



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- Inclusionary Housing (Sec. 315)
- Jobs Housing Linkage Program (Sec. 313)
- Downtown Park Fee (Sec. 139)
- First Source Hiring (Admin. Code)
- Child Care Requirement (Sec. 314)
- Other

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Planning Commission Motion No. 18610

HEARING DATE: MAY 3, 2012

Date: May 7, 2012
Case No.: 2012.0156C
Project Address: 901 COLE STREET & 101 CARL STREET
Zoning: NC-1 (Neighborhood Commercial Cluster) District
 40-X Height and Bulk District
 Within ¼ mile of the Haight Street Neighborhood Commercial District (NCD)
 Haight Street Alcohol Restricted Use Subdistrict

Block/Lot: 1272/001

Project Sponsor: Nate Valentine (applicant) James G. Maxwell (architect)
 c/o Papazote Cole, LLC Architects II
 2090 Chestnut Street 3444 Broderick Street
 San Francisco, CA 94123 San Francisco, CA 94123

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Recommendation: **Approval with Conditions**

ADOPTING FINDINGS RELATED TO THE APPROVAL OF A CONDITIONAL USE AUTHORIZATION UNDER PLANNING CODE SECTIONS 121.2, 178(e)(2), 186.1, 303, 710.21, 710.27, 719.41, AND 719.42 TO COMBINE THE EXISTING APPROXIMATELY 600 SQUARE FOOT WINE BAR SPACE AT 101 CARL STREET WITH THE EXISTING APPROXIMATELY 2,600 SQUARE FOOT FULL-SERVICE RESTAURANT SPACE AT 901 COLE STREET (BOTH SPACES PREVIOUSLY OCCUPIED BY EOS RESTAURANT AND WINE BAR) TO ESTABLISH AN APPROXIMATELY 3,200 SQUARE FOOT FULL-SERVICE RESTAURANT AND BAR (D.B.A. PAPAZOTE) WITHIN THE NC-1 (NEIGHBORHOOD COMMERCIAL CLUSTER) ZONING DISTRICT AND 40-X HEIGHT AND BULK DISTRICT. THE PROJECT SITE IS ALSO LOCATED WITHIN ¼ MILE OF THE HAIGHT STREET NEIGHBORHOOD COMMERCIAL ZONING DISTRICT AND HAIGHT STREET ALCOHOL RESTRICTED USE SUBDISTRICT.

PREAMBLE

On February 21, 2012, Nate Valentine (hereinafter “Project Sponsor”) made an application for Conditional Use authorization for the properties at **901 Cole Street and 101 Carl Street, Lot 001 in Assessor’s Block 1272** (hereinafter “Subject Property”), to combine the existing approximately 600 square foot wine bar space at 101 Carl Street with the existing approximately 2,600 square foot full-service restaurant space at 901 Cole Street (both spaces previously occupied by EOS Restaurant and Wine Bar) to establish an approximately 3,200 square foot full-service restaurant and bar (d.b.a. Papazote) on the basement, first floor and mezzanine of the three-story mixed-use building with Department of Alcohol Beverage Control License Type 47 (beer, wine, and/or liquor) on the basement, first floor and mezzanine of the three-story mixed-use building and to allow the

restaurant and bar to operate until 2:00 a.m. within the NC-1 (Neighborhood Commercial Cluster) Zoning District and 40-X Height and Bulk District, and ¼ mile of the Haight Street Neighborhood Commercial Zoning District and Haight Street Alcohol Restricted Use Subdistrict, in general conformity with plans submitted February 20, 2012, and labeled "Exhibit B" (hereinafter "Project"). Interior tenant improvements are proposed and no changes are proposed to the exterior building envelope.

On **May 3, 2012**, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on **Conditional Use Application No. 2012.0156C**.

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

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

MOVED, that the Commission hereby authorizes the Conditional Use requested in Application No. 2012.0156C, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

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 constitute findings of this Commission.
2. **Site Description and Present Use.** The project site at 901 Cole Street and 101 Carl Street is located on the southwest corner of Cole and Carl Streets; Assessor's Block 1272; Lot 001. The project site is located within the NC-1 Zoning District and 40-X Height and Bulk District. The project site is also located within ¼ mile of the Haight Street NCD and Haight Street RUSD. The subject lot is approximately 5,000 square feet (50 feet wide by 100 feet deep) in size and is occupied by a three-story mixed-use building constructed in 1904. The existing building is not listed in the Planning Department's 1976 Architectural Survey (AS survey) or the National or California Registers as having architectural significance. The subject commercial tenant spaces are two of four retail commercial tenant spaces on the ground floor of the building. The other two tenant spaces are occupied by a nail salon d.b.a. Lavande and a hair salon d.b.a. Mane Attraction. There are currently six residential units on the second and third floors of the building.
3. **Surrounding Properties and Neighborhood.** The project site is located within the Cole Valley / Haight Ashbury neighborhood. The surrounding development consists of a variety of commercial, mixed-use, and residential buildings. The scale of development in the area consists of a mix of low and mid-rise buildings (one- to four-story structures), some of which were built in the early 1900's. Generally, the commercial establishments characterizing this portion of Cole and Carl Streets include a mixture of restaurants, grocery stores, specialty shops, and medical and personal service establishments. The surrounding zoning is primarily NC-1 Zoning District and RH-3 (Residential, House, Three-Family) District zoning. The existing commercial establishments on this portion of Cole Street include Le

Bougange De Cole, Alpha Market, Cole Family Fitness, Cole Hardware, Cole Cleaners, Bambinos Restaurante, Kameko, Zazie's, Finnegans, Cole Garage, Pharmaca Integrative, Tully's Coffee, Mad Kat, The Postal Chase, Cole Valley Pets, Val De Cole, Kezar Bar & Grill, Coin Wash & Dry, Occasions, Say Cheese, Reverie, and Video Nook. The existing commercial establishments on this portion of Carl Street include Burger Meister, Crepes On Cole, Mane Attraction, No Name Sushi, and Lavande.

4. **Project Description.** The proposal is a request for Conditional Use authorization under Planning Code Sections 121.2, 178(e)(2), 186.1, 303, 710.21, 710.27, 719.41, and 719.42 to combine the existing approximately 600 square foot wine bar space at 101 Carl Street with the existing approximately 2,600 square foot full-service restaurant space at 901 Cole Street (both spaces previously occupied by EOS Restaurant and Wine Bar) to establish an approximately 3,200 square foot full-service restaurant and bar (d.b.a. Papazote) with Department of Alcohol Beverage Control License Type 47 (beer, wine, and/or liquor) on the basement, first floor and mezzanine of the three-story mixed-use building and to allow the restaurant and bar to operate until 2:00 a.m. The proposed full-service restaurant and bar will consist of dining areas with seating for approximately 60 persons on the ground and mezzanine floors, service and storage areas, kitchen, and restroom. Interior tenant improvements are proposed and no changes are proposed to the exterior building envelope.

5. **Issues and Other Considerations.**

- On May 1, 1986, the Planning Commission authorized Conditional Use under Motion No. 10674 (Case No. 1986.166C) to create a "fast-food establishment" (an approximately 600 square-foot bakery/café) at 101 -103 Carl Street. The use, which would have been prohibited at that time if proposed as a stand-alone business, was allowed because the proposed use shared the use of a common kitchen with the restaurant use, and was under the same ownership and operation as the restaurant. The use of the common kitchen and the retention of joint ownership and operation were made conditions of approval under Motion No. 10674.
- On December 7, 1995, the Planning Commission authorized Conditional Use under Motion No. 14025 to convert the previously approved bakery/café to a "wine bar". Motion No. 14025 modified and superseded prior Motion No. 10674. Though the kitchen continued to be shared with the restaurant, the 600 square-foot wine bar use was approved as a separate and distinct use, and no special restrictions were placed on the wine bar concerning ownership or use of a common kitchen.
- On July 2, 2007, Building Permit Application No. 2007.06.29.5630 was issued connecting the two commercial spaces through an internal stair connection.
- The proposed full-service restaurant and bar d.b.a. Papazote is not considered a formula retail use under Section 703.3 of the Planning Code. According to the project sponsor, Papazote will be a full-service Mexican restaurant reminiscent of his other restaurant d.b.a. Mamacita located at 2317 Chestnut Street in San Francisco's Marina District. Papazote will be a family-oriented establishment offering menu items such as house-made tortillas, "never-ever" meats, artisanal accoutrements, and sustainably sourced produce from local farms (i.e. 80% of produce during high growing seasons from their family farm in Sonoma).

6. **Public Comment.** As of May 3, 2012, the Department has received 39 letters/emails (from individuals and the Haight Ashbury Improvement Association and the Cole Valley Improvement Association) in support of establishing the proposed full-service restaurant and bar at the project site. However, the Cole Valley Improvement Association indicated in their letter opposition to allowing the proposed restaurant and bar to operate until 2:00 a.m., indicating a preference for the establishment to have a similar closing time to the previous restaurant operator of 11:00 p.m. (midnight kitchen closing). On March 21, 2012, the project sponsor conducted a pre-application meeting which was attended by 14 people. The project sponsor also contacted District 5 Supervisor Christina Olague, the Haight Ashbury Improvement Association (HAIA), and the Cole Valley Improvement Association (CVIA). The Planning Department received 4 letters/emails from residents in opposition to the proposed project indicating the proposed restaurant and bar with a closing hour of 2:00 a.m. would not be consistent in character, use, and hours of operation with surrounding uses and concerns regarding trash and storage, noise, traffic congestion and parking in the neighborhood.
7. **Use District.** The project site is within the NC-1 (Neighborhood Commercial Cluster) Zoning District. NC-1 Zoning Districts are intended to serve as local neighborhood shopping districts, providing convenience retail goods and services for the immediately surrounding neighborhoods primarily during daytime hours. These NC-1 Zoning Districts are characterized by their location in residential neighborhoods, often in outlying areas of the City. The commercial intensity of these districts varies. Many of these districts have the lowest intensity of commercial development in the City, generally consisting of small clusters with three or more commercial establishments, commonly grouped around a corner; and in some cases short linear commercial strips with low-scale, interspersed mixed-use (residential-commercial) development. Building controls for the NC-1 Zoning District promote low-intensity development which is compatible with the existing scale and character of these neighborhood areas. Commercial development is limited to one story. Rear yard requirements at all levels preserve existing backyard space. NC-1 commercial use provisions encourage the full range of neighborhood-serving convenience retail sales and services at the first story provided that the use size generally is limited to 3,000 square feet. However, commercial uses and features which could impact residential livability are prohibited, such as auto uses, financial services, general advertising signs, drive-up facilities, hotels, and late-night activity; eating and drinking establishments are restricted, depending upon the intensity of such uses in nearby commercial districts. Housing development in new buildings is encouraged above the ground story in most districts. Existing residential units are protected by prohibitions of conversions above the ground story and limitations on demolitions.
8. **Planning Code Compliance:** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:
 - A. **Full-Service Restaurant and Bar Use within the NC-1 Zoning District.** Planning Code Section 710.42 states that a full-service restaurant and bar use is permitted on the 1st story if located more than ¼ mile from any NC District or Restricted Use Subdistrict with more restrictive controls; otherwise, same as more restricted control.

A full-service restaurant is defined under Planning Code Section 790.92 as:

A retail eating or eating and drinking use which serves food to customers primarily for consumption on the premises, and is not specifically designed to attract and accommodate high customer volumes or turnover.

It has seating and serves prepared, ready-to-eat cooked foods for consumption on the premises. Guests typically order and receive food and beverage while seated at tables on the premises and pay for service after the meal is consumed.

It includes, but is not limited to, lunch counters, coffee shops, soda fountains and full-service dining establishments. It is distinct and separate from a small or large fast-food restaurant, as defined in Sections 790.90 and 790.91 of this Code.

It may provide on-site beer and/or wine sales for drinking on the premises (with ABC licenses 40, 41 or 60). If it serves liquor for drinking on the premises (with ABC licenses 47 or 48), or does not admit minors (with ABC licenses 42 or 61), then it shall also be considered a bar, as defined in Section 790.22 of this Code.

A *bar* is defined under Planning Code Section 790.22 as:

A retail use which provides on-site alcoholic beverage sales for drinking on the premises, including bars serving beer, wine and/or liquor to the customer where no person under 21 years of age is admitted (with Alcoholic Beverage Control [ABC] licenses 42, 48, or 61) and drinking establishments serving liquor (with ABC licenses 47 or 49) in conjunction with other uses which admit minors, such as restaurants, movie theaters, and other entertainment. If a bar use also includes a full-service restaurant, as defined by 790.92, or a small self-service restaurant as defined by 790.91, then these uses are considered to be separate and distinct, even though they may occupy the same retail space.

The proposed full-service restaurant and bar will be located in the NC-1 Zoning District, within ¼ mile from the Haight Street NCD and Haight Street RUSD, in which the more restrictive controls apply.

- B. Full-Service Restaurant and Bar Use within ¼ mile of the Haight Street Neighborhood Commercial District and Haight Street Restricted Use Subdistrict.** Planning Code Section 719.42 and 781.9 allows for up to four new full-service restaurant uses with ¼ mile of the Haight Street NCD with Conditional Use authorization pursuant to legislation approved on May 13, 2008 by the Board of Supervisors under Ordinance No. 88-08. This legislation also amends the Haight Street Alcohol Restricted Use Subdistrict controls for these full-service restaurants located on the ground floor in which the restaurants may seek an ABC License Type 47 so that liquor may be served for drinking on the premises, a bar use under Planning Code Section 719.41, as defined in Planning Code Section 790.22 with Conditional Use authorization.

The proposal is the third new full-service restaurant proposed under Ordinance No. 88-08. According to the project sponsors, the proposed full-service restaurant and bar will be requesting an Alcohol Beverage License Type 47 from the Department of Alcoholic Beverage Control in order to serve beer, wine, and/or liquor on the premises.

- C. Hours of Operation.** Section 710.27 allows hours of operation from 6 a.m. until 11 p.m. as of right and requires Conditional Use authorization to operate between the hours of 11 p.m. and 2 a.m.

The project sponsor is requesting that the proposed full-service restaurant and bar be allowed the flexibility to operate until 2:00 a.m.

- D. **Use Size Limits.** Section 121.2 establishes size limits on non-residential use sizes in the NC-1 Zoning District. Under Planning Code Section 710.21, Conditional Use authorization is required for any non-residential use that meets or exceeds 3,000 square feet.

Conditional Use authorization is required pursuant to Planning Code Sections 121.2 and 710.21 to combine the existing approximately 600 square foot wine bar space at 101 Carl Street with the existing approximately 2,600 square foot full-service restaurant space at 901 Cole Street to establish the approximately 3,200 square foot full-service restaurant and bar.

- E. **Modification of Prior Conditional Use Authorization.** Planning Code Section 178(e)(2) allows a permitted conditional use to be changed to another use upon approval of a new conditional use application.

On December 7, 1995, the Planning Commission authorized Conditional Use under Motion No. 14025 to convert the previously approved bakery/café to a "wine bar" at 101 Carl Street which included conditions of approval indicating that the hours of operation be limited from 7:00 a.m. to 12:00 (midnight). The current proposal will supersede prior Motion No. 14025 which would allow for the establishment of a full-service restaurant and bar at 901 Cole Street and 101 Carl Street by combining the two commercial spaces, allowing the change of use of the wine bar to a full-service restaurant and bar, and modifying the permitted hours of operation.

- F. **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.

Approximately 68% of the street frontage at the ground level on Cole and Carl Streets (18 feet on Cole Street and 50 feet on Carl Street) is fenestrated with transparent windows and doorways allowing for visibility to the inside of the building.

- G. **Off-Street Parking and Loading.** Section 151 requires off-street parking for every 200 square feet of occupied floor area, where the occupied floor area exceeds 5,000 square feet. Section 152 requires one off-street loading space for retail stores between 10,001 and 60,000 gross square feet.

The combined commercial tenant spaces, with approximately 3,200 square feet of floor area, will not require any off-street parking or loading spaces.

H. **Signage.** Any proposed signage will be subject to the review and approval of the Planning Department and must comply with Article 6 of the Planning Code.

9. **Section 303(c)** 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:

- (1) 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 proposed project is to combine the existing approximately 600 square foot wine bar space at 101 Carl Street with the existing approximately 2,600 square foot full-service restaurant space at 901 Cole Street (both spaces previously occupied by EOS Restaurant and Wine Bar) to establish an approximately 3,200 square foot full-service restaurant and bar (d.b.a. Papazote) with Department of Alcohol Beverage Control License Type 47 (beer, wine, and/or liquor) on the basement, first floor and mezzanine of the three-story mixed-use building and to allow the restaurant and bar to operate until 2:00 a.m. Interior tenant improvements are proposed and no changes are proposed to the exterior building envelope. The proposed project, which will occupy two vacant commercial spaces on the project site, will preserve and enhance the District's existing commercial uses by replacing a similar eating and drinking establishment use (EOS Restaurant and Wine Bar) which recently vacated the premises and had been located on the project site since 1995. The proposed project will be complimentary to the existing mix of commercial establishments within the immediate neighborhood and contribute to an active retail frontage.

- (2) 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:

- (A) 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 arrangement of the structures on the site are adequate for the proposed project. There will be no physical expansion of the existing building.

- (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;

Existing traffic patterns will not be significantly affected by the proposed project. Public transit that is in front of the proposed full-service restaurant and bar include Muni Lines N, 37, and 47. (Currently, Muni's transit schedule provides service to the

project site until approximately 4:30 a.m.) There is on-street parking in front of the subject property and in the surrounding neighborhood.

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

No noxious or offensive emissions such as glare, dust, or odor are expected to be produced by the proposed project and will be subject to the Conditions of Approval #7 and #8.

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

There will be no addition of off-street parking spaces, loading facilities, open space or service areas. The project sponsor is intending to schedule deliveries between the hours of 9 a.m. to 3 p.m.; two daily food deliveries are expected, normally scheduled for late morning and one weekly delivery of other restaurant supplies. All project signage and projections will be consistent with the controls of the Planning Code.

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

The proposed 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.

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

The proposed project is consistent with the stated purpose of the NC-1 Zoning District and the Haight Street NCD in that the intended use is a neighborhood-serving business.

- 10. **General Plan Compliance.** The Project is consistent with the Objectives and Policies of the General Plan in that:

COMMERCE AND INDUSTRY ELEMENT

GENERAL/CITYWIDE

OBJECTIVE 1:

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

Policy 1:

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

The proposed project would be compatible with and complimentary to the types of uses characterizing this portion of the NC-1 Zoning District, which include a mixture of restaurants, grocery stores, specialty shops, and medical and personal service establishments.

Policy 3:

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

Approval of the proposed project would be consistent with the mixed commercial-residential character of this portion of the NC-1 Zoning District. The proposed project would not adversely impact any affordable housing resources in the neighborhood.

NEIGHBORHOOD COMMERCE

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.

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

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

Policy 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. The proposed eating and drinking establishment is not considered a Formula Retail Use.

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.

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 percent of the total occupied commercial frontage." The current proposal will not result in a net change in of the total occupied commercial frontage within this NC-1 Zoning District since the proposed full-service restaurant and bar will replace a similar eating and drinking establishment which recently vacated the premises. The project sponsor conducted a site survey of the current inventory and composition of eating and drinking establishments within the immediate neighborhood (on Cole and Carl Streets) in the NC-1 Zoning District. Currently, 11 of the 27 existing commercial establishments are eating and drinking establishments (Le Boulange De Cole, Bambinos Restaurant, Kamekyo, Zazie's, Finnegans, Tully's Coffee, Kezar Bar & Grill, Reverie, Burger Meister, Crepes on Cole, and Hama-Ko Sushi Restaurant), which occupy approximately 35% of the total occupied commercial linear frontage. The other types of commercial establishments within this portion of the NC-1 Zoning District include medical and personal service establishments, retail and grocery stores, and an auto repair shop.

Policy 4:

Encourage the location of neighborhood shopping areas throughout the city so that essential retail goods and personal services are accessible to all residents.

The proposed project will be accessible to all residents in this portion of the NC-1 Zoning District.

Policy 9:

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

The proposed project would not adversely affect public transit or place a burden on the existing supply of parking in the neighborhood since it will replace a similar eating and drinking establishment use (EOS Restaurant and Wine Bar) which existed on the project site for many years. Many patrons would be able to walk from their residences or places of employment, and the proposed project is well served by public transportation. There is on-street parking in the surrounding neighborhood.

11. **Section 101.1(b)** establishes eight priority planning policies and requires the review of permits that authorize changes of use 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 proposed project will preserve and enhance existing commercial uses by providing a new commercial establishment (full-service restaurant and bar), which will be complimentary to the existing commercial establishments within the immediate neighborhood. The proposed project will provide new job opportunities to the City by employing approximately 28 - 34 people.

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

The proposed project will preserve and enhance the cultural and economic diversity of the neighborhood by bringing a new business to the area. Existing housing will not be significantly affected by the proposed project.

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

The proposed project will not displace any affordable housing.

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

The proposed project would not significantly increase the automobile traffic congestion and parking problems in the neighborhood. The proposal is a neighborhood-serving use which residents can access by walking or taking public transit.

- (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 proposed project and there would be no displacement of any existing industrial or service businesses in the area.

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

The proposed project will comply with all applicable earthquake safety standards and built to the current standards of the California Building Code.

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

The proposed project will not significantly affect any landmarks or historic buildings.

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

The proposed project will not affect any city-owned park or open space.

12. 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.
13. 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. 2012.0156C** subject to the following conditions attached hereto as "EXHIBIT A" 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. 18610. 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 3, 2012.

Linda Avery
Commission Secretary

AYES: Commissioners Antonini, Borden, Fong, Miguel, Moore, Sugaya, Wu

NAYS: None

ABSENT: None

ADOPTED: May 3, 2012

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to combine the existing approximately 600 square foot wine bar space at 101 Carl Street with the existing approximately 2,600 square foot full-service restaurant space at 901 Cole Street (both spaces previously occupied by EOS Restaurant and Wine Bar) to establish an approximately 3,200 square foot full-service restaurant and bar (d.b.a. Papazote) with Department of Alcohol Beverage Control License Type 47 (beer, wine, and/or liquor) on the basement, first floor and mezzanine of the three-story mixed-use building in Assessor's Block 1272, Lot 001, pursuant to Planning Code Sections 121.2, 178(e)(2), 303, 710.21, 710.27, 719.41, and 719.42 within the NC-1 (Neighborhood Commercial Cluster) Zoning District and 40-X Height and Bulk District, and ¼ mile of the Haight Street Neighborhood Commercial Zoning District and Haight Street Alcohol Restricted Use Subdistrict; in general conformance with plans and stamped "EXHIBIT B" included in the docket for Case No. 2012.0156C and subject to conditions of approval reviewed and approved by the Commission on May 3, 2012, under Motion No. 18610. Interior tenant improvements are proposed and no changes are proposed to the exterior building envelope. 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 3, 2012 under Motion No. 18610.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. 18610 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 building permit plans. 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. **Odor Control Unit.** In order to ensure any significant noxious or offensive odors are prevented from escaping the premises once the project is operational, the building permit application to implement the project shall include air cleaning or odor control equipment details and manufacturer specifications on the plans. Odor control ducting shall not be applied to the primary facade of the building.

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

MONITORING - AFTER ENTITLEMENT

5. **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

6. **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

7. **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>

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

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

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

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

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

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

11. **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
12. **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
13. **Lighting.** All Project lighting shall be directed onto the Project site and immediately surrounding sidewalk area only, and designed and managed so as not to be a nuisance to adjacent residents. Nighttime lighting shall be the minimum necessary to ensure safety, but shall in no case be directed so as to constitute a nuisance to any surrounding property.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
14. **Hours of Operation.** The subject full-service restaurant and bar establishment is limited to the following hours of operation: Sunday through Wednesday 6:00 a.m. - 12:30 a.m. and Thursday through Saturday 6:00 a.m. - 1:00 a.m. (All restaurant and bar operations shall cease by the closing hours of operation.)
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org