

SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Conditional Use

HEARING DATE: FEBRUARY 2, 2012

Date: January 26, 2012
Case No.: **2011.1233C**

Project Address: 2255 POLK STREET

Zoning: Polk Street Neighborhood Commercial District

65-A Height and Bulk District

Block/Lot: 0550/001 Project Sponsor: Ceri Smith

1415 Green Street

San Francisco, CA 94109

Staff Contact: Kevin Guy– (415) 558-6163

kevin.guy@sfgov.org

Recommendation: Approval with Conditions

PROJECT DESCRIPTION

The sponsor proposes to establish a full-service restaurant, including an outdoor seating area along the Polk Street sidewalk. The proposal includes interior tenant improvements, however, the size of the tenant space and the overall exterior configuration of the storefront would not change. The tenant space measures approximately 350 square feet. The restaurant would offer beer and wine, but the sponsor does not propose to offer liquor.

SITE DESCRIPTION AND PRESENT USE

The project is located at 2255 Polk Street, on the west side of Polk Street between Green and Vallejo Streets, Block 0550, Lot 001, within the Polk Street Neighborhood Commercial District ("NCD") and the 65-A Height and Bulk District. The property is developed with a single-story commercial building that also has frontage on Green Street, containing a wine store, a beauty salon, and a dry cleaning establishment. The subject tenant space is currently vacant, but was previously occupied by a clothing boutique.

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 multi-story buildings are generally occupied by 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.

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

Reception: 415.558.6378

Fax:

415.558.6409

Planning Information: 415.558.6377

CASE NO. 2011.1233C 2255 Polk Street

Executive Summary
Hearing Date: February 2, 2012

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	January 13, 2012	January 13, 2012	20 days
Posted Notice	20 days	January 13, 2012	January 13, 2012	20 days
Mailed Notice	10 days	January 23, 2012	January 11, 2012	22 days

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

PUBLIC COMMENT

• The Department has received numerous communications in support of the project that praise the operation of an existing wine store operated by the project sponsor, as well as the diversification of dining options in the area. The Department has received no communications in opposition to the project.

ISSUES AND OTHER CONSIDERATIONS

The Commerce and Industry Element of the General Plan contains Guidelines that discourage the overconcentration of eating and drinking establishments within NCD's. While the overall Polk Street corridor contains a substantial number of restaurants, the size of the proposed use is modest, and is smaller than most tenant spaces on the subject block. The tenant space is vacant, therefore, the project would not displace an existing retail business providing convenience goods and services to the neighborhood.

REQUIRED COMMISSION ACTION

In order for the project to proceed, the Commission must grant conditional use authorization to allow the establishment of a full-service restaurant within the Polk Street NCD, pursuant to Planning Code Sections 303 and 723.42.

BASIS FOR RECOMMENDATION

- The project promotes the establishment of a locally-owned business and contributes to the viability of the overall Polk Street NCD.
- The project would not displace an existing retail tenant.
- The outdoor seating area would activate and enliven the Polk Street sidewalk.
- 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.

CASE NO. 2011.1233C 2255 Polk Street

RECOMMENDATION:

Approval with Conditions

Attachments:

Block Book Map

Sanborn Map

Photographs

Zoning Map

Public Correspondence

Project Sponsor Submittal

Attachment Checklist

Executive Summary		Project sponsor submittal			
Draft Motion		Drawings: Existing Conditions			
Environmental Determination		Check for legibility			
Zoning District Map		Drawings: Proposed Project			
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 Housin Affidavit for Compliance	g Program:		
Site Photos		•			
Exhibits above marked with an "X" are included in this packet					
		Planne	er's Initials		

KG: G:|Documents|Projects|2255 Polk|2011.1233C - 2255 Polk - Exec Sum.doc



SAN FRANCISCO PLANNING DEPARTMENT

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: FEBRUARY 2, 2012

Date: January 26, 2012 Case No.: **2011.1233C**

Project Address: 2255 POLK STREET

Zoning: Polk Street Neighborhood Commercial District

65-A Height and Bulk District

Block/Lot: 0550/001 Project Sponsor: Ceri Smith

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ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 303 AND 723.42 OF THE PLANNING CODE TO ALLOW A FULL-SERVICE RESTAURANT (D.B.A. TO BE DETERMINED) WITHIN THE POLK STREET NEIGHBORHOOD COMMMERCIAL DISTRICT AND THE 65-A HEIGHT AND BULK DISTRICT.

PREAMBLE

On November 2, 2011, Thomas Pippin, acting on behalf of Ceri Smith ("Project Sponsor") filed an application with the Planning Department ("Department") for Conditional Use Authorization under Planning Code Section(s) 303 and 723.42 to allow a full-service restaurant (d.b.a. to be determined) within the Polk Street Neighborhood Commercial District and the 65-A Height and Bulk District (Case No. 2011.1233C, "Project").

On February 2, 2012, the San Francisco Planning Commission ("Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2011.1233C.

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

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

MOVED, that the Commission hereby authorizes the Conditional Use requested in Application No. 2011.1233C, 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 2255 Polk Street, on the west side of Polk Street between Green and Vallejo Streets, Block 0550, Lot 001 ("Project Site"). The property is located within the Polk Street Neighborhood Commercial District ("NCD") and the 65-A Height and Bulk District. The property is developed with a single-story commercial building that also has frontage on Green Street, containing a wine store, a beauty salon, and a dry cleaning establishment. The subject tenant space is currently vacant, but was previously occupied by a clothing boutique.
- 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 multi-story buildings are generally occupied by residential units. Larger scale retail uses, tourist hotels, and residential uses are situated along the Van Ness Corridor, outside of the Polk Street NCD to the west.
- 4. Project Description. The applicant proposes to establish a full-service restaurant, including an outdoor seating area along the Polk Street sidewalk. The proposal includes interior tenant improvements, however, the size of the tenant space and the overall exterior configuration of the storefront would not change. The tenant space measures approximately 350 square feet. The restaurant would offer beer and wine, but the sponsor is not proposing to offer liquor.
- 5. **Public Comment**. The Department has received numerous communications in support of the project that praise the operation of an existing wine store operated by the project sponsor, as well as the diversification of dining options in the area. The Department has received no communications in opposition to 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. **Use.** Planning Code Section 723.42 states that, within the Polk Street NCD, Conditional Use Authorization is required for a Full-Service Restaurant, as defined by Planning Code Section 790.92.

The Project Sponsor is requesting Conditional Use authorization to establish a Full-Service Restaurant. As part of the project, the sponsor proposed to install two outdoor tables and with four seats. Through interpretations of the Planning Code, the Zoning Administrator has determined that up to eight chairs of sidewalk seating can be considered a "de minimus" addition to a restaurant, and is a convenience and neighborhood amenity. Accordingly, the addition of "de minimus" sidewalk seating does not require separate Conditional Use authorization as a distinct use.

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

The Project Sponsor does not propose operation between the hours of 2:00AM to 6:00AM. Therefore, the business would continue to operate during hours which are principally permitted within 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 feet, 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 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.

Nearly the entire storefront at the Project Site consists of clear glazing with views into the interior of the tenant space. As part of the Project, the existing entry door would be upgraded to accommodate access for the disabled. However, the Project would not modify the overall configuration of the storefront.

- F. **Signage**. The proposed business does not have a name as of this writing. 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 is desirable because it will allow for the establishment of a new business that will diversify the dining options within the Polk Street corridor. While the overall Polk Street corridor contains a substantial number of restaurants, the size of the proposed use is modest, and is smaller than most tenant spaces on the subject block. The proposed full-service restaurant would not impact traffic or parking in the district because it would have a relatively small patron capacity, and is located within in area served by abundant transit options. The Project will compliment the mix of goods and services currently available in the district and contribute to the economic vitality of the neighborhood by removing a vacant storefront.

- 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. While the new outdoor seating would be located within the public right-of-way, the seating area is relatively small and would not impede pedestrian movement.

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 350 square-foot full-service restaurant. The Project 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 full-service restaurants and outlined in Exhibit A. Condition 7 specifically obligates the project sponsor to mitigate odor generated by the restaurant use. Due to the small size and patron capacity of the restaurant, the Project is not expected to generate substantial amounts of noise.

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

Aside from upgrading the existing entry door to accommodate disabled access, the proposed full-service restaurant does not require any exterior tenant improvements. 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 a 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 NCD is further described in Section 723.1, which states that commercial uses are generally located on the ground floor of buildings. The regulations of Section 723 are intended to, "...limit new eating, drinking, and other entertainment...uses, which can produce parking congestion, noise, and other nuisances or displace other types of local-serving convenience goods and services." While the Polk Street corridor hosts a number of restaurants, the size of the proposed use is relatively small. Establishment of the business would not foreclose substantial opportunities for other retail businesses providing convenience goods and services. The installation of outdoor seating will

contribute to the vitality of the sidewalk along Polk Street. The restaurant would occupy a storefront that is currently vacant, and will activate the streetscape.

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 new, 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. The proposed use is relatively small, and 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." Approximately 27 percent of the subject block face is currently occupied by

eating and drinking establishments. While this exceeds the threshold recommended by the General Plan, the proposed use is relatively small, and would not displace an existing retail business. The business would not occupy a large amount of commercial square footage, therefore, the Project would not foreclose opportunities for other retail businesses providing substantial convenience goods and services to the neighborhood.

Policy 6.2:

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

An independent entrepreneur is sponsoring the proposal. The proposed use 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, full-service restaurant that creates employment 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.

There are no dwelling units on the subject property. Given the small patron capacity of the proposed restaurant, the Project is not expected to generate substantial noise or traffic in a manner that would adversely affect the quality of life for residents in the area. The Project would diversify the mix of business 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 Polk Street corridor.

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.

Although there would be some interior tenant improvements to the subject commercial space, the Project does not involve any construction activities that would compromise the structural integrity of the existing building.

G. That landmarks and historic buildings be preserved.

Aside from upgrades to the entry door to accommodate disabled access, the Project would not modify the exterior of the building.

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. 2011.1233C** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated April 18, 2007, 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 February 2, 2012.

Linda D. Avery Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: February 2, 2012

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to allow a full self-service restaurant (d.b.a. to be determined) located at 2255 Polk Street, Block 0550, Lot 001, pursuant to Planning Code Sections 303 and 723.42 within the Polk Street Neighborhood Commercial District and the 130-E Height and Bulk District; in general conformance with plans, dated December 15, 2011, and stamped "EXHIBIT B" included in the docket for Case No. 2011.1233C and subject to conditions of approval reviewed and approved by the Commission on February 2, 2012 under Motion No XXXXXX. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

RECORDATION OF CONDITIONS OF APPROVAL

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on February 2, 2012 under Motion No XXXXXXX.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

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

SEVERABILITY

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

CHANGES AND MODIFICATIONS

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

Conditions of Approval, Compliance, Monitoring, and Reporting PERFORMANCE

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

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, <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 - AFTER ENTITLEMENT

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

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

 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. **Odor Control Unit.** In the event that a hooded range or other cooking equipment using open flame is installed, in order to ensure any significant noxious or offensive odors are prevented from escaping the premises once the project is operational, the building permit application to implement the project shall include air cleaning or odor control equipment details and manufacturer specifications on the plans. Odor control ducting shall not be applied to the primary façade of the building.

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

8. **Community Liaison.** Prior to issuance of a building permit to construct the project and implement the approved use, the Project Sponsor shall appoint a community liaison officer to deal with the issues of concern to owners and occupants of nearby properties. The Project Sponsor shall provide the Zoning Administrator with written notice of the name, business address, and telephone number of the community liaison. Should the contact information change, the Zoning Administrator shall be made aware of such change. The community liaison shall report to the Zoning Administrator what issues, if any, are of concern to the community and what issues have not been resolved by the Project Sponsor.

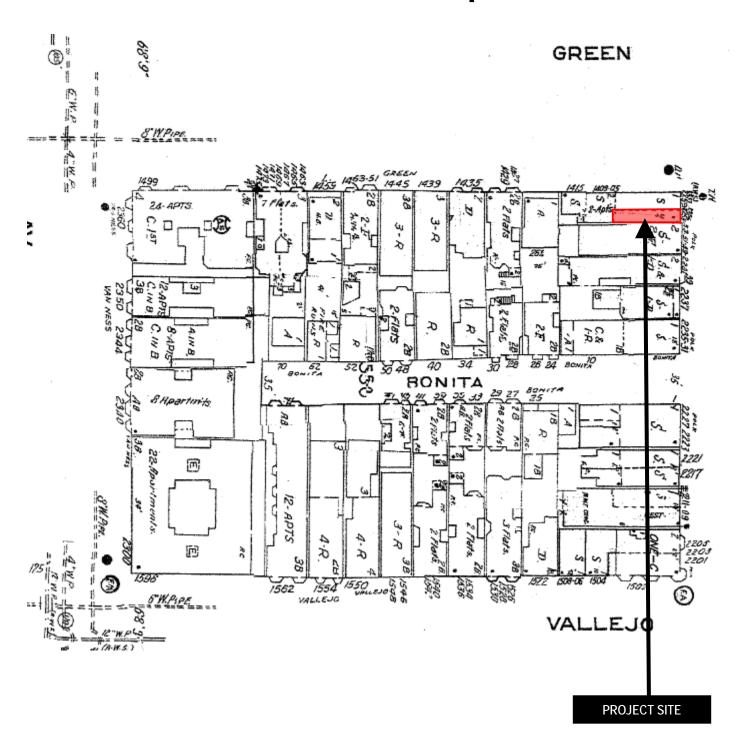
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

Parcel Map





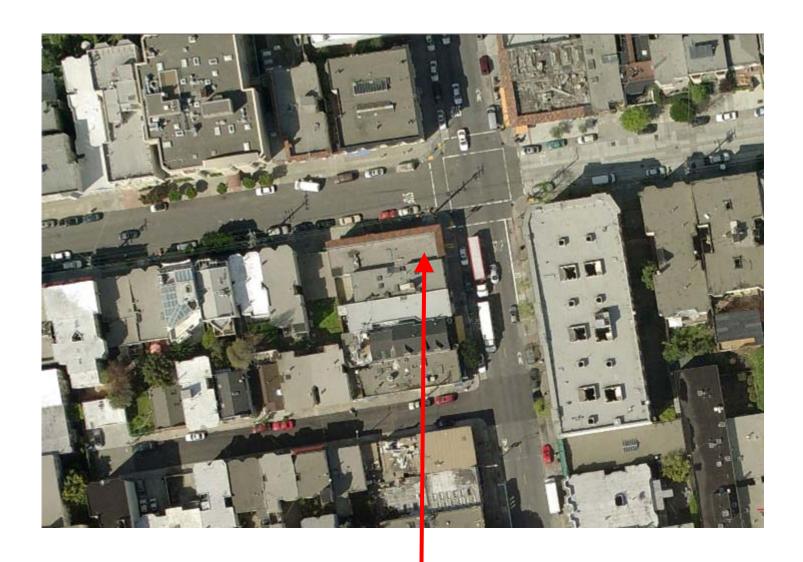
Sanborn Map*



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



Aerial Photo

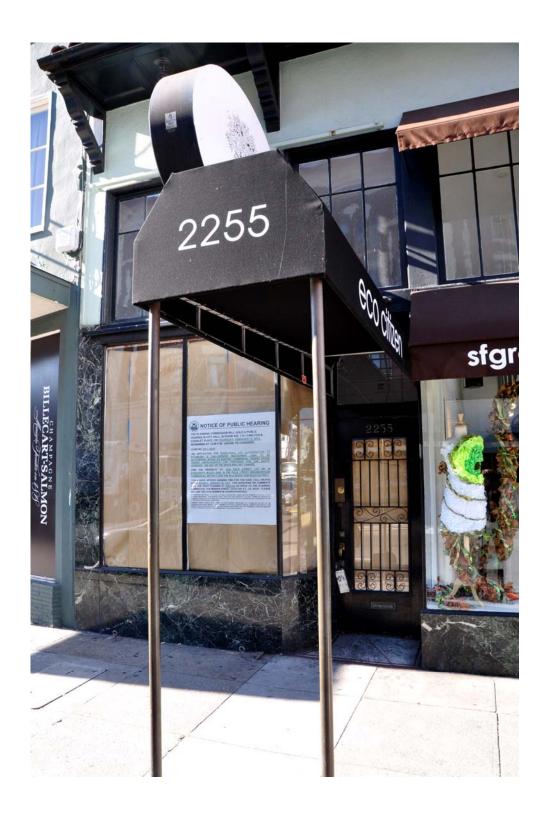


PROJECT SITE



Conditional Use Authorization Case Number 2011.1233C 2255 Polk Street

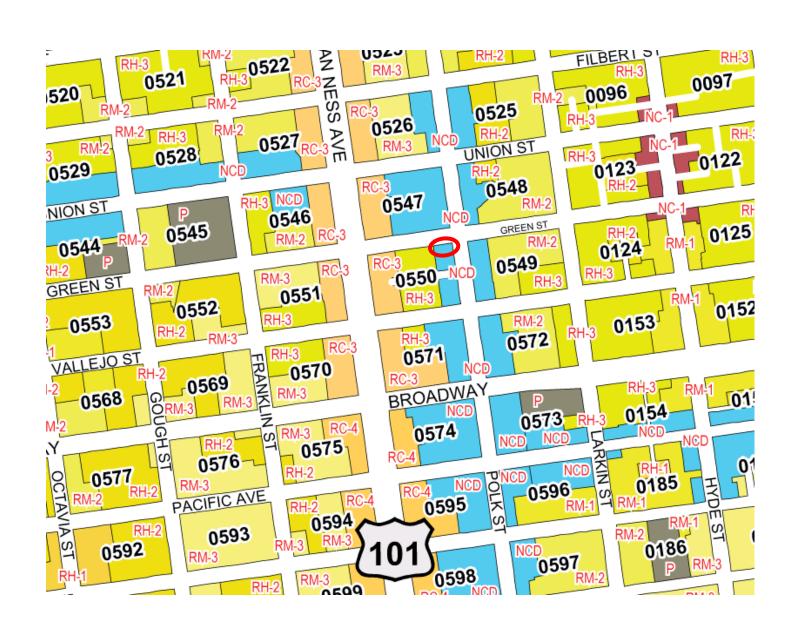
Site Photo

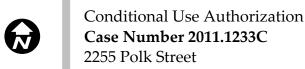




Conditional Use Authorization Case Number 2011.1233C 2255 Polk Street

Zoning Map





From: <u>Dawn Trennert</u>
To: <u>Kevin Guy</u>

Subject: 2011.1233C - 2255 Polk Street / Letter of Recommendation

Date: 01/23/2012 10:28 AM

MR. KEVIN GUY SAN FRANCISCO PLANNING DEPARTMENT

Re: Case Number 2011.1233C - 2255 Polk Street

Dear Kevin:

I hope the new year is treating you well and that things are off to a good start (in spite of the 49ers yesterday).

I'm writing to express my personal support of the 2255 Polk Street case. I have gotten to know one of the key partners on this project, Ms. Ceri Smith of Biondivino at 1415 Green quite well since she established her business. Ms. Smith is an outstanding businesswoman. Her shop is professionally staffed, innovative, interesting and a real plus for the area. I would expect no less in her new venture, which is just around the corner from Biondivino. Ms. Smith has always been very caring and supportive in community-related issues, further benefitting the Polk Corridor. I believe we would do well to have another local business inspired and directed by Ceri Smith.

Please include this personal letter of recommendation in the Planning file. Thank you.

Kindest regards,

Dawn S. Trennert

Dawn S. Trennert 1561 Sacramento Street San Francisco, CA 94109 314 0772 From: joannecalabrese
To: Kevin.Guy@sfgov.org

Subject: Biondivino - Case #2011.1233C

Date: 01/19/2012 05:03 PM

Mr. Guy,

As an avid customer of Biondivino on Green St., I am writing to let you know that I support the idea of expanding their business into a space at 2255 Polk Street. I have been a long time resident of Russian Hill and love to support our local shop owners --- and hope the city allows this business to expand as planned.

Sincerely,

Joanne Calabrese 1122 Green St. SF, CA 94109
 From:
 Anne Jude Kiesow

 To:
 kevin.guy@sfgov.org

 Subject:
 Case # 2011.1233c

 Date:
 01/25/2012 01:50 PM

Hello Kevin,

I am a resident and merchant on Polk Street. I am writing in regards to Ceri Smith's new restaurant location. Ceri is an exceptional gem in our neighborhood and I am thrilled to throw my support behind her new restaurant. As a I merchant I highly anticipate a boost in retail sales from the opening of a new boutique space in Russian Hill; foodies and non-foodies alike will be heading this direction for a taste of something new, and they will discover the other wonderful independent shopping we have on Polk Street. Furthermore, as a resident I am greatly looking forward to a new eatery!

Ceri is well-regarded in our community as a business owner, patron of other businesses, and a friend. I can say with confidence she has backing from the neighborhood. Please be in touch with any questions.

Sincerely,
-Anné Jude Kiesow
415-286-4427

From: <u>Jacques Marchand</u>
Sent By: <u>jcqsmarchand@gmail.com</u>
To: <u>Kevin.Guy@sfgov.org</u>

Subject: Case No. 2011.1233C - 2255 Polk St.

Date: 01/21/2012 03:59 PM

Please accept this email as a whole-heated endorsement of the application for a full service restaurant at 2255 Polk St. (Case No. 2011.1233C). One of the principles of the planned restaurant, Ceri Smith, has successfully run a nearby wine store for several years. Her business is a significant asset in my neighborhood--I live across the street, just around the corner from 2255 Polk. Her store is attractive and well-maintained, a welcome addition to the retail environment. Ms. Smith and her business are good neighbors in our bustling community.

I am confident the restaurant she plans for 2255 Polk St. will make a similarly desirable contribution to my community.

I urge the Planning Ciommission to approve the application.

Jacques Marchand 1438 Green St., 3F San Francisco, CA 94109 From: Anné Jude Kiesow

Sent By: <u>annebeautycompany@gmail.com</u>

 To:
 kevin.guy@sfgov.org

 Subject:
 Case number 2011.1233c

 Date:
 01/24/2012 07:11 PM

Hello Kevin,

Biondivino is an exceptional business in the Russian Hill neighborhood. The vast selection of high-end and reasonably priced wine attract clients from all over the city to shop in our neighborhood. Ceri Smith is a thoughtful, professional store owner who is known for her knowledge on wine. She has donated wine, tastings, time and support for many local causes. We couldn't ask for a better neighboring business. We often refer our clients (especially spa parties) to Biondivino for their wine or champagne needs. We are all looking forward to a new restaurant to attract customers from our neighborhood and beyond to increase retail shopping on and near Polk Street.

Ceri is an outstanding neighbor and perfect compliment to our neighborhood. We support all her future endeavors and anxiously await to see what her new restaurant will bring to our community.

Sincerely, Beauty Company staff 2325 Polk Street San Francisco, CA 94109 www.beautycompanysf.com beautycompany@gmail.com

--

Anné Jude Kiesow Beauty Company

www.beautycompanysf.com

From: <u>christopher terrell</u>
To: <u>kevin.guy@sfgov.org</u>

Subject: Case number is 2011.1233C, re: address 2255 Polk St.

Date: 01/18/2012 06:24 AM

Hi Kevin,

Thank you for considering Case number 2011.1233C at 2255 Polk St, for permitting.

I live at 1355 Leavenworth Street Apt 6 and have been attending the owner's wine shop for 4 years as a happy customer. I don't know if my perspective is of use. But in case it is, I would like to note that Polk Street would be further improved by the arrival of a quality wine enoteca, there are plenty of rowdy 25 year old driven locations, it would be great to have something for the grown ups.

Thank you in advance,

Chris

Cell: 510 717 4829

From: Susan Siep

To: <u>kevin.guy@sfgov.org</u>

Cc: ceri@biondivino.com; Scot Sier; Anne O'Brien; Stephanie Brennan

Subject: Enoteca on Russian Hill Date: 01/17/2012 08:34 PM

Dear San Francisco Planning Commission,

I am delighted and in support of owner, Ceri Smith of <u>Biondivino Wine Boutique</u> in opening an Enoteca at 2255 Polk Street.

I have lived in this neighborhood (and on Polk Street) for over ten years and have seen many businesses come and go. I also have seen many not-so-great shops come and stay, including enough mani-pedi places, but that a different story, and not enough nicer bars/cafes. We are sorely in need of neighborhood cafes, and Ceri's Enoteca is a welcome need. Ceri is such a great store owner, and her employees are as welcoming and friendly, and sell great unique wine. Biondivino is not another quick stop at the Jug Shop, but a place where it feels like you want to visit, say hello to friends, chat about travels, see someone you probably know from the neighborhood, has that intimate, family-like feeling, and of course, Enoteca would be that, too and have great food and wine! I see Enoteca being an extension of Biondivino. I am sure Biondivino has added to business in the neighborhood, never crime, no graffiti, no trash, just friendly foot traffic and good business. Enoteca will likely be a discovered hidden-gem with charm, and yummy bites and drinks for the neighborhood, tourist and San Franciscans who come to explore the ever-expanding Polk Gulch. I vote yes, in support of the opening of Enoteca and in support of Ceri! I know others who rent and own in neighborhood concur.

Best, Susan K. Siep From: Scot Sier
To: Susan Siep

Cc: kevin.guy@sfgov.org; ceri@biondivino.com; Anne O'Brien; Stephanie Brennan

Subject: Re: Enoteca on Russian Hill Date: 01/18/2012 08:13 AM

Ditto!

Scot Sier 1335 Union St. #8 San Francisco, CA 94109

http://www.twitter.com/scotsier

Enjoy interesting, original and eclectic music? Click here:

http://www.reverbnation.com/scotsier

On Jan 17, 2012, at 8:33 PM, Susan Siep < suz siep@yahoo.com > wrote:

Dear San Francisco Planning Commission,

I am delighted and in support of owner, Ceri Smith of <u>Biondivino Wine</u> <u>Boutique</u> in opening an Enoteca at 2255 Polk Street.

I have lived in this neighborhood (and on Polk Street) for over ten years and have seen many businesses come and go. I also have seen many not-so-great shops come and stay, including enough mani-pedi places, but that' a different story, and not enough nicer bars/cafes. We are sorely in need of neighborhood cafes, and Ceri's Enoteca is a welcome need. Ceri is such a great store owner, and her employees are as welcoming and friendly, and sell great unique wine. Biondivino is not another quick stop at the Jug Shop, but a place where it feels like you want to visit, say hello to friends, chat about travels, see someone you probably know from the neighborhood, has that intimate, family-like feeling, and of course, Enoteca would be that, too and have great food and wine! I see Enoteca being an extension of Biondivino. I am sure Biondivino has added to business in the neighborhood, never crime, no graffiti, no trash, just friendly foot traffic and good business. Enoteca will likely be a discovered hidden-gem with charm, and yummy bites and drinks for the neighborhood, tourist and San Franciscans who come to explore the everexpanding Polk Gulch. I vote yes, in support of the opening of Enoteca and in support of Ceri! I know others who rent and own in neighborhood concur.

Best, Susan K. Siep From: Scott Patterson (Visual Concepts)

To: kevin.guy@sfgov.org
Subject: The Ceri Smith Venture
Date: 01/19/2012 02:20 AM

I have been a regular patron of Ms. Smith's phenomenal boutiques selling some of the finest wine on Polk to an educated and inquisitive audience seeking style and taste. Ceri Smith's venture brings an appealing taste to myself and similar residents who see a higher decree of epicurean excellence. And success propagates future growth in the retail, restaurant and growth potential of the entire region.

2420 Larkin

Ceri Smith Biondivino Wine Boutique 1415 Green Street San Francisco, California 94109

phone: 415.673.2320 fax: 415.673.2173

email: ceri@biondivino.com

San Francisco County Board of Supervisors San Francisco City Hall

Dear Members of San Francisco Board of Supervisors,

I am writing on behalf of a submission for a Conditional Use Change for the location at 2255 Polk Street in Russian Hill.

Five years ago, I established a small specialty wine boutique: Biondivino Wine Boutique located on the side street of Green at Polk. My desire was to create a beautiful space that showcased small grower-producers from Italy. Since opening, we have been featured in numerous leading publications Nationally and Internationally: The New York Times, SF Chronicle, Food&Wine Magazine, Decanter, Travel&Leisure, American Way (Airline magazines) as well as fashion magazines Details, GQ, Domino and 7x7 plus others. I have been invited as a key speaker for the Annual Chianti Classico Antiprima held in Florence as well as a featured article for the Italian Sommelier Associations (AIS).

Five years have passed and we have grown with the neighborhood. We contribute frequently and regularly to neighborhood associations, charities and events and have made Russian Hill our home.

Recently, the opportunity arose to take over the lease from EcoCitizen (a eco-friendly clothing shop) located at 2255 Polk, literally around the corner and the same landlord. The owner, Joslin VanArsdale came to me stating that the neighborhood is geared more to food and wine rather than retail as two other retail businesses recently closed in the neighborhood and that she was having difficulty with having a shop front and intended to continue her business with an online presence.

One of the most often asked questions in my shop is "Do you have a list of wines by the glass?" or "Where can I go to have a glass of wine and a bite of food?" There are several restaurants in the area, however, very few are open during the day or early evening aside from The Boulange which is more of a coffee/pastry shop. Many of our clientele expressed that they would love to have a place where they could find quality wines and small plates of food without having to wear a suit or formal clothing or have a five

course meal ie: Acquerello, Quince or other top-tier restaurants, that they would love a place that had a refined wine list, menu and atmosphere, but could remain casually elegant.

This is what we are looking to create.

For our new venture, I have partnered with a home owner and member of Russian Hill Neighbors, Arnold Thoroughman, as an LLC investor partner. Arnold has lived in the community since 1997 and has been a Russian Hill homeowner since 2006.

The space is cozy with high ceilings and wonderful natural light. I am not looking to create a 'bar' atmosphere at all – rather an elegant 'upscale without being uptight' environment geared to the 30-60+ age group. Our goal is to create a beautiful space of seated table service for approximately 20-26 people and ideally one outdoor table with a warming heat lamp.

Attention to small details is also our goal, providing 5 star service in a casual environment. Little details from portable purse hooks for women clientele, woolen wraps for chilly nights and sommelier tableside service to create a sophisticated atmosphere. Because the space is small, we plan to work with Boulettes Larder (located in the Ferry Building) to provide a 'commissary kitchen'. Chef Amaryll Schwertner's talented kitchen staff will source and prepare the freshest ingredients and menus that will change through the day. The ingredients will be prepared off-site at Boulettes Larder then plated and presented at 2255 Polk (*name TBD).

A small prep-kitchen will be included in 2255 Polk, non-hooded with no open flame. Health Department approved induction burners, espresso machine, etc. will be on-site.

In addition to Chef Schwertner's menu, we will have a steady selection of artisan meats, and cheeses as well as specially imported food items from Europe. Meats, Cheese and will be hand sliced, plated and served tableside as well as a selection of Olive Oils. Specialty items such as oils, spices and condiments that will be imported directly from Europe will be available for retail purchase at the location as well. Chef Amaryll is a neighbor of Biondivino Wine Boutique/Russian Hill so it also has a sense of community and collaboration of like-minded people joining together.

Ideally, the location would be open to serve coffee and tea with small breakfast items in the morning, then switching into a lunchtime offering of small fresh foods easing into the evening with wine and food service. We are applying with the ABC for a type 41 license (restaurant) to enable families to be able to enjoy our location rather than a "wine bar" type 42 license which only allows a 21+ customer.

The tentative hours of operation for the location would be: Morning rush: 7:00am – 10:00am (*opening time TBD)

Lunch 11:00am – 3:00pm

Evening 3:00 pm – Midnight.

I personally have spoken with all of the neighboring businesses (La Folie, Pesce, Aux Delices, Leopolds, Street Restaurant, Russian Hill Bookstore, Beauty Co. etc) as well as Michael Boyle the building owner of 2242 Polk (the future Gioia location) and have their enthusiastic support. Additionally I have 300+ signatures from neighbors in Russian Hill as well as others such as customers of Biondivino Wine Boutique and outside neighborhoods of San Francisco.

I thank you for all of your time and consideration in reviewing our project, if you have any questions or thoughts please feel free to contact me at any time, Ceri Smith 917.370.2341 mobile, 415.673.2320 Biondivino or by email: ceri@biondivino.com

With sincere thanks,

Ceri Smith

2255 Polk concept-execution

Location:

2255 Polk is located on the busy Polk corridor between Vallejo and Green Street. 2255 Polk, will ideally become a small 'boutique' style wine bar that will play in conjunction with the existing Biondivino Wine Boutique, in operation since 2006, located around the corner at 1415 Green Street.

The space is approximately 27feet long by 12 feet wide. The space has lofty ceilings with large windows that fill the small space with light. In addition to the ground floor space, there is an upper 'mezzanine' that can be used for storage of light goods and supplies.

The location is a high traffic area for Russian Hill district. There is a consistent flow of shoppers and diners from 10am to 10pm due to other restaurants, bars and cafes in the immediate area.

Restaurants:

Mon-Sun 7am-7pm La Boulange, Mon-Sat 5:30 -10:30pm La Folie

Mon-Thurs 5pm-10pm | Fri-Sat 5pm-11pm Pesce Restaurant

Mon-Thu, Sun 5:30 pm - 10 pm | Fri-Sat 5:30 pm - 11 pm Leopolds

Mon-Tue 5:30-10pm|W-Fri 5:30 -1:30|Sat 10-1:30am|Sun 10 -12 am Rex Café

Mon-Sun 11 am - 2 am Bullit Mon-Sun 8 am - 10 pm Polkers

Mon-Fri 11:30 am - 3 pm | Mon-Sun 5 pm - 10 pm Aux Delices Vietnamese Mon-Thu, Sun 11 am - 10 pm | Fri-Sat 11 am - 10:30 pm Lemongrass Thai

Tue-Sun 7 am - 7 pm Crave

Tue-Sun 5:30 pm - 2 am * dinner til? Street Restaurant

** Yabbies is closing and will become Blue Barn

** Andrew & Co. will become Gioia Pizza

<u>Bars</u>

Mon-Wed 5 pm - 10:30 pm Thu 5 pm - 12 am Fri-Sat 5 pm - 1 am La Folie Lounge

Mon-Sun 11 am - 2 am Bullit Mon-Sun 5 pm - 2 am Royal Oak ?-? - dive bar Crestas

Mon-Sun 5 pm - 2 am Tonic

Mon-Fri 4 pm - 2 am | Sat-Sun 10 am - 2 am Greens Sports bar

Mon-Fri 5 pm - 2 am Buccaneer

The Concept:

To create a clean elegant design with simple aesthetic, modern yet warm and appealing to both men and women.

The space, quality of service and concept is entirely different than other bars/restaurants in the immediate area and within San Francisco.

The Menu:

The bar will not have a full kitchen, but rather, small plates of prepped dishes that veer away from the 'typical' wine bar food that is found everywhere. Instead, of the mundane offerings of a plate of cheese and some sliced salumi - putting the focus on quality ingredients and aesthetics of the plate without being over done. Cheese, salumi, varying seasonal salads, antipasti, little bites, with of course, the main focus on

A commissary agreement with Boulettes Larder will supply food for the establishment. Food costs will be kept in minimums by portioning out dishes, ie. 'X' amount of each menu items offered until sold out for the day.

Menu will change seasonally and will be inventive and fresh plates that are easily plated in a beautiful manner. Other items such as cheeses and salumi will be offered. The selection of meats and cheeses will include specialty items offered in higher end restaurants, artisan made- not commercially manufactured. The focus is on top quality foods. There is also the potential of air-freighting in specialty foods which would also be available for off-sale (either in house or at Biondivino).

In collaboration with Biondivino Wine Boutique there will be an offering of 3-400 bottle list available from the retail shop. In addition to the inventory on hand from the retail shop, there will be a revolving by the glass program including more exclusive bottles, older vintages and collector wines. It will be open from 11am to 11pm serving Italian pull coffee, light plates of a limited menu throughout the day. There will be 1 table that can accommodate 4 in the front window, along both sides of the room there will be long (comfortable) bench seating and X amount of tables that can be combined for larger parties than two. Each table/bench will have 'purse levers' for the guests, insuring comfort for the guest. It should feel more like a bar in New York, London or EU. There is no dress code, casually elegant is recommended.

The Space + Service:

The space is small, upon entry each client will immediately be greeted and seated or given an approximate wait time for a table. The staff should be natural but exceptionally knowledgeable about wine, food preparation, and most importantly the client. The 'host' should maintain a personal yet professional demeanor with the guests, following the style of a couture clothing boutique. Ideally, the host should take notes in the computer system on wines/plates the clients enjoyed during the evening, likes and dislikes which, upon a return visit, the host will be able to reference and provide excellent service.

The Clientele:

The clientele will be the Russian Hill community, patrons from neighboring restaurants: either before dinner apertivi or for an after dinner drink, clients seeking an elegant unpretentious location to enjoy a small bite and fine wine. The demographic of the crowd will be the 30-60 crowd. Average ticket per person would be based on \$20 per person.

The goal of the location is to provide excellent service, an outstanding selection of wine by the bottle and glass and a high quality menu in conjunction with Boulettes Larder.

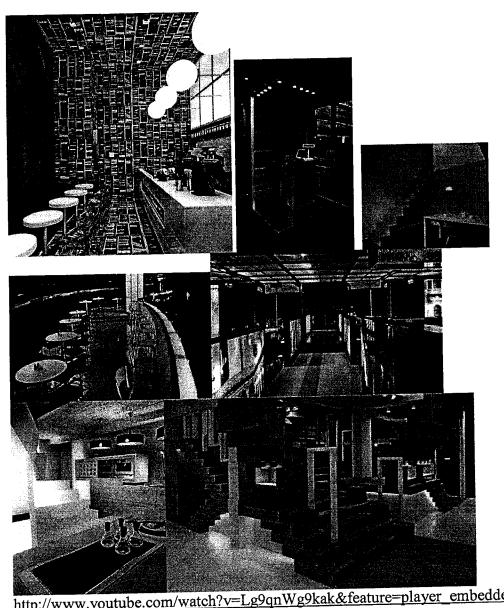
Advantages:

- Close proximity to Biondivino will enable 2255 to have one of the larger wine lists in town immediately without additional cost of inventory – also linked to an established 4.5yr old business.
- The use of private cellars to 'sell-off' collector bottles by the glass or at a restaurant premium
- Using the commissary style of food preparation will offer a larger assortment of menu items with controlled food costs.
- Linking with Boulettes Larder branding and quality food offerings.
- Small space creates a feeling of comfort, exclusivity without pretention a full small space is better than a large empty space.
- A more European/New York sophistication no TV's, blaring music
- An well educated wine staff|floor sommelier on hand
- Limited space equals limited staff costs lower than other bars/restaurants
- It would be a space that could be utilized throughout the day for light plates and coffee
- Surrounding area has limited resources for lunch fare
- Pre-dinner | Post-dinner location for neighborhood clientele
- Wine bar that can offer premium wines by the glass
- Beautiful space offering a solution to the neighborhood/city of "where to go for a glass of wine"
- Wine/Food/Design/Concept would be a draw, generating unsolicited press with industry publications: Food&Wine, Decanter, Travel Magazines, SF Chronicle, blogs etc.
- 2 new neighboring restaurants opening near the location within the next year generate more traffic and business

Disadvantages:

- Parking
- Conditional use changes apply to the location
- Space limitations for seating

Small Spaces -inspiration-*aspects that are interesting...



http://www.youtube.com/watch?v=Lg9qnWg9kak&feature=player_embedded#at=187

