



SAN FRANCISCO PLANNING DEPARTMENT

Memo to the Planning Commission

HEARING DATE: DECEMBER 13, 2012
Continued from the October 25, 2012 Hearing

Date: December 6, 2012
Case No.: **2011.1339 C**
Project Address: **1327 POLK STREET**
Zoning: Polk Street Neighborhood Commercial District
65-A Height and Bulk District
Block/Lot: 0667/003
Project Sponsor: William Bigelow
1405 Van Ness Avenue
San Francisco, CA 94109
Staff Contact: Rick Crawford – (415) 558-6358
rick.crawford@sfgov.org
Recommendation: **Approve with Conditions**

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BACKGROUND

On October 25, 2012, the Planning Commission conducted a public hearing on the request to legalize the existing wine-bar (d.b.a. The Pour House) at 1327 Polk Street. The matter was before the Planning Commission to clarify the conditional use authorization for a liquor store and bar. The business operation as a retail sales, wine tasting and bar would not change. At that hearing, it became known that the Police Department had received four complaints regarding noise from live entertainment at the business. Prior to the hearing, the Police Department and both the Lower Polk and Middle Polk neighborhood groups withdrew their support for the project. The Police Department and the neighborhood groups were under a misunderstanding that the business was operating illegally. The Planning Commission continued the hearing to due to the misunderstandings regarding the nature and legality of the use and because of the noise complaints.

ISSUES AND OTHER CONSIDERATIONS

- **Zoning Administrator Interpretations.** In November 1986, the Zoning Administrator interpreted Planning Code Section 790.22, the definition of a bar in the Neighborhood Commercial Districts. The interpretation states that,

“A wine tasting room as part of retail sales of wine is treated as a bar in the Neighborhood Commercial Districts.”

The Project Sponsor and the Planning Commission relied upon this interpretation in applying for and authorizing the Conditional Use for the business in February of 2005. The Project Sponsor opened his business and it has been in continuous operation since then as a combination of retail wine sales, wine tasting, and a bar.

In August 2005, the Zoning Administrator issued a second interpretation of Planning Code Section 790.22 to clarify the earlier interpretation and to establish conditions for such uses. This interpretation states that,

“This Section states that within NC Districts, establishments that serve liquor with ABC License Types 42, 47, 49, 61, or 78 are considered "bar" uses. An interpretation rendered in November 1986 had asserted that, "a wine tasting room as part of the retail sales of wine is treated as a bar in the Neighborhood Commercial Districts." It was noted that an exception to this interpretation involves cases in which intermittent and/or occasional wine tasting is offered. This minor and related activity is analogous to the dispensation of sample-sized portions of food items by many grocers. Much as those grocers are not considered to be restaurant uses, liquor stores which provide incidental wine tastings are not considered to be bar uses. Any such tasting would (1) occur entirely during regular operating hours only, (2) take place no more than twice each week for no more than four hours each occurrence and on a further occasional appointment-only basis, (3) not occur on a premises on which any type of permit from the Entertainment Commission is held, (4) not occur in an area physically separated from the main liquor store retail area by full-height partitions or partitions that otherwise prevent clear visual access to and from the main retail area and (5) be limited to one ounce servings and three servings per individual customer per day. Should the liquor store not adhere to each of these five conditions it would be considered a "bar." It was also noted that, pursuant to Ordinance 260-00 which became effective in May of 2000, "retail sales of wine" is now considered to be a liquor store. It was also noted that conditions 4 and 5, above, reflect ABC and Police Department policies at the time of this interpretation, and may be modified should those regulations change.”

The second interpretation clarifies the difference between a bar and wine tastings under the Planning Code. Such clarity was not available to the Project Sponsor earlier that year when his case was heard by the Planning Commission and when he opened his business.

- **Live Entertainment.** The issue of live entertainment at the business was raised at the October 2012 public hearing. On November 8, 2011, the Entertainment Commission approved a permit for Limited Live Performance for the Pour House (attached). Limited Live Performance is principally permitted in the Polk NCD. A condition of approval of this permit prohibits noise from the live entertainment audible outside the business. The Police Department has received four complaints from neighbors of the business regarding noise audible off the premises. The Project Sponsor has offered to remove the external speaker over the doorway and to relocate the performance stage to the rear of the business. These changes should alleviate the noise issue for the neighbors. Conditional Use authorization from the Planning Commission for Other Entertainment would be required to expand the entertainment at the business beyond that permitted by the Entertainment Commission.

CASE HISTORY

On February 3, 2005, the Planning Commission adopted motion 16946 in Case No. 2004.1321C authorizing the establishment of a “retail wine store with wine tasting room (defined as a liquor store and bar).” The business was authorized under Planning Code Section 723.41 that allows bars in the Polk NCD, as it was considered to be consistent with a 1986 Zoning Administrator interpretation regarding wine tasting rooms. The business opened as a retail wine store and wine tasting room with the sale of wine by the glass. Both the Project Sponsor and the Planning Commission relied upon the 1986 Zoning Administrator interpretation in applying for, and authorizing the Conditional Use for the business in February of 2005. Possessing a motion that authorized a liquor store and a bar, the Sponsor proceeded to open a business that combines retail wine sales, wine tasting events, and the opportunity to taste wine by the glass. He thought he was operating legally under the terms of his 2005 Conditional Use authorization, until he applied for extended hours for his business, and was informed by Planning Department staff of the potential conflict between his 2005 authorization and the operation of his business.

The Project Sponsor had been operating in good faith when he opened his business in 2005 as a retail wine store with tastings and a bar. The Commission had relied on a 1986 Zoning Administrator’s interpretation of the definition of a bar in that did not limit the size or number of tastings that would be allowed. In addition, Planning Commission Motion 16946 states the authorization is for a “retail wine store with wine tasting room (defined as a liquor store and bar)” and does not impose any conditions relating to the size of the tasting room, the number or size of tastings, or the percentage of the floor area that must be committed to retail sales. As a result of the discussions at that meeting, the Department no longer considers the case a request for legalization but rather a request to clarify the continuation of the existing wine store, tasting room and bar.

CURRENT PROPOSAL

The nature of the project has not changed since the October 25, 2012 hearing. The applicant is not proposing to change his current business model, only to clarify the continuation of the existing wine store, tasting room and bar (liquor store and bar). The business remains combination of retail wine sales, wine tasting, and a bar. The Project Sponsor is proposing to make the following improvements to his business:

1. Remove the external speaker above the door to the business.
2. Relocate the stage area for the limited live entertainment to the rear of the business.

REQUIRED COMMISSION ACTION

In order for the project to proceed, the Commission must grant conditional use authorization to clarify the continuation of the existing wine store, tasting room and bar (liquor store and bar) (d.b.a. The Pour House) within the Polk Street NCD, pursuant to Planning Code Section 723.41.

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 business has been operating at this location for approximately seven years without incident.
- The project would not displace an existing retail tenant providing convenience goods and services to the neighborhood, would not result in a net increase in the number of bars in the area and would continue to provide retail wine sales.
- The project continues to have strong support in the neighborhood.
- The project meets all applicable requirements of the Planning Code.
- The business is not a Formula Retail use and serves the immediate neighborhood.

RECOMMENDATION: Approve with Conditions

Attachments:

- Block Book Map
- Sanborn Map
- Zoning Map
- Aerial Photograph
- Context Photographs
- Site Photograph
- Entertainment Permit for Limited Live Performance
- Planning Commission Motion 16946
- Reduced Plans



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

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ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 303 AND 723.41, OF THE PLANNING CODE TO CLARIFY THE CONTINUATION OF THE EXISTING WINE STORE, TASTING ROOM AND BAR (LIQUOR STORE AND BAR) (D.B.A. THE POUR HOUSE) WITHIN THE POLK STREET NEIGHBORHOOD COMMERCIAL DISTRICT, AND 65-A HEIGHT AND BULK DISTRICT.

PREAMBLE

On February 3, 2005 the San Francisco Planning Commission, (hereinafter “Commission”) in Motion 16946 for Case No. 2004.1321C, granted conditional use authorization for a retail wine store with a wine tastings room, defined as a liquor store and a bar, at the subject property. The motion did not define the floor area or location of the wine tasting room, did not limit the size or number of glasses of wine that could be sold as a tasting and restricted the hours of operation for the use to 6:00 a.m. to 12:00 a.m. The business opened as a retail wine store with a tasting room that offered small tastings and wine by the glass.

On November 30, 2011 William Bigelow (hereinafter “Project Sponsor”) filed an application with the Planning Department (hereinafter “Department”) for Conditional Use Authorization under Planning Code Sections 303 and 723.27 to amend the condition of approval in Motion 16946 limiting the hours of operation to allow hours from 6:00 a.m. to 2:00 a.m.

On August 20, 2012, the Project Sponsor amended his application to eliminate the request for expanded hours of operation and to request Conditional Use authorization under Planning Code Sections 303 and 723.41 to clarify the continuation of the existing wine store, tasting room and bar (liquor store and bar) (d.b.a. The Pour House) within the Polk Street Neighborhood Commercial District and a 65-A Height and Bulk District.

On October 25, 2012, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2011.1339C and continued the item until October 13, 2012.

On December 13, 2012, the Commission reconvened the public hearing at a regularly scheduled meeting on Conditional Use Application No. 2011.1339C.

The project is categorically exempt as a Class 1 exemption under CEQA Guidelines.

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. 2011.1339C, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

FINDINGS

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

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The project is located on the west side of Polk Street between Bush and Pine Streets, Lot 003 in Assessor's Block 0667 within the Polk Street Neighborhood Commercial District and a 65-A Height and Bulk District. The property is developed with a five-story mixed-use building with ground-floor commercial units and upper story residences. The ground floor is developed with the subject retail wine store with tastings and bar, a copy shop, a restaurant, and a massage establishment. The subject property is a corner lot, with approximately 87.5 feet of frontage on Austin Street and 120 feet of frontage on Polk Street.
3. **Surrounding Properties and Neighborhood.** The area surrounding the project site 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 applicant proposes to clarify the continuation of the existing wine store, tasting room and bar (liquor store and bar) (d.b.a. The Pour House). The business is approximately 1,000 square feet in area. On February 3, 2005, in case No. 2004.1321, the Planning Commission authorized a Conditional Use for a retail wine store with a wine tastings room (defined as a liquor store and a bar) at the subject property. The motion did not define the floor area or location of the wine tasting room and did not limit the size or number of glasses of wine that could be sold as a tasting. The business opened as a retail wine store with a tasting room that offers small tastings and wine by the glass.
5. **Public Comment.** The Department has received letters and e-mails in support of the project from 46 area residents and 48 businesses and a petition in support of the project with 96 signatures. The Department received letters and e-mail supporting the project from the Lower Polk Neighbors and the Middle Polk Neighborhood Association but both these groups have rescinded their support. The Department received one e-mail objecting to the project because of concerns about the proliferation of alcohol related uses in the neighborhood. Department staff contacted with the Police Department, which reported no problems or complaints at the business and supported the continuation of the business, provided there was no expansion of hours of operation or alcohol service beyond that now existing. The Department was notified on October 25, 2012 that the Police Department no longer supported the project because of noise concerns relating to live entertainment and a concern about "legalizing" a use.
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. **Bar.** Planning Code Section 723.41 states that a Conditional Use Authorization is required for a Bar, as defined by Planning Code Section 790.22.

The Project Sponsor proposes to clarify the continuation of the existing wine store, tasting room and bar (liquor store and bar) (d.b.a. The Pour House).at the subject property. On February 3, 2005, the Planning Commission adopted motion 16946 in Case No. 2004.1321C authorizing the establishment of a retail wine store with a wine tasting room, defined as a liquor store and a bar. The motion did not define the floor area or location of the wine tasting room and did not limit the size or number of glasses of wine that could be sold as a tasting. The business was authorized under Section 723.41 that allows a bar, because the tasting room required the same type of license from the Alcoholic Beverage Commission (ABC) as a bar with on premise sales of beer and wine. The business opened as a retail wine store with a tasting room that offers small tastings and wine by the glass. The present request would clarify the continuation of the current operations of the business.

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

The current hours of operation for the Pour House are 6:00 a.m. and 12:00 a.m. and were established by a condition of approval in Planning Commission Motion 16946 adopted February 3, 2005. The project does not intend to expand the hours of operation at this time.

- C. **Eating and Drinking Uses.** Planning Code Section 303(p) establishes additional criteria for Restaurant, Limited-Restaurant and Bar uses in Neighborhood Commercial Districts. The existing concentration of eating and drinking uses in the area should not exceed 25% of the total commercial frontage as measured in linear feet within the immediate area of the subject site. For the purposes of this Section of the Code, the immediate area is defined as all properties located within 300' of the subject property and located within the same zoning district.

Thirty nine percent (39%) of the street frontage in the Polk Street NCD within 300 feet of the Project Site is dedicated to food and beverage uses. Sixteen businesses within 300 feet of the Project Site have on-sale alcoholic beverage licenses from ABC. In spite of the apparent concentration of food and beverage establishments, the Department supports the request for continuation of this business. The intent of the over concentration restriction is to limit the effects of these uses on the neighborhood and to preserve storefronts for neighborhood serving businesses. In this instance, the project is the continuation of an existing use and would not increase the concentration of eating and drinking establishments in the Polk Street NCD above what exists today. The Pour House has been operating at this location for approximately seven years. The commercial space was vacant for several years before the business was established. The Police Department reports that they have had no problems at the property other than recent noise complaints relating to a Limited Live Performance permit issued by the Entertainment Commission. The Planning Department had not received any complaints about the business until after the current application for Conditional Use authorization to clarify the continuation of the use was filed. The business is neighborhood serving due to the retail sales component and the continuation of the business is strongly supported by residents of the community.

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 for, and compatible with, the neighborhood, as the business has operated without incident since 2005. Closing the existing bar would create another vacant storefront in an area already suffering from several vacant businesses.

- 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;

No physical expansion of the commercial space or the structure in which it is located is proposed for the project.

- 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 project would not adversely affect public transit or overburden the existing supply of parking in the neighborhood. The Project Site is well served by public transit including the 2, 3, 4, 19, 47, and 49 MUNI bus lines.

- iii. The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor;

The conditions of approval for this project require the Project Sponsor to ensure that noise and odors are contained within the premises so as not to be a nuisance to neighboring businesses or residents.

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

All lighting and signage for the use would comply with the requirements of the Planning Code.

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

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

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

The Polk Street NCD provides convenience goods and services to residents of the Polk Gulch neighborhood and the western slopes of Nob Hill and Russian Hill. The zoning controls are designed to encourage residential development above neighborhood-serving, ground floor commercial uses. The project has operated without incident since 2005. Continued operation of the business would be compatible with the mixed-use character of the neighborhood and the Polk NCD.

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 project would allow the continuation of an existing business that has been providing desirable goods and services to the neighborhood and has provided resident employment opportunities to those in the community since 2005. 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 would retain an existing commercial activity and would enhance the diverse economic base of the City.

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.

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 includes a neighborhood serving retail 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 continuation of a successful, locally owned neighborhood-serving business that provides employment opportunities for local residents.

- 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 business has had no adverse effect on neighborhood character or on the cultural and economic diversity of the district. The project would allow the continuation of the use.

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

No housing was 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 public transit. It is presumable that the employees would commute by transit thereby mitigating possible effects on street parking.

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

The project would not displace any service or industry establishment. The project would not affect industrial or service sector uses or related employment opportunities. Ownership of industrial or service sector businesses would not be affected by this project.

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

The Project was designed and constructed to conform to the structural and seismic safety requirements of the City Building Code. This proposal would not affect the property's ability to withstand an earthquake.

- G. That landmarks and historic buildings be preserved.

The project does not include any construction and would have no effect on any landmark or historic building.

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

The project does not include any construction and would have no negative effect on existing parks and 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. 2011.1339C** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated November 20, 2012, 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 13, 2012.

Jonas P. Ionin
Acting Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: December 13, 2012

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to clarify the continuation of the existing wine store, tasting room and bar (liquor store and bar) (d.b.a. The Pour House) located at 1327 Polk Street Assessor's Block 0667, Lot 003 pursuant to Planning Code Section(s) 303 and 723.41 within the Polk Street Neighborhood Commercial District and a 65-A Height and Bulk District; in general conformance with plans, dated November 20, 2012, and stamped "EXHIBIT B" included in the docket for Case No. 2011.1339C and subject to conditions of approval reviewed and approved by the Commission on December 13, 2012 under Motion No XXXXXX. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

RECORDATION OF CONDITIONS OF APPROVAL

Prior to the issuance of the building permit or commencement of use for the Project, the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on December 13, 2012 under Motion No XXXXXX.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

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

SEVERABILITY

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

CHANGES AND MODIFICATIONS

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

Conditions of Approval, Compliance, Monitoring, and Reporting

PERFORMANCE

1. **Validity and Expiration.** The authorization and right vested by virtue of this action is valid for three years from the effective date of the Motion. A building permit from the Department of

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

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

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

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

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

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

5. **Entertainment Area.** Any live entertainment shall be located at the rear of the business in the stage area as indicated on the project plans dated November 20, 2012, and stamped "EXHIBIT B."

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

MONITORING - AFTER ENTITLEMENT

6. **Enforcement.** Violation of any of the Planning Department conditions of approval contained in this Motion or of any other provisions of Planning Code applicable to this Project shall be subject

to the enforcement procedures and administrative penalties set forth under Planning Code Section 176 or Section 176.1. The Planning Department may also refer the violation complaints to other city departments and agencies for appropriate enforcement action under their jurisdiction.

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

7. **Revocation due to Violation of Conditions.** Should implementation of this Project result in complaints from interested property owners, residents, or commercial lessees which are not resolved by the Project Sponsor and found to be in violation of the Planning Code and/or the specific conditions of approval for the Project as set forth in Exhibit A of this Motion, the Zoning Administrator shall refer such complaints to the Commission, after which it may hold a public hearing on the matter to consider revocation of this authorization.

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

OPERATION

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

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

9. **Alcohol Sales.** The Conditional Use approval is based on the understanding that only beer and wine (Type 42 ABC license) would be sold at this location. The sale of hard liquor (Type 48 ABC license) and the single-can sales of alcohol for consumption off the premises shall not be permitted.

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

10. **Hours of Operation.** The subject establishment is limited to the following hours of operation: Sunday through Saturday from 6:00a.m. to 12:00a.m.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.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. No speakers shall be permitted on the exterior of the building and all windows shall be kept closed during any performance of live entertainment.

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

13. **Retail Sales.** The project is authorized, in part, as a retail wine store. Retail sales of wine is an integral part of the project and is required to continue in operation as long as the wine tastings and bar continue operations.

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

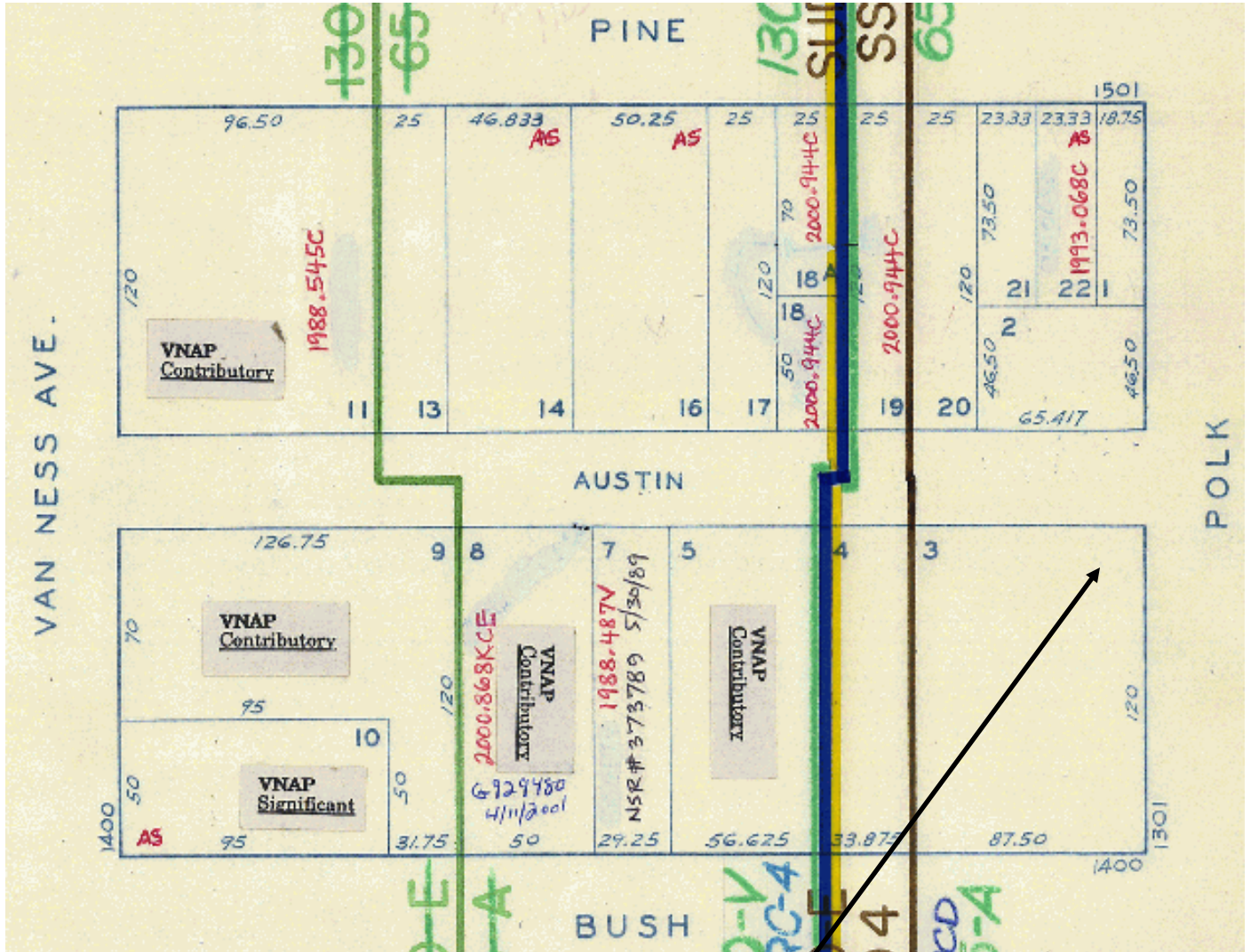
14. **Community Liaison.** Prior to issuance of a building permit to construct the project and implement the approved use, the Project Sponsor shall appoint a community liaison officer to deal with the issues of concern to owners and occupants of nearby properties. The Project Sponsor shall provide the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

15. **Notices Posted at Bars and Entertainment Venues.** Notices urging patrons to leave the establishment and neighborhood in a quiet, peaceful, and orderly fashion and to not litter or block driveways in the neighborhood, shall be well-lit and prominently displayed at all entrances to and exits from the establishment.

For information about compliance, contact the Entertainment Commission, at 415 554-6678, www.sfgov.org/entertainment

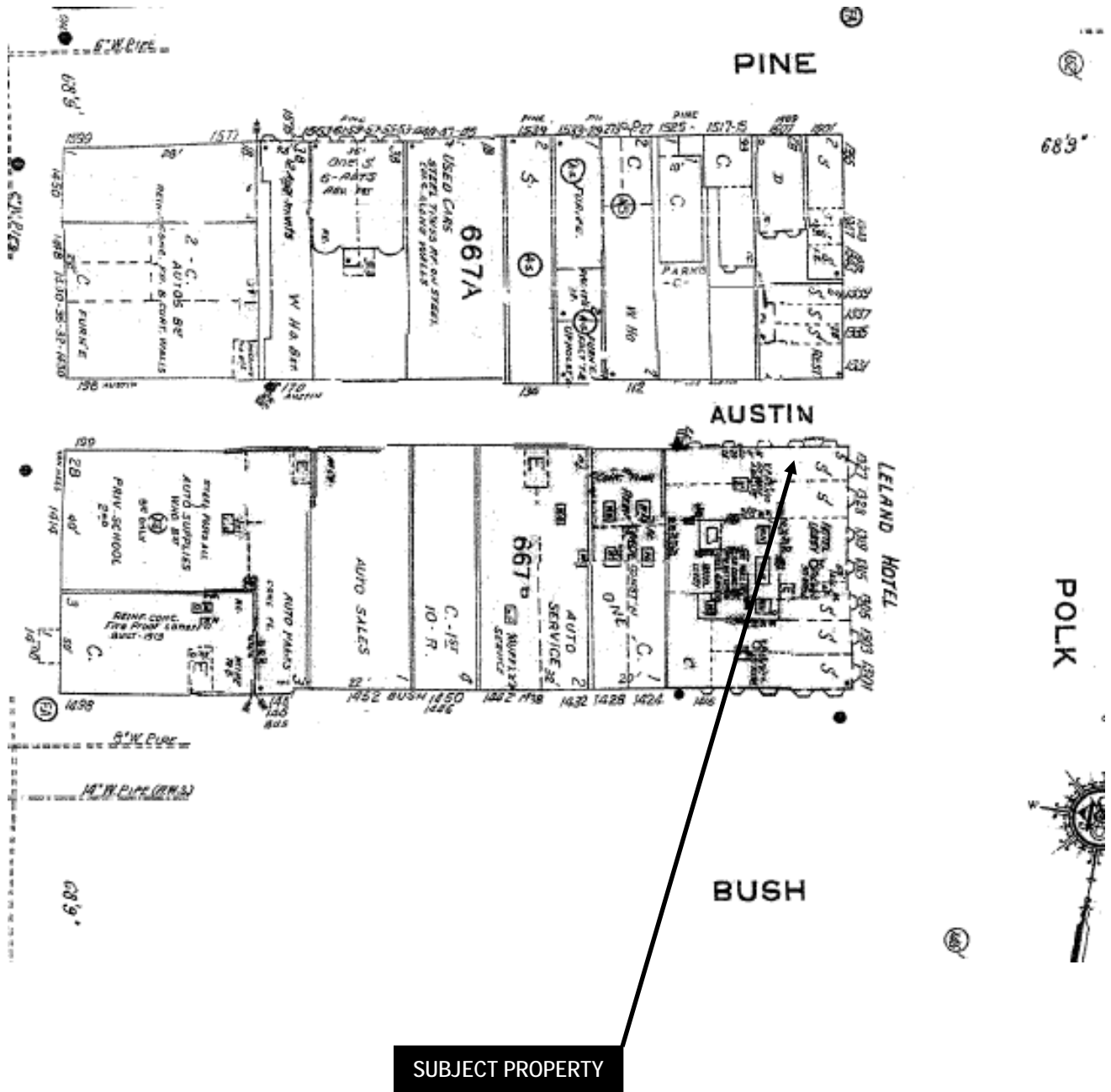
Parcel Map



SUBJECT PROPERTY

Conditional Use Authorization
 Case Number 2011.1339C
The Pour House
 1327 Polk Street

Sanborn Map*

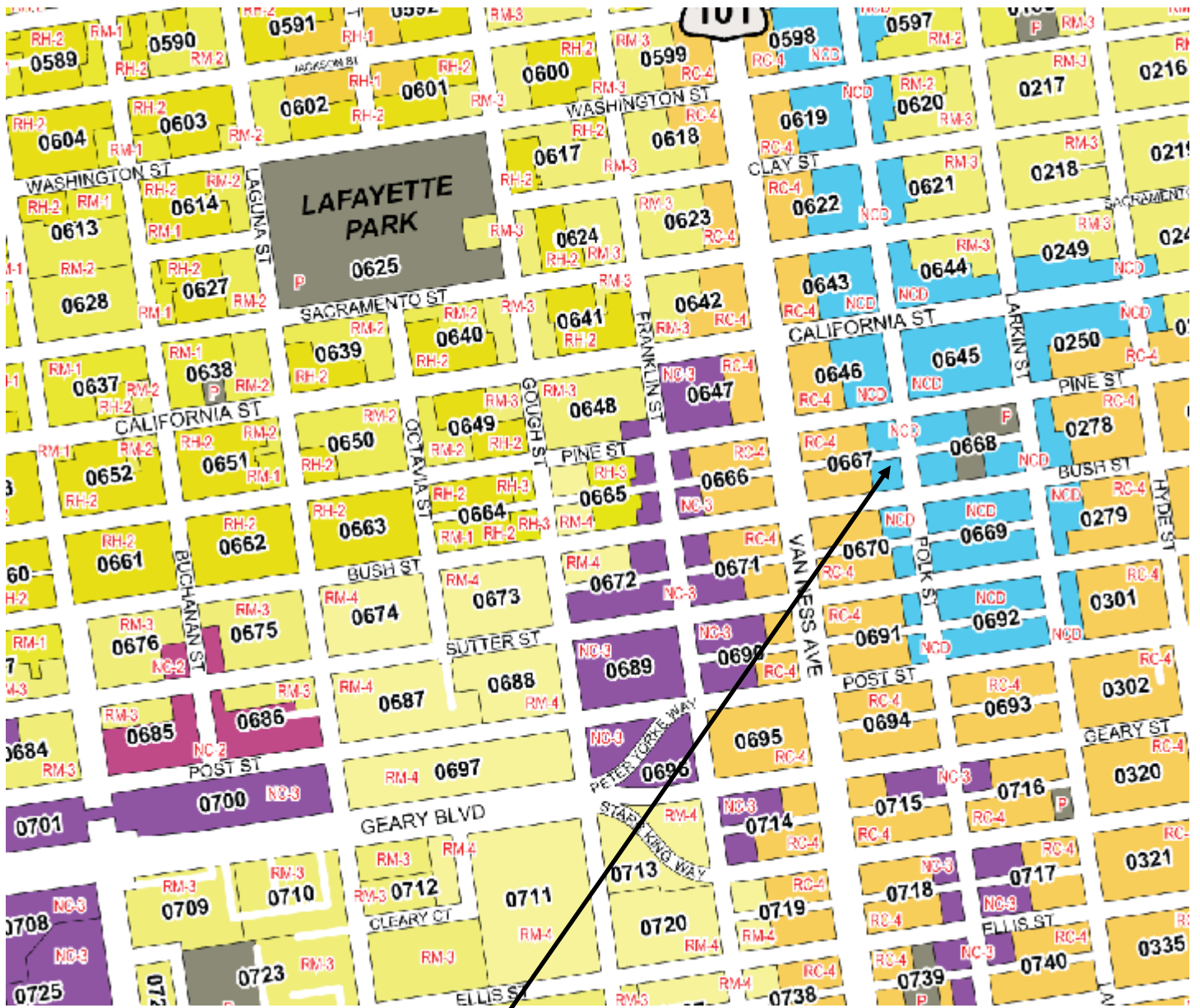


*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.



Conditional Use Authorization
 Case Number 2011.1339C
 The Pour House
 1327 Polk Street

Zoning Map



SUBJECT PROPERTY



Conditional Use Authorization
Case Number 2011.1339C
The Pour House
1327 Polk Street

Aerial Photo



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SUBJECT PROPERTY



Conditional Use Authorization
Case Number 2011.1339C
The Pour House
1327 Polk Street

Context Photos



Conditional Use Authorization
Case Number 2011.1339C
The Pour House
1327 Polk Street

Site Photo



Conditional Use Authorization
Case Number 2011.1339C
The Pour House
1327 Polk Street

Entertainment Commission Permit

City and County of San Francisco; State of California

Limited Live Performance

Permit Number: **EC – 1067 LLP**

Grant Date: **November 8, 2011**

Permit is hereby granted to: **William Bigelow, The Pour House**

Location: 1327 Polk Street, San Francisco, CA 94109

Business Name: **The Pour House**

Unless revoked or suspended by the Entertainment Commission during a current year or unless the permit is valid for only a specified time, it shall be deemed that application for a tax license renewal has been made at the end of each year and the original application granted under the conditions, limitations and obligations is unchanged.

This permit must be displayed at the above address in a conspicuous place. You are required to allow any Commission Permit Administrator or San Francisco Police Officer to inspect your premises (Municipal Code, Sec. 81). You shall not transfer this permit to another person or conduct a separate business at a different location other than that described on this permit (Municipal Code, Sec. 77).

ANY CHANGE IN OWNERSHIP OF THIS PERMITTED BUSINESS REQUIRES A NEW APPLICATION BE FILED WITHIN TEN DAYS OF THE DATE OF THE CHANGE. IF A PERMIT IS CONDITIONALLY GRANTED AND AN APPEAL IS FILED BY ANY PERSON WITHIN 10 DAYS OF THE ISSUANCE, THE PERMIT IS NOT VALID UNTIL THE APPEALS PROCESS IS CONCLUDED AND A FINAL DECISION IS RENDERED BY THE BOARD OF APPEALS.

Pertinent information regarding this permit:

- Permit holder shall conform to attached Entertainment Commission Good Neighbor Policy.
- Live performances must be conducted indoors only in accordance with Police Code Section 1060.
- There shall be no noise audible outside the establishment during the daytime or nighttime hours that violates San Francisco Municipal Police Code sections 49 or 2900 et seq. Further, absolutely no sound from the establishment shall be audible inside any surrounding residence or business that violates section 2900.

Failure to conduct your business in conformity with these regulations may subject your to a criminal citation or arrest and the revocation of your permit. This permit is accepted and subject to all legal obligations, requirements and the conditions set forth above.

Signature of Permittee:

Issued by:
Nicolas King,
Deputy Director, Entertainment Commission

Permit is not valid without current tax license.

PLANNING COMMISSION

Case No. 2004.1321C
1327 Polk Street
Block 0667, Lot 003

Subject to (check if applicable):

- Inclusionary Housing
- Childcare Requirement
- Downtown Park Fund
- Public Art
- Public Open Space
- Jobs-Housing Linkage
- Transit Impact Development Fee
- Other _____

SAN FRANCISCO

PLANNING COMMISSION

MOTION NO. 16946

ADOPTING FINDINGS RELATED TO THE APPROVAL OF A CONDITIONAL USE AUTHORIZING THE ESTABLISHMENT OF A RETAIL WINE STORE WITH A WINE TASTING ROOM (DEFINED AS A LIQUOR STORE AND BAR AND DBA "S.N.O.B.") OF APPROXIMATELY 1,000 SQUARE FEET AT 1327 POLK STREET ON ASSESSOR'S BLOCK 0667, LOT 003, LOCATED WITHIN THE POLK STREET NEIGHBORHOOD COMMERCIAL DISTRICT (NCD) AND A 65-A HEIGHT AND BULK DISTRICT.

PREAMBLE

William Bigelow (Project Sponsor), applied for a Conditional Use, Application No. 2004.1321C on the property at 1327 Polk Street, Lot 003 in Assessor's Block 0667 (Project Site), to establish a retail wine store with a wine tasting room (defined as a liquor store and bar and dba "S.N.O.B.") of approximately 1,000 square feet in general conformity with plans dated October 12, 2004 and labeled EXHIBIT B (Project) within the Polk Street NCD and a 65-A Height and Bulk District.

On December 22, 2004, the Project Sponsor filed an application for a conditional use.

The Project was determined by the Planning Department (Department) to be categorically exempt from the environmental review process pursuant to Title 14 of the California Administrative Code. The Planning Commission (Commission) has reviewed and concurs with said determination.

On February 3, 2005, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on the application for a conditional use.

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

1. The above recitals are accurate and also constitute findings of this Commission.
2. The Polk Street NCD, located in the gulch between Nob Hill, Russian Hill, and Pacific Heights, provides convenience goods and services to the residents of the Polk Gulch neighborhood and the west slopes of Nob Hill and Russian Hill. The district has a very active and continuous commercial frontage along Polk Street, while the side streets have a greater proportion of residences. The zoning controls are designed to encourage residential development above neighborhood-serving commercial uses on the ground floor.
3. The Project Site is on the northwest corner of Polk and Bush Streets, Assessor's Block 0667, Lot 003. It is located within the Polk Street NCD and a 65-A Height and Bulk District.

The Project Site is occupied by the former Leland Hotel, a five-story structure that previously contained a mix of apartments, residential hotel rooms, tourist hotel rooms, and seven commercial spaces on the ground floor. Following a fire in December 1998, the entire building sat vacant for several years. In April 2003, the Planning Commission approved a conditional use application to convert the building to 72 units of senior housing and retain six of the seven commercial spaces on the ground floor.

4. The surrounding development consists of a variety of multi-story mixed-use buildings featuring residential uses above ground-floor commercial establishments. There are numerous residential and tourist hotels scattered throughout the neighborhood, and Bush Street has an automobile-oriented atmosphere (new and used car dealerships, parking garages, parking lots, and service centers). Other uses in the area include Redding Grammar School and the California Street cable car turnaround. The scale of development throughout the area varies widely. There are one- and two-story buildings as well as highrise structures exceeding a height of 100 feet. The height limits in the area range from 65 feet to 130 feet.
5. The project is the establishment of a retail wine store with a wine tasting room (defined as a liquor store and bar and dba "S.N.O.B.") of approximately 1,000 square feet. The proposed use is not formula retail as defined in Section 703.3 of the Planning Code. There will be no physical expansion of the building or the existing commercial space. The project site is within the Polk Street Neighborhood Commercial District and a 65-A Height and Bulk District.

6. In order for the proposed project to proceed, the Planning Commission must grant conditional use authorization for the establishment of a retail wine store (defined as a liquor store) pursuant to Sections 723.45 and 790.55 of the Planning Code.

In November 1986, the Zoning Administrator issued an interpretation under which a wine tasting room that is part of a retail establishment is treated as a bar in all NCDs. Pursuant to Sections 723.41 and 790.22, conditional use authorization is required to establish a bar in the Polk Street NCD.

7. Section 101.1(b) establishes eight priority planning policies and requires the review of permits for consistency with said policies:

- (1) That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced.

The Project would introduce a neighborhood-serving retail use and provide a number of employment opportunities for local residents.

- (2) That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods.

The Project will not have an adverse impact on neighborhood character or the cultural and economic diversity of the neighborhood.

- (3) That the City's supply of affordable housing be preserved and enhanced.

The Project will not have any impacts on the City's supply of affordable housing.

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

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

- (5) 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 will be displaced.

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

The subject building recently underwent a complete seismic upgrade. Although there will be some interior tenant improvements to the subject commercial space, the Project does not involve any construction activities that will compromise the structural integrity of the existing building or trigger any Building Code requirements for a seismic upgrade.

- (7) That landmarks and historic buildings be preserved.

The existing building has not been designated architecturally or historically significant, and it is not located within an existing historic district.

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

The Project will not impact any parks or open spaces or their access to sunlight.

8. Section 121.2 establishes size limits on nonresidential uses in all NCDs. In the Polk Street NCD, conditional use authorization is required for any nonresidential use that is 3,000 square feet or larger.

Conditional use authorization is not required for the proposed retail wine store, which has a total floor area of 1,000 square feet.

9. Section 124 establishes basic floor area ratios (FAR) for all zoning districts. FAR is the ratio of the gross floor area of all the buildings on a lot to the total area of the lot. Under Section 124(a), the FAR for the Polk Street NCD is 2.5 to 1.

With a lot area of 10,500 square feet, 26,250 nonresidential gross square feet can be developed on the Project Site. Since only one floor of the building is devoted to nonresidential uses, the property complies with the requirements of Section 124. There will be no expansion of the existing commercial spaces.

10. Section 151 requires retail establishments to provide one parking space for every 500 square feet of occupied floor area where the occupied floor area exceeds 5,000 square feet.

With a floor area of approximately 1,000 square feet, the proposed retail wine store is not required to provide off-street parking.

11. Section 152 requires off-street freight loading for uses above a certain size. Retail establishments that exceed 10,000 square feet in gross floor area are required to provide one off-street freight loading space.

With a floor area of approximately 1,000 square feet, the proposed retail wine store is not required to provide off-street loading. There are nearby yellow zones along Polk and Bush Streets that can be used for deliveries.

12. Section 703.3 places notification requirements and other restrictions on formula retail uses.

The proposed use is not a formula retail use.

13. Section 723.27 allows hours of operation from 6:00AM until 2:00AM as of right and requires conditional use authorization to operate between the hours of 2:00AM and 6:00AM.

The Project Sponsor is not requesting conditional use authorization to operate between the hours of 2:00AM and 6:00AM.

14. Under Section 303(c), the Commission may authorize a conditional use after finding that:

- (1) The proposed use or feature, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable for, and compatible with, the neighborhood or community.

The Project is desirable for and compatible with the neighborhood, because it would revitalize a commercial space that has been vacant for six years. The zoning controls for the Polk Street NCD encourage retail uses on the ground floor.

- (2) Such use or feature as proposed 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, with respect to aspects including, but not limited to the following:

- (A) The nature of the 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 the arrangement of the structures on the site are adequate for the Project. There will be no physical expansion of the existing building or commercial space.

- (B) 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 Project will not adversely impact public transit or overburden the existing supply of parking in the neighborhood. The Project Site is well-served by public transportation (the 2 Clement, 3 Jackson, 4 Sutter, 19 Polk, 42 Downtown Loop, 47 Van Ness, and 49 Van Ness - Mission MUNI surface buses).

Off-street parking is not required for the Project. Off-street loading is not required for the Project. There are nearby yellow zones along Polk and Bush Streets that can be used for deliveries.

- (C) The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor:

The conditions of approval for this Project require the Project Sponsor to ensure that noise and odors are contained within the premises so as not to be a nuisance to nearby businesses or residents.

- (D) Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs:

All lighting and signage will comply with the requirements of the Planning Code.

- (3) That such use or feature 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 of the applicable requirements of the Planning Code and will not adversely affect the General Plan.

- (4) With respect to applications filed pursuant to Article 7 of this Code, that such use or feature as proposed will provide development that is in conformity with the stated purpose of the applicable Neighborhood Commercial District, as set forth in zoning control category .1 of Sections 710 through 729 of this Code.

The Polk Street NCD provides convenience goods and services to the residents of the Polk Gulch neighborhood and the west slopes of Nob Hill and Russian Hill. The zoning controls are designed to encourage residential development above neighborhood-serving commercial uses on the ground floor.

The proposed retail wine store would be compatible with the mixed-use character of the neighborhood and the Polk Street NCD.

15. The Project will affirmatively promote, be consistent with, and will not adversely affect the General Plan, including, among others, the following objectives and policies:

The **Commerce and Industry Element** of the General Plan contains the following relevant objectives and policies:

OBJECTIVE 6 MAINTAIN AND STRENGTHEN VIABLE NEIGHBORHOOD COMMERCIAL AREAS EASILY ACCESSIBLE TO CITY RESIDENTS.

Policy 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.

Approval of the Project would revitalize a commercial space that has been vacant for six years

Policy 3 Preserve and promote the mixed commercial-residential character in neighborhood commercial districts. Strike a balance between the preservation of affordable housing and needed expansion of commercial activity.

Approval of the Project would be consistent with the mixed commercial-residential character of the Polk Street NCD and would not result in adverse impacts on any affordable housing resources in the neighborhood.

Policy 9 Regulate uses so that traffic impacts and parking problems are minimized.

The Project will not adversely impact public transit or overburden the existing supply of parking in the neighborhood. The Project Site is well-served by public transportation (the 2 Clement, 3 Jackson, 4 Sutter, 19 Polk, 42 Downtown Loop, 47 Van Ness, and 49 Van Ness - Mission MUNI surface buses).

16. 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 the Commission at the public hearing, and all other written materials submitted by all parties, the Commission hereby APPROVES Conditional Use Application No. **2004.1321C** subject to the following conditions attached hereto as EXHIBIT A which are 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. 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 foregoing Motion was ADOPTED by the Planning Commission at its regular meeting on February 3, 2005.

Linda D. Avery
Commission Secretary

AYES: Commissioners S. Lee, Alexander, Antonini, and Olague
NOES: Commissioner Bell
ABSENT: Commissioners Hughes and W. Lee
ADOPTED: February 3, 2005

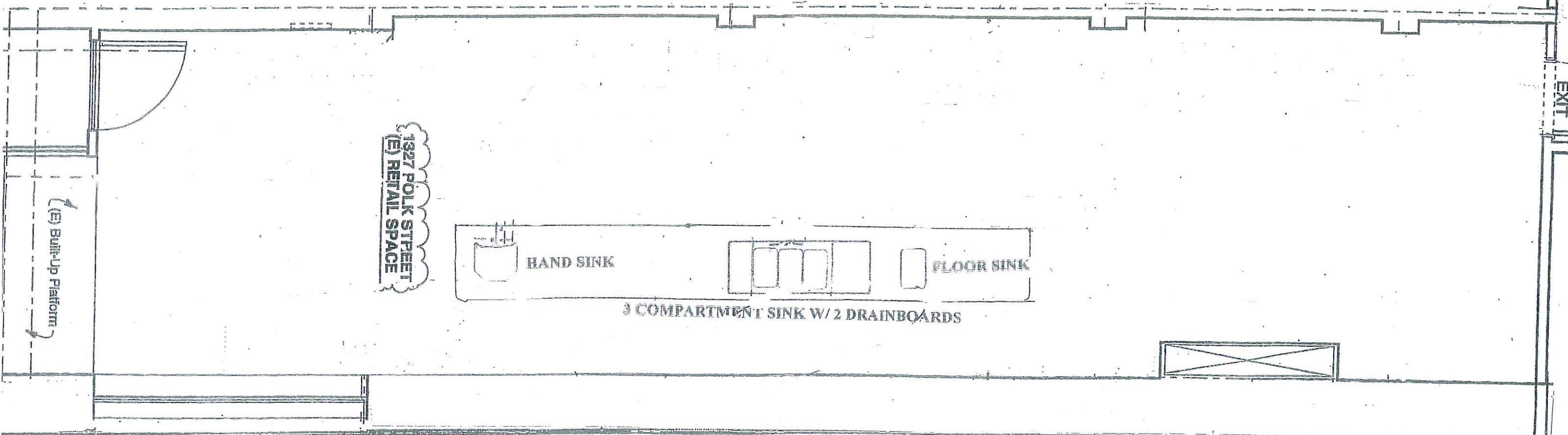
EXHIBIT A

CONDITIONS OF APPROVAL

1. This authorization is for the establishment of a retail wine store with a wine tasting room (defined as a liquor store and bar and dba "S.N.O.B.") of approximately 1,000 square feet at 1327 Polk Street, Assessor's Block 0667, Lot 003, in general conformity with the plans identified as EXHIBIT B, dated October 12, 2004, and reviewed by the Commission on February 3, 2005.
2. The authorization granted herein shall be valid for a period of three (3) years from the date of the adoption of Motion No. 16946 and shall become null and void after that time if the building, health, and other required permits have not been obtained.
3. With respect to alcohol, only the sale of beer and wine (Type 42 ABC license) shall be permitted. The sale of hard liquor (Type 48 ABC license) shall not be permitted.
4. Single-can sales of alcohol for consumption off the premises shall not be permitted.
5. The business shall be operated as a retail wine store with a wine tasting bar, not solely as a wine tasting bar.
6. The hours of operation shall be limited to the hours between 6:00AM and 12:00AM (midnight).
7. The operator of the establishment shall maintain the entrances and all sidewalks abutting the subject property in a clean condition. Such maintenance shall include, at minimum, daily sweeping, litter pickup and disposal, and washing or steam/pressure cleaning of the main entrance and abutting sidewalks at least once every two weeks.
8. Noise and odors shall be regulated so as not to be a nuisance to nearby businesses or residents.
9. An enclosed waste storage area shall be provided within the establishment. All trash and recycling containers shall be kept within the building until pick-up by the disposal company.
10. The Project Sponsor shall appoint a Community Liaison to address issues and matters of concern to nearby residents or commercial lessees. This liaison or designated representative shall be available at the establishment at all times during business hours. The Project Sponsor shall report the name and telephone number of this liaison to the Zoning Administrator for reference.

11. Should monitoring of the Conditions of Approval of this Motion be required, the Project Sponsor shall pay fees as established in Planning Code Section 351(e)(1).
12. 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 are subsequently reported to the Zoning Administrator 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 in accordance with the hearing notification and conduct procedures as set forth in Sections 174, 306.3, and 306.4 of the code to consider revocation of this conditional use authorization.
13. The Project Sponsor shall assure the execution and recordation of the specified conditions as a Notice of Special Restrictions at the Office of the County Recorder / County Clerk.

15'x72'
1080 sq ft



The Pour House
1327 Polk St
San Francisco
CA 94109