



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Conditional Use

HEARING DATE: MAY 10, 2012

CONSENT CALENDAR

Date: May 3, 2012
Case No.: **2011.1425C**
Project Address: **1145 Polk Street (a.k.a. 1201 Sutter Street)**
Zoning: Polk Street Neighborhood Commercial District
65-A Height and Bulk District
Block/Lot: 0691/001
Project Sponsor: Najib Rebia
c/o Ron Case of Case-Abst Architects LLP
1033 Polk Street
San Francisco, CA 94109
Staff Contact: Aaron Hollister – (415) 575-9078
aaron.hollister@sfgov.org
Recommendation: **Approval with Conditions**

1650 Mission St.
Suite 400
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CA 94103-2479

Reception:
415.558.6378

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415.558.6409

Planning
Information:
415.558.6377

PROJECT DESCRIPTION

The project sponsor proposes to install a walk-up facility within an existing storefront opening located at the ground-floor of the subject building. The walk-up facility will be utilized in conjunction with an existing small, self-service restaurant (D.B.A. Café Zitouna) for take-out restaurant orders. The existing restaurant does not have a license to sell alcohol and currently operates from 11:30 a.m. until 9 p.m., both of which are not proposed to change. The existing tenant space measures approximately 850 square feet, and the size would not change as part of the project.

SITE DESCRIPTION AND PRESENT USE

The project is located on the west side of Polk Street at the southwest intersection of Polk and Sutter Streets, Block 0691, Lot 001. The subject property is located within the Polk Street Neighborhood Commercial District ("NCD") and the 65-A Height and Bulk District. The property is developed with a two to three-story mixed-use building that was constructed in 1906 and contains residential uses on the upper levels and ground-floor commercial tenant spaces that include a bar, art gallery and a photography studio. The subject tenant space has been occupied by restaurant tenants continuously since 2007.

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.

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	April 20, 2012	April 18, 2012	22 days
Posted Notice	20 days	April 20, 2012	April 20, 2012	20 days
Mailed Notice	20 days	April 20, 2012	April 20, 2012	20 days

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

PUBLIC COMMENT

- To date, the Department has received a letter of support from the Lower Polk Neighbors, as well as a petition containing approximately 416 signatures in support of the proposal.
- The Community Leadership Alliance (CLA) has indicated to Department staff that the group may request a continuance of the case. CLA has indicated that they would like the project sponsor to present at its monthly meeting on May 14th so they may formally vote on the project. Department staff understands that the project sponsor and the leader of CLA have attempted to informally discuss the project.
- Staff has received one call from a member of the public with concerns that the project could contribute to late-night loitering and unruly behavior in the area.

ISSUES AND OTHER CONSIDERATIONS

- The proposed take-out window location is located approximately 44 feet from the Polk/Sutter intersection and is adjacent to a 10-foot wide sidewalk. No other take-out windows are located on the immediately adjacent block face. Additionally, the proposed take-out window is not immediately adjacent to any sidewalk installations such as bike racks or a MUNI stop.

- The historic decorative trim that surrounds the storefront windows where the take-out window would be placed will not be altered or removed. The windows in the other storefront bays of the subject restaurant space were altered during a previous seismic retrofit that pre-dates the current restaurant tenant.
- An ATM appears that it was illegally installed on the Sutter Street frontage of the subject commercial storefront, and furthermore, the Department has learned that it is not operational. A Condition of Approval will require the property owner to work with staff to remove the illegal ATM before the issuance of the associated building permit for the proposed take-out window. The owner's agent has agreed to the proposed condition.

REQUIRED COMMISSION ACTION

In order for the project to proceed, the Commission would need to approve Conditional Use Authorization for a walk-up facility (take-out window) that is located less than three feet from the front property line, pursuant to Planning Code Section 723.26.

BASIS FOR RECOMMENDATION

- The project promotes the continued operation of an established, locally-owned business and contributes to the vitality of the overall Polk Street NCD.
- The take-out window will be located so it will minimize any disruptions to pedestrian circulation on the adjacent sidewalk.
- The take-out window will activate an underutilized portion of the storefront and the Polk Street streetscape throughout the day and early evening.
- The project meets all applicable requirements of the Planning Code.
- The project is desirable for, and compatible with the surrounding neighborhood.
- The business would serve the immediate neighborhood.

RECOMMENDATION: Approval with Conditions
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Attachments:

- Block Book Map
- Sanborn Map
- Aerial Photographs
- Public Correspondence (see also Project Sponsor Submittal)
- Project Sponsor Submittal, including:
 - Correspondence in Support
 - Site Photographs
 - Reduced Plans

Attachment Checklist

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

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

 AJH
Planner's Initials

AJH: G:\DOCUMENTS\Projects\CU\1145 Polk Street\1145 Polk Street Executive Summary.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: MAY 10, 2012

Date: May 3, 2012
Case No.: **2011.1425C**
Project Address: **1145 POLK STREET (a.k.a. 1201 SUTTER STREET)**
Zoning: Polk Street Neighborhood Commercial District
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1033 Polk Street
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ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 303, 723.26 OF THE PLANNING CODE TO ALLOW AN EXISTING SMALL, SELF-SERVICE RESTAURANT (D.B.A. CAFÉ ZITOUNA) TO INSTALL A WALK-UP FACILITY (TAKE-OUT FOOD WINDOW) RECESSED LESS THAN THREE FEET FROM THE FRONT PROPERTY LINE WITHIN THE POLK STREET NEIGHBORHOOD COMMERCIAL DISTRICT AND A 65-A HEIGHT AND BULK DISTRICT.

PREAMBLE

On December 21, 2011, Najib Rebia in care of Ron Case (hereinafter “Project Sponsor”) filed an application with the Planning Department (hereinafter “Department”) for Conditional Use Authorization under Planning Code Section 723.26 to allow an existing small, self-service restaurant (D.B.A. Café Zitouna) to install a walk-up facility (take-out food window) recessed less than three feet from the property line within the Polk Street Neighborhood Commercial District and a 65-A Height and Bulk District.

On May 10, 2012, the San Francisco Planning Commission (hereinafter “Commission”) conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2011.1425C.

The proposed project was determined to be categorically exempt from the environmental review process pursuant to Class 1 exemptions (Section 15301 of the California Environmental Quality Act) of Title 14 of the California Administrative Code.

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. 2011.1425C, 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 at the southwest intersection of Polk and Sutter Streets, Block 0691, Lot 001. The subject property is located within the Polk Street Neighborhood Commercial District ("NCD") and the 65-A Height and Bulk District. The property is developed with a two to three-story mixed-use building that was constructed in 1906 and contains residential uses on the upper levels and ground-floor commercial tenant spaces that include a bar, art gallery and a photography studio. The subject tenant space has been occupied by restaurant tenants continuously since 2007.
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 project sponsor proposes to install a walk-up facility within an existing storefront opening located at the ground-floor of the subject building. The walk-up facility will be utilized in conjunction with an existing small, self-service restaurant (D.B.A. Café Zitouna) for take-out restaurant orders. The existing restaurant does not have a license to sell alcohol and currently operates from 11:30 a.m. until 9 p.m., both of which are not proposed to change. The existing tenant space measures approximately 850 square feet, and the size would not change as part of the project.

5. **Public Comment.** The Department has received a letter of support from the Lower Polk Neighbors, as well as a petition containing approximately 416 signatures in support of the proposal.

The Community Leadership Alliance (CLA) has indicated to Department staff that the group may request a continuance of the case. CLA has indicated that they would like the project sponsor to present at its monthly meeting on May 14th so they may formally vote on the project. Department staff understands that the project sponsor and the leader of CLA have attempted to informally discuss the project.

Staff has received one call from a member of the public with concerns that the project could contribute to late-night loitering and unruly behavior in the area.

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 723.26 states that Conditional Use Authorization is required for a Walk-Up Facility that is not recessed less than three feet from the property line.

The proposed Walk-Up Facility would be a take-out food window that would be operated in conjunction with an existing small, self-service restaurant. The take-out window would be located in an existing storefront opening that is located immediately at the front property line. The Project Sponsor is therefore requesting Conditional Use Authorization for the take-out window, categorized as a Walk-Up Facility per Planning Code Section 723.26.

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

The current maximum hours of operation for Café Ztiouna are 11 a.m. to 9 p.m., which are operating hours that are principally permitted with in the Polk Street NCD. The hours of operation are not proposed to be expanded under the project.

- 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 would not include any live music, DJ's, or other activities defined as Other Entertainment by Planning Code 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 existing tenant space measures approximately 850 square feet, therefore, the Project does not require any off-street parking.

- E. **Street Frontage in Neighborhood Commercial Districts.** Section 145.1 of the Planning Code requires that within NC Districts space for active uses shall be provided within the first 25 feet of building depth on the ground floor and 15 feet on floors above from any facade facing a street at least 30 feet in width. In addition, the floors of street-fronting interior spaces housing non-residential active uses and lobbies shall be as close as possible to the level of the adjacent sidewalk at the principal entrance to these spaces. Frontages with active uses that must be fenestrated with transparent windows and doorways for no less than 60 percent of the street frontage at the ground level and allow visibility to the inside of the building. The use of dark or mirrored glass shall not count towards the required transparent area. Any decorative railings or grillwork, other than wire mesh, which is placed in front of or behind ground floor windows, shall be at least 75 percent open to perpendicular view. Rolling or sliding security gates shall consist of open grillwork rather than solid material, so as to provide visual interest to pedestrians when the gates are closed, and to permit light to pass through mostly unobstructed. Gates, when both open and folded or rolled as well as the gate mechanism, shall be recessed within, or laid flush with, the building facade.

The project includes minor modifications of the existing storefront to accommodate the new take-out order window. Clear glazing will be utilized for the entire width of the proposed take-out window at eye level.

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 has been found to be desirable as it would promote the continued operation of an established, locally-owned business that contributes to the vitality of the overall Polk Street NCD. Additionally, the take-out window will activate an underutilized portion of the storefront and the Polk Street streetscape throughout the day and early evening.

- 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.

- 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 an 850 square-foot small, self-service restaurant. The proposed use is designed to meet the needs of the immediate neighborhood and should not generate significant amounts of vehicular trips from the immediate neighborhood or citywide. The 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 existing small, self-service restaurant has been found to be operating within existing conditions of approval as they relate to emissions noise, glare, dust and odor. These conditions were required in Planning Commission Motion No. 17416 for Case No. 2007.0204C that established the small, self-service restaurant. The addition of the take-out window is not expected to generate offensive emissions such as noise, glare, dust and odor.

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

The Project Site is completely built-out at the commercial ground level; therefore, no landscaping will need to be provided. Additionally, no additional lighting and signs are proposed under 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 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 proposed take-out window would provide a convenience to residents and employees of the area.

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

NEIGHBORHOOD COMMERCE

Objectives and Policies

OBJECTIVE 1:

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

Policy 1.1:

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

Policy 1.2:

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

Policy 1.3:

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

The proposed project will help an independent, locally-owned business to continue to provide desirable goods and services to the neighborhood and will continue to provide resident employment opportunities to those in the community. Further, the Project Site is located within a Neighborhood Commercial District and is thus consistent with activities in the commercial land use plan.

OBJECTIVE 2:

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

Policy 2.1:

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

The Project will retain a locally-owned business and will 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.

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 food-service establishments. The Commerce and Industry Element of the General Plan contains Guidelines for Specific Uses. For eating and drinking establishments, the Guidelines state, "the balance of commercial uses may be threatened when eating and drinking establishments occupy more than 20% of the total occupied commercial frontage." The proposed project would not include an expansion of the existing

restaurant, and as such, would not contribute to any over-concentration of eating and drinking establishments.

Policy 6.2:

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

An independent entrepreneur is sponsoring the proposal. The proposed use is 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 that provides for resident employment, as well convenience goods and services to the surrounding neighborhood.

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

The existing units in the surrounding neighborhood would not be adversely affected. The Project would enhance a restaurant use that contributes to the character of the neighborhood.

- 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.

The Project will not displace any service or industry establishment. The project will not affect industrial or service sector uses or related employment opportunities. Ownership of

industrial or service sector businesses will not be affected by this project. The Project will help contribute to 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.

The Project is designed and will be constructed to conform to the structural and seismic safety requirements of the City Building Code. This proposal will not impact the property's ability to withstand an earthquake.

- G. That landmarks and historic buildings be preserved.

The Project proposes minor alterations to existing exterior storefront. The historic decorative trim that surrounds the storefront windows where the take-out window would be placed will not be altered or removed. The windows in the other storefront bays of the subject restaurant space were altered during a previous seismic retrofit that pre-dates the current restaurant tenant.

- 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. 2011.1425C** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated March 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 May 10, 2012.

Linda D. Avery
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: May 10, 2012

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to allow a an existing small, self-service restaurant (D.B.A. Cafe Zitouna) to install a walk-up facility (take-out food window) recessed less than three feet from the front property line located at 1145 Polk Street (a.k.a. 1201 Sutter Street), Block 0691, Lot 001, pursuant to Planning Code Sections 303 and 723.26 within the Polk Street Neighborhood Commercial District and a 65-A Height and Bulk District; in general conformance with plans, dated March 20, 2012, and stamped "EXHIBIT B" included in the docket for Case No. 2011.1425C and subject to conditions of approval reviewed and approved by the Commission on May 10, 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 May 10, 2012 under Motion No XXXXXX.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

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

SEVERABILITY

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

CHANGES AND MODIFICATIONS

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

Conditions of Approval, Compliance, Monitoring, and Reporting PERFORMANCE

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

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

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

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

DESIGN

3. **Final Materials.** The Project Sponsor shall continue to work with Planning Department on the building design. Final materials, glazing, color, texture, landscaping, and detailing shall be subject to Department staff review and approval. Additionally, the ATM vestibule currently located within the subject storefront on the Sutter Street frontage must be removed via a City permit prior to issuance of Building Permit Application No. 2011.1117.9160 for the installation of the take-out window.

For information about compliance, contact the Case Planner, Planning Department at 415-575-9078, www.sf-planning.org

4. **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 415-575-9078, www.sf-planning.org.

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

For information about compliance, contact the Case Planner, Planning Department at 415-575-9078, www.sf-planning.org.

MONITORING

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

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

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

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

OPERATION

8. **Sidewalk Maintenance.** The Project Sponsor shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean and sanitary condition in compliance with the Department of Public Works Streets and Sidewalk Maintenance Standards. *For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works, 415-695-2017, <http://sfdpw.org/>*

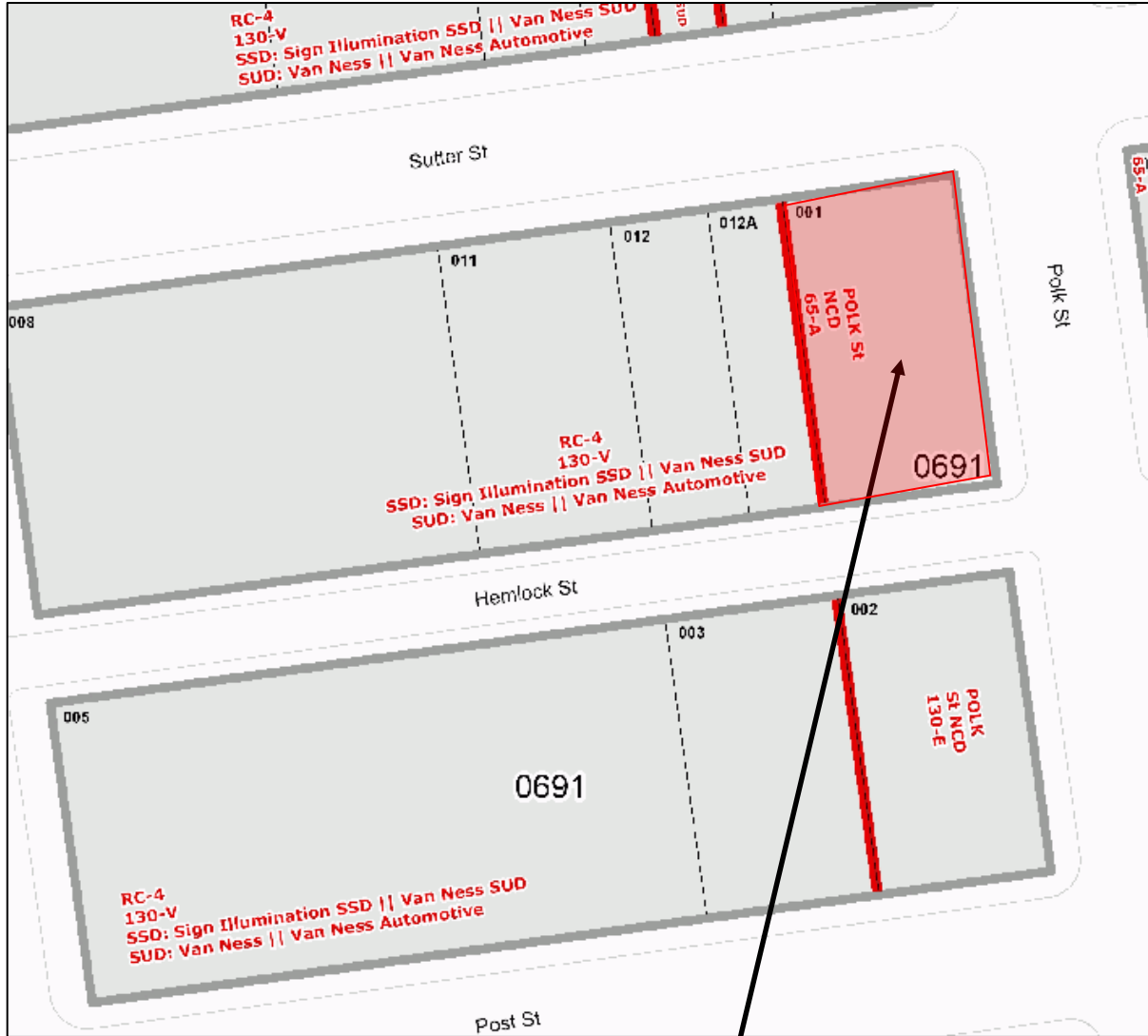
9. **Garbage, Recycling, and Composting Receptacles.** Garbage, recycling, and compost containers shall be kept within the premises and hidden from public view, and placed outside only when being serviced by the disposal company. Trash shall be contained and disposed of pursuant to garbage and recycling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

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

10. **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

Parcel Map

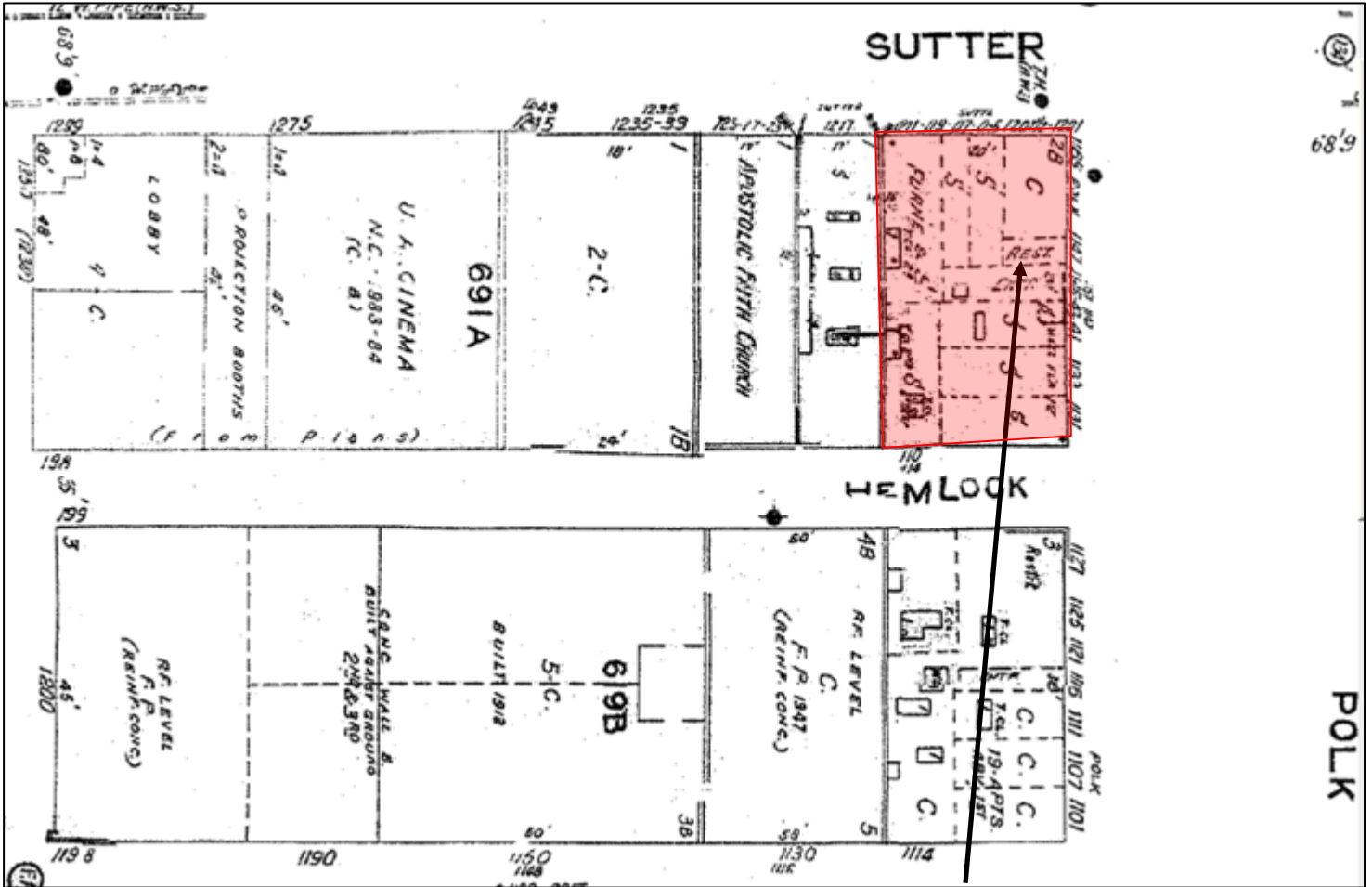


SUBJECT PROPERTY



Case Number 2011.1425C
Take-Out Window
1145 Polk Street (a.k.a. 1201 Sutter Street)

Sanborn Map*



SUBJECT PROPERTY



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

Case Number 2011.1425C
Take-Out Window
1145 Polk Street (a.k.a. 1201 Sutter Street)

Aerial Photo

West-Facing



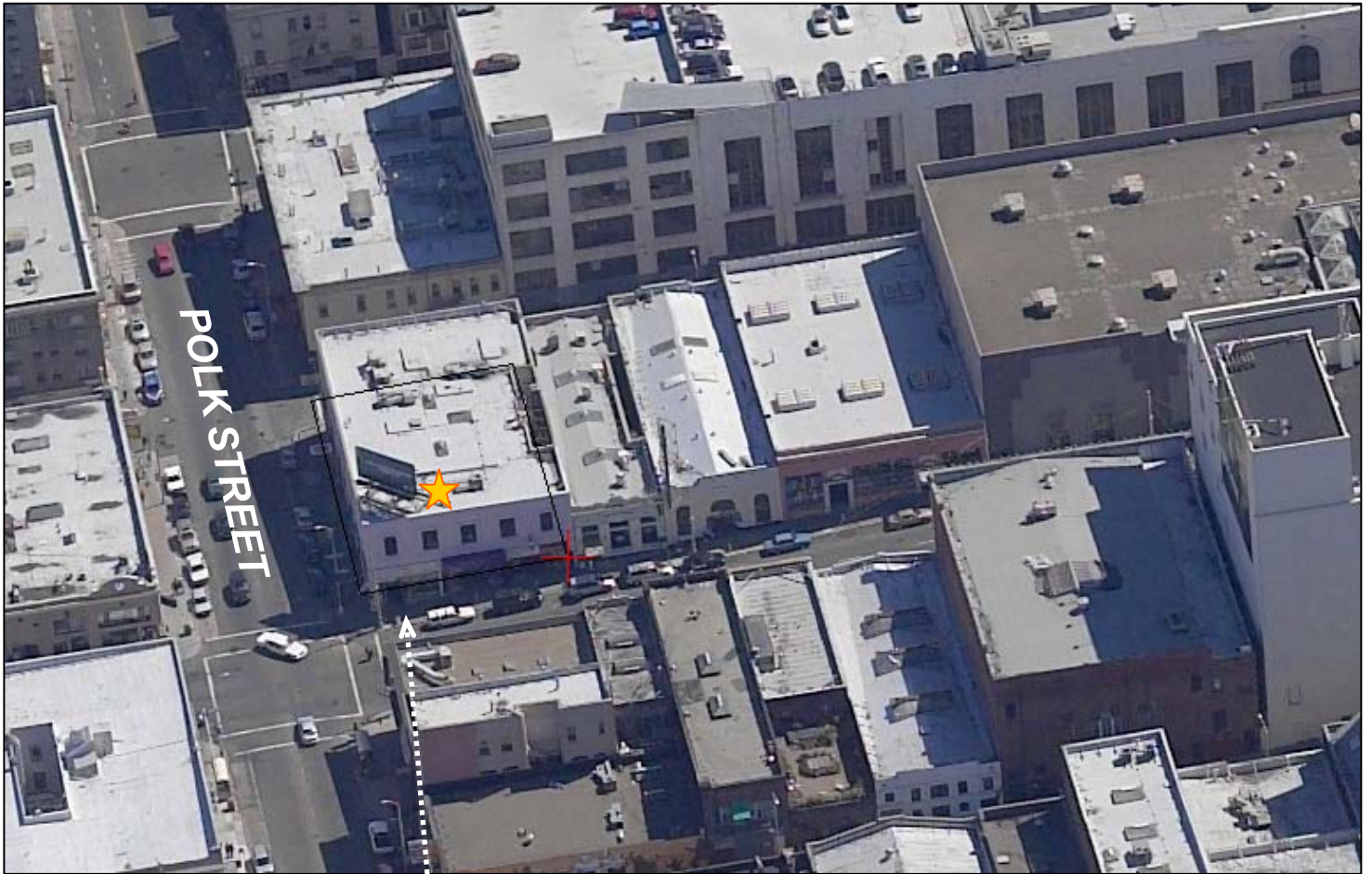
SUBJECT PROPERTY



Case Number 2011.1425C
Take-Out Window
1145 Polk Street (a.k.a. 1201 Sutter Street)

Aerial Photo

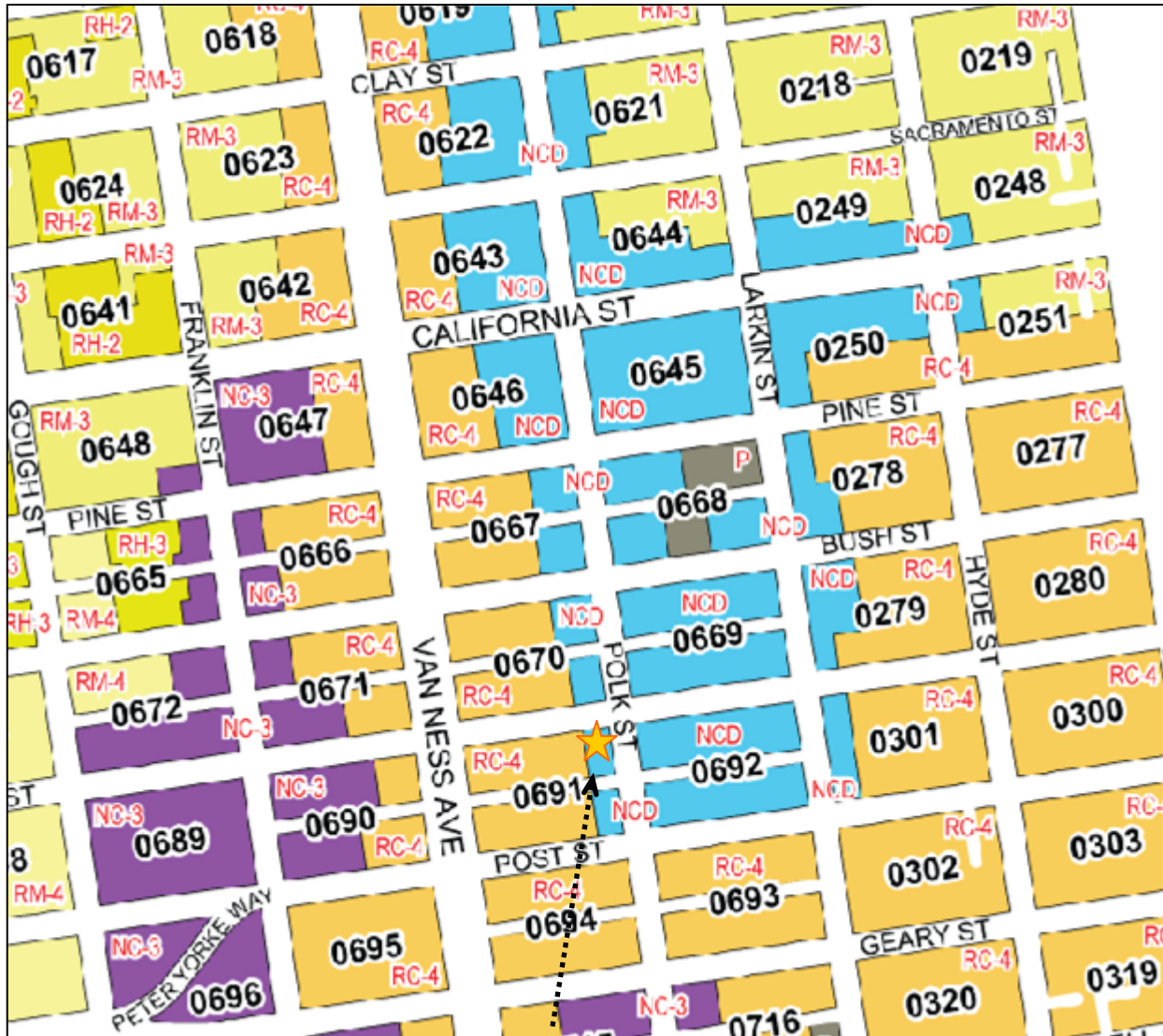
South-Facing



SUBJECT PROPERTY



Zoning Map



SUBJECT PROPERTY



Case Number 2011.1425C
Take-Out Window
1145 Polk Street (a.k.a. 1201 Sutter Street)

LOWER POLK NEIGHBORS

P. O. Box 641980 • SAN FRANCISCO, CA 94164-1980

WWW.LOWERPOLKNEIGHBORS.ORG



March 15, 2012

Mr. Aaron Hollister, Planner
San Francisco Planning Department
1650 Mission Street
San Francisco, CA 94103

RE: **Café Zitouna, 1201 Sutter** [Building at 1145 Polk Street]
#20113817

Dear Mr. Hollister:

I am writing on behalf of **Lower Polk Neighbors** [LPN], a community association made up of residents and merchants. LPN's boundaries are California Street on the North, Ellis Street on the South, Larkin on the East and the West Side of Van Ness as the West boundary.

At our regular Lower Polk Neighbors meeting on March 14, 2012, Najib Rebia, the owner of Café Zitouna, presented his request for neighborhood support for a "pass-thru" window on the Polk Street side of his restaurant. There was a question and answer session after the presentation, and then a vote was taken. Lower Polk Neighbors voted unanimously to support Mr. Rebia and his request for permits to allow him install a pass-thru window.

Lower Polk Neighbors feel Café Zitouna is a positive asset for our community and will continue to be one.

With regards,

Ron Case, Chairman
Lower Polk Neighbors

The project sponsor submitted numerous petition pages in support of the take-out window with 416 signatures. Attached are five sample pages from the petition submittal.

CAFÉ ZITOUNA
1201 SUTTER STREET
SAN FRANCISCO, CA 94109

Dear neighbors: we are planning to open a walk up window
(A window to dispatch food and beverages to go) at very
decent prices. If you feel that this would be good ,
favorable and convenient addition to this neighborhood,
please support us by signing this petition.

THANK YOU !

NAME	PHONE NUMBER
PATRICK KITANO	415 320 2844
Hope Weissman	415 640 - 0293
STEVEN YOURKE	(415) 424-0022
Gregory Kawaski	415 - 796 - 3354
Abby Girod	847 - 828 - 5025
Max Vils	518 - 527 - 4219
Lewis Simo	415 - 887 - 6026
Jeffrey Germaine	415 - 235 - 6152
ADAM WILSON	917 - 981 - 0153
ANDREW LAW	415 474 9500
Frank Chan	415 - 503 - 7265

CAFÉ ZITOUNA
1201 SUTTER STREET
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decent prices. If you feel that this would be good,
favorable and convenient addition to this neighborhood,
please support us by signing this petition.

THANK YOU!

NAME	PHONE NUMBER
Max Carver	415 781 6292
Ali Tharawalla	910 435 4937
Flavia Henrique	415 . 345 . 7202
Kim Lessard	415 . 345 . 7204
Camille Laraquez	415 . 345 . 7203
Thais Yafet	510 . 823 . 3155
Patrick Fitzgerald	415 - 626 - 5246
José Hische	415 225 7298
Jane Deez	510 665 . 1589
Piero Cinquegrana	323 377 9197
Megan Martin	415/683-1193

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 1201 SUTTER STREET
 SAN FRANCISCO , CA 94109

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 decent prices. If you feel that this would be good ,
 favorable and convenient addition to this neighborhood,
 please support us by signing this petition.

THANK YOU !

NAME	PHONE NUMBER
BASHIR WADA	415 922 8706
Samba Kane	415 842-8256
Shoub Malak	415 572 4479
LAMINE KASMI	415-490-7532
KADER Daoud	415-389-8083
Philip Allison	415-641-1251
Joe Benson	650 520 9135
pete hester	415 268 9900
Lisa Sandoval	650 432 2316
Adi Afaneh	415 378 9134
MICHAEL McDONAGH	415.563.5458

25/11/11
 12

CAFÉ ZITOUNA
 1201 SUTTER STREET
 SAN FRANCISCO, CA 94109

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 (A window to dispatch food and beverages to go) at very
 decent prices. If you feel that this would be good,
 favorable and convenient addition to this neighborhood,
 please support us by signing this petition.

THANK YOU!

NAME	PHONE NUMBER
Alex Taheri	(650) 218-5325
ERIC RODRIGUEZ	650 219 3742
Shirley Chaney	(415) 602-7698
Raphael de Babude	(415) 756-5231
Eric Reppert	(415) 420-8959
Nataly Gomez	714-348-1824
William NABER, MD	(415) 346-0255
GENE PODBERRY	415 775 4448
Christine Costelloe	415-728-6962
Alexa Cole	415-680-6655
MIKE BRYNE	415 971 7297

CAFÉ ZITOUNA
 1201 SUTTER STREET
 SAN FRANCISCO , CA 94109

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 decent prices. If you feel that this would be good ,
 favorable and convenient addition to this neighborhood,
 please support us by signing this petition.

THANK YOU !

NAME	PHONE NUMBER
SPIN SMITH	415 - 519 - 9456
MIGUEL ROELANTS	415 - 533 - 8864
ERICH SCHWEIDER	415 - 824 - 6222
Justin Aguiar 120	720 261 2691
Jessica Liu	408 893 5859
Katia Vorobieva	650 - 619 - 4695
Kurt Fausset	415 - 845 - 5854
Mark Lane	415 - 336 2569
Alex Bady	415 929 6881
Louis Gordon	415 - 513 - 6517
Alied Alkhalidi	415 412 - 2523

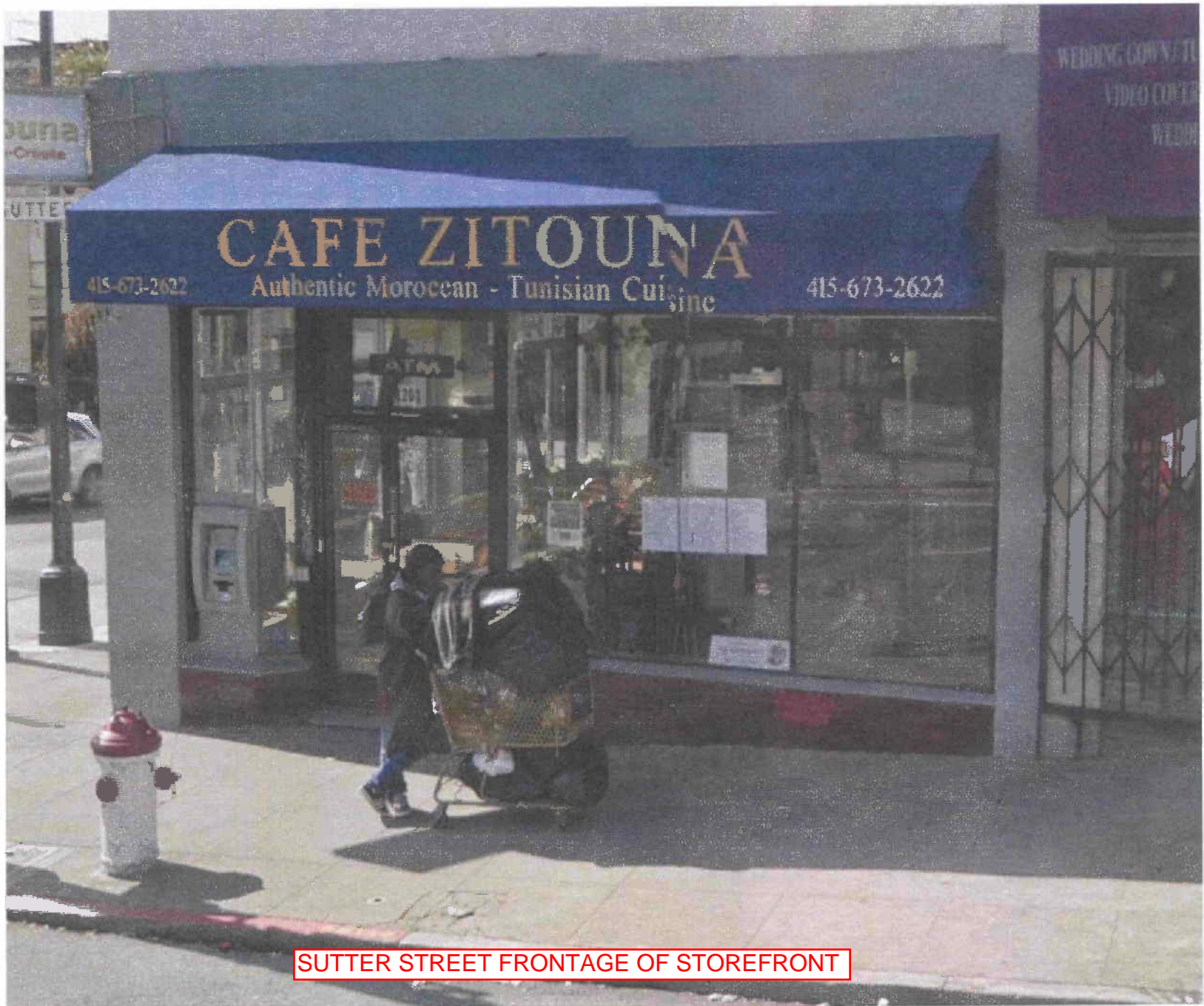


Lister

POLK STREET FRONTAGE



CLOSE-UP OF TAKE-OUT WINDOW AREA OF STOREFRONT



SUTTER STREET FRONTAGE OF STOREFRONT

Consultant:

Project: **Restaurant
Pass-thru Window**

For: **Cafe Zitouna**

At: **1201 Sutter St.
San Francisco, CA 94109**

Date: November 1, 2011

Project Number:

Scale:

REVISIONS / Issue Date

1	Pass-Thru Window	3.20.12
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Sheet Title:

**Floor Plan
and
Elevation**

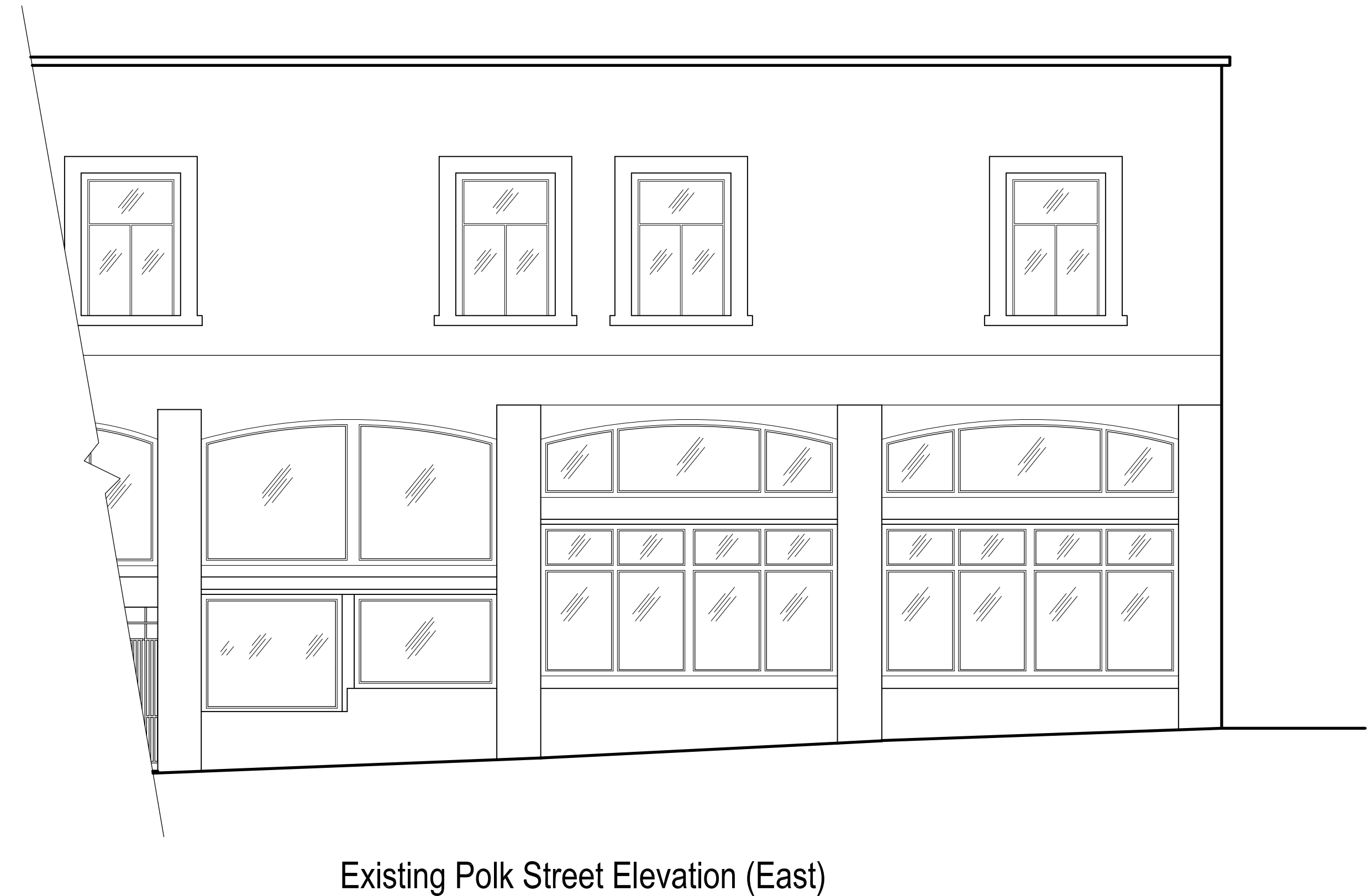
Sheet Number:

A-1



New Polk Street Elevation (East)

3/16" = 1'-0"



Existing Polk Street Elevation (East)

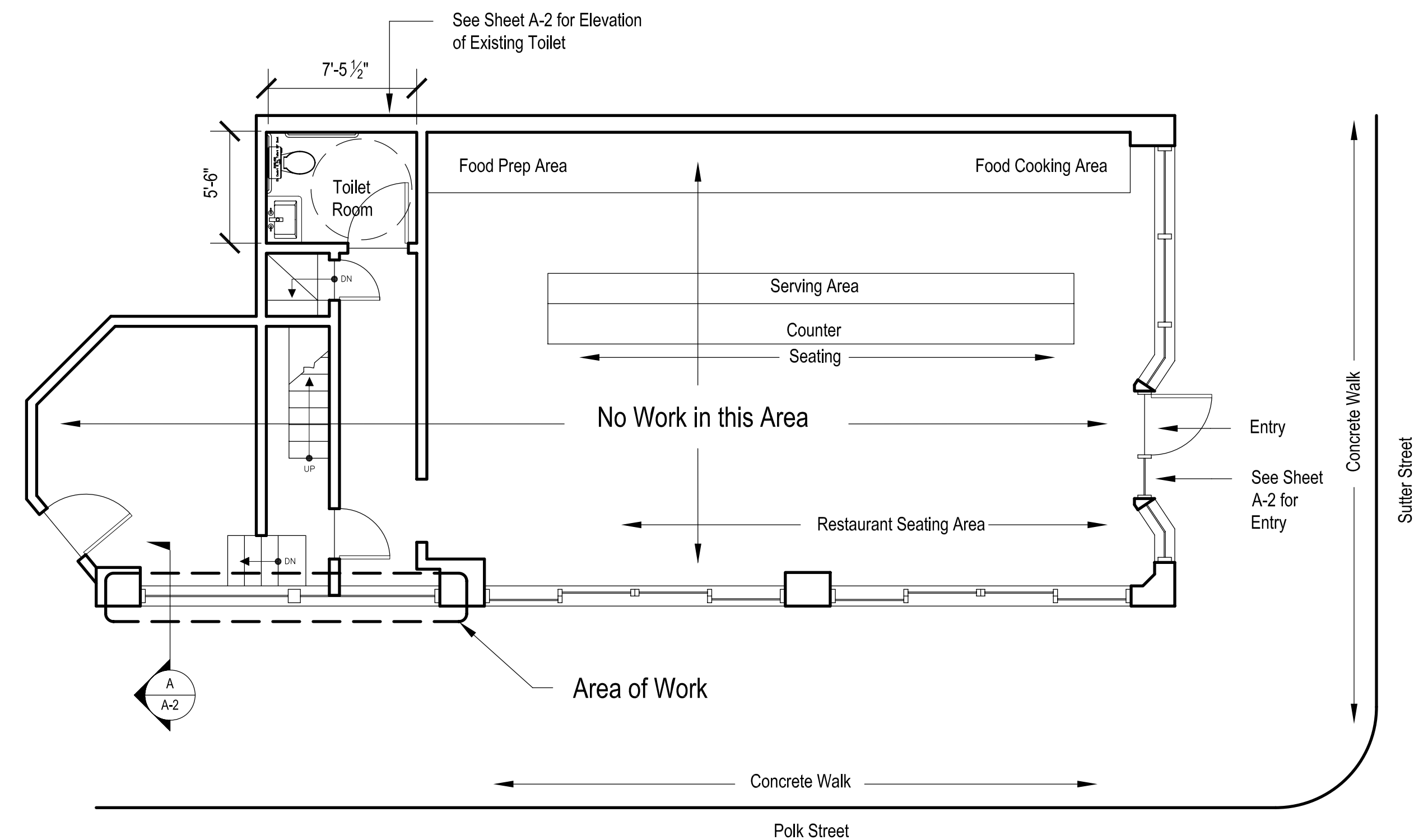
3/16" = 1'-0"

Scope Of Work:

Replace an existing exterior window unit with a "pass-thru" window unit.

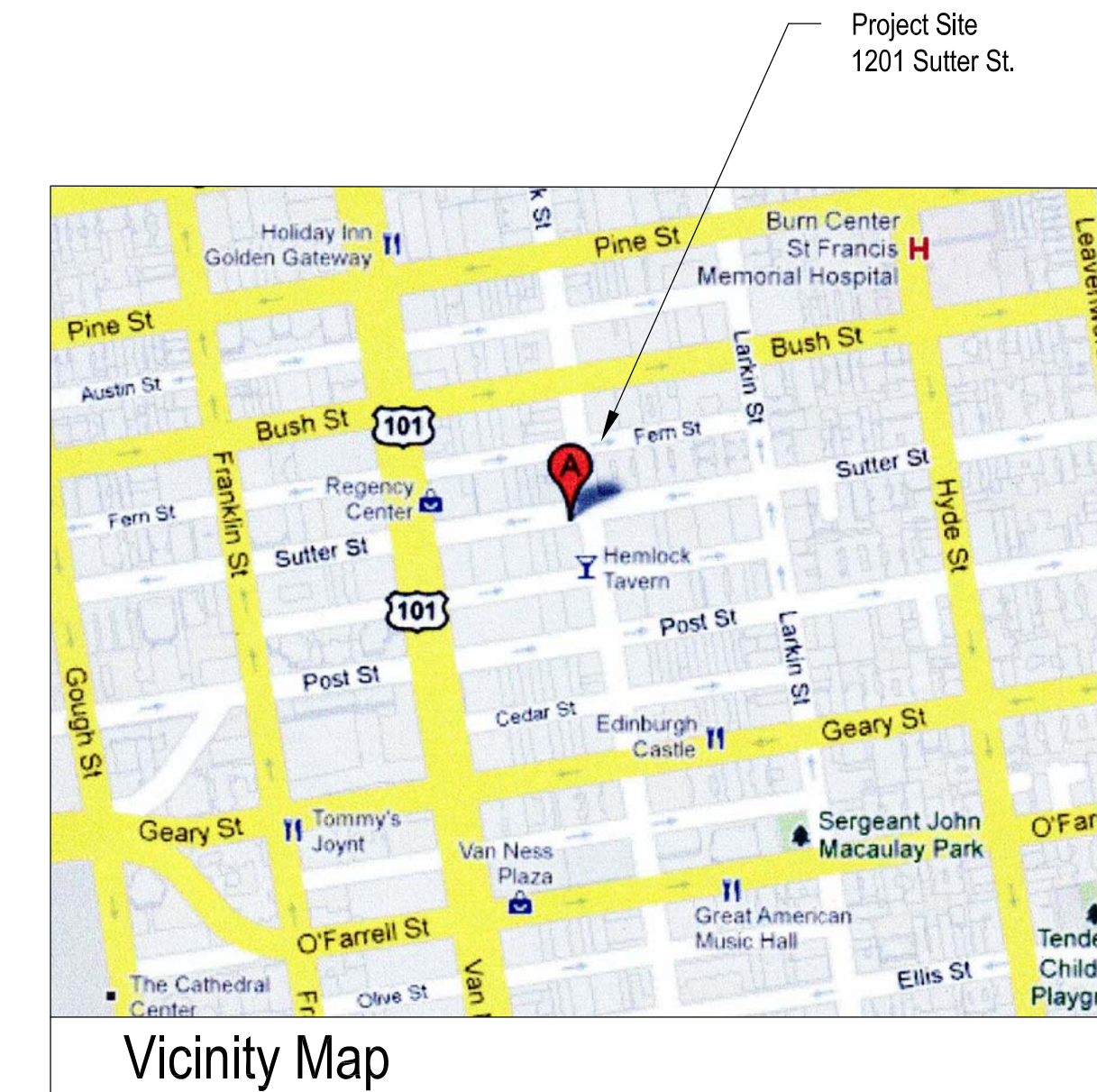
Drawing Legend:

- A-1 Floor Plan and Elevation
- A-2 Enlarged Elevation and Details
- A-3 Accessibility Forms

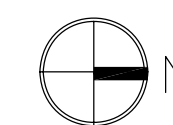


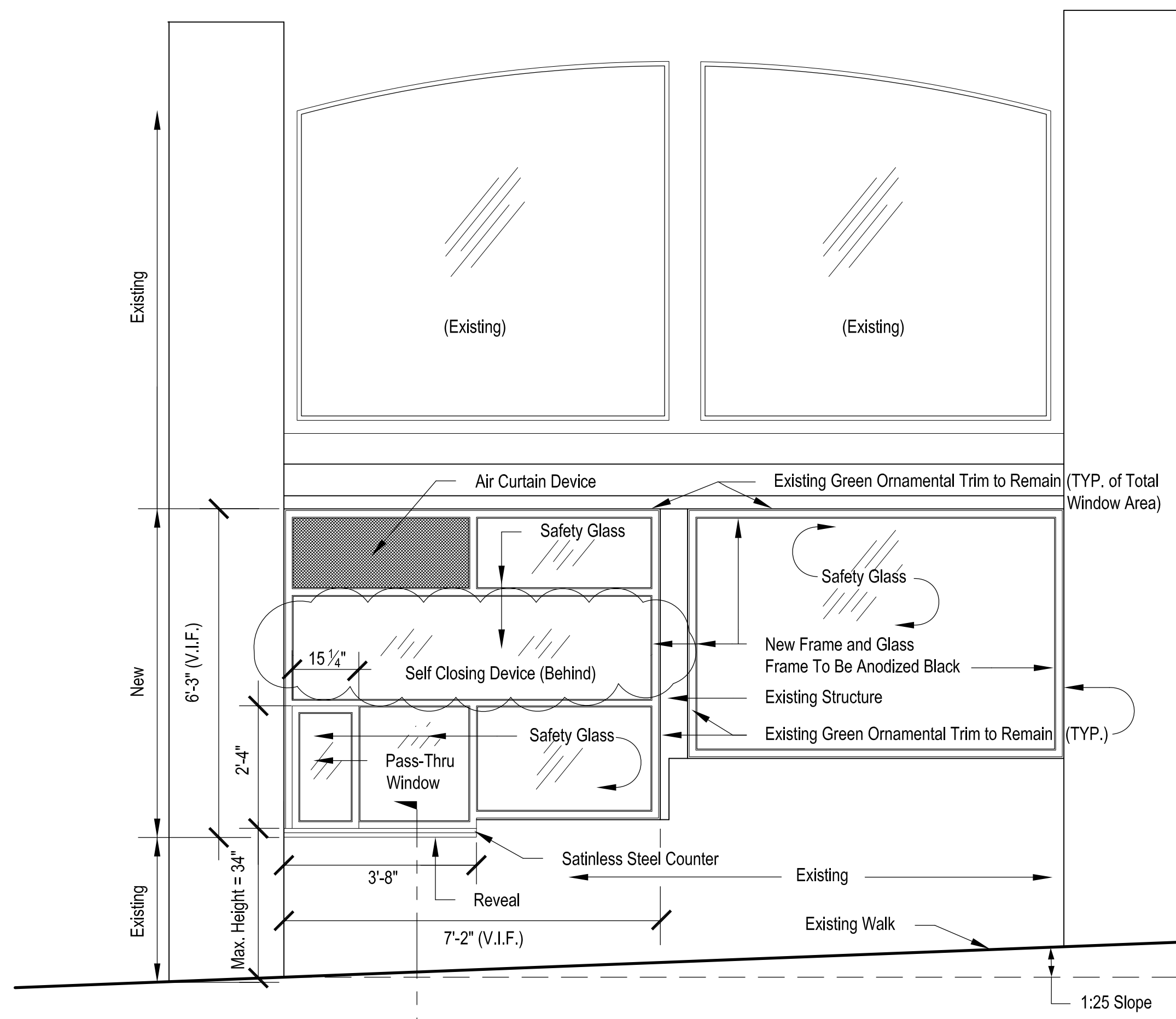
Floor Plan

3/16" = 1'-0"

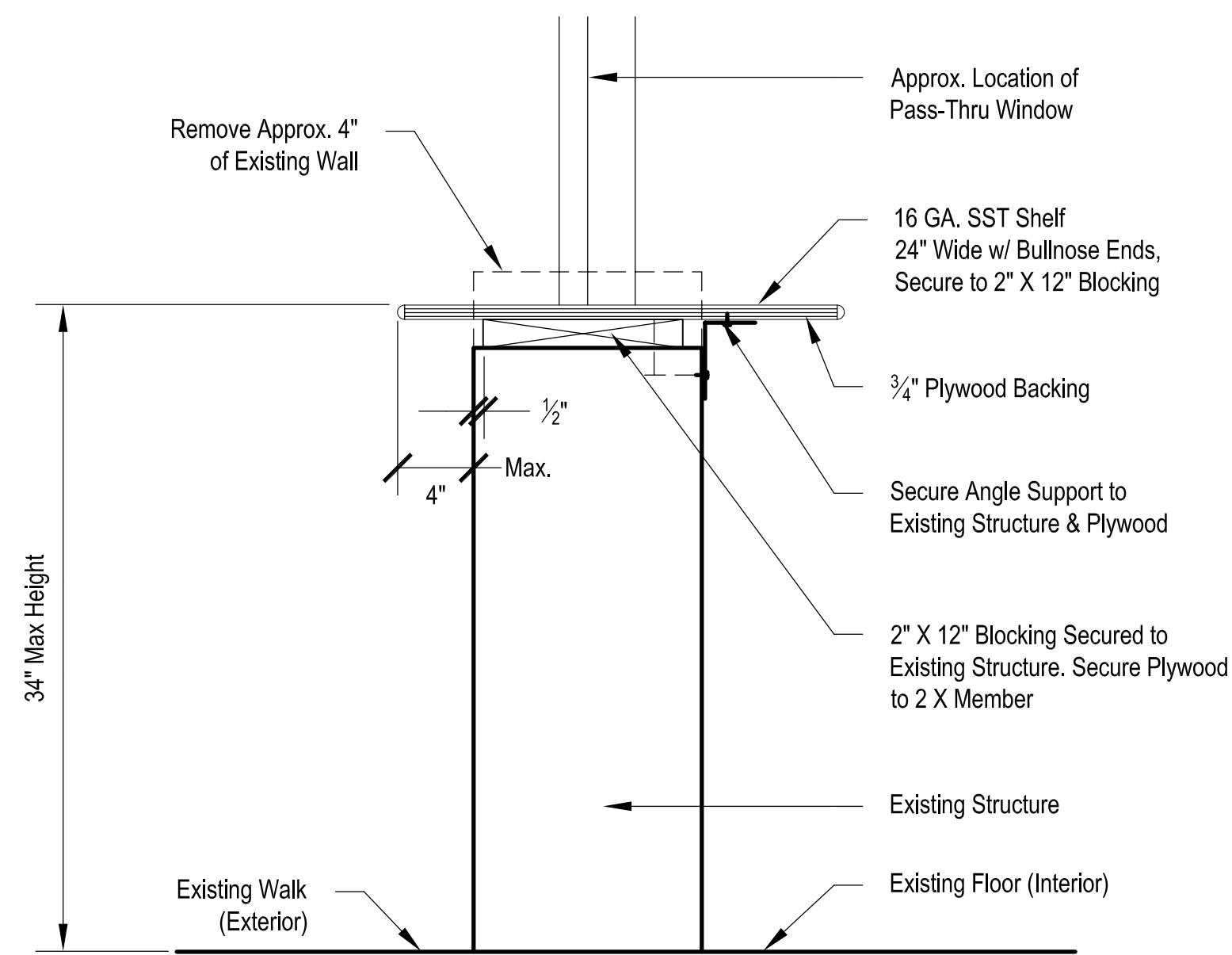


Vicinity Map

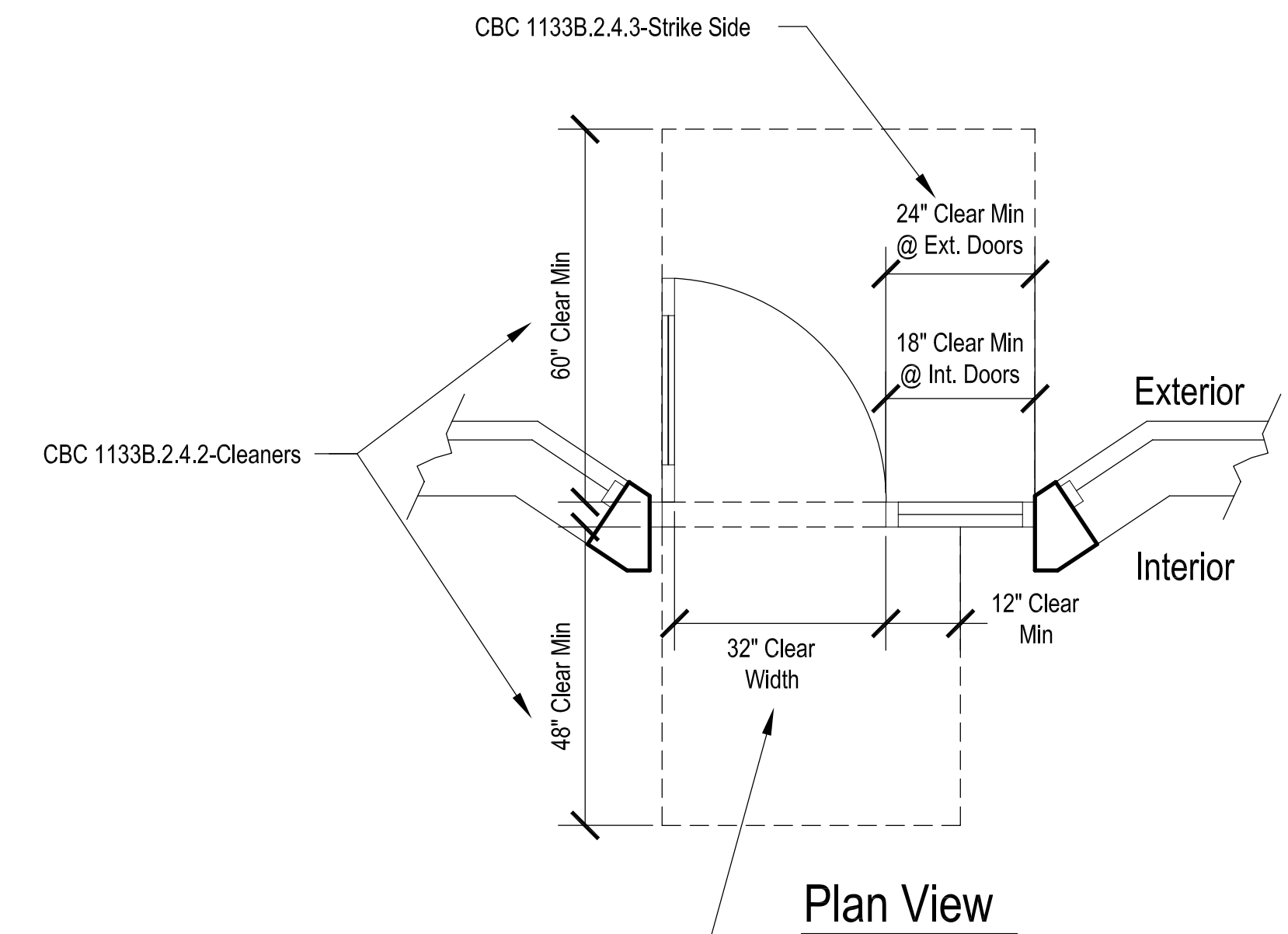




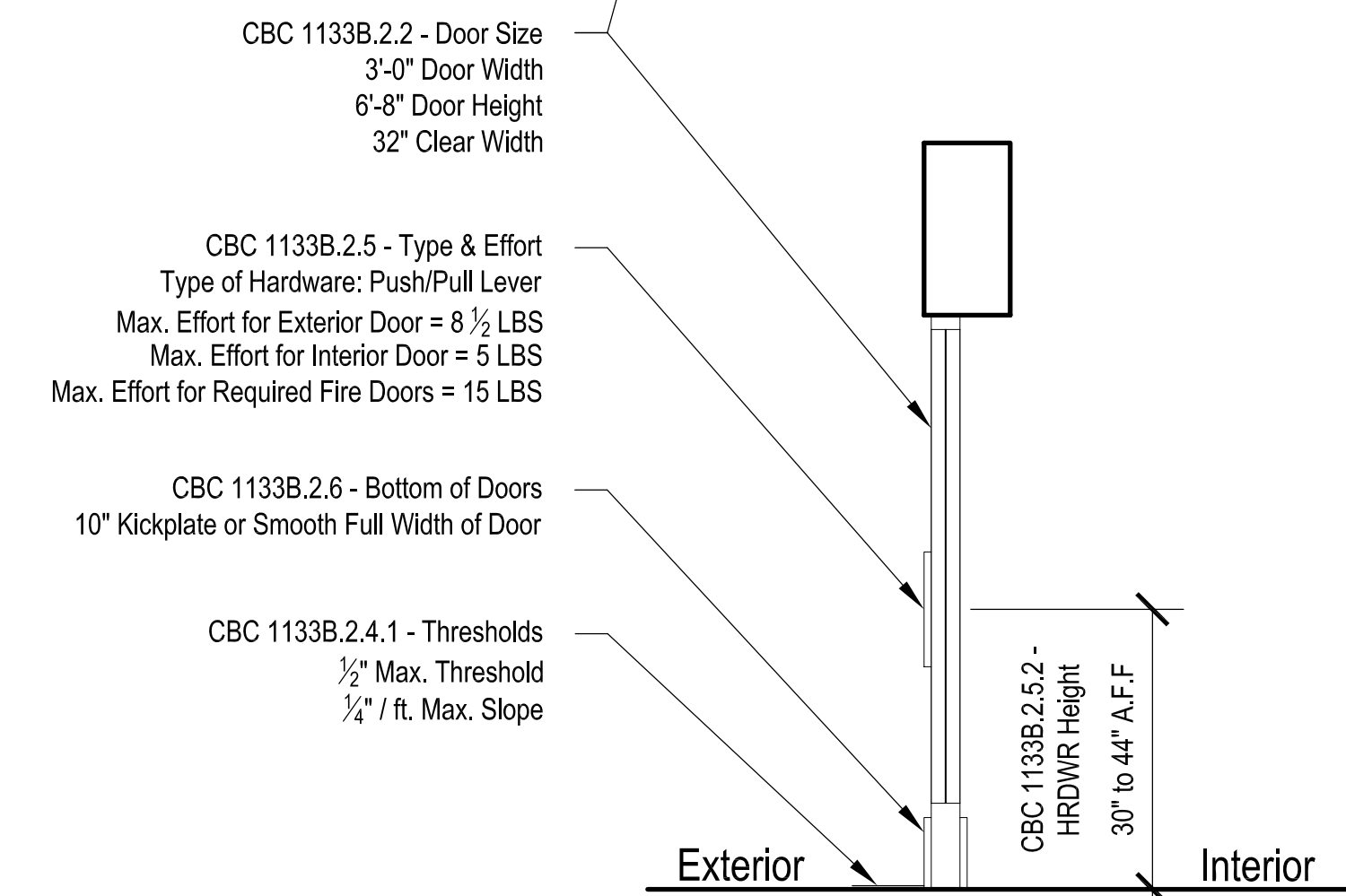
Enlarged Polk Street Elevation (East)
1/2" = 1'-0"



A Section
1/2" = 1'-0"

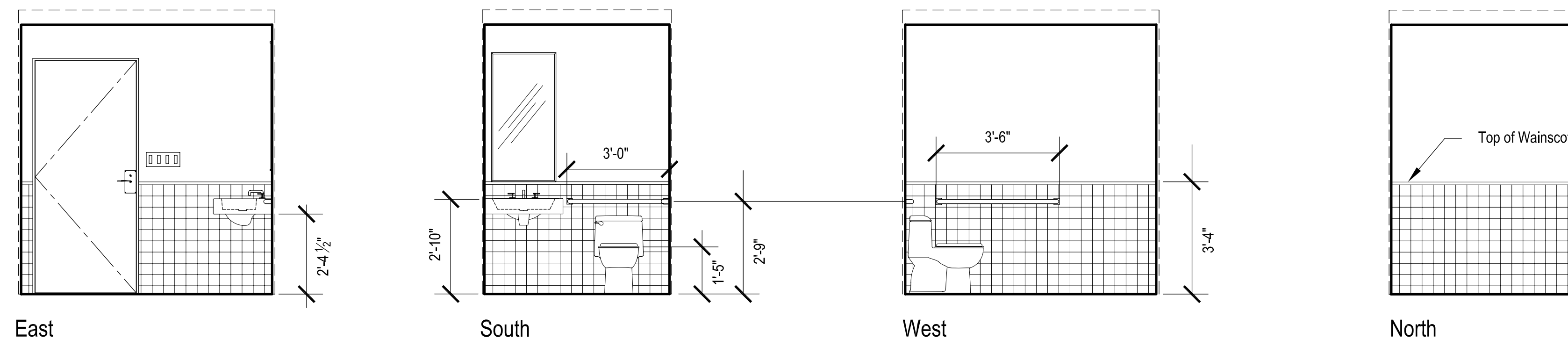


Plan View



Section

Typical Accessible Entrance Detail



Existing Unisex Toilet Room
3/8" = 1'-0"

Consultant:

Project: **Restaurant Pass-thru Window**

For: **Cafe Zitouna**

At: **1201 Sutter St. San Francisco, CA 94109**

Date: November 1, 2011

Project Number:

Scale:

REVISIONS / Issue Date

1	Pass-Thru Window	3.20.12
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Sheet Title:

Enlarged Elevation and Details

Sheet Number:

A-2