Executive Summary Conditional Use

HEARING DATE: MAY 19, 2011

1650 Mission St. Suite 400 San Francisco, CA 94103-2479

Reception:

415.558.6378

Fax: 415.558.6409

Planning Information: 415.558.6377

Date: May 12, 2011 Case No.: **2011.0255C**

Project Address: 995 VALENCIA STREET

Zoning: Valencia Street NCT (Neighborhood Commercial Transit) District

Mission ABC/RUSD

55-X Height and Bulk District

Block/Lot: 3609/026 Project Sponsor: Emily Mitra

1700 Fillmore Street

San Francisco, CA 94115

Staff Contact: Kimberly Durandet (415) 575-6816

kimberly.durandt@sfgov.org

Recommendation: Approval with Conditions

PROJECT DESCRIPTION

The project proposes to add a full bar use to an existing full-service restaurant of approximately 1,600 square feet (d.b.a. Dosa) which currently serves beer and wine. The applicant has applied for a Type 47 ABC license which authorizes the sale of wine, beer and distilled spirits for consumption on-site, in conjunction with the normal operation of the full-service restaurant. There would be no physical expansion of the building. In kind repairs to the existing storefront and interior alterations to comply with ADA requirements are to be done under separate building permit applications 2010.1230.7634 and 2011.0218.0537. There is currently a bar counter in the restaurant, as shown on the attached floor plan. Pursuant to Planning Code Section 790.92, a full-service restaurant that serves distilled spirits is also considered to be a bar. Within the Valencia Street NCT (Neighborhood Commercial Transit) District, a Conditional Use Authorization is required for a new bar. The proposed use is locally owned which has been encouraged throughout San Francisco, and is not a Formula Retail use. The proposal requires Section 312-neighborhood notification for the change of use and was duly conducted in conjunction with the Conditional Use Authorization notification process.

SITE DESCRIPTION AND PRESENT USE

The subject property is located in the Valencia Street NCT Zoning and 55-X Height and Bulk Districts, at the northeast corner of Valencia Street and 21st Street, Block 3609, Lot 026. The lot has approximately 55 feet of frontage on Valencia Street and 89 feet of frontage on 21st Street. The property is developed with a full lot coverage three-story building (14,080 square feet), containing fifteen residential units on the ground floor commercial space that has been divided into four units. The other ground floor commercial tenants include a retail grocery store and a postal service store.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The Valencia Street NCT District is located near the center of San Francisco in the Mission District. It lies along Valencia Street between 14th and Cesar Chavez (Army) Street, and includes a portion of 16th Street extending west toward Dolores Street. The immediate area surrounding the proposed project includes mixed use buildings generally with ground floor commercial uses. The other corner buildings include a corner grocery store, a real estate agency, retail sales, and arts related activities. The immediate commercial corridor has a range of establishments in addition to eating and drinking establishments including personal services such as hair care, gym, and nail care, retail sales establishments with goods offered ranging from appliances, bicycle shops, video, clothing, furniture and specialty items, and other uses include professional services such as real estate, accounting and various miscellaneous uses. The neighboring property to the west is a two-family dwelling that is separated by an alley. The surrounding zoning is a mix of NCT and RTO-M.

The RTO-M (Residential, Transit-Oriented, Mission Neighborhood) Zoning District is composed of multifamily moderate-density areas, primarily areas formerly designated RM and RH-3, and are well served within short walking distance, generally less than ¼-mile, of transit and neighborhood commercial areas. Transit available on nearby Mission Street is frequent and/or provides multiple lines serving different parts of the city or region. A fine-grain pattern of 25-foot to 35-foot building widths is prevalent, and structures typically range from two to five stories in height. While some one- and two-family structures are present, the character of the district is primarily of structures with three or more units of a range of sizes and types suitable for a variety of households.

The project site is located just outside of the Liberty Hill Historic District which includes parcels near the site. The Liberty-Hill Historic District is significant as an intact representation of nineteenth century middle class housing and developmental practices. It is one of the earliest residential "suburbs" to be developed in San Francisco, with major development starting in the 1860s and continuing until the turn of the century. The "suburban" quality of the Liberty-Hill area is retained to this day. It is enhanced by extensive street tree plantings and the very low incidence of commercial establishments in the residential areas. The great majority of District businesses are on Valencia Street, an historic and unifying commercial corridor, as compared to the typical San Francisco pattern of a grocery store or saloon on nearly every corner.

ENVIRONMENTAL REVIEW

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

HEARING NOTIFICATION

ТҮРЕ	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Classified News Ad	20 days	April 29, 2011	April 27, 2011	22 days
Posted Notice	20 days	April 29, 2011	April 29, 2011	20 days
Mailed Notice	20 days	April 29, 2011	April 29, 2011	20 days

CASE NO. 2011.0255C 995 Valencia Street

Executive Summary Hearing Date: May 19, 2011

PUBLIC COMMENT

- The Department has received 1 letter opposed to the project citing concerns regarding noise, garbage, and public drunkenness.
- The Department has received 5 signatures on a letter of support of the project.

ISSUES AND OTHER CONSIDERATIONS

- There is an issue 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." This is an existing food-service site which has been in operation as a full-service restaurant since 1990. Since that time the occupied commercial frontage of the restaurant site has been reduced to 15 linear feet. This is a pre-existing establishment; therefore, a commercial frontage survey has not been conducted related to this proposal.
- The proposed use is an independent use and locally owned, which has been encouraged throughout San Francisco. This is not a Formula Retail use and would serve the immediate neighborhood.
- The proposal requires a Section 312-neighborhood notification, which was conducted in conjunction with the conditional use authorization process.

REQUIRED COMMISSION ACTION

In order for the project to proceed, the Commission must grant conditional use authorization to allow for a Type 47 license in the Valencia NCT District, pursuant to Planning Code Section 726.41 and 790.22.

BASIS FOR RECOMMENDATION

The Department believes this project is necessary and/or desirable under Section 303 of the Planning Code for the following reasons:

- The project promotes small-business ownership.
- The project is a neighborhood serving use.
- The District is well served by transit; therefore customers should not impact traffic.
- The proposed Project meets all applicable requirements of the Planning Code.
- The project is consistent with the intent of the Valencia Neighborhood Commercial Transit Zoning District.

RECOMMENDATION: Approval with Conditions

Attachments:

Zoning District Map Height and Bulk Map Executive Summary CASE NO. 2011.0255C Hearing Date: May 19, 2011 995 Valencia Street

Parcel Map
Sanborn Map
Aerial Photographs
Context Photographs
Combined CU and Section 312 Notice
CU Application
Project Sponsor Submittals
Public Comment as of May 12, 2011

Attachment Checklist

Executive Summary		Project sponsor submittal
Draft Motion		Index and Summary of Project
Environmental Determination		Check for legibility
Zoning District Map		Biographies of Business Owners
Height & Bulk Map		Check for legibility
Parcel Map		SFPD Conditions of Approval
Sanborn Map		Check for legibility
Aerial Photo		Signatures of Support
Context Photos		Check for legibility
		Site Photos
		Check for legibility
		Drawings: Existing Conditions
		Check for legibility
Exhibits above marked with an "X" are in	clude	d in this packet
		Planner's Initials

kjdl:\Neighborhood Planning\SE Team\KDurandet\CUs\995 Valencia Street\995 Valencia_ES.doc



SAN FRANCISCO PLANNING DEPARTMENT

☐ First Source Hiring (Admin. Code)
☐ Child Care Requirement (Sec. 414)
☐ Other

1650 Mission St. Suite 400 San Francisco, CA 94103-2479

Reception: 415.558.6378

Fax:

415.558.6409Planning

Information: **415.558.6377**

Planning Commission Draft Motion

HEARING DATE: MAY 19, 2011

 Date:
 May 12, 2011

 Case No.:
 2011.0255C

Project Address: 995 VALENCIA STREET

Zoning: Valencia NCT (Neighborhood Commercial Transit) District

Mission ABC/RUSD

55-X Height and Bulk District

Block/Lot: 3609/026
Project Sponsor: Emily Mitra

1700 Fillmore Street

San Francisco, CA 94115

Staff Contact: Kimberly Durandet (415) 575-6816

kimberly.durandt@sfgov.org

ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 303, 726.41, AND 790.22 OF THE PLANNING CODE TO AUTHORIZE THE ADDITION OF BAR SERVICE (TYPE 47 ABC LICENSE) TO AN EXISTING FULL-SERVICE RESTAURANT (D.B.A. DOSA) WITHIN THE VALENCIA NCT (NEIGHBORHOOD COMMERCIAL TRANSIT) DISTRICT AND A 55-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On March 17, 2011 Emily Mitra (hereinafter "Project Sponsor") filed an application with the Planning Department (hereinafter "Department") for Conditional Use Authorization under Planning Code Section 303, 726.41, and 790.22 of the Planning Code to allow a full-service restaurant (d.b.a. Dosa) to add bar service (Type 47 ABC license) within the Valencia Street NCT (Neighborhood Commercial Transit) Zoning District and a 55-X Height and Bulk District.

On May 19, 2011 the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2011.0255C.

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

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

MOVED, that the Commission hereby authorizes the Conditional Use requested in Application No. 2011.0255 C, 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 subject property is located in the Valencia Street NCT Zoning and 55-X Height and Bulk Districts, at the northeast corner of Valencia Street and 21st Street, Block 3609, Lot 026. The lot has approximately 55 feet of frontage on Valencia Street and 89 feet of frontage on 21st Street. The property is developed with a full lot coverage three-story building (14,080 square feet), containing fifteen residential units on the ground floor commercial space that has been divided into four units. The other ground floor commercial tenants include a retail grocery store and a postal service store.
- 3. Surrounding Properties and Neighborhood. The immediate area surrounding the proposed project includes mixed use buildings generally with ground floor commercial uses. The other corner buildings include a corner grocery store, a real estate agency, retail sales, and arts related activities. The immediate commercial corridor has a range of establishments in addition to eating and drinking establishments including personal services such as hair care, gym, and nail care, retail sales establishments with goods offered ranging from appliances, bicycle shops, video, clothing, furniture and specialty items, and other uses include professional services such as real estate, accounting and various miscellaneous uses. The neighboring property to the west is a two-family dwelling that is separated by an alley. The surrounding zoning is a mix of NCT and RTO-M.

The RTO-M (Residential, Transit-Oriented, Mission Neighborhood) Zoning District is composed of multi-family moderate-density areas, primarily areas formerly designated RM and RH-3, and are well served within short walking distance, generally less than ¼-mile, of transit and neighborhood commercial areas. Transit available on nearby Mission Street is frequent and/or provides multiple lines serving different parts of the city or region. A fine-grain pattern of 25-foot to 35-foot building widths is prevalent, and structures typically range from two to five stories in height. While some one- and two-family structures are present, the character of the district is primarily of structures with three or more units of a range of sizes and types suitable for a variety of households.

The project site is located just outside of the Liberty Hill Historic District which includes parcels near the site. The Liberty-Hill Historic District is significant as an intact representation of nineteenth -century middle class housing and developmental practices. It is one of the earliest residential "suburbs" to be developed in San Francisco, with major development starting in the 1860s and continuing until the turn of the century. The "suburban" quality of the Liberty-Hill area is retained to this day. It is enhanced by extensive street tree plantings and the very low incidence of commercial establishments in the residential areas. The great majority of District businesses are on Valencia Street, an historic and unifying commercial corridor, as compared to the typical San Francisco pattern of a grocery store or saloon on nearly every corner.

- 4. **Project Description.** The project proposes to add a full bar use to an existing full-service restaurant of approximately 1,600 square feet (d.b.a. Dosa) which currently serves beer and wine. The applicant has applied for a Type 47 ABC license which authorizes the sale of wine, beer and distilled spirits for consumption on-site, in conjunction with the normal operation of the full-service restaurant. There would be no physical expansion of the building. In kind repairs to the existing storefront and interior alterations to comply with ADA requirements are to be done under separate building permit applications 2010.1230.7634 and 2011.0218.0537. There is currently a bar counter in the restaurant, as shown on the attached floor plan. Pursuant to Planning Code Section 790.92, a full-service restaurant that serves distilled spirits is also considered to be a bar. Within the Valencia Street NCT (Neighborhood Commercial Transit) District, a Conditional Use Authorization is required for a new bar. The proposed use is locally owned which has been encouraged throughout San Francisco, and is not a Formula Retail use. The proposal requires Section 312-neighborhood notification for the change of use and was duly conducted in conjunction with the Conditional Use Authorization notification process.
- 5. **Public Comment**. The Department has received 1 letter opposed to the project citing concerns regarding noise, garbage, and public drunkenness. The Department has received 5 signatures on a letter of support of the project.
- 6. **Planning Code Compliance:** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:
 - A. **Formula Retail.** Section 703.3 places notification requirements and other restrictions on formula retail uses.

The Project is not considered to be a Formula Retail Use as defined by Section 703.3 of the Planning Code. This location is one of two existing restaurants.

B. **Hours of Operation.** Planning Code Section 726.27 states that a Conditional Use Authorization is required for maintaining hours of operation from 2a.m. to 6:00a.m.

Businesses are allowed to operate between 6:00a.m. to 2:00a.m. Current hours of operation for Dosa include dinner service Sunday through Thursday 5:30 to 10p.m., Friday and Saturday 5:30 to 11:00p.m., and weekend brunch service from 11:30a.m. to 3:30p.m. If granted Conditional Use Authorization to add a Type 47 license, hours of operation will change as follows: Dinner Service will

SAN FRANCISCO
PLANNING DEPARTMENT

be Sunday to Wednesday from 5:30pm to 11pm and Thursday to Saturday from 5:30pm to 12am. Weekend Brunch will be from 11:30am to 3:30pm. A happy hour serving a bar menu of small plates, appetizers will be added from Sunday to Thursday 5:00pm to 7:00pm. These hours of operation are principally permitted.

C. **Use Size**. Section 121.2(a) establishes size limits on nonresidential uses in all NCDs. In the Valencia Street NCT, conditional use authorization is required for any nonresidential use that exceeds 2,999 square feet.

The proposal does not include any structural expansion. The existing restaurant is approximately 1,600 square feet, well under the use size limitation.

D. Street Frontage in Neighborhood Commercial Districts. Section 145.1 of the Planning Code requires that NC Districts containing specific uses, including large fast-food restaurants, have at least ½ the total width of the new or altered structure at the commercial street frontage devoted to entrances to commercially used space, windows or display space at the pedestrian eye-level. Such windows shall use clear, un-tinted glass, except for decorative or architectural accent. Any decorative railings or decorated grille work, other than wire mesh, which is placed in front or behind such windows, shall be at least 75 percent open to perpendicular view and no more than six feet in height above grade.

The subject commercial space has approximately 15-feet of frontage on Valencia Street with most of the frontage devoted to either the restaurant entrance or window space. The windows are clear and unobstructed. There are no changes proposed to the commercial frontage.

- 7. **Planning Code Section 303** establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use approval. On balance, the project does comply with said criteria in that:
 - A. The proposed new uses and building, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable, and compatible with, the neighborhood or the community.

The Project is desirable because it will contribute to the viability of an existing restaurant that is locally-owned and has operated on the site for 6 years. The existing restaurant serves beer and wine in association with meals. The requested authorization would broaden the selection of drinks served within the existing restaurant by allowing the sale of distilled spirits in "nectar driven cocktails using Indian spices and fresh local ingredients" that will compliment the meals served.

The Project would not physically expand the existing restaurant or create a new, stand-alone bar establishment. The restaurant would continue to serve patrons in the neighborhood, as well as from a broader customer base. The Project is desirable and compatible with the neighborhood.

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 or reconfigure the existing restaurant.

ii. The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed off-street parking and loading;

The Project will not adversely impact public transit or overburden the existing supply of parking in the neighborhood. Parking is not required in the Valencia NCT district. The Project is intended to be a walk-in facility for pedestrian traffic and is well-served by public transportation running on Mission Street and 24th Street. Off-street parking and loading is not required for the Project. Furthermore, the Mission Bartlett garage is within walking distance for patrons who choose to travel by automobile.

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

The Department is not aware of any formal complaints regarding offensive noise or odors at Dosa and granting a Type 47 ABC license would not substantially change the method of operations. Exhibit A of this Motion contains a standard condition requiring that all noise and odors be regulated so as not to be a nuisance to nearby businesses or residents.

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

The project site is completely built-out at the commercial ground level; therefore, no landscaping will need to be provided. All lighting and signage are required to comply with the requirements of the Planning Code and the Urban Design Element of the General Plan.

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 the applicable requirements of the Planning Code, and will not adversely affect the General Plan. In general, the Commerce and Industry Element of the General Plan calls for no more than 25 percent of commercial storefronts in Neighborhood Commercial Districts to be set aside for eating and drinking establishments. These policies encourage a balance of uses within each NCD to ensure that local residents can fulfill their convenience needs within close proximity.

Although eating and drinking establishments are prevalent in the vicinity, the Project would not expand the existing restaurant or create a stand-alone bar establishment. The Project would broaden the selection of drinks served with meals in the existing restaurant by allowing the sale of distilled spirits. The addition of the bar will not disrupt the balance of commercial uses in the area, and will not displace establishments that provide convenience goods and services. The Project will not adversely affect the cited policies of the Commerce and Industry Element, or other Elements of the General Plan.

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

The Valencia Street commercial area functions as both a neighborhood-serving and citywide marketplace and dining district. The purpose of the NCT is to maintain a balance of businesses that supports both functions, and the proposal does not change the existing balance between entertainment and retail uses.

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

MISSION AREA PLAN

Objectives and Policies

OBJECTIVE 1.1

STRENGTHEN THE MISSION'S EXISTING MIXED USE CHARACTER, WHILE MAINTAINING THE NEIGHBORHOOD AS A PLACE TO LIVE AND WORK.

Policy 1.1.6: Permit And Encourage Small And Moderate Size Retail Establishments In Neighborhood Commercial Areas Of The Mission, While Allowing Larger Retail In The Formerly Industrial Areas When Part Of A Mixed-Use Development.

The subject restaurant is a small retail establishment that has been a restaurant since the early 1990's. Adding additional service to the existing restaurant encourages the retention of this business in the Neighborhood Commercial District in this Area Plan.

OBJECTIVE 1.5

MINIMIZE THE IMPACT OF NOISE ON AFFECTED AREAS AND ENSURE GENERAL PLAN NOISE REQUIREMENTS ARE MET.

Policy 1.5.2: Reduce potential land use conflicts by carefully considering the location and design of both noise generating uses and sensitive uses in the Mission.

The proposed use is subject to the standard conditions of approval for full-service restaurants and bars as outlined in Exhibit A. The restaurant is an existing use and has no known history of nuisance complaints.

6

OBJECTIVE 6.1

SUPPORT THE ECONOMIC WELLBEING OF A VARIETY OF BUSINESSES IN THE EASTERN NEIGHBORHOODS.

Policy 6.1.3: Provide business assistance for new and existing small businesses in the Eastern Neighborhoods.

Granting the conditional use authorization for the expansion of beverages served to the existing restaurant adds economic viability to the existing business.

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.

In order for a neighborhood commercial district to remain viable and serve the needs of the surrounding neighborhood, it must exhibit a healthy balance of different types of commercial uses. This policy includes guidelines that eating and drinking establishments should not occupy more than 25 percent of the total commercially-occupied frontage in a district. Although eating and drinking establishments are prevalent in the vicinity, the Project would not expand the existing restaurant or create a stand-alone bar establishment. The Project would broaden the selection of drinks served with meals in the restaurant by allowing the sale of distilled spirits. The addition of the Type 47 ABC license will not disrupt the balance of commercial uses in the area, and will not displace storefronts that could provide for neighborhood-serving goods and services.

Policy 2:

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

The Project is desirable because it will contribute to the viability of an existing restaurant that is locally-owned and has operated on the site for 6 years. The restaurant currently serves beer and wine in association with meals. The requested authorization would broaden the selection of drinks served within the existing restaurant by allowing the sale of distilled spirits. The Project would not physically expand the existing restaurant or create a new, stand-alone bar establishment. The Project is desirable and compatible with the neighborhood, and will contribute to the vitality of the District.

- 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 proposal does not change the amount of neighborhood serving retail in the NCT. It will potentially enhance the viability of the existing business, thereby preserving and increasing opportunities for resident employment.

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

The proposal would not adversely impact the character and economic diversity of Valencia Street, and the proposal has no impact on housing. It will potentially strengthen an existing local neighborhood-serving restaurant.

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

The proposal would not have any impacts on the City's supply of affordable housing.

D. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking.

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

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

There is no commercial office development associated with the Project. No industrial or service sector uses would be displaced.

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

No physical alterations of any kind are proposed with this project.

G. That landmarks and historic buildings be preserved.

The proposal will have no impact on landmarks or historic buildings.

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

The proposal does not include any physical expansion of the existing building envelope. Therefore, the proposal would not impact any parks or open spaces or their access to sunlight.

10. 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. 2011.0255C** 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. 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 XXXXX.

Commission Secretary

AYES:

NAYS:

ABSENT:

Linda D. Avery

ADOPTED:

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to allow a full-service restaurant to add a Type 47 ABC license (d.b.a. "Dosa") located at 995 Valencia Street, 3609, and 026 pursuant to Planning Code Section(s) 726.41 within the Valencia Street Neighborhood Commercial Transit District and a 55-X Height and Bulk District and subject to conditions of approval reviewed and approved by the Commission on May 19, 2011 under Motion No XXXXXX. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

RECORDATION OF CONDITIONS OF APPROVAL

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on **May 19, 2011** under Motion No **XXXXXXX**.

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.

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, <u>www.sf-planning.org</u>.

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

MONITORING

- 3. **Enforcement.** Violation of any of the Planning Department conditions of approval contained in this Motion or of any other provisions of Planning Code applicable to this Project shall be subject to the enforcement procedures and administrative penalties set forth under Planning Code Section 176. 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
- 4. **Revocation due to Violation of Conditions.** Should implementation of this Project result in complaints from interested property owners, residents, or commercial lessees which are not resolved by the Project Sponsor and found to be in violation of the Planning Code and/or the specific conditions of approval for the Project as set forth in Exhibit A of this Motion, the Zoning Administrator shall refer such complaints to the Commission, after which it may hold a public hearing on the matter to consider revocation of this authorization.

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

OPERATION

- 5. **Garbage, Recycling, and Composting Receptacles.** Garbage, recycling, and compost containers shall be kept within the premises and hidden from public view, and placed outside only when being serviced by the disposal company. Trash shall be contained and disposed of pursuant to garbage and recycling receptacles guidelines set forth by the Department of Public Works. For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works at 415-554-.5810, http://sfdpw.org
- 6. Sidewalk Maintenance. The Project Sponsor shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean and sanitary condition in compliance with the Department of Public Works Streets and Sidewalk Maintenance Standards.
 For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works, 415-695-2017, http://sfdpw.org/
- 7. **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

SAN FRANCISCO
PLANNING DEPARTMENT

12

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

- 8. **Noise Control.** The premises shall be adequately soundproofed or insulated for noise and operated so that incidental noise shall not be audible beyond the premises or in other sections of the building and fixed-source equipment noise shall not exceed the decibel levels specified in the San Francisco Noise Control Ordinance.
 - For information about compliance with the fixed mechanical objects such as rooftop air conditioning, restaurant ventilation systems, and motors and compressors with acceptable noise levels, contact the Environmental Health Section, Department of Public Health at (415) 252-3800, www.sfdph.org
 - For information about compliance with the construction noise, contact the Department of Building Inspection, 415-558-6570, www.sfdbi.org
 - For information about compliance with the amplified sound including music and television contact the Police Department at 415-553-1012 or 415-5530123, <u>www.sf-police.org</u>
- 9. **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.

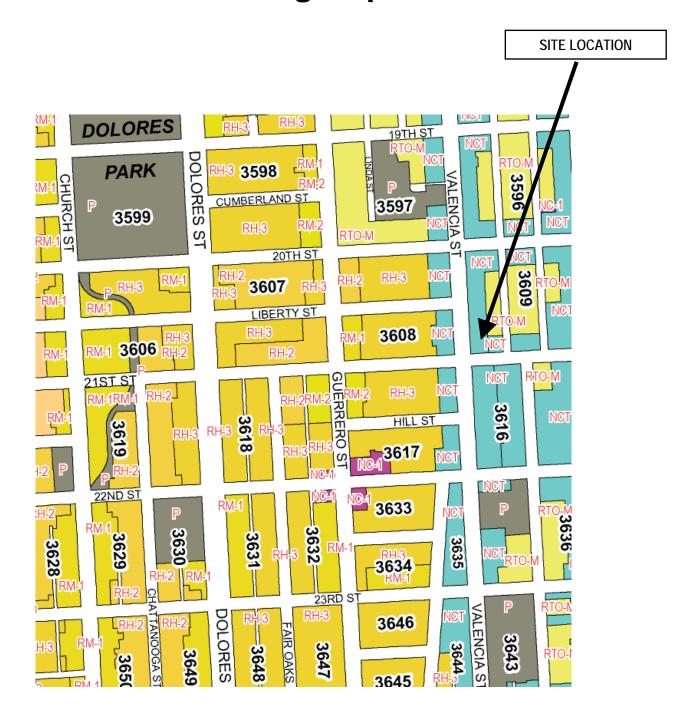
 For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
- 10. **Hours of Operation**. The subject establishment is limited to the following hours of operation: Dinner Service will be Sunday to Wednesday from 5:30pm to 11pm and Thursday to Saturday from 5:30pm to 12am. Weekend Brunch will be from 11:30am to 3:30pm. A happy hour serving a bar menu of small plates, appetizers will be added from Sunday to Thursday 5:00pm to 7:00pm.

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

SAN FRANCISCO
PLANNING DEPARTMENT

13

Zoning Map

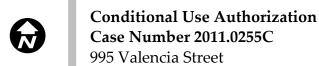




Conditional Use Authorization Case Number 2011.0255C 995 Valencia Street

Height and Bulk Map





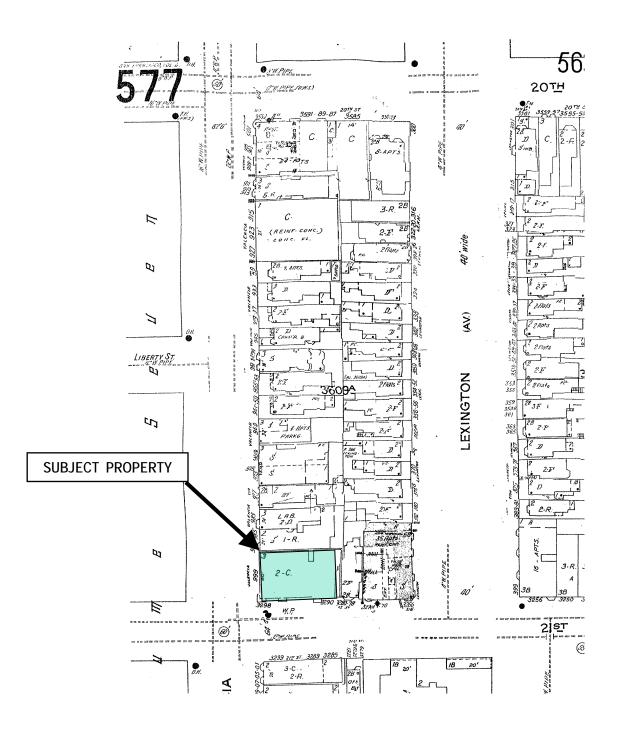
Parcel Map



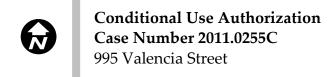


Conditional Use Authorization Case Number 2011.0255C 995 Valencia Street

Sanborn Map*



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



Aerial Photo



SUBJECT PROPERTY



Conditional Use Authorization Case Number 2011.0255C 995 Valencia Street

Context Photo

SUBJECT SITE



SAN FRANCISCO PLANNING COMMISSION NOTICE OF HEARING

Notice is hereby given to the general public that an application involving the property described below has been filed with the Planning Department for review as set forth in the Planning Code. The Planning Commission will hold a PUBLIC HEARING on this item and on other matters on Thursday, May 19, 2011, beginning at 12:00 p.m. (Noon) or later, at City Hall, 1 Dr. Carlton B. Goodlett Place, Room 400.

2011.0255C: 995 VALENCIA STREET – northeast corner at 21st and Valencia Streets, Lot 026 of Assessor's Block 3609 - Request for Conditional Use Authorization pursuant to Planning Code Sections 726.41 to add a bar to an existing full-service restaurant (d.b.a. Dosa Restaurant) within the Valencia Street NCT (Neighborhood Commercial Transit) District, and a 55-X Height and Bulk District. If granted, the Conditional Use Authorization would allow the applicant to seek a Type 47 License from the California Department of Alcoholic Beverage Control. This license would permit the sale of beer, wine, and distilled spirits for on-site consumption in association with the restaurant. The size of the restaurant would not change.

The subject site is within a 300-foot radius of your property.

This notice will also cover the Section 312 Notification Requirements. If you are interested in viewing the plans for this Project please contact the planner listed below. Please call one day in advance so that the plans can be ready for you to review at the Planning Department's reception desk located on the fourth (4th) floor at 1650 Mission Street. For further information, call Kimberly Durandet at (415) 575-6816, or e-mail at kimberly.durandet@sfgov.org and ask about Case No 2011.0255C.

Persons who are unable to attend the scheduled Planning Commission hearing may submit written comments regarding this case to **Kimberly Durandet** at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, CA 94103. Comments received by 9:30 a.m. on the day of the hearing will be made a part of the official record and will be brought to the attention of the Planning Commission.

Comments that cannot be delivered to the Planning Commission by 9:30 a.m. on the day of the hearing may be taken directly to the hearing at the location listed above. Comments received at 1650 Mission Street after the 9:30 a.m. deadline will be placed in the project file, but probably cannot be brought to the attention of the Planning Commission at the public hearing.

Pursuant to Government Code §65009, if you challenge, in court, the approval of a conditional use permit or any other permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission, at, or prior to, the public hearing.

1650 Mission St. Suite 400 San Francisco, CA 94103-2479

Reception: **415.558.6378**

Fax: **415.558.6409**

Planning Information: 415.558.6377

APPLICATION FOR Conditional Use Authorization

1. Owner/Applicant Information PROPERTY OWNER'S NAME: United Ng LP (Best Design and Construction Company) PROPERTY OWNER'S ADDRESS: TELEPHONE: (415) 656-3528 100 Old County Road #C EMAIL: Brisbane, CA 94005 none APPLICANT'S NAME: Brekkie Inc., d.b.a. DOSA Restaurant Same as Above TELEPHONE: APPLICANT'S ADDRESS: (415)642-3672 995 Valencia Street EMAIL: San Francisco, CA 94110 comments@dosasf.com CONTACT FOR PROJECT INFORMATION: **Emily Mitra** Same as Above ADDRESS: TELEPHONE: (415) 298-3400 1700 Fillmore Street EMAIL: San Francisco, CA 94115 emily@dosasf.com Location and Classification STREET ADDRESS OF PROJECT: ZIP CODE: 94110 995 Valencia Street CROSS STREETS: between 20th Street and 21st Street LOT AREA (SQ FT): ZONING DISTRICT: HEIGHT/BULK DISTRICT: ASSESSORS BLOCK/LOT: LOT DIMENSIONS: 4909 sq. Valencia Street NCT 55-X 3609 / 026 Project Description PRESENT OR PREVIOUS USE: ADDITIONS TO BUILDING: (Please check all that apply) **Full Service Restaurant** Rear Change of Use ☐ Change of Hours Front PROPOSED USE: ☐ New Construction ☐ Height Full Service Restaurant ☐ Side Yard Alterations **BUILDING APPLICATION PERMIT NO.:** DATE FILED: ☐ Demolition Other Going from a Type 41 to a Type 47

license in our existing restaurant which has been in business since December

2005

4. Project Summary Table

If you are not sure of the eventual size of the project, provide the maximum estimates.

	EXISTING USES:	EXISTING USES TO BE RETAINED:	NET NEW CONSTRUCTION AND: OR ADDITION:	PROJECT TOTALS:
		PROJECT FEATURES		
Dwelling Units				
Hotel Rooms				
Parking Spaces				
Loading Spaces				
Number of Buildings	1	1	none	1
Height of Building(s)				
Number of Stories	3	3	none	3
Bicycle Spaces				
	GROS	S SQUARE FOOTAGE (GSF)		
Residential				
Retail				
Office				
Industrial/PDR Production, Distribution, & Repair				
Parking	1			
Other (Specify Use)	1,600 gsf Restaurant	1,600 gsf Restaurant	none	1,600 gsf Restaurar
TOTAL GSF				

Please describe any additional project features that are not included in this table: (Attach a separate sheet if more space is needed.)

No construction is required for this Conditional Use Permit.

We would like to transition from a Type 41 License serving beer and wine to a Type 47 License serving spirits in our existing Full-Service Restaurant.

5. Action(s) Requested (Include Planning Code Section which authorizes action)

Approval of a Conditional Use Permit to allow our existing "bona fide" Full-Service Restaurant to transition from a Type 41 License serving beer and wine, to a Type 47 License serving spirits.

Within the Valencia Street Neighborhood Commercial Transit District, our existing Full-Service Restaurant is Permitted, but per Sec.790.92 a "Full-Service Restaurant" serving spirits is re-defined as a "Bar" as further defined in Sec. 790.22.

Per Sec. 726.41 a "Bar" requires Conditional Approval in the Valencia Street NC Transit District.

For Staff Use only

Conditional	Use	Find	ings

Pursuant to Planning Code Section 303(c), before approving a conditional use authorization, the Planning Commission needs to find that the facts presented are such to establish the findings stated below. In the space below and on separate paper, if necessary, please present facts sufficient to establish each finding.

- That the proposed use or feature, at the size and intensity contemplated and at the proposed location, will provide
 a development that is necessary or desirable for, and compatible with, the neighborhood or the community; and
- 2. That such use or feature as proposed will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity, or injurious to property, improvements or potential development in the vicinity, with respect to aspects including but not limited to the following:
 - (a) The nature of the proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;
 - (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;
 - (c) The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor;
 - (d) Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs; and
- 3. That such use or feature as proposed will comply with the applicable provisions of this Code and will not adversely affect the Master Plan.
- 1. The use of a Type 47 license in our existing restaurant, which was established in 2005, is designed to improve our offering to our customers. Valencia Street is part of a neighborhood with a reputable selection of casual and fine dining restaurants, many of which offer sophisticated and innovative bar programs.
- DOSA's newer restaurant at 1700 Fillmore Street, opened in November 2008, was issued a Type 47 License and has become renowned for inspired, spirit based nectar driven cocktails using Indian spices and fresh, local ingredients to accompany authentic South Indian cuisine.

The proposed use of a Type 47 License for DOSA on Valencia — DOSA's original location — would allow the two sister restaurants to have similar offerings, which is what our customers expect and desire. The license is financially necessary for DOSA on Valencia to remain successful in the future.

- 2. a) There is nothing being built on premises that would impact the community. We simply desire to go from a Type 41 License to a Type 47 License to sell spirits in our existing restaurant which has been in business serving the community since 2005. Any renovations to the existing bar and restaurant are designed to facilitate selling liquor, in addition to wine and beer, to freshen a space which has been worn down after 5 years in business, and primarily to improve ADA accessibility.
- b) The same accessibility and parking will remain for the restaurant as they have for decades and for the duration thus far of DOSA's lease, which began in 2005. The customers have ample parking at the Mission Bartlett garage, as well as street parking and easy access to BART on Mission and 24th Street. A Type 47 License will not impact the restaurant's volume in any manner that adversely effects affects the neighborhood. The restaurant will not at any point, present or future, become a bar in which it will only sell alcohol. It is a Full-Service Restaurant first and foremost and will always remain as such. DOSA will maintain regular business hours and sell items from its bar only to accompany and accentuate the sale of South Indian cuisine.
 - c) There is nothing about our existing business that impacts emissions as it is a quiet, full service restaurant.
- d) There is no treatment required for the restaurant to function other than daily janitorial work that obviously does not impact the neighborhood or site adversely. The restaurant adheres strictly to recycling, composting and trash removal and has had no issue since its inception in 2005. There will not be any new signs, landscaping, or new or unusual unloading with the acquisition of a Type 47 License.
- 3. Our use of a Type 47 License will comply with the applicable provisions of the code. We have spoken to and been approved by both the ABC Department, Police Department and our neighbors in San Francisco.

Priority General Plan Policies Findings

Proposition M was adopted by the voters on November 4, 1986. It requires that the City shall find that proposed projects and demolitions are consistent with eight priority policies set forth in Section 101.1 of the City Planning Code. These eight policies are listed below. Please state how the project is consistent or inconsistent with each policy. Each statement should refer to specific circumstances or conditions applicable to the property. Each policy must have a response. IF A GIVEN POLICY DOES NOT APPLY TO YOUR PROJECT, EXPLAIN WHY IT DOES NOT.

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

DOSA on Valencia is an existing business that has been serving its community with many accolades since 2005. The proposed use of a Type 47 License would allow the restaurant to enhance its offering to customers and to have a similar offering to its new sister restaurant, DOSA on Fillmore (1700 Fillmore Street) which has a Type 47 License and a successful bar program including specialty cocktails which its customers continue to request in the Valencia location. DOSA is a unique, San Francisco based, family business owned and operated by Emily and Anjan Mitra, a husband and wife team who have lived and worked in San Francisco since 1994 and opened the restaurant to serve authentic South Indian cuisine using local, seasonal, sustainable ingredients. The business enhances the neighborhood and has been voted San Francisco's favorite Indian restaurant by the people of San Francisco. It does not adversely impact any other business or residents. The proposed use of a Type 47 License will hopefully offer even more employment opportunities should the restaurant become busier. DOSA already hires over approximately 85% of its staff from within a one mile radius.

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

Use of a Type 47 License in our existing Full-Service Restaurant will not impact housing or neighborhood character or impact cultural or economic diversity in the neighborhood.

3. That the City's supply of affordable housing be preserved and enhanced;

Use of a Type 47 License in our existing Full-Servise Restaurant will not impact affordable housing.

4. That commuter traffic not impede Muni transit service or overburden our streets or neighborhood parking;

Use of a Type 47 License in our existing Full-Service Restaurant will not impede transit service or overburden streets or parking. Customers will continue to walk to the restaurant, use the Mission Bartlett garage, street parking and public transportation.

Our business hours are those of a Full-Service Restaurant and NOT a bar.

CASE NUMBER: For Staff Use only

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;

Our existing Full-Service Restaurant and the use of a Type 47 License is not at all related to the development of commercial offices nor will it impact employment other than to continue offering opportunities to local residents as it has since 2005.

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

No new construction is required for this application nor will there be an increase in occupancy from it current B Occupancy classification.

The business owners maintain a disaster preparedness plan for staff and customers.

7. That landmarks and historic buildings be preserved; and

The existing Full-Service restaurant and the proposed use of a Type 47 License will not impact landmarks and historic buildings.

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

The existing Full-Service Restaurant and the proposed use of a Type 47 License has no impact on parks or open space.

Estimated Construction Costs

TOTAL OF ADDITIONAL OF THE STATE OF THE STAT	
TYPE OF APPLICATION:	nor Valancia Chront NOD Coetian 700 44 ft 700 00
	per Valencia Street NCD Section 726.41 & 790.22
OCCUPANCY CLASSIFICATION:	Do Docidential characteristics)
B - Full Service Restaurant with 2 stories of	R3 Residential above (all existing)
BUILDING TYPE:	
Type V - 1HR Construction (existing) - 3 stor	ries
TOTAL GROSS SQUARE FEET OF CONSTRUCTION:	BY PROPOSED USES:
No New Construction required.	
ESTIMATED CONSTRUCTION COST:	
\$0.00	
ESTIMATE PREPARED BY:	
James G. Maxwell d.b.a. Architects If	
FEE ESTABLISHED:	
Applicant's Affidavit	
Applicant 3 Amuavit	

Under penalty of perjury the following declarations are made:

- a: The undersigned is the owner or authorized agent of the owner of this property.
- b: The information presented is true and correct to the best of my knowledge.
- c: The other information or applications may be required.

Signature:	Einis M Mitto	Date: 3/17/11	
Print name	e, and indicate whether owner, or authorized agent:		
	Emily Mitra		
	Owner / Authorized Agent (circle one)		

Application Submittal Checklist

Applications listed below submitted to the Planning Department must be accompanied by this checklist and all required materials. The checklist is to be completed and **signed by the applicant or authorized agent and a department staff person.**

APPLICATION MATERIALS	CHECKLIST	
Application, with all blanks completed	X	
300-foot radius map, if applicable	X	
Address labels (original), if applicable	K	
Address labels (copy of the above), if applicable	X	
Site Plan	X	
Floor Plan	K	
Elevations (see photographs)	X	
Section 303 Requirements	X	
Prop. M Findings	X	
Historic photographs (if possible), and current photographs	X	NOTES:
Check payable to Planning Dept.	X	Required Material. Write "N/A" if you believe the item is not applicable, (e.g. letter of authorization is not required if application is
Original Application signed by owner or agent	X	signed by property owner.)
Letter of authorization for agent	X	Typically would not apply. Nevertheless, in a specific case, staff may require the item.
Other: Section Plan, Detail drawings (ie. windows, door entries, trim), Specifications (for cleaning, repair, etc.) and/or Product cut sheets for new elements (ie. windows, doors)		 Two sets of original labels and one copy of addresses of adjacent property owners and owners of property across street.

After your case is assigned to a planner, you will be contacted and asked to provide an electronic version of this application including associated photos and drawings.

Some applications will require additional materials not listed above. The above checklist does not include material needed for Planning review of a building permit. The "Application Packet" for Building Permit Applications lists those materials.

No application will be accepted by the Department unless the appropriate column on this form is completed. Receipt of this checklist, the accompanying application, and required materials by the Department serves to open a Planning file for the proposed project. After the file is established it will be assigned to a planner. At that time, the planner assigned will review the application to determine whether it is complete or whether additional information is required in order for the Department to make a decision on the proposal.

For Department Use Only Application received by Planning Department:	
Ву:	Date:

DOSA on Valencia

995 Valencia Street

Assessor's Block/Lot: 3609/026

Zoning District: Valencia Street NCT District

Permit Application No: 2011.0255C

TABLE OF CONTENTS:

1. Introduction

- 2. About the Owners
- 3. Letter of Support
- 4. Context Photos
- 5. Restaurant Site Plans

May 19, 2011 Dear Planning Commission,

Thank you for hearing our case. We are coming to you to request permission to sell spirits via a Type 47 Liquor License in our **existing location** of DOSA at 995 Valencia Street. To date we have operated with a Type 41 Wine and Beer license issued in 2005.

We are not making any changes to our restaurant that make us become "a bar" specifically, nor is there any change of ownership. There is also no change to our original concept to sell authentic South Indian cuisine in a contemporary setting. Our bar is simply designed to serve the customers who are dining with us. Our bar never was, and never will become, a lounge area and it is NOT our interest to operate a bar exclusive of our full service restaurant.

Anjan and I set forth to acquire a Type 47 license so that we can be more competitive with other full service Mission District Restaurants and also to help drive revenue after having suffered quite seriously since 2008 from the economic recession. We are seeking your approval for a Type 47 License because our newer restaurant, DOSA on Fillmore, has a full bar and our customers are asking us for the same offering from both of our locations.

Without this important consistency in our product offering, we feel our original location, the one before you today at 995 Valencia Street, will not remain financially successful over the long run.

Please note that by February 2011, a liquor license had finally been *successfully approved for transfer* to DOSA on Valencia (Brekkie Inc/File # 505486) via the ABC Department. This included the necessary approvals from the SF Police Department (Inspector Gordon was assigned to our case.) The ABC Department had gone so far as to request we fully fund escrow, as they were ready to transfer. We were, in fact, in the last step of the process with the ABC Department when the file was stopped by the Planning Department due to the need for a CUP.

Please know that DOSA on Valencia has been serving its community respectfully and without issue since 2005. We have the support of our neighbors and patrons to offer a better menu at our bar including spirit based cocktails featuring fresh fruit nectars and spices from our kitchen.

We hope that you, too, will support us as a local, family run small business that is trying to remain successful and competitive in a difficult industry and a very challenging economy.

Thank you, Emily Mitra

ANJAN MITRA

After earning bachelors' degrees in Economics and Computer Science from the Indiana University of Pennsylvania, Anjan Mitra entered the dynamic world of software technology and the Internet. His professional career began as a software engineer after which he moved into the discipline of Product Management. His approximately nineteen-year career in technology has spanned several successful product lines at companies such as Centura, Kiva Software, Netscape, Sun and AmberPoint.

Ever since he left Bombay (now Mumbai) when he was eighteen to study in the U.S., Anjan has always sought to recreate the wonderfully aromatic and complex flavors of his mother's cooking. After working at numerous start-ups, he wanted to pursue a new entrepreneurial path as a restaurateur with a cuisine that he believed was underor mis- represented in the U.S. Inspired to create and present South Indian cuisine in a new manner in San Francisco, he and his wife Emily created an immensely successful restaurant, DOSA, which rapidly become one of the top restaurants in the Bay Area as soon as it opened in December 2005. Within a span of three years they created a second location with an equal amount of success in the Fillmore neighborhood.

Anjan's exposure to technology and business has been a strong asset as he built two very successful restaurants in the discriminating and competitive market of San Francisco. He has helped streamline operations at his restaurants and has used his experience to provide an incisive, holistic and strategic business direction. Having found his passion as an entrepreneur and a foodie Anjan is continually working on new ventures.

EMILY MITRA

Emily Mitra, founder and co-owner of DOSA Restaurants, formed a company in 2003 at the age of 30 with a dream to be a restaurateur in San Francisco. Inspired by the delicacy of dosa and home cooked food from Southern India, as well as the desire to revolutionize how Indian food was served and represented in the United States, she and her husband, Anjan Mitra, opened DOSA at 995 Valencia Street in San Francisco

in December 2005.

Originally from upstate New York, Emily came to San Francisco in 1994 after graduating from the University of Michigan, Ann Arbor, and began working in the health food industry. Managing a small "green" health food store on Fillmore Street, an integral part of her work was selecting and ordering from local, organic farmers. From here, Emily transitioned into 5 years working in advertising sales and management with Internet companies including Yahoo! Inc. where she was Director of Sales for Broadcast.com. At 31, Emily left the corporate world to realize her dream of entrepreneurship and to create the quintessential San Francisco neighborhood restaurant. The idea of being first to market with Southern Indian food in San Francisco, serving it in a hip, contemporary setting, and using local, sustainable, and predominantly organic ingredients was compelling.

With great momentum and enthusiasm to expand their menu and the offerings, the Mitras opened their second location in November of 2008, DOSA on Fillmore, with a completely green build out. DOSA on Fillmore is located at 1700 Fillmore Street bordering the historic Jazz and Japantown Districts and features a full bar with one of the city's most reputable cocktail programs including spirit and nectar driven cocktails using fresh local ingredients and Indian spices.

DOSA Accolades

2011, 2010, 2009, '08, '07 & '06 Top 100 Bay Area Restaurants SF Chronicle

2011, 2010, 2009 & 2007 Michelin Guide Bib Gourmand & Recommended

2010, 2009, 2008 Best Indian, Bay Readers Poll - SF Bay Guardian

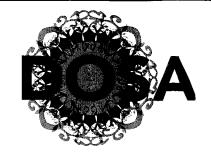
2010, 2008 Best Eats in San Francisco, SF Examiner

2009, 2008 & 2007 Best Indian, The Eat + Drink Awards - 7x7 Magazine

2009, 2007 Best Indian & Worth the Wait, Reader's Poll Winners - SF Mag

2009 Best Indian Readers 'Poll Winner - SF Weekly

The Top 10 (New) Restaurants of 2006 -Michael Bauer, SF Chronicle



May 6, 2011

Thank you!

Dear Planning Commission,

I am a neighbor to DOSA on Valencia, an existing restaurant that has been doing business at 995 Valencia Street since December of 2005. When the owners Emily and Anjan Mitra approached me to ask if I would offer my support and approve their acquisition of a Type 47 License, my answer was YES and my name, title, signature and optional phone number are below.

ICTOR IBARRA-OWNER	THE MAIL CARRIE	2 mil
Name & Title	Business	Signature
Name & Title	Jing Cheese Steels Business Name	Signature
Name & Title	Business Name	Signature
Paul Fiol - owners Name & Title	Wash Quarter & Business Name	Paul Fiol PE Signature
Jose Ilarra - owners Name & Title	Ibarra Brothurs Pa Business Name	Snting -rue, Vacuman

File #47-505486

13:08

First Owner:

Brekkie Inc

Name of Business

Dosa

Location of Business

995 Valencia St., San Francisco, Ca 94110

RECEIVE:

Conditions for Type 47-On-Sale General Eating

- 1. The premises shall be maintained as a bona fide food restaurant and shall provide a menu containing an assortment of foods normally offered at such restaurants. The petitioner acknowledges receipt of, understanding and shall comply with 23038 B&P.
- 2. The monthly gross sales of alcoholic beverages shall not exceed the gross sales of food during the same period. The licensee shall at all times maintain records which reflect separately the gross sales of food and the gross sale of alcoholic beverages of the licensed business. Said records shall be kept no less frequently than on a quarterly basis and shall be made available to the Department on demand.
- 3. Full and complete meals must be served whenever the privileges of the license are being exercised.
- Sales, service and consumption of alcoholic beverages shall be permitted between the hours of 11:30 a.m. to 12:00 midnight each day of the week.
- 6. The sale of alcoholic beverages for off-sale consumption is strictly prohibited. (existing)
- 7. Noise ("noise is defined as any raucous sound that is produced in such a manner or to such a degree as to disturb the peace, quiet, and comfort of persons in the neighborhood") shall not be audible beyond the area under the control of the licensee as depicted on ABC-257, dated ______
- 8. No person under the age of twenty-one (21) shall sell, furnish, or deliver alcoholic beverages.
- 9. Loitering (loitering is defined as "to stand idly about; linger aimlessly without lawful business") is prohibited on any sidewalks or property adjacent to the licensed premises under the control of the licensee as depicted on the ABC-257, dated______
- 10. The petitioner(s) shall be responsible for maintaining free of litter the area adjacent to the premises over which they have control.

2/3

- 11. Graffiti shall be removed from the premises and all parking lots under the control of the licensee within 72 hours of application. If the graffiti occurs on a Friday or weekend day, or on a holiday, the licensee shall remove the graffiti within 72 hours following the beginning of the next weekday.
- 12. The exterior of the premises shall be equipped with lighting of sufficient power to illuminate and make easily discernible the appearance and conduct of all persons on or about the premises. Additionally, the position of such lighting shall not disturb the normal privacy and use of any neighboring residences.
- 13. At all times when the premise is open for business, the sales of alcoholic beverages shall be incidental to the sale of food. (existing)
- 14. The subject alcoholic beverage license shall not be exchanged for public premises type license. (existing)
- 15. There shall be no bar or lounge area upon the licensed premises maintained for the purpose of sale, service or consumption of alcoholic beverages directly to patrons for consumption (existing)
- 16. There shall be no live entertainment or dancing permitted on the premises at any time. (existing)

Inspector Nelly Gordon #914 San Francisco Police Department ABC Liaison Unit (ALU) (415)553-1600 Nelly.gordon@sfgoy.org

Dept of Alcoholic Beverage Control







(D.A. CHECKLIST (p. 1 of 2) The address of the project is: 995 Volencia Street (corner of 21st street) For ALL tenant improvement projects in commercial use spaces, this checkles is required to be reproduced on the plan as and stened. Form F: Consisting Only of Barrier Removal, Notice of Accessibility Violation 1. The proposed use of the project is: Restaurant and Bar (existing) Compliance, or Exempted Work

hypotheside Form with plants: Chail but I I or D. Februing had I shoot ill when a 2. Describe the area of remodel, including wich floor: Ground Floor The construction cost of this project assoluting dischis access upgrades is \$ 0.00 (sheek ene) <u>II may than</u> / <u>I leas than</u>. The accessibility Threshold amount of \$ 2007 ERR Construction Cast Index ⁶ (The cost Index ⁶ Threshold on updated onnually). C 1. Barrier Removal Work Section 11348-2.4, Exception Numb <u>lings.</u> Parlier nomeral mily gargicis, do est mensionily constant a fally complying diceled some s'undifing c egarustant licellobilon, notes die komingly meneral meel Cods elandiech der a fally complying somiliten or Is this a City project/or does it receive public funding? Check one: <u>D. Yes.</u> / <u>D. No.</u> Note: If yes, then see Step 3 on the instructions peak for additional forms required. This baseles removal only project (ofects and) D in 1 D is not intended to bring the area of somethic to full measurability compliance or conjugious inclination. Conditions below misst be fully decremented by accompanying drawings

5. Read A through C below corefully and check the most applicable box (one box only):

All safeting conditions serving the area of remodel fully comply with access requirements. No further upgrades are required.

B. All safeting conditions serving the area of remodel that do ggt, fully comply with access requirements will be fully upgraded with this project. Alteriog one existing toiler locitity to spect upersubility requirements [□ C. Proposed project (check ene) □ is less than the threshold / □ is over the threshold & fals under CBC 11349.21 Ex 2: Portlad upgrades, including Equivalent Facilitiation will be provided up to 20% of the project value as itemized on Form C. Priority of upgrades are to be considered in the order listed on p.2 of the D.A. Checklist. Fill out their) request form(q) for non-fully complying Rems, including for Equivalent Facilitation items. Checkling box C means there are still non-complying Rems serving the arrass of remodel. O Altering cristing elevators to ment accomplishly expairments. Altering existing bandwide to meet accessibility requirements □ Alteration solely the the purpose of someology barriers analysishes personnt to the requirements of Southess 36 400 and 3a-404 strongs 36 400 and 17 tile. III of the Department of Justice regulations generalized possional to the Americans with Excellents and Excellent 19-18-19, 23 C.F.R. Southess 36-402, 26 C.F.R. Southess 36-405. Southess 36-405. 0. Access feature will either fully compty or be provided with Code defined Equivalent facilitation. Submit on Unreasona Request (UHR) for the Equivalent Facilitation Items. probable has not limited by:

1) Instituting range

2) Indiving south one in indervalles and enteraces

3) Regional one in indervalles and enteraces

3) Regional one in indervalles and enteraces

4) Adding nation and sundaings are clearly a revised bastone.

5) Instituting decide how in roller stable

5) Instituting the how in roller stable

7) Resembling that postulations to increase manuscring.

6) Creating designated accredible posturing spaces

7) Others were regional of bridging efficient

1) Description of others: (D.A. CHECKLIST (p. 2 of 2) Check all applicable boxes and specify where on the drawings the details are shown: B. Submitted for Compliance to Notice of Accessibility Visionian This project consists of corrective work per Notice of Visionian No. serving the error of remode Note: This should be a primary entrance. Add's upgrade may be required it it is not. □ III. Exempted Work (Section 1388).2.3. Exemption 4: Theyers which consist only of heading, restriction, six conditioning, to conting, clostrial work not in ordering the present of evidels and exempted, connectic work for docs not affect in our regulated by this code, couch as pressing, composing out, see not considered affection projects for the purpose or of accusationity for persons with doublehing and add or hot without on this code. • 0 An occessible route to the cree of remodel.
 See path of travel 00000 00000 00000 Add (n) accessible unl-sex restroom, see Sht A1.1 Proposed plan. Dosa Indian Cuisine 1 0 (n)signage at entry & restraom, see Sht. Al.1

Key Notes 1.14, 1.15, 1.17, and General Note (0 0 0 0 0 0 N/A Porking 0 0 0 0 0 □ N/A لبا α 20th STREET S ⋖ Valencia Whole Foods \circ LIBERTY STREET Z DOSA لبا \triangleleft 21st STREE BUILDING SIDEWALK HILL STREET 21st. STREET 22nd STREET PROJECT

VICINITY MAP

ALVARADO STREET

DOSA **South Indian Cuisine**

995 Valencia Street San Francisco, CA 94110

SHEET INDEX

ARCHITECTURAL INTERIOR DESIGN

AO.1 TITLE SHEET MOEX, PROJECT DIRECTORY, PROJECT DESCRIPTION, BUILDING DATA, REGULATIONS, GENERAL NOTES, DA CHECKLIST FORM F, WCINITY MAP, SITE/BUILDING PLAN.

A1.1 FLOOR PLANS
EXISTING and PROPOSED FLOOR PLANS, ENLARGED TOILET FLOOR
PLAN and ELEVATIONS.

THIS PERMIT SET FOR VOLUNTARY BARRIER REMOVAL IMPROVEMENTS ONLY

MECHANICAL, ELECTRICAL, and PLUMBING TO BE SUBMITTED UNDER SEPARATE PERMIT AS MAY BE REQUIRED

PROJECT DIRECTORY

BUILDING OWNER:

ARCHITECT/INTERIOR DESIGN:

ARCHITECTS II James G. Maxwell, Principal Llaence No. CA19,969 3444 Broderick Street San Francisco, CA 94123 Tel: 415,441,0848 Fox: 415,441,0828

GENERAL CONTRACTOR:

PROJECT DESCRIPTION

DESCRIPTION:

EXISTING BAR/RESTAURANT VOLUNTARY ADA BARRIER REMOVAL ONLY:

· Modify (E) entry to provide a single accessible entrance

PROJECT ADDRESS:

ASSESSOBS PARCEL: X

ZONING:

BUILDING DATA

CONSTRUCTION TYPE: Type 777

OCCUPANCY:

FLOOR AREA: AISLE WIDTHS:

FIXTURES:

SITE/BUILDING PLAN

APPLICABLE CODES:

All lighting fixtures and other electrical devices shall be a "UL Listed" label and conform to UL requirements.

Dosa SOUTH INDIAN CUISINE 995 Valencia Street

ARCHITECTS II 415,441.0848

San Francisco, CA 94110

VOLUNTARY BARRIER REMOVAL

EXISTING FLOOR PLAN PROPOSED FLOOR PLAN

NOTES

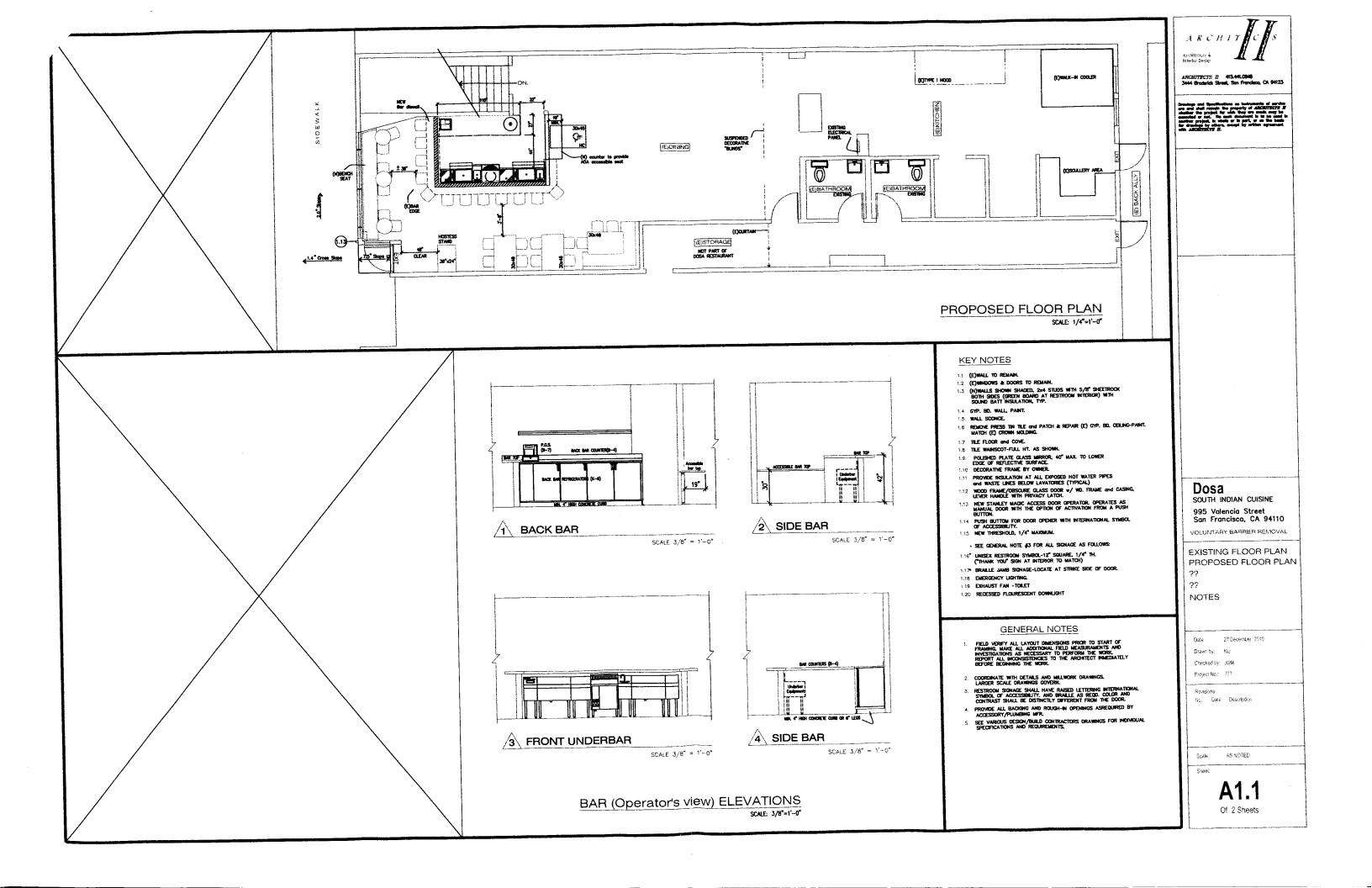
Project No.: 727

Revisions: No. Date Description

A0.1

Of 2 Sheets

BUILDING TENANT:



May. 01 2011 08:50PM P1

PHONE NO, : 415 876

Kimberly Durandet

Planning Dept.

FROM: M DAJANI

1650 Mission St, suite 400

San Francisco, CA 94103

Fax; 415.558.6409

5-1-2011

Re: Case # 2011.0255c

995 Valencia (Dosa Restaurant)

Dear Planning Commission,

This is to inform you that I am in opposition of the Commission granting any permits for the above named establishment which would facilitate the issuance of a "Type 47" license by the ABC. Our neighborhood is already inundated with bars! As a landlord, who owns the building just in the back of Dosa Restaurant, my tenants and I are already suffering from the noise and the clutter coming out of that establishment. In addition to that, we suffer from the unhygienic conditions that this establishment is putting us through(garbage cans on deck adjacent to my property). Although the neighborhood is designated as a "mixed use" area, residents need to have peace of mind and could be spared some of the marauding drunks that exist here. Adding to this problem is not helpful.

Munzer Dajani