



# SAN FRANCISCO PLANNING DEPARTMENT

## Executive Summary Conditional Use

HEARING DATE: JULY 20, 2017

*Date:* July 10, 2017  
*Case No.:* **2017-000655CUA**  
*Project Address:* **458 GROVE STREET**  
*Zoning:* Hayes-Gough NCT (Neighborhood Commercial Transit)  
40-X Height and Bulk District  
*Block/Lot:* 0793/014  
*Project Sponsor:* Angela Valgiusti  
458 Grove Street  
San Francisco, CA 94102  
*Staff Contact:* Carly Grob – (415) 575-.9138  
[carly.grob@sfgov.org](mailto:carly.grob@sfgov.org)  
*Recommendation:* **Approval with Conditions**

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### PROJECT DESCRIPTION

The project proposes to expand the existing restaurant use, doing business as Birba, into the adjacent 216 square foot garage space, which includes the replacement of an existing garage door with a storefront system. The project also includes the construction of a 7' 8" tall pergola on the existing outdoor patio at the rear of the existing building, as well as the addition of outdoor seating for 26 patrons. The project would result in 1,490 square foot of restaurant use.

Birba is an independent use and locally owned restaurant, which has been encouraged throughout San Francisco. The proposed use is a neighborhood-serving use. Birba currently operates Mondays from 5:00 to 9:00 p.m., Tuesdays-Thursdays from noon to 3:00 p.m. and from 5:00 to 10:00 p.m., Fridays from noon to 10:00 p.m. and Saturdays from 3:00 to 10:00 p.m. The sponsor plans to operate the back patio within the existing operating hours.

### SITE DESCRIPTION AND PRESENT USE

The project is located on the north side of Grove Street between Octavia Street and Gough Street, Block 0793, Lot 014. The property is located within the Hayes-Gough NCT (Neighborhood Commercial Transit) District with 40-X height and bulk district. Originally constructed in 1940 as a two-story, single-family dwelling, the building was converted to commercial space in 1994 per Site Permit No. 9400627S. There are 528 square feet of existing restaurant space on the ground floor, doing business as Birba, as well as a 216 square foot garage fronting Grove Street, office space on the second floor, and a landscaped patio at the rear.

## **SURROUNDING PROPERTIES AND NEIGHBORHOOD**

The Hayes-Gough Neighborhood Commercial Transit District extends along both sides of Octavia Boulevard to Market Street, is bounded by Franklin Street to the east and Laguna Street to the west, and Fulton Street to the North. Generally, the District is surrounded by the RTO (Residential, Transit Oriented) District to the north and west, and the NCT-3 (Neighborhood Commercial Transit District) to the south and north, and the P District to the east (Public). The Hayes-Gough NCT contains a limited range of commercial activity which primarily caters to the neighborhood, but also to visitors and workers from the performance arts venues and Civic Center nearby.

The surrounding properties along Grove Street are 2-3 story mixed-use buildings with residential units over ground floor retail. The Oxenrose Salon is directly adjacent to the property, the block includes a spa d.b.a. Pure Envy Spa Bar, a restaurant d.b.a. Little Gem, a laundromat d.b.a. Pete's Launderette; in addition, there is a 4-story Days Inn Motel located across the street from the Subject Property, as well as an attached restaurant, doing business as Double Decker.

## **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 1, 2017	June 28, 2017	22 days
Posted Notice	20 days	July 1, 2017	June 28, 2017	22 days
Mailed Notice	20 days	July 1, 2017	June 30, 2017	21 days

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

## **PUBLIC COMMENT/COMMUNITY OUTREACH**

- To date, the Department has received 54 total letters of support for the project, including nine letters of support from residents on the subject block, 25 letters from Hayes Valley businesses and residents, and a letter from the Hayes Valley Neighborhood Association. These letters identify the existing restaurant as a community gathering space, and acknowledge the sponsor's continued effort to reduce potential impacts on neighbors. Many letter-writers identify the business operator as considerate, and state that the existing restaurant is an important neighborhood-serving use.
- The project sponsor has also provided over 1,000 signatures in support of the outdoor activity area. An example signature sheet has been provided as an attachment.
- The Department has also received 13 letters in opposition to the project, including four from the adjacent property at 470 Grove, as well as one letter from a neighborhood group known as D5 Action. Most letters state concerns about noise nuisances in resulting from patrons in the back patio.



## ISSUES AND OTHER CONSIDERATIONS

- Both the project sponsor and adjacent residents have commissioned sound studies to analyze the potential noise impacts to surrounding properties. There were clear discrepancies between the reports; however, the sound study commissioned by the adjacent residents overestimated the number of patrons that would be allowed on the patio at any time, as they evaluated the noise from 40 people rather than 26. Both studies are included as attachments.
- The attached Draft Motion incorporates conditions related to the limited hours of operation proposed by the project sponsor, as well as the maximum occupancy of the patio at any given time.

## REQUIRED COMMISSION ACTION

In order for the project to proceed, the Commission must grant conditional use authorization to allow the establishment of an outdoor activity area pursuant to Planning Code Sections 145.2 and 303 within the Hayes-Gough NCT (Neighborhood Commercial Transit) District and the 40-X Height and Bulk District.

## BASIS FOR RECOMMENDATION

- The project promotes the continued operation of an established, locally-owned business and contributes to the viability of the Hayes-Gough NCT.
- The project sponsor has worked extensively with the surrounding neighbors to mitigate potential impacts that could result from use of the back patio. The sponsor has incorporated soundproofing measures, such as a pergola structure and landscaping, and has limited the hours of operation to 10:00 p.m. daily.
- The subject property is located within a mixed-use district, and is directly adjacent to commercial properties to the north and to the east.
- The project meets all applicable requirements of the Planning Code.
- The project is desirable for, and compatible with the surrounding neighborhood.
- The business is not a Formula Retail use and would serve the immediate neighborhood.

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

Draft Motion

Block Book Map

Sanborn Map

Zoning Map

Aerial Photograph

Site Photograph

Categorical Exemption

Project Sponsor Submittal, including:

- Site Photographs

- Reduced Plans

- Renderings of Patio

- Graphics showing surrounding supporters and opposition
- Letters in support of the project
- Sample signature page in support of the project
- Soundproofing analysis

Public Correspondence, including noise survey and construction estimates from adjacent neighbors

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 checked="" 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 |

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

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CG  
Planner's Initials



# SAN FRANCISCO PLANNING DEPARTMENT

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## Planning Commission Draft Motion

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**ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 145.2 AND 303 OF THE PLANNING CODE TO ESTABLISH AN OUTDOOR ACTIVITY AREA IN THE BACK PATIO OF AN EXISTING RESTAURANT USE (D.B.A. BIRBA) WITHIN THE HAYES-GOUGH NCT (NEIGHBORHOOD COMMERCIAL TRANSIT) DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT.**

### PREAMBLE

On January 17, 2017 Angela Valgiusti (hereinafter "Project Sponsor") filed an application with the Planning Department (hereinafter "Department") for Conditional Use Authorization under Planning Code Sections 145.1 and 303 to establish an Outdoor Activity Area in the back patio of an existing restaurant (d.b.a. Birba) within the Hayes-Gough NCT (Neighborhood Commercial Transit) District and a 40-X Height and Bulk District.

On July 20, 2017, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2017-000655CUA.

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

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

**MOVED**, that the Commission hereby authorizes the Conditional Use requested in Application No. 2017-000655CUA, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

## FINDINGS

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

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The project is located on the north side of Grove Street between Octavia Street and Gough Street, Block 0793, Lot 014. The property is located within the Hayes-Gough NCT (Neighborhood Commercial Transit) District with 40-X height and bulk district. Originally constructed in 1940 as a two-story, single-family dwelling, the building was converted to commercial space in 1994 per Site Permit No. 9400627S. There are 528 square feet of existing restaurant space on the ground floor, doing business as Birba, as well as a 216 square foot garage fronting Grove Street, office space on the second floor, and a landscaped patio at the rear.
3. **Surrounding Properties and Neighborhood.** The Hayes-Gough Neighborhood Commercial Transit District extends along both sides of Octavia Boulevard to Market Street, is bounded by Franklin Street to the east and Laguna Street to the west, and Fulton Street to the North. Generally, the District is surrounded by the RTO (Residential, Transit Oriented) District to the north and west, and the NCT-3 (Neighborhood Commercial Transit District) to the south and north, and the P District to the east (Public). The Hayes-Gough NCT contains a limited range of commercial activity which primarily caters to the neighborhood, but also to visitors and workers from the performance arts venues and Civic Center nearby.

The surrounding properties along Grove Street are 2-3 story mixed-use buildings with residential units over ground floor retail. The Oxenrose Salon is directly adjacent to the property, the block includes a spa d.b.a. Pure Envy Spa Bar, a restaurant d.b.a. Little Gem, a laundromat d.b.a. Pete's Launderette; in addition, there is a 4-story Days Inn Motel located across the street from the Subject Property, as well as an attached restaurant, doing business as Double Decker.

4. **Project Description.** The project proposes to expand the existing restaurant use, doing business as Birba, into the adjacent 216 square foot garage space, which includes the replacement of an existing garage door with a storefront system. The project also includes the construction of a 7' 8" tall pergola on the existing outdoor patio at the rear of the existing building, as well as the addition of outdoor seating for 26 patrons. The project would result in 1,490 square foot of restaurant use.

Birba is an independent use and locally owned restaurant, which has been encouraged throughout San Francisco. The proposed use is a neighborhood-serving use. Birba currently operates Mondays from 5:00 to 9:00 p.m., Tuesdays-Thursdays from noon to 3:00 p.m. and from 5:00 to 10:00 p.m., Fridays from noon to 10:00 p.m. and Saturdays from 3:00 to 10:00 p.m. The sponsor plans to operate the back patio within the existing operating hours.

5. **Public Comment.** To date, the Department has received 54 total letters of support for the project, including nine letters of support from residents on the subject block, 25 letters from Hayes Valley businesses and residents, and a letter from the Hayes Valley Neighborhood Association. These

letters identify the existing restaurant as a community gathering space, and acknowledge the sponsor's continued effort to reduce potential impacts on neighbors. Many letter-writers identify the business operator as considerate, and state that the existing restaurant is an important neighborhood-serving use. The project sponsor has also provided over 1,000 signatures in support of the outdoor activity area. An example signature sheet has been provided as an attachment.

The Department has also received 13 letters in opposition to the project, including four from the adjacent property at 470 Grove, as well as one letter from a neighborhood group known as D5 Action. Most letters state concerns about noise nuisances in resulting from patrons in the back patio.

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. **Outdoor Activity.** Planning Code Section 720.24 states that a Conditional Use Authorization is required for an Outdoor Activity Area, as defined by Planning Code Section 790.70. In addition to the criteria of Section 303(c) of this Code, the City Planning Commission shall find that:

1. The nature of the activity operated in the outdoor activity area is compatible with surrounding uses;
2. The operation and design of the outdoor activity area does not significantly disturb the privacy or affect the livability of adjoining or surrounding residences;
3. The hours of operation of the activity operated in the outdoor activity area are limited so that the activity does not disrupt the viability of surrounding uses.

*The Project Sponsor is seeking authorization to include an Outdoor Activity Area per Planning Code Section 710.24. The proposed Outdoor Activity Area is outdoor seating in existing patio at the rear of the property. The Project Sponsor proposes setting up picnic tables to accommodate a maximum of 26 additional patrons (the restaurant currently has about 20 seats inside). The project sponsor has incorporated soundproofing elements into the design of the back patio, including a pergola at the northwest corner of the lot and substantial planting. The subject property is commercial, and is bounded by commercial properties to the east and to the north. The sponsor has also offered to replace the windows on the adjacent residential building to further mitigate any potential noise impact created by the patio. The outdoor area would be used for dining both day and night. Evening hours in the outside area would be restricted to 10p.m. daily to mitigate neighbors' concerns about potential noise.*

B. **Restaurant Use.** Restaurant uses are principally permitted in the Hayes-Gough NCT, and they require Section 312 Neighborhood Notification.

*The proposal includes the expansion of the existing 528 square foot restaurant use, doing business as Birba, into the adjacent garage and into the back patio. The project would result in approximately 1,490 square feet of restaurant use. Section 312 Neighborhood Notification was completed in conjunction with the notification distributed for the Conditional Use Authorization hearing.*

- C. **Rear Yard Setback in the Hayes Gough NCT.** Planning Code Section 134 states that a rear yard setback is required at the first residential level and above in the Hayes-Gough NCT District.

*The subject property does not include any residential uses; therefore, a rear yard setback is not required at the first or second floor.*

- D. **Street Frontage in Neighborhood Commercial Districts.** Section 145.1 of the Planning Code requires that within NC Districts space for active uses shall be provided within the first 25 feet of building depth on the ground floor and 15 feet on floors above from any facade facing a street at least 30 feet in width. Frontages with active uses that must be fenestrated with transparent windows and doorways for no less than 60 percent of the street frontage at the ground level and allow visibility to the inside of the building.

*The project proposes to expand the existing restaurant use into the adjacent garage with the capacity for one off-street parking space. The existing garage door would be replaced with a storefront system, which would increase transparency and further activate the public realm. Since the proposed restaurant use would be located within the first 25 feet of lot depth, the project would comply with the active use provisions of the Planning Code.*

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 and desirable for members of the Hayes Valley community, as the project would allow a local small business owner to expand. The outdoor activity area would be compatible with the mixed-use character of the surrounding district and of the subject block. In order to ensure that the project is compatible with the adjacent residential use, the sponsor has incorporated soundproofing measures and has limited occupancy and hours of operation on the back patio. The project would contribute to the economic vitality of the neighborhood by removing a garage with one off-street parking space with additional commercial uses in a 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 has been designed to be compatible with its surroundings, and the project sponsor has worked closely with neighbors to ensure compatibility with the existing uses in the vicinity.*

*Converting the existing garage into support area for the restaurant would enhance the pedestrian realm by providing active uses within a Neighborhood Commercial District, and removing the curb cut would also provide one additional off-street parking space and two Class 2 bicycle parking spaces.*

*The sponsor has incorporated both natural and structural elements into the design of the Outdoor Activity Area in order to mitigate noise impacts to neighbors. The project includes a pergola structure at the northwest corner of the property, as well as substantial landscaping.*

- 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 eliminate one curb cut along Grove Street, which would add one off-street parking space and would allow the construction of two Class 2 bicycle parking spaces. Traffic conditions would not be substantially altered by this project, as it proposes the expansion of an existing, neighborhood-serving restaurant, which is often frequented by foot, taxi, or public transit.*

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

*The project is not expected to generate any noxious or offensive emissions, glare, dust, or odors. The rear courtyard has been designed to minimize the impacts of its patrons, including the installation of plantings and the pergola structure to limit the emission of noise from the courtyard.*

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

*The project incorporates a number of landscaping and design features to screen the proposed Outdoor Activity Area from adjacent uses and to ensure compatibility with the surrounding context. The project does not include any off-street parking or loading areas, and does not include any new signage.*

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

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

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

*The Hayes-Gough NCT is a mixed-use commercial district that contains a limited range of retail commercial activity, which primarily caters to the immediate need of the neighborhood, as well as comparison goods that attract clientele from outside the neighborhood, mostly the Performing Arts and*



*Civic Center workers and visitors. The Hayes-Gough controls are designed to allow for growth and expansion that is compatible with existing uses and scales. The proposed project is consistent with the stated purposed of Hayes-Gough NCT District in that it will enhance a local, neighborhood-serving small business. The proposed Outdoor Activity Area is in a location of the lot that is surrounded by commercial uses on three of four sides. The project protects the existing residential uses as it incorporates soundproofing measures.*

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

## NEIGHBORHOOD COMMERCE

### Objectives and Policies

#### **OBJECTIVE 1:**

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

##### **Policy 1.1:**

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

##### **Policy 1.2:**

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

##### **Policy 1.3:**

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

*The proposed development will provide desirable goods and services to the neighborhood and will provide resident employment opportunities to those in the community. The expanded scope of the existing business to include outdoor activity and extended hours of operation will not result in undesirable consequences, as the sponsor has worked closely with neighbors in the vicinity to mitigate any potential noise impacts. Further, the Project Site is located within a Neighborhood Commercial District and is thus consistent with activities in the commercial land use plan.*

#### **OBJECTIVE 2:**

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

##### **Policy 2.1:**

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

*The Project will retain an existing commercial activity and will enhance the diverse economic base of the City by expanding the linear frontage of active use on the subject property.*

**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 project would allow the project sponsor to enhance an existing neighborhood-serving restaurant with an upstanding reputation in the neighborhood. No commercial tenant would be displaced and the project would not prevent the district from achieving optimal diversity in the types of goods and services available in the neighborhood.*

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

**Eating and Drinking Establishments**

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

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

*The subject restaurant is an eating and drinking establishment, and the project would not result in the proliferation of eating and drinking establishments. The project would create additional commercial frontage where there currently is none, which activates the sidewalk while also providing future*

*opportunities for one or two tenants. The project is not anticipated to have a negative impact on parking or traffic. The project sponsor has worked extensively to mitigate any potential impacts to the surrounding community by incorporating soundproofing measures and implementing limited hours of operation at the proposed outdoor activity area.*

**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 business owner, who is an independent entrepreneur, is sponsoring the proposal. The proposed use is a neighborhood serving use. This is not a Formula Retail use.*

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

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

*The project would enhance an existing neighborhood serving retail use by allowing the restaurant to utilize an existing outdoor space while also enlivening the pedestrian realm. Expansion of the existing business would enhance future employment opportunities, which is consistent with this policy.*

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

*The subject property does not contain residential uses. The project would preserve and enhance the mixed-use character of the area by expanding an existing small business while also taking steps to protect surrounding residential uses. The project would contribute to the cultural and economic diversity of the neighborhood by increasing the diversity of services available in the neighborhood.*

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

*No housing is removed for this Project.*

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

*The conversion of a small rear courtyard and existing off-street parking garage into restaurant use is not anticipated to result in any noticeable impact on transit services or neighborhood parking. The elimination of an existing curb cut would add one additional street parking space, and the sponsor proposes to add two Class 2 bicycle parking spaces. The subject property is located along MUNI 21 bus route, and is within close proximity to transit services along Market Street, Van Ness Avenue, and McAllister Street.*

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

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

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

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

- G. That landmarks and historic buildings be preserved.

*There are no landmarks or historic buildings on the subject property. The existing building is considered a potential historic resource. Minor modifications to the façade, which include the replacement of a garage door with a storefront, have been reviewed by Department preservation staff. The modifications would not have a negative impact the potential resource.*

- 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. The Project does not have an impact on 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. 2017-000655CUA** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated May 10, 2017, 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 July 20, 2017.

Jonas P. Ionin  
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: July 20, 2017

## **EXHIBIT A**

### **AUTHORIZATION**

This authorization is for a conditional use to allow an Outdoor Activity Area at the back patio of an existing restaurant (d.b.a. Birba) located at 458 Grove Street, Block 0793 and Lot 014, pursuant to Planning Code Section(s) 145.1 and 303 within the Hayes-Gough NCT (Neighborhood Commercial Transit) District and a 40-X Height and Bulk District; in general conformance with plans, dated May 10, 2017, and stamped "EXHIBIT B" included in the docket for Case No. 2017-000655CUA and subject to conditions of approval reviewed and approved by the Commission on July 20, 2017 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 July 20, 2017 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](http://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](http://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](http://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](http://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](http://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](http://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](http://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](http://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](http://www.sf-planning.org)*

## PROVISIONS

10. **Transportation Sustainability Fee.** The Project is subject to the Transportation Sustainability Fee (TSF), as applicable, pursuant to Planning Code Section 411A.

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

## MONITORING - AFTER ENTITLEMENT

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

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

12. **Revocation due to Violation of Conditions.** Should implementation of this Project result in complaints from interested property owners, residents, or commercial lessees which are not resolved by the Project Sponsor and found to be in violation of the Planning Code and/or the



specific conditions of approval for the Project as set forth in Exhibit A of this Motion, the Zoning Administrator shall refer such complaints to the Commission, after which it may hold a public hearing on the matter to consider revocation of this authorization.

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

## OPERATION

13. **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>*

14. **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>*

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

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

*For information about compliance with the construction noise, contact the Department of Building Inspection, 415-558-6570, [www.sfdbi.org](http://www.sfdbi.org)*

*For information about compliance with the amplified sound including music and television contact the Police Department at 415-553-0123, [www.sf-police.org](http://www.sf-police.org)*

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

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

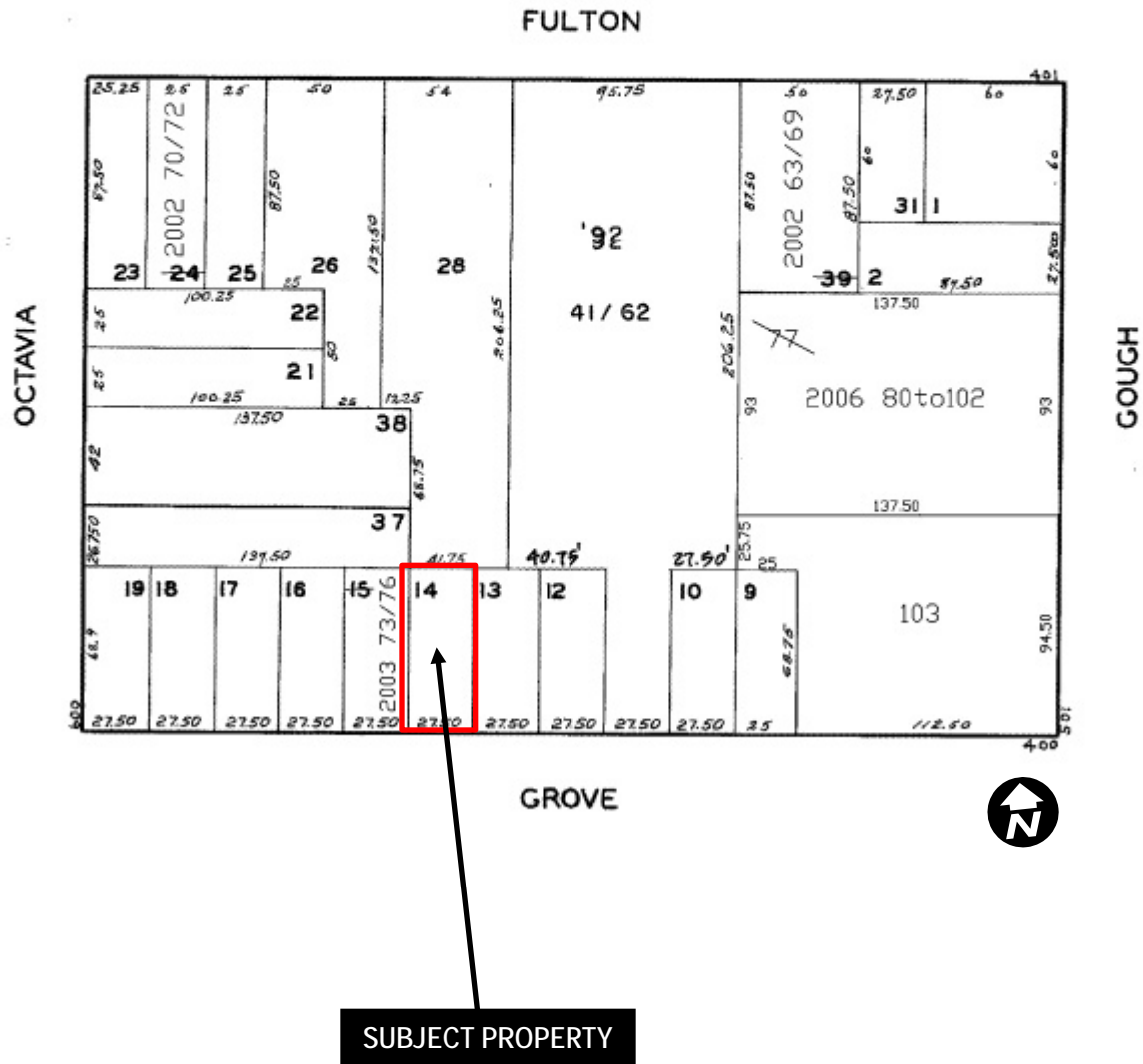
17. **Community Liaison.** Prior to issuance of a building permit to construct the project and implement the approved use, the Project Sponsor shall appoint a community liaison officer to deal with the issues of concern to owners and occupants of nearby properties. The Project Sponsor shall provide the Zoning Administrator with written notice of the name, business address, and telephone number of the community liaison. Should the contact information change, the Zoning Administrator shall be made aware of such change. The community liaison

shall report to the Zoning Administrator what issues, if any, are of concern to the community and what issues have not been resolved by the Project Sponsor.

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

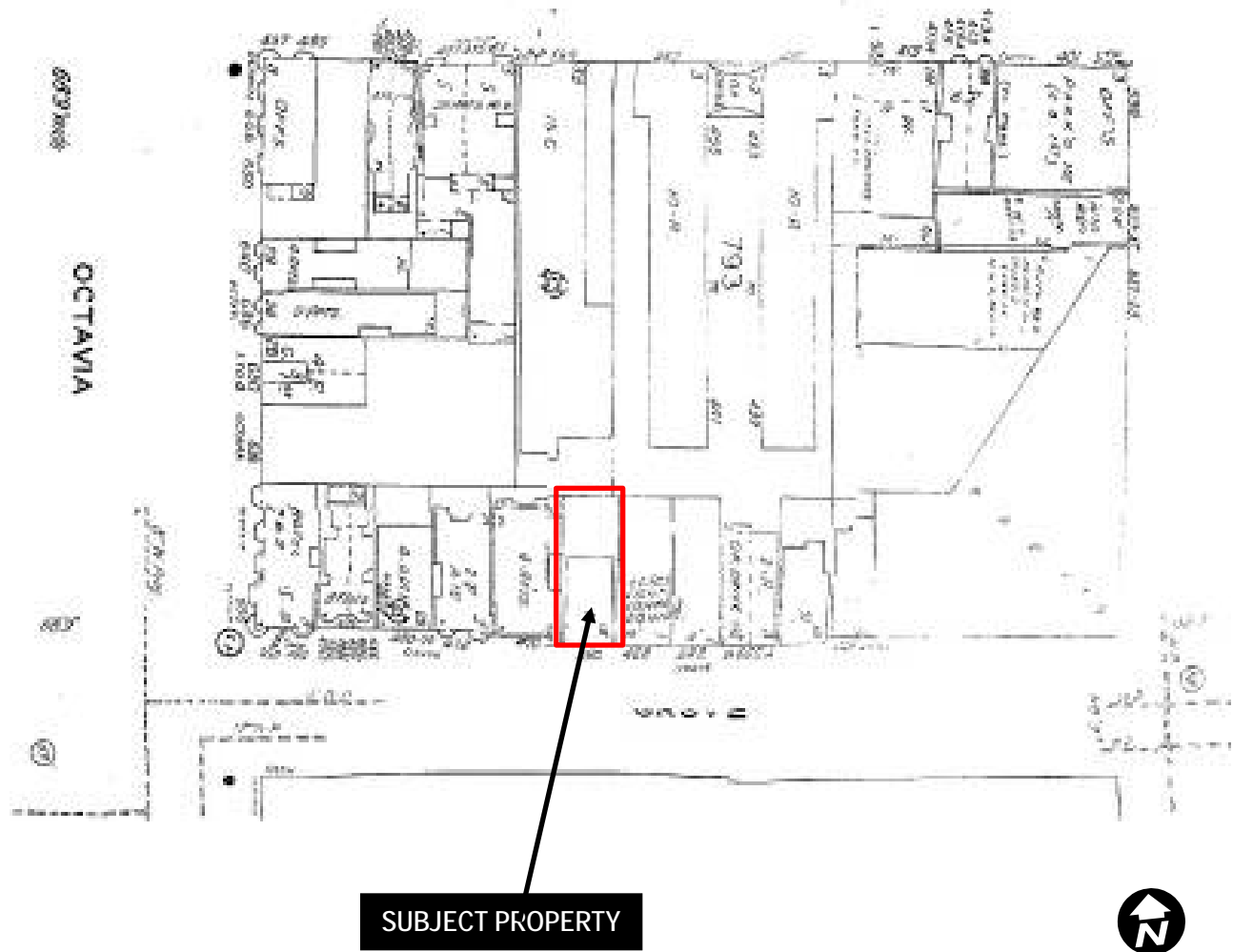
18. **Hours of Operation.** The Outdoor Activity Area of the subject establishment is limited to the following hours of operation: 12:00 p.m. to 10:00 p.m.
19. **Patio Occupancy.** The Outdoor Activity Area shall be limited to 26 patrons at all times.

# Parcel Map



Conditional Use Authorization Hearing  
 Case Number 2017-000655CUA  
 Outdoor Activity Area for Restaurant-Birba  
 458 Grove Street

# Sanborn Map\*



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

# Aerial Photo



SUBJECT PROPERTY





# Zoning Map



Conditional Use Authorization Hearing  
Case Number 2017-000655CUA  
Outdoor Activity Area for Restaurant-Birba  
458 Grove Street

# Site Photo – Front



Conditional Use Authorization Hearing  
Case Number 2017-000655CUA  
Outdoor Activity Area for Restaurant-Birba  
458 Grove Street



# Site Photo – Back



Conditional Use Authorization Hearing  
Case Number 2017-000655CUA  
Outdoor Activity Area for Restaurant-Birba  
458 Grove Street



# SHEET INDEX

AO.1	SITE PLAN
AI.0	EXISTING PLAN
AI.1	PROPOSED PLAN
AI.2	PROPOSED PLAN (ENLARGED GARAGE)
AI.3	PROPOSED PLAN (ENLARGED PATIO)
A2.0	EXISTING INTERIOR ELEVATIONS
A2.1	PROPOSED INTERIOR ELEVATIONS
A2.2	PROPOSED FRONT FACADE ELEVATION
A2.3	PROPOSED BACKYARD PERGOLA ELEVATION
A3.0	PATIO PERSPECTIVE 1
A3.1	PATIO PERSPECTIVE 2
A3.2	PATIO PERSPECTIVE 3
A3.3	PATIO PERSPECTIVE 4
A3.4	PATIO AERIAL PERSPECTIVE
A4.0	EXISTING PATIO PHOTOS
A4.1	EXISTING PATIO PHOTOS

# SCOPE OF WORK

- TO ESTABLISH AN OUTDOOR PATIO.
- TO CONVERT THE EXISTING GARAGE INTO A KITCHEN PREP SPACE.
- TO ADD ADDITIONAL SEATING TO FRONT PATIO AREA.

# PROPERTY INFORMATION

FULL SERVICE RESTAURANT AND WINE BAR, PROVIDING TAKE OUT SERVICES AND WITH AN ABC APPROVED BEER AND WINE LICENSE.

HANNAH  
COLLINS  
DESIGNS

415.829.2670  
HANNAHCOLLINSDESIGNS.COM  
3627 SACRAMENTO STREET,  
SAN FRANCISCO, CA 94118

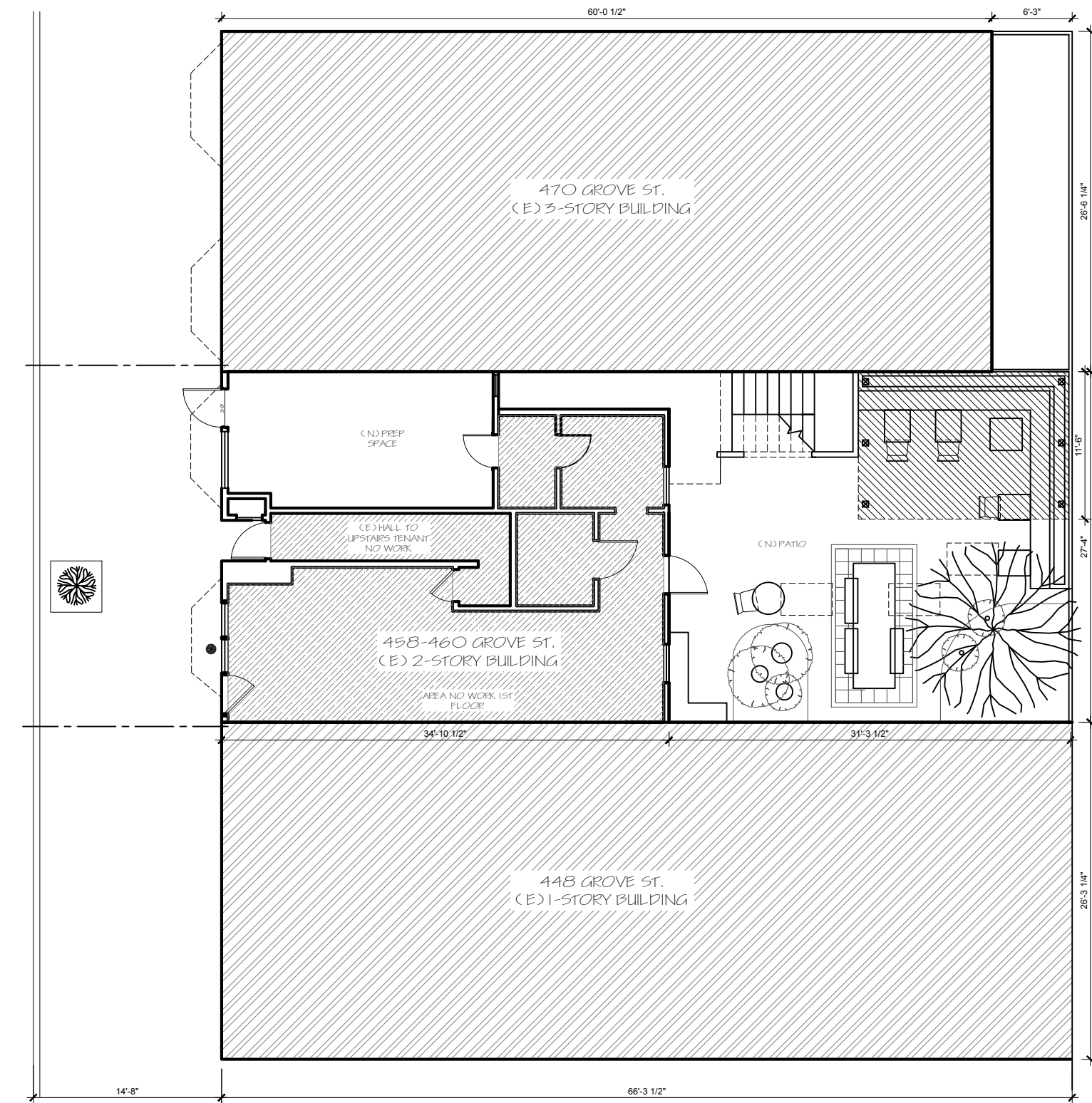
BIRBA  
458 GROVE ST  
SAN FRANCISCO, CA 94102

DATE: 05.30.17

DRAWN BY: WS

INDEX

AO.0



1 SITE PLAN  
SCALE: 3/32" = 1'-0"

HANNAH  
COLLINS  
DESIGNS

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SAN FRANCISCO, CA 94118

BIRBA  
458 GROVE ST  
SAN FRANCISCO, CA 94102

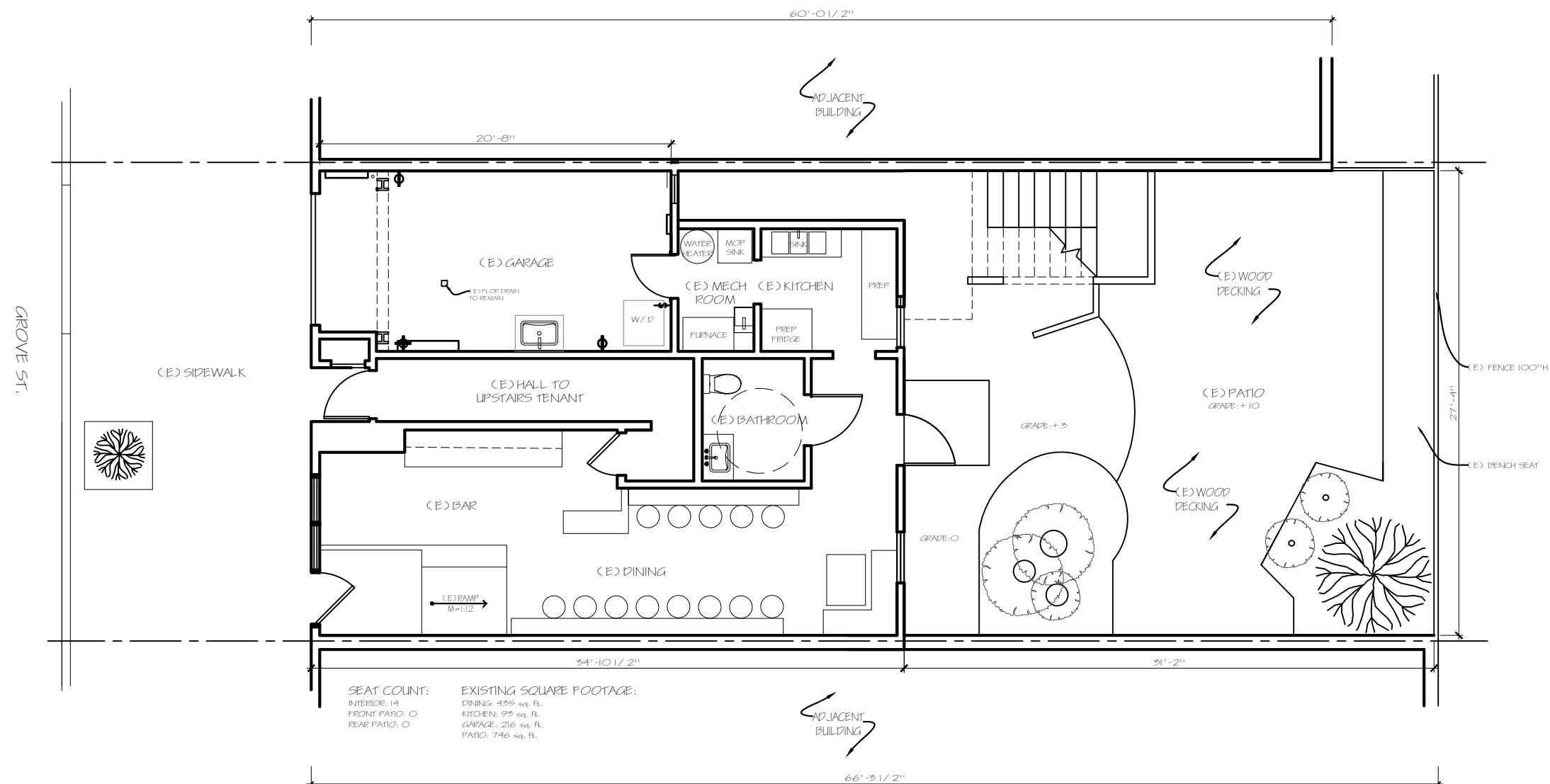
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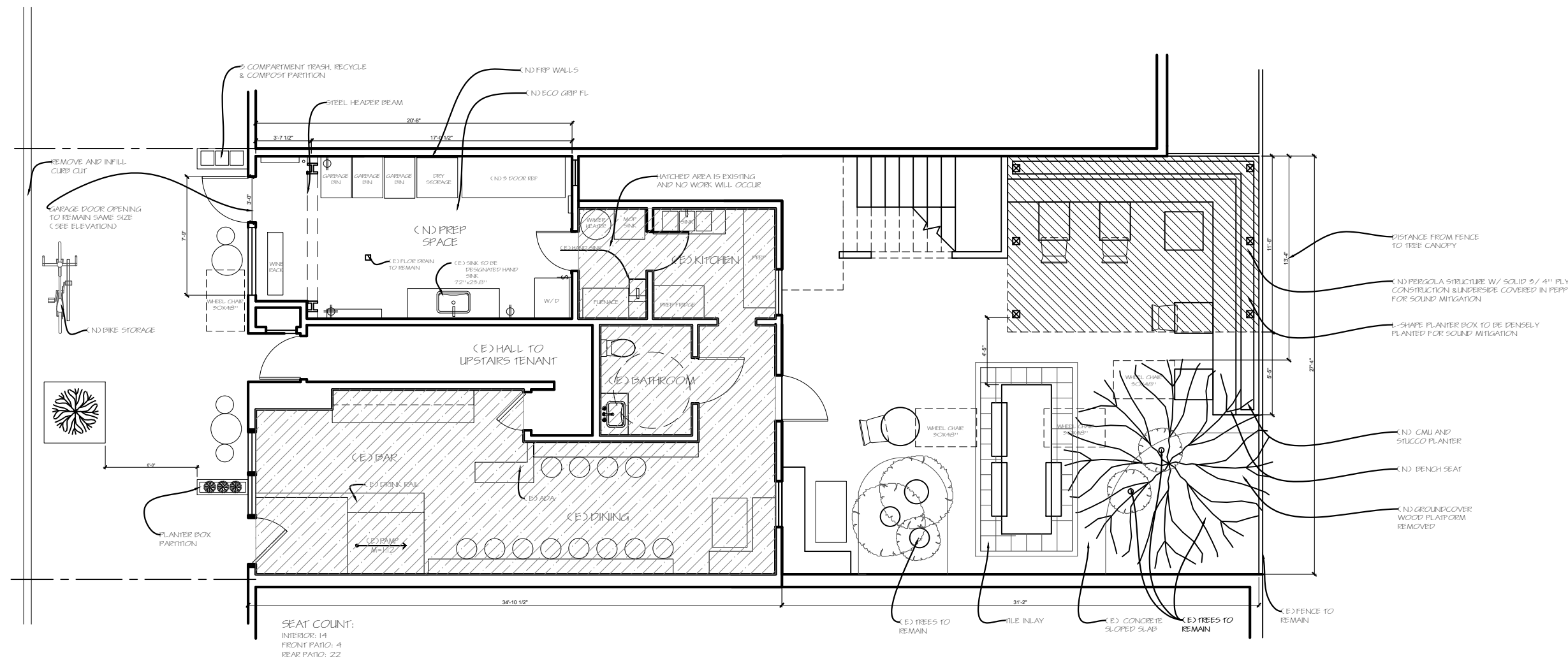
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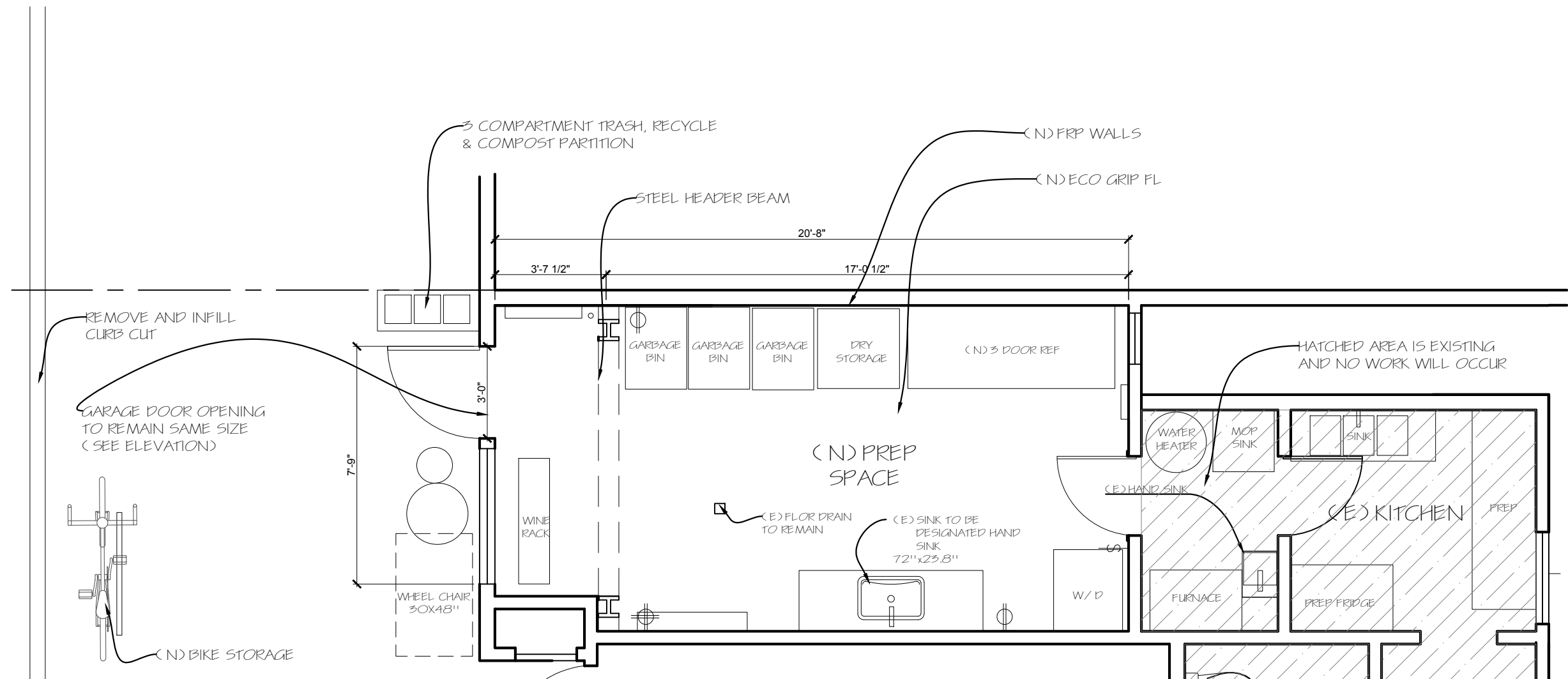
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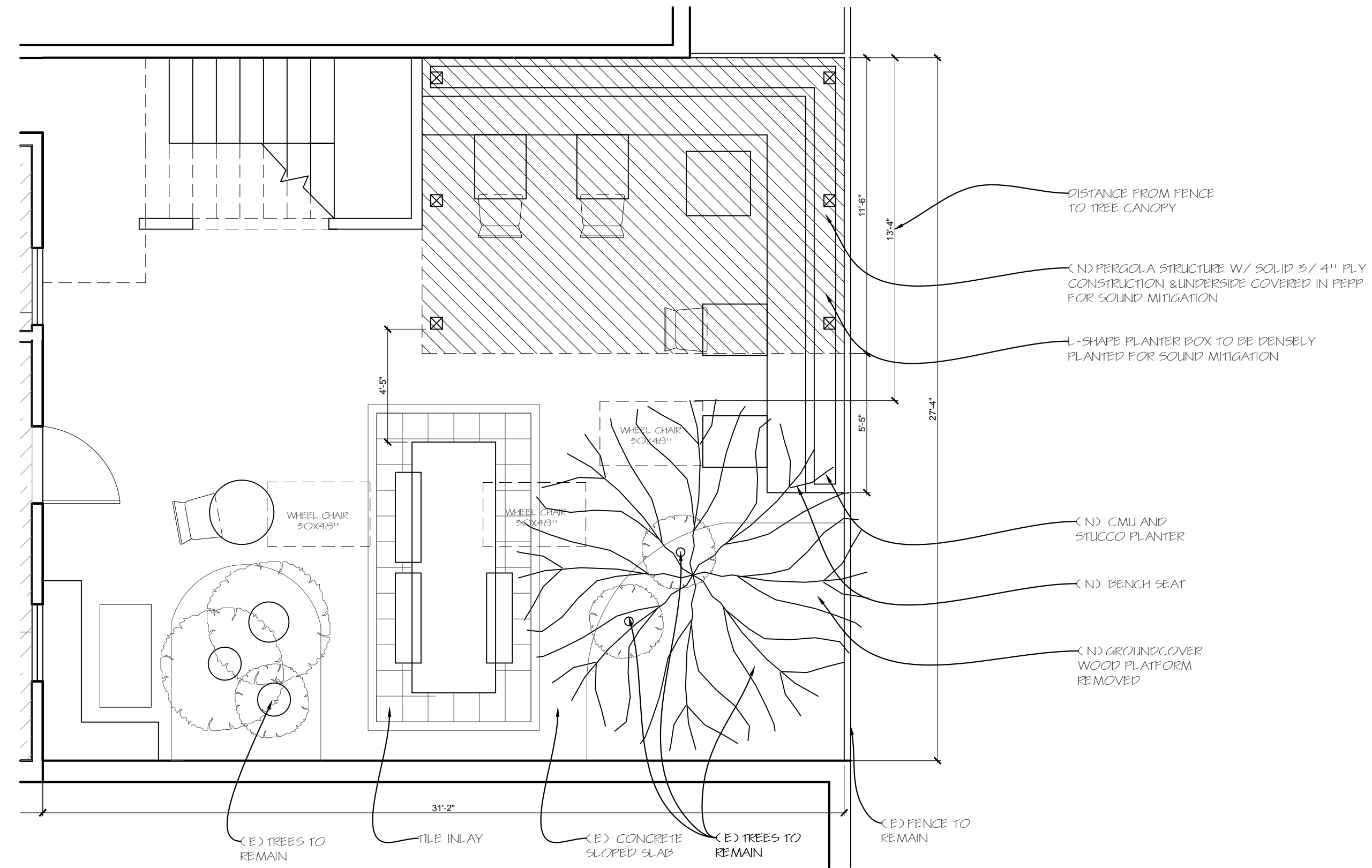
① EXISTING PLAN  
SCALE: 1/8" = 1'-0"



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



1 PROPOSED FLOOR PLAN (ENLARGED GARAGE)  
SCALE: 1/4" = 1'-0"



1 PROPOSED FLOOR PLAN (ENLARGED PATIO)  
SCALE: 1/4" = 1'-0"

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3627 SACRAMENTO STREET,  
SAN FRANCISCO, CA 94118

BIRBA  
458 GROVE ST  
SAN FRANCISCO, CA 94102

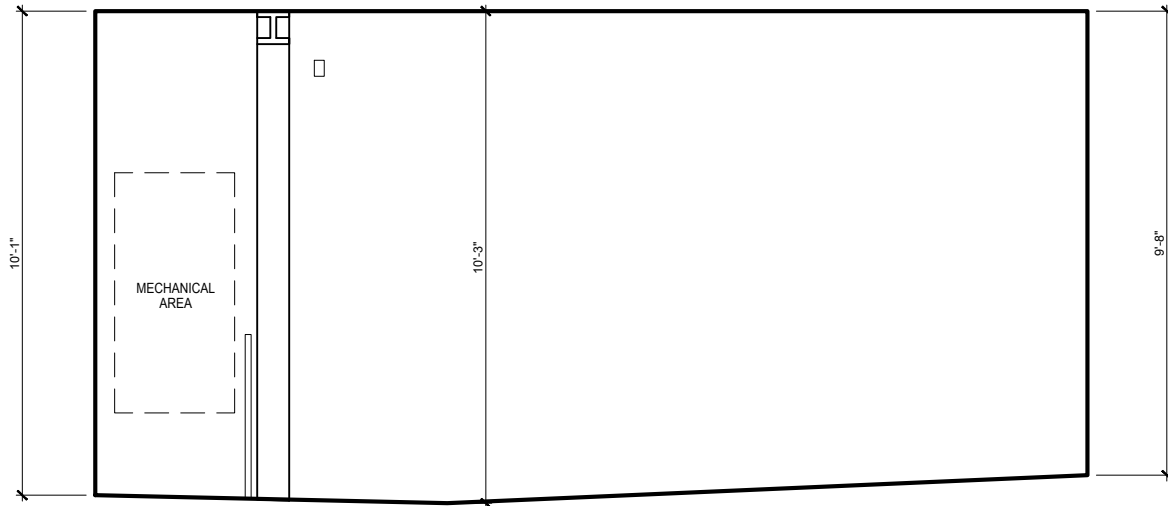
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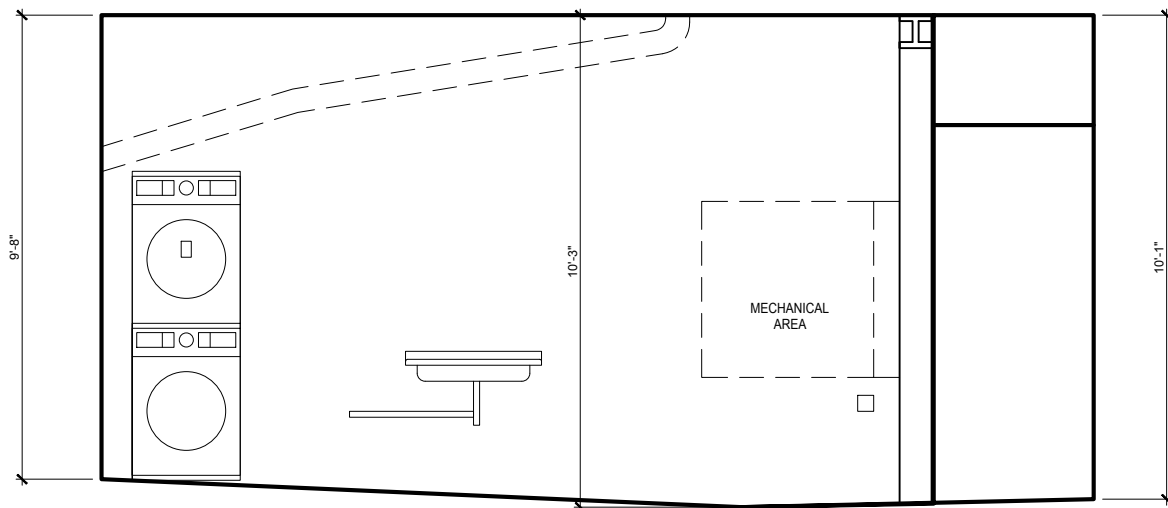
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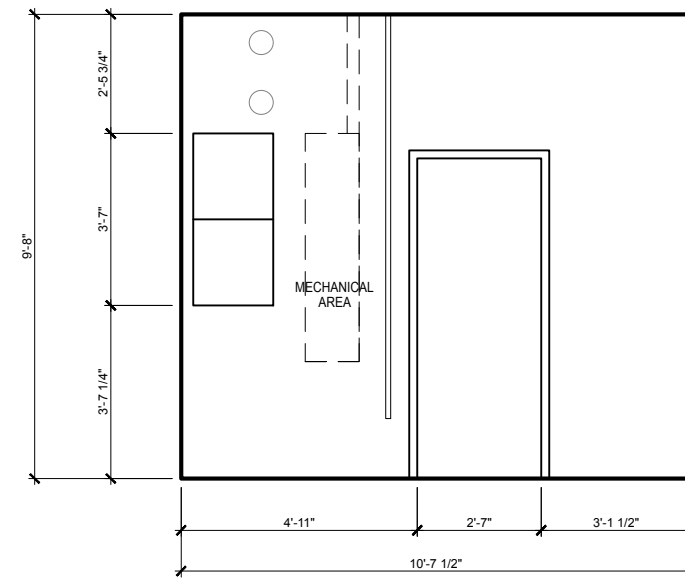
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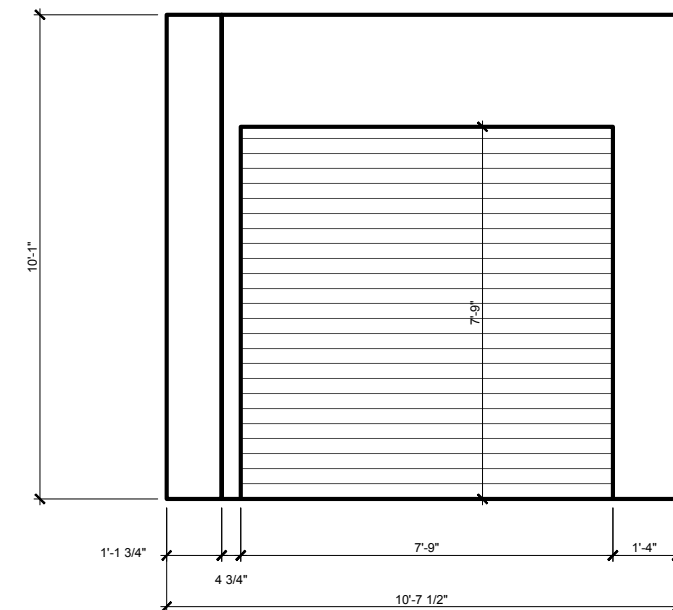
① EXISTING INTERIOR ELEVATION: WEST  
SCALE: 1/4" = 1'-0"



③ EXISTING INTERIOR ELEVATION: EAST  
SCALE: 1/4" = 1'-0"



② EXISTING INTERIOR ELEVATION: NORTH  
SCALE: 1/4" = 1'-0"



④ EXISTING INTERIOR ELEVATION: SOUTH  
SCALE: 1/4" = 1'-0"

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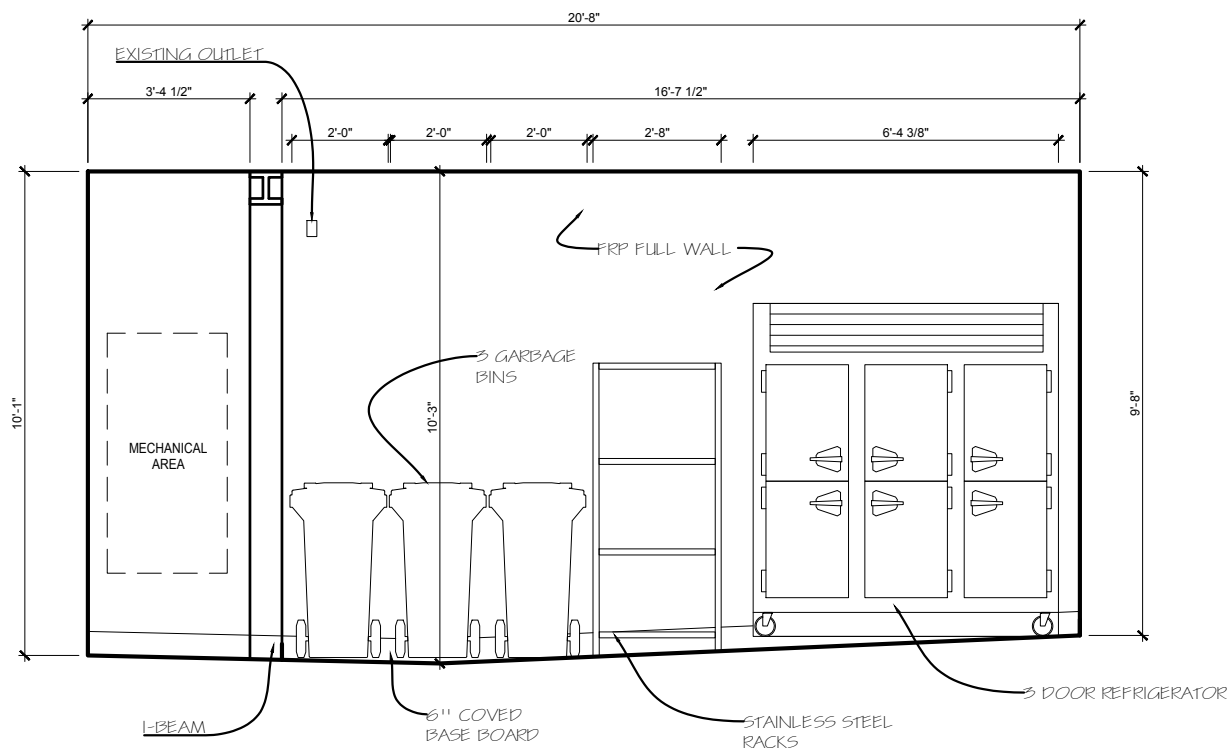
BIRBA  
458 GROVE ST  
SAN FRANCISCO, CA 94102

DATE: 05.30.17

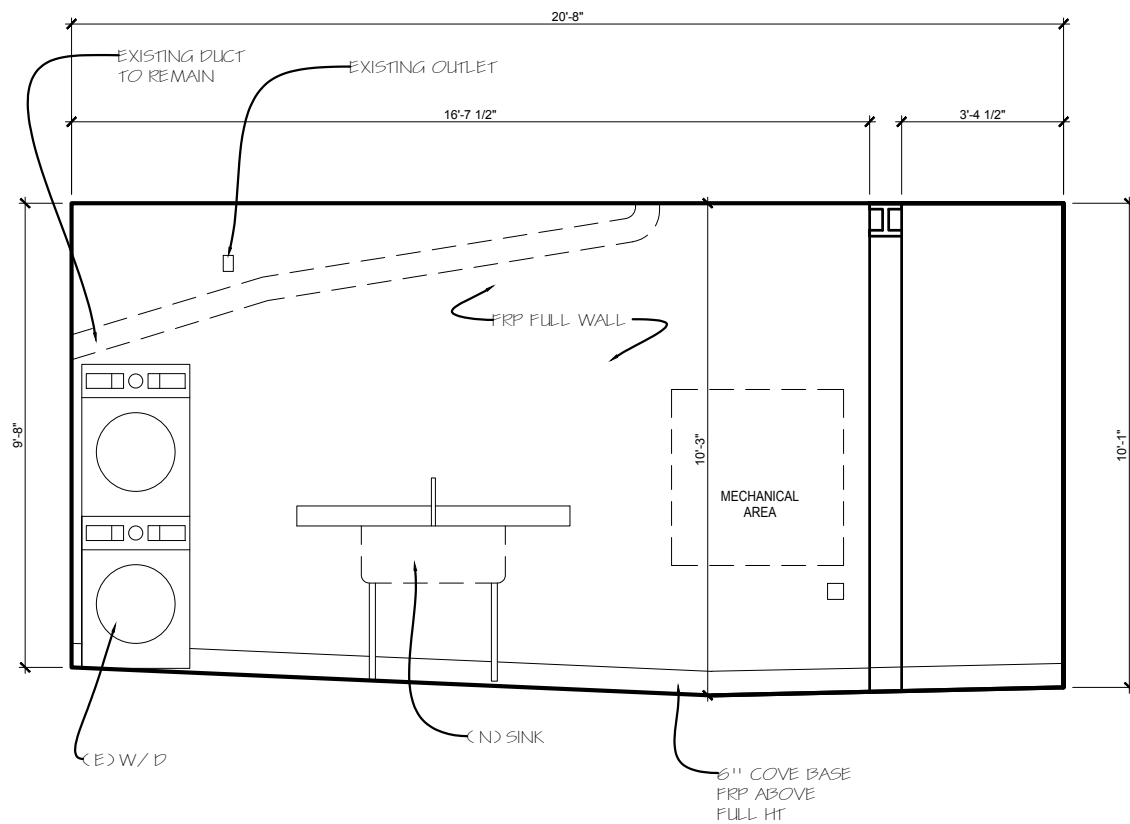
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ELEVATIONS

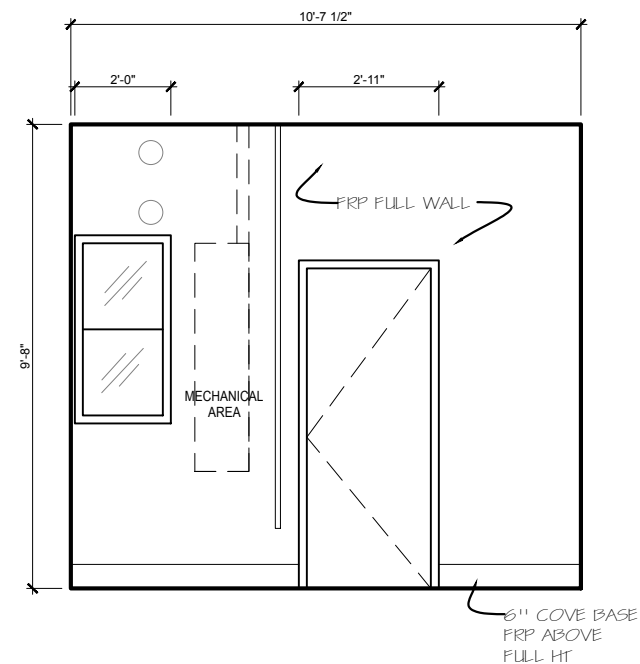
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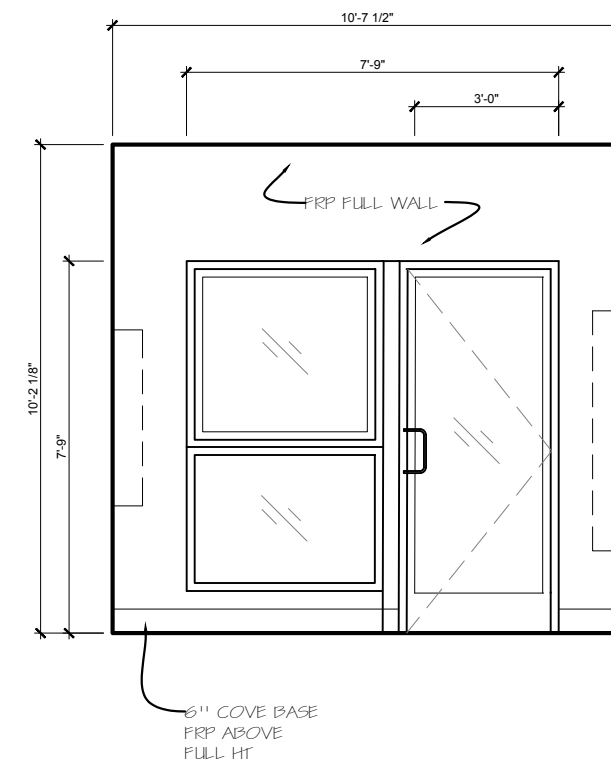
① PROPOSED INTERIOR ELEVATION: WEST  
SCALE: 1/4" = 1'-0"



③ PROPOSED INTERIOR ELEVATION: EAST  
SCALE: 1/4" = 1'-0"



② PROPOSED INTERIOR ELEVATION: NORTH  
SCALE: 1/4" = 1'-0"



④ PROPOSED INTERIOR ELEVATION: SOUTH  
SCALE: 1/4" = 1'-0"

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SAN FRANCISCO, CA 94118

BIRBA  
458 GROVE ST  
SAN FRANCISCO, CA 94102

DATE: 05.30.17

DRAWN BY: WS

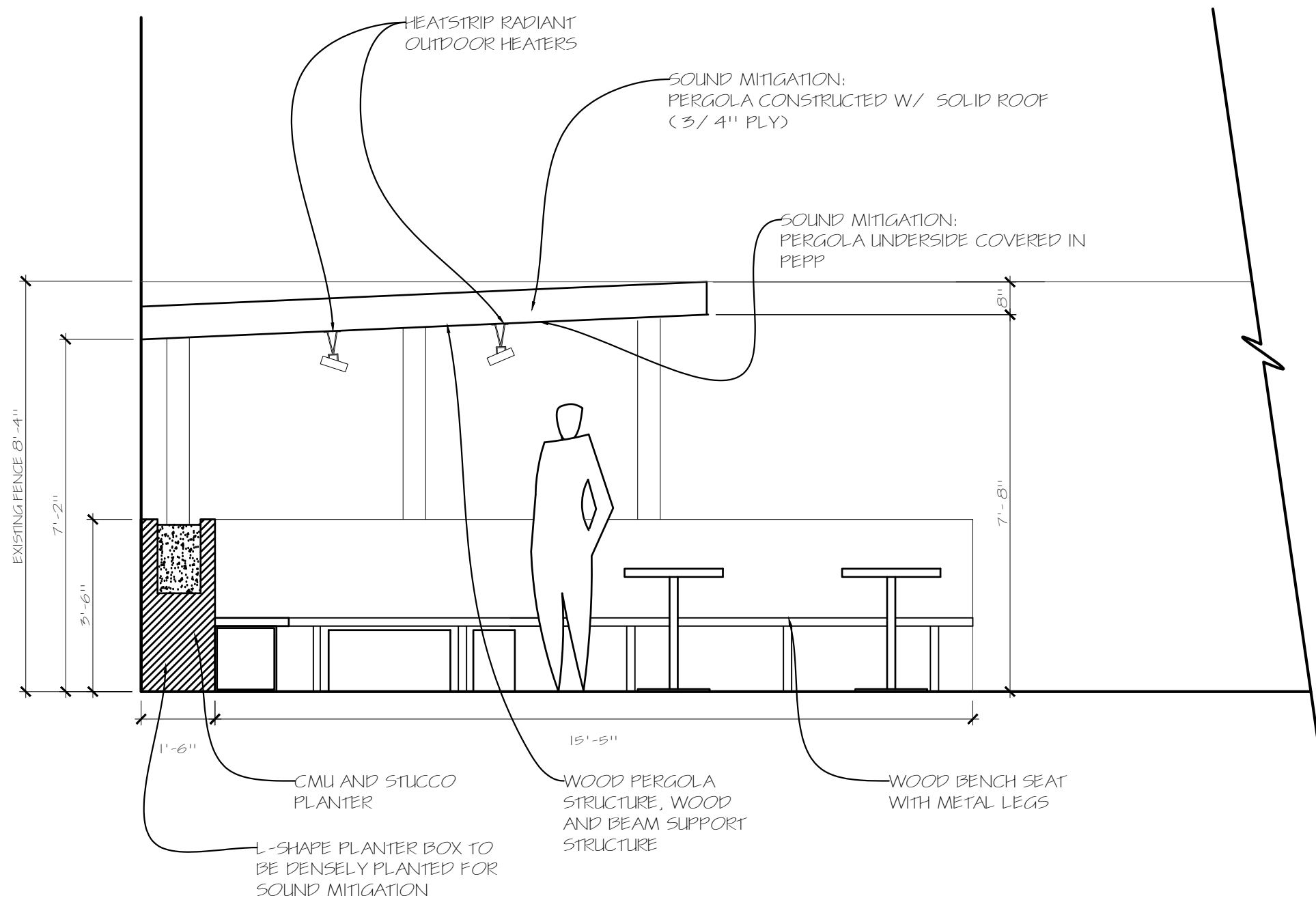
ELEVATIONS

A2.1





1 PROPOSED FRONT FACADE ELEVATION  
SCALE: 1/4" = 1'-0"



① PROPOSED BACKYARD PERGOLA ELEVATION  
SCALE: 3/8" = 1'-0"





① PATIO PERSPECTIVE 1  
SCALE: NTS

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RENDERINGS

A3.0





① PATIO PERSPECTIVE 2  
SCALE: NTS

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458 GROVE ST  
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DATE: 05.30.17

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RENDERINGS

A3.1





① PATIO PERSPECTIVE 3  
SCALE: NTS





① PATIO PERSPECTIVE 4  
SCALE: NTS

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RENDERINGS

A3.3





① PATIO AERIAL PERSPECTIVE  
SCALE: NTS

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DATE: 05.30.17

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RENDERINGS

A3.4





① EXISTING PATIO PHOTOS  
SCALE: NTS

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DATE: 05.30.17

DRAWN BY: WS

RENDERINGS

A4.0





① EXISTING PATIO PHOTOS  
SCALE: NTS

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SAN FRANCISCO, CA 94118

BIRBA  
458 GROVE ST  
SAN FRANCISCO, CA 94102

DATE: 05.30.17

DRAWN BY: WS

RENDERINGS

A4.I



# REUBEN, JUNIUS & ROSE, LLP

July 10, 2017

President Rich Hillis  
San Francisco Planning Commission  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

**Re: 458 Grove Street (0793/014)**  
**Birba Wine Bar - Patio Expansion**  
**Planning Department Case No. 2017-000655CUA**  
**Hearing Date: July 20, 2017**  
**Our File No.: 8932.01**

Dear President Hillis and Commissioners,

Our office represents Angela Valgiusti, the owner and operator of Birba Wine Bar at 458 Grove Street. After over two years of successful operation, Birba has become a cherished neighborhood-serving restaurant and is now seeking Conditional Use authorization to open the existing rear patio area for restaurant use.

## **A. Project Benefits**

The proposed patio expansion satisfies the conditional use criteria and is appropriate and desirable at this location and would result in a number of benefits, including the following:

- Approval supports a small, independently owned neighborhood-serving business;
- The rear courtyard would enhance a high-quality restaurant use, providing its patrons a peaceful outdoor amenity in the midst of City bustle;
- The proposed use is consistent with Hayes-Gough NCT zoning objective to “maintain the mixed-use character of the district” and “encourage lively pedestrian-oriented commercial activity,” and is compatible with the context contributing to the mixed-use character of the neighborhood;
- The project has been carefully designed to be sensitive to its surroundings, including measures to mitigate any noise impacts; and
- The project sponsor has conducted extensive outreach over the last two years, resulting in over a thousand supporters as well as an endorsement by the Hayes Valley Neighborhood Association.

James A. Reuben | Andrew J. Junius | Kevin H. Rose | Daniel A. Frattin | John Kevlin  
Tuija I. Catalano | Jay F. Drake | Matthew D. Visick | Lindsay M. Petrone | Sheryl Reuben<sup>1</sup>  
Thomas Tunny | David Silverman | Melinda A. Sarjapur | Mark H. Loper | Jody Knight  
Chloe V. Angelis | Corie A. Edwards | Coryn E. Millslagle | Jared Eigerman<sup>2,3</sup> | John McInerney III<sup>2</sup>

1. Also admitted in New York 2. Of Counsel 3. Also admitted in Massachusetts

**San Francisco Office**  
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tel: 415-567-9000 | fax: 415-399-9480

**Oakland Office**  
827 Broadway, Suite 205, Oakland, CA 94607  
tel: 510-257-5589

[www.reubenlaw.com](http://www.reubenlaw.com)

## **B. Background and Project Description**

Ms. Valgiusti opened Birba after spending 12 years as a sommelier at the acclaimed Slanted Door and after designing the wine menu at the popular Hayes Valley eatery Bar Jules. Birba serves lunch and dinner Tuesday through Friday, and lunch and dinner on Saturday. Birba opened its doors in April 2015, after having received a unanimous 7-0 Planning Commission approval during fall 2014. The original approval included a condition requiring the project sponsor to not propose any expansion to the rear patio until after it has been operational at least for 6 months and after an informational update was provided to the Planning Commission.

The current proposal involves converting an existing garage area into back-of-house areas for the existing restaurant use (including the addition of storage, two bicycle parking spaces, and trash areas), removal of an existing curb cut to provide an additional on-street parking space, and utilization of the existing rear courtyard for restaurant use, including addition of tables, chairs, screening and soundproofing (“Project”). Copies of the Project plans are attached to the staff report.

## **C. Birba is an Existing Restaurant and a Known Neighborhood Asset**

Birba’s clientele is extremely varied, ranging from young locals to old time neighborhood homeowners, families with children and tourists. Frequent customers also include nearby City employees and jazz, opera, ballet and symphony patrons and employees. Birba has become a social melting pot for the community and a great example of the positive impact small businesses can have in San Francisco’s neighborhoods. Birba strives to provide a chic and sophisticated high-quality dining experience, featuring food that supports local, organic farm businesses and wine from some of the smallest wineries in the world, yet maintaining an approachable and affordable menu.

Over the last two+ years, Birba has received an overwhelmingly positive response from the neighborhood, and Hayes Valley residents and merchants alike that have welcomed the restaurant. Birba’s owners and employees have done their best to become known as reputable and respected neighbors that are part of the community.

Birba is a full-service restaurant offering food, wine and beer. Birba’s chef Nicole Lou, has previously worked at a number of well-established restaurants, including Nobu, Bacar and Perbacco. A sample menu is included as **Exhibit A**, offering lunches, dinners, and small plates. The opening of the rear patio will allow Birba to provide additional tables, increasing its ability to better serve food patrons.

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tel: 415-567-9000 | fax: 415-399-9480

**Oakland Office**  
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tel: 510-257-5589

[www.reubenlaw.com](http://www.reubenlaw.com)

#### **D. Outreach and Support**

The Project Sponsor has conducted extensive outreach on the proposed patio extension, especially in the last 6 months or so. A pre-application meeting was held on January 8, 2017, and since then the Project Sponsor has diligently reached out to the neighborhood regarding use of the rear courtyard. A brief summary of some of the neighborhood outreach efforts is included in **Exhibit B**.

As a result of the Project Sponsor's extensive outreach and the positive response neighbors and customers have had to the existing Birba restaurant, Birba's proposal to begin using the rear courtyard has received abundant support. **Exhibit C** includes two maps of the immediate vicinity showing the extensive support by most nearby neighbors. **Exhibit D** includes a google-based map showing a slightly wider area for the location of many of Birba's supporters.

In terms of the supporters themselves, a support letter from the Hayes Valley Neighborhood Association is attached as **Exhibit E**, and individual support letters from 52 supporters are included in **Exhibit F**. Last, but not least, **Exhibit G** includes a petition in support of the project with 1,037 signatures.

Despite the overwhelming and extensive support for the project, the project is opposed by one neighboring couple (Mr. John Colton and Mr. Rafi Sarkus), who have objected to Birba since the beginning and for a variety of reasons, including many (unfounded and false) accusations about Ms. Valgiusti and her staff. However, Planning decisions are not made based on any one person's desires or objections, but rather must be based on the underlying zoning and overall appropriateness of the use. The extensive support for the project speaks volumes of the type of restaurant and community asset Birba has become.

#### **E. Compliance with Conditional Use Findings**

Approval of the Project is consistent with Planning Code Sections 303(c) and 145.2(b). In addition to the general Conditional Use findings required by Section 303(c), Section 145.2(b) requires the following findings with respect to an outdoor activity area:

(1) The nature of the activity operated in the outdoor activity area is compatible with surrounding uses; (2) The operation and design of the outdoor activity area does not significantly disturb the privacy or affect the livability of adjoining or surrounding residences; and (3) The hours of operation of the activity operated in the outdoor activity area are limited so that the activity does not disrupt the viability of surrounding uses.

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In this case, utilization of the rear courtyard is consistent with the findings required by Sections 303(c) and 145.2(b), and such use will enhance a restaurant that is widely supported and has proven to be a valuable addition to the neighborhood.

Outdoor dining space in San Francisco is still somewhat rare, however, there are at least three (3) other similar uses in Hayes Valley that have become popular and respected establishments, including Anina at 482 Hayes Street, Biergarten at 424 Octavia Street, and Arlequin at 384 Hayes Street. Each of the other places includes some unique features and none operate exactly like Birba, so that any attempt to make generic assumptions via use of the other outdoor dining spaces is not necessarily based on an apples-to-apples comparison.

Overall, the Project will require minimal physical alterations to the existing property, and Birba will incorporate thoughtful measures to mitigate potential visual and noise impacts to the immediately adjacent neighbors. Context photos and a key of the rear patio area and its relation to other nearby buildings is included in **Exhibit H**. In designing the patio space, the Birba team has worked closely with Charles M. Salter Associates, Inc. (a well-respected San Francisco sound consultant) in evaluating potential noise impacts and determining whether any noise mitigating measures would be appropriate. Several features suggested by Salter's office will be incorporated into the project, including introduction of low levels of ambient background music and construction of a pergola feature, in order to ensure that the project is compatible with and sensitive to its surroundings. A copy of the Patio Sound Assessment by Charles M. Salter and Associates Inc., dated January 19, 2017, is included as **Exhibit I**.

Per Fire Code requirements, Birba has a maximum capacity of 49 people, including employees. This capacity will not change even after the proposed patio area is opened. Accordingly, the Project will not result in a significant increase of activity at the restaurant, it will merely allow some of the customers to use the patio area instead of interior building areas. The existing inside area is relatively small, with limited table space. Thus, although the rear patio will not increase the overall number of customers at any given time, it will give Birba the ability to increase the number of tables, thereby enhancing the food service and overall dining experience.

Birba's current operating hours are Mondays from 5-9pm, Tuesdays-Thursdays from 12-3pm and 5-10pm, Fridays from 12-10pm, and Saturdays from 3-10pm. No change in closing hours are proposed as part of the Project and the last call for patio patrons would occur at 9pm, ensuring that use of the courtyard will not cause any late-night disturbances to the neighbors.

Overall, the proposal is a modest change to an existing, established restaurant. Birba has successfully completed its "trial" period during the first years of operation, having already

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reported back to the Commission at an informational hearing once. Birba is located in the Hayes-Gough Neighborhood Commercial Transit district, which is a mixed-use commercial district wherein the expressly stated purpose is to provide for a “limited range of retail commercial activity, which primarily caters to the immediate need of the neighborhood.” Birba has already proved to be a compatible and desirable use at this location, and the proposed use of the rear patio will not change that, especially in light of the fact that the existing number of customers will remain unchanged and given that the proposed design that includes several noise and other mitigating measures to ensure continued compatibility.

## **F. Conclusion**

Birba is a small independently-owned business with a proven track record. The purpose of the initial Planning Commission condition imposed on Birba’s approval in fall 2014 has been fulfilled, ensuring that Birba will operate as a restaurant that is compatible with the neighborhood, before any outdoor expansion is considered. Approval of the Project will contribute to the viability of this small restaurant and will add a unique outdoor dining feature to the Hayes Valley neighborhood. Accordingly, and for the reasons set forth herein, we urge the Commission to approve the Conditional Use Authorization allowing the restaurant to include and use the rear patio area.

Very truly yours,

**REUBEN, JUNIUS & ROSE, LLP**



Tuija I. Catalano

Enclosures (see attached)

cc: Vice President Dennis Richards  
Commissioner Rodney Fong  
Commissioner Christine Johnson  
Commissioner Joel Koppel  
Commissioner Myrna Melgar  
Commissioner Katherin Moore  
John Rahaim – Planning Director  
Scott Sanchez – Zoning Administrator  
Jonas Ionin – Commission Secretary  
Carly Grob – Project Planner

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**REUBEN, JUNIUS & ROSE, LLP**

## EXHIBITS

**Exh. A** - Current Birba Menu

**Exh. B** - Summary of Outreach Efforts

**Exh. C** - Maps Showing Project Support in Immediate Project Vicinity (as of June 11)

**Exh. D** - Google-based Map Showing Overall Proximity of many Project Supporters

**Exh. E** - Support Letter from Hayes Valley Neighborhood Association (May 3, 2017)

**Exh. F** - Individual Support Letters

Exh. F1	Support letter from Grant Phillips (441 Fulton Street), May 1, 2017
Exh. F2	Support letter from Chris Tarbell (475 Fulton Street), May 3, 2017
Exh. F3	Support letter from Andrew Seigner (400 Grove Street), Dec. 19, 2016
Exh. F4	Support letter from Israel Orais (525 Gough Street), Apr. 29, 2017
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Exh. F52 Support letter from Erik Olsen, Jan. 2, 2017

**Exh. G - Support Petition with 1,037 Signatures**

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President Hillis  
Planning Commission  
July 10, 2017  
Page 8

**Exh. H** - Panoramic Rear Patio and Neighbor Reference and Key

**Exh. I** - Charles M. Salter and Associates Inc. Patio Assessment, Jan. 19, 2017

# **EXHIBIT A**



[INFO](#) [WINE LIST](#) [LUNCH](#) [DINNER](#) [EVENTS](#)

## LUNCH

### SNACKS

olives 5

boquerones 7 marinated white anchovies

almonds w/ rosemary & sea salt 7

deviled eggs 5

### SOUP - SANDWICHES & QUICHE

lentil soup w/ cumin & creme fraiche 10

chicken salad w/ dates & fennel 13

preserved tuna w/ celery hearts, piquillo peppers & hard cooked egg 13

quiche w/ summer squash, basil & fromage blanc w/ a little salad 12

### SALADS

duck confit salad w/ fregola sarda, yellow peaches & arugula 14

little gem lettuces w/ cucumber, almonds and preserved lemon 10

### SWEETS

homemade chocolate chip cookie 2.5



BIRBA - HAYES VALLEY'S WINE BAR

[INFO](#) [WINE LIST](#) [LUNCH](#) [DINNER](#) [EVENTS](#)

## DINNER

**olives 5**

**boquerones 7** marinated white anchovies

**almonds w/ rosemary & sea salt 7**

**deviled eggs 5**

**caviar w/ potato blini & creme fraiche 13**

**stuffed piquillo peppers w/ preserved tuna, hard cooked egg & celery hearts 8**

**flatbread w/ feta, sun gold tomatoes & oregano 8**

**baked goat cheese w/ nectarines & honey 10**

**little gem lettuces w/ cucumber, almonds & meyer lemon 10**

**heirloom tomato and melon salad w/ chili, basil & feta 12**

**octopus carpaccio w/ chickpea cherry tomato salad 15**

**Galician style empanada stuffed w/ spiced lentils and cucumber yogurt sauce 14**

**pork and veal meatballs in a spicy tomato sauce 16**

**picnic platter: chicken liver mousse, spicy coppa, soppressata, aged cheddar & pickled vegetables 20**

**homemade chocolate chip cookie 2.5**

**almond cake 7**

**boncora biscotti 2.5**

**nonna's meatballs 17** in spicy tomato sauce

**mediterranean plate 15** chickpea puree, vegetables & flat bread

**picnic platter 20** chicken liver mousse, spicy coppa, bresaola w/ pickled vegetables & smokey blue cheese

**SWEETS/ strawberry & lemon trifle 9** chocolate chip cookie 2.5 boncora biscotti 5



# **EXHIBIT B**

# **Birba 458 Grove St.**

## Outreach Overview

The following is an overview of outreach efforts on behalf of Birba's proposed patio project.

From the outset, the team was committed to thorough community engagement. Outreach began with a series of meetings with individuals and neighborhood groups, including the Hayes Valley Neighborhood Association. As the plans were refined and the process advanced, **two public open house/public outreach meetings were held at Birba**. Feedback from meetings, general inquiries and emails followed, providing important opinions, questions and ideas for the project team and resulting in a thoughtful design that we are confident incorporates neighborhood input.

Please find below a summary timeline of our engagement with the local community.

### **September 2015**

- Began collecting petition signatures from neighbors and patrons to support the patio project. Over 1,030 support signatures collected to date!

### **July 2016 – May 29 2017**

- Birba design team reached out to previously concerned neighbor (John Colton) to ensure we opened up the initial line of communication to include feedback/input in initial plans. Project team sent 6 follow up emails with only 2 responses of refusal to work with us. No feedback from the neighbor has been submitted to date.

### **November 30 – End of January 2016**

- Birba project team posted notice in the window announcing the patio project plan, upcoming open house/public outreach meeting on January 8th, as well as ways for the community and neighbors to contact Birba (by phone and email) for information, questions or project feedback.

### **December 2, 2016**

- Project team delivered flyers to all neighbors within 2 blocks of Birba with the patio project announcement (same details listed on window flyer).

### **December 3, 2016**

- Project team re-flyered all neighbors within 2 blocks of Birba with the patio project announcement (same details listed on window flyer).



**December 4, 2016**

- Project team emailed all possible email addresses we had at our disposal with the patio project announcement (same details listed on window flyer).

**December 6, 2016**

- Mailed patio project announcement (same details listed on window flyer) to various close neighbors including all abutting neighbor addresses.
- Sent outreach email to Hayes Valley Neighborhood Association asking for the opportunity to share our project plans at an upcoming meeting.

**December 10, 2016**

- Mailed Conditional Use Authorization Pre-Application Meeting Notice to several neighbors including all abutting, surrounding within radius required.

**December 20, 2017**

- Mailed patio project announcement (same details listed on window flyer) to SF Police Dept. and ABC and invited them to the Pre-Application Meeting as well. This was in response to a flyer that Mr. Colton sent around the neighborhood which suggested sending negative feedback to the SF Police Dept. and ABC.

**January 4, 2017**

- Asked planning department to provide any contact info from oppositional letters/call/emails so that we could reach out to let them know about the meeting or to provide concerns/feedback and set up a time to discuss.
- Project team emailed the 3 concerned neighbors who left contact info asking for attendance at meeting or setting aside time to chat about our plans.
  - Concerned neighbor #1 met with the Birba team to understand the project. He stated that the negative flyer (with false information) had scared him and that and after speaking to us is a supporter who has offered to speak on our behalf.
  - Concerned neighbor #2 never responded to our email.
  - Concerned neighbor #3 responded to our email, came to our first meeting but is still resistant to any compromise or constructive feedback.

**January 5, 2017**

- HVNA Chair, Jim Warshell, drops by Birba to commend us on being a good neighborhood business and discussed the initial concerns that were initially prompted that were no longer a question as our tenure had proved that we

were a great fit in the neighborhood. He also recommended reviewing plans with the transportation committee.

### **January 8, 2017**

- Project team hosts open house/public outreach meeting for Patio Project (Pre-Application Meeting), with 33 attendees. Many neighbors are excited and in support of project. Only two neighbor concerns were raised, and both were abated right on the spot as proposed plans were within the neighbor's requests. The team shared Birba plans and renderings that provided context for the proposed updates. Team also offered a way for audience to contact the team with any future concerns or questions.

### **January 11, 2017**

- Project team sent thank you for attendance alongside plan set to requesting attendees from Pre-App Meeting.

### **January 26, 2017**

- Project team attended the HVNA Meeting and met Transportation and HVNA Board to discuss the project in more detail.

### **January 2017**

- HVNA provided initial feedback, and both sides committed to work together to deliver the best and most appropriate project for the neighborhood. HVNA offers to write a letter to Planning Department in support of project.

### **February 2017**

- Project team met with and spoke to board member from The Golden Gate Restaurant Association who also offered support for the project.

### **May 5 - June 28, 2017**

- Project team worked directly with 470 Grove owners (via HVNA notification) to provide all info on project – including sound mitigation/analysis and strategies.
  - HVNA helped inform 470 Grove owners that we are doing our best to reasonably work with the community.
  - 470 Grove owners responded by offering unreasonable requests which we reconfirmed with our sound engineering team and replied stating as such, with all technical details of why our plans/strategies were sufficient.

**May 15, 2017**

- Project team emailed Birba email list as well as any known opposition announcing hearing date and 2<sup>nd</sup> open house/public outreach project meeting at Birba on Sunday May 20<sup>th</sup> for another opportunity to provide feedback.

**May 17, 2017**

- Project team emailed HVNA to let anyone know about 2<sup>nd</sup> open house/public outreach meeting at Birba on Sunday May 20<sup>th</sup>.

**May 20, 2017**

- Project Team emailed Birba email list as reminder of the meeting and announcing updated hearing date.
- Project team hosts open house/public outreach meeting for Patio Project (Pre-Application Meeting). No attendees.

**June 14, 2017**

- Jim Warshell (HVNA) emailed asking to confirm our hearing date and let us know we have been doing a “really wonderful” job with community outreach.

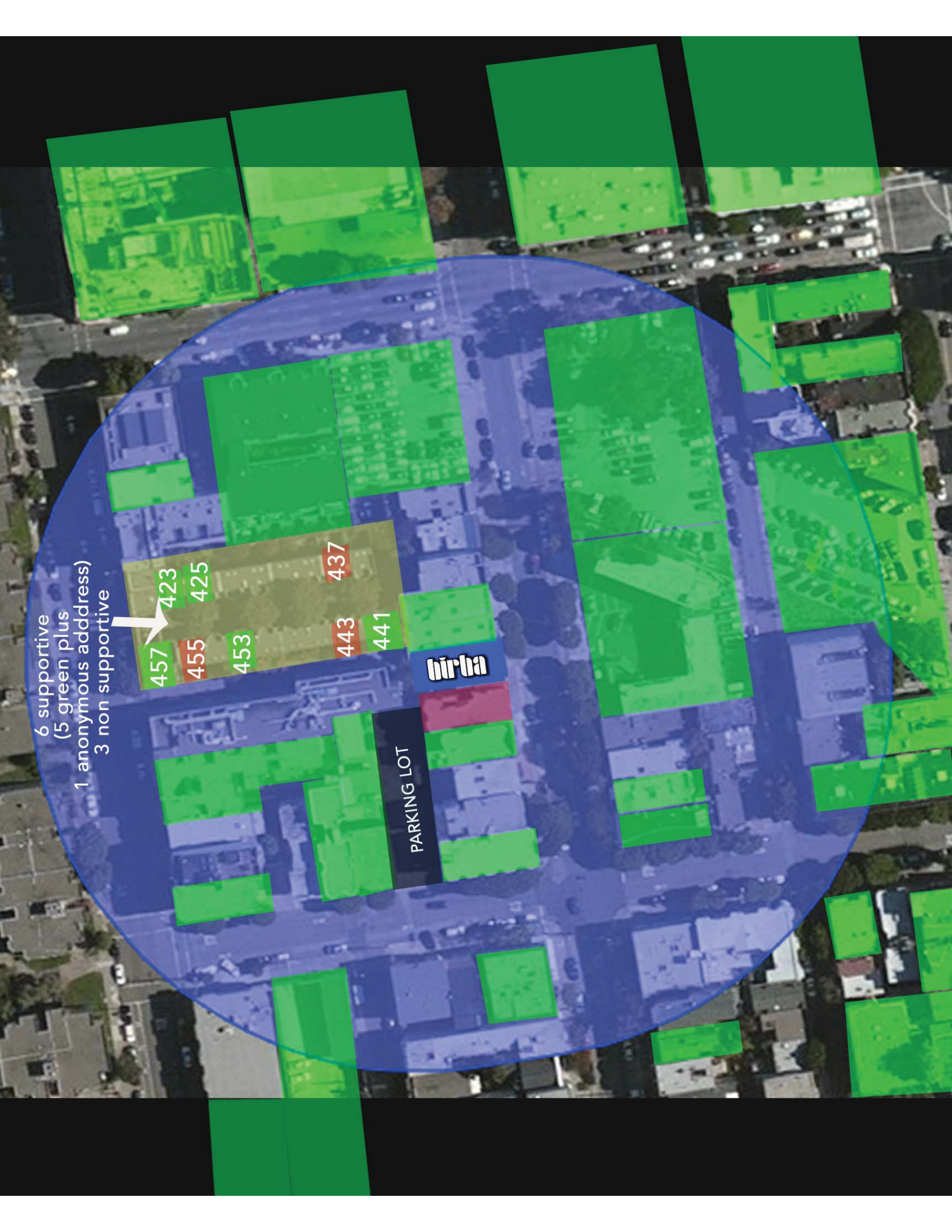
# **EXHIBIT C**

6 supportive  
(5 green plus  
1 anonymous address)  
3 non supportive

457 423 425 437  
455 453 443 441

haha

PARKING LOT







Birba



supporters



non-supportive



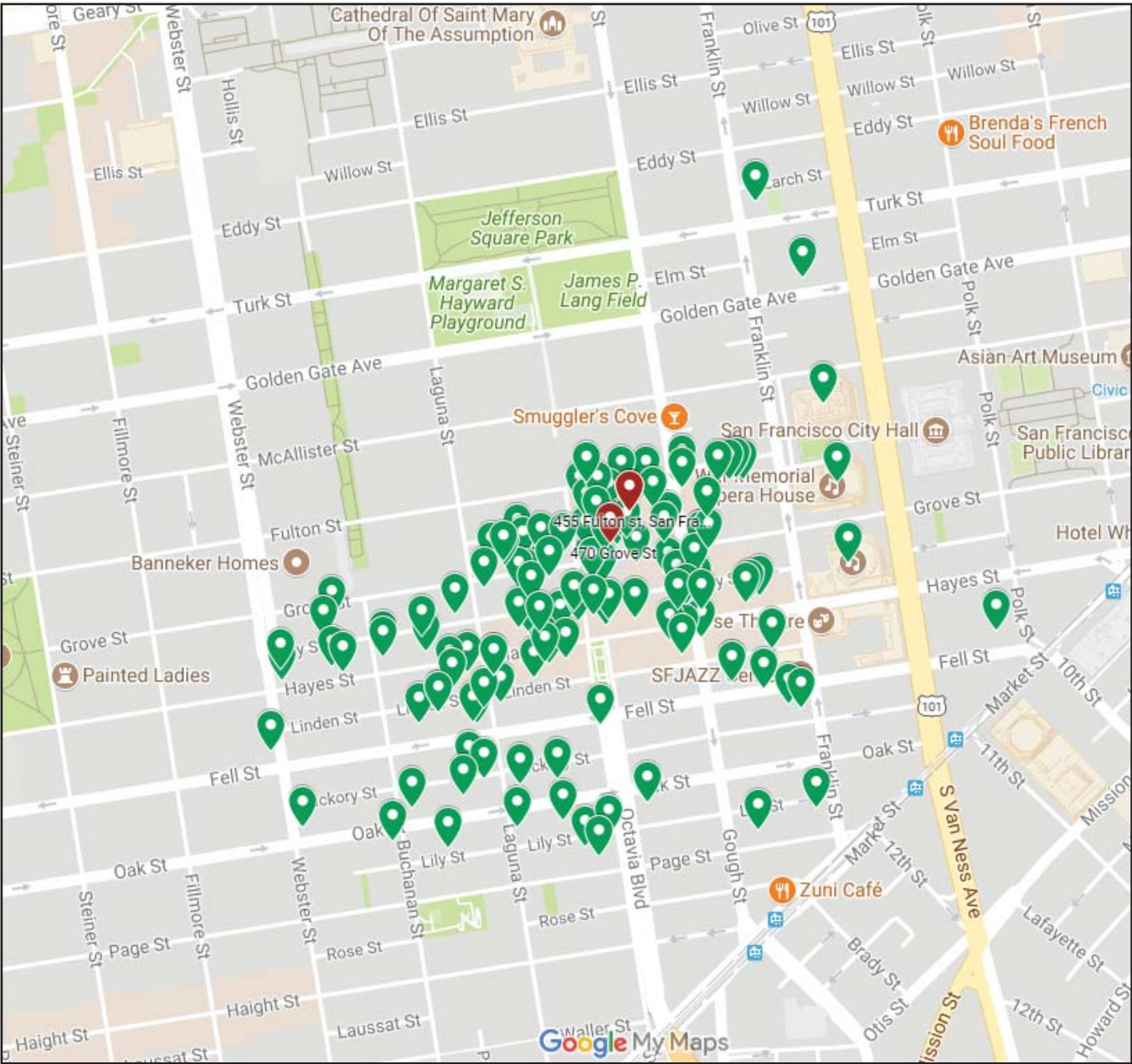
commercial



mixed-use

## **EXHIBIT D**

# Map of Birba Supporters





# **EXHIBIT E**

**From:** [james warshell](#)  
**To:** [Grob, Carly \(CPC\)](#); [Luellen, Mark \(CPC\)](#); [Joslin, Jeff \(CPC\)](#)  
**Subject:** Birba case 2017-000655CUA and 2017-000655PRJ  
**Date:** Wednesday, May 03, 2017 8:17:05 PM

---

On behalf of Hayes Valley Neighborhood Association and its Transportation and Planning Committee I am pleased to endorse Birba's expansion plan into the garden space and for sidewalk tables. In the year and a half that Birba has been in the community, it has shown itself to be a community resource and good neighbor. While their space is tight and near neighbors, they have done very comprehensive outreach and have broad support for their plan. They appear to be sensitive to making all feasible noise mitigations and their friendly, community oriented space should not present any unreasonable intrusion on their neighbors. We hope you endorse their plan.

Thank you,

Jim Warshell (for Transportation and Planning Committee)

Craig Hamberg (for HVNA Board)

Sent from my iPhone. "They tried to bury us....they didn't know that we were seeds"

# **EXHIBIT F**

## **EXHIBIT F**

### **Exh. F - Support letters**

Exh. F1	Support letter from Grant Phillips (441 Fulton Street), May 1, 2017
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Exh. F52 Support letter from Erik Olsen, Jan. 2, 2017

May 1, 2017

Grant Phillips  
441 Fulton St  
S.F. CA 94102

Re:  
Birba  
458 Grove St  
S.F. CA 94102

Dear Carly Grob;

I am a neighbor of Birba and live in close proximity of Birbas patio. I am the homeowner of 441 Fulton Street. My back yard is probably 20 – 25 ft from Birbas patio.

I am in favor of Birbas use of their patio where as before I was not. The reasons for my change of view are several and listed below.

1: The sound proofing specialist, Charles M. Salter and Associates, Inc, Birba has employed.

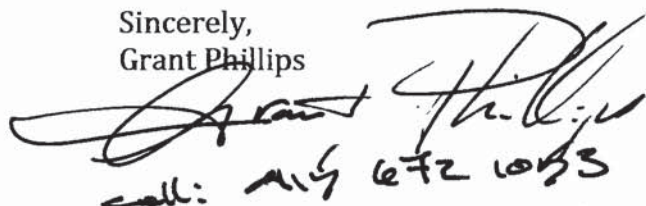
2: The acoustic options Birba has offered to their neighbors.

3: Openness, flexibility of Birbas hours of patio usage., and future tenants of 458 Grove Street must abide by the agreed terms governing patio usage.

The owner of Birba, Angela Valgiusti and her staff are gracious, caring and a wonderful addition to the neighborhood. It is my hope that all of Birbas neighbors will experience Birbas warmth, good food and wine.

It is also my hope that Angela Valgiusti will receive compensation from her Landlord because of the delays and legal cost incurred by her due to some of the neighbor's resistance of the patio use.

Sincerely,  
Grant Phillips



call: 415 672 1033



May 3, 2017

Carly Grob (Current Planner, NE Team)  
SF Planning Department  
1650 Mission St. Ste 400  
San Francisco, CA 94103-2479

I live in Hayes Valley, and have for several years. When I heard that Birba Wine Bar was planning on opening a backyard patio, I was excited. I live on Fulton Street, almost directly on the other side of Birba's proposed patio. I think that the patio would enrich the neighborhood and provide another option for dining and drinking that is much needed in the area. I'm certain that the owners will operate the patio in such a way that will not disrupt it's neighbors, and hope that I will be able to enjoy it soon!!

Best,  
Chris Tarbell  
475 Fulton Street

December 19, 2016

Planning Department  
City and County of San Francisco  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

RE: 458 Grove Street  
Birba Wine Bar & Restaurant  
Rear yard patio use

To Whom It May Concern:

My name is Andrew Seigner. I own a home at 400 Grove Street. I have lived in San Francisco for 13 years (Lakeshore, Presidio, Soma, and now Hayes Valley), and in Berkeley/Emeryville 6 years prior to that. I am a Software Engineer in the tech industry, a sometimes controversial profession as of late. I'm also acutely aware of the need to preserve the diversity and culture that makes SF the world-class city that it is.

Today I live in close proximity to Birba Wine Bar & Restaurant at 458 Grove Street. It is a personal favorite of mine. Angie and her staff do a great job operating the restaurant. I visit often for lunch, dinner, and drinks with family, friends, and neighbors. I have befriended some real pioneers of Hayes Valley at Birba, meeting friends of Patricia Walkup, learning about the early days of development. I think the character of the venue attracts locals who really care about the neighborhood.

I understand that the owner (Angela Valgiusti) is seeking a conditional use authorization from the Planning Commission in order to be able to use the rear yard patio area for its customers for food and beverage service.

I strongly support the use of the rear yard patio by Birba's customers because it would make an already exquisite venue even more special. I patronize Birba for the excellent food as well as wine. Dining outdoors in Hayes Valley is an experience that I believe puts San Francisco on par with great cities like Paris.

I assume an authorization request such as this will survey impact to the neighborhood, particularly noise and hours of operation. In the spectrum of eating and drinking establishments in San Francisco, I can confidently say Birba leans more towards quiet sophisticated restaurant than rowdy pub. Angie, her staff, and Birba's customers are a respectful bunch.

I would like to express my support for the project and the use of the rear yard patio, and I urge the Planning Commission to approve the project as proposed.

Feel free to contact me anytime for questions: (415) 516-5026, [andrew@sig.gy](mailto:andrew@sig.gy).

Sincerely,



Name: Andrew Seigner

Address: 400 Grove St, #403  
San Francisco, CA 94102

**From:** [israel orais](#)  
**To:** [Grob, Carly \(CPC\)](#)  
**Subject:** I live at 525 Gough Street, which is on the same block as Bibra Wine Bar  
**Date:** Saturday, April 29, 2017 6:24:55 PM

---

Hello Carly:

I live at 525 Gough Street, which is on the same block as Bibra Wine Bar. I've been so delighted that Birba moved into the neighborhood a few years ago. The wine bar feels like an integral part of the neighborhood, like it's an extension of my living room. Angela along with her employees, feel like friends, with an inviting smile, a warm hello, and engaged conversations.

I bought my home 12 years ago, and with Birba and Little Gem, this block feels like my huge living room. At recent condo HOA Board meetings, we expressed our delight with the prospect of Birba opening the patio area during "reasonable business hours". Some of the home owners face the side of the proposed Birba patio. These owners are thrilled with potential for a patio in our slice of Hayes Valley "heaven".

Visitors from out of town come to Hayes Valley and see a different, more elegant side of San Francisco. Friends who live in the city, want to move to Hayes Valley after spending time here. These types of conversations originate after a glass or two at Birba, and a wonderful experience here in our slice of Hayes Valley.

Israel Orais

**From:** [James Moore](#)  
**To:** [Grob, Carly \(CPC\)](#)  
**Cc:** [Israel Orias](#)  
**Subject:** Birba Wine Bar patio  
**Date:** Friday, May 05, 2017 10:08:36 AM

---

Hello Carly:

My neighbor asked me to contact you on behalf of Birba. I live at 525 Gough Street, which is on the same block as Bibra Wine Bar. My unit is in the back, so we would be the most impacted by the expansion of their business into the garden. Still, as long as the reasonable hours are not past 9-10pm, I am fully in support of the city giving them the right to expand. I've been so delighted that Birba moved into the neighborhood a few years ago. The wine bar feels like an integral part of the neighborhood, like it's an extension of my living room. Angela along with her employees, feel like friends, with an inviting smile, a warm hello, and engaged conversations.

So if your office is making this determination based on neighborhood feedback, please count this neighbor as a yes vote.

Best,

James Moore

**From:** [Brian O'Laughlin](#)  
**To:** [Grob, Carly \(CPC\)](#)  
**Subject:** Birba Wine Bar, Hayes Valley  
**Date:** Friday, May 05, 2017 4:35:08 PM

---

Hello Carly:

I am writing to express my support for Birba, a wine bar on Grove St.

I have lived at 230 Linden Street for the last 20 years, and I've seen a lot of positive changes in Hayes Valley during that time. I would count Birba among those positives. It has very much become a part of this neighborhood: friendly, unique, and welcoming.

Adding a patio experience to Birba would make a good place even better...much as Arlequin's patio did. I am very much in favor of it.

Brian O'Laughlin

**Exhibit F7**

Date: January 2, 2017

Planning Department  
City and County of San Francisco  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

RE: 458 Grove Street  
Birba Wine Bar  
Rear yard patio use

To Whom It May Concern:

We live a few blocks away from the Birba Wine Bar at 458 Grove Street. The opening of Birba Wine Bar has been a great addition to the Hayes Valley neighborhood. Angie and her staff have done a great job of operating the restaurant so far. It's a great neighborhood spot. We go there often in the evenings for happy hour or dinner, and love the special themed dinners on Monday nights. The food, wine and people are always great. Angie has an excellent palate and brings in a unique blend of wines from around the world. There are very few places you can go these days to meet your neighbors — who we would otherwise never meet — and enjoy a conversation over a glass of really good wine. We have found this in Birba.

We understand that Angie (the owner, Angela Valgiusti) is seeking a conditional use authorization from the Planning Commission in order to be able to use the rear yard patio area for its customers for food and beverage service.

We strongly support the use of the rear yard patio by Birba Wine Bar's customers because there are very few places in Hayes Valley that offer the ability to enjoy food and/or wine in an outdoor setting. It would make an already well-run business, by a small business owner who is trying to bring something special to the Hayes Valley neighborhood, even better. They don't play loud music or attract rowdy customers so we cannot see any reason why opening up the back patio would be a cause for concern.

We would like to express our support for the project and the use of the rear yard patio, and urge the Planning Commission to approve the project as proposed.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jill Unikel' followed by a stylized flourish or second signature.

Jill Unikel and Jonathan Wood  
Residents of Civic Center / Hayes Valley for 4 years

1 Polk Street #1302  
San Francisco, CA 94102  
415-535-9395





# FIRST REPUBLIC BANK

It's a privilege to serve you®

October 19, 2015

Planning Department

City and County of San Francisco

1650 Mission St, Suite 400

San Francisco, CA 94103

Re: 458 Grove Street

Birba Wine Bar

Rear yard patio use

To Whom It May Concern:

I reside and work in close proximity to the Birba Wine Bar at 458 Grove Street. The opening of Birba Wine Bar has been a great addition to the Hayes Valley neighborhood. Angie and her staff has done a great job of operating the restaurant so far, and I have, along with family, friends and colleagues enjoyed visiting the establishment during lunch, happy hour, and dinner time. The ambiance, food and wine are simply amazing! We truly have enjoyed every experience in this unique and loved neighborhood gem!

I understand that the owner (Angela Valgiusti) is seeking a conditional use authorization from the Planning Commission in order to be able to use the rear yard patio area for their customers for food and beverage service. I strongly support the use of the rear yard patio by Birba Wine Bar's customers because it will only add to the experience for the wine bar's guests, as well as create additional space for this wonderful restaurant to accommodate us.

I have personally witnessed Angie working closely with neighboring residents and businesses to make the area better for everyone inhabiting the space, and know that she's a great neighbor and partner in Hayes Valley. As such, I would like to express my complete support for the project and the use of the rear yard patio, and I urge the Planning Commission to approve the project as proposed.

Sincerely,

A handwritten signature in black ink that reads "Susanna Burgess". The signature is fluid and cursive.

Susanna Burgess

Senior Preferred Banker

First Republic Bank

111 Pine St FL 9

San Francisco, CA 94111

*San Francisco Palo Alto Los Angeles Santa Barbara Newport Beach San Diego Portland Boston Greenwich New York*

December 2, 2016

Planning Department  
City and County of San Francisco  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

RE: 458 Grove Street  
Birba Wine Bar  
Rear yard patio use

To Whom It May Concern:

I reside in close proximity to the Birba Wine Bar at 458 Grove Street. The opening of Birba Wine Bar has been a great addition to the Hayes Valley neighborhood. Angie and her staff have done a great job of operating the restaurant so far. I frequently grab a healthy lunch here during the workweek (I work from home just a few blocks away) or a drink on weekends. It's one of the few places in Hayes with an affordable and healthy lunch option.

I understand that owner (Angela Valgiusti) is seeking a conditional use authorization from the Planning Commission in order to be able to use the rear yard patio area for its customers for food and beverage service.

I strongly support the use of the rear yard patio by Birba Wine Bar's customers because this is clearly one of the best small businesses to come to Hayes in quite some time. I've lived in the neighborhood for over five years now and have seen quite a few come and go, but Birba is exceptional. Angie and her staff go out of their way to get to know their customers and provide exceptional, personal service. When I walk in for my weekly lunch salad, Angie even knows where I tend to like to sit and exactly what I order. She is clearly passionate about the business she's running as well; it's not unusual for her to spend a few minutes talking about the food you're eating or the drink you're drinking. She knows her suppliers and finds only the best to run her place.

Birba, more than anything, creates an infectious positive environment. You can't walk in there and feel down; patrons respect this feeling and positive vibe, as well as the neighborhood to boot. By adding an outdoor patio, it'll only add to the already great environment they're creating for the neighborhood. This isn't the type of place to play loud music or to get rowdy on weekends, so I have little to no concern at disrupting the quiet that often descends upon Hayes Valley at night.

I would like to express my support for the project and the use of the rear yard patio, and I urge the Planning Commission to approve the project as proposed.

Sincerely,

Nathan Swartley  
Director of Product at Change Healthcare  
[nswartley@gmail.com](mailto:nswartley@gmail.com) | 408.314.9697  
426 Hickory Street  
Hayes Valley, San Francisco, CA 94102

----- Forwarded message -----

From: **pippa100** <pippa100@yahoo.com>

Date: Wed, May 31, 2017 at 11:17 AM

Subject: Birba case 2017-000655CUA and 2017-000655PRJ

To: "carly.grob@sfgov.org" <carly.grob@sfgov.org>,

"mark.luellen@sfgov.org" <mark.luellen@sfgov.org>,

"jeff.joslin@sfgov.org" <jeff.joslin@sfgov.org>

Cc: "birbaevents@gmail.com" <birbaevents@gmail.com>

*To whom it may concern:*

*I live very close to Birba. In fact, my apartment building at 630 Octavia includes a parking lot that on the backside is separated by a fence; on the other side of that fence is the backyard or Birba's wine bar. I have been both a customer of Birba for the past couple year, and I live close enough that I would be able to hear noise from this business, but actually, this is quite a quiet mellow wine bar. Even when I have my back sliding door open, I cannot hear noise coming from this business. If they do get access to use this back patio for business, I believe that the sound would be low, and the sound that would be heard would be soft conversation and laughter, etc. I feel that Angie is a responsible and respectful business owner, who would continue to monitor noise levels coming from inside or outside her small wine bar on Grove Street in San Francisco.*

*Thank you,*

*Philippa G. Manley*

*Human Resources and Recruiting Professional*

*630 Octavia Street #1*

*San Francisco, CA 94102*

DANIELA TEMPESTA, MSW, LCSW  
PSYCHOTHERAPY AND COACHING

300 IVY ST #314

415 567-1640 SAN FRANCISCO, CA 94102 ☐ TEL

5/7/15

To Whom It May Concern,

I am writing this letter in support of Birba, a lovely food and wine establishment located at 458 Grove Street, San Francisco. I am a homeowner in the building across the street, 300 Ivy, and I have found Birba to be a fabulous (and much needed) addition to the neighborhood. Since Birba opened in April I have enjoyed many wonderful meals there with both my husband and with friends.

Being that I live across the street I walk my dogs up and down Grove Street between Gough and Octavia (where Birba is located) many times per day. Not once, have I heard noise coming from Birba or have I found it to be in any way a nuisance in the neighborhood. In fact, it is so well insulated for noise, that I didn't even know it was there until my hairdresser at the salon next door told me about it. Conversely, every night I hear loud talking, bottles crashing, and overall rowdiness coming from Fig & Thistle on Ivy Street, which my bedroom window faces. I have also witnessed many late night fights happening in front of Fig & Thistle. I have never heard or seen anything like this coming from Birba. In fact, Angie Valguisti is so conscientious about being a responsible neighbor, I've witnessed her closing her windows in the evenings to make sure that noise was not a problem for those nearby. I was disappointed to hear that a complaint had been lodged by John Colton against Birba when it is certainly not an establishment that is the root of noise problems or other disturbance in the neighborhood. I find any accusations that Birba is causing any nuisance whatsoever in the neighborhood to be highly inaccurate.

As a homeowner in Hayes Valley, I can assure you that I care very much about this neighborhood and anything that might negatively impact the property value in the immediate vicinity of my unit. I feel quite certain that Birba only adds value to this community and it would be a major loss should it no longer be able to operate here.

Please feel free to contact me for any further information.

Warmest Regards,

Daniela Tempesta

October 1, 2015

Planning Department,  
City and Country of San Francisco  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

Re:

458 Grove Street  
Birba Wine Bar  
Rear Yard Patio Use

To Whom It May Concern,

I live at 556 Octavia St, just down the block from the Birba Wine Bar at 458 Grove Street. I understand that the owner, Angela Valgiusti, is seeking a conditional use authorization from the Planning Commission in order to be able to use the rear yard patio to serve its customers food and beverages.

I'm writing you to personally and whole heartedly endorse the use of the rear yard patio. As a resident who is familiar with many of the small business owners in the neighborhood, I have gotten to know Angie over the past few months and have found her to be an excellent addition to the neighborhood.

On a more personal note, as someone who comes from a family of restaurateurs in San Francisco (my father and uncles came out to the US in the 1970s and began as bus boys, and now own various establishments throughout the city), it is imperative that we provide high quality individuals with every chance to succeed in this industry. Angie has proven herself a top quality restaurateur, providing the neighborhood with something it is sorely missing: quality food, expert wine knowledge, and a low key and responsible environment for young professionals to connect. More importantly, she and her staff at Birba do it with the utmost integrity and respect for the community, and they do it with a smile.

Having said that, I plead the Planning Commission to approve the back yard patio as soon as possible. If you would like more information, please do not hesitate to contact me at 202-549-3540.

Thank you,  
Laith Massarweh

556 Octavia St,  
San Francisco, CA  
94102

June 2, 2015

Planning Department  
City and County of San Francisco  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

RE: 458 Grove Street  
Birba Wine Bar  
Rear yard patio use

To Whom It May Concern:

We are writing to voice our support for approval of the conditional use authorization for Birba Wine Bar, located at 458 Grove Street.

We live at 419 Fulton Street, one block away from Birba. We frequently visit Birba and are really happy to have such a great locally-owned wine bar right in our neighborhood. The entire staff is friendly and welcoming, the wine selection and light bites menu are great, and the business is run very responsibly and respectfully (e.g., very reasonable hours, no large trash containers on the sidewalk, etc.). Most importantly, Birba provides a great location for us to meet and socialize with our neighbors.

We all know how challenging it is to open and maintain a successful business in San Francisco. Angie and her staff have done a great job creating a wonderful, welcoming space that contributes to the neighborhood feel of Hayes Valley and provides a meeting place for Grove Street residents and the surrounding area. With so few bars and restaurants with quality outdoor space in the neighborhood, Birba's addition of a back patio would definitely be a welcome addition to an already great local business.

I encourage the Planning Commission to approve the project as proposed.

Sincerely,

Greg McIvor & Courtney Davis

419 Fulton Street, Apt. B  
San Francisco, CA 94102



Planning Department  
City and County of San Francisco  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

RE: 458 Grove Street  
Birba Wine Bar  
Rear yard patio use

10/1/2015

To Whom It May Concern:

I live in close proximity to the Birba Wine Bar at 458 Grove Street. My building is on Grove Street one block from Birba. I have lived there for fifteen years. The opening of Birba Wine Bar has been a great addition to my neighborhood. Angie and her staff have done a great job of making a comfortable relaxed place to go meet friends. I especially like that I can come to Birba with my family.

I understand that the owner, Angela Valgiusti, is seeking a conditional use authorization from the Planning Commission in order to be able to use the rear yard patio area for its customers for food and beverage service. I strongly support the use of the rear yard patio by Birba, because it is rare to have public outdoor places in San Francisco. Having a outdoor spot to meet in my neighborhood would be great. When we have nice days in San Francisco it would be nice to options aside from parks to go to.

Birba has been a great addition to my neighborhood. They are a friendly, family place that is unpretentious and welcoming. I support their plans whole heartedly.

Sincerely,

Sven Wiederholt

12/13/2016

Planning Department  
City and County of San Francisco  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

RE: 458 Grove Street  
Birba Wine Bar  
Rear yard patio use

To Whom It May Concern:

I live and work at 524 Grove Street a block from Birba Wine Bar at 458 Grove Street. The opening of Birba Wine Bar has been a great addition to the Hayes Valley. Angie and her staff are great people, always friendly when I arrive with my family. Birba is really a true neighborhood place for me. It is down to earth and easy going. I can enjoy food or wine close to my house.

I understand that owner Angela Valgiusti is seeking a conditional use authorization from the Planning Commission in order to be able to use the rear yard patio area for its customers for food and beverage service.

I strongly support the use of the rear yard patio by Birba because there are almost no places in San Francisco where you can sit outside and enjoy the few nice nights that we have. Sitting outside adds a certain pleasure to eating and drinking after a long days work inside. Of course I understand that some neighbors may be worried about noise, but my experience at Birba is that noise is not a problem. I don't like to go to places that are loud. Birba is a quiet intimate place letting people have some peace to talk. Birba's staff seems keenly aware of that fact by keeping music low and the atmosphere quiet.

I would like to express my support for the project and the use of the rear yard patio, and I urge the Planning Commission to approve the project as proposed.

Sincerely,

Sven Wiederholt  
524 Grove St  
SF, CA 94102

January 3, 2017

Carly Grob  
Planning Department  
City and County of San Francisco  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

RE: Birba – 458 Grove Street

Dear Carly,

As you know, Birba (458 Grove) is applying for an outside seating permit to open their outdoor patio area. Please accept this letter supporting their application and ongoing efforts. I am writing as a neighbor, community volunteer (HVNA Board member / current vice president) and local Hayes Valley real estate developer (55 Page, 8 Octavia, 400 Grove, 450 Hayes and Parcel T).

Birba is Italian for *mischief* and *brat*. Prior to opening, several neighbors misinterpreted Angie Valgiusti's social media campaign and thought she was opening a rowdy space. However since opening over a year and half ago, Birba has been a perfect neighbor.

The space is +/- 600 SF and creatively uses every inch to serve wonderful food, wine and beer. Angie and her team work tirelessly to provide healthy lunches, Monday dinners, delicious small plates as well as retail wine sales. Lunches are quiet and the salad is the best around. Mellow Monday Dinners are family style and offer an affordable low stress meal. Nicole Lou was recently hired as head chef after previously running kitchens for Perbacco in SF and Nobu in NYC. Birba is not a bar and takes their food seriously.

Birba has become an extended living room for many of the Hayes Valley locals, as well as, a destination for those who don't live in the area. Several of us neighbors head over for a bite, drink, to say hello, or watch an occasional Warrior playoff game while others share a quiet date night. Birba is located four doors from my bedroom window and has never disturbed my home.

Small spaces like Birba are great examples of how micro-retail should work. Angie is a highly respected sommelier and worked in some of the area's best restaurants. She wanted a place of her own and started Birba after spending a few decades working for other people. 458 Grove was a small awkward space with several unsuccessful tenants over the years. The 400 block of Grove Street was not a heavy foot traffic block. Birba, Little Gem, Boxing Room and Double Decker now create a complimentary set of uses activating the street during the afternoon and evening hours. The block and neighborhood are now better traveled and the 458 Grove use is consistent with the Market Octavia Neighborhood Plan goals.

Please include my letter in Birba's project folder and let me know if you want to discuss further or have questions.

Best,

A handwritten signature in black ink, appearing to read 'Craig Hamburg', with a stylized, cursive script.

Craig Hamburg

400 Grove Street #407

San Francisco, CA 94102

October 5, 2015

Planning Department  
City and County of San Francisco  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

RE: 458 Grove Street  
Birba Wine Bar  
Rear yard patio use

To Whom It May Concern:

I reside 5 blocks away from Birba Wine Bar at 458 Grove Street. Birba has been a great addition to the neighborhood. Angie and her Staff have done an outstanding job with the restaurant. Their care and dedication certainly is reflected in the way they operate their business. Always caring for the best of the community and their customers. Birba Wine Bar is truly a neighborhood gem.

It has come to my attention that owner (Angela Valgiusti) is seeking a conditional use authorization from the Planning Commission in order to be able to use the rear yard patio for its customers.

On behalf of the Hayes valley community I strongly support the use of the rear yard patio by Birba Wine Bar's customers, for the following reasons.

- Residents can enjoy a glass of wine in the yard promoting conversations with other members of the community
- Creates an inviting place to get to know your neighbors
- Promotes business in the local Hayes valley community
- Allows more customers to enjoy Birba and all it has to offer

Again, I would like to express my support for the project and the use of the rear yard patio. I urge the Planning Commission to approve the project as proposed.

Sincerely,

Gilmar Arellano  
Vice President  
Allset Technologies Inc,

828 Franklin St 309  
San Francisco, CA 94102

**JULIA TEN EYCK**  
**Law and Mediation Office of Julia Ten Eyck**  
459 Fulton Street, Suite 208  
San Francisco, CA 94102  
Ph: (415) 812-6089 ~ Fax: (415) 524-0152  
[teneyck27@sbcglobal.net](mailto:teneyck27@sbcglobal.net)

December 28, 2016

Planning Department  
City and County of San Francisco  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

RE: 458 Grove Street  
Birba Wine Bar  
Rear yard patio use

Dear Planning Commissioners,

I work in close proximity to the Birba Wine Bar at 458 Grove Street. My office building abuts the back of the lot on which Birba is located, and is directly behind the rear yard patio for which this conditional use permit is being sought.

The opening of Birba Wine Bar has been a wonderful addition to the Hayes Valley neighborhood. The owner, Angela Valgiusti, and her staff have done a terrific job of operating the restaurant. I have enjoyed visiting Birba for lunch, dinner, and after work, both alone and with friends. Everyone that I have introduced to Birba has loved it. Birba has an exceptionally friendly atmosphere, is relaxed and welcoming, and the food and wine are outstanding.

I understand that the owner Angie is seeking a conditional use authorization from the Planning Commission in order to be able to use the rear yard patio area for food and beverage service for its customers.



I strongly support the use of the rear yard patio by Birba Wine Bar as a gathering place for its customers because, as a small, independently-owned business, a garden patio would allow the expansion of the business, and enhance the customer experience. There is no reason to think that having a garden patio will negatively impact the quality of the neighborhood. Since opening the wine bar, Angie and her staff have consistently taken steps to be good neighbors, by providing reasonable business hours, handling trash and recycling operations carefully so as not to disturb the neighbors, playing mellow music, keeping noise to a minimum. Having a garden space will only add to the activity and positive impact that Birba provides to Grove Street and the neighborhood.

I would like to express my emphatic support for the project and the use of the rear yard patio, and I urge the Planning Commission to approve the project as proposed.

Sincerely,



Julia Ten Eyck

Date: October 1, 2015

Planning Department  
City and County of San Francisco  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

RE: 458 Grove Street  
Birba Wine Bar  
Rear yard patio use

To Whom It May Concern:

I reside/work in close proximity to the Birba Wine Bar at 458 Grove Street. The opening of Birba Wine Bar has been a great addition to the Hayes Valley neighborhood. Angie and her staff have done a great job of operating the restaurant so far. My husband and I as well as our staff at seesaw have enjoyed Birba in our neighborhood.

I understand that owner (Angela Valgiusti) is seeking a conditional use authorization from the Planning Commission in order to be able to use the rear yard patio area for its customers for food and beverage service.

I strongly support the use of the rear yard patio by Birba Wine Bar's customers because we believe SF needs more outdoor space dining. The clientele BIRBA attracts is not the "party animal" crowd. It's all quite civilized, respectful and relaxed. A neighborhood spot bar with an intimate and neighborhood vibe like Birba is hard to come by. The food and wine is excellent and the place is always clean and with friendly caring staff. And I would love more vitamin D and fresh air during my lunch or dinner break. We are also homeowners and understand how frustrating it is to hear loud belligerent people during festivals and what not. But this is far from that scenario. At seesaw, we feel safer especially at night with thriving businesses near us and our community of merchants and residents who watch out for each other.

I would like to express my support for the project and the use of the rear yard patio, and I urge the Planning Commission to approve the project as proposed.

Sincerely,

Sujin Sabrina Gabel, Ph.D..  
Child Psychologist and Clinic Director  
Seesaw Psychology Group  
600A Octavia Street San Francisco, CA 94102

Date: October 1, 2015

Planning Department  
City and County of San Francisco  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

RE: 458 Grove Street  
Birba Wine Bar  
Rear yard patio use

To Whom It May Concern:

I reside in close proximity to the Birba Wine Bar at 458 Grove Street. The opening of Birba Wine Bar has been a great addition to the Hayes Valley neighborhood -- it's added a great commercial operation that is fostering a sense of community and enterprise. Angie and her staff have done a great job of operating the restaurant so far - responsible team and high quality food and drink. My wife and I frequent the establishment multiple times per week for lunch, dinner, wine, and great conversation. We find that the clientele is diverse, the environment is relaxing and conducive to being on one's own or with a group, and the ownership and patrons all incredibly respectful of those of us that live in the immediate neighborhood.

I understand that owner (Angela Valgiusti) is seeking a conditional use authorization from the Planning Commission in order to be able to use the rear yard patio area for its customers for food and beverage service.

I strongly support the use of the rear yard patio by Birba Wine Bar's customers because is a lack of good outdoor dining space in the neighborhood. We have great respect for Angie and team as independent business owners, and we have every confidence that the space will be managed in a manner that reflects the nature of this integrated residential/commercial neighborhood. For the most part, residents here love the opportunity to have a place to commune and interact, and the back patio is the perfect space for that.

I would like to express my support for the project and the use of the rear yard patio, and I urge the Planning Commission to approve the project as proposed.

Sincerely,



Name: Mark Heit

Address: 453A Fulton Street.  
San Francisco, CA 94102

FROM THE DESK OF  

---

ROBERT J. MCKINLEY

December 20, 2016

Planning Department  
City and County of San Francisco  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

RE: 458 Grove Street  
Birba Wine Bar  
Rear yard patio use

To Whom It May Concern:

I live in close proximity to the Birba Wine Bar at 458 Grove Street. The opening of Birba Wine Bar has been a great addition to the Hayes Valley neighborhood. I have know Angie for a long time and can assure you that Angie and the Birba staff have done a great job in operating the restaurant. I visit there often to enjoy the great wine; the creatively presented food and of course the company of Angie and her wonderful staff. Birba is a neighborhood gem that I wholeheartedly support and look forward to enjoying for a very long time.

I understand that owner (Angela Valgiusti) is seeking a conditional use authorization from the Planning Commission in order to to use the rear yard patio area for its customers. In fact, I have been anxiously waiting for this to happen since they opened.

I strongly support the use of the rear yard patio by Birba Wine Bar's customers because it will provide a wonderful addition to an already wonderful restaurant. It also will support a well deserving business with additional capacity which is obviously a constraint to Angela and her team in the small space they occupy today.

Birba, as am I, is a small, independently owned enterprise that deserves strong consideration and support on the part of the City of San Francisco. Local businesses successfully competing in this demanding market and delivering the creative style that Birba provides is invaluable to those of us that live nearby. Please do what you can to keep this great establishment successful!

I urge the Planning Commission to approve the project as proposed.

Sincerely,

A handwritten signature in dark ink, appearing to read "RJM McKinley", written in a cursive, flowing style.

Bob McKinley

22 October 2015

Planning Department  
City and County of San Francisco  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

RE: 458 Grove Street  
Birba Wine Bar  
Rear yard patio use

To Whom It May Concern:

I understand that BIRBA Restaurant is seeking a conditional use authorization in order to access the rear yard patio for food and beverage service and I am writing to lend my support of this action.

I have been a resident of Hayes Valley for 25 years during which time I've not only been a small business owner myself, but currently an employee of Sagan Piechota Architecture on Linden Alley. I have made a significant investment in the neighborhood since 1990 and I believe that informs my observations with a particular value.

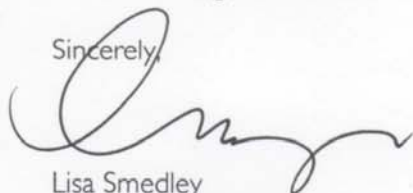
The opening of Birba Wine Bar has been one of only a few positive commercial additions to Hayes Valley in recent years. Owner Angela Valgiusti has successfully initiated the type of small, quiet eatery that HV was once famous for – local, personal, warm and friendly with a uniquely quiet and understated (non-chain) yet distinct point of view.

When Mad Magda's gave way to Frjtz and subsequently Frjtz to Two Sisters, the neighborhood lost a beloved and highly valued backyard destination for casual and relaxed outdoor gathering and dining. At present we now have only Arlequin which functions primarily as a day-time establishment closing in the early evening, and the patio at Flippers both of which serve primarily a visiting and/or tourist population.

As the neighborhood continues to strain under the burden of increased popularity and growth, accessibility to comfortable outdoor areas ceases to be a luxury but rather an important respite for harried urban dwellers particularly those who live within Hayes Valley.

By accessing the back patio, BIRBA only enhances the quality of experience enjoyed there and therefore enriches a neighborhood now regarded as one of the most influential in all of San Francisco.

Sincerely,



Lisa Smedley  
507 Laguna Street  
San Francisco CA 94102  
[smedleyherrera@msn.com](mailto:smedleyherrera@msn.com)





Birba Events &lt;birbaevents@gmail.com&gt;

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**Birba case 2017-000655CUA and 2017-000655PRJ**

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**shirley lee** <shirley\_naomi@hotmail.com>

Wed, May 24, 2017 at 7:02 PM

To: "carly.grob@sfgov.org" &lt;carly.grob@sfgov.org&gt;, "mark.luellen@sfgov.org" &lt;mark.luellen@sfgov.org&gt;, "jeff.joslin@sfgov.org" &lt;jeff.joslin@sfgov.org&gt;

Cc: "birbaevents@gmail.com" &lt;birbaevents@gmail.com&gt;

Hello,

I am writing to support the opening of the back patio area for Birba at 458 Grove Street San Francisco, CA 94102. I have lived in the neighborhood for the past 15 years and have seen a lot of changes. With these changes there have also been challenges that include an increase in street people sleeping, panhandling, and urinating on the streets on a daily basis in public areas.

Having a backyard is a luxury in San Francisco. Residents in the neighborhood that have access to a backyard is a rarity and are very fortunate. Being one of the unfortunate, I would be ecstatic for Birba to have a back garden patio. For the past year, I frequently stop in Birba 4x a week. With a back patio, it would be a slice of heaven to be away from the vagrants and be in an garden oasis within the neighborhood in a relaxed ambiance with friends and family in an outdoor space. Other neighbors feel the same.

Having a back garden area would encourage local community unity within the neighborhood. I find that Birba is a unique eating establishment promoting just that with their weekly mellow Monday family meals, their monthly taco Tuesday's, and their Saturday oyster's on the half day. A place uniting family and friends. With the back patio area open it would definitely offer the community a sense of being someplace unique without just being anyplace.

I am strongly urging the San Francisco Planning Department to determine that our neighborhood is better with the back garden area open at Birba for their customers enjoyment.

Sincerely,

Shirley Lee



Birba Events <birbaevents@gmail.com>

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**Birba case 2017-000655CUA and 2017-000655PRJ**

2 messages

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**Camille Mason** <camillemasoncharman@gmail.com>  
To: carly.grob@sfgov.org, mark.luellen@sfgov.org, jeff.joslin@sfgov.org  
Cc: BIRBA Events <birbaevents@gmail.com>

Mon, May 22, 2017 at 9:14 PM

Date: May 22, 2017

Planning Department  
City and County of San Francisco  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

RE: 458 Grove Street  
Birba Wine Bar  
Rear yard patio use

To Whom It May Concern:

I live in close proximity to the Birba Wine Bar at 458 Grove Street. The opening of Birba Wine Bar has been a great addition to the Hayes Valley neighborhood. In my experience, Angie always goes out of her way to accommodate her customers as well her neighbors.

I understand that owner (Angela Valgiusti) is seeking a conditional use authorization from the Planning Commission in order to be able to use the rear yard patio area for its customers for food and beverage service.

I strongly support the use of the rear yard patio by Birba Wine Bar's customers because Angie has created a warm, family environment, where all are welcome. The rear patio expansion will be a lovely and sophisticated addition to the neighborhood, where friends and family meet up after work, school and theater. I love Birba. My 8 year old loves daughter Birba. She loves to sit at the counter, reading Harry Potter, periodically looking up from her book to see friends, neighbors and strangers all talking and laughing. I know those will be great memories for her and so I would like to express my support for the project and the use of the rear yard patio, and I urge the Planning Commission to approve the project as proposed.

Sincerely,

Camille Mason

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**Birba Events** <birbaevents@gmail.com>

Mon, May 22, 2017 at 9:16 PM

To: Camille Mason <camillemasoncharman@gmail.com>

THANK YOUUUUU!

[Quoted text hidden]

Date: January 2, 2016

Planning Department  
City and County of San Francisco  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

RE: 458 Grove Street  
Birba Wine Bar  
Rear yard patio use

To Whom It May Concern:

I reside/work in close proximity to the Birba Wine Bar at 458 Grove Street. The opening of Birba Wine Bar has been a great addition to the Hayes Valley neighborhood. Angie and her staff have done a great job of operating the restaurant so far. I had the surprising privilege to visit Birba on opening night and ever since then, I've frequented this cozy wine bar for catering events, attending wine education tastings, and enjoying the well-curated wine offerings with friends. The food and atmosphere is always lovely and the people who work there are friendly and welcoming. I'm always given a delicious wine pairing suggestion no matter what my mood is or what I want to eat.

I understand that owner (Angela Valgiusti) is seeking a conditional use authorization from the Planning Commission in order to be able to use the rear yard patio area for its customers for food and beverage service.

I strongly support the use of the rear yard patio by Birba Wine Bar's customers because Birba is an important and integral part of Hayes Valley's garden district. I love that Birba is small and independently owned and I know Angie and her staff are intentional about everything they do. Birba only makes this artsy neighborhood more robust. Angie is a respectful business owner and conscious of neighbors and patrons. I'm confident that the hours for the garden will be reasonable and respectful to all those nearby and this will only add to the neighborhood's existing charm.

I would like to express my support for the project and the use of the rear yard patio, and I urge the Planning Commission to approve the project as proposed.

Sincerely,

Kim Oswell

Address: 955 Bush Street, Apt 403, San Francisco, CA 94109

January 1, 2017

Planning Department  
City and County of San Francisco  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

RE: 458 Grove Street  
Birba Wine Bar  
Rear yard patio use

To Whom It May Concern:

I reside and work in close proximity to the Birba Wine Bar at 458 Grove Street. I have been a Hayes Valley resident for 8 years. Birba Wine Bar, Angie, and her staff have been a wonderful addition to the neighborhood. Working very close by, my friends and colleagues frequent Birba both for lunch and for some fun after-work discussions. The vibe at Birba is so friendly and welcoming, it's hard to not pop-in and say Hi and stay for a glass of wine and some snacks. The homemade food is always amazing and I appreciate the Angie and her team refreshing the menu for both food and beverage to keep the options interesting.

I understand that owner (Angela Valgiusti) is seeking a conditional use authorization from the Planning Commission in order to be able to use the rear yard patio area for its customers for food and beverage service.

I strongly support the use of the rear yard patio by Birba Wine Bar's customers. Birba is a small, independently owned business and I would love for it to flourish for the neighborhood. The additional space will provide more seating area for the establishment and bring Angie a larger customer base. Angie and her staff have been extremely accommodating to the neighbors and taken extra care and consideration in this area. I know that this will continue with the opening of the back patio.

Birba truly brings the loving "neighborhood" feel, even living in a busy city like San Francisco. I would like to express my support for the project and the use of the rear yard patio, and I urge the Planning Commission to approve the project as proposed.

Sincerely,

Trey D'Antonio

Home:  
553 Linden St.  
San Francisco, CA 94102

Work:  
Odopod: 391 Grove St  
San Francisco, CA 94102

Date: January 2, 2017

Planning Department  
City and County of San Francisco  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

RE: 458 Grove Street  
Birba Wine Bar  
Rear yard patio use

To Whom It May Concern:

My husband and I live in close proximity to Birba Wine Bar at 458 Grove Street. The opening of Birba has been a great addition to the Hayes Valley neighborhood. Angie and her staff are doing a great job of operating this sweet wine bar and restaurant. I have enjoyed Birba since it's opening in 2014; popping in for a quick lunch, as a retail stop on my way home from work and I have brought my niece and nephew in for dinner before the ballet. On warmer afternoons I have longed to enjoy the beautiful patio space. I have imagined working lunches or taking a moment for myself in the secluded space under the avocado tree.

I understand the owner (Angela Valgiusti) is seeking a conditional use authorization from the Planning Commission in order to be able to use the rear yard patio area for her customers for food and beverage service.

I strongly support the use of the rear yard patio by Birba Wine Bar's customers because spaces like these are rare gems in San Francisco. There are a few outdoor dining spaces in this town. Birba keeps hours that are in tune with the hours most buildings respect in regards to noise. After 10pm we all quiet down. Birba is a place where community and friends connect - It is not a wild or ruckus party scene. I would love to be treated like the adult that I am and trusted to take my wine and snacks outside for a meal.

I would like to express my support for the project and the use of the rear yard patio, and I urge the Planning Commission to approve the project as proposed.

Sincerely,

Yolanda Porrata  
Retail and Lifestyle Manager at International Orange  
Manager at Beautycounter

1250 Grove Street Apt 7  
San Francisco , CA 94117



December 1, 2016

Planning Department  
City and County of San Francisco  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

RE: 458 Grove Street  
Birba Wine Bar  
Rear Yard Patio

To Whom It May Concern:

I live in close proximity to the Birba Wine Bar at 458 Grove Street, and am quite frequently in Hayes Valley for business. Birba is a tremendous addition to the Hayes Valley neighborhood. Angie and her staff have been so gracious each and every time I come to the restaurant, whether during the day - for a quick bite with business colleagues - or in the evenings to catch up with friends or family. In Birba, Angie and her staff have created the sort of place that fosters a sense of community in a constantly evolving city. It is the very embodiment of a neighborhood place: an intimate bodega where quality is elevated and faces are familiar and kind.

I understand that Birba's ownership is seeking a conditional use authorization from the Planning Commission so that its customers are able to enjoy the rear yard patio area when they visit the restaurant. I emphatically support this use authorization. Green spaces are so vital to the health of communities, and such a pleasure to take respite in during meals and gatherings. Birba's expansion into a green space would be a draw to locals and fellow city-dwellers, bringing business and positive energy into Hayes Valley. What a boon to the community to expand such a wonderful independent business into an outdoor space!

I urge the Planning Commission to approve the project as proposed, and look forward to enjoying a meal with my friends and colleagues in an expanded Birba.

Sincerely,

Shauna Bogetz

888 Waller Street, #1  
San Francisco, CA 94117

Date: October 13th, 2015

Planning Department City and County of San Francisco 1650  
Mission Street, Suite 400 San Francisco, CA 94103

RE: 458 Grove Street Birba Wine Bar

Rear yard patio use To Whom It May Concern:

I reside/work in close proximity to the Birba Wine Bar at 458 Grove Street. The opening of Birba Wine Bar has been a great addition to the Hayes Valley neighborhood. Angie and her staff have done a great job of operating the restaurant so far. Having helped open Birba as one of the original staff members, I have been fortunate enough to see things from both sides- both as an employee and as a customer. It is a charming and quiet little spot that is just what Grove Street needed.

I understand that owner (Angela Valgiusti) is seeking a conditional use authorization from the Planning Commission in order to be able to use the rear yard patio area for its customers for food and beverage service.

I strongly support the use of the rear yard patio by Birba Wine Bar's customers for several reasons: 1) this city needs more outdoor spaces, especially with the average increase in annual temperatures. 2) Birba is a small spot; the patio would offer additional seating and could accommodate more guests. 3) Birba's concept is modeled after a European-style wine bar- most of which offer outdoor seating where patrons are encouraged to nibble, clink glasses and converse in the fresh air. It is a lovely communal space, perfect for this sort of establishment. 4) Angie and her staff have been very respectful tenants (both to the owner and to their neighbors) and deserve the opportunity to grow the small business by increasing potential occupancy. The hours of operation are beyond reasonable and noise shouldn't be an issue.

I would like to express my support for the project and the use of the rear yard patio, and I urge the Planning Commission to approve the project as proposed.

Sincerely,

Name: Hayley Johnson

Address: 22 Norfolk Street, SF, CA, 94103

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Date: December 31, 2016

Planning Department  
City and County of San Francisco  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

RE: 458 Grove Street  
Birba Wine Bar  
Rear yard patio use

To Whom It May Concern:

I reside/work in close proximity to the Birba Wine Bar at 458 Grove Street. The opening of Birba Wine Bar has been a great addition to the Hayes Valley neighborhood. Angie and her staff have done a great job of operating the restaurant so far. I have enjoyed visiting Birba during lunch and dinner with my friends. I think the atmosphere/character at Birba Wine Bar is perfect for good conversation since its not loud inside. Birba is a nice homey place for food as well so when I don't feel like cooking I always go to Birba.

I understand that owner (Angela Valgiusti) is seeking a conditional use authorization from the Planning Commission in order to be able to use the rear yard patio area for its customers for food and beverage service.

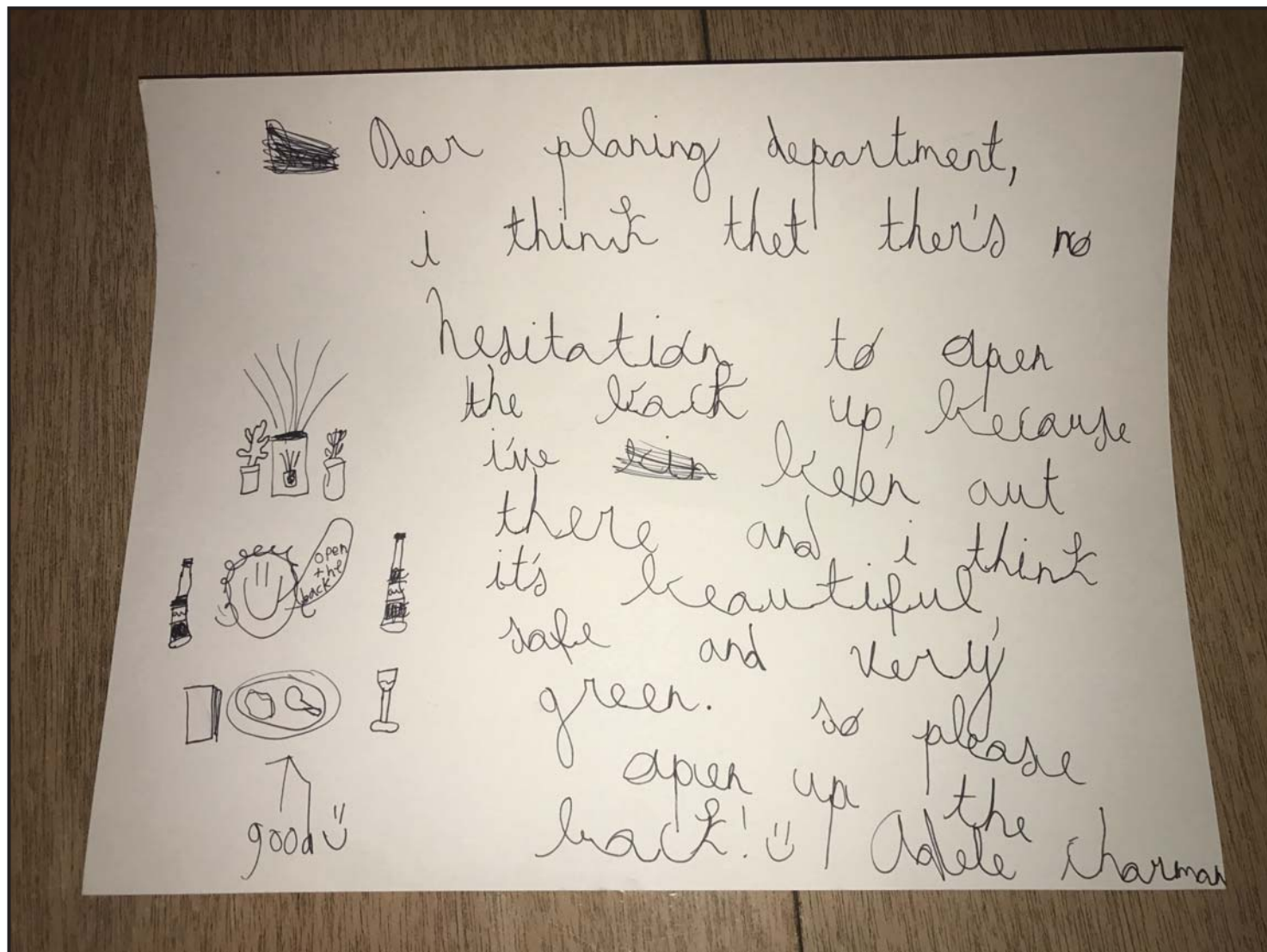
I strongly support the use of the rear yard patio by Birba Wine Bar's customers because the food is homey so I would enjoy eating outside at Birba since there is no other restaurant in the area serving homey food outside. I also want to support a small independently-owned business. The staff is always nice, food and drink is high quality and Birba is quiet due to no loud music. I can hold conversations with my friends. It would be nice to have the option to do eat and hang out with my friends outside on the rear patio as well.

I would like to express my support for the project and the use of the rear yard patio, and I urge the Planning Commission to approve the project as proposed.

Sincerely,

Name: Julie Conrad

Address: 3066 25<sup>th</sup> st., San Francisco



Adele Charmin is 8 years old. She comes in 2-3 times a month on Tuesdays with her parents and few other families that meet at Birba.

**From:** [Steve Gemignani](#)  
**To:** [Grob, Carly \(CPC\)](#)  
**Subject:** Re: Proposed Birba Wine Garden  
**Date:** Monday, May 01, 2017 1:51:07 PM

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Hi Carly,

I hope you are well. I realized that I never closed the loop with you about our meeting at Birba with Angie and Tania a few months ago. After touring the space and discussing the project with them, we are fully supportive of their plans for the outdoor wine garden. Given that they will close the space by 10 pm nightly, limit outdoor occupancy, limit music volume and install sound proofing, my partner Terry Galligan and I have no concerns that their proposal will adversely impact our quality of life. In fact, it will make Birba and even more welcome addition.

Thanks again for your help with our concerns.

Best,

Steve Gemignani

On Tue, Jan 3, 2017 at 6:12 PM, Grob, Carly (CPC) <[carly.grob@sfgov.org](mailto:carly.grob@sfgov.org)> wrote:

Hi Steve,

I agree! You can reach out directly to Tania at [birbaevents@gmail.com](mailto:birbaevents@gmail.com) or at (408) 692-4722.

As I mentioned, we don't have an application in yet, but I'm happy to answer any general questions about the process if it would help.

Please let me know if I can be of further assistance.

Thanks,  
Carly

**From:** Steve Gemignani [mailto:[sjg415@gmail.com](mailto:sjg415@gmail.com)]  
**Sent:** Tuesday, January 03, 2017 6:08 PM  
**To:** Grob, Carly (CPC)  
**Subject:** Re: Proposed Birba Wine Garden

Hi Carly,



December 1, 2016

Planning Department  
City and County of San Francisco  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

RE: 458 Grove Street  
Birba Wine Bar  
Use of rear yard patio

To Whom It May Concern:

I reside in close proximity to the Birba Wine Bar at 458 Grove Street. I walk past Birba daily on my commutes to/from work, and enjoy shopping and eating in the Hayes Valley Neighborhood. The opening of Birba Wine Bar has been a great addition to the neighborhood. Ms. Valgiusti (the owner) and her staff operate the restaurant in a professional and friendly manner, and have created a comfortable environment to enjoy a delicious meal, or to stop in for a glass of wine before attending the nearby ballet, symphony, and other performing arts venues in the area. I have consistently enjoyed visiting Birba during lunch and dinner with my family and friends, and believe it brings a great deal of charm and character to the neighborhood, and has also brought a positive, unique vibe to the area.

I understand that Ms. Valgiusti is seeking a conditional use authorization from the Planning Commission in order to be able to use the rear yard patio area for Birba's customers to enjoy their food and beverages in an outdoor setting.

I strongly support the use of the rear yard patio by Birba's customers because it will allow for more room in what is already a very narrow, small space. The unique character of Birba and the Hayes Valley neighborhood will surely thrive by allowing Birba's customers to take delight in the fantastic food and wine of Birba while enjoying the sun and wildlife while sitting on the rear yard patio.

I believe that Ms. Valgiusti has gone above and beyond to be a good neighbor by providing reasonable operational hours, keeping the premises clean and free of unnecessary refuse and debris and by maintaining the noise level to a respectable and reasonable limit.

I would like to express my strong support for the project and the use of the rear yard patio, and I urge the Planning Commission to approve the project as proposed as it will be a great benefit to the neighborhood.

Sincerely,

Name: 

Lenore ElKarou  
1300 Golden Gate Ave  
San Francisco, CA 94115

Date: December 29, 2016

Planning Department  
City and County of San Francisco  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

RE: 458 Grove Street  
Birba Wine Bar  
Rear yard patio use

To Whom It May Concern:

The opening of Birba Wine Bar has been a great addition to the Hayes Valley neighborhood. Angie and her staff have done a great job operating the venue. I frequently stop by for lunch, dinner, or a glass of wine. I love Birba's casual, friendly atmosphere and don't know of any similar places in the neighborhood. Most nearby options are very trendy. It's hard to find a casual spot with great quality and reasonably priced food and wine these days in Hayes Valley.

I understand that the owner (Angela Valgiusti) is seeking a conditional use authorization from the Planning Commission in order to provide customers with food and beverage service in the rear yard patio area.

I strongly support this idea. Allowing Birba Wine Bar's customers to use the rear yard patio would extend Birba's casual atmosphere and great food and wine to a wider audience, enhance the neighborhood vibe, and further build the Birba community. Knowing how much Angie and her staff care about their customers and the community, I have no doubt that Birba's "good neighbor" attitude would be fully extended to the rear yard patio area. I'm sure reasonable hours, a quiet atmosphere, and conscientious management of trash and recycling will be an important focus.

I would like to express my support for use of the rear yard patio, and I urge the Planning Commission to approve the project as proposed.

Sincerely,



Gary Jaffe  
Management Consultant  
2429 15<sup>th</sup> Street  
San Francisco, CA 94114

Date: January 20<sup>th</sup>, 2017

Planning Department  
City and County of San Francisco  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

RE: 458 Grove Street  
Birba Wine Bar  
Rear yard patio use

To Whom It May Concern:

I am a frequent visitor and customer to the Birba Wine Bar at 458 Grove Street. The opening of Birba Wine Bar has been a great addition to the Hayes Valley neighborhood. Angie and her staff have done a great job of operating the restaurant so far. It is a small footprint in the area that is nice to visit versus the larger restaurants during lunch and evening – easy to get a small bite and a glass of wine. The neighborhood has other great restaurants and bars, but can get very crowded and loud – plus a long line for a seat/table. That is why I enjoy Birba – quite, can talk with your partner and Angie, plus not wait in a line.

I understand that owner (Angela Valgiusti) is seeking a conditional use authorization from the Planning Commission in order to be able to use the rear yard patio area for its customers for food and beverage service.

I strongly support the use of the rear yard patio by Birba Wine Bar's customers because being able to enjoy a little nature during the work day is not only healthy physically, but also psychologically. Getting away from the desk and out of the building and sitting under a tree with some sunshine on you is one of the best 'medicines'. They have fantastic style taste and know they would decorate it very nicely and would keep all natural surroundings intact. They also respect their neighbors and have always asked that guests be courteous to the neighbors when we leave and never have any loud music on. Supporting a small, family owned establishment is what we need more in San Francisco right now.

I would like to express my support for the project and the use of the rear yard patio, and I urge the Planning Commission to approve the project as proposed.

Sincerely,

Name: Nicole Holmes

Address: 4047 Cabrillo Street, San Francisco, CA 94121

January 3, 2017

Planning Department  
City & County of San Francisco  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

RE: 458 Grove Street, Birba Wine Bar, garden/patio project

Dear Planning Department,

Hello! I'm the Education Director at San Francisco Opera. I found a wonderful oasis in the neighborhood, called Birba. I frequent it during lunch breaks from work, and occasionally on weekends for brunch. I have found Birba to be a wonderfully welcoming place, thanks to owner Angie Valgiusti and her staff...and the food is healthy and delicious! Because of the welcoming atmosphere, I got into conversations with strangers and met Hayes Valley neighbors; everyone has been pleasant, respectful, and appreciative of the wonderful food and wine.

I understand that Angie is seeking a conditional use authorization from the Planning Commission in order to be able to use the rear yard patio area for its customers for food and beverage service. I strongly support the use of the rear yard patio by Birba Wine Bar's customers because it would be an opportunity to increase the positive atmosphere in an even more beautiful setting, and allow us to sit outside and enjoy the sun when the San Francisco weather allows. I understand that Angie and her staff have made extra efforts to be good neighbors; I'm sure those positive actions will continue. Birba is a unique find. A small independently-owned business, with a heart.

I would like to express my support for the project and the use of the rear yard patio, and I urge the Planning Commission to approve the project as proposed.

Sincerely,

Ruth Nott  
Wilsey Center for Opera  
Veterans Building  
401 Van Ness Avenue, 4<sup>th</sup> Floor  
San Francisco, CA 94102



October 1, 2015

Planning Department  
City and County of San Francisco  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

RE: 458 Grove Street  
Birba Wine Bar  
Rear yard patio use

To Whom It May Concern:

I work near the Birba Wine Bar at 458 Grove Street and wanted to write in support of their efforts to open the rear patio for use. Birba is simply a perfect addition to the neighborhood; I have come many times with my family and friends and have found that Angie and her team are doing an excellent job of running a new business. As a business owner myself in San Francisco, I know that there are many proverbial hoops to jump through for Angie and I want to support her and her team any way I can. She is a great addition to the neighborhood and her establishment is one that is difficult to imagine as a nuisance.

I understand that the owner, Angela Valgiusti, is seeking a conditional use authorization from the Planning Commission in order to be able to use the rear yard patio area for its' customers for food and beverage service.

I strongly support the use of the rear yard patio because it offers more outdoor space, which is very limited in the city, and especially in this neighborhood, and also because it would create more potential income for this young business. Angie and her team have been very respectful of the neighborhood, offering reasonable hours, and managing trash and noise appropriately. I encourage the Planning Department to approve her request to use the rear patio strongly.

Sincerely,

A handwritten signature in black ink, appearing to read "Ivan A. Serdar", written over a horizontal line.

Ivan A. Serdar, DMD  
260 Stockton Street, Floor 2  
San Francisco, CA 94108

**IVAN A. SERDAR, DMD, INC.**  
COSMETIC & RESTORATIVE DENTISTRY  
260 STOCKTON STREET, SECOND FLOOR  
SAN FRANCISCO, CA 94108  
415.3971030



**From:** [james warshell](#)  
**To:** [Grob, Carly \(CPC\)](#); [Luellen, Mark \(CPC\)](#); [Joslin, Jeff \(CPC\)](#)  
**Subject:** Birba case 2017-000655CUA and 2017-000655PRJ  
**Date:** Wednesday, May 03, 2017 8:17:05 PM

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On behalf of Hayes Valley Neighborhood Association and its Transportation and Planning Committee I am pleased to endorse Birba's expansion plan into the garden space and for sidewalk tables. In the year and a half that Birba has been in the community, it has shown itself to be a community resource and good neighbor. While their space is tight and near neighbors, they have done very comprehensive outreach and have broad support for their plan. They appear to be sensitive to making all feasible noise mitigations and their friendly, community oriented space should not present any unreasonable intrusion on their neighbors. We hope you endorse their plan.

Thank you,

Jim Warshell (for Transportation and Planning Committee)

Craig Hamberg (for HVNA Board)

Sent from my iPhone. "They tried to bury us....they didn't know that we were seeds"

## THE SLANTED DOOR

July 22, 2008

I have known Angela Valgusti professionally for many years and have had the pleasure of working with her at a number of Bay Area restaurants. Over the course of the past 10 years she has grown from a very competent server and wine enthusiast to an accomplished sommelier and wine expert.

At Mazzini Trattoria in Berkeley she was one of the most enthusiastic proselytizers of our Italian native grape wine list; at Oliver Mc Crum Wines – an Oakland based artisan wine importer – she gained further insight and knowledge into other aspects of the wine business, always bringing passion to her work; and at Slanted Door Restaurant she is one of the key and loyal members of the sommelier team whose hard work and dedication has helped to significantly increase sales and enhance the dining experience.

At this point, I could think of no one who has as much contagious enthusiasm for wine and hospitality – and is ready to take the next step in running her own wine-related business. I am sure that she would bring as much entrepreneurial drive and attention to detail to the task as anyone I have ever met in the world of food, wine and restaurants. She certainly inspires all those around her to strive for excellence and provide great service.

Sincerely,



Mark Ellenbogen  
Wine Director

Date: December 28, 2016

Planning Department  
City and County of San Francisco  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

RE: 458 Grove Street  
Birba Wine Bar  
Rear yard patio use

To Whom It May Concern:

The opening of Birba Wine Bar has been a great addition to the Hayes Valley neighborhood. Angie and her staff have done an excellent job of operating the restaurant. I have been there many times and she seems to have a consistent, local following and her business demonstrates that it fills an important need in the neighborhood.


I understand that owner, Angela Valgiusti, is seeking a conditional use authorization from the Planning Commission in order to be able to use the rear yard patio area for its customers for food and beverage service.

Birba Wine Bar is a very small business that makes very good use of a very small space. There are no major investors and no corporate sponsorship. It is a literal seat-of-the-pants operation. There is no room to grow without the modest expansion that the patio provides. If Angie succeeds, she can survive; if she fails, she loses her livelihood and all that she has personally invested. This will not be some corporate tax write-off, just another San Francisco small business taken down by the intransigence of their neighbor's self-indulgence.

San Francisco continues to be dominated by large corporate investors who play dominoes with our city, block by block. There is virtually no room for an individual start-up business unless you have unlimited funding and a dozen land-use attorneys on retainer. And that is not the definition of a "small" business.

Angie exemplifies the passion of a small entrepreneur. She loves what she does and the community responds in kind. She has demonstrated her good faith by running a clean, well-managed wine bar for the past 3 years. Give her a chance to survive.

I strongly support the use of the rear yard patio by Birba Wine Bar. I would like to express my support for the project and the use of the rear yard patio, and I urge the Planning Commission to approve the project as proposed.

Sincerely,  
  
Lester Zeidman  
The Good Life Grocery  
San Francisco

Magie Crystal  
Vous et Moi LLC  
471 Gough Street  
San Francisco, CA 94102

04/27/2017

Ms. Carly Grob  
Housing Implementation Planner  
Planning Department  
City and County of San Francisco  
1650 Mission Street #400  
San Francisco, CA 94103

Dear Ms. Carly Grob:

I am writing this letter in support of Birba's proposal to expand its current business to include an existing rear garden space to serve customers. In addition to providing revenue for the business, this expansion will enhance quality of life in the neighborhood and the experience of clients who frequent Birba.

I own Eres, just around the corner from Birba, as well as Alla Prima Fine Lingerie on Hayes Street. It is of great value to be able to direct clients to a unique establishment that reflects the spirit of our neighborhood, one in which I can be certain they will be provided a warm reception and superb quality of food and drink.

*I also own a home in Hayes Valley. As a local resident and business owner, I appreciate being able to leave on foot at the end of a workday to stop in for a meal, before heading home.*

Birba offers a very collegial and calm atmosphere, reflective of the residential nature of the area, unlike the kinds of eating and drinking places one might find in Cow Hollow or the Marina. It is not an environment that encourages amateur drinking or the usual accompanying behavior.

Meals at Birba, whether for lunch or dinner, often include civilized conversation with other locals or informed visitors. On any given visit, you might find yourself seated between a couple on their way to the opera and a young activist headed for a protest march at Civic Center, or perhaps next to a tech worker fresh off the Google bus. Birba is a place where folks can gather across the spectrum of lifestyles that makes San Francisco such a diversely rich urban experience.

Ms. Carly Grob

04/27/2017

Page 2

Exhibit F40

San Francisco is unique among important American cities in that it is not a city of huge monuments and flagship shopping districts. We are a city of unexpected views and neighborhoods full of local character. The character of our neighborhoods is defined not by Applebee's, Hard Rock Café, and Starbuck chains. It is defined, in large part, by boutiques and eateries that cater mostly to locals and operate under local ownership.

Birba fits neatly under this description of a "neighborhood gem". I wish we had one on every street (along with a cheese shop, a bakery, and a butcher...).

I've included my cell phone number and email address below. Please feel free to contact me at any time.

Sincerely,



Magie Crystal

Owner

Vous et Moi LLC (dba ERES)

Alla Prima LLC

415.516.3666

allaprimanb@att.net





Saturday, May 20<sup>th</sup>, 2017

Members of the Planning Commission;

I am writing in regards to the team from Birba, and their desire to expand their operation into the back patio of their location at 458 Grove Street. I am a fellow business owner operating nearby at 517 Hayes Street, and also operate a San Francisco location with a licensed outdoor patio at 531 Divisadero Street. Additionally, I am a board member of The Golden Gate Restaurant Association, a former board member of The Hayes Valley Neighborhood Association and a Hayes Valley resident to boot. I, along with my entire organization fully support their patience in this process, and their efforts to add this outdoor component to their business.

I know Angie Valgiusti to be a first-class operator, and that Birba's expansion to an outdoor courtyard will bring tremendous value to the neighborhood ecosystem that is Hayes Valley. I believe Souvla patrons and employees alike will all be big supporters and "regulars" there. Our two businesses, while technically competitors, have the potential for a truly remarkable, symbiotic relationship, for which I am very grateful for.

We collectively were so delighted to hear that they were finally allowed to continue the process of outdoor expansion, and we hope that they are allowed to continue to realize their goals to bring warm hospitality, quality beverages and a dynamic social and entertainment experience to our growing neighborhood.

I wish to place my personal support and the support of the entire Souvla organization behind their efforts. As responsible operators of outdoor venues, we could think of no better business to add such a valuable component to our neighborhood.

I will make myself available for any additional inquiries or questions. Please do not hesitate to reach me directly via email.

Sincerely,

A handwritten signature in black ink, appearing to read "Charles S. Billies". The signature is stylized with large, sweeping loops and a prominent vertical stroke.

Charles S. Billies

Founder & CEO  
Souvla  
charles@souvlasf.com

Date: January 2, 2017

Planning Department  
City and County of San Francisco  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

RE: 458 Grove Street  
Birba Wine Bar  
Rear yard patio use

To Whom It May Concern:

My name is Dominique Crenn. Apart from my 2 Michelin star restaurant - Atelier Crenn, I also own restaurant Petit Crenn in Hayes Valley just a block and a half from Birba Wine Bar at 458 Grove Street.

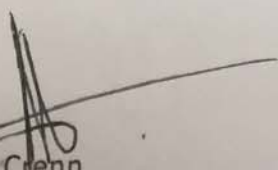
I understand the owner of Birba, Angela Valgiusti, is seeking a conditional use authorization from the Planning Commission in order to be able to use the rear yard patio area for her customers for food and beverage service.

The opening of Birba has been a great addition to the Hayes Valley neighborhood. Angie and her staff are doing a great job of operating this very quaint European Style Wine Bar. Being a woman restaurant owner in the food industry in this city, myself - I find it super important that the city support the few women who have the courage and drive go the distance to provide such character and depth to our lovely dining scene! Hayes Valley is also becoming known for supporting women in the food and wine industry - Petit Crenn, The Riddler, and Birba and 3 Sisters before all of those! Angie has worked hard to get this gem open and sustain a viable restaurant that will thrive with more room in the patio to serve it's respectful guests. She has hired such a great chef to help focus on food which would be so lovely to allow people to enjoy the delicacies they are providing to their patrons in such an enchanted garden.

We are in the heart of the city and Birba keeps hours that are extremely reasonable and will do the same in respect to the garden hours. It is so obvious that Birba is not noisy place - and that it is quite the opposite in fact - a truly special restaurant and wine spot.

I would like to express my support for the project and the use of the rear yard patio, and I urge the Planning Commission to approve the project as proposed.

Sincerely,



Dominique Crenn  
Atelier Crenn / Petit Crenn



Birba Events &lt;birbaevents@gmail.com&gt;

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**Birba case 2017-000655CUA and 2017-000655PRJ**

3 messages

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**Jen Pelka** <jen@theriddlersf.com>

Sat, May 20, 2017 at 1:30 PM

To: carly.grob@sfgov.org, mark.luellen@sfgov.org, jeff.joslin@sfgov.org

Cc: birbaevents@gmail.com

To the esteemed members of the Planning Commission,

In July, the Hayes Valley neighborhood wine bar, Birba, will be under consideration by your commission to open a small backyard outdoor patio to their guests. Knowing what terrific operators and neighbors the Birba team members are, I am writing with strong support of their application.

Birba is the kind of community-focused space that makes San Francisco such a great city: it's a place where neighbors can come to relax, catch up with friends, meet new ones and have a delicious bite to eat. Angie, the owner of Birba, is one of the kindest, most respectful, most generous restaurant operators that I know. She cares deeply about her guests and neighbors, and I am certain that she will create a space that will give back to the community.

As a restaurant owner in the neighborhood myself (I own The Riddler at 528 Laguna Street), I have been consistently impressed by how reliable and supportive Angie and her team have been to other business operators in Hayes Valley. Angie and I are, without a doubt, direct competitors: we both run small wine bars with focused food programs just a few blocks from one another. Rather than feeling adversarial, Angie and her team welcome me and my team into their doors with open arms, just as she does with any other guest. Her warmth and kindness are infectious, and everyone seems to have a wonderful time when visiting Birba.

I know that Angie and the team at Birba will do everything that they need to do to comfortably accommodate their neighbors while adding a great amenity of al fresco dining for her loyal guests.

Should you have any questions, please do not hesitate to reach out to me at [917.623.3404](tel:917.623.3404) or here by email.

Very best,  
Jen

--

Jen Pelka  
Owner & Champagne Inspector  
The Riddler  
[Instagram](#)  
[www.theriddlersf.com](http://www.theriddlersf.com)

---

**Birba Events** <birbaevents@gmail.com>

Sat, May 20, 2017 at 1:53 PM

To: Jen Pelka &lt;jen@theriddlersf.com&gt;

Woahhhhhh. That is so kind and wonderful and thank you thank you thank you!!!

You are the best.

Love Angie.

Sent from my iPhone

[Quoted text hidden]

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**Jen Pelka** <jen@theriddlersf.com>

Sat, May 20, 2017 at 2:25 PM

To: Birba Events &lt;birbaevents@gmail.com&gt;

Of course! You guys are the best. I want that patio out of pure selfishness for myself! (And it's total BS that you don't have it yet!)

[Quoted text hidden]

LAW OFFICE OF LAZULI WHITT

1448 SAN PABLO AVENUE • BERKELEY, CA • 94702

PHONE: 510-524-1093 • FAX: 510-527-5812

October 1, 2015

Planning Department  
City and County of San Francisco  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

Re: *458 Grove Street, Birba Wine Bar, rear yard patio use.*

Dear Madam or Sir:

I work in close proximity to the Birba Wine Bar, 458 Grove Street at the California Supreme Court, and Court of Appeal. The recent opening of Birba has been a positive and welcome addition to the Hayes Valley neighborhood. Angie Valgiusti and her staff are doing a wonderful job with the restaurant and wine bar. Since opening, I have come on numerous occasions for lunch, dinner and/or a glass of wine. The atmosphere at Birba is simple, friendly, and warm.

I understand that the owner Angela Valgiusti is seeking a conditional use authorization from the Planning Commission in order to be able to use the rear yard patio area for food and beverage service.

I strongly support the use of the rear yard patio by Birba's Wine Bar customers because (1) it is a beautiful location, (2) it is a local independent small business, (3) it is a wonderful addition to the culture of the neighborhood, and (4) Angie and her staff take significant steps to be good neighbors.

I would like to express my support for the project and the use of the rear yard patio, and I urge the Planning Commission to approve the project as proposed.

Sincerely,



Lazuli Whitt  
Attorney at Law  
1448 San Pablo Avenue  
Berkeley, CA 94702



Birba Events &lt;birbaevents@gmail.com&gt;

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**Birba case 2017-000655CUA and 2017-000655PRJ**

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**Mahima Murali** <mahimamurali@yahoo.com>

Tue, May 23, 2017 at 10:32 AM

To: carly.grob@sfgov.org, mark.luellen@sfgov.org, jeff.joslin@sfgov.org

Cc: birbaevents@gmail.com

Dear SF officials,

I'm writing in support of Birba and the addition of a patio to the restaurant. I own a business in Hayes Valley and absolutely love the vibe that Birba has brought to this community. My colleagues and I cherish the quiet time that we spend at Birba working on projects. The patio would be a fantastic addition.

The owners of Birba are thoughtful and considerate folks who are very committed to maintaining a community focused space. I have no doubt that the patio will be a welcoming and calming addition to Hayes Valley where there are several busy restaurants that are loud and difficult to work in.

Thank for considering my letter of support.

Sincerely,

Mahima Muralidharan, Psy.D.

Cofounder, Cohear SF



May 20, 2017

Planning Department  
City and County of San Francisco  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

RE: 458 Grove Street  
Birba Wine Bar  
Rear yard patio use

To Whom It May Concern:

The opening of Birba Wine Bar has been a great addition to the Hayes Valley neighborhood. Angie and her staff have done a formidable job of operating the restaurant so far. My husband, son and I used to live near Alamo Square and moved to Oakland recently. Despite our move across the bridge, I still go to Birba with my son (at least twice a month) to meet dear friends for a delicious meal and a glass of wine in an inviting atmosphere. There are very few casual high quality venues in San Francisco that welcome children in the way that Birba does; staff and patrons alike.

I understand that owner (Angela Valgiusti) is seeking a conditional use authorization from the Planning Commission in order to be able to use the rear yard patio area for its customers for food and beverage service.

I strongly support the use of the rear yard patio by Birba Wine Bar's customers because Birba carries an atmosphere of warmth, ease and great quality. Birba has maintained an inviting air due to the friendliness and accessibility that Angie and her staff provide. San Francisco is lacking in small neighborhood venues that have beautiful, outdoor sheltered seating in unique settings. Birba staff and its client base appreciate great conversation, quality food and wine mixed with warm company. Neighborhood venues like this should be encouraged in a city of San Francisco's scale.

Angie and her staff have made great strides and efforts in respecting the neighbors and continue to foster strong relationships with people near and far. These are the kind of small businesses we should be advocating for.

My husband, son and I would like to express our support for the project and the use of the rear yard patio, and we urge the Planning Commission to approve the project as proposed.

Sincerely,

Nora El Samahy, Patrick Kaliski, and Ziyad Kaliski (age 5)

1012 61<sup>st</sup> Street  
Oakland, CA 94608

Date: October 1, 2015

Planning Department  
City and County of San Francisco  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

RE: 458 Grove Street  
Birba Wine Bar  
Rear yard patio use

To Whom It May Concern:

Birba Wine Bar at 458 Grove Street is one of our dearest business partners. We value friendship with Birba Wine Bar and consider this place as a real gem of the Hayes Valley neighbourhood. Everyone on our team is enjoying lunches at Birba Wine Bar, and we think the food and atmosphere of this place is exceptional. It feels like family and tastes like home.

I understand that owner Angela Valgiusti is seeking a conditional use authorization from the Planning Commission in order to be able to use the rear yard patio area for its customers for food and beverage service.

I strongly support the use of the rear yard patio by Birba Wine Bar's customers because we love the place and appreciate the positive vibe that Birba Wine Bar provides to the neighborhood.

I would like to express my support to the project and the use of the rear yard patio, and I urge the Planning Commission to approve the project as proposed.

Sincerely,  
Stas Matviyenko  
CEO of Allset ([www.allsetnow.com](http://www.allsetnow.com))

2670 Leavenworth St, San Francisco, CA 94133

October 1, 2015

Planning Department  
City and County of San Francisco  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

RE: 458 Grove Street  
Birba Wine Bar  
Rear yard patio use

To Whom It May Concern:

I work in close proximity to the Birba Wine Bar at 458 Grove Street. The opening of Birba Wine Bar has been a great addition to the Hayes Valley neighborhood. Angie and her staff have done a great job of operating the restaurant thus far. I enjoy visiting for lunch and dinner, and always have wonderful experiences. Birba attracts a respectful crowd of well-behaved and tasteful patrons.

I understand that owner (Angela Valgiusti) is seeking a conditional use authorization from the Planning Commission in order to be able to use the rear yard patio area for its customers for food and beverage service.

I strongly support the use of the rear yard patio by Birba Wine Bar's customers. The open, inviting atmosphere at Birba could only improve with open air space. I'm confident they will continue to be respectful of their neighbors and welcome them to participate in the friendly environment they cultivate.

I would like to express my support for the project and the use of the rear yard patio, and I urge the Planning Commission to approve the project as proposed.

Sincerely,

Andrew Yandell  
Owner, Trumpet Wine

4096 18th St.  
San Francisco, CA

January 2, 2017

Planning Department  
City and County of San Francisco  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

RE: 458 Grove Street  
Birba Wine Bar  
Rear yard patio use

To Whom It May Concern:

My business partner and I run Hasti Pilates, the Pilates Studio at the corner of Laguna and Grove. We, the Pilates teachers of our studio, and the clients that come to Hasti have been thrilled with the addition of Birba to the neighborhood.

As you are well aware, Hayes Valley has become exceedingly popular. But, in our opinion, Angela Valgiusti's Birba is one of the few new establishments that has really added to the flavor and character of the neighborhood. Angela remembers customers from visit to visit, and is truly welcoming. Birba is one of the places in Hayes Valley where we feel the camaraderie of business ownership and general neighborhood good will. In a few short months, a friendly group of local workers and business owners found Birba and made it the regular haunt for Friday lunches.

We understand that Angela Valgiusti is seeking a conditional use authorization from the Planning Commission in order to be able to use the rear yard patio area for its customers for food and beverage service.

We sincerely hope this authorization will be granted. As Hayes Valley gets more dense, we need to try and keep some outdoor spaces for the public. Patricia's Green is fabulous, but it is not enough. We have every confidence that Angela Valgiusti, her staff at Birba and the customers of Birba would be delighted to use the garden and would treat it with the respect that the neighbors and the neighborhood require. The competition for the restaurant business is intense. Any feature that a small business such as Birba can highlight, like a garden, helps that small business sustain and grow its success.

We would like to express our support for the project and the use of the rear yard patio, and we urge the Planning Commission to approve the project as proposed.

Sincerely,

Alexandra Donahue  
Shona Curley

January 2nd, 2017

Planning Department  
City and County of San Francisco  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

RE: 458 Grove Street  
Birba Wine Bar  
Rear yard patio use

To Whom It May Concern:

I reside/work in close proximity to the Birba Wine Bar at 458 Grove Street. The opening of Birba Wine Bar has been a great addition to the Hayes Valley neighborhood. Angie and her staff have done a great job of operating the restaurant so far. I have always been very happy to come to this wonderful establishment as a home away from home because I feel that every time that I am there, whether it is lunch or dinner with my partner, respect is given and a good relaxing time is had. I feel that the ambiance is what I am always looking for in a well executed business, noise level appropriate, not too loud, clean and orderly and very welcoming. I look forward to being able to experience more time here as a continued patron that supports a valuable business with a quaintness that brings a cherished energy to the wonderful neighborhood that is thriving on culture, diversity, and an entrepreneurial mindset in San Francisco.

I understand that owner (Angela Valgiusti) is seeking a conditional use authorization from the Planning Commission in order to be able to use the rear yard patio area for its customers for food and beverage service.

I strongly support the use of the rear yard patio by Birba Wine Bar's customers because it will add a fantastic feel of community to this neighborhood and will only create more of a homey atmosphere to the already cozy business that is ran professionally. Business hours are accommodating and considerate to the patrons and also the neighborhood occupants. I feel that the business is humble and will continue to run in ordinance to bring a positive experience to the neighborhood.

I would like to express my support for the project and the use of the rear yard patio, and I urge the Planning Commission to approve the project as proposed.

Sincerely,

Ashley E. Clark

3066 25th Street  
San Francisco, Ca 94110



October 8<sup>th</sup>, 2015

RE: 458 Grove Street  
Birba Wine Bar  
Rear yard patio use

To Whom It May Concern:

Birba Wine Bar is an amazing place that has added personality and warmth to Hayes Valley. Angie and her staff do a great job making guests feel welcome and appreciated. The food, the wines, and the ambience have brought me back for several meals and conversations. Birba is charming.

I want to voice my support for the use of the rear yard patio by Birba customers. The yard would add comfortable usable space to what is a very small room. Birba is a destination for folks looking to relax with a glass of wine amongst familiar faces. The use of the patio would greatly enhance Angie's ability to provide this service to her loyal clients. (and new ones)

I know that Angie and her staff work hard to create the feel of Birba. The service is personal, everything is always clean, and the bar is not noisy. Music and voices are kept at polite volumes, and guests are encouraged to respect the bar's neighbors when leaving.

I strongly encourage the Planning Commission to approve the proposed project.

Sincerely,  
Eric Fountain

**Erik Olsen Graphic Design**

450 Linden Street  
San Francisco Ca 94102  
Tel 415 565 7125  
Fax 415 565 7132

02 January 2017

olsenoffice.com

## **458 Grove Street / Birba Wine Bar / Rear Patio Use**

**Planning Department  
City and County of San Francisco  
1650 Mission Street Suite 400  
San Francisco CA 94103**

To Whom It May Concern —

I work in close proximity to the Birba Wine Bar at 458 Grove Street, which has been a great addition to the Hayes Valley neighborhood. I patronize Birba regularly, and Angie and her staff provide a warm, calm and inviting atmosphere in addition to great food and wine. I understand that the owner Angela Valgiusti is seeking a conditional use authorization from the Planning Commission in order to be able to use the rear yard patio area for its customers for food and beverage service.

I strongly support the use of the rear yard patio by Birba Wine Bar's customers. An open air space would be a welcome addition to both Birba and the neighborhood, as there are limited spaces for outdoor dining in the area.

I understand that there may be some concerns from neighbors in regards to potential noise and disruption, however, having known Angie for over a year, I know that she is aware of the concerns, and is firmly committed to being a good neighbor, and ensuring that the use of outdoor space would have minimal negative impact on her neighbors — I know she intends to maintain reasonable hours, not play loud music, etc. Birba patrons are quiet and respectful, and would respect the nature of the patio and the proximity of the neighbors.

I would like to express my support for the project and the use of the rear yard patio, and I urge the Planning Commission to approve the project as proposed.

Sincerely,












Erik Olsen

# **EXHIBIT G**

# Petition in Support of Birba's Application to the Planning Department to Open its Patio on Location at 458 Grove Street

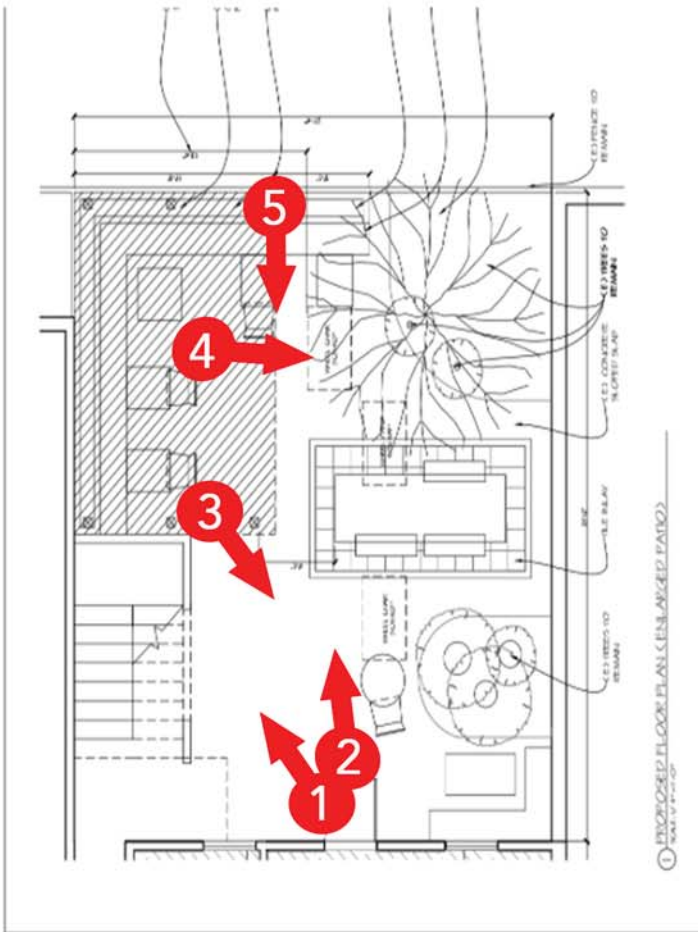
Petition summary and background	The existing City's Planning Department authorization for Birba at 458 Grove Street does not allow the use of the on-site rear yard patio until a conditional use authorization has been obtained from the Planning Commission, whereby the use of rear yard patio is approved as an "outdoor activity area." Your signature below indicates your support of Birba in its pursuit of the necessary City approvals in order to open the rear yard patio to its customers for food and beverage service.
Action petitioned for	We, the undersigned, are neighbors, customers and supporters of Birba, 458 Grove Street, who hereby support Birba in its application for the necessary City approvals to use the rear yard patio outdoor activity area and <b>we urge the Planning Department and Planning Commission to approve Birba's application for a conditional use permit for an outdoor activity area.</b>

Printed Name	Signature	Address	Comment, if any	Date
Jill Unikel		1 Polk St. #1302 SF, CA 94102	We need more outdoor seating in this neighborhood!	9/13/15
Jon Wad		1801 K St #1302 SF, CA 94102		9/13/15
VINNY ENGBL		1297 Church St SF CA 94114		9/13/15
Amiguel Linder		83 Sanchez St SF, CA 94117		9/13/15
ALLY MARGARET		4065 24th St 94114	We need more wine bars with patios in SF!!	9/13/15
MARGARET AHN		25 Russ St #2 SF CA 94103	<del>We</del> we need more outdoor spaces.	09/13/2015
Alex Ma3o		146 Lower Tex, SF	94114	9/13/15
Emily Lays		140 Haight #2, SF 94102		9/13/15
Erica Steger		525 Grove St. 94102		9/13/15

# 3

# **EXHIBIT H**





1. view from birba back door to windows at 470 that will be above pergola view from birba back door into yard and staircase

2. view from birba back door into back patio

3. view to brick wall at 448 grove and corner connected birba

4. view to brick wall at 448 grove at inner edge of large tree near back fence

5. view from back fence into birba patio



# **EXHIBIT I**

Acoustics

Audiovisual

Telecommunications

Security

19 January 2017

Angela Valgiusti

**Birba**

458 Grove St.

San Francisco, CA 94102

Email: birbawine@gmail.com

Subject: **Birba Wine Bar Patio Expansion Acoustics, San Francisco, CA**  
CSA Project: 17-0006

Dear Angela:

Further to our recent visit to site we are pleased to present our findings and recommendations.

We understand that you are planning to provide outdoor seating for up to 26 patrons on the rear patio of your restaurant at 458 Grove Street. As part of the patio development, background music will also be provided.

As part of planning process, it needs to be shown that sound from patio use to neighboring residential properties is minimized through the use of sound mitigation measures. This report presents our findings and recommendations.

## **SITE SURVEY**

We visited site on the evening of 5 January 2017 to measure background noise levels in the rear patio area. The patio is planned to be open until 10 pm each day. Between the hours of 8 pm and 10 pm we measured A-weighted noise levels of between 39 dB and 45 dB L<sub>90</sub>.

## **PATIO PATRON NOISE ASSESSMENT**

It is planned to have seating for 26 patrons on the patio. We have assumed that half of those will be speaking in a raised voice at any one time. The nearest residential property is located along the north west property line of patio. The nearest affected window is a distance of approximately 15-feet above the seating closest to the property line. The predicted sound level at the property line is presented in Table 1 below:

Charles M. Salter, PE  
David R. Schwind, FAES  
Eric (Broadhurst) Mori, PE  
Philip N. Sanders, LEED AP  
Thomas A. Schindler, PE  
Durand R. Begault, PhD, FAES  
Anthony P. Nash, PE  
Ken Graven, PE, RCDD, CTS-D  
Cristina L. Miyar  
Jason R. Duty, PE  
Thomas J. Corbett, CTS  
Eric A. Yee  
Joshua M. Roper, PE, LEED AP  
Peter K. Holst, PE, LEED AP  
Ethan C. Salter, PE, LEED AP  
Craig L. Gillan, RCDD  
Lloyd B. Ranola  
Alexander K. Salter, PE  
Jeremy L. Decker, PE  
Rob Hammond, PSP, NICET III  
Andrew J. McKee  
Steven A. Woods  
Josh J. Vallon  
Josh J. Harrison  
Valerie C. Smith, PE  
Benjamin D. Piper  
Elisabeth S. Kelson  
Brian C. Wourms  
Ryan G. Raskop, LEED AP  
Diego Hernandez  
Ryan A. Schofield  
Alex T. Schiefer  
Abner E. Morales  
Adrian L. Lu  
Greg R. Enenstein  
Philip J. Perry, PMP  
Steve L. Leiby  
Kenneth W. Lim  
Felipe Tavera  
Blake M. Wells, LEED GA  
Heather A. Salter  
Dee E. Garcia  
Catherine F. Spurlack



**Table 3: Patio sound assessment**

	Sound level
Single patron speaking in raised voice (@ 3.3 ft)	65 dBA*
13 seated patrons speaking in raised voices	+11 dB
Distance loss from 3.3 ft to 15 ft	-13 dB
<b>Predicted seated patron sound at property line</b>	<b>63 dBA</b>

\*Reference: Table 14.1 from Handbook of Noise Control – 2<sup>nd</sup> Edition

It should be noted that sound of human speech is explicitly exempt from *Article 29- Regulation of Noise* of the San Francisco Police Code and so would not be subject to action should neighbors complain. However, it is a consideration of the planning department prior to the issuance of permits. At the current predicted level, patron patio sound is likely to be audible inside the nearest property when windows are open.

Music sound is subject to the San Francisco Police Code and so is discussed later in the report.

## DESIGN RECOMMENDATIONS

In order to minimize the impact of patio sound on the nearest neighboring properties the following measures are recommended.

### Pergola

The proposed pergola has the potential to be hugely beneficial in terms of sound mitigation. We recommend constructing it with a solid roof to provide screening to the windows above. Any roof sheathing material with a minimum surface weight of 2 lbs/sf would be suitable (3/4" plywood; 1/2" Densdeck etc.). The roof canopy should be constructed without any holes or gaps between boards.

We recommend that the underside of the pergola and the rear wall of the seating area below the pergola be covered with an absorptive material. A product such as PEPP (porous expanded polypropylene) is suitable. Product literature is attached. This material is soft and porous by nature and so to protect it from impact damage, it can be covered in a perforated metal such as Corten (<http://www.perforatedcorten.com/perforated-corten-flat-sheets.html>).

Finally, we recommend extending the pergola roof to the edge of the proposed large communal table. This extension will provide additional beneficial screening from this area to the windows of the neighboring property.

We would predict that the solid pergola roof and absorptive material would reduce patron sound by as much as 10 dB to the nearest windows.

## Water Feature

Existing patio background sound levels are fairly low, as such you could consider installing a water feature to artificially raise the ambient noise level and mask some of the patron sound. A water feature such as a multi-tier fountain would be ideal.

## MUSIC SOUND

It is planned to have low levels of background music played through speakers located around the patio. Commercial music is subject to *Section 2909 – Noise Limits* of the San Francisco Police Code which states the following:

**Section 2909 (b) - Commercial And Industrial Property Noise Limits.** *No person shall produce or allow to be produced by any machine or device, music or entertainment or any combination of same, on commercial or industrial property over which the person has ownership or control, a noise level more than eight dBA above the local ambient at any point outside of the property plane. With respect to noise generated from a licensed Place of Entertainment or licensed Limited Live Performance Locale, in addition to the above dBA criteria a secondary low frequency dBC criteria shall apply to the definition above. No noise or music associated with a licensed Place of Entertainment or licensed Limited Live Performance Locale shall exceed the low frequency ambient noise level defined in Section 2901(f) by more than 8 dBC.*

For the purposes of the assessment, *Section 2901 – Definitions* of the Police Code defines the minimum A-weighted ambient noise level as 45 dBA.

**Section 2901 (a)** *"Ambient" means the lowest sound level repeating itself during a minimum ten-minute period as measured with a type 1, precision sound level meter, using slow response and "A" weighting. The minimum sound level shall be determined with the noise source at issue silent, and in the same location as the measurement of the noise level of the source or sources at issue. However, for purposes of this chapter, in no case shall the ambient be considered or determined to be less than: (1) Thirty-five dBA for interior residential noise, and (2) **Forty-five dBA** in all other locations. If a significant portion of the ambient is produced by one or more individual identifiable sources of noise that contribute cumulatively to the sound level and may be operating continuously during the minimum ten-minute measurement period, determination of the ambient shall be accomplished with these separate identifiable noise sources silent or otherwise removed or subtracted from the measured ambient sound level.*

Therefore, to comply with the San Francisco Police Code, patio music sound should not exceed the minimum ambient noise level by 8 dBA. This equates to a maximum sound level of 53dBA at the nearest window of the neighboring property.

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## MUSIC SOUND RECOMMENDATIONS



In order to comply with the San Francisco Police Code, music sound should not exceed 53 dBA at the nearest residential window, approximately 15 feet from the nearest seating area.

To achieve this, we recommend that any speakers are located at low level, being either floor mounted, or mounted under seating.

Speakers should be preliminarily set with a sound limit of 60 dBA at 3ft. This will be loud enough to be audible above ambient and when only a few patrons are talking, but low enough that voices do not need to be raised further to be heard above the music.

\* \* \*

This concludes our patio noise review for Birba in San Francisco. Should you have any questions, please give us a call.

Sincerely,

**CHARLES M. SALTER ASSOCIATES, INC.**



Andrew J. McKee  
Principal Consultant

TAS/ajm

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**MATERIAL:** Semi-Rigid Porous Expanded Polypropylene Acoustical Bead Foam (P.E.P.P.)

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**COLOR:** White, Charcoal

**THICKNESS:** 1" & 2"

**SIZES:** Exact Cut: 24" x 24", 24" x 48", Nominal: 2' x 2', 2' x 4', Custom Sizes Available – Maximum Panel Size: 25" x 49"

**FLAMMABILITY:** ASTM E84, Class A. 1": Flame Spread: 3, Smoke Developed: 84  
2": Flame Spread: 5, Smoke Developed: 113

**INSTALLATION:** ASI Noise S.T.O.P. Acoustical Adhesive, Standard T-bar Grid, Mechanical Fasteners

### \*Note to all installers:

Sound Silencer™ PEPP is a thermal molded product, and although tough to see, one side of the panel will have injection and mold release marks. These are circular marks that range in size and indent depth. These marks denote the back side of the panel so panels should be installed with these marks facing the wall or ceiling for best possible aesthetical outcome. Product is not UV Stable.

### Sound Absorption / Noise Reduction

	Mount	125 Hz	250 Hz	500 Hz	1000 Hz	2000 Hz	4000 Hz	NRC*
Sound Silencer 1"	Wall Mounted	0.05	0.06	0.21	0.80	0.65	0.75	0.45
Sound Silencer 1"	Wall with 3/4" air space	0.06	0.13	0.51	0.79	0.62	0.79	0.50
Sound Silencer 1"	Wall with 1" B.A.C**	0.11	0.58	1.07	0.71	0.74	0.72	0.80
Sound Silencer 2"	Wall Mounted	0.07	0.21	0.81	0.85	0.93	0.88	0.70
Sound Silencer 2"	Wall with 3/4" air space	0.10	0.29	0.99	0.74	0.90	0.93	0.75
Sound Silencer 2"	Wall with 1" B.A.C**	0.17	0.81	0.97	0.85	0.89	0.92	0.90
Sound Silencer 1"	Ceiling E400	0.46	0.59	0.42	0.49	0.76	0.86	0.55
Sound Silencer 2"	Ceiling E400	0.51	0.52	0.52	0.77	0.89	0.98	0.70
Sound Silencer 1"	Wall C423 12" spacing	0.04	0.07	0.20	0.83	0.81	1.00	0.50
Sound Silencer 2"	Wall C423 12" spacing	0.09	0.21	0.82	1.11	1.11	1.12	0.80

\*Noise Reduction Coefficient \*\*Echo Eliminator Bonded Acoustical Cotton

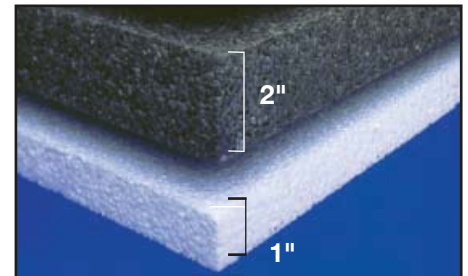
### Sound Transmission Loss

	125 Hz	250 Hz	500 Hz	1000Hz	2500 Hz	5000 Hz	STC* Rating
Sound Silencer 1"	6	5	7	8	10	15	9
Sound Silencer 2"	9	8	10	10	17	22	13
Sound Silencer with 5/8" gypsum both sides	27	27	29	31	32	45	32

\*Sound Transmission Coefficient

Sound Transmission Loss independently tested to ASTM E-90 standards

### Sizes and Dimensions

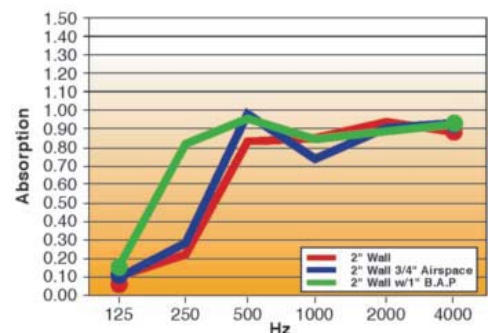
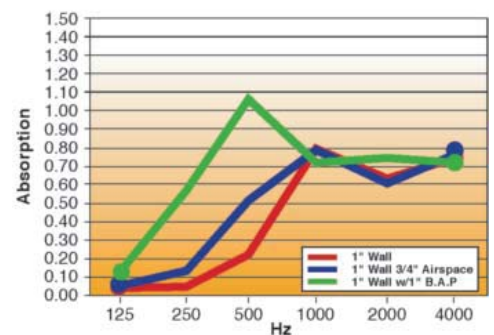


Available in 1" and 2" thicknesses.

Weight: 1" 1/4 lb./sf 2" 1/2 lb./sf  
Sizes – Exact cut: 24" x 24", 42" x 48".

Nominal: 2' x 2', 2' x 4'.

Custom sizes available –  
Maximum panel size: 25" x 49".



# HANNAH COLLINS DESIGNS

## LARGE PLANTERS



Senecio vitalis



Chamaerops humilis



Phormium



Dracaena draco



# HANNAH COLLINS DESIGNS

## LARGE PLANTERS



*Bismarckia nobilis*



*Cordyline 'Electric Flash'*



*Nassella tenuissima*  
(Stipa)

\* Filler

# HANNAH COLLINS DESIGNS

## LARGE POTS



Shanker



Aloe vera



# HANNAH COLLINS DESIGNS

## MEDIUM POTS



Shanker



Aloe vera



Euphorbia Sticks on  
Fire



Agave franzosinii

# HANNAH COLLINS DESIGNS

## SMALL POTS



Agave Blue Glow



Variety of succulents



Euphorbia lanata



Myrtillocactus  
geometrizans

**From:** [Birba Events](#)  
**To:** [Michael Welch](#)  
**Cc:** [Bill Matsumoto](#); [Cary Heater](#); [Kitty Lopez](#); [Jim Warshell](#); [Emily Collins](#); [Hannah Collins](#)  
**Subject:** Re: Lack of Noise Attenuation from Proposed Pergola  
**Date:** Wednesday, June 28, 2017 12:51:11 PM  
**Attachments:** [image006.png](#)

---

Mike and 470 Grove owners,

Thank you for your patience as we have had to have extensive discussions with various parties to help us work through the information and understand all the possible impacts and reasonable plans.

As you were aware, we had our sound engineers review all of the data from your study as well as your concerns. The *indented/blue* text below is information directly quoted from our sound consultant's response to us post-review of your sound analysis w VAC:

*The math/sources used in the report are essentially the same as we used and they would essentially have come to the same noise level had they not massively overestimated the number of people using the patio.*

*There are, however, some fundamental errors that don't necessarily change the outcome but makes us question their experience in these types of projects.*

*They state  $L_{min}$  as the suitable ambient parameter, when SF Police Code Article 29 (in their very handy Guidelines document) clearly define ambient as  $L_{90}$ .  $L_{min}$  is the minimum noise measured during any period, which is not a good metric when assessing background noise, which varies over time. We did report ambient noise levels below what they reported, however, SF Police Code fixes minimum external ambient at 45 dB  $L_{90}$ . Ambient levels below this are therefore irrelevant for Code enforcement purposes.*

## 5.1 Definition of Ambient

Article 29 of the Police Code defines "Ambient" as the lowest sound level repeating itself during a minimum ten-minute period. The minimum sound level shall be determined with the noise source at issue silent, and in the same location as the measurement of the noise level of the source or sources at issue. Under most conditions, the  $L_{90}$  (the level of noise exceeded 90% of the time) is a conservative representation of the ambient.

*regularly repeating noises such as traffic noise and wind chimes.*

*VAC also cites  $L_5$  as a suitable parameter for assessing "worst case". This is not a parameter that is used in San Francisco (it is used by Oakland). Typically we would assess noise like this using the  $L_{eq}$  parameter, but this is a minor point as voices will be the dominant noise source on the patio.*

*The biggest disparity between their assessment and ours is the number of patrons using the patio. We have used approximately half the number they have, which would result in a 3dB reduction in noise compared with their "raised voice" assessment, reducing theirs to 65, against our 62. Nothing about Birba suggests a rowdy crowd and so a "loud voice" assessment doesn't make any sense here. Our assessment is based on actual dimensions of the patio and distances to the window, which would likely account for the additional 2dB difference (their 65dB vs our 63dB).*

*The above discussion is a little academic, however, as the results would be pretty much the same if apples were compared to the same number of apples. Noise will be above ambient when the patio is fully occupied, we all acknowledge this.*

*At this stage it's important to emphasize, voices are NOT subject to the SF Police Code, only music and fixed equipment etc. As such, the Code is more of a guideline to the Planning Department rather than an absolute. Typically in these types of situations the Planning Department are looking for ways that patron noise can be mitigated, rather than looking for patron noise to achieve a set noise level (although the Code will be used as a guide).*

*This brings us to the next part, the pergola roof/screen. The statement that screens (in this case in the form of a roof) don't work is a bizarre one. I don't know if that's them being deliberately obtuse or not understanding a fundamental of acoustics. The roofs purpose is to reduce noise to particular windows directly above the patio by taking away the direct line of sight (this is how screening works). Sealing the roof against the rear wall will make little difference in its effectiveness (although you may want to do it to prevent rain dripping behind the seats) since seating along the wall will push patrons away from the wall and place the noise sources (voices) entirely below the roof (and so screened from the windows above).*

*If you wanted to extend the pergola roof to the rear fence, some additional screening may be achieved, however I believe there would already be no direct line of site from patrons to windows without extending it. We have already recommended lining the roof and rear wall with absorptive material to reduce reflections.*

*The predicted noise levels at the rear properties are ~57dBA at the line single windows to the left (approximately 30ft from the nearest table) and ~55dBA at the widows to the right (approximately 40ft from the nearest table), 2-4dB above the "Code allowable" noise level.*

*If the existing fence provides at least line of site screening from tables to windows (i.e. You can't see tables from the windows), noise will be reduced by a further 4 to 5dB, which would make it Code compliant.*

*Mitigation wise, I think it may be reasonable to offer window upgrades to the two windows directly above the patio, but providing upgrades to those at the rear is unreasonable and wall upgrades completely unnecessary.*

### **Birba Project Team Conclusion**

The sound analysis by VAC uses an estimated 49 persons with all the loudest possible "worst case scenario" males voices represented. This is not only an inaccurate representation of the proposed seated occupancy of 29 persons, but additionally is truly biased, as the percentage of female patrons on any given day which is closer to ~75% average of the daily total.

Based on the very thorough vetting of the information provided and recommendations received by our very knowledgeable sound consultant team listed above, we are confident that our *existing* plans and proposal for the limited-seating occupancy for dining, inclusive of all the planned mitigation measures we have provided thus far, including the offering to replace the 2 windows above the pergola on the property line, will in fact provide the appropriate mitigation.

We will be considering any further recommendations from the planning commission as we move forward.



Please let us know if you have any further questions.

Thank you,

Tania  
Birba  
458 Grove St.  
SF

On Fri, Jun 23, 2017 at 11:24 AM, Birba Events <[birbaevents@gmail.com](mailto:birbaevents@gmail.com)> wrote:  
Hi Mike!

Thanks for checking in. Our sound engineers did their analysis of the data and got back to yesterday.

I am now working to regroup w our counsel and design team to discuss their findings and get back to you as soon as possible. I am hoping to have something back to you by early next week.

Thanks!  
Tania

Sent from my iPhone

On Jun 23, 2017, at 2:17 PM, Michael Welch <[mikewelch7@yahoo.com](mailto:mikewelch7@yahoo.com)> wrote:

Hi Tania,

Have you had a chance to review with your team? As the hearing is less than one month away, we're very interested in your ideas as to how the patio plans can be improved to mitigate noise to the neighbors. Please let us know your thoughts and send along any modified plans demonstrating noise attenuation.

Best Regards,

Mike Welch  
470 Grove St HOA

On Monday, June 19, 2017 6:14 PM, Birba Events <[birbaevents@gmail.com](mailto:birbaevents@gmail.com)> wrote:

Thanks Mike -

We will take this info and work with our team to understand the data and get back to your as soon as we can.

Have a lovely evening!

On Mon, Jun 19, 2017 at 4:46 PM, Michael Welch <[mikewelch7@yahoo.com](mailto:mikewelch7@yahoo.com)> wrote:

Hi Tania,

I have confirmed with Sergio that the site used as comparison was Arlequin. I have requested this information be added to the final report:



"Arlequin Cafe & Food To-Go, where they have a un-roofed patio with similar dimensions.

Address:

384 Hayes St, San Francisco, CA 94102"

Best Regards,

Mike Welch

On Monday, June 19, 2017 3:07 PM, Birba Events <[birbaevents@gmail.com](mailto:birbaevents@gmail.com)> wrote:

Mike -

I just briefly looked at the first 2 pages and will dive into this a bit deeper.

First thing I am looking to get detail is on understanding this info:

#### Section 2

"We visited a neighborhood wine bar (a few blocks from 470 Grove Street) on 26 May 2017, from approximately 6:00pm – 6:45pm, to collect representative 'courtyard wine bar crowd' noise. These data were measured three times, in 15-minute intervals, with the courtyard occupancy noted during each measurement cycle. "

#### Section 3.2

"We collected representative 'courtyard wine bar crowd' noise data from a neighborhood wine bar a few blocks away from 458/470 Grove Street. This location was chosen as it is a similar type of business establishment to Birba, and being in the same neighborhood, may have similar clientele as Birba. "

Can we please have the address and location used for "comparable noise" in a 'courtyard wine bar crowd'?

This is crucial to understand this data.

Thanks!

On Mon, Jun 19, 2017 at 10:12 AM, Michael Welch <[mikewelch7@yahoo.com](mailto:mikewelch7@yahoo.com)> wrote:

Hi Tania,

In the interest of time, I have asked the acoustic engineers to provide a draft of their study. This is attached for your review. The study has raised significant concerns regarding the noise levels that any expansion into the back patio would represent to neighboring home. Please review and let us know your thoughts on how the plans for use of the back patio could be improved to help mitigate sound intrusion.

Best Regards,

Mike Welch  
470 Grove St HOA  
415.407.6819

On Friday, June 16, 2017 2:48 PM, Michael Welch <[mikewelch7@yahoo.com](mailto:mikewelch7@yahoo.com)> wrote:

Hi Tania,

We are still awaiting the final study. I will prompt the consultant again and remind them we're working on deadline.

Best Regards,

Mike Welch

On Friday, June 16, 2017 9:18 AM, Birba Events <[birbaevents@gmail.com](mailto:birbaevents@gmail.com)> wrote:

Michael -

I just want to ensure it was clear that once we receive *your final info (including our requests for details above)*, we will then reconvene with our own design team and sound engineers on our end. This will help ensure we have the most robust understanding of all the details in order to make the most informed and holistic plans/decisions/responses to *both* of your proposals/questions.

We tried our best but truly didn't seem to have enough context to respond to the best of our ability.

Do you know when that final info might be received?

Thanks

Tania

On Wed, Jun 14, 2017 at 8:43 AM, Birba Events <[birbaevents@gmail.com](mailto:birbaevents@gmail.com)> wrote:

Hi Mike

Sounds great. Thank you.

Our hope is to obtain the information that I just requested regarding the details of your reports and consultation in order to be able to move forward and provide a proper well informed response to your proposals.

Thanks!

Sent from my iPhone

On Jun 14, 2017, at 8:28 AM, Michael Welch <[mikewelch7@yahoo.com](mailto:mikewelch7@yahoo.com)> wrote:

Hi Tania,

Yes, of course, we will share this. The consultant is still making modifications. We'll send along the final version upon receipt.

Just a friendly reminder that we're waiting for response to our proposal from last week as well as the proposed modifications to the pergola to ensure effective sound attenuation.

Best Regards,

Mike Welch

On Tuesday, June 13, 2017 5:36 PM, Birba Events <[birbaevents@gmail.com](mailto:birbaevents@gmail.com)> wrote:

Mike,

Thank you for your emails.

We appreciate the open dialogue and are committed to continuing to be the best neighbors we can be.

We care about the neighborhood very much and engaged early in the process with a noise consultant in order to determine the existing and proposed noise levels to evaluate whether any measures might be appropriate to reduce any potential noise emitted from the patio.

We received some suggestions from our noise consultant on measures that could be incorporated for the benefit of all neighbors. We have agreed to incorporate those measures and believe that they will be beneficial also to our neighbors at 470 Grove.

We understand that you have concerns about potential noise that would be perceived inside the units at 470 Grove. We have the estimates from you (from West Coast Sound Solutions) for additional soundproofing to those units and as you stated you are also working with Vibro-Acoustic Consultants.

What would be very helpful for us is would be if you could share any reports that your consultant prepared specifically addressing the estimated noise levels from the patio as well as the existing acoustical ratings for the 470 Grove building. Could you kindly send any such reports to us?

We want to be sure that we are addressing any noise concerns in the best possible way and having any information your consultant put together would be very helpful to have.

Thank you,  
Tania

On Tue, Jun 13, 2017 at 10:38 AM, Birba Events <[birbaevents@gmail.com](mailto:birbaevents@gmail.com)> wrote:

Hi Michael -

I apologize for not getting back to you yesterday.

We are working through a bit more of the details. You should have our response back by mid to end of the week at the latest.

Thank you!  
Tania

On Fri, Jun 9, 2017 at 9:40 PM, Birba Events  
<[birbaevents@gmail.com](mailto:birbaevents@gmail.com)> wrote:

Thanks again for the info. Have a great weekend.

Tania

On Fri, Jun 9, 2017 at 9:29 PM, Michael Welch  
<[mikewelch7@yahoo.com](mailto:mikewelch7@yahoo.com)> wrote:

Hi Tania,

Units #2 (bottom) and #4 (top) are on the North side of the property. Those two units overlook the patio.

Mike

On Friday, June 9, 2017 6:46 PM, Birba Events  
<[birbaevents@gmail.com](mailto:birbaevents@gmail.com)> wrote:

Hi Michael -

Quick question, would you mind letting me know which units run on which side of the building - really looking to specifically understand the 2 bottom and top units that abut the patio.

Thank you.

On Fri, Jun 9, 2017 at 1:45 PM, Birba Events  
<[birbaevents@gmail.com](mailto:birbaevents@gmail.com)> wrote:

Thanks so much.

As stated in my last email, we are having our meeting today and should have a response for you by Monday.

Thanks again.

On Fri, Jun 9, 2017 at 1:34 PM, Michael Welch  
<[mikewelch7@yahoo.com](mailto:mikewelch7@yahoo.com)> wrote:

Hi Tania,

Of course. We are working with Vibro-Acoustic Consultants of San Francisco:

[http://va-consult.com/cat\\_aboutus.html](http://va-consult.com/cat_aboutus.html)

Best Regards,  
Mike Welch

On Friday, June 9, 2017 1:19 PM, Birba Events  
<[birbaevents@gmail.com](mailto:birbaevents@gmail.com)> wrote:

Hi Mike,

Can you please provide information/credentials for the consultant you are working with?

Thank you

On Fri, Jun 9, 2017 at 12:49 PM, Michael Welch  
<[mikewelch7@yahoo.com](mailto:mikewelch7@yahoo.com)> wrote:

Hi Tania,

The consultant focused on noise study for 470 Grove is just wrapping up. I have received a few comments on the proposed plan from the consultant and wanted to share one relating to the design. Please see comments below:

***"The planned pergola structure for the proposed expansion offers no noise attenuation as it is open on two (2) sides of the structure. Additionally, the plans do not discuss how the two sides of the pergola structure will join the existing fence and building. In order to demonstrate any significant efficacy, the pergola structure would need to close tightly and seal against the existing fence and building to avoid sound flanking through gaps, and lined with sound absorbing materials to suppress emission of reflected sounds off the structure."***

Could you please review and revise the plans to reflect how the pergola will join the fence and building to provide noise attenuation?

Best Regards,

Mike Welch  
470 Grove Street HOA  
415.407.6819



**From:** [Christophe Begue](#)  
**To:** [Grob, Carly \(CPC\)](#)  
**Subject:** Regarding Birba @ 458 Grove San Francisco CA  
**Date:** Sunday, July 09, 2017 9:32:20 PM

---

I oppose the Conditional Use authorization of the back patio at 458 Grove until the project sponsors produce a plan that mitigates noise from their business and address other outstanding concerns of neighboring properties (including real limitations on hours of operation and termination of the permit if Birba ceases to operate in the space).

I have been living at 449 Fulton for 15 years. My wife and I have always been very happy to see new businesses, bars, coffee shops, restaurants open in the neighborhood. And in fact we really do not have any issues with or anything against Birba in its current configuration (that is WITHOUT any outdoor back patio). We find the current Birba to be a nice and lively local business. However the proposed addition of an outdoor patio in the back of the business is seriously ill conceived and will be a source of major noise disruption to the neighborhood, a disruption that will very seriously impact our quality of life.

A few years ago the backyard of the building just next door to where Birba is located was used for several "office" parties... basically a group of people socializing in the backyard while sharing a few drinks. While absolutely nothing "extravagant" was going on at these parties, and the crowd was never very large, the noise level because of the noise reverberation and echo effect of a small space surrounded by a number of buildings was very very intense and created a major disruption each time it happened.

It is pretty clear that with Birba's outdoor patio we will have to endure this same sort of major noise disruption on almost daily basis. This is the reason I oppose this Conditional Use authorization. Birba as it is today is great, Birba with a back patio will be unbearable.

Sincerely

Christophe Begue  
449 Fulton Street  
San Francisco CA 94102

Tel work: +1 415 545 3052,  
Tel Home: +1 415 621 2201  
Mobile: +1 914 841 7484  
Email: [beguec@us.ibm.com](mailto:beguec@us.ibm.com)

**From:** [Alyosha Verzhbinsky](#)  
**To:** [Grob, Carly \(CPC\)](#)  
**Subject:** Birba patio extension on 458 Grove Street  
**Date:** Friday, July 07, 2017 7:50:14 AM

---

Dear Carly:

I am writing to oppose the Conditional Use authorization of the back patio at 458 Grove until the project sponsors produce a plan that achieves the following:

1. Real, verifiable mitigation of noise from proposed extension of the business.
2. Creating real, enforceable limitations on hours of operation and termination of the permit if Birba ceases to operate in the space.

I appreciate your consideration.

**Alyosha Verzhbinsky**, FAIA  
Principal

T 415.391.7918 x110  
D 650.260.8541  
[alyosha@TEFarch.com](mailto:alyosha@TEFarch.com)

**TEF Design**  
1420 Sutter St, San Francisco, CA 94109  
[TEFarch.com](http://TEFarch.com)  
<https://www.gotomeet.me/Alyosha>



**From:** [Terrence J. GALLIGAN](#)  
**To:** [Grob, Carly \(CPC\)](#); [Luellen, Mark \(CPC\)](#); [Joslin, Jeff \(CPC\)](#); [SFO.Direct@abc.ca.gov](mailto:SFO.Direct@abc.ca.gov)  
**Subject:** Birba Wine Bar Expansion and Proposed Wine Garden  
**Date:** Wednesday, December 21, 2016 9:15:04 AM

---

I am a resident of a residential condo building within a few hundred feet of Birba between Fulton and Grove and I am writing to express my strong opposition to expanding Birba's food and beverage operations to the outdoor garden. There are many residents who live within a few hundred feet of this garden whose right of quiet enjoyment would be substantially impaired by the noise such operations would produce.

Thank you for considering my thoughts on this matter, which I am sure are shared by the owners/renters of the many nearby residential units that face in the direction of Birba's outdoor garden.

Terrence J. Galligan

**From:** [Luellen, Mark \(CPC\)](#)  
**To:** [Grob, Carly \(CPC\)](#)  
**Subject:** Briba opposition phone call  
**Date:** Monday, December 19, 2016 10:55:40 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)

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Hello

Can you please add this to the record.

Dave Plyman (400 Block of Grove)

Opposes any expansion to Birba

Sites large parties that are noisy and spill out on to the street. Trash left behind.

Thank you

**Mark Luellen**  
**Senior Planner**  
**Northeast Team Manager**

Planning Department | City and County of San Francisco  
1650 Mission Street, Suite 400, San Francisco, CA 94103  
Direct: 415-558-6478 | Fax: 415-558-6409  
Email: [mark.luellen@sfgov.org](mailto:mark.luellen@sfgov.org)  
Web: [www.sfplanning.org](http://www.sfplanning.org)



**From:** [Leslie McGarvey](#)  
**To:** [Grob, Carly \(CPC\)](#)  
**Subject:** Bribe Wine Garden  
**Date:** Saturday, December 17, 2016 4:18:27 PM

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Dear Ms. Grob,

Please do not grant Birba (at 458 Grove Street) to open a patio. I live here. Bribe is already a loud place inside. I can not imagine how loud it will be once people move to a patio. Please, please, just do not grant the permission. We already have several outdoor places including the Beer garden at Patricia Green and Arelequin!

If this is not possible then please require strict limits to hours of operation like the already loud Beer Garden and the already loud Arelequin. Please ban heat lamps and outdoor speakers. Please require enforceable noise limits. Please do not allow them to expand their restaurant. And please require them to keep their trash indoors. WE already have problems with trash being dumped on the sidewalk as our homeless citizens look for deposits. Every week we have to pick up all the trash that has been dumped on the sidewalk.

Please, we live here. It is loud enough. Please, help us.  
Thank you for your attention,  
Leslie McGarvey  
437 Fulton St.  
415-514-1030



**From:** [Ellis Berner](#)  
**To:** [Grob, Carly \(CPC\)](#)  
**Subject:** Birba expansion  
**Date:** Monday, July 10, 2017 12:15:10 AM

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Hi Carly,

In reference to the property at 458 Grove St and their plan to extend into the back patio near the Southwest side of Fulton Grove HOA, I have several objections. While I support Hayes Valley businesses, and Tania has shown nothing but kindness to me, I have some very real concerns that have not been fully addressed:

Approval of the patio 'runs with the land' meaning it will be permanent once established.

The 470 Grove sound study indicates Birba's proposed 'pergola' will offer no mitigation of the sound as it is wide open and does not even attach to the fence. As far as I can tell, the Birba sound study makes broad, general recommendations and does not fully appreciate how uniquely loud the back area can get. Beyond that, a tree and a smattering of plants will do very little to mitigate sound and are such half measures that it's disrespectful of the neighbors that have been asking for sound mitigation from the project since it began several years ago.

Once Birba departs, any other bar or restaurant the owner John Kennedy signs a lease with will be able to operate in the back patio (I have heard several negative stories about John Kennedy's ability to be respectful of neighbors' personal property and have low confidence in him as a responsible steward of such an open ended permit.)

There are currently no restrictions being imposed by the Planning Department that would limit hours or noise.

The Planning Department will allow operations to continue up until 2am (Birba is merely setting a self-imposed limit to close by 10pm, which is still too late).

The San Francisco Noise Code does not provide any enforcement options relating to 'human voices'.

Again, it is important I make the distinction that I am not trying to hurt the wine bar. We all want Hayes Valley's businesses to thrive but I would seek radical modifications to their plans to ensure noise mitigation is fully considered as the permanent fixture it will be before they embark on this venture.

**From:** [Amy Reinhorn](#)  
**To:** [Grob, Carly \(CPC\)](#)  
**Cc:** [Amy Reinhorn](#)  
**Subject:** I oppose the Conditional Use authorization of the back patio at 458 Grove  
**Date:** Thursday, July 06, 2017 11:27:28 AM  
**Importance:** High

---

*I oppose the Conditional Use authorization of the back patio at 458 Grove until the project sponsors produce a plan that mitigates noise from their business and address other outstanding concerns of neighboring properties (including real limitations on hours of operation and termination of the permit if Birba ceases to operate in the space).*

Reinhorn Law, Inc.  
576 Sacramento Street, 7th Floor  
San Francisco, California 94111  
415.513.5912  
<http://www.reinhornlaw.com>

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**From:** [Cary Heater](#)  
**To:** [Grob, Carly \(CPC\)](#)  
**Cc:** [Michael Welch](#)  
**Subject:** Opposition for Conditional Use for 458 Grove Street/Birba  
**Date:** Sunday, July 09, 2017 6:59:55 PM

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Carly -

As one of the four owners of 470 Grove Street, I strongly object to the proposed Conditional Use expansion of 458 Grove Street for a back patio beer and wine garden. My unit is adjacent to the patio and any noise in the back yard can be clearly heard - even one person speaking in normal tones can be heard clearly in my unit. Multiplying this by many bar customers will certainly deprive me of the quiet enjoyment of my property unless noise mitigation measures are made.

According to the noise study done by Vibro-Acoustic Consultants, there will be probable noise violations if the proposed pergola used for dampening sound is constructed as planned with two open sides. To mitigate the noise with the project as planned, I will need to invest in soundproofing, which at an estimated \$17,000 I feel is an undue burden.

I am also concerned that without limitations on hours and types of use, including after hours cleanup, I will not have peace and quiet in my home at any time.

I purchased my unit with the intention of living in it for the rest of my life. I would not have done so if there had been an outdoor bar next door. I feel that it is unfair to approve such a noisy business next to so many residences without severe limits on hours of operation and on the types of activities allowed in the yard. Please do not allow the backyard wine bar plans to proceed.

Best,  
Cary Heater  
470 Grove Street #2

**From:** [Marguerite Hanley](#)  
**To:** [Grob, Carly \(CPC\)](#)  
**Subject:** Opposition to Conditional Use for Birba at 458 Grove St  
**Date:** Tuesday, June 27, 2017 12:08:26 PM

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Carly,

I am writing as an occupant of 470 Grove Street, to express my opposition to the proposed Conditional Use of the back patio of 458 Grove Street as a beer and wine garden. As you may know, the 470 Grove Street HOA has undertaken a noise study by Vibro-Acoustic Consultants, as well as soundproofing estimates for each of the units at 470 Grove, including my own.

As you may also know, the report anticipates Noise Code violations if the Birba patio construction proceeds as planned. As someone who often works from home, and whose unit partially faces the back patio, I am extremely concerned about the ramifications of this proposed project.

It is my strong hope that Birba will reconsider their plans, in order to prevent noise from impacting surrounding properties, especially 470 Grove Street. Thank you for taking my and other neighbors' point of view into account.

Best,  
Marguerite Hanley

**From:** [William Matsumoto](#)  
**To:** [Grob, Carly \(CPC\)](#)  
**Cc:** [Michael Welch](#)  
**Subject:** Opposition to conditional use of 458 Grove Street/ Birba  
**Date:** Tuesday, June 20, 2017 3:25:13 PM

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My concern regarding the use of the backyard of the 458 Grove Street property is the potential noise from the patrons and any potential music which will resonate into my unit at 470 Grove Street, unit #1. Smokers from Birba already stand below my front window speaking on their cell phones or with others in front of the building on Grove Street. Noise from the back yard could enter through my walls, window and glass back door if the usage is approved. I would like to be assured if the powers of City Hall and its departments push through this approval, how I can be reasonably be satisfied by any sound dampening improvements on both properties. Your consideration and understanding would be greatly appreciated. I was a renter and am now a condo owner in the adjacent 470 Grove Street property since 1979 before Hayes Valley had its major transformation. I am not against change or progress, but noise and other annoyances do change the quality of life of others in small and significant ways. Thank you for your consideration.  
Sincerely,

William Matsumoto



# D5 Action

June 15, 2017

To: Rich Hillis  
President, Planning Commission  
1650 Mission Street  
San Francisco, CA 94102

RE: 014.0973D Conditional Use Hearing - D5 Action objects to change of use for bar with patio in dense residential neighborhood

Dear President Hillis and Commissioners,

D5 Action would like to express its concerns about the proposed beer and wine garden at 458 Grove Street. The proposed location is directly adjacent to multiple homes of District 5 neighbors. Multiple residents have doors and windows less than ten feet from the proposed space.

D5 Action was formed to develop and maintain an informed and active electorate in District 5 and to provide the opportunity for community engagement around shared values. One of D5 Action's chief responsibilities has been to serve as advocates to neighbors in District 5.

The business requesting Conditional Use authorization to convert their back yard into a beer and wine garden has been subject to multiple Planning Department enforcement actions during their time in operation. Their difficulty establishing the food to beverage ratios required to operate legally as a 'bona fide' restaurant does not bode well for future adherence to the San Francisco Noise Code. We request that the Planning Commission not permit the Conditional Use authorization of the back patio at 458 Grove Street as a beer and wine garden as this would significantly reduce the quality of life for surrounding neighbors.

Sincerely,

Tes Welborn  
Coordinator

**From:** [John Colton](#)  
**To:** [Birba Events](#)  
**Cc:** [Grob, Carly \(CPC\)](#)  
**Subject:** Re: Birba Garden Update - Community Outreach  
**Date:** Wednesday, May 03, 2017 5:56:14 PM

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Hi Tania,

Perhaps you missed it in an earlier email, but Angie Valgiusti has made it absolutely clear to us that we are not welcome in her business -- ever. I understand that you are nothing more than her PR agent and that you know little if anything about our past interactions with Angie. But unless and until Angie personally retracts that request -- and not just for the upcoming outreach meeting -- there's really no point in continuing to email us on her behalf.

On Wed, May 3, 2017 at 2:57 PM, Birba Events <[birbaevents@gmail.com](mailto:birbaevents@gmail.com)> wrote:

Good Afternoon Mr. Colton,

I hope you and Mr. Sarkis are doing well.

I am reaching out to let you both know that our planning commission hearing has been scheduled for Thursday, July 6th 2017 (hearing time is yet to be determined). As you know, the hearing is for Conditional Use Authorization to utilize the outdoor patio as an additional dining area as well as the Change Of Use to incorporating the garage as restaurant prep-space.

We greatly value our neighbors, the community and quality of this neighborhood. Alongside the opportunities we have offered to date, we are continuing to take requests, ideas and concerns from every neighbor who is willing to offer suggestions into consideration as we move forward with the patio plans.

We intend to keep communication open and an ongoing dialogue with our neighbors and community, we will be hosting another community meeting at Birba (458 Grove) on May 21st at 11am to re-open the floor to any person(s) who want to come and share their questions or concerns about the project.

I know I have suggested on several occasions in my last few emails but we would like to extend another heartfelt effort to host you and Mr. Sarkis at this meeting or one-on-one in hoped to discuss our plans and provide insight on all of the work we have done to date in the way of overall thoughtful plan/design. We are eager to understand your ideas and concerns so that we may include these considerations, should they not already be within our plan.

As stated in my previous emails, we are open to various communication formats - therefore if you are not up for attending the meeting or meeting in person, we are open to addressing concerns over phone or email or however best suits you.

Please let me know if there is any way to connect soon as we are eager to ensure we take all valid concerns into consideration as we move forward with the project.

Please advise if I should be emailing Mr. Sarkis independently with the same information.

We want to thank you again for your time and wish you well.

Thank you,  
Tania Goulart  
Birba  
458 Grove St.

On Sat, Jan 21, 2017 at 7:54 AM, Birba Events <[birbaevents@gmail.com](mailto:birbaevents@gmail.com)> wrote:

Good Morning Mr. Colton,

Hope you are well.

I am reaching out once again in an attempt to connect with you and see if you might have some time to meet and discuss the patio project.

We have had tremendous success with our outreach to date and are still very hopeful to have an opportunity to explain our vision to you and Mr. Sarkis. We hope that in meeting you may both clearly understand our plans and that we may also provide insight on all of the work we have done to date - ie. sound-engineer work, extensive absorption materials, and overall thoughtful plan/design.

Please let me know if there is any way to connect soon as we are eager to ensure we take all valid concerns into consideration as we move forward with the project.

As stated in my previous emails, we are open to various communication formats - therefore if you are not up for meeting in person, we are open to addressing concerns over email or however best suits you.

Thanks again!  
Tania

On Sat, Dec 17, 2016 at 9:22 AM, Birba Events <[birbaevents@gmail.com](mailto:birbaevents@gmail.com)> wrote:

Hi John -

Tania from Birba here again!

I am reaching out again today to touch base with you and Mr. Sarkis on Birba's upcoming project. As stated in my two previous emails, we are hoping to share the full vision of the project and get your feedback as we move through the next steps in our design plans.

We are truly hoping to connect with you on the project so that you may have a true and accurate understanding of our vision and goals so that we may move forward and take note of your thoughts and feedback that would in fact be relevant to said plans.

As my last email stated, I am more than happy to meet with you, discuss the actual vision and plans as well as our considerations - in hopes that we can come to a reasonable place.

If in person does not work for you, we want to offer another opportunity to give us your feedback in writing. If you can kindly share at least your written feedback so that during the planned Jan 8th meeting where we will be consulting with the local community in the formal city approved process - we can include your information. Again - we are working towards a plan that works for Hayes Valley Community so that Birba's restaurant patio can have its place in this vibrant city - especially within one of the most bustling and active "it" neighborhoods.

If you are still not interested in meeting with me, sharing feedback via email, or attending the proposed meeting and your sentiment is to negate this project in its entirety without consideration, please advise and we will also add this to our notes.

Thank you kindly for your time.

Tania Goulart  
Birba  
458 Grove St  
SF CA 94102

On Tue, Dec 6, 2016 at 7:55 PM, Birba Events <[birbaevents@gmail.com](mailto:birbaevents@gmail.com)> wrote:

Hi John -

Thank you for your response and I hear you. I am very sorry to hear that you are feeling this way.

At this time, we are doing our best to reach out to and get your input. If it helps, perhaps we can set up an hour or so for you and I to speak somewhere one on one where you may feel more comfortable. I am happy to meet you and am quite flexible in my schedule. It would be ideal to bring your feedback and share it with the rest of the attendees at the Jan 8th meeting - should you not attend - so if we can meet before then would be great.

Again, we are reaching out to take all your thoughts and concerns and include them as we finalize these plans. If the 1:1 meeting with me does not work for you, perhaps you can email us a list of concerns? If not that, let us know what might work for you to provide input with the process.

Thank you kindly,  
Tania

On Mon, Dec 5, 2016 at 5:10 PM, John Colton <[jpc3@pobox.com](mailto:jpc3@pobox.com)> wrote:  
Tina,

Thank you for the invite, but we will be declining your invitation. Ms. Valgiusti has made it explicitly clear that we are not welcome in her business and has repeatedly refused to speak with us directly regarding issues with disruptive noise emanating from her premises, trash on the sidewalk, and delivery people blocking our driveway. Being a good neighbor means being willing to listen to the complaints and concerns of nearby residents, even when you don't want to -- and to do so in a polite and respectful manner. The few times that we have spoken, she has been nothing but rude, dismissive, and incredibly obnoxious.

I find it highly disingenuous of Ms. Valgiusti to only now agree to personally hear our concerns regarding her future plans with the back patio when she has had countless opportunities to do so in the past. Ms. Valgiusti is clearly only doing this now to make it appear that she has been behaving as a "good neighbor" these past couple of years to bolster her case before the planning department when, in fact, she has not.

On Sun, Dec 4, 2016 at 8:36 AM, Birba Events <[birbaevents@gmail.com](mailto:birbaevents@gmail.com)> wrote:

Hello Mr. Colton and Mr. Sarkis,

My name is Tania and I am helping Angie spearhead the Garden Project at Birba.

As you were initially informed on July 15th by the Hannah Collins Design

Team (your request for renderings response received on July 20th) we are ramping up in the planning process for the Garden and have secured a date in mid-January for our Application Intake Appointment with the planning department.

We have posted a notice in Birba's front window as well as placing flyers in entryway of your residence on Dec 2nd and again on Dec 3rd. In that case that you haven't received it I have also attached it here.

As the attached flyer states we will be having the neighborhood public community outreach meeting on **Sunday, January 8th from 1pm to 2pm** at Birba, 458 Grove St., where all members will have an opportunity for public comment on the upcoming plans. We invite you to come to the meeting to ensure that you have an opportunity to share your thoughts and concerns as we move forward with the process.

Please contact myself and/or Angela Valgiusti via email at [birbaevents@gmail.com](mailto:birbaevents@gmail.com) or call **408-692-4722 (408-69B-IRBA)** should you have any questions or concerns.

We are hoping to submit our initial application in approximately 6 weeks so please let us know any of your thoughts via email or phone if you cannot attend our event so that we may consider them in our submission process.

If you would like me to email Mr. Rafi Sarkis independently of this message, as I do not have his email contact info, please email me back with the proper email and I will be happy to do so.

Thank you,  
Tania & The Birba Team



**From:** [Pauli N. Amornkul](#)  
**To:** [Grob, Carly \(CPC\)](#); [Luellen, Mark \(CPC\)](#); [Joslin, Jeff \(CPC\)](#); [SFO.direct@abc.ca.gov](mailto:SFO.direct@abc.ca.gov)  
**Subject:** Residential concerns about BIRBA  
**Date:** Thursday, March 09, 2017 2:29:55 PM

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Dear Public Servants and Government Officials,

I hope it is not too late to voice my concern about the unrestricted use of the backyard garden patio submitted by BIRBA wine bar at 458 Grove Street. I am a resident of the Fulton-Grove Condominium Complex along which BIRBA is housed. I am very familiar with the space because the backyard space opens into surrounding residential space. I am extremely concerned about noise and disruption in our quiet residential oasis of Hayes Valley. Hayes Valley already has 3 other beer gardens, none of which about a residential areas as closely as BIRBA does to ours. We have attended BIRBA's neighborhood outreach meeting, which was more about sharing their plans and intentions than letting us voice our concerns. Please do not grant BIRBA unrestricted use of their backyard space as a commercial beer garden. At the very least, please:

1. Limit the hours of operation to 9p, so that residents can peacefully work and sleep at home.
2. Do not allow heat lamps to limit fuel consumption and provide winter respite for residents from the restaurant noise.
3. Do not allow sound amplification equipment in the space, out of respect to the families and children living above the patio.
4. Place strict and enforceable noise limits and strategies that will enable and facilitate noise limitation.
5. Do not allow conversion of the garage into kitchen prep space. This will help limit the number of guests in an effort to limit the noise.
6. Require that all trash and recycling bins be kept indoors to limit the amount of noise created by glass wine and alcohol bottles being dumped outside throughout the day.

I am deeply concerned since I live and work at home.

Thank you for your time and consideration in the matter.

Sincerely,  
Pauli Amornkul  
455 Fulton Street, SF

**From:** [Michael Welch](#)  
**To:** [Grob, Carly \(CPC\)](#)  
**Cc:** [Luellen, Mark \(CPC\)](#); [Joslin, Jeff \(CPC\)](#); [SFO.direct@abc.ca.gov](mailto:SFO.direct@abc.ca.gov)  
**Subject:** Opposition to Conditional Use for 458 Grove Street / Birba  
**Date:** Monday, June 19, 2017 1:57:17 PM  
**Attachments:** [20170608-458470GroveStreet-NoiseSurveyREV.pdf](#)  
[SoundProofingEstimateApt2\\_470Grove.pdf](#)

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Carly,

I am writing on behalf of the 470 Grove Street Home Owners Association, the owners and occupants of 470 Grove. We are writing to express our opposition to the proposed Conditional Use of the back patio of 458 Grove Street as a beer and wine garden. While we strongly support the independently owned businesses of Hayes Valley, we cannot support the planned expansion as currently envisioned.

To help understand the impact of the proposed expansion into the back patio, the 470 Grove Street HOA has undertaken a noise study by Vibro-Acoustic Consultants. We have also requested soundproofing estimates for each of the four units at 470 Grove to understand the costs neighbors would be required to absorb to maintain the quiet enjoyment of our properties should the patio proceed.

The findings of the sound study are alarming. The analyst's report anticipates Noise Code violations should the patio be approved to proceed as currently planned. Further, the study indicates that the 'pergola' proposed as a sound mitigation device:

"offers no noise attenuation as it is open on two (2) sides of the structure. Additionally, the plans do not discuss how the two sides of the pergola structure will join the existing fence and building. In order to demonstrate any significant efficacy, the pergola structure would need to close tightly and seal against the existing fence and building to avoid sound flanking through gaps, and be lined with sound absorbing materials to suppress emission of reflected sounds off the structure."

The building at 470 Grove was designed and built in 1924 by an architect who also lived at the property for many years. The building was not constructed to neighbor a loud, outdoor bar. Significant reconstruction of the property would be required to help mitigate noise coming from the project as currently planned. The city of San Francisco would be imposing an economic burden of not less than \$80,000 on the individual owners at 470 Grove Street should this project proceed as planned. We have attached one representative quote for your review.

In the spirit of transparency, we have shared the attached sound study with Birba and its consultants and design team. It is our hope that they will redesign their plans to further enclose the space to prevent sound from their business from impacting neighboring properties. Should they do so, we will gladly lift our objections to the project and will support their expansion fully.

We appreciate the consideration of the Planning Department in this matter.

Best Regards,

Michael Welch  
470 Grove Street HOA

## MEMORANDUM

PAGE 1 OF 8 (PLUS ATTACHMENTS)

**DATE:** 8 May 2017  
**TO:** Mike Welch  
**FROM:** Sergio Pena, VACC  
**SUBJECT:** 470/458 Grove Street – Noise Study (01446)

**EMAIL:** [mikewelch7@yahoo.com](mailto:mikewelch7@yahoo.com)  
**EMAIL:** [Sergio@va-consult.com](mailto:Sergio@va-consult.com)

Dear Mike,

As we understand it, you and several stakeholders own property within 100-feet of Birba (458 Grove Street), a neighborhood restaurant and wine bar. Birba has applied for Conditional Use Authorization through the City and County of San Francisco Planning Department which includes utilization of their existing rear courtyard area for restaurant use. Stated hours of operation in Birba's application for conditional use application are not earlier than 12PM, and not later than 10PM. You and the other stakeholders are concerned about noise and disturbances from patrons utilizing Birba's rear courtyard. This noise study focuses on the noise impacts for the proposed expansion of restaurant service into the rear courtyard area.

### 1. Site Noise Criteria

The San Francisco Police Code Article 29 discusses the regulation of noise and is the primary municipal code to which noise issues within San Francisco city limits are held accountable. Section 2901 defines the following relevant acoustical terminology:

- (a) *"Ambient" means the lowest sound level repeating itself during a minimum ten-minute period as measured with a type 1, precision sound level meter, using slow response and "A" weighting. (...)*
- (k) *"Property plane" means a vertical plane including the property line that determines the property boundaries in space.*
- (m) *"Residential Property" means any property that has at least one dwelling unit and has been approved for human habitation by the City and County of San Francisco.*
- (n) *"Sound level", expressed in decibels (dB), means the logarithmic indication of the ratio between the acoustic energy present at a given location and the lowest amount of acoustic energy audible to sensitive human ears and weighted by frequency to account for characteristics of human hearing, as given in the American National Standards Institute Standard S1.1, "Acoustic Terminology," paragraph 2.9, or successor reference. All references to dB in this chapter refer to the A-level or C-level weighting scale, abbreviated dBA or dBC, measured as set forth in this section.*

Section 2902 outlines noise measurement procedures (relevant excerpts):

*“A person measuring the outside Noise level shall take measurements with the microphone not less than four feet above the ground, at least four and one-half feet distant from walls or similar large reflecting surfaces, and protected from the effects of wind noises and other extraneous sounds by the use of appropriate windscreens.” (...)*

Section 2909 outlines the City of San Francisco noise limits. Since Birba is zoned as a commercial property in the City of San Francisco, the Commercial and Industrial Property Noise Limits apply. Relevant excerpts are as follows:

*(b) Commercial And Industrial Property Noise Limits. No person shall produce or allow to be produced by any machine, or device, music or entertainment or any combination of same, on commercial or industrial property over which the person has ownership or control, **a noise level more than eight dBA above the local ambient** at any point outside of the property plane. (...)*

## 2. General Methodology

We visited the 470 Grove Street, San Francisco, CA on 17 May 2017 to conduct a long-term noise study to characterize the existing ambient noise condition present onsite. Noise data were collected in 15-minute intervals over a period of three and a half days (Wednesday, May 17th – Saturday, May 20th). We visited a neighborhood wine bar (a few blocks from 470 Grove Street) on 26 May 2017, from approximately 6:00pm – 6:45pm, to collect representative ‘courtyard wine bar crowd’ noise. These data were measured three times, in 15-minute intervals, with the courtyard occupancy noted during each measurement cycle.

To model the projected noise due to Birba’s proposed expansion into their rear courtyard area, we utilized calculation methods & algorithms for environmental noise projection from industry standard references such as the 2015 ASHRAE Handbook, Chapter 48 – Sound and Vibrational Control along with architectural drawings and the American National Standards Institute (ANSI) ANSI/ASA S3.5-1997, “American National Standard Methods for Calculation of the Speech Intelligibility Index” for average peak male speech noise spectra.

### 3. Data Collection

#### 3.1 Measurement System Parameters

We measured the site ambient noise levels using our standard testing suite:

<u>Instrument</u>	<u>Make / Model</u>	<u>Identification</u>
Sound Level Meter	Norsonic N-140	S/N 1398
Microphone Preamplifier	Norsonic N-1209	S/N 1294
Microphone	Norsonic N-1225	S/N 103200
Microphone Calibrator	Bruel & Kjaer 4231	S/N 2671559

In accordance with SFPC Article 29, Sections 2901 and 2902, ambient noise levels were recorded utilizing the Norsonic N-140 Type 1 sound level meter (SLM), fitted with a windscreen, collecting overall A and Z weighted levels and 1/3-octave band spectral noise data in 15-minute periods using “slow” response. Noise levels from the representative wine bar were recorded similarly, but using “fast” response to account for transient (sudden) noises associated with crowd activity. The sound level meter was calibrated to 94 dB at 1 kHz before and checked after the measurements. All data sets were formatted for presentation using Microsoft Excel v2016.

#### 3.2 Measurement Locations

At 470 Grove Street, we collected data from one location, at the rear banister of the exterior stair case, on the eastern side of the building, with a direct line of sight into Birba’s rear courtyard area. The microphone was placed on the exterior side of the rear banister, approximately 25-feet from the ground and approximately 5-feet from any horizontal reflecting plane (470 Grove Street building façade and windows). See Figure 0 for pictures of the measurement location. This measurement location was chosen for its critical adjacency to noise sensitive receptors and it’s direct path to Birba’s rear courtyard area.

We collected representative ‘courtyard wine bar crowd’ noise data from a neighborhood wine bar a few blocks away from 458/470 Grove Street. This location was chosen as it is a similar type of business establishment to Birba, and being in the same neighborhood, may have similar clientele as Birba.

#### 3.3 Site Conditions

San Francisco weather between May 17 – May 20, 2017 was moderately warm with no precipitation and little wind. During the long-term ambient noise monitor set-up and break-down, primary exterior noise sources that were observed were vehicular traffic from Grove Street and some building mechanical system (HVAC) noise from equipment located on adjacent rooftops. Some human activity noise, due to pedestrian activity on the street, was also noted.



On May 26th, the weather was cooler and overcast, with light winds present. We note that the courtyard at the representative wine bar is shielded from wind due to its being enclosed on all sides by adjacent structures – similar to the rear courtyard at Birba.

## **4. Noise Study Results**

### **4.1 Ambient Noise Study Results**

We analyzed the long-term noise data collected and the results are shown in Figure 1. The data are presented in three forms:  $L_{A_{EQ}}$ ,  $L_{A_{MAX}}$ , and  $L_{A_{MIN}}$ , which express the average, maximum, and minimum sound levels, respectively, for each 15-minute measurement period. The ‘A’ included in the metric denotes ‘A-weighting’ which relates to how the human ear processes sound and is the subject metric of the SFPD Article 29 regulating noise. The ‘S’ included in the metric denotes “slow response” on the sound level meter, complying with measurement protocol of SFPD Article 29 Section 2901, item (a).

As SFPD Article 29, Section 2901 defines “ambient noise” as “the lowest sound level repeating itself during a minimum ten-minute period”, it is appropriate to focus on the  $L_{A_{MIN}}$  (minimum) sound levels measured. The greatest  $L_{A_{MIN}}$  sound levels measured during potential Birba operating hours of the measurement period were 52 dBA, between approximately 1pm – 7pm on both May 18th and 19th. The lowest  $L_{A_{MIN}}$  sound level measured during potential Birba business hours was 45 dBA on May 18th between 12:00pm and 1:00pm.

### **4.2 Projected ‘Courtyard Wine Bar Crowd’ Noise Model Results**

As discussed previously in this report, we measured three 15-minute intervals of representative courtyard wine bar noise. The ‘worst-case’ (highest noise levels and highest occupancy) during our measurement period included noise from 40 occupants in the wine bar courtyard area. The occupants were a mix of adult males, females, and children – all representative of the population Birba serves. To account for transient noise (sudden laughter, clinking of glasses and silverware), we utilized the L5 metric, which represents the sound pressure level exceeded 5% of the measurement period. The L5 measured between 6:22pm – 6:36pm on Friday, May 26th was 68 dBA as measured within the occupied courtyard area.

In addition to the measurement data, we also calculated sound pressure levels for male voices under three conditions – normal, raised, and loud per ANSI S3.5. Birba’s current posted occupancy is 49 people (including Birba staff). If their Conditional Use Authorization is approved, the occupancy will not change. For our modeling purposes, we chose to model noise due to 46 males, accounting for three (3) staff members to remain inside of the wine bar. We then used industry standard distance noise attenuation calculation methods to project noise due to male voices in the courtyard, at the ambient measurement location of 470 Grove Street. Table 1 presents the results of our model as compared to the ambient measurements recorded during the same time interval on a Friday night.

**Table 1 – Comparison of Modeled Wine Bar Courtyard Patron Noise with Measured Ambient Noise Levels**

Measured Ambient Noise at 470 Grove Street <sup>1</sup> (Lmin) (dBA)	Criteria for noise code violation (SFPD Article 29 – Ambient Noise Level + 8 dBA)	Predicted Noise at 470 Grove St. Measurement Location (using representative wine bar measured data <sup>2</sup> ) (dBA)	Predicted Noise at 470 Grove St. Measurement Location (using ANSI S3.5, “normal” male voice, 46 ppl) (dBA)	Predicted Noise at 470 Grove St. Measurement Location (using ANSI S3.5, “raised” male voice, 46 ppl) (dBA)	Predicted Noise at 470 Grove St. Measurement Location (using ANSI S3.5, “loud” male voice, 46 ppl) (dBA)
45	53	52	60	67	75

1 – Ambient noise level measured Thursday, 5/18/17, 12:00pm – 1:00pm.

2 – Representative wine bar noise measured Friday, 5/26/17, 6:22pm – 6:36pm.

## 5. Conclusion

Based on our noise analysis, **we anticipate potential noise code compliance issues with Birba’s service expansion into their rear courtyard area.** While employing a direct line of sight to Birba’s rear courtyard, our long-term ambient noise measurement location was approximately 20-feet from Birba’s courtyard, measured on the oblique. We note that certain residents of 470 Grove Street are closer than 20-feet to Birba’s rear courtyard area. As an example, for residents on the north-east side of 470 Grove, windows to their units may be as close as 10-feet from Birba’s rear courtyard, resulting in sound levels 6 dBA higher than our projects in Table 1. We note that the representative wine bar, from which VACC collected crowd noise data, differs in geometry from Birba’s existing courtyard - namely that the side walls to the East and South enclosing Birba’s courtyard are higher than the representative wine bar courtyard by approximately 10-feet, presenting more reflective surfaces for noise to reflect directly onto the property of 470 Grove Street. We also note that the occupancy during our representative wine bar data collection was less than the proposed occupancy capacity of Birba.

Our modeling results based on ANSI S3.5 assume a crowd of adult males. While this may present a ‘worst-case’ scenario, the scenario is realistic as it is entirely possible that bachelor parties/ work parties comprised of only men may utilize Birba’s rear courtyard area.

Furthermore, the planned pergola structure for the proposed expansion offers no noise attenuation as it is open on two (2) sides of the structure. Additionally, the plans do not discuss how the two sides of the pergola structure will join the existing fence and building. In order to demonstrate any significant efficacy, the pergola structure would need to close tightly and seal against the existing fence and building to avoid sound flanking through gaps, and lined with sound absorbing materials to suppress emission of reflected sounds off the structure.

• • •

Please feel free to call if you have any questions; we may be reached in our San Francisco office by telephone at (+1) 415-693-0424 or via email at [Sergio@va-consult.com](mailto:Sergio@va-consult.com).

A handwritten signature in black ink, appearing to be 'Sergio Pena', with a stylized 'S' and 'P'.

Sergio Pena

Sincerely,

Vibro-Acoustic Consultants

**Figure 0: 470 Grove Street – 17~20 May 2017**  
**Long-Term Noise Measurement Location**





# WEST COAST

## SOUND SOLUTIONS

98 12th Street  
San Francisco, CA 94103

# Estimate

Date

6/7/2017

Estimate No.

4743

Cary Heater  
470 Grove St #2  
San Francisco, CA 94102

Cary Heater  
470 Grove St #2  
San Francisco, CA 94102

(415) 626-7226

cary.heater@gmail.com

SO

Description	Qty	U/M	Rate	Total
ESTIMATE FOR SOUNDPROOFING				
LIVING ROOM				
13' X 9' *COVED				
13' X 9'				
APPROXIMATELY 234 SQFT				
ROXUL SAFE-N-SOUND INSULATION, 3" x15.25" x 47" (59.7 SF)	4	EA1	68.00	272.00
7/8" 25 GA FURRING CHANNEL 12 FEET LENGTHS	14	ea	7.20	100.80
KINETICS ISOMAX CLIPS	88	EA1	6.50	572.00
GREEN GLUE DAMPING COMPOUND 28oz TUBES (12 PER CASE)	16	ea	16.83	269.28
GREEN GLUE NOISEPROOFING ACOUSTICAL SEALANT 28oz TUBES (12 PER CASE)	4	ea	10.00	40.00
DEMOLITION AND DISPOSAL OF EXISTING DRYWALL. INSTALL ROXUL INSULATION BETWEEN THE STUD BAYS. INSTALL CLIPS AND CHANNELS. INSTALL TWO LAYERS OF DRYWALL WITH GREEN GLUE. INSTALL ACOUSTIC SEALANT AROUND THE PERIMETER. TAPE MUD AND PAINT CEILING AND WALLS TO OWNERS REQUEST. PAINT COLOR CODE TO BE SUPPLIED BY CUSTOMER.	234		45.00	10,530.00
REINSTALL COVED CEILINGS			2,500.00	2,500.00
KITCHEN				
13' X 9'				
APPROXIMATELY 117 SQFT				
ROXUL SAFE-N-SOUND INSULATION, 3" x15.25" x 47" (59.7 SF)	2	EA1	68.00	136.00
7/8" 25 GA FURRING CHANNEL 12 FEET LENGTHS	7	ea	7.20	50.40
KINETICS ISOMAX CLIPS	44	EA1	6.50	286.00
GREEN GLUE DAMPING COMPOUND 28oz TUBES (12 PER CASE)	8	ea	16.83	134.64
GREEN GLUE NOISEPROOFING ACOUSTICAL SEALANT 28oz TUBES (12 PER CASE)	2	cs	120.00	240.00
Total				





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SO

Description	Qty	U/M	Rate	Total
DEMOLITION AND DISPOSAL OF EXISTING DRYWALL. INSTALL ROXUL INSULATION BETWEEN THE STUD BAYS. INSTALL CLIPS AND CHANNELS. INSTALL TWO LAYERS OF DRYWALL WITH GREEN GLUE. INSTALL ACOUSTIC SEALANT AROUND THE PERIMETER. TAPE MUD AND PAINT CEILING AND WALLS TO OWNERS REQUEST. PAINT COLOR CODE TO BE SUPPLIED BY CUSTOMER. ***APPLIANCES AND CABINETS WILL NEED TO BE MOVED AND REINSTALLED, PRICE AND DETAILS TBD ON FOLLOW UP VISIT.	117		45.00	5,265.00
BEDROOM 13' X 9' APPROXIMATELY 117 SQFT				
ROXUL SAFE-N-SOUND INSULATION, 3" x15.25" x 47" (59.7 SF)	2	EA1	68.00	136.00
7/8" 25 GA FURRING CHANNEL 12 FEET LENGTHS	7	ea	7.20	50.40
KINETICS ISOMAX CLIPS	44	EA1	6.50	286.00
GREEN GLUE DAMPING COMPOUND 28oz TUBES (12 PER CASE)	8	ea	16.83	134.64
GREEN GLUE NOISEPROOFING ACOUSTICAL SEALANT 28oz TUBES (12 PER CASE)	2	ea	10.00	20.00
DEMOLITION AND DISPOSAL OF EXISTING DRYWALL. INSTALL ROXUL INSULATION BETWEEN THE STUD BAYS. INSTALL CLIPS AND CHANNELS. INSTALL TWO LAYERS OF DRYWALL WITH GREEN GLUE. INSTALL ACOUSTIC SEALANT AROUND THE PERIMETER. TAPE MUD AND PAINT CEILING AND WALLS TO OWNERS REQUEST. PAINT COLOR CODE TO BE SUPPLIED BY CUSTOMER.	117		45.00	5,265.00
REINSTALL COVED CEILINGS			2,500.00	2,500.00
ESTIMATE DOES NOT INCLUDE ANY APPLICABLE CITY FEES, DRAWINGS, INSPECTIONS, ETC.			0.00	0.00

Total



# WEST COAST SOUND SOLUTIONS

98 12th Street  
San Francisco, CA 94103

## Estimate

Date	Estimate No.
6/7/2017	4743

Cary Heater  
470 Grove St #2  
San Francisco, CA 94102

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SO

Description	Qty	U/M	Rate	Total
WE USE THE BEST US-MADE SOUNDPROOFING PRODUCTS AVAILABLE TO ACHIEVE HIGH NOISE REDUCTION, BUT WE CANNOT GUARANTEE SPECIFIC STC OR IIC RESULTS FOR SOUNDPROOFING REMEDIATION PRODUCTS. A VARIETY OF OUR PRODUCTS ARE STC AND IIC RATED. PLEASE SEE MANUFACTURER DATA SHEET FOR MORE INFORMATION.			0.00	0.00
INCLUDING ALL LABOR, SALES TAX AND MATERIALS.				
PAYMENT SCHEDULE IS AS FOLLOWS:				
\$1000 DUE AT SIGNING				
10% PAYMENT UP FRONT				
40% DUE UPON INSULATION COMPLETION				
40% DUE ON COMPLETION OF THE DRYWALL AND GREEN GLUE				
10% DUE AFTER FINAL WALK THROUGH				
PLEASE SIGN AND DATE YOUR ACCEPTANCE				
_____ AUTHORIZED SIGNATURE				
_____ DATE				
PLEASE MAKE PAYMENT UPON RECEIPT.				
***** PLEASE NOTE: THIS QUOTE IS AN APPROXIMATION BASED ON SQUARE FOOTAGE MADE AVAILABLE TO WCSS. ESTIMATE ASSUMES ALL WORK LISTED IS TO BE COMPLETED. ESTIMATE IS VALID FOR 90 DAYS. SUBJECT TO CHANGE 90 DAYS AFTER DATE RECEIVED. *****				
Sales Tax -- San Francisco City & County			8.50%	231.89
				\$29,020.05
Total				