



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Conditional Use

HEARING DATE: MARCH 19, 2015

Date: March 9, 2015
Case No.: **2014-002573CUA**
Project Address: **1008 Larkin Street**
Zoning: NCD (Polk Street Neighborhood Commercial District)
130-E Height and Bulk District
Block/Lot: 0301/014
Project Sponsor: Tim Stannard
201 Spear Street, Suite 1100
San Francisco, CA 94105
Staff Contact: Anne Brask – (415) 575-9078
anne.brask@sfgov.org
Recommendation: **Approval with Conditions**

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PROJECT DESCRIPTION

The project sponsor proposes to establish a Restaurant (dba The Saratoga) in a vacant, approximately 4,200 square-foot, commercial space. The Project proposes to occupy two adjacent tenant spaces and the basement floor for the restaurant. The commercial spaces were previously occupied by a corner store and a computer services store and have been vacant for 22 months and 4 years, respectively. According to the Project Sponsor, the business will operate as a restaurant specializing in local and seasonal food items. The proposed hours of operation are 11 AM to 11 PM, Sunday through Thursday, and 10 AM to 12 AM, Friday and Saturday. The Project Sponsor intends to file a building permit for interior tenant improvements which may include adding a bar, seating, and elevator lift. The existing commercial space is 4,200 square feet in size. The proposed commercial use is under 5,000 square feet in size, so there is not an on-site parking requirement.

SITE DESCRIPTION AND PRESENT USE

The project is located on the northeast corner of Larkin and Post Streets, Assessor's Block 0301, Lot 014. It is located within the Polk Street Neighborhood Commercial District (NCD) Zoning District and the 130-E Height and Bulk District. The property is occupied by a five-story mixed-use building, with four ground floor commercial spaces (including the subject space) and twenty six dwelling units above. All four ground floor spaces (including the subject space) are currently vacant. The ground floor of the subject tenant space is a 2,600 square foot former retail space that merges two of the vacant commercial spaces. One of the subject tenant spaces was previously occupied by a corner store and has been vacant for approximately 22 months. The other subject tenant space was previously occupied by a computer services store and has been vacant for approximately 4 years.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The area surrounding the project site is mixed-use in character. A variety of commercial establishments are located within ground floor storefronts in the Polk Street NCD, including restaurants, bars, automotive shops, convenience stores, and other neighborhood-serving uses. Buildings in the vicinity typically range from one to five stores in height. Upper floors of buildings are generally occupied by offices, residential units, or small-scale hotels.

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	February 27, 2015	February 20, 2015	27 days
Posted Notice	20 days	February 27, 2015	February 26, 2015	21 days
Mailed Notice	20 days	February 27, 2015	February 20, 2015	27 days

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

PUBLIC COMMENT

- To date, the Department has received no comments, emails, or phone calls in opposition to the proposal.

ISSUES AND OTHER CONSIDERATIONS

- The Commerce and Industry Element of the General Plan contains Guidelines that discourage the overconcentration of eating and drinking establishments within NCD's. The project would activate two storefronts that have been vacant for over 22 months and will result in a net increase of 2.2 percent commercial frontage dedicated to eating and drinking uses within the immediate area.
- The proposed project exceeds the principally permitted use size in the Polk Street NCD. The proposal is designed such that the two commercial units could be separated in the future to permit the re-establishment of two smaller uses. The additional floor area is on the basement floor for a bar, additional seating, and storage that will allow the business to better use the ground floor area to serve patrons, increase comfort and operate in a more efficient manner.

REQUIRED COMMISSION ACTION

In order for the project to proceed, the Commission must grant conditional use authorization to allow the establishment of a restaurant within the Polk Street Neighborhood Commercial District, pursuant to Planning Code Section 723.41. In addition, the Commission would need to grant conditional use

authorization to allow the use size of the restaurant, totaling 4,200 square-feet, pursuant to Planning Code Section 121.2.

BASIS FOR RECOMMENDATION

- The project promotes the establishment of a locally-owned business that will contribute to the overall vitality of the Polk Street NCD.
- The project would not displace an existing retail tenant providing convenience goods and services to the neighborhood, and would only result in a net increase of 2.2 percent commercial frontage dedicated to eating and drinking uses within the immediate area.
- The hybrid nature of the business, offering lunch, dinner and bar components, will activate the Polk Street Neighborhood streetscape throughout the day and evening.
- 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.

RECOMMENDATION: Approval with Conditions
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Attachments:

Parcel Map

Sanborn Map

Aerial Photographs

Zoning Map

Height & Bulk Map

Site Photographs

Project Sponsor Submittal, including:

- Site Photographs

- Reduced Plans

Attachment Checklist

- | | |
|---|--|
| <input checked="" type="checkbox"/> Executive Summary | <input checked="" type="checkbox"/> Project sponsor submittal |
| <input checked="" type="checkbox"/> Draft Motion | Drawings: <u>Existing Conditions</u> |
| <input type="checkbox"/> Environmental Determination | <input checked="" type="checkbox"/> Check for legibility |
| <input checked="" type="checkbox"/> Zoning District Map | Drawings: <u>Proposed Project</u> |
| <input checked="" 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 checked="" type="checkbox"/> Site Photos | <input type="checkbox"/> Health Dept. review of RF levels |
| | <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

AB

Planner's Initials

AB: G:\Documents\Projects\1008 Larkin\1008 Larkin-ExecSum.doc



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- | | |
|--|--|
| <input type="checkbox"/> Affordable Housing (Sec. 415) | <input type="checkbox"/> First Source Hiring (Admin. Code) |
| <input type="checkbox"/> Jobs Housing Linkage Program (Sec. 413) | <input type="checkbox"/> Child Care Requirement (Sec. 414) |
| <input type="checkbox"/> Downtown Park Fee (Sec. 412) | <input type="checkbox"/> Other |

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Planning Commission Draft Motion

HEARING DATE: MARCH 19, 2015

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ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 303, 723.44, AND 790.91 OF THE PLANNING CODE TO ALLOW A RESTAURANT (DBA THE SARATOGA), AS WELL AS PLANNING CODE SECTION 121.2 FOR THE USE SIZE OF THE RESTAURANT, TOTALING 4,200 SQUARE-FEET, WITHIN THE POLK STREET NEIGHBORHOOD COMMERCIAL DISTRICT (NCD) AND A 130-E HEIGHT AND BULK DISTRICT.

PREAMBLE

On December 10, 2014, Tim Stannard (hereinafter "Project Sponsor") filed an application with the Planning Department (hereinafter "Department") for Conditional Use Authorization under Planning Code Section(s) 121.2, 723.41, and 790.91 to allow a restaurant, totaling 4,200 square-feet, within the Polk Street NCD (Neighborhood Commercial District) and a 130-E Height and Bulk District.

On March 19, 2015, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2014-002573CUA.

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. 2014-002573CUA, 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 Site is located on the northeast corner of Larkin and Post Streets, Assessor's Block 0301, Lot 014. It is located within the Polk Street Neighborhood Commercial District (NCD) Zoning District and the 130-E Height and Bulk District.

The Project Site is occupied by a five-story mixed-use building, with four ground floor commercial spaces (including the subject space) and twenty six dwelling units above. All four ground floor spaces (including the subject space) are currently vacant. The ground floor of the subject tenant space is a 2,600 square foot former retail space that merges two of the vacant commercial spaces. One of the subject tenant spaces was previously occupied by a corner store and has been vacant for approximately 22 months. The other subject tenant space was previously occupied by a computer services store and has been vacant for approximately 4 years.

3. **Surrounding Properties and Neighborhood.** The area surrounding the project site is mixed use in character. A variety of commercial establishments are located within ground floor storefronts in the Polk Street NCD, including restaurants, bars, automotive shops, convenience stores, and other neighborhood-serving uses. Buildings in the vicinity typically range from one to five stories in height. Upper floors of buildings are generally occupied by offices, residential units, or small-scale hotels.

The properties immediately adjacent to the east and north are multi-unit residential uses. The property across Larkin Street is a cleaners at the ground floor with residential units above. The property across Post Street is a vacant parking lot for the adjacent cleaners and laundry service.

4. **Project Description.** The project sponsor proposes to establish a Restaurant (dba The Saratoga) in a vacant, approximately 4,200 square-foot, commercial space. The Project proposes to occupy two adjacent tenant spaces and the basement floor for the restaurant. The commercial spaces were previously occupied by a corner store and a computer services store and have been vacant for 22 months and 4 years, respectively.

According to the Project Sponsor, the business will operate as a restaurant specializing in local and seasonal food items. The proposed hours of operation are 11 AM to 11 PM, Sunday through Thursday, and 10 AM to 12 AM, Friday and Saturday. The restaurant will employ local residents for positions including restaurant manager, bartender, and servers. The Project Sponsor intends to hire local residents where possible. The subject site is well served by public transit so that employees and customers should not adversely affect the traffic flow.

The Project Sponsor intends to file a building permit for interior tenant improvements which may include adding a bar, seating, and elevator lift. The existing commercial space is 4,200 square feet in size. The proposed commercial use is under 5,000 square feet in size, so there is not an on-site parking requirement.

The proposed use is an independent use and locally owned, which has been encouraged throughout San Francisco. The proposed use is not a Formula Retail use. The proposal requires a change of use and Section 312-neighborhood notification was conducted in conjunction with the Conditional Use Authorization process. The proposed use is a neighborhood-serving use.

5. **Public Comment.** To date, the Department has received no comments, emails, or phone calls in opposition to the proposal.
6. **Planning Code Compliance:** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:
 - A. **Use.** Planning Code Section 723.41 states that a Conditional Use Authorization is required for a Restaurant on the first and basement story, as defined by Planning Code Section 790.22.

The Subject Property is located within the Polk Street NCD and pursuant to Planning Code Section 723.41, Restaurants are permitted on the first and basement story with a Conditional Use authorization. The Project Sponsor is requesting Conditional Use authorization in order to allow a Restaurant at the first and basement story of a vacant tenant space, which is currently authorized as a Retail Use. A Restaurant is defined as a retail eating or eating and drinking use which serves foods to customers for consumption on or off the premises and which has seating. It may have a Take-Out Food use as defined by Planning Code Section 790.122 as a minor and incidental use.

It may provide on-site beer, wine, and/or liquor sales for drinking on the premises; however, pursuant to Section 723.44 controls, the Restaurant Use may only add ABC license types 47, 49 or 75 as a conditional use on the ground level, if in addition to the criteria set forth in Section 303, the Planning Commission finds that the restaurant is operating as a Bona Fide Eating Place, as defined in Section 790.142 of the Planning Code. Should a restaurant fail to operate as a bona fide eating place for any length of time, the conditional use authorization shall be subject to immediate revocation. The proposed Restaurant intends to serve alcohol for consumption on site with an ABC license type 47. A type 47 license authorizes the alcohol for consumption on the premises where sold in conjunction with a Bona Fide Eating Place.

B. **Use Size.** Planning Code Section 121.2 states that a Conditional Use Authorization is required for non-residential uses within this District that exceed 2,499 square feet. The proposed use size is approximately 4,200 square feet. In addition to the criteria set forth in Section 303(c) as set forth, the project is consistent with the following criteria set forth in Section 121.2.

- i. The intensity of activity in the district is not such that allowing the larger use will be likely to foreclose the location of other needed neighborhood-serving uses in the area;

The proposed use is designed such that the two commercial units could be separated in the future to permit the re-establishment of two smaller uses. The additional floor area is on the basement floor. The larger use will not foreclose the location of other neighborhood serving uses in the future.

- ii. The proposed use will serve the neighborhood, in whole or in significant part, and the nature of the use requires a larger size in order to function;

The proposed use is intended to be a neighborhood serving restaurant. The additional floor area is a basement for a bar, additional seating, and storage that will allow the business to better use the ground floor area to serve patrons, increase patron comfort and operate in a more efficient manner.

- iii. The building in which the use is to be located is designed in discrete elements which respect the scale of development in the district;

The project will occupy two existing commercial units in a building constructed with four discrete commercial spaces that have all been independently occupied. The two spaces being combined can be separated in the future if necessary for future use of the space. The project will not alter the exterior of the building.

C. **Hours of Operation.** Planning Code Section 723.27 states that hours of operation from 6:00 AM to 2:00 AM are principally permitted in the Polk Street NCD while hours of operation from 2:00 AM to 6:00 AM are conditionally permitted. Hours of operation are defined by Planning Code Section 790.48 as the permitted hours during which any commercial establishment may be open.

The Project's proposed hours of operation will be from 11 AM to 11 PM, Sunday through Thursday and 10 AM to 12 AM on Friday and Saturday. The Project will operate within the principally permitted hours of operation. The Project site, while located in the Polk Street NCD, is also at the intersection of the RC-4 (Residential, Commercial, High Density) Zoning District. The RC-4 Zoning District permits commercial uses to operate with no limit to the hours of operation.

There are several other uses in the immediate area which are open until 2a.m. The bar west on Post (Divas) is currently open until 2a.m. There is also a pizza restaurant located on Larkin Street and Geary Boulevard (Irving Pizza) which is open until 2a.m.

- D. **Parking.** Planning Section 151 of the Planning Code requires off-street parking for every 200 square-feet of occupied floor area, where the occupied floor area exceeds 5,000 square-feet.

The Subject Property contains approximately 4,200 square-feet of occupied floor area and thus does not require any off-street parking.

- E. **Loading.** Section 152 requires off-street freight loading for uses above a certain size. Retail establishments and uses primarily engaged in the handling of goods (such as the proposed Restaurant) are not required off-street freight loading if they measure less than 10,000 square feet in gross area. Section 231(h)(3) requires that all truck loading associated with this business shall be limited in such a way as to avoid undue interference with sidewalks, or with crosswalks, bus stops, hydrants and other public features.

With a gross floor area under 10,000 square feet, the Project is not required to provide any off-street loading. All loading for this business is required to be conducted in such a way as to avoid undue interference with sidewalks, crosswalks, bus stops, hydrants and other public features.

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

The subject commercial space has approximately 50-feet of frontage on Larkin Street at the ground floor and 55-feet of frontage on Post Street. This entire space will be occupied by the active use of "The Saratoga", which is a Restaurant use that complies with Section 145.1(c)(3). The windows, doors and transom provide more than 55 percent transparency and are clear and unobstructed. The storefront conditions are existing and there are no changes proposed to the commercial frontage.

- G. **Signage.** Currently, there is not a proposed sign program on file with the Planning Department. Any proposed signage will be subject to the review and approval of the Planning Department.

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

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

The size of the proposed use is larger than the typical storefronts in the neighborhood because it will occupy two storefronts, compared to one. However, the proposed restaurant will not impact traffic or parking in the District as the area is well served by transit. The Restaurant will complement the mix of goods and services currently available in the district and contribute to the economic vitality of the neighborhood by activating two storefronts that have been vacant for over 22 months. The proposed use will allow a local resident to establish a new business that intends to sell local products, further improving economic opportunities for San Francisco and Bay Area residents and businesses. There are no exterior changes proposed.

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

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

The size and shape of the Project Site is compatible with the patterns of development in the area as the surrounding neighborhood is mixed in size. The Project would not physically expand the existing building or tenant space, and therefore would not alter the existing appearance. The height and bulk of the existing building will remain the same and will not alter the existing appearance or character of the project vicinity. The proposed work will not affect the building envelope. The character of the Project vicinity will be improved by activating vacant commercial spaces within a Neighborhood Commercial District.

- 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 Planning Code does not require parking or loading for a 4,200 square-foot full-service restaurant. The proposed use is designed to meet the needs of the immediate neighborhood and should not generate significant amounts of vehicular trips from the immediate neighborhood or citywide. The Project is intended to be a walk-in facility for pedestrian traffic and is well-served by public transportation throughout the Polk Gulch, Tenderloin, and Nob Hill neighborhoods. There are thirteen MUNI lines including the California and Hyde Cable Car with stops within 0.25 miles of the Project Site. Off-street parking and loading is not required for the Project.

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

The proposed use is subject to the standard conditions of approval for full-service restaurants and outlined in Exhibit A. Conditions 9 and 10 specifically obligates the project sponsor to mitigate odor and noise generated by the restaurant use.

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

The Project Site is completely built-out at the commercial ground level, therefore, no landscaping will need to be provided. The Department shall review all lighting and signs proposed for the new business in accordance with Article 6 of the Planning Code and Condition 12 of Exhibit A.

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

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

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

The Polk Street NCD functions as a neighborhood-serving marketplace, providing convenience and specialty goods and services to residents in the Polk Gulch, Nob Hill, Russian Hill, and Pacific Heights areas. The NCD is further described in Section 723.1, which states that commercial uses are generally located on the ground floor of buildings, "Commercial uses also include offices, as well as movie theaters, restaurants and bars which keep the district active into the evening." The NCD controls are designed to limit new eating, drinking and other entertainment uses due to concerns about parking congestion, noise and other nuisances as well as displacement of local-serving convenience goods and services.

The proposed Restaurant use would occupy a ground floor, two storefronts, that are currently vacant and will activate the streetscape during afternoon and nighttime hours through the unique business model of providing local and seasonal foods. The Project area is well served by transit and the Restaurant use does not permit other entertainment. Noise and other nuisances are addressed by Conditions nine, ten, eleven, twelve and thirteen in Exhibit A. The Project will not displace opportunities for local-serving convenience goods and services.

- E. The existing concentration of eating and drinking uses shall not exceed 25% of the total commercial frontage as measured in linear feet within the immediate area of the subject site, per Planning Code Section 303(p). The immediate area shall be defined as all properties located within 300 feet of the subject property and also located within the same zoning district.

Planning staff has performed a site survey of the Polk Street Neighborhood Commercial District including the immediate area of the Subject Site. With the proposed Restaurant use, approximately 8 percent of the frontage of the immediate area (within 300 foot radius) of the Subject Site is attributed to eating and drinking establishments. The proposed change of use from Retail to Restaurant will result in a net increase of 2.2 percent commercial frontage dedicated to eating and drinking uses within the immediate area. With the proposed Restaurant use the eating and drinking use concentration within the immediate area will remain below 24% and activate two storefronts that have been vacant for over 22 months.

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 WORKING ENVIRONMENT.

Policy 1.1:

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

Policy 1.2:

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

Policy 1.3:

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

The Project will provide desirable goods and services, as well as employment opportunities to those in the community. No existing commercial tenant will be displaced. The conditions of approval will ensure that the use meets minimum, reasonable performance standards. Further, the Project Site is located within a Neighborhood Commercial District and is thus consistent with the 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 allow a new desirable neighborhood-serving use to operate, thereby contributing to the commercial activity for the subject block and neighborhood and enhancing the diverse economic base of the city. No existing commercial or industrial activity will be displaced by allowing the Project to operate.

OBJECTIVE 3:

PROVIDE EXPANDED EMPLOYMENT OPPORTUNITIES FOR CITY RESIDENTS, PARTICULARLY THE UNEMPLOYED AND ECONOMICALLY DISADVANTAGED.

Policy 3.1:

Promote the attraction, retention and expansion of commercial and industrial firms which provide employment improvement opportunities for unskilled and semi-skilled workers.

The Project will provide additional employment opportunities for local residents as well as unskilled and semi-skilled workers.

OBJECTIVE 6:

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

Policy 6.1:

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

No commercial tenant would be displaced and the project would not prevent the district from achieving optimal diversity in the types of goods and services available in the neighborhood, as the proposed use would not over concentrate the surrounding area with eating and drinking establishments.

Eating and Drinking Establishments

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 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.

In districts where the proliferation of eating and drinking establishments could generate problems, the following guidelines should be employed in the consideration of new establishments, relocations, changes from one kind of eating and drinking establishment to another (e.g. from self-service restaurant to full-service restaurant), expansion or intensification of existing establishments:

- The establishment should not add to an over-concentration of eating and drinking establishments in a single district. The balance of commercial uses may be threatened when eating and drinking establishments occupy more than 20 percent of the total occupied commercial frontage. Proposals for eating and drinking establishments which would increase the proportion of total occupied commercial frontage above 20 percent should be reviewed to ensure that they would not reduce the variety of neighborhood-serving uses; nor create substantial noise, traffic, parking problems or other nuisances in the district or the surrounding neighborhood. Those establishments that would do the above should not be permitted. Except in districts with an established pattern of service to a broad market, such as North Beach, such establishments should not occupy more than 25 percent of the total commercially occupied frontage in a district. To minimize the problems they can create eating and drinking uses where off-street parking is shared might be more appropriate than an even distribution of such establishments.
- New, expanding or relocating eating and drinking uses should not impose significant adverse impacts on traffic and transit volumes and circulation and parking congestion. If such impacts are anticipated, especially on transit-preferential streets, the proposed use, expansion or relocation should be redesigned to mitigate such impacts, or it should be prohibited.
- Eating and drink uses should be adequately soundproofed or insulated for noise and operated so as to reasonably protect adjoining and surrounding upper-story residences from disturbances from fixed source equipment.

The General Plan states that there is a concern with the potential over-concentration of food-service establishments. The Commerce and Industry Element of the General Plan contains Guidelines for Specific Uses. For eating and drinking establishments, the Guidelines state, "the balance of commercial uses may be threatened when eating and drinking establishments occupy more than 20% of the total occupied commercial frontage." Planning staff has performed a site survey of the Polk Street Neighborhood Commercial District which contains the proposed use. With the proposed restaurant use, approximately 8 percent of the frontage of the Polk Street Neighborhood Commercial District is attributed to eating and drinking establishments. The proposed change of use from vacant Retail to Restaurant will result in a 2.2 percent net increase of eating and drinking uses within the Polk Street Neighborhood Commercial District, from 5.9 percent to 8.1 percent. Furthermore, Policy 6.1 also states that clustering of eating and drinking establishments may be appropriate, in this case due to the availability and abundance in public transportation options, allowing the subject area to be easily accessible.

Policy 6.2:

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

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

Policy 6.2:

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

The Proposed project will maintain the mixed-use nature of the Subject building and the Polk Street NCD. The Project Site consists of commercial uses at the first floor and twenty-six dwelling units at the second, third and fourth floors.

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 will not displace any existing retail uses within the neighborhood and will activate a storefront that is currently vacant. The business would be locally owned and would create new employment opportunities.

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

The existing residential units in the surrounding neighborhood would not be adversely affected by the Project. The Project is consistent with the surrounding mixed-use neighborhood character and will have reduced hours of operation to ensure minimal impact to the neighborhood. Uses within the Polk Street NCD and 300 feet of the subject property (defined as the immediate area) include personal services, a grocery store, laundry services, pet store, clothing store, restaurant and bars. The mix of commercial and residential uses along a cable car line will continue to preserve the cultural and economic diversity of the neighborhood.

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

No housing will be removed for this Project.

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

The Project would not adversely impact public transit or place a burden on the existing supply of parking in the neighborhood. The site is well served by transit. There are thirteen MUNI lines including the California and Hyde Cable Car with stops within 0.25 miles of the Project Site (1, 2, 3, 19, 27, 38, 38L, 47, 49, 60, 61, 76X).

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

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

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

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

The Project does not involve any exterior alterations and is not located in a landmark or historic building.

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

The Project will have no negative impact on existing parks and open spaces. The Project does not have an impact on open spaces as there are no exterior expansions.

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. 2014-002573CUA** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated December 10, 2014, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

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

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

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

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on August 09, 2007.

Jonas P. Ionin
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: August 09, 2007

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to allow a Restaurant (d.b.a. The Saratoga) located at 1008 Larkin Street, Lot 014 in Assessor's Block 0301, pursuant to Planning Code Section(s) 303, 121.2, 723.41, and 790.91 within the Polk Street Neighborhood Commercial District and a 130-E Height and Bulk District; in general conformance with plans, dated **XXXXXX**, and stamped "EXHIBIT B" included in the docket for Case No. 2014-002573CUA and subject to conditions of approval reviewed and approved by the Commission on March 19, 2015 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 March 19, 2015 under Motion No **XXXXXX**.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

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

SEVERABILITY

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

CHANGES AND MODIFICATIONS

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

Conditions of Approval, Compliance, Monitoring, and Reporting

PERFORMANCE

1. **Validity.** The authorization and right vested by virtue of this action is valid for three (3) years from the effective date of the Motion. The Department of Building Inspection shall have issued a Building Permit or Site Permit to construct the project and/or commence the approved use within this three-year period.

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

2. **Expiration and Renewal.** Should a Building or Site Permit be sought after the three (3) year period has lapsed, the project sponsor must seek a renewal of this Authorization by filing an application for an amendment to the original Authorization or a new application for Authorization. Should the project sponsor decline to so file, and decline to withdraw the permit application, the Commission shall conduct a public hearing in order to consider the revocation of the Authorization. Should the Commission not revoke the Authorization following the closure of the public hearing, the Commission shall determine the extension of time for the continued validity of the Authorization.

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

3. **Diligent pursuit.** Once a site or Building Permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. Failure to do so shall be grounds for the Commission to consider revoking the approval if more than three (3) years have passed since this Authorization was approved.

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

4. **Extension.** This authorization may be extended at the discretion of the Zoning Administrator where implementation of the project is delayed by a public agency, an appeal or a legal challenge and only by the length of time for which such public agency, appeal or challenge has caused delay.

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

5. **Conformity with Current Law.** No application for Building Permit, Site Permit, or other entitlement shall be approved unless it complies with all applicable provisions of City Codes in effect at the time of such approval.

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

DESIGN

6. **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 architectural addenda. 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.

MONITORING

7. **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

8. **Revocation due to Violation of Conditions.** Should implementation of this Project result in complaints from interested property owners, residents, or commercial lessees which are not resolved by the Project Sponsor and found to be in violation of the Planning Code and/or the specific conditions of approval for the Project as set forth in Exhibit A of this Motion, the Zoning Administrator shall refer such complaints to the Commission, after which it may hold a public hearing on the matter to consider revocation of this authorization.

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

OPERATION

9. **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>

10. **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/>*

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

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

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

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

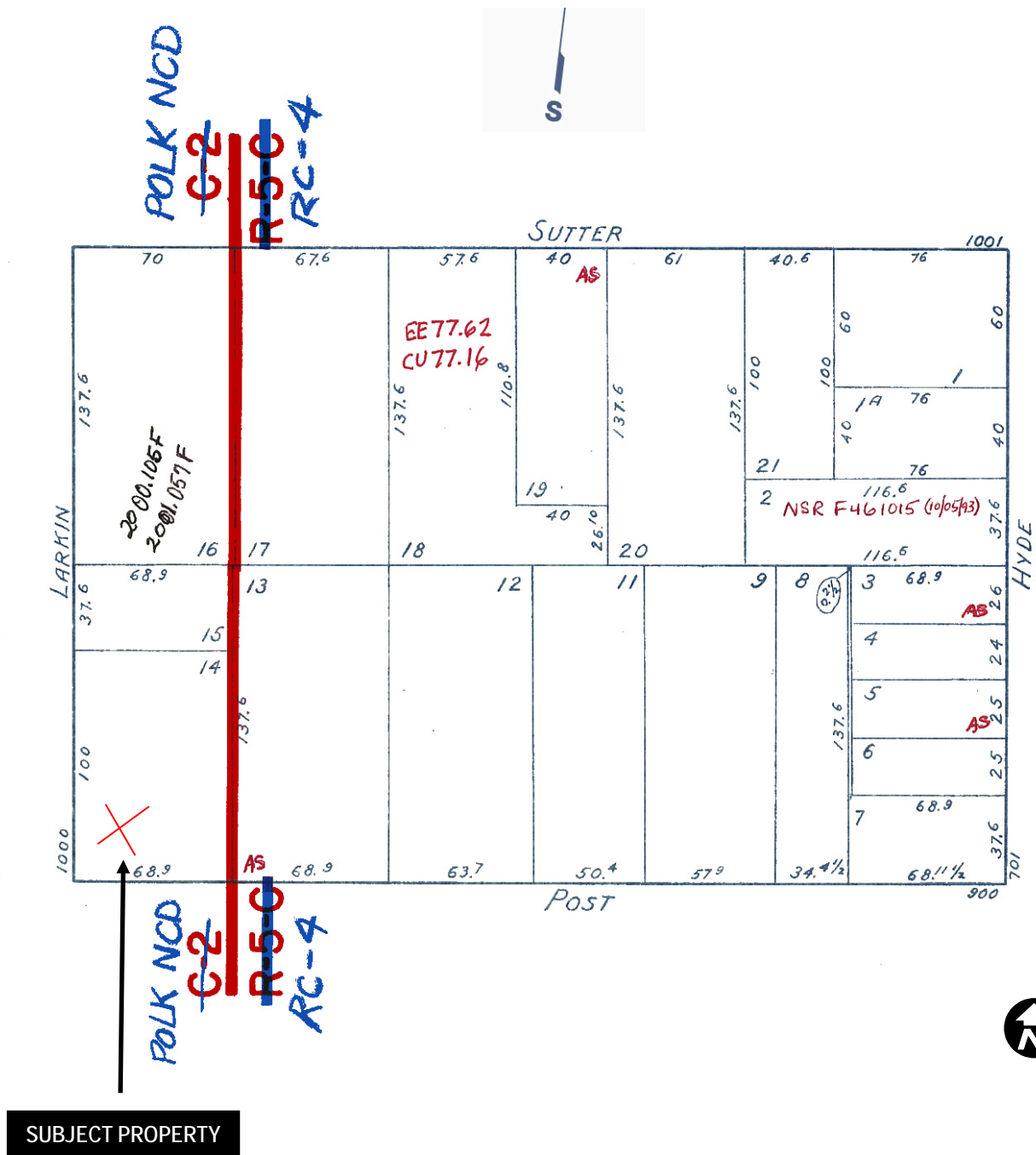
12. **Odor Control.** While it is inevitable that some low level of odor may be detectable to nearby residents and passersby, appropriate odor control equipment shall be installed in conformance with the approved plans and maintained to prevent any significant noxious or offensive odors from escaping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

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

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

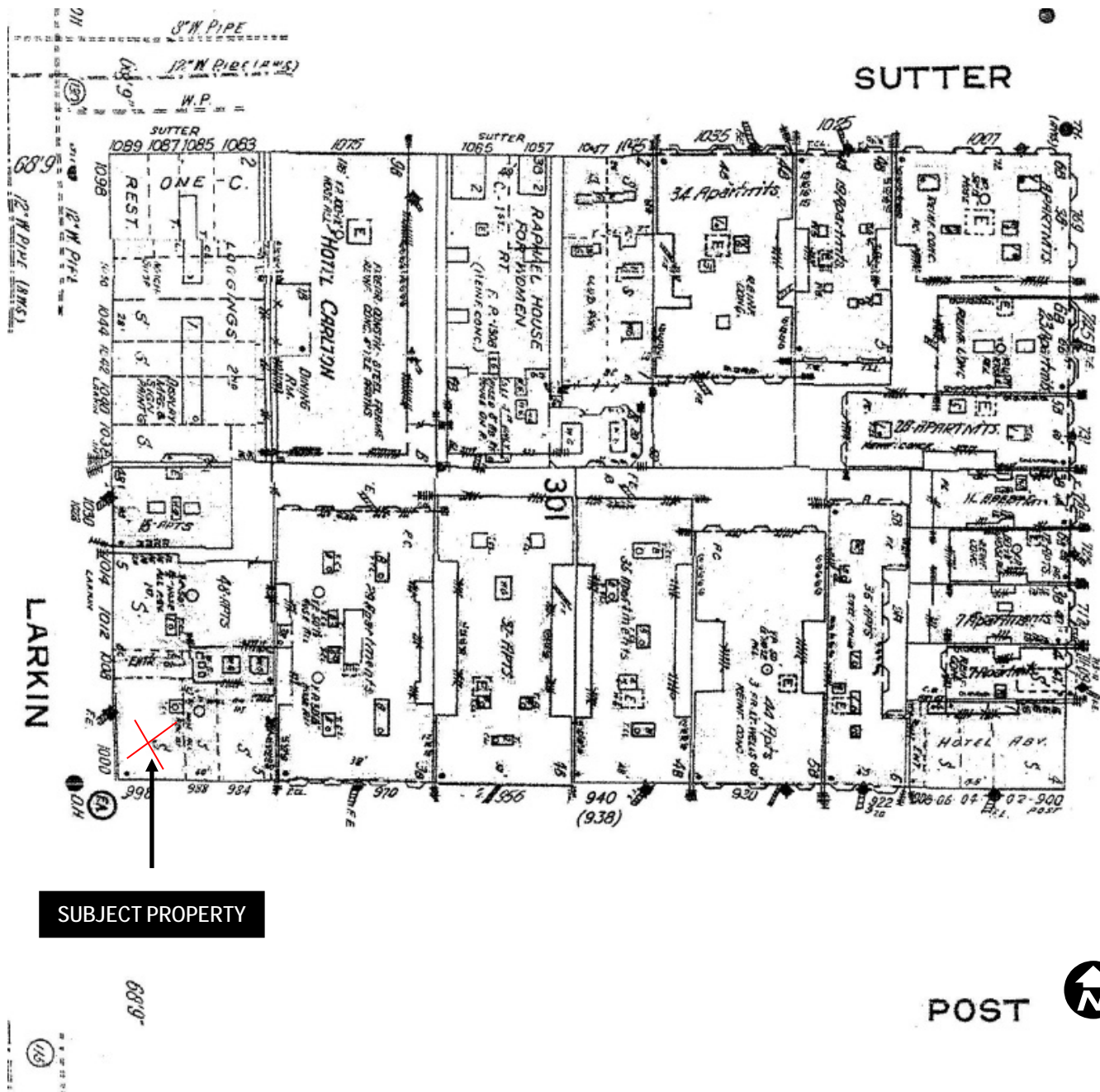
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

Parcel Map



Planning Commission Hearing
Case Number 2014-002573CUA
Restaurant – The Saratoga
1008 Larkin Street

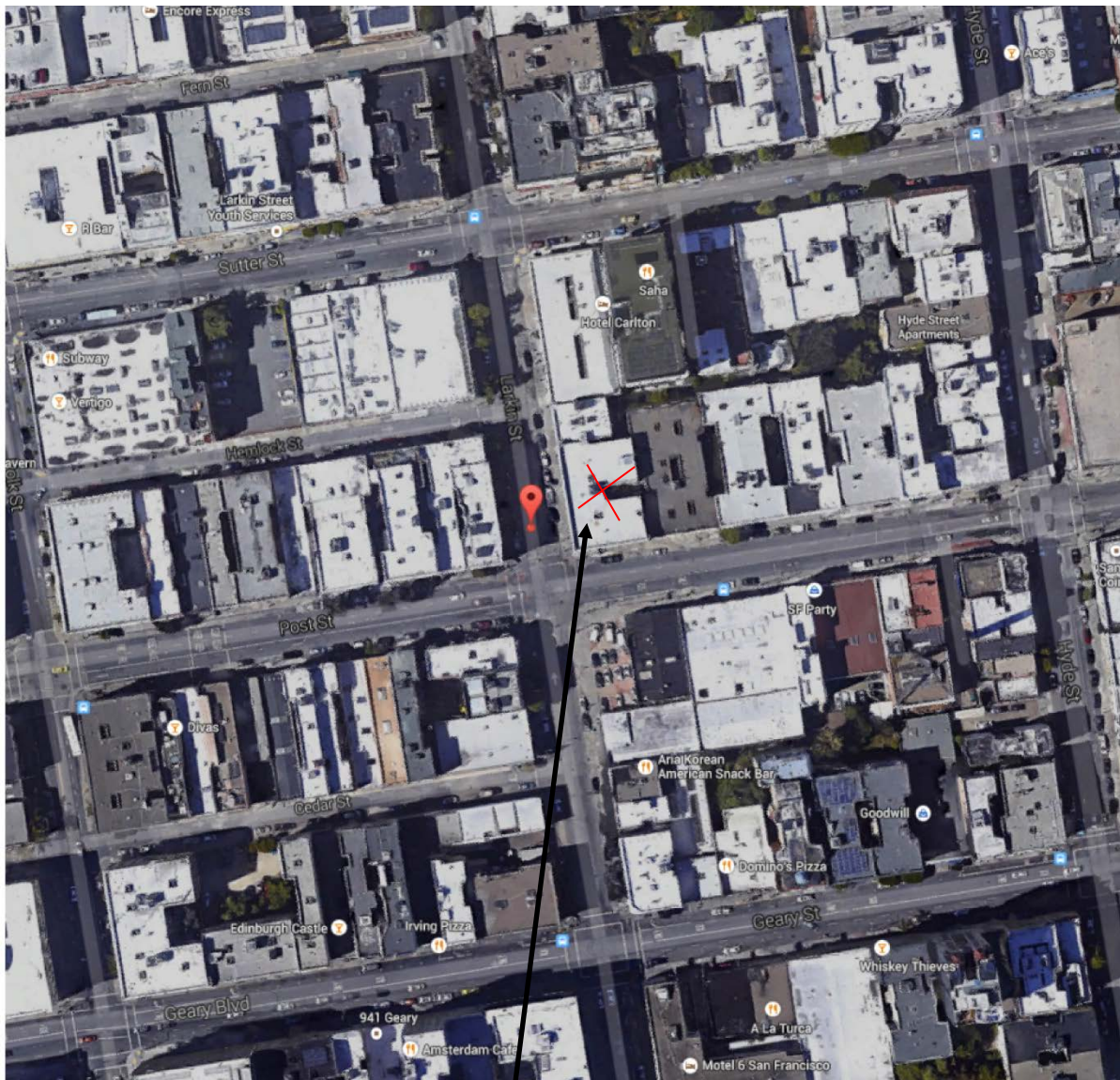
Sanborn Map*



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

Planning Commission Hearing
Case Number 2014-002573CUA
Restaurant – The Saratoga
1008 Larkin Street

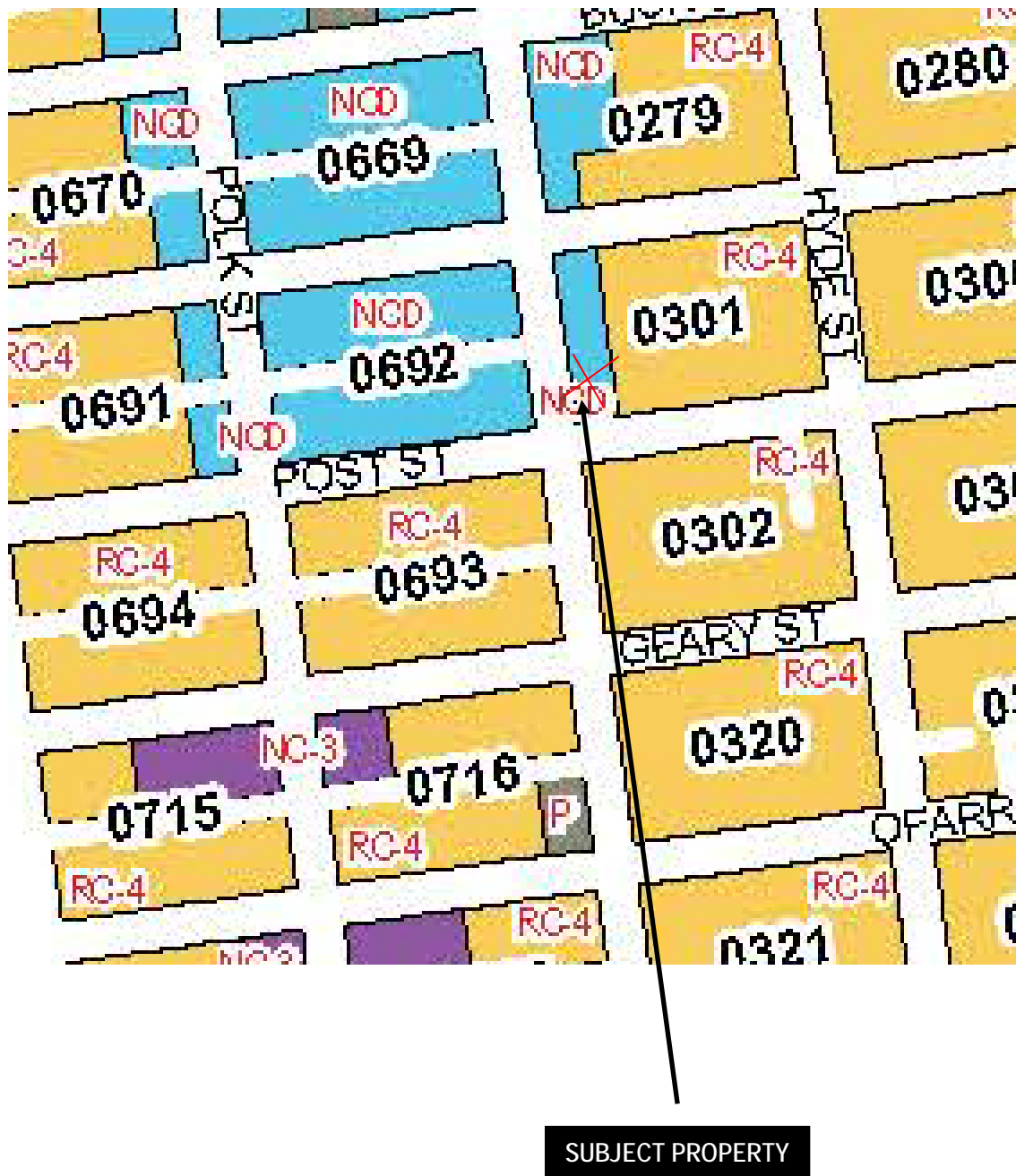
Aerial Photo



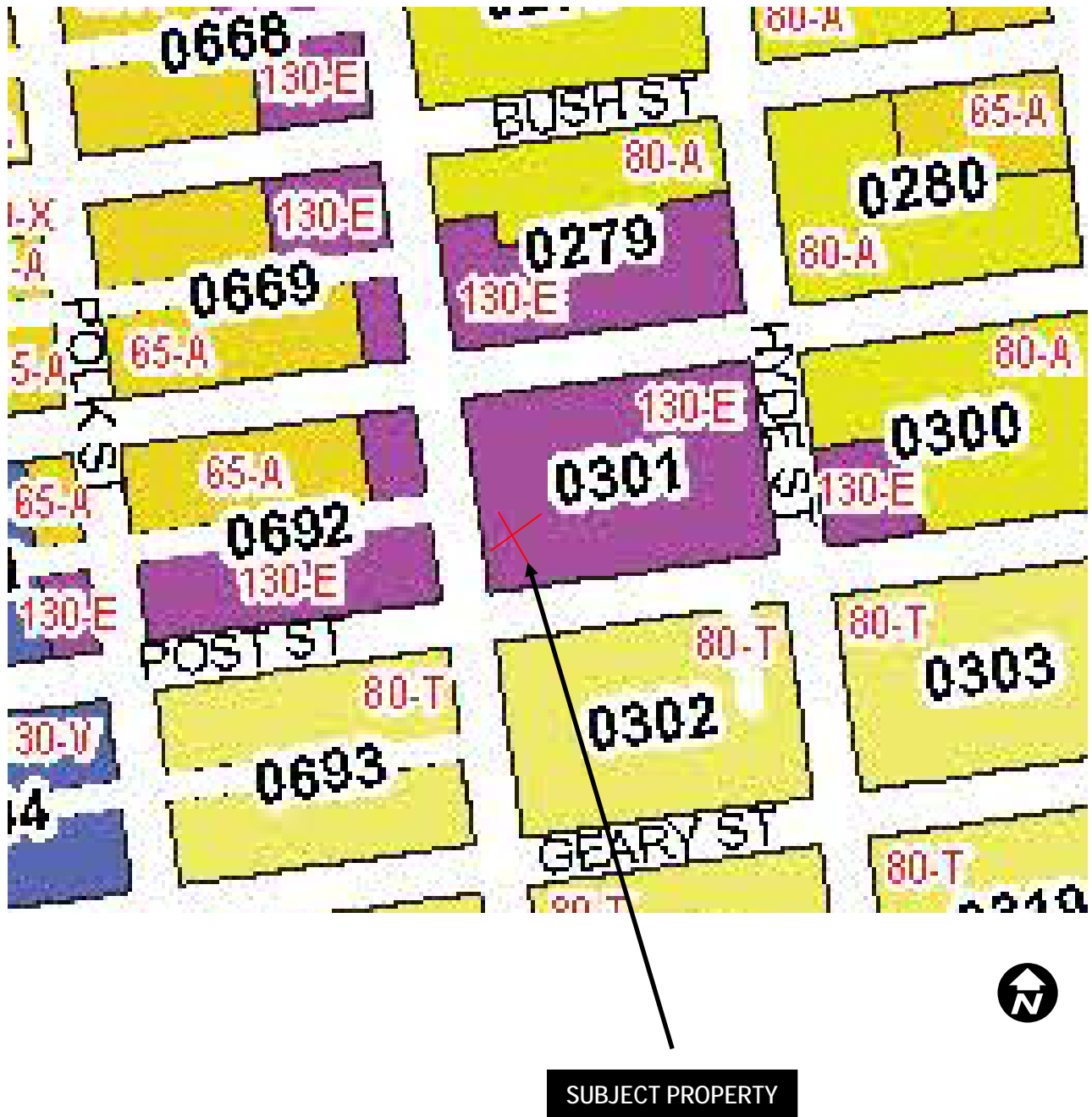
SUBJECT PROPERTY



Zoning Map

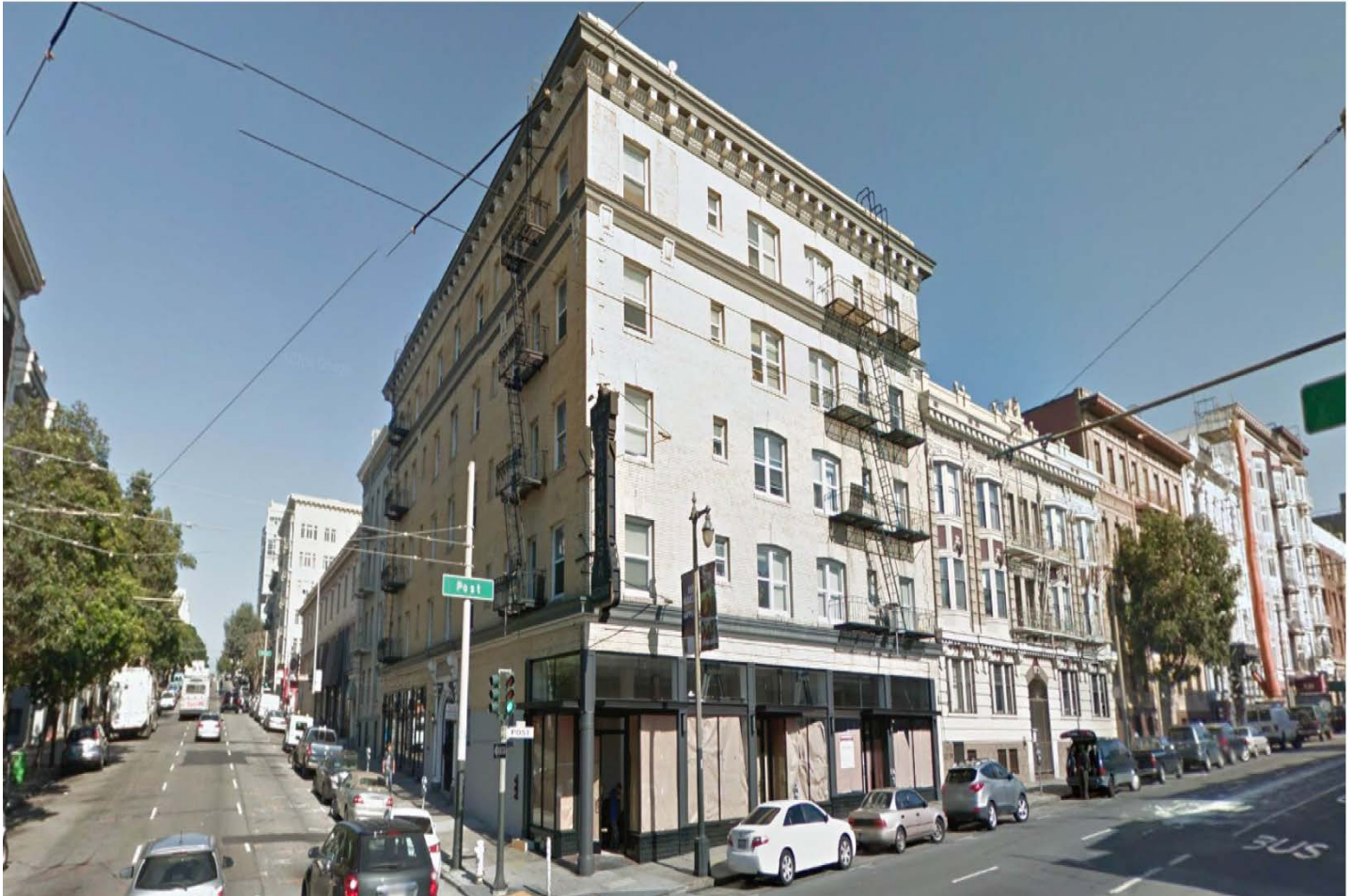


Height & Bulk Map



Planning Commission Hearing
Case Number 2014-002573CUA
Restaurant – The Saratoga
1008 Larkin Street

Site Photo



Planning Commission Hearing
Case Number 2014-002573CUA
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1008 Larkin Street

Site Photo



Planning Commission Hearing
Case Number 2014-002573CUA
Restaurant – The Saratoga
1008 Larkin Street

1008 LARKIN STREET. SAN FRANCISCO, CA 94108

GENERAL NOTES: THESE PLANS AND DRAWINGS FOR A CONDITIONAL USE PERMIT OF SERVING OF FULL ALCOHOL IN RESTAURANT.

- 1. APPLICANTS NAME: TIM STANNARD
- 2. BUILDING OWNER NAME: MOSSER COMPANIES
- 3. APN # 0301014
- 4. LEGAL DESCRIPION: BLOCK 0301, LOT 014
- 5. TOTAL SQ. FT. OF RESTAURANT: 4200 SQ.FT.
- 6. TOTAL SQ.FT. LOT: 6880 SQ.FT.
- 7. TOTAL NUMBER OF SEATS: 72
- 8. NO PROPOSE SQUIRE FOOTAGE
- 9. NO CHANGES TO EXTERIOR BUILDING STRUCTURE
- 10. NO CHANGE TO PARKING
- 11. NO CHANGE TO LANDSCAPING.

SHEET INDEX

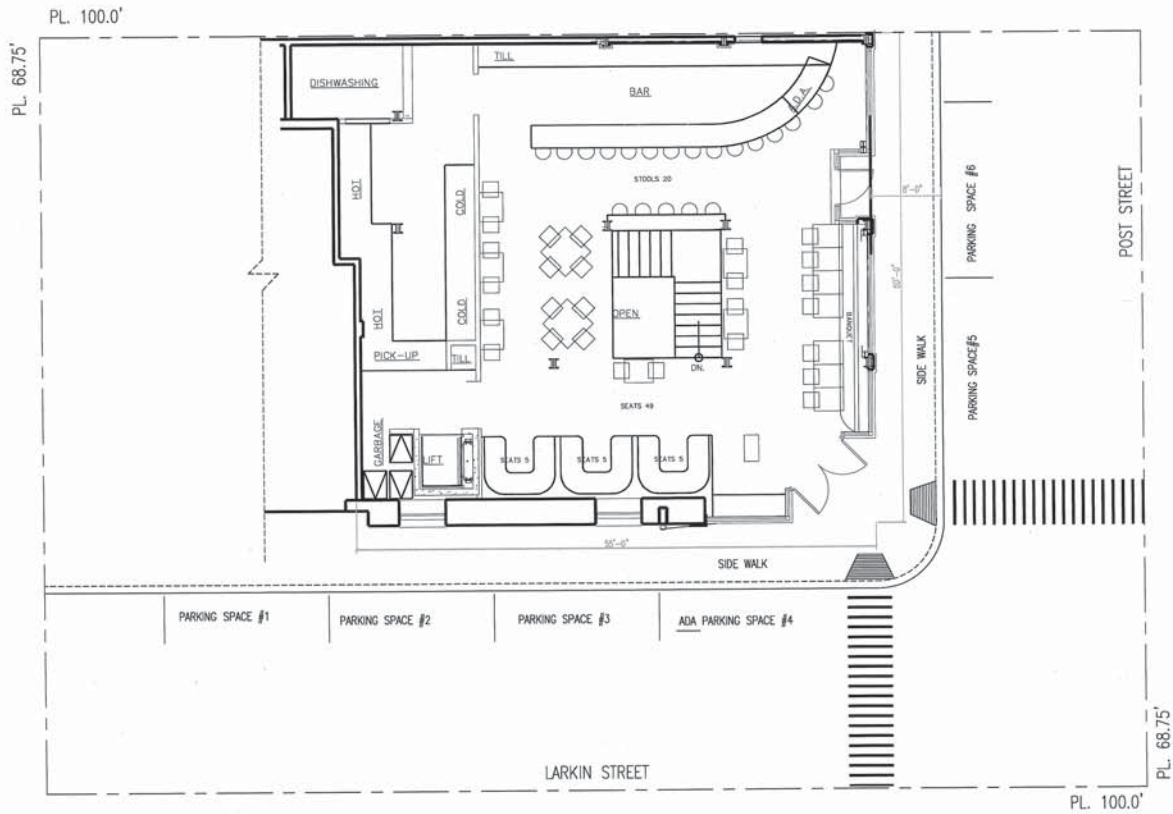
- A1. COVER PAGE
- A2. FLOOR PLAN & STREET VIEW



VICENETY MAP



ACRIAL MAP



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



street view



street view



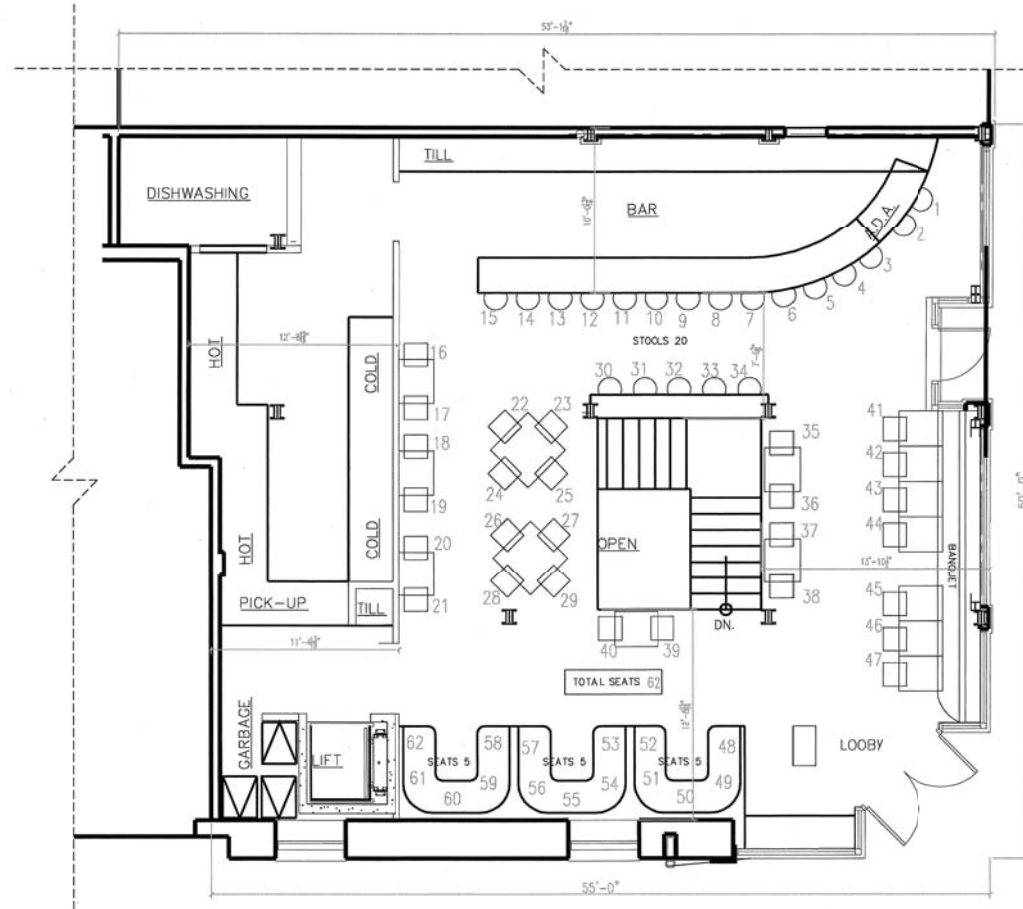
These drawings are instruments of service and are the property of San Francisco Design Group. All design information contained in these drawings are for use on the specified project and shall not be used otherwise without the expressed written permission of San Francisco Design Group.

PROJECT OWNER
TIM BACCHUS
1008 LARKIN STREET
SAN FRANCISCO, CA 94108

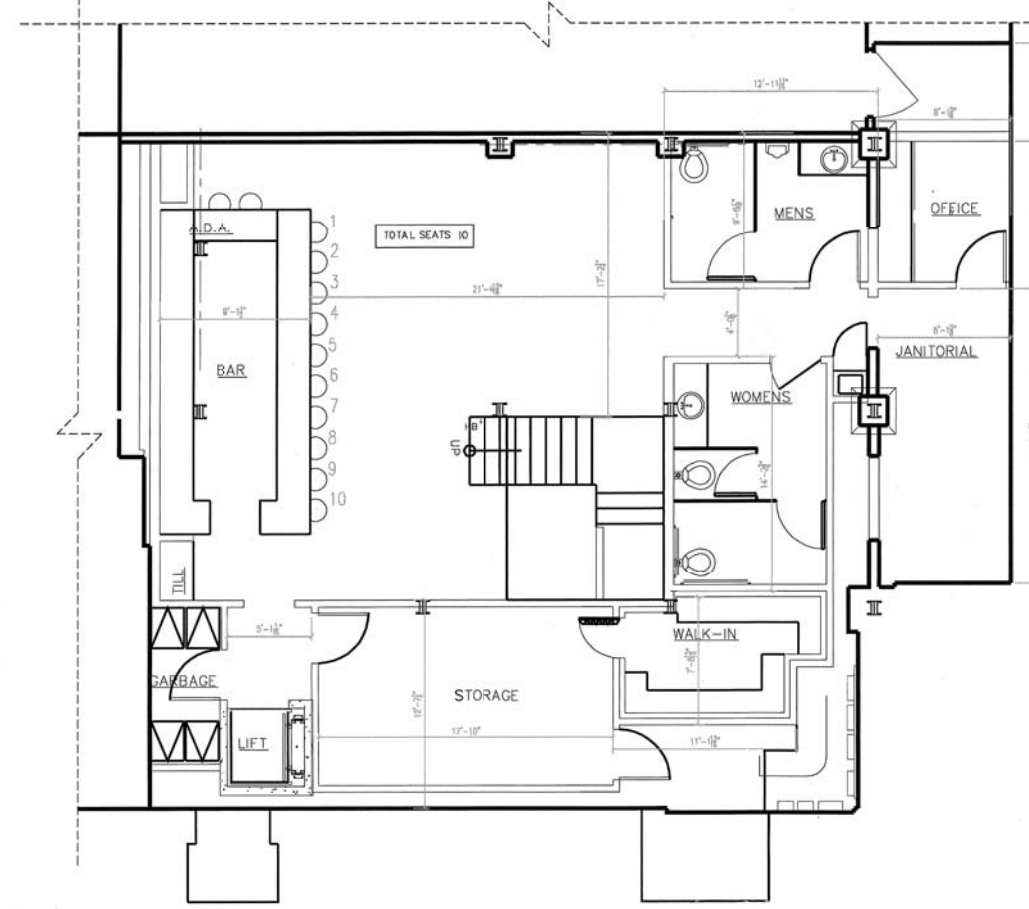
SAN FRANCISCO DESIGN GROUP
OFFICE (877) 581-0866
201 Spear Street, Suite 1100 San Francisco, CA 94105

TITLE:
COVER PAGE

AI



GROUND FLOOR



BASEMENT FLOOR



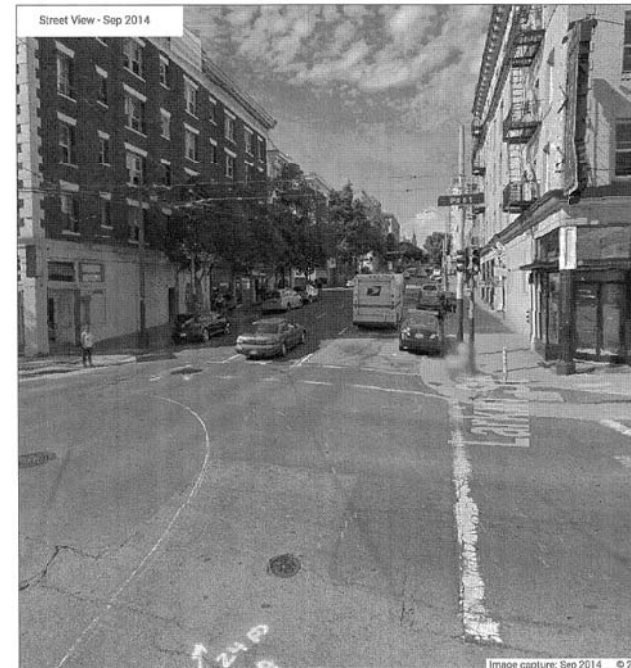
STREET VIEW

REFERENCE NORTH



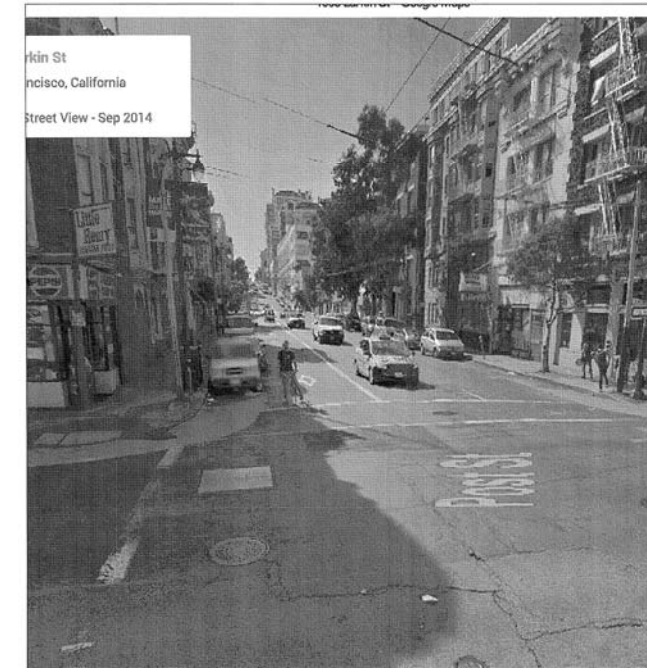
STREET VIEW

REFERENCE NORTH



STREET VIEW

REFERENCE NORTH



STREET VIEW

REFERENCE NORTH



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TIM BACCHUS
1008 LARKIN STREET
SAN FRANCISCO, CA 94108

SAN FRANCISCO DESIGN GROUP
OFFICE (877) 581-0866
201 Spear Street, Suite 1100 San Francisco, CA 94105

TITLE:
FLOOR PLAN

A2