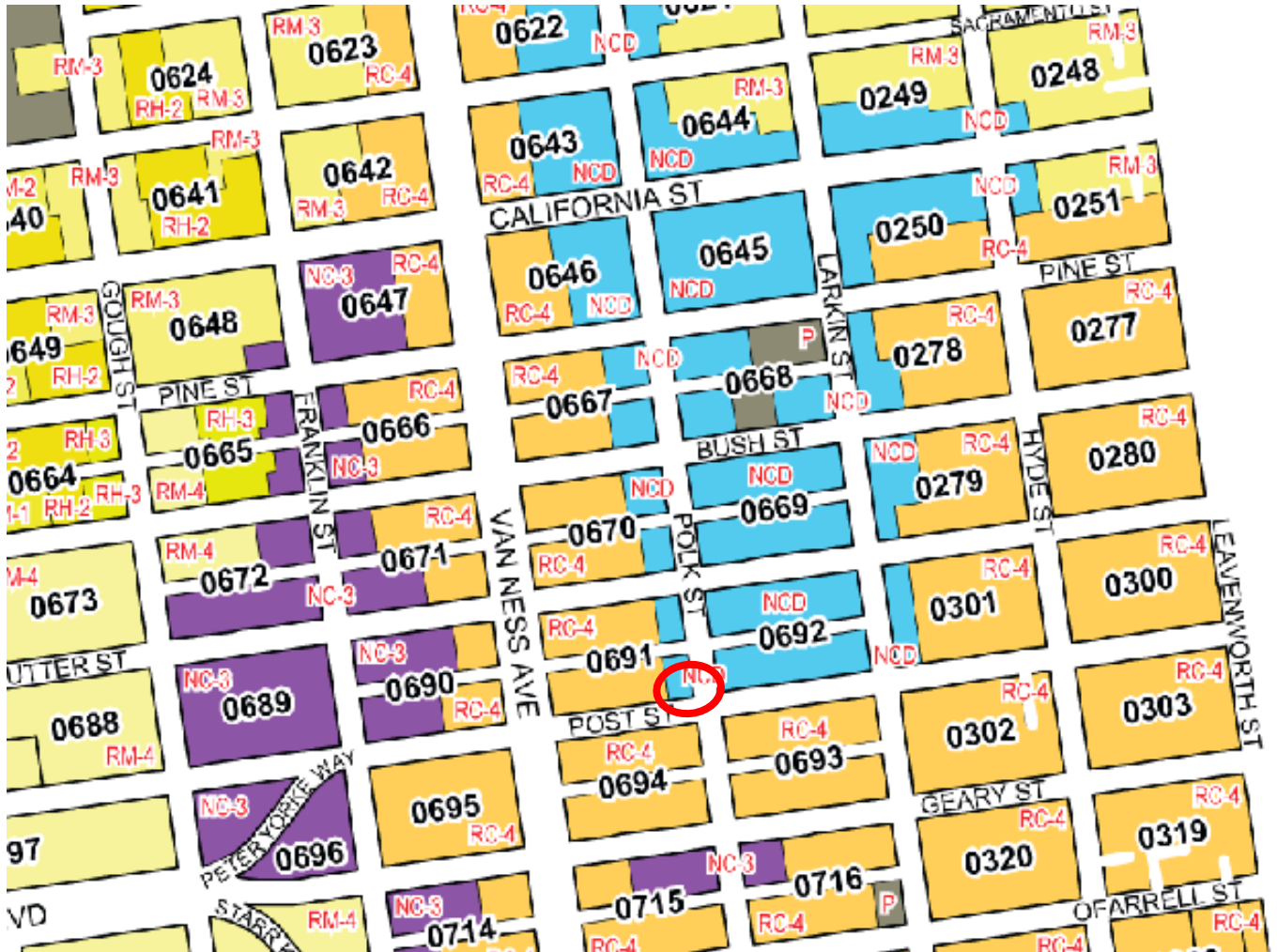
PROJECT SITE



Conditional Use Authorization  
Case Number 2011.1036C  
1101 Polk Street



# Zoning Map



Conditional Use Authorization  
Case Number 2011.1036C  
1101 Polk Street

**File No. 93.220C  
1101 Polk Street  
Assessor's Block 691/2**

**SAN FRANCISCO  
CITY PLANNING COMMISSION  
MOTION NO. 13538**

**ADOPTING FINDINGS RELATING TO THE APPROVAL OF A CONDITIONAL USE AUTHORIZATION TO ESTABLISH A SMALL SELF SERVICE RESTAURANT (AS DEFINED BY SECTION 790.91 OF THE PLANNING CODE) WITHIN THE POLK STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

Preamble

On April 14, 1993, Jerry Klein, agent for Munir Suleiman, (hereinafter "Applicant") made application (hereinafter "Application") for Conditional Use on the property at 1101 Polk Street; Lot 02 in Assessor's Block 691, (hereinafter "Subject Property") to establish a small self service restaurant in general conformity with plans filed with the Application and labeled "Exhibit B" (hereinafter "Project") the Polk Street Neighborhood Commercial District.

On June 17, 1993, the San Francisco City Planning Commission (hereinafter "Commission") conducted duly noticed public hearings at a regularly scheduled meeting on Conditional Use Application No. 93.220C.

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

The Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of the applicant, Department staff, and other interested parties.

Findings

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

1. The Polk Street Neighborhood Commercial District is between Nob Hill, Russian Hill and Pacific Heights, extends a mile as a north-south linear strip and includes a portion of Larkin Street between Post and California Streets. Polk Street's dense mixed-use character consists of buildings with residential units above ground-story commercial use. The district has continuous commercial frontage along most of Polk Street. The district provides convenience goods and services to the residential communities in the Polk Gulch neighborhood and to residents on the west slopes of Nob and Russian Hills.

The Polk Street District controls are designed to encourage and promote development which is compatible with the surrounding neighborhood. The controls encourage neighborhood-serving businesses, but limit new eating, drinking, other entertainment, and financial services which can produce parking congestion, noise and other nuisances or displace other types of convenience goods and services. Restrictions on drive-up and most automobile uses protect the district's continuous retail frontage and prevent further traffic congestion.

2. Within the Polk Street Neighborhood Commercial District, large fast food restaurants are prohibited. Full service and small self-service restaurants require conditional use authorization by the Planning Commission and are restricted to the first story. A small self-service restaurant as defined in Planning Code Section 790.91, is a retail eating use which provides ready to eat food for consumption on and off the premises which may or may not provide seating. Ice cream, cookie stores, delicatessens and bakeries are included.
3. The Commerce and Industry Element of the Master Plan calls for promoting the multiple uses of neighborhood commercial areas with priority given to the neighborhood-serving retail and service activity.
4. The proposal to add approximately five tables and seating for a maximum of thirty persons would convert the existing commercial space to a small self-service restaurant.
5. Under the provisions of Code Section 303, the Commission may authorize a Conditional Use after finding that the proposed use will provide a development that is necessary or desirable for and compatible with the neighborhood or the community, that such use will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity, or injurious to property, improvements or potential development in the vicinity and that such use will not adversely affect the Master Plan. The proposed project complies with the criteria of Section 303 of the Code in that:



- a. Although there are three full service restaurants and one self-service restaurant within a block, the project will establish a small self-service restaurant which provides a menu (sandwiches, salads, espresso) not presently available to residents of the neighborhood.
  - b. The proposed food establishment is compatible with the existing mix of commercial goods and services in the neighborhood.
  - c. The proposal will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity, or injurious to property, improvements or potential development in the vicinity and that such use will not adversely affect the Master Plan in that:
    - i. The size and nature of the project would have minimal impact on nearby residents. The addition of tables and seating without a full kitchen will not alter the interior of the existing building.
    - ii. Automobile traffic congestion and parking would not be significantly increased by an establishment which draws customers primarily from the neighborhood.
    - iii. Service areas, lighting and signage will be considered during review of permit applications.
  - d. The proposal is consistent with the policies and objectives of the Commerce and Industry Element which promote and encourage the enhancement and preservation of small neighborhood-oriented businesses and the services therein.
6. City Planning Code Section 101.1 establishes eight priority planning policies and requires review of permits for consistency with said policies. The project complies with said policies in that:
- a. The proposed addition of tables and seating will enhance the existing business by providing on site food consumption. The existing commercial establishment previously operated as a retail grocery store with take-out food service limited to sandwiches, salads, specialty foods and beverages. The proposal would convert the total floor area of approximately 690 square feet to a small self-service restaurant with no kitchen.

- b. The existing housing on the upper two stories will be protected and the neighborhood character preserved due to the limited nature of the establishment.
  - c. The City's supply of affordable housing is not affected by the proposal.
  - d. Municipal transit service would not be impeded and neighborhood parking will not be over burdened due to the limited size and nature of the project.
  - e. The proposed conversion of the existing establishment to a small self-service restaurant to allow food consumption on the premises will preserve future opportunities for employment within the immediate neighborhood. No service industry establishment will be displaced by the project.
  - f. Earthquake safety requirements will be considered during review of applications for interior tenant improvements.
  - g. The subject property does not contain a historic building.
  - h. The project has no impact on open space or parks.
7. The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101 in that, as designed, the project would contribute to the character and stability of the neighborhood and would constitute a beneficial development.
8. 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. 93.220C subject to the following conditions attached hereto as **EXHIBIT A** which is incorporated herein by reference as though fully set forth.

**CITY PLANNING COMMISSION**

**File No. 93.220C  
1101 Polk Street  
Assessor's Block 691/2  
Motion No. 13538  
Page Five**

**I hereby certify that the foregoing Motion was ADOPTED by the City Planning Commission at its regular meeting of June 17, 1993.**

**Linda Avery  
Secretary**

**AYES: Commissioners Boldridge, Fung, Lowenberg and Prowler**

**NOES: None**

**ABSENT: Commissioners Levine, Martin and Unobskey**

**ADOPTED: June 17, 1993**

**GOH:pg\u: \goh\wp51\1101 Polk Street**

**EXHIBIT A**


**CONDITIONS OF APPROVAL**

1. This authorization is for installation of five tables and seating for a maximum of 30 persons within 690 square feet of space (defined as a Small Self-Service Restaurant by Section 790.91 of the Planning Code) in conformity with plans submitted with the application dated April 14, 1993 and labelled Exhibit B.
2. The subject authorization is for a Small Self-Service Restaurant limited to heating appliances only, and shall not include a full kitchen containing stove, range, fryer and/or hood. Installation of a full kitchen will require a new conditional use authorization by the Commission.
3. The operator shall be responsible for cleaning the sidewalk along the Post and Polk Street block frontage daily to keep the sidewalk free of paper or other litter during business hours.
4. All garbage and waste containers shall be kept within the building until pick up by disposal company.
5. Noise and odors shall be contained within the premises so as not to be a nuisance to nearby residents or neighbors.
6. The applicant shall record a copy of these conditions with the Office of the Recorder for the City and County of San Francisco as part of the property records.



chris schulman  
<chris.schulman@gmail.com>  
>  
11/29/2011 05:36 PM

To Kevin.guy@sfgov.org  
cc  
bcc  
Subject 2011.1036C: 1101 POLK STREET

History:  This message has been replied to.

Mr. Guy,

I wanted to take an opportunity to email you my support for this project. I have found this business to be a wonderful addition to the neighborhood and removal of the specified conditions are reasonable and desirable for the neighborhood. While I will not be able to testify in person at the hearing, I do appreciate my support letter being added to the record.

Respectfully,

Chris Schulman  
1156 Sutter Street #304  
San Francisco, Ca 94109



CommunityLeadershipAlliance  
<admin@communityleadershi  
palliance.net>

11/26/2011 10:20 PM

To kevin.guy@sfgov.org

cc linda.avery@sfgov.org, scott.sanchez@sfgov.org,  
admin@communityleadershipalliance.net

bcc

Subject Re: 2011.1036C-1101 POLK STREET

Re: 2011.1036C-1101 POLK STREET [ Hearing Date-December 15th, 2011 ]

Attn: Honorable Planning Department Official/s-Commission-

Our organization is in full support of 1101 Polk street's application/request for Conditional use ( CU ) authorization to add seating to their existing self-service restaurant ( d.b.a. Eleven O One ).

Our organization known as the www.communityleadershipalliance.net leases both an office space-apartment within the same building as the applicant's/requester subject restaurant.

The applicant's are great-responsible neighbors. They actually have improved the safety of our building-neighborhood by adding additional exterior lighting, windows, and surveillance technology/cameras. Great strides have been accomplished in revitalizing the Polk corridor,-however lower Polk still struggles economically, and w/issues of crime-homelessness. Thus we welcome - encourage businesses like 1101 Polk.

We are asking that you approve the applicant's request for conditional use authorization.

Respectfully

David J.Villa-Lobos, Executive Director

Clare Feng, Assistant Executive Director

Web-Site: www.communityleadershipalliance.net

E-Mail: admin@communityleadershipalliance.net

Office Main: 415-559-6627

*PLEASE CONTRIBUTE TO COMMUNITY LEADERSHIP ALLIANCE*

*Mail Your Contributions To: Community Leadership Alliance P.O. Box 642201, SF, CA.94164*

# ELEVEN O ONE RESTAURANT

## 1101 POLK STREET

### SAN FRANCISCO, CA. 94109

#### GENERAL NOTES:

- CONTRACTOR SHALL VISIT THE SITE, REVIEW THE BUILDING SHELL DRAWINGS AS SUBMITTED BY THE LANDLORD AND BECOME THOROUGHLY FAMILIAR WITH THE SITE CONDITIONS PRIOR TO BIDDING OR CONSTRUCTION.
- ALL WORK SHALL BE PERFORMED IN STRICT COMPLIANCE WITH LOCAL, COUNTY, STATE AND FEDERAL CODES AND ORDINANCES.
- CONTRACTOR SHALL VERIFY THE LOCATION OF ALL UTILITIES.
- CONTRACTOR TO VERIFY ALL DIMENSIONS, INCLUDING CLEARANCES REQUIRED BY OTHER TRADES, AND NOTIFY THE LANDLORD OF ANY DISCREPANCIES PRIOR TO PROCEEDING WITH THE WORK. ALL DIMENSIONS ARE TO THE FACE OF THE FINISHED SURFACE UNLESS NOTED OTHERWISE. ALL DIMENSIONS TO BE TAKEN FROM DESIGNATED DATUM POINT. DO NOT SCALE DRAWINGS.
- CONTRACTOR SHALL PATCH AND REPAIR ALL EXISTING WALLS, FLOORS, CEILINGS OR OTHER SURFACES IDENTIFIED TO REMAIN THAT MAY BECOME DAMAGED DURING THE COURSE OF THE WORK.
- THE CONTRACTOR IS RESPONSIBLE FOR OBTAINING PERMITS FOR FIRE PROTECTION, PLUMBING, MECHANICAL AND ELECTRICAL SYSTEMS PRIOR TO INSTALLATION OF SUCH SYSTEMS.

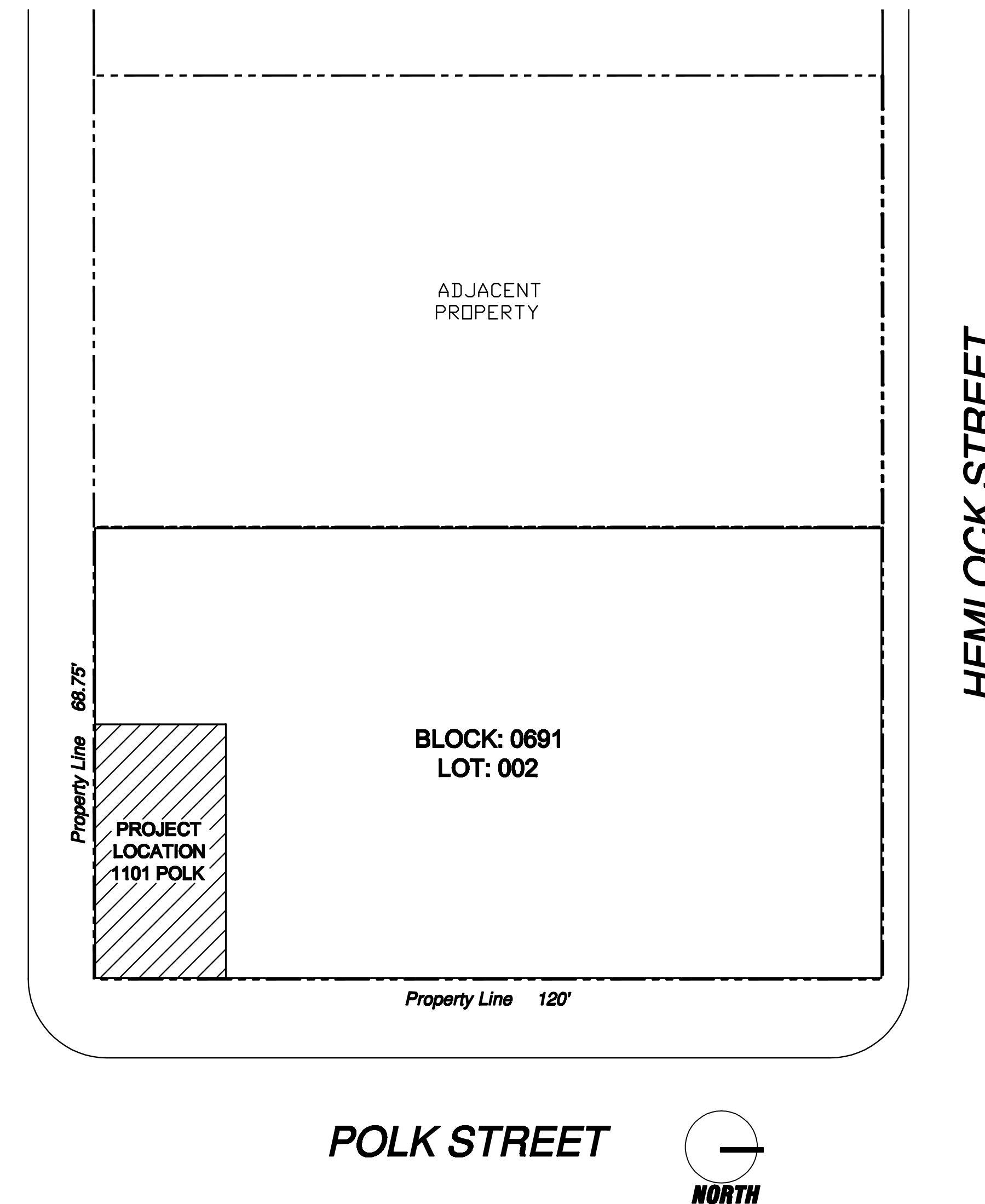
#### SHEET INDEX

- A-0 COVER SHEET, PROJECT DATA AND SITE PLAN
- A-1 EXISTING FLOOR PLANS
- A-2 PROPOSED FLOOR PLANS, OCCUPANT LOAD TABLE

#### SCOPE OF WORK

- REMOVE ILLEGALLY INSTALLED ATM AT FRONT ENTRANCE
- CONDITIONAL USE TO MODIFY CONDITIONS OF APPROVAL PER P.C. 303 (e)
- PROVIDE (N) EXTERIOR SEATING ON POLK STREET SIDEWALK

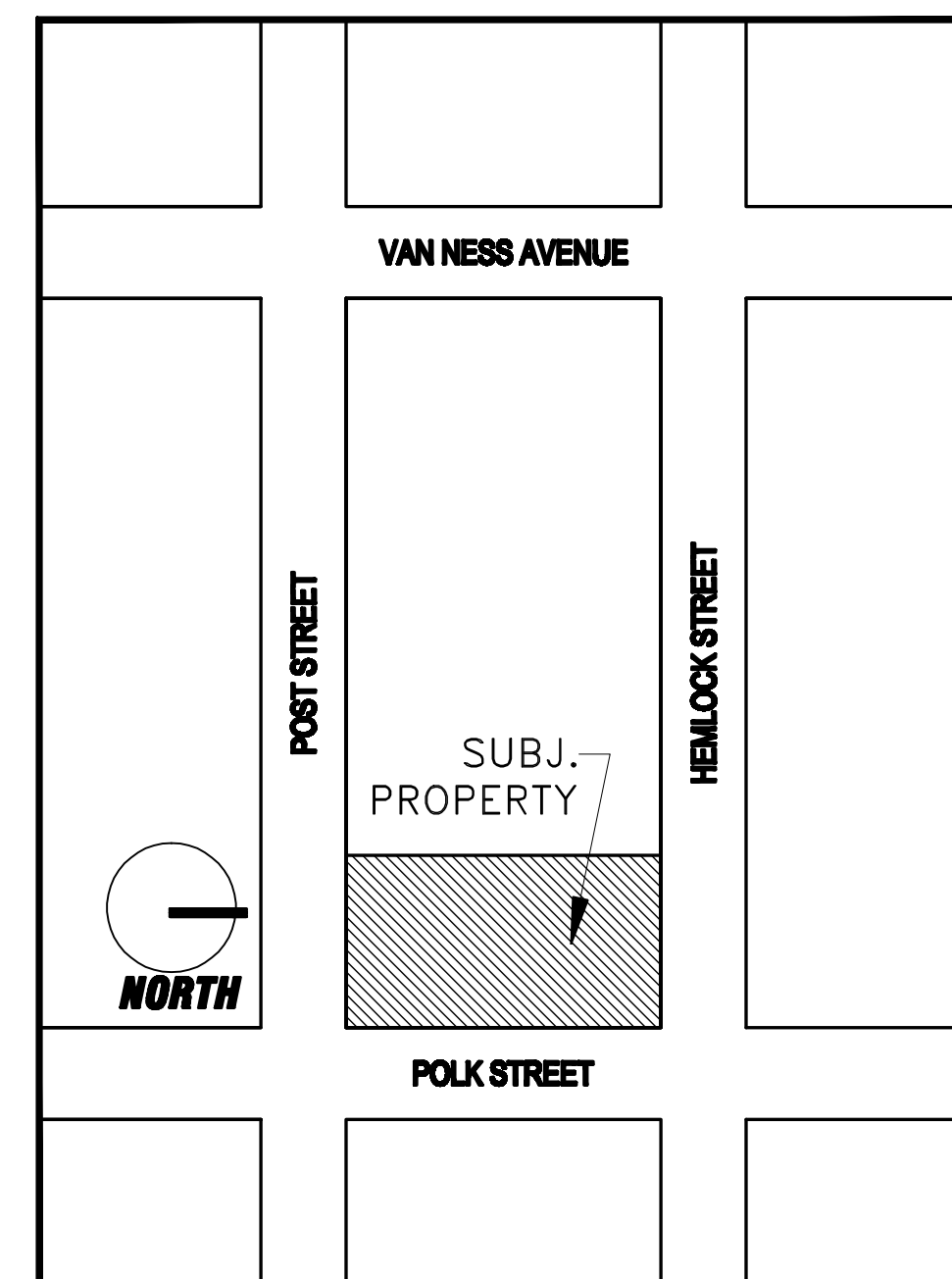
#### SITE PLAN SCALE: 1/16" = 1'-0"



#### PROJECT DATA

LESSEE:  
 ADDRESS: 1101 POLK STREET  
 SAN FRANCISCO, CA.94109  
 BLOCK: 0691  
 LOT: 002  
 TYPE OF CONSTR:  
 NO. OF STORIES: 3  
 NO. OF BASEMENTS: 1  
 PRESENT USE: RESTAURANT  
 PROPOSED USE: RESTAURANT  
 OCCUPANCY CLASS: B

#### VICINITY MAP SCALE: NTS



#### APPLICABLE CODES:

JURISDICTION: CITY AND COUNTY OF SAN FRANCISCO BUILDING CODE:

- 2010 CALIFORNIA BUILDING CODE ADMENDMENTS
- 2010 CALIFORNIA MECHANICAL CODE
- 2010 CALIFORNIA ELECTRICAL CODE
- 2010 CALIFORNIA PLUMBING CODE
- 2010 CALIFORNIA ENERGY CODE
- 2010 CALIFORNIA FIRE CODE & ALL RELATED
- 2010 SAN FRANCISCO BUILDING CODE ORDINANCES OF THE CITY & COUNTY OF SAN FRANCISCO

#### REVISIONS

BANA INC.  
 70 13TH ST.  
 SAN FRANCISCO, CA 94103  
 TEL. 415-621-4330

1101 POLK STREET  
 SAN FRANCISCO CALIFORNIA

PROJECT DATA  
 AND SITE PLAN

DATE: 08/2011

SCALE: AS NOTED

SHEET:

A-0

REVISIONS

BANA INC.  
 70 13TH ST.  
 SAN FRANCISCO, CA 94103  
 TEL. 415-621-4330

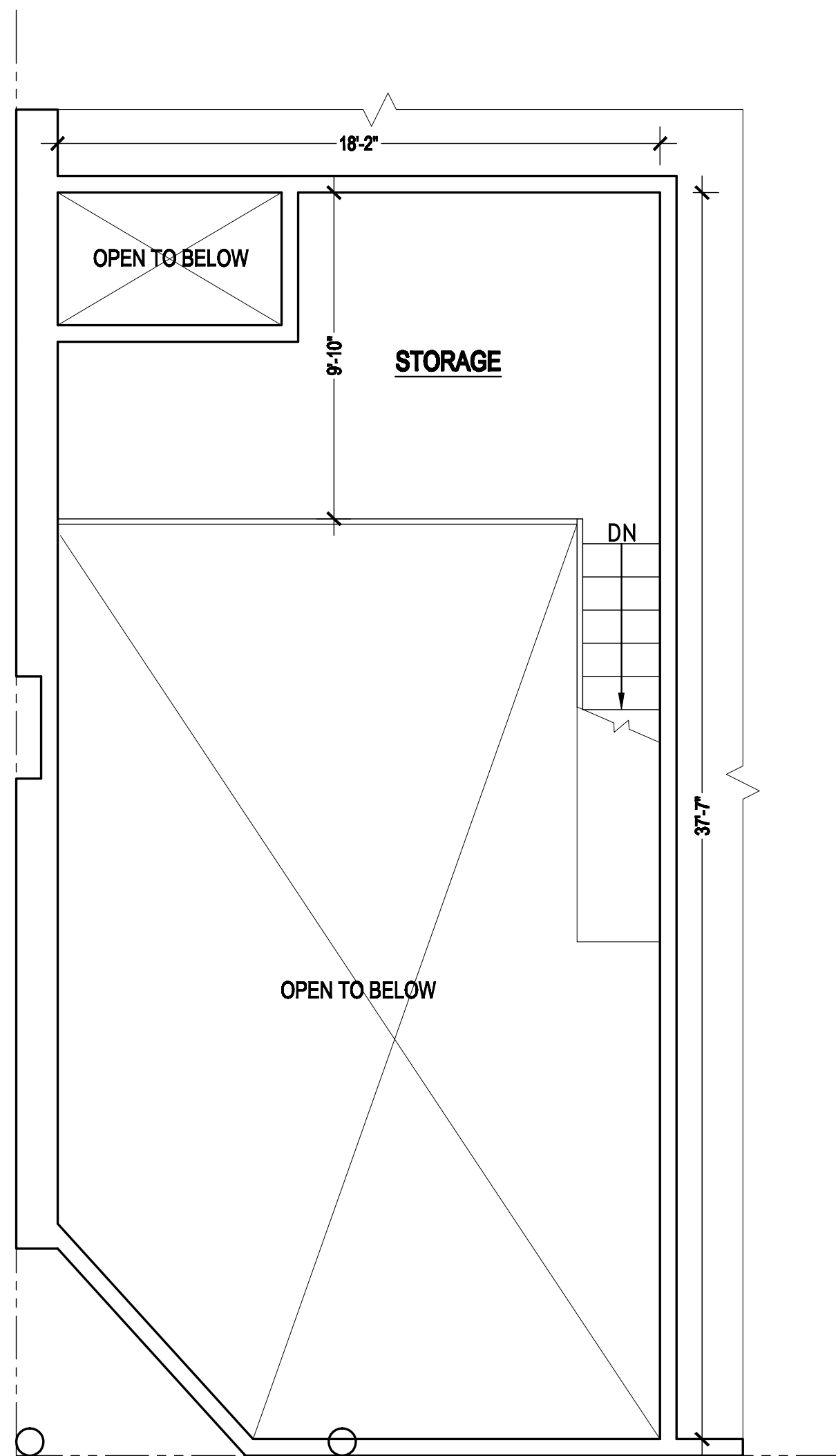
1101 POLK STREET  
 SAN FRANCISCO CALIFORNIA

EXISTING FLOOR PLANS

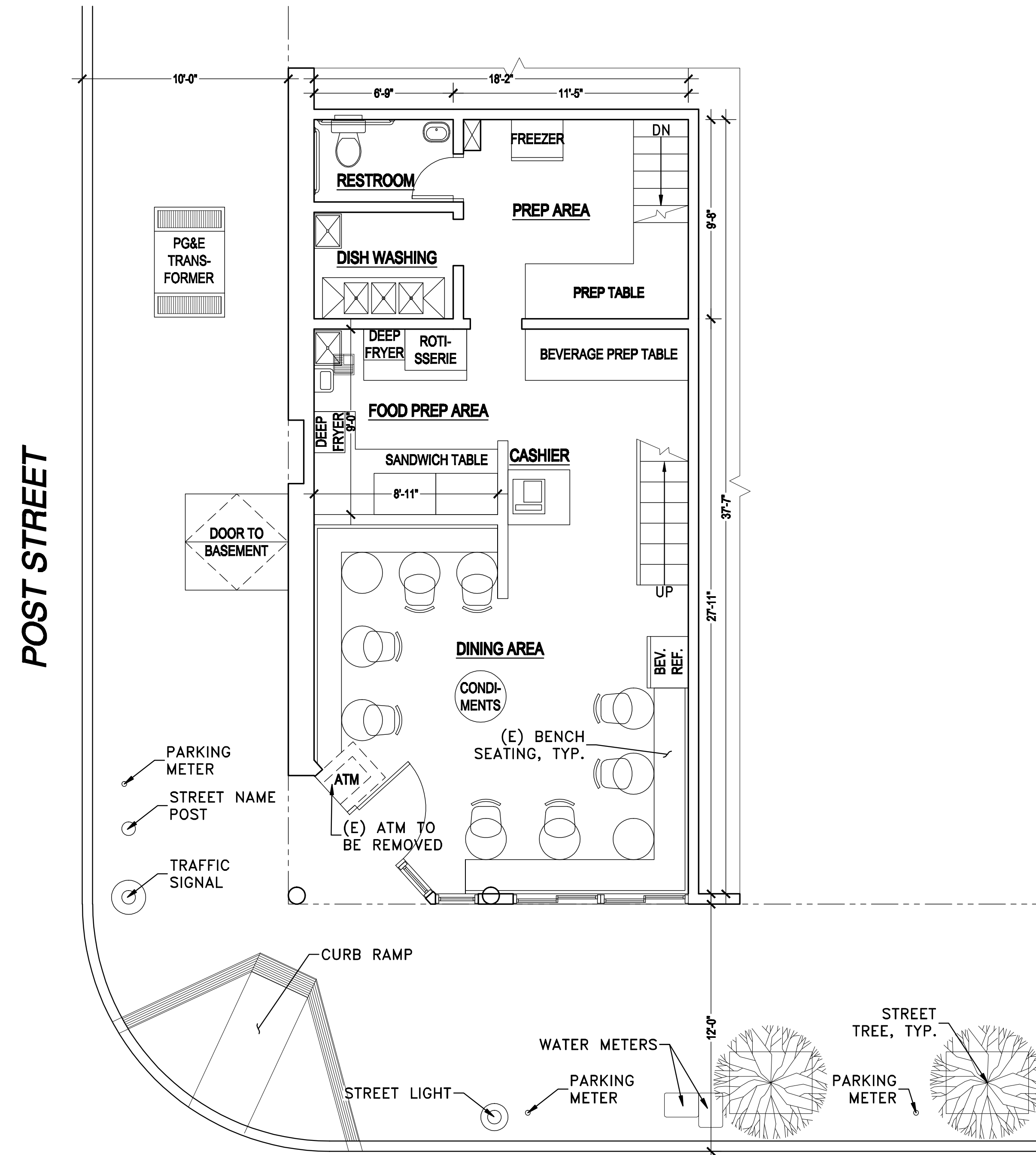
DATE: 08/2011  
 SCALE: AS NOTED

SHEET:

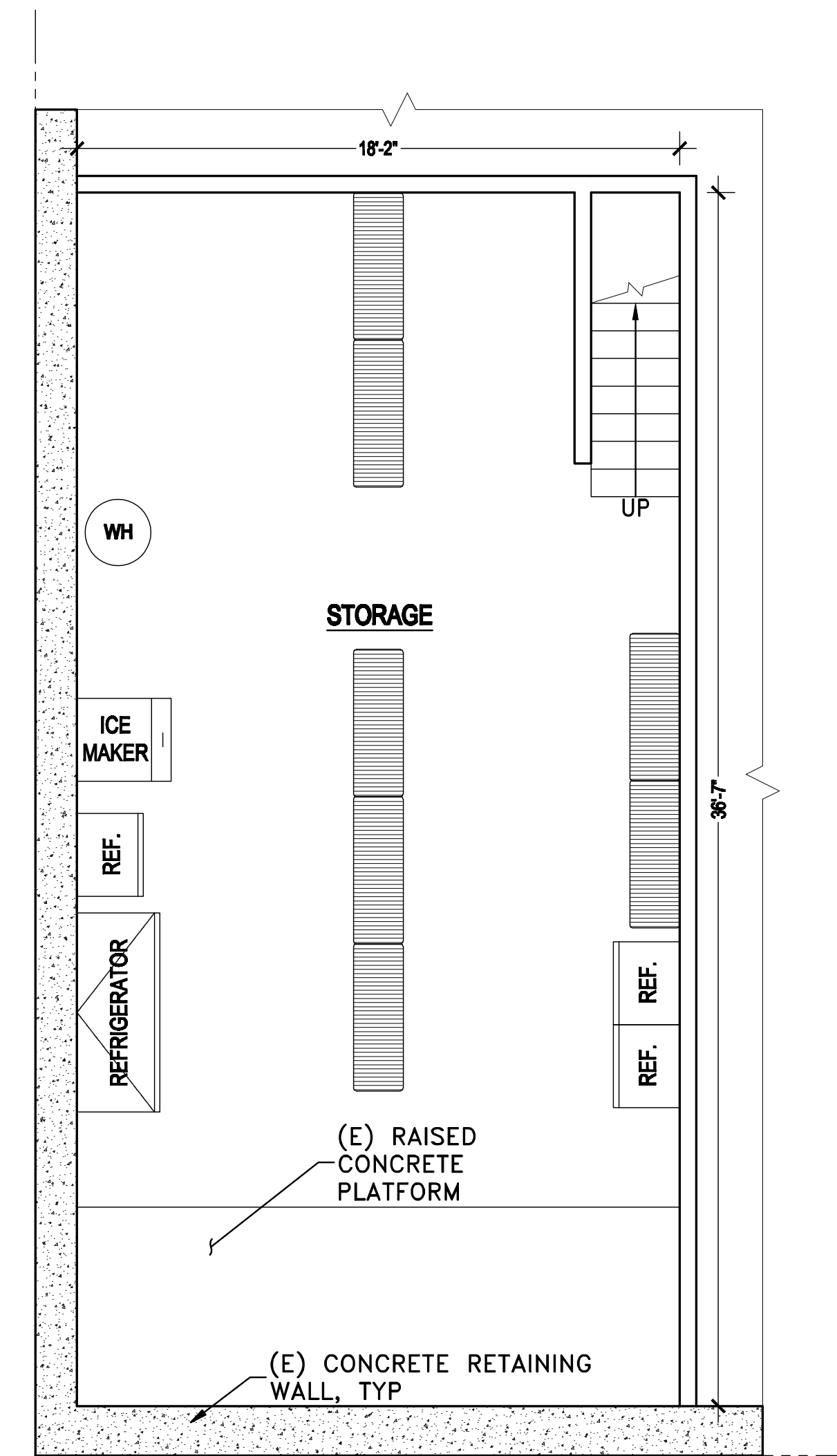
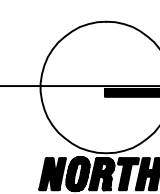
A-1



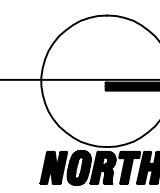
EXISTING MEZZANINE PLAN  
 (NO WORK) SCALE: 1/4" = 1'-0"



EXISTING GROUND FLOOR PLAN  
 SCALE: 1/4" = 1'-0"

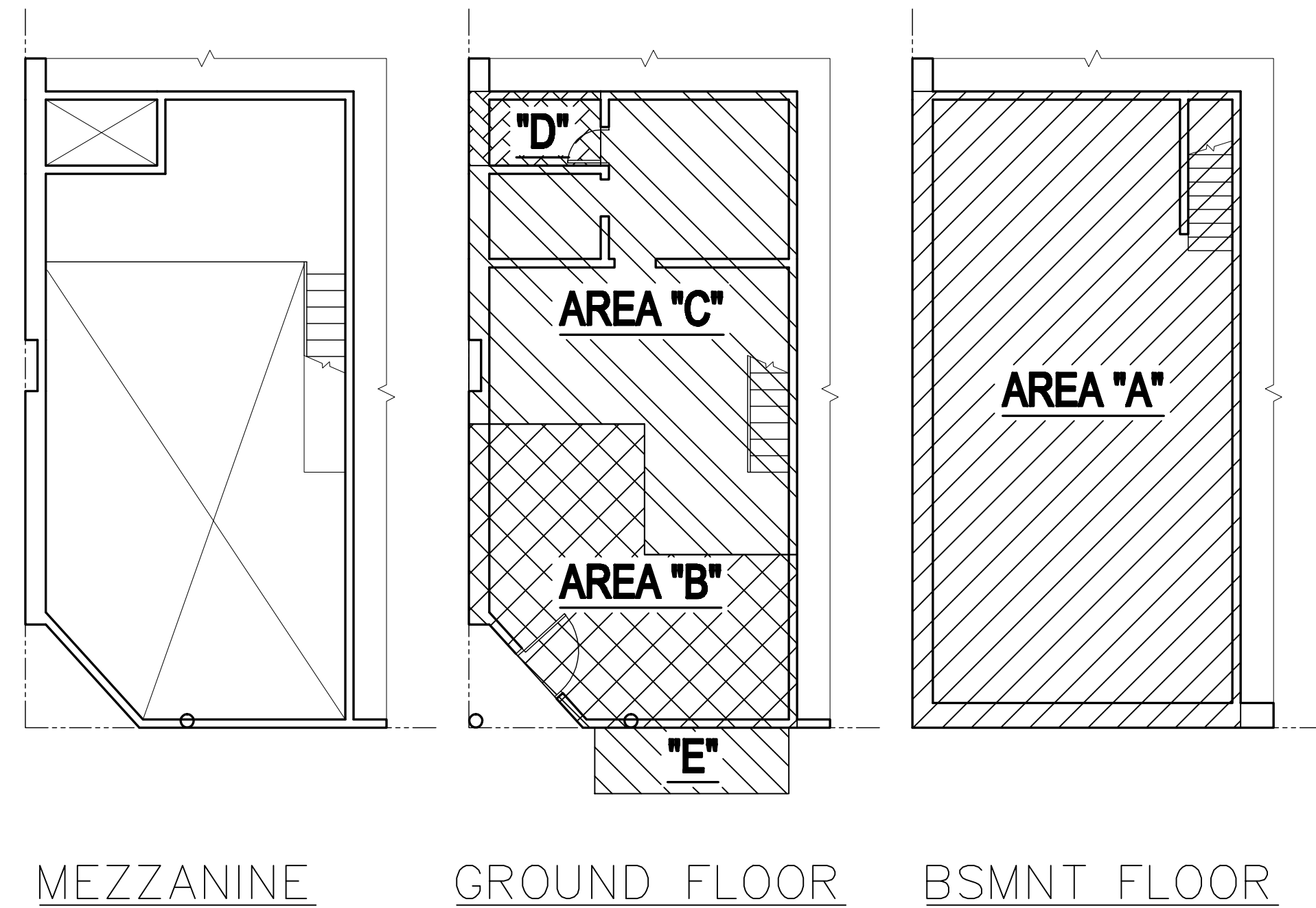


EXISTING BSMNT FLOOR PLAN  
 (NO WORK) SCALE: 1/4" = 1'-0"



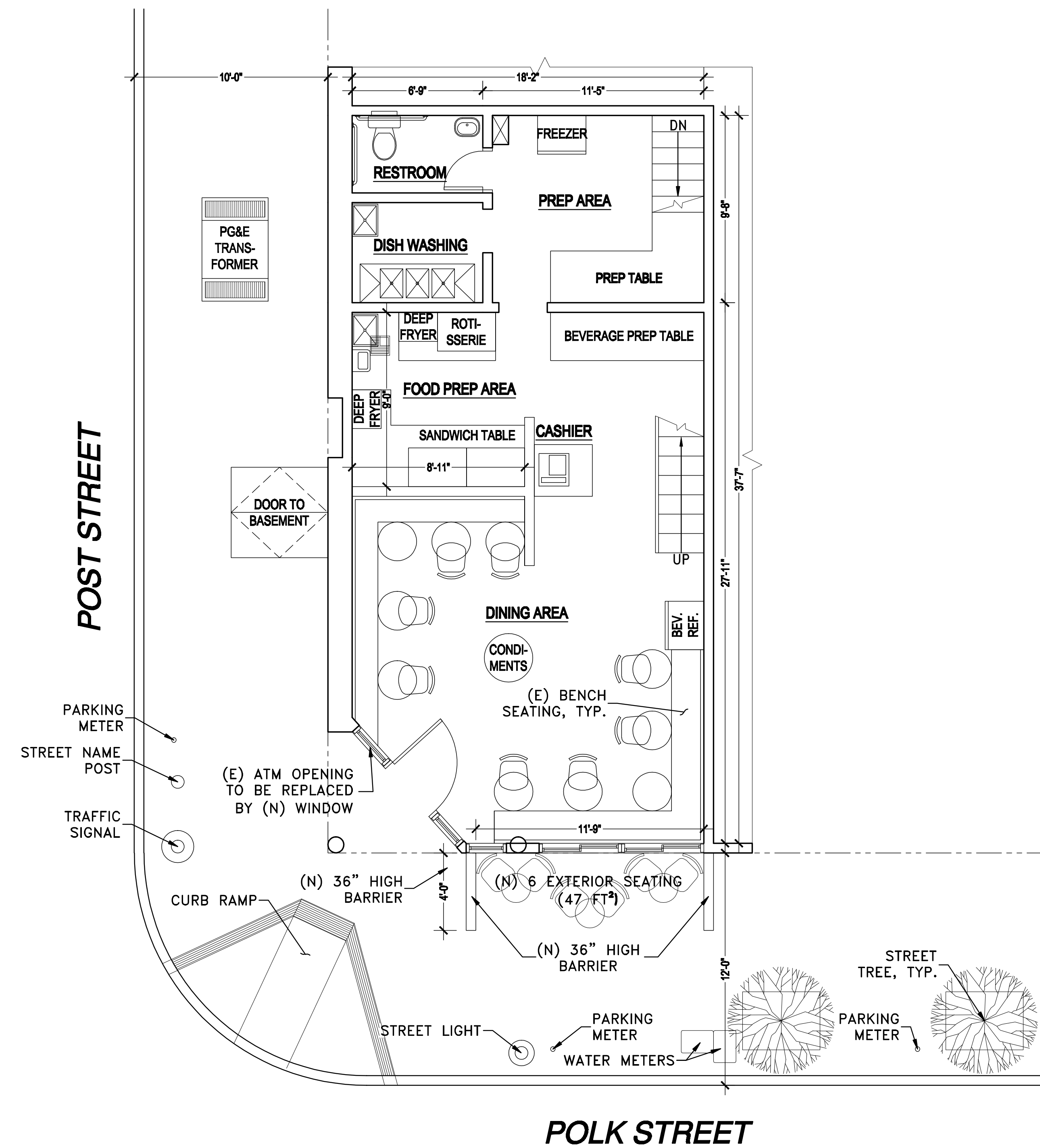
- LEGEND**
- (E) WALLS
  - (E) WALLS TO BE REMOVED
  - (N) WALLS





OCCUPANCY LOAD FACTOR CHART

AREA	DESCRIPTION	USE	OCCUPANCY LOAD FACTOR	AREA / LENGTH	OCCUPANT LOAD
A	STORAGE	STORAGE	300	768 FT <sup>2</sup>	3
B	DINING AREA	NON-FIXED SEATING	15	268 FT <sup>2</sup>	18
C	FOOD PREP AREA, DISHWASHING	KITCHEN	200	439 FT <sup>2</sup>	3
D	RESTROOM	RESTROOM	N/A	36 FT <sup>2</sup>	0
E	EXTERIOR SEATING	EXTERIOR SEATING	N/A	47 FT <sup>2</sup>	6
<b>TOTAL</b>				1,558 FT <sup>2</sup> (INTERIOR) 47 FT <sup>2</sup> (EXTERIOR)	30



PROPOSED GROUND FLOOR PLAN  
SCALE: 1/4" = 1'-0"

LEGEND

- (E) WALLS
- (E) WALLS TO BE REMOVED
- (N) WALLS

REVISIONS

BANA INC.  
70 13TH ST.  
SAN FRANCISCO, CA 94103  
TEL. 415-621-4330

1101 POLK STREET  
SAN FRANCISCO CALIFORNIA

PROPOSED FLOOR PLAN  
OCCUPANT LOAD TABLE

DATE: 08/2011

SCALE: AS NOTED

SHEET:

A-2