



# SAN FRANCISCO PLANNING DEPARTMENT

## Executive Summary

### Conditional Use

HEARING DATE: JULY 19, 2012

*Date:* July 12, 2012  
*Case No.:* 2012.0540C  
*Project Address:* 3228 SACRAMENTO STREET  
*Zoning:* Sacramento Street Neighborhood Commercial District (NCD)  
40-X Height and Bulk District  
*Block/Lot:* 1007/011  
*Project Sponsors:* Nicolas and Andrea Delaroque (restaurant operators)  
1436 Vallejo Street  
San Francisco, CA 94109  
Jaiswal Family Revocable Trust (property owner)  
Balgobind Jaiswal & Mehri Jaiswal, Trustees of the 2008  
481 Kings Mountain Road  
Woodside, CA 94062  
Janet Crane (agent)  
Freebairn-Smith & Crane  
442 Post Street, 6<sup>th</sup> Floor  
San Francisco, CA 94102  
*Staff Contact:* Sharon M. Young – (415) 558-6346  
sharon.m.young@sfgov.org  
*Recommendation:* **Approval with Conditions**

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## PROJECT DESCRIPTION

The proposal is a request for Conditional Use authorization under Planning Code Sections 303 and 724.44 to convert a retail commercial tenant space (last occupied by a retail furniture and accessories store d.b.a. Pierre Deux and now temporarily occupied by a retail clothing store d.b.a. Blu) into a restaurant (d.b.a. Chez Nico) in a one-story commercial building within the Sacramento Street Neighborhood Commercial Zoning District and a 40-X Height and Bulk District. The proposed restaurant, with approximately 2,480 square feet in floor area, will consist of main and private dining rooms with seating for approximately 65 persons, kitchen, office and storage areas, and restrooms. The proposal will involve interior and exterior tenant improvements to the ground floor commercial tenant space, with no expansion of the existing building envelope.

## SITE DESCRIPTION AND PRESENT USE

The project site at 3228 Sacramento Street is on the north side of Sacramento Street between Lyon Street and Presidio Avenue, Assessor's Block 1007, Lot 011. It is located within the Sacramento Street Neighborhood Commercial District (NCD) and a 40-X Height and Bulk District. The subject lot is approximately 3,192 square feet (25 feet wide by 127.688 feet deep) in size and is occupied by a one-story commercial building built in 1960. The building, which has a faux Victorian facade, is not listed in the Planning Department's 1976 Architectural Survey or the National or California Registers as having

architectural significance. The subject commercial tenant space was last occupied by a retail furniture and accessories store d.b.a. Pierre Deux and now temporarily occupied by a retail clothing store d.b.a. Blu.

### **SURROUNDING PROPERTIES & NEIGHBORHOOD**

The subject property fronts Sacramento Street, between Lyon Street and Presidio Avenue in Presidio Heights. The surrounding development consists of a variety of residential, commercial, and mixed-use buildings mostly featuring residential uses above ground-floor commercial establishments. The scale of development in the area consists of an eclectic mix of low-and mid-rise buildings (one- to three-story structures) built between the Victorian era and the 1990s. Generally, the commercial establishments characterizing this portion of Sacramento Street include a mix of specialty shops featuring antiques, home furnishings, clothing, restaurants, business and personal service establishments, a market/liquor store, a bank, a school, and the Vogue movie theater. The surrounding zoning is primarily RM-1 (Residential, Mixed, Low Density) District and RH-2 (Residential, House, Two-Family) District zoning. Some of the existing commercial establishments on the subject and opposite blocks include Citibank, Anthem, The Desk Set, Wisteria, Mabel Chong, Vintage a la Mode, Aedicule, Petcamp Cat Safari, Rendez-Vous, Birch, Fools Hair Studio, Wiking Inc. Wine & Liquor, and Osteria Italian Restaurant.

### **ENVIRONMENTAL REVIEW**

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

### **HEARING NOTIFICATION**

<b>TYPE</b>	<b>REQUIRED PERIOD</b>	<b>REQUIRED NOTICE DATE</b>	<b>ACTUAL NOTICE DATE</b>	<b>ACTUAL PERIOD</b>
Classified News Ad	20 days	June 29, 2012	June 27, 2012	22 days
Posted Notice	20 days	June 29, 2012	June 29, 2012	20 days
Mailed Notice	20 days	June 29, 2012	June 26, 2012	23 days

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

### **PUBLIC COMMENT**

- As of July 11, 2012, the Department received 16 letters/emails and a petition from the project sponsors with 60 signatures in support of the proposed project. The Department received one letter in opposition and one email expressing concerns about the proposed project.

### **ISSUES AND OTHER CONSIDERATIONS**

- The proposed restaurant d.b.a. Chez Nico is not considered a formula retail use under Section 703.3 of the Planning Code. According to the project sponsors, the proposed restaurant will offer contemporary California / French cuisine, fusing together traditional French techniques with modern cooking and seasonal ingredients. The project sponsors are intending to request an Alcohol Beverage License Type 41 from the Department of Alcohol Beverage Control in order to serve beer and/or wine on the premises.

## **REQUIRED COMMISSION ACTION**

This proposal requires **Conditional Use** authorization pursuant to 303 and 724.44 to convert a retail commercial tenant space with approximately 2,480 square feet of floor area into a restaurant in a one-story commercial building within the Sacramento Street Neighborhood Commercial Zoning District and a 40-X Height and Bulk District.

## **BASIS FOR RECOMMENDATION**

- The proposed project will allow for the change of use of a retail commercial tenant space (occupied by a retail store) to a restaurant use. The proposed project meets all applicable requirements of the Planning Code.
- The Department believes that this project is necessary and/or desirable for the following reasons:
  - a) The proposed project will enhance the economic diversity of the neighborhood encouraging a wider variety of commercial uses; it will provide for a new restaurant in an area with few eating and drinking establishment uses and a majority of antique, clothing, and other specialty retail store uses.
  - b) The proposed project is a neighborhood-serving use which residents can access by walking or taking public transit.
  - c) The proposed project would be consistent with the mixed commercial-residential character of this portion of the Sacramento Street NCD.

<b>RECOMMENDATION:</b> <b>Approval with Conditions</b>
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### **Attachments:**

Zoning District Map  
Parcel Map  
Sanborn Map  
Aerial Photographs  
Site and Context Photographs  
Reduced Plans

Attachment Checklist

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Executive Summary   | <input checked="" type="checkbox"/> Project sponsor submittal           |
| <input checked="" type="checkbox"/> Draft Motion        | Drawings: <u>Existing Conditions</u>                                    |
| <input type="checkbox"/> Environmental Determination    | <input checked="" type="checkbox"/> Check for legibility                |
| <input checked="" type="checkbox"/> Zoning District Map | Drawings: <u>Proposed Project</u>                                       |
| <input type="checkbox"/> Height & Bulk Map              | <input type="checkbox"/> Check for legibility                           |
| <input checked="" type="checkbox"/> Parcel Map          | <input checked="" type="checkbox"/> Pre-Application Meeting (affidavit) |
| <input checked="" type="checkbox"/> Sanborn Map         | <input type="checkbox"/> Restaurant Summary & Concept                   |
| <input checked="" type="checkbox"/> Aerial Photo        | <input type="checkbox"/> Public Comment (petition & letters)            |
| <input checked="" type="checkbox"/> Context Photos      | <input type="checkbox"/> Project Sponsor Response to Public Comment     |
| <input checked="" type="checkbox"/> Site Photos         | <input type="checkbox"/>  |

SMY

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

\_\_\_\_\_  
Planner's Initials

SMY: C:\3228 Sacramento Street summary-smy.doc



# SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

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

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## Planning Commission Motion No. XXXXX

HEARING DATE: JULY 19, 2012

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 442 Post Street, 6<sup>th</sup> Floor  
 San Francisco, CA 94102  
*Staff Contact:* Sharon M. Young – (415) 558-6346  
 sharon.m.young@sfgov.org  
*Recommendation:* **Approval with Conditions**

**ADOPTING FINDINGS RELATED TO THE APPROVAL OF A CONDITIONAL USE AUTHORIZATION UNDER PLANNING CODE SECTIONS 303 AND 724.43 FOR A CHANGE OF USE OF A RETAIL COMMERCIAL TENANT SPACE INTO A RESTAURANT (D.B.A. CHEZ NICO) LOCATED AT 3228 SACRAMENTO STREET IN A ONE-STORY COMMERCIAL BUILDING WITHIN THE SACRAMENTO STREET NEIGHBORHOOD COMMERCIAL ZONING DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT.**

### PREAMBLE

On April 24, 2012, Janet Crane on behalf of Nicolas and Andrea Delaroque (hereinafter "Project Sponsor") made an application for Conditional Use authorization for the property at **3228 Sacramento Street, Lot 011 in Assessor's Block 1007** (hereinafter "Subject Property"), for the change of use to convert a retail commercial tenant space with approximately 2,480 square feet of floor area (last occupied by a retail furniture and accessories store d.b.a. Pierre Deux and now temporarily occupied by a retail clothing store d.b.a. Blu) into a restaurant (d.b.a. Chez Nico) in a one-story commercial building within the Sacramento

Street Neighborhood Commercial Zoning District and a 40-X Height and Bulk District, in general conformity with plans dated April 20, 2012, and labeled "Exhibit B" (hereinafter "Project"). The proposal will involve interior and exterior tenant improvements to the ground floor commercial tenant space, with no expansion of the existing building envelope.

On July 19, 2012, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on **Conditional Use Application No. 2012.0540C**.

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

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

**MOVED**, that the Commission hereby authorizes the Conditional Use requested in Application No. 2012.0540C, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

## **FINDINGS**

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

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The project site at 3228 Sacramento Street is on the north side of Sacramento Street between Lyon Street and Presidio Avenue, Assessor's Block 1007, Lot 011. It is located within the Sacramento Street Neighborhood Commercial District (NCD) and a 40-X Height and Bulk District. The subject lot is approximately 3,192 square feet (25 feet wide by 127.688 feet deep) in size and is occupied by a one-story commercial building built in 1960. The building, which has a faux Victorian facade, is not listed in the Planning Department's 1976 Architectural Survey or the National or California Registers as having architectural significance. The subject commercial tenant space was last occupied by a retail furniture and accessories store d.b.a. Pierre Deux and now temporarily occupied by a retail clothing store d.b.a. Blu.
3. **Surrounding Properties and Neighborhood.** The subject property fronts Sacramento Street, between Lyon Street and Presidio Avenue in Presidio Heights. The surrounding development consists of a variety of residential, commercial, and mixed-use buildings mostly featuring residential uses above ground-floor commercial establishments. The scale of development in the area consists of an eclectic mix of low-and mid-rise buildings (one- to three-story structures) built between the Victorian era and the 1990s. Generally, the commercial establishments characterizing this portion of Sacramento Street include a mix of specialty shops featuring antiques, home furnishings, clothing, restaurants, business and personal service establishments, a market/liquor store, a bank, a school, and the Vogue movie theater. The surrounding zoning is primarily RM-1

(Residential, Mixed, Low Density) District and RH-2 (Residential, House, Two-Family) District zoning. Some of the existing commercial establishments on the subject and opposite blocks include Citibank, Anthem, The Desk Set, Wisteria, Mabel Chong, Vintage a la Mode, Aedicule, Petcamp Cat Safari, Rendez-Vous, Birch, Fouls Hair Studio, Wiking Inc. Wine & Liquor, and Osteria Italian Restaurant.

4. **Project Description.** The proposal is a request for Conditional Use authorization under Planning Code Sections 303 and 724.44 to convert a retail commercial tenant space (last occupied by a retail furniture and accessories store d.b.a. Pierre Deux and now temporarily occupied by a retail clothing store d.b.a. Blu) into a restaurant (d.b.a. Chez Nico) in a one-story commercial building within the Sacramento Street Neighborhood Commercial Zoning District and a 40-X Height and Bulk District. The proposed restaurant, with approximately 2,480 square feet in floor area, will consist of main and private dining rooms with seating for approximately 65 persons, kitchen, office and storage areas, and restrooms. The proposal will involve interior and exterior tenant improvements to the ground floor commercial tenant space, with no expansion of the existing building envelope.
5. **Issues and Other Considerations.**
  - The proposed restaurant d.b.a. Chez Nico is not considered a formula retail use under Section 703.3 of the Planning Code. According to the project sponsors, the proposed restaurant will offer contemporary California / French cuisine, fusing together traditional French techniques with modern cooking and seasonal ingredients. The project sponsors are intending to request an Alcohol Beverage License Type 41 from the Department of Alcohol Beverage Control in order to serve beer and/or wine on the premises.
6. **Public Comment.** As of July 11, 2012, the Department received 16 letters/emails and a petition from the project sponsors with 60 signatures in support of the proposed project. The Department received one letter in opposition and one email expressing concerns about the proposed project.
7. **Use District.** The project site is within the Sacramento Street Neighborhood Commercial Zoning District (NCD) located in the Presidio Heights neighborhood in north-central San Francisco. The Sacramento Street Neighborhood Commercial District functions as a small-scale linear shopping area. It extends along Sacramento Street between Lyon and Spruce. Interspersed among residential buildings and garages, the district's daytime-oriented retail stores provide a limited array of convenience goods to the immediate neighborhood. Sacramento Street also has many elegant clothing, accessory, and antique stores and services, such as hair salons, which attract customers from a wider trade area. Its numerous medical and business offices draw clients from throughout the City. Evening activity in the district is limited to one movie theater, a few restaurants, and some stores near Presidio Avenue.

The Sacramento Street District controls are designed to promote adequate growth opportunities for development that is compatible with the surrounding low-density residential neighborhood. The building standards monitor large-scale development and protect rear yards at the grade level and above. Most new commercial development is permitted at the first story; general retail uses are permitted at the second story only if such use would not involve conversion of any existing

housing units. Special controls are designed to protect existing neighborhood-serving ground-story retail uses. New medical service offices are prohibited at all stories. Personal and business services are restricted at the ground story and prohibited on upper stories. Limits on new ground-story eating and drinking uses, as well as new entertainment and financial service uses, are intended to minimize the environmental impacts generated by the growth of such uses. The daytime orientation of the district is encouraged by prohibiting bars and restricting late-night commercial activity. New hotels and parking facilities are limited in scale and operation to minimize disruption to the neighborhood. Most new automobile and drive-up uses are prohibited to promote continuous retail frontage. Housing development in new buildings is encouraged above the second story. Existing residential units are protected by limitations on demolitions and prohibitions of upper-story conversions.

8. **Planning Code Compliance:** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:

- A. **Restaurant Use in the Sacramento Street NCD.** Planning Code Section 724.44 states that a Conditional Use authorization is required to establish a restaurant use, as defined by Planning Code Section 790.90.

*A restaurant is defined under Planning Code Section 790.90 as:*

*A retail eating or eating and drinking use which serves prepared, ready-to-eat cooked foods to customers for consumption on or off the premises and which has seating. It may have a Take-Out Food use as defined by Planning Code Section 790.122 as a minor and incidental use. It may provide on-site beer, wine, and/or liquor sales for drinking on the premises (with ABC license types 41, 47, 49, 59, or 75); however, if it does so it shall be required to operate as a Bona Fide Eating Place as defined in Section 790.142. It is distinct and separate from a Limited-Restaurant as defined in Section 790.90.*

*It shall not be required to operate within an enclosed building pursuant to Section 703.2(b)(1) so long as it is also a Mobile Food Facility as defined in Section 102.34. Any associated outdoor seating and/or dining area is subject to regulation as an Outdoor Activity Area as set forth elsewhere in this Code.*

*The current proposal is a request for Conditional Use authorization under Sections 303 and 724.44 of the Planning Code to establish a new restaurant use on the project site as specified in Planning Code Section 790.92.*

- B. **Hours of Operation.** Section 724.27 allows hours of operation from 6 a.m. until 12 a.m. as of right and requires Conditional Use authorization to operate between the hours of 12 a.m. and 6 a.m.

*Currently, the project sponsor proposes that the hours of operation of the restaurant will be 5:30 p.m. to 10:30 p.m. for dinner service, Tuesday through Saturday. The project sponsor will consider*

*modifying the restaurant's hours of operation to add lunch service or add an extra day it will be open from 5 to 6 days a week once the restaurant is operating and established in the neighborhood.*

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

*Approximately 80% of the street frontage (20 feet) at the ground level on Sacramento Street is fenestrated with transparent windows and doorways allowing for visibility to the inside of the building.*

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

*The commercial tenant space, with approximately 2,480 square feet of floor area, will not require any off-street parking or loading spaces.*

- E. **Signage.** Any proposed signage will be subject to the review and approval of the Planning Department and must comply with Article 6 of the Planning Code.
9. **Section 303(c)** establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use approval. On balance, the project does comply with said criteria in that:
- (1) The proposed new uses and building, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable, and compatible with, the neighborhood or the community.

*The proposed project is to allow the establishment of a restaurant on the ground floor of the building. There will be interior and exterior tenant improvements made to the existing commercial tenant space with no expansion of the existing building envelope.*

- (2) The proposed project will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity. There are no features of the project that could be detrimental to the health, safety or convenience of those residing or working the area, in that:

- (A) Nature of proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;

*The size and shape of the site and the arrangement of the structures on the site are adequate for the proposed project. There will be no physical expansion of the existing building.*

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

*Existing traffic patterns will not be significantly affected by the proposed project. Public transit that is in close proximity to the proposed restaurant includes Muni Lines 1, 1BX, 2, 3, 4, and 43 located at bus stops on the corner of California Street and Presidio Avenue. There is on-street parking in front of the subject property and in the surrounding neighborhood. In addition, there are two public parking garages (Jewish Community Center public parking garage and UCSF Laurel Heights Campus public lot) within a two-block radius of the proposed project. The project sponsor will also consider establishing a valet parking service for the restaurant if needed.*

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

*No noxious or offensive emissions such as noise, glare, dust, or odor are expected to be produced by the proposed project and the restaurant will be subject to the Conditions of Approval #9 and #10.*

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

*The existing building, like other buildings on the block, occupies most of its site; no landscaping is provided on site. There will be no addition of parking spaces, loading facilities, open space or service areas. All project signage and projections will be consistent with the controls of the Planning Code.*

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

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

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

*The proposed project is consistent with the stated purpose of the Sacramento Street NCD in that the intended use is a neighborhood-serving business.*

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

### **COMMERCE AND INDUSTRY ELEMENT**

#### **GENERAL/CITYWIDE**

##### **OBJECTIVE 1:**

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

##### **Policy 1:**

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

*The proposed project would be compatible with and complimentary to the types of uses characterizing this portion of the Sacramento Street NCD, which include a mixture of specialty shops featuring antiques, home furnishings, clothing, restaurants, and business and personal service establishments.*

##### **Policy 3:**

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

*Approval of the proposed project would be consistent with the mixed commercial-residential character of this portion of the Sacramento Street NCD. The proposed project would not adversely affect any affordable housing resources in the neighborhood.*

### **NEIGHBORHOOD COMMERCE**

#### **Objectives and Policies**

##### **OBJECTIVE 6:**

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

**Policy 1:**

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

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

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

**Policy 2:**

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

*An independent entrepreneur is sponsoring the proposal. The proposed use is a neighborhood-serving use. The proposed eating and drinking establishment is not considered a Formula Retail Use.*

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

**Eating and Drinking Establishments**

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

- Regulate the distribution and proliferation of eating and drinking establishments, especially in districts experiencing increased commercial activity;
  - Control nuisances associated with their proliferation;
  - Preserve storefronts for other types of local-serving businesses; and
  - Maintain a balanced mix of commercial goods and services.
- The regulation of eating and drinking establishments should consider the following:
- Balance of retail sales and services;
  - Current inventory and composition of eating and drinking establishments;
  - Total occupied commercial linear frontage, relative to the total district frontage;

- Uses on surrounding properties;
- Available parking facilities, both existing and proposed;
- Existing traffic and parking congestion; and
- Potential impacts on the surrounding community.

*The Commerce and Industry Element of the General Plan contains Guidelines for Specific Uses. For eating and drinking establishments, the Guidelines state, "the balance of commercial uses may be threatened when eating and drinking establishments occupy more than 20 percent of the total occupied commercial frontage." The project sponsor conducted a site survey of the current inventory and composition of eating and drinking establishments within the immediate neighborhood (covering Sacramento Street between Laurel and Lyon Streets) within this portion of the Sacramento Street NCD. Currently, 3 of the 60 existing commercial establishments are eating and drinking establishments (Osteria Italian Restaurant, Café Luna, and Eunice's Café), which occupy approximately 7% of the total occupied commercial linear frontage. The other types of commercial establishments within this portion of the Sacramento Street NCD include a mixture of specialty shops featuring antiques, home furnishings, clothing, and business and personal service establishments.*

**Policy 4:**

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

*The proposed project will be accessible to all residents in this portion of the Sacramento Street NCD.*

**Policy 9:**

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

*The proposed project would not adversely affect public transit or place a burden on the existing supply of parking in the neighborhood. Many patrons would be able to walk from their residences or places of employment, and the proposed project is well served by public transportation. There is on-street parking in front of the subject property and in the surrounding neighborhood. In addition, there are two public parking garages (Jewish Community Center public parking garage and UCSF Laurel Heights Campus public lot) within a two-block radius of the proposed project. The project sponsor will also consider establishing a valet parking service for the restaurant if needed.*

11. **Section 101.1(b)** establishes eight priority planning policies and requires the review of permits that authorize changes of use for consistency with said policies:

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

*The proposed project will be complimentary to the existing commercial establishments within the immediate neighborhood. According the project sponsor, the proposed project will provide approximately 10-12 new job opportunities to the City and will add more jobs if the restaurant provides lunch service.*

- (2) That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods.  
*The proposed project will preserve and enhance the cultural and economic diversity of the neighborhood by allowing the establishment of a new business in the area. Existing housing will not be affected by the proposed project.*
- (3) That the City's supply of affordable housing be preserved and enhanced.  
*The proposed project will not displace any affordable housing.*
- (4) That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking.  
*The proposed project would not significantly increase the automobile traffic congestion and parking problems in the neighborhood. The proposal is a neighborhood-serving use which residents can access by walking or taking public transit.*
- (5) That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced.  
*There is no commercial office development associated with the proposed project and there would be no displacement of any existing industrial or service businesses in the area.*
- (6) That the City achieves the greatest possible preparedness to protect against injury and loss of life in an earthquake.  
*The proposed project will comply with all applicable earthquake safety standards and built to the current standards of the California Building Code.*
- (7) That landmark and historic buildings be preserved.  
*The proposed project will not significantly affect any landmarks or historic buildings.*
- (8) That our parks and open space and their access to sunlight and vistas be protected from development.  
*The proposed project will not affect any city-owned park or open space.*

12. The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would contribute to the character and stability of the neighborhood and would constitute a beneficial development.

13. The Commission hereby finds that approval of the Conditional Use authorization would promote the health, safety and welfare of the City.

**DECISION**

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Application No. 2012.0540C** subject to the following conditions attached hereto as "EXHIBIT A" which is incorporated herein by reference as though fully set forth.

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

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on July 19, 2012.

Linda Avery  
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED:

## EXHIBIT A

### AUTHORIZATION

This authorization is for a conditional use allow the change of use to convert an approximately 2,480 square-foot retail commercial tenant space (last occupied by a retail furniture and accessories store d.b.a. Pierre Deux and now temporarily occupied by a retail clothing store d.b.a. Blu) into a restaurant (d.b.a. Chez Nico) in a one-story commercial building located at 3228 Sacramento Street in Assessor's Block 1007, Lot 011, pursuant to Planning Code Sections 303 and 724.44 within the Sacramento Street Neighborhood Commercial Zoning District and a 40-X Height and Bulk District; in general conformance with plans and stamped "EXHIBIT B" included in the docket for Case No. 2012.0540C and subject to conditions of approval reviewed and approved by the Commission on July 19, 2012, under Motion No. XXXXX. The proposal will involve interior and exterior tenant improvements to the ground floor commercial tenant space, with no expansion of the existing building envelope. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

### RECORDATION OF CONDITIONS OF APPROVAL

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on XXXXXX 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, [www.sf-planning.org](http://www.sf-planning.org)*

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

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

### DESIGN – COMPLIANCE AT PLAN STAGE

3. **Garbage, composting and recycling storage.** Space for the collection and storage of garbage, composting, and recycling shall be provided within enclosed areas on the property and clearly labeled and illustrated on the building permit plans. Space for the collection and storage of recyclable and compostable materials that meets the size, location, accessibility and other standards specified by the San Francisco Recycling Program shall be provided at the ground level of the buildings.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

4. **Odor Control Unit.** In order to ensure any significant noxious or offensive odors are prevented from escaping the premises once the project is operational, the building permit application to implement the project shall include air cleaning or odor control equipment details and manufacturer specifications on the plans. Odor control ducting shall not be applied to the primary façade of the building.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

## MONITORING - AFTER ENTITLEMENT

5. **Enforcement.** Violation of any of the Planning Department conditions of approval contained in this Motion or of any other provisions of Planning Code applicable to this Project shall be subject to the enforcement procedures and administrative penalties set forth under Planning Code Section 176 or Section 176.1. The Planning Department may also refer the violation complaints to other city departments and agencies for appropriate enforcement action under their jurisdiction.  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*
6. **Revocation due to Violation of Conditions.** Should implementation of this Project result in complaints from interested property owners, residents, or commercial lessees which are not resolved by the Project Sponsor and found to be in violation of the Planning Code and/or the specific conditions of approval for the Project as set forth in Exhibit A of this Motion, the Zoning Administrator shall refer such complaints to the Commission, after which it may hold a public hearing on the matter to consider revocation of this authorization.  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

## OPERATION

7. **Garbage, Recycling, and Composting Receptacles.** Garbage, recycling, and compost containers shall be kept within the premises and hidden from public view, and placed outside only when being serviced by the disposal company. Trash shall be contained and disposed of pursuant to garbage and recycling receptacles guidelines set forth by the Department of Public Works.  
*For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works at 415-554-5810, <http://sfdpw.org>*
8. **Sidewalk Maintenance.** The Project Sponsor shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean and sanitary condition in compliance with the Department of Public Works Streets and Sidewalk Maintenance Standards.  
*For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works, 415-695-2017, <http://sfdpw.org>*
9. **Noise Control.** The premises shall be adequately soundproofed or insulated for noise and operated so that incidental noise shall not be audible beyond the premises or in other sections of the building and fixed-source equipment noise shall not exceed the decibel levels specified in the San Francisco Noise Control Ordinance.  
*For information about compliance with the fixed mechanical objects such as rooftop air conditioning, restaurant ventilation systems, and motors and compressors with acceptable noise levels, contact the Environmental Health Section, Department of Public Health at (415) 252-3800, [www.sfdph.org](http://www.sfdph.org)*  
*For information about compliance with the construction noise, contact the Department of Building Inspection, 415-558-6570, [www.sfdbi.org](http://www.sfdbi.org)*  
*For information about compliance with the amplified sound including music and television contact the Police Department at 415-553-0123, [www.sf-police.org](http://www.sf-police.org)*

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

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

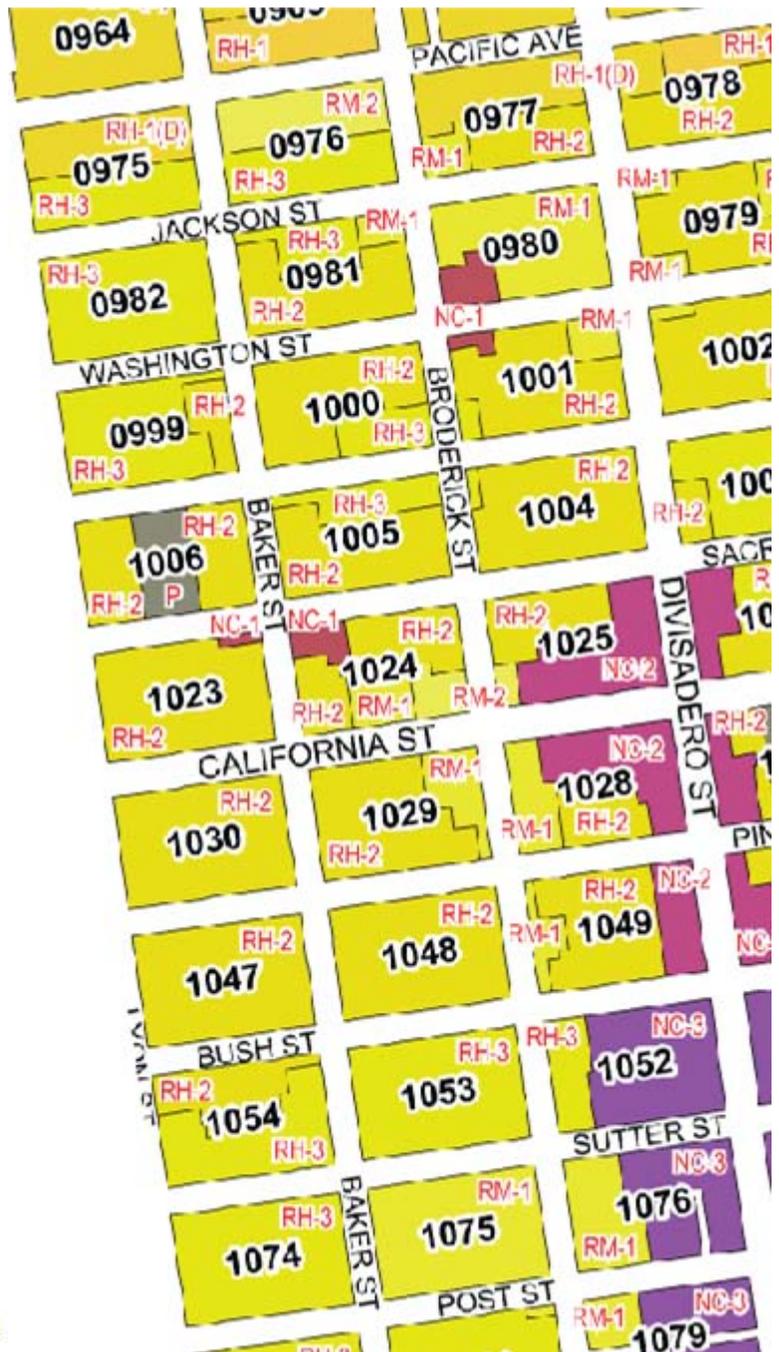
11. **Community Liaison.** Prior to issuance of a building permit to construct the project and implement the approved use, the Project Sponsor shall appoint a community liaison officer to deal with the issues of concern to owners and occupants of nearby properties. The Project Sponsor shall provide the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

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

12. **Lighting.** All Project lighting shall be directed onto the Project site and immediately surrounding sidewalk area only, and designed and managed so as not to be a nuisance to adjacent residents. Nighttime lighting shall be the minimum necessary to ensure safety, but shall in no case be directed so as to constitute a nuisance to any surrounding property.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

# Zoning Map



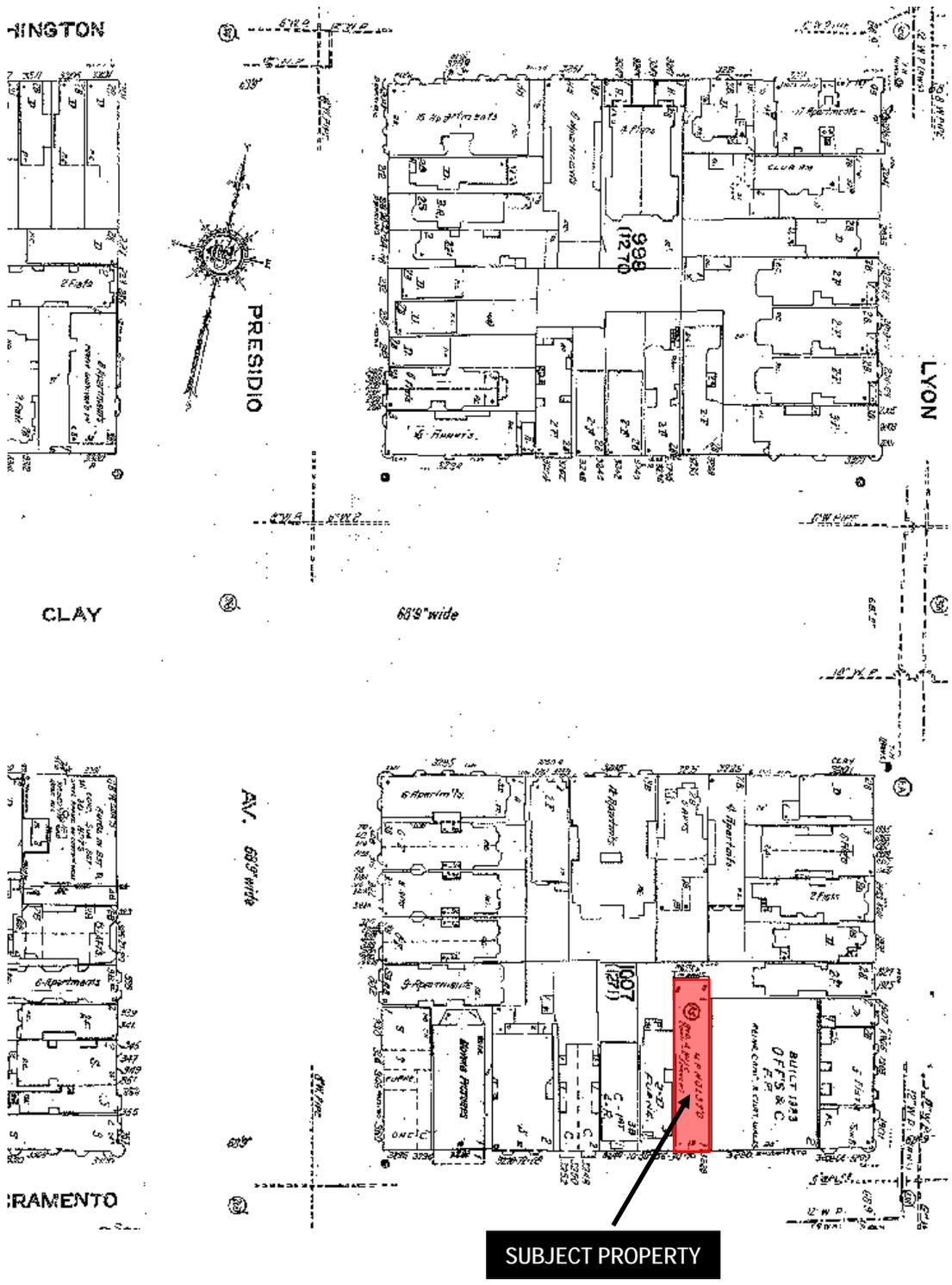
Conditional Use Hearing  
Case Number 2012.0540C  
3228 Sacramento Street

# Parcel Map



Conditional Use Hearing  
Case Number 2012.0540C  
3228 Sacramento Street

# Sanborn Map\*



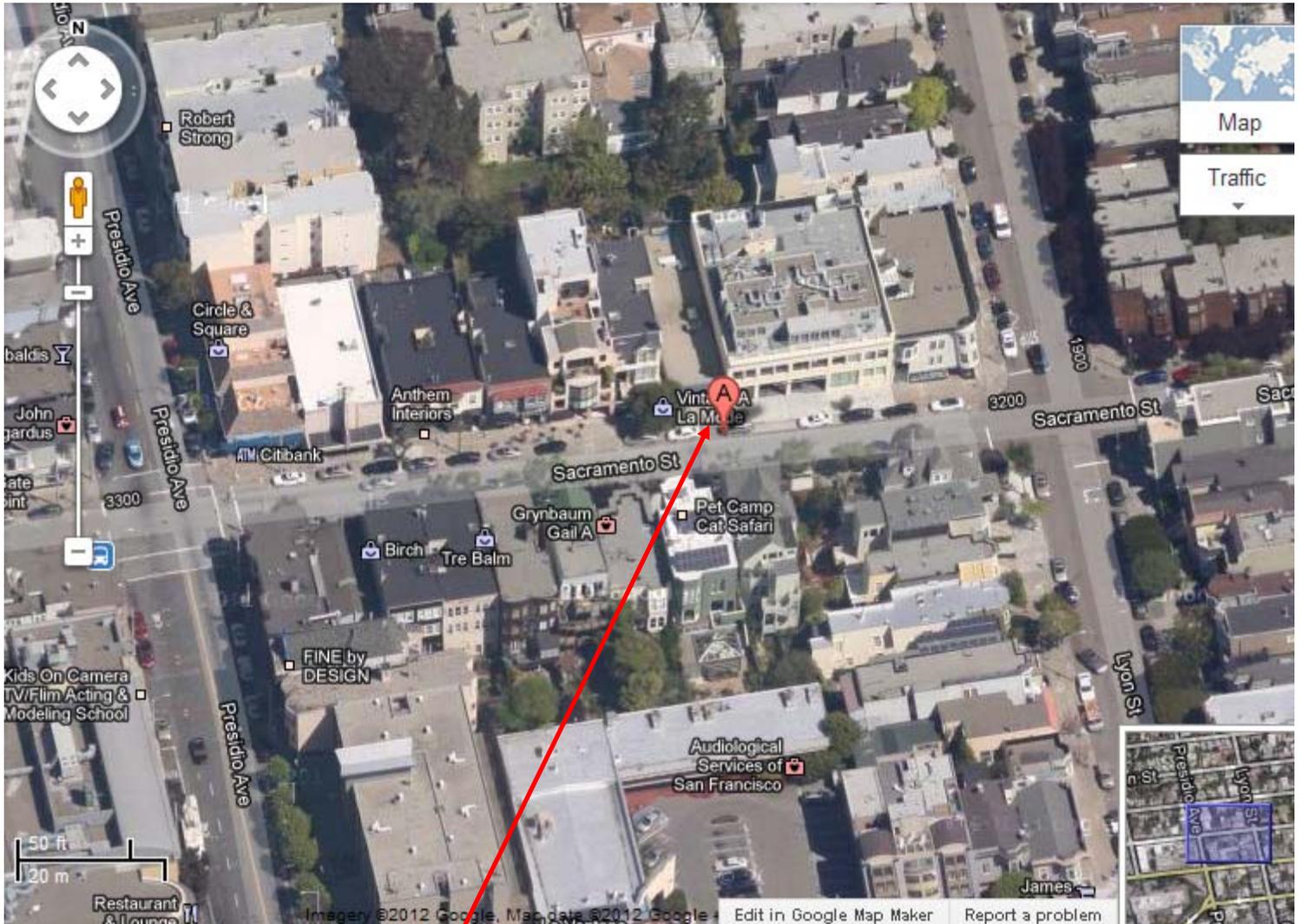
\*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.

**SUBJECT PROPERTY**



Conditional Use Hearing  
 Case Number 2012.0540C  
 3228 Sacramento Street

# Aerial Photo\*

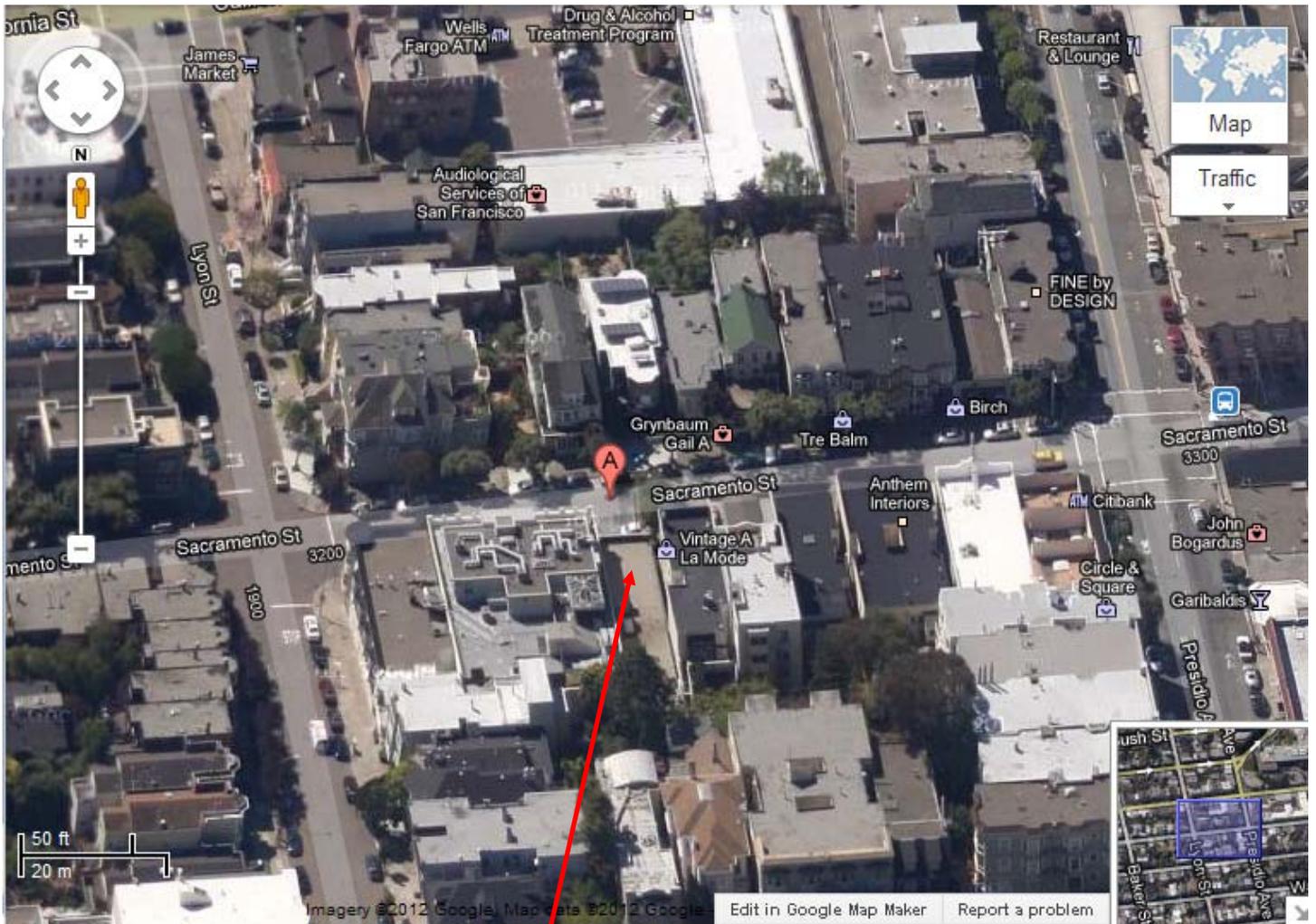


**SUBJECT PROPERTY**



Conditional Use Hearing  
Case Number 2012.0540C  
3228 Sacramento Street

# Aerial Photo



**SUBJECT PROPERTY**



Conditional Use Hearing  
Case Number 2012.0540C  
3228 Sacramento Street

# Site Photo

## SUBJECT PROPERTY



Conditional Use Hearing  
Case Number 2012.0540C  
3228 Sacramento Street

## **Restaurant Summary & Concept**

We are delighted by the possibility of opening our restaurant in the heart of the Sacramento Street District and believe the restaurant to be perfectly suited for the area. We wish to create a neighborhood restaurant where we can share and bring together the things we love, from our upbringing, travels, encounters and our love of good food. Someplace warm and inviting, featuring exceptional cuisine and service. The menu will change with the seasons and will be inspired and driven by ingredients harvested, foraged, cultivated, and sourced predominantly in Northern California. The cuisine may be best described as contemporary California/French cuisine, fusing together traditional French techniques with modern cooking and seasonal ingredients.

We believe the best dining experience to be a combination of enjoyment and discovery. The table is a place for laughing, sharing, indulging – a place we want to make inviting and appealing to all. To that end, we seek to create a small, generous restaurant where the diner may feel the care taken in every dish and on each plate. With this restaurant, we endeavor to build a lasting name and brand associated with warmth, innovation, quality, and freshness.

### ***The Restaurant Owners – Nicolas Delaroque and Andrea Bryant Delaroque:***

We own a property in San Francisco, have been residents for several years and embrace the city as our own. San Francisco cultivates a thriving, innovative culinary community and we can think of no better city or neighborhood in which to open our restaurant.

Andrea Delaroque is an attorney with Korean/Irish/German heritage and a love for travel, food, and books. Andrea will assume the role of General Manager and handle the administrative aspects of the business. Nicolas Delaroque was born and raised in France and is a cook at his core. He has an absolute passion for food, enjoys creating new dishes, working in the kitchen, and learning new techniques. Nicolas will lead the kitchen team as the Chef de Cuisine of the restaurant.

We believe the cuisine and restaurant design to be a reflection of who we are and who Nicolas is as a chef. It has been Nicolas' longtime dream to open his own restaurant and we think this neighborhood coupled with our restaurant concept create a perfect blend.

### ***The Chef – Nicolas Delaroque:***

The Chef, Nicolas Delaroque, is a classically trained French chef. Nicolas has roots in Normandy, France, and was raised in Paris, France, where he completed his culinary training and restaurant management degree. At the age of 23 he left France to travel and work in various countries throughout the world, learning English along the way.

Nicolas' career has taken him to a number of fine dining and Michelin starred restaurants in countries throughout the world including France, Australia, Canada, and the United States. Since he has been in the San Francisco Bay Area, he has worked with many outstanding chefs and at exceptional fine dining restaurants. Until mid-April 2012, Nicolas worked at Manresa with Chef David Kinch, a Michelin Two Star restaurant and one of the Worlds 50 Best

Restaurants 2012. Prior to his time at Manresa, he had the opportunity to work with Dominique Crenn (Atelier Crenn, Michelin One Star) and Daniel Patterson (Coi, Michelin Two Star). Nicolas has also spent time outside the fine dining atmosphere at Le Garage in Sausalito and L'Appart in San Anselmo.

Nicolas' cuisine reflects his love of cooking and the detail, precision and imagination he brings to the kitchen. The inspiration for his menus derives from a mixture of sources including his travels, childhood, everyday inspiration, farmers' markets, and the bounty of each changing season.

***The Food, Drink & Pricing:***

As noted above, the food will be comprised of local, seasonal ingredients artfully presented. The menu will change frequently in order to feature the best ingredients and products available. A diner should expect the price point to be approximately \$40-\$50 per person without wine or \$60-\$80 per person with wine, depending on individual wine consumption. We intend to apply for a Type 41 Beer and Wine License from the Department of Alcoholic Beverage Control.

***The Feel & Hours of Operation:***

We envision a space with a convivial and inviting character. We want the restaurant to incorporate clean lines, warm materials and splashes of color. The feel should be fresh, welcoming, and intimate. The food will be of the finest quality and presentation, but without a stuffy or fussy ambiance. One should be able to carry on a conversation without having to shout across the table to be heard. A central theme will be to incorporate the owners' and chef's personalities, histories and inspirations, both big and small, into the design of the restaurant.

We expect the restaurant to have 40-46 seats and a private dining area for special occasions. The restaurant will be open five days a week for dinner, to start. We may expand to an additional day or lunch service as the restaurant becomes more established and we can take on the additional workload. The hours of operation are intended to be 5:30 pm to 10:30 pm, Tuesday through Saturday.

***The Community & Sacramento Street:***

Nicolas and Andrea are committed and looking forward to embracing the neighborhood and becoming a part of the Pacific Heights/Presidio Heights community and Sacramento Street Shops. We hope and anticipate that many of our diners will live and work in the immediately surrounding neighborhoods.

We are committed to participating in the annual Sacramento Street events: the Sidewalk Sale in September, the annual Halloween Trick or Treat event, and the Holiday Stroll. We would like to participate in the Sidewalk Sale and we will definitely open our doors to "trick or treaters" on Halloween. We also plan to participate in the annual Holiday Stroll by offering Vin Chaud, a French holiday tradition of hot spiced, mulled wine, and Hot Spiced Cider (a nonalcoholic alterative).

Further, Andrea has been involved with Meals On Wheels as a volunteer and has attended a number of charity events for the organization. Once we are up and running, we would love to host one of the Meals On Wheels Benefoodies events at the restaurant.

***Parking:***

We anticipate approximately 40-46 seats in the restaurant, and a private dining area that can accommodate 12-18 people for special occasions. We hope many of our diners will be from the neighborhood and within walking distance from the restaurant. However, for those who choose to drive, there are at least two public parking lots within a two-block radius of the restaurant.

- The Jewish Community Center offers public garage parking Monday through Friday: 5:30 am – 10:30 pm, and Saturday and Sunday: 7:00 am – 8:30 pm. Public parking rates are \$1.75/half hour for the first four hours. Thereafter, \$2.25/half hour with a daily maximum of \$27.50. The parking garage entrance is at 3365 California Street, between Presidio Avenue and Walnut Street
- The UCSF Laurel Heights Campus Parking Lot is available 24-hours and offers 55 parking spaces at 3333 California Street, between Presidio Avenue and Walnut Street. The weekday rate before 6:00 pm is \$3.50/hour. After 6:00 pm until 7:00 am the following day, the rate is \$2.50. Weekends, before 6:00 pm, the rate is \$6.00. Saturday and Sunday after 6:00 p.m., the rate is \$2.50.
- In addition, street parking is available along Sacramento Street and on surrounding streets.

Finally, we are open to establishing a valet parking service for the restaurant either every evening or just Friday and Saturday evenings, depending on our guests' desires and demands.

***Noise & Odors:***

We plan to take measures to alleviate the noise and odor concerns that typically arise with a restaurant space. First and foremost, we do not anticipate a rambunctious group of guests and diners. Rather, we expect the restaurant will attract individuals from the immediate neighborhoods and others around the city seeking a fine dining experience. However, in order to combat ambient and conversation noise, we will provide a waiting area inside the restaurant so as to quash noise and disturbance to neighbors from guests waiting to be seated.

The type of cuisine cooked and prepared will not be overly aromatic. Nonetheless, we are consulting with a mechanical engineer and general contractor specializing in restaurant construction in an effort to contain and mitigate kitchen odors. We will implement a kitchen exhaust system designed to minimize such odors. Further, areas within and on the sidewalk will be kept clean and all trash, compost, and recycling shall be stored inside until such time as it is picked up by the sanitation/recycling service(s).

**Freebairn-Smith & Crane**  
Planning, Urban Design, Architecture

442 Post Street  
San Francisco  
California 94102  
(415) 398-4094  
(415) 398-4096 Fax

transmittal: CU for restaurant at 3228 Sacramento Street  
  
to: SHARON YOUNG  
  
from: Janet Crane  
  
date: 7 June 2012  
  
re: Pre-Application Meeting held on Sunday  
June 3.

Dear Sharon:

Enclosed please find material recording the Pre-Application meeting on June 3<sup>rd</sup>. Three people attended: two retailers/building owners from across the street and one adjacent retailer/building owner.

Enclosed are:

Copy of letter sent to neighbors  
Mailing list for meeting  
Sign in sheet  
Questions asked and responses  
Affidavit  
Reduced copy of floor plan from meeting

No questions or concerns were asked in the meeting that requested changes to the restaurant proposal. Two people were very much on support and the immediate neighbor was in support and asked that disturbances to her tenants during construction be minimized as much as possible.

I attach a map of the businesses in the 3228 block and the two adjacent blocks that are in the HC Zoning, regarding your question about percentage frontage of existing cafes and restaurants. In those 3 blocks, there are 3 existing cafes/restaurants not including the 3228 proposal. They comprise about 6 to 7% of the frontage in those 3 blocks.

We have made the minor changes to the floor plan as we discussed earlier, adding overall dimensions and the interior square footage. Please let us know if you need anything else other than the multiple copies for the Commission,

Best regards.



Janet Crane Architect

Nicolas and Andrea Delaroque  
1436 Vallejo Street  
San Francisco, CA 94109

Friday, May 18, 2012

Dear Neighbor:

My husband Nicolas and I wish to open our first restaurant at 3228 Sacramento Street. Because a restaurant will be a change of use from the current retail use, the City Planning Department asks that we arrange an informal meeting for the neighbors immediately adjacent to the space and for a representative of the Pacific Heights Residents Association and the Sacramento Street Neighborhood Association.

The meeting is to be held on Sunday June 3rd at 5 pm at 3228 Sacramento Street. The meeting should last no longer than an hour.

We wish to create a neighborhood restaurant where we can share and bring together the things we love, from our upbringing, travels, encounters and our love of good food. Someplace warm and inviting, featuring exceptional cuisine and service. The menu will change with the seasons and will be inspired and driven by ingredients harvested, foraged, cultivated, and sourced predominantly in Northern California. The cuisine may be best described as contemporary California/French cuisine, fusing together traditional French techniques with modern cooking and seasonal ingredients.

We believe the best dining experience to be a combination of enjoyment and discovery. The table is a place for laughing, sharing, indulging – a place we want to make inviting and appealing to all. To that end, we seek to create a small, generous restaurant where the diner may feel the care taken in every dish and on each plate. With this restaurant, we endeavor to build a lasting name and brand associated with warmth, innovation, quality, and freshness.

Please let us know if you plan to attend our June 3<sup>rd</sup> meeting by calling our architect at 415 398 4094.

With warm regards,

Andrea and Nicolas Delaroque

# Notice of Pre-Application Meeting

May 18 2012

Date

Dear Neighbor:

You are invited to a neighborhood Pre-Application meeting to review and discuss the development proposal at 3228 Sacramento, cross street(s) Lyon/Presidio (Block/Lot#: 1007/011); Zoning: Sac St NCD, in accordance with the San Francisco Planning Department's Pre-Application procedures. The Pre-Application meeting is intended as a way for the Project Sponsor(s) to discuss the project and review the proposed plans with adjacent neighbors and neighborhood organizations before the submittal of an application to the City. This provides neighbors an opportunity to raise questions and discuss any concerns about the impacts of the project before it is submitted for the Planning Department's review. Once a Building Permit has been submitted to the City, you may track its status at [www.sfgov.org/dbi](http://www.sfgov.org/dbi).

The Pre-Application process is only required for projects subject to Planning Code Section 311 or 312 Notification. It serves as the first step in the process prior to building permit application or entitlement submittal. Those contacted as a result of the Pre-Application process will also receive a formal entitlement notice or 311 or 312 notification when the project is submitted and reviewed by Planning Department staff.

A Pre-Application meeting is required because this project includes (check all that apply):

- New Construction;
- Any vertical addition of 7 feet or more;
- Any horizontal addition of 10 feet or more;
- Decks over 10 feet above grade or within the required rear yard;
- All Formula Retail uses subject to a Conditional Use Authorization.

change of use: retail to restaurant  
The development proposal is to: Remodel interior for restaurant use, minor change to entry, new signage

Existing # of dwelling units: <u>0</u>	Proposed: <u>0</u>	Permitted: <input checked="" type="checkbox"/>
Existing bldg square footage: <u>2480</u>	Proposed: <u>2480</u>	Permitted: <input checked="" type="checkbox"/>
Existing # of stories: <u>1</u>	Proposed: <u>1</u>	Permitted: <input checked="" type="checkbox"/>
Existing bldg height: <u>15'-9"</u>	Proposed: <u>15'-9"</u>	Permitted: <input checked="" type="checkbox"/>
Existing bldg depth: <u>115'-10"</u>	Proposed: <u>115'-10"</u>	Permitted: <input checked="" type="checkbox"/>

### MEETING INFORMATION:

Property Owner(s) name(s): Mr. Jaiswal  
 Project Sponsor(s): Andrea + Nica DeLaRoque  
 Contact information (email/phone): Brian Griffith 415 398 4094  
 Meeting Address\*: 3228 Sacramento St  
 Date of meeting: 3 June 2012  
 Time of meeting\*\*: 5 pm

\*The meeting should be conducted at the project site or within a one-mile radius, unless the Project Sponsor has requested a Department Facilitated Pre-Application Meeting, in which case the meeting will be held at the Planning Department offices, at 1650 Mission Street, Suite 400.

\*\*Weeknight meetings shall occur between 6:00 p.m. - 9:00 p.m. Weekend meetings shall be between 10:00 a.m. - 9:00 p.m, unless the Project Sponsor has selected a Department Facilitated Pre-Application Meeting.

If you have any questions about the San Francisco Planning Code, Residential Design Guidelines, or general development process in the City, please call the Public Information Center at 415-558-6378, or contact the Planning Department via email at [pic@sfgov.org](mailto:pic@sfgov.org). You may also find information about the San Francisco Planning Department and on-going planning efforts at [www.sfplanning.org](http://www.sfplanning.org).

**Freebairn-Smith & Crane  
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San Francisco, CA  
94102**

**Pacific Heights Residents Aaoc.  
2585 Pacific Avenue  
San Francisco CA  
94115-1162**

**Sacramento St. Merchants Assoc  
3252 Sacramento St.  
San Francisco CA  
94115-2007**

**DONOHUE & KLAIMAN TRS  
525 Phelps Street  
San Francisco, CA  
94124-1440**

**OCCUPANT  
3233 Sacramento Street  
San Francisco, CA  
94115-2047**

**OCCUPANT  
3235 Sacramento Street  
San Francisco, CA  
94115-2047**

**OCCUPANT  
3237 Sacramento Street  
San Francisco, CA  
94115-2047**

**DIANE LEUNG-JEW  
3227 Sacramento Street  
San Francisco, CA  
94115-2047**

**OCCUPANT  
3225 Sacramento Street  
San Francisco, CA  
94115-2047**

**OCCUPANT  
3225A Sacramento Street,  
San Francisco, CA  
94115-2047**

**SF UNIVERSITY HIGH  
3065 Jackson Street  
San Francisco, CA  
94115-1022**

**OCCUPANT  
3220 Sacramento Street  
San Francisco, CA  
94115-2007**

**WENDY TEICH TRS  
3234 Sacramento Street  
San Francisco, CA  
94115-2007**

**OCCUPANT  
3236 Sacramento Street  
San Francisco, CA  
94115-2007**

**OCCUPANT  
3238 Sacramento Street  
San Francisco, CA  
94115-2007**

**OCCUPANT  
3238 Sacramento Street  
San Francisco, CA  
94115-2007**

# Pre-Application Meeting Sign-in Sheet

Meeting Date: June 3 2012

Meeting Time: 5 pm

Meeting Address: 3228 Sacramento St

Project Address: " " "

Property Owner Name: Balgovind Jaiswal + Mehri Jaiswal, Trustees of the

Project Sponsor/Representative: Andrea + Nicolas Delaroque / 2008 Jaiswal family revocable trust

Please print your name below, state your address and/or affiliation with a neighborhood group, and provide your phone number. Providing your name below does not represent support or opposition to the project; it is for documentation purposes only.

NAME/ORGANIZATION	ADDRESS	PHONE #	EMAIL	SEND PLANS
-------------------	---------	---------	-------	------------

1. Virginia Dondine Pet Camp	3233 Sacramento	415-470-0000		<input type="checkbox"/>
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2.	Virginia@petcamp.com			<input type="checkbox"/>
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3.				<input type="checkbox"/>
----	--	--	--	--------------------------

4. Springer Feild	3234 Sacramento St	94115		<input type="checkbox"/> 415 407-3576
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5. Peter / Medicine	3225 Sacramento St	94115	415-771-5837	<input type="checkbox"/>
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6.				<input type="checkbox"/>
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7.				<input type="checkbox"/>
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8.				<input type="checkbox"/>
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9.				<input type="checkbox"/>
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10.				<input type="checkbox"/>
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11.				<input type="checkbox"/>
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12.				<input type="checkbox"/>
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13.				<input type="checkbox"/>
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14.				<input type="checkbox"/>
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15.				<input type="checkbox"/>
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16.				<input type="checkbox"/>
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17.				<input type="checkbox"/>
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18.				<input type="checkbox"/>
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# Summary of discussion from the Pre-Application Meeting

Page 1

Meeting Date: 6/3/12  
Meeting Time: 5pm  
Meeting Address: 3228 Sacramento st  
Project Address: " " "  
Property Owner Name: Jaiswal 2008 revocable family trust  
Project Sponsor/Representative: Andrea + Nicolas Delaroque

Please summarize the questions/comments and your response from the Pre-Application meeting in the space below. Please state if/how the project has been modified in response to any concerns.

Question/Concern #1 by (name of concerned neighbor/neighborhood group): Virginia Donohue  
What size is the private dining room?

Project Sponsor Response: 8 to 12 guests

Question/Concern #2: Spring Tech: please minimize the noise +  
odor from roof top mechanical equipment.

Project Sponsor Response: architect + Mechanical Engineer are aware  
of this issue + will design the system to minimize  
impacts

Question/Concern #3: Spring Tech: can you avoid construction  
noise during the business hours of my therapist  
tenant on the second floor? The therapist is not there  
on weekends: can the noisy work occur on weekends?

Project Sponsor Response: We will work with you on this.

Question/Concern #4: Peter Werkhoven: what are your projected  
construction start and opening dates?

Project Sponsor Response: Hope to start construction in the fall  
and open in December or January, provided that  
all goes well with the Conditional Use  
application.

# Summary of discussion from the Pre-Application Meeting

Continuation: Page 2

Meeting Date: \_\_\_\_\_  
Meeting Time: \_\_\_\_\_  
Meeting Address: 3228 Sacramento St  
Project Address: \_\_\_\_\_  
Property Owner Name: \_\_\_\_\_  
Project Sponsor/Representative: \_\_\_\_\_

Please summarize the questions/comments and your response from the Pre-Application meeting in the space below. Please state if/how the project has been modified in response to any concerns.

Question/Concern #<sup>5</sup>: by (name of concerned neighbor/neighborhood group): Virginia Donohue  
What price point are you aiming for?

Project Sponsor Response: \$40 to \$60 or more, depending on wine choices, per diner.

Question/Concern #<sup>6</sup>: Peter Werkhoven: what will your opening hours be?

Project Sponsor Response: at first 5 evenings per week for dinner, closed either Monday/Tuesday, or Sunday/Monday. may expand this once the restaurant has been open for a while.

Question/Concern #<sup>7</sup>: Peter Werkhoven: a local survey found that two neighbors would like another lunch opportunity or

Project Sponsor Response: we would consider that once we are established.

Question/Concern #<sup>8</sup>: Peter Werkhoven + Virginia Donohue: we think this concept is fantastic for the neighborhood and we wish you a warm welcome + let us know if we can help in any way

Project Sponsor Response: Thank you.

# Summary of discussion from the Pre-Application Meeting

continuation: Page 3

Meeting Date: \_\_\_\_\_  
Meeting Time: \_\_\_\_\_  
Meeting Address: 3228 Sacramento St  
Project Address: \_\_\_\_\_  
Property Owner Name: \_\_\_\_\_  
Project Sponsor/Representative: \_\_\_\_\_

Please summarize the questions/comments and your response from the Pre-Application meeting in the space below. Please state if/how the project has been modified in response to any concerns.

Question/Concern #<sup>9</sup>1 by (name of concerned neighbor/neighborhood group): Spring Teich  
I too support a restaurant here as long as you  
hear my concerns during the construction period.

Project Sponsor Response: We have taken note of your concerns.

Question/Concern #2: \_\_\_\_\_  
\_\_\_\_\_

Project Sponsor Response: \_\_\_\_\_  
\_\_\_\_\_

Question/Concern #3: \_\_\_\_\_  
\_\_\_\_\_

Project Sponsor Response: \_\_\_\_\_  
\_\_\_\_\_

Question/Concern #4: \_\_\_\_\_  
\_\_\_\_\_

Project Sponsor Response: \_\_\_\_\_  
\_\_\_\_\_

# Affidavit of Conducting a Pre-Application Meeting, Sign-in Sheet and Issues/Responses submittal

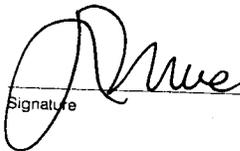
I, JANET CRANE, do hereby declare as follows:

1. I have conducted a Pre-Application Meeting for the proposed new construction or alteration prior to submitting any entitlement (Building Permit, Variance, Conditional Use, etc.) in accordance with Planning Commission Pre-Application Policy.
2. The meeting was conducted at 3228 Sacramento St (location/address) on 6/3/12 (date) from 5pm (time).
3. I have included the mailing list, meeting initiation, sign-in sheet, issue/response summary, and reduced plans with the entitlement Application. I understand that I am responsible for the accuracy of this information and that erroneous information may lead to suspension or revocation of the permit.
4. I have prepared these materials in good faith and to the best of my ability.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

EXECUTED ON THIS DAY, 6/6/12, 20     IN SAN FRANCISCO.

Signature



JANET CRANE

Name (type or print)

AGENT

Relationship to Project (e.g. Owner, Agent)

(if Agent, give business name & profession)

3228 Sacramento St.

Project Address

# 3228 Sacramento Street Conditional Use Case 2012.0540C Application for Restaurant Use, Signatures and Letters of Support

- 60 Petition signatures from neighboring businesses in support
- 7 Letters of support from 6 local residents and one neighboring business including a letter from the Pacific Heights Residents' Association and the most recent President of the Merchants' Association, which is currently inactive.

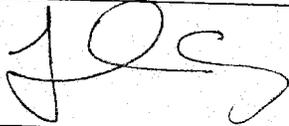
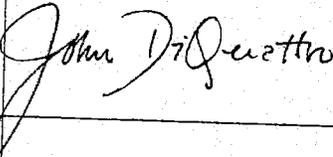
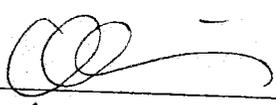
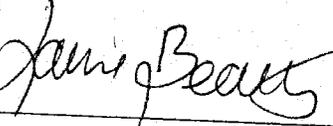
San Francisco Planning Department  
 1650 Mission Street  
 Suite 400  
 San Francisco, CA 94103-9425

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Sincerely,

Name	Signature	Address/Business	Contact Number or Email
Meg Moir		Mabel Chong 3242 Sacramento	j mabel@mabelchong.com
MONTSEERAT ALON		WISTERIA PRINTS 3248 SACRAMENTO	WISTERIAPRINTS@ADL.COM
Julia Carey		Employee @ The Desk Set 3252 Sacramento	rachel@thedeskset.com
John DiQuattro		3274 Sacramento St. S.F. Ca. Store Mgr.	john@AnthemSF.com
Christine Beliveau		Anthem 3274 Sacramento St. SF CA	christine@anthemSF.com
Lauree Beatty		Walter Adams 355 Headw Ave SF CA	lauree@walteradamsSF.com

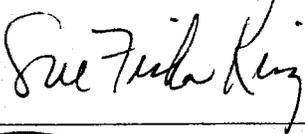
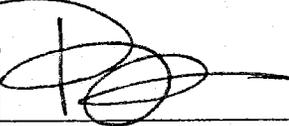
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Sincerely,

Name	Signature	Address/Business	Contact Number or Email
Sue Fisher King		3067 Sacramento St San Francisco 94115	j SUEFKING@ AOL.COM
BENNY AGUILAR STYLING DECORATION		927 Powell St No. 3 SF, CA 94109	BENNY SF1@YAHOO.COM
TRICIA TONG		3291 Sacramento SF 94115	Sf@henrybeque.com.net triciatong@yahoo.com
Jessica Bow		3101 Sacramento St SF CA 94115	jessica@bae-home.com
		NEW STAR 3164 Sacramento St	
Peter Weikhoven		Aedicule 3225 Sacramento St	415.771.5839 AE@Aedicule.com

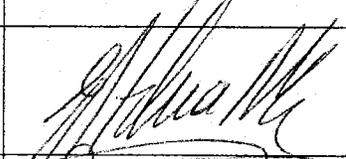
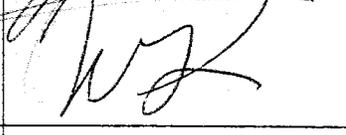
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Sincerely,

Name	Signature	Address/Business	Contact Number or Email
ZAVEN		3308 SACRAMENTO ST	(415) 567-3555
TBF		3314 Sacramento	415 903-1274
Oleg		3326 Sacramento	(415) 931-9326
Felicia		3350 Sacramento	(415) 345-1155
Whitney		33704 Sacramento	(415) 409-3504
Paul Mahler		3378 Sacramento	415 474-7707

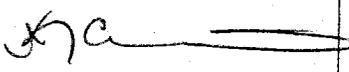
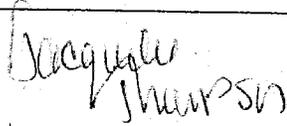
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Sincerely,

Name	Signature	Address/Business	Contact Number or Email
Rose Rasmussen		Marilyn Jaeger Skincare	j 415-751-0647
Kelley Antari		Marilyn Jaeger Skincare	415-751- 0647
Jacqueline Thompson		Thos Mose Cabinetmakers	415 - 931-8131
Chrisola Markoulakis		mom's the word	Chrisolam13@gmail.com
<del>pmg/keel</del>	<del>J. Keel</del>	Vintage a la Mode	springetichie pubcell.net
Torryne Choate		bitch 3223 sacramento	415-922-4724

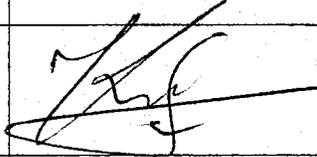
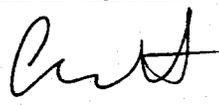
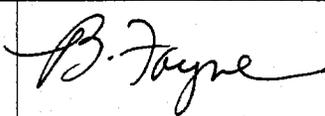
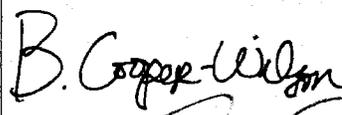
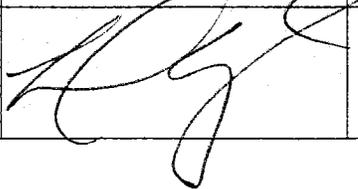
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Sincerely,

Name	Signature	Address/Business	Contact Number or Email
Madeline Grahek		3307 Sacramento St. Brooks Shoes 4 Kids	415-440-7599
F. Kouckale		3369 Sacramento St. 94118	415- 928-7378
Amadeo Vibet		3319 Sacramento 94118	415-567-2443
Bunny Fayne		344 Presidio Av 94115	415-409-3440
Brittany/ Cooper		345 Presidio Ave	805.259.7765
Laurel Gray		3401 Sacramento St	laurel@latavolalinen.com

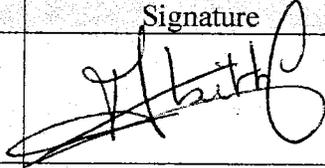
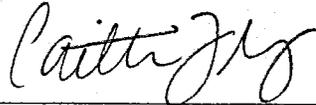
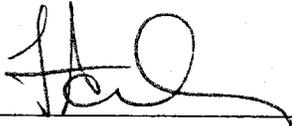
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Sincerely,

Name	Signature	Address/Business	Contact Number or Email
Dominique Abithol		Battas Down 3415 Sacramento St	563.1311 (415)
Caitlin Flemming		Kendall Wilkinson 3419 Sacramento St	903-349-1200
Lauren Vlahos		Kendall Wilkinson 3419 Sacramento St.	818-939-6213
Chelsi Liddell		Kendall Wilkinson 3419 Sacramento St.	415 409 2299.
Fany Aranda		Kendall Wilkinson 3415 Sacramento St 94118	415-409-2299
Megan Moran		Kendall Wilkinson 3419 Sacramento St 94118	415-409-2299

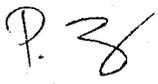
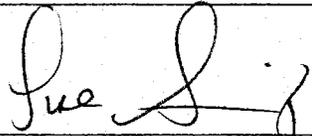
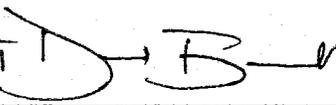
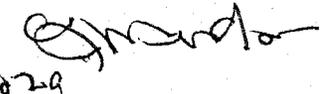
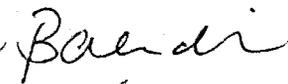
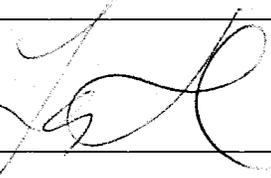
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Sincerely,

Name	Signature	Address/Business	Contact Number or Email
Pearl Lopez		Ludali Wilkinson	j 415.409.2299
Lisa Seelig		Right Start	415 202 1901
DAVID BONATI		3405 Sacramento	415 563-1040
Catherine Mendoza		3490 Sacramento	415 673.5733
Brenda Alessandra		3525 Sacramento	415-215-2250
Isabella Hutton		3603 Sacramento	415 346 8897

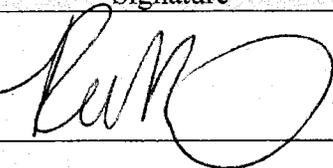
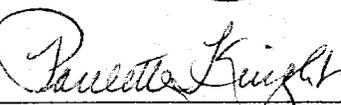
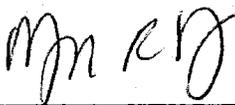
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Sincerely,

Name	Signature	Address/Business	Contact Number or Email
Rebecca Ulrich		3615 Sacramento St	j
PAULETTE KNIGHT		3695 SACRAMENTO ST.	THERIBBON@MSN.COM
Megan Dorsey		3680 Sacramento St SF CA 94118	
Kathy Swindle		3676A Sacramento 94118	
Marta Villela		3654 Sacramento 94118	
Akira Kurihara		3654 Sacramento 94118	

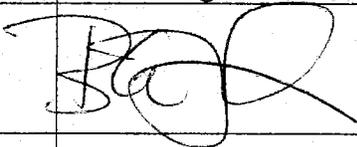
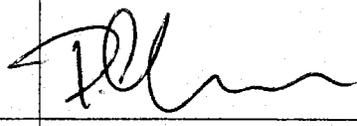
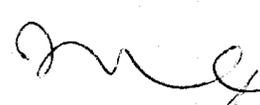
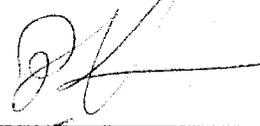
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Sincerely,

Name	Signature	Address/Business	Contact Number or Email
BIANCA MILLS		3654 Sacramento SF CA 94118	j
ERIKA OHLSSON		SAME AS ABOVE	
Phil Gallogh		2450 Market St #202 SF CA	
Margaret Timbrell Hiatt		3600 Sacramento SF CA 94118	
Barbara Harman		3568 Sacramento ST	346-0304
Chandra Nair		3566 Sacramento ST	1415-563-1471

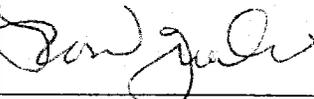
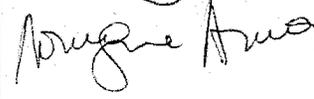
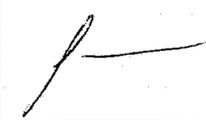
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Sincerely,

Name	Signature	Address/Business	Contact Number or Email
STEFAN SALINAS		3548 <sup>JONATHAN</sup> <sup>KAYE</sup> SACRAMENTO ST SF CA	j 415-563-0773
Rose Jeweler		Rose's Gift Gallery 3484 Sacramento SF	(415) 292-4448
Houngue ARNON			415-826-8650
JNA Nouel		INSITE antiques & design 3424 Sacramento st SF CA 94118	415 922-5131
Thomas Silva	THOMAS SILVA	TSA ↑	415 214-2317
Rachel Lopez Metzger		THE DESK SET 3252 SACRAMENTO SF CA 94115	415 921 9575

# *PACIFIC HEIGHTS RESIDENTS ASSOCIATION*

2585 PACIFIC AVENUE  
SAN FRANCISCO, CA 94115  
TELEPHONE: (415) 922-3572

July 7, 2012

San Francisco Planning Department  
1650 Mission Street  
Suite 400  
San Francisco, CA 94103-9425

Dear Sir or Madam:

**CU for Proposed Restaurant  
3228 Sacramento Street**

PHRA represents the area bounded by Union, Bush, Presidio & Van Ness. Our mission is to preserve & protect the residential character of Pacific Heights.

We have had discussions with Andrea Bryant Delaroque about the restaurant they wish to open at the address above. We understand it is to be a "fine dining" restaurant with a beer and wine license. Given that this block is already zoned commercial and that this type of restaurant will be unlikely to cause noise or disruption to surrounding neighbors, PHRA has no objections to the issuance of the conditional use permit.

Should you have any questions or require additional information, please call (415-498-6270).

Sincerely,

L. Gregory Scott  
President

# The Desk Set

INVITATIONS • FINE STATIONERY

San Francisco Planning Department  
Attn: Sharon Young  
1650 Mission Street  
Suite 400  
San Francisco, CA 94103-9425

RE: 3228 Sacramento Street – Full Service Restaurant Conditional Use Application  
CASE NO. 2012.0540C

Dear Ms. Young:

I am in support of the above Conditional Use Application.

The 3200 block of Sacramento Street in Presidio Heights has long been a very stable block economically. In the past few years, we've seen a bit more movement of retail as businesses either close or relocate.

It would be a great benefit to the block, the Sacramento Street retail corridor and the surrounding neighborhood to have an additional fine dining establishment in our midst.

Please approve their application so that our retail corridor can continue to thrive.

Sincerely



Rachel Lopez Metzger  
Owner  
The Desk Set ~ Custom Invitations & Fine Stationery

June 27, 2012

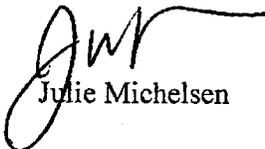
San Francisco Planning Department  
Attn: Sharon Young  
1650 Mission Street  
Suite 400  
San Francisco, CA 94103-9425

Re: Letter in support of the change in use of 3228 Sacramento Street.

Dear Ms. Young:

This correspondence is written in support of the change of use of 3228 Sacramento Street to a restaurant. I am a resident of Pacific Heights and have lived in the neighborhood for close to six years. I chose to settle in Pacific Heights because there were so many shops and restaurants to explore. In my opinion, this is one of the most treasured features of the neighborhood and something that appeals to both residents and tourists visiting San Francisco. Based on what I know about Nicolas and Andrea's vision for their restaurant, I feel that it would be a welcomed addition to the neighborhood. I especially appreciate the fact that their goal is not just to provide a wonderful culinary experience but also to provide a warm and inviting ambiance, something that is lacking from many of the existing restaurants in the area. I know that many of my neighbors and friends that live in the area share this sentiment and look forward to exploring new restaurants. I have the added benefit of knowing Nicolas and Andrea as people. I know that they are passionate about their restaurant and are extremely dedicated to carrying out the vision expressed in summary of their restaurant plan. I look forward to the opening!

Regards,

  
Julie Michelsen

Brandy Quinn  
2935 Clay St. Apt. 4  
San Francisco, CA 94115

San Francisco Planning Department  
Attn: Sharon Young  
1650 Mission Street  
Suite 400  
San Francisco, CA 94103-9425

**RE: 3228 Sacramento Street – Full Service Restaurant Conditional Use Application  
CASE NO. 2012.0540C**

Dear Ms. Young:

I am writing in enthusiastic support for Nicolas and Andrea Delaroque's plans for a restaurant in the Pacific Heights neighborhood. I am a current resident – in fact, my running route takes me by the planned restaurant location on Sacramento several times a week. Each time I run by I get excited about the possibility of a restaurant of the type proposed by the Delaroque's.

I support the change of the use of the current space to a restaurant. From what I know of the plans for the restaurant, I believe it will be a wonderful and welcome addition to the neighborhood. While there are a few restaurants along California and Sacramento streets in this particular area of Pacific Heights, I believe the Delaroque's plans will significantly enhance the dining quality of the neighborhood, as they will bring a culinary perspective and dining environment currently missing from the area. In a food scene as vibrant as San Francisco, it is necessary for the Pacific Heights neighborhood to welcome and encourage new, highly skilled, warm and creative chefs like Nicolas in order to remain competitive in a city with many exciting dining enclaves. It would certainly be nice to stay closer to home and still enjoy a unique, comfortable and well-crafted meal. The plans are most definitely suited to the neighborhood, and Pacific Heights residents will most definitely find themselves at home in the space that Nicolas and Andrea envision.

Thank you for your consideration of their plans. The neighborhood can't go wrong in welcoming them!

Sincerely,

A handwritten signature in cursive script that reads "Brandy Quinn". The ink is dark and the signature is fluid and legible.

Brandy Quinn

Matthew Wellek  
1703 Baker Street  
San Francisco, CA 94115

San Francisco Planning Department  
Attn: Sharon Young  
1650 Mission Street  
Suite 400  
San Francisco, CA 94103-9425

***RE: 3228 Sacramento Street – Full Service Restaurant Conditional Use Application  
CASE NO. 2012.0540C***

Dear Ms. Young:

I am a Pacific Heights resident, and I am writing in support of the Conditional Use Application to change the use of 3228 Sacramento Street to a restaurant. Based on my knowledge of the planned restaurant, I believe it will be a welcome addition to the area and will enhance the neighborhood. I dine out frequently and am greatly looking forward to having additional dining options nearby, particularly of the style and caliber planned here. I believe the restaurant is compatible with the neighborhood and its residents, and I look forward to its opening.

As a Pacific Heights homeowner and a neighbor of 3228 Sacramento, I recommend granting this Full Service Restaurant Conditional Use Application.

Sincerely,



Matthew Wellek  
Pacific Heights Resident

Kimberly Ryan  
2935 Clay St, #4  
San Francisco, CA 94115

June 25, 2012

Sharon Young  
San Francisco Planning Department

RE: 3228 Sacramento Street restaurant proposal of Nicolas and Andrea Delaroque

Dear Ms. Young:

I am a long time resident of Pacific Heights and wish to voice my support of the Delaroques' proposal to transform 3228 Sacramento street into a restaurant. I believe the neighborhood could benefit from more dining options and specifically, the kind of restaurant recommended here. The seasonal menu and refined ambiance would fit very well into our neighborhood and undoubtedly be embraced by the residents.

I look forward to dining here when the project is complete. Thank you for your consideration.

Sincerely,

Kimberly Ryan

July 4, 2012

Caitlin Pollock  
1895 Jackson Street #201  
San Francisco, CA 94109

Sharon Young  
San Francisco Planning Department

RE: 3228 Sacramento Street restaurant proposal of Nicolas and Andrea Delaroque

Dear Ms. Young:

I have lived in Pacific Heights for the past 3 years and would like to express my support and enthusiasm for the restaurant proposed at 3228 Sacramento. I dine frequently in restaurants that are similar to what Mr. and Mrs. Delaroque are proposing, however I feel that there are not enough of these in the Pacific Heights neighborhood. It sounds like their proposal French/California cuisine using season local ingredients would fit right in with the spirit and the people of Pacific Heights. I would welcome them in the neighborhood as I know my neighbors would as well.

Sincerely,

A handwritten signature in cursive script that reads "Caitlin Pollock". The signature is written in dark ink and is positioned below the "Sincerely," text.

Caitlin Pollock



Annie Brush  
<akbrush@gmail.com>  
07/11/2012 02:53 PM

To Sharon.M.Young@sfgov.org  
cc  
bcc  
Subject Case#: 2012.0540C: 3228 Sacramento Street Request for  
Conditional Use

Dear Ms. Young:

I am writing to express my concerns about the 3228 Sacramento Street application for Conditional Use authorization to convert a retail space into a restaurant:

1) NOISE: There is no question that this proposed conversion would increase noise levels dramatically in our tranquil neighborhood. One of the reasons I purchased my home at 1931 Lyon Street, 2 years ago, was because the backyard was/is so peaceful. Having a restaurant, instead of a retail store, as one of my backyard neighbors would dramatically change this environment, especially if outdoor dining is permitted.

2) POLLUTION: I do not want to smell restaurant exhaust fumes, an inevitable byproduct of a restaurant. I also worry that customers and/or employees will be smoking in the outside areas, emitting intolerable second-hand smoke.

3) TRAFFIC: There is no doubt that this proposed restaurant would increase traffic and parking in our already congested residential/commercial area that already houses a high school, Library, many apartment buildings, a restaurant, movie theatre and numerous retail and service businesses.

Thank you for considering my concerns and lack of support for this application. Please feel free to contact me with any questions.

With my sincere thanks,

Anne K. Brush  
1931 Lyon Street  
San Francisco, CA 94115

415-602-6626

Bessie Fellezs  
9 Mayfair Drive  
San Francisco, CA 94118

July 10, 2012

Ms. Sharon M. Young  
San Francisco Planning Department  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

*Re: Support for Conditional Use Application – Case No. 2012.0540C  
3228 Sacramento Street – Full-Service Restaurant Use*

Dear Ms. Young:

I have been a resident and property owner in the Presidio Heights district of San Francisco for over 20 years. I live approximately three blocks from the proposed new restaurant location and would like to express my support for the approval of the Conditional Use Application. I believe it would be a nice addition to the neighborhood and I look forward to a new restaurant within walking distance. It has been quite some time since we had a new dining option in the area and I think the proposed restaurant sounds like it will fit nicely with the neighborhood and its residents.

Sincerely,

Bessie Fellezs, signed electronically...

Asaye Mizota  
7 Mayfair Drive  
San Francisco, CA 94118

July 10, 2012

Ms. Sharon M. Young  
San Francisco Planning Department  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

*Re: Support for Conditional Use Application – Case No. 2012.0540C  
3228 Sacramento Street – Full-Service Restaurant Use*

Dear Ms. Young:

I am a Presidio Heights resident and live within a few blocks of the proposed restaurant space. I would like to formally express my support for the restaurant and change of use. A new restaurant of this type and caliber would be a welcome addition to the neighborhood and would serve to enhance the Sacramento Street corridor. I look forward to a new restaurant withing walking distance of my home.

Sincerely,

Asaye Mizota, signed electronically

Sarah Stewart  
2411 Webster Street, #8  
San Francisco, CA 94115

July 10, 2012

Ms. Sharon Young  
San Francisco Planning Department  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

Re: Restaurant at 3228 Sacramento Street

Dear Ms. Young:

Please accept this letter in support of the change of use/restaurant proposed at 3228 Sacramento Street. I am a Pacific Heights resident and welcome the addition of a new restaurant along the Sacramento Street corridor. Based on the description and size of the restaurant, I believe it would fit in nicely with the character of the neighborhood and be embraced by the residents. Accordingly, I recommend the approval of the Conditional Use Application.

Sincerely,



Sarah Stewart



Sharon M. Young  
Planner, NW Quadrant, Current Planning  
San Francisco Planning Department  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

July 10, 2012

Dear Ms. Young,

I am writing to express my unconditional support for the restaurant to be established at 3228 Sacramento Street.  
I believe that the caliber of this proposed restaurant will be an excellent fit and a welcome asset to our neighborhood.

Please do not hesitate to contact me if you would like me to expand my endorsement.

Sincerely,

Peter Werkhoven

3225 SACRAMENTO STREET SAN FRANCISCO, CALIFORNIA 94115  
*Telephone (415) 771-5837 Facsimile (415) 771-5838*  
AEDICULE.COM



John Rojas  
<j.rojas@zerotendesign.com>

07/10/2012 04:56 PM

To "Sharon.M.Young@sfgov.org"  
<Sharon.M.Young@sfgov.org>

cc

bcc

Subject 3228 Sacramento Street

Ms. Young,

I am a resident of Pacific Heights and am writing to you in support of the above referenced project. I strongly believe that Sacramento Street needs more quality projects like this, ones that contribute to the overall lifeblood of the neighborhood, and I hope the Planning Department recommends its approval.

Thank you for your time.

John Rojas  
1740 Broadway  
San Francisco, CA 94109



Stephanie Milligan  
<stephanie.stephanie@me.com>

07/10/2012 12:04 PM

To "sharon.m.young@sfgov.org" <sharon.m.young@sfgov.org>

cc

bcc

Subject: New restaurant support

Dear Ms. Young,

I have been a resident at Clay Street for 13 years and am I thrilled to learn that we will have another dining option in my neighborhood, which has such limited offerings, and particularly one I can walk to from my home. I fully support the restaurant at 3228 Sacramento Street and wanted to voice my support.

STEPHANIE MILLIGAN

Be Yourself; Everyone else is already taken Oscar Wilde



susie kettler  
<susan\_kettler@hotmail.com>

07/11/2012 11:06 AM

To <sharon.m.young@sfgov.org>

cc

bcc

Subject Potential new French restaurant on Sacramento Street

Ms. Sharon Young  
SF Planning Department  
1650 Mission Street  
San Francisco, CA 94103

Ms. Young – It has come to my attention that the Planning Commission will be reviewing a conditional use permit application for a potential new French restaurant at 3228 Sacramento Street. My husband and I are long-term residents and property owners in the immediate neighborhood (Broderick at Washington; Clay at Broderick.) As such, we support the restaurant's pending application as it would offer the Pacific/Presidio Heights communities an upscale eatery that locals could walk to in the evenings.

Thank you for your consideration.

Best -  
Susan & Kevin Kettler



"Gothelf, Donna"  
<DGothelf@pacunion.com>  
07/11/2012 03:38 PM

To <Sharon.M.Young@sfgov.org>  
cc  
bcc  
Subject application support 3228 Sacramento St.

Ms. Sharon Young  
SF Planning Department  
1650 Mission Street  
San Francisco, CA 94103

Dear Ms. Young – It has come to my attention that the Planning Commission will be reviewing a conditional use permit application for a potential new French restaurant at 3228 Sacramento Street. My husband and I are long-term residents and property owners in the immediate neighborhood (Washington at Presidio.) As such, we support the restaurant's pending application as it would offer the Pacific/Presidio Heights communities an upscale eatery that locals could walk to in the evenings.

sincerely,  
Donna Gothelf



"Carolyn S. Morris"  
<carolyn.soofoo@gmail.com  
>

07/11/2012 03:44 PM

To sharon.m.young@sfgov.org

cc

bcc

Subject New restaurant on Sacramento Street

Dear Ms. Young,

I have been a resident at Clay Street for 10 years and am I thrilled to learn that we will have another dining option in my neighborhood, which has such limited offerings, and particularly one I can walk to from my home. I fully support the restaurant at 3228 Sacramento Street and wanted to voice my support.

I appreciate your consideration.

Carolyn S. Morris

ALLISON MAU

---

3240 SACRAMENTO STREET, UNIT B ☎ SAN FRANCISCO, CA 94115 ☎ 415/441-8555

July 9, 2012

*Via U.S. Mail and Email*

**Ms. Sharon M. Young**

SAN FRANCISCO PLANNING DEPARTMENT  
1650 Mission Street, 4<sup>th</sup> Floor  
San Francisco, CA 94103

RE: Case No. 2012.0540C  
Opposition to Request for Conditional Use Permit at 3228 Sacramento Street

Dear Ms. Young:

Thank you so much for making the project file for 3228 Sacramento Street available for my review. Based upon my review, I have several significant concerns in the following areas:

- The Pre-Application Meeting;
- Statements Made in the Application for Conditional Use for a Full Service Restaurant;
- The Petition in Support of the Conditional Use Application;
- Lack of Information Regarding the Mechanical/HVAC and Exhaust/Venting Plans for the Project.

**Pre-Application Meeting**

It is my opinion that the results of the Pre-Application Meeting, as described by Ms. Janet Crane in her correspondence to you dated June 7, 2012, are somewhat misleading, misrepresentative of any concerns that may be held by residents in the neighborhood, and should be disregarded.

Based upon the contents of the project file, the mailing list for the Pre-Application Meeting was extremely limited. The mailing list included in the project file lists only four residences along Sacramento Street. My building at 3240 Sacramento is only two doors away from the subject property and contains four separate residences, yet none of us were notified of the Pre-

**Ms. Sharon M. Young**

RE: Case No. 2012.0540C, Application for Conditional Use Permit at 3228 Sacramento Street

July 9, 2012

Page 2

Application Meeting. Thus, Ms. Crane's correspondence to you indicating that there were "[n]o questions or concerns ... in the meeting that requested changes to the restaurant proposal" is not necessarily indicative of the opinion of the residents in the immediate vicinity of the project. Clearly, if I had received notification of the Pre-Application Meeting I would have been able to voice my concerns regarding the project and hopefully had such concerns addressed by the applicant in a timely manner.

### **Statements Made in the Application for Conditional Use for a Full Service Restaurant**

#### ***Conditional Use Findings Number 1***

Ms. Crane's statement of facts are not sufficient to establish the finding that the "proposed use ... will provide a development that is necessary or desirable for, and compatible with, the neighborhood ...".

There has been no evidence presented that an additional restaurant is necessary for the neighborhood. Undoubtedly, the space is not sitting vacant as it is currently being leased by a clothing retailer. In addition, there are already two existing restaurants serving dinner within a 300-foot radius of the proposed project, namely Osteria and Garibaldi. As both of these restaurants are on the much busier Presidio Avenue, its nighttime orientation is much more acceptable to the neighborhood. One block away from the proposed restaurant on Sacramento Street are two additional cafes, Café Luna and Eunice's Café; appropriately, both cafes limit their service hours to daytime hours.

More importantly, there has also been no evidence presented that the proposed additional restaurant is compatible with the neighborhood. Section 724.1 of the Planning Code states that the "Sacramento Street District controls are designed to promote adequate growth opportunities for development that is compatible with the **surrounding low-density residential neighborhood.**" [Emphasis Added] Sec. 724.1 of the Planning Code further specifically describes the Sacramento Street Neighborhood Commercial District as one where the "daytime orientation of the district is encouraged by prohibiting bars and restricting late-night commercial activity."

The applicant states that the proposed "restaurant will close at 10:30 pm and the clientele will be asked to respect the neighborhood with a low conversational level when they leave." Although the intent of the owners of the proposed restaurant is to be respectful of their neighbors, we are all fully aware that the actions of the patrons are well beyond the control of the owners. Furthermore, the impact to the neighborhood would not be limited to the patrons' conversational level; the neighborhood would also be impacted by the sheer increase in the

**Ms. Sharon M. Young**

RE: Case No. 2012.0540C, Application for Conditional Use Permit at 3228 Sacramento Street

July 9, 2012

Page 3

activity and number of people in the area at night, which would include employees of the proposed restaurant as well as its patrons. Such activity clearly does not conform to the original vision of a neighborhood with a daytime orientation nor is it well-suited to a low-density residential neighborhood.

In the application, Ms. Crane simply states that the proposed restaurant's "character" and "cuisine" would be a valuable addition to and compatible with the neighborhood. My concern lies with the proposal of a new restaurant itself and not necessarily the nature of the restaurant. The mere fact that the proposed restaurant intends on providing a "fine dining experience" does not mean that it is compatible with my neighborhood. The fundamentals of all restaurants are the same: there will be cooking odors, there will be noise from the mechanics of an active kitchen, there will be daily deliveries of product, and there will be a steady flow of patrons coming and going. The proposed restaurant is simply not compatible with a low-density residential neighborhood that has a daytime orientation.

In addition, once a conditional use permit for a restaurant is issued, the way will have been paved for all future restaurants. Hypothetically speaking, the owners of the proposed restaurant may at some point decide that they just want to get out of the business. I may no longer have a "fine dining" restaurant two doors away from me but rather a raucous burger joint attracting hoards of patrons. This is a slippery slope that will forever change the character of my neighborhood.

Real life decisions were made and real life dollars were spent based on the Planning Code's vision of the Sacramento Street Neighborhood Commercial District. There is no desire to turn this neighborhood into a Union Street or a Fillmore Street; this is Sacramento Street and the subject location is simply not appropriate for a restaurant.

### ***Conditional Use Findings Number 2a***

Ms. Crane's statement of facts are not sufficient to establish the finding that the "such use ... as proposed will not be detrimental to the health, safety, convenience or general welfare of the persons residing ... in the vicinity or injurious to property ... in the vicinity with respect to ... **the nature of the proposed site ...**".

The statement of facts presented by the applicant attempt to indicate that there will be no detrimental impact because there will be "minimal changes to the building" and that they "do not plan to modify the exterior of the building." However, the nature of the proposed site is, in fact, a new restaurant. Accordingly, the potential detrimental impact with respect to the nature of a proposed restaurant would primarily be any new HVAC equipment that would be

**Ms. Sharon M. Young**

RE: Case No. 2012.0540C, Application for Conditional Use Permit at 3228 Sacramento Street

July 9, 2012

Page 4

installed for a restaurant; the applicant has failed to provide any information regarding any new HVAC equipment. See further discussion at Lack of Information Regarding the Mechanical/HVAC and Exhaust/Venting Plans for the Project.

### ***Conditional Use Findings Number 2b***

Ms. Crane's statement of facts are not sufficient to establish the finding that the "such use ... as proposed will not be detrimental to the health, safety, convenience or general welfare of the persons residing ... in the vicinity or injurious to property ... in the vicinity with respect to ... **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 applicant does not feel that the proposed restaurant will generate significant traffic due to its limited number of seats. The applicant also describes nearby garages and states that street parking is available in this neighborhood and has offered to provide valet parking should it be necessary. However, the focus of the applicant's statement of facts is misplaced; the applicant provides information assuring that their potential patrons will have adequate parking rather than focusing on the existing residents.

I strongly disagree that a 65-seat restaurant in my neighborhood will not generate significant traffic or have a detrimental effect on its existing residents. I do agree that there currently is available street parking but we all know that the parking situation is a delicate balance. The Sacramento Street Neighborhood Commercial District is one with a daytime orientation. As a result, when its residents return from work in the evenings, they are able to find street parking because the neighborhood businesses have closed for the day. The neighborhood residents are not able to park in these public garages or lots; they will be endlessly circling the neighborhood looking for a parking space. The addition of the proposed restaurant will most certainly disrupt the current parking situation and thus have a detrimental effect on both the residents and the residents' property values.

### ***Conditional Use Findings Number 2c***

Ms. Crane's statement of facts are not sufficient to establish the finding that the "such use ... as proposed will not be detrimental to the health, safety, convenience or general welfare of the persons residing ... in the vicinity or injurious to property ... in the vicinity with respect to ... **the safeguards afforded to prevent noxious or offensive emissions such as noise ... and odor.**"

**Ms. Sharon M. Young**

RE: Case No. 2012.0540C, Application for Conditional Use Permit at 3228 Sacramento Street

July 9, 2012

Page 5

The applicant provides no information whatsoever on exactly how “their mechanical engineer will design the kitchen exhaust to minimize cooking odors” or on the exact location of where this kitchen exhaust will vent. See further discussion at Lack of Information Regarding the Mechanical/HVAC and Exhaust/Venting Plans for the Project.

***Conditional Use Findings Number 2d***

Ms. Crane’s statement of facts are not sufficient to establish the finding that the “such use ... as proposed will not be detrimental to the health, safety, convenience or general welfare of the persons residing ... in the vicinity or injurious to property ... in the vicinity with respect to ... **treatment given to ... parking and loading areas, service areas ...**”.

The applicant states that the “existing building has no ... parking, loading or service area and none are proposed.” However, the existing building is occupied by a clothing retailer and obviously its needs are significantly different from a restaurant operation. The applicant has not provided any information on how it intends to receive its deliveries, which would likely be on a daily basis. Delivery trucks do not typically circle the block in search of a parking space. Sacramento Street is not large enough to accommodate a stream of traffic avoiding double-parked vehicles. Furthermore, the proposed restaurant is directly adjacent to one of San Francisco University High’s campuses and any illegal parking/loading would present a hazardous and dangerous situation.

***Conditional Use Findings Number 3***

Ms. Crane’s statement of facts are not sufficient to establish the finding that the “such use ... as proposed will comply with the applicable provisions of this Code and will not adversely affect the Master Plan.”

I vehemently disagree with the applicant’s statement that the proposed restaurant “complies with the intent of the Neighborhood Commercial Zoning and will not adversely affect the City’s Master Plan.” As previously described, pursuant to Sec. 724.1 of the Planning Code, the Sacramento Street Neighborhood Commercial District is specifically described as one where the “daytime orientation of the district is encouraged by prohibiting bars and restricting late-night commercial activity.” A conditional use permit for the proposed restaurant would completely destroy the original vision for the neighborhood.

**Ms. Sharon M. Young**

RE: Case No. 2012.0540C, Application for Conditional Use Permit at 3228 Sacramento Street

July 9, 2012

Page 6

***Priority General Plan Policies Findings Number 1***

Ms. Crane's response does not indicate how the proposed project is consistent with the policy that "existing neighborhood-serving retail uses be preserved and enhanced ...".

Instead, she simply states that the proposed restaurant "will not affect the broad balance of businesses in the neighborhood." Clearly, replacing a retail store with a restaurant does not preserve the space for existing retail use nor would it enhance the other existing retailers as the proposed restaurant would be operating in the evening.

***Priority General Plan Policies Findings Number 2***

Ms. Crane's response does not indicate how the proposed project is consistent with the policy that "existing ... neighborhood character be conserved and protected ...".

Ms. Crane states that the "character and scale of the business is comparable to others in that neighborhood." I strongly disagree. As previously discussed, just up the street on busy Presidio Avenue, there are already two other restaurants serving dinner. Osteria Restaurant is on the corner of Presidio and Sacramento and is significantly smaller in scale and in hours of operation than the proposed restaurant. Along the next block on Sacramento are two cafes whose hours are restricted to the daytime.

As I have previously stated, the proposed restaurant is completely out of my neighborhood's character as the Sacramento Street Neighborhood Commercial District is one with a "daytime orientation" with controls in place to ensure that the businesses are compatible with the "surrounding low-density residential neighborhood." Section 724.1 of the Planning Code further states that "[l]imits on new ground-story eating and drinking uses ... are intended to minimize the environmental impacts generated by the growth of such uses. The daytime orientation of the district is encouraged by prohibiting bars and restricting late-night commercial activity."

The proposed restaurant is completely inconsistent with the policy of conserving and protecting my neighborhood's existing character.

***Priority General Plan Policies Findings Number 4***

Ms. Crane's response does not indicate how the proposed project is consistent with the policy that "commuter traffic not ... overburden our streets or neighborhood parking."

**Ms. Sharon M. Young**

RE: Case No. 2012.0540C, Application for Conditional Use Permit at 3228 Sacramento Street

July 9, 2012

Page 7

The applicant simply states that the proposed restaurant “has no effect on commuter traffic.” Either Ms. Crane misreads the question or she is evading the question. Ms. Crane fails to indicate how many people will be employed by this 65-seat restaurant, the commuters, and their method of transportation to work. Thus it is impossible to determine if the proposed restaurant is consistent with the policy that “commuter traffic not ... overburden our streets or neighborhood parking.”

### **The Petition in Support of the Conditional Use Application**

Ms. Crane states in her June 25, 2012 correspondence to you that they have “collected signatures of support from 60 business in the NC district and have not had one person not willing to sign, or have objection to the use.” In addition, included in the project file is a copy of a petition with respective signatures indicating their support of the conditional use application; such petition showed a list of 23 signatures. I have reviewed the addresses associated with each signature and have noted that each address is, in fact, for a business.

Therefore, the above described petition is wholly misleading. As Ms. Crane states, the only evidence of support is from the surrounding businesses; there is not a single resident that is represented on their petition. As I have repeatedly pointed out, the Sacramento Street Neighborhood Commercial District is intended to be a district with a “daytime orientation” and appropriately, each and every business which is listed on their petition closes for the day by approximately 6 pm. In other words, the businesses which have signed the petition in support of the conditional use application for the proposed restaurant ain’t got no skin in the game; they are entirely unaffected by a restaurant whose operating hours are in the evening. It is the residents of this neighborhood that will be adversely impacted by the addition of the proposed restaurant and it does not appear that the applicant has made any notable effort to obtain their opinions.

### **Lack of Information Regarding the Mechanical/HVAC and Exhaust/Venting Plans for the Project**

Unfortunately, the project file did not contain the mechanical/HVAC and exhaust/venting drawings for the proposed project. I have recently put in a request to Ms. Crane and Ms. Andrea Delaroque to review such plans and hope to hear back from either of them shortly. My primary concern is, of course, the potential odors that are typically emitted from any restaurant and the noise generated by the corresponding equipment to abate such odors.

**Ms. Sharon M. Young**

RE: Case No. 2012.0540C, Application for Conditional Use Permit at 3228 Sacramento Street

July 9, 2012

Page 8

As the application correctly states, the subject property is one story tall. My building, which is just two doors away, is five stories tall and each residence contains outdoor space such as balconies and patios. I will be seeking assurances that the proposed restaurant adequately designs the kitchen exhaust to vent in a manner that is not detrimental to my property. To date, this is an open issue.

**Conclusion**

I am adamantly opposed to a Change of Use from Retail to Restaurant and the granting of the corresponding Conditional Use Permit. The applicant simply offers conclusory statements with no evidential support or expert opinion.

Based on all of the above, the applicant clearly has not presented sufficient facts pursuant to Planning Code Section 303(c) for a conditional use authorization. I am requesting that the Planning Commission deny the conditional use authorization for a permit for a Full Service Restaurant at 3228 Sacramento Street.

Best regards,

Allison Mau

Ms. Sharon Young  
San Francisco Planning Department  
1650 Mission Street, Fourth Floor  
San Francisco, CA 94103

***Re: 3228 Sacramento Street – Full Service Restaurant  
Response to Ms. Mau's Opposition Letter to Request for Conditional Use Permit***

Dear Ms. Young:

Please accept this letter in response to the letter sent by Ms. Mau pertaining to our Conditional Use Application for the property located at 3228 Sacramento Street. Ms. Mau's objections to the Change of Use to a Full Service Restaurant are set forth in four sections and fall within four general areas of concern. I will endeavor to address each of Ms. Mau's concerns in the order in which they were raised.

I. Pre-Application Meeting

Our understanding of the purpose of the Pre-Application Meeting is to meet with and inform the immediate neighbors who will be the most impacted by the proposed change, per the mailing list directions of the Planning Department. To that end, we held a Pre-Application Meeting on Sunday, June 3, 2012, at 5:00pm at 3228 Sacramento Street in which my husband, Nicolas, and I explained our vision of the restaurant and answered questions about the project. Our agent for the Conditional Use Application, Janet Crane, sent notice of the meeting to the recipients required by the Planning Department, including the two neighbors immediately next door and those directly across the street. Three of the invitees attended the meeting, and all expressed their support for the restaurant project.

Ms. Mau raises an objection to the limited nature of the meeting and invitees. Her primary complaint appears to be that she was unable to raise her concerns and have "such concerns addressed in a timely manner." I am similarly disappointed that we did not receive notice of Ms. Mau's concerns earlier and were not given an opportunity to address them prior to the lodging of a formal Opposition. I believe we could have tackled a number of Ms. Mau objections and opened a dialog prior to her formal Opposition. Indeed, there was ample time and opportunity to do so. The Planning Department Notice was posted in the window of 3228 Sacramento Street on June 26, 2012, along with a letter detailing our plans for the restaurant ("Letter"). (Please see the Letter attached hereto.) We also provided an email address and an invitation to write to us with any questions, concerns, or comments about the project. Unfortunately, neither the existence nor the extent of Ms. Mau's concerns were known until today, July 9, 2012, just 10 days prior to the hearing of this matter.

II. Statements Made In The Application For Conditional Use

***Compatibility With Sacramento Street Neighborhood Commercial District***

Ms. Mau presents a number of concerns regarding statements made in the Conditional Use Application. Ms. Mau cites Section 724.1 of the Planning Code for the proposition that the

requested restaurant use is not compatible with the Sacramento Street Neighborhood Commercial District ("NCD"). (Ms. Mau letter p. 2) Section 724.1 defines the NCD and states that the "Sacramento Street District controls are designed to promote adequate growth opportunities for development that is compatible with the surrounding low-density residential neighborhood." In light of this statement, arguably, the Sacramento Street NCD is the precise zone under which such restaurant use is contemplated and compatible. The adjacent zoning is RH-1 (residential, one family), RH-2 (residential, two family), RH-3 (residential, three family), and RM-1 (residential mixed, low density). Each of these surrounding zones is residential in nature and restricts commercial activity. The Sacramento NCD is only district "designed to promote adequate growth opportunities" for commercial merchants and restaurant uses to serve and support the "surrounding low-density residential neighborhood." As such, the Sacramento Street NCD is indeed compatible with the proposed full service restaurant use.

Moreover, the proposed restaurant use is in line with the goal of promoting adequate and gradual growth in the area. The last restaurant to obtain conditional use approval was Spruce, at 3640 Sacramento Street. *See* SF Property Information Map. Indeed, I believe that Spruce was the last restaurant even to apply for conditional use and its application was filed over 7 years ago in February 2005. Prior to Spruce, it appears the other full service restaurants in the NCD were all established in the 1980s (Garibaldi's, Osteria, and The Magic Flute) or in 1990 (Sociale). *See* SF Property Information Map. Thus, despite Ms. Mau's concerns of a "slippery slope" and that Sacramento Street will turn "into a Union Street or a Fillmore Street," it is unlikely given the historical restaurant data in the NCD and the arduous conditional use/discretionary review process. (Ms. Mau letter p. 3) The present request for conditional use approval of a new full service restaurant comes nearly a decade after the last request. Such measured restaurant growth is surely consistent with the Sacramento Street NCD stated goal of promoting adequate opportunities and providing for the surrounding neighborhood.

On a number of occasions in her letter, Ms. Mau quotes Section 724.1 stating that the NCD is "one where the 'daytime orientation of the district is encouraged by prohibiting bars and restricting late-night commercial activity.'" (Ms. Mau letter p. 2) The proposed restaurant is neither a bar nor a late night activity. Rather, the restaurant we propose and wish to open is a warm, approachable neighborhood restaurant serving seasonal and elevated cuisine. We will pursue a Type 41 Beer and Wine license, but the alcohol will be a secondary element designed to enhance the dining experience. As for "late night" activity, the proposed restaurant use does not fit within this category. The SF Police Code defines "late night" activity to commence at 9:00pm and end early the next morning. SF Police Code, Article 15.1 § 1060(n). We expect our restaurant hours to be 5:00pm or 5:30pm to 10:00pm or 10:30pm.

### ***Size & Hours of Operation***

Ms. Mau raises the concerns that the proposed restaurant will be too large and that 10:30pm is too late to remain open. She states that Osteria, on the corner of Sacramento and Presidio, "is significantly smaller in scale and hours of operation." (Ms. Mau letter p. 6). Osteria seats approximately 40 people and closes at 9:30pm, Tuesday through Saturday (9:00pm on Sunday). Our proposed restaurant will have approximately 40-46 seats in the main dining room and an additional 12-18 seats in a private/group dining room in the back of the restaurant. We anticipate

that the group dining area will be utilized mostly around the holidays and for large parties on occasion. Indeed, the scale of both restaurants is comparable and the hours of operation are only an hour or half an hour apart. The closing hours of the other restaurants in the Sacramento Street NCD vary from 9:00pm or 10pm on Sundays to 10:00pm, 10:30 or 11:30pm Friday and Saturday. *See* Operating Hours of Garibaldi's, Spruce, Magic Flute, and Sociale. The seating capacities range from 60 seats (exclusive of bar seating) at Garibaldi's to 80+ seats at Spruce. Our proposed restaurant is well within the range of the existing restaurant occupancies and hours of operation.

### ***Long Term Commitment to the Restaurant***

This restaurant is our dream. We have already invested countless hours of research and preparation to bring this to the Planning Commission. The Sacramento Street NCD and the surrounding neighborhoods provide the perfect "audience" for the type of restaurant we wish to create. We feel fortunate to have found the building at 3228 Sacramento Street and we look forward to transforming it into a neighborhood restaurant where people may discover new dishes or become weekly regulars. Ms. Mau expressed some uncertainty about our commitment to the project. (Ms. Mau letter p. 3) However, such uncertainty is not necessary. We are very much invested in the neighborhood and the restaurant. Indeed, we are in escrow to purchase the building at 3228 Sacramento Street and are committed to being good neighbors to the surrounding businesses and residents. Many of the restaurants in the area have been in business for decades. We can only hope for such longevity. All things considered, we are investing too much not to be wholly committed to the restaurant and the neighborhood.

### ***Noise, Odors & Deliveries***

Ms. Mau raises a genuine concern about the noise, odors, and deliveries that come with a restaurant. (Ms. Mau letter pp. 3, 5, 7, 8)

With regard to odors, Janet Crane has consulted with a mechanical engineer on our behalf to explore the options available to mitigate kitchen odors. There are several options for filtration units to mitigate smells and aromas.

With regard to noise, we do not anticipate a boisterous clientele. Rather, we expect many of our diners will be from the neighborhood and will be respectful of the surrounding neighbors. Nonetheless, in order to combat ambient and conversation noise, we will provide a waiting area inside the restaurant so as to quash noise from guests waiting to be seated.

The noise associated with the kitchen hood and ventilation systems will all comply with all current Building Code and Health & Safety Code requirements. It is my understanding that the current Health Code requires that the decibel level for new equipment cannot exceed 53 at the property line (normal conversation is 60dB). We will meet or exceed this requirement and all others pertaining to noise levels of the restaurant equipment.

As for HVAC, Ms. Mau expressed her concern about "new HVAC equipment that would be installed for the restaurant." (Ms. Mau letter pp. 3-4) The building at 3228 Sacramento Street

has an existing HVAC system. In the event it needs replacement, we will do so with upgraded equipment. The new kitchen fan will comply with all requisite regulations and applicable codes upon installation and will have an acoustic screen facing the adjacent residence.

Ms. Mau is correct with regard to deliveries. They will likely be five days a week - every day except Sunday and Monday, the two days we expect to close the restaurant. However, they will all be during the day and for short time frames, just as they are for many of the other businesses in the District. Despite Ms. Mau's concern, University High School has not expressed an objection to the proposed restaurant project. Further, the University High School building next door is a satellite building containing primarily staff offices and parking.

Our consultation with specific engineers and specialists has been limited thus far as all of our progress going forward is contingent upon the Planning Commission's determination with regard to our Application for Conditional Use. That said, we are unable to provide the plans and specifications requested by Ms. Mau. We can only provide assurances that we will comply with all regulations and use our best efforts to mitigate the impact of the restaurant on the neighbors.

### ***Parking***

Ms. Mau raises an objection to the change of use based on a potential loss of public street parking. (Ms Mau letter p. 4) The Planning Code does not require us to provide parking to patrons and we do not anticipate the public parking impact on the neighborhood to be high. *See* Planning Code, Article 1.5 § 151. On a regular basis, we expect that the restaurant occupancy will be of a relatively small scale and will fill between 40-46 seats. Only on the occasional evening will the proposed restaurant be at full capacity with both the main dining area and the group dining room filled (approximately 65 seats). Ms. Mau bases her objection on a 65-seat restaurant which is 20-25 seats more than our main dining room is expected to hold.

Moreover, our hope is that many of these diners will be from the neighborhood and simply walk over for dinner or take taxis. For those who choose to drive, aside from street parking, there are at least two public parking lots within a walkable distance.

- The Jewish Community Center offers public garage parking Monday through Friday: 5:30 am – 10:30 pm, and Saturday and Sunday: 7:00 am – 8:30 pm. Public parking rates are \$1.75/half hour for the first four hours. Thereafter, \$2.25/half hour with a daily maximum of \$27.50. The parking garage entrance is at 3365 California Street, between Presidio Avenue and Walnut Street
- The UCSF Laurel Heights Campus Parking Lot is available 24-hours and offers 55 parking spaces at 3333 California Street, between Presidio Avenue and Walnut Street. The weekday rate before 6:00 pm is \$3.50/hour. After 6:00 pm until 7:00 am the following day, the rate is \$2.50. Weekends, before 6:00 pm, the rate is \$6.00. Saturday and Sunday after 6:00 p.m., the rate is \$2.50.

### III. Support Petition

Ms. Mau complains that the 60 signatures<sup>1</sup> collected from the Sacramento Street Merchants are not representative because the merchants have "no skin in the game" and are "entirely unaffected by a restaurant whose operating hours are in the evening." (Ms Mau letter p. 7) Quite the contrary. Many of the merchants have been on Sacramento Street for decades, other for months, but all are wholly dedicated to the success of their business. For many, it is their livelihood. Like us, the merchants along Sacramento Street have invested much time, money, and energy in their businesses and are committed to their continued success. Based on our many conversations with the merchants and business people along the Sacramento Street corridor, simply stated, a restaurant drives business. Even when it's only open for dinner<sup>2</sup>; a fact we pointed out when we talked with the merchants. All in all, it is my opinion that the merchants have just as much "skin in the game" as residents or anyone else.

Finally, we have received several letters of support from residents in the neighborhood and from the Pacific Heights Residents' Association as well.

### IV. Mechanical/HVAC/Venting

Ms. Mau reiterates her concerns about noise and odors in the final section of her letter. In response, please see the section above titled "Noise, Odors & Deliveries" at pages 3 and 4.

Thank you for your consideration of our Conditional Use Application and this response to Ms. Mau's letter.

Sincerely,



Andrea Delaroque

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<sup>1</sup> Ms. Mau mentions that she was only able to find 23 signatures on the Petition. The 60 signatures were collected over the course of two different days. Perhaps Ms. Mau was only able to view one of the days' signatures which might explain the discrepancy.

<sup>2</sup> We are open to the possibility of a lunch service once we get up and running. We plan to take it a step at a time with regard to the possibility of expanding the operation.

Dear Neighbors:

We would like to say hello and share some insight into our upcoming project.

We are delighted by the possibility of opening our restaurant in the heart of the Sacramento Street District. We wish to create a neighborhood restaurant where we can share our love of good food. Someplace warm and inviting, featuring exceptional cuisine and service. The menu will change with the seasons and will be inspired and driven by ingredients harvested, foraged, cultivated, and sourced predominantly in Northern California. The cuisine may be best described as contemporary California/French cuisine, fusing together traditional French techniques with modern cooking and seasonal ingredients. Nicolas, our chef, was raised and trained in France. However, he has worked as a chef in the Bay Area for several years, most recently at Manresa in Los Gatos.

We believe the best dining experience to be a combination of enjoyment and discovery. The table is a place for laughing, sharing, indulging – a place we want to make inviting and appealing. To that end, we seek to create a small, convivial restaurant where the diner may feel the care taken in every dish and on each plate.

We also plan to create a small rooftop garden with herbs and citrus to be used in the menu. Finally, we will apply for a Type 41 Beer & Wine license.

We hope you are as excited as we are about the restaurant. If you have any questions, concerns, or thoughts you wish to share, please do not hesitate to contact us at the email listed below. We welcome your comments and hope this will be a welcome addition to the already lovely neighborhood and community.

Warm Regards,

Nicolas & Andrea Delaroque  
info@3228SacramentoStreet.com



Project:  
**3228 Sacramento St.  
 Restaurant**  
 3228 Sacramento St  
 San Francisco, CA 94115

**Freebairn-Smith & Crane**  
 Planning Urban Design Architecture  
 442 Post Street  
 San Francisco CA 94102  
 (415) 398-4094  
 (415) 398-4096 Fax

NORTH CORNER AT PRESIDIO



Sheet Title:

**Existing  
 Site photos  
 North Side of  
 Sacramento Between  
 Presido and Lyon Street**

Date: 20 April 2012 Issued For: C.U. Application

Scale:  
 File: ROQ\_EE\_04182012.dwg  
 Project: ROQ  
 Drawn: SC Checked: JC  
 Ref Sheet No:  
 North:

**A0.1**



SUBJECT PROPERTY



NORTH CORNER AT LYON

12.0540 C



SOUTH CORNER AT LYON STREET



SOUTH CORNER AT PRESIDIO AVENUE

Project:  
**3228 Sacramento St.  
 Restaurant**  
 3228 Sacramento St  
 San Francisco, CA 94115

**Freebairn-Smith & Crane**  
 Planning Urban Design Architecture  
 442 Post Street  
 San Francisco CA 94102  
 (415) 398-4094  
 (415) 398-4096 Fax

Sheet Title:

**Existing Site Photos  
 South Side of  
 Sacramento Between  
 Presido and Lyon St.**

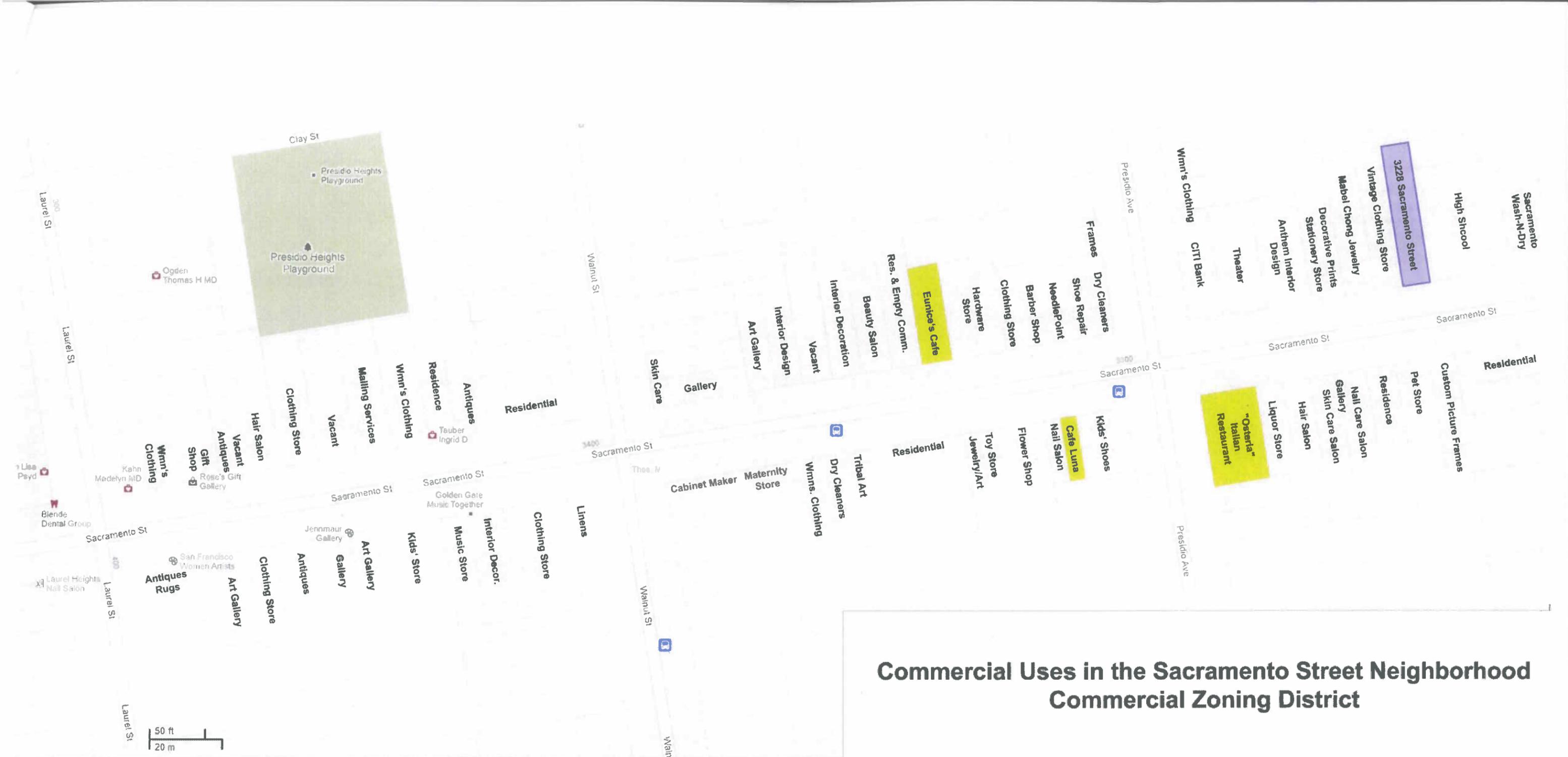
Date: 20 April 2012 Issued For: C.U. Application

Scale:  
 File: ROQ\_EE\_04182012.dwg  
 Project: ROQ  
 Drawn: SC Checked: JC  
 Ref Sheet No:  
 North: **A0.2**

12.0540 C

## Commercial Uses in the Sacramento Street Neighborhood Commercial Zoning District

- Subject Property
- Existing Cafes/Restaurant



Project:  
**3228 Sacramento St**  
**Restaurant**  
 3228 Sacramento St  
 San Francisco, CA 94115

Freebairn-Smith & Crane  
 Planning Urban Design Architecture  
 442 Post Street  
 San Francisco CA 94102  
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1 PROPOSED STOREFRONT ELEVATION  
 1/4" = 1'-0"



2 EXISTING CONDITIONS EXTERIOR PHOTO

Sheet Title:  
**Exterior**  
**Elevation**

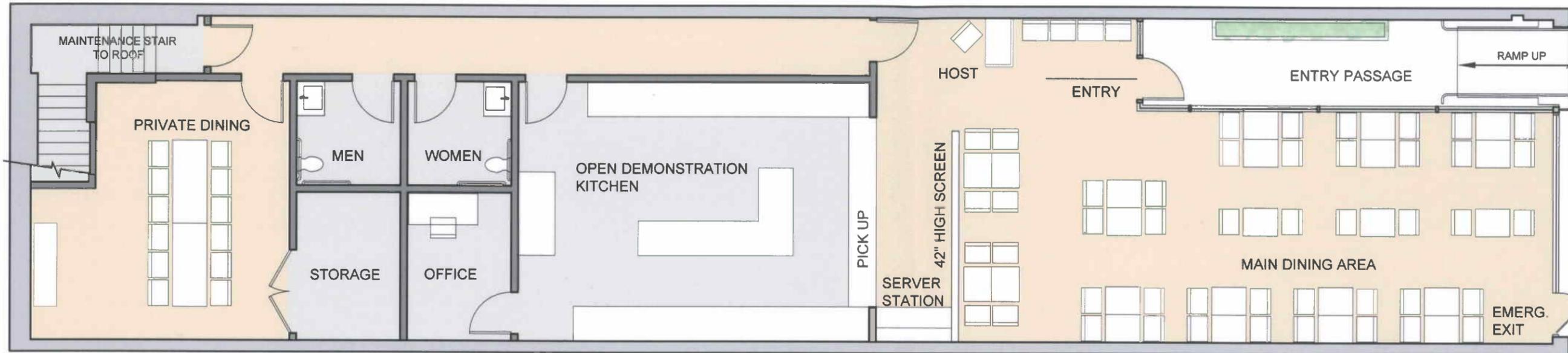
Date: 20 APRIL 2012 Issued For: C.U. Application

NOTE:  
 SIGNAGE TO BE  
 APPROVED UNDER A  
 SEPARATE PERMIT.

Scale: 1/8" = 1'-0" @ 11" x 17"  
 File: roq\_a1.0-ext. elev.dwg  
 Project: ROQ  
 Drawn: SC Checked: JC  
 Ref Sheet No:  
 North:  **A1.0**

Project:  
**3228 Sacramento St  
Restaurant**  
3228 Sacramento St  
San Francisco, CA 94115

Freebairn-Smith & Crane  
Planning Urban Design Architecture  
442 Post Street  
San Francisco CA 94102  
(415) 398-4094  
(415) 398-4096 Fax



LENGTH OF BUILDING: 25'-0"  
WIDTH OF BUILDING: 115'-10"  
TOTAL INTERIOR SIZE: 2480 SF

Sheet Title:  
**Proposed  
Floor Plan**

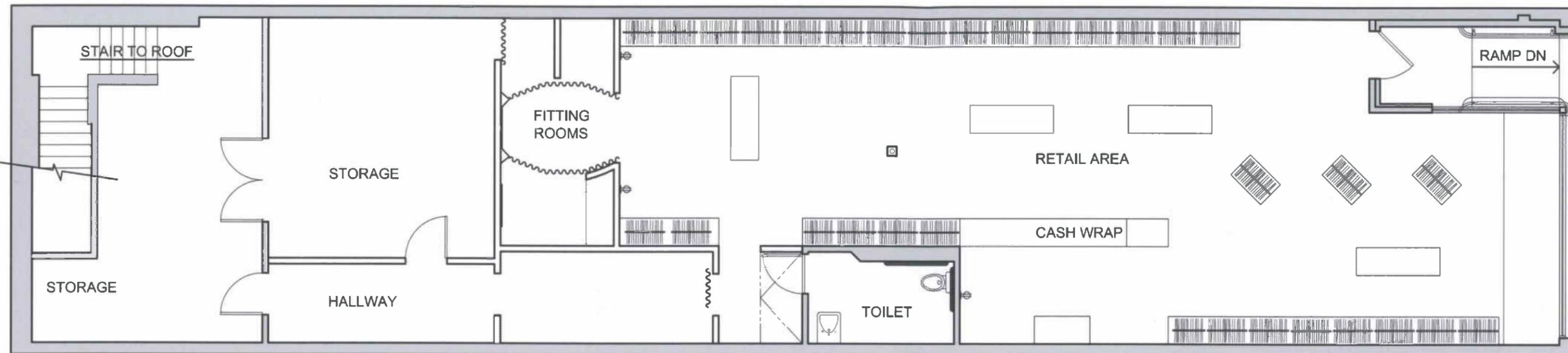
1 PROPOSED FLOOR PLAN  
1/8" = 1'-0"

Date: 20 APRIL 2012 Issued For: C.U. Application

Scale: 1/8" = 1'-0" @ 11" x 17"  
File: roq\_a2.0-fp01.dwg  
Project: ROQ  
Drawn: SC Checked: JC  
Ref Sheet No:  
North:  A2.0

Project:  
**3228 Sacramento St  
Restaurant**  
3228 Sacramento St  
San Francisco, CA 94115

**Freebairn-Smith & Crane**  
Planning Urban Design Architecture  
442 Post Street  
San Francisco CA 94102  
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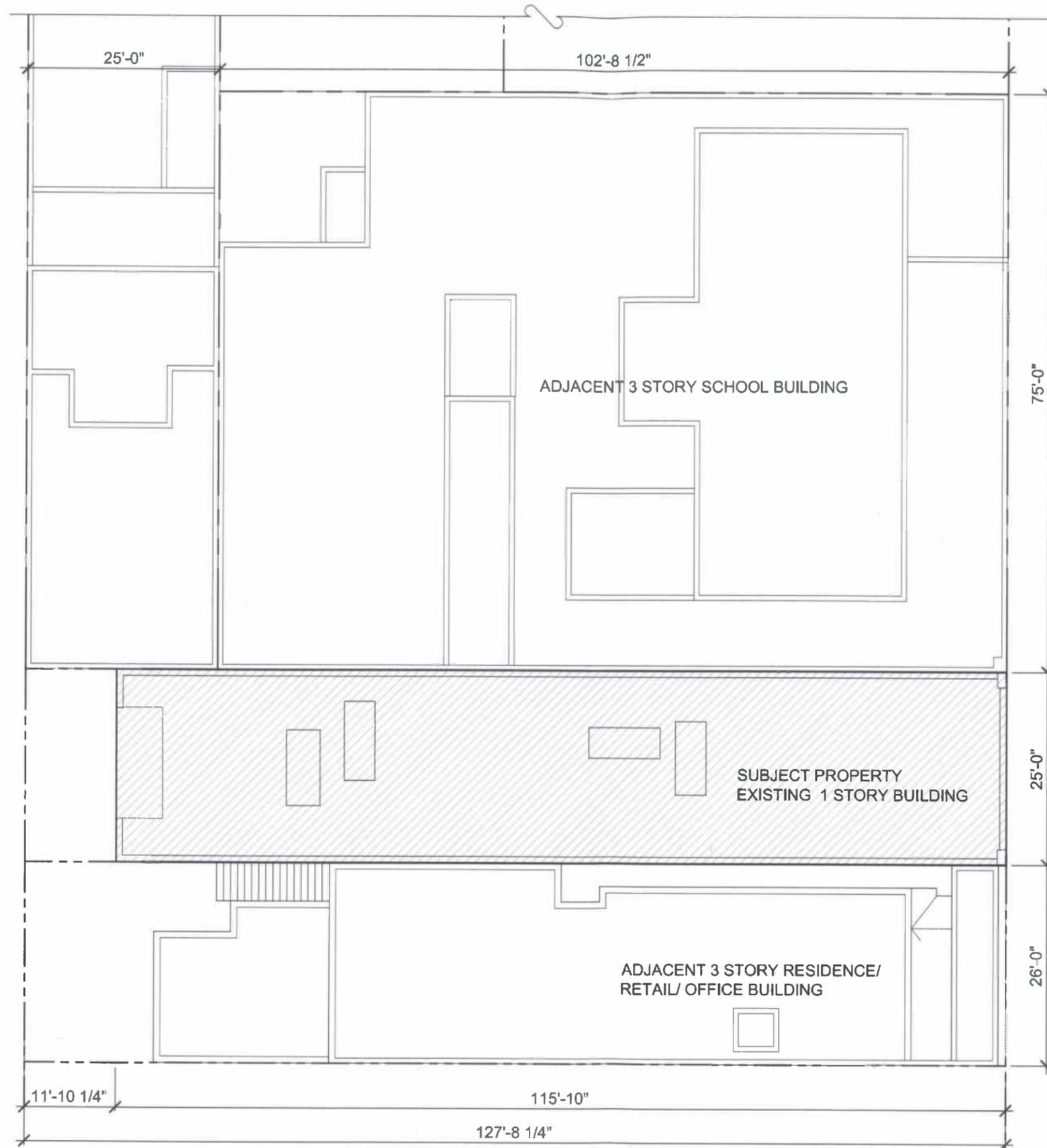


Sheet Title:  
**Existing Floor  
Plan**

1 EXISTING FLOOR PLAN  
1/8" = 1'-0"

Date: 20 APRIL 2012 Issued For: C.U. Application

Scale: 1/8 @ 11" x 17"  
File: roq\_a3.0-exstfp01.dwg  
Project: ROQ  
Drawn: SC Checked: JC  
Ref: Sheet No:  
North: **A3.0**



Project:  
**3228 Sacramento St  
 Restaurant**  
 3228 Sacramento St  
 San Francisco, CA 94115

**Freebairn-Smith & Crane**  
 Planning Urban Design Architecture  
 442 Post Street  
 San Francisco CA 94102  
 (415) 398-4094  
 (415) 398-4096 Fax

SACRAMENTO STREET

Sheet Title:  
**Site Plan**

Date: 20 APRIL 2012 Issued For: C.U. Application

Scale: 1/16" = 1'-0" @ 11" x 17"  
 File: roq\_a4.0-site plan.dwg  
 Project: ROQ  
 Drawn: SC Checked: JC  
 Ref Sheet No:  
 North:  **A4.0**

1 SITE PLAN  
 1/16" = 1'-0"