SAN FRANCISCO
PLANNING DEPARTMENT

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Executive Summary
Conditional Use Authorization

HEARING DATE: SEPTEMBER 15, 2016

CONSENT CALENDAR

Date:	August 25, 2016
Case No.:	**2016-005143CUA**
Project Address:	**1331-1335 Polk Street**
Zoning:	Polk Street NCD (Polk Street Neighborhood Commercial District) 65-A Height and Bulk District
Block/Lot:	0667/002
Project Sponsor:	Jerry Brown 619A 27th Street Oakland, CA 94612
Staff Contact:	Nicholas Foster – (415) 575-9167 nicholas.foster@sfgov.org
Recommendation:	**Approval with Conditions**

PROJECT DESCRIPTION

The proposed project ("Project") involves the expansion of a previously-approved Restaurant Use (d.b.a. Ben Thai Café) at 1331 Polk Street into the adjacent tenant space at 1335 Polk Street. The Project therefore includes a change of use of an existing Limited Restaurant Use to Restaurant Use at 1335 Polk Street. Minor interior tenant improvements are proposed as part of the change of use, with no expansion of the existing building.

SITE DESCRIPTION AND PRESENT USE

The approximately 1,300 square foot project site ("Site") (Lot 002 in Assessor's Block 0667) is located on the block bounded by Polk Street to the east, Austin Street to the south, Van Ness Avenue to the west, and Pine Street to the north. The subject lot has 46'-6" feet of street frontage along Polk Street and 65'-4" of frontage along Austin Street. The subject lot contains a single, two-story building constructed in 1908. Within the subject building are three ground-floor commercial storefronts (1331, 1335, and 1339 Polk Street), with residential units located above (second floor). The ground-floor tenant space located immediately adjacent the subject tenant space, at 1339 Polk Street, contains a Retail Sales and Service Use (d.b.a. "Laundry Locker"). The subject tenant space is comprised of two existing storefronts (1331 and 1335 Polk Street). The 1331 Polk Street tenant space is approximately 620 square feet while the 1335 Polk Street tenant space is approximately 680 square feet. Taken together, the combined tenant space is approximately 1,300 square feet, measuring approximately 33'-6" along the Polk Street frontage, and 40'-6" along the Austin Street frontage.

In 2005, a Building Permit Application (#200511228752) was issued to demolish a portion of non-load-bearing wall to create an opening between the two adjacent storefronts (1331 and 1335 Polk Street). The issuance of that building permit allowed the existing Restaurant Use (d.b.a. "Chai-Yo Thai Cuisine") that had been operating at 1331 Polk Street to utilize the 1335 Polk Street storefront, thereby merging the two tenant spaces into a single tenant space. While this work was performed with benefit of permit, the Planning Department did not approve the permit as the approval would have been in violation of Planning Code Section 178(c)(1), which, states that no permitted conditional use may be enlarged, altered, or intensified except upon approval of a new conditional use authorization. After the storefront merger in 2005, both storefronts (1331 and 1335 Polk Street) have operated as single a Restaurant Use (d.b.a. "Chai-Yo Thai Cuisine") continuously since 2005.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The Site is located within the southern portion of the Nob Hill neighborhood, near the northern boundary of the Downtown/Civic Center neighborhood, within the Polk Street Neighborhood Commercial Zoning District and a 65-A Height and Bulk District. The neighborhood contains a mix of uses, generally with residential uses located above ground-floor Retail Sales and Service Uses. The bulk and massing of building is fairly unified along both sides of Polk Street, with most buildings ranging between 2 and 5 stories.

ENVIRONMENTAL REVIEW

On August 25, 2016, the Project was issued a Categorical Exemption, Class 1 (California Environmental Quality Act (CEQA) Guidelines Section 15301). Approval of the Conditional Use Authorization by the Planning Commission is the Approval Action for the project. The Approval Action date establishes the start of the 30-day appeal period for this CEQA exemption determination pursuant to Section 31.04(h) of the San Francisco *Administrative Code.*

HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Classified News Ad	20 days	August 27, 2016	August 27, 2016	20 days
Posted Notice	20 days	August 27, 2016	August 27, 2016	20 days
Mailed Notice	20 days	August 27, 2016	August 26, 2016	21 days

PUBLIC COMMENT

To date, the Department has not received any public comment on the proposal.

ISSUES AND OTHER CONSIDERATIONS

- A Restaurant Use has occupied the tenant space at 1331 Polk Street continuously since 1987. After the storefront merger in 2005, both storefronts (1331 and 1335 Polk Street) have operated as single a Restaurant Use continuously since 2005. As such, there would be no discernable difference in

the use at 1335 Polk Street as this Conditional Use Authorization seeks to legalize a use that has operated at the subject property continuously since 2005.

- The existing concentration of eating and drinking uses within 300 linear feet of the subject property (and within the Polk Street NCD) is approximately 47%. While this value is higher than the threshold set by Section 303(o), eating and drinking uses are typical for the District as Polk Street is a popular San Francisco destination. Moreover, given that a Restaurant Use is currently in operation at the subject property (1331-1335 Polk Street), and Conditional Use Authorization is only required to legalize the expansion of the previously-approved Restaurant Use; there is no net increase in the concentration of eating and drinking uses.

REQUIRED COMMISSION ACTION

In order for the project to proceed, the Commission must grant conditional use authorization to establish a Restaurant Use on the ground-floor within the Polk Street Neighborhood Commercial Zoning District pursuant to Planning Code Sections 178, 723.44, and 303.

BASIS FOR RECOMMENDATION

- The Project would allow a locally-owned, non-Formula Retail business to legally expand its operations and continue to operate at the subject property.
- The Project Site is already well-served by transit (several MUNI lines serve the Polk Street and Van Ness Avenue Corridors).
- The Project has been found to be necessary and or desirable and compatible with the surrounding neighborhood.
- The Project meets all applicable requirements of the Planning Code.

RECOMMENDATION: Approval with Conditions

Attachments:
312/CUA Neighborhood Notification
CUA Application

Attachment Checklist

- ☒ Executive Summary
- ☒ Draft Motion
- ☒ Environmental Determination
- ☒ Zoning District Map
- ☒ Height & Bulk Map
- ☒ Parcel Map
- ☒ Sanborn Map
- ☒ Aerial Photo
- ☒ Context Photos
- ☒ Site Photos
- ☒ Project sponsor submittal
  - Drawings: Existing Conditions
    - ☒ Check for legibility
  - Drawings: Proposed Project
    - ☒ Check for legibility
  - 3-D Renderings (new construction or significant addition)
    - ☐ Check for legibility
- ☐ Wireless Telecommunications Materials
  - ☐ Health Dept. review of RF levels
  - ☐ RF Report
  - ☐ Community Meeting Notice
- ☐ Housing Documents
  - ☐ Inclusionary Affordable Housing Program: Affidavit for Compliance

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

Planner's Initials

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

HEARING DATE: SEPTEMBER 15, 2016

Date:	August 25, 2016
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Recommendation:	**Approval with Conditions**

ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 178, 723.44, AND 303 OF THE PLANNING CODE TO ALLOW THE EXPANSION OF A PREVIOUSLY-APPROVED RESTAURANT USE WITHIN THE GROUND-FLOOR OF THE SUBJECT BUILDING WITHIN THE POLK STREET NCD (NEIGHBORHOOD COMMERCIAL DISTRICT) ZONING DISTRICT AND 65-A HEIGHT AND BULK DISTRICT, AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

PREAMBLE

On April 20, 2016, Jerry Brown ("Project Sponsor") submitted an application with the Planning Department ("Department") for Conditional Use Authorization pursuant to Planning Code Sections 178, 723.44, and 303 to establish a Restaurant Use on the ground-floor of the subject tenant space within the Polk Street Neighborhood Commercial Zoning District.

On August 25, 2016, the Project was issued a Categorical Exemption, Class 1 (California Environmental Quality Act (CEQA) Guidelines Section 15301). Approval of the Conditional Use Authorization by the Planning Commission is the Approval Action for the project. The Approval Action date establishes the start of the 30-day appeal period for this CEQA exemption determination pursuant to Section 31.04(h) of the San Francisco *Administrative Code.*

On September 15, 2016, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2016-005143CUA.

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. 2016-005143CUA, 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 approximately 1,300 square foot project site ("Site") (Lot 002 in Assessor's Block 0667) is located on the block bounded by Polk Street to the east, Austin Street to the south, Van Ness Avenue to the west, and Pine Street to the north. The subject lot has 46'-6" feet of street frontage along Polk Street and 65'-4" of frontage along Austin Street. The subject lot contains a single, two-story building constructed in 1908. Within the subject building are three ground-floor commercial storefronts (1331, 1335, and 1339 Polk Street), with residential units located above (second floor). The ground-floor tenant space located immediately adjacent the subject tenant space, at 1339 Polk Street, contains a Retail Sales and Service Use (d.b.a. "Laundry Locker"). The subject tenant space is comprised of two existing storefronts (1331 and 1335 Polk Street). The 1331 Polk Street tenant space is approximately 620 square feet while the 1335 Polk Street tenant space is approximately 680 square feet. Taken together, the combined tenant space is approximately 1,300 square feet, measuring approximately 33'-6" along the Polk Street frontage, and 40'-6" along the Austin Street frontage.

   In 2005, a Building Permit Application (#200511228752) was issued to demolish a portion of non-load-bearing wall to create an opening between the two adjacent storefronts (1331 and 1335 Polk Street). The issuance of that building permit allowed the existing Restaurant Use (d.b.a. "Chai-Yo Thai Cuisine") that had been operating at 1331 Polk Street to utilize the 1335 Polk Street storefront, thereby merging the two tenant spaces into a single tenant space. While this work was performed with benefit of permit, the Planning Department did not approve the permit as the approval would have been in violation of Planning Code Section 178(c)(1), which, states that no permitted conditional use may be enlarged, altered, or intensified except upon approval of a new conditional use authorization. After the storefront merger in 2005, both storefronts (1331 and 1335 Polk Street) have operated as single a Restaurant Use (d.b.a. "Chai-Yo Thai Cuisine") continuously since 2005.

3. **Surrounding Properties and Neighborhood.** The Site is located within the southern portion of the Nob Hill neighborhood, near the northern boundary of the Downtown/Civic Center

neighborhood, within the Polk Street Neighborhood Commercial Zoning District and a 65-A Height and Bulk District. The neighborhood contains a mix of uses, generally with residential uses located above ground-floor Retail Sales and Service Uses. The bulk and massing of building is fairly unified along both sides of Polk Street, with most buildings ranging between 2 and 5 stories.

4. **Project Description.** The proposed project ("Project") involves the expansion of a previously-approved Restaurant Use (d.b.a. Ben Thai Café) at 1331 Polk Street into the adjacent tenant space at 1335 Polk Street. The Project therefore includes a change of use of an existing Limited Restaurant Use to Restaurant Use at 1335 Polk Street. Minor interior tenant improvements are proposed as part of the change of use, with no expansion of the existing building.

5. **Public Comment**. To date, the Department has not received any public comment on the proposal.

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. **Restaurant Use.** Planning Code Section 723.44 states that Conditional Use Authorization is required to establish a Restaurant Use, as defined by Planning Code Section 790.91.

   The proposed Project involves the expansion of a previously-approved Restaurant Use (d.b.a. Ben Thai Café) at 1331 Polk Street into the adjacent tenant space at 1335 Polk Street. The Project therefore includes a change of use of an existing Limited Restaurant Use to Restaurant Use at 1335 Polk Street. A Restaurant Use has occupied the tenant space at 1331 Polk Street continuously since 1987. After the storefront merger in 2005, both storefronts (1331 and 1335 Polk Street) have operated as single a Restaurant Use continuously since 2005. As such, there would be no discernable difference in the use at 1335 Polk Street as this Conditional Use Authorization seeks to legalize a use that has operated at the subject property continuously since 2005.

   B. **Use Size**. Planning Code Section 723.21 states that within the Polk Street Neighborhood Commercial District, nonresidential uses up to 2,499 square feet are principally permitted, whereas nonresidential uses above 2,500 square feet require Conditional Use Authorization.

   The proposed Project would legalize the merging of two commercial tenant spaces into one space totaling approximately 1,300 square feet, which, is under the use size limitations set forth in Planning Code Section 723.21.

   C. **Eating and Drinking Uses.** Planning Code Section 303(o) states that the Planning Commission shall consider the existing concentration of eating and drinking uses in the area as additional criteria for considering Restaurant, Limited-Restaurant and Bar uses in Neighborhood Commercial Districts. Such concentration should not exceed 25 percent of the total commercial frontage as measured in linear feet within the immediate area of the subject site. For the purposes of this Section of the Code, the immediate area shall be defined as all properties located within 300' of the subject property and also located within the same zoning district.

The existing concentration of eating and drinking uses within 300 linear feet of the subject property (and within the Polk Street NCD) is approximately 47%. While this value is higher than the threshold set by Section 303(o), eating and drinking uses are typical for the District as Polk Street is a popular San Francisco destination. Moreover, given that a Restaurant Use is currently in operation at the subject property (1331-1335 Polk Street), and Conditional Use Authorization is only required to legalize the expansion of the previously-approved Restaurant Use; there is no net increase in the concentration of eating and drinking uses.

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

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

      The project is necessary or desirable, and compatible with the neighborhood, as the expansion of the Restaurant Use within the tenant space at 1335 Polk Street will allow a locally-owned, non-Formula Retail business to legally expand its operations and continue to serve the Polk Street Neighborhood Commercial District.

   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 Project would legalize the expansion of the Restaurant Use at 1331 Polk Street into the adjacent storefront at 1335 Polk Street without any physical expansion of the existing building.

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

         The Project would not adversely affect MUNI service or overburden the streets within the neighborhood. The Project Site is well-served by MUNI, including the 2,3,19, 47, 49, and 90 bus lines.

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

         The conditions of approval for this Project require the Project Sponsor to ensure that noise and odors are contained within the premises so as not to cause a nuisance to neighboring businesses or

residents. The Planning Department's Standard Conditions of Approval specifically obligates the Project Sponsor to mitigate odor and noise generated by the Restaurant Use.

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

All lighting and signage for the existing use would continue to comply with the requirements of the Planning Code.

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

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

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

The Polk Street NCD zoning controls are designed to encourage neighborhood-serving, ground-floor retail uses. Continued operation of the business would be compatible with the mixed-use character of the neighborhood and the objectives of the Polk Street NCD zoning controls.

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.

The Project would allow the continuation of an existing Restaurant Use that has been providing desirable goods and services to the neighborhood and has provided employment opportunities to those in the neighborhood continuously since 1987. In addition, the Project Site is located within a Neighborhood Commercial District and the land use designation is consistent with the objectives of the land use plan for such zoning districts.

OBJECTIVE 2:
MAINTAIN AND ENHANCE A SOUND AND DIVERSE ECONOMIC BASE AND FISCAL STRUCTURE FOR THE CITY.

Policy 2.1:
Seek to retain existing commercial and industrial activity and to attract new such activity to the City.

The Project will retain an existing commercial activity and will enhance the diverse economic base of the City.

OBJECTIVE 6:
MAINTAIN AND STRENGTHEN VIABLE NEIGHBORHOOD COMMERCIAL AREAS EASILY ACCESSIBLE TO CITY RESIDENTS.

Policy 6.1:
Ensure and encourage the retention and provision of neighborhood-serving goods and services in the city's neighborhood commercial districts, while recognizing and encouraging diversity among the districts.

The Restaurant Use has been operating out of both storefronts (1331 and 1335 Polk Street) continuously since 2005. No commercial tenant would be displaced and the project would not prevent the district from achieving optimal diversity in the types of goods and services available in the neighborhood.

Policy 6.2:
Promote economically vital neighborhood commercial districts which foster small business enterprises and entrepreneurship and which are responsive to the economic and technological innovation in the marketplace and society.

An independent entrepreneur is sponsoring the proposal and the proposed use (Restaurant Use) is a neighborhood-serving use. This is not a Formula Retail use.

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

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

The Project would have no adverse effect on neighborhood-serving retail uses or opportunities for employment in or ownership of such businesses. The existing retail spaces (1331 and 1335 Polk Street) have been utilized by the Restaurant Use (d.b.a. "Ben Thai Café") continuously since 2005.

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

The Project would have no adverse effect on the City's housing stock or on neighborhood character. The existing housing and neighborhood character will be not negatively affected.

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

The Project would have no adverse effect on the City's supply of affordable housing.

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

The Project would not result in commuter traffic impeding MUNI's transit service, overburdening the streets or altering current neighborhood parking. The subject property is within walking distance of two transit corridors: the Polk Street and Van Ness Avenue Corridors.

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 would not affect the existing economic base in this area.

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

The Project would not adversely affect achieving the greatest possible preparedness against injury and loss of life in an earthquake.

G. That landmarks and historic buildings be preserved.

The Project proposes a legal change of use from Limited Restaurant to Restaurant for the 1335 Polk Street tenant space. As such, only minor interior tenant improvements are proposed; no expansion of the existing building or exterior alterations are proposed as part of the Project.

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

The Project would have no adverse effect on parks and open space or their access to sunlight and vista.

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. 2016-005143CUA** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated August 19, 2016, 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 September 15, 2016.

Jonas P. Ionin
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: September 15, 2016

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to allow the expansion of a previously-approved Restaurant Use within the ground-floor of the subject building located at 1331-1335 Polk Street, Lot 002 in Assessor's Block 0667, pursuant to Planning Code Section(s) 178, 723.44, and 303 within the Polk Street Neighborhood Commercial Zoning District and a 65-A Height and Bulk District; in general conformance with plans, dated August 19, 2016, and stamped "EXHIBIT B" included in the docket for Case No. 2016-005143CUA and subject to conditions of approval reviewed and approved by the Commission on September 15, 2016 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 September 15, 2016 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.** The authorization and right vested by virtue of this action is valid for three (3) years from the effective date of the Motion. The Department of Building Inspection shall have issued a Building Permit or Site Permit to construct the project and/or commence the approved use within this three-year period.
   For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

2. **Expiration and Renewal.** Should a Building or Site Permit be sought after the three (3) year period has lapsed, the project sponsor must seek a renewal of this Authorization by filing an application for an amendment to the original Authorization or a new application for Authorization. Should the project sponsor decline to so file, and decline to withdraw the permit application, the Commission shall conduct a public hearing in order to consider the revocation of the Authorization. Should the Commission not revoke the Authorization following the closure of the public hearing, the Commission shall determine the extension of time for the continued validity of the Authorization.
   For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

3. **Diligent pursuit.** 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. Failure to do so shall be grounds for the Commission to consider revoking the approval if more than three (3) years have passed since this Authorization was approved.
   For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

4. **Extension.** All time limits in the preceding three paragraphs may be extended at the discretion of the Zoning Administrator where implementation of the project is delayed by a public agency, an appeal or a legal challenge and only by the length of time for which such public agency, appeal or challenge has caused delay.
   For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

5. **Conformity with Current Law.** No application for Building Permit, Site Permit, or other entitlement shall be approved unless it complies with all applicable provisions of City Codes in effect at the time of such approval.
   For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

DESIGN – COMPLIANCE AT PLAN STAGE

6. **Final Materials.** The Project Sponsor shall continue to work with Planning Department on the building design. Final materials, glazing, color, texture, landscaping, and detailing shall be subject to Department staff review and approval. The architectural addenda shall be reviewed and approved by the Planning Department prior to issuance.
   For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

7. **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

8. **Noise**. Plans submitted with the building permit application for the approved project shall incorporate acoustical insulation and other sound proofing measures to control noise.
   For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

9. **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

MONITORING - AFTER ENTITLEMENT

10. **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

11. **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

12. **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

13. **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

14. **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

15. **Odor Control.** While it is inevitable that some low level of odor may be detectable to nearby residents and passersby, appropriate odor control equipment shall be installed in conformance with the approved plans and maintained to prevent any significant noxious or offensive odors from escaping the premises.
For information about compliance with odor or other chemical air pollutants standards, contact the Bay Area Air Quality Management District, (BAAQMD), 1-800-334-ODOR (6367), www.baaqmd.gov and Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

16. **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

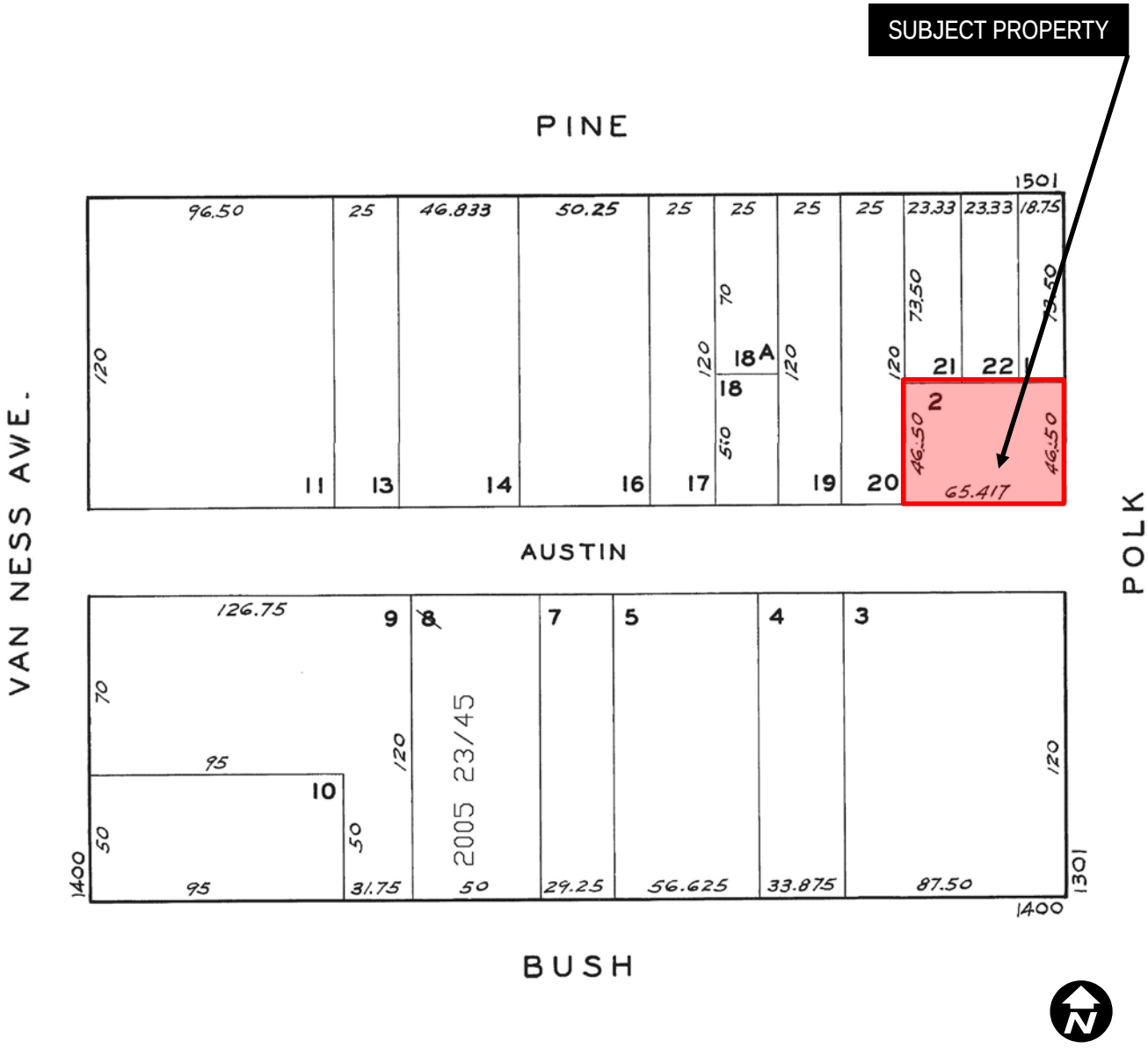
shall report to the Zoning Administrator what issues, if any, are of concern to the community and what issues have not been resolved by the Project Sponsor.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

17. **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

18. **Hours of Operation.** The subject establishment is limited to the following hours of operation: Sunday through Saturday from 6:00 a.m. to 2:00 a.m.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

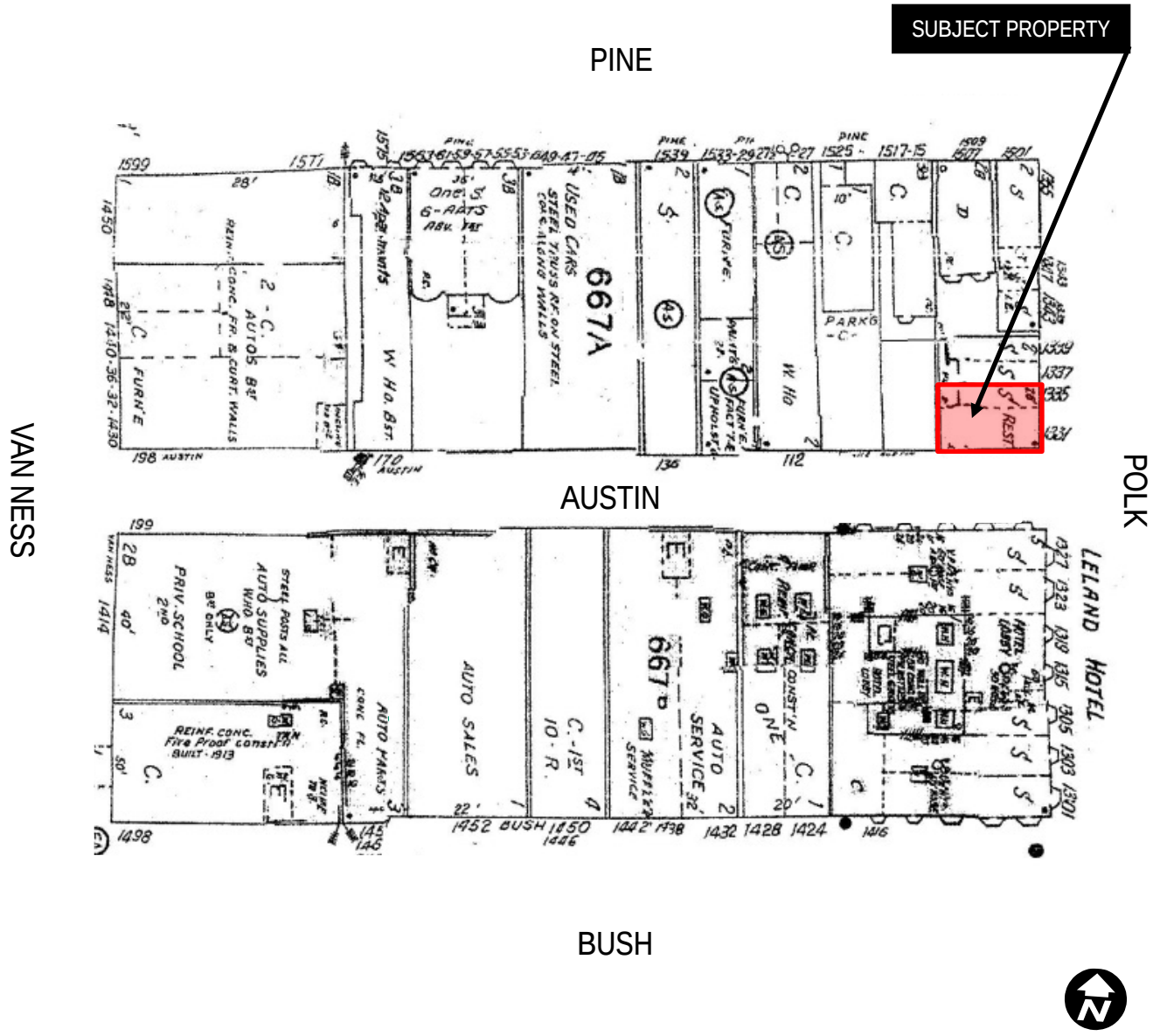
Exhibits

Parcel Map



Conditional Use Authorization
Case Number 2016-005143CUA
1331-1335 Polk Street

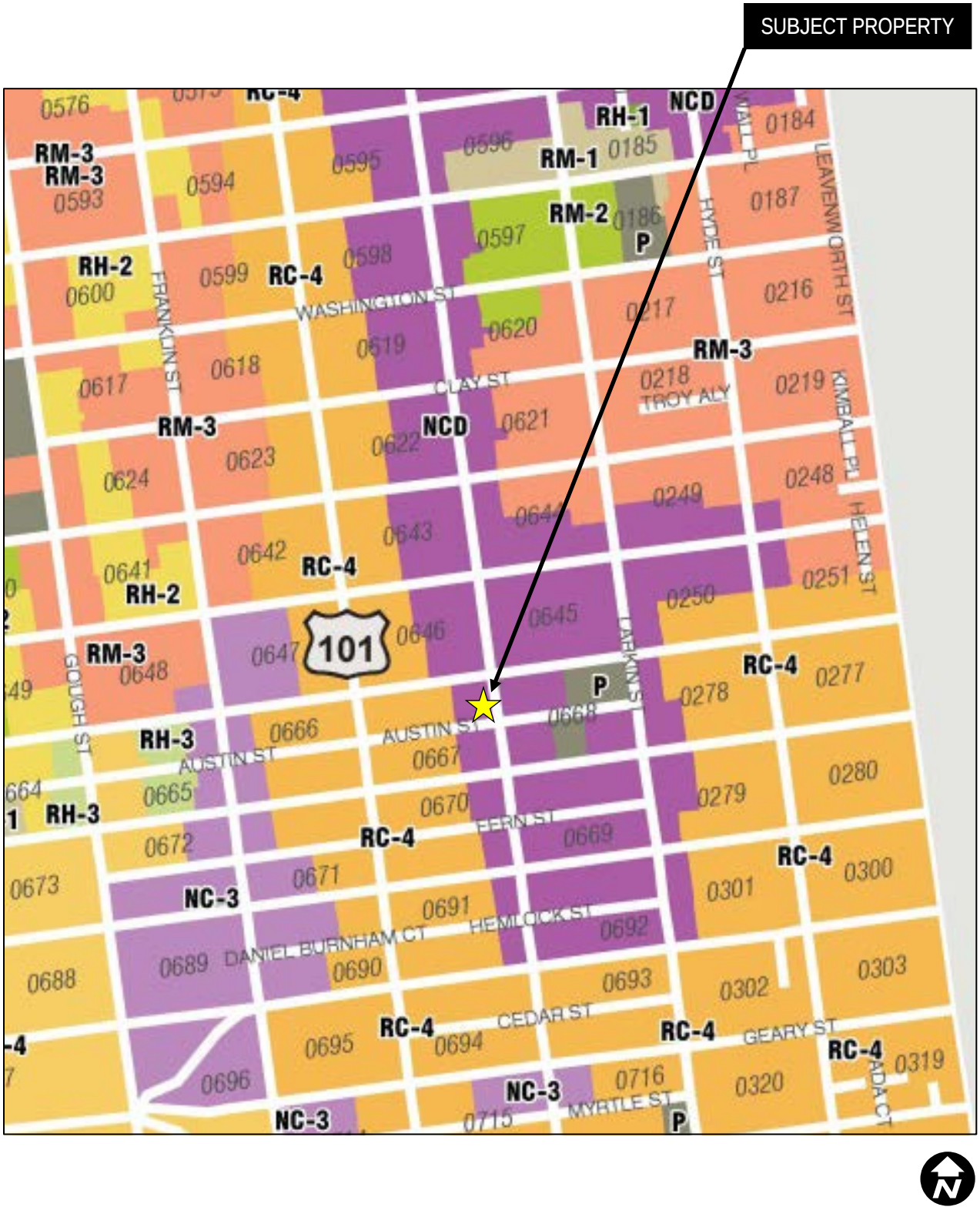
Sanborn Map*



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

Conditional Use Authorization
Case Number 2016-005143CUA
1331-1335 Polk Street

Zoning Map

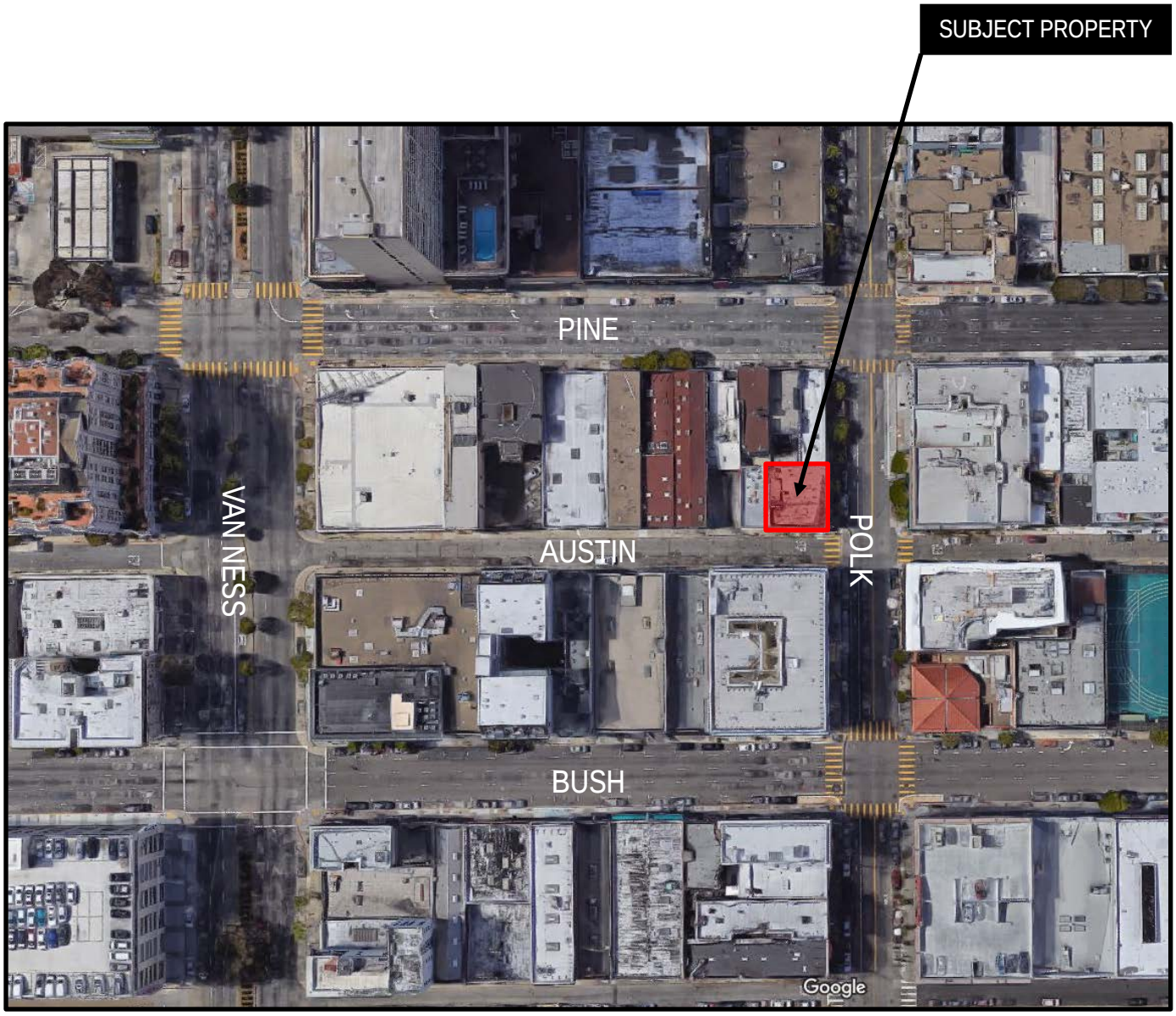


Conditional Use Authorization
Case Number 2016-005143CUA
1331-1335 Polk Street

Height and Bulk Map

Conditional Use Authorization
Case Number 2016-005143CUA
1331-1335 Polk Street

Aerial Photo



Conditional Use Authorization
Case Number 2016-005143CUA
1331-1335 Polk Street

Subject Property Photos

Subject Property Photos

Subject Property Photos

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Eating & Drinking Establishments within the Polk Street NCD

SAN FRANCISCO
PLANNING DEPARTMENT

The City and County of San Francisco (CCSF) does not guarantee the accuracy, adequacy, completeness or usefulness of any information. CCSF provides this information on an "as is" basis without warranty of any kind including but not limited to warranties of merchantability or fitness for a particular purpose, and assumes no responsibility for anyone's use of the information.

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Printed: 26 August, 2016

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SAN FRANCISCO
PLANNING DEPARTMENT
1650 Mission Street, Suite 400 • San Francisco, CA 94103 • Fax (415) 558-6409

NOTICE OF PUBLIC HEARING

Hearing Date: **Thursday, September 15, 2016**
Time: **Not before 12:00 PM (noon)**
Location: **City Hall, 1 Dr. Carlton B. Goodlett Place, Room 400**
Case Type: **Conditional Use**
Hearing Body: **Planning Commission**

PROPERTY INFORMATION		APPLICATION INFORMATION	
Project Address:	**1331-1335 Polk Street**	Case No.:	**2016-005143CUA**
Cross Street(s):	**Pine/Austin Streets**	Building Permit:	**2016.08.19.5553**
Block /Lot No.:	**0667/002**	Applicant:	**Jerry Brown**
Zoning District(s):	**Polk Street NCD/65-A**	Telephone:	**(415) 810-3703**
Area Plan:	**N/A**	E-Mail:	**jbdsgn328@gmail.com**

PROJECT DESCRIPTION

Request for Conditional Use Authorization pursuant to Planning Code Section 723.44 and 303 to legalize the expansion of an existing Restaurant Use (d.b.a. Ben Thai Café) at 1331 Polk Street into the adjacent tenant space at 1335 Polk Street. While the existing Restaurant Use occupies both storefronts, the establishment of the Restaurant Use at the 1335 Polk Street constitutes a change of use from Limited Restaurant to Restaurant. Minor interior tenant improvements are proposed as part of the change of use, with no expansion of the existing building.

A Planning Commission approval at the public hearing would constitute the Approval Action for the project for the purposes of CEQA, pursuant to San Francisco Administrative Code Section 31.04(h).

ADDITIONAL INFORMATION

ARCHITECTURAL PLANS: If you are interested in viewing the plans for the proposed project please contact the planner listed below. The plans and Department recommendation of the proposed project will be available prior to the hearing through the Planning Commission agenda at: http://www.sf-planning.org or by request at the Planning Department office located at 1650 Mission Street, 4th Floor.

Members of the public are not required to provide personal identifying information when they communicate with the Commission or the Department. All written or oral communications, including submitted personal contact information, may be made available to the public for inspection and copying upon request and may appear on the Department's website or in other public documents.

FOR MORE INFORMATION, PLEASE CONTACT PLANNING DEPARTMENT STAFF:
Planner: **Nicholas Foster** Telephone: **(415) 575-9167** E-Mail: **nicholas.foster@sfgov.org**

中文詢問請電: 415.575.9010 | Para Información en Español Llamar al: 415.575.9010 | Para sa Impormasyon sa Tagalog Tumawag sa: 415.575.9121

GENERAL INFORMATION ABOUT PROCEDURES

HEARING INFORMATION

You are receiving this notice because you are either a property owner or resident that is adjacent to the proposed project or are an interested party on record with the Planning Department. **You are not required to take any action. For more information regarding the proposed work, or to express concerns about the project, please contact the Applicant or Planner listed on this notice as soon as possible.** Additionally, you may wish to discuss the project with your neighbors and/or neighborhood association as they may already be aware of the project.

Persons who are unable to attend the public hearing may submit written comments regarding this application to the Planner listed on the front of this notice, Planning Department, 1650 Mission Street, Suite 400, San Francisco, CA 94103, by 5:00 pm the day before the hearing. These comments will be made a part of the official public record and will be brought to the attention of the person or persons conducting the public hearing.

Comments that cannot be delivered by 5:00 pm the day before the hearing may be taken directly to the hearing at the location listed on the front of this notice. Comments received at 1650 Mission Street after the deadline will be placed in the project file, but may not be brought to the attention of the Planning Commission at the public hearing.

BUILDING PERMIT APPLICATION INFORMATION

Pursuant to Planning Code Section 311 or 312, the Building Permit Application for this proposal may also be subject to a 30-day notification of property owners and residents within 150-feet of the subject property. **This notice covers the Section 311 or 312 notification requirements, if required.**

APPEAL INFORMATION

An appeal of the approval (or denial) of a **Conditional Use application** and/or building permit application associated with the Conditional Use application may be made to the **Board of Supervisors within 30 calendar days** after the date of action by the Planning Commission pursuant to the provisions of Section 308.1(b). Appeals must be submitted in person at the Board's office at 1 Dr. Carlton B. Goodlett Place, Room 244. For further information about appeals to the Board of Supervisors, including current fees, contact the Clerk of the Board of Supervisors at (415) 554-5184.

An appeal of the approval (or denial) of a **building permit application** by the Planning Commission may be made to the **Board of Appeals within 15 calendar days** after the building permit is issued (or denied) by the Director of the Department of Building Inspection. Appeals must be submitted in person at the Board's office at 1650 Mission Street, 3rd Floor, Room 304. For further information about appeals to the Board of Appeals, including current fees, contact the Board of Appeals at (415) 575-6880.

Pursuant to California Government Code Section 65009, if you challenge, in court, the decision of an entitlement or permit, the issues raised shall be limited to those raised in the public hearing or in written correspondence delivered to the Planning Commission prior to, or at, the public hearing.

ENVIRONMENTAL REVIEW

This project has undergone preliminary review pursuant to California Environmental Quality Act (CEQA). If, as part of this process, the Department's Environmental Review Officer has deemed this project to be exempt from further environmental review, an exemption determination has been prepared and can be obtained through the Exemption Map, on-line, at www.sfplanning.org. An appeal of the decision **to exempt the proposed project from CEQA may be made to the Board of Supervisors within 30 calendar days** after the project approval action identified on the determination. The procedures for filing an appeal of an exemption determination are available from the Clerk of the Board at City Hall, Room 244, or by calling (415) 554-5184.

Under CEQA, in a later court challenge, a litigant may be limited to raising only those issues previously raised at a hearing on the project or in written correspondence delivered to the Board of Supervisors, Planning Commission, Planning Department or other City board, commission or department at, or prior to, such hearing, or as part of the appeal hearing process on the CEQA decision.

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SAN FRANCISCO
PLANNING DEPARTMENT

CEQA Categorical Exemption Determination

PROPERTY INFORMATION/PROJECT DESCRIPTION

Project Address		Block/Lot(s)	
1331-1335 Polk Street		0667/002	
Case No.	Permit No.	Plans Dated	
2016-005143CUA	201608195553	08/19/16	
☑ Addition/ Alteration	☐ Demolition (requires HRER if over 45 years old)	☐ New Construction	☐ Project Modification **(GO TO STEP 7)**
Project description for Planning Department approval.			
Minor interior tenant improvements associated with change of use from Limited Restaurant to Restaurant.			

STEP 1: EXEMPTION CLASS
TO BE COMPLETED BY PROJECT PLANNER

Note: If neither class applies, an *Environmental Evaluation Application* is required.	
☑	**Class 1 – Existing Facilities.** Interior and exterior alterations; additions under 10,000 sq. ft.
☐	**Class 3 – New Construction/ Conversion of Small Structures.** Up to three (3) new single-family residences or six (6) dwelling units in one building; commercial/office structures; utility extensions.; .; change of use under 10,000 sq. ft. if principally permitted or with a CU. Change of use under 10,000 sq. ft. if principally permitted or with a CU.
☐	**Class___**

STEP 2: CEQA IMPACTS
TO BE COMPLETED BY PROJECT PLANNER

If any box is checked below, an *Environmental Evaluation Application* is required.	
☐	**Air Quality:** Would the project add new sensitive receptors (specifically, schools, day care facilities, hospitals, residential dwellings, and senior-care facilities) within an Air Pollution Exposure Zone? Does the project have the potential to emit substantial pollutant concentrations (e.g., backup diesel generators, heavy industry, diesel trucks)? *Exceptions: do not check box if the applicant presents documentation of enrollment in the San Francisco Department of Public Health (DPH) Article 38 program and the project would not have the potential to emit substantial pollutant concentrations.* (*refer to EP _ArcMap > CEQA Catex Determination Layers > Air Pollutant Exposure Zone)*
☐	**Hazardous Materials:** If the project site is located on the Maher map or is suspected of containing hazardous materials (based on a previous use such as gas station, auto repair, dry cleaners, or heavy manufacturing, or a site with underground storage tanks): Would the project involve 50 cubic yards or more of soil disturbance - or a change of use from industrial to residential? If yes, this box must be checked and the project applicant must submit an Environmental Application with a Phase I Environmental Site Assessment. *Exceptions: do not check box if the applicant presents documentation of enrollment in the San Francisco Department of Public Health (DPH) Maher program, a DPH waiver from the*

APPLICATION FOR
Conditional Use Authorization

1. Owner/Applicant Information

PROPERTY OWNER'S NAME:	
HIPYAN LIMITED PARTNERSHIP	
PROPERTY OWNER'S ADDRESS:	TELEPHONE:
438 23RD AVENUE #3 SAN FRANCISCO, CA 94121	( )
	EMAIL:

APPLICANT'S NAME:	
TARA BENHUDJIRIRAS	Same as Above ☐
APPLICANT'S ADDRESS:	TELEPHONE:
	( )
	EMAIL:

CONTACT FOR PROJECT INFORMATION:	
JERRY BROWN	Same as Above ☐
ADDRESS:	TELEPHONE:
619A 27TH STREET OAKLAND, CA 94612	(415) 810 3703
	EMAIL:
	JBDSGN328@GMAIL.COM

COMMUNITY LIAISON FOR PROJECT (PLEASE REPORT CHANGES TO THE ZONING ADMINISTRATOR):	
TARA BENHUDJIRIRAS	Same as Above ☐
ADDRESS:	TELEPHONE:
	( )
	EMAIL:

2. Location and Classification

STREET ADDRESS OF PROJECT:	ZIP CODE:
1331 - 1335 POLK STREET	94109
CROSS STREETS:	
PINE & BUSH	

ASSESSORS BLOCK/LOT:	LOT DIMENSIONS:	LOT AREA (SQ FT):	ZONING DISTRICT:	HEIGHT/BULK DISTRICT:
0667 / 002	65.4X46.5	3042	POLK STREET NCD	65-A

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3. Project Description

(Please check all that apply)

- ☐ Change of Use
- ☐ Change of Hours
- ☐ New Construction
- ☐ Alterations
- ☐ Demolition
- ☒ Other Please clarify: RESTAURAN EXPANSION

ADDITIONS TO BUILDING:

- ☐ Rear
- ☐ Front
- ☐ Height
- ☐ Side Yard

PRESENT OR PREVIOUS USE:	
LIMITED RESTAURANT	
PROPOSED USE:	
FULL RESTAURANT - EXPANSION	
BUILDING APPLICATION PERMIT NO.:	**DATE FILED:**
TBD	TBD

4. Project Summary Table

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

	EXISTING USES:	EXISTING USES TO BE RETAINED:	NET NEW CONSTRUCTION AND/OR ADDITION:	PROJECT TOTALS:
PROJECT FEATURES				
Dwelling Units	5	5	0	5
Hotel Rooms	0	0	0	0
Parking Spaces	0	0	0	0
Loading Spaces	0	0	0	0
Number of Buildings	1	1	0	1
Height of Building(s)	22'	22'	0	22'
Number of Stories	2	2	0	2
Bicycle Spaces	0	0	0	0
GROSS SQUARE FOOTAGE (GSF)				
Residential	3680	3680		
Retail	0	0		
Office	0	0		
Industrial/PDR *Production, Distribution, & Repair*	0	0		
Parking	0	0		
Other (Specify Use)	RESTAURANT	620	691	1311
TOTAL GSF	3680			1311

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

EXPANSION OF FULL RESTAURANT USE 1331 POLK ST TO 1335 POLK STREET

3. Project Description

(Please check all that apply)

- ☐ Change of Use
- ☐ Change of Hours
- ☐ New Construction
- ☐ Alterations
- ☐ Demolition
- ☒ Other Please clarify: RESTAURAN EXPANSION

ADDITIONS TO BUILDING:

- ☐ Rear
- ☐ Front
- ☐ Height
- ☐ Side Yard

PRESENT OR PREVIOUS USE:	
LIMITED RESTAURANT	
PROPOSED USE:	
FULL RESTAURANT - EXPANSION	
BUILDING APPLICATION PERMIT NO.:	**DATE FILED:**
TBD	TBD

4. Project Summary Table

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

	EXISTING USES:	EXISTING USES TO BE RETAINED:	NET NEW CONSTRUCTION AND/OR ADDITION:	PROJECT TOTALS:
PROJECT FEATURES				
Dwelling Units	5	5	0	5
Hotel Rooms	0	0	0	0
Parking Spaces	0	0	0	0
Loading Spaces	0	0	0	0
Number of Buildings	1	1	0	1
Height of Building(s)	22'	22'	0	22'
Number of Stories	2	2	0	2
Bicycle Spaces	0	0	0	0
GROSS SQUARE FOOTAGE (GSF)				
Residential	3680	3680		
Retail	0	0		
Office	0	0		
Industrial/PDR *Production, Distribution, & Repair*	0	0		
Parking	0	0		
Other (Specify Use)	RESTAURANT	620	691	1311
TOTAL GSF	3680			1311

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

EXPANSION OF FULL RESTAURANT USE 1331 POLK ST TO 1335 POLK STREET

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

EXPANSION OF EXISTING FULL RESTAURANT USE - DCP CODE SECTION 790.1

Conditional Use Findings

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

1. That the proposed use or feature, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable for, and compatible with, the neighborhood or the community; and

2. That such use or feature as proposed will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity, or injurious to property, improvements or potential development in the vicinity, with respect to aspects including but not limited to the following:

   (a) The nature of the proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;

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

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

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

3. That such use or feature as proposed will comply with the applicable provisions of this Code and will not adversely affect the Master Plan.

RESTAURANT EXPANSION AREA USE WAS AN ICE CREAM AND PASTRY SALES AREA 1335 AND THE RESTAURANT AT 1331 EXPANDED INTO THAT AREA.

THE USE IS NOT A HAZARD

THE EXPANSION IS WITHIN THE BUILDING FOOT PRINT

THE RESTAURANT IS LOCATED AT POLK STREET AND AUSTIN ALLEY ALLOWING FOR LOADING AND UNLOADING OF FOOD PRODUCTS WITH OUT AFFECTING POLK STREET TRAFFIC AND TRANSIT SERVICES

THE RESTAURANT HAS AN OPERATIONAL KITCHEN EXHAUST HOOD AND DUCTING SYSTEM THAT METTS CURRENT HEALTH AND BUILDING CODES

THE RESTAURANT EXPANSION WILL NOT AFFECT THE MASTER PLAN

Priority General Plan Policies Findings

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

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

THE RESTAURANT EXPANSION OFFERS EMPLOYMENT OPPRTUNITIES

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

THE RESTAURANT EXPANSION HAS NO AFFECT ON THE CURRENT HOUSING IN THE NEIGHBORHOOD AND IS IN KEEPING WITH THE ECONOMIC DIVERSITY OF THE POLK STREET AREA

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

THE RESTAURANT EXPANSION HAS NO AFFECT ON HOUSING

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

TEH RESTAURANT EXPANSION AHS NO AFFECT ON MUNI , VEHICULAR TRAFFIC AND PARKING IN THE AREA

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;

THE RESTAURANT EXPANSION HAS POTENTIAL FOR EMPLOYMENT FOR NIEGHBORHOOD RESIDENTS

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

THE RESTAURANT EXPANSION HAS BEEN INSPECTED AND SIGNED OFF BY THE DEPARTMENT OF BUILDING INSPECTION

7. That landmarks and historic buildings be preserved; and

THE RESTAURANT EXPANSION DOES NOT AFFECT THE BUILDINGS HISTORICAL STATUS

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

THE RESTAURANT EXPANSION IS WITHIN THE BUILDING FOOT PRINT AND DOES NOT AFFECT OPEN SPACE OF THE APARTMENT USE

Estimated Construction Costs

TYPE OF APPLICATION:	
CONDITIONAL USE / PLANNING	
OCCUPANCY CLASSIFICATION:	
B	
BUILDING TYPE:	
V-B	
TOTAL GROSS SQUARE FEET OF CONSTRUCTION:	BY PROPOSED USES:
1311	FULL RESTAURANT
ESTIMATED CONSTRUCTION COST:	
$3000.00	
ESTIMATE PREPARED BY:	
JERRY BROWN	
FEE ESTABLISHED:	
01.12.2016	

Applicant's Affidavit

Under penalty of perjury the following declarations are made:
a: The undersigned is the owner or authorized agent of the owner of this property.
b: The information presented is true and correct to the best of my knowledge.
c: The other information or applications may be required.

Signature: _____ Date: _____

Print name, and indicate whether owner, or authorized agent:

JERRY BROWN - AGENT

Owner / Authorized Agent (circle one)

	Maher program, or other documentation from Environmental Planning staff that hazardous material effects would be less than significant (refer to EP_ArcMap > Maher layer).
☐	**Transportation:** Does the project create six (6) or more net new parking spaces or residential units? Does the project have the potential to adversely affect transit, pedestrian and/or bicycle safety (hazards) or the adequacy of nearby transit, pedestrian and/or bicycle facilities?
☐	**Archeological Resources:** Would the project result in soil disturbance/modification greater than two (2) feet below grade in an archeological sensitive area or eight (8) feet in a non-archeological sensitive area? (*refer to EP_ArcMap > CEQA Catex Determination Layers > Archeological Sensitive Area)*
☐	**Subdivision/Lot Line Adjustment:** Does the project site involve a subdivision or lot line adjustment on a lot with a slope average of 20% or more? (*refer to EP_ArcMap > CEQA Catex Determination Layers > Topography*)
☐	**Slope = or > 20%:** Does the project involve any of the following: (1) square footage expansion greater than 1,000 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? (*refer to EP_ArcMap > CEQA Catex Determination Layers > Topography*) **If box is checked, a geotechnical report is required.**
☐	**Seismic: Landslide Zone:** Does the project involve any of the following: (1) square footage expansion greater than 1,000 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? *(refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones)* **If box is checked, a geotechnical report is required.**
☐	**Seismic: Liquefaction Zone:** Does the project involve any of the following: (1) square footage expansion greater than 1,000 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? *(refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones)* **If box is checked, a geotechnical report will likely be required.**
If no boxes are checked above, GO TO STEP 3. <u>If one or more boxes are checked above, an *Environmental Evaluation Application* is required, unless reviewed by an Environmental Planner.</u>	
☑	**Project can proceed with categorical exemption review. The project does not trigger any of the CEQA impacts listed above.**
Comments and Planner Signature (*optional*):	

STEP 3: PROPERTY STATUS – HISTORIC RESOURCE

TO BE COMPLETED BY PROJECT PLANNER

PROPERTY IS ONE OF THE FOLLOWING: *(refer to Parcel Information Map)*	
☐	**Category A:** Known Historical Resource. **GO TO STEP 5.**
☑	**Category B:** Potential Historical Resource (over 45 years of age). **GO TO STEP 4.**
☐	**Category C:** Not a Historical Resource or Not Age Eligible (under 45 years of age). **GO TO STEP 6.**

STEP 4: PROPOSED WORK CHECKLIST
TO BE COMPLETED BY PROJECT PLANNER

Check all that apply to the project.	
☑	1. **Change of use and new construction.** Tenant improvements not included.
☐	2. **Regular maintenance or repair** to correct or repair deterioration, decay, or damage to building.
☐	3. **Window replacement** that meets the Department's *Window Replacement Standards*. Does not include storefront window alterations.
☐	4. **Garage work.** A new opening that meets the *Guidelines for Adding Garages and Curb Cuts*, and/or replacement of a garage door in an existing opening that meets the Residential Design Guidelines.
☐	5. **Deck, terrace construction, or fences** not visible from any immediately adjacent public right-of-way.
☐	6. **Mechanical equipment installation** that is not visible from any immediately adjacent public right-of-way.
☐	7. **Dormer installation** that meets the requirements for exemption from public notification under *Zoning Administrator Bulletin No. 3: Dormer Windows*.
☐	8. **Addition(s)** that are not visible from any immediately adjacent public right-of-way for 150 feet in each direction; does not extend vertically beyond the floor level of the top story of the structure or is only a single story in height; does not have a footprint that is more than 50% larger than that of the original building; and does not cause the removal of architectural significant roofing features.
Note: Project Planner must check box below before proceeding.	
☐	Project is not listed. **GO TO STEP 5.**
☐	Project **does not conform** to the scopes of work. **GO TO STEP 5**.
☐	Project involves **four or more** work descriptions. **GO TO STEP 5.**
☑	Project involves **less than four** work descriptions. **GO TO STEP 6.**

STEP 5: CEQA IMPACTS – ADVANCED HISTORICAL REVIEW
TO BE COMPLETED BY PRESERVATION PLANNER

Check all that apply to the project.	
☐	1. Project involves a **known historical resource (CEQA Category A)** as determined by Step 3 and conforms entirely to proposed work checklist in Step 4.
☐	2. **Interior alterations to publicly accessible spaces**.
☐	3. **Window replacement** of original/historic windows that are not "in-kind" but are consistent with existing historic character.
☐	4. **Façade/storefront alterations** that do not remove, alter, or obscure character-defining features.
☐	5. **Raising the building** in a manner that does not remove, alter, or obscure character-defining features.
☐	6. **Restoration** based upon documented evidence of a building's historic condition, such as historic photographs, plans, physical evidence, or similar buildings.
☐	7. **Addition(s)**, including mechanical equipment that are minimally visible from a public right-of-way and meet the *Secretary of the Interior's Standards for Rehabilitation*.
☐	8. **Other work consistent** with the *Secretary of the Interior Standards for the Treatment of Historic Properties* (*specify or add comments*):

☐	9. **Other work** that would not materially impair a historic district (specify or add comments): *(Requires approval by Senior Preservation Planner/Preservation Coordinator)* _____
☐	10. **Reclassification of property status**. *(Requires approval by Senior Preservation Planner/Preservation Coordinator)* ☐ Reclassify to Category A ☐ Reclassify to Category C a. Per HRER dated: _____ *(attach HRER)* b. Other *(specify)*:
Note: If ANY box in STEP 5 above is checked, a Preservation Planner MUST check one box below.	
☐	**Further environmental review required.** Based on the information provided, the project requires an *Environmental Evaluation Application* to be submitted. **GO TO STEP 6.**
☐	**Project can proceed with categorical exemption review**. The project has been reviewed by the Preservation Planner and can proceed with categorical exemption review. **GO TO STEP 6.**
Comments (*optional*):	
Preservation Planner Signature:	

STEP 6: CATEGORICAL EXEMPTION DETERMINATION

TO BE COMPLETED BY PROJECT PLANNER

☐	**Further environmental review required.** Proposed project does not meet scopes of work in either *(check all that apply)*: ☐ Step 2 – CEQA Impacts ☐ Step 5 – Advanced Historical Review **STOP! Must file an *Environmental Evaluation Application.***	
☑	**No further environmental review is required. The project is categorically exempt under CEQA.**	
	Planner Name: Nicholas Foster	**Signature:**
	Project Approval Action: Planning Commission Hearing If Discretionary Review before the Planning Commission is requested, the Discretionary Review hearing is the Approval Action for the project.	
	Once signed or stamped and dated, this document constitutes a categorical exemption pursuant to CEQA Guidelines and Chapter 31 of the Administrative Code. In accordance with Chapter 31 of the San Francisco Administrative Code, an appeal of an exemption determination can only be filed within 30 days of the project receiving the first approval action.	

STEP 7: MODIFICATION OF A CEQA EXEMPT PROJECT

TO BE COMPLETED BY PROJECT PLANNER

In accordance with Chapter 31 of the San Francisco Administrative Code, when a California Environmental Quality Act (CEQA) exempt project changes after the Approval Action and requires a subsequent approval, the Environmental Review Officer (or his or her designee) must determine whether the proposed change constitutes a substantial modification of that project. This checklist shall be used to determine whether the proposed changes to the approved project would constitute a "substantial modification" and, therefore, be subject to additional environmental review pursuant to CEQA.

PROPERTY INFORMATION/PROJECT DESCRIPTION

Project Address (If different than front page)		Block/Lot(s) (If different than front page)
Case No.	Previous Building Permit No.	New Building Permit No.
Plans Dated	Previous Approval Action	New Approval Action
Modified Project Description:		

DETERMINATION IF PROJECT CONSTITUTES SUBSTANTIAL MODIFICATION

Compared to the approved project, would the modified project:	
☐	Result in expansion of the building envelope, as defined in the Planning Code;
☐	Result in the change of use that would require public notice under Planning Code Sections 311 or 312;
☐	Result in demolition as defined under Planning Code Section 317 or 19005(f)?
☐	Is any information being presented that was not known and could not have been known at the time of the original determination, that shows the originally approved project may no longer qualify for the exemption?
If at least one of the above boxes is checked, further environmental review is required.	**CATEX FORM**

DETERMINATION OF NO SUBSTANTIAL MODIFICATION

☐	The proposed modification would not result in any of the above changes.

If this box is checked, the proposed modifications are categorically exempt under CEQA, in accordance with prior project approval and no additional environmental review is required. This determination shall be posted on the Planning Department website and office and mailed to the applicant, City approving entities, and anyone requesting written notice.

Planner Name:	**Signature or Stamp:**

APPLICATION FOR
Priority General Plan Findings

Priority Policies General Plan Findings

Please state how the project is consistent or inconsistent with each policy. Each statement should refer to specific circumstances or conditions applicable to the property. Each policy must have a response. If a given policy does not apply to your project, explain why it does not.

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

The restaurant expansion offers the potential for neighborhood employment opportunities

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

The restaurant expansion has no affect on housing and is a part of the Polk street neighborhood commercial district

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

The restaurant expansion does not affect any affordable housing

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

The restaurant expansion does not impede on vehicular ,MUNI or parking on Polk street

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;

The restaurant expansion offers the potential for neighborhood employment opportunities

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

The restaurant expansion has been inspected by DBI and signed off

7. That landmarks and historic buildings be preserved; and

The restaurant expansion does not affect the historical aspect of the building

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

The restaurant expansion does not have any affect on open space or vistas

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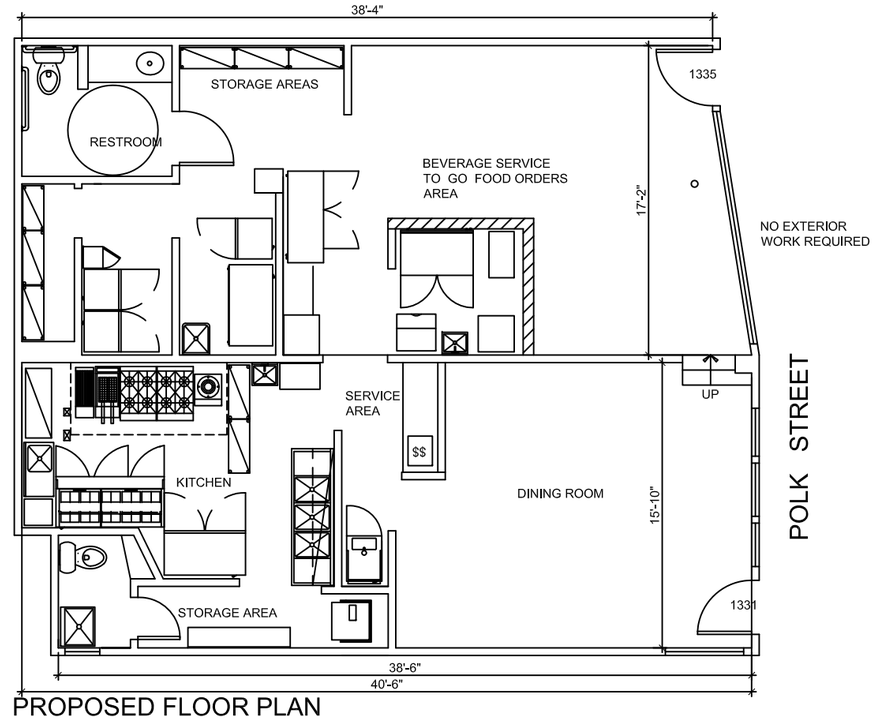
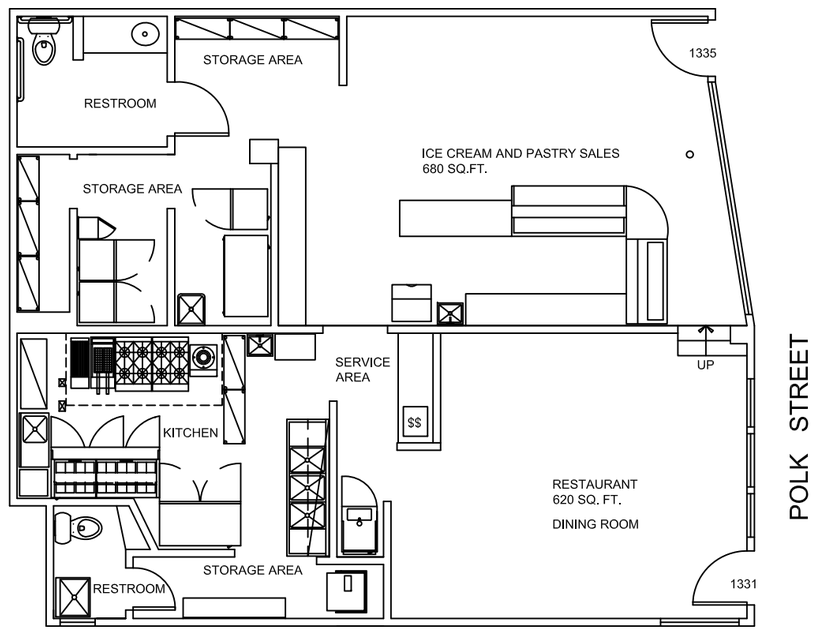


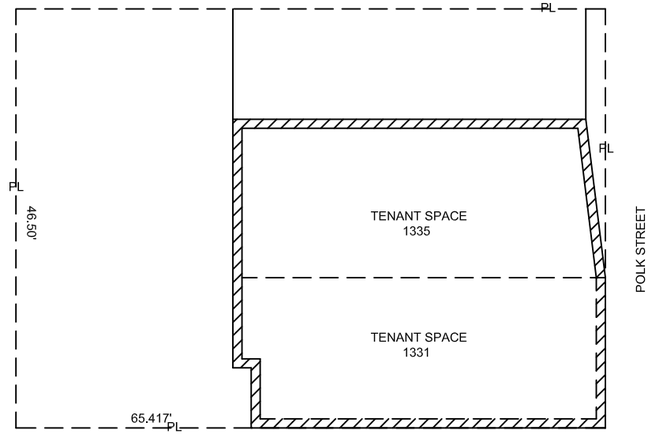
PROPOSED FLOOR PLAN

1/4" =1'- 0"



EXISTING FLOOR PLAN

1/4" =1'- 0"



PLOT PLAN

1/64" = 1'-0"

NORTH

BUILDING DATA

OCCUPANCY CLASS: B/ R-3
CONSTRUCTION TYPE: V-B
STORIES: 2
BLOCK/LOT: 0667 - 002

SCOPE OF WORK:
CHANGE OF USE FOR TENANT SPACE 1335 POLK STREET FROM PASTRY / ICE CREAM SALES TO FULL SERVICE RESTAURANT
NO EXTERIOR WORK TO BUILDING

TENANT:
BEN THAI RESTAURANT
1331 POLK STREET
SAN FRANCISCO, CA 94109

REVISION
1 HLTH P/C 01.17.08

Jerry Brown Design
619A 27TH ST
OAKLAND, CA.
94612
tel.: 415-810-3703
JBDSGN328@Gmail.com

PROJECT:

CHANGE OF USE 1335 POLK STREET

1331 AND 1335 POLK STREET
SAN FRANCISCO, CA 94109

SHEET TITLE:

EXISTING AND
PROPOSED FLOOR
PLANS

Date: **08. 29. 2016**

Drawn By: **J.B.**

SHEET No.
A-1