Executive Summary Conditional Use

HEARING DATE: JUNE 21, 2012

CONSENT CALENDAR

Date: June 14, 2012
Case No.: 2011.1232C
Project Address: 1401 Polk Street

Zoning: Polk Street Neighborhood Commercial District

80-A Height and Bulk District

Block/Lot: 0646/004

Project Sponsor: Kelly Walter for

Nick Bovis 2111 18th Street

San Francisco, CA 94107

Staff Contact: Aaron Hollister – (415) 575-9078

aaron.hollister@sfgov.org

Recommendation: Approval with Conditions

PROJECT DESCRIPTION

The project sponsor proposes to establish a Restaurant Use (D.B.A. Fresh Spin by Lefty O'Doul's) within an approximate 1,500 square-foot ground-floor commercial tenant space that has been vacant since May 2011 and was last occupied by a liquor store. As currently proposed, the restaurant would operate until 12 a.m. daily and would offer a variety of menu items for take-out and sit-down dining. The restaurant would also offer on-sale beer and wine with a Type 41 alcohol license, which only allows for on-sale beer and wine sales.

No exterior alterations are proposed to any character-defining features of the building and no expansion of the tenant space would be necessary as part of the project. Replacement of the storefront system in existing openings and replacement of select windows on the Pine Street elevation would be required to replace rotted wood storefront and window components with powder-coated aluminum components. Signage that currently covers transom windows would also be removed to reveal historic transom windows. Fresh Spin by Lefty O'Doul's is not considered a formula retail use and would be under the same ownership as Lefty's O'Doul's found in Downtown San Francisco near Union Square.

SITE DESCRIPTION AND PRESENT USE

The project is located at the northwest corner of Polk and Pine Streets; Lot 004 in Assessor's Block 0646. The subject property is located within the Polk Street Neighborhood Commercial District ("NCD") and the 80-A Height and Bulk District. The corner property is developed with a single-story commercial

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building that currently contains three ground-floor commercial tenant spaces. Other commercial establishments in the commercial building include a restaurant (D.B.A. Shalimar) and a barber shop. The building was constructed in 1921 and is considered a potential historic resource pursuant to the Planning Department's Preservation Bulletin No. 16.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The area surrounding the project site is mixed-use in character. A variety of commercial establishments are located within ground floor storefronts in the Polk Street NCD, including restaurants, bars, apparel stores, convenience stores, and other types of retailers. Buildings in the vicinity typically range from one to five stories in height. Upper floors of buildings are generally occupied by offices or residential units. Larger scale retail uses, tourist hotels, and residential uses are situated along the Van Ness Corridor, outside of the Polk Street NCD to the west.

ENVIRONMENTAL REVIEW

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

HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUA L PERIOD
Classified News Ad	20 days	June 1, 2012	May 30, 2012	22 days
Posted Notice	20 days	June 1, 2012	May 30, 2012	22 days
Mailed Notice	20 days	June 1, 2012	May 31, 2012	21 days

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

PUBLIC COMMENT

- To date, the Department has received three letters of support from neighborhood organizations including the Lower Polk Neighbors, the United Residents and Merchants of Polk and the Community Leadership Alliance. The Department has also received nine letters of support from nearby businesses in the Polk NCD and a petition containing 75 signatures in support.
- No communications have been received in opposition of the request.

ISSUES AND OTHER CONSIDERATIONS

• The subject area of Polk Street NCD currently has a high concentration of liquor stores. The proposed change of use to a Restaurant Use would preclude the establishment of another liquor store in the subject commercial tenant space.

Executive Summary Hearing Date: June 21, 2012

The Commerce and Industry Element of the General Plan contains Guidelines that discourage the overconcentration of eating and drinking establishments within NCD's to allow for a healthy mix of commercial uses in NCD's. Although the Polk NCD currently has a substantial number of existing ground-floor eating/drinking establishments, Department staff observed a number of vacant storefronts in Polk Street NCD. The proposed restaurant does not appear that it would preclude a neighborhood-serving retail use to be established in the subject commercial tenant space based on the existing storefront vacancies in the area.

REQUIRED COMMISSION ACTION

In order for the project to proceed, the Commission must approve conditional use authorization to allow a Restaurant Use within the Polk NCD, pursuant to Planning Code Section 723.44.

BASIS FOR RECOMMENDATION

- The project promotes the establishment of a locally-owned business and contributes to the vitality of the overall Polk Street NCD by filling a prominent corner storefront that has been vacant since May 2011.
- The project would not preclude the establishment of a retail tenant providing convenience goods and services to the neighborhood due to the existing storefront vacancies found in the area.
- The project would remove a liquor store use from an area that currently has a high concentration of liquor stores.
- The project meets all applicable requirements of the Planning Code.
- The project is desirable for, and compatible with the surrounding neighborhood.
- The business is not a Formula Retail use and would serve the immediate neighborhood.

RECOMMENDATION: Approval with Conditions

Attachments:

Block Book Map

Sanborn Map

Aerial Photographs

Public Correspondence (see also Project Sponsor Submittal)

Project Sponsor Submittal, including:

- Correspondence in Support
- Site Photographs
- Reduced Plan

Attachment Checklist

Executive Summary		Project sponsor submittal
Draft Motion		Drawings: Existing Conditions
Environmental Determination		Check for legibility
Zoning District Map		Drawings: <u>Proposed Project</u>
Height & Bulk Map		Check for legibility
Parcel Map		Health Dept. review of RF levels
Sanborn Map		RF Report
Aerial Photo		Community Meeting Notice
Context Photos		Inclusionary Affordable Housing Program Affidavit for Compliance
Site Photos		•
Exhibits above marked with an "X" are in	clude	d in this packetAJH
		Planner's Initials

AJH: G:\DOCUMENTS\Projects\CU\1401 Polk Street\1401 Polk Street Executive Summary.doc



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Subject to: (Select only if applicable)	
☐ Affordable Housing (Sec. 415)	☐ First Source Hiring (Admin. Code)
☐ Jobs Housing Linkage Program (Sec. 413)	☐ Child Care Requirement (Sec. 414)
☐ Downtown Park Fee (Sec. 412)	☐ Other

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Planning Commission Draft Motion

HEARING DATE: JUNE 21, 2012

Date:June 14, 2012Case No.:2011.1232C

Project Address: 1401 POLK STREET

Zoning: Polk Street NCD

80-A Height and Bulk District

Block/Lot: 0646/004

Project Sponsor: Kelly Walter for

Nick Bovis 2111 18th Street

San Francisco, CA 94107

Staff Contact: Aaron Hollister – (415) 575-9078

aaron.hollister@sfgov.org

ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 303 AND 723.44 OF THE PLANNING CODE TO ALLOW A RESTAURANT USE (D.B.A. FRESH SPIN BY LEFTY O'DOUL'S) WITHIN THE POLK STREET NEIGHBORHOOD COMMERCIAL DISTRICT AND AN 80-A HEIGHT AND BULK DISTRICT.

PREAMBLE

On November 2, 2011, Kelly Walter for Nick Bovis (hereinafter "Project Sponsor") filed an application with the Planning Department (hereinafter "Department") that was later amended on May 25, 2012, for Conditional Use Authorization under Planning Code Section 723.44 to allow a Restaurant Use (d.b.a. Fresh Spin by Lefty O'Douls) within the Polk Street Neighborhood Commercial District and an 80-A Height and Bulk District.

On June 21, 2012, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2011.1232C.

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

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

MOVED, that the Commission hereby authorizes the Conditional Use requested in Application No. 2011.1232C, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

FINDINGS

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

- 1. The above recitals are accurate and constitute findings of this Commission.
- 2. **Site Description and Present Use.** The project is located at the northwest corner of Polk and Pine Streets; Lot 004 in Assessor's Block 0646. The subject property is located within the Polk Street Neighborhood Commercial District ("NCD") and the 80-A Height and Bulk District. The corner property is developed with a single-story commercial building that currently contains three ground-floor commercial tenant spaces. Other commercial establishments in the commercial building include a restaurant (D.B.A. Shalimar) and a barber shop. The building was constructed in 1921 and is considered a potential historic resource pursuant to the Planning Department's Preservation Bulletin No. 16..
- 3. Surrounding Properties and Neighborhood. The area surrounding the project site is mixed-use in character. A variety of commercial establishments are located within ground floor storefronts in the Polk Street NCD, including restaurants, bars, apparel stores, convenience stores, and other types of retailers. Buildings in the vicinity typically range from one to five stories in height. Upper floors of buildings are generally occupied by offices or residential units. Larger scale retail uses, tourist hotels, and residential uses are situated along the Van Ness Corridor, outside of the Polk Street NCD to the west.
- 4. **Project Description.** The project sponsor proposes to establish a Restaurant Use (D.B.A. Fresh Spin by Lefty O'Doul's) within an approximate 1,500 square-foot ground-floor commercial tenant space that has been vacant since May 2011 and was last occupied by a liquor store. As currently proposed, the restaurant would operate until 12 a.m. daily and would offer a variety of menu items for take-out and sit-down dining. The restaurant would also offer on-sale beer and wine with a Type 41 alcohol license, which only allows for on-sale beer and wine sales. No exterior alterations are proposed to any character-defining features of the building and no expansion of the tenant space would be necessary as part of the project. Replacement of the storefront system in existing

openings and replacement of select windows on the Pine Street elevation would be required to replace rotted wood storefront and window components with powder-coated aluminum components. Signage that currently covers transom windows would also be removed to reveal historic transom windows.

- 5. Public Comment. To date, the Department has received three letters of support from neighborhood organizations including the Lower Polk Neighbors, the United Residents and Merchants of Polk and the Community Leadership Alliance. The Department has also received nine letters of support from nearby businesses in the Polk NCD and a petition containing 75 signatures in support. No communications have been received in opposition of the request.
- 6. **Planning Code Compliance:** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:
 - A. **Use.** Planning Code Section 723.44 states that within the Polk Street NCD, Conditional Use Authorization is required for a Restaurant Use, as defined by Planning Code Section 790.91.

The Project Sponsor is requesting Conditional Use Authorization to establish a Restaurant Use at the ground-floor of the Project Site within the Polk Street NCD.

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

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

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

The business does not propose to host any activities defined as Other Entertainment by Section 790.38.

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

The occupied floor area of the restaurant measures less than 5,000 square, therefore, the business does not require any off-street parking.

E. Street Frontage in Neighborhood Commercial Districts. Section 145.1 of the Planning Code requires that 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.

Nearly the entire storefront at the Project Site consists of clear glazing with unobstructed views into the interior of the tenant space. As part of the Project, the storefront system would be replaced. The glazing in the replacement storefront system would not be obscured and would continue to allow unobstructed views into the interior of the tenant space.

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

The Project has been found to be desirable as it would promote the establishment of a locally-owned business and would contribute to the vitality of the overall Polk Street NCD by activating a prominent, corner commercial tenant space that has been vacant for over one year. Furthermore, the project would remove a liquor store use from an area that currently has a high concentration of liquor stores. The Project will compliment the mix of goods and services currently available in the district by offering neighborhood residents and employees an additional dining option.

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

of the project that could be detrimental to the health, safety or convenience of those residing or working the area, in that:

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

The size and shape of the site and the size, shape, and arrangement of the building are adequate for the Project. The Project would not physically expand the existing building.

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

The Planning Code does not require parking or loading for a 1,500 square-foot Restaurant Use. The proposed use is designed to meet the needs of the immediate neighborhood and should not generate significant amounts of vehicular trips from the immediate neighborhood or citywide.

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

The proposed use is subject to the standard conditions of approval for Restaurants as outlined in Exhibit A. Condition 8 specifically obligates the project sponsor to mitigate odor generated by the Restaurant Use.

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

The project does not propose exterior tenant improvements beyond storefront and window replacement. The Department shall review all lighting and signs proposed for the new business.

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

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

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

The Polk Street NCD functions as neighborhood-serving marketplace, providing convenience and specialty goods and services to residents in the Polk Gulch, Nob Hill, Russian Hill and Pacific Heights areas. The proposed restaurant would provide a convenience to residents and employees of the area.

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

NEIGHBORHOOD COMMERCE

Objectives and Policies

OBJECTIVE 1:

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

Policy 1.1:

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

Policy 1.2:

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

Policy 1.3:

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

The proposed development will provide desirable goods and services to the neighborhood and will provide resident employment opportunities to those in the community. Further, the Project Site is located within a Neighborhood Commercial District and is thus consistent with activities in the commercial land use plan.

OBJECTIVE 2:

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

Policy 2.1:

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

The Project will establish a locally-owned business and will enhance the diverse economic base of the City.

OBJECTIVE 6:

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

Policy 6.1:

Ensure and encourage the retention and provision of neighborhood-serving goods and services in the city's neighborhood commercial districts, while recognizing and encouraging diversity among the districts.

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

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

Eating and Drinking Establishments

Eating and drinking establishments include bars, sit-down restaurants, fast food restaurants, self-service restaurants, and take-out food. Associated uses, which can serve similar functions and create similar land use impacts, include ice cream stores, bakeries and cookie stores. Guidelines for eating and drinking establishments are needed to achieve the following purposes:

- Regulate the distribution and proliferation of eating and drinking establishments, especially in districts experiencing increased commercial activity;
- Control nuisances associated with their proliferation;
- Preserve storefronts for other types of local-serving businesses; and
- Maintain a balanced mix of commercial goods and services.
- The regulation of eating and drinking establishments should consider the following:
- Balance of retail sales and services;
- Current inventory and composition of eating and drinking establishments;
- Total occupied commercial linear frontage, relative to the total district frontage;
- Uses on surrounding properties;
- Available parking facilities, both existing and proposed;
- Existing traffic and parking congestion; and
- Potential impacts on the surrounding community.

There is a concern with the potential over-concentration of food-service establishments. The Commerce and Industry Element of the General Plan contains Guidelines for Specific Uses. For eating and drinking establishments, the Guidelines state, "the balance of commercial uses may be threatened when eating and drinking establishments occupy more than 20% of the total occupied commercial frontage." While over 20% of the Polk NCD currently exceeds the threshold recommended by the General Plan, a number of vacant storefronts currently exist in the Polk Street NCD. The proposed restaurant does not appear that it would preclude a neighborhood-serving retail use to be established in the subject commercial tenant space based on the existing

storefront vacancies in the area, and further, would not disrupt the balance of uses in the Polk Street NCD.

Policy 6.2:

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

An independent entrepreneur is sponsoring the proposal. The proposed use is a neighborhood serving use. This is not a Formula Retail use.

- 9. **Planning Code Section 101.1(b)** establishes eight priority-planning policies and requires review of permits for consistency with said policies. On balance, the project does comply with said policies in that:
 - A. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses be enhanced.

The proposal would enhance the district by providing a locally-owned restaurant that creates employments opportunities for the community.

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

No dwelling units are located on the subject property. The project would enhance the mix of businesses and increase the number of dining choices offered in the area. The business will occupy a storefront that is currently vacant, and will enhance the commercial vitality of the neighborhood.

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

No housing is removed for this Project.

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

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

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

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

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

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

G. That landmarks and historic buildings be preserved.

The subject building was originally constructed in 1921 and is considered a potential historic resource pursuant to the Planning Department's Preservation Bulletin No. 16. No exterior alterations are proposed to any character-defining features of the building and no expansion of the tenant space would be necessary as part of the project. Replacement of the storefront system and select windows would be required to replace rotted wood storefront and window components with powder-coated aluminum. Signage that currently covers transom windows would also be removed to reveal historic transom windows.

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

The project will have no negative impact on existing parks and open spaces.

- 10. The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would contribute to the character and stability of the neighborhood and would constitute a beneficial development.
- 11. The Commission hereby finds that approval of the Conditional Use authorization would promote the health, safety and welfare of the City.

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Application No. 2011.1232C** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated June 1, 2012, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion No. XXXXX. The effective date of this Motion shall be the date of this Motion if not appealed (After the 30-day period has expired) OR the date of the decision of the Board of Supervisors if appealed to the Board of Supervisors. For further information, please contact the Board of Supervisors at (415) 554-5184, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on June 21, 2012.

Linda D. Avery		
Commission Secretary		
AYES:		
NAYS:		
ABSENT:		

June 21, 2012

ADOPTED:

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to allow a Restaurant Use (d.b.a. Fresh Spin by Lefty O'Doul's) located at 1401 Polk Street, Block 0646, and Lot 004 pursuant to Planning Code Sections 303 and 723.44 within the Polk Street Neighborhood Commercial District and an 80-A Height and Bulk District; in general conformance with plans, dated June 1, 2012, and stamped "EXHIBIT B" included in the docket for Case No. 2011.1232C and subject to conditions of approval reviewed and approved by the Commission on June 21, 2012, under Motion No. XXXXX. 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 June 21, 2012, under Motion No XXXXX.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. XXXXX 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, <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

DESIGN

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

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

MONITORING

4. **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

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5. **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

6. 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

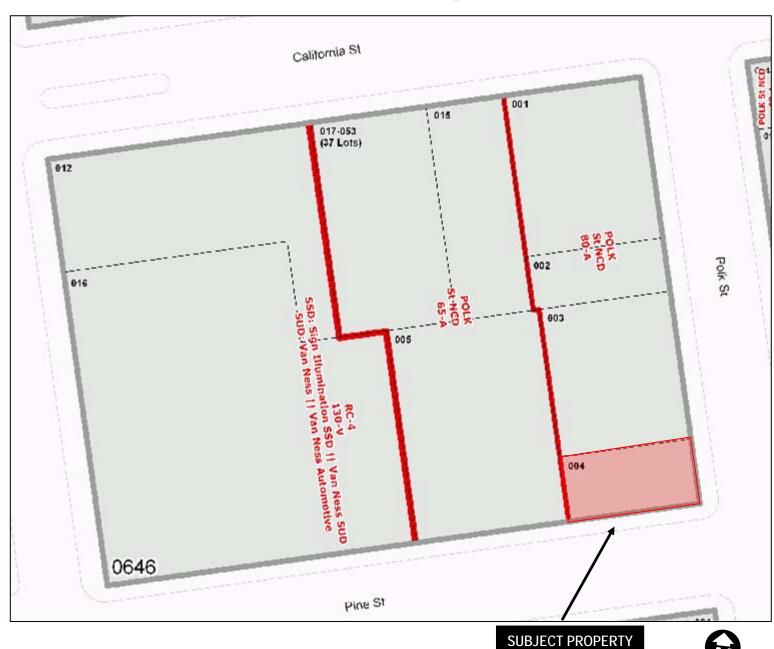
- 7. Sidewalk Maintenance. The Project Sponsor shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean and sanitary condition in compliance with the Department of Public Works Streets and Sidewalk Maintenance Standards. For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works, 415-695-2017, https://sfdpw.org/
- 8. **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-
- 9. 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.

planning.org

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

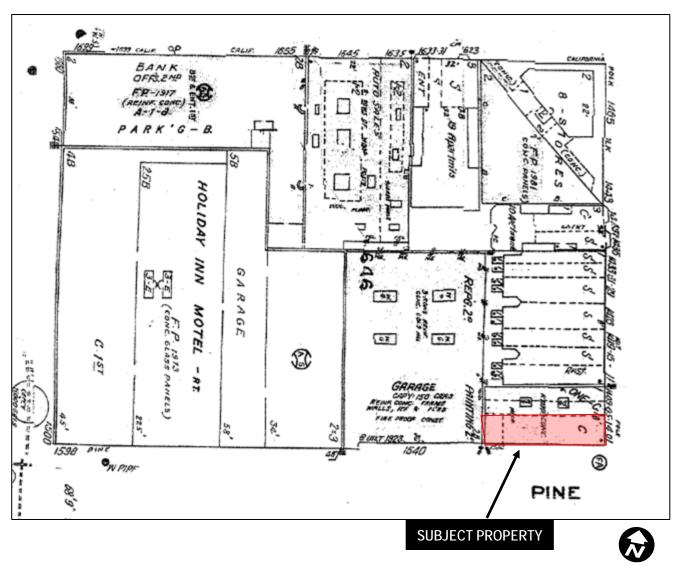
Parcel Map





Case Number 2011.1232C Restaurant 1401 Polk Street

Sanborn Map*



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

Case Number 2011.1232C Restaurant 1401 Polk Street

Aerial Photo

West-Facing



SUBJECT PROPERTY



Aerial Photo

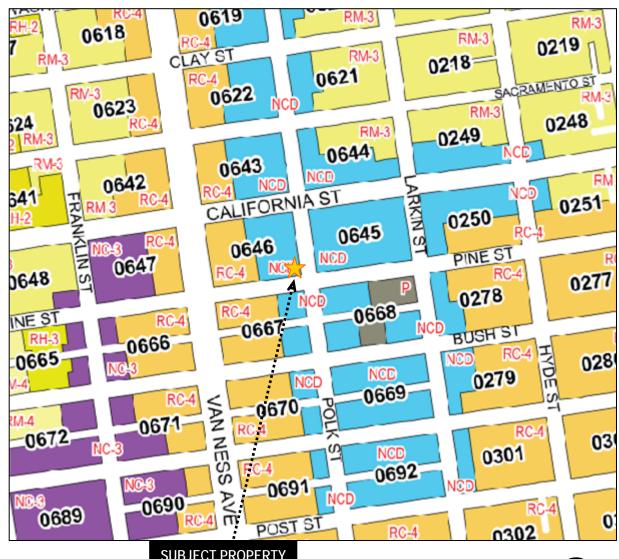
North-Facing



SUBJECT PROPERTY



Zoning Map



SUBJECT PROPERTY



Case Number 2011.1232C Restaurant 1401 Polk Street

LOWER POLK NEIGHBORS



January 18, 2012

Mr. Aaron Hollister, Planner San Francisco Planning Department 1650 Mission Street, Suite 400 San Francisco, CA 94103-2479

RE: 1401 Polk Street [Lefty O'Doul's / Lefty's Fresh Spin]

Dear Mr. Hollister:

I am following up on a letter sent to you dated December 15, 2011 concerning 1401 Polk Street.

At our regular community meeting [January 11, 2012] **Lower Polk Neighbors** [LPN] voted overwhelmingly in support of Lefty O'Doul's [now apparently being called "Lefty's Fresh Spin"] move into the vacant space at 1401 Polk Street. The vast majority of our members felt Lefty's would be a good addition to our community.

We understand that the fast food restaurant would be selling beer and wine to its food customers only; no beer or wine without food. We also understand that their closing hours would be 12 midnight; this was a welcome and a much appreciated concession by the owners.

With regards,

Ron Case, Chairman Lower Polk Neighbors

Cc: Ms. Kelly Walter, Kelly Walter Designs Supervisor David Chiu



To aaron.hollister@sfgov.org

cc plantedbytheriver@artabet.net

bcc

Subject Re. Lefty O'Doul's at 1401 Polk Street

To: Aaron Hollister, Planner, San Francisco Planning Department

Mr. Hollister,

United Residents and Merchants of Polk (U.R.M.P.) is the organization of approximately 40 residents and merchants operating within Polk corridor since 2007. URMP is fully registered with the City of San Francisco and the state of California.

We believe that the proposed use of premises on 1401 Polk street would be beneficial to the community. This space was vacant for approximately one year and the previous tenant is no longer in business. The planned use is compatible, necessary and desirable with the surrounding community.

We are informed that the 'to become' tenant proposed the use of the property till 12 midnight and this reconfirms that it is a bona fide restaurant and also demonstrates the willingness of the owner to work with the neighborhood.

The owner, Nick Bovis, is well known for his community involvement and generosity and has long established good will.

He is a brave man and crime fighter too. He was the one who notified SFPD about 1965 Picasso sketch theft six months ago.

He provided critical evidence and video which allowed police to recover the historic picture and capture the thief.

This location used to be a Type 21 off premise license, Barcelona Liquors, and this proposed use is more suitable or the neighborhood.

Sincerely, Tony Galetta Vice President URMP

United Residents and Merchants of Polk



2-16-2012

Mr.Aaron Hollister San Francisco Planning Department 1650 Mission Street, Suite 400 San Francisco, CA. 94103-2479

Re: 1401 Polk Street [Lefty O'Douls/Lefty's Fresh Spin]

Dear Mr. Hollister-

I am writing on behalf of the Community Leadership Alliance [CLA], a city wide neighborhood services-community outreach organization made up of residents and merchants. Our organization now serves the residents and merchants of San Francisco's city district three's Nob Hill and Polk Corridor. We facilitate each month a community outreach-informational forum for the Nob Hill-Polk Corridor residents-merchants.

At our special community outreach meeting of February 13, 2012 we heard a very thorough presentation by a representative for **1401 Polk Street, Lefty O'Douls/Lefty's Fresh Spin Restaurant.** It was explained to our constituency that the proposed restaurant plan would be selling beer-wine to its food customers only.

On February 15, 2012 our board met to discuss and to thoughtfully consider the **1401 Polk Street, Lefty O'Douls/Lefty's Fresh Spin project.** Our board unanimously voted to support, and feels that this proposed restaurant would be a great asset to the community, contributing greatly to the revitalization efforts on the Polk corridor.

If you should require any further information please do not hesitate in contacting us.

Sincerely
David J.Villa-Lobos, Executive Director
www.communityleadershipalliance.net
415-921-4192

cc: Ms.Kelly Walter, Kelly Walter Design

Dear Members of the San Francisco Planning Commission,

Renale Hun, W

I am the owner of Hiura Optometrists on 1418 Polk Street. I would like to take the time to lend my endorsement for a proposed Lefty O'Doul's at the vacant corner of 1401 Polk St . I feel that the location is ideal for an eatery in an area that has been neglected by business investment in the past. Replacing a liquor store with a new and clean restaurant would attract new customers into the area and hopefully attract further investment. For these reasons, I urge the planning commission to approve the conditional use permit that is being proposed by Lefty O' Doul's.

Ronald Hiura OD

1356 POIK To Planning Commission, SF CA 94109 415 440-4360 My NAME is BRIEN KrAMER, LOWN And operate Fourth Wave Coffee. We are located at 135.6 Polkst, kiddy corner from what was BACELONA LIQUORS, 1401 Polk. IN MY OPINION the last thing this Area needs is another ligor store. A Lefty O'Dool's would be A welcome Addition to the AREA. I feel hefty D'Poul's will bring A positive clientele to my business! And the other businesses I in the AREA. And the other businesses I in Kirmin on BRIEN Kramer

To the Planning Commission

I am supporting the conditional use permit at 1401 Polk Street. Lefty O'Douls Restaurant will fill a vacancy on Polk and bring more pedestrian traffic along the Lower Polk area.

Pho Vietnam San Francisco

Kim Nguyen (owher)



1406 Polk Street San Francisco, CA 94109

Open 7 days a week Mon - Sun: 10am - 10pm

To the Planning Commission

Re: I urge support for the conditional use process permit for 1401 Polk St.

Dear Planning Commission,

I am the owner operator of Max Muscle located at 1346 Polk St. I support the conditional use permit at 1401 Polk St. Lefty O'Douls Restaurant would generate a nice pedestrian traffic along the Lower Polk Area. This would compliment my business and fill a vacancy at Polk and Pine. Replacing a liquor store with a respectable eatery would be a nice fit for the neighborhood.

I support this with one condition that they will serve food continuously while they are open for business.

Chanh Pham



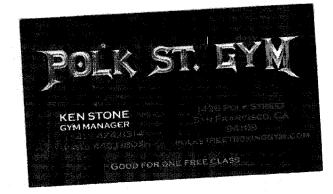
Chanh Pham Certified Sports Nutrition Coach

1346 Polk St. @Pine, San Francisco, CA 94109 Tel: (415) 931-3920, Fax: (415) 931-2951 maxmuscleonpolk @mail.com www.maxmuscleonpolk.com

Mon-Fri 10am-8pm; Sat 11am-7pm

Tolk So. Boxing Las been Like
for Yyears and we would
welcome Lefty O'dorle's as
a positive affection to the

La Rove



Planning Commission

Re We support the Conditional Use permit 1401 polk St. is CURRELLY VacaNt, Vacancy causes a lot of Social problems. Haring a Nice Restaurant Will provide le Right Sy Nexy for the Street



BIG TIMES

GRAFFIX - CLOTHING - BODY PIERCING - SILVER JEWELRY POSTERS - NOVELTIES - SHOES - LEATHER - CIGARETTES

Tel (415) 409 2909 Fax (415) 409 2399 1444Polk Street San Francisco California 94109

E-mail: JEET415@SBCGLOBAL-Net

Charant M

Dear Planwing Commission,
I am the manager of Bay Aveq Transmissions. & Auto at 1545

The st. I support the use Permit at 1401 Polk St.

Would Scherabe a nice Foot traffic to my transmission shop. It is good for my staff and all my Customer. I hope this will Give move business for me and my Transmission shop.

I hanus.

591



1545 Pine St. San Francisco, CA 94109 Tel: 415.567.9255 Fax: 415.567.9290 Daniel Elgensaur Frank shu Repain - 1619 polk ST Dem Planning Commission,

I Am the owner of FRANK'S shoc Repair on 1619Polk st cross SACRAMULO and CIAY. We need Responsable Business in the community. Place support the conditional use permit at 1401 Polk at Pine Street. People who oppose Principally permitted uses under mine the economy. My business crooks 3 jobs. This Business crooks at least 15 jobs. Jobs are important.

Ginconely,



Since 1934

Sa

Instant Shoe Repair
1619 Polk Street
Between Sacramento & Clay
San Francisco, CA 94109
(415) 775-1694

	(415)	775-1694	8:30 a.m 7 p
THE H	EEL CLUB	- 8TH PAIR	FREE

Luscious wear
1410 polic St. San Francisco
11-14-11

To the planning Commission

Re: Jaupport, Cu for 1401 polic Street,

I have hefty o'dowls to open
another Restaurant in the Lower polic

area. This San Francisco Legendery

Restaurant will bring a better crowd

thad business here for 16 years old welcome

welcom Lefty's to the area.

Luscious Wear Westcoast

FINE LINGERIE

Fashion Designer/ Buyer/ Manager

EMMA SMITH

1410 Polk St., San Francisco, CA 94109 Tel (415) 440-0172 Fax (415) 440-0173

www.lusciouswear.com E-mail: esmith@lusciouswear.com Thank you Emma Smith

PETITION

WE, THE UNDERSIGNED, SUPPORT LEFTY O'DOUL'S APPLICATION FOR A CONDITIONAL USE PERMIT IN ORDER TO OPERATE A BONA FIDA SELF-SERVICE RESTAURANT AT 1401 POLK STREET, WITH A SEATING CAPACITY OF 49, TO BE OPEN DAILY 10 AM – 12 MIDNIGHT. WE SUPPORT LEFTY O'DOUL'S APPLICATION FOR A TYPE 41 BEER & WINE LICENSE ONLY.

	Name (Print)	Address	Signature
1.	Happy Kramer	2601-18 Ave	Tapp France
2.	Karin Haskell	2601-18t Ave	Kan Vastel
3.	Kristine Desnochers	151 Alice B. Tokles	#812
4.	Sarah Davi	2222 41st Ne	Shan
5.	Caleigh Davis	2222 41st Ave	Calligh Davis
6.	Berni Curran	21 Escendido Au	The
7.	I. W. Klein	1001 Franklin - SF	J. N. Klein
8.	DAVID R Johnson	122 DETROIT ST SF.	DoiDRIN
9.	Damon Robertson	248 Scatt St SFCA 94117	Duk
10.	Matt Bufts	130 FLOOD SF 94114	is Made ABella
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	Jill Abrams	2121 Laguna ST SF	Till abrania
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	Name (Print)	Address	Signature
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1.	lan Mc Cuaig	1626 Pierre SF 94115	flan h Creacy
2.	Ashlen Berenda	745 Pine St SF	Oberenda
3.			J. Fred
4.	Frina Beck	1122 Sutter StSF 94109	W/// L
5.	Nicholas Marquer	101 HTaest	- 12 Miller Miller
6.	Nick Wolff	1351 California St. #7 94109	
-	Lucef Lock	1040 Leavenworth #102	44109 May July
7.	MIKE CAROZZA	37 BERNARD ST	Mal 1975
8.		1405 Uto de	
9.	William Bigelow		- Q
10.	SUSAN PARERIN.	2805 VAN NESS AVE	
11.	DAMIAN ORDUNA	1471 B 46th AVE	M
	JEWNIFFER MASKON		James Park
12.		(240 Carifornia tal	Jes lue
13.	Jason Granch	en e	Chir Onhan
14.	ENCORE KARAGE		001101
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	Name (Print)	Address	Signature
1.	anna Panitz	1395 Golden Gate Ave # 50 SF CA 94/15	an firth
2.	LOJUNA MARCHESANO	1845 Franklin Str 6001 ST CA 9410	
3.	James Heah	1907 Lancon St # 1 SF 9416	
4.	Timothy Wideld	1299 Buch St #601 05 94109	
	Adrienne Gabour	and the second s	
5.	Munix Suleima	O GU	
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7.	Tim Myers		Cholos
8.	Catherine Chau		
9.	Inlia Bernstei		
10.	Joe KINALO;	947 ByshSt#120 SF9410	
11.	Christyle Daso	210 Mooner Ne St The C	
12.	MICHAEL GREEN	1241 BUSH ST 94109	manuf de de
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	Name (Print)	Address	Signature
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	New Burns	235 Beny St.	Mel Juo.
2.	LACU SEDOVIC	11109 Market St.	Xacy MACOR
3.	20.09		Tours &
4.	Jony DuShane	010 GENRY ST	
5.	EMMA WERNHAM	957 GUTTER	Aung Mu
6.	Paul Snow	2494 22nd ave	The trace
7.		585 Herst ##1 (
	Michelle Porter	2124 Berkely CA	Mohelle For
8.		1230 martet st	MA
9.	Nigheles MArquer	850 Brownie 194511	Tour Cloth
10.	Jaurie Chelon	1132 Otto of Ours of	Till Man a
11.	Rita Mechan	2433 HORST 94/09	THE MICHEL
12.	NICK BAUM	1483 SUTTER ST 941	09 Night
	JONATHAN ISAAKA	303 2 NO ST. SF 94107	/ gift
13.		660 Bush St. Apt 502	/ Ch/2
14.	Calle Hokambe	San Francisco, CA	
		94108	

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	Name (Print)	Address 1092 Post	00
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	off Brens	2133 17th AUE	The Ages
2.	Janessa Christie	2869 22d St. SF	Varieta
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5.	Bob Blakely	P.CB193673 SM	John Jonish
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7.	Promolly Reeve	851 Hbst 54	DON: PANA A
	Pelle Kirkeby	851 Post St.	Though Removal
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9.	Fran BARGOT	1374- 34h Ar 9413	27 /149
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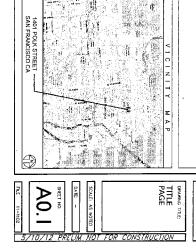
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SEPARATE PERMIT SHALL BE SOUDHT FOR SIGNASE, ALL PLANS, CONNECTIONS DETAILS, SPECIFICATIONS, ETC WILL BE PRESENTED FOR BUILDING AND PLANNING DEPARTMENT REVIEW UNDER SEPARATE PERMIT.

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1401 POLK STREET SAN FRANCISCO CA

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SAN FRANCISCO COUNTY EIN, HEALTH 1390 MARKET STREET #210 SAN FRANCISCO, CA (415) 554-6390

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CITY OF SAN FRANCISCO 1660 MASSION STEET SAN FRANCISCO, CA (415) 558-6088

(SAN FRANCISCO BUILDING CODE EXP: nm) RECUIRED EXITS FROM INTERIOR TENANT AREA (CBC 1004.3.2.2 UNDER 50 DCCUPANTS)

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SQ FT ANALYSIS:

FACT LOAD

BUILDING DEPT:

CITY OF SAN FRANCISCO 1660 MISSION STEET SAN FRANCISCO, CA (415) 558-6378

OCCUPANCY GROUP --- B

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WORKS

SAN FRANCISCO PUBLIC WORKS DEPT 1 DR CHARLES B GOODLET PLACE #348 SAN FRANCISCO, CA 94102 (415) 554-8928

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MAP

TOTAL LEASE SPACE

BBREVIATIONS

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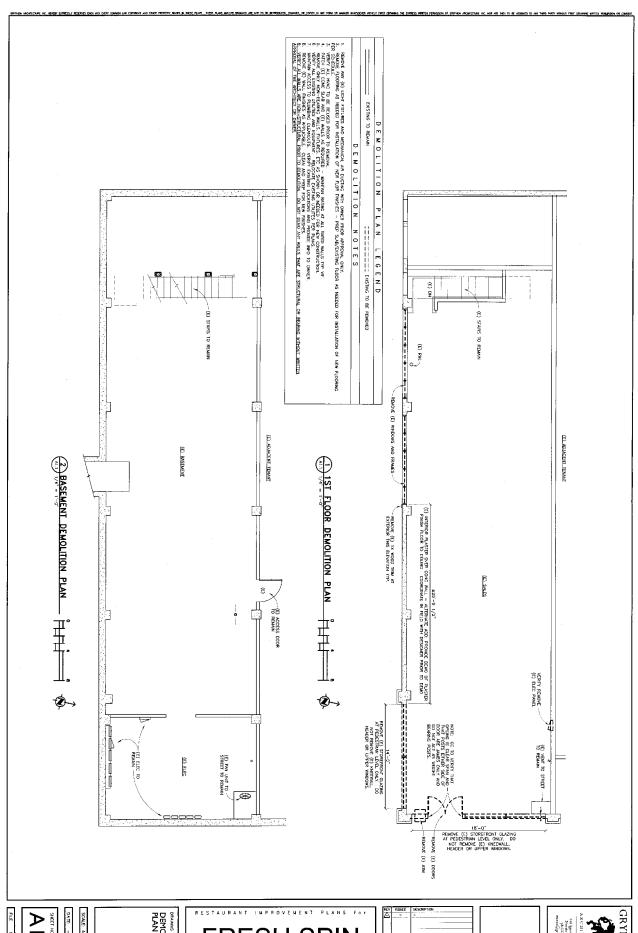
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REFLECTED CEILING PLAN

EXTERIOR ELEVATIONS - EXISTING EXTERIOR ELEVATIONS - PROPOSEE BUILDING SECTIONS FLOOR PLAN AND DETAILS







FRESH SPIN
1401 POLK STREET SAN FRANCISCO CA





