



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Conditional Use

HEARING DATE: AUGUST 7, 2014

Date: July 31, 2014
Case No.: **2013.1554C**
Project Address: **9 WEST PORTAL**
Zoning: NCD (West Portal Avenue Neighborhood Commercial)
26-X Height and Bulk District
Block/Lot: 2979A/029
Project Sponsor: James Robinson/Gail Ferriss
9 West Portal Avenue
San Francisco, CA 94127
Staff Contact: Marcelle Boudreaux – (415) 575-9140
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Recommendation: **Approval with Conditions**

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PROJECT DESCRIPTION

Prior to a fire, a wine bar with liquor store/accessory retail wine sales (dba Vin Debut) and a podiatrist's office occupied the two storefront spaces previously known as 9-15 West Portal Avenue. The current proposal is to amend Motion No. 17897 which established the wine bar use and No. 18578 which amended conditions, to expand the wine bar use with liquor store/accessory retail wine sales (dba Vin Debut) into the adjacent storefront pursuant to Planning Code Sections 303, 729.45, 729.43 and 729.41. The proposal seeks to establish a limited restaurant use within the expanded wine bar pursuant to Planning Code Section 729.43. Vin Debut will occupy approximately 1,870 square feet, including a small basement. A light menu is proposed to be served at the wine bar. The proposed wine bar would continue to operate with an ABC license Type 42 which does not permit minors on the site. This license restricts the premises to wine and beer, no distilled spirits.

SITE DESCRIPTION AND PRESENT USE

The Property is located on the east side of West Portal Avenue between Ulloa and Vicente Streets. The previous building, built circa 1922 and destroyed by fire in 2012, contained a two-story commercial structure divided into two ground-floor commercial tenant spaces, with office space on the second floor. Pursuant to Section 188, the building was issued a building permit in 2013 to rebuild in-kind, with the inclusion of accessibility requirements including an elevator and lobby space. The reconstruction has decreased the amount of usable ground floor commercial space due to the introduction of the elevator and associated street-level lobby. The entire building is still under construction.

The original Vin Debut space occupied approximately 1,100 square feet of gross floor area for the wine bar and liquor store/wine retail uses. The adjacent storefront space, previously occupied by a podiatrist's office (medical office use) in approximately 1,000 square feet, has elected not to return after the fire. The second floor will be re-occupied by an orthodontist's office.

The owner of Vin Debut proposes to return the wine bar and liquor store use to the same storefront space it occupied prior to the fire, with emphasis on the wine bar service and a light food menu. In the adjacent storefront space, the owner proposes to expand the wine bar and liquor store/wine retail use, with emphasis on liquor store/wine retail sales, and introduce a small Limited Restaurant coffee shop service. The two storefront spaces can be connected or separated through a dividing wall in the rear of the space. In order to capture some efficiency, these two spaces will share food preparation area and restrooms. Approximate gross square footage for these two commercial spaces combined is 1,870 square feet, including a basement; the permitted use size in the District 2,499 square feet. The entire space would seek to be permitted under the ABC Type 42 license, which does not allow minors on the premises.

Per Motion No. 18578, the hours of operation for the subject bar and liquor store are currently limited to 9:00 a.m. to 1:45 a.m., daily. The sponsor seeks to modify the opening hours to 6 a.m. for the Limited Restaurant coffee service, which is the permitted opening time within the West Portal Avenue NCD. No beer and wine service would be permitted until the ABC permitted hours for such service, which previously had been allowed from 9 a.m. – 2 a.m. The business owner has stated his intent to open the wine bar starting at lunchtime, as this also serves a small menu. Per the same Motion, the conditions for seating capacity state that no more than forty-five (45) seats may be provided within the bar and liquor store, and no more than eight (8) chairs may be provided for sidewalk seating. The current proposal does not intend to exceed these numbers.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

Land uses located within the subject block of West Portal Avenue include predominantly one- and two-story buildings containing primarily neighborhood-serving commercial uses on the ground floor with office space located above. The West Portal NCD is surrounded by low-density residential neighborhoods consisting of predominantly single-family detached dwellings.

The controls in this District are designed to preserve the existing family-oriented village character of West Portal Avenue. The building standards limit building heights to 26 feet and two stories, and maintain the existing pattern of rear yards at the ground level and above. The height, bulk, and design of new development, especially on large lots, should respect the small-scale character of the District and its surrounding residential neighborhoods. Lot mergers creating large lots are discouraged. Individual nonresidential uses require conditional use permits above 2,500 square feet and are restricted to 4,000 square feet as an absolute limit to conform to the existing small use sizes in the District.

Special controls on commercial uses are designed to protect the existing mix of ground-story retail uses and prevent further intensification and congestion in the District. No new financial services are permitted. Since the District and surrounding neighborhoods are well served by the existing number of eating and drinking establishments, new bars, restaurants and take-out food generally are discouraged. Any proposed new establishment should be carefully reviewed to ensure that it is neighborhood-serving and family –oriented, and will not involve high-volume take-out food or generate traffic, parking, or litter problems. Large fast-food restaurants and small self-service restaurants are prohibited. Medical and business or professional services are permitted at the first two stories, but additional ground-story locations are to be closely monitored to ensure that the current balance between retail and office uses is maintained. Existing service stations are encouraged to continue operating, but changes in their size,

operation, or location are subject to review. Other automotive uses are prohibited. The neighborhood-oriented, retail character of the District is further protected by prohibiting hotels and nonretail uses on the ground floor. The daytime orientation of the District is maintained by prohibitions of entertainment uses and late-night commercial operating hours.

ENVIRONMENTAL REVIEW

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

HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Classified News Ad	20 days	July 19, 2014	July 16, 2014	22 days
Posted Notice	20 days	July 19, 2014	July 19, 2014	20 days
Mailed Notice	20 days	July 19, 2014	July 18, 2014	21 days

The proposal does require a Section 312-neighborhood notification, which was mailed as a combined notice.

PUBLIC COMMENT

- To date, the Department has not received any public correspondence regarding the project.

ISSUES AND OTHER CONSIDERATIONS

- WineStyles (currently dba Vin Debut) was granted its original Conditional Use authorization in 2009 under Motion No. 17897 that allowed a bar use within a formula retail liquor store. Motion No. 17897 included Conditions of Approval that limited the hours of operation (9:00 a.m. – 8:00 p.m. daily) and number of seats (eight) to mitigate a concern the approval would result in an intense Formula Retail bar.
- WineStyles subsequently dropped its formula retail association and changed its name to Vin Debut. The liquor store and bar proved to be a positive, family-friendly addition to the West Portal neighborhood. In 2010, Vin Debut applied for a Conditional Use authorization and was granted Motion No. 18163, which modified Motion No. 17897 and increased the hours of operation to 9:00 a.m. – 11:00 p.m., Sunday-Thursday; and 9:00 a.m. – 12:00 a.m., Friday-Saturday, and number of seats to nineteen.
- In 2012, Vin Debut applied for a Conditional Use Authorization and was granted Motion No. 18578, which modified Motion Nos. 17897 and 18163 and increased the hours to 9:00 a.m – 1:45 a.m. daily, and number of seats indoors to 45 and eight seats for sidewalk seating. This Motion also removed limitations on floor area dedicated to sale/service of alcohol and minimum floor area dedicated to retail displays. The Department received 14 letters of support from individuals, neighborhood groups, and local businesses, as well as a petition signed by 255 individuals to remove the restrictions on operating hours and guest seating.

- There is one other bar in the West Portal Avenue NCD (d.b.a. Que Syrah) that only serves wine and beer, and not distilled spirits. Que Syrah operates Sunday, Tuesday - Thursday: 4pm - 10pm, Friday & Saturday: 4pm - 11pm, with no conditions placed on the business by the Planning Commission for operating hours.
- The permitted hours of operation in the West Portal NCD are from 6:00 a.m. until 2:00 a.m., daily. The requested extension of hours for the Limited Restaurant coffee service is consistent with the permitted-by-right hours of operation in the District.
- The combined usable area of the reconstructed storefront spaces, including a small basement, is approximately 1,870 square feet. The proposed size is consistent with the permitted use size in the District.

REQUIRED COMMISSION ACTION

In order for the project to proceed, the Commission must grant conditional use authorization to allow expansion of the wine bar and liquor store pursuant to Planning Code Section 303 and 729.41, and to allow establishment of a Limited Restaurant use pursuant to Planning Code Section 729.43. Liquor stores are permitted uses pursuant to Planning Code Section 729.45.

BASIS FOR RECOMMENDATION

- Vin Debut is an independent, locally-owned business and has continued to be a positive, family friendly addition to the West Portal Neighborhood. The wine bar and liquor store had operated for over three years at the time the fire that destroyed the building, has had no complaints and has become an integral part of the West Portal community.
- An earlier opening time for Limited Restaurant coffee service will create a more lively corner environment, more eyes on the street in the morning hours, and provide another engaging option for neighborhood residents.
- Vin Debut is a neighborhood-serving business that is well received by the surrounding low density residential districts. It will not involve a high volume of customers or generate traffic, parking or litter problems. The West Portal NCD is well served by the MUNI K, L, and M light rail lines as well as the 17 and 48 bus lines.
- The business is not a Formula Retail use and would serve the immediate neighborhood.
- The project meets all applicable requirements of the Planning Code and is consistent with the General Plan.

RECOMMENDATION:	Approval with Conditions
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Attachments:

Block Book Map
Sanborn Map
Zoning Map
Aerial Photograph
Site Photo

Project Sponsor Submittal, including:

- Reduced Plans
- Sponsor Submittal

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 checked="" type="checkbox"/> Check for legibility |
| <input checked="" type="checkbox"/> Parcel Map | 3-D Renderings (new construction or significant addition) |
| <input checked="" type="checkbox"/> Sanborn Map | <input type="checkbox"/> Check for legibility |
| <input checked="" type="checkbox"/> Aerial Photo | <input type="checkbox"/> Wireless Telecommunications Materials |
| <input type="checkbox"/> Context Photos | <input type="checkbox"/> Health Dept. review of RF levels |
| <input checked="" type="checkbox"/> Site Photos | <input type="checkbox"/> RF Report |
| | <input type="checkbox"/> Community Meeting Notice |
| | <input type="checkbox"/> Housing Documents |
| | <input type="checkbox"/> Inclusionary Affordable Housing Program: Affidavit for Compliance |
| | <input type="checkbox"/> Residential Pipeline |

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

MWB

Planner's Initials

MWB: G:\Documents\CUs\9 West Portal\Reports\ExecutiveSummary_9 W Portal.docx



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- Affordable Housing (Sec. 415)
- Jobs Housing Linkage Program (Sec. 413)
- Downtown Park Fee (Sec. 412)
- First Source Hiring (Admin. Code)
- Child Care Requirement (Sec. 414)
- Other

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Planning Commission Draft Motion

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ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTION 303, 729.41, 729.43 AND 729.45 OF THE PLANNING CODE, TO AMEND MOTION NO. 17897 AND MODIFY CONDITIONS OF APPROVAL CONTAINED IN MOTION NO. 18578, TO EXPAND A WINE BAR AND LIQUOR STORE USE (D.B.A. VIN DEBUT) AND TO ALLOW AN INCREASE IN THE HOURS OF OPERATION, AND TO ESTABLISH A LIMITED RESTAURANT USE LOCATED WITHIN THE WEST PORTAL NEIGHBORHOOD COMMERCIAL DISTRICT (NCD) AND 26-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On October 25, 2013, James Robinson/Gail Ferriss (hereinafter "Project Sponsor") filed an application (hereinafter "Application") with the Planning Department (hereinafter "Department") for Conditional Use authorization pursuant to Planning Code Section 303, 729.41, 729.43 and 729.45 on the property located at 9 West Portal Avenue, Assessor's Lot 029 in Block 2979A (hereinafter "Property"), to amend Motion No. 17897 which established the wine bar use to expand the wine bar use with liquor store/accessory retail wine sales (dba Vin Debut) into the adjacent storefront, and No. 18578 which amended conditions to modify operating hours, and to establish a limited restaurant use within the expanded wine bar, with an ABC Type 42 license which does not permit minors on the site, within the West Portal Avenue Neighborhood Commercial District (hereinafter "West Portal NCD") and 26-X Height and Bulk District.

On August 7, 2014, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Case No. 2013.1554C.

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

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 Sponsor, Department staff, and other interested parties.

MOVED, that the Commission hereby authorizes the Conditional Use requested in Application No. 2013.1554C, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

FINDINGS

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

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The Property is located on the east side of West Portal Avenue between Ulloa and Vicente Streets. The previous building, built circa 1922 and destroyed by fire in 2012, contained a two-story commercial structure divided into two ground-floor commercial tenant spaces, with office space on the second floor. Pursuant to Section 188, the building was issued a building permit in 2013 to rebuild in-kind, with the inclusion of accessibility requirements including an elevator and lobby space. The reconstruction has decreased the amount of usable ground floor commercial space due to the introduction of the elevator and associated street-level lobby. The entire building is still under construction.

The original Vin Debut occupied approximately 1,100 square feet of gross floor area for the wine bar and liquor store/wine retail uses. The adjacent storefront space was previously used as a podiatrist's office (medical office use), occupied approximately 1,000 square feet, and has elected not to return after the fire. The second floor will be re-occupied by an orthodontist's office.

The owner of Vin Debut proposes to return the wine bar and liquor store use to the same storefront space it occupied prior to the fire, with emphasis on the wine bar service. In the adjacent storefront space, the owner proposes to expand the wine bar and liquor store/wine retail use, with emphasis on liquor store/wine retail sales, and introduce a small Limited Restaurant coffee shop service. The two storefront spaces can be connected or separated through a dividing wall in the rear of the space. In order to capture some efficiency, these two spaces will share food preparation area and restrooms. A light menu is proposed to be served at the wine bar. Approximate gross square footage for these two commercial spaces, including a small basement, is 1,870 square feet. The entire space would seek to be permitted under the ABC Type 42 license, which does not allow minors on the premises.

Per Motion No. 18578, the hours of operation for the subject bar and liquor store are currently limited to 9:00 a.m. to 1:45 a.m., daily. The sponsor seeks to modify the opening hours to 6 a.m. for the Limited Restaurant coffee service, which is the permitted opening time within the West Portal Avenue NCD. No beer and wine service would be permitted until the ABC permitted hours for such service, which previously had been allowed from 9 a.m. – 2 a.m. The business owner has stated his intent to open the wine bar at lunchtime, as this also serves a small menu. Per the same Motion, the conditions for seating capacity state that no more than forty-five (45) seats may be provided within the bar and liquor store, and no more than eight (8) chairs may be provided for sidewalk seating. The current proposal does not intend to exceed these numbers.

3. **Surrounding Properties and Neighborhood.** Land uses located within the subject block of West Portal Avenue include predominantly one- and two-story buildings containing primarily neighborhood-serving commercial uses on the ground floor with office space located above. The West Portal NCD is surrounded by low-density residential neighborhoods consisting of predominantly single-family detached dwellings.

The controls in this District are designed to preserve the existing family-oriented village character of West Portal Avenue. The building standards limit building heights to 26 feet and two stories, and maintain the existing pattern of rear yards at the ground level and above. The height, bulk, and design of new development, especially on large lots, should respect the small-scale character of the District and its surrounding residential neighborhoods. Lot mergers creating large lots are discouraged. Individual nonresidential uses require conditional use permits above 2,500 square feet and are restricted to 4,000 square feet as an absolute limit to conform to the existing small use sizes in the District.

Special controls on commercial uses are designed to protect the existing mix of ground-story retail uses and prevent further intensification and congestion in the District. No new financial services are permitted. Since the District and surrounding neighborhoods are well served by the existing number of eating and drinking establishments, new bars, restaurants and take-out food generally are discouraged. Any proposed new establishment should be carefully reviewed to ensure that it is neighborhood-serving and family –oriented, and will not involve high-volume take-out food or generate traffic, parking, or litter problems. Large fast-food restaurants and small self-service restaurants are prohibited. Medical and business or professional services are permitted at the first two stories, but additional ground-story locations are to be closely monitored to ensure that the current balance between retail and office uses is maintained. Existing service stations are encouraged to continue operating, but changes in their size, operation, or location are subject to review. Other automotive uses are prohibited. The neighborhood-oriented, retail character of the District is further protected by prohibiting hotels and nonretail uses on the ground floor. The daytime orientation of the District is maintained by prohibitions of entertainment uses and late-night commercial operating hours.

4. **Project Description.** The Project necessitates a Conditional Use Authorization, pursuant to Planning Code Section 303, in order to amend Motion No.17897 to expand the wine bar and liquor store use and in order to modify the Conditions of Approval contained in Motion No. 18578 to allow an increase in the permitted hours of operation of the existing bar and liquor store (d.b.a. Vin Debut), and pursuant to Planning Code Section 729.43 to grant establishment of a Limited Restaurant use. The granting of this Conditional Use Authorization would expand the bar and liquor store use into the adjacent storefront, allow the Limited Restaurant component to operate starting at 6 a.m., and establish a Limited Restaurant use.

5. **Public Comment.** The Department has not received any public comment on this project.

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

- A. **Hours of Operation.** Planning Code Section 729.27 permits businesses in the West Portal NCD to be open from 6:00 a.m. until 2:00 a.m. daily.

A Conditional Use Authorization was approved on April 12, 2012, under Case No. 2011.1216C; Motion No. 18578, to permit hours of operation from 9 a.m. to 1:45 a.m. daily.

This Conditional Use Authorization seeks to modify the hours of operation for the Limited Restaurant coffee service commercial establishment, to open at 6 a.m. Alcohol sales for the bar component would be limited to the hours permitted by ABC, which had been 9 a.m. – 2 a.m. in the past. The hours of operation requested by the Project Sponsor are consistent with the permitted hours of operation in the West Portal NCD.

- B. **Bar Use.** Planning Code Section 729.41 permits bars in the West Portal NCD with Conditional Use authorization.

A Conditional Use Authorization was approved on June 4, 2009, under Case No. 2009.0273C; Motion 17897, to allow a bar at the Subject Property.

This Conditional Use Authorization seeks to amend this Motion to expand the use into what had been the adjacent storefront. No other modifications are proposed.

- C. **Liquor Store.** Planning Code Section 729.45 permits liquor stores in the West Portal NCD by right.

The existing liquor store component of Vin Debut will remain at the Property and expand into the adjacent storefront.

- D. **Signage.** The building that will house Vin Debut is still being reconstructed after a fire. Any future signage or alterations to the existing signage will be subject to the relevant provisions of the Planning Code and will be reviewed by the Planning Department prior to the issuance of any sign permit.

7. **Planning Code Section 303** establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use approval. On balance, the project does comply with said criteria in that:

- A. The proposed new uses and building, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable, and compatible with, the neighborhood or the community.

The Project will provide a use that is necessary and desirable for the neighborhood in that it will expand the viability of a well-used existing neighborhood-serving business. The commercial use is compatible with the existing uses in the general vicinity of the Property.

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

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

The layout of the ground floor commercial units will create two distinct storefronts at the street, but will have an open connection at the rear of the two spaces. The spaces will share food preparation and restrooms.

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

Traffic conditions will remain substantially unaltered by this Project because the proposed use is a neighborhood-serving business that is frequented by foot, cab or public transportation by many residents of the surrounding neighborhoods. Parking is not required in the West Portal NCD for uses that occupy less than 5,000 square feet of floor area.

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

The Project will not create any noxious or offensive emissions such as glare, dust or odors.

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

The Project does not require any additional landscaping or screening, and any newly proposed signage shall be subject to review by the Department and required to meet all applicable provisions set forth in Article 6.

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

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

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

COMMERCE AND INDUSTRY ELEMENT

Objectives and Policies

OBJECTIVE 1:

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

Policy 1.1:

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

Policy 1.2:

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

Policy 1.3:

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

Modifying the existing Conditions of Approval would provide desirable services to the neighborhood and employment opportunities to the West Portal community. Vin Debut is locally owned and operated and currently provides a similar service to the community. The business has operated with strict conditions for the past three years prior to the fire with no complaints. Based on their history, an increase to their hours of operation, small expansion of size and type of use will enable development that provides substantial net benefits to the community with negligible undesirable consequences.

The intensity of uses proposed at the Property are compatible with other businesses along West Portal Avenue, and the restriction to limit Alcoholic Beverage Control licenses to Types 20 and 42 (beer & wine sales only) in Exhibit A is imposed to address potential concerns about a traditional "full bar" within this family-oriented neighborhood.

OBJECTIVE 2:

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

Policy 2.1:

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

Allowing expansion of use and modifications to the existing Conditions of Approval will enable the retention and operational expansion of the existing locally-owned wine bar and liquor store. Vin Debut has become a successful local wine bar and wine store in the West Portal NCD. The inclusion of a new Limited Restaurant use is an operational expansion. Expanding its use and increasing its permitted hours of operation will enable continued success of the local small business.

OBJECTIVE 6:

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

Policy 6.1:

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

Amending the existing Motion to expand the use, modifying the existing Conditions of Approval, and granting a Limited Restaurant use would not prevent the West Portal NCD from achieving optimal diversity in the types of goods and services available throughout the neighborhood. Rather, allowing less restrictive hours of operation and an increased capacity for customers would benefit the NCD, providing more daytime activity along West Portal Avenue. It will also provide another early morning option for coffee service to residents dining on West Portal Avenue.

Policy 6.2:

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

The Applicant is an independent San Francisco entrepreneur. The business owners have recognized the demand by local residents to expand the availability of on-site and off-site wine consumption, as well as develop a new business opportunity.

AIR QUALITY ELEMENT

Objectives and Policies

OBJECTIVE 3:

DECREASE THE AIR QUALITY IMPACTS OF DEVELOPMENT BY COORDINATION OF LAND USE AND TRANSPORTATION DECISIONS.

Policy 3.2:

Encourage mixed land use development near transit lines and provide retail and other types of service oriented uses within walking distance to minimize automobile dependent development.

The Project supports this Policy due to its location across the street from the West Portal/Ulloa Street MUNI Station. This station is served by three light-rail lines (K, L and M) and two bus lines (17 and 48). The Property is also surrounded by residential neighborhoods, making it within walking distance to a large number of its customers.

9. **Planning Code Section 101.1(b)** establishes eight priority-planning policies and requires review of permits for consistency with said policies. On balance, the project does comply with said policies in that:

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

The granting of this Conditional Use Authorization will not adversely affect the existing neighborhood-serving retail uses in the area because there is only one other business within the West Portal NCD that offers a similar wine use (Que Syrah, located at 230 West Portal Avenue). There are other businesses that offer coffee service, such as La Boulange and Starbucks. Many neighborhood commercial districts have businesses that compete with other similar businesses, as it provides choices and variety for consumers. The modifications to the existing hours of operation and establishment of new use type, are in response to customer demand, thus enhancing neighborhood-serving retail.

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

The immediate vicinity is characterized predominantly by commercial buildings of one to two stories in height with ground floor retail uses along West Portal Avenue. The previous building, built circa 1922 and destroyed by fire in 2012, contained a two-story commercial structure divided into two ground-floor commercial tenant spaces, with office space on the second floor. Pursuant to Section 188, the building was issued a building permit in 2013 to rebuild in-kind.

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

No housing will be removed for this Project.

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

The combined commercial area measures approximately 1,870 square feet and will have a low demand on neighborhood parking. The area is well served by public transit, with a MUNI underground station near the intersection of West Portal Avenue and Ulloa Street, with access to the K, L, and M light rail lines, as well as the 17 and 48 bus lines. A substantial number of neighbors have commented this is a neighborhood-serving establishment that is patronized by those who live in the adjacent residential areas. The Project will not impede MUNI transit nor will it overburden the City's streets or neighborhood parking.

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

The Project will not displace any industrial and service sector uses. Service sector employment opportunities may increase as a result of the increased hours of operation and permitted number of seats.

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

The Property will comply with all required seismic and life safety codes in order to achieve the possible preparedness to protect against injury and loss of life in the event of an earthquake.

- G. That landmarks and historic buildings be preserved.

The existing structure is not a landmark or historic building. A permit for reconstruction in-kind after a fire was issued in 2013.

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

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

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

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby APPROVES Conditional Use Application No. **2013.1554C** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated June 4, 2014, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

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

Protest of Fee or Exaction: You may protest any fee or exaction subject to Government Code Section 66000 that is imposed as a condition of approval by following the procedures set forth in Government Code Section 66020. The protest must satisfy the requirements of Government Code Section 66020(a) and must be filed within 90 days of the date of the first approval or conditional approval of the development referencing the challenged fee or exaction. For purposes of Government Code Section 66020, the date of imposition of the fee shall be the date of the earliest discretionary approval by the City of the subject development.

If the City has not previously given Notice of an earlier discretionary approval of the project, the Planning Commission's adoption of this Motion, Resolution, Discretionary Review Action or the Zoning Administrator's Variance Decision Letter constitutes the approval or conditional approval of the development and the City hereby gives NOTICE that the 90-day protest period under Government Code Section 66020 has begun. If the City has already given Notice that the 90-day approval period has begun for the subject development, then this document does not re-commence the 90-day approval period.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on August 7, 2014.

Jonas P. Ionin
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: August 7, 2014

AUTHORIZATION

EXHIBIT A

This authorization is for Conditional Use pursuant to Planning Code Section 303, 729.41, 729.43 and 729.45 on the property located at 9 West Portal Avenue, Assessor's Lot 029 in Block 2979A to amend Motion No. 17897 which established the wine bar use to expand the wine bar use with liquor store/accessory retail wine sales (dba Vin Debut) into the adjacent storefront, to modify Motion No. 18578 which amended conditions to modify operating hours, and to establish a limited restaurant use within the expanded wine bar, with an ABC Type 42 license which does not permit minors on the site, for the use located at 9 West Portal Avenue (Block 2979A, Lot 029) within the West Portal NCD and 26-X Height and Bulk District, subject to Conditions of Approval reviewed and approved by the Commission on August 7, 2014 under Motion No XXXXXX. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

RECORDATION OF CONDITIONS OF APPROVAL

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the Conditions of Approval contained herein and reviewed and approved by the Planning Commission on August 7, 2014 under Motion No XXXXXX.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

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

SEVERABILITY

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

CHANGES AND MODIFICATIONS

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

Conditions of Approval, Compliance, Monitoring, and Reporting

PERFORMANCE

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

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

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

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

DESIGN

3. **Signage.** Any signs on the property shall be made to comply with the requirements of Article 6 of the Planning Code applying to nonconforming uses.

MONITORING

4. **Enforcement.** Violation of any of the Planning Department conditions of approval contained in this Motion or of any other provisions of Planning Code applicable to this Project shall be subject to the enforcement procedures and administrative penalties set forth under Planning Code Section 176 or Section 176.1. The Planning Department may also refer the violation complaints to other city departments and agencies for appropriate enforcement action under their jurisdiction.

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

5. **Revocation due to Violation of Conditions.** Should implementation of this Project result in complaints from interested property owners, residents, or commercial lessees which are not resolved by the Project Sponsor and found to be in violation of the Planning Code and/or the specific conditions of approval for the Project as set forth in Exhibit A of this Motion, the Zoning

Administrator shall refer such complaints to the Commission, after which it may hold a public hearing on the matter to consider revocation of this authorization.

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

OPERATION

6. **Garbage, Recycling, and Composting Receptacles.** Garbage, recycling, and compost containers shall be kept within the premises and hidden from public view, and placed outside only when being serviced by the disposal company. Trash shall be contained and disposed of pursuant to garbage and recycling receptacles guidelines set forth by the Department of Public Works.

For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works at 415-554-.5810, <http://sfdpw.org>

7. **Sidewalk Maintenance.** The Project Sponsor shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean and sanitary condition in compliance with the Department of Public Works Streets and Sidewalk Maintenance Standards.

For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works, 415-695-2017, <http://sfdpw.org>

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

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

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

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

9. **Community Liaison.** Prior to the implementation of 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 community liaison officer will be James Robinson, who can be contacted at (415) 350-1136, or via email at james@vindebut.com. 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.

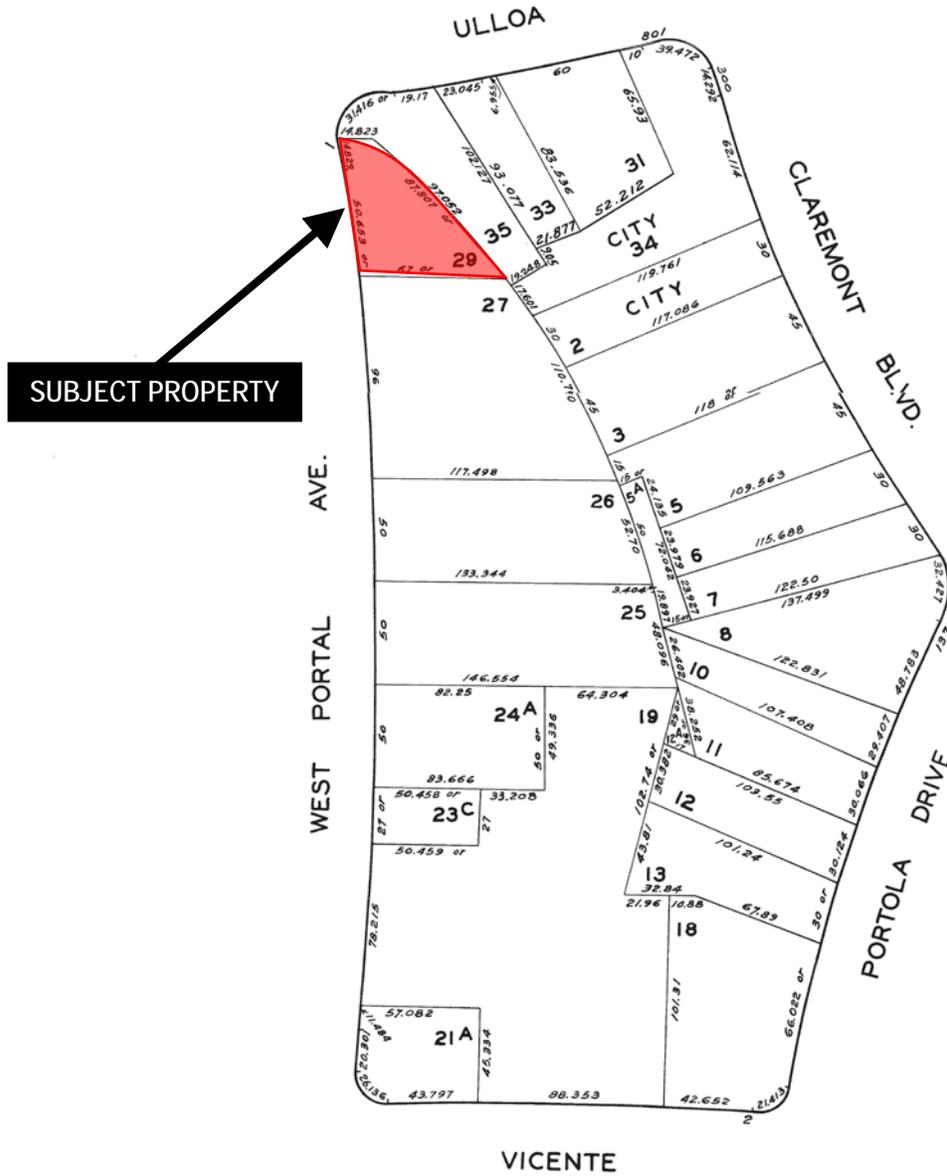
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

10. **Hours of Operation.** The subject bar and liquor store is limited to the following hours of operation: 9:00 a.m. to 1:45 a.m., daily. The Limited Restaurant use is permitted to operate from 6 a.m – 1:45 a.m. daily.

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

11. **Alcoholic Beverage Control.** The subject bar and liquor store is limited to Alcoholic Beverage Control license Types 20 (Off Sale Beer & Wine) and 42 (On Sale Beer & Wine – Public Premises).
12. **Seating Capacity.** No more than forty-five (45) seats may be provided within the bar and liquor store, and no more than eight (8) chairs may be provided for sidewalk seating.
13. **Existing Conditional Use Authorization.** This Motion shall supersede all Conditions of Approval contained in Motion No. 18578 (Case No. 2012.1216C).

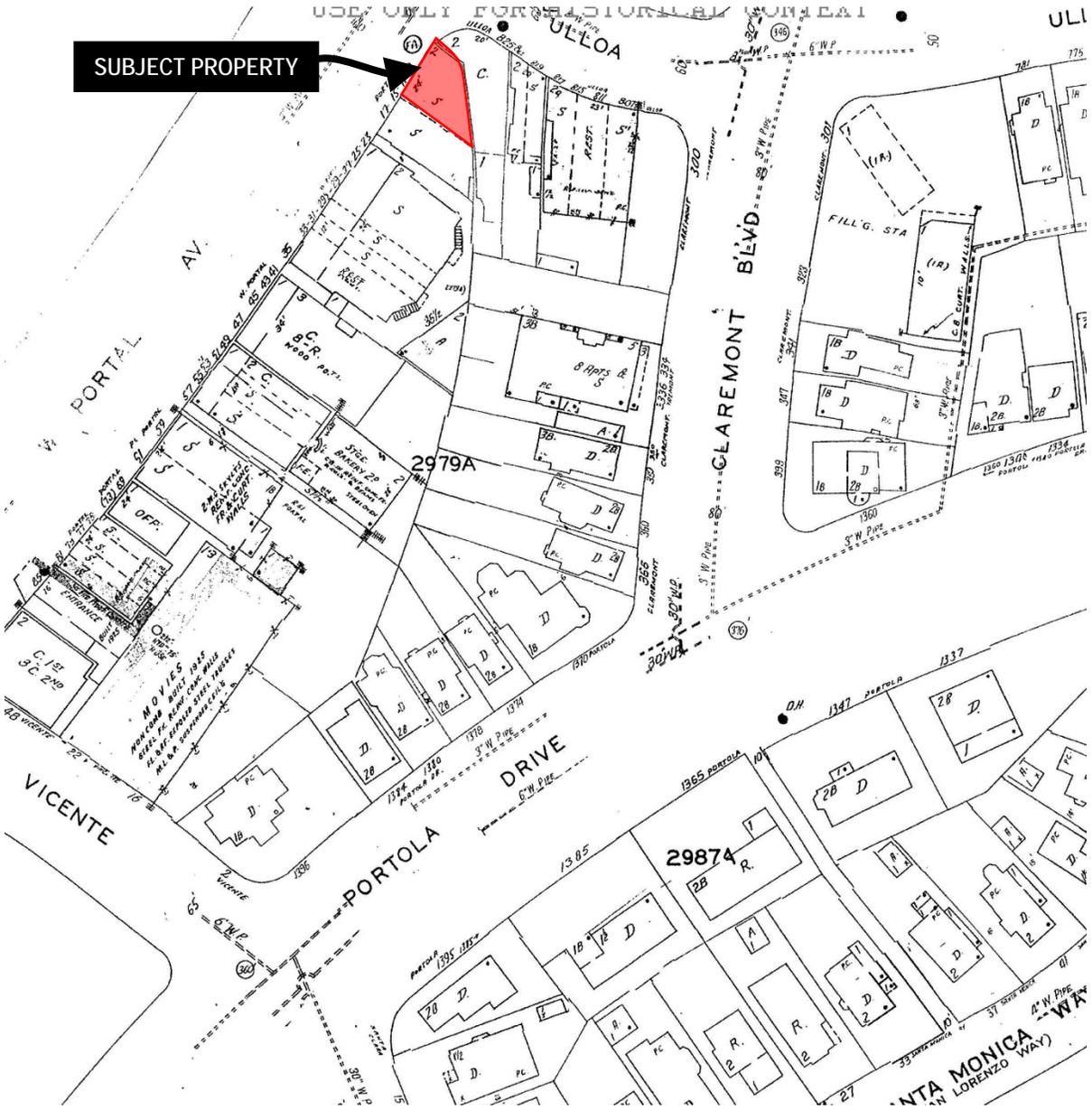
Parcel Map



Conditional Use Authorization Hearing
Case Number 2013.1554C
9 West Portal Avenue



Sanborn Map*

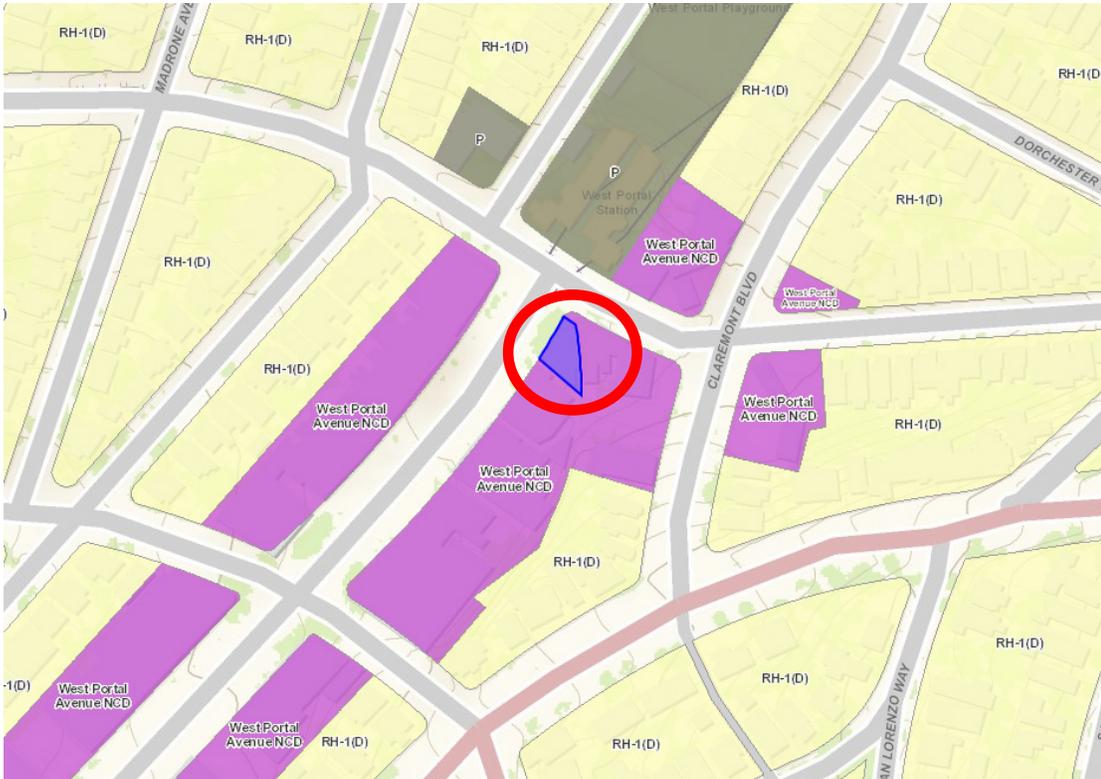


*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.



Conditional Use Authorization Hearing
Case Number 2013.1554C
9 West Portal Avenue

Zoning Map



Aerial Photo



SUBJECT PROPERTY



Conditional Use Authorization Hearing
Case Number 2013.1554C
9 West Portal Avenue

Site Photo



Conditional Use Authorization Hearing
Case Number 2013.1554C
9 West Portal Avenue

Exhibit B

ULLOA STREET

RESTAURANT

WINE CRAFT BEER BAR

WINE BAR SEATING
9 WEST PORTAL

REACH-IN REFR.

PREP

COMMON HALL

W.C.#1
(D.A.; UNISEX)

W.C.#2
(D.A.; UNISEX)

COMMUNAL

COMMUNAL

RETAIL: 60 redds
ROLLING LADDER

CASHIER

ESPRESSO

RETAIL
9 WEST PORTAL

WINDOW DISPLAY

SIDEWALK CAFE SEATING (6)

MARKET

SPACE T.1

SPACE T.2

WEST PORTAL AVENUE

DIVERTER: 18" D.
STEEL + WOOD "BISTRO"
CHAIR: 15" X 17" X 33"
CAFE TABLE: 18" DIA.

EXIST. SEWER
CLEAN OUT.
EXISTING STREET TREE +
GRATE

(E) PAVING

(E) BRICK
BORDER

(N) W.I.
WALKING
GRATE
AROUND TREE

EXISTING WATER
METER BOX
EXISTING PARKING
METER

(E) ELECTRICAL
VAULT

(E) ELECTRICAL
VAULT

(E) ELECTRICAL
VAULT

(E) DRAIN
INLET

(E) GAS
PIPE
STUB

(E) GAS
VALVE



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Lafayette, CA 94549
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Fax 925.299.0115
E-m se@elbertarchitecture.com



4 JUNE 2014
SCALE: 1/8" = 1'-0"

9 WEST PORTAL
SAN FRANCISCO, CA



9 WEST PORTAL
SAN FRANCISCO, CA

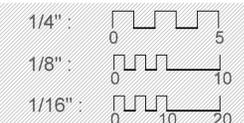
INTERIOR T.I.

PROJ.: VIN040
DATE: 4 JUNE 2014
DESIGN DEVELOPMENT
REV.:



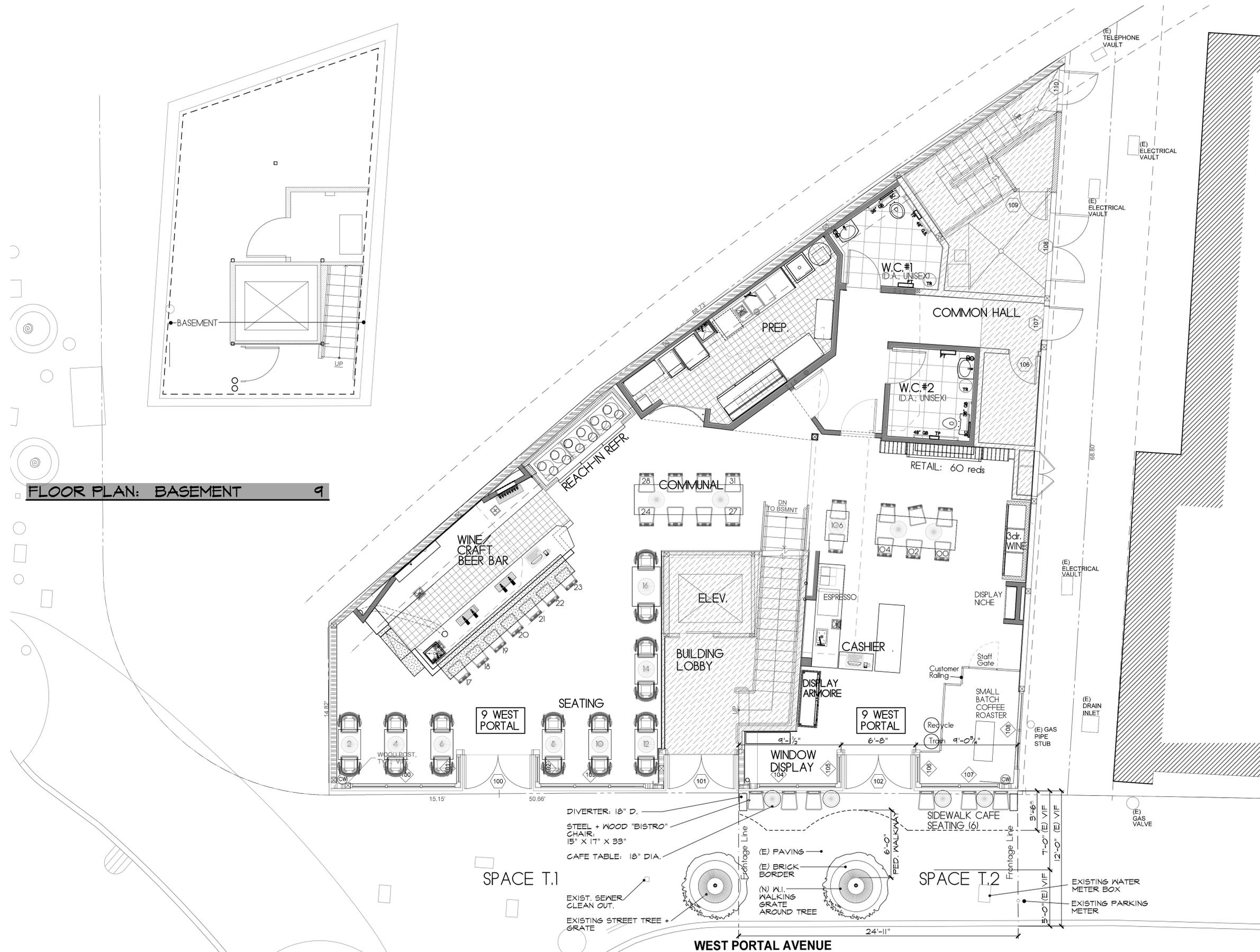
STEPHEN ELBERT, Architect
3620 Mt. Diablo Blvd.
Suite 200
Lafayette, CA 94549

Tel 925.299.0111
Fax 925.299.0115
E-mail se@elbertarchitecture.com



PLOT MAY BE REDUCED; VERIFY SCALE.
SCALE, U.O.N.:
1/4" = 10'

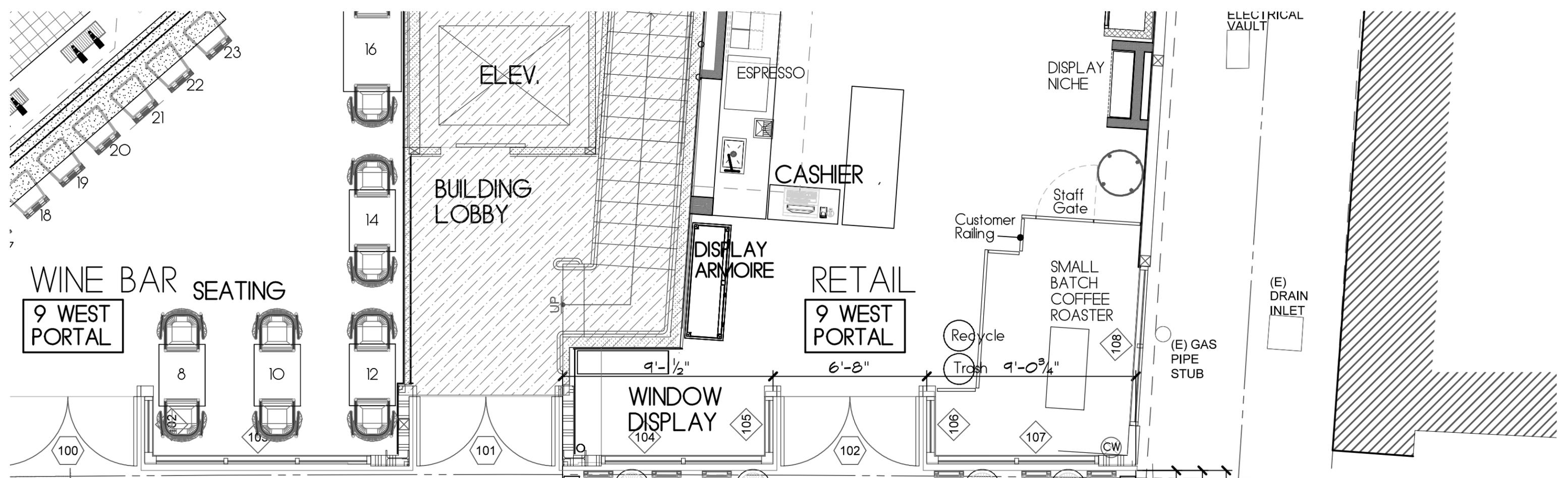
A 2.1



FLOOR PLAN: BASEMENT 9

FLOOR PLAN

C:\PROJECT\VIN040 9 W. PORTAL REBUILD\PROJ DWGS\060214.AEC 5:54 PM 6/4/2014



DIVERTER: 18" D.

STEEL + WOOD "BISTRO" CHAIR: 15" X 17" X 33"

CAFE TABLE: 18" DIA.

EXIST. SEWER CLEAN OUT.

EXISTING STREET TREE + GRATE

(E) PAVING

(E) BRICK BORDER

(N) W.I. WALKING GRATE AROUND TREE

SPACE T.1

SPACE T.2

WEST PORTAL AVENUE



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Fax 925.299.0115
E-m se@elbertarchitecture.com



4 JUNE 2014
SCALE: 1/4" = 1'0"

9 WEST PORTAL
SAN FRANCISCO, CA

James Robinson
Vin Debut
9 West Portal
San Francisco, CA 94127

July 29, 2014

Dear Planning Commissioners:

On October 12, 2012 my business Vin Debut was totally destroyed by fire, gutted to the basement, by a five-alarm fire caused by a neighboring business. This was especially calamitous because the fire occurred just a month after I had completed a remodeling of my bar and seating areas.

Rebuilding has been a daunting task for various reasons. Rebuilding has required the property owners to install an ADA elevator and out of necessity it was placed right in the middle of my former service bar. Also, my entire basement storage was lost to accommodate the mechanical room for the elevator. In order to recoup some of my original square footage I chose to rent the small retail space that was no longer being used adjacent to the wine bar, a former podiatrist business.

Adding that space has necessitated this current need for a conditional use permit.

I ask, therefore, that you approve this conditional use permit so after almost two years I may resume doing what I love most: purveying small production, affordable, fine wines to my enjoyable customers and friends.

Thank you for your consideration.

Sincerely,

James Robinson



View across West Portal Avenue. (NOTE: Proposed seating area indicated by red arrow)



Storefront (shell building construction is in progress). (NOTE: Proposed seating area indicated by red arrow)



View looking south along West Portal Avenue sidewalk. (NOTE: Proposed seating area indicated by red arrow)



View looking north along West Portal Avenue sidewalk. (NOTE: Proposed seating area indicated by red arrow)